

KEY MAP

SEAL

**REZONING  
PETITION NO.  
2017-167**
**ERVIN BUILDING  
REZONING**

 BEAVER CREEK CRE, LLC  
 4037 E. INDEPENDENCE  
 BOULEVARD  
 CHARLOTTE, NC 28205

LANDDESIGN PROJ.# 1017337

## REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
	REZONING SUBMITTAL	10-23-2017
1.	CITY COMMENTS	12-11-2017
	CITY COMMENTS	01-22-2018
	REVISIONS PER NC DOT/CITY	04-20-2018

 DESIGNED BY: LD  
 DRAWN BY: LD  
 CHECKED BY: RJP

 SCALE: NORTH  
 VERT: N/A  
 HORIZ: 1'=30'  
 0 15' 30' 60'

**EXISTING  
CONDITIONS**

SHEET NUMBER RZ-0

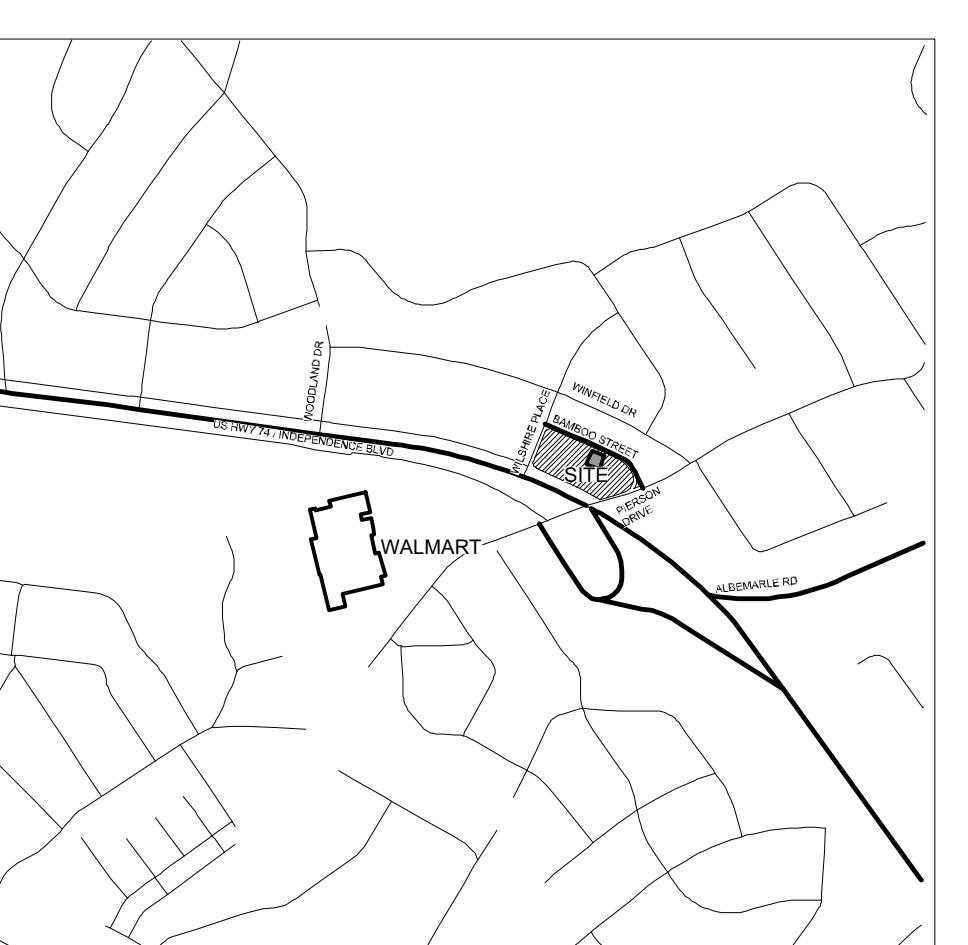


## ADJACENT OWNERSHIP LISTINGS\*

1. EXECUTIVE BUILDING COMPANY LLC  
Tax # 13110116  
Zoning: B-2  
Existing Use: Vacant Lot
2. RICHARD AND RITA GUINEY  
Tax # 13110102  
Zoning: R-22MF  
Existing Use: Single Family
3. BRIAN AND KATHY COSTANZA  
Tax # 13111109  
Zoning: R-4  
Existing Use: Single Family
4. GEORGE ZELECKI AND MARY JOAN  
Tax # 13111108  
Zoning: R-4  
Existing Use: Single Family
5. ROBERT AND KIM KALOUSEK  
Tax # 13111106  
Zoning: R-4  
Existing Use: Single Family
6. JAMES AND ELIZABETH MATTHEWS  
Tax # 13111107  
Zoning: R-4  
Existing Use: Single Family
7. TRACY PERREAU  
Tax # 13111105  
Zoning: R-4  
Existing Use: Single Family
8. MESFEN B TESFAGABIR  
Tax # 13111104  
Zoning: R-4  
Existing Use: Single Family
9. HELMS RENTAL LLC  
Tax # 13111103  
Zoning: R-4  
Existing Use: Single Family
10. JAMES WINKLE  
Tax # 13111102  
Zoning: R-4  
Existing Use: Single Family
11. CHARLOTTE LP ADAMS OUTDOOR  
ADVERTISING  
Tax # 13113330  
Zoning: B-2  
Existing Use: Open Storage Lot
12. UHAUL REAL ESTATE CO.  
Tax # 13113331  
Zoning: B-2  
Existing Use: Open Storage Lot

## SITE INFORMATION

SITE AREA	2.11 ACRES (+/- 91,911.60 SQFT)
TAX PARCEL(S) INCLUDED WITHIN THE AREA TO BE REZONED	13111112, 13111110, 13111101
EXISTING ZONING	BUSINESS (B-2)
EXISTING USES	VACANT STRUCTURES: RETAIL, OFFICE AND PARKING
PROPERTY OWNERS	EXECUTIVE BUILDING COMPANY, LLC PO BOX 33775 CHARLOTTE, NC 28233


 VICINITY MAP  
 SCALE: 1" = 1000'

 NOTES:  
 EXISTING CONDITION PLAN DERIVED FROM VARYING SOURCES (I.E. MULTIPLE SURVEYS, GIS,  
 AERIAL RECONNAISSANCE, AND SITE OBSERVATIONS). ACTUAL SITE AND/OR CONTEXT  
 CONDITIONS MAY VARY. TO THE FULL KNOWLEDGE OF THE PETITIONER ALL KNOWN EXISTING  
 EASEMENTS AND ROW RESERVATIONS ARE SHOWN.

SHEET NUMBER

NORTH GRAHAM STREET  
CHARLOTTE, NC 28202  
704.333.0325  
[WWW.LANDDESIGN.COM](http://WWW.LANDDESIGN.COM)  
G. FIRM LICENSE # C-0658

**REZONING  
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NOTES:

1. THE IMAGES SHOWN ARE ILLUSTRATIVE TO SHOW GENERAL INTENT, CHARACTER, RELATIONSHIPS OF USES, CIRCULATION, AND BUILDING CONFIGURATION FOR THE PURPOSES OF REZONING. FINAL CONSTRUCTION MAY VARY BASED ON UNFORESEEN FIELD CONDITIONS.

