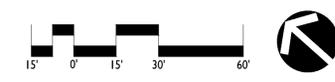


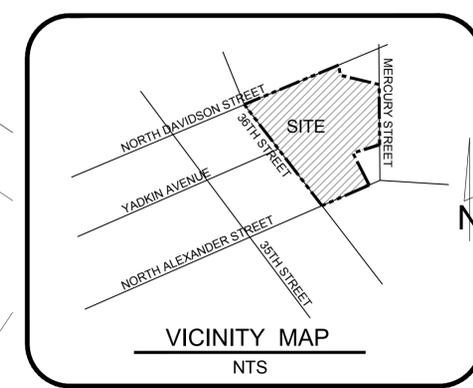
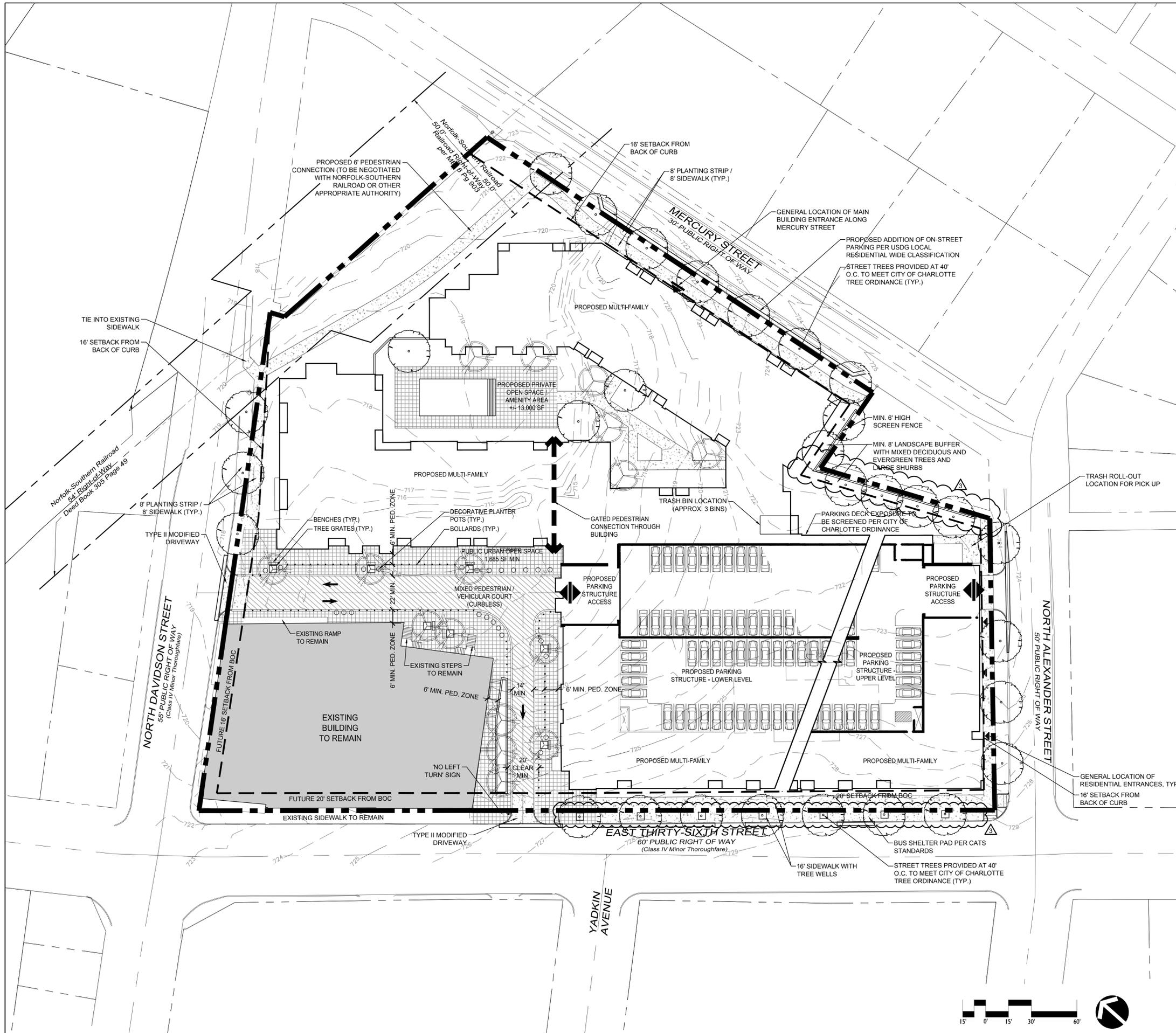
**SITE DEVELOPMENT DATA**

