

## **CONTEXT/ PURPOSE FOR REZONING:**

THIS REZONING RELATES PRIMARILY TO TECHNICAL ZONING ASPECTS IN CONNECTION WITH CONTEMPLATED DEVELOPMENT OF AN INDOOR SPORTS TRAINING AND PRACTICE FACILITY AND OTHER COMMERCIAL USES AS ALLOWED BY THE UC ZONING DISTRICT ON THE SITE LOCATED BETWEEN N. CALDWELL ST. AND N. DAVIDSON AND ON THE SOUTH SIDE OF E. 5TH STREET.

FURTHERMORE, THE INDOOR SPORTS TRAINING FACILITIES AND ASSOCIATED USES CONTEMPLATED BY THE DEVELOPMENT PLANS ARE UNIQUE IN NATURE WITH DESIGN AND OTHER DEVELOPMENT STANDARDS THAT REQUIRE VARIATIONS AND EXEMPTIONS FROM THE BASE STANDARDS OF THE APPLICABLE ZONING DISTRICTS IN THE MANNER CONTEMPLATED BY THE EXCEPTION (EX) PROVISIONS OF THE ORDINANCE (I.E., UDO AS DEFINED BELOW) AND AS DESCRIBED IN THIS REZONING PLAN.

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# **NOT FOR** CONSTRUCTION

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CHARLOTTE PEC, LLC.

501 E. TRADE ST. CHARLOTTE, NC 28202

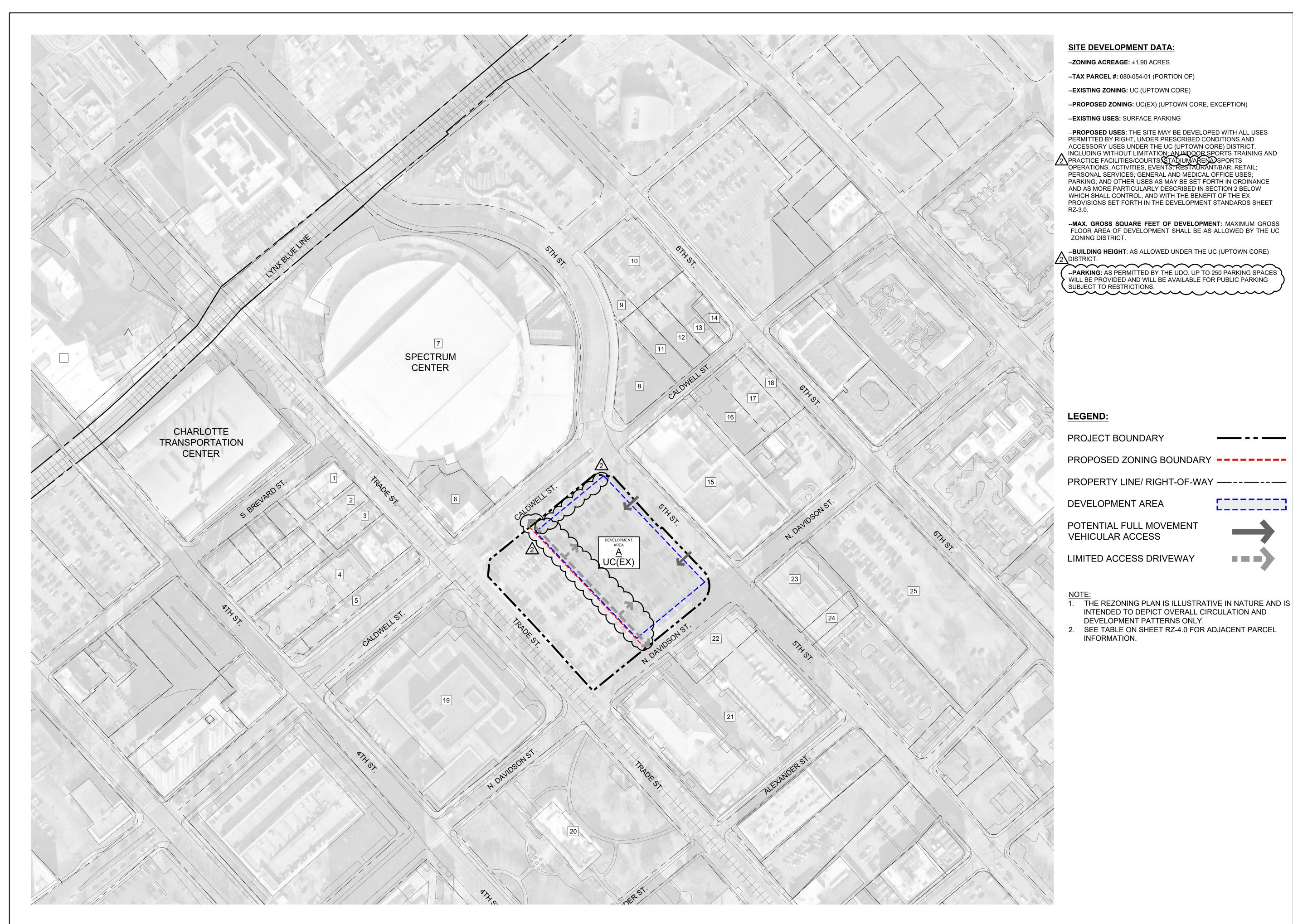
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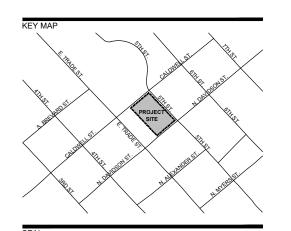
REVISION / ISSUANCE				
NO.	DESCRIPTION	DATE		
1	REZONING 1	05.15.2024		
2	REZONING 2	07.15.2024		

