

**DEVELOPMENT STANDARDS**  
January 27, 2009

**GENERAL PROVISIONS**

Unless more stringent standards are established by the Technical Data Sheet or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the Institutional zoning district shall be followed in connection with development taking place on this approximately 9.05 acre site located on Toddville Road south of Freedom Drive (the "Site"), which Site is more particularly depicted on the Technical Data Sheet.

The purpose of this rezoning request is to accommodate the expansion of an existing dependent living nursing home, rest home, home for the aged, elderly and disabled housing facility situated on the Site.

The development depicted on the Technical Data Sheet is intended to reflect the arrangement of proposed uses on the Site, but the final configuration, placement and size of individual Site elements may be altered or modified within the limits prescribed by Section 6.2 of the Ordinance and the standards established by the Technical Data Sheet and these Development Standards during design development and construction phases.

**PERMITTED USES**

The Site may be devoted to a dependent living nursing home, rest home, home for the aged, elderly and disabled housing facility containing a maximum of 180 beds (120 existing, 60 new), and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the Institutional zoning district.

**MAXIMUM GROSS FLOOR AREA**

A maximum of 65,000 square feet of total gross floor area may be developed on the Site. The total maximum gross floor area includes the expansion area.

1. The Petitioner shall establish a 48 foot Class C buffer along those portions of the Site's boundary lines that are more particularly depicted on the Technical Data Sheet, which buffer shall conform to the standards of Section 12.302 of the Ordinance, subject, however, to the provisions of Section 12.304 thereof. 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, then the Petitioner may reduce or eliminate, as the case may be, the 48 foot Class C buffer depicted on the Technical Data Sheet accordingly. The Petitioner may reduce the width of the 48 foot Class C buffer by 25% by installing a wall or fence pursuant to Section 12.302(b) of the Ordinance, and the width of portions of the 48 foot Class C buffer has been reduced by 25% to 36 feet in width as depicted on the Technical Data Sheet as a result of the Petitioner's commitment to install a fence in these portions of the 48 foot Class C buffer.

2. As more specifically depicted on the Technical Data Sheet, the 48 foot Class C buffer located immediately adjacent to Tax Parcel No. 059-104-17 shall remain undisturbed provided, however, that in the event that the existing vegetation does not meet the tree and shrub requirements of a Class C buffer, the Petitioner may install supplemental plantings to bring this Class C buffer into compliance with these requirements. Additionally, this undisturbed buffer may be disturbed in connection with the maintenance and repair of the existing utility facilities located within this undisturbed buffer.

3. Pursuant to Section 12.302(a)(1) of the Ordinance, the Petitioner shall establish a 24 foot Class C buffer along those portions of the Site's northern boundary line that are adjacent to the adjoining religious institution and that are more particularly depicted on the Technical Data Sheet, which buffer shall conform to the standards of Section 12.302 of the Ordinance, subject, however, to the provisions of Section 12.304 thereof. In the event that the adjacent parcel of land provides a required buffer or is rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, then the Petitioner may reduce or eliminate, as the case may be, the 24 foot Class C buffer depicted on the Technical Data Sheet accordingly. The Petitioner may reduce the width of the 24 foot Class C buffer by 25% by installing a wall or fence pursuant to Section 12.302(b) of the Ordinance.

4. The Petitioner reserves the right to grade and to install a wall, fence, required pedestrian sidewalks and utility lines and facilities within the 48 foot Class C buffer, within those portions of the 48 foot Class C buffer reduced in width to 36 feet and within the 24 foot Class C buffer, provided, however, that utility lines and facilities may only cross the buffer at interior angles measured at the property line which are not less than 75 degrees. Notwithstanding the foregoing, the Petitioner may not grade and may not install a wall, fence, required pedestrian sidewalks and utility lines and facilities within the undisturbed portion of the 48 foot Class C buffer.

5. Where existing trees and natural vegetation have been cleared within the 48 foot Class C buffer, within those portions of the 48 foot Class C buffer reduced in width to 36 feet and within the 24 foot Class C buffer to accommodate grading for the installation of a wall, fence, required pedestrian sidewalks or utility lines and facilities, the cleared, unimproved areas will be landscaped with trees and shrubs in accordance with the requirements of the Ordinance.

