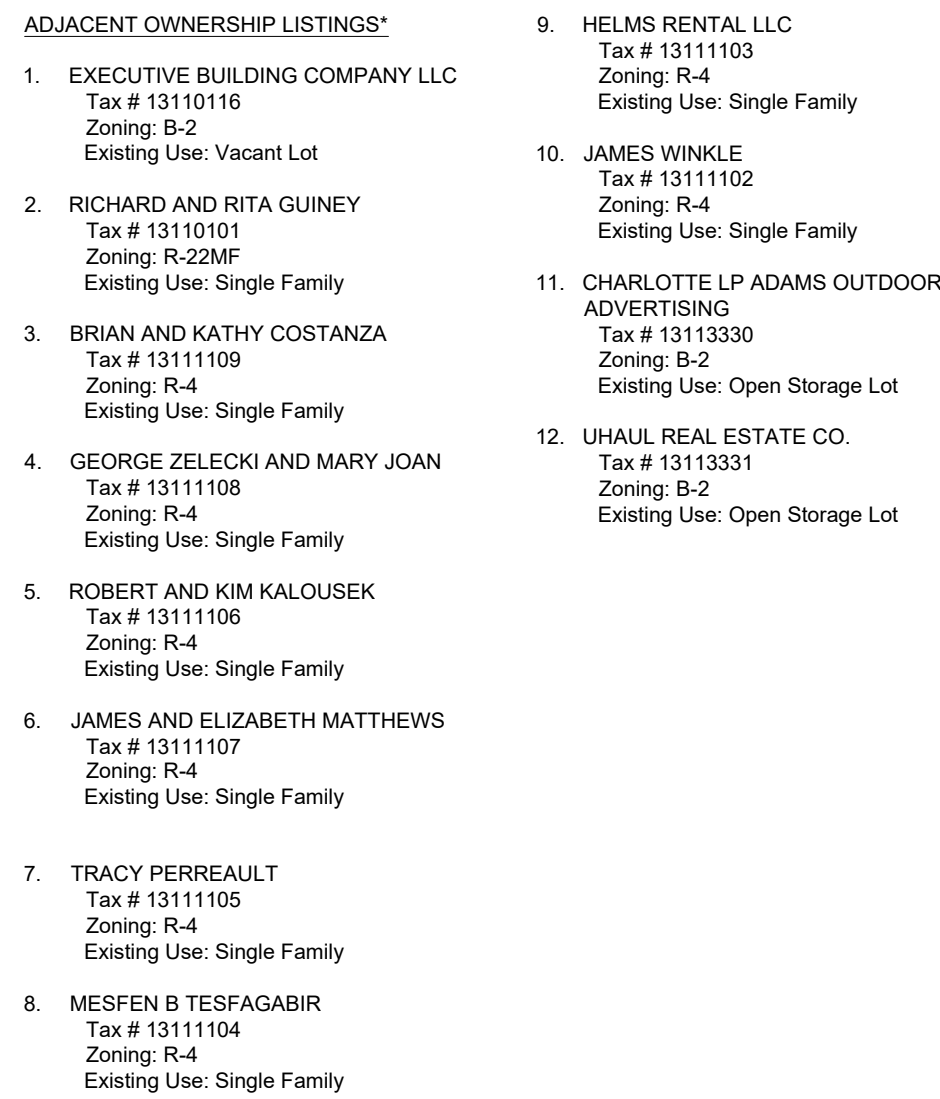


KEY MAP

SEAL

REZONING
PETITION NO.
2017-167

PROJECT

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
2	CITY COMMENTS	01-22-2018
3	REVISIONS PER NCDOT/CITY	04-20-2018

