## **Development Standards**

**GENERAL PROVISIONS** 

Unless more stringent standards are established by the Rezoning Plan or these Development Standards. all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the Neighborhood Services ("NS") zoning district shall be followed in connection with development taking place on this approximately 74.4 acre site located on N.C. Highway 29 (the "Site"), which Site is more particularly depicted on the Rezoning Plan.

The development depicted on the Rezoning Plan is intended to reflect the arrangement of proposed uses on the Site, but the final configuration, placement and size of the individual Site elements may be altered or modified within the limits prescribed by the Ordinance and the standards established by the Rezoning Plan and these Development Standards during design development and construction phases. Street layouts may be modified to accommodate final building locations.

PERMITTED USES/MAXIMUM GROSS BUILDING AREA/MAXIMUM NUMBER OF DWELLING UNITS

That portion of the Site designated as Tract A on the Rezoning Plan may be devoted to any use (including any accessory use) which is permitted under the Ordinance by right or under prescribed conditions in the NS zoning district, provided, however, that the following uses shall not be

permitted on Tract A: Active adult retirement communities Adult care centers

Bed and breakfasts Beneficial fill sites Boarding houses Bus and train terminals Cemeteries

Adult care homes

 Childcare centers in a residence Civic, social service or fratemal facilities Commercial rooming houses

 Construction and demolition land fills Dormitories Dwellings, detached, duplex, triplex or quadraplex

 Dwellings, mixed use, multi-family, planned multi-family residential development and/or attached residential development Elementary and secondary schools

 Equestrian oriented subdivisions Family childcare homes Fences and fence material sales Funeral homes, embalming or crematories

Group homes

 Jails and prisons Land clearing and inert debris landfills Locksmiths and gunsmiths Marinas, commercial

 Nursing homes, rest homes and homes for the aged Orphanages, children's homes and similar nonprofit institutions providing domiciliary care for

2. The buildings located on Tract A may have drive-in service lanes/windows as an accessory use in accordance with the requirements of Section 12.413 of the Ordinance.

3. A maximum of 100,000 square feet of gross floor area may be developed on Tract A. For purposes of the development limitations set forth in this Paragraph 3, the term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building, and any accessory buildings or structures on the site, measured from the outside of the exterior walls or from the center ine of party walls; provided, however, such term shall exclude mezzanine space, any surface parking facilities or related access areas and areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces), and provided, further, that areas devoted to outdoor dining shall not be included in the calculation

The Rezoning Plan depicts one possible development scheme on Tract A. Other potential development schemes mayy be allowed subject to the review and approval of the Charlotte-Mecklenburg Planning Commission Staff through the administrative site plan amendment process (Section 6.207 of the Ordinance) and subject to the provisions and standards

That portion of the Site designated as Tract B on the Rezoning Plan may be devoted to a maximum of 295 multi-family dwelling units together with any accessory uses permitted under the Ordinance in the NS zoning district.

Setbacks, Side yards and Rear Yards

of gross floor area.

contained herein.

All buildings and parking areas constructed on the Site will satisfy or exceed the setback, side yard and rear yard requirements established under the Ordinance for the NS zoning district as more particularly depicted on the Rezoning Plan, provided, however, that all buildings and parking areas shall be setback a minimum of 20 feet from the back of sidewalk along N.C. Highway 29. The development depicted on the Rezoning Plan shall be viewed as a unified development plan. Therefore, interior yards will not be required between buildings located on the Site. The Petitioners reserve the right to subdivide the Site and to create separate lots within the interior of the development with no public street frontage or side and/or rear yards as part of a unified development plan.

**ARCHITECTURAL COMMITMENTS** 

1. The maximum height of any building constructed on Tract A shall be 60 feet.

2. At least 51 percent of each building elevation below the roofline (excluding areas devoted to doors, windows, and trim) shall be composed of brick, stone, pre-cast concrete or similar masonry products, or a combination thereof.

