

# MOUNTAIN ISLAND PROMENADE REZONING PETITION CHARLOTTE, NORTH CAROLINA

**OWNER/  
DEVELOPER**

Mountain Island Promenade, LLC  
1341 East Morehead St. Suite 201  
Charlotte, NC 28204  
704.344.1868

**DEVELOPER**

 **CAMBRIDGE PROPERTIES**  
*INCORPORATED*  
831 East Morehead Street, Suite 245 704/333-2393  
Charlotte, North Carolina 28204 Fax: 704/333-2394

**LANDSCAPE ARCHITECT  
CIVIL ENGINEER**

LandDesign, Inc.  
223 North Graham St.  
Charlotte, NC 28202  
704.333.0325

**SHEET INDEX:**

	SUBMITTED
RZ-1 Technical Data Sheet	11/21/07
RZ-2a Schematic Site Plan A	11/21/07
RZ-2b Schematic Site Plan B	11/21/07
RZ-2c Schematic Site Plan C	11/21/07
RZ-3 Typical Cross Section (Mount Holly- Huntersville Road)	11/21/07
RZ-4 Pedestrian Circulation Plan	11/21/07
RZ-5 Development Standards	11/21/07
RZ-6 Roadway Improvements	11/21/07

**ARCHITECT**

One on One Design  
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Charlotte, NC 28210  
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**TRANSPORTATION**

Kubilins Transportation Grp.  
800 West Hill Street  
Suite 202  
Charlotte, NC 28208  
980.321.0202

**ZONING CONSULTANT**

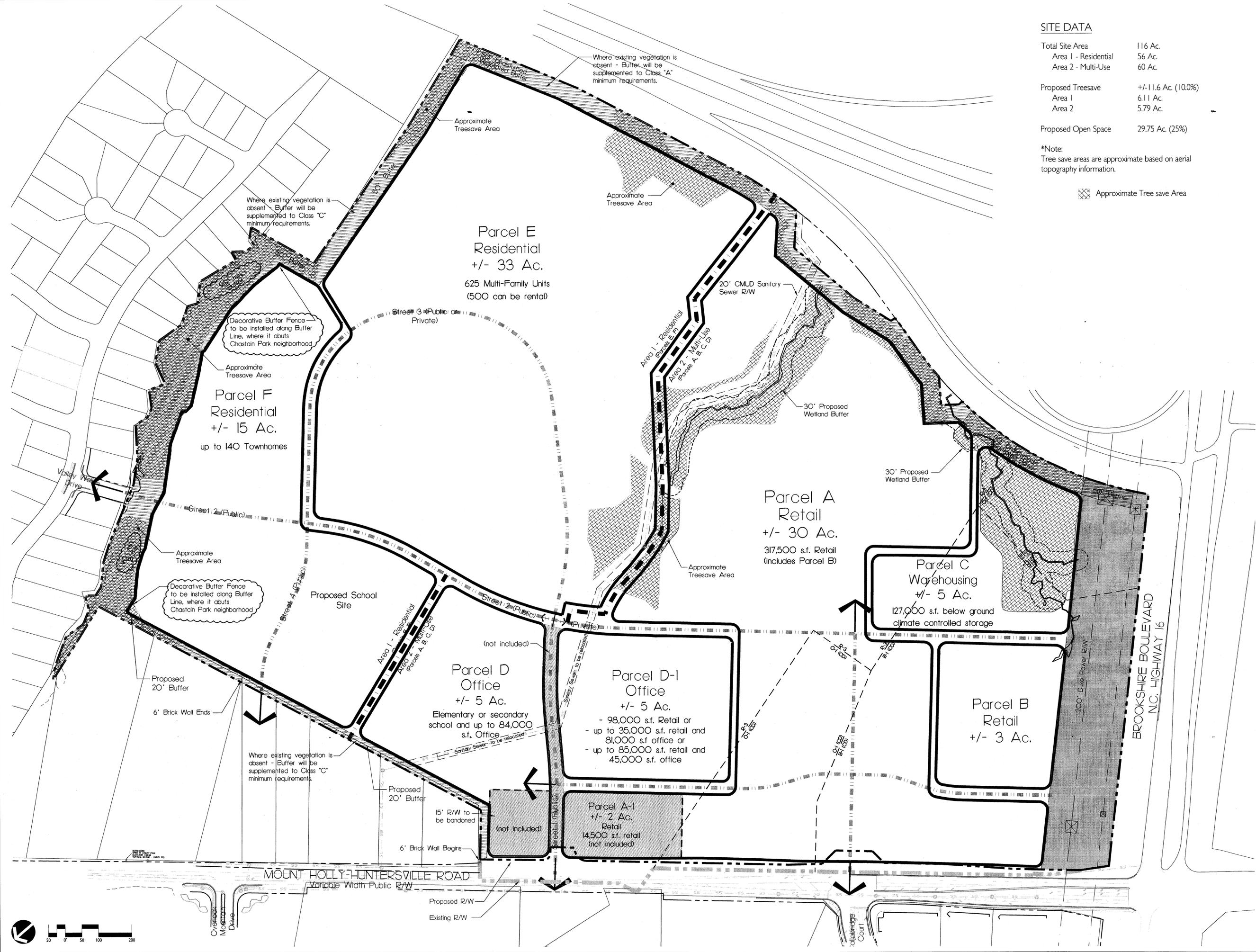
Kennedy, Covington, Lodbell,  
and Hickman, LLP  
Hearst Tower, 47th Floor  
214 N. Tryon St.  
Charlotte, NC 28202  
704.331.7400

**REVISIONS:**  
01/18/08 Review per Staff Comments  
02/27/08 Review per Staff Comments  
04/23/08 Review per Staff Comments

DATE: 11/21/07  
DESIGNED BY: KRC  
CHECKED BY: KRC  
C.C. BY: KRC  
PROJECT #: 100763  
SHEET #:

For Public Hearing  
Petition No. 2008-031

**Mountain Island Promenade Rezoning Petition**  
Charlotte, North Carolina  
Withrow Capital Investments, LLC  
**COVER SHEET**



**SITE DATA**

Total Site Area	116 Ac.
Area 1 - Residential	56 Ac.
Area 2 - Multi-Use	60 Ac.
Proposed Treesave	+/- 11.6 Ac. (10.0%)
Area 1	6.11 Ac.
Area 2	5.79 Ac.
Proposed Open Space	29.75 Ac. (25%)

\*Note:  
Tree save areas are approximate based on aerial topography information.

☒ Approximate Tree save Area

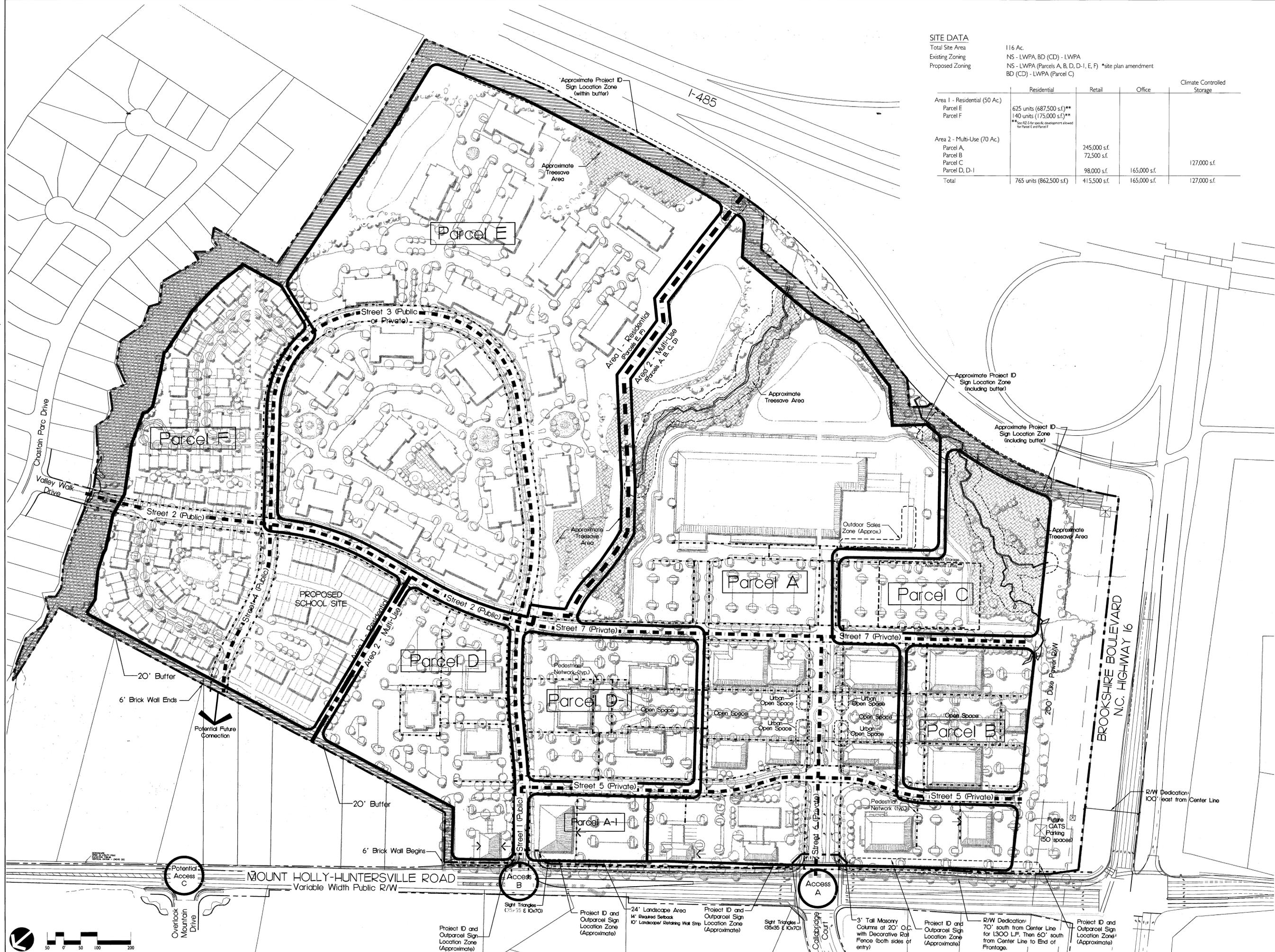
**Mountain Island Promenade Rezoning Petition**

