

This Administrative Amendment seeks to modify certain provisions of a conditional rezoning plan related to Rezoning Petition 2002-074. If approved, the Conceptual Site Plan accompanying this Administrative Amendment will replace the site plan submitted with Rezoning Petition 2002-074. Additionally, conceptual architectural elevations are being provided as part of this Administrative Amendment. Finally, this Administrative Amendment will revise some of the Development Standards imposed by Rezoning Petition 2002-074. The Development Standards set forth below are identical to the Development Standards submitted and approved in Rezoning Petition 2002-074 except as indicated by an underline or strike-through, which indicate an addition or deletion to the original standards, respectively.

A copy of the rezoning plan related to Rezoning Petition 2002-074 is attached as Exhibit A for reference.

PHASING OF DEVELOPMENT (PARCELS A AND B)

Parcel A was previously a part of Zoning Petition #98-125, which provides for development of up to 2,665,000 square feet on both sides of West Tyvola Road. Of the maximum square footage allowed by Petition #98-125, 765,000 square feet is hereby assigned to Parcel A leaving 1,900,000 square feet for the remaining land covered by Petition #98-125. Under the present Zoning petition #02-074, an additional 600,000 square feet is permitted on Parcels A and B such that Parcels A and B have had a combined maximum building area (exclusive of parking structures) of 1,365,000 square feet. Hence, following Zoning Petition #98-125 1,900,000 square feet may could be developed on the remaining land covered by Petition #98-125 (hereinafter referred to as "Lakepointe Corporate Center North") and 1,365,000 square feet may be developed on Parcels A and B (hereinafter referred to as "Lakepointe Corporate Center South"). Thus, in the aggregate, a total of 3,265,000 is allowed on Lakepointe Corporate Center North and Lakepointe Corporate Center South.

Petitioner agrees to limit development within Lakepointe Corporate Center South to 1,000,000 (exclusive of parking structures) square feet. As provided below, Petitioner reserves the right to transfer the additional 365,000 square foot of developable square footage to Lakepointe Corporate Center North as contemplated by the previous rezoning affecting Lakepointe Corporate Center North and Lakepointe Corporate Center South.

The owners of Lakepointe Corporate Center South agree to develop Lakepointe Corporate Center South in accordance with the phase schedule set forth below.

Phase I

Up to a combined 500,000 square feet of gross floor area may be developed on Lakepointe Corporate Center North and Lakepointe Corporate Center South at any time with no additional road improvements.

Phase II

An additional combined 784,000 square feet gross floor area may be developed on Lakepointe Corporate Center North and Lakepointe Corporate Center South at any time after the following transportation improvements have been completed:

- Installation of traffic signal at the intersection of the Billy Graham Parkway south-bound ramp with West Tyvola Road.
- Installation of turn lanes at all three access points from Lakepointe Corporate Center North and Lakepointe Corporate Center South onto West Tyvola Road. Storage lanes as detailed in the Petitioner's October 1996 Traffic Access Analysis prepared by Kublins Traffic Consulting, Inc. which was part of Rezoning Petition #98-125.
- Installation of traffic signals at the site's eastern and western access points onto West Tyvola Road, as generally depicted on the technical data sheet in Petition #98-125, and in acceptance with CDOT and NCDOT requirements and upon meeting signal warrants.

While the additional development approved for Phase II may be constructed contemporaneously with the required transportation improvements, no certificates of occupancy may be issued for any of this additional development until the improvements have been completed.

Phase III

An additional combined 1,381,000 square feet of gross floor area may be developed on Lakepointe Corporate Center North and Lakepointe Corporate Center South at any time after the transportation improvements required for Phase II have been satisfied and the following additional transportation improvements have been completed.

- Installation of the traffic signal and roadway improvements at the intersection of the Billy Graham Parkway south-bound ramps with West Tyvola Road per approved encroachment agreement #01-191-P and signal plans prepared by CDOT.

While the additional development approved for Phase III may be constructed contemporaneously with the required transportation improvements, no certificates of occupancy may be issued for any of this additional development until the improvements have been completed.

