



Charlotte-Mecklenburg Planning, Design, & Development

DATE: November 13, 2018

TO: Donald Moore
Zoning Supervisor

FROM: Taiwo Jaiyeoba
Planning Director

SUBJECT: Administrative Approval for Petition No. 2018-028 & 2001-030

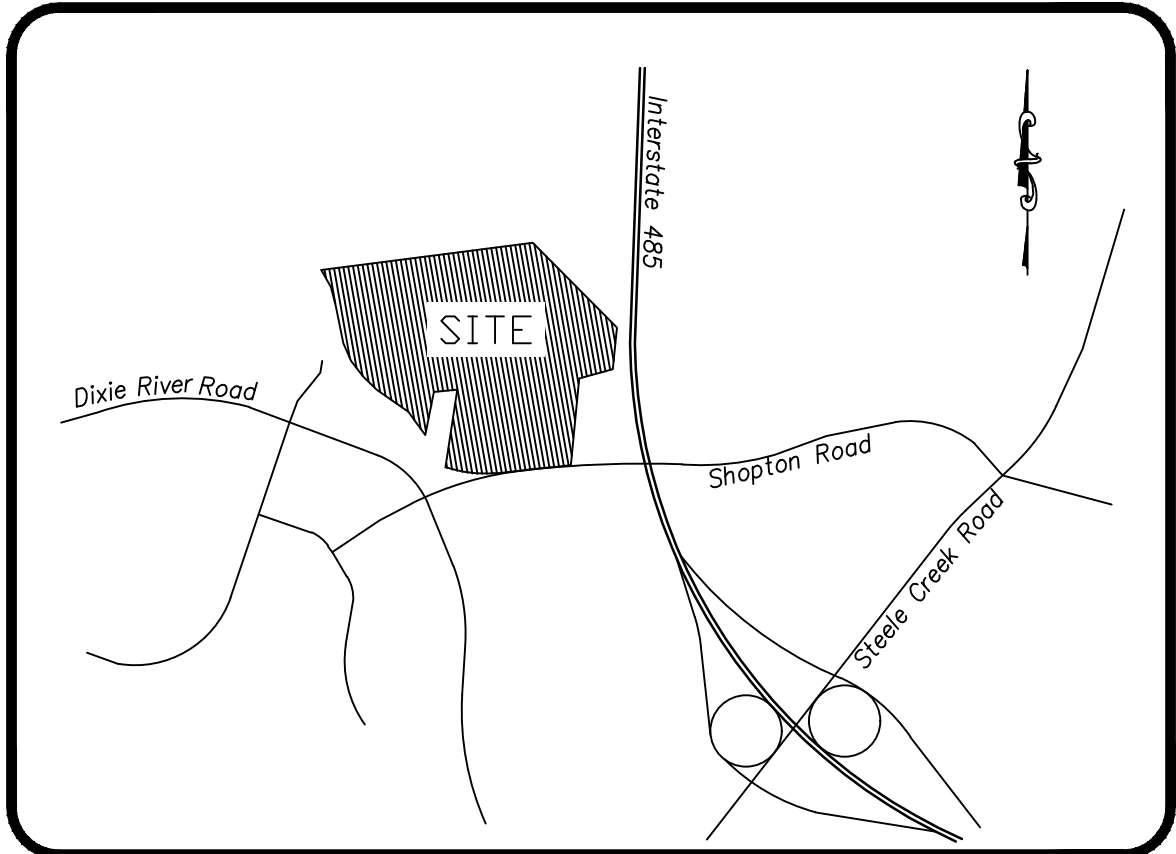
Attached is the revised site plan for the petition above. This request allows the modification of the proposed site plan as listed below. Since these changes do not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

- Portion of development area approved under Petition 2001-030 included with area approved for Petition 2018-028.
- Site Layout
- Conditional notes

Staff supports of the request because:

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

Note: All other Zoning, Subdivision, Tree Ordinances and conditional requirements still apply.



