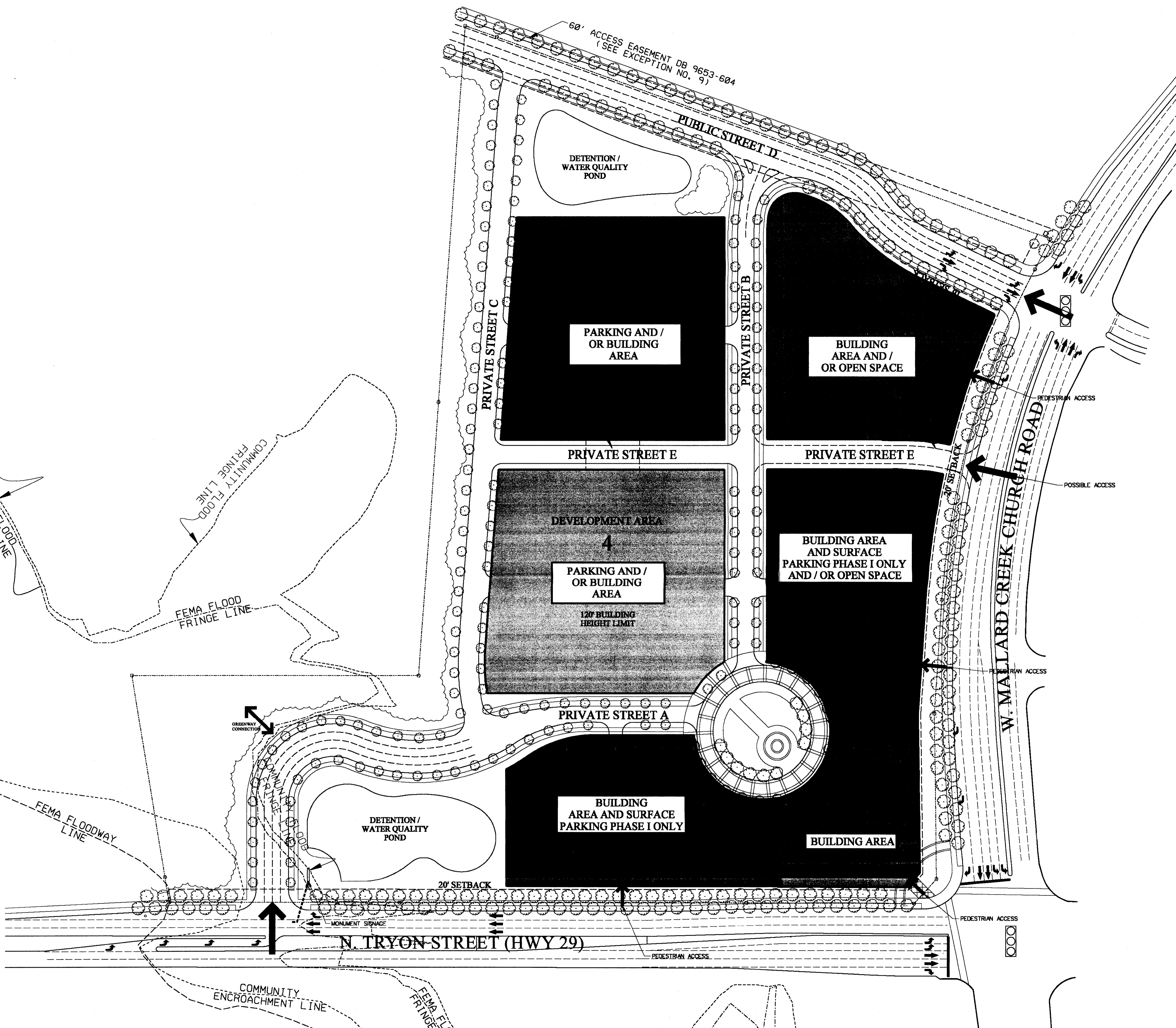


2009-062



- SITE DATA:**
- Acreage: 24.03
  - Existing Zoning: CC by rezoning petition no. 2004-074
  - Proposed Zoning: MUDD-O
  - Proposed Uses: Up to 1,000,000 square feet of gross floor area of general and medical office use, professional business use and ancillary retail, restaurants and personal service uses.
- DEVELOPMENT STANDARDS:**
- A. General Provisions**
- These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Lincoln Harris, LLC (the "Petitioner" or "Developer") to accommodate development of a transit-oriented office park, an approximately 24.03 acre site generally located at the southwest corner of the intersection formed by West Mallard Creek Church Road and North Tryon Street, aka North Tryon Street, (the "Site"). Development of the Site will be governed by the City of Charlotte Zoning Ordinance and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish specific standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD) Zoning Classification, subject to the Optional Provision provided herein, shall govern development taking place on the Site.
- The ultimate layouts of the development proposed for the Site and the parcels or lots forming parts thereof, the exact alignments and locations of points, lines, easements, contours, easements and other items to be constructed have not been finalized. As a consequence, the graphics which accompany this Rezoning Plan are schematic in nature and are not to be considered as the final development plans but rather as preliminary graphic representations of the types of development proposed and the general locations of the proposed buildings, parking areas and other site elements on the Site. 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. The dimension and specific locations of building/parking envelopes and streets generally depicted on the Rezoning Plan may be subject to variations that do not materially change the design intent. Furthermore, the depictions of the uses, structures and building elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards.
- B. Permitted Uses, Maximum Gross Floor Area and Phases**
1. The Site may be developed with general and medical office uses, professional business uses, and support services such as retail, restaurants, children's centers (subject to the requirements of Section 12.502), personal service uses such as beauty shops, barbershops, spas, indoor recreation, and similar uses as allowed by the MUDD zoning district. Ancillary uses associated with the permitted principal uses, and within the principal structures, as allowed within the MUDD zoning districts, shall be permitted on the Site.
2. The gross floor area (as described below) of the buildings constructed on the Site may not exceed, in the aggregate, 1,000,000 square feet of gross floor area. Of the allowed 1,000,000 square feet no more than 75,000 square feet may be developed with retail, restaurants, children's centers, and personal services and similar uses as described above.
