



City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 1/16/2018

Agenda #: 31. **File #:** 15-7300 **Type:** Zoning Hearing

Rezoning Petition: 2017-173 by Ram Reality Advisors

Location: Approximately 1.42 acres located at the corner of Hawkins Street and Doggett Street, south of Worthington Avenue. (Council District 3 - Mayfield)

Current Zoning: MUDD (mixed use development)

Proposed Zoning: MUDD-O (mixed use development, optional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

REQUEST

Current Zoning: MUDD (mixed use development district)
Proposed Zoning: MUDD-O (mixed use development district, optional)

LOCATION

Approximately 0.36 acres located at the corner of Hawkins Street and Doggett Street, south of Worthington Avenue.
(Council District 3 - Mayfield)



SUMMARY OF PETITION

The petition proposes to allow the construction of up to 95 residential units and up to 11,000 square feet of non-residential uses in a building in excess of 120 feet in height.

PROPERTY OWNER

AP 1930 Camden Road LLC

PETITIONER

RAM Realty Advisors

AGENT/REPRESENTATIVE

Bridget Grant and Jeff Brown, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 12

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to site design.

Plan Consistency

The petition is consistent with the *South End Transit Station Area Plan* recommendation for transit oriented development.

Rationale for Recommendation

- The petition will remove an existing surface parking lot and utilize the adjacent parking structure to eliminate the need for parking on site.
- The subject site is within ¼-mile walk of the East/West Boulevard Transit Station on the LYNX Blue Line.
- The proposed development will provide a mix of retail and residential uses.
- The petition provides active ground floor uses as well as

architectural design commitments for the ground floor, street facing facades that encourages pedestrian activity and complements the pedestrian environment.

- The 165-foot building height optional request is 45 feet greater in height than what is allowed by right in the MUDD (mixed use) and TOD (transit oriented development) ordinance standards.
- However, the building height and commitments to ground floor design details are consistent with the recent *South End Vision Plan*.

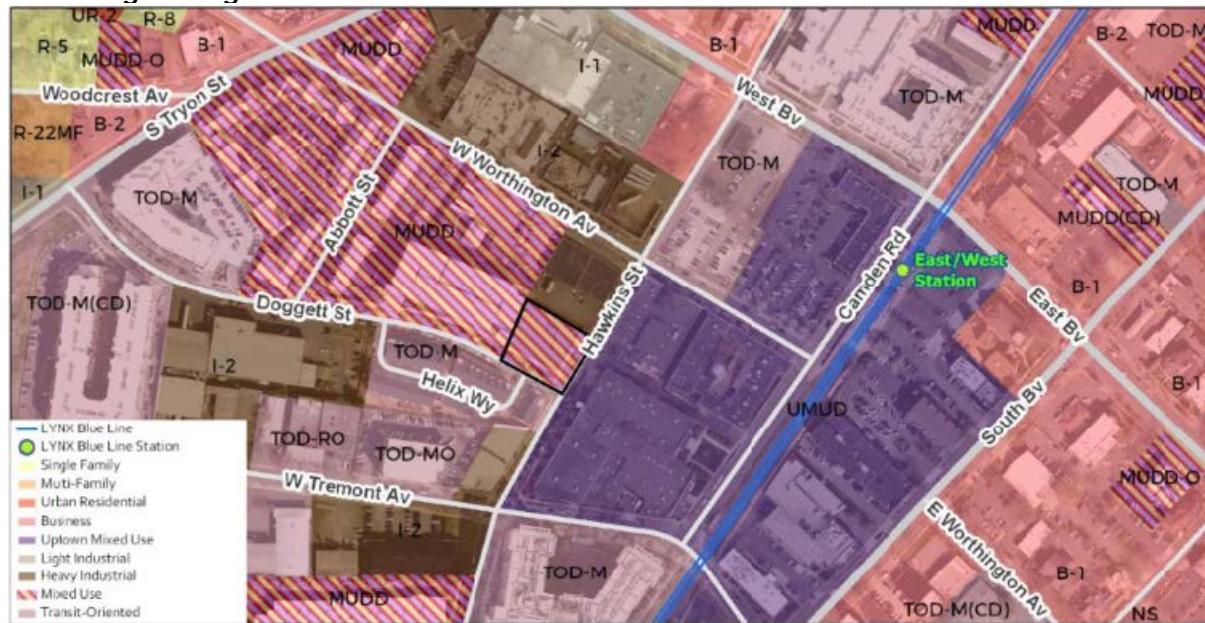
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

