



CONING PETITION # 2012-001

DEVELOPMENT STANDARDS

SITE AREA:	+/- 3.87 ACRES
TAX PARCEL(S) INCLUDED WITHIN	091-102-08, 091-102-09, 091-102-03, 091-102-01
THE AREA TO BE REZONED	
EXISTING ZONING	MIXED USE DEVELOPMENT DISTRICT (MUDDO)
PROPOSED ZONING	MUDD-O SPA WITH 5 YEAR VESTED RIGHTS //1.\
EXISTING USES	RETAIL (22,500 SF)
PROPOSED USES	USES PERMITTED BY RIGHT AND UNDER THE PRESCRIB
	CONDITIONS TOGETHER WITH ACCESSORY USES, AS
	ALLOWED IN THE MUDD DISTRICT (AS MORE
	SRECIEICALLY 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	PERTAL OROMANCE

AMOUNT OF OPEN SPACE 2. GENERAL PROVISIONS

MAXIMUM BUILDING HEIGHT

SPACES

NUMBER OR RATIO OF PARKING

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.

SPACE / DWELLING UNIT FOR RESIDENTIAL; 1 SPACE /

600 SF FOR ALL OTHER USES EXCEPT 1 SPACE / 150 SF ◀

FOR RESTAURANT OR NIGHTCLUB USES.

PER THE ORDINANCE

- 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.
- .. 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,
- 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 THROUGH OUT THE SITE. THESE PROJECTING WALL SIGNS ARE IN ADDITION TO THE NORMALLY ALLOWED WALL SIGNS FOR THE MUDD DISTRICT.

4. PERMITTED USES

3. OPTIONAL PROVISIONS

- 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

ACCESS AND TRANSPORTATION 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
- 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
- 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.

DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES.

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.

- 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.
- 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 55' WITH A 40' BASE MAXIMUM HEIGHT ALONG MERCURY STREET AS MEASURED FROM A 16' SETBACK FROM THE EXISTING BACK OF CURB. THE BUILDING HEIGHT ALONG MERCURY STREET MAY BE INCREASED ONE ADDITIONAL FOOT FOR EVERY TWO FEET IN DISTANCE THE PORTION OF THE BUILDING IS SET FROM THE EXISTING CURB..
- 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.
- 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 UNITS. GARAGE HEIGHT SHALL NOT EXCEED ULTIMATE RESIDENTIAL HEIGHT.

STREETSCAPE AND LANDSCAPING. THE MIXED PEDESTRIAN - VEHICULAR COURT, AS INDICATED ON THE SCHEMATIC SITE.

- PLAN, SHALL BE PRIVATE THOUGH SHALL REMAIN OPEN AND ACCESSIBLE TO THE PUBLIC. THERE SHALL BE A MINIMUM OF 20' WIDE VEHICULAR ZONE THROUGH THE COURT AND A MINIMUM OF 6' CLEAR PEDESTRIAN ZONE ON EITHER SIDE OF THE DEFINED VEHICULAR MOVEMENTS. THE EXACT DRIVEWAY LOCATIONS AND TYPE/WIDTH 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.
- 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
- 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.
- DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE.
- LOCATION OF TREES AND PLANTING MATERIALS MAY BE MODIFIED TO ACCOMMODATE CHANGES TO THE CONFIGURATION OF THE PLAN.
- 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 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.

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

11. SIGNAGE

ARE PROVIDED, THEY MUST CONFORM TO THE REQUIREMENTS OF CHAPTER 13 OF THE

(B. REFER TO SECTION 3.B OPTIONAL SIGNAGE PROVISIONS ON THIS SHEET.

A. THE MAXIMUM HEIGHT OF THE LIGHT SOURCE (LIGHT BULB) DETACHED FROM A BUILDING

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 BE THE THEN OWNER OR OWNERS OF THE PARCELS WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE
- 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, DEVISES, 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.







SCHEMATIC PERSPECTIVE VIEW - MERCURY STREET



SCHEMATIC PERSPECTIVE VIEW - NORTH DAVIDSON STREET



SCHEMATIC PERSPECTIVE VIEW - ALEXANDER STREET