

CHILDRESS KLEIN APEX - FINAL PHASE REZONING



CONTEXT/VISION: APEX FINAL PHASE -
REPLACEMENT/EXPANSION OF APEX PHASE II CONSISTENT WITH
REGIONAL ACTIVITY CENTER PLACE TYPE

THIS REZONING AND ASSOCIATED DEVELOPMENT ARE A CONTINUATION OF THE UNIFIED DEVELOPMENT CONTEMPLATED BY EARLIER REZONINGS ASSOCIATED WITH PHASES I AND II OF THE APEX MIXED USE DEVELOPMENT, NAMELY REZONING PET. NO. 2015-058 AS TO PHASE I OF APEX ("APEX PHASE I") AND REZ. PETITION NO. 2015-059 AS TO PHASE II OF APEX ("APEX PHASE II"), TOGETHER WITH REZONING PET. NO. 2022-027 AS TO THE SHARON STATION MIXED USE DEVELOPMENT (THE "SHARON STATION SITE") - ALL UNDERTAKEN BY CHILDRESS KLEIN PROPERTIES (OR AFFILIATES). RZ-1.0 GENERALLY DEPICTS THE UNIFIED MIXED USE DEVELOPMENT NATURE OF APEX PHASE I, APEX PHASE II AND THE SHARON STATION SITE TO INCLUDE OFFICE, RESIDENTIAL, HOTEL, INSTITUTIONAL AND ASSOCIATED USES WITH PEDESTRIAN AND VEHICULAR CONNECTIVITY CONSISTENT WITH COMMUNITY PLANNING OBJECTIVES.

MORE SPECIFICALLY, THIS REZONING OF THE FINAL PHASE OF APEX PROVIDES FOR AN EXPANSION OF APEX PHASE II WITH THE ADDITION OF ± .768 ACRE PARCEL GENERALLY DEPICTED AS THE "APEX PHASE II EXPANSION PARCEL" ON RZ 1.0 AND INTEGRATES IT WITH APEX PHASE II AS THE "APEX PHASE II EXPANSION SITE" OR THE "SITE" INTO A UNIFIED RESIDENTIAL DEVELOPMENT WITH FRONTAGE ON APEX DR. AND COLTSGATE RD, ALL IN A MANNER CONSISTENT WITH THE REGIONAL ACTIVITY CENTER PLACE TYPE SET FORTH IN THE 2040 PLAN.

THE APEX PHASE II EXPANSION SITE ACHIEVES THE VISION OF APEX PHASES I AND II AND THE SHARON STATION SITE AS A WELL-DESIGNED MIXED-USE DEVELOPMENT WITH STRONG VEHICULAR AND PEDESTRIAN CONNECTIVITY TO FURTHER THE CREATION OF A VIBRANT, URBAN PEDESTRIAN-ORIENTED ENVIRONMENT THAT IS CHARACTERIZED BY HIGH-QUALITY DESIGN AND EASE OF ACCESS, AS SET FORTH IN THE PURPOSES OF THE REGIONAL ACTIVITY CENTER.

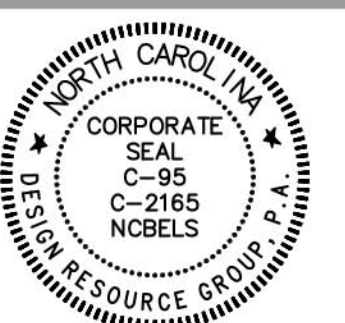
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DESIGN RESOURCE GROUP

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REZONING PETITION
FOR PUBLIC HEARING
2023-067

REZONING DOCUMENTS

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CONTEXT/
VISION

PROJECT #: 317-010
DRAWN BY: LSD
CHECKED BY: SVK

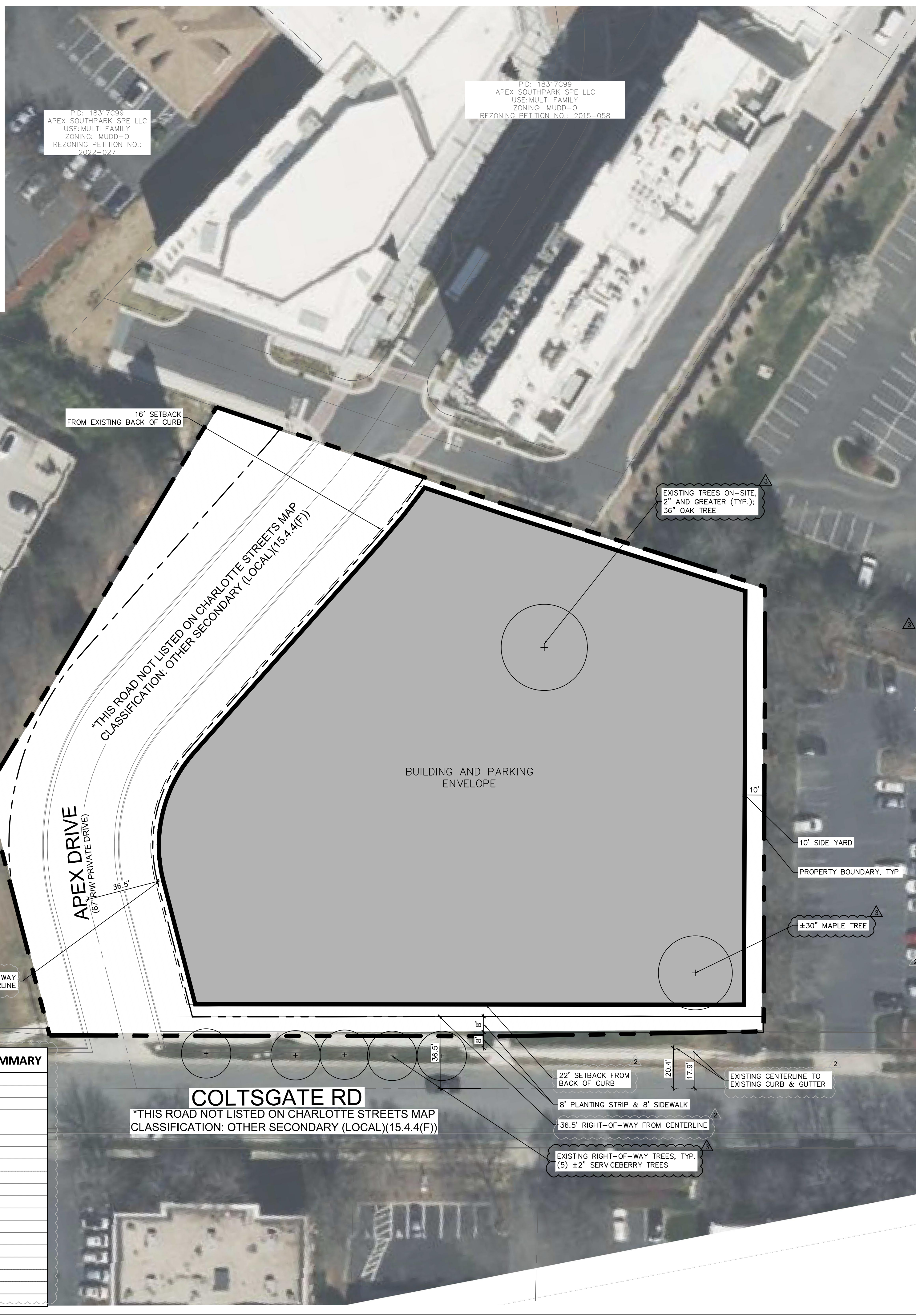
MARCH 30, 2023

REVISIONS:
CITY COMMENTS - 05/26/23

RZ1.00



VICINITY MAP N.T.S.



SITE DEVELOPMENT DATA - COMPREHENSIVE TRANSPORTATION REVIEW SUMMARY

Proposed Trip Generation	Land Uses	Density	Daily Trips/Peak Hour Trips
1) Multi-Family High Rise [222]		425	803/112/81
Total:			803/112/81
Multimodal Mitigation			Tier: 2
			Required Points: 9
List of Mitigations:			
1) All loading and solid waste pickup with site (14 Points)			
Transportation Demand Management Mitigation			Tier: 2
			Required Points: 4
List of Mitigations:			
1) Multimodal Infrastructure (1 Point)			
2) Education, Marketing, and Outreach (1 Point)			
3) Bicycle Parking - Provide secure long-term bicycle spaces at a rate of 1 per 20 dwelling units (1 Point)			
4) Bicycle Repair Station (1 Point)			
5)			
TIS Required (Yes/No): No			
CO Phasing (list CO phasing of CTR mitigations and/or TIS improvements if applicable):			
1)			

SITE DEVELOPMENT DATA:

- ACREAGE: ±2.281 ACRES
- TAX PARCEL #: 183-131-08 AND 183-131-03
- EXISTING ZONING: MUDD-0 AND R-3
- PROPOSED ZONING: REGIONAL ACTIVITY CENTER (CONDITIONAL DISTRICT) - RAC (CD)
- EXISTING USES: VACANT LAND AND RESIDENTIAL USE
- PROPOSED USES: UP TO 425 RESIDENTIAL DWELLING UNITS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE RAC ZONING DISTRICT (AS MAY BE MORE SPECIFICALLY DESCRIBED IN SECTION 2 BELOW)
- BUILDING HEIGHT: UP TO 250 FEET AS MEASURED BY THE ORDINANCE (IT IS UNDERSTOOD THAT ANY HEIGHT ABOVE 150' WILL UTILIZE BONUS MENU OPTIONS)

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1. **GENERAL PROVISIONS:**

a. SITE LOCATION, THESE DEVELOPMENT STANDARDS AND THE TECHNICAL DATA SHEET AND OTHER GRAPHICS, IF ANY, SET FORTH ON THE ATTACHED SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY CHILDRESS KLEIN PROPERTIES ("PETITIONER") FOR THE SITE LOCATED AT THE INTERSECTION OF APEX DRIVE AND COLTSGATE ROAD AS GENERALLY DEPICTED ON RZ-1.0. THIS REZONING PLAN AND REZONING SHALL SUPERSEDE PRIOR REZONING PETITIONS PORTIONS OR ALL OF THE APEX PHASE II EXPANSION SITE INCLUDING WITHOUT LIMITATION THE APEX PHASE II REZONING PETITION NO. 2015-059, BUT THE SINGLE-FAMILY RESIDENTIAL USE ON THE APEX PHASE II EXPANSION PARCEL MAY REMAIN UNTIL REDEVELOPMENT CONTEMPLATED BY THIS REZONING TAKES PLACE.

b. ZONING DISTRICT/UNIFIED DEVELOPMENT 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 EFFECTIVE AS OF JUNE 1, 2023 (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE RAC ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

c. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS, IF ANY, OF THE USES, PARKING AREAS, SIDEWALKS, BUILDING ENVELOPES, DRIVEWAYS, STREETS AND/OR OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") IF 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 THE ORDINANCE.

d. PLANNED/UNIFIED DEVELOPMENT. THE APEX II EXPANSION SITE MAY BE VIEWED IN THE AGGREGATE AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO DEVELOPMENT TAKING PLACE ON THE APEX II EXPANSION SITE AS WELL AS APEX PHASE I SITE, AS SUCH, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ZONING STANDARDS, IF APPLICABLE AT ALL, WILL NOT BE REVIEWED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS LOCATED ON THE APEX PHASE II EXPANSION SITE AND THE APEX PHASE I SITE.

e. ENVIRONMENT. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE POST CONSTRUCTION STORMWATER REGULATIONS (ADOPTED BY ORDINANCE 294) IT IS UNDERSTOOD A TREE SURVEY IS REQUIRED FOR ALL CITY TREES EIGHT INCHES DBH OR GREATER.

2. **PERMITTED USES/DEVELOPMENT LIMITATIONS:**

a. THE SITE MAY BE DEVELOPED FOR UP TO 425 RESIDENTIAL DWELLING UNITS AS ALLOWED IN THE RAC ZONING DISTRICT TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE RAC ZONING DISTRICT, BUT THE SINGLE-FAMILY RESIDENTIAL USE ON THE APEX PHASE II EXPANSION PARCEL MAY REMAIN UNTIL REDEVELOPMENT CONTEMPLATED BY THIS REZONING TAKES PLACE.

3. **TRANSPORTATION:**

a. IT IS UNDERSTOOD, 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'S/BUSINESS ASSOCIATION. IT IS UNDERSTOOD, AN ENCROACHMENT AGREEMENT MUST BE APPROVED BY CDOT PRIOR TO CONSTRUCTION/INSTALLATION.

b. THE PETITIONER SHALL DEDICATE AND CONVEY IN FEE SIMPLE ALL RIGHTS-OF-WAY 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.

c. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

4. **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 PORTION OR AREA OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND THE ORDINANCE.

5. **BINDING EFFECT OF THE REZONING APPLICATION:**

a. IF THIS REZONING PETITION IS APPROVED, IT 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, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.

STORMWATER NOTES:

1. **STORM WATER QUALITY TREATMENT** - FOR DEFINED WATERSHEDS GREATER THAN 24% BUILT-UPON AREA (BUA), CONSTRUCT WATER QUALITY STORMWATER CONTROL MEASURES (SCMs) DESIGNED FOR THE RUNOFF GENERATED FROM THE FIRST 1-INCH OF RAINFALL FOR ALL NEW AND REDEVELOPED BUA ASSOCIATED WITH THE PROJECT. SCMS MUST BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CHARLOTTE-MECKLENBURG BMP DESIGN MANUAL.

2. **VOLUME AND PEAK CONTROL** - FOR DEFINED WATERSHEDS GREATER THAN 24% BUILT-UPON AREA, CONTROL THE ENTIRE VOLUME FOR THE 1-YEAR, 24-HOUR STORM FOR ALL NEW AND REDEVELOPED BUA ASSOCIATED WITH THE PROJECT RUNOFF VOLUME DRAINDOWN TIME SHALL BE IN ACCORDANCE WITH THE CHARLOTTE-MECKLENBURG BMP DESIGN MANUAL.

b. FOR COMMERCIAL PROJECTS WITH GREATER THAN 24% BUA, CONTROL THE PEAK TO NOT EXCEED THE PREDEVELOPMENT RUNOFF RATES FOR THE 10-YR, 6-HR STORM AND PERFORM A DOWNSTREAM FLOOD ANALYSIS TO DETERMINE WHETHER ADDITIONAL PEAK CONTROL IS NEEDED AND IF SO, FOR WHAT LEVEL OF STORM FREQUENCY, OR IF A DOWNSTREAM ANALYSIS IS NOT PERFORMED, CONTROL THE PEAK FOR THE 10-YR AND 25-YR, 6-HOUR STORMS.

c. FOR RESIDENTIAL PROJECTS WITH GREATER THAN 24% BUA, CONTROL THE PEAK TO NOT EXCEED THE PREDEVELOPMENT RUNOFF RATES FOR THE 1-YEAR AND 25-YEAR, 6-HOUR STORMS OR PERFORM A DOWNSTREAM ANALYSIS TO DETERMINE WHETHER PEAK CONTROL IS NEEDED, IF SO, FOR WHAT LEVEL OF STORM FREQUENCY.

d. STAFF IS AVAILABLE TO DISCUSS MITIGATION OPTIONS PRIOR TO THE REZONING PLAN APPROVAL SHOULD THE PROJECT HAVE PRACTICAL CONSTRAINTS THAT PRECLUDE PROVIDING THE ABOVE REFERENCED STORMWATER MANAGEMENT.

CONDITIONAL NOTES:

1. 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'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.

2. THE PETITIONER SHALL DEDICATE AND CONVEY IN FEE SIMPLE ALL RIGHTS-OF-WAY 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.

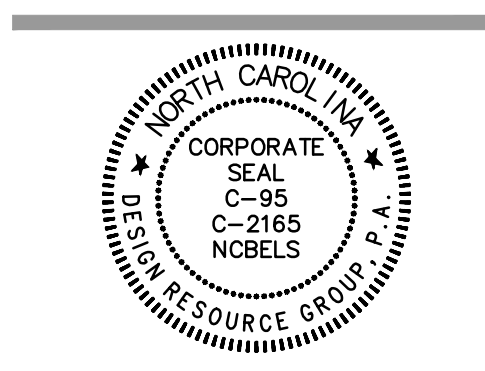
3. ALL TRANSPORTATION IMPROVEMENTS WILL BE APPROVED AND CONSTRUCTED BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.

4. PROPOSED SITE PLAN TO DEDICATE 36'-6" OF RIGHT-OF-WAY FROM THE ROAD CENTERLINE.



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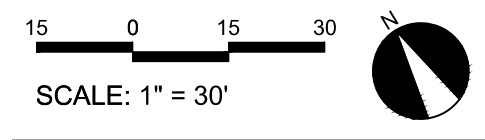
REZONING PETITION
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TECHNICAL
DATA SHEET



PROJECT #: 317-010
DRAWN BY: LSD
CHECKED BY: SVK

MARCH 30, 2023

REVISIONS:

- ▲ CITY COMMENTS - 05/26/23
- ▲ CITY COMMENTS - 08/29/23
- ▲ CITY COMMENTS - 10/19/23

RZ2.00