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Petition #: **2001-103**

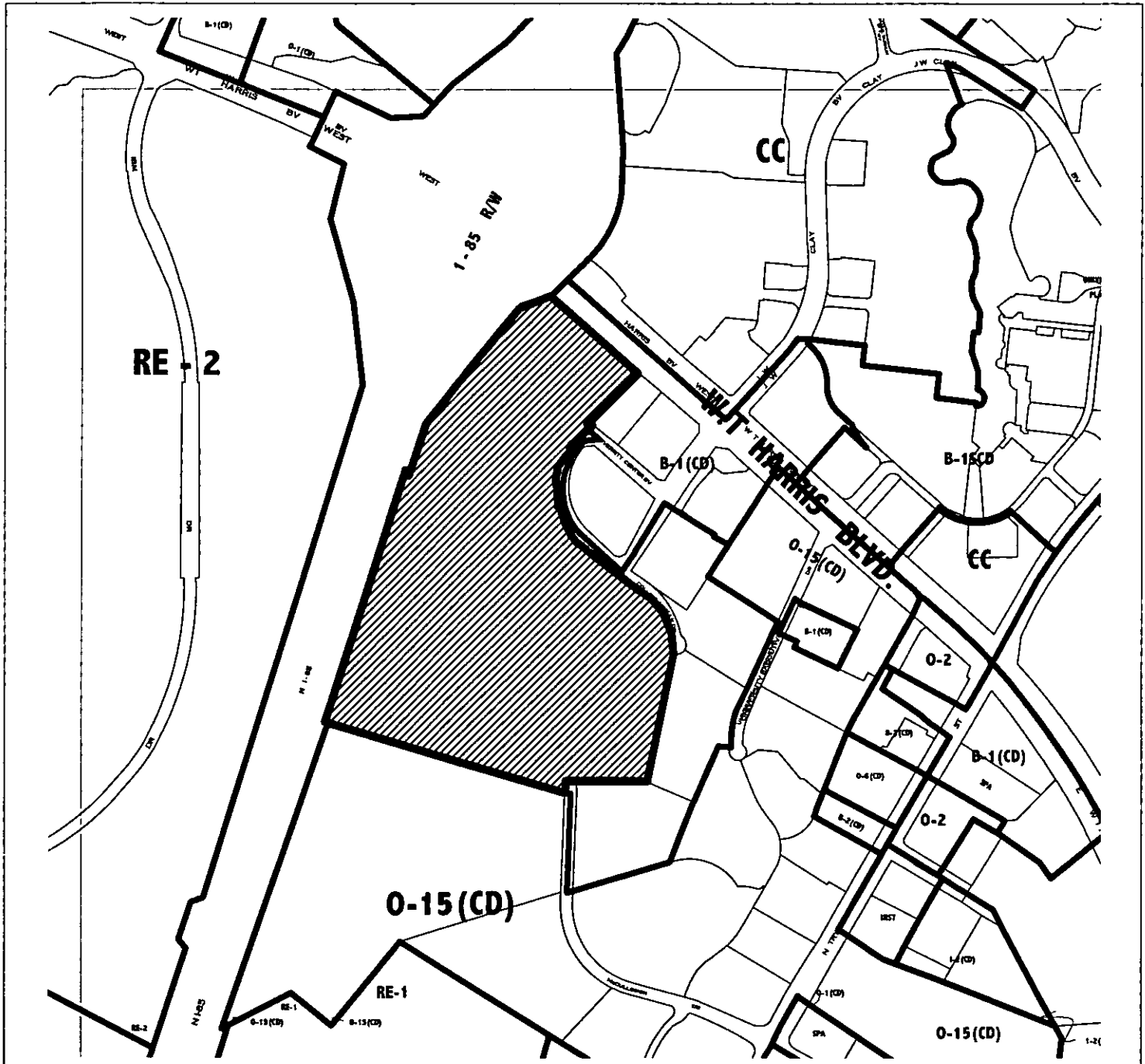
Petitioner: September 17, 2001

Hearing Date: Highwoods Realty Limited Partnership

Zoning Classification (Existing): O-2(CD) and B-1(CD)

Zoning Classification (Requested): O-2(CD) S.P.A., O-3(CD) and B-2(CD)

Acresage & Location Approximately 57 acres located on the southeast corner of W. T. Harris Boulevard and Interstate 85, west of University Executive Park Drive.