6. No buildings, parking spaces or maneuvering areas may be located within the 48 foot Class C buffer, within those portions of the 48 foot Class C buffer reduced in width to 36 feet, within the 24 foot Class C buffer or within the setback.

7. No above ground detention facilities or water quality facilities may be located within the 48 foot Class C buffer, within those portions of the 48 foot Class C buffer reduced in width to 36 feet, within the 24 foot Class C buffer or within the setback. However, natural drainage facilities may be included within these buffer areas and within the setback.

**SETBACKS, SIDE YARDS AND REAR YARDS**

All principal structures constructed on the Site shall satisfy or exceed the setback, side yard and rear yard requirements under the Ordinance for the Institutional zoning district as depicted on the Technical Data Sheet.

**SCREENING/LANDSCAPING**

- Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.
- All landscaping installed on the Site will meet or exceed the requirements of the Ordinance.
- Any dumpsters located within the Site that are visible from a public street or from an external adjoining parcel of land will be screened from view by solid-enclosures with gates.

**TREE ORDINANCE**

Development of the Site will comply with the applicable provisions of the City of Charlotte Tree Ordinance as of the date of the approval of this Rezoning Petition.

**PARKING**

- Off-street vehicular parking will satisfy the Ordinance's one parking space per three bed minimum requirement.
- Bicycle parking will satisfy the minimum standards established under the Ordinance.

**LIGHTING**

- The maximum height of any newly installed freestanding lighting fixture located on the Site, including its base, shall not exceed 20 feet.
- All newly installed exterior light fixtures located on the Site shall be fully shielded with full cutoff and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- No new wall "post" type lighting may be installed on the Site.

**SIGNS**

Any newly installed signs placed on the Site will be erected in accordance with the requirements of the Ordinance.

**ACCESS POINTS/SIDEWALKS/RIGHT-OF-WAY IMPROVEMENTS**

- The number of vehicular access points to the Site shall be limited to the number depicted on the Technical Data Sheet.
- The placement and configuration of the access point are subject to any minor modifications required to accommodate final site and architectural conceptual plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.
- The existing sidewalk located along the Site's frontage on Toddville Road shall remain in place.
- The Petitioner shall, at its sole cost and expense, cause the dedication of the right of way for and design and construct that public street designated as "Street C" on the Technical Data Sheet. Street C shall be designed and constructed to the office/commercial narrow street cross section (USDC). Street C shall be completed and open to vehicular traffic or bonded by the Petitioner prior to the issuance of a certificate of occupancy for the expansion area of the existing dependent living nursing home, rest home, home for the aged, elderly and disabled housing facility on the Site.
- The Petitioner shall, at its sole cost and expense, dedicate the right of way for and design and construct that public street segment designated as "Street B" on the Technical Data Sheet. Street B shall be designed and constructed to the office/commercial narrow street cross section (USDC). Street B shall be completed and open to vehicular traffic prior to the issuance of a certificate of occupancy for the expansion area of the existing dependent living nursing home, rest home, home for the aged, elderly and disabled housing facility on the Site.
- The Petitioner shall, on behalf of and as the agent for the City of Charlotte and pursuant to the terms of an Infrastructure Reimbursement Agreement to be entered into by the Petitioner and the City of Charlotte, design and construct that public street segment designated as "Street A" on the Technical Data Sheet. The City shall pay or reimburse the Petitioner for the design and construction of Street A an amount equal to the design and construction costs for Street C. Street A shall be designed and constructed to the office/commercial narrow street cross section (USDC). Street A shall be completed and open to vehicular traffic prior to the issuance of a certificate of occupancy for the expansion area of the existing dependent living nursing home, rest home, home for the aged, elderly and disabled housing facility on the Site.

**ARCHITECTURAL COMMITMENTS**

- The maximum height of any building located on the Site shall be 30 feet.
- Attached hereto are schematic architectural renderings of the elevations of the proposed expansion area of the building located on the Site, and these schematic architectural renderings are intended to depict the general conceptual architectural style and character of the proposed expansion area of the building located on the Site. Accordingly, the expansion area of the building located on the Site shall be designed and constructed so that it is substantially similar in appearance to the attached schematic architectural renderings. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.

