

Dilworth Gardens
Development Standards
March 19, 2010
Rezoning Petition No 2010-027

Site Data:
 Acreage: 3.92 acres
 Existing Zoning: B-1(PED) Neighborhood Business Pedestrian Overlay District
 Proposed Zoning: B-1(PED-O) Neighborhood Business Pedestrian Overlay District Optional

1. General Provisions.

- The Petitioner is requesting the Optional provisions listed below to maintain the vitality and functionality of the existing shopping center for the Dilworth neighborhood. The Optional provisions will allow the existing building footprint to continue be utilized, released, redeveloped and re-tenanted prior to the complete redevelopment of the Site.
- These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Dilworth Gardens, LLC (the "Petitioner" or "Developer") and include Optional provisions to accommodate redevelopment of portions of the Dilworth Gardens Shopping Center a neighborhood shopping center on approximately 3.92 acre site generally located at the southeasterly corner of the intersection formed by East Boulevard and Scott Avenue (the "Site"). Development of the Site will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Neighborhood Business Pedestrian Overlay District B-1(PED) Zoning Classification, subject to the Optional Provision provided below, shall govern development of the Site.

2. Allowed Uses.

All uses permitted in the B-1(PED) zoning district will be allowed on the Site.

3. Optional Development Provisions.

The Optional provisions described below may be utilized by the Petitioner; (i) when development on the site involves the demolition and reconstruction of an existing building, or a portion thereof, that does not extend beyond the building envelope indicated on the Technical Data Sheet and does not involve the cumulative demolition and reconstruction of more than 50% of the Site's existing square footage, and (ii) for the expansion of the existing shopping center by no more than a total of 5,000 gross square feet within the building envelope indicated on the Technical Data Sheet.

The first phase of development will occur within the portion of the building envelope labeled on the Technical Data Sheet as the phase one redevelopment area.

a. Setbacks.

The Petitioner seeks the Optional provision to allow existing utility vaults, signs, retaining walls, fences, dumpsters, parking and service areas to remain within the required setbacks for East Boulevard, Scott Avenue and Floral Avenue as indicated on the Technical Data Sheet.

Any new buildings, signs, fences (but not including the replacement of existing fences), dumpsters, parking and service areas will be located outside of the required setbacks.

b. Streetscapes.

The Petitioner seeks the Optional provision to allow the existing sidewalks, planting strips and landscaping located along East Boulevard, Scott Avenue and Floral Avenue as indicated on the Technical Data Sheet to remain as the required Streetscapes for the Site.

c. Parking and Loading Areas.

The Petitioner seeks the Optional provision to allow existing parking areas, loading and unloading areas and maneuvering associated with each of these areas to be located between the existing buildings and the required setback for each of the abutting public streets.

d. Screening.

The Petitioner seeks the Optional provision to allow the existing vegetation, walls and fencing to meet the screening requirements of the Pedestrian Overlay District.

- The Petitioner seeks the optional provision to allow synthetic wood to be used to screen new dumpsters or compactors.
- Along Scott Avenue the Petitioner will provide additional screening to comply with the provisions of the Pedestrian Overlay District. This screening will be provided prior to the issuance of final certificate of occupancy for the first redevelopment.
- The existing wooden enclosure/screen fence along Floral Avenue will be replaced with a new synthetic wood fence.
- The existing wooden screen fence used to screen the existing service area from Floral Avenue will be replaced with a new six foot synthetic wood fence.

e. Buffers.

The Petitioner seeks the Optional provision to modify the buffer requirements of the Pedestrian Overlay District to allow the existing vegetation, walls and fencing to meet the requirements of the Ordinance including the 10 foot wide planting strip.

f. Street Walls.

The Petitioner seeks the Optional provision to allow buildings reconstructed within the building envelope indicated on the Technical Data Sheet to not comply with the provisions of Street Walls along Floral Avenue. The new building walls constructed along Floral Avenue will be screened with a variety of landscaping materials that soften the appearance of the street wall. The Street Wall section will not apply to any portion of the existing structure that remains. The existing vegetation located between the existing buildings that will remain and the right-of-way for Floral Avenue will be preserved.

The portions of the new buildings that face either Scott Avenue or East Boulevard will be designed to be consistent with the existing shopping center architectural elements. These building walls will comply with the Street Wall requirements of the Pedestrian Overlay District with the exception that for building tenants that exceed 15,000 square feet street walls up to 30 feet in length will be allowed that do not contain clear glass. These Street Walls will be articulated by utilizing changes in building materials or changes in the way building materials are used to animate and enliven the streetscape.

g. Building Entrances.