Zoning Map #(s);

MAP 58

Map Legend

	ETJ		Floodplain/shp
	Altitude/shp		County Line
	Watershed		City Limits(arc)
	Historic District		

**UNIVERSITY CENTER MIXED-USE VILLAGE
DEVELOPMENT STANDARDS
DEVELOPMENT AREAS 1 (portion of) and 2b of 2001-103 SITE PLAN
September 13, 2006**

1. GENERAL PROVISIONS

Unless more stringent standards are established by the Technical Data Sheet or these Development Standards, all development standards established under the Zoning Ordinance (the "Ordinance") for the NS, O-2 and B-2 zoning classifications shall be followed. The property subject to this petition shall consist of a portion of Development Area 1 and all of Development Area 2b of the Technical Data Sheet associated with Rezoning Petition Number 2001-103. The Technical Data Sheet and these Development Standards (together the "Site Plan") supercede in all respects all prior conditional use zoning plans with respect to the property that constitutes the Site.

The Technical Data Sheet is accompanied by conceptual site plans for development within the Site, which is referred to in these Development Standards as the "Schematic Site Plans." Detailed site planning and building design for the Site has not been finalized. The development depicted on the Schematic Site Plans is schematic in nature, and except as otherwise specified in these Development Standards, is intended only to describe the possible arrangements of uses and building elements and the schematic depictions of the uses, structures and building elements set forth on the Schematic Site Plans should be reviewed in conjunction with the provisions of these Development Standards. Consequently, except as otherwise expressly specified on the Technical Data Sheet and in these Development Standards, the ultimate layout of the development proposed, the exact alignments of streets, points of access, the numbers, the size, configuration and placements of buildings, the size, configuration and placements of parking areas, and the heights and masses of buildings have not been finally determined, and depictions of such elements on the Schematic Site Plans and schematic building elevations are not intended to be specific site development plans but rather preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during design development and construction document phases within the maximum building/parking envelope lines established on the Technical Data Sheet and subject to the accompanying Development Standards and Section 6.206 (2) of the Ordinance. Parking layouts may be modified to accommodate final building locations and ancillary facilities and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance. Sidewalks generally depicted on the Schematic Site Plans are intended to reflect the general pedestrian circulation for development on the Site but the specific locations of such sidewalks may be subject to minor variations that do not materially change the design intent generally depicted on the Schematic Site Plans. The dimensions and specific locations of building/parking envelopes and parking envelopes generally depicted on the Technical Data Sheet may be subject to minor variations that do not materially change the design intent generally depicted on the Schematic Site Plans. As described in Section 4.1 below, the Site shall be viewed as a unified development plan in accordance with the provisions set forth therein.

2. PERMITTED USES AND BUILDING AREA RESTRICTIONS

- 2.1 This proposal is intended to accommodate the development of retail, restaurant, office, hotel and residential uses which will be interconnected with open space, pedestrian and vehicular linkages.
- 2.2 Area A as generally depicted on the Technical Data Sheet may be devoted to any of the following uses:
- (a) Up to 392 residential units; and
 - (b) Up to 15,000 square feet of gross floor area of retail and/or restaurant space developed as part of mixed use residential/retail/restaurant building(s) located within that portion of Area A identified as Area A-1 on the Technical Data Sheet; and
 - (c) Associated surface and structured parking spaces and accessory uses and uses permitted under prescribed conditions under the Ordinance.

