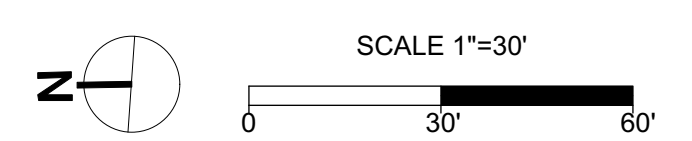


LEGEND

- EXISTING TREE TO BE PROTECTED
- PROPOSED NEW TREE



Site Development Data:

- Acreage: ± 2.679 acres
--Tax Parcel #: 177-06-107
--Existing Zoning: R-1
--Proposed Zoning: MUDD-O
--Existing Uses: Office building with surface parking.
--Proposed Uses: Residential dwellings units; retail; Eating, Drinking, Entertainment, Establishments (EDEE); and Personal services uses all as permitted by right, as well as other uses allowed under prescribed conditions, and by the Optional provisions below, and accessory uses, as allowed in the MUDD zoning district (all as more specifically described below in Section 3 including certain conversion of uses rights set forth therein).
--Maximum Gross Square Feet of Development: Up to 266 multi-family residential dwelling units and up to 15,000 square feet of gross floor area devoted to: non-residential permitted 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, provided further, however, such limitations may be adjusted pursuant to the conversion of uses rights set forth below in 3 d up to 25,000 square feet of non-residential uses.
--Maximum Building Height: Maximum building height of six (6) stories not to exceed 96 feet.
--Parking: As required by the Ordinance.

I. General Provisions:

- a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other sheets that form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Zom Carolinas ("Petitioner") to accommodate the development of a high quality residential based/mixed-use community with: ground floor non-residential uses on an approximately 2.68 acre site located on the northeast quadrant of the intersection of Barclay Downs Drive and Bulfinch Road (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, and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- i. minor and don't materially change the overall design intent 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-01) 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.** 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 (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:

- a. 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.
- b. To allow one detached ground mounted sign per street front with a maximum height of 5 feet and containing up to 65 square feet of sign area.
- c. To not require doorways to be recessed into the face of the building(s) when the width of the sidewalk is at least 12 feet or it is an individual residential doorway designed with an elevated porch stoop.
- d. 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 for the Site.

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 266 multi-family residential dwellings units and up to 15,000 square feet of gross floor area (subject to increase to 25,000 s.f. per conversion rights set forth below) devoted to: retail, EDEE, and personal service uses as permitted by right and per the Optional provisions above and together with accessory uses, all as allowed in the MUDD-O zoning district.
- b.
- c. "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, and alike.
- d. The allowed non-residential uses will be located on the ground floor of the building.
- e. The following use will not be allowed: gasoline service stations with or without a convenience store, (restaurants with drive-through window facilities) car washes (except for a car wash(es) for the residents of the Site that are part of the amenities/accessory uses associated with the proposed apartments and located within the structured parking facility).
- f. Additional non-residential square footage, as described in (a.) above may be developed by converting residential units at a rate of one (1) residential unit converted into 500 square feet of gross floor area of non-residential uses up to a maximum of 20 residential units so converted for a maximum of 10,000 square feet of such non-residential uses (With such conversions, 25,000 square feet of non-residential uses are permitted).

