

Rezoning
Petition
for
Public Hearing-
Petition
#2005-090

REVISED
23 May 2005
15 July 2005



A New Office
Building
at
1017 Morehead
Street

Project 05MHD275
Drawn KCC
Checked KCC
Date 17 March 2005
Jenkins•Peer Architects copyright 2005

Schematic
Site Plan

23 MAY 05
REVISION 1 -
PLANNING COMMISSION
MAY 10, 2005
REVIEW COMMENTS
15 JULY 05
REVISION 2 -
OWNER CHANGES

DEVELOPMENT STANDARDS
Morehead Properties, Incorporated

General Provisions

These Development Standards form a part of the Rezoning Site Plan associated with the Rezoning Petition filed by Morehead Properties, Incorporated to accommodate the continued use of approximately 2.877 acre parcel of land located at 1017 and 1043 East Morehead Street (the "Site"), which Site is more particularly depicted on the Rezoning Site Plan, and the re-development of the Site. The Site is comprised of two separate parcels of land that are designated as Parcel Nos. 125-201-07 and 125-201-10 on the Mecklenburg County Tax Maps. Parcel No. 125-201-07 is designated on the Rezoning Site Plan as "Parcel A", and Parcel No. 125-201-10 is designated on the Rezoning Site Plan as "Parcel B".

Development and use of the Site will be governed by the Rezoning Site Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Site Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District ("MUDD") zoning district shall govern the development and use of the Site.

The existing building and other improvements located on Parcel A may remain and be utilized until such time as Parcel A is re-developed. To the extent that the existing building and other improvements located on Parcel B do not conform to any requirement of the MUDD zoning district, the Petitioner shall not be required to bring the building or any other improvements or any non-conforming portions thereof into compliance with the requirements of the MUDD zoning district pursuant to Section 9.8506(3) of the Ordinance. However, any expansion of the existing building or the re-development of Parcel A must conform to the requirements of the MUDD zoning district and the requirements of this Rezoning Site Plan, and as more particularly described herein, a change of use will require that Parcel A be brought into compliance with Sections 9.8506(2)(b)(Screening), 9.8506(2)(d)(Streetscape) and 9.8507(4)(Location of Required Parking) of the Ordinance.

The existing building and other improvements located on Parcel B may remain and be utilized until such time as Parcel B is re-developed. To the extent that the existing building and other improvements located on Parcel B do not conform to any requirement of the MUDD zoning district, the Petitioner shall not be required to bring the building or any other improvements or any non-conforming portions thereof into compliance with the requirements of the MUDD zoning district pursuant to Section 9.8506(3) of the Ordinance. However, any re-development of Parcel B must conform to the requirements of the MUDD zoning district and the requirements of this Rezoning Site Plan, and as more particularly described herein, a change of use will require that Parcel B be brought into compliance with Sections 9.8506(2)(b)(Screening), 9.8506(2)(d)(Streetscape) and 9.8507(4)(Location of Required Parking) of the Ordinance.

The re-development of Parcel A as depicted on the Rezoning Site Plan represents the most alternative potential development scenario for this parcel, and subject to the terms of these Development Standards, the Petitioner reserves the right to re-develop Parcel A with a smaller building and less parking. Accordingly, the re-development of Parcel A as depicted on the Rezoning Site Plan is schematic in nature and subject to the provisions set forth below, the location, construction, and use of the building footprint outlined on the Rezoning Site Plan for Parcel A may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Rezoning Site Plan. The parking layout may also be modified to accommodate the final building location. Ancillary facilities and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.

Permitted Uses

The Site may be devoted to the uses set out below:

- Professional business and general office uses such as banks, clinics, medical and dental offices and laboratories, government offices, opticians' offices and similar uses.
- The following limited commercial uses: boutique sales including art galleries, apparel, shoes, books, stationery, curio gifts, office products, computers, consumer electronics, home furnishings, jewelry, luggage, leather goods, optical goods, candy and similar uses. In no event shall a restaurant be permitted, however, limited and ancillary food sales (such as coffee and muffins) as part of a bookstore or a similar use shall be permitted. The foregoing limited commercial uses shall only be permitted on the first floor of the building located on Parcel A and on the first floor of the building located on Parcel B.
- Accessory uses permitted in the MUDD zoning district.

Maximum Building Area

- The maximum gross floor area of any building located on Parcel A shall be 35,000 square feet.
- The existing building located on Parcel B contains approximately 48,200 square feet of gross floor area. The maximum gross floor area of any building located on Parcel B shall be equal to the amount of gross floor area in the existing building located on Parcel B.
- Surface and structured parking areas shall not be counted towards the maximum gross floor area of the building located on Parcel A or the building located on Parcel B.

Maximum Building Height

Buildings located on the Site shall not exceed 60 feet in height above average grade.

