



ADMINISTRATIVE AMENDMENT NOTICE

August 03, 2011

This letter serves as notification that on August 03, 2011 an administrative amendment was approved for the property illustrated and described below.

Petitioner #: 2011-009

Petitioner: Crescent Resources, LLC

Zoning Classification (Existing): MUDD-O, mixed use development district, optional

Acreage & Location: Approximately 7.81 acres located on Carnegie Boulevard and west of the intersection between Assembly Street and Carnegie Boulevard.

The amendment makes a minor change to the approved Rezoning Petition to *modify the approved site layout*, in accordance with Section 6.207 of the City of Charlotte Zoning Ordinance. Adjacent property owners may appeal the approval of the administrative amendment in writing to the Zoning Committee of the Planning Commission twenty-one days from the date of this notice.

To view this Administrative Amendment Site Plan, visit our website at www.rezoning.org and click on "Administrative Amendments".

See map attached for area being covered by the Administrative Amendment.

If you have questions regarding this amendment or the appeal process, please contact me at 704-336-8326 or sfortune@ci.charlotte.nc.us

Sincerely,

Solomon Fortune, Associate Planner

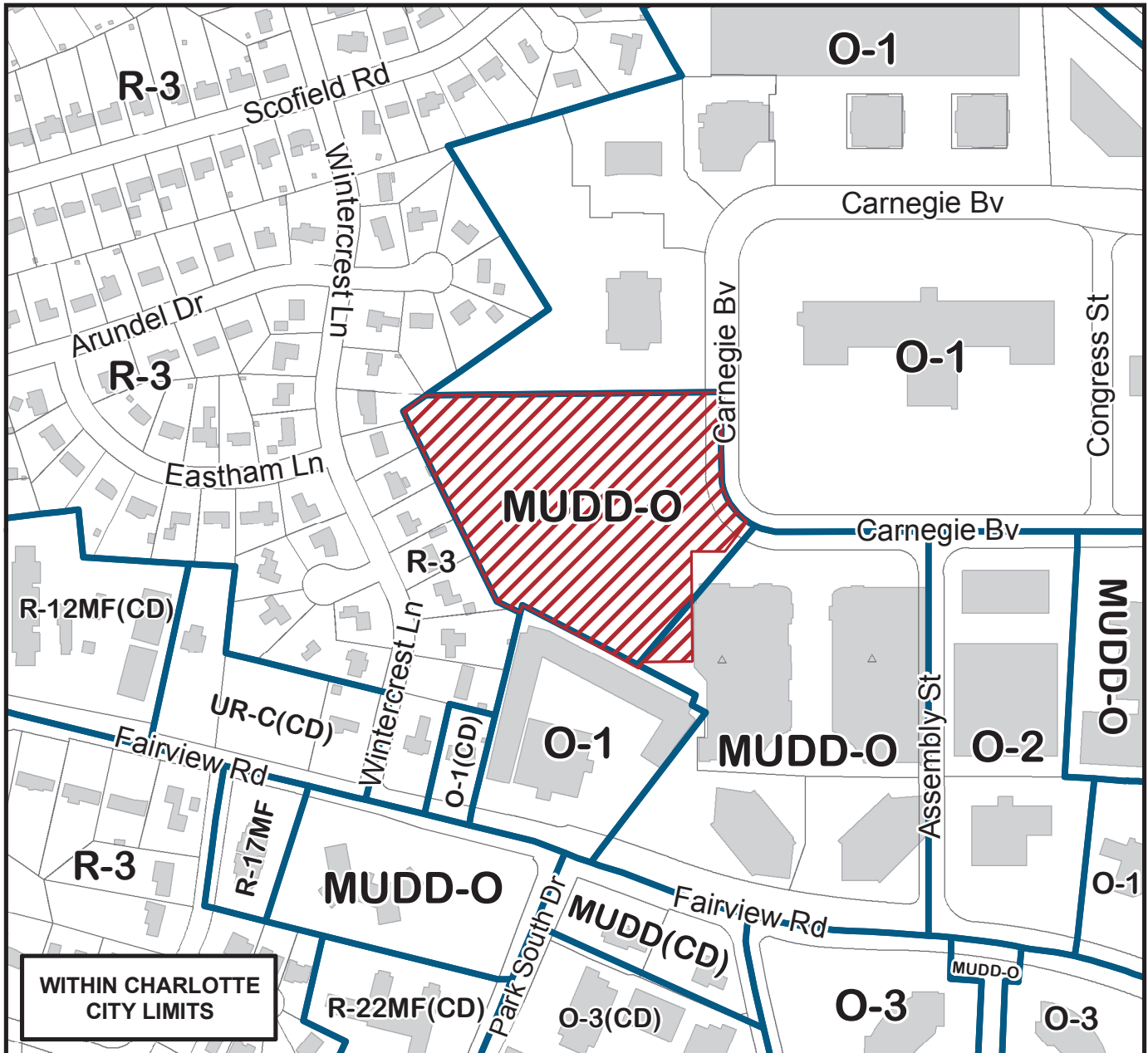
Petition #: **2011-009**

Petitioner: **Crescent Resources, LLC (Attn. Tim Dison)**

Zoning Classification (Existing): **MUDD-O**
(Mixed Use Development District - Optional)

Zoning Classification (Requested): **MUDD-O(S.P.A.)**
(Mixed Use Development District - Optional, Site Plan Amendment)

Acreage & Location : Approximately 7.81 acres located on Carnegie Boulevard and west of the intersection between Assembly Street and Carnegie Boulevard.

