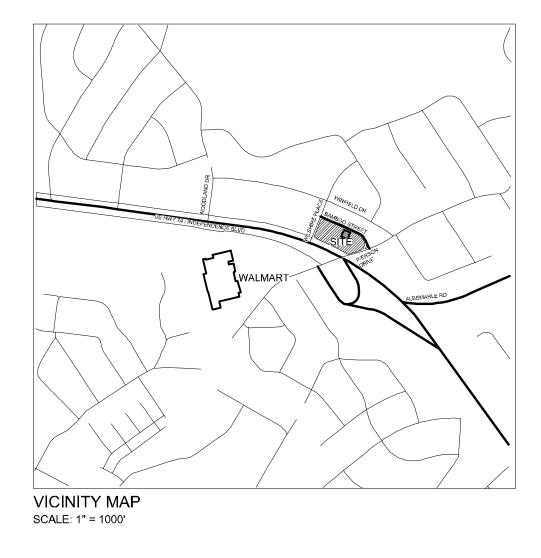


- ADJACENT OWNERSHIP LISTINGS*
- 1. EXECUTIVE BUILDING COMPANY LLC Tax # 13110116 Zoning: B-2 Existing Use: Vacant Lot
- 2. RICHARD AND RITA GUINEY Tax # 13110101 Zoning: R-22MF
- Existing Use: Single Family 3. BRIAN AND KATHY COSTANZA Tax # 13111109 Zoning: R-4
- Existing Use: Single Family 4. GEORGE ZELECKI AND MARY JOAN Tax # 13111108 Zoning: R-4
- Existing Use: Single Family 5. ROBERT AND KIM KALOUSEK Tax # 13111106 Zoning: R-4
- Existing Use: Single Family 6. JAMES AND ELIZABETH MATTHEWS Tax # 13111107
- Zoning: R-4 Existing Use: Single Family 7. TRACY PERREAULT
- Tax # 13111105 Zoning: R-4 Existing Use: Single Family 8. MESFEN B TESFAGABIR
- Tax # 13111104 Zoning: R-4 Existing Use: Single Family

- 9. HELMS RENTAL LLC Tax # 13111103 Zoning: R-4 Existing Use: Single Family
- 10. JAMES WINKLE Tax # 13111102 Zoning: R-4 Existing Use: Single Family
- 11. CHARLOTTE LP ADAMS OUTDOOR ADVERTISING Tax # 13113330
- Zoning: B-2 Existing Use: Open Storage Lot 12. UHAUL REAL ESTATE CO. Tax # 13113331
- Zoning: B-2 Existing Use: Open Storage Lot

