

Village of Wesley Chapel, North Carolina Ordinance 2020 - 01

TO AMEND THE VILLAGE OF WESLEY CHAPEL'S ZONING MAP

CZ-19-01 (Waxhaw-Indian Trail Rd.)

THAT WHEREAS, the Village of Wesley Chapel has received an application requesting that the zoning classification of parcels of land subject to the zoning regulations of the Village be reclassified; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through posting of the property; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through advertisement in a newspaper of general circulation in the Town; and

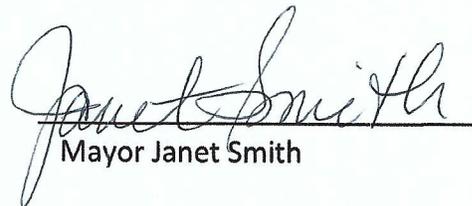
WHEREAS, property owners within ¼ mile of the subject parcel(s) have been notified by first class mail of the public hearing on the question of reclassification; and

WHEREAS, a public hearing on the question of the reclassification of the subject parcel has been held by the Village of Wesley Chapel Council; and

NOW THEREFORE BE IT RESOLVED BY THE VILLAGE OF WESLEY CHAPEL COUNCIL THAT:

Tax Parcel Number(s): 06045009E consisting of approximately 2.6 acres located off of Waxhaw-Indian Trail Rd, which is currently zoned Residential R-40 be amended as *Conditional Zoning (CZ) District* as shown on *Exhibit A (site/rezoning plan) and Exhibit B (elevations)* and as further subject to the conditions shown on *Exhibit C (Development Standards & Conditions)* attached hereto and incorporated herein by reference.

Adopted this 10th day of February, 2020.


Mayor Janet Smith

Attest:

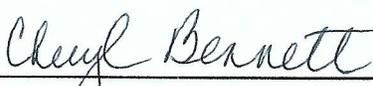
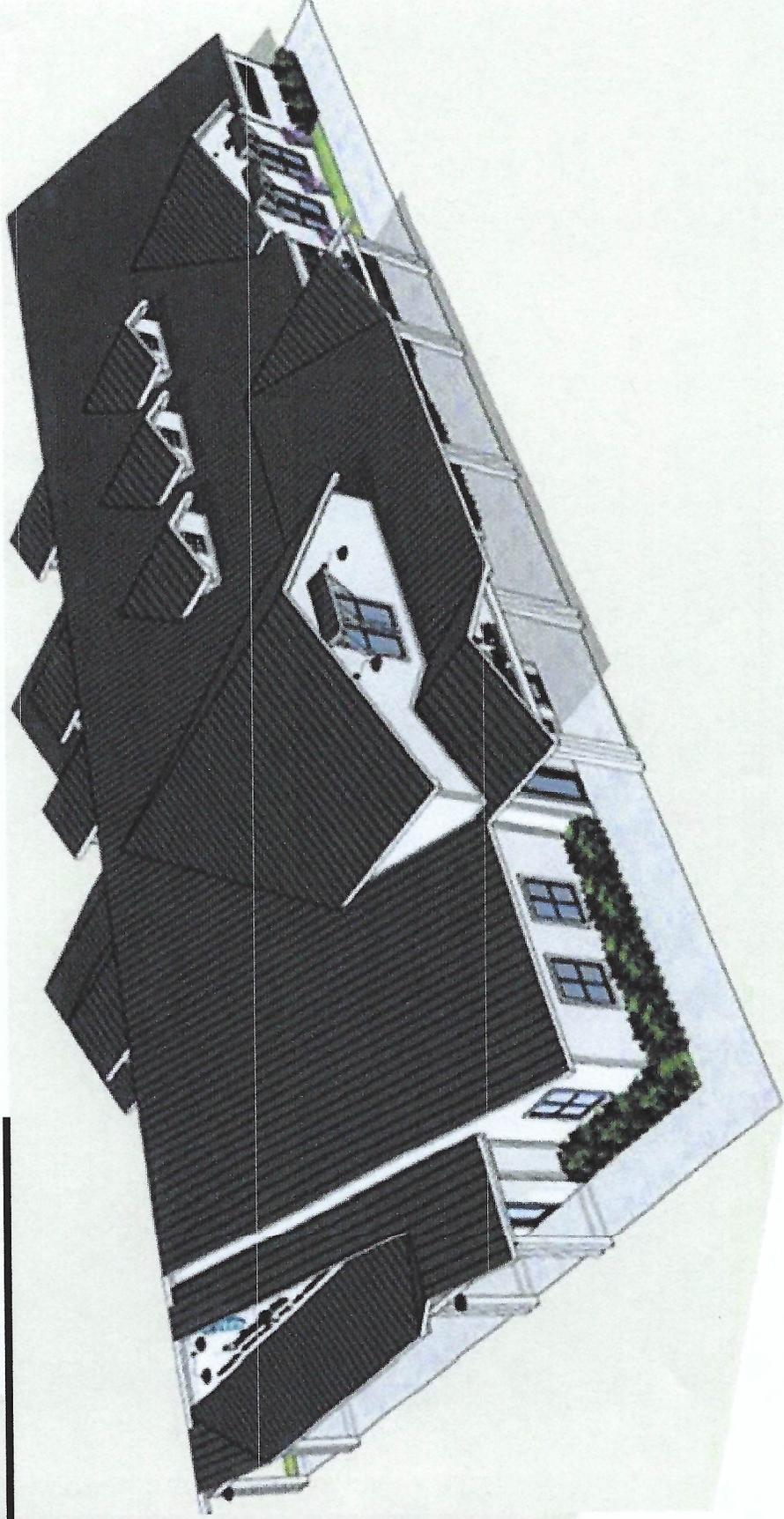
