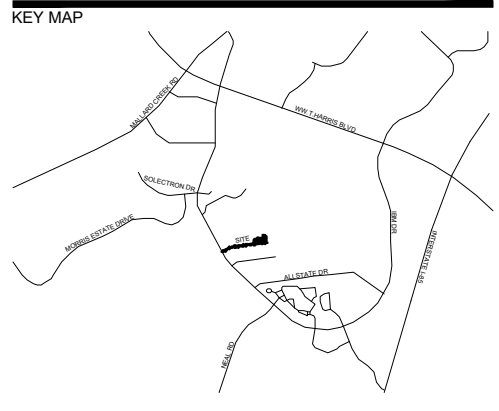


Planning Department  
**APPROVED BY CITY COUNCIL**  
November 15, 2021



SCALE

PROJECT

**INNOVATION  
PARK REZONING**

CHARLOTTE, NC

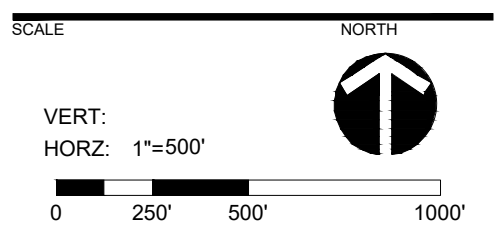
REZONING PETITION #  
2020-112

LANDDESIGN PROJ.#  
1019506

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	STAFF COMMENTS	02.12.21
2	STAFF COMMENTS	08.16.21
3	STAFF COMMENTS	09.13.21
5	REZONING	11.08.21

DESIGNED BY: AEE  
DRAWN BY: AEE  
CHECKED BY: KST

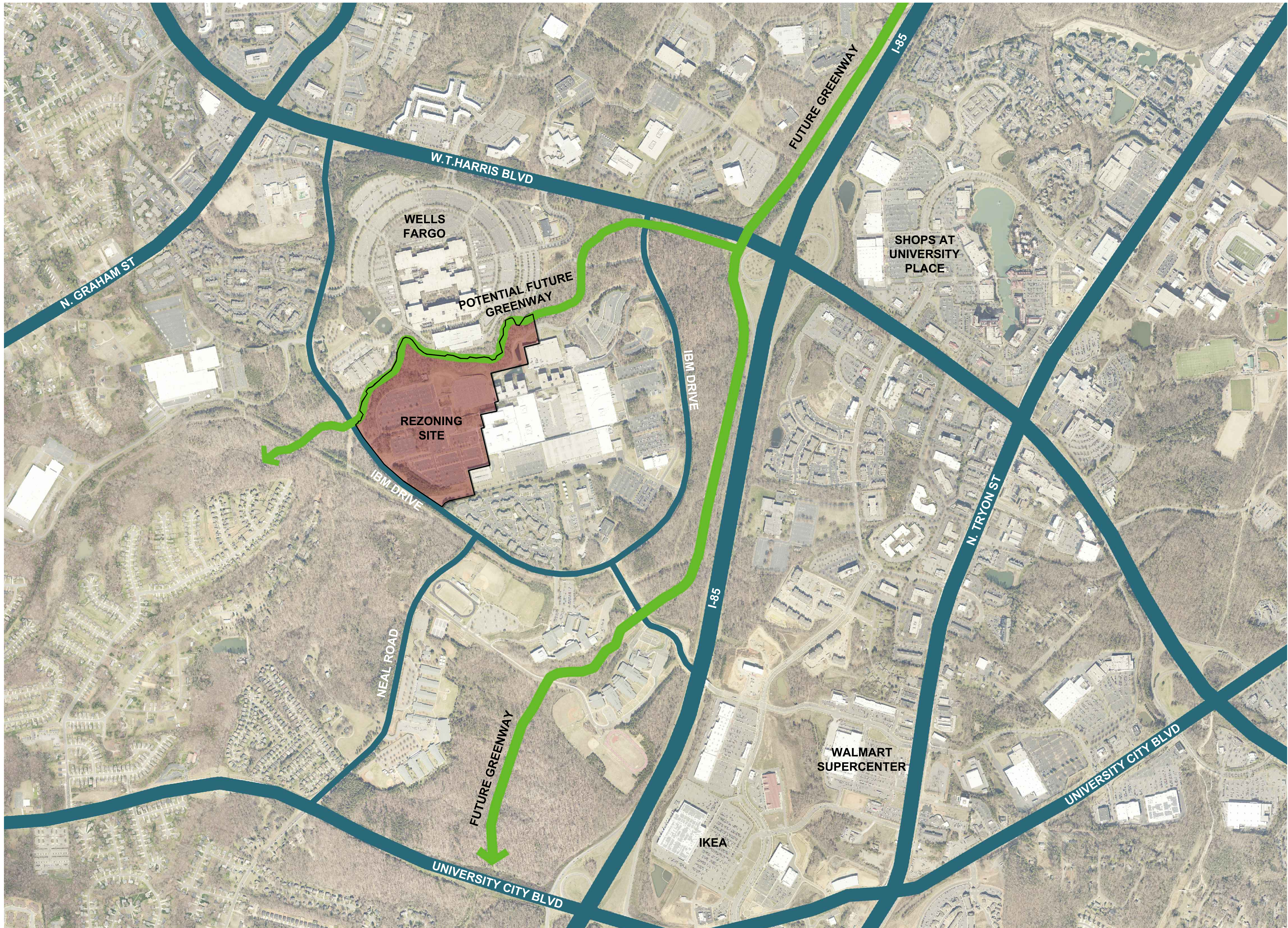


SHEET TITLE

CONTEXT MAP

SHEET NUMBER

**RZ-1.0**





NOTE: INTENDED TO SHOW CURRENT CONCEPTUAL MASTER PLAN. REFER TO RZ-3.0, TECHNICAL DATA SHEET FOR CONCEPTUAL DEVELOPMENT AREAS.

