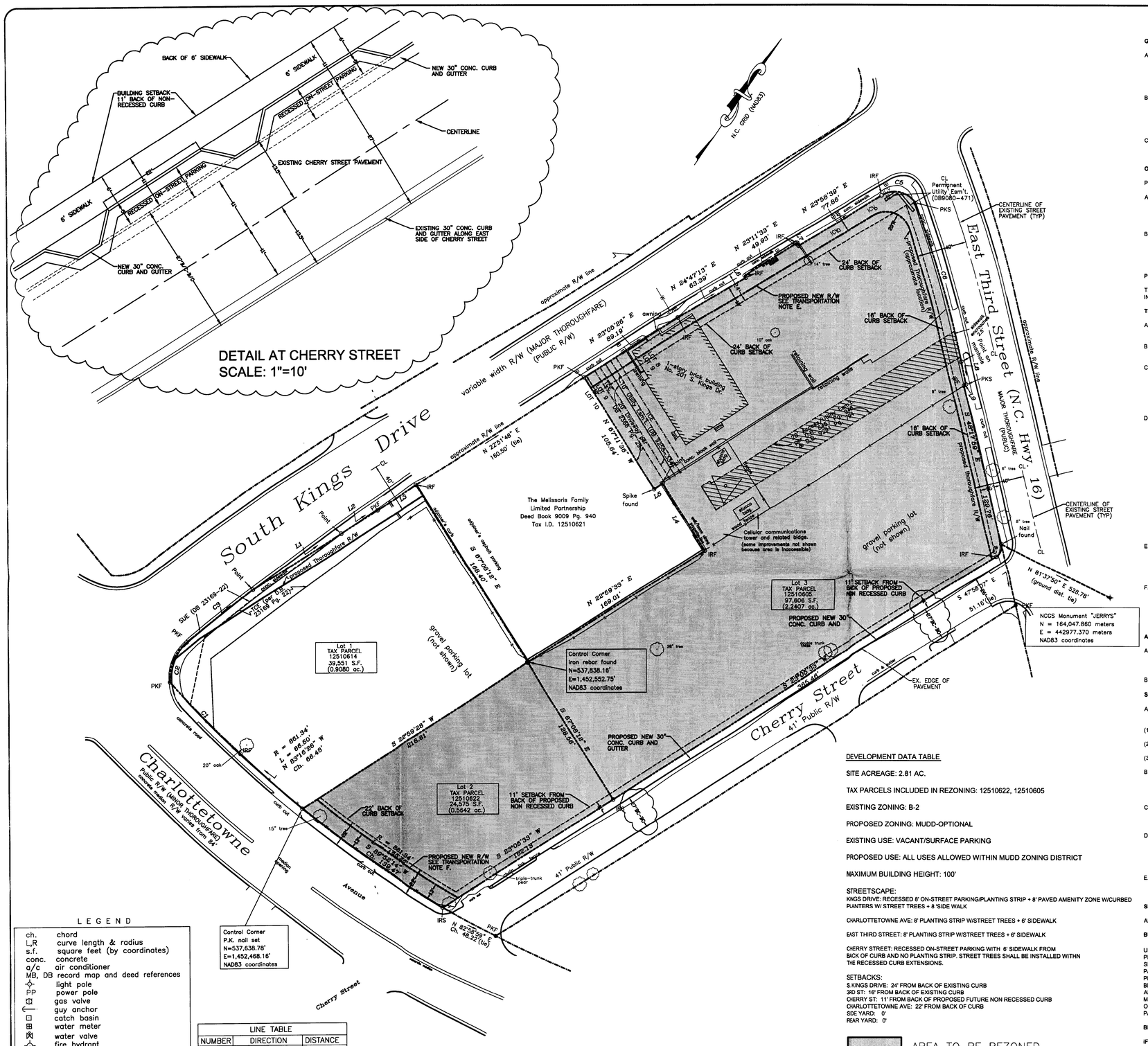


DEVELOPMENT STANDARDS

January 20, 2012

GENERAL PROVISIONS

A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY WELLS PROPERTY NUMBER ONE, LLC FOR AN APPROXIMATELY 2.81 ACRE SITE LOCATED ON THE SOUTH SIDE OF EAST 3RD STREET AND BOUNDED BY SOUTH KINGS DRIVE, CHARLOTTETOWNE AVENUE AND CHERRY STREET, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE").

B. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). SUBJECT TO THE OPTIONAL PROVISIONS SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT ("MUDD") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT OF THE SITE.

C. FUTURE AMENDMENTS TO THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

OPTIONAL PROVISIONS

PETITIONER REQUESTS THE APPROVAL OF THE FOLLOWING OPTIONAL PROVISIONS:

A. THE SETBACK ON CHERRY STREET SHALL BE 11 FEET FROM THE BACK OF THE FUTURE NON-RECESSED PARKING CURB. THE BACK OF THE FUTURE NON-RECESSED PARKING CURB ALONG THE SITE'S FRONTAGE ON CHERRY STREET SHALL BE LOCATED 27 FEET FROM THE BACK OF THE EXISTING CURB ON THE EAST SIDE OF CHERRY STREET.

B. PETITIONER SHALL INSTALL ON-STREET, RECESSED PARALLEL PARKING ALONG THE SITE'S FRONTAGE ON CHERRY STREET. PETITIONER SHALL INSTALL A MINIMUM 8' SIDEWALK LOCATED ADJACENT TO THE BACK OF CURB ALONG THE SITE'S FRONTAGE ON CHERRY STREET, AND A PLANTING STRIP SHALL NOT BE PROVIDED. HOWEVER, PETITIONER SHALL INSTALL STREET TREES WITHIN THE RECESSED PARKING CURB EXTENSIONS.

PERMITTED USES

THE SITE MAY BE DEVOTED TO ANY USE OR USES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT, AND TO ANY ACCESSORY USES ALLOWED IN THE MUDD ZONING DISTRICT.

TRANSPORTATION

A. VEHICULAR AND BICYCLE PARKING WILL SATISFY THE MINIMUM STANDARDS ESTABLISHED UNDER THE ORDINANCE.

B. THE NUMBER AND LOCATION OF VEHICULAR ACCESS POINTS INTO THE SITE SHALL BE DETERMINED DURING THE DRIVEWAY PERMITTING PROCESS.

C. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY NEW BUILDING TO BE CONSTRUCTED ON THE SITE, PETITIONER SHALL EXTEND THE CURB AND GUTTER LOCATED ON THE NORTHERN SIDE OF THE INTERSECTION OF CHERRY STREET AND CHARLOTTETOWNE AVENUE TO THE LOCATION OF THE EXISTING PAINTED CURB EXTENSIONS. THIS WORK WILL CONSIST OF INSTALLING NEW CURB AND GUTTER, ACCESSIBLE RAMPS AND SECTIONS OF SIDEWALK ALONG CHARLOTTETOWNE AVENUE AND ON BOTH SIDES OF CHERRY STREET.

