

**Planning Department**

**APPROVED BY CITY COUNCIL**

MT. HOLLY HUNTERSVILLE RD  
LAWING SCHOOL RD  
VICINITY MAP  
N.T.S.

REZONING PETITION NO. 2023-172

**SITE DEVELOPMENT DATA:**

- ACREAGE: 0.79 ACRES
- TAX PARCEL # 01-132-41
- EXISTING ZONING: B-1(CD)
- PROPOSED ZONING: CG(CD)
- EXISTING USES: VACANT OUTPARCEL
- PROPOSED USES: NON-RESIDENTIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CG ZONING DISTRICT EXCLUDING THOSE USES PROHIBITED BELOW (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED IN SECTION 2 BELOW)
- PROHIBITED USES: THE FOLLOWING USES ARE NOT PERMITTED ON THE SITE: ADULT ELECTRONIC GAMING ESTABLISHMENT, ADULT USE, OUTDOOR AMUSEMENT FACILITY, OUTDOOR ENTERTAINMENT, LIVE PERFORMANCE VENUE, BENEFICIAL FILL SITE, CAR WASH, GAS STATION, NIGHTCLUB, VEHICLE DEALERSHIP (ENCLOSED OR OUTDOOR), OR MINOR VEHICLE REPAIR FACILITY
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 2,250 SQUARE FEET OF GROSS FLOOR AREA OR A MAXIMUM OF 2,300 SQUARE FEET OF GROSS FLOOR AREA FOR ANY PERMITTED USE IF DEVELOPED WITH DRIVE THROUGH ESTABLISHMENTS (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED IN SECTION 2 BELOW)
- MAXIMUM BUILDING HEIGHT: BUILDINGS WILL NOT EXCEED 3 STORES OR 40 FEET HEIGHT
- PARKING: PARKING WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE. PARKING FOR THE PROPOSED DEVELOPMENT WILL BE LOCATED ON-SITE AND MAY ALSO BE LOCATED ON THE ADJACENT PARCELS WITHIN THE ROZZELLES CROSSING SHOPPING CENTER.

**1. GENERAL PROVISIONS:**

**a. SITE LOCATION:** THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY LANDMARK DEVELOPMENT PARTNERS ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF AN EXISTING OUTPARCEL WHICH IS PART OF THE ROZZELLES CROSSING SHOPPING CENTER WITH NON-RESIDENTIAL USES AS ALLOWED IN THE CG ZONING DISTRICT ON APPROXIMATELY 0.79-ACRE SITE LOCATED ON THE SOUTHEASTERN CORNER OF THE INTERSECTION OF MT. HOLLY HUNTERSVILLE ROAD AND LAWING SCHOOL ROAD (THE "SITE").

**b. ZONING DISTRICTS/OVERLAP:** DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE UNIFIED DEVELOPMENT ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE CG ZONING CLASSIFICATION SHALL GOVERN.

**c. GRAPHICS AND ALTERATIONS:** THE SCHEMATIC REPRESENTATIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, DRIVEWAYS 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 THIS DEVELOPMENT STANDARD. 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 AND ARE SUBJECT TO CHANGE SO LONG AS THE CHANGES DO NOT CONFLICT WITH THE PROVISIONS SET FORTH HEREIN THESE DEVELOPMENT STANDARDS AND/OR THE REQUIREMENTS OF THE ORDINANCE. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY ARTICLE 37.1 OF THE ORDINANCE.

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 TO THE SCHEMATIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER ARTICLE 37.3 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE 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 ARTICLE 37.3 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 BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO TWO (2) ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE.

