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ARBORETUM
MIXED USE
DEVELOPMENT
CHARLOTTE, NC

PROJECT NUMBER SP 731
ISSUE DATE
REZONING SUBMITTAL 02.27.17

DRAWING DATA

DRAWN BY: GW
CHECKED BY: RJ
FILE NUMBER:

SHEET TITLE

CONTEXT AND
CONCEPTUAL
SITE PLAN

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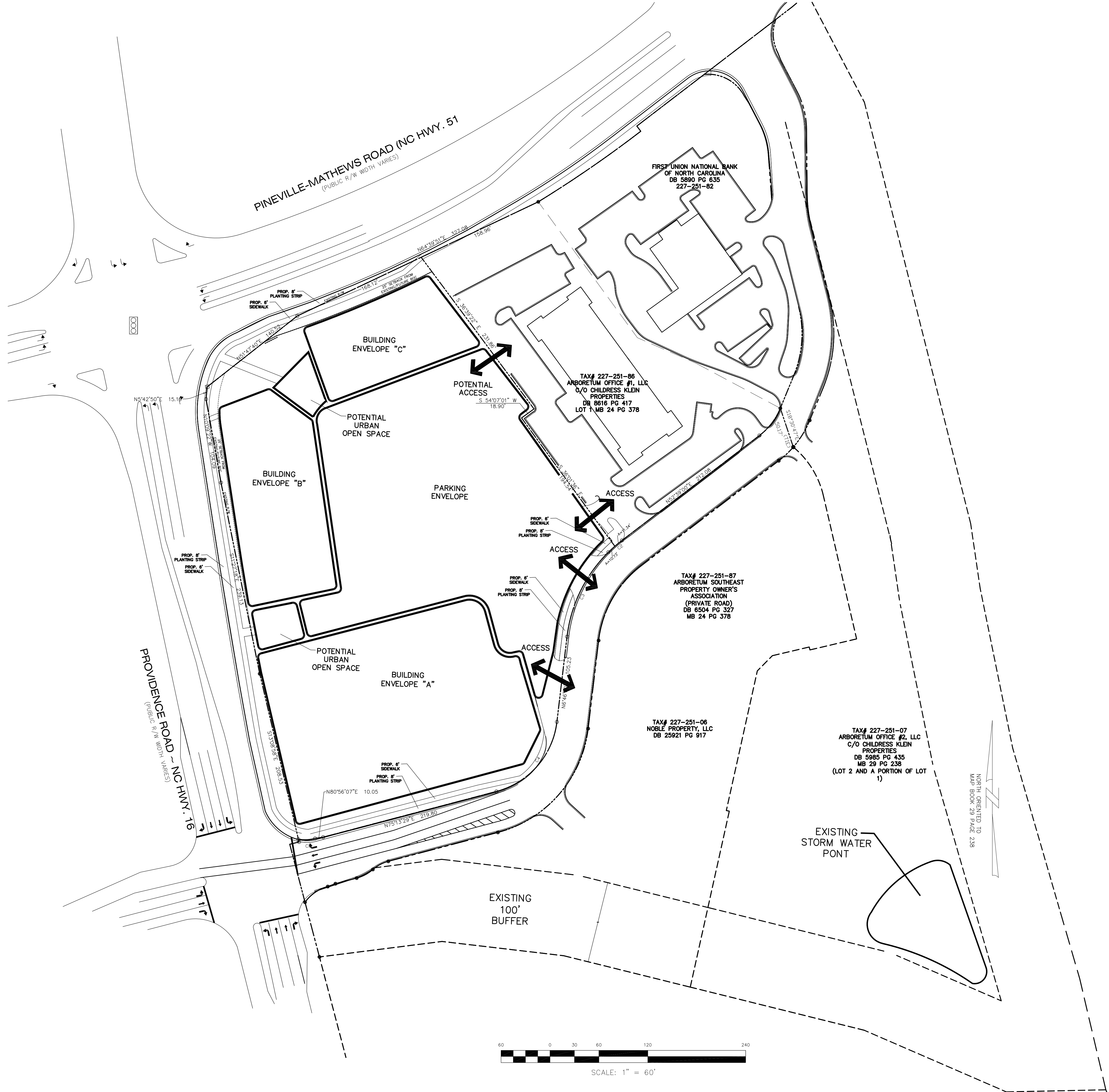
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TECHNICAL
DATA SHEET

