

<b>EXISTING INFORMATION:</b>	
TOTAL AREA TO BE REZONED:	2.725 ACRES
EXISTING ZONING:	UR1 AND UR2
PROPOSED ZONING:	MUDD - O

	PROPERTY TO BE REZONED
	EXISTING PROPERTY LINES
	EXISTING BUILDINGS TO BE DEMOLISHED

APPROVED BY  
CITY COUNCIL  
SEP 16 2008

NORTH

GRAPHIC SCALE

**MUDD OPTIONAL DEVELOPMENT STANDARDS**  
**3RD Ward MIXED USE**  
**8/04/08**



Development of the Site will be governed by the Technical Data Sheet (RZ-2) the Schematic Site Plan (RZ-4) the Schematic Elevations (RZ-3), these Development Standards, and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet, Schematic Site Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District Optional (MUDD-O) Zoning Classification, subject to the Optional Provisions provided below, shall govern all development taking place on this Site.

- Statements with respect to the Graphics which are set forth on Exhibits accompanying the Technical Data Sheet.
- The ultimate layouts of the development proposed for the Site and the parcels or lots forming parts thereof, the exact alignments of the highways and points of access, the configurations and placements of parking areas and the precise locations, of buildings and parking decks and other individual site elements to be constructed have not been finalized. As a consequence, the graphics which accompany the Technical Data Sheet are schematic in nature and are not to be considered a final plan. The graphics are preliminary graphic representations of the types and quality of development proposed.
- The Schematic Site Plan may, therefore be altered or modified during the design development and construction document phases within the maximum building envelope lines established on the Technical Data Sheet, subject to the accompanying Development Standards and Section 6.207 of the Ordinance.
- Without limiting the generality of the foregoing, buildings generally depicted on the Schematic Site Plan may be combined or separated provided that the maximum number of buildings may be increased beyond four (4) as generally depicted on the Schematic Site Plan (it being understood that structures such as ATMs, kiosks, enclosed service areas and the like shall not be considered in connection with the number of buildings). Buildings depicted on the Schematic Site Plan may be constructed in phases over time and in any sequence as determined by the Petitioner.
- However, buildings within Area 1 and Area 2 must be built concurrently. As described in Section 3 b below, the Site shall be viewed as a "Planned Development" plan.

2. Permitted Uses and Maximum Development.  
 The Site may be devoted to retail/commercial/restaurant, hotel, office and/or residential uses along with associated accessory uses and surface and/or structure parking and service areas as allowed under the Ordinance in a MUDD District; subject, however, to the following development restrictions and provisions:

- Within Building/Parking Area 2 and 3 the total gross square footage of building area will be limited to 440,000 square feet of gross floor area (as hereinafter defined). Section b, c, d, and e below establish the maximum square footage of the allowed uses. The sum of which cannot exceed the above stated square footage.
- Subject to the maximum area limitations described above in item "a". In addition to other development permitted in this Section 2, up to 60,000 square feet of gross floor area (as hereinafter defined) for retail/commercial/restaurant uses may be developed on the Site. These proposed uses to be constructed within Building/Parking Area 2 and 3. These uses will be limited to the first and second floors of any buildings constructed on the site.
- Subject to the maximum area limitations described above in item "a". In addition to other development permitted in this Section 2, up to 250 hotel rooms and associated accessory uses may be constructed within Building/Parking Area 2 and 3. When calculating allowed development rights as described in item "a" above for hotel uses the lesser of the number of hotel rooms or the gross square footage (as hereinafter defined) will control the amount of hotel development allowed.
- Subject to the maximum area limitations described above in item "a". In addition to other development permitted in this Section 2, up to 200,000 square feet of gross floor area (as hereinafter defined) for office uses may be constructed within Building/Parking Area 2 and 3.
- Subject to the maximum area limitations described above in item "a". In addition to other development permitted in this Section 2, up to 350 residential units and associated accessory uses may be constructed within Building/Parking Area 2 and 3. When calculating allowed development rights as described in item "a" above for residential uses the lesser of the number of units or the gross square footage (as hereinafter defined) will control the amount of residential development allowed.
- In addition to other development permitted in this Section 2, up to 30 attached residential units may be constructed within Building/Parking Area 1 on the Site. Residential uses will be the only use allowed in Area 1.
- Surface level and/or structured parking areas are permitted on the Site, together with accessory uses permitted in the MUDD-O zoning district. Structure parking is limited to Building/Parking Area 2 and 3. Surface parking will not be allowed between the proposed buildings and the public streets.

- No more than four principle buildings may be constructed on the site.
  - The following use will not be permitted on the site: gasoline sales facilities, equipment rental and leasing within an enclosed building, pest control and disinfecting services, repair or servicing of any article within an enclosed building the sale of which is permitted in the district, services such as exterminators, funeral homes, embalming and crematories, building material sales (wholesale and retail), car washes, and commercial rooming houses.
- For the purposes of the development limitations set forth in these Development Standards the term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of each floor of the principal building, measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall be exclusive of surface and structured parking facilities and related access areas, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), and areas devoted to uses and structures accessory to the uses on the Site. Areas devoted to outdoor dining are not intended to be included in the calculation of the square footage limitations set forth in these Development Standards, provided that any off street parking required by the Ordinance will be provided for these areas.

- Planned Development: Setbacks, Yards, Parking and Open Space Requirements
  - Except as set forth in Section 3b, below, setbacks and yards shall be provided in accordance with the Ordinance or as indicated on the technical data sheet and schematic site plan.
  - The Site shall be viewed as a "Planned Development" as defined in the Ordinance, as to the Components of the Site generally depicted on the Technical Data Sheet. As such, side and rear yards and separation standards will not be required internally between improvements located on the Site.
  - Furthermore, the Petitioner reserves the right, as allows per section 12.101 (5) of the Ordinance, to subdivide the Site and create lots within the interior of the development of the Site, with no public street frontage or side and/or rear yards or other separation standards as part of a unified development plan; provided, however, all such yard and separation standards along the exterior boundary of the Site shall be adhered to.
  - Parking may be provided by way of structured and surface parking facilities located on the Site as part of the Planned Development with such parcels, subject to compliance with the parking ratio requirements for retail/restaurant, hotel, office and residential uses set forth in the zoning ordinance for these uses within the MUDD zoning district.
  - Since development occurring on the Site is part of a Planned Development, the urban open space requirements established and defined under Section 9.8506(4) of the Ordinance will be satisfied with reference to all Components of the Site taken together. By way of example, open space located in Area 3 that exceeds the urban open space requirements for the uses within that area may be used to satisfy the urban open space requirements associated with uses in Area 2.

