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MR. CORY BACHSTEIN  
TOLL BROTHERS APARTMENT LIVING  
900 PERIMETER PARK DRIVE, SUITE B3  
MORRISVILLE, NORTH CAROLINA 27560

**Toll Brothers**  
APARTMENT LIVING

**CHOATE CIRCLE**  
**REZONING PETITION # 2023-013**  
**13607 CHOATE CIRCLE**  
**CHARLOTTE, NORTH CAROLINA 28273**

NO.	DATE	
1	07. 17. 2023	PER CITY COMMENT:
2	08. 24. 2023	PER CITY COMMENT:

PROJECT NO.	TLA-22002
FILENAME	TLA-22002-RZ
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1" = 100'
DATE	04. 21. 2023

## REZONING PLAN

# RZ.01



PROPERTY LINE

RIGHT-OF-WAY LINE

LOT LINE

BUFFER LINE

SETBACK LINE

PROPOSED FENCE LINE

POTENTIAL TREE SAVE

## SITE DATA

PREPARED BY:  
MCADAMS  
2100 SOUTH TRYON STREET, SUITE 400  
CHARLOTTE, NC 28203

PID:	21917287
EXISTING ZONING:	R-3
PROPOSED ZONING:	UR-2(CD)
TOTAL DEVELOPMENT:	
AREA:	±19.75 AC
MULTI-FAMILY:	UP TO 350 UNITS
FLOOR AREA RATIO (NOT TO EXCEED):	(MAXIMUM OF 1.0 ALLOWED)
MAXIMUM BUILDING HEIGHT (4-STORY):	UP TO 30 FEET
MAXIMUM BUILDING HEIGHT (3-STORY):	UP TO 40 FEET (WHEN IN COMPLIANCE WITH LOCAL ORDINANCE OR REFERENCE NOTE 2 BELOW)
TREE SAVE REQUIRED (15% OF SITE):	±2.96 AC
PARKING:	PER ORDINANCE THE PETITIONER RESERVES THE RIGHT TO INCORPORATE DETACHED GARAGES WITHIN THE PARKING AREAS OUTLINED ON PLAN

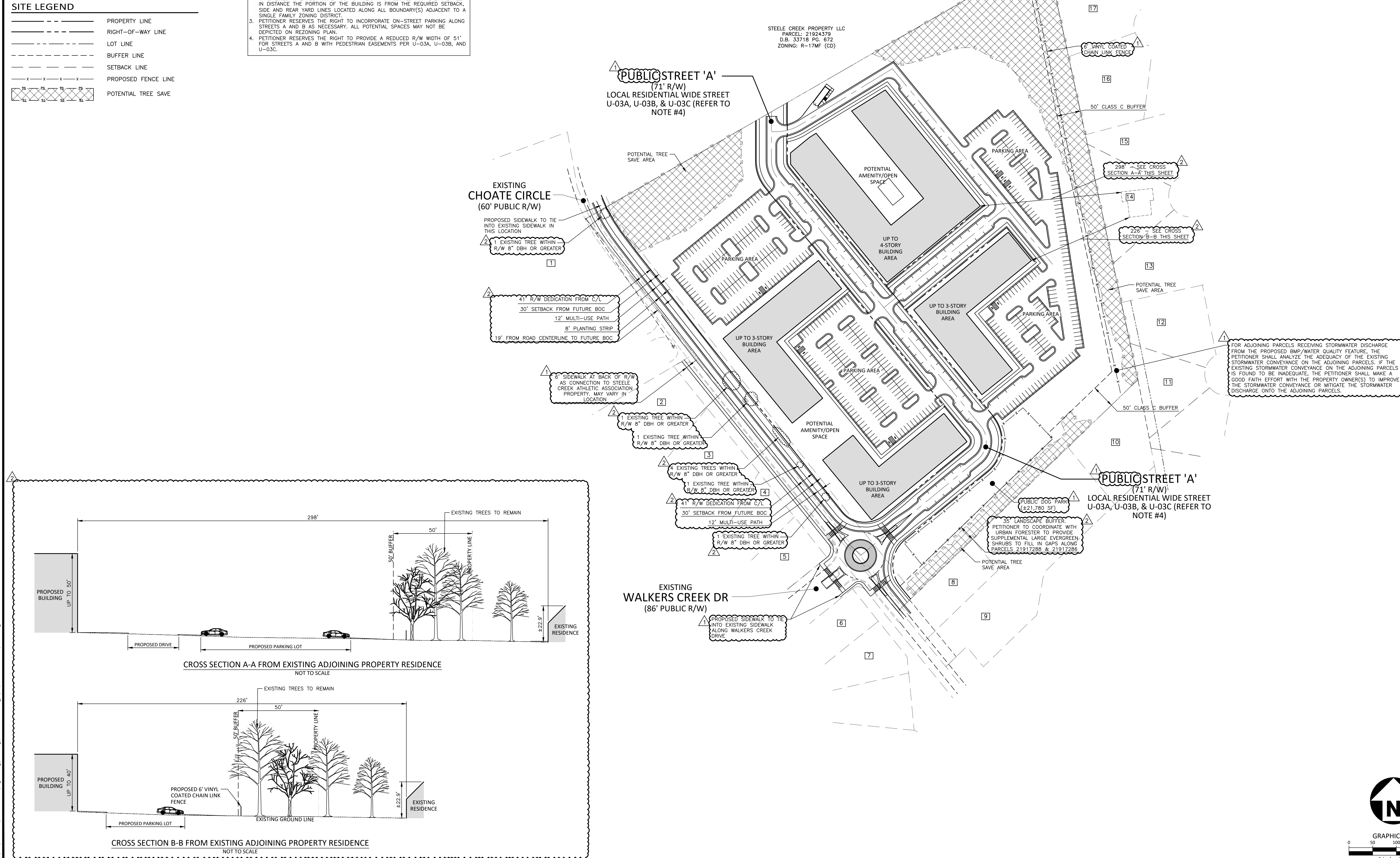
NOTE:

