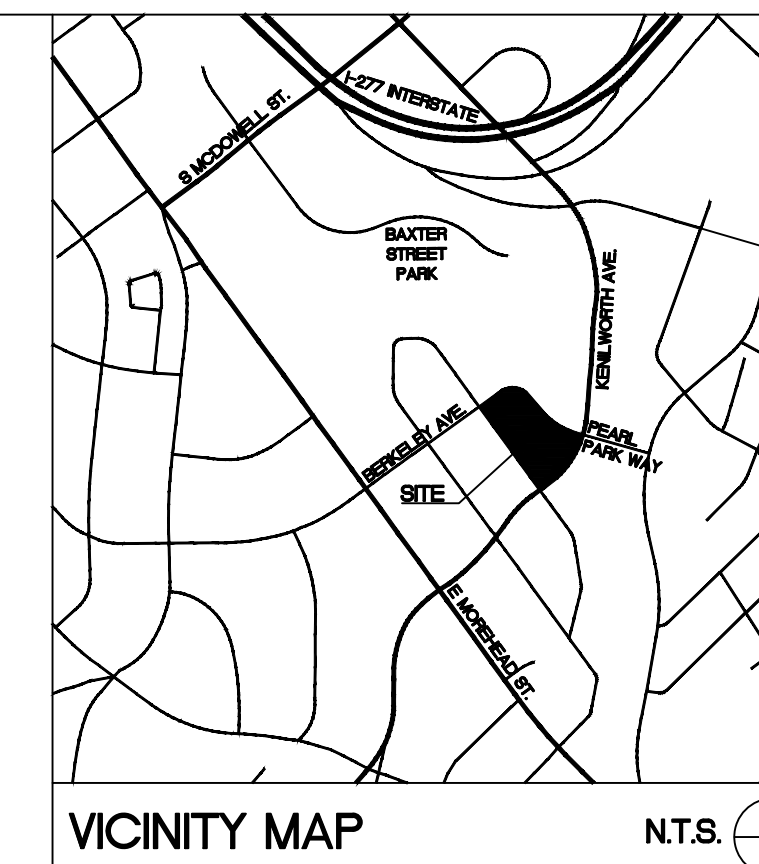
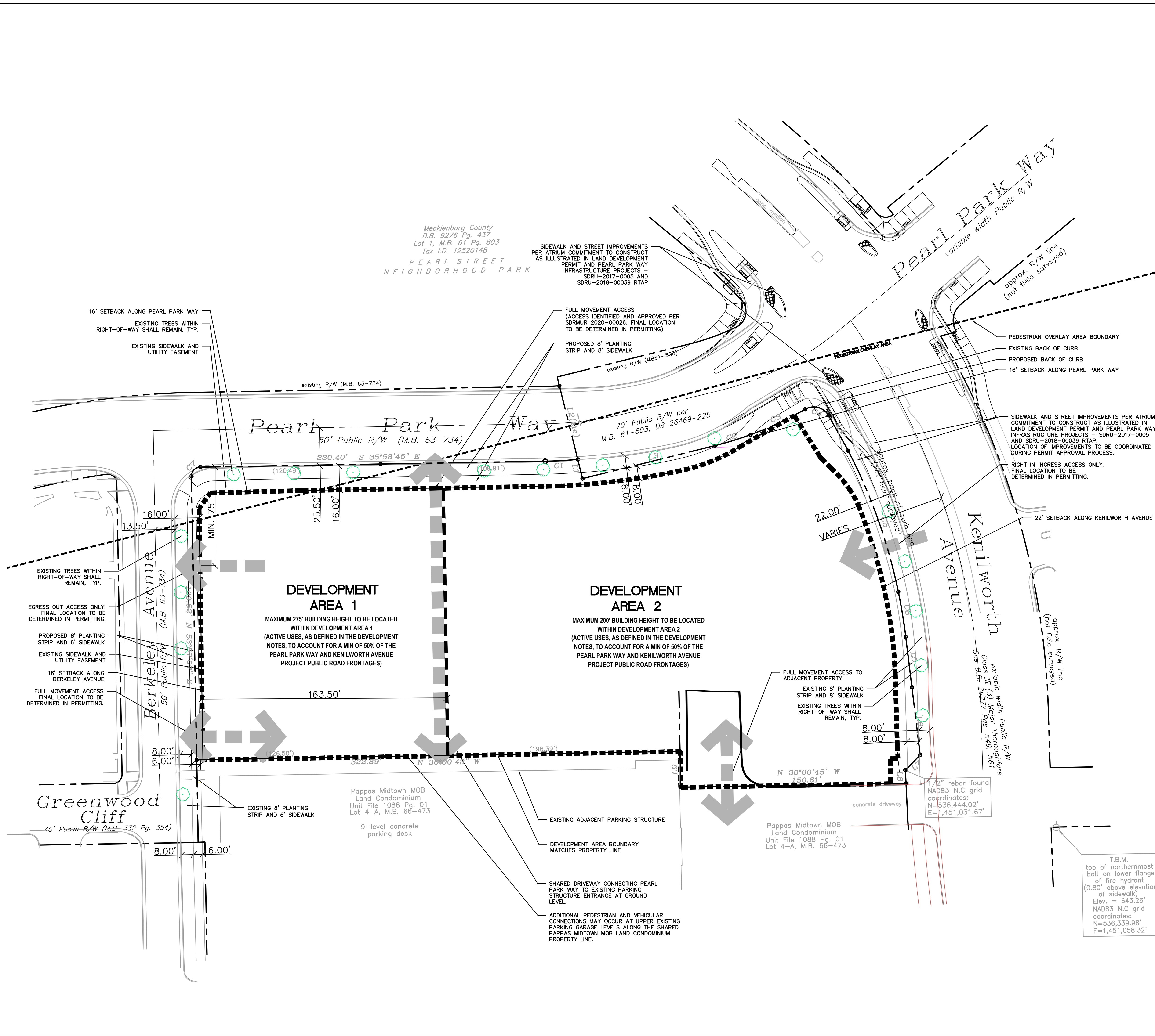