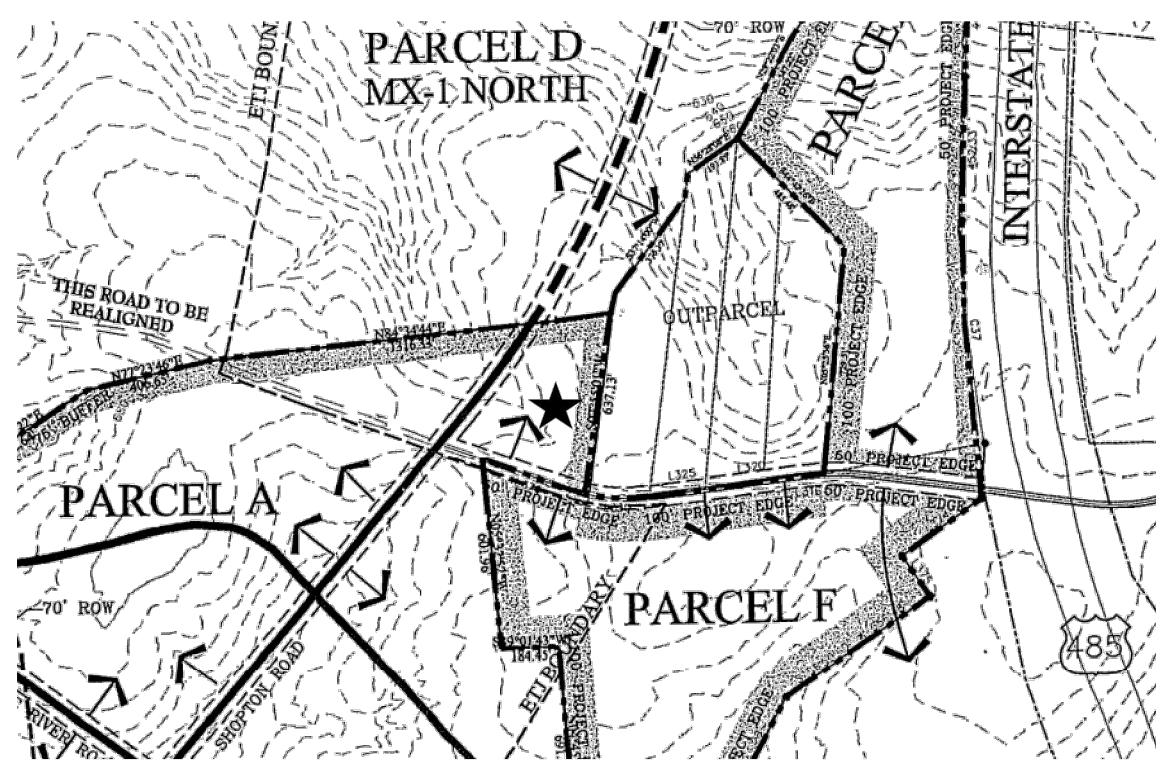
VICINITY MAP
NTS

Attached to Administrative
Approval

Solomon A. Fortune \$F
Solomon A. Fortune

ADMINISTRATIVE MINOR REQUEST:

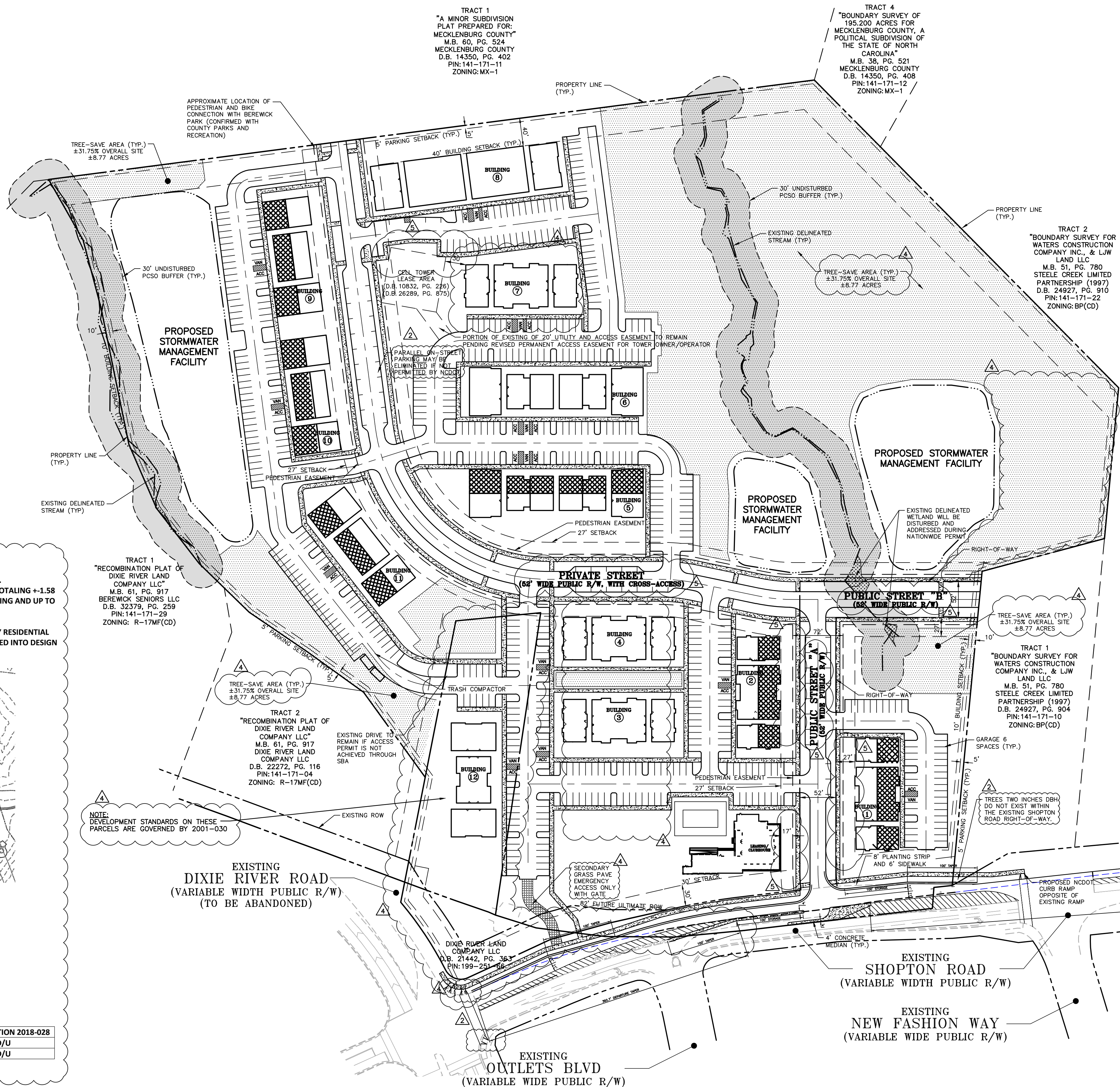
- 2001-030 APPROVED PLAN - PARCEL A: TOWN CENTER APPROVED FOR 750 MULTI-FAMILY UNITS.
- INCORPORATE A PORTION OF PARCEL 141-171-04 AND 199-251-66 (LOCATION OF BLACK STAR), TOTALING +1.58 ACRES AND ZONED CC WITH 2018-028 APPROVED PLAN FOR 1 MULTI-FAMILY RESIDENTIAL BUILDING AND UP TO 24 DWELLING UNITS.
- 2018-028 APPROVED PLAN - 330 MULTI-FAMILY RESIDENTIAL DWELLING UNITS.
- 2001-030 & 2018-028 ADMINISTRATIVE MINOR REQUEST - ADDITION OF UP TO 24 MULTI-FAMILY RESIDENTIAL DWELLING UNITS FROM CONTIGUOUS +1.58 ACRES ZONED CC PER 2001-030 TO BE INCORPORATED INTO DESIGN OF 2018-028.