**SITE DEVELOPMENT DATA:**

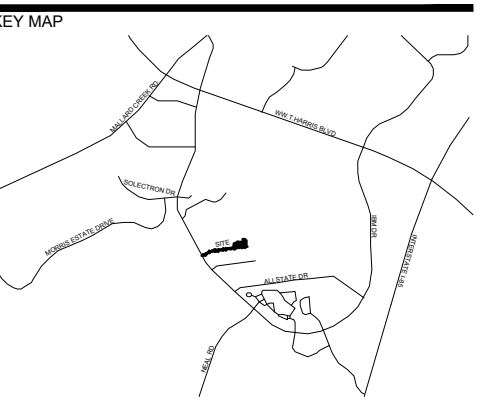
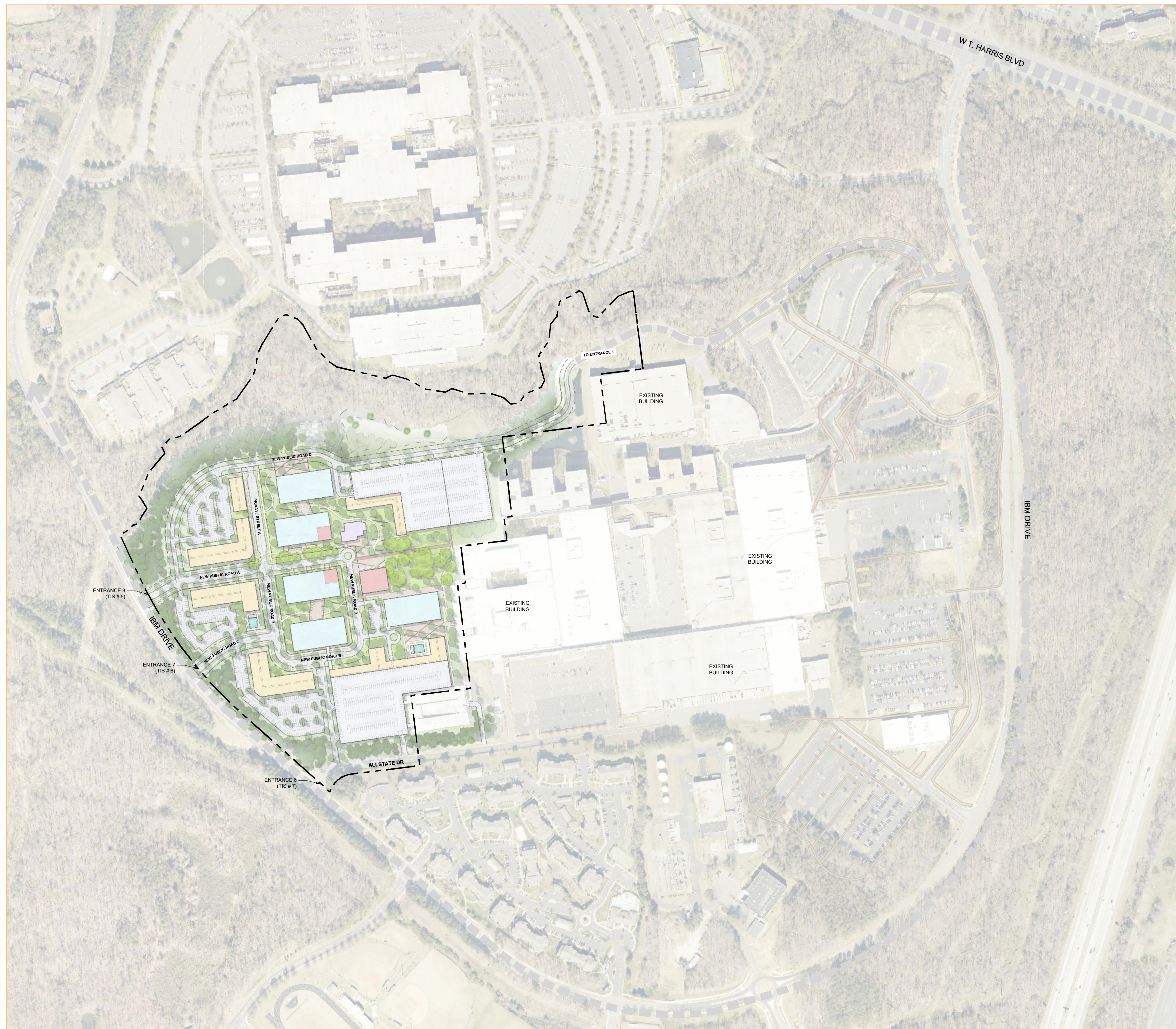
**PARCEL ID NUMBER (PID#):** 04711109

**SITE ACREAGE:** ± 57.2 ACRES

**JURISDICTION:** CITY OF CHARLOTTE

**EXISTING ZONING:** RE-2, RE-3 RESEARCH DISTRICT

**PROPOSED ZONING:** RE-3 OPTIONAL



KEY MAP

SCALE

PROJECT

**INNOVATION PARK REZONING**

CHARLOTTE, NC

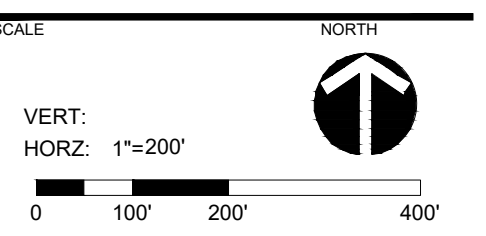
REZONING PETITION # 2020-112

LANDDESIGN PROJ.# 1019506

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DESIGNED BY: AEE  
 DRAWN BY: AEE  
 CHECKED BY: KST



SHEET TITLE

OVERALL MASTER PLAN

SHEET NUMBER

**RZ-2.0**



**SITE DEVELOPMENT DATA:**

**PARCEL ID NUMBER (PID#):** 04711109

**SITE ACREAGE:** ± 57.2 ACRES

**JURISDICTION:** CITY OF CHARLOTTE

**EXISTING ZONING:** RE-2, RE-3 RESEARCH DISTRICT

**PROPOSED ZONING:** RE-3 OPTIONAL

**EXISTING LAND USE:** PARKING LOT/ OPEN SPACE

**PROPOSED PRINCIPAL USE:**  
USES PERMITTED BY RIGHT AND UNDER  
PRESCRIBED CONDITIONS TOGETHER WITH  
ACCESSORY USES AS ALLOWED IN THE RE-3  
ZONING DISTRICT

**MAX. BUILDING HEIGHT:** 120'

**REQUIRED PARKING:** AS REQUIRED BY THE  
ORDINANCE

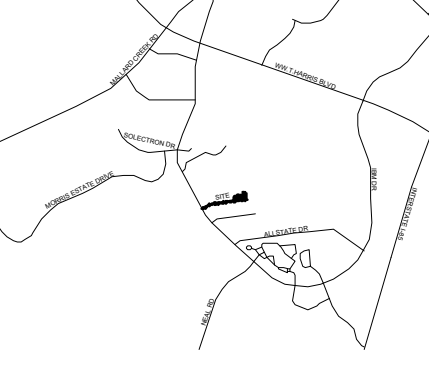
**DEVELOPMENT LIMITATIONS**

SEE SECTION 4 OF THE DEVELOPMENT STANDARDS.