- Optional Development Provisions
  - The Petitioner seeks the Optional provision to allow a deviation from the building height limit of the MUDD zoning classification for building(s) located within Area 3 as generally depicted on the Schematic Site Plan. The building(s) may extend up to 180 feet in height. Building height shall be as measured as prescribed in the Ordinance. This height limit shall not apply to skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for operation and maintenance of the building, and any device used to screen such structures and equipment.

- If a parapet wall is used to screen the building equipment the height of the parapet wall will be included in the calculation of the building height.
- In the event the proposed driveway on Johnson and Wales Way has to be constructed as closed to the northern property line, as possible to accommodate the design of the driveway, the petitioner seeks an optional provision to allow maneuvering (a driveway) between the building and Johnson and Wales Way. Parking spaces will not be allowed between the building and Johnson and Wales Way.
- Design and Performance Standards
  - The proposed buildings and development will comply with all applicable Ordinance requirements except as noted above under Optional Development Provisions.
  - Building(s) within Area 1 as generally depicted on the Schematic Site Plan shall not exceed 50 feet in height. Building height shall be as measured as prescribed in the Ordinance. This height limit shall not apply to skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of the building and any device used to screen such structures and equipment. If a parapet wall is used to screen the building equipment the height of the parapet wall will be included in the calculation of building height.
  - Building(s) within Area 2 as generally depicted on the Schematic Site Plan shall not exceed 80 feet in height. Building height shall be as measured as prescribed in the Ordinance. This height limit shall not apply to skylights and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of the building and any device used to screen such structures and equipment. If a parapet wall is used to screen the building equipment the height of the parapet wall will be included in the calculation of building height.
  - Building(s) within Area 3 as generally depicted on the Schematic Site Plan shall not exceed 180 feet in height. Building height shall be as measured as prescribed in the Ordinance. This height limit shall not apply to skylights and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of the building, and any device used to screen such structures and equipment. If a parapet wall is used to screen the building equipment the height of the parapet wall will be included in the calculation of building height.

- The Petitioner will provide a pedestrian connection through the buildings constructed along W. Fourth Street as generally indicated on Sheet RZ-2 and RZ-4.
- All roof-mounted heating, ventilation, air-conditioning equipment or similar equipment for the operation and maintenance of the building will be screened from public view from the adjoining public streets and parcels.
- A landscape buffer of at least 20 feet in width will be preserved along the southern property line of the Site as generally depicted on the Schematic Site Plan. The landscaping within the landscape edge shall include as a minimum, nine (9) large maturing trees and 40 evergreen shrubs per 100 linear feet. Size and type of trees and shrubs to meet class B Buffer standards established in section 12.302.
- As the project develops, pedestrian scale lighting will be installed along both interior driveways and streets that border the Site.
- All freestanding lighting and all exterior lighting on buildings will be shielded with full cutoff fixtures and downwardly directed. The maximum height of detached lights will be limited to 20 feet. No wall "pak" type lighting shall be used, but attached decorative lighting fixtures such as sconces may be used.
- Dumpsters and recycling containers will be located in the service areas shown on the technical data sheet.
- Dumpster areas and recycling areas will be enclosed by solid fences or a brick wall with one side being a decorative steel gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side wall may be substituted for a side. Loading areas and service areas will be screened in accordance with a solid enclosure with Section 12.303 of the Ordinance.
- Off-street bicycle parking will be provided which meets or exceeds the ratio requirements of the Ordinance.

- Open Space
  - The Petitioner will provide an open space area as generally indicated on Sheet RZ-2 and RZ-4 between Johnson and Wales Way and the proposed buildings. This open space plaza area will allow for a variety of activities including areas for the ingress and egress of pedestrians and motor vehicles, as well as hardscape and landscape areas designed for people.
  - The site will comply with the Urban Open Space requirements of section 9.8506. (4) of the MUDD section of the City of Charlotte Zoning regulations.
- Signage
  - All attached and detached signage will comply with the signage provision of the Mixed Use Development District (MUDD) and the applicable provisions of Chapter 13 of the City of Charlotte Zoning regulations.
  - Building signage located more than 60 feet above the abutting street grade may not be internally illuminated or use internally-lit channel letters. Lighting for these signs, if provided, will utilize decorative lights mounted on the building and directed back at the sign(s).
- Storm Water Management
  - Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance as adopted on November 26th 2007.
  - The Petitioner shall tie-in to the existing storm water system(s). During the permitting stage of the site developments, the Petitioner shall have the immediate next receiving drainage system(s) adjacent to the Site analyzed to ensure that it will not be taken out of standard due to the development contemplated. If the existing system is not already out of standard or the contemplated development will not take such system out of standard, if it is found that the contemplated development will cause the storm drainage system(s) to be taken out of standard as described above, the Petitioner shall provide adequate on-site detention or other alternate methods to prevent this from occurring.
  - Any surface level storm water detention shall not be located in the required building setbacks or Landscape buffer.
- Transportation Commitments
  - The number of vehicular access points to the Site shall be limited to the number depicted on the Technical Data Sheet.
  - The proposed driveway to Johnson and Wales Way (access A) will be limited to a right-in and right-out driveway. However, the Petitioner has the option after the traffic projections, modeling and design for the re-alignment of Johnson and Wales Way are completed to request that the proposed driveway be modified to allow left-in and/or left-out movements if the Petitioner and CDOT can agree on a driveway design that will allow these additional movements.
  - The proposed driveway on W. Fourth Street (access B) will be a full movement driveway. Access B will provide ingress and egress to the building service area as well as the parking deck constructed on the site.
  - The proposed driveway on W. Fourth Street (access B) will not line up with the portion Victoria Avenue located on the south side of W. Fourth Street. Access B will be located as close to the western property line as possible.
  - The placement and configuration of each 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 City of Charlotte and/or the North Carolina Department of Transportation.
  - The petitioner will coordinate its roadway improvements with the City project to modify and improved Johnson and Wales Way including its intersection with West 4th Street.

