

ROZZELLES CROSSING OUTPARCEL - LANDMARK DEVELOPMENT PARTNERS
DEVELOPMENT STANDARDS
 07/22/2024
REZONING PETITION NO. 2023-172

SITE DEVELOPMENT DATA:

- ACREAGE: ± 0.79 ACRES
- TAX PARCEL #: 031-132-41
- EXISTING ZONING: B(U)C(D)
- PROPOSED ZONING: CG(CD)
- EXISTING USES: VACANT OUTPARCEL
- PROPOSED USES: NON-RESIDENTIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CG ZONING DISTRICT EXCEPT THOSE USES PROHIBITED BELOW (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED IN SECTION 2 BELOW)
- PROHIBITED USES: THE FOLLOWING USES ARE NOT PERMITTED ON THE SITE: ADULT ELECTRONIC GAMING ESTABLISHMENT, ADULT USE, OUTDOOR AMUSEMENT FACILITY, OUTDOOR ENTERTAINMENT, LIVE PERFORMANCE VENUE, BENEFICIAL FILL SITE, CAR WASH, GAS STATION, NIGHTCLUB, VEHICLE DEALERSHIP (ENCLOSED OR OUTDOOR), OR MINOR VEHICLE REPAIR FACILITY.
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 2,500 SQUARE FEET OF GROSS FLOOR AREA OR A MAXIMUM OF 2,700 SQUARE FEET OF GROSS FLOOR AREA FOR ANY PERMITTED USE IF DEVELOPED WITH DRIVE THROUGH ESTABLISHMENTS (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED IN SECTION 2 BELOW)
- MAXIMUM BUILDING HEIGHT: BUILDINGS WILL NOT EXCEED 2 STOREYS OR 40 FT HEIGHT.
- PARKING: PARKING WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE. PARKING FOR THE PROPOSED DEVELOPMENT WILL BE LOCATED ON-SITE AND MAY ALSO BE LOCATED ON THE ADJACENT PARCELS WITHIN THE ROZZELLES CROSSING SHOPPING CENTER.

1. GENERAL PROVISIONS:

- a. **SITE LOCATION:** THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY LANDMARK DEVELOPMENT PARTNERS ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF AN EXISTING OUTPARCEL WHICH IS PART OF THE ROZZELLES CROSSING SHOPPING CENTER WITH NON-RESIDENTIAL USES AS ALLOWED IN THE CG ZONING DISTRICT ON APPROXIMATELY 0.79-ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF MT. HOLLY HUNTERSVILLE ROAD AND LAWING SCHOOL ROAD (THE "SITE").
- b. **ZONING DISTRICT/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 "ORDINANCE"), UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE CG ZONING CLASSIFICATION SHALL GOVERN.
- c. **GRAPHICS AND ALTERATIONS:** THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, 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 FORMS OF THE DEVELOPMENT SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT SITE ELEMENTS PROPOSED AND ARE SUBJECT TO CHANGE SO LONG AS THE CHANGES DO NOT CONFLICT WITH THE PROVISIONS SET FORTH HEREIN THESE DEVELOPMENT STANDARDS AND/OR THE REQUIREMENTS OF THE ORDINANCE. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY ARTICLE 37.3 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 ARTICLE 37.3 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE 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 ARTICLE 37.3 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 BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO TWO (2) ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE.

- e. **PLANNED UNIFIED DEVELOPMENT:** THE SITE IS AN OUTPARCEL TO THE EXISTING ROZZELLES CROSSING SHOPPING CENTER WHICH IS DESIGNATED AS TAX PARCEL NO. 031-132-41 (THE "ADJACENT PARCEL") AND SHALL BE VIEWED IN THE AGGREGATE AS A PLANNED UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN AND THOSE DEPICTED ON THE APPLICABLE CONDITIONAL DEVELOPMENT PLAN FOR THE ADJACENT PARCEL. AS SUCH, SITE AND FIRM YARDS, LANDSCAPE YARDS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS LOCATED ON THE SITE AND THE ADJACENT PARCEL. IN ADDITION, CERTAIN ORDINANCE REQUIREMENTS MAY BE MET ON THE SITE OR ON THE ADJACENT PARCEL IF DETERMINED ACCEPTABLE BY THE REVIEWING AGENCY. THE PETITIONER AND/OR OWNERS OF THE SITE AND THE ADJACENT PARCEL RESERVE THE RIGHT TO SUBDIVIDE THE PORTIONS OR ALL OF THE SITE AND THE ADJACENT PARCEL AND CREATE LOTS WITHIN THE INTERIOR OF THE SITE AND THE ADJACENT PARCEL WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, AND PUBLIC PRIVATE STREET FRONTAGE REQUIREMENTS, PROVIDED, HOWEVER, ALL SUCH SEPARATION STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE AND OF THE ADJACENT PARCEL SHALL BE ADHERED TO AND ALL SQUARE FOOTAGE MAXIMUM REQUIREMENTS WILL BE RELATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH IN SECTION 2 BELOW AS TO THE SITE AND IN THE APPLICABLE CONDITIONAL REZONING PLAN AS TO THE ADJACENT PARCEL.

