

FY2007 –
 Petition #: 2007-082
 Date Originally Filed: 03/26/07
 Date Amended: _____
 Received By: _____

AMENDED
REZONING APPLICATION
CITY OF CHARLOTTE

Complete all fields –

Property Owner: P & L Coliseum LP and City of Charlotte

Owner's Address: See Exhibit A Attached City, State, Zip: Charlotte, NC

See Exhibit A

Date Property Acquired: Attached Utilities Provided: (Water) CMUD (Sewer) CMUD
(CMUD, Private, Other) (CMUD, Private, Other)

LOCATION OF PROPERTY (Address or Description): Approximately 170.2697 acres located between Tyvola Road and Billy Graham Parkway

Tax Parcel Number(s): 143-131-08, 143-141-07, 143-141-06 and 143-133-01

Current Land Use: Site of the old Charlotte Coliseum, single family and vacant

Size (Sq.Ft. or Acres): Approximately 170.2697 acres

Parcel 143-131-08 Existing Zoning: MUDD-O, O-1(CD) & R-4 Proposed Zoning: MUDD-O & MUDD-O S.P.A.

Parcel 143-141-07 & 143-141-06 Existing Zoning: O-15(CD) Proposed Zoning: MUDD-O

Parcel 143-133-01 Existing Zoning: R-4 Proposed Zoning: MUDD-O

AMENDED REQUEST DETAILS:

Purposes: 1) Original Request: The purpose of the original rezoning request is to accommodate redevelopment of the Site formerly occupied by the Charlotte Coliseum into a village like mixed use development consisting of a town square with retail shops, offices, apartments, condominiums and single family residences encircled by walking and mountain biking trails. 2) Amended Request: The purpose of this amended request is to note that if this Rezoning Petition is approved, the Petitioner seeks a five (5) year vested right to undertake and complete the development and use of the property under the terms and conditions as so approved.

Bailey Patrick, Jr. and Jeff Brown
 Kennedy Covington Lobdell & Hickman, L.L.P
Name of Agent

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 Agent's Address

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 City, State, Zip

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 Telephone Number Fax Number

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See Attached Joinder
 Signature of Property Owner if other than Petitioner

Pope & Land Enterprises, Inc.
 c/o Mason Zimmerman
Name of Petitioner(s)

3225 Cumberland Boulevard, Suite 400
 Address of Petitioner(s)

Atlanta, GA 30339-3397
 City, State, Zip

(678) 589-7626 (770) 984-8630
 Telephone Number Fax Number

hmzimmer@popeandland.com
 E-Mail Address

Pope & Land Enterprises, Inc.
 By: 
 Signature
 Title: Senior Vice President

REZONING PETITION NO. 2007- 082

DEVELOPMENT STANDARDS

CITY PARK

APRIL 24, 2007

1. General Provisions

These Development Standards form a part of the Technical Data Sheet (Sheet RZ-1) associated with the Rezoning Petition filed by the Petitioner to accommodate redevelopment of the 170 ± acre Site occupied by the old Charlotte Coliseum which lies between on Tyvola Road and Yorkmont Road and is more particularly described on the Technical Data Sheet (the "Site").

Development of the Site will be governed by the Technical Data Sheet, the accompanying Exhibits, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").

Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the MUDD Zoning District shall govern all development taking place on the Site.

Inasmuch as planning for the proposed redevelopment of the Site has not yet advanced beyond the formative stage, the ultimate layouts of the development proposed, the exact alignments of streets, points of access, the configurations and placements of parking areas and the heights and masses of buildings have not yet been determined. As a consequence, the configurations, placements and sizes of the buildings and parking areas depicted on Conceptual Site Plan (Sheet RZ-3) are schematic in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified during design development and construction document phases so long as the maximum parking and building envelope lines established on the Technical Data Sheet (Sheet RZ-1) are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the MUDD District.

However, it is the Petitioner's intent to illustrate the type and quality which it intends to achieve in developing this Site by the Graphic which accompanies the Technical Data Sheet (Sheet RZ-1) as Exhibit 1 that has as its viewpoint or point of reference the view a motorist entering City Park Town Square from Tyvola Road would have of development within the Site along either side of Paul Buck Avenue as the motorist continued traveling in a northerly direction.