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

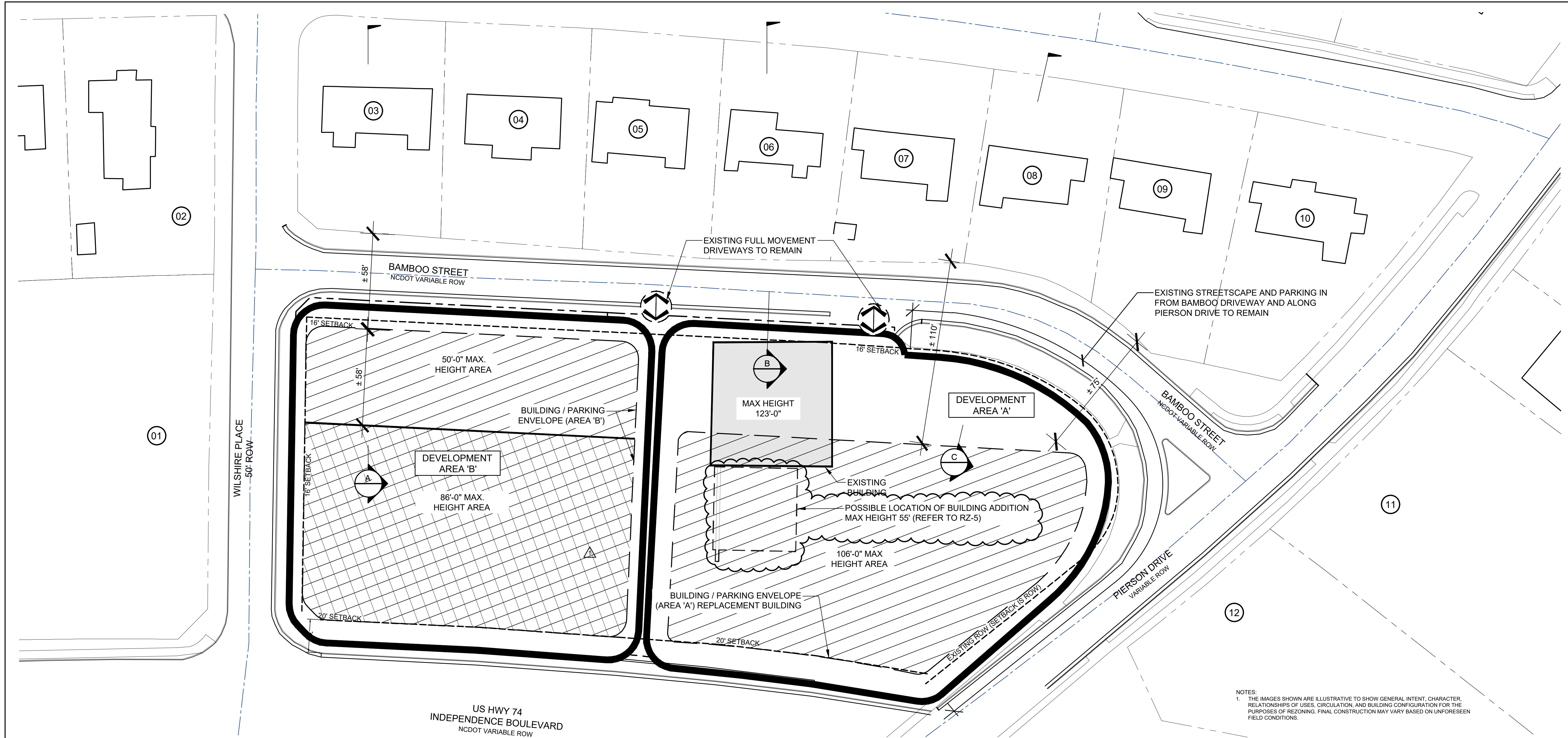
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