

CRESSWIND REZONING PETITION NO. 2015-101

ALBEMARLE ROAD
CHARLOTTE, NORTH CAROLINA

SHEET INDEX:

RZ-1.0	COVER SHEET
RZ-2.0	TECHNICAL DATA SHEET
RZ-3.0	SCHEMATIC SITE PLAN
RZ-4.0	DEVELOPMENT STANDARDS
RZ-4A	DEVELOPMENT STANDARDS
RZ-5.0	OPEN SPACE PLAN

LAND OWNERS

485 Investments LLC
6700 Fairview Road
Charlotte, NC 28210

Lee Security Partnership
6209 Windy Knoll Lane
Charlotte, NC 28227

Henry Oliver Rhodes, Sr.
Mary L. Rhodes c/o John Rhodes
13849 Beatties Ford Road
Huntersville, NC 28078

Jerry N. Helms Family Trust
11901 Albemarle Road
Charlotte, NC 28227

PETITIONER

Kolter Acquisitions, LLC
701 S. Olive Avenue, Suite 104
West Palm Beach, FL 33401
Contact: John Morgan
Phone #: 843.696.6907

**LANDSCAPE ARCHITECT/
CIVIL ENGINEER**

LandDesign, Inc.
223 North Graham St.
Charlotte, NC 28202
Contact: Mark Kime
Phone #: 704.333.0325

SURVEYOR

LDSI, INC
508 W. 5th Street, Suite 125
Charlotte, NC 28202
Contact: David Boyles
Phone #: 704.337.8329

APPROVED BY
CITY COUNCIL
JAN 19 2016

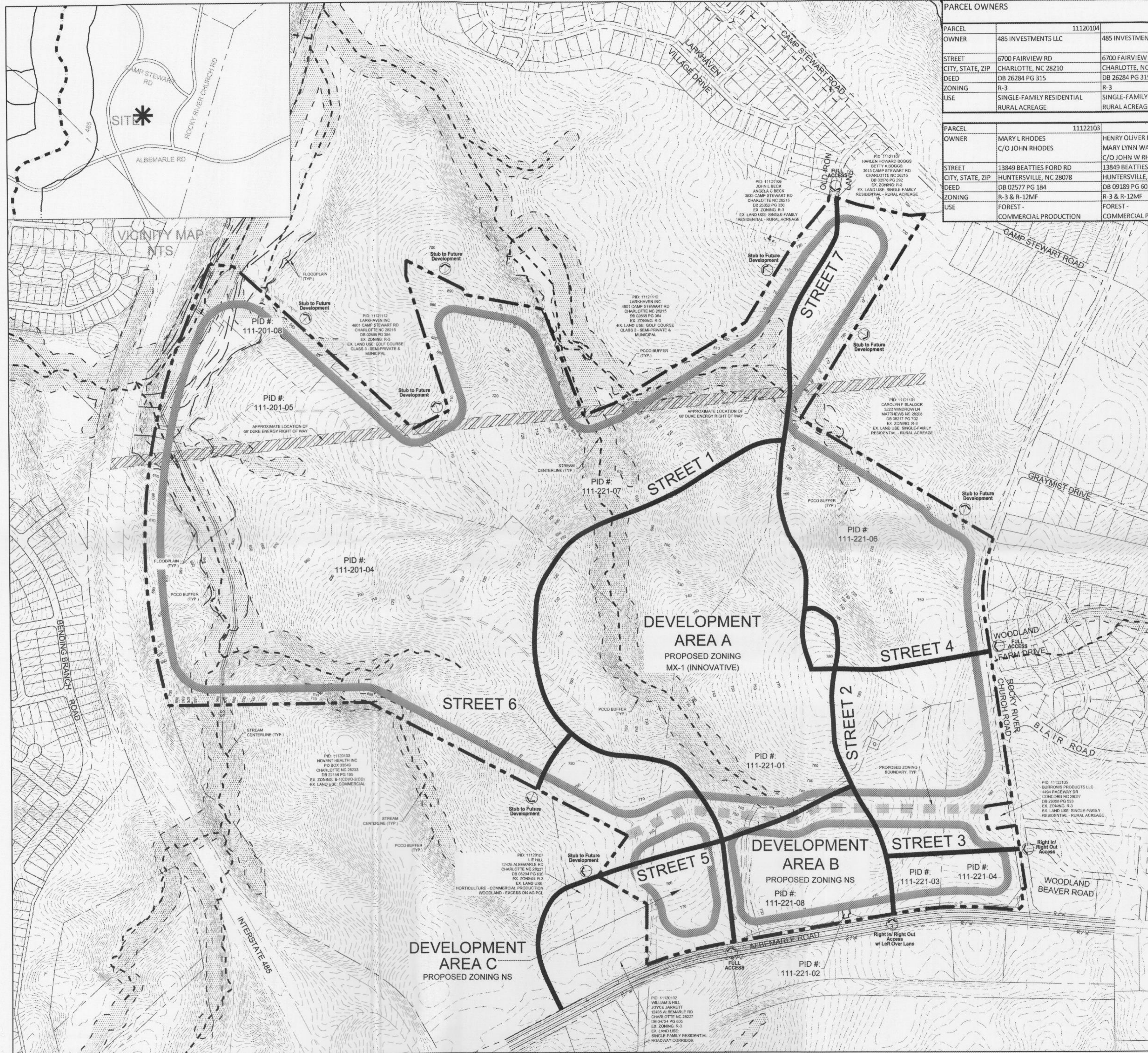
LandDesign
223 N Graham Street, Charlotte, NC 28202
V: 704.333.0325 F: 704.332.3246
www.LandDesign.com



**CRESSWIND
REZONING PETITION NO. 2015-101**
KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
COVER SHEET

REVISIONS:
08-21-15: REVISE PER STAFF COMMENTS
12-17-15: REVISE PER STAFF COMMENTS

DATE: JUNE 18, 2015
DESIGNED BY: JST
CHECKED BY: MKK
DRAWN BY: JST
QC BY: DCS
SCALE: NTS
PROJECT #: 1014398
SHEET #:
RZ-1.0



PARCEL	11120104	11120105	11120108	11122101	11122102
OWNER	485 INVESTMENTS LLC	485 INVESTMENTS LLC	485 INVESTMENTS LLC	LEE SECURITY PARTNERSHIP	JERRY N HELMS FAMILY TRUST
STREET	6700 FAIRVIEW RD	6700 FAIRVIEW RD	6700 FAIRVIEW RD	9117 CASTLE GARDEN LN	11901 ALBEMARLE RD
CITY, STATE, ZIP	CHARLOTTE, NC 28210	CHARLOTTE, NC 28210	CHARLOTTE, NC 28210	CHARLOTTE, NC 28215	CHARLOTTE, NC 28227
DEED	DB 26284 PG 315	DB 26284 PG 315	DB 26284 PG 315	DB 08403 PG 147	DB 27950 PG 406
ZONING	R-3	R-3	R-3	R-3	B-1(CD)
USE	SINGLE-FAMILY RESIDENTIAL RURAL ACREAGE	SINGLE-FAMILY RESIDENTIAL RURAL ACREAGE	GOLF COURSE CLASS 3 - SEMI-PRIVATE & MUNICIPAL	FOREST - COMMERCIAL PRODUCTION	COMMERCIAL