For purposes of the development limitations set forth in this Section 2, the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building, and any accessory buildings or structures on the site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, or related access areas, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces), or areas devoted to uses or structures accessory to residential uses on the site (limitations on the scope of residential uses being determined on a per unit, rather than floor area basis); provided, further, areas devoted to outdoor dining are not intended to be included in the calculation of gross floor area.

- 2.3 Area B as generally depicted on the Technical Data Sheet may be devoted to any of the following uses:
- (a) Up to 75,000 square feet of retail and/or restaurant space, provided, however, the total combined gross floor area of retail and/or restaurant space within Area A and Area B shall not exceed 75,000 square feet;
 - (b) Up to 200,000 square feet of gross floor area of office space;
 - (c) Either one limited service hotel with up to 150 rooms with associated hotel uses and amenities such as restaurants, conference/meeting/banquet space, gift shops and similar uses; or one full service hotel with up to 375 rooms (a "full service" hotel refers to a hotel that includes restaurant and

conference/meeting/banquet facilities within or adjacent to the hotel building); and

- (d) Associated surface and structured parking spaces and accessory uses and uses permitted under prescribed conditions as permitted under the Ordinance.

Provided, however, (i) in the event that all of the 375 permitted hotel rooms are not constructed, additional office square footage shall be permitted at the rate of 500 square feet for each undeveloped hotel room up to a maximum of 100,000 square feet of additional office space and (ii) areas devoted specifically to outdoor dining shall not be included in the calculation of the square footage limitations set forth above.

2.4 In addition to the development option described for Area B in Section 2.3 above, the development of Area B may include up to two hotels with no more than 525 rooms collectively subject to the following limitations and restrictions.

- (a) One of the two hotels permitted shall be a full service hotel (a "full service" hotel refers to a hotel that includes restaurant and conference/meeting/banquet facilities within or adjacent to the hotel building).
- (b) The total amount of retail and/or restaurant uses on the Site shall not exceed 40,000 square feet of gross floor area and any such retail and/or restaurant space shall be located in mixed use residential/retail/restaurant buildings or retail/restaurant/office buildings.
- (c) The conditions and provisions outlined in Section 2.5 (b) and 2.5 (d) below shall also be met.

2.5 The permitted uses described in Sections 2.2 and 2.3 above shall be subject to the following limitations and restrictions:

- (a) The total amount of retail and/or restaurant uses on the Site shall not exceed 75,000 square feet of gross floor area;
- (b) No fast food restaurants with drive through window facilities or gas stations/convenience stores with gasoline sales shall be allowed;
- (c) No one single tenant or single fee ownership user may occupy more than 25,000 square feet of gross floor area on the ground floor; and
- (d) No more than one (1) independent freestanding building (or cluster of interconnected buildings that is independent) devoted solely to retail and/or restaurant uses may be developed on the Site. For the

purposes of these Development Standards, an "independent" freestanding building or cluster of interconnected buildings shall mean a building or cluster that is disconnected from the adjacent development by drive-through lanes, parking areas, alleys and/or driveways without well-defined pedestrian cross-walk(s). The remaining freestanding buildings, with or without drive-through facilities, shall be interconnected. For the purposes of these Development Standards, an "interconnected" freestanding building shall mean a building which has a pedestrian connection to the abutting public street or abutting internal private streets generally depicted on the Conceptual Schematic Site Plan attached hereto, and the closest building within the Site that does not crossover drive-through lanes or driveways except by way of well-defined pedestrian cross-walk(s). More than one freestanding building may be part of an independent cluster of freestanding buildings that are collectively treated as a single independent freestanding building for the purpose of the limitation set forth above, to the extent that the buildings within such cluster are interconnected by a pedestrian sidewalk/cross-walk and a plaza, fountain area, seating area or other similar site amenity.

- (e) No more than 45,000 square feet of gross floor area devoted to retail and/or restaurants shall be permitted on the Site unless such uses are located within mixed use residential/retail/restaurant buildings or retail/restaurant/office buildings.

