

ColeJenest & Stone

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CITY PARK - TYVOLA TRACT

CHARLOTTE, NORTH CAROLINA

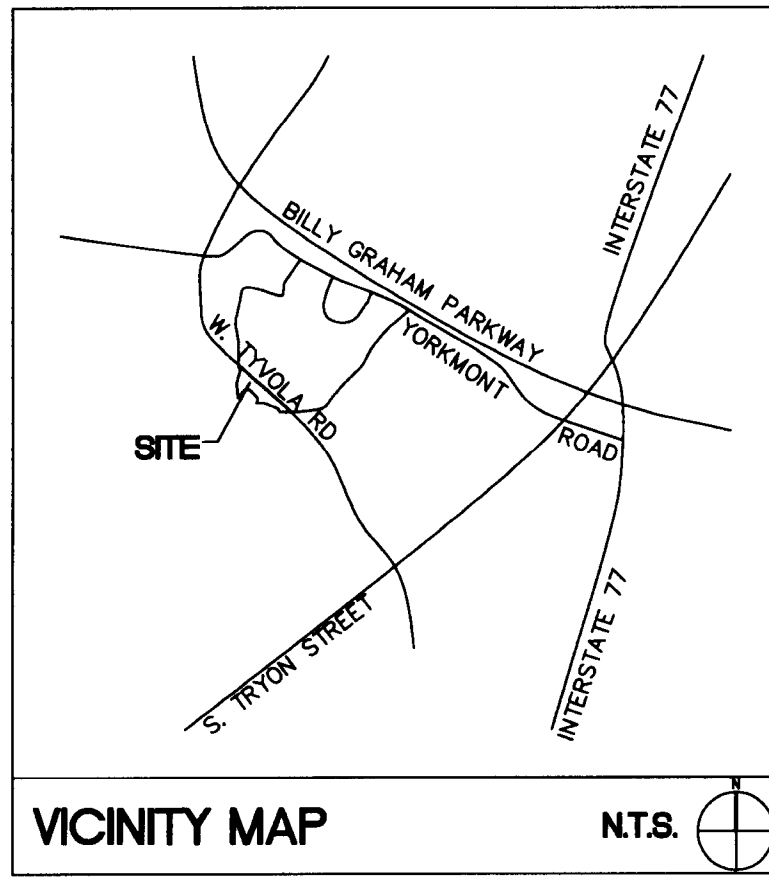
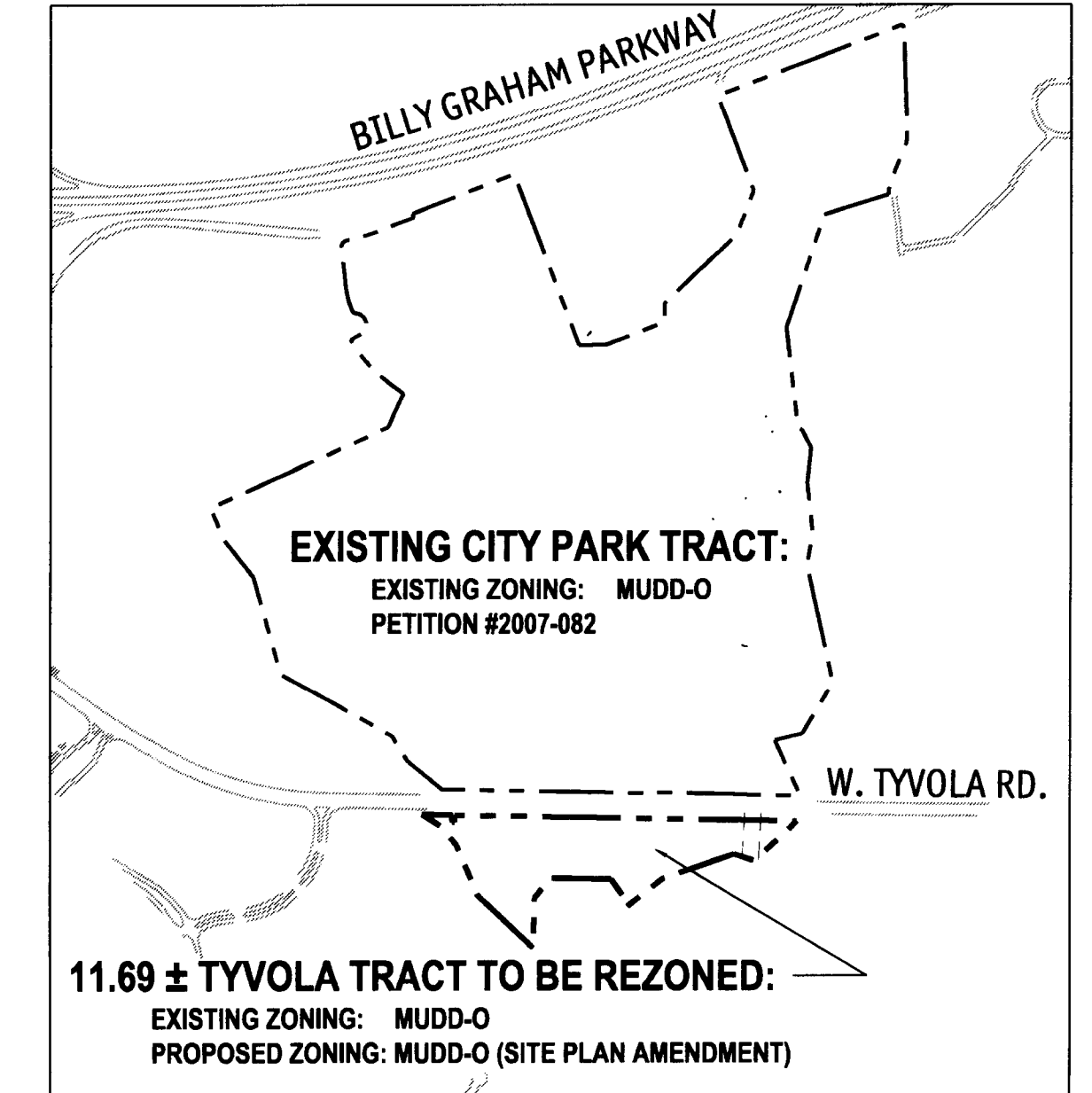
REZONING PLAN