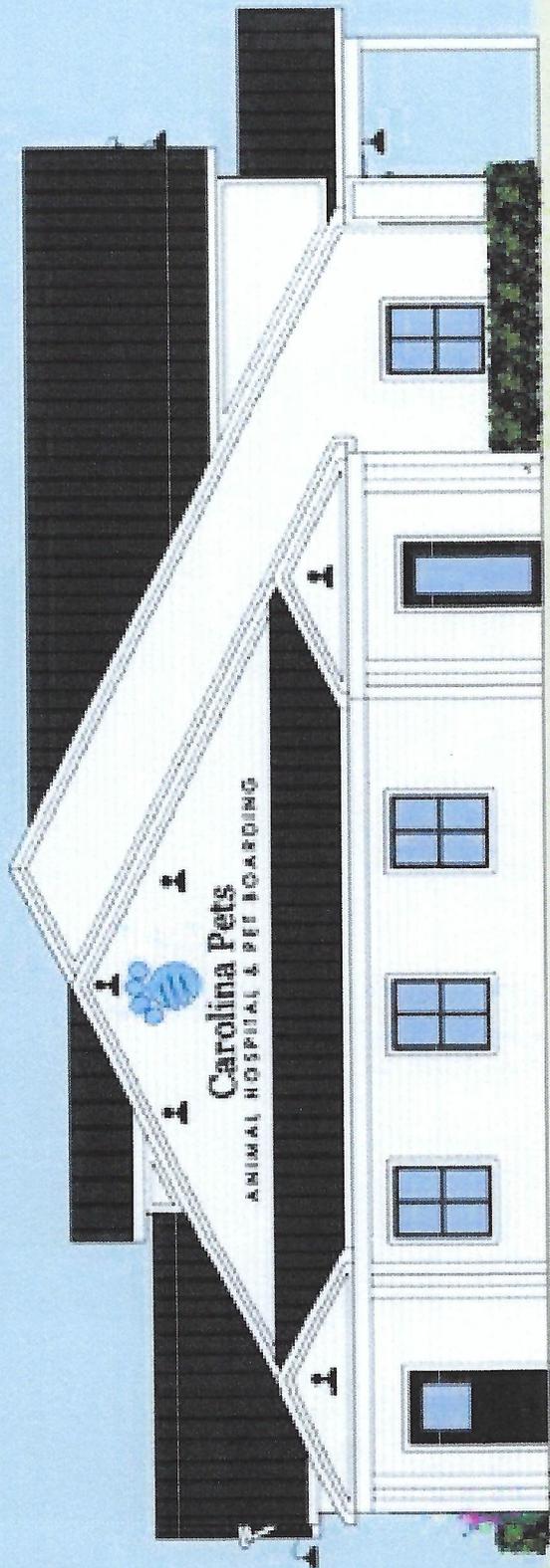
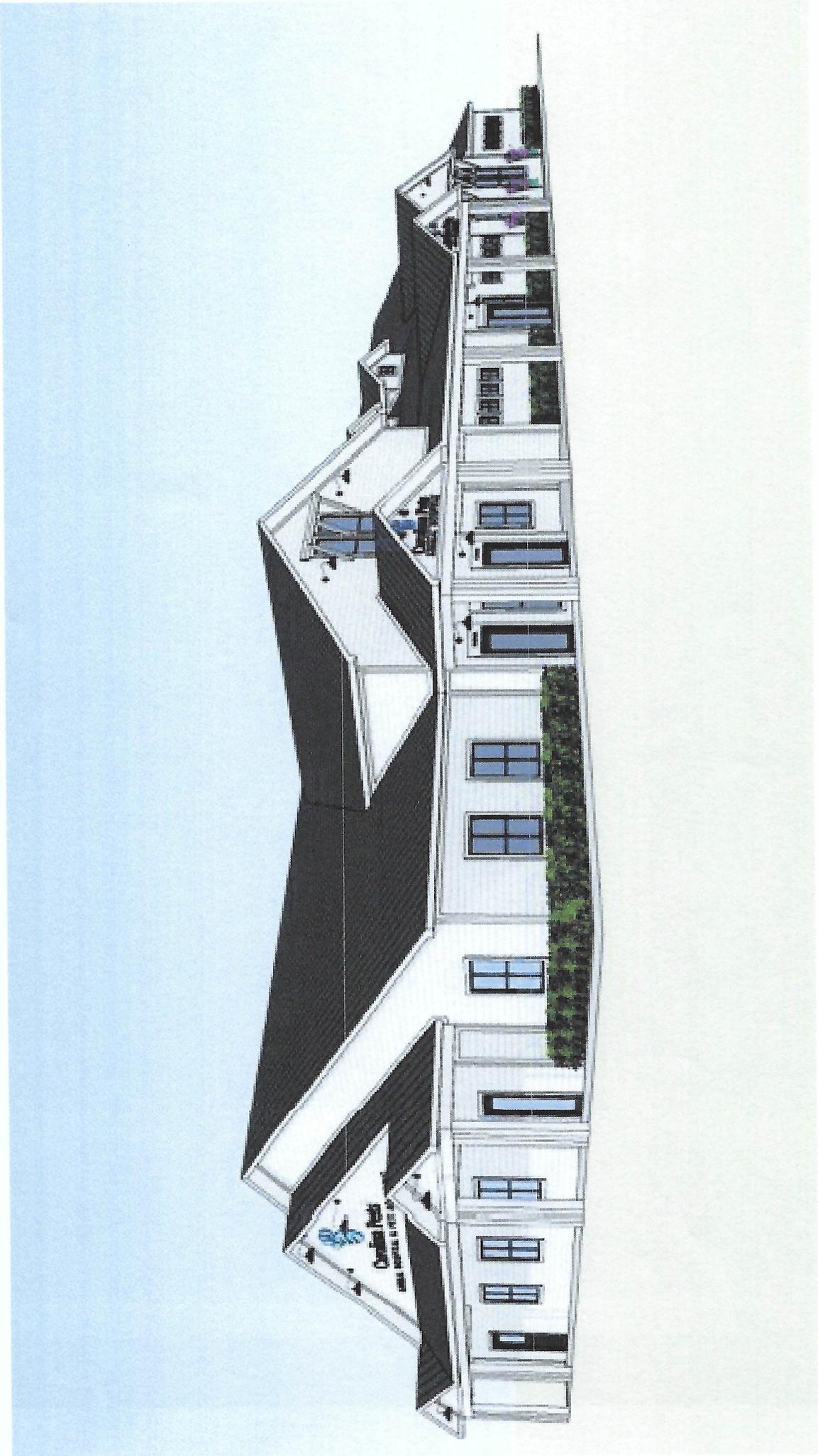
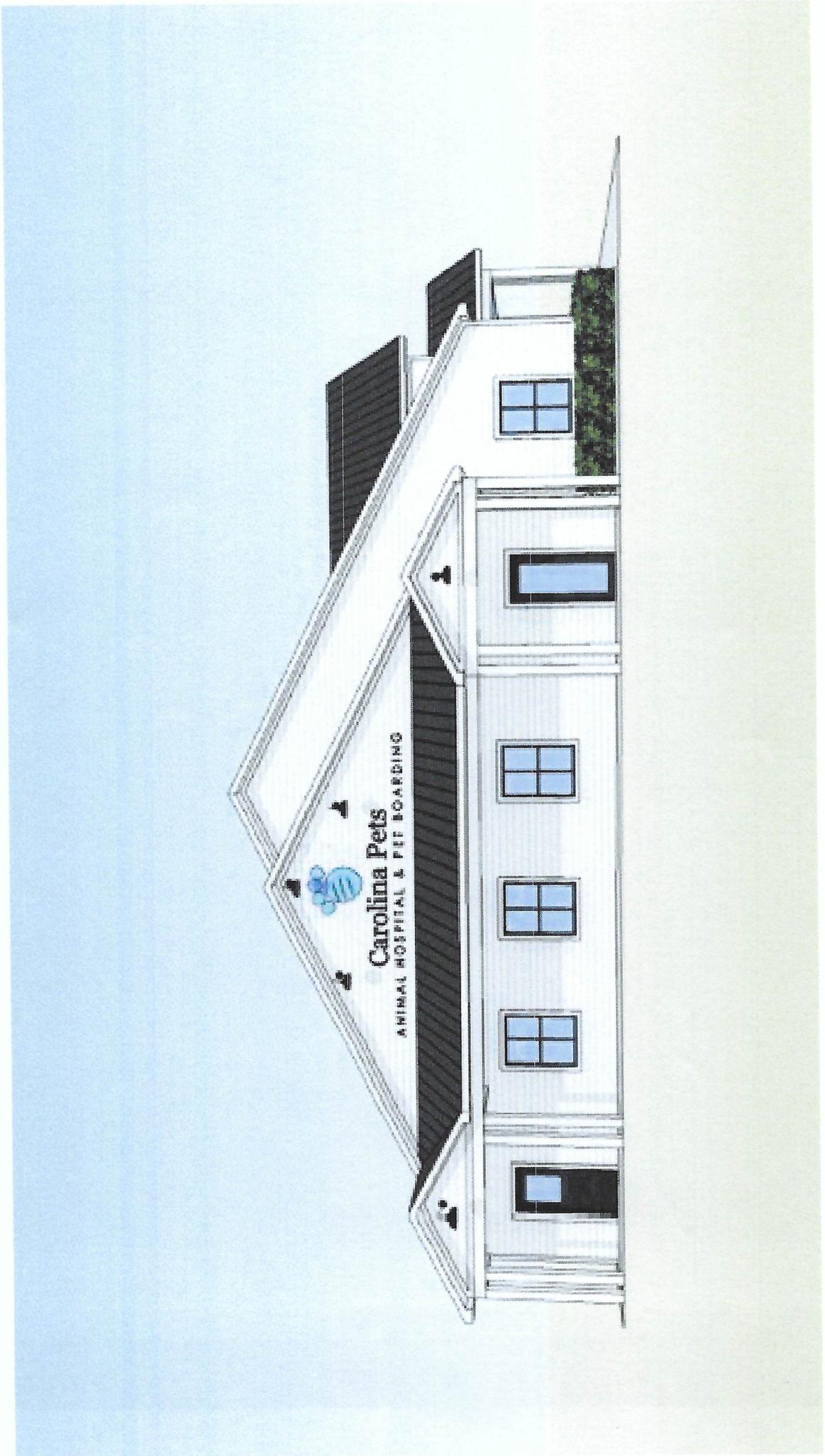

Cheryl Bennett, Village Clerk

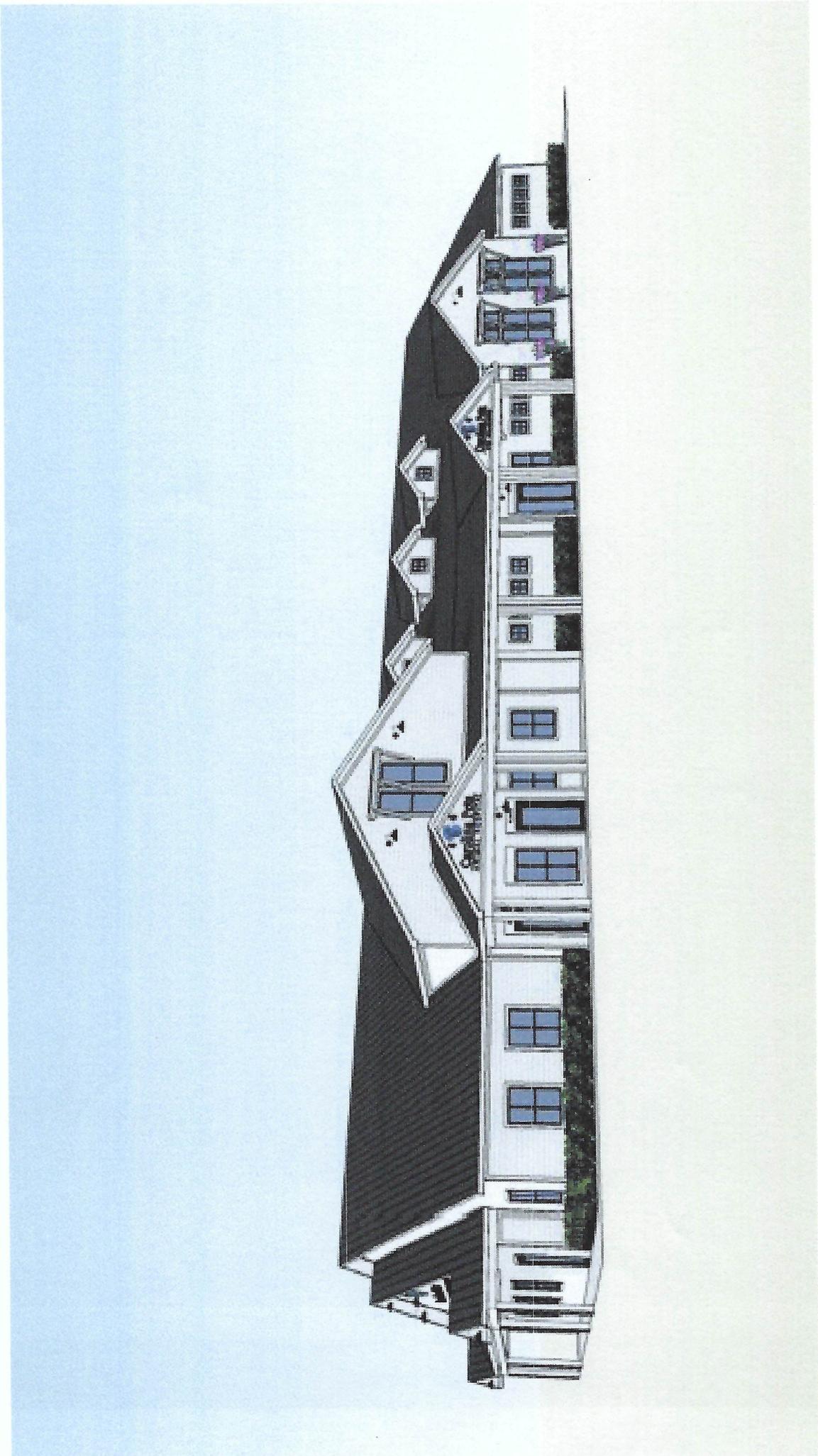
Exhibit B











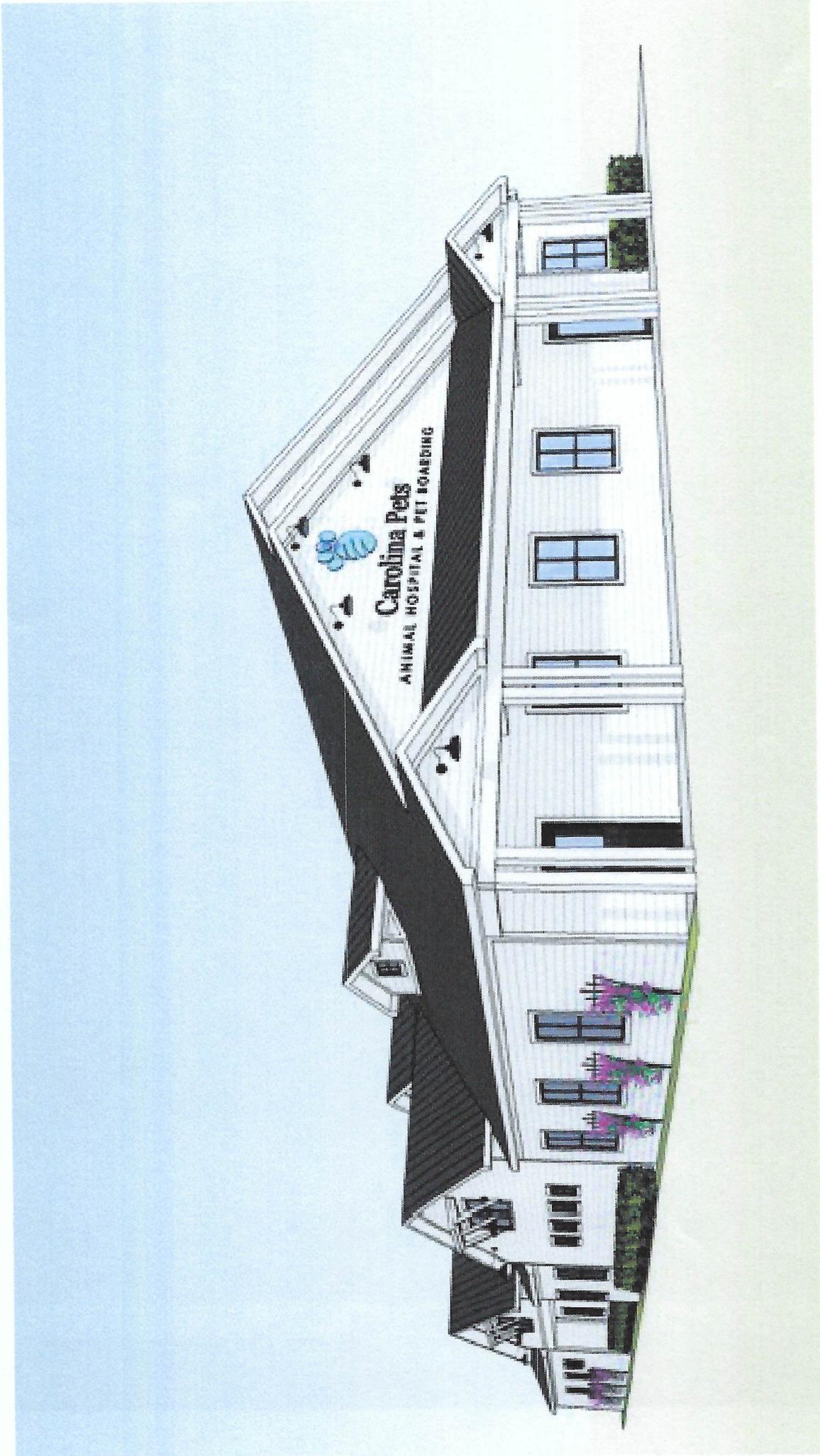


Exhibit C

DEVELOPMENT STANDARDS

November 18, 2019

1. GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by NGM Real Estate, LLC (the "Applicant") for an approximately 2.63 acre site located on the west side of Waxhaw-Indian Trail Road, across from its intersection with Linden Glen Dr., which site is more particularly depicted on the Rezoning Plan and is further identified as Tax Parcel No. 06-045-009E (hereinafter referred to as the "Site").
- B. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the Zoning Ordinance of the Village of Wesley Chapel (the "Zoning Ordinance").
- C. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the internal drives and parking areas depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Zoning Ordinance, may be altered or modified during design development and construction document phases.
- D. The Site may be developed in two phases, but shall be considered to be a planned/unified development. Therefore, side and rear yards, buffers, building height separation requirements and other zoning standards shall not be required internally between improvements and uses on the Site. The Site shall be required to meet side and rear yard requirements and buffer requirements with respect to the exterior boundaries of the Site.
- E. 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 the Zoning Ordinance. Minor alterations or changes to the Rezoning Plan and/or these Development Standards are subject to the Zoning Ordinance.