3. **ACCESS POINTS**

The total number of ingress/egress points shall be limited to the number shown on the Technical Data Sheet. The exact locations may vary somewhat from those depicted based upon final design and locational requirements as regulated by CDOT and, where applicable, NCDOT.

4. **SETBACK, SIDE YARDS AND REAR YARDS**

- 4.1 All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance, provided that a 30 foot landscape strip shall be maintained along McCullough Drive and along Collins and Aikman Drive. The Site shall be viewed as a unified development plan. As such, yards will not be required between buildings located on the Site. The Petitioner reserves the right to subdivide the Site and create lots within the interior of the development with no public street frontage or side and/or rear yards as part of a unified development plan. In addition, the Site can be viewed as a unified development plan in conjunction with the adjacent tracts.

- 4.2 The setback areas extending around the perimeter of the Site are to remain as open space and, except to the extent necessary to accommodate pedestrian pathways, walls, berms, fences, grading, signs, graphics or utility construction and, where indicated, vehicular access, will be restricted from future development. No buildings or parking lots or storm water detention basin (actual water surface area) may be placed within any setback as required by the Ordinance.
- 4.3 In setback areas where existing natural vegetation has been cleared to accommodate walls, berms, fences, grading, signs, graphics, vehicular access or utility construction, the cleared, unimproved areas will be landscaped with trees and/or shrubs in accordance with Class A buffer standards unless applicable ordinances or constraints imposed by utility companies would prohibit such landscaping.
- 4.4 A 100 foot landscape area / tree save area will run parallel to Interstate 85. This 100 foot area will be treated as a woodland buffer. The Petitioner may clear any underbrush and "limb up" to a height of 8 feet selected trees and may selectively remove trees having calipers of 3 inches or less within the 100 foot area.
- 4.5 Within the 30 foot landscape strip area along McCullough Drive, street trees will be provided at a 2 ½ inch to 3 inch caliper and will be spaced at 35 feet to 45 feet on center depending on the most appropriate spacing for the species selected; provided, however, any existing street trees, including without limitation the existing maple trees, may be counted towards the satisfaction of this requirement.
- 4.6 Vehicle circulation and parking spaces will not be located in between buildings on the Site and McCullough Drive and Collins & Aikman Drive. However, circulation and parking spaces may be located to the side of buildings and/or between buildings on the Site.
- 4.7 Build to lines will be established as follows:

McCullough Drive	35 feet from the right-of-way
Collins and Aikman Drive	30 feet from the right-of-way
Public Streets A and B	15 feet from back of curb

5. **SCREENING AND LANDSCAPING**

- 5.1. Screening will conform to the applicable standards of Section 12.303 of the Ordinance.

- 5.2. Landscaping shall meet or exceed the requirements of the Ordinance and the City of Charlotte Tree Ordinance. Newly installed landscaping shall be consistent with the existing landscaping treatments.
- 5.3. Irrigation systems will be maintained by Petitioner or its successors and assigns in all landscaped setback areas along McCullough Drive.
- 5.4. All roof mounted mechanical equipment will be screened from view.
- 5.5. Dumpster areas will be enclosed by a brick wall with one side being a decorative wooden gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
- 5.6. A minimum of 10 % of the Site shall be preserved as tree save areas.

6. **PARKING**

- 6.1. Off street parking will meet or exceed the minimum standards established under the Ordinance and will not be allowed within the setbacks. Off street parking for residential units will be provided at a ratio of at least 1.6 spaces per unit.
- 6.2. Parking areas will be broken up with landscaping to avoid massing of paved material.
- 6.3. Where parking is not located behind buildings, screening shall be provided at the lot line by landscaping or decorative walks or fences. Shared parking may be allowed at the discretion of the Zoning Administrator.
- 6.4. Parking decks and underground parking are allowed, provided that perimeter parking deck elevations located immediately abutting and within 20 feet of right-of-way or easement lines associated with public or private streets or primary pedestrian circulation areas will include a "deck edge" designed in a manner consistent with the overall project design and image and substantially in compliance with Section 12.212(2)(c), (e) and (f) or Section 12.212(3)(d).
- 6.5. On street parking may be provided along public streets subject to the approval of CDOT.
- 6.6. Bicycle parking shall be provided in accordance with the Ordinance.