PETITION #2009-057
SITE PLAN AMENDMENT

Project No.
3592.10

Issued
04.23.09

Revised
06.19.09 REVISED PER CITY OF CHARLOTTE COMMENTS



ADJACENT PROPERTY OWNERS

- CITY OF CHARLOTTE**
PID: 143-133-01
- DUKE POWER CO.**
PID: 143-133-02
- LAKEPOINTE PROPERTY OWNERS**
PID: 143-133-05
- HPT SUITE PROPERTIES TRUST AND PRIME HOSPITALITY CORP.**
PID: 143-133-04
- LAKEPOINTE RESTAURANT AND DIVISION CONTROLLER**
PID: 143-133-03
- P&L COLISEUM LP**
PID: 143-131-08

DEVELOPMENT NOTES:

- GENERAL PROVISIONS**
 - THESE DEVELOPMENT STANDARDS FORM PART OF THE TECHNICAL DATA SHEET ASSOCIATED WITH THE REZONING PETITION FILED BY THE PETITIONER TO ACCOMMODATE THE REDEVELOPMENT OF THE 11.69 ± AC TRACT LOCATED ON THE WEST SIDE OF TYVOLA ROAD ADJACENT FROM THE NEW CITY PARK DEVELOPMENT WHICH IS CURRENTLY UNDER CONSTRUCTION. THIS 11.69 ± AC TRACT WAS REZONED AS A PORTION OF THE CITY PARK REZONING PETITION #2007-082.
 - ALL MUDD USES ALLOWED PLUS 2 DRIVE-THROUGH AND 1 CONVENIENCE STORES WITH GASOLINE SALES AND CAR WASH.
 - UP TO 4 OUTPARCELS WILL BE DEVELOPED.
 - EXCEPT AS OTHERWISE DEPICTED ON THE CONCEPTUAL SITE PLAN, MANEUVERING/STACKING FOR THE DRIVE-THROUGH WINDOWS MAY OCCUR BETWEEN BUILDINGS AND PUBLIC OR PRIVATE STREETS.
- PERMITTED USES**
 - THE MAXIMUM MIXED/MULTI-USE DEVELOPMENT WHICH MAY TAKE PLACE ON THE SITE SHALL BE UP TO 25,000 SF.
 - THE DEVELOPER IN KEEPING WITH THE INTENT OF THE UNIFIED CITY PARK DEVELOPMENT, WHICH INCLUDES PETITION 2007-082, WILL REQUEST AN ADMINISTRATIVE APPROVAL OF PETITION 2007-082 AT SUCH TIME THAT THE TYVOLA PARCELS ARE BUILT. THE ADMINISTRATIVE APPROVAL WILL REDUCE THE MAXIMUM RETAIL, OFFICE, ROOMS OR DINING UNITS ALLOWED SO THE OVERALL COMBINED ALLOWABLE DEVELOPMENT DOES NOT EXCEED WHAT IS PRESENTLY APPROVED UNDER 2007-082.
- SETBACKS, SIDEYARDS AND REAR YARDS**
 - EXCEPT AS MAY OTHERWISE BE PROVIDED HEREIN, ALL BUILDINGS BE CONSTRUCTED ON THE SITE SHALL, AT A MINIMUM, SATISFY THE REQUIREMENTS OF THE MUDD DISTRICT. THE DEVELOPER MAY SUBDIVIDE THE SITE AND CREATE LOTS WITHIN THE INTERIORS OF THE PARCELS WITH NO SIDE OR REAR YARDS AS PART OF THE UNIFIED DEVELOPMENT PLAN.
- MUDD-OPTIONAL PROVISIONS/WAIVER OF SIGHT TRIANGLE REQUIREMENTS**
 - THIS PETITION PROPOSES UTILIZATION OF THE MUDD-O REQUIREMENTS TO ALLOW FOR THE FOLLOWING OPTIONAL DEVIATIONS:
 - DEVIATIONS THAT WOULD ALLOW SURFACE LEVEL OFF STREET PARKING SPACES AND MANEUVERING WITHIN AREAS BETWEEN ANY BUILDING FRONTING ON ANY PUBLIC STREET THAT WAS IN EXISTENCE AS OF THE DATE ON WHICH THIS REZONING PETITION IS APPROVED AND THE PARTICULAR PUBLIC STREET INVOLVED.
 - DEVIATIONS THAT WOULD ALLOW SURFACE LEVEL OFF STREET PARKING SPACES AND MANEUVERING WITHIN AREAS LOCATED BETWEEN ANY BUILDING CONSTRUCTED WITHIN THAT PART OF THE SITE WHICH IS BOUNDED BY BILLY GRAHAM PARKWAY, RE-ALIGNED YORKMONT ROAD AND PRIZE LANE AND THE STREET ON WHICH IT FRONTS.
 - A PORTE-COCHERE FOR A HOTEL.
 - DROP OFF AREAS IN FRONT OF OFFICE BUILDINGS.
 - DEVIATIONS TO ACCOMMODATE OPTIONAL PAVING SYSTEMS USED ON PRIVATE PLAZAS AND WALKWAYS.