**NOTE:**

1. DEDICATION AND FEE SIMPLE CONVEYANCE OF ALL RIGHTS OF WAY TO THE CITY MUST TAKE PLACE BEFORE THE BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.
2. CDOT REQUESTS R/W TO BE SET 2' BEHIND SIDEWALK WHERE FEASIBLE.
3. (A) FIRE DEPARTMENT ACCESS ROAD SHALL HAVE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,000 LBS.  
(B) FIRE DEPARTMENT ACCESS ROAD THAT EXCEEDS 150' SHALL PROVIDE AN APPROVED TURNAROUND.  
(C) TURN RADIUS 30' INSIDE AND 42' OUTSIDE.  
(D) FOR NON-SPRINKLED BUILDINGS, FIRE DEPARTMENT MUST BE ABLE TO REACH 150' TO ALL EXTERIOR PORTION OF BUILDING.  
(E) FOR SPRINKLED BUILDINGS, FIRE DEPARTMENT MUST BE ABLE TO REACH 200' TO ALL EXTERIOR PORTION OF BUILDING.  
(F) FOR BUILDINGS THAT IS EQUIPPED WITH A SPRINKLER SYSTEM, A FIRE DEPARTMENT CONNECTION SHALL BE LOCATED WITHIN 200' OF A FIRE HYDRANT FOR A NFPA 13 SPRINKLER SYSTEM AND 750' FOR A NFPA 13R SPRINKLER SYSTEM.  
(G) FIRE HYDRANT SHALL BE LOCATED WITHIN 750' TO THE MOST REMOTE POINT OF BUILDING AS TRUCK TRAVEL FOR ALL BUILDINGS.

KEY MAP



SCALE

PROJECT

**INNOVATION  
PARK REZONING**

CHARLOTTE, NC

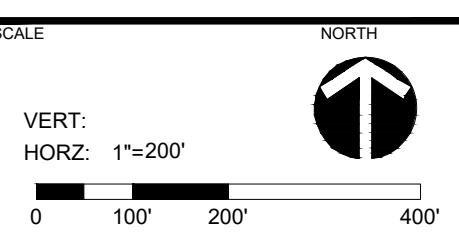
REZONING PETITION #  
2020-112

LANDDESIGN PROJ.#  
1019506

**REVISION / ISSUANCE**

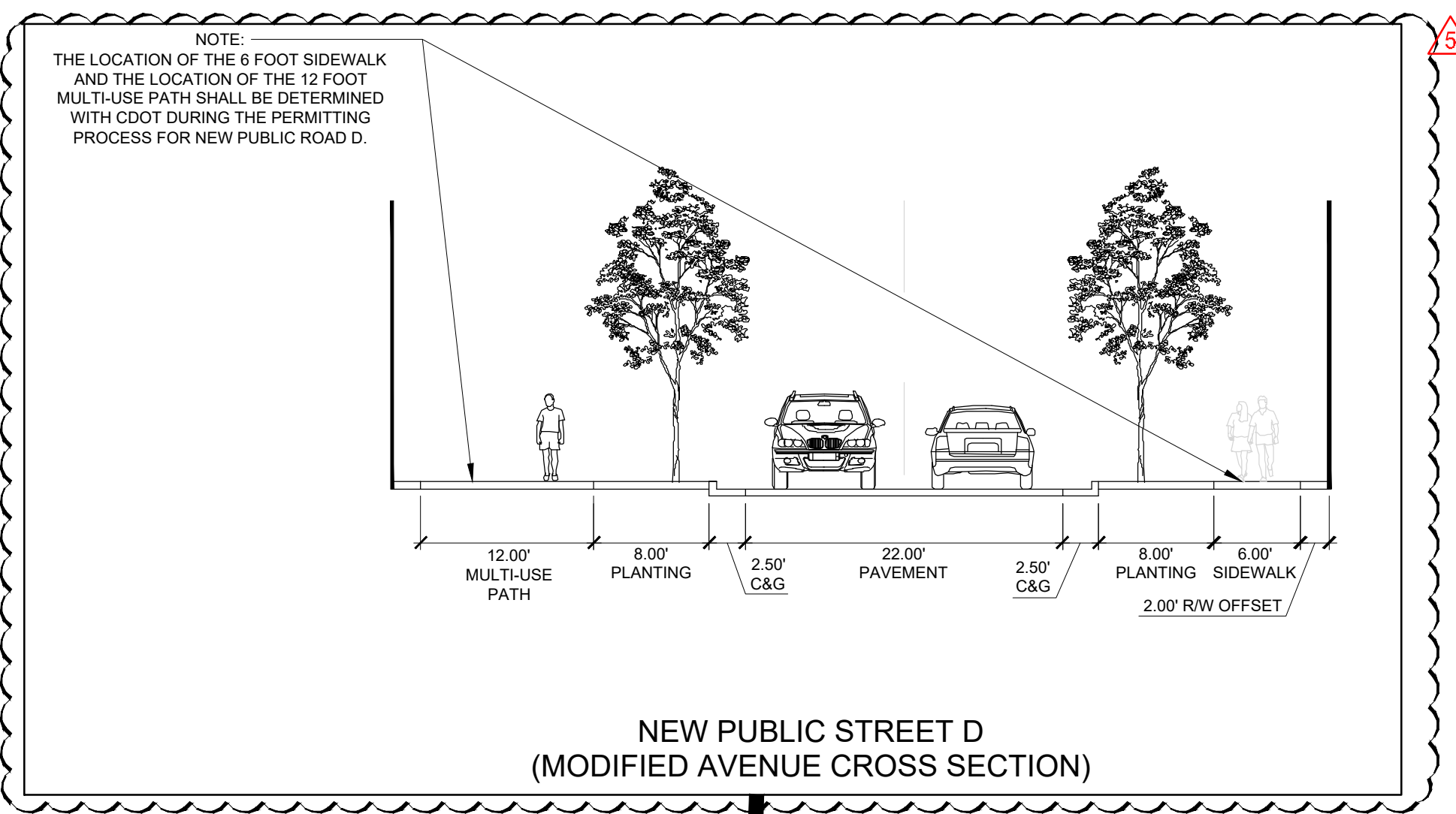
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3	STAFF COMMENTS	09.13.21
5	REZONING	11.08.21

DESIGNED BY: AEE  
DRAWN BY: AEE  
CHECKED BY: KST



TECHNICAL DATA SHEET

SHEET NUMBER  
**RZ-3.0**



PARCEL ID: 04711104  
OWNER: FIRST UNION NATIONAL  
BANK OF NORTH CAROLINA  
DEED #: 07822-949  
ZONING: RE-2

PARCEL ID: 04739109  
OWNER: IBM CORPORATION  
DEED #: 03205-199

PARCEL ID: 04711301  
OWNER: IBM CORPORATION  
DEED #: 03205-199  
ZONING: R-4

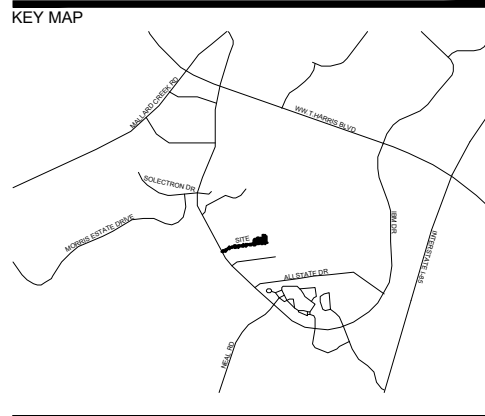
PARCEL ID: 04711202  
OWNER: J & S ASSOCIATES INC  
DEED #: 24966-323  
ZONING: R-8 MF (CD)

