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APPROVED BY CITY COUNCIL
APR 19 2010

New Mixed-Use Development

SYCAMORE AT GATEWAY

CHARLOTTE, NC

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REZONING PLAN
2009-074

DATE: 07.27.09 JOB NO: 08073

REVISIONS:

NO.	DATE	DESCRIPTION
1	9/17/09	REVISION #1
2	11/23/09	REVISION #2
3	01/20/10	REVISION #3
4	02/15/10	REVISION #4
5	03/19/10	REVISION #5

SHEET NUMBER
SP-1
of Total

DEVELOPMENT STANDARDS
March 19 2010

GENERAL PROVISIONS

Unless more stringent standards are established by the Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the UMUD zoning district shall be followed in connection with development taking place on this approximately 4.71 acre site located on North Sycamore Street (the "Site"), which site is more particularly depicted on the Rezoning Plan.

The development depicted on the Rezoning Plan is intended to reflect the arrangement of proposed uses on the Site, but the final configuration, placement and size of individual site elements may be altered or modified within the limits prescribed by Section 6.2 of the Ordinance and the standards established by the Rezoning Plan and these Development Standards during design development and construction phases.

PERMITTED USES

- The Site may be devoted to any use permitted by right or under prescribed conditions in the UMUD zoning district, and to any incidental or accessory uses in connection therewith which are permitted in the UMUD zoning district.
- Notwithstanding the foregoing, the following uses shall not be permitted on the Site:
 - Adult establishments
 - Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets
 - Gasoline sales facilities
 - Equipment rental and leasing
 - Pest control and disinfecting services
 - Funeral homes (including embalming locations and crematoria)
 - Building materials sales
 - Care facilities, and
 - Commercial rooming houses.

Notwithstanding paragraphs (b) and (c) above, restaurants that serve alcoholic beverages may be located on the Site and alternative fueling stations may be located on the Site provided that such facilities are located within a parking deck.

MAXIMUM GROSS FLOOR AREA/MAXIMUM NUMBER OF DWELLING UNITS

- A maximum of 12,000 square feet of gross floor area devoted to non-residential uses may be developed on the Site. Of this 12,000 square feet of non-residential gross floor area, a maximum of 12,000 square feet may be devoted to retail sales and services and restaurants.
- A maximum of 416 multi-family dwelling units may be developed on the Site. These multi-family dwelling units may be rental or for sale dwelling units.
- For purposes of the gross floor area limitations set out above, the term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building, and any accessory building or structure measured from outside of the exterior walls or from the center line of party walls. Gross floor area shall not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawlspaces, and it shall not include areas devoted to outdoor dining and seating. Additionally, structured parking facilities shall not be included in the term "gross floor area" or in the calculation of gross floor area.

WORKFORCE DWELLING UNITS

A minimum of 32 of the 416 multi-family dwelling units planned for the Site shall be, and shall remain to be for the life of the development project, "workforce" multi-family dwelling units. However, in the event that the development project is built in phases, a minimum of 7 of the multi-family dwelling units constructed within Phase I of the development project must be "workforce" multi-family dwelling units. For the purposes of this provision, "workforce" multi-family dwelling units shall be defined as multi-family dwelling units designed to serve households with an income range of 50% to 200% of the area median income. The Petitioner's current plans do not call for publicly funded "workforce" multi-family dwelling units, however, the Petitioner reserves the option to pursue a waiver from the City of Charlotte to permit publicly funded "workforce" multi-family dwelling units to be located within the development project.

SETBACKS, SIDE YARDS AND REAR YARDS

All principal structures constructed on the Site shall satisfy or exceed the setback, side yard and rear yard requirements under the Ordinance for the UMUD zoning district as depicted on the Rezoning Plan.

SCREENING/LANDSCAPING/TREE ORDINANCE

- Screening shall conform with the standards and treatments specified in the Ordinance.
- Surface parking lots and parking decks will be screened using methods permitted under the Ordinance, and such screening methods may include landscaping, low scaled screen walls and decorative grills.
- All landscaping installed on the Site will meet or exceed the requirements of the Ordinance.
- Any dumpsters located within the Site that are visible from a public street or from an external adjoining parcel of land will be screened from view by solid-enclosures with gates.
- Loading dock areas shall be screened as generally depicted on the detail set out on Sheet SP-6.
- Development of the Site will comply with the applicable provisions of the City of Charlotte Tree Ordinance.