- Site Development Data:**
- Acreage: +/- 3.82 AC
  - Tax Parcel #: 091-102-08, 091-102-09, 091-102-03, 091-102-01
  - Existing Zoning: MUDD-O by Rezoning Petition No. 2008-004
  - Proposed Zoning: MUDD-O SPA with 5 year vested rights
  - Existing Uses: Retail
  - Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district (as more specifically described in the development standards).
  - Residential Density: 250 Residential Units / 65 DUA
  - Non-Residential Uses: Up to 22,500 square feet of gross floor area (Existing). Live Works on ground level limited to frontage on 36th Street.
  - Maximum Building Height: See Note 6. Architectural Standards A.D.
  - Parking: Per the Ordinance.

**ADJACENT PROPERTY OWNER**

1 NS 08308418 J PAUL SIRES / RUTH AVA LYONS 7448 VALLEYBROOK RD CHARLOTTE, NC 28207	10 R-5 09110305 CLARICE WILLIAMS BUMPASS 619 MERCURY ST CHARLOTTE, NC 28205
2 MUDD-O 09110102 JAMES R JR GUY C/O GUY PROPERTIES 4401 E. INDEPENDENCE BLVD STE 204 CHARLOTTE, NC 28205	11 R-5 09110306 DIANNE G ALEXANDER 623 MERCURY ST CHARLOTTE, NC 28205
3 MUDD-O 09110103 JAMES R JR GUY C/O GUY PROPERTIES 4401 E. INDEPENDENCE BLVD STE 204 CHARLOTTE, NC 28205	12 R-5 09110207 ALEXANDRIA & MARY LISA MANZANAREZ 3315 N ALEXANDER ST CHARLOTTE, NC 28205
4 MUDD-O 09110101 JAMES R JR GUY C/O GUY PROPERTIES 4401 E. INDEPENDENCE BLVD STE 204 CHARLOTTE, NC 28205	13 R-5 09110411 JOANN CRUMP 3318 N ALEXANDER ST CHARLOTTE, NC 28205
5 UR-3 (CD) 09110154 CITY OF CHARLOTTE 600 E 4TH ST CHARLOTTE, NC 28202	14 R-5 09110412 CARL E CRUMP & BARBARA A STUBBS 613 N 35TH ST CHARLOTTE, NC 28205
6 R-5 09110212 APRIL A GOODE 500 MERCURY ST CHARLOTTE, NC 28205	15 R-5 09110401 CHURCH NORTH CHARLOTTE PRESBYTERIAN 719 E 36TH ST CHARLOTTE, NC 28205
7 R-5 09110302 MELISSA G & BEVERLY RESSLER 507 MERCURY ST CHARLOTTE, NC 28205	16 R-5 08308711 PHIL W & BROOME & LARRY MORGAN 414 MELBOURNE CT CHARLOTTE, NC 28209
8 R-5 09110303 DINA ELHAWA ARAFAT & ATEH ELHAWA 607 MERCURY ST CHARLOTTE, NC 28205	17 B-1 08308605 CHARLOTTE THE CHURCH OF JESUS CHRIST OF 600 E 36TH ST CHARLOTTE, NC 28205
9 R-5 09110304 CAROL A & PETER MORRIS 611 MERCURY ST CHARLOTTE, NC 28205	18 MUDD-O 08308508 WILLIAM H CARLISLE 5306 SOUTH BLVD CHARLOTTE, NC 28217





NOTE: THE REZONING PLAN IS ILLUSTRATIVE IN NATURE AND IS INTENDED TO DEPICT BUILDING, PARKING AND CIRCULATION RELATIONSHIPS.