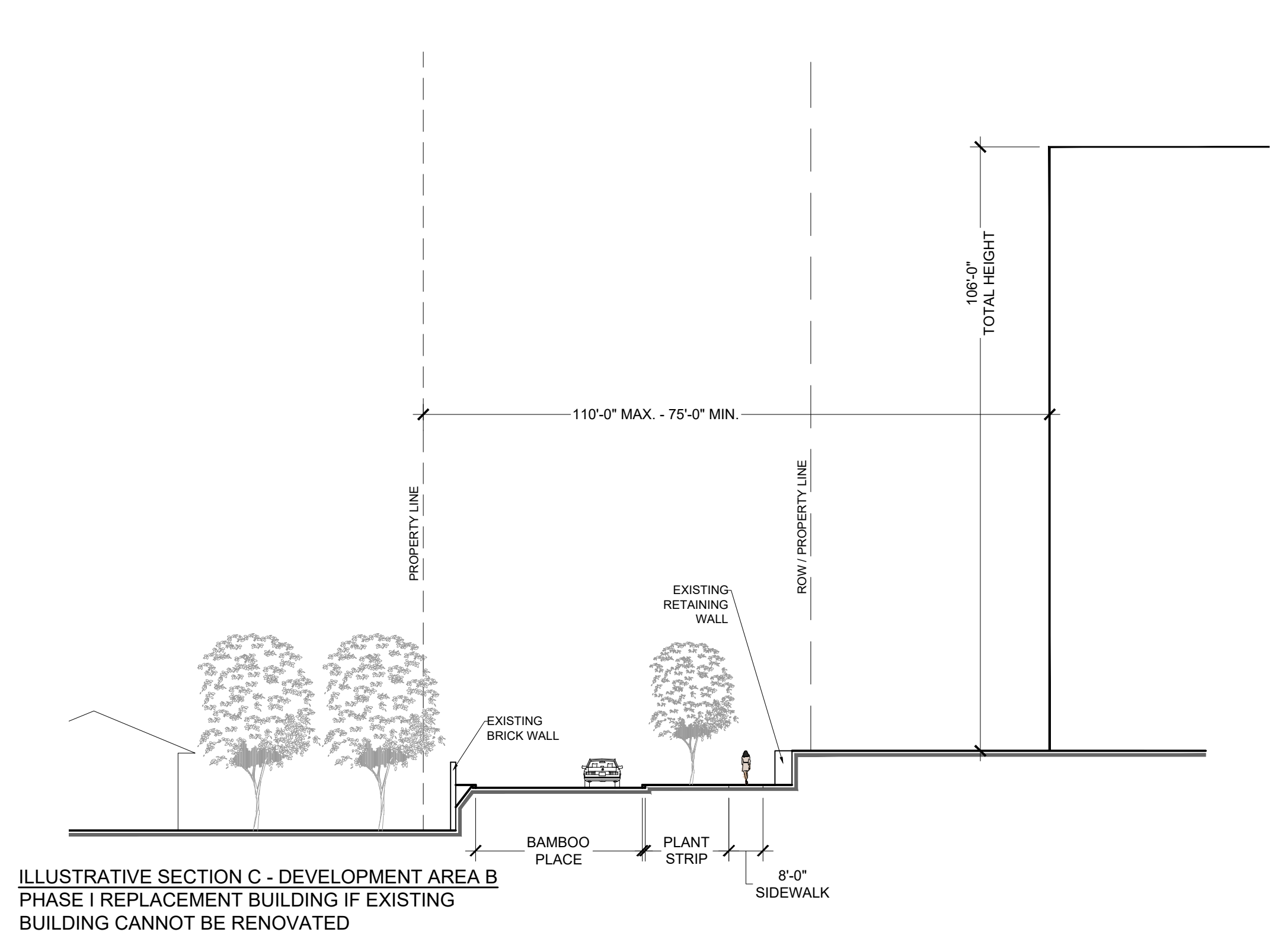
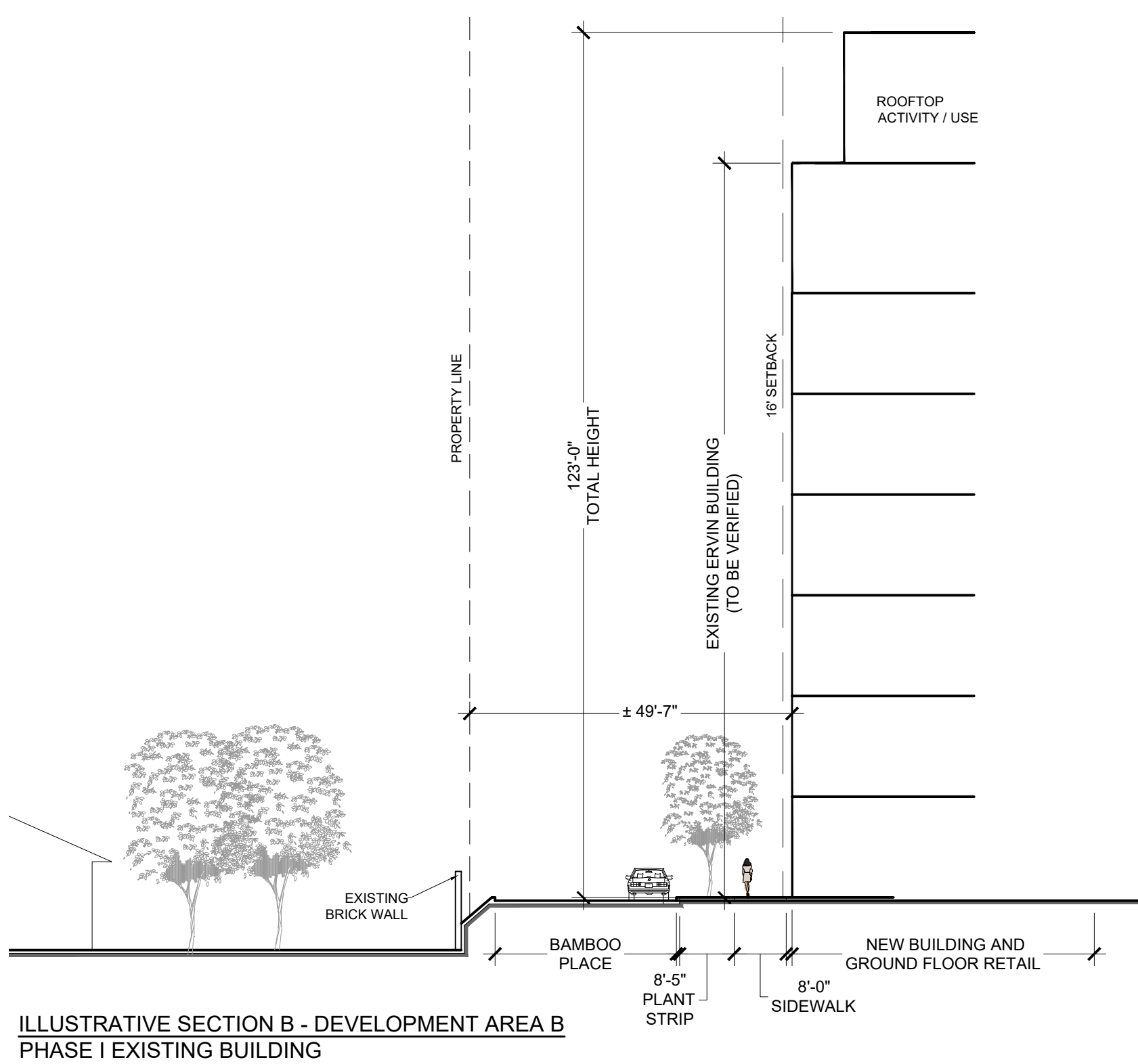
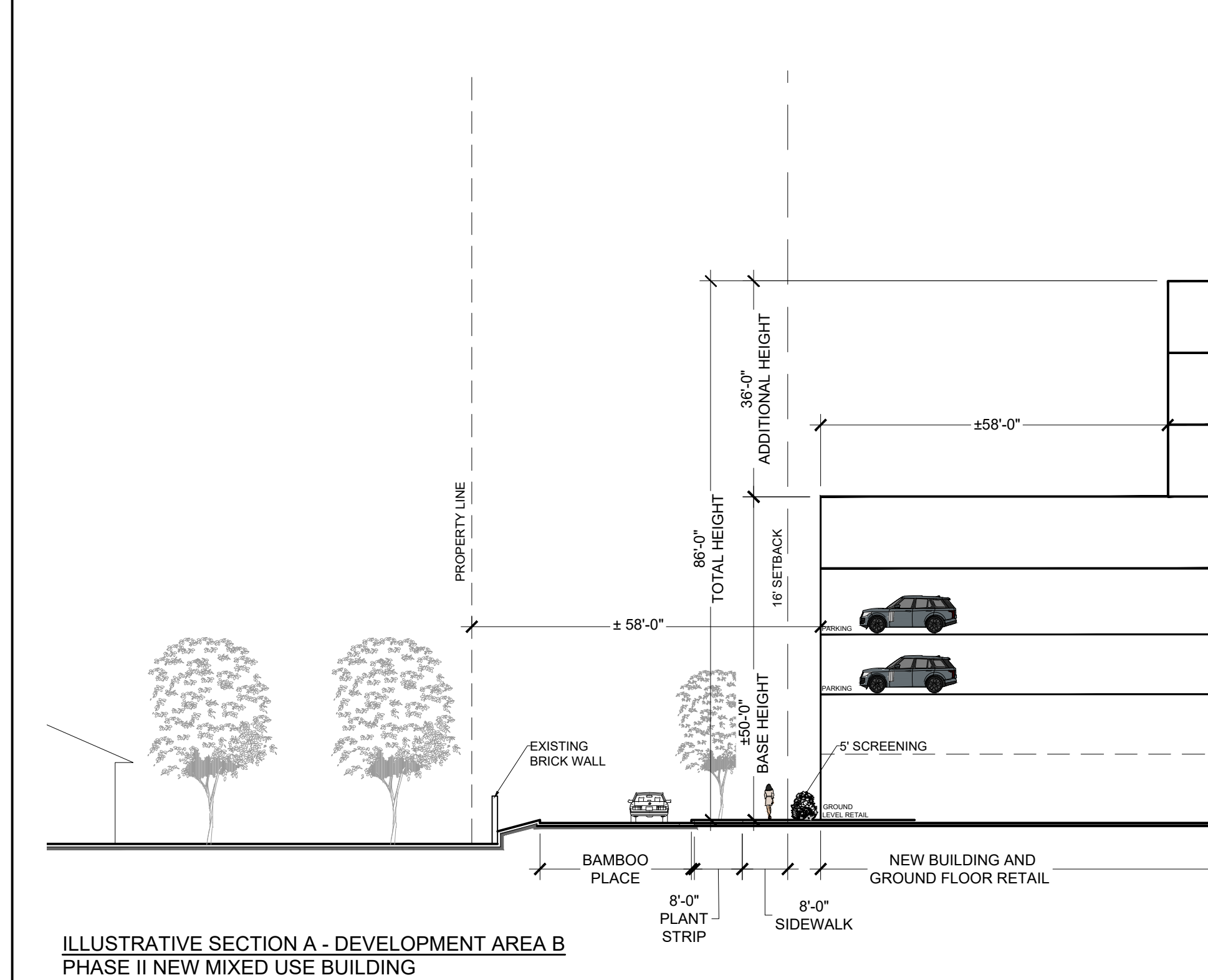
TECHNICAL DATA
SHEET

