

e: N:\\_2014\1014336\CAD\Exhibits\Zoning Plans\4336\_Rezoning.dwg Z-1.0 Jan 16, 2015





me: N:\\_2014\1014336\CAD\Exhibits\Zoning Plans\4336\_Rezoning.dwg Z-2.0 Jan 16, 201



### **Site Development Data:**

### --Acreage: $\pm$ 3.627 acres

- --Tax Parcel #s: 083-055-01 --Existing Zoning: MUDD-O by Rezoning Petition No. 2008-070
- --Proposed Zoning: MUDDTOD-O (SPA)MO
- --Existing Uses: Retail and warehouse uses.
- --Proposed Uses: Residential dwellings units; and non-residential uses as permitted by right, under prescribed conditions and by the Optional provisions below together with accessory uses, as allowed in the <u>MUDD</u>TOD-M zoning district (as more specifically described and restricted below in Section
- --Maximum Gross Square feet of Development: In Development Area A up to 250 residential dwelling units and up to 7,500 square feet of gross floor area of non-residential uses as permitted by right and under prescribed conditions in the MUDDTOD-M 2 oning district subject to the limitations described in Section 3 below. In Development Area B residential and non-residential uses as permitted by right and under prescribed conditions in the  $\frac{MUDD}{TOD}$  MZ oning district.
- --Maximum Building Height: Building height, will be limited to five (5) stories and [7565] feet within Development Area A and up to 8565 feet within Development Area B and as allowed by the  $\Delta$  Optional provisions below (for the purposes of these height limits, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).
- --Parking: Parking as required by the Ordinance will be provided for Development Area A. Parking for A Development Area B will comply with the minimum parking requirements of the MUDD zoning district and the maximum parking requirements of the TOD-M zoning district as allowed by the Optional provisions below.

### General Provisions

Site Location. These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets Z-1 and Z-2 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Southern Apartment Group, LLC. ("Petitioner") to accommodate the development of a residential and non-residential mixed use development on an approximate  $\overline{I_{2,627}}$  acre site located on the east side N. Davidson Street between E. 27th Street and E. 26th Street (the "Site").

b. **Zoning Districts/Ordinance**. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the  $\Delta$  **MUDD**TOD-OMO zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

**Graphics and Alterations**. The schematic depictions of the uses, parking areas, sidewalks, structures с. and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- i. expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or.
- ii. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- iii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties but no closer than the "external building line" (in this case the external setbacks) as indicated on Sheet Z-1; or
- iv.modifications to allow minor increases or decreases in the mass of the buildings that do not materially change the design intent depicted on or described in the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and  $\Delta$  gross floor area non-residential uses as allowed in the <u>MUDD</u>TOD-M zoning regulations on the ground if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

Number of Buildings Principal and Accessory. Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site within Development Area A will be limited three (3) and within Development Area B will be limited to three (3). Accessory buildings and structures located on the Site (Development Area A or B) shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

### 2. **Optional Provisions** The following optional provisions shall apply to the Development Area A of the Site:

- a. To allow 14 foot setbacks along East 27th Streets and Yadkin Avenues from the existing back of curb as generally depicted on the Rezoning Plan.
- b. To allow a 14 foot setback from: (i) the new back for curb along E. 26th Street, where the curb is relocated to allow recessed on-street; and (ii) from the existing back of curb where recessed on street parking is not provided, all as generally depicted on the Rezoning Plan.

c. To allow the sidewalk width along East 26th Street, East 27th Street and Yadkin Avenue to be six (6) feet.

- generally depicted on the Rezoning Plan.
- the Ordinance).
- be wrapped with active uses such as residential, office and retail uses.
- common access to the abutting streets.
- Street and E. 27th Street to remain until Development Area B is redeveloped.
- maneuvering will not be allowed between the buildings and existing streets.
- demolished and Development Area B is redeveloped.
- the Maximum Parking Requirements of the TOD-M zoning district.
- the Ordinance)..
- Development Area B is redeveloped.
- Permitted Uses, Development Area Limitations: 3.
- floor of the building(s) located along on N. Davidson Street.
- zoning district.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

### 4. Access:

of the Ordinance.

# Southern Apartment Group, LLC. **Development Standards** <del>10/03/14</del> 01/16/15 Rezoning Petition No. 2015-000-001

d. To allow the setback along N. Davidson Street to be 16 feet as measured from the existing back of curb as

e. To allow the building(s) constructed in Development Area A to have a maximum height of 65 feet (for the purposes of this height limit, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by

f. To allow the parking structure located along Yadkin Avenue to be constructed, without 50% of its linear

g. To allow the building along East 26th Street and Yadkin Avenue to not provide façade variations that visually separate each individual unit in the proposed building when located across from single-family

h. To allow the portions of the building across from single-family zoning to have more than four units share a