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SHEET NUMBER

RZ-02



- Childress Klein | Arboretum Mixed Use

Development Standards

2/22/2017

Rezoning Petition No. 2017-009
- Site Development Data:

~Arranger: 5.4 acres

~Tax Parcel: 227-251-183, 227-251-183 and portion of 227-251-186

~Zoning: Zoning: MUD0-0

~Proposed Zoning: MUD0-0

~Existing Use: Office and Institutional

~Proposed Uses: Retail, Eating, Drinking, Entertainment, Establishments (EDEE); general and medical office uses; and Personal Service Uses as permitted by right, under prescribed conditions, and by the Optional provisions below, as together with accessory uses, as allowed in the MUD0 zoning district and more specifically described and restricted below in Section 3).

~Maximum Gross Square Feet of Development: Up to 90,000 square feet of gross floor area of permitted uses, (subject to the conversion provisions below).

~Maximum Building Height: Buildings will be limited to a maximum building height of 35 feet.

~Parking: Parking will be provided per Ordinance.
1. General Provisions:

a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets RZ-01, RZ-02, RZ-04 and RZ-05 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Childress Klein Properties, ("Petitioner") to accommodate the development of a high quality mixed use development on an approximately 5.4 acre site located on the southeast quadrant of the intersection of Providence Road and Pineville-Matthews Road (the "Site"). The Site is a portion of the development, known as Arboretum Office Park, located at the corner of such intersection.

b. **Zoning District/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 MUD0-0 zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, and other development matters and site elements (collectively the "DevelopmentSite Elements") on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, location, size and form/limitations of the DevelopmentSite Elements depicted on the Rezoning Plan are graphic representations of the DevelopmentSite 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 DevelopmentSite 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, side or rear yards) indicated on Sheet RZ-01; 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.

d. The Planning Director will determine if such minor modifications are allowed per this amended process, and 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.

e. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site will be limited to three (3). Accessory buildings and structures located on the Site 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 buildings).

f. **Gross Floor Area.** For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the following items will not be counted as part of the allowed gross floor area (floor areas as defined by the Ordinance) for the Site: surface or structured parking facilities, all loading dock areas (open or enclosed), and outdoor dining areas (whether on the roof of the building) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

g. **Permitted Services.** Personal Service will be defined as use that primarily provide a service to customers versus the selling of goods. A personal service use may sell retail products or merchandise but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, Spas, Yoga and exercise studios, nail salons, massage shops, martial art training studios, dry cleaning establishments, bookstores, and others.

h. **Unified Development for entire Quadrant.** The Site together with that certain site located adjacent to the Site and being the remainder of the Arboretum Office Park (the "Adjacent Site") shall be viewed in the aggregate as a planned unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan and those existing improvements on the Adjacent Site. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site and the Adjacent Site. The Petitioner and/or owner(s) of the Site and the Adjacent Site reserve the right to subdivide the portions or all of the Site and Adjacent Site and create lots within the interior of all of the Site and Adjacent Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, all such separation standards along exterior boundary of the Site and of the Adjacent Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth herein at the Site.
2. Optional Provisions.

The following optional provisions shall apply to the Site:

a. To allow wall signs to have up to 220 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.

b. To allow one detached ground mounted sign per street front with a maximum height of 20 feet and containing up to 150 square feet of sign area.

c. To allow, free-standing single-use buildings, to have a detached sign up to four (4) feet high with up to 32 square feet of sign area.

d. To allow up to two uses with accessory drive-through windows in the configuration and with vehicular storage as generally depicted on Sheet RZ-01 of the Rezoning Plan. The allowed accessory windows will be designed so that they do not circulate between the proposed building and Pineville-Matthews Road as generally depicted on the Rezoning Plan.

e. To not require driveways to be recessed into the face of the building(s) when the width of the sidewalk is at least 10 feet and/or when it is an emergency exit.

f. To allow windows and window boxes that face Providence Road and/or Pineville-Matthews Road to have graphic images (not signs) applied to 100% of the glazing of the window or window box. These windows and graphic images may be used to meet the Street Wall requirements of the Ordinance and will be generally located at the ground floor level of the building to help enhance the pedestrian environment at the base of the building. This optional provision does not prohibit the installation of Window Signs as allowed by Ordinance or part of the images applied to the windows or window boxes.

g. To allow alternative "blank wall" standards, including but not limited to the use of opaque and spandrel glass per Section II 6.d. of these Development Standards.