**SOLID WASTE MANAGEMENT PLAN**

Petitioner shall submit a solid waste management plan prior to initiating land clearing, demolition and/or construction activities on the Site.

**BINDING EFFECT OF THE REZONING PETITION**

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and this Technical Data Sheet 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.

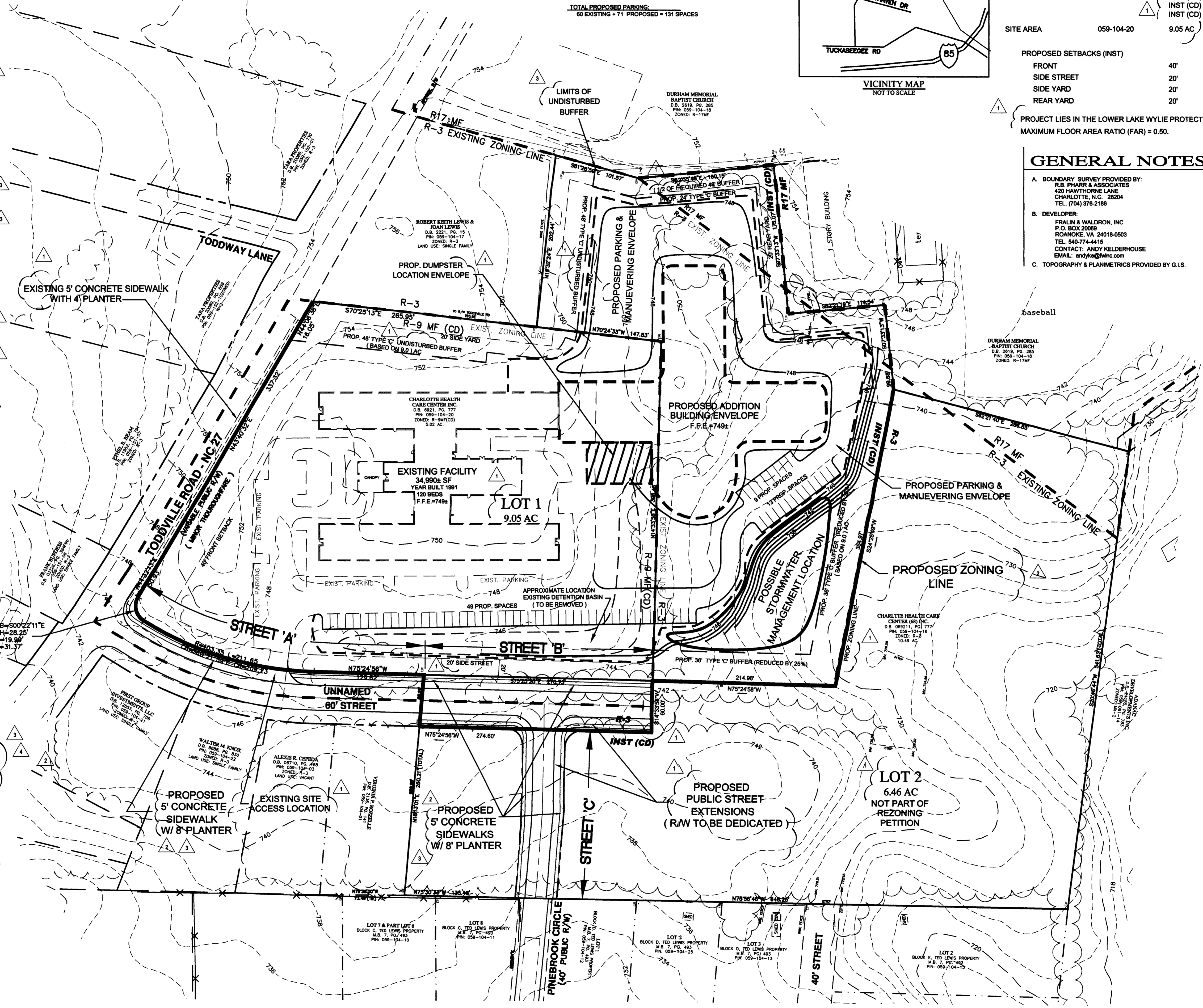
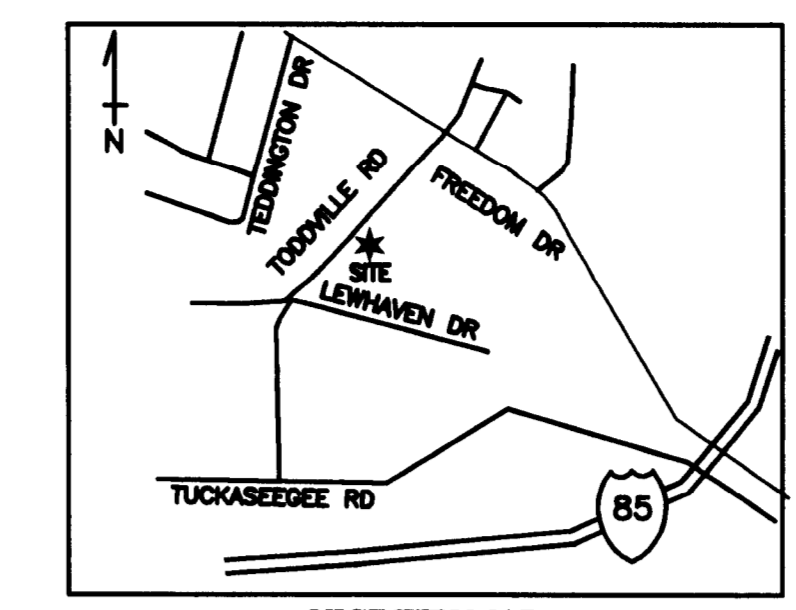
**AMENDMENTS TO REZONING PLAN**