ORIGINAL SHEET SIZE: 22" X 34"

CONTEXT AND PURPOSE STATEMENT

RZ-0.0





# **NOT FOR** CONSTRUCTION

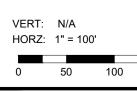
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# **PERFORMANCE ENHANCEMENT CENTER - 5TH** STREET **REZONING**

CHARLOTTE PEC, LLC.

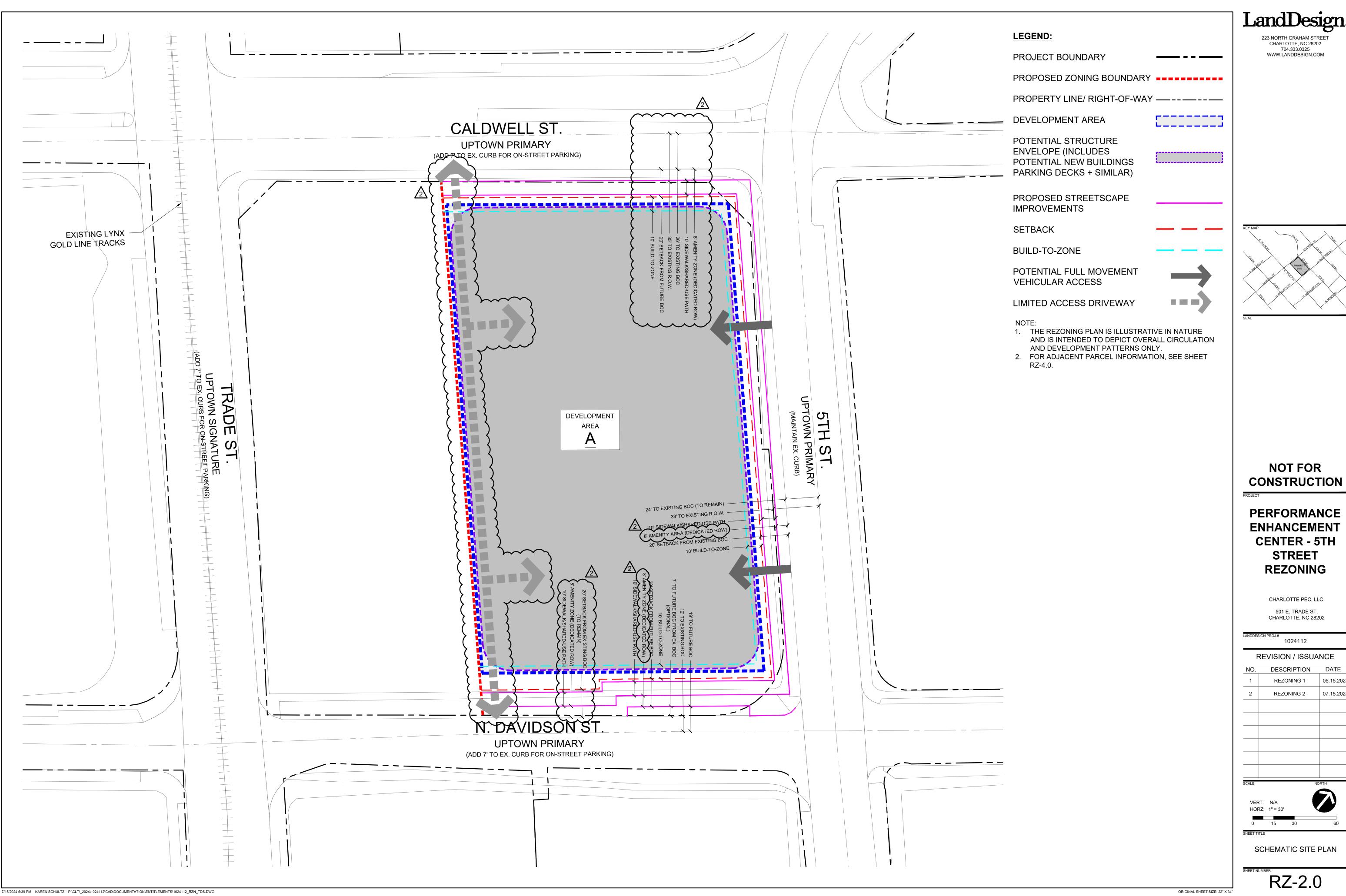
501 E. TRADE ST. CHARLOTTE, NC 28202

1024112 REVISION / ISSUANCE DESCRIPTION DATE 05.15.2024 **REZONING 1 REZONING 2** 07.15.2024



TECHNICAL DATA SHEET

RZ-1.0



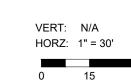


**PERFORMANCE ENHANCEMENT CENTER - 5TH** STREET **REZONING** 

> CHARLOTTE PEC, LLC. 501 E. TRADE ST. CHARLOTTE, NC 28202

1024112 **REVISION / ISSUANCE** 

NO. DESCRIPTION DATE **REZONING 1 REZONING 2** 07.15.2024



SCHEMATIC SITE PLAN

RZ-2.0

# CHARLOTTE PEC, LLC PERFORMANCE ENHANCEMENT CENTER - 5TH STREET REZONING

**Development Standards July 15, 2024** 

# **Rezoning Petition No. 2024-061**

#### **Site Development Data:**

--Acreage:  $\pm 1.90$  acres

-- **Tax Parcel #s:** 080-054-01 (portion of) -- Existing Zoning: UC (Uptown Core)

-- Proposed Zoning: UC(EX) (Uptown Core, Exception)

-- Existing Uses: Surface parking.

--Proposed Uses: The Site may be developed with all uses permitted by right, under prescribed conditions and accessory uses under the UC (Uptown Core) district, including without limitation: An /2\indoor sports training and practice facilities/courts stadium/arena; sports operations, activities, events; Restaurant/Bar; Retail; Personal Services; general and medical Office uses; parking; and other uses as may be set forth in Ordinance and as more particularly described in Section 2 below which shall control and with the benefit of the EX provisions set forth below.

-- Maximum Gross Square Feet of Development: Maximum gross floor area of development shall be as allowed by the UC zoning district.

\(\)-Building Height: As allowed under the UC (Uptown Core) district.\\\
\}-Parking: As permitted by the UDO. Up to 250 parking spaces will be provided and will be available\\\ for public parking subject to restrictions.

#### **Context/Purpose of Rezoning:**

This rezoning relates primarily to technical zoning aspects in connection with contemplated development of an indoor sports training and practice facility and other commercial uses as allowed by the UC zoning district on the site located between N. Caldwell St. and N. Davidson and on the south side of E. 5<sup>th</sup> Street.

Furthermore, the indoor sports training facilities and associated uses contemplated by the development plans are unique in nature with design and other development standards that require variations and exemptions from the base standards of the applicable zoning districts in the manner contemplated by the Exception (EX) provisions of the Ordinance (i.e., UDO as defined below) and as described in this Rezoning Plan.