SHEET NUMBER

RZ-1



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.



KEY MAP

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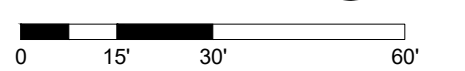
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DRAWN BY: LD
CHECKED BY: RJP

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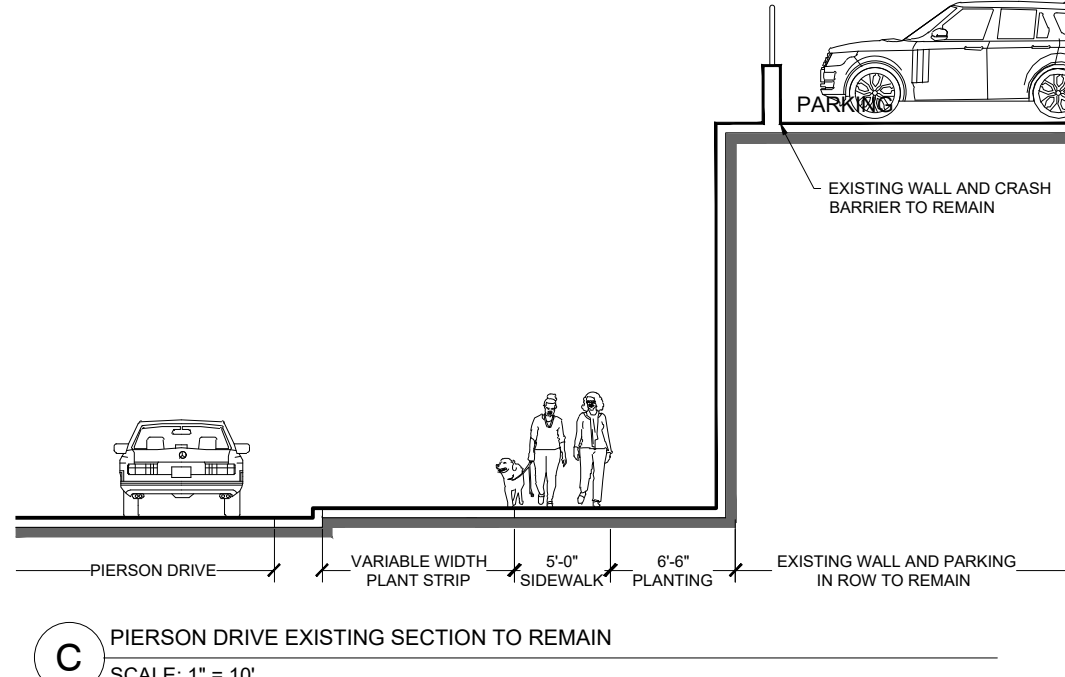
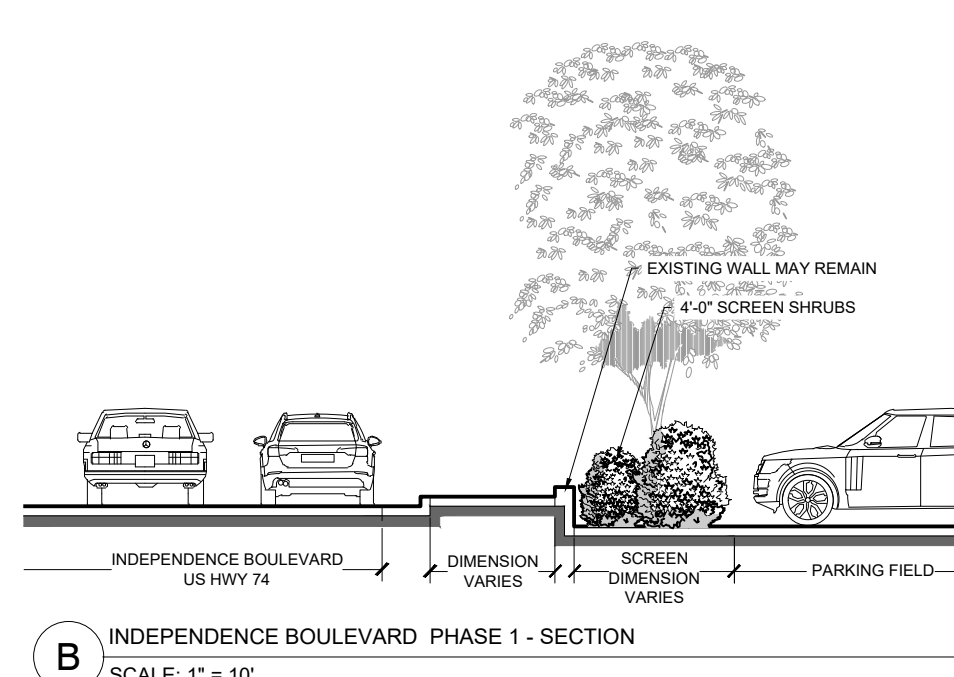
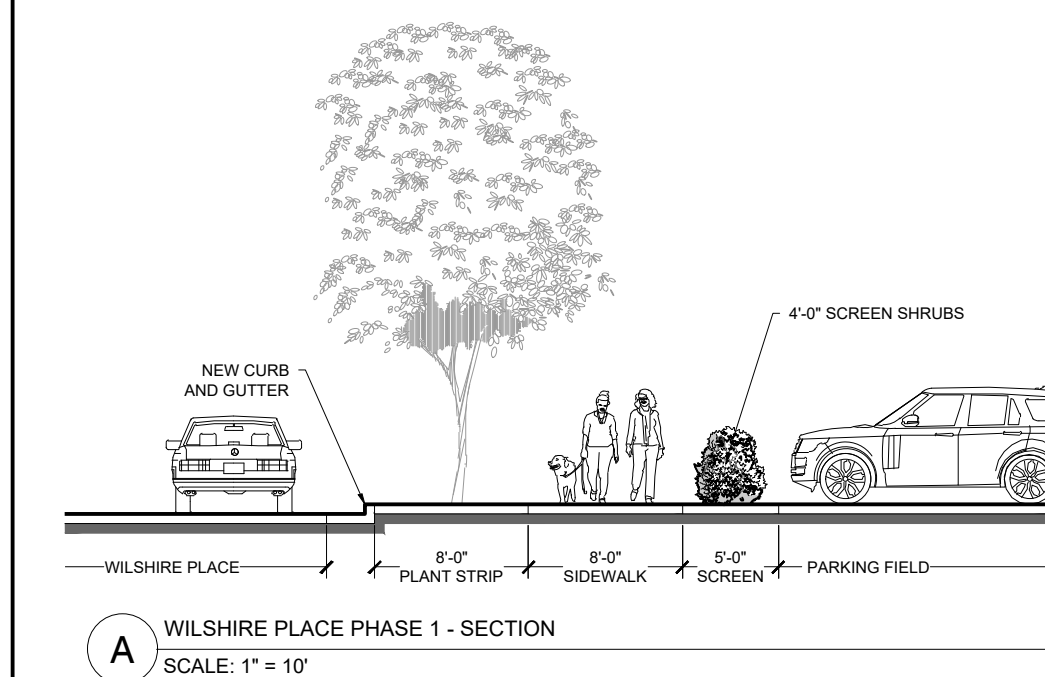
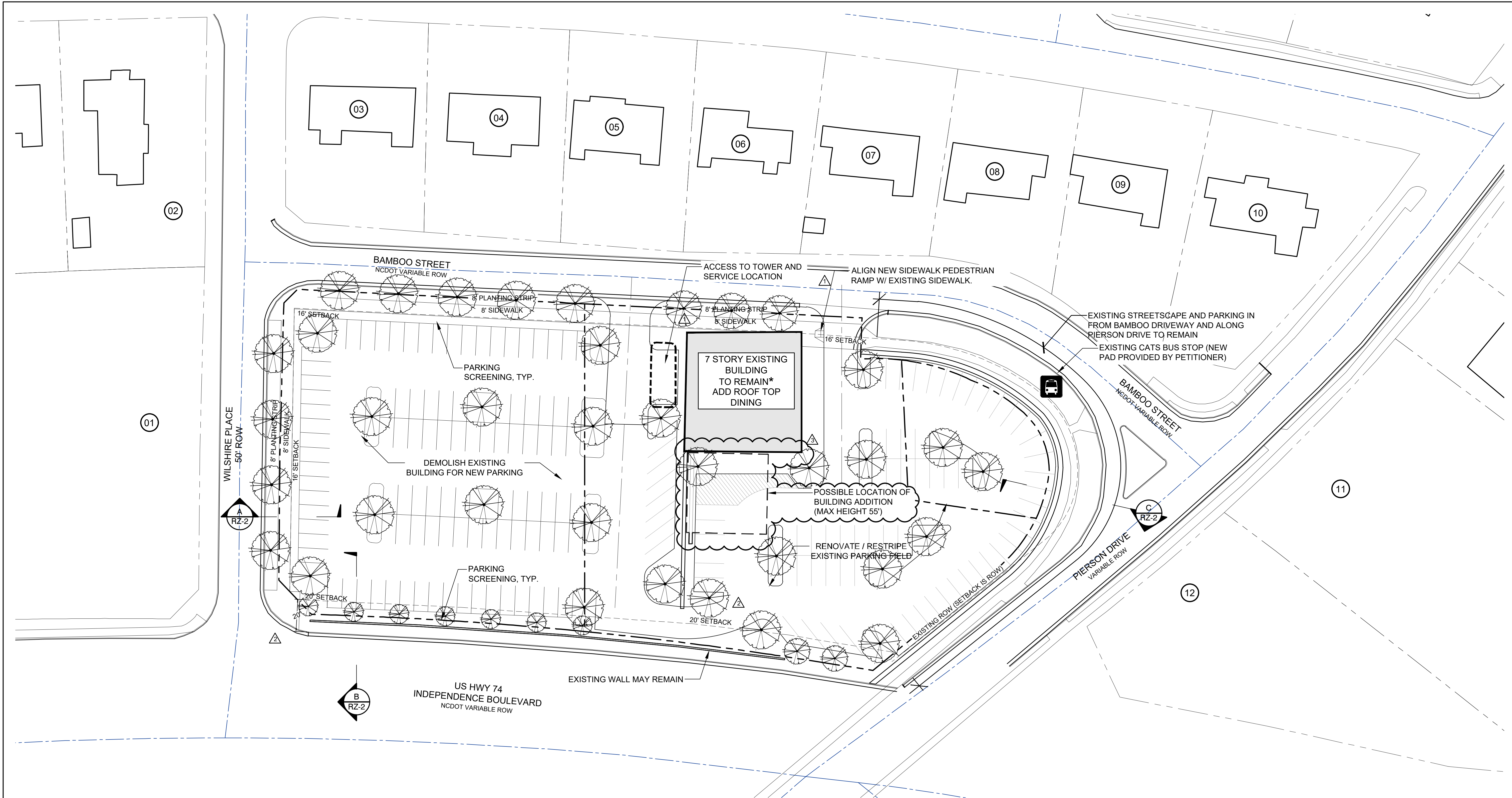


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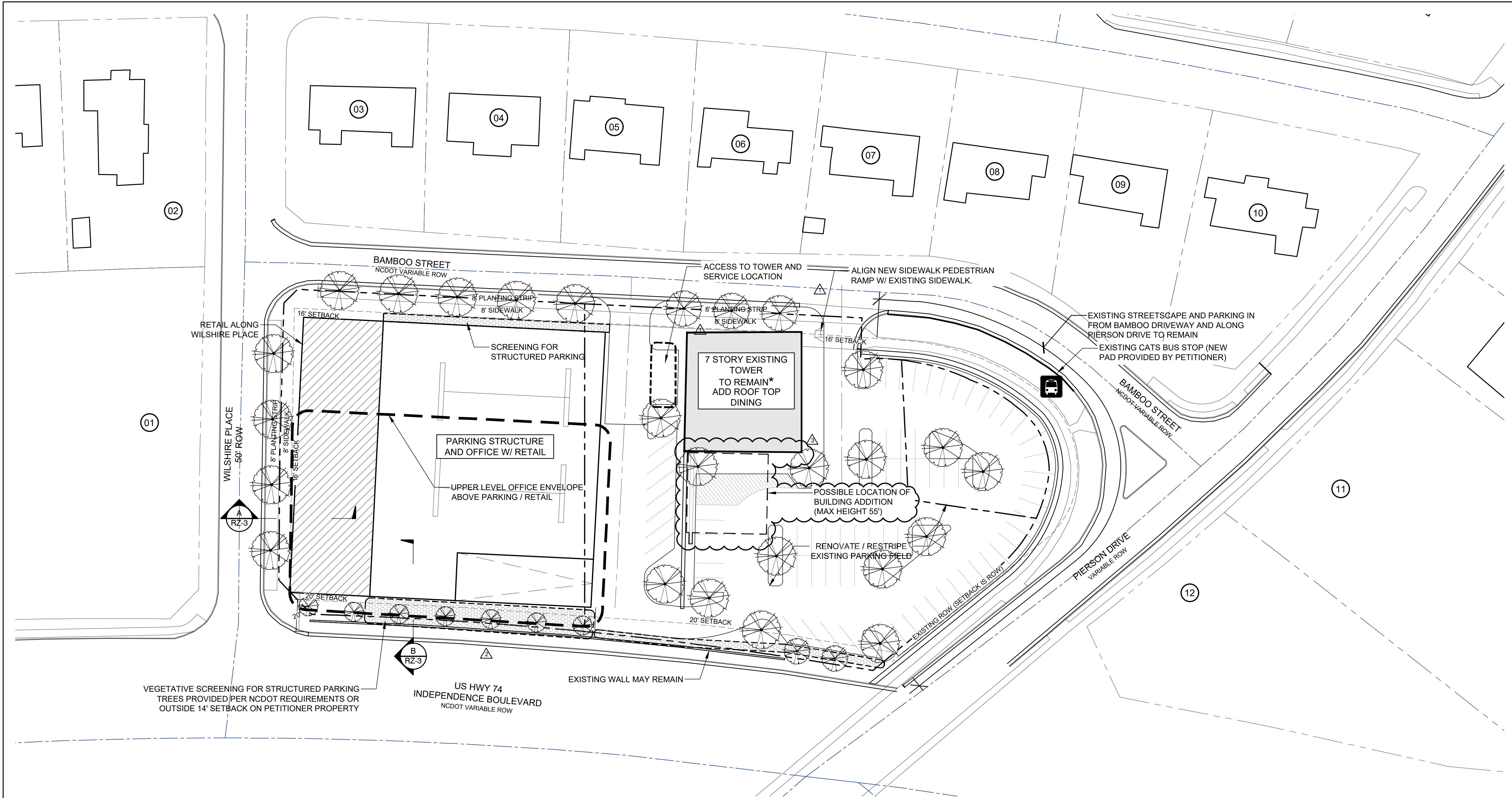
CONCEPTUAL SITE
PLAN - PHASE 1

