



## Charlotte-Mecklenburg Planning Department

**DATE:** May 12, 2016

**TO:** Donald Moore  
Zoning Supervisor

**FROM:** Ed McKinney  
Interim, Planning  
Director

**SUBJECT:** Administrative Approval for Petition No. 2008-031 Mountain Island Promenade, 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.

- General layout for proposed retail buildings.
- Note modification: Elevation and review will happen prior to commercial building standards review.
- Master site development record
- Open space and green areas are tied to certain buildings being developed.
- Screening wall along proposed internal public street

Reasons for Staff's support of the request:

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

**Note: All other Zoning, Subdivision, Tree Ordinances, Building Codes, and conditional note requirements still apply.**

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

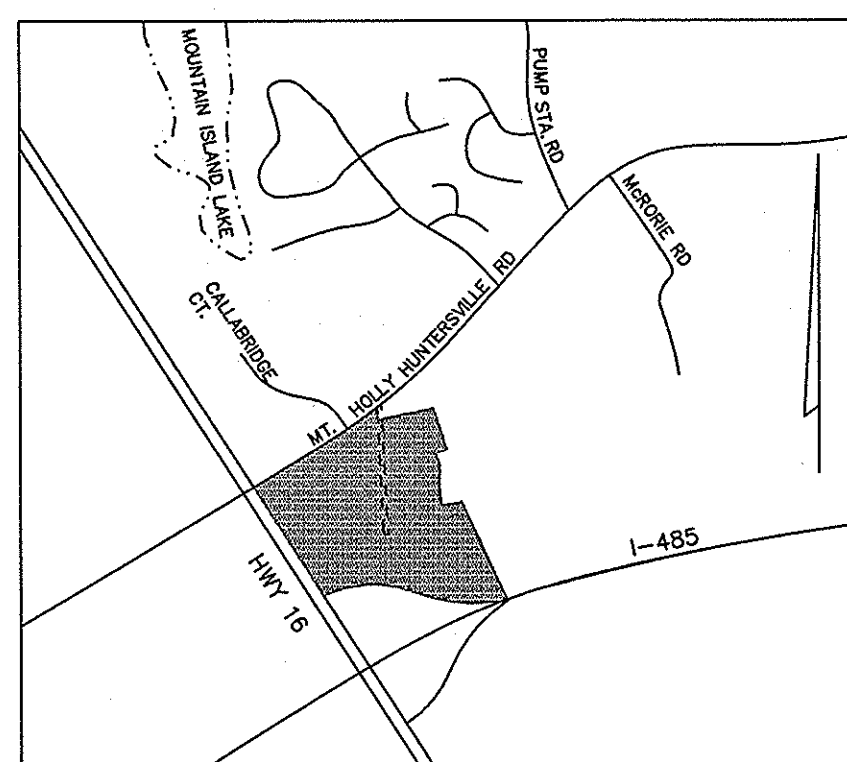
**Elevations for individual buildings were not reviewed for this request.**



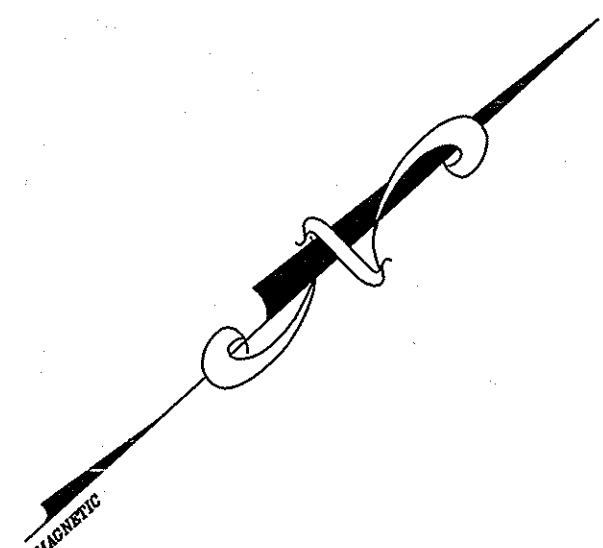
# RIVERBEND MT. HOLLY-HUNTERSVILLE ROAD

Attached to Administrative  
Approval

*Solomon A. Fortune* **SF**  
Solomon A. Fortune

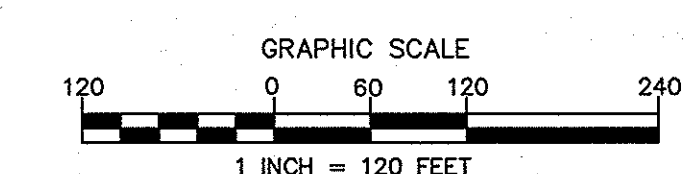
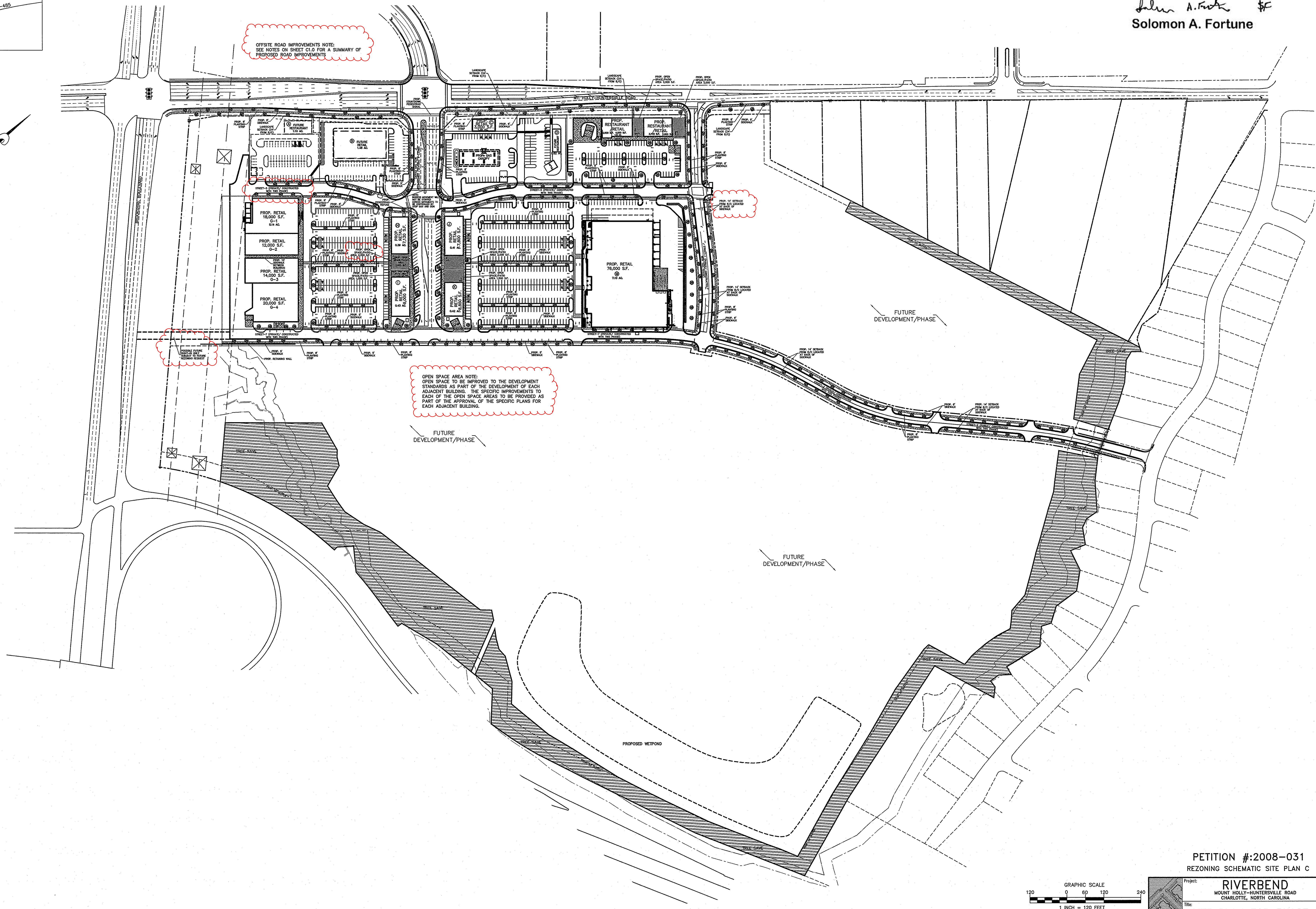


LOCATION MAP  
NOT TO SCALE



OFFSITE ROAD IMPROVEMENTS NOTE:  
SEE NOTES ON SHEET C10 FOR A SUMMARY OF  
PROPOSED ROAD IMPROVEMENTS

OPEN SPACE AREA NOTE:  
OPEN SPACE TO BE IMPROVED TO THE DEVELOPMENT  
STANDARDS AS PART OF THE DEVELOPMENT OF EACH  
ADJACENT BUILDING. THE SPECIFIC IMPROVEMENTS TO  
EACH OF THE OPEN SPACE AREAS TO BE PROVIDED AS  
PART OF THE APPROVAL OF THE SPECIFIC PLANS FOR  
EACH ADJACENT BUILDING.