Phase IV

An additional 300,000 square feet of gross floor area may be developed on Lakepointe Corporate Center South at any time after the transportation improvements required for Phases II and III have been satisfied and the following additional transportation improvements have been completed:

- Convert through-lane on south-bound Cascade Pointe to through-right lane.
- Increase south bound Cascade Pointe left-turn lane storage to 150 feet with 150 feet taper, unless otherwise agreed upon by CDOT and developer's consultant.
- Increase east bound Tyvola dual left-turn storage at Cascade Pointe to 350 feet, unless otherwise agreed upon by CDOT and developer's consultant.
- Add left-turn lane on north-bound Cascade Pointe with 275 feet storage and 120 feet taper, unless otherwise agree upon by CDOT and developer's consultant.
- Add left-turn lane on north-bound Perimeter Pointe with 275 feet storage and 120 feet taper, unless otherwise agreed upon by CDOT and developer's consultant.

While the additional development approved for Phase IV may be constructed contemporaneously with the required transportation improvements, no certificates of occupancy may be issued for any of this additional development until the improvements have been completed.

Phase V

An additional 175,000 square feet of gross floor area may be developed on Lakepointe Corporate Center South at any time after the transportation improvements required for Phase II, III and IV have been satisfied and the following additional transportation improvements have been completed.:

- Modify Billy Graham Parkway ("BGP")/Tyvola Road interchange to provide west-bound Tyvola Road dual left-turn lanes with 475 feet of storage at south-bound BGP ramps intersection (includes commensurate south bound on-ramp modifications/extension, and north-bound off ramp to west bound Tyvola Road ramp modifications, construction of a median and installation of a traffic signal).
- Provide dual right-turn lanes on north-bound BGP off-ramp to east-bound Tyvola Road, 450 feet of storage, construction of a median, and installation of a new traffic signal.
- Widen BGP south-bound off-ramp to increase left-turn storage length to 375 feet unless provided by current project (NC Encroachment Agreement #01-191-P).

While the additional development approved for Phase V may be constructed contemporaneously with the required transportation improvements, no certificates of occupancy may be issued for any of this additional development until the improvements have been completed:

Phase VI

An additional 125,000 square feet of gross floor area may be developed on Lakepointe Corporate Center South at any time after the transportation improvements required for Phase II, III, IV and V have been satisfied and the following additional transportation improvements have been completed.

- Addition of eastbound left-turn and right-turn lanes on West Boulevard and BGP, unless intersection has been converted to a grade separated interchange.

While the additional development approved for Phase VI may be constructed contemporaneously with the required transportation improvement, no certificates of occupancy may be issued for any of this additional development until the improvements have been completed.

Plans for all signal installations and roadway improvements described above must be approved in advance by NCDOT and CDOT.

Any Petitioner/Developer transportation improvement herein outlined for Parcels A and B shall not be required if the transportation improvement has been otherwise funded and/or completed by applicable local state or federal agency responsible for such improvements.

Ability To Transfer Square Footage

Parcel A was previously a part of Zoning Petition #98-125, which provides for development of up to 2,665,000 square feet on both sides of West Tyvola Road of the maximum square footage allowed by Petition #98-125, 765,000 square feet is hereby assigned to Parcel A leaving 1,900,000 square feet for the remaining land covered by Petition #98-125. Under the present Zoning Petition #02-074, an additional 600,000 square feet is permitted on Parcels A and B such that Parcels A and B have a total maximum building area (exclusive of parking structures) of 1,365,000 square feet. Remaining land covered by Petition #98-125 (hereinafter referred to as Lakepointe Corporate Center North") and 1,365,000 square feet may be developed on Parcels A and B (hereinafter referred to as "Lakepointe Corporate Center South"). Petitioner hereby reserves the right to transfer square footage between Lakepointe Corporate Center North and Lakepointe Corporate Center South at any time, provided petitioner submits an updated traffic impact analysis to be reviewed and approved by CDOT.

