

**TRANSIT ORIENTED DEVELOPMENT MIXED-USE OPTIONAL DEVELOPMENT STANDARDS THE SILOS AT SOUTH END MIXED USE REZONING PETITION NO 2008-101 7/3/08**

Development of the Site will be governed by the Technical Data Sheet RZ-1, the Schematic Site Plan, RZ-2, the Schematic Building Perspectives Sheet RZ-3, these Development Standards, and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet, Schematic Site Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Transit Oriented Development Mixed-Use Optional (TOD-M) Zoning Classification, subject to the Optional Provisions provided below, shall govern all development taking place on this Site.

1. **Statements with respect to the Graphics which are set forth on Exhibits accompanying the Technical Data Sheet.**  
The ultimate layout of the development proposed for the Site and the parcels or lots forming parts thereof, the exact alignment of streets and points of access, the configurations and placements of parking areas and the precise locations, of buildings and parking decks and other individual site elements to be constructed have not been finalized. As a consequence, the graphics which accompany the Technical Data Sheet are schematic in nature and are not to be considered as the final development plans but rather as preliminary graphic representations of the types and quality of development proposed.

They may, therefore, be altered or modified during the design development and construction document phases within the maximum building/parking envelope lines established on the Technical Data Sheet, subject to the accompanying Development Standards and Section 6.207 of the Ordinance.

Without limiting the generality of the foregoing, buildings generally depicted on the Schematic Site Plan may be combined or separated provided that the maximum number of buildings may not be increased beyond the number generally depicted on the Schematic Site Plan (it being understood that structures such as ATMs, kiosks, enclosed service areas and the like shall not be considered in connection with the number of buildings). Buildings depicted on the Schematic Site Plan may be constructed in phases over time and in any sequence as determined by the Petitioner. The dimensions and specific locations of building/parking envelopes generally depicted on the Technical Data Sheet may be subject to minor variations that do not materially change the design intent generally depicted on the Schematic Site Plans.

2. **Permitted Uses and Maximum Development.**  
The Site may be devoted to uses allowed in the Transit Oriented Development Mixed-Use District (TOD-M) along with associated accessory uses and surface and/or structured parking and service areas as allowed under the Ordinance in a

TOD-M District, subject, however, to the following development restrictions and provisions:

- a. The Site will comply with the minimum Floor Area Ratio (FAR) requirements of the TOD-M Zoning District subject to the following restriction:
- b. A minimum of 20% of the gross floor area developed on the site, exclusive of floor area within parking decks, will be devoted to office uses.
3. **Planned Development: Setbacks, Yards, and Parking**
- a. Except as set forth in Section 3b, below, setbacks and yards shall be provided in accordance with the Ordinance or as indicated on the technical data sheet and schematic site plan.
- b. The Site shall be viewed as a "Planned Development" as defined in the Ordinance as to the Components of the Site generally depicted on the Technical Data Sheet. As such, side and rear yards and separation standards will not be required internally between improvements located on the Site.
- c. Furthermore, the Petitioner reserves the right, as allowed per section 12.101(5) of the Ordinance, to subdivide the Site and create lots within the interior of the development of the Site, with no public street frontage or side and/or rear yards or other separation standards as part of a unified development plan, provided, however, all such yard and separation standards along the exterior boundary of the Site shall be adhered to.
- d. Parking may be provided by way of structured and surface parking facilities located on the Site as part of the Planned Development with such parking, subject to compliance with the minimum and maximum parking ratios set forth in the zoning ordinance for uses allowed within the TOD-M zoning district.
4. **Open Space**
- a. Since development occurring on the Site is part of a Planned Development, the urban open space requirements established and defined under the "TOD-M" district will be satisfied with reference to all Components of the Site taken together.
- b. The Petitioner will provide usable urban open space areas equal to at least 10% of the land area of the Site. The open space will be located in highly visible and accessible locations. The amount of open space provided can be reduced to 5% if within 200 feet of the Site a highly visible and accessible open space of at least a half-acre is available. The open space within 200 feet of the Site must be located on property that is either publicly owned or located in common open space of a mixed-use project.

