

ADJACENT OWNERSHIP LISTINGS*

EXECUTIVE BUILDING COMPANY LLC
 Tax # 13110116
 Zoning: B-2
 Existing Use: Vacant Lot
 RICHARD AND RITA GUINEY

Zoning: R-22MF
Existing Use: Single Family

3. BRIAN AND KATHY COSTANZA
Tax # 13111109

Tax # 13110101

Zoning: R-4
Existing Use: Single Family

4. GEORGE ZELECKI AND MARY JOAN

GEORGE ZELECKI AND MARY JOA
 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

JAMES WINKLE
 Tax # 13111102
 Zoning: R-4
 Existing Use: Single Family

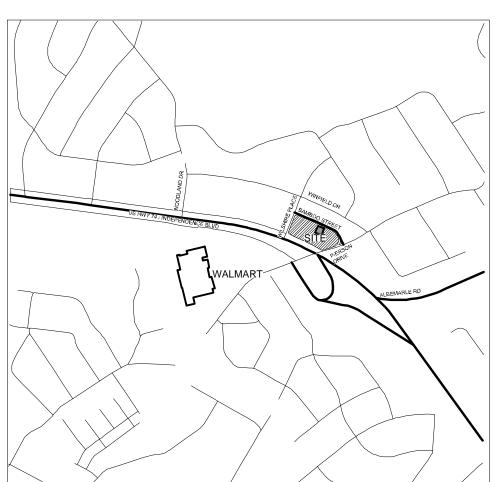
11. CHARLOTTE LP ADAMS OUTDOOR
ADVERTISING
Tax # 13113330
Zoning: B-2
Existing Use: Open Storage Lot

12. UHAUL REAL ESTATE CO.

Tax # 13113331

Zoning: B-2

Existing Use: Open Storage Lot



VICINITY MAP SCALE: 1" = 1000' SITE INFORMATION

SITE AREA

2.11 ACRES (+/- 91,911.60 SQFT)

TAX PARCEL(S) INCLUDED WITHIN
THE AREA TO BE REZONED

EXISTING ZONING

EXISTING USES

BUSINESS (B-2)

VACANT STRUCTURES: RETAIL,
OFFICE AND PARKING

PROPERTY OWNERS

CHECKED BY: RJP

EXECUTIVE BUILDING COMPANY, LLC

PO BOX 33775

CHARLOTTE, NC 28233

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.

CONDITIONS

EXISTING

LandDesign.

223 NORTH GRAHAM STREET CHARLOTTE, NC 28202 704.333.0325 WWW.LANDDESIGN.COM ENG. FIRM LICENSE # C-0658

REZONING

PETITION NO.

2017-XXX

IRWIN BUILDING

REZONING

BEAVER CREEK CRE, LLC

4037 E. INDEPENDENCE

BOULEVARD

CHARLOTTE, NC 28205

1017337

REVISION / ISSUANCE

01 REZONING SUBMITTAL 10-23-2017

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DESCRIPTION

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DESIGNED BY: LD

DRAWN BY: LD

HORZ: 1"=30'

NO.