#### 1. General Provisions:

- a. Site Location. These Development Standards and the Technical Data Sheet and other graphics, if any, set forth on the attached Sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Charlotte PEC LLC ("Petitioner") for the approximately 1.90 acre property currently occupied by a surface parking lot as generally depicted on RZ-0.0 (the "Site").
- b. Zoning District/Unified Development Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Unified Development Ordinance effective as of June 1, 2023 (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards or modifies standards per the Exception provisions below, the regulations established under the Ordinance for the UC (Uptown Core) zoning district shall govern all development taking place on the Site, with the benefit of the Exceptions (EX) provisions.
- c. Graphics and Alterations. The schematic depictions, if any, of the uses, parking areas, sidewalks, building envelopes, structures, landscaping, driveways, streets and/or other development matters and site elements (collectively the "Development/Site Elements") if 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 the Ordinance.
- d. Planned/Unified Development. The development existing and taking place within the Site may be viewed in the aggregate as a planned/unified development plan as to the remainder of tax parcel # 080-054-01 that is not part of the Rezoning Petition. As such, side and rear yards, buffers, building height separation standards, and other similar zoning standards, if applicable at all, will not be required internally between the proposed improvements and development occurring on the remainder of tax parcel # 080-054-01.
- e. Environment. The Petitioner shall comply with the Charlotte Post Construction Stormwater Regulations (UDO Article 25). City Council approved and adopted Unified Development Ordinance, Stormwater Articles 23 through 28. The location, size, and type of storm water management systems that may be depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points. It is understood a tree survey is required for all city trees eight inches DBH or greater; all existing heritage trees on the property, and any existing areas of the site used for credit toward meeting previously approved tree save or green area requirements.
- f. Number of Buildings Principal and Accessory. Notwithstanding the number of buildings that may be generally depicted on the Rezoning Plan, the number of principal use buildings constructed on the Site shall not exceed one (1) (excluding accessory use buildings and structures).

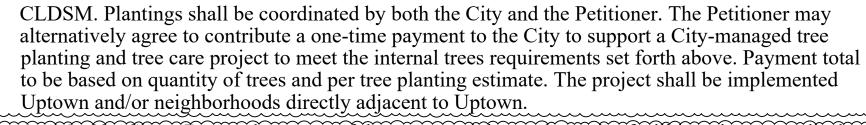
7/15/2024 5:39 PM KAREN SCHULTZ P:\CLT\ 2024\1024112\CAD\DOCUMENTATION\ENTITLEMENTS\1024112 RZN NOTE.DWG

#### 2. Permitted Uses:

a. The Site may be developed with all uses permitted by right, under prescribed conditions and any accessory uses allowed under the UC (Uptown Core) zoning district, including without limitation: An indoor sports training and practice facilities/courts; sports operations, activities, events; Restaurant/Bar; Retail; Personal Services; general and medical office uses; parking, as well as associated accessory uses permitted under the UC (Uptown Core) zoning district, and with the benefit of the EX provisions set forth below.

