

DEVELOPMENT DATA:

- TAX PARCEL #S : 039-291-25, 039-291-26 AND A PORTION OF 039-291-24
- ACREAGE : 1.78 ACRES TOTAL
- EXISTING ZONING : B-1 AND R-4
- PROPOSED ZONING : B-1 (CD)
- PROPOSED USE : RETAIL
- MAXIMUM SQUARE FOOTAGE : 16,000 SF

Fire Protection

- Adequate fire protection in the form of a fire hydrant will be provided to the Fire Marshal's specifications. Plans for the building will be submitted to the Fire Marshal's office for approval before the construction of that building commences. Fire apparatus is required to access within 150' of all exterior walls.

Amendments to Rezoning Petition

- Future amendments to the Technical Data Sheet/Illustrative Site Plan and these Development Standards may be applied for by the then Owner or Owners of the Subject Parcel in accordance with the provisions of Chapter 6 of the Ordinance in existence as of the date of the approval of this Rezoning Petition.

Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet/Illustrative Site Plan will, unless amended in the manner provided under the Ordinance, be binding upon the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the terms, "Petitioner" and "Owners" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site who may be involved in any future development thereof.

DEVELOPMENT STANDARDS:

General Provisions

- Unless more stringent standards are established by this Technical Data Sheet/ Illustrative Site Plan or these Development Standards, all requirements established under the Charlotte Zoning Ordinance (the "Ordinance") for the B-1 zoning district classification shall be followed.
- The development depicted on this plan is schematic in nature, not to be considered as specific development plans but rather as a preliminary graphic representation of the type of development and layout proposed for the Site. Accordingly, subject to the final design, the configuration, placement, and size of the building footprints, parking and service areas and driveways are conceptual in nature, and may be altered or modified during design development and construction documents phases within the maximum development area boundaries established hereon.

Permitted Uses

- The site may be developed for all uses as permitted under the Ordinance by right or under prescribed conditions, along with accessory uses, as permitted in a B-1 Zoning District, except that car washes, restaurants with drive-thru windows, gas stations and convenience stores shall not be allowed.

Square Footage Restrictions

- The gross floor area of the building to be constructed within the site may not exceed, in the aggregate, 16,000 square feet. An outdoor courtyard(s), at a minimum size of 400 sq. ft. shall be incorporated into the architectural design of the building. The final location of this outdoor courtyard(s) will be dependent upon the location of a restaurant/food service tenant. The Petitioner may construct one or two courtyards totaling 400 sq. ft. dependent upon tenant needs.

Setbacks, Side Yards and Rear Yards

- The building to be constructed on the site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the B-1 Zoning District.

Buffers

- The Buffer area established on this Technical Data Sheet/ Illustrative Site Plan shall conform to the standards of Section 12.302 and 12.304 of the Ordinance.
- The Petitioner reserves the right, within all portions of the Buffer area, to install walls, fences and utilities. No building, parking spaces, maneuvering areas or storm water detention facilities may be located within the buffer or setback areas.

Woodland Buffer

- Where existing trees and natural vegetation have been cleared within the 17' Class C Buffer in order to accommodate the installation of utilities, the cleared areas will be re-landscaped with new trees and shrubs. The existing wooded areas within the 17' Class C Buffer, or well as the wooded portion of the 30' Setback along Beatties Ford Road, will be preserved as a Woodland Buffer as follows:
 - Plant material, which may be removed, shall be cut flush with the ground. No disturbance of the soil will be allowed.
 - No limb removal, with the exception of dead or diseased limbs.
 - Weeds and vines may be removed.
 - Trees that measure LESS THAN 2" CALIPER at the base that are clearly within the drip line of a tree that is 2" or greater may be removed. Drip line is defined as an imaginary line on the ground that would form the perimeter of the tree's canopy.
 - Dead trees and materials may be removed. Diseased trees may be removed at the discretion of an Urban Forester.
 - Mulch may be applied to the Woodland Buffer. Keep mulch 2-3" away from the bark of the trees.
- The width of any portion of the Buffer area may be reduced by 25% in accordance with the provisions of Section 12.302 (8) of the Ordinance with the installation of a 6 foot minimum fence within the buffer.

Screening

- Screening shall conform with the standards specified in Section 12.303 of the Ordinance.