PARCEL	11122103	11122104	11122106	11122107	11122108
OWNER	MARY L RHODES C/O JOHN RHODES	HENRY OLIVER RHODES SR MARY LYNN WALKER RHODES C/O JOHN W RHODES	HENRY OLIVER RHODES SR MARY LYNN WALKER RHODES C/O JOHN W RHODES	485 INVESTMENTS LLC	JERRY N HELMS FAMILY TRUST
STREET	13849 BEATTIES FORD RD	13849 BEATTIES FORD RD	13849 BEATTIES FORD RD	6700 FAIRVIEW RD	11901 ALBEMARLE RD
CITY, STATE, ZIP	HUNTERSVILLE, NC 28078	HUNTERSVILLE, NC 28078	HUNTERSVILLE, NC 28078	CHARLOTTE, NC 28210	CHARLOTTE, NC 28227
DEED	DB 02577 PG 184	DB 09189 PG 603	DB 09189 PG 606	DB 26284 PG 315	DB 27950 PG 406
ZONING	R-3 & R-12MF	R-3 & R-12MF	R-3	R-3	R-3 & B-1(CD)
USE	FOREST - COMMERCIAL PRODUCTION	FOREST - COMMERCIAL PRODUCTION	FOREST - COMMERCIAL PRODUCTION	GOLF COURSE CLASS 3 - SEMI-PRIVATE & MUNICIPAL	SINGLE-FAMILY RESIDENTIAL RURAL ACREAGE

DEVELOPMENT SUMMARY

PETITIONER: KOLTER ACQUISITIONS, LLC
 701 S. OLIVE AVE, SUITE 104
 WEST PALM BEACH, FL 33401
 CONTACT: JOHN MORGAN
 (843) 696-6907
 JMORGAN@KOLTER.COM

ACREAGE: ± 371.00 ACRES
 TAX PARCEL #S: 111-201-04, 05 AND 08, AND 111-221-01 THRU 04, AND 111-221-05 THRU 08.
 EXISTING ZONING: R-3, R-12MF AND B-1(CD)
 PROPOSED ZONING: MX-1 (INNOVATIVE) AND NS WITH FIVE (5) YEARS VESTED RIGHTS
 EXISTING USES: VACANT LAND, SINGLE-FAMILY HOMES AND A RESTAURANT.

PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE NS ZONING DISTRICT ON THE PORTION OF THE SITE ZONED NS AND USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES (INCLUDING CELL TOWERS) AS ALLOWED IN THE MX-1 (INNOVATIVE) ZONING DISTRICT ON THE PORTION OF THE SITE ZONED MX-1 (INNOVATIVE) (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).

MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: WITHIN THE NS ZONING DISTRICT UP TO: (I) 280,000 SQUARE FEET OF GROSS FLOOR AREA OF RETAIL, GENERAL AND MEDICAL OFFICE USES, EATING DRINKING ENTERTAINMENT ESTABLISHMENTS (EDEE), PERSONAL SERVICES, AND OTHER COMMERCIAL USES (AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 3); (II) A CONTINUING CARE RETIREMENT COMMUNITY (CCRC) WITH UP TO 230 UNITS (A CCRC IS A NURSING HOME MADE UP BOTH INDEPENDENT AND DEPENDENT LIVING FACILITIES); AND (III) 12 SINGLE-FAMILY HOMES. WITHIN THE MX-1 (INNOVATIVE) ZONING DISTRICT UP TO 850 AGE RESTRICTED (AS DEFINED BY THE DEPARTMENT OF HUD) DETACHED DWELLING UNITS, OF WHICH UP TO 150 DWELLING UNITS COULD BE DUPLEX TYPE UNITS (ONE-FAMILY ATTACHED FOR SALE) SUBJECT TO THE LIMITATIONS AND INNOVATIVE PROVISIONS DESCRIBED BELOW.

MAXIMUM BUILDING HEIGHT: IN THE AREA ZONED MX-1 (INNOVATIVE), BUILDING HEIGHT AS SPECIFIED BY THE ORDINANCE WILL BE ALLOWED. IN THE AREA ZONED NS, BUILDING HEIGHTS WILL BE LIMITED TO A MAXIMUM OF FOUR (4) STORIES AND 60 FEET. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

PARKING: AS REQUIRED BY THE ORDINANCE.

APPROVED BY
 CITY COUNCIL
 JAN 19 2016

SITE LEGEND

- SITE ACCESS
 - ZONING LINE
 - DEVELOPMENT AREA
-

LandDesign
 223 N Graham Street, Charlotte, NC 28202
 V: 704.333.0225 F: 704.332.2246
 www.LandDesign.com



CRESSWIND
REZONING PETITION NO. 2015-101
 KOLTER ACQUISITIONS, LLC, MECKLENBURG COUNTY, NORTH CAROLINA
 TECHNICAL DATA SHEET

REVISIONS:
 09-21-15 REVISE PER STAFF COMMENTS
 12-17-15 REVISE PER STAFF COMMENTS

DATE: JUNE 18, 2015
 DESIGNED BY: JST
 CHECKED BY: JST
 O.C. BY: DCS
 SCALE: 1"=300'
 PROJECT #: 1014398
 SHEET #:
RZ-2.0



APPROVED BY
CITY COUNCIL
JAN 19 2016

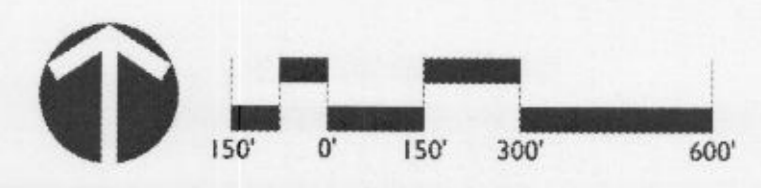


CRESSWIND
REZONING PETITION NO. 2015-101
KOLLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
SCHEMATIC SITE PLAN

REVISIONS:
09-24-15 REVISE PER STAFF COMMENTS
12-17-15 REVISE PER STAFF COMMENTS

DATE: JUNE 18, 2015
DESIGNED BY: KST
DRAWN BY: MEK
CHECKED BY: KST
SCALE: 1"=300'
PROJECT #: 1014398
SHEET #:

RZ-3.0



Site Development Data:

- Acreage: 371.00 acres
- Tax Parcel #: 111-221-04, 05 and 08 and 111-221-01 thru 04, and 111-221-06 thru 08
- Existing Zoning: R-3, R-12MF and B-1(KD)
- Proposed Zoning: MX-1 (Innovative) and NS with five (5) years vested rights
- Existing Uses: Vacant land, single-family homes and a restaurant
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses as allowed in the NS zoning district on the portion of the Site zoned NS and uses permitted by right and under prescribed conditions together with accessory uses (including off-site parking) as allowed in the MX-1 (Innovative) zoning district on the portion of the Site zoned MX-1 (Innovative) as more specifically described and restricted below in Section 3).
- Maximum Gross Square Feet of Development: Within the NS zoning district up to (i) 290,000 square feet of gross floor area of retail, general and medical office uses, Eating/Drinking Entertainment Establishments (EDEE), personal services, and other commercial uses (as more specifically described below in Section 3), (ii) a continuing care retirement community (CCRC) with up to 230 units (a CCRC is a nursing home made up both independent and dependent living facilities); and (iii) 12 single-family homes. Within the MX-1 (Innovative) zoning district up to 230 units (as defined by the department of HUD) detached dwelling units, of which up to 150 dwelling units could be duplex type units (one-family attached for sale) subject to the limitations and Innovative Provisions described below.
- Maximum Building Height: In the area zoned MX-1 (Innovative), building height as specified by the Ordinance will be allowed. In the area zoned NS, building heights will be limited to a maximum of four (4) stories and 60 feet. Building height will be measured as defined by the Ordinance.
- Parking: As required by the Ordinance.

