CURVE	LENGTH	RADIUS	CH BEARING	CH DIST.
C3	809.07'	5555.79'	N32°10'54"W	808.36'
C4	184.32'	480.50'	S20°20'41"W	183.19'
C5	211.88'	480.50'	S03°18'38"E	210.18'
C6	269.03'	370.52'	S81°29'22"E	263.16'
C7	14.39'	16.78'	S27°00'18"E	13.95'
C8	181.82'	820.30'	S41°19'33"W	181.25'
C9	63.67'	40.00'	N86°45'42"W	57.16'
C10	223.60'	431.97'	N85°32'10"W	221.11'
C11	54.81'	469.50'	S45°18'38"E	54.77'
C12	48.25'	30.00'	N85°16'26"E	43.21'
C13	39.22'	970.00'	N38°02'36"E	39.22'
C14	61.87'	470.00'	N33°06'48"E	61.83'
C15	45.43'	280.00'	S33°59'25"W	45.38'
C16	54.66'	220.00'	N31°31'16"E	54.52'
C17	45.68'	530.00'	S26°52'21"W	45.67'

CURVE TABLE

LINE	LENGTH	BEARING
L10	104.10	N02°18'11"W
L11	87.12	N62°27'29"W
L12	56.75	N33°12'16"E
L13	87.32	N56°09'09"W
L14	38.00	N40°31'25"W
L15	97.44	N48°45'56"W
L16	46.23	N52°46'27"W
L17	62.64	N52°46'27"W
L18	30.00	N47°02'04"E
L19	17.22	S42°57'56"E
L20	30.00	N47°02'04"E
L21	30.99	N54°04'28"W
L22	18.24	N57°22'24"W
L23	128.36	N59°51'16"W
L24	185.92	N59°51'16"W
L25	54.51	N29°20'31"E
L26	53.43	S48°39'15"E
L27	72.04	S36°53'04"W
L28	101.61	S38°38'20"W
L29	43.92	S24°23'11"W
L30	57.12	S24°24'11"W
L31	128.43	N60°22'30"W
L32	378.10	N33°24'02"E

LINE TABLE

GRAPHIC LEGEND

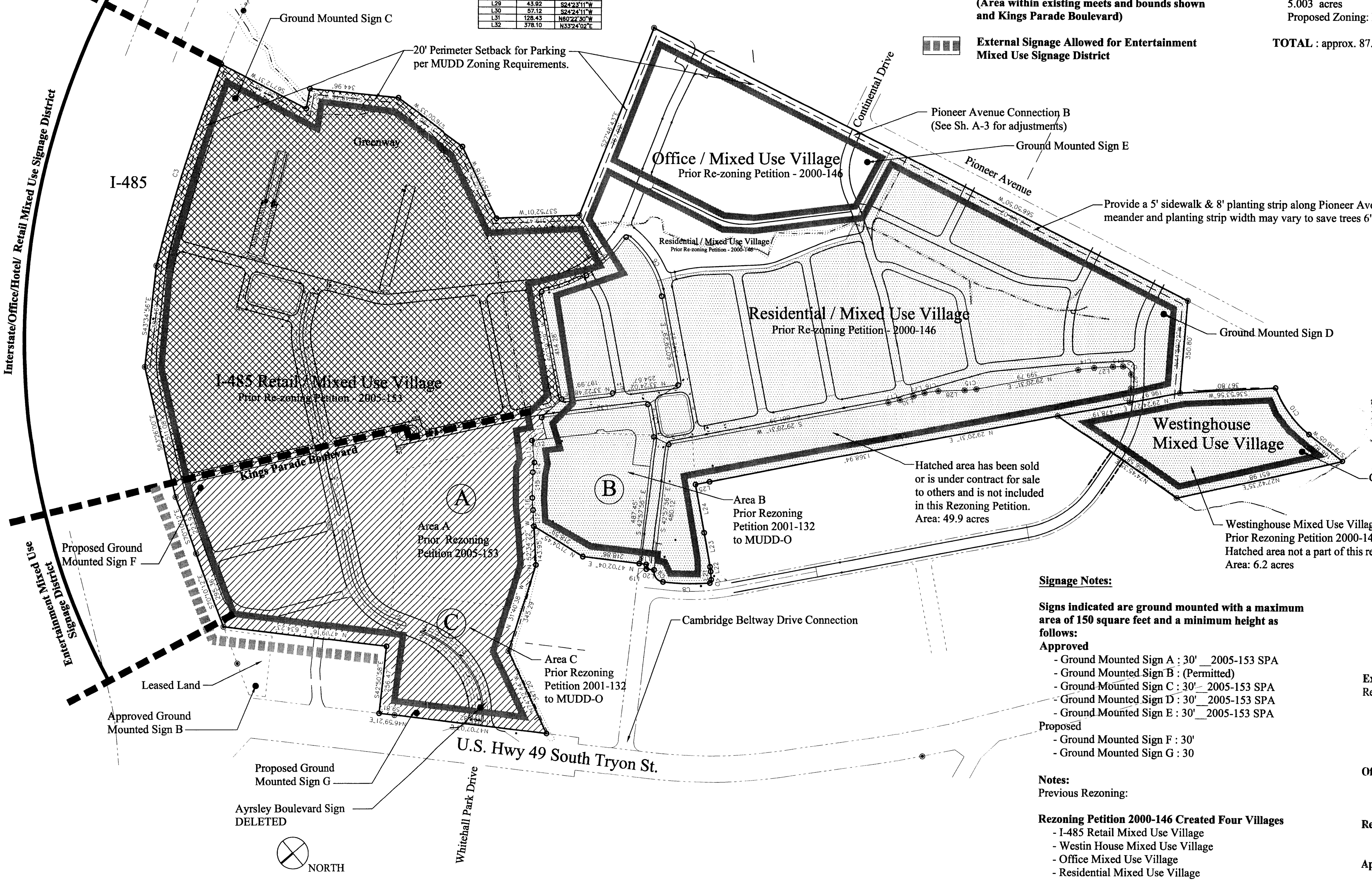
- **Village Boundry**
- **Areas not included in this Rezoning**
- **Entertainment Mixed Use Signage District (Area within existing meets and bounds shown and Kings Parade Boulevard)**
- **Interstate/Office/Hotel/Retail Mixed Use Signage District (Area within existing meets and bounds shown and Kings Parade Boulevard)**
- **External Signage Allowed for Entertainment Mixed Use Signage District**

Total Proposed Area for this Rezoning 2007-021
I-485 Retail / Mixed Use Village
72.276 acres
Proposed & Existing Zoning: MUDD-O, *As Ammended*

Office / Mixed Use
10.126 acres
Proposed & Existing Zoning: MUDD-O, *As Ammended*

Residential / Mixed Use Village
5.003 acres
Proposed Zoning: MUDD-O, *As Ammended*

TOTAL : approx. 87.35 acres



See Technical Data Sheet Notes (Sheet A-2) attached and submitted herewith as part of the rezoning package.

