

SITE DATA

DEVELOPER: MR. MASON ELLERBE ABACUS CAPITAL 1200 E MOREHEAD ST., SUITE 280 CHARLOTTE, NORTH CAROLINA 28204	PREPARED BY: MCADAMS COMPANY 3430 TORRINGTON WAY, SUITE 110 CHARLOTTE, NC 28277 704.527.0800
PIN: 119-064-24, 119-064-28, 119-064-29, 119-064-17 and 119-064-20	
TOTAL SITE ACREAGE:	± 8.69AC
EXISTING ZONING:	I-1
PROPOSED ZONING:	MUDD-O
EXISTING USE:	LIGHT INDUSTRIAL
PROPOSED USE:	USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD ZONING DISTRICT.
MAXIMUM DEVELOPMENT:	A. UP TO 325 SINGLE-FAMILY AND/OR MULTI-FAMILY RESIDENTIAL UNITS B. 61,000 SQUARE FEET OF NON-RESIDENTIAL USES
MAXIMUM BUILDING HEIGHT:	AS REQUIRED BY THE ORDINANCE FOR THE MUDD ZONING DISTRICT
PARKING:	AS REQUIRED BY THE ORDINANCE FOR THE MUDD ZONING DISTRICT

SITE LEGEND

	PROPERTY LINE
	RIGHT-OF-WAY LINE
	LOT LINE
	SETBACK LINE
	CENTERLINE



VICINITY MAP

SCALE: 1" = 1000'

McADAMS
The John R. McAdams Company, Inc.
3430 Torrington Way
Suite 110
Charlotte, NC 28277
phone 704. 527. 0800
fax 919. 361. 2269
license number: C-0293, C-187
www.mcadamsco.com