7. **LIGHTING**

- 7.1 Freestanding streetscape lighting fixtures installed within the Site will be uniform in design and fully shielded. Freestanding lighting fixtures shall be aluminum and coated in order to provide a wrought iron type appearance.
- 7.2 No cobra style lighting fixtures may be used on the Site.
- 7.3 The maximum height of any freestanding lighting fixture, including its base, shall not exceed 28 feet in height.
- 7.4 No wall "pak" type lighting will be allowed facing public streets. Any wall "pak" type lighting will be downwardly directed.

8. **SIGNS**

All signs placed on the Site will be erected in accordance with the requirements of the Ordinance. Detached signs shall not exceed 5 feet in height or 50 square feet in size. No pylon type detached signs shall be permitted. Detached signage may be located within building setbacks and other locations throughout the Site in accordance with the Ordinance.

9. **SIDEWALKS**

Subject to the provisions of Section 11 below, sidewalks of at least five feet in width will be installed throughout the Site in accordance with the requirements of the Ordinance and as generally depicted on the Schematic Site Plans. The sidewalk network will provide internal pedestrian circulation as well as pedestrian access to McCullough Drive, Collins and Aikman Drive and other internal public streets.

10. **STORM WATER MANAGEMENT**

- 10.1 Storm water runoff will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte Ordinances and the Charlotte Mecklenburg Storm Water Design Manual. Surface level storm water detention, if provided, shall not be located in the setback required by the ordinance.
- 10.2 The detention shall tie-in to the existing abutting storm water system(s). The Petitioner shall have the receiving drainage system abutting the Site analyzed to ensure that it will not be taken out of standard due to this development. If it is found that the development will cause the receiving storm drainage system to be taken out of standard, the Petitioner shall provide adequate detention to prevent this from occurring. Should the existing, receiving drainage system be deemed to be out of standard prior to development of its Site, the Petitioner agrees to provide adequate detention to ensure that the system will not be additionally overburdened.

- 10.3. The Petitioner shall control and treat the entire runoff volume for the one-year 24-hour storm. Runoff draw down time shall be a minimum of 24 hours but not more than 120 hours.
- 10.4 For Area 1, the peak storm water release rates shall match pre-development rates for the 10-year and 25 year, 6-hour storm events or a downstream flood analysis shall be performed to determine whether peak control is needed and if so, for what level of storm frequency.
- 10.5 For Area 2, the peak storm water release rates shall match pre-development rates for the 10-year, 6-hour storm events and a downstream flood analysis shall be performed to determine whether additional peak control is needed and if so, for what level of storm frequency. If a downstream analysis is not performed, the peak storm water release rate shall match pre-development rates for the 10-year and 25-year, 6 hour storms.
- 10.6 Water quality best management practices (BMP's) shall be constructed on the site to achieve 85 % Total Suspended Solid removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMP's must be designed and constructed in accordance with the N.C. Department of Environment and Natural Resources Best Management Practices Manual, April 1999, Section 4.0. Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available. Use of Low Impact Development techniques is optional.

11. **STREETSCAPE TREATMENT**

Newly installed streetscape treatments along public streets abutting the Site (with the exception of Interstate 85) shall conform to the Ordinance and include a six foot sidewalk and an eight foot planting strip, provided, however, the existing sidewalk of five feet in width along Collins & Aikman Drive shall remain since installation of a six foot wide sidewalk could cause damage to existing trees. Retention of the existing sidewalk along Collins & Aikman Drive shall not require a variance or approval of the City Engineer.