Attached hereto is a schematic architectural rendering of one of the buildings proposed to be located on Tract A, and this schematic architectural rendering is intended to depict the general conceptual architectural style and character of the buildings to be located on Tract A. Accordingly, the buildings to be located on Tract A shall be designed and constructed so that they are substantially similar in appearance to the attached schematic architectural rendering. Changes and alterations which do not materially change the overall conceptual architectural style and

1. The maximum height of any building constructed on Tract B shall be 60 feet.

character are permitted based upon final design/construction drawings.

The portions of the building exteriors located below the roof line (excluding areas devoted to windows, doors, garage doors, architectural accents and signage) shall be composed of a combination of brick, stone and similar masonry products, and hardi-plank/fiber cement board. Notwithstanding the foregoing, vinyl and/or wood may be utilized on the soffits and trim areas of the buildings and on any railings. Except as provided above, vinyl shall not be a permitted exterior building material.

**SCREENING AND LANDSCAPED AREAS** 

NC HIGHWAY 29

WQ #3

Treatment

Drainage Area:

5.5 Acres

Treatment

Drainage Area:

6.4 Acres

WQ - #1

Treatment

Drainage Area: 11.8 Acres

Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance. All landscaping installed on the Site will meet or exceed the requirements of the

2. Screening will be provided between the southernmost retail building located on Tract A and the multi-family buildings located on Tract B as more particularly provided on the Rezoning Plan. 3. All roof mounted mechanical equipment will be screened from view at grade from adjacent public

Any dumpsters visible from a public street or from an adjoining parcel of land will be screened from view by a solid-enclosure with gates. If one or more sides of a dumpster area adjoin a rear wall of a building, the rear wall may be substituted for the fence along each such side.

COMMON OPEN SPACE/TREE SAVE AREAS/ TREE ORDINANCE

SIDEWALKS/STREETSCAPE

**ACCESS POINTS** 

("NCDOT").

**PARKING** 

such parcels are developed.

light fixtures may be installed on building facades.

1. Common open space shall be provided in various locations on the Site as depicted on the

4. Development of the Site shall comply with the City of Charlotte Tree Ordinance.

Except as provided in paragraph 2 below. Petitioners agree to dedicate and convey those areas depicted on the Rezoning Plan as the "Greenway Area" to Mecklenburg County for

multi-family building constructed on the Site. Prior to the conveyance of the Greenway Area

to Mecklenburg County, Petitioners shall have the right to install and locate utility lines

through the Greenway Area and to reserve such easements over the Greenway Area that

are necessary to maintain, repair and replace such utility lines, and to reserve such other

easements as may be reasonably necessary in connection with the development of the Site.

Prior to the conveyance of the Greenway Area to Mecklenburg County, Petitioners shall also

have the right to preserve, restore and/or to create wetlands areas within the Greenway

That approximately 2.054 acre portion of the Site located at the northeastern corner of Tract

Conveyed to Mecklenburg County" shall not be required to be dedicated and conveyed to

for greenway purposes, and the Mecklenburg County Real Estate Services Department

Mecklenburg County for greenway purposes. This area was offered to Mecklenburg County

determined not to recommend the acceptance of this area by the Mecklenburg County Board

of Commissioners.

At least one pedestrian connection from Tract B to the Greenway Area will be provided. The

pedestrian connection from Tract B to the Greenway Area shall be installed within 180 days

after the greenway trail has been constructed within the Greenway Area by the Mecklenburg

County Park and Recreation Department. The precise location of this pedestrian connection

will be determined in conjunction with the Mecklenburg County Park and Recreation

1. A 10 foot planting strip will be provided and measured from either the back of curb or the

frontage on NC Highway 29 as more particularly depicted on the Rezoning Plan.

2. A 6 foot planting strip and a 5 foot sidewalk shall be installed as depicted on the Rezoning

1. The maximum height of any freestanding light fixture installed on the Site (other than street lights on public rights-of-way) including its base, shall not exceed 35 feet. All lighting will be

The use of wal-pak lighting fixtures shall not be permitted on the Site, however, architectural

Access points serving the Site will be as generally depicted on the Rezoning Plan.

Off-street vehicular parking spaces shall be provided at the following rates:

parking spaces to be provided on Tract A.

