

Development Standards Rezoning Petition No. 2018-xxx EBA Investments - Petitioner 11/20/2018

Site Development Data:

--Acreage: ± 20.56 acres --Tax Parcel: 047-252-04 and 047-252-12

--Tax Parcel: 047-252-04 and 047-252-12 --Existing Zoning: CC

-- Proposed Zoning: MUDD-O with 5-year vested rights

--Existing Uses: Commercial Center

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

--Maximum Development (subject to Section IV. below):

Commercial: 300,000 square feet Civic (Library): 20,000 square feet Residential: 600 Units

Hotel: Subject to the conversion provisions of Section IV.

--Maximum Building Height: As permitted in the MUDD zoning district.

--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 EBA Investments ("Petitioner") to accommodate development of a mixed use activity center on an approximately 20.56-acre site located on Mecklenburg Tax Parcel Numbers 047-252-04 and 047-252-12 (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 Blue Line Extension Transit Station Area Plan and the University City Partners Area Plan. Development of the Site would include a horizontally-integrated mixture of uses, including office, retail, restaurant, residential, public library and other ground floor commercial uses within walking distance of a greenway connection and University City area amenities. The Petitioner seeks to create a pedestrian-scale greenspace multimodal trail with pocket amenity parks to accent the existing lake feature and provide a connection to the greenway. 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.

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Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD 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.

- c. Graphics and Alterations/Modifications. The schematic depictions of the uses, Parcel areas, parking areas, sidewalks, structures and buildings, building materials, streetscape perspectives, driveways and other development matters and site elements set forth on the Rezoning Plan are intended to be conceptual in nature. 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 matters and 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:
 - Minor and do not materially change the overall design intent depicted on the Rezoning Plan, such as minor modifications to the configurations of the street dimensions and the like as long as the modifications maintain the general building/parking orientation and character of the development generally depicted on the Rezoning Plan; or
 - ii. Modifications to allow minor increases in the mass of the building that does not materially change the design intent depicted on or described in the Rezoning Plan.

II. Optional Provisions for the MUDD-O Zoning District

two (2) banners will be allowed at a time.

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

- a. To allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.
- b. To allow one (1) detached ground mounted identification sign for each building. These detached identification signs may be up to five (5) feet high and contain up to 36 square feet of sign area.
- c. To allow temporary signs and banners not to exceed 100 square feet in sign area.

 Any such signs or banners will be professionally fabricated banners made of fabric or plastic of any type. Paper banners will not be allowed; and no more than
- To allow existing surface level vehicular parking and maneuvering areas between buildings and JW Clay Boulevard to remain.

e. To allow drop off areas in front of office buildings, pick-up and drop off areas in front of EDEE uses, valet parking, and service areas for uses such as mail delivery, loading and delivery. The Petitioner shall coordinate with CDOT during the permitting phase of redevelopment regarding the final location of the proposed valet/loading area.

III. Permitted Uses

- a. Subject to the Maximum Development provisions set forth under Section 4 below, the Site may be devoted to any residential or 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:
 - Car washes;
 - 2. Automobile service stations; and
 - Drive-through service windows.

IV. Maximum Development

- a. The Site consists of Parcels A, B, C, and D (collectively, "the Parcels"), as generally depicted on the Rezoning Plan.
 - The principal buildings within <u>Parcel A</u> may be developed with up to 300 multi-family residential units and associated surface parking, along with any accessory uses allowed in the MUDD zoning district.
 - 2. The principal buildings within <u>Parcel B</u> may be developed with up to: (i) 20,000 square feet of library, community center or other civic uses and (ii) 180,000 square feet of commercial uses such as office, retail, Eating, Drinking and Entertainment Establishments ("EDEE"), and other commercial non-residential uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the MUDD zoning district.
 - 3. The principal buildings within <u>Parcel C</u> may be developed with up to 120,000 square feet of gross floor area of commercial uses such as office, retail, EDEE, and other commercial non-residential uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the MUDD zoning district.
 - 4. The principal buildings within <u>Parcel D</u> may be developed with up to 300 multi-family residential units and associated structured parking facility, along with any accessory uses allowed in the MUDD zoning district.