1. SOLID WASTE FOR THE SITE SHALL COMPLY WITH CHAPTER 10 OF THE CITY CODE
2. BUILDING HEIGHT: 40' MEASURED AT THE REQUIRED SETBACK, SIDE, AND REAR YARD LINES. ONE ADDITIONAL FOOT OF HEIGHT IS ALLOWED FOR EVERY 2 FEET IN DISTANCE THE PORTION OF THE BUILDING IS FROM THE REQUIRED SETBACK, PROVIDED THE BUILDING IS LOCATED ALONG ALL BOUNDARY(S) ADJACENT TO A SINGLE FAMILY ZONING DISTRICT.
3. PETITIONER RESERVES THE RIGHT TO INCORPORATE ON-STREET PARKING ALONG STREETS A AND B AS NECESSARY. ALL POTENTIAL SPACES MAY NOT BE DEPICTED ON REZONING PLAN.
4. PETITIONER RESERVES THE RIGHT TO PROVIDE A REDUCED R/W WIDTH OF 51' FOR STREETS A AND B WITH PEDESTRIAN EASEMENTS PER U-03A, U-03B, AND U-03C.


### ADJACENT PROPERTY OWNERS

PARCEL	DEED	OWNER	ZONING
21306107	0448-103	STEELE CREEK ATHLETIC ASSOCIATION INC	N-1A
21351586	30251-972	HENRY B & NANCY W BELL	N-1A
21351587	30251-972	JOHN E EDGAR & JANE M EDGAR MATTHEWS	N-1A
21351589	07183-783	JOHN VY GULLETT & DOROTHY E GULLETT	N-1A
21351590	31701-403	REAL ESTATE PROPERTIES HOLDING LLC	N-1A
21351501	30881-949	SALLY PINCKNEY	N-1A
21351502	36505-199	HUNTER LEE FISHER	N-1A
21351288	33919-129	JOEL CHRISTOPHER DAVIS & ANNA DAVIS	N-1A
21351286	33919-129	JOEL CHRISTOPHER DAVIS & ANNA DAVIS	N-1A
21351279	33919-129	JOEL CHRISTOPHER DAVIS & ANNA DAVIS	N-1A
21351233	18677-164	JOHN J WEAVER	R-12 (C)
21351234	18677-164	FERNANDO DOLORES & MARIA A PEREZ	R-12 (C)
21351257	36097-697	MATTHEW BRICE CASSA	R-12 (C)
21351258	36095-314	CHRISTOPHER JAME MEEHAN & SUSAN HAYDEN PROBST	R-12 (C)
21351259	33798-530	JEFFREY WESTMORELAND & LINDSEY WESTMORELAND	R-12 (C)
21351273	33547-243	SHARON DAVIS & EMILY MORGAN	R-12 (C)
21351274	30164-797	MICHAEL P ROGERS & IRENE W ROGERS	R-12 (C)

