

Cole Jenest & Stone
Shaping the Environment
Realizing the Possibilities
Land Planning
Landscape Architecture
Civil Engineering
Urban Design

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770.374.5554 • 770.374.7851 • www.colejenest.com
Bank of America

**Bank of America
College Street
Rezoning**

**Technical
Data Sheet 1
Petition #: 2007-107**

**Project No.
3700
Issued
06/14/07**

**Revised
07/27/07 - PER OWNER & CMPC COMMENTS
08/16/07 - PER CMPC COMMENTS**

SCALE: 1" = 30'
0 15 30 60

RZ1.0

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FOR PUBLIC HEARING

REZONING SUMMARY

REZONING SITE AREA: 5.6 AC
EXISTING ZONING: UMUD and UMUD-O
PROPOSED ZONING: UMUD-O
PETITIONER: Lincoln Harris, LLC.
4201 Congress St.,
Suite 175
Charlotte, NC 28209
OWNER: Bank of America, N.A.
101 S. Tryon St.
Charlotte, NC 28255

DEVELOPMENT STANDARDS

UMUD-OPTIONAL
(July 25, 2007)
A. General Provisions
These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Lincoln Harris Company, as Petitioner, to accommodate certain improvements to that certain approximately 3.2 acre parcel located at 100 N. College Street (Tax Parcel #090-03-03, the "College Street Site") and to that certain approximately 2.4 acre parcel located at 100 N. Tryon Street (Tax Parcel #090-01-03, the "Tryon Street Site"), all as more particularly described on the Technical Data Sheet (together the College Street Site and the Tryon Street Site are referred to as "the Site"). Reference is made to that certain UMUD-O Petition #89-14 regarding the Tryon Street Site, among other property, approved by Charlotte City Council on February 27, 1989 ("Petition #89-14"). It is understood that the UMUD-O Petition shall be in addition to and not in lieu of Petition #89-14; provided, however, any conflict between the provisions and requirements of this UMUD-O Petition and Petition #89-14 shall be resolved in favor of this UMUD-O Petition. The Petitioner seeks to obtain variations from the minimum standards of the UMUD section of the City of Charlotte Zoning Ordinance to accommodate development of certain improvements on College and Trade Street in Charlotte, North Carolina as generally depicted on this Rezoning Plan (as defined below). This Petition contemplates construction of certain building and streetscape improvements that will encroach into the College Street setback, and modifications to the urban open space. The specific UMUD-O provisions are listed below.

The development contemplated by the Petitioner generally depicted on the Technical Data Sheet is referenced herein as "Development Alternative A". Petitioner seeks certain variation(s) from the minimum standards of UMUD for the Site in connection with "Development Alternative A". Other development alternatives for the Site that do not seek variation(s) from the minimum UMUD standards (beyond those variations allowed in Petition #89-14) are permitted.
Development of the Site in accordance with Development Alternative A will be governed by the Technical Data Sheet and these Development Standards (collectively the "Rezoning Plan") together with applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance") and as to the Tryon Street Site the provisions and plans associated with Petition #89-14 (when not in conflict with this Petition). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the UMUD zoning classification shall govern all development taking place on the Site, subject, however, to the "Optional" provisions with respect to Development Alternative A. Development of the Site in accordance with the Other Development Alternatives (as described in Section D below) will be governed by the regulations established under the Ordinance for the UMUD zoning classification without regard to the "Optional" provision(s) set forth herein but as to the Tryon Street Site subject to the "Optional" provision(s) set forth in Petition #89-14.

B. Permitted Uses
The Site may be devoted to any uses (including any accessory uses) permitted in the UMUD Zoning Classification. Development and/or redevelopment may occur in phases over an extended time frame.

C. UMUD-Optional Provisions
The Petitioner is requesting the following variations from the UMUD minimum standards as part of this UMUD-Optional (UMUD-O) application in connection with Development Alternative A as generally depicted on the Rezoning Plan:
1. **Overhead Pedestrian Bridge Encroachments.**

