PETTIONER: HIGHWOODS REALTY LIMITED PARTERSHIP PARKWAY PLAZA #3 4944 PARKWAY PLAZA BLVD. SUITE 250 CHARLOTTE, N.C. 28217

2. PERMITTED USES AND BUILDING AREA RESTRICTIONS 2.2 The Site may be devoted to any of the following uses: (a) Development Area 1; B-2(CD) Up to 45,000 square feet of retail/restaurant space in no more than three buildings; and Up to 200,000 square feet of office space; and No fast food restaurants or gas stations/convenience stores shall be allowed.

DEVELOPMENT

ACCESS POINT

DEVELOPMENT

AREA 26

0-2 (CD)

100' SETBACCK

--<del>IN</del>TERSTATE-HICHWAY-85----

GRAPHIC SCALE - FEET

31.189 ACRES

50' SETBACK

**50' SETBACK** 

N 47°56′10″W

N 44°59'25"W

407.41' N 01°38'55"W R=296.00' A=449.33'

53.22′ N 82°51′19″E

ACRES

ACCESS POINT

DEVELOPMENT

B-2/(CD)

AREA

17.878

R/W/ INCREASES AT

REZONING PLAN

PETITION NUMBER 2001–103

FOR PUBLIC HEARING

ACCESS POINT

ACCESS POINT

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 B-2, O-2, and O-3 classifications shall be followed. The property subject to this petition shall consist of Development Area 1, Development Area 2b and Development Area 2c as shown on the Technical Data Sheet (the "Site"). 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.

This proposal is intended to accommodate the development of restaurant/retail, office, hotel and residential uses which will be interconnected with open space, pedestrian and vehicular linkages.

DEVELOPMENT STANDARDS October 12, 2001

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 thal includes restaurant and conference/meeting/banquet facilities within or adjacent to the hotel building); and Associated surface and structured parking spaces, and accessory uses and uses permitted under prescribed conditions as permitted under the Ordinance.

Provided, however, 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 provided further that the Petitioner reserves the right to locate a portion or all of the 150 room limited service or 375 room full service hotel described above in Development Area 1 or Development Area 2b (b) Development Area 2b; 0-2(CD) Up to 700,000 square feet of office space; and Associated surface and structured parking spaces and accessory uses and uses permitted under prescribed conditions as permitted under the Ordinance.

The Petitioner reserves the right to locate a portion or all of the 150 room limited service or 375 room full service hotel described above in Development Area 1 or Development Area 2b. (c) Development Area 2c: 0-3(CD) Up to 150,000 square feet of office space or up to 335 residential dwelling units; and Associated surface and structured parking spaces and accessory uses and uses permitted under prescribed conditions as permitted by the Ordinance.

2.3 It is acknowledged that the existing building located on portions of Development Areas 1 and 2b may be demolished. 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.

All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance. The Petitioner reserves the right to subdivide the Site and create lots within the interior of the development with no side and/or rear yards as part of a unified development plan. 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 basins (actual water surface area) may be placed within any setback.

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 B buffer standards unless applicable ordinances or constraints imposed by utility companies would prohibit such landscaping. The 100 foot setback area which runs parallel to Interstate 85 will generally be left undisturbed except as follows:

The Petitioner reserves the right to clear any underbrush and "limb up" to a height of 8 feet selected trees and to selectively remove trees having calipers of 4" or less. In addition, the Petitioner reserves the right to create a visibility corridor along interstate 85 provided that at least three buildings within Development Area 1 are clustered or at less two buildings are clustered and one building is located within 20 feet of the setback line associated with Collins and Aikman Drive. Any such visibility corridor shall be limited to 150 feet in width and subject to the approval of the City's' Urban Forester in accordance with the City of Charlotte Tree Orderance, Section 21–44 and other applicable sections thereof, in the event the optional treatment of the building clustering referred to above is required rather than optional. The renderings set forth in figures 6–A and 6–B illustrate potential development scenarios within which buildings are clustered such that a visibility corridor may be created. Other development scenarios within which buildings are clustered are also allowed subject to staff approval as per Section 6.1(h).