PRELIMINARY  
DO NOT USE FOR CONSTRUCTION

NO.	BY	DATE	REVISION
1	FBL	4/5/16	PER PLANNING COMMENTS

PETITION #:2008-031  
REZONING SCHEMATIC SITE PLAN C

Project: **RIVERBEND**  
MOUNT HOLLY-HUNTERSVILLE ROAD  
CHARLOTTE, NORTH CAROLINA

Title: **SITE PLAN FOR PHASE 1**

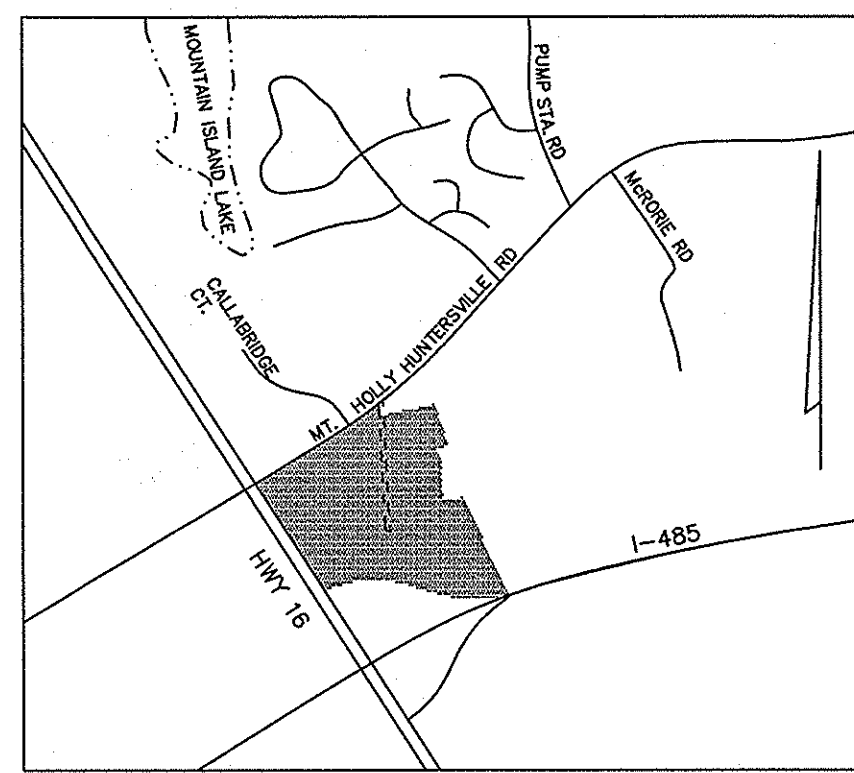
File #: 15023-PB.DWG | Date: 01/28/16 | Project Egr: BTU  
Design By: FBL  
Drawn By: FBL  
Scale: 1"=120'

**ISAACS**  
CIVIL ENGINEERING DESIGN AND SURVEYING

8720 RED OAK BOULEVARD, SUITE 420  
CHARLOTTE, N.C. 28217  
PHONE (704) 527-3440 FAX (704) 527-8335

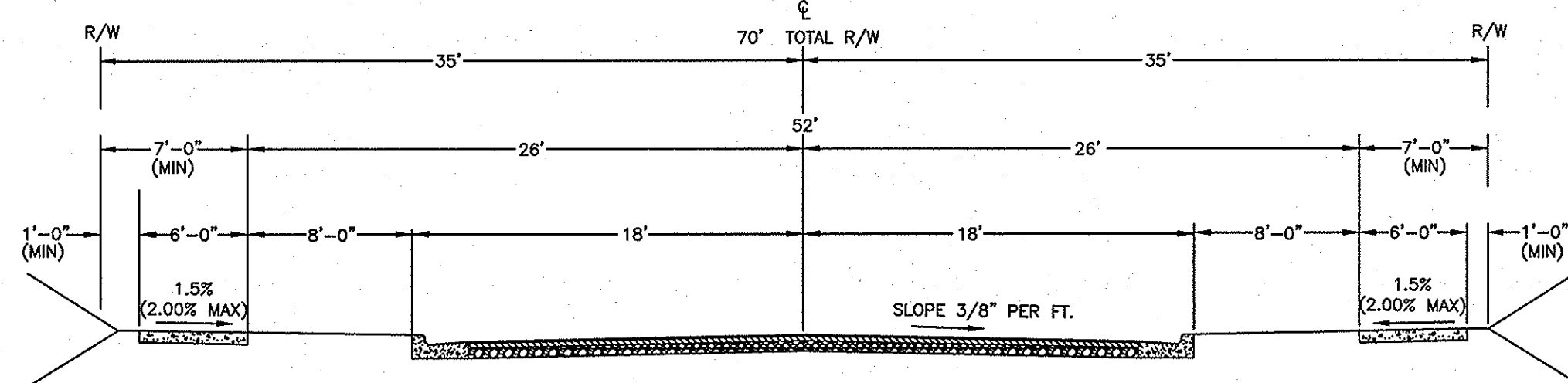
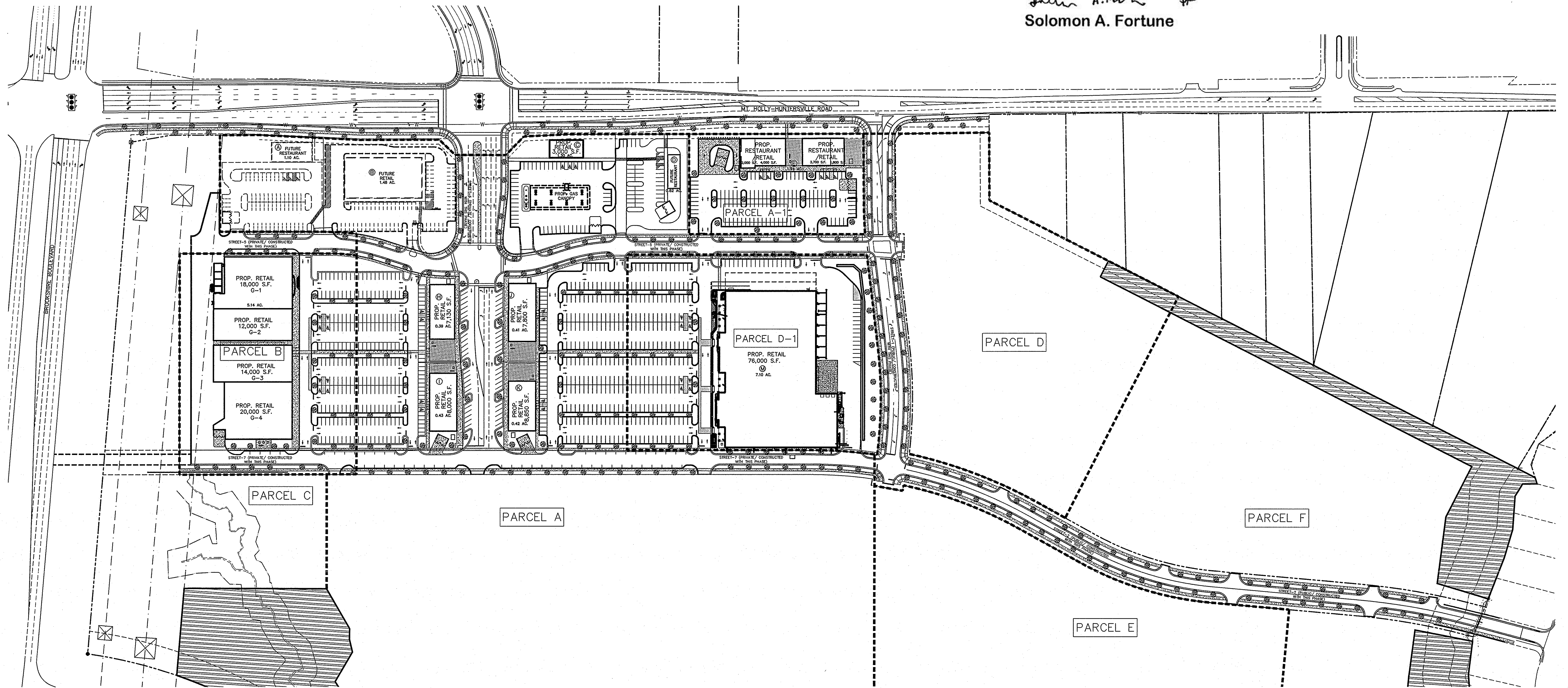
**CO.0**



