

CHARLOTTE – MECKLENBURG

# Planning Department

## INTER - OFFICE COMMUNICATION

DATE: December 19, 2011 <sup>CLS</sup>

TO: Mark Fowler  
Zoning Supervisor

FROM: Debra Campbell  
Planning Director

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**SUBJECT: Administrative Approval for Petition 2004-070 (Lord Baltimore Properties)**

Attached are revised plans for the above petition. The plans have been revised to modify Note H.2 on Sheet 5 of 6 to eliminate the requirement for a CATS Park and Ride facility. CATS has been consulted regarding this amendment and is no longer requesting the Park and Ride facility.

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, 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 still apply.

**Spencer, Shad L.**

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**From:** Robinson, Ramond  
**Sent:** Wednesday, December 14, 2011 1:59 PM  
**To:** 'Carlton Burton'; Spencer, Shad L.  
**Cc:** Glenn Morris; Chase Burton  
**Subject:** RE: Perimeter West rezoning note revision 12-8-11 (3)rev112-13-11

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Carlton,

That looks good. I can go down and talk to Shad to determine if he needs anything in addition on my end.

Thanks

Ramond

**Ramond Robinson**  
City of Charlotte/ CATS  
Service Development  
600 E. 4th Street  
Charlotte, NC 28202  
(704)353-0018 office  
[rxrobinson@charlottenc.gov](mailto:rxrobinson@charlottenc.gov)

---

**From:** Carlton Burton [<mailto:cburton@burtonengineering.com>]  
**Sent:** Wednesday, December 14, 2011 1:57 PM  
**To:** Robinson, Ramond; Spencer, Shad L.  
**Cc:** Glenn Morris; Chase Burton  
**Subject:** RE: Perimeter West rezoning note revision 12-8-11 (3)rev112-13-11

Ramond, Is this acceptable? If so, I'm guessing a response to this e-mail will be sufficient to get the amendment? Is that correct shad?

Thanks Guys!

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**From:** Carlton Burton  
**Sent:** Tuesday, December 13, 2011 1:12 PM  
**To:** 'Robinson, Ramond'; 'sspencer@ci.charlotte.nc.us'  
**Subject:** Perimeter West rezoning note revision 12-8-11 (3)rev112-13-11

Ramond,  
I cleaned up the text to read more clearly. With your OK, I ask that Shad commence with the amendment.

Thank you both!

## H. Bicycle Parking and CATS Park-n-Ride Lot Space

1. Bicycle parking spaces (bike racks) shall be provided near the entrance to each building within the Site. The number of bicycle parking spaces provided shall be at least one bicycle parking space for every 50 vehicle parking spaces provided.
2. Prior to issuance of the ~~first~~ certificate of occupancy for the ~~first-second~~ building constructed on the Site, the ~~Petitioner shall, at some point in the future when requested by CATS, agree to share existing spaces or construct a leveled and gravel parking facility within a portion of the Site located in close proximity to Wilkinson Boulevard as generally depicted on the Technical Data Sheets that will accommodate 35-20 parking spaces to be used on a non-exclusive basis by Charlotte Area Transit System (CATS) riders and (ii) construct a concrete pad for a bus shelter to be installed by CATS in accordance with CATS' normal bus shelter standards, together with a sidewalk 5 feet in width from the gravel parking facility to the shelter pad.~~ This parking facility and related improvements described in this paragraph shall be available for the non-exclusive use by CATS' riders for a period of seven (7) years from completion of the first building or the construction of either a new CATS' rapid transit station or park and ride lot within 3/4ths of a mile from the Site. The Petitioner's obligations described in this paragraph are conditioned upon traffic demand resulting from the park and ride facility not requiring any additional access or roadway improvements on the Site or within Wilkinson Boulevard or any limitation in the nature of the access to the Site at any time during the term of the park and ride facility, based upon review and approval by CDOT and NCDOT, within 6 months of approval of this rezoning petition.

## PROPOSED LANGUAGE

### H. Bicycle Parking and CATS Park-n-Ride Lot Space

1. Bicycle parking spaces (bike racks) shall be provided near the entrance to each building within the Site. The number of bicycle parking spaces provided shall be at least one bicycle parking space for every 50 vehicle parking spaces provided.
2. Prior to issuance of the ~~first~~ certificate of occupancy for the ~~second~~ building constructed on the Site, ~~petitioner shall construct~~ a concrete pad for a bus shelter to be installed by CATS in accordance with CATS' normal bus shelter standards.

**SITE DATA**

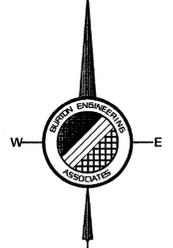
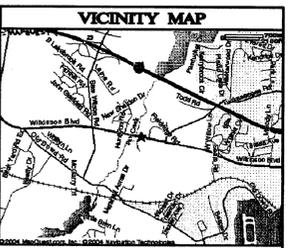
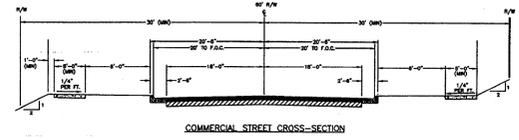
PROJECT NAME: BERRYHILL ROAD PROPERTY  
 TAX PARCELS: 113-331-06, 113-331-05, & 113-031-06 LOT SIZE: 57.808 ACRES  
 IMPERVIOUS COVERAGE (ACRES) (HIGH DENSITY OPTION): CRITICAL AREA = 2.0 @ 50% = 1.0 ACRE  
 PROTECTED AREA = 55.808 @ 70% = 39.1 ACRES  
 TOTAL IMPERVIOUS AREA ALLOWED = 40.1 ACRES

YARD REQUIREMENTS (BUILDING):  
 FRONT YARD SETBACK: 20 FT. FROM R/W REAR YARD: 10 FT.  
 SIDE YARD (L): 0/5 FT. SIDE YARD (R): 0/5 FT.

