

Long View Apartments

Charlotte, North Carolina
 Mecklenburg County

CHARTER PROPERTIES INC.

1520 South Boulevard, Suite 215
 Charlotte, North Carolina 28203

APPROVED BY CITY COUNCIL

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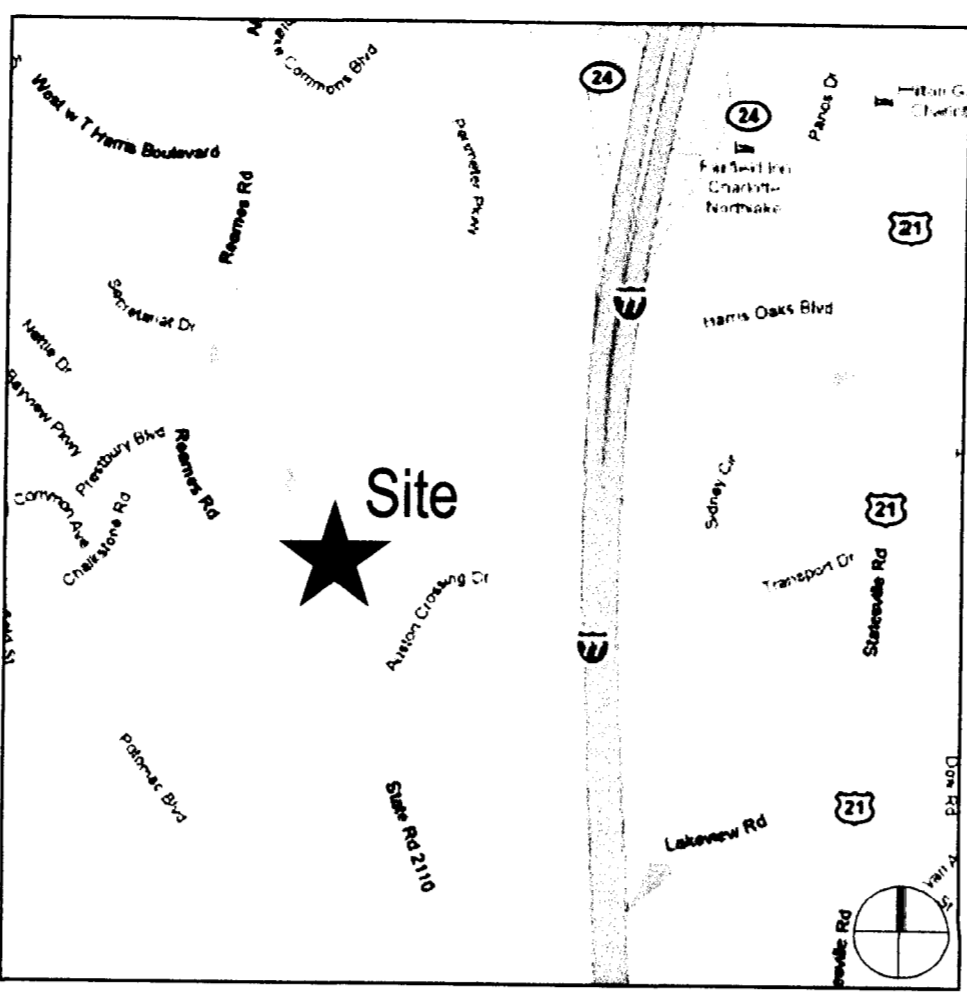
project number 09004
 drawn by JKK
 designed by BCS
 issue date 06/24/2010

revisions
 1. 08/17/10 JKK Revision to notes
 2. 09/21/10 JKK Revise note #9
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 9.
 10.
 11.

