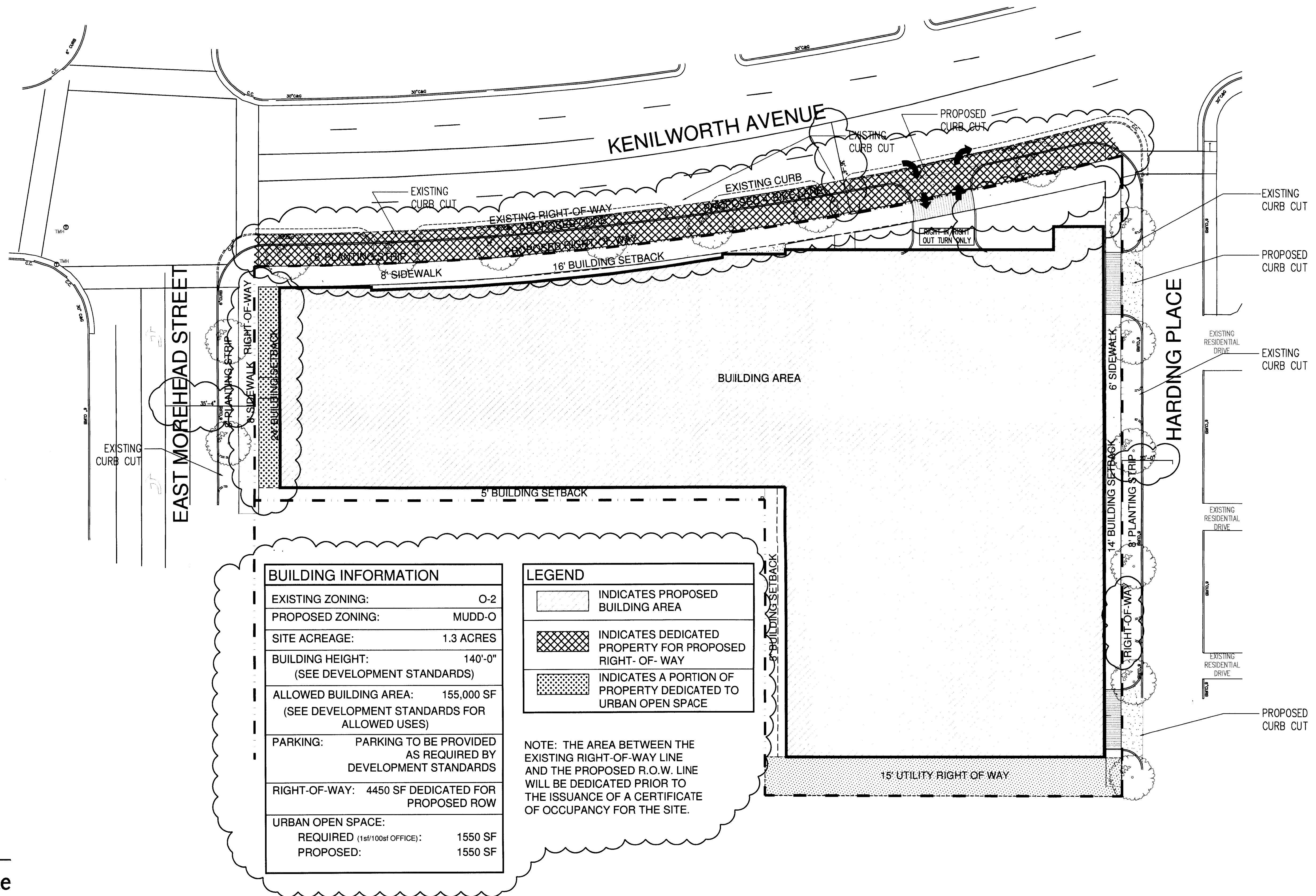


APPROVED BY
CITY COUNCIL
NOV 17 2008



BUILDING INFORMATION	
EXISTING ZONING:	O-2
PROPOSED ZONING:	MUDD-O
SITE ACREAGE:	1.3 ACRES
BUILDING HEIGHT:	140'-0"
(SEE DEVELOPMENT STANDARDS)	
ALLOWED BUILDING AREA:	155,000 SF
(SEE DEVELOPMENT STANDARDS FOR ALLOWED USES)	
PARKING:	PARKING TO BE PROVIDED AS REQUIRED BY DEVELOPMENT STANDARDS
RIGHT-OF-WAY:	4450 SF DEDICATED FOR PROPOSED ROW
URBAN OPEN SPACE:	
REQUIRED (1st/100sf OFFICE):	1550 SF
PROPOSED:	1550 SF

LEGEND	
	INDICATES PROPOSED BUILDING AREA
	INDICATES DEDICATED PROPERTY FOR PROPOSED RIGHT-OF-WAY
	INDICATES A PORTION OF PROPERTY DEDICATED TO URBAN OPEN SPACE

NOTE: THE AREA BETWEEN THE EXISTING RIGHT-OF-WAY LINE AND THE PROPOSED R.O.W. LINE WILL BE DEDICATED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE SITE.