EXISTING ZONING: B-2, I-1, I-2, and R-4 LLWPA/LLWCA  
 PROPOSED ZONING: I-1 (CD) LLWPA/LLWCA

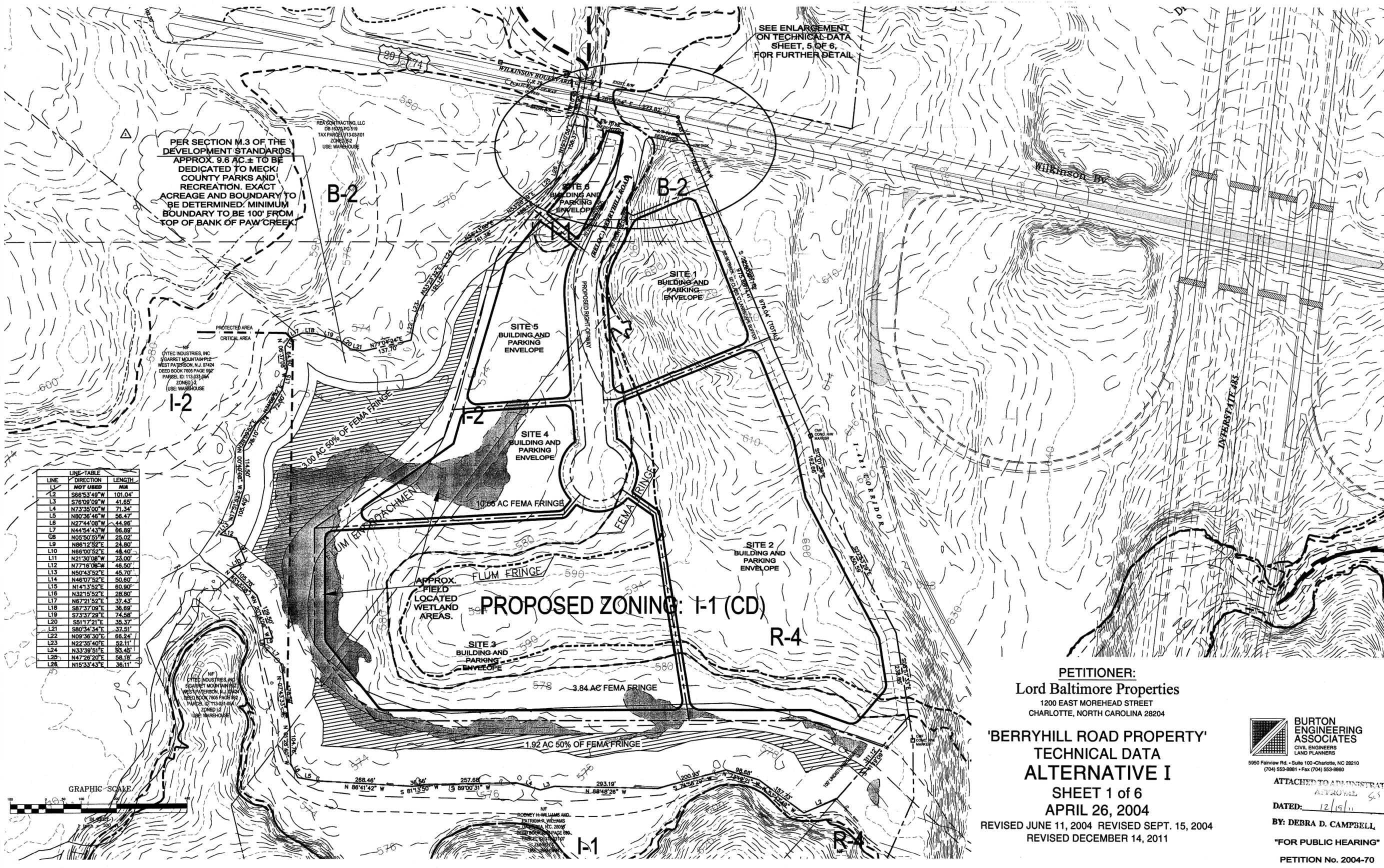
**IMPORTANT NOTE:**  
 EXACT LOCATION AND SIZE OF BMP'S TO BE DETERMINED UPON FINAL DESIGN. EXTENDED DETENTION STORMWATER WETLANDS MUST BE PLACED OUTSIDE OF THE 50% FEMA FRINGE, AND NOT WITHIN 100' OF THE TOP OF THE STREAM BANK WITHOUT PRIOR APPROVAL FROM MECKLENBURG COUNTY ENVIRONMENTAL.

TO THE EXTENT POSSIBLE, THE DEVELOPER WILL INCORPORATE BIORETENTION FACILITIES WITHIN PARKING AREAS TO SUPPLEMENT PROPOSED EXTENDED DETENTION STORMWATER WETLANDS & BIORETENTION FACILITIES LOCATED ADJACENT TO THE CREEKS.



PER SECTION M.3 OF THE DEVELOPMENT STANDARDS, APPROX. 9.6 AC.± TO BE DEDICATED TO MECK COUNTY PARKS AND RECREATION. EXACT ACREAGE AND BOUNDARY TO BE DETERMINED. MINIMUM BOUNDARY TO BE 100' FROM TOP OF BANK OF PAW CREEK.

SEE ENLARGEMENT ON TECHNICAL DATA SHEET, 5 OF 6, FOR FURTHER DETAIL.



OTYEC INDUSTRIES, INC.  
 SCARLET MOUNTAIN RD.  
 WEST PATERSON, N.J. 07424  
 DEED BOOK 7805 PAGE 592  
 PARCEL ID: 113-031-06A  
 ZONED I-1  
 USE: WAREHOUSE

REA CONTRACTING, LLC  
 DB 18373 PG 519  
 TAX PARCEL 113-031-01  
 ZONED I-2  
 USE: WAREHOUSE

LINE	DIRECTION	LENGTH
L1	NOT USED	N/A
L2	S66°53'49"W	101.04'
L3	S78°09'09"W	41.85'
L4	N73°35'00"W	71.34'
L5	N80°36'46"W	56.47'
L6	N27°44'08"W	44.96'
L7	N44°54'43"W	66.89'
L8	N05°50'51"W	23.02'
L9	N88°12'32"E	24.80'
L10	N89°00'52"E	48.40'
L11	N21°30'08"W	73.00'
L12	N77°16'06"W	46.50'
L13	N50°43'52"E	45.70'
L14	N46°07'52"E	50.80'
L15	N14°13'52"E	60.90'
L16	N32°15'52"E	28.80'
L17	N87°21'52"E	37.43'
L18	S87°37'09"E	38.69'
L19	S73°37'28"E	74.58'
L20	S91°17'21"E	35.37'
L21	S80°34'34"E	37.51'
L22	N09°36'30"E	66.24'
L23	N22°35'40"E	52.11'
L24	N33°39'51"E	55.45'
L25	N47°26'20"E	58.18'
L26	N15°33'43"E	36.11'

PROPOSED ZONING: I-1 (CD)

PETITIONER:  
 Lord Baltimore Properties  
 1200 EAST MOREHEAD STREET  
 CHARLOTTE, NORTH CAROLINA 28204

'BERRYHILL ROAD PROPERTY'  
 TECHNICAL DATA  
 ALTERNATIVE I  
 SHEET 1 of 6  
 APRIL 26, 2004  
 REVISED JUNE 11, 2004 REVISED SEPT. 15, 2004  
 REVISED DECEMBER 14, 2011



BURTON ENGINEERING ASSOCIATES  
 CIVIL ENGINEERS  
 LAND PLANNERS  
 5950 Fairview Rd. • Suite 100 • Charlotte, NC 28210  
 (704) 553-8881 • Fax (704) 553-8860

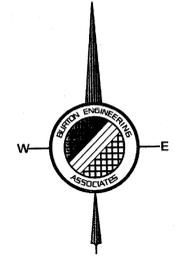
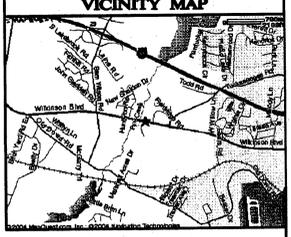
ATTACHED TO ADMINISTRATIVE APPROVAL 515

DATED: 12/19/11

BY: DEBRA D. CAMPBELL  
 "FOR PUBLIC HEARING"

