

CULTURE SHOP

REZONING TO ALLOW FOR COMMERCIAL USE

1423 KENNON ST.
CHARLOTTE, NORTH CAROLINA 28205

1. DEVELOPMENT TABLE:

- i. PROPOSED ZONING: MUDD-O
- ii. CURRENT ZONING: R-22 MF
- iii. PROPOSED USE: NON-RESIDENTIAL USES AS ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT
- iv. PROPOSED BUILDING AREA: NOT TO EXCEED 4,000 SF 
- v. FAR: PER ORDINANCE REQUIREMENTS
- vi. PARKING REQUIRED: NONE

DEVELOPMENT CONDITIONS

GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY KEH PROPERTIES LLC ("PETITIONER") TO ACCOMMODATE THE ADAPTIVE REUSE OF THE EXISTING BUILDING ON AN APPROXIMATE 0.147 ACRE SITE LOCATED AT 1425 KENNON ST. THE NORTHWEST CORNER OF THE INTERSECTION OF HAWTHORNE LN AND KENNON ST. (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL 08116409.
- B. 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 OR OPTIONAL PROVISIONS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT (MUDD) ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- C. THROUGHOUT THIS REZONING PETITION, THE TERMS "OWNER" AND "PETITIONER" SHALL, WITH RESPECT TO THE SITE, BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNEES OF THE OWNER OR OWNERS OF THE SITE WHO MAY BE INVOLVED IN ITS DEVELOPMENT FROM TIME TO TIME.
- D. THE DEVELOPMENT AND USES DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK AND YARD REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL NOT MATERIALLY CHANGES THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
- E. THIS REZONING PLAN ILLUSTRATES SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, ACCESS DRIVEWAYS, OPEN SPACE, STREETScape 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 MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ZONING ORDINANCE. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

OPTIONAL PROVISIONS

- A. THE EXISTING BUILDING SHALL REMAIN, and MAY BE RENOVATED, IMPROVED, EXPANDED AND REPLACED IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN. THE DESTRUCTION OR SUBSTANTIAL IMPAIRMENT OF THE BUILDING ALONE SHALL NOT REQUIRE REZONING AND THE BUILDING MAY BE REPLACED IN A MATERIALLY SIMILAR FORM IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN. IN THE EVENT THE BUILDING IS PERMANENTLY REMOVED FOR REDEVELOPMENT THEN THE PARCEL SHALL BE REZONED.
- B. THE PARKING REQUIREMENTS OF THE ZONING ORDINANCE SHALL BE REDUCED TO ZERO, AND NO PARKING SHALL BE REQUIRED FOR USE OF THE EXISTING BUILDING, BUILDING EXPANSION AND OUTDOOR PATIO AREA.
- C. TO FACILITATE THE RETENTION OF THE EXISTING BUILDING, THE PETITIONER MAY PRESERVE OR REMOVE THE EXISTING NON-COMPLIANT PARKING IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN.
- D. PETITIONER SHALL NOT BE REQUIRED TO MEET THE PARKING SCREENING REQUIREMENTS OF 12.303 AND ALL OTHER PARKING SCREENING REQUIREMENTS FOR THE EXISTING PARKING AS GENERALLY SHOWN ON THE SITE PLAN, PROVIDED THAT SUCH SCREENING SHALL BE REQUIRED AS APPLICABLE IF THE PARKING AREAS ARE RETAINED AFTER COMPLETION OF THE STREETScape IMPROVEMENTS
- E. IN ORDER TO FACILITATE THE REHABILITATION AND USE OF THE EXISTING BUILDING, THE BUILDING AND OUTDOOR AREAS MAY BE RENOVATED, IMPROVED AND EXPANDED INTO THE AREAS GENERALLY MARKED ON THE SITE PLAN AS "BUILDING EXPANSION AND OUTDOOR PATIO AREA" ON THE REZONING PLAN FOR USE AS INDOOR OR OUTDOOR USES AS PERMITTED BY THE ORDINANCE.

F. THE EXISTING SIDEWALKS SHALL REMAIN UNTIL THE STREETScape IMPROVEMENTS ALONG HAWTHORNE LN AND KENNON ST AS GENERALLY DEPICTED ON THE REZONING PLAN ARE REQUIRED AS SET FORTH HEREIN.

