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DEVELOPMENT STANDARDS

June 11, 2018

1. General Provisions

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Pike Nurseries (the "Petitioner") for an approximately 5.85 acre site located on the west side of McKay Road, near its intersection with Craven Thomas Road, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of a portion of Tax Parcel No. 027-561-11.
- B. The use and development 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"). Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the CC zoning district shall govern the development and use of the Site.
- C. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the internal drives, parking areas and internal sidewalks depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, may be altered or modified during design development and construction document phases.
- D. The Site shall be considered to be a planned/unified development. Therefore, side and rear yards, buffers, building height separation requirements and other zoning standards shall not be required internally between improvements and uses on the Site. The Site shall be required to meet side and rear yard requirements and buffer requirements with respect to the exterior boundaries of the Site.
- E. Future amendments to the Rezoning Plan and/or 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. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

2. Permitted Uses/DEVELOPMENT LIMITATIONS

- A. That portion of the Site designated as Development Area 1 on the Rezoning Plan may be devoted only to the use set out below, together with any incidental and accessory uses associated therewith that are permitted in the CC zoning district.
- (1) Nurseries and greenhouses, retail and wholesale.
- B. That portion of the Site designated as Development Area 1 on the Rezoning Plan may be developed with a building containing up to 12,000 square feet of gross floor area, a greenhouse containing up to 25,000 square feet of gross floor area and a maximum 17,500 square foot outdoor display area as generally depicted on the Rezoning Plan.
- C. That portion of the Site designated as Development Area 2 on the Rezoning Plan may be developed with a building containing a maximum of 11,000 square feet of gross floor area, and such building may be devoted only to the uses set out below (including any combination of such uses), together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the CC zoning district.
- (1) Clinics, medical, dental and optical.
- (2) Dry cleaning and laundry establishments, without drive through (not to exceed 4,500 square feet).
- (3) Offices.
- (4) Retail establishments permitted in the B-1 zoning district.
- (5) Barber and beauty shops.
- (6) Jewelers.
- (7) Business, personal and recreation services permitted in the B-1 zoning district.
- (8) Eating, drinking and entertainment establishments (Type 1), and eating, drinking and entertainment establishments (Type 2) subject to the applicable regulations of Section 12.546 of the Ordinance.
- (9) Automotive service station, including minor adjustments, repairs, lubrication, without gasoline sales and without pull through service.
- D. Accessory drive-in and drive-through service lanes/windows shall not be permitted on the Site.

3. Transportation

- A. Vehicular access to the Site 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 and construction plans and designs 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. Off-street vehicular parking shall be provided in accordance with the requirements of the Ordinance.
- C. The alignment of the internal drives and vehicular circulation areas may be modified by Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT and/or NCDOT in accordance with applicable published standards.
- D. Petitioner shall construct as a public street an extension of Highland Shoppes Drive from McKay Road to the western boundary of the Site as more particularly depicted on the Rezoning Plan. Petitioner shall not be required to construct and install a planting strip and a sidewalk on the northern side of such public street.
- E. Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.
- F. Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site, Petitioner shall dedicate and convey to the City of Charlotte those portions of the Site located immediately adjacent to McKay Road and immediately adjacent to the newly constructed extension of Highland Shoppes Drive as required to provide right of way measuring, where feasible, to two feet behind the back of sidewalk more particularly depicted on the Rezoning Plan, to the extent that such right of way does not already exist.
- G. All required transportation improvements shall be constructed and approved prior to the issuance of the first certificate of occupancy for a new building to be constructed on the Site.
- H. The vehicular access points into and out of the Site shall not be gated or otherwise blocked except in connection with any required maintenance of such vehicular access points.
- I. Petitioner shall reserve for future right of way for a new public street to be constructed by others (and not Petitioner) that portion of the Site located along the northwestern boundary line of the Site and measuring 27.5 feet from the northwestern boundary line of the Site as generally depicted on the Rezoning Plan (the "Future Right of Way"). The Future Right of Way shall be dedicated and conveyed to the City by Petitioner upon the request of the City when the new public street is to be constructed by others. The Future Right of Way shall be a portion of the 40.5 foot wide Class B buffer until such time that it is dedicated and conveyed to the City.