PETITION No. 2004-70





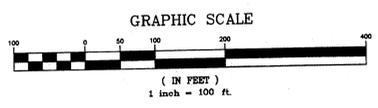
8' WIDE PATH TO PAW CREEK  
(EXACT LOCATION SUBJECT TO CHANGE)

REA CONTRACTING, LLC  
DB 18373-PG 519  
TAX PARCEL 113-03-101  
ZONED B-2  
USE: WAREHOUSE

NF  
CYTEC INDUSTRIES, INC  
5 GARRET MOUNTAIN PLZ  
WEST PATERSON, N.J. 07424  
DEED BOOK 7605 PAGE 692  
PARCEL ID: 113-031-05A  
ZONED I-2  
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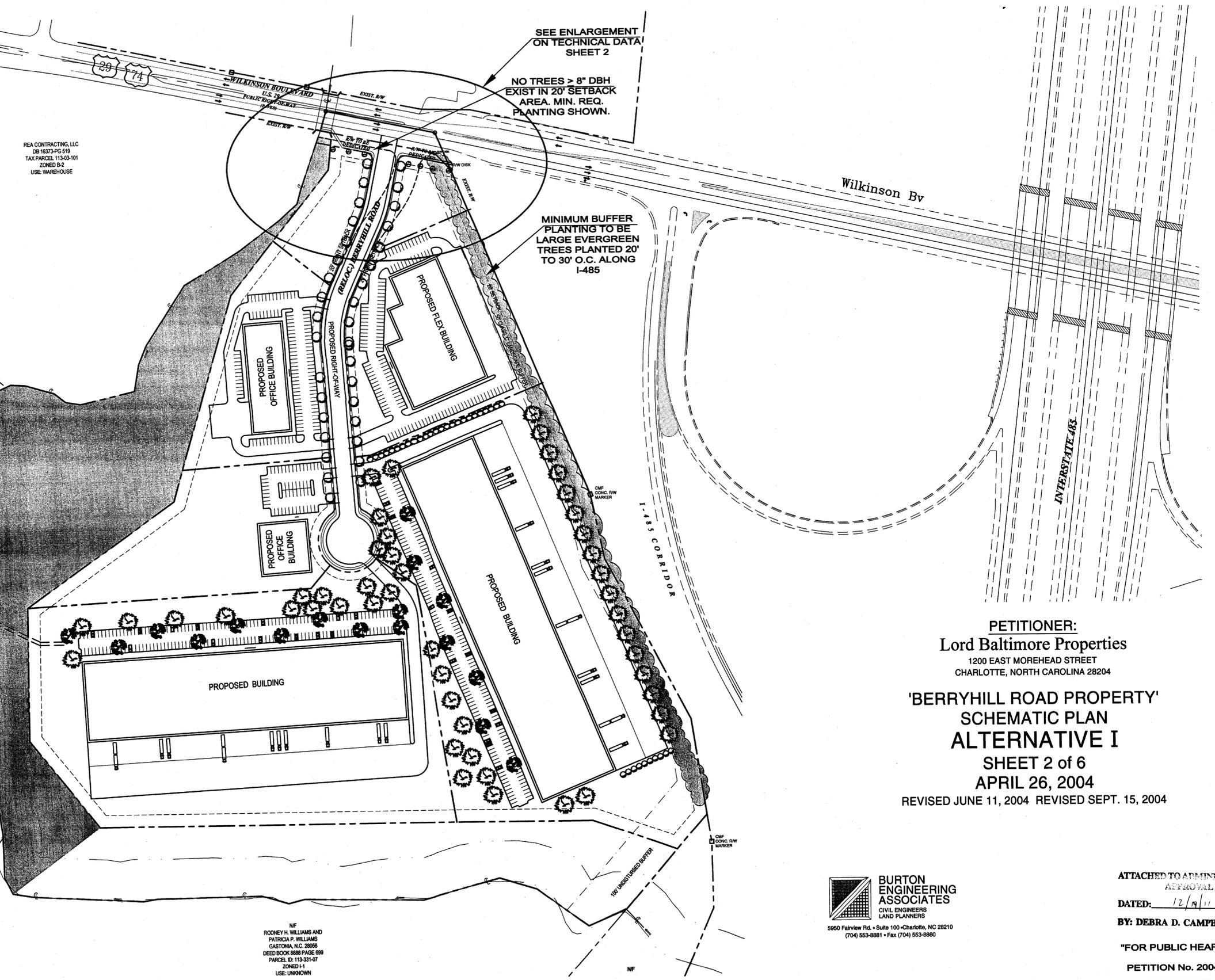
NF  
ROONEY H. WILLIAMS AND  
PATRICIA P. WILLIAMS  
GASTONIA, N.C. 28066  
DEED BOOK 8888 PAGE 699  
PARCEL ID: 113-331-07  
ZONED I-1  
USE: UNKNOWN



SEE ENLARGEMENT  
ON TECHNICAL DATA  
SHEET 2

NO TREES > 8" DBH  
EXIST IN 20' SETBACK  
AREA. MIN. REQ.  
PLANTING SHOWN.

MINIMUM BUFFER  
PLANTING TO BE  
LARGE EVERGREEN  
TREES PLANTED 20'  
TO 30' O.C. ALONG  
I-485



**PETITIONER:**  
**Lord Baltimore Properties**  
1200 EAST MOREHEAD STREET  
CHARLOTTE, NORTH CAROLINA 28204

**'BERRYHILL ROAD PROPERTY'  
SCHEMATIC PLAN  
ALTERNATIVE I**

**SHEET 2 of 6**  
**APRIL 26, 2004**  
REVISED JUNE 11, 2004 REVISED SEPT. 15, 2004

 **BURTON  
ENGINEERING  
ASSOCIATES**  
CIVIL ENGINEERS  
LAND PLANNERS  
5950 Fairview Rd. • Suite 100 • Charlotte, NC 28210  
(704) 553-8881 • Fax (704) 553-8880

ATTACHED TO ADMINISTRATIVE  
APPROVAL 54

DATED: 12/9/11

BY: DEBRA D. CAMPBELL

"FOR PUBLIC HEARING"