Charlotte, North Carolina  
Withrow Capital, Investments, LLC

**TECHNICAL DATA SHEET**

REVISIONS:  
DATE: 1/21/07  
DRAWN BY: MRC  
CHECKED BY: MRC  
SCALE: 1"=100'  
PROJECT #: 1007263

SHEET #:  
**RZ-1**



**SITE DATA**  
 Total Site Area  
 Existing Zoning  
 Proposed Zoning

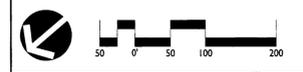
116 Ac.  
 NS - LWPA, BD (CD) - LWPA  
 NS - LWPA (Parcels A, B, D, D-1, E, F) \*site plan amendment  
 BD (CD) - LWPA (Parcel C)

	Residential	Retail	Office	Climate Controlled
				Storage
Area 1 - Residential (50 Ac.)				
Parcel E	625 units (687,500 s.f.)**			
Parcel F	140 units (175,000 s.f.)**			
** See RZ.5 for specific development allowed for Parcel E and Parcel F				
Area 2 - Multi-Use (70 Ac.)				
Parcel A		245,000 s.f.		
Parcel B		72,500 s.f.		
Parcel C			165,000 s.f.	127,000 s.f.
Parcel D, D-1		98,000 s.f.	165,000 s.f.	127,000 s.f.
<b>Total</b>	<b>765 units (862,500 s.f.)</b>	<b>415,500 s.f.</b>	<b>165,000 s.f.</b>	<b>127,000 s.f.</b>

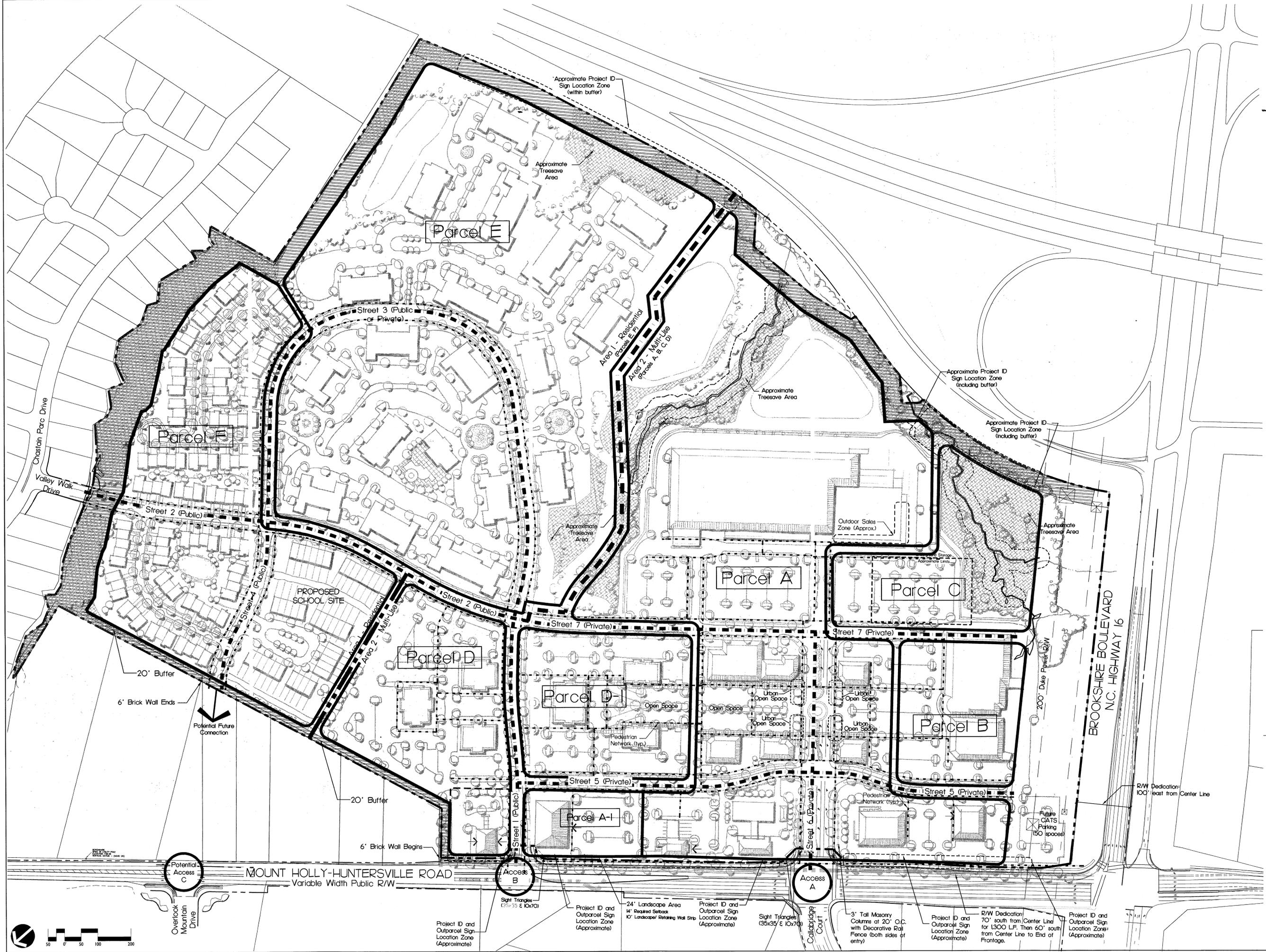
**Mountain Island Promenade Rezoning Petition**  
 Charlotte, North Carolina  
 Withthrow Capital Investments, LLC  
**SCHEMATIC SITE PLAN A**