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DESIGNED BY: LD  
DRAWN BY: LD  
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A scale bar and a north arrow are located in the bottom right corner of the map. The scale bar is a horizontal line with tick marks at 0, 15', and 30'. The north arrow is a circle with a crosshair inside, pointing towards the top right.

**TECHNICAL DATA  
SHEET**

SHEET NUMBER

RZ-1

US HWY 74  
INDEPENDENCE BOULEVARD  
NCDOT VARIABLE ROW

WILSHIRE PLACE  
50' ROW

BAMBOO STREET  
NCDOT VARIABLE ROW

PIERSON DRIVE  
VARIABLE ROW

EXISTING FULL MOVEMENT  
DRIVeways TO REMAIN

EXISTING STREETSCAPE AND PARKING IN  
FROM BAMBOO DRIVEWAY AND ALONG  
PIERSON DRIVE TO REMAIN

MAX HEIGHT  
123'-0"

POSSIBLE LOCATION OF BUILDING ADDITION  
MAX HEIGHT 55' (REFER TO RZ-5)

DEVELOPMENT AREA 'B'

DEVELOPMENT AREA 'A'

EXISTING BUILDING

16' SETBACK

16' SETBACK

16' SETBACK

20' SETBACK

20' SETBACK

50'-0" MAX.  
HEIGHT AREA

86'-0" MAX.  
HEIGHT AREA

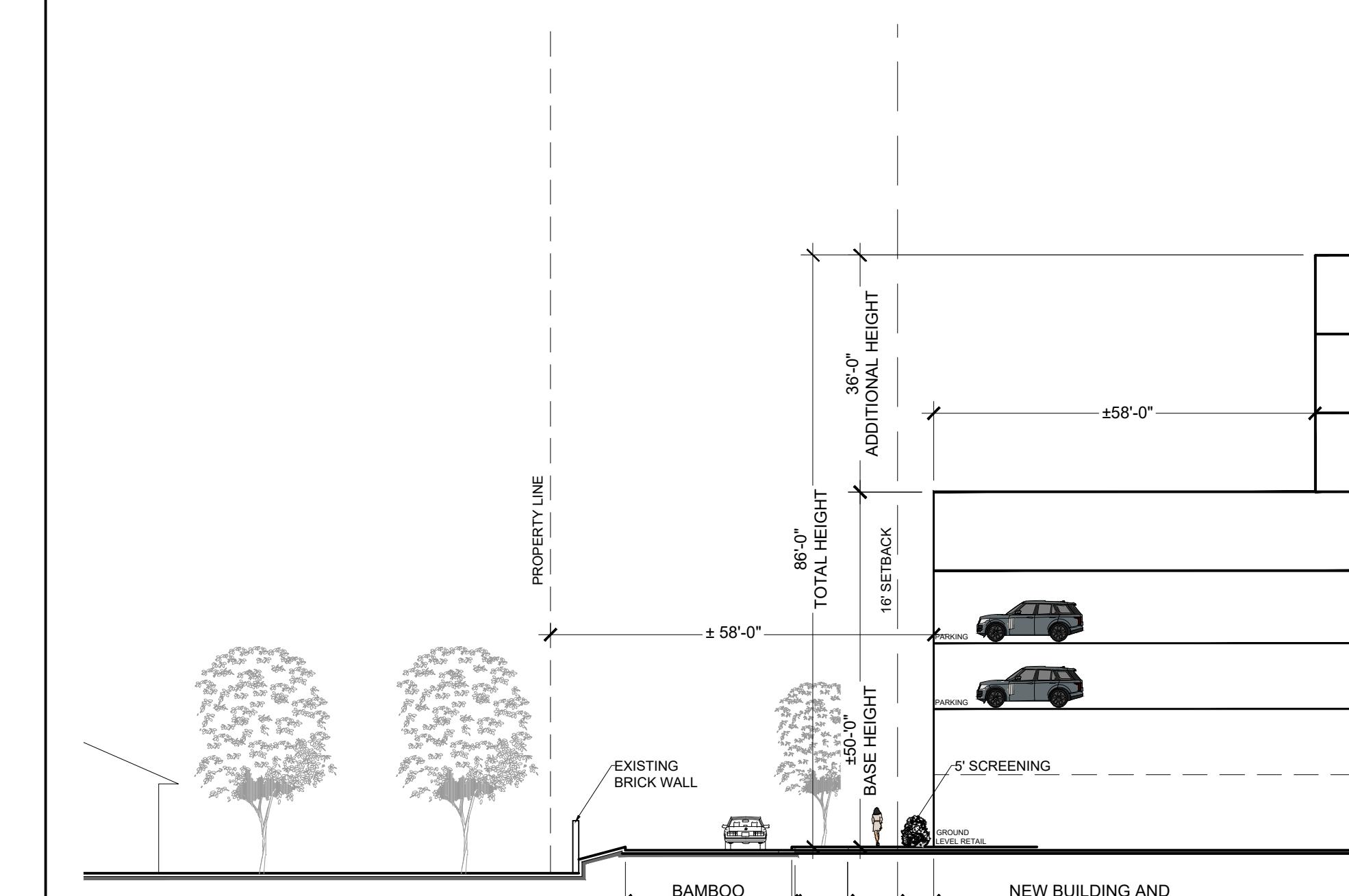
106'-0" MAX  
HEIGHT AREA

BUILDING / PARKING  
ENVELOPE (AREA 'B')