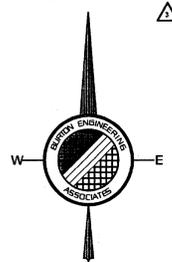
PETITION No. 2004-70

**SITE DATA**

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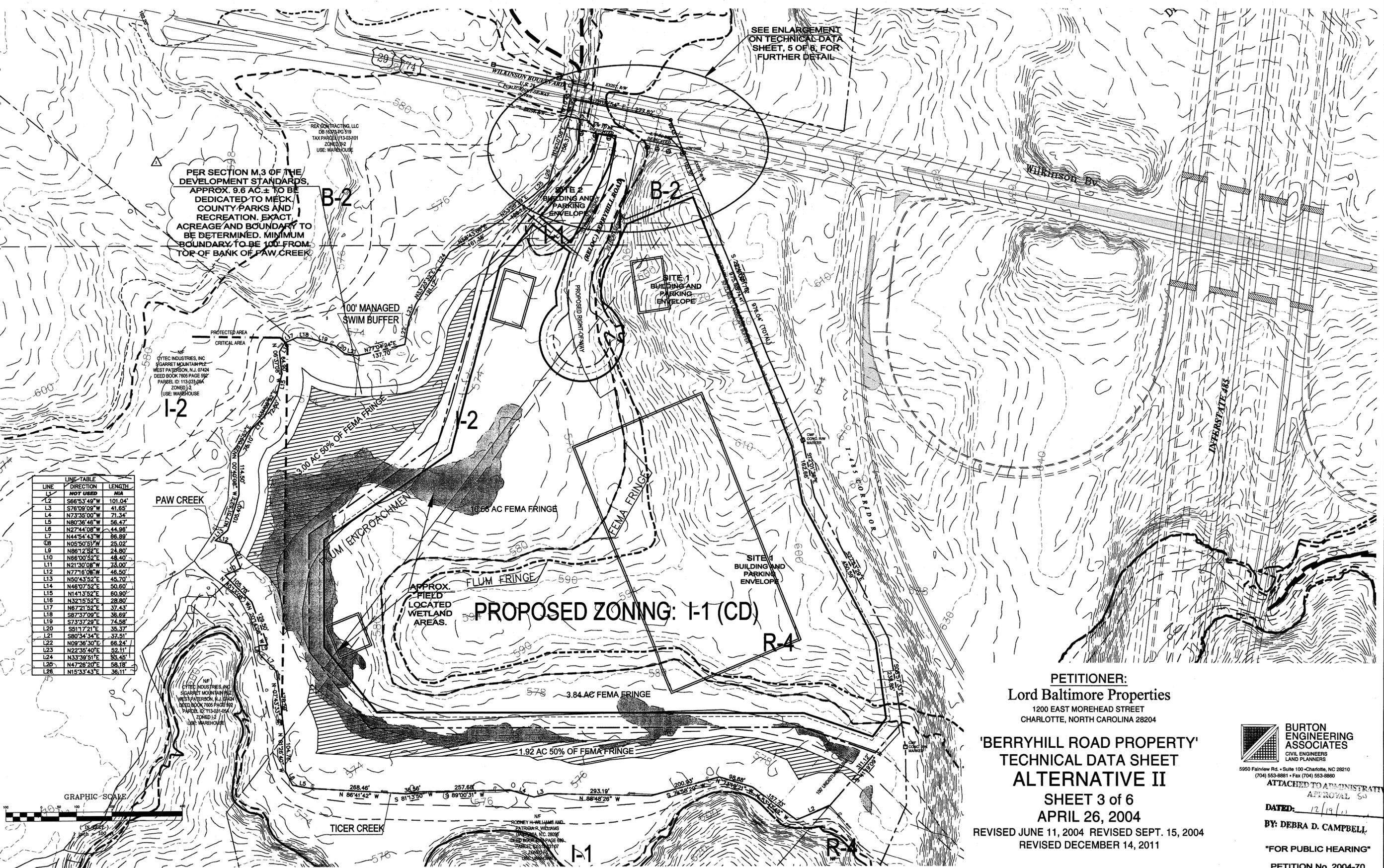
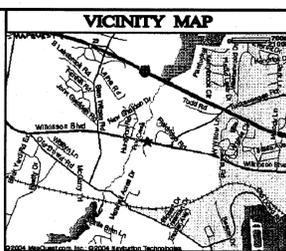
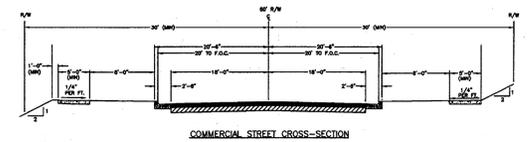
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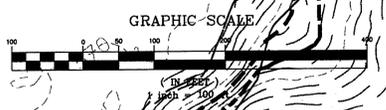
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SEE ENLARGEMENT ON TECHNICAL DATA SHEET, 5 OF 6, FOR FURTHER DETAIL

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 Lord Baltimore Properties  
 1200 EAST MOREHEAD STREET  
 CHARLOTTE, NORTH CAROLINA 28204

**'BERRYHILL ROAD PROPERTY'**  
 TECHNICAL DATA SHEET  
 ALTERNATIVE II  
 SHEET 3 of 6  
 APRIL 26, 2004  
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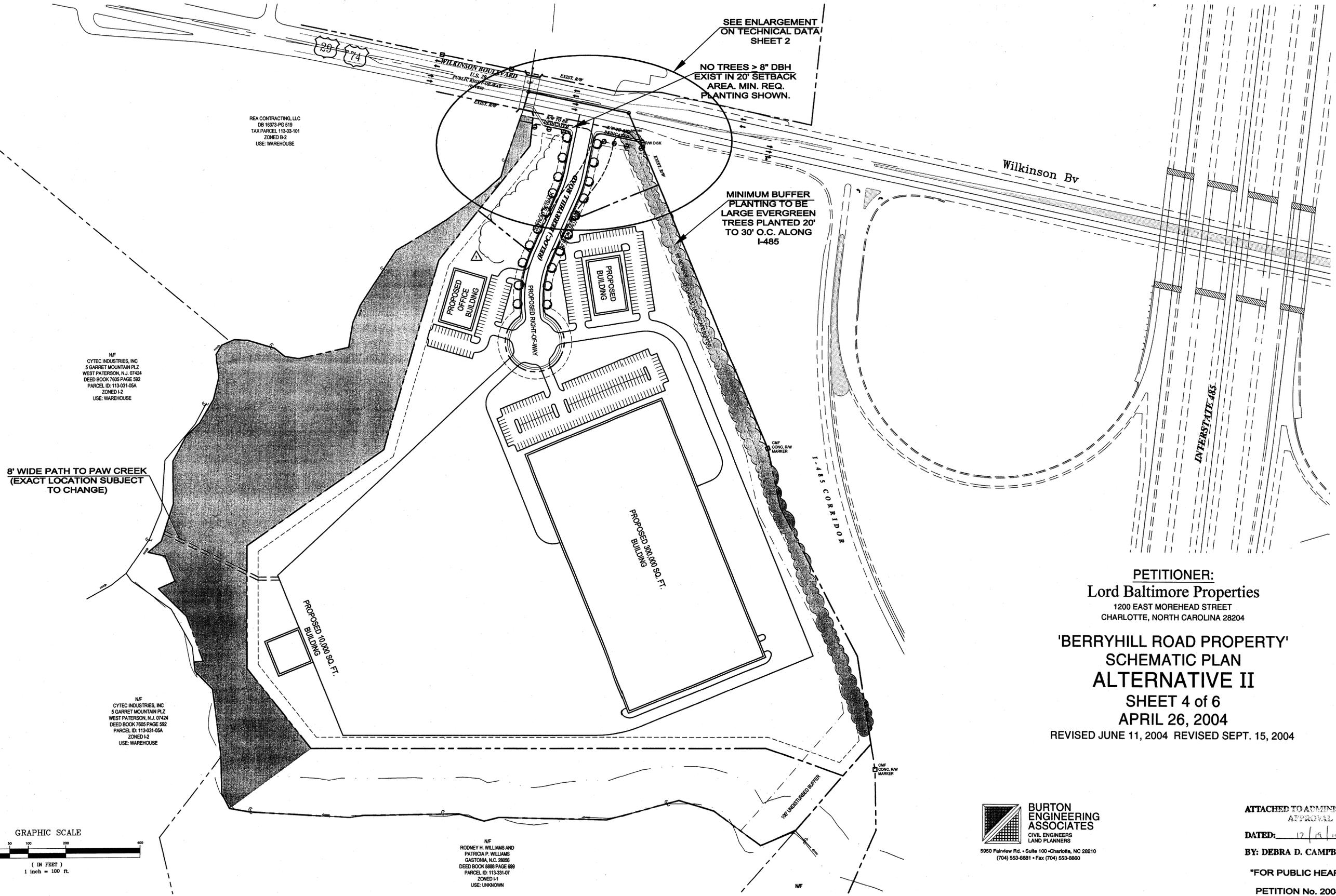
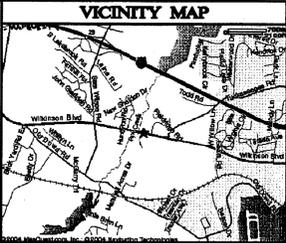
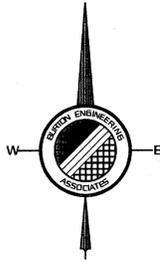
ATTACHED TO ADMINISTRATIVE APPROVAL 503