The petitioner seeks the right to abandon the public street and alleys indicated on the site plan. Amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the parcels/lots within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

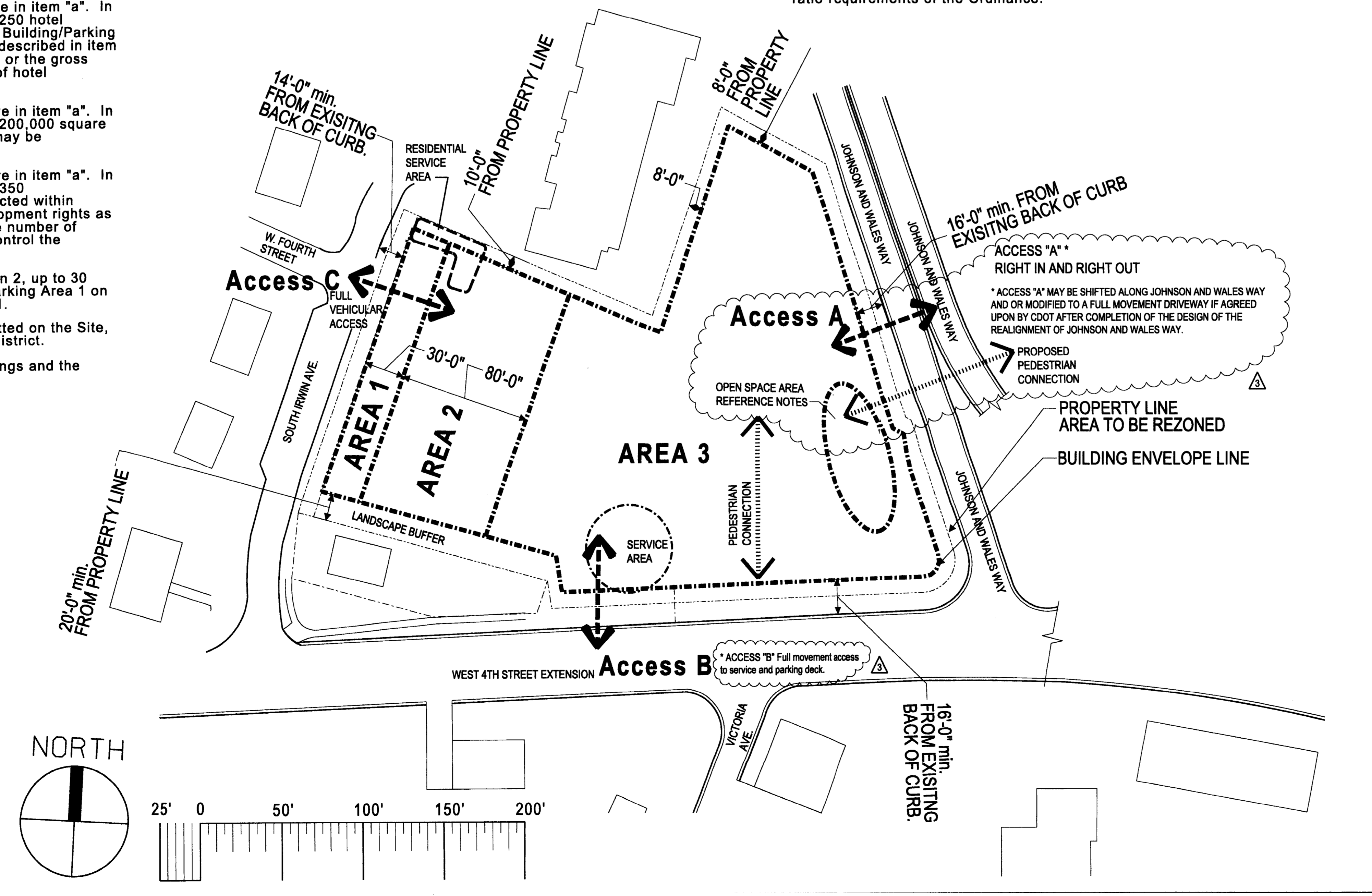
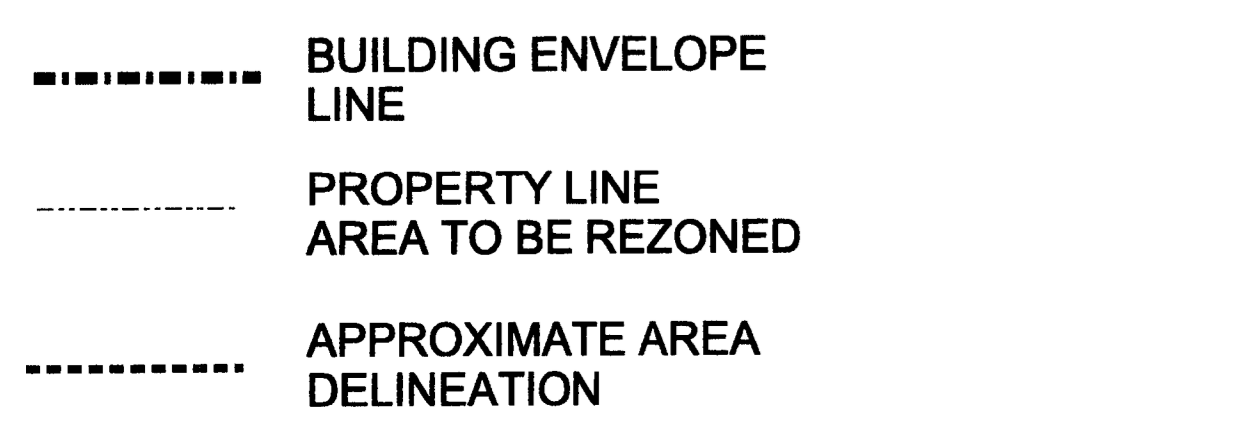
- Architectural Controls
  - The principle exterior building materials for at least 85% of the building elevations, exclusive of windows and doors, from grade level up to and including the third level on building elevations fronting streets will use one or more of the following material:  
 For the buildings located within Area 2 and Area 3 the materials will be: Cast Stone Veneer, Architectural Precast Concrete, Brick and Architectural Metal including Architectural Decorative Metal Grill work. Synthetic Stucco accents will be limited to 15% of this portion of the building elevation.  
 For the residential building located within Area 1 the materials will be: Cast Stone Veneer, Architectural precast Concrete, Brick Synthetic Stucco, Shake Shingle Siding and Lap Siding. Vinyl will not be allowed as an exterior building material.
  - The attached elevations are included to reflect the general style and quality of the buildings that will be constructed on the site (the actual buildings constructed on the site may vary from these illustrations as long as the general concepts and general intent illustrated is maintained).
  - Before the Petitioner applies for a building permit or for MUDD approval from City Engineering for any of the buildings to be constructed on the site the Petitioner will hold no less than two (2) design charrettes with the Third Ward Neighborhood Association. The intent of the design charrettes is to allow the neighborhood to have input about the style and design of the buildings including the type and amounts of building materials to be used.
- Solid Waste Management Plan
 

