



FOR PUBLIC HEARING REZONING  
 PETITION NO. 2007-031

**DEVELOPMENT STANDARDS**

**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 Neighborhood Services ("NS") zoning district classification shall be followed in connection with development taking place on this approximately 4.4 acre site located at the northeasterly corner of the intersection of Mineral Springs Road and West Sugar Creek Road (the "Site").

**PERMITTED USES/MAXIMUM GROSS BUILDING AREA**

- The Site may be devoted to any use (including any accessory use) which is permitted under the Ordinance by right or under prescribed conditions in the NS zoning district provided, however, that the following uses shall not be permitted on the Site:
  - ABC Stores/Liquor Stores
  - Active adult retirement communities
  - Adult care centers
  - Adult care homes
  - Automotive service stations, including minor adjustments, repairs and lubrication
  - Bed and breakfast inns
  - Boarding houses
  - Bus and train terminals
  - Car washes
  - Cemeteries
  - Civic, social service or fraternal facilities
  - Commercial rooming houses
  - Dormitories
  - Dwellings, detached, duplex, triplex or quadruplex
  - Dwellings, mixed use, multi-family, planned multi-family residential development and/or attached residential development
  - Elementary and secondary schools
  - Family childcare homes
  - Fences and fence material sales
  - Funeral homes, embalming or crematories
  - Gasoline sales, facilities and pumps, whether as a primary or an accessory use
  - Group homes
  - Locksmiths and gunsmiths

- Large childcare centers
- Marinas, commercial
- Nightclubs, bars or lounges
- Nursing homes, rest homes and homes for the aged
- Veterinary Clinics

2. The buildings located on the Site may have drive-in service lanes/windows as an accessory use in accordance with the requirements of Section 12.413 of the Ordinance.

3. The Rezoning Plan depicts one possible development scheme. Other potential development schemes may be allowed subject to the review and approval of the Charlotte-Mecklenburg Planning Commission Staff through the administrative site plan amendment process (Section 6.207 of the Ordinance) and subject to the provisions and standards contained herein.

4. The Site may be developed with two separate buildings. The building designated on the Rezoning Plan as "Building A" may contain up to 15,000 square feet of gross building area, and the building designated on the Rezoning Plan as "Building B" may contain up to 10,000 square feet of gross building area.

**SETBACKS, SIDE YARDS AND REAR YARDS**  
 All buildings and parking areas constructed on the Site shall satisfy or exceed the setback, side yard and rear yard requirements established under the Ordinance for the NS zoning district, and the requirements depicted on the Rezoning Plan. The development depicted on the Rezoning Plan can be viewed as a unified development plan. Therefore, interior yards will not be required between buildings located on the Site. The Developer reserves the right to subdivide the Site and to create separate lots within the interior of the development with no interior side and/or rear yards as part of a unified development plan, subject to the normal Staff review and approval process.

**SCREENING AND LANDSCAPED AREAS**

- 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.
- All roof mounted mechanical equipment will be screened from view at grade from adjacent public rights of way.
- Any dumpsters visible from a public street or from an adjoining parcel of land will be screened from view by a solid enclosure with gates. If one or more sides

of the dumpster area adjoin a rear wall of a building, the rear wall may be substituted for the fence along each such side.

4. Landscaped areas shall be established and maintained along the Site's northern boundary line and the Site's eastern boundary line as more particularly depicted on the Rezoning Plan. As depicted on the Rezoning Plan, the width of the landscaped areas shall range from approximately 6 feet to approximately 80 feet. The landscaped areas shall meet the tree and shrub requirements of a Class B buffer, however, Petitioner may utilize existing trees and natural vegetation to meet the planting requirements.

5. A 6 foot high brick screen wall shall be installed along the northern edge of the Site as more particularly depicted on the Rezoning Plan. The 6 foot high brick screen wall shall be installed in two phases, with the first phase being depicted with a solid line and the second phase being depicted with a dashed line on the Rezoning Plan. The first phase of the 6 foot high brick screen wall shall be installed prior to the issuance of a certificate of occupancy for Building A, and the second phase of the 6 foot high brick screen wall shall be installed prior to the issuance of a certificate of occupancy for Building B.

**LIGHTING**

- The maximum height of any freestanding light fixture installed on the Site (other than street lights on public rights-of-way) including its base, shall not exceed 30 feet. All lighting will be capped and fully shielded to direct lighting downward and/or away from adjoining residential properties.
- No wall pack style light fixtures will be permitted on the Site and any wall mounted light fixtures installed on the Site shall be capped and fully shielded so that illumination does not extend past any property line of the Site.

**TREE ORDINANCE**

- Development of the Site will comply with the requirements of the City of Charlotte Tree Ordinance.
- A minimum of 3.3% of the Site shall be devoted to tree save areas. The tree save areas shall be located within the landscaped area depicted on the Rezoning Plan.