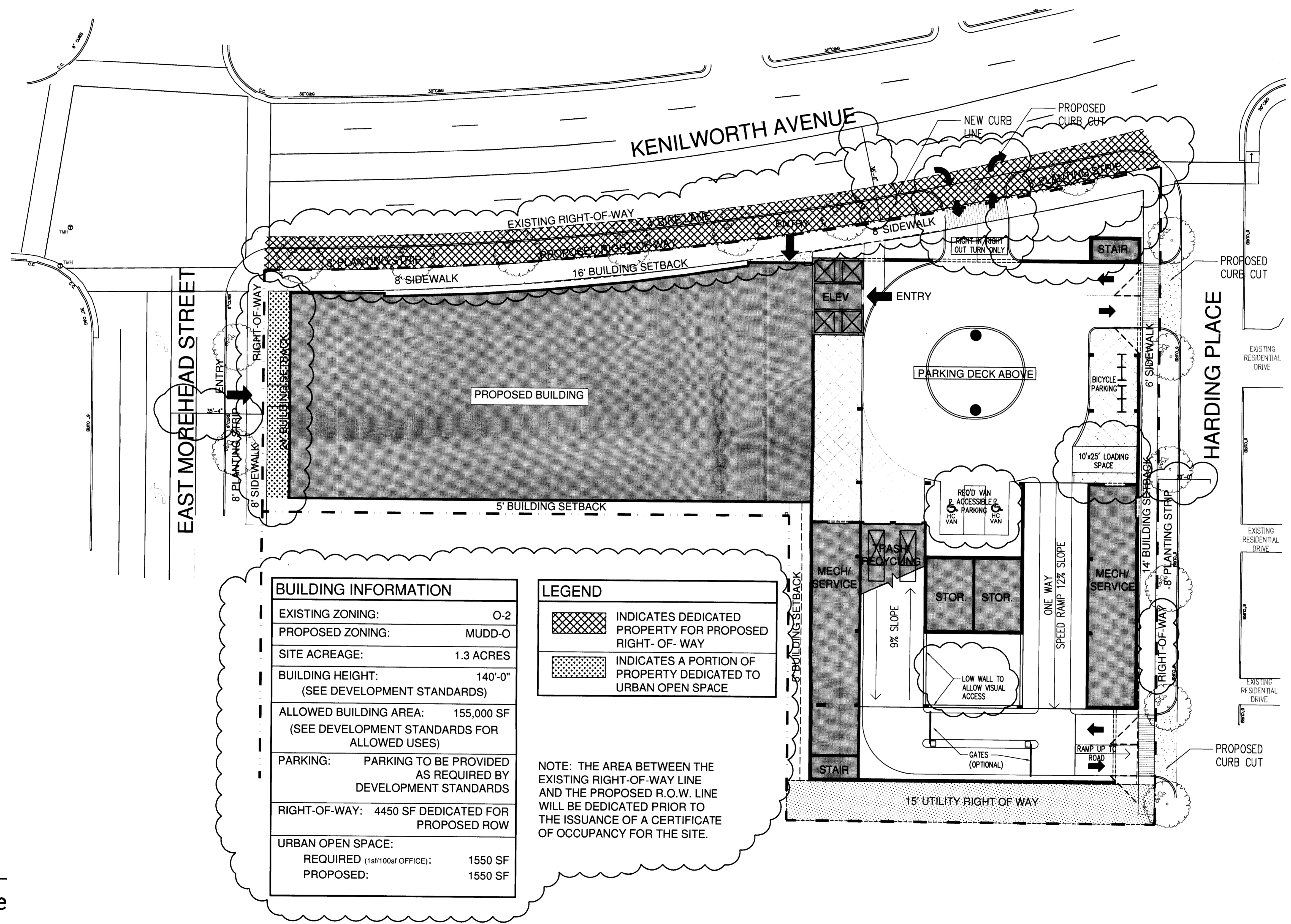
1301 E. MOREHEAD ST.
TECHNICAL DATA SHEET
SCALE: 1" = 20'-0"
Printed: October 13, 2008

FOR PUBLIC HEARING
PETITION #2008-137



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BUILDING INFORMATION	
EXISTING ZONING:	O-2
PROPOSED ZONING:	MUDD-O
SITE ACREAGE:	1.3 ACRES
BUILDING HEIGHT:	140'-0" (SEE DEVELOPMENT STANDARDS)
ALLOWED BUILDING AREA:	155,000 SF (SEE DEVELOPMENT STANDARDS FOR ALLOWED USES)
PARKING:	PARKING TO BE PROVIDED AS REQUIRED BY DEVELOPMENT STANDARDS
RIGHT-OF-WAY:	4450 SF DEDICATED FOR PROPOSED ROW
URBAN OPEN SPACE:	
REQUIRED (1sf/100sf OFFICE):	1550 SF
PROPOSED:	1550 SF

LEGEND	
	INDICATES DEDICATED PROPERTY FOR PROPOSED RIGHT-OF-WAY
	INDICATES A PORTION OF PROPERTY DEDICATED TO URBAN OPEN SPACE

NOTE: THE AREA BETWEEN THE EXISTING RIGHT-OF-WAY LINE AND THE PROPOSED R.O.W. LINE WILL BE DEDICATED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE SITE.

