

up to 240,000 square feet of Commercial floor area. Areas devoted to structured parking, outdoor dining, courtyards and plazas are not included in the square footage limitation for commercial uses, but outdoor dining areas for retail restaurants shall be counted toward the required parking calculation. Floor area calculations for commercial development shall not include areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), service areas, rooftop equipment rooms, storage areas and mechanical and Notwithstanding the foregoing provisions of this Section, if Tract A or Tract B is developed without using all of the Commercial floor area allocated to the particular Tract involved, the unused Commercial floor area may be transferred to the other Tract so long as the total Commercial floor area on Tract A and Tract B does not exceed, in the aggregate, 480,000 square feet. d) Tract C may be developed with up to 200 multi-family dwelling units and Subject to the overall limitations on retail and restaurant square footage in Paragraph (g) of this Section, Tract D may be developed with up to 391 multifamily dwelling units and accessory amenities and up to 15,000 square feet of Commercial floor area. Areas devoted to structured parking, outdoor dining, courtyards and plazas are not included in the square footage limitation for commercial uses, but outdoor dining areas for retail restaurants shall be counted toward the required parking calculation. Floor area calculations for commercial development shall not include areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), service areas, rooftop equipment rooms, storage areas and mechanical and electrical rooms. Notwithstanding the foregoing provisions of this Section, if Tract C or Tract D is developed without using all of the multi-family dwelling units allocated to the particular Tract involved, the unused number of multi-family units may be transferred to the other Tract so long as the total number of multi-family dwelling units on Tract C and Tract D does not exceed, in the aggregate, 591. While the Petitioner has reserved the option to place retail or restaurant uses on any one or more of Tracts A, B and D, the total amount of retail and/or restaurant uses developed on the these Tracts shall not exceed, in the aggregate, 15,000 h) The total number of individual buildings constructed on the Site shall not exceed six. For purposes of this paragraph the multi-family dwelling units attached to

6. Waiver of Sight Triangle Requirements In addition to the deviations allowed under the MUDD optional provisions set forth under Section 2, the Petitioner reserves the right to request the Director of the Charlotte Department of Transportation (CDOT) to waive all or part of the sight triangle requirements of the Ordinance in accordance with the provisions of Section 12.109(7) 7. Internal Street Systems (a) The Site's internal street system shall be composed of private streets built to public street standards and the minimum requirements of the Urban Street Design Guidelines. (b) The Petitioner reserves the right to deviate from the street alignments depicted on the Technical Data Sheet, provided any proposed change in alignment is approved in (c) All private streets may be converted to public streets at the Petitioner's option, provided they are designed to public street standards. 8. Vehicular Access and Roadway Right-of-Way (a) Vehicular access will be as generally depicted on the Technical Data Sheet. The placements and configurations of the vehicular access points shown on the Technical Data Sheet are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval. The Petitioner will be responsible for the geometry depicted on all internal intersections, including turn lanes as deemed necessary by CDOT. (b) No vehicular access may be provided for any vertical development fronting on either side of the street corridor which runs from the center of the Site in a northerly direction to Carnegie Boulevard. 9. Design and Performance Standards The intent of the redevelopment concept is to create a variety of architectural experiences. The redevelopment will utilize primarily glass, stone, brick, stucco, architectural pre-cast concrete panels, and/or architectural face block construction materials. The Conceptual Perspective Rendering is intended to describe the conceptual architectural theme proposed for the Site. However, as noted in Section 1, the rendering is conceptual in nature. Accordingly, the architectural concept may be altered or simplified during design development and construction phases, subject, however, to the provisions of Subsection 6.207(1) or (2) of the Ordinance as applicable. • Except as otherwise provided under Section 2, all buildings constructed on this Site shall conform to the MUDD Urban Design and Development Standards outlined in Section 9.8506 of the Ordinance. • Any lighting attached to an exterior building wall facing a residential component shall be capped and downwardly directed. • All street and parking lot lighting fixtures will be shielded with full cut-off Wall-pak lighting will be prohibited throughout the Site. Pedestrian scale lighting will be provided within the Site along all interior 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 • Internal areas of the Site will 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

parking deck on either site of the Corridor shall be deemed to be a part of the

The developer may subdivide any of the Tracts and create lots within the interiors of the

Tracts with no side or rear yards as part of a unified development plan.