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SURVEY DISCLAIMER
"MIDTOWN NORTH PARCEL" SURVEY ISSUE DATE APRIL 7, 2022. PROVIDED BY A.G. ZOUTEWELLE SURVEYORS, 1418 EAST FIFTH STREET, CHARLOTTE, NC 28204, (704) 372-9444.

LEGEND

- | | |
|--|---|
| | PROPERTY LINE/RIGHT-OF-WAY |
| | SETBACK/ RECORDED EASEMENT |
| | PROPOSED DEVELOPMENT AREA (TO INCLUDE BUILDING/PARKING ENVELOPES) |
| | SITE ACCESS (EXISTING AND PROPOSED) |

REZONING SUMMARY:

PETITIONER: WELL PAPPAS CORPORATE PARCEL OWNER LLC
 PROPERTY OWNER: WELL PAPPAS CORPORATE PARCEL OWNER LLC
 REZONING SITE AREA: 2.23 ± AC
 TAX PARCEL#: 12520162, 12520141 AND 12520143
 EXISTING ZONING: O-2 AND O-2 PEDESTRIAN OVERLAY
 PROPOSED ZONING: MUDD-O
 EXISTING USE: VACANT
 PROPOSED USE: RESIDENTIAL, HOTEL, OFFICE, INDOOR RECREATIONAL, RETAIL, EDEE, AND PERSONAL SERVICE USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED IN SECTION 3 OF THE DEVELOPMENT STANDARDS RZ-300).
 BUILDING SETBACK: BERKELEY AVENUE 16 FEET MINIMUM FROM BACK OF CURB
 PEARL PARK WAY 16 FEET MINIMUM FROM BACK OF CURB
 KENILWORTH AVENUE 22 FEET MINIMUM FROM BACK OF CURB
 MIN. SIDE YARD: NONE
 MIN. REAR YARD: NONE
 MAX. HEIGHT: 275' (SEE RZ-300 DEVELOPMENT STANDARDS FOR ADDITIONAL RESTRICTIONS)
 REQUIRED PARKING: PER ZONING ORDINANCE BASED ON USE
 OPEN SPACE REQUIRED: PER ZONING ORDINANCE BASED ON USE
 SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE'S TREE ORDINANCE (CHAPTER 21).



