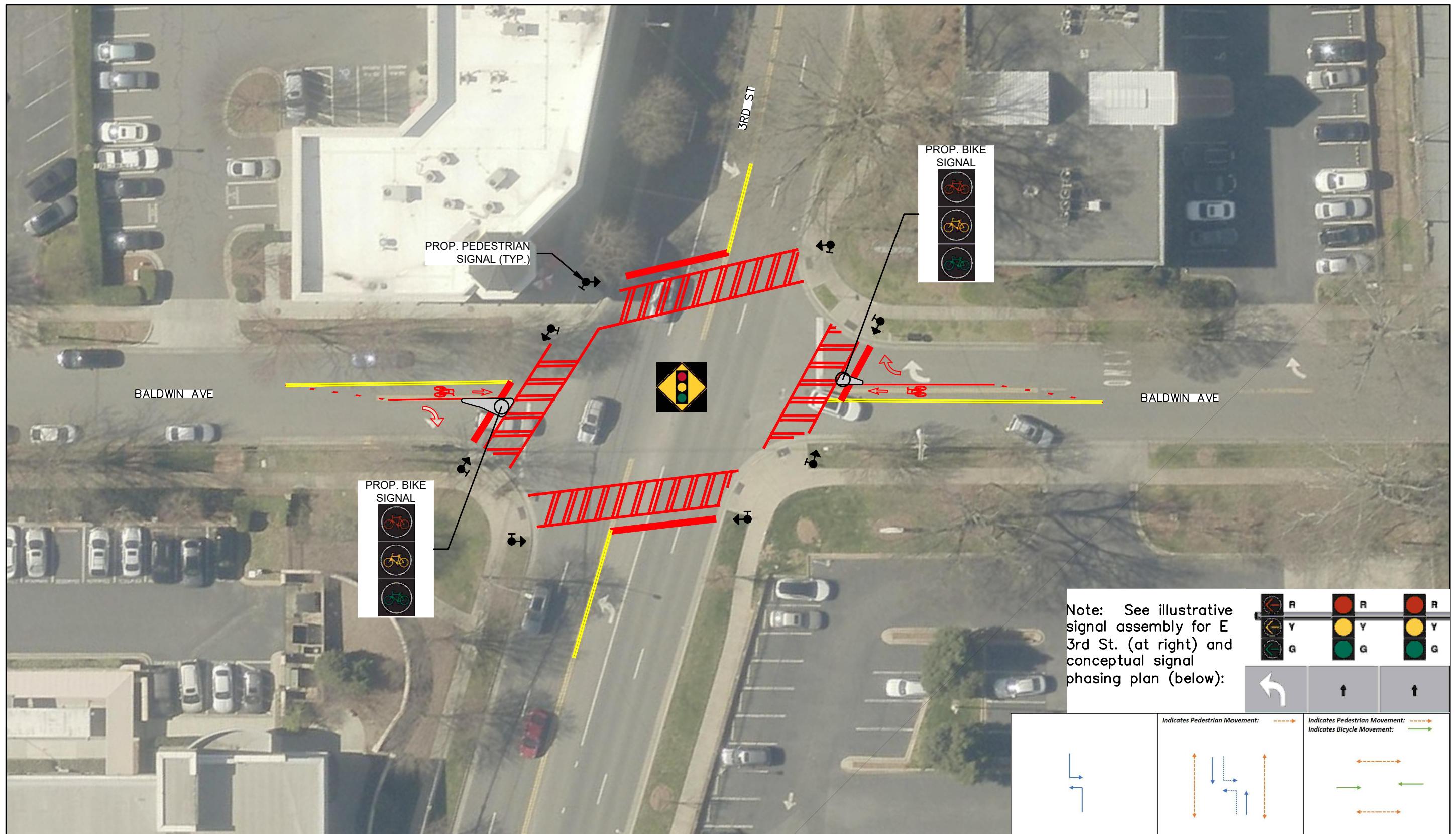
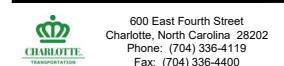


RZP# 2022-____: The sole purpose of this site plan amendment request is to incorporate the below intersection improvements as proposed by CDOT in lieu of those originally proposed in Rezoning Petition 2017-177. (The remaining pages of this document are from approved rezoning 2017-177 for reference.)



Concept C

BALDWIN/3RD ST CONCEPTS
10 December 2021



**CITY OF CHARLOTTE
CHARLOTTE DEPARTMENT OF
TRANSPORTATION**
N:\Planning & Design\Design Section\Miscellaneous Projects\Cherry Neighborhood Traffic
Calming\Intersection Concept 4.dwg

STREET LEVEL CONTEXT



Date: 12.22.2022

HEIGHT ZONES



→ Date: 12.22.2022

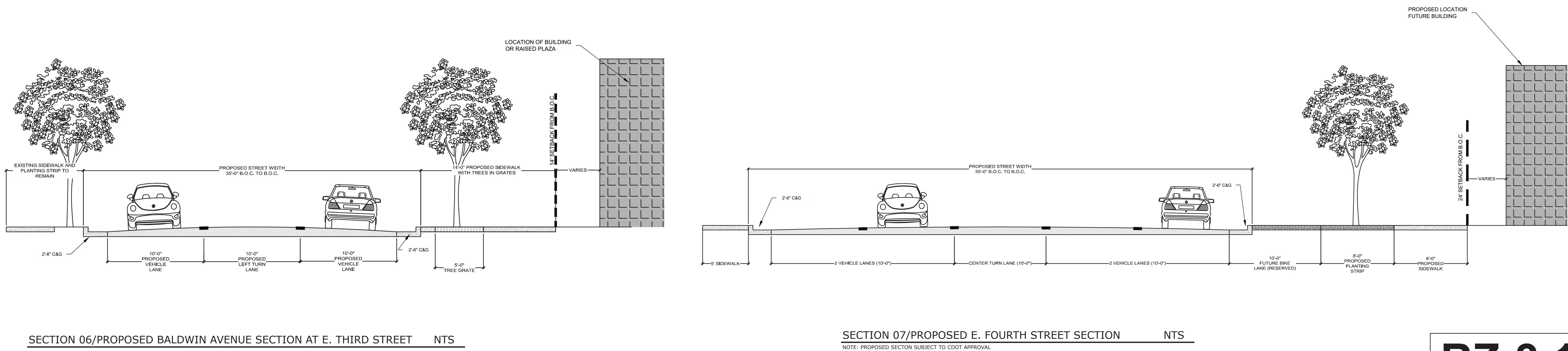
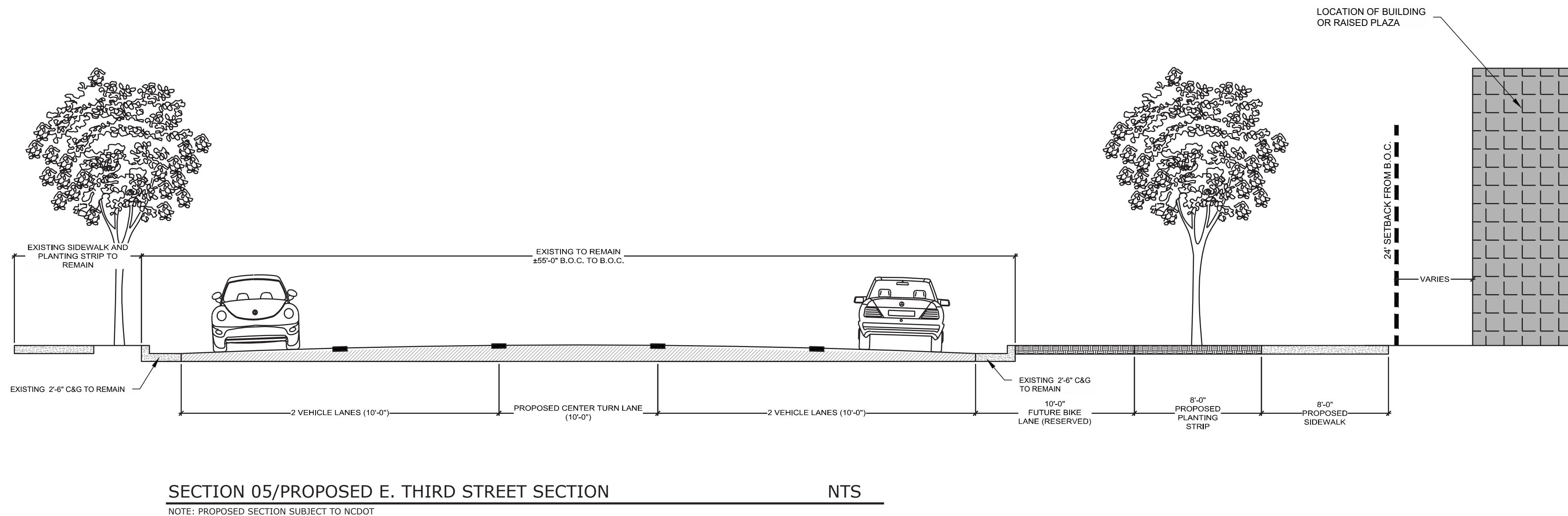
PLAZA SECTIONS



Date: 12.22.2022

RZ-3

STREET SECTIONS



Date: 12.22.2022

RZ-3.1

DEVELOPMENT STANDARDS

Site Development Data:

-Acreage: ± 3.4 acres

-Tax Parcels: 12511804 and 12511801

-Existing Zoning: MUDD-O and O-2

-Proposed Zoning: MUDD-O with five (5) year vested rights.

