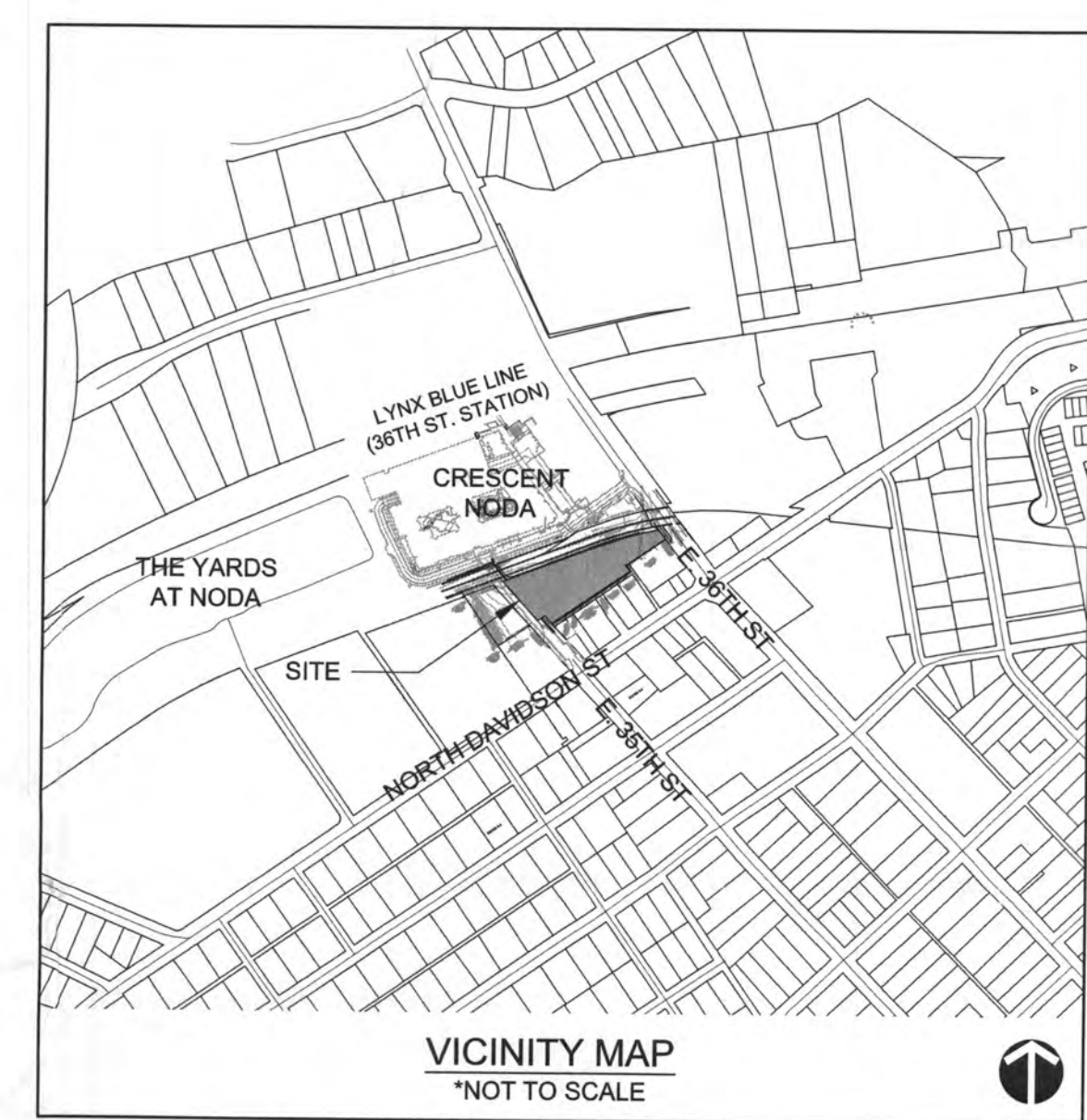
