



SITE DEVELOPMENT DATA	
SITE ACREAGE:	+/- 1.123 ACRES
TAX PARCEL #S:	083-084-09
EXISTING ZONING:	I-2 AND B-2
PROPOSED ZONING:	TOD-M(O)
EXISTING USES:	A WAREHOUSE
PROPOSED USES:	RESIDENTIAL DWELLINGS UNITS; AND NON-RESIDENTIAL USES AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS AND BY THE OPTIONAL PROVISIONS BELOW TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE TOD-M ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).
MAXIMUM GROSS SQ. FT. OF DEVELOPMENT:	UP TO 180 RESIDENTIAL DWELLING UNITS AND UP TO 15,000 SQUARE FEET OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE TOD-M ZONING DISTRICT SUBJECT TO THE LIMITATIONS AND CONVERSION PROVISIONS DESCRIBED IN SECTION 3 BELOW. ALTERNATIVELY THE PETITIONER MAY DEVELOP THE SITE WITH NON-RESIDENTIAL USES AS ALLOWED BY THE TOD-M ZONING DISTRICT, SUBJECT TO THE OTHER COMMITMENTS OF THE REZONING PLAN.
MAXIMUM BUILDING HEIGHT:	A MAXIMUM BUILDING HEIGHT OF 79 FEET AS ALLOWED BY THE ORDINANCE AND THE OPTIONAL PROVISIONS BELOW. BUILDING HEIGHT TO BE MEASURED AS REQUIRED BY THE ORDINANCE.
PARKING:	PARKING AS REQUIRED BY THE ORDINANCE AND THE OPTIONAL PROVISIONS ON THE FOLLOWING SHEET.

LEGEND

+ PEDESTRIAN MOVEMENT

+ FUTURE CROSS CHARLOTTE TRAIL

+ VEHICLE ACCESS

+ EMERGENCY VEHICLE ACCESS

15' 0' 15' 30' 60'

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MAXIMUM BUILDING HEIGHT:	A MAXIMUM BUILDING HEIGHT OF 79 FEET AS ALLOWED BY THE ORDINANCE AND THE OPTIONAL PROVISIONS BELOW. BUILDING HEIGHT TO BE MEASURED AS REQUIRED BY THE ORDINANCE.
PARKING:	PARKING AS REQUIRED BY THE ORDINANCE AND THE OPTIONAL PROVISIONS BELOW.

GENERAL PROVISIONS:

