



FOR PUBLIC HEARING REZONING  
 PETITION NO. 2007-031

**DEVELOPMENT STANDARDS**

**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 Neighborhood Services ("NS") zoning district classification shall be followed in connection with development taking place on this approximately 4.4 acre site located at the northeasterly corner of the intersection of Mineral Springs Road and West Sugar Creek Road (the "Site").

**PERMITTED USES/MAXIMUM GROSS BUILDING AREA**

1. The Site may be devoted to any use (including any accessory use) which is permitted under the Ordinance by right or under prescribed conditions in the NS zoning district, however, that the following uses shall not be permitted on the Site:

- ABC Stores/Liquor Stores
- Active adult retirement communities
- Adult care centers
- Adult care homes
- Automotive service stations, including minor adjustments, repairs and lubrication
- Bed and breakfast inns
- Boarding houses
- Bus and train terminals
- Car washes
- Cemeteries
- Civic, social service or fraternal facilities
- Commercial rooming houses
- Dormitories
- Dwellings, detached, duplex, triplex or quadruplex
- Dwellings, mixed use, multi-family, planned multi-family residential development and/or attached residential development
- Elementary and secondary schools
- Family childcare homes
- Fences and fence material sales
- Funeral homes, embalming or crematories
- Gasoline sales, facilities and pumps, whether as a primary or an accessory use
- Group homes
- Locksmiths and gunsmiths

**GENERAL PROVISIONS**

2. The buildings located on the Site may have drive-in service lanes/windows as an accessory use in accordance with the requirements of Section 12.413 of the Ordinance.

3. The Rezoning Plan depicts one possible development scheme. Other potential development schemes may be allowed subject to the review and approval of the Charlotte-Mecklenburg Planning Commission Staff through the administrative site plan amendment process (Section 6.207 of the Ordinance) and subject to the provisions and standards contained herein.

4. The Site may be developed with two separate buildings. The building designated on the Rezoning Plan as "Building A" may contain up to 15,000 square feet of gross building area, and the building designated on the Rezoning Plan as "Building B" may contain up to 10,000 square feet of gross building area.

5. A 6 foot high brick screen wall shall be installed along the northern edge of the Site as more particularly depicted on the Rezoning Plan. The 6 foot high brick screen wall shall be installed in two phases, with the first phase being depicted with a solid line and the second phase being depicted with a dashed line on the Rezoning Plan. The first phase of the 6 foot high brick screen wall shall be installed prior to the issuance of a certificate of occupancy for Building A, and the second phase of the 6 foot high brick screen wall shall be installed prior to the issuance of a certificate of occupancy for Building B.

6. The maximum height of any freestanding light fixture installed on the Site (other than street lights on public rights-of-way) including its base, shall not exceed 30 feet. All lighting will be capped and fully shielded to direct lighting downward and/or away from adjoining residential properties.

7. All signage shall comply with the requirements of Chapter 13 of the Ordinance and Section 11.509 of the Ordinance.

8. A minimum of 3.3% of the Site shall be devoted to tree save areas. The tree save areas shall be located within the landscaped area depicted on the Rezoning Plan.

9. The maximum height of any building constructed on the Site shall be 40 feet.

10. The primary exterior building materials for Building A shall be brick, stone, pre-cast concrete or similar masonry products, stucco, hardiplank or a combination thereof.

11. Building B shall be compatible with Building A with respect to the types and colors of the exterior building materials.

12. The placement and configuration of each vehicular access point 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 Department of Transportation and/or the North Carolina Department of Transportation.

13. An 8 foot planting strip and a 6 foot sidewalk will be installed along the Site's frontage on West Sugar Creek Road and along the Site's frontage on Mineral Springs Road as depicted on the Rezoning Plan.

14. The peak shall be controlled to match the predevelopment runoff rates for the 10-year, 6 hour storm, and Petitioner shall perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, Petitioner shall control the peak for the 10-year and 25-year, 6 hour storms.

15. Subject to the approval of CDDO1 and/or NCDOT1 as applicable, in the event that a driveway permit is obtained for the full movement access point on Mineral Springs Road (Mallard Creek Road) as depicted on the Rezoning Plan, the Petitioner shall construct, at its sole cost and expense, an eastbound left turn lane on Mineral Springs Road (Mallard Creek Road) at this access point. This left turn lane shall be designed and constructed in accordance with the standards of NCDOT1.

16. Subject to the approval of CDOT and NCDOT, the access point on West Sugar Creek Road shall be limited to right-in, right-out and directional crossover movements. In the event that a driveway permit for this access point is received prior to the date that the Graham Street Extension project is placed under contract, the Petitioner shall construct, at its sole cost and expense, a directional crossover on West Sugar Creek Road at this access point in accordance with CLDS detail No. 30.13. The median will be required to extend approximately 100 feet north of this access point, and south to the intersection of West Sugar Creek.

17. If this Rezoning Petition is approved, all conditions applicable to the 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 Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

18. Throughout these Development Standards, the terms "Petitioner" and "Owner" or "Owners" 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.

19. Adequate fire protection in the form of fire hydrants will be provided to the Charlotte 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.

20. Future amendments to the 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 6 of the Ordinance.

21. Fire protection in the form of fire hydrants will be provided to the Charlotte 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.

22. Future amendments to the 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 6 of the Ordinance.

23. Fire protection in the form of fire hydrants will be provided to the Charlotte 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.