**DEVELOPMENT STANDARDS**

**1. DEVELOPMENT INFORMATION**

SITE AREA	11.382 ACRES
TAX PARCEL(S) INCLUDED WITHIN THE AREA TO BE REZONED	09-12-03-001-102-09, 091-102-03, 091-102-01
EXISTING ZONING	MIXED USE DEVELOPMENT DISTRICT (MUDD-O)
PROPOSED ZONING	MUDD-O SPA WITH 5 YEAR VESTED RIGHTS
EXISTING USES	RETAIL (22,500 SF)
PROPOSED USES	USES PERMITTED BY RIGHT AND UNDER THE PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD DISTRICT (AS MORE SPECIFICALLY DESCRIBED BELOW)
RESIDENTIAL TYPES	MULTI-FAMILY (APARTMENTS / CONDOMINIUMS)
RESIDENTIAL DENSITY	250 RESIDENTIAL UNITS (65 DUA)
NON-RESIDENTIAL USES	22,500 SQFT MAXIMUM - EXISTING RETAIL LIVE-WORKS ON GROUND LEVEL LIMITED TO FRONTAGE ON 36TH STREET
FLOOR AREA RATIO	PER THE ORDINANCE
MAXIMUM BUILDING HEIGHT	SEE NOTE 6.A.D. THIS SHEET
MINIMUM NUMBER OR RATIO OF PARKING SPACES	1 SPACE / DWELLING UNIT FOR RESIDENTIAL; 1 SPACE / 600 SF FOR ALL OTHER USES EXCEPT 1 SPACE / 150 SF FOR RESTAURANT OR NIGHTCLUB USES.
AMOUNT OF OPEN SPACE	PER THE ORDINANCE

- 2. GENERAL PROVISIONS**
- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE SCHEMATIC PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY MERCURY NoDa, LLC. (THE "PETITIONER" OR "DEVELOPER") TO ACCOMMODATE DEVELOPMENT TO BE KNOWN AS "THE MERCURY" ON AN APPROXIMATELY 3.87 ACRE SITE GENERALLY LOCATED AT THE EASTERN CORNER OF THE INTERSECTION OF NORTH DAVIDSON ST AND E. 36TH ST. (THE "SITE"). DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE SCHEMATIC PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE SCHEMATIC PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT (MUDD) ZONING CLASSIFICATIONS, SUBJECT TO THE PROVISIONS PROVIDED BELOW, SHALL GOVERN DEVELOPMENT TAKING PLACE ON THOSE PORTIONS OF THE SITE GENERALLY DEPICTED ON THE SCHEMATIC PLAN.
- B. THE DEVELOPMENT DEPICTED ON THE REZONING PLAN (RZ-2) IS SCHEMATIC IN NATURE AND IS INTENDED ONLY TO DESCRIBE THE POSSIBLE ARRANGEMENT OF USES ON THE SITE. ACCORDINGLY, THE CONFIGURATION, PLACEMENT AND SIZE OF THE BUILDING FOOTPRINTS OUTLINED ON THE REZONING PLAN ARE SCHEMATIC AND, SUBJECT ONLY TO THE PROVISIONS SET FORTH BELOW MAY BE ALTERED OR MODIFIED DURING DESIGN, DEVELOPMENT AND CONSTRUCTION PHASES WITHIN THE MAXIMUM BUILDING/PARKING ENVELOPE LINES ESTABLISHED ON THIS SHEET. PARKING LAYOUTS MAY ALSO BE MODIFIED TO ACCOMMODATE FINAL BUILDING LOCATIONS AND OFF-STREET PARKING SPACES MAY BE LOCATED INSIDE AND OUTSIDE BUILDING ENVELOPES TO THE EXTENT PERMITTED BY THE ORDINANCE. ALL SUCH CHANGES ARE SUBJECT TO REVISIONS PER CHAPTER 6 OF THE ORDINANCE.
- C. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, STANDARDS, POLICIES, AND APPROPRIATE DESIGN MANUALS WILL EXIST. THOSE CRITERIA (FOR EXAMPLE, THOSE THAT REQUIRE BUFFERS, REGULATE STREETS, SIDEWALKS, SETBACKS, TREES, AND SITE DEVELOPMENT, ETC.) WILL APPLY TO THE DEVELOPMENT SITE. THIS INCLUDES CHAPTERS 6, 9, 12, 17-21 OF THE CITY CODE. CONDITIONS SET FORTH IN THIS PETITION ARE SUPPLEMENTAL REQUIREMENTS IMPOSED ON THE DEVELOPMENT IN ADDITION TO OTHER STANDARDS.
- D. FUTURE AMENDMENTS TO THE SCHEMATIC PLAN AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE TRACT OR TRACTS INVOLVED, IN ACCORDANCE WITH SECTION 6.207 OF THE ORDINANCE.
- 3. OPTIONAL PROVISIONS**
- A. THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW PARKING BETWEEN THE BUILDINGS AND NORTH DAVIDSON ST. AND EAST 36TH STREET, SHOWN AS PARALLEL PARKING WITHIN THE MIXED PEDESTRIAN - VEHICULAR COURT AS DEPICTED ON THE SCHEMATIC PLAN, OR AS DIAGONAL PARKING.
- B. SIGNAGE STANDARDS (SECTION 9.1209.(7)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW MODIFICATIONS TO THE MUDD SIGNAGE STANDARDS TO PERMIT AN EXCITING AND UNIQUE SIGNAGE SYSTEM ON THE SITE. ACCORDINGLY, AS PART OF THIS MUDD-OPTIONAL SPA APPLICATION, THE PETITIONER REQUESTS THE FOLLOWING MODIFICATIONS FROM THE TOD-M SIGNAGE PROVISIONS.
- PROJECTING WALL SIGNS (SECTION 9.1209.(7)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW THREE (3) PROJECTING WALL SIGNS AS FOLLOWS: (i) A PROJECTING WALL SIGN ON THE BUILDING FACE ALONG NORTH DAVIDSON STREET THAT HAS A SIGN FACE AREA UP TO A MAXIMUM OF 100 SQUARE FEET, (ii) A PROJECTING WALL SIGN ON OR NEAR THE CORNER OF EAST 36TH STREET AND ALEXANDER STREET OF UP TO 100 SQUARE FEET, AND (iii) A PROJECTING WALL SIGN ON THE CORNER OF EAST 36TH STREET AND ENTRANCE TO VEHICULAR/PEDESTRIAN COURT OF UP TO 100 SQUARE FEET. THESE THREE (3) PROJECTING WALL SIGNS WILL BE ALLOWED TO PROJECT UP TO THREE (3) FEET INTO THE REQUIRED SETBACK. THESE PROJECTING WALL SIGNS MAY BE USED TO IDENTIFY THE PROJECT AS WELL AS TENANTS AND USES LOCATED THROUGHOUT THE SITE. THESE PROJECTING WALL SIGNS ARE IN ADDITION TO THE NORMALLY ALLOWED WALL SIGNS FOR THE MUDD DISTRICT.
- 4. PERMITTED USES**
- A. THE SITE MAY BE DEVOTED TO USES AS PRESCRIBED IN THE MUDD DISTRICT TO INCLUDE, BUT NOT LIMITED TO RETAIL, RESIDENTIAL, THEATER / PERFORMANCE HALL, RESTAURANT, LIVE WORK AND OFFICE.
- B. THE RESIDENTIAL COMPONENT OF THE SITE SHALL NOT EXCEED 250 DWELLING UNITS (65 DUA).