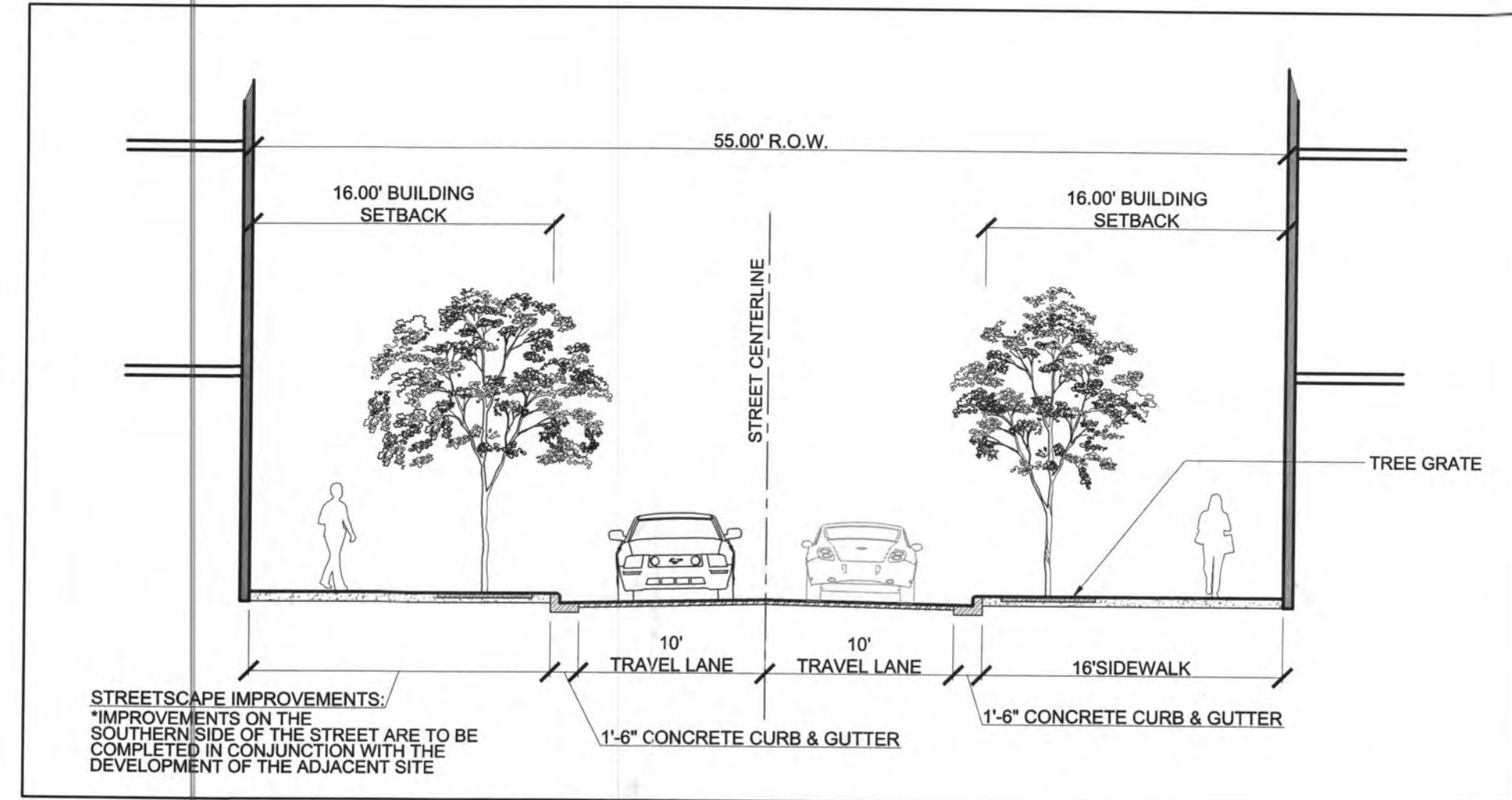
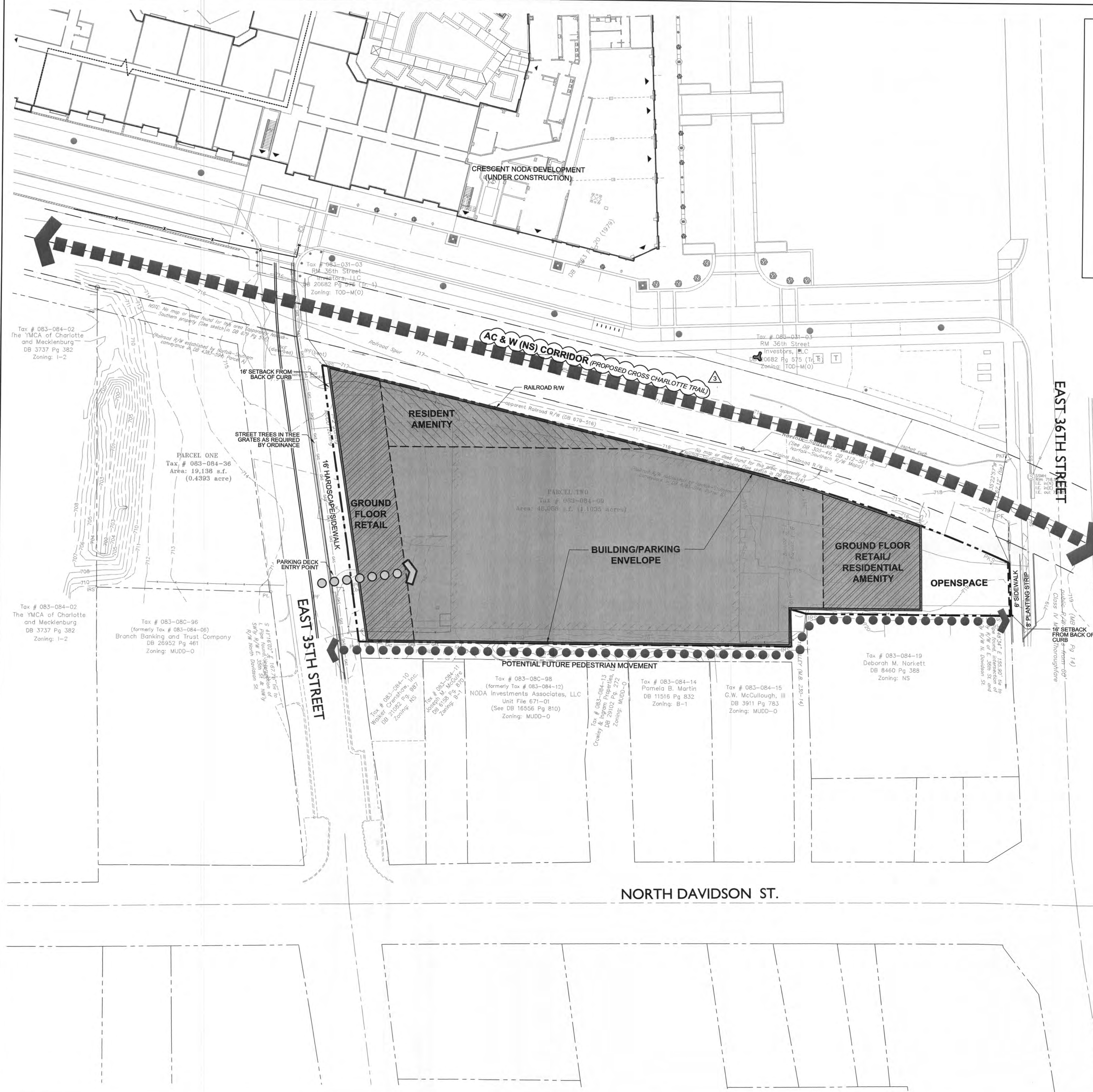
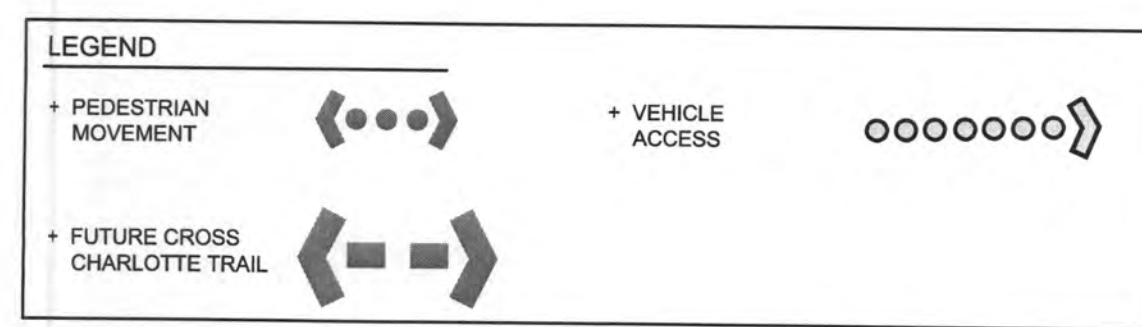