1. General Provisions:

a. **Site Location:** These Development Standards, the Technical Data Sheet and Schematic Site Plan, and related graphics form the Rezoning Plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Kolter Acquisitions, LLC ("Kolter Acquisitions") ("Petitioner") to accommodate development of an age restricted residential community, a neighborhood shopping center with medical and general office uses as well as a continuing care/retirement community on an approximately 371.00 acres (the "Site").

b. **Zoning Districts/Ordinance:** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, (i) the regulations established under the Ordinance for the portion of the Site zoned NS shall govern all development taking place on such portion of the Site, and (ii) the regulations established under the Ordinance for the MX-1 (Innovative) zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Innovative Provisions provided below.

c. **Graphics and Alterations:** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Development Areas (as defined below) and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, areas and form of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site Elements proposed. Changes in the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- i. expressly permitted by the Rezoning Plan (it is understood that a modification is a minor modification for the purposes of these Development Standards);
- ii. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- iii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks, rear yards or buffer areas) indicated on Sheet RZ-2.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance, in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

d. **Number of Buildings:** Principal and Accessory. Notwithstanding the number of buildings or lots shown on the Rezoning Plan, the total number of principal buildings to be developed (i) on the portions of the Site zoned NS and developed for commercial (retail, EDEE, office, personal service uses), land containing care/retirement community, shall not exceed 20; and (ii) on the portion of the Site zoned MX-1 (Innovative) and developed for detached residential dwellings shall not exceed 850 lots. Accessory buildings and structures located on the Site, including, without limitation, community clubhouses, recreation and related uses, shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal buildings located within the same Development Area as the accessory structure building.

e. **Planned/Unified Development:** The Site shall be viewed as a planned/unified development plan to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other Development/Site Elements located on the Site. Furthermore, the Petitioner and/or owners of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 3 below, as to the Site as a whole and not individual portions, Development Areas or lots located therein.

f. **Five Year Vested Rights:** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-383, due to the master planned large scale nature of the development, the level of investment, the timing of development and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period, but such vesting shall not be deemed a limitation on any other vested rights whether at common law or otherwise.

g. **Gross Floor Area Clarification:** When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities), enclosed loading dock/service areas, and outdoor dining and gathering areas whether on the roof of the building or at street level.

h. **Innovative Provisions for MX-1 (Innovative) Zoning:**

- a. The Petitioner hereby seeks the following Innovative Development Standards in connection with development taking place within Development Area A, the MX-1 Community, to accommodate a variety of setback and yard widths and other development elements so as to allow for a pedestrian friendly residential community:
 - i. A minimum lot size for single-family detached lots of 3,800 square feet.
 - ii. A minimum lot width for single-family detached lots of 35 feet, except for the "Esterior Lots" which will have a minimum lot width of 40 feet.
 - iii. A minimum front setback of 10 feet as measured from the proposed right-of-way of public streets. If a driveway is to be used to provide additional parking the minimum setback from the back of the sidewalk will be enough to not block the sidewalk feet.
 - iv. A minimum interior rear yard of 20 feet; and
 - v. the ability to allow single-family lots to front on private streets (if private streets are used they will not be gated).
- b. In addition, the Petitioner reserves the right to modify the Innovative Provisions described above or seek other innovative development standards in the future pursuant to the applicable process set forth in the Ordinance.

3. **Permitted Uses, Development Area Limitations, and Transfer & Conversion Rights:**

a. For ease of reference, the Rezoning Plan sets forth three (3) development areas as generally depicted on the Technical Data Sheet as Development Areas A, B, and C (each a "Development Area") and collectively the "Development Areas").

b. **Development Area A** may be developed with up to 850 age restricted detached dwelling units, of which up to 150 dwelling units could be duplex type units (one-family attached for sale), together with accessory uses in MX-1. Innovative zoning district, including, without limitation, community clubhouse, recreation, and related uses (e.g. improved parking and active open spaces, picnic shelters, garbans, ball fields, maintenance buildings, outdoor recreational uses, and other uses typically associated with residential communities etc.) as well as cell towers, existing and new. Subject to the conversion transfer rights listed below.

c. Subject to the restrictions, limitations, and transfer/conversion rights listed below, the principal buildings constructed within Development Area B may be developed with (i) up to 130,000 square feet of gross floor area of retail, Eating/Drinking Entertainment Establishment (EDEE), personal services uses; (ii) up to 60,000 square feet of gross floor area of general and medical office uses; and (iii) up to 12 single-family lots, together with accessory uses as allowed in the NS zoning district. Up to two (2) uses with accessory drive-through windows may be constructed within Development Area B. Only one (1) EDEE (restaurant) with an accessory drive-through window will be allowed.

d. The allowed uses with accessory drive-through windows may not be located along Street # 2.

e. **Development Area C** may be developed with up to 100,000 square feet of gross floor area of general and medical office uses, or a continuing care/retirement community with up to 230 units (subject to the transfer right described below), together with accessory uses as allowed in the NS Zoning District. Uses with accessory drive-through windows may not be constructed within Development Area C.

f. The Petitioner reserves the right to increase the allowed number of CCRC units allowed in the Development Area B by 100 units by transferring and converting residential dwelling units from the MX-1 portion of the Site. Each residential unit transferred from the MX-1 portion of the Site will equal two (2) additional CCRC units available for development on Development Area B. No more than 50 units may be so transferred from the MX-1 portion of the Site to Development Area B, and for each unit transferred from the MX-1 portion of the Site the total number of units allowed in the MX-1 area will be reduced by an equal amount.

Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell merchandise but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, Spas, Yoga and exercise studios, nail salons, massage shops, martial art training studios, laundries and dry cleaning establishments, locksmiths, and auto (uses that are similar to the items listed but have not been listed but share the common trait that the primary purpose of the use is the sale of a service rather than goods).

A continuing care retirement community (CCRC) is a nursing home made up both independent and dependent living facilities.

Per current department of HUD standards, age restricted or an age restricted community shall mean: (i) a community intended and operated for occupancy by persons 55 years of age or older; (ii) a community where at least 80% of the units have at least one occupant who is 55 years of age or older; (iii) the community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and (iv) the community must comply with HUD's regulatory requirements for age verification of residents.