**e. PLANNED UNIFIED DEVELOPMENT:** THE SITE IS AN OUTPARCEL TO THE EXISTING ROZZELLES CROSSING SHOPPING CENTER WHICH IS DESIGNATED AS TAX PARCEL NO. 01-132-01 (THE "ADJACENT PARCEL") AND SHALL BE VIEWED IN THE AGGREGATE AS A PLANNED UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN AND THOSE DEPICTED ON THE APPLICABLE CONDITIONAL REZONING PLAN FOR THE ADJACENT PARCEL. AS SUCH, SIDE AND REAR YARDS, LANDSCAPE YARDS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS LOCATED ON THE SITE AND THE ADJACENT PARCEL. IN ADDITION, CERTAIN ORDINANCE REQUIREMENTS MAY BE MET ON THE SITE OR ON THE ADJACENT PARCEL IF DETERMINED ACCEPTABLE BY THE REVIEWING AGENCY. THE PETITIONER AND/OR OWNERS OF THE SITE AND THE ADJACENT PARCEL RESERVE THE RIGHT TO SUBDIVIDE THE PORTIONS OR ALL OF THE SITE AND THE ADJACENT PARCEL AND CREATE LOTS WITHIN THE INTERIOR OF THE SITE AND THE ADJACENT PARCEL WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, AND PUBLIC PRIVATE STREET FRONTAGE REQUIREMENTS PROVIDED, HOWEVER, ALL SUCH SEPARATION STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE AND OF THE ADJACENT PARCEL SHALL BE ADHERED TO AND ALL SQUARE FOOTAGE MAXIMUM REQUIREMENTS WILL BE REGULATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH IN SECTION 2 BELOW AS TO THE SITE AND IN THE APPLICABLE CONDITIONAL REZONING PLAN AS TO THE ADJACENT PARCEL.

**2. PERMITTED USES & DEVELOPMENT AREA LIMITATION:**

**a. THE SITE MAY BE DEVELOPED WITH:**

- (i) UP TO 2,250 SQUARE FEET OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CG ZONING DISTRICT SUBJECT TO (ii) BELOW AND EXCLUDING THOSE USES PROHIBITED IN (b) BELOW.
- (ii) OF THE RETAIL ABOVE, UP TO 2,250 SQUARE FEET OF GROSS FLOOR AREA MAY BE DRIVE THROUGH ESTABLISHMENTS, NO MORE THAN 1,100 SQUARE FEET OF THIS GROSS FLOOR AREA MAY BE UTILIZED AS A COFFEE SHOP. FOR EXAMPLE, ONE 1,100 SQUARE FOOT COFFEE SHOP DRIVE THROUGH ESTABLISHMENT MAY BE DEVELOPED WITH ONE 1,300 SQUARE FOOT DRIVE THROUGH ESTABLISHMENT.

**THE NUMBER OF PRINCIPAL BUILDINGS, WITH OR WITHOUT A DRIVE THROUGH, SHALL NOT EXCEED TWO.**

**b. THE FOLLOWING USES SHALL NOT BE PERMITTED ON THE SITE: ADULT ELECTRONIC GAMING ESTABLISHMENT, ADULT USE, OUTDOOR AMUSEMENT FACILITY, OUTDOOR ENTERTAINMENT, LIVE PERFORMANCE VENUE, BENEFICIAL FILL SITE, CAR WASH, GAS STATION, NIGHTCLUB, VEHICLE DEALERSHIP (ENCLOSED OR OUTDOOR), OR MINOR VEHICLE REPAIR FACILITY.**

**c. THE FOLLOWING USES SHALL NOT BE PERMITTED ON THE SITE: ADULT ELECTRONIC GAMING ESTABLISHMENT, ADULT USE, OUTDOOR AMUSEMENT FACILITY, OUTDOOR ENTERTAINMENT, LIVE PERFORMANCE VENUE, BENEFICIAL FILL SITE, CAR WASH, GAS STATION, NIGHTCLUB, VEHICLE DEALERSHIP (ENCLOSED OR OUTDOOR), OR MINOR VEHICLE REPAIR FACILITY.**

**3. ACCESS AND TRANSPORTATION:**

**a. ACCESS TO THE SITE:** WILL BE FROM THE EXISTING INTERNAL DRIVEWAY NETWORK OF THE ROZZELLES CROSSING SHOPPING CENTER. NO NEW DRIVEWAYS CONNECTIONS ARE PROPOSED ALONG MT. HOLLY HUNTERSVILLE ROAD NOR LAWING SCHOOL ROAD. THE NUMBER AND LOCATION OF CONNECTIONS TO THE INTERNAL DRIVEWAYS ARE NOT LIMITED BY THE NUMBER ILLUSTRATED ON THE REZONING PLAN AND ADDITIONAL DRIVEWAYS ARE ALLOWED.

