

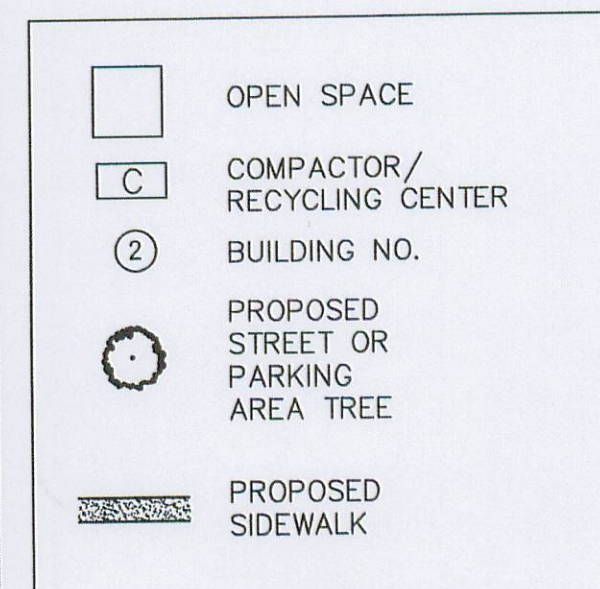


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Legend



Notes

DEVELOPMENT SUMMARY

REZONING SITE AREA: 13.57± ACRES
TAX PARCEL ID#: 09111208 & 09111207
EXISTING ZONING: I-1 AND I-2 (CD) PER PETITION 1995-050
PROPOSED ZONING: UR-2 (CD)
PROPOSED USE: MULTI-FAMILY (APPROX. 300 APARTMENTS).
UR-2 ZONING: SETBACK: 14' AND 16' FROM BACK OF FUTURE CURB, CRAIGHEAD ROAD AND PHILEMON AVENUE RESPECTIVELY.
SIDE YARD: 5'
REAR YARD: 10'
MAX. BLDG. HEIGHT: 50' AS DEFINED BY ORDINANCE
MIN. BLDG. SEPARATION: 10'
MIN. PARKING REQ'D.: 1 SPACE/DU
MAX. PARKING ALLOWED: 2 SPACE/DU

REQUIRED PARKING: 300 SPACES
PROPOSED PARKING: 1.3 SPACES/UNIT MIN.

F.A.R. NOT TO EXCEED 1.0

OPEN SPACE PROVIDED: 17,800 SQ. FT. (NOT INCLUDING SWIM BUFFER OR POOL AREAS).

CONSTRUCTION MATERIALS AND PHASING OF POTENTIAL ALLEY (BEHIND BLDGS. 3, 4, AND 5) TO BE COORDINATED WITH CATS.

THE PROPOSED IMPROVEMENTS INDICATED ON THE SITE PLAN ON THE NORTHERN SIDE OF THE PHILEMON AVENUE CENTERLINE ARE NOT REQUIRED TO BE INSTALLED BY THE PETITIONER. HOWEVER, AFTER THE PETITIONER INVESTIGATES THE COST AND THE IMPACT OF THESE IMPROVEMENTS ON PROPERTIES NOT OWNED BY THE PETITIONER THE PETITIONER MAY CHOOSE TO CONSTRUCT ALL OR A PORTION OF THE IMPROVEMENTS INDICATED.

3	PER STAFF COMMENTS, CLIENT REVISIONS	RDL	RDL	09.03.13
2	PER STAFF COMMENTS, CLIENT REVISIONS	RDL	RDL	09.01.23
1	PER STAFF COMMENTS, CLIENT REVISIONS	RDL	RDL	08.12.22