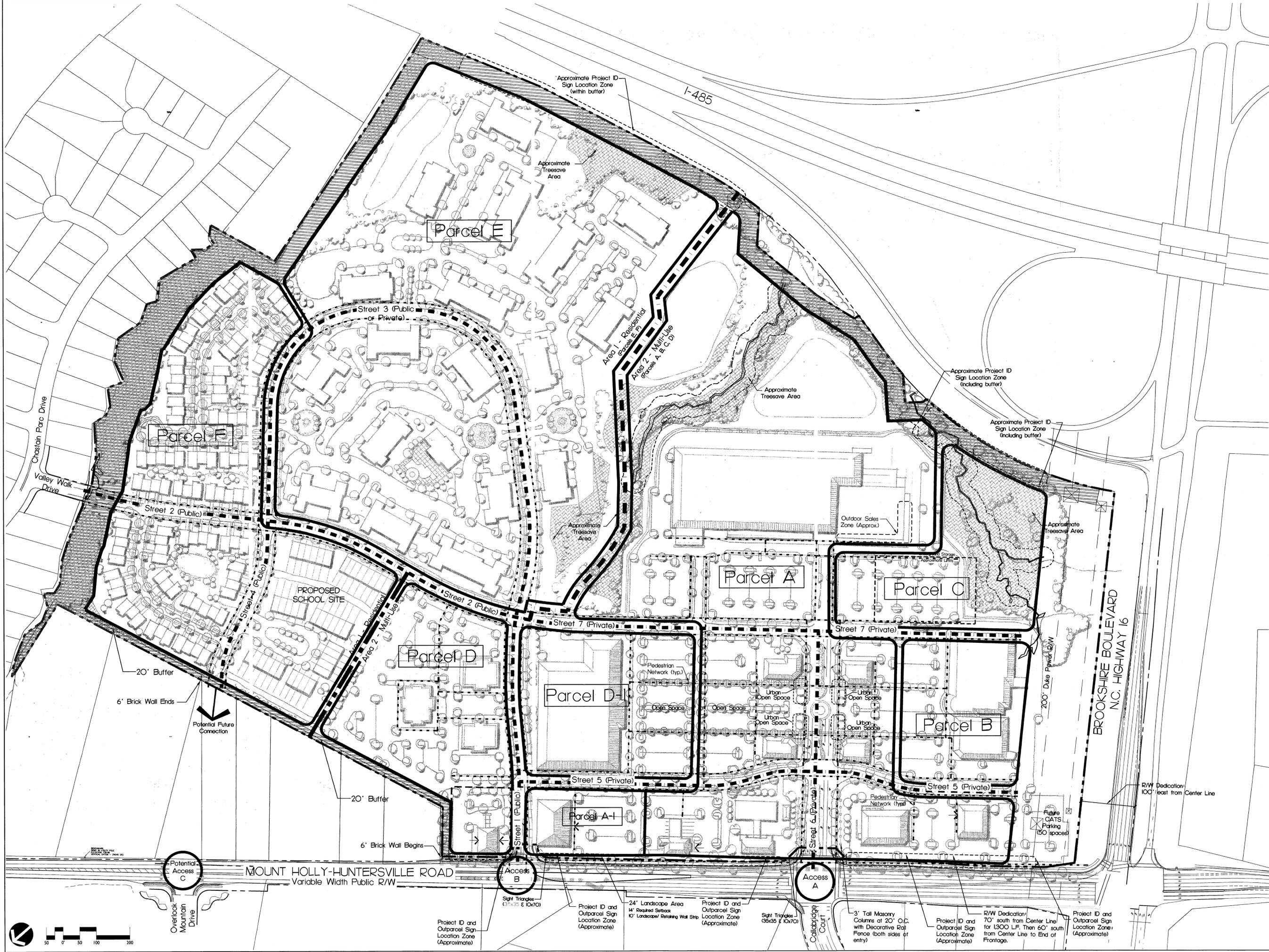
**REVISIONS:**  
 DATE: 01/13/17  
 DESIGNED BY: ARC  
 DRAWN BY: HRC  
 CHECKED BY: HRC  
 SCALE: 1" = 100'  
 PROJECT #: 1007253

**RZ-2a**  
 SHEET #



\* 7263 RZ SCHEMATIC SITE SKETCH A, PAGE 1 - 4/22/2009 2:21:52 PM

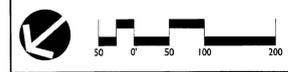




**Mountain Island Promenade Rezoning Petition**  
 Charlotte, North Carolina  
 Withrow Capital, Investments, LLC  
 SCHEMATIC SITE PLAN C

7263 RZ SCHEMATIC SITE SKETCH C PAGE 1 - 4/22/2008 2:20:23 PM

REVISIONS:  
 07/16/08 Revise per Staff Comments  
 03/11/08 Revise per Staff Comments  
 04/23/08 Revise per Staff Comments



Potential Access C  
 Overlook Mountain Drive

MOUNT HOLLY-HUNTERSVILLE ROAD  
 Variable Width Public R/W

Access B  
 Sign Triangles (35x35 & 10x70)

Project ID and Outparcel Sign Location Zone (Approximate)

24' Landscape Area  
 14' Required Setback  
 10' Landscape/Retaining Wall Strip

Project ID and Outparcel Sign Location Zone (Approximate)

Sign Triangles (35x35 & 10x70)

Access A  
 Callabridge Court

3' Tall Masonry Columns at 20' O.C. with Decorative Rail Fence (both sides of entry)

Project ID and Outparcel Sign Location Zone (Approximate)

R/W Dedication! 70' south from Center Line for 1,300 LF. Then 60' south from Center Line to End of Frontage.

Project ID and Outparcel Sign Location Zone (Approximate)

R/W Dedication! 100' least from Center Line

Project ID and Outparcel Sign Location Zone (Approximate)

20' Buffer  
 6' Brick Wall Ends

Potential Future Connection

20' Buffer

6' Brick Wall Begins

200' Duke Power L&W

BROOKSHIRE BOULEVARD  
 N.C. HIGHWAY 16

R/W Dedication! 100' least from Center Line

Future CATS Parking (50 spaces)

Street 7 (Private)

Street 5 (Private)

Street 7 (Private)

Street 5 (Private)

Street 2 (Public)

Street 1 (Public)

Street 2 (Public)

Street 1 (Public)

Area 2 - Multi-Use

Area 1 - Residential

Area 1 - Residential (Parcel E, Parcel D)

Area 2 - Multi-Use (Parcel A, Parcel B, Parcel C, Parcel D)

Approximate Treesave Area

Approximate Treesave Area

Approximate Treesave Area

Outdoor Sales Zone (Approx)

Street 3 (Public or Private)

I-485

Approximate Project ID Sign Location Zone (within buffer)

Approximate Project ID Sign Location Zone (including buffer)

Approximate Project ID Sign Location Zone (including buffer)

Parcel E

Parcel E

Parcel A

Parcel C

Parcel D

Parcel D

Parcel B

Parcel A-1

Open Space

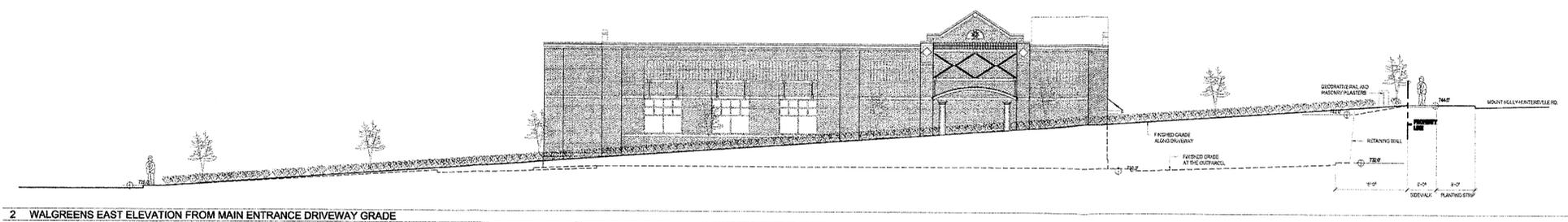
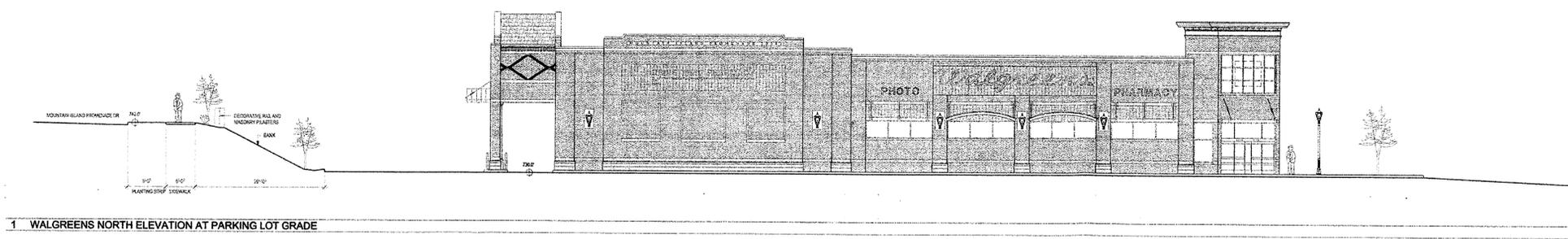
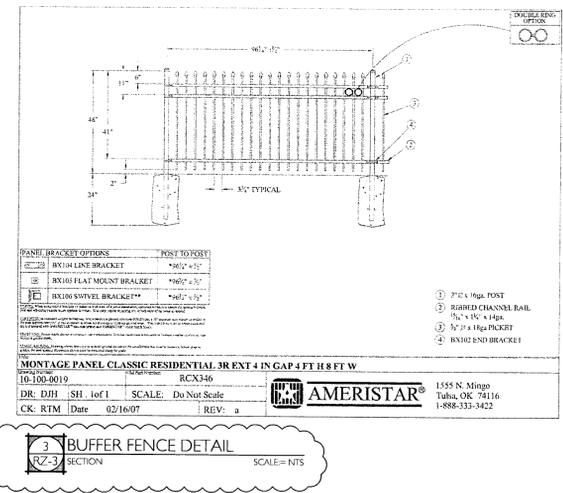
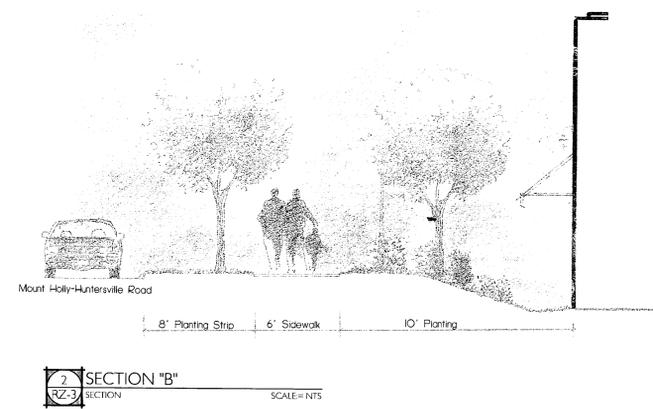
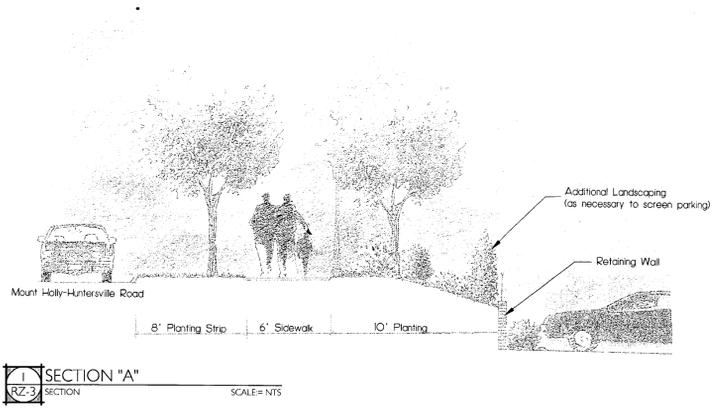
Open Space