**b. 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 AND/OR NCDOT IN ACCORDANCE WITH PUBLISHED STANDARDS.**

**c. THE PETITIONER SHALL DEDICATE AND CONVEY 50 FEET OF RIGHT-OF-WAY FROM THE CENTERLINE OF MT. HOLLY HUNTERSVILLE ROAD PER THE DESIGNATED MAJOR ARTERIAL THROUGHWAY CLASSIFICATION. LAWING SCHOOL ROAD IS DESIGNATED AS A LOCAL COLLECTOR STREET AND THE PETITIONER WILL DEDICATE AND CONVEY 31.5 FEET FROM THE CENTERLINE PER THE CLDSM DETAIL FOR A LOCAL COLLECTOR STREET WITH A 6-FOOT SIDEWALK.**

**d. THE PETITIONER SHALL DEDICATE AND CONVEY IN FEE SIMPLE ANY RIGHT-OF-WAY NEEDED FOR THE PROPOSED ROADWAY IMPROVEMENTS TO THE CITY BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. CDOT REQUESTS RIGHTS-OF-WAY SET AT 2' BEHIND BACK OF SIDEWALK WHERE FEASIBLE.**

**e. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. THE PETITIONER MAY PHASE TRANSPORTATION IMPROVEMENTS IF SAID IMPROVEMENTS ARE EXPLICITLY DESCRIBED ON SITE PLAN.**

**f. ALL PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AND NCDOT, AS APPLICABLE, TO THE ROADWAY IMPROVEMENTS WITHIN THEIR RESPECTIVE ROAD SYSTEM AUTHORITY. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE BROAD MARKET/WESTERN MECKLENBURG AREA BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.**

**g. IN THE EVENT A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS NECESSARY FOR THE INSTALLATION OF ANY NON-STANDARD ITEMS (IRRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVEMENT, ETC.) WITHIN A PROPOSED EXISTING CITY MAINTAINED STREET RIGHT-OF-WAY BY A PRIVATE INDIVIDUAL, GROUP, BUSINESS, OR HOMEOWNER/BUSINESS ASSOCIATION, AN ENCROACHMENT AGREEMENT MUST BE APPROVED BY CDOT PRIOR TO CONSTRUCTION/INSTALLATION. CONTACT CDOT FOR ADDITIONAL INFORMATION CONCERNING COST, SUBMITTAL, AND LIABILITY INSURANCE COVERAGE REQUIREMENTS.**

**h. CROSS-ACCESS SHALL BE PROVIDED AS PER ARTICLE 31.2 OF THE LUDO AT THE SOUTHEASTERN PORTION OF THE SITE ALONG LAWING SCHOOL ROAD.**

**4. ARCHITECTURAL STANDARDS:**

**a. THE BUILDINGS WILL BE CONSTRUCTED PREDOMINATELY OF BRICK, AND ALL BUILDINGS WILL BE COMPATIBLE IN ARCHITECTURE WITH THOSE EXISTING BUILDINGS WITHIN THE ROZZELLES CROSSING SHOPPING CENTER. THIS IN NO WAY WILL RESTRICT THE DESIGN SUCH THAT SYNTHETIC STUCCO OR OTHER MATERIAL MAY NOT BE USED AS ACCENTS.**

**b. THE BUILDINGS WILL COMPLY WITH THE BLANK WALL, TRANSPARENCY, BUILDING MATERIAL, AND OTHER DESIGN STANDARDS OF THE CG ZONING PROVISIONS FOUND IN ARTICLE 6 OF THE ORDINANCE.**

**5. STREETSCAPE, BUFFERS, SETBACKS, AND LANDSCAPING:**

**a. THE SETBACK ALONG MT. HOLLY HUNTERSVILLE ROAD AND LAWING SCHOOL ROAD WILL BE A MINIMUM OF 36 FEET AS MEASURED FROM THE FUTURE BACK OF CURB OF THOSE FRONTAGES AS GENERALLY DEPICTED ON THE REZONING PLAN.**

