



Site Development Data:

- --Acreage: ± 42.85 acres
- --Tax Parcel #s: 227-061-30
- --Existing Zoning: R-12MF(CD)
- -- Proposed Zoning: R-12MF(CD) SPA
- --Existing Uses: Multi-family Residential
- --Proposed Uses: Residential dwellings units as permitted by right, and under prescribed conditions, together with accessory uses, as allowed in the R-12MF zoning district (all as more specifically described and restricted below in Section 3).
- --Maximum Number of Residential Dwelling Units: Up to 500 multi-family residential dwelling units as allowed by right and under prescribed conditions in the R-12MF zoning district. The allowed 500 residential dwelling units will be composed of new and existing dwelling units. The Site
- will have two Development Areas: (i) within Development Area A up to 300 new residential dwellings unit are allowed, and (ii) within Development Area B up to 200 residential dwelling units made up of existing dwelling units are allowed.
- --Maximum Building Height: Not to exceed eight [75] feet. Height to be measured per the Ordinance.
- -- Parking: As required by the Ordinance.
- Note: The Site is currently developed with 266 multi-family units. The Rezoning Petition proposes to demolition 66 units located within Development Area A and replace them with 300 new residential units for a net increase of 234 units

## **General Provisions:**

Site Location. These Development Standards, the Technical Data Sheet, Schematic Site Plan and other site plan sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Goldberg Companies, Inc. ("Petitioner") to accommodate the redevelopment of a multi-family residential community on an approximately 42.85-acre site located at the southeast intersection of Pineville-Matthews Road and Hugh Forest Road (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 R-12MF(CD) zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

c. Development Areas. For ease of reference and as an organizing principal associated with the master planned unified development, the Rezoning Plan sets forth two (2) development areas (and as applicable other sub-areas within the Development Areas) as generally depicted on the Technical Data Sheet as Development Areas A and B, (each a "Development Area" and collectively the "Development Areas"). The exact boundaries of the Development Areas may be subject to modifications to account for Development/Site Elements (as defined below) and other modifications needed to fulfill the design and development intent of the Rezoning Plan.

Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, building and parking envelopes 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 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 Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

Number of Buildings Principal and Accessory; Accessory Building Design. Notwithstanding the number of buildings or lots shown on the Rezoning Plan, the total number of principal buildings to be developed: (i) on the portion of the Site designated as Development Area A on the Rezoning Plan shall not exceed eight (87) principal buildings or residences; and (ii) on the portion of the Site designated as Development Area B on the Rezoning Plan shall not exceed 10 principal buildings (equal to the number of existing buildings). Accessory buildings and structures located on the Site, including, without limitation, community clubhouses, picnic/gathering pavilions, garages, recreation and related uses, equipment storage structures and the like shall not be considered in any limitation on the number of buildings on the Site. New accessory buildings and structures will be constructed utilizing generally similar building materials, colors, architectural elements, and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

**Planned/Unified Development**. The Site shall be viewed as a planned/unified development plan as to the Development/Site Elements, Development Areas and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, public/private street frontage requirements, and other similar zoning/subdivision standards will not be required internally between improvements, Development Areas and other Development/Site Elements located on the Site.

Furthermore, the Petitioner and/or owners of the applicable portion of the Site under development reserve the right to subdivide the portions or all of the Site, including without limitation the Development Areas, and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and density requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all density requirements will be regulated by any development limitations set forth in Section 3 below as to the Site as a whole and not individual portions, Development Areas or lots located therein.

## **Permitted Uses & Development Area Limitation:**

The Site may be developed with up to [500] multi-family residential dwellings units together with accessory uses allowed in the R-12MF zoning district as generally depicted on the Rezoning Plan. Within Development Area A up to 300 new residential dwelling units will be allowed; within Development Area B up to 200 residential dwelling units composed of existing dwelling units will be allowed.

Transportation Improvements and Access:

Access to the Site will be from Pineville-Matthews Road and Hugh Forest Road as generally depicted on the Rezoning Plan.

As part of the redevelopment of Development Area A the Petitioner will construct two new private streets as generally depicted on the Rezoning Plan. These two new private streets will be designed to meet residential wide street cross-section as generally depicted on the Rezoning Plan. Each street will be provided with a public access easement.

All transportation improvements shall be constructed and approved prior to the release of a certificate of occupancy for the first building constructed on the Development Area A. The petitioner may post a bond for any improvements not completed at the time a certificate of occupancy is requested.

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

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.

The Petitioner will dedicate via fee simple conveyance any additional right-of-way as required and 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.

General Architectural Standards for Development Area A:

The building materials used on the new principal buildings constructed in Development Area A 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.

The following architectural commitments shall apply to the new permanent buildings located in Development Area A; at least 30% of the exterior building facades, exclusive of windows, doors, balconies and roofs, shall be constructed of brick, stone, pre-cast stone or pre-cast concrete as generally depicted on the Rezoning Plan.

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

HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.

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 location of the proposed dumpster and recycling area is generally depicted on the Rezoning Plan.

Streetscape, Buffers, Setbacks, Yards, Open Space and Landscaping:

A 75-foot landscape setback as measured from the right-of-way of Pineville-Matthews Road will be provided as generally depicted on the Rezoning Plan.

A 75-foot landscape setback as measured from the right-of-way of Hugh Forest Road will be provided as generally depicted on the Rezoning Plan. The existing berm and landscaping located along Hugh Forest Rd. will be preserved as generally depicted on the Rezoning Plan.

Along the Site's internal parking areas, the Petitioner will provide a sidewalk and cross-walk network that links to the building on the Site and to the sidewalks along the abutting public streets in the manner depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be

The Petitioner will maintain the existing sidewalks and planting strips located along Hwy. 51 and Hugh Forest Road as generally depicted on the Rezoning Plan.

A 100-foot buffer will be provided along the southern property line as generally depicted on the Rezoning Plan. Buffer will made up of existing trees. Any areas disturbed during construction will be replanted with 12 trees per 100 linear feet.

General Design Guidelines for Development Area A:

Buildings shall front (the side of a building that has windows will also be considered a front) a minimum of 45% of the total street frontage (measured along each side of each street) of the new internal private streets within Development Area A (exclusive of driveways, pedestrian access points, usable open space, tree save areas, natural areas, and/or tree re-planting areas).

Building Massing - Buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (recess, projection, architectural treatment, etc.). Modulations shall be a minimum of 10 feet wide and shall extend or recess a minimum of 5 feet, extending through all floors.

Vertical Modulation and Rhythm - Building elevations shall be designed with recognizable vertical bays or articulated architectural facade features. The bays and features may include, but not limited to a combination of exterior wall offsets, projections, and/or recesses, pilasters, and change in materials.

Building Base - Buildings shall be designed with a recognizable architectural base.

Building elevations facing streets shall not have expanses of blank walls greater than 30 feet.

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.

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

(i). Long rooflines (pitched or flat) shall avoid continuous expanses without variation by including changes in height and/or roof form (e.g. dormers, gables, etc.).

(ii). 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.

Utility structures need to be screened architecturally or with evergreen plant material.

Walls, but not including site retaining walls, shall be designed to match and complement the building architecture of the residential buildings of the subject property.

**Open Space for Development Area A:** 

Improved open space areas will be provided as generally depicted on the Rezoning Plan. The proposed open space amenity areas will be improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area. A minimum of 10,000 square feet of improved open space will be provided within Development Area A.

**Environmental Features:** 

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

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

The Site will comply with the Tree Ordinance.

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.

Detached lighting on the Site will be limited to 26 feet in height.

**Amendments to the Rezoning Plan:** 

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.

11. 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.

Horn Kimley

**REZONING PETITION** 

**A** E

DATE 08-18-2021 PROJECT NO. 013329006

SHEET NUMBER

RZ-2