-Existing Uses: Commercial/Office

-Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district.

Maximum Development (subject to conversion rights as defined herein):

Office: 512,500 square feet

Retail/EDEE: 16,800 square feet

Hotel: 240 rooms

-Maximum Building Height: Up to 299 feet as requested in the Optional Provisions to the MUDD zoning district, below.

-Parking: As required by the Ordinance for the MUDD zoning district.

I. General Provisions:

a. **Site Description.** These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by NAI Southern Real Estate ("Petitioner") to accommodate development of a mixed use commercial development on an approximately 3.4 acre site bounded by Third Street, Fourth Street, and Baldwin Avenue (the "Site").

b. **Intent.** This Rezoning is intended to accommodate development on the Site in a manner consistent with the objectives set forth in the Midtown Morehead Cheery Area Plan. Development of the Site would include a horizontally-integrated mixture of uses, including office, retail, and hotel uses within walking distance of transit. The Petitioner seeks to create a street level public realm with the pedestrian experience in mind. The overall development plan is intended to allow the Site to evolve in a manner that is consistent with the future vision for the area, resulting in a well designed, quality experience for nearby residents, employees, and visitors, as well as the larger community.

c. **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,

1. the regulations established under the Ordinance for the MUDD zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below.

d. **Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, setbacks, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, that all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section IV below as to the Site as a whole and not individual portions or lots located therein.

e. **Graphics and Alterations/Modifications.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, building materials, streetscape perspectives, driveways and other development matters and site elements set forth on the Rezoning Plan are intended to be conceptual in nature. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations and renderings of the development matters and site elements. Therefore, there may be instances where minor modifications will be allowed without requiring the administrative amendment process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

1. Minor and do not materially change the overall design intent depicted on the Rezoning Plan, such as minor modifications to the configurations of the street dimensions and the like as long as the modifications maintain the general building/parking orientation and character of the development generally depicted on the Rezoning Plan;

2. Modifications to allow minor increases in the mass of the building that does not materially change the design intent depicted on or described in the Rezoning Plan.

f. **Five-Year-Vested Rights.** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period.

II. Optional Provisions for the MUDD-O Area:

The following optional provisions are provided to accommodate deviations from the MUDD standards:

a. The Petitioner seeks approval of an optional provision to allow up to 299 feet of building height within the Site.

b. To allow wall signs having up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.

c. To allow one (1) detached, ground mounted sign per street front. The detached signs may be up to five (5) feet in height and contain up to 60 square feet of sign area.

d. To allow the "base" of building requirements of Section 9.8506(2)(i) to be satisfied by providing taller and architecturally differentiated ground floors that distinguish ground floor levels from upper stories, as generally depicted in the conceptual elevations provided as part of the Rezoning Plan.

III. Permitted Uses

a. Subject to the Maximum Development provisions set forth under Section 4 below, the Site may be devoted to any commercial uses permitted by right or under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses associated therewith, except for the following:

1. Car washes;
2. Automobile service stations; and
3. EDEEs with drive-through service windows.

b. No residential units are proposed for the Site.

IV. Maximum Development

a. The principal buildings may be developed with up to 529,300 square feet of gross floor area of commercial non-residential uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the MUDD zoning district. However, the total square footage devoted to retail and Eating, Drinking, and Entertainment uses may not exceed 16,800 square feet.

b. Up to 240 hotel rooms may be developed on the Site. Hotel uses shall not be counted against the total commercial square footage maximums referenced in Section IV.A above.

c. For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements) the following items will not be counted as part of the allowed gross floor area (floor area as defined by the Ordinance) for the Site: surface or structured parking facilities, all loading dock areas (open or enclosed), and outdoor dining areas (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

d. Petitioner shall provide at least 5,000 square feet of ground floor space that is designed and constructed to accommodate retail activities (leasing offices, fitness centers, lobbies, and other areas that are accessory to residential or office uses shall not be considered retail space for purposes of this provision).

Date: 12.22.2022

e. The total square feet of gross floor area devoted to office uses and other commercial uses such as retail, restaurant and personal service uses shall be interchangeable provided that:

1. the total square feet of gross floor area of all such office and other commercial uses does not exceed 529,300 square feet of gross floor area; and
2. the total amount of EDEE and retail square footage shall not exceed 16,800 square feet.

V. Transportation

a. All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad south Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

b. The Petitioner shall provide and construct a new bench pad for the existing CATS bus stop on East 4th Street along the Site's frontage.

c. The Petitioner shall make the following transportation improvements:

1. At the signalized intersection of 4th Street and Queens Road/Hawthorne Lane:

i. Extend the existing northbound left turn lane on Queens Road from 160 feet to 260 feet of storage with an appropriate bay taper.

2. At the signalized intersection of 3rd Street and Queens Road:

i. Extend the existing northbound left turn lane on Queens Road from 100 feet to 210 feet of storage.

ii. Extend the existing southbound left turn lane on Queens Road from 130 to 200 feet of storage with an appropriate bay taper.

3. At the intersection of 3rd Street and Baldwin Avenue:

i. Modify the intersection from limited to full movement and install a traffic signal with permitted/protected signal phasing for the eastbound/westbound left turn lanes on 3rd Street.

ii. Modify the existing south leg of Baldwin Avenue from a northbound right turn only lane to a separate left and combined thru-right lane.

iii. Modify the existing north leg of Baldwin Avenue (along the proposed Site) from a southbound right turn only lane to a 3-lane section between 3rd Street and 4th Street.

iv. In addition to the traffic signal, pedestrian amenities such as crosswalks, pedestrian signal heads and pushbuttons shall be installed on all legs of the intersection.

4. At the intersection of 3rd Street and Torrence Street:

i. Modify the existing south leg of Torrence Avenue from a northbound combined left-thru-right turn lane to a lane that terminates as a right turn only lane at Torrence Avenue.

ii. Install a 6-foot wide raised median on 3rd Street a minimum of 50-feet beyond the Torrence Avenue limits in both directions in order to eliminate left turn movements from all four legs of the intersection and to eliminate northbound/southbound thru movements on Torrence Street.

iii. Install pedestrian crosswalks and refuge islands (within the proposed raised median) across both legs of 3rd Street.

5. At the intersection of 4th Street and Baldwin Avenue:

i. Modify the existing northbound lane to a right turn lane on Baldwin Avenue and construct a northbound left turn lane (Baldwin Avenue as a 3-lane section described previously in Section V.c.3. above).

6. At the intersection of 4th Street and the proposed right-in/left-out/right-out only access to the Site:

i. Construct the Proposed Access with one right only ingress lane (utilizing a median island to eliminate left-entering vehicles) and separate left and right egress lanes.

7. At the intersection of 3rd Street and the proposed right-in/left-in/right-out only access to the Site:

i. Construct the Proposed Access with one ingress lane and a right only egress lane (utilizing a median island to eliminate left existing vehicles).

ii. Construct an eastbound left turn lane with 125 feet of storage (within the existing median island) back-to-back with the existing westbound left turn lane to Baldwin Avenue.

8. At the intersection of Baldwin Avenue and proposed full movement access to the Site:

i. Construct the Proposed Access with one ingress lane and separate left and right egress lanes.

ii. A de-facto left turn lane on Baldwin Avenue will be constructed (as per the 3-lane section described in Sections V.c.1. and V.c.3. above).

d. Where necessary, the Petitioner shall dedicate and convey in fee simple all rights of way to the City of Charlotte before the Site's first building certificate of occupancy is issued.

e. The Petitioner shall contribute \$250,000.00 to the City of Charlotte for the purpose of traffic calming and/or pedestrian improvements (such as, but not limited to, a raised intersections) to the Cherry Neighborhood in the area adjacent to the Cherry Neighborhood Park (the "Traffic Calming Contribution"). Petitioner shall remit the Traffic Calming Contribution to the City of Charlotte within thirty (30) days after Petitioner receives full, non-appealable approval of the rezoning petition by City Council ("Approval"). After Approval, City Staff shall convene a meeting with the Cherry neighborhood residents to determine the nature of the traffic calming measures and City Staff shall determine the final nature of such improvements (the "Traffic Calming Improvements"). CDOT shall have the right to apply the Traffic Calming Contribution to CDOT's costs incurred in constructing the Traffic Calming Improvements. CDOT also shall have the right to cause Petitioner to construct the Traffic Calming Improvements up to a total maximum cost of \$250,000. If CDOT determines that Petitioner should construct the Traffic Calming Improvements, (a) CDOT shall deliver written notice thereof to Petitioner within ninety (90) days after Approval ("Construction Notice"), (b) during Petitioner's construction of its project, Petitioner shall construct the Traffic Calming Improvements in accordance with a reasonable schedule agreed to by Petitioner and CDOT, and (c) upon completion of the Traffic Calming Improvements in accordance with the approved plans therefor, CDOT shall remit the Traffic Calming Contribution back to Petitioner. If CDOT does not timely deliver the Construction Notice, Petitioner shall have no obligation to construct the Traffic Calming Improvements and the City of Charlotte shall retain the Traffic Calming Contribution for use in its discretion for either traffic improvements or park improvements to the Cherry Neighborhood.

f. With the exception of Section V.e. above, all transportation improvements shall be substantially completed before the Site's first building certificate of occupancy is issued.