Notes: The optional provision regarding signs is an addition/modification to the standards for signs in the MUD0 zoning district and is to be used with the remainder of MUD0 standards for signs not modified by these optional provisions.

3. Permitted Uses, Development Area Limitations:

a. Subject to the restrictions and limitations listed below, the principal buildings constructed on the Site may be developed with up to 90,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses, and Personal Service uses as permitted by right, under prescribed conditions and per the Optional provisions above together with accessory uses allowed in the MUD0-0 zoning district.

b. Up to two (2) uses with an accessory drive through window will be permitted on the Site. The two (2) uses allowed to have an accessory drive through window may be for a financial institution, an EDEE and/or a grocery store. One of the allowed accessory drive through windows will be utilized by the proposed grocery store as a grocery pick, package, pick-up, and home delivery pick-up as generally depicted on the Rezoning Plan.

c. The following uses will not be allowed: gasoline service stations with or without a convenience store.

4. Transportation Improvements and Access:

1. Proposed Improvements:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

(TO BE FORTHCOMING)

Standards, Phasing and Other Provisions:

a. CDOT/NC/DOT Standards.

All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT as applicable. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the area, by way of a private-public partnership effort or other public sector project support.

b. Substantial Completion.

Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.1 above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.1.a above provided, however, in the event all roadway improvements are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for buildings on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

c. Right-of-Way Availability.

It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceeding including compensation paid to the applicable agency, department or governmental body for any such land and the expenses of such proceeding. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for buildings on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings provided, however, Petitioner continues to exercise good faith efforts to complete the applicable roadway improvements, in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

d. Alternative Improvements.

Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT, and the Planning Director as applicable; provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

III. Access and Internal Private Street.

a. Access to the Site will be from Providence Road and Arboretum Drive as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

b. The Petitioner as part of the development of Site will reconstruct Arboretum Drive as a Private Street through the Site from the access point on Providence Road to the limits of the Site as generally depicted on the Rezoning Plan.

c. 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 as long as the street network set forth on the Rezoning Plan is not materially altered.

d. The Site's internal private street will be designed to include sidewalks and planting strips on one side as generally depicted on the Rezoning Plan except as provided for in section 5.a below.

5. Streetscape, Buffer, Landscaping Open Space and Screening:

a. A 25 foot setback as measured from the existing or future back of curb along Providence Road will be provided as generally depicted on the Rezoning Plan. Detached signs will be allowed within the 25 foot setback established along Providence Road.

b. A 25 foot setback as measured from the existing or future back of curb along Pineville-Matthews Road will be provided all as generally depicted on the Rezoning Plan. Detached signs, and a low masonry wall used to screen the parking areas will be allowed within the foot setback established along Pineville-Matthews Road.

c. A low masonry wall (2.0 foot high) will be used to screen the parking, circulation and/or maneuvering located along Pineville-Matthews Road as generally depicted on the Rezoning Plan. This low wall will be constructed of masonry materials that match the masonry materials used on the primary buildings.

d. An eight (8) foot planting strip and a minimum six (6) foot sidewalk will be provided along Providence Road and Pineville-Matthews Road within the required setbacks as generally depicted on the Rezoning Plan.

e. An eight (8) foot planting strip and a minimum six (6) foot sidewalk will be provided along Arboretum Drive on one side limited to the length of the Site as generally depicted on the Rezoning Plan. The sidewalk may be located at the back of curb near the loading area as generally depicted on the Rezoning Plan.

f. An internal network of sidewalks (minimum of six (6) feet wide) will be provided on the interior of the Site linking each of the buildings and open space area on the Site. Where crosswalks are required to link the proposed sidewalk network to the proposed uses on the Site the crosswalks will be designed with either pavers or stamped asphalt to help create a clear pedestrian path to the buildings within the Site.

g. A minimum of 2,500 square feet of urban open space will be provided on the Site in the areas generally depicted on RZ-02. This urban open space area will be improved with landscaping, seating and hardscape areas. The urban open space area will not include private outdoor dining areas, areas located in buffers or the building setbacks/yard as generally indicated on the Rezoning Plan.

h. Meter banks will be screened where visible from public view at grade level.

i. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.

6. General Design Guidelines:

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, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings. The use of decorative block will be limited to a maximum of 25% of any building elevation.

b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved. The use of colors (red hars) that are typically associated with brick materials on the attached elevations does not imply that the material illustrated is a brick material.

c. The buildings constructed on the Site will be constructed so at least 40% of the exterior building facades of each building constructed on the Site, exclusive of windows, doors, and roofs, will be constructed utilizing the following materials: brick, stone, precast stone, precast concrete, synthetic stone, and decorative block.

d. Building Street Walls will meet or exceed the MUD0 requirements for blank walls. The attached building elevations are representative of the Street Wall treatments proposed along Providence Road and Pineville-Matthews Road as well as along the Site's internal private street. These building elevations reflect combinations of materials, material changes, building off-set and window boxes that will be used to meet or exceed the MUD0 requirements for street walls. Blank walls will be treated with a combination of the following features: (i) windows with or without shutters; (ii) internally illuminated window boxes with applied graphics images; (iii) vertical elements such as art work and/or decorative garden and landscape elements; (iv) decorative lighting elements; (v) heavy landscaped areas composed of a combination of large and small maturing evergreen and deciduous trees, evergreen and deciduous shrubs and seasonal color; and (vi) windows with opaque or spandrel glass.

e. The proposed landscaping service area of the proposed project located adjacent to the internal private street will be screened from the internal private street with either: a wall a minimum of eight (8) feet tall, or tall evergreen landscaping, or a combination of a wall and landscaping as generally depicted on the Rezoning Plan.

7. Environmental Features:

a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The Site will comply with the Tree Ordinance.

8. Signage:

a. Signage as allowed by the Ordinance and by the Optional Provisions listed above may be provided.

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

c. No wall signs shall be permitted on the facade of the building fronting Arboretum Drive.

9. Lighting:

a. All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding low-level, 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 25 feet in height.

10. Amendments to the Rezoning Plan:

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

11. Binding Effect of the Rezoning Application:

a. 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.

b.



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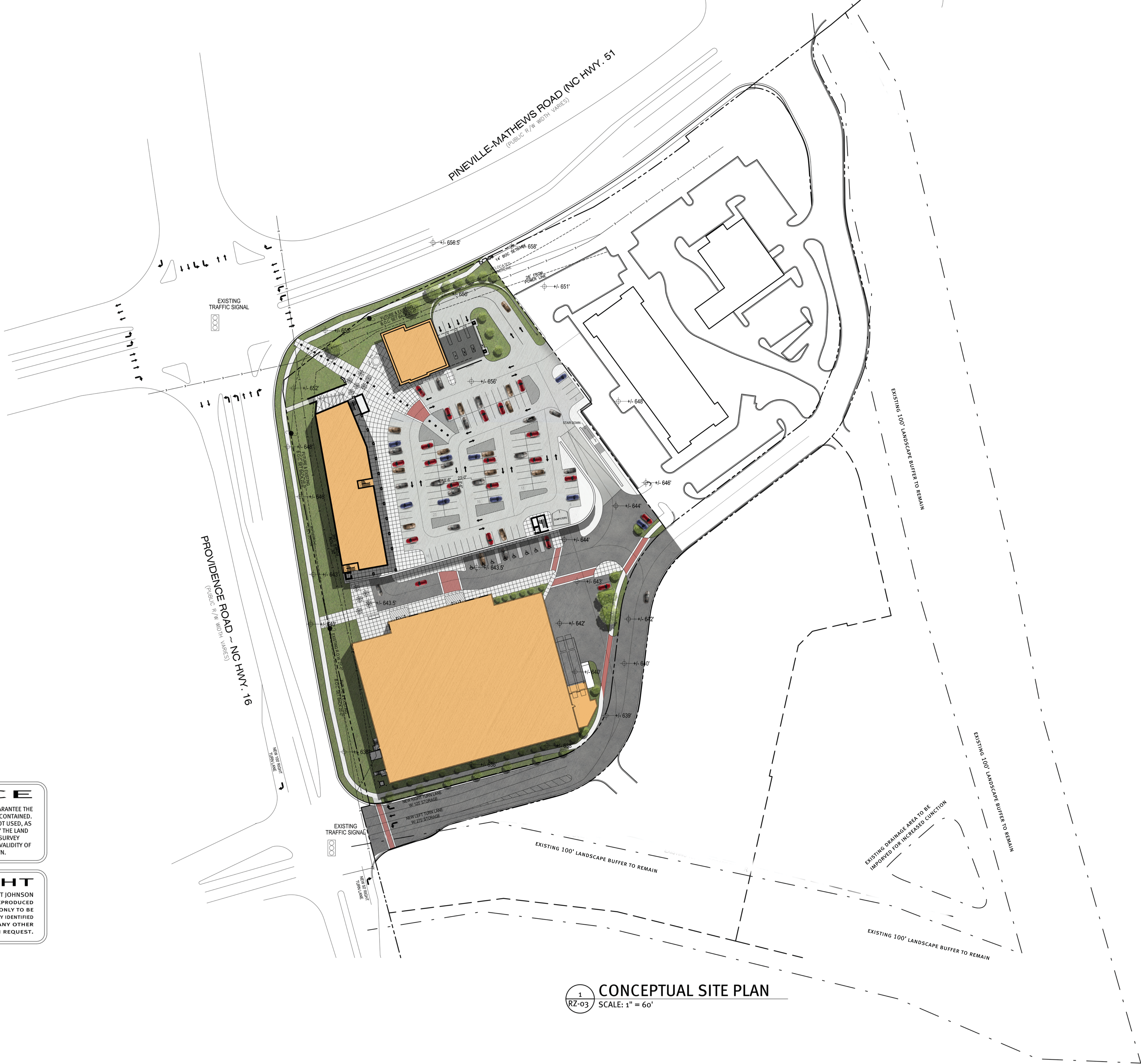
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RZ-03



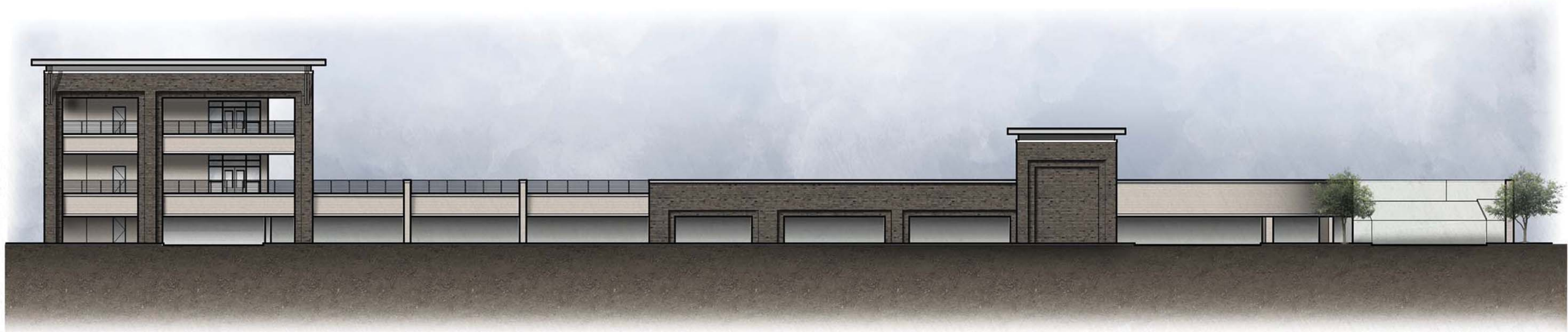
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1
RZ-03
CONCEPTUAL SITE PLAN
SCALE: 1" = 60'



1 SCHEMATIC INTERNAL PARKING DECK ELEVATION
RZ-05 SCALE: 1/16" = 1'-0"



2 SCHEMATIC MIXED USE BUILDING ELEVATION
RZ-05 SCALE: 1/16" = 1'-0"



3 SCHEMATIC MIXED USE BUILDING PROVIDENCE ELEVATION
RZ-05 SCALE: 1/16" = 1'-0"

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NOTE
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