4. Transportation Improvements and Access:

1. Proposed Improvements

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation priorities:

The following Transportation Improvements are also illustrated on Figure 15 on Sheet RZ-4 of the Rezoning Plan. The figure on Sheet RZ-4 is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds to the number or letter found on figure 15 for the proposed improvement).

a. **Intersection of Albemarle Road and Proposed North-South Collector (Intersection #1):**

- i. Construct a second left turn lane on the eastbound approach of Albemarle Road. A minimum of 200 feet of full storage per lane and appropriate bay tapers should be provided;
- ii. Construct an exclusive right turn lane on the westbound approach of Albemarle Road. A minimum of 200 feet of full storage and appropriate bay taper should be provided;
- iii. A four-lane divided cross-section consisting of two (2) ingress lanes and two (2) egress lanes should be provided for the development access. The egress lanes should consist of an exclusive right turn lane and dual left turn lanes. A minimum of 200 feet of full storage and appropriate bay taper should be provided for the inside left turn lane; and
- iv. Install a traffic signal at this location.

b. **Intersection of Albemarle Road and I-485 Northbound On-Ramp (Intersection #2):**

i. Increase the westbound right turn lane storage on Albemarle Road to the I-485 northbound on ramp to 325 feet with a 75 foot taper.

c. **Intersection of Rocky River Church Road and Site Drive #2/Beaver Farms Access (Intersection #3):**

i. Restripe the northbound approach of Rocky River Church Road to provide an exclusive left turn lane. A minimum of 100 feet of full storage and appropriate taper lengths should be provided;
- ii. Construct an exclusive right turn lane on the southbound approach of Rocky River Church Road; and
- iii. A three-lane cross-section consisting of an ingress lane and two (2) egress lanes should be provided for the development access. The egress lanes should consist of a shared left-through lane and an exclusive right turn lane.

a. **Intersection of Camp Stewart Road and Old Iron Lane (Intersection #4):**

- i. Restripe the northbound approach of Old Iron Lane to provide an exclusive left and right turn lane for a minimum of 100 feet.
- ii. Install a traffic signal at this intersection;
- iii. Construct an exclusive right turn lane on the northbound approach of Harrisburg Road. A minimum of 150 feet of full storage and appropriate bay taper should be provided; and
- iv. Extend the existing westbound left turn lane from Camp Stewart Road to southbound Harrisburg Road from 150 feet to 250 feet of full storage and appropriate bay taper should be provided.

c. **Intersection of Albemarle Road and Rocky River Church Road (Intersection #6):**

- i. Construct an exclusive right turn lane on the southbound approach of Rocky River Church Road; and
- ii. Restripe the existing right turn as an exclusive left turn lane to provide dual left turn movements onto Albemarle Road. A minimum of 250 feet of full storage and appropriate taper lengths should be provided for the southbound left and right turn lanes.

d. **Intersection of Albemarle Road and Site Drive #1 (Intersection #7):**

- i. Construct an exclusive left turn lane on the eastbound approach of Albemarle Road. A minimum of 200 feet of full storage and appropriate bay taper should be provided;
- ii. A two-lane cross-section consisting of an ingress lane and egress lanes should be provided for the development access.

b. **Intersection of Rocky River Church Road and Site Drive #2/Beaver Farms Access (Intersection #3):**

- i. Construct a median on Rocky River Church Road to restrict Site Drive 2 to right turn movements only, while maintaining a left turn movement into Beaver Farms; and
- ii. A two-lane cross-section consisting of an ingress lane and egress lane should be provided for the development access.

h. **Intersection of Rocky River Church Road and Site Drive #2/Beaver Farms Access (Intersection #3):**

- i. Construct a median on Rocky River Church Road to restrict Site Drive 2 to right turn movements only, while maintaining a left turn movement into Beaver Farms; and
- ii. A two-lane cross-section consisting of an ingress lane and egress lane should be provided for the development access.

i. **Extension of Public Street # 5 to Novant Health Inc. Property (Tax Parcel # 111-201-03) (the "Novant Property") and to connect to Novant Health Parkway subject to the terms and conditions set forth in this Section 4:**

- i. Subject to the acquisition of the necessary off-site right-of-way and other terms and conditions set forth herein, the Petitioner will extend public street #5 to the Novant Property to connect to Novant Health Parkway;
- ii. The Petitioner has executed an agreement with land owners to secure road right-of-way and adjacent road construction easements (the "Connector Agreement") for the necessary off-site property to extend public street #5 from its terminus in Development Area C to the Novant Property and to allow a connection to that proposed street known as Novant Health Parkway (such extension referred to as the "Additional East West Connector Right-of-Way"). If after the exercise of good faith efforts by the Petitioner, the Petitioner is not able to close on the acquisition of Additional East West Connector Right-of-Way in accordance with the terms of the Connector Agreement, the City of Charlotte may utilize its power of eminent domain to secure or otherwise acquire the Additional East West Connector Right-of-Way, as outlined below in the Section below entitled Right-of-Way Availability (it being understood that the requirement of Petitioner to use good faith efforts to acquire shall be deemed satisfied by Petitioner's efforts to acquire under the Connector Agreement; and
- iii. If the Petitioner or the City are not able to acquire the Additional East West Connector Right-of-Way to extend and connect public street #5 to the Novant Property, the Petitioner will not be responsible for this connection. The Additional East West Connector Right-of-Way must be available to the Petitioner within five (5) years of the approval of this Petition, and if not, Petitioner shall not be required to proceed with the connection.

j. **Intersection of Albemarle Road and Blair Road (NC 51) (Intersection #9):**

i. **Extend (restripe) the exclusive northbound left turn storage on Blair Road (NC 51) to westbound Albemarle Road from 425 feet to 575 feet plus appropriate taper.**

ii. **Standard, Paving and Other Provisions:**

a. **CDOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT (as it relates to the roadway improvements within its road system authority). It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway project taking place within the broad South Mecklenburg area, by way of a private/public partnership offer or other public sector project support.

b. **Paving:**

Notwithstanding the commitments of the Petitioner to provide for the roadway improvements described in Section 4.1 above, the following provisions shall permit development to take place prior to completion of all of the above-referenced improvements:

(i) **The Petitioner has the right to construct up to the maximum amount of land use densities shown below by constructing the appropriate roadway improvements listed on by submitting construction plans for the appropriate roadway improvements as indicated in a particular phase, for each level of development without being required to construct the remainder of the roadway improvements listed above in Section 4.1. a - j until the development density levels shown below are exceeded:**

ii. **Standard, Paving and Other Provisions:**

The areas of the Site identified with the following phases are illustrated on Sheet RZ-4 "Development Phasing for Off-Site Roadway Improvements" of the Rezoning Plan.

The phase #'s for the non-residential Development Areas are not meant to require them to be completed in the sequential order they are listed (before the residential or before each other) and as a result may be developed sooner upon the substantial construction of the roadway improvements listed for each non-residential Development Area.

A. Phase One (1): Up to 10 residential dwellings and allowed accessory uses may be developed and occupied within Development Area A upon substantial construction of the roadway improvements described below:

- i. Intersection of Albemarle Road and Proposed North-South Collector (Intersection #1):

1. A four-lane divided cross-section consisting of two (2) ingress lanes and three (3) egress lanes should be provided for the development access. The egress lanes should consist of dual left turn lanes and an exclusive right turn lane.

B. Phase Two (2): Up to 65 residential dwellings and allowed accessory uses may be developed and occupied within Development Area A upon the submission of plans for the construction of the roadway improvements described below:

- a. Intersection of Albemarle Road and Proposed North-South Collector (Intersection #1):

i. Submit the traffic signal plans for the signalization of Albemarle Road and the North-South Collector Road;

- ii. Submit the construction plans for a second left turn lane on the eastbound approach of Albemarle Road, with a minimum of 200 feet of full storage and appropriate bay taper should be provided; and
- iii. Submit the construction plans for an exclusive right turn lane on the westbound approach of Albemarle Road, a minimum of 200 feet of full storage and appropriate bay taper should be provided.

b. **Intersection of Albemarle Road and I-485 Northbound On-Ramp (Intersection #2):**

i. Submit the construction plans to increase the westbound right turn lane storage on Albemarle Road to the I-485 northbound on ramp to 325 feet with a 75 foot taper.