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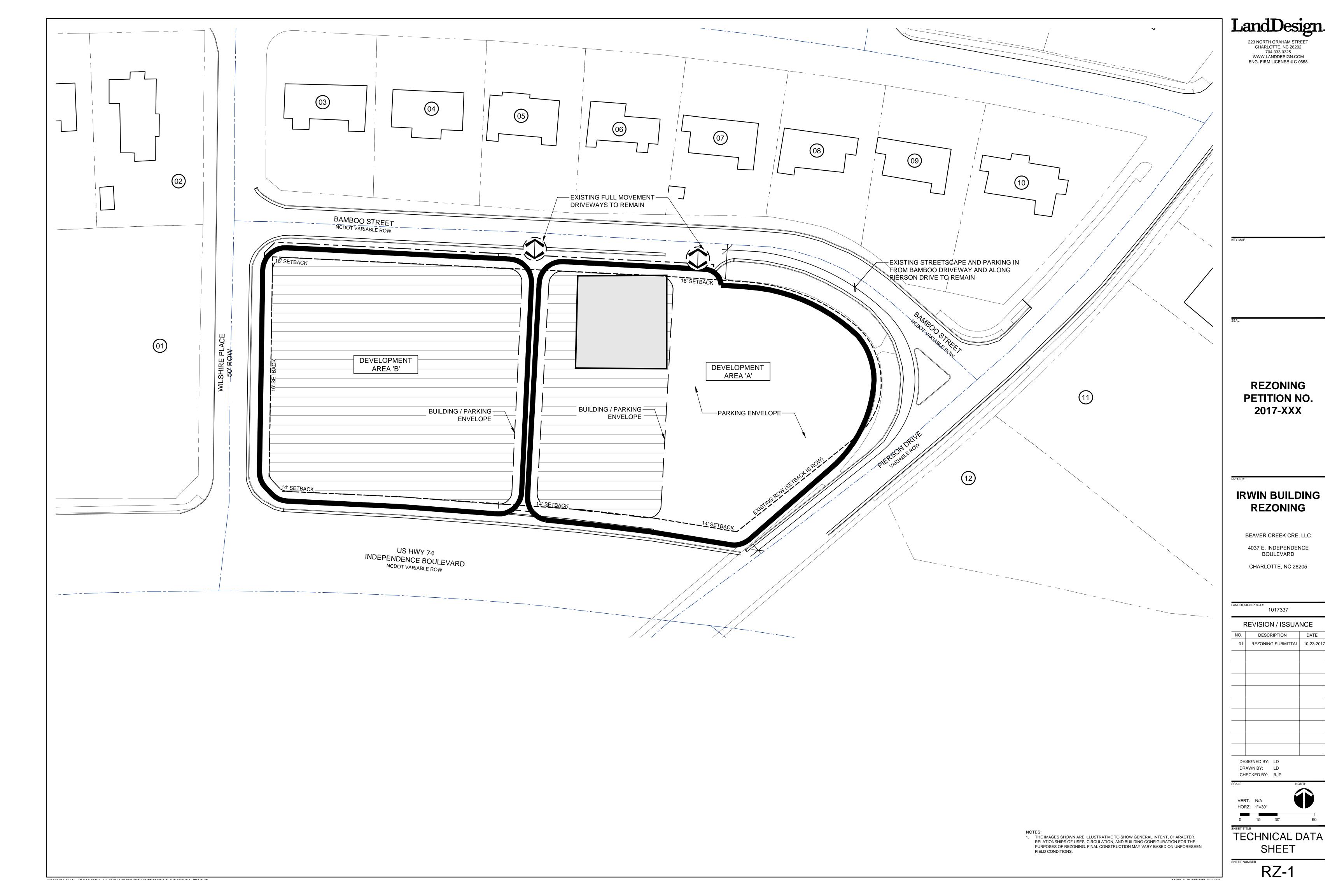
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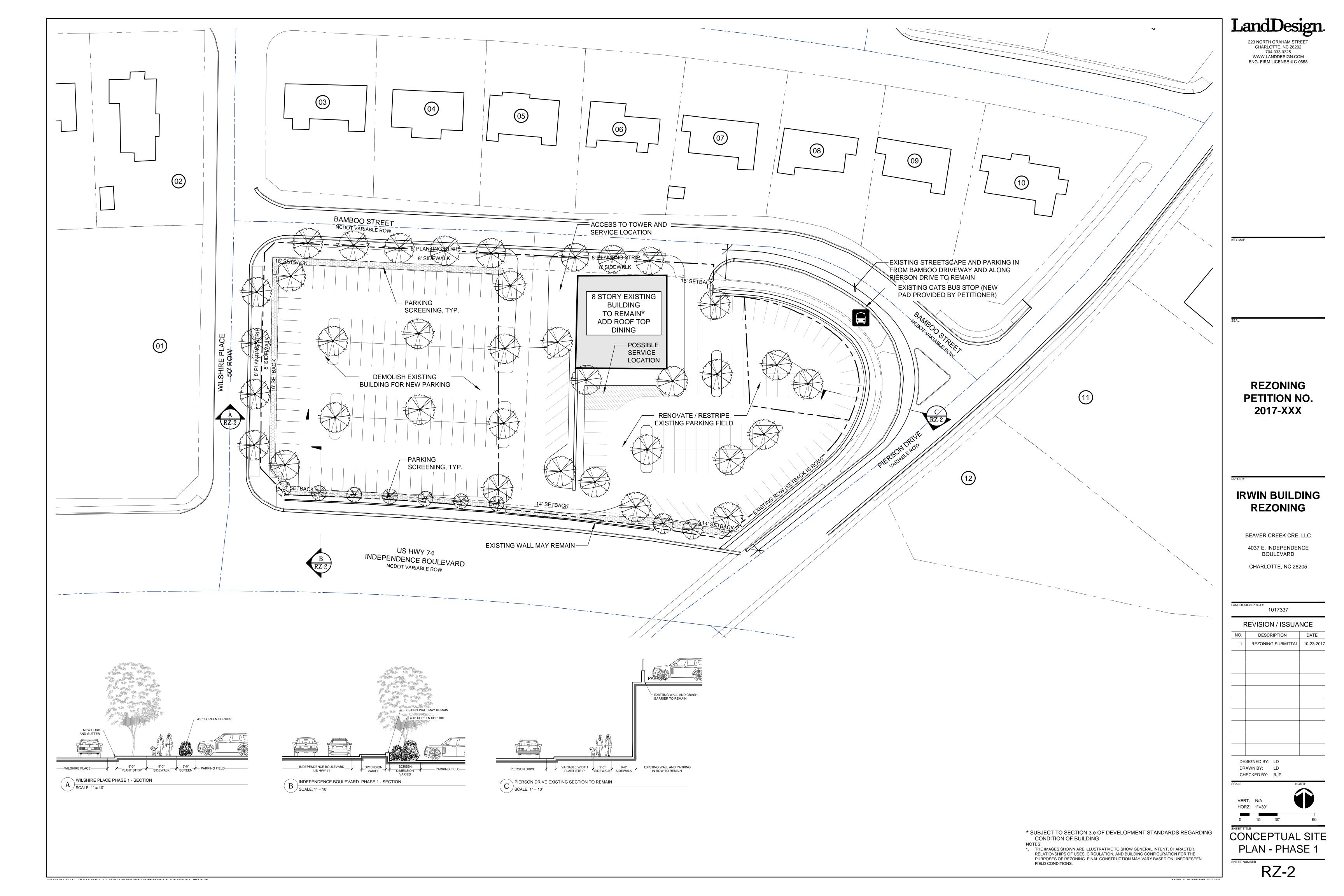