DATED: 12/19/11

BY: DEBRA D. CAMPBELL

"FOR PUBLIC HEARING"

PETITION No. 2004-70



REA CONTRACTING, LLC  
DB 16373-PG 519  
TAX PARCEL 113-03-101  
ZONED B-2  
USE: WAREHOUSE

NF  
CYTEC INDUSTRIES, INC.  
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DEED BOOK 7605 PAGE 592  
PARCEL ID: 113-031-05A  
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8' WIDE PATH TO PAW CREEK  
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PARCEL ID: 113-031-05A  
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USE: WAREHOUSE

NF  
RODNEY H. WILLIAMS AND  
PATRICIA P. WILLIAMS  
GASTONIA, N.C. 28055  
DEED BOOK 8888 PAGE 689  
PARCEL ID: 113-331-07  
ZONED H-1  
USE: UNKNOWN

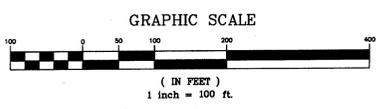
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**'BERRYHILL ROAD PROPERTY'  
SCHEMATIC PLAN  
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SHEET 4 of 6  
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**BURTON  
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LAND PLANNERS  
5950 Fairview Rd. • Suite 100 • Charlotte, NC 28210  
(704) 553-8861 • Fax (704) 553-8860

ATTACHED TO ADMINISTRATIVE  
APPROVAL 505  
DATED: 12/19/11  
BY: DEBRA D. CAMPBELL  
**"FOR PUBLIC HEARING"**  
PETITION No. 2004-70

**DEVELOPMENT STANDARDS**

**A. General Provisions**

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

The development contemplated for the Site consists of two primary development alternatives referred to herein either as Development Alternative I as generally depicted on the Technical Data Sheet Alternative I and on the Schematic Site Plan Alternative I or as Development Alternative II as generally depicted on the Technical Data Sheet Alternative II and on the Schematic Site Plan Alternative II. Each of Schematic Site Plan Alternative I and Schematic Site Plan Alternative II (collectively the "Schematic Site Plans") is schematic in nature, not to be considered as specific development plans but rather as preliminary graphic representations of the types of development proposed for the Site, and intended to describe the general arrangement of uses on the Site. Accordingly, subject to the standards specified below, the configuration, placement, and size of the building footprints as well as the locations of the public and private streets outlined on the Schematic Site Plans are conceptual in nature, and, subject to the provisions set forth below, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Technical Data Sheet Alternative I or Technical Data Sheet Alternative II (collectively the "Technical Data Sheets").

Parking layouts may be modified to accommodate final building locations and ancillary facilities and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.

**B. Permitted Uses**

The Site may be devoted to office, manufacturing and warehouse/distribution uses (including any accessory uses) as permitted under the Ordinance. In no event shall any of the following uses be permitted on the Site:

- adult entertainment establishments,
- amusements,
- auction sales,
- automobiles, truck and utility trailer rental,
- automotive repair garages,
- automotive sales and repairs,
- automotive service stations,
- billboards,
- car washes,
- city, social service and fraternal facilities,
- convenience stores,
- dog kennels,
- dry cleaning and laundry establishments,
- farms,
- flea markets,
- industrial process discharges requiring NPDES permits,
- jails or prisons,
- off-site or sanitary landfills,
- manufactured housing sales or repair,
- nightclubs, bars and lounges,
- petroleum storage facilities,
- raceways and drag strips,
- recycling or drop off centers,
- restaurants with drive-in or drive through services,
- stadiums and arenas,
- treatment or disposal of petroleum contaminated soils, or
- wastewater treatment facilities.

**C. Building Limitations**

The Site may be developed with up to 462,000 square feet of office and industrial floor area of which, in connection with Development Alternative I no more than 340,000 square feet will be devoted to warehouse/distribution space and in connection with Development Alternative II no more than 260,000 square feet will be devoted to warehouse/distribution space. In the event a "call center" is located on the site, the associated floor area shall not be considered to be warehouse or distribution space.

**D. Setbacks, Side Yards And Rear Yards**

1. All buildings constructed within the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the I-1 zoning district.
2. A landscape area of 30 feet in width (as measured from the new right-of-way line of 75 feet from centerline) will be provided along the Site's frontage on Wilkinson Boulevard. The required 20 foot building setback will be included within the 30 foot landscape area.
3. The Site is a unified development plan and, as such, side and rear yards are not required between buildings within the development. The Petitioners reserve the right to subdivide the Site and create lots within the Site with no side and/or rear yards as part of the unified development plan.

**E. Screening And Landscaping Areas**

1. Screening shall conform with the standards and treatments specified in Section 12 of the Ordinance.
2. The Site shall conform to the Tree Ordinance.

**F. Architectural Treatment**

1. Those portions of the buildings located on Sites 1, 4, 5 and 6 on Technical Data Sheet Alternative I and Site 2 on Technical Data Sheet Alternative II, which face the internal public street or are visible from I-485 at grade will be constructed principally of brick or masonry materials, will not exceed two stories in height, will contain reflective glass windows, and will otherwise avoid large expanses of uninterrupted walls through the introduction of articulated facades and specially designed architectural elements so that expanses of uninterrupted walls do not exceed 35 feet in length.
2. Those portions of buildings located on Sites not referenced in paragraph F.1 above, which face the internal public street or are visible from I-485 at grade will be constructed in a manner to avoid large expanses of uninterrupted walls through the introduction of articulated facades, specially designed architectural elements and textures (such as imitation brick or stone inserts), and/or operational or non-operational windows spaced so that expanses of uninterrupted walls do not exceed 35 feet in length.

**G. Vehicular Parking and Loading Areas**

1. Off street parking will meet the minimum standards established under the Ordinance.
2. No parking or vehicular maneuvering shall be permitted between any buildings located on Site 6 as generally depicted on Technical Data Sheet Alternative I and Wilkinson Boulevard, provided that such parking and maneuvering may be located to the side or rear of any such building.