#### **Exception (EX) District Provisions**

- a. Modifications/Deviations Permitted Under Exception Provisions. The indoor sports training and practice facilities/courts and associated sports operations contemplated on the Site are part of a major complex/unified development characterized by regular community and public interaction whose scale / and/or project operational needs result or may result in design development features that may not  $\frac{\sqrt{2}}{2}$ practically permit partial or full compliance with a range of dimensional and quantitative design standards and other standards of the Ordinance applicable to the UC zoning district; these include, without limitation: [transparency standards, building base architectural standards, parking deck standards, tree planting standards, building design standards/requirements, building siting standards, among others].
- b. Public benefits shall include one or more actions from at least two of the following categories: 1) sustainability; 2) public amenity; and 3) city improvement.
- c. Below are the public benefits provided by the proposed UC (EX) for the Site
- Sustainability: The building constructed on the Site will be designed and constructed to meet an established sustainable standard such as Leadership in Energy and Environmental Design (LEED) Certified (formerly LEED Bronze) or equivalent.
- Public Amenity: As part of the development of the Site public parking will be provided as follows a minimum of 125 parking spaces will be available for public parking seven days a week and 24 hours a day, an additional 125 spaces will be available any time during weekends and between 6:00pm and 8:00am during the week. the Petitioner commits to providing public art which may include without limitation, decorative/narrative plaques on walls or buildings, murals, sculptures, water features, and/or other similar features. The Petitioner shall seek input from the City's Urban Design Center (UDC) regarding possible artists that might be selected by the Petitioner for the applicable public art feature(s). The Petitioner commits to interviewing at least one possible artist as? part of the finalists for the public art. The final selection shall be the Petitioner's choice.
- d. Enumeration of Modifications/Exceptions. Without limiting the applicability of other Exceptions as described in this Section 3, the following Exceptions from the dimensional and quantitative design standards and other standards of the Ordinance applicable to the UC zoning district are hereby allowed in connection with development of the Site:
- Article 12.3.A Building Siting Table 12-1. A Frontage Setback Line. To allow up to a 5-foot reduction of the required frontage setback as measured from the future back of curb along Caldwell Street, 5th Street, and N. Davidson Street, for cantilevered occupiable space located a minimum of 20-feet above the adjacent sidewalk grade.
- Article 12.3.C Table 12-3 Building Articulation Standards. F Minimum Ground Floor Height - To allow a minimum ground floor height of 12 feet rather than 16 feet for the portions of the building constructed and used as a parking structure. The portions of the building developed with commercial space will provide a minimum ground floor height of 16 feet as required by the Ordinance.
- Article 12.3.D Table 12-4 Transparency Standards. B Ground Floor Transparency To allow a reduction in the % of ground floor transparency along N. Davidson St. and E. 5th Street from 60% to 20%. The portions of the building along N. Davidson St. and E. 5th Street that are not required to meet the transparency requirements will be treated with artwork, Where transparency is not provided, pedestrian-scale interest and activity shall be created through the inclusion of at least one architectural element, such as awnings, overhangs, decorative screens or other architectural treatments that provide a visual interest., grills, louvers, green walls pedestrian scale decorative lighting, decorative plantings, murals/artwork, or other similar features
- Article 19.7 Design of Parking Structures (Article 19.7.C.2). Table 19-5 Parking Structure Design Options. To allow the Site to utilize parking structure design option C with a reduction from the required 90% active ground floor uses to 10% active ground floor uses along the ground floor of E. 5th Street and N. Davidson Street.
- Article 20.17 Tree Planting Requirements. Internal plantings shall be provided based upon the built upon area on the Site. The internal planting area shall be reduced from 5% to 2.5% and shall be planted with one tree per 20,000 square feet rather than two trees per 10,000 square feet. The Petitioner shall calculate and meet standard internal trees requirement per the Ordinance. The Petitioner may plant required internal trees anywhere onsite per Section 20.17 of the Ordinance. Any internal trees that cannot be reasonably planted onsite may be planted on public property and/or public street right-of-way Uptown (within The Loop) if such planting locations meet the general intent and purpose of the internal trees requirement. The City will identify planting locations and direct the Petitioner where/when to plant. Plantings shall meet planting standards set forth in the



- Article 22 Signs. Due to the nature of the sports training and practice facilities, signs may display on-premises advertising and/or advertising associated with sports operations, activities and events whether on-premises or the associated stadium/arena on the adjacent site (Tax Parcel #080-013-20), including associated sponsorship partners. For clarity of intent, signage of all types allowed under the ordinance for the UC district shall be permitted on the site.
- To allow one additional wall sign (beyond what is allowed by the UDO) along the N. Caldwell St. frontage with up to 380 square feet. The wall sign may be electronic or static.
- Article 33.3 Street Design. Table 33-1 Street Design. N. Caldwell St. and a portion of N. Davidson Street St. (Uptown Primary Streets Street) - To allow a modification to the location of the proposed curb line along N. Caldwell St. and a portion of N. Davidson St. to allow the existing curb to remain and be used as the future back of curb. The Streets Map currently requires the existing curb line along N. Caldwell St. and N. Davidson StreetSt. to be relocated by seven (7) feet to accommodate on-street parking.

#### 4. Šignagė.

As allowed by the UDO. Signage to be permitted as described in Section 3 above. All other signages shall comply with the ordinance regulations provided, however, as an alternative or supplement to the signage related exception provision set forth in Section 3 above or in the Ordinance, the Petitioner may seek Administrative Approval of a master signage package for the Site or material portions thereof, as allowed by Article 37.2 C.3.b.ii.(B) of the UDO, and such master signage package may provide additional flexibility deemed appropriate in keeping with the overall intended use and design intent of the development.