The Petitioner reserves the right to grade within the 100 foot setback provided that any such grading is limited to a total of 850 linear feet parallel to 1-85 and does not extend more than 25 feet into the setback. Any cleared areas will be landscaped with trees and/or shrubs in accordance with a Class B buffer standard unless applicable ordinances or constraints imposed by utility companies would prohibit such landscaping. Within the 50 foot setback area along McCullough Drive, street trees will be provided at a 2.5 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. Within the 100 foot setback area along W. T. Harris Boulevard, street trees will be provided at a 3.5 Inch to 4 inch caliper and spaced at the satisfaction of this requirement. Feature landscaping installed in the setback area west of McCullough Drive and the setback area east of McCullough Drive by the previous owner will be maintained by Petitioner or its successors and asigns.

The Petitioner reserves the right to clear any underbrush, to selectively remove any trees having calipers of 4 inches or less and to "limb up" to a height of 8 feet selected trees within the setback along W.T. Harris Boulevard.

The Petitioner reserves the right to grade within the setback along W.T. Harris Boulevard provided that any such grading shall not extend more than 25 feet into the setback and any cleared areas will be landscaped with trees and/or shrubs provided that any such grading shall not extend more than 25 feet into the setback and any cleared areas will be landscaped with trees and/or shrubs in accordance with a Class B buffer standard unless applicable ordinances or constraints imposed by utility companies would prohibit such landscaping. In addition, the Petitioner reserves the right to create a visibility corridor along W.T. Harris Boulevard provided that at least three buildings within Development Area 1 are clustered or at least two buildings are clustered and one building is located within 20 feet of the setback line associated with Collins and Alkman Drive. Any such visibility corridor shall be limited to 150 feet in width and subject to the approval of the City's Urban Forester in accordance with the City of Charlotte Tree Ordinance, Section 21–44 and other applicable sections thereof. In the event that a view corridor is created, the building clustering referred to above is required rather than optional. The renderings set forth in figures 6–A and 6–B illustrate potential development scenarios within which buildings are clustered such that a visibility corridor may be created. Other development scenarios within which buildings are clustered are also allowed subject to staff approval as per section 6.1(h).

SCREENING AND LANDSCAPING

surface parking areas

5.1. Screening will conform to the applicable standards of Section 12.303 of the Ordinance. Landscaping shall meet or exceed the requirements of the Ordinance and the City of Charlotte Tree Ordinance. Newly installed landscaping shall be consistent The entrance to the development on the Site at the intersection of W. T. Harris Boulevard and McCullough Drive has been landscaped on the Site side of the entrance road. The landscape area on the Site side of the road will encompass a minimum area of 1,000 square feet, and such landscaped area shall be maintained by Petitioner or its successors and assigns.

Irrigation systems will be maintained by Petitioner or its successors and assigns in all landscaped setback areas along W. T. Harris Boulevard along both sides of McCullough Drive and along University Center Boulevard. 5.5 All roof mounted mechanical equipment will be screened from view. Dumpster areas will be enclosed on all four sides by a opaque wall with one side being a hinged opaque 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.

PEDESTRIAN/TRANSIT FRIENDLY DESIGN CUIDELINES Petitioner recognizes that the 2025 integrated Transit/Land Use Plan for Charlotte—Mecklenburg and the on-going community input and major investment study process being undertaken by the Metropolitan Transit Commission contemplates the development of bus rapid transit and/or light rail transit along U.S. Highway 29 and rapid bus service on W.T. Harris Boulevard in connection with development of the northeast transit corridor. In order to support efforts to promote the development of mass transit within the U.S. Highway 29/W.T. Harris Boulevard area and otherwise to promote a high quality development on the Site that is pedestrian friendly and transit supportive, the Petitioner agrees that the Site will be developed in accordance with the following general guidelines:

Internal and external pedestrian accesses between and among all buildings on the Site, and where reasonably feasible adjoining parcels, shall be provided by means of pedestrian walkways or plazzs so as to create a pedestrian friendly environment. Pedestrian walkways/pedestrian promenades shall be provided along both sides of all public streets within the Site; Public open spaces in the form of landscaped plazas with fountains or other decorative features shall be located on the Site as places for informal social activity and as a means to connect building elements and encourage interconnectivity between and within development on the Site. In this regard, where practicable building frontages will be constructed in a disciplined alignment so as to better define public open space; Parking, driveways and sidewalks shall be configured in a manner to promote pedestrian accessibility and encourage walking between the uses on the Site (see additional pedestrian friendly parking conditions in Section 7 below):

Where practicable, the Petitioner will seek to limit the amount of surface parking located between the office buildings to be located on Development Area 2b and McCullough Drive to a maximum parking depth associated with four rows of parking (i.e. two full parking bays); The primary building elements on the Site shall be designed to promote access, where practicable, to the primary building entrances on the Site by shuttle bus vehicle service (e.g., EZ Rider type vehicles). The Petitioner agrees to cooperate with the Charlotte Area Transit System to provide reasonable accomodations for two (2) transit stops within the boudaries of the Site, including cooperating with the installation of transit shelters if practical. The size of such transit stops and shelters shall be appropriate for the level of bus service contemplated for the Site. Benches, bike racks and sidewalks shall be included to further promote accessibility to the transit stops upon their installation; and For so long as Petitioner owns more than ten (10) acres within the Site or serves as the Declarant under any restrictive covenants or community association that governs a portion or all of the Site, the Petitioner shall exercise diligent good faith efforts to encourage owners and tenants of the Site and their employees to use CATS, including any bus inculator service offered in the University area. Prior to the Issuance of building permits within the site, the Potitioner shall submit preliminary site development plans on a parcel by parcel basis to the Charlotte Mecklenburg Planning Commission staff for review and approval with respect to compliance with the provisions of Sections 6.1 (a)—(d). Such review shall be limited to the following elements:

pedestrian and vehicular interconnectivity, and building locations Without limiting the generality of the foregoing provisions of this Section 6(h), it is understood that submittal of site plans relating to the development of non-hotel related retail/restaurant uses located on Development Area 1 (and subsequent development in accordance with such site plans) substantially in accordance with the design of the parking areas, the pedestrian and vehicular interconnectivity and building locations shown in Figures # 6-A and 6-B set forth on the Ste Plan shall be sufficent to satisfy the review and approval requirements and the pedestrian friendly guidelines set forth in this Section 6 for such portion of Development Area 1 so developed. Other development scenarios are also allowed subject to staff approval as per section 6.1(h).

in the event Planning Staff denies approval of preliminary site development plans, the Pettitioner may appeal to the Zoning Committee of the Charlotte Mecklenburg Planning Commission. 7.1 Off street parking will meet or exceed the minimum standards established under the Ordinance and will not be allowed within the setbacks. 7.2 Parking areas will be broken up with landscaping to avoid massing of paved material

7.3 Where parking is not located behind buildings, screening shall be provided at the lot line by landscaping or decorative walks or fences. In mixed use areas, in order to promote unified and pedestrian—friendly development shared parking may be allowed at the discretion of the Zoning Administrator.

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). Freestanding streetscape lighting fixtures installed within the Site will be uniform in design. The maximum height of any freestanding lighting fixture, including its base, shall not exceed 30 feet in height. No wall "pak" type lighting will be allowed.

All signs placed on the Site will be erected in accordance with the requirements of the Ordinance. Detached signs shall be subject to review by the Architectural Review Board described below with respect to uniformity of image, materials and character but in any event detached signs shall not exceed 7 feet in height or 50 square feet in size. No pylon type detached sign shall be permitted. Detached signage may be located within building setbacks, visibility corridors and other locations throughout the Site in accordance with the Ordinance.

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 parcel or parcels located within the Site in accordance with Section 6 of the Ordinance.

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 Ordinans, be binding upon and inure to the benefit of the Petitioner and the owners (from time to time) and their respective hers, 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 Sittle of 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 the to time.