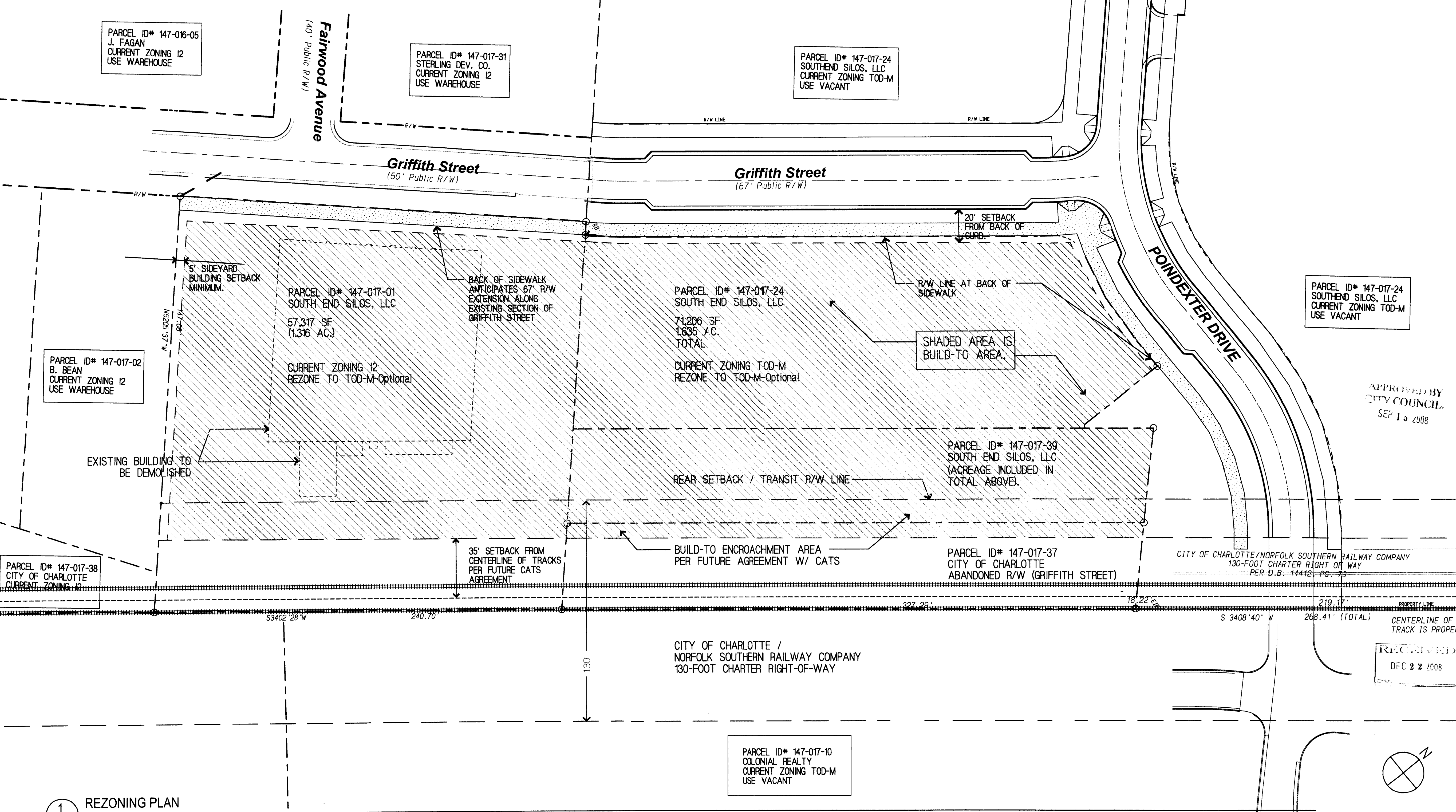
5. **Optional Development Provisions**
- a. The Petitioner seeks the Optional provision to allow a deviation from the building height limit of the TOD-M zoning classification for building(s) located on the site. The building(s) may extend up to 200 feet in height.
- b. Building height shall be as measured as prescribed in the Ordinance. This height limit shall not apply to skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air conditioning equipment or similar equipment for the operation and maintenance of the building, and any device used to screen such structures and equipment. If a parapet wall is used to screen the building equipment the height of the parapet wall will be included in the calculation of building height.
6. **Design and Performance Standards**
- a. The proposed buildings and development will comply with all applicable Ordinance requirements except as noted above under Optional Development Provisions.
- b. For buildings that equal or exceed 100 feet in building height, the primary exterior building materials for at least 80% of the building elevations, exclusive of windows and doors, from grade level up to and including the fourth (4th) level on the building elevations that front public streets or the light rail line will use one or more of the following materials:
  - Cast Stone Veneer, Architectural Precast Concrete, Brick and Architectural Metal including Architectural Decorative Metal Grill Work
- c. For buildings that equal or exceed 100 feet in building height, as measured from the average grade of the abutting street or light rail line, will be designed with a minimum of a 10 foot step back at or near the fourth floor (4th) of the building. This 10 foot step back will apply to the portions of the building elevations that abut or front on public streets or the light rail line.
- d. A minimum of 50% of the ground floor area of the portions of the buildings fronting on a public street right-of-way or the light rail right-of-way will be developed with active ground floor uses such as retail, office, residential or personal service uses.
- e. Parking decks will not directly front on a public street right-of-way including the light rail right-of-way unless the ground floor portion of the parking deck is developed with retail, office, residential or personal service uses. In addition, if a portion of the proposed parking deck along Griffith Street is higher than the building that fronts Griffith Street the proposed parking deck will step back a minimum of 10 feet.
- f. As the project develops, pedestrian scale lighting will be installed along both interior driveways and streets that border the Site.
- g. All freestanding lighting and all exterior lighting on buildings will be shielded with full-cutoff light fixtures and downwardly directed. The maximum height of