TABULATIONS

PARCEL A: TOWN CENTER
TOTAL AREA: 215.3 AC
EXISTING ZONING: R-3/R-5
PROPOSED ZONING: CC (CD)
PROPOSED USES: RETAIL, OFFICE,
AND MULTI-FAMILY RESIDENTIAL
RETAIL USE: 250,000 SF - 35.5 AC
OFFICE USE: 600,000 SF - 92.3 AC
MULTI-FAMILY UNITS: 750 UNITS - 90.5 AC

	REZONING PETITION 2001-030	REZONING PETITION 2018-028
APPROVED NUMBER OF MULTI-FAMILY D/U	750 D/U - PARCEL A	330 D/U
PROPOSED NUMBER OF MULTI-FAMILY D/U	24 D/U - PORTION OF PARCEL A	330 D/U

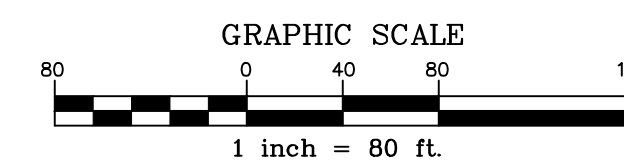
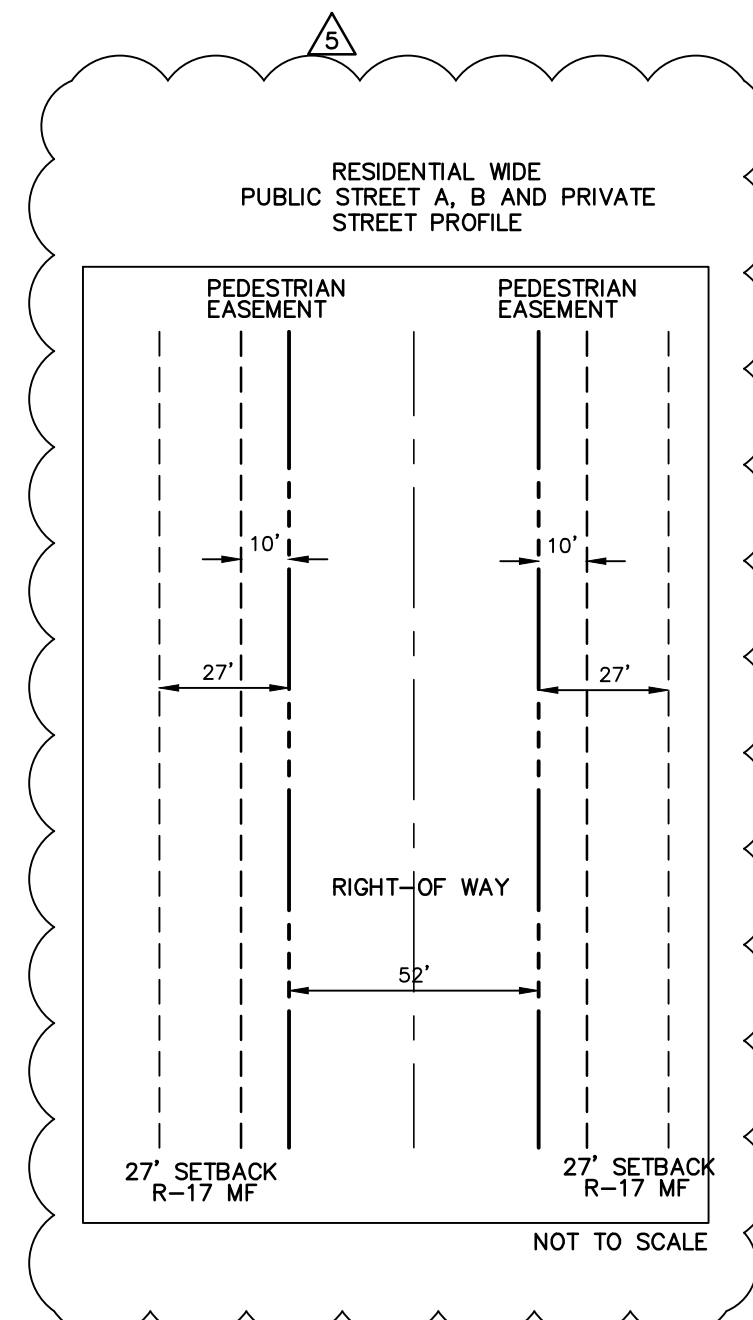


SITE DEVELOPMENT DATA:

ACREAGE:	±28.05 GROSS; 27.62 NET
TAX PARCEL NUMBERS:	141-171-02, 141-171-05, 141-171-06, 141-171-07, 141-171-08, AND 141-171-09
EXISTING ZONING:	MX-1, R-3, AND CC
PROPOSED ZONING:	R-17MF(CD)(LJMPA)
EXISTING USES:	VACANT/RESIDENTIAL/CELL TOWER
REQUIRED TREE-SAVE AREA:	27.62 AC (NET) x 15% = 4.14 AC
PROPOSED TREE-SAVE AREA:	27.62 AC (NET) x 31.75% = 8.77 AC
PROPOSED USES:	UP TO 330 MULTI-FAMILY RESIDENTIAL DWELLING UNITS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE R-17MF ZONING DISTRICT. PROPOSED DENSITY 11.95 UNITS PER ACRE BASED ON A NET ACREAGE OF 27.62.
MAXIMUM BUILDING HEIGHT:	NOT TO EXCEED FOUR (4) STORIES OR 60 FEET BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
PARKING:	AS REQUIRED BY THE ORDINANCE WILL BE PROVIDED.
TREE-SAVE:	±31.75% OVERALL SITE ±8.77 ACRES