#### 5. Transportation

- a. Access to the Site will be from E. 5<sup>th</sup> Street and from the adjacent parcel via a private internal drive N Caldwell St., and N. Davidson St as generally depicted on the Rezoning Plan.
- b. In the event a Right-of-Way Encroachment Agreement is necessary for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business or homeowner's/business association, an encroachment agreement will be submitted for approval by CDOT prior to construction/installation.
- c. The Petitioner shall dedicate and convey in fee simple all rights-of-way indicated on the Rezoning Plan as right-of-way to be dedicated and the additional right-of-way will be dedicated to the City prior to the issuance of the first certificate of occupancy. CDOT requests rights-of-way set at 2' behind back of Along E. 5<sup>th</sup> St, N. Caldwell St., and N. Davidson St., an additional 8 feet from the existing back of curb will be dedicated. The Petitioner will provide a public access easement and sidewalk utility easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way where ROW dedication is not provided. The permanent sidewalk easement will be located a minimum two (2) feet behind the sidewalk where feasible.
- d. All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are approved by CDOT and explicitly described in site plan notes.

### 6. Architectural Design Standards.

a. The building façade along the southern Site boundary (non-street frontage façade) will be treated with murals and/or other elements to create a visually interesting building façade until such time as it is covered by the adjacent development.

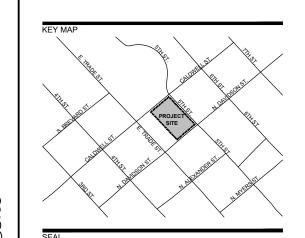
### 7. Amendments to the Rezoning Plan.

- 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 portion or area of the Site affected by such amendment in accordance with the provisions herein and Article 37.3 of the Ordinance.
- **b.** Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Article 37.3 of the Ordinance.

## 8. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, it 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, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.





## **NOT FOR** CONSTRUCTION

# **PERFORMANCE ENHANCEMENT CENTER - 5TH STREET REZONING**

CHARLOTTE PEC, LLC. 501 E. TRADE ST.

CHARLOTTE, NC 28202

REVISION / ISSUANCE

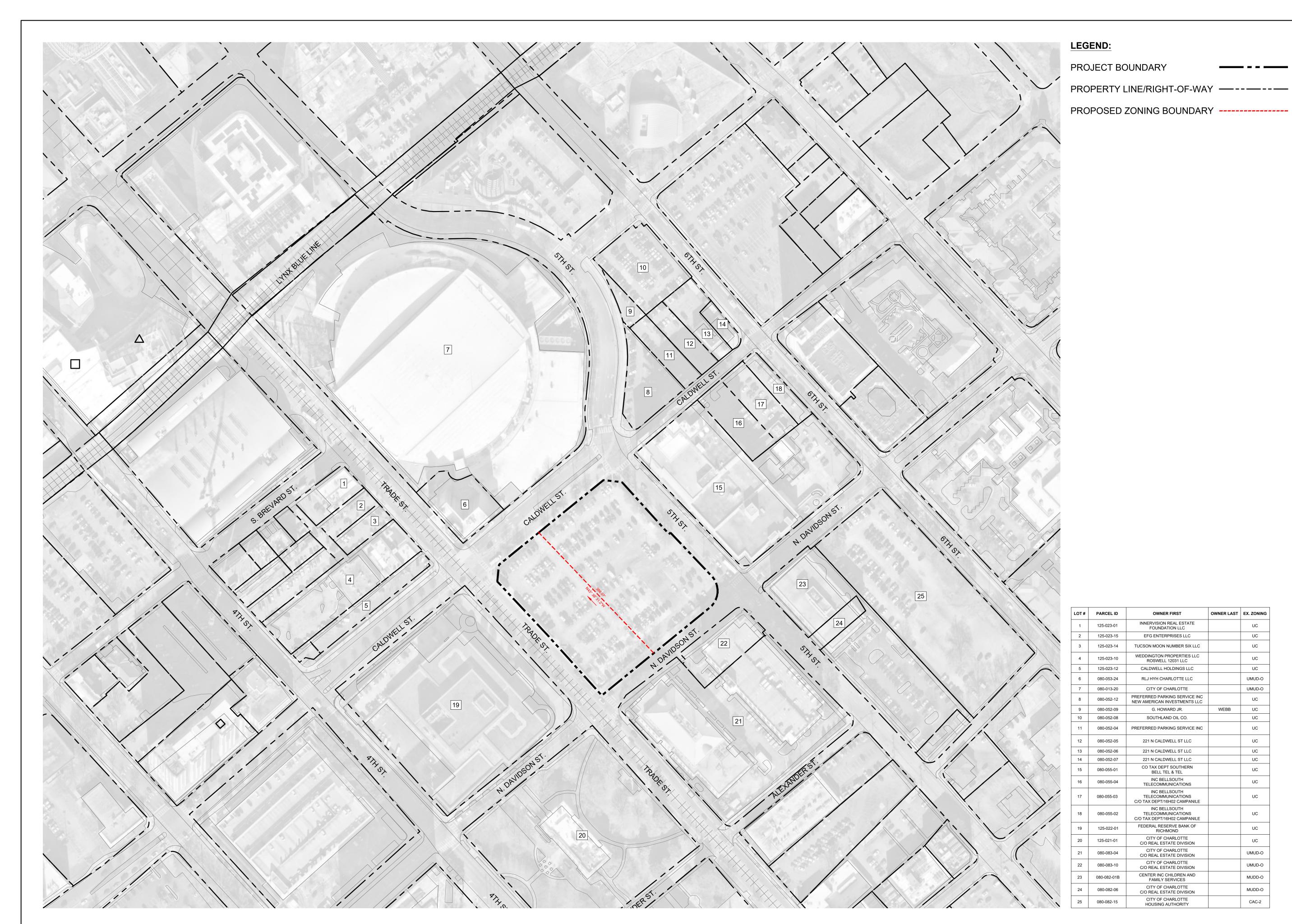
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NO.	DESCRIPTION	DATE
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2	REZONING 2	07.15.2024
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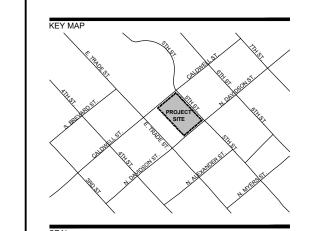
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**DEVELOPMENT STANDARDS** 

