

CHARLOTTE - MECKLENBURG
PLANNING COMMISSION

INTER - OFFICE COMMUNICATION

DATE: June 08, 2009

TO: Mark Fowler
Zoning Supervisor

FROM: Debra Campbell
Planning Director

SUBJECT: Administrative Approval for Petition No. 2008-027 by Sagrado Builders Corporation

Attached are revised plans for the above petition. The plans have been revised to make minor changes to the conditional notes to allow the possible development of duplex dwelling units. Since these changes are minor and do not alter the intent of the development and meet the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving these plans. Please use these plans when evaluating requests for building permits and certificates of occupancy.

Note all other ordinance requirements and conditional notes still apply.

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 UR-2 zoning district shall be followed in connection with development taking place on the Site. 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 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

The Site may be devoted to a maximum of 27 for sale single family attached townhome dwelling units and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the UR-2 zoning district.

BUFFERS

- A six foot masonry wall will be constructed along the Site's westerly and northerly edges approximately two feet from the respective property lines. Construction of such wall will be commenced once the City of Charlotte has granted approval of the subdivision plan for the Subject Site.
- The Petitioner shall establish a 24 foot open space area along the Site's western boundary line as more particularly depicted on the Rezoning Plan. The landscape elements for a Class C buffer (a minimum of 5 trees and 20 shrubs per 100 linear feet) shall be installed within the 24 foot area. Rain gardens and underground detention may also be placed within this open space area.
- The Petitioner shall establish a 24 foot buffer along the Site's northern boundary line as more particularly depicted on the Rezoning Plan. Trees located within such buffer will be preserved except to the extent necessary to install the wall noted above and to clear undergrowth and dead vegetation from the buffer. At a minimum, however, the buffer will include 5 trees per 100 lineal feet.
- The Petitioner reserves the right to grade and to install a wall and utility lines within the above noted buffer areas located along the Site's western and northern boundary lines.
- Sidewalks will be provided on the Site in accordance with the Ordinance. A continuous safe pedestrian connection will be provided between the sidewalks on the Site and the existing sidewalk to the east along Ballantyne Commons Parkway.
- Any required modifications to the existing pavement markings and curb ramp on the Lowe's driveway will be the responsibility of the petitioner/developer.

FIRE PROTECTION

Adequate fire protection in the form of fire hydrants will be provided to the City of Charlotte Fire Code's specifications. Plans for each townhome building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.

STORM WATER MANAGEMENT

- The Petitioner will tie into the existing public storm water system(s). The Petitioner shall have the receiving public drainage system(s) analyzed to ensure that it will not be taken out of standard due to the proposed development. If it is found that the proposed development will cause the public storm drainage system(s) to be taken out of standard, the Petitioner shall provide alternate methods to prevent this from occurring. If the receiving public drainage system(s) is already out of standard, the Petitioner's proposed development will be designed so as to not place the downstream public system(s) further out of standard.
- For projects with defined watersheds greater than 24 % built upon area, construct water quality best management practices (BMPs) that are designed to achieve 85% Total Suspended Solid removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMPs must be designed and constructed in accordance with the Mecklenburg County BMP Design Manual, July 2007 or N.C. Division of Water Quality Stormwater Best Management Practices Manual, July 2007 (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available). Use of Low Impact Development (LID) techniques is optional.
- The Petitioner shall control the peak to match the predevelopment runoff rates for the 10 year and 25 year, 6 hour storm or perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency.
- The following agencies must be contacted prior to construction regarding wetland and water quality permits:

Section 401 Permit: NCDEHNR 919 733 - 1788
 Section 404 Permit: US Army Corps of Engineers 704-271-4854

EASEMENT

A reciprocal easement will be established allowing for 1) extension of walls or fences located on abutting properties to the North and West onto the Site in order to allow such walls or fences to connect to the wall within the buffer along the Northernly and Westerly edges of the Site by the owners of said abutting properties to the North and West and 2) access by the petitioner/developer onto these abutting properties for the purpose of maintenance of the wall.

BINDING EFFECT OF THE REZONING PETITION

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and this 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.

AMENDMENTS TO REZONING PLAN

Future amendments to this 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 9 of the Ordinance.