 - IN ADDITION TO THE FOREGOING MUDD-OPTIONAL DEVIATIONS, THE PETITIONER RESERVES THE RIGHT TO REQUEST THE DIRECTOR OF CDOT TO WAIVE ALL OR PART OF THE SIGHT TRIANGLE REQUIREMENTS OF THE ORDINANCE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12.109(7) THEREOF.
- GRANDFATHER PROVISIONS**
 - DURING THE VARIOUS PHASES OF THE REDEVELOPMENT PROCESS, IT IS THE INTENTION OF THE PETITIONER TO RETAIN AND PRESERVE ANY AND ALL GRANDFATHERING RIGHTS UNDER THE ORDINANCE WITH RESPECT TO ALL STRUCTURES, SIDEWALKS, PARKING AREAS, AND OTHER IMPROVEMENTS CURRENTLY IN PLACE ON THE SITE (INCLUDING THE SIDEWALKS IN PLACE ALONG TYVOLA ROAD) WHICH ARE NOT REMOVED OR RENOVATED TO ACCOMMODATE THE PARTICULAR ASSOCIATED REDEVELOPMENT PHASE. IT IS THE PETITIONER'S INTENT TO MAINTAIN THE EXISTING SIDEWALK ALONG TYVOLA ROAD.
- CONNECTIVITY**
 - PEDESTRIAN AND VEHICULAR CONNECTIVITY WILL BE ENHANCED BY THE PROPOSED LOOP AT CITY PARK, A 3 MILE HARD SURFACE TRAIL SYSTEM THAT WILL ENCLOSE THE SITE, THE GENERAL ALIGNMENT OF WHICH IS MORE PARTICULARLY DEPICTED ON THE TECHNICAL DATA SHEET AND DESIGNATED AS THE PROPOSED LOOP PEDESTRIAN/BICYCLISTS LINKAGE TO:
 - LAKE POINTE OFFICE PARK;
 - COLISEUM CENTER OFFICE PARK;
 - LAKE POINTE CORPORATE CENTER;
 - PARKWAY PLAZA OFFICE PARK;
 - 500 HOTEL ROOMS;
 - THE FUTURE GREENWAY TRAIL;
 - BILLY GRAHAM EVANGELISTIC ASSOCIATION LIBRARY AND HEADQUARTERS;
 - THE FARMER'S MARKET;
 - RENAISSANCE PARK; AND
 - RENAISSANCE GOLF CLUB
 - IT IS TO BE NOTED THAT PORTIONS OF THIS TRAIL SYSTEM RUN THROUGH ADJOINING PROPERTIES SO AS TO PROVIDE BETTER PEDESTRIAN/BICYCLISTS LINKAGE TO:
 - LAKE POINTE OFFICE PARK;
 - COLISEUM CENTER OFFICE PARK;
 - LAKE POINTE CORPORATE CENTER;
 - PARKWAY PLAZA OFFICE PARK;
 - 500 HOTEL ROOMS;
 - THE FUTURE GREENWAY TRAIL;
 - BILLY GRAHAM EVANGELISTIC ASSOCIATION LIBRARY AND HEADQUARTERS;
 - THE FARMER'S MARKET;
 - RENAISSANCE PARK; AND
 - RENAISSANCE GOLF CLUB
- PEDESTRIAN AGREES TO CONSTRUCT A 6' SIDEWALK BEHIND AN 8' PLANTING STRIP ALONG W. TYVOLA ROAD.
- PETITIONER AGREES TO DEDICATE AN 80' FUTURE ROW FOR SPEER BOULEVARD EXTENSION. THE PETITIONER WILL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF THE FUTURE SPEER BOULEVARD.
- PETITIONER AGREES TO PROVIDE A 5' SIDEWALK AND A MINIMUM 5' PLANTING STRIP ALONG INTERNAL PRIVATE STREET OR OTHER DEDICATED INTERNAL CONNECTIONS.
- MECKLENBURG COUNTY PARK AND RECREATION REQUESTS THAT THE PETITIONER DEDICATE THE 100' SWM BUFFER OR THE FEMA FUTURE CONDITIONS FLOOD FRINGE AREA (WHICHEVER IS GREATER) OF SUGAR CREEK AND THE PROPERTY SOUTHEAST OF PARCEL #4 AND THE EASEMENT LABELED "EXISTING 50' DUKE POWER ROW TO MECKLENBURG COUNTY PARK AND RECREATION FOR GREENWAY". THIS DEDICATION SHOULD INCLUDE THE DUKE POWER EASEMENT INDICATED PARALLEL TO TYVOLA ROAD.
- MECKLENBURG COUNTY PARK AND RECREATION REQUESTS THAT THE PETITIONER ALSO DEDICATE 40' WIDE ACCESS EASEMENT(S) WHERE APPROPRIATE AND AGREED UPON BY DEVELOPER TO ALLOW GREENWAY ACCESS TO THE DEVELOPMENT.