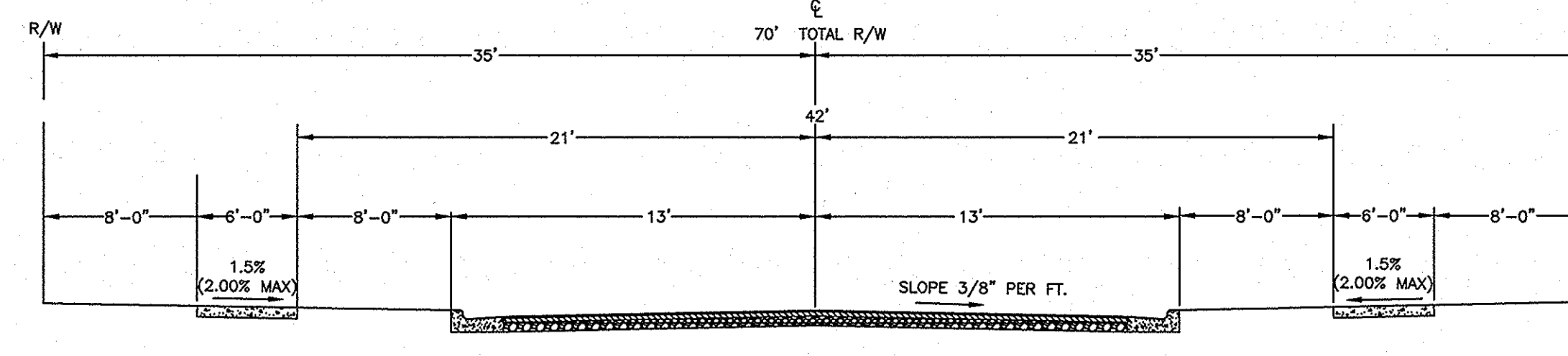


Attached to Administrative  
Approval

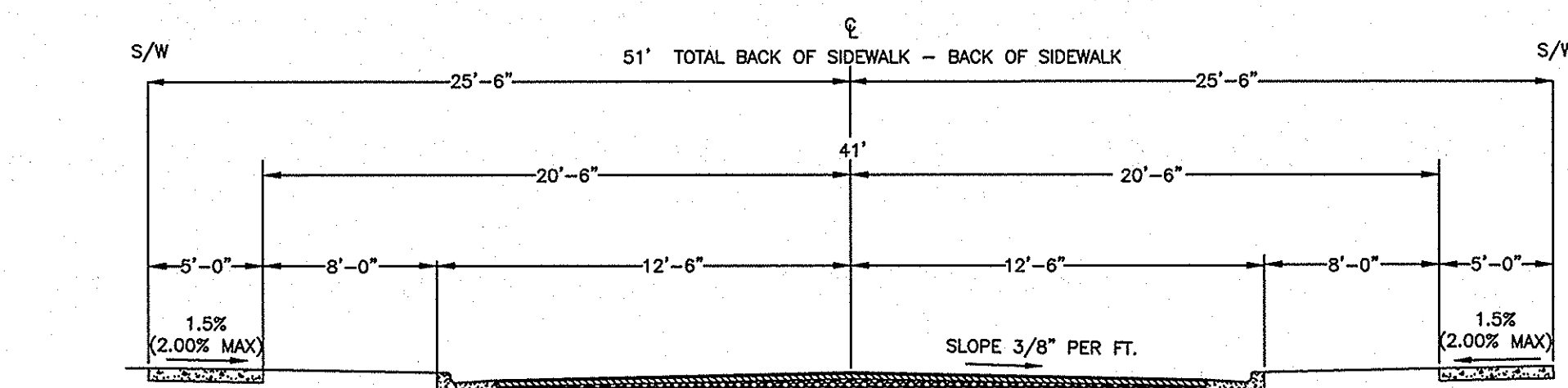
*Solomon A. Fortune* *SE*  
Solomon A. Fortune



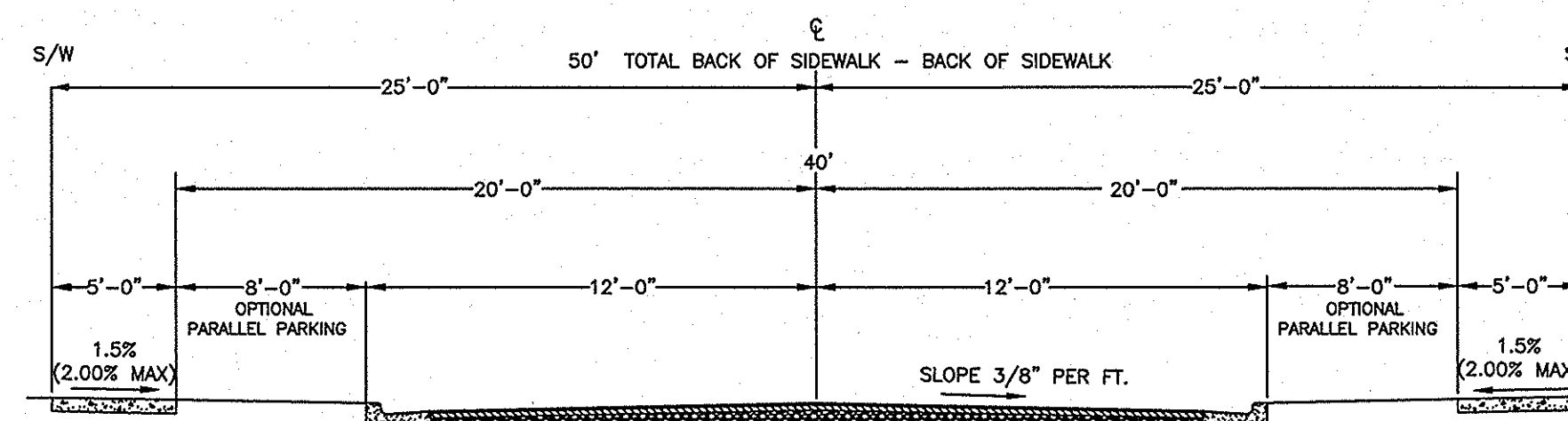
PUBLIC STREET-1 (TYP.)



PUBLIC STREET-2 (TYP.)

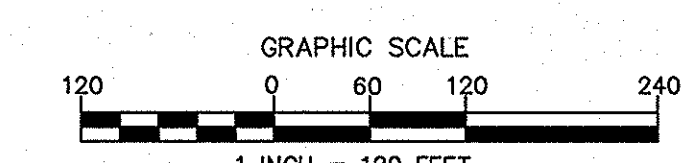


PRIVATE STREET-5 (TYP.)



PRIVATE STREET-7 (TYP.)

