

DEVELOPMENT STANDARDS

Site Development Data:

--Acreage: ± 3.4 acres

--Tax Parcels: 12511804 and 12511801

--Existing Zoning: MUDD-O and O-2

--Proposed Zoning: MUDD-O with five (5) year vested rights.

--Existing Uses: Commercial/Office

--Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district.

--Maximum Development (subject to conversion righ-ts as defined herein):

Office:	512,500 square feet
Retail/EDEE:	16,800 square feet
Hotel:	240 rooms

--Maximum Building Height: Up to 290 feet as requested in the Optional Provisions to the MUDD zoning district, below.

--Parking: As required by the Ordinance for the MUDD zoning district.

I. General Provisions:

a. **Site Description.** These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by NAI Southern Real Estate ("Petitioner") to accommodate development of a mixed use commercial development on an approximately 3.4 acre site bounded by Third Street, Fourth Street, and Baldwin Avenue (the "Site").

b. **Intent.** This Rezoning is intended to accommodate development on the Site in a manner consistent with the objectives set forth in the Midtown Morehead Cheery Area Plan. Development of the Site would include a horizontally-integrated mixture of uses, including office, retail, and hotel uses within walking distance of transit. The Petitioner seeks to create a street level public realm with the pedestrian experience in mind. The overall development plan is intended to allow the Site to evolve in a manner that is consistent with the future vision for the area, resulting in a well designed, quality experience for nearby residents, employees, and visitors, as well as the larger community.

c. **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,

1. the regulations established under the Ordinance for the MUDD zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below.

d. **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, setbacks, 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 site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, that all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section IV below as to the Site as a whole and not individual portions or lots located therein.

e. **Five Year-Vested Rights.** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period.

II. Optional Provisions for the MUDD-O Area.

The following optional provisions are provided to accommodate deviations from the MUDD standards:

a. The Petitioner seeks approval of an optional provision to allow up to 290 feet of building height within the Site.

b. To allow wall signs having 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.

c. To allow one (1) detached, ground mounted sign per street front. The detached signs may be up to five (5) feet in height and contain up to 60 square feet of sign area.

d. To allow the "base" of building requirements of Section 9.8506(2)(i) to be satisfied by providing taller and architecturally differentiated ground floors that distinguish ground floor levels from upper stories.

III. Permitted Uses

a. Subject to the Maximum Development provisions set forth under Section 4 below, the Site may be devoted to any commercial uses permitted by right or under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses associated therewith, except for the following:

1. Car washes;
2. Automobile service stations; and
3. EDEEs with drive-through service windows.

b. No residential units are proposed for the Site.

IV. Maximum Development

a. The principal buildings may be developed with up to 529,300 square feet of gross floor area of commercial non-residential uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the MUDD zoning district. However, the total square footage devoted to retail and Eating, Drinking, and Entertainment uses may not exceed 16,800 square feet.

b. Up to 240 hotel rooms may be developed on the Site. Hotel uses shall not be counted against the total commercial square footage maximums referenced in Section IV.a above.

c. 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 (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

d. Petitioner shall provide at least 5,000 square feet of ground floor space that is designed and constructed to accommodate retail activities (leasing offices, fitness centers, lobbies, and other areas that are accessory to residential or office uses shall not be considered retail space for purposes of this provision).

e. The total square feet of gross floor area devoted to office uses and other commercial uses such as retail, restaurant and personal service uses shall be interchangeable provided that:

1. the total square feet of gross floor area of all such office and other commercial uses does not exceed 529,300 square feet of gross floor area; and
2. the total amount of retail square footage shall not exceed 16,800 square feet.

V. Transportation

a. All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. 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 broad south Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

b. The Petitioner shall provide and construct a new bench pad for the existing CATS bus stop on East 4th Street along the Site's frontage.

c. The Petitioner shall make the following transportation improvements:

1. At the signalized intersection of 4th Street and Queens Road/Hawthorne Lane:

i. Extend the existing northbound left turn lane on Queens Road from 160 feet to 260 feet of storage with an appropriate bay taper.

