

**SITE DEVELOPMENT DATA**

SITE ADDRESS: 430 E 36TH STREET  
CHARLOTTE NC 28205

PROPERTY OWNER(S): RM 36TH STREET INVESTORS LLC  
AND C/O MERRIFIELD PATRICK  
521 EAST MOREHEAD STREET # 400  
CHARLOTTE NC 28202

TAX PARCEL ID#: 083-031-03

EXISTING ZONING: I-2

SITE ACREAGE: +/- 6.973 ACRES

**APPROVED BY  
CITY COUNCIL**

APR 20 2015

**ADJACENT PROPERTY OWNER**

- |   |  |    |  |
|---|--|----|--|
| 1 | I-1<br>0911229<br>HERRIN BROTHERS COAL & ICE CO<br>PO BOX 5291<br>CHARLOTTE, NC 28225  | 10 | MUDD(CD)<br>0830142<br>THE YARDS AT NODA LLC<br>3050 PEACHTREE RD NW SITE 2<br>ATLANTA, GA 30305 |
| 2 | I-1<br>0911263<br>CITY OF CHARLOTTE<br>600 E 4TH ST<br>CHARLOTTE, NC 28202   | 11 | I-2<br>0830101<br>CITY OF CHARLOTTE<br>600 E 4TH ST<br>CHARLOTTE, NC 28202                       |
| 3 | TOD-R<br>09110154<br>TCB NODA MILLS LLC<br>C/O THE COMMUNITY BUILDERS<br>INC. ATTN: ROB FOSSI<br>PO BOX 52427<br>ATLANTA, GA 30355 | 12 | I-1<br>08303108<br>DAVID W JR WATSON<br>PO BOX 2062<br>PONTE VEDRA BEACH, FL<br>32004-2062       |
| 4 | I-2<br>09110157<br>CITY OF CHARLOTTE<br>600 E 4TH ST<br>CHARLOTTE, NC 28202  | 13 | I-1<br>08303107<br>MECKLENBURG COUNTY<br>600 E 4TH ST<br>CHARLOTTE, NC 28202-2816                |
| 5 | I-2<br>09110156<br>CITY OF CHARLOTTE<br>C/O STANLEY WILSON<br>600 E 4TH ST<br>CHARLOTTE, NC 28202                                  | 14 | I-1<br>08303106<br>MECKLENBURG COUNTY<br>600 E 4TH ST<br>CHARLOTTE, NC 28202                     |
| 6 | NS<br>08308419<br>DEBORAH MICHELLE NORKETT<br>442 E 36TH ST<br>CHARLOTTE, NC 28205   | 15 | I-1<br>08303105<br>CAROLINA FOODS INC<br>PO BOX 36816<br>CHARLOTTE, NC 28236                     |
| 7 | I-2<br>08308409<br>RM 36TH STREET INVESTORS LLC<br>C/O MERRIFIELD PATRICK<br>521 EAST MOREHEAD ST #400<br>CHARLOTTE, NC 28202      | 16 | I-1<br>08303147<br>PARRISH TIRE COMPANY<br>300 E 36TH ST<br>CHARLOTTE, NC 28206-2022             |
| 8 | MUDD<br>08303438<br>RM 36TH STREET INVESTORS LLC<br>C/O MERRIFIELD PATRICK<br>521 EAST MOREHEAD ST #400<br>CHARLOTTE, NC 28202     | 17 | I-1<br>08303146<br>CITY OF CHARLOTTE<br>600 EAST FOURTH ST<br>CHARLOTTE, NC 28202-2844           |
| 9 | I-2<br>08308402<br>THE Y.M.C.A. OF CHARLOTTE<br>3025 N DAVIDSON ST<br>CHARLOTTE, NC 28205  | 18 | I-1<br>08303104<br>PARRISH TIRE COMPANY<br>300 E 36TH ST<br>CHARLOTTE, NC 28206-2022             |

SITE SURVEYOR: LDSI  
508 West 5th Street, Suite 125  
Charlotte, NC  
704.337.8329