Design and Performance Standards

- The dumpster area will be enclosed on all four sides by an opaque fence with one side being a hinged opaque gate and will be located behind the new building.
- All mechanical equipment including roof top equipment shall be screened from view from abutting streets and adjoining properties.
- All freestanding lighting fixtures, except street lights erected along public streets, will be uniform in design. The maximum height of any freestanding lighting fixture, including its base, may not exceed 15 feet.
- All parking lot lighting shall be capped and designed such that direct illumination does not extend past any exterior property line.
- No wall post type lighting shall be permitted. However, wall-mounted decorative light fixtures, such as sconces, are permitted.

Storm Water Management

- A permanent storm water management easement will be provided so that the existing off-site detention basin can be utilized to satisfy this requirement.

Vehicle Access/Driveways

- Vehicle access via a 26' wide driveway to Beatties Ford Road shall be as generally depicted on the Technical Data Sheet/ Illustrative Site Plan. The Developer/Petitioner will construct a left turn lane to serve this driveway. This left turn lane will be designed with a minimum 150 feet of storage, a 15:1 bay taper and 45:1 through lane tapers. This left turn movement will be an extension to the existing left turn lane that serves the existing shared driveway. The placement and configuration of this access point are subject to any minor modifications required to accommodate final site plans as well as the final construction plans for the widening of Beatties Ford Road. This driveway is also subject to any adjustments required for approval by the Charlotte Department of Transportation (CDOT) or the North Carolina Department of Transportation (NCDOT). In addition to construction of the concrete median, the Developer will also install 2'-6" curb and gutter followed by an 8' wide planting strip and a 6' wide sidewalk along the frontage of Beatties Ford Road. CDOT will determine the location of the new curb line during the permitting phase of this project.
- The Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easement) prior to the issuance of the final certificate of occupancy, those portions of the Site required to provide right-of-way measuring 60 feet from the centerline of Beatties Ford Road, if such right-of-way does not presently exist.

Pedestrian Access

- In order to provide pedestrian access from the retail center to the sidewalk along Beatties Ford Road, the Developer will provide a 6' wide planting strip followed by a 5' wide sidewalk along the existing shared driveway. An additional 5' wide sidewalk will be provided from the retail center along the 17' Class C Buffer to Beatties Ford Road.

Bicycle Parking

- The developer shall also provide 5' minimum internal sidewalks and crosswalks.
- Bicycle parking spaces (i.e. bike racks) shall be provided on the Site such that the number of bicycle parking spaces provided is at least five percent of the total number of automobile parking spaces required for the entire site. Thus, the number of bicycle parking spaces shall be equal to or greater than 3 (which represents 5% of the total number of parking spaces). The final location of the bike rack will be determined on the final construction plans.