	Residential	Retail Allowed by Rezoning	Office	Climate Controlled Storage	Retail Proposed with this Phase
<b>Area 1 - Residential (50 Ac.)</b>					
Parcel E	625 units (897,500 s.f.)**				0
Parcel F	140 units (175,000 s.f.)**				0
	**See RZ-5 for specific development allowed for Parcel E and Parcel F				
<b>Area 1 - Multi-Use (70 Ac.)</b>					
Parcel A		245,000 s.f.			46,280 s.f.
Parcel B		72,500 s.f.			64,000 s.f.
Parcel C				127,000 s.f.	0
Parcel D, D-1		98,000 s.f.	165,000 s.f.		76,000 s.f.
<b>Total</b>	<b>765 units (862,500 s.f.)</b>	<b>415,500 s.f.</b>	<b>165,000 s.f.</b>	<b>127,000 s.f.</b>	<b>181,370 s.f.</b>



PETITION #:2008-031  
REZONING SCHEMATIC SITE PLAN C

Project: **RIVERBEND**  
MOUNT HOLLY-HUNTERSVILLE ROAD  
CHARLOTTE, NORTH CAROLINA

**SITE PLAN FOR PHASE 1**

File #: 15023-PB-DWG | Date: 01/28/16 | Project Egr: BTU

Design By: FBI

Drawn By: FBI

Scale: 1"=120'

8720 RED OAK BOULEVARD, SUITE 420  
CHARLOTTE, N.C. 28217  
PHONE (704) 527-3440 FAX (704) 527-8335

**CO.1**

PRELIMINARY  
DO NOT USE FOR CONSTRUCTION



DEVELOPMENT STANDARDS  
MOUNTAIN ISLAND PROMENADE  
PETITION NO. 2008-031

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by the Petitioners to accommodate development of a pedestrian-friendly multi-use development that maintains the vision of the Brookshire Boulevard/485 Area Plan to develop a pedestrian-oriented, walkable, well integrated community on an approximately 116.3 acre site located on the southeasterly quadrant of the intersection between Brookshire Boulevard (NC Highway 16) and Mt. Holly-Huntersville Road (the "Site").

Unless the Technical Data Sheet (Sheet RZ-1), the Schematic Site Plan (Sheet RZ-2), and the Schematic Site Plan C (Sheet RZ-2c) or the Supplemental Sheets (Sheet RZ-3, and RZ-4, or these Development Standards (Sheet RZ-5) establish more stringent standards, the regulations established under the Charlotte Zoning Ordinance (the "Ordinance") for the NS zoning district classification shall govern all development taking place on Parcel A, Parcel B, Parcel C, Parcel D, Parcel E and Parcel F of the Site and the regulations established under the Ordinance for the RD zoning district classification shall govern all development taking place on Parcel G of the Site.

1. Permitted Uses
- (a) Subject to the provisions of Paragraph (a) of Section 2 below, Parcel A and Parcel B of the Site may be devoted to a home improvement center, retail sales, personal and recreational services, day labor services agency, automotive service station and associated car wash, outdoor seasonal sales, donation drop-off facility, equipment rental and leasing within an enclosed building, post office, financial institutions, drug store, studios, childcare centers, schools, general medical offices, restaurants and medical, dental and optical clinics which are permitted under the Ordinance by right or under prescribed conditions in the NS zoning district.
  - (b) Subject to the provisions of Paragraph (c) of Section 2 below, Parcel C of the Site may be devoted to a substantially below ground climate-controlled storage building, an above ground off-street parking lot, an above ground off-street parking lot, an associated with the storage building, associated accessory uses (excluding any outdoor storage) and above ground off-street parking for Parcel A, Parcel B and Parcel C.
  - (c) Subject to the provisions of Paragraph (d) of Section 2 below, Parcel D of the Site may be devoted to those uses allowed in an office district zoning classification, including but not limited to, banks or other financial institutions, (with or without drive through lanes), general and medical offices, optical, dental and medical clinics and elementary and secondary schools, along with associated accessory uses. Additionally, Parcel D-1 of the Site may be devoted to retail, restaurant or commercial uses as permitted in the NS zoning district classification and/or those uses allowed in an office district zoning classification.
  - (d) Subject to the provisions of Paragraph (f) of Section 2 below, Parcel E of the Site may be devoted to all types of attached for sale and/or rent residential developments including but not limited to a nursing home, rest home, the use of the aged and assisted living center along with associated accessory uses.
  - (e) Parcel F of the Site may be devoted to all types of attached for sale residential developments along with associated accessory uses. Additionally, that portion of Parcel F lying west of Public Street 4 and adjacent to Parcel D may be used for an elementary and secondary school along with associated accessory uses.

2. Maximum Building Areas and Development Limitations
- (a) No more than 317,500 square feet of gross leasable floor area may be developed on Parcel A and Parcel B. Areas devoted to outdoor dining, gallery areas, outdoor covered walkways and courtyards, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), service areas, mechanical and electrical rooms and outside sales areas are not included in this maximum square footage provision; however, that any off-street parking associated therewith that may be treated by the Ordinance will be provided for these areas. Additionally, no outside sales will be allowed on Parcel A except within the general areas depicted on Sheet RZ-2a, Sheet RZ-2b, or Sheet RZ-2c and outside sales conducted in connection with other uses on Parcel A and Parcel B, including outdoor dining, must comply with applicable regulations in the Ordinance.
  - (b) The uses permitted on Parcel A and Parcel B under Paragraph (a) of Section 1 above are subject to the following conditions:
    - (i) A minimum of 5,000 square feet of floor area designated for or leased to office uses under the Ordinance shall be constructed on the Site prior to the issuance of any certificate(s) of occupancy for more than 175,000 square feet for retail, restaurant or other commercial use.
    - (ii) No single user may occupy more than 26,500 square feet of space within Parcel A or Parcel B, subject to the following two exceptions:
      - One retail use may be established on Parcel A which occupies no more than 175,000 square feet.
      - A grocery store and/or junior anchor may be established on Parcel B provided no single building shall exceed 55,000 square feet.
    - (iii) No more than three establishments with drive-through windows facilities, as defined in the Ordinance, and no more than one automotive service station may be developed on these Parcels.
  - (c) The number of independent out-parcels shall be limited to no more than two. All other out-parcels must be inter-connected as defined by the General Development Policies.
  - (d) The substantially below ground climate-controlled storage facility permitted on Parcel C shall contain no more than 127,000 square feet, which is composed of an approximately 125,000 square feet below ground storage building and an approximately 2,000 square feet above ground off-street building.

- (e) Parcel D of the Site may be developed with:
  - Elementary or secondary school uses along with associated accessory uses, and/or
  - Up to 84,000 square feet of office uses along with associated accessory uses.
- (f) At petitioners option Parcel D-1 of the Site may be developed with:
  - Up to 98,000 square feet of upscale retail use(s) which may be located within one or more buildings and may be devoted to one anchor tenant or to multiple smaller tenants along with associated accessory uses or
  - Up to 81,000 square feet of office uses along with associated accessory uses and up to 35,000 square feet of upscale retail uses which may be located within one or more buildings and may be devoted to one tenant or multiple tenants; or
  - Up to 45,000 square feet of office uses along with associated accessory uses and up to 85,000 square feet of upscale retail uses which may be located within two or more buildings and may be devoted to one tenant or multiple tenants.

- The uses permitted on Parcel D-1 under Paragraph (f) of Section 1 above are subject to the following conditions:
- (i) No more than one establishment with drive-through window facilities, as defined in the Ordinance, and no automotive service station may be developed on this Parcel.
  - (ii) All buildings must be architecturally integrated to complement one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry material). No aluminum or vinyl siding or spandrel glass shall be used on any building.
  - (iii) All buildings must be sited with an emphasis on maintaining pedestrian interconnectivity.
  - (iv) Parking areas should be located so they minimize the distance for pedestrian access to the parking areas.
  - (v) Office buildings shall not exceed 60 feet in height and retail buildings shall not exceed 40 feet in height as measured in accordance with the Ordinance.