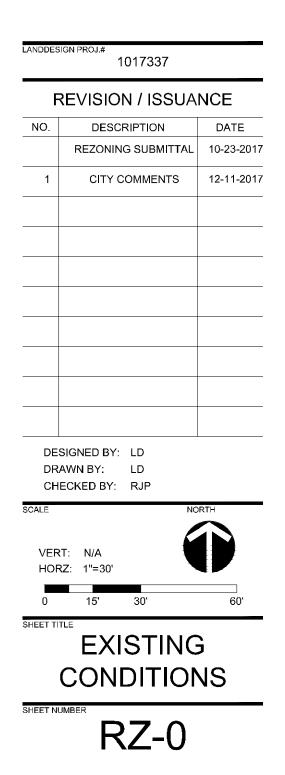




REZONING PETITION NO. 2017-167

ERVIN BUILDING REZONING

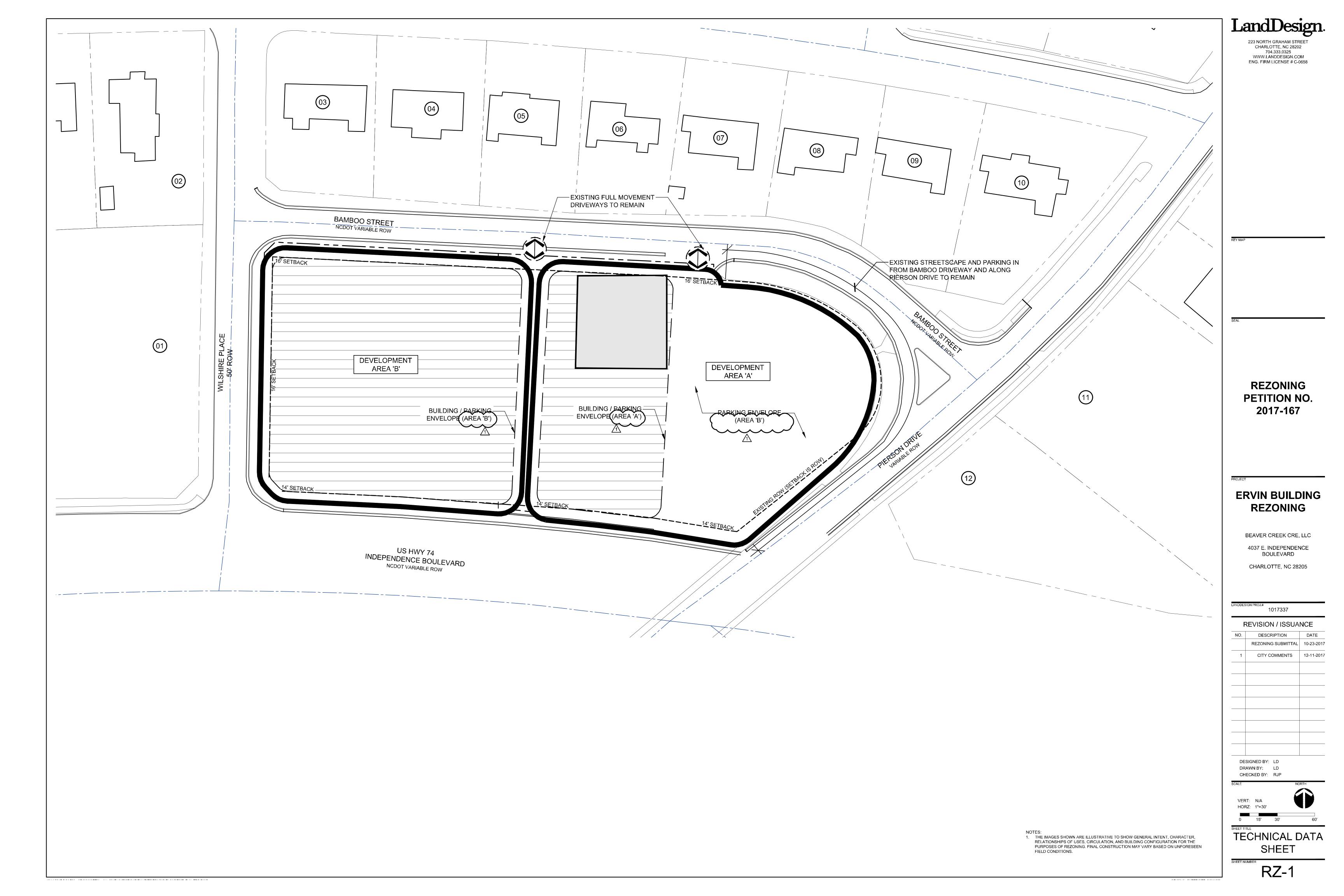
BEAVER CREEK CRE, LLC 4037 E. INDEPENDENCE BOULEVARD CHARLOTTE, NC 28205

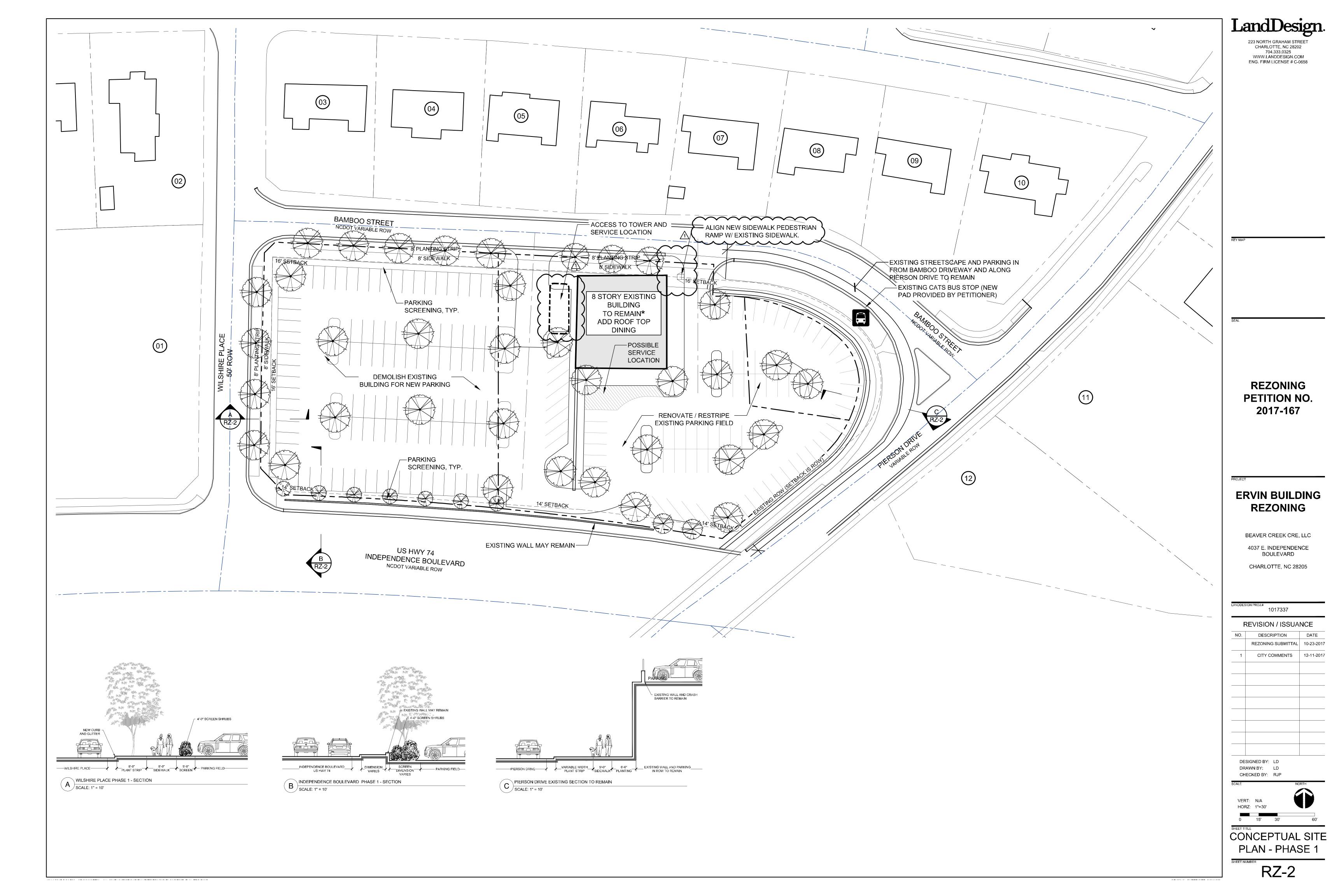


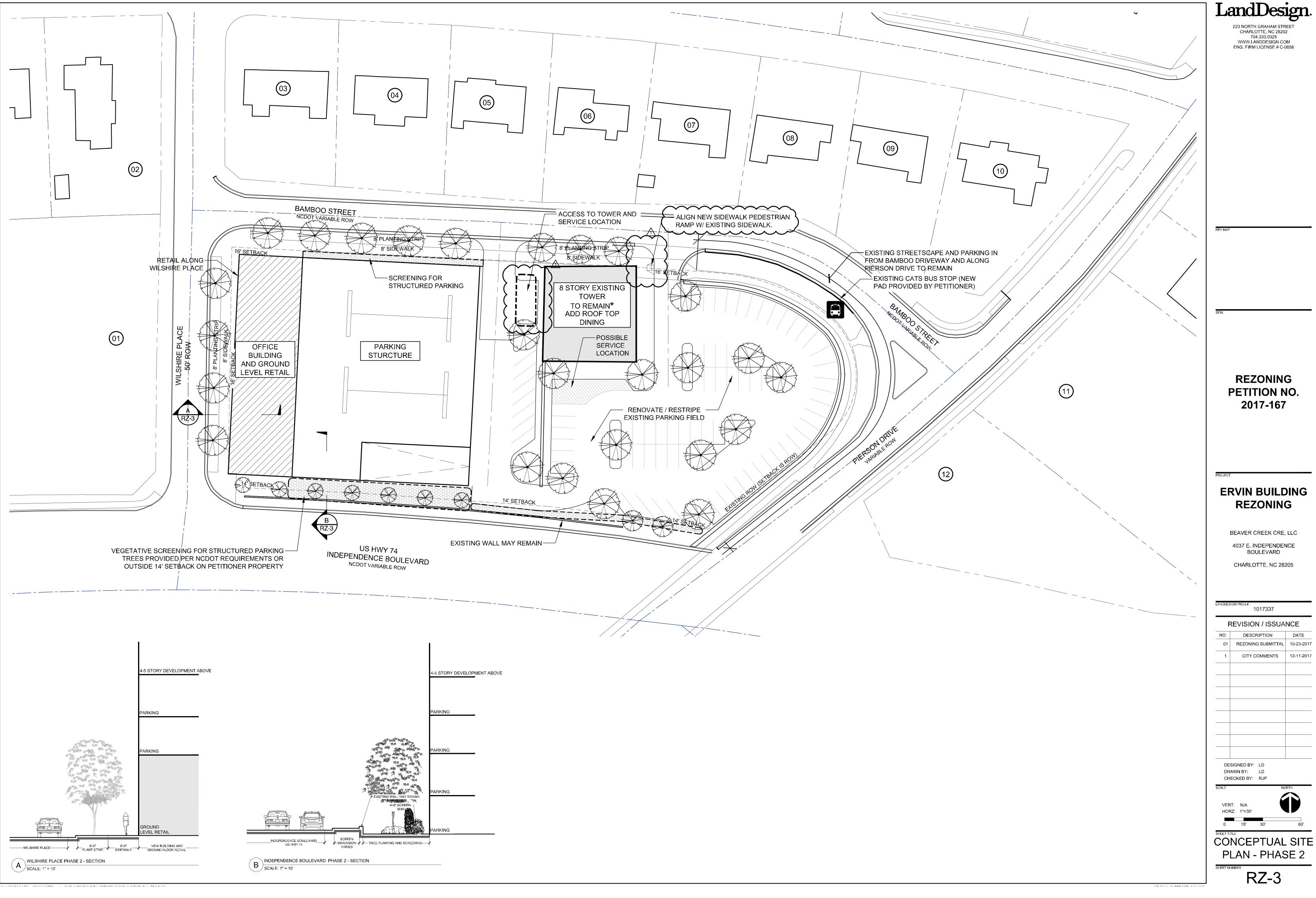
SITE INFORMATION SITE AREA TAX PARCEL

SITE AREA	2.11 ACRES (+/- 91,911.60 SQFT)
TAX PARCEL(S) INCLUDED WITHIN	13111112, 13111110, 13111101
THE AREA TO BE REZONED	
EXISTING ZONING	BUSINESS (B-2)
EXISTING USES	VACANT STRUCTURES: RETAIL,
	OFFICE AND PARKING
PROPERTY OWNERS	EXECUTIVE BUILDING COMPANY, LLC
	PO BOX 33775
	CHARLOTTE, NC 28233

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.







DATE

Beaver Creek CRE LLC **Development Standards** December 11, 2017

Rezoning Petition No. 2017-167

Site Development Data:

--Acreage: ± 2.11 acres --Tax Parcel #: 131-111-12; 131-111-10 & 131-111-01

--Existing Zoning: B-2 --Proposed Zoning: MUDD-O

--Existing Uses: Vacant/abandoned commercial/office buildings