24. Future amendments to the 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 6 of the Ordinance.

25. The maximum height of any building constructed on the Site shall be 40 feet.

26. The primary exterior building materials for Building A shall be brick, stone, pre-cast concrete or similar masonry products, stucco, hardiplank or a combination thereof.

27. Building B shall be compatible with Building A with respect to the types and colors of the exterior building materials.

28. The placement and configuration of each vehicular access point 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 Department of Transportation and/or the North Carolina Department of Transportation.

29. An 8 foot planting strip and a 6 foot sidewalk will be installed along the Site's frontage on West Sugar Creek Road and along the Site's frontage on Mineral Springs Road as depicted on the Rezoning Plan.

30. The peak shall be controlled to match the predevelopment runoff rates for the 10-year, 6 hour storm, and Petitioner shall perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, Petitioner shall control the peak for the 10-year and 25-year, 6 hour storms.

31. Subject to the approval of CDDO1 and/or NCDOT1 as applicable, in the event that a driveway permit is obtained for the full movement access point on Mineral Springs Road (Mallard Creek Road) as depicted on the Rezoning Plan, the Petitioner shall construct, at its sole cost and expense, an eastbound left turn lane on Mineral Springs Road (Mallard Creek Road) at this access point. This left turn lane shall be designed and constructed in accordance with the standards of NCDOT1.

32. Subject to the approval of CDOT and NCDOT, the access point on West Sugar Creek Road shall be limited to right-in, right-out and directional crossover movements. In the event that a driveway permit for this access point is received prior to the date that the Graham Street Extension project is placed under contract, the Petitioner shall construct, at its sole cost and expense, a directional crossover on West Sugar Creek Road at this access point in accordance with CLDS detail No. 30.13. The median will be required to extend approximately 100 feet north of this access point, and south to the intersection of West Sugar Creek.

33. Fire protection in the form of fire hydrants will be provided to the Charlotte 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.

34. Future amendments to the 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 6 of the Ordinance.

35. Fire protection in the form of fire hydrants will be provided to the Charlotte 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.

36. Future amendments to the 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 6 of the Ordinance.

37. Fire protection in the form of fire hydrants will be provided to the Charlotte 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.

38. The maximum height of any building constructed on the Site shall be 40 feet.

39. The primary exterior building materials for Building A shall be brick, stone, pre-cast concrete or similar masonry products, stucco, hardiplank or a combination thereof.

40. Building B shall be compatible with Building A with respect to the types and colors of the exterior building materials.

41. The placement and configuration of each vehicular access point 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 Department of Transportation and/or the North Carolina Department of Transportation.

42. An 8 foot planting strip and a 6 foot sidewalk will be installed along the Site's frontage on West Sugar Creek Road and along the Site's frontage on Mineral Springs Road as depicted on the Rezoning Plan.

43. The peak shall be controlled to match the predevelopment runoff rates for the 10-year, 6 hour storm, and Petitioner shall perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, Petitioner shall control the peak for the 10-year and 25-year, 6 hour storms.

44. Subject to the approval of CDDO1 and/or NCDOT1 as applicable, in the event that a driveway permit is obtained for the full movement access point on Mineral Springs Road (Mallard Creek Road) as depicted on the Rezoning Plan, the Petitioner shall construct, at its sole cost and expense, an eastbound left turn lane on Mineral Springs Road (Mallard Creek Road) at this access point. This left turn lane shall be designed and constructed in accordance with the standards of NCDOT1.

45. Subject to the approval of CDOT and NCDOT, the access point on West Sugar Creek Road shall be limited to right-in, right-out and directional crossover movements. In the event that a driveway permit for this access point is received prior to the date that the Graham Street Extension project is placed under contract, the Petitioner shall construct, at its sole cost and expense, a directional crossover on West Sugar Creek Road at this access point in accordance with CLDS detail No. 30.13. The median will be required to extend approximately 100 feet north of this access point, and south to the intersection of West Sugar Creek.

46. Fire protection in the form of fire hydrants will be provided to the Charlotte 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.

47. Future amendments to the 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 6 of the Ordinance.

48. Fire protection in the form of fire hydrants will be provided to the Charlotte 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.

49. Future amendments to the 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 6 of the Ordinance.

50. Fire protection in the form of fire hydrants will be provided to the Charlotte 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.

**REVISIONS**

NO.	DATE	BY	DESCRIPTION

**FIRE PROTECTION**

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte 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.

**AMENDMENTS TO THE REZONING PLAN**

Future amendments to the 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 6 of the Ordinance.

**BINDING EFFECT OF THE REZONING APPLICATION**

1. If this Rezoning Petition is approved, all conditions applicable to the 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 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" and "Owner" or "Owners" 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.

**CERTIFICATION AND SEAL**


PROJECT NAME  
**SUGAR CREEK SITE**  
 W. SUGAR CREEK RD. & MINERAL SPRINGS RD.  
 CHARLOTTE, NORTH CAROLINA

DRAWING TITLE  
**REZONING PLAN**

CADD PLOT: 06051  
 VOID PLOT:  
 RELEASED TO CONSTRUCTION

SCALE: 1" = 60'-0"  
 DRAWN BY: TJH  
 DATE: 11-2-07  
 REVIEWED BY:

**SP.100**

1 OF 1 DWGS.