

DEVELOPMENT STANDARDS
Petitioner: Peak Sports Holdings LLC
Rezoning Petition No. 2024-[xxx]
7/15/2024

Site Development Data:

- Acreage: ± 4.9 acres
- Tax Parcel: 119-103-20
- Existing Zoning: ML-2
- Proposed Zoning: RAC(CD)
- Existing Use: Industrial
- Proposed Use: Indoor Recreation, Adaptive Re-Use

I. General Provisions:

- a. **Site Description.** These Development Standards form the Rezoning Plan associated with the Rezoning Petition filed by Peak Sports Holdings LLC (“Petitioner”) to accommodate the adaptive reuse conversion of an existing industrial warehouse building into an indoor recreation facility and accessory commercial uses on an approximately 4.9-acre site located at 1515 South Clarkson Street, west of W Summit Avenue, south of Interstate-277, and east of Interstate-77, more particularly described as Mecklenburg County Tax Parcel Number 119-103-20 (the “Site”).
- b. **Intent.** This Rezoning is intended to accommodate the adaptive reuse conversion of an existing warehouse building to an indoor recreation facility, as consistent with the RAC placetype as an interim condition, considering the potential future development of the Silver Line Light Rail.
- c. **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 Unified Development Ordinance (the “UDO”).

Unless the Rezoning Plan establishes more stringent standards, or as otherwise permitted as a legal nonconformity, the regulations established under the UDO for the RAC zoning district shall govern development taking place on the designated portion of the Site.

II. Permitted Uses

Prior to any conclusive plans for the CATS Silver Line Light Rail, the primary use within the existing building (and minor expansions) shall be for indoor recreation, with the allowance for secondary accessory and incidental uses (including an accessory restaurant or food court), as permitted in the RAC zoning district.

After potential acquisition of the Property (either in whole or in part) by CATS for Silver Line Light Rail development: any remainder of the Site not utilized by CATS for the Silver Line Light Rail may be developed with any uses as permitted under the RAC zoning district, including those with prescribed conditions and as accessory uses.

III. CATS Taking for Silver Line Light Rail

The Petitioner acknowledges that there is a possibility that CATS may take partial or full ownership of the Property for future Silver Line Light Rail Development via eminent domain. The Rezoning is intended to provide interim use for the Property utilizing existing Site conditions.

If, after the Silver Line taking is complete, CATS does not take the entirety of the Property, any remainder usable area shall be permitted to be developed/redeveloped in accordance with the UDO standards as applicable to the RAC district without additional constraints.

IV. Design Guidelines

- a. Prior to any above-referenced potential taking by CATS for the Silver Line Light Rail, the existing buildings shall remain but may undergo a change of use or other minor modifications, including exterior façade changes and expansions not exceeding 10% of the building square footage for accessory uses (e.g., an accessory restaurant or food court)
 - i. Changes to the building façade shall not increase the degree of nonconformity.
 - ii. During the interim condition, no new primary buildings shall be constructed on the Site (this explicitly excludes secondary and accessory buildings from this prohibition), except if portions or all of primary building(s) are destroyed or damaged by fire, flood, wind, or other Acts of God, which shall allow the building(s) to be repaired or restored to its original dimensions and conditions.
- b. After any potential CATS taking has occurred, if any portion of the Property is not retained by CATS for the Silver Line Light Rail, the remainder of the Property may be redeveloped in accordance with the RAC zoning district with no requirement to utilize the existing building or constraints on expansion/new development.

V. Transportation

- a. Vehicular access shall utilize the existing road infrastructure and Site access points. The placements and configurations of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT/NCDOT for approval, as applicable.
- b. Petitioner proposes to maintain the existing streetscape along the Site’s frontage of South Clarkson Street and West Summit Avenue.

VI. Amendments to the Rezoning Plan

Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then owner(s) of the applicable portion of the Site in accordance with the provisions herein and article 37.3 of the UDO. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Article 37.3 of the UDO.

VII. Binding Effect of the Rezoning Application

If this Rezoning Petition is approved, it will, unless amended in the manner provided herein and under the UDO, be binding upon and inure to the benefit of the Petitioner and subsequent owner(s) of the Site, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.