

APPROVED BY
CITY COUNCIL
JUN 22 2009

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Mark	Date	Description
2	05-12-09	PER STAFF REVIEW COMMENTS
1	05-18-09	PER REVIEW COMMENTS

Project No.:
Drawn by:
Checked by:
Cad Dwg File:

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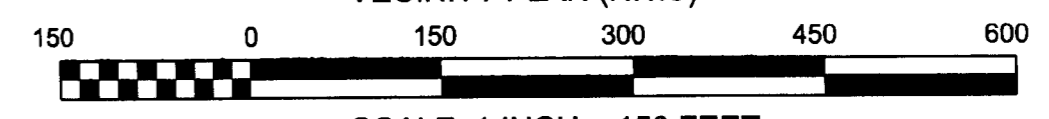
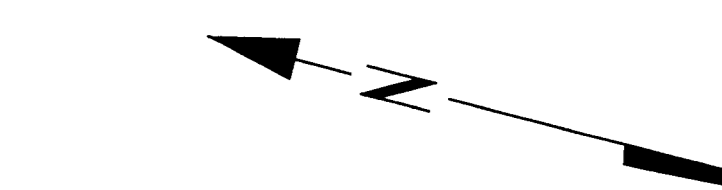
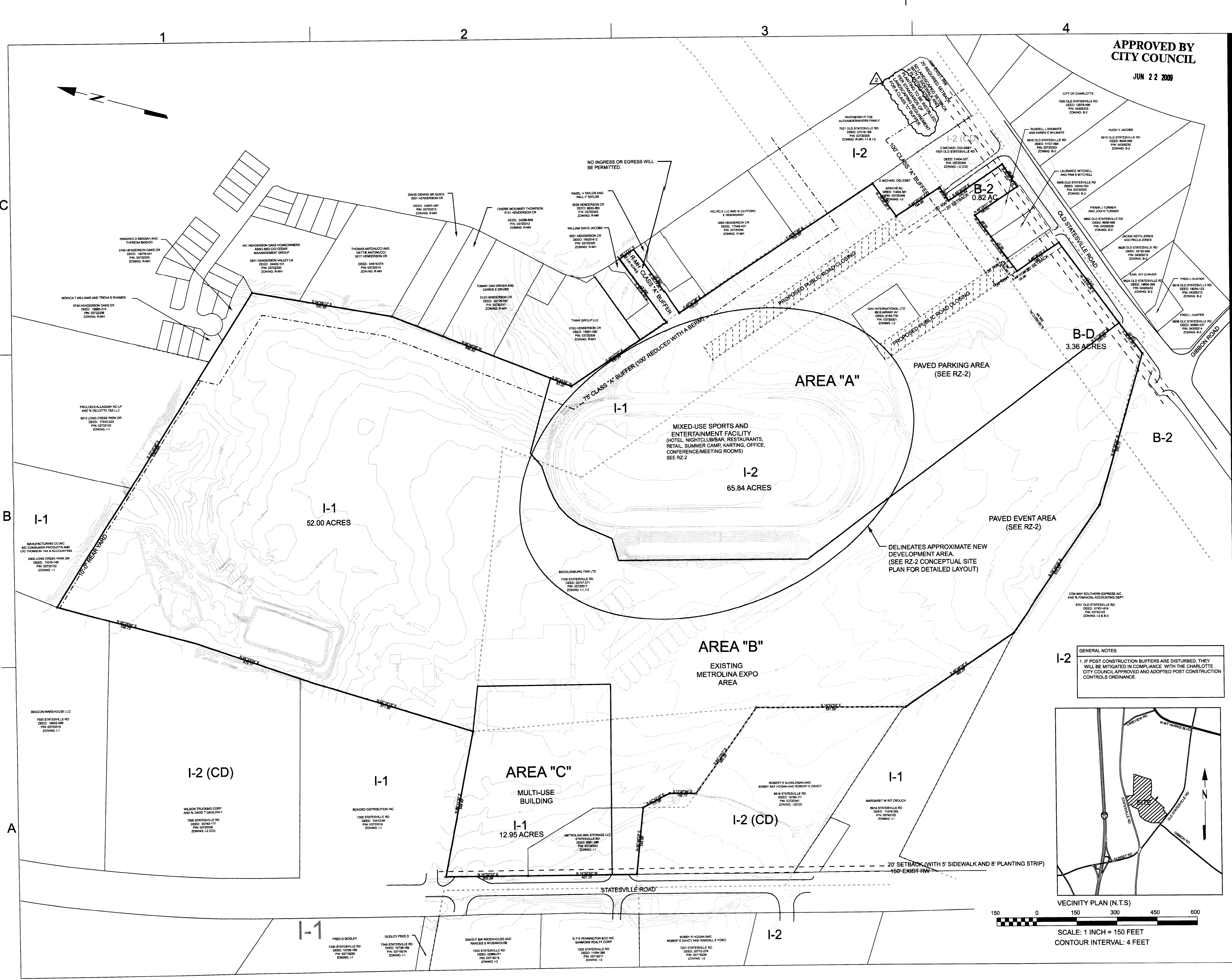
Permit-Seal

