

57728193

The Keith Corporation
Development Standards
11/16/2023
Rezoning Petition No. 2023-032

Site Development Data:

- Acreage: # 2.4 acres
- Tax Parcel #: 127-037-02, 127-037-03, 127-037-04, 127-037-05, 127-037-06, and 127-037-07
- Existing Zoning: MUDD-O
- Proposed Zoning: MUDD-O SPA
- Existing Uses: Office/Residential/cell tower
- Proposed Uses: General office, medical office, health institution, cell tower, event/gathering (EIDE Type 2) and residential dwelling units as permitted by right, under prescribed conditions, and by the Optional provisions below, together with accessory uses, as allowed in the MUDD zoning district (as more specifically described and restricted below in Section 3).
- Maximum Gross Square feet of Development: Up to 120,000 square feet of gross floor area of general office, medical office, and/or health institution uses, as allowed in the MUDD zoning district (exclusive of the parking structure and as more specifically described and restricted below in Section 3), and up to 3,500 square feet of heated gross floor area of event/gathering uses, defined in Section 1 below, as allowed in the MUDD zoning district and as more specifically described and restricted below in Section 3.
- Maximum Number of Residential Dwelling Units: Up to sixteen (16) residential units, either for sale or for rent, as allowed by right and under prescribed conditions in the MUDD zoning district.
- Maximum Building Height: Non-residential uses will be limited to a maximum building height of eighty-five (85) feet as measured by Ordinance and as further described in Section 5 below. Residential uses will be limited to a maximum building height of seventy (70) feet as measured by Ordinance and as further described in Section 5 below. Cell tower height as permitted by Ordinance.
- Parking: Parking for office uses shall be provided at a rate of 5 parking spaces per 1,000 square feet of gross floor area and parking for event/gathering space shall share parking with such office uses. Residential parking shall be provided at a rate of two spaces per unit.

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OWNER:

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SUITE 400
CHARLOTTE, NC 28211

ARCHITECT:

1435 W. MOREHEAD ST.
SUITE 160
CHARLOTTE, NC 28208

PROJECT:

KINGS COLLEGE
REZONING
PETITION 2023-032

SHEET:

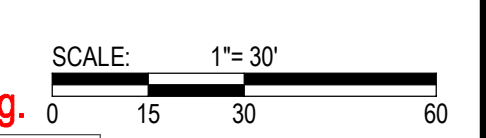
**TECHNICAL DATA
PLAN**

REV.	DATE	DESCRIPTION
3	01.15.24	Rev DW-2 drive access loc. w/ Park Dr. all driveway
2	10.25.23	Revised DW-2 drive access location & RZ notes
1	08.13.23	Revised per RZ 1st review comments

DESIGNED: JDB
DRAWN:
CHECKED:
PROJECT: 1054001
DATE: 01.30.23

FIRE DEPARTMENT NOTES:

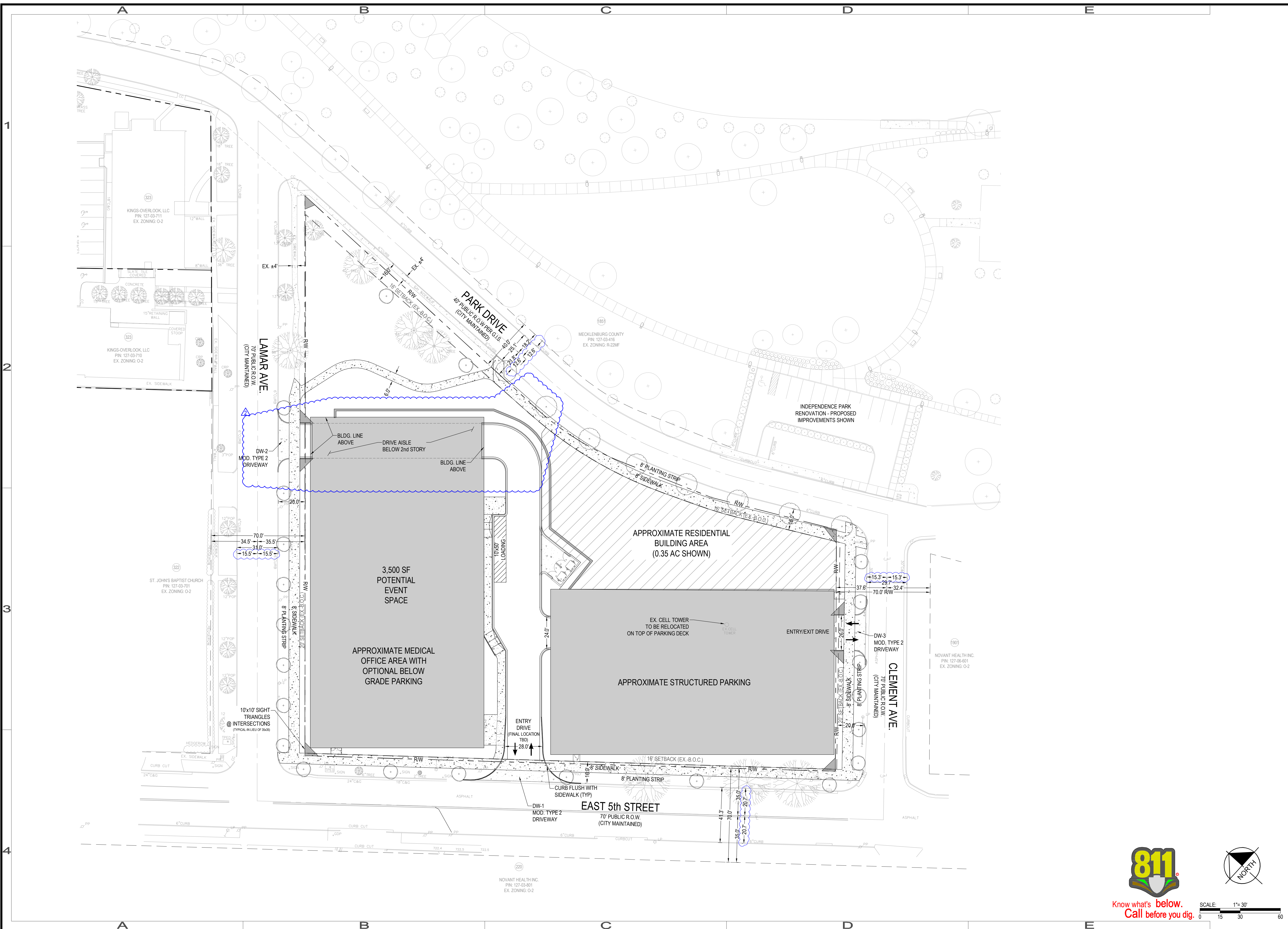
1. Fire department access road shall have a min. 20' unobstructed clear width and shall be capable of supporting 80,000 lbs.
2. For non-sprinkled buildings, fire department must be able to reach 150' to all exterior portions of building.
3. For sprinkled buildings, fire department must be able to reach 200' to all exterior portions of building.
4. For buildings that are equipped with a sprinkler system, a fire department connection shall be located within 200' of a fire hydrant for a NFPA 13 sprinkler system and 750' for a NFPA 13R sprinkler system.
5. Fire hydrant shall be located within 750' to the most remote point of building as truck travels for all buildings.
6. Provide number of stories, square footage of each floor, type of construction and water model for private hydrants.