1. Substantial completion shall mean completion of the roadway improvements in accordance with the standards set forth herein provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT and NCDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT and/or NCDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event, the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

g. Access:

1. Access to the Site from external public streets will be as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

2. The Rezoning Plan identifies potential vehicular access points which could be surface drives or entrances to structured parking facilities. The exact number and location of vehicular access points will be determined during the design process and thereafter with approval from appropriate governmental authorities, subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations. Petitioner, in its discretion may limit ingress and egress movements or restrict certain vehicular access points to one-way traffic if necessary.

3. The Petitioner reserves the right to request the installation of pavers and/or stamped or colored asphalt within streets abutting the Site in order to designate and define pedestrian cross-walks. The Petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT and NCDOT during the driveway permit process. Furthermore, the Petitioner understands that an encroachment and maintenance agreement must be obtained from CDOT and NCDOT before any decorative pavers and/or stamped pavement proposed in the public right-of-way may be installed.

4. The alignment of vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT and NCDOT's final approval.

V. Design Guidelines:

a. General Design Guidelines.

1. Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 20% of that building's entire facade facing such network street using brick, glass, natural stone (or its synthetic equivalent), stucco, fiber cement, corrugated metal, steel accents, architectural shingles or other material approved by the Planning Director.

2. Prohibited Exterior Building Materials: The Petitioner will not utilize (1) vinyl siding (but not vinyl hand rails, windows or door trim) or (2) concrete masonry units not architecturally finished.

3. Activated ground floor area shall be provided along a minimum of 60% of each building facade along Baldwin Avenue, Fourth Street and Third Street.

i. Activated ground floor area shall include the Entry Terrace, as generally depicted on the Rezoning Plan.

ii. If a retaining wall is provided along the Baldwin Avenue frontage as part of the Entry Terrace, the retaining wall shall contain design features such as, but not limited to, benches, landscaping that meets the City of Charlotte zoning requirements, artwork, sculptures, or lighting features, as generally depicted on the street level elevation graphic included in this Rezoning Plan.

4. Meter banks will be screened where visible from public view at grade from public or private streets and shall be located outside of the setback.

5. Rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.

6. Street trees will be provided in grates or open planters rather than in planting strips.

7. Dumpsters, loading and services areas shall be screened from streets, common open spaces and any adjacent residential uses with materials complimentary to the principal structure. Dumpster enclosures will not directly abut the back of a sidewalk.

8. Backflow preventers and transformers shall be screened and located outside the setback, but can be located in a four (4) foot transition zone. Backflow prevention devices may also be located inside buildings, as permitted in the optional provisions above.

9. With the exception of structured parking facilities, multi-story buildings shall have a minimum of 20% transparency on all upper stories.

10. No EDEE or retail use shall be permitted on the rooftop of the Proposed Building, as labeled on the Rezoning Plan.

11. As related to the portion of the Rezoning Plan labeled "Future Building Site," the following additional standards shall apply:

i. Buildings shall be placed so as to present a front or side facade to all streets.

ii. The facade(s) of buildings fronting Fourth Street shall include a combination of windows and operable doors for a minimum of 60% transparent glass between 2' and 10' on the first floor.

iii. A minimum of two (2) prominent operable doors shall be provided, to be accessible during regular business hours.

VII. Parking Areas, Access and Circulation Design Guidelines.

a. Structured parking facilities shall be designed to encourage and complement pedestrian-scale interest and activity on the ground floor and be architecturally compatible with primary buildings on all levels.

b. Structured parking facilities shall be a maximum height of 85 feet, as measured from the lowest elevation to the top of the parapet.

c. Petitioner seeks to limit areas where parking structures are visible from public or private streets. Therefore, exposed parking structures (driveway entrances to parking decks are permitted) that are visible from public or private streets shall not be allowed in the areas generally depicted on the Rezoning Plan.

d. Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.

e. On-site loading docks and waste areas shall be separated and/or screened from view at ground level from primary building entrances and from Third Street and Fourth Street.

VIII. Pedestrian Access and Circulation Design Guidelines.

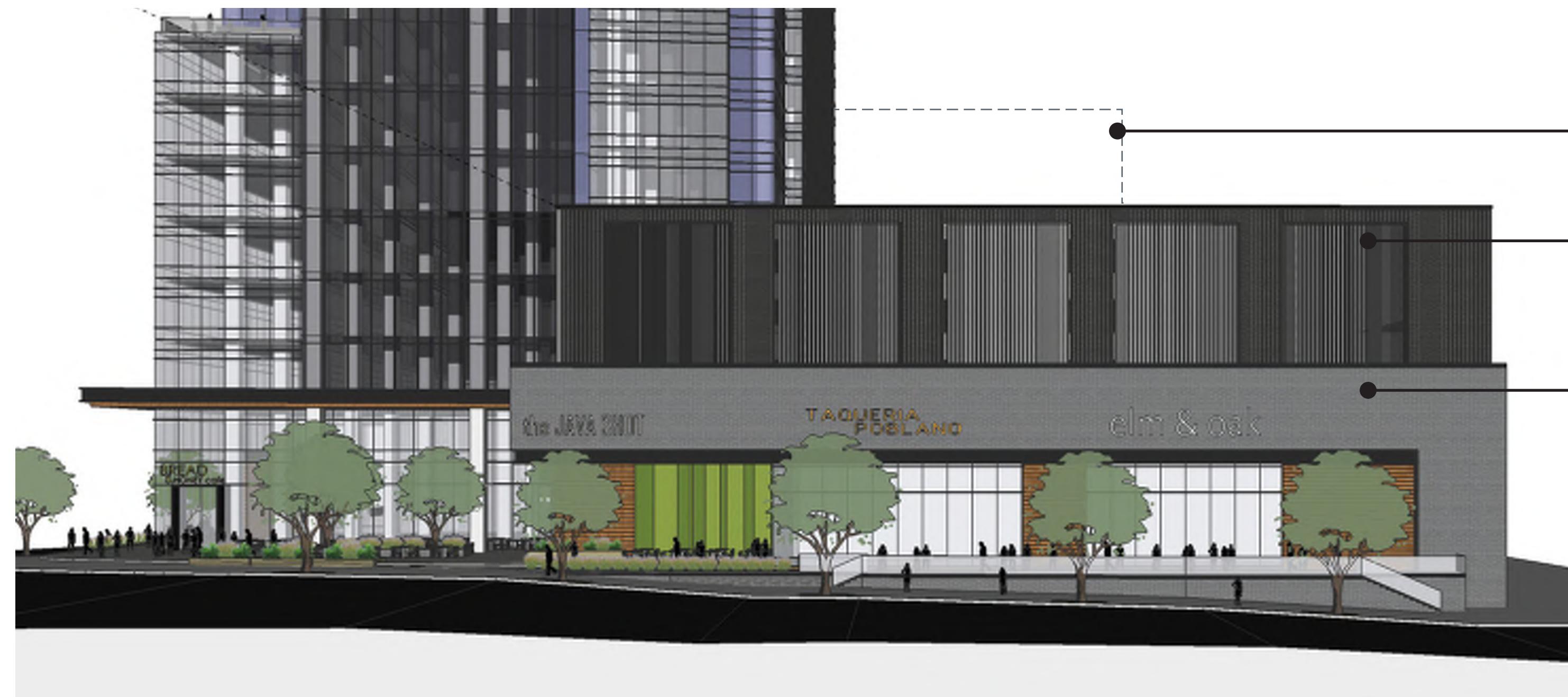
a. The Petitioner shall provide a minimum eight (8) foot sidewalk and planting and amenity areas along all Site frontages.

b. Where walkways occur along building walls, a walkway width of at least eight (8) feet must be maintained clear of main door swings, shopping cart storage, and temporary trash or similar impediments. Main door swings are to be distinguished from emergency exits, with emergency exits only requiring a walkway width of at least four (4) feet.

c. Pursuant to a private agreement, the Petitioner shall construct a pedestrian walkway across property owned by Providence Road Land Partners LLC located on East Fourth Street and Elizabeth Avenue to provide more direct pedestrian access from Baldwin Avenue to Elizabeth Avenue.