Automobile Parking

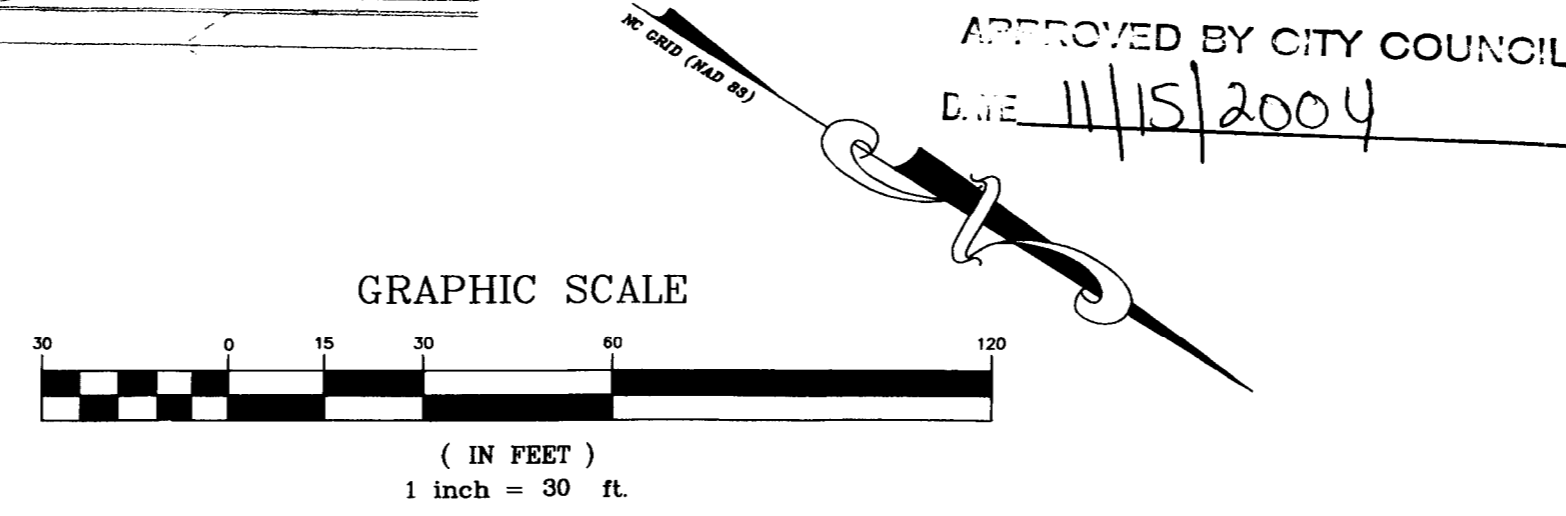
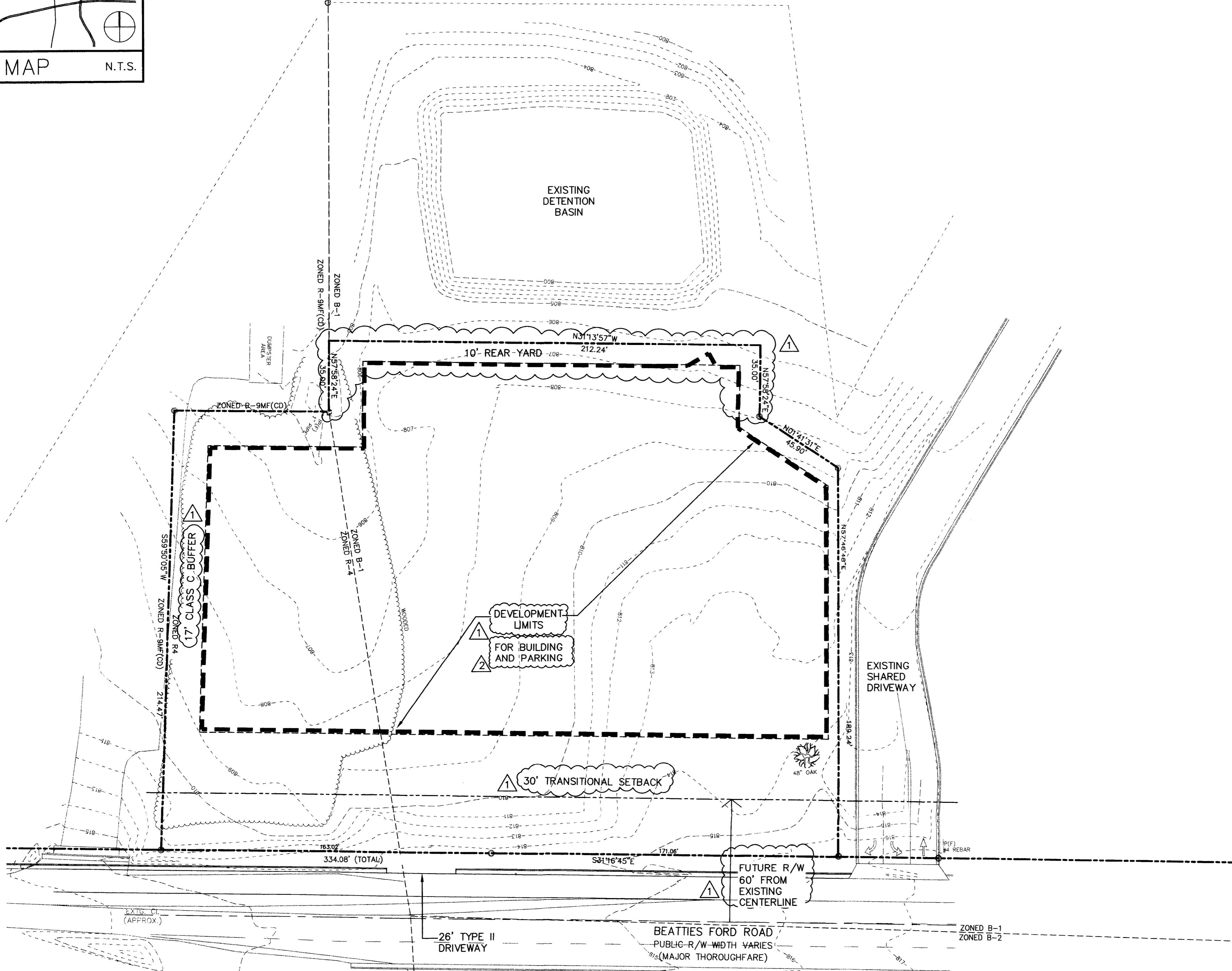
- Off street parking will meet the minimum standards established under the Ordinance.