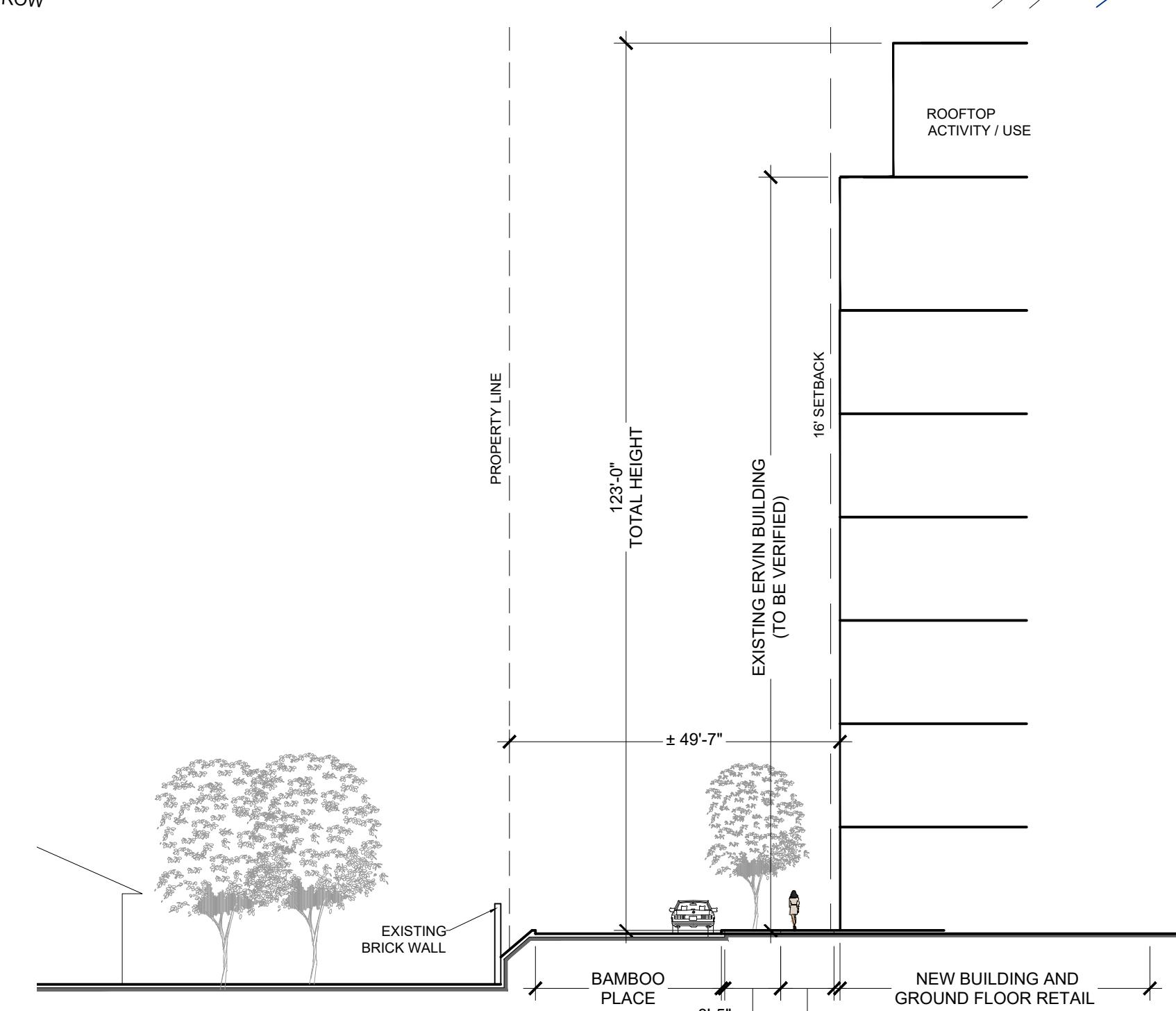
BUILDING / PARKING ENVELOPE  
(AREA 'A') REPLACEMENT BUILDING

MAX HEIGHT  
123'-0"

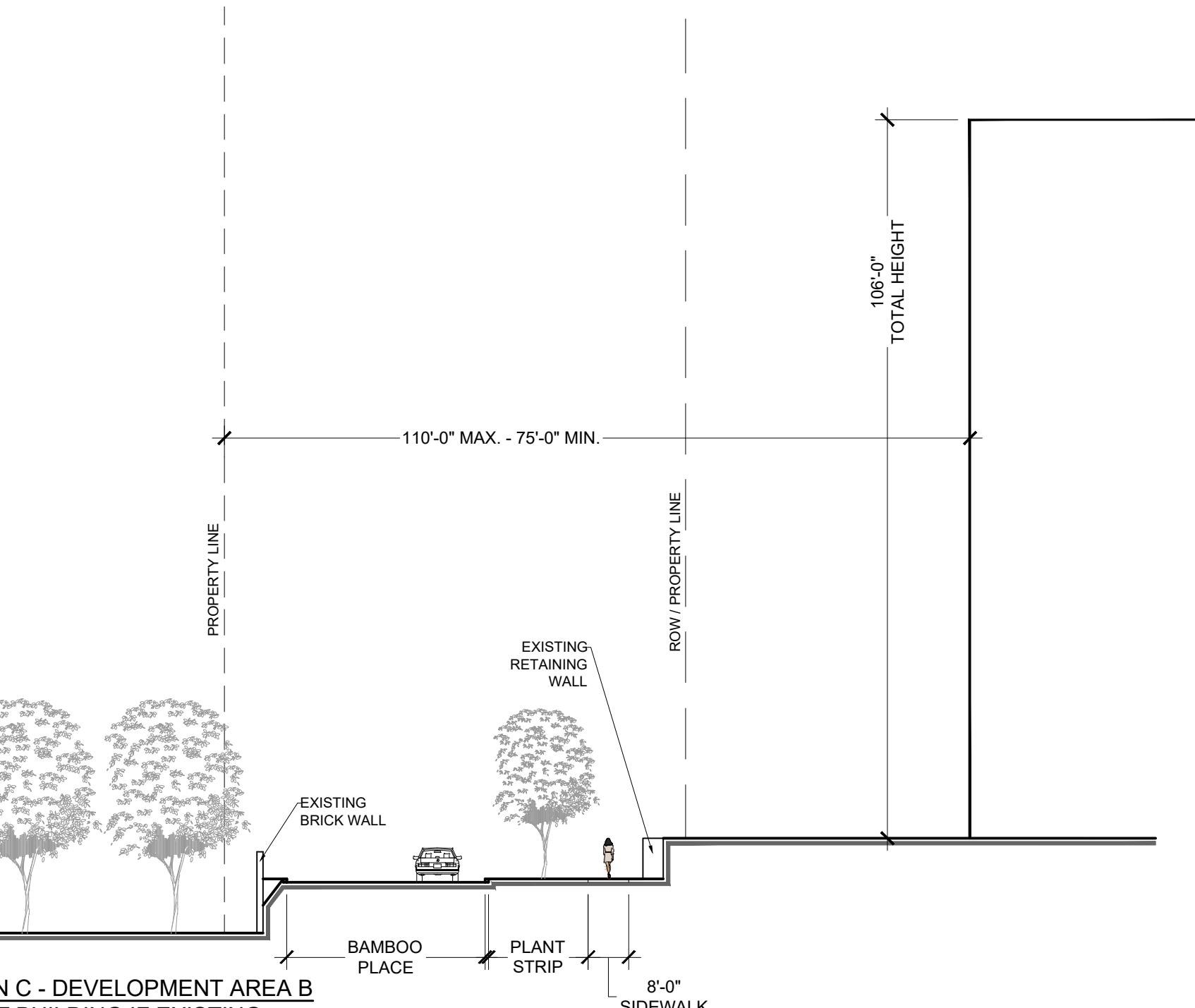
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## ILLUSTRATIVE SECTION A - DEVELOPMENT AREA E PHASE II NEW MIXED USE BUILDING