1301 E. MOREHEAD ST.
SCHEMATIC SITE PLAN

SCALE: 1" = 20'-0"
Printed: October 13, 2008

FOR PUBLIC HEARING
PETITION #2008-137

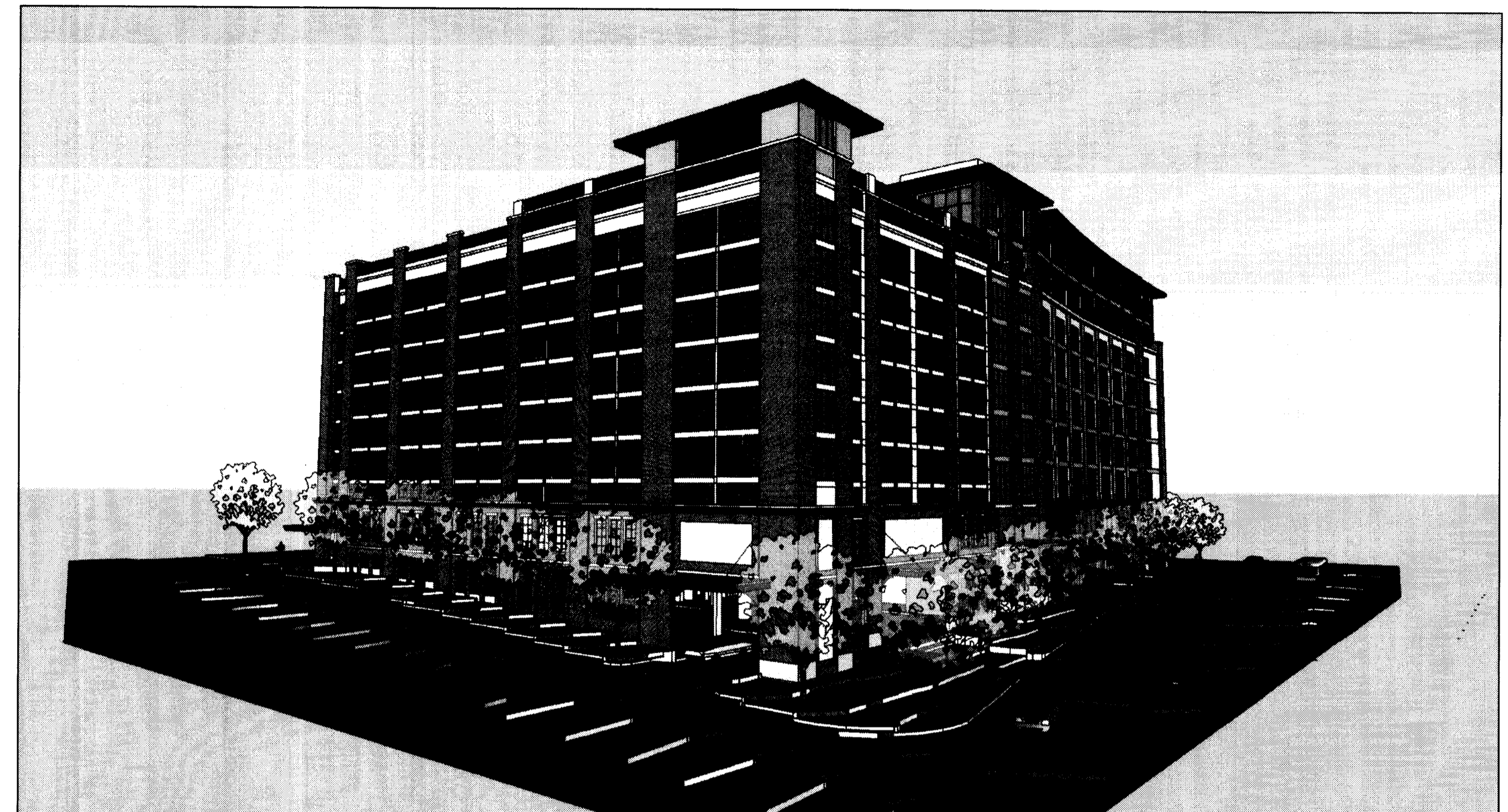


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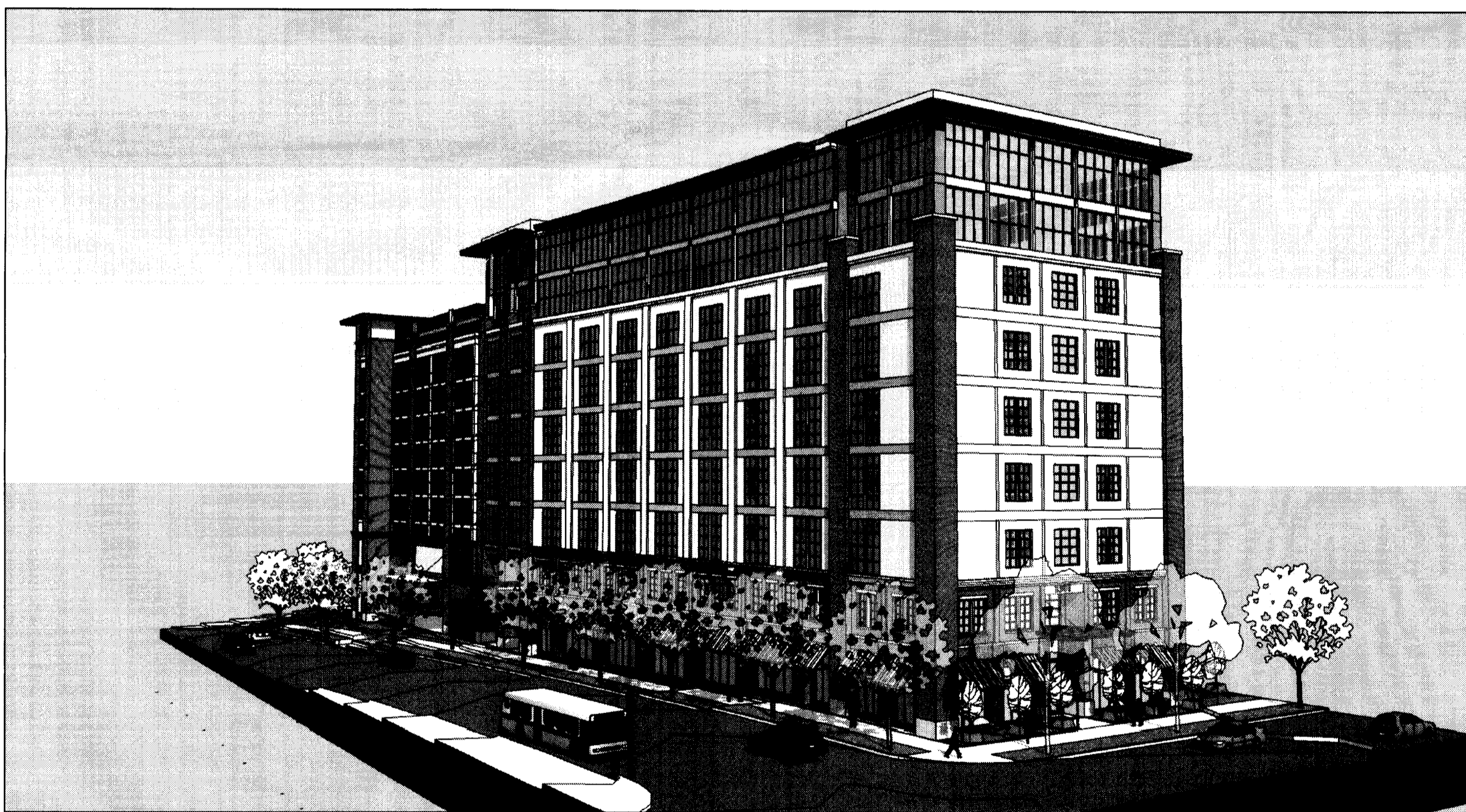
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1 MOREHEAD & KENILWORTH NTS



2 VIEW ON KENILWORTH & HARDING NTS



3 MOREHEAD & KENILWORTH NTS



4 KENILWORTH NTS

A. 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 THE GENERAL CONCEPTS AND GENERAL INTENT ILLUSTRATED IS MAINTAINED).