**II.** The following Optional Provisions shall apply to Development Area B of the Site:

a. To allow the existing parking located in Development Area B within the required setback on N. Davidson

b. To allow parking and vehicular maneuvering between the existing building located on Development Area B and N. Davidson Street and E. 27th Street as is generally depicted on the Rezoning Plan. Once the existing building located on Development Area B is demolished, and Development Area B is redevelop, Development Area B will comply with the  $\frac{MUDD}{TOD}$  TOD-M regulations and parking and vehicular

c. To not modify the require streets cape improvements along Development Area B's frontage on N. Davidson  $\Delta$ Street and E. 27th Street. The required To allow a four (4) foot planting strip and a five (5) foot sidewalk along Development Area B's street frontage on N. Davidson Street and E. 27th Street as generally depicted on the Rezoning Plan. These streetscape improvements will be implemented prior to the issuance of a final certificate of occupancy for the building constructed on Development Area A. The streetscape improvements required by the Transit Station Area Plan and the TOD-M zoning district will be provided along N. Davidson Street and E. 27th Street when the existing building on Development Area B is

d. To allow{the change of uses to occur(existing or new) located within the existing building located  $\{\overline{onin}\}$ Development Area B{without having to bring Development Area B into compliance with the applicable MUDD zoning regulations. to meet the minimum parking requirements of the MUDD Zoning District and

e. To allow the building(s) constructed in Development Area B to have a maximum height of 65 feet (for the purposes of this height limit, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by

ef. To not require screening of the existing parking located within Development Area B, until

g. To not require the installation of sidewalk connections from the existing building to the abutting streets. Sidewalk connections will be provided when Development Area B is redeveloped.

a. Subject to the restrictions and limitations listed below, Development Area A may be developed with up to 250 residential dwelling units together with accessory uses as allowed in the MUDDTOD-M zoning | c. district. In addition within Development Area A, the Petitioner may develop up to 7,500 square feet of

b. Subject to the restrictions and limitations listed below, Development Area B may be developed with residential and non-residential uses as permitted by right and under prescribed conditions in ▲ MUDDTOD-M zoning district together with allowed accessory uses as permitted in the MUDDTOD-M

a. Access to the Site will be from N. Davidson Street, E 27th Street and Yadkin Ave as generally depicted on the Rezoning Plan, subject to adjustments as set forth below. The Petitioner may request additional access point to E. 27th Street, Yadkin Avenue and E. 26th Street through the Administrative Amendment process

- b. The alignment of the vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.
- Streetscape, Landscaping Open Space and Screening:

a. AAlong N. Davidson Street a 16 foot setback as measured from the future existing back of curb along N. Davidson Street will be provided, as allowed by the Optional provisions. Except that this setback will not street frontage containing street level retail, office or residential uses; and to allow the parking deck to not be implemented along Development Area B frontage on N. Davidson Street until Development Area B is redeveloped as allowed by the Optional Provisions above.

> b. Along Development Area A's street frontage on E. 26th Street, E. 27th Street and Yadkin Avenue a 14 foot setback as measured from the back of the existing curb or future curb will be provided as allowed by the Optional provisions above.

. As part of the redevelopment of Development Area A, the Petitioner will provide the following streetscape A improvements along Development Area A's frontage on N. Davidson Street: (i) recessed on street park; (ii) an eight (8) foot planting stripamenity zone with street trees and (iiiii) an eight (8) foot Sidewalk as generally depicted on the Rezoning Plan. These same improvements will be provided along Development Area B's frontage on N. Davidson Street as part of the redevelopment of Development Area B as allowed by the Optional Provisions.

d. As part of the redevelopment of Development Area A, an eight (8) foot planting strip and a six (6) foot sidewalk will be provided along E. 26th Street, E. 27th Street and Yadkin Avenue as generally depicted on the Rezoning Plan and as allowed by the Optional provisions above.

A 14 foot setback as measured from the back of the existing curb along E. 26th Street, E. 27th Street and Yadkin Avenue will be provided. This setback will be implemented along Along Development Area B's street frontage on N. Davidson Street and E. 27th Street when Development Area B is redeveloped as allowed by the Optional Provisions. d.—An eight (8a four (4) foot plantingplanning strip and a sixfive (65) foot sidewalk will be provided along E. 26th Street, E. 27th Street and Yadkin Avenue as part of redevelopment of Development Area A as generally depicted on the Rezoning Plan. when [the streetscape improvements are trigger by the TOD Ordinance] or [as part of the construction of the allowed uses on ] Development Area A].

ed. When Development Area B is redeveloped an eight (8) foot planting strip and a six (6) foot sidewalkplanting strips and sidewalks as required by the TOD-M zoning district will be provided along E 27th Street.

Urban Open Space will be provided on the Site (Development Area A and B) as required by the Ordinance.

- Meter banks will be screened where visible from public view at grade level.
- Roof top HVAC and related mechanical equipment will be screened from public view at grade level.
- Architectural Standards.
- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementatious siding (such as hardi-plank), stucco, EIFS, decorative metal panels, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits, and on handrails/railings
- b. The residential buildings constructed within Development Area A will have pedestrian entrances from the building to each of the adjoining public streets. If non-residential uses as allowed by the Rezoning Plan are developed along N. Davidson Street within Development Area A these non-residential uses will provide pedestrian entrances from N. Davidson Street.