Signs

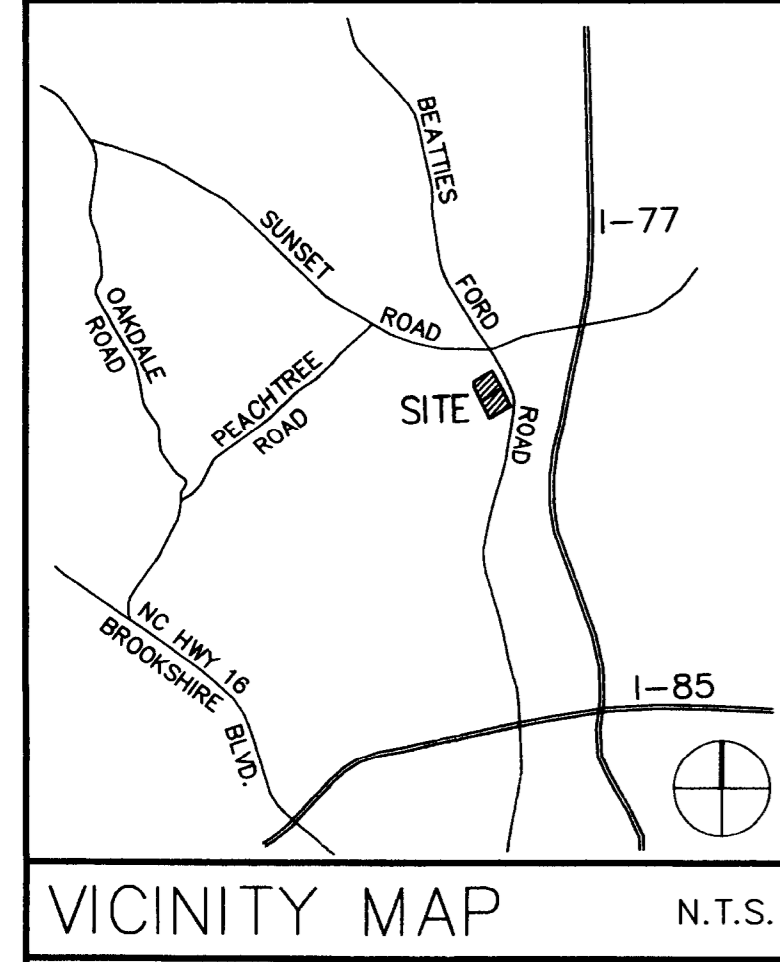
- Signage for the retail center shall be a combination of a freestanding monument sign (a maximum 50 square feet/7 foot maximum height) and individual shop identification signage incorporated into the building's facade. This signage shall be single letters, uniform in color using the tenants individual logo. No "box" signs shall be allowed. These building signs may also be externally illuminated on the building.

Tree Ordinance Compliance

- The existing 48 inch oak located in the 30' setback at the northern property line shall be preserved.
- Proposed planting shown on the Illustrative Site Plan is conceptual only and will be subject to change on actual Site Conditions and Urban Forestry approval. The Urban Forestry Staff will determine the number and type of trees required for this site during Landscape Plan review.



APPROVED BY CITY COUNCIL
DATE: 11/15/2004



DEVELOPMENT DATA:

- TAX PARCEL #S : 039-291-25, 039-291-26 AND A PORTION OF 039-291-24
- ACREAGE : 1.78 ACRES TOTAL
- EXISTING ZONING : B-1 AND R-4
- PROPOSED ZONING : B-1 (CD)
- PROPOSED USE : RETAIL
- MAXIMUM SQUARE FOOTAGE : 16,000 SF

Fire Protection

- Adequate fire protection in the form of a fire hydrant will be provided to the Fire Marshal's specifications. Plans for the building will be submitted to the Fire Marshal's office for approval before the construction of that building commences. Fire apparatus is required to access within 150' of all exterior walls.