Loading dock facilities on the Site shall not face directly onto the internal public street located on the Site.

**H. Bicycle Parking and CATS Park-Ride Lot Space**

1. Bicycle parking spaces (bike racks) shall be provided near the entrance to each building within the Site. The number of bicycle parking spaces provided shall be at least one bicycle parking space for every 50 vehicle parking spaces provided.
2. Prior to issuance of the first certificate of occupancy for the second building constructed on the Site, petitioner shall construct a concrete pad for a bus shelter to be installed by CATS in accordance with CATS' normal bus shelter standards.

**I. Berryhill Road Dedication and Improvements**

The Petitioner proposes to improve and realign Berryhill Road generally as depicted on the Technical Data Sheets. In the event Berryhill Road is currently a dedicated public street, the Petitioner will seek abandonment of that portion of the right-of-way which falls outside of the newly created alignment. The Petitioner will also dedicate and convey (by quit claim deed and subject to a reservation for any necessary utility easements) any portion of the Site necessary to provide for a 60 foot right-of-way for the new public street in accordance with the alignment acceptable to the Petitioner prior to the issuance of any building permit. The proposed realignment and improvement of the new public street is subject to the review and approval of CDOT. Petitioner reserves the right to develop the site in accordance with the existing alignment of Berryhill Road and the site elements may be adjusted accordingly in the event the abandonment and realignment is not approved.

**J. Other Dedication Of Right-Of-Way & Transportation Commitments**

If this rezoning petition is approved, the Petitioner makes the following transportation commitments, in addition to the commitments regarding Berryhill Road described in Section I above:

1. To dedicate and convey for right-of-way purposes (by quitclaim deed and subject to a reservation for any necessary utility easements) any portion of the Site required to provide a 75 feet right-of-way from the centerline of Wilkinson Boulevard for that portion of the Site east of realigned Berryhill Road and a 85 feet right-of-way from the centerline of Wilkinson Boulevard for that portion of the Site west of the realigned Berryhill Road, if such right-of-way does not exist already, prior to the issuance of any building permit for the Site.
2. To construct or cause to be constructed a westbound left-hand turn lane on Wilkinson Boulevard with 300 feet of storage length. This westbound left-hand turn lane will be designed as a "leftover" and will be constructed in accordance with the specifications of NCDOT. Should CDOT or NCDOT determine that signalization of this leftover lane is necessary for safety or operational improvements, Petitioner shall bear the cost of such traffic signal installation, including costs relating to interconnecting to the interchange if necessary.
3. To construct an eastbound right turn taper on Wilkinson Boulevard in connection with realigned Berryhill Road using the remaining space available between the existing overpass over Paw Creek and realigned Berryhill Road as may be required by CDOT or NCDOT.
4. To construct or cause to be constructed a "bulb-out" designed to accommodate passenger vehicles on the northern right-of-way of Wilkinson Boulevard at the southbound I-485 ramp to facilitate u-turning passenger vehicles (i.e., vehicles moving eastbound, u-turning westbound).
5. The transportation commitments of the Petitioner described above shall be satisfied prior to the date of the issuance of the first certificate of occupancy for the first building to be constructed on the Site.

**K. Vehicular Access**

1. Vehicular access to the Site shall be provided by way of a new public street connection to Wilkinson Boulevard using Berryhill Road as described above and as generally depicted on the Technical Data Sheets. Buildings located within the Site shall be accessed internally via the new public street rather than directly to Wilkinson Boulevard.
2. The placement and configuration of the proposed access 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.

**L. Sidewalks and Planting Strips**

1. Sidewalks of at least five feet in width and planting strips of at least 8 feet in width will be constructed along the Site's frontage on Wilkinson Boulevard and along both sides of the new interior public street.
2. Sidewalks of at least five feet in width will be constructed within the Site so that sidewalk extends from each building within the Site to the sidewalk along the new interior public street.
3. Any required or non-required sidewalk and/or planting strips throughout the Site may be located inside or outside of public right-of-way. In the event a required sidewalk is located on private property, an easement in favor of the applicable governmental entity shall be established for such sidewalk.

**M. Paw Creek Greenway Provisions**

1. A pedestrian trail of at least 8 feet in width shall be provided from the new interior public street to the Paw Creek Greenway area as generally depicted on the Schematic Site Plans.
2. Users of the Paw Creek Greenway will be permitted to park in a portion of the parking area on the Site in close proximity to the pedestrian trail.
3. Upon the earlier to occur of the date which is five (5) years from approval of this Rezoning Petition or the date of issuance of the first Certificate of Occupancy for a building constructed on the Site, the Petitioner agrees to dedicate to Mecklenburg County for greenway purposes those portions of the Site located within designated SWIM buffers as generally depicted on the Technical Data Sheets, provided that any such dedication shall not hinder or otherwise affect in any manner the development rights afforded the Petitioner and the Site pursuant to this Rezoning Petition, the Ordinance or any other applicable regulations governing this Site. Furthermore, any such dedication shall (i) exclude those areas reserved for bio-retention/water quality/stormwater management facilities as generally depicted on the Technical Data Sheets or as otherwise agreed to by Mecklenburg County Land Use Environmental Services prior to such dedication and (ii) include the reservation of construction and maintenance easements relating to such bio-retention/water quality/stormwater management facilities.

**N. Storm Water Management**

1. Storm water runoff from the site will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte and the Charlotte Mecklenburg Storm Water Design Manual.
2. The following agencies must be contacted prior to construction regarding wetland and water quality permits, if applicable:  
Section 401 Permit NCDENR-Raleigh Office  
Section 404 Permit US Army Corps of Engineers

3. One or more storm water treatment area(s) such as, but not limited to, bio-retention areas, rain gardens, extended storm water detention wetlands, and/or storm water ponds shall be provided within the designated areas shown on the Technical Data Sheets, if requested by the Storm Water Services Division of City Engineering or the Water Quality Division of I/EDSA. In the event bio-retention area(s) or rain garden(s) are provided as part of the storm water management system, tree planting islands may be relocated, eliminated, combined, clustered and/or reduced in size subject to the approval of the Urban Forestry Staff (and other City or County staff as applicable).

**O. Swims Buffers and Floodplains**

Swims buffer areas shall conform to the standards of the Ordinance. The SWIM buffer areas and/or floodplain may potentially be used for implementation of the stormwater management system and for wetlands mitigation. Any such impacts to the SWIM buffers shall be in conformance with all regulations and shall be mitigated in accordance with Section 12.906 of the Ordinance.

**P. Zoning Ordinance Buffers**

1. The buffer areas established on the Technical Data Sheets shall conform to the standards of Section 12.302 of the Ordinance. All required buffers can be reduced with the use of a wall or fence per section 12.302 of the Ordinance except with respect to the 50 foot buffer along I-485 which shall not be reduced in such manner. In the event the abutting residentially zoned property is rezoned, the required buffer for this property may be adjusted accordingly to meet the minimum requirements for buffering and screening per the Ordinance.
2. In the event dissimilar land uses are located on the Site such that a requirement for buffers between the uses is imposed, the Petitioner reserves the right to pursue a variance from the Zoning Board of adjustment, alternative buffer plan, or other consideration in order to reduce or eliminate required buffers.