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- b. The total square feet of gross floor area devoted to office uses and other commercial uses such as retail, EDEE and personal services uses shall be interchangeable provided that:
 - The total square feet of gross floor area for non-office commercial uses such as retail, restaurant and personal services uses shall not exceed 32,000 square feet of gross floor area.

Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or 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, nail salons, massage shops, martial art training studios, laundries and dry cleaning establishments.

- 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. <u>Conversion Rights</u>. Unused commercial/office square footage may be converted to hotel rooms at a rate of 1,000 square feet per 1 hotel room. However, the total number of hotel rooms shall not exceed 300 rooms at any time, including conversions.

V. <u>Transportation</u>

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- a. All public roadway improvements will be subject to the standards and criteria of CDOT, 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 University City area, by way of a private/public partnership effort or other public sector project support.
- b. Petitioner shall construct internal Private Road A, as generally depicted on the Rezoning Plan, before the first certificate of occupancy is issued for Parcel B, Parcel C, or Parcel D.
- c. Petitioner shall develop open space through a fifty (50) foot public access easement along the edge of the existing pond connection from Doug Mayes Place and J.W. Clay Boulevard future pedestrian improvements and the existing public open space network through the Site, as generally depicted as the Pedestrian Greenspace Connection on the Rezoning Plan. The improvements to the Pedestrian Greenspace Connection and adjacent private plaza/open space areas

shall be provided before the first certificate of occupancy is issued for Parcel B, Parcel C, or Parcel D.

- 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
- During development of Parcel A, B and C, uses may be served by surface parking areas. Structured parking facilities shall be required prior to the issuance of the first certificate of occupancy for any residential development within Parcel D.
- f. Unless otherwise state herein, 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.

g. Acce

- 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. There shall be a maximum of three (3) access points, as generally depicted on the Rezoning Plan. 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 alignment of vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT's final approval.

VI. <u>Design Guidelines</u>

General Design Guidelines.

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- Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 50% 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
- 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.
- The ground floor of each building façade fronting J W Clay Boulevard or the Pedestrian Greenspace Connection shall contain a minimum of 60% visible active use.
- 4. Building Massing and Height shall be designed to break up long monolithic building forms as follows:
- i. Buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of one (1) foot extending through at least a full floor.
- 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.
- Rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.
- 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.
- Backflow preventers and transformers shall be screened and located outside the setback, but can be located in a four (4) foot transition zone.
- With the exception of structured parking facilities, multi-story buildings shall have a minimum of 20% percent transparency on all upper stories.

VII. Parking & Pedestrian Areas

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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.

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.

- On-site loading docks and waste areas shall be separated and/or screened from view at ground level from primary building entrances.
- d. <u>Urban Open Space</u>. The Site shall met or exceed the Urban Open Space requirements of the MUDD zoning district.
- 1. The Petitioner intends to provide a Pedestrian Greenspace Connection in the area as generally depicted on the Rezoning Plan to serve as a focal point adjacent to the existing lake edge. This area is intended to include and multi-modal trail with pocket amenity plazas and linear park features. The Pedestrian Greenspace Connection shall be a minimum of two (2) acres. The Private Plazas, Private Open Space, and Central Green Space areas, as generally shown on the Rezoning Plan, shall be a minimum of one and a half (1.5) acres, total, and may include features such as, but not limited to: water features, gazebos, specialty graphics or sculptures, landscaping, specialty paving, seating areas, signage (e.g., wayfinding, directional, special event), art work, and/or other site elements that help create vibrant pedestrian open space.

VIII. <u>Environmental Features</u>

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

IX. <u>Signage</u>

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

Lighting.

- 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.

XI. 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.

II. Binding Effect of the Rezoning Application:

If this Rezoning Petition is approved, all conditions applicable to the development of the

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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.