- No buildings, parking spaces or maneuvering areas may be located within the buffer areas.
 - No above ground detention facilities or water quality facilities may be located within the 24 foot buffer area outlined in Paragraph 3 above.
- SETBACKS, SIDE YARDS AND REAR YARDS**
- All principal structures constructed on the Site shall satisfy or exceed the setback, side yard and rear yard requirements under the Ordinance for the UR-2 zoning district as depicted on the Rezoning Plan.
 - The Site shall observe a 30 foot setback along Ballantyne Commons Parkway.
- COMMON OPEN SPACE**
- Common open space on the Site shall be maintained by a homeowners association.
- SCREENING AND LANDSCAPE AREAS**
- Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.
- TREE ORDINANCE**
- Development of the Site will comply with the applicable provisions of the City of Charlotte Tree Ordinance as of the date of the approval of this Rezoning Petition.
- PARKING**
- Vehicular and bicycle parking will satisfy the minimum standards established under the Ordinance.
- ARCHITECTURAL AND DESIGN COMMITMENTS**
- Attached hereto are schematic architectural renderings of the front elevation of the single family attached townhome buildings proposed to be constructed on the Site that are intended to depict the general conceptual architectural style, character and elements of these buildings. Accordingly, the front elevation of any single family attached townhome building constructed on the Site must be substantially similar in appearance to the relevant attached schematic architectural renderings in terms of their architectural style, character and elements. Changes and alterations which do not materially change

- The maximum height of the single family attached townhome buildings proposed to be constructed on the Site shall be 40 feet. Units shall include no more than two habitable floors plus attic space under a dormer on the front elevations.
 - The permitted exterior building materials for the single family attached townhome buildings to be constructed on the Site shall be a combination of brick, stone and similar masonry products, stucco, wood and wood products, shake and hard-plank and fiber cement board. Notwithstanding the foregoing, vinyl may be utilized on the soffits of the single family attached townhome buildings. Except as provided above, vinyl shall not be a permitted exterior building material.
 - At least 25% of the front elevation (excluding doors, windows, rooftops and trim areas) of each single family attached townhome building constructed on the Site shall have brick, stone or a combination of brick and stone.
 - The side elevation of each townhome dwelling unit located on an end of a single family attached townhome building to be constructed on the Site shall be substantially similar to the front elevation of such townhome dwelling unit in terms of the exterior building materials.
 - No more than three (3) consecutive individual townhome units located in the same building may have the same front building elevation in terms of primary exterior building materials.
 - Flat panel garage doors may not be utilized on the garages.
 - Vinyl fences shall be permitted on the Site.
 - Trash collection will be provided through roll out containers rather than through dumpsters.
- LIGHTING**
- Decorative, pedestrian scale, freestanding lighting fixtures will be installed throughout the Site. The decorative, pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by the Petitioner.
 - The maximum height of the decorative, pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 15 feet.

SIGNS

All signs placed on the Site will be erected in accordance with the requirements of the Ordinance.