PARCEL ID: 04711501  
OWNER: BEL VINOY LLC  
DEED #: 31538-291  
ZONING: R-17 MF (CD)

PARCEL ID: 04739108  
OWNER: CHARLOTTE-MECKLENBURG  
BOARD OF EDUCATION  
DEED #: 29949-722  
ZONING: INST



NOTE: INTENDED TO SHOW CURRENT CONCEPTUAL MASTER PLAN



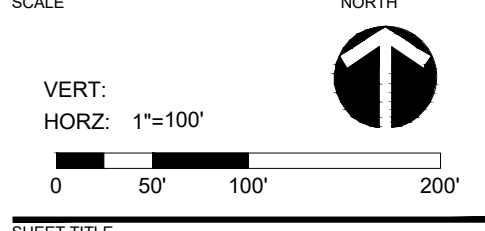
PROJECT  
**INNOVATION PARK REZONING**  
 CHARLOTTE, NC  
 REZONING PETITION # 2020-112

LANDDESIGN PROJ.# 1019506

REVISION / ISSUANCE

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3	STAFF COMMENTS	09.13.21
5	REZONING	11.08.21

DESIGNED BY: AEE  
 DRAWN BY: AEE  
 CHECKED BY: KST









SHEET TITLE

CONCEPTUAL SITE PLAN

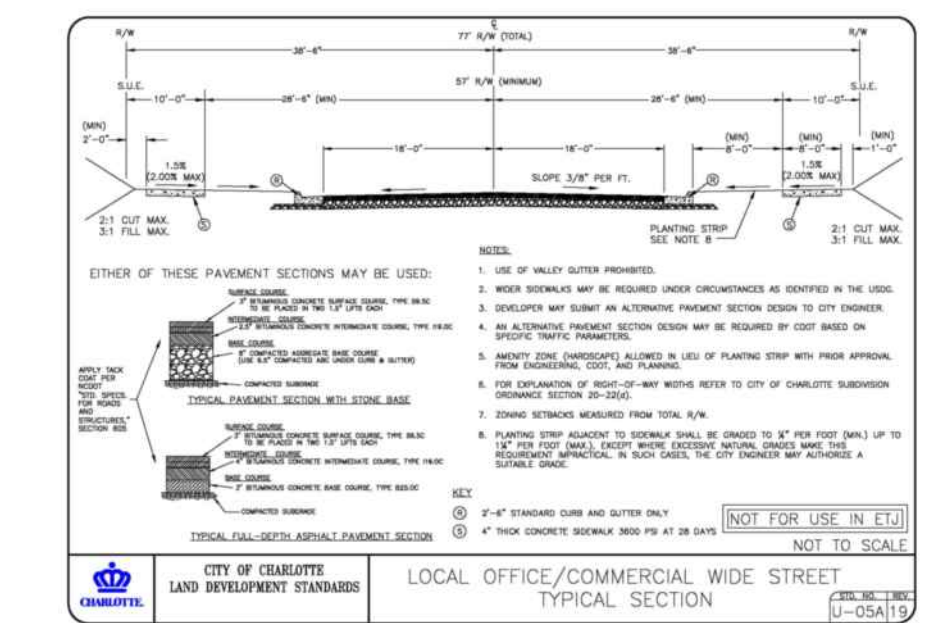
SHEET NUMBER

RZ-4.0

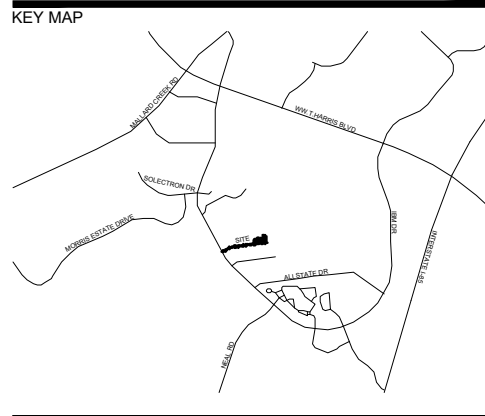
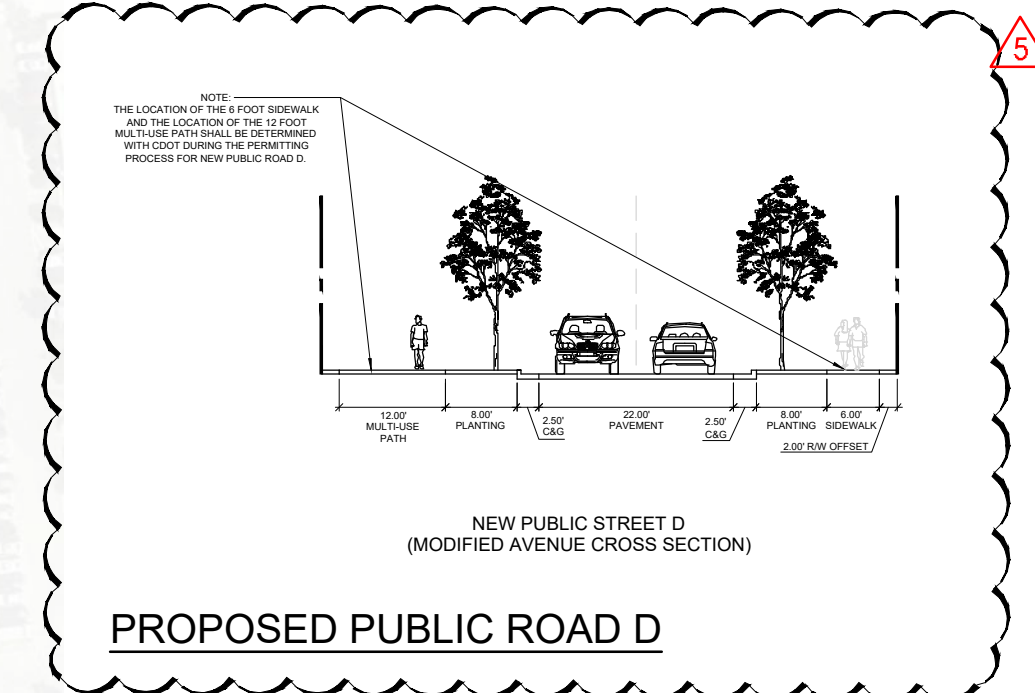


- LEGEND:**
- EXISTING STREETS 
  - PROPOSED USDG LOCAL OFFICE/COMMERCIAL WIDE 
  - PROPOSED PUBLIC ROAD D 
  - PROPOSED DRIVE 
  - PROPOSED PEDESTRIAN CONNECTION 
  - FUTURE GREENWAY 

CONCEPTUAL STREET LOCATION, FINAL LOCATIONS TO BE DETERMINED AS DEVELOPMENT OCCURS.



