


CHARLOTTE - MECKLENBURG
PLANNING COMMISSION

INTER - OFFICE COMMUNICATION

DATE: August 2, 2002

TO: Robert Brandon
Zoning Administrator

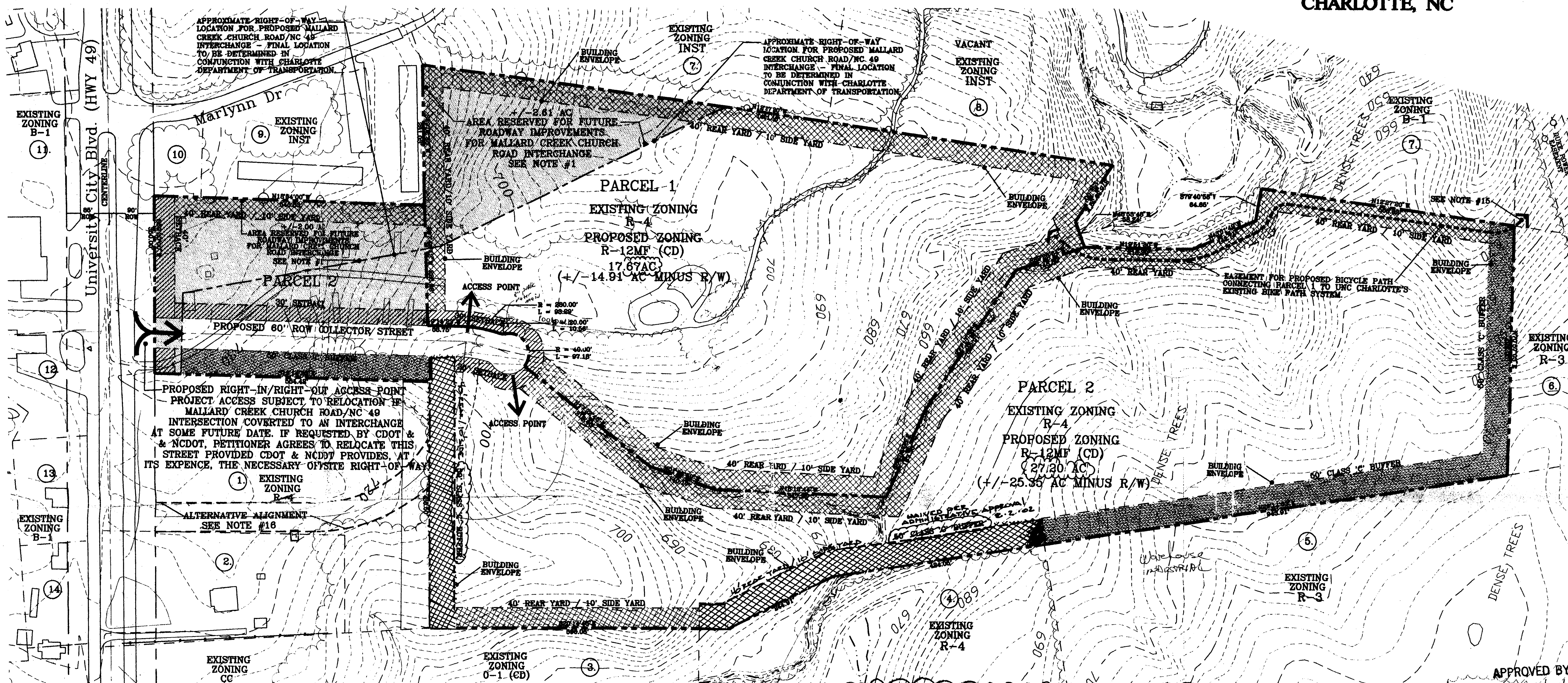
FROM: 
Martin R. Cramton, Jr.
Planning Director

SUBJECT: Administrative Approval for Petition No. 97-62 Educational Facilities Group, Inc.

Attached is the revised plan for the above petition. The plan has been revised to show the elimination of portions of the buffer due to the rezoning of adjoining property and use changes on adjoining property. Since these changes do not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.206(2) Alterations to Approval for minor changes, I am administratively approving this plan. Please use this plan when evaluating requests for building permits and certificates of occupancy.

EDUCATIONAL FACILITIES GROUP

HIGHWAY 49
CHARLOTTE, NC

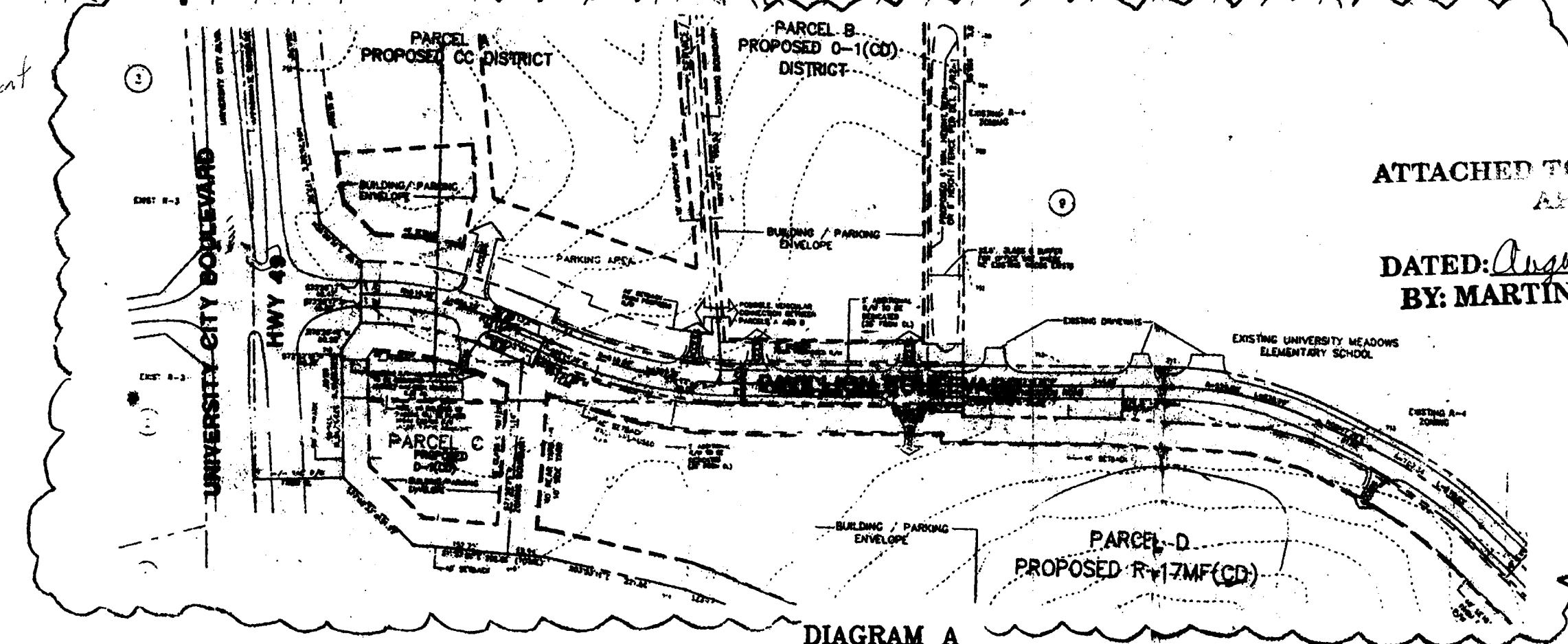


CONDITIONAL DEVELOPMENT NOTES

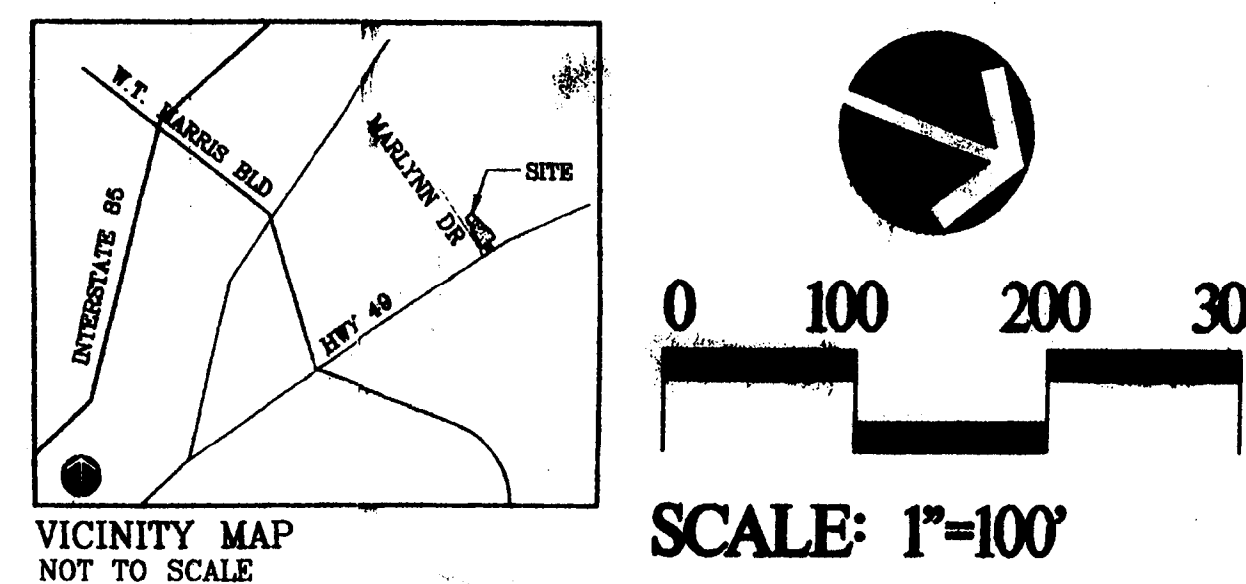
- The building configurations, placements, and sizes shown on the schematic site plan are illustrative in nature and may be altered or modified during design development and construction phases within the maximum building limit lines established on this zoning plan. Parking layouts may also be modified to accommodate final building locations. Petitioner agrees that no buildings may be constructed within the areas reserved for future roadway improvements until the first to occur of: 1) the fifth anniversary of the date on which this rezoning petition is approved or 2) the certification by the Charlotte Department of Transportation that the proposed Mallard Creek Church Road/NC 49 interchange has been abandoned. Once the first of these two events shall have transpired, the Petitioner may construct some or all of the dwelling units approved for Parcel 1 or 2 within this area.
- All buildings constructed within the site shall meet or exceed the setback, rear yard, and side yard requirements established under the Ordinance R-12MF district.
- Buffers established on this Technical Data Sheet shall conform to the standards of section 12.302 of the Zoning Ordinance subject, however, to the provisions of Section 12.304. Buffer areas are to remain as undisturbed open space except to the extent necessary to accommodate utility construction access points, walls, fences, and sidewalks. In all buffer areas where existing trees and natural vegetation have been cleared to accommodate walls, fences, and utility construction, the cleared, unimproved areas will be landscaped as required by Section 12.302 of the Zoning Ordinance. Buffer widths will not be reduced by walls from that shown on plan, except in areas designated on the plan and further described in development notes 12 and 13.
- Landscaping shall conform with the standards and treatments specified in Section 12.303 of the Ordinance. Landscaped areas within the site will be planted and improved in sequences which are key to the development taking place on each portion of the property. Each dumpster and service area will be screened from public streets and from adjacent properties in a manner which satisfies or exceeds the requirements in the Ordinance. Dumpsters will be located in a solid enclosure with a gate.
- All signs placed on the site will be erected in accordance with the requirements of the Ordinance.
- Maximum building heights shall not exceed three stories or 40' in height.
- The number of vehicular access points shall be limited to the one shown on this rezoning plan and will be located in the general area depicted on this Technical Data Sheet. The configurations and final locations of driveways and access points within the site are subject to any minor modifications required to accommodate site and architectural construction plans and designs are further subject to approval by NCDOT and the Charlotte Department of Transportation.
- The parking spaces depicted on the schematic site plan may vary, but in all events, will be sufficient to satisfy or exceed the minimum off-street parking standards established under the Ordinance. No parking will be permitted within designated buffer and landscaped areas or setbacks.

- Adequate fire protection in the form of fire hydrants will be provided to the City Fire Marshal's specifications. Fire hydrants shall be located within 750 feet as the fire truck travels of the 1100' remote and accessible point of all buildings.
- The proposed public street shown on the plan shall be completed prior to issuance of occupancy permits. The exact location of access from Hwy 49 will be subject to approval by NCDOT and the Charlotte Department of Transportation.
- Lighting fixtures installed within the site, including bases shall not exceed 20' in height.
- The following agencies must be contacted regarding water quality permits: 401/404 Permit NCDENR, Raleigh Office (919) 733-1786 Wetlands Permit US Corp of Engineers (704) 271-4854
- Architecture for Phase II will be different from Phase I by the use of different materials and colors in order to create separately distinct projects.
- Phase I will consist of the development of Parcel 1, construction of the proposed collector street and any Hwy 49 roadway improvements deemed necessary at that time by the traffic impact study. Construction of Phase II may commence at any time after this Rezoning Petition has been approved. Phase II will consist of the development of Parcel 2 and any remaining Hwy 49 roadway improvements. Construction of Phase II may commence at any time after the second anniversary of the date in which this Rezoning Petition is approved.
- The owner of Parcel 1 shall be obligated to construct as its expense a bicycle path leading from this point to UNC Charlotte's existing bicycle path system if the owner is able to acquire the necessary easements from the owners of property between Parcel 2 and the University's existing bike path system and if the University approves this connection. If this rezoning petition is approved, the Petitioner commits to exert its best efforts to obtain the necessary easements and consents.
- Alternative alignment for this relocation is schematic in nature but is intended to illustrate the type of alignment the petitioner would be willing to implement if requested to do so and the necessary off-site right-of-way is acquired.
- Development

- (a) Phase I:
- The developer agrees to the design and construction of a southbound right turn lane at the proposed public collector street for right turn access to the property from NC 49. The right turn lane shall include 150 feet of storage and a 25.1' taper (180 feet). In addition, the developer agrees, at their expense, to continue construction of the southbound third lane along the entire site frontage on NC 49 if requested to do so by either NCDOT or CDOT.
- (b) Phase II:
- The developer acknowledges that until additional transportation improvements beyond those cited under paragraph (a) above are added, Phase II development shall be limited to densities of no more than those currently allowed in a R-4 zoning district and land uses allowed in that district. Should developer wish to develop Phase II land for multi-family use, or densities higher than current R-4 limits, one of the following improvements shall be constructed at developer's expense prior to or simultaneously with such development:
- A northbound left turn crossover on NC 49 with a minimum of 200 feet of storage and a 180 foot taper at a location to be approved by NCDOT and CDOT, and which may be at or located between the proposed collector street which provides a northbound left turn directly to the proposed public collector street (or the Alternate Alignment, if interchange is constructed), up to a location before the beginning of the current left turn intersection of NC 49 at Pavilion Boulevard, Or,
 - If such a crossover is not approved by NCDOT, developer shall be responsible for design and construction of an additional left turn lane (northbound) at the intersection of NC 49 and Pavilion Boulevard. The developer shall also be responsible for design and construction of a second eastbound lane on Pavilion Boulevard for a distance of approximately 900 feet to the driveway providing access to Parcel D (see Diagram A below) and either drop the lane or provide a transition to the existing pavement beyond the driveway as determined by CDOT at that time. Any traffic signal/equipment modifications that are necessary by these improvements will be the responsibility of the developer.
18. As depicted on this site plan, certain portions of the previously required Class "C" Buffer within Parcel 2 have been eliminated based on an Administrative Approval authorized by the Charlotte-Mecklenburg Planning Commission on August 2, 2002.
- This Administrative Approval was authorized based on an analysis of certain changes that have occurred on adjacent properties that will satisfy buffer requirements in these areas along common property boundaries abutting the subject site. These changes are a result of development approvals or development activity that have occurred on adjacent properties since the effective date of when this petition (897-62) was approved on 9.15.97.



SITE TABULATION	
TOTAL SITE ACREAGE	= 44.87 AC (INCLUDING 1.05 +/- AC ROW)
PARCEL 1 (PHASE I)	
TOTAL SITE ACREAGE	= 17.67AC
EXISTING ZONING	= R-4
PROPOSED ZONING	= R-12MF (CD)
MAXIMUM NUMBER OF DWELLING UNITS	= 160
PARCEL 2 (PHASE II)	
TOTAL SITE ACREAGE	= 27.20 AC (INCLUDING 1.05 +/- AC ROW)
EXISTING ZONING	= R-4
PROPOSED ZONING	= R-12MF (CD)
MAXIMUM NUMBER OF DWELLING UNITS	= 326



APPROVED BY CITY COUNCIL
DATE 9/15/97

TECHNICAL
DATA SHEET
ATTACHED TO ADMINISTRATIVE
APPROVAL
PETITION NO. 97-62
AS FOR PUBLIC HEARING
DATED: August 2, 2002
BY: MARTIN R. CRAMTON, JR. *Martin R. Cramton, Jr.*

DATE: April 25, 1997
PROJECT NO.: 17070
REVISIONS:
June 20, 1997 Resubmittal
July 16, 1997 Resubmittal
July 25, 1997 Resubmittal
September 11, 1997 Resubmittal
August 2, 2002 ADMINISTRATIVE
APPROVAL - DELETE BUFFER
- UPDATE DEVELOPMENT NOTES

0 100 200 300
SCALE: 1"=100'
SHEET NO.: 1
FILE NAME: 170701D0702.dwg OF: 2
Land Design Inc.
Landscape Architecture Land Planning
Urban Design