4. Pedestrian Network Commitments and Access:

I. Proposed Pedestrian Improvement Commitments:

- In order to support pedestrian mobility at and near the Site, the Petitioner makes the following commitments regarding pedestrian improvements on its own or in cooperation with other parties who may implement portions of such pedestrian improvements, in accordance with and subject to the following provisions:
- a. **Project Sidewalks/Streetscape.** Sidewalk and streetscape improvements along the project edge on-site and subject to approval of CDOT within the rights of way of Barclay Downs Drive, Carnegie Boulevard and Bulfinch Road that are referenced in Section 5 below and as generally depicted on the Rezoning Plan.
- b. **Improvements to Corners of Barclay Downs Drive & Carnegie Blvd.** Petitioner commits to use good faith reasonable efforts to seek the written approval of the fee simple title owners (and if applicable mortgage holders) and/or the Carnegie Center Property Owners Association, Inc. ("Carnegie Association"), as applicable, to permit certain pedestrian improvements to be made to each of the corners at the intersection of Barclay Downs Drive and Carnegie Boulevard in which locations across Barclay Downs Drive from the Site, currently exist large stone pavers that prevent or limit a direct accessible pedestrian route from the sidewalk to the accessible ramp and which are otherwise not a desirable condition for pedestrian mobility. The pedestrian improvements to be sought and if approved by the applicable authorized party implemented include: (i) as to the west approach corners, removal of the large stone pavers and the installation in lieu thereof of decorative material such as stamped concrete or pavers that are wheelchair accessible and promote ease of access, (ii) It is understood that if after exercise of good faith reasonable efforts for a reasonable duration of time, Petitioner is unable to obtain such approval for the above-referenced improvements or such approval is conditioned upon different improvements or other conditions, Petitioner shall be relieved of any commitment to provide the above-referenced improvements. Furthermore, Petitioner's commitments described herein shall be subject to written approval of CDOT, which shall not be unreasonably delayed or withheld.
- c. **Enhanced Crosswalks Across Barclay Downs Drive at Intersection with Carnegie Blvd Across from Site.** Subject to approval of CDOT, Petitioner shall make enhancements to the crosswalks across Barclay Downs Drive at the intersection with Carnegie Blvd across from the Site in the form of stamped asphalt, pavers and/or other decorative material and realigned striping for improved definition as well as improvements to the existing refuge island to promote pedestrian safety and encourage pedestrian accessibility. Any such improvements shall also be subject to the approval of the Carnegie Association and/or the fee simple owners (and if applicable mortgage holders), as applicable, to the extent any such approval is required.

II. Other Provisions:

- a. **CDOT Standards.** All of the foregoing pedestrian improvements will be subject to the standards and criteria of Charlotte Department of Transportation ("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 (if applicable).

- b. **Substantial Completion.** Subject to and in addition to the provisions and conditions set forth above in Section 4.I, the above-referenced pedestrian improvements shall be installed to substantial completion prior to issuance of the certificate of occupancy for the building. ~~Provided, however, in the event that such improvements are not substantially completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building on the Site, then the Petitioner will work with City Staff to determine a process to allow the issuance of the certificate of occupancy for the building, and in such event the Petitioner may be asked to post a letter of credit or a bond for any such improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.~~

- c. **Authority to Make Improvements.** As described above, it is understood that some of the pedestrian improvements referenced in Section 4.I above may not be possible without the consent of CDOT and/or the Carnegie Association or fee simple title owner of land not owned by the petitioner. Accordingly, Petitioner's commitments set forth above are subject to and conditioned upon its obtaining the applicable consents and approvals as described above. Furthermore, in the event (upon such approvals the pedestrian improvements referenced in Section 4.I above are delayed because of delays beyond the Petitioner's control and such delays) extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building on the Site, then the Petitioner will work with City Staff to determine a process to allow the issuance of the certificate of occupancy for the applicable building; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable pedestrian 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.

III. Access.

- a. Access to the Site will be from Barclay Downs, Carnegie Boulevard and Bulfinch Road as generally depicted on Sheet RZ-01 subject to adjustments as set forth below.

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

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

- a. A 27 foot setback as measured from the existing/future (the existing and future back of curb are the same) back of curb along Barclay Downs Drive and a 25 foot setback as measured from the existing/future (the existing and future back of curb are the same) back of curb along Carnegie Boulevard and Bulfinch Road will be provided, as generally depicted on the Rezoning Plan.
- b. A 15 foot planting strip and 12 foot sidewalk will be provided along Barclay Downs provided, however, it is understood that vertical building improvements higher than [ten (10) feet] in height measured at grade may encroach above grade up to two (2) feet into such sidewalk areas. Such streetscape improvements shall be extended to the applicable property boundary edge as generally depicted on the Rezoning Plan.
- c. A 15 foot planting strip and 10 foot sidewalk will be provided along Carnegie Boulevard and Bulfinch Road and such streetscape improvements shall be extended to the applicable property boundary edge as generally depicted on the Rezoning Plan.
- d. The Petitioner will use good faith reasonable efforts to install a pedestrian connection in the location generally depicted on the Rezoning Plan to extend from the Site driveway located along the southern property boundary in common with South Park Mall to facilitate pedestrian accessibility to and from the Site and the parking field within South Park Mall, subject, however, to the consent and cooperation of the owner of such adjacent property. It is understood that if after exercise of good faith reasonable efforts for a reasonable duration of time, Petitioner is unable to obtain such approval for the above-referenced pedestrian connection or such approval is conditioned upon unreasonable conditions or different improvements, Petitioner shall be relieved of any commitment to provide the above-referenced pedestrian connection. It is understood that such pedestrian connection may include stairs without installation of ADA compliant ramp features.
- e. The Petitioner will use good faith reasonable efforts to preserve the existing trees in the 15 foot planting strip on Barclay Downs, Carnegie Boulevard and Bulfinch Road, as generally depicted on the Rezoning Plan. The Petitioner will work with the City Arborist to determine appropriate approaches for such tree protection and preservation. Trees may be removed to provide fire access to the Site from both Bulfinch Road and Carnegie Boulevard and primary access from Barclay Downs Drive.
- f. 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.
- g. Meter banks will be screened where visible from public view at grade level.
- h. 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 building 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 attached illustrative building elevation(s) set forth on Sheet RZ-04, RZ-05, and RZ-06 are for each side of the proposed building and are illustrative and are included to reflect an architectural style and a quality of the building that will be constructed on the Site (the actual building constructed on the Site may vary from these illustrations provided that the design intent is preserved).