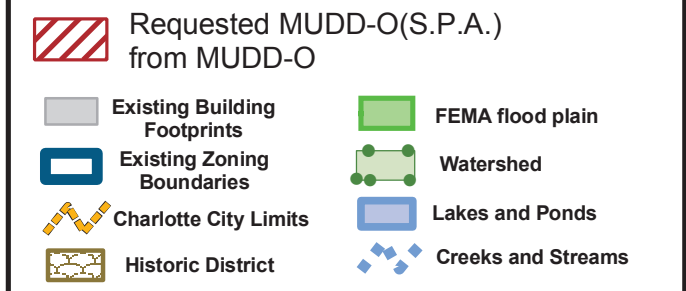


0 100 200 400 600 800 Feet

Zoning Map #(s) **135**



Map Produced by the
Charlotte-Mecklenburg Planning Department
8-1-2011





Charlotte-Mecklenburg Planning Department

DATE: August 3, 2011

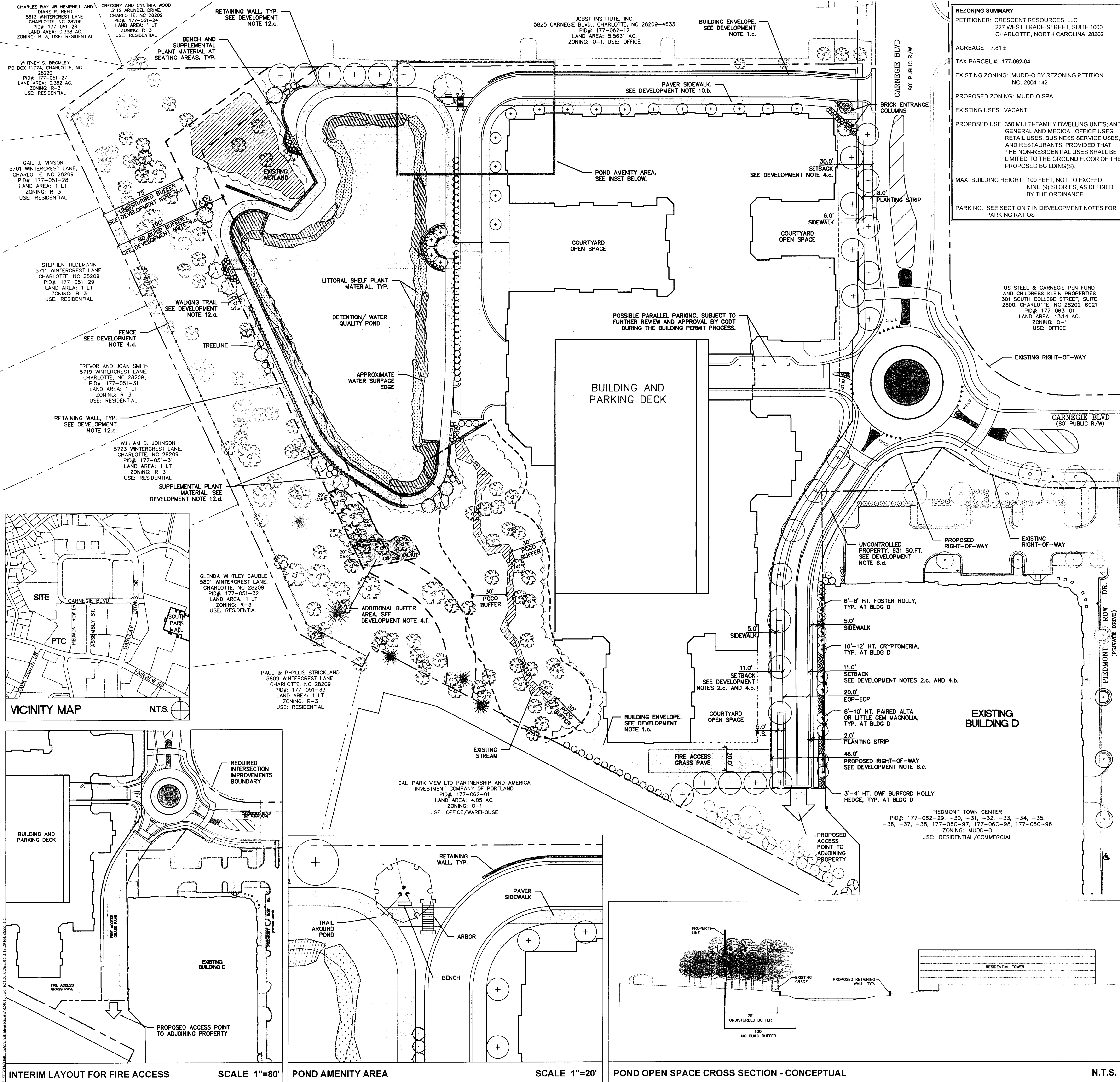
TO: Mark Fowler
Zoning Supervisor

FROM: Debra Campbell
Planning Director

SUBJECT: Administrative Approval for Petition No. 2011-009 Crescent Resources, LLC

Attached is a revised site plan for the above referenced rezoning petition. The site plan shows the new proposed layout of the site. Since this change does not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

Note all other ordinance and conditional requirements still apply.



REZONING SUMMARY

PETITIONER: CRESCENT RESOURCES, LLC
227 WEST TRADE STREET, SUITE 1000
CHARLOTTE, NORTH CAROLINA 28202

ACREAGE: 7.81±

TAX PARCEL #: 177-062-04

EXISTING ZONING: MUDD-O BY REZONING PETITION NO. 2004-142

PROPOSED ZONING: MUDD-O SPA

EXISTING USES: VACANT

PROPOSED USE: 350 MULTI-FAMILY DWELLING UNITS; AND GENERAL AND MEDICAL OFFICE USES, RETAIL USES, BUSINESS SERVICE USES, AND RESTAURANTS, PROVIDED THAT THE NON-RESIDENTIAL USES SHALL BE LIMITED TO THE GROUND FLOOR OF THE PROPOSED BUILDING(S).

MAX. BUILDING HEIGHT: 100 FEET, NOT TO EXCEED NINE (9) STORIES, AS DEFINED BY THE ORDINANCE

PARKING: SEE SECTION 7 IN DEVELOPMENT NOTES FOR PARKING RATIOS

GENERAL PROVISIONS