SITE LEGEND

→	TRAFFIC DIRECTIONAL ARROW
ACC	ACCESSIBLE PARKING STALL
VAN	VAN ACCESSIBLE PARKING STALL
---	PROPERTY LINE
---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	CENTERLINE
---	TREE-SAVE AREA
---	CONCRETE



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

THE JOHN R. MCADAMS
COMPANY, INC.
3436 Tontagon Way
Suite 110
Charlotte, North Carolina 28277
License No.: C-0283
704.527.0800 • McAdamsCo.com



REVISIONS:	04-16-2018 REVISIONS FOR 1ST REVIEW
	05-01-2018 REVISIONS FOR 2ND REVIEW
	06-11-2018 REVISIONS FOR 3RD REVIEW
	09-10-2018 REVISIONS FOR ADMIN. MINOR REQUEST
	11-08-2018 REVISIONS FOR STAFF REVIEW

OWNER:
POLLACK SHORES
MATRIX RESIDENTIAL
5605 GELNRIDGE DR. NE, STE 775
ATLANTA, GA 30342

SHOPTON ROAD APARTMENTS
SHOPTON ROAD
CHARLOTTE, NORTH CAROLINA
REZONING CONCEPT PLAN

PROJECT NO:	PSR-18000
FILENAME:	PSR18000-RZ1
CHECKED BY:	BGP
DRAWN BY:	CEG
SCALE:	1"=80'
DATE:	10-06-2018
SHEET NO:	RZ-1



Y:\Projects\PSR-18000\Land\Rezoning\PSR18000-RZ1.dwg, 9/10/2018, 3:58:04 PM, Guerrero Duran, Carlos

Attached to Administrative
Approval

Solomon A. Fortune \$F
Solomon A. Fortune

REZONING PETITION NO. 2018-028

1. General Provisions:

a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Pollack Shores. ("Petitioner") to accommodate the development of a residential community on approximately 27.62 acre site generally located at the northeast intersection of Shopton Road and Dixie River Road (the "Site").

b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the R-17MF zoning classification shall govern.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

i. minor and don't materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

d. **Number of Buildings Principal and Accessory.** The total number of principal residential buildings to be developed on the Site shall not exceed 16. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, architectural elements and designs as the principal buildings located on the Site.

2. Permitted Uses & Development Area Limitation:

a. The Site may be developed with up to 330 multi-family residential dwellings units together with accessory uses allowed in the R-17MF zoning district as generally depicted on the Rezoning Plan.

b. Surface parking areas will not be allowed between Shopton Road and the proposed multi-family residential buildings as generally depicted on the Rezoning Plan. A small parking lot may be located between the proposed amenity building (club house) and Shopton Road as generally depicted on the Rezoning Plan.

3. Access, Transportation and Improvements:

a. Access to the Site will be from Shopton Road as generally depicted on the Rezoning Plan. One of the access points to Shopton Road will be an emergency access point and this access point will be gated.

b. The Petitioner will improve Shopton Road with an eight (8) foot planting strip and a six (6) foot sidewalk as generally depicted on the Rezoning Petition. The Petitioner will improve Shopton Road, from Dixie River Road to New Fashion Way, with 2'6" curb and gutter, an eight (8) foot planting strip and a six (6) foot sidewalk. The Petitioner will provide these improvements if existing right-of-way along Shopton Road is of sufficient width to implement these improvements, and the Petitioner is not required to purchase additional right-of-way. If additional right-of-way is required to implement these improvements then the Petitioner will not be required to extend improvements on Shopton Road beyond the Site's frontage.

c. The Petitioner will provide two curb ramps at the northeast corner of Shopton Road and Dixie River Road and receiving curb ramps at the northwest and southeast corners of Shopton Road and Dixie River Road.

d. The Petitioner will construct a public street from Shopton Road into the Site and extending in a easterly directions as generally depicted on the Rezoning Plan. This new public street will be designed as a local residential wide street as generally depicted on the Rezoning Plan.

e. Any required roadway improvement will be approved and constructed prior to the issuance of the certificate of occupancy for the first building on the Site subject to the petitioner ability to post a bond for any improvements not in place at the time of the issuance of the first certificate of occupancy.

f. The placement and configuration of the vehicular access point is subject to minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT and NCDOT in accordance with applicable published standards.

g. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

h. The Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

4. Streetscape, Buffers, Yards, Open Space and Landscaping:

a. A 30 foot setback as measured from the future right-of-way will be provided along Shopton Road as generally depicted on the Ordinance Plan

b. Side and rear yards will be provided as required by the Ordinance.

c. Along the Site's internal parking areas the Petitioner will provide a sidewalk and cross-walk network that links to the building on the Site and to the sidewalks along the abutting public streets in the manner depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.