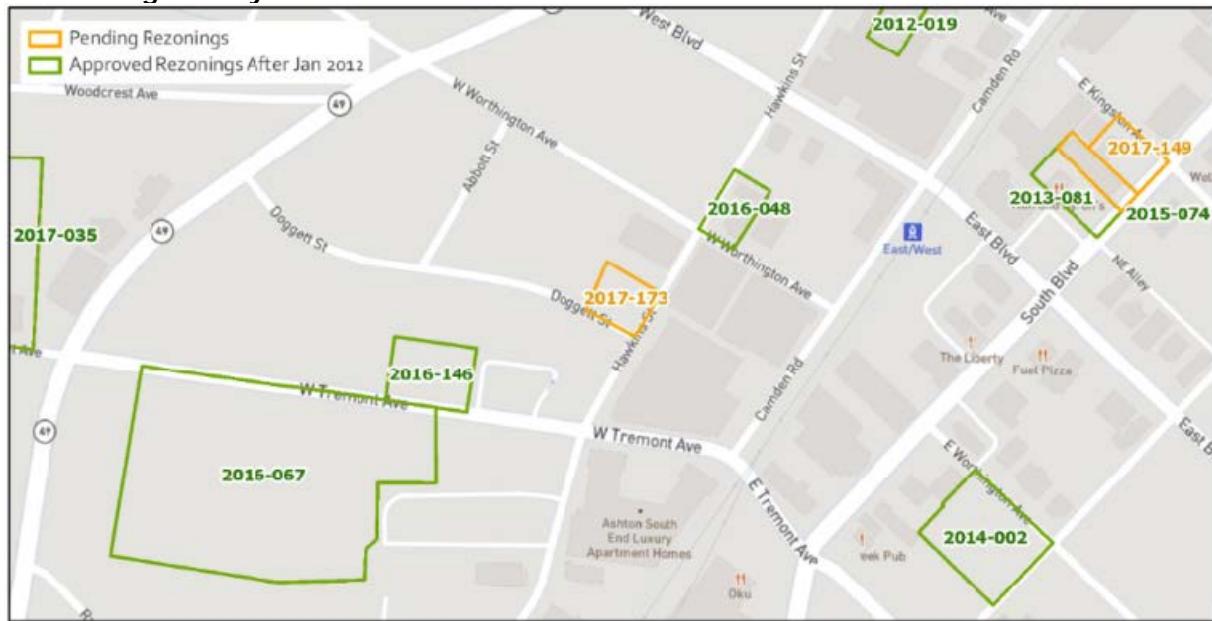
- The proposed rezoning is 0.36 acres of a larger 1.42 parcel currently developed with a parking garage which will remain, and is intended to serve this development.
- Proposed 11,000 square feet for retail and office uses and 95 residential multi-family units.
- 16-foot setback, with existing eight-foot planting strip and eight-foot sidewalk along Hawkins and Doggett Street.
- Building materials will consist of a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementious siding, stucco, EIFS, decorative metal panels, block and or wood. Vinyl will be prohibited as a building material and may only be used on windows, soffits and hand rails.
- Images to demonstrate the proposed ground level details.
- Tenant space to be a minimum of 20 feet deep.
- The first floor of the building will include transparent doors and windows so that first floor uses are visible.
- Optional provisions for the following:
 - To allow a maximum height limit of 165 feet, which is 45 feet over the allowed height in MUDD.
 - To allow encroachment of sanitary sewer and grease traps and stormwater facilities to encroach into the setback.

• Existing Zoning and Land Use



- The subject property is currently zoned MUDD (mixed use development district) and is vacant. The surrounding properties are zoned MUDD (mixed use development district), UMUD (uptown development district), I-2 (general industrial) and TOD-M (transit orientated development-mixed) and developed with residential, office warehouse, parking structure and or vacant.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
Various	The site is at a focal point of the South End Transit Station area, and numerous additional rezonings to TOD (transit oriented development) zoning districts have been approved over the years.	Approved

- Public Plans and Policies**



- The *South End Transit Station Area Plan* (2005) recommends mixed-use transit supportive development for the subject site and surrounding properties.
- The *South End Vision Plan*, which was published in September 2017, garnered significant public engagement. It is a concept plan prepared by neighborhood groups and City staff. The plan set forth a vision for the area around the subject property to include significant housing and employment density and stated: "Tall buildings are both welcome and expected." In the coming months, staff will be presenting design guidelines for the South End area that were developed as a part of this document to Council for approval. These design guidelines include requirements for ground floor doors and windows, active ground floor uses, and building entrances.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located at the unsignalized intersection of local streets. The site plan commits to streetscape as required by City ordinance. CDOT continues to request commitment to reconstruction of an inadequate curb ramp at the street corner on the site frontage.
- See Outstanding Issues, Notes 1 and 2.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on parking lot).

Entitlement: too many uses to determine.

Proposed Zoning: 2,320 trips per day (based on 95 apartments and 11,000 square feet of retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on street parking on Doggett Street or Hawkins Street.
- **Charlotte-Mecklenburg Schools:** The development may add approximately 3 students to the schools in this area if condominium units are included. Alternatively, the development may add approximately 33 students to the schools in this area if apartment units are included
 - The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
 - Barringer Elementary from 121% to 125%
 - Sedgefield Middle from 105% to 106%
 - Harding University High from 129% to 129%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing eight-inch water distribution main along Hawkins Street and Doggett Street.

Charlotte Water concurs with the proposed rezoning under the conditions described below: The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. After an analysis of the sanitary sewer system and the proposed development, a conditional approval of a Capacity Assurance is expected to be granted to the applicant with the understanding that the sanitary sewer cannot be provided until the completion of a public infrastructure project—Charlotte Water's Wilmore Drive to I-77 Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. There is an anticipated completion date of end of Summer 2019.

- **Engineering and Property Management:**

- **Arborist:** The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do NOT confirm or imply authorization by the City to remove any City trees located in street right-of-way (Doggett Street and Hawkins Street); City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right-of-way. No trees can be removed from the right-of-way without explicit authorization from the City Arborist or his designee.
- **Erosion Control:** No issues.
- **Land Development:** No issues.
- **Storm Water Services:** No issues.
- **Urban Forestry:** Site must comply with the Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Transportation

1. The petitioner should revise the site plan and conditional note to specifying two curb ramps to be built at the corner of the site on Doggett Street and Hawkins Street
2. The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.