2. At the signalized intersection of 3rd Street and Queens Road:

- i. Extend the existing northbound left turn lane on Queens Road from 100 feet to 210 feet of storage.
- ii. Extend the existing southbound left turn lane on Queens Road from 130 to 200 feet of storage with an appropriate bay taper.

3. At the intersection of 3rd Street and Baldwin Avenue:

- i. Modify the intersection from limited to full movement and install a traffic signal with permitted/protected signal phasing for the eastbound/westbound left turn lanes on 3rd Street.
- ii. Modify the existing south leg of Baldwin Avenue from a northbound right turn only lane to a separate left and combined thru-right lane.
- iii. Modify the existing north leg of Baldwin Avenue (along the proposed Site) from a southbound right turn only lane to a 3-lane section between 3rd Street and 4th Street.
- iv. In addition to the traffic signal, pedestrian amenities such as crosswalks, pedestrian signal heads and pushbuttons shall be installed on all legs of the intersection.

4. At the intersection of 3rd Street and Torrence Street:

- i. Modify the existing south leg of Torrence Avenue from a northbound combined left-thru-right turn lane to a lane that terminates as a right turn only lane at Torrence Avenue.
- ii. Install a 6-foot wide raised median on 3rd Street a minimum of 50-feet beyond the Torrence Avenue limits in both directions in order to eliminate left turn movements from all four legs of the intersection and to eliminate northbound/southbound thru movements on Torrence Street.
- iii. Install pedestrian crosswalks and refuge islands (within the proposed raised median) across both legs of 3rd Street.

5. At the intersection of 4th Street and Baldwin Avenue:

i. Modify the existing northbound lane to a right turn lane on Baldwin Avenue and construct a northbound left turn lane (Baldwin Avenue as a 3-lane section described previously in Section V.c.3. above).

6. At the intersection of 4th Street and the proposed right-in/left-out/right-out only access to the Site:

i. Construct the Proposed Access with one right only ingress lane (utilizing a median island to eliminate left-entering vehicles) and separate left and right egress lanes.

7. At the intersection of 3rd Street and the proposed right-in/left-in/right-out only access to the Site:

- i. Construct the Proposed Access with one ingress lane and a right only egress lane (utilizing a median island to eliminate left existing vehicles).
- ii. Construct an eastbound left turn lane with 125 feet of storage (within the existing median island) back-to-back with the existing westbound left turn lane to Baldwin Avenue.

8. At the intersection of Baldwin Avenue and proposed full movement access to the Site:

- i. Construct the Proposed Access with one ingress lane and separate left and right egress lanes.
- ii. A de-facto left turn lane on Baldwin Avenue will be constructed (as per the 3-lane section described in Sections V.c.1. and V.c.3. above).

d. Where necessary, the Petitioner shall dedicate and convey in fee simple all rights of way to the City of Charlotte before the Site's first building certificate of occupancy is issued.

e. All transportation improvements shall be substantially completed before the Site's first building certificate of occupancy is issued.

1. Substantial completion shall mean completion of the roadway improvements in accordance with the standards set forth herein provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) 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 CDOT will instruct applicable authorities 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.

f. Access:

1. Access to the Site from external public streets will be as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

2. The Rezoning Plan identifies potential vehicular access points which could be surface drives or entrances to structured parking facilities. The exact number and location of vehicular access points will be determined during the design process and thereafter with approval from appropriate governmental authorities, subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations. Petitioner, in its discretion may limit ingress and egress movements or restrict certain vehicular access points to one-way traffic if necessary.

3. The Petitioner reserves the right to request the installation of pavers and/or stamped or colored asphalt within streets abutting the Site in order to designate and define pedestrian cross-walks. The Petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the Petitioner understands that an encroachment and maintenance agreement must be obtained from CDOT before any decorative pavers and/or stamped pavement proposed in the public right-of-way may be installed.

4. The alignment of vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT's final approval.

VI. Design Guidelines:

a. General Design Guidelines.

1. Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, glass, natural stone (or its synthetic equivalent), stucco, fiber cement, corrugated metal, steel accents, architectural shingles or other material approved by the Planning Director.

