

VICINITY MAP

N.T.S.

**SURVEY DISCLAIMER**

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

REZONING PLAN SHEETS

RZ-100	EXISTING CONDITIONS
RZ-200	REZONING SITE PLAN
RZ-300	DEVELOPMENT NOTES

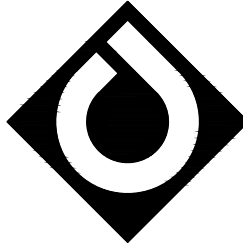
LEGEND

SYMBOL	
	PROPERTY LINE/RIGHT-OF-WAY
	PEDESTRIAN OVERLAY AREA BOUNDARY
	SETBACK/ RECORDED EASEMENT LINE

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 AMD O-2 PEDESTRIAN OVERLAY
EXISTING USE:	VACANT
BUILDING SETBACK:	BERKELEY AVENUE 16 FEET MINIMUM FROM BACK OF CURB OR RECORDED EASEMENT  PEARL PARK WAY 16 FEET MINIMUM FROM BACK OF CURB OR RECORDED EASEMENT  KENILWORTH AVENUE 22 FEET MINIMUM FROM BACK OF CURB OR RECORDED EASEMENT
MIN. SIDE YARD:	NONE
MIN. REAR YARD:	NONE



- 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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WELL PAPPAS  
CORPORATE PARCEL  
OWNER, LLC.

4777 SHARON RD STE 550  
CHARLOTTE, NORTH CAROLINA 28210

MIDTOWN NORTH  
PARCEL REZONING  
PETITION 2022-079

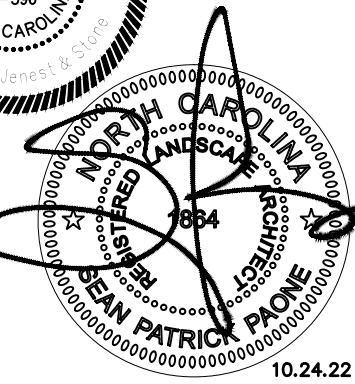
1175 PEARL PARK WAY  
CHARLOTTE, NORTH CAROLINA 28204

EXISTING  
CONDITIONS

Project No.  
4848

Issued  
10/24/22

Revised



SCALE: 1"=30'