C. Phase Three (3): The Petitioner may submit preliminary plans for more than 65 residential lots and the preliminary plans may be approved, however, the Petitioner will not be allowed to record (receive final plat approval) for more than 65 lots until the improvements listed for Phase One (1) and Two (2) above have been completed and the proposed traffic signal at Intersection #1 is operational (the improvements in Phase One and Two may not be bonded but must be completed before the 60th lot is recorded).

D. Phase Four (4): Up to 151 additional residential dwelling units and the allowed accessory uses may be developed and occupied within Development Area A upon substantial construction of the roadway improvements described below:

- a. Intersection of Rocky River Church Road and Site Drive #3/Woodland Farm Drive (Intersection #3):

i. Restripe the northbound approach of Rocky River Church Road to provide an exclusive left turn lane. A minimum of 100 feet of full storage and appropriate taper lengths should be provided;

ii. Construct an exclusive right turn lane on the southbound approach of Rocky River Church Road. A minimum of 100 feet of full storage and appropriate bay taper should be provided; and

iii. A three-lane cross-section consisting of an ingress lane and two (2) egress lanes should be provided for the development access. The egress lanes should consist of a shared left-through lane and an exclusive right turn lane.

- a. **Phase Five (5):** Up to 49 additional residential dwelling units and the allowed accessory uses may be developed and occupied within Development Area A upon substantial construction of the roadway improvements described below:

- i. Intersection of Camp Stewart Road and Old Iron Lane (Intersection #4):

1. Restripe the northbound approach of Old Iron Lane to provide an exclusive left and right turn lane for a minimum of 100 feet.

- ii. Intersection of Harrisburg Road and Camp Stewart (Intersection #5):

i. Install a traffic signal at this location; and

- ii. Extend the existing westbound left turn lane from Camp Stewart Road to southbound Harrisburg Road from 150 feet to 250 feet of full storage and appropriate bay taper should be provided.

Phase Six (6) and Seven (7) (the non-residential Development Areas) may proceed ahead of the residential phases upon the substantial construction of the roadway improvements listed for each of these phases.

E. Phase Six (6): Up to 100,000 square feet of gross floor area of general and medical office uses, or a continuing care/retirement community with up to 230 units, together with accessory uses may be developed and occupied within Development Area C upon substantial construction of the roadway improvements described below:

- a. **Extension of Public Street # 5 to Novant Health Inc. Property (Tax Parcel # 111-201-03) (the "Novant Property") and to connect to Novant Health Parkway subject to the terms and conditions set forth in this Section 4:**

i. Subject to the acquisition of the necessary off-site right-of-way and other terms and conditions set forth herein, the Petitioner will extend public street #5 to the Novant Property to connect to Novant Health Parkway;

ii. The Petitioner has executed an agreement with land owners to secure road right-of-way and adjacent road construction easements (the "Connector Agreement") for the necessary off-site property to extend public street #5 from its terminus in Development Area C to the Novant Property and to allow a connection to that proposed street known as Novant Health Parkway (such extension referred to as the "Additional East West Connector Right-of-Way"). If after the exercise of good faith efforts by the Petitioner, the Petitioner is not able to close on the acquisition of Additional East West Connector Right-of-Way in accordance with the terms of the Connector Agreement, the City of Charlotte may utilize its power of eminent domain to secure or otherwise acquire the Additional East West Connector Right-of-Way, as outlined below in the Section below entitled Right-of-Way Availability (it being understood that the requirement of Petitioner to use good faith efforts to acquire shall be deemed satisfied by Petitioner's efforts to acquire under the Connector Agreement; and

iii. If the Petitioner or the City are not able to acquire the Additional East West Connector Right-of-Way to extend and connect public street #5 to the Novant Property, the Petitioner will not be responsible for this connection. The Additional East West Connector Right-of-Way must be available to the Petitioner within five (5) years of the approval of this Petition, and if not, Petitioner shall not be required to proceed with the connection.

b. **Intersection of Albemarle Road and Blair Road (NC 51) (Intersection #9):**

- i. **Extend (restripe) the exclusive northbound left turn storage on Blair Road (NC 51) to westbound Albemarle Road from 425 feet to 575 feet plus appropriate taper.**

In addition to the improvements listed above the following improvements must also be completed if not previously completed by the residential phases:

- a. **Intersection of Albemarle Road and Proposed North-South Collector (Intersection #1):**

1. Construct a second left turn lane on the eastbound approach of Albemarle Road. A minimum of 200 feet of full storage per lane and appropriate bay tapers should be provided;

ii. Construct an exclusive right turn lane on the westbound approach of Albemarle Road. A minimum of 200 feet of full storage and appropriate bay taper should be provided;

iii. A four-lane divided cross-section consisting of two (2) ingress lanes and two (2) egress lanes should be provided for the development access. The egress lanes should consist of an exclusive right turn lane and dual left turn lanes. A minimum of 200 feet of full storage and appropriate bay taper should be provided for the inside left turn lane; and

iv. Install a traffic signal at this location.

b. **Intersection of Albemarle Road and I-485 Northbound On-Ramp (Intersection #2):**

i. Increase the westbound right turn lane storage on Albemarle Road to the I-485 northbound on ramp to 325 feet with a 75 foot taper.

c. **Intersection of Harrisburg Road and Camp Stewart (Intersection #5):**

i. Install a traffic signal at this intersection; and

- ii. Extend the existing westbound left turn lane from Camp Stewart Road to southbound Harrisburg Road from 150 feet to 250 feet of full storage and appropriate bay taper should be provided.

C.

- i. Up to 100,000 square feet of gross floor area of retail, Eating/Drinking Entertainment Establishment (EDEE), personal services uses; and (ii) up to 60,000 square feet of gross floor area of general and medical office uses, together with accessory uses as may be developed and occupied within Development Area B upon the substantial construction of the following roadway improvements:

- a. **Intersection of Albemarle Road and Rocky River Church Road (Intersection #6):**

1. Construct an exclusive right turn lane on the southbound approach of Rocky River Church Road; and

ii. Restripe the existing right turn as an exclusive left turn lane to provide dual left turn movements onto Albemarle Road. A minimum of 250 feet of full storage and appropriate taper lengths should be provided for the southbound left and right turn lanes.

- b. **Intersection of Albemarle Road and Site Drive #1 (Intersection #7):**

1. Construct an exclusive left turn lane on the eastbound approach of Albemarle Road. A minimum of 200 feet of full storage and appropriate bay taper should be provided;

ii. Construct an exclusive right turn lane on the westbound approach of Albemarle Road. A minimum of 100 feet of full storage and appropriate bay taper should be provided; and

iii. A two-lane cross-section consisting of an ingress lane and egress lanes should be provided for the development access.

- c. **Intersection of Rocky River Church Road and Site Drive #2/Beaver Farms Access (Intersection #3):**

1. Construct a median on Rocky River Church Road to restrict Site Drive 2 to right turn movements only, while maintaining a left turn movement into Beaver Farms; and

ii. A two-lane cross-section consisting of an ingress lane and egress lane should be provided for the development access.

d. **Intersection of Harrisburg Road and Camp Stewart Road (Intersection #5):**

1. Construct an exclusive right turn lane on the northbound approach of Harrisburg Road. A minimum of 150 feet of full storage and appropriate bay taper should be provided.