Zoning Admendment

Petition Number
 2010-055

L1.0



VICINITY MAP
 NTS



- GENERAL PROVISIONS**
- Unless more stringent standards are established by the Conditional Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the R-12MF zoning district classification shall be followed in connection with development taking place on the Site (as defined below). Street layouts may be modified to accommodate final building locations. Building locations may be modified subject to final engineering plans.
 - The Site is a portion of the property that is the subject of Rezoning Petition No. 2005-167, which was approved by the Charlotte City Council on April 17, 2006 and administratively amended on May 20, 2009 to revise the greenway commitments. The current tax parcel numbers of the property subject to Rezoning Petition No. 2005-167 are 025-113-23, 025-113-22, 025-113-05 and 025-113-02.
 - Pursuant to Rezoning Petition No. 2005-167, Tax Parcel Nos. 025-113-23, 025-113-22, and 025-113-05 were rezoned to the R-12MF(CD) zoning district to accommodate the development of a maximum of 588 multi-family dwelling units and permitted accessory uses thereon, and Tax Parcel No. 025-113-02 was rezoned to the Institutional (CD) zoning district to accommodate the development of a large childcare center thereon.
 - Phase one of the planned multi-family residential community has been constructed on Tax Parcel No. 025-113-22, and the large childcare center has been constructed on Tax Parcel No. 025-113-02 (the "Childcare Parcel").
 - Pursuant to the approved conditional rezoning plan relating to Rezoning Petition No. 2005-167, the Petitioner was required to dedicate and convey to Mecklenburg County for greenway purposes Tax Parcel No. 025-113-23 (hereinafter referred to as the "Greenway Area"), and in satisfaction of this requirement, the Greenway Area was conveyed to Mecklenburg County by a Special Warranty Deed dated December 29, 2009 and recorded on December 31, 2009 in Book 25329 at Page 266 of the Mecklenburg County Public Registry.
 - Tax Parcel Nos. 025-113-22 and 025-113-05 are hereinafter collectively referred to as the "Site".
 - The Childcare Parcel is not a part of this Rezoning Petition because the large childcare center has been constructed, and the Greenway Area is not a part of this Rezoning Petition because it has been conveyed to Mecklenburg County for greenway purposes.
 - The sole purpose of this rezoning request is to allow a cellular telephone and wireless communications tower and any facility plant, support structures and support buildings relating thereto to be constructed, installed and operated on a portion of the Site in accordance with the conditions and standards set out in the Ordinance and on this Conditional Rezoning Plan. Except as provided above, this rezoning request does not seek to alter or modify the development conditions imposed on the Site under Rezoning Petition No. 2005-167, as amended.

- PERMITTED USES**
- The Site may be devoted to the following uses:
- a maximum of 588 multi-family dwelling units together with any accessory uses permitted under the Ordinance; and
 - as an ancillary or secondary use to the multi-family dwelling units, a cellular telephone and wireless communications tower and any facility plant, support structures and support buildings relating thereto subject to the regulations set out in Sections 12.108(B) of the Ordinance and to the standards set out herein under "Cell Tower Development Standards".

- BUFFERS**
- A Class C buffer shall be provided on the Site as depicted on the Conditional Rezoning Plan, and the Class C buffer shall conform to the standards for a Class C buffer set out in Section 12.302 of the Ordinance. Subject, however, to the provisions of Section 12.304 thereof, Pursuant to Section 12.302(B) of the Ordinance, Petitioner may reduce the width of the required buffer by 25% by providing a wall, fence or berm that meets or exceeds the standards of Section 12.302(B) of the Ordinance.
 - In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, Petitioner may reduce or eliminate, in the case may be, the relevant buffer areas set out on the Conditional Rezoning Plan accordingly.
 - The buffer areas shall remain an open space except to the extent necessary to accommodate grade changes and the installation and maintenance of a wall, fence, berm, landscaping and/or utility and drainage facilities and any grading associated therewith.
 - Where existing trees and natural vegetation have been cleared to accommodate grade changes or the installation of a wall, fence, berm, landscaping and/or utility and drainage facilities and any grading associated therewith, the cleared, unimproved areas will be landscaped with trees and shrubs in accordance with the requirements of the Ordinance.
 - No buildings, parking spaces or massing areas may be located within the buffer areas.

- COMMON OPEN SPACE/TREE SAVE AREAS**
- Common open spaces shall be provided in various locations on the Site as depicted on the Conditional Rezoning Plan. At a minimum, 50 percent of the Site shall be devoted to common open space.
 - For purposes of calculating the amount of required common open space, the Greenway Area (which has been conveyed to Mecklenburg County as provided herein), any tree save areas, any water quality ponds, and the recreational amenity areas will be considered to be common open space.
 - Each phase of this residential community will contain a recreational amenity area, and each amenity area shall contain a swimming pool.
 - A minimum of 15 percent of the Site will be devoted to tree save areas, which tree save areas are more particularly depicted on the Conditional Rezoning Plan.
 - For purposes of calculating the required amount of tree save areas, the size of the Site shall be reduced by the area of the Site located within and subject to the Plantation Pipeline and Level 3 Communications easement. Additionally, tree save areas located in the Greenway Area shall be considered and counted towards the tree save requirement.