Setbacks, Side Yards and Rear Yards

The buildings located on the Site shall be setback from the existing curb line along East Morehead Street a minimum of 40 feet. Parking areas shall be setback a minimum of 34 feet from the existing curb line along East Morehead Street, provided, however, that parking areas may be located directly between any building located on the Site and East Morehead Street. The buildings located on the Site shall also satisfy or exceed the rear yard and side yard requirements established under the Ordinance for the MUDD zoning district as more particularly depicted on the Rezoning Site Plan. The building and parking areas may be located within the development area boundaries outlined on the Rezoning Site Plan.

Canopies, awnings and similar architectural accents may be constructed of rigid or flexible material designed to complement the streetscape of the area, and they may extend from the building up to one half of the width of the setback area in front of the building, or nine feet, whichever is less, and they may not be closer than two feet to the back of the curb. Ground supports for these features are not permitted in the minimum setback, sidewalk or in the public right of way. In no instance shall such features extend over or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be eight feet. If a canopy, awning, cornice or other appearance extends into the public right of way, an encroachment agreement from CDOT shall be required.

Design and Performance Standards

- New development on the Site will conform to Section 9.8506 of the Ordinance.
- In the event that the existing building located on Parcel B is demolished and Parcel B is re-developed, then any new development on Parcel B will conform to Section 9.8506 of the Ordinance and the design and performance standards set out below.
- The existing 6 foot sidewalk and 8 foot planting strip located along the Site's frontage on East Morehead Street will remain and fulfill the streetscape requirements set out in Section 9.8506(2)(4) of the Ordinance.
- Subject to the Petitioner's right to request a permit from the City of Charlotte to remove any trees pursuant to the City of Charlotte Tree Ordinance, all trees located within the right-of-way for East Morehead Street and the 40 foot setback from the existing curb line along East Morehead Street will be preserved and protected during the grading and construction process.
- Pursuant to Section 9.8506(2)(b) of the Ordinance, any expansion of the existing building located on Parcel A or a change of use will require Parcel A to meet the screening requirements of the Ordinance. Pursuant to Section 9.8506(2)(b) of the Ordinance, a change of use on Parcel B will require Parcel B to meet the screening requirements of the Ordinance.

All roof mounted mechanical equipment placed on any new building constructed on the Site will be screened from view at grade from adjoining public rights-of-way and abutting properties.

Any lighting attached to any new building constructed on the Site shall be decorative, capped and downwardly directed. Wall-mounted decorative light fixtures such as sconces shall be permitted. Standard "wall-pat" type lighting will not be permitted on any new building constructed on the Site. Newly installed freestanding lighting fixtures on the Site shall be capped and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site. Consideration will be given to the impact of lighting both within and without the perimeter of the Site. Items for consideration will include intensity, cut-off angles, color, energy efficiency and shielding of sources of light, the intent being to eliminate glare towards public streets and adjacent properties.

At least 75% of the non-glass and non-door areas of the elevations of any new building constructed on the Site shall be constructed with brick, stone, synthetic stone or masonry materials.

Windows on the ground floor of any new building constructed on the Site shall have transparent glass.

The design and construction of any new building constructed on the Site will comply with Section 9.8506(2)(a) of the Ordinance entitled "Street Walls".

- A minimum of 125 off street parking spaces will be provided on Parcel B.
- Off street parking will be provided on Parcel A at the rate of one off street parking space per 50 square feet of gross floor area.
- If necessary to accommodate the required number of off street parking spaces on Parcel A, the Petitioner will construct a maximum two level parking structure on Parcel A as generally depicted on the Rezoning Site Plan.
- In the event that Parcel A and Parcel B are owned by different parties, then appropriate cross easements for parking shall be granted by and to each owner.

Pedestrian Connectivity

In the event that Mecklenburg County, the City of Charlotte or another third party constructs a pedestrian walkway or connection from Pearl Street Park to the northern property line of Parcel B, the Petitioner shall install a gate in the fence located on the northern property line of Parcel B to allow pedestrian access to and from Parcel B from and to Pearl Street Park.

Urban Open Space

Urban open space shall be provided as depicted on the Rezoning Site Plan.

Bus Waiting Pad

Petitioner shall install a bus waiting pad on Parcel A in the location of the existing curb cut located adjacent to the parcel of land located at 1011 East Morehead Street (Tax Parcel No. 125-201-06). The bus waiting pad shall be consistent with CATS development standard 60.01A.

Vehicular Access/Transportation

Vehicular access shall be as generally depicted on the Rezoning Site Plan. The placement and configuration of the access point are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation. In the event that Parcel A and Parcel B are owned by different parties, then appropriate cross easements for access shall be granted by and to each owner.