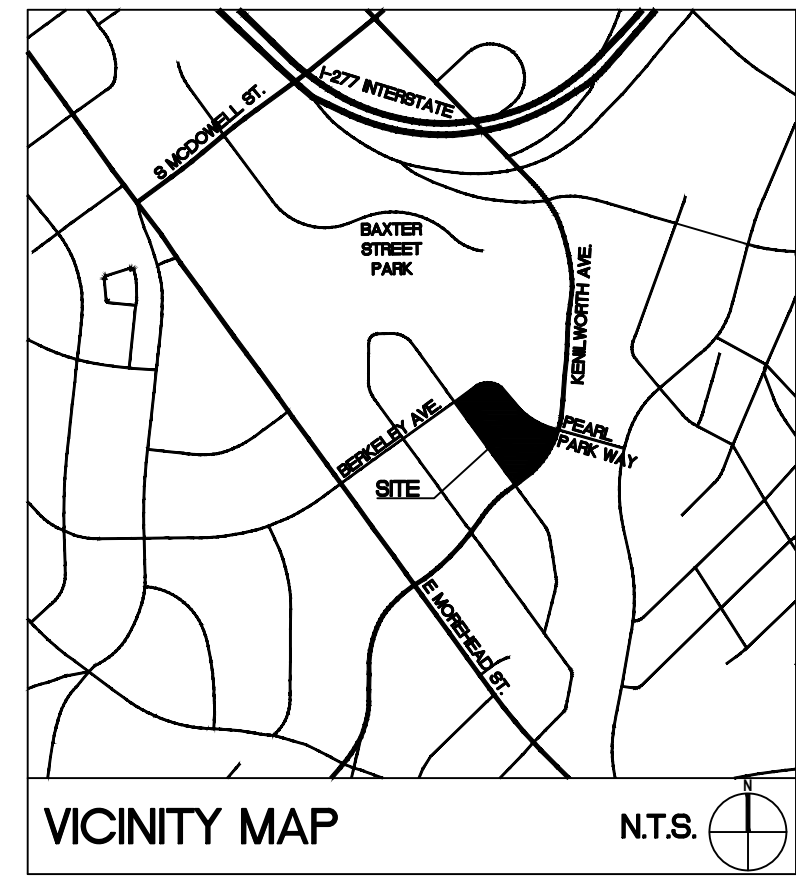
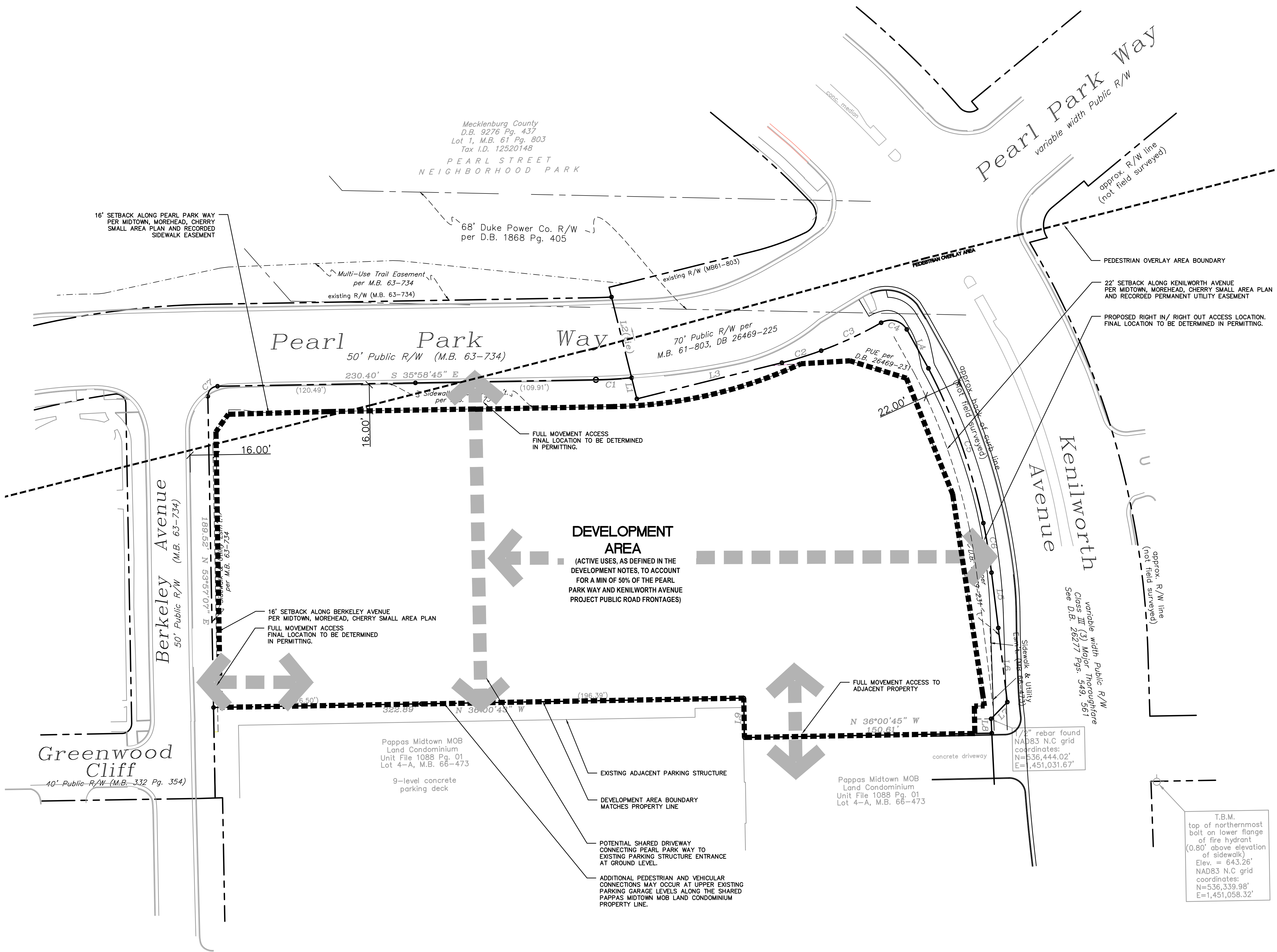
0 15' 30' 60'