- a. SITE LOCATION. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER SITE PLAN SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY ECP NODA, LLC ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF TRANSIT SUPPORTIVE RESIDENTIAL, AND NON-RESIDENTIAL USES ON AN APPROXIMATELY 1.123 ACRE SITE LOCATED BETWEEN E. 35TH STREET AND E. 36TH STREET WEST OF DAVIDSON STREET (THE "SITE").
- 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"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE TOD-MO ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED 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 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:
- i. MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN; OR
- ii. 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 EXTERNAL SETBACKS, SIDE OR REAR YARDS) INDICATED ON SHEET RZ-1.
- 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. NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WITHIN DEVELOPMENT AREA A WILL BE LIMITED TO ONE (1). 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(S) LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING.
2. OPTIONAL PROVISIONS.
- a. TO ALLOW THE PROPOSED BUILDING TO BE BUILT TO A HEIGHT OF 79 FEET. THIS OPTIONAL PROVISION WILL ALLOW A 12 FOOT INCREASE IN THE ALLOWED BUILDING HEIGHT AS MEASURED FROM EXISTING SINGLE-FAMILY ZONING.
- b. TO ALLOW A 14 FOOT SETBACK ALONG E. 35TH STREET. THIS OPTIONAL PROVISION REDUCES THE REQUIRED SETBACK BY TWO (2) FEET AND IS CONSISTENT WITH THE AGREEMENT BETWEEN THE CITY AND THE PREVIOUS PROPERTY OWNER TO BUILD THIS PORTION OF E. 35TH STREET.
- c. TO ALLOW PARKING FOR EDÉE AT THE RATE OF ONE SPACE PER 350 SQUARE FEET. THIS OPTIONAL PROVISIONS CHANGES THE REQUIRED PARKING FOR EDÉE FROM ONE SPACE FOR 150 SQUARE FEET TO ONE SPACE PER 350 SQUARE FEET.
- d. TO NOT REQUIRE 50% OF THE GROUND FLOOR AREA OF THE BUILDING ALONG E. 36TH STREET TO CONTAIN NON-RESIDENTIAL USES (DUE TO THE NARROWNESS OF THE SITE ALONG E. 36TH STREET THE PETITIONER IS REQUESTING THE OPTION TO NOT PROVIDE NON-RESIDENTIAL USES ALONG E. 36TH STREET).
- e. TO NOT REQUIRE AN ENTRANCE TO THE FUTURE MULTI-USE TRAIL. ENTRANCES MAY BE ADDED IN THE FUTURE WHEN THE MULTI-USE TRAIL IS CONSTRUCTED.
3. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:
- a. THE SITE MAY BE DEVELOPED WITH UP TO 180 RESIDENTIAL DWELLING UNITS, AND UP TO 15,000 SQUARE FEET OF GROSS FLOOR AREA NON-RESIDENTIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE TOD-M ZONING DISTRICT TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE TOD-M ZONING DISTRICT.
- b. THE PETITIONER WILL DEVELOP A MINIMUM OF 5,000 SQUARE FEET OF NON-RESIDENTIAL USES ON THE SITE. AT LEAST 75% OF THE GROUND FLOOR OF THE BUILDING FACING E. 35TH STREET WILL BE DEVELOPED WITH NON-RESIDENTIAL USES (E.G. OFFICE, RETAIL, INSTITUTIONAL, CIVIC, RESTAURANTS (EDÉE), ETC.) AS ALLOWED BY THE TOD-M ZONING REGULATIONS. ADDITIONAL NON-RESIDENTIAL USES MAY BE LOCATED IN THE PORTION OF THE BUILDING FACING E. 36TH STREET, AND ALONG THE ALLEY LOCATED ALONG THE SOUTHERN PROPERTY BOUNDARY.
- c. IF LESS THAN 180 RESIDENTIAL DWELLING UNITS ARE CONSTRUCTED ON THE SITE, THE PERMISSIBLE GROSS FLOOR AREA OF NON-RESIDENTIAL USES ALLOWED ON THE SITE, AS DESCRIBED IN SUBSECTION 3.A. ABOVE MAY BE INCREASED AT THE RATE OF 1,000 SQUARE FEET OF GROSS FLOOR AREA FOR EACH RESIDENTIAL DWELLING UNIT NOT CONSTRUCTED, UP TO 20 UNITS MAY BE SO CONVERTED FOR A MAXIMUM ADDITIONAL NON-RESIDENTIAL SQUARE FOOTAGE OF 20,000 SQUARE FEET, INCREASING THE ALLOWED SQUARE FOOTAGE OF NON-RESIDENTIAL USES ON THE SITE TO A MAXIMUM OF 35,000 SQUARE FEET.
- d. THE PETITIONER MAY DEVELOP NON-RESIDENTIAL USES INSTEAD OF RESIDENTIAL DWELLINGS UNITS. IF NON-RESIDENTIAL USES ARE DEVELOPED ON THE SITE THEY WILL COMPLY WITH THE MINIMUM FAR REQUIREMENTS OF THE TOD-M ZONING DISTRICT. IF NON-RESIDENTIAL USES ARE DEVELOPED IN LIEU OF RESIDENTIAL DWELLING UNITS, THE COMMITMENT TO BUILD A MINIMUM AMOUNT OF NON-RESIDENTIAL USES ALONG THE GROUND FLOOR OF THE BUILDING WILL BE ADHERED TO.

4. ACCESS:

- a. VEHICULAR ACCESS TO THE SITE WILL BE FROM E. 35TH STREET. ONLY EMERGENCY VEHICULAR ACCESS WILL BE ALLOWED FROM E. 36TH STREET INTO THE SITE.
- b. THE LOCATION OF THE DRIVEWAY MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS SO LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.
- c. THE PETITIONER WILL OPEN AND IMPROVE THE EXISTING ALLEY LOCATED ALONG THE SOUTHERN PROPERTY BOUNDARY.

5. STREETScape, LANDSCAPING OPEN SPACE AND SCREENING:

- a. ALONG E. 35TH STREET A 14 FOOT SETBACK AS MEASURED FROM THE EXISTING/FUTURE BACK OF CURB WILL BE PROVIDED. THIS 14 FOOT SETBACK WILL APPLY TO THE FIRST 25 FEET OF THE PROPOSED BUILDING, THE PORTION OF THE BUILDING OVER 25 FEET IN HEIGHT WILL HAVE A MINIMUM SETBACK FROM E. 35TH STREET OF 29 FEET. THE PETITIONER MAY CHOOSE TO BEGIN THE ADDITIONAL BUILDING SETBACK AT THE TOP OF THE FIRST FLOOR OF THE BUILDING ALONG E. 35TH STREET.
- b. ALONG E. 36TH STREET A 40 FOOT BUILDING SETBACK WILL BE PROVIDED AS MEASURED FROM THE BACK OF THE EXISTING/FUTURE BACK CURB.
- c. AS PART OF THE REDEVELOPMENT OF THE SITE, THE PETITIONER WILL PROVIDE THE FOLLOWING STREETScape IMPROVEMENTS ALONG E. 35TH STREET AN EIGHT (8) FOOT PLANTING STRIP WITH STREET TREES, AND A SIX (6) FOOT SIDEWALK AS GENERALLY DEPICTED ON THE REZONING PLAN.
- d. AS PART OF THE REDEVELOPMENT OF THE SITE, THE PETITIONER WILL PROVIDE AN EIGHT (8) FOOT PLANTING STRIP AND AN EIGHT (8) FOOT SIDEWALK ALONG E. 36TH STREET AS GENERALLY DEPICTED ON THE REZONING PLAN.
- e. THE PETITIONER WILL IMPROVE THE AREA BETWEEN THE PROPOSED BUILDING AND E. 36TH STREET AS AN OPEN SPACE AREA. THIS AREA MAY BE USED TO MEET THE PUBLIC AND PRIVATE OPEN SPACE REQUIREMENTS OF THE ORDINANCE.
- f. THE OPEN SPACE AREAS ON THE SITE WILL BE IMPROVED WITH LANDSCAPING, LIGHTING, SEATING AND HARDScape ELEMENTS.
- g. METER BANKS WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE LEVEL.
- h. ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE LEVEL.