The petitioner will submit to Mecklenburg County Solid Waste a Solid Waste Management Plan prior to initiating demolition and/or construction activities to include, at a minimum, the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction activities; when applicable. The plan will specify that all land clearing and/or inert debris shall be taken to a properly permitted facility. The plan will also state that monthly reporting in the manner prescribed in the report will be made to Mecklenburg County Solid Waste program. The report will also include the identification and location of all facilities receiving disposed or recycled materials.

- Amendments to Rezoning Plan:  
 Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the parcels/lots within the Site involved 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 the Rezoning Plan and these Development Standards 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" 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.
    - When a conflict occurs between the Rezoning Plan and the Development Standards the Development Standards will take precedence over the Rezoning Plan.

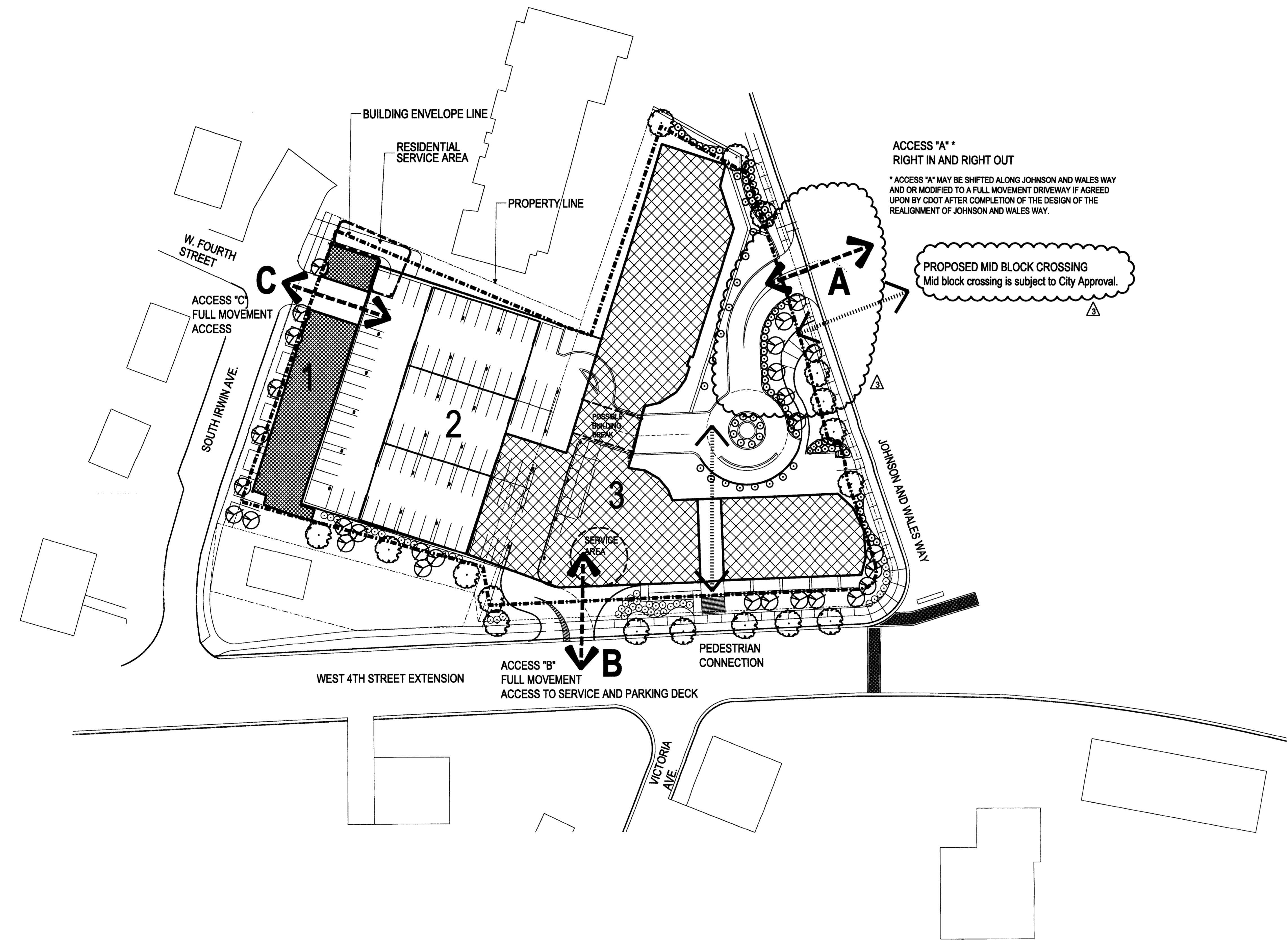
**TECHNICAL INFORMATION:**

TOTAL AREA TO BE REZONED:	2.725 ACRES
EXISTING ZONING:	UR1 AND UR2
PROPOSED ZONING:	MUDD - O
AREA 1:	
MAX. RESIDENTIAL UNITS	30 UNITS
AREA 2 AND 3:	
MAX. GROSS BUILDING SF	440,000 SF
MAX. HOTEL ROOMS	250 ROOMS
MAX. RESIDENTIAL UNITS	350 UNITS
MAX. GROSS RETAIL SF	60,000 SF
MAX. GROSS OFFICE SF	200,000 SF