In addition to the improvements listed above the following improvements must also be completed if not previously completed by the residential phases

- a. **Intersection of Albemarle Road and Proposed North-South Collector (Intersection #1):**

1. Construct a second left turn lane on the eastbound approach of Albemarle Road. A minimum of 200 feet of full storage per lane and appropriate bay tapers should be provided;

ii. Construct an exclusive right turn lane on the westbound approach of Albemarle Road. A minimum of 200 feet of full storage and appropriate bay taper should be provided;

- iii. A four-lane divided cross-section consisting of two (2) ingress lanes and two (2) egress lanes should be provided for the development access. The egress lanes should consist of an exclusive right turn lane and dual left turn lanes. A minimum of 200 feet of full storage and appropriate bay taper should be provided for the inside left turn lane; and
- iv. Install a traffic signal at this location.

- b. **Intersection of Albemarle Road and I-485 Northbound On-Ramp (Intersection #2):**

1. Increase the westbound right turn lane storage on Albemarle Road to the I-485 northbound on ramp to 325 feet with a 75 foot taper.

c. **Intersection of Harrisburg Road and Camp Stewart Road (Intersection #5):**

i. Install a traffic signal at this intersection; and

- ii. Extend the existing westbound left turn lane from Camp Stewart Road to southbound Harrisburg Road from 150 feet to 250 feet of full storage and appropriate bay taper should be provided.

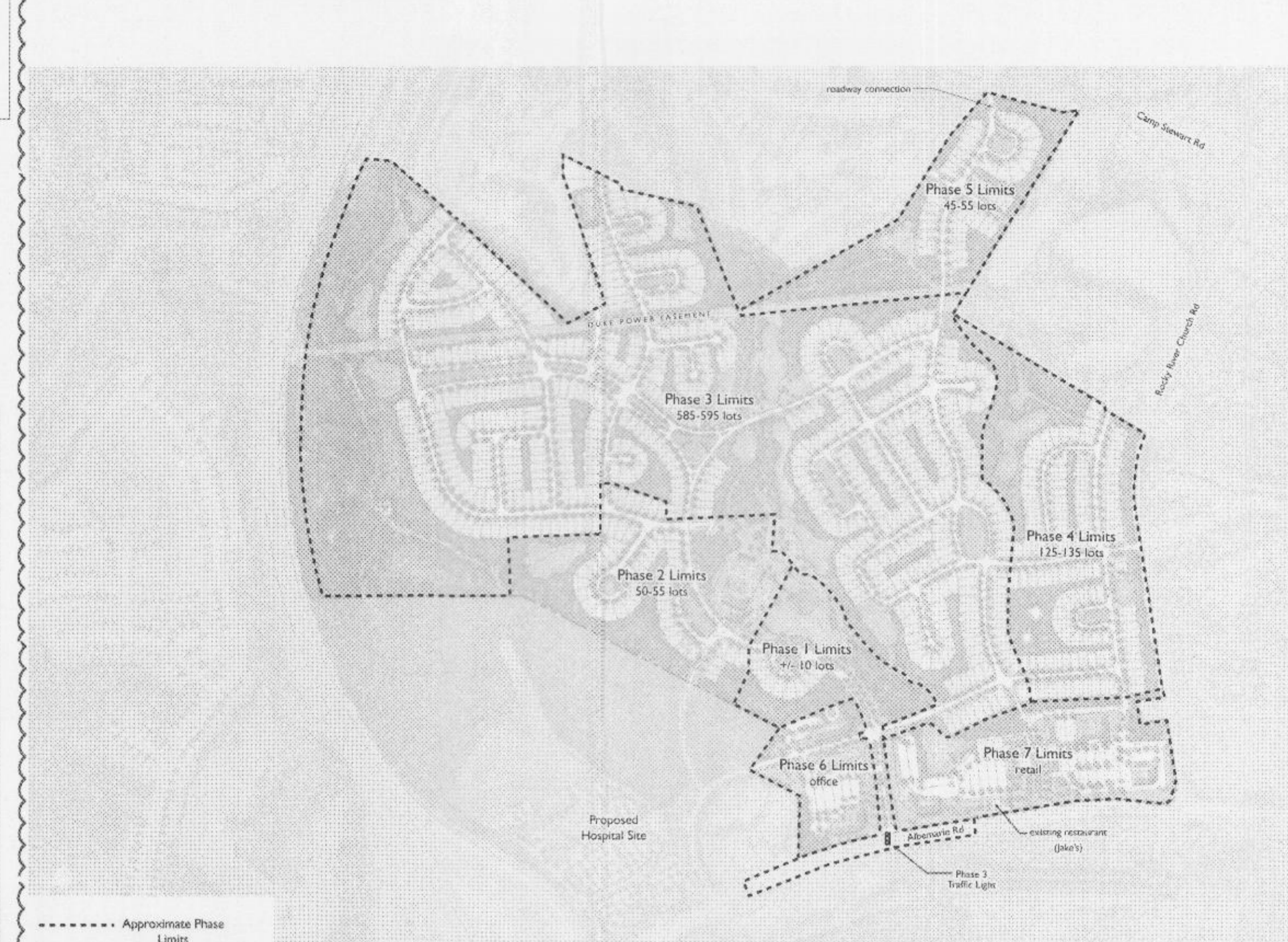
d.

- i. Intersection of Albemarle Road and Blair Road (NC 51) (Intersection #9):

1. **Extend (restripe) the exclusive northbound left turn storage on Blair Road (NC 51) to westbound Albemarle Road from 425 feet to 575 feet plus appropriate taper.**

1. **Extend (restripe) the exclusive northbound left turn storage on Blair Road (NC 51) to westbound Albemarle Road from 425 feet to 575 feet plus appropriate taper.**


Development Phasing for Offsite Roadway Improvements



NOTE:

The phase #'s for the non-residential Development Areas are not meant to require them to be completed in the sequential order they are listed (before the residential or before each other) and as a result may be developed sooner upon the substantial construction of the roadway improvements listed for each non-residential Development Area in the development standards.

APPROVED BY
 CITY COUNCIL
 JAN 19 2016



223 N Graham Street - Charlotte, NC 28202
 V: 704.333.0325 E: 704.332.3246
 www.LandDesign.com

LAND DESIGN, INC.

CORPORATE SEAL

NORTH CAROLINA

CRESSWIND
 REZONING PETITION NO. 2015-101
 KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
 DEVELOPMENT STANDARDS

REVISIONS:

DATE: JUNE 18, 2015

DESIGNED BY: MCK

DRAWN BY: MEK

CHECKED BY: KST

Q.C. BY: DCS

SCALE: N/A

PROJECT #: 104398

RZ-4.0

SHEET #

c. Substantial Completion. Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.H above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.H.a above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

d. Right-of-way Availability: It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way (for example the acquisition of the Connector Right-of-Way as set forth above). If after the exercise of diligent good faith efforts over a minimum of a 60-day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body, agrees to proceed with the acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable roadway improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

e. Alternative Improvements. Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT and the Planning Director; provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

III. Access and Pedestrian Circulation.

a. Access to the Site will be from Albemarle Road, Rocky River Church Road, Old Iron lane as well as other public street extensions and connections made from the Site and into the Site from adjoining properties as generally depicted on the Rezoning Plan.

b. The number and location of access points to the internal public streets will be determined during the building permit process and thereafter additional or fewer driveways and/or additional private/public streets may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances and regulations.

c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

d. The Petitioner reserves the right to provide angled parking (including reverse angle parking) on both sides of the portion Street # 2 that is located within Development Area B, to help support the retail uses that will front Street # 2.

e. The Petitioner will dedicate 35 feet of right-of-way from the existing center line of Rocky River Church Road to the City of Charlotte as development occurs along Rocky River Road.