ACCESS POINTS /SIDEWALKS/RIGHT OF WAY DEDICATION

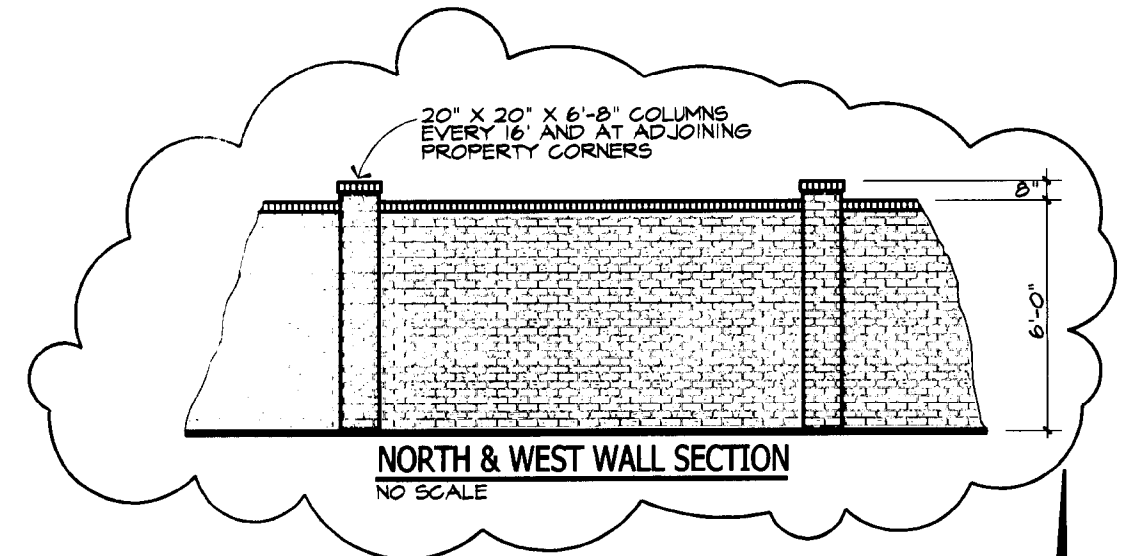
- Vehicular access to the Site is limited to that depicted on the Rezoning Plan.
- The placement and configuration of the access point is subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- Prior to the issuance of a building permit for any building to be constructed on the Site, the Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) those portions of the Site immediately adjacent to Ballantyne Commons Parkway as required to provide right of way measuring 30 feet from the existing centerline of Ballantyne Commons Parkway if such right of way does not currently exist.
- The Petitioner will install a left turn lane on Ballantyne Commons Parkway into the driveway into the Site in accordance with NCDOT minimum standards with a minimum of 150 feet of storage.
- The Petitioner will construct new curb along the Site's immediate frontage along the northerly side of Ballantyne Commons Parkway. The new curb will be located 36 feet from centerline to face of curb.
- The Petitioner will provide an 8-foot planting strip and a 6-foot sidewalk along the Site's immediate frontage on the northerly side of Ballantyne Commons Parkway as measured from the back of the new curb.
- The Petitioner will provide a 5 foot sidewalk along one side of the access driveway located to the east of the Site.
- The gate located on the driveway into the Site on Ballantyne Commons Parkway will be located a minimum of 50 feet from the current right-of-way line.

SITE ACREAGE: GROSS 6.05 ACRES NET 5.36 ACRES O' R.O.W.
 TAX PARCELS: 225.112.01, 225.112.26 & 225.112.08
 EXISTING ZONING: R-3
 PROPOSED ZONING: UR-2 (GD)
 PROPOSED USE: TOWNHOMES FOR SALE
 PROPOSED NUMBER OF TOWNHOMES FOR SALE: 27

LIGHTWAY PROPERTIES, LLC

5516 BALLANTYNE COMMONS PKWY
 Charlotte, NC 28277
 704.340.0502

COPYRIGHT LAW
 DESIGNER HEREBY EXPRESSLY RESERVES HIS COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, COPIED OR CURED IN ANY FORM OR MANNER, WHICHEVER METHOD FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF SAGRADO DESIGN. NOT ARE THEY TO BE ASSIGNED TO ANY PARTY WITHOUT FIRST OBTAINING

