

REZONING PETITION

FOR PUBLIC HEARING

2022-006

REZONING DOCUMENT

ASCEND NORTHLAKE

CHARLOTTE, NORTH CAROLINA

DHI COMMUNITIES
8001 ARROWIDGE BOULEVARD
CHARLOTTE, NC 28273
704.377.2006

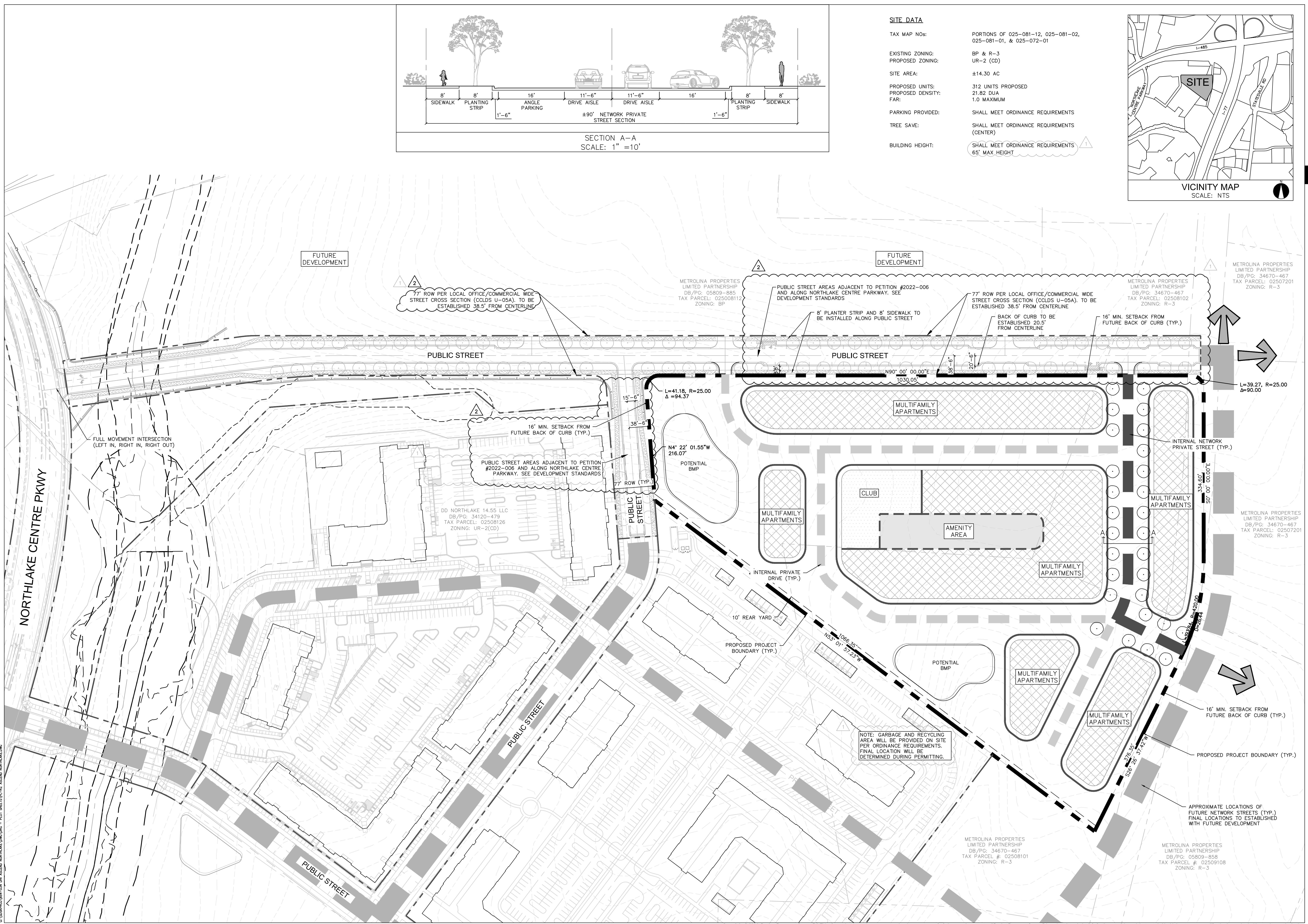
SCHEMATIC
SITE PLAN

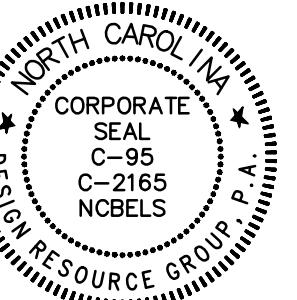
40 0 40 80
SCALE: 1" = 80'
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DRAWN BY: JO
CHECKED BY: NB

JANUARY 14, 2022

REVISIONS:
7/11/22 - PER REVIEW COMMENTS
2/22/22 - PER REVIEW COMMENTS





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SITE DEVELOPMENT DATA
--ACREAGE: ± 14.30
--TAX PARCEL NOS: PORTIONS OF 025-081-12, 025-081-02, 025-081-01, 025-072-01 AND 025-091-08
--EXISTING ZONING: BP AND R-3
--PROPOSED ZONING: UR-2 (CD)
--EXISTING USE: VACANT
--PROPOSED USE: UP TO 312 MULTI-FAMILY DWELLING UNITS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE UR-2 ZONING DISTRICT