5. Setbacks, Side Yards and Rear Yards

retail uses are to be located on Carnegie Boulevard will be designed to encourage and complement pedestrian - scale interest and activity by the use of doors which shall remain open during business hours and transparent store front glass so that the uses are visible from and accessible to the street. Expanses of blank walls exceeding 20 feet in length will be eliminated through use various design elements, including one or more of the following display windows, sculptures, ornamentation, string courses, belt courses, fountains, street furniture. landscaping and garden areas, or display areas. Provided, however, that the use of opaque or reflective glass may not be utilized as a means for addressing blank walls. Meter boxes, back flow preventors, and similar items will be screened from public view. Except as otherwise provided in these Development Standards, the streetscape treatment along the Carnegie Boulevard and Congress Street frontages 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 • While the location or locations of urban open spaces have not yet been determined, the Site shall contain a minimum of 10,800 square feet of urban open space, as that term is defined in the Ordinance. 10. Pedestrian Friendly Corridor The Technical Data Sheet contemplates a landscaped/pedestrian friendly corridor running in a generally southerly to northerly direction from Carnegie Boulevard through Tract D and extending, as a street corridor, through Tract C to Carnegie Boulevard (the "Corridor") which is fronted on both sides only by ground floor Commercial uses or multi-family dwelling units.

In order to ensure the orderly development of these uses along the Corridor, the Petitioner

makes the following commitments:

• The street elevations of the first floors of all buildings in which ground floor

1.) The ground floor multi-family dwelling units proposed along both sides of the Corridor within Tract C shall be constructed simultaneously with any other multifamily development that occurs on any portion of Tract C. 2.) The urban open space area of the Corridor within Tract D shall be constructed prior to the issuance of a certificate of occupancy for a multi-family development within Tract D. This urban open space area shall have a minimum width of sixty 3.) The ground floor multi-family dwelling units proposed along the western side of the Corridor within Tract D shall be constructed simultaneously with any other multi-family development that occurs on any portion of Tract D. 4.) The ground floor Commercial uses or multi-family dwelling units proposed along the eastern side of the Corridor within Tract D shall be constructed simultaneously with any other development that occurs on any portion of Tract A. The Petitioner reserves the right to elect to extend these types of ground floor uses along

the southerly margin of Tract D and Tract A in an easterly direction along Carnegie Boulevard within the general area depicted on the Technical Data Sheet. No building sign mounted over forty feet above average grade on any building elevation which faces in a westerly direction shall be permitted.

12. Stormwater

(a) The Petitioner shall satisfy the requirements of the Post Construction Controls Ordinance and in addition, provide for a reduction of the peak flow in a 100-year storm event by 50 % or more over the conditions of the Site as they exist at the time this Rezoning Petition is approved. (b) If the Petitioner elects to satisfy the requirements of Paragraph (a) of this Section

with on-site above-ground detention facilities each such facility must be designed as a permanent water feature amenity for the Site. (a) Except as otherwise provided in Paragraph (c) of this Section, off-street parking

spaces provided on Tract A and Tract B shall each satisfy or exceed the parking requirements of the O-1 Zoning District. (b) Off-street parking spaces provided on Tract C and Tract D shall satisfy or exceed the parking requirements of the O-1 Zoning District.