XIII. <u>Vested Rights Provision:</u>

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

PETITION NO. 2018-0xx

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

UNIVERSITY CITY REZONING

EB ARROW

1018377

NO. DESCRIPTION DATE

REVISION / ISSUANCE

DESIGNED BY: DRAWN BY:

CHECKED BY:

VERT: HORZ: NTS

(NOT TO SCALE)

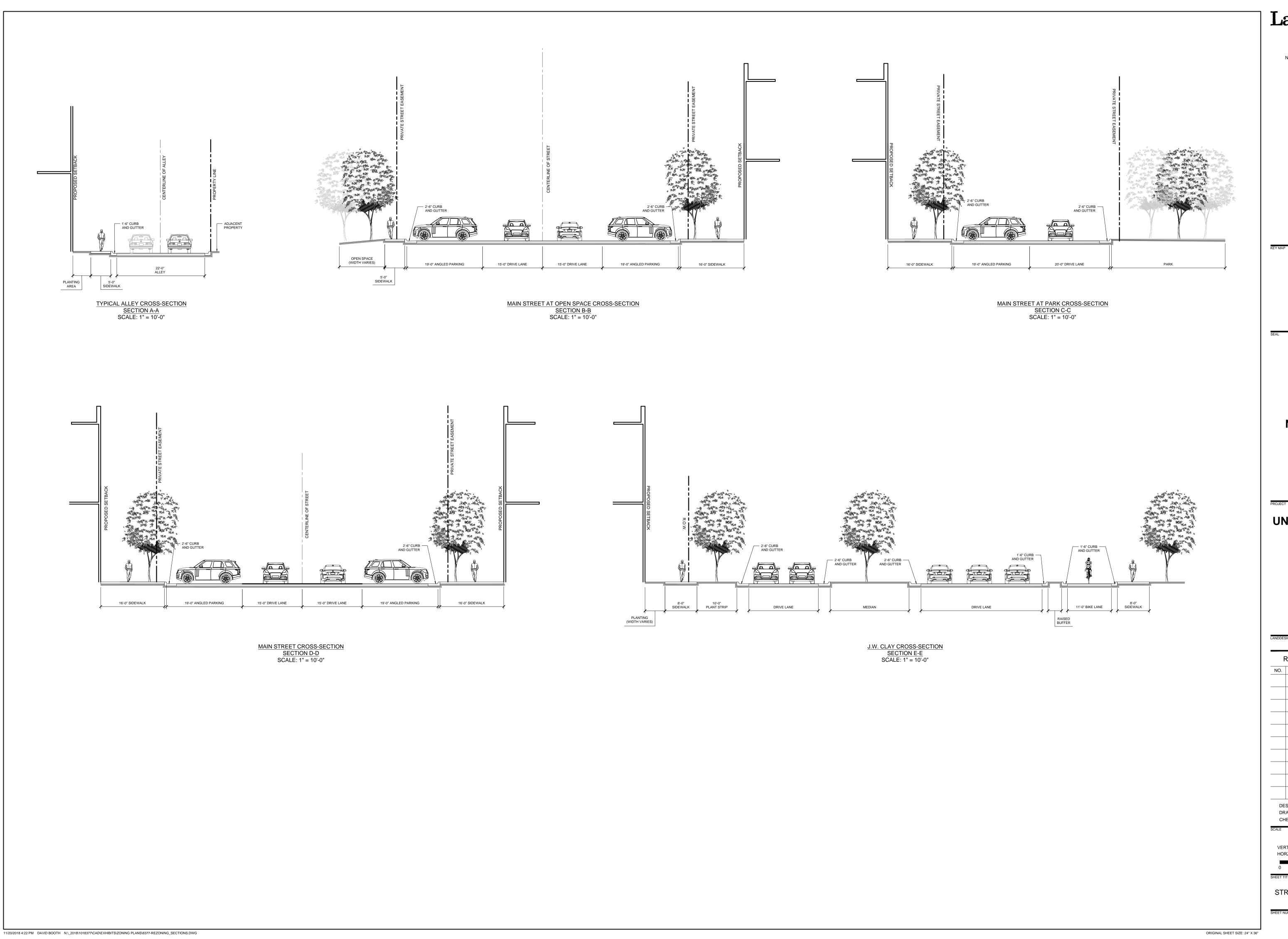
REZONING NOTES

RZ-2.0

11/21/2018 9:17 AM DAVID BOOTH N:\ 2018\1018377\CAD\EXHIBITS\ZONING PLANS\8377-REZONING NOTES.DWG

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ORIGINAL SHEET SIZE: 24" X 36"