Signage Notes:

Signs indicated are ground mounted with a maximum area of 150 square feet and a minimum height as follows:
Approved
- Ground Mounted Sign A : 30'__2005-153 SPA
- Ground Mounted Sign B : (Permitted)
- Ground Mounted Sign C : 30'__2005-153 SPA
- Ground Mounted Sign D : 30'__2005-153 SPA
- Ground Mounted Sign E : 30'__2005-153 SPA

Proposed
- Ground Mounted Sign F : 30'
- Ground Mounted Sign G : 30

Notes:
Previous Rezoning:

Rezoning Petition 2000-146 Created Four Villages
- I-485 Retail Mixed Use Village
- Westin House Mixed Use Village
- Office Mixed Use Village
- Residential Mixed Use Village

Rezoning Petition 2001-132 Changed CC Areas and added Area
- Area A was added as MUDD-O to the I-485 Retail Mixed Use Village
- Area B was added as MUDD-O to the Residential Mixed Use Village
- Area C was changed from CC to MUDD-O
- Area A, B, & C are shown in outline form on this sheet for information purposes only.

Existing Mixed Use Area
Retail / Mixed Use Village**
347,500 sf Retail
65,000 sf Theatre
910,000 sf Office
425 Hotel Rooms

Office / Mixed Use Village**
450,000 sf Office
180 Units of Housing - part of 1,326 total

Residential / Mixed Use Village**
1,326 Units of Housing

Approved Area Maximums**
Office: 1,360,000 sf
Retail: 347,500 sf
Theatre: 65,000 sf
Hotels: 425 Rooms
Residential: 1,326 Units of Housing

* 1,326 Units of Housing is Maximum for the entire site
**See Development Standards for specific permitted uses

Overcash ◦ Demmitt *Architects*

2010 south tryon street suite 1a
charlotte north carolina 28203
voice • 704.332.1615
fax • 704.332.0117
web • www.odarch.com

ATTACHED TO ADMINISTRATIVE APPROVAL
DATED: 1/19/11 [signature]
BY: DEBRA D. CAMPBELL

CAMBRIDGE PARTNERS

Ayrsley

New Urban Mixed Use Community

2007 - 021

CHARLOTTE, NORTH CAROLINA
APPROVED BY CITY COUNCIL
APR 16 2007

REZONING SUBMITTAL	:	7/22/05
STAFF REVISIONS	:	8/26/05
REVISIONS	:	9/29/05
REVISIONS	:	10/05/05
REVISIONS	:	10/20/05
REVISIONS	:	10/25/05
REVISIONS	:	10/31/05
SIGNAGE REZONING	:	11/27/06
SIGNAGE REZONING	:	02/23/07
RE-SUBMITTAL	:	03/16/07
RE-SUBMITTAL	:	03/28/07
RE-SUBMITTAL APPROVAL	:	4/16/07
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FOR PUBLIC HEARING
PETITION NUMBER
2007 - 021

A-1

01 REZONING PLAN

1" = 200'-0"

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ODA No. 991362 CADD File: 1362_A-1.dwg

AYRSLEY
Technical Data Sheet Notes
for Petition #2007–021
Regarding portions of I–485 Retail Mixed Use Village,
all of the Office Mixed Use Village and
portions of the Residential Mixed Use Village
March 28, 2007

OVERVIEW/BACKGROUND

Reference is made to that certain Rezoning Petition #2000-146 regarding the Ayrsley Mixed Used Community located in the southeast quadrant of I-485 and N.C. Highway 49 (S. Tryon Street) in Charlotte, North Carolina. Petition #2000-146 provided for the creation of four (4) interconnected "villages" known as the I-485 Retail Mixed Use Village, the Westinghouse Retail Mixed Use Village, the Office Mixed Use Village and the Residential Mixed Use Village and set forth the permitted uses for and development standards governing such villages.
Reference is also made to Rezoning Petition #2001-132 that provided for the reclassification of portions of the Ayrsley property from the Commercial Center (CC) District to the Mixed Use Development District - Optional (MUDD-O) and the addition of certain parcels containing 5.733 acres (Rezoning Area A), 5.318 acres (Rezoning Area B) and 4.481 acres (Rezoning Area C) respectively as part of the I-485 Retail Mixed Use Village, all as set forth on the rezoning plan approved as part of Petition #2001-132. Petition #2001-132 superseded Petition #2000-146 only with respect to the I-485 Retail Mixed Use Village and the Office Mixed Use Village; Petition #2000-146 continued to govern the Residential Mixed Use Village and the Westinghouse Retail Mixed Use Village. It is noted that portions of the I-485 Retail Mixed Use Village as set forth on Petition #2001-132 and portions of the Residential Mixed Use Village as set forth on Petition #2000-146 are excluded from the I-485 Retail Mixed Use Village and the Residential Mixed Use Village for the purposes of this Petition #2005-153. Those portions of the I-485 Retail Mixed Use Village and those portions of the Residential Mixed Use Village not included on the Technical Data Sheet for this Petition #2005-153 shall remain governed by Petition #2001-132 and Petition #2000-146, respectively.
Pursuant to this Petition #2007-021, Petitioner desires to provide for certain modifications to the development standards and site element aspects of that portion of the I-485 Retail Mixed Use Village included within this Petition, the Office Mixed Use Village and that portion of the Residential Mixed Use Village included within this Petition.
Accordingly, these Technical Data Sheet Notes form a part of the Technical Data Sheet for this Petition #2007-021 in connection with development associated with that portion of the I-485 Retail Mixed Use Village included within this Petition (hereinafter referred to as the "I-485 Retail Mixed Use Village").
IT IS UNDERSTOOD THAT AS TO THAT PORTION OF THE I-485 RETAIL MIXED USED VILLAGE INCLUDED IN THIS PETITION, THIS PETITION AND THESE TECHNICAL DATA SHEET NOTES SUPERSEDE ALL PRIOR REZONING PETITIONS, INCLUDING WITHOUT LIMITATION PETITION #2001-132 AND PETITION #2007-021.
Reference to the Technical Data Sheet herein shall include these Technical Data Sheet Notes. Development of the portion of the property identified on the Technical Data Sheet as the I-485 Retail Mixed Use Village, and the individual components to be located thereon will be governed by the conditions of the Technical Data Sheet (including these Technical Data Sheet Notes) and those plans and drawings incorporated therein by reference and the applicable provisions of the City of Charlotte Zoning Ordinance in existence as of the date of approval of this Petition (the "Ordinance").
As stated the Ayrsley project consists of the following four (4) interconnected "villages" - (i) the I-485 Retail Mixed Use Village as described in Section 1 below, (ii) the Westinghouse Retail Mixed Use Village as described in Section 1 below, (iii) the Office Mixed Use Village as described in Section 2 below, and (iv) the Residential Mixed Use Village as described in Section 3 below (each a "Village" and collectively the "Community" or the "Site"). PROVIDED, HOWEVER, AS STATED ABOVE DEVELOPMENT OF PORTIONS OF THE I-485 RETAIL MIXED USE PROPERTY NOT SHOWN ON THE TECHNICAL DATA SHEET SHALL REMAIN GOVERNED BY PETITION #2001-132, AND PORTIONS OF THE RESIDENTIAL MIXED USE PROPERTY NOT SHOWN ON THE TECHNICAL DATA SHEET AND THE WESTINGHOUSE RETAIL MIXED USE VILLAGE REMAIN GOVERNED BY REZONING PETITION #2000-146.