PARKING

- The Site shall comply with the minimum parking standards established under the Ordinance through on-site parking or through a combination of on-site parking and off-site parking. Off-site parking will be secured through a lease agreement or lease agreements that comply with the requirements of the Ordinance.
- 54 parking spaces on the Site will be reserved for use by Ray's Splash Planet, its employees, customers and invitees. Ray's Splash Planet's use of the 54 reserved parking spaces on the Site will be secured through a lease agreement that complies with the requirements of the Ordinance. The 54 parking spaces reserved for use by Ray's Splash Planet shall be available to Ray's Splash Planet, its employees, customers and invitees within the initial phase of the development project proposed for the Site.
- Bicycle parking will satisfy the minimum standards established under the Ordinance.

TRASH PICK-UP

Trash, garbage and recycling pick-up may only occur between the hours of 7:00 am. and 10:00 p.m.

LIGHTING

All pedestrian light fixtures installed on the Site shall be fully shielded with full cutoff and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

SIGNS

All signs installed on the Site will be erected in accordance with the requirements of the Ordinance.

URBAN OPEN SPACE/OPEN SPACE

- Urban open space shall be provided on the Site in accordance with the minimum requirements of Section 14.026(4) of the Ordinance.
- In addition to the urban open space specified above in paragraph 1, a minimum of 100,000 square feet of common open space shall be provided on the Site as depicted on the Rezoning Plan. The common open space shall not be required to comply with the requirements of Section 14.026(4) of the Ordinance.
- The urban open space and the common open space will be improved by the Petitioner as depicted on the Rezoning Plan.

STORM WATER/SWIM BUFFER

Development of the Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance and the SWIM Buffer Ordinance. The Petitioner reserves the right to use green roofs to meet a portion of the Post Construction Controls Ordinance requirements provided that the green roofs meet water quality specifications.

2. Development of the Site shall comply with the SWIM Buffer mitigation requirements due to the encroachment of the development project into the 100 foot SWIM Buffer.

ACCESS POINTS/SIDEWALKS

- The number of vehicular access points to the Site shall be limited to the number depicted on the Rezoning Plan.
- 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 Charlotte Department of Transportation.
- Sidewalks and planting strips shall be installed as depicted on the Rezoning Plan.
- The development project proposed for the Site shall not be a gated community and public access will be maintained from Sycamore Street to the Site and to the Greenway and related public amenities at all times.

TRANSPORTATION IMPROVEMENTS

- Petitioner shall, at its cost and expense, install 16 recessed on-street parking spaces on the north side of West 6th Street.
- Petitioner shall, at its cost and expense, install a 10' foot wide westbound right turn lane on North Sycamore Street at its intersection with W 6th Street. This right turn lane will be designed and constructed so that the right turn lane functions as a turn lane during morning and afternoon peak conditions, and so that the right turn lane contains 4 recessed on-street parking spaces that will be utilized for the parking of motor vehicles during off-peak hours.
- The Petitioner shall exert reasonable and good faith efforts to obtain from the relevant property owners, at its sole cost and expense, any right of way or easements necessary to construct and install the off-site transportation improvements (i.e., street widening to create recessed on-street parking spaces or a turn lane) described herein. In the event that the Petitioner is unable to obtain any of the required right of way or easements after exerting reasonable, good faith efforts to do so, the City may obtain the necessary right of way or easements by negotiated purchase or through eminent domain proceedings. In the event that the City purchases any required right of way or easements, the Petitioner shall reimburse the City for the purchase price and any expenses related thereto. In the event that the City acquires any required right of way or easements through eminent domain proceedings, the Petitioner shall reimburse the City for any court award of just compensation and/or damages, including interest, that the City is required to pay and for appraisal fees, attorney's fees and other costs and expenses incurred by the City in connection therewith. Notwithstanding the foregoing, the Petitioner shall not be liable to reimburse the City for any amount that the City has agreed to pay either through a negotiated purchase or settlement of an eminent domain proceeding that is in excess of the appraised value unless the Petitioner has given its prior consent to such purchase or settlement.
- All off-site transportation improvements described above shall be completed and approved by the City prior to the issuance of the first certificate of occupancy for any building constructed on the Site.