a. These Development Standards form a part of the rezoning plan associated with the MUDD-O SPA petition which includes certain Optional Provisions to accommodate development on approximately 7.81 acres located on Carnegie Boulevard as more particularly shown on the Rezoning Plan and the Rezoning Petition. The rezoning petition is subject to the attached site plan and these Development Standards, together with the site plan referred to as the "Rezoning Plan" as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD) Zoning Classification, subject to the Optional Provisions provided below, shall govern development on the Site.

b. Consequently, except as otherwise expressly specified on the Rezoning Plan, the layout of the development, the exact alignments of streets and points of access, the numbers, the size, configuration and placement of buildings and parking areas, and the locations of such elements on the Rezoning Plan are graphic representations of the proposed development. They may, therefore, be altered or modified subject to the accompanying Development Standards and Section 6.1207 of the Ordinance. Tinkering layouts for surface and structured parking may be modified to accommodate changes to the extent permitted by the Ordinance.

c. Notwithstanding the number of buildings shown on the Rezoning Plan, up to four (4) principal buildings may be constructed on the Site within the building envelope illustrated on the Rezoning Plan. If the number of buildings is increased from the number illustrated on the Rezoning Plan the change will be reviewed by the Planning staff.

d. This Rezoning Petition and the Rezoning Plan will supersede and replace all prior rezoning petitions.