- detached lights will be limited to 20 feet. No wall "pak" type lighting shall be used, but attached decorative lighting fixtures such as sconces may be used.
- h. Dumpsters and recycling containers will be located in the service areas.
- i. Dumpster areas and recycling areas will be enclosed by solid fences or a brick wall with one side being a decorative wooden gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side wall may be substituted for a side. Loading areas and service areas will be screened in accordance with a solid enclosure with Section 12.303 of the Ordinance.
- j. Off-street bicycle parking will be provided which meets or exceeds the ratio requirements of the Ordinance.
7. **Storm Water Management**
- a. Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. Any surface level storm water detention shall not be located in the required building setbacks or Landscape buffer.
8. **Transportation Commitments**
- a. The number of vehicular access points to the Site shall be limited to the number depicted on the Technical Data Sheet.
- b. The placement and configuration of each access point 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 City of Charlotte and/or the North Carolina Department of Transportation.
- c. As part of the development of the Site the Petitioner will construct the portions of Ponderate Drive and Griffith Street abutting the site. In addition the petitioner will modify the existing portion of existing Griffith Street abutting the site to the same standard proposed for the new section.
9. **Streetscape and Light Rail Improvements.**
- a. The site will comply with the streetscape requirements of the New Bern Transit Station Area Plan as indicated on the Technical data sheet and Schematic site plan.
- b. Along the light rail line the petitioner will provide the following improvements, a decorative fence, a seven (7) foot planting strip with trees and a 12 foot wide concrete multi-purpose path and decorative pedestrian scale lighting as more specifically shown on the cross-section on the Schematic site plan. The improvements along the light rail line to be constructed concurrently with the development of the Site.

10. **Architectural Controls**
  - a. The attached architectural elevations are included to reflect how building massing and height will be treated to reduce the impact of the proposed building height on the pedestrian environment. These elevations illustrate the general style, quality and design treatment for the buildings that will be constructed on the site. The actual buildings constructed on the site may vary slightly from these illustrations as long as the design concepts and intent illustrated is maintained.
  11. **Solid Waste Management Plan**
  - The petitioner will submit to Mecklenburg County Solid Waste a Solid Waste Management Plan prior to initiating demolition and/or construction activities to include, at a minimum, the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction activities, when applicable. The plan will specify that all land clearing and/or inert debris shall be taken to a properly permitted facility. The plan will also state the monthly reporting of all tonnage disposed and recycled will be made to Mecklenburg County Solid Waste Program. The report will also include the identification and location of all facilities receiving disposed or recycled materials.
- Amendments to Rezoning Plan**
- Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the parcels/lots within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.
10. **Binding Effect of the Rezoning Documents and Definitions**
  - a. If the Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Rezoning Plan and these Development Standards will be binding upon 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.
  - b. Throughout these Development Standards, the terms, "Petitioner" and "Owner" 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.
  - c. When a conflict occurs between the Rezoning Plan and the Development Standards the Development Standards will take precedence over the Rezoning Plan.