Revision By Appd. YY.MM.DD

File Name: Dwn. Chkd. Dagn. YY.MM.DD

Permit-Seal

APPROVED BY
CITY COUNCIL
MAR 19 2009

Client/Project

NoDa TIDEWATER DEVELOPMENT, LLC
11220 ELM LANE STE. 207
CHARLOTTE, NC 28277
ABERNETHY APARTMENTS

Charlotte, NC USA

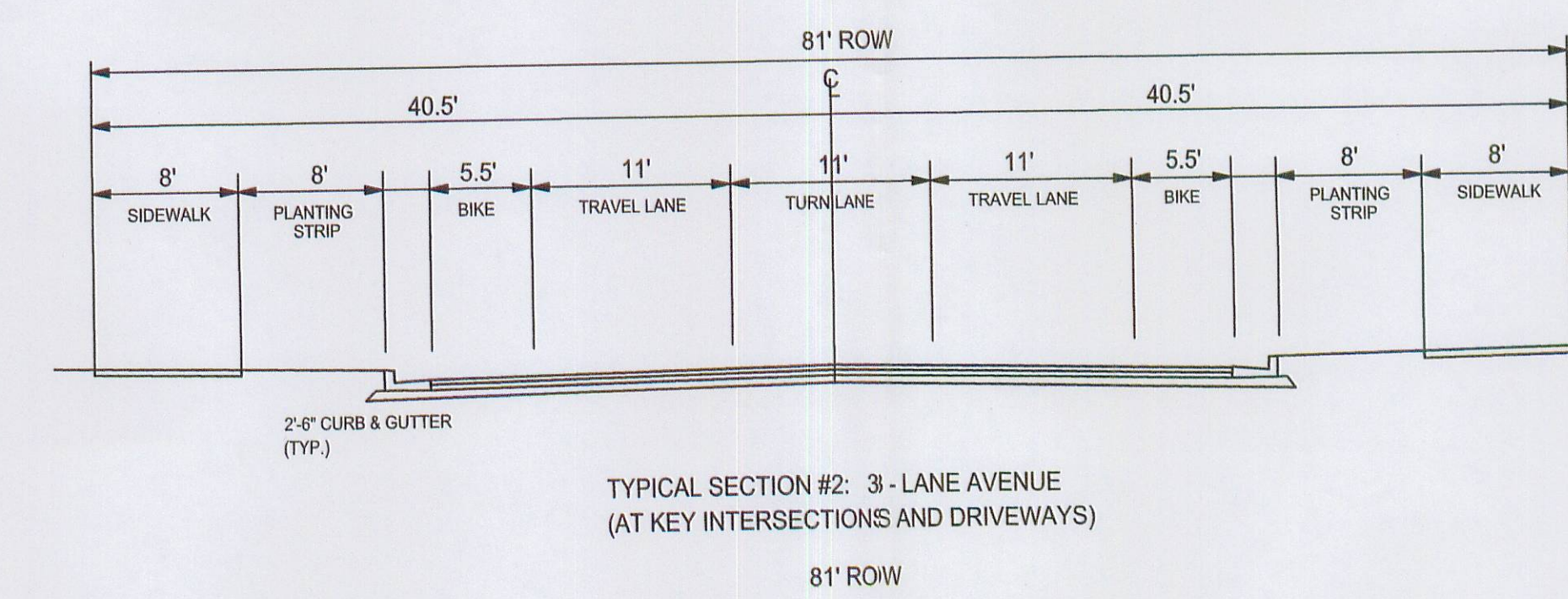
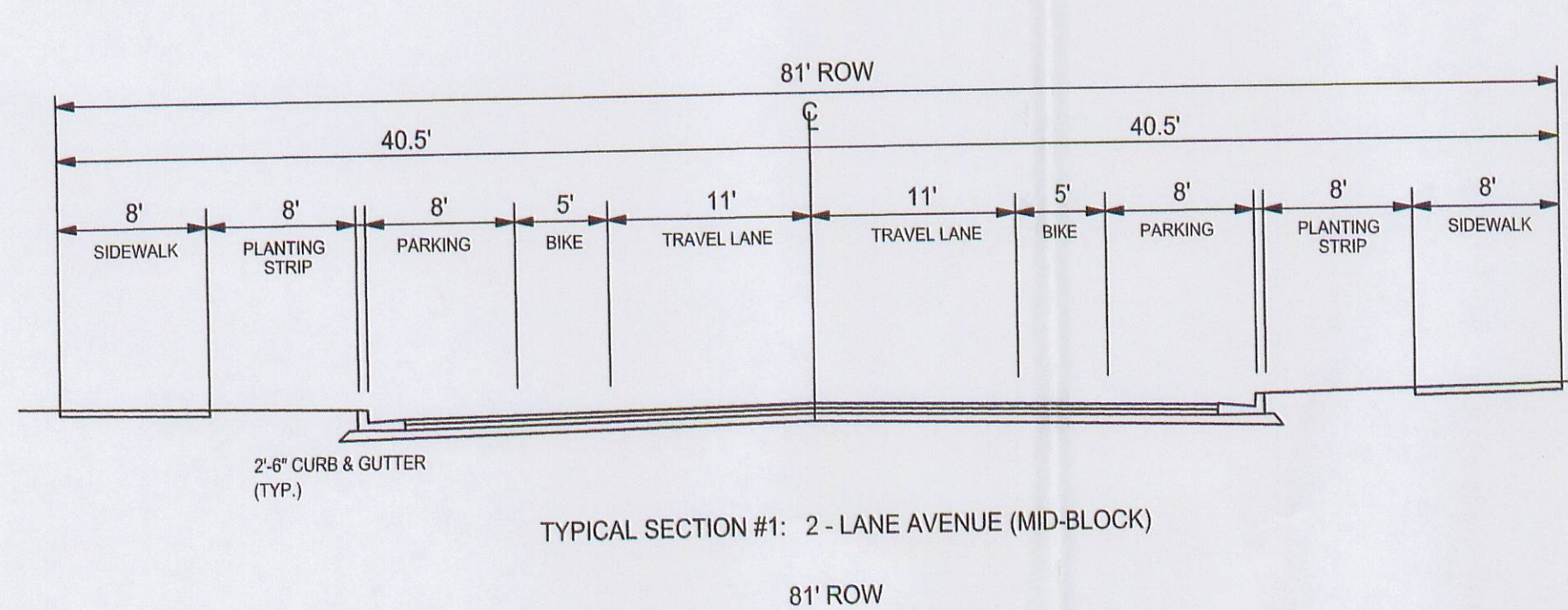
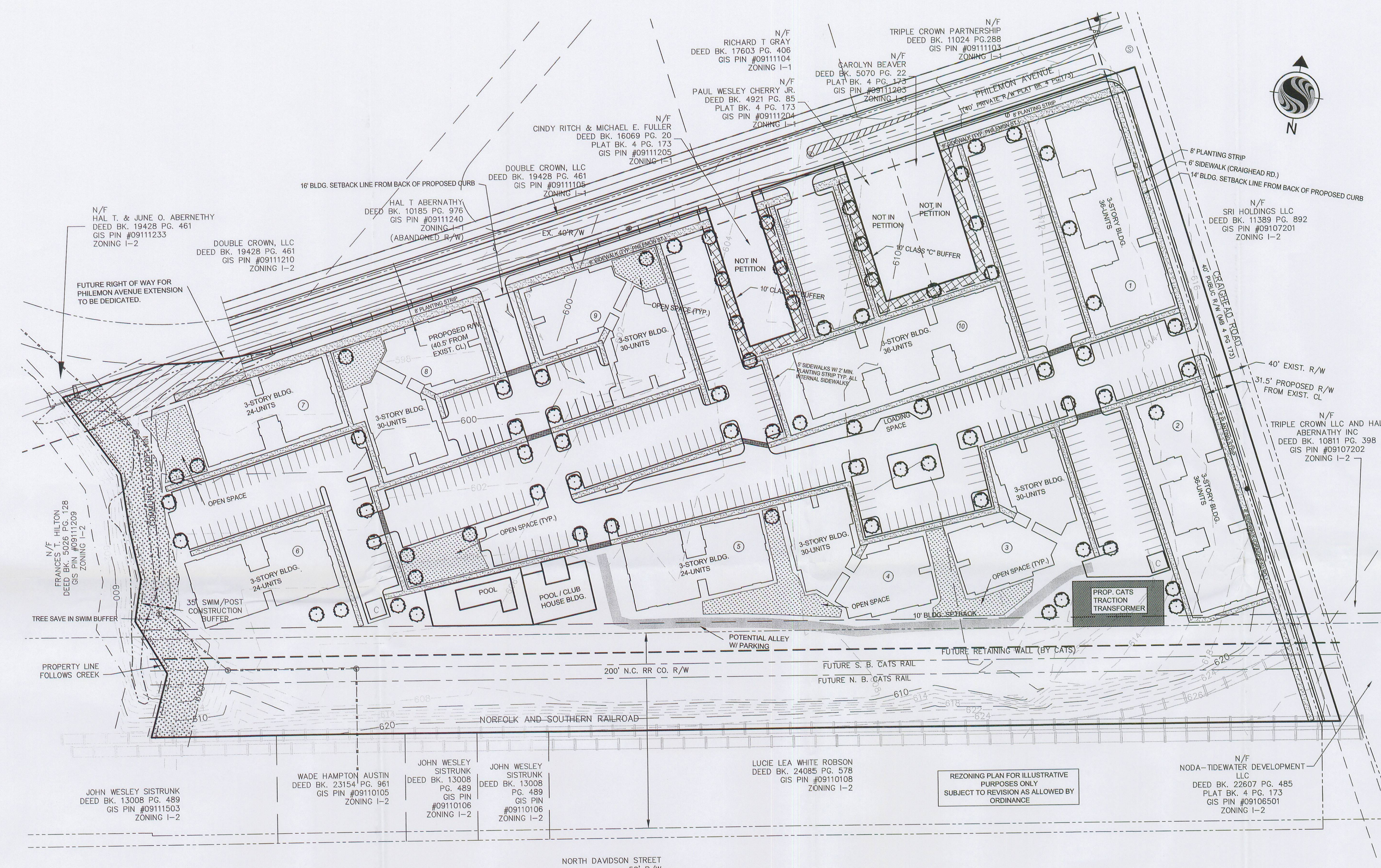
Title
REZONING PLAN
PETITION NO. 09-006