Optional Provisions

a. The Petitioner seeks the optional provision to allow a detached sign with 24 square feet of copy area and up to seven feet high.

b. The Petitioner seeks the optional provision to allow five (5) foot sidewalks along the proposed public street as well as a reduction of the proposed planting strips to two (2) feet on the eastern side (adjacent to existing Piedmont Town Center) and five (5) feet along the western side (adjacent to the proposed multi-family building).

c. The Petitioner seeks the optional provision to reduce the setback along the proposed public street to 11 feet.

Permitted Uses

a. The Site may be developed with the following use: up to 350 multi-family dwelling units, and general and medical office uses, retail uses, business service uses, and restaurants, provided that the non-residential uses shall be on the ground floor of the proposed building, along with accessory uses and structures allowed in the MUDD district.

b. If general and medical office uses, retail uses, business service uses and/or restaurants are located on the ground floor of the proposed building these uses must have an individual door to a public street.

c. Setbacks, Side Yards, and Rear Yards:

a. The Petitioner will establish a 30 foot landscape setback along Carnegie Boulevard. Balconies will be allowed to encroach up to five (5) feet into the 30 foot landscape setback. This setback will be measured from the existing or future back of curb whichever is greater. A double row of trees will be planted within this 30 foot landscape setback.

b. An 11 foot setback, as allowed by the optional provisions above, will be established along the proposed public street. This setback will be measured from the back of curb as generally depicted on the Rezoning Plan.

c. A landscape edge will be established along the northerly boundary of the Site abutting existing residential development as generally depicted on the Rezoning Plan. This area will include a "no build" zone measured 100 feet from such property boundary. Within this 100 foot wide "no build" zone, the following treatment will occur as generally depicted on the Rezoning Plan:

- The 75 foot zone immediately adjacent to the exterior boundary line will remain undisturbed and shall, at a minimum adhere to the shrub requirements under the Ordinance for a Class C buffer. However, the Petitioner will be able to remove from the 75 foot buffer dead and dying trees as well as invasive vines and ground cover so as to improve the appearance of the 75 foot buffer. The Petitioner will consult with a Certified Arborist to assist with the identification and removal of dead and dying trees as well as the removal of invasive vines and ground cover. Within the 75 foot buffer area a fence and additional landscaping as described below and as illustrated on the Rezoning Plan will be installed.
- No buildings, parking or maneuvering may occur within the interior 25 feet of the 100 buffer zone. However, this area may be used for grading, utilities, retaining walls, a walking trail and storm water facilities.

d. The Petitioner will erect a black vinyl coated chain link fence no closer than 10 feet from the northerly property line as generally depicted on the Rezoning Plan. When this fence is erected, the Petitioner will also install a minimum of 34 shrubs per 100 linear feet on the exterior side of such fence. These shrubs will meet the planting standards for shrubs planted within a Buffer as defined by the Ordinance.

e. If prior to the installation of the proposed fence any of the adjoining property owners request that the proposed fence not be installed along their property line the Petitioner may elect to eliminate the portion of fence along the property line of the property owner(s) requesting that the fence be eliminated. The proposed additional landscaping may not be eliminated.

f. An additional undisturbed buffer will be provided along the southwestern boundary of the Site as illustrated on the Rezoning Plan. This additional undisturbed buffer area will be treated in the same manner as the 75 foot undisturbed buffer except no Class C buffer shrubs will be required.

Building Heights

a. Building heights will not exceed 100 feet, or nine (9) stories. The allowed building height to be measured and calculated as defined by the Ordinance.