- For purposes of the development limitations set forth in this Section B, the term "gross floor area" or "GFA" shall mean the area of the gross horizontal areas of each floor of a principal building, and any accessory buildings or structures on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such area shall exclude structural parking facilities or related access areas, areas used for building and equipment access (such as stairs, elevator and mechanical shafts and maintenance crawl spaces), provided, further, areas devoted to outdoor dining, including outdoor lounge pavilions are not included in the calculation of gross floor area.*
3. Development on the Site may take place in phases. The Rezoning Plan contemplates a first phase of development with the primary building to be located within Development Area 1 and surface parking permitted in Development Areas 2, 3 and 4, as generally depicted on Sheet 2 and the "Phase I Development". Additional development may take place in phases within the remaining Development Areas (the "Additional Phase Development"), provided, that, parking shall take place within structured parking facilities located on Development Area 5 except for limited surface parking along the internal private streets on the Site. Nothing contained herein shall prevent the Petitioner from proceeding with multiple phases simultaneously.
- C. Setbacks, Yards and Buffers, Unified/Phased Development**
1. All buildings and parking areas constructed on the Site shall be set back at least:
- (a) 20 feet from the existing right-of-way of W. Mallard Creek Church Road and N. Tryon Street as generally depicted on the Technical Data Sheet; and
  - (b) 16 feet from the back of the proposed curb along the proposed interior public and private streets as generally depicted on the Technical Data Sheet.
2. The Petitioner reserves the right to subdivide the MUDD-O portion of the Site and create lots within the interior of the development with the exception of limited surface parking requirements or any other separation standards as part of a unified/planned development.
- D. MUDD-Optional Provisions**
- The Petitioner proposes to utilize MUDD-O provisions of the Ordinance in order to accommodate the following:
- 1. A maximum building height of:
    - (a) 200 feet within Development Area 1;
    - (b) 265 feet within Development Area 2; and
    - (c) 160 feet within Development Areas 3 and 4.
 Building height shall be measured in the manner prescribed in the Ordinance; provided, however, height limits shall not apply to elevator equipment 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 (other than a parapet) used to screen such structures and equipment.
  - 2. The Petitioner request the Optional provision to allow wall signs to occupy up to 10 % of each building wall up to a maximum of 200 square feet per wall. Wall signs will meet all other requirements of section 13.106a of the Ordinance.
  - 3. The Petitioner request the Optional provision to allow two (2) detached ground mounted signs with up to 50 square feet of sign area to be located along W. Mallard Creek Church Road and one along N. Tryon Street.
  - 4. Surface parking associated with the Phase I Development (as defined below) may be located within Development Areas 2, 3, 4 and 6 and thereby being located to the side and rear of the building constructed in Development Area 1; structured parking facilities associated with Additional Phase Development (as defined below) may be located within Development Areas 4 and 6; and surface parking associated with Additional Phase Development may be located between buildings and the internal private streets generally depicted on the Rezoning Plan.