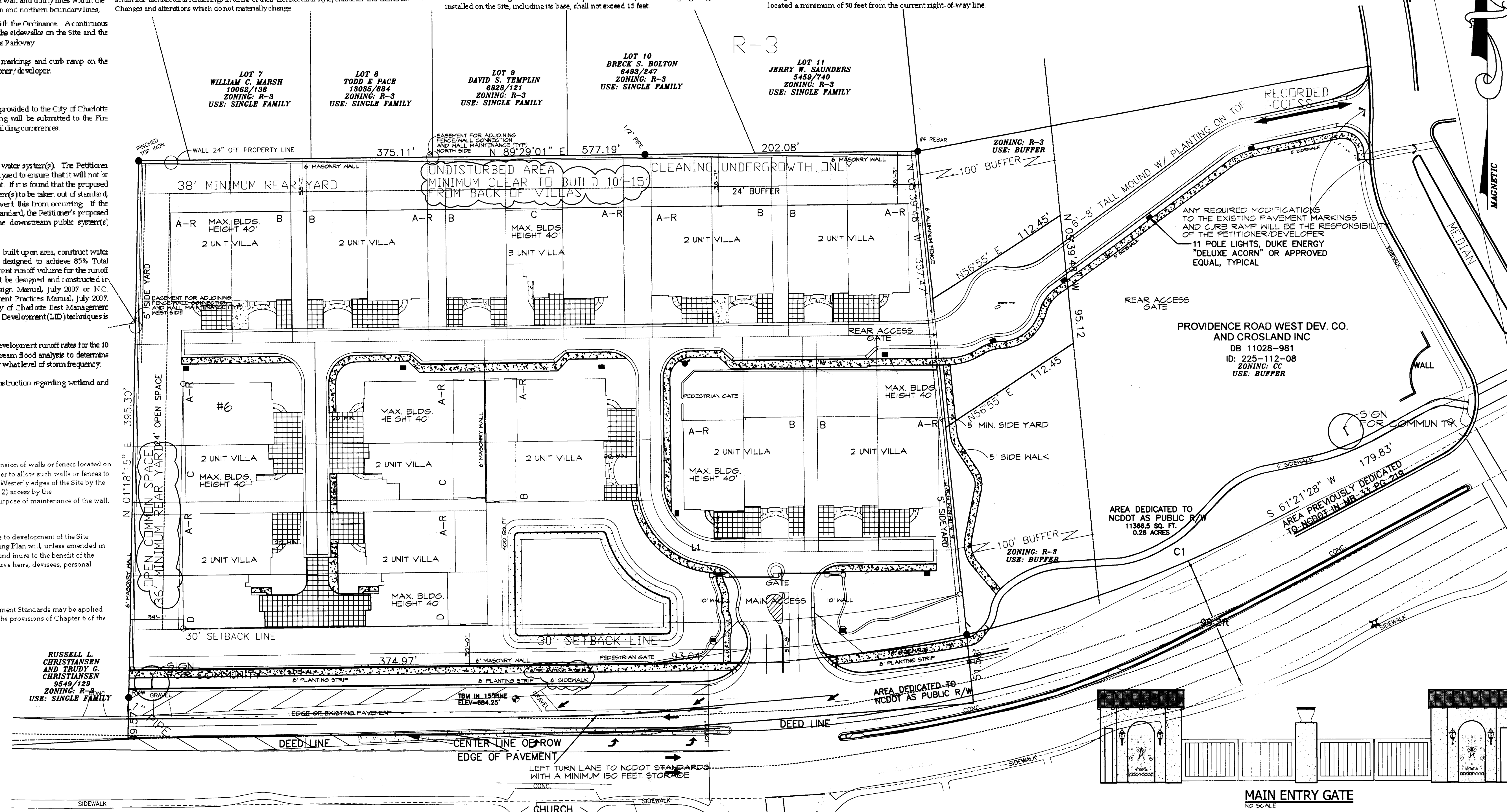


ATTACHED TO ADMINISTRATIVE APPROVAL

DATED: June 04 2009
 BY: DEBRA D. CAMPBELL



SITE PLAN
 SCALE: 1" = 40'



THE VILLAGES AT ALEXANDER PLACE
 NOVEMBER 2, 2007
 REVISED DECEMBER 5, 2007
 REVISED JANUARY 15, 2008
 REVISED FEBRUARY 13, 2008
 REVISED FEBRUARY 19, 2008
 REVISED MAY 14, 2009

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BALLANTYNE COMMONS PARKWAY
 (S.R. #4979 PUBLIC R/W VARIES)
 (MAJOR ARTERIAL)

FOR PUBLIC HEARING
 PETITION NO.: 2008-027



4050 BLOSSOM HIL DRIVE
WEDDINGTON, NC 28104
704.845.1077

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PRELIMINARY PLANS
NOT FOR CONSTRUCTION



FRONT VIEW
UNIT D

FRONT VIEW
UNIT C



FRONT VIEW
UNIT A

FRONT VIEW
UNIT B

ATTACHED TO ADMINISTRATIVE
APPROVAL
DATED: 2009 June 08 bnf
BY: DEBRA D. CAMPBELL

THE VILLAS AT
ALEXANDER PLACE
APRIL 25, 2009

FRONT
ELEVATIONS
SCALE: 1/4" = 1'-0"