5. Design Intent Statement:

a. The Petitioner proposes to develop a walkable active adult residential community with neighborhood retail and office uses; where the residents of the community will have convenient and easy access to a series of passive and active open spaces that are interconnected by a network of streets, and trails. The emphasis of the design will be to provide alternative modes of transportation to the residents of the community which will allow them to access the community's amenity area as well as the retail and office uses located along the Site's frontage on Albemarle Road. The design of the non-residential area along Albemarle Road will also emphasize walkability (buildings will be oriented toward the streets when possible and operable doors will be provided from adjoining streets when the design of the adjoining street facilitates pedestrian access) and will be integrated into the residential community with a network of internal interconnected streets and sidewalks that provide convenient and easy access to these uses.

6. Architectural Standards and Parking Location Restrictions:

a. The principal buildings constructed on the Site (Development Areas A, B, and C) may use a variety of building materials. The building materials used for buildings (other than structured parking facilities, if any) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.

b. Parking and maneuvering for parking will not be allowed between the proposed buildings in Development Areas B and C and Street # 1, 2, 3 and 5. Except that the building located at the corner of Rocky River Church Road and Albemarle Road may have parking and maneuvering for parking between the building and Street #3.

c. Maneuvering associated with the allowed accessory drive-through windows will be allowed between the proposed buildings and Albemarle Road and Rocky River Road.

d. The minimum height of one-story non-residential buildings constructed within Development Areas B and C will be a minimum 22 feet including architectural elements.

e. Buildings located with Development Areas B and C will be designed so that the building facades orient to the new or the existing streets and will not have lengths of uninterrupted blank building walls over 20 feet in length. Building walls may be interrupted with glass display windows, glass entry doors, windows, and changes in building materials and other treatments that help create visual interest and to encourage pedestrian activity.

f. All buildings shall provide street level, pedestrian oriented active uses along Streets # 5, 2 and 3. Buildings along these street fronts will also have operable pedestrian doors that face these streets, when angled parking is also provided. Angled on-street parking will be provided if allowed by the jurisdiction and/or NCDOT.

g. The principal entrance to a building, and any ground floor tenant space entrance, both functionally and architecturally, shall front on the primary streets (Streets 2, 5, and 3) when angled on-street parking is provided, or a public open space such as a square, plaza, courtyard or sidewalk is provided. Angled on-street parking will be provided if allowed by the jurisdiction and/or NCDOT.

h. A building located at the intersection of two streets (Streets 1, 2, 3 and 5) shall not have parking, loading or service areas along the primary of the two streets.

i. At least 50% of the first floor building facade between two (2) and ten (10) feet above grade of buildings facing Street #2 will utilize transparent, vision glass. In areas where transparent vision glass cannot be utilized due to building or tenant constraints display windows may be utilized, however, no more than 30% of the first floor building facade can be made up of display windows.

j. Major building entrances of multi-tenant office buildings or CCRC buildings that provide access to the primary uses in the building or a central lobby shall be distinguished from the secondary entrances.

k. The Street Walls of the building constructed within Development Area B abutting Albemarle Road will be treated with a combination of the following features: (i) windows with applied graphics images; (ii) internally illuminated window boxes with applied graphics images; (iii) vertical elements such as art work and/or decorative garden and landscape elements; (iv) decorative lighting elements; and (v) landscaped areas composed of a combination of large and small maturing evergreen and deciduous trees, evergreen and deciduous shrubs and seasonal color.

l. The service areas of the new buildings constructed within Development Areas B and C will be screened from the adjoining streets with walls designed to complement the building architecture of the adjacent buildings. Architectural features such as, but not limited to, banding, medallions, changes in color or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls and to encourage pedestrian activity.

m. Open spaces in the Development Areas B and C (other than water quality ponds or ponds) shall be partially enclosed with buildings walls, freestanding walls, landscaping, raised planters, or on-street parking to create an "outdoor" room.

n. At least one (1) open space area will be located within Development Area B and along Street #2, the open space will have a minimum of 30 feet of frontage on Street #2, and a minimum depth of 50 feet. This open space area will be designed to act as an outdoor room for the tenants and customers of Development Area B. The open space area will contain seating areas, landscaping and hardscape elements.

o. Meter banks, transformers and similar utility structures will be screened where visible from public view at grade level.

7. Continuing Care Retirement center (CCRC) Design Standards:

a. Parking areas for the CCRC uses will be located to the rear of the buildings or between the buildings; parking will not be allowed between the buildings and Street B as generally depicted on the Rezoning Plan.

b. The CCRC buildings located along Street # 5 will have at least one primary building entrance oriented to Street # 5.

c. If pitched roofs are utilized the roof pitch must be greater than 6:12.

d. Stucco or EIFS with a smooth or sandy finish may be used as secondary material only on the 2nd and 3rd floors and such material shall be less than 40% of the aggregate wall area excluding roofs and siding.

e. Building facade materials, with the exception of corner treatments and columns, shall be combined only horizontally, with the heavier below the lighter.

f. Blank, windowless walls over 20 feet in length are prohibited. At least 15% of the total wall area of each facade that faces a public street must be transparent windows (excluding glass block) or doorways (egress only doors are excluded).

g. Buildings edges will be separated by at least four (4) feet from the back of the sidewalk.

8. Streetscape, Landscaping and Buffer:

a. Setbacks and yards as required by the MX-1 (Innovative) zoning district and as allowed by the Innovative Provisions above will be provided.

b. Within Development Areas B and C, a minimum building and parking setback of 20 feet as measured from the existing right-of-way will be provided along Albemarle Road and Rocky River Church Road. Along Street # 5 a minimum building setback of 25 feet as measured from the back of curb will be provided. The setback along the other internal public streets will be provided as required by the Ordinance.

c. Within Development Area A along Rocky River Road, a common open space area within a minimum width of 30 feet will be provided. This 30 foot common open space area will be treated as required by the Ordinance (Section 12.308).

d. Along the Site's internal streets, the Petitioner will provide a sidewalk and a cross-walk network that links all of the principal buildings on the Site with one another by way of links to side-walks along the abutting public and private streets and/or other pedestrian features. The minimum width for these internal sidewalks with the portion of the Site zoned NS will be six (6) feet and within the portions of the Site zoned MX-1 (Innovative) will be a minimum of five (5) feet.

9. Environmental Features

a. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved from and engineering perspective with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

b. Storm water detention areas and water quality areas located along an interior public street will be landscaped to create an attractive street edge.

The Site will comply with the requirements of the City of Charlotte Tree Ordinance.

