

**Site Development Data:**

- Acreage: ± 2.679 acres
--Tax Parcel #: 177-06-107
--Existing Zoning: O-1
--Proposed Zoning: MUDD-O
--Existing Uses: Office building with surface parking
--Proposed Uses: Residential dwellings units; retail; Eating, Drinking, Entertainment, Establishments (EDEE); and personal services uses as all permitted by right, as well as other uses allowed under prescribed conditions, and by the Optional provisions below, and accessory uses, as allowed in the MUDD zoning district (all as more specifically described below in Section 3 including certain conversion of uses rights set forth therein).
--Maximum Gross Square Feet of Development: Up to 266 multi-family residential dwelling units and up to 15,000 square feet of gross floor area devoted to: non-residential permitted uses as allowed by right and under prescribed conditions in the MUDD zoning district; provided, however, loading docks (open or enclosed), outdoor dining areas and surface and structure parking areas shall not be counted toward the allowed "gross floor area" (as defined by the Ordinance) proposed by this Rezoning Plan; provided further, however, such limitations may be adjusted pursuant to the conversion of uses rights set forth below.
--Maximum Building Height: Maximum building height of six (6) stories, not to exceed 96 feet. Building height shall be measured per the Ordinance.
--Parking: As required by the Ordinance.

**I. General Provisions:**

- a. Site Location. These Development Standards, the Technical Data Sheet, Schematic Site Plan and other sheets that form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed with Zon Carolinas ("Petitioner") to accommodate the development of a high quality residential based/mixed-use community with: ground floor non-residential uses on an approximately 2.68 acre site located on the northeast quadrant of the intersection of Barclay Downs Drive and Bulfinch Road (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 MUDD-O 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; or
iii. modifications to allow minor increases or decreases 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 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.

e. Exclusions for Calculation of Maximum Development Levels. 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 (as defined by the Ordinance) for the Site: surface or structured parking facilities, all loading dock areas (open or enclosed), 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. 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 detached ground mounted sign per street front with a maximum height of 7 feet and containing up to 100 square feet of sign area.
c. To not require doorways to be recessed into the face of the building(s) when the width of the sidewalk is at least 10 feet or it is an individual residential doorway designed with an elevated porch stoop.
d. To not require surface and structure parking areas, outdoor dining areas, and loading dock areas (open or enclosed) to be counted as part of the allowed gross floor area for the Site.

Note: The optional provision regarding signs is an addition/modification to the standards for signs in the MUDD district and is to be used with the remainder of MUDD standards for signs not modified by these optional provisions.

**3. Permitted Uses, Development Area Limitations:**

a. The principal buildings constructed on the Site may be developed with up to 266 multi-family residential dwellings units and up to 15,000 square feet of gross floor area devoted to: retail, EDEE, and personal service uses as permitted by right as well as other uses allowed under prescribed conditions and per the Optional provisions above and together with accessory uses, all as allowed in the MUDD-O zoning district.

"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 merchandise 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, Spa's, Yoga and exercise studios, nail salons, massage shops, martial art training studios, dry cleaning establishments, locksmiths, and alike.

- b. The allowed non-residential uses will be located on the ground floor of the building.
c. The following use will not be allowed: gasoline service stations with or without a convenience store, car washes (except for a car wash(es) for the residents of the Site that are part of the amenities/accessory uses associated with the proposed apartments and located within the structured parking facility).
d. Additional non-residential square footage may be developed by converting residential units at a rate of one (1) residential unit converted into 500 square feet of gross floor area of non-residential uses up to a maximum of 20 residential units so converted for a maximum of 10,000 square feet of such non-residential uses.

**4. Transportation Improvements and Access:**

**I. Proposed Improvements:**

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions: [TO BE FORTHCOMING TO THE EXTENT NEEDED PER TRAFFIC ANALYSIS UNDERWAY]

**II. Standards, Phasing and Other Provisions.**

[a. CDOT/NC DOT Standards. All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT as applicable. 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 area, by way of a private/public partnership effort or other public sector project support.]

[b. Substantial Completion. Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.III.b. above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.III.a above provided, however, in the event all roadway improvements 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 the Petitioner will work with City Staff to determine a process 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.]

[c. Right-of-way Availability. It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond 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 the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; 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.]

[d. Alternative Improvements. Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT, and the Planning Director as applicable, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.]

**III. Access.**

- a. Access to the Site will be from Barclay Downs, Carnegie Boulevard and Bulfinch Road as generally depicted on Sheet RZ-2, subject to adjustments as set forth below.
b. The alignment of the vehicular circulation and driveways 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.