IX. Open Space and Amenity Areas.

a. **Urban Open Spaces:** The

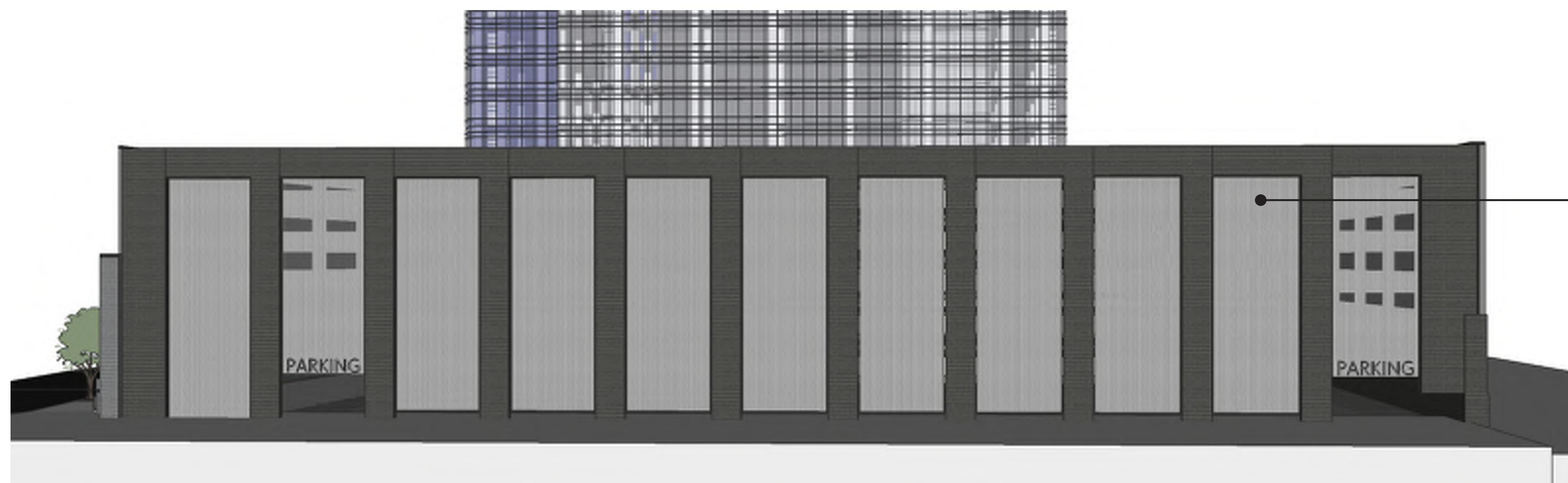


ELEVATION AT THIRD STREET

OUTLINE OF HOTEL BEYOND

PARKING DECK SCREEN COMPOSED OF 12"
DEEP VERTICAL FINS, 10" ON CENTER, TO
SCREEN CARS FROM ALL PERSPECTIVES

EXAGGERATED SIGNAGE BAND OF RETAIL
WILL FURTHER SCREEN VIEWS OF CARS

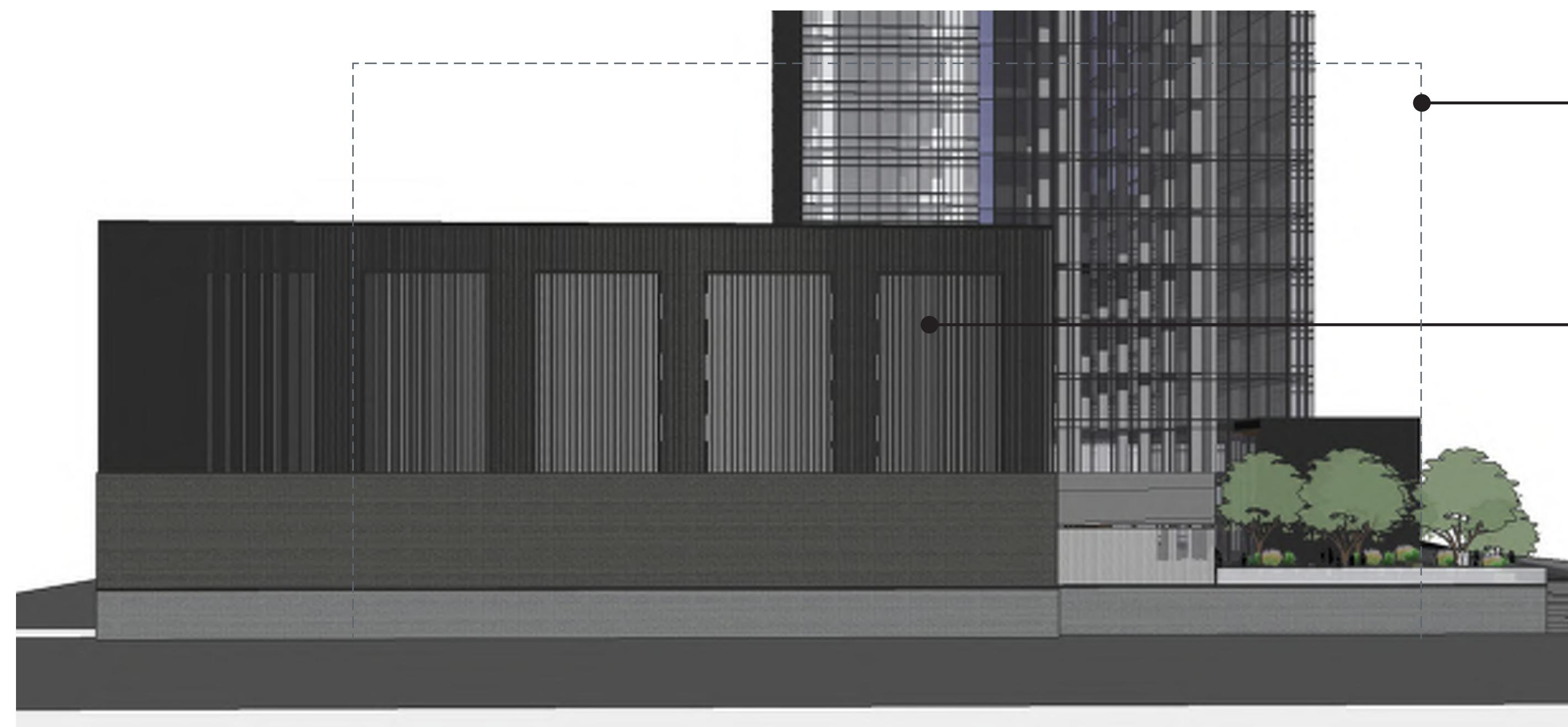


ELEVATION AT SOUTHEAST PROPERTY LINE

BACK FACADE OF PARKING DECK
COMPOSED OF BRICK PIERS INFILLED
WITH PERFORATED METAL SCREEN

RZ-5

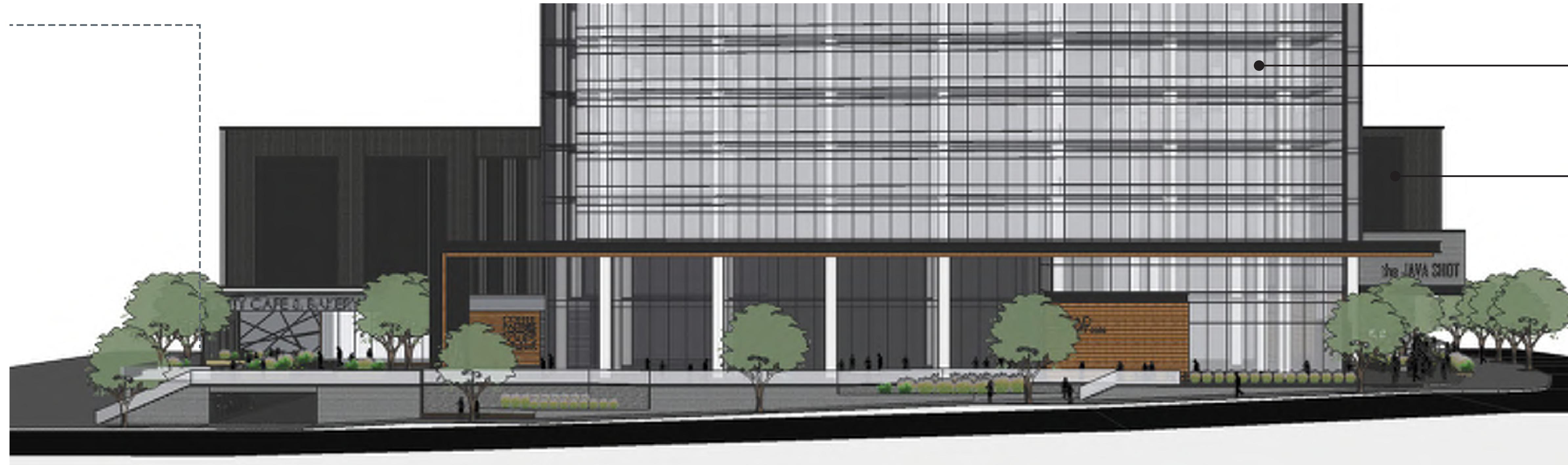
Date: _____



ELEVATION AT FOURTH STREET / FUTURE HOTEL SITE

OUTLINE OF FUTURE HOTEL IN FOREGROUND

PARKING DECK SCREEN COMPOSED OF 12"
DEEP VERTICAL FINS, 10" ON CENTER, TO
SCREEN CARS FROM ALL PERSPECTIVES



ELEVATION AT BALDWIN AVENUE

BUILDING MASS BLOCKS
MAJORITY OF PARKING DECK
VIEWS FROM BALDWIN AVENUE

REMAINING PARKING DECK
VISIBILITY IS SCREENED WITH
12" DEEP VERTICAL FINS, 10"
ON CENTER, TO SCREEN CARS
FROM ALL PERSPECTIVES

