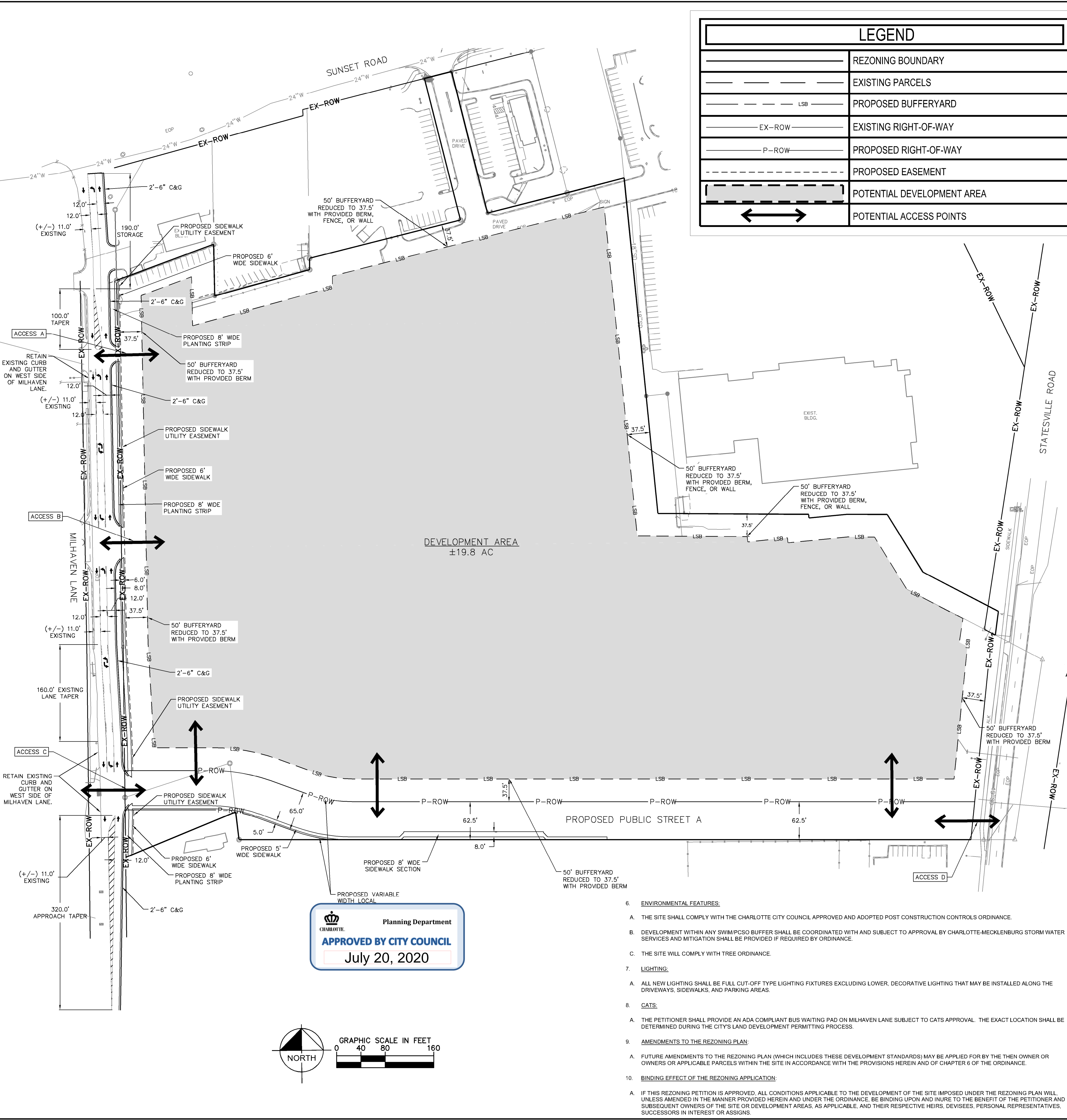


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LEGEND	
	REZONING BOUNDARY
	EXISTING PARCELS
	PROPOSED BUFFERYARD
	EXISTING RIGHT-OF-WAY
	PROPOSED RIGHT-OF-WAY
	PROPOSED EASEMENT
	POTENTIAL DEVELOPMENT AREA
	POTENTIAL ACCESS POINTS

