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Keith Corp
Development Standards
7/20/17
Rezoning Petition No. 2017-058

Site Development Data:

--Acreage: ± 11.1
--Tax Parcel #: 027-033-01
--Existing Zoning: RE-1
--Proposed Zoning: RE-3(O)
--Existing Uses: Office/Vacant
--Proposed Uses: Office and commercial uses as allowed in the RE-3(O) zoning district (as more specifically described and restricted below in Section 3).
--Maximum Amount of Development: Up to 142,000 square feet of gross floor area of non-residential uses (which includes 170,000 square feet of existing office uses, together with accessory uses as allowed in the RE-3 district (as more specifically described and restricted below in Section 3).
--Maximum Building Height: A maximum building height of 50 feet as allowed by the Ordinance. Building height to be measured as required by the Ordinance.
--Parking: Parking as required by the Ordinance.

1. General Provisions:

- a. **Site Location.** These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by The Keith Corporation to accommodate development of additional office and commercial uses on an approximately ± 11 acre Site located along Mallard Creek Road and Medical Plaza Drive at W.T. Harris Boulevard (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the attached Technical Data Sheet and Schematic Site Plan and these Development Standards (collectively referred to as the "Rezoning Plan") as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan or the Supplemental Sheets establish more stringent standards, the regulations established under the Ordinance for the RE-3(O) zoning district classification, subject to the Optional Provisions provided below, shall govern all new development on the Site.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, 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.
- 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 shall not exceed five (5). The Petitioner reserves the right to combine or split building so as to have a greater number of buildings than is illustrated on the Schematic Site Plan. Accessory building and structures shall not be considered in any limitation on the number of buildings on each of the Parcels.
- e. **Gross Floor Area.** For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the following items will not be counted as part of the allowed gross floor area (floor 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)
- f. **Planned/Unified Development.** The Site may be considered a unified development plan and as such "internal separation" standards such as buffers, side and/or rear yards may be eliminated, subject to the normally required Staff review and approval process.

g. **Personal Services.** The terms "personal service uses" and/or "personal services" (whether capitalized or not) will mean and refer to uses that primarily provide or sell a service to customers versus the selling of goods together with associated accessory uses. A personal service use may also sell products or merchandised 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, artist studios and galleries, Yoga and exercise studios, fitness and wellness facilities, nail salons, martial art training studios, laundries and dry cleaning establishments, locksmiths, funeral homes and the like.

h. **Limited Service Restaurant/EDEE.** A "Limited Service Restaurant" or "limited service restaurant" (whether capitalized or not) shall mean a restaurant with no more than 3,000 square feet of gross floor area serving primarily items such as coffee, ice cream, yogurt, juices, bagels, muffins, pastries, sandwiches and similar foods that do not require on-premise cooking of food (other than heating and the baking of premixed dough), together with associated accessory uses.

2. Optional Provisions

- a. The Petitioner seeks the Optional Provision to allow service lanes associated with a drive-through window to be located to the side of the building and to abut public or private streets as set forth in Section 7.
- b. The Petitioner seeks the Optional Provision to provide a twenty-four (24') foot setback as measured from the future back of curb along Mallard Creek Road, as generally depicted on the Rezoning Plan, in response to existing site conditions.
- c. The Petitioner seeks the Optional Provision to provide a thirty (30') foot setback as measured from the future back of curb along Medical Plaza Drive, as generally depicted on the Rezoning Plan, to preserve existing mature trees and in response to site conditions.
- d. The Petitioner seeks the Optional Provision to provide a three (3') foot planting strip and five (5') foot sidewalk along Medical Plaza Drive as generally depicted on the Rezoning Plan to preserve existing mature trees and in response to site conditions. If the development on this

parcel will have negative impact on the health of the existing trees and/or the existing trees cannot be protected, the Petitioner shall provide an 8' foot planting strip along Medical Plaza Drive as noted in Section 8.c below.

- e. The Petitioner seeks the Optional Provision to provide a sixty (60') foot setback along W.T. Harris Boulevard as generally depicted on the Rezoning Plan.
- f. The Petitioner seeks the Optional Provision to allow parking and maneuvering between the existing and proposed buildings and Mallard Creek Road, Medical Plaza Drive and W.T. Harris Boulevard, as generally depicted on the Rezoning Plan. These proposed parking and maneuvering areas for proposed buildings will be screened from the public streets at grade.
- g. The Petitioner seeks the Optional Provision to allow existing parking to remain in the setback on Mallard Creek Road as generally depicted on the Rezoning Plan.

h. The Petitioner seeks the Optional Provision to allow opaque and spandrel glass subject to and in the manner set forth in the provisions of Section 7.