 1801 N Graham St., Suite 320
 Charlotte, NC 28206
 Phone: (704) 376-1555
 www.bolton-menk.com

WELLS PAPPAS CORPORATE PARCEL OWNER, LLC
4777 SHARON ROAD STE 550 CHARLOTTE, NC 28210

MIDTOWN NORTH PARCEL REZONING PETITION 2022-079
1175 PEARL PARK WAY CHARLOTTE, NORTH CAROLINA 28204

SITE PLAN
PROJECT NO: 4848.00

REVISIONS:

12/12/22	RESUBMITAL PER STAFF COMMENTS
02/16/23	RESUBMITAL PER STAFF COMMENTS
03/15/23	RESUBMITAL PER STAFF COMMENTS
11/15/23	RESUBMITAL TO CITY STAFF
12/11/23	RESUBMITAL TO CITY STAFF
01/12/24	RESUBMITAL TO CITY STAFF
02/22/24	RESUBMITAL TO CITY STAFF

 02.22.24

SCALE: 1"=30'

DATE: 10/24/22
 DESIGNED BY: BMI
 DRAWN BY: BMI
 CHECKED BY:

RZ - 200

FILE NO.:

- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ENSURING THAT ALL EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES, USING FLAG MEN, ETC., AS NECESSARY TO ENSURE THE SAFETY OF THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, OR LOCAL JURISDICTION, WHICHEVER IS MORE STRINGENT.
- SHORING SHALL BE IN ACCORDANCE WITH OSHA TRENCHING STANDARDS, 29 CFR, PART 1926, SUBPART P, OR AS AMENDED.

WELL Pappas Corporate Parcel Owner LLC

Development Standards
02/22/24
Rezoning Petition No. 2022-079

Site Development Data:

- Acreage: ± 2.23 acres
-Tax Parcel #: 125-201-41, 125-201-43, and 125-201-62
-Existing Zoning: O-2(PED) & O-2
-Proposed Zoning: MUDD-O
-Existing Uses: Vacant
-Proposed Uses: Residential, Hotel, Office, Financial Institution, Indoor Recreational, Retail, EDEE, and personal service uses as permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district (as more specifically described below in Section 3).

-Maximum Development Levels: Up to 35,000 square feet of gross floor area of retail, EDEE, personal service uses, up to 450 residential dwelling units, up to 100,000 square feet of gross floor area of office uses, and up to 150 hotel rooms as allowed by the MUDD zoning district, and the Optional Provisions and conversion rights described below.

-Maximum Building Height: A maximum building height of up to 275 feet as allowed by the Optional Provisions below. Development Area 1 (approximately 1/3 of the Site) may contain buildings with maximum building height of 275 feet. Development Area 2 (approximately 2/3 of the Site) may contain buildings with a maximum building height of 200 feet.

-Parking & EV Charging Stations: As required by the Ordinance, and with the following additional standards for the new parking spaces constructed on the Site: (i) 30% of the parking spaces will be Electrical Vehicle (EV) Capable; (ii) 15% of the parking spaces will be EV Ready; and (iii) 6% of the parking spaces will have EV Charging Stations Installed (EVSE-Installed).

EV-Capable: Reservation of space in the electrical room for a panel to serve the future EV chargers and continuous raceway from the reserved panel space to the future EV parking space.

EV-Ready: Installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt outlet accessible to parking space.