13 and Section 11.509 of the Ordinance

STORM WATER MANAGEMENT

**WETLANDS/SWIM BUFFERS** 

FIRE PROTECTION

**SUBDIVISION ORDINANCE** 

TRANSPORTATION IMPROVEMENTS

constructed on the Site.

**SOLID WASTE** 

2. The placement and configuration of each vehicular access point are subject to any minor

Transportation ("CDOT") and/or the North Carolina Department of Transportation

(a) a minimum of 3.8 parking spaces per 1,000 square feet of gross floor area shall be provided

(b) a minimum of 1 parking space per multi-family residential unit shall be provided on Tract B.

Although areas devoted to outdoor dining are not included in the calculation of the maximum

amount of gross floor area that may be developed on Tract A, areas devoted to outdoor

dining shall be considered when determining the required number of off street vehicular

Bicycle parking will be provided in accordance with the requirements of the Ordinance.

All signs depicted on the Rezoning Plan shall comply with the requirements of Chapter

The multi-family community to be developed on Tract B will meet all requirements as stated in

Chapters 9 and 12 of the Charlotte City Code regarding solid waste dumpster, compactor and

Storm water runoff from the Site will be managed in accordance with the storm water management

environmental permits obtained prior to their disturbance. For 401 permits contact DEHNR.

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's

Subdivision Ordinance (the "Subdivision Ordinance"), provided, however, that the Petitioners shall

The Petitioners shall design, construct, and install, at their sole cost and expense, an additional right turn lane on Pavilion Boulevard at its intersection with NC Highway 29. This additional right turn lane shall have a width of 11 feet, a length of 150 feet and a bay taper

rate of 12:1. The Petitioners shall also be responsible for any related costs such as costs

modifications to sidewalks as a result of the installation of the additional right turn lane. The

additional right turn lane must be completed and accepted for maintenance by the City of

Fringe Area

relating to signal modifications, pavement marking changes, crosswalks and any

Charlotte prior to the issuance of the first certificate of occupancy for any building

specifications. Plans for each building will be submitted to the Fire Marshal's office for approval

Development of the Site shall comply with the terms and conditions of the City of Charlotte

have the right to pursue a variance or variances from the standards and requirements of the

Subdivision Ordinance in accordance with the procedures set out therein.

1. Any jurisdictional wetlands or streams, if present, need to be protected or proper

For 404 permits contact the Army Corps of Engineers.

SWIM buffers shall be provided as required by the Ordinance.

before the construction of that building commences

modifications required to accommodate final site and architectural construction plans and

designs and to any adjustments required for approval by the City of Charlotte Department of

edge of pavement, and a 6 foot sidewalk shall be installed from that point along the Site's

Plan. Sidewalks lying on the southern edge of Parcels 1 and 2 shall be installed at the time

capped and fully shielded to direct lighting downward and/or away from adjoining properties.

B and designated on the Rezoning Plan as "Area Not Required to be Dedicated and

greenway purposes. Petitioners shall dedicate and convey the Greenway Area to

Mecklenburg County prior to the issuance of a Certificate of Occupancy for the last

The Petitioners shall design, construct, and install, at their sole cost and expense, an exclusive eastbound right turn lane on NC 2. A recreational amenity area shall be provided on Tract B, and it shall contain, at a minimum, Highway 29 at Access No. 3. This right turn lane shall have a minimum of 150 feet of storage, and the Petitioners will construct geometric improvements relating to this right turn lane that comply A minimum of 15 percent of the Site will be devoted to tree save areas. For the purpose of with NCDOT standards and are acceptable to NCDOT and CDOT. calculating the required amount of tree save areas, any portions of the Site to be dedicated The costs of any impacts to the reversible lane system on NC and conveyed to Mecklenburg County for greenway purposes shall be considered in making Highway 29 as a result of the installation of this right turn lane, including modifying gantries or the communication system, shall

> A single exiting right turn lane from the Site onto NC Highway 29 will be provided at Access No. 3.

be borne by the Petitioners.

As provided on the Rezoning Plan, Access No. 2 and Access No.

3 shall be limited to right in -right out movements only.