- (a) The encroachment of certain overhead pedestrian connection improvements into the College Street setback in the manner as generally depicted on the Rezoning Plan.
- (b) The encroachment of certain structural columns to support the proposed overhead pedestrian connection within the College Street setback in the manner as generally depicted on the Rezoning Plan.
- 2. **Winter Garden Encroachments.**
(a) Encroachment into the College Street setback of an extension of the winter garden area located on the College Street Parcel within the limits of the overhead pedestrian connection in the manner as generally depicted on the Rezoning Plan.
- 3. **Founders Hall and Facade Improvements.**
(a) Encroachment of a new building facade (associated with the proposed renovation of the existing Founders Hall building) into the College Street setback in the manner as generally depicted on the Rezoning Plan.
- 4. **Urban Open Space.**
(a) Modifications to the urban open space requirements of Section 9.906(4) of the Ordinance by means of an innovative open space area that may exceed the 30% enclosed space requirement and substitute sculpted plant material in planters in lieu of trees for this area. The area shall be designed substantially in the manner and contain the features set forth on Sheet RZ1.0 of the Rezoning Plan; provided, however, Petitioner also reserves the right to specific features associated with the Urban Open Space may be varied with the approval of the Planning Director.

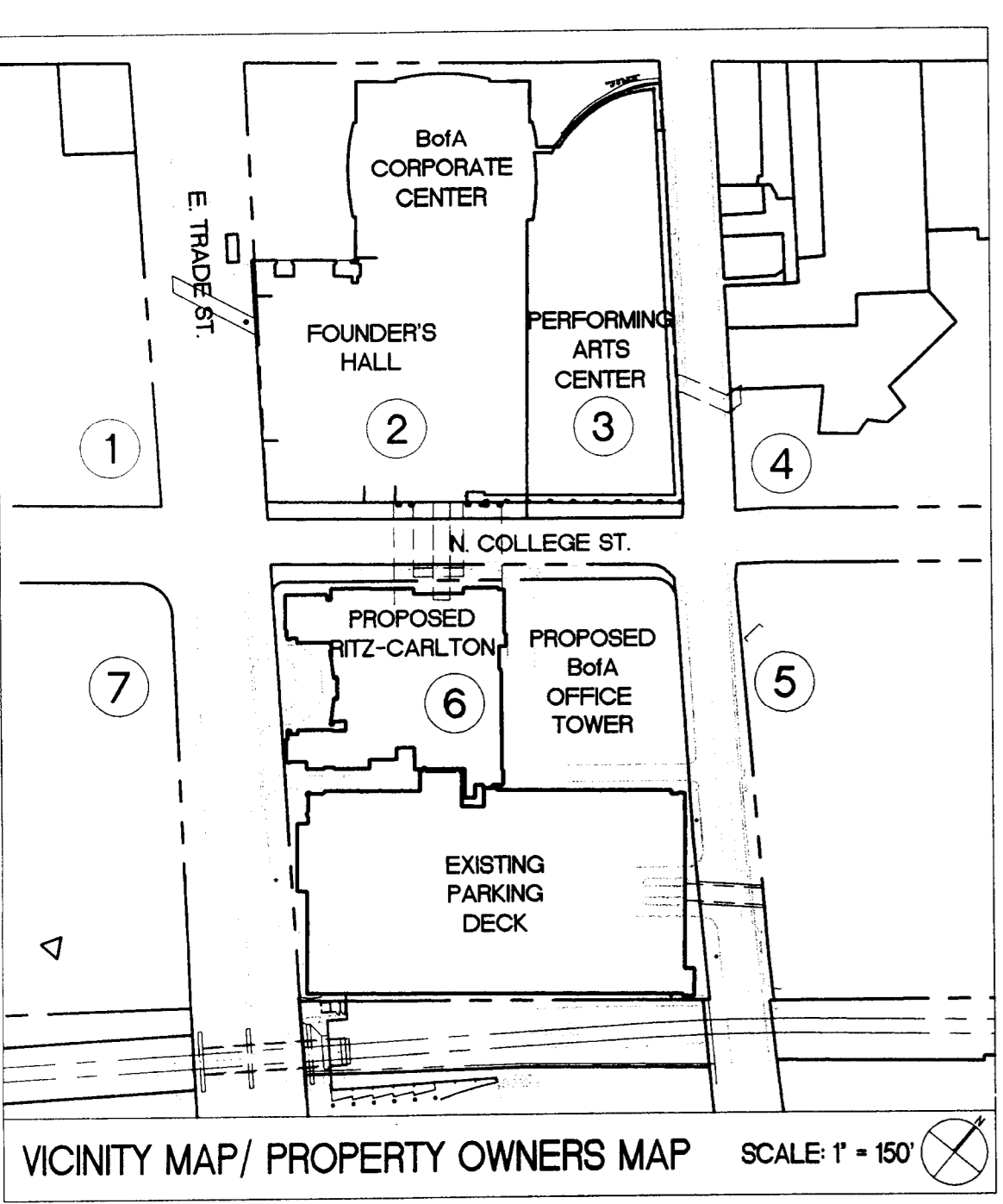
D. Other Development Alternatives Under UMUD Without Optional Variations
It is understood that the variation(s) from the UMUD minimum standards requested by this Petition are optional in nature and relate solely to development contemplated in connection with Development Alternative A. This Petition also contemplates development of the Site, and/or portions thereof, without the benefit of the Optional provision(s), in accordance with UMUD requirements and minimum standards and as to the Tryon Street Site the "Optional" provisions set forth in Petition #89-14. In other words, the Petitioner, its successors and assigns, reserves the right to develop the Site, and/or portions thereof, in a manner wholly different from the development depicted on the Technical Data Sheet and Schematic Site Plan (collectively, "Other Development Alternatives") without the benefit of the Optional provision(s) set forth in this Petition (but, as to the Tryon Street Site, with the benefit of the "Optional" provisions set forth in Petition #89-14), provided that Other Development Alternatives are in accordance with UMUD requirements and minimum standards.