SITE DEVELOPMENT DATA	
ACREAGE:	± 1.123 ACRES
TAX PARCEL #S:	083-084-09
EXISTING ZONING:	I-2, MUDD AND B-2
PROPOSED ZONING:	TOD-M(O)
EXISTING USES:	A WAREHOUSE.
PROPOSED USES:	RESIDENTIAL DWELLINGS UNITS; AND NON-RESIDENTIAL USES AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS AND BY THE OPTIONAL PROVISIONS BELOW TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE TOD-M ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).
MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:	RESIDENTIAL UNITS AND NON-RESIDENTIAL SQUARE FOOTAGE AS ALLOWED AND REQUIRED BY THE TOD-M ZONING DISTRICT.
MAXIMUM BUILDING HEIGHT:	A MAXIMUM BUILDING HEIGHT OF 79 FEET AS ALLOWED BY THE ORDINANCE AND THE OPTIONAL PROVISIONS BELOW. BUILDING HEIGHT TO BE MEASURED AS REQUIRED BY THE ORDINANCE.
PARKING:	PARKING AS REQUIRED BY THE ORDINANCE AND THE OPTIONAL PROVISIONS BELOW.



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JUL 08 2016

APPROVED BY
CITY COUNCIL
JUL 18 2016

35TH STREET
REZONING
ELLER CAPITAL PARTNERS, CHARLOTTE, NC
TECHNICAL DATA SHEET

REVISIONS:
[1] 05/23/2016 -- PER CITY COMMENTS
[2] 06/23/2016 -- PER CITY COMMENTS
[3] 07/08/2016 -- PER CITY COMMENTS

DATE: 05/23/2016
DRAWN BY: GCH
CHECKED BY: NLD
Q.C. BY: NLD
SCALE: 1" = 30'-0"
PROJECT #: 1015357
SHEET #:
RZ-1

LandDesign™
233 N. Graham Street, Charlotte, NC 28202
V: 704.333.0335 E: 704.337.2346
www.LandDesign.com

SITE DEVELOPMENT DATA:

--ACREAGE: ± 1.123 ACRES
--TAX PARCEL #S: 083-084-09
--EXISTING ZONING: I-2, MUDD AND B-2
--PROPOSED ZONING: TOD-M(O)
--EXISTING USES: A WAREHOUSE.
--PROPOSED USES: RESIDENTIAL DWELLINGS UNITS; AND NON-RESIDENTIAL USES AS PERMITTED BY RIGHT, UNDER PRESCRIBED CONDITIONS AND BY THE OPTIONAL PROVISIONS BELOW TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE TOD-M ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).
--MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: RESIDENTIAL UNITS AND NON-RESIDENTIAL SQUARE FOOTAGE AS ALLOWED AND REQUIRED BY THE TOD-M ZONING DISTRICT.
--MAXIMUM BUILDING HEIGHT: A MAXIMUM BUILDING HEIGHT OF 79 FEET AS ALLOWED BY THE ORDINANCE AND THE OPTIONAL PROVISIONS BELOW. BUILDING HEIGHT TO BE MEASURED AS REQUIRED BY THE ORDINANCE.
--PARKING: PARKING AS REQUIRED BY THE ORDINANCE AND THE OPTIONAL PROVISIONS BELOW.

1. GENERAL PROVISIONS:

A. **SITE LOCATION.** THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER SITE PLAN SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY ECP NODA, LLC ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF TRANSIT SUPPORTIVE RESIDENTIAL, AND NON-RESIDENTIAL USES ON AN APPROXIMATELY 1.123 ACRE SITE LOCATED BETWEEN E. 35TH STREET AND E. 36TH STREET WEST OF DAVIDSON STREET (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 TOD-M ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED 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. 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.

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.

D. **NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY.** NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WITHIN DEVELOPMENT AREA A WILL BE LIMITED TO ONE (1). 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(S) LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING.

2. OPTIONAL PROVISIONS

A. TO ALLOW THE PROPOSED BUILDING TO BE BUILT TO A HEIGHT OF 79 FEET. THIS OPTIONAL PROVISION WILL ALLOW A 12 FOOT INCREASE IN THE ALLOWED BUILDING HEIGHT AS MEASURED FROM EXISTING SINGLE-FAMILY ZONING.

B. TO ALLOW PARKING FOR EDEE AT THE RATE OF ONE SPACE PER 300 SQUARE FEET. THIS OPTIONAL PROVISIONS CHANGES THE REQUIRED PARKING FOR EDEE FROM ONE SPACE FOR 150 SQUARE FEET TO ONE SPACE PER 300 SQUARE FEET.

C. TO NOT REQUIRE FUNCTIONAL ENTRANCE TO THE FUTURE MULTI-USE TRAIL UNTIL THE TRAIL IS CONSTRUCTED. ENTRANCES WILL BE ADDED IN THE FUTURE WHEN THE MULTI-USE TRAIL IS CONSTRUCTED.

3. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS:

A. THE SITE MAY BE DEVELOPED WITH RESIDENTIAL AND NON-RESIDENTIAL USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE TOD-M ZONING DISTRICT TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE TOD-M ZONING DISTRICT.

B. THE PETITIONER WILL DEVELOP A MINIMUM OF 5,000 SQUARE FEET OF NON-RESIDENTIAL USES ON THE SITE, THIS 5,000 SQUARE FEET WILL NOT INCLUDE NON-RESIDENTIAL USES ASSOCIATED WITH A RESIDENTIAL COMMUNITY (E.G. CLUB HOUSE, FITNESS ROOM, LEASING OFFICE, ETC.). EXCEPT FOR AREAS USED AS COMMON ENTRANCES, DRIVEWAYS, AND EMERGENCY ACCESS POINTS, THE GROUND FLOOR OF THE BUILDING FACING E. 35TH STREET WILL BE DEVELOPED WITH LEASABLE, USABLE SPACE NON-RESIDENTIAL USES (E.G. OFFICE, RETAIL, INSTITUTIONAL, CIVIC, RESTAURANTS (EDEE), ETC.) AS ALLOWED BY THE TOD-M ZONING REGULATIONS. ADDITIONAL NON-RESIDENTIAL USES MAY BE LOCATED IN THE PORTION OF THE BUILDING FACING E. 36TH STREET, AND ALONG THE ALLEY LOCATED ALONG THE SOUTHERN PROPERTY BOUNDARY.

C. THE PORTION OF THE BUILDING FACING E. 36TH STREET WILL BE BUILT TO ACCOMMODATE NON-RESIDENTIAL USES AS REQUIRED BY THE TOD-M ZONING DISTRICT. THE USES ALONG E. 36TH STREET MAY INCLUDE NON-RESIDENTIAL USES ASSOCIATED WITH A RESIDENTIAL COMMUNITY.

4. ACCESS:

A. VEHICULAR ACCESS TO THE SITE WILL BE FROM E. 35TH STREET. NO VEHICULAR ACCESS TO THE SITE FROM E. 36TH STREET WILL BE ALLOWED, INCLUDING EMERGENCY VEHICLE ACCESS.

B. THE PETITIONER WILL COORDINATE THE PROPOSED STREETScape IMPROVEMENTS ALONG E. 35TH STREET WITH THE PARTIES RESPONSIBLE FOR THE CONSTRUCTION OF E. 35TH STREET ACROSS THE SITE'S FRONTAGE. THE PETITIONER WILL ALSO COORDINATE WITH THE PARTIES RESPONSIBLE FOR THE CONSTRUCTION OF E. 35TH STREET THE TIMING OF THE PROPOSED IMPROVEMENTS TO E. 35TH STREET WITH THE TIMING OF THE DEVELOPMENT OF THE SITE TO MINIMIZE IMPACT OF CONSTRUCTION ON THE NEW ROAD. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE SITE THE PETITIONER WILL PROVIDE CDOT DOCUMENTATION THAT E. 35TH STREET ACROSS THE SITE'S FRONTAGE HAS BEEN COMMITTED TO BE CONSTRUCTED.

C. IF AT THE TIME OF THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE THE RIGHT-OF-WAY FOR THE EXTENSION OF E. 35TH STREET HAS NOT BEEN DEDICATED, AND E. 35TH STREET HAS NOT BEEN CONSTRUCTED OR AGREED TO BE CONSTRUCTED ACROSS THE SITE'S FRONTAGE BY OTHER PARTIES THE PETITIONER AGREES TO DEDICATE A MINIMUM OF 52.5 FEET OF RIGHT-OF-WAY ALONG THE SITE'S FRONTAGE (27.5 FEET FROM THE CENTER LINE ON THE SITE'S SIDE OF THE ROAD AND 25.0 FEET FROM THE CENTER LINE ON THE OPPOSITE SIDE) AND TO CONSTRUCT THE EXTENSION OF E. 35TH STREET WITH TWO 10 FOOT TRAVEL LANES, 1.5 FOOT CURB AND GUTTER ON EACH SIDE AND A 16 FOOT SIDEWALK WITH TREES IN TREE GRATES ALONG THE SITE'S FRONTAGE. THE STREETScape IMPROVEMENTS ON THE OPPOSITE SIDE OF THE STREET WILL BE BUILT BY THE DEVELOPER OF THE PARCEL THAT ABUTS THAT SIDE OF THE STREET. AS PART OF THE CONSTRUCTION OF THE ROAD THE PETITIONER WILL ALSO EXECUTE ALONG THE SITE'S FRONTAGE (PROPERTY LINE TO PROPERTY LINE) COMPLETE BASE REPAIR, MILLING, AND PAVING. THE PETITIONER MAY CHOOSE TO PROVIDE A LETTER OF CREDIT AT THE TIME OF THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY PORTION OF THE ROAD WORK NOT COMPLETED AS DETERMINED BY CITY ENGINEERING, IF THE PETITIONER IS RESPONSIBLE FOR THE COMPLETION OF THE ROAD AS INDICATED ABOVE.