Future amendments to this Technical Data Sheet 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.

**PARKING SUMMARY**

**REGULAR:**  
REQUIRED PARKING:  
1 SPACE / 3 BEDS = 180 / 3 = 60 SPACES

**TOTAL PROPOSED PARKING:**  
60 EXISTING + 71 PROPOSED = 131 SPACES



**REZONING PETITION NO. 2008-117**

**SITE DATA TABLE**

EXISTING ZONING:	059-104-20	R-9MF (CD) PETITION 89-82 R-17 R-3
PROPOSED ZONING:	059-104-20	INST (CD) ( 5.02 AC FROM R-9 MF CD ) INST (CD) ( 0.34 AC FROM R-17 MF ) INST (CD) ( 3.69 AC FROM R-3 )
SITE AREA	059-104-20	9.05 AC
PROPOSED SETBACKS (INST)		
FRONT		40'
SIDE STREET		20'
SIDE YARD		20'
REAR YARD		20'

PROJECT LIES IN THE LOWER LAKE WYLIE PROTECTED AREA (LLWPA)  
MAXIMUM FLOOR AREA RATIO (FAR) = 0.50.

**GENERAL NOTES**

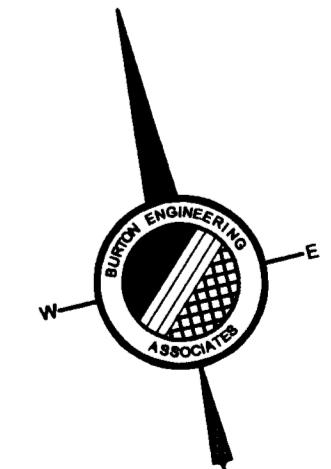
- BOUNDARY SURVEY PROVIDED BY:  
R.E. PIARR & ASSOCIATES  
420 HAWTHORNE LANE  
CHARLOTTE, N.C. 28204  
TEL: (704) 375-2188
- DEVELOPER:  
FRALIN & WALDRON, INC  
P.O. BOX 20089  
ROANOKE, VA 24018-0803  
TEL: 540-774-4415  
CONTACT: ANDY KELDERHOUSE  
EMAIL: andyke@fwinc.com
- TOPOGRAPHY & PLANIMETRICS PROVIDED BY G.I.S.