Buffer Area (Parcels A and B Only

- Buffer area established on this site plan shall conform to the standards of Section 12.302 of the zoning ordinance. Subject, however, to the provisions of Section 12.304 and to the provisions of Section 12.302 (8) the following paragraphs 2 through 8 of this subsection.
- The exterior 50 feet of all buffer area are to remain in their undisturbed conditions except to the extent necessary to accommodate access points and utility lines and facilities. All utility lines and facilities installed in the future may only cross the undisturbed portions of buffer area at interior angles measured at property lines which are not less than 75 degrees and to the extent possible. Paths cleared for such utility lines and facilities shall be replanted with plant materials which are the same as or similar to the types of materials that are in place within the buffer area and meet minimum buffer requirements.
- The remaining portions of all buffer area are to remain as open space except to the extent necessary to accommodate access points, berms, walls, fences, grading, drainage pipes or channels, utility lines and facilities and pedestrian pathways.
- In all buffer areas where existing trees and natural vegetation have been cleared to accommodate berms, walls, fences, grading pipe or channels, utility lines and facilities and pedestrian pathways, the cleared, unimproved area will be landscaped as required by Section 12.302 of the ordinance.
- In all buffer area the Petitioner reserves the right to remove vines, underbrush and small understory trees (less than 4 inches in caliper), to mulch the area beneath the trees and to plant grass outside of the existing tree area for purposes of improving the overall appearance of naturally vegetated area. The owners of Parcels A and B may also install supplemental landscaping within such area where needed.
- If in the future adjoining zoning districts are changed to zoning districts which do not require a buffer or which require a reduced buffer then the buffer provided at the applicable edge depicted on Sheet RZ1 may be adjusted in accordance with Table 12.302 (a) and table 12.302 (b) of the ordinance.
- Signs and graphics will not be allowed in buffer area.
- Off-street parking will not be allowed in the buffer.

DEVELOPMENT STANDARDS (PARCELS A, B, C AND D)

General

All development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the I-1(CD) and O-1(CD) zoning district classification shall be followed in connection with development taking place on the site. Configuration, placement, number and alignment of the buildings comprising the development as shown on the Schematic Site Plan may be altered or modified during design development and construction document phases within the maximum building envelopes established on this site plan subject only to the provisions set forth below and per Chapter 6 of the Ordinance. The site may be subdivided as determined by the Petitioners. Any such subdivision of the site shall be in accordance with all applicable subdivision regulations.

Permitted Uses

- Except as otherwise provided below, the site may be devoted to any use (including any accessory use) which is permitted under the Ordinance by right or under prescribed conditions in an I-1(CD) and O-1(CD) zoning district.
- No fast food restaurants (i.e. Restaurants with drive-through services) or gas/convenience stores will be allowed.
- Retail uses within the site shall be limited to 70,000 s.f. for Parcels A and B.
- The number of hotel rooms associated with Parcels A and B shall be a maximum of 475 rooms. There are no hotels associated with Parcels C and D.
- The proposed guest cottages/quarters will be an ancillary function of Parcels C and D. These cottages will not have a kitchen; the maximum length of stay shall be 90 days.
- Offices greater than 400,000 square feet are allowed as provided for under Section 9.1103 (paragraph 13).

Screening

- Development screening will conform to the standards established under Chapter 12.303 of the Ordinance.
- All dumpsters will be located in enclosures constructed of either masonry walls or wooden fences and will be provided with gates if one or more sides of the dumpster area adjoins a side or rear wall of a building. The wall or walls may be substituted for the fence along each side.

Off-Street Parking

Parking area depicted on the Rezoning Plan may vary in size, location and configuration but in all events, all site off-street parking and loading will conform to the parking and loading standards established under the Ordinance.

Lighting

- A uniform lighting system will be employed each for Parcels A and B as well as Parcels C and D and will include shoe box fixtures which do not, including their bases, exceed 30 feet in height.
- Consideration will be given to the impact of lighting both within and outside the project. Items for consideration will include intensity, cutoff angles, color, energy efficiency and shielding of sources of light, the intent being to eliminate glare towards adjacent streets and properties.
- Wall-pak type lighting will not be utilized on buildings.

Outparcels

- Upon establishment and completion of the configuration of outparcels, buildings constructed on outparcels will conform to the front yard, rear yard and setback requirements established under the Ordinance.
- Vehicular access points to each outparcel will be placed on internal project streets. No access to out parcels will be allowed off of West Tyvola Road.
- All buildings placed within outparcels must be constructed of masonry or stucco or stucco-like materials and designed such that each such building is in harmony with adjoining buildings through the use of similar architectural features, scale and landscaping.
- A maximum of 5 outparcels shall be allowed in association with the development of Parcels A and B. NO OUTPARCELS ARE ALLOWED ON PARCELS C AND D.

Stormwater Management

- Development will comply with the City of Charlotte Storm Water Management Ordinances.
- Stormwater detention is not required as the site is located adjacent to the floodway.

Flood Plain

- The Petitioner shall comply with all applicable S.W.I.M. buffer regulations.
- The floodway fringe shall be preserved as an open space/natural amenity area. The Petitioners may improve the fringe area by cleaning, grading, and providing fill and by establishing pedestrian paths as well as placing pedestrian amenity furniture within this area such as benches, picnic tables, etc.
- In order to improve the overall appearance of the fringe area, the Petitioners reserve the right to clean and remove manmade and natural debris from the area, including the removal of weeds, vines, understory growth, etc.
- The Petitioners/Developers of Parcels A and B shall dedicate the S.W.I.M. buffer of the site to the Mecklenburg County Parks and Recreation Department for public greenway purposes. The dedication shall occur prior to the issuance of any building permit associated with Parcels A or B. Any and all public access, usage, pedestrian pathway or other improvements designed for public usage of the greenway area shall be specifically designated on Parcels A and B and shall not be located or permitted on Parcels C or D. The Petitioner/Developer of Parcels C and D shall dedicate an area measuring 100 feet in depth as measured from the top of the bank. The dedication for Parcels C and D shall occur prior to the issuance of any certificate of occupancy associated with Parcels C or D.

Fire Protection

- A fire hydrant is required within 750' of the most remote point of a building as a truck travels.

Signs

- An individual signage master plan and graphics system will be created and implemented for Parcels A and B as well as one for Parcels C and D.
- All signs placed on the site will be erected in accordance with the requirements of the Ordinance.
- Permanent project identification signs and directional signs may be located along West Tyvola Road and Billy Graham Parkway.
- All freestanding signs will be of the ground mounted type and no pylon signs will be allowed on the site.
- Ground mounted sign panels for retail uses will be limited to four (4) feet in height above a sign base which will be limited to two and one-half (2 ½) feet in height for a total height of six and one-half (6 ½) feet in height. The sign panel will be no larger than fifty (50) square feet.
- Billboards will not be allowed on site.

Access

- The number of vehicular access points to the project site shall be limited to the general areas depicted on this site plan. Access points will be placed and configured to accommodate final site plans and design, but in all events, will conform to requirements of the North Carolina Department of Transportation.
- Vehicular access points on proposed roads within the project site boundary will be placed and configured to accommodate final site plans and design, but in all events, will conform to the requirements of the North Carolina Department of Transportation or the City of Charlotte Department of Transportation.
- The placements and configurations of each access point are subject to any minor modifications required to accommodate final site plans and design and any and design and to any adjustments required for approval by the North Carolina Department of Transportation or the City of Charlotte Department of Transportation.
- Construction of the access points off of West Tyvola Road and the proposed internal roads will conform to the final site plans and design approved by the North Carolina Department of Transportation or the City of Charlotte Department of Transportation.
- The Petitioner/Developers shall provide a network of internal street and sidewalk connections as generally depicted on the Conceptual Site Plan related to this Administrative Amendment. Private streets shall be allowed in areas as designated and may be designed to the cross-section standards shown on the Conceptual Site Plan.
- The Petitioner/Developer shall construct an extension of Cascade Pointe Boulevard, as generally depicted on the Conceptual Site Plan, prior to the issuance of a certificate of occupancy for the VA facility building. The petitioner agrees to install and provide sidewalk along both sides of the extension. Additionally sidewalk will provide along existing Cascade Pointe Blvd. where none exist.
- Construction of Private Street A, as generally depicted on the Conceptual Site Plan, shall be completed prior to the issuance of the first certificate of occupancy for any building developed within Building Envelope 1 as shown on the Conceptual Site Plan.
- A street connection shall not be required between Private Street A and Cascade Pointe Boulevard.

PHASING OF DEVELOPMENT (PARCELS C AND D)

Transportation Commitments

- Proposed break in the controlled access along Billy Graham Parkway has been approved by the State Highway Administrator and Board of Transportation of the North Carolina Department of Transportation.
- Improvements by the owners of Parcels C and D to be provided as follows:

Phase I

- Up to 600,000 SF of building space can be developed on Parcels C and D at any time aft the following transportation improvements have been completed:

Billy Graham Parkway (US 521) and Westmont Drive

- Install a traffic signal upon meeting applicable warrants and with approval of CDOT and NCDOT.
 - Construct an additional southbound left-turn lane on Billy Graham Parkway to total a combined 720 feet of storage and an additional 375 feet for deceleration, with a 20:1 bay taper.
 - Construct a northbound right-turn lane on Billy Graham Parkway with 330 feet of storage 375 feet of deceleration length and a 20:1 bay taper.
 - Reconfigure the Westmont Drive approach to include dual left-turn exiting lanes with a minimum combined storage length of 760 feet and one exiting right-turn lane with a storage length of 250 feet and a 15:1 bay taper. The entering through lane on Westmont Drive will enter into the Billy Graham Evangelical Association Headquarters, Woodridge Center Drive teeing into the realigned Westmont Drive. The access road to the Wastewater Treatment Center will then tee into the realigned Woodridge Center Drive.
- #### Billy Graham Parkway (US 521) and Access "A: (Directional Crossover)
- Construct a southbound left-turn lane on Billy Graham Parkway with 175 feet of storage 375 feet of deceleration length, a 20:1 bay taper.
 - Construct a northbound right-turn lane on Billy Graham Parkway with 300 feet of storage 375 feet of deceleration length and a 20:1 bay taper.
 - Construct access "A" with one entry lane and one right-turning exit lane. This access has been given final approval by NCDOT for the requested break in the controlled access on Billy Graham Parkway (US 521) at approximately Station 75+00.

Phase II

Over 600,000 square feet up to 725,000 square feet of building space can be developed upon the completion of the following transportation improvements:

- Complete the proposed public street (realigned Westmont Drive) by providing the following modifications:
 - The addition of a median within the proposed street to convert its intersection with Woodridge Center Drive to right-in/right-out movements only.
- Addition of an internal loop with the wide median of the proposed street to provide for traffic to exit Woodridge Center Drive to Billy Graham Parkway.
- Provide the following improvements to the intersection of Billy Graham Parkway-Woodlawn Road and South Tryon Street:
 - The construction of an eastbound right turn lane on Billy Graham Parkway with 150 feet of storage and a 20:1 bay taper.
 - The construction of an additional eastbound left turn lane on Billy Graham Parkway with 375 feet of total storage (both lanes), 15:1 bay taper and appropriate through lane tapers.

Phase III

Over 725,000 square feet up to 900,000 square feet of building space can be developed upon the completion of the following transportation improvement:

- Addition of east bound left-turn and right-turn lanes on West Boulevard and BGP, unless intersection has been converted to a grade separated interchange.

Any Petitioner/Developer transportation improvements herein outlined for Parcels C and D shall not be required if the transportation improvement has been otherwise funded and/or completed by applicable local, state or federal agency responsible for such improvements.

DATE	
PROJECT NUMBER	
PROJECT DATE	
DESIGN BY	
APPROVED BY	
PROJECT NAME	
FILE NAME	
FILE DATE	

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LAKEPOINTE CORPORATE CENTER
CHARLOTTE, NORTH CAROLINA
CHILDRESS KLEIN PROPERTIES

ADMINISTRATIVE AMENDMENT

RZ2

ATTACHED TO ADMINISTRATIVE

APPROVAL

DEC 3 2013

BY: DEBRA CAMPBELL

DATE	
REVISION	
PROJECT NAME	
PROJECT NUMBER	
PROJECT TYPE	
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PROJECT TIME	
PROJECT PLACE	
PROJECT SCALE	
PROJECT MANAGER	
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ADMINISTRATIVE AMENDMENT

RZ3



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LAKEPOINTE CORPORATE CENTER
 CHARLOTTE, NORTH CAROLINA

CHILDRESS KLEIN
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 APPROVAL
 DEC 3 2013
 BY: DEBRA CAMPBELL