## ILLUSTRATIVE SECTION B - DEVELOPMENT PHASE I EXISTING BUILDING



**ILLUSTRATIVE SECTION C - DEVELOPMENT AREA B**

**PHASE I REPLACEMENT BUILDING IF EXISTING**

**BUILDING CANNOT BE RENOVATED**

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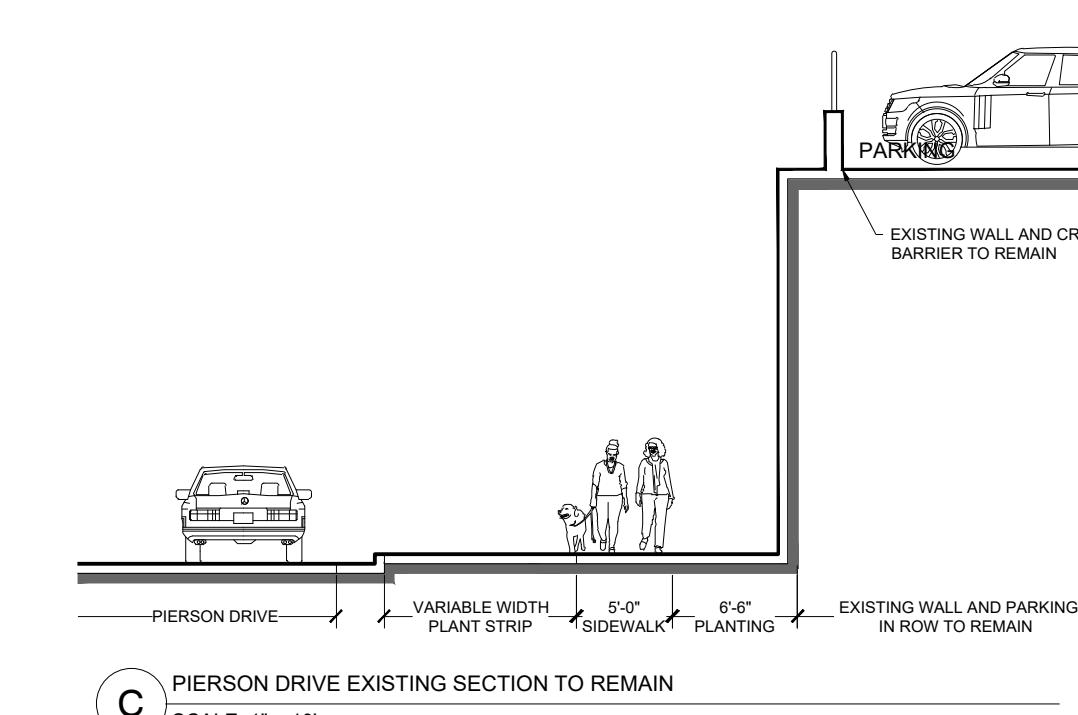