D. PETITIONER SHALL EXERT REASONABLE AND GOOD FAITH EFFORTS TO OBTAIN FROM THE RELEVANT PROPERTY OWNERS, AT ITS SOLE COST AND EXPENSE, ANY RIGHT OF WAY NECESSARY TO CONSTRUCT AND INSTALL THE IMPROVEMENTS DESCRIBED ABOVE IN SUBPARAGRAPH C. IN THE EVENT THAT PETITIONER IS UNABLE TO OBTAIN ANY OF THE REQUIRED RIGHT OF WAY AFTER EXERTING REASONABLE, GOOD FAITH EFFORTS TO DO SO, THE CITY MAY OBTAIN THE NECESSARY RIGHT OF WAY BY NEGOTIATED PURCHASE OR THROUGH EMINENT DOMAIN PROCEEDINGS. IN THE EVENT THAT THE CITY PURCHASES ANY REQUIRED RIGHT OF WAY, PETITIONER SHALL REIMBURSE THE CITY FOR THE PURCHASE PRICE AND ANY EXPENSES RELATED THERETO. IN THE EVENT THAT THE CITY ACQUIRES ANY REQUIRED RIGHT OF WAY THROUGH EMINENT DOMAIN PROCEEDINGS, PETITIONER SHALL REIMBURSE THE CITY FOR ANY COURT AWARD OF JUST COMPENSATION AND/OR DAMAGES, INCLUDING INTEREST, THAT THE CITY IS REQUIRED TO PAY, AND FOR APPRAISAL FEES, ATTORNEY'S FEES AND OTHER COSTS AND EXPENSES INCURRED BY THE CITY IN CONNECTION THEREWITH. NOTWITHSTANDING THE FOREGOING, PETITIONER SHALL NOT BE LIABLE TO REIMBURSE THE CITY FOR ANY AMOUNT THAT THE CITY HAS AGREED TO PAY EITHER THROUGH A NEGOTIATED PURCHASE OR SETTLEMENT OF AN EMINENT DOMAIN PROCEEDING THAT IS IN EXCESS OF THE APPRAISED VALUE UNLESS PETITIONER HAS GIVEN ITS PRIOR CONSENT TO SUCH PURCHASE OR SETTLEMENT.

E. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY NEW BUILDING TO BE CONSTRUCTED ON THE SITE, PETITIONER SHALL DEDICATE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE IMMEDIATELY ADJACENT TO SOUTH KINGS DRIVE AS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 10 FEET FROM THE EXISTING RIGHT OF WAY LINE OF SOUTH KINGS DRIVE IF SUCH RIGHT OF WAY DOES NOT CURRENTLY EXIST.

F. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY NEW BUILDING TO BE CONSTRUCTED ON THE SITE, PETITIONER SHALL DEDICATE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE IMMEDIATELY ADJACENT TO CHARLOTTETOWNE AVENUE AS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 13 FEET FROM THE EXISTING RIGHT OF WAY LINE OF CHARLOTTETOWNE AVENUE IF SUCH RIGHT OF WAY DOES NOT CURRENTLY EXIST.

ARCHITECTURAL STANDARDS

A. VINYL SHALL NOT BE A PERMITTED EXTERIOR BUILDING MATERIAL, PROVIDED, HOWEVER, THAT VINYL MAY BE UTILIZED ON THE SOFFITS OF THE BUILDINGS TO BE CONSTRUCTED ON THE SITE AND VINYL WINDOWS MAY BE INSTALLED ON THE BUILDINGS TO BE CONSTRUCTED ON THE SITE.

B. THE MAXIMUM BUILDING HEIGHT SHALL BE 100 FEET.

SETBACKS/STREETSCAPE

A. SETBACKS ON SOUTH KINGS DRIVE, EAST 3RD STREET AND CHARLOTTETOWNE AVENUE SHALL BE AS FOLLOWS:

(1) SOUTH KINGS DRIVE: 24 FEET FROM THE BACK OF THE EXISTING CURB

(2) EAST 3RD STREET: 16 FEET FROM THE BACK OF THE EXISTING CURB

(3) CHARLOTTETOWNE AVENUE: 22 FEET FROM THE BACK OF THE EXISTING CURB.

B. THE SETBACK ON CHERRY STREET SHALL BE 11 FEET FROM THE BACK OF THE FUTURE NON-RECESSED PARKING CURB. THE BACK OF THE FUTURE NON-RECESSED PARKING CURB ALONG THE SITE'S FRONTAGE ON CHERRY STREET SHALL BE LOCATED 27 FEET FROM THE BACK OF THE EXISTING CURB ON THE EAST SIDE OF CHERRY STREET.