5. Architectural Standards, General Design Guidelines:

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of some of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

b. Preferred Exterior Building Materials: All principal and accessory buildings abutting Shopton Road, and the internal public street shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.

c. Prohibited Exterior Building Materials:

i. Vinyl siding (but not vinyl hand rails, windows or door trim).

ii. Concrete Masonry Units not architecturally finished.

d. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:

i. Buildings shall be placed so as to present a front or side façade to Shopton Road, and the internal public street.

ii. Parking lots shall not be located between any residential building and Shopton Road (parking between the club house/amenity building and Shopton Road will be allowed). Parallel or angled parking will be allowed between the proposed buildings and the proposed public street.

iii. Driveways intended to serve single units shall be prohibited on all network required streets.

e. Building Massing and Height shall be designed to break up long monolithic building forms as follows:

i. Buildings exceeding 135 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 4 feet extending through the building.

f. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:

i. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

ii. Buildings shall be designed with a recognizable architectural base on all facades facing Shopton Road and the internal public street. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural facade features and color changes.

iii. Building elevations facing Shopton Road and the internal public street shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but to limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

g. Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:

i. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.

ii. For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls. This standards will not apply to roofs on dormers, balconies, or other minor building elements that may have a pitched roof.

iii. Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

h. Service Area Screening - service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20 percent Preferred Exterior Building Materials or a Class B buffer not less than 10' in depth at all above grade perimeter not paved for access. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.

i. Meter banks will be screened from adjoining properties and from the abutting public streets.

j. Sidewalk extensions should be provided between all street trees on all public and private streets when parking is adjacent.

6. Open Space:

a. Improved open space areas will be provided as generally depicted on the Rezoning Plan. The proposed open space amenity areas will be improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area.

7. Environmental Features:

a. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

b. The Petitioner in coordination with City Engineering will provide enhanced on-site erosion control measures. The following is a list of measures that will be undertaken on the Site to manage erosion from the Site while the Site is under "Development" (this list of measures may be modified, (measures added and deleted), by City Engineering as part of the approval of the specific Erosion Control Plan for the Site):

(i) enlarged sediment basin capacity (such as sizing basins to hold the 2-yr storm for five (5) days, and the 25-yr storm for 3 days while safely routing the 50-yr storm through the spillway); (ii) sediment basin skimmer (top down) dewatering; (iii) increased resonance time for basin dewatering; (iv) sediment basins with silt bag outlets; (v) PAM (Polyacrylamide) - enhanced settling. PAM shall be specified for use with seeding mixtures and to treat sheet flow runoff to basins including type, amount and frequency of application; (vi) stream berms; (vii) diversion ditches; and (viii) double row, high hazard silt fence.

c. The Site will comply with the Tree Ordinance.

d. A tree survey as required by the Tree Ordinance will be submitted as part of the land development approval process.

8. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.

b. Detached lighting on the Site will be limited to 22 feet in height.

9. Mecklenburg County Park and Recreation Connection to Berewick Regional Park:

a. The Petitioner will work with Mecklenburg County Park and Recreation on a location for a pedestrian/bike access path to Berewick Regional Park.

10. Amendments to the Rezoning Plan:

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

11. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under 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.

THE JOHN R. MCADAMS
COMPANY, INC.
3436 Torington Way
Suite 110
Charlotte, North Carolina 28277
License No.: C-0283
704. 527. 0800 • McAdamsCo.com



REVISIONS:	
04-12-2018	REVISIONS PER 1ST REVIEW
06-01-2018	REVISIONS PER 2ND REVIEW
06-11-2018	REVISIONS PER 3RD REVIEW
09-10-2018	REVISIONS PER ADMIN. MINOR REQUEST

OWNER:
POLLACK SHORES
MATRIX RESIDENTIAL
5605 GELNRIDGE DR. NE, STE 775
ATLANTA, GA 30342

SHOPTON ROAD APARTMENTS
SHOPTON ROAD
CHARLOTTE, NORTH CAROLINA
REZONING NOTES

PROJECT NO.	PSR-18000
FILENAME:	PSR18000-RZ1
CHECKED BY:	RMR
DRAWN BY:	CEG
SCALE:	N/A
DATE:	09-10-2018
SHEET NO.	RZ-2



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REZONING PETITION NO. 2001-030
PORTION OF PARCEL 141-171-04 AND 199-251-66 TO BE DEVELOPED SHALL FOLLOW THE FOLLOWING
DEVELOPMENT NOTES WHERE APPLICABLE

Steele Creek/Dixie-Berryhill
Master Planned Community
DEVELOPMENT NOTES

This petition proposes the development of a master planned community containing a mixture of residential, employment, retail, and open space uses organized around a newly created Town Center. This concept has been developed to further the objectives of the adopted Westside Strategic Plan and to be consistent with the emerging Dixie-Berryhill Plan. It incorporates the extension of needed thoroughfares and a realignment of portions of Dixie River Rd. through a portion of the site. It has been designed taking into account the difficult topography common to this part of the county and has incorporated open space elements to protect environmentally sensitive areas. It will provide for a variety of residential types and densities, with higher densities focused in the Town Center and lower densities transitioning to the existing community fabric. It creates an opportunity for Mecklenburg County to develop a significant district park well situated to serve the new residents of this development the as well as entire Dixie-Berryhill community.

1. Development of the site will be controlled by the standards depicted on this site plan and by the standards of either the Charlotte Zoning Ordinance or the Mecklenburg County Zoning Ordinance, which ever shall have jurisdiction on the portions of the site within the respective geographical areas. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases. This proposal is intended to enable the development of a master planned community composed of retail and service uses, employment and office uses, multifamily housing, single family attached, and single family detached housing interconnected with open space, pedestrian, and vehicular linkages.

2. The site may be developed for any use allowed in the CC district as allowed by the ordinance in accordance with the standards of that district and the restrictions of this site plan as noted below. The Petitioner will construct a mixed-use development in general conformity with the schematic plan with a special emphasis on the new intersection of Steele Creek Rd. and Shopton Rd. West to be constructed within the site. This emphasis will also be accomplished through the use of reduced setbacks and arrangement of buildings at the intersection to focus attention at the center of the site. Further, the Petitioner will provide pedestrian connections from within the site to other site elements and uses and to public sidewalks, balancing the need for vehicular as well as pedestrian access. The Petitioner may place retail uses within office buildings on the site as well as within the retail center in order to further the mixed-use nature of the site. Retail floor area located within office buildings will not be counted toward the total retail floor area located elsewhere on the site. Any such retail space will be limited to 75 % of the first floor area of the building and may only be located in multistory buildings of at least 15,000 square feet of total floor area.