**5. Streetscape, Buffer, Landscaping Open Space and Screening:**

- a. A 25 foot setback as measured from the existing/future (the existing and future back of curb are the same) back of curb along Barclay Downs Drive, Carnegie Boulevard and Bulfinch Road will be provided, as generally depicted on the Rezoning Plan.
b. A 15 foot planting strip and 10 foot sidewalk will be provided on Barclay Downs, Carnegie Boulevard and Bulfinch Road as generally depicted on the Rezoning Plan.
c. The Petitioner will use good faith reasonable efforts to preserve the existing trees in the 15 foot planting strip on Barclay Downs, Carnegie Boulevard and Bulfinch Road, as generally depicted. The Petitioner will work with the City Arborist to determine appropriate approaches for tree protection and preservation. Trees may be removed to provide fire access to the Site from both Bulfinch and Carnegie Boulevard and primary access from Barclay Downs Drive.
d. Cars parked in the proposed parking structure will be screened from the adjacent public streets and the adjoining properties. Detached lighting located on the upper level of the parking will be designed to full cut-off type fixtures.
e. Meter banks will be screened where visible from public view at grade level.
f. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.

**6. General Design Guidelines:**

- a. The building materials used on the principal building 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 and on handrails/railings.
b. The attached illustrative building elevation(s) are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved).
c. Building street walls will meet or exceed the MUDD requirements for blank walls.
d. Non-residential uses located along Barclay Downs Drive and Bulfinch Road will have an entrance(s) oriented toward these streets. The proposed ground floor residential units along Bulfinch Road will have entrances oriented toward Bulfinch Road, except when due to topography.
e. Each operable pedestrian entrance (defined as an entrance design to provide customers access to the proposed non-residential uses) will be designed to be clearly identifiable and prominent elements within the building facades in which they are located.
f. A transition zone with an average depth two (2) feet will be established along building face and within the 10' sidewalk located along Carnegie Boulevard and Bulfinch Road. Stairs, porches, and stoops may encroach into this transition zone or it may be used for enhanced landscaping.
g. The scale and massing of buildings longer than 150 feet along a street shall be minimized by utilizing a combination of the following options: (i) varied roof lines through the use of slopes, modulated buildings heights, gables, dormers or innovative architectural solutions; (ii) building corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses; (iii) horizontal variation of a minimum of 8" and vertical variations of a minimum 24" in wall planes; or (iv) utilize enclosed balconies.
h. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length. Where blank or unarticulated walls 20' or greater cannot be addressed principally with doors or windows, they shall be treated with a combination of the following options: (i) a higher level of transparency on the ground floor (exaggerated or larger windows indicative of living areas); and (ii) horizontal and vertical variations in wall planes accompanied with a change in material. If the final architectural design cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director or designee.

i. Common and private individual entrances to residential units will be provided along Bulfinch Road at intervals of no less than 125 feet. Where a building is served by common entrances (not individual unit entrances) and cannot achieve the interval spacing, common usable open spaces, amenity areas or courtyards can be utilized to break up the wall plane.

l. Individual ground floor residential unit entrances oriented to Bulfinch Road should give the appearance of a front door orientation rather than a back patio design, and have direct sidewalk connections to the public right-of-way, if the ground floor units are not more than four (4) feet above the grade of public street right-of-way. If entrances to the proposed units along Bulfinch Road are located more than four (4) feet above the existing grade of the street and stoops are not provided, the Petitioner will break up any resulting blank walls with terraced landscape areas and/or building articulation. The details of the treatment to be determined during the site plan approval process for the Site.

m. The allowed accessory non-residential uses located on ground floor of the building shall maintain a high level of visibility through the use of clear glass, larger windows and an unobstructed view from Barclay Downs Drive into the space.

n. Balconies will be design so that their size and location maximize their intended use for open space. The balconies may encroach into the transition zone provided along Barclay Downs Drive and Bulfinch Road above the first story of the building.

o. All facades shall incorporate windows, arches, balconies or other architectural details along with varying build materials, or roof lines or building offsets.

p. The Petitioner shall create focal points at the corner of Barclay Downs Drive and Bulfinch Road and Barclay Downs Drive and Carnegie Boulevard, as generally depicted on the Rezoning Plan. In order to stimulate pedestrian activity and interest at this location, the first floor (street level) of the building at that intersection shall be designed to address the corner and promote a visual relationship to the street and encourage movement and activity at street level.

**7. Environmental Features:**

a. The Site will comply with the Tree Ordinance.

**8. Signage:**

a. Signage as allowed by the Ordinance and by the Optional Provisions listed above may be provided.

b. On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.

**9. Lighting:**

a. All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site, except street lights located along public streets, will be limited to 21 feet in height.