Section 1. I-485 Retail Mixed Use Village
For the purposes of this Petition, the Community includes, among other Villages, the I-485 Retail Mixed Use Village portion of the Community that encompasses an area of approximately 72.28 acres generally located between Interstate 485 on the northeast, Highway 49 (South Tryon Street) on the northwest, and the existing creek to the east and south as generally depicted on the Technical Data Sheet (the "I-485 Retail Mixed Use Village").
For the purposes of setting for certain MUDD-Optional variations for signage, the I-485 Retail Mixed Use Village includes the Entertainment Signage District and the Interstate Hotel/Office/Retail District, each as generally depicted on the Technical Data Sheet.
(a) The I-485 Retail Mixed Use Village may be developed for any uses (including accessory uses) which are permitted by right or under prescribed conditions under the Ordinance for the Mixed Use Development District Optional (MUDD-O) in accordance with the standards of that district, the restrictions set forth in the Technical Data Sheet **and the MUDD-Optional provisions set forth in Section 5 below. The development of the I-485 Retail Mixed Use Village shall be further governed by the General Standards set forth in Section 4 hereof.**
(b) The total Floor Area (as hereinafter defined) which may be developed within the I-485 Retail Mixed Use Village (excluding hotel uses) may not exceed 1,322,500 square feet of Floor Area, of which no more than 347,500 square feet of Floor Area shall be developed for retail uses excluding entertainment/theatre uses. In addition, the I-485 Retail Mixed Use Village may include up to 425 hotel rooms ***(subject to adjustment in connection with the conversion rights set forth in Section 4(b) below).***
For the purposes of the development limitations set forth in these Development Standards, the term "Floor Area" or "floor area" shall mean and refer to the sum of the gross horizontal areas of each floor of the 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 not include 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 and structures accessory to residential uses on the Site; provided, further, areas devoted to outdoor dining are not intended to be included in the calculation of Floor Area.
(c) Residential units and office square footage may be incorporated into the I-485 Retail Mixed Use Village so long as the maximum aggregate number of residential units for the entire Community does not exceed 1605 dwelling units or the maximum amount of office square footage for the entire Community does not exceed 1,360,000 square feet of Floor Area ***(subject to adjustment in connection with the conversion rights set forth in Section 4(b) below).***
(d) Hotels may be incorporated into the I-485 Retail Mixed Use Village so long as the total number of rooms for hotels on the entire Site does not exceed 425 **(subject to adjustment up to a maximum of *550* rooms in accordance with the conversion rights set forth in Section 4(b) below).**
(e) The public or private roads located within the I-485 Retail Mixed Use Village as depicted on the Technical Data Sheet shall be located in a modified grid system substantially in the manner generally depicted on the Technical Data Sheet, provided, however, Petitioner shall be entitled to modify the final location of the public or private roads on the Site in connection with final site and building design and development during the marketing, development and construction phases of the project, subject to the reasonable approval and consent of the Planning Department, and the Charlotte Department of Transportation with respect to material changes. The provisions of this Section 1(e) are not intended to limit the provisions of Part 8.5 of the Ordinance regarding development standards and review by the Planning Department in connection with development in a Mixed Use Development District-Optional (MUDD-O).