RZ-6

Date: _____

NAI Southern
Real Estate

THIRD STREET PROJECT
- REZONING PETITION 2022-058

K&L GATES
214 N. TRYON ST., 47TH FLOOR
CHARLOTTE, NC 28202

Gensler dG DESIGN
RESOURCE
GROUP
2459 WILKINSON BLVD.
CHARLOTTE, NC 28208

STEWART
101 N. TRYON ST., SUITE 1400
CHARLOTTE, NC 28208

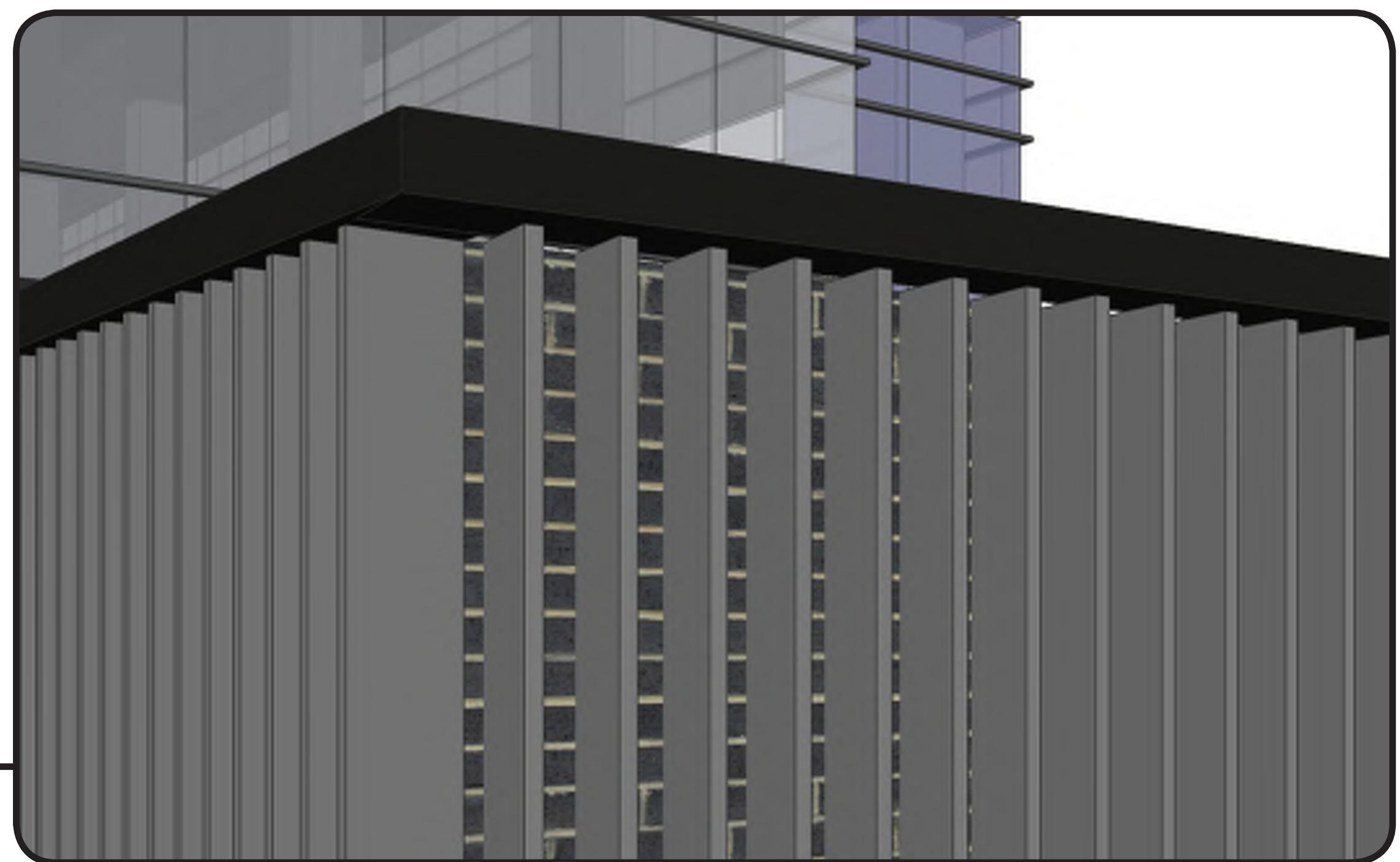


PERSPECTIVE VIEW AT THIRD STREET

Date: _____

NAI Southern
Real Estate

THIRD STREET PROJECT
- REZONING PETITION 2022-058



ENLARGED VIEW OF VERTICAL FINS

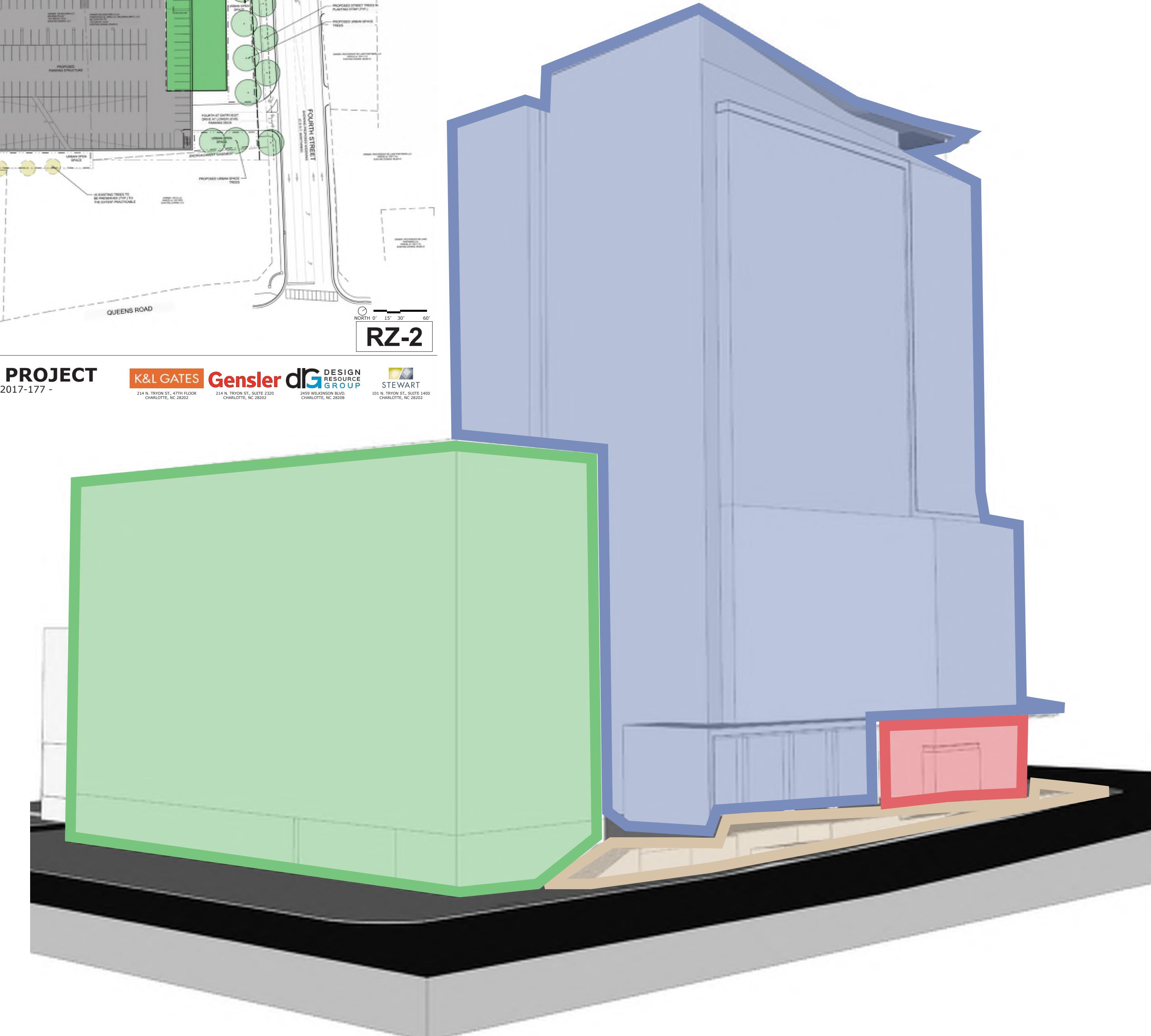
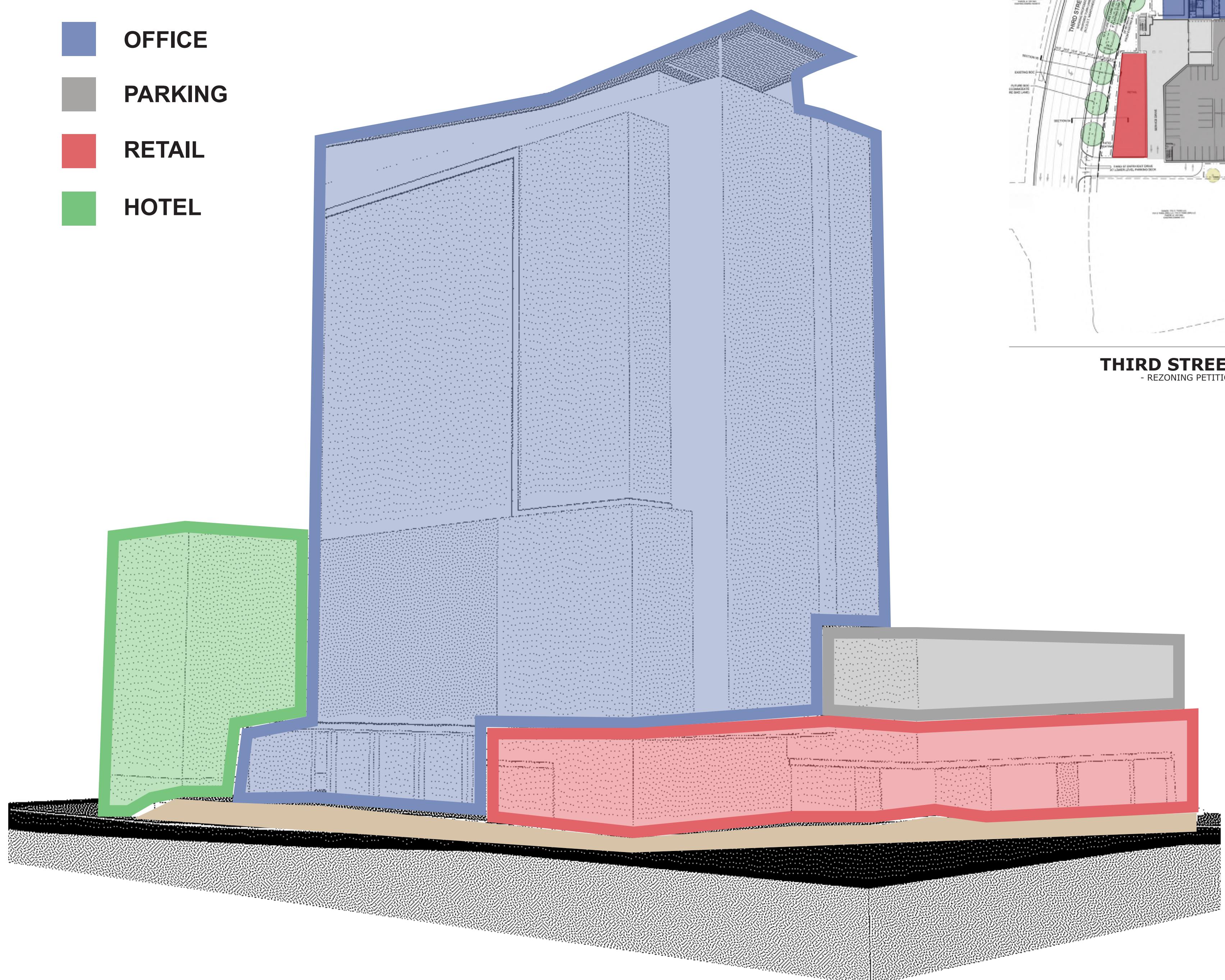
MAJORITY OF PARKING DECK SCREENING TO BE
COMPOSED OF 12" DEEP VERTICAL METAL FINS, 10" ON
CENTER, TO SCREEN CARS FROM ALL VIEWS; FINS TO
BE ILLUMINATED WITH AMBIENT, INDIRECT LIGHTING AT
NIGHT TO ACTIVATE FAÇADE OF PARKING DECK

