

DEVELOPMENT STANDARDS
November 13, 2023

1. GENERAL PROVISIONS

A. **Site.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Liberty Healthcare Properties of North Carolina, LLC (the "Petitioner") for an approximately 7.04 acre site located on the north side of Providence Road West between Old Ardrey Kell Road and Community House Road, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel No. 223-191-25.

B. **Zoning District/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 Institutional zoning district shall govern the development and use of the Site.

C. **Graphics and Alterations.** The schematic depictions of the uses, building, sidewalks, driveways and parking areas 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 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:

(1) Minor and do not materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed pursuant to this amendment process, and if it is determined that the alteration does not meet the criteria described above, Petitioner shall then follow the administrative amendment process pursuant to Section 6.207 of the Ordinance in each instance, however, subject to Petitioner's appeal rights set forth in the Ordinance.

D. **Amendments.** 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. Subject to the limitations set out herein, the Site may be devoted only to a senior living community (nursing home, rest home, home for the aged, elderly and disabled housing) containing a maximum of 125 dwelling units, which dwelling units shall be comprised of age restricted independent living units and dependent living units comprised of assisted living units and/or skilled nursing units, and any incidental or accessory uses associated therewith that are permitted under the Ordinance in the Institutional zoning district.

B. An age restricted community shall mean a community that is intended and operated for occupancy by persons 55 years of age or older, publishes and adheres to policies and procedures that demonstrate the intent to provide housing for persons 55 years of age or older, complies with HUD's regulatory requirements for verification of occupancy, and otherwise meets the applicable requirements of the State and Federal Fair Housing Acts to qualify as "Housing for Older Persons."

C. To qualify as a nursing home, rest home, home for the aged, elderly and disabled housing, a minimum of 5 of the dwelling units shall be assisted living units, skilled nursing units or a combination thereof.

D. At a minimum, the senior living community shall contain a security entrance/registered access, a clubhouse with wellness and/or a fitness facility, a central meeting area, a dining area, computer resources, recreation/social director and independent living unit designs using AARP/Universal Design guidelines or the equivalent.

E. The development shall not exceed a maximum floor area ratio of 0.5.

3. TRANSPORTATION

A. Vehicular access shall be as generally depicted on the Rezoning Plan. Notwithstanding the foregoing, the placement and configuration of the vehicular access points may be modified by Petitioner during the permitting process to accommodate changes in traffic patterns, changes in building and parking layouts and site constraints and to accommodate any modifications required by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").

B. The alignments and locations of the internal private drives, vehicular circulation areas and driveways depicted on the Rezoning Plan may be modified by Petitioner during the permitting process to accommodate changes in traffic patterns, changes in building and parking layouts and site constraints and to accommodate any modifications required for approval by CDOT and/or NCDOT in accordance with applicable published standards.

C. Vehicular connections to Tremont Ridge Court and Blake Chatham Drive shall not be made and shall not be required.

D. A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, 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.

E. The westernmost vehicular access point into the Site from Providence Road West shall be restricted to right-in, right-out vehicular movements as generally depicted on the Rezoning Plan.

F. Petitioner will dedicate to the City of Charlotte 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 a new building constructed on the Site. The 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.

G. Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site and subject to the approval of CDOT and/or NCDOT, Petitioner shall install an eastbound left turn lane on Providence Road West at the easternmost vehicular access point into the Site from Providence Road West as generally depicted on the Rezoning Plan.

H. All transportation improvements required to be constructed by Petitioner will be approved and constructed prior to the issuance of the first certificate of occupancy for a new building constructed on the Site.

I. Subject to the approval of CDOT and any other applicable governmental agencies and authorities, Petitioner shall install an unsignalized pedestrian crosswalk across Providence Road West with accessible ramps on each end of the pedestrian crosswalk to provide a pedestrian connection from the Site to the senior living community located across Providence Road West from the Site on Tax Parcel Nos. 229-011-05 and 229-011-03. The unsignalized pedestrian crosswalk shall be located along the Site's frontage on Providence Road West, with the actual location to be determined during permitting. In the event that Petitioner cannot obtain all approvals and permits required to install the unsignalized pedestrian crosswalk, then Petitioner shall have an obligation to install the unsignalized pedestrian crosswalk.