SOLUTIONS THROUGH LISTENING

PETTIONER: HIGHWOODS REALTY LIMITED PARTERSHIP PARKWAY PLAZA #3 4944 PARKWAY PLAZA BLVD. SUITE 250 CHARLOTTE, N.C. 28217

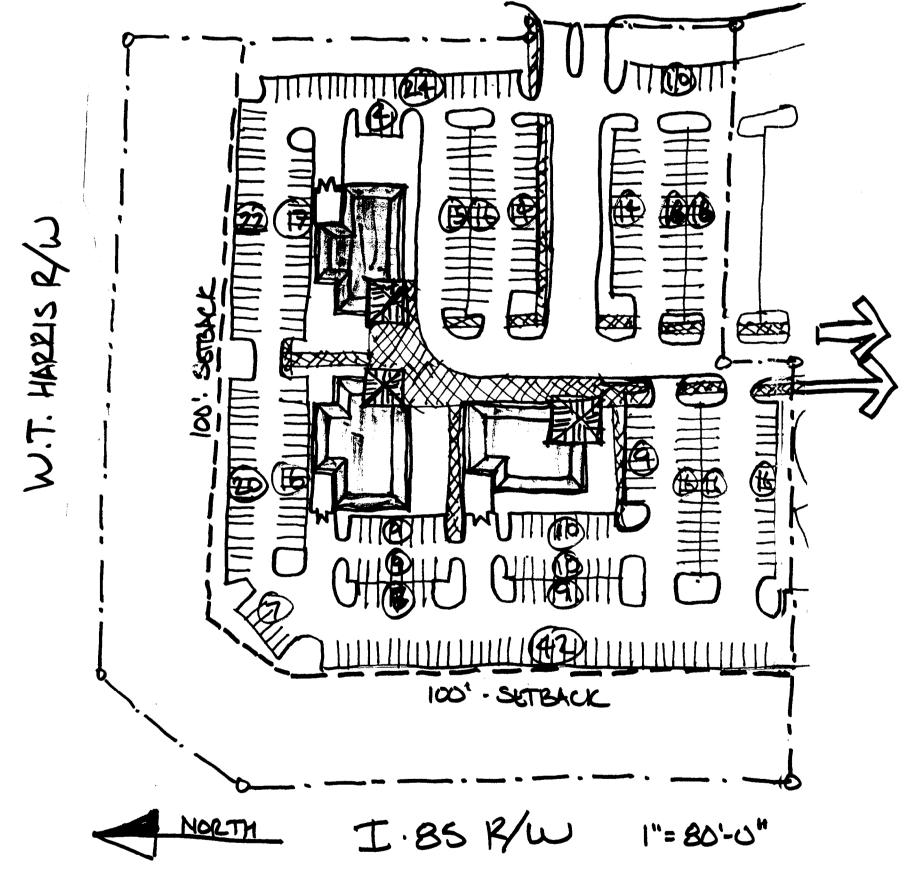
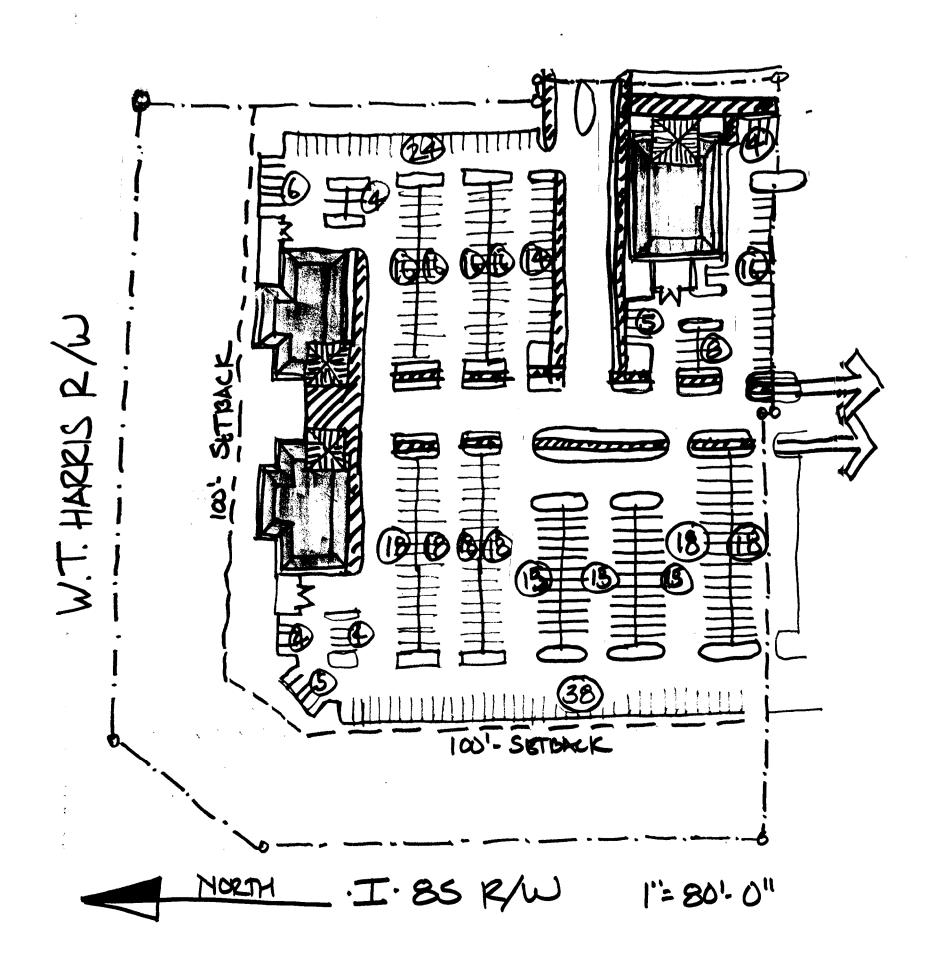