RZ-01

January 15, 2024 - 12:00pm By: JDB

C:\Users\jdbank\Banks Engineering\Dropbox\BE PROJECTS\10154_Keth\Corp\001_Keth_College\DWG\RZ-02 SCHEMATIC SITE.dwg



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KINGS COLLEGE REZONING
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SCHEMATIC SITE PLAN

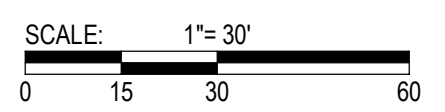
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DESIGNED: JDB
 DRAWN:
 CHECKED:
 PROJECT: 1054001
 DATE: 01.30.23

RZ-02



Know what's below.
 Call before you dig.



The Keith Corporation Development Standards 11/16/2023 Rezoning Petition No. 2023-032

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- Acreage: ± 2.4 acres
--Tax Parcel #: 127-037-02, 127-037-03, 127-037-04, 127-037-05, 127-037-06, and 127-037-07
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--Maximum Number of Residential Dwelling Units: Up to sixteen (16) residential units, either for sale or for rent, as allowed by right and under prescribed conditions in the MUDD zoning district.
--Maximum Building Height: Non-residential uses will be limited to a maximum building height of eighty-five (85) feet as measured by Ordinance and as further described in Section 5 below. Residential uses will be limited to a maximum building height of seventy (70) feet as measured by Ordinance and as further described in Section 5 below. Cell tower height as permitted by Ordinance.
--Parking: Parking for office uses shall be provided at a rate of 5 parking spaces per 1,000 square feet of gross floor area and parking for event/gathering space shall share parking with such office uses. Residential parking shall be provided at a rate of two spaces per unit.

1. General Provisions:

- a. Site Location. These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by The Keith Corporation to accommodate development of a mix of residential and office uses allowed in the MUDD zoning district on an approximately ± 2.397 acre site located on the southwest side of W. 5th Street between Lamar Avenue and Clement Avenue (the "Site").
b. Zoning District/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 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 shall 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 documentation 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.

- 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 will be limited to two (2) buildings not including the accessory parking structure. 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.

- e. 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, below grade parking, corridors and elevators within such facilities) and enclosed loading dock/service areas.

- f. Principal Building. The term "Principal Building" shall refer to the office building to be constructed on the site. Provisions set forth herein specific to the Principal Building shall not apply to the accessory structure parking unless otherwise noted.

- g. Event/Gathering/Activity. The terms "Event/Gathering/uses" and/or "Event/Gathering" (whether capitalized or not) will mean and refer to uses that are individually permitted in the MUDD zoning district but are stated here for clarity and simplicity purpose such as meetings, retreats, conferences, exhibits, civic activities, weddings, reunions, and/or similar.

2. Optional Provisions.

- a. To not require doorways to be recessed into the face of the building(s).
b. To allow the use of opaque and spandrel glass per Section 5 below.
c. To allow 10x10 site triangles as permitted by Section 12.109 of the Ordinance.
d. To not require the cell tower located on the parking structure in Development Area B to be indiscernible.