Client/Project
MIXED-USE SPORTS AND ENTERTAINMENT FACILITY
7100 STATESVILLE RD.
4916 AIRWAY DR
CHARLOTTE, NC

Title
REZONING PETITION No. 2009-052
04-27-2009

Sheet Title
TECHNICAL DATA-SHEET

Drawing No.
RZ-1



1

2

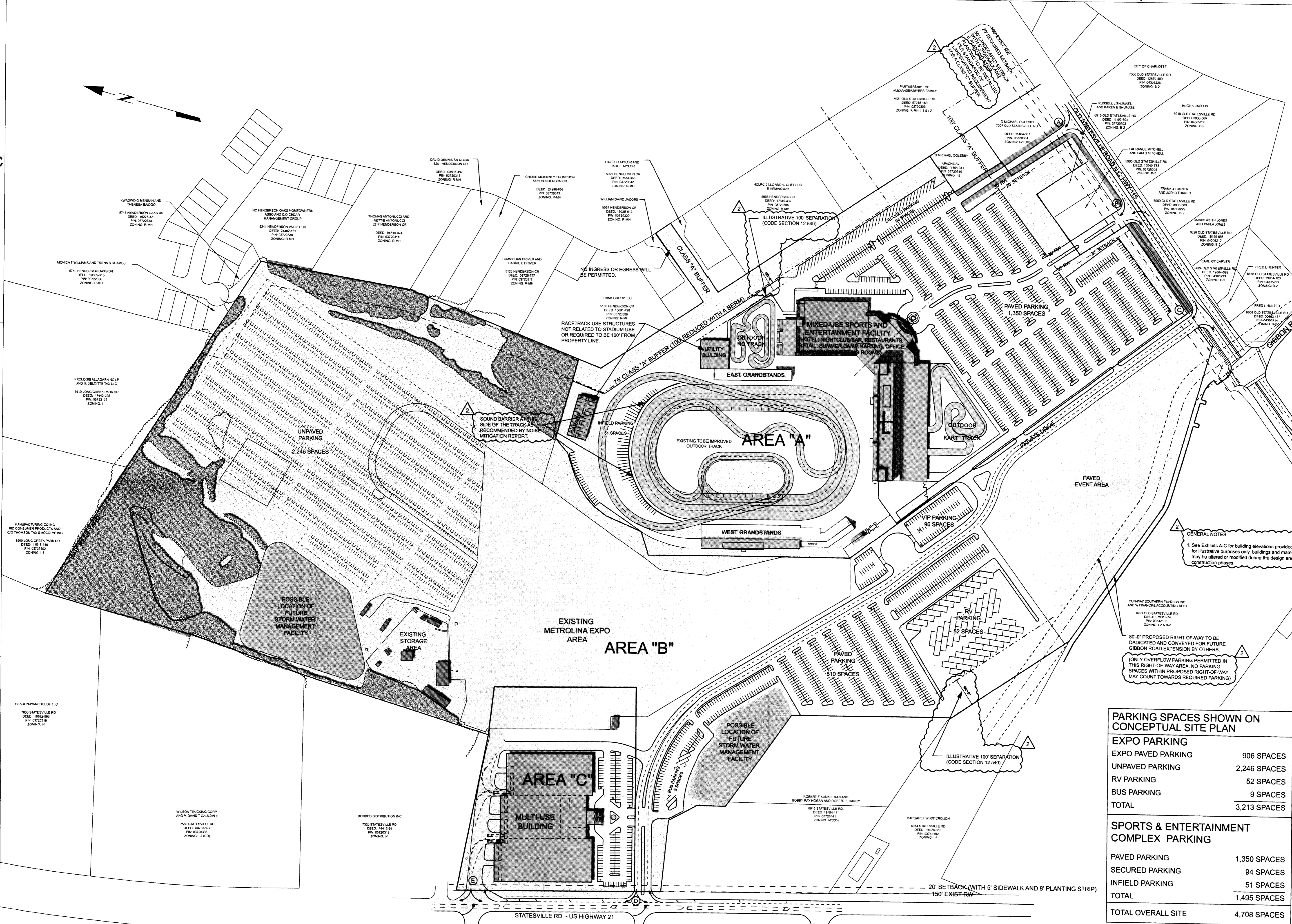
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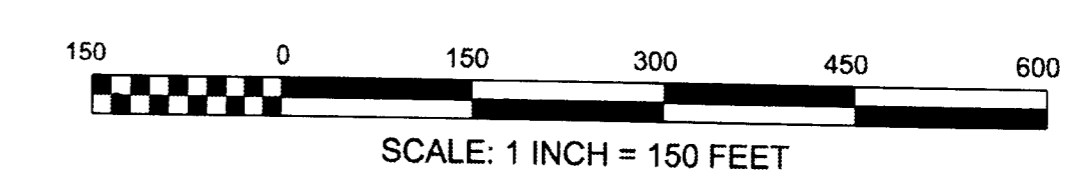
Title
 REZONING PETITION No. 2009-052
 04-27-2009

