

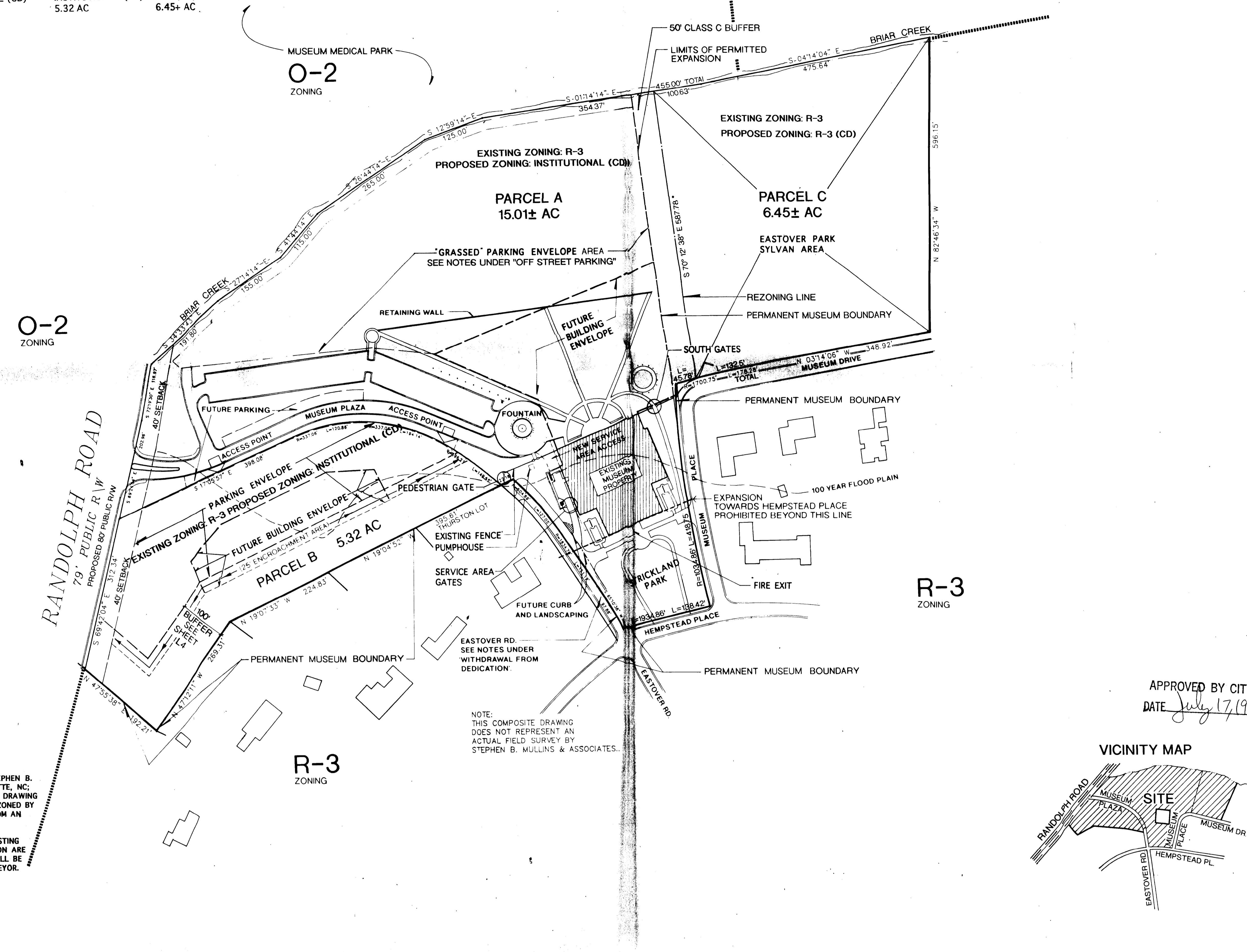
ColeJenest

Land Planning  
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# SITE SUMMARY