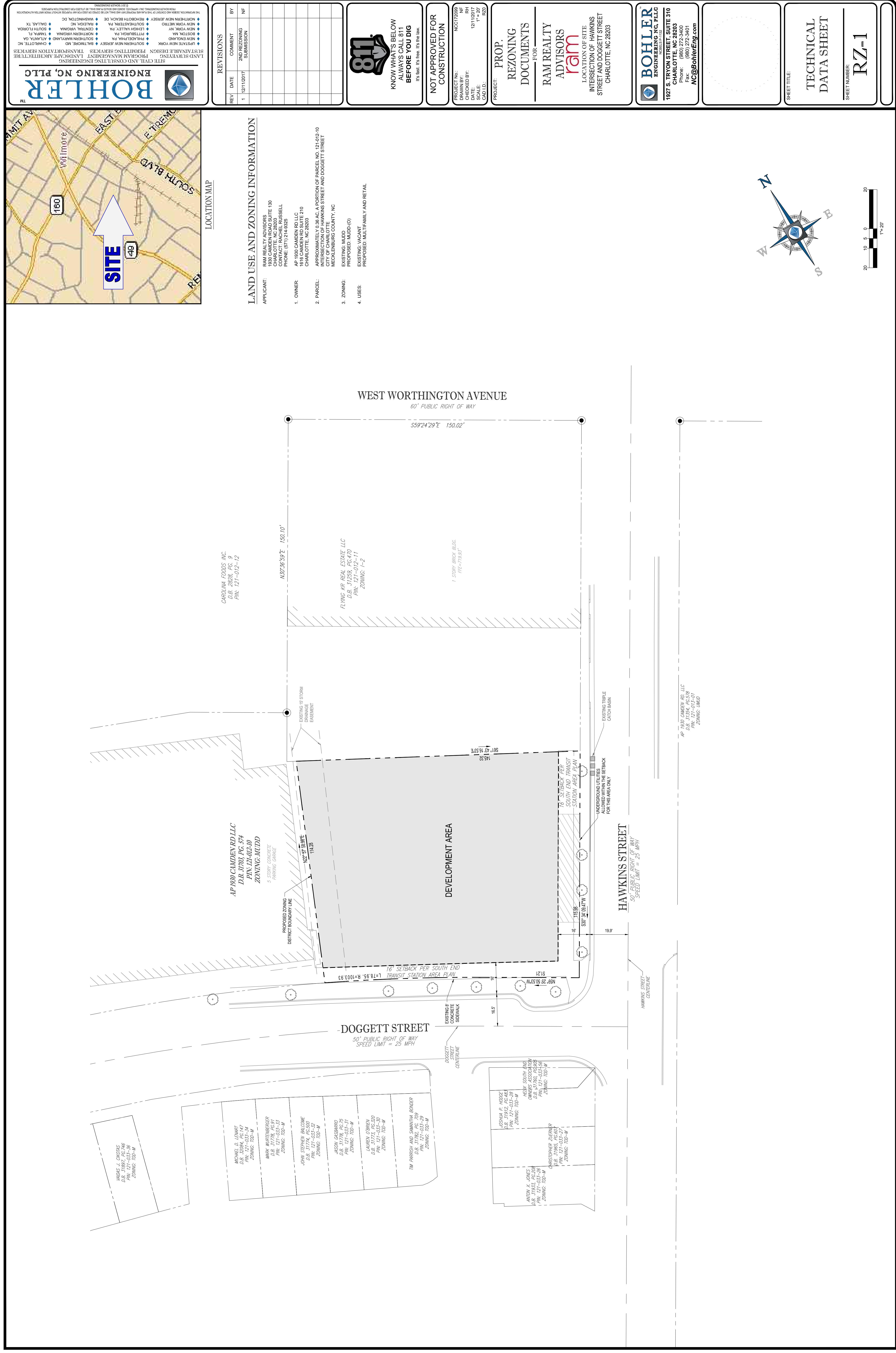
Site and Building Design

3. Remove Note 6a which eliminates architectural standards if the proposed building is less than 120 feet in height.
 4. Show and label proposed driveway entrances along the public street.
 5. Remove the portion of note 6 a. "and the additional requirements set forth herein shall not apply".
 6. Modify note viii to include "uses will be visible between two feet and 10 feet."
-

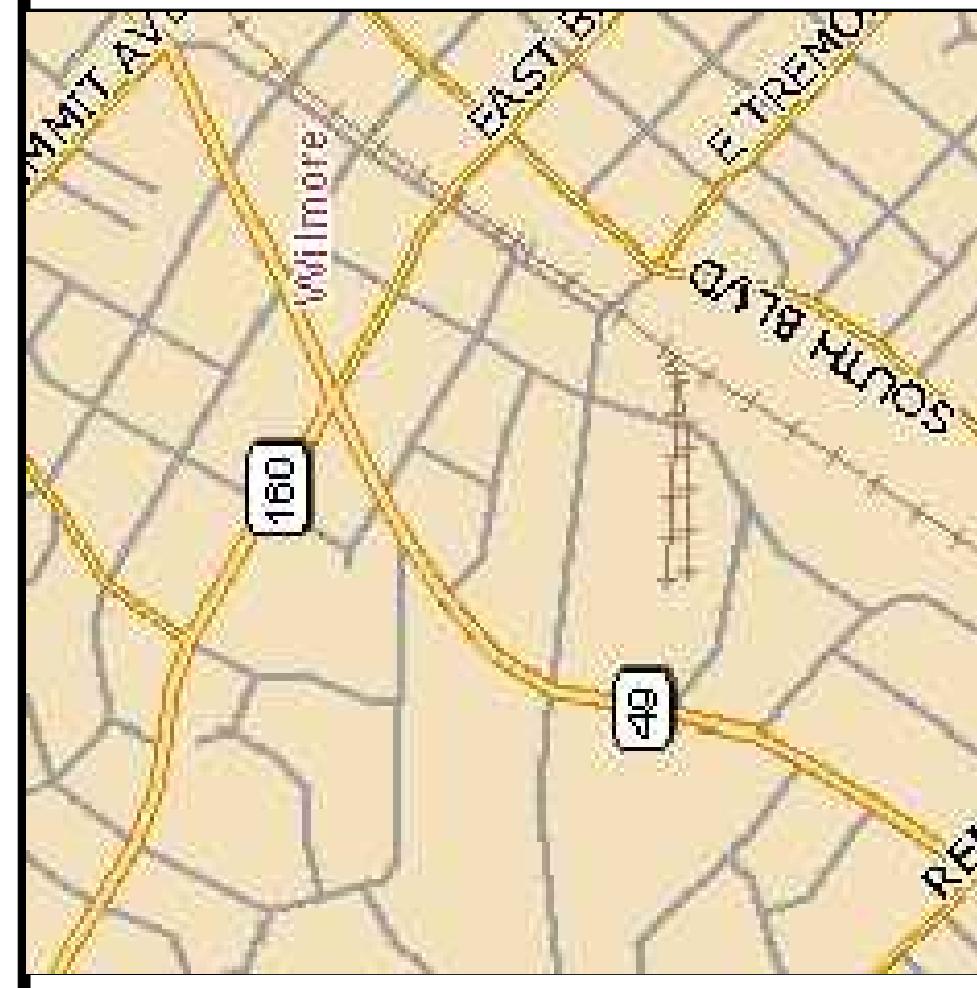
Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Solomon Fortune (704) 336-8326