Open Space

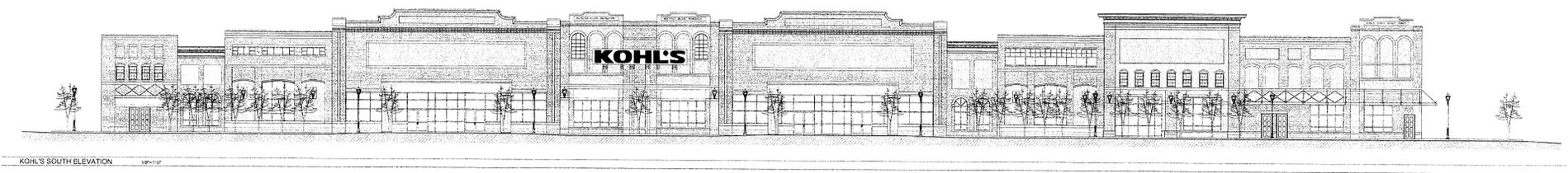
Open Space

Open Space

Urban Open Space



This information is Conceptual in nature and is used for illustrative purposes only. For Architectural standards, refer to the Development Standards.

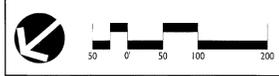
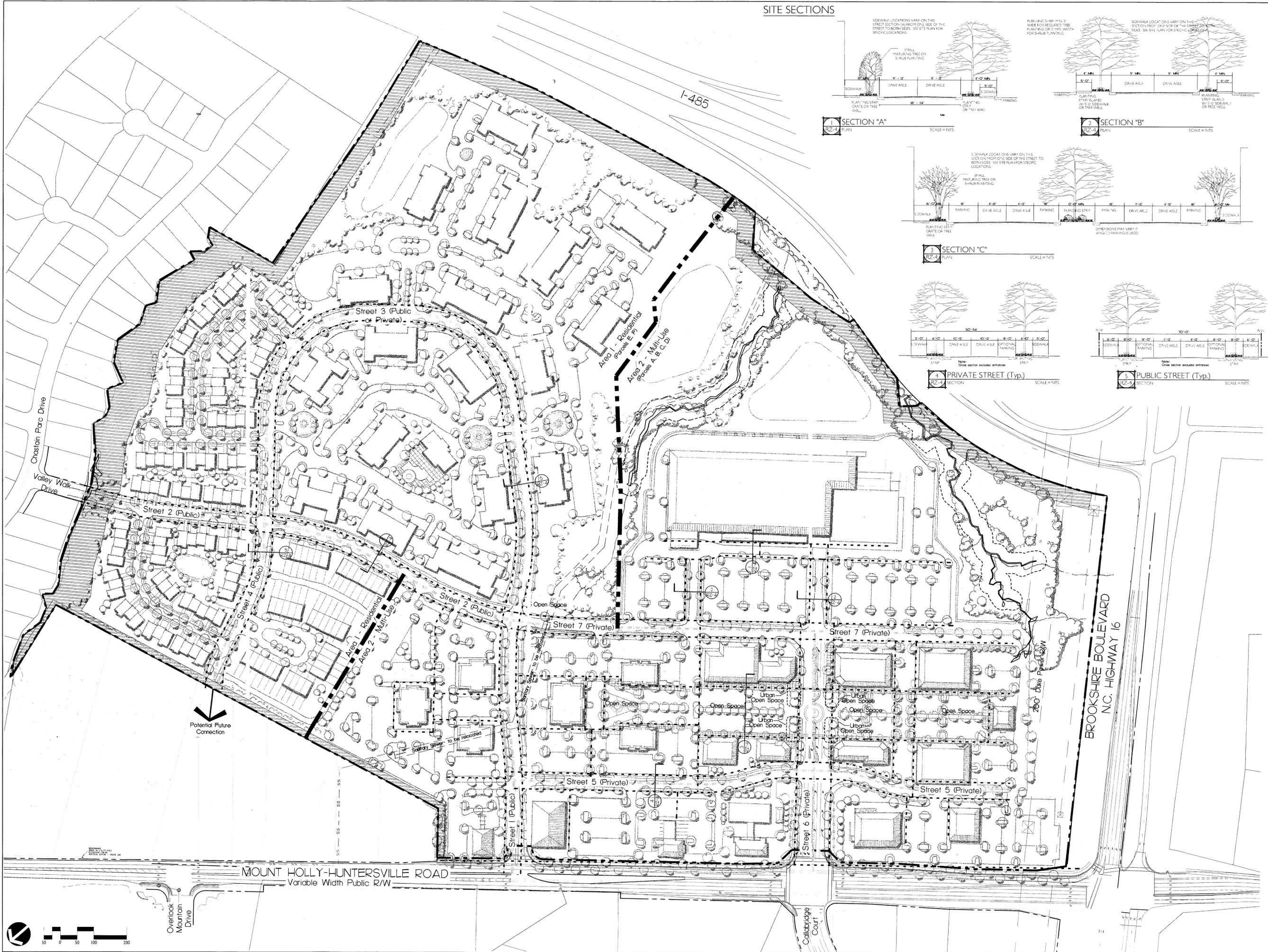
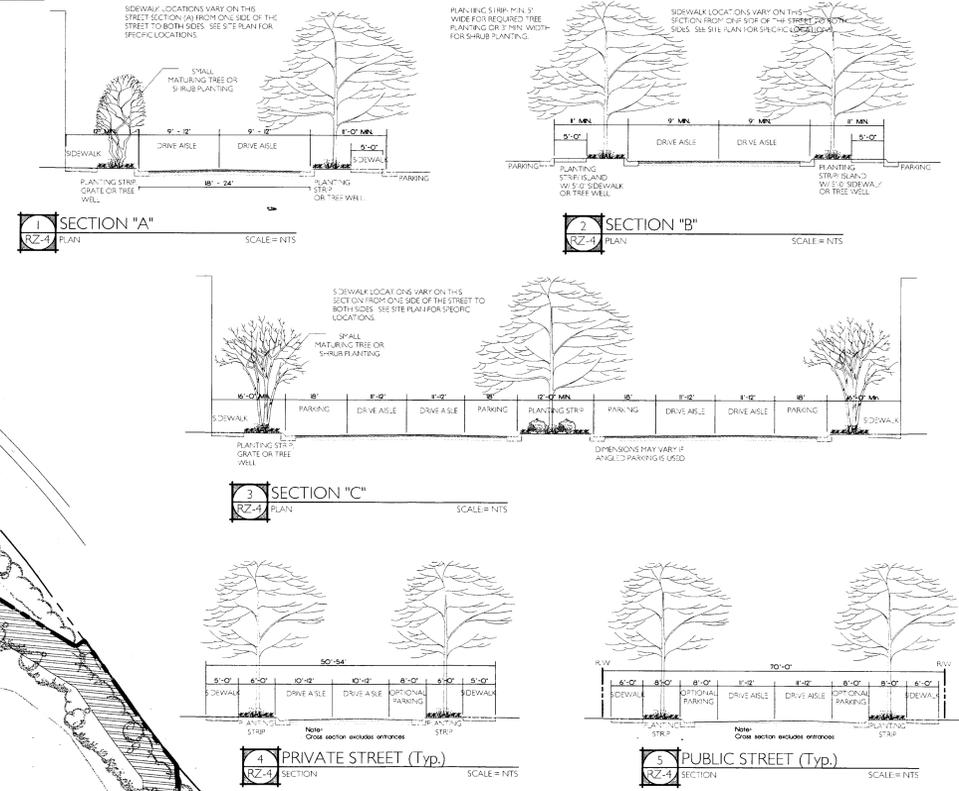


MOUNTAIN ISLAND PROMENADE  
A WINGSPREAD INVESTMENTS, LLC DEVELOPMENT  
ONE ON ONE DESIGN



This information is Conceptual in nature and is used for illustrative purposes only. For Architectural standards, refer to the Development Standards.

