

### Crescent Communities Development Standards 2/11/2019

**Rezoning** Petition No. 2019-

Site Development Data:

#### --Acreage: ± 1.679 acres --Tax Parcel #: 127-035-09

--Existing Zoning: MUDD-O --Proposed Zoning: MUDD-O (SPA)

#### --Existing Uses: Vacant.

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

-Maximum Gross Square feet of Development: Up to 105,000 square feet of gross floor area of permitted uses, of which no more than 23,000 square feet of gross floor area may be devoted to retail and/or EDEE. --Maximum Building Height: Buildings will be limited to a maximum building height of sixty-five (65) feet.

--Parking: Per the standards of the Zoning Regulations. --Urban Open Space: Will be provided as required by the Ordinance.

#### 1. <u>General Provisions</u>:

a. Site Location. These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Crescent Communities to accommodate development of a mix of retail and office uses allowed in the MUDD zoning district on an approximately  $\pm$  1.679 acre site located on the southwest side of East 7th Street between North Caswell Road and Clement Avenue (the "Site").

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 MUDD-O 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 "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 documentation 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. minor and don't materially change the overall design intent depicted on the Rezoning Plan; such as minor modifications to the configurations of the Development Areas (as defined below), street dimensions and the like as long as the modifications maintain the general building/parking orientation and character of the development generally depicted on the Rezoning Plan; or ii. 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-1; or

iii. 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 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.

d. 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 will be limited one (1). 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 building(s) located within the same Development Area as the accessory structure/building.

e. Gross Floor Area. When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities) and enclosed loading dock/service areas.

f. <u>Personal Services</u>. Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also 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, nail salons, massage shops, martial art training studios, dry cleaning establishments, locksmiths, wellness services, and alike.

2. Optional Provisions.

a. Upper level balconies may encroach up to 5 feet into the setbacks from East 7th Street and North Caswell Road.

b. The outdoor plaza (the "Plaza") at the corner of East 7th Street and North Caswell Road may encroach into the setbacks and portions of the Plaza may encroach into the right of way subject to obtaining encroachment agreements. c. To not require doorways 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.

d. To allow to the use of opaque and spandrel glass per Section 5 below.

e. To allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less

#### 3. <u>Permitted Uses & Development Limitations:</u>

a. The Site may be developed with up to 105,000 square feet of gross floor area devoted to: retail, EDEE, professional business and general office uses, financial institutions, and Personal Service uses as permitted by right, under prescribed conditions and per the Optional provisions above together with accessory uses allowed in the MUDD-O zoning district; provided, however, no more than 23,000 square feet of gross floor area may be devoted to retail and EDEE uses.

#### 4. <u>Transportation and Access:</u>

a. Access to the Site shall be provided as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by CDOT and/or NCDOT.

b. In the event that (i) an easement agreement between the owner of the Site and the owner of Tax Parcel No. 127-035-08 is executed and recorded in the Mecklenburg County Public Registry that allows for the improvement of the adjacent alley (the "Alley") to accommodate two-way vehicular traffic from the western edge of that vehicular access point located on the Site's frontage on the Alley that is designated as Vehicular Access B on the Rezoning Plan to North Caswell Road and (ii) such improvement of the Alley is approved by the applicable governmental authorities prior to the issuance of the first building permit for the development contemplated under the Rezoning Plan (hereinafter collectively referred to as the "Alley Improvement Conditions"), then Petitioner may establish Vehicular Access B and that vehicular access point located on the Site's frontage on the Alley that is designated as Vehicular Access A on the Rezoning Plan, and Petitioner shall eliminate the North Caswell Road Access Point. If the Alley Improvement Conditions do not occur prior to the issuance of the first building permit for the development contemplated under the Rezoning Plan, then Petitioner shall not be required to improve the Alley to accommodate two-way vehicular traffic as described above, to establish Vehicular Access A and vehicular Access B and to eliminate the North Caswell Road Access Point.

c. The alignment of the internal vehicular circulation areas and driveways may be modified by Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT and/or NCDOT in accordance with applicable published standards.

d. The East 7th Street Access Point may be restricted to right-in, right-out vehicular movements if required by CDOT and/or NCDOT. This restriction, if required by CDOT and/or NCDOT, shall be implemented through the installation of appropriate signage.

- e. The Petitioner will dedicate via fee simple conveyance any additional right-of-way along E 7th Street indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.
- f. All transportation improvements, that are the responsibility of the Petitioner, shall be approved and constructed prior to the release of the first certificate of occupancy for the Site subject to the Petitioner's ability to post a bond for any improvements not in place at the time of the issuance of the first certificate of occupancy.
- g. In the event that Vehicular Access is established on the Alley, the Petitioner shall install a sign at each access point that limits vehicular turning movements from the structured parking facility toward North Caswell Road. Notwithstanding the foregoing, the signs shall not prohibit vehicles exiting the structured parking by way of Vehicular Access from turning right on the Alley for purposes of entering the parking facility at an another entrance.

#### 5. Architectural Guidelines: a. The maximum building height shall be four (4) stories and [65] feet.

b. Set out on Sheets RZ-\_\_\_\_ through RZ-\_\_\_\_ of the Rezoning Plan are conceptual, architectural elevations are intended to depict the general conceptual architectural style and character of the building. Accordingly, each elevation shall be designed and constructed so that each elevation is substantially similar in appearance to the relevant conceptual, architectural elevation with respect to architectural style and character. As such, the use of color is not intended to depict a specific material or the location and amount of a material unless otherwise noted. Notwithstanding the foregoing, changes and alterations to the

c. The permitted exterior building materials for the East 7th Street elevations are designated and labelled on the conceptual, architectural elevation of the East 7th Street elevation set out on Sheet RZ-\_\_ of the Rezoning Plan. The permitted exterior building materials for the East 7th Street elevation shall also be the permitted exterior building materials for the other elevations.

exterior of the building which do not materially change the overall conceptual architectural style and character shall be

The use of exposed non-architectural CMU masonry on the exterior of the principal building shall not be permitted. Thin brick shall not be permitted as a principal material on the exterior of the building.

e. Vinyl shall not be a permitted exterior cladding material on the building.

2/14/2019 11:38 AM ADAM MARTIN N:\\_2018\1018528\CAD\EXHIBITS\ZONING PLANS\1018528 -RZ-NOTES.DWG

permitted. [Elevations to be provided in future submittal.]

EIFS (synthetic stucco), aluminum siding, corrugated metal and CMU block (concrete block) shall not be permitted exterior building materials for the principal building(s) to be constructed on the Site. The aforementioned materials are permitted on the proposed parking structure.

g. The exterior building materials for all retaining walls installed on the Site shall be brick, stone or architectural block.

h. All glazing on the ground floor shall be clear vision glass. Reflective glazing shall be permitted above the ground floor.

m. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

i. The exterior vertical walls of the structured parking facility that are visible from public rights of way, the Alley or adjacent parcels of land shall be clad in brick with masonry accents and and/or include public art or screening as generally depicted on the relevant conceptual, architectural renderings.

#### 6. <u>Streetscape, Landscaping, Sidewalks:</u>

- a. Subject to the optional provisions set out above, development of the Site shall comply with the applicable setback, side yard and rear yard requirements. As depicted on the Rezoning Plan, the setback on East 7th Street shall be twenty-one (21) feet from the back of the existing curb, and the setback on North Caswell Road shall be sixteen (16) feet from the back of the existing curb.
- b. The development of the Site shall comply with the applicable landscaping and screening requirements of the Ordinance.
- c. Urban open space will be provided on the Site as required by the Ordinance. Options for the urban open space are depicted and described on the Rezoning Plan.
- d. Petitioner shall install a minimum eight (8) foot wide planting strip and a minimum thirteen (13) foot wide sidewalk/pedestrian amenity area along the Site's frontage on East 7th Street.
- e. Petitioner shall install a minimum eight (8) foot wide planting strip and a minimum eight (8) foot wide sidewalk along the Site's frontage on North Caswell Road as generally depicted on the Rezoning Plan.
- f. As depicted on the Rezoning Plan, the Plaza shall be established at the corner of East 7th Street and North Caswell Road and the Plaza shall contain, among other things, at least two of the following: landscaping, hardscape, steps, seat walls and art. Subject to the terms of the next following paragraph, the Plaza shall be located outside of the public right of way and within a portion of the twenty-one (21) foot setback from East 7th Street (provided that a five (5) foot wide clear sidewalk zone is maintained along East 7th Street), and the Plaza shall be located outside of the public right of way for North Caswell Road and may be located within a portion of the setback from North Caswell Road. To the extent that Petitioner determines, at its option, to extend any portion of the Plaza within the public right of way, Petitioner must secure and enter into an encroachment agreement with the City of Charlotte and/or the North Carolina Department of Transportation, as applicable.

## variety of colors.

#### 7. Environmental Features:

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

#### 8. <u>Signage:</u>

a. Signage as allowed by the MUDD-O zoning district and by the Optional Provisions set for above may be provided.

#### 9. <u>Lighting:</u>

- a. All freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
- b. The maximum height of any freestanding lighting fixture installed on the Site shall be 21 feet.
- c. Any lighting fixtures attached to a building to be constructed on the Site shall be decorative, capped and downwardly

# directed.

#### 10. Construction and Miscellaneous Provisions:

- a. During the construction of the buildings to be located on the Site, all vehicles transporting construction workers to and from the Site shall park on the Site or at a remote off-street location secured by Petitioner. Construction vehicles transporting construction workers to and from the Site, personal vehicles of any construction workers and supply trucks serving the trades on the Site shall be prohibited from parking on neighborhood public streets. Notwithstanding the foregoing, vehicles delivering construction materials and supplies to the Site may park on the Alley, and such vehicles may park on a public street located adjacent to the Site with the permission of CDOT or NCDOT as applicable while delivering construction materials and supplies to the Site.
- b. Outdoor construction activities (collectively "outdoor construction and delivery activities") utilizing backhoes; dump trucks; pavers; heavy materials delivery trucks; other similar heavy equipment; air compressors; extended outdoor hammering, banging, foundation drilling, blasting or other outdoor activities that create material vibrations felt or heard off-site, may not be conducted on the Site on Sundays. Such activities are limited to 7:00 AM to 7:00 PM Monday through Saturday. Provided however, such outdoor construction and delivery activities for tasks that require more than 12 hours to complete, such as a major concrete pour or when specific hours are required by the City or the ability of the supplier to deliver materials, may exceed the above-referenced time limits up to ten (10) times during the construction of the proposed building. c. The trash containers and the recycling containers may only be emptied between the hours of 7 AM and 8 PM. Trash and
- recycling will be maintained and emptied from within the building footprint. d. The Petitioner will commission a minimum of \$25,000 worth of public art to be installed on the site prior to the issuance of the
- first certificate of occupancy for the Site, or alternatively, the Petitioner may elect to contribute \$25,000 to the Elizabeth e "ECA") that may be used at the discretion of the ECA prior to the issuance of the first of occupancy for the proposed building.
- e. Eating, drinking and entertainment establishments (Type 1 and Type 2) may not play live, recorded, or broadcast music outdoors between the hours of 11 PM and 6 AM.

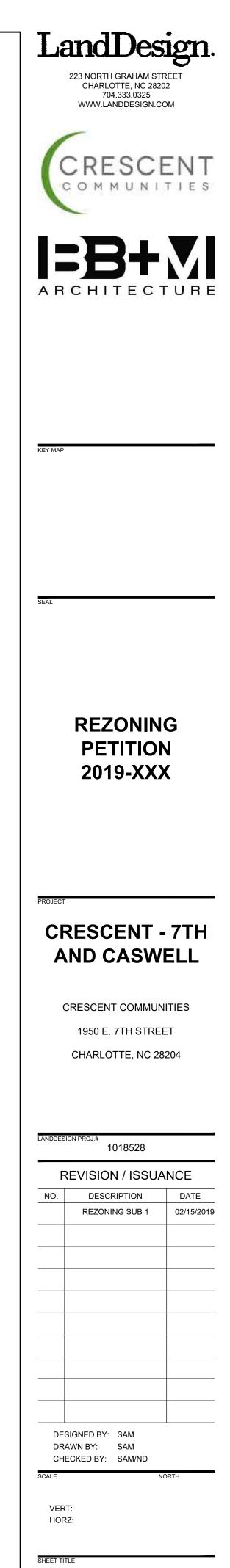
#### 11. <u>Amendments to the Rezoning Plan:</u>

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 Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

#### 12. 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 under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

g. The Plaza shall contain decorative pavers, stamped concrete or other decorative surfaces, and such surfaces may have a



DEVELOPMENT STANDARD NOTES



ORIGINAL SHEET SIZE: 24" X 36"



2/14/2019 11:38 AM ADAM MARTIN N:\\_2018\1018528\CAD\EXHIBITS\ZONING PLANS\1018528 -RZ-EX COND-PLN.DWG

NOTES: EXISTING CONDITION PLAN DERIVED FROM VARYING SOURCES (I.E. MULTIPLE SURVEYS, GIS, AERIAL RECONNAISSANCE, AND SITE OBSERVATIONS). ACTUAL SITE AND/OR CONTEXT CONDITIONS MAY VARY. TO THE FULL KNOWLEDGE OF THE PETITIONER ALL KNOWN EXISTING EASEMENTS AND ROW RESERVATIONS ARE SHOWN.

ORIGINAL SHEET SIZE: 24" X 36"

CRESCENT

COMMUNITIES

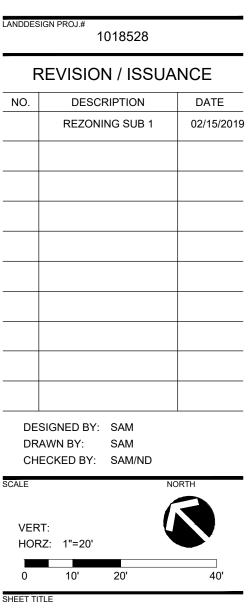
223 NORTH GRAHAM STREET CHARLOTTE, NC 28202 704.333.0325 WWW.LANDDESIGN.COM



# REZONING PETITION 2019-XXX

**CRESCENT - 7TH** AND CASWELL

> CRESCENT COMMUNITIES 1950 E. 7TH STREET CHARLOTTE, NC 28204



EXISTING CONDITIONS PLAN

RZ-EC