2. Prohibited Exterior Building Materials: The Petitioner will not utilize (1) vinyl siding (but not vinyl hand rails, windows or door trim) or (2) concrete masonry units not architecturally finished.

3. Activated ground floor area shall be provided along a minimum of 60% of each building façade along Baldwin Avenue, Fourth Street and Third Street.

i. Activated ground floor area shall include the Entry Terrace, as generally depicted on the Rezoning Plan.

ii. If a retaining wall is provided along the Baldwin Avenue frontage as part of the Entry Terrace, the retaining wall shall contain design features such as, but not limited to, benches, innovative landscaping, artwork, sculptures, or lighting features.

4. Meter banks will be screened where visible from public view at grade from public or private streets and shall be located outside of the setback.

5. Rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.

6. Trees will be provided in grates or raised planters rather than in planting strips.

7. Dumpsters, loading and services areas shall be screened from streets, common open spaces and any adjacent residential uses with materials complimentary to the principal structure. Dumpster enclosures will not directly abut the back of a sidewalk.

8. Backflow preventers and transformers shall be screened and located outside the setback, but can be located in a four (4) foot transition zone. Backflow prevention devices may also be located inside buildings, as permitted in the optional provisions above.

9. Multi-story buildings shall have a minimum of 20% percent transparency on all upper stories.

10. No EDEE or retail use shall be permitted on the rooftop of the Proposed Building, as labeled on the Rezoning Plan.

11. As related to the portion of the Rezoning Plan labeled "Future Building Site," the following additional standards shall apply:

i. Buildings shall be placed so as to present a front or side façade to all streets.

ii. The façade(s) of buildings fronting Fourth Street shall include a combination of windows and operable doors for a minimum of 60% transparent glass between 2' and 10' on the first floor.

VII. Parking Areas, Access and Circulation Design Guidelines.

a. Structured parking facilities shall be designed to encourage and complement pedestrian-scale interest and activity on the ground floor and be architecturally compatible with primary buildings on all levels.

b. Structured parking facilities shall be a maximum height of _____ feet.

c. Petitioner seeks to limit areas where parking structures are visible from public or private streets. Therefore, exposed parking structures (driveway entrances to parking decks are permitted) that are visible from public or private streets shall not be allowed in the areas generally depicted on the Rezoning Plan.

d. Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.

e. On-site loading docks and waste areas shall be separated and/or screened from view at ground level from primary building entrances and from Third Street and Fourth Street.

VIII. Pedestrian Access and Circulation Design Guidelines.

a. The Petitioner shall provide a minimum eight (8) foot planting strip and eight (8) foot sidewalk along all Site frontages.

b. Where walkways occur along building walls, a walkway width of at least eight (8) feet must be maintained clear of main door swings, shopping cart storage, and temporary trash or similar impediments. Main door swings are to be distinguished from emergency exits, with emergency exits only requiring a walkway width of at least four (4) feet.

IX. Open Space and Amenity Areas.

a. Urban Open Spaces: the Site shall meet or exceed the Urban Open Space requirements of the MUDD district.

X. Environmental Features

a. The Petitioner shall comply with the Post Construction Stormwater Ordinance and Tree Ordinance.

XI. Signage

Signage as allowed by the Ordinance and by the Optional Provisions set forth under Section II above may be provided.

XII. Lighting:

- a. Detached lighting on the Site, except street lights located along public streets, will be limited to 30 feet in height.
- b. Attached and detached lighting shall be downwardly directed. However, upward facing accent lighting shall be permitted.

XIII. Amendments to the Rezoning Plan:

Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

XIV. Binding Effect of the Rezoning Application:

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.

XV. Vested Rights Provision:

If this Rezoning Petition is approved by the Charlotte City Council then, pursuant to Section 1.110 of the Ordinance, the Petitioner hereby requests a five-year vested right to undertake and complete the development of this Site under the terms and conditions as so approved, commencing upon approval of this Rezoning Petition by the Charlotte City Council. The Petitioner makes this request for a five-year vested right due to the size and phasing of the proposed development, market conditions and the level of investment involved.