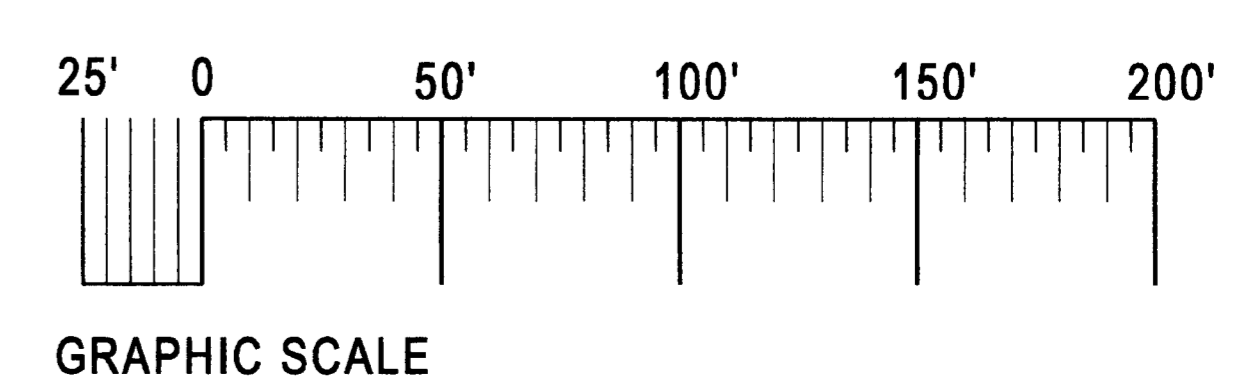
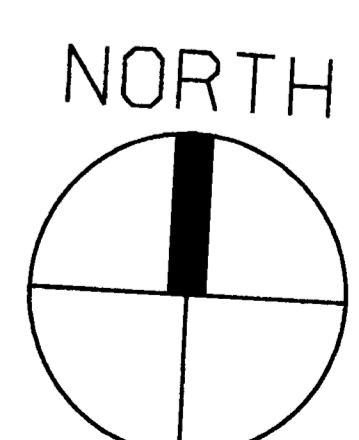
**LEGEND:**

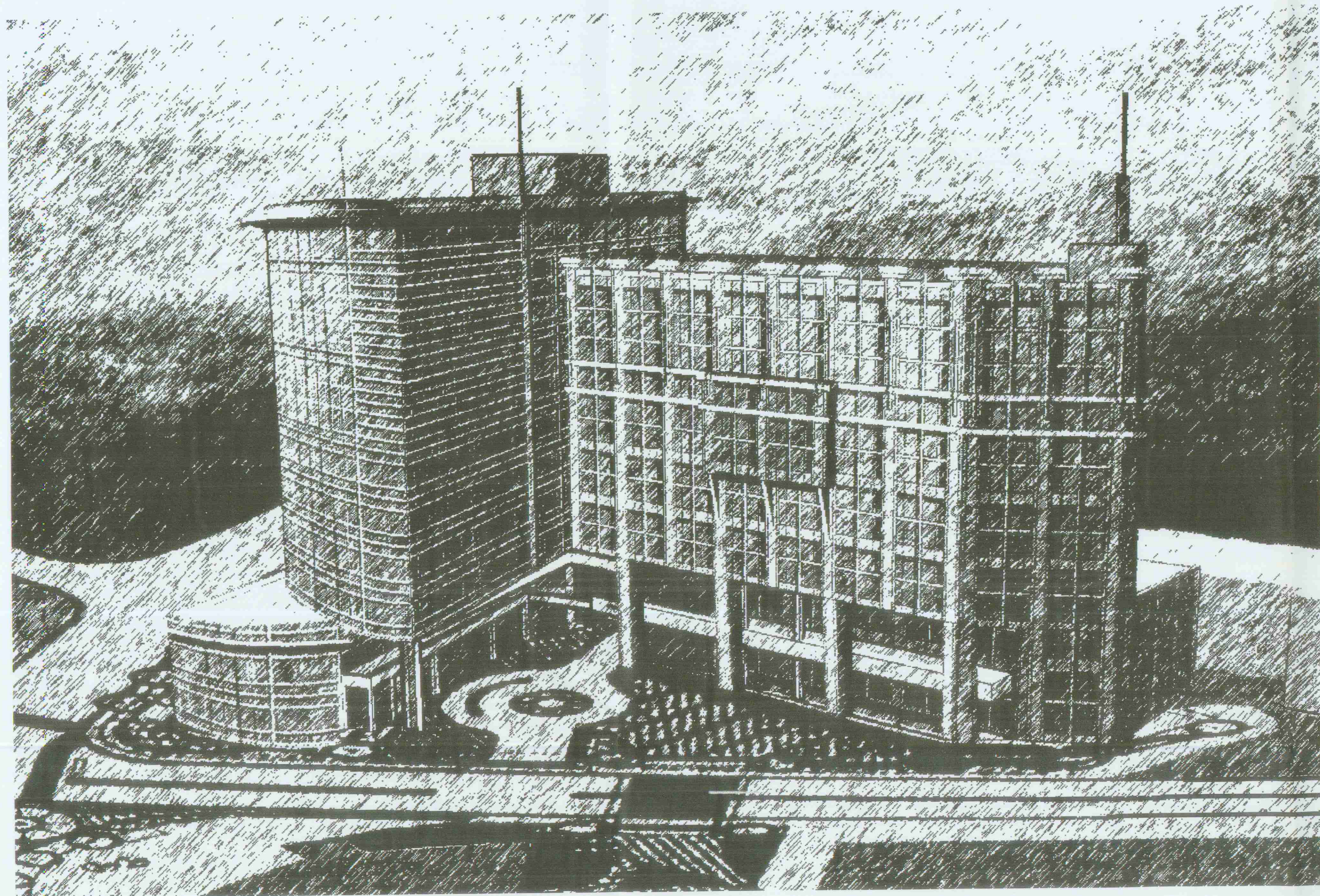
SCHEMATIC BUILDING INFORMATION	
PROPOSED NEW BUILDING BUILDING "AREA 3" MAX. OVERALL BUILDING HEIGHT 180'-0"	
PROPOSED NEW PARKING STRUCTURE BUILDING "AREA 2" MAX. HEIGHT 80'-0"	
PROPOSED NEW MULTI-FAMILY BUILDING BUILDING "AREA 1" MAX. HEIGHT 50'-0"	
PROPOSED OPEN SPACE MEET ZONING REQUIREMENTS	
TECHNICAL INFORMATION:	
TOTAL AREA TO BE REZONED:	2.725 ACRES
EXISTING ZONING:	UR1 AND UR2
PROPOSED ZONING:	MUDD - O
AREA 1: MAX. RESIDENTIAL UNITS	30 UNITS
AREA 2 AND 3: MAX. GROSS BUILDING SF MAX. HOTEL ROOMS MAX. RESIDENTIAL UNITS MAX. RETAIL SF MAX. OFFICE SF	440,000 SF 250 ROOMS 350 UNITS 60,000 SF 200,000 SF
--- BUILDING ENVELOPE LINE	
--- PROPERTY LINE	
■ BUILDING 1	
□ BUILDING 2	
▨ BUILDING 3	
GENERAL NOTE:	
This schematic site plan represents one possible arrangement of buildings on the site, but does not represent the final or only arrangement of buildings allowed. The arrangement and placement of buildings on the site may be modified as allowed by the development standards and within building envelope indicated on the technical data sheet.	



