

Fountain Residential Partners Development Standards 09/10/18 Rezoning Petition No. 2018-075

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Site Development Data:
--Acreage: ± 10.77 acres

--Tax Parcel #s: 051-013-04, 051-013-03, 051-013-01, 051-013-02, 051-011-16, 051-011-15, and 051-011-35

-- Existing Zoning: INST and R-12MF(CD)

--Proposed Zoning: MUDD-CD
--Existing Uses: Vacant and Multi-Family Residential

--Proposed Uses: Residential dwellings units as permitted by right, and under prescribed conditions, together with accessory uses, as allowed in the MUDD zoning district (all as more specifically described and restricted below in Section 3).

--Maximum Number of Residential Dwelling Units: Up to 499 residential dwelling units as allowed by right and under prescribed conditions in the MUDD zoning district.

prescribed conditions in the MUDD zoning district.

--Maximum Building Height: Up to five (5) stories and 72]feet for the residential buildings and up to six (6) stories and 65 feet for the proposed parking structure. Building height to be measured per the Ordinance

--Parking: As required by the Ordinance.

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1. General Provisions:

a. **Site Location**. These Development Standards, the Technical Data Sheet, Schematic Site Plan and other site plan sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Fountain Residential Partners. ("Petitioner") to accommodate the development of a high quality residential community

E. Mallard Creek Church Road (the "Site").
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, the regulations established under the Ordinance for the MUDD zoning classification shall govern

on an approximately 10.77 acre site located on the northeast quadrant of the intersection of University City Boulevard and

c. **Graphics and Alterations**. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Permissible Building 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, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to 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. minor and don't materially change the overall design intent depicted on the Rezoning Plan.

all development taking place on the Site, subject to the Optional Provisions provided below.

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**. The total number of principal buildings to be developed on the Site will be limited to six (6). Accessory buildings and structures located on the Site 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 building(s) located within the same Development Area as the accessory structure/building.

2. <u>Permitted Uses, Development Area Limitations:</u>

a. The principal buildings constructed on the Site may be developed with up to 499 multi-family residential dwellings units as permitted by right, and under prescribed conditions together with accessory uses allowed in the MUDD zoning district.

3. Transportation Improvements and Access:

I. Proposed Improvements:

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 provisions.

The following Transportation Improvements are also illustrated on Exhibit - and - on Sheet RZ-00 of the Rezoning Plan. The Exhibits on Sheet RZ-00 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 Exhibits - and - for the proposed improvement).

The following roadway improvements will be made by the Petitioner as part of the redevelopment of the Site as proposed by the rezoning Plan:

a. To be completed upon the Finalization of the TIA

b. The Petitioner will construct a portion of Thomas Combs Drive extension as generally depicted on the Rezoning Plan. Once this portion is constructed the Petitioner will dedicate and convey via a fee simple deed the right-of-way for Thomas Combs extension to the City of Charlotte. The petitioner will also dedicate and convey the additional right-of-way indicated on the site plan for the completion of Thomas Combs Drive from E. Mallard Creek Church Road to University City Boulevard prior to the issuance of the first certificate of occupancy.

c. The Petitioner will construct the required roadway improvements and provide any required sidewalk and utility easements needed for these improvements prior to the issuance of the first certificate of occupancy. The Petitioner reserves the right to post a bond for any roadway improvements not finalized at the time of the issuance of the certificate of occupancy.

II. Standards, Phasing and Other Provisions.

a. <u>CDOT/NCDOT Standards</u>. All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT as applicable. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the area, by way of a private/public partnership effort or other public sector project support.

b. <u>Substantial Completion</u>. Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.I. above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.IIa above provided, however, in the event all roadway improvements 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 the Petitioner will work with City Staff to determine a process 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.

c. 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. 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 agree to proceed with 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 proceedings 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 the Petitioner will work with City Staff to determine a process 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 road-way 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.

d. 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 as applicable, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

III. Access.

a. Access to the Site will be from University City Boulevard and East Mallard Creek Church Road, by way of a new public street (Thomas Combs Drive extension), as generally depicted on the Rezoning Plan. The number of access points to Thomas Combs Drive may vary from the number indicated on the Rezoning Plan.

b. The alignment of the 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 the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.

c. The Petitioner will request that existing Marlynn Drive be closed and the right-of-way abandoned.

4. <u>Streetscape, Landscaping Open Space and Screening:</u>

a. A 30 foot building setback as measured from the future back of curb will be established along University City Boulevard and East Mallard Creek Church Road will be provided as generally depicted on the Rezoning Plan. Along proposed Thomas Combs Drive a 20 foot setback as measured from the future back of curb will be provided as generally depicted on the Rezoning Plan. A 50 foot setback will be established from the existing back of curb of Thomas Combs Drive as generally depicted on the Rezoning Plan.

b. A 15 foot wide planting strip and a 12 foot multi-use path (MUP) will be provided along University City Boulevard. An eight (8) foot planting strip and an twelve (12) foot MUP will be provided along East Mallard Creek Church Road, and on both sides of the portion Thomas Combs Drive, that will be constructed as part of the development to the Site as generally depicted on the Rezoning Plan. No improvements are planned or proposed to existing Thomas Combs Drive.

c. Improved open space court yards for the residents of the community will be provided through the Site. The Petitioner will provide at a minimum the following type of amenities for the residents of the community; outdoor seating areas with hardscape and landscaping elements, a pool area, a club house, and outdoor cooking areas. The minimum size of the open space/amenity areas is indicated on the site plan

d. Meter banks will be screened where visible from public view at grade level.