The Petitioner seeks the Optional provision to not provide an operable recessed pedestrian entrance from each building to Floral Avenue.

h. Signs.

The Petitioner seeks the Optional provision to allow the three existing detached signs and the existing wall signs to remain as constructed.

The Petitioner seeks the Optional provision to allow new wall signs for tenants over 5,000 square feet to be up to 10% of the area of the building wall to which the sign is attached up to a maximum of 200 square feet.

New wall signs for tenants with less than 5,000 square feet will comply with the provisions of the Pedestrian Overlay District.

i. Sidewalk Connections to Public Streets.

The Petitioner will provide sidewalk connections to the abutting public streets in the areas generally indicated on the Technical Data Sheet. Due to limited space and existing Site improvements the sidewalk connection to East Blvd. will be provided via a connection to Floral Avenue. The Petitioner will extend the sidewalk that runs along the portion of the building closest to East Blvd., current location of the Outback Restaurant, to the sidewalk along Floral Avenue. The petitioner will also remove the wooden fence along Floral Avenue that is in front of the pedestrian access breezeway. The sidewalk within the breezeway will be extended to the sidewalk along Floral Avenue.

4. Lighting

- No new wall "pak" type lighting will be allowed on the portions of the new buildings constructed on the Site. However, building down lights will be allowed.
- Existing detached lights within the service area along the southern property line of the Site will be replaced with light fixtures that are fully cutoff and directed toward the rear of the center.

5. Noise.

- Any new HVAC, refrigeration and freezer equipment associated with the new buildings on the Site will be located within enclosures designed to deaden and eliminate as much of their noise when operating so that the noise they generate is not unreasonably loud and disturbing to the adjoining residential property owners.
- The Petitioner will work with the tenants of the shopping center to require that any delivery trucks arriving and parking at the shopping center between the hours of 9:00 pm and 7:00 am Eastern Standard Time turn off their engines while they wait to be unloaded.

6. Waste Disposal.

- Dumpsters and compactors may only be emptied during the hours allowed by the city of Charlotte noise ordinance.

7. Post Construction Control Ordinance.

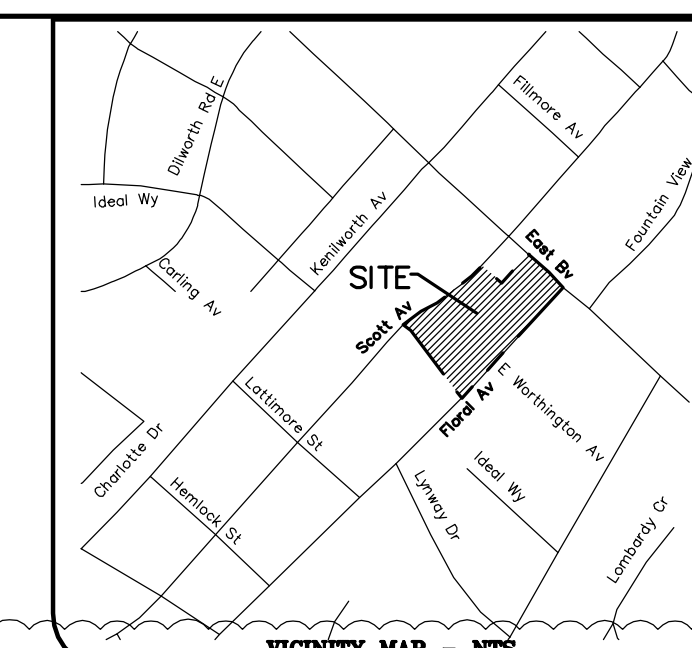
- Redevelopment of the Site will comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