- (vi) Any building(s) located within Parcel D-1 used for retail purposes shall be constructed with four-sided architecture and shall avoid expanses of solid walls exceeding 20 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building. The building elevation depicted on Sheet RZ-3 is schematic in nature and is not to be considered as the final architectural or engineered plan but rather as a graphic representation of the type and quality of the architecture proposed. Accordingly, minor alterations and modifications may be made to the configuration and placement of individual building materials and elements during the design, development and construction phases within the limits prescribed by these Development Standards, the submitted conceptual building elevations and Section 6.207 of the Ordinance.
- (f) Parcel E of the Site may be developed with:
  - Up to 625 attached for sale and/or rent residential units along with associated accessory uses; provided, however, that no more than 500 of such residential units may be constructed for rent, and/or
  - A nursing home, rest home, the use of the aged and assisted living center by exchanging residential units for independent living units at the rate of 22 independent living units for 18 residential units and for dependent living beds at the rate of 70 dependent living beds for 18 residential units provided, however, that the independent living units and dependent living beds may be rent or for sale, or a combination thereof, and for rent independent living units or dependent living beds shall not be deemed to be attached for rent residential units within the meaning of the 500 unit for rent limitation provided above.
- (g) Parcel F of the Site may be developed with other:
  - Up to 140 for sale attached residential units and/or single-family detached residential units which satisfy the existing regulations under the R-6 zoning district classification; or
  - Up to 125 for sale attached residential units and/or single-family detached residential units which satisfy the existing regulations under the R-6 zoning district classification and accessory uses and an elementary or secondary school containing up to 80,000 attached student and accessory uses, on that portion of Parcel F that lies west of Public Street 4 and is adjacent to Parcel D.

3. Setbacks, Side Yards and Rear Yards
- (a) All buildings constructed on Parcels A, B, D, D-1, E and F of the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS zoning district, subject to the provisions of Section 3(c) below. However, a landscape strip at least 24 feet in width, as measured from the back of the curb specified on the Technical Data Sheet, shall be provided along Mt. Holly-Huntersville Road. This landscape strip shall conform to the specifications outlined on Sheet RZ-3.
  - (b) All buildings constructed on Parcel C of the Site shall satisfy or exceed any required setback, rear yard and side yard requirements established under the Ordinance for the RD zoning district, subject to the provisions of Section 3(c) below.
  - (c) The Site may be considered a unified development plan and as such internal side and/or rear yards may be eliminated, subject to the normally required staff review and approval process.

4. Design and Performance Standards
- Accompanying the Rezoning Petition are four optional alternative Schematic Site Plans (Sheets RZ-2a, RZ-2b, RZ-2c, and RZ-2d) for the development of Parcel A, B, D and D-1 of the Site, all of which shall be approved without further authorization so long as the ultimate design is consistent with one of the four plans.
- The Petitioners reserve the option to combine or not combine buildings depicted on each Schematic Site Plan. However, this option does not include the right to increase the number of buildings shown on any of the Schematic Site Plans.
- The developments on Parcels A, B, C, D, D-1, E and F as depicted on the Schematic Site Plans (Sheets RZ-2a, RZ-2b, RZ-2c, and RZ-2d) are schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, minor alterations and modifications may be made to the configurations, placements, and sizes of the buildings and Parcels, as well as the locations of streets serving the Parcels, subject to the provisions set forth below under Architectural and Design Controls, during the design, development, and construction phases within the maximum development area boundaries established on the Technical Data Sheet (Sheet RZ-1). Parking layouts may also be altered and modified to accommodate final building locations and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.
- For purposes of the preceding paragraph any alterations or modifications which substantially alter the character of the development or significantly alter the Schematic Site Plans or their conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Section 6.207(1) or (2) of the Ordinance, as applicable.
- The Petitioners agree to submit detailed plans with respect to each phase of development proposed on the Site to the Staff of the Charlotte-Mecklenburg Planning Commission for review prior to the issuance of building permits for construction of the proposed phases of development so that Staff may be assured that such development satisfies the conditions imposed under the Technical Data Sheet, these Development Standards and the other Sheets and Exhibits accompanying the Rezoning Petition. Compliance with the provisions of this paragraph shall not be deemed to be an administrative site plan application or require administrative site plan approval as envisioned by Section 6.207 of the Ordinance.

- (a) Architectural and Design Controls
- Parcel A and Parcel B (Predominantly Retail Uses)
- (i) Buildings located along Mt. Holly-Huntersville Road shall contain translucent glass windows along the elevations which face Mt. Holly-Huntersville Road. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building.
  - (ii) Buildings located along NC Highway 16 (Brookshire Boulevard) may be multi-tenant and shall contain translucent windows along the elevations which face the highway. The anchor building or buildings shown on Schematic Site Plan B and Schematic Site Plan C (Sheet RZ-2b and RZ-2c) may have solid walls not exceeding 40 linear feet. The 16 elevations of all other buildings except the home improvement center facility depicted on Sheet RZ-2a, RZ-2b, RZ-2c, and RZ-3 may have solid walls not exceeding 20 linear feet. Expanses of solid walls beyond the standard setbacks will be avoided through the introduction of articulated facades and other specially designed architectural elements.
  - (iii) The rear elevation and the Highway 16 elevation of the home improvement center facility depicted on the Site Plan A, Schematic Site Plan B, Schematic Site Plan C, Sheet RZ-2a, RZ-2b, and RZ-2c shall consist of a finished architectural wall with a full parapet through the use of materials such as jumbo brick. Painted or colored concrete block will not be allowed. These walls should be broken every 60 feet through the use of pilasters or other architectural features.
  - (iv) The rear elevations of three interior buildings facing Private Streets 5 and 7, including the home improvement center facility, shall avoid expanses of solid walls exceeding 20 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the buildings by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building.
  - (v) The building located along Mt. Holly-Huntersville Road, Private Street #6 and Private Street #5, on the west side of the entrance drive shall contain translucent glass windows along the elevation which faces the main entrance drive. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building.
  - (vi) Public open spaces containing landscaping, benches, and pedestrian rated lighting shall be provided on Parcel A and Parcel B in those locations depicted on the Schematic Site Plans. Additionally, outdoor dining and seating areas associated with restaurant tenants shall be provided.
  - (vii) All retail buildings must be architecturally integrated to complement one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry material). No aluminum or vinyl siding or spandrel glass shall be used.
  - (viii) All buildings must be sited with an emphasis on maintaining pedestrian interconnectivity.

- (ix) Parking areas should be located so they minimize the distance for pedestrian access between abutting buildings.
  - (x) Buildings shall not exceed 40 feet in height as measured in accordance with the Ordinance.
  - (xi) All public building entrances, except those for fire exits and loading, will connect directly to a sidewalk along a public street to a private street/driveway or to an open space.
  - (xii) All signage placed on Parcel A and Parcel B shall comply with the standards outlined in the Ordinance for the NS zoning district classification.
- (xiii) All signage attached to buildings located along Mt. Holly-Huntersville Road and NC Highway 16 shall comply with the standards outlined in the Ordinance for the NS zoning district classification.
- (xiv) Detached identification signage for buildings located along Mt. Holly-Huntersville Road shall be limited to ground mounted monument type signs located within the ten (10) foot wide second planting strip identified below in Paragraph (a) (i) of this Section 4. These signs may not exceed four (4) feet in height and the actual signage area may not exceed thirty-two (32) square feet on each side.
- (v) Wall signs will be permitted in accordance with the Ordinance, up to a maximum of one hundred (100) square feet for each wall face or 5 percent of the area of each wall face whichever is less.

- Parcel C (Substantially Below Ground Climate Controlled Storage Facility)
- (i) The above ground off-street building component located within Parcel A and Parcel B shall be architecturally integrated with the buildings on Parcel A and Parcel B by using similar exterior materials, and shall not exceed twenty-five (25) feet in height as measured in accordance with the Ordinance. Above ground exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry material (brick, stone, pre-cast or poured concrete or other masonry material). No aluminum or vinyl siding or spandrel glass shall be used.
  - (ii) The off-street building entrance and all fire escape exits associated with the underground storage building will connect directly to a public street through an internal street/driveway or to an open space.
  - (iii) The storage building component shall be accessed through the retail office building. Portions of the storage building which are visible from adjoining streets shall not exceed twenty-five (25) feet in height and such portions, exclusive of fire door exits, windows and doors, shall be constructed with 50 percent masonry materials (brick, stone, pre-cast or poured concrete with architectural treatments or other masonry material), so as to blend in architectural treatment with the buildings and/or retaining walls on Parcel A and Parcel B.
  - (iv) All signage placed on Parcel C including wall signs shall comply with the standards outlined in the Ordinance for the RD zoning district classification, excepting that fire standing signs shall be allowed.
  - (v) Wall signs will be permitted in accordance with the Ordinance, up to a maximum of 100 square feet for each wall face or 5 percent of the area of each wall face whichever is less.