--Parking: Parking will be provided as required by the Ordinance.

--Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district, as more specifically described and restricted below in Section 2. --Maximum Gross Square feet of Development: Within Development Area A: (i) up to 45,000 square feet of gross floor area of uses allowed in the MUDD-O zoning district; and (ii) within Development Area B up to 57,000 square feet of gross floor area of uses allowed in the MUDD-O zoning district; each of (i) and (ii) together with accessory uses as allowed in the MUDD-O zoning district; and each as more specifically described and restricted below in Section 3. --Maximum Building Height: The existing building within Development A is 93 feet high and may be increased in height by an additional 20 feet for a total height of 113 feet. If the existing building within Development Area A is demolished due to the reasons set forth in Section 3.e. any new building(s) constructed within Development Area A will also be limited to a maximum height of 113 feet. Buildings constructed within Development Area B will not exceed a height of 120 feet. Height to be measured as required by the Ordinance.

1. General Provisions:

a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Beaver Creek CRE LLC ("Petitioner") to accommodate the redevelopment of certain land and improvements thereon containing approximately 2.11 acres located at the intersection of Hwy 74 (Independence Blvd.) and Pierson Drive (the "Site") to permit a new mixed use development. It is understood that the Site includes two (2) Development Areas, namely "Development Area A" and "Development Area B" (each may be referred to as a "Development Area" or collectively as the "Development Areas").

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") for MUDD-O district. Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD-O zoning classification shall govern, as modified by the Optional Provisions 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 clements (cottlectively 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.