**b. MT. HOLLY HUNTERSVILLE ROAD IS DESIGNATED AS A 4-5 LANE AVENUE/BOULEVARD WITH A PROPOSED BACK OF CURB THIRTY (30) FEET FROM THE CENTERLINE. A TWELVE (12) FOOT SHARED-USE PATH AND AN EIGHT (8) FOOT PLANTING STRIP SHALL BE PROVIDED ALONG MT. HOLLY HUNTERSVILLE ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.**

**c. LAWING SCHOOL ROAD IS DESIGNATED AS A COLLECTOR STREET. ON COLLECTOR STREETS IN THE CG ZONING DISTRICT, THE FUTURE BACK OF CURB IS MEASURED FROM THE CURB LOCATION OF OFFICE/COMMERCIAL NARROW LOCAL STREET CROSS SECTION IN CLDSM OR EXISTING BACK OF CURB, WHICHEVER IS FARTHEST FROM THE CENTERLINE. A SIX (6) FOOT SIDEWALK IS REQUIRED WITHIN THE EXISTING COMMERCIAL PLACE TYPE PER TABLE 35.4 OF THE ORDINANCE AND AN EIGHT (8) FOOT PLANTING STRIP SHALL BE PROVIDED ALONG LAWING SCHOOL ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.**

**6. ENVIRONMENTAL FEATURES:**

**a. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE FOUND IN ARTICLE 25 OF THE ORDINANCE. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE LAND DEVELOPMENT PLAN SUBMITTAL FOR THE SITE.**

**b. THE SITE WILL COMPLY WITH THE TREE PROVISIONS OF THE ORDINANCE FOUND IN ARTICLE 30. THE FINAL LOCATION OF THE REQUIRED TREE SAVE AREAS WILL BE DETERMINED DURING THE LAND DEVELOPMENT APPROVAL PROCESS FOR THE SITE. TREE SAVE AREAS WILL COMPLY WITH THE REQUIREMENTS OF THE TREE ORDINANCE.**

**c. DEVELOPMENT WITHIN ANY SWAMP/SO BUFFERS SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY ORDINANCE. THERE ARE NO WATER QUALITY BUFFERS IDENTIFIED ON THE SITE.**

**d. THE SITE IS LOCATED WITHIN THE PROTECTED AREA OF THE LAKE WYLYE WATERSHED. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE PROVISIONS WITHIN ARTICLE 23 OF THE WATERSHED PROTECTION AREA.**