SITE SECTIONS



General Provisions

The Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition for the development of a pedestrian-friendly medium-density development that maintains the vitality of the Brookshire Boulevard/485 Area Zone to develop a pedestrian-oriented, walkable, well-integrated community on an approximately 116.3+/- acre Site located on the southeasterly quarter of the intersection between Brookshire Boulevard (NC Highway 16) and Mt. Holly-Huntersville Road (the "Site").

Unless the Technical Data Sheet (Sheet RZ-1), the Schematic Site Plan A (Sheet RZ-2a), the Schematic Site Plan B (Sheet RZ-2b), and the Schematic Site Plan C (Sheet RZ-2c), the Supplemental Sheets (Sheets RZ-3), and RZ-4), or these Development Standards (Sheet RZ-5) otherwise state, the regulations established under the Ordinance for the NS zoning district classification shall govern all development taking place on Parcel A, Parcel B, Parcel D, Parcel E, Parcel F, and Parcel F of the Site and the regulations established under the Ordinance for the BD zoning district classification shall govern all development taking place on Parcel A, Parcel B, Parcel C, and Parcel D of the Site.

1. Permitted Uses

- (a) Subject to the provisions of Paragraph (a) of Section 2 below, Parcel A and Parcel F of the Site may be developed to a home improvement center, retail sales, personal and recreational services, day labor services agency, automotive service station and associated car wash, outdoor seasonal sales, donation drop-off facility, equipment rental and repair facility, equipment rental and leasing within an enclosed building, office, financial institutions, drug store, medical, child care center, schools, general building, associated accessory uses (including any outdoor seating) and above ground off-street parking for Parcel A and Parcel C.
- (b) Subject to the provisions of Paragraph (a) of Section 2 below, Parcel C of the Site may be developed to a substantially below ground, climate-controlled storage building, an above-ground office/retail building that is associated with the storage building, associated accessory uses (including any outdoor seating) and above ground off-street parking for Parcel A and Parcel C.
- (c) Subject to the provisions of Paragraph (a) of Section 2 below, Parcel D of the Site may be developed to those uses allowed in the NS zoning district classification, including but not limited to, banks or other financial institutions, (with or without drive-through facilities), general and medical offices, optical, dental and medical clinics and elementary secondary schools, and other office/retail uses.
- (d) Subject to the provisions of Paragraph (a) of Section 2 below, Parcel E of the Site may be developed to all uses permitted in the NS zoning district classification and/or those uses allowed in an office/retail zoning classification, including but not limited to, a nursing home, care home, home for the aged and assisted living center along with associated accessory uses.
- (e) Parcel F of the Site may be developed to all types of animals for sale residential developments along with associated accessory uses. Additionally, that portion of Parcel F lying west of Public Street 4 and adjacent Parcel B may be used for an elementary and secondary school along with associated accessory uses.

2. Maximum Building Areas and Development Limitations

- (a) Not more than 117,500 square feet of gross leasable floor area may be developed on Parcel A and Parcel B. Areas devoted to outdoor dining, gallery areas, outdoor covered walkways and courtyards, areas used for building and equipment access (such as stairs, elevator shafts and maintenance civil space), service areas, mechanical and electrical rooms and outdoor sales areas are not included in this maximum square footage; provided, however, that any off-street parking associated therewith that may be required by the Ordinance will be provided for these areas.

Additionally, no outdoor sales will be allowed on Parcel A except within the general areas depicted on Sheet RZ-2a, Sheet RZ-2b, or Sheet RZ-2c and outdoor sales conducted in connection with other uses on Parcel A and Parcel B, including outdoor dining, must comply with applicable regulations in the Ordinance.

- (b) The uses permitted on Parcel A and Parcel B under Paragraph (a) of Section 1 above are subject to the following conditions:

- (i) A minimum of 5,000 square feet of floor area designated for or zoned as office use under the Ordinance shall be constructed on the Site prior to the issuance of any certificates of occupancy for more than 175,000 square feet for retail, residential or other commercial use.
- (ii) No single retail use may occupy more than 26,500 square feet of space within Parcel A or Parcel B, subject to the following two exceptions:
  - One retail use may be established on Parcel A which occupies no more than 175,000 square feet.
  - A grocery store and/or a major anchor may be established on Parcel B provided no single building shall exceed 55,000 square feet.
- (iii) No more than three establishments with drive-through window facilities, as defined in the Ordinance, and no more than one automotive service station may be developed on these Parcels.
- (iv) The number of independent lot-parcels shall be limited to no more than two. All other lot-parcels must be inter-connected as a defined by the General Development Policies.

- (c) The substantially below ground climate-controlled storage facility permitted on Parcel C shall contain no more than 127,000 square feet, which is composed of an approximately 125,000 square foot below ground storage building and an approximately 2,000 square foot above ground office building.

- (d) Parcel D of the Site may be developed with:

- Elementary or secondary school uses along with associated accessory uses, and/or
  - Up to 40,000 square feet of office uses along with associated accessory uses.
- (e) At no times upon Parcel D-1 of the Site may be developed with:
    - Up to 98,000 square feet of special retail uses which may be located within one or more buildings and may be devoted to one anchor tenant or a multiple number of tenants along with associated accessory uses
    - Up to 40,000 square feet of office uses along with associated accessory uses and up to 35,000 square feet of special retail uses which may be located within one or more buildings and may be devoted to one tenant or multiple tenants, or
    - Up to 45,000 square feet of office uses along with associated accessory uses and up to 85,000 square feet of special retail uses which may be located within two or more buildings and may be devoted to one tenant or multiple tenants.

3. Other Provisions

- (a) No more than one establishment with drive-through window facilities, as defined in the Ordinance, and no automotive service station may be developed on this Parcel.
- (b) All buildings must be architecturally integrated as complement one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.
- (c) Parking areas shall be located on the parking areas.
- (d) Office buildings shall not exceed 60 feet in height and retail buildings shall not exceed 40 feet in height as measured in accordance with the Ordinance.
- (e) Any buildings located within Parcel D-1 used for retail purposes shall be constructed with four-sided architecture and shall avoid exposure of solid unadorned walls exceeding 20 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and parapet walls as well as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different or complementary building materials, colors, or textures may be used to enhance the architecture of the building. The building elevation depicted on Sheet RZ-3 is schematic in nature and is not intended to be a final architectural or engineering plan but rather as a graphic representation of the type and quality of the architecture proposed. Accordingly, minor alterations and modifications may be made to the construction documents and placement of individual building materials and elements during the design, development and construction phases within the limits prescribed by these Development Standards and the Ordinance.

- (f) Parcel E of the Site may be developed with:

- up to 625 attached for sale and/or for rent residential units along with associated accessory uses; provided, however, that no more than 500 of such residential units may be constructed for rent, and/or
- a nursing home, res home, home for the aged and assisted living center by exchanging residential uses for independent living units at the rate of 22 independent living units for 18 residential units and for dependent living beds at the rate of 70 dependent living beds for 18 residential units. provided, however, that the independent living units provided, however, that the independent living beds may be for rent or for sale, or a combination thereof, and any for rent independent living units or dependent living beds shall not be deemed to be attached for rent residential units within the meaning of the 500 unit for rent limitation provided above.

- (g) Parcel F of the Site may be developed with other:

- Up to 140 for sale attached residential units and/or single-family detached residential units which satisfy the existing regulations under the R-6 zoning district classification, or
- Up to 125 for sale attached residential units and/or single-family detached residential units which satisfy the existing regulations under the R-6 zoning district classification and accessory uses and an elementary or secondary school containing up to 80000 total square feet and accessory uses, on that portion of Parcel F that lies west of Public Street 4 and is adjacent to Parcel D.
- Pedestrian and bicycle paths of Parcel F labeled as the Proposed School Site on the Technical Data Sheet or the market and use of development until the expiration of the Bond Order Date as defined by Charlotte-Mecklenburg Schools and the Board of Education.

4. Setbacks, Side Yards and Rear Yards

- (a) All buildings constructed on Parcels A, B, D, D-1, E and F of the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS zoning district, subject to the provisions of Section 3(c) below. However, a landscape strip of at least 24 feet in width, as measured from the back of the curb specified on the Technical Data Sheet, shall be provided along Mt. Holly-Huntersville Road. This landscape strip shall conform to the specifications outlined on Sheet RZ-3.
- (b) All buildings constructed on Parcel C of the Site shall satisfy or exceed any required setback, rear yard and side yard requirements established under the Ordinance for the BD zoning district, subject to the provisions of Section 3(c) below.
- (c) The Site may be considered a unified development area and its setback, side yard and rear yard may be eliminated, subject to the normally required setback, side yard and rear yard.