- CELL TOWER DEVELOPMENT STANDARDS**
- The cellular telephone and wireless communications tower and any facility plant, support structures and support buildings relating thereto must be located within that portion of the Site designated as the "Cell Tower Area" on the Conditional Rezoning Plan.
 - As depicted on the Conditional Rezoning Plan, the Cell Tower Area shall be located a minimum of 200 feet from any of the Site's external property lines.
 - The maximum height of the cellular telephone and wireless communications tower shall be 190 feet as measured from its base.
 - The maximum width of the cellular telephone and wireless communications tower shall be 6 feet in diameter.
 - The cellular telephone and wireless communications tower shall be a "unipole" type tower. Attached hereto as Exhibit A is a schematic rendering of the cellular telephone and wireless communications tower to be located on the Site, and the cellular telephone and wireless communications tower to be located on the Site shall be substantially similar in appearance to the attached schematic rendering.
 - All antennas shall be located within the interior of the cellular telephone and wireless communications tower. The "unipole" design of the cellular telephone and wireless communications tower meets the concealment requirements of Section 12.108(B)(3) of the Ordinance.
 - As required under Section 12.108(B) of the Ordinance, the cellular telephone and wireless communications tower shall be designed and equipped with technological and structural capabilities to accommodate at least three wireless communication carriers.
 - The Cell Tower Area shall be screened from the street and any abutting property located in a residential district by a wooden fence and vegetation in accordance with the Ordinance.
 - A wooden fence, vegetation and shrubs will be installed for screening and making the Cell Tower Area inaccessible to the public. The wooden fence shall be substantially similar in appearance to the fence detail set out on the Conditional Rezoning Plan.
 - Pursuant to Section 12.108(B)(1) of the Ordinance, any support building shall be limited in size to 500 square feet per communication company using the cellular telephone and wireless communications tower and limited in height to 15 feet.

- GREENWAY**
- As provided above, Petitioner has dedicated and conveyed to Mecklenburg County for greenway purposes the Greenway Area (as defined above) in satisfaction of its commitment under Rezoning Petition No. 2005-167.
 - Petitioner agrees, upon the request of the Mecklenburg County Park and Recreation Department ("Park and Rec.") after that portion of the Long Creek Greenway to be located immediately adjacent to the Site is designed and dedicated and conveyed to Mecklenburg County for greenway purposes an additional portion of the Site located at the northwest corner thereof (and conveyed to Mecklenburg County for greenway from the Greenway Area to the sidewalk along Reames Road (the "Additional Greenway Area"). The size of the Additional Greenway Area will be limited to that area that is reasonably required to accommodate the construction, installation, maintenance and use of the trail described above.
 - One pedestrian connection from phase one of the residential community to be located on the Site to the Greenway Area (the "Phase One Connection") shall be provided, and one pedestrian connection from phase two of the residential community to be located on the Site to the Greenway Area (the "Phase Two Connection") shall be provided. The Phase One Connection shall be located in the general location depicted on the Conditional Rezoning Plan and Park and Rec. shall be responsible for the design, installation and construction of the Phase One Connection, and it is anticipated that the Phase One Connection will be installed and constructed contemporaneously with the construction of that portion of the Long Creek Greenway to be located immediately adjacent to the Site by Park and Rec.
 - Park and Rec. shall be responsible for the maintenance, repair and replacement (as needed from time to time) of the Phase One Connection. Petitioner shall, at its cost to Park and Rec., grant an appropriate easement to Park and Rec. to facilitate the installation, construction, maintenance, repair and replacement as may be needed from time to time of that portion of the Phase One Connection to be located on the Site. The foregoing easement shall contain a self-help provision that will enable the Petitioner to maintain and repair that portion of the Phase One Connection to be located on the Site in the event that Park and Rec. fails to meet its obligation to maintain and repair the Phase One Connection, and this easement shall be granted by Petitioner to Park and Rec. prior to the commencement of the installation and construction of the Phase One Connection.
 - Park and Rec. shall be responsible for the design, installation and construction of the Phase Two Connection, and it is anticipated that the Phase Two Connection will be installed and constructed contemporaneously with the construction of that portion of the Long Creek Greenway to be located immediately adjacent to the Site by Park and Rec. The Phase Two Connection may be designed, installed and constructed by Park and Rec. to ADA accessibility and from the Greenway Area.
 - Park and Rec. shall be responsible for the maintenance, repair and replacement (as needed from time to time) of the Phase Two Connection. Petitioner shall, at its cost to Park and Rec., grant an appropriate easement to Park and Rec. to facilitate the installation, construction, maintenance, repair and replacement (as may be needed from time to time) of that portion of the Phase Two Connection to be located on the Site. The precise location of the Phase Two Connection and the easement described above shall be mutually determined by Petitioner and Park and Rec. at the time that portion of the Long Creek Greenway to be located immediately adjacent to the Site is designed and planned, whichever is first to occur.
 - The foregoing easement shall contain a self-help provision that will enable the Petitioner to maintain and repair that portion of the Phase Two Connection to be located on the Site in the event that Park and Rec. fails to meet its obligation to maintain and repair the Phase Two Connection, and this easement shall be granted by Petitioner to Park and Rec. prior to the commencement of the installation and construction of the Phase Two Connection.
 - Petitioner, in satisfaction of its commitment under Rezoning Petition No. 2005-167, paid the sum of \$188,000 to Partners for Parks, Inc. \$140,000 of this payment shall be applied to the cost of constructing that portion of the Long Creek Greenway to be located immediately adjacent to the Site. \$24,000 of this payment shall be applied to the cost of designing, installing and constructing the Phase One Connection and \$24,000 of this payment shall be applied to the cost of designing, installing and constructing the Phase Two Connection.
 - Park and Rec. will be responsible for the design, installation and construction of that portion of the Long Creek Greenway located immediately adjacent to the Site and the design, installation and construction of the Phase One Connection and the Phase Two Connection, and Petitioner's only obligation and commitment with respect to these improvements shall be the \$188,000 payment to Partners for Parks, Inc. described above.
 - The locations of the Greenway Area and the easement relating to the Phase One Connection was delineated on the final plans for phase one of the residential community to be located on the Site. The easement relating to the Phase Two Connection shall be delineated on the final plans for phase two of the residential community to be located on the Site.