  - 5. In accordance with Section C. above, the Petitioner may subdivide portions of the Site and create lots within the interior of the Site with no public street frontage, side and/or rear yards, buffers or other separation standards, as part of a unified development as described in such provisions.
- E. Site and Architectural Design**
1. All buildings within the Site will be designed and constructed so that each building complies with the Urban Design and Development Standards of the MUDD zoning district as described in the Ordinance. Windows, when provided, at street level along W. Mallard Creek Church Road, N. Tryon Street, internal private streets A, B and E and proposed public street D will utilize clear vision glass.
2. Pedestrian access will be provided from each building constructed along W. Mallard Creek Church Road and N. Tryon Street to each street, provided, however that these entrances may include security provisions that control and limit access to the buildings to tenants of the building (i.e. may not be the public entrances to the buildings). These entrances will be connected to each street by way of an 8 foot wide sidewalk to the sidewalks along W. Mallard Creek Church Road and N. Tryon Street.
3. Parking structures constructed on the Site will be treated architecturally. The architectural treatments will utilize similar architectural styles, building materials and colors as the office buildings constructed on the Site. The architectural treatment of the parking structures will include architectural elements that will screen cars parked on all of the levels of the parking structure. Special emphasis will be placed on the portion of the parking structures that front on private street A and private street B to make sure these portions of the parking structures add to the streetscape and the pedestrian environment with features that create interest at the street level.
- F. Streetscape**
1. The Petitioner will provide eight (8) foot planting strips and eight (8) foot sidewalks along W. Mallard Creek Church Road and N. Tryon Street. These streetscape improvements may be constructed in phases.
2. Along the internal private street A, private street B, and the portion of private street E between Development Areas 3 and 5, if constructed, and proposed public street D, the Petitioner will provide an eight (8) foot planting strip and an eight (8) foot sidewalk. No sidewalks or planting strips shall be required along private street C and the portion of the private street E between Development Areas 4 and 6.
3. Street trees will be provided along all public and private streets. Street Trees will be planted in accordance with the standards of the City of Charlotte.
4. A multi-purpose path will be constructed by the Petitioner that will connect the Site to the existing Greenway along Mallard Creek. This connection will be constructed prior to the issuance of a certificate of occupancy for phase two.
- G. Urban Open Space**
1. Urban open space will be provided as required by Section 9.8506 (4) of the Ordinance. The urban open space provided will be designed to comply with this Section with details to be worked out during the MUDD review process. A portion of such urban open space shall include landscaped and seating areas.