1. GENERAL PROVISIONS

a. SITE LOCATION. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY DHC, LLC (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 14.30 ACRE SITE LOCATED BETWEEN NORTHLAKE CENTRE PARKWAY AND INTERSTATE 77, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF PORTIONS OF TAX PARCEL NOS. 025-081-12, 025-081-02, 025-081-01, 025-072-01 AND 025-091-08.

b. ZONING DISTRICTS/ORDINANCE. THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.

c. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, BUILDINGS, INTERNAL PUBLIC AND PRIVATE STREETS, 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 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. 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 TWELVE (12). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF PRINCIPAL RESIDENTIAL BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED USING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL RESIDENTIAL BUILDINGS LOCATED ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES MAY INCLUDE, WITHOUT LIMITATION, GARAGES, CLUBHOUSE, MAINTENANCE SHOP, TRASH COMPACTOR ENCLOSURE AND CAR WASH.

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

a. THE SITE MAY ONLY BE DEVOTED TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 312 MULTI-FAMILY DWELLING UNITS TOGETHER WITH ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE UR-2 ZONING DISTRICT. INCIDENTAL AND ACCESSORY USES MAY INCLUDE, WITHOUT LIMITATION, A LEASING AND MANAGEMENT OFFICE AND AMENITIES SUCH AS A FITNESS CENTER, CLUBHOUSE, SWIMMING POOL, PLAYGROUND AND GATHERING AREAS.

3. ACCESS AND TRANSPORTATION IMPROVEMENTS

a. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE DEVELOPMENT AND CONSTRUCTION PLANS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT") IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

b. THE ALIGNMENTS OF THE INTERNAL PUBLIC STREETS, INTERNAL PRIVATE STREETS, INTERNAL VEHICULAR CIRCULATION AREAS AND THE DRIVEWAYS MAY BE MODIFIED BY PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS AND PARKING LAYOUTS AND TO ACCOMMODATE ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

c. ALL TRANSPORTATION IMPROVEMENTS REQUIRED TO BE CONSTRUCTED BY PETITIONER UNDER THIS SECTION 3 OF THE DEVELOPMENT STANDARDS WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST NEW BUILDING CONSTRUCTED ON THE SITE.

d. A TECHNICAL TRAFFIC MEMORANDUM ("TTM") IS REQUIRED TO BE COMPLETED BY PETITIONER AND APPROVED BY CDOT PRIOR TO THE PERMITTING OF THE PROPOSED FULL ACCESS STREET CONNECTION TO NORTHLAKE CENTRE PARKWAY. CONCEPTUAL DRAWINGS FOR THE TTM SHALL ALSO BE REVIEWED AND APPROVED BY PETITIONER AND APPROVED BY CDOT. NECESSARY UTILITY IMPROVEMENTS FOR THE FIRST ACCESS STREET CONNECTION TO NORTHLAKE CENTRE PARKWAY, IF THE FULL ACCESS STREET CONNECTION TO NORTHLAKE CENTRE PARKWAY IS APPROVED, PETITIONER WILL BE REQUIRED TO PERMIT AND INSTALL ALL ROADWAY IMPROVEMENTS RECOMMENDED IN THE CDOT APPROVED TTM PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE. THE ACCESS LOCATION ON NORTHLAKE CENTRE PARKWAY WILL BE RESTRICTED TO RIGHT-IN, RIGHT-OUT MOVEMENTS IF THE REQUIRED IMPROVEMENTS FOR A FULL ACCESS CANNOT BE INSTALLED.

e. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE, THE PUBLIC STREET LOCATED ALONG THE NORTHERN BOUNDARY OF THE SITE SHALL BE CONSTRUCTED AND COMPLETED FROM NORTHLAKE CENTRE PARKWAY TO THE EASTERN BOUNDARY LINE OF THE SITE. THIS IMPROVEMENT MAY BE PERMITTED AND CONSTRUCTED BY PETITIONER OR BY OTHERS.

f. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE, THAT PORTION OF THE PUBLIC STREET THAT IS LOCATED ALONG THE WESTERN BOUNDARY OF THE SITE THAT IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN SHALL BE CONSTRUCTED AND COMPLETED. THIS IMPROVEMENT MAY BE PERMITTED AND CONSTRUCTED BY PETITIONER OR BY OTHERS.

g. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE OR TO NCDOT AS APPLICABLE (SUBJECT TO RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE LOCATED IMMEDIATELY ADJACENT TO THE NEW PUBLIC STREET LOCATED ALONG THE NORTHERN BOUNDARY OF THE SITE AS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 38.5 FEET FROM THE CENTERLINE OF SUCH NEW PUBLIC STREET, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST.

h. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE OR TO NCDOT AS APPLICABLE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE LOCATED IMMEDIATELY ADJACENT TO THE NEW PUBLIC STREET LOCATED ALONG THE WESTERN BOUNDARY OF THE SITE AS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 38.5 FEET FROM THE CENTERLINE OF SUCH NEW PUBLIC STREET, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST.

i. PETITIONER HAS SUBMITTED A PETITION TO NCDOT REQUESTING THE ABANDONMENT AND CLOSING OF THE UNOPENED RIGHT OF WAY LOCATED ALONG OR NEAR THE EASTERN BOUNDARY OF THE SITE. IF THE REQUEST IS NOT APPROVED, THEN THE REZONING PLAN WILL BE REVISED TO NOT INCLUDE THIS AREA.

j. PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED, AND THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE. 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. ARCHITECTURAL STANDARDS

a. THE MAXIMUM HEIGHT OF ANY BUILDING CONSTRUCTED ON THE SITE SHALL BE 65 FEET.

b. THE ARCHITECTURAL STANDARDS SET OUT BELOW SHALL APPLY TO THE MULTI-FAMILY RESIDENTIAL BUILDINGS DEVELOPED ON THE SITE.

(1) PERMITTED PRIMARY EXTERIOR BUILDING MATERIALS: THE PERMITTED PRIMARY EXTERIOR BUILDING MATERIALS FOR THE PRINCIPAL AND ACCESSORY BUILDINGS DEVELOPED ON THE SITE SHALL BE BRICK VENEER OR SIMILAR MASONRY PRODUCTS, STONE, MANUFACTURED STONE, STUCCO AND CEMENTITIOUS SIDING OR A COMBINATION OF THE FOREGOING.

(2) PROHIBITED EXTERIOR BUILDING MATERIALS:

(a) VINYL, EIFS OR MASONITE MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WINDOWS, DOORS, GARAGE DOORS, SOFFITS, TRIM AND RAILINGS.

(b) CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL.

(3) BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT THROUGH THE FOLLOWING:

(a) PARKINGLOTS SHALL NOT BE LOCATED BETWEEN ANY BUILDING AND ANY NETWORK REQUIRED PUBLIC OR PRIVATE STREET.

(4) BUILDING MASSING AND HEIGHT SHALL BE DESIGNED TO BREAK UP LONG MONOLITHIC BUILDING FORMS AS FOLLOWS:

(a) BUILDINGS EXCEEDING 120 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FAÇADE PLANE (SUCH AS RECESSES, PROJECTIONS, AND ARCHITECTURAL DETAILS). MODULATIONS SHALL BE A MINIMUM OF 10 FEET WIDE AND RECESSES OR PROJECTIONS SHALL HAVE A MINIMUM DIMENSION OF 3 FEET.

(5) ARCHITECTURAL ELEVATION DESIGN - ELEVATIONS SHALL BE DESIGNED TO CREATE VISUAL INTEREST AS FOLLOWS:

(a) BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES WHICH MAY INCLUDE BUT SHALL NOT BE LIMITED TO A COMBINATION OF EXTERIOR WALL OFFSETS, PROJECTIONS, RECESSES, PILASTERS, BANDING AND CHANGES IN MATERIALS OR COLORS.

(b) BUILDINGS SHALL BE DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE ON ALL FAÇADES FACING NETWORK REQUIRED PUBLIC OR PRIVATE STREETS. SUCH BASE MAY BE EXECUTED THROUGH THE USE OF PERMITTED PRIMARY EXTERIOR BUILDING MATERIALS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES AND COLOR CHANGES.

(c) BUILDING ELEVATIONS FACING NETWORK REQUIRED PUBLIC OR PRIVATE STREETS SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN 20 FEET IN ALL DIRECTIONS AND ARCHITECTURAL FEATURES SUCH AS BUT NOT LIMITED TO BANDING, MEDALLIONS OR DESIGN FEATURES OR MATERIALS WILL BE PROVIDED TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS.

(6) ROOF FORM AND ARTICULATION - ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:

(a) 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.

(b) PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 4:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.

(c) ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM THE NEAREST STREET.

(7) 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 OF 20 PERCENT OF THE PERMITTED PRIMARY EXTERIOR BUILDING MATERIALS SET OUT IN ABOVE PARAGRAPH 4.B.(1).

5. STREETSCAPE

a. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 8 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG EACH SIDE OF THE SITE'S INTERNAL PUBLIC AND PRIVATE NETWORK REQUIRED STREETS AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY PORTION OF A SIDEWALK LOCATED ON A PUBLIC STREET THAT IS 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.

b. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 8 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SITE'S PUBLIC STREET FRONTRAGES.

6. ENVIRONMENTAL FEATURES

a. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

b. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.

c. 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.

7. AMENITY AREA IMPROVEMENTS

a. AN AMENITY AREA SHALL BE PROVIDED ON THE SITE. AT A MINIMUM, THE AMENITY AREA SHALL CONTAIN A CLUBHOUSE WITH A FITNESS CENTER AND A SWIMMING POOL. THE AMENITY AREA IS DEPICTED REZONING PLAN.

8. 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 SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

9. 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.

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