Amendments to Rezoning Petition

- Future amendments to the Technical Data Sheet/ Illustrative Site Plan and these Development Standards may be applied for by the then Owner or Owners of the Subject Parcel in accordance with the provisions of Chapter 6 of the Ordinance in existence as of the date of the approval of this Rezoning Petition.

Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet/ Illustrative Site Plan will, unless amended in the manner provided under the Ordinance, be binding upon the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the terms, "Petitioner" and "Owners" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site who may be involved in any future development thereof.

DEVELOPMENT STANDARDS:

General Provisions

- Unless more stringent standards are established by this Technical Data Sheet/ Illustrative Site Plan or these Development Standards, all requirements established under the Charlotte Zoning Ordinance (the "Ordinance") for the B-1 zoning district classification shall be followed.
- The development depicted on this plan is schematic in nature, not to be considered as specific development plans but rather as a preliminary graphic representation of the type of development and layout proposed for the Site. Accordingly, subject to the final design, the configuration, placement, and size of the building footprints, parking and service areas and driveways are conceptual in nature, and may be altered or modified during design development and construction documents phases within the maximum development area boundaries established hereon.

Permitted Uses

- The site may be developed for all uses as permitted under the Ordinance by right or under prescribed conditions, along with accessory uses, as permitted in a B-1 Zoning District, except that car washes, restaurants with drive-thru windows, gas stations and convenience stores shall not be allowed.

Square Footage Restrictions

- The gross floor area of the building to be constructed within the site may not exceed, in the aggregate, 16,000 square feet. An outdoor courtyard(s), at a minimum size of 400 sq. ft. shall be incorporated into the architectural design of the building. The final location of this outdoor courtyard(s) will be dependent upon the location of a restaurant/food service tenant. The Petitioner may construct one or two courtyards totaling 400 sq. ft. dependent upon tenant needs.

Setbacks, Side Yards and Rear Yards

- The building to be constructed on the site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the B-1 Zoning District.

Buffers

- The Buffer area established on this Technical Data Sheet/ Illustrative Site Plan shall conform to the standards of Section 12.302 and 12.304 of the Ordinance.
- The Petitioner reserves the right, within all portions of the Buffer area, to install walls, fences and utilities. No building, parking spaces, maneuvering areas or storm water detention facilities may be located within the buffer or setback areas.

Woodland Buffer

- Where existing trees and natural vegetation have been cleared within the 17' Class C Buffer in order to accommodate the installation of utilities, the cleared areas will be re-landscaped with new trees and shrubs. The existing wooded areas within the 17' Class C Buffer, or well as the wooded portion of the 30' Setback along Beatties Ford Road, will be preserved as a Woodland Buffer as follows:
 - Plant material, which may be removed, shall be cut flush with the ground. No disturbance of the soil will be allowed.
 - No limb removal, with the exception of dead or diseased limbs.
 - Weeds and vines may be removed.
 - Trees that measure LESS THAN 2" CALIPER at the base that are clearly within the drip line of a tree that is 2" or greater may be removed. Drip line is defined as an imaginary line on the ground that would form the perimeter of the tree's canopy.
 - Dead trees and materials may be removed. Diseased trees may be removed at the discretion of an Urban Forester.
 - Mulch may be applied to the Woodland Buffer. Keep mulch 2-3" away from the bark of the trees.
- The width of any portion of the Buffer area may be reduced by 25% in accordance with the provisions of Section 12.302 (8) of the Ordinance with the installation of a 6 foot minimum fence within the buffer.

Screening

- Screening shall conform with the standards specified in Section 12.303 of the Ordinance.

Design and Performance Standards

- The dumpster area will be enclosed on all four sides by an opaque fence with one side being a hinged opaque gate and will be located behind the new building.
- All mechanical equipment including roof top equipment shall be screened from view from abutting streets and adjoining properties.
- All freestanding lighting fixtures, except street lights erected along public streets, will be uniform in design. The maximum height of any freestanding lighting fixture, including its base, may not exceed 15 feet.
- All parking lot lighting shall be capped and designed such that direct illumination does not extend past any exterior property line.
- No wall post type lighting shall be permitted. However, wall-mounted decorative light fixtures, such as sconces, are permitted.