- H. Screening**
1. Screening shall conform to the standards and treatments specified in Section 12.303 of the Ordinance.
2. Any dumpsters located on the Site shall be screened from view by a solid enclosure with a gate.
3. Roof top mechanical equipment shall be screened from public view at grade level.
- I. Parking Requirements**
1. Off street parking spaces will be provided at the following ratios for the Site:
- (i) Professional business and general medical office uses: one space per 300 square feet;
  - (ii) Retail uses (non-restaurant): one space per 600 square feet;
  - (iii) Restaurant uses: one space per 125 square feet; and
  - (iv) Other non-residential uses: one space per 600 square feet.
2. Bicycle parking will be provided as required by Section 12.202 of the Ordinance.
- J. Lighting**
1. All freestanding lighting fixtures will be uniform in design and shielded with full cut-off fixtures.
2. The height of any freestanding fixture, including its base may not exceed 20 feet.
3. Wall pack lighting will not be allowed. However, decorative shielded down lighting will be permitted.
- K. Signs**
- All signs placed on the Site will be in accordance with the requirements of the Ordinance and the Optional Provisions of Section D.
- L. Access Points (Driveways)**
1. The number of vehicular access points to the Site shall be limited to the number depicted on the Rezoning Plan. It is understood that the access point to W. Mallard Creek Church Road referenced as private street E may be installed at the option of the Petitioner.
2. The placement and configuration of each access point are subject to modifications required to accommodate final site and architectural construction plans and designs.
3. The possible private street E access onto W. Mallard Creek Church Road will be limited to a right-in/right-out driveway.
- M. Building Entrances**
- The proposed building entrances will be designed to comply with the standards of Section 9.8506 (2)(b) of the Ordinance. The details of how the entrances are designed to comply with this Section will be worked out during the MUDD review process.
- N. Canopies**
- If canopies, awnings, and similar architectural screens are constructed on the buildings, they will comply with Section 9.8506 (6) of the Ordinance. Canopies, awnings and similar architectural screens may extend from the building up to one half of the width of the setback area in front of the building, or six (6) feet, whichever is less. Canopies, awnings, and similar architectural screens must maintain a minimum overhead clearance of eight (8) feet.
- O. Transportation Improvements**
1. Vehicular access to the site will be as generally depicted on the Technical Data Sheet with connections to W. Mallard Creek Church Road and North Tryon Street. Two access points are proposed onto W. Mallard Creek Church Road, one full movement and one right-in/right-out, and one access point is proposed on North Tryon Street. The access point on North Tryon Street will be constructed as a directional cross-over with the option for a future traffic signal if warranted and approved by the City and the North Carolina Department of Transportation (NCDOT). The Petitioner reserves the right to not construct the right-in/right-out driveway to W. Mallard Creek Church Road.