NOTE: PROPERTY INFORMATION BASED ON MECKLENBURG COUNTY GIS



**GRAPHIC SCALE**



1 inch = 100 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

M:\Projects\TLA\TLA22002\04-Production\Engineering\Rezoning\TLA22002-RZ1.dwg, 8/24/2023 9:35:37 AM, Drew Singleton



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**Toll Brothers Apartment Living  
Development Standards  
(08/23/2023)  
Rezoning Petition 2023-013**

**Site Development Data:**

---Acreage: ± 19.75 acres  
---Tax Parcel #: 219-172-87  
---Existing Zoning: R-3  
---Proposed Zoning: UR-2(CD)  
---Existing Uses: Commercial  
---Proposed Uses: Up to (350) multi-family residential dwelling units, as allowed by right and under prescribed conditions in the UR-2 zoning district together with accessory uses as more specifically restricted below in Section 2.

---Maximum FAR: A maximum FAR of 1.0 is allowed.

---Maximum Building Height: The maximum allowed building height will be limited to 50 feet (Yards will be increased as required by the Ordinance for building heights over 40 feet). Building height will be measured as required by the Ordinance.

---Parking Including Bicycle Parking: As required by the Ordinance, and with the following additional standards for parking spaces constructed on the Site: (i) 10% of the parking spaces will be Electrical Vehicle (EV) Capable; and (ii) 1% of the parking spaces will have EV Charging Stations Installed (EVSE-Installed).

*EV-Capable: Reservation of space in the electrical room for a panel to serve the future EV chargers and continuous raceway from the reserved panel space to the future EV parking space.*

*EVSE-Installed: EV charging stations capable of providing a minimum of 32amp 7.2*

**1. General Provisions:**

a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan, and other graphics set forth on attached Sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Toll Brothers Apartment Living (the "Petitioner") to accommodate the development of a residential community on an approximately 19.75-acre site located on east side north of Choate Circle and the north of Walkers Creek Drive (the "Site").

b. **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 Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the UR-2 zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on the Site.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, 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 generally 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.** Notwithstanding the number of buildings or lots shown on the Rezoning Plan, the number of buildings constructed on the Site is not limited by this graphic illustration of buildings indicated on the Rezoning Plan.

**2. Permitted Uses & Development Area Limitation:**

a. The Site may be developed with up to (three hundred and fifty (350)) multi-family residential dwelling units, together with accessory uses as allowed in the UR-2 zoning district.

b. Detached garages may be incorporated within the parking areas illustrated on the Rezoning Plan.

**3. Access, and Transportation Improvements:**

a. Access to the Site will be from Choate Circle as generally depicted on the Rezoning Plan.

b. The Petitioner will construct a four-leg roundabout at the intersection of Choate Cr. and Walker Creek Dr. with the Site's access to Choate Cr. as generally depicted on the Rezoning Plan.

c. The location of the proposed curb and gutter along Choate Cr. will be installed a minimum of 19 feet from the existing roadway centerline per the approved streets map. The final location of the curb and gutter may be adjusted and will be determined by CDOT and the Petitioner during the land development approval process for the Site.

d. The Petitioner will provide an eight (8) foot planting strip and a (12-foot multi-use path (MUP) along the Site's frontage along Choate Circle.

e. An eight (8) foot planting strip and an eight (8) foot sidewalk will be provided along the internal public street as generally depicted on the Rezoning Plan.

f. The Petitioner will also construct a six (6) foot sidewalk with an eight (8) foot planting strip on the western side of Choate Circle between Walker Creek Dr. and the southeast property line of the Steele Creek Athletic Association parcel on Choate Cr. (13530 Choate Cr.) as generally depicted on Rezoning Plan.

g. The Petitioner will construct a network required public street as generally depicted on the Rezoning Plan. The proposed network required public street will be built to meet cross-section standards for a local residential wide street as generally depicted on the Rezoning Plan.

h. The Petitioner shall dedicate (forty-one (41)) feet of right-of-way as measured from the existing centerline of Choate Circle as generally depicted on the Rezoning Plan. This additional right-of-way will be dedicated and conveyed prior to the issuance for the final certificate of occupancy.