Non-residential uses located along Barclay Downs Drive and Bulfinch Road will have an operable entrance(s) oriented toward these streets. The proposed ground floor residential units along Bulfinch Road will have entrances oriented toward Bulfinch Road, except when due to topography. Units shall be raised an average of 24" above grade. Units shall be no more than 5' above grade and 2' below grade. Each entrance shall include a minimum of three of the following:

- decorative pedestrian lighting/soffits
- architectural details carried through to upper stories
- covered porches, canopies, awnings or sunshades
- archways
- transom windows
- terraced or raised planters that can be utilized as seat walls
- common outdoor seating enhanced with specialty details, paving, landscaping, or water features
- double doors (entrances should give an appearance of a front door orientation rather than a back patio design)
- stoops or stairs

- d. 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.

- e. A transition zone with an average depth (four (4) feet) will be established along building face and within the 10' sidewalk located along Carnegie Boulevard and Bulfinch Road. Stairs, porches, and stoops may encroach into this transition zone or it may be used for enhanced landscaping.

- f. 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 of 8" and vertical variations of a minimum 24" in wall planes; or (iv) utilize enclosed balconies.

- g. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in both horizontal and vertical length. Where blank or unarticulated walls 20' or greater cannot be addressed principally with doors or windows, they shall be treated with a combination 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 of a minimum of 8 inches in wall planes accompanied with a change in material. If the final architectural design cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director or designee.

- h. Common and private individual entrances to residential units will be provided along Bulfinch Road 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.

- l. Individual ground floor residential unit entrances oriented to Bulfinch Road 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. If entrances to the proposed units along Bulfinch Road are located more than four (4) feet above the existing grade of the street and stoops are not provided, the Petitioner will break up any resulting blank walls with terraced landscape areas and/or building articulation. The details of the treatment to be determined during the site plan approval process for the Site

- 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 an unobstructed view from Barclay Downs Drive into the space as generally depicted on Sheet RZ-04.

- n. Balconies will be designed so that their size and location maximize their intended use for open space. The balconies may encroach into the transition zone provided along Barclay Downs Drive and Bulfinch Road 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 offset as generally depicted on RZ-04.

- p. The Petitioner shall create focal points at the corner of Barclay Downs Drive and Bulfinch Road and Barclay Downs Drive and Carnegie Boulevard, 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 as generally depicted on RZ-05.

- q. Parking will be screened on all levels of the parking structure with a low wall up to 2 to 3 feet in height.

7. Environmental Features:

- a. The Site will comply with the Tree Ordinance.

8. 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 21 feet in height.

9. **CATS Bus Stop:** The Petitioner shall coordinate the relocation of the current stop on Barclay Downs to align with the redevelopment of the Site.

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 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 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.

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NOT FOR
CONSTRUCTION



PREPARED FOR:
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4208 Six Forks Road
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Raleigh, NC 27609

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www.zomusa.com

REZONING SUBMITTAL:

June 20, 2016

REVISIONS:

Mark	Date	Description
1	8/22/2016	Per Staff Comments

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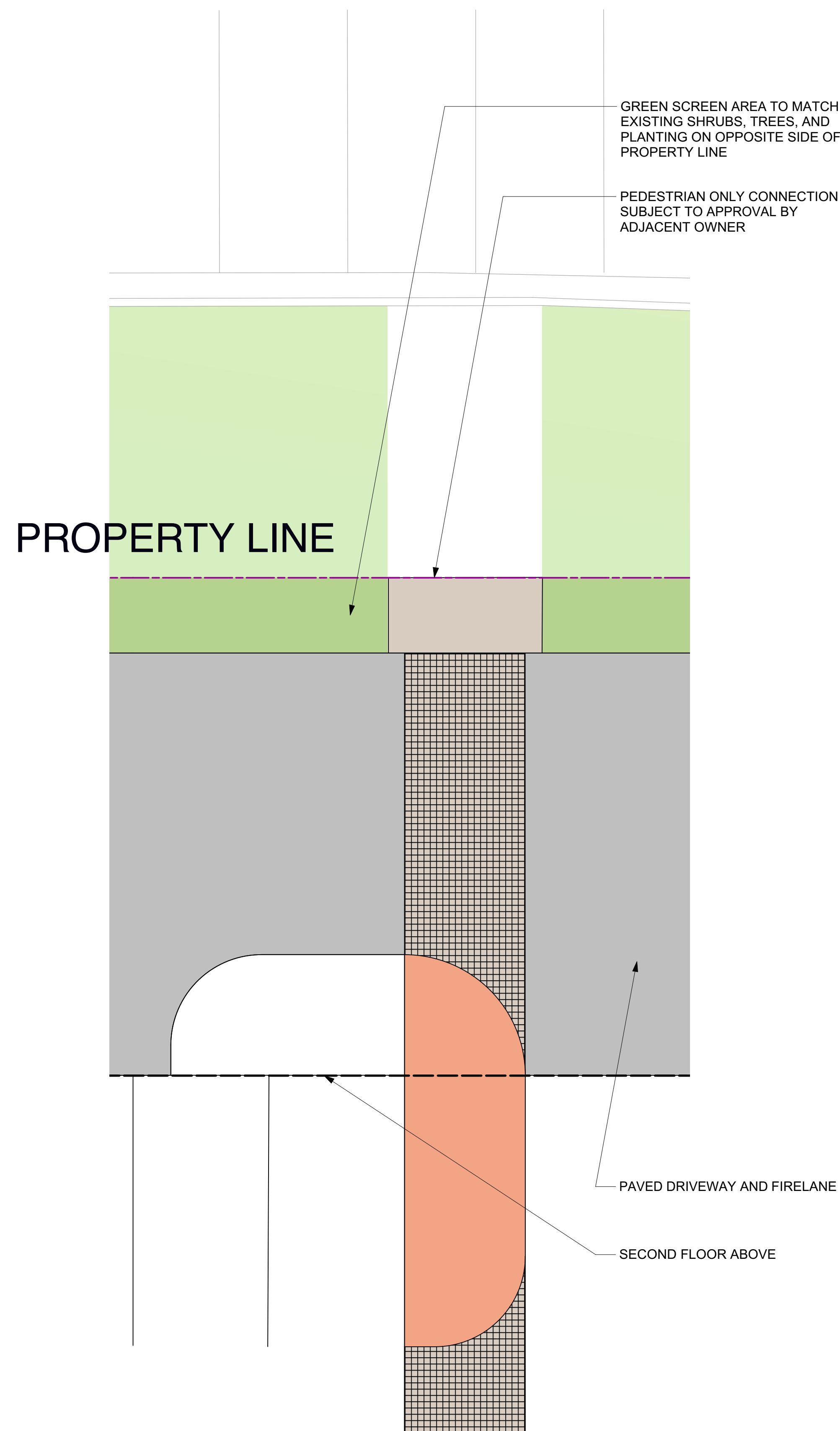
BARCLAY DOWNS DRIVE
SITE REZONING