123 New Bern Street  
Charlotte, NC 28203  
P 704.375.9950  
F 704.375.3555



APPROVED BY  
CITY COUNCIL  
SEP 10 2008

RECEIVED  
DEC 22 2008

THE  
**SILOS**  
AT SOUTH END

SILOS AT SOUTH END REZONING  
FMKA.0823  
28 APRIL 2008

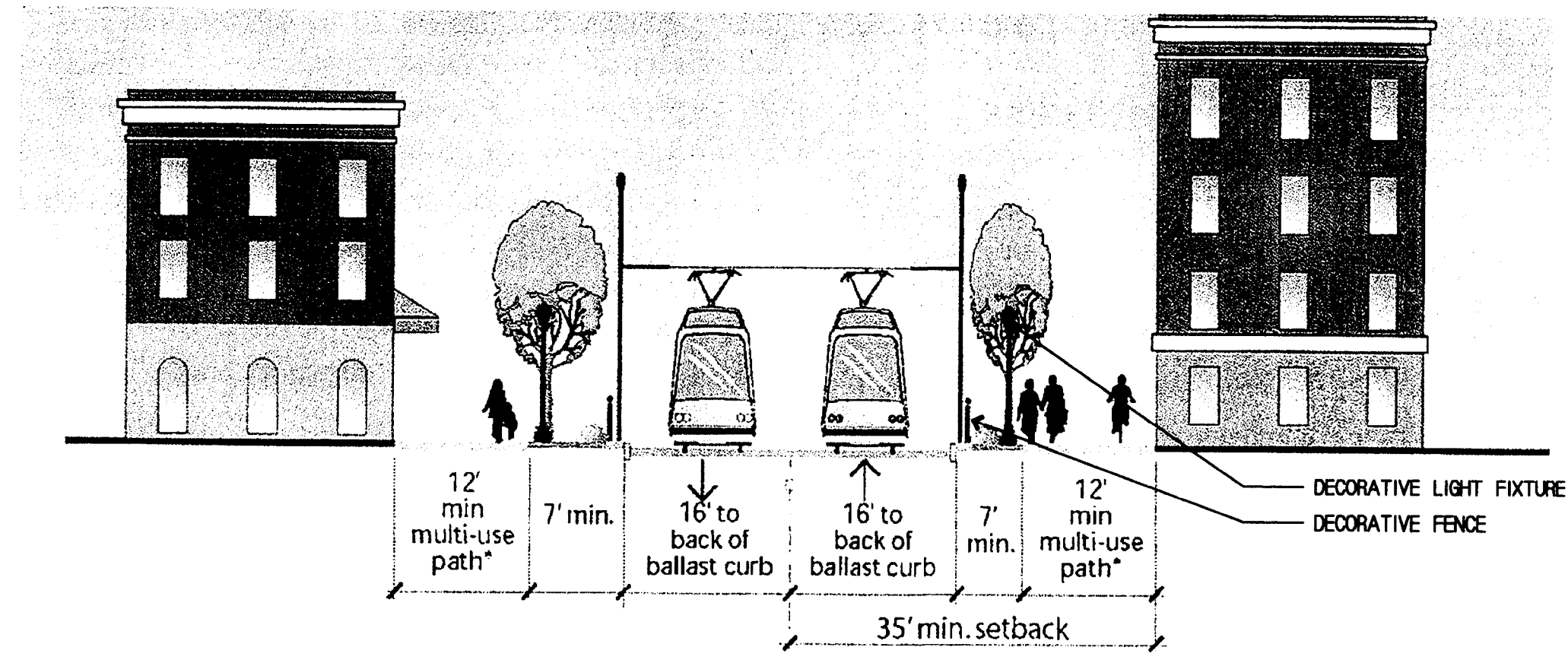
RESUBMITTAL  
23 JUNE 2008  
RESUBMITTAL  
25 JULY 2008