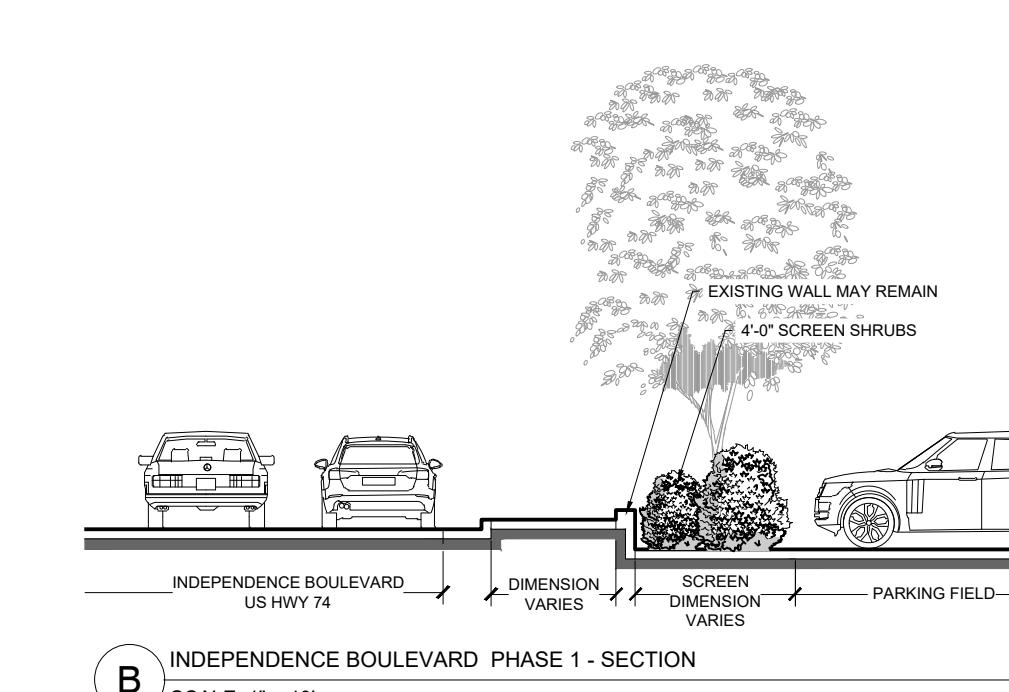
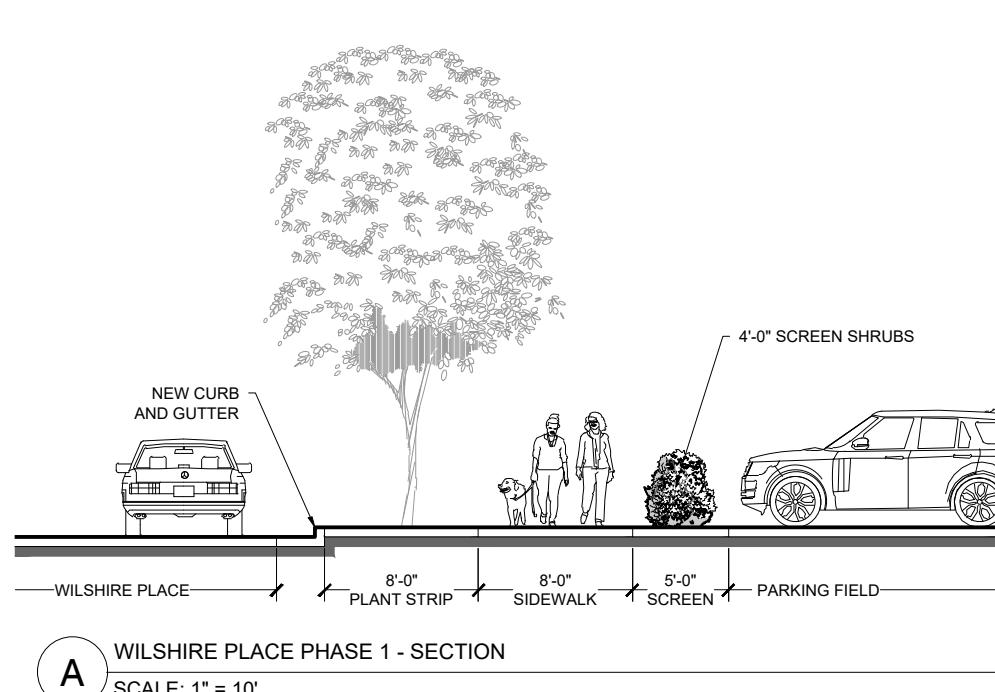
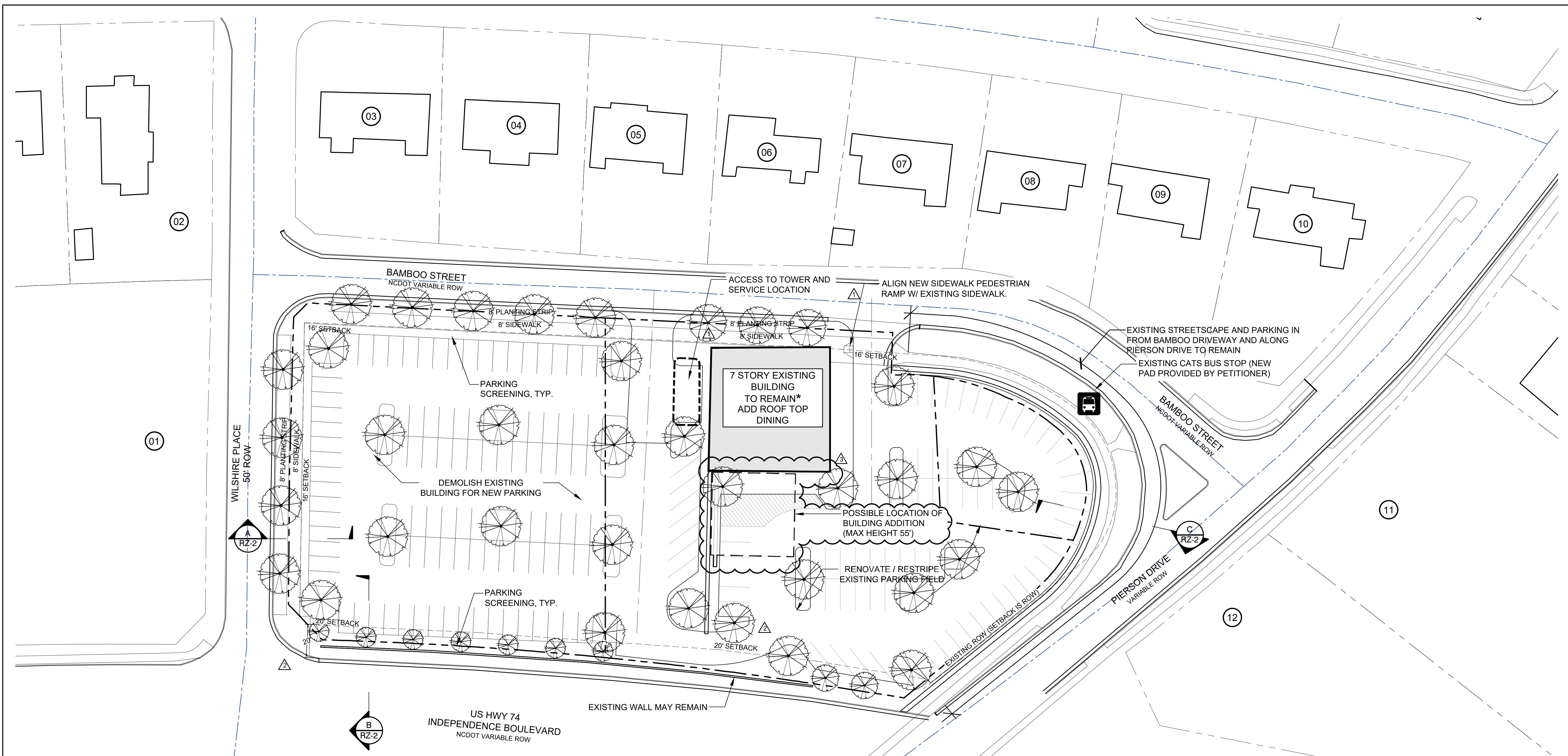
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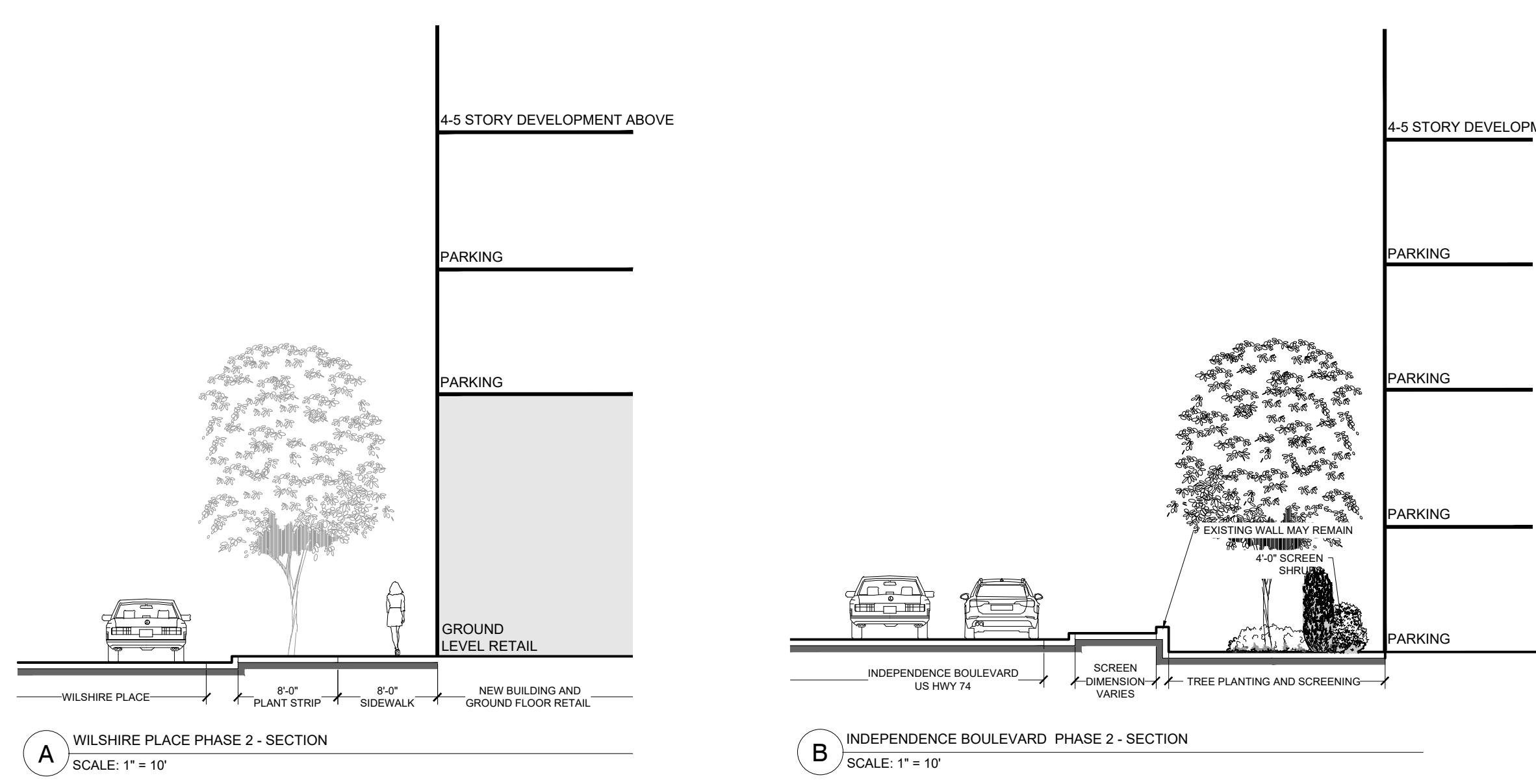
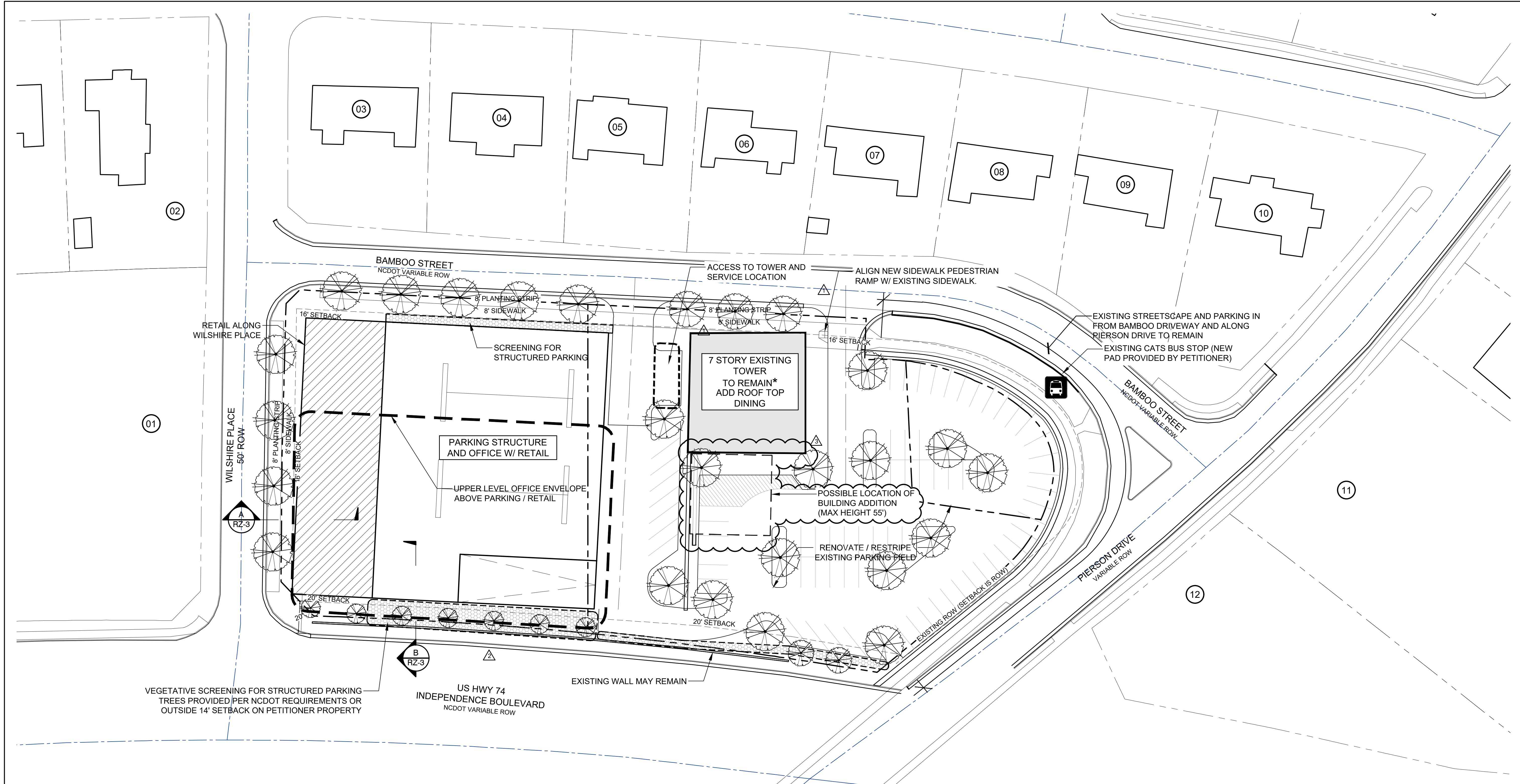
**CONCEPTUAL SITE  
PLAN - PHASE 1**

