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CHARLOTTE, NORTH CAROLINA 28204

TOOMEY AVENUE EAST  
ASSEMBLAGE  
REZONING PETITION #2020-194  
TOOMEY AVENUE  
CHARLOTTE, NORTH CAROLINA, 28203

REVISIONS

NO.	DATE	PER CITY AND CDOT COMMENTS
1	02.08.2021	PER CITY AND CDOT COMMENTS
2	03.15.2021	PER CITY AND CDOT COMMENTS
3	04.22.2021	PER CITY AND CDOT COMMENTS
4	05.10.2021	PER CITY AND CDOT COMMENTS

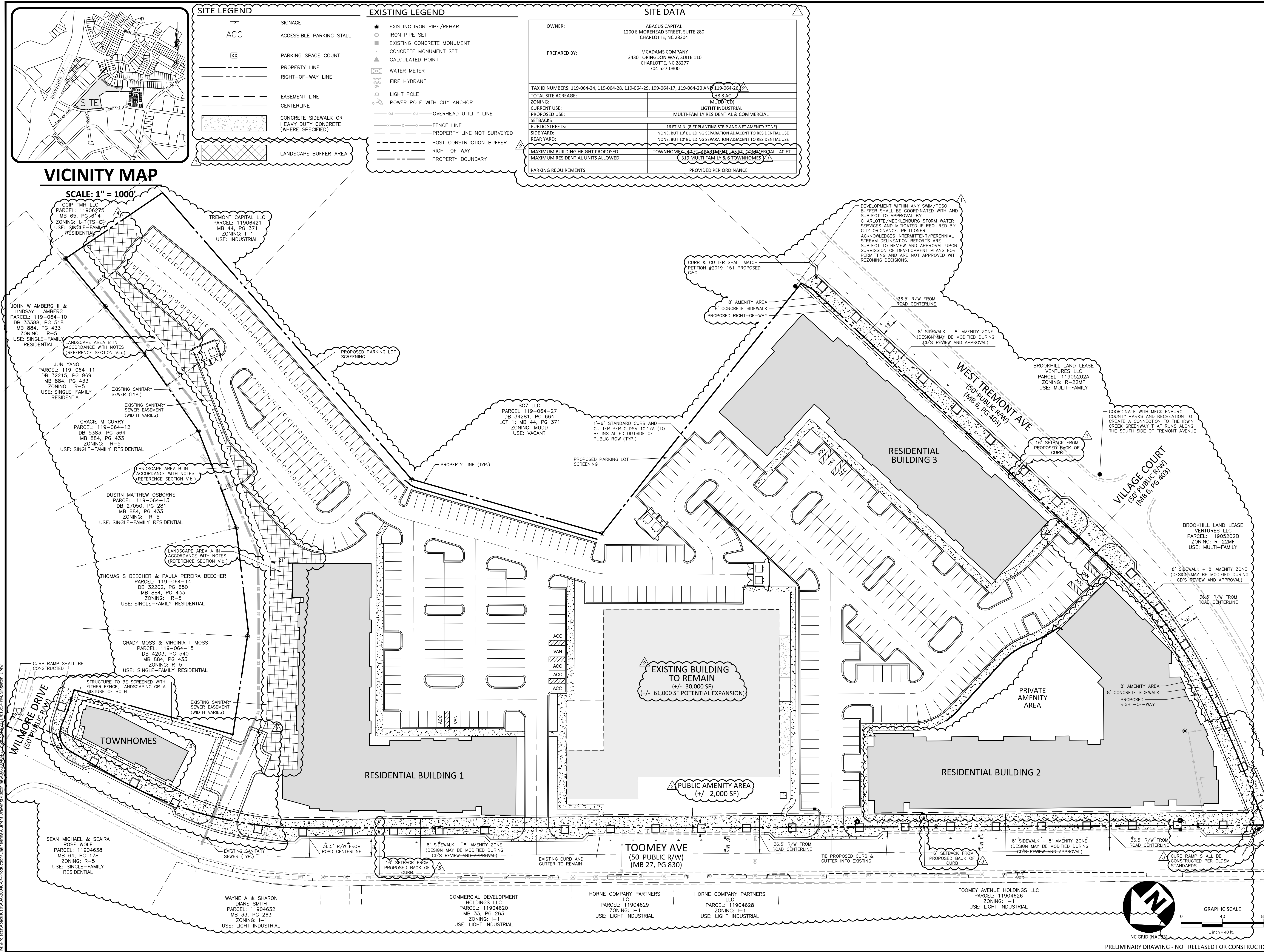
PLAN INFORMATION

PROJECT NO. ABA-20040  
FILENAME ABA-20040-R21  
CHECKED BY EM  
DRAWN BY JDS  
SCALE 1"=40'  
DATE 11.10.2020

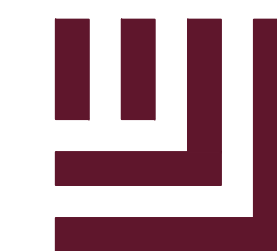
SHEET

REZONING PLAN

RZ.01



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DEVELOPMENT STANDARDS

Petitioner: Toomey Avenue, LLC

Rezoning Petition No. 2020-194

6/10/2021

Site Development Data:

- Acreage: 8.8 acres
--Tax Parcels: 19-064-24, 119-064-28, 119-064-29, 119-064-17, 119-064-20, and 119-064-26
--Existing Zoning: I-1
--Proposed Zoning: MUDD(CD)
--Existing Uses: Eight industrial
--Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district not otherwise limited herein
--Maximum Development: Subject to conversion rights in Section II below
a. Up to 319 multi-family residential units;
b. 6 single family attached (townhome-style) residential units; and
c. 61,000 square feet of non-residential uses
--Maximum Building Height: Maximum of fifty-five (55) feet for multi-family buildings, forty (40) feet for single-family attached (townhome) buildings, and forty (40) feet for commercial buildings
--Parking: As required by the Ordinance for the MUDD zoning district.

I. General Provisions:

a. Site Description. These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Toomey Avenue, LLC ("Petitioner") to accommodate development of a mixed use community on an approximately 8.8-acre site located at the western intersection of West Tremont Avenue and Toomey Avenue, more particularly described as Mecklenburg County Tax Parcel Numbers 119-064-24, 119-064-28, 119-064-29, 119-064-17, 119-064-20, and 119-064-26 (the "Site").

b. Intent. This Rezoning is intended to accommodate development on the Site of an integrated mixture of MUDD-permitted uses including but not limited to office, residential, retail and other commercial uses, including the adaptive reuse of an existing industrial/commercial building.

c. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the Mecklenburg County Zoning Ordinance (the "Ordinance").

Unless the Rezoning Plan establishes more stringent standards or as otherwise provided in the Optional Provisions below, the regulations established under the Ordinance for the MUDD zoning district shall govern all development taking place on the Site.

d. 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, setbacks, side and rear yards, buffers, building height separation standards, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, and public/private street frontage requirements, provided, however, that all such separation standards along the exterior boundary of the Site shall be adhered to and treated as the Site as a whole and not individual portions or lots located therein.

II. Permitted Uses & Maximum Development

Subject to the Maximum Development, Restrictions and Conversion Rights set forth below, the Site may be devoted to all uses permitted by right or under prescribed conditions in the MUDD Zoning District, together with any incidental or accessory uses associated therewith.

a. Subject to the restrictions, limitations, and conversion rights listed below, the principal buildings constructed may be developed with up to (i) 319 multi-family attached residential units, (ii) six (6) single-family attached (townhome-style) units; and (iii) 61,000 square feet of non-residential uses, including but not limited to office, retail, personal service, EDEE, and other commercial uses permitted by right and under prescribed conditions in the MUDD zoning district, along with any accessory uses allowed in the MUDD zoning district.

b. Prohibited Uses: Car washes (except for residential car wash stations); Automobile Service Stations; EDEEs with accessory drive-through service windows.

c. Restrictions.

ii. Multi-family residential uses and commercial uses shall not be permitted in the portion of the Site currently zoned R-5, fronting Wilmore Drive.

iii. The maximum amount of retail uses shall be limited to 20,000 square feet.

d. Conversion Rights. Unused residential units may be converted to additional office or other non-residential square footage at a rate of one (1) residential unit to 1,000 square feet of office/non-residential square footage, subject to the restrictions above.