Date: 02.12.2018



THIRD STREET PROJECT

- REZONING PETITION 2017-177 -



RZ-4

TREE DESIGNATION TABLE				
POINT #	NORTHING	EASTING	DESCRIPTION	DRIP LINE
5356	537314.04'	1453910.64'	40QR	30' RADIUS
5357	537324.57'	1453922.30'	8CG	10' RADIUS
5358	537328.49'	1453927.61'	6QR	8' RADIUS
5359	537317.11'	1453934.29'	18QR	15' RADIUS
5360	537330.74'	1453935.36'	15QR	10' RADIUS
5361	537298.22'	1453907.88'	4LI	13' RADIUS
5362	537288.38'	1453898.39'	4LI	13' RADIUS
5363	537275.04'	1453887.43'	4LI	13' RADIUS
5364	537265.92'	1453877.95'	4LI	13' RADIUS
5365	537216.63'	1453824.19'	36AR	30' RADIUS
5366	537209.44'	1453787.75'	8PY	10' RADIUS
5367	537237.67'	1453815.64'	6PY	8' RADIUS
5368	537272.77'	1453798.61'	4QR	6' RADIUS
5369	537295.43'	1453821.07'	4LI	14' RADIUS
5370	537346.23'	1453870.82'	36QR	30' RADIUS
5371	537283.57'	1453860.91'	3CF	3' RADIUS
5372	537352.68'	1453929.28'	3CF	4' RADIUS
5373	537384.65'	1453989.88'	8CG	15' RADIUS
5374	537385.71'	1453995.28'	12CG	15' RADIUS
5375	537389.94'	1453995.00'	10QR	15' RADIUS
5376	537396.10'	1453999.30'	24QR	25' RADIUS
5377	537400.43'	1454005.28'	30QR	25' RADIUS
5378	537409.50'	1454020.86'	24QR	20' RADIUS
5379	537418.90'	1454026.08'	24AR	15' RADIUS
5380	537439.18'	1454039.80'	15QR	15' RADIUS
5381	537442.79'	1454062.05'	24LT	15' RADIUS
5382	537475.81'	1454070.68'	36LT	20' RADIUS
5383	537487.83'	1454011.30'	4AR	6' RADIUS
5384	537455.53'	1454078.47'	18QR	20' RADIUS
5385	537449.23'	1454095.05'	24QR	20' RADIUS

TREE DESIGNATION TABLE				
POINT #	NORTHING	EASTING	DESCRIPTION	DRIP LINE
5386	537445.96'	1454102.61'	24QR	20' RADIUS
5387	537430.51'	1454114.68'	8CG	12' RADIUS
5388	537417.06'	1454123.50'	18LT	15' RADIUS
5389	537420.54'	1454128.54'	24LT	20' RADIUS
5390	537412.80'	1454135.33'	18LT	20' RADIUS
5391	537411.72'	1454139.46'	24LT	15' RADIUS
5392	537404.89'	1454140.63'	8AR	20' RADIUS
5393	537386.79'	1454164.54'	36QR	25' RADIUS
5394	537363.02'	1454188.44'	15QR	15' RADIUS
5395	537348.79'	1454206.08'	30LT	20' RADIUS
5396	537336.31'	1454223.76'	12LT	20' RADIUS

NOTE:: TREE DIAMETERS TAKEN AT DBH(DIAMETER AT BREAST HEIGHT)

NCGS MONUMENT "WAGNER"
NC. GRID COORDS.(PUBLISHED)
N: 539,884.15
E: 1,454,078.50
CGF: 0.99984493
NAD'83(2011)

N.C. GRID NORTH N.A.D.
83 (N.S.R.S.2011)

VICINITY MAP
(NOT TO SCALE)



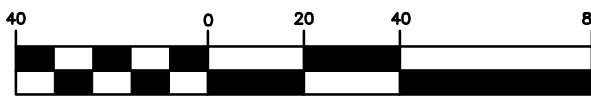
ABBREVIATIONS

N.A.D. - NORTH AMERICAN DATUM
N.A.V.D. - NORTH AMERICAN VERTICAL DATUM
N.G.S. - NATIONAL GEODETIC SURVEY
EOP - EDGE OF PAVEMENT

LEGEND

△ SURVEY CONTROL POINT
EIR EXISTING IRON FOUND
MAGF MAG. NAIL FOUND

GRAPHIC SCALE



(IN FEET)
1 INCH = 40 FT.