EXISTING ZONING: R-3  
TOTAL SITE ACREAGE: 26.76± AC.  
PROPOSED ZONING: AREA: AC  
PARCEL A INSTITUTIONAL (CD) 15.01± AC  
PARCEL B INSTITUTIONAL (CD) 5.32 AC  
PARCEL C R-3 (CD) 6.45± AC

R-22MF  
ZONING



NOTE:  
1. SURVEY INFORMATION PROVIDED BY STEPHEN B. MULLINS AND ASSOCIATES, P.A., CHARLOTTE, NC; DATED 4-13-94. THIS IS A COMPOSITE DRAWING INTENDED TO SHOW THE AREA TO BE REZONED BY THE CITY OF CHARLOTTE AND IS NOT FROM AN ACTUAL FIELD SURVEY.  
2. BEARINGS AND DISTANCES FOR THE EXISTING BOUNDARY AND PROPOSED PARCELIZATION ARE FOR REZONING PURPOSES ONLY AND SHALL BE VERIFIED BY A REGISTERED LAND SURVEYOR.

APPROVED BY CITY COUNCIL  
DATE July 17, 1995

PETITIONERS,  
CITY OF  
CHARLOTTE, AND  
THE MINT  
MUSEUM OF ART

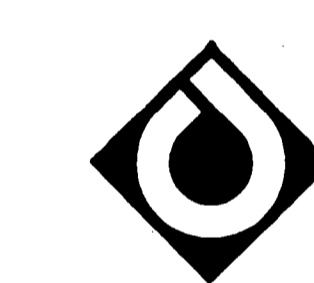
REZONING  
PLAN  
PETITION # 95-47

730  
5/09/95

• Issued  
6/08/95  
5/22/95 AS FOR PUBLIC HEARING  
5/17/95  
10/20/94  
10/13/94  
9/19/94  
9/12/94  
8/18/94  
5/20/94 6/12/95

• Revised  
SCALE: 1" = 100'  
0 50 100 200

L1 4  
• Sheet of



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PETITIONERS,  
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DEVELOPMENT  
STANDARDS

730  
10-20-94

• Issued

6-8-95  
5-22-95 AS FOR PUBLIC HEARING

• Revised

L2 4  
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### DEVELOPMENT DATA:

Existing Zoning: R-3		
Total Site Area: 26.76± Acres (1,165,665.67 sf)		
Proposed Zoning:		
Parcel A	Parcel B	Parcel C
Institutional (CD)	Institutional (CD)	R-3(CD)
Area:		
Parcel A	Parcel B	Parcel C
15.01± Acres/ 653,835.67 sf	5.32 Acres/ 231,739.22 sf	6.45± Acres/ 280,090.71 sf
Gross Maximum Floor Area:		
Parcel A	Parcel B	Parcel C
150,000 sf	80,000 sf	N/A

### GENERAL PROVISIONS:

- The "Site" consists of Parcel A, Parcel B and Parcel C.
- All development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the Institutional Zoning District Classification shall be followed in connection with development taking place on Parcel A and Parcel B, unless higher standards are established under these Development Standards or the Rezoning Plan.
- No buildings may be constructed outside the building envelope lines established on this Rezoning Plan for Parcel A and Parcel B. Parking layouts may be modified to accommodate final building locations and parking and vehicular circulation may occur within building envelope lines and the parking envelope lines established on this Rezoning Plan.
- No buildings may be constructed, and no parking of vehicles may take place on, Parcel C.
- There currently exist on Parcel A a building and related accessory structures including off-street parking facilities which are leased by the Mint Museum of Art (the "Museum") and used to operate a cultural facility.

Nothing contained in these Development Standards shall be construed to be a waiver of any rights petitioners have with respect to the existing structures under the Provisions of Chapters 5 or 7 of the Ordinance.