D. THE LOCATION OF THE DRIVEWAY MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY

THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS SO LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.

DE. THE PETITIONER WILL OPEN AND IMPROVE THE EXISTING ALLEY LOCATED ALONG THE SOUTHERN PROPERTY BOUNDARY.

5. STREETScape, LANDSCAPING OPEN SPACE AND SCREENING:

A. ALONG E. 35TH STREET A 16 FOOT SETBACK AS MEASURED FROM THE EXISTING/FUTURE BACK OF CURB WILL BE PROVIDED. THIS 16 FOOT SETBACK WILL APPLY TO THE FIRST 25 FEET OF THE PROPOSED BUILDING, THE PORTION OF THE BUILDING OVER 25 FEET IN HEIGHT WILL HAVE A MINIMUM SETBACK FROM E. 35TH STREET OF 29 FEET. THE PETITIONER MAY CHOOSE TO BEGIN THE ADDITIONAL BUILDING SETBACK AT THE TOP OF THE FIRST FLOOR OF THE BUILDING ALONG E. 35TH STREET.

B. ALONG E. 36TH STREET A 40 FOOT BUILDING SETBACK WILL BE PROVIDED AS MEASURED FROM THE BACK OF THE EXISTING/FUTURE BACK CURB.

C. AS PART OF THE REDEVELOPMENT OF THE SITE, THE PETITIONER WILL PROVIDE THE FOLLOWING STREETScape IMPROVEMENTS ALONG E. 35TH STREET AND E. 36TH STREET; A 16 FOOT WIDE AMENITY ZONED WITH STREET TREES IN TREE GRATES.

D. THE PETITIONER WILL IMPROVE THE AREA BETWEEN THE PROPOSED BUILDING AND E. 36TH STREET AS AN OPEN SPACE AREA. THIS SPACE MAY BE USED TO MEET THE PUBLIC AND PRIVATE OPEN SPACE REQUIREMENTS OF THE ORDINANCE.

E. THE OPEN SPACE AREAS ON THE SITE WILL BE IMPROVED WITH LANDSCAPING, LIGHTING, SEATING AND HARDSCAPE ELEMENTS.

F. PEDESTRIAN ACCESS TO THE BUILDING FROM E. 36TH STREET WILL BE PROVIDED.

G. METER BANKS WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE LEVEL.

6. ARCHITECTURAL STANDARDS.

A. THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON SITE WILL BE A COMBINATION OF SOME OF THE FOLLOWING: BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, CEMENTITIOUS SIDING (SUCH AS HARDI-PLANK), STUCCO, EIFS, DECORATIVE METAL PANELS, DECORATIVE BLOCK AND/OR WOOD. VINYL AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS, AND ON HANDRAILS/RAILINGS

B. THE PORTION OF THE BUILDING ALONG E. 35TH STREET WILL BE DESIGNED TO HAVE A STEP BACK FROM E. 35TH STREET. THIS WILL BE ACCOMPLISHED BY REQUIRING THE PORTION OF THE BUILDING THAT IS OVER 25 FEET HIGH TO BE SETBACK AN ADDITIONAL 15 FEET BEYOND THE GROUND FLOOR BUILDING FACE, REQUIRING THE PORTION OF THE BUILDING OVER 25 FEET IN HEIGHT TO BE SETBACK A MINIMUM OF 29 FEET FROM THE BACK OF CURB OF E. 35TH STREET. THE PETITIONER MAY BEGIN THE STEP BACK IN THE BUILDING AT THE TOP OF THE FIRST FLOOR OF THE BUILDING.