- 5. ACCESS AND TRANSPORTATION**
- A. THE PETITIONER AGREES TO DEDICATE AND CONVEY (BY QUITCLAIM DEED AND SUBJECT TO A RESERVATION FOR ANY NECESSARY EASEMENTS), PRIOR TO ISSUANCE OF BUILDING PERMIT, THOSE PORTIONS OF THE SITE IMMEDIATELY ADJACENT TO MERCURY STREET AS REQUIRED TO PROVIDE RIGHT OF WAY FOR A LOCAL RESIDENTIAL WIDE STREET AS DEFINED IN THE CHARLOTTE URBAN STREET DESIGN GUIDELINES (USDG) IF SUCH RIGHT OF WAY DOES NOT CURRENTLY EXIST.
- B. THE EXACT ALIGNMENT OF INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS HAS NOT BEEN DETERMINED AND ARE SUBJECT TO FINAL DESIGN AND ENGINEERING PLANS. MODIFICATION OR ALTERATION OF THESE ALIGNMENTS MAY THEREFORE TAKE PLACE DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES.
- C. OFF STREET PARKING WILL BE PROVIDED AND WILL MEET THE MINIMUM REQUIREMENTS SET OUT IN THE ORDINANCE. HANDICAP PARKING WILL BE PROVIDED WITHIN THE PARKING DECK.
- D. BICYCLE PARKING SHALL BE PROVIDED ON THE SITE AS REQUIRED PER THE ORDINANCE.
- E. THE NUMBER OF VEHICULAR ACCESS POINTS TO THE SITE SHALL BE LIMITED TO THE NUMBER SHOWN ON THE REZONING PLAN.
- F. THE PLACEMENT AND CONFIGURATION OF EACH ACCESS POINT ARE SUBJECT TO MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND ARCHITECTURAL CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CITY OF CHARLOTTE DEPARTMENT OF TRANSPORTATION AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