### PERMITTED USES:

- Except as further limited by the provisions of Paragraphs 4 and 5, below, or as otherwise provided under Paragraph 5 below, Parcel A and Parcel B may only be devoted to museum and related or accessory uses and Parcel C may only be used as a pedestrian park.
- The total gross floor area of all buildings placed on Parcel A (including the existing buildings) cannot exceed 150,000 square feet.
- The total gross floor area of all buildings placed on Parcel B cannot exceed 80,000 square feet.
- The following conditions shall apply to Parcel C of the Site which is depicted on this Rezoning Plan as the "Sylvan Area":
  - No playground equipment or metal sculptures may be located within Parcel C.
  - Parcel C shall be limited to use as a pedestrian park and no mini-bikes, go-carts or self-propelled vehicles of any type or kind shall be permitted to be operated thereon.
  - No vendors or other solicitors or any commercial activity shall be permitted on Parcel C; and
  - No sports events shall be permitted within Parcel C.

- If Parcel B should at any time cease to be used for museum and related or accessory purposes for a period of 6 successive months, the owner thereof may at any time thereafter seek rezoning for Parcel B which would allow it to be devoted to residential uses which are not inconsistent with the residential restrictions appearing in an instrument recorded in Book 985 at Page 311 in the Mecklenburg County, North Carolina Public Registry.
- No building located upon Parcel A or Parcel B may have any exterior display or advertisement of any dining facility, retail store or concession area. Any dining facility, retail store or concession area permitted to be operated upon the site must be accessed from the interior of the building within which it is located.

### SETBACKS:

- Building and parking setbacks for all further improvements will in all cases comply with the minimum yard requirements established under the Ordinance.
- Additional right-of-way for Randolph Road will be dedicated to the City of Charlotte out of the Site (if required) so as to provide for a total of forty (40) feet measured from the centerline of Randolph Road prior to the issuance of building permits.

### NOTES:

- All buffer areas depicted on this Rezoning Plan shall at a minimum satisfy the requirements of Sections 12.302 or 12.304 of the Ordinance. If in the future any portion of the property which adjoins the Site and runs along Briar Creek is changed to a zoning district which would not be required by the Ordinance to be buffered from the Site or would require a reduced buffer, then the buffer area depicted on this Rezoning Plan along that portion of the Site which adjoins such property may be eliminated or adjusted in accordance with Table 12.302(a) and Table 12.302(b) of the Ordinance (as the case might be).
- Before commencing any development or construction activities on Parcel B, or as soon after commencement thereof as is appropriate for the installation of plant materials, Petitioners shall establish a buffer (the "Parcel B Buffer") along the western and northwestern boundaries of Parcel B within the area depicted on this Rezoning Plan.
- Except as otherwise provided under Paragraph 4 below, no buildings, improvements or other structures of any kind may be placed within the Parcel B Buffer other than landscaping, an irrigation system (if the City of Charlotte or its lessee, the Museum, elects to install one), a drainage system to deal with storm water as necessary to preserve and protect the Parcel B Buffer and existing utility lines. No organized activities (public or private) other than general maintenance activities shall be conducted or permitted within the Parcel B Buffer.
- Future buildings, pedestrian walkways, benches, lighting fixtures accessory thereto and underground utilities constructed or placed upon Parcel B may encroach upon that part of the Parcel B Buffer depicted on this Rezoning Plan as the "Encroachment Area." However, no such authorized improvements may be placed within the Encroachment Area until such time as a decision is made to construct a principal building on Parcel A and then only after construction of the rear elevation of any such building shall have been completed. No other structure, including but not limited to, driveways, parking facilities or service areas may encroach upon any part of the Parcel B Buffer.

### SCREENING AND LANDSCAPING:

- Screening shall, at a minimum, satisfy the requirements of Section 12.303 of the Ordinance.