ACCESS "A"  
RIGHT IN AND RIGHT OUT  
\* ACCESS "A" MAY BE SHIFTED ALONG JOHNSON AND WALES WAY AND OR MODIFIED TO A FULL MOVEMENT DRIVEWAY IF AGREED UPON BY CDOT AFTER COMPLETION OF THE DESIGN OF THE REALIGNMENT OF JOHNSON AND WALES WAY.

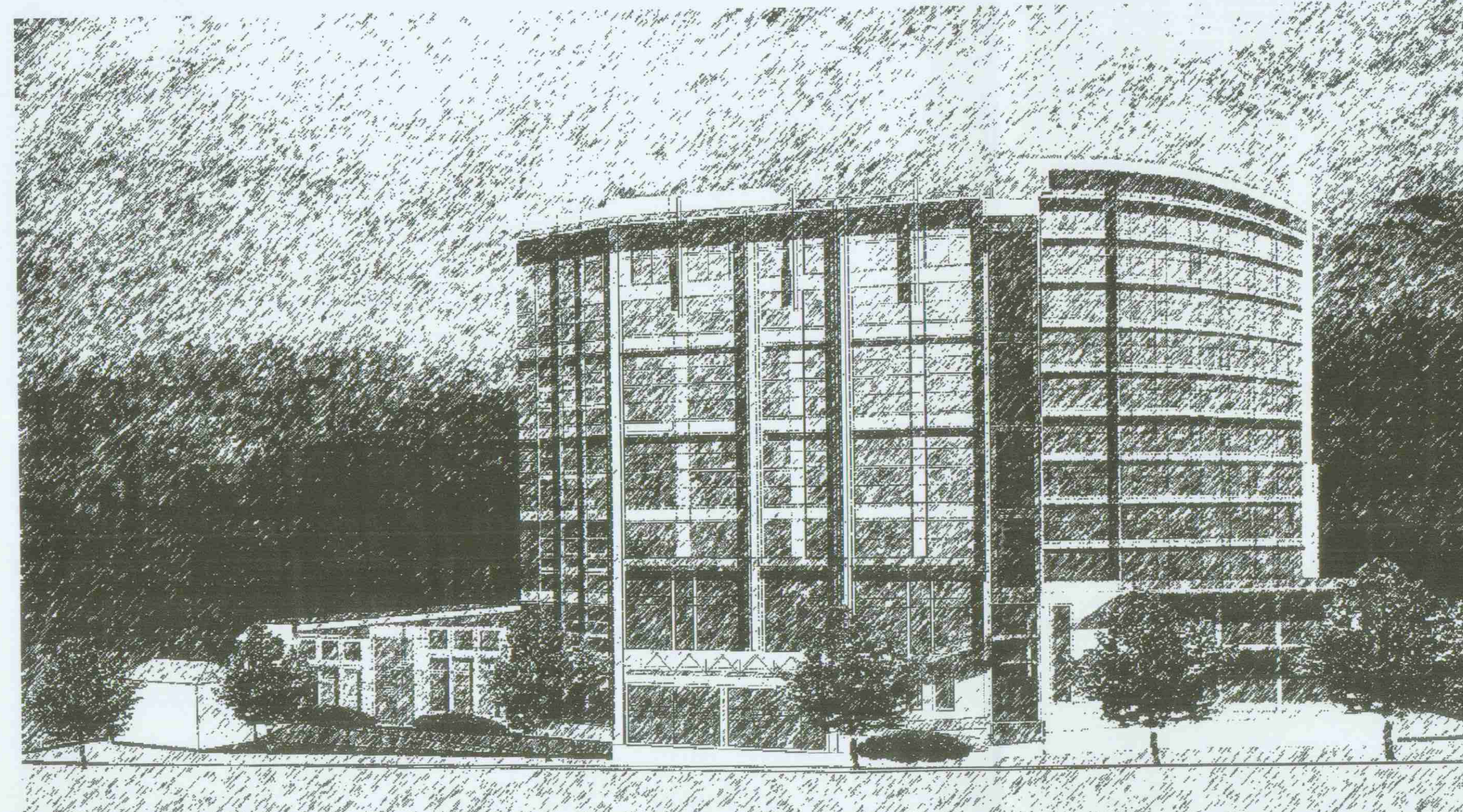
PROPOSED MID BLOCK CROSSING  
Mid block crossing is subject to City Approval.