Sheet Title
 CONCEPTUAL SITE PLAN

Drawing No.
RZ-2

PARKING SPACES SHOWN ON CONCEPTUAL SITE PLAN

EXPO PARKING	
EXPO PAVED PARKING	906 SPACES
UNPAVED PARKING	2,246 SPACES
RV PARKING	52 SPACES
BUS PARKING	9 SPACES
TOTAL	3,213 SPACES
SPORTS & ENTERTAINMENT COMPLEX PARKING	
PAVED PARKING	1,350 SPACES
SECURED PARKING	94 SPACES
INFIELD PARKING	51 SPACES
TOTAL	1,495 SPACES
TOTAL OVERALL SITE	4,708 SPACES



**Development Notes
for
Metrolina Expo/ Mixed Use Sports and Entertainment Facility**

City of Charlotte, North Carolina
Petition # 09-052 ("Petition")

Petitioner: **Speedway Investment Group, LLC**, as agent for GAH International, Ltd. (successor by merger to Mecklenburg Fair, Ltd - a portion of parcel 03720317 and parcel 03720301) and Metrolina Mini Storage, LLC (parcel 03720343)

Current Zoning: I-1 (64.95 acres), I-2 (65.84 acres), BD (3.36 acres), R-MH .41 Acres), B-2 (.82 acres)

Proposed Zoning: I-1(CD)

Land Area: Total Area: Approximately 135.38 Acres ("Site")

Area A: The approximately 39.39 acre portion of the Site proposed to be used for the Mixed Use Sports and Entertainment Facility, including the Permitted Uses designated herein as to such Area.

Area B: The approximately 86.99 acre portion of the Site presently used for flea market and related purposes and including the Permitted Uses designated herein as to such Area (including overnight camping).

Area C: The approximately 9 acre portion of the Site proposed to be used for the Permitted Uses designated herein as to such Area.

General Development Notes:

Development at the Site shall be in accordance with the Zoning Ordinance of the City of Charlotte, North Carolina ("Ordinance"), subject to the prescribed conditions and modifications contained in these Development Notes. Buildings depicted on the Conceptual Site Plan may be constructed in phases over time and in any sequence as determined by the Petitioner.

The Site will be developed as a unified planned development, provided that the Petitioner/owners of the Site reserve the right to subdivide the Site in the future in compliance with the Charlotte Subdivision Ordinance.

The ultimate configuration of the Areas and the parcels or lots forming parts thereof, have not been finalized. As a consequence, the Area designations on the Technical Data Sheet and the Conceptual Site Plan which accompany the Petition are schematic in nature and is not to be considered as the final definition of the Areas but rather as a preliminary graphic representation of the general locations of the proposed Areas. The dimensions of the Areas generally depicted on the Technical Data Sheet and the Conceptual Site Plan may be subject to variations that do not materially change the development intent generally depicted. The Areas may, therefore, be altered or modified during the design development and construction document phases subject to the Ordinance.

Bicycle Parking:

The Planning Department, in conjunction with the Charlotte Department of Transportation, may waive or reduce required bicycle parking depending upon surrounding land uses and other conditions, as allowed by the Ordinance.

Buffers:

Buffers shall be established in accordance with the Ordinance (as depicted on the Technical Data Sheet and Conceptual Site Plan), provided, however that if an adjacent property zoning district or use changes to a district or use that would modify or eliminate buffer requirements, the buffers for the Site may be reduced or eliminated as may be permitted by the Ordinance (notwithstanding buffers shown on the Technical Data Sheet or Conceptual Site Plan).