III. Transportation

a. Final vehicular access will be as generally depicted on the Rezoning Plan. Temporary construction access may be provided in addition to the vehicular access points as shown. The placements and configurations of the vehicular access points shown on the Rezoning Plan are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval.

b. The Petitioner shall construct a minimum eight (8) foot wide sidewalk and eight (8) foot wide amenity zone, with concrete tree wells, along the Site's frontages of Tremont Avenue and Toomey Avenue.

c. The Petitioner shall connect the curb and gutter, planting strip and amenity zone to the streetscape associated with Rezoning Petition 2020-151 (adjacent property along Tremont Avenue).

d. Prior to the issuance of the first residential certificate of occupancy for the Site, the Petitioner shall install a traffic signal at the intersection of Remount Road and I-77 off-ramp/Toomey Avenue. The signal shall be of a wood pole design and include pedestrian crossings on all sides of the intersection.

e. The Petitioner shall incorporate on-street parking along the Site's frontage of Toomey Avenue and Tremont Avenue, in accordance with the CLDSM Detail(s) 50.09C and 50.09D (as necessary).

f. The Petitioner shall coordinate with Mecklenburg County Parks and Recreation to create a connection to the Irwin Creek Greenway that runs along the south side of Tremont Avenue, if reasonably feasible.

g. The Petitioner shall construct a CLDSM 10.31A curb ramp at the southeast corner of the Toomey Avenue and Wilmore Drive intersection.

h. The Petitioner shall construct two ADA curb ramps, in accordance with CLDSM standards, at the corner of Tremont Avenue and Toomey Avenue.

i. Where necessary, the Petitioner shall dedicate and convey in fee simple all rights-of-way to the City of Charlotte before the Site's first building certificate of occupancy is issued.

j. Unless otherwise stated herein, all transportation improvements shall be substantially completed prior to the issuance of the first building certificate of occupancy for the Site.

IV. Design Guidelines:

a. The Petitioner shall preserve the existing footprint of the commercial building located at 2213 Toomey Avenue (Parcel #119-064-28), for adaptive reuse (unless deemed impractical or unreasonable due to structural or environmental issues as determined by a third-party engineer licensed in North Carolina). Minor renovations and demolitions to portions of the building shall be permitted, not to exceed 20% of the building footprint. The building may be expanded and/or mezzanine added to the existing footprint for a maximum of 61,000 square feet of total building square footage at 2213 Toomey Avenue.

b. The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of any of the following: glass, brick, metal, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco/E.I.F.S., cementitious siding (such as hardi-plank), or wood/composite wood. Vinyl, as a building material, will only be allowed on windows, soffits and trim features. Concrete masonry units not architecturally finished shall not be permitted.

c. Meter banks shall be located outside of the setback.

d. All dumpster enclosure areas shall be screened from network required public or private streets, common open spaces and any adjacent residential uses with materials complimentary to the principal structure.

e. Petitioner shall screen all parking areas adjacent to single-family zoning districts and/or uses, as required by the Ordinance. If single-family attached (townhome) units are provided adjacent to parcel 119-064-15, Petitioner shall provide a fence or landscape screening along the entirety of the parcel where abutting single-family residential zoning.

f. Petitioner shall create an internal network of pedestrian pathways connecting the Site's buildings, amenity areas, and parking areas to be connected to required sidewalks along Toomey Avenue and Tremont Avenue.

g. Design Standards Related to Multi-Family Residential Uses:

1. Building Massing and Height shall be designed to break up long monolithic building forms as follows:

i. Building sides greater than 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of five (5) feet wide and shall project or recess a minimum of one (1) foot extending through at least a full floor.

2. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:

i. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

3. If structured parking is developed, exposed multi-level parking decks shall provide screening so that cars are not visible from network-required public streets.

4. Sidewalk extensions shall be provided between all network required public and private streets when parking is adjacent. Direct pedestrian connections will be provided on all buildings for all frontages. The spacing of those entrances shall not exceed 150 feet.