RZ-7

K&L GATES
214 N. TRYON ST., 47TH FLOOR
CHARLOTTE, NC 28202

Gensler dG DESIGN
RESOURCE
GROUP
2459 WILKINSON BLVD.
CHARLOTTE, NC 28208

STEWART
101 N. TRYON ST., SUITE 1400
CHARLOTTE, NC 28202



BUILDING MASSING

VIEW FROM BALDWIN AVENUE AT THIRD STREET

BUILDING MASSING

VIEW FROM BALDWIN AVENUE AT FOURTH STREET

RZ-8



NAI Southern Real Estate

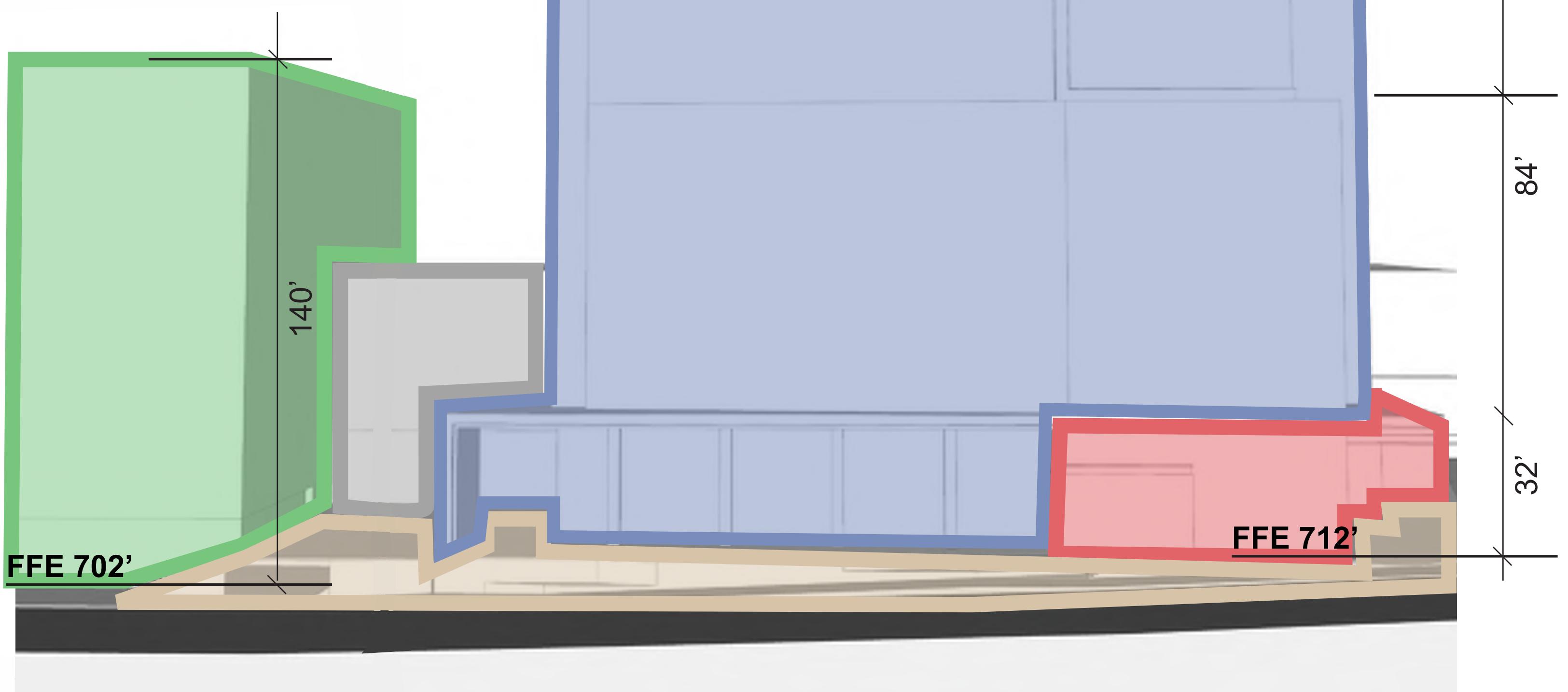
THIRD STREET PROJECT

- REZONING PETITION 2022-058

K&L GATES

The logo for Gensler Design Resource Group. It features the word "Gensler" in a large, bold, red sans-serif font. To the right of "Gensler" is a stylized "dg" logo where the "d" is black and the "g" is blue. To the right of the "dg" logo is the text "DESIGN RESOURCE GROUP" in a black sans-serif font, with "DESIGN" on top, "RESOURCE" in the middle, and "GROUP" on the bottom line.

