

Site Development Data:

- Acreage:** ± 5.0 acres
- Tax Parcel #:** 175-143-01
- Existing Zoning:** MUDD(CD)
- Proposed Zoning:** MUDD-O
- Existing Uses:** Pfeiffer University.
- Proposed Uses:** Residential dwellings unit; retail; Eating, Drinking, Entertainment, Establishments (EDEF); general and medical office uses; and personal service uses all as permitted by right, under prescribed conditions, and by the Optional provisions below, together with accessory uses, as allowed in the MUDD zoning district (all as more specifically described and restricted below in Section 3).
- Maximum Gross Square Feet of Development:** Up to 360 multi-family residential dwelling units and up to 17,000 square feet of gross floor area devoted to: retail, EDEF, general and medical office uses and personal service uses, as allowed by right and under prescribed conditions in the MUDD zoning district, provided, however, loading docks (open or enclosed), outdoor dining areas and surface and structure parking areas shall not be counted toward the allowed "gross floor area" (as defined by the Ordinance) proposed by this Rezoning Plan.
- Maximum Building Height:** Maximum building height of six (6) stories, not to exceed 80 feet. Building height to be measured per the Ordinance.
- Parking:** As required by the Ordinance.

1. General Provisions:

a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other site plan sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Johnson Development Associates, Inc. ("Petitioner") to accommodate the development of a high quality residential mixed-use community with: ground floor retail uses; Eating, Drinking Entertainment Establishments; general and medical office uses; and/or Personal Service uses on an approximately 5.00 acre site located on the southeast quadrant of the intersection of Park Road and Mockingbird Lane (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 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, Permissible Building Areas (as defined below) 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:

- minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- 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
- 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.** 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. **Exclusions for Calculation of Maximum Development Levels.** 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 area 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(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

2. Optional Provisions

The following optional provisions shall apply to the Site:

- 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.
- To allow one detached ground mounted sign per street front with a maximum height of 12 feet and containing up to 100 square feet of sign area.
- 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.
- To not require surface and structure parking areas, outdoor dining areas, and loading dock areas (open or enclosed) to be counted as part of the allow gross floor area (gross floor area as defined by the Ordinance) for the Site.

e. To allow the use of a "green screen" with a planting area width less than required by the Ordinance or other similar treatments as approved by the Planning Department to meet the screening requirements of the Ordinance for surface parking areas. The green screen or other similar treatments to be used primarily along the southern property boundary.

f. To not require the surface parking spaces located along the southern property boundary to be screened from the adjoining property as generally depicted on the Rezoning Plan.

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

3. Permitted Uses, Development Area Limitations:

a. The principal buildings constructed on the Site may be developed with up to 360 multi-family residential dwellings units and up to 17,000 square feet of gross floor area devoted to: retail, EDEF, 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 MUDD-O zoning district.

"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, Spas, Yoga and exercise studios, nail salons, massage shops, martial art training studios, dry cleaning establishments, locksmiths, and alike.

b. The allowed non-residential uses will be located on the ground floor of the building located at the intersection of Park Road and Mockingbird Lane as generally depicted on the Rezoning Plan. The Petitioner will provide no less than 12,000 square feet of space designed and constructed for non-residential uses at the base of the building along Park Road and Mockingbird Lane.

c. The following use will not be allowed: gasoline service stations with or without a convenience store, car washes (except for a car washes) for the residents of the Site that are part of the amenities/accessory uses associated with the proposed apartments).

4. Transportation Improvements and Access:

I. 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:

a. The Petitioner will provide to CDOT \$25,000 toward the future signalization of the intersection of Mockingbird Lane and Park Road prior to the issuance of the first certificate of occupancy for the Site. Should the signal at the intersection of Mockingbird Lane and Park Road be fully funded or installed at the time the \$25,000 are required to be provided to CDOT, then CDOT may utilize the money to fund other roadway improvement in the Park Road Woodlawn area.

b. **Eastern Leg of the Intersection of Mockingbird Lane at Park Road:** The Petitioner shall modify the existing median in westbound Mockingbird Lane to create a combined left-thru lane, and modify the existing westbound left turn lane to a right turn lane with 225 feet of storage.

II. Standards, Phasing and Other Provisions.

a. **CDOT/CDOT 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 4.11.B, above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.11.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 building(s) 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 process including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. 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 building(s) 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 road-way 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.

a. Access to the Site will be from Park Road and Mockingbird Lane 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 construct a private street from Mockingbird Lane through the Site to the southern property boundary as generally depicted on the Rezoning Plan. A public access easement will be provided on this private street. The public access easement will prohibit the private street from being closed or gated and will require that the private street be kept open to allow the public to use the street for ingress and egress. The Public access easement will be documented on applicable approved building permit plans which will include a provision stating that the easement can be modified as permitted herein. This provision and provisions to be included on the building plans are not intended to create private easements rights that may be enforced by individual land owners, but rather are intended to comply with desire of the City to have a private street extended from Mockingbird Lane to the adjoining property located along the southern property boundary to create additional connectivity in the area. Portions or all of the Storm Water Management features may be located within the private street.

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 so 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: (i) on-street parking on both sides of the street; (ii) a 10 foot sidewalk on one side of the street; (iii) an eight foot planting strip between the proposed building and the 10 foot sidewalk; (iv) two travel lanes; and (v) a six (6) foot sidewalk on only a portion of the eastern edge of the private street, as generally depicted on the Rezoning Plan.

e. The Petitioner will provide parallel on-street parking along Mockingbird Lane.

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

a. A 16 foot setback as measured from the future back of curb along Park Road will be provided, as generally depicted on the Rezoning Plan.

b. A 16 foot setback, plus a five (5) foot transition zone (as defined below), for a total building setback of 21 feet as measured from the existing/future (the existing and future back of curb are the same along Mockingbird Lane) back of curb along Mockingbird Lane will be provided all as generally depicted on the Rezoning Plan.

c. A 13 foot planting strip and an eight (8) foot sidewalk will be provided along Park Road, and an eight (8) foot planting strip and an eight (8) foot sidewalk will be provided along Mockingbird Lane, within the required setbacks as generally depicted on the Rezoning Plan.

d. A minimum of a 18 foot setback will be provided along the private street and the proposed building as generally depicted on the Rezoning Plan.

e. Cars parked in the proposed parking structure will be screened from the adjacent public streets and the adjoining properties. Detached lighting located on the upper level of the parking will be designed to full cut-off type fixtures.

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

g. 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, concrete, precast concrete, natural stone, cementitious stone, 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.

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).

c. Building street walls will meet or exceed the MUDD requirements for blank walls.

d. Non-residential uses located along Park Road and Mockingbird Lane will have entrances oriented toward these streets. The proposed ground floor units along Mockingbird Lane will have entrances oriented toward Mockingbird Lane, except when due to topography the proposed entrances would be located more than four (4) feet above the existing grade of Mockingbird Lane.

e. Each operable pedestrian entrance (defined as an entrance design to provide customers access to the proposed non-residential uses) will be designed to be clearly identifiable and prominent elements within the building facades in which they are located.

f. A transition zoned with an average depth five (5) feet will be established between building face and the back of the sidewalk located along Mockingbird Lane. The transition zone may be used for enhanced landscaping. Stairs and stoops may encroach into this transition zone.

g. The scale and massing of buildings longer than 150 feet along a street shall be minimized by utilizing a combination of the following options: (i) varied roof lines through the use of slopes, modulated buildings heights, gables, dormers or innovative architectural solutions; (ii) building corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses; (iii) horizontal variation of a minimum level of 8" and vertical variations of a minimum 24" in wall planes; or (iv) utilized enclosed balconies.

h. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length. Where blank or unarticulated walls 20' or greater cannot be addressed principally with doors or windows, they shall be treated with a combination of the following options: (i) a higher level of transparency on the ground floor (exaggerated or larger windows indicative of living areas); and (ii) horizontal and vertical variations in wall planes accompanied with a change in material. If the final architectural design cannot meet the design standards for blank wall articulation (including all of the above), alternative innovative design solutions may be considered for approval by the Planning Director or designee.

i. Residential building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least five (5) of the following features: (i) decorative pedestrian lighting/scones; (ii) architectural details carried through to upper stories; (iii) covered porches, canopies, awnings or sunshades; (iv) archways; (v) transom windows; (vi) terraced or raised planters that can be utilized as seat walls; (vii) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (viii) double doors; (ix) stoops or stairs; and/or (x) contrasting pavement from primary sidewalk.

j. Common and private individual entrances to residential units will be provided along Mockingbird Lane at intervals of no less than 125 feet. Where a building is served by common entrances (not individual unit entrances) and cannot achieve the interval spacing, common usable open spaces, amenity areas or courtyards can be utilized to break up the wall plane.

k. Individual ground floor residential unit entrances oriented to Mockingbird Lane should give the appearance of a front door orientation rather than a back patio design, and have direct sidewalk connections to the public right-of-way, if the ground floor units are not more than four (4) feet above the grade of public street right-of-way.

m. The allowed accessory non-residential uses located on ground floor of the building shall maintain a high level of visibility through the use of clear glass, larger windows and a unobstructed view from Park Road and Mockingbird Lane into the space.

n. Balconies will be design so that their size and location maximize their intended use for open space. The balconies may encroach into the transition zone provided along Mockingbird Lane above the first story of the building.

o. All facades shall incorporate windows, arches, balconies or other architectural details along with varying build materials, or roof lines or building offsets.

p. The Petitioner shall create a focal point at the corner of Park road and Mockingbird Lane, as generally depicted on the Rezoning Plan. In order to stimulate pedestrian activity and interest at this location, the first floor (street level) of the building at that intersection shall be designed to address the corner and promote a visual relationship to the street and encourage movement and activity at street level. Additionally, Petitioner shall provide at least 2500 square feet of space designed and constructed for retail activity fronting the corner at this location. For purposes of this paragraph, the term retail includes not only sales of merchandise at retail but will also be construed to mean personal and business services, Eating, Drinking and Entertainment Establishments, galleries, and similar uses, but not financial institutions.

7. Environmental Features:

a. 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.

9. Lighting:

a. All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting 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 20 feet in height.

10. **CATS Bench Pad:** The Petitioner shall construct along Park Road at the existing bus stop a bench pad as part of the development of the Site. CATS will be responsible for the installation and maintenance of the bench. Should the bench pad extend beyond the existing or proposed right-of-way the Petitioner will provide a permanent easement to CATS for the portions of the bench pad that extend beyond the right-of-way.

11. Construction Traffic, and Timing of Construction.

a. The Petitioner will direct the general contractor for the Site to direct construction traffic from and to the Site and deliveries of construction materials to access the Site via Park Road and the portion of Mockingbird Lane leading from Park Road (the general contractor will instruct construction traffic and deliveries to not use Hedgemore Drive to access the Site). The general contractor for the Site will routinely monitor construction traffic and the deliveries of construction materials to the Site to assure that Hedgemore Drive is not being utilized for construction traffic access.

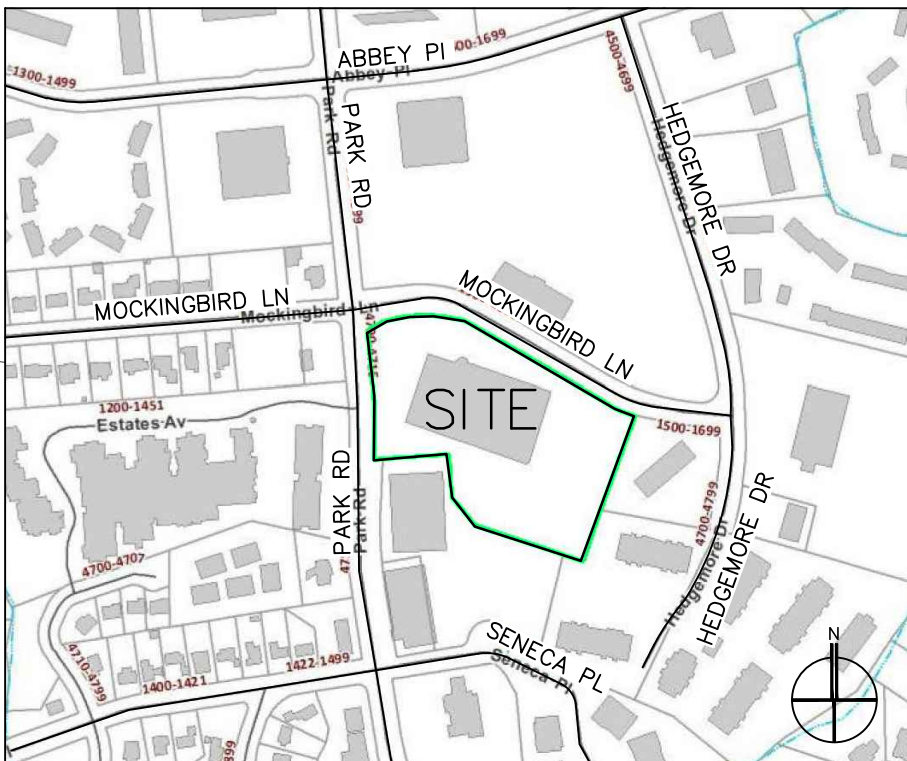
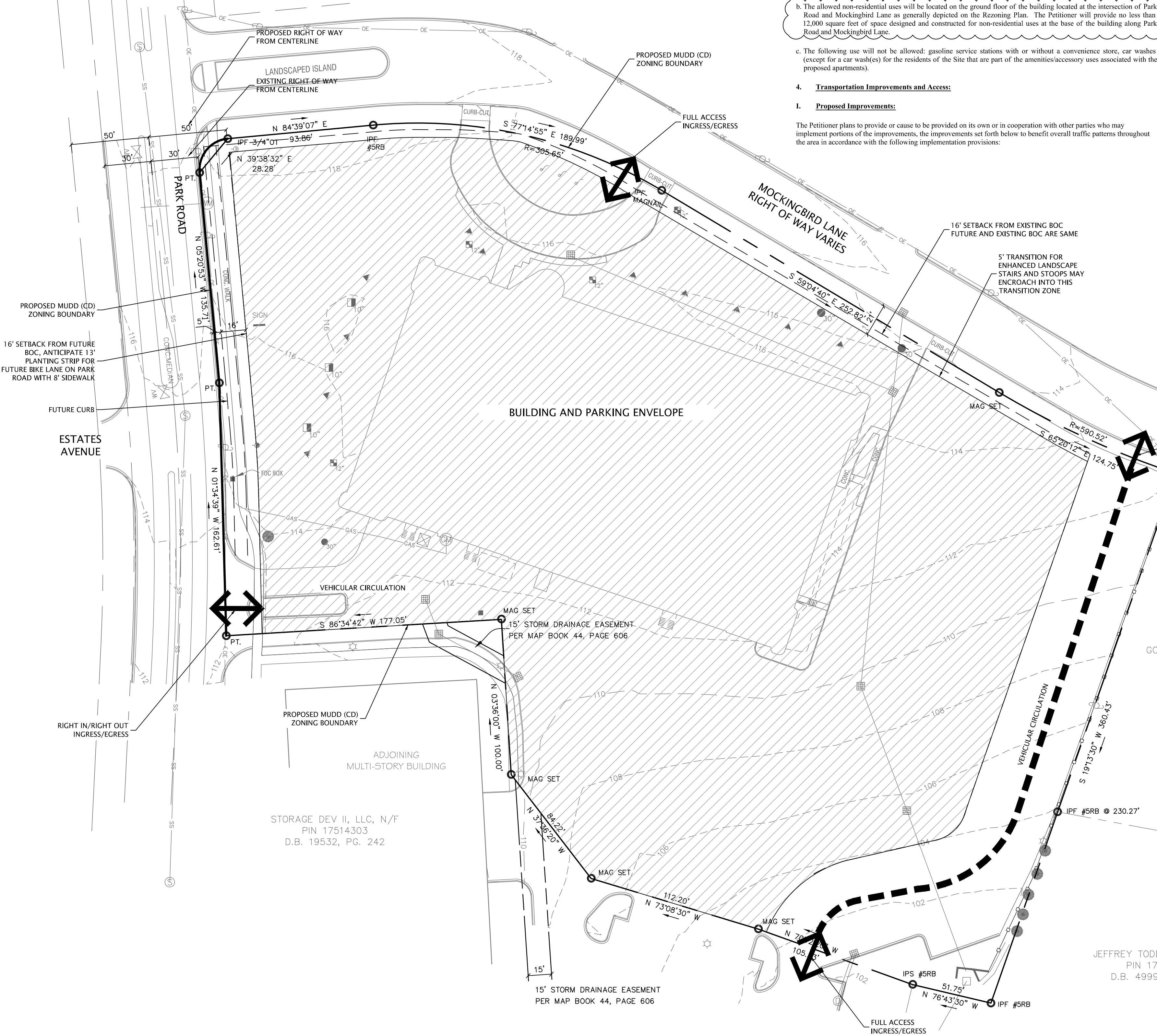
b. The Petitioner will use good faith efforts to direct the general contractor for the Site to not begin outdoor construction activity on the Site on Sunday mornings before 8:30 AM EST. The Petitioner will also use good faith efforts to direct the general contractor for the Site to avoid late night right concrete pours.

12. 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 development area or portion of the Site affected by such amendment in accordance with the provisions herein and 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, 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.



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PFEIFFER SITE REZONING

CHARLOTTE, NORTH CAROLINA
JOHNSON DEVELOPMENT ASSOCIATES, INC.
100 DUNBAR STREET SUITE 400
SPARTANBURG, SC 29306
864-594-5717

FOR PUBLIC HEARING

REZONING PETITION #
2016-030

20 0 20 40
SCALE: 1" = 40'

PROJECT #: 586-002
DRAWN BY: JL
CHECKED BY: BS

TECHNICAL DATA PLAN

NOVEMBER 23, 2015

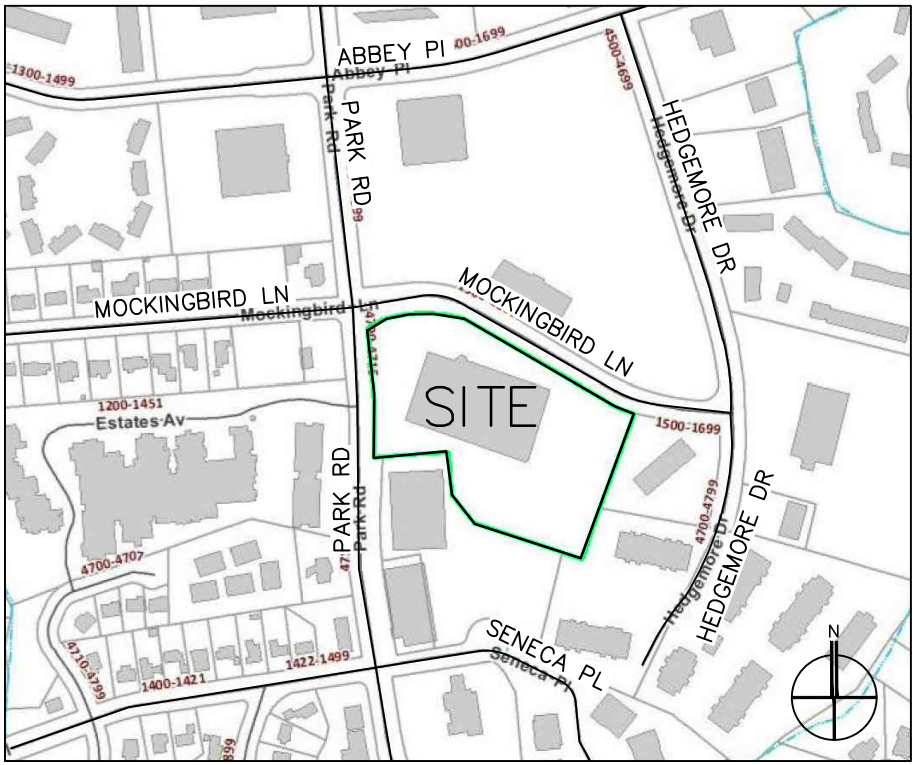
REVISIONS:
1. FEB 19 2016 - PER STAFF COMMENTS
2. MARCH 24 2016 - PER STAFF COMMENTS



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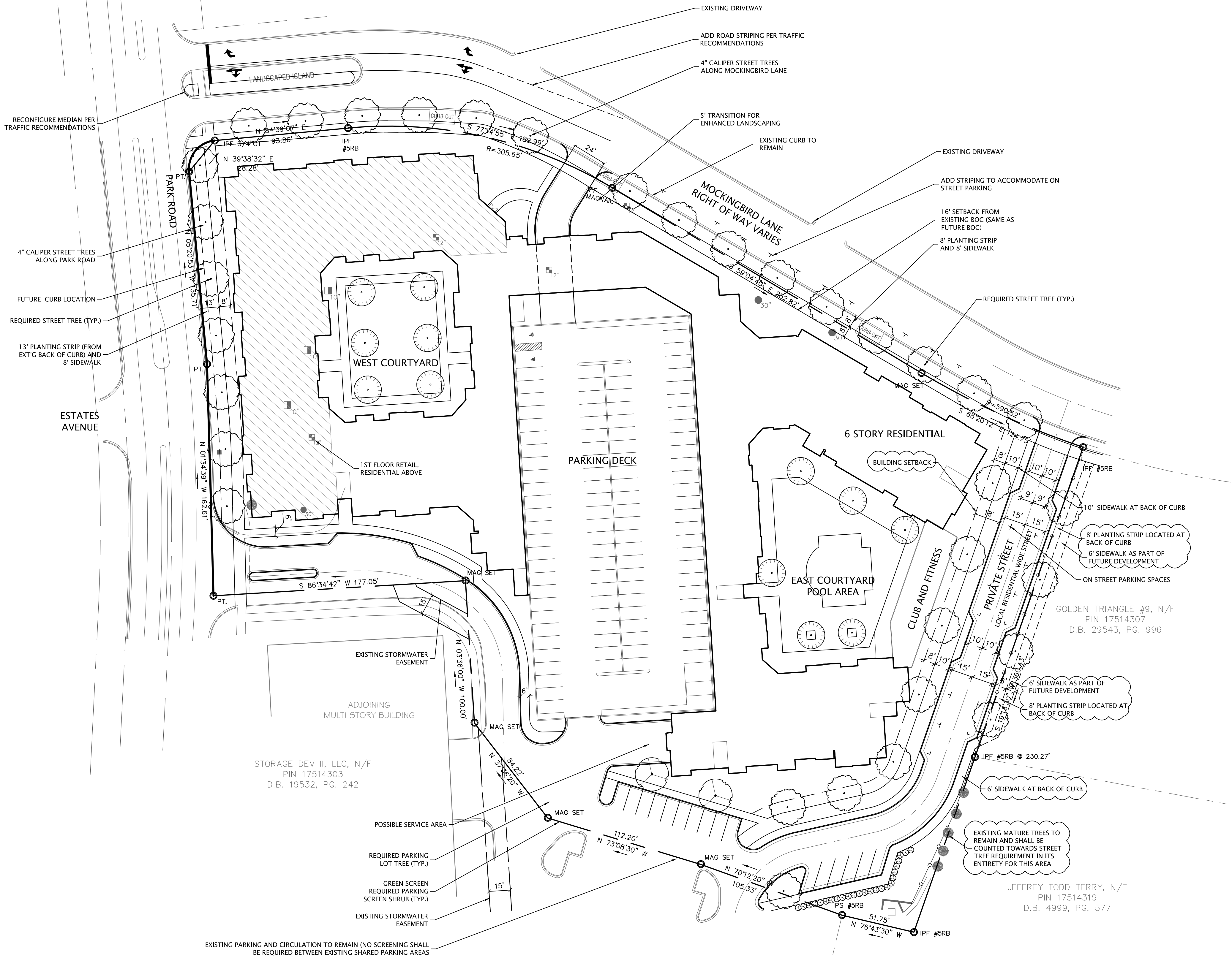
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VICINITY MAP
(NOT TO SCALE)

SITE DEVELOPMENT DATA

SITE AREA:	217,876 SF (±5.00 AC)
PARCEL ID #:	175-14-301
EXISTING ZONING:	MUDD(CD)
EXISTING USE:	INSTITUTIONAL
PROPOSED ZONING:	MUDD-O
PROPOSED USE:	RESIDENTIAL DWELLING UNITS; RETAIL; EATING, DRINKING, ENTERTAINMENT, ESTABLISHMENTS (EDEE); GENERAL AND MEDICAL OFFICE USES; PERSONAL SERVICE USES; ACCESSORY USES
NUMBER OF DWELLING UNITS:	360 UNITS
NON-RESIDENTIAL USE:	17,000 SF OF GROSS FLOOR AREA
BUILDING HEIGHT:	6 STORIES (80' MAX.)
URBAN OPEN SPACE REQUIRED:	1 SF/100 GROSS SF OF FLOOR AREA
PARKING SPACE REQUIRED:	1 SPACE PER DWELLING UNIT (RESIDENTIAL) 1 SPACE PER 600 GROSS SF (ALL OTHER USES)
BICYCLE PARKING REQUIRED:	1 SPACE PER 20 UNITS
LOADING SPACE REQUIRED:	1 SPACE

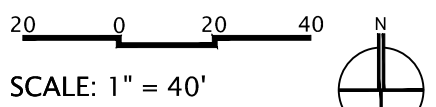


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FOR PUBLIC HEARING

REZONING PETITION #
2016-030



PROJECT #: 586-002
DRAWN BY: JL
CHECKED BY: BS

SCHEMATIC
SITE PLAN

DECEMBER 21, 2015

REVISIONS:
1. FEB 19 2016 - PER STAFF COMMENTS
2. MARCH 24 2016 - PER STAFF COMMENTS



THE HAVEN

Cafe

Store

The Shop