PROPOSED PUBLIC ROADS A, B, AND C



PROJECT

**INNOVATION PARK REZONING**

CHARLOTTE, NC

REZONING PETITION # 2020-112

LANDDESIGN PROJ.# 1019506

REVISION / ISSUANCE		
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4	REZONING	11.08.21

DESIGNED BY: AEE  
DRAWN BY: AEE  
CHECKED BY: KST

SCALE: NORTH

VERT: 1"=100'  
HORZ: 1"=100'

0 50 100 200'

SHEET TITLE

STREET NETWORK

SHEET NUMBER

**RZ-5.0**



DEVELOPMENT STANDARDS

November 9, 2021

1. GENERAL PROVISIONS

- A. Site. These Development Standards, the Context Map, the Overall Master Plan, the Technical Data Sheet, the Conceptual Site Plan, the Street Network Plan and other graphics set forth on attached Sheets RZ-1.0 through RZ-6.0 form the rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by BR1 1882 Innovation Park Development, LLC (the "Petitioner") for an approximately 57.2 acre site that is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel No. 047-111-09.
B. Zoning District/Ordinance. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the RE-3 zoning district shall govern the development and use of the Site.
C. Graphics and Alterations. The schematic depictions of the uses, buildings, sidewalks, driveways, parking, and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site Elements proposed. Changes to the Rezoning Plan not approved by the City of Charlotte Planning Board will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the development of the Site contemplated under this Rezoning Petition has not undergone the design development and construction document phases, it is intended that this Rezoning Plan provide for flexibility in allowing alterations or modifications deemed necessary by the Petitioner from the graphic representations of the Development/Site Elements to accommodate a future multi-use, multi-phased development. Therefore, there may be instances where modifications will be allowed without requiring the administrative amendment process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- (1) Minor and do not materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed pursuant to this amendment process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the administrative amendment process pursuant to Section 6.207 of the Ordinance in each instance, however, subject to Petitioner's appeal rights set forth in the Ordinance.

D. Principal Buildings and Accessory Structures. This Rezoning Plan does not limit the number of principal buildings, accessory structures, structured parking facilities and surface parking areas that may be located on the Site or in a Building Envelope. The number of principal buildings, accessory structures, structured parking facilities and surface parking areas that may be located on the Site shall be governed by the applicable provisions of the Ordinance.

E. Existing Buildings, Structures and Improvements/Existing Uses. The existing structured parking facility and existing surface parking facilities and any other existing improvements on the Site may remain in place and continue to be utilized. To the extent that the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site do not comply with any requirement of the RE-3 zoning district, the Ordinance or this Rezoning Plan, the Petitioner shall not be required to bring the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site or any portions thereof into compliance with the RE-3 zoning district, the Ordinance or this Rezoning Plan.

Additionally, in the event that the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site or any portions thereof are destroyed or damaged by fire, flood, wind or other act(s) of God, the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site may be repaired or restored to their original dimensions and conditions in accordance with Section 7.103(7) of the Ordinance.

New buildings, structures, structured parking facilities, surface parking facilities and other new improvements on the Site will be required to comply with the requirements of the Rezoning Plan, the Ordinance and the RE-3 zoning district (except as modified by the Optional Provisions set out below in Section 2).

Any existing uses on the Site that are not permitted in the RE-3 zoning district may continue on the Site as legal, non-conforming uses in accordance with the terms of the Ordinance.

F. Unified Development. The Site shall be considered to be a planned/unified development. Therefore, side and rear yards, building height separation requirements and other similar zoning standards shall not be required internally between improvements, uses and other site elements located on the Site. Furthermore, Petitioner reserves the right to subdivide portions or all of the Site and to create lots within the interior of the Site without regard to any such internal separation standards and public/private street frontage requirements, provided, however, that the development of the Site shall be required to meet any applicable setback, side yard and rear yard and landscape area requirements with respect to the exterior boundary of the Site.

G. Vested Rights. Pursuant to Section 1.110 of the Ordinance and Section 160D-108.1 of the North Carolina General Statutes, the Rezoning Plan, if approved, shall be vested for a period of 5 years due to the size and phasing of the development, the level of investment, economic cycles and market conditions.

H. Amendments. Future amendments to the Rezoning Plan and/or 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. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

2. OPTIONAL PROVISIONS

The optional provisions set out below shall apply to the development of the Site.

- A. Parking, vehicular circulation and vehicular maneuvering space may be located between any buildings and structures located on the Site and the required setbacks from any public street, private street or private drive. Notwithstanding the foregoing, parking, vehicular circulation and vehicular maneuvering space may not be located between a building or structure located on the Site and the required setback from New Public Road A, Private Street A and New Public Road B (with the exception of the small parking lot located on the eastern side of New Public Road B, which small parking lot may be located between a building or structure and the required setback from New Public Road B).
B. Valet parking service area(s) may be located between the buildings and structures located on the Site and all adjacent public and private streets.
C. The minimum setback shall be 14 feet from the back of all existing or future curbs, whichever is greater. If the existing right of way is greater than the minimum setback from the back of existing or future curbs, the right of way line shall become the minimum setback. If the existing curb line varies, the setback shall be aligned along the widest section of the street (where there is the widest dimension between the backs of curbs).
(1) The architectural features set out below may encroach up to 4 feet into the required setback.
(a) Balconies. Balconies shall maintain a minimum vertical clearance of 12 feet.
(b) Bay windows. Bay windows shall maintain a minimum vertical clearance of 12 feet.
(c) At grade sidewalk connections.