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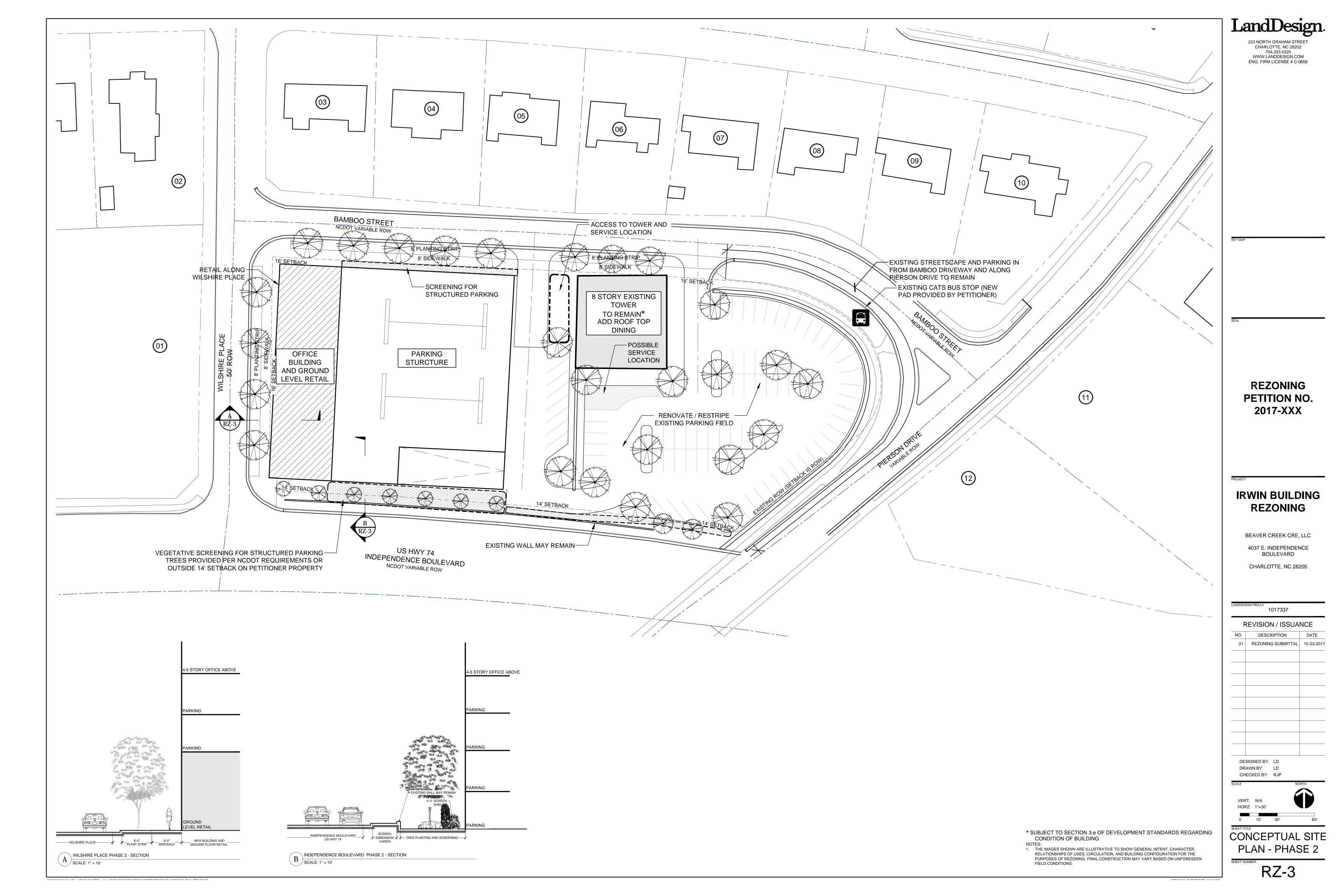
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RZ-0