EVSE-Installed: EV charging stations capable of providing a minimum of 32amp 7.2 kW.

1. General Provisions:
a. Site Location. These Development Standards, and the Technical Data Sheet set forth on attached RZ Sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by WELL Pappas Corporate Parcel Owner LLC ("Petitioner") to accommodate development of a mixed-use development on an approximately 2.23-acre site located at the intersection of Pearl Park Way and Kenilworth Avenue (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 MUDD-O zoning district shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

c. Graphics and Alterations/Modifications. The schematic depictions of sidewalks, driveways, streets, 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.

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 of the Development/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:

- (i) minor and don't materially change the overall design intent depicted on the Rezoning Plan, such as minor modifications to the configurations of the street dimensions and the alike.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

2. Optional Provisions

The following optional provisions shall apply to the Site:

a. Maximum Building Height. To allow the height of the principal buildings constructed on the Site to exceed the allowed 120-foot maximum building height of the MUDD zoning district, by allowing a maximum building height of 275 feet with the following additional restrictions: Development Area 1 (approximately 1/3 of the Site) may contain buildings with a maximum building height of 275 feet; and Development Area 2 (approximately 2/3 of the Site) may contain buildings with a maximum building height of 200 feet.

3. Permitted Uses, Conversion Rights, Minimum Development Levels, & High-Performance Construction Standards:

Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district (as more specifically described below).

a. Up to 35,000 square feet of gross floor area of retail, EDEE, personal service uses, up to 450 residential dwelling units, 100,000 square feet of gross floor area of office uses; and up to 150 hotel rooms as allowed by the MUDD zoning district and subject to the conversion rights described below; or

Hotel Room Conversion Rights: The Petitioner reserves the right to convert the allowed 150 hotel rooms into either all or some combination of the following:

- (i) Into additional residential dwelling units at the ratio of one hotel room equals 1.33 additional residential units for up to 200 additional residential units and maximum of 650 residential units; and/or
(ii) Into an additional 50,000 square feet of gross floor area of office uses by converting the allowed 150 hotel rooms into office square footage at the ratio of each hotel room equals and additional 333.34 square feet of office uses for a total of up to 150,000 square feet of gross floor area of office uses.

The Petitioner may convert some or all the allowed hotel rooms into a combination of additional residential units or office square footage.

c. High Performance Construction Standards: The portion of the Site developed and designed as an office building/component will be designed to be LEED Silver. The portion of the Site developed and designed as a multi-family building(s) will be designed to be NGBS Silver.

d. Trust Fund Contribution: The Petitioner will contribute \$250,000 to the City of Charlotte Affordable Housing Trust Fund prior to the issuance of the last certificate of occupancy. The amount of the HTF contribution will be increased to \$375,000 if a building over 200 feet in height is constructed on the Site.

e. Minority, Women, and Small Business Enterprises (MWBSE) Business Inclusion Target: The Petitioner commits to a MWBSE (Minority, Women, and Small Business Enterprises) plan with an overall goal of 10% or greater utilization of MWBSE firms in the awarding of contracts and/or subcontracts for construction of the project, in accordance with the procedures of the Charlotte Business Inclusion Program.

f. A minimum of 12,000 square feet of gross floor area of retail, EDEE, a financial

institution, and personal service uses will be constructed on the ground floor of the proposed buildings. The ground floor lobby area of a hotel will also be considered to be part of this requirement.



- g. The following uses are not allowed on the Site: Warehousing within an enclosed building for self-storage facility, and Automobile service stations.
h. Buildings constructed on the Site with frontage on either Pearl Park Way or Kenilworth Ave. will be designed and built with Active Ground Floor uses (Active Ground Floor uses will be defined as retail, restaurant, office, and personal service uses as allowed by the MUDD zoning district as well as the leasing office associated with a MF community, and the lobby area of a hotel). Each building(s) with frontage on Pearl Park Way and/or Kenilworth Ave. will provide a minimum of 50% of the building's linear street frontage on Pearl Park Way or Kenilworth Ave. with Active Ground Floor uses. The Active Ground Floor uses will have, operable doors, open to customers during normal business, oriented toward the street the active use fronts on. When calculating the building(s) linear street frontage, stair wells, driveways and emergency access points will not be counted as part of the building's linear street frontage.