Parcel D and D-1 (Office/Retail)

- (i) All buildings shall be architecturally integrated to complement one another, as well as those retail buildings constructed on Parcel A and Parcel B, by using similar exterior materials. Any building(s) located within Parcel D-1 used for retail purposes shall be constructed with four-sided architecture and shall avoid expanses of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building. The building elevation depicted on Sheet RZ-3 is schematic in nature and is not to be considered as the final architectural or engineered plan but rather as a graphic representation of the type and quality of the architecture proposed. Accordingly, minor alterations and modifications may be made to the configuration and placement of individual building materials and elements during the design, development and construction phases within the limits prescribed by these Development Standards, the submitted conceptual building elevations and Section 6.207 of the Ordinance.
- (ii) Parking areas should be located so they minimize the distance for pedestrian access between abutting buildings.
- (iii) Buildings shall not exceed 60 feet in height as measured in accordance with the Ordinance.
- (iv) Above grade exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used on any building.
- (v) All signage placed on Parcel D and D-1 shall comply with the standards outlined in the Ordinance for the NS zoning classification. In addition, the following standards shall apply:
  - Detached identification signage shall be limited to ground mounted monument type signs. Monument sign structure shall be limited to a maximum of four (4) feet in height and actual signage area may not exceed thirty-two (32) square feet on each side.
  - Wall signs will be permitted in accordance with the Ordinance, up to a maximum of one hundred square feet for each wall face or 5 percent of the area of each wall face, whichever is less.
- (vi) Shared parking will be permitted in accordance with Section 12.203 of the Ordinance.

- (vii) Prior to the issuance of a certificate of occupancy for any building constructed on Parcel D-1, the Owner of Parcel D-1 shall construct a brick wall having a height of at least 6 feet along the eastern property line that separates the lot from the adjacent single family residential lot facing Mt. Holly-Huntersville Road.
- (viii) Subject to the provisions of the next succeeding paragraph, prior to the issuance of a certificate of occupancy for any building constructed on Parcel D and D-1, Petitioners shall construct a brick wall having a height of at least 6 feet along the northern boundary line for Parcel D and the common rear property lines of certain of the single family residential lots fronting on Mt. Holly-Huntersville Road within the area generally depicted on the Technical Data Sheet. In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F, all of which are more particularly described in the preceding paragraph and in Subparagraph (vi) of this Section 4, shall be rezoned to a multi-family or office zoning district, then the Petitioners may eliminate the brick wall otherwise required by the provisions of the next preceding paragraph, provided the Petitioners are able to obtain the prior written consents to so eliminate the brick wall from all of the then owners of the single family residential lots so rezoned.

Parcel E (Residential Attached For Sale and/or For Rent)

- (i) Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 35 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum or vinyl siding or spandrel glass shall be used on any building containing attached for sale residential units.
  - (ii) Buildings shall not exceed the greater of four stories or 60 feet in height as measured in accordance with the Ordinance.
  - (iii) All signage placed on Parcel E shall comply with the standards outlined in the Ordinance for the NS zoning classification.
- Parcel F (Residential Attached For Sale)
- (i) Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 35 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum siding or spandrel glass and no vinyl siding other than architectural vinyl having a textured finish that has been approved in advance by the Staff of the Charlotte-Mecklenburg Planning Commission shall be used on any building.
  - (ii) Buildings shall not exceed the greater of three stories or 50 feet in height as measured in accordance with the Ordinance.
  - (iii) All signage placed on Parcel F shall comply with the standards outlined in the Ordinance for the NS zoning classification.
  - (iv) Subject to the provisions of the next succeeding paragraph, prior to the issuance of a certificate of occupancy for any building constructed on Parcel F, Petitioners shall construct a brick wall having a height of at least 6 feet in height along a portion of the northern boundary line for Parcel F and the common rear property lines of certain of the single family residential lots fronting on Mt. Holly-Huntersville Road within the area generally depicted on the Technical Data Sheet. In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F, all of which are more particularly described in the preceding paragraph and in Subparagraph (vii) of this Section 4, shall be rezoned to a multi-family or office zoning district, then the Petitioners may eliminate the brick wall otherwise required by the provisions of the next preceding paragraph, provided the Petitioners are able to obtain the prior written consents to so eliminate the brick wall from all of the then owners of the single family residential lots so rezoned.

(b) Landscaping and Screening

- (i) The Petitioners shall cause to be installed within the second planting strip along Mt. Holly-Huntersville Road, identified in Paragraph (i) of this Section 4, plants and other materials in accordance with the Ordinance and Sheet RZ-3 which forms a part of the Technical Data Sheet, and shall thereafter maintain or cause to be maintained all such materials (including replacement of all dead or dying plants).
- (ii) Internal areas of the Site shall be landscaped in accordance with the requirements of the City of Charlotte Tree Ordinance.
- (iii) All roof mounted mechanical equipment will be screened from view from adjoining public right-of-way and shading pedestrians.
- (iv) All screening and landscaping shall meet or exceed the standards of the Ordinance.
- (v) Dumpster areas will be enclosed and all three sides by an opaque wall with the fourth side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
- (vi) The Petitioners reserve the right to selectively clear trees with calipers of 3 inches or smaller, dead trees and undergrowth on the Site within the Duke Power right-of-way running east of Brookshire Boulevard and to remove limbs from the remaining trees up to a height of 8 feet above the adjacent ground level.
- (vii) The Technical Data Sheet requires that Public Street 2 be connected to Valley Walk Drive in the Chastain Park Subdivision. In order to provide an attractive entryway, the Petitioners agree to install a treescene on both sides of Valley Walk Drive between Chastain Park Drive and Public Street 2, including the area between Public Street 17 and 18, as indicated on the Technical Data Sheet, within 30 days after Petitioners have made written offers to do so. These trees will be planted on both sides of Valley Walk Drive and be the same species and size as those planted on Public Street 2. The Petitioners agree to meet with each of the property owners involved who shall have retained timely consents to the Petitioners (or their respective representatives) to decide upon the exact locations of the plant materials on the lot of each concerning owner. The Petitioners agree to the issuance of a permanent certificate of occupancy for any building constructed on Parcel F. If the plant materials is installed on any such lot, all planting and maintenance will be the responsibility of the owner of the lot and the Petitioners shall not be responsible for maintaining the plant material or for replacement in the event any of the plant material dies.

(c) Streetscape Treatment

- (i) The streetscape treatment along Mt. Holly-Huntersville Road will conform to the Ordinance and include trees with a 3 inch minimum caliper and supplemental shrubbery.
- (ii) The first fourteen (14) feet of right-of-way extending from the back of the planned curb along Mt. Holly-Huntersville Road shall include an eight (8) foot planting strip, adjoining a six (6) foot wide sidewalk. A minimum ten (10) foot wide second planting strip shall be located along the Site adjacent to the sidewalk.
- (iii) All internal public streets shall have an eight (8) foot wide planting strip and a six (6) foot wide sidewalk.
- (iv) All internal private streets shall have a six (6) foot wide planting strip and a five (5) foot wide sidewalk.
- (v) Light:
  - (i) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel A, Parcel B, Parcel C, Parcel D and Parcel E of the Site, shall not exceed 30 feet. All freestanding parking lot lighting fixtures within Parcel A, Parcel B, Parcel C and Parcel D-1 will be uniform in design.
  - (ii) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel D of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel D will be uniform in design.
  - (iii) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel F of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel F will be uniform in design.
  - (iv) All freestanding lighting fixtures over 25 feet in height shall be full cut-off light fixtures.
  - (v) Any lighting fixtures that are not selectively clear trees with calipers of 3 inches or smaller, dead trees and undergrowth on the Site within the Duke Power right-of-way running east of Brookshire Boulevard and to remove limbs from the remaining trees up to a height of 8 feet above the adjacent ground level.
  - (vi) The height restrictions in (i) through (iv) of this Section 4(d) shall not apply to street lights erected on public right-of-way or to decorative pole lights along sidewalks, open space and the private street/driveways or wall mounted decorative sconce type lighting.
  - (vii) Wall pack lighting shall be used only as service areas.
  - (viii) Pedestrian scale lighting will be provided within the Site along Private Streets 5 and 6, Public Street 1, 2, and 4, Public/Private Street 3 and along Mt. Holly-Huntersville Road.
- (e) Buffers
  - (i) Buffer Areas will be provided as depicted on the Technical Data Sheet.