2. PERMITTED USES & DEVELOPMENT AREA LIMITATION:

- a. THE SITE MAY BE DEVELOPED WITH EITHER:
 - (i) UP TO 2,500 SQUARE FEET OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CG ZONING DISTRICT EXCLUDING THOSE USES PROHIBITED BELOW.
 - (ii) OR UP TO 2,700 SQUARE FEET OF GROSS FLOOR AREA WITH DRIVE THROUGH ESTABLISHMENTS, NO MORE THAN 1,200 SQUARE FEET OF THIS GROSS FLOOR AREA MAY BE UTILIZED AS A COFFEE SHOP.
- b. THE FOLLOWING USES SHALL NOT BE PERMITTED ON THE SITE: ADULT ELECTRONIC GAMING ESTABLISHMENT, ADULT USE, OUTDOOR AMUSEMENT FACILITY, OUTDOOR ENTERTAINMENT, LIVE PERFORMANCE VENUE, BENEFICIAL FILL SITE, CAR WASH, GAS STATION, NIGHTCLUB, VEHICLE DEALERSHIP (ENCLOSED OR OUTDOOR), OR MINOR VEHICLE REPAIR FACILITY.

3. ACCESS AND TRANSPORTATION:

- a. ACCESS TO THE SITE WILL BE FROM THE EXISTING INTERNAL DRIVEWAY NETWORK OF THE ROZZELLES CROSSING SHOPPING CENTER. NO NEW DRIVEWAY CONNECTIONS ARE PROPOSED ALONG MT. HOLLY HUNTERSVILLE ROAD NOR LAWING SCHOOL ROAD. THE NUMBER AND LOCATION OF CONNECTIONS TO THE INTERNAL DRIVEWAYS ARE NOT LIMITED BY THE NUMBER ILLUSTRATED ON THE REZONING PLAN AND ADDITIONAL DRIVEWAYS ARE ALLOWED.
- b. 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 AND/OR NCDOT IN ACCORDANCE WITH PUBLISHED STANDARDS.
- c. THE PETITIONER SHALL DEDICATE AND CONVEY 50 FEET OF RIGHT-OF-WAY FROM THE CENTERLINE OF MT. HOLLY HUNTERSVILLE ROAD FOR THE DESIGNATED MAJOR ARTERIAL THROUGH-ARE CLASSIFICATION. LAWING SCHOOL ROAD IS A DESIGNATED COLLECTOR STREET AND THE PETITIONER WILL DEDICATE AND CONVEY 31.5 FEET FROM THE CENTERLINE PER THE CLDSM DETAIL FOR A LOCAL COLLECTOR STREET WITH A 6-FOOT SIDEWALK.
- d. THE PETITIONER SHALL DEDICATE AND CONVEY IN FEE SIMPLE ANY RIGHT-OF-WAY NEEDED FOR THE PROPOSED ROADWAY IMPROVEMENTS TO THE CITY BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. CDOT REQUESTS RIGHTS-OF-WAY SET AT 2' BEHIND BACK OF SIDEWALK WHERE FEASIBLE.
- e. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED. THE PETITIONER MAY PHASE TRANSPORTATION IMPROVEMENTS IF SAID IMPROVEMENTS AND PHASING ARE EXPLICITLY DESCRIBED IN SITE PLAN.
- f. 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 NORTHWESTERN MECKLENBURG AREA BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP SUPPORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.
- g. IN THE EVENT A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS NECESSARY FOR THE INSTALLATION OF ANY NON-STANDARD ITEMS (IRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVERS, ETC.) WITHIN A PROPOSED EXISTING CITY MAINTAINED STREET RIGHT-OF-WAY BY A PRIVATE INDIVIDUAL, GROUP, BUSINESS, OR HOMEOWNERS 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.
- h. CROSS-ACCESS SHALL BE PROVIDED AS PER ARTICLE 31.2 OF THE UDO AT THE SOUTHEASTERN PORTION OF THE SITE ALONG LAWING SCHOOL ROAD.

- i. THE PETITIONER WILL CONSTRUCT AN ADA COMPLIANT BUS STOP ALONG THE SITE'S MT. HOLLY HUNTERSVILLE ROAD FRONTAGE. THE FINAL LOCATION WILL BE COORDINATED WITH CATS DURING THE LAND DEVELOPMENT REVIEW PROCESS. PHYSICAL IMPROVEMENTS FOR TRANSIT MAY BE USED FOR MULTIMODAL ASSESSMENT MITIGATION.

4. ARCHITECTURAL STANDARDS:

- a. THE BUILDINGS WILL BE CONSTRUCTED PREDOMINATELY OF BRICK AND ALL BUILDINGS WILL BE COMPATIBLE IN ARCHITECTURE WITH THOSE EXISTING BUILDINGS WITHIN THE ROZZELLES CROSSING SHOPPING CENTER. THIS IN NO WAY WILL RESTRICT THE DESIGN SUCH THAT SYNTHETIC STUCCO OR OTHER MATERIAL MAY NOT BE USED AS ACCENTS.
- b. THE BUILDINGS WILL COMPLY WITH THE BLANK WALL, TRANSPARENCY, BUILDING MATERIAL, AND OTHER DESIGN STANDARDS OF THE CG ZONING PROVISIONS FOUND IN ARTICLE 6 OF THE ORDINANCE.

5. STREETScape, BUFFERS, SETBACKS, AND LANDSCAPING:

- a. THE SETBACK ALONG MT. HOLLY HUNTERSVILLE ROAD AND LAWING SCHOOL ROAD WILL BE A MINIMUM OF 36 FEET AS MEASURED FROM THE FUTURE BACK OF CURB OF THOSE FRONTAGES AS GENERALLY DEPICTED ON THE REZONING PLAN.
- b. MT. HOLLY HUNTERSVILLE ROAD IS DESIGNATED AS A 4.5 LANE AVENUE/BOULEVARD WITH A PROPOSED BACK OF CURB THIRTY (30) FEET FROM THE CENTERLINE. A TWELVE (12) FOOT SHARED-USE PATH AND AN EIGHT (8) FOOT PLANTING STRIP SHALL BE PROVIDED ALONG MT. HOLLY HUNTERSVILLE ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.
- c. LAWING SCHOOL ROAD IS DESIGNATED AS A COLLECTOR STREET ON COLLECTOR STREETS IN THE CG ZONING DISTRICT. THE FUTURE BACK OF CURB IS MEASURED FROM THE CURB LOCATION OF OFFICE/COMMERCIAL NARROW LOCAL STREET CROSS SECTION IN CLDSM OR EXISTING BACK OF CURB, WHICHEVER IS FARTHEST FROM THE CENTERLINE. A SIX (6) FOOT SETBACK IS REQUIRED WITHIN THE EXISTING COMMERCIAL PLANTING TABLE 33-4 OF THE ORDINANCE AND AN EIGHT (8) FOOT PLANTING STRIP SHALL BE PROVIDED ALONG LAWING SCHOOL ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

6. ENVIRONMENTAL FEATURES:

- a. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE FOUND IN ARTICLE 25 OF THE ORDINANCE. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE LAND DEVELOPMENT PLAN SUBMITTAL FOR THE SITE.
- b. THE SITE WILL COMPLY WITH THE TREE PROVISIONS OF THE ORDINANCE FOUND IN ARTICLE 20. THE FINAL LOCATION OF THE REQUIRED TREE SAVE AREAS WILL BE DETERMINED DURING THE LAND DEVELOPMENT APPROVAL PROCESS FOR THE SITE. TREE SAVE AREAS WILL COMPLY WITH THE REQUIREMENTS OF THE TREE ORDINANCE.
- c. DEVELOPMENT WITHIN ANY SWAMP/PO BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY ORDINANCE. THERE ARE NO WATER QUALITY BUFFERS IDENTIFIED ON THE SITE.
- d. THE SITE IS LOCATED WITHIN THE PROTECTED AREA OF THE LAKE WYLLIE WATERSHED. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE PROVISIONS WITHIN ARTICLE 23 OF THE WATERSHED PROTECTION AREA.

7. LIGHTING:

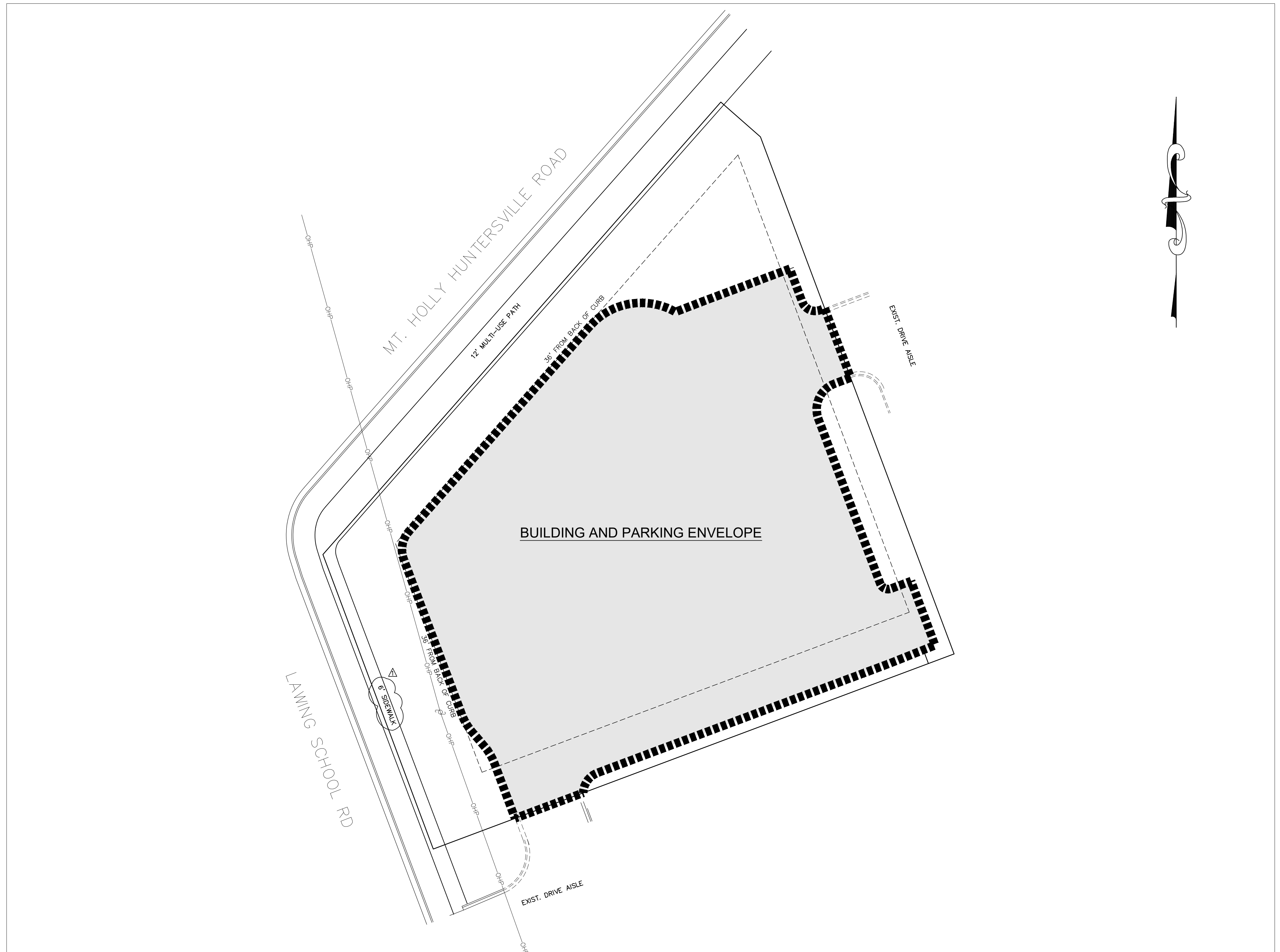
- a. ALL FREESTANDING EXTERIOR LIGHTING INSTALLED ON THE SITE SHALL COMPLY WITH ARTICLE 16.2 OF THE ORDINANCE.

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 APPLICABLE DEVELOPMENT AREA OR PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF ARTICLE 37.3 OF THE ORDINANCE.

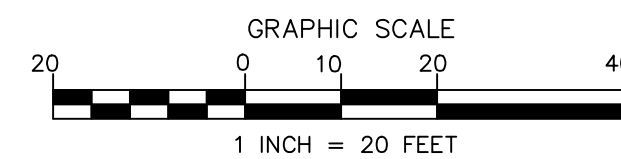
9. BINDING EFFECT OF THE REZONING APPLICATION:

- 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 HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



CONTACT INFORMATION:

ENGINEER/SURVEYOR: THE ISAACS GROUP, P.C.
 8720 RED OAK BLVD., SUITE 420
 CHARLOTTE, NC 28217
 PH: 704-527-3440
 FAX: 704-527-8335
 POC: BENJ. LAYMAN, P.E.
 EMAIL: BLAYMAN@ISAACSGRP.COM



NO.	BY	DATE	REVISION
1	FBL	2/12/24	PER CITY COMMENTS

PRELIMINARY
FOR REVIEW PURPOSES ONLY

REZONING PETITION #2023-172

Project: **MOUNT HOLLY HUNTERSVILLE QSR**
 CHARLOTTE, NORTH CAROLINA

Title: **SITE PLAN**

File #2023-0200 Date: 12/11/23 Project Egr: FBL
 Design By: FBL
 Drawn By: FBL
 Scale: 1"=20'

ISAACS GROUP
 CIVIL ENGINEERING DESIGN AND SURVEYING

8720 RED OAK BOULEVARD, SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

C1.0