SHEET NUMBER

RZ-2



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



KEY MAP

SEAL

REZONING
PETITION NO.
2017-167

PROJECT

ERVIN BUILDING
REZONING

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

LANDDESIGN PROJ.#
1017337

REVISION / ISSUANCE

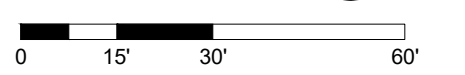
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1	CITY COMMENTS	12-11-2017
2	CITY COMMENTS	01-22-2018
3	REVISIONS PER NCDOT	04-20-2018

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

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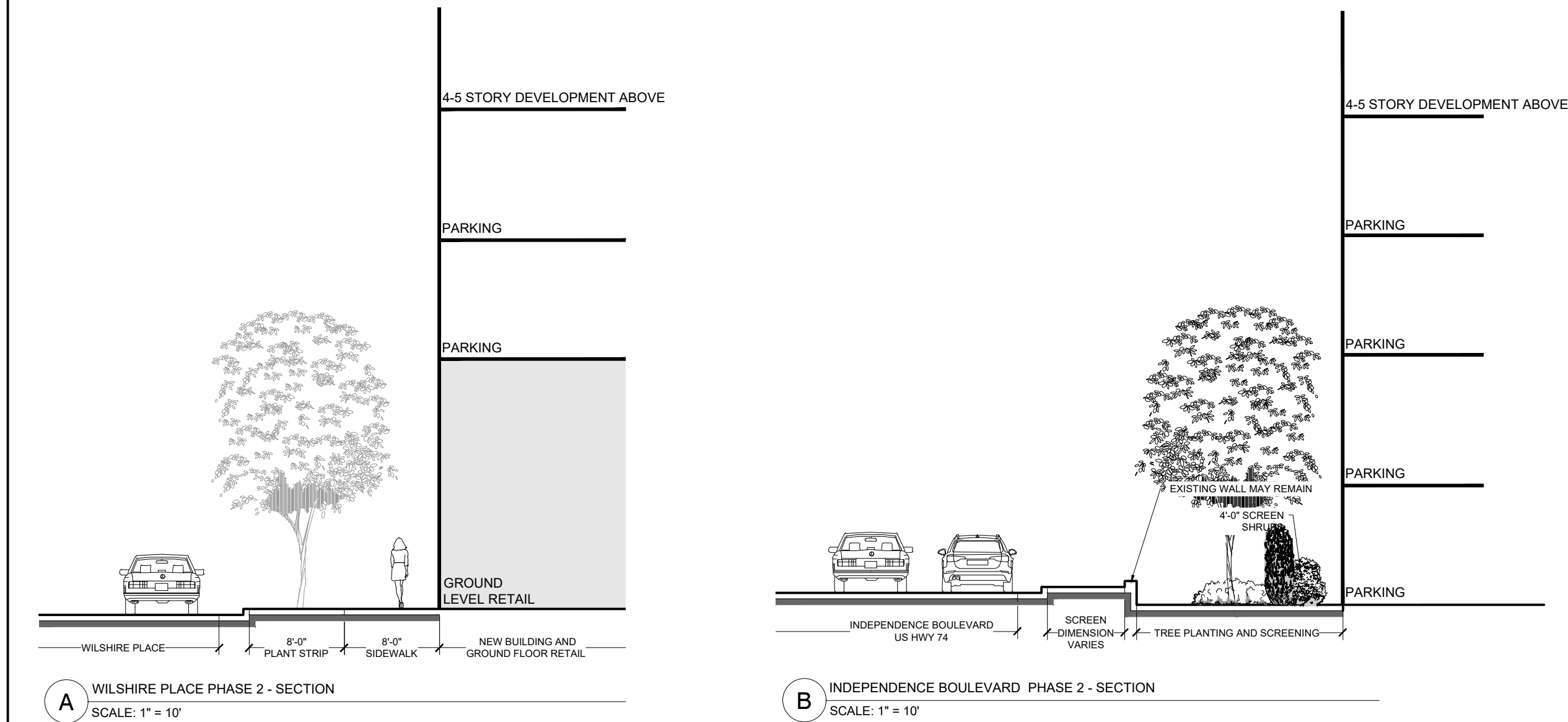
SHEET TITLE

CONCEPTUAL SITE
PLAN - PHASE 2

SHEET NUMBER

RZ-3

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



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

Site Development Data:

~**Acreage:** ± 2.11 acres
~**Tax Parcel #:** 131-111-12; 131-111-10 & 131-111-01
~**Existing Zoning:** B-2
~**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, or more specifically described below in Sections 2 and 3.

~**Maximum Gross Square Feet of Development:** (i) Within 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 above and in Section 3); each of (i) and (ii) together with accessory uses as allowed in the MUDD-O zoning district; and each as more specifically described below in Section 3.

~**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 155 feet. The building to be constructed within Development Area B will not exceed a maximum height of (i) 50 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 Location.** These 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 on the Rezoning Plan.

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") 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 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.

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 as part of 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. **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, 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 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 within such Development Areas without regard to any such internal separation standards than those expressly set forth 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 barber shops, spas, Yoga and exercise studios, fitness and wellness facilities, nail salons, martial art training studios, laundries and dry cleaning establishments, locksmiths, funeral homes and the like.

g. **EDEE Uses.** References to the term "EDEE" shall mean "Eating Drinking Entertainment Establishments" as defined in the Ordinance and 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"); or

(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-5 (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 with 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 & 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.

If per Section 3.e. 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 57,000 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.

In addition, in the event the existing building is destroyed by fire or other casualty so that rebuilding the existing building is impractical or cost prohibitive, a replacement building may be constructed in lieu of the existing building within the building envelope generally depicted on Sheet RZ-1; in such event, the total building footprint allowed within Development Area A may be increased by 30,000 square feet of gross floor area to a total of 75,000 square feet of gross floor area of uses allowed within Development Area A (including, without limitation, the Rooftop Activity 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.