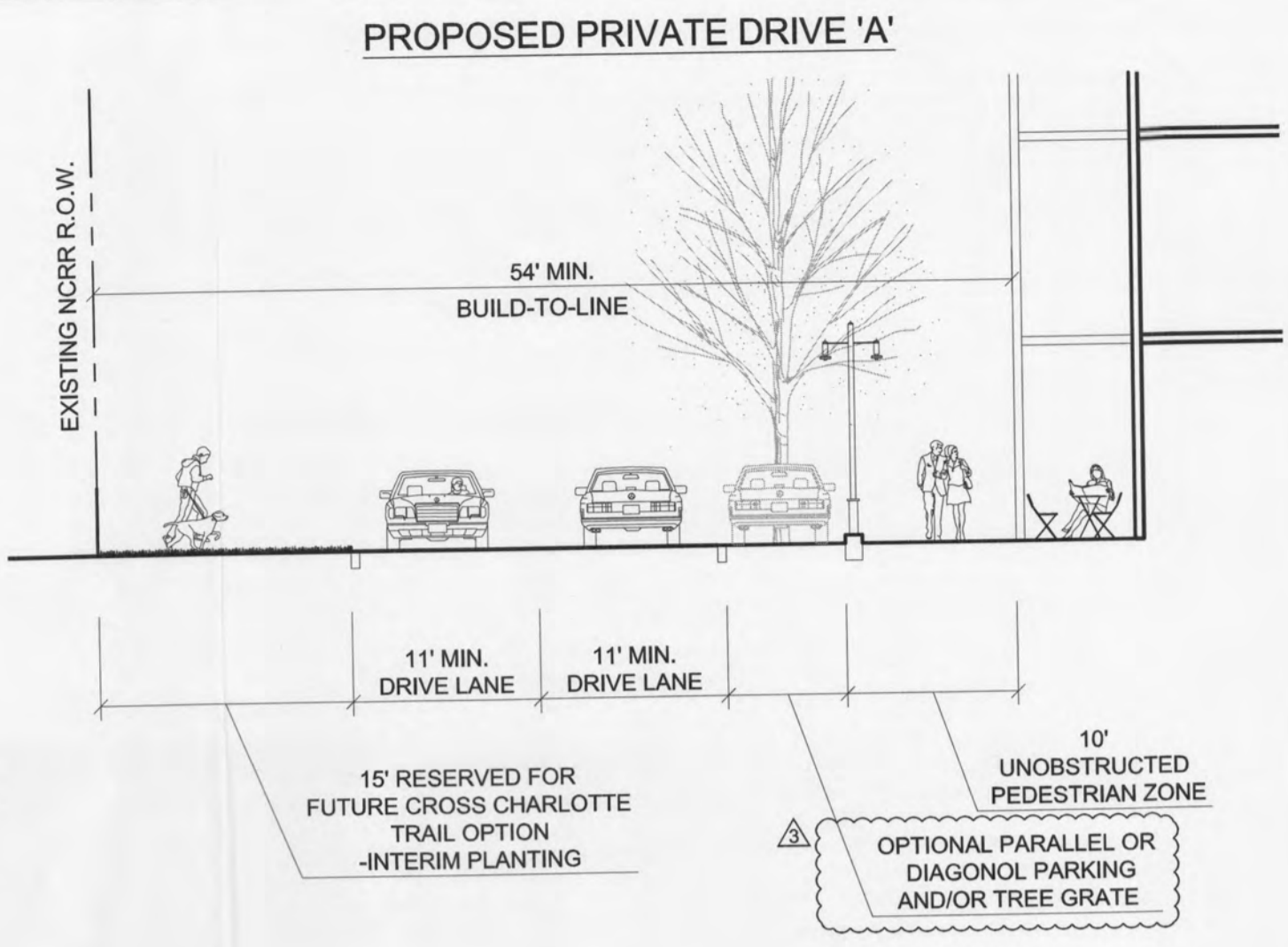


PETITION NO.  
2015-009

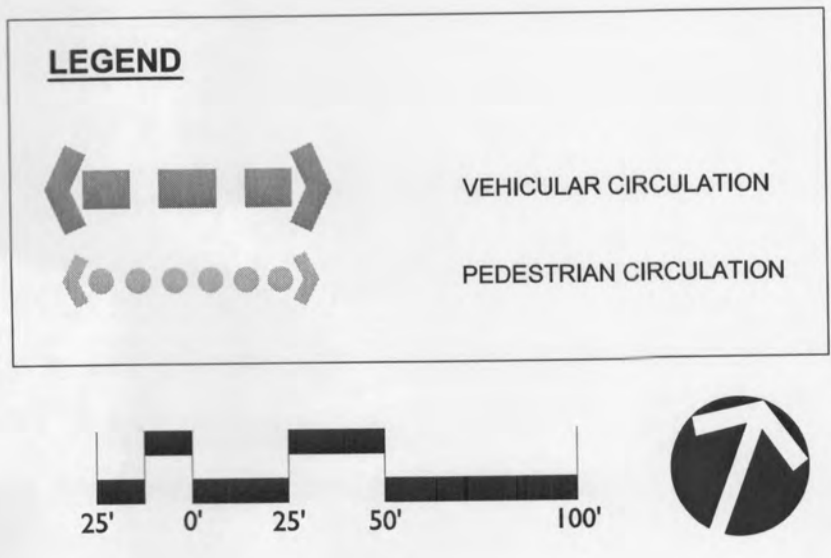
**CRESCENT NODA  
REZONING**  
CRESCENT COMMUNITIES, CHARLOTTE, NC  
EXISTING CONDITIONS

REVISIONS:  
1) 03.20.15 PER CITY COMMENTS  
2) 03.24.15 PER CDOT COMMENTS  
3) 04.02.15 PER CITY COMMENTS  
4) 04.28.15 PER CITY COMMENTS

DATE: FEBRUARY 13, 2015  
DESIGNED BY: KJK  
DRAWN BY: KJK  
CHECKED BY: NLD  
SCALE: 1"=50'-0"  
PROJECT #: 1015019  
SHEET #:  
**RZ-1**



APPROVED BY  
CITY COUNCIL  
APR 20 2015



## DEVELOPMENT STANDARDS

### Site Development Data:

- Acreage: ± 6.973 acres
- Tax Parcel #: 083-031-03
- Existing Zoning: I-2
- Proposed Zoning: TOD-MO
- Existing Uses: Commercial, office, and warehouse uses.
- Proposed Uses: Residential dwellings units; and non-residential uses as permitted by right, under prescribed conditions and by the Optional provisions below together with accessory uses, as allowed in the TOD-M zoning district (as more specifically described and restricted below in Section 3).
- Gross Square feet of Development: As required and permitted by right and under prescribed conditions in the TOD-M zoning district.
- Maximum Building Height: Building height will be limited to 40 feet (for the purposes of these height limits, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height, otherwise building height will be measured as defined by the Ordinance).
- Parking: Parking for the Site will comply with the minimum and maximum parking requirements of the TOD-M zoning district.

### 1. General Provisions:

- a. **Site Location.** These Development Standards, the Technical Data Sheet, and other graphics set forth on attached Sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Crescent Communities, LLC ("Petitioner") to accommodate the development of a transit supportive mixed use development on an approximately 6.973 acre site located at 430 E. 36th Street (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the TOD-MO zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, streets, building and parking envelopes and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

### 2. Optional Provisions:

- a. To allow a parking structure to be constructed along E. 36th Street without having to devote up to 50% of the linear street frontage to retail, office civic, institutional or residential uses. However, the parking deck street wall will not be a solid wall and will be treated with a combination of design elements to enliven the streetscape, these design elements may include but are not limited to the following: cut outs with decorative grill work; material changes; art work; decorative form liners; street furniture; display areas; and architectural lighting. The intent of the proposed street wall treatment is, to create an interesting pedestrian environment that has an arrangement of elements that create visual interest for the pedestrians walking along the street.
- b. To allow a retaining wall to be constructed along E. 36th Street without having to meet the Street Wall requirements of the Ordinance. However, if a retaining wall is constructed along E. 36th Street the retaining wall will be treated with a combination of design elements to enliven the streetscape, these design elements will include but are not limited to the following: material changes; decorative form liners; display areas; architectural lighting; and landscaping. The intent of the proposed street wall treatment is, to create an interesting pedestrian environment that has an arrangement of elements that create visual interest for the pedestrians walking along the street
- c. To allow the 20 foot rear yard along the western property boundary and adjacent to tax parcel # 083-031-42 to be reduced to 10 feet as generally depicted on the Rezoning Plan.