2. Requirements for Removing Public Art Piece

There is currently in place in front of the Charlotte Coliseum a Maya Lin public art piece featuring nine holly shrubs sculpted to give the appearance of rolling balls. The contract which the City of Charlotte entered into with its artist reserved a right on the part of the City to remove this art piece, provided certain terms and conditions were satisfied. A copy of this contract is on file in the Office of the City Manager of the City of Charlotte.

While the owner or owners of that portion of this Site involved may remove this piece of art, they may only do so after having fully complied with all of the terms and conditions set forth in the Maya Lin contract.

3. Permitted Uses

The Site may be devoted to one or more commercial, restaurant, hotel, retail and residential uses (and any incidental or accessory uses associated therewith) which are permitted under the Ordinance by right or under prescribed conditions in the MUDD Zoning District.

* * * *

The building currently situated behind the Coliseum building which was formerly occupied by the Charlotte Hornets may be renovated, reused or replaced with new development.

* * * *

4. Maximum Development

The maximum development which may take place on the Site shall be as follows:

Up to 200,000 square feet of retail development;

Up to two hotels containing, in the aggregate, no more than 350 rooms;

Up to 400,000 square feet of commercial (office) development, and

Up to 2,500 attached, multi-family or detached single-family dwelling units (and any incidental or accessory uses associated therewith).

Areas devoted to outdoor dining, courtyards and plazas are not included in the square footage amounts noted above.

5. Setbacks, Side Yards and Rear Yards

Except as may otherwise be provided herein, all buildings be constructed on the Site shall, at a minimum, satisfy the requirements of the MUDD District.

The developer may subdivide the Site and create lots within the interiors of the parcels with no side or rear yards as part of a unified development plan.

5. MUDD-Optional Provisions

This Petition proposes utilization of the MUDD-O provisions to accommodate the following variances:

- Location of parking and vehicular circulation areas and location and size of buildings, including a variance that would allow surface level off street parking and maneuvering space within areas that abut a public street and are located to the side or rear of any building fronting the public street;
- Enclosed, sheltered and unenclosed urban spaces and plazas;
- Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
- Urban open space, trees, street trees and other plantings, including types, placement and maintenance system;
- Paving systems used on private plazas and walkways;
- Signs, banners, flags and pennants to be used

6. Grandfather Provisions

During the various phases of the redevelopment process, it is the intention of the Petitioner to retain and preserve any and all grandfathering rights under the Ordinance with respect to all structures, streets, sidewalks, parking areas, and other improvements currently in place on the Site (including the sidewalks in place along Paul Buck Boulevard and Tyvola Road) which are not removed or renovated to accommodate the particular associated redevelopment phase.

7. Vehicular Access/Roadway Improvements

Vehicular access to Tyvola Road and Yorkmont Road shall be as generally depicted on the Technical Data Sheet. An alternative configuration for vehicular access to Yorkmont Road and/or the Billy Graham Parkway as generally depicted on the Technical Data Sheet may be provided in the event the owner or others are able to acquire such rights as may be necessary to accommodate this connection and the alternative configuration is

approved by the Charlotte Department of Transportation and the North Carolina Department of Transportation.

The placements and configurations of these access points and the public streets within the Site are subject to any minor 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.

That part of the internal public street system linking Tyvola Road to Yorkmont Road as identified on the Technical Data Sheet shall be constructed to the standards established for each such road on the Technical Data Sheet.

8. Connectivity

Pedestrian and vehicular connectivity will be enhanced by the proposed Loop at City Park, a 3 mile hard surface trail system that will encircle the Site, the general alignment of which is more particularly depicted on the Technical Data Sheet (Sheet RZ-1) and designated as the proposed loop pedestrian trail system.