**SITE DEVELOPMENT DATA:**

- ACREAGE ± 26.34 ACRES
- TAX PARCEL #S: 041-24-203, 041-24-204, 041-24-206, 041-24-201 041-24-207, A PORTION OF 041-24-202 AND A PORTION OF 041-24-209
- EXISTING ZONING: CC-R-4
- PROPOSED ZONING: I-1(CD)
- EXISTING USES: VACANT
- PERMITTED USES: WAREHOUSING, WAREHOUSE DISTRIBUTION, MANUFACTURING, OFFICE, AND ALL OTHER INDUSTRIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, ALL AS ALLOWED IN THE I-1 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED IN THE DEVELOPMENT STANDARDS BELOW)
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 450,000 SQUARE FEET OF GROSS FLOOR AREA
- MAXIMUM BUILDING HEIGHT: HEIGHT AS PERMITTED BY ORDINANCE AND WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
- PARKING: AS REQUIRED BY THE ORDINANCE FOR THE PERMITTED USES.

**1. GENERAL PROVISIONS:**

A. SITE LOCATION - THESE DEVELOPMENT STANDARDS, SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON SHEET RZ-1 AND ANY OTHER SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY SUNCAP PROPERTY GROUP ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF THE REQUESTED PERMITTED USES ON THE APPROXIMATELY 26.34 ACRE SITE LOCATED SOUTH OF SUNSET ROAD AND BETWEEN MILHAVEN LANE AND STATESVILLE ROAD/HIGHWAY 115 (THE "SITE").

B. ZONING DISTRICTS/ORDINANCE - 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 I-1 ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

C. GRAPHICS AND ALTERATIONS - ANY SCHEMATIC DEPICTIONS OF THE BUILDING ENVELOPES, PARKING AREAS, SIDEWALKS, DRIVEWAYS, STREETS, OPEN SPACE, BUFFERS 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. ANY LAYOUTS, 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; SUCH AS MINOR MODIFICATIONS TO THE CONFIGURATIONS OF ANY BUILDING ENVELOPE, DRIVEWAYS AND PARKING AREA DIMENSIONS AND THE LIKE AS LONG AS THE MODIFICATIONS MAINTAIN THE GENERAL BUILDING/PARKING ORIENTATION AND CHARACTER OF THE DEVELOPMENT GENERALLY DEPICTED ON THE REZONING PLAN.

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. PLANNED/UNIFIED DEVELOPMENT - THE SITE SHALL BE VIEWED IN THE AGGREGATE AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN. AS SUCH, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS LOCATED ON THE SITE. THE PETITIONER AND/OR OWNER(S) OF THE SITE RESERVE THE RIGHT TO SUBDIVIDE THE PORTIONS OR ALL OF THE SITE AND CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, AND PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS, PROVIDED, HOWEVER, ALL SUCH SEPARATION STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE SHALL BE ADHERED TO AND ALL SQUARE FOOTAGE MAXIMUM REQUIREMENTS WILL BE REGULATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH IN SECTION 2 BELOW AS TO THE SITE TAKEN AS A WHOLE AND NOT INDIVIDUAL PORTIONS OR LOTS LOCATED THEREIN.

E. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY - NOTWITHSTANDING THE NUMBER OF BUILDING(S) SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO FOUR (4). 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). IN THE EVENT MORE THAN ONE PRINCIPAL BUILDING IS DEVELOPED ON THE SITE, THE SITE SHALL ADHERE TO THE SUBDIVISION ORDINANCE.

**2. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:**

A. THE SITE MAY BE DEVELOPED WITH UP TO 450,000 SQUARE FEET GROSS FLOOR AREA OF WAREHOUSING, WAREHOUSE DISTRIBUTION, MANUFACTURING, OFFICE, AND ALL OTHER INDUSTRIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE I-1 ZONING DISTRICT SUBJECT TO 2.B. BELOW.

B. IN NO EVENT SHALL THE FOLLOWING USES BE PERMITTED AS A PRINCIPAL USE:

- OUTDOOR STORAGE.
- EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS.
- RETAIL ESTABLISHMENTS, SHOPPING CENTERS, AND PERSONAL SERVICES (EXCLUDING SHOWROOMS).
- AUCTION SALES.
- AUTOMOBILE, TRUCK AND UTILITY TRAILER RENTAL.
- AUTOMOTIVE REPAIR GARAGES, SALES AND REPAIR, AND/OR SERVICE STATIONS.
- MANUFACTURED HOUSING SALES OR REPAIR.
- PETROLEUM STORAGE FACILITIES.
- RECYCLING OR DROP OFF CENTERS.
- BILLBOARDS.
- PRISONS.
- JUNKYARDS.

FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS A LIMITATION ON FLOOR AREA REQUIREMENTS), THE FOLLOWING ITEMS WILL NOT BE COUNTED AS PART OF THE ALL OWED GROSS FLOOR AREA (FLOOR AREA AS DEFINED BY THE ORDINANCE) FOR THE SITE: STRUCTURED PARKING FACILITIES AND ALL LOADING DOCK AREAS (OPEN OR ENCLOSED).

**3. TRANSPORTATION IMPROVEMENTS AND ACCESS:**

A. THE PETITIONER WILL PROVIDE ACCESS TO THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN AND SUBJECT TO THE PROVISIONS BELOW, PROVIDED THAT THE EXACT ALIGNMENT, DIMENSIONS AND LOCATION OF THE ACCESS POINT TO THE SITE AND THE DRIVEWAY ON THE SITE MAY BE MODIFIED FROM THE ELEMENTS SHOWN ON THE REZONING PLAN AS LONG AS THE OVERALL DESIGN INTENT IS NOT MATERIALLY ALTERED AND REQUIREMENTS DESCRIBED IN THIS SECTION 3 ARE MET.

B. AN EIGHT (8) FOOT PLANTING STRIP AND SIX (6) FOOT SIDEWALK SHALL BE PROVIDED ALONG THE SITE'S FRONTAGE ON MILHAVEN LANE.

C. AN EIGHT (8) FOOT PLANTING STRIP AND FIVE (5) FOOT SIDEWALK SHALL BE PROVIDED ALONG THE NORTH SIDE OF PUBLIC STREET A AS GENERALLY DEPICTED ON THE REZONING PLAN. A LIMITED PORTION OF A MINIMUM FIVE (5) FOOT SIDEWALK SHALL BE PROVIDED ON THE SOUTH SIDE OF PUBLIC STREET A AS GENERALLY DEPICTED.

D. THE PETITIONER SHALL INSTALL LEFT TURN LANES ON MILHAVEN LANE INTO THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

E. THE IMPROVEMENTS IN THIS SECTION 3 SHALL BE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE FIRST UPFIT WITHIN A BUILDING SHELL ON THE SITE.

F. THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS DESCRIBED IN SECTION 3 WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AS APPLICABLE. REFERENCE TO "SUBSTANTIAL COMPLETION" OR "SUBSTANTIALLY COMPLETED" FOR IMPROVEMENTS AS SET FORTH IN THE PROVISIONS ABOVE SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE ABOVE STANDARDS PROVIDED, HOWEVER, IN THE EVENT ALL SUCH ROADWAY IMPROVEMENTS ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEeks TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE OR IN CONNECTION WITH ANY DEVELOPMENT PHASING, THEN THE PETITIONER WILL WORK WITH CITY STAFF TO DETERMINE A PROCESS TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDING(S), 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.

G. CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS IN THIS SECTION 3 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.

H. THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY AT THE BACK OF THE PROPOSED SIDEWALK MILHAVEN LANE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PETITIONER SHALL PROVIDE A PERMANENT SIDEWALK EASEMENT TO BE LOCATED A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK ALONG MILHAVEN LANE WHERE FEASIBLE. THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

I. THE PETITIONER SHALL PROVIDE DEDICATION AND FEE SIMPLE CONVEYANCE OF NEW RIGHT-OF-WAY ALONG THE PROPOSED PUBLIC STREET AS GENERALLY DEPICTED ON THE REZONING SITE PLAN. THE RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

J. IN THE EVENT THE SITE IS DEVELOPED AS A SINGLE BUILDING SITE, THE PETITIONER SHALL STILL CONSTRUCT PUBLIC STREET A.

K. TRUCK TRAFFIC SHALL BE ENCOURAGED TO USE SITE ACCESS B ON MILHAVEN LANE AS GENERALLY DEPICTED ON THE REZONING PLAN.

**4. SETBACKS, BUFFERS AND SCREENING:**

A. A TWENTY (20) FOOT SETBACK SHALL BE PROVIDED AS DEFINED BY ORDINANCE FROM PUBLIC STREETS.

B. A THIRTY-SEVEN AND A HALF (37.5) FOOT REDUCED BUFFER SHALL BE PROVIDED AROUND THE PERIPHERY OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

**5. ARCHITECTURAL STANDARDS AND SITE DESIGN GUIDELINES:**

A. BUILDING MATERIALS - THE PRINCIPAL BUILDING(S) CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS WILL BE A COMBINATION OF ANY OF THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, PRE-CAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTITIOUS SIDING (SUCH AS HARDI-PANEL), METAL PANELS (ON NORTH AND WEST ELEVATIONS ONLY), EIFS, CAST ON SITE CONCRETE PANEL OR WOOD. VINYL AS A BUILDING MATERIAL WILL NOT BE ALLOWED EXCEPT ON WINDOWS AND SOFFITS.