SHEET NUMBER

**RZ-2**

\* SUBJECT TO SECTION 3 OF DEVELOPMENT STANDARDS REGARDING  
CONDITION OF BUILDING





321 Beaver Creek CRE LLC  
 Development Standards  
 April 16, 2018  
 Rezoning Petition No. 2017-167

Site Development:

 -Acreage: ± 2.11 acres  
 -Tax Parcel #: 131-111-12; 131-111-10 & 131-111-01

-Existing Zoning:

-Proposed Zoning: MUDD-O

-Existing Uses: Vacant/abandoned commercial/office buildings

-Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district and/or the Optional Provisions below, as more specifically described in the Rezoning Plan.

-Maximum Gross Square Foot of Development-Area A: up to 45,000 square feet of gross floor area of allowed uses (subject to the right to transfer 12,000 square feet to Development Area A from Development Area B in connection with the construction of the building addition within Development Area A described in Section 3 or transfer 30,000 square feet if the existing building is destroyed as described in Section 3); and (ii) within Development Area B up to 57,000 square feet of gross floor area of allowed uses (subject to reductions as described in Section 3, each of (i) and (ii) together with accessory uses as allowed in the MUDD-O zoning district and/or the Optional Provisions below).

-Maximum Building Height: The height of the existing building within Development Area A may be increased up to a total height not to exceed 123 feet (see Optional Provision in Section 2 below), and if the existing building is destroyed the replacement building may not exceed a maximum height of 106 feet and must be located within the building envelope depicted on Sheet RZ-1. If constructed, the maximum height of the building addition within Development Area A shall not exceed 55 feet. The building to be constructed within Development Area B may not exceed a maximum height of 106 feet at the building setback along Bamboo Street and (ii) 86 feet for the portion of the building stepped back from Bamboo Street in the manner depicted on Sheet RZ-1. Height to be measured as required by the Ordinance.

-Parking: Parking will be provided as required by the Ordinance.

## 1. General Provisions:

a. Site Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Beaver Creek CRE LLC ("Petitioner") to accommodate the redevelopment of certain land and improvements thereon containing approximately 2.11 acres located at the intersection of Hwy 74 (Independence Blvd.) and Pierson Drive (the "Site") to permit a new mixed use development. It is understood that the Site includes two (2) Development Areas, namely "Development Area A" and "Development Area B" (each may be referred to as a "Development Area" or collectively as the "Development Areas") as generally depicted in the Rezoning Plan.

b. Zoning Districts/Ordnance: 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") for MUDD-O district. Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD-O zoning classification shall govern, as modified by the Optional Provisions below.

c. Graphics and Alterations: The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, and other development matters and site elements (collectively the "Development Site Elements") set forth on the Rezoning Plan will be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development Site Elements will be reviewed in conjunction with the Rezoning Plan and graphic representations of the Development Site Elements proposed. Changes to the Rezoning Plan anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.07 of the Ordinance.

d. Number of Buildings, Principal and Accessory: The total number of principal buildings to be developed on the Site shall not exceed two (2); provided, however, the existing building on Development Area A together with the building addition as described in Section 3 below shall be considered as one (1) building as long as they are attached in some manner whether by wall, arch/breezeway or similar structure. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on a Development Area to which such improvements relate.

e. Development Standards: The Site shall be developed as a planned mixed development plan for the elements and portions of the Site generally depicted on the Rezoning Plan. As such, site and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will be required internally between improvements and other Development Site Elements located within the Site. Furthermore, the Petitioner and/or owner of the portion of the Site reserve the right to subdivide the portions or all of the Site within the Development Areas and create lots within the interior of the portion of the Site with such Development Site Elements to be subject to similar standards as the portion of the Site and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site and those expressly described in the Rezoning Plan shall be adhered to. In addition, all FAR requirements will be regulated by any development limitations set forth in this Rezoning Plan as to the Site as a whole and not individual portions or lots located therein.

f. Personal Services: The terms "personal service uses" and/or "personal services" (whether capitalized or not) will mean and refer to uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandise but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barbers, spas, Yoga and exercise studios, fitness and wellness facilities, nail salons, martial arts training studios, laundries and dry cleaning establishments, locksmiths, funeral homes and like.

g. EDEE Uses: Refers to the term "Entertainment, Drinking, Entertainment, Food, and Lodging" which shall include without limitation Limited Service Restaurants, A "Limited Service Restaurant" or "limited service restaurant" (whether capitalized or not) shall mean a restaurant with no more than 3,000 square feet of gross floor area serving primarily items such as coffee, ice cream, yogurt, juices, bagels, muffins, pastries, sandwiches and similar foods that do not require on-premise cooking of food (other than heating and the baking of premixed dough), together with associated accessory uses.

h. Gross Floor Area: When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities) and enclosed loading dock/service areas.