- All dumpsters and service areas will be screened from public streets and from adjacent properties as required by the Ordinance.
- All parking lots shall be landscaped in accordance with Section 12.208 of the Ordinance.
- All landscaping shall at a minimum satisfy the requirements of the zoning ordinance and the City of Charlotte Tree Ordinance.
- Upon establishment of the Parcel B Buffer, Petitioners shall install or cause to be installed therein and thereafter maintain or cause to be maintained (including replacement of dead or dying plants and trees) plants and other landscaping in the appropriate locations and in accordance with the Landscaping Plan which accompanies this Rezoning Plan.
- If any portion of the Encroachment Area should hereafter be cleared for any authorized purpose, then all cleared areas which are not otherwise improved shall be landscaped in a manner which is consistent with and complementary to the program contemplated by the Landscaping Plan which accompanies this Rezoning Plan.

### OFF-STREET PARKING:

- Off-street parking may only take place within the parking envelope and (except as otherwise provided above under subparagraph 4 of these Development Standards dealing with "buffers") building envelopes depicted on this Rezoning Plan.
- Each of the parking areas depicted on this Rezoning Plan may vary in area and location, and, except as otherwise provided under Paragraph 1 below, will in all events satisfy the minimum standards established under the Ordinance.
- Parcel A is subject to the following restriction which was imposed under the deed by which the City acquired title to Parcel A:  
  
"In the event that parking in the remainder of Eastover Park shall become necessary at some future time, solid blacktop asphalt or cement surface for the parking area will not be used, but the surface will be treated by some appropriate technique which will permit grass to grow in the parking area, i.e., that area east of Museum Plaza and west of Briar Creek."

In the event that the requirements for off-street parking established by the above restrictions should fail to satisfy the minimum requirements for off-street parking under the Ordinance, then the Petitioners reserve the right pursuant to Section 5.101(a) of the Ordinance to request of the Charlotte Board of Adjustment a variance from such minimum requirements which would allow the Petitioners to vary the design of their off-street parking to the extent necessary to comply with the restrictions set forth in the preceding paragraph.

- Parking facilities constructed on Parcel B shall be limited to surface, ground-level parking and shall be located along Museum Plaza in the manner generally depicted on this Rezoning Plan. Trees shall be planted within the parking area such that each parking space provided is located an average distance of 60 feet or less from a tree. The minimum unimproved landscape area per tree shall be 200 square feet with a minimum dimension of 8 feet.

### LIGHTING:

- A uniform lighting system will be employed throughout the Site with consideration given to the impact of lighting upon adjoining properties. Factors given consideration shall include intensity, cutoff angles, color, energy, efficiency and shielding sources of light, the intent being to eliminate glare towards adjacent residential streets and lots.

- Outdoor lighting installed within Parcel B shall be subject to the following additional requirements:
  - Lighting fixtures may not exceed 10 feet in height, may not be directed onto adjacent residential lots and must either be directed away from such lots or shielded from Parcel B's westerly property line.
  - All lighting fixtures (other than those required for security) will be extinguished daily contemporaneously with the closing of the Museum facilities to patrons and visitors.

### ARCHITECTURAL CONTROLS:

- Any building constructed upon Parcel B shall be constructed in compliance with the following minimum construction standards:
  - The exterior (exclusive of any wood trim) shall be of a traditional, residential design and composed of materials of a residential character (such as stone, stucco or brick) which are no lighter in color than the Museum's existing building.
  - No metal siding or concrete block (unless under brick or stucco) shall be used.
  - Exterior walls shall be no more than 25 feet in height (measured from ground level to gutter line) and the overall height shall not exceed 40 feet.
  - The roof shall be constructed of slate or ceramic tile, or wood or asphalt shingles, and the roof line shall be appropriately pitched (minimum of 1/12 feet) with minimal flat surface areas. If any, necessary to accomplish architectural or aesthetic purposes, skylights may be installed. No heating equipment, air conditioning equipment or antennas of any kind may be mounted on the roof of the building.
  - No unbroken exterior wall or roof line shall exceed 60 feet in length.
  - All exterior rear and/or side windows shall have shutters that are painted a color which is complementary to the exterior walls.
  - Exterior entrances and/or exits (other than fire exits) shall be located to the front and/or sides of the building.