Driveways/Access Points:

Driveway connection permits for each access point to the Site will be submitted for approval to the applicable transportation authority.

Parking:

Parking at the Site shall meet or exceed minimum standards for uses at the Site as provided in the Ordinance. For purposes of Chapter 12, Part 2 (Section 12.202) of the Ordinance, all auto parking located on the Site shall be considered shared parking. For purposes of making determinations as to the sufficiency of auto parking at the Site: (i) the aggregate number of spaces located on the Site (within all Areas) shall be counted as the total number of available parking spaces, and, (ii) all permitted uses at any time existing shall be taken into account in determining the then required number of auto parking spaces. So long as the amount of auto parking spaces available under (i) above exceeds the amount of auto parking spaces determined as required under (ii) above, the requirements of Section 12.202 shall be deemed satisfied. The Petitioner/then owner reserves the right to pave parking areas shown as grass parking on the Conceptual Site Plan.

Post-Construction Storm Water Ordinance:

Development at the Site shall comply with the requirements of the Post Construction Storm Water Ordinance as the same may be applicable to development at the Site.

Solid Waste:

Prior to any demolition of structures within an Area, the Petitioner/then owner of the Area where such structure is to be demolished shall submit a Solid Waste Management Plan (including an asbestos Notification of Demolition and Renovation, if applicable) for approval.

Tree Ordinance:

Development at the Site will comply with the Charlotte Tree Ordinance, provided that the Petitioner/then owner of the Site reserve the right to seek variances therefrom.

Transportation:

Petitioner and the Charlotte Department of Transportation have reach agreement regarding traffic mitigation improvements and Petitioner has agreed to undertake such improvements in accordance with a memorandum dated June 15, 2009 agreed to by Petitioner and the Charlotte Department of Transportation.

Before the issuance of the first certificate of occupancy, the Petitioner will prepare a traffic management plan to handle special events that generate a large volume of traffic. The Petitioner will be responsible for preparing the traffic management plan (report) and funding all costs to implement the plan (i.e. off-duty police officers, the setup and removal of traffic control devices, temporary message boards, etc.). The plan will also require advance coordination with CDOT and NCDOT before a special event occurs so that proper traffic management planning can be coordinated with participating public agencies.. This traffic management plan must be approved by the City of Charlotte and NCDOT.

Existing street stubs that access Old Statesville Road will terminate as a public street with a turnaround area located within the public right-of-way

Area Development Notes:

Area A- Mixed Use Sports and Entertainment Facility

General/Permitted Uses:

Permitted uses in the Area include: Child care center, Facilities and structures necessary for rendering utility service, Hotel and motel (not to exceed 150 rooms), Indoor amusement/recreation, Nightclubs, bars and lounges, Offices, Outdoor amusement/recreation, Open space recreational uses, Overnight camping, Public utility structures, Raceway, Restaurants, Retail establishments (up to 70,000 square feet), Stadium and all accessory uses and structures related thereto, subject to the prescribed conditions and modifications contained in the Development Notes applicable to this Area.

The ultimate layout of the development proposed for the Area and the parcels or lots forming parts thereof, the exact alignments and location of points of access, the configurations and placements of parking areas and the precise locations, of buildings and other individual site elements to be constructed have not been finalized. As a consequence, the Conceptual Site Plan which accompanies the Petition is schematic in nature and is not to be considered as the final development plan for the Area but rather as preliminary graphic representations of the types of development proposed and the general locations of the proposed buildings on the site. The dimensions and specific locations of building/parking envelopes generally depicted on the Conceptual Site Plan may be subject to variations that do not materially change the development intent generally depicted. They may, therefore, be altered or modified during the design development and construction document phases subject to the Ordinance. Without limiting the generality of the foregoing, buildings generally depicted on the Conceptual Site Plan may not be increased beyond the number generally depicted.

Building Height:

Buildings located within 150' of any R-MH district will comply with the Ordinance as to height limitations but in any event shall be limited to 75'.

Raceway:

For purposes of Section 9.1103(42)(b) requiring a raceway use to be located on a lot of at least 50 acres, the Site shall be considered the lot, notwithstanding that Area A may be subdivided in the future from the Site or that there may be further subdivision of the property located within Area provided, however, that such subdivision may only occur if the property so subdivided is part of a unified planned development as defined in the Ordinance. The raceway use shall be permitted no more than 7,050 permanent seats.

All tune-ups/warm-ups and general repair work for vehicles participating in events at the raceway located in Area A and all garages ancillary to the raceway located in Area A will be located within Area A and/or the New Development Area depicted on Sheet RZ-1.