3. Permitted Uses & Development Limitations:

- a. The Site may be developed as follows: Development Area A may be developed with up to 120,000 square feet of gross floor area devoted to general office, medical office and/or health institution uses with below grade parking as well as 3,500 heated square feet of rooftop event/gathering space (EDEE type 2) with accessory rooftop outdoor space subject to the following:
i. The hours of operation for Event/Gathering uses on the Site shall be from 5:00 pm to 9:00 pm on weekdays and 8:00 am to 10:00pm on weekends.
ii. Outdoor music performances and amplified outdoor music is prohibited.

iii. Health institution uses (specifically uses that involve patient admissions for 24 hours or more) shall be limited as follows:

- a) No more than 40 beds, in the aggregate, that are dedicated to patients admitted overnight and/or for periods of 24 hours or more will be located in the building.
b) No tenant will provide general acute care to patients who are admitted inpatient overnight and/or for periods of 24 hours or more; the provisions of general acute care may only be provided, to patients on an outpatient basis; the provision of specialized acute and subacute medical care services to patients who are admitted inpatient overnight and/or for periods of 24 hours or more is expressly permitted, only on the condition that it is one of the following uses:
1. physical rehabilitation performed by providers of cardiac and pulmonary rehabilitation services and the delivery of physical, occupational and/or speech therapy;
2. wound care;
3. infusion therapy;
4. orthopedic care;
5. post-surgical care and recovery programs; or
6. treatment of eating disorders.
c) Unless as permitted for the provision of services described in subsection (iii.b) above, no tenant shall:
1. operate a "hospital," as defined within Section 1861 of the Social Security Act and/or regulations promulgated in conjunction therewith;
2. seek, obtain or otherwise maintain licensure pursuant to the State of North Carolina's Hospital Licensure Act, N.C.G.S. §131E-75, et seq., or as may be amended hereafter; provided, however, a tenant may operate an outpatient department, including a portion of a hospital operating as an outpatient department, that provides services on less than a 24-hour basis except as in accordance with iii.b above. For example, operation of a surgery center or an imaging center are permitted uses.
3. authorize or allow any of its beds to be used for temporary services and/or temporary shelter in accordance with any emergency or disaster related waivers authorized by the North Carolina Division of Health Service Regulation, in accordance with N.C.G.S. §131E-84, or as may be amended hereafter.
d) No tenant will provide services for the treatment of mental illness, including, without limitation, treatment of substance use disorders, treatment of chemical dependency, and/or any form of psychiatric treatment, to patients admitted inpatient overnight and/or for periods of 24 hours or more; provided, however, a tenant(s) may provide residential, partial hospitalization and/or outpatient treatment of eating disorders as a primary diagnosis, including to patients who receive treatment for periods of 24 hours or more as described in subsection (iii.b.6) above.
e) No tenant shall authorize or allow any of its beds to be used as psychiatric beds or chemical dependency treatment beds except as permitted in b) and d) above.
f) No tenant shall operate an emergency department or "dedicated emergency department," as that term is defined within 42 CFR §489.24(b), or as may be amended hereafter; provided, however, that a tenant may operate an urgent care center that provides services on a less than 24 hour basis except that no tenant shall seek or obtain licensure from the State of North Carolina as an emergency room or emergency department.

It is understood that above subsection iii regarding Health Care Institutions as a permitted use is intended to permit certain uses with an overnight stay and prohibit traditional hospital and/or emergency hospital services. It is not intended to limit any general and/or medical office uses permitted under the Ordinance.

- b. Development Area B may be developed with structure parking (accessory to the principal building), a cell tower, and up to sixteen (16) residential units.
c. Development Area C shall be preserved as a minimum of three thousand (3,000) square feet of open space with improved landscaping and seating areas.

1. Transportation and Access:

- a. Access to the Site shall be provided as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by CDOT in accordance with applicable published standards.
b. The alignment of vehicular circulation areas and driveways may be modified by Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with applicable published standards.
c. The Petitioner will provide a permanent sidewalk easement for any of the proposed primary sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the primary sidewalk where feasible.
d. All transportation improvements that are the responsibility of the Petitioner, shall be approved and constructed prior to the release of the first certificate of occupancy for the Site subject to the Petitioner's ability to post a bond for any improvements not in place at the time of the issuance of the first certificate of occupancy, as approved by CDOT.
e. Parking for office uses shall be provided at a rate of 5 parking spaces per 1,000 square feet of gross floor area and parking for event/gathering space shall share parking with such office uses. Parking for residential uses shall be provided at a rate of two (2) parking spaces per unit.
f. In an effort to further support pedestrian mobility for residents within the Elizabeth area, the Petitioner shall install a pedestrian crosswalk at Greenway and Caswell within the existing road section.
g. The Petitioner shall modify the traffic signal at 5th Street and Hawthorne as set forth in the associated Traffic Impact Study subject to approval by CDOT.
h. Subject to CDOT approval, the Petitioner shall convert the intersection of Park Drive and Greenway Avenue to a three-way stop.
i. It is understood, a Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City-maintained street right-of-way by a private individual, group, business, or homeowner's/business association. It is understood, an encroachment agreement must be approved by CDOT prior to construction/installation.