**ACCESS POINTS/SIDEWALKS**

- Access points serving the Site will be as generally depicted on the Rezoning Plan.

2. The placement and configuration of each vehicular access point 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 City of Charlotte Department of Transportation and/or the North Carolina Department of Transportation.

3. An 8 foot planting strip and a 6 foot sidewalk will be installed along the Site's frontage on West Sugar Creek Road and along the Site's frontage on Mineral Springs Road as depicted on the Rezoning Plan.

**ARCHITECTURAL COMMITMENTS**

- The maximum height of any building constructed on the Site shall be 40 feet.
- The primary exterior building materials for Building A shall be brick, stone, pre-cast concrete or similar masonry products, stucco, hardi-plank or a combination thereof.
- Building B shall be compatible with Building A with respect to the types and colors of the exterior building materials.

**PARKING**

- At a minimum, offset vehicular parking shall be provided at the following rates:
  - Building A: 1 parking space per 200 square feet of gross building area.
  - Building B: 1 parking space per 250 square feet of gross building area.
- Bicycle parking facilities shall be provided in accordance with the requirements of the Ordinance.

**SIGNS**

All signage shall comply with the requirements of Chapter 13 of the Ordinance and Section 11.509 of the Ordinance.

**STORM WATER MANAGEMENT**

- Petitioner will tie-in to the existing storm water system(s) if any exist in the area. Petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the proposed development. If it is found

that the proposed development will cause the storm drainage system(s) to be taken out of standard, Petitioner shall provide alternate methods to prevent this from occurring. If the receiving drainage system(s) is already out of standard, Petitioner's proposed development will be designed so as to not place the downstream system(s) further out of standard.

2. Water quality best management practices (BMPs) will be incorporated into the Site to achieve 85% Total Suspended Solids removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMPs must be designed and constructed in accordance with the N.C. Department of Environment and Natural Resources (NCDENR) Best Management Practices Manual, April 1999, Section 4.0 (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available). Use of Low Impact Development (LID) techniques is optional.

3. Petitioner shall control the entire volume for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.

4. The peak shall be controlled to match the predevelopment runoff rates for the 10-year, 6-hour storm, and Petitioner shall perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, Petitioner shall control the peak for the 10-year and 25-year, 6-hour storm.

**TRANSPORTATION IMPROVEMENTS**

- Subject to the approval of CDOT and/or NCDOT as applicable, in the event that a driveway permit is obtained for the full movement access point on Mineral Springs Road (Mallard Creek Road) as depicted on the Rezoning Plan, the Petitioner shall construct, at its sole cost and expense, an eastbound left turn lane on Mineral Springs Road (Mallard Creek Road) at this access point. The left turn lane shall be designed and constructed in accordance with the standards of NCDOT.
- Subject to the approval of CDOT and NCDOT, the access point on West Sugar Creek Road shall be limited to right-in, right-out and directional crossover movements. In the event that a driveway permit for this access point is received prior to the date that the Graham Street Expansion project is placed under contract, the Petitioner shall construct, at its sole cost and expense, a directional crossover to West Sugar Creek Road at this access point in accordance with CLDS detail No. 50.13. The median will be required to extend approximately 100 feet north of this access point, and south to the intersection of West Sugar Creek.

Road and Mineral Springs Road (Mallard Creek Road). These improvements shall be installed and constructed prior to the issuance of a certificate of occupancy for any building located on the Site. Notwithstanding the foregoing, the Petitioner and CDOT may agree on an alternative design for the directional crossover improvements.

**FIRE PROTECTION**

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

**AMENDMENTS TO THE 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.

**BINDING EFFECT OF THE REZONING APPLICATION**

- If this Rezoning Petition is approved, all conditions applicable to the 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 Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

**REVISIONS**

NO.	DATE	BY	DESCRIPTION

**CERTIFICATION AND SEAL**

\_\_\_\_\_  
 PROJECT NAME  
**SUGAR CREEK SITE**  
 W. SUGAR CREEK RD. & MINERAL SPRINGS RD.  
 CHARLOTTE, NORTH CAROLINA

APPROVED BY  
**CITY COUNCIL**  
 OCT 17 2007

PROJECT NAME  
**SUGAR CREEK SITE**  
 W. SUGAR CREEK RD. & MINERAL SPRINGS RD.  
 CHARLOTTE, NORTH CAROLINA

**DRAWING TITLE**  
**REZONING PLAN**

CADD PLOT: 06051	SCALE: 1" = 60'-0"	DRAWING NO.
VOID PLOT:	DRAWN BY: T.J.H.	<b>SP.100</b>
RELEASED TO CONSTRUCTION	DATE: 11-2-07	
	REVIEWED BY:	1 OF 1 DWGS.