Project No.
173200856

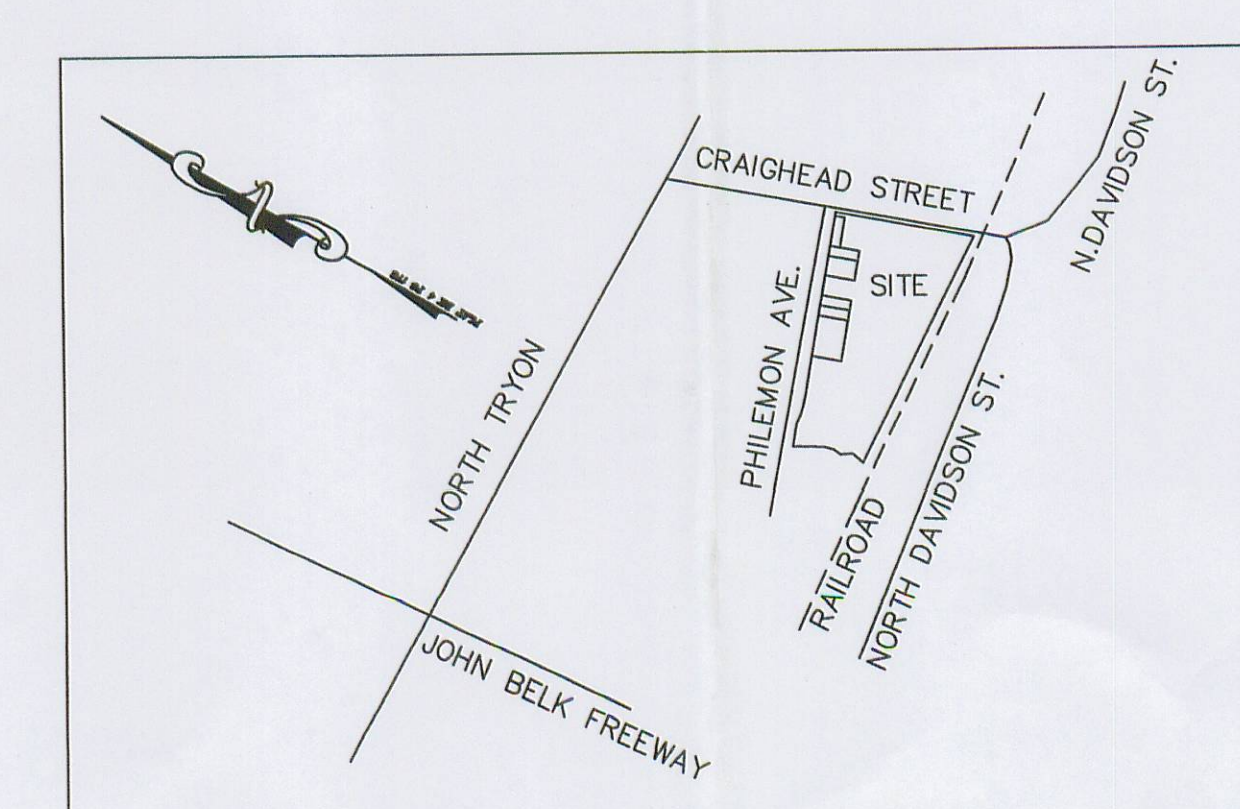
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Drawing No.
RZ-1