PETITION  
**2008-101**  
TECHNICAL DATA SHEET

FMKA.0823

**RZ.1**

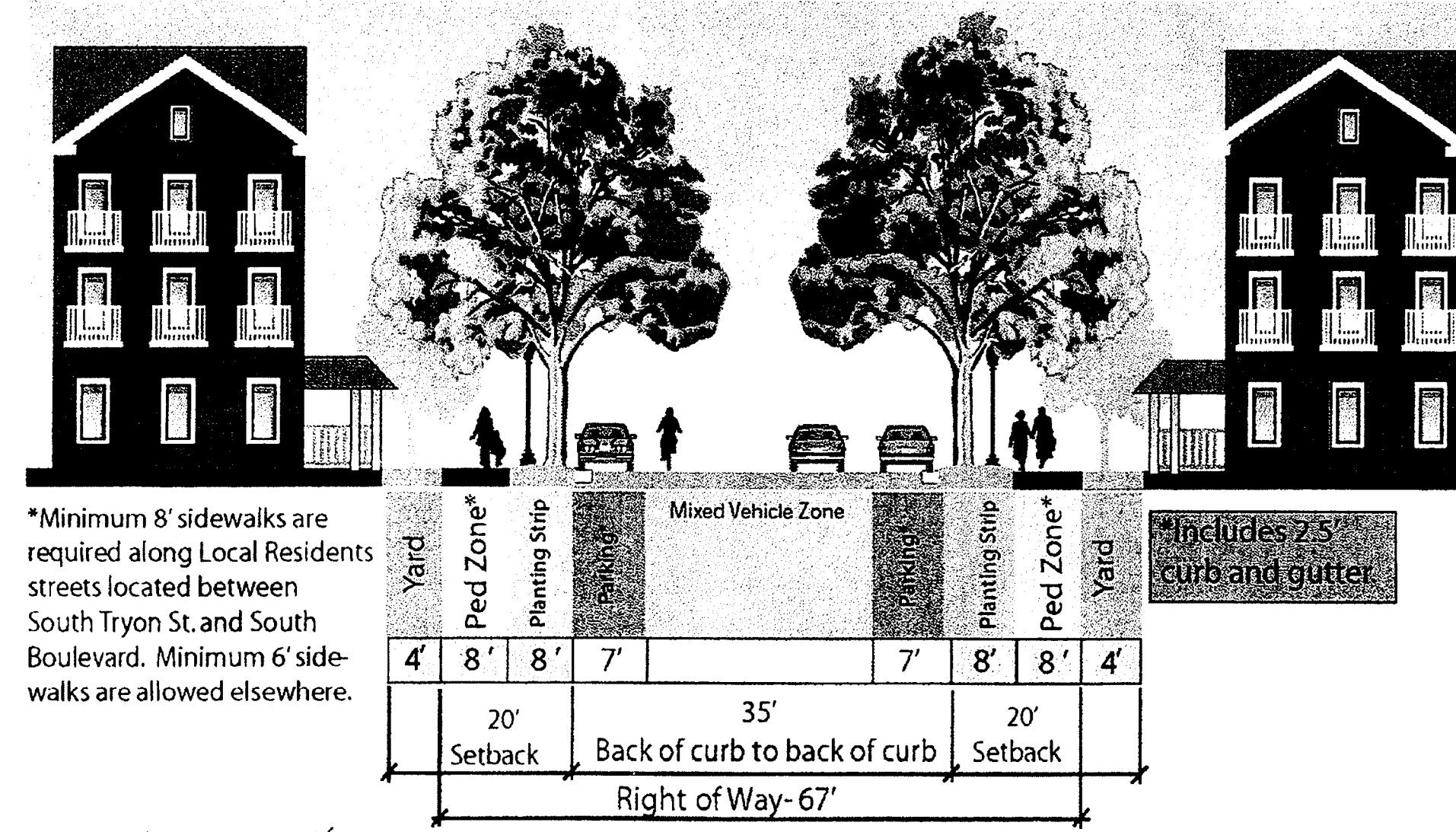




\*Material of multi-use trail to be approved by Planning CDOT  
 \*Location of multi-use trail to be approved by CATS