### 3. Permitted Uses, Development Area Limitations:

- a. The Site may be developed with residential and non-residential uses as permitted by right and under prescribed conditions in TOD-M zoning district together with allowed accessory uses as permitted in the TOD-M zoning district and the optional provisions above.

### 4. Access:

- a. Access to the Site will be from East 36th Street as generally depicted on the Rezoning Plan. The proposed access locations to East 36th Street are subject to review and approval by CDOT, and subject to the approval of CATS if the proposed access locations effect existing temporary or permanent easements secured by CATS as part of the construction of the LYNX Blue Line.
- b. The primary vehicular access to the Site is intended to be via the proposed Access A/Private Drive A on the Rezoning Plan. An additional secondary vehicular access location to the Site from E. 36th has also been indicated and labeled as Access B on the Rezoning Plan. The design, location and intended uses to be served by Access B will be submitted to CDOT for review. Prior to the issuance of a driveway permit for Access B the Petitioner must demonstrate to CDOT that the design and uses intended to be served by this proposed secondary access point will allow the proposed driveway to operate efficiently and without creating safety or unreasonable congestion along East 36th Street.
- c. Access to the Site will also be allowed from the extension of E. 35th Street (Access D on the Rezoning Plan), if E. 35th Street is extended to the property line and Southern Railway has granted the Petitioner a permit to cross the existing rail road right-of-way. If at the time the Petitioner applies for a building permit, E. 35th Street has not been extended to the property line, and Southern Railway has not granted the Petitioner a permit to cross the existing rail road right-of-way the Petitioner will be issued a building permit and may proceed with the development of the Site.
- d. To provide better interconnectivity between adjoining properties, the Petitioner will provide the adjoining parcel located along the western property boundary (tax parcel # 083-031-42 "the Adjoining Parcel") vehicular and pedestrian access to the Private Drive A drive as generally depicted on the Rezoning Plan. A public access easement will be provided along Private Drive A.
- e. The alignment of the Private Drive A shown along the southern property boundary may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as a connection to the adjoining parcel is maintained as generally depicted on the Rezoning Plan and is not materially altered.
- f. Vehicular access from Private Drive A into the Building and Parking Envelope generally illustrated on Sheet RZ-2 of the Rezoning Plan is allowed. The number and location of these vehicular access points, from Private Drive A, will be determined by the Petitioner during the site design process.

### 5. Streetscape, Cross Charlotte Trail, Landscaping, Open Space and Screening:

- a. The Site will comply with the TOD-M standards and the approved E. 36th Transit Station Area plan recommendations for Streetscape Improvements. The Petitioner will provide an eight (8) foot planting strip and an eight (8) foot sidewalk along East 36th Street as generally depicted on the Rezoning Plan.
- b. The Petitioner will construct Private Drive A as generally located along southern property line with two travel lanes, parallel or diagonal on street parking on one side, street trees in grates or in planters in intervals between the parallel on street parking spaces, a 10 foot unobstructed sidewalk on one side, and pedestrian scale lighting as generally depicted on the Rezoning Plan. The 10 foot sidewalk will be included in the public access easement created for Private Drive A.
- c. The buildings constructed along the northern side of Private Drive A will have some or all of the following types of uses oriented toward Private Drive A on at least 60% the building frontage on the Private Drive A; residential units, residential amenity areas, commercial uses, and/or useable open space areas (the 60% frontage requirement will be measure as a percentage of all the buildings located along Private Drive A, not each individual building).

- d. The Petitioner will reserve a ±15 foot area for the future Cross Charlotte Trail between Private Drive A and the AC&W Rail Corridor/Right-of-Way as generally depicted on the Rezoning Plan.
- e. Access to the future Cross Charlotte Trail from the Site will be allowed if constructed in the AC&W Rail Corridor/Right-of-Way or in the area reserved on the Site adjacent to the AC&W Corridor/Right-of-way.
- f. Urban Open Space will be provided on the Site as required by the Ordinance.
- g. The TOD-M required public open space will be accessible to the public from either the East 36th Street Station or E. 36th Street.
- h. Meter banks will be screened where visible from public view at grade level.
- i. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.