Section 2. Office Mixed Use Village (Not Included in this Petition)
The Office Mixed Use Village portion of the Community encompasses an area of approximately 10.13 acres and is generally bounded on the north by the common boundary with property owned by Prologis, on the east by Pioneer Avenue and on the west and south by the existing creek and the Residential Village, as generally depicted on the Technical Data Sheet.
(a) The Office Mixed Use Village may be developed for any use (together with permitted accessory uses) which are permitted by right or under prescribed conditions under the Mixed Use Development District - Optional (MUDD-O) and may also be used for such support retail and restaurant uses as described in Section 2(d) below, in accordance with the standards of that district, the restrictions set forth in the Technical Data Sheet **and the MUDD-Optional provisions set forth in Section 5 below. The development of the Office Mixed Use Village shall be further governed by the General Standards set forth in Section 4 hereof.**
(b) The total *Floor Area* for buildings located in the Office Mixed Use Village may not exceed 450,000 square feet of office/retail uses and may include up to 180 residential units ***(subject to adjustment in connection with the conversion rights set forth in Section 4(b) below).***
(c) Residential units may be incorporated into the buildings on the Office Mixed Use Village as long as the maximum number of residential units for the entire Site does not exceed 1,605 dwelling units ***(subject to adjustment in connection with the conversion rights set forth in Section 4(b) below)*** .
(d) Support retail (including without limitation restaurants) may be incorporated as a mixed use component in the Office Mixed Use Village so long as such uses are limited to the ground floor only and so long as the maximum square footage of retail uses for the entire Site does not exceed 347,500 *square feet of Floor Area* ***(subject to adjustment in connection with the conversion rights set forth in Section 4(b) below)*** .
(e) The public or private roads located within the Office Mixed Use Village as depicted on the Technical Data Sheet shall be located in a modified grid system substantially in the manner generally depicted on the Technical Data Sheet, provided, however, Petitioner shall be entitled to modify the final location of the public or private roads on the Site in connection with final site and building design and development during the marketing, development and construction phases of the project, subject to the reasonable approval and consent of the Planning Department and the Charlotte Department of Transportation with respect to any material changes. The provisions of this Section 2(e) are not intended to limit the provisions of Part 8.5 of the Ordinance regarding development standards and review by the Planning Department in connection with development in a Mixed Use Development District-Optional (MUDD-O).
(f) Office Mixed Use Village land can be substituted for Residential Village land, and vice-versa, as long as the Residential Village acreage does not exceed 55 acres and the Office Mixed Use Village does not exceed 12 acres.

Section 3. Residential Mixed Use Village
The Residential Mixed Use Village is generally located south and west of the Office Mixed Use Village to Pioneer Avenue, as generally depicted on the Technical Data Sheet.
(a) The Residential Village may be developed for any use (including any accessory use) which is permitted by right or under prescribed conditions in the Mixed Use Development District (MUDD), in accordance with the standards of that district and the restrictions set forth in the technical Data Sheet. **The development of the Residential Mixed Use Village shall be further governed by the General Standards set forth in Section 4 hereof.**
(b) The total number of dwelling units which may be constructed within the Residential Mixed Use Village may not exceed 1,605 ***(subject to adjustment in connection with the conversion rights set forth in Section 4(b) below)*** . Office and retail uses may be allowed on the ground floor of residential buildings within the Residential Mixed Use Village so long as the maximum mixed use square footage of office for the Site does not exceed 1,360,000 *square feet of Floor Area* and the maximum square footage of retail on the Site does not exceed 347,500 *square feet of Floor Area* ***(subject to adjustment in connection with the conversion rights set forth in Section 4(b) below)*** .
(c) A variety of housing types and densities may be developed within the Residential Mixed Use Village.
(d) Residential Mixed Use Village land may be substituted for land within the Mixed Use Office Village, and vice-versa, as long as the total area of the Residential Mixed Use Village does not exceed 55 acres and the total area of the Office Mixed Use Village does not exceed 12 acres.
(e) The public or private roads located within the Residential Mixed Use Village as depicted on the Technical Data Sheet shall be located in a modified grid system substantially in the manner generally depicted on the Technical Data Sheet, provided, however, Petitioner shall be entitled to modify the final location of the public or private roads on the Site in connection with final site and building design and development during the marketing, development and construction phases of the project, subject to the reasonable approval and consent of the Planning Director and the Charlotte Department of Transportation with respect to any material changes. The provisions of this Section 3(e) are not intended to limit the provisions of Part 8.5 of the Ordinance regarding development standards and review by the Planning Department in connection with development in Mixed Use Development Districts (MUDD).