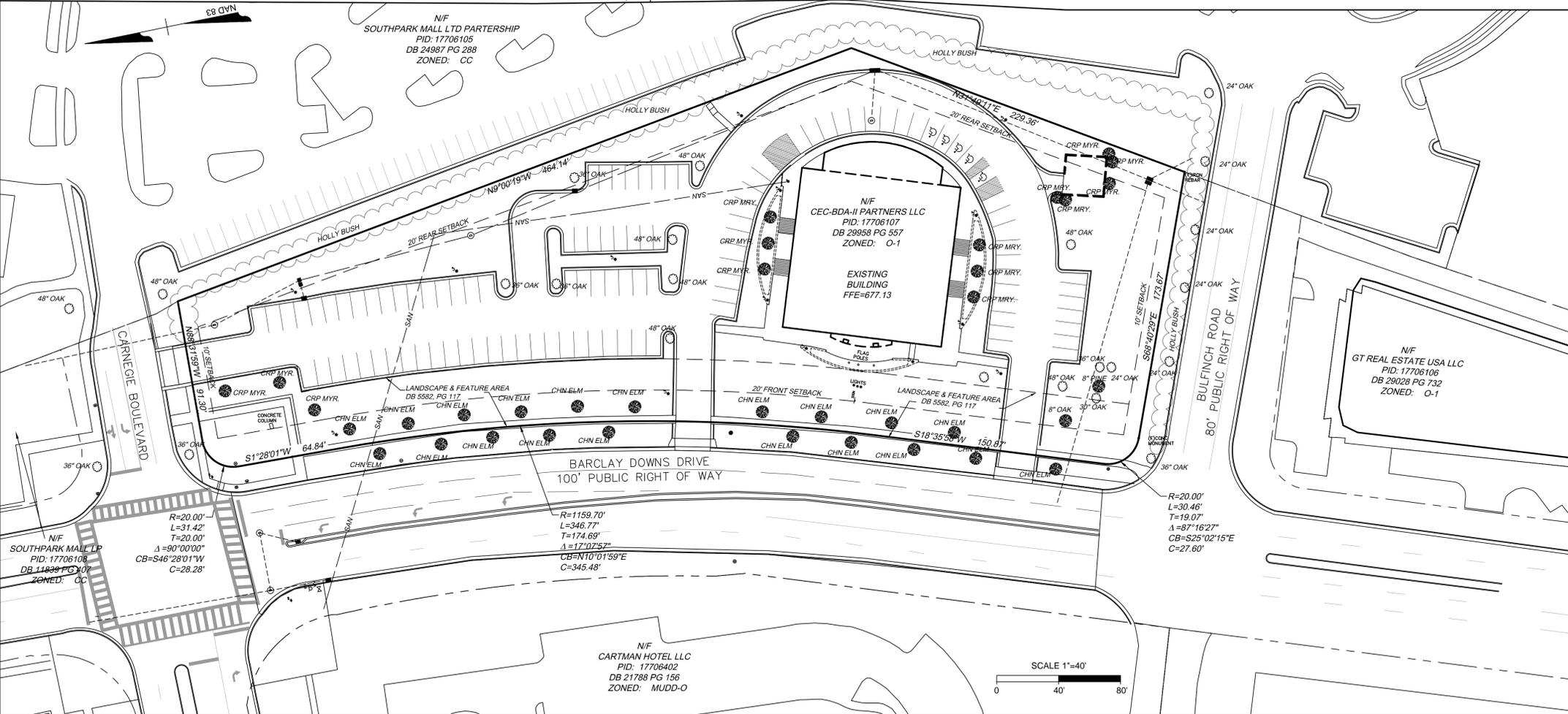
10. CATS Bus Stop: The Petitioner shall coordinate the relocation of the current stop on Barclay Downs to align with the redevelopment of the site.

**11. 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 or portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

**12. 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.



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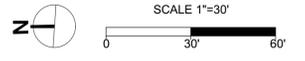
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REZONING SUBMITTAL: June 20, 2016

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BARCLAY DOWNS DRIVE TECHNICAL DATA PLAN SITE REZONING. 4401 Barclay Downs Drive, Charlotte, NC 28209. REZONING PETITION # (TBD) Project # RZ-01



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REZONING SUBMITTAL:  
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**BARCLAY DOWNS DRIVE SITE REZONING** SCHEMATIC SITE PLAN  
 4401 Barclay Downs Drive  
 Charlotte, NC 28209  
 REZONING PETITION # (TBD)  
 16007

**RZ-02**



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**BARCLAY DOWNS DRIVE  
SITE REZONING**

4401 Barclay Downs Drive  
Charlotte, NC 28209

**REZONING PETITION # (TBD)  
16007**

**CONCEPT RENDERING**

**RZ-03**