3. Permitted Uses, Development Limitations, and Conversion Rights:

a. **Permitted Uses Generally.** The Site may be developed with up to 142,000 square feet of uses permitted by right and under prescribed conditions in the RE-3 zoning district together with accessory uses allowed in the RE-3 zoning district; such development and other uses resulting from the conversion rights below may be developed in accordance with the Optional Provisions set forth above and the provisions of Sections 3.b., 3.c. 3d., 3.e, 3.f. and 3.g. below.

b. **Development Area Limitations.** Maximum development levels for certain permitted principal uses are set forth below and include 136,000 square feet of uses for a base development level prior to any conversion rights, but the actual development levels and uses may be modified and the total gross floor area increased up to 142,000 square feet in accordance with the conversion rights set forth below in Sections 3.d, 3.e, 3.f. and 3.g. and up to the maximum conversion amounts set forth. The following Development Area limitations are the base development levels:

- i. Development Areas A & C: Office uses not to exceed 49,100 square feet of gross floor area, EDEE uses not to exceed 6,000 square feet of gross floor area, of which up to 2,000 square feet of gross floor area can be for Limited Service Restaurant uses with a drive through facility.
- ii Development Area B: Office uses not to exceed 10,900 square feet of gross floor area.
- iii Development Area D: Existing office building to remain or be redeveloped for office uses but not to exceed 70,000 square feet of gross floor area.

c. **Drive-Through Facilities.** No more than one principal use may include accessory drive-through window facility within the Site. The number of drive-through lanes associated with the drive-through window facility will be limited to one except for financial institutions (such as banks) which may have up to two (2) drive through lanes in addition to a lane for a drive-up automatic teller machine (ATM) if provided. The design provisions of Section 7.i shall also apply.

d. **Conversion of Office to Hotel Rooms.** Hotel uses are permitted and may be developed on the Site by converting office uses into hotel rooms at the rate of 400 square feet of gross floor area of such office uses so converted for one hotel room, up to a maximum of 120 hotel rooms created in the aggregate within the Site by such conversion.

e. **Conversion of EDEE to Retail.** Retail uses and Personal Services uses are permitted and may be developed on the Site by converting EDEE uses into retail uses and Personal Services uses at the rate of 1 square foot of gross floor area of such EDEE uses so converted for 2 square feet of retail uses and/or Personal Services uses added, up to a maximum of 12,000 square feet of retail uses and/or Personal Services uses created in the aggregate within the Site by such conversion.

f. **Conversion of Limited Service Restaurant/EDEE with a Drive Through-Facility to EDEE without Drive-Through Facility.** Additional EDEE uses may be developed on the Site by converting the Limited Service Restaurant/EDEE use with a drive-through facility into EDEE uses without a drive-through facility at the rate of 1 square foot of gross floor area of such Limited Service Restaurant/EDEE uses so converted for 2 square feet of gross floor area of EDEE uses without a drive-through facility, up to a maximum of 8,000 square feet of EDEE uses without a drive-through facility created in the aggregate within the Site by such conversion or otherwise.

g. **Additional Conversion Rights & Tracking.** Additional conversion rights and modifications to the uses described in 3.b. above are permitted up to the maximum development level of 142,000 square feet upon CDOT staff review of a revised trip generation table to demonstrate appropriate transportation adequacy.

4. Transportation Improvements:

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 on the Site:

- a. Construct Private Street A connection between Mallard Creek Road and Medical Plaza Drive as generally depicted on the Rezoning Plan.
- b. Construct ADA accessible ramps at the intersection of existing and proposed sidewalks and Private Street A.

The above referenced improvements shall be substantially completed prior to the issuance of the first certificate of occupancy for the first new building constructed on the Site.

II. Standards, Phasing and Other Provisions.

a. **CDOT/NCDOT 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. **Phasing.** Roadway improvements referenced in Section 4.I above shall be completed in coordination with Development Area B.

c. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.I above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.II.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.

d. **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 proceedings 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.

e. **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.