Storm Water Management

- A permanent storm water management easement will be provided so that the existing off-site detention basin can be utilized to satisfy this requirement.

Vehicle Access/Driveways

- Vehicle access via a 26' wide driveway to Beatties Ford Road shall be as generally depicted on the Technical Data Sheet/ Illustrative Site Plan. The Developer/Petitioner will construct a left turn lane to serve this driveway. This left turn lane will be designed with a minimum 150 feet of storage, a 15:1 bay taper and 45:1 through lane tapers. This left turn movement will be an extension to the existing left turn lane that serves the existing shared driveway. The placement and configuration of this access point are subject to any minor modifications required to accommodate final site plans as well as the final construction plans for the widening of Beatties Ford Road. This driveway is also subject to any adjustments required for approval by the Charlotte Department of Transportation (CDOT) or the North Carolina Department of Transportation (NCDOT). In addition to construction of the concrete median, the Developer will also install 2'-6" curb and gutter followed by an 8' wide planting strip and a 6' wide sidewalk along the frontage of Beatties Ford Road. CDOT will determine the location of the new curb line during the permitting phase of this project.
- The Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easement) prior to the issuance of the final certificate of occupancy, those portions of the Site required to provide right-of-way measuring 60 feet from the centerline of Beatties Ford Road, if such right-of-way does not presently exist.

Pedestrian Access

- In order to provide pedestrian access from the retail center to the sidewalk along Beatties Ford Road, the Developer will provide a 6' wide planting strip followed by a 5' wide sidewalk along the existing shared driveway. An additional 5' wide sidewalk will be provided from the retail center along the 17' Class C Buffer to Beatties Ford Road.

Bicycle Parking

- The developer shall also provide 5' minimum internal sidewalks and crosswalks.
- Bicycle parking spaces (i.e. bike racks) shall be provided on the Site such that the number of bicycle parking spaces provided is at least five percent of the total number of automobile parking spaces required for the entire site. Thus, the number of bicycle parking spaces shall be equal to or greater than 3 (which represents 5% of the total number of parking spaces). The final location of the bike rack will be determined on the final construction plans.