5. Architectural Standards:

- a. Building Height: The maximum building height shall be eighty-five (85) feet as measured per Ordinance for non-residential uses and shall be seventy (70) feet as measured by Ordinance for residential uses along the Park Drive frontage.
b. Conceptual Renderings. The elevations provided on Sheet RZ-04 are conceptual, architectural renderings that are intended to depict the general conceptual architectural style, character of the building, and overall design intent. Accordingly, each elevation shall be designed and constructed so that each elevation is similar in appearance to the relevant conceptual, architectural elevation with respect to architectural style and character. As such, the use of color is not intended to depict a specific material or the location and amount of a material unless otherwise noted. Notwithstanding the foregoing, changes, refinements, and further development to the exterior of the building which do not materially change the overall conceptual architectural style and character shall be permitted.

c. Office Building Architectural Standards. The following provisions shall apply to the office building to be constructed on the site subject to minor deviations/variations permitted to address site and development constraints/conditions:

- 1) The primary building material shall be a combination of architectural masonry, architectural precast concrete, and architectural metal products. Other architectural accent materials may be used subject to the provisions set forth below.
2) A minimum of 30% of glazing provided on the ground floor along Lamar and 50% of the glazing provided on the ground floor along East 5th Street shall be clear vision glass. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk. The use of spandrel glass shall be limited the balance of the glazing provided on the ground floor, to the upper stories, and between floor lines.
3) Glass utilized on upper stories will have a reflectivity level to balance low reflectivity with energy code requirements.
4) Building materials shall be utilized to architecturally differentiate the ground floor from upper stories along public streets.
5) The use of exposed non-architectural CMU masonry on the exterior of the principal building shall not be permitted. Thin brick shall not be permitted as a principal material on the exterior of the building.
6) Vinyl shall not be a permitted exterior cladding material on the building.
7) The exterior building materials for all retaining walls installed on the Site shall be brick, stone or architectural block.
8) Unless otherwise noted on Sheet RZ-04 and/or Sheet RZ-05, fiber cement (hardiplank) and/or EIFS shall not be permitted on the non-residential building.
9) All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
10) Building Placement and Site Design shall focus on and enhance the pedestrian environment on public or private network required streets, through the following:
• Buildings shall be placed so as to present a front or side facade to all streets.
• The facades of first/ground floor of the buildings along streets shall incorporate a minimum of 30% masonry materials such as brick, stone, and/or architectural precast concrete.
• Direct pedestrian connection shall be provided between street facing doors, corner entrance features to sidewalks on adjacent streets.
• Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
• 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.
• Multi-story buildings shall have a minimum of 20% transparency on all upper stories.

- d. Structured Parking Architectural Standards. The exterior vertical walls of the structured parking facility that are visible from public rights of way or adjacent parcels of land shall be clad in architectural masonry and architectural masonry clad precast concrete with masonry accents and/or include public art or screening as generally depicted on the relevant conceptual renderings. Parking deck screening shall comply with the Ordinance. The structured parking design shall also adhere to the following, subject to minor deviations/variations permitted to address site and development constraints/conditions:

- i. On portions of a facade abutting any frontage, where active uses, ingress/egress points, and/or mechanical equipment are not present, pedestrian-scale interest and activity shall be created through the inclusion of at least three architectural elements, such as awnings, overhangs, decorative screens, grills, louvers, or other similar features.
ii. Facade openings that face any frontage shall be vertically and horizontally aligned, and all floors fronting on those facades shall be level, not inclined.
iii. Parking structures shall be designed so that vehicles parked on all levels of the structure and associated lighting are screened by a wall or panel measuring a minimum of 48 inches in height. Screening shall include both vertical and horizontal treatment that resembles patterns and architecture of the occupied portions of the building, including use of similar materials and a similar rhythm of window openings on frontages. The remaining opening shall be screened using decorative elements such as grillwork, louvers, or a similar treatment. For parking structures with rooftop open-air parking, a parapet wall of sufficient height to ensure vehicles are not visible from the nearest sidewalk is required. Any such parapet wall shall be a minimum of four feet in height.

e. Residential Architectural Standards. The following provisions shall apply to the residential building(s) to be constructed on the site subject to minor deviations/variations permitted to address site and development constraints/conditions:

- 1) The residential building shall adhere to the following standards.
• Units will be constructed of materials consistent with those required for the primary office building structure, however, may utilize fiber cement products. Fiber cement may only account for a maximum of 25% of the exterior building materials.
2) Usable porches shall form a predominant feature of the building design and be located on the front and/or side of the building. Usable porches shall be covered and be at least 8 feet deep.
3) Blank wall expanses shall be limited to 10 feet on all building levels.
4) It is understood that parking will be provided on the ground floor of the residential building. As such, the ground floor shall be treated with decorative louvers, changes in material patterns, enhanced landscaping, seat walls with landscaping, facade recesses to create seating areas, or other architectural details to create visual interest. Evergreen foundation plantings, where utilized to treat blank walls, shall be a minimum of 8' upon installation.