12. **VEHICULAR ACCESS AND ROADWAYS; TRANSPORTATION COMMITMENTS**

- (a) Vehicular access to the Site shall be as generally depicted on the Technical Data Sheet.
- (b) The placements and configurations of these access points are subject to any modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.
- (c) If this Rezoning Petition is approved, the Petitioner commits to cause to be constructed the following roadway improvements:

- (i) Public Street A extending from McCullough Drive to the northerly property line of the site, said Public Street A to be designed to residential collector street standards and constructed as part of the development of uses permitted within Area A; and
- (ii) Public Street B extending from Collins & Aikman Drive in a westerly direction to connect with the proposed "roundabout" or "T-intersection" depicted on the Technical Data Sheet, said Public Street B to be designed to commercial collector street standards and constructed in connection with development of the earlier to occur of the hotel uses permitted within Area B or greater than 15,000 square feet of gross floor area of office/retail and/or restaurant uses permitted within Area B; and
- (iii) Private Street C extending from Public Street A to the property line of the adjoining Tax Parcel 047-212-02. Private Street C shall be a private street but built to public street standards for a residential collector street with the exception that head-in parking (either angled or perpendicular) will be allowed on the street. In the event CDOT allows this street to be a public street with head-in parking, it will be converted to a public street built to residential collector standards. A build-to line of 15 feet from back of curb will be established along the street if it is converted to a public street.

Notwithstanding the foregoing, the designs of the public streets described above may be adjusted or narrowed during the subdivision process to a lesser standard acceptable to the Petitioner and CDOT as may be set forth in the City of Charlotte Urban Street Design Guidelines.

- (d) If this Rezoning Petition is approved, the Petitioner commits to dedicate and convey (by quitclaim deed) to CDOT the rights-of-way associated with Public Street A and Public Street B within sixty (60) days of completion of the improvements associated with such streets.
- (e) The Petitioner will investigate options to provide direct connectivity to the proposed transit station at Ken Hoffman Drive.

13. **DESIGN AND ARCHITECTURAL TREATMENT**

The following design and architectural treatments shall apply to residential uses on the site:

- Buildings on the Site will feature four-sided architecture.
- The portion of the building exteriors located below the roof line and with the exception of windows, doors, garage doors, architectural accents, fenestration and wall signage shall be composed of brick, stone or cultured stone, and/or

conventional stucco material. The roofs of the buildings will be constructed of 20 year architectural shingles.

- No vinyl siding, EIFS or Drivet shall be used in the construction of the units.
- No open, unconditioned breezeways will be allowed.
- A minimum of 25 % of the units will have access to a garage that may be either connected to a principal building or located within a detached building and a minimum of 15 % of the units will have access to a garage that is connected to a principal building.
- Dormers, pitched roofs, architectural fenestrations and accents shall be incorporated into the building design.
- Doors and/or windows shall be located at least every 20 feet on every side of the building in order to avoid blank walls.
- All dumpsters will be screened from view from a public street in the manner described in Section 5.5 above.
- The main entrance points into the residential areas shall include a tiered landscape treatment including large maturing trees, small ornamental trees, low-lying shrubs, and ground covers.

14. **CHARLOTTE MECKLENBURG SCHOOLS AGREEMENT**

Development of the Site will conform to the Letter of Agreement between the Petitioner and Charlotte Mecklenburg Schools and dated September 7, 2006

15. **AMENDMENTS TO REZONING PLAN**

Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then owner or owners of the applicable parcel or parcels affected by such amendment in accordance with Section 6 of the Ordinance.

16. **BINDING EFFECT**

- If this Rezoning Petition is approved, the development program established under these Development Standards and the Technical Data Sheet shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the owners (from time to time) and their respective heirs, devisees, personal representatives, successors in interest and assigns.
- Throughout this Rezoning Petition, the terms "Petitioner", "Owner" or "Owners," shall, with respect to each parcel within the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.