APPROVED BY  
CITY COUNCIL  
JAN 26 2009  
2008-117

baseball

DURHAM MEMORIAL BAPTIST CHURCH  
D.B. 2019, PG. 285  
P.N. 059-104-18  
ZONED: R-17MF

CHARLOTTE HEALTH CARE CENTER (66) INC  
D.B. 94211, PG. 777  
P.N. 059-104-16  
ZONED: R-3  
10-49 AC



**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

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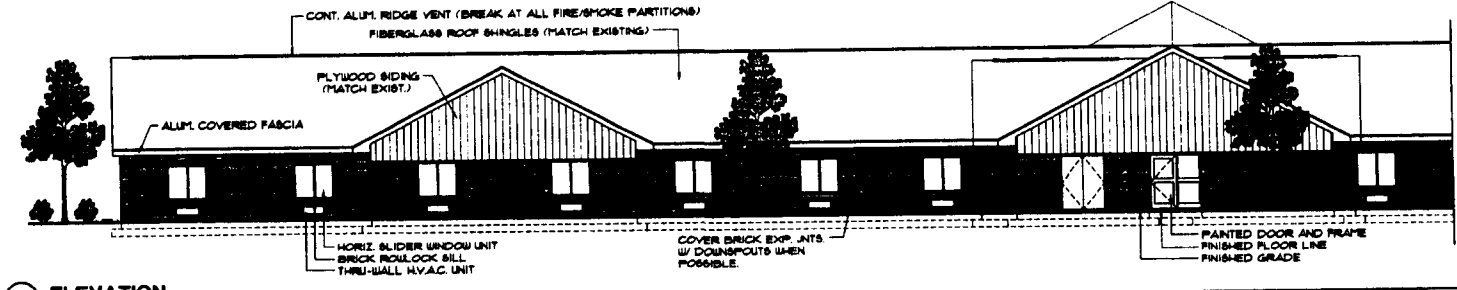
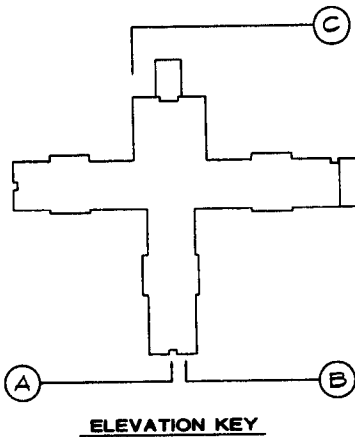
**BURTON ENGINEERING ASSOCIATES**  
CIVIL ENGINEERS  
LAND PLANNERS