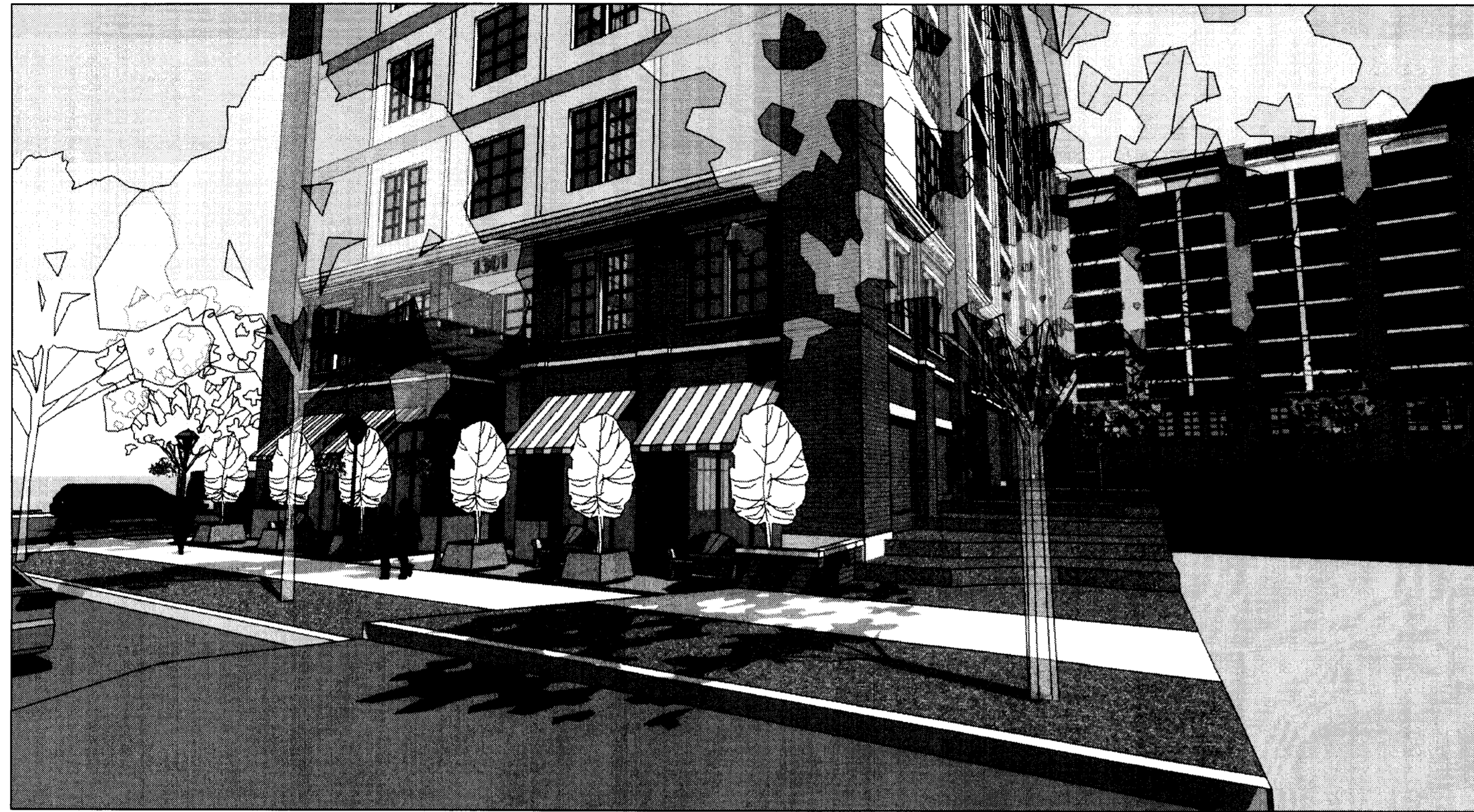
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1301 E. MOREHEAD ST.
CONCEPT RENDERINGS