- f. Loading and Trash. All loading and trash related aspects shall occur interior to the Site as generally depicted on Sheet RZ-02 or within the structured parking deck. The final location of the loading and trash related aspects shall be determined during land development permitting. The trash containers and the recycling containers may only be emptied between the hours of 7 AM and 8 PM Monday through Saturday.

6. Streetscape, Landscaping, Sidewalks & Tree Save:

- a. A sixteen (16) foot setback shall be provided along East 5th Street and Park Drive as measured from the existing/future back of curb as generally depicted on the Rezoning Plan.
b. A twenty (20) foot setback shall be provided along Clement Avenue and Lamar Avenue as measured from the existing/future back of curb as generally depicted on the Rezoning Plan.
c. An eight (8) foot planting strip and eight (8) foot sidewalk shall be provided along East 5th Street and Clement Avenue as generally depicted on the Rezoning Plan.
d. An eight (8) foot planting strip and eight (8) foot sidewalk shall be provided along Park Drive and Lamar Avenue except where the existing sidewalk shall remain to preserve existing trees near the intersection of Park Drive and Lamar Avenue as generally depicted.
e. The site shall comply with the tree ordinance.
f. The sidewalk may meander to preserve trees.

7. Lighting:

- a. All freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lighting and building accent lighting) shall be fully capped and shielded and the illumination so that direct illumination does not extend past any property line of the Site.
b. Any lighting fixtures attached to a building to be constructed on the Site shall be decorative and capped. Architectural up lighting shall be permitted with the exception of any Park Drive building elevations.
8. 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 of Chapter 6 of the Ordinance.
9. 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 under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.
b. It is acknowledged and confirmed that continued use of the Property as currently used shall be allowed after approval of this rezoning as a legal, nonconforming use in accordance with and subject to Sections 7.101 and 7.102 of the Ordinance (as amplified upon by Zoning Interpretation dated November 10, 2009, without adherence to the terms of the MUDD-O rezoning).

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PROJECT: KINGS COLLEGE REZONING
DEVELOPMENT STANDARDS NOTES
PETITION 2023-032