RZ - 100

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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:	USES AS DEFINED IN THE REZONING DEVELOPMENT NOTES
BUILDING SETBACK:	BERKELEY AVENUE 16 FEET MINIMUM FROM BACK OF CURB OR RECORDED EASEMENT  PEARL PARK WAY 16 FEET MINIMUM FROM BACK OF CURB OR RECORDED EASEMENT  KENILWORTH AVENUE 22 FEET MINIMUM FROM BACK OF CURB OR RECORDED EASEMENT
MIN. SIDE YARD:	NONE
MIN. REAR YARD:	NONE
MAX. HEIGHT:	260'
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).	
ALL TRANSPORTATION IMPROVEMENTS TO BE FINALIZED DURING PERMITTING.	

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**MIDTOWN NORTH  
PARCEL REZONING  
PETITION 2022-079**

1175 PEARL PARK WAY  
CHARLOTTE, NORTH CAROLINA 28204

**SITE PLAN**

Project No.  
**4848**

Issued  
10/24/22

Revised

10.24.22

SCALE: 1"=30'

0 15' 30' 60'

**RZ - 200**

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**WELL Pappas Corporate Parcel Owner LLC**  
**Development Standards**  
**10/12/22**  
**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 with five (5) year Vested Rights.

--**Existing Uses:** Vacant

--**Proposed Uses:** Uses 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 24,000 square feet of gross floor area of retail, EDEE, personal service uses, up to 300 residential dwelling units, up to 75,000 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 260 feet as allowed by the Optional Provisions below.

--**Parking:** As required by the Ordinance.

**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.

d. **Five Year Vested Rights.** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160D-108, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period, but such provisions shall not be deemed a limitation on any other vested rights whether at common law or otherwise.

**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 260 feet as generally depicted on the Rezoning Plan.

3. **Permitted Uses & Conversion Rights:**

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 24,000 square feet of gross floor area of retail, EDEE, personal service uses, up to 300 residential dwelling units, 75,000 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 and maximum development levels indicated below.

b. **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 500 residential units; and/or

(ii) Up to 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 gross square feet of office uses for a total of up to 50,000 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 and additional office square footage based on the ratios described above. Not all the hotel rooms need to be converted.*

c. **Residential Unit Conversion Rights:** The Petitioner may also convert some of the allowed residential units into additional office uses or additional hotel rooms as indicated below:

(i) Convert allowed residential units at the ratio of 1.33 residential units equal one additional hotel room for up to 50 additional hotel rooms with a maximum of 200 hotel rooms; and/or

(ii) Convert allowed residential units at the ratio of 1.00 residential units equal 250 square feet of gross floor area of office uses for a total of up to 50,000 square feet of gross floor area of office uses with a maximum office use of 125,000 square feet.

d. **Office Square Footage Conversion Rights:** The Petitioner may also convert some of the allowed office square footage into additional hotel rooms, or additional residential units as indicated below:

(i) Convert office uses at the ratio of 333.34 square feet of gross floor area of office uses equal one additional hotel room for up to 50 additional hotel rooms with a maximum of 200 hotel rooms; and/or

(ii) Convert office uses at the ratio of 250 square feet of gross floor area equal 1.00 residential units for a total of up to 200 residential units with a maximum of 500 residential units.

c. **Maximum development levels based on allowed conversions or combination of conversions:**

(i) No more than 125,000 gross square feet of office uses are allowed, by reducing allowed residential units or hotel rooms.

(ii) No more than 200 hotel rooms are allowed, by reducing allowed office square footage or allowed residential units.

(ii) No more than 500 residential units are allowed, by reducing allowed office square footage or allowed hotel rooms.

f. 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 alike)*

**4. Transportation Improvements and Access:**

**I. 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:

a. 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 with the phasing described below (the applicable roadway improvements shall be provided in connection with the applicable Phased development levels set forth in Section 4.II.b below):

**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.II shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.II.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 road-way 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.

e. **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 for 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, and Kenilworth Avenue, as generally depicted on the Rezoning Plan and subject to adjustments as set forth below.

b. 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.II 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, and Pearl Park Way. Along Berkeley Ave. an eight (8) foot planting strip and an six (6) foot sidewalk will be provided.

**7. Signage:**

a. Reserved.