(Personal Service uses will be defined as 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 barber shops, Spa's, Yoga and exercise studios, nail salons, massage shops, martial art training studios, laundries and dry cleaning establishments, locksmiths, funeral homes and the like)

4. Transportation Improvements and Access:

1. Proposed Improvements:
The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvement, the improvement set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

The following roadway improvements will be made by the Petitioner as part of the development of the Site as proposed by the Rezoning Plan in accordance and as described below in Section 4.11:

- 1. Proposed Improvements.
1. McDowell Street & Baxter Street (Signalized)

- No suggested improvements.

- 2. Pearl Park Way & Berkeley Avenue (Unsignalized)

- No suggested improvements.

- 3. Pearl Park Way & Kenilworth Avenue (Signalized)

- Restripe the Pearl Park Way bridge between Kenilworth Avenue and S. Kings Drive to provide back-to-back lefts with 100 feet of storage each.
Install FYA signal head for both Pearl Park Way approaches to allow CDOT to determine appropriate phasing.

- 4. Pearl Park Way & S. Kings Drive (Signalized)

- Install APS pushbuttons and upgrade any ramps that are out of PROWAG/ADA compliance.
Add video detection to allow for ATSPM.

- 5. Kenilworth Avenue & Harding Place (Signalized)

- No suggested improvements.

- 6. Kenilworth Avenue & E. Morehead Street (Signalized)

- Replace old analog camera with a new digital camera.
Install APS pushbuttons and upgrade any ramps that are out of PROWAG/ADA compliance.
Add video detection to allow for ATSPM.

II. Standards, Phasing and Other Provisions.

a. CDOT Standards. All public roadway improvements will be subject to the standards and criteria of the CDOT. 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 central Mecklenburg area, by way of a private-public partnership effort or other public sector project.

b. Substantial Completion. Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.11 shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.11.a above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by the CDOT and/or NCDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site, then the CDOT 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.

c. Right-of-way Availability. IF APPLICABLE BUT ONLY TO THE EXTENT APPLICABLE, it is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60-day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then the City of Charlotte, or other applicable agency, department or governmental body may agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department, or governmental body for the cost of any such acquisition including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond 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 will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable roadway improvements; 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.

In addition to the foregoing, in the event the right of way is not available for any reason after the good faith efforts of the Petitioner, the Petitioner will work with the CDOT as applicable to either (i) identify alternative improvements to implement traffic mitigation in lieu of the improvements impacted by the lack of right of way as described in subsection g. below; or (ii) contribute to CDOT, an amount equal to the estimated cost of the road improvements not completed due to the lack of available right of way, such funds to be used to complete such alternative roadway improvements in the general area of the Site in a manner reasonably agreeable to the Petitioner, and the CDOT.

d. Right-of-way Conveyance. IF APPLICABLE BUT ONLY TO THE EXTENT APPLICABLE, the Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. Petitioner will provide a permanent sidewalk utility easement for any of the proposed sidewalks/multi-use path located along the public streets located outside of the right-of-way

where ROW dedication is not provided. The permanent sidewalk utility easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

c. Alternative Improvement. IF APPLICABLE BUT ONLY TO THE EXTENT APPLICABLE, changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT, and the Planning Director; provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition in the overall area of the rezoning.

For example, transportation improvements may be substituted and/or payment in lieu of other improvements in the overall area of the rezoning may be implemented as described in subsection (e) above.