Beaver Creek CRE LLC **Development Standards** October 19, 2017 Rezoning Petition No. 2017-___

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

--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 Building Height: As allowed by the Ordinance. **--Parking:** Parking will be provided 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 "<u>Site</u>") to permit a new mixed use development. It is understood that the Site includes two (2) Development Areas, namely "<u>Development Area B</u>" (each may be referred to as a "<u>Development Area</u>" or collectively as

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") 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.

Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, 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:

• expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or • 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 yards) indicated on the Rezoning Plan; or • modifications to allow minor increases 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 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.

f. 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. h. Limited Service Restaurant. 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

foods that do not require on-premise cooking of food (other than heating and the baking of premixed dough).

arily items such as coffee ice cream vogurt juices hagels muf

i. 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 term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers 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. 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

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 but underneath or wrapping the Rooftop Activity Area (as defined 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. 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 <u>Sheet RZ-4</u> (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.

d. **Detached Ground Mounted Signs.** To allow one detached ground mounted sign per street front with a maximum height of 20 feet and containing up to 150 square feet of sign area.

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

Parking/Maneuvering 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.

g. 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.

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:

a. Development Area A. Subject to the limitations set forth herein, Development Area A as generally depicted on the Rezoning Plan may be developed with up to 43,000 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, and such uses may include rooftop active uses (the "Rooftop Active <u>Uses</u>") 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, together with 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. c. No gas/convenience store use nor restaurant uses with a drive-through window facility may be

d. 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-1.

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. 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

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.

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.

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. 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. Above-ground backflow preventers will be screened from public view and will be located outside of the

required setbacks. d. 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. e. Screening of the surface parking areas associated with Phase I Development on the Site shall a 5' mature height evergreen hedge as generally depicted on the Rezoning Plan.

Environmental Features:

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

b. The Site will comply with the Tree Ordinance.

11. Binding Effect of the Rezoning Application:

personal representatives, successors in interest or assigns.

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.

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.

b. Detached lighting on the Site will be limited to 25 feet in height. 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.

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees,



ILLUSTRATIVE ROOFTOP ACTIVITY AND SPECIALTY SIGNAGE

223 NORTH GRAHAM STREET CHARLOTTE, NC 28202 704.333.0325 WWW.LANDDESIGN.COM ENG. FIRM LICENSE # C-0658

REZONING PETITION NO. 2017-XXX

IRWIN BUILDING REZONING

BEAVER CREEK CRE, LLC 4037 E. INDEPENDENCE BOULEVARD

CHARLOTTE, NC 28205

1017337 REVISION / ISSUANCE		
01	REZONING SUBMITTAL	10-23-2017

VERT: N/A HORZ:

DESIGNED BY: LD DRAWN BY: LD

CHECKED BY: RJP

DEVELOPMENT

1. THE IMAGES SHOWN ARE ILLUSTRATIVE TO SHOW GENERAL INTENT, CHARACTER, RELATIONSHIPS OF USES, CIRCULATION, AND BUILDING CONFIGURATION FOR THE PURPOSES OF REZONING. FINAL CONSTRUCTION MAY VARY BASED ON UNFORESEEN

FIELD CONDITIONS.