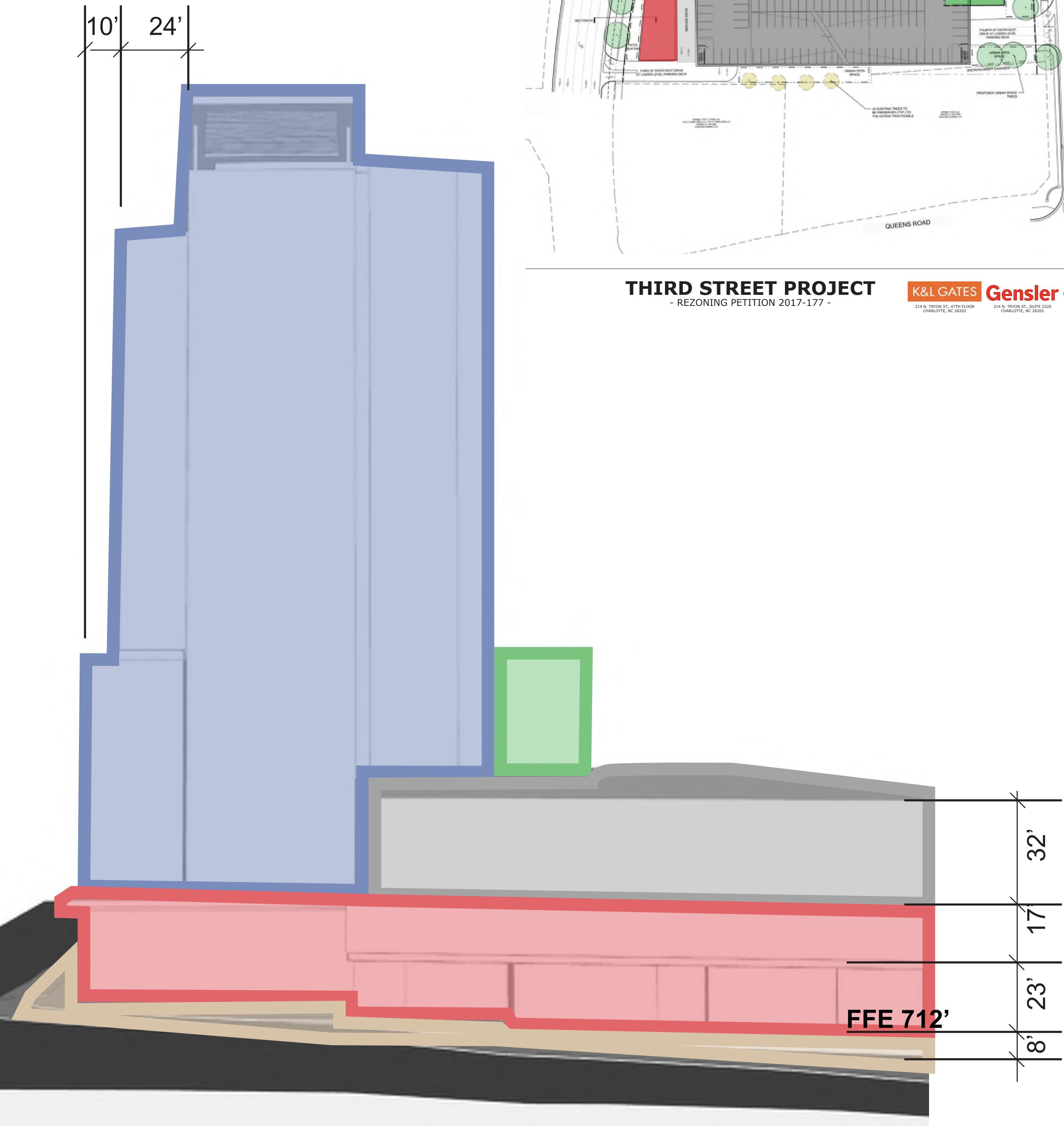
- PUBLIC PLAZA
- OFFICE
- PARKING
- RETAIL
- HOTEL



BUILDING MASSING ELEVATION
VIEW FROM BALDWIN AVENUE

Date: _____

THE UNLABELED WHITE AREAS ON RZ-2 ARE URBAN OPEN
SPACE ZONES, WHICH WOULD BE COMPOSED OF LARGE OPEN
PLAZAS WITH OUTDOOR SEATING AND AN ART INSTALLATION
TOTAL AREA: 20,000 SF