- 6. ARCHITECTURAL STANDARDS**
- A. SETBACKS, SIDE YARDS, REAR YARDS, AND BUILD HEIGHTS
- A.A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE SETBACK, SIDE YARD AND REAR YARD REQUIREMENTS PER THE ORDINANCE FOR THE MUDD ZONING DISTRICT.
- A.B. NO BUILDINGS, PARKING SPACES, LOADING OR MANEUVERING SHALL BE LOCATED WITHIN THE SETBACKS.
- A.C. THE PETITIONER AGREES TO AN INCREASED SETBACK ALONG 36TH STREET IN FRONT OF THE PROPOSED DEVELOPMENT IN ORDER TO PROVIDE FOR A WIDER SIDEWALK AS DEPICTED ON THE REZONING PLAN. THIS INCREASED SETBACK SHALL BE 20 FEET FROM BACK OF EXISTING CURB.
- A.D. THE MAXIMUM HEIGHT OF THE BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE 55' WITH A 40' BASE MAXIMUM HEIGHT ALONG MERCURY STREET AS MEASURED FROM A 16' SETBACK FROM THE EXISTING BACK OF CURB. THE BUILDING HEIGHTY ALONG MERCURY STREET MAY BE INCREASED ONE ADDITIONAL FOOT FOR EVERY TWO FEET IN DISTANCE THE PORTION OF THE BUILDING IS FROM A 16' FOOT SETBACK ESTABLISHED FROM THE BACK OF CURB. THE BUILDING HEIGHTY ALONG MERCURY STREET AS SPECIFICALLY DEPICTED IN THE ILLUSTRATIVE RENEDEERING ON RZ-4A AND RZ-5A SHALL BE REDUCED TO MAXIMUM 3 STORIES IN HEIGHT.
- A.E. EXCEPT FOR MERCURY STREET, RENDERINGS ON RZ-3A GRAPHICALLY INDICATE 4 STORY CONSTRUCTION, PROVIDED THE BUILDING HEIGHT DOES NOT EXCEED HEIGHT MAXIMUMS STATED IN 6.A.D.

- B. THE QUALITY OF ARCHITECTURE, BUILDING CONSTRUCTION AND FINISHES WILL BE CONSISTENT WITH OTHER HIGH QUALITY PROJECTS IN THE SURROUNDING AREA, AND BY WAY OF EXAMPLE, MAY INCLUDE MATERIALS SUCH AS BRICK, STUCCO, HARDIE PANELING, CAST STONE AND STONE.
- C. THE PETITIONER INTENDS TO CONSTRUCT A STRUCTURED PARKING GARAGE. GARAGE SHALL BE SCREENED PER THE ORDINANCE SECTION 12.303 FROM ADJACENT PROPERTIES WHERE NOT WRAPPED BY RESIDENTIAL CURB. THE PETITIONER RESERVES THE RIGHT TO CONSTRUCT A LARGER PARKING STRUCTURE ONLY IF THE CITY OF CHARLOTTE ECONOMIC DEVELOPMENT DEPARTMENT ELECTS TO PARTICIPATE AND FUND CONSTRUCTION OF THE ADDITIONAL PUBLIC PARKING IN ORDER TO PROVIDE ADDITIONAL PUBLIC PARKING. ANY ADDITIONAL PARKING WILL COMPLY WITH HEIGHT LIMITATIONS IN THE DEVELOPMENT STANDARDS SHOWN.