ARCHITECTURAL COMMITMENTS

- The maximum height of that building designated as Building A on the Rezoning Plan shall be 6 stories.
- The maximum height of that building designated as Building B on the Rezoning Plan shall be 12 stories.
- The maximum height of that building designated as Building C on the Rezoning Plan shall be 20 stories and 275 feet.
- The first floor of each building will be designed with pedestrian interest and active uses.
- Each building will be designed to integrate variation through architectural controls and materials on all four sides. The exterior building materials will include a combination of brick, precast or cast stone and other synthetic or composite materials, glass and coated metal as well as prefabricated awnings. Each building top shall and base will be clearly delineated as individually identifiable components.
- The elevations of those buildings designated as Building B and Building C on the Rezoning Plan facing I-77 and the Site's internal streets will be designed to step back a minimum of 10 feet to decrease the massing of the buildings above the fourth and/or fifth floors of such buildings. The elevations facing I-77 will be detailed with architectural interests/windows. Large single/bank walls will be avoided.
- Each building will include architectural elements to create visual scale and interest. These elements could include verandas and/or second or third floor terraces.
- A minimum of 50% of the gross floor area of each building along and through I-77 will contain retail, office, personal services or residential uses. All first floor uses will include clear glass and doors along these facades.
- Building entrances will be recessed and designed to be clearly identifiable.
- Set out on Sheets SP-4 and SP-5 are architectural perspectives of the buildings proposed to be constructed on the Site. These building perspectives are intended only to depict the general conceptual architectural style and character of the buildings proposed to be constructed on the Site with respect to exterior building materials, design elements (such as balconies and fenestration), the massing and proportions of the buildings and the manner in which the buildings will address the greenway. Changes and alterations that do not materially change the overall conceptual architectural style and character shall be permitted.
- An architectural perspective of the west facade of Building A is not set out on sheets SP-4 or SP-5, however, the west facade of Building A will be substantially similar in appearance to the east facade of Building A.

FIVE YEAR VESTED RIGHT

Pursuant to Section 11.0 of the Ordinance, a 5 year vested right is granted for the development project approved under this Rezoning Petition and Rezoning Plan due to the size and phasing of the development project, the level of investment, economic cycles and market conditions.

PHASING

- At the option of the Petitioner, the development project proposed for the Site may be constructed in separate phases or it may be constructed in its entirety as a single phase.
- In the event that the Petitioner elects to construct the development project in separate phases, Phase I of the development project will contain, at a minimum, the following improvements:
 - The maximum six story building designated as Building A on the Rezoning Plan.
 - A structured parking facility located underneath Building A.
 - (i) An asphalt surface parking lot that meets the requirements of the Ordinance and contains a minimum of 12 parking spaces that is located generally within the building envelopes for Building B and Building C.
 - (ii) A structured parking facility located underneath the building envelopes for Building B and Building C and the plaza and open space areas situated between the building envelopes for Building A, Building B and Building C, and an asphalt surface parking lot that meets the requirements of the Ordinance and contains a minimum of 90 parking spaces that is located on top of the structured parking facility generally within the building envelopes for Building B and Building C.
 - All improvements set out on the Rezoning Plan except for the Greenway Plaza, landscape area and the Grand Stairs that will be built in a subsequent phase or subsequent phases.
 - The earth terraced amphitheatre depicted on the Rezoning Plan, and
 - All of the off-site transportation improvements set out above under Transportation Improvements.
- In the event that the Petitioner elects to construct the development project in separate phases, Phase I may include, at the option of the Petitioner, improvements in addition to those improvements set out above in paragraph 2 such as Building B or Building C.
- In the event that the Petitioner elects to construct the development project in separate phases, the development project, at the completion of each phase, must comply with the minimum parking standards established under the Ordinance.
- In the event that the Petitioner elects to construct the development project in separate phases, 54 parking spaces on the Site will be reserved in Phase I for use by Ray's Splash Planet, its employees, customers and invitees as set out above under Parking.
- The Petitioner shall coordinate all greenway design and construction with the Mecklenburg County Park and Recreation Department as a part of Phase I of the development project.

BINDING EFFECT OF THE REZONING PETITION

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and the Rezoning Plan 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 heirs, devisees, personal representatives, successors in interest or assigns.