3. Residential densities may vary in different portions of the site in keeping with the various dwelling types. However, within the CC area of the site the residential density shall be controlled by the standards of that district and the density of the areas within the MX-1 portion of the site will be limited the number specified by this site plan. Residential uses may be located within any portion of the site including retail and office areas as a mixed use on the site and within mixed use structures. Retail uses within the Town Center portion of the site may include uses such as supermarket, general merchandise, hardware, business services, banks, civic, dry cleaners, personal services, restaurant, gas station, or similar uses designed and intended to serve not only the residents in this mixed-use community, but the residents in the surrounding areas as well. The uses that may locate on an out parcel will be designed as part of the overall development in terms of consistent landscaping, signage, and architectural style. More than one use or type of use may locate on an out parcel so long as the uses are located within the same structure. Within the Town Center area, the Petitioner will establish a master owners association that will develop and administer site and building design standards that will guide the design and development of uses within the Town Center area. The Petitioner will use their best efforts, through the development of these design standards, to articulate and/or otherwise design the facades of buildings that front along and directly relate to the thoroughfares that pass through the site. This commitment recognizes the need to create an attractive and pedestrian friendly streetscape and applies to all sites with structures, but not parking areas, that directly adjoin the pedestrian areas along the thoroughfares.

4. Buffer areas and project edges will be developed in accordance with Sect. 12.302 and Sect. 9.805(7)(e) respectively. Required buffers and project edges on the site may be eliminated or reduced if the adjoining parcels are rezoned such that buffers or project edges are no longer required or if the zoning jurisdiction for the property changes so that buffers would not be required by the Ordinance of that jurisdiction.

5. Stormwater detention facilities will be designed to meet the applicable standards of Charlotte/Mecklenburg Stormwater Services.

6. Any detached lighting on the site will be limited to 30 feet in height.

7. Signage will be permitted in accordance with applicable Zoning standards. Signage for the site will be designed as part of a master signage package to ensure a uniform appearance and compatibility throughout the site. No freestanding pole signs will be permitted. Signs for office uses within the Town Center will meet office district sign standards and out parcels will utilize ground mounted (monument) type signs. Pylon signs may be utilized to identify the project and tenants within the project.

8. Parking will be provided which will meet or exceed the standards of the Zoning ordinance. Parking areas to serve uses on the site will be sited generally toward the center of development sites so that buildings may orient to either internal or external streets.

9. The Petitioner will dedicate 100' of right-of-way for the new alignments of Steel Creek Rd. and the extension of Shopton Rd. West, however the right-of-way at the intersection of such roads may be greater than 100', that falls on the site as the site develops or in conjunction with a public/private venture for the construction of any or all of these roads. If the MUMPO determines that the existing proposed thoroughfare alignment is to be relocated to another alignment, then the Petitioner may reduce the New Shopton Rd. right-of-way to 60'. The Petitioner will construct, as part of the development of the site, the extension of Shopton Rd. West as part of the overall thoroughfare system for the area. The Petitioner will also dedicate additional right-of-way for any portions of any existing public streets that may remain within or adjoin the site as normally prescribed by and administered under the Mecklenburg County or Charlotte Subdivision Ordinance, whichever has jurisdiction over the property at the time that the particular property is proposed for development. The Petitioner reserves the right to seek the abandonment of existing public streets that may fall within the site if those streets are not needed for the development of the site. In the design of the Town Center area of the site, the Petitioner will provide for a combination of connected streets and intersections, including conventional signalized and/or non-signalized intersections as well as other intersection configurations such as traffic circles or roundabouts, with the intent of maintaining a two lane cross section with appropriate turn lanes for the two main streets and creating circulation options through the Town Center. The Petitioner also reserves the right to construct on-street parking along both public and private streets that may include parallel, angled, or reverse angled spaces. The Charlotte Department of Transportation will have the right to approve reverse angle parking on New Shopton Rd. through the town center. In the event that reverse angle parking is unacceptable, the Petitioner will have the right to build parallel parking.

The Petitioner will, through the subdivision and site development process, develop a series of interconnections between various components of the overall site that will provide for increased connectivity within and through the development. However, the Petitioner reserves the right to develop such connections in a fashion that will not be overly costly (such as stream crossings) or that will not be disruptive to the development (such as connecting non-residential uses to residential uses so as to create cut through traffic). The Petitioner will provide stub street connections to adjoining tracts where the anticipated uses are expected to be complimentary to the uses on the Petitioner's site.

The Petitioner will agree to provide mast arms and conduit within the town center area. In the event the project is annexed by the City of Charlotte then the signalization cost will be borne by the City of Charlotte. If the project is outside the city limits, the city will not be responsible for funding and the cost will be the responsibility of the petitioner unless other arrangements have been made with the North Carolina Department of Transportation.

The Petitioner will construct a right turn lane on existing eastbound Dixie River Road at its intersection with Steele Creek Road. The length of the turn lane will be between 250' to 300' with a maximum pavement width of eleven feet. The Petitioner will construct and fund the costs of right-of-way acquisition, design, related traffic control, and construction of the turn lane. In the event that the Petitioner is unable to obtain the necessary right-of-way for this turn lane then the City of Charlotte or Mecklenburg County would condemn the necessary right-of-way at which time the Petitioner will reimburse the City or County for those costs. The turn lane improvement will need to be completed contemporaneous with the Phase III improvements as outlined in the Kubilins Transportation Group phasing plan. In the event that the City of Charlotte or NCDOT realigns and reconstructs the existing Dixie River Road and Steele Creek Road intersection prior to the Petitioner beginning construction of the turn lane then the Petitioner shall contribute the funds that were to be utilized for the turn lane construction to the City or NCDOT for the reconstruction and realignment of the intersection.