## 2. Optional Provisions:

The following Optional Provisions shall apply to the Site:

a. Height of Existing Building within Development Area A: The height of the existing building located on Development Area A may be increased up to a total building height of 123 feet.

b. Development Area A Specialty Signage: Within Development Area A, to allow the specialty signage in the manner described in either subsection 2.b(i) or 2.b(ii) below (but not both subsections):

(i) wall or other specialty signage located near the top of the existing building located within Development Area A but underneath or wrapping the Rooftop Activity Area (as defined in Section 3.a. below) to have up to 725 square feet of sign surface area per wall/sign surface area (the "Specialty Signage Alternative A");

(ii) wall or other specialty signage located at or near the top of the building addition that may be constructed within Development A to have up to 725 square feet of sign surface area per wall/sign surface area ("Specialty Signage Alternative B").

A conceptual rendering of the Specialty Signage Alternative A and the Rooftop Activity Area is generally depicted on Sheet RZ-4 (the actual installed improvements may vary from such rendering as long as the overall design intent is met and the above specifications are followed), and a conceptual rendering of Specialty Signage Alternative B is generally depicted on Sheet RZ-2 (the actual installed improvements may vary from such rendering as long as the overall design intent is met and the above specifications are followed).

In connection with both Specialty Signage Alternative A or Specialty Signage Alternative B (each being referred to as "Specialty Signage"; only one such alternative shall be permitted), the following additional requirements shall apply:

(x) such Specialty Signage shall not be installed on a wall/sign surface area or portion of the existing building or building addition facing directly to the northeast along the edge directly opposite Independence Boulevard;

(y) the Specialty Signage shall be digital and LED in nature (or of similar technology) with digital components and features that allow dimming of the Specialty Signage to adjust for ambient conditions;

(z) Petitioner shall explore the incorporation of solar panels or some other alternative energy source as part of the existing building or building addition within Development Area A to support efficient power supply for the Specialty Signage, and if feasible to incorporate some material level of such alternative energy source; and

(q) the Specialty Signage will not become operable until issuance of the certificate of occupancy for the renovated existing building within Development Area A.

c. Detached Ground Mounted Signs: To allow one detached ground mounted sign along Independence Boulevard with a maximum height of 20 feet and containing up to 150 square feet of sign area and to allow one detached ground mounted sign along each of the other public streets (Wilshire, Bamboo, and Pierson) in accordance with MUDD permitted dimensions and heights.

d. Parking/Maneuvering on Development Area A: To allow parking and maneuvering between the building on Development Area A and Independence Boulevard, Bamboo Street and Pierson Drive.

e. Parking/Maneuvering on Development Area B: To allow surface parking and maneuvering within Development Area B without regard to building locations or existence of buildings on the Site and as generally depicted on the Rezoning Plan until such time as "Phase II Development" takes place on Development Area B. Parking and maneuvering may not be located between the building and adjacent public streets on Development Area B after the issuance of the first certificate of occupancy associated with the Phase II Development to take place on Development Area B.

f. Streetscape Optional Provisions: To not require a sidewalk nor planting strip along the Site's frontage with Independence Boulevard, and to allow the existing streetscape located along Pierson Drive and that portion of Bamboo near Pierson Drive as shown on the Rezoning Plan to remain.

Note: The optional provisions regarding signs are additions/modifications to the standards for signs on the Site and are to be used with the remainder of MUDD standards for signs not modified by these Optional Provisions.

## 3. Permitted Uses &amp; Development Area Limitation:

a. Development Area A: Subject to and including the provisions set forth in Section 3 herein (including for instance transfer and conversion rights), Development Area A may be developed for up to 45,000 square feet of gross floor area of uses (see definition of gross floor area above) allowed in the MUDD-O zoning district, together with accessory uses as allowed in the MUDD-O zoning district and per the Optional Provisions of Section 2 above.

b. If per Section 3.c. below, the building addition to the existing building is constructed within Development Area A, the total gross floor area of the building addition shall not exceed 12,000 square feet of gross floor area resulting in a total of 37,000 square feet of gross floor area within all of the combined building (existing building and building addition) within Development Area A, and the additional 12,000 square feet of gross floor area shall result in a 12,000 square foot reduction of the Development Area B gross floor area.

c. In addition, in the event the building is destroyed by fire or other casualty so that rebuilding of the existing building is to be done in connection with the construction of the building addition within Development Area A in connection with the building addition generally depicted on Sheet RZ-1, in such event the gross floor area allowed within Development Area B may be increased by 30,000 square feet of gross floor area of uses allowed within Development Area A (including, without limitation, the Rooftop Active Uses and Specialty Signage), and the permitted square footage within Development Area B reduced accordingly so that the total square footage of the Site shall not exceed 102,000 square feet of gross floor area.

d. Furthermore, no more than 12,000 square feet of gross floor area within Development Area A shall be used for "EDEE Active Uses" (see definition of gross floor area above) allowed in the MUDD-O zoning district, including accessory uses as allowed in the MUDD-O zoning district; provided, however, such amount may be increased as described in Section 3.e. Furthermore, no more than 6,000 square feet of retail, EDEE or Personal Services uses (excluding such uses deemed necessary to office uses on Development Area B) shall be permitted on Development Area B, unless more square feet of such uses is added by way of a corresponding reduction from Development Area A.

e. All new detached and attached lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

f. Decorative lighting of the Site will be limited to 26 feet in height.
 g. Screening of the surface parking areas associated with Phase I Development on the Site shall be a four (4) foot mature height evergreen hedge generally depicted on the Rezoning Plan. The proposed screening may be located within the setback and within the right-of-way along Independence Boulevard, Pierson Drive and a portion of Bamboo Street close to Pierson as generally depicted on the Rezoning Plan; approval by NCDOT to locate screening in such rights-of-way is required and if not granted Petitioner shall work with NCDOT to obtain suitable substitute screening if so granted by NCDOT.

## 7. Environmental Features:

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

## 8. Signage:

a. Signage as allowed by the MUDD-O zoning district in the MUDD-O Area may be provided and as allowed in the MUDD-O Optional Provisions set forth above.

## 9. Lighting:

a. All new detached and attached lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
 b. Decorative lighting of the Site will be limited to 26 feet in height.