Revision



PHILEMON AVENUE CROSS-SECTIONS



SITE DATA:

- Acreage: 13.57
- Existing Zoning: I-1 and I-2 (CD) Rezoning Petition no. 1995-050
- Proposed Zoning: UR-2(CD)
- Maximum # of Dwelling Units: 300
- Maximum Building Height: Three stories not to exceed 50 feet as defined by the Ordinance

A. Permitted Uses and Maximum Development

- The Site may be developed with up to 300 Planned Multi-Family dwelling units, along with any ancillary area and accessory uses and structures associated with the allowed principal use as allowed in the UR-2 district.
- The site may be developed in phases.

B. 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 UR-2 (CD) zoning district classification shall be followed in connection with development taking place on the Site. The Rezoning Plan is subject to modifications during the design development stages as provided below.
- The ultimate layouts of the development proposed for the Site 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 graphics which accompany the Site Plan are schematic in nature and are not to be considered as the final development plans but rather as preliminary graphic representations of the types and quality of development proposed and the general locations of the proposed buildings on the site. They may, therefore, be altered or modified during the design development and construction document phases subject to the accompanying Development Standards and Section 6.207 of the Ordinance.
- Without limiting the generality of the foregoing, buildings generally depicted on the Schematic Site Plan may not be increased beyond the number generally depicted (it being understood that structures such as, detached garages, utility buildings, mail kiosks and the like shall not be considered in connection with the number of buildings). Buildings depicted on the Schematic Site Plan may be constructed in phases over time and in any sequence as determined by the Petitioner. The dimensions and specific locations of building/parking envelopes generally depicted on the Schematic Site Plan may be subject to minor variations that do not materially change the design intent generally depicted.

C. Setbacks, Side Yards and Rear Yards

- Building setbacks and yards will be established in the manner depicted on the Rezoning Plan.
 - Along Philemon Ave a 16 foot setback will be established from the back of the proposed curb will be provided.
 - Along Craighead Road a 14 foot setback from the back of the proposed curb will be provided.
 - Abutting the 200 foot North Carolina Railroad Company right-of-way a 10 foot rear yard and side yard will be provided. Side and rear yards determination will be based on the orientation of each proposed building to the adjoining project property line.
- Decks shall not extend into any required side or rear yards. However, at-grade patios may be located in whole or in part within required rear yards.

D. Encroachment into North Carolina Railroad Company Right-of-Way

- The Petitioner reserves the right to locate a driveway (alley) and overflow parking behind the proposed buildings (3, 4, and 5) and in a portion of the NCRC right-of-way subject to an encroachment agreement with the North Carolina Railroad Company. The Petitioner will coordinate the timing of the construction of the alley as well as the type of materials to be used to construct the alley with Charlotte Area Transit System.

E. Landscaping and Screening

- Interior landscaping and screening shall meet or exceed the standards in the Ordinance.
- Screening will be provided as required in section 12.303 of the Ordinance.
- Street trees will be installed along Philemon Avenue and Craighead Road as required by the City of Charlotte Tree Ordinance.
- Dumpster areas and recycling areas will be enclosed by a brick, stone or stucco wall with one side being a decorative wooden 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.
- Mechanical equipment or other utility hardware installed at ground level and on the roofs of buildings constructed on the Site will be screened from public view from a public street.
- All utility meters, electrical connectors and transformers and backflow valves shall be screened from view from public streets. Above ground backflow preventers are not allowed in the setback.
- Above ground backflow preventers will not be located between the buildings and Philemon Avenue or Craighead Road.
- Petitioner shall show the location of any back flow valves and above grade utilities and screening required by the Ordinance on design development plans submitted as part of the planned multi-family review process.
- Once a landscape plan has been developed for the site a copy of the proposed landscape plan will be sent to the North Carolina Railroad Company (NCRC) for review and comment. The proposed landscape plans must be sent to NCRC prior to the issuance of a certificate of occupancy for the any building abutting the NCRC right-of-way.

F. Tree Ordinance

- The Site shall conform to the City of Charlotte Tree Ordinance.

G. Streetscape Treatment, Lighting, Sidewalks and Utilities

- Along the sites frontage on Philemon Avenue the Petitioner shall cause to be installed an eight (8) foot planting strip and an (8) foot sidewalk. The location of the sidewalk may meander to preserve existing trees within the setback. In locations where the planting strip has been reduced to preserve existing trees, the requirement for new street trees may be waived by the Urban Forestry Staff.
- Along the site frontage on Craighead Road the Petitioner shall cause to be installed an eight (8) foot planting strip and a six (6) foot sidewalk.
- Sidewalks will connect from the interior of the Site to exterior sidewalks as required by Section 12.529 of the Ordinance. The sidewalks within the site will be designed to create a continuous pedestrian circulation system.
- Each building fronting on Philemon Avenue or Craighead Road will provide a direct sidewalk connections from the building to the sidewalk along the street. These sidewalk connections will be a minimum of five (5) feet wide.