4. ARCHITECTURAL STANDARDS

A. The maximum height in feet of the building to be constructed on the Site shall be 40 feet with an allowance up to 48 feet per Section 9.505(1)(g) Footnote 2 of the Ordinance.

B. The maximum heights in stories of the various segments of the building to be constructed on the Site are designated on the Rezoning Plan. The term "stories" shall meet the definition set out in the Ordinance.

5. BUFFER/STREETSCAPE

A. A minimum 38 foot wide Class C buffer shall be established along the Site's northern, eastern and western boundary lines as depicted on the Rezoning Plan, and such buffer shall conform to the standards of Section 12.302 of the Ordinance. The width of this Class C buffer may not be reduced.

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, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas accordingly.

C. Petitioner shall install a minimum 8 foot wide planting strip and a minimum 8 foot wide sidewalk along the Site's frontage on Providence Road West.

6. ENVIRONMENTAL FEATURES

A. Petitioner shall comply with the Charlotte City Council approved and adopted Post-Construction Stormwater Ordinance.

B. Development of the Site shall comply with the applicable requirements of the City of Charlotte Tree Ordinance.

7. 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.

BRIGHTMORE OF SOUTH CHARLOTTE

SITE DATA

| PROPERTY IN THIS ZONING ACTION | AREA |
|--------------------------------|----------|
| TPN 223 19 125 | 7.043 AC |

EXISTING ZONING: R-3
PROPOSED ZONING: INST (CD)

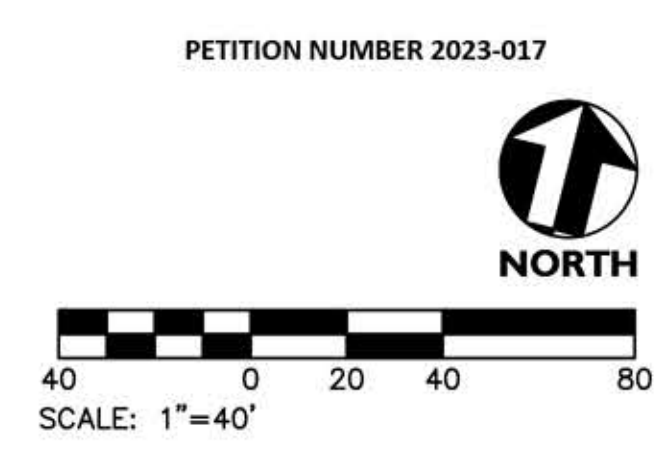
PROPOSED USE: SENIOR INDEPENDENT LIVING
(ASSOCIATED WITH AN ADJACENT CCRC)
125 INDEPENDENT LIVING UNITS

ALLOWABLE FLOOR AREA RATIO: 0.5
MAXIMUM ALLOWABLE GROSS FLOOR AREA: 153,396 SF
PROPOSED GROSS FLOOR AREA: 153,396 SF
PROPOSED INDEPENDENT LIVING UNITS: 125 UNITS

PARKING REQUIRED: 1.5 PER UNIT

TREE SAVE REQUIRED: 7.043 AC @ 15% = 1.056 AC
TREE SAVE PROVIDED: 1.15 AC

MAXIMUM BUILDING HEIGHT: 48'



Seals:

PRELIMINARY
NOT FOR
CONSTRUCTION

Corp. NC license: F-1320

Liberty Independent Living at Brightmore

10024 Providence Road West,
Charlotte, North Carolina, 28277

Project no: 17.000308
Date: 10.16.23
Revisions:
Per City & NCDOT Comments 11.13.23

Sheet Title:
**REZONING
SITE PLAN**

Sheet No:
RZ-1