5. Access & Streets.

a. Vehicular access to the Site will be from Pearl Park Way, Berkeley Avenue, and Kenilworth Ave. as generally depicted on the Rezoning Plan and subject to adjustments as set forth below.

b. The right-in-only driveway from Kenilworth Ave. has not been approved by CDOT and subject to CDOT review and approved during the land development approval process for the Site. The driveway is indicated on the Rezoning Plan to allow the Petitioner the opportunity to request that the driveway be approved subject to the review by CDOT of the specific plans for the Site and operation of this right-in-only driveway.

c. The Site will be connected to the adjoining parcel via internal driveways.
d. The exact alignment, dimensions, and locations of the access points to the Site and the driveways on the Site may be modified from the elements shown on the Rezoning Plan provided that the overall design intent is not materially altered, and requirements described in this Section 4.11 are met.

6. Streetscape, and Setbacks.

a. A 22-foot setback as measured from the future back of curb will be provided along Kenilworth Avenue. Along Pearl Park Way and Berkeley Avenue a 16-foot setback as measured from the existing back of curb will be provided.

b. An eight (8) foot planting strip and an eight (8) foot sidewalk will be provided along Kenilworth Avenue, Pearl Park Way. Along Berkeley Ave. the existing eight (8) foot planting strip and six (6) foot sidewalk will be maintained.

7. Architectural Standards:

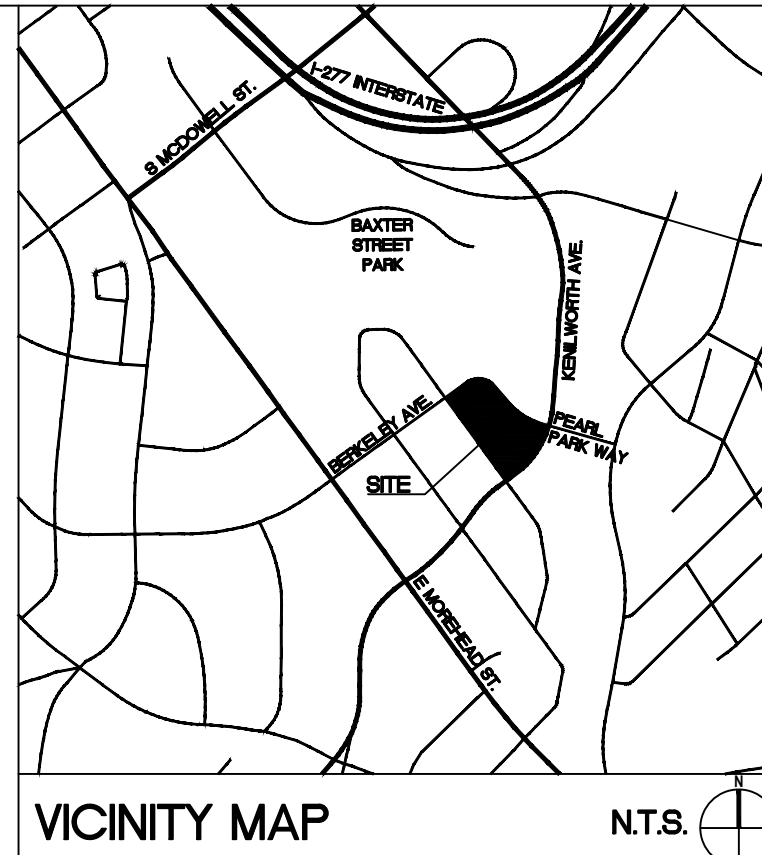
- Setbacks are as stated below:
i. Kenilworth Avenue set backline shall be 22' from back of curb
ii. Pearl Park Way setback line shall be 16' from back of curb
iii. Berkeley Avenue setback line shall be 16' from back of curb
b. Build to Zone:
i. Minimum build percentage by Street Frontage 0'-20' from setback line
ii. Kenilworth Avenue 40% *Utility Vault Interruption adjacent to Setback line
iii. Pearl Park Way 60%
iv. Berkeley Avenue 60%
c. Buildings will incorporate a mix of uses, major uses can include retail, restaurant, entertainment, fitness centers, hotels, multifamily dwellings and office uses.
d. Maximum building height 275'
e. Minimum building length as a percentage of lot width: 60% Pearl Park Way, 60% Berkeley Avenue, 40% Kenilworth Avenue *Utility Vault Interruption adjacent to Avenue.
f. Minimum Ground Floor Height shall be 16' or greater for a minimum of 70% of building Frontages.
g. Maximum Prominent Entry Spacing shall be 250' or less in building Frontages.
h. Maximum Building Mass along the Frontages shall not exceed 400' and /or shall not exceed 600' as long as the building mass shall be recessed a minimum of 20' in depth and 30' in width parallel to Frontage.
i. Ground Floor Transparency: Nonresidential/Mixed Use (% of Frontage wall area 3' to 10' from grade) shall be a minimum of 50% transparent. Multifamily buildings lower levels shall be a minimum of 25% transparent. Upper levels of multifamily, Nonresidential, Mixed-Use buildings shall be a minimum of 15% transparent.
j. Parking decks shall be screened so that cars are not readily visible from public areas, streets, and sidewalks. Screening shall be with panels of 42" in height, or grillwork, perforated metal panels, louvers, green walls or a similar treatment.
k. Multifamily (stacked), Nonresidential and Mixed-Use Building Bases shall be less than 50' in height. Building Bases shall be designed with emphasis on providing design elements that enhance the pedestrian environment.
l. Each building and/or each tenant in Mixed-Use Buildings shall have a prominent entrance on a Frontage. Each building shall have a minimum of 1 prominent entrance per Frontage.
m. Multifamily stacked buildings shall utilize design elements such as balconies, bay windows, recesses or projection (1' in depth), or other elements to create visual variations within the Frontage facing facades. These elements shall maintain a vertical clearance of 12' minimum if they project into the Frontage setback, 4' minimum projection.