CLIENT: NAI SOUTHERN REAL ESTATE

Project number: X17007 Sheet:
Date: 02/01/2018
Drawn by: LJW
Approved by: LJW

1 OF 1

TREE SURVEY FOR: THIRD & BALDWIN

CHARLOTTE TOWNSHIP, CITY OF CHARLOTTE
MECKLENBURG COUNTY, NORTH CAROLINA

DATE 2/02/18 SCALE: 1"=40'



STEWART

101 N. TRYON ST. STE 1400
CHARLOTTE, NC 28202
T 704.909.3536

FIRM LICENSE #: C-1051
www.stewartinc.com
PROJECT #: X17007

TREE LEGEND

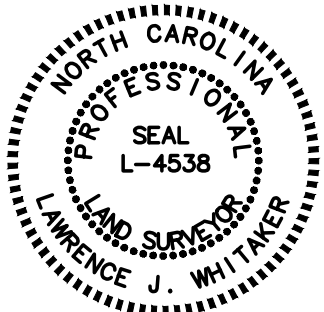
AB SUGAR MAPLE
AR RED MAPLE
CF DOGWOOD
LT TULIP POPLAR
LI CREPE MYRTLE
PY CHERRY
QA WHITE OAK
QR RED OAK
CG PIGNUT HICKORY

EXAMPLE: 10QR = 10" RED OAK

GENERAL NOTES

- THIS SURVEY MAP IS INTENDED TO REPRESENT THE EXISTING CONDITIONS/TOPOGRAPHY ON A PORTION OF THE AREA AT HIGHWAY 16 AND ST. JAMES CHURCH ROAD, AND IS NOT A BOUNDARY SURVEY. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE ALL ENCUMBRANCES UPON THE PROPERTY MAY NOT BE SHOWN.
- HORIZONTAL DATUM IS NAD 83 (2011) AND VERTICAL DATUM IS NAVD88. BASED ON GPS METHODS USING REAL-TIME KINEMATIC SOLUTIONS FOR THE SURVEY CONTROL POINTS SHOWN HEREON AND TIED TO NORTH CAROLINA GEODETIC SURVEY MONUMENT "WAGNER".

"WAGNER"
N:539,884.15
E:1,454,078.50
NAD'83(2011)
- THE INITIAL STATE PLANE POSITIONS FOR THIS SURVEY WERE SCALED FROM GRID TO GROUND FROM A PROJECT LOCATION OF N:537,537.906 E:1,454,090.395, AN ELEVATION OF 691.11, USING A COMBINED FACTOR OF 0.99984493.
- THIS DRAWING DOES NOT CONFORM TO N.C. GS47-30 AND THEREFORE IS NOT FOR RECORDATION.