- D. ALONG 36TH STREET FRONTAGE THE GROUND FLOOR WILL HAVE GLASS SUBSTANTIALLY SIMILAR TO WHAT IS DEPICTED ON RZ-4A. PROVISIONS WILL BE MADE FOR SIGNAGE (PER ORDINANCE) LOCATIONS FOR THE PROPOSED LEASE SPACES. NO RESIDENTIAL COURTYARDS WILL BE CONSTRUCTED FACING 36TH ST.
- E. ROLL OUT DUMPSTERS AS LOCATED ON RZ-2A WILL BE CONTAINED INSIDE THE BUILDING AT ALL TIMES EXCEPT ON TRASH PICKUP DAYS.
- F. PETITIONER SHALL CONSTRUCT A FENCE TO SURROUND 3315 N. ALEXANDER ST. THIS FENCE IS TO REPLACE AN EXISTING FENCE AND WILL BE PLACED ON THE SAME FENCE LINE. PETITIONER WILL LANDSCAPE FROM THAT FENCE THROUGH THE BUFFER TOWARDS THE NEW BUILDING ON N. ALEXANDER ST. 3315 N. ALEXANDER'S EXISTING YARD WILL NOT BE DISTURBED NO MATTER WHERE PROPERTY LINES OR CLOSED ALLEYSWAYS LIE. PETITIONER WILL COORDINATE WITH 3315 N. ALEXANDER ST. OWNER ON LANDSCAPING AROUND SAID PROPERTY, AND PROVIDE MINIMUM 3" TREE CALIPER FOR ANY TREE PLANTINGS. IN NO MANNER WILL THESE ACTIONS CONFLICT WITH BUFFER REQUIREMENTS LISTED ELSEWHERE IN THE ZONING COMMITMENTS.

- 7. STREETScape AND LANDSCAPING**
- A. THE MIXED PEDESTRIAN - VEHICULAR COURT IS INTENDED TO BE A HIGHLY PEDESTRIAN SPACE WITH AN ENHANCED HARDSCAPE DESIGN. THE PEDESTRIAN ZONE SHALL BE VISUALLY DELINEATED FROM THE VEHICULAR ZONE WITH A PAVER OR CONCRETE BAND, ALONG WITH BOLLARDS, PLANTERS, AND TREE WELLS. THE PAVING MATERIAL OF THE COURT MAY BE EITHER ALL SPECIALTY PAVERS (SUCH AS BRICK PAVERS, CONCRETE PAVERS, STAMPED ASPHALT, OR TEXTURED/COLORED CONCRETE) OR A COMBINATION OF STANDARD SURFACES SUCH AS CONCRETE AND/OR ASPHALT INTEGRATED WITH SPECIALTY PAVING. IN EITHER APPROACH, THE SPECIALTY PAVING MATERIALS SHALL CONSTITUTE A MINIMUM OF 60 PERCENT OF THE TOTAL HARDSCAPE AREA WITHIN THE COURT AND SHALL BE INTEGRATED WITH BOTH THE PEDESTRIAN AND VEHICULAR ZONE FOR A COHESIVE COURT DESIGN, AS INDICATED ON THE SCHEMATIC SITE PLAN. THE COURT SHALL BE PRIVATE THOUGH SHALL REMAIN OPEN AND ACCESSIBLE TO THE PUBLIC. THERE SHALL BE A MINIMUM OF 20' WIDE CLEAR ZONE FOR FIRE DEPARTMENT ACCESS THROUGH THE COURT AND A MINIMUM OF 6' CLEAR PEDESTRIAN ZONE ON EITHER SIDE OF THE DEFINED VEHICULAR MOVEMENTS. THE EXACT DRIVEWAY LOCATIONS AND TYPEWIDTH OF THE DRIVEWAYS WILL BE DETERMINED BY CDOT DURING THE DRIVEWAY PERMIT PROCESS. INTERNAL DRIVE OR MIXED PEDESTRIAN/VEHICULAR COURT MAY BE TEMPORARILY CLOSED FOR A PERIOD OF TIME FOR AN EVENT OR EVENTS TO TAKE PLACE.