- (ii) In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F are rezoned to a multi-family or office zoning district, then the Petitioners may eliminate the buffer area along a portion of the northern boundary line for Parcel D and a portion of Parcel F, all of which are more particularly described in the preceding paragraph and in Subparagraph (vii) of this Section 4, shall be rezoned to a multi-family or office zoning district, then the Petitioners may eliminate the brick wall otherwise required by the provisions of the next preceding paragraph, provided the Petitioners are able to obtain the prior written consents to so eliminate the brick wall from all of the then owners of the single family residential lots so rezoned.
- (iii) The Petitioners will keep that portion of Parcel F labeled as the Proposed School Site on the Technical Data Sheet off the market and out of development until the expiration of the Bond Order Date as defined by Charlotte-Mecklenburg Schools and the Board of Education.
- (iv) Petitioners will keep that portion of Parcel F labeled as the Proposed School Site on the Technical Data Sheet off the market and out of development until the expiration of the Bond Order Date as defined by Charlotte-Mecklenburg Schools and the Board of Education.

5. Setbacks, Side Yards and Rear Yards
- (a) All buildings constructed on Parcels A, B, D, D-1, E and F of the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS zoning district, subject to the provisions of Section 3(c) below. However, a landscape strip at least 24 feet in width, as measured from the back of the curb specified on the Technical Data Sheet, shall be provided along Mt. Holly-Huntersville Road. This landscape strip shall conform to the specifications outlined on Sheet RZ-3.
  - (b) All buildings constructed on Parcel C of the Site shall satisfy or exceed any required setback, rear yard and side yard requirements established under the Ordinance for the RD zoning district, subject to the provisions of Section 3(c) below.
  - (c) The Site may be considered a unified development plan and as such internal side and/or rear yards may be eliminated, subject to the normally required staff review and approval process.

6. Design and Performance Standards
- Accompanying the Rezoning Petition are four optional alternative Schematic Site Plans (Sheets RZ-2a, RZ-2b, RZ-2c, and RZ-2d) for the development of Parcel A, B, D and D-1 of the Site, all of which shall be approved without further authorization so long as the ultimate design is consistent with one of the four plans.
- The Petitioners reserve the option to combine or not combine buildings depicted on each Schematic Site Plan. However, this option does not include the right to increase the number of buildings shown on any of the Schematic Site Plans.
- The developments on Parcels A, B, C, D, D-1, E and F as depicted on the Schematic Site Plans (Sheets RZ-2a, RZ-2b, RZ-2c, and RZ-2d) are schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, minor alterations and modifications may be made to the configurations, placements, and sizes of the buildings and Parcels, as well as the locations of streets serving the Parcels, subject to the provisions set forth below under Architectural and Design Controls, during the design, development, and construction phases within the maximum development area boundaries established on the Technical Data Sheet (Sheet RZ-1). Parking layouts may also be altered and modified to accommodate final building locations and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.
- For purposes of the preceding paragraph any alterations or modifications which substantially alter the character of the development or significantly alter the Schematic Site Plans or their conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Section 6.207(1) or (2) of the Ordinance, as applicable.
- The Petitioners agree to submit detailed plans with respect to each phase of development proposed on the Site to the Staff of the Charlotte-Mecklenburg Planning Commission for review prior to the issuance of building permits for construction of the proposed phases of development so that Staff may be assured that such development satisfies the conditions imposed under the Technical Data Sheet, these Development Standards and the other Sheets and Exhibits accompanying the Rezoning Petition. Compliance with the provisions of this paragraph shall not be deemed to be an administrative site plan application or require administrative site plan approval as envisioned by Section 6.207 of the Ordinance.

- (a) Architectural and Design Controls
- Parcel A and Parcel B (Predominantly Retail Uses)
- (i) Buildings located along Mt. Holly-Huntersville Road shall contain translucent glass windows along the elevations which face Mt. Holly-Huntersville Road. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building.
  - (ii) Buildings located along NC Highway 16 (Brookshire Boulevard) may be multi-tenant and shall contain translucent windows along the elevations which face the highway. The anchor building or buildings shown on Schematic Site Plan B and Schematic Site Plan C (Sheet RZ-2b and RZ-2c) may have solid walls not exceeding 40 linear feet. The 16 elevations of all other buildings except the home improvement center facility depicted on Sheet RZ-2a, RZ-2b, RZ-2c, and RZ-3 may have solid walls not exceeding 20 linear feet. Expanses of solid walls beyond the standard setbacks will be avoided through the introduction of articulated facades and other specially designed architectural elements.
  - (iii) The rear elevation and the Highway 16 elevation of the home improvement center facility depicted on the Site Plan A, Schematic Site Plan B, Schematic Site Plan C, Sheet RZ-2a, RZ-2b, and RZ-2c shall consist of a finished architectural wall with a full parapet through the use of materials such as jumbo brick. Painted or colored concrete block will not be allowed. These walls should be broken every 60 feet through the use of pilasters or other architectural features.
  - (iv) The rear elevations of three interior buildings facing Private Streets 5 and 7, including the home improvement center facility, shall avoid expanses of solid walls exceeding 20 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the buildings by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building.
  - (v) The building located along Mt. Holly-Huntersville Road, Private Street #6 and Private Street #5, on the west side of the entrance drive shall contain translucent glass windows along the elevation which faces the main entrance drive. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building.
  - (vi) Public open spaces containing landscaping, benches, and pedestrian rated lighting shall be provided on Parcel A and Parcel B in those locations depicted on the Schematic Site Plans. Additionally, outdoor dining and seating areas associated with restaurant tenants shall be provided.
  - (vii) All retail buildings must be architecturally integrated to complement one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry material). No aluminum or vinyl siding or spandrel glass shall be used.
  - (viii) All buildings must be sited with an emphasis on maintaining pedestrian interconnectivity.

- (ix) Parking areas should be located so they minimize the distance for pedestrian access between abutting buildings.
  - (x) Buildings shall not exceed 40 feet in height as measured in accordance with the Ordinance.
  - (xi) All public building entrances, except those for fire exits and loading, will connect directly to a sidewalk along a public street to a private street/driveway or to an open space.
  - (xii) All signage placed on Parcel A and Parcel B shall comply with the standards outlined in the Ordinance for the NS zoning district classification.
- (xiii) All signage attached to buildings located along Mt. Holly-Huntersville Road and NC Highway 16 shall comply with the standards outlined in the Ordinance for the NS zoning district classification.
- (xiv) Detached identification signage for buildings located along Mt. Holly-Huntersville Road shall be limited to ground mounted monument type signs located within the ten (10) foot wide second planting strip identified below in Paragraph (a) (i) of this Section 4. These signs may not exceed four (4) feet in height and the actual signage area may not exceed thirty-two (32) square feet on each side.
- (v) Wall signs will be permitted in accordance with the Ordinance, up to a maximum of one hundred (100) square feet for each wall face or 5 percent of the area of each wall face whichever is less.

- Parcel C (Substantially Below Ground Climate Controlled Storage Facility)
- (i) The above ground off-street building component located within Parcel A and Parcel B shall be architecturally integrated with the buildings on Parcel A and Parcel B by using similar exterior materials, and shall not exceed twenty-five (25) feet in height as measured in accordance with the Ordinance. Above ground exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry material (brick, stone, pre-cast or poured concrete or other masonry material). No aluminum or vinyl siding or spandrel glass shall be used.
  - (ii) The off-street building entrance and all fire escape exits associated with the underground storage building will connect directly to a public street through an internal street/driveway or to an open space.
  - (iii) The storage building component shall be accessed through the retail office building. Portions of the storage building which are visible from adjoining streets shall not exceed twenty-five (25) feet in height and such portions, exclusive of fire door exits, windows and doors, shall be constructed with 50 percent masonry materials (brick, stone, pre-cast or poured concrete with architectural treatments or other masonry material), so as to blend in architectural treatment with the buildings and/or retaining walls on Parcel A and Parcel B.
  - (iv) All signage placed on Parcel C including wall signs shall comply with the standards outlined in the Ordinance for the RD zoning district classification, excepting that fire standing signs shall be allowed.
  - (v) Wall signs will be permitted in accordance with the Ordinance, up to a maximum of 100 square feet for each wall face or 5 percent of the area of each wall face whichever is less.