C. THE PROPOSED NON-RESIDENTIAL USES LOCATED ON GROUND FLOOR OF THE BUILDING ALONG E. 35TH STREET, WILL ORIENT AND CONNECT A PRIMARY ENTRANCE TO THE SIDEWALK ALONG E. 35TH STREET (EACH COMMERCIAL ESTABLISHMENT ALONG E. 35TH STREET WILL HAVE AN OPERABLE PEDESTRIAN DOOR TO E. 35TH STREET). THE ENTRANCE TO THE SIDEWALK ALONG E. 35TH STREET WILL BE OPEN AND OPERABLE DURING THE BUSINESS HOURS OF THE ASSOCIATED USE. THIS STANDARD WILL ALSO APPLY TO THE USES LOCATED ON THE GROUND FLOOR ALONG E. 36TH STREET.

D. IF THE ALLEY ALONG THE SOUTHERN PROPERTY BOUNDARY IS OPEN AND IMPROVED, THE PETITIONER WILL EXPLORE OPTIONS TO UTILIZE THE ALLEY AND THE PORTION OF THE BUILDING ABUTTING THE ALLEY FOR SPECIAL EVENTS, MICRO STORES, TEMPORARY STRUCTURES FOR THE SALE OF GOODS AND SERVICES AND THE DISPLAY OF ART AND MERCHANDISE. THE BUILDING EDGE ALONG THE EXISTING ALLEY MAY BE DESIGNED TO HAVE COLLAPSIBLE AND/OR RETRACTABLE CANOPIES THAT EXTEND OVER THE ALLEY TO ALLOW THE ALLEY TO BE USED FOR TEMPORARY SALES AREAS, FLEA MARKETS, OUTDOOR FRESH PRODUCE STANDS, OR MOBILE FOOD VENDORS. THE BUILDING MAY ALSO BE DESIGNED WITH RETRACTABLE GARAGE DOORS THAT WOULD ALLOW THE TEMPORARY USE OF THE PARKING GARAGE FOR TEMPORARY SALES AREAS, FLEA MARKETS, OUTDOOR FRESH PRODUCE STANDS, OR BY MOBILE FOOD VENDORS.

E. THE GROUND FLOOR PORTION OF THE BUILDING FACING THE FUTURE CROSS CHARLOTTE TRAIL WILL BE DESIGNED TO HAVE SPACES DESIGNED FOR NON-RESIDENTIAL USE AS GENERALLY DEPICTED ON THE REZONING PLAN. THESE AREAS WILL HAVE STORE FRONTS THAT WILL BE DESIGNED TO ALLOW FOR THE INSTALLATION OF OPERABLE PEDESTRIAN DOORS TO THE CROSS-CHARLOTTE TRAIL ONCE THE TRAIL IS CONSTRUCTED. A MINIMUM OF TWO (2) ENTRANCES TO THE TRAIL WILL BE PROVIDED IN THE FUTURE. A MINIMUM OF [60%] OF THE LINEAR GROUND FLOOR FRONTAGE OF THE BUILDING FACING THE FUTURE CROSS CHARLOTTE TRAIL WILL BE DESIGNED WITH GROUND FLOOR ACTIVE USES.

F. THE GROUND FLOOR PORTION OF THE BUILDING THAT FRONTS THE FUTURE CROSS CHARLOTTE TRAIL THAT IS OCCUPIED BY THE PARKING STRUCTURE WILL BE DESIGNED TO AVOID BLANK WALLS. ANY OPENINGS IN THE PARKING STRUCTURE WILL BE TREATED WITH EITHER OR A COMBINATION OF THE FOLLOWING ELEMENTS; DECORATIVE LOUVERS, GREEN SCREENS, A GREEN WALL, LANDSCAPE SCREENING, OR OTHER ARCHITECTURAL TREATMENTS/METHODS TO CREATE AN INTERESTING BUILDING FAÇADE ALONG THE CROSS CHARLOTTE TRAIL.

G. THE PETITIONER WILL CONTRIBUTE FUNDS TO THE ARTS AND SCIENCE FUND ESTABLISHED TO IMPLEMENT PUBLIC ART ON THE SITE. A MINIMUM OF \$20,000 DOLLARS WILL BE CONTRIBUTED TO THIS FUND BY THE PETITIONER PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE PROPOSED BUILDING. UNLESS APPROVED BY THE PETITIONER THE ART WORK SECURED OR COMMISSIONED BY THESE FUNDS MUST BE LOCATED ON THE SITE OR OFF-SITE IN THE NODA NEIGHBORHOOD IF APPROVED BY THE PETITIONER. THE PETITIONER WILL HAVE THE RIGHT TO REVIEW AND APPROVE THE ART WORK PURCHASED OR COMMISSIONED BY THESE FUNDS.