SHEET: DEVELOPMENT STANDARDS NOTES

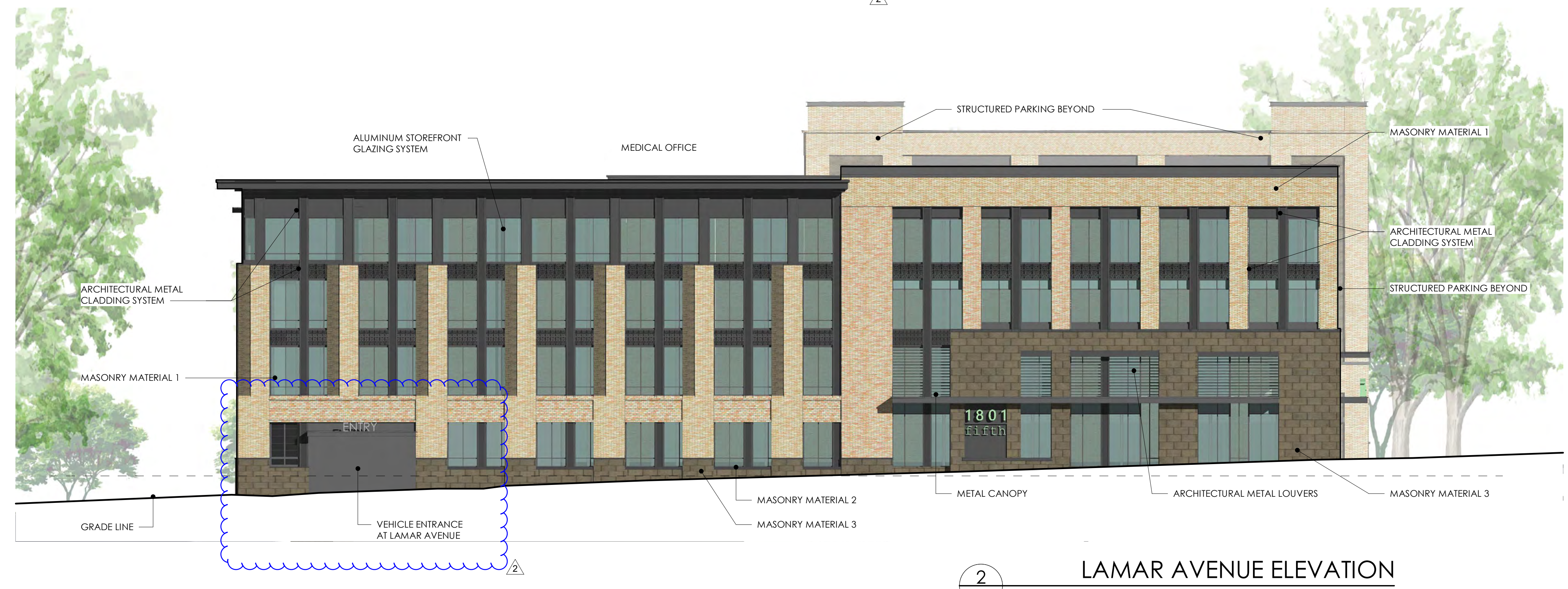
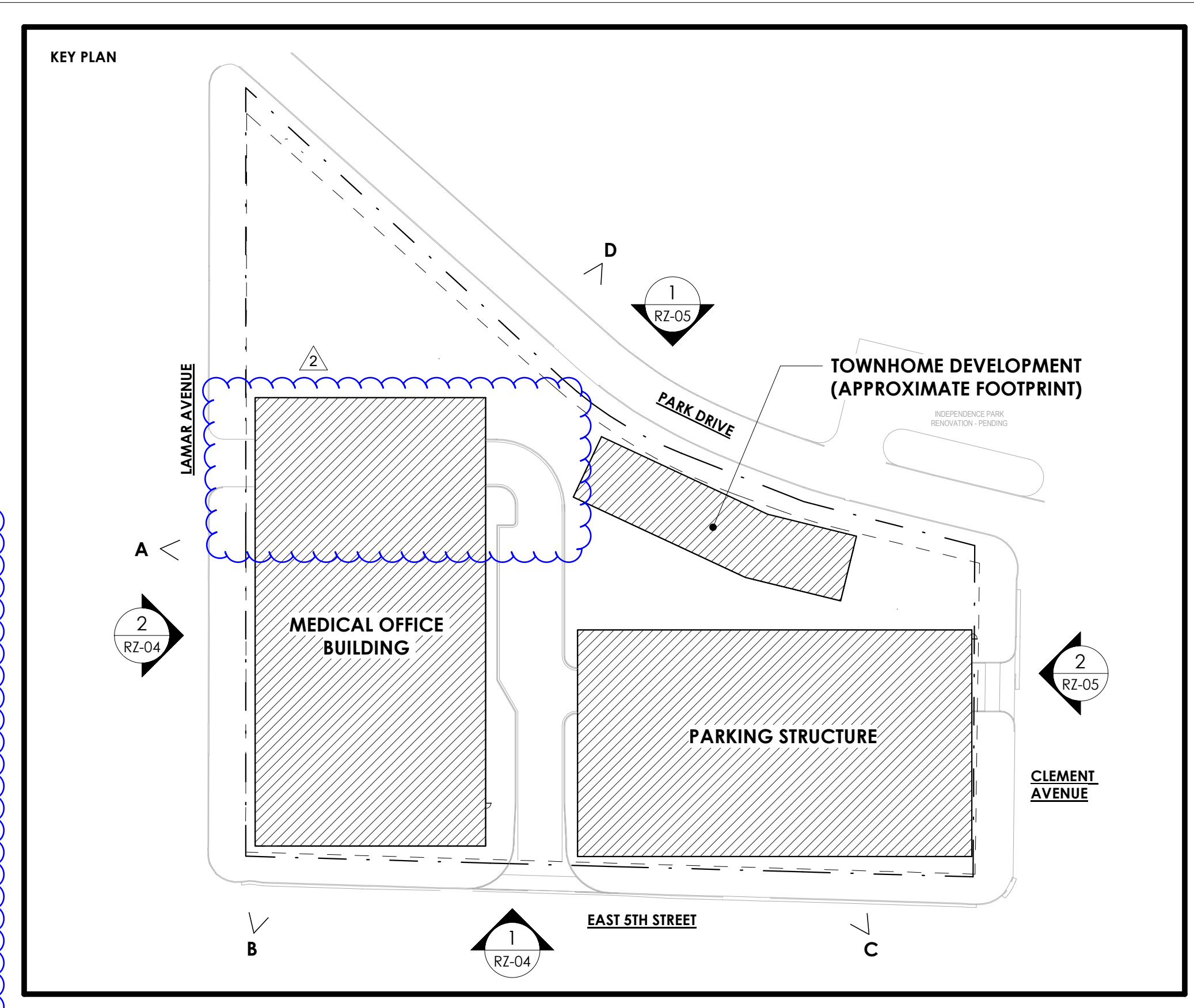
Table with columns: REV., DATE, DESCRIPTION. Row 1: 1, 08.13.23, Revised per RZ 1st review comments. Row 2: 2, 11.22.23, Revised DW-2 drive access location & RZ notes.