- BUS STOP PAD**
- Petitioner shall install a concrete bus stop pad on the Site adjacent to Reames Road in a location to be determined by CATS and the Petitioner. Petitioner will grant an appropriate easement to the City of Charlotte to facilitate its use and maintenance of the concrete bus stop pad.

- SOLID WASTE**
- This multi-family community will meet all requirements as stated in Chapters 9 and 12 of the Charlotte City Code regarding solid waste dumpster, collector and recycling.

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

- ACCESS POINTS (DRIVEWAYS/STREETS/INTERNAL SIDEWALKS)**
- The number of vehicular access points to the Site shall be limited to the number depicted on the Conditional Rezoning Plan.
 - The placement and configuration of each access point are subject to any minor modifications required to accommodate final site and industrial construction plans and designs and any adjustments required for approval by the City of Charlotte Department of Transportation ("CDOT") and the North Carolina Department of Transportation ("NCDOT").
 - A stub street shall be provided to the parcel of land located to the south of the Site as depicted on the Conditional Rezoning Plan. This stub street shall be a part of the Site's private street system. Petitioner shall open this stub street to vehicular traffic from the adjoining parcel of land provided that an appropriate easement agreement can be negotiated with the owner(s) of the adjoining parcel of land.
 - An internal sidewalk system will be provided as generally depicted on the Conditional Rezoning Plan.
 - Petitioner shall install planning strips adjacent to the internal sidewalks located on the Site.
 - Petitioner shall install a minimum 4 foot planning strip on the internal sign street located on the Site.

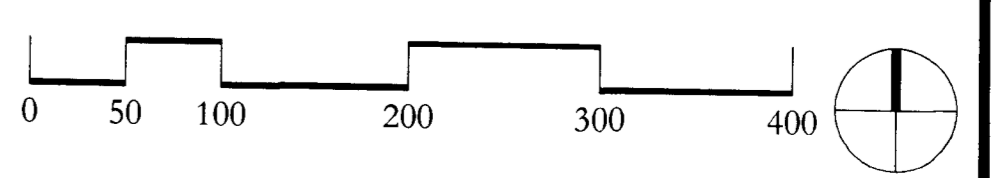
- FIRE PROTECTION**
- Adequate fire protection in the form of fire hydrants will be provided to the City of Charlotte Fire Code's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences. Plans for each building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

- AMENDMENTS TO REZONING PLAN**
- Future amendments to this Conditional 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 4 of the Ordinance.