5950 Fairview Rd. • Suite 100 • Charlotte, NC 28210  
(704) 553-8881 • Fax: (704) 553-8860

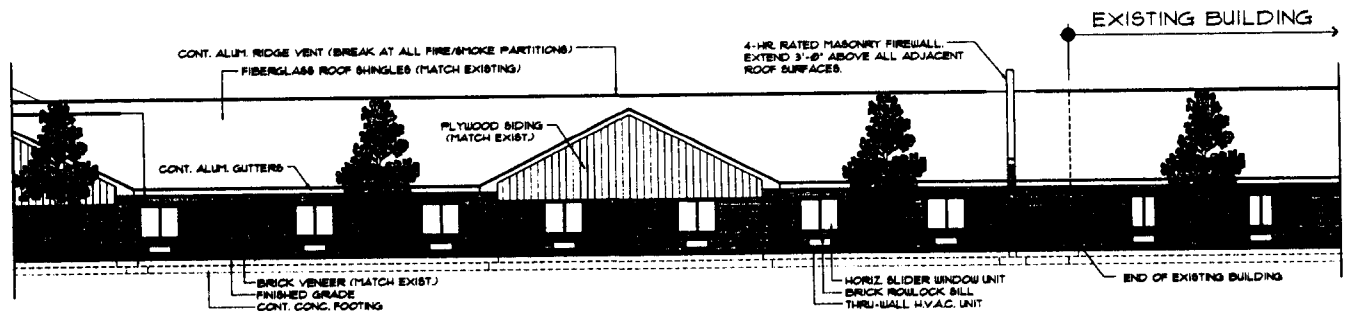
**CHARLOTTE HEALTH CARE CENTER**  
1735 TODDVILLE ROAD, CHARLOTTE, NC

**TECHNICAL DATA SHEET**

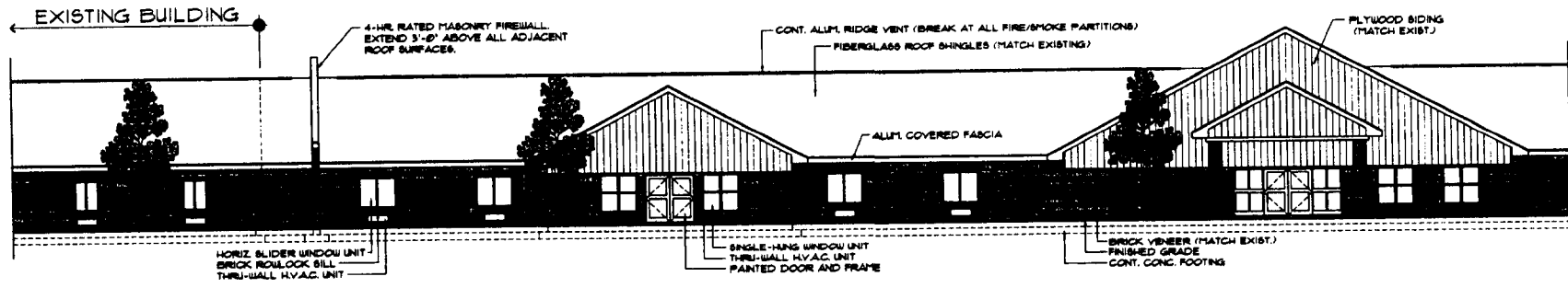
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Engineer	GDM
Drawn By	05/23/08
Date	
Revisions	<ol style="list-style-type: none"> <li>1. 10/20/08 CMPC COMMENTS</li> <li>2. 11/14/08 CMPC COMMENTS</li> <li>3. 12/18/08 CMPC COMMENTS</li> <li>4. 01/27/09 CMPC COMMENTS</li> </ol>
Project Number	557-001
Sheet	of
	21 1



**A ELEVATION**  
SCALE: 1/8" = 1'-0"



**B ELEVATION**  
SCALE: 1/8" = 1'-0"



**C ELEVATION**  
SCALE: 1/8" = 1'-0"

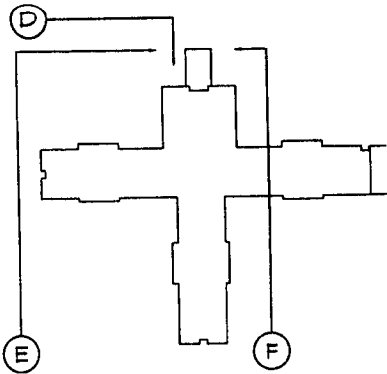
DAVID R. POLSTON • ARCHITECT  
3806 PARK AVENUE, SUITE 2-L  
WILMINGTON, NORTH CAROLINA 28403  
PH.: (910) 350-8900 FAX.: (910) 350-0401