**8. Lighting:**

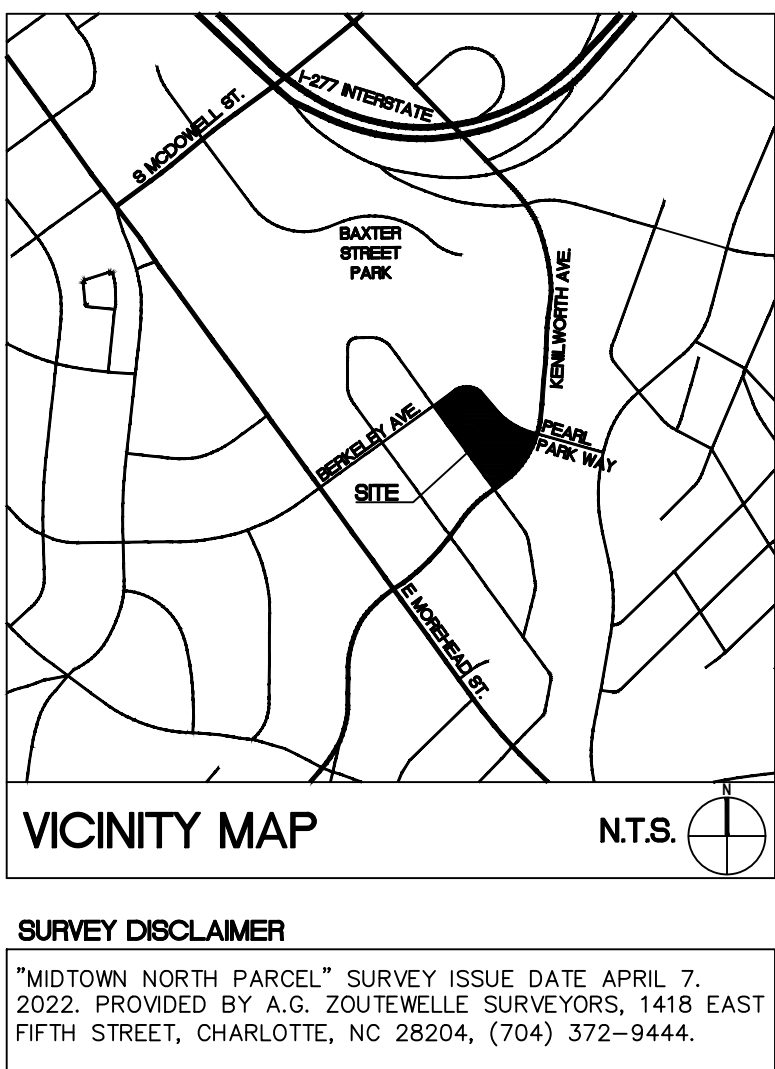
a. Reserved.

**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 or 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.





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## MIDTOWN NORTH PARCEL REZONING PETITION 2022-079

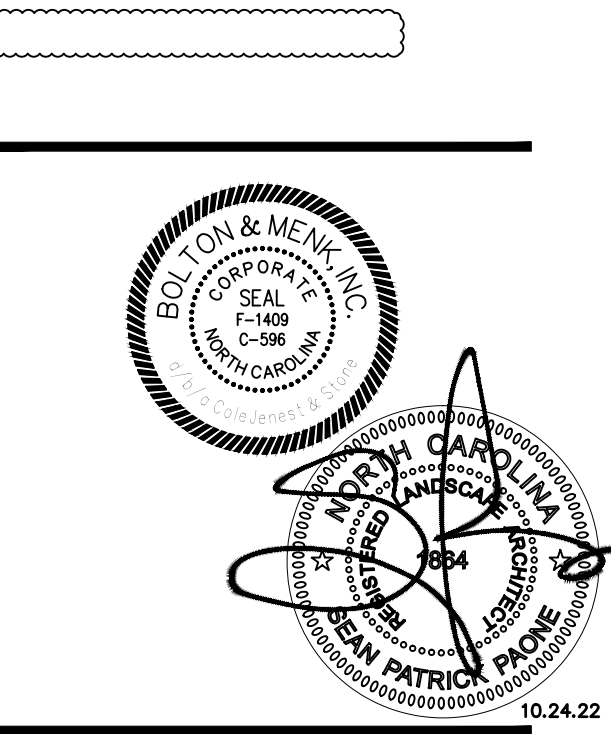
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## DEVELOPMENT STANDARD NOTES

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## RZ - 300

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