8. 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 or portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

9. 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.



SURVEY DISCLAIMER
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Cole Jenest & Stone
BOLTON & MENK, INC.
1801 N Graham St., Suite 320
Charlotte, NC 28206
Phone: (704) 376-1555
www.bolton-menk.com

WELLS PAPPAS
CORPORATE
PARCEL OWNER, LLC
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MIDTOWN NORTH
PARCEL REZONING
PETITION 2022-079

1175 PEARL PARK WAY
CHARLOTTE, NORTH CAROLINA 28204

DEVELOPMENT
STANDARD NOTES

PROJECT NO:
4848.00

Table with 2 columns: REVISIONS, DATE, and DESCRIPTION. Includes entries for 12/12/22, 02/10/23, 03/15/23, 11/15/23, 12/11/23, 01/12/24, and 02/22/24.

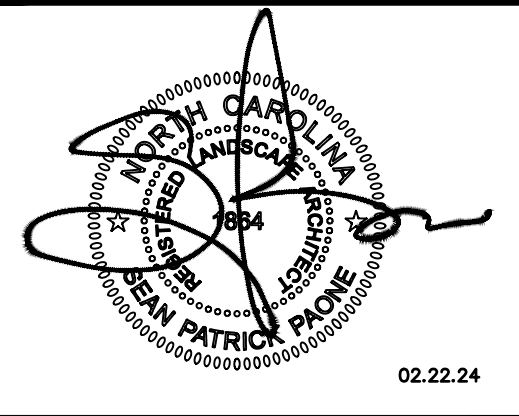


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North Carolina logo with text: CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ENSURING THAT ALL EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES, USING FLAG MEN, ETC., AS NECESSARY TO ENSURE THE SAFETY OF THE PUBLIC. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, OR LOCAL JURISDICTION, WHICHEVER IS MORE STRINGENT. SHORING SHALL BE IN ACCORDANCE WITH OSHA TRENCHING STANDARDS, 29 CFR, PART 1926, SUBPART P, OR AS AMENDED.

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