Furthermore, no more than 12,000 square feet of gross floor area within Development Area A may be used for retail, EDEE or Personal Services uses (excluding such uses deemed accessory to office uses on Development Area A); such 12,000 square feet of gross floor area limitation shall include rooftop active uses (the "Rooftop Active Uses") shall as EDEE uses and similar uses occupying up to but not exceeding 4,500 square feet of area (enclosed or open air) on the roof of the building within Development Area A (the "Rooftop Activity Area") and any such uses located within the building addition or the remainder of the building. The Rooftop Activity Area shall be designed with opaque wall or similar barrier located along the eastern side of the building and shall have hours of operation of no later than 11:00 P.M. E.S.T.

b. **Development Area B.** Development Area B may be developed with up to 57,000 square feet of gross floor area of 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 reduced as described in Section 3.a. Furthermore, no more than 6,000 square feet of retail, EDEE or Personal Services uses (excluding such uses deemed accessory 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.

c. **No gas/convenience store use** may be permitted on the Site.

d. **Phased Development of Development Area B.** As generally depicted on Sheets RZ-2 and 3, Development Area B is contemplated to be developed in two (2) phases, the first phase I Development to reflect demolition of the existing building on Development Area B and the replacement thereof with surface parking that may serve uses on the Site, and the second such Phase II Development to reflect permitted uses and an associated structured parking facility on Development Area B. Certain screening improvements and landscaping as described below in Section 5.e shall be installed on Development Area B prior to completion of the surface parking allowed on Development Area B as part of Phase I Development.

e. **Renovation of Existing Building & Construction of Building Addition on Development Area A.** Development Area A shall be redeveloped in a manner that renovates the existing building located on Development Area A, and the building addition generally depicted on Sheet RZ-1, shall be constructed within Development Area A. If the building addition is constructed, per Section 2.b. above, the Specialty Signage may be included as part of the building addition, but if so, no Specialty Signage shall be permitted at or near the top of the existing building.

f. **Conversion of Commercial Uses to Hotel Rooms on Development Area A.** Hotel rooms may be developed within Development Area A by converting commercial uses (e.g. office, retail, EDEE and Personal Services uses) into hotel rooms at the rate of 300 square feet of gross floor area of such commercial uses so converted for use (1) hotel room added, up to a maximum of 100 hotel rooms so converted.

g. **Records of Entitlement & Transfers/Conversions; Administrative Amendments.** Prior to any transfer/conversion of entitlement pursuant to subsections 3.a. and f. above, the Petitioner or owner of the applicable Development Area involved in the transfer/conversion under request shall provide to the Planning Department a written request for such transfer/conversion as well as an updated identification summary for development. Furthermore, the results of such conversions shall be evidenced by an administrative site plan amendment.

4. Access & Transportation/Ped Improvements:

a. Access to the Site will be from Bamboo Street in the manner generally depicted on the Rezoning Plan.

b. The Petitioner will install a left-turn lane from Pierson Drive onto Bamboo Street as generally depicted on the Rezoning Plan; provided, however, such left-turn lane will be created by re-striping the existing pavement on Pierson Drive and shall not be required if it cannot be accomplished in this manner.

c. The Petitioner will convert the existing monolithic concrete island at the intersection Bamboo Street and Pierson Drive to also serve as pedestrian refuge island while still channelizing traffic as currently does. The existing accessible ramps on Bamboo would be relocated to coincide with the redesigned monolithic concrete island and the new pedestrian refuge island.

d. Streetscape improvements along Wilshire Place will be installed in the manner generally depicted on Sheet RZ-3 prior to the issuance of the first certificate of occupancy for new development taking place on the Site.

e. The Petitioner will provide a sidewalk easement for any of the proposed sidewalks that fall outside of the existing right-of-ways.

f. The proposed transportation improvements shall be approved and constructed prior to the issuance of the first certificate of occupancy for the Site. The Petitioner for the Site. The Petitioner may post a bond for any improvements not completed at the time the time the first certificate of occupancy is issued.

g. Petitioner will submit a Technical Transportation Memo to NCDOT and CDOT during permitting (or such other time acceptable to NCDOT) and any transportation improvements specifically identified will be undertaken by Petitioner at such time acceptable to NCDOT.

5. Architectural and Site Design Standards:

a. **Building Materials Generally.** The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits, awnings and on handrails/railings, however standing seam metal is permitted as a decorative architectural element. Furthermore, the building elevations (excluding structured parking facilities) on public streets shall be constructed so that at least 40% of the elevation fronting public streets, exclusive of windows, doors, and roofs, will be constructed utilizing the following materials: brick, synthetic brick, stone, precast stone, precast concrete, synthetic stone, and decorative block. The use of decorative block will be limited to a maximum of 25% of any building elevation.

b. **Structured Parking Deck.** Parking deck structures shall be designed to materially screen the view of parked cars from adjacent public streets and screening of cars parked on the upper level will be accomplished by a wall at least 36 inches in height, designed as part of the parking deck structure. Building materials associated with facades on parking deck structures that are generally compatible in character with nearby buildings will be created taking into consideration differences associated with parking deck structures.

c. **Murals on Existing Retaining Walls.** The Petitioner will commission and install mural(s) on portions of the existing retaining wall located within the right-of-way of Pierson Drive and Bamboo Street subject to the approval of NCDOT and/or CDOT. If so approved, the mural(s) will be installed prior to the issuance of a certificate of occupancy for the existing building within Development Area A or prior to the issuance of a certificate of occupancy for a new building within Development Area A should the existing building be demolished per Section 3.e. and a new building is constructed. Petitioner or the owner of Development Area A will maintain such mural(s).

d. **Building Placement and Site Design Standards.** New building placement and site design shall focus on and enhance the pedestrian environment on public streets, through the following (the following shall not apply to renovation of existing building(s) on the Site):

i. New buildings on Development Area B shall be placed so as to present a front or side façade to Wilshire Place and Bamboo Street (i.e. the rear or the service side of the buildings may not be oriented toward Wilshire or Bamboo).

ii. The building located on Development Area B as part of Phase II shall include installation of active use space along the building edge fronting Wilshire Place for a minimum of sixty percent (60%) of such frontage.

iii. New building facades fronting Wilshire Place or Bamboo Street on Development Area B shall include a combination of windows and operable doors for a minimum of 80% of each frontage elevation transparent glass between 2' and 10' on the first floor. Up to 10% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk. This standard will not apply to parking structures constructed on the Site.

iv. The facades of first/ground floor of new buildings along streets shall incorporate a minimum of 20% masonry materials such as brick, stone and pre-cast.

v. Direct pedestrian connection for new buildings should be provided between new street facing doors, corner entrance features to the sidewalks along Wilshire and Bamboo.

vi. New operable door spacing for new building along Wilshire Place and Bamboo shall not exceed 75 feet on the new building constructed on the Site.

vii. New building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but to limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

viii. New building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.

6. Streetscape and Screening:

a. The Petitioner will provide a sidewalk network that links each building on the Site to the sidewalks along Wilshire Place and Bamboo Street in the manner generally depicted on the Rezoning Plan. The minimum width for these internal sidewalks will be five (5) feet.

b. Any new buildings (and/or building additions) constructed within Development Areas A and B will maintain a minimum building setback (i.e. not applicable to surface parking) of 20 feet along Independence Boulevard as measured from the existing back of curb. A 16 foot setback as measured from the existing curb

will be maintained along Wilshire Place and Bamboo Street. The setback along Pierson Drive will be the existing right-of-way line (the width of the right-of-way along Pierson Drive varies) as generally depicted on the Rezoning Plan.

c. The Petitioner will close, cover, or remove the existing stairs along Bamboo Avenue that lead to the existing basement of the building, if not required to be an egress point by building standards.

d. Meter banks will be screened from view from adjacent public streets at grade. HVAC and related mechanical equipment will be screened from public view and grade.

e. Above-ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

f. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building.