When Development Area B is redeveloped the building(s) constructed on Development Area B will address the adjoining public streets with windows and doors. The proposed parking deck structure located along Yadkin Avenue will be treated with a combination of decorative grill work and art. The decorative grill work and art work will be installed so that the parking deck Street Wall does not have any blank walls that exceed 20 feet. The Petitioner has discussed and will continue to discuss with the Art and Science Council the possibility of developing a partnership to create and implement the art work that will be installed on the parking deck Street Wall along Yadkin Avenue.

### **7.** Parking and Maneuvering Restrictions.

a. As allowed by the Optional Provisions above the existing parking and maneuvering for parking located in the setbacks and between the public streets and existing building on Development Area B my remain until such time as Development Area B is redeveloped.

### **Environmental Features:**

- a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustment may be necessary to accommodate actual storm water treatment requirements and natural discharge points.
- c. The Site will comply with the Tree Ordinance.

# ·5 **db**

ත



ΖŞ

.: 23:

### 9. Signage:

a. Signage as allowed by the Ordinance may be provided.

b. On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.

## 10. Lighting:

All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site, except street lights located along public streets, will be limited to 15 feet in height

## **11.** Amendments to the Rezoning Plan:

Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

#### **Binding Effect of the Rezoning Application:** 12.

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.





 $\square$ 

M  $\triangleleft$ σ  $\square$ 0 5

Ż

Ш

Σ

Ω

0

Ш

Ш

 $\square$ 

7th

 $\sim$ 



0  $\mathbf{m}$ 





TAX PARCEL ID #:

# 08305501

EXISTING ZONING: TOTAL SITE SF (ACREAGE):

AREA PLANS:

THE BLUE LINE EXTENSION TRANSIT STATION AREA PLAN

MUDD-0

±3.627 AC

SITE SURVEY PROVIDED BY:

LANDDESIGN SURVEYING 223 N. GRAHAM ST. CHARLOTTE NC 28202 074.376.7777

SURVEY OF PROPERTY 6 PROVIDED BY:

COLE JENEST & STONE 200 SOUTH TRYON STREET, SUITE 1400 CHARLOTTE NC 28202 704.376.1555

## ADJACENT PROPERTY OWNERS

- 1. PIN# 08305311 CHARLOTTE INDUSTRIAL LLC 102 TOWTON CT WAXHAW NC 28173 EXISTING ZONING: I-2 EXISTING USE: WAREHOUSE
- 2. PIN# 08305206 TRI C INVESTMENTS 2315 N DAVIDSON ST CHARLOTTE NC 28205 EXISTING ZONING: I-2 EXISTING USE: WAREHOUSE

| \_\_\_\_\_i

- 3. PIN# 08305208 INC TEXTILE RUBBER & CHEMICAL CO 11300 TIARCO DR DALTON, GA 30720 EXISTING ZONING: I-2 EXISTING USE: VACANT
- 4. PIN# 08305207 TNC GENERAL LATEX & CHEMICAL CO 2321 N DAVIDSON ST CHARLOTTE, NC 28205 EXISTING ZONING: I-2 EXISTING USE: WAREHOUSE
- 5. PIN# 08305104 GAMBILLS LLC 115 EAST PARK AVE CHARLOTTE, NC 28203 EXISTING ZONING: I-2 EXISTING USE: WAREHOUSE
- 6. PIN# 08305739 THE VYNE APAQRTMENTS LLC 1001 ELIZABETH AVE APT 1B CHARLOTTE, NC 28204 EXISTING ZONING: MUDD-O EXISTING USE: VACANT

- 7. PIN# 08305811 BURR WOLFF SAFETY-KLEEN CORP PO BOX 27713 HOUSTON, TX 77227 EXISTING ZONING: I-1 EXISTING USE: OFFICE
- 8. PIN# 08305801 HOMES BY POLARIS LLC 13000 SOUTH TRYON ST STE F 217 CHARLOTTE NC 28278 EXISTING ZONING: R-5 EXISTING USE: SINGLE FAMILY
- 9. PIN# 08305901 STEPHEN & TAMARA BOINEAU 2222 YADKIN AVE CHARLOTTE, NC 28206 EXISTING ZONING: R-5 EXISTING USE: SINGLE FAMILY
- 10. PIN# 083059408 CHRISTOPHER NEEDHAM & GEORGE COURLAS P O BOX 9423 CHARLOTTE NC 28299 EXISTING ZONING: R-5 EXISTING USE: SINGLE FAMILY
- 11. PIN# 08305409 2226 PROPERTIES (CHARLOTTE) LLC 1415 STUART ENGALS BLVD MOUNT PLEASANT SC 29464 EXISTING ZONING: I-1 EXISTING USE: WAREHOUSE



 $\bigcirc$ ZÕ  $\bigcirc$  $\bigcirc$  $\overrightarrow{)}$  $\tilde{\mathbf{n}} \lesssim$  $\bigcirc$ Ż ШМ Δ 0 Ш DEVI CONDITIONS  $\succ$ NoDa 27th MULTI-FAMILY EXISTING

àD

ς2

ы.

am St 0325

Grah .333. чг

Z Ş

~ 52

.2

**ID** 

5



0