PERMITTED USES

A. SUBJECT TO THE LIMITATIONS SET OUT BELOW, THE SITE MAY BE DEVOTED TO THE USE OR USES TOGETHER WITH AN INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH AS FOLLOWS: BUILDINGS FOR DRAMATIC, MUSICAL, OR CULTURAL ACTIVITIES; BICYCLE-SHARING STATION; SMALL-SCALE CLASS LEARNING BUSINESSES SUCH AS CULINARY SCHOOL, PIANO SCHOOL, AND SIMILAR CATEGORIES OF SMALL-SCALE SCHOOLING; DONATION DROP-OFF FACILITY; EDEE TYPE 1; EDEE TYPE 2; FOOD STALL AND/OR FOOD ESTABLISHMENTS; ARCADE USES AS PART OF AN ICE-CREAM/CANDY SHOP OR SIMILAR SMALL-SCALE INDOOR AMUSEMENT; INDOOR RECREATION; INSTITUTIONAL USES, LIMITED TO CHURCHES, SYNAGOGUES, PARISH HOUSES, SUNDAY SCHOOL BUILDINGS, CONVENTS, COMMUNITY RECREATION CENTERS, LIBRARIES, MUSEUMS, THEATERS, OR ART GALLERIES; OUTDOOR FRESH PRODUCE STANDS AND MOBILE PRODUCE MARKET; OUTDOOR SEASONAL SALES; OUTSIDE OPEN MARKET; PARKS, GREENWAYS, AND ARBORETUMS; PET SERVICES INDOOR; PROFESSIONAL BUSINESS AND GENERAL OFFICES, EXCLUDING POST OFFICES; RETAIL SALES LIMITED TO USES PERMITTED IN THE B-1 DISTRICT; SERVICES SUCH AS BEAUTY SHOPS AND BARBERSHOPS UP TO 4,500 SQUARE FEET, AND LOCKSMITHS; STUDIOS FOR ARTISTS, DESIGNERS, PHOTOGRAPHERS, MUSICIANS, SCULPTORS, GYMNASTS, POTTERS, WOOD AND LEATHER CRAFTSMEN, GLASS BLOWERS, WEAVERS, SILVERSMITHS, AND DESIGNERS OF ORNAMENTAL AND PRECIOUS JEWELRY; THEATERS, MOTION PICTURES; YMCAS, BUILDINGS FOR SOCIAL, FRATERNAL, SOCIAL SERVICE, UNION AND CIVIC ORGANIZATIONS, AND COMPARABLE ORGANIZATIONS.

B. RESTRICTIONS ON USE:

- i. THE TOTAL AREA OF COMBINED INDOOR AND OUTDOOR USE SHALL BE LIMITED TO A MAXIMUM OF 4,000 SQUARE FEET OF ALLOWABLE USES AS SET FORTH IN THE MUDD DISTRICT.
- ii. A MAXIMUM HEIGHT OF FORTY FEET (40') SHALL BE PERMISSIBLE AND SHALL BE MEASURED AS DEFINED WITHIN THE ZONING ORDINANCE.
- iii. THE FOLLOWING USES SHALL BE PROHIBITED: GAS STATION, CAR WASH, ADULT ESTABLISHMENT AND ACCESSORY DRIVE-IN WINDOW.
- iv. OUTDOOR USES SHALL BE RESTRICTED TO THE HOURS OF 7:00 AM TO 10:00 PM.
- v. IF ONSITE ALCOHOL CONSUMPTION IS PROVIDED, THEN THE USE MUST ALSO INCLUDE FOOD SERVICE.
- vi. HOOD VENTILATION FOR KITCHEN MAY REMAIN IN ITS CURRENT LOCATION BUT IF MOVED, IT SHALL BE PLACED ON THE BILATERAL HALF OF THE BUILDING THAT IS CLOSEST TO HAWTHORNE LN.