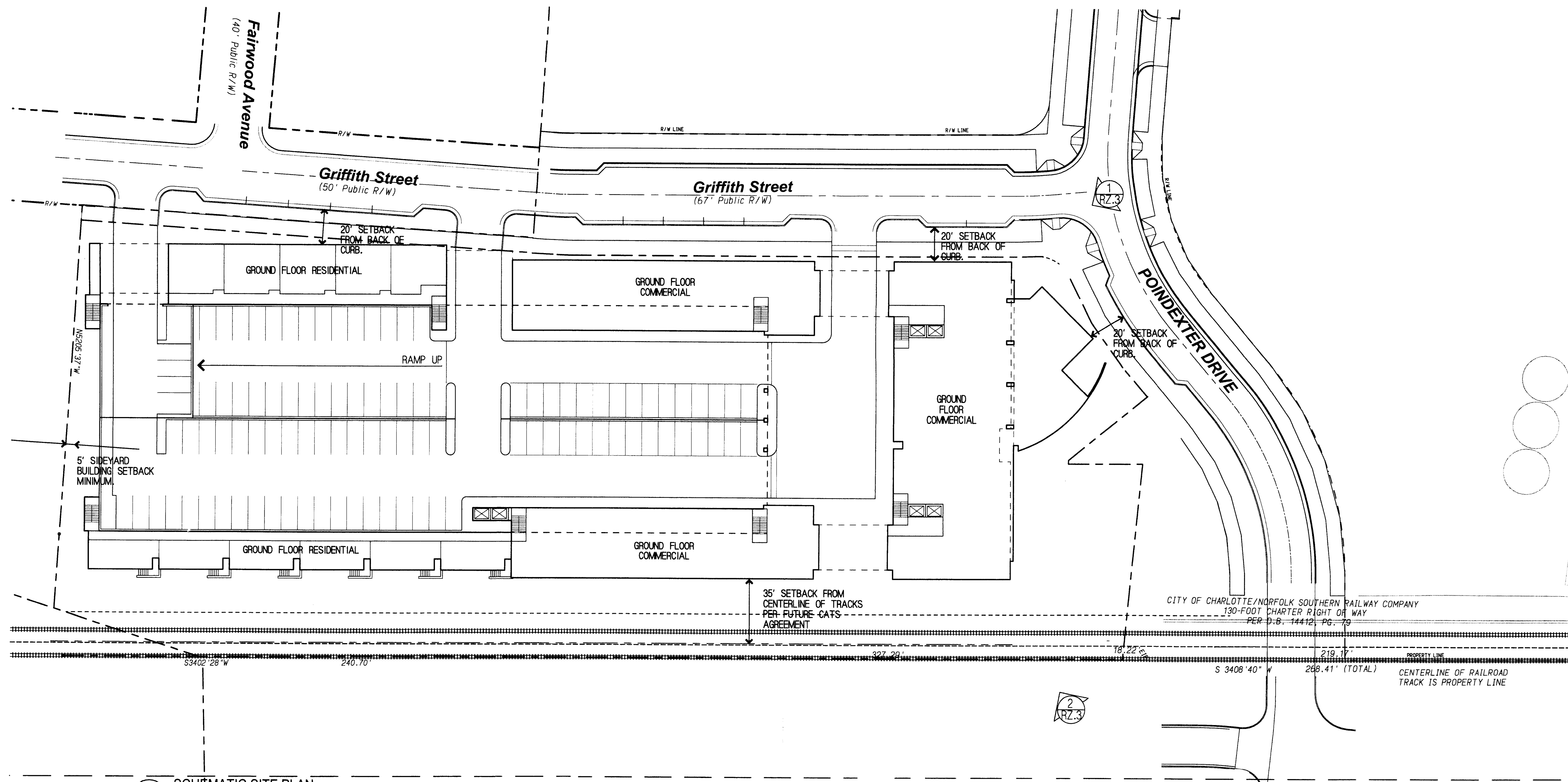
**3** LIGHT RAIL SECTION  
 RZ.2 SCALE: N.T.S.

New Bern Transit Station Area Plan



New Bern Transit Station Area Plan

**2** STREET SECTION  
 RZ.2 SCALE: N.T.S.



**1** SCHEMATIC SITE PLAN  
 RZ.2 1" = 30' - 0"



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 P 704.375.9950  
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# THE SILOS AT SOUTH END

SILOS AT SOUTH END REZONING  
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 28 APRIL 2008  
 RESUBMITTAL  
 23 JUNE 2008  
 RESUBMITTAL  
 25 JULY 2008