2. The Petitioner commits to locate the proposed public street D driveway on W. Mallard Creek Church Road to align with existing Alexander Pointe Drive and make such changes to accommodate an exclusive eastbound right-turn lane on W. Mallard Creek Church Road with 150 feet of staging. A traffic signal will be installed at this intersection when warranted.
3. In addition to the foregoing, the Petitioner commits to make such road improvements to W. Mallard Creek Church Road and North Tryon Street as are depicted on Sheet 1 of the Rezoning Plan, including provisions for the grading by the Petitioner and the setting of the curb and gutter at the proper locations to all the required turn lanes for each street, being understood that the City of Charlotte shall provide for the paving of such turn lanes. Specifically, the following improvements will be installed:
  - Addition of a second northbound left-turn lane with 250 feet of staging on North Tryon Street at Mallard Creek Church Road (including the installation of a concrete median).
  - Restriping of the southbound North Tryon Street approach at Mallard Creek Church Road to include a third through lane.
  - Extension of the eastbound right-turn lane on W. Mallard Creek Church Road back to the proposed right-in/right-out driveway.
  - Construction of a third southbound travel lane from the intersection of Mallard Creek Church Road which will drop as a right-turn lane at the proposed driveway on North Tryon Street.
- P. Fire Protection**
- The Petitioner will provide adequate fire protection to the Fire Marshal's specifications. Fire hydrants will be provided to the Fire Marshal's specifications.
- Q. Storm Water Management**
1. Storm water runoff from the Site will be managed through proven techniques which satisfy the standards, if any, imposed by the City of Charlotte Engineering Department.
2. Development on the Site shall adhere to the requirements of the Post Construction Control Ordinance in the form adopted by Charlotte City Council on November 26, 2007.
- R. 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 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.
- S. 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 applicable parcel or parcels affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.
- T. Binding Effect Of The Rezoning Application**
- If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and this Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, assignees in interest or assigns.
- V. Varied Rights.**
- Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the level of investment, the scope and timing of infrastructure improvements, the anticipated longer term build-out of the development's components, economic cycles and market conditions, the Petitioner includes vesting of the approved Rezoning Plan and the conditional zoning district associated with this Petition for a five (5) year period.
- NOTE:**
9. Roadway Easement between Crescent Resources, Inc. and Lydia A. McNeary recorded in Book 9653, Page(s) 604, Mecklenburg County Registry. Affects the subject property and apparently replaces and supercedes easements in Deed Book 3811, Page 604 and Deed Book 4766, Page 369, which have been removed from the title commitment exceptions. Shown hereon.
- 1" = 60"  
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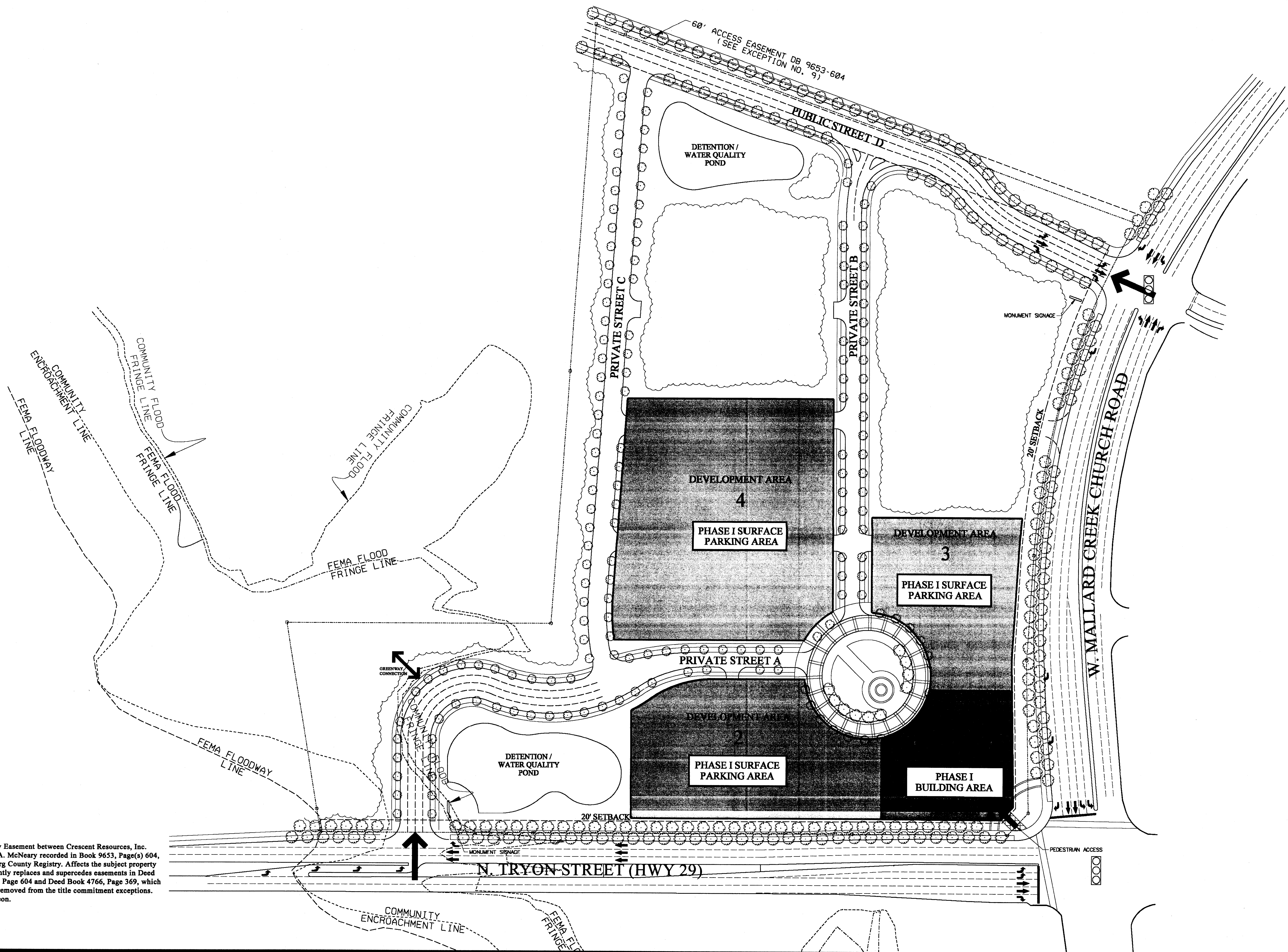