**Q. Fire Protection**

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

**R. Signage**

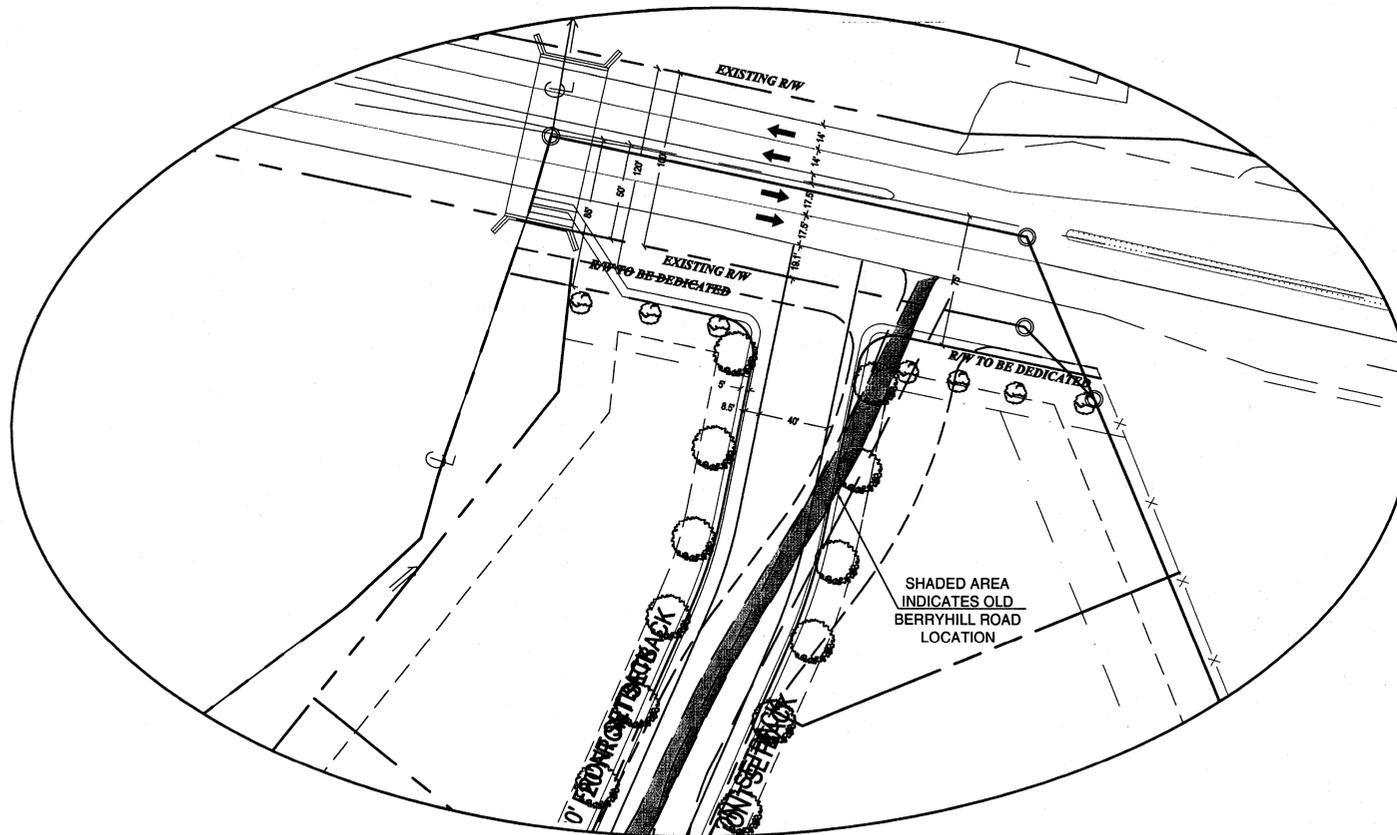
All signs will conform to the Ordinance.

**S. Amendments To Rezoning Plan**

Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then owner or owners of the tract or tracts within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

**T. Binding Effect Of The Rezoning Documents And Definitions**

1. If this rezoning petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheets 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.
2. Throughout these development standards, the terms "Petitioner", "Owner", or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest, assigns or agents of the Petitioners or the owner or owners of the Site from time to time who may be involved in any future development thereof.



ENLARGED PLAN @ ENTRANCE:

1"=40'

LEGAL DESCRIPTION
Lying and being in Mecklenburg County, North Carolina, and being bounded on the North by Wilkinson Boulevard (U.S. 29), a 100' right-of-way, on the East by the U.S. D.O.T. Project No. 2242 A& B, D. Drive 30 and 31 of plans, on the South by Rodney H. Williams and Patricia P. Williams, as such real property is described in Deed Book 6885 at Page 690 recorded in the Mecklenburg County Registry, North Carolina, on the West by Cytos Industries, Inc. as such real property is described in Deed Book 7906 at Page 692 recorded in the Mecklenburg County Registry, North Carolina, also by Rise Construction, LLC, as such real property is described in Deed Book 18773 at Page 618 recorded in the Mecklenburg County Registry, North Carolina and being described by metes and bounds according to a preliminary zoning survey by Forbice Land Surveying, dated April 15, 2004 as follows:  BEGINNING at the point of intersection of the centerline of Paw Creek and the centerline of Wilkinson Boulevard (U.S. 29), a 100' right-of-way, and runs from the Beginning with the centerline of said road 78 degrees 21 minutes 17 seconds East 284.70 feet to a point in the centerline of said road, thence leaving said road and running with right-of-way of the new I-485 Corridor South 22 degrees 00 minutes 17 seconds East 678.65 feet to an existing concrete right-of-way marker, thence South 12 degrees 01 minutes 28 seconds East 152.85 feet to a point, thence South 27 degrees 53 minutes 29 seconds East 450.59 feet to a point, thence South 08 degrees 57 minutes 33 seconds East 258.85 feet to a point, thence leaving the new I-485 Corridor right-of-way and running South 41 degrees 18 minutes 09 seconds West 311.12 feet to a point, being the centerline intersection of Tiger Branch, thence running with said centerline of Tiger Branch the following abutment (16) West 167.73 feet to a point, 3) North 73 degrees 19 minutes 21 seconds West 98.08 feet to a point, 4) South 74 degrees 58 minutes 20 seconds West 200.83 feet to a point, 5) North 88 degrees 43 minutes 28 seconds West 205.19 feet to a point, 6) South 78 degrees 09 minutes 06 seconds West 416.65 feet to a point, 7) North 73 degrees 30 minutes 02 seconds West 71.34 feet to a point, 8) South 58 degrees 00 minutes 31 seconds West 287.88 feet to a point, 9) South 81 degrees 13 minutes 50 seconds West 38.56 feet to a point, 10) North 88 degrees 41 minutes 43 seconds West 268.40 feet to a point, 11) North 27 degrees 44 minutes 08 seconds West 44.90 feet to a point, 12) North 27 degrees 44 minutes 08 seconds West 101.04 feet to a point, 13) North 53 degrees 47 minutes 48 seconds East 106.40 feet to a point, 14) North 07 degrees 43 minutes 43 seconds West 178.80 feet to a point, 15) North 44 degrees 54 minutes 43 seconds West 104.76 feet to a point, 16) North 07 degrees 43 minutes 43 seconds West 235.02 feet to a point on the 670 contour line, thence running with the 670 contour line the following abutment (16) bearing and distance: 1) North 86 degrees 12 minutes 52 seconds East 34.80 feet to a point, 2) North 20 degrees 14 minutes 08 seconds West 128.60 feet to a point, 3) North 46 degrees 13 minutes 08 seconds East 105.70 feet to a point, 4) North 98 degrees 00 minutes 32 seconds East 48.40 feet to a point, 5) North 21 degrees 30 minutes 08 seconds West 73.00 feet to a point, 6) North 77 degrees 14 minutes 08 seconds East 45.60 feet to a point, 7) North 50 degrees 45 minutes 52 seconds East 46.70 feet to a point, 8) North 17 degrees 51 minutes 52 seconds East 72.80 feet to a point, 9) North 02 degrees 15 minutes 02 seconds East 80.90 feet to a point, 10) North 08 degrees 37 minutes 08 seconds East 62.80 feet to a point, 11) North 32 degrees 16 minutes 52 seconds East 28.80 feet to a point, 12) North 67 degrees 21 minutes 52 seconds East 37.43 feet to a point in the center of Paw Creek, thence running with the center of Paw Creek the following abutment (16) bearing and distance: 1) South 87 degrees 37 minutes 09 seconds East 36.60 feet to a point, 2) South 73 degrees 37 minutes 29 seconds East 74.56 feet to a point, 3) South 81 degrees 21 minutes 21 seconds East 137.70 feet to a point, 4) North 80 degrees 24 minutes 30 seconds East 37.51 feet to a point, 5) North 77 degrees 04 minutes 24 seconds East 137.70 feet to a point, 6) North 09 degrees 26 minutes 30 seconds East 96.24 feet to a point, 7) North 52 degrees 17 minutes 57 seconds East 121.12 feet to a point, 8) North 53 degrees 23 minutes 32 seconds East 121.12 feet to a point, 9) North 33 degrees 39 minutes 01 seconds East 53.45 feet to a point, 10) North 58 degrees 26 minutes 30 seconds East 98.16 feet to a point, 11) North 63 degrees 28 minutes 38 seconds East 128.14 feet to a point, 12) North 47 degrees 26 minutes 08 seconds East 58.16 feet to a point, 13) North 19 degrees 10 minutes 08 seconds East 158.37 feet to the point of intersection of the centerline of Paw Creek and the centerline of Wilkinson Boulevard (U.S. 29) and being the Point of Beginning, said tract containing 2,543,884.111 square feet or 57.898 acres, more or less.