H. ON E. 35TH STREET BUILDING ENTRANCES WILL BE LOCATED EVERY 100' LINEAR FEET.

I. THE BUILDING FAÇADE ALONG E. 36TH STREET WILL HAVE AT LEAST ONE BUILDING ENTRANCE FACING E. 36TH STREET.

J. FACADES FRONTING ON E. 35TH STREET SHALL INCLUDE A MINIMUM OF 60% TRANSPARENT GLASS BETWEEN 2' AND 10' ON THE FIRST FLOOR. EXCEPT FOR AREAS USED AS COMMON ENTRANCES, DRIVEWAYS, AND EMERGENCY ACCESS POINTS, THE GROUND FLOOR OF THE BUILDING FACING E. 35TH STREET WILL BE DEVELOPED WITH LEASABLE, USABLE SPACE FOR NON-RESIDENTIAL USES (E.G. OFFICE, RETAIL, INSTITUTIONAL, CIVIC, RESTAURANTS (EDEE), ETC.) AS ALLOWED BY THE TOD-M ZONING REGULATIONS. THE NON-RESIDENTIAL SPACES WILL HAVE A MINIMUM FIRST FLOOR HEIGHT OF 14' AND A MINIMUM DEPTH OF 20'.

K. FACADES FACING ON E. 36TH STREET AND THE PROPOSED OPEN SPACE SHALL INCLUDE A MINIMUM OF 60% TRANSPARENT GLASS BETWEEN 2' AND 10' ON THE FIRST FLOOR. EXCEPT FOR AREAS USED AS COMMON ENTRANCES, AND EMERGENCY ACCESS POINTS, THE GROUND FLOOR OF THE BUILDING FACING E. 36TH STREET MAY BE DEVELOPED WITH LEASABLE, USABLE SPACE FOR NON-RESIDENTIAL USES (E.G. OFFICE, RETAIL, INSTITUTIONAL, CIVIC, RESTAURANTS (EDEE), ETC.) AS ALLOWED BY THE TOD-M ZONING REGULATIONS, OR AS AMENITY SPACE ASSOCIATED WITH A RESIDENTIAL USES. THE NON-RESIDENTIAL SPACES WILL HAVE A MINIMUM FIRST FLOOR HEIGHT OF 14' AND A MINIMUM DEPTH OF 20'

L. THE GROUND FLOOR SHALL BE TALLER THAN AND ARCHITECTURALLY DIFFERENT THAN UPPER FLOORS WITH MORE TRANSPARENCY THAN UPPER FLOORS, THIS STANDARD WILL ONLY APPLY TO BUILDING WALLS LOCATED ALONG PUBLIC STREETS.

M. IN ADDITION TO THE BLANK WALL PROVISIONS OF THE TOD-M ZONING DISTRICT BLANK WALLS SHALL BE TREATED WITH BOTH HORIZONTAL AND VERTICAL VARIATIONS IN WALL PLANES.

N. UTILITIES SHALL BE SCREENED FROM THE FUTURE CROSS CHARLOTTE TRAIL. THIS INCLUDES TRANSFORMERS, MECHANICAL AND ELECTRICAL EQUIPMENT, UTILITY METERS, DUMPSTERS, AND BACKFLOW PREVENTERS. NO FENCING SHALL BE LOCATED BETWEEN THE BUILDING AND THE FUTURE CROSS CHARLOTTE TRAIL. HOWEVER, FENCING MAY BE PROVIDED BETWEEN THE BUILDING AND THE PROPOSED OPEN SPACE AREA WHILE THE ADJOINING AC AND W LINE IS IN USE.

O. IF RESIDENTIAL UNITS ARE LOCATED ON THE GROUND FLOOR THE RESIDENTIAL UNITS SHALL BE RAISED AN AVERAGE OF 24" ABOVE GRADE. UNITS SHALL BE NO MORE THAN 5' ABOVE GRADE AND 2' BELOW.

7. 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.

8. LIGHTING:

A. ALL NEW DETACHED AND ATTACHED LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING; LOW LANDSCAPE, DECORATIVE, SPECIALTY, AND ACCENT LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, OPEN SPACE/AMENITY AREAS, AND PARKING AREAS.

B. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 16 FEET IN HEIGHT.

9. 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 PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

10. 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.