- The petitioner reserves the right to install fencing along the perimeter of the site. Any fencing installed within a buffer will be located on the interior line of the buffer. Chain link fencing will not be permitted.

H. Buffers/Tree Save Areas and Open Space

- A 10 foot Class C buffer will be provided abutting the existing single-family homes. This buffer shall be established in accordance with the standards of Section 12.302 of the Ordinance. This Class C buffer may not be reduced in width by the installation of a berm, fence or wall.
- No buildings or parking space may be located within buffers.
- Existing trees located and preserved within any required buffer area may be counted toward the buffer planting requirement in accordance with the Ordinance.
- In the event the single-family residential use is discontinued on the abutting properties the proposed 10 foot Class C buffer may then be eliminated. Screening if required by the City of Charlotte Zoning regulations would still be provided.
- Proposed Tree Save areas have been indicated on the Rezoning Plan. Existing Vegetation within the identified tree save areas will be preserved and protected during construction, except as otherwise referenced in these development standards.
- The open space areas indicated on the site plan will be improved with landscaping and seating.

I. Lighting

- The Petitioner shall provide pedestrian scale decorative lighting along Philemon Avenue and Craighead Road as well as on the interior of the site. Such lighting shall be provided in conjunction with applicable utility company regulations and requirements for such lighting.
- All parking lot light fixtures will be fully shielded and full cut off type fixtures. Light fixtures will be limited to a maximum height of 20 feet. No wall "pak" lighting will be allowed however decorative down lighting will be allowed.

J. Signs

All signs placed on the Site will be erected in accordance with the requirements of the Ordinance.

K. Storm Water Management/Wetlands

- Development on the Site shall adhere to the applicable requirements of the Post-Construction Controls Ordinance as adopted by Charlotte City Council on November 26, 2007.
- Any jurisdictional wetlands or streams, if present, shall be protected or proper environmental permits obtained prior to their disturbance.
- Location, size, and type of any Stormwater Management Systems are subject to review and approval with full development plan submittal.
- Storm water detention and water quality features may not be located within the North Carolina Railroad Company (NCRC) 200 foot right-of-way unless the NCRC grants an encroachment agreement to allow these facilities to be located within their right-of-way.

L. Surface Water Improvement and Management (SWIM) Stream Buffer

- S.W.I.M. stream buffer requirements apply as described in section 12.801 of the City of Charlotte Zoning regulations. In addition, the buffer requirements specified in the post-construction storm water ordinance also apply. In the event that different requirements occur in the post construction ordinance compared to S.W.I.M. stream buffer ordinance, the more stringent will apply.
- All built upon are/impervious area must be outside the S.W.I.M. buffer except transportation links approved by Charlotte-Mecklenburg Planning Commission.

M. Groundwater & Wastewater Services

- The properties shall be inspected for water supply wells and groundwater monitoring wells. Any water supply wells or groundwater monitoring wells identified shall be protected from damage by flagging and fencing during site development or abandoned per the Mecklenburg County Groundwater Well Regulations prior to any demolition or grading activity occurring.
- Any dewatering activities conducted during the project will be conducted such that it is compliant with the Mecklenburg County Groundwater Well Regulations and does not result in the mobilization and subsequent discharge of contaminated ground water.

N. Access Points

One access point from Craighead Road and two (2) access points from Philemon Avenue into site will be allowed. The vehicular access points to the Site shall be located in the general area depicted on this Rezoning Plan. The configuration and ultimate location of these 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 Charlotte Department of Transportation.

O. Right-of-Way Dedication and Transportation Improvements

- The Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation of any necessary utility easements) that portion of the Site located along Craighead Road as may be necessary to provide for a right-of-way extending 31.5 feet from the existing centerline as generally depicted on the Rezoning Plan; said dedication and conveyance to occur prior to issuance of the first certificate of occupancy for the first residential dwelling building constructed on the Site.
- The Petitioner will widen and improve Craighead Avenue to locate the curb line at 17.5 feet from the centerline of the right of way to the back of standard 2 feet 6 inch curb, with 8 foot planting strips and 6 foot sidewalks as illustrated on the cross-section on the plan. These improvements will occur and will be completed as part of the construction of the buildings along Craighead Avenue.
- Along Philemon Avenue the Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation of any necessary utility easements) that portion of the Site located along Philemon Avenue as may be necessary to provide for a right-of-way extending 40.5 feet from the proposed or existing centerline as generally depicted on the Rezoning Plan; said dedication and conveyance to occur prior to issuance of the first certificate of occupancy for the first residential dwelling building constructed on the Site.
- The petitioner will improve Philemon Avenue per the cross-section included on the Site Plan and on the alignment requested by the City Department of Transportation. These proposed improvements will extend as far south along the sites frontage on Philemon Avenue as is possible without the acquisition of property not controlled by the Petitioner. The proposed improvements may be phased with the construction taking place on the site along Philemon Avenue. The Petitioner will coordinate and consult with the CDOT on the phasing of the Philemon Avenue roadway improvements.