SITE DATA
PROJECT NAME: BERRYHILL ROAD PROPERTY
TAX PARCELS: 113-331-06, 113-331-05, & 113-031-06 LOT SIZE: 57,808 ACRES
YARD REQUIREMENTS (BUILDING): FRONT YARD SETBACK: 20 FT. FROM R/W REAR YARD: 10 FT. SIDE YARD (L): 0/5 FT. SIDE YARD (R): 0/5 FT.

EXISTING ZONING: B-2, I-1, I-2, and R-4 LLWA/LLWCA  
PROPOSED ZONING: I-1 (CD)LLWA/LLWCA

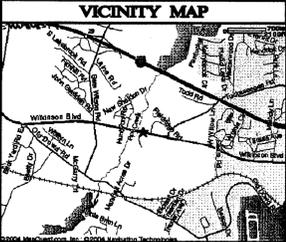
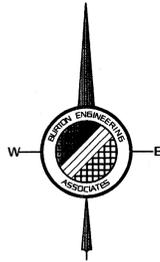
PETITIONER:  
Lord Baltimore Properties  
1200 EAST MOREHEAD STREET  
CHARLOTTE, NORTH CAROLINA 28204

'BERRYHILL ROAD PROPERTY'  
TECHNICAL DATA SHEET NOTES  
ALTERNATIVES I & II

SHEET 5 of 6  
APRIL 26, 2004  
REVISED JUNE 11, 2004 REVISED SEPT. 15, 2004  
REVISED DECEMBER 14, 2011



5550 Fairview Rd. • Suite 100 • Charlotte, NC 28210  
(704) 553-8881 • Fax (704) 553-8860  
ATTACHED TO ADMINISTRATIVE APPROVAL  
DATED: 12/19/11  
BY: DEBRA D. CAMPBELL  
"FOR PUBLIC HEARING"  
PETITION No. 2004-70



HEA CONTRACTING, LLC  
DB 16372-PG 510  
TAX PARCEL 113-03-101  
ZONED B-2  
USE: WAREHOUSE

PROTECTED AREA  
CRITICAL AREA  
NF  
CYTEC INDUSTRIES, INC.  
5 GARRET MOUNTAIN PLZ  
WEST PATERSON, N.J. 07424  
DEED BOOK 7605 PAGE 592  
PARCEL ID: 113-031-05A  
ZONED I-2  
USE: WAREHOUSE

APPROX. 9.6 AC ± TO  
BE DEDICATED TO  
MECK COUNTY  
PARKS AND  
RECREATION. EXACT  
ACREAGE AND  
BOUNDARY TO BE  
DETERMINED.  
MINIMUM BOUNDARY  
TO BE 100' FROM TOP  
OF BANK OF PAW  
CREEK.

10.56 AC FEMA FRINGE

FEMA FRINGE

FLUM FRINGE

100 YEAR FLOOD ZONE

3.84 AC FEMA FRINGE

1.92 AC 50% OF FEMA FRINGE

NF  
CYTEC INDUSTRIES, INC.  
5 GARRET MOUNTAIN PLZ  
WEST PATERSON, N.J. 07424  
DEED BOOK 7605 PAGE 592  
PARCEL ID: 113-031-05A  
ZONED I-2  
USE: WAREHOUSE

TO ONE OF THE LOTS  
OF THE LOTS  
DEED BOOK 7605 PAGE 592  
PARCEL ID: 113-031-05A  
ZONED I-2  
USE: UNKNOWN

100 YEAR FLOOD ZONE

Wilkinson Bv

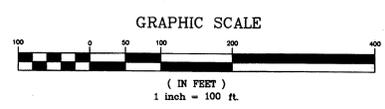
30' DRAINAGE DITCH

PETITIONER:  
**Lord Baltimore Properties**  
1200 EAST MOREHEAD STREET  
CHARLOTTE, NORTH CAROLINA 28204

'BERRYHILL ROAD PROPERTY'  
ROADWAY/AREA PLAN  
SHEET 6 of 6  
APRIL 26, 2004  
REVISED JUNE 11, 2004 REVISED SEPT. 15, 2004

ATTACHED TO ADMINISTRATIVE  
APPROVAL 505  
DATED: 12/19/04  
BY: DEBRA D. CAMPBELL

 **BURTON  
ENGINEERING  
ASSOCIATES**  
CIVIL ENGINEERS  
LAND PLANNERS  
5950 Fairview Rd. • Suite 100 • Charlotte, NC 28210  
(704) 553-8881 • Fax (704) 553-8880



"FOR PUBLIC HEARING"  
PETITION No. 2004-70