It is expressly understood that the Charlotte Department of Transportation will complete the modeling and conduct the required public process to effect the MUMPO consideration of the thoroughfare realignment to the Garrison or the Dixie River Road alignment by December 21, 2001. Petitioner sill dedicate additional right of way and construct additional street improvements consistent with the thoroughfare alignments approved by MUMPO pursuant to the Dixie/Berryhill Plan. The Petitioner will not be responsible for the cost of such additional improvements will only be constructed at the time that the Petitioner is engaged in the initial construction of the particular road segment.

10. Screening will conform to the applicable standards of Sect. 12.303 of the Zoning ordinance.

11. The site may be developed for any use allowed in the CC, MX-1, O-2(CD), or BP districts in accordance with the standards of those districts and the restrictions of this site plan. The area indicated as MX-1 North will be reserved for use as a district park and recreation facility to be developed in conjunction with Mecklenburg County and such reservation shall be in force until the earlier of 5 years from the date of approval of this Petition or until Mecklenburg County determines that it will not acquire the site for a district park. The Petitioner reserves the right to utilize the area contained within the area defined as MX-1 North for residential uses as regulated by the standards of the MX 1 district if Mecklenburg County elects not to acquire the area for park purposes.

12. Within the CC (Town Center) portion of the site, the Petitioner reserves the right to increase the authorized number of residential units by converting authorized retail and/or office area to residential units at the rate of one residential unit for each 500 square feet of retail and/or office area so converted. Further, the Petitioner reserves the right to include up to 300 hotel rooms within the Town Center area, and to substitute residential units from the Town Center area for additional hotel rooms at the rate of one dwelling unit for one hotel room, or to substitute office floor area for additional hotel rooms at the rate of 300 square feet of office floor area for each hotel room, for up to 100 additional hotel rooms, resulting in a total of 400 hotel rooms within the CC district.

13. Within the MX-1 South area, the Petitioner reserves the right to construct either a residents club, single family attached, or single family detached housing on either of the two areas depicted on the Technical Data and/or Concept Plan sheets, with the total number of such residential units so constructed not exceeding the number of total residential units permitted for the MX-1 portion of the site.

14. The Petitioner reserves the right to transfer residential units from the MX-1 portion of the site to the CC portion of the site provided that the total number of units does not exceed the cumulative total for the MX-1 area and the CC area and further provided that the densities of development resulting from any such transfer do not exceed that which is allowed in the CC district.

15. The Petitioner reserves the right to transfer office floor area within the Town Center area (Parcel A) and floor area within the Business Park area (Parcel F) between these two areas on a one for one basis without limitation, except that the total amount of floor area permitted on the two sites may not exceed the total floor area assigne d to office development in Parcel A and the floor area assigned to Parcel F combined. However, no such transfers will be allowed to exceed the FAR standard within the CC district.

16. No wall packs will be installed on buildings within the site on any walls that are adjacent to residentially zoned land or public street rights-of-way.

17. Access to the site will be provided by numerous connections to the newly constructed streets within the site as generally depicted on the site plan. All driveway and street connections are subject to approval by N.C.DOT, Mecklenburg County, or CDOT depending on the jurisdiction.

18. All dumpsters on the site will be screened with a solid enclosure with gates.

19. Within the MX-1 portion of the site, the Petitioner will construct a street network with appropriate collector and other streets, all of which will be reviewed as part of the normal subdivision process. The Petitioner may utilize reverse frontage along existing streets and if so, will establish a common open space area of at least 30' to be used for landscaping and/or streetscape improvements and all lot lines for adjoining lots and the appropriate setbacks or yards will be measured from the inside edge of this common area.

20. The area designated as Area B on the site plan may be used for office uses. This site may also be used for a hotel not to exceed 150 rooms if any parcel that adjoins the site is rezoned to a retail district or to a district that would allow retail or hotel uses that would adjoin the site. In addition, this site will be connected to adjoining tracts as they develop if approved by the Planning Staff and provided that the developers of the adjoining tracts agree to appropriate cross easement and maintenance agreements.

21. The Petitioner will comply with the Lower Lake Wylie Watershed regulations. In accordance with watershed regulations, the Petitioner reserves the right to utilize either or both of the low density and/or the high-density watershed development standards. Further, the Petitioner reserves the right to utilize individual site or larger area-wide storm water detention and management facilities, ponds, and related facilities.

22. If any single-family residential development is constructed adjacent to the I-485 right-of-way, a fence, wall, or berm at least eight feet in height will be constructed between the residential uses and the right-of-way.

23. A pedestrian and bicycle network to connect the various elements within the site will be developed as the various site elements are constructed. Linkages will be established to connect buildings and uses on the site to this pedestrian network.

24. Within the Town Center area, the Petitioner reserves the right to pursue a variance with regard to the required project edge where the BP district adjoins the CC district.

25. Within the Town Center area, the total amount of retail floor area will be 250,000 sq. ft. and the retail floor area for a single tenant structure will be limited to 85,000 square feet. In addition, the petitioner will limit the number of out parcels that may accommodate "auto oriented" uses such as gas stations and restaurants with drive in windows to a total of five. Further, the Petitioner may add an additional 25,000 sq. ft. of retail floor area within the Town Center on the second floor of other structures uses for retail use. The Petitioner may reallocate up to 10 % of the total retail floor area between the two "retail" quadrants of the Town Center at their discretion. Building heights will be limited to 75' above the bottom of the highest habitable floor. Individual site development plans will be reviewed by the Planning Staff for compliance with the conditions of this plan.