(c) If a build-to-suit tenant should enter into an agreement to occupy a portion of a building within Tract A or Tract B and the Petitioner submits to the Planning Director a recorded copy of a parking agreement between the Petitioner or the build-to-suit tenant and the Carnegie Center Property Owners Association within 150 days of the approval of this Rezoning Petition, then notwithstanding the provisions of Paragraph (a) of this Section, the off-street parking provided for the building occupied by the build-to-suit tenant shall include at least 1 parking space per 375 square feet; subject however to the

- The reduced parking requirements for a build-to-suit tenant may only apply to one of those two Tracts and not both.
- The component of the building containing the off-street parking spaces for the build-to-suit tenant must be designed and engineered so as to accommodate an expansion of that component's off-street parking spaces necessary to satisfy the parking requirements for this building had it been located within an O-1 Zoning District.
- If the build-to-suit tenant vacates the building, then no more than ¼ of the building may thereafter be occupied unless and until the off-street parking facilities for that building shall have been expanded to satisfy the parking requirements for this building had it been located within an O-1 Zoning

following conditions:

(a) The Petitioner may develop all or any part of one of the Tracts on the Site without any off-site transportation improvements other than driveway connections. (b) Prior to the issuance of building permits for vertical development on the second Tract to be developed and following receipt of written authorization from CDOT (the "Written Authorization") to make these improvements, the Petitioner commits to construct a third westbound through lane on Fairview Road extending from Barclay Downs Drive to a point where this lane would tie in with the existing westbound right turn lane at

The Petitioner will be responsible for all costs associated with the design and construction of these improvements, and all other associated intersection and roadway modifications required as a result of these improvements, including but not limited to: utility relocations, traffic signal modifications, pavement markings, engineering, permitting, project administration, landscaping, street trees, street tree mitigation, and right-of-way acquisition and dedication. The design of these improvements must meet applicable requirements as determined by CDOT and be subject to its review and

(c) If off-site right-of-way is required to accommodate any of the transportation improvements described under Paragraph (b) of this Section, the Petitioner shall make a

good faith effort (which includes the use of an independent appraiser to assess property values) to secure the necessary off-site right-of-way. If the Petitioner is successfully able to acquire the necessary off-site right-of-way, the Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) this right-of-way to the City of Charlotte.

(d) If off-site right-of-way is required to accommodate these improvements and the Petitioner fails in its good faith efforts to acquire the right-of-way, CDOT will cause the City to condemn such right-of-way. In any such case, the Petitioner agrees to reimburse the City for all costs and expenses associated therewith. (e) In the event CDOT elects not to authorize construction of these improvements, the

Petitioner agrees to contribute to the City of Charlotte the sum of \$366,000.00 within thirty days of receipt of CDOT's notification that the Written Authorization has not been granted. In the event that these funds have not been dedicated to street improvement within the boundaries of the SouthPark Small Area Plan within seven (7) years of the contribution they shall be refunded to the Petitioner by the City.

15. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of a particular Tract within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

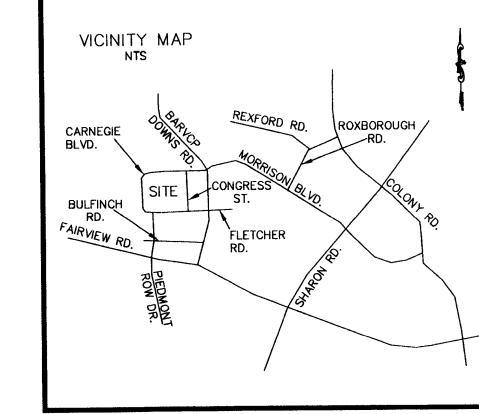
16. Binding Effect of the Rezoning Documents and Definitions

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet and these 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 of the Site from time to time who may be involved in any future development thereof.

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

17. 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



1 TECHNICAL DATA SHEET B ST SCALE: N/A



## **Charlotte-Mecklenburg Planning Department**

July 24, 2012 DATE:

FROM:

**TO:** Mark Fowler Zoning Supervisor

Planning Director

Debra Campbell

SUBJECT: Administrative Approval for Petition No. 2010-056 Childress Klein Properties

Attached are revised notes on the technical data Sheet. The notes allow for an adjustment of what portion of the pedestrian friendly corridor will built with tract D and A. Note nothing has changed with any elevations and site layout from the original approved site plan. 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 Zoning Ordinance and conditional requirements still apply.

CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT

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