The traffic calming devices to be installed within the interior portions of the Site as depicted on the Rezoning Plan are subject to the approval of CDOT. In the event that a traffic calming device is not approved by CDOT, the Petitioners will not be required to install such traffic calming device. SECURITY MEASURES

A security video or photographic recording device will be installed, operated and maintained at the entrance into the multi-family residential community that will photograph all vehicles entering the multi-family residential community. Additionally, signage will be placed in a prominent location to advise residents and visitors of the video or photographic recording device. AMENDMENTS TO THE REZONING PLAN

Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the Site 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 Petitioners and the current and subsequent owners of the Site and their respective successors in interest and

Throughout these Development Standards, the terms, "Petitioners" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners or the owner or owners of the Site from time to time who may be involved in any future

TURNBULL • SIGMON DESIGN



Charlotte, NC 28203 Phone: 704.529.6500 Fax: 704.522.0882

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LAND DEVELOPMENT DESIGN SERVICES

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Charter Properties Inc. 1520 South BLVD.

CHARLOTTE, NC 28203

704-377-4172

CAMBRIDGE PROPERTIES INCORPORATED 831 East Morehead Street Suite 245 704/333-2393 Charlotte, North Carolina 28202 Fax: 704/333-2394

For Public Hearing

Pavilion Pointe

Petition # 07-079

CITY OF CHARLOTTE

Rezoning Notes & Cross Sections

PROJECT NUMBER: 06-099 DRAWN BY: DESIGNED BY: BCS ISSUE DATE: 03-26-2007 APPROVAL

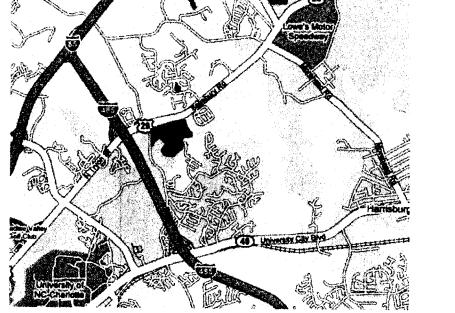
BY: DEBRA D. CAMPBELL

Per Staff Review Revisions Per City Staff Comments NO. DATE: BY: REVISIONS:

Turnbull Sigmon Design 1001 Morehead Square Dr.

Suite 530 Charlotte, NC 28203 Phone: 704.529.6500 Fax: 704.522.0882

## TURNBULL • SIGMON DESIGN



**Vicinity Map** 

Existing

Development

WQ

Community Encroachment Line

1. Fringe area will not require storm water detention or treatment.

Storm Water Management Requirements

2. Treatment drainage area shall be captured in storm drainage system and released into an extended dry detention basin. Basin shall be designed per NCDENR Storm Water Best Management Practices Manual. Basin should treat first 1" of rainfall and control the 1-year, 24-hour storm volume to be released over a period of 2 -5 days.

3. Outlet from extended dry detention basin shall discharge to a level spreader design per North Carolina Erosion and Sediment Control Planning and Design

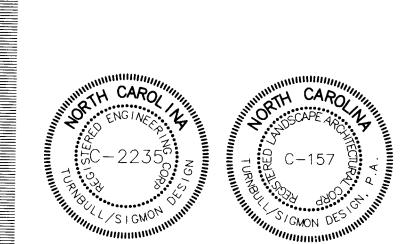
- Future Conditions Flood Fringe Line

Treatment

Drainage Area:

Water Quality Summary

Basin Drainage Area Required Treatment 6.4 acres 50 % TSS Removal 3.5 acres 50 % TSS Removal 5.5 acres 50 % TSS Removal 50 % TSS Removal 11.8 acres



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CHARLOTTE, NC 28203 704-377-4172

CAMBRIDGE PROPERTIES

For Public Hearing

Pavilion Pointe

Petition # 07-079

CITY OF CHARLOTTE

Storm Water Management Plan

PROJECT NUMBER: 06-099 DESIGNED BY: ISSUE DATE: 07-23-07

**ATTACHES TO ADMINISTRATIVE** APPROVAL BY: DEBRA D. CAMPBELL

9-27-2007 JKG Revisions Per Doug Lozner's Comments NO. DATE: BY: REVISIONS: