Addendum: Conditions to Rezoning Approval

PID #: 21506109, 21506110, 21506101
TOTAL PROJECT SIZE: ±19.7 ACRES
EXISTING ZONING: R-20

PROPOSED ZONING: I-2(CD)

EXISTING USE: VACANT
PROPOSED USE: LIGHT INDUSTRIAL AND OUTSIDE STORAGE
MAXIMUM BUILDING HEIGHT: 45 FT
TREE SAVE AREA REQUIRED: AS REQUIRED BY ORDINANCE
BUILDING SETBACKS:
  FRONT SETBACK – AS REQUIRED BY ORDINANCE – 40 FT
  REAR YARD – AS REQUIRED BY ORDINANCE – 20 FT
  SIDE YARD- 10 FEET

1. General provisions

A. These development notes set forth development standards and conditions that form a part of the rezoning application filed by Esperanza Properties, Inc. (“petitioner” or “owner”) to accommodate the development of approximately 19.7 acres located off of Campus Ridge Road in the Town of Matthews (“Town”), Mecklenburg County, North Carolina (the “Site”).

B. These development notes, petitioner's rezoning application and any additions or revisions thereof are collectively referred to as the “rezoning petition” or “conditional plan.” Development of the Site will be governed by the conditional plan as well as applicable provisions of the Town of Matthews Unified Development Ordinance (“Ordinance”).

C. Development of the Site is proposed within three (3) parcels. If the entire site is used for a single unified use the three (3) parcels must be combined into a single parcel.

D. Any construction or development on the Site will require return to the Board of Commissioners for approval of site plan and building elevations prior to development.

2. Permitted uses

The Site may be developed for the following I-1 uses, plus Outdoor Storage as allowed in I-2, along with such other accessory uses and structures incidental and related thereto:

- Building material storage and wholesale and retail sales without outside storage
- Building material storage and wholesale and retail sales with outside storage
- Communications tower and antenna, subject to §155.506.41 (under prescribed conditions)
- Copy, printing and photo processing
- Exterminator, pest control
- Gas pump without convenience store (accessory use)
• Greenhouse, commercial, without retail sales
• Kennel, animal day care, subject to § 155.506.42 (under prescribed conditions)
• Kennel, commercial, subject to § 155.506.42 (under prescribed conditions)
• Microbrewery, subject to § 155.506.45 (under prescribed conditions)
• Mini storage facility
• Motor vehicle, passenger, and motorcycle, new and used, sales and rental
• Motor vehicle, commercial or recreational, new and used, sales and rental
• Nursery, commercial, with or without greenhouse
• Outdoor equipment and machinery, sales and repair
• Outdoor sales in conjunction with a permanent business, subject to § 155.506.36 (under prescribed conditions)
• Parking lot and parking garage/structure
• Repair and servicing, indoors only, of any article the sale of which is permitted in the district, except as otherwise listed
• Selling from a semitruck without a cab, subject to § 155.506.36 (under prescribed conditions)
• Sign printing
• Solar collector installation, subject to §155.506.48 (accessory use/under prescribed conditions)
• Specialty sales establishment with substantial on-site assembly, processing, packaging, and/or distribution, and processes sales for off-site customers, subject to § 155.506.39
• Towing operation with vehicle storage yard
• Utility trailer, not exceed a loading capacity of 500 cubic feet, sales and rental
• Bakery and baking plant including manufacturing, wholesale and retail
• Blacksmith shop
• Bottling and canning works for nonalcoholic beverage including distribution
• Bus and transit vehicle repair and storage
• Contractor’s facility with storage yard
• Distilling or manufacturing of alcohol and alcoholic beverage, subject to § 155.506.45 (under prescribed conditions)
• Laundry and dry cleaning establishment greater than 10,000 sq ft gross floor area
• Outside storage, except as otherwise listed.
• Mail order facility
• Manufacturing, light, which may include the assembly or processing of predominantly previously prepared materials into finished products or parts and the packaging of such materials, all contained within an entirely enclosed building and no detectable noise, dust, glare, odors, vibration, smoke or steam, fire hazard, or other noxious emission shall exit the building except as otherwise listed
• Metal products fabricating, processing, and manufacturing, and machine shop without blast furnace or drop forge
• Packing shed, fruit and vegetable
• Recycled material, collection, processing and packaging within an enclosed structure
• Recycled material, collection, processing and packaging
• Sign manufacturing
• Warehouse, distribution facility within enclosed building
• Wholesale sales with or without retail sales
• Auction sale of real and personal property located on site for the purpose of liquidating assets, subject to § 155.506.43 (accessory use)
• Accessory use, clearly incidental to the principal permitted use or structure on the lot (accessory use)
• Donation Drop-Off Facility (accessory use)
• Parking for uses permitted within the district (accessory use)
• Propane storage or other fuel storage, accessory to a permitted principal use or building subject to the Fire Prevention Code of the National Board of Fire Underwriters (accessory use)
• Public utility transmission and distribution lines
• Railroad right-of-way
• Short term temporary use or festival of civic or nonprofit nature, subject to § 155.506.44 (under prescribed conditions)
• Temporary building and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, the temporary use to be terminated upon completion of construction, issuance of Certificate of Occupancy, or invalidation of building permit (see also § 155.506.43.C.4) (accessory use)
• Temporary, self-contained storage unit, subject to § 155.506.20 (accessory use)
• Temporary use for business purpose, subject to § 155.506.43 (under prescribed conditions)
• Transit stop shelter, subject to § 155.506.34 (under prescribed conditions)
• Transit station (bus, rail, etc.)
• Utility equipment stand, meter, box, and backflow preventer for single or groups of parcels (accessory use)

B. Prohibited uses: Any use not specifically listed as a permitted use above is prohibited.

C. Parcel 21506101 shall be limited to maximum 20% Outdoor Storage use.

3. Transportation

A. Development of the Site at the size, square footage, or rate as set out in the Transportation Technical Memorandum (“TTM”) accompanying this rezoning petition will not require a Traffic Impact Analysis/Traffic Impact Study. Details of any development exceeding the measures set out in the TTM will be submitted to the Town to determine whether a Traffic Impact Analysis will be required.

B. Driveways:
(1) The site shall have primary vehicular access along Campus Ridge Road via access points in locations as generally depicted on the concept site plan. Exact location of access to and from the site will be determined after orientation of the proposed buildings and structures in relation to the adjacent right of way is established.

(2) Any proposed driveway connections to Campus Ridge Road will require driveway permits to be submitted to Town for review and approval. The exact driveway locations and type/width of the driveways will be determined by NCDOT and Town during the driveway permit process.

4. **Landscaping and Screening:**

   The Site shall meet Ordinance requirements for tree protection, landscaping and screening subject to the Declaration of Land Use Restrictions recorded in Bk. 27644, Pg.392-397 and Bk, 27160, Pg. 126-132 of the Mecklenburg County Public Registry for Parcels 21506109 and 21506110.

5. **Binding effect of the rezoning petition:**

   Upon approval of this rezoning petition all conditions applicable to development of the Site imposed under these development conditions and the conditional plan, will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of petitioner and owner, including any subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.
ROADWAY WIDENING/IMPROVEMENTS MAY REQUIRE RAILROAD CROSSING IMPROVEMENTS. CSX APPROVAL REQUIRED.