5. Access and Right-of-way Dedication:

a. Vehicular access to the Site shall be provided as generally depicted on the Technical Data Sheet (Sheet RZ-01). The number and locations of driveways connecting to the interior public streets is not limited by what is indicated on the Technical Data Sheet; the location and number will be determined during the land development process.

b. The placements and configurations of these vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the CDOT and/or the North Carolina Department of Transportation ("NCDOT").

c. The Site's internal Private Street is a network required street and will be designed to include sidewalks and planting strips as generally depicted on Sheet RZ-01; such street will be subject to a public access easement granted upon completion of construction of the Private Street.

d. All new streets shall be designed per CDOT standards.

e. To the extent that sidewalk and utility improvements are unable to be located in the existing right-of-way, the Petitioner will convey an easement to the City for such required areas in connection with the installation of sidewalks along public streets. The Petitioner will dedicate two feet beyond the proposed sidewalk(s) on Medical Plaza Drive and W.T. Harris upon completion of construction.

6. Streetscape, Landscaping Open Space and Screening:

- a. A twenty four (24') foot setback, as measured from future back of curb, will be provided on Mallard Creek Drive as generally depicted on Sheet RZ-01
- b. A thirty (30') foot setback as measured from future back of curb, will be provided on Medical Plaza Drive as generally depicted on Sheet RZ-01.
- c. A sixty (60') foot setback, as measured from the future back of curb, will be provided on W.T. Harris as generally depicted on Sheet RZ-01.
- d. A sidewalk will be constructed by NCDOT along the Site's frontage on Mallard Creek Drive as part of the NCDOT project funded by NCDOT.
- e. A twelve (12') foot multi-use path that transitions to a six (6') foot sidewalk adjacent to the existing basin will be provided along W.T. Harris as generally depicted on Sheet RZ-01 upon approval of NCDOT.
- f. A three (3') foot planting strip, as allowed by the optional provisions, and a five (5') foot sidewalk will be provided along Medical Plaza Drive as generally depicted on Sheet RZ-01 to preserve existing large mature trees. Where there are not existing trees, an eight (8') foot planting strip and a six (6') foot sidewalk shall be provided

The above referenced improvements will be completed as development occurs with respect to the applicable Development Areas prior to the issuance of the first certificate of occupancy for the first building within the Development Area as to the applicable street frontage.

7. General Design Guidelines. (Starting General Design Standards)

- a. Buildings fronting on Medical Plaza Drive and W.T. Harris Boulevard will be articulated such that expanses of solid walls exceeding 20 linear feet will be avoided with either horizontal and vertical variations in wall planes, materials and/or building color.
- b. New buildings fronting on public streets shall include a minimum of 50% transparent glass between two (2') feet and ten (10') feet on the first floor in Development Areas A and C and a minimum of 40% transparent glass between two (2') feet and ten (10') in Development Area B. Shadow boxes, window graphics, and/or opaque spandrel glass may be utilized to screen bathrooms, back of house, or kitchens, but may not exceed more than 20% of the total required building transparency requirement.
- c. All new buildings must be sited maintaining pedestrian interconnectivity between buildings and through parking areas. This will be done by providing a minimum of a six (6) foot sidewalk between buildings and through parking areas and connecting each building to the sidewalk network that will be provided throughout the Site. However, a five foot (5') sidewalk shall be provided on both sides of Private Street A.

d. All buildings located within the Site will be architecturally integrated to complement one another by using similar or compatible architectural styles, building materials, landscape elements, plants and signage treatments to create a unified and cohesive development. In addition, buildings located on Parcels A and B must be designed using a similar, (i) architectural style, (ii) building materials, (iii) colors and (iv) signage so that development on these Parcels creates a cohesive whole and not a series of buildings with unrelated and wholly dissimilar architectural styles, building materials, colors and signage.

e. The buildings constructed on the Site will use a variety of building materials. The building materials used on the will be a combination of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementations siding (such as hardi-plank), stucco, EIFS or wood. At least 40% of each building façade exclusive of windows, doors and roofs will be constructed of brick, stone, synthetic stone, or precast stone. Vinyl as a building material may only be used on windows and soffits.