(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.

. Number of Buildings Principal and Accessory. The total number of principal buildings to be developed on the Site shall not exceed three (3). 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 located on a Development Area to which such improvements relate.

e. **Planned/Unified Development**. The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other Development/Site Elements located within the Site. Furthermore, the Petitioner and/or owner of the portion of the Site reserve the right to subdivide the portions or all of the Site within the Development Areas and create lots within the interior of the portion of the Site within such Development Areas without regard to any such internal separation standards than those expressly set forth and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site and those expressly described in the Rezoning Plan shall be adhered to. In addition, all FAR requirements will be regulated by any development limitations set forth in this Rezoning Plan as to the Site as a whole and not individual portions or lots located therein.

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. 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, Spas, 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.

EDEE Uses. References to the term "EDEE" shall mean "Eating Drinking Entertainment Establishments" as defined in the Ordinance and shall include without limitation Limited Service Restaurants. **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), enclosed loading dock/service areas, and outdoor dining and gathering areas whether on the roof of a building or at street level.

2. Optional Provisions.

The following Optional Provisions shall apply to the Site:

a. Wall Signs in Development A Generally. Within Development Area A, to allow wall signs to have up to 200 square feet of sign surface area or 10% of the wall area, to which they are attached, whichever is less; provided, however, the sign area of these allowed wall signs may be increased by 10% if individual letters are used.

_b___Development Area Specialty Signage. In addition to subsection 2.a. above, within Development Area A__ to allow wall signs located near the top of the building located or to be located within Development Area A but underneath or wrapping the Rooftop Activity Area (as defined in Section 3.a. below) to have up to 875 square feet of sign surface area per wall (the "Development Area A Specialty Signage") except that the Development Area A Specialty Signage shall not be installed on the wall facing to the east along the edge opposite Independence Boulevard. The Development Area A Specialty Signage may be digital and LED in nature with digital and video components and with features that allow dimming of the LED signage to adjust for ambient conditions. A conceptual rendering of the Development Area A Specialty Signage and the Rooftop Activity Area is generally depicted on Sheet RZ-4 (the actual installed improvements may vary from such rendering as long as the overall design intent is met and the above specifications are followed).

Wall Signs in Development Area B Generally. Within Development Area B, 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; provided, however, the sign area of these allowed wall signs may be increased by 10% if individual letters are used.

Detached Ground Mounted Signs. To allow one detached ground mounted sign along Independence Boulevard with a maximum height of 20 feet and containing up to 150 square feet of sign area and to allow one detached ground mounted sign along each of the other public streets (Wilshire, Bamboo, and Pierson) with a maximum height of 12 feet and containing up to 50 square feet of sign area.

Parking/Mancuvering on Development Area A. To allow parking and maneuvering between the building on Development Area A and Independence Boulevard, Bamboo Street and Pierson Drive.

E. Parking/Mancuvering on Development Area B. To allow surface parking and maneuvering within Development Area B without regard to building locations or existence of buildings on the Site and as generally depicted on the Rezoning Plan until such time as "Phase II Development" takes place on Development Area B. Parking and maneuvering may not be located between the building(s) and adjacent public streets on Development Area B after the issuance of the first certificate of occupancy associated with the Phase II Development to take place on Development Area B.

. Streetscape Optional Provisions. To not require a sidewalk nor planting strip along the Site's frontage with Independence Boulevard, and to allow the existing streetscape located along Pierson Drive and that portion of Bamboo near Pierson Drive as shown on the Rezoning Plan to remain.

Note: The optional provisions regarding signs are additions/modifications to the standards for signs on the Site and are to be used with the remainder of MUDD standards for signs not modified by these Optional Provisions.

3. Permitted Uses & Development Area Limitation:

Development Area A. Subject to the limitations set forth herein and the conversion rights for hotel rooms described in Section 3.f. below, Development Area A as generally depicted on the Rezoning Plan may be developed (including redevelopment should the existing building be demolished and new building(s) constructed within Development Area A due to the reasons set forth in 3.e below) with up to 45,000 square feet of gross floor area of uses (see definition of gross floor area above) allowed in the MUDD-O zoning district, together with accessory uses as allowed in the MUDD-O zoning district; provided, however, no more than 9,000 square feet of area may be used for retail, EDEE or Personal Services uses (excluding such uses deemed accessory to office uses on Development Area B) including rooftop active uses (the "Rooftop Active Uses") such as EDEE uses and similar uses occupying up to but not exceeding 4,500 square feet of area (enclosed or open air) on the roof of the building within Development Area A (the "Rooftop Activity Area"). The Rooftop Activity Area shall be designed with opaque wall or similar barrier located along the eastern side of the building and shall have hours of operation of no later than 11:00 P.M. E.S.T.