**7. LIGHTING:**

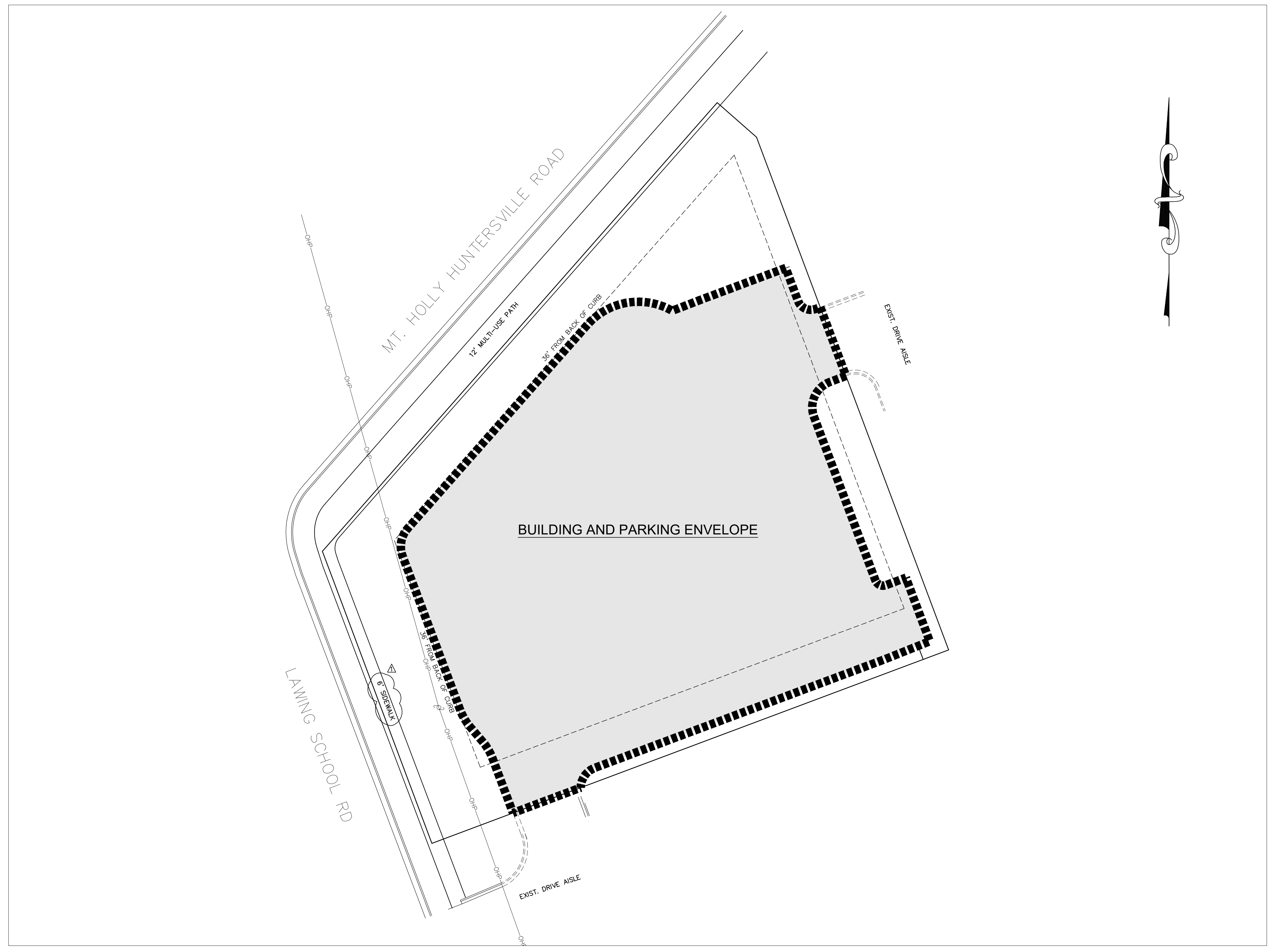
**a. ALL FREESTANDING EXTERIOR LIGHTING INSTALLED ON THE SITE SHALL COMPLY WITH ARTICLE 16.2 OF THE ORDINANCE.**

**8. AMENDMENTS TO THE REZONING PLAN:**

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 OR PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF ARTICLE 37.3 OF THE ORDINANCE.

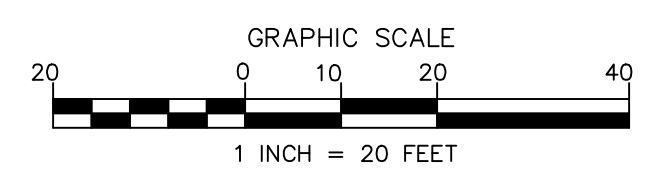
**9. BINDING EFFECT OF THE REZONING APPLICATION:**

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 HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS, INTERESTS, OR ASSIGNS.



**CONTACT INFORMATION:**

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**PRELIMINARY FOR REVIEW PURPOSES ONLY**

**REZONING PETITION #2023-172**

**Project:** MOUNT HOLLY HUNTERSVILLE QSR  
CHARLOTTE, NORTH CAROLINA

**Title:** SITE PLAN

File #2023-172	Date: 12/11/23	Project Egr: FBL
Design By: FBL	Drawn By: FBL	Scale: 1"=20'

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**C1.0**

NO.	BY	DATE	REVISION
1	FBL	2/12/24	PER CITY COMMENTS
2	FBL	3/20/24	PER CITY COMMENTS
3	FBL	5/22/24	PER CITY COMMENTS