- (2) Canopies, awnings and similar architectural accents may extend from a building up to one-half of the width of the setback area in front of the building and may not be closer than 2 feet from the back of curb. Ground supports for these features are not permitted in the public right of way. In no instance shall such features extend over or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be 9 feet. If a canopy, awning, or other appearance extends into the public right of way, an encroachment agreement from CDOT or NCDOT shall be required.
(3) Sills, belt courses, eaves, cornices and ornamental features may project from the building facade no more than 2 feet and may extend over a public or private sidewalk, shared use path, amenity zone or planting strip.
D. There is no minimum side yard, however, a 10 foot building separation shall be required adjacent to a residential use located on a lot that is external to the Site.
E. There is no minimum rear yard, however, a 10 foot building separation shall be required adjacent to a residential use located on a lot that is external to the Site.
F. The maximum building height shall be 120 feet.
G. A buffer shall not be required to be established on that portion of the Site adjacent to Tax Parcel No. 047-111-01.
H. Petitioner shall install a minimum 8 foot planting strip and a minimum 6 foot sidewalk along the Site's public street frontage. Notwithstanding the foregoing, Petitioner shall install a minimum 8 foot planting strip and a minimum 12 foot wide multi-use path along the Site's frontage on IBM Drive as provided below.

- (1) Petitioner will only be required to install a minimum 8 foot planting strip and a minimum 12 foot wide multi-use path along the Site's frontage on IBM Drive in connection with the construction of the first residential building on the Site. More specifically, Petitioner shall install a minimum 8 foot planting strip and a minimum 12 foot wide multi-use path along the Site's frontage on IBM Drive prior to the issuance of the first certificate of occupancy for a residential building constructed on the Site. The minimum 8 foot planting strip and the minimum 12 foot wide multi-use path may meander onto the Site due to topography and other site constraints. In the event that the minimum 8 foot planting strip and the minimum 12 foot wide multi-use path (or any portions thereof) are located outside of the right of way, the minimum 8 foot planting strip and the minimum 12 foot wide multi-use path (or the relevant portions thereof) shall be located in a sidewalk utility easement.
(2) If the minimum 12 foot wide multi-use path is difficult to implement with an 8 foot planting strip, a 14 foot wide back of curb multi-use path may be constructed due to site hardship.
(3) The construction of a new building or structure on the Site will not require the installation of any streetscape improvements along the frontages of Tax Parcel Nos. 047-111-05, 047-111-07 and/or 047-111-10 on IBM Drive.

- I. Subject to the terms of paragraph 4.B below, retail sales over 10,000 square feet of gross floor area shall be permitted on the Site.
J. The existing structured parking facility and existing surface parking facilities and any other existing improvements on the Site may remain in place and continue to be utilized. To the extent that the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site do not comply with any requirement of the RE-3 zoning district, the Ordinance or this Rezoning Plan, the Petitioner shall not be required to bring the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site or any portions thereof into compliance with the RE-3 zoning district, the Ordinance or this Rezoning Plan.
Additionally, in the event that the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site or any portions thereof are destroyed or damaged by fire, flood, wind or other act(s) of God, the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site may be repaired or restored to their original dimensions and conditions in accordance with Section 7.103(7) of the Ordinance.

- I. Subject to the terms of paragraph 4.B below, retail sales over 10,000 square feet of gross floor area shall be permitted on the Site.
J. The existing structured parking facility and existing surface parking facilities and any other existing improvements on the Site may remain in place and continue to be utilized. To the extent that the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site do not comply with any requirement of the RE-3 zoning district, the Ordinance or this Rezoning Plan, the Petitioner shall not be required to bring the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site or any portions thereof into compliance with the RE-3 zoning district, the Ordinance or this Rezoning Plan.

Additionally, in the event that the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site or any portions thereof are destroyed or damaged by fire, flood, wind or other act(s) of God, the existing structured parking facility, the existing surface parking facilities and any other existing improvements on the Site may be repaired or restored to their original dimensions and conditions in accordance with Section 7.103(7) of the Ordinance.

New buildings, structures, structured parking facilities, surface parking facilities and other new improvements on the Site will be required to comply with the requirements of the Rezoning Plan, the Ordinance and the RE-3 zoning district (except as modified by the Optional Provisions set out below in Section 2).

K. The street cross section for New Public Road D (including the right of way and the improvements depicted thereon) set out on Sheet RZ-3.0 of the Rezoning Plan shall be permitted.

3. PERMITTED USES

- A. Subject to the development limitations set out below in Section 4, the Site may be devoted to any use or uses permitted by right or under prescribed conditions in the RE-3 zoning district and to any incidental or accessory uses associated therewith that are permitted under the Ordinance in the RE-3 zoning district.

4. DEVELOPMENT LIMITATIONS

- A. Subject to the limitations set out below in this Section 4, the Site may contain and be developed with a total maximum of 660,000 square feet of gross floor area devoted to non-residential uses permitted by right or under prescribed conditions in the RE-3 zoning district.
B. Notwithstanding the terms of paragraph 4.A above, of the allowed 660,000 square feet of gross floor area that may be devoted to non-residential uses permitted by right or under prescribed conditions in the RE-3 zoning district, a maximum of 30,000 square feet of such gross floor area may be devoted to retail sales, personal service uses and eating, drinking and entertainment establishments (Type 1 and/or Type 2).
C. A maximum of 575 multi-family dwelling units may be developed on the Site. The gross floor area of amenity areas associated with multi-family uses, such as a fitness facility or a clubhouse, shall not count towards the maximum gross floor area that may be devoted to non-residential uses set out above in paragraphs 4.A and 4.B.
D. Up to 350,000 square feet of additional gross floor area devoted to non-residential uses, excluding retail sales, personal service uses and eating, drinking and entertainment establishments (Type 1 and/or Type 2), may be developed on the Site by reducing the number of multi-family dwelling units permitted on the Site at the rate of 1 multi-family dwelling unit per 1,000 square feet of additional gross floor area devoted to non-residential uses.
E. Up to 350 additional multi-family dwelling units may be developed on the Site by reducing the amount of non-residential gross floor area permitted on the Site at the rate of 1,000 square feet of gross floor area per additional multi-family residential dwelling unit.
F. For purposes of these development limitations and the development standards in general, the term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude structured parking facilities, surface parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level.
G. As provided in paragraph 4.F above, the gross floor area of any structured parking facilities located on the Site shall not be considered or counted towards the maximum gross floor area or density allowed on the Site.

- H. A minimum of 5 percent of the multi-family dwelling units constructed on the Site shall maintain monthly rents that are income restricted to households earning 80% or less of the area median income for a period of not less than 15 years from the date of the issuance of the certificate of occupancy for the building(s) in which such dwelling units are located.