- A.A. THE DESIGN OF THE MIXED PEDESTRIAN - VEHICULAR COURT SHOWN ON RZ-2 IS SCHEMATIC IN NATURE AND SHOWN TO DEPICT DESIGN INTENT ONLY. THE COURT WILL BE AESTHETICALLY PLEASING AND SAFE FOR BOTH PEDESTRIANS AND VEHICLES. THE AMENITIES SHOWN (SUCH AS BOLLARDS, PLANTERS, BENCHES, AND TREE WELLS) ARE CONCEPTUAL IN NATURE AND LOCATIONS AND QUANTITIES MAY VARY.
- B. PRIVATE STREETS LOCATED WITHIN THE SITE OR IMPROVED AS A RESULT OF DEVELOPMENT RELATED TO THE SITE SHALL FOLLOW THE GUIDELINES FOR PUBLIC STREETS DESIGNATED BY THE CITY OF CHARLOTTE *URBAN STREET DESIGN GUIDELINES* AND ASSOCIATED DETAILS.
- C. SCREENING SHALL CONFORM WITH THE STANDARDS AND TREATMENTS SPECIFIED IN SECTION 12.303 OF THE ORDINANCE.
- D. ALL ROOF MOUNTED MECHANICAL EQUIPMENT PLACED ON ANY NEW BUILDING LOCATED ON THE SITE SHALL BE SCREENED FROM VIEW AT GRADE FROM ADJOINING PUBLIC RIGHTS OF WAY AND ABUTTING PROPERTIES. SOLAR PANELS ARE EXCLUDED FROM THIS REQUIREMENT IF UTILIZED.
- E. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE.
- F. LOCATION OF TREES AND PLANTING MATERIALS MAY BE MODIFIED TO ACCOMMODATE CHANGES TO THE CONFIGURATION OF THE PLAN.
- G. PETITIONER RESERVES THE OPTION TO UTILIZE TREE GRATES AND PAVERS TO BACK OF CURB ALONG SIDEWALK AREA ALONG EAST 36TH STREET.
- H. THE PETITIONER SHALL PROVIDE A MINIMUM 8' WIDE BUFFER WITH A WALL OR FENCE, HEIGHT TO BE A MINIMUM OF 6', ABUTTING THE SINGLE FAMILY LOT (091-102-07), THE BUFFER SHALL INCLUDE A MINIMUM OF (6) TREES AND (20) SHRUBS PER 100 LINEAL FEET.

- 8. ENVIRONMENTAL FEATURES**
- A. THE PETITIONER SHALL ADHERE TO THE REQUIREMENTS OF THE POST-CONSTRUCTION STORM WATER ORDINANCE (PCCO) FOR THE CITY OF CHARLOTTE FOR THIS DEVELOPMENT AREA.
- B. DUE TO THE PROXIMITY OF THE PLANNED 36TH STREET STATION ALONG THE NORTHEAST CORRIDOR - BLUE LINE EXTENSION, THIS SITE IS EXEMPT FROM THE CITY OF CHARLOTTE TREE SAVE ORDINANCE REQUIREMENTS.

- 9. PARKS, GREENWAYS, AND OPEN SPACE**
- A. THE PETITIONER SHALL ADHERE TO THE REQUIREMENTS OF THE CITY OF CHARLOTTE ZONING ORDINANCE FOR URBAN OPEN SPACE WITHIN THIS DEVELOPMENT AREA.
- B. LOCATION OF OPEN SPACE MAY BE MODIFIED TO ACCOMMODATE CHANGES TO THE CONFIGURATION OF THE PLAN.

- 10. FIRE PROTECTION**
- A. THE PETITIONER SHALL ADHERE TO THE REQUIREMENTS OF THE CHARLOTTE FIRE DEPARTMENT FOR THIS DEVELOPMENT AREA.

- 11. SIGNAGE**
- A. WHERE SIGNS, BANNERS, FLAGS AND PENNANTS FOR IDENTIFICATION OR DECORATION ARE PROVIDED, THEY MUST CONFORM TO THE REQUIREMENTS OF CHAPTER 13 OF THE CITY OF CHARLOTTE ZONING ORDINANCE.
- B. REFER TO SECTION 3.B OPTIONAL SIGNAGE PROVISIONS ON THIS SHEET.

- 12. LIGHTING**
- A. THE MAXIMUM HEIGHT OF THE LIGHT SOURCE (LIGHT BULB) DETACHED FROM A BUILDING SHALL BE 20 FEET AND USE FULL CUT-OFF LIGHTING FIXTURES.
- B. AS THE PROJECT DEVELOPS, PEDESTRIAN SCALE LIGHTING WILL BE INSTALLED ALONG BOTH INTERIOR STREETS AND STREETS THAT BORDER THE SITE. NO WALL PAK LIGHTING WILL BE ALLOWED.

