

**SITE DATA:**

Acreage: 2.603 acres, more or less  
Existing Zoning: B-1 (SCD)  
Proposed Zoning: B-1 (CD)

**DEVELOPMENT STANDARDS**

1. Unless more stringent standards are established by this Technical Data Sheet or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the B-1 zoning district classification shall be followed in connection with development taking place on the Site.

2. The configurations, placements and sizes of the buildings outlined on the Schematic Site Plan are schematic in nature and depict one possible development scenario, and they may be altered or modified during design development and construction document phases within the maximum building envelope lines established on the Technical Data Sheet. Parking layouts may also be modified to accommodate final building locations.

**PERMITTED USES**

1. The Site may be devoted to the following uses, all of which are permitted by right in the B-1 zoning district: restaurants, restaurants with drive-thru windows, banking and personal services, office uses and retail uses, as well as any incidental or accessory uses. Notwithstanding the foregoing, restaurants with drive thru windows shall not be permitted on that portion of the Site designated as Parcel 1 on the Technical Data Sheet.

2. The division of the Site into Parcels 1 and 2 on the Technical Data Sheet is solely for the purposes of this Rezoning Petition and does not represent any future property lines in the event that the Site is subsequently subdivided. Petitioner does, however, reserve the right to pursue the subdivision of the Site in the future.

**SETBACKS, SIDE YARDS AND REAR YARDS**

1. All buildings constructed on the Site shall satisfy the setback, side yard and rear yard requirements established under the Ordinance for the B-1 zoning district. Notwithstanding the foregoing, Petitioner reserves the right to seek a variance to reduce the setback from Old Sugar Creek Road (Cheshire Road).

2. No storm water detention facilities may be located within any setback areas.

3. Parking will not be permitted in any setback areas.

4. No vehicular maneuvering areas may be located within any setback areas.

**SCREENING AND LANDSCAPED AREAS**

1. Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.

2. Any dumpsters located on the Site shall be screened from view by solid enclosures with gates.

3. Landscaped areas will be planted and improved in sequences which are keyed to each phase of the development taking place on the Site.

4. Tree protection and planting within the Site will satisfy the provisions of the Charlotte Tree Ordinance.

5. Proposed planting shown is conceptual only and will be subject to change based on actual site conditions and Urban Forestry Staff approval.

**BUFFER AREA**

1. The interior or northernmost 15 feet of the 100 foot buffer area previously established along the Site's frontage on W.T. Harris Boulevard may be disturbed in connection with Petitioner's installation of a 5 foot wide sidewalk within such 15 foot wide area and in connection with related grading. Such sidewalk is generally depicted on the Technical Data Sheet.

2. The exterior 85 feet of the 100 foot buffer area shall be maintained as a "Woodland Buffer." A "Woodland Buffer" is defined as a buffer that permits a limited amount of clearing to take place to promote the growth of existing vegetation and/or to enhance the aesthetic appeal of the Site. The following will be allowed in this Woodland Buffer:

- (a) Hand pruning of vegetation and trees only.
- (b) Plant material, which may be removed, shall be cut flush with the ground. No disturbance of the soil will be allowed (except in connection with the installation of any signage as described herein).
- (c) No limb removal, with the exception of dead or diseased limbs.
- (d) Weeds and vines may be removed.
- (e) Trees less than 2 inches in caliper at the base that are clearly within the drip line of a tree that is 2 inches in caliper 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.
- (f) Dead trees and materials may be removed. Diseased trees may be removed at the discretion of an Urban Forester.
- (g) Mulch may be applied to the Woodland Buffer. Mulch must be kept 2 to 3 inches away from the bark of trees.

3. Storm water detention facilities shall not be located within the buffer area.

**PARKING**

1. Parking areas depicted on the Technical Data Sheet and Schematic Site Plan may vary in size and location, but in all events, off street parking will satisfy the minimum standards established under the Ordinance.

**LIGHTING**

1. All freestanding lighting fixtures will be uniform in design.

2. The height of any freestanding lighting fixture, including its base, may not exceed 30 feet.

3. No wall pack light fixtures will be installed within the Site.

**SIGNS**

1. All signs shall comply with the City of Charlotte Sign Ordinance. Detached signs shall be limited to ground mounted identification signs with a maximum height of 4 feet and a maximum sign face area of 50 square feet.