Printed: October 13, 2008

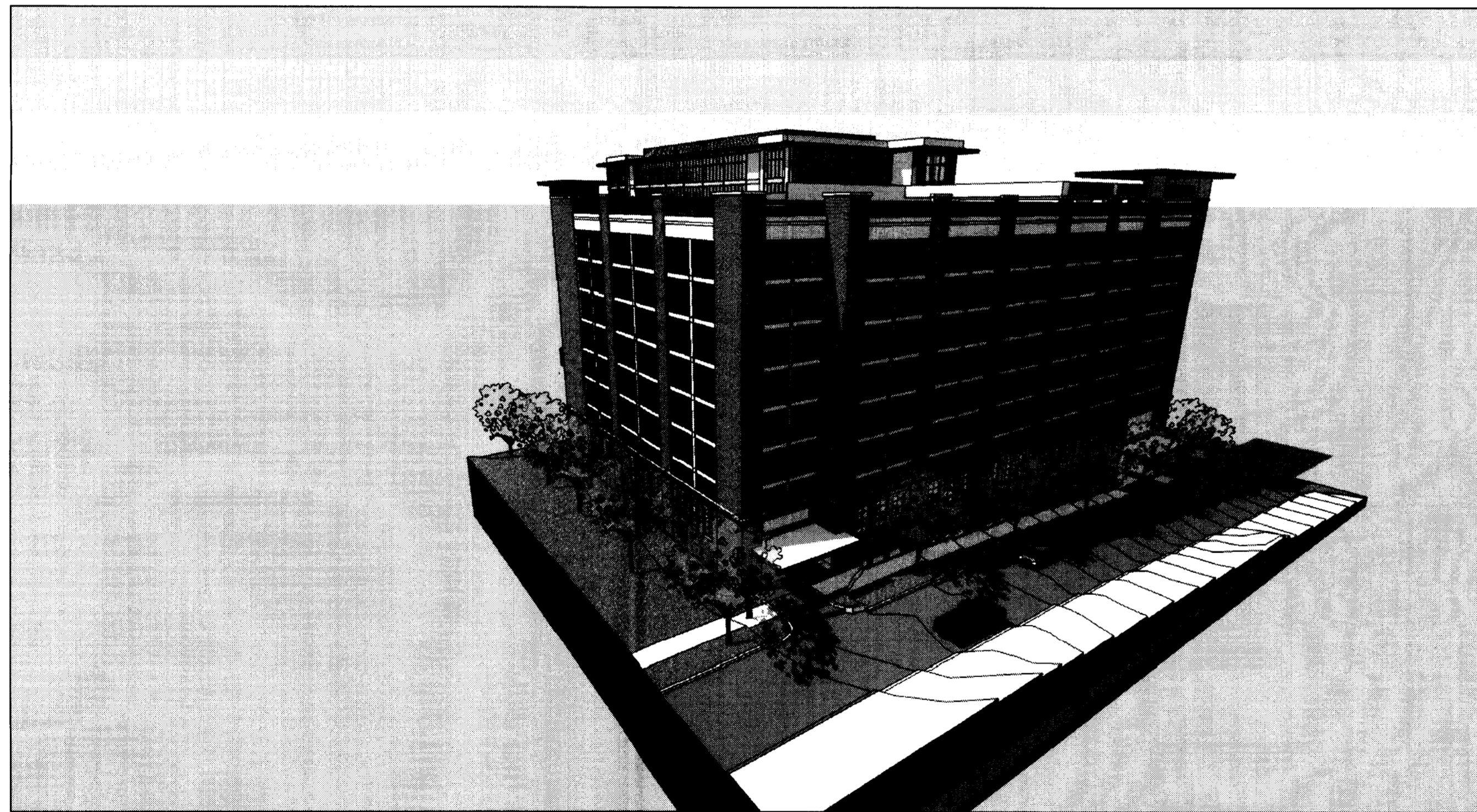
FOR PUBLIC HEARING
PETITION #2008-137



1 VIEW ALONG MOREHEAD NTS



2 PARKING GARAGE - REAR VIEW NTS



3 AERIAL VIEW AT HARDING NTS



4 BUILDING AND PARKING - REAR VIEW NTS

A. 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 THE GENERAL CONCEPTS AND GENERAL INTENT ILLUSTRATED IS MAINTAINED).



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1301 E. MOREHEAD ST.
CONCEPT RENDERINGS

Printed: October 14, 2008

FOR PUBLIC HEARING
PETITION #2008-137

DEVELOPMENT STANDARDS FOR 1301 EAST MOREHEAD STREET
REZONING PETITION NO. 2008-137
October 27, 2008

SITE DATA:

-- **Acreage:** 1.3 acres
-- **Existing Zoning:** O-2
-- **Proposed Zoning:** MUDD-O
-- **Maximum Building Area:** Up to 155,000 gross floor area (as defined below).
Of the total allowed square footage a maximum of 22,000 square feet may be devoted to retail and restaurants uses. Restaurant uses may not exceed 5,000 total square feet. Retail and restaurant uses may not be developed as free standing uses. Retail and restaurants uses may only be developed in conjunction with or as part of a multi-story building.

-- **Maximum number of Residential Units:** Up to 155 residential units may be constructed on the site, subject to the following conversion ratio, one (1) residential unit may be constructed for every 1,000 square foot reduction in the total allowed non-residential square footage.

For purposes of the development limitations set forth in this Section, the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building, and any accessory buildings or structures on the site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, or related access areas, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces) and residential uses shall be determined based on units not GFA, provided, further, areas devoted to outdoor dining are not intended to be included in the calculation of gross floor area (but any such outdoor dining areas shall be considered for parking purposes)

-- **Permitted Uses:** Professional business and general offices such as banks, clinics, medical, dental and doctors' offices, health institutions including hospitals, veterinary clinics, government offices, post offices, opticians' offices, and similar uses.

Laboratories for dental, medical and optical uses as well as laboratories within an enclosed building for applied and basic research, studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths and designers or ornamental and precious jewelry.

Personal Services such as beauty shops, barbershops, spas, indoor recreation, funeral homes, and dry cleaning establishments up to 4,500 square feet.

Institutional uses such as colleges, universities, commercial schools, schools providing adult training in any of the arts, sciences, trades, and professions, and schools providing adult training for the staff of hospitals including nursing schools, libraries, art galleries, childcare centers (subject to the requirements of Section 12.502), and social, fraternal, social service, union and civic organizations.