LandDesign.
223 NORTH GRAHAM STREET

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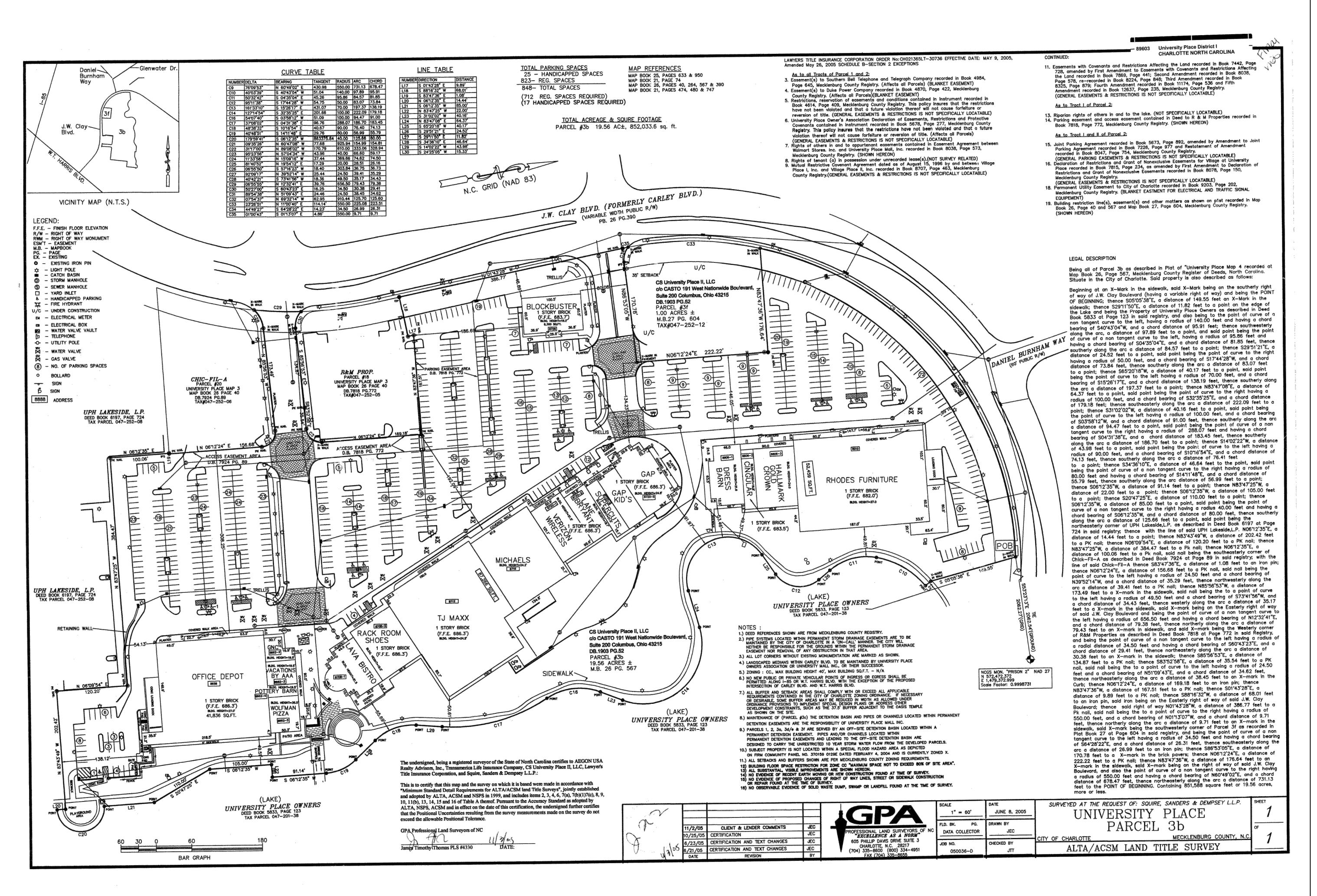
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STREET CROSS SECTIONS