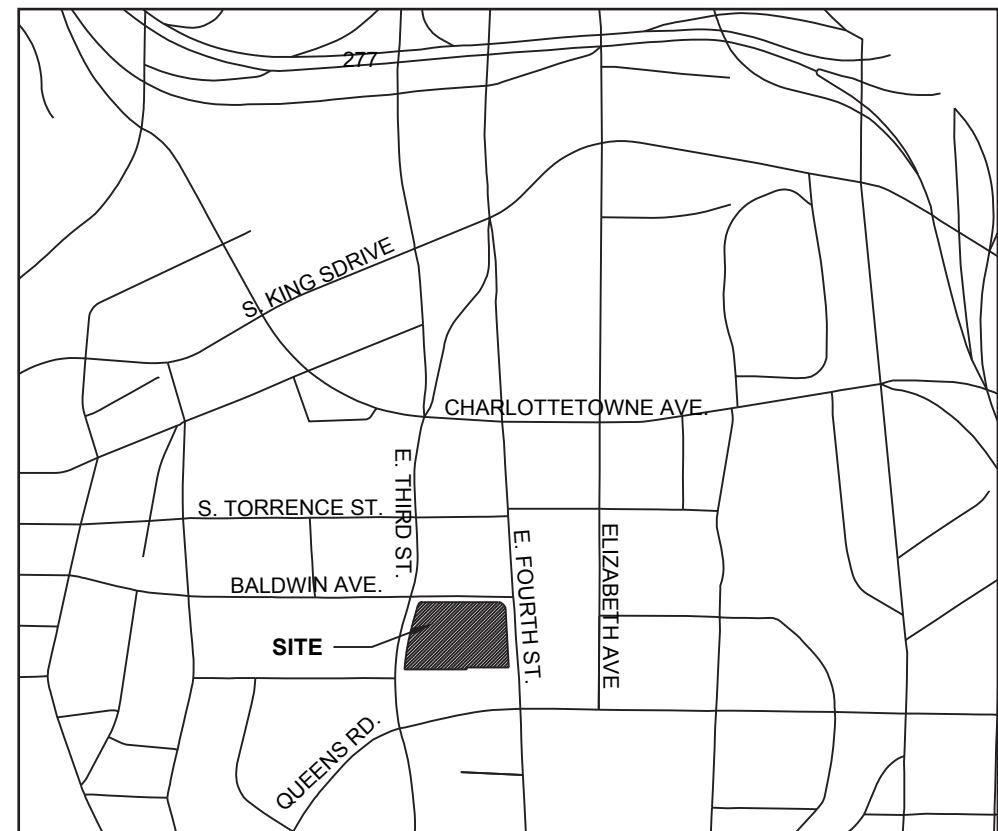


SURVEYOR CERTIFICATE

I, LAWRENCE JAY WHITAKER, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY SUPERVISION AND THAT THIS MAP WAS PREPARED FOR THE PURPOSE OF TREE LOCATION INFORMATION ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

DocuSigned by:
Lawrence J. Whitaker
2/5/2018
LAWRENCE JAY WHITAKER NC PLS L-4538

TECHNICAL DATA SHEET



VICINITY MAP

SITE DEVELOPMENT DATA:

TAX PARCEL NUMBERS: 12511801 / 12511804
ACRES: 1.94 / 1.46 (3.4 TOTAL)
EXISTING ZONING: O-2 / MUDD-O
PROPOSED ZONING: MUDD-O
EXISTING USE: OFFICE / COMMERCIAL, RETAIL & SURFACE PARKING
PROPOSED USE: ALL USES PERMITTED IN MUDD DISTRICT

OF RESIDENTIAL UNITS: N/A
RESIDENTIAL DENSITY: N/A
SF OF NON-RESIDENTIAL USES: 549,628 SF OFFICE - 20 STORY TOWER
514,864 SF PARKING DECK
(1,064,492 SF TOTAL)
*16,800 FUTURE BUILDING SITE

FLOOR AREA RATIO: 7.187
MAX BUILDING HEIGHT: 299 FEET
MAX # OF BUILDINGS: 2
-AMOUNT OF OPEN SPACE: 10,000 SF

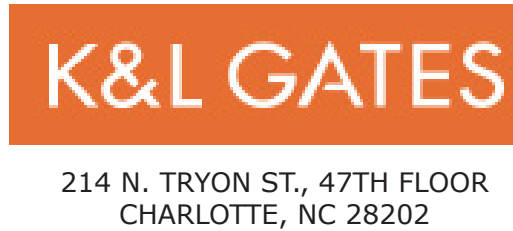
LEGEND:

- 1ST FLOOR LEVEL FOOTPRINT
- 1ST FLOOR LEVEL WITH NO UPPER LEVEL
- UPPER LEVEL FOOTPRINT
- STREET LEVEL

Date: 11.20.2017



THIRD STREET PROJECT
- REZONING PETITION 2017-177 -



STREET LEVEL CONTEXT



Date: 11.20.2017



THIRD STREET PROJECT

- REZONING PETITION 2017-177 -