b. Development Area B. Subject to the limitations set forth herein, Development Area B may be developed with up to 57,000 square feet of gross floor area of uses (see definition of gross floor area above) allowed in the MUDD-O zoning district (including) accessory uses as allowed in the MUDD-O zoning district; provided, however, no more than 9,000 square feet of retail, EDEE or Personal Services uses (excluding such uses deemed accessory to office uses on Development Area B) shall be permitted on Development Area B.

No gas/convenience store use may be permitted on the Site.

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Phased Development of Development Area B. As generally depicted on Sheets RZ-2 and 3, Development Area B is contemplated to be developed in two (2) phases, the first such Phase I Development to reflect demolition of the existing building on Development Area B and the replacement thereof with surface parking that may serve uses on the Site, and the second such Phase II Development to reflect permitted uses and an associated structured parking facility on Development Area B. Certain screening improvements and landscaping as described below in Section 5.c shall be installed on Development Area B prior to completion of the surface parking allowed on Development Area B as part of Phase I Development.

e. Renovation of Building on Development Area A. It is contemplated that Development Area A shall be redeveloped in a manner that renovates the existing building located on Development Area A. In the event, however, that a third party structural engineer certifies that the existing building cannot be so renovated from a structural soundness standpoint or the cost of such renovation is beyond what would be reasonable for a renovation project of the kind contemplated for the existing building, Development Area A may be developed with a new building in lieu of the existing building as long as the new building stays within the building envelope generally depicted on Sheet RZ-2 and the total amount of gross floor area of the new building(s) does not exceed 45,000 square feet of gross floor area of uses allowed in the MUDD-O zoning district of which no more than 9,000 square feet of area and is otherwise in keeping with the provisions of Section 3.a. regarding limitations on the amount and nature of certain uses including, but not limited to, the Rooftop Active Uses. The maximum height of any new building located within Development Area A will be limited to 113 feet.

Conversion of Commercial Uses to Hotel Rooms on Development Area A. Hotel rooms may be developed within Development Area A by converting commercial uses (e.g. office, retail, EDEE and Personal Services uses) into hotel rooms at the rate of 300 square feet of gross floor area of such commercial uses so converted for one (1) hotel room added, up to a maximum of 100 hotel rooms so converted. ******

4. Access & Transportation/Ped Improvements:

a.Access to the Site will be from Bamboo Street in the manner generally depicted on the Rezoning Plan b. The Petitioner will install a left-turn lane from Pierson Drive onto Bamboo Street as generally

depicted on the Rezoning Plan. The left-turn lane will be created by re-stripping the existing pavement on Pierson Drive. c.The Petitioner will convert the existing monolithic concrete island at the intersection Bamboo

Street and Pierson Drive to also serve as pedestrian refuge island while still channelizing traffic as currently does. The existing accessible ramps on Bamboo would be relocated to coincide with the redesigned monolithic concrete island and the new pedestrian refuge island.

Streetscape improvements along Wilshire Place will be installed in the manner generally depicted on Sheet RZ-3 prior to the issuance of the first certificate of occupancy for new development taking place on the

e.The Petitioner will provide a sidewalk easement for any of the proposed sidewalks that fall outside of the existing right-of-ways.

f. The proposed transportation improvements shall be approved and constructed prior to the issuance of the first certificate of occupancy for the Site. The petitioner may post a bond for any improvements not completed at the time the time the first certificate of occupancy is issued.

5. Architectural and Site Design Standards:

Building Materials Generally. The building materials used on the principal buildings 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, awnings and on handrails/railings, however standing seam metal is permitted as a decorative architectural element. Furthermore, the building elevations(excluding structured parking facilities) on public streets shall be constructed so that at least 40% of the elevation fronting public streets, exclusive of windows, doors, and roofs, will be constructed utilizing the following materials: brick, synthetic brick, stone, precast stone, precast concrete, synthetic stone, and decorative block. The use of decorative block will be limited to a maximum of 25% of any building elevation.

b. Structured Parking Deck. Parking deck structures shall be designed to materially screen the view of parked cars from adjacent public streets and screening of cars parked on the upper level will be accomplished by a wall at least 36 inches in height, designed as part of the parking deck structure. Building materials associated with facades on parking deck structures that are generally compatible in character with nearby buildings will be created taking into consideration differences associated with parking deck structures.