RZ-3.0



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NO. DESCRIPTION DATE

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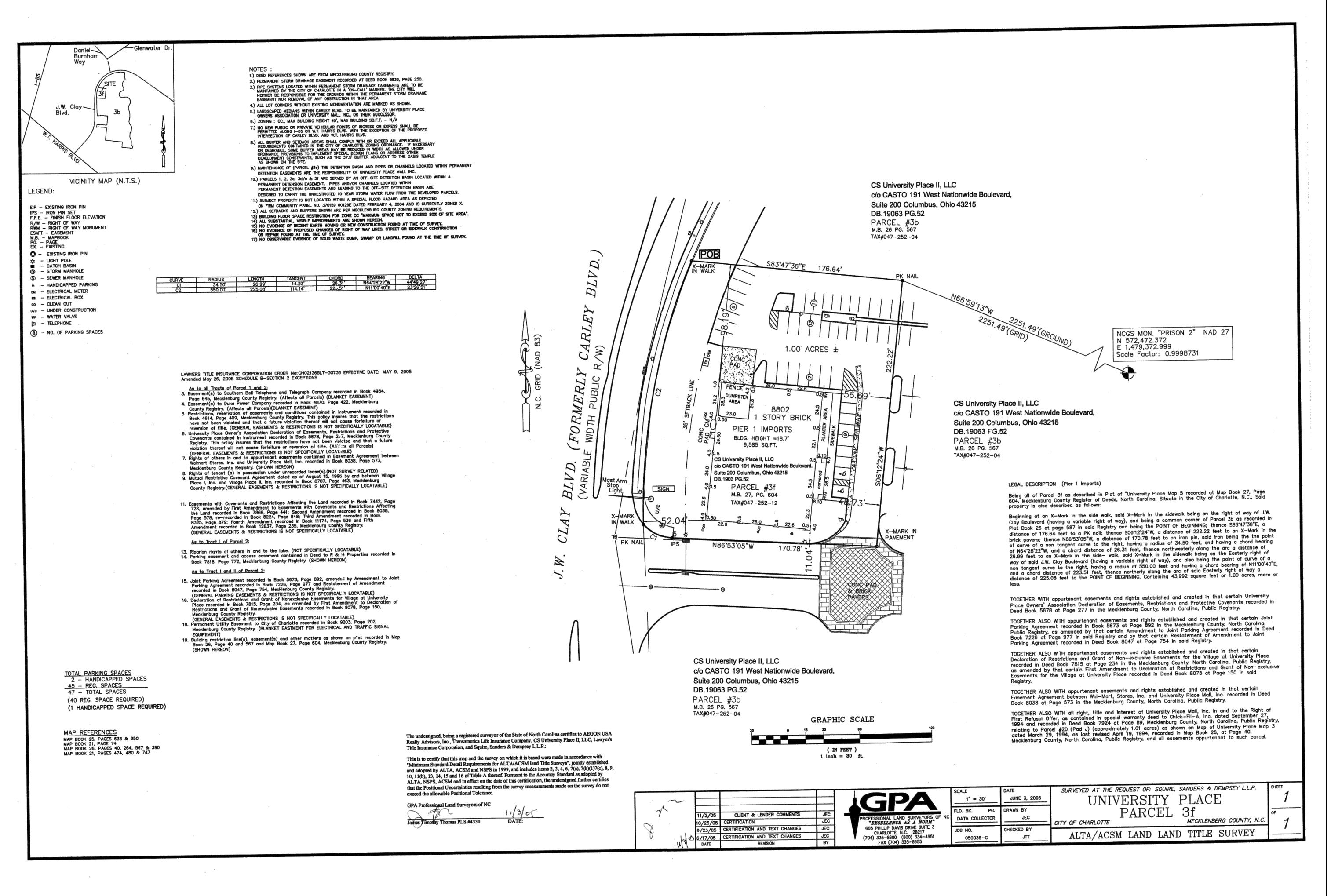
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HORZ: AS NOTED

ORIGINAL SHEET SIZE: 24" X 36"

SITE SURVEY

RZ-4.0



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1018377 REVISION / ISSUANCE DESCRIPTION DATE

DESIGNED BY: DRAWN BY:

CHECKED BY:

HORZ: AS NOTED

SITE SURVEY

RZ-4.1