5. TRANSPORTATION

- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").
B. The alignments and locations of the internal public streets, internal private streets, internal private drives, vehicular circulation areas and driveways may be modified by Petitioner during the permitting process to accommodate changes in traffic patterns and building and parking layouts, and to accommodate any adjustments required for approval by CDOT and/or NCDOT in accordance with applicable published standards.
C. New Public Road D shall be required to be constructed and open to vehicular and pedestrian traffic from the eastern boundary line of the Site to Existing Entrance 1 located on IBM Drive prior to the issuance of a certificate of occupancy for a building that causes the total amount of new non-residential gross floor area constructed on the Site to exceed 600,000 square feet.
D. Any reference to the term "substantially complete" in this Section 5 of the Development Standards shall mean a determination by CDOT and/or NCDOT that the applicable transportation improvements are deemed "substantially complete" for the purpose of the issuance of certificates of occupancy for new building(s) on the Site. However, in the event that certain non-essential transportation improvements (as reasonably determined by CDOT) are not completed at the time that Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event Petitioner may be required to post a letter of credit or a bond for any improvements not in place at the time such certificates of occupancy are issued to secure the completion of the relevant improvements.
E. Subject to the approval of CDOT, NCDOT and any other governmental agencies, Petitioner shall, prior to the issuance of a certificate of occupancy for the first new building constructed on the Site, construct an ADA compliant bus waiting pad per land development standard 60.01A on the Site's frontage on IBM Drive near the location of the existing bus stop on IBM Drive. The exact location of the waiting pad shall be determined during the site design and permitting process, and the waiting pad shall be located entirely within right of way. In the event that Petitioner cannot obtain all approvals and permits required to construct the waiting pad, then Petitioner shall have no obligation to construct the waiting pad. CATS shall be responsible for the installation and maintenance of a bench or shelter on the waiting pad.

- F. Petitioner will dedicate to the City of Charlotte or to NCDOT as applicable via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, and the additional right-of-way will be dedicated prior to the issuance of a certificate of occupancy for the first new building constructed on the Site. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

- G. For purposes of the timing and construction of the transportation improvements set out below, there shall be three phases of development of the Site, which phases are designated as Phase 1A, Phase 1B and Phase 2.

H. Phase 1A shall consist of one of the following:

- (1) Up to 120,000 square feet of gross floor area devoted to permitted non-residential uses and up to 230 multi-family dwelling units;
(2) Up to 300 multi-family dwelling units; OR
(3) Up to 240,000 square feet of gross floor area devoted to permitted non-residential uses.

No transportation improvements will be required to be constructed in connection with Phase 1A.

- I. Phase 1B shall be comprised of any development on the Site in excess of the Phase 1A land uses and density up to a maximum of 575 multi-family dwelling units and up to a maximum of 260,000 square feet of gross floor area devoted to permitted non-residential uses.

Prior to the issuance of the first certificate of occupancy for a new building constructed in Phase 1B of the development, Petitioner shall substantially complete the transportation improvements set out below in this paragraph 5.I.

- (1) W. W.T. Harris Boulevard & IBM Drive-Medical Plaza Drive (Signalized)

- (a) Construct a combined southbound thru-right turn lane on Medical Plaza Drive.
(b) Construct an additional southbound receiving lane by widening IBM Drive for approximately 275 feet to tie into the existing four-lane section south of Old Mallard Creek Road.

- (2) W. W.T. Harris Boulevard & IBM Drive-Research Drive (Signalized)

- (a) Construct an additional (dual) southbound left turn lane with 250 feet of storage on Research Drive.

- (3) W. W.T. Harris Boulevard & I-85 Northbound Ramps (Signalized)

- (a) Construct an additional eastbound left turn lane with 175 feet of storage (maximize) and modify painted channelization island on ramp to receive the dual eastbound left turn lanes.

- (4) IBM Drive & Hewitt Associates Drive-Access "B" (Signalized)

- (a) Maximize eastbound left turn lane storage on IBM Drive.

- (5) IBM Drive & Allstate Drive-Access "C" (Unsignalized)

- (a) Install a traffic signal at the intersection of IBM Drive and Allstate Drive.

- (6) IBM Drive & Neal Road-Vinoy Boulevard (Signalized)

- (a) Remark existing laneway to provide a northbound left turn lane and a combined thru-right turn lane on Neal Road.

- (b) Remark existing laneway to provide a southbound left turn lane with 50 feet of storage and a combined thru-right turn lane on Vinoy Boulevard.

- (c) Construct an eastbound right turn lane on IBM Drive with 100 feet of storage.

- (d) Extend northbound thru-left turn lane from 275 feet to 400 feet of storage.

- (7) University City Boulevard & Neal Road (Signalized)

- (a) Construct a northbound right turn lane with 200 feet of storage on Neal Road.

- J. Phase 2 shall be comprised of any development on the Site in excess of the Phase 1B land uses and density.

Prior to the issuance of the first certificate of occupancy for a new building constructed in Phase 2 of the development, Petitioner shall substantially complete the transportation improvements set out below in this paragraph 5.J.

- (1) W. W.T. Harris Boulevard & IBM Drive-Medical Plaza Drive (Signalized)

- (a) Construct an additional eastbound right turn lane on W. W.T. Harris Boulevard with 375 feet of storage.

- (b) Extend the existing right turn lane from 275 feet to 375 feet of storage.

- (c) Channelize the eastbound dual right turn lanes.

- (d) Construct an additional northbound thru lane on IBM Drive and stripe the second receiving lane as far as the existing pavement width allows.

- (2) W. W.T. Harris Boulevard & IBM Drive-Research Drive (Signalized)

- (a) Construct and channelize an additional southbound right turn lane with 150 feet of storage on Research Drive.

- (b) Complete any necessary geometric modifications to remove the split phase operation.

- (c) Extend the westbound left turn lane to the I-85 southbound ramp.

- (3) W. W.T. Harris Boulevard & I-85 Southbound Ramps (Signalized)

- (a) Maintain the single channelized yield-controlled right turn lane; provide appropriate island, signage and pavement markings to prevent this movement from accessing the dual left turn lanes on IBM Drive.

- (b) Construct two additional signal-controlled right turn lanes to the left of the existing yield-controlled right turn lane; provide channelization islands, signage and pavement markings for these lanes to only access the channelized dual left turn lanes onto IBM Drive.

- (4) W. W.T. Harris Boulevard & I-85 Northbound Ramps (Signalized)

- (a) Construct an additional westbound right turn lane with 500 feet of storage (maximize) (Signalized).

- (b) Extend the existing westbound right turn lane from 155 feet to 500 feet of storage (maximize).

- (5) IBM Drive & Access "A" (Unsignalized)

- (a) Remark the existing westbound right turn lane as a terminating/drop right turn lane (termination of the two thru lanes on IBM Drive from Neal Road).

- (6) IBM Drive & Hewitt Associates Drive-Access "B" (Signalized)

- (a) Remark the existing westbound right turn lane on IBM Drive as a thru-right turn lane.

- (7) IBM Drive & Allstate Drive-Access "C" (Unsignalized)

- (a) Restripe the existing westbound right turn lane on IBM Drive as a combined thru-right turn lane.

- (b) Extend southbound right turn lane on Allstate Drive from 250 feet to 350 feet of storage.