i. All transportation improvements shall be constructed and approved prior to the release of the first certificate of occupancy for the Site. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes or agreed to during the land development approval process for the Site. The petitioner may request that CDOT allow a bond to be post for any improvements not completed at the time the first certificate of occupancy is requested and released.

j. The location of the proposed driveways/street connection is preliminary and may change based on meeting required intersection sight distance when reviewed during the permitting process.

k. The placement and configuration of the vehicular access point is subject to minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT and NCDOT in accordance with applicable published standards.

l. 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 in accordance with published standards.

m. The Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. 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. On public streets internal to the site, a sidewalk utility easement will be provided one (1) foot behind the sidewalk.

n. 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 southwestern Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

o. 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 (an) individual, group, business, or homeowner's/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.

**4. Streetscape, Buffers, Yards, and Landscaping:**

a. A (50-foot) setback as measured from the future back of curb along Choate Circle will be provided as generally depicted on the Rezoning Plan.

b. Setbacks as required by the UR-2 zoning district will be provided along the internal public streets.

c. The following buffers will be provided: (i) A fifty (50) foot Class C Buffer with a six (6) foot black vinyl chain link fence will be provided along the eastern property boundary as generally depicted on the Rezoning Plan, and (ii) along the southern property boundary, a 35-foot and a 50-foot Class C Buffer will be provided as generally depicted on the Rezoning Plan. If adjacent parcels zoning and/or use change prior to land development approvals and buffers are not typically required with that zoning and/or use, the proposed buffers may be eliminated.

d. The 35-foot Class C Buffer along the southern property boundary will be supplemented with additional large evergreen shrubs to fill in gaps in the existing vegetation. The large evergreen shrubs will also be counted toward the required shrubs required to be planted as part of a Class C Buffer. The planting of the large evergreen shrubs to be coordinate and subject to the approval of the Urban Forester.

**5. General Design Guidelines:**

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

b. The following standards shall apply to the multi-family buildings to be constructed on the site.

- (i) Building Massing - Buildings exceeding one hundred twenty (120) feet in length along Choate Circle shall include modulations of the building massing/facade plane (recess, projection, architectural treatment, etc.) (Recesses or projections will have a minimum depth of one foot and a width of no less than 10-feet)

- (ii) Building elevations facing existing public streets and new network required streets shall not have expanses of blank walls greater than twenty (20) feet.

- (iii) 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 along Choate Circle.

c. Roof form and rooflines shall be designed to avoid the appearance of a large monolithic roof structure through the following standards:

- (i) For pitched roofs the allowed minimum pitch shall be 4:12 (four feet in vertical height for every twelve feet in horizontal length), excluding buildings with a flat roof and parapet walls.

d. All mechanical and utility equipment, such as but not limited to HVAC units, shall be screened from public view and from view of adjacent properties.

e. Dumpster and recycling area will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal buildings. The trash enclosure illustrated on the Rezoning Plan may be shifted to a different location on the Site during the land development approval process.

f. Meter banks will be screened from adjoining properties and from the abutting public streets.

**6. Open Space and Amenity Area Improvements:**

a. Open space and an amenity area(s) will be provided on the Site. A minimum of 5,000 square feet of improved open space will be provided at a location that is convenient to the future residents of the community. The proposed open space areas will be improved with at least three of the following elements: walking paths, landscaping, seating areas, and structures appropriate to the proposed open space area.

**7. Environmental Features:**

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. For the adjoining parcels receiving stormwater discharge form the proposed BMP/Water Quality feature(s), the Petitioner shall analyze the adequacy of the existing stormwater conveyance on the adjoining parcels. If the existing stormwater conveyance on the adjoining parcels is found to be inadequate, the Petitioner shall make a good faith effort with the property owner(s) to improve the stormwater conveyance or mitigate the stormwater discharge onto the adjoining parcels.

c. The location, size and type of storm water management systems if 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 to accommodate actual storm water treatment requirements and natural site discharge points.

d. The Site will comply with the Tree Ordinance.

**8. Lighting:**

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.

b. The maximum height of detached lights will be limited to 26 feet.

**9. Signs:**

a. Reserved.

**10. Dedication of a Portion of the Site to Mecklenburg County for Use as a Park.**

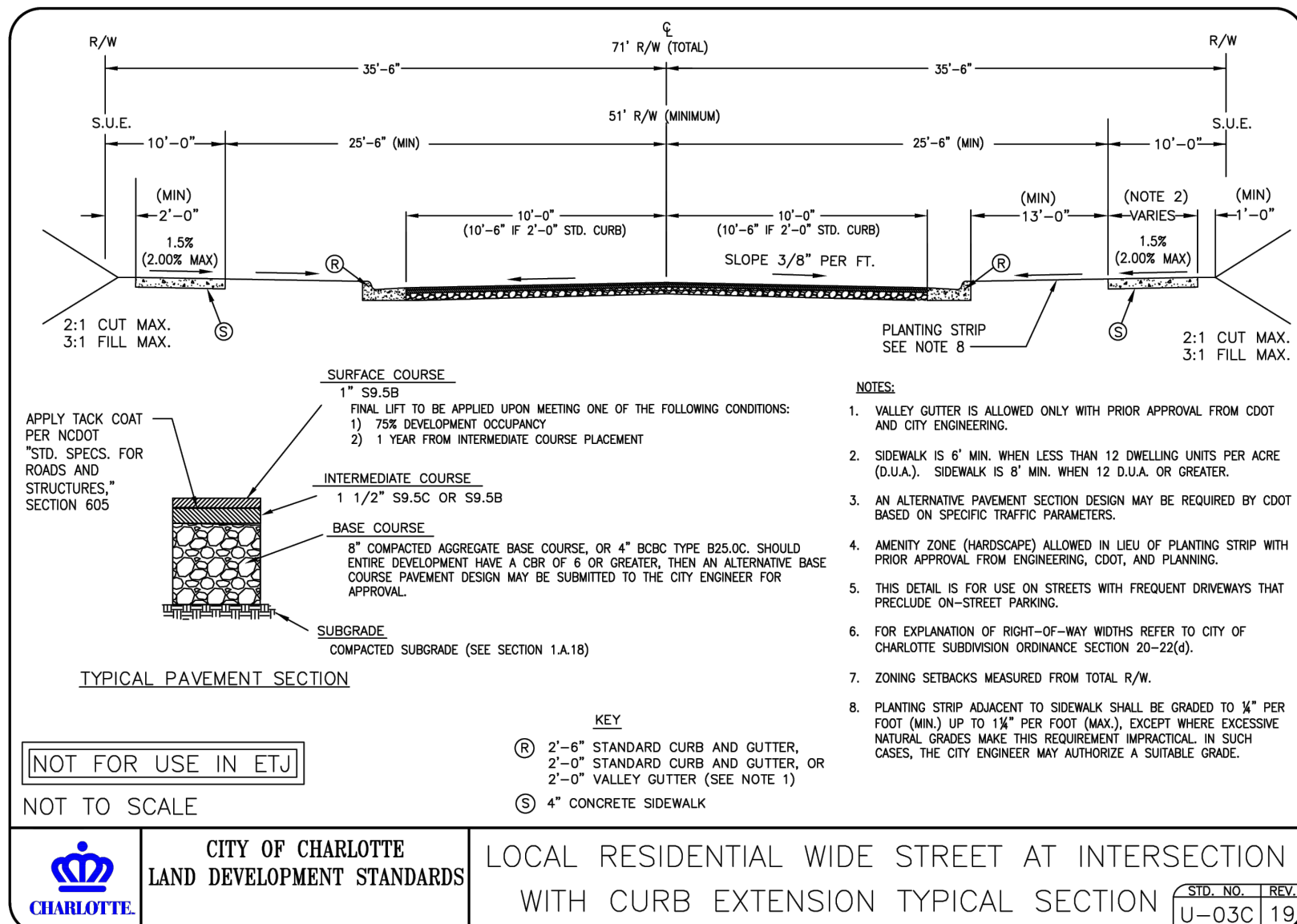
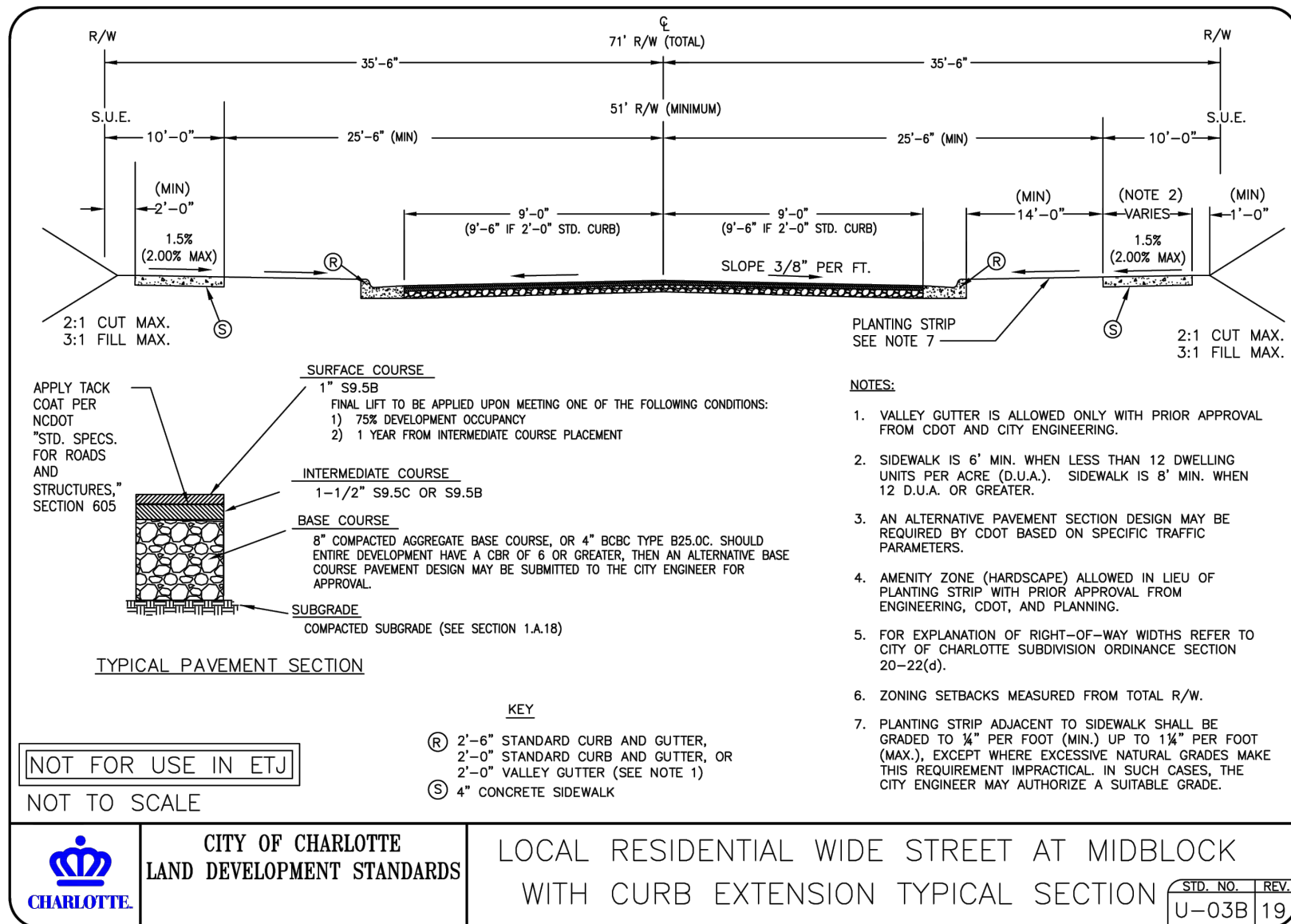
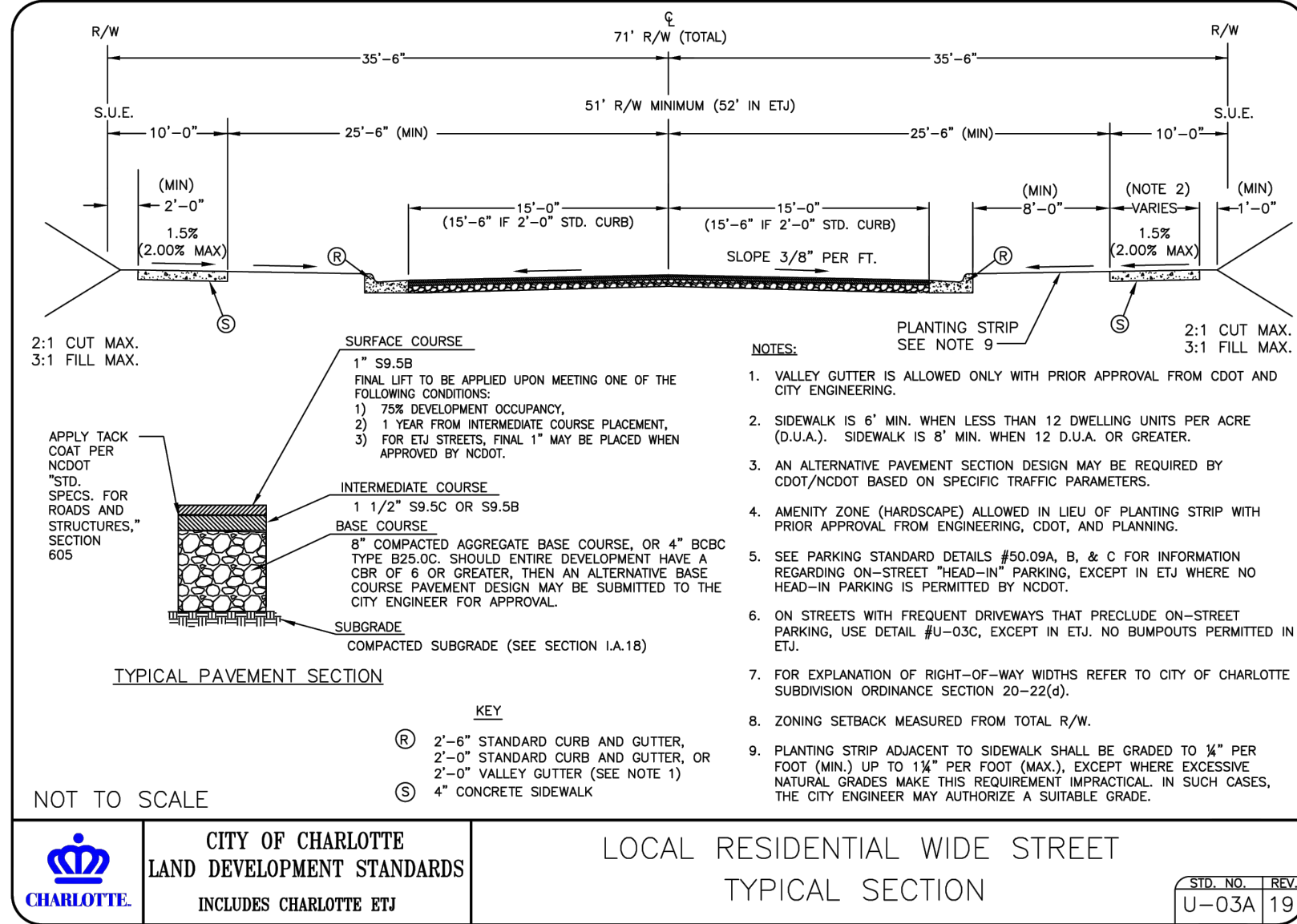
a. The Petitioner will dedicate and convey to Mecklenburg County approximately ±21,780 square feet of the Site as generally predicted on the Rezoning Plan (the Public Park Area). Prior to the dedication of the Public Park Area to the Mecklenburg County the petitioner will improve the area for use as a public dog park. The improved Public Park Area will be dedicated and conveyed to Mecklenburg County prior to the issuance of the final certificate of occupancy. If Mecklenburg County chooses to not accept the improved Public Park Area, the Petitioner will then retain ownership of the Public Park Area and will be responsible for its maintenance. If the Petitioner retains ownership of the Public Park Area, it will remain open to the public and a public access easement will be recorded to assure public use of the Public Park Area is maintained. The use of the Public Park Area may be changed in the future by the Mecklenburg County should the Public Park Area be conveyed to Mecklenburg County, or by the Petitioner should the Petitioner retain ownership. In either case Mecklenburg County or the Petitioner will solicit input on the proposed change of use of the Public Park Area from the Steele Creek Residents Association (SCRA) or its equivalent should the SCRA no longer be in existence prior to changing the use of the Public Park Area.

**11. 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 applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

**12. 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.



**McADAMS**

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**CLIENT**

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**REZONING NOTES**

**RZ.02**