26. Within the MX-1 portion of the site, open space areas depicted on the site plan represent the approximate location and extent to the areas set aside to meet the open space requirement of the district. The exact location and extent of the open space areas will be determined through the detailed design and subsequent public review of development plans. The open space areas will be developed with a combination of active and passive recreation areas, trails, pathways, and other amenities consistent with the purpose and provisions of this Petition. Further, the area devoted to open space will not be reduced through the Innovative Review process.

27. The Petitioner acknowledges that the portion of the site (Parcel C) located on Garrison Rd. that is proposed for the Business Park district does not presently front on a thoroughfare. However, the Charlotte Department of Transportation is evaluating the thoroughfare needs for the area and the Petitioner believes that Garrison Rd. will be designated as a thoroughfare providing for north-south movement west of I-485. The present, non-specific and non-engineered alignment that would bisect the proposed district park is only one of several alignments that may be considered. If, after analysis and public discussion, Garrison Rd., or a variation of its present alignment, is not designated as a thoroughfare, the Petitioner will seek a rezoning of Parcel C to a district consistent with the adopted plans for the area. The determination of this issue is before the MUMPO and will be decided in the summer of 2001 and until that time, the Petitioner agrees that the decision on the rezoning of Parcel C will be deferred.

28. Within the Business Park portion of the site, front loaded buildings will not be permitted and the arrangement of the uses on these sites will locate office uses or the office portion of mixed use buildings will be oriented toward the street.

29. The Petitioner, in conjunction with and subject to the approval of CMUD, will design the sewer lift station proposed for Beaverdam Creek with redundant safety and overflow controls. It is recognized that the lift station will be built, owned, and operated by CMUD. The Petitioner will provide a buffer and additional screening around the lift station consisting of the following items: A 4' high berm will be provided along the perimeter of the site as it faces Windygap Rd.; evergreen shrubs 2' to 2-1/2' tall will be planted on the berm 5 feet apart with an expected height of 6; after four years of growth; supplemental evergreen shrubs 5' tall at the time of installation with an expected height of 8' after four years of growth will also be planted on the berm at a rate of 8 shrubs per 100 linear feet of berm.

30. The Petitioner will cooperate with Charlotte Mecklenburg Stormwater Services and Mecklenburg County Department of Environmental Protection in regard to erosion control and stormwater management including: development of a watershed management strategy for the entire site utilizing water quality modeling; providing assistance with an inventory of existing conditions of Brown's Cover (sediment level) and Beaver Dam Creek; cooperating with McDEP by providing a duplicate water quality monitoring station to the provided by MCDEP, both to be maintained and monitored by MCDEP; and cooperate with NCDEP in erosion control watershed protection education efforts of contractors, builders, and homeowners.

31. Reasonable efforts shall be made to limit the size of development areas, excluding road, utility, and stormwater control construction areas, to be exposed at any one time and also to limit the exposure to the shortest feasible time. Specific grading plans include a cut-fill analysis, the construction sequencing and construction phasing to justify the time and amount of exposure. The plans shall specifically identify techniques to be used to prevent potential sedimentation loss associated with larger disturbed areas.

32. Within the MX-1 portion of the site, the Petitioner, in accordance with the provisions of Section 11.208, "Innovative Development Standards", may propose modifications to the following standards:
Street right-of-way widths,
Street type and construction standards,
Minimum lot size,
Setbacks and yards,
Off street parking, and
Lot width.

The Petitioner acknowledges that the Innovative process is a separate process that may be pursued after the rezoning has been approved.

02/26/01 initial submission
03/14/01 revisions of note 4, addition of note 15, renumbering remaining notes
04/22/01 revisions per staff comments
04/23/-1 additional revisions per staff comments
05/31/01 revisions per Zoning Committee approval (note 28 renumbered as 30)
06/20/01 revisions to notes 9, 20, 25 and 29, new notes 30,31 with the former note 30 renumbered as 32
06/26/01 addition to note 9
06/29/01 revisions to notes 30
07/11/01 revisions per CDOT comments to note 9
04/11/05 revision to note 9 changing ROW

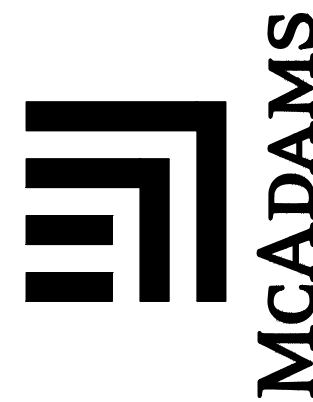
Attached to Administrative

Approval

Solomon A. Fortune

Solomon A. Fortune

THE JOHN R. MCADAMS
COMPANY, INC.
3436 Torrington Way
Suite 110
Charlotte, North Carolina 28277
License No.: C-0283
704. 527. 0800 • McAdamsCo.com



REVISIONS:	
04-12-2018 REVISIONS PER 1ST REVIEW	
06-01-2018 REVISIONS PER 2ND REVIEW	
08-11-2018 REVISIONS PER 3RD REVIEW	
09-10-2018 REVISIONS PER ADMIN. MINOR REQUEST	

OWNER:	POLLACK SHORES MATRIX RESIDENTIAL 5605 GELNIDGE DR. NE, SITE 775 ATLANTA, GA 30342
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PROJECT NO.	PSR-18000
FILENAME:	PSR18000-RZ1
CHECKED BY:	RMR
DRAWN BY:	CEG
SCALE:	N/A
DATE:	09-10-2018
SHEET NO.	RZ-3
	McADAMS