Automobile Parking

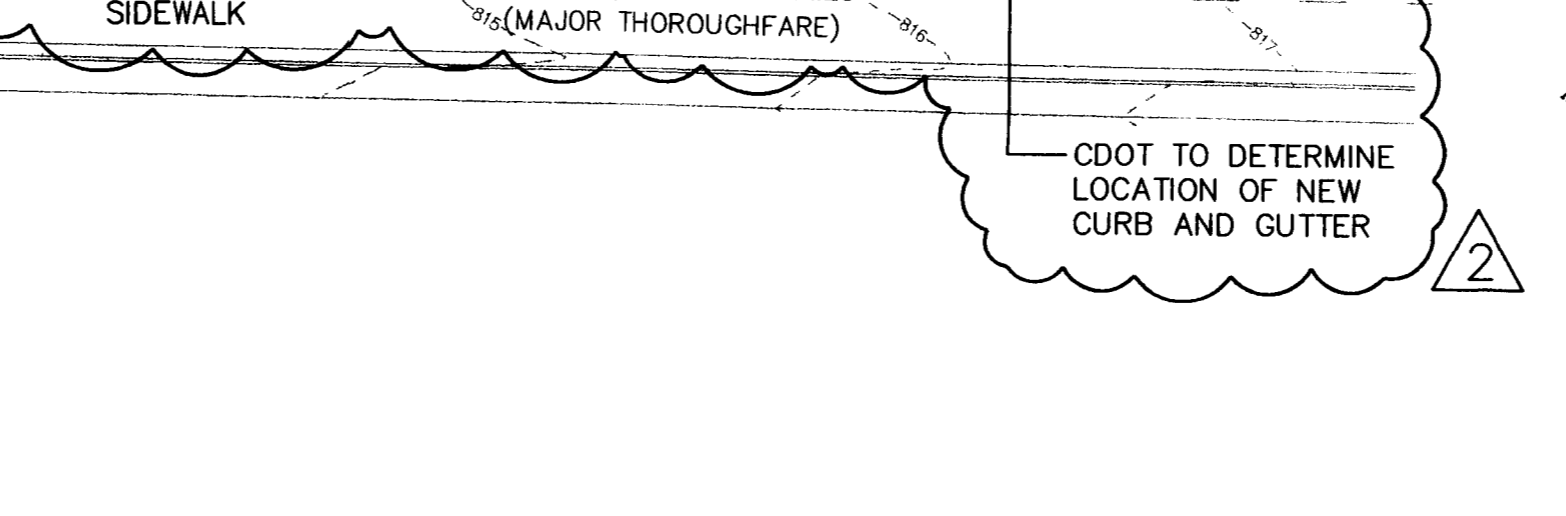
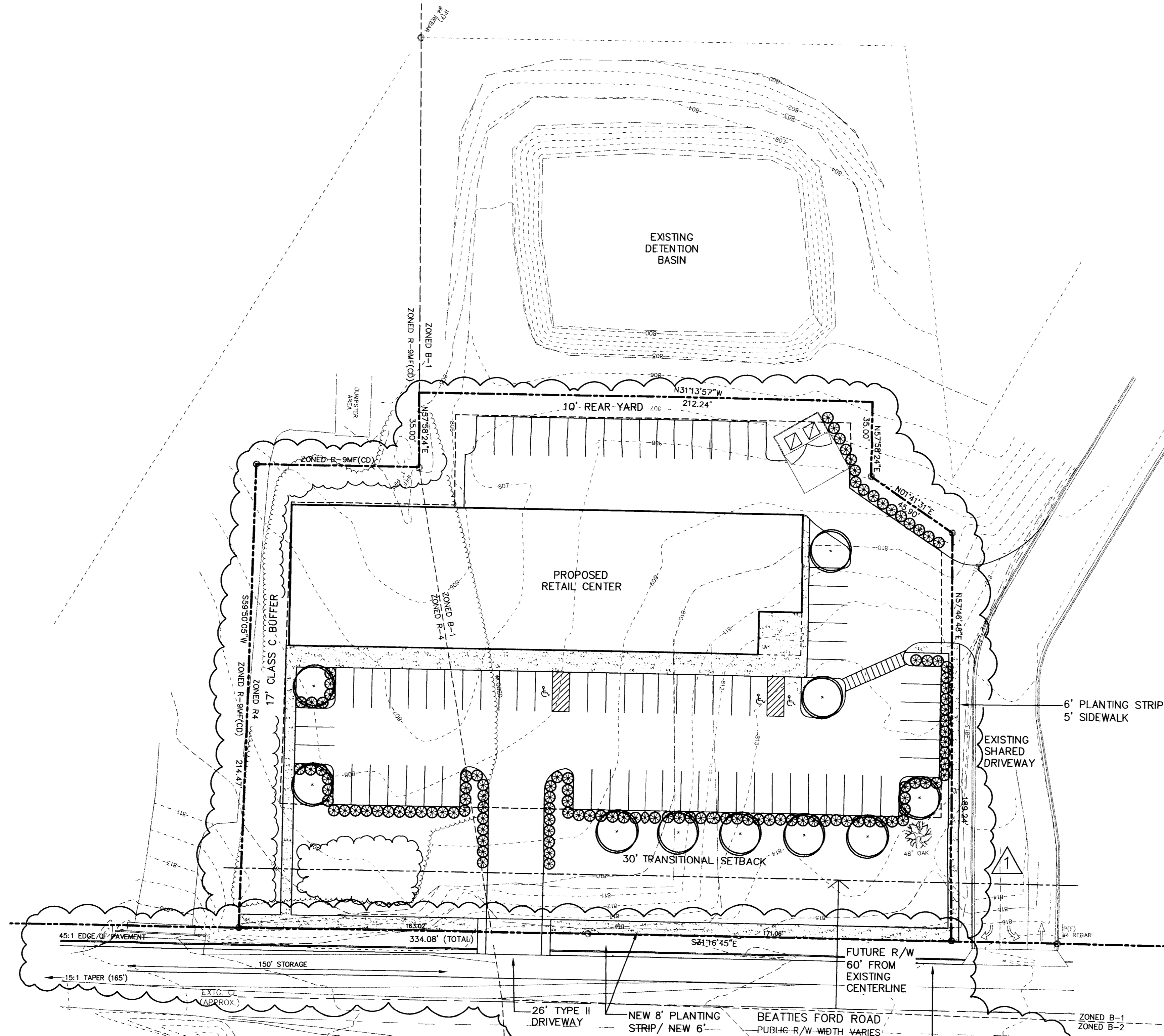
- Off street parking will meet the minimum standards established under the Ordinance.