Section 4. General Development Standards
The following general development standards shall apply to the development (the "Development") of the Community in addition to those restrictions set forth in Sections 1, 2 and 3 above:
(a) This Development is intended to enable the development of a mixed use community composed of office, retail *(including, without limitation, restaurant), single and* multi-family *residential*, hotel, theatre, institutional and service uses. All Development will adhere to the restrictions and provisions contained in the Ordinance, including permitted uses, prescribed uses, accessory uses, setbacks, height and area restrictions, screening, parking, signage, landscaping, etc., and in Sections 1, 2, 3, 4 and 5 of the Technical Data Sheet. The exact details of configuration, placement and size of the individual site elements (including without limitation roads, buildings, parking areas, driveways, etc.) shall be established during the design, development and construction phases and shall be governed by the requirements of the Ordinance and the Technical Data Sheet (including without limitation the maximums for floor area, rooms and units set forth herein).r gene
(b) The Petitioner will not exceed the overall maximum square footage and unit/room calculations for each Proposed Use Type shown on the legend for the Technical Data Sheet but can adjust the percentages for any individual mixed use building, and for each Village in the manner described in the Technical Data Sheet Notes to accommodate development, design, leasing and market demand. The Petitioner may place retail and residential uses within buildings contemplated for office use in order to further the mixed use nature of the site. Retail floor area located within office buildings will not be counted toward the overall allowed retail floor area for the Community as long as the accessory/support retail in the office building does not exceed 20% of the total building area. The maximum number of hotel rooms of 425 shown in the legend for the Technical Data Sheet may be increased to a total of *550* rooms provided that there is a reduction in either (i) the total square feet of office space in the Community at the rate of 300 square feet per room, (ii) the total square footage of theatre space in the Community at the rate of 100 square feet per room, or (iii) the office space or theatre space based on some combination of (i) and (ii). Office square footage on the Site may be substituted for (x) hotel square footage at the rate of one room for 300 square feet, and (y) for retail or theatre square footage at a one square foot to one square foot rate, and the maximum square footage of office space on the Site shown on the legend to the Technical Data Sheet may be increased accordingly.
(c) No *more than one (1)* individual tenant or owner shall occupy the ground floor of a single building or space for retail use of greater than *130,000 square feet of Floor Area. Other individual retail tenants shall not occupy greater than 60,000 square feet of Floor Area on the ground floor for their respective premises. For the purposes of these development limitations,* retail use shall not be deemed to include entertainment and/or theatre uses.
(d) Notwithstanding any other provisions of the Technical Data Sheet to the contrary, except as set forth in the next sentence with respect to the Westinghouse Retail Mixed Use Village *governed by Petition #2000-146*, no fast food restaurants with drive-through windows or gas station/convenient stores will be allowed on the Site. *As provided in Petition #2000-146*, the Westinghouse Retail Mixed Use Village may include up to one (1) gas station/convenience store. Furthermore, any other drive through windows serving as an accessory use on the Site shall not face a public right-of-way.
(e) Height increases allowed in the MUDD District will be calculated from external boundary lines of the overall Community.
(f) The Community will have 2 transit stops in locations as may be subject to the reasonable approval of the Planning Department, the *CATS* Transit Director *and the Petitioner*. *Such* transit stops will be incorporated as the adjacent buildings are developed. The transit stops will incorporate a bus shelter (in keeping with the development design and image) and a loading area to accommodate the CATS buses. Specifics of the design of the transit stops will be coordinated and developed with the City Department of Transportation and CATS. The Petitioner shall construct, at its expense, the transit shelters associated with the two transit stops referenced on the Technical Data Sheet. The size of such transit shelters shall be appropriate for the level of bus service contemplated for the Community. Benches, bike racks, and sidewalks are planned to provide connectivity to the residential and commercial areas adjacent to these transit stops. *The Petitioner, the Planning Department and the CATS Transit Director shall cooperate regarding timing of the installation of the transit stops to reflect when CATS and the Community are ready for transit service and when such service is appropriate for development within the Community. In this regard, subject to Petitioner's good faith efforts to cooperate with CATS, it is understood that development taking place on the Site will not be delayed due to delays in transit service or transit service not being available to the Site.*
(g) Any public streets on the Site will be constructed in accordance with Charlotte Department of Transportation Standards and, except with respect to the primary entrance road across from Whitehall Park Drive as shown on the Technical Data Sheet, will be designed to accommodate on-street parking. Final right of way width for all public streets on the Site will be coordinated with the Charlotte Department of Transportation.
(h) The setbacks and yard requirements for the Site shall adhere to the requirements of the MUDD zoning district. Interior setbacks along any public streets on the Site may be reduced per Section 11.405(7) of the Ordinances.
(i) Internal sidewalks from buildings not fronting directly on public streets shall connect to the sidewalks system along public streets to provide connectivity.
(j) Parking shall be provided which will meet or exceed the standards of the Ordinance. Where parking is not located behind buildings, screening shall be provided at the lot line by landscaping or decorative walks or fences. Bicycle parking spaces will be incorporated throughout the development in accordance with the bicycle ordinance.
(k) In mixed use areas, shared parking may be allowed at the discretion of the Zoning Administrator. Parking decks and underground parking will be allowed. *Parking may be phased in such a manner to allow on grade parking in areas abutting the right-of-way and between buildings and the street when structured parking will be added at a later date. Portions of* the decks will be designed with first floor commercial uses *where feasible subject to site and development constraints* and the "deck edge" will be designed in a manner consistent with the Community design and image.
(l) **Except as permitted by the MUDD - Optional provisions set forth in Section 5 below for the I-485 Retail Mixed Use Village,** signage will meet or exceed the requirements as outlined in the Ordinance. Detached signs shall otherwise by subject to review by the Architectural Review Board described below with respect to uniformity of image, materials and character in keeping with the Architectural Standards.
(m) A Master Storm Water Management Concept Plan shall be developed and approved prior to the approval of any construction documents. Storm water runoff from the Site will be managed through a variety of proven techniques which at a minimum satisfy the standards imposed by the Charlotte/Mecklenburg Engineering Dept. No detention ponds will be located within setback or buffer areas. Petitioner agrees to ensure compliance with the SWIM buffer regulations and applicable state and Federal regulations regarding storm water.
(n) Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance. All dumpsters on the Site will be screened with a solid enclosure with gates.
(o) All freestanding lighting fixtures (excluding public streetlights) installed will be uniform in design. Petitioner agrees to install pedestrian scale lighting along internal and external public and private streets shown on the Technical Data Sheet. The maximum height of any freestanding lighting fixture (excluding public street lights), including the base, shall not exceed 30' in the commercial mixed use areas, or exceed 20' in the non-mixed use residential areas and shall be capped for "full cutoff."
(p) The Petitioner agrees to establish an Architectural Review Board to review designs of all buildings proposed for the Community. The architectural standards developed for the Community will address allowed materials and construction systems, signage design requirements, image, masking guidelines, colors allowed, and approved landscaping materials.h

(q) (1) Subject to applicable engineering approvals, Petitioner agrees to construct the following roads to provide access to the Site: (i) the access road at the intersection of Highway 49 across from Whitehall Park Drive as depicted on the Technical Data Sheet to be called Ayrsley Town Boulevard (the "Whitehall Drive Connection") or in the alternative an access road at the intersection of Highway 49 across from Whitehall Park Drive in a location and design acceptable to the Planning Department and Charlotte Department of Transportation (the "Alternative Whitehall Drive Connection"); (ii) the access road connecting the intersection of Cambridge Beltway Drive and Highway 49 with the Site as depicted on the Technical Data Sheet (the "Cambridge Beltway Drive Connection"); (iii) the access road connecting the Site with Westinghouse Boulevard as depicted on the Technical Data Sheet (the "Westinghouse Boulevard Connection"), and (iv) a minimum of two (2) internal access roads connecting the Site to Pioneer Drive with one such access to be located within 500 feet of the Pioneer Drive/Westinghouse Boulevard intersection as depicted on the Technical Data Sheet (the "Pioneer Drive/Westinghouse Connection") and the other such access to be located either in the location shown as Pioneer Connection Alternative A or Pioneer Connection Alternative B as depicted on the Technical Data Sheet (the "Pioneer Drive Alternative Connections; together with the Pioneer Drive/Westinghouse Connection referred to as the "Pioneer Drive Connections"); it being understood that such roadway improvements relate to those specified as the Developer's responsibilities by the Traffic Information Study prepared by Kubilins Transportation Group, Inc. dated as February 28, 2000 (the "2/28/00 TIS"), as supplemented by Executive Summary dated as of March, 2000 (the "3/00 Executive Summary") and as further supplemented by phasing summary letter dated as of December 11, 2001 (the "12/11/01 Phasing Summary" and collectively with the 2/28/00 TIS and the 3/00 Executive Summary referred to as the "TIS"). It is understood that any other roads or streets, not described in items (i) through (iv) above, that provide access to and from the Site or adjoining properties from and to Highway 49, Pioneer Drive or Westinghouse Boulevard shown on any portion of the Site Plan are for illustrative purposes and are not required to be completed as part of this Rezoning Petition.
(2) Reference is made to that certain Schematic Circuitous Parking Scheme set forth as Detail A on the Technical Data Sheet regarding access to that certain parcel located at the intersection of proposed Ayrsley Town Boulevard and Highway 49 (South Tryon Street) (the "South Tryon Corner Parcel"). Petitioner agrees that (i) the point of access from the South Tryon Corner Parcel to Ayrsley Town Boulevard and to the driveway that intersects with Highway 49 (South Tryon Street) across from the existing Petro Express shall be located in substantially the same manner as depicted on Detail A and (ii) the driveway and parking design for the South Tryon Corner Parcel shall ensure a circuitous connection from the access points described in item (i) above to avoid straight line access to and from such access points. It is understood that the driveway/parking areas and building locations shown on Detail A are an example of an acceptable circuitous design as described above, but the exact details of configuration, placement and size of the driveway/parking areas and buildings on the South Tryon Corner Parcel shall be established during design, development and construction phases. Without limiting the foregoing, the South Tryon Corner Parcel may be developed for a single user or multiple users in a single building or multiple buildings provided that the access points and circuitous driveway/parking areas requirements described above are satisfied in a manner reasonably acceptable to CDOT.
Except as set forth below in this paragraph, the Community shall be developed in certain phases tied to the completion of certain roadway improvements as described below such that no final certificates of occupancy will be issued with respect to improvements to be located within the I-485 Retail Mixed Use Village, the Office Mixed Use Village and the Residential Mixed Use Village unless and until the roadway improvements described below in items I.A., I.B., II. and IV. have been completed in connection with the following described development in the specified amounts (together with associated parking and accessory uses):