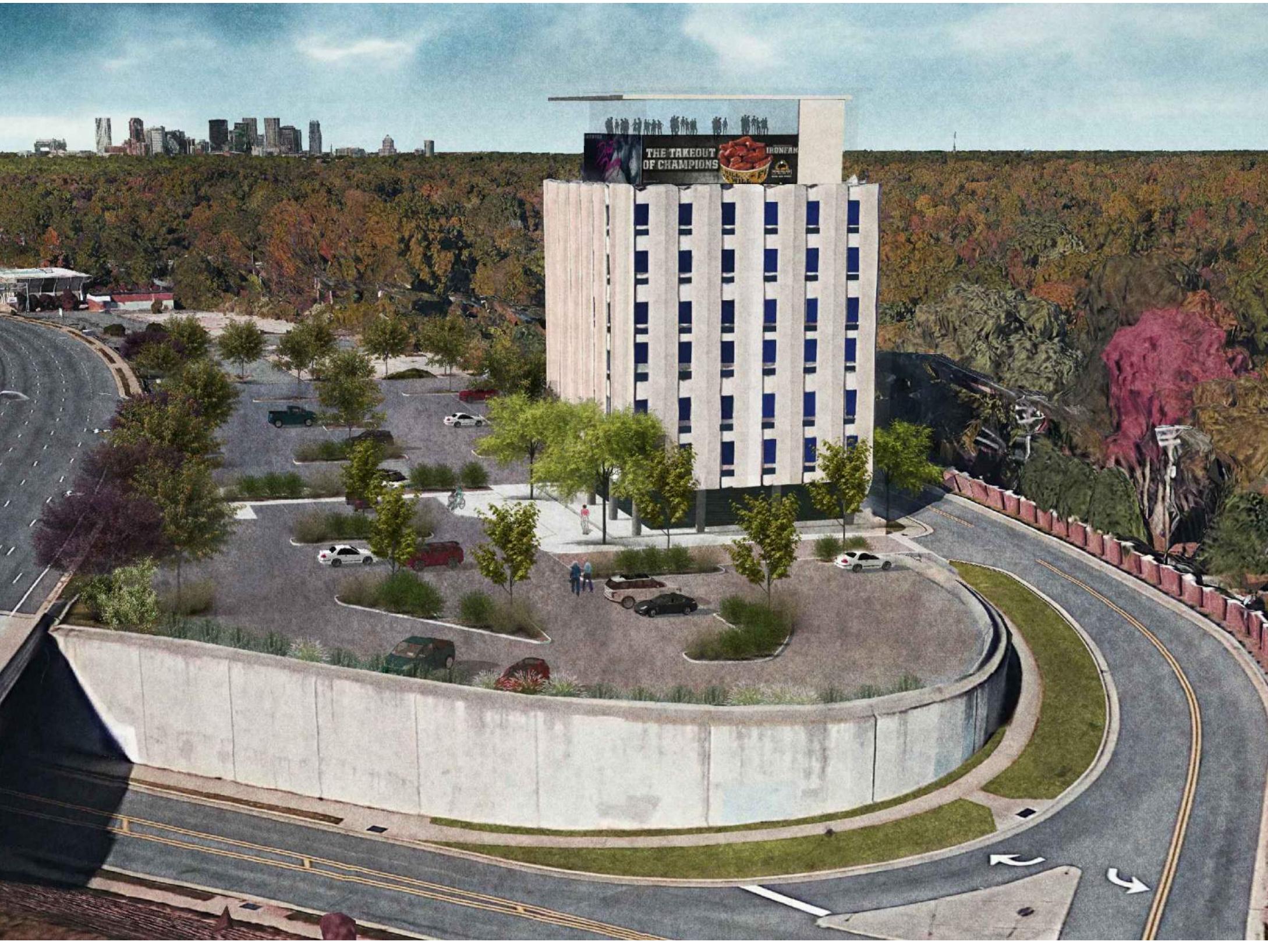
c. Subject to the issuance of NCDOT the Petitioner will install street lights along Bamboo Street prior to the issuance of a certificate of occupancy for the existing building within Development Area A or the first new building constructed on the Site.

## 10. 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 portion of the Development Area (or subdivision thereof) affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

## 11. 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 under the Ordinance, be binding upon and to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



CONCEPTUAL PERSPECTIVE - ILLUSTRATIVE ROOFTOP ACTIVITY AND SPECIALTY SIGNAGE ALTERNATIVE A

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REZONING

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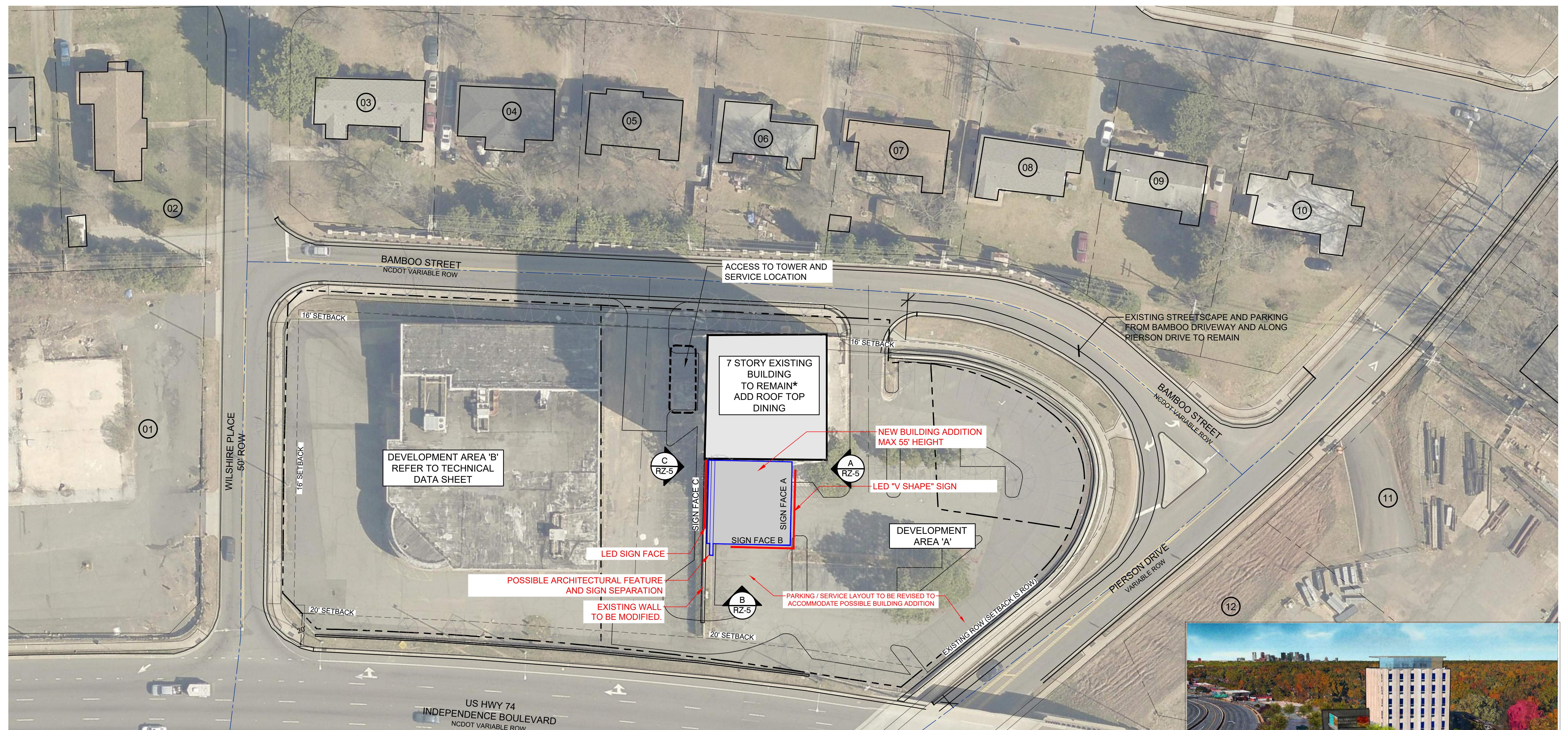
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DESIGNED BY: LD  
DRAWN BY: LD  
CHECKED BY: RJPSCALE: 1" = 100'-0" NORTH  
VERT: N/A  
HORZ: N/ADEVELOPMENT  
STANDARDS

SHEET NUMBER

RZ-4



**REZONING  
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