PETITION  
 2008-101

SCHEMATIC  
 SITE PLAN

FMKA.0823

RZ.2

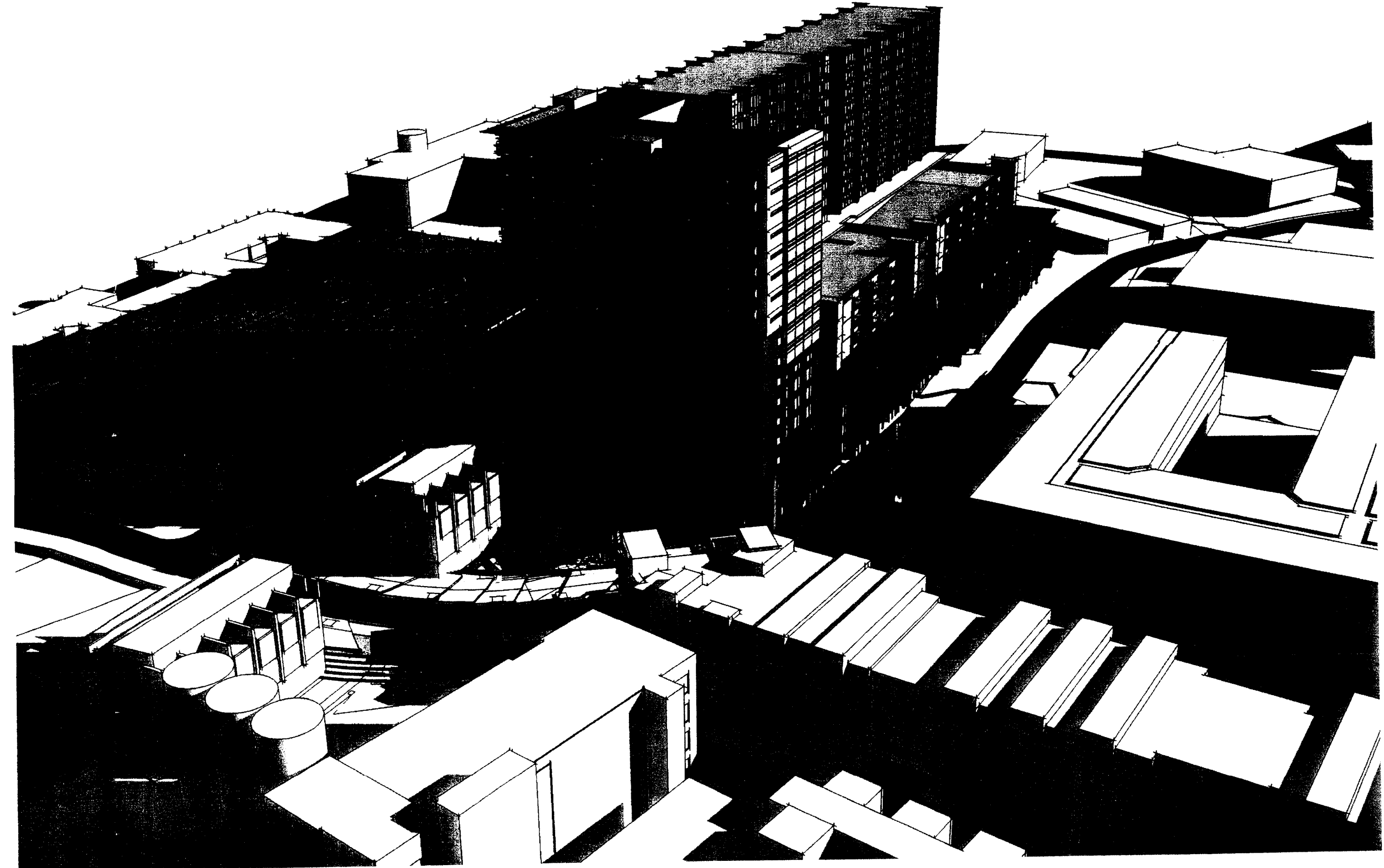
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10. Architectural Controls

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2 SCHEMATIC BUILDING PERSPECTIVE  
RZ.3 Scale: N.T.S.



1 SCHEMATIC BUILDING PERSPECTIVE  
RZ.3 Scale: N.T.S.

THE **SILOS** AT SOUTH END

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28 APRIL 2008  
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SCHEMATIC  
BUILDING  
PERSPECTIVES

AT SOUTH END

FMKA 0823

RZ.3