# TECHNICAL DATA SHEET

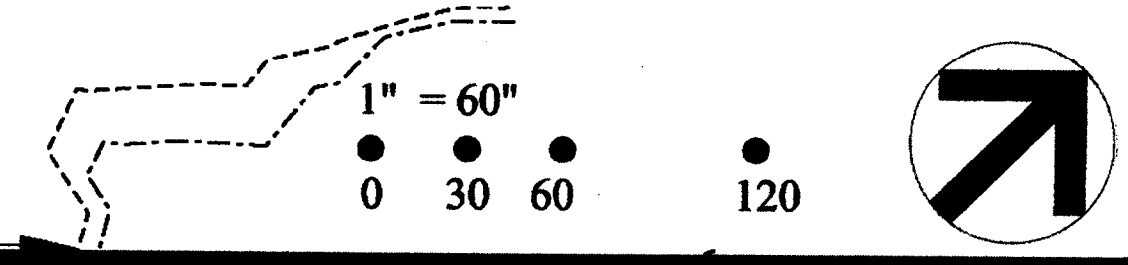
## SHEET 1

CHARLOTTE, NC 23 MARCH 2009

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NOTE:  
 9. Roadway Easement between Crescent Resources, Inc. and Lydia A. McNeary recorded in Book 9653, Page(s) 604, Mecklenburg County Registry. Affects the subject property and apparently replaces and supercedes easements in Deed Book 3811, Page 604 and Deed Book 4766, Page 369, which have been removed from the title commitment exceptions. Shown hereon.