Unified Development

a. The Site shall be viewed as a unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan and as to current and future improvements located within adjacent parcels known as Tax Parcels #177-06C-97 and 177-06C-98. As such, side and rear yards, setbacks, and other similar zoning standards will not be required internally between improvements located on the Site and Tax Parcels #177-06C-97 and 177-06C-98. Furthermore, the Petitioner reserves the right to subdivide the Site and create lots within the interior of the development of the Site without regard to any internal separation standards, provided, however, all such yards and separation standards along the exterior boundary of the Site shall be adhered to.

Parking/Internal Vehicular Circulation

a. Off street parking spaces will be provided at the following ratios for the Site:

- Residential uses: 1.0 spaces per unit.
- Professional business and general and medical office uses: one space per 300 square feet.
- Retail uses (non-restaurant): one space per 600 feet.
- Restaurant uses: one space per 125 square feet.
- Other non-residential uses: one space per 600 square feet.

b. Required parking may be provided on the parcel created for the proposed use or by a regional parking easement allowing parking that serves the uses on such parcel on abutting properties, including without limitation, Tax Parcels #177-06C-96, 97 and Tax Parcel 177-06C-98 to the southeast of the Site.

Proposed Public Street

a. The Petitioner will construct the proposed public street (the "Street") as shown on the Rezoning Plan along eastern boundary of the Site adjacent to Piedmont Town Center. In lieu of the Petitioner constructing the Street the Petitioner may post a bond that would allow the Street to be constructed at a future date. The City will allow the bond to be renewed for two consecutive two year terms and there after on a year to year basis.

b. If a bond is posted in lieu of the construction of the Street the Petitioner will still be responsible for the construction of the intersection of Carnegie Boulevard and the Street, as a roundabout, as illustrated on the Rezoning Plan in the inset labeled interim layout for fire access. The remainder of the right-of-way may be improved as a fire access road with grass pave and a five foot sidewalk adjacent to the proposed building.

c. The Petitioner also reserves the option to work with the City to contribute the funds for the construction of this Street into a City of Charlotte Capital Improvement Project (CIP) for the proposed Street and an extension to Fairview Road. If the funds are contributed into a CIP project the Petitioner will not be responsible for the construction of the road at future date. The Petitioner acknowledges that if the Petitioner contributes funds into a CIP project the Petitioner will not be responsible for the construction of the road at future date. The Petitioner acknowledges that if the Petitioner contributes funds into a CIP project the Petitioner will not be responsible for the construction of the road at future date. The Petitioner acknowledges that if the Petitioner contributes funds into a CIP project the Petitioner will not be responsible for the construction of the road at future date. The amount of the funds to be contributed into CIP will be based on the estimated construction cost of the Street minus the cost of the portion of the roadway improvements required to be constructed to implement the roundabout intersection of the Street with Carnegie Boulevard. The amount to be contributed by the Petitioner into the CIP project for the Street, should the Petitioner choose this option, will not exceed \$190,000.

d. The right-of-way illustrated on the Rezoning Plan for the proposed public street will be dedicated to the City of Charlotte prior to the issuance of the final certificate of occupancy for the proposed building. The Petitioner reserves the right to reconvey the right-of-way for the proposed public street if agreed upon by the City that said right-of-way is no longer needed or required. If the right-of-way is rescinded, withdrawn or abandoned the area withdrawn, rescinded or abandoned may only be used for fire access to the building, or as open space with associated landscaping and landscape improvements.

e. In order to construct the proposed public street, as currently designed, the Petitioner will have to secure off-site right-of-way from the owners of Piedmont Town Center as indicated on the Rezoning Plan. If after reasonable efforts by the Petitioner to secure such right-of-way, the Petitioner has not been successful, the City of Charlotte will use its power of eminent domain to acquire the needed right-of-way. In such event, the Petitioner will reimburse the City for all the costs associated with this right-of-way acquisition.

f. When the roundabout is constructed at the intersection of Carnegie Blvd. and the Street, as illustrated on the Rezoning Plan, the Petitioner reserves the right to improve the center island of the roundabout with landscaping, structures, art work and shall subject to the execution of an encroachment agreement with the City of Charlotte.

Access Points & Circulation

a. Access to the Site will be from Carnegie Boulevard and from the proposed public street as generally depicted on the Rezoning Plan.

b. The alignment of the proposed public street, the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns and parking layout.