6. ARCHITECTURAL STANDARDS.

- a. THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON SITE WILL BE A COMBINATION OF SOME OF THE FOLLOWING: BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, CEMENTATIOUS SIDING (SUCH AS HARDI-PLANK), STUCCO, EIFS, DECORATIVE METAL PANELS, DECORATIVE BLOCK AND/OR WOOD. VINYL AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS, AND ON HANDRAILS/RAILINGS
- b. THE PORTION OF THE BUILDING ALONG E. 35TH STREET WILL BE DESIGNED TO HAVE A STEP BACK FROM E. 35TH STREET. THIS WILL BE ACCOMPLISHED BY REQUIRING THE PORTION OF THE BUILDING THAT IS OVER 25 FEET HIGH TO BE SETBACK AN ADDITIONAL 15 FEET BEYOND THE GROUND FLOOR BUILDING FACE, REQUIRING THE PORTION OF THE BUILDING OVER 25 FEET IN HEIGHT TO BE SETBACK A MINIMUM OF 29 FEET FROM THE BACK OF CURB OF E. 35TH STREET. THE PETITIONER MAY BEGIN THE STEP BACK IN THE BUILDING AT THE TOP OF THE FIRST FLOOR OF THE BUILDING.
- c. THE PROPOSED NON-RESIDENTIAL USES LOCATED ON GROUND FLOOR OF THE BUILDING ALONG E. 35TH STREET, WILL ORIENT AND CONNECT A PRIMARY ENTRANCE TO THE SIDEWALK ALONG E. 35TH STREET. THE ENTRANCE TO THE SIDEWALK ALONG E. 35TH STREET WILL BE OPEN AND OPERABLE DURING THE BUSINESS HOURS OF THE ASSOCIATED USE. THIS STANDARD WILL ALSO APPLY TO ANY NON-RESIDENTIAL USES LOCATED ALONG E. 36TH STREET AS DESCRIBED BY THE OPTIONAL PROVISIONS ABOVE.
- d. IF THE ALLEY ALONG THE SOUTHERN PROPERTY BOUNDARY IS OPEN AND IMPROVED, THE PETITIONER WILL EXPLORE OPTIONS TO UTILIZE TO UTILIZE THE ALLEY AND THE PORTION OF THE BUILDING ABUTTING THE ALLEY FOR SPECIAL EVENTS, MICRO STORES, TEMPORARY STRUCTURES FOR THE SALE OF GOODS AND SERVICES AND THE DISPLAY OF ART AND MERCHANDISE.
- e. THE PETITIONER WILL SET UP AN ART FUND FOR THE SITE. A MINIMUM OF \$20,000 DOLLARS WILL BE SPENT ON ART WORK ON OR AROUND THE SITE. THE ART FUND MAY BE USED TO CREATE UNIQUE AND INTERESTING WALL TREATMENTS ALONG THE PROPOSED ALLEY OR ALONG THE MULTI-USE TRAIL, OR IT COULD BE USED TO DESIGN THE PROPOSED SIGNAGE FOR THE DEVELOPMENT, OR ELEMENTS OF THE PROPOSED OPEN SPACE ALONG E. 36TH STREET.

7. ENVIRONMENTAL FEATURES:

- j. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
- k. THE SITE WILL COMPLY WITH THE TREE ORDINANCE.

8. SIGNAGE:

- a. SIGNAGE AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED.

9. LIGHTING:

- a. ALL NEW DETACHED AND ATTACHED LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING; LOW LANDSCAPE, DECORATIVE, SPECIALTY, AND ACCENT LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, OPEN SPACE/AMENITY AREAS, AND PARKING AREAS.
- b. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 15 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 APPLICABLE DEVELOPMENT AREA PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

11. BINDING EFFECT OF THE REZONING APPLICATION:

- a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.

REVISIONS:

DATE: DATE
DESIGNED BY: SAH
DRAWN BY: SAH
CHECKED BY: NLD
SCALE: AS SHOWN
PROJECT #: 1015357
SHEET #:

RZ-2

35TH STREET
REZONING

ELLER CAPITAL PARTNERS; CHARLOTTE, NC

DEVELOPMENT STANDARDS

LandDesign

223 N Graham Street Charlotte, NC 28202
V: 704.333.0325 F: 704.333.3246
www.LandDesign.com