C. PETITIONER SHALL INSTALL A MINIMUM 8 FOOT PLANTING STRIP AND A MINIMUM 6 FOOT SIDEWALK ALONG THE SITE'S FRONTAGES ON SOUTH KINGS DRIVE, EAST 3RD STREET AND CHARLOTTETOWNE AVENUE.

D. PETIONER SHALL INSTALL ON-STREET RECESSED PARALLEL PARKING ALONG THE SITE'S FRONTAGE ON CHERRY STREET. PETITIONER SHALL INSTALL A MINIMUM 8' SIDEWALK LOCATED ADJACENT TO THE BACK OF CURB ALONG THE SITE'S FRONTAGE ON CHERRY STREET, AND A PLANTING STRIP SHALL NOT BE PROVIDED. HOWEVER, PETITIONER SHALL INSTALL STREET TREES WITHIN THE RECESSED PARKING CURB EXTENSIONS.

E. THE STREETSCAPE AND ROADWAY IMPROVEMENTS ALONG THE SITE'S FRONTAGE ON CHERRY STREET DESCRIBED ABOVE SHALL BE CONSTRUCTED AND INSTALLED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY NEW BUILDING TO BE CONSTRUCTED ON THE SITE.

SIGNAGE

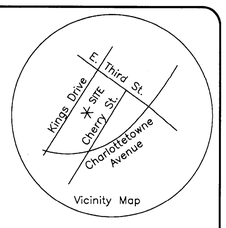
ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

BUS SHELTER WAITING PAD

UPON THE REDEVELOPMENT OF THAT PORTION OF THE SITE DESIGNATED AS TAX PARCEL NO. 125-106-05, PETITIONER SHALL CONSTRUCT AND INSTALL A CONCRETE PASSENGER SHELTER PAD ADJACENT TO THE SITE ON EAST 3RD STREET IN THE GENERAL LOCATION OF THE EXISTING CATS BUS STOP. THE CONCRETE PASSENGER SHELTER PAD SHALL BE CONSTRUCTED TO CATS DEVELOPMENT STANDARD 60.04A. PETITIONER'S OBLIGATION TO CONSTRUCT AND INSTALL THE CONCRETE PASSENGER SHELTER PAD SHALL BE SUBJECT TO PETITIONER'S ABILITY TO OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO CONSTRUCT AND INSTALL THE CONCRETE PASSENGER SHELTER PAD, AND THE CONCRETE PASSENGER SHELTER PAD MUST BE CONSTRUCTED AND INSTALLED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THAT PORTION OF THE SITE DESIGNATED AS TAX PARCEL NO. 125-106-05.

BINDING EFFECT OF THE REZONING PETITION

IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT AND/OR USE OF THE SITE IMPOSED UNDER THIS REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "PETITIONER" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF



Vicinity Map

ATTACHED TO ADMINISTRATIVE APPROVAL

DATED: 1-30-2013 SF

BY: DEBRA D. CAMPBELL

DEVELOPMENT DATA TABLE

SITE ACREAGE: 2.81 AC.

TAX PARCELS INCLUDED IN REZONING: 12510622, 12510605

EXISTING ZONING: B-2

PROPOSED ZONING: MUDD-OPTIONAL

EXISTING USE: VACANT/SURFACE PARKING

PROPOSED USE: ALL USES ALLOWED WITHIN MUDD ZONING DISTRICT

MAXIMUM BUILDING HEIGHT: 100'

STREETSCAPE:
KINGS DRIVE: RECESSED 8' ON-STREET PARKING/PLANTING STRIP + 8' PAVED AMENITY ZONE W/CURBED PLANTERS W/ STREET TREES + 8 'SIDE WALK

CHARLOTTETOWNE AVE: 8' PLANTING STRIP W/STREET TREES + 6' SIDEWALK

EAST THIRD STREET: 8' PLANTING STRIP W/STREET TREES + 6' SIDEWALK

CHERRY STREET: RECESSED ON-STREET PARKING WITH 6' SIDEWALK FROM BACK OF CURB AND NO PLANTING STRIP. STREET TREES SHALL BE INSTALLED WITHIN THE RECESSED CURB EXTENSIONS.