Internal Sidewalk

a. Sidewalks that link the building(s) to Carnegie Boulevard shall be provided. Such sidewalks shall be five (5) feet in width except as noted below.

b. The proposed sidewalk along the northern property boundary that links Carnegie Boulevard to the open space area containing the detention/water quality pond will be a minimum of six (6) feet wide.

c. The Petitioner will construct the five (5) foot sidewalk located on the western side of the proposed public street if the street is not constructed prior to the issuance of a final certificate of occupancy, as illustrated in the "Interim Layout for Fire Access" inset.

Stormwater

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance in effect at the time of approval of this Petition.

b. In addition, the Petitioner shall control the difference between the pre and post development storm water runoff discharge leaving the Project Site for the 50-year, 6-hour storm (Project Site means the area indicated on the approved conditions for rezoning petition no. 2004-142).

c. The proposed water quality/storm water detention pond will be a wet pond.

Open Space

a. The Petitioner will provide a walking trail around the detention/water quality pond as illustrated on the Rezoning Plan. This trail will be a minimum of six (6) feet in width.

b. This proposed trail may be illuminated with low path lighting.

c. The proposed retaining walls that will be constructed within the open space area at the rear of the Site will be constructed of either poured in place concrete or modular concrete units or a combination of both.

d. Landscaping will either be placed at the base of the retaining walls or cascading from the top of the walls located between the service drive and the detention/water quality pond and the wall parallel to the 75 foot undisturbed buffer.

Lighting

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

b. Detached lighting on the Site will be limited to 25 feet in height.

c. No "wall pack" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted.

d. Pedestrian scale lighting will be installed on the Site along interior streets and streets that border the Site.

Signage

a. All wall signs placed on the building will be erected in accordance with the requirements of the MUDD district.

b. A detached sign as specified in the Optional Provisions may be constructed.

Screening and Tree Ordinance

a. A double row of trees will be planted within the 30 foot setback along Carnegie Boulevard.

b. All roof mounted mechanical equipment will be screened from view from adjoining public streets and abutting properties as viewed from grade.

c. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the building. If one or more sides of a dumpster area adorn a side or rear wall of a building, then the side or rear wall may be substituted for a side.

d. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

Architectural Controls

a. The units along the portion of the building that abuts the six (6) foot paved sidewalk that connects Carnegie Boulevard to the open space at the rear of the Site will have individual sidewalk connections to the six (6) foot paved sidewalk where the finished grade of the building allows a connection to be made.

b. The building constructed on the Site will use a variety of building materials. The building materials used will be a combination of the following: brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone or precast stone, cementitious siding (such as hard-plank), stucco, EIFS or wood. Vinyl as building material may only be used on windows and/or soffits.

c. The final design of the building will include a variety of colors in the facade panels to help break up the building massing. In addition the building will utilize some or all of the following elements as indicated on the exterior perspectives, turners, decorative gables, decorative vents, cornices, fenestrations, lines, horizontal banding, railings, balconies, Juliet balconies, decks and columns. The height of the building will be varied to avoid a continuous roof line and help soften the building massing. Landscaping will also be used to help soften the building massing.

d. All sides of all buildings will be built using four sided architecture.

e. The height of the parking structure will not exceed the height of the residential portions of the building, except that elevator mechanical rooms and stair towers associated with the parking structure may exceed the height of the residential portions of the building. The portion of the parking structure that faces Carnegie Boulevard will be wrapped with units and/or an enclosed canopy.

f. The attached illustrative building elevation is included to reflect an architectural style and a quality of the building that may be constructed on the Site (the actual building constructed on the Site may vary from this illustration).

g. Meter banks will be hidden from public view.

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 portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

Binding Effect of the Rezoning Application

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided 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.

CRESCENT RESOURCES

Post Office Box 1003
Charlotte, North Carolina 28201-1003

CIRCLE AT SOUTH PARK

Carnegie Boulevard
Charlotte, North Carolina

SITE PLAN FOR ADMINISTRATIVE REVIEW

PETITION #: 2011-009

Project No. 4008

Issued 07/29/11

Revised

SCALE: 1"=40'

0 20 40 80

ADMIN. 1.0

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PETITION #: 2011-009