- As shown on the Site Plan near the intersection of Craighead Road and the North Carolina Railroad Company right-of-way the Petitioner will reserve an area measuring approximately 95 x 47 feet as shown on the site plan. This area will be set aside for Charlotte Area Transit System for the erection of a traction substation. The Petitioner will negotiate the terms of the acquisition or dedication of this area with Charlotte Area Transit System (CATS) when requested by CATS officials.

P. Parking

- Off-street parking will satisfy the standards established under the Ordinance for Planned Multi-Family developments. At a minimum the petitioner will provide 1.3 spaces per unit constructed on the site.
- No parking spaces shall be located between buildings and the right-of-way of Craighead Road or Philemon Avenue,

except for one parking area on Philemon Avenue located between the parcels that are not owned by the petitioner and not included in the rezoning petition, however, parking spaces adjacent to or between the proposed buildings will be allowed along either road.

- The Petitioner will provide bicycle parking on the site as required by Section 12.202 of the City of Charlotte Zoning regulations. At a minimum, the Petitioner will provide one short term bicycle rack at each building constructed on the site.
- Minor offsets of internal driveways will be avoided. The Petitioner will work with CDOT during the subdivision review process to eliminate these off-sets where possible.

Q. Design and Architectural Treatment; Entrance Features

Reference is made to that certain conceptual elevation for a prototypical building of dwelling units contemplated for the Site attached to this Rezoning Plan. It is acknowledged that the attached elevation is conceptual only and changes may be made during the design development stage of the project provided, however, the overall design intent shall not undergo material changes and the following design and architectural treatments shall apply: (i) the primary exterior building materials (excluding windows, window trim, doors and roof faces) to be employed in the construction of buildings housing dwelling units and the clubhouse buildings shall be brick, stone, metal, stucco or stucco like materials, and/or cement fiber board (i.e. hard-plank); (ii) a minimum 30% of the exterior siding materials for the front elevations and elevations facing a public street of buildings housing dwelling units (excluding windows, window trim, doors and roof faces) will consist of brick, stone, metal, simulated stone or pre-cast stone materials; (iii) no vinyl siding or aluminum siding shall be used in buildings on the Site including but not limited to any garages or carports, however, vinyl soffits and windows will be allowed; (iv) dormers flat and/or pitched roofs shall be incorporated into the building design for buildings housing dwelling units; and (v) doors, windows and/or decorative elements shall be located at least every 20 feet on every side of such buildings (excluding roof lines) in order to avoid blank walls.

R. Solid Waste Management Plan

Prior to initiating demolition and/or construction activities on the site the Petitioner shall submit to the Mecklenburg County Solid Waste Department a Solid Waste Management Plan. The solid waste management plan will include at a minimum the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction. The plan will also specify that all land clearing and inert debris shall be taken to a properly permitted facility. A monthly report of all tonnage disposed and recycled will be made to the Mecklenburg County Solid Waste Program. The report will include the identification and location of all facilities receiving disposal or recycled materials.

S. Leadership in Energy and Environmental Design (LEED) Certification

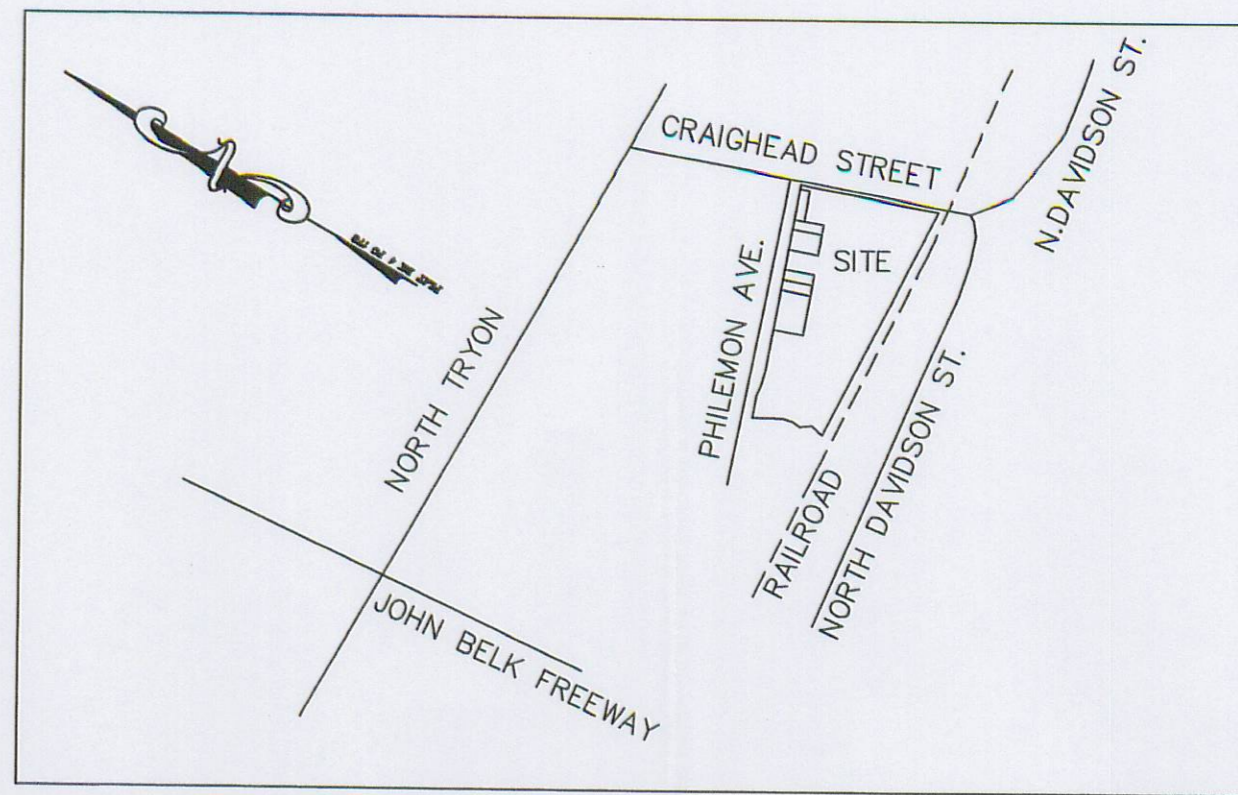
The petitioner may develop the site in such a way as to qualify the site for LEED certification.