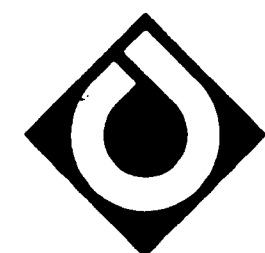
### FIRE PROTECTION:

Adequate fire protection in the form of fire hydrants will be provided to the Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before construction of the building commences.

### STORMWATER MANAGEMENT:

- Stormwater runoff from the Site will be managed through a variety of proven techniques which satisfy standards imposed by the City of Charlotte.
- Development of Parcel B shall be accomplished in a manner which will maintain or improve the current drainage on Parcel B and the adjoining residential lots.
- No required or optional stormwater detection facility will be constructed within any required buffers.





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6-8-95  
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ACCESS POINTS:

- 1. The placements and configurations of access points within the Site depicted on this Reasoning Plan are subject to any minor modifications deemed advisable to accommodate final site and architectural construction plans and designs and are further subject to approval by the City of Charlotte's Department of Transportation.
2. As more particularly provided below under subparagraph 14 of these development standards dealing with "Conditions and Covenants Which Apply to the Museum," the right is reserved to renovate and reconfigure the Museum Building's existing service entrance as depicted on this Reasoning Plan so that all vehicular traffic is required to enter the Site from Randolph Road.

CONDITIONS AND COVENANTS WHICH APPLY TO THE MUSEUM:

If this Reasoning Petition is approved, then during the time the Museum shall own, lease or occupy all or any portions of the Site, the Museum shall:

- 1. Refrain from expanding its facilities or operations in a northerly or southerly direction into the Eastover neighborhood beyond a line commencing at the intersection of the southerly margin of the right-of-way of Randolph Road with the northerly property line of Parcel B, and running the length of the northerly and westerly lines of Parcel B to the centerline of Eastover Road, thence in a westerly direction with the centerline of Eastover Road to its intersection with the easterly margin of Hempstead Place; thence in a southerly direction with the easterly margin of Hempstead Place to its intersection with the northerly margin of Museum Place; thence with the northerly margin of Museum Place to its intersection with the easterly margin of Museum Drive; thence with an extension of the northerly margin of Museum Drive to a terminus at its point of intersection with Briar Creek. This line is specifically delineated on this Reasoning Plan and shall hereinafter be referred to as the "Permanent Museum Boundary".
2. Refrain from erecting or constructing within Strickland Park (as more particularly depicted on the Reasoning Plan) any new building or other improvement (including any perimeter wall or fence) and to refrain from expanding the existing Museum Building in a westerly direction toward Hempstead Place beyond the rear face of the existing building, except for minor alterations that may be required by applicable building, health or fire codes.
3. Refrain from creating any new entrance to or exit from or reopening any previously used entrance to or exit from the rear face of the existing Museum building and to refrain from using the emergency fire exit beneath the stairs located at the rear of the existing Museum building for access to Strickland Park except for the following limited purposes:
(a) emergencies;
(b) routine building and grounds maintenance; and
(c) to service events held in Strickland Park.
4. Limit all events held in Strickland Park to functions sponsored by the Museum and its affiliates which:
(a) Are conducted during no more than ten (10) days per year (unless consented to by at least 4 of the owners of the lots which abut Parcel B);
(b) Begin no earlier than 9:00 o'clock a.m. and conclude no later than 9:00 o'clock p.m.; and
(c) Are conducted without the use of amplified sound.

5. Cause invitations to and announcements of each event described above under subparagraph 4 to state that parking will be provided by way of Randolph Road.

6. Cause Special Events (as defined below) to:

- (A) Be limited to twenty-five (25) per year (unless consented to by the owners of at least four of the lots which abut Parcel B), a maximum of fifteen (15) of which may make use of amplified sound that carries beyond the Permanent Western Boundary or beyond Parcel C;
(B) Conclude no later than 11:00 o'clock p.m.; and
(C) Not to be held simultaneously with any event held in Strickland Park.