5. General Design Guidelines:

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings, concrete masonry units not architecturally finished will not be allowed. The proposed building will be designed and constructed so that the each building elevation(s) that abut/face an existing or proposed Public Streets will have at least 40% brick exclusive of windows, doors and roofs.

b. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length. Where blank or unarticulated walls 20' or greater cannot be addressed principally with doors or windows, they shall be treated with a combination the following options: (i) a higher level of transparency on the ground floor (exaggerated or larger windows indicative of living areas); and (ii) horizontal and vertical variations in wall planes. If the final architectural design cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director.

c. Buildings over 150 feet in length shall provide façade variations that visually separate the individual units. This can be accomplished through measures such as window arrangement and size variation, balcony arrangement, unit entrance design, roof variation, material changes, and/or offset wall planes.

d. Residential building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least five (5) of the following features: (i) decorative pedestrian lighting/sconces; (ii) architectural details carried through to upper stories; (iii) covered porches, canopies, awnings or sunshades; (iv) archways; (v) transom windows; (vi) terraced or raised planters that can be utilized as seat walls; (vii) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (viii) double doors; (ix) stoops or stairs; and/or (x) contrasting pavement from primary sidewalk.

e. To provide a level of comfort and security for residents on the first floor of residential buildings, the first floor shall be visually and physically separated from the sidewalk. Examples include increasing the setback, installing additional landscaping, raising or lowering the first floor or other methods.

f. Where ground floor connection to units is not possible and a shared or common entry is used, transition from the street to the entry itself is provided to create a unique sense of entry for pedestrians. The ground level transitions are thoughtfully designed and incorporated into the overall character of the building and include any / all the following: changes in grade or setback, stairs, low masonry walls, ornamental railing, changes in paving material, additional landscaping or other methods.

g. Buildings are placed to present a front or side façade to all network required streets (public or private).

h. Parking lot areas are not located between any building and any network required public or private street however, parking lot areas may be located to the side as generally depicted on the Rezoning Plan.

i. The exposed portions of multi-level parking decks shall provide screening so that interior cars are not visible from public streets. This is primarily accomplished by the use of architectural louvers or decorative screens on all levels.

j. Internal sidewalk connections shall be provided between buildings and from buildings to all publicly accessible on-site facilities (parking areas, bicycle facilities, open space, etc.) and abutting or adjacent parks, greenways, bikeways, trails, developments and transit stops. Internal sidewalks shall be hard surfaced and at least 6 feet in width unless connecting to four units or less.

k. Fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood split-rail, metal or other materials specifically designed as fencing materials.

l. Service equipment such as dumpsters, refuse areas, recycling and storage are screened from view from public streets with materials and design to be compatible with principal structures. Such design includes a minimum 20% Preferred Exterior Building Materials or a Class B buffer not less than 10 feet in depth at all above grade perimeter not paved for access.

m. All rooftop mechanical equipment on buildings shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, using parapet walls or similar architectural treatments.

n. Ventilation grates or emergency exit doors located at the first floor level in the building facade oriented to any public street must be decorative.

o. Roof line variation every 30 feet is required. This can be accomplished by using vertical offset in height, ridge lines, gables, cornices, dormers, roof top patios, material changes, and/or other architectural features such as trellises, portals or porches.

p. For flat roofs, a parapet extends above the roof plane and include an element that provides a visual termination of the façade. The parapet extends far enough above the roof plane that all mechanical equipment is concealed from views extending to the far edge of any adjacent ROW.

q. For pitched roofs (not including details that may include crickets, towers or other elements that slope back to the primary roof) the minimum (4:12), excluding buildings with a flat roof and parapet walls.

6. Environmental Features:

a. The Site will comply with the Post Construction Ordinance.

b. The Site will comply with the Tree Ordinance.

7. <u>Lighting:</u>

a. All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting 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 22 feet in height.

8. CATS Waiting Pad with a Bench and Bike rack for a new Bus Stop on University City Boulevard:

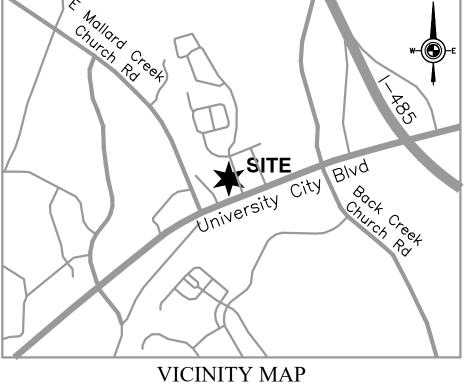
a. The Petitioner will construct a bus stop with a bend and bike rack along the Site's frontage on university City Boulevard. The bus stop will be designed and constructed per Charlotte Land Development Standard 60.02A. The location of the bus stop to be determined during the land development permitting process for the Site.

9. <u>Amendments to the Rezoning Plan</u>:

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.

10. 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 or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.



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NOT TO SCALE

IATES, INC.
OTTE, NC 28202
No. REVISIONS

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PRELIMINARY DOCUMENT

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ESIGNED BY KH

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