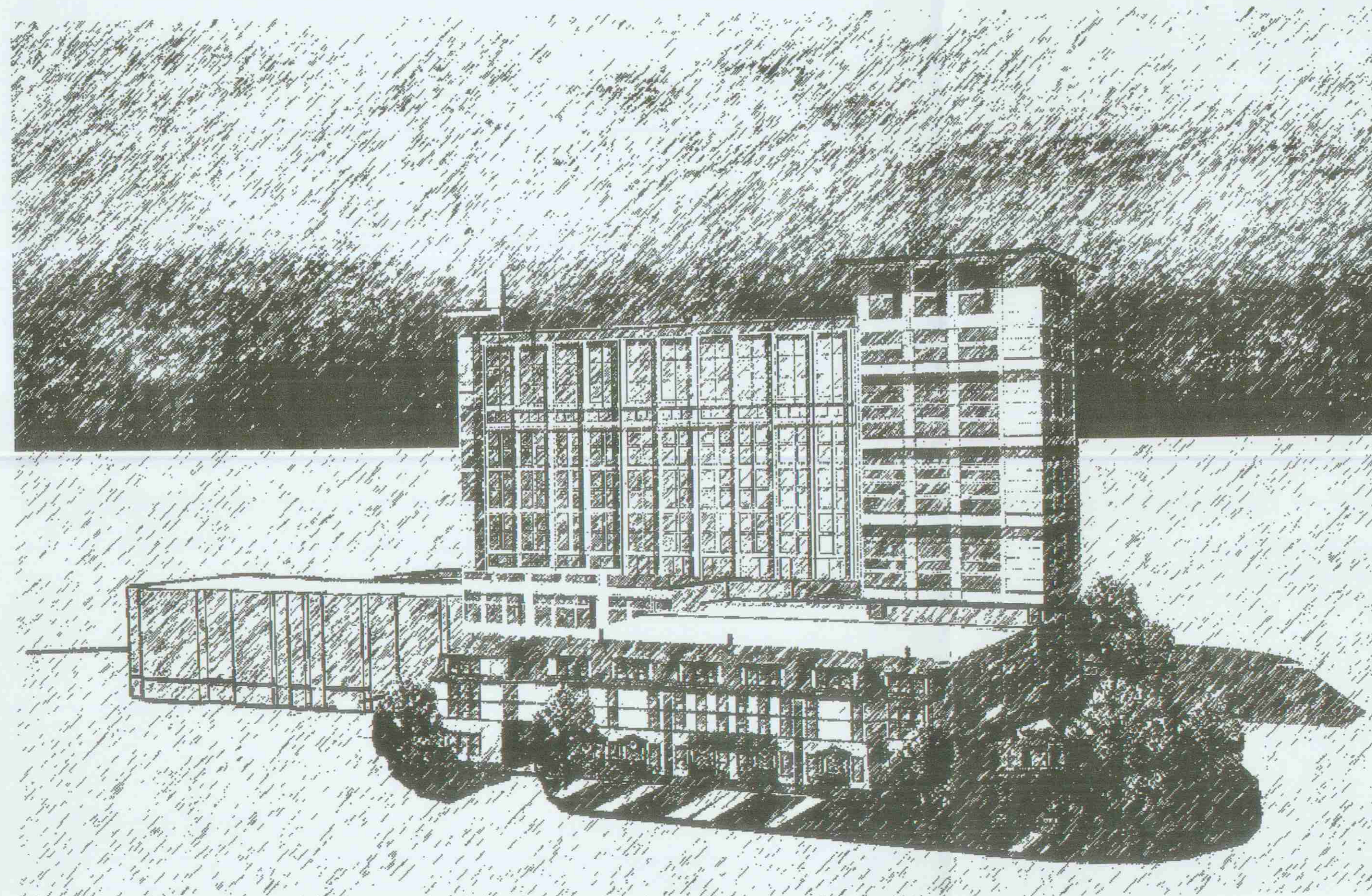


JOHNSON AND WALES WAY

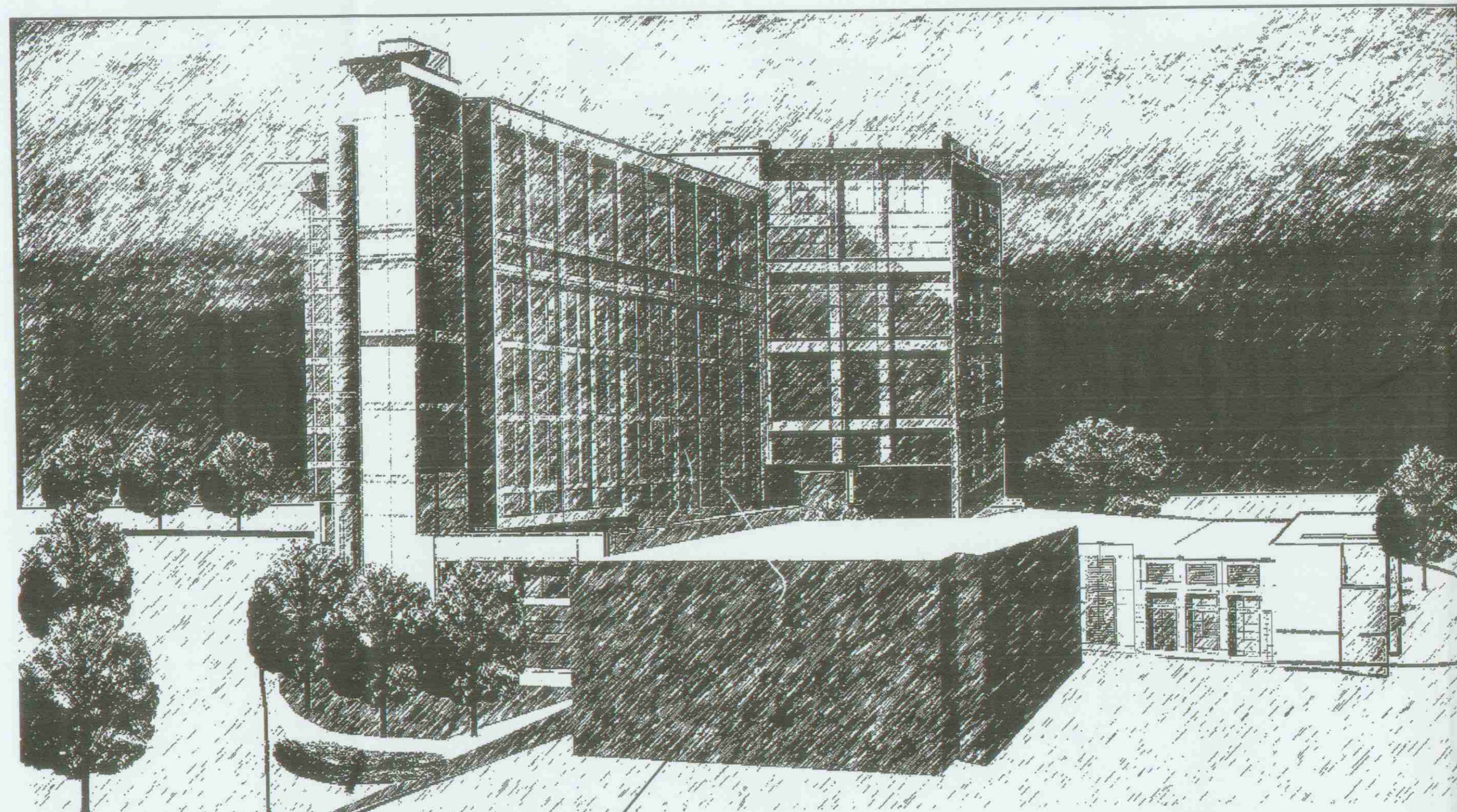
The attached elevations are included to reflect the general style and quality of the buildings that will be constructed on the site (the actual buildings constructed on the site may vary from these illustrations as long as the general concepts and general intent illustrated is maintained).