Retail sales limited to uses permitted in B-1 district and restaurants including open air or sidewalk cafes. Retail and Restaurants uses will be limited to a maximum of 22,000 square of

the total allowed 155,000 square feet. Restaurants use will be limited to a total of 5,000 square feet of the allowed 22,000 square feet. These uses may not be developed as free standing uses. Retail and restaurants uses may only be developed in conjunction with or as part of a multi-story building.

Residential uses; planned multi-family developments and mixed use buildings. A maximum of 155 residential units may be constructed on the site, subject to the following conversion rate; one (1) residential unit may be constructed for every 1,000 square foot reduction in the total allowed non-residential square footage.

Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8) of the City of Charlotte Zoning regulations and limited to a maximum of 20 feet above the roof of the proposed building.

Accessory uses associated with the allowed principal uses as allowed in the MUDD zoning districts shall be permitted on the Site.

DEVELOPMENT STANDARDS

A. General Provisions

Unless more stringent standards are established by this Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the MUDD-O zoning district classification shall be followed in connection with development taking place on the Site.

The ultimate layouts of the development proposed for the Site and the parcels or lots forming parts thereof, the exact alignments and location of 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 as the final development plans but rather as preliminary graphic representations of the types and quality of development proposed and the general locations of the proposed buildings on the site. They may, therefore, be altered or modified during the design development and construction document phases within the maximum building/parking 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 not be increased beyond the number 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. The dimensions and specific locations of building/parking envelopes generally depicted on the Technical Data Sheet may be subject to minor variations that do not materially change the design intent generally depicted on the Schematic Site Plans.

B. Setbacks, Yards And Buffers; Unified/Planned Development

J. All buildings and parking areas constructed on the Site shall be set back at least:

- (i) 16 feet from the back of the new curb line along Kenilworth Avenue, as generally depicted on the Technical Data Sheet;
- (ii) 24 feet from the back of the existing curb of East Morehead Street as generally depicted on the Technical Data Sheet; and
- (iii) A minimum of 14 feet from the back of the existing curb of Harding Place as generally depicted on the Technical Data Sheet.

2. Within the inner eight (8) feet of the 24 foot setback along E. Morehead Street the Petitioner will be allowed to provide a portion of the required Urban Open Space. The urban open space will be improved with hardscape and landscape areas that will include seating and landscape planters.

3. The Petitioner reserves the right to subdivide the MUDD-O portion of the Site and create lots within the interior of the development with no side and/or rear yards, or any other separation standards as part of a unified/planned development.

C. MUDD-Optional Provisions

The Petitioner may utilize MUDD-O provisions of the Ordinance in order to accommodate the following:

1. A maximum building height of up to 140 feet. Building height shall be measured in the manner prescribed in the Ordinance; provided, however, 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 (other than a parapet) used to screen such structures and equipment.

2. To allow water quality features and storm water detention to be located in the setback under the sidewalk. Water quality features and storm water detention will not be allowed in the right-of-way.

D. Site And Architectural Design

1. All buildings within the Site will be designed and constructed so that each building complies with the Urban Design and Development Standards of the MUDD zoning district as described in section 9.8506 of the Ordinance. Windows, when provided, at street level along East Morehead Street, Kenilworth Avenue and Harding Place will utilize clear vision glass.

2. Buildings constructed on the Site will be substantially similar in all material respects to the attached architectural renderings, provided, however, it is understood that changes shall be permitted in such elevations as long as the overall design intent is substantially maintained.

3. The portion of the southern building elevation adjacent to E. Morehead Street (the first 20 feet or to the first column line which ever is greater) will be architecturally treated as to avoid a blank wall as indicated on the attached building elevations. Variations to the treatment indicated are allowed as long as the variations contain sufficient ornamentation, decoration or articulation to avoid being considered a blank wall.

E. Streetscapes

1. The Petitioner will provide eight (8) foot planting strips and eight (8) foot sidewalks along Morehead Street and Kenilworth Avenue in the manner described in these Development Standards.

2. Along Harding Place the Petitioner will provide an eight (8) foot planting strip and a six (6) sidewalk in the manner described in these Development Standards.

3. Street trees will be provided along all public streets as required by the City of Charlotte Tree Ordinance.

F. Urban Open Space

1. Urban open space will be provided as required by section 9.8506(4) of the Ordinance. The urban open space indicated on the Technical Data Sheet and Schematic Site Plan will be designed to comply with this section, details to be worked out during the MUDD review process. Such urban open space shall include portable planters and seating areas to create an attractive open space area.