8. Amendments to Rezoning Plan.

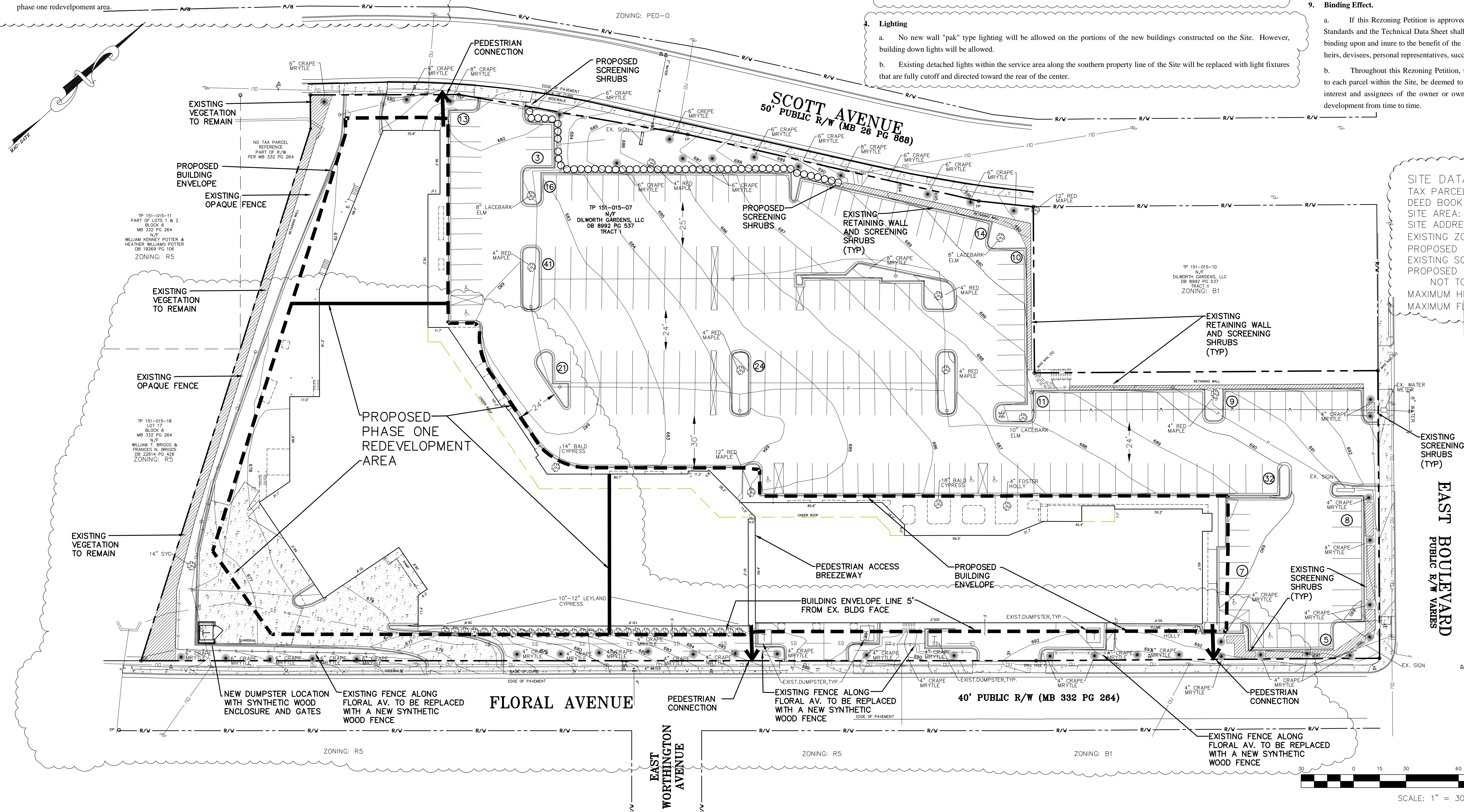
- Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then owner or owners of the Parcel or Parcels involved, in accordance with Chapter Six of the Ordinance.

9. Binding Effect.

- If this Rezoning Petition is approved, the development program established under these Development Standards and the Technical Data Sheet shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the owners (from time to time) and their respective heirs, devisees, personal representatives, successors in interest and assigns.
- Throughout this Rezoning Petition, the terms "Petitioners", "Owner" or "Owners," shall, with respect to each parcel within the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site, or portions thereof, who may be involved in its development from time to time.



SITE DATA:
 TAX PARCEL: 151-015-07
 DEED BOOK 8992 PAGE 537
 SITE AREA: 3,916 ACRES
 SITE ADDRESS: 1412 EAST BOULEVARD
 EXISTING ZONING: B-1 (PED)
 PROPOSED ZONING: B-1 (PED-O)
 EXISTING SQUARE FOOTAGE: 48,142 SF
 PROPOSED SQUARE FOOTAGE:
 NOT TO EXCEED 53,142 SF
 MAXIMUM HEIGHT: PER PED STANDARDS
 MAXIMUM FLOOR AREA RATIO (FAR): N/A



DATE	3.13.10
REV.	1
PROJECT NAME	Dilworth Gardens
PROJECT NO.	2010-027
PROJECT FILE	
PROJECT MANAGER	J.R.
PROJECT ARCHITECT	K.S.C.
PROJECT ENGINEER	
PROJECT TITLE	

DILWORTH GARDENS
CHARLOTTE, NORTH CAROLINA

TECHNICAL DATA SHEET
FOR PUBLIC HEARING
REZONING PETITION-2010-027

RZ1