SETBACKS:
S KINGS DRIVE: 24' FROM BACK OF EXISTING CURB
3RD ST: 16' FROM BACK OF EXISTING CURB
CHERRY ST: 11' FROM BACK OF PROPOSED FUTURE NON RECESSED CURB
CHARLOTTETOWNE AVE: 22' FROM BACK OF CURB
SIDE YARD: 0'
REAR YARD: 0'

AREA TO BE REZONED

40 0 20 40 80 160
SCALE: 1" = 40'

LEGEND

ch.	chord
L,R	curve length & radius
s.f.	square feet (by coordinates)
conc.	concrete
a/c	air conditioner
MB, DB	record map and deed references
	light pole
PP	power pole
	gas valve
	guy anchor
	catch basin
	water meter
	water valve
	fire hydrant
	sanitary sewer manhole
	telephone manhole
	electric manhole
PKF	P.K. Nail found
PKS	P.K. Nail set
IPF	Iron Pipe found
IRF	Iron Rebar set
DHS	Drill Hole set
SUE	Sidewalk & Utility easement
TCE	Temporary Construction easement

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 22°55'28" E	84.51'
L2	N 22°56'24" E	34.95'
L3	N 22°53'38" E	37.50'
L4	N 67°15'26" W	63.12'
L5	S 23°00'31" W	8.27'
L6	N 66°45'45" W	1.88'
L7	S 66°48'27" E	2.64'
L8	S 46°50'23" E	18.46'
L9	S 22°59'33" W	1.99'

CURVE TABLE

NUMBER	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	1135.85	80.24	N 79°24'28" W	80.22
C2	36.50	35.00	N 11°17'35" W	33.67
C3	2347.36	67.67	N 16°59'52" E	67.67
C4	9.32	11.57	S 12°26'55" E	10.84
C5	20.00	31.04	N 67°27'44" E	28.01
C6	865.60	132.48	S 51°16'41" E	132.35

SURVEY PREPARED BY:

A.G. ZOUTEWELLE SURVEYORS
1418 East Fifth St. Charlotte, NC 28204
Phone: 704-372-9444 Fax: 704-372-9555
Firm Licensure Number C-1054

REV.		DATE
1	STAFF REVIEW COMMENTS	11/16/11
2	STAFF REVIEW COMMENTS	1/20/12
3	ADMINISTRATIVE CHANGE	1/30/13

DRAWING SCALE: 1" = 40'
PROJECT DATE: 8-22-11
PROJECT NUMBER:
TASK: PHASE:
POST DATE:
PROJECT MANAGER: KAJC
DRAWN BY: KAJC
APPROVED BY:
FILE NAME:

GEOSCIENCE GROUP
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Soil • Rock • Water
Geotechnical Engineering
Fax: 704-336-2861
www.geoscienceinc.com

137 SOUTH KINGS DRIVE
WELLS PROPERTY NUMBER ONE, LLC
CHARLOTTE, NORTH CAROLINA

SCHEMATIC SITE PLAN

RZ-1

PETITION # 2011-073
SUBMITTAL #4, REVISED 1/20/11

CHARLOTTE

Charlotte-Mecklenburg Planning Department

DATE: January 30, 2012

TO: Mark Fowler
Zoning Supervisor

FROM: Debra Campbell
Planning Director

SF

SUBJECT: Administrative Approval for Petition No. 2011-073 One Wells Property, LLC

Attached is a revised site plan for the above referenced rezoning petition. The site plan shows a change to the detail along Cherry Street for on street parking and tree planters. Since this change does not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

Note: All other Zoning, Tree Ordinance and Conditional note requirements still apply.