T. Amendments to 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.

U. Binding Effect of the Rezoning

If this Rezoning Petition is approved, all conditions applicable to 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 the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

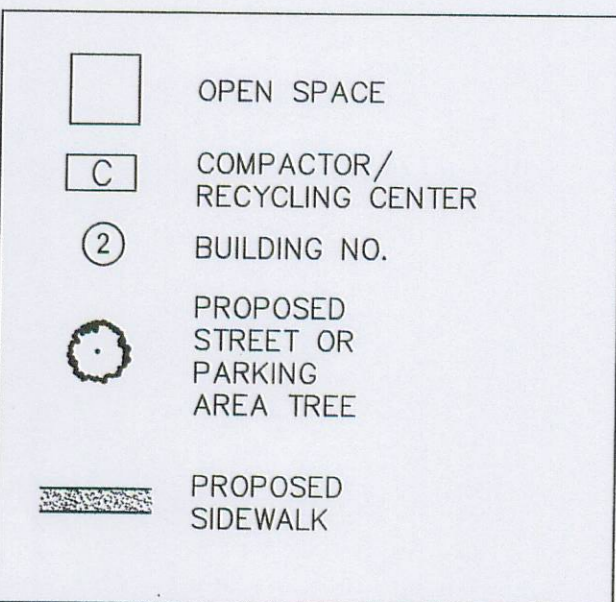


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Legend



Notes

DEVELOPMENT SUMMARY

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 TAX PARCEL ID#: 09111208 & 09111207
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 PROPOSED ZONING: UR-2 (CD)
 PROPOSED USE: MULTI-FAMILY (APPROX. 300 APARTMENTS).
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 SETBACK: 14' AND 16' FROM BACK OF FUTURE CURB, CRAIGHEAD ROAD AND PHILEMON AVENUE RESPECTIVELY.
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F.A.R. NOT TO EXCEED 1.0

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Revision	By	Appd.	YY.MM.DD
3	PER STAFF COMMENTS, CLIENT REVISIONS	RDL	RDL 09.03.13
2	PER STAFF COMMENTS, CLIENT REVISIONS	RDL	RDL 09.01.23
1	PER STAFF COMMENTS, CLIENT REVISIONS	RDL	RDL 08.12.22

File Name: _____
 Dwn. Chkd. Dsgn. YY.MM.DD

Permit-Seal

APPROVED BY CITY COUNCIL
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Client/Project

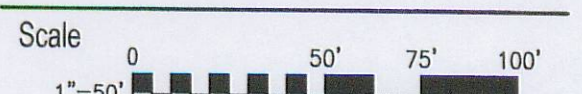
NoDa TIDEWATER DEVELOPMENT, LLC
 11220 ELM LANE STE. 207
 CHARLOTTE, NC 28277
ABERNETHY APARTMENTS