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 as 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 right-of-way is required and if not granted Petitioner shall work with N

KEY MAP

SEAL

REZONING
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PROJECT

ERVIN BUILDING
REZONING

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

LANDDESIGN PROJ.# 1017337

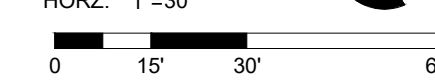
REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
3	REVISIONS PER NCDOT/CITY	04-20-2018

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CHECKED BY: RJP

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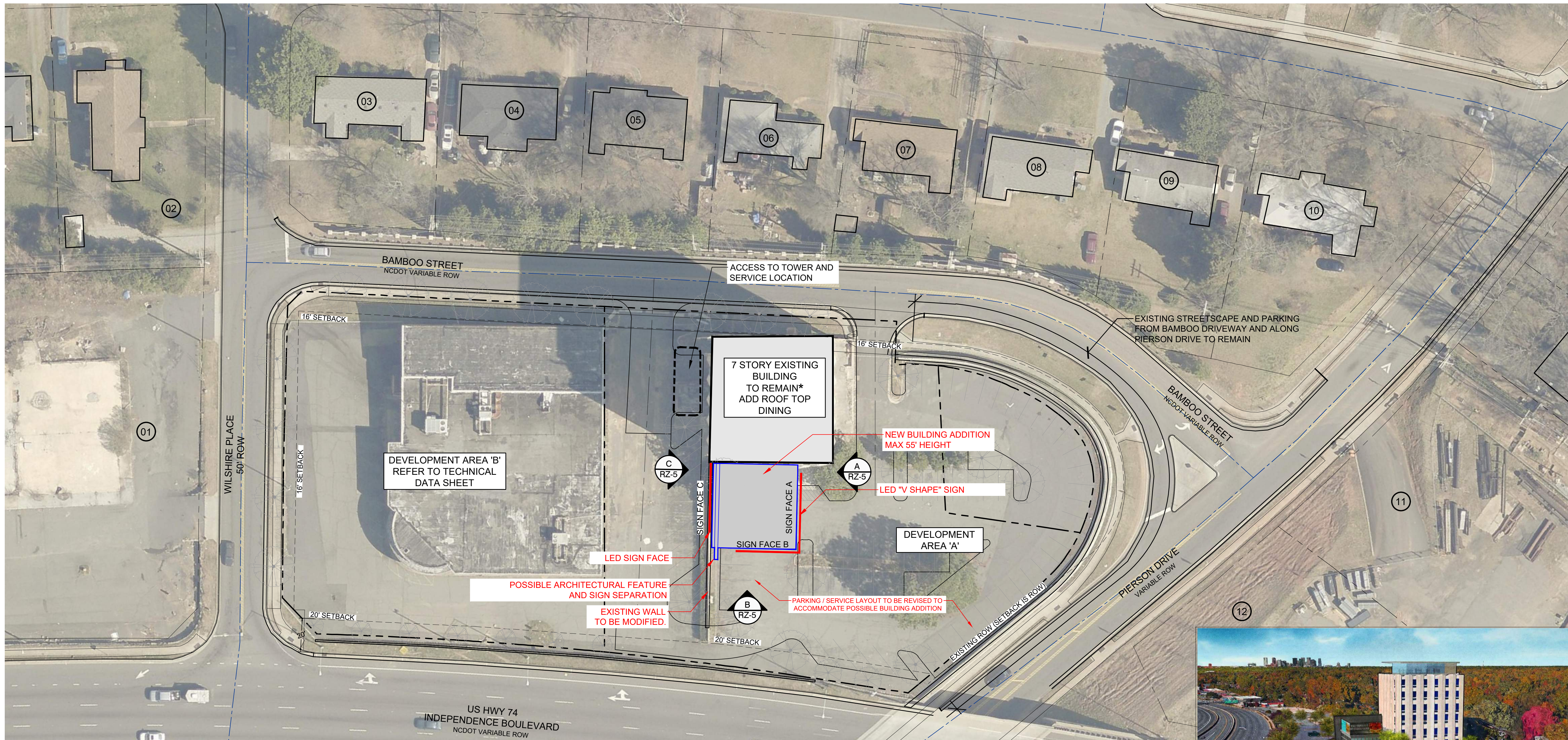
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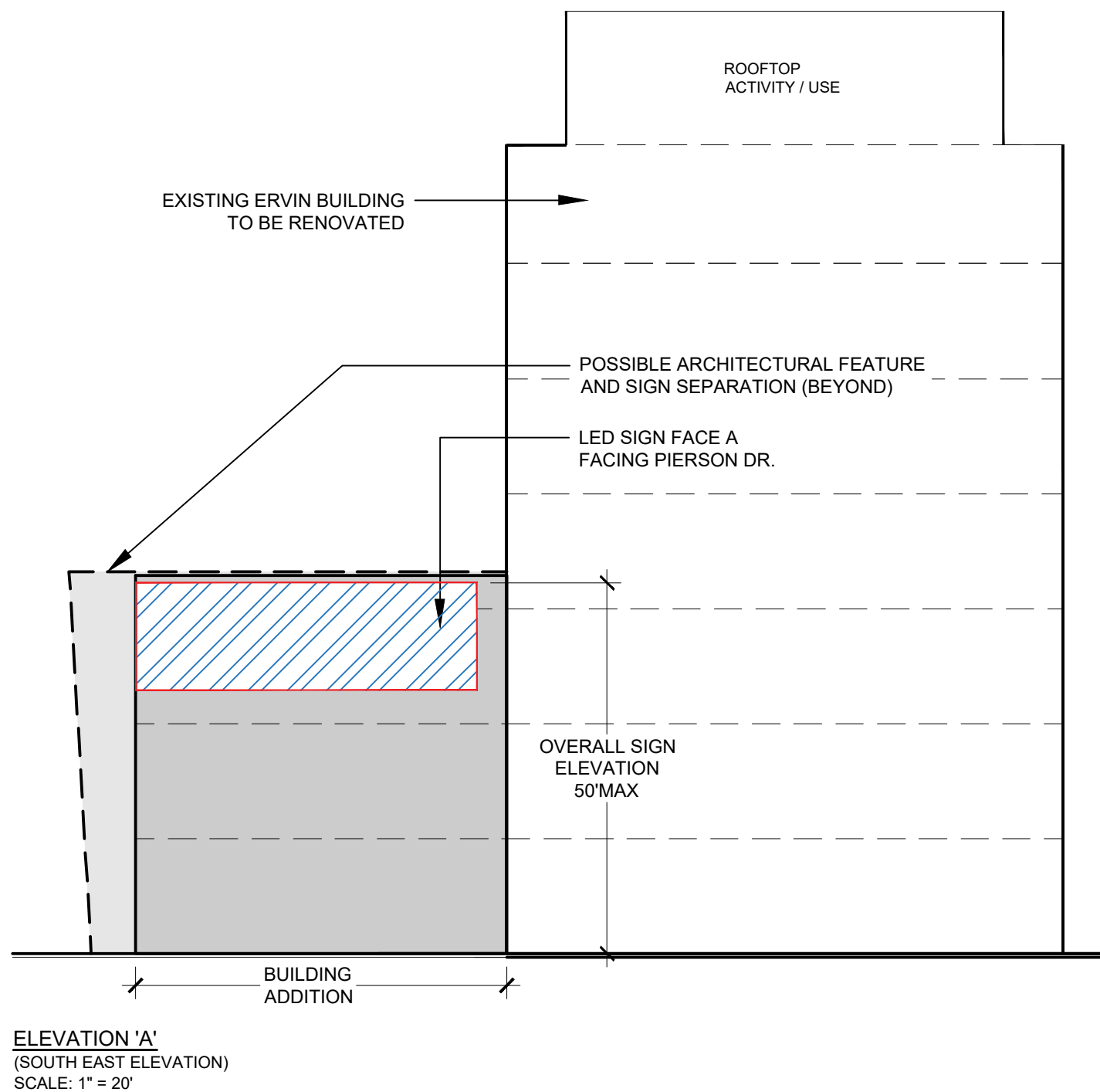
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RZ-5