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: (1) varied roof lines through the use of slopes, modulated buildings heights, gables, dormers or innovative architectural solutions; (2) building corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses; (3) horizontal and vertical variations in wall planes; and/or (4) architectural protrusion.

g. Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.

h. Buildings for principal uses in Development Areas A and C shall have a minimum height of twenty-two (22') feet including the parapet.

i. If an accessory drive through facility is developed in Development Area C, it shall only be provided as an accessory use to a financial institution, pharmacy or Limited Service Restaurant/EDEE subject to the following standards:

- (i) Service lanes and/or maneuvering may not be located between the building and Medical Plaza Drive and/or WT Harris.
- (ii) The drive through window may be located on the north or west façade of the building such that the service lanes may abut Medical Plaza Drive and/or WT Harris. The drive through window shall not directly orient to WT Harris or Medical Plaza Drive.
- (iii) Service lanes that abut public streets shall be screened with a low masonry wall with materials complimentary to the principal structure and landscaping.
- (iv) A drive through window facility associated with a Limited Service Restaurant/EDEE use shall only be permitted provided if is part of a multi-tenant building and the Limited Service Restaurant/EDEE use shall not exceed 2,000 square feet. The second tenant shall occupy double the length of primary street frontage as the use associated with the drive through window facility.

k. Utilities shall be screened and shall not be visible from the public street. This includes, mechanical and electrical equipment, utility meters, dumpsters, and backflow preventers. No fencing shall be located between the building and the public street.

8. Environmental Features:

- a. Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Storm water Ordinance (PCO) and Tree Ordinance.
- b. The Petitioner shall submit a tree survey for all trees two inches or larger located in the right-of-way and eight inches or larger in the setback for each Development Area as development occurs.
- c. In an effort to preserve the existing trees on Medical Plaza Drive to satisfy tree planting requirements per the Tree Ordinance, the Petitioner shall work with Urban Forestry and an independent arborist to evaluate the trees and potential development impacts. If proper protection for preservation cannot be provided, an 8' foot planting strip with trees shall be provided.
9. **CATS:**
- a. The Petitioner shall provide a new waiting pad on Medical Plaza Drive, per CATS standard detail (60.01B). A permanent easement shall be provided where dimensions exceed existing or proposed right-of-way limits.

10. Signage:

a. The detached signs installed throughout the Site will utilize similar materials and colors so as to create a unified design. In addition the signs will utilize materials and colors that re-enforce the image of the University Research Park. Signs will be integrated into the landscape setbacks with accent plants and seasonal color.

11. Lighting:

a. All lighting fixtures located on the Site shall be full cut-off type lighting fixtures with the exception of lower, decorative lighting.

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

13. 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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PROJECT NUMBER
DESIGN By
APPROVED By
DRAWN By
Date
DIGITAL FILE

3. PER UPDATED DEVELOPMENT STDS. 7.20.2017
2. PER SECOND CYCLE REVIEW COMMENTS 06.23.2017
1. PER FIRST CYCLE REVIEW COMMENTS 05.12.2017
REVISION

TKC CLIV, LLC

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Charlotte, North Carolina 28209
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FOR PUBLIC HEARING

PETITION NUMBER

2017-058

8401
MEDICAL PLAZA
DRIVE
CHARLOTTE
NORTH CAROLINA

TECHNICAL DATA
SHEET

RZ-2

PRINTING SHEET SIZE 24X36

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DESIGN BY
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1. PER FIRST CYCLE REVIEW COMMENTS 05.12.2017
REVISION

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FOR PUBLIC HEARING

PETITION NUMBER

2017-058

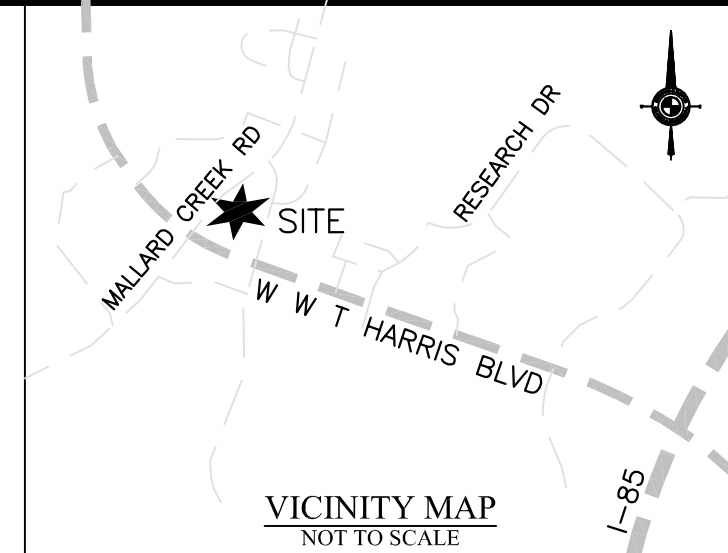
8401
MEDICAL PLAZA
DRIVE
CHARLOTTE
NORTH CAROLINA