7. Cause a member or members of its staff or an independent contractor to monitor those portions of the Eastover neighborhood streets abutting on the Permanent Western Boundary during all Special Events (as defined below under subparagraph 6) and to exert reasonable efforts to facilitate the safe and orderly flow of traffic and easy access of health and safety vehicles.

8. Cause the swinging gates to Eastover Park on the Museum Drive side of the existing Museum Building (the "swing gates") to be locked during all Special Events and during the hours the Museum is closed to patrons or visitors; and, if two-thirds (2/3) of all members of the Board of Directors of the Eastover Residents Association following a hearing of which the Museum shall have been provided written notice and an opportunity to be heard, vote to lock the south gates continuously, then (subject only to the provisions of the next succeeding paragraph) to so lock the south gates for a period not to exceed one (1) year, which one (1) year period will be extended for additional one (1) year periods upon similar notice, hearing and a vote to extend for another year taken by the Board of Directors of the Eastover Residents Association.

Notwithstanding the foregoing provisions of this subparagraph (8), the Museum shall be permitted to use the south gates at all times for the following limited purposes:

- (a) emergencies;
(b) routine building and grounds maintenance of the Museum's facilities;
(c) to gain access to and from the rear of the Museum Building during events held in Strickland Park; and
(d) to gain access to and from the rear of the Museum Building for viewing by tours taking place at any time other than a Special Event which are guided or accompanied by a representative of the Museum.

(For purposes of subparagraphs 6, 7 and 8 above, the term "Special Events" shall mean and include any single gathering, exhibit, festival, concert, party, service, or meeting held outdoors on Parcel A and/or Parcel B, of no more than one (1) day's duration and sponsored or permitted by the Museum (excluding events held in Strickland Park pursuant to the provisions of subparagraph 4 above), whether for private or public attendance, where (i) amplified sound is used of a magnitude that carries beyond any part of the Permanent Western Boundary; or (ii) attendance is expected to exceed or does in fact exceed one hundred fifty (150) persons.)

9. Refrain from using any part of Parcel C for Special Events.

10. Cause the existing pedestrian gate in the fence which crosses Eastover Road (as depicted on this Reasoning Plan) to remain locked at all times prior to the reconfiguration of the service area as provided below under subparagraph 12, except in the case of emergencies and for routine building and grounds maintenance.

11. Use reasonable efforts to discourage patrons and volunteers from entering the Museum Property from the Eastover neighborhood and, unless waived in writing by the owners of at least four of the lots which abut Parcel B, require its employees to enter the Museum complex from Randolph Road and to park their vehicles within the Museum's designated parking areas.

12. Exert its best efforts to ensure that all activities taking place on Parcel A or Parcel B are conducted in compliance with the noise regulations of the City of Charlotte (Sections 15-66 through 15-71 of the City Code) which are in effect as of the date on which this Reasoning Petition is filed.

13. Renovate and reconfigure its existing service entrance so that all vehicular traffic is required to enter the Museum complex from Randolph Road prior to the issuance of a Certificate of Occupancy for: (a) any new building or the expansion of its existing building on Parcel A, or (b) any improvements to Parcel B (other than landscaping within Buffer Areas which may take place at any time) and conditioned upon the ability of the Museum, using good faith efforts, to obtain all necessary approvals and permits therefor. In this connection, the Petitioners reserve the right, pursuant to the provisions of Section 5.101(a) of the Ordinance, to request of the Charlotte Board of Adjustment a variance from any code requirements that may be needed to reorient the service area. Incidental to any such reorientation of the service area, the Museum must cause one of the vehicular gates installed within the wall line in front of the existing service area (the "service area gates") to be permanently closed and, as a part of such reconfiguration, upgrade the service area gates by installing an architecturally appealing solid surface to provide an effective screen between the service area and Eastover Road. The Museum will be permitted to use the service area gate which is not permanently closed as a pedestrian service gate but such gate must remain locked at all times except for: (i) emergencies; (ii) routine building and grounds maintenance; and (iii) the servicing of events held in Strickland Park.