CLIENT
MR. MASON ELLERBE
ABACUS CAPITAL
1200 E MOREHEAD ST., SUITE 280
CHARLOTTE, NORTH CAROLINA 28204

**TOOMEY AVENUE EAST
ASSEMBLAGE
REZONING PLAN
TOOMEY AVENUE**
CHARLOTTE, NORTH CAROLINA, 28203

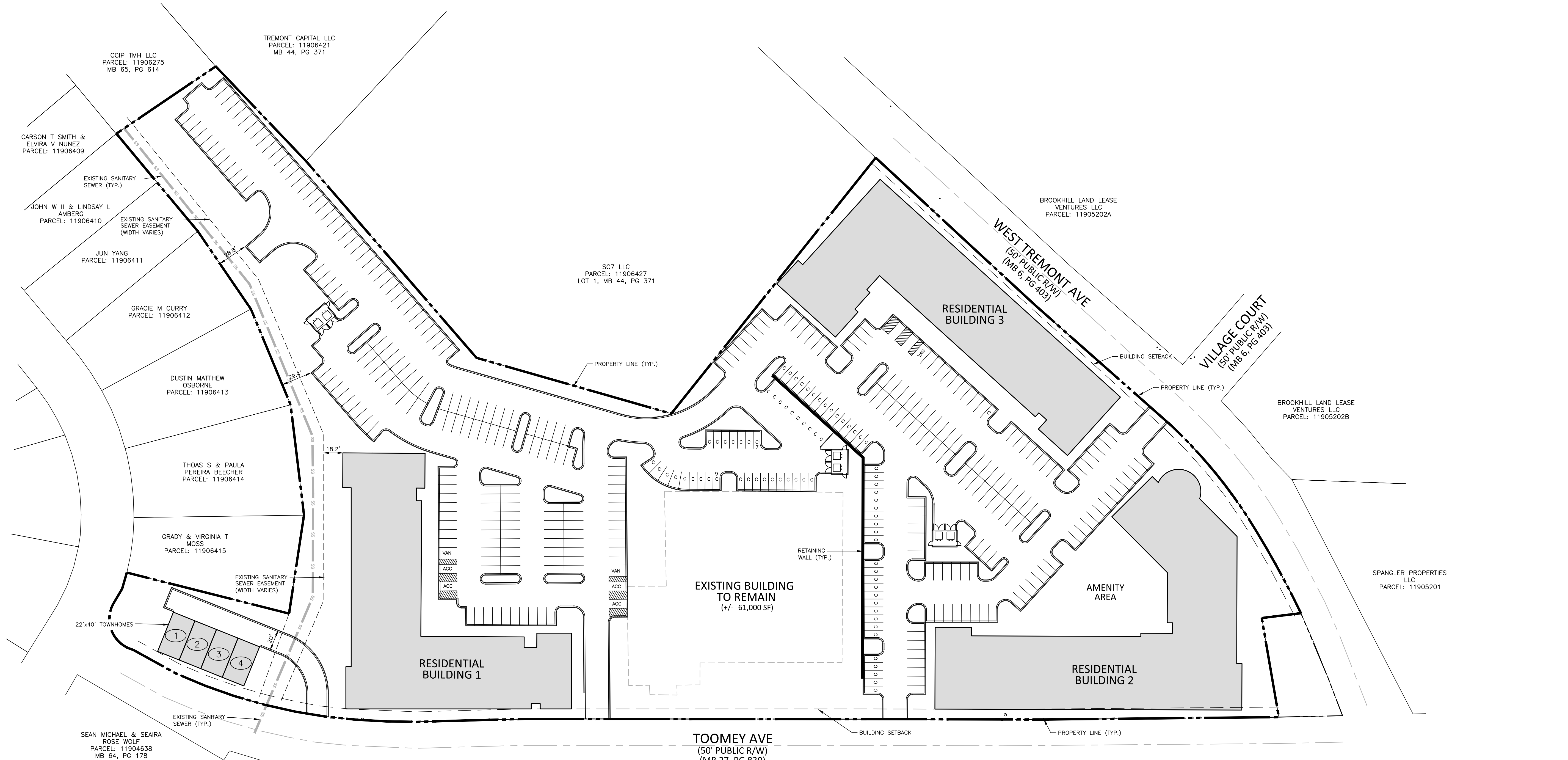
REVISIONS

NO.	DATE

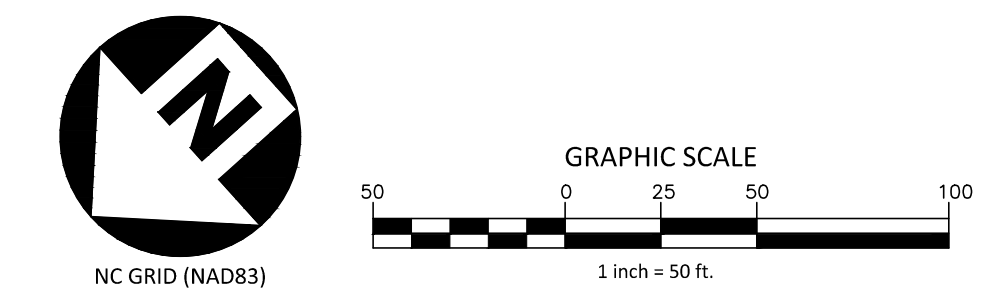
PLAN INFORMATION

PROJECT NO.	ABA-20040
FILENAME	ABA-20040-R21
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1"=50'
DATE	11.10.2020

SHEET
REZONING PLAN
RZ.01



M:\Projects\AbacusCap\ABA-20040\Production\Engineering\ABA-20040-R21.dwg, 11/10/2020 11:26:48 AM, Singletree, Draw



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

DEVELOPMENT STANDARDS
Petitioner: Toomey Avenue, LLC
Rezoning Petition No. 2020-xxx
11/10/2020

Site Development Data:

- Acreage: ± 8.69 acres
- Tax Parcels: 119-064-24, 119-064-28, 119-064-29, 119-064-17, and 119-064-20
- Existing Zoning: I-1
- Proposed Zoning: MUDD-O
- Existing Uses: Light 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 325 single-family and/or multi-family residential units; and
 - b. 61,000 square feet of non-residential uses
- Maximum Building Height: As required by the Ordinance for the MUDD zoning district
- 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 8.69-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, and 119-064-20 (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: 325 residential units and (ii) 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.
- d. **Conversion Rights.** Unused residential units may be converted to additional office or other commercial square footage at a rate of one (1) residential unit to 1,000 square feet of office/commercial square footage.

III. Optional Provisions

- a. [Reserved]

IV. Transportation

- a. Vehicular access will be as generally depicted on the Rezoning Plan. 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. 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.
- c. All transportation improvements shall be substantially completed prior to the issuance of the first building certificate of occupancy for the Site.

V. 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). The building may be expanded and/or mezzanine added to the existing footprint.

- 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. Streetscape treatment will be a unifying element throughout the Site through the use of consistent paving, lighting, landscaping, and, when provided, site furnishings.

- d. Meter banks shall be located outside of the setback.

- e. 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.

f. Design Standards Related to 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.

VI. 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 area, 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.

VII. 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.

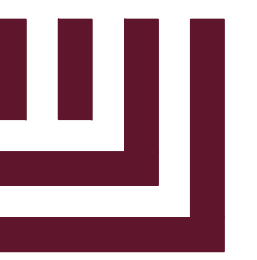
- b. The Petitioner shall comply with the Tree Ordinance.

VIII. 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.

IX. 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.



McADAMS

The John R. McAdams Company, Inc.
3430 Torringdon Way
Suite 110
Charlotte, NC 28277
phone 704.527.0800
fax 919.361.2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

MR. MASON ELLERBE
ABACUS CAPITAL
1200 E MOREHEAD ST., SUITE 280
CHARLOTTE, NORTH CAROLINA 28204

**TOOMEY AVENUE EAST
ASSEMBLAGE
REZONING PLAN
TOOMEY AVENUE**
CHARLOTTE, NORTH CAROLINA, 28203

REVISIONS

NO. DATE

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