I.A. Phase IA. Improvements: completion of the on-site improvements to provide a connection from the Site to Whitehall Park Drive as shown in Figure C to the 12/11/01 Phasing Summary will permit the following development:
- 75,000 square feet of retail space, plus
- 50,000 square feet of office space, plus
- 350 residential dwelling units.

I.B. Phase IB. Improvements: completion of (i) the improvements described in item I.A. above, (ii) an additional southbound left-turn lane on Highway 49 at Whitehall Park Drive into the Site, (iii) an additional northbound through-lane on Highway 49 from Ayrsley Town Boulevard to I-485, and (iv) remarking of the existing pavement on Whitehall Park Drive to provide an exclusive left-turn lane (to the extent feasible within existing pavement width), all as shown in Figure D to the 12/11/01 Phasing Summary, will permit the following development in addition to the development permitted in item I.A. above (which when combined with development permitted in item I.A. above will result in permitted development for all Phase I.A. and I.B. Improvements as shown in the [ ] below):
- 140,000 square feet of retail space [for total Phase I.A. and I.B.], plus
- 225,000 square feet of office space [for total Phase I.A. and I.B.], plus
- 200 hotel rooms [for total Phase I.A. and I.B.], plus
- Residential units of 400 ***for Phase IA and IB.***

II. Phase II Improvements: completion of (i) the improvements described in items I.A. and I.B. above, (ii) a *right-in/right*-out connection to Highway 49 at the Cambridge Beltway Drive Connection (i.e., south of the full access location at Whitehall Park Drive) as shown as Access "B" on Figure E to the 12/11/01 Phasing Summary), and (iii) the improvements associated with either the Pioneer Drive Alternative A Connection or the Pioneer Drive Alternative B Connection as shown on Figure E to the 12/11/01 Phasing Summary will permit the following development in addition to the development permitted by items I.A. and I.B. above:
- An amount of additional retail, office and residential development, which when added to the development completed in connection with the Phase I.A. and I.B. Improvements described in items I.A. and I.B. above, would result in entering and exiting traffic to and from the Site in amounts not to exceed the Entering Traffic Threshold of 990 and the Exiting Traffic Threshold of 980 based on the following formula:

- Entering Traffic Threshold
[(____,000 square feet of Office) x .22] +
[(____,000 square feet of Retail) x 1.77] +
[(____ Residential Units x .69] shall result in an Entering Traffic Threshold of < 990; and
- Exiting Traffic Threshold
[(____,000 square feet of Office) x 1.08] +
[(____,000 square feet of Retail) x 1.91] +
[(____ Residential Units x .23] shall result in an Exiting Traffic Threshold of < 980.

εω• In addition to the development in the immediately preceding bullet (), 65,000 square feet of theatre space and ~~an additional 225 hotel rooms (for full buildout of 425 hotel rooms) may be permitted;~~
the developer wishes to convert 20,500 square feet of theater space as follows:
12,500 square feet theater space converted to 125 hotel rooms as per section 4 (b) (ii)
8,000 square feet theater space converted to 8,000 square feet of office space as per section 4 (b) (iii) (y)
; provided, however, ~~it is understood that a minimum of 300 residential units must be developed prior to or~~ contemporaneously with the development described in this Phase II *and shall include residential units permitted pursuant to Petition #2004-______* ***,143,*** said development to be evidenced by certificates of occupancy for the buildings (but not individual units) required to provide such units.

III. Phase III Improvements: completion of (i) the improvements described in items I.A., I.B. and II. above, (ii) the addition of a northbound right-turn lane on Highway 49 into the Site as shown on Figure F to the 12/11/01 Phasing Summary, and (iii) the improvements to the I-485 ramps as shown in Figure F to the 12/11/01 Phasing Summary, will permit the following development in addition to the development permitted by items I.A., I.B., and II. above:
- An amount of additional retail, office and residential development, which when added to the development completed in connection with the Phase I.A., I.B. and II. Improvements described in items I.A., I.B. and II above, would result in entering and exiting traffic to and from the Site in amounts not to exceed the Entering Traffic Threshold of 1,510 and the Exiting Traffic Threshold of 1,750 based on the following formula:

- Entering Traffic Threshold
[(____,000 square feet of Office) x .22] +
[(____,000 square feet of Retail) x 1.77] +
[(____ Residential Units x .69] shall result in an Entering Traffic Threshold of < 1,510; and
- Exiting Traffic Threshold
[(____,000 square feet of Office) x 1.08] +
[(____,000 square feet of Retail) x 1.91] +
[(____ Residential Units x .23] shall result in an Exiting Traffic Threshold of < 1,750;

provided, however, it is understood that a minimum of *600* residential units must be developed prior to or contemporaneously with the development described in this Phase III, said development to be evidenced by the issuance of certificates of occupancy for the buildings (but not individual units) required to provide for such units.