2. PERMITTED USES

- A. The Site may be devoted to all permitted uses by right within the B-1 zoning district, along with any incidental and accessory uses associated therewith, except for the following, which shall not be permitted on the Site:
 - 1. Auction house (excluding animals, with outside storage);
 - 2. Automobile parts and supply store;
 - 3. Banks, savings and loan, credit unions, bank teller machines;
 - 4. CD, tape, record store;
 - 5. Clothing, shoes and related accessory store;
 - 6. Flea market, craft market (indoor);

7. Floral and Christmas items store;
8. Game room/video arcade;
9. Grocery store, food store;
10. Newsstand (principal use);
11. Theater, indoor movie;
12. Tobacco shops; and
13. Tourist information office.

B. The Site also may be devoted to the following uses that are allowed conditionally within the B-1 zoning district:

1. Animal hospital indoor, along with any incidental and accessory uses associated therewith (Phase One only).
 - a. The incidental and accessory uses associated with the animal hospital indoor use may include, without limitation, boarding of animals. All such boarding exclusively shall be indoors.
2. Recreation facility indoor, along with any incidental and accessory uses associated therewith (Phase Two only).

3. TRANSPORTATION

- A. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Village of Wesley Chapel and/or North Carolina Department of Transportation ("NCDOT") in accordance with applicable published standards.
- B. Off-street vehicular parking shall be provided in accordance with the requirements of Section 156.175 of the Zoning Ordinance.
- C. The alignment of the internal drives and vehicular circulation areas may be modified by the Applicant to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by Village of Wesley Chapel and/or NCDOT in accordance with applicable published standards.

4. ARCHITECTURAL STANDARDS

- A. The building to be located on Phase One shall not exceed 10,200 square feet of gross floor area.
- B. The building to be located on Phase Two shall not exceed 10,000 square feet of gross floor area.
- C. The maximum height of all buildings to be located on the Site shall be as provided in the Zoning Ordinance.

- D. Attached to the Rezoning Plan are a series of conceptual, architectural perspectives of the building to be located on Phase One, which are intended to depict the general conceptual architectural style and character of the building. Accordingly, such building shall be designed and constructed so that it is substantially similar in appearance to the attached relevant conceptual, architectural perspectives with respect to architectural style, design and character. Notwithstanding the foregoing, changes and alterations to the exterior of the building that do not materially change the overall conceptual architectural style and character shall be permitted.
- E. Prior to the issuance of a building permit for any building to be located on Phase Two, the Planning Board of the Village of Wesley Chapel shall review and approve the general conceptual architectural style and character of any building to be located on Phase Two.

5. DIMENSIONAL STANDARDS

- A. Development of the Site shall comply with the yard requirements for the B-1 zoning district set out in Section 156.065 of the Zoning Ordinance.

6. SCREENING AND LANDSCAPING

- A. Screening and landscaping shall conform to the requirements of Section 156.126 of the Zoning Ordinance.

7. ENVIRONMENTAL FEATURES

- A. Storm water management on the Site shall comply with the requirements of the Zoning Ordinance for peak control and the requirements of NCDEQ for water quality. The stormwater control measure shall be a dry detention basin with a sand filter. The surface area for the bottom of the facility will be approximately 2,000-sf. Property Owner(s) will be responsible for the operation and maintenance of the stormwater control measure.

8. SIGNS

- A. The Applicant may install a sign on the Site at the location more particularly identified on the Rezoning Plan. All signage on the Site shall comply with the requirements of the Zoning Ordinance.

9. LIGHTING

- A. All freestanding lighting fixtures installed on the Site shall comply with the requirements of Section 156.134 of the Zoning Ordinance.

10. BINDING EFFECT OF THE REZONING APPLICATION

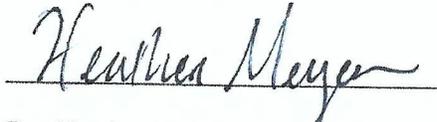
- A. If this Rezoning Application is approved, all conditions applicable to the development and/or use of the Site imposed under this Rezoning Plan will, unless amended in the manner provided under the Zoning Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Standards, the terms, "Applicant" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of

Applicant or the owner or owners of the Site from time to time who may be involved in any future development thereof.

- B. Any reference to the Zoning Ordinance herein shall be deemed to refer to the Zoning Ordinance of the Village of Wesley Chapel in effect as of the date of this Rezoning Application.

Agreed to this 11 day of February, 2020.

NGM REAL ESTATE, LLC

A handwritten signature in cursive script, reading "Heather Meyer", is written over a horizontal line.

By: Heather Meyers, Manager