**APPROVED BY  
CITY COUNCIL.**

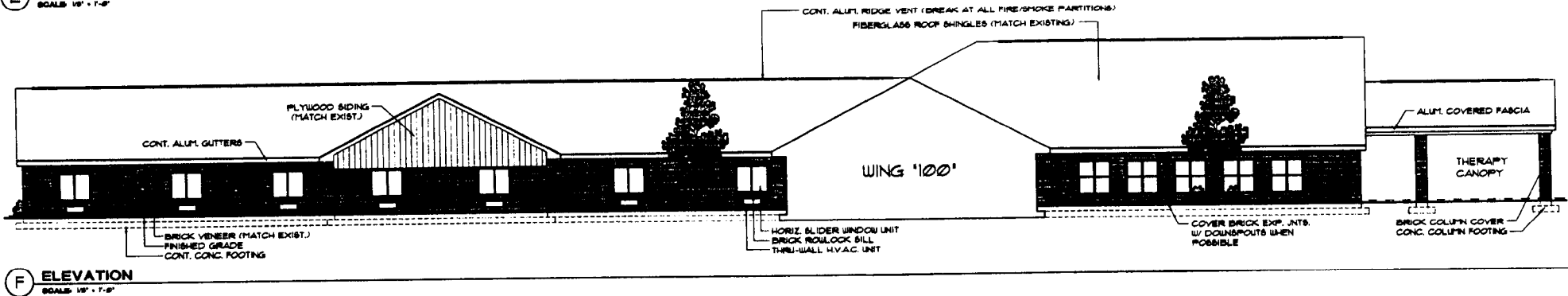
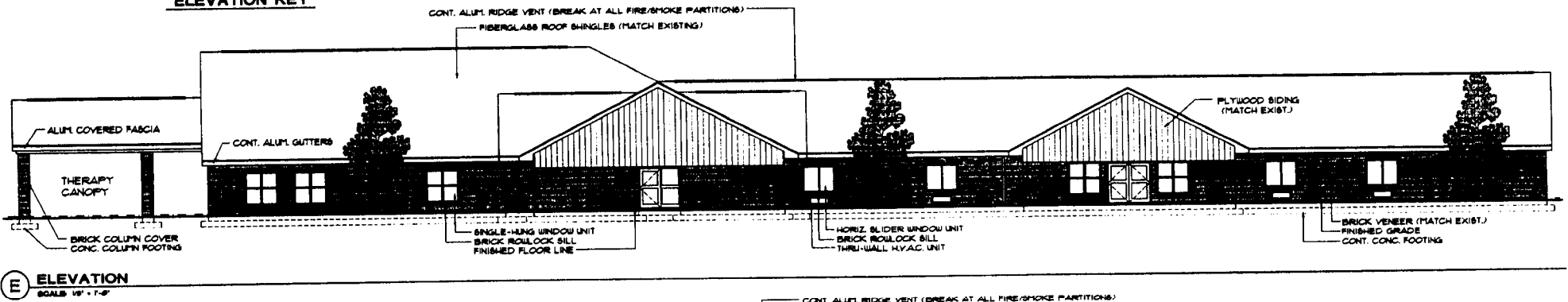
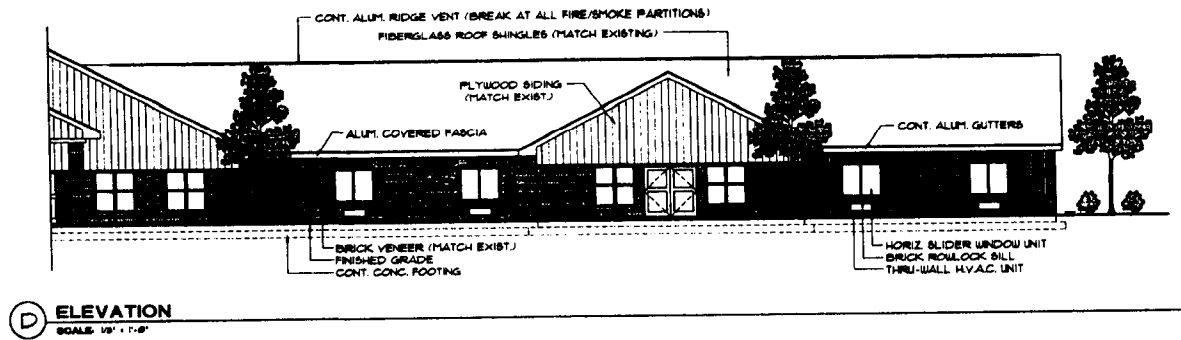
JAN 26 2009

CHARLOTTE HEALTH CARE CENTER  
PHASE II • 60 BED ADDITION  
CHARLOTTE, NORTH CAROLINA

2008-117



**ELEVATION KEY**



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CHARLOTTE HEALTH CARE CENTER  
PHASE II • 60 BED ADDITION  
CHARLOTTE, NORTH CAROLINA