- (8) IBM Drive & Neal Road-Vinoy Boulevard (Signalized)

- (a) Construct an additional (dual) northbound left turn lane with 275 feet of storage on Neal Road and ensure the northbound and southbound left turn signal phasing runs concurrently.

- (b) Construct a second westbound receiving lane on IBM Drive that extends and drops as a right turn lane at Access "A".

- (9) University City Boulevard & Neal Road (Signalized)

- (a) Construct an additional southbound left turn lane with 190 feet of storage utilizing existing pavement and width on Neal Road and ensure the northbound and southbound left turn signal phasing runs concurrently.

- (10) IBM Drive & Access "E" (Unsignalized)

- (a) Install a traffic signal at the intersection of IBM Drive and Access "E".

- (b) Construct a northbound left turn lane on IBM Drive with 100 feet of storage.

K. It is understood that some of the transportation improvements referenced in this Section 5 of the Development Standards may not be possible without the acquisition of additional right of way and/or temporary construction easements. If, after the exercise of diligent, good faith efforts, as specified in the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte's Engineering Department, Petitioner is unable to acquire any land necessary to provide for any such additional right of way and/or temporary construction easements upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Department or other applicable agency, department or governmental body agree to acquire any such land and/or temporary construction easements. In such event, Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and/or temporary construction easements and the expenses of such proceedings. Furthermore, in the event that any of the transportation improvements referenced in this Section 5 of the Development Standards are delayed because of delays in the acquisition of additional right of way and/or temporary construction easements as contemplated herein and such delay extends beyond the time that Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with the related development phasing described above, then Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the transportation improvements; in such event Petitioner may be asked to post a letter of credit or a bond for any transportation improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable transportation improvements.

- L. All public roadway improvements will be subject to the standards and criteria of CDOT NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad north central Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

6. ARCHITECTURAL STANDARDS

- A. The maximum height of any building or buildings located on the Site shall be 120 feet.

- B. Notwithstanding the Overall Master Plan and the Conceptual Site Plan, structured parking facilities shall not be required to be wrapped with a building.

- C. The architectural and design standards set out below shall apply to all non-residential buildings, mixed use buildings and multi-family stacked buildings constructed on the Site.

- (1) For buildings of 150 feet in length or longer, facades shall be divided into shorter segments by means of modulation. Such modulation shall occur at intervals of no more than 60 feet and shall be no less than 2 feet in depth, and no less than 10 feet in width.

- (2) Arcades, galleries, colonnades, outdoor plazas, outdoor dining areas, or similar pedestrian-oriented ground floor designs may be incorporated into facades, but such features shall not encroach into setbacks.

- (3) For buildings over five stories, the first two floors above street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as

cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base shall be provided to add special interest to the base.

- (4) Each building shall contain at least one prominent entrance. A prominent entrance is defined as a building entrance that is visually distinctive from the remaining portions of the facade where it is located. For non-residential, mixed use and multi-family stacked buildings, entrances that contain at least three of the following are considered a prominent entrance: decorative pedestrian lighting/scenes; architectural details carried through to upper stories; covered porches, canopies, awnings or sunshades; archways; transom or sidelight windows; terraces or raised planters; common outdoor seating enhanced with specialty details, paving, landscaping or water features; double doors; stoops or stairs.

- (5) All ground floor entrances shall include direct pedestrian connections between street facing doors and adjacent sidewalks.

- (6) Vinyl may only be used for windows, trim, soffits, railings and doors.

- D. The additional architectural and design standards set out below shall apply to all non-residential buildings and mixed use buildings constructed on the Site.

- (1) Building placement and site design shall focus on and enhance the pedestrian environment on public or private network required streets through the following:

- (a) Buildings shall be placed so as to present a front or enhanced side facade to any street on which a building has frontage.

- (b) Facades fronting streets shall include a combination of windows and/or operable doors for a minimum of 80% of each frontage elevation with transparent glass between 2' and 10' on the first floor. Up to 10% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk.

- (c) Direct pedestrian connection should be provided between street facing doors, corner entrance features to sidewalks on adjacent streets.

- (d) Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as, but not limited to, banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

- E. The design standards set out below shall apply to any parking structure constructed on the Site.

- (1) Parking structures viewable from public right of way shall screen vehicles on all levels using a combination of architectural and decorative screening beyond the use of concrete structural or crash walls.

7. STREETScape/LANDSCAPING

- A. Subject to paragraphs 7.B and 7.C below, Petitioner shall install a minimum 8 foot planting strip and a minimum 6 foot sidewalk along the Site's public street frontages and along all public and private network required streets on the Site.

- B. Notwithstanding the terms of paragraph 7.A above, Petitioner shall install a minimum 8 foot planting strip and a minimum 6 foot sidewalk along one side of New Public Road D, and a minimum 8 foot planting strip and a minimum 12 foot multi-use path along one side of New Public Road D. The location of the 6 foot sidewalk and the location of the 12 foot multi-use path shall be determined with CDOT during the permitting process for New Public Road D.

- C. Notwithstanding the terms of paragraph 7.A above, Petitioner shall install a minimum 8 foot planting strip and a minimum 12 foot wide multi-use path along the Site's frontage on IBM Drive as provided below.

- (1) Petitioner will only be required to install a minimum 8 foot planting strip and a minimum 12 foot wide multi-use path along the Site's frontage on IBM Drive in connection with the construction of the first residential building on the Site. More specifically, Petitioner shall install a minimum 8 foot planting strip and a minimum 12 foot wide multi-use path (or any portions thereof) are located outside of the right of way, the minimum 8 foot planting strip and the minimum 12 foot wide multi-use path (or the relevant portions thereof) shall be located in a sidewalk utility easement.

- (2) If the minimum 12 foot wide multi-use path is difficult to implement with an 8 foot planting strip, a 14 foot wide back of curb multi-use path may be constructed due to site hardship.

- (3) The construction of a new building or structure on the Site will not require the installation of any streetscape improvements along the frontages of Tax Parcel Nos. 047-111-05, 047-111-07 and/or 047-111-10 on IBM Drive.

8. ENVIRONMENTAL FEATURES

- A. Petitioner shall comply with the Charlotte City Council approved and adopted Post-Construction Stormwater Ordinance.

- B. Development of the Site shall comply with the applicable requirements of the City of Charlotte Tree Ordinance.

9. GREENWAY

- A. Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site, Petitioner shall dedicate and convey the 100 foot SWIM Buffer of the Doby Creek Tributary (less any BMP infrastructure) located on the Site (the "Greenway Area") to Mecklenburg County for future greenway purposes. Prior to the dedication and conveyance of the Greenway Area to Mecklenburg County and subject to any restrictions imposed by stream buffer regulations, Petitioner shall have the right to install and locate utility lines through the Green