- 13. OTHER**
- A. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS
- IF THIS REZONING PETITION IS APPROVED, THE DEVELOPMENT PROGRAM ESTABLISHED UNDER THESE DEVELOPMENT STANDARDS AND THE SCHEMATIC PLAN 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.
- B. AMENDMENTS TO THE REZONING PLAN
- FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET, THE SCHEMATIC SITE PLAN, AND OTHER SHEETS ACCOMPANYING THE PETITION AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCELS WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.
- C. REQUEST FOR 5-YEAR VESTING
- PURSUANT TO THE PROVISIONS OF SECTION 1.110 OF THE ORDINANCE AND N.C.G.S. §160A-385.1, DUE TO THE ECONOMIC CYCLES AND MARKET CONDITIONS, THIS PETITION INCLUDES VESTING OF THE APPROVED REZONING PLAN ASSOCIATED WITH THIS PETITION FOR A FIVE (5) YEAR PERIOD.
- D. THROUGHOUT THIS REZONING PETITION, THE TERMS "PETITIONERS", "OWNER" OR "OWNERS" SHALL, WITH RESPECT TO EACH TRACT 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.

- E. PUBLIC ART - THE PROJECT WILL CONTAIN A MINIMUM ALLOWANCE OF \$30,000 FOR THE PURPOSES OF INSTALLATION AND PURCHASE OF PUBLIC ART. THIS ART MAY BE FREE STANDING OR INTEGRATED WITHIN THE ARCHITECTURE IN A FORM OR LOCATION AS YET TO BE DETERMINED. THE PETITIONER WILL REQUEST A SINGLE REPRESENTATIVE, AS RECOMMENDED BY THE NEIGHBORHOOD ASSOCIATION, TO ACT IN AN ADVISORY ROLE WITH THE PETITIONER IN THE IMPLEMENTATION OF THIS FUND. PUBLIC ART WILL NOT BE USED FOR ADVERTISEMENT PURPOSES. FINAL CONTROL ON IMPLEMENTATION OF THIS FUND REMAINS SOLELY WITH THE PETITIONER.
- F. PETITIONER, IF LEGALLY POSSIBLE, WILL PLACE A DEED RESTRICTION ON THE EXISTING CORNER BUILDING (N. DAVIDSON & 36TH STREETS) TO PREVENT BUILDING FROM BEING DEMOLISHED.



SCHEMATIC PERSPECTIVE VIEW - 36th STREET AND ALEXANDER STREET INTERSECTION



SCHEMATIC PERSPECTIVE VIEW - MERCURY STREET



SCHEMATIC PERSPECTIVE VIEW - NORTH DAVIDSON STREET



SCHEMATIC PERSPECTIVE VIEW - ALEXANDER STREET

NOTE: THE REZONING PLAN IS ILLUSTRATIVE  
 IN NATURE AND IS INTENDED TO DEPICT  
 BUILDING, PARKING AND CIRCULATION  
 RELATIONSHIPS.



**Architectural Commitments for Mercury Street Frontage:**

- These commitments are unique to building elevations fronting Mercury Street.
- Reduction in height to 3 stories only on those units facing Mercury Street as specifically depicted in this rendering. Units not facing Mercury are subject to the height requirements listed in the development notes.
- Commit to building massing along Mercury St. that will visually reduce the scale of building and thereby relate better to single family housing.
  - o Commitment to include "masonry treatment" along first two stories with "lighter" material above (such as illustrative rendering shown for Mercury Street).
  - o Other strategies may include building massing variety with building setbacks and/or potential use of roofing elements which soften the building façade with material variety and shadow.
- Material types in this area similar to those described in Development Notes on RZ-3a except as follows:
  - o "Masonry treatment" above defined as totaling a minimum 50% of non-glass wall area on the first two stories. Masonry materials include brick, stone, cast stone, etc.
  - o "lighter" material defined similarly to that on RZ-3a such as stucco or Hardie paneling (cement board panels).

DETAILED SCHEMATIC ELEVATION - MERCURY STREET

DATE: October 24, 2011  
 DESIGNED BY: RP  
 DRAWN BY: DAW  
 CHECKED BY: RP  
 SCALE: 1/8"=1'-0"  
 PROJECT #: 1011262  
 SHEET #:

NOTE: THE REZONING PLAN IS ILLUSTRATIVE IN NATURE AND IS INTENDED TO DEPICT BUILDING, PARKING AND CIRCULATION RELATIONSHIPS.

**THE MERCURY  
 SCHEMATIC SITE PLAN**

Mercury NoDa, LLC 620 E. Worthington Ave. Charlotte, NC 28203

SCHEMATIC ARCHITECTURAL PERSPECTIVES - OPTION A

REZONING PETITION  
 # 2012-001