Charlotte, NC USA

Title

REZONING PLAN
PETITION NO. 09-006

Project No. 173200856

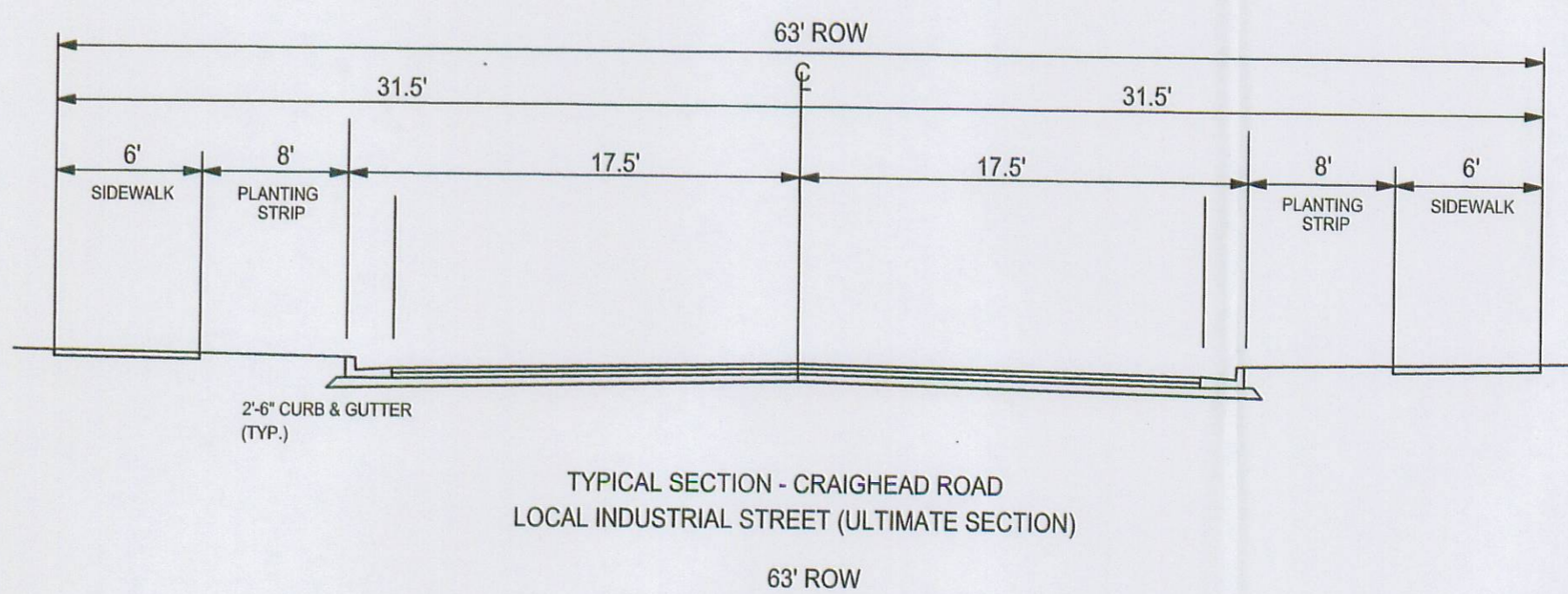


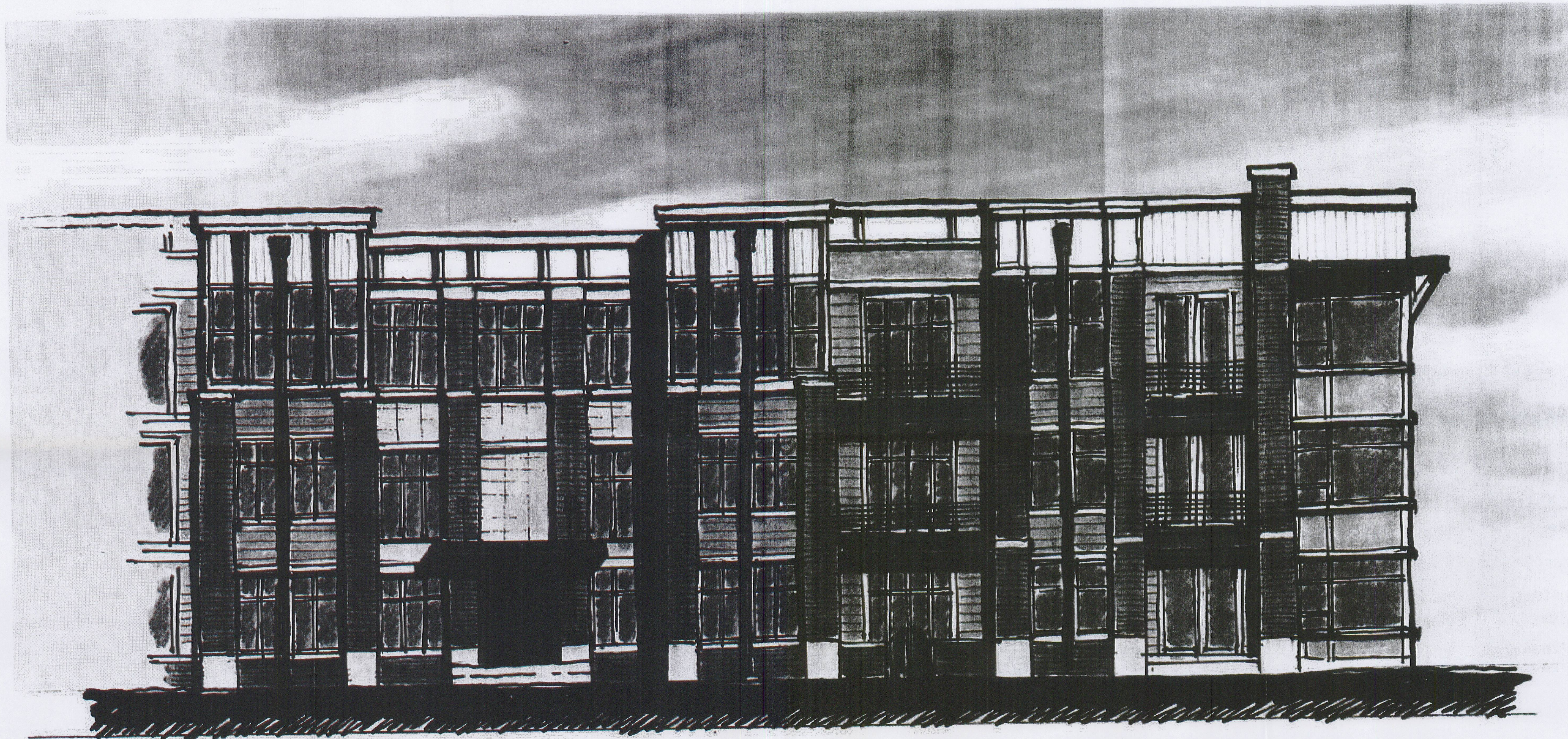
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Revision

RZ-2

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These elevations are included to reflect the architectural style and quality of the buildings that will be constructed on the site (the actual buildings constructed on the site may vary from these illustrations as long the general architectural concepts and intent illustrated is maintained)"

APPROVED BY
CITY COUNCIL
MAR 19 2009

ABERNETHY LUMBER APARTMENTS

PHILEMON AVENUE
CONCEPTUAL ELEVATION STUDY
03.13.09