SITE DATA TABLE:

SITE ACREAGE: 11.69 AC
EXISTING ZONING: MUDD-O
PROPOSED ZONING: MUDD-O

LEGEND

- FULL MOVEMENT ACCESS POINT
- RIGHT-IN, RIGHT-OUT ACCESS POINT
- PROPOSED PEDESTRIAN TRAIL
- PROPERTY LINE

DESIGN AND PERFORMANCE STANDARDS

- THE INTENT OF THE CITY PARK REDEVELOPMENT CONCEPT IS TO CREATE A VARIETY OF ARCHITECTURAL EXPERIENCES. THE REDEVELOPMENT WILL UTILIZE PRIMARILY STONE, BRICK, STUCCO AND/OR ARCHITECTURAL FACE BLOCK CONSTRUCTION MATERIALS. THE FRONT ELEVATION FACING TYVOLA ROAD WILL BE PROPERLY ARTICULATED IN ACCORDANCE WITH MUDD DEVELOPMENT STANDARDS.
- EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 5 ABOVE, ALL BUILDINGS CONSTRUCTED ON THIS SITE SHALL CONFORM TO THE MUDD URBAN DESIGN AND DEVELOPMENT STANDARDS OUTLINED IN SECTION 9.8506 OF THE ORDINANCE.
- ANY LIGHTING ATTACHED TO A REAR EXTERIOR BUILDING WALL FACING A RESIDENTIAL COMPONENT SHALL BE CAPPED AND DOWNWARDLY DIRECTED.
- ALL STREET AND PARKING LOT LIGHTING FIXTURES WILL BE FULLY SHIELDED.
- PEDESTRIAN SCALE LIGHTING WILL BE PROVIDED WITHIN THE SITE ALONG PUBLIC AND PRIVATE STREETS.
- DUMPSTER AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL WITH ONE SIDE BEING A HINGED GARAGE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AREA ADJOIN A SIDE OR REAR WALL OF A BUILDING, THEN THE SIDE OR REAR WALL MAY BE SUBSTITUTED FOR A SIDE.
- INTERNAL AREAS OF THE SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.
- ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ADJUTING PROPERTIES AS VIEWED FROM GRADE.
- ALL OTHER SCREENING AND LANDSCAPING SHALL CONFORM TO THE STANDARDS OF THE ORDINANCE.
- THE STREET ELEVATIONS OF THE FIRST FLOORS OF ALL BUILDINGS IN WHICH GROUND FLOOR RETAIL USES ARE TO BE LOCATED ON CITY PARK DRIVE AND CITY PARKWAY WILL BE DESIGNED TO ENCOURAGE AND COMPLEMENT PEDESTRIAN - SCALE INTEREST AND ACTIVITY BY THE USE OF DOORS WHICH SHALL REMAIN OPEN DURING BUSINESS HOURS AND TRANSPARENT STORE FRONT GLASS SO THAT THE USES ARE VISIBLE FROM AND ACCESSIBLE TO THE STREET.
- EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 4 AND SECTION 5 ABOVE, THE STREETSCAPE TREATMENT ALONG ANY PUBLIC STREET FRONTAGE WILL MEET OR EXCEED THE STANDARDS OF THE ORDINANCE AND INCLUDE LARGE MATURING TREES, SUPPLEMENTAL SHRUBBERY, SIDEWALKS OF AT LEAST SIX FEET IN WIDTH AND PLANTING STRIPS OF AT LEAST 6 FEET IN WIDTH. SIDEWALKS MAY MEANDER TO PRESERVE EXISTING TREES.