2. Subject to the terms of the City of Charlotte Tree Ordinance, signage may be located within the 100 foot buffer area established along the Site's frontage on W.T. Harris Boulevard.

**SIDEWALKS/PLANTING STRIPS**

1. Petitioner shall install an 8 foot wide planting strip, a 5 foot wide sidewalk and an interior planting strip along the Site's frontage on Old Sugar Creek Road (Cheshire Road) as generally depicted on the Technical Data Sheet. Petitioner shall install street trees within the interior planting strip 50 feet on center.

2. Petitioner shall install a 5 foot wide sidewalk within the inner (northernmost) 15 feet of the 100 foot buffer area established along the Site's frontage on W.T. Harris Boulevard as generally depicted on the Technical Data Sheet. Petitioner may perform associated grading work within this 15 foot wide area within the 100 foot buffer.

**ARCHITECTURAL CONTROLS**

1. Any buildings constructed on the Site will be compatible with the buildings located on the adjoining shopping center site with respect to the types and colors of exterior building materials.

**POTENTIAL ABANDONMENT OF OLD SUGAR CREEK ROAD (CHESHIRE ROAD)**

1. An owner or owners of property located along Old Sugar Creek Road (Cheshire Road) may seek the abandonment and closing of a portion of this right of way that could include that portion of the right of way that is adjacent to the Site. If the abandonment and closing of that portion of Old Sugar Creek Road (Cheshire Road) that is adjacent to the Site is approved by the North Carolina Department of Transportation and the City of Charlotte, then the person or entity that sought such abandonment and closing shall maintain a private street within such abandoned and closed right of way.

2. If that portion of Old Sugar Creek Road (Cheshire Road) that is adjacent to the Site is abandoned and closed, then that portion of the Site designated as Parcel 1 on the Technical Data Sheet may, at Petitioner's option, be developed in accordance with the development alternatives set out on Sheet 2.

3. If that portion of Old Sugar Creek Road (Cheshire Road) that is adjacent to the Site is abandoned and closed, then the setback from Old Sugar Creek Road (Cheshire Road) shall be reduced from 20 feet to 7 feet, and the width of the interior planting strip shall be reduced to 4 feet.

**ACCESS POINTS (DRIVEWAYS)**

1. The number of vehicular access points to the Site shall be limited to the number depicted on the Technical Data Sheet.

2. The placement and configuration of the access points are 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 City of Charlotte and/or the North Carolina Department of Transportation.

**FIRE PROTECTION**

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

**STORM WATER MANAGEMENT**

1. Storm water runoff from the Site will be managed through proven techniques which satisfy the standards, if any, imposed by the City of Charlotte Engineering Department.

2. Surface level storm water detention will not be located in the setback areas.

3. The Petitioner shall tie-in to the existing storm water system, which is a pipe crossing W.T. Harris Boulevard. The Petitioner shall have the receiving drainage system analyzed to ensure that it will not be taken out of standard due to this development. If it is found that the development will cause the receiving storm drainage system to be taken out of standard, the Petitioner shall provide adequate detention to prevent this from occurring. Should the existing receiving drainage system be deemed to be out of standard prior to the development of this Site, the Petitioner agrees to provide adequate detention to ensure that the system will not be additionally overburdened.