5. Design and Performance Standards

Accompanying the Rezoning Petition are four optional alternative Schematic Site Plans (Sheets RZ-2a, RZ-2b, and RZ-2c) for the development of Parcel A, B, D and D-1 of the Site, all of which shall be approved without further authorization so long as the ultimate design is consistent with one of the four plans.

The Petitioners reserve the option to combine or not combine buildings depicted on each Schematic Site Plan. However, this option does not include the right to increase the number of buildings shown on any of the Schematic Site Plans.

The development on Parcels A, B, C, D, D-1, E and F as depicted on the Schematic Site Plans (Sheets RZ-2a, RZ-2b, and RZ-2c) is schematic in nature and intended to describe the general arrangements of uses on the Site. Accordingly, minor alterations and modifications may be made to the configurations, placements, and sizes of the building footprints and Parcels, as well as the locations of streets serving the Parcels, subject to the provisions set forth below under Architectural and Design Controls, during the design, development, and construction phases within the maximum development area boundaries shown on the Technical Data Sheet (Sheet RZ-4). Paving systems may also be altered and modified to accommodate final building locations and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.

For purposes of the preceding paragraph any alterations or modifications which substantially alter the character of the development or significantly alter the Schematic Site Plans or their conditions as well as any changes which increase the intensity of development shall be deemed to be minor and may only be made in accordance with the provisions of Section 6.20(1)(i) or (j) of the Ordinance, as applicable.

The Petitioners agree to submit detailed plans with respect to each phase of development proposed on the Site to the Staff of the Charlotte-Mecklenburg Planning Commission for review prior to the issuance of building permits for construction of the proposed phase of development so that Staff may be assured that such development satisfies the conditions imposed under the Technical Data Sheet, these Development Standards and the other Shows and Exhibits accompanying the Rezoning Petition. Compliance with the provisions of this paragraph shall not be deemed to be an administrative site plan application or other administrative site plan approval as envisioned by Section 6.20 of the Ordinance.

6. Architectural and Design Controls

Parcel A and Parcel B (Predefined Retail Uses)

- (i) Buildings located along Mt. Holly-Huntersville Road shall contain translucent glass windows along the elevations which face Mt. Holly-Huntersville Road. Exposures of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and parapet walls as well as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different or complementary building materials, colors, or textures may be used to enhance the architecture of the building.
- (ii) Buildings located along NC Highway 16 (Brookshire Boulevard) may be multi-tenant and shall contain translucent windows along the elevations which face the highway. The building by the buildings shown on Schematic Site Plan A and Schematic Site Plan C (Sheets RZ-2a and RZ-2c) may have solid walls not exceeding 40 linear feet. The Highway 16 elevations of the buildings except the home improvement center facility depicted on Sheets RZ-2a, RZ-2b, and RZ-2c may have solid walls not exceeding 20 linear feet. Exposures of solid walls beyond the stated maximums for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements.
- (iii) The rear elevation and the Highway 16 elevation of the home improvement center facility depicted on Sheet A, Schematic Site Plan B, Schematic and Site Plan C (Sheets RZ-2a, RZ-2b, and RZ-2c) shall consist of a finished architectural wall with a full parapet through the use of materials such as jambo brick. Painted or colored concrete block will not be allowed. These walls should be broken every 40 feet through the use of planters or other architectural features.
- (iv) The rear elevations of those interior buildings facing Private Streets 5 and 7, excluding the home improvement center facility, shall avoid exposure of solid walls exceeding 20 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and parapet walls as well as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different or complementary building materials, colors, or textures may be used to enhance the architecture of the building.
- (v) The building located between Mt. Holly-Huntersville Road, Private Street 66 and Private Street 45, on the west side of the entrance drive shall contain translucent glass windows along the elevation which faces the main entrance drive. Exposures of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and parapet walls as well as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different or complementary building materials, colors, or textures may be used to enhance the architecture of the building.
- (vi) Public open spaces containing landscaping, benches, and pedestrian walkways shall be provided on Parcel A and Parcel B in those locations depicted on the Schematic Site Plans. Additionally, outdoor dining and seating areas associated with restaurant uses shall be provided.
- (vii) All retail buildings must be architecturally integrated to complement one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.
- (viii) All buildings must be integrated with an emphasis on maintaining pedestrian interconnectivity.
- (ix) Parking areas should be located to ensure the distance for pedestrian access between abutting buildings.
- (x) Buildings shall not exceed 40 feet in height as measured in accordance with the Ordinance.
- (xi) All public building entrances, except those for fire exits and loading, will connect directly to a sidewalk along a public street or to a private street drive or to an open space.
- (xii) All signage placed on Parcel A and Parcel B shall comply with the standards outlined in the Ordinance for the NS zoning classification.
- (xiii) All signage attached to buildings located along Mt. Holly-Huntersville Road and NC Highway 16 shall comply with the standards outlined in the Ordinance for the NS zoning classification.

- (d) Detailed identification signage for buildings located along Mt. Holly-Huntersville Road shall be limited to ground-mounted monument type signs located within the 10 foot wide second planning strip identified below in Paragraph (c) of this Section 4. These signs may not exceed four (4) feet in height and the overall signage area may not exceed thirty-two (32) square feet on each side.

- (e) Wall signs will be permitted in accordance with the Ordinance, up to a maximum of one hundred (100) square feet for each wall or 5 percent of the area of each wall whichever is less.

Parcel C (Substantially Below-Ground Climate Controlled Storage Facility)

- (i) The above ground off-retail building component located within Parcel C shall be architecturally integrated with the buildings on Parcel A and Parcel B by using similar exterior materials, and shall not exceed twenty-five (25) feet in height as measured in accordance with the Ordinance. Above ground exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.
- (ii) The off-retail building entrance and all its escape exits associated with the underground storage building will connect directly to a sidewalk along a public street or an internal street drive or to an open space.
- (iii) The storage building component shall be constructed through the use of light-colored building materials which are visible from adjoining streets shall not exceed twenty-five (25) feet in height and such materials, exclusive of fire door sets, windows and doors, shall be constructed with 50 percent masonry materials (brick, stone, pre-cast or poured concrete with architectural treatments or other masonry materials), so as to blend in architecturally with the buildings and/or retaining walls on Parcel A and Parcel B.
- (iv) All signage placed on Parcel C including wall signs shall comply with the standards outlined in the Ordinance for the BD zoning district classification, excepting that no free standing signs shall be allowed.
- (v) Wall signs will be permitted in accordance with the Ordinance, up to a maximum of 100 square feet for each wall face or 2 percent of the area of each wall face whichever is less.

Parcel D and D-1 (Office/Retail)

- (a) All buildings shall be architecturally integrated to complement one another, as well as those retail buildings constructed on Parcel A and Parcel B, by using similar exterior materials. Any buildings located within Parcel D-1 used for retail purposes shall be constructed with four-sided architecture and shall avoid exposure of solid walls exceeding 20 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and parapet walls as well as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different or complementary building materials, colors, or textures may be used to enhance the architecture of the building.
- (b) Parking areas should be located to ensure the distance for pedestrian access between abutting buildings.
- (c) Buildings shall not exceed 60 feet in height as measured in accordance with the Ordinance.
- (d) Above grade exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used on any building.
- (e) All signage placed on Parcel D and D-1 shall comply with the standards outlined in the Ordinance for the NS zoning classification. In addition, the following building standards shall apply:
  - Detailed identification signage shall be limited to ground-mounted monument type signs. Monument sign structure shall be limited to a maximum of four (4) feet in height and total signage area may not exceed thirty-two (32) square feet on each side.
  - Wall signs will be permitted in accordance with the Ordinance, up to a maximum of one hundred square feet for each wall face or 2 percent of the area of each wall face, whichever is less.
- (f) Shared parking will be permitted in accordance with Section 12.20(3) of the Ordinance.
- (g) Prior to the issuance of a certificate of occupancy for any building constructed on Parcel D-1, the Owner of Parcel D-1 shall construct a brick wall having a height of at least 6 feet in length along the eastern property line that separates the parcel parcel from the adjacent single family residential lot facing Mt. Holly-Huntersville Road.
- (h) Subject to the provisions of the next succeeding paragraph, prior to the issuance of a certificate of occupancy for any building constructed on Parcel D and D-1, Petitioners shall construct a brick wall having a height of at least 6 feet along the northern boundary line for Parcel D and the common rear property lines of certain of the single family residential lots fronting on Mt. Holly-Huntersville Road within the area generally depicted on the Technical Data Sheet.

In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F, all of which are more particularly described in the preceding paragraph and in Subparagraph (vii) of that part of Paragraph (a) of this Section 4 which deals with Parcel E (Residential Attached For Sale) shall be inter-connected to a multi-family or office zoning district, then the Petitioners may eliminate the brick wall otherwise required by the provisions of the next succeeding paragraph, provided the Petitioners are able to obtain the prior written consent to so eliminate the brick wall from all of the then owners of the single family residential lots so rezoned.