AMENDMENTS TO REZONING PLAN

Future amendments to this Rezoning Plan and these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

FOR PUBLIC HEARING
PETITION NO. 2009-074

SHEET NUMBER
SP-2
of Total

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DEVELOPEMENT STANDARDS

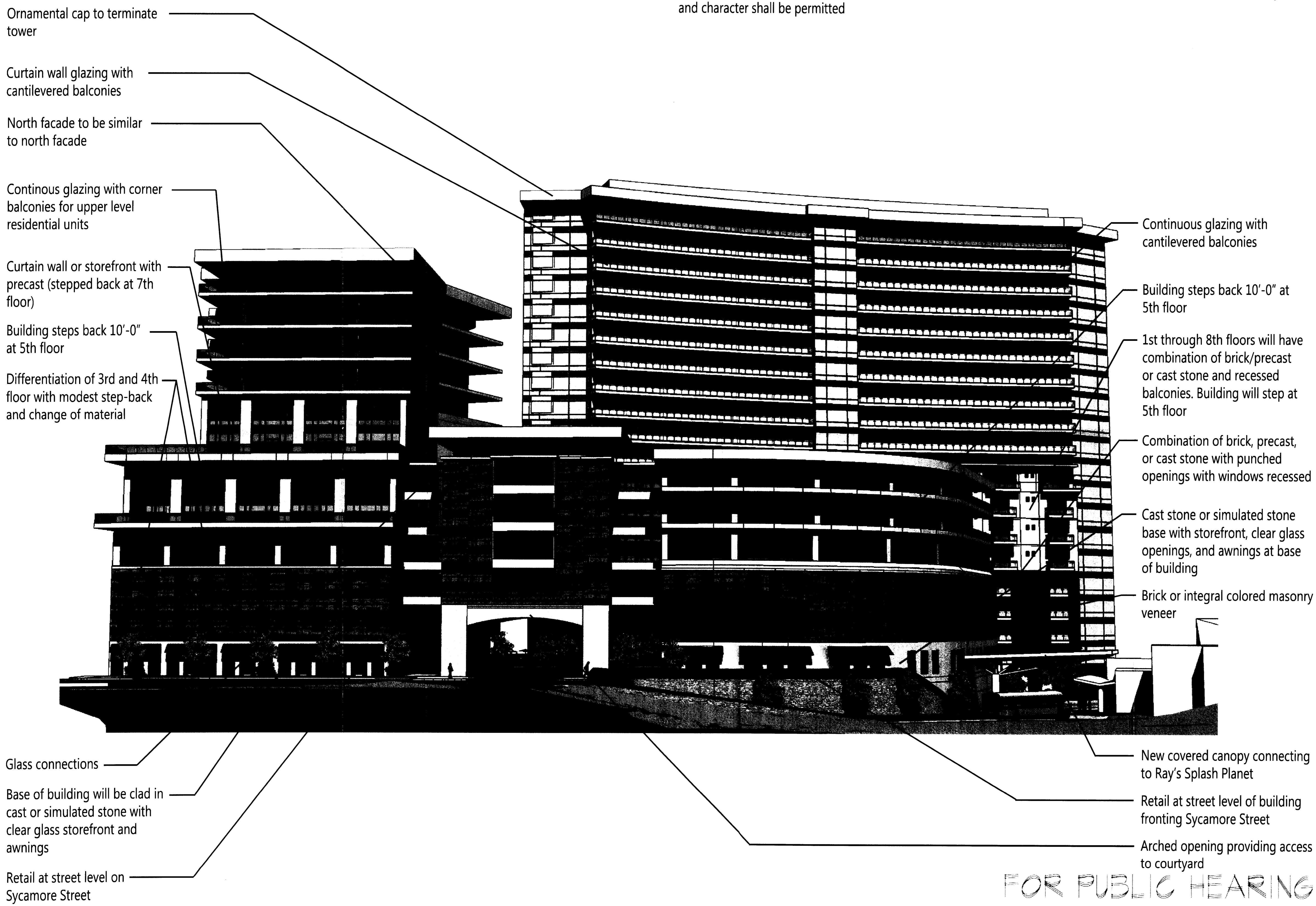
DATE: 07.27.09 JOB NO: 08073

REVISIONS:

NO.	DATE	DESCRIPTION
1	9/17/09	REVISION #1
2	11/23/09	REVISION #2
3	03/20/10	REVISION #3
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SHEET NUMBER
SP-2
of Total

The attached building perspectives are intended only to depict the general conceptual architectural style and character of the buildings proposed to be constructed on the site with respect to exterior building materials, design elements (such as balconies and fenestration), the massing and proportions of the buildings and the manner in which the buildings will address the greenway. Changes and alterations that do not materially change the overall conceptual architectural style and character shall be permitted



FOR PUBLIC HEARING
 PETITION NO. 2009-014
 PERSPECTIVE VIEW | SCALE = NTS | 01

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 Development**

SYCAMORE

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PERSPECTIVE

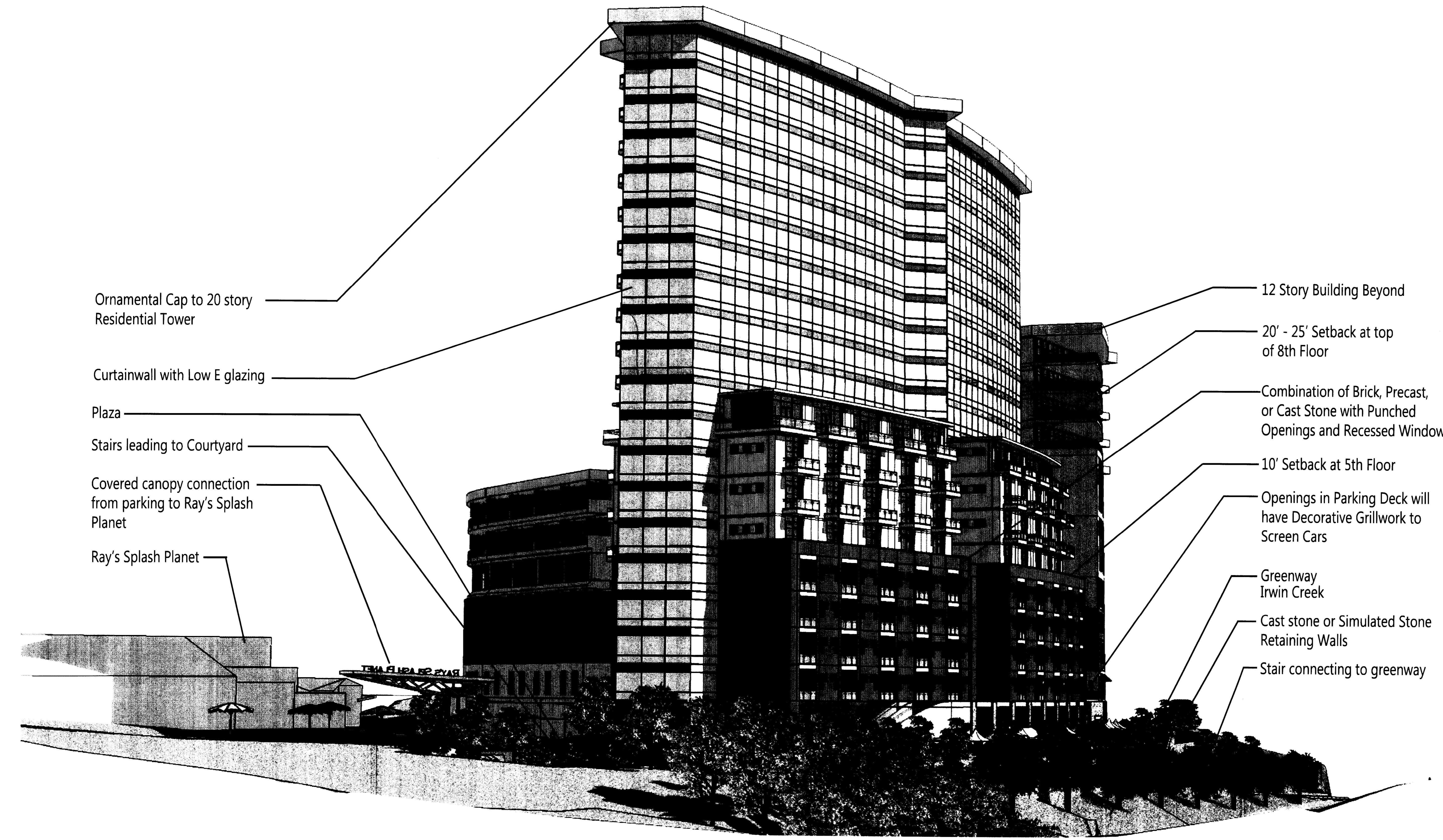
DATE: 9/18/09 JOB NO.: 08073

REVISIONS:	
NO.	DESCRIPTION:
1	9/17/09 REVISION

SHEET SP-3
 WORK REMAINS
 PER STAFF

SHEET NUMBER
SP-4

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PERSPECTIVE

DATE: 9/18/09 JOB NO.: 08073

REVISIONS:	
NO.	DESCRIPTION:
1	9/17/09 REVISION

SHEET NUMBER
SP-5

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APR 19 2010

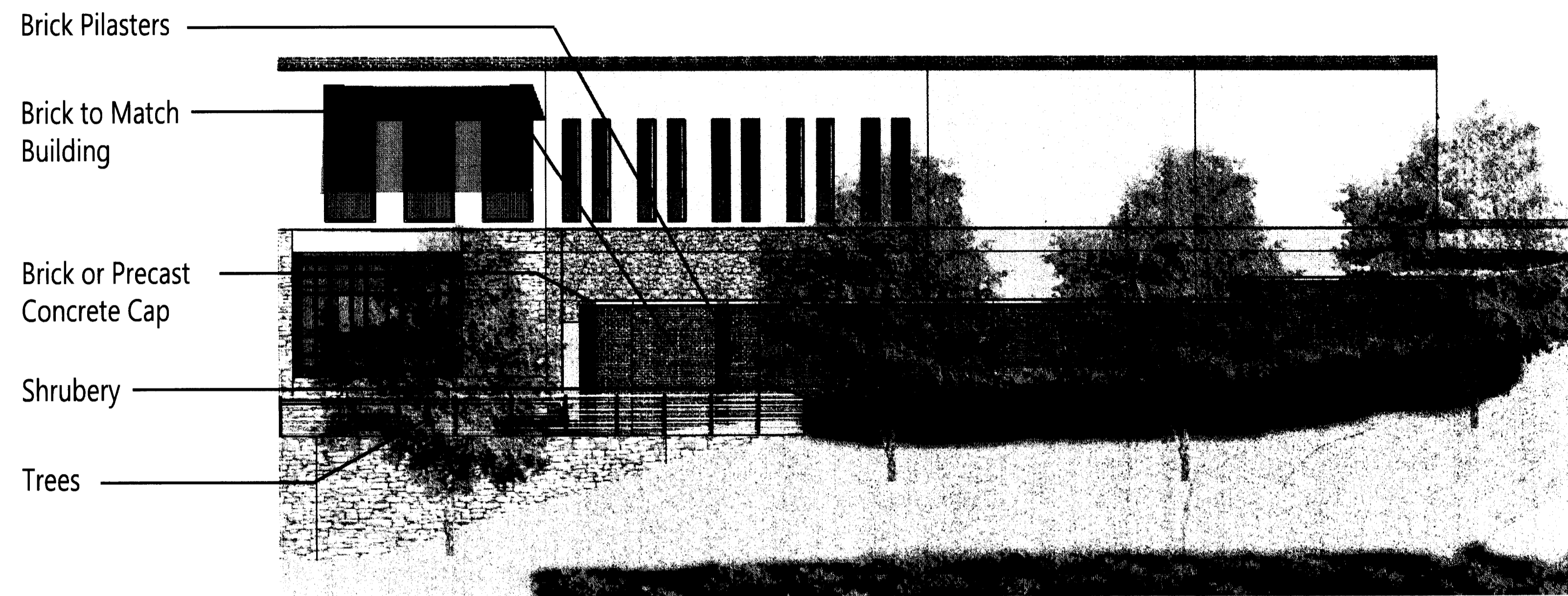
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2009-074

2009-074



Service Screen Wall



Service Screen Wall

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REVISIONS:

NO.	DATE	DESCRIPTION
1	9/17/09	REVISION

SHEET NUMBER

SP-6

FOR PUBLIC HEARING

PETITION NO. 2009-074