TRANSPORTATION

- A. THE SITE WILL HAVE VEHICULAR ACCESS VIA DRIVEWAY CONNECTION TO HAWTHORNE LN. AS GENERALLY IDENTIFIED ON THE SITE PLAN. THE FINAL PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT SHOWN ON THE REZONING PLAN ARE SUBJECT TO MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED BY CDOT FOR FINAL APPROVAL.
- B. PARKING SHALL NOT BE REQUIRED BUT PETITIONER MAY RETAIN EXISTING PARKING AS SET FORTH IN THE OPTIONAL PROVISIONS.
- C. ALL PUBLIC RELATED TRANSPORTATION IMPROVEMENTS SHALL BE APPROVED AND CONSTRUCTED AT THE TIME THAT THE BUILDING OR SITE IS PERMITTED FOR AN EXPANSION OF GREATER THAN 25% OF THE BUILDING AREA AND SHALL BE COMPLETED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE EXPANSION PROJECT. THE TRANSPORTATION IMPROVEMENTS WILL NOT BE TRIGGERED BY MINOR PERMITS OR PERMITTING NECESSARY TO REPAIR OR REPLACE THE BUILDING OR PREMISES, NOR SHALL IT BE REQUIRED SOLELY BECAUSE OF AN EXPANSION OF OUTDOOR SEATING AREAS.
- D. PETITIONER SHALL PROVIDE A SIDEWALK EASEMENT SET AT TWO FEET BEHIND BACK OF SIDEWALK WHERE FEASIBLE, PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.
- E. WHEN REQUIRED PER THESE CONDITIONAL NOTES, PETITIONER SHALL:
 - a. PROVIDE A 6 FT WIDE SIDEWALK ON THE BACK OF THE CURB ON KENNON ST AS GENERALLY SHOWN ON THE SITE PLAN WHEN REQUIRED BY EXPANSION OF THE BUILDING BY MORE THAN 25% AS SET FORTH ABOVE.
 - b. WHEN THE SIDEWALK ON KENNON ST. IS IMPROVED, THE CURBCUT ON KENNON ST. SHALL BE REMOVED AS GENERALLY SHOWN ON THE SITE PLAN, SUBJECT TO APPROVAL OF CDOT.
 - c. PROVIDE A 6 FT WIDE SIDEWALK ON THE BACK OF THE CURB ON HAWTHORNE LN. AS GENERALLY SHOWN ON THE SITE PLAN WHEN REQUIRED BY EXPANSION OF THE BUILDING BY MORE THAN 25% AS SET FORTH ABOVE.
 - d. WHEN THE SIDEWALK ON HAWTHORNE LN. IS IMPROVED, THE CURBCUT CLOSEST TO THE INTERSECTION WITH KENNON ST. SHALL BE REMOVED AS GENERALLY SHOWN ON THE SITE PLAN, SUBJECT TO APPROVAL OF CDOT.

ARCHITECTURAL

- A. AREAS MARKED AS BUILDING EXPANSION AND OUTDOOR PATIO AREA MAY BE UTILIZED FOR OUTDOOR AMENITIES, SUCH AS ENTERTAINMENT AND SERVICE AREAS ASSOCIATED WITH EATING DRINKING AND ENTERTAINMENT USES AND/OR BUILDING EXPANSION.
- B. PETITIONER MAY INCREASE THE SIZE OF THE EXISTING BUILDING, ADD ADDITIONAL FLOORS OR SQUARE FOOTAGE TO THE BUILDING, SUBJECT TO ORDINANCE REQUIREMENTS AND SUBJECT TO A LIMITATION IN HEIGHT OF 40' OR LESS. IN THE EVENT THAT PETITIONER DOES EXPAND THE BUILDING.

C. MODIFICATIONS AND/OR BUILDING ADDITIONS SHALL NOT INCREASE THE EXISTING DEGREE OF NON-CONFORMITY.

STREETScape, SCREENING AND LANDSCAPING

- A. THE EXISTING SIDEWALKS SHALL REMAIN BE MAINTAINED ALONG HAWTHORNE LN AND KENNON ST AS GENERALLY DEPICTED ON THE REZONING PLAN UNTIL SUCH TIME AS THE TRANSPORTATION IMPROVEMENTS ARE REQUIRED.
- B. THE SITE SHALL COMPLY WITH SECTION 12.403 OF THE ZONING ORDINANCE. TRASH AND RECYCLING SERVICE AREAS SHALL BE SCREENED FROM PUBLIC VIEW AS REQUIRED BY THE ORDINANCE.
- C. THE PARKING AREA SHALL NOT REQUIRE SCREENING UNLESS THE PARKING AREA IS RETAINED AFTER COMPLETION OF THE STREETScape IMPROVEMENTS
- D. EXISTING FENCING ADJACENT TO SINGLE FAMILY LOT TO BE RETAINED AND MAINTAINED IN MATERIALLY THE SAME FORM AND LOCATION.

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.

LIGHTING

- A. ALL NEW LIGHTING SHALL BE FULL CUT-OFF TYPE FIXTURES; EXCLUDING, LOWER DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE INTERNAL DRIVE AISLES, SIDEWALK, COURTYARDS, AND LANDSCAPE ACCENT LIGHTING.
- B. DECORATIVE PATIO AND PEDESTRIAN SCALED LIGHTS MAY BE PROVIDED WITHIN THE SITE.

AMENDMENTS TO 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 OF CHAPTER 6 OF THE ORDINANCE.

BINDING EFFECT OF THE REZONING

- 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 INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.