Parcel E (Residential Attached For Sale and/or Far Rent)

- (i) Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 50 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum or vinyl siding or spandrel glass shall be used on any building containing attached for rent residential units. No aluminum siding or spandrel glass and no vinyl siding other than architectural vinyl having a wood-grain finish that has been approved or approved by the Staff of the Charlotte-Mecklenburg Planning Commission shall be used on any building containing attached for sale residential units.
- (ii) Buildings shall not exceed the greater of four stories or 60 feet in height as measured in accordance with the Ordinance.
- (iii) All signage placed on Parcel E shall comply with the standards outlined in the Ordinance for the NS zoning classification.

Parcel F (Residential Attached For Sale)

- (i) Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 55 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum siding or spandrel glass and no vinyl siding other than architectural vinyl having a wood-grain finish that has been approved or approved by the Staff of the Charlotte-Mecklenburg Planning Commission shall be used on any building.
- (ii) Buildings shall not exceed the greater of three stories or 50 feet in height as measured in accordance with the Ordinance.
- (iii) All signage placed on Parcel F shall comply with the standards outlined in the Ordinance for the NS zoning classification.
- (iv) Subject to the provisions of the next succeeding paragraph, prior to the issuance of a certificate of occupancy for any building constructed on Parcel F, Petitioners shall construct a brick wall having a height of at least 6 feet in length along a portion of the northern boundary line for Parcel F and the common rear property lines of certain of the single family residential lots fronting on Mt. Holly-Huntersville Road within the area generally depicted on the Technical Data Sheet.

In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F, all of which are more particularly described in the preceding paragraph and in Subparagraph (vii) of that part of Paragraph (a) of this Section 4 which deals with Parcel D (Office Use) are rezoned to a multi-family or office zoning district, then the Petitioners may eliminate the brick wall otherwise required by the provisions of the next succeeding paragraph, provided the Petitioners are able to obtain the prior written consent to so eliminate the brick wall from all of the then owners of the single family residential lots so rezoned.

(b) Landscaping and Screening

- (i) The Petitioners shall cause to be installed within the second planning strip along Mt. Holly-Huntersville Road, identified in Paragraph (c)(i) of this Section 4, plants, trees and other materials in accordance with the Ordinance and Sheet RZ-3 which forms a part of the Technical Data Sheet, and shall thereafter maintain or cause to be maintained all such materials (including replacement of all dead or dying plants).
- (ii) Internal and/or external site lighting shall be installed in accordance with the requirements of the City of Charlotte. Tree Ordinance.
- (iii) All street and landscape lighting shall meet or exceed the standards of the Ordinance.
- (iv) Dumpster areas will be enclosed on all three sides by an opaque wall with the fourth side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a wall.
- (v) The Petitioners reserve the right to selectively clear trees with calipers 3 inches or smaller, dead trees and underground on the Site which fall within the Duke Power right-of-way running east of Brookshire Boulevard and within the right-of-way for Brookshire Boulevard and to remove limbs of trees with a height of 8 feet above the adjacent ground level.
- (vi) The Technical Data Sheet requires that Public Street 2 be connected to Valley Walk Drive in the Chastain Park Subdivision. In order to provide an attractive entryway, the Petitioners agree to install a brickwork on both sides of Valley Walk Drive between Chastain Park Drive and the Site, provided appropriate easements are granted from the individual property owners of Lots number 17 and 18, as depicted on the Technical Data Sheet, within 30 days after construction.

These trees will be planted on both sides of Valley Walk Drive and be the same species and size as those planted on Public Street 2. The Petitioners agree to install a brickwork on both sides of the Technical Data Sheet which shall have remained timely consent to the Petitioners or their respective representatives to decide upon the exact location of the plant material within 30 days after receipt of the appropriate consent form and to install the plant materials on the lot of which the consenting owner is involved prior to the issuance of a permanent certificate of occupancy for any building constructed on Parcel F. If the plant material is installed on any such lot, all watering and maintenance will be the responsibility of the owner of the lot and the Petitioners shall not be responsible for maintaining the plant material or for equipment to be used on the plant material sites.

(c) Streetscape Treatment

- (i) The streetscape treatment along Mt. Holly-Huntersville Road will conform to the Ordinance and include trees with a 1 inch minimum caliper and supplemental landscaping.
- (ii) The maximum height of any freestanding lighting fixture, including its base, erected in the parking area within Parcel A, Parcel B, Parcel C and Parcel D of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel A will be uniform in design.
- (iii) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel F of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel F will be uniform in design.
- (iv) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel F of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel F will be uniform in design.
- (v) All freestanding lighting fixtures over 25 feet in height shall be full cut-off light fixtures.
- (vi) Any lighting fixture attached to a building shall be capped and down-wardly directed.
- (vii) The height restrictions (i) through (iv) of this Section 4 do not apply to street lights erected on public rights-of-way or to decorative pole lights along sidewalks, open space and the private street drives or wall mounted decorative sconce type lighting.
- (viii) Wall gable lighting shall be used in service areas.
- (ix) Pedestrian scale lighting will be provided within the Site along Private Streets 5 and 6, Public Streets 1, 2 and 4, Public Private Street 1 and along Mt. Holly-Huntersville Road.

(d) Lighting

- (i) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel A, Parcel B, Parcel C and Parcel D of the Site shall not exceed 30 feet. All freestanding parking lot lighting fixtures within Parcel A, Parcel B, Parcel C and Parcel D will be uniform in design.
- (ii) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel D of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel D will be uniform in design.
- (iii) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel F of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel F will be uniform in design.
- (iv) All freestanding lighting fixtures over 25 feet in height shall be full cut-off light fixtures.
- (v) Any lighting fixture attached to a building shall be capped and down-wardly directed.
- (vi) The height restrictions (i) through (iv) of this Section 4 do not apply to street lights erected on public rights-of-way or to decorative pole lights along sidewalks, open space and the private street drives or wall mounted decorative sconce type lighting.
- (vii) Wall gable lighting shall be used in service areas.
- (viii) Pedestrian scale lighting will be provided within the Site along Private Streets 5 and 6, Public Streets 1, 2 and 4, Public Private Street 1 and along Mt. Holly-Huntersville Road.

(e) Buffers

- (i) Buffer Areas will be provided as depicted on the Technical Data Sheet.
- (ii) In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F are rezoned to a multi-family or office zoning district, then the Petitioners may eliminate the buffer areas otherwise required by the provisions of the next succeeding paragraph, provided the Petitioners are able to obtain the prior written consent to so eliminate the buffer areas from all of the then owners of the single family residential lots so rezoned.
- (iii) The Petitioners will establish a 90' buffer along the portion of the Site which abuts the Chastain Park Subdivision, as depicted on the Technical Data Sheet and the submitted final detail sheet. The Petitioner will install, at its expense, a five-foot high brick wall along the 90' buffer along the portion of the Site which abuts the Chastain Park Subdivision.
- (iv) The Petitioners reserve the right to reduce the width of any buffer (excluding the undisturbed wooded areas) above by up to 25 percent by installing a wall, fence or berm in accordance with Section 12.30(2)(8) of the Ordinance.