Tree Ordinance

The parking lot located on Parcel B is an existing parking lot and shall not be required to comply with the requirements of the City of Charlotte Tree Ordinance. The parking area on Parcel A shall comply with the requirements of the City of Charlotte Tree Ordinance.

Storm Water Management

Storm water runoff from the new development located on Parcel A will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte and the Charlotte Mecklenburg Storm Water Design Manual.

Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications.

Signs

Subject to Section 9.8506(3) of the Ordinance with respect to the existing buildings located on Parcels A and B, all signs shall comply with the requirements of Section 9.8506(c) of the Ordinance and the applicable requirements of the City of Charlotte Sign Ordinance.

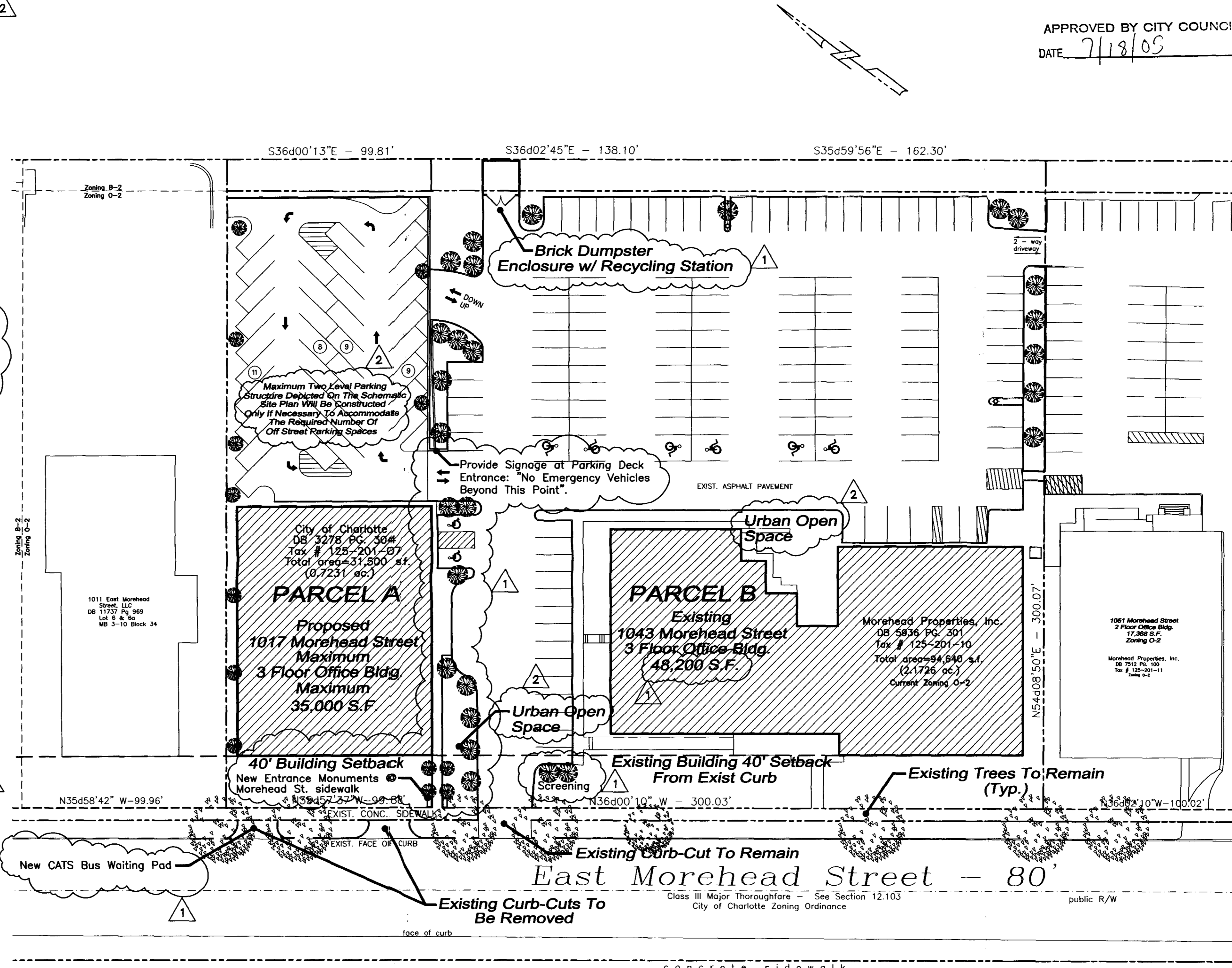
Assessments to Rezoning Plan

Future amendments to the Rezoning Site 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.

Binding Effect of the Rezoning Documents and Definitions

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under this Rezoning Site Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the 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 the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.



APPROVED BY CITY COUNCIL
DATE 7/18/05

JUL 26 2005

1 SCHEMATIC SITE PLAN
1-30'-0"