DESIGNED: JDB
DRAWN:
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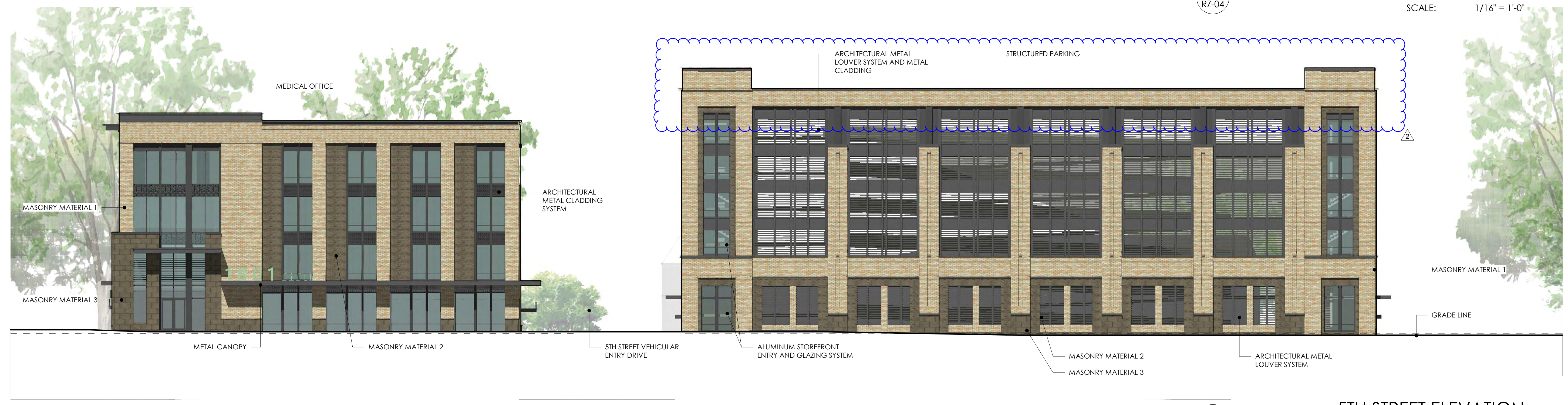
RZ-03



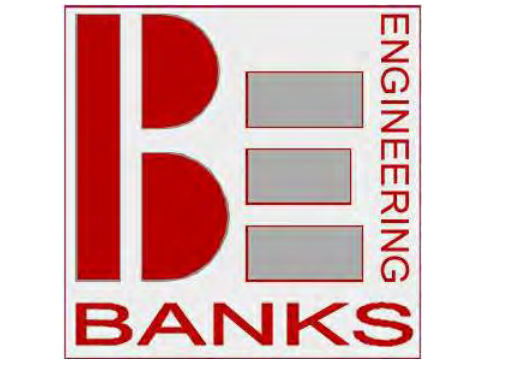
- NOTES:
1. THESE ELEVATIONS ARE CONCEPTUAL IN NATURE ONLY AND ARE INTENDED TO REFLECT THE OVERALL SCALE OF THE BUILDING AND VARIOUS BUILDING EXPRESSIONS. HEIGHT SHALL BE PERMITTED AS SET FORTH IN SECTION 5 OF THESE DEVELOPMENT STANDARDS. THE ACTUAL BUILDINGS TO BE CONSTRUCTED ON THE SITE MAY VARY.
 2. REFER TO SHEETS AND NOTES AS PART OF THIS SET FOR ADDITIONAL INFORMATION



2 LAMAR AVENUE ELEVATION
SCALE: 1/16" = 1'-0"



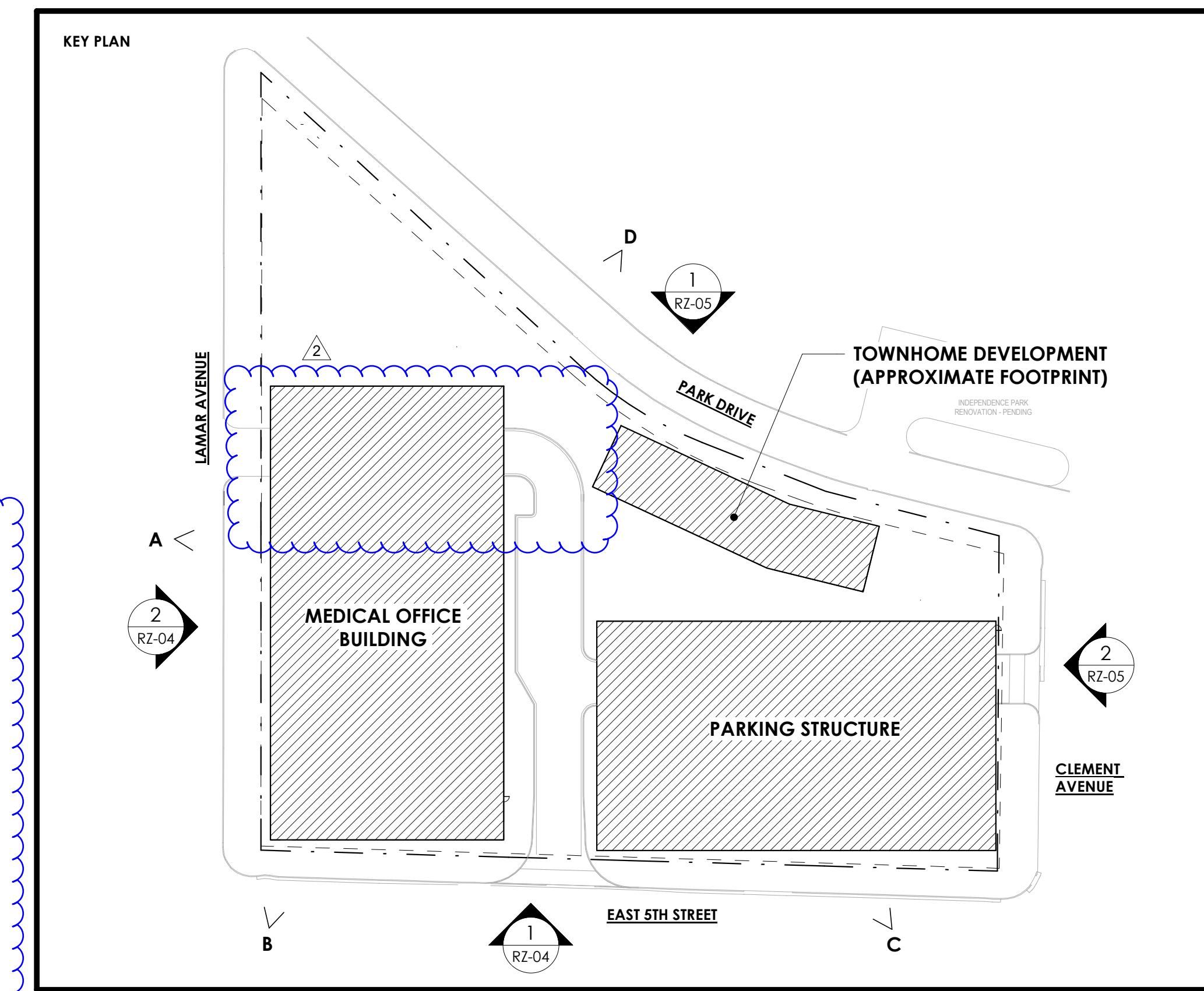
1 5TH STREET ELEVATION
SCALE: 1/16" = 1'-0"