It is to be noted that portions of this trail system run through adjoining properties so as to provide better pedestrian/bicyclists linkage to:

- Lake Pointe Office Park;
- Coliseum Center Office Park;
- Lake Pointe Corporate Center;
- Parkway Plaza Office Park;
- 500 hotel rooms
- The future Greenway Trail;
- Billy Graham Evangelistic Association Library and Headquarters;
- The Farmer's Market;
- Renaissance Park; and
- Renaissance Golf Club

9. Additional Transportation Commitments

(Inasmuch as the Petitioner's Traffic Study had not been completed at the time of filing, this Section 9 is being reserved for additional Transportation Commitments once this Traffic Study has been completed and the mitigation requirements identified).

10. Transit

Prior to the issuance of certificates of occupancy for more than 100,000 square feet of retail space, the owner or owners involved shall provide at its or their expense the following transit improvements (and shall dedicate and convey to the Charlotte Area Transit System ("CATS") easements to accommodate the same):

- Two pull off type transit stop areas within the Site that will accommodate up to two buses each. The owner shall seek from CATS comments on the design(s) and timing of the construction of these bus stop facilities and give consideration to any such comments prior to making final decisions with regard thereto.
- Bus shelters at each of these bus stops which shall be constructed in accordance with existing CATS prototype designs or, subject to prior approval by CATS, in accordance with an individual design or designs.

The transit stop areas and bus shelters described in this Section shall be completed and available for use prior to the issuance of building permits for retail space totaling, in the aggregate, more than 100,000 square feet.

The form and content of each of the easements described above shall be mutually satisfactory with counsel for CATS and counsel for the owner or owners involved.

11. Design and Performance Standards

- Except as otherwise provided under Section 5 above, all buildings constructed on this Site shall conform to the MUDD design standards outlined in Section 9.8506 of the Ordinance.
- Surface level off-street parking shall not be located between buildings fronting on public streets and the public streets on which the buildings front. However, parking may be located to the side and/or rear of buildings located along the public streets.
- Any lighting attached to a rear exterior building wall facing a residential component shall be capped and downwardly directed.
- Pedestrian scale lighting will be provided along the public and private streets.
- Dumpster areas will be enclosed on all four sides by an 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.
- Internal areas of the Site shall be landscaped in accordance with the requirements of the Ordinance.
- All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
- All other screening and landscaping shall conform to the standards of the Ordinance.
- Except as otherwise provided under Section 5 and Section 6 above, the streetscape treatment along any public street frontage will meet or exceed the standards of the Ordinance and include large maturing trees, supplemental shrubbery, sidewalks of at

least six feet in width and planting strips of at least 8 feet in width. Sidewalks may meander to preserve existing trees.

- Off-street parking may be provided either through surface lots or through parking structures.

12. Signs

- Except as otherwise provided under Section 5, all signs placed on the Site will be erected in accordance with the requirements of the MUDD District.
- A uniform signage and graphic system will be employed throughout the Site.

13. Parking

Except as otherwise provided under Section 5, off street parking and loading will meet the standards established under the Ordinance.

14. Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.

15. Water Quality Protection Measures

SWIM buffers shall be provided as required by the Ordinance and as generally depicted on the Technical Data Sheet (Sheet RZ-1).

Storm water runoff will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte regulations and the Charlotte Mecklenburg Storm Water Design Manual. The detention shall tie-in to the existing storm water system(s). The developer 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 developer 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 the Site, the developer shall provide adequate detention to ensure that the system will not be additionally overburdened.

The following agencies will be contacted prior to construction regarding wetland and water quality permits, if applicable:

Section 401 Permit NCDEHNR-Raleigh Office
Section 404 Permit US Army Corps of Engineers

16. Buffers

Buffer areas will be provided in accordance with the requirements of the Ordinance.

17. 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 particular Parcel or (subparcel) within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

18. Binding Effect of the Rezoning Documents and Definitions

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet and the Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective successors in interest and assigns.

Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of any part the Site from time to time who may be involved in any future development thereof.

19. Vested Rights Provision

If this Rezoning Petition is approved by the Charlotte City Council then, pursuant to Section 1.110 of the Ordinance, the Petitioner hereby requests a five-year vested right to undertake and complete the development of this Site under the terms and conditions as so approved, commencing upon approval of this Rezoning Petition by the Charlotte City Council. The Petitioner makes this request for a five-year vested right due to the size and phasing of the proposed development, market conditions and the level of investment involved.