Restaurant/Bar/Nightclub:

The area within any building or structure designated for and used for Bar/Nightclub purposes shall be located at least 400 feet from any residential use or residential district, as measured from the portion of the area within the building or structure located closest to the residential use or residential district.

Stadium:

The raceway is permitted to have a Stadium use provided that non-race related events at the Stadium shall be limited to a maximum off 5,000 ticketed seats.

Buildings located in the area of the Stadium whose primary purpose is ancillary to the raceway (such as garages and related structures) are raceway structures and shall not be considered a part of the Stadium for purposes of Section 9.1103(49)(f) of the Ordinance.

Streets:

Petitioner intends to petition for the abandonment of those portions of Apache Avenue (entrance A on the Conceptual Site Plan) and Airway Avenue (entrance B on the Conceptual Site Plan) as shown on the Technical Data Sheet. Privately maintained streets will be constructed within the remaining public right of way areas of these streets.

Area B- Metrolina Expo/Future Development

Permitted Uses:

All uses permitted in the I-1 District under the Ordinance effective as of the date of the approval of this Petition (including overnight camping as an accessory use to the raceway), subject to the prescribed conditions and modifications contained in the General Development Notes section of these Development Notes. Accessory uses to the raceway use permitted in Area A shall be permitted within Area B. For purposes of flea market establishments within the Area, structures with at least 3 walls and a roof shall be considered enclosed spaces for purposes of the Ordinance

Gibbon Road Extension:

Petitioner/the owners of the area noted on the Conceptual Site Plan as "80' Proposed R/W to be Dedicated for Future Gibbon Road Extension- By Others" ("Gibbon Dedication Area") shall have the right to pave within, install utilities within (subject to City of Charlotte permit approval) and otherwise use the Gibbon Dedication Area until such time as the construction of Gibbon Road Extension from Old Statesville Road to Statesville Road is fully funded and ready to be constructed, provided that no buildings or permanent structures shall be constructed within the Gibbon Dedication Area. At the time the construction of Gibbon Road Extension from Old Statesville Road to Statesville Road is fully funded and ready to be constructed Petitioner/the then owners of the Gibbon Dedication Area shall dedicate and/or convey the same to the appropriate transportation authority.

Area C- Indoor Recreation/Flea Market/Retail-Office Uses

Permitted Uses:

Permitted uses in the Area include: Child care center, Facilities and structures necessary for rendering utility service, Flea market establishments, Indoor amusement/recreation, Offices, Outdoor amusement/recreation, Open space recreational uses, Public utility structures, Restaurants, Retail establishments (up to 70,000 square feet) and all accessory uses and structures related thereto, subject to the prescribed conditions and modifications contained in the Development Notes applicable to this Area.

The ultimate layout of the development proposed for the Area and the parcels or lots forming parts thereof, the exact alignments and location of points of access, the configurations and placements of parking areas and the precise locations, of buildings and other individual site elements to be constructed have not been finalized. As a consequence, the Conceptual Site Plan which accompanies the Petition is schematic in nature and is not to be considered as the final development plan for the Area but rather as preliminary graphic representations of the types of development proposed and the general locations of the proposed buildings on the site, provided, however, that the building(s) located in the Area: (i) shall not be larger than 200,000 square feet; (ii) shall not have pre-engineered metal exterior; and (iii) shall be of an architectural style and consist of materials consistent with the buildings planned/constructed in Area A. The dimensions and specific locations of building/parking envelopes generally depicted on the Conceptual Site Plan may be subject to variations that do not materially change the development intent generally depicted. They may, therefore, be altered or modified during the design development and construction document phases subject to the Ordinance.

Binding Effect of the Rezoning Approval:

Upon approval of the Petition, the development program established under these Development Notes and other supportive documents shall be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest and assigns, unless the same shall be amended in the manner provided in the Ordinance. It being expressly understood that the owner(s) of portions of Areas of the Site not directly affected by any subsequent modification or amendment of the Petition shall not be required to join in any application for modification or amendment of the Petition not directly affecting property owned by such owner(s). Conveyances of property within the Site shall: (i) reference the unified planned development nature of the site and this Petition, (ii) provide for the right of the grantee of such conveyance and their successors in interest to use the Private Drive which connects Old Statesville Road and Statesville Road (as depicted on sheet RZ-2).

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Title
**REZONING PETITION No.
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04-27-2009

Sheet Title
DEVELOPMENT NOTES

Drawing No.
RZ-3