IV. Phase IV: The balance of the development permitted by this Technical Data Sheet shall be permitted after completion of the improvements described in Items I.A., I.B., II and III above without any further roadway improvements.
In connection with each request for a building permit and upon completion of construction of buildings associated with the permitted development described in items I.A., I.B., II and III above, the Petitioner shall submit to CDOT a summary setting forth the square footage amounts of the development by type completed on the Site, the square footage amounts of the development by type for which the Petitioner is requesting a building permit, and the calculations of the Entering Traffic Threshold and the Exiting Traffic Threshold resulting from the existing and the proposed development, in order to ensure compliance with the above-referenced phasing requirements. CDOT shall communicate to the Petitioner and applicable representatives of Mecklenburg County Building Standards Department, CDOT's acceptance or rejection of the accounting summary and the resulting compliance or lack of compliance with the Entering Traffic Threshold and the Exiting Traffic Threshold promptly upon receipt by CDOT of all such information reasonably necessary to verify such compliance.
For the purposes of the calculations of the permitted development described above, the amount of permitted development set forth for a specific use may be increased above the amounts shown to the extent that the amount of actual development for other uses is less than the amounts shown, in accordance with the following conversion ratios: office square footage may be substituted for unused hotel rooms at the rate of one room for 1,250 square feet of office space; office square footage may be substituted for unused retail or theatre square footage at the rate of 1 square foot to 1 square foot; retail square footage may be substituted for unused office square footage at the rate of 1 square foot to 1 square foot; retail square footage may be substituted for unused hotel rooms at the rate of 1 room for 300 square feet; residential dwelling units may be substituted for office or retail space at the rate of 1 unit for 1,250 square feet; and residential units may be substituted for hotel square footage at the rate of 1 unit for 1 room.
(2) It is understood that certain roadway improvements associated with the Whitehall Drive Connection located across N.C. Highway 49 from the Site including, without limitation the eastbound right turn lane on Whitehall Park Drive, may not be accommodated by the existing right-of-way of Whitehall Park Drive. If the roadway improvements to Whitehall Park Drive located across N.C. Highway 49 from the Site cannot be located within the existing right-of-way of Whitehall Park Drive, the Charlotte Department of Transportation shall cooperate, at no out-of-pocket expense to the City, with the Petitioner in connection with an easement or acquisition of such portion of the adjacent private property (including the exercise of eminent domain) as may be necessary to ensure completion of such roadway improvements. The Petitioner agrees to exercise reasonable efforts to obtain an easement or other agreement from the applicable property owner to permit the completion of the Whitehall Park Drive improvements located across N.C. Highway 49 from the Site. If the Petitioner is unable to do so after the exercise of reasonable efforts or the Petitioner or CDOT encounters delays in the acquisition of any needed right-of-way for such improvements, the Petitioner shall be entitled to implement minor adjustments in the design of the Whitehall Park Drive Improvements, subject to the reasonable approval of CDOT, in connection with the development and occupancy of the development permitted in Phases I.A., I.B. and II as described in items I.A., I.B. and II. above in Section 4(q)(4) above.
(3) No building permits will be issued with respect to improvements to be located within the I-485 Retail Mixed Use Village until the on-site portion of the Whitehall Drive Connection or the Alternative Whitehall Drive Connection has been offered for dedication.
(4) The Petitioner agrees to (i) bear any costs associated with modifications to the traffic signal at the Whitehall Drive Connection and (ii) share up to one-half (1/2) of the costs associated with installation of a traffic signal at the Pioneer Drive/Westinghouse Boulevard intersection (provided that the Petitioner's share of such cost shall not exceed $20,000).
(5) It is understood that the NCDOT has expressed a willingness to include certain roadway improvements, described above and in the TIS as the Petitioner's responsibility, as part of the NCDOT's planned improvements to NC Highway 49. Accordingly, certain of the roadway improvements listed as the Petitioner's responsibility herein and in the TIS may be undertaken by the NCDOT; provided, however, this shall not eliminate the responsibility of the Petitioner to complete the improvements contemplated herein or in the TIS as the Petitioner's responsibility if the NCDOT fails to complete the same.
o(a) Future amendments to the Technical Data Sheet (including the Technical Data Sheet Notes) involving any portion of the Community may be applied for by the then owner or owners of the parcel or parcels involved in accordance with Chapter 6 of the Ordinance.h
(b) The development plan established under the Technical Data Sheet (including the Technical Data Sheet Notes) shall, unless amended in the manner provided herein, be binding upon and inure to the benefit of the Petitioner and each of the owners of any portion of the Site, and their respective heirs, executors, personal representatives, successors in interest and assigns.
(c) Upon application for building permits, the following requirements will be met:
- *Except as set forth in the MUDD-Optional provisions of Section 5 below, development* must conform to the Charlotte Subdivision Regulations, Chapter 20 of the City Code.
- Standard 2'-6" curb and gutter, associated storm drainage and 4-foot sidewalk along property frontage on Pioneer Avenue and 5-foot sidewalk on South Tryon Street.
- Stormwater detention facilities in accordance with Drainage Detention Ordinance, a portion of Appendix A of the City Code.
- Grading permit in accordance with Chapter 18 of the City Code.
- Driveway permits in accordance with Chapter 18 of the City Code.
- Development must conform to the Surface Water Improvement Management Plan (SWIM) and Stream Buffer Implementation Guidelines of November 1999.
- Encroachment agreement for improvements within the South Tryon Street right of way, a North Carolina Department of Transportation maintained roadway.
- Site will comply with Chapter 21 Section 45 of the Charlotte City Code. Trees 8 inches diameter breast height that are located in the setback will be shown on the grading and/or site plan with tree protection details and notes. These trees cannot be removed without a permit from the Urban Forestry Staff.
- Site will comply with Chapter 21 of the Charlotte City Code. The plans should include a note "Proposed planting shown in conceptual only and will be subject to change on actual site conditions and Urban Forestry Staff approval."
- The number and types of trees required for this Site will be determined by the Urban Forestry Staff during landscape plan review.
- Existing trees that are damaged or impacted by construction may require mitigation and/or monetary fines.