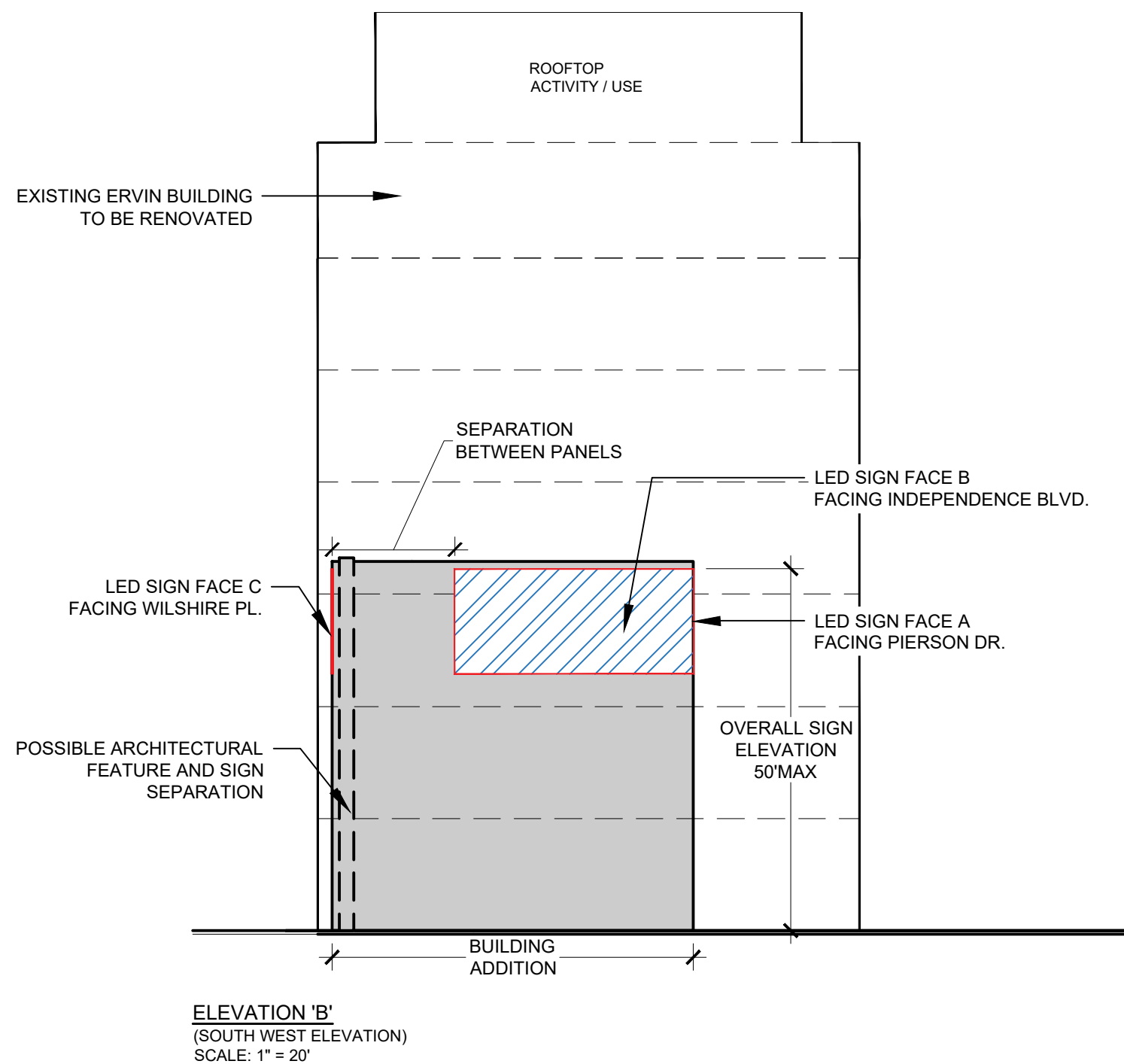


CONCEPTUAL PERSPECTIVE - POSSIBLE BUILDING ADDITION WITH SPECIALTY SIGNAGE ALTERNATIVE B

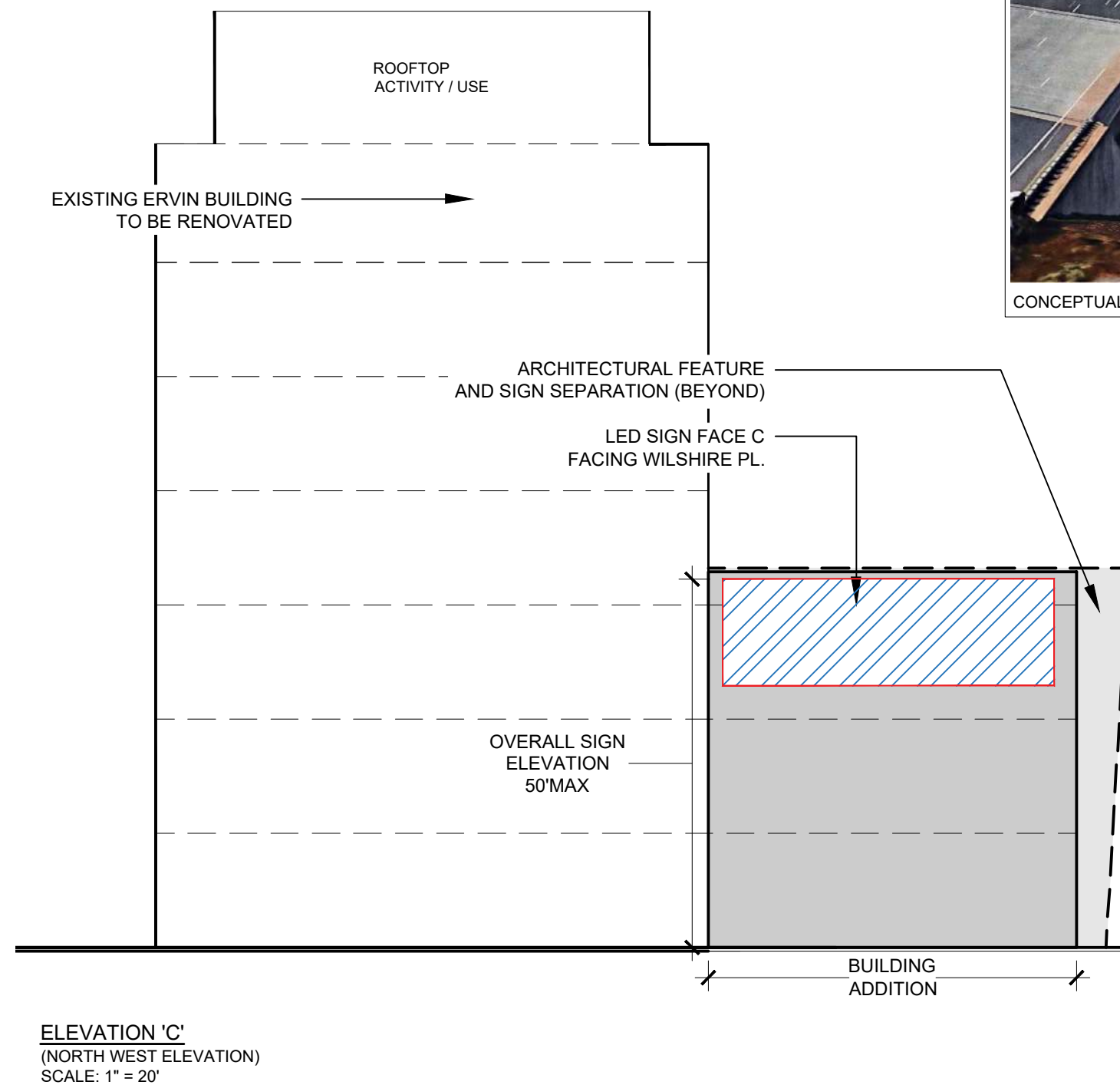
- NOTES:
- THE IMAGES SHOWN ARE ILLUSTRATIVE TO SHOW GENERAL INTENT, CHARACTER, RELATIONSHIPS OF USES, CIRCULATION, AND BUILDING CONFIGURATION FOR THE PURPOSES OF REZONING. FINAL CONSTRUCTION MAY VARY BASED ON UNFORESEEN FIELD CONDITIONS.
 - ARCHITECTURAL FEATURES & BUILDING ADDITION ATTACHMENT ARE CONCEPTUAL AND MAY BE MODIFIED AS LONG AS GENERAL INTENT IS MAINTAINED



ELEVATION 'A'
(SOUTH EAST ELEVATION)
SCALE: 1" = 20'



ELEVATION 'B'
(SOUTH WEST ELEVATION)
SCALE: 1" = 20'



ELEVATION 'C'
(NORTH WEST ELEVATION)
SCALE: 1" = 20'