- Parcel D and D-1 (Office/Retail)
- (i) All buildings shall be architecturally integrated to complement one another, as well as those retail buildings constructed on Parcel A and Parcel B, by using similar exterior materials. Any building(s) located within Parcel D-1 used for retail purposes shall be constructed with four-sided architecture and shall avoid expanses of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building. The building elevation depicted on Sheet RZ-3 is schematic in nature and is not to be considered as the final architectural or engineered plan but rather as a graphic representation of the type and quality of the architecture proposed. Accordingly, minor alterations and modifications may be made to the configuration and placement of individual building materials and elements during the design, development and construction phases within the limits prescribed by these Development Standards, the submitted conceptual building elevations and Section 6.207 of the Ordinance.
  - (ii) Parking areas should be located so they minimize the distance for pedestrian access between abutting buildings.
  - (iii) Buildings shall not exceed 60 feet in height as measured in accordance with the Ordinance.
  - (iv) Above grade exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used on any building.
  - (v) All signage placed on Parcel D and D-1 shall comply with the standards outlined in the Ordinance for the NS zoning classification. In addition, the following standards shall apply:
    - Detached identification signage shall be limited to ground mounted monument type signs. Monument sign structure shall be limited to a maximum of four (4) feet in height and actual signage area may not exceed thirty-two (32) square feet on each side.
    - Wall signs will be permitted in accordance with the Ordinance, up to a maximum of one hundred square feet for each wall face or 5 percent of the area of each wall face, whichever is less.
  - (vi) Shared parking will be permitted in accordance with Section 12.203 of the Ordinance.

- (vii) Prior to the issuance of a certificate of occupancy for any building constructed on Parcel D-1, the Owner of Parcel D-1 shall construct a brick wall having a height of at least 6 feet along the eastern property line that separates the lot from the adjacent single family residential lot facing Mt. Holly-Huntersville Road.
- (viii) Subject to the provisions of the next succeeding paragraph, prior to the issuance of a certificate of occupancy for any building constructed on Parcel D and D-1, Petitioners shall construct a brick wall having a height of at least 6 feet along the northern boundary line for Parcel D and the common rear property lines of certain of the single family residential lots fronting on Mt. Holly-Huntersville Road within the area generally depicted on the Technical Data Sheet. In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F, all of which are more particularly described in the preceding paragraph and in Subparagraph (vi) of this Section 4, shall be rezoned to a multi-family or office zoning district, then the Petitioners may eliminate the brick wall otherwise required by the provisions of the next preceding paragraph, provided the Petitioners are able to obtain the prior written consents to so eliminate the brick wall from all of the then owners of the single family residential lots so rezoned.

Parcel E (Residential Attached For Sale and/or For Rent)

- (i) Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 35 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum siding or spandrel glass and no vinyl siding other than architectural vinyl having a textured finish that has been approved in advance by the Staff of the Charlotte-Mecklenburg Planning Commission shall be used on any building.
  - (ii) Buildings shall not exceed the greater of three stories or 50 feet in height as measured in accordance with the Ordinance.
  - (iii) All signage placed on Parcel E shall comply with the standards outlined in the Ordinance for the NS zoning classification.
- Parcel F (Residential Attached For Sale)
- (i) Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 35 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum siding or spandrel glass and no vinyl siding other than architectural vinyl having a textured finish that has been approved in advance by the Staff of the Charlotte-Mecklenburg Planning Commission shall be used on any building.
  - (ii) Buildings shall not exceed the greater of three stories or 50 feet in height as measured in accordance with the Ordinance.
  - (iii) All signage placed on Parcel F shall comply with the standards outlined in the Ordinance for the NS zoning classification.
  - (iv) Subject to the provisions of the next succeeding paragraph, prior to the issuance of a certificate of occupancy for any building constructed on Parcel F, Petitioners shall construct a brick wall having a height of at least 6 feet in height along a portion of the northern boundary line for Parcel F and the common rear property lines





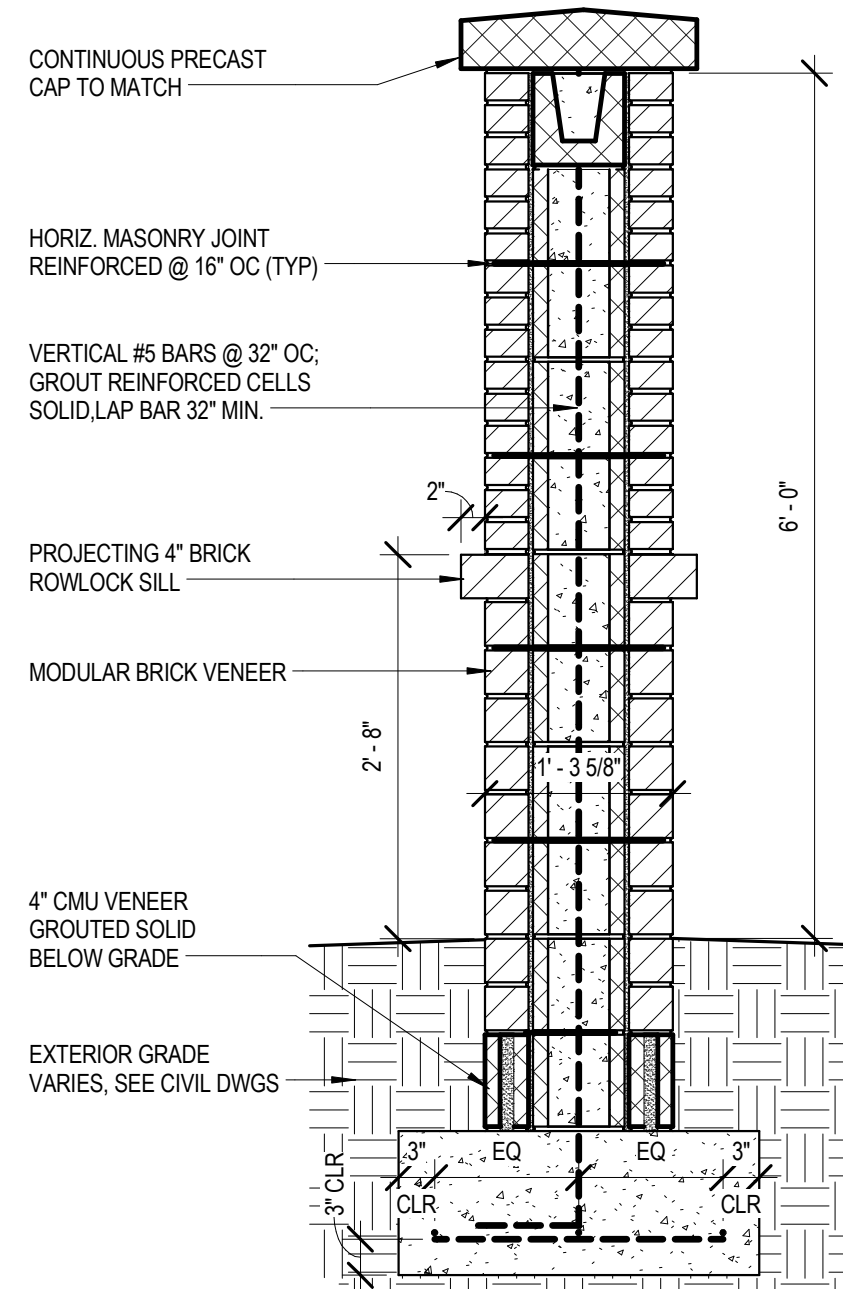
**REAR ELEVATION**



**REAR PERSPECTIVE A**



**REAR PERSPECTIVE B**



Attached to Administrative  
Approval

*Solomon A. Fortune*  
Solomon A. Fortune

**TYPICAL WALL SECTION**

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