4. Architectural AND SITE DESIGN Standards

- A. The following architectural standards shall apply to any building (except for a greenhouse) constructed on the Site:
- (a) Buildings shall be placed so as to present the appearance of a front or side facade to all streets.
- (b) Facades fronting streets shall include a combination of windows and/or operable doors for a minimum of 60% of each frontage elevation, with transparent glass between 2' and 10' on the first floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk.
- (c) The facades of first/ground floor of the buildings along streets shall incorporate a minimum of 30% masonry material such a brick or stone.
- (d) Direct pedestrian connection should be provided between street facing doors and corner entrance features to sidewalks on adjacent streets.
- (e) Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banking, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- (f) Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
- (g) The minimum height of any structure to be located on the Site shall be 22 feet, and the maximum height of any structure to be located on the Site shall be two stories and 40 feet.
- (h) Multi-story buildings should have a minimum of 20% transparency on all upper stories.
- B. Petitioner shall establish a series of publicly accessible open spaces and plazas on those portions of the Site designated as "Plaza" on the Rezoning Plan. Any such open spaces and plazas will include at a minimum some combination of landscaping, hardscape, pedestrian walks and seating. Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to any such open spaces and plazas on the Site. Walkways through open spaces and plazas will be appropriately designed for the intended use and type of open space area in which they are located.
- C. In the event that an automotive service station without gasoline sales and without pull through service is located in the building on Development Area 2, the service bay doors may only be located on the interior (Site side) of the building and not on the street side of the building.
- D. The internal sidewalks located immediately adjacent to the buildings on the Site shall have a minimum 8 foot wide clear zone.

5. STREETSCAPE/Landscaping/Buffer

- A. Petitioner shall establish a minimum 40.5 foot wide Class B buffer along the western and southwestern boundary lines of the Site as more particularly depicted on the Rezoning Plan, which buffer shall conform to the standards of Section 12.302 of the Ordinance. Pursuant to Section 12.302(8) of the Ordinance, this Class B buffer has been reduced in width by 25% from 54 feet to 40.5 feet as a result of Petitioner's commitment to meet the requirements of Section 12.302(8) of the Ordinance.
- B. In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, or in the event that a future street is constructed by others along the western boundary line of the Site or portions thereof, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas accordingly.
- C. Petitioner shall satisfy the requirements of Section 11.405(7) of the Ordinance as necessary to reduce the minimum setbacks along McKay Road and the newly constructed extension of Highland Shoppes Drive to 14 feet.
- D. Petitioner shall establish the following streetscape requirements along its frontage on McKay Road and along the southern side of the newly constructed extension of Highland Shoppes Road: a six-foot sidewalk separated by an eight-foot planting strip.
- E. A minimum 5 foot wide pedestrian path shall be installed within the Site as generally depicted on the Rezoning Plan. Where the minimum 5 foot wide pedestrian path crosses the parking lot or a drive aisle, it may be a painted pedestrian crossing.

6. Environmental Features

- A. Development of the Site shall comply with the City of Charlotte Tree Ordinance.
- B. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance; provided, however, that the Site shall not be eligible for any exemptions referenced in Section 18-105(a)(7) of the 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. SIGNS

- A. All signs installed on the Site shall comply with the requirements of the Ordinance.

8. Lighting

- A. All freestanding lighting fixtures installed on the Site (excluding street lights and lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and in the landscaped and outdoor display areas) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site
- B. The maximum height of any freestanding lighting fixture installed on the Site shall be 21 feet.
- C. Any lighting fixtures attached to the buildings to be constructed on the Site shall be decorative, capped and downwardly directed.

9. Binding Effect of the Rezoning Documents and Definitions

- A. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- B. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



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PIKE NURSERY - HIGHLAND CREEK

CHARLOTTE
MECKLENBURG COUNTY, NC

DEVELOPMENT STANDARDS

PR	ChB
ENG	CTB
DRAWN BY	ChB
DATE	03/21/18

REVISIONS
1-SEAL & START COMMENTS
2-SEAL & REVISION LAYOUT

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REZONING PETITION
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Sheet 2 of 2