10. Plazas and Open Space:

a. The Petitioner will provide a series of passive and active open space areas throughout the residential community as generally depicted on Sheet RZ-6 (the exact location and configuration of these open space areas may vary from what is illustrated; the final locations and configuration of the open space areas will be determined/finalized during each phase of the subdivision approval process). A minimum of 15% of the MX-1 area will be provided as passive open space areas and a minimum of 8% of the MX-1 area will be provided and improved as active open space areas. Active open space areas will be areas improved with seating areas, trails, recreation fields, tennis courts, play grounds, swimming pools, amenitized ponds (i.e. water quality ponds/areas improved with trails, seating areas and other amenities), a club house or other amenity areas designed to be used and enjoyed by the residents and guests of the community. Passive open space areas will be environmental areas such as tree save areas, water quality buffers, slopes, tree save areas, water quality areas or other open space areas of the community.

b. The design of the club house amenity area located within Development Area A will emphasize walkability and pedestrian access. The proposed building will be oriented toward the street with primary parking located to the side or the rear of the building.

c. An open space area/plaza will be provided within Development Area B adjacent to Street # 2 as generally depicted on the Rezoning Plan.

11. Signage:

a. Signage as allowed by the Ordinance may be provided. The Site will be used as a Planned/Unified Development as defined by the Ordinance; consequently uses located on the interior of the Site may be identified on the allowed signs for the use in Development Area B and C, and vice versa uses located on along Albemarle Road may be identified on signs located on the interior of the Site.

b. Development Area A will be allowed a sign along Albemarle Road as allowed by the NS zoning district.

c. For the purposes of signage Development Area B may be treated as two separate Development Areas, if developed as two separate areas under separate ownership. Area number one will be the area between Street # 1 and Street # 2; Area two will be the area between Rocky River Church Road and Street # 2.

d. The existing sign for Jake's Restaurant may remain until the Jake's restaurant building is demolished.

12. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site, except street lights located along public streets, will be limited to 25 feet in height in the portions of the Site used for non-residential uses and 15 feet in height in the portions of the Site used for residential uses.

13. Greenway Dedication:

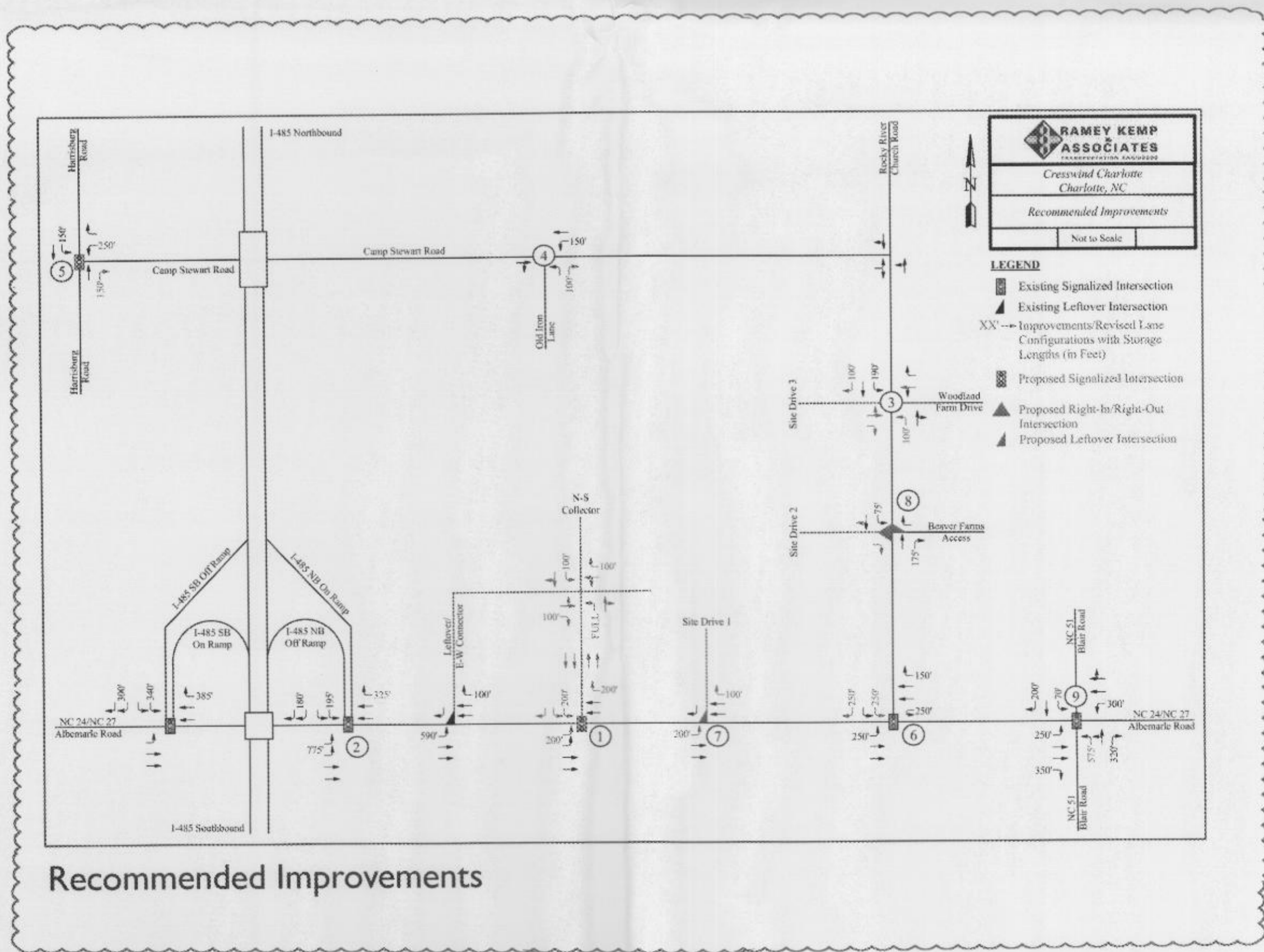
a. The Petitioner will dedicate and convey to County Parks and Recreation the portion of the 100 foot SWIM buffer located on Tax Parcel #s 111-201-05 and 08 as generally depicted on the Rezoning Plan. This area will be dedicated and conveyed to County Parks and Recreation as part of the subdivision approval process for this portion of the Site. Storm water detention and water quality treatment areas may not be located within the area to be dedicated to County Parks and Recreation.

14. Amendments to the Rezoning Plan:

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area or portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

15. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



Recommended Improvements

APPROVED BY
CITY COUNCIL
JAN 19 2016

LandDesign
223 N Graham Street
Charlotte, NC 28202
V: 704.333.0325 F: 704.332.3246
www.LandDesign.com



CRESSWIND
REZONING PETITION NO. 2015-101
KOLTER ACQUISITIONS, LLC, MECKLENBURG COUNTY, NORTH CAROLINA
DEVELOPMENT STANDARDS

REVISIONS:
02/11/15 REVISIONS PER STATE COMMENTS
02/17/15 REVISION PER STATE COMMENTS

DATE: JUNE 18, 2015
DESIGNED BY: IST
DRAWN BY: MEK
CHECKED BY: IST
SCALE: N.T.S.
PROJECT #: 1014398
SHEET #:
RZ-4A



PASSIVE OPEN SPACE

- ENVIRON. AREAS/TREESAVE
- BUFFERS
- SLOPES
- GENERAL OPEN SPACE
- PONDS

MINIMUM: 15%

ACTIVE OPEN SPACE

- AMENITY AREAS
- POCKET PARKS
- TRAILS
- FIELDS
- HARDSCAPE
- AMENITIZED PONDS

MINIMUM: 8%

APPROVED BY
CITY COUNCIL
JAN 19 2016



REVISIONS:

08-24-15	REVISE PER STAFF COMMENTS
12-17-15	REVISE PER STAFF COMMENTS