- SIGNS**
 - A UNIFORM SIGNAGE AND GRAPHIC SYSTEM WILL BE EMPLOYED THROUGHOUT THE SITE AND WILL COMPLY WITH CITY OF CHARLOTTE SIGNAGE ORDINANCE.
- STORMWATER DETENTION AND QUALITY PROTECTION MEASURES**
 - S.W.I.M. BUFFERS SHALL BE PROVIDED AS REQUIRED BY THE ORDINANCE.
 - STORM WATER RUNOFF WILL BE MANAGED THROUGH PROVEN TECHNIQUES WHICH SATISFY THE STANDARDS IMPOSED BY THE CITY OF CHARLOTTE ORDINANCES AND THE CHARLOTTE MECKLENBURG STORM WATER DESIGN MANUAL IN PLACE AT THE TIME THIS REZONING PETITION WAS FILED, EXCEPT AS MODIFIED BELOW, WHERE REQUIRED, SURFACE LEVEL STORM WATER DETENTION MAY BE LOCATED IN COMMON OPEN SPACE AREAS BUT NOT WITHIN SETBACK OR S.W.I.M. BUFFER AREAS.
 - BASIN 4 (AREA AT SOUTH SIDE OF TYVOLA ROAD DRAINING TO SUGAR CREEK)- FOR WATERSHEDS EXCEEDING 24% BUILT-UPON AREA, THE PETITIONER WILL UTILIZE BIORETENTION AREA(S), SAND FILTERS, OR OTHER ALTERNATE BMPs TO PROVIDE TREATMENT OF STORM WATER RUNOFF FROM SURFACE PARKING AREAS. THE BMP(S) SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE MECKLENBURG COUNTY BMP DESIGN MANUAL, JULY 2007, TO ACHIEVE 85% TOTAL SUSPENDED SOLIDS REMOVAL FOR THE RUNOFF GENERATED FROM THE FIRST 1-INCH OF RAINFALL. THE PETITIONER SHALL BE PERMITTED TO RELOCATE, ELIMINATE, OR COMBINE REQUIRED TREE PLANTING ISLANDS TO CREATE SUFFICIENT AREAS WITHIN THE PARKING LOT TO ACCOMMODATE THE BMP(S). AS AN OPTION TO INSTALLING BIORETENTION AREAS, SAND FILTERS, OR ALTERNATE BMPs DUE TO SLOPE OR OTHER CONSIDERATIONS, THE PETITIONER SHALL BE PERMITTED TO INSTALL PERVIOUS CONCRETE ACCORDING TO SPECIFICATIONS FROM STORM WATER SERVICES IN LIEU OF THE BMPs TO TREAT SURFACE PARKING AREAS.
 - THE FOLLOWING AGENCIES WILL BE CONTACTED PRIOR TO CONSTRUCTION REGARDING WETLAND AND WATER QUALITY PERMITS, IF APPLICABLE:
 - SECTION 401 PERMIT NCDENR-RALEIGH OFFICE
 - SECTION 404 PERMIT US ARMY CORPS OF ENGINEERS
- BUFFERS**
 - BUFFER AREAS WILL BE PROVIDED AS SHOWN.
- AMENDMENTS TO REZONING PLAN**
 - FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARTICULAR PARCEL OR (SUBPARCEL) WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.
- BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS**
 - IