



**Charlotte-Mecklenburg Planning, Design, & Development**

**DATE:** November 6, 2021

**TO:** Sonja Sanders  
Zoning Supervisor

**FROM:** Taiwo Jaiyeoba  
Planning Director

**SUBJECT:** Administrative Approval for Petition No. 2020-111 MR3 Development, LLC

Attached is the revised site plan for the petition above. This request allows the modification of the proposed site plan as listed below. Since these changes do 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.

- To allow modification to the site plan for the proposed building and site layout.

Staff supports of the request because:

- The site plan complies with the conditional notes and still meets the intent of the original approval by the City Council.

**Note: All other Zoning, Subdivision, Tree, PCSO Ordinances, conditional requirements and building codes still apply.**

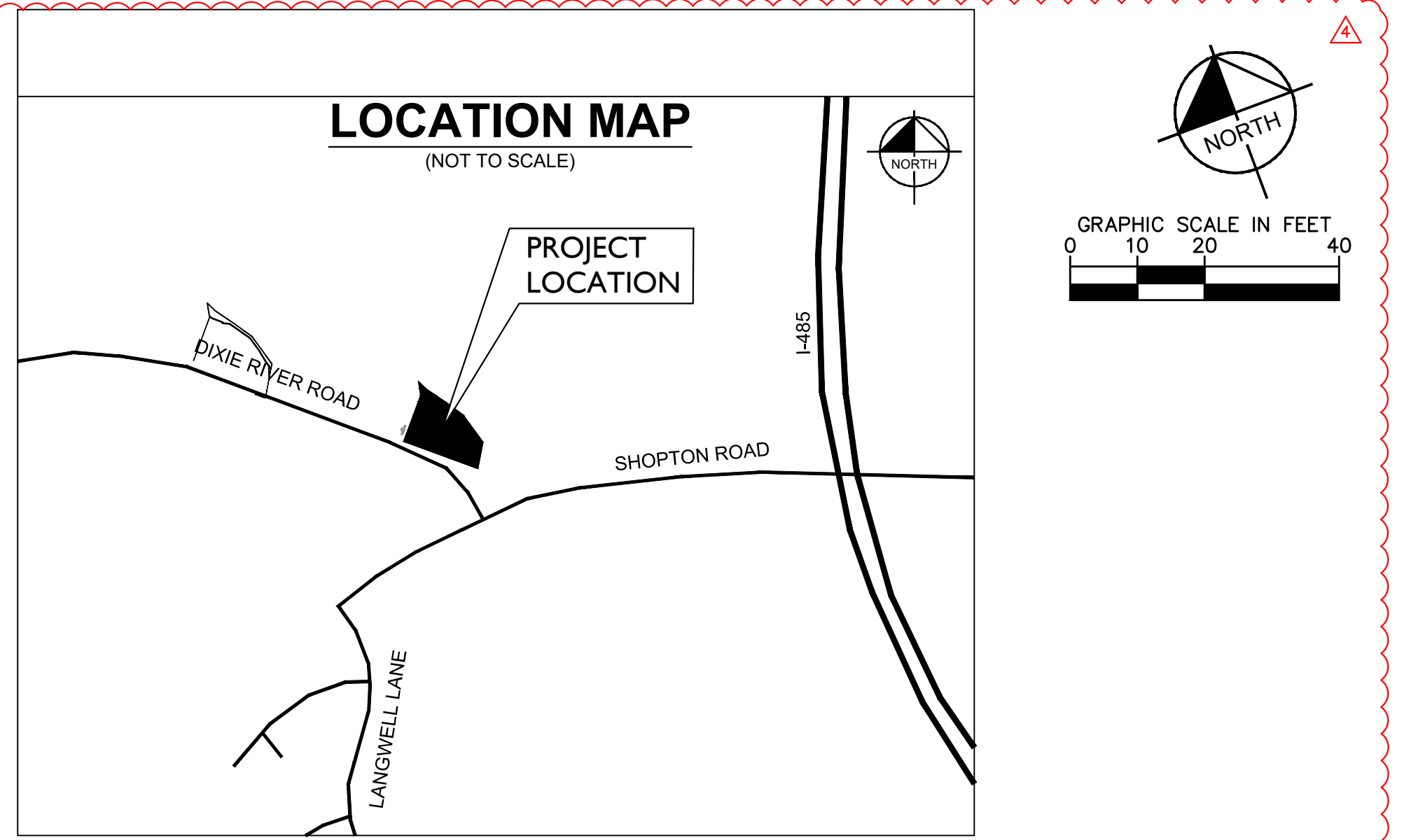
**Signage was not reviewed as part of this request.**

RZP-2020-111

TREE SAVE/MITIGATION REQUIREMENTS  
TOTAL SITE = 1.61 ACRES  
REQUIRED TREE SAVE = 0.2415 ACRES (10,520 SF)  
PROVIDED TREE SAVE = 8,200 SF  
REQUIRED TREE MITIGATION = 2320 SF \* 1.5 = 3,480 SF  
PROVIDED TREE MITIGATION = 3,750 SF

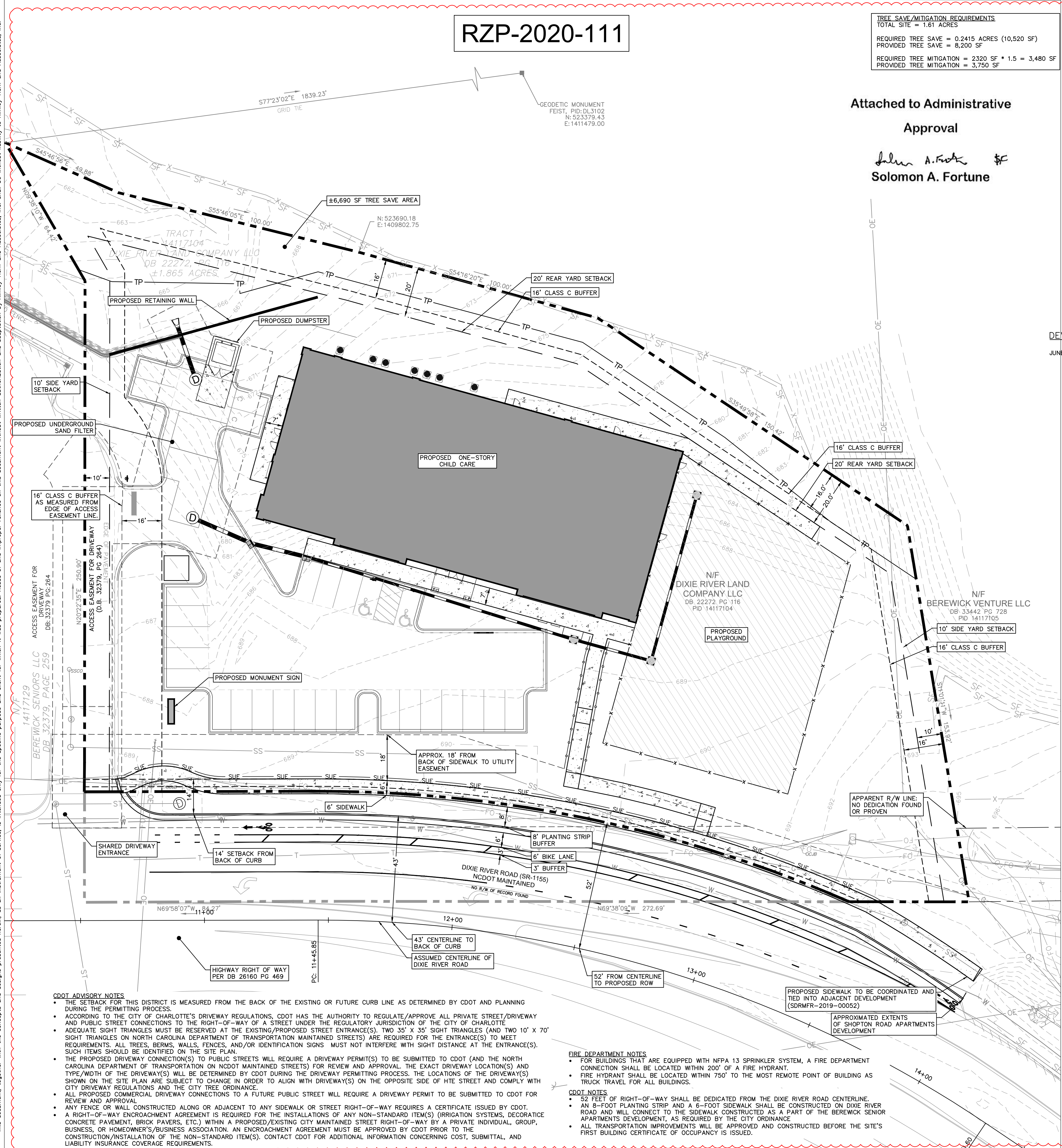
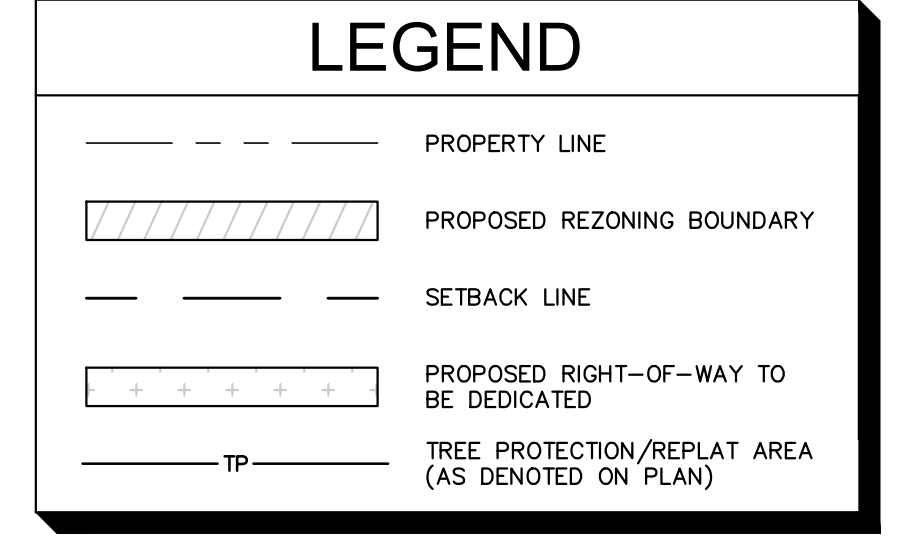
Attached to Administrative  
Approval

*Solomon A. Fortune* \$  
Solomon A. Fortune



DEVELOPMENT STANDARDS

- JUNE 22, 2020
- DEVELOPMENT DATA TABLE
    - SITE ACREAGE: 1.61
    - TAX PARCELS INCLUDED IN REZONING: 141-17-104
    - EXISTING ZONING: R-17M(CD) LLWPA (LOWER LAKE WYLIE PROTECTED AREA)
    - PROPOSED ZONING: NS (NEIGHBORHOOD SERVICES) LLWPA (LOWER LAKE WYLIE PROTECTED AREA)
    - FLOOR AREA RATIO: PER ORDINANCE
    - MAXIMUM BUILDING HEIGHT: PER ORDINANCE
    - MAXIMUM NUMBER OF BUILDINGS: 1
    - NUMBER AND/OR RATIO OF PARKING SPACES: PER ORDINANCE
    - AMOUNT OF OPEN SPACE: PER ORDINANCE
  - GENERAL PROVISIONS
    - THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN (COMPRISED OF THE ZONING SITE PLAN AND THESE DEVELOPMENT STANDARDS) ASSOCIATED WITH THE REZONING PETITION FILED BY MR3 DEVELOPMENT (HEREINAFTER REFERRED TO AS THE "PETITIONER") TO ACCOMMODATE A MULTI-USE DEVELOPMENT ON AN APPROXIMATELY 1.61 ACRE SITE LOCATED ON DIXIE RIVER ROAD, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE ZONING SITE PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF THOSE PARCELS OF LAND DESIGNATED AS TAX PARCEL NO. 141-17-104.
    - THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE NEIGHBORHOOD SERVICES (NS) ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
    - THE DEVELOPMENT AND USES DEPICTED ON THE ZONING SITE PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE LAYOUT, LOCATIONS, AND SIZES OF THE USES, IMPROVEMENTS, AND SITE ELEMENTS DEPICTED ON THE ZONING SITE PLAN AS WELL AS THE INTERNAL STREETS, DRIVES, AND PARKING AREAS ARE SCHEMATIC IN NATURE AND SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
    - PURSUANT TO SECTION 1.110 OF THE ORDINANCE AND SECTION 160A-385.1 OF THE NORTH CAROLINA GENERAL STATUTES, THE REZONING PLAN, IF APPROVED, SHALL BE VESTED FOR A PERIOD OF 5 YEARS DUE TO THE SIZE AND PHASING OF THE DEVELOPMENT, THE LEVEL OF INVESTMENT, ECONOMIC CYCLES, AND MARKET CONDITIONS.
    - ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.
  - PERMITTED USES
    - CHILD CARE CENTERS, SUBJECT TO THE REGULATIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE §12.502.
  - TRANSPORTATION
    - VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").
    - THE ALIGNMENTS AND CONFIGURATIONS OF THE INTERNAL PRIVATE STREETS, DRIVES, PARKING AREAS, AND VEHICULAR CIRCULATION AREAS MAY BE MODIFIED BY PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS, AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
    - INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
    - THE EXISTING OBSOLETE DRIVEWAY(S) IN AND NEAR THE SOUTHEAST CORNER OF THE PROPERTY SHALL BE REMOVED DURING CONSTRUCTION.
  - ARCHITECTURAL STANDARDS
    - THE MAXIMUM HEIGHT OF ANY BUILDING DEVELOPED SHALL BE GOVERNED BY THE ORDINANCE.
  - STREETSCAPE AND LANDSCAPING
    - BUFFERS SHALL BE ESTABLISHED ON THE SITE AS REQUIRED BY THE ORDINANCE AND AS DEPICTED ON THE REZONING PLAN, AND SUCH BUFFERS SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. PURSUANT TO THE ORDINANCE, PETITIONER MAY REDUCE THE REQUIRED WIDTH OF A BUFFER BY 25% BY INSTALLING A WALL, FENCE, OR BERM THAT MEETS THE STANDARDS OF SECTION 12.302(B) OF THE ORDINANCE.
    - IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR DEVOTED TO A USE THAT ELIMINATES OR REDUCES THE BUFFER REQUIREMENTS ON THE SITE, PETITIONER MAY REDUCE OR ELIMINATE, AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS ACCORDINGLY.
  - ENVIRONMENTAL FEATURES
    - DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE.
    - THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST-CONSTRUCTION STORMWATER ORDINANCE.
    - THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
  - PARKS, GREENWAYS, AND OPEN SPACE
    - NO RESERVATIONS, DEDICATIONS, IMPROVEMENTS, OR CONNECTIONS TO PARKS, GREENWAYS, OR PRIVATELY CONSTRUCTED OPEN SPACE ARE ANTICIPATED FOR THE SITE.
  - FIRE PROTECTION
    - DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE FIRE PROTECTION REQUIREMENTS OF THE CITY OF CHARLOTTE ZONING ORDINANCE.
  - SIGNAGE
    - DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CHAPTER 13 OF THE CITY OF CHARLOTTE ZONING ORDINANCE.
  - LIGHTING
    - ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING STREET LIGHTS AND LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE SIDEWALKS, PARKING AREAS AND IN LANDSCAPED AREAS) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.
    - FOR STREET AND PEDESTRIAN LIGHTING RECOMMENDATION, COORDINATE WITH ANTHONY MENDEZ, CDOT. PLEASE VISIT THE FOLLOWING LINK: [HTTPS://CHARLOTTE.GOV/TRANSPORTATION/PROGRAMS/PAGES/STREETLIGHTING.ASPX](https://charlotte.gov/transportation/programs/pages/streetlighting.aspx)
  - PHASING
    - DEVELOPMENT OF THE SITE SHALL OCCUR OVER A SINGULAR PHASE OF CONSTRUCTION.
  - OTHER
    - IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND 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 THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
    - THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
    - ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.
    - VEHICULAR PICK-UP AND DROP-OFF WILL UTILIZE PARKING SPACES.
    - DEDICATION AND FEE SIMPLE CONVEYANCE OF ALL RIGHTS OF WAY SHALL BE PROVIDED TO NCDOT BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. CDOT REQUESTS RIGHT-OF-WAY SET AT 2' BEHIND BACK OF SIDEWALK, WHERE FEASIBLE.



**CDOT ADVISORY NOTES**

- THE SETBACK FOR THIS DISTRICT IS MEASURED FROM THE BACK OF THE EXISTING OR FUTURE CURB LINE AS DETERMINED BY CDOT AND PLANNING DURING THE PERMITTING PROCESS.
- ACCORDING TO THE CITY OF CHARLOTTE'S DRIVEWAY REGULATIONS, CDOT HAS THE AUTHORITY TO REGULATE/APPROVE ALL PRIVATE STREET/DRIVEWAY AND PUBLIC STREET CONNECTIONS TO THE RIGHT-OF-WAY OF A STREET UNDER THE REGULATORY JURISDICTION OF THE CITY OF CHARLOTTE.
- ADEQUATE SIGHT TRIANGLES MUST BE RESERVED AT THE EXISTING/PROPOSED STREET ENTRANCE(S). TWO 35' X 35' SIGHT TRIANGLES (AND TWO 10' X 70' SIGHT TRIANGLES ON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION MAINTAINED STREETS) ARE REQUIRED FOR THE ENTRANCE(S) TO MEET REQUIREMENTS. ALL TREES, BERMS, WALLS, FENCES, AND/OR IDENTIFICATION SIGNS MUST NOT INTERFERE WITH SIGHT DISTANCE AT THE ENTRANCE(S). SUCH ITEMS SHOULD BE IDENTIFIED ON THE SITE PLAN.
- THE PROPOSED DRIVEWAY CONNECTION(S) TO PUBLIC STREETS WILL REQUIRE A DRIVEWAY PERMIT(S) TO BE SUBMITTED TO CDOT (AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ON NCDOT MAINTAINED STREETS) FOR REVIEW AND APPROVAL. THE EXACT DRIVEWAY LOCATION(S) AND TYPE/WIDTH OF THE DRIVEWAY(S) WILL BE DETERMINED BY CDOT DURING THE DRIVEWAY PERMITTING PROCESS. THE LOCATIONS OF THE DRIVEWAY(S) SHOWN ON THE SITE PLAN ARE SUBJECT TO CHANGE IN ORDER TO ALIGN WITH DRIVEWAY(S) ON THE OPPOSITE SIDE OF THE STREET AND COMPLY WITH CITY DRIVEWAY REGULATIONS AND THE CITY TREE ORDINANCE.
- ALL PROPOSED COMMERCIAL DRIVEWAY CONNECTIONS TO A FUTURE PUBLIC STREET WILL REQUIRE A DRIVEWAY PERMIT TO BE SUBMITTED TO CDOT FOR REVIEW AND APPROVAL.
- ANY FENCE OR WALL CONSTRUCTED ALONG OR ADJACENT TO ANY SIDEWALK OR STREET RIGHT-OF-WAY REQUIRES A CERTIFICATE ISSUED BY CDOT.
- A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS REQUIRED FOR THE INSTALLATIONS OF ANY NON-STANDARD ITEM(S) (IRRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVERS, ETC.) WITHIN A PROPOSED/EXISTING CITY MAINTAINED STREET RIGHT-OF-WAY BY A PRIVATE INDIVIDUAL, GROUP, BUSINESS, OR HOMEOWNERS/BUSINESS ASSOCIATION. AN ENCROACHMENT AGREEMENT MUST BE APPROVED BY CDOT PRIOR TO THE CONSTRUCTION/INSTALLATION OF THE NON-STANDARD ITEM(S). CONTACT CDOT FOR ADDITIONAL INFORMATION CONCERNING COST, SUBMITTAL, AND LIABILITY INSURANCE COVERAGE REQUIREMENTS.

**FIRE DEPARTMENT NOTES**

- FOR BUILDINGS THAT ARE EQUIPPED WITH NFPA 13 SPRINKLER SYSTEM, A FIRE DEPARTMENT CONNECTION SHALL BE LOCATED WITHIN 200' OF A FIRE HYDRANT.
- FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL FOR ALL BUILDINGS.

**CDOT NOTES**

- 52 FEET OF RIGHT-OF-WAY SHALL BE DEDICATED FROM THE DIXIE RIVER ROAD CENTERLINE.
- AN 8-FOOT PLANTING STRIP AND A 6-FOOT SIDEWALK SHALL BE CONSTRUCTED ON DIXIE RIVER ROAD AND WILL CONNECT TO THE SIDEWALK CONSTRUCTED AS A PART OF THE BEREWICK SENIOR APARTMENTS DEVELOPMENT, AS REQUIRED BY THE CITY ORDINANCE.
- ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

AS NOTED  
DESIGNED BY: CVS  
DRAWN BY: CVS  
CHECKED BY: GRR

ADMINISTRATIVE AMENDMENT 09/17/21 RMG  
CHARLOTTE REZONE COMMENTS 12/01/20 CVS  
CHARLOTTE REZONE COMMENTS 11/16/20 CVS  
CHARLOTTE REZONE COMMENTS 10/12/20 TMC

NO. DATE BY

NOT APPROVED FOR CONSTRUCTION

ZONING SITE PLAN  
STEELE CREEK DAYCARE

ORIGINAL ISSUE: 06/22/2020  
KHA PROJECT NO. 170171002  
SHEET NUMBER 1 OF 1

Kimley-Horn  
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