G. Screening

1. Screening shall conform to the standards and treatments specified in Section 12.303 of the Ordinance.

2. Any dumpsters located on the Site shall be screened from view by a solid enclosure with a gate.

3. Roof top mechanical equipment shall be screened from public view at grade level.

H. Parking

1. Off street parking spaces will be provided at the following ratios for the Site:

(i) Professional business and general and medical offices uses; Personal Services; and Institutional uses: one space per 300 square feet;

(ii) Retail Uses (Non-Restaurant): one space per 600 square feet;

(iii) Restaurants: one space per 125 square feet; and

(iv) Other Non-Residential Uses: one space per 600 square feet.

(v) Residential Uses: one space per unit minimum.

Bicycle parking will be provided as required by section 12.202 of the Ordinance.

I. Tree Save Areas

The Petitioner shall use diligent good faith efforts to ensure that the existing street trees located within the right-of-way of East Morehead Street as generally depicted on the Rezoning Plan are protected and preserved during all phases of construction. Prior to beginning demolition and construction on the site the Petitioner will hire a certified arborist to develop a tree protection and preservation plan for these existing street trees. The Petitioner will implement the recommendations of the tree protection and preservation plan developed by the certified arborist. A copy of the plan will be filed with the City Arborist, City Planning Staff and the Urban Forestry Staff.

J. Lighting

1. All freestanding lighting fixtures will be uniform in design and shielded with full cut-off fixtures.

2. The height of any freestanding fixture, including its base may not exceed 20 feet.
3. Wall pack lighting will not be allowed. However, decorative shielded down lighting will be permitted.

K. Signs

All signs placed on the Site will be in accordance with the requirements of the Ordinance.

L. Access Points (Driveways)

1. The number of vehicular access points to the Site shall be limited to the number depicted on the Rezoning Plan.

2. 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.

3. The proposed driveway on Kenilworth Avenue will be signed as a right-in right out driveway.

M. Building Entrances

The proposed building entrances will be designed to comply with the standards of section 9.8506(2)(h) of the Ordinance. The details of how the entrances are designed to comply with this section will be worked out during the MUDD review process.

N. Canopies

If canopies, awnings, and similar architectural accents are constructed on the building they will comply with section 9.8506(6) of the Ordinance. Canopies, awnings and similar architectural accents may extend from the building up to one half of the width of the setback area in front of the building, or nine (9) feet, whichever is less. Canopies, awnings, and similar architectural accents must maintain a minimum overhead clearance of eight (8) feet. The location of these proposed canopies, awnings, and similar architectural accents along E. Morehead Street will take into account the existing street trees. The petitioner will work with the City Arborist and/or the Urban Forestry Staff when locating these features along E. Morehead so as to not negatively impact the existing street trees.

In no instance shall such features extend over or interfere with the growth or maintenance of any required tree plantings.

O. Transportation Improvements

1. The Petitioner will relocate the existing curb line along Kenilworth Avenue to accommodate a four (4) foot bike lane and five and one-half (5.5) feet for the extension of the existing left turn lane. The contemplated location of this new curb line is generally depicted on Sheet A-1 of the Rezoning Plan.

2. The Petitioner commits to dedicate and convey by plat or quitclaim deed to CDOT, where owned by the Petitioner and where not already existing, that portion of such additional right-of-way along the Site's frontage of Kenilworth Avenue as generally depicted on Sheet A-1 of the Rezoning Site Plans.

3. In addition to the commitments in Section M.2 above, the Petitioner agrees to convey to CDOT, where owned by the Petitioner, a nonexclusive easement to an area up to eight (8) feet in width along Kenilworth Avenue for the installation of an eight (8) foot sidewalk, along Harding Place a nonexclusive easement to an area up to six (6) feet in width for the

installation of a six (6) foot sidewalk will be provided, to the extent but only to the extent sidewalks cannot be installed within the existing right-of-way or the above referenced right-of-way; it being understood that the width of such easement shall be reduced by the right-of-way area in which the sidewalk can be located. Any such easement instrument shall be in form mutually acceptable to the Petitioner and CDOT, as applicable, and shall permit the installation of Petitioner's project signage and lighting and the encroachment of the same within the easement so conveyed so long as any encroachment maintains a nine (9) foot clearance as measured from the sidewalk surface.

P. Fire Protection

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

Q. Storm Water Management

1. Storm water runoff from the Site will be managed through proven techniques which satisfy the standards, if any, imposed by the City of Charlotte Engineering Department.

2. Development on the Site shall adhere to the requirements of the Post Construction Control Ordinance in the form adopted by Charlotte City Council.

R. 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 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 of all tonnage disposed and recycled 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.

S. Amendments To Rezoning Plan

Future amendments to this Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the applicable parcel or parcels affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

T. Binding Effect Of The Rezoning Application

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and this Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and to the benefit of Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



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1301 E. MOREHEAD ST.
DEVELOPMENT STANDARDS

Printed: November 05, 2008

FOR PUBLIC HEARING
PETITION # 2008-137

A-5