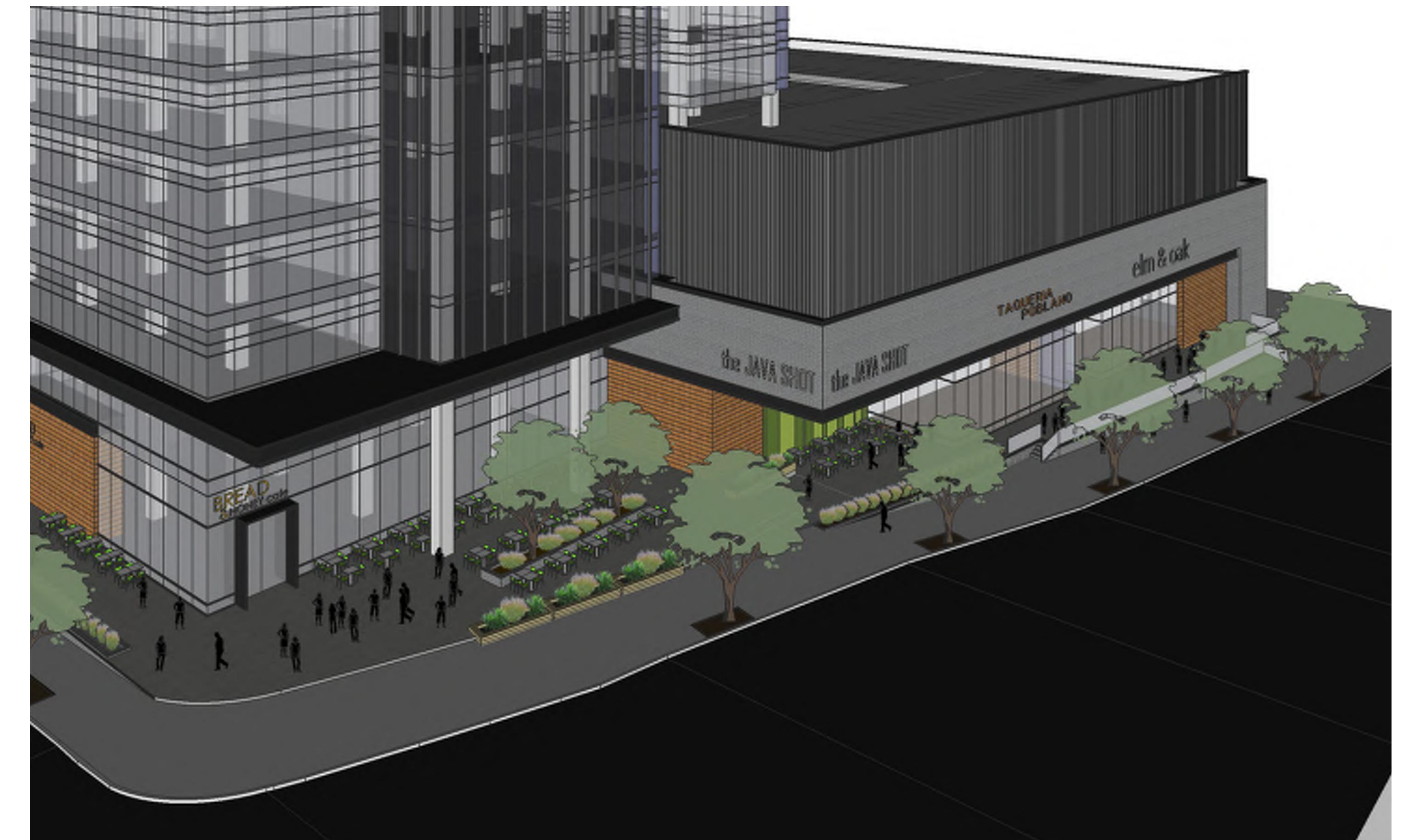


BUILDING MASSING ELEVATION
VIEW FROM THIRD STREET

RZ-9



THIRD STREET PROJECT
- REZONING PETITION 2017-177



BIRDS EYE VIEW OF THIRD STREET ELEVATION



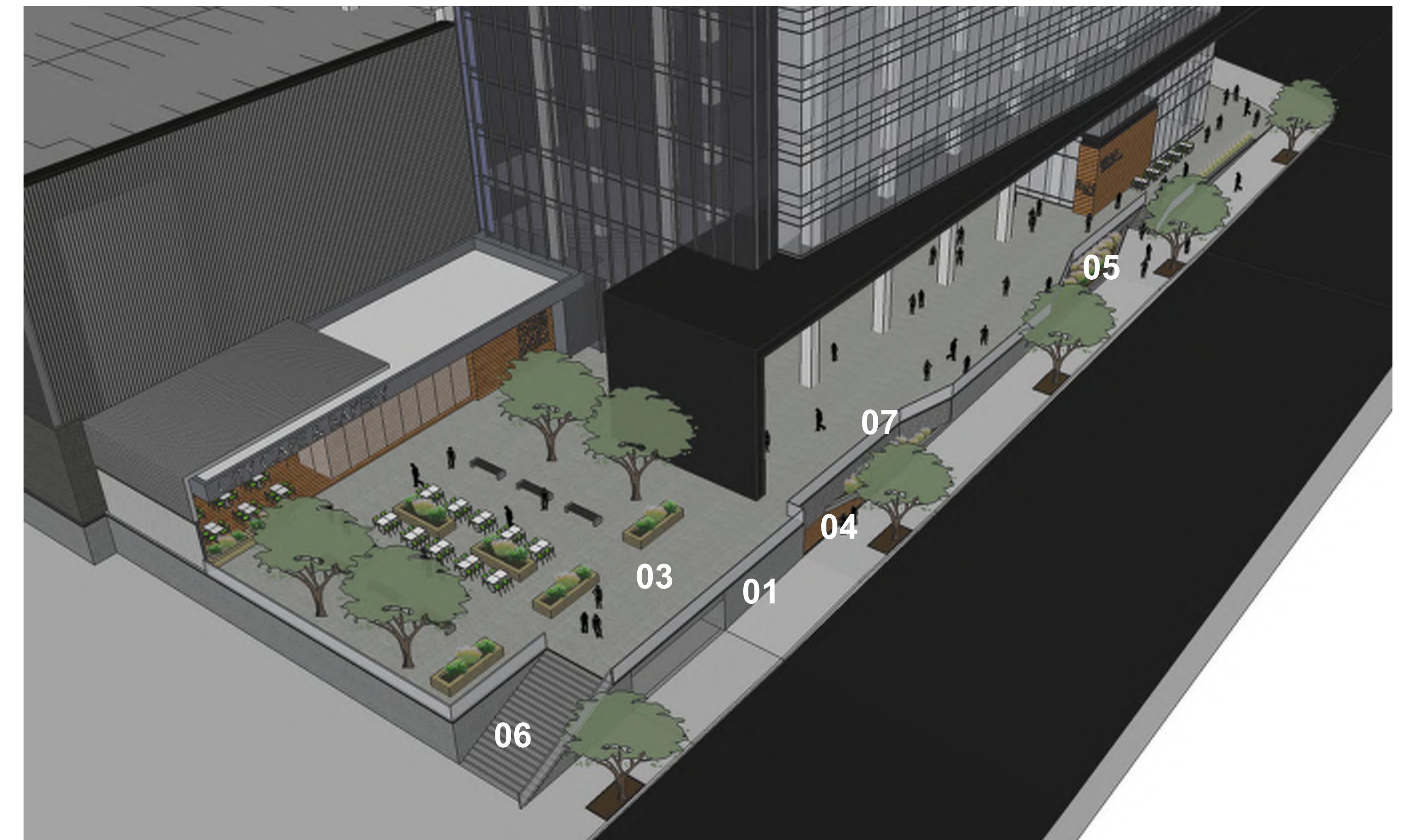
STREET LEVEL ELEVATION AT THIRD STREET

Date: _____

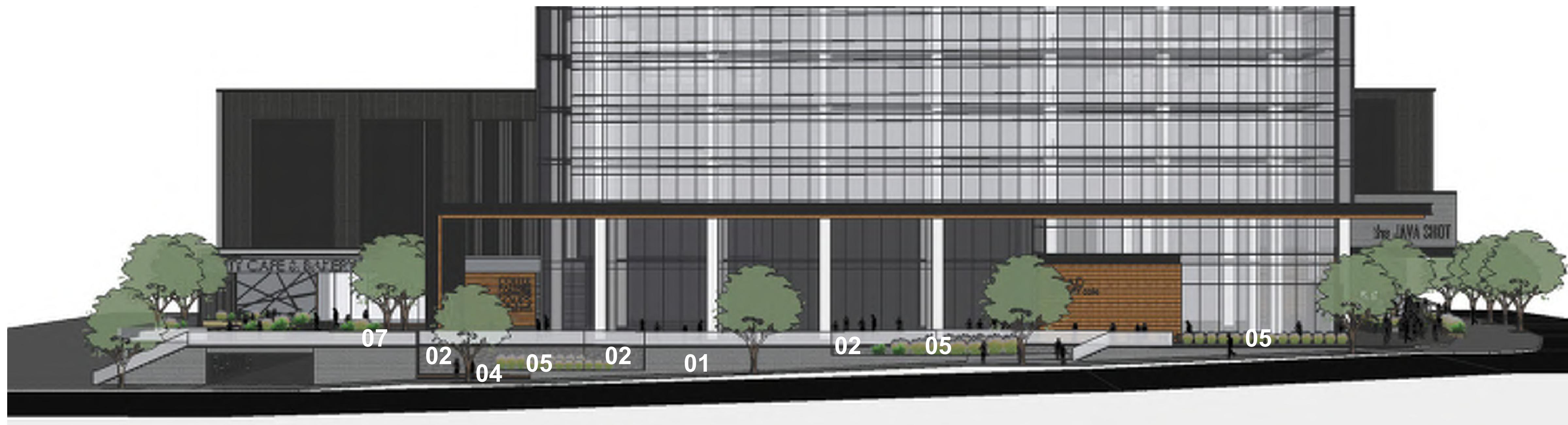
RZ-10

LANDSCAPE ARTICULATION & MATERIALS

- 01 _ BRICK MASONRY, NORMAN, RUNNING BOND
- 02 _ NATURAL STONE AT ALL WALL INSETS
- 03 _ LINEAR CONCRETE PAVERS AT ELEVATED TERRACE
- 04 _ IPE WOOD BENCHES AT WALL INSETS
- 05 _ PLANTING BEDS WITH NATIVE VEGETATION
- 06 _ STAIR TREADS MADE OF NATURAL STONE
- 07 _ GLASS GUARDRAIL



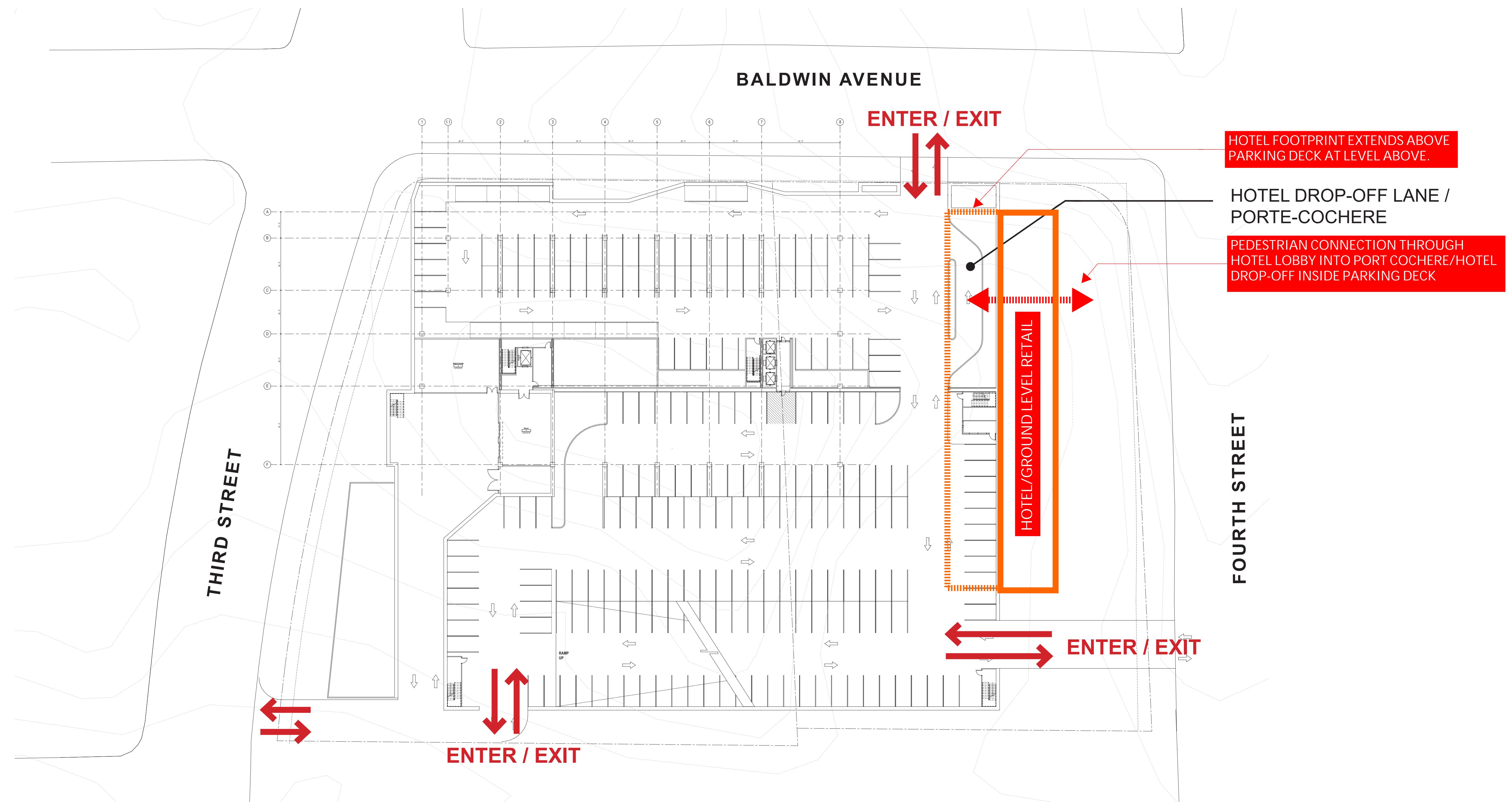
BIRDS EYE VIEW OF BALDWIN AVENUE ELEVATION



STREET LEVEL ELEVATION AT BALDWIN AVENUE

Date: _____

RZ-11



LOWER LEVEL PARKING PLAN

Date: _____

RZ-12