- BINDING EFFECT OF THE REZONING APPLICATION**
- If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and this Conditional Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

TABULATION

TAX PARCEL ID #	025-113-05, 025-113-22
SITE AREA:	43.94 ACRES
EXISTING ZONING:	R-12 MF (CD)
PROPOSED ZONING:	R-12 MF (CD) S.P.A.





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Charlotte, North Carolina
Mecklenburg County

CHARTER
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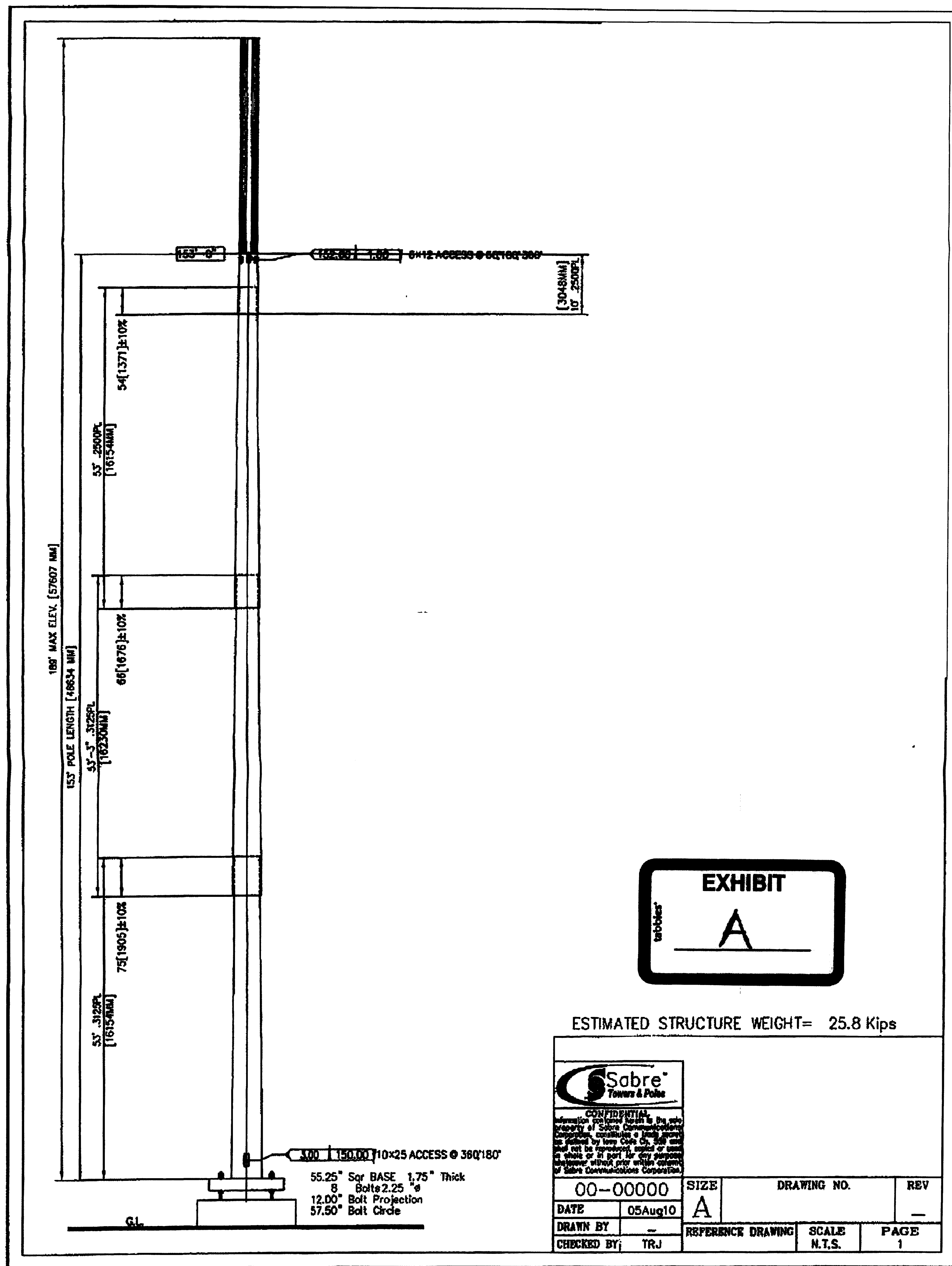
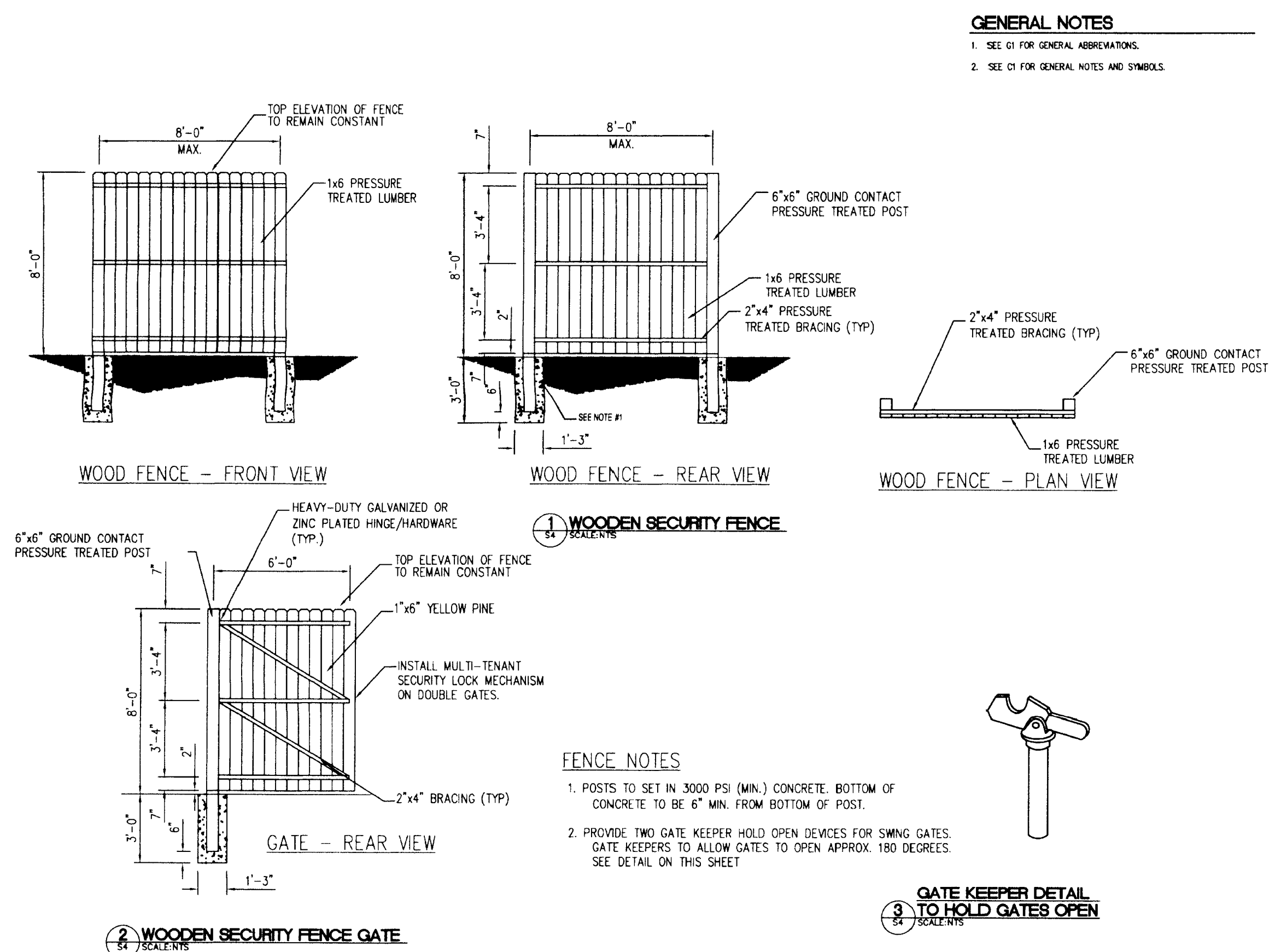


EXHIBIT
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- revisions
- 09/21/10 JKK Addition of Fence Detail
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Zoning Admendment
Tower & Fence Details
Petition Number
2010-055

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