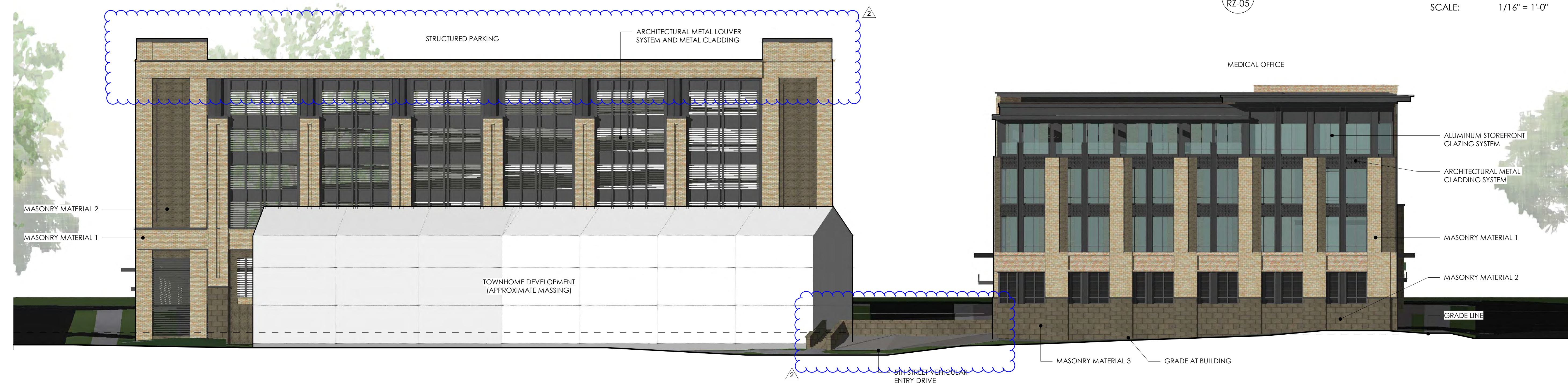
Revisions		
No.	Description	Date
1	Revised per RZ 1st review comments	08.13.23
2	Revised RZ 2nd submittal	11.22.23



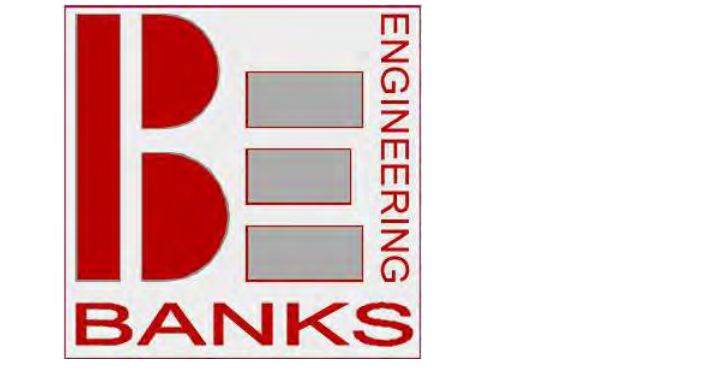
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2 RZ-05 CLEMENT AVENUE ELEVATION SCALE: 1/16" = 1'-0"



1 RZ-05 PARK DRIVE ELEVATION SCALE: 1/16" = 1'-0"



Revisions		
No.	Description	Date
1	Revised per RZ 1st review comments	08.13.23
2	Revised RZ 2nd submittal	11.22.23



November 17, 2023 - 1:43pm By: JDB

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1	08.13.23	Revised per RZ 1st review comments

DESIGNED: JDB
 DRAWN:
 CHECKED:
 PROJECT: 1054001
 DATE: 01.30.23

RZ-07

811
 Know what's below.
 Call before you dig.

SCALE: 1"=40'
 0 20 40 80

NORTH