14. Install curbing (and replace landscaping, if necessary) in the manner and in the approximate areas depicted on the Site Plan contemporaneously with the renovation and reconfiguration of its service area in order to insure that vehicular traffic providing service to the Museum will have no further use of Eastover Road.

15. In addition to the reconfiguration of the service area, and contemporaneously therewith, either relocate the fence that crosses Eastover Road so that the relocated fence does not separate the pump house now located between the service area and Eastover Road from the Museum fountain located at the main entrance to the Museum Building; or, install a new gate adjacent to the reconfigured service entrance which must be locked at all times other than for servicing the pump house and, in addition, permanently remove or seal permanently shut the existing pedestrian gate located in the fence.

16. Upon the request and at the expense of the owner(s) of the Thurston Lot (as depicted on this Reasoning Plan) at any time after the renovation and reconfiguration of its service area, initiate a petition seeking withdrawal from public dedication that portion of Eastover Road in the Thurston Lot. If any part of Eastover Road is withdrawn from dedication and if solicited by any owner(s) of the Thurston Lot to do so, the Museum shall also request the City to permit such owner (or the owner's nominee) to enter upon Parcel A for the purpose of removing therefrom the pavement, curbing and other roadway improvements

located upon that portion of the withdrawn Eastover Road located upon Parcel A after receiving assurances from the owner that the affected area will be landscaped in a manner and appearance similar to that of Strickland Park; it being understood that any such removal and landscaping shall be at the sole cost and expense of the requesting owner(s). Additionally, if the portion of Eastover Road which abuts the Thurston Lot is withdrawn from public dedication, the Museum shall, upon request of the owner(s) thereof, encourage the City to allow the owner(s) thereof to encroach upon that part of the City's property which is reasonably necessary to accommodate the construction of a gate across the driveway (currently a portion of Eastover Road) that leads to the rear of the Thurston Lot.