E. Amendments to Rezoning Plan - UMUD Review
(a) Subject to the provisions of Section D above, future amendments to the Technical Data Sheet, the Conceptual Schematic Plan and these Development Standards in accordance with Development Alternative A may be applied for by the then Owner or Owners of the tract or tracts within the Site involved in accordance with the provisions of Chapter 5 of the Ordinance.
(b) The final dimensions, materials, and articulation of the building structures and facades associated with Development Alternative A will be reviewed and approved by the Charlotte-Mecklenburg Planning Department, Charlotte Department of Transportation, City of Charlotte Land Development and other departments as a part of the UMUD plan review submitted process.

F. Binding Effect of the Rezoning Documents and Definitions
If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under this Technical Data Sheet in accordance with Development Alternative A will, unless amended in the manner provided under the Ordinance and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

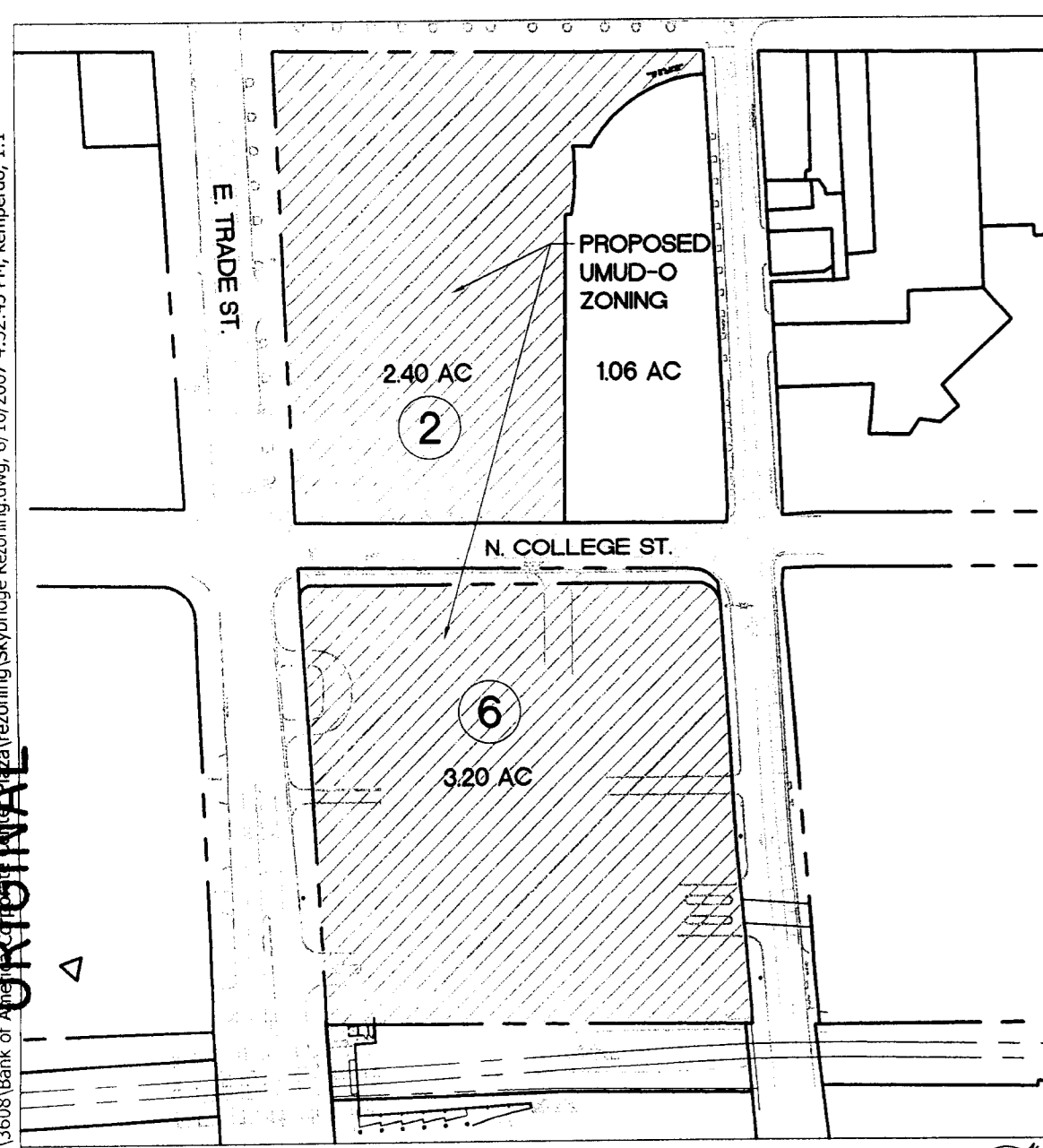
Throughout these Development Standards, the terms, "Petitioner" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future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