B. MECHANICAL EQUIPMENT SCREENING - HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AND FROM VIEW OF ADJACENT PROPERTIES AND PROPOSED PUBLIC STREETS AT GRADE.

C. PEDESTRIAN ENTRANCES - THERE SHALL BE A MINIMUM OF ONE PROMINENT STREET FACING ENTRANCE TO EACH PUBLIC STREET. CORNER ENTRANCES SHALL MEET THIS REQUIREMENT FOR BOTH STREETS. ALL PEDESTRIAN ENTRANCES, EXCLUDING EMERGENCY EXITS, WILL BE ARCHITECTURALLY DEFINED WITH GLAZING, AWNINGS, CANOPIES AND/OR OTHER ARCHITECTURAL ELEMENT, AND HAVE A CONNECTION TO ADJACENT PUBLIC STREETS.

D. BUILDING ORIENTATION - IN THE EVENT THE SITE IS DEVELOPED AS A MULTIPLE BUILDING SITE, THE PRIMARY BUILDING AREAS SHALL BE LOCATED INTERIOR TO THE SITE SUCH THAT LOADING IS PRINCIPALLY LOCATED BETWEEN BUILDINGS. LOADING AND TRUCK COURTS SHALL NOT BE ORIENTED TOWARD PUBLIC STREET A. IN THE EVENT LOADING AREAS ARE ORIENTED TOWARD MILHAVEN LANE AND/OR STATESVILLE ROAD FOR A SINGLE-BUILDING SITE, A REDUCED BUFFER WITH A BERM AND LANDSCAPING SHALL BE PROVIDED ALONG THE APPLICABLE STREET FRONTAGE.

**6. ENVIRONMENTAL FEATURES:**

A. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

B. DEVELOPMENT WITHIN ANY SWMPCS BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATION SHALL BE PROVIDED IF REQUIRED BY ORDINANCE.

C. THE SITE WILL COMPLY WITH TREE ORDINANCE.

**7. LIGHTING:**

A. ALL NEW LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.

**8. CATS:**

A. THE PETITIONER SHALL PROVIDE AN ADA COMPLIANT BUS WAITING PAD ON MILHAVEN LANE SUBJECT TO CATS APPROVAL. THE EXACT LOCATION SHALL BE DETERMINED DURING THE CITY'S LAND DEVELOPMENT PERMITTING PROCESS.

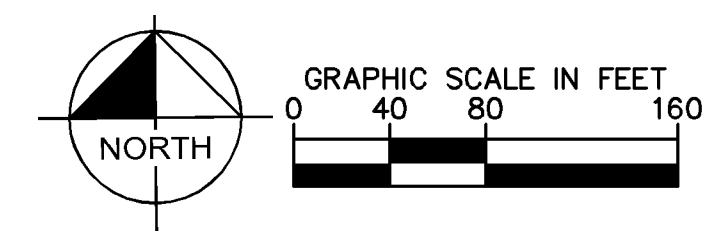
**9. AMENDMENTS TO THE REZONING PLAN:**

A. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OR APPLICABLE PARCELS WITHIN THE SITE 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 SUCCESSOR OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.

**Planning Department**  
**APPROVED BY CITY COUNCIL**  
**July 20, 2020**



**Kimley»Horn**

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KHA PROJECT D15634007	DATE 06/18/2020	SCALE AS SHOWN	DESIGNED BY DRAWN BY CHECKED BY
<b>SUNSET ROAD TRACT</b>			<b>REZONING PLAN</b>
<b>PREPARED FOR</b>			<b>NC</b>
<b>SUNCAP PROPERTY GROUP</b>			<b>CHARLOTTE</b>
<b>SHEET NUMBER</b>			<b>REVISIONS</b>
<b>RZ-1</b>			DATE 5/26/2020