<p>BOHLER ENGINEERING NC, PLLC</p> <p>LAND SURVEYING • DESIGN • PLANNING • CONSTRUCTION SERVICES SITES CIVIL AND CONSTRUCTION • ENVIRONMENTAL • ARCHITECTURE STRUCTURAL ENGINEERING • LANDSCAPE ARCHITECTURE LAND SURVEYING • DESIGN • PLANNING • CONSTRUCTION SERVICES SITES CIVIL AND CONSTRUCTION • ENVIRONMENTAL • ARCHITECTURE</p> <p>• PRECAST CONCRETE • STONE • PRECAST CONCRETE • STONE • BRICK • STONE • PRECAST CONCRETE • STUCCO • EIFS • DECORATIVE METAL PANELS • DECORATIVE BLOCK AND/OR WOOD, VINYL, OR BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS, AND ON HANDRAILS (REFERENCE EXHIBIT PHOTOS A-J).</p> <p>• PROPOSED USES: VACANT IN THE MUDDO ZONING DISTRICT AS MORE SPECIFICALLY DESCRIBED IN SECTION 3 BELOW WHICH CONTROLS.</p> <p>• MAXIMUM BUILDING HEIGHT: BUILDINGS THAT ARE PRIMARILY RESIDENTIAL MAY HAVE A MAXIMUM BUILDING HEIGHT OF UP TO 165 FEET AS MEASURED FROM AVERAGE GRADE AT THE BASE OF THE BUILDING ALONG EACH OF HAWKINS STREET AND DOGGETT STREET AND AS ALLOWED BY THE OPTIONAL PROVISIONS SET FORTH BELOW. THE MAXIMUM HEIGHT OF NONRESIDENTIAL BUILDINGS SHALL BE PER THE PROVISIONS OF MUDDO WITHIN THE ORDINANCE.</p> <p>• PARKING: AS REQUIRED BY THE ORDINANCE FOR THE MUDDO ZONING CLASSIFICATION. PARKING MAY BE PROVIDED IN THE EXISTING ADJACENT PARKING DECK ON THE ADJACENT SITE.</p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>COMMENT</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>12/1/2017</td> <td>2ND REZONING SUBMISSION</td> <td>NF</td> </tr> </tbody> </table>	REV	DATE	COMMENT	BY	3	12/1/2017	2ND REZONING SUBMISSION	NF
REV	DATE	COMMENT	BY							
3	12/1/2017	2ND REZONING SUBMISSION	NF							



LOCATION MAP

i. THE BUILDING MAY BE CONSTRUCTED WITH SOME COMBINATION OF THE FOLLOWING MATERIALS: BRICK, STONE, PRECAST CONCRETE, CONCRETE, SYNTHETIC STONE (CEMENTBOARD SIDING SUCH AS HARD-PLANK), STUCCO, EIFS, DECORATIVE METAL PANELS, DECORATIVE BLOCK, AND/OR WOOD, VINYL, OR BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS, AND ON HANDRAILS (REFERENCE EXHIBIT PHOTOS A-J).

ii. PRIMARY BUILDING ENTRANCES SHALL BE PROVIDED AT A MINIMUM OF EVERY 100'. ALL PRIMARY ENTRANCES SHALL INCLUDE AT LEAST ONE OF THE FOLLOWING (REFERENCE EXHIBIT PHOTOS A-G):

1. DECORATIVE PEDESTRIAN LIGHTING.
2. ARCHITECTURAL DETAILS CARRIED TO UPPER STORIES.
3. COVERED PORCHES, CANOPIES, AWNINGS, OR SUNSHADES.
4. ARCHWAY(S).
5. TRANSOM WINDOWS.
6. TERRACED OR RAISED PLANTERS THAT CAN BE UTILIZED AS SEAT WALLS.
7. COMMON OUTDOOR SEATING ENHANCED WITH SPECIALTY DETAILS, PAVING, LANDSCAPING OR WATER FEATURES; OR DOUBLE DOORS.
- 8.

iii. THE GROUND FLOOR SHALL BE TALLER THAN AND ARCHITECTURALLY DIFFERENT THAN UPPER FLOORS. THIS STANDARD WILL ONLY APPLY TO BUILDING WALLS LOCATED ALONG PUBLIC STREETS (REFERENCE EXAMPLE PHOTOS A, E, F, J).

w. THE WINDOWS SHALL HAVE SLIGHT INSETS TO AND MONOLITHIC AND FULL FACADES (REFERENCE EXAMPLE PHOTO E).

v. FAÇADES OVER 30 FEET IN LENGTH SHALL BE DIVIDED INTO SHORTER SEGMENTS BY MEANS OF FAÇADE MODULATIONS, REPEATING WINDOW PATTERNS, CHANGE IN MATERIALS, CANOPIES, OR AWNINGS, VARYING ROOF LINES, AND/OR OTHER ARCHITECTURAL TREATMENTS (REFERENCE EXHIBIT PHOTOS D, E, F, G).

x. THE FINISHED SIDEWALK SHALL MEET THE FINISHED FLOOR OF THE MAIN ENTRY (REFERENCE EXAMPLE PHOTOS A, C, D).

y. THE FIRST FLOOR OF THE BUILDING MUST INCLUDE TRANSPARENT WINDOWS AND DOORS ARRANGED SO THAT THE USAGES ARE VISIBLE > 60% OF THE FAÇADE ON PUBLIC STREETS (REFERENCE EXAMPLE PHOTOS A, C, D, F, H, J).

z. GROUND FLOOR EXTERIOR BUILDING LIGHTING SHALL UTILIZE LED OR SIMILAR HIGH EFFICIENCY FIXTURES.

iiii. FACADES OVER 30 FEET IN LENGTH SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOW LANDSCAPE, DECORATIVE, SPECIALTY, AND ACCENT LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, OPEN SPACE/AMENITY AREAS, AND PARKING AREAS.

vi. TENANT SPACE LOCATED ALONG PUBLIC STREETS SHALL BE A MINIMUM OF 20 FEET DEEP (REFERENCE EXAMPLE PHOTOS A-D).

vii. 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. LIGHTING:

- a. ALL NEW DETACHED AND ATTACHED LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOW LANDSCAPE, DECORATIVE, SPECIALTY, AND ACCENT LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, OPEN SPACE/AMENITY AREAS, AND PARKING AREAS.

9. 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 SITE AFFECTIONED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF THE SITE HERIN AND OF CHAPTER 6 OF THE ORDINANCE. THE PROVISIONS OF THE ORDINANCE SHALL APPLY TO BUILDINGS CONSTRUCTED ON THE SITE THAT ARE 120' OR LESS IN HEIGHT.

10. 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 HERIN AND UNDER THE ORDINANCE, BE BINDING UPON INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DESEES, PERSONAL REPRESENTATIVES, SUCCESSIONS IN INTEREST OR ASSUMPTIONS. THE PROVISIONS OF THE ORDINANCE SHALL APPLY TO BUILDINGS CONSTRUCTED ON THE SITE THAT ARE 120' OR LESS IN HEIGHT.

c. GRAPHICS AND ALTERATIONSMODIFICATIONS: THE SCHEMATIC DEPICTIONS SHEET 12 SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED IN SECTION 6(2)(C) OF THE ORDINANCE.

NOTE THAT THE GRAPHIC DEPICTIONS SET FORTH ON THE REZONING PLAN ONLY APPLY TO BUILDINGS THAT ARE PRIMARILY RESIDENTIAL, WHETHER AUTHORITY MIXED USES AND OVER 120' IN HEIGHT. IF A PRIMARY BUILDING OVER 120' IN HEIGHT IS NOT CONSTRUCTED ON THE SITE, THE PROVISIONS OF MUDDO WITHIN THE ORDINANCE SHALL APPLY WITHOUT REGARD TO THE GRAPHIC DEPICTIONS OR ADDITIONAL STANDARDS/RESTRICTIONS SUCH FORTHIN THIS REZONING PLAN.

d. PERSONAL SERVICES: PERSONAL SERVICE USES WILL BE DEFINED AS USES THAT PRIMARILY PROVIDE A SERVICE TO CUSTOMERS VERSUS THE SELLING OF GOODS. A PERSONAL SERVICE USE ALSO MAY SELL 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, SPA'S, YOGA AND EXERCISE STUDIOS, FITNESS AND WELLNESS FACILITIES, NAIL SALONS, MARTIAL ART TRAINING STUDIOS, LAUNDRIES AND DRY CLEANING ESTABLISHMENTS, LOCKSMITHS, TUNER/HOMES AND ALIKE.

e. UNIFIED DEVELOPMENT: THE SITE, TOGETHER WITH THE ADJACENT PARCEL UPON WHICH AN EXISTING PARKING DECK IS LOCATED AS GENERALLY DEPICTED ON THE REZONING PLAN, THE "ADJACENT SITE" SHALL BE VIEWED IN THE AGGREGATE AS A PLANNED/UNIFIED DEVELOPMENT AS TO THE ELEMENTS AND PORTIONS OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN AND THOSE EXISTING IMPROVEMENTS ON THE ADJACENT SITE, AS SUCH, WITH RESPECT TO INTERNAL ORIENTATION AND SEPARATION STANDARDS, FAR REQUIREMENTS, AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS, BUT ALL SUCH STANDARDS SHALL APPLY ALONG THE EXTERIOR BOUNDARY OF THE SITE AND THE ADJACENT SITE. THE PETITIONER AND/OR OWNERS OF THE SITE RESERVE THE RIGHT TO SUBDIVIDE PORTIONS OF THE SITE TO CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, PUBLIC PRIVATE STREET FRONTAGE REQUIREMENTS, AND FAR REQUIREMENTS. PROVIDED, HOWEVER, ALL SUCH STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE (OTHER THAN THE COMMON BOUNDARY WITH THE ADJACENT SITE) SHALL BE ADHERED TO AND ALL FAR REQUIREMENTS WILL BE REGULATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH HEREIN AS TO THE SITE. IT IS FURTHER UNDERSTOOD THAT PARKING NEEDS OF THE SITE MAY BE ACCOMMODATED BY WAY OF THE PARKING FACILITY LOCATED ON THE ADJACENT SITE.

2. OPTIONAL PROVISIONS:

The following optional provisions shall apply to the site:

a. MAXIMUM BUILDING HEIGHT WITHIN MUDDO: TO ALLOW ON THE HEIGHT OF A RESIDENTIAL BASED BUILDING (WITH OR WITHOUT MIXED USES) CONSTRUCTED ON THE SITE TO EXCEED THE HEIGHT PROVISIONS AND THE ALLOWED 120' FOOT MAXIMUM BUILDING HEIGHT OF THE MUDDO ZONING DISTRICT BY FORTY-FIVE FEET (45'), AS MEASURED FROM THE AVERAGE GRADE AT THE BASE OF THE BUILDING ALONG EACH OF HAWKINS STREET AND DOGGETT STREET AND PER SECTION 2.B. BELOW.

b. UNDERGROUND STORM WATER DETENTION/INTERCEPTOR FACILITIES: TO ALLOW THE EXTENT NEEDED FOR COMPLIANCE PURPOSES, STORM WATER/WATER QUALITY MANAGEMENT FACILITIES AND SANITARY SEWER GREASE TRAP/INTERCEPTOR FACILITIES TO BE LOCATED UNDERGROUND WITHIN THE SITE, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT ACCESS TO THESE FACILITIES MAY BE PROVIDED AT GRADE WITHIN THE SETBACK.

c. PERMITTED USES & DEVELOPMENT AREA LIMITATIONS: CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDDO ZONING DISTRICT.

d. DEVELOPMENT AREA LIMITATIONS: BUILDINGS CONSTRUCTED IN EXCESS OF 120' IN HEIGHT SHALL BE LIMITED TO DEVELOPMENT WITH A MAXIMUM OF 2 RESIDENTIAL UNITS AND UP TO 1,000 SQUARE FEET OF GROSS FLOOR AREA OF NONRESIDENTIAL USES, INCLUDING BUT NOT LIMITED TO OFFICE, RETAIL, EDIE OR PERSONAL SERVICES USES; SUCH DEVELOPMENT MAY BE DEVELOPED IN ACCORDANCE WITH THE OPTIONAL PROVISIONS SET FORTH ABOVE. ALL USES AND DEVELOPMENT LEVELS PERMITTED PER THE PROVISIONS MUDDO WITHIN THE ORDINANCE SHALL APPLY TO ALL BUILDINGS CONSTRUCTED ON THE SITE THAT ARE 120' OR LESS IN HEIGHT.

4. ACCESS:

a. ACCESS TO THE SITE SHALL BE FROM DOGGETT STREET AND OR HAWKINS STREET. THE EXACT ALIGNMENT DIMENSIONS AND LOCALS OF THE ACCESS POINTS TO THE SITE AND THE DRIVEWAYS ON THE SITE SHALL BE DETERMINED THROUGH THE DEVELOPMENT PERMITTING PROCESS.

b. THE ON-STREET PARKING AND OTHER STREETSCAPE CROSS-SECTION ITEMS ALONG DOGGETT STREET AND HAWKINS STREET SHALL REMAIN.

5. STREETSCAPE, LANDSCAPING, OPEN SPACE AND SCREENING:

a. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT OF 120' OR LESS SHALL ADHERE TO THE PROVISIONS OF THE ORDINANCE AND THE ADDITIONAL REQUIREMENTS SET FORTH HEREIN SHALL NOT APPLY.

b. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT GREATER THAN 120' SHALL ADHERE TO THE FOLLOWING ARCHITECTURAL STANDARDS DESCRIBED HEREIN, NOT ILLUSTRATED THROUGH PHOTO EXHIBITS SHEET 12.

REZONING PETITION NO. 2017-173

SITE DEVELOPMENT DATA:

-acreage: ± .36 ACRES

-tax parcel #: portion of 121-012-10

-existing zoning: MUDDO

-proposed zoning: MUDDO

-existing uses: VACANT

-in the muddo zoning district as more specifically described in section 3 below which controls.

-maximum building height: buildings that are primarily residential may have a maximum building height of up to 165 feet as measured from average grade at the base of the building along each of hawkins street and doggett street and as allowed by the optional provisions set forth below. the maximum height of nonresidential buildings shall be per the provisions of muddo within the ordinance.

-parking: as required by the ordinance for the muddo zoning classification. parking may be provided in the existing adjacent parking deck on the adjacent site.

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS:

a. SITE LOCATION, PURPOSE, OF REZONING: THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, AND OTHER DOCUMENTS SET FORTH IN ATTACHED RZ SHEETS FORM THIS REZONING PLAN COLLECTIVELY REFERRED TO AS THE "REZONING PLAN" ASSOCIATED WITH THE REZONING PETITION FILED BY RAM REALTY ADVISORS (PETITIONER) IN CONNECTION WITH DEVELOPMENT ON AN APPROXIMATELY .36 ACRE SITE LOCATED AT 240 DOGGETT STREET (THE "SITE").

IT IS UNDERSTOOD THAT THE SITE IS CURRENTLY ZONED MUDDO, AND THE PURPOSE OF THIS REZONING TO THE MUDDO ZONING DISTRICT IS TO ALLOW DEVELOPMENT IN SECTION 2.B. BELOW THAT ALLOWS THE HEIGHT OF A RESIDENTIAL BASED BUILDING (WITH OR WITHOUT MIXED USES) TO EXCEED A HEIGHT OF 120' DOES NOT PREVENT DEVELOPMENT ON THE SITE FOR A BUILDING OF 120' OR LESS, AND DEVELOPMENT OF A BUILDING OF 120' OR LESS SHALL BE REQUIRED TO ADHERE TO THE MUDDO REQUIREMENTSTANDARDS OF THE ORDINANCE BUT NOT ANY ADDITIONAL STANDARDS SET FORTH IN THIS REZONING PLAN, SUCH AS THE PROVISIONS OF SECTIONS 6B AND 8 HEREFORE.

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") BUT AS INDICATED ABOVE STANDARDS AND REQUIREMENTS CONTAINED IN THIS REZONING PLAN THAT GO BEYOND THE BASE STANDARDS/REQUIREMENTS OF MUDDO SHALL ONLY APPLY IF A BUILDING THAT IS RESIDENTIALLY BASED (WITH OR WITHOUT MIXED USES) IS CONSTRUCTED WITH A HEIGHT OVER 120' AS FURTHER DESCRIBED BELOW. UNLESS THE REZONING PLAN ESTABLISHES MORE STRONG STANDARDS FOR THE BUILDING ABOVE 120' AS DESCRIBED ABOVE, THE REGULATIONS ESTABLISHED UNDER THE MUDDO ZONING CLASSIFICATION SHALL GOVER ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW WHICH ONLY APPLY TO BUILDINGS THAT ARE PRIMARILY RESIDENTIAL (WITH OR WITHOUT MIXED USES) AND CONSTRUCTED WITH A HEIGHT OVER 120'.

c. GRAPHICS AND ALTERATIONSMODIFICATIONS: THE SCHEMATIC DEPICTIONS SHEET 12 SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED IN SECTION 6(2)(C) OF THE ORDINANCE.

NOTE THAT THE GRAPHIC DEPICTIONS SET FORTH ON THE REZONING PLAN ONLY APPLY TO BUILDINGS THAT ARE PRIMARILY RESIDENTIAL, WHETHER AUTHORITY MIXED USES AND OVER 120' IN HEIGHT. IF A PRIMARY BUILDING OVER 120' IN HEIGHT IS NOT CONSTRUCTED ON THE SITE, THE PROVISIONS OF MUDDO WITHIN THE ORDINANCE SHALL APPLY WITHOUT REGARD TO THE GRAPHIC DEPICTIONS OR ADDITIONAL STANDARDS/RESTRICTIONS SUCH FORTHIN THIS REZONING PLAN.

d. PERSONAL SERVICES: PERSONAL SERVICE USES WILL BE DEFINED AS USES THAT PRIMARILY PROVIDE A SERVICE TO CUSTOMERS VERSUS THE SELLING OF GOODS. A PERSONAL SERVICE USE ALSO MAY SELL 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, SPA'S, YOGA AND EXERCISE STUDIOS, FITNESS AND WELLNESS FACILITIES, NAIL SALONS, MARTIAL ART TRAINING STUDIOS, LAUNDRIES AND DRY CLEANING ESTABLISHMENTS, LOCKSMITHS, TUNER/HOMES AND ALIKE.

e. UNIFIED DEVELOPMENT: THE SITE, TOGETHER WITH THE ADJACENT PARCEL UPON WHICH AN EXISTING PARKING DECK IS LOCATED AS GENERALLY DEPICTED ON THE REZONING PLAN, THE "ADJACENT SITE" SHALL BE VIEWED IN THE AGGREGATE AS A PLANNED/UNIFIED DEVELOPMENT AS TO THE ELEMENTS AND PORTIONS OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN AND THOSE EXISTING IMPROVEMENTS ON THE ADJACENT SITE, AS SUCH, WITH RESPECT TO INTERNAL ORIENTATION AND SEPARATION STANDARDS, FAR REQUIREMENTS, AND OTHER SITE ELEMENTS, BUT ALL SUCH STANDARDS SHALL APPLY ALONG THE EXTERIOR BOUNDARY OF THE SITE AND THE ADJACENT SITE. THE PETITIONER AND/OR OWNERS OF THE SITE RESERVE THE RIGHT TO SUBDIVIDE PORTIONS OF THE SITE TO CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, PUBLIC PRIVATE STREET FRONTAGE REQUIREMENTS, AND FAR REQUIREMENTS. PROVIDED, HOWEVER, ALL SUCH STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE (OTHER THAN THE COMMON BOUNDARY WITH THE ADJACENT SITE) SHALL BE ADHERED TO AND ALL FAR REQUIREMENTS WILL BE REGULATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH HEREIN AS TO THE SITE. IT IS FURTHER UNDERSTOOD THAT PARKING NEEDS OF THE SITE MAY BE ACCOMMODATED BY WAY OF THE PARKING FACILITY LOCATED ON THE ADJACENT SITE.

2. OPTIONAL PROVISIONS:

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE SITE:

a. MAXIMUM BUILDING HEIGHT WITHIN MUDDO: TO ALLOW ON THE HEIGHT OF A RESIDENTIAL BASED BUILDING (WITH OR WITHOUT MIXED USES) CONSTRUCTED ON THE SITE TO EXCEED THE HEIGHT PROVISIONS AND THE ALLOWED 120' FOOT MAXIMUM BUILDING HEIGHT OF THE MUDDO ZONING DISTRICT BY FORTY-FIVE FEET (45'), AS MEASURED FROM THE AVERAGE GRADE AT THE BASE OF THE BUILDING ALONG EACH OF HAWKINS STREET AND DOGGETT STREET AND PER SECTION 2.B. BELOW.

b. UNDERGROUND STORM WATER DETENTION/INTERCEPTOR FACILITIES: TO ALLOW THE EXTENT NEEDED FOR COMPLIANCE PURPOSES, STORM WATER/WATER QUALITY MANAGEMENT FACILITIES AND SANITARY SEWER GREASE TRAP/INTERCEPTOR FACILITIES TO BE LOCATED UNDERGROUND WITHIN THE SITE, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT ACCESS TO THESE FACILITIES MAY BE PROVIDED AT GRADE WITHIN THE SETBACK.

c. PERMITTED USES & DEVELOPMENT AREA LIMITATIONS: CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDDO ZONING DISTRICT.

d. DEVELOPMENT AREA LIMITATIONS: BUILDINGS CONSTRUCTED IN EXCESS OF 120' IN HEIGHT SHALL BE LIMITED TO DEVELOPMENT WITH A MAXIMUM OF 2 RESIDENTIAL UNITS AND UP TO 1,000 SQUARE FEET OF GROSS FLOOR AREA OF NONRESIDENTIAL USES, INCLUDING BUT NOT LIMITED TO OFFICE, RETAIL, EDIE OR PERSONAL SERVICES USES; SUCH DEVELOPMENT MAY BE DEVELOPED IN ACCORDANCE WITH THE OPTIONAL PROVISIONS SET FORTH ABOVE. ALL USES AND DEVELOPMENT LEVELS PERMITTED PER THE PROVISIONS MUDDO WITHIN THE ORDINANCE SHALL APPLY TO ALL BUILDINGS CONSTRUCTED ON THE SITE THAT ARE 120' OR LESS IN HEIGHT.

4. ACCESS:

a. ACCESS TO THE SITE SHALL BE FROM DOGGETT STREET AND OR HAWKINS STREET. THE EXACT ALIGNMENT DIMENSIONS AND LOCALS OF THE ACCESS POINTS TO THE SITE AND THE DRIVEWAYS ON THE SITE SHALL BE DETERMINED THROUGH THE DEVELOPMENT PERMITTING PROCESS.

b. THE ON-STREET PARKING AND OTHER STREETSCAPE CROSS-SECTION ITEMS ALONG DOGGETT STREET AND HAWKINS STREET SHALL REMAIN.

5. STREETSCAPE, LANDSCAPING, OPEN SPACE AND SCREENING:

a. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT OF 120' OR LESS SHALL ADHERE TO THE PROVISIONS OF THE ORDINANCE AND THE ADDITIONAL REQUIREMENTS SET FORTH HEREIN SHALL NOT APPLY.

b. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT GREATER THAN 120' SHALL ADHERE TO THE FOLLOWING ARCHITECTURAL STANDARDS DESCRIBED HEREIN, NOT ILLUSTRATED THROUGH PHOTO EXHIBITS SHEET 12.

6. ARCHITECTURAL STANDARDS FOR BUILDINGS:

a. ALONG DOGGETT STREET AND HAWKINS STREET A 16' SETBACK AS MEASURED FROM THE EXISTING FUTURE BACK OF CURB SHALL BE PROVIDED AND THE EXISTING SIDEWALK AND PLANTING STRIP SHALL REMAIN.

b. THE ON-STREET PARKING AND OTHER STREETSCAPE CROSS-SECTION ITEMS ALONG DOGGETT STREET AND HAWKINS STREET SHALL REMAIN.

7. ARCHITECTURAL STANDARDS FOR BUILDINGS:

a. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT OF 120' OR LESS SHALL ADHERE TO THE PROVISIONS OF THE ORDINANCE AND THE ADDITIONAL REQUIREMENTS SET FORTH HEREIN SHALL NOT APPLY.

b. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT GREATER THAN 120' SHALL ADHERE TO THE FOLLOWING ARCHITECTURAL STANDARDS DESCRIBED HEREIN, NOT ILLUSTRATED THROUGH PHOTO EXHIBITS SHEET 12.

8. ARCHITECTURAL STANDARDS FOR BUILDINGS:

a. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT OF 120' OR LESS SHALL ADHERE TO THE PROVISIONS OF THE ORDINANCE AND THE ADDITIONAL REQUIREMENTS SET FORTH HEREIN SHALL NOT APPLY.

b. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT GREATER THAN 120' SHALL ADHERE TO THE FOLLOWING ARCHITECTURAL STANDARDS DESCRIBED HEREIN, NOT ILLUSTRATED THROUGH PHOTO EXHIBITS SHEET 12.

9. ARCHITECTURAL STANDARDS FOR BUILDINGS:

a. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT OF 120' OR LESS SHALL ADHERE TO THE PROVISIONS OF THE ORDINANCE AND THE ADDITIONAL REQUIREMENTS SET FORTH HEREIN SHALL NOT APPLY.

b. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT GREATER THAN 120' SHALL ADHERE TO THE FOLLOWING ARCHITECTURAL STANDARDS DESCRIBED HEREIN, NOT ILLUSTRATED THROUGH PHOTO EXHIBITS SHEET 12.

10. ARCHITECTURAL STANDARDS FOR BUILDINGS:

a. BUILDINGS CONSTRUCTED ON THE SITE WITH A MAXIMUM BUILDING HEIGHT OF 120' OR LESS SHALL ADHERE TO THE PROVISIONS OF THE ORDINANCE AND THE ADDITIONAL REQUIREMENTS SET FORTH HEREIN SHALL NOT APPLY.