5. Additional Design Standards for Single-Family Attached (Townhome) Units:

i. Preferred Exterior Building Materials: All principal and accessory buildings shall be comprised of a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("HardiPlank") and/or other materials approved by the Planning Director.

ii. Prohibited Exterior Building Materials: (i) vinyl siding, excluding vinyl handrails, windows, soffits, doors or door trim, and (ii) concrete masonry units not architecturally finished.

iii. Townhome units shall front either Wilmore Drive or Toomey Avenue. No garage doors of townhome units shall be visible from Wilmore Drive or Toomey Avenue.

iv. Pitched roofs, if provided, shall be symmetrically sloped no less than 4:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.

v. Usable porches or stoops shall form a predominant feature of the building design for units fronting public streets and shall be located on the front and/or side of the building. Stoops may be covered but shall not be enclosed. There shall be no minimum stoop dimension.

vi. Attached dwelling units shall be limited to a maximum of six (6) units per building or fewer.

vii. If provided, individual unit driveway lengths shall either be between five (5) and seven (7) feet in length for rear-loaded alley-fed townhomes or a minimum of twenty (20) feet in length from the back of sidewalk along the public street network.

viii. Corner/end units fronting public streets (Wilmore Drive or Toomey Avenue) shall have enhanced side elevations with a front or rear stoop and/or porch or otherwise provide windows or other architectural details to limit the maximum blank wall expanse to fifteen (15) feet on each level of the unit. If a porch is utilized, it may be located on the second story of such unit.

ix. For all units, Petitioner shall provide blank wall provisions that limit the maximum blank wall expanse to twenty (20) feet on all building levels,

including but not limited to doors, windows, awnings, material or color changes, and/or architectural design elements.

x. Vehicular access shall only be permitted off Toomey Avenue (not Wilmore Drive).

Internal vehicular parking and driveway location shall be located behind the townhome building(s) and/or incorporated into the parking areas of the multi-family portion of the Site, and not along Toomey Avenue and Wilmore Drive.

xi. The maximum building height for townhome buildings shall be forty (40) feet, exclusive of parapets and other decorative roof features. The unit fronting Wilmore Drive shall be a maximum of two (2) stories (approximately thirty (30) feet exclusive of roof features), which may step up to a maximum of three (3) stories for all other units along Toomey Avenue.

V. Landscaping, Open Space and Amenity Areas.

a. Petitioner shall provide open spaces throughout the Site per Ordinance standards. At a minimum, the Petitioner shall provide a minimum 4,500 square feet of amenity areas, as generally depicted on the Rezoning Plan, which may include amenities, such as but not limited to, a combination of hardscape and softscape, seating, landscaping, art, fountains, pool, cabana, garden, clubhouse, mail kiosk, dog park, and/or other similar amenities. A minimum of 2,000 square feet of publicly accessible urban open space shall be provided in front of 2213 Toomey Avenue as generally depicted on the Rezoning Plan.

b. The Petitioner shall provide a landscaped area as generally depicted on the Rezoning Plan, except in areas where prohibited by CMUD Sewer Easement. In Landscape Area A, the Petitioner shall provide a minimum of twenty-four (24) trees and forty (40) shrubs. In Landscape Area B, the Petitioner shall provide a minimum of eighteen (18) trees and forty (40) shrubs.

VI. Environmental Features:

a. The Petitioner shall comply with the Post Construction Controls Ordinance. 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.

b. The Petitioner shall comply with the Tree Ordinance.

VII. Amendments to the Rezoning Plan:

Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Lot of the Site affected by such amendment in accordance with the provisions herein and of Section 6.207 of the Ordinance.

VIII. Binding Effect of the Rezoning Application:

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 Lot(s), as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

REVISIONS

Table with 4 columns: NO., DATE, PER CITY AND CDOT COMMENTS

PLAN INFORMATION

PROJECT NO. ABA-20040
FILENAME ABA-20040-R21
CHECKED BY EM
DRAWN BY JDS
SCALE
DATE 11.10.2020

SHEET

REZONING NOTES

RZ.02