G. Statement With Respect To The Graphics Which Are Set Forth On Exhibits Accompanying The Technical Data Sheet for Development Alternative A
The graphic representations set forth on this Rezoning Plan are intended to describe the conceptual plans proposed for development in accordance with Development Alternative A. However, it should be noted that such plans are schematic in nature and relate only to development in accordance with Development Alternative A. Accordingly, the concepts may be altered during design development phases for development in accordance with Development Alternative A.

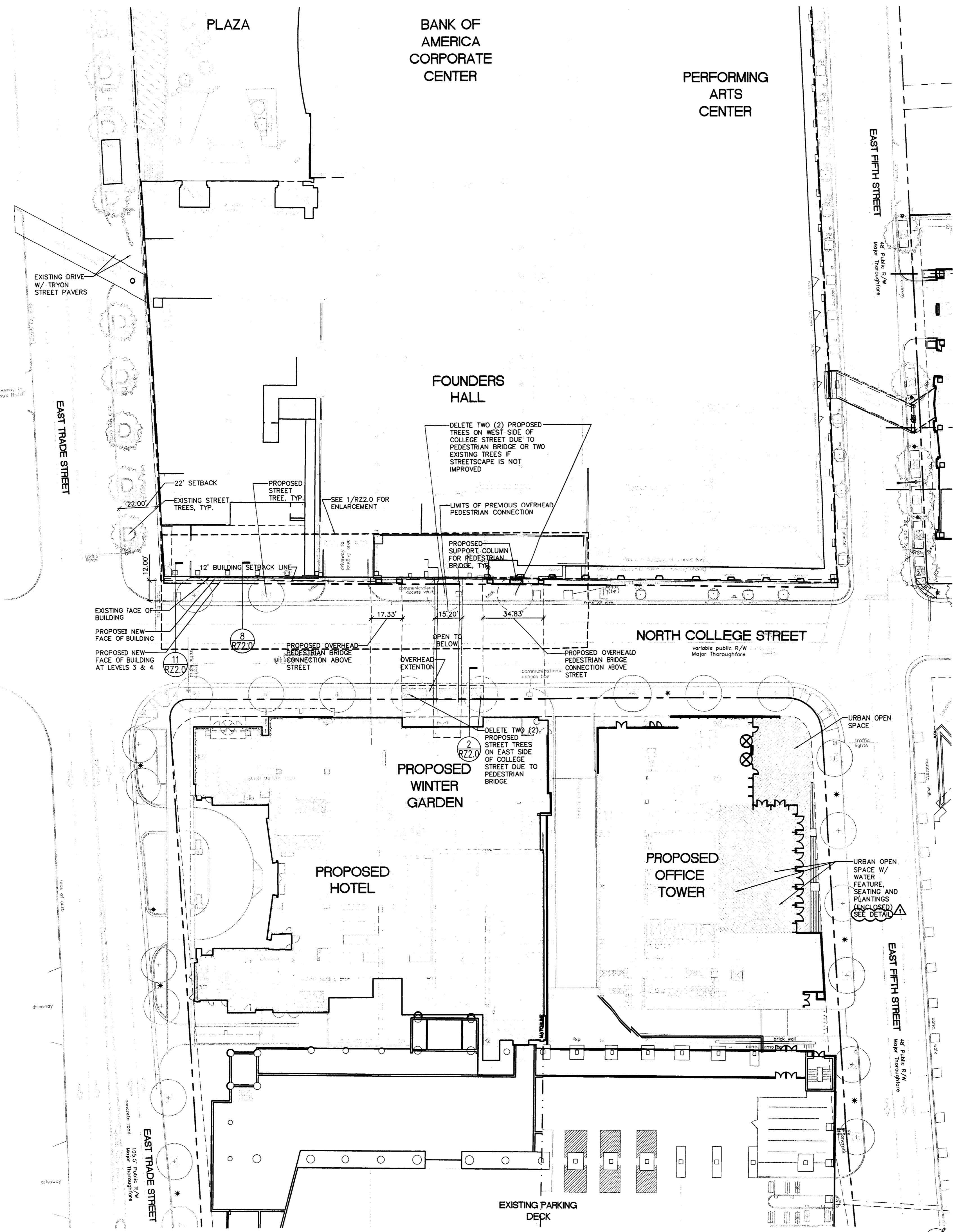


ADJACENT PROPERTY OWNERS:

- 1. 132 E. TRADE ST.
TRADE TRYON HOTEL
COMPANY, LLC.
PID#: 12501225
- 2. 100 N. TRYON ST., SUITE 2600
NATIONSBANK N A AND
LINCOLN HARRIS LLC
PID#: 08001203
- 3. 130 N. TRYON ST.
CITY OF CHARLOTTE
PID#: 08001201
- 4. 214 N. TRYON ST.
TWO HUNDRED FOURTEEN
NORTH AND WORKPLACE
FINANCE C/O BANK OF
AMERICA CORPORATE
PID#: 08001111
- 5. 200 N. COLLEGE ST.
NATIONSBANK N A
WORKPLACE FINANCE C/O
BANK OF AMERICA
CORPORATE
PID#: 08001409A
- 6. 100 N. COLLEGE ST.
NATIONSBANK N A AND
LINCOLN PROP CO
PID#: 08001303
- 7. 101 S. COLLEGE ST.
PACIFIC AVENUE, LLC
PID#: 12501117



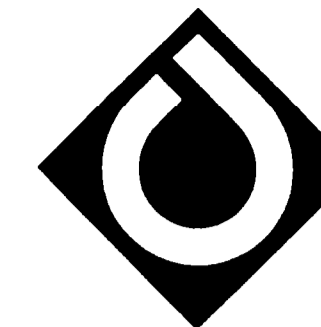
SCALE: 1" = 150'



SCALE: 1" = 30'

ORIGINAL

SCALE: 1" = 150'



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**Technical
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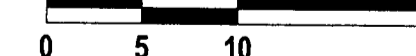
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SCALE: 1" = 10'