ILLUSTRATION UNIVERSITY COUTER PETITION # 2001-103

- UPTO 3 RESTURALT/RETAIL BUILDING TOTAL SQ. PT. 45,000 S.F. . 6.97 ACS.

. 365 PARKILLY SPACES

6-B OCT.12.2001



THUSTRATION UNIVERSITY CENTER PETITION # 2001-103 · UP to 3 resturant/rotal buildings TOTAL 50 PT. 46,000 S.F. .6.97 ACS. .365 PARKING SPACES

6-A OCT. 12,2001



UNIVERSITY

CENTER

**HIGHWODS** 

**CHARLESTON • CHARLOTTE** 

LS3P ASSOCIATES LTD

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AUCUST 20, 2001

REZONING

**PETITION** 

2001-103

REV. OCT. 12, 2001

AUGUST 20, 2001

FROM LS3P ASSOCIATES LTD.

Revised October 12, 2001

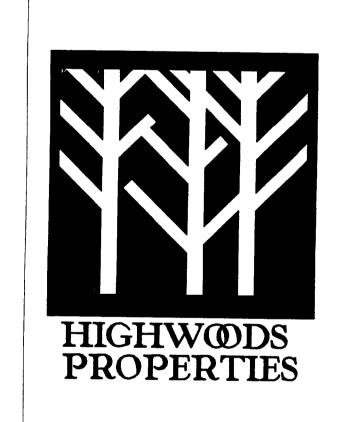
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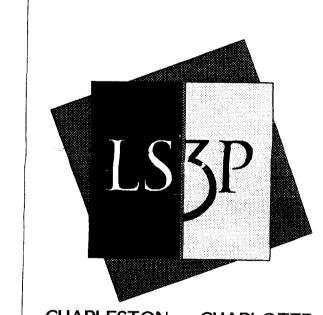
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**PROPERTIES** 



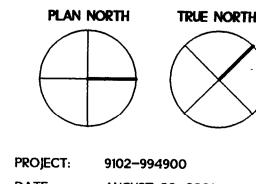


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REVISIONS: Revised October 12, 2001



AUCUST 20, 2001 DRAWN BY: CHECKED BY:

PETITION 2001-103

REZONING

REV. OCT. 12,2001 AUGUST 20, 2001