4401 Barclay Downs Drive
Charlotte, NC 28209

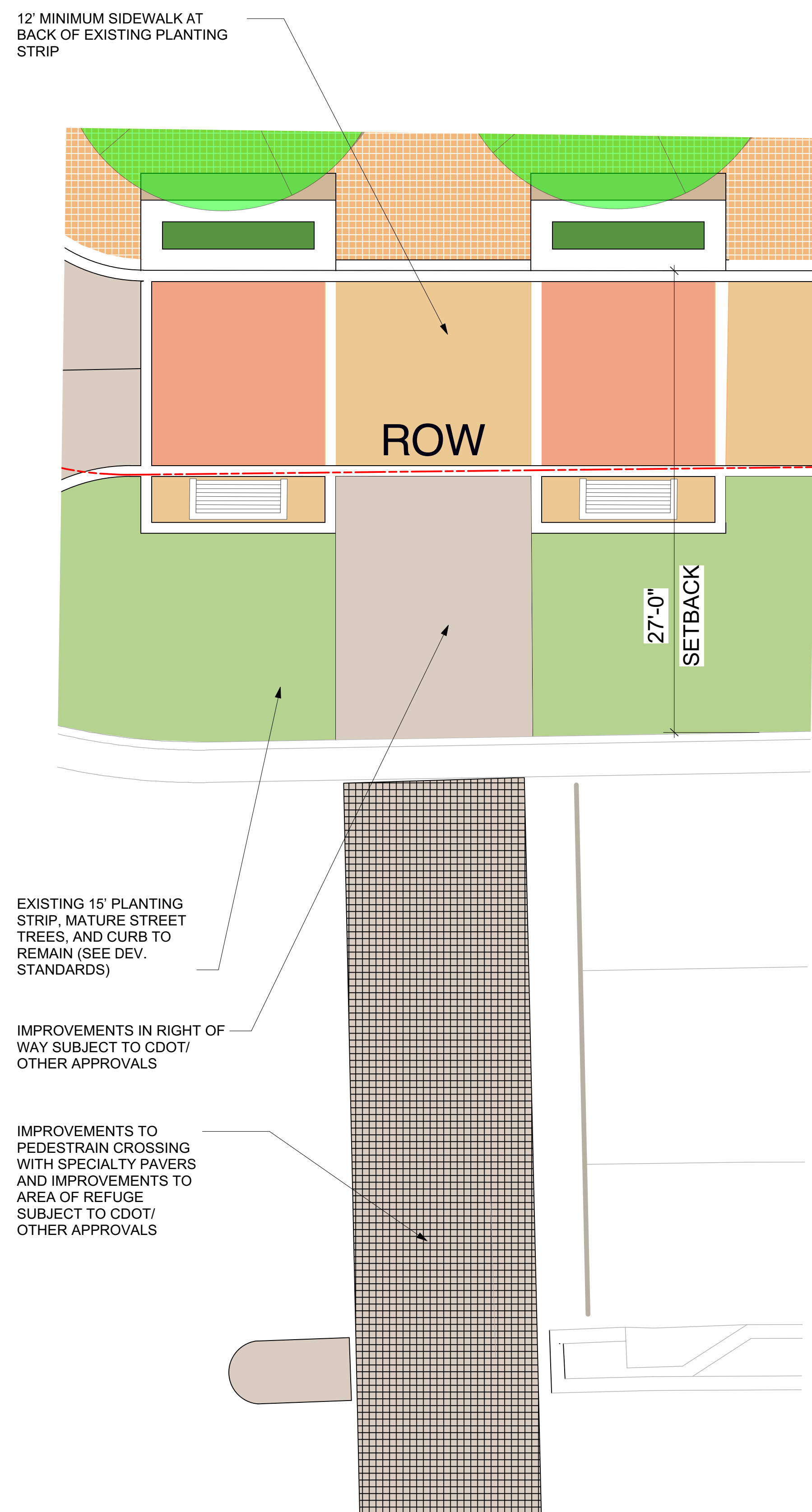
REZONING PETITION # 2016-113
Project #

DEVELOPMENT STANDARDS

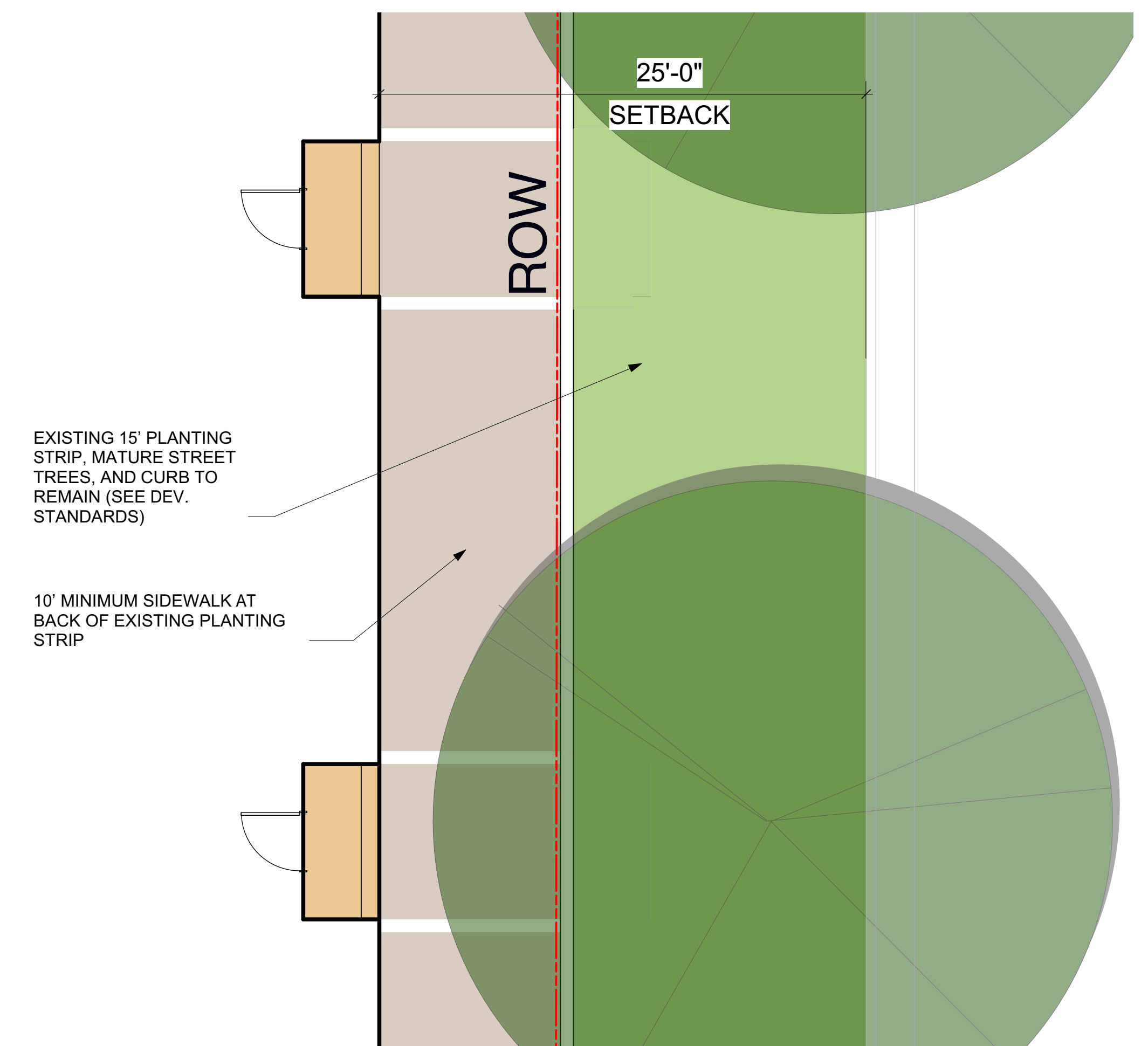
RZ-02



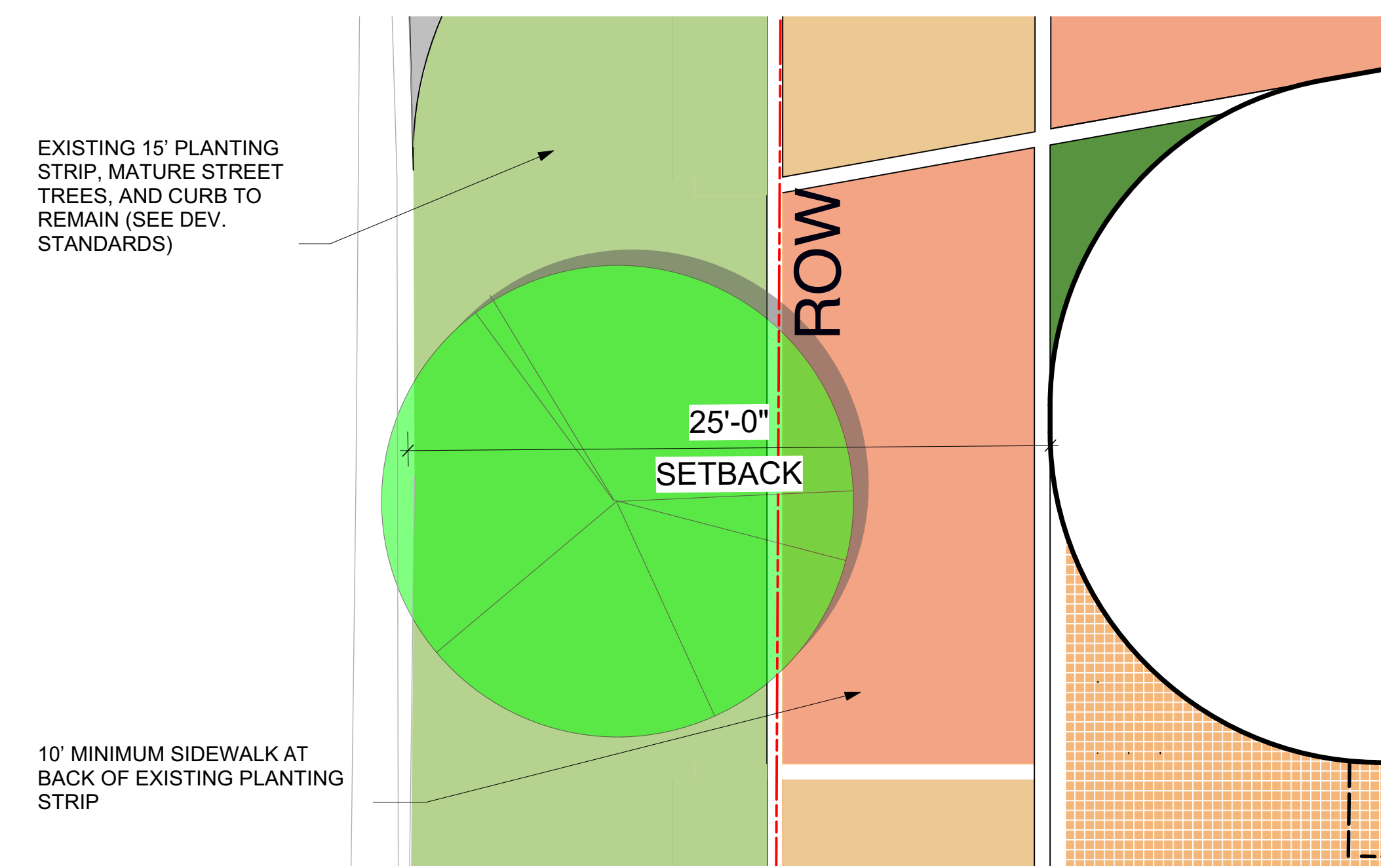
1 PARTIAL ENLARGED SITE PLAN
Scale: 3/16" = 1'-0"



2 PARTIAL ENLARGED SITE PLAN
Scale: 3/16" = 1'-0"



4 PARTIAL ENLARGED SITE PLAN
Scale: 3/16" = 1'-0"



3 PARTIAL ENLARGED SITE PLAN
Scale: 3/16" = 1'-0"

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**BARCLAY DOWNS DRIVE
SITE REZONING**

4401 Barclay Downs Drive
Charlotte, NC 28209

REZONING PETITION # 2016-113
16007

PEDESTRIAN
ENHANCEMENTS

RZ-03



1 ELEVATION - BARCLAY DOWNS DRIVE
Scale: 1" = 30'-0"



2 ELEVATION - MALL PARKING LOT
Scale: 1" = 30'-0"



3 ELEVATION - BULFINCH ROAD
Scale: 1" = 30'-0"

THESE SCHEMATIC ELEVATIONS AND CONCEPT RENDERINGS ARE ILLUSTRATIVE FOR EACH SIDE OF THE PROPOSED BUILDING AND ARE INCLUDED TO REFLECT AN ARCHITECTURAL STYLE AND A QUALITY OF THE BUILDING THAT WILL BE CONSTRUCTED ON THE SITE. THESE SCHEMATIC ELEVATIONS AND CONCEPT RENDERINGS ARE ILLUSTRATING THE USE OF VARIED MATERIALS AND ROOFLINES, USABLE BALCONIES, ACTIVE GROUND FLOOR USES, WALL PLANE VARIATION, SETBACKS, AND A BASE OF BUILDING ARCHITECTURAL TREATMENTS (THE ACTUAL BUILDING CONSTRUCTED ON THE SITE MAY VARY FROM THESE ILLUSTRATIONS PROVIDED THAT THE DESIGN INTENT IS PRESERVED).



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CONCEPT RENDERING
RZ-05



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REZONING PETITION # 2016-113
16007

CONCEPT RENDERING

RZ-06