RZ-3.0







# **NOT FOR** CONSTRUCTION

# **PERFORMANCE ENHANCEMENT CENTER - 5TH** STREET **REZONING**

CHARLOTTE PEC, LLC. 501 E. TRADE ST. CHARLOTTE, NC 28202

LANDDESIGN PROJ.# 1024112				
REVISION / ISSUANCE				
NO.	DESCRIPTION	DATE		
1	REZONING 1	05.15.2024		
2	REZONING 2	07.15.2024		

LOCATOR MAP AND PARCEL OWNERSHIP

OWNER LAST EX. ZONING

UC

UC

UC

UC

UC UMUD-O

UMUD-O

UC

UMUD-O

UMUD-O

MUDD-O

MUDD-O

CAC-2

WEBB

OWNER FIRST

INNERVISION REAL ESTATE FOUNDATION LLC

EFG ENTERPRISES LLC

TUCSON MOON NUMBER SIX LLC

WEDDINGTON PROPERTIES LLC ROSWELL 12031 LLC

CALDWELL HOLDINGS LLC

RLJ HYH CHARLOTTE LLC

CITY OF CHARLOTTE

PREFERRED PARKING SERVICE INC NEW AMERICAN INVESTMENTS LLC

G. HOWARD JR.

SOUTHLAND OIL CO.

PREFERRED PARKING SERVICE INC

221 N CALDWELL ST LLC

221 N CALDWELL ST LLC

221 N CALDWELL ST LLC

CO TAX DEPT SOUTHERN BELL TEL & TEL

INC BELLSOUTH TELECOMMUNICATIONS

INC BELLSOUTH
TELECOMMUNICATIONS C/O TAX DEPT/16H02 CAMPANILE INC BELLSOUTH
TELECOMMUNICATIONS

C/O TAX DEPT/16H02 CAMPANILE FEDERAL RESERVE BANK OF

CITY OF CHARLOTTE C/O REAL ESTATE DIVISION

CITY OF CHARLOTTE C/O REAL ESTATE DIVISION

CITY OF CHARLOTTE C/O REAL ESTATE DIVISION

CENTER INC CHILDREN AND FAMILY SERVICES

CITY OF CHARLOTTE

C/O REAL ESTATE DIVISION CITY OF CHARLOTTE HOUSING AUTHORITY