**ROAD RIGHT OF WAY**

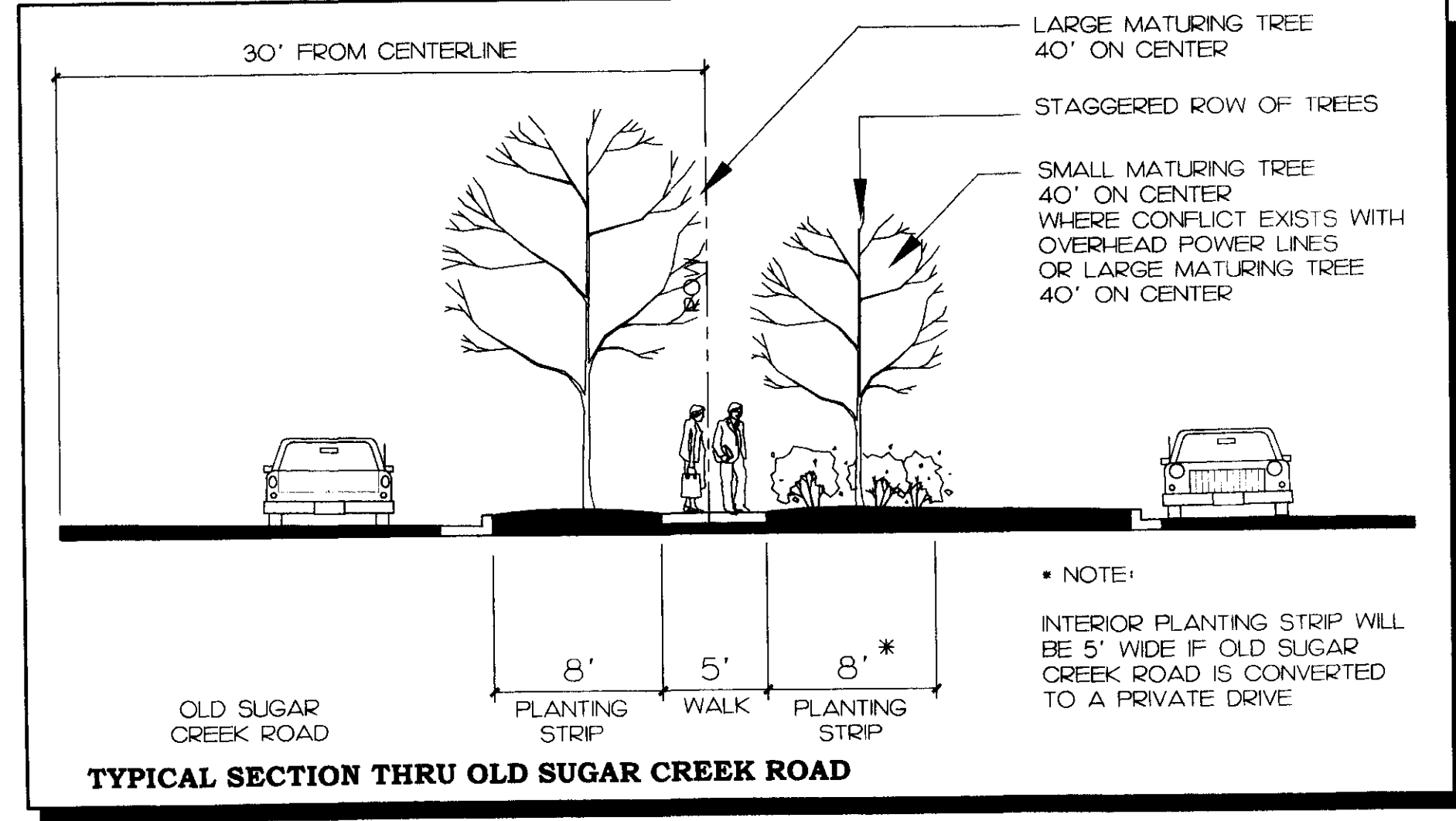
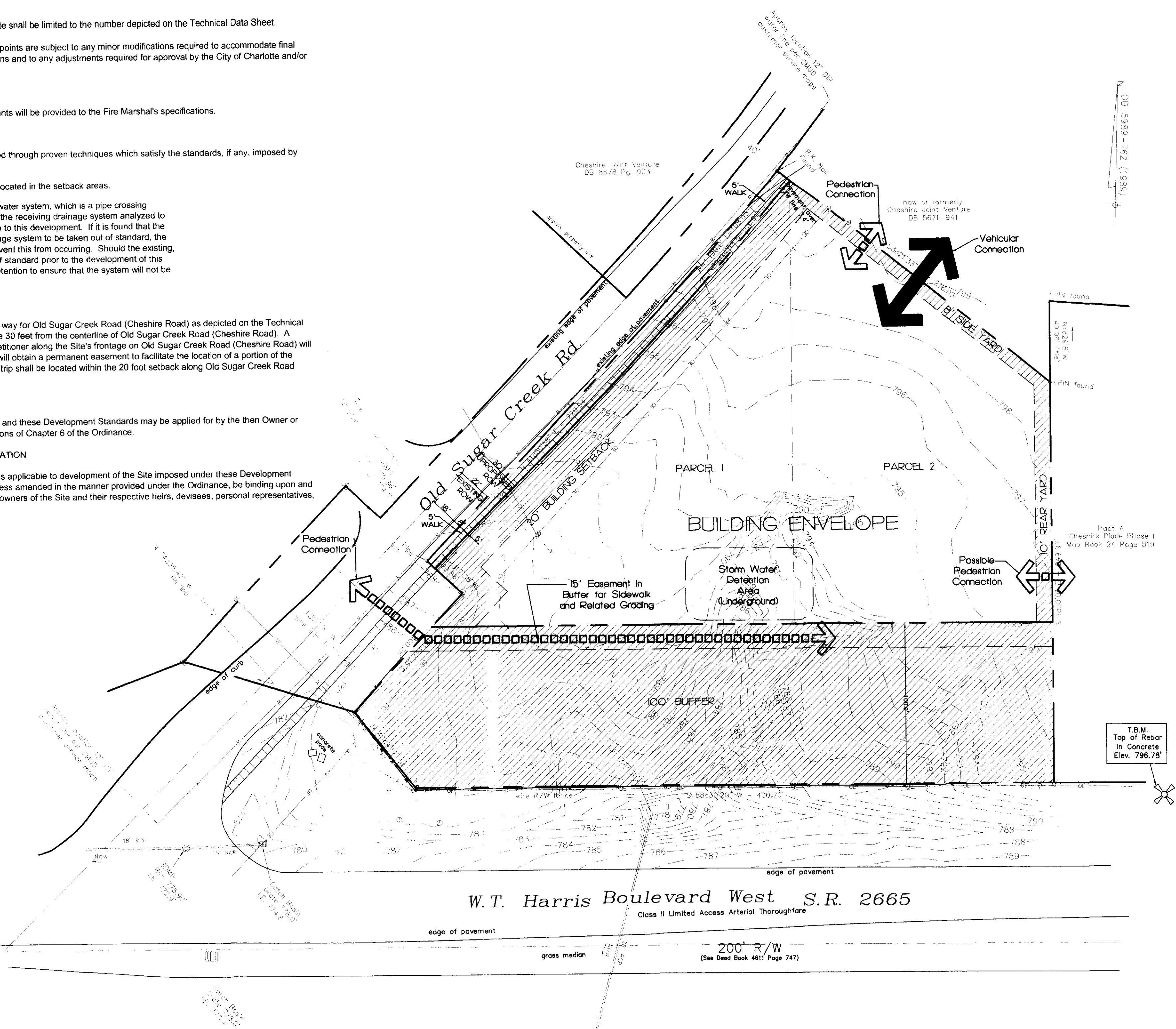
1. Petitioner agrees to dedicate additional right of way for Old Sugar Creek Road (Cheshire Road) as depicted on the Technical Data Sheet. The limits of such dedication shall be 30 feet from the centerline of Old Sugar Creek Road (Cheshire Road). A portion of the 5 foot sidewalk to be installed by Petitioner along the Site's frontage on Old Sugar Creek Road (Cheshire Road) will be located within the right of way, and Petitioner will obtain a permanent easement to facilitate the location of a portion of the sidewalk in the right of way. The 8 foot planting strip shall be located within the 20 foot setback along Old Sugar Creek Road (Cheshire Road).

**AMENDMENTS TO REZONING PLAN**

Future amendments to this Technical Data Sheet 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 development of the Site imposed under these Development Standards and the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



**APPROVED BY CITY COUNCIL**  
DATE: 4/24/03

Vicinity Map showing the intersection of Old Sugar Creek Rd, David Cox Rd, and Harris Boulevard. A north arrow is also present.

**6200 WEST SUGAR CREEK ROAD**  
CHARLOTTE, NORTH CAROLINA  
**REZONING PETITION**  
FOR  
**NEW SOUTH PROPERTIES**  
1518 EAST THIRD STREET  
CHARLOTTE, NORTH CAROLINA 28204

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**TECHNICAL DATA SHEET**  
FOR PUBLIC HEARING  
PETITION #2003-017

Scale: 1" = 30'  
Date: 27 NOV 2002  
Project No.: 149-001  
Revisions:  
1. 27 JAN 2003  
Per CMPC Comments  
2. 20 MARCH 2003  
Per CDOT Comments

Sheet 1 of 2