Section 5. MUDD - Optional Provisions
The Petitioner is requesting a variation from certain MUDD standards as a part of this MUDD (Optional) application for the I-485 Retail Mixed Use Village. These Optional variations are as follows:
(a) **Building/Parking Locations.** As set forth on the Technical Data Sheet with respect to the intended building edges to be located on the Site, it is contemplated that the Development shall comply in all material respects with the provisions of Section 9.8507(2) of the Ordinance regarding the prohibition of surface parking or maneuvering space within any required setback, or between the permitted use and the required setback *(subject to the provisions of Section 4(e) above)*. It is acknowledged, however, that given the size and scope of the Development and the need to permit some flexibility in building/parking design, Petitioner may on a case by case basis prior to the issuance of a building permit for a specific building site within the Community seek the approval of the Planning Staff with respect to limited exceptions to the requirements of Section 9.8507(2). These exceptions may be granted by the Planning Staff based upon a determination that the exception to be granted will not materially alter the new urbanism pedestrian friendly design features contemplated by the Technical Data Sheet and the Preliminary Architectural Standards.
(b) **Detached Signage.** A coordinated and well-designed signage system will be developed for the I-485 Retail Mixed Use Village and the Office Mixed Use Village. In addition, as described below, the MUDD signage provisions may be modified for the I-485 Retail Mixed Use Village to allow a vibrant, exciting signage system that identifies the I-485 Retail Mixed Use Village and the tenants within the building located thereon as a signature retail/entertainment venue and creates a sense of place. The size and number of attached and detached signs in the I-485 Retail Mixed Use Village shall be limited to that area shown on Sheet A-1 and as modified by the Planned Development Flexibility Option in Section 13.110(2). In addition, the following standards shall apply to detached signage within the I-485 Retail Mixed Use Village:

(i) a ground mounted sign designated as sign "A" formerly located along Ayrsley Town Boulevard shall be permitted along Westinghouse Boulevard, but shall not exceed 30 feet in height;

(ii) the ground mounted sign shown in location "C" shall not exceed 30 feet in height;

(iii) the ground mounted signs shown in location "B" currently in place is permitted and shall not exceed 30 feet in height. (This note for informational purposes only)

(iv) the ground mounted signs designated as signs "D" and "E" along Pioneer Avenue are permitted but shall not exceed 30 feet in height; and

(v) ground mounded sign "F" and "G" along I-485 and Highway 49 are permitted and shall not exceed 30' in height.

(c) **Attached Signage for I-485 Retail Mixed Use Village: Entertainment Signage District. (See Technical Data Sheet A-1):** The MUDD signage provisions may be modified for the **Entertainment Signage District portion of** I-485 Retail Mixed Use Village **as follows** to allow a vibrant, exciting signage system that identifies the **Entertainment Signage District portion of** I-485 Retail Mixed Use Village and the tenants within the building located thereon as a signature retail/entertainment venue and creates a sense of place. All signage associated with the **Entertainment Signage District portion of** I-485 Retail Mixed Use Village shall conform to Section 13.108a. of the Ordinance with the exception of the following *Optional* variations:

Overcash ◦ Demmitt *Architects*

2010 south tryon street suite 1a
charlotte north carolina 28203
voice • 704.332.1615
fax • 704.332.0117
web • www.odarch.com

NEW FORUM

Ayrsley

New Urban Mixed Use Community

2008 - 076

CHARLOTTE, NORTH CAROLINA
ATTACHED TO ADMINISTRATIVE APPROVAL
DATED: 1/19/11 [signature]
BY: DEBRA D. CAMPBELL

REZONING SUBMITTAL	:	02/21/08
REZONING SUBMITTAL	:	04/21/08
REZONING SUBMITTAL	:	07/18/08
REZONING SUBMITTAL	:	11/14/08
ADMIN. APPROVAL	:	12/09/10
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FOR PUBLIC HEARING
PETITION NUMBER
2008 - xxx

A-2

01 REZONING TECHNICAL DATA NOTES

NONE

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ODA No. 991362 CADD File: 1362_A-2.dwg

Fortune, Solomon A

From:	Keplinger, Tammie W.
Sent:	Thursday, January 13, 2011 10:26 AM
To:	Fortune, Solomon A
Subject:	FW: Ayrsley Built space - Hotel and Movie Theater

Tammie

(704)336-5967
tkeplinger@ci.charlotte.nc.us

From: Gene Bodycott [mailto:gbodycott@newforum.net]
Sent: Thursday, January 13, 2011 10:04 AM
To: Keplinger, Tammie W.
Subject: Ayrsley Built space - Hotel and Movie Theater

Tammie, The existing built sizes for Hotel and Movie Theater at Ayrsley are as follows:

Hotel – 120 rooms
Movie Theater – 44, 600 square feet.

Gene Bodycott
New Forum, Inc.
Executive VP-Sales/Broker-In-Charge
2127 Ayrsley Town Boulevard, Suite 201
Charlotte, NC 28273
704-731-5518 direct
704-631-4750 fax
gbodycott@newforum.net

NEW FORUM

1

CHARLOTTE - MECKLENBURG
PLANNING COMMISSION
INTER - OFFICE COMMUNICATION

DATE: January 19, 2011

TO: Mark Fowler
Zoning Supervisor

FROM: Debra Campbell
Planning Director

SUBJECT: Administrative Approval for Petition No. 2007-021, BX Holdings.

Attached is a revised plan for the above petition. The plan has been revised to convert 20,500 square feet of Theater space to Office space and Hotel Rooms. A square footage increase of 100 square feet per Section 6.207creating an overall total of 20,500 square feet to convert to office space and hotel rooms. Since 44,600 square feet was used to build a theater originally, a reminder of 20,400 square feet was left. Since this change does not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

Note all other ordinance requirements still apply.

Note: the total 65,000 Square feet for Theater space has been used for this petition and site.