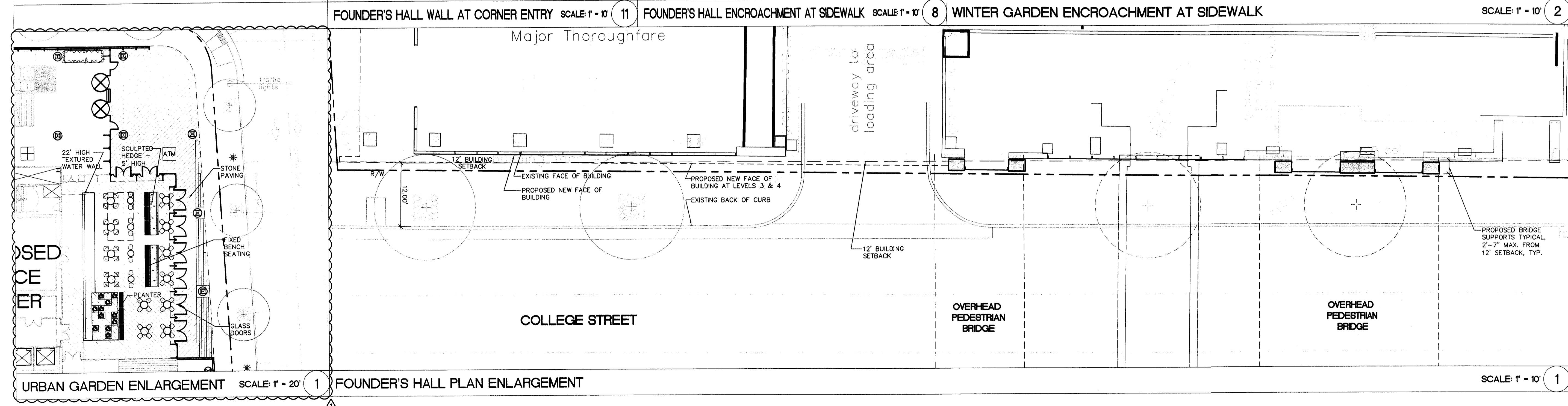
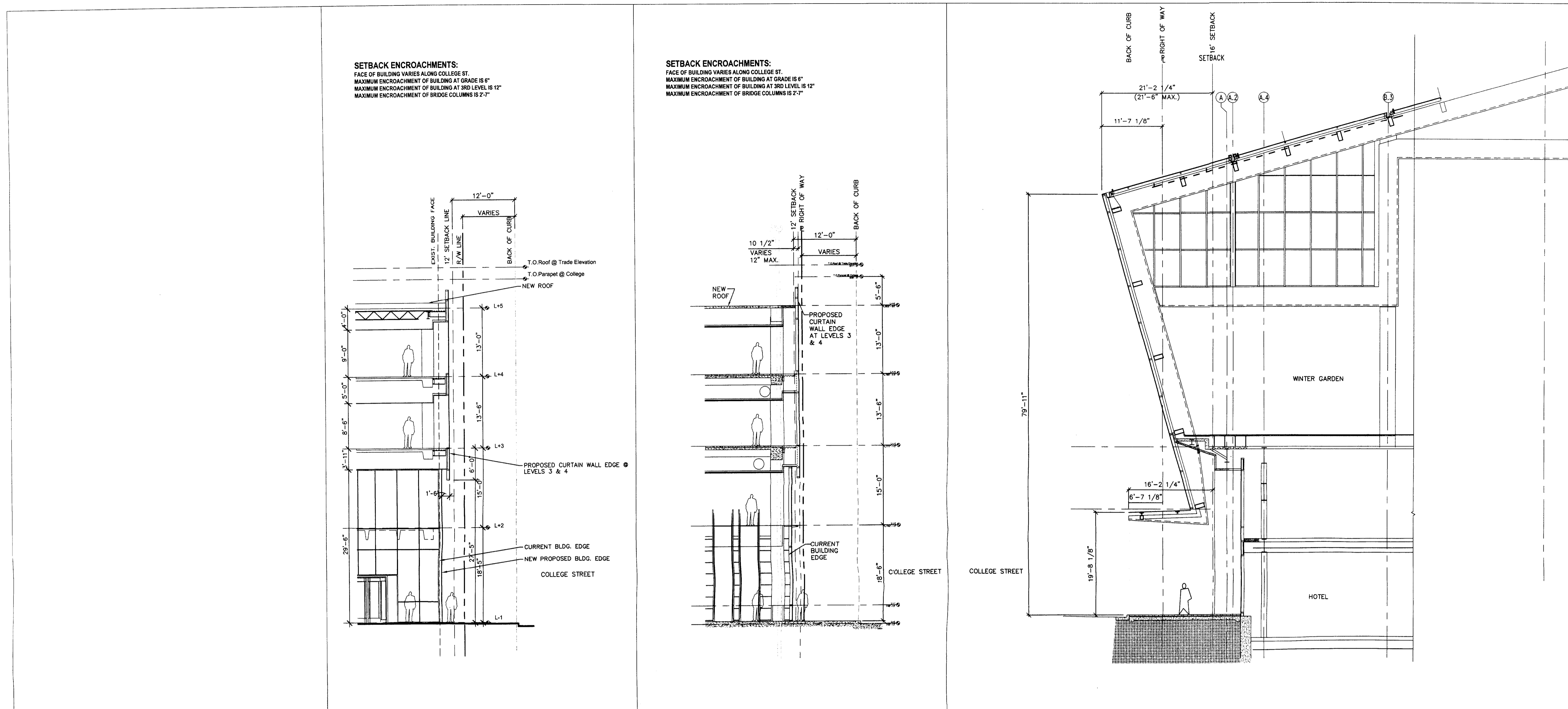


RZ2.0

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ORIGINAL
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