EXISTING
CONDITION

RZ-3

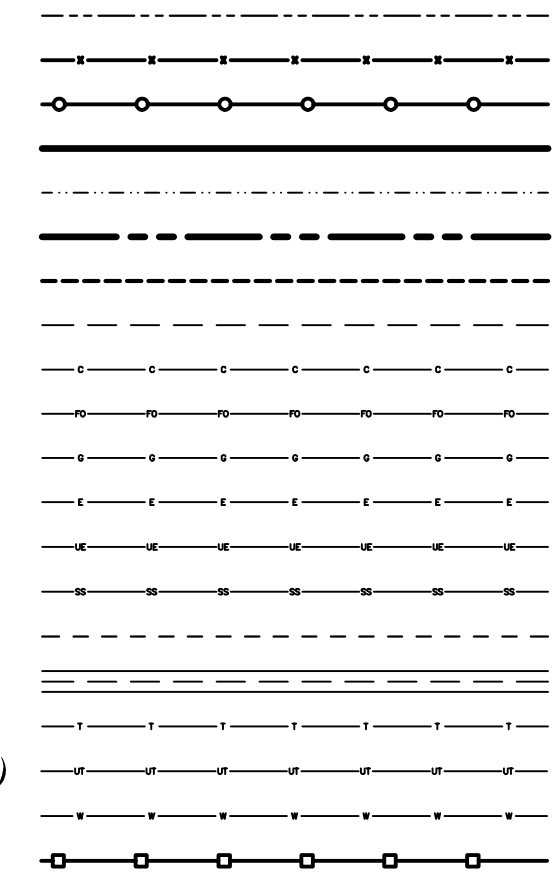
NOT FOR CONSTRUCTION DRAWINGS

PRINTING SHEET SIZE 24X36



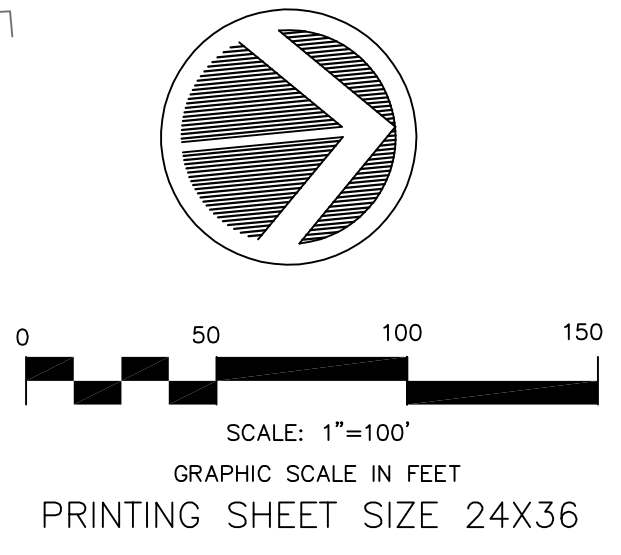
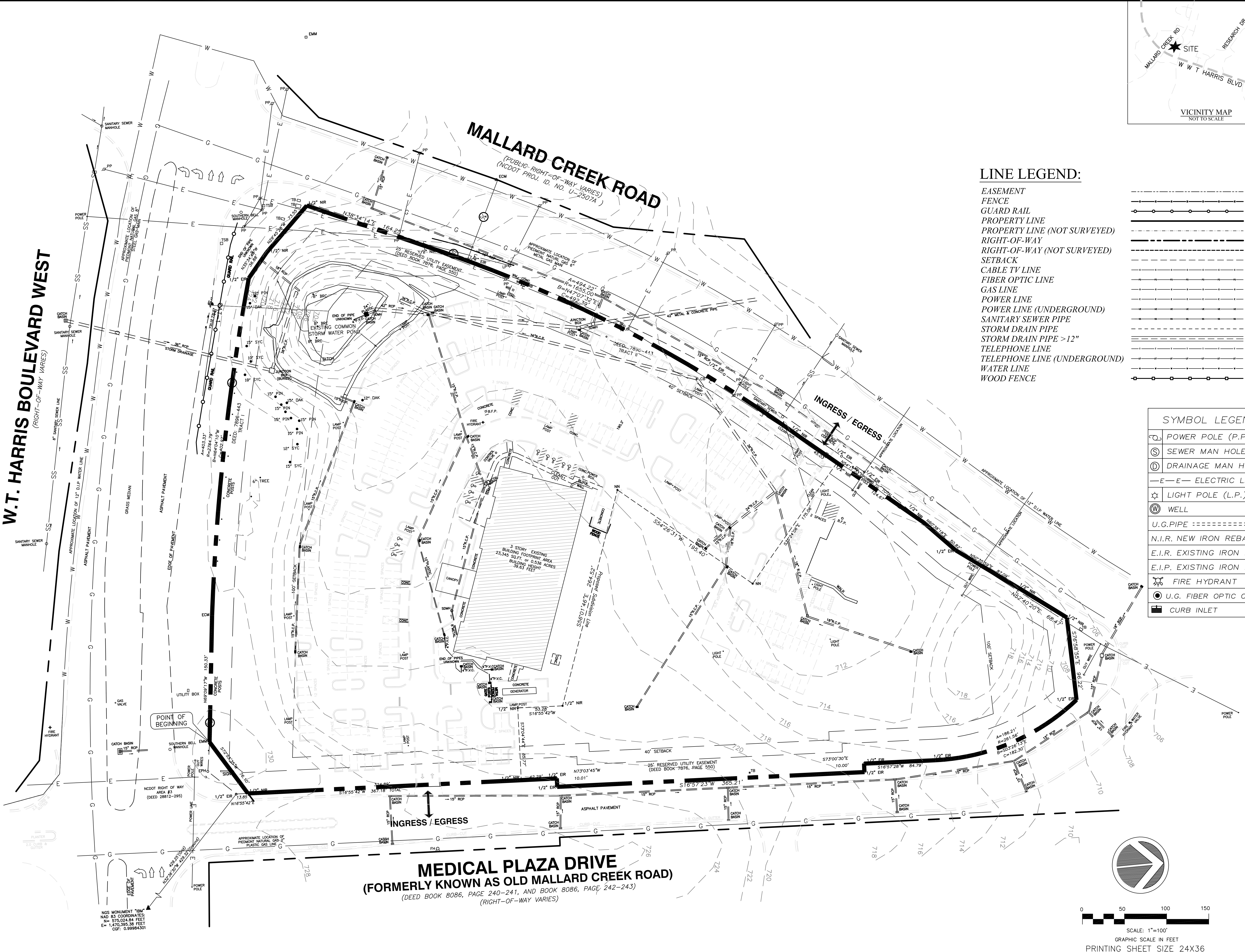
LINE LEGEND:

- EASEMENT
- FENCE
- GUARD RAIL
- PROPERTY LINE
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY
- RIGHT-OF-WAY (NOT SURVEYED)
- SETBACK
- CABLE TV LINE
- FIBER OPTIC LINE
- GAS LINE
- POWER LINE
- POWER LINE (UNDERGROUND)
- SANITARY SEWER PIPE
- STORM DRAIN PIPE
- STORM DRAIN PIPE >12"
- TELEPHONE LINE
- TELEPHONE LINE (UNDERGROUND)
- WATER LINE
- WOOD FENCE



SYMBOL LEGEND

- POWER POLE (P.P.)
- SEWER MAN HOLE
- DRAINAGE MAN HOLE
- E-E-ELECTRIC LINE
- LIGHT POLE (L.P.)
- WELL
- U.G. PIPE
- N.I.R. NEW IRON REBAR
- E.I.R. EXISTING IRON REBAR
- E.I.P. EXISTING IRON PIPE
- FIRE HYDRANT
- U.G. FIBER OPTIC CABLE
- CURB INLET



W.T. HARRIS BOULEVARD WEST
(RIGHT-OF-WAY VARIES)

MEDICAL PLAZA DRIVE
(FORMERLY KNOWN AS OLD MALLARD CREEK ROAD)
(DEED BOOK 8086, PAGE 240-241, AND BOOK 8086, PAGE 242-243)
(RIGHT-OF-WAY VARIES)

MALLARD CREEK ROAD
(PUBLIC RIGHT-OF-WAY VARIES)
(NCDOT PROJ. ID. NO. U-2507A)