4TH STREET EXTENTION

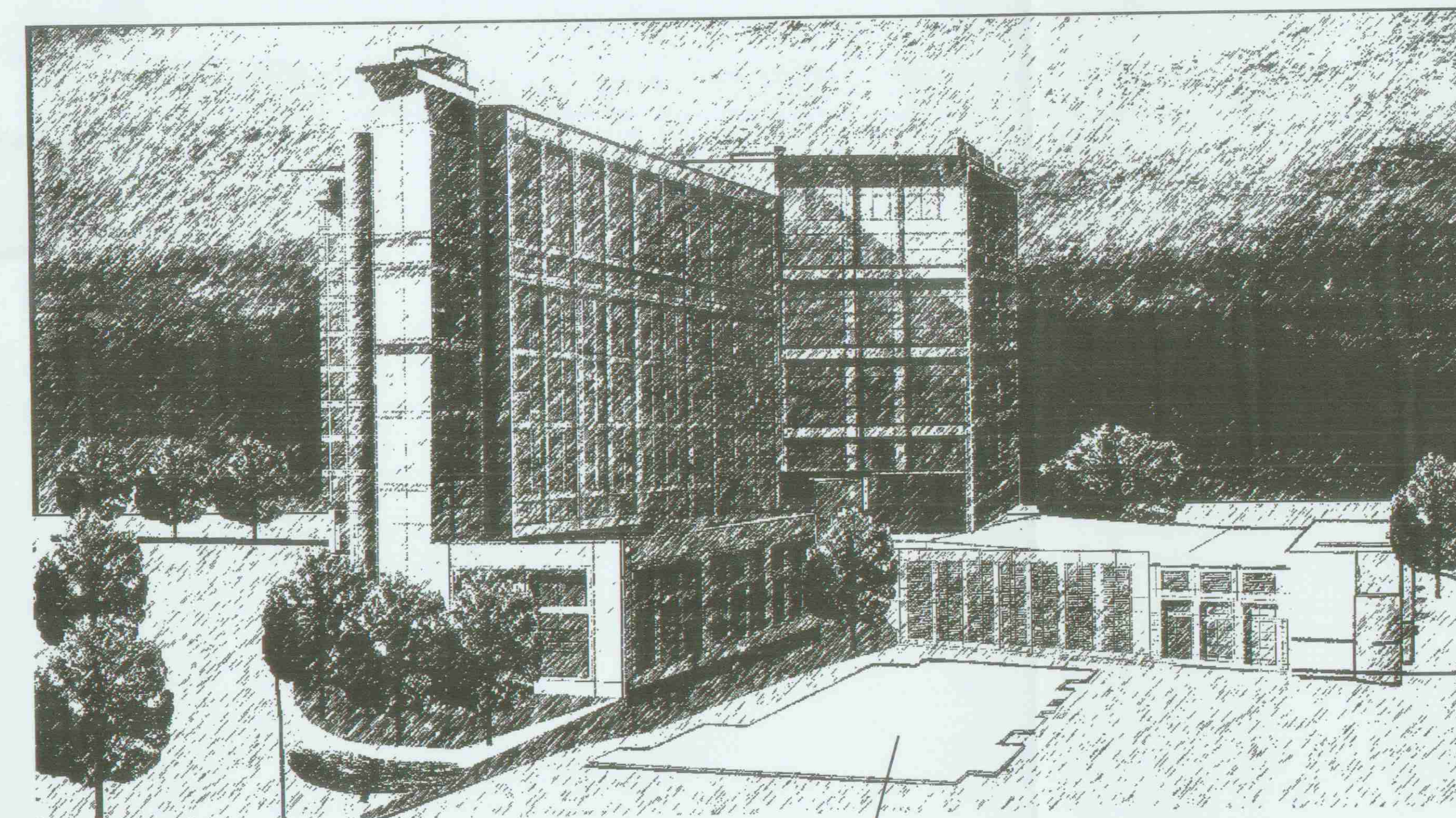


IRWIN AVENUE



EXISTING APARTMENT BUILDING

HEADING SOUTH ON JOHNSON AND WALES WAY



FOOTPRINT OF EXISTING APARTMENT BUILDING  
(NOT SHOWN IN ORDER TO VIEW PROPOSED BUILDING)