5. Environmental Standards

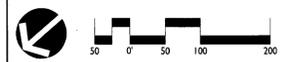
- (a) Wetlands and General Requirements
  - (i) All development occurring on the Site shall conform to the applicable requirements of the Lake Wylie Watershed District Processed Acta.
  - (ii) All development will adhere to the provisions of the SW 800 Buffer Ordinance.
  - (iii) The Petitioners agree to provide an enforcement mechanism to ensure compliance with erosion control, buffer and watershed protection requirements as well as the requirements specified below under Paragraphs (b), (c), and (d) of this Section 5.
  - (iv) The enforcement officer shall be empowered to take the actions necessary to ensure the prompt correction of problems as and when they are detected. The enforcement officer must record the Charlotte-Mecklenburg Certification.
  - (v) The Petitioners will require supervisors to be trained on the Site by a grading contractor to attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and all such supervisors must satisfactorily pass the certification test.
  - (vi) Stormwater and sewer services shall be provided by the Charlotte-Mecklenburg Utilities systems.
- (b) Storm Water Management Initiatives
  - (i) In order to ensure effective mitigation of runoff water quality impacts and adequate protection of water quality conditions the Petitioners agree to satisfy the following requirements:
    - (i) The Petitioners shall be in the existing storm water systems and shall have the receiving drainage systems, including 1485, analyzed to ensure that it will not take out of standard due to the development. If it is found that the development will cause the storm drainage system to be out of standard, the Petitioners shall provide alternate mitigation measures to bring the system back into compliance.
    - (ii) Runoff generated from the first inch of rainfall shall be captured and treated in accordance with Section 4.6 of the N.C. Department of Environment and Natural Resources Best Management Practices Manual, April 1999 Edition, or updated versions of the same issued after August 8, 2005.
    - (iii) The full post-development runoff shall be reduced by 25 percent from the pre-development runoff for the 1 year, 24-hour storm event shall be determined and released between 2-5 days.
    - (iv) Peak runoff rates shall be determined and reduced to pre-developed rates for the 2 year and 10-year design storm events.
    - (v) Stormwater from water quality BMPs shall be released so as to maintain minimum retention volumes.
    - (vi) Location, size and type of any Stormwater Management Systems depicted on existing site plan is subject to review and approval with full development plan submitted and is not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual stormwater treatment and natural site discharge points.
- (c) Erosion Control
  - (i) Measures for controlling erosion shall include:
    - (i) In the event frequency and intensity of rainfall events are overloading basins or other devices, polymers and other flocculating measures shall be employed to enhance settling capabilities to avoid the discharge of solids from the Site.
    - (ii) Double row high hazard silt fences shall be used in critical areas of the Site, including all internal and potential streams, delineated wetlands, slopes of basins, approved stream crossings and other locations where the potential for off-site sedimentation is greatest.
    - (iii) In the absence of silt fencing, orange construction barrier fence shall be installed along undisturbed buffers to delineate and protect undisturbed buffers during construction.
    - (iv) Two stage sediment basins with water weirs used for a 50 year storm event shall be used to reduce the risk of basin failure.
    - (v) Two stage sediment basins with water weirs used for a 50 year storm event shall be used to reduce the risk of basin failure.
    - (vi) During construction, the developer shall develop a weekly inspection program meeting VDOT's General Permit requirements for all sediment basins including written documentation of such inspections. This written documentation shall be maintained on-site and available upon request. Sedimentation in perennial or intermittent streams caused by construction activities shall be mitigated within an unobscured manner within two weeks of identification. Turbidity levels shall be monitored and recorded as part of the inspection program at appropriate runoff discharge points on the Site.
- (d) Wetlands Protection
  - (i) The Petitioners shall retain the services of a qualified environmental consultant to delineate all jurisdictional waters on the Site.
  - (ii) All developments shall fully adhere to all rules and regulations for wetlands protection promulgated by USACE and NCDPR.
  - (iii) Any jurisdictional waters or streams, if present, need to be protected or proper environmental permits obtained prior to their disturbance. For 401 permits, contact DEHNR. For 404 permits, contact the Army Corps of Engineers.
- (e) Tree Save Areas/Open Space
  - (i) The Petitioners shall provide tree save areas totaling 10 percent of the Site and open space areas (including tree save areas) totaling 25 percent of the Site.

6. Vehicular Access, Right-of-Way, and Road Improvements (collectively the "Roadway Improvements")

- (a) Vehicular Access
  - (i) Vehicular Access to Mt. Holly-Huntersville Road shall be a generally depicted on the Technical Data Sheet.
  - (ii) The placement and configurations of these Vehicular Access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation ("C-DOT") and the North Carolina Department of Transportation ("NC-DOIT").
- (b) Right-of-Way
  - (i) The Petitioners agree to dedicate and convey by quitclaim deed and subject to reservations for any necessary utility easement portions of the Site prior to the issuance of any building permits for construction taking place on the Site.
  - (ii) Brookshire Boulevard (NC 16) 100 feet east of the centerline unless the existing Duke Energy right-of-way and NC Highway 16 right-of-way are contiguous.
  - (iii) Mt. Holly-Huntersville Road 70 feet south of the centerline for a distance of 1300 feet running from the eastern margin of the right-of-way for NC Highway 16 to Access A and reduced to 60 feet south of the centerline along the remaining frontage of the Site, which any additional right-of-way may be reduced if the entire amount committed is not necessary to accommodate the improvements depicted on the Technical Data Sheet (including a 5 foot wide bike lane, the construction easement of which the City has agreed to share, with the final width of the additional right-of-way to be determined based on the final design for these roadway improvements approved by C-DOIT and NC-DOIT).
- (c) Roadway Improvements
  - (i) Minimum Roadway Improvements for Stage I Development
    - For purposes of this Section 6 (c) (i), Stage I Development shall be deemed to include:
      - 10,000 square feet of total commercial floor area
      - 127,000 square feet of climate controlled storage
  - Prior to the issuance of a certificate of occupancy for any Stage I Development building constructed on the Site, the following Roadway Improvements shall be completed:
    - Mt. Holly-Huntersville Road and Brookshire Boulevard (NC 16)
      - Construct an additional northbound right turn lane on Brookshire Boulevard with 400 feet of storage and a 20:1 taper.
      - Extend the existing northbound right turn lane on Brookshire Boulevard 240 feet for a total of 400 feet of storage with a 20:1 taper and a 15:1 taper.
      - Construct a second northbound right turn lane on Brookshire Boulevard with 275 feet of storage and a 15:1 taper.
    - Mt. Holly-Huntersville Road and Calfbridge Court/Proposed Access "A"
      - Construct a concrete median or Proposed Access "A" that extends from the existing traffic signal to the terminus at Private Street 5 with four landscaped lanes: a through lane, an exclusive right turn lane with 100 feet of storage and dual left turn lanes with 240 feet of internal storage, and with three inbound lanes: a 200 foot left turn lane, a through lane and a combination through-right turn lane of 125 feet of storage.
      - The Access "A" driveway connection must be approved by C-DOIT and NC-DOIT and conform with the latest edition of the NC-DOIT Policy on Street and Driveway Access to North Carolina Highways.
      - Construct westbound dual left turn lanes, each with a minimum of 250 feet of stacking and a 15:1 taper.
      - Re-configure the southbound approach to Calfbridge Court to provide for dual left turn lanes and a single through lane.
      - Re-configure the eastbound approach to Mt. Holly-Huntersville Road to provide for dual left turn lanes into Calfbridge Court.
      - Construct an eastbound right turn lane on Mt. Holly-Huntersville Road between NC 16 and Proposed Access "A" with 200 feet of storage and a 20:1 taper.
      - Modify the existing traffic signal to accommodate a four-way intersection.
- (ii) Minimum Roadway Improvements for Stage II Development
  - For purposes of this Section 6 (c) (ii), Stage II Development shall be deemed to include:
    - 10,000 square feet of total commercial floor area
    - 165,000 square feet of office floor area
- (iii) The Roadway Improvements for Stage II Development shall be deemed to include:
  - 10,000 square feet of total commercial floor area
  - 165,000 square feet of office floor area
  - All development approved for Parcel F
  - All development approved for Parcel E
- Prior to the issuance of any certificates of occupancy for any Stage II Development buildings, the following Roadway Improvements shall be completed:
  - Mt. Holly-Huntersville Road and Calfbridge Court
    - Construct an exclusive eastbound right turn lane on Mt. Holly-Huntersville Road with 150 feet of storage and a 20:1 taper.
  - Public Private Street 3 and Public Street 4
    - Public Private Street 3 and Public Street 4 shall be constructed as warranted in order to provide access to portions of Parcel E and Parcel F as they are developed.
  - Brookshire Boulevard (NC 16) and I-485 SB Exit Ramp
    - Extend the 30-foot left turn lane 120 feet for a total of 150-foot left turn lane with a 15:1 taper on the I-485 southbound exit ramp.

In connection with these improvements to Mt. Holly-Huntersville Road, a major thoroughfare, the Petitioners reserve the right to request the maximum reimbursement amount (currently \$175,000,000) permitted under C-DOIT policy.

- (d) Minimum Roadway Improvements for Stage III Development
  - For purposes of this Section 6 (c) (iii), Stage III Development shall be deemed to include:
    - 10,000 square feet of total commercial floor area
    - 165,000 square feet of office floor area
    - All development approved for Parcel F
    - All development approved for Parcel E
- (e) Prior to the issuance of any certificates of occupancy for any Stage III Development buildings, the following Roadway Improvements shall be completed:
  - Mt. Holly-Huntersville Road and Calfbridge Court
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Overlook Mountain Drive

Potential Future Connection

MOUNT HOLLY-HUNTERSVILLE ROAD  
Variable Width Public R/W

BROOKSHIRE BOULEVARD  
N.C. HIGHWAY 16

I-485

DATE: 11.21.07  
DESIGNED BY: PRC  
DRAWN BY: PRC  
CHECKED BY: PRC  
SCALE: 1"=100'  
PROJECT #: 1007263

REVISIONS:

01/18/08 Review per Staff Comments  
02/29/08 Review per Staff Comments  
04/23/08 Review per Staff Comments  
04/23/08 Review per Staff Comments

SHEET #  
**RZ-6**

**Mountain Island Promenade Rezoning Petition**  
Charlotte, North Carolina  
Withrow Capital, Investments, LLC

ROADWAY IMPROVEMENTS PLAN (for NC 16/ Mt. Holly Huntersville Rd)

**LandDesign**  
223 N. Graham Street, Charlotte, NC 28002  
V: 704.333.0325 F: 704.332.3246  
www.LandDesign.com

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