### 6. Architectural Standards and Access to 36th Street LYNX Blue Line Station (the "36th Street Station"):

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), stucco, decorative metal panels, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits, and on handrails/railings.
- b. It is the intent of the Petitioner to design the facades of the buildings that abut the LYNX Blue Line Rail Corridor, with design finishes and materials similar to the other building facades constructed on the Site.
- c. The walls of parking decks constructed on the Site that abut the LYNX Blue Line transit corridor will be designed to be visually coordinated and complimentary to the other buildings constructed on the Site, and will contain a variety of architectural treatments such as but not limited to punched openings, architectural pre-cast and a alike. Parking decks walls located along the transit corridor may not be designed as solid walls.
- d. The Petitioner will work with CATS to gain access to the proposed 36th Street LYNX Blue Line Station (the "36th Street Station") located along the Sites northern property line. Access to the 36th Street Station will not be allowed until the proposed access location has been reviewed and approved by CATS and any other agencies required to provide approval of the connection. If the connection to the 36th Street Station is approved the Petitioner will enter into multi-party agreement, with the applicable agencies, which will govern access to the 36th Street Station.

- e. If the Petitioner is granted access to the 36th Street Station from the Site, as outlined above; the Petitioner will provide a well-defined, pedestrian friendly access way (the Pedestrian Access Way) through the Site from the 36th Street Station to E. 36th Street, the location and alignment of the Pedestrian Access Way will be determined during Urban Review Process for the Site. The Pedestrian Access Way will be designed with the following characteristics and elements: (i) a sidewalk with a minimum total unobstructed width of 10 feet (the minimum 10 foot width may be split into two separate unobstructed five (5) foot segments); (ii) pedestrian scale lighting; (iii) active use will be located on at least 50% of the length of the Pedestrian Access Way (active uses include residential units, office, retail, civic, institutional uses, open space/plazas, as well as accessory uses associated with a residential development such as leasing offices, open space areas, and on-site amenity spaces; the active uses described above may be located on either side of the Pedestrian Access Way and need not be continuous along the Pedestrian Access Way); and (iv) landscaping. If service areas and/or mechanical equipment is located along the Pedestrian Access Way they will be screened. If at the time the Petitioner applies for a building permit the necessary easements to allow the Petitioner to connect to the 36th Street Station have not been granted the Petitioner will be allowed to proceed with the development of the Site without a connection to the 36th Street Station.

- f. The Pedestrian Access Way may be part of and located along the Site's internal vehicular circulation system including Private Drive A.

- g. Service areas and mechanical equipment will be screened from the rail corridor.

### 7. Environmental Features:

- a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. The Site will comply with the Tree Ordinance.

### 8. Signage:

- a. Signage as allowed by the Ordinance may be provided.

### 9. Parking:

- a. Parking will be provided as required by the TOD-M zoning district.
- b. Parking spaces located in parking structures located along the LYNX Blue Line transit corridor will be screened as required by the Ordinance.

### 10. Lighting:

- a. All new attached and detached lighting shall be full cut-off type lighting fixtures excluding low level landscape lighting, decorative, pole lights and specialty lighting that may be installed along the driveways, sidewalks, open space areas and plazas, and parking areas.

### 11. AC & W Rail Corridor/Right-of-Way:

- a. Should the AC & W Rail Corridor/Right-of-Way be abandoned in the future to allow for the construction of the Cross Charlotte Trail; the Petitioner will not make any claims on the land within the AC & W Rail Corridor/Right-of-Way currently owned by the AC & W so as to allow/facilitate the construction of the Cross Charlotte Trail.

### 12. City (CATS) LYNX Blue Line Extension Property Interests/Easements Temporary and Permanent:

- a. The Petitioner acknowledges the presence of existing CATS property interests/easements both temporary and permanent. Any proposed site improvements that effect any of these existing easements will require approval by CATS and any other applicable agencies.

### 13. Amendments to the Rezoning Plan:

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

### 14. Binding Effect of the Rezoning Application:

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

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