Murals on Existing Retaining Walls. The Petitioner will commission and install murals on the existing retaining walls located within the right-of-way of Pierson Drive and Bamboo Street subject to the approval of NCDOT and/or CDOT. The murals will be installed prior to the issuance of a certificate of occupancy for the existing building within Development Area A or prior to the issuance of a certificate of occupancy for a new building within Development Area A should the existing building be demolished per Section 3.e. and a new building is constructed.

d. Building Placement and Site Design Standards. New building placement and site design shall focus on and enhance the pedestrian environment on public streets, through the following (the following shall not apply to renovation of existing building(s) on the Site):

i. New buildings shall be placed so as to present a front or side façade to Wilshire Place and Bamboo Street (i.e. the rear or the service side of the buildings may not be oriented toward Wilshire or Bamboo).

ii. New building facades fronting Wilshire Place or Bamboo Street shall include a combination of windows and operable doors for a minimum of 80% of each frontage elevation transparent glass between 2' and 10' on the first floor. Up to 10% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk. This standard will not apply to parking structures constructed on the Site iii. The facades of first/ground floor of new buildings along streets shall incorporate a minimum of

20% masonry materials such as brick, stone and pre-cast. iv. Direct pedestrian connection for new buildings should be provided between new street facing doors, corner entrance features to the sidewalks along Wilshire and Bamboo.

v. New operable door spacing for new buildings along Wilshire Place and Bamboo shall not exceed 75 feet on the new buildings constructed on the Site.

vi. New building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but to limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls

vii. New 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, areades, or other architectural elements.

viii. New buildings, excluding parking structures, should be a minimum height of 22'. 6. Streetscape and Screening:

a.The Petitioner will provide a sidewalk network that links each building on the Site to the sidewalks along Wilshire Place and Bamboo Street in the manner generally depicted on the Rezoning Plan. The minimum width for these internal sidewalks will be five (5) feet.

b. Any new buildings constructed within Development Areas A and B will maintain a minimum building setback (i.e. not applicable to surface parking) 20 feet along Independence Boulevard as measured from the existing back of curb. A 16 foot setback as measured from the existing curb will be maintained along Wilshire Place and Bamboo Street. The setback along Pierson Drive will be the existing right-of-way line (the

width of the right-of-way along Pierson Drive varies) as generally depicted on the Rezoning Plan. c.The Petitioner will close, cover, or remove the existing stairs along Bamboo Avenue that lead to the existing basement of the building, if not required to be an egress point by building standards.

d. Meter banks will be screened from view from adjacent public streets at grade. HVAC and related mechanical equipment will be screened from public view at grade. HVAC and related mechanical equipment may not be located between the proposed buildings.

e.Above-ground backflow preventers will be screened from public view and will be located outside of the required setbacks. f. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a

decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building. c. Screening of the surface parking areas associated with Phase I Development on the Site shall be a four (4) foot mature height evergreen hedge as generally depicted on the Rezoning Plan. The proposed screening may be located within the setback and within the right-of-way along Independence Boulevard as generally depicted on the Rezoning Plan. Approval by NCODT to locate screening in the right-of-way of Independence Boulevard

7. Environmental Features:

is required.

a.The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance.

b. The Site will comply with the Tree Ordinance. 8. Signage:

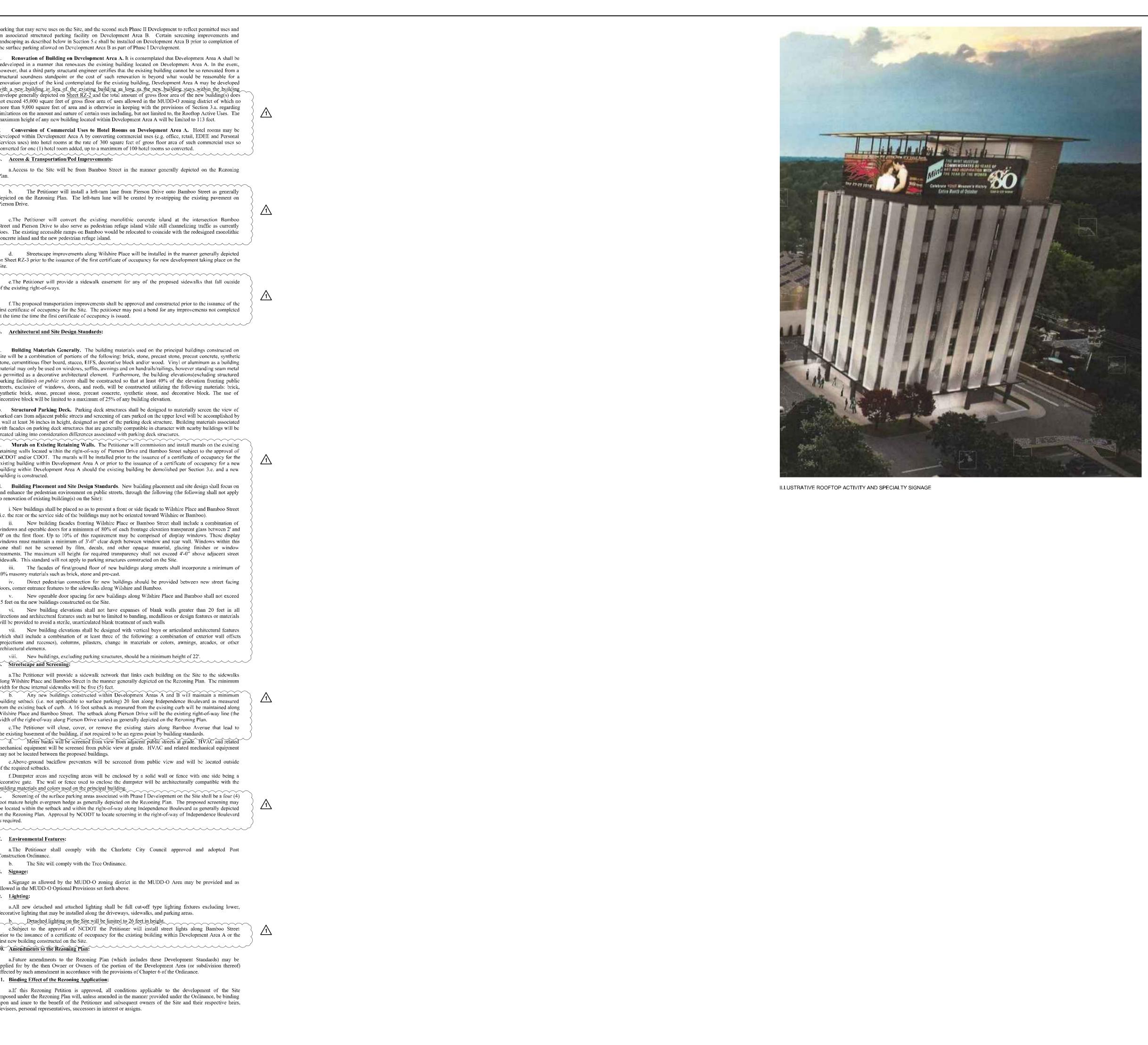
a.Signage as allowed by the MUDD-O zoning district in the MUDD-O Area may be provided and as allowed in the MUDD-O Optional Provisions set forth above. 9. Lighting:

a.All new detached and attached lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

_____ Detached lighting on the Site will be limited to 26 feet in height. c.Subject to the approval of NCDOT the Petitioner will install street lights along Bamboo Street prior to the issuance of a certificate of occupancy for the existing building within Development Area A or the first new building constructed on 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 portion of the Development Area (or subdivision thereof) affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance. 11. Binding Effect of the Rezoning Application:

a.lf 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.



223 NORTH GRAHAM STREET

CHARLOTTE, NC 28202 704.333.0325

WWW LANDDESIGN COM

ENG. FIRM LICENSE # C-0658

REZONING

PETITION NO.

2017-167

ERVIN BUILDING

REZONING

BEAVER CREEK CRE, LLC

4037 E. INDEPENDENCE

BOULEVARD

CHARLOTTE, NC 28205

1017337

REVISION / ISSUANCE

REZONING SUBMITTAL 10-23-2017

DATE

12-11-2017

DESCRIPTION

CITY COMMENTS

DESIGNED BY: LD

DRAWN BY: LD

CHECKED BY: RJP

DEVELOPMENT

STANDARDS

RZ-4

VERT: N/A

HORZ:

OBIGINAL SHEET SIZE: 24" X 36"

LANDDESIGN PRO

NO.