Signs

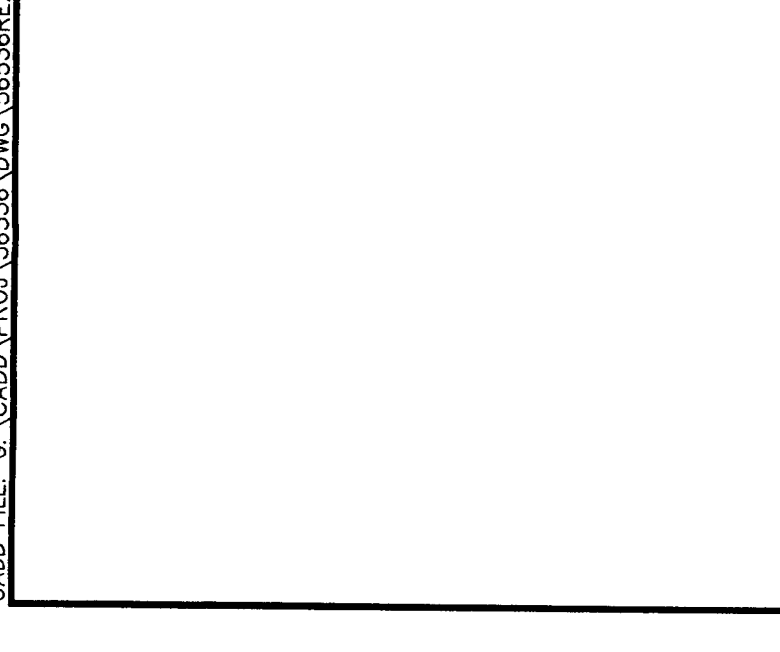
- Signage for the retail center shall be a combination of a freestanding monument sign (a maximum 50 square feet/7 foot maximum height) and individual shop identification signage incorporated into the building's facade. This signage shall be single letters, uniform in color using the tenants individual logo. No "box" signs shall be allowed. These building signs may also be externally illuminated on the building.

Tree Ordinance Compliance

- The existing 48 inch oak located in the 30' setback at the northern property line shall be preserved.
- Proposed planting shown on the Illustrative Site Plan is conceptual only and will be subject to change on actual Site Conditions and Urban Forestry approval. The Urban Forestry Staff will determine the number and type of trees required for this site during Landscape Plan review.



APPROVED BY CITY COUNCIL
DATE: 11/15/2004



GNA DESIGN ASSOCIATES, Inc.
428 East Fourth Street
Suite 408 (704) 373-1907
Charlotte, NC 28202
Landscape Architecture • Civil Engineering

BEATTIES FORD ROAD COMMERCIAL CONDITIONAL REZONING REQUEST
ESPY HOLDINGS, LLC
TECHNICAL DATA SHEET

Project No. **56536**
Checked by TLH
Drawn by PAB
Initial Filing 06.29.04

Revisions:
① 09.17.04 FOR PUBLIC HEARING
② 10.08.04 PER CDOT AND CMP
③ 10.20.04 ENLARGED COURTYARD

Sheet **RZ-1**

GNA DESIGN ASSOCIATES, Inc.
428 East Fourth Street
Suite 408 (704) 373-1907
Charlotte, NC 28202
Landscape Architecture • Civil Engineering

BEATTIES FORD ROAD COMMERCIAL CONDITIONAL REZONING REQUEST
ESPY HOLDINGS, LLC
ILLUSTRATIVE SITE PLAN

Project No. **56536**
Checked by TLH
Drawn by PAB/JMD
Initial Filing 06.29.04

Revisions:
① 09.17.04 FOR PUBLIC HEARING
② 10.08.04 PER CDOT AND CMP
③ 10.20.04 ENLARGED COURTYARD

Sheet **RZ-2**