PLANT LIST FOR MINT MUSEUM BUFFER PLANTING

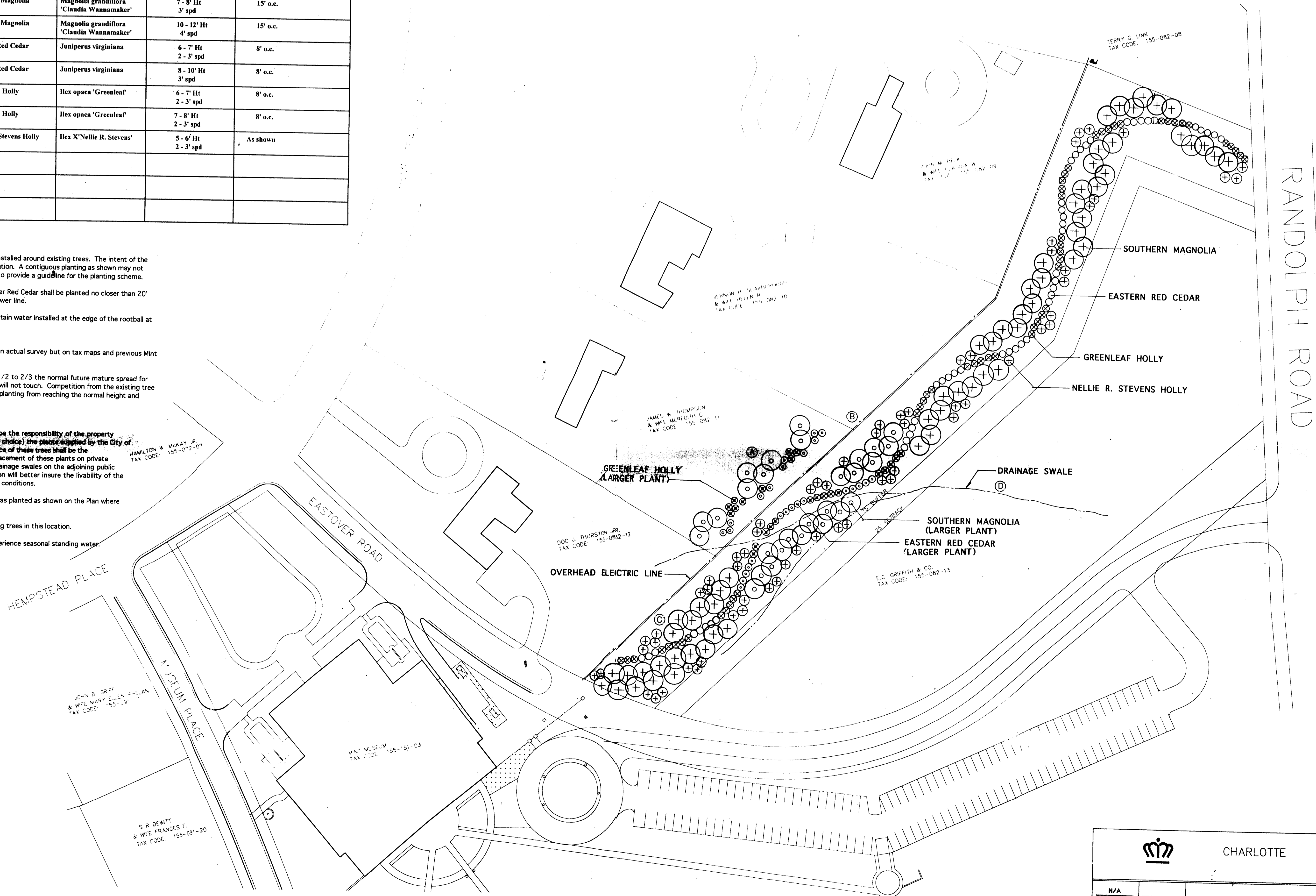
Table with 6 columns: QUANTITY, KEY, COMMON NAME, BOTANICAL NAME, SIZE, SPACING. Lists plants like Southern Magnolia, Eastern Red Cedar, American Holly, and Nellie R. Stevens Holly with their respective quantities and spacing requirements.

GENERAL NOTES

- The proposed Buffer planting shall be installed around existing trees. The intent of the Buffer is to intensify the existing vegetation. A contiguous planting as shown may not actually occur in the field. The plan is to provide a guideline for the planting scheme.
The Magnolia, American Holly, and Eastern Red Cedar shall be planted no closer than 20' (preferable 25') from the overhead power line.
All plants shall have a saucer berm to retain water installed at the edge of the rootball at planting.
Property lines shown are not based on an actual survey but on tax maps and previous Mint Museum construction drawings.
Plant diameters shown on the plan are 1/2 to 2/3 the normal future mature spread for each species. At installation the plants will not touch. Competition from the existing tree canopy may prevent or impede the new planting from reaching the normal height and spread for each particular species.

SPECIAL NOTES

- Plants shown on private property shall be the responsibility of the property owner to install (through means of their choice) the plants supplied by the City of Charlotte. Establishment and maintenance of these trees shall be the responsibility of the property owner. Placement of these plants on private property is as a result of the existing drainage swales on the adjoining public property. The proposed planting location will better insure the livability of the Buffer by providing more sound growing conditions.
There shall be a concentration of Magnolias planted as shown on the Plan where property lines meet.
Vines are to be removed from the existing trees in this location.
Avoid areas during planting that will experience seasonal standing water.



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Project information form for Charlotte, Mint Museum / Griffith Property. Includes fields for Job No., File No., AS BUILT DATE, Scale (1"=50'), and a revision table. The revision table shows a single revision on 8/04.