

**DEVELOPMENT STANDARDS**  
September 13, 2021

**I. GENERAL PROVISIONS**

A. **Site.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Chick-Fil-A, Inc. (the "Petitioner") for an approximately 1.210 acre site located at the southeast corner of the intersection of South Boulevard and Carolina Pavilion Drive (the "Site"), which Site is more particularly depicted on the Rezoning Plan. The Site is comprised of Tax Parcel No. 207-071-12.

B. **Zoning District/Ordinance.** The purpose of this rezoning request is to accommodate the demolition of the existing building on the Site that is utilized for an eating, drinking and entertainment establishment (Type 1) with accessory drive-in/drive through service lanes/windows, and to construct a new building on the Site that would be devoted to an eating, drinking and entertainment establishment (Type 1) with accessory drive-in/drive through service lanes/windows.

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"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the Mixed Use Development District ("MUDD") zoning district shall govern the development and use of the Site.

C. **Graphics and Alterations.** The schematic depictions of the uses, sidewalks, driveways, 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. OPTIONAL PROVISIONS**

A. The optional provisions set out below shall apply to the Site.

(1) Drive-in/drive through service lanes/windows accessory to an eating, drinking and entertainment establishment (Type 1) shall be permitted on the Site.

(2) A building devoted to an eating, drinking and entertainment establishment (Type 1) with accessory drive-in/drive through service lanes/windows shall not be required to comply with the building entrance requirements of Section 9.8506.2(h) of the Ordinance.

**3. PERMITTED USES/DEVELOPMENT LIMITATIONS**

A. Subject to the development limitations set out in this Section 3 of the Development Standards, the Site may only be devoted to the use set out below.

(1) An eating, drinking and entertainment establishment (Type 1) with accessory drive-in/drive through service lanes/windows, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the MUDD zoning district.

B. The maximum gross floor area of a building devoted to an eating, drinking and entertainment establishment (Type 1) with accessory drive-in/drive through service lanes/windows shall be 5,200 square feet.

**4. TRANSPORTATION**

A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required to accommodate final site development and construction plans 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. The alignments of the private drives and the parking 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 or NCDOT in accordance with applicable published standards.

C. Subject to the approval of the owner of the adjacent shopping center parcel (Tax Parcel No. 207-071-06) and any applicable governmental authorities, Petitioner shall install a "No U-Turn" sign in the median on the private Carolina Pavilion Drive as generally depicted on the Rezoning Plan. In the event that the owner of the adjacent shopping center does not approve the installation of the "No U-Turn" sign or any applicable governmental authority does not approve the installation of the sign, then Petitioner shall have no obligation to install the "No U-Turn" sign.

D. All transportation improvements set out in this Section 4 of the Development Standards shall be constructed and approved prior to the issuance of the first certificate of occupancy for the new building to be constructed on the Site.

E. Petitioner will dedicate 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 the new building constructed on the Site. Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks 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.

**5. ARCHITECTURAL STANDARDS**

A. The maximum height of any new building constructed on the Site shall be 30 feet.

**6. STREETScape**

A. A minimum 12 foot wide multi-use path shall be installed along the Site's frontage on South Boulevard as generally depicted on the Rezoning Plan.

B. A minimum 6 foot wide sidewalk shall be installed along the Site's frontage on Carolina Pavilion Drive as generally depicted on the Rezoning Plan.

**7. ENVIRONMENTAL**

A. Development of the Site shall comply with the City of Charlotte Tree Ordinance.

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

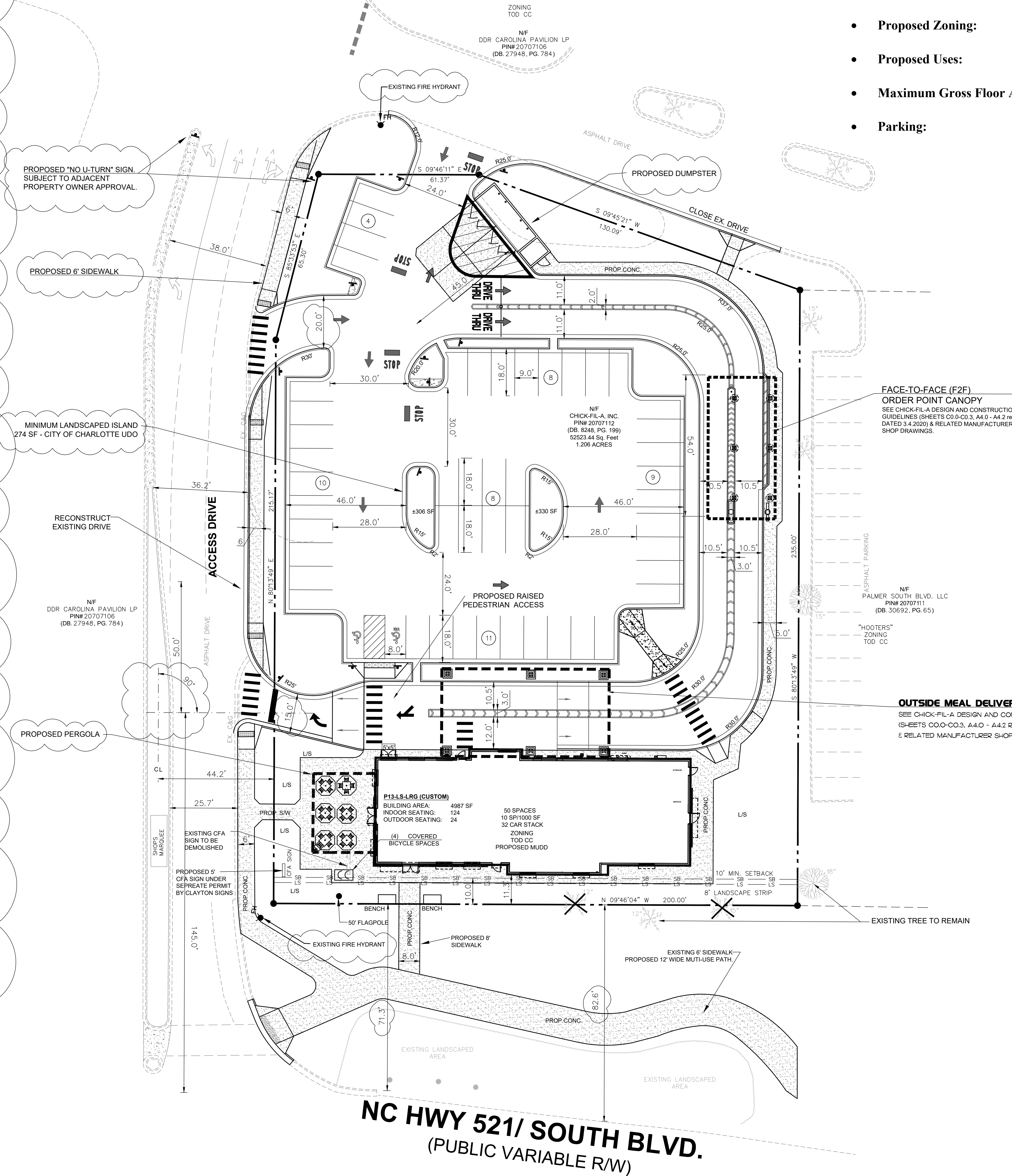
C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

D. 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.

E. 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.

F. 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.

INFORMATION SHOWN HAS BEEN BASED UPON AN ELECTRONIC AS-BUILT SURVEY BY MSP, INC. DATED 10-20-2019.



**Development Data Table**

• Site Acreage:	Approximately 1.206 acres
• Tax Parcel Number:	207-071-12
• Existing Zoning:	TOD-CC
• Existing Use:	EDEE (Type 1) with accessory drive-in/drive through service lanes/windows
• Proposed Zoning:	MUDD-O
• Proposed Uses:	See the Development Standards
• Maximum Gross Floor Area:	See the Development Standards
• Parking:	See the Development Standards



Chick-Fil-A

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**CHICK-FIL-A**  
**SAR CAROLINA PAVILION**  
9801 SOUTH BOULEVARD  
CHARLOTTE, NC 28273

**FSU#0950**

BUILDING TYPE / SIZE: SERIES: P13-LS-LRG

RELEASE:

**REVISION SCHEDULE**

NO.	DATE	DESCRIPTION
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CONSULTANT PROJECT # 19.421.00.CIV

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SHEET

REZONING SITE PLAN

SHEET NUMBER

**REZONING SITE PLAN**

SCALE: 1 INCH = 20 FEET

GRAPHIC SCALE