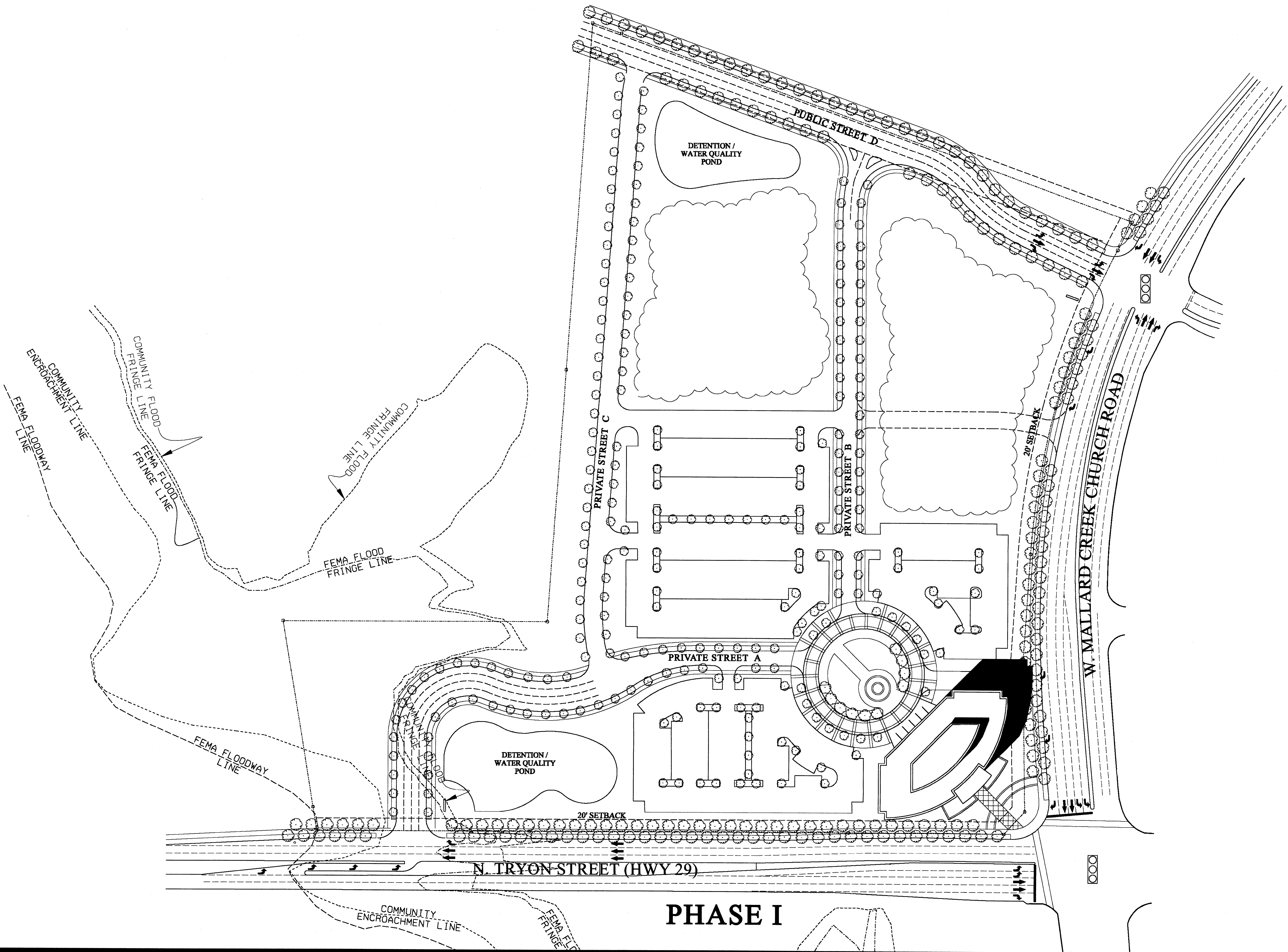
# PHASE I - TECHNICAL DATA SHEET

## SHEET 2

CHARLOTTE, NC

23 MARCH 2009

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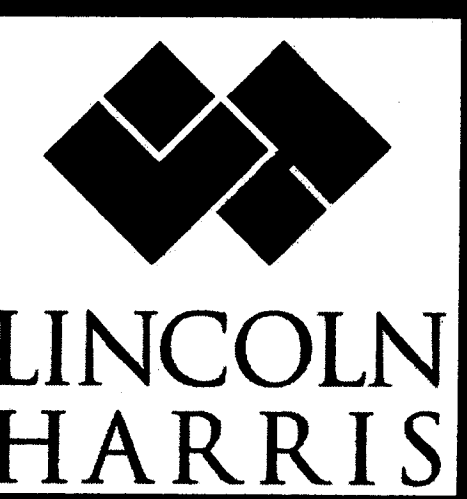
**PHASE I**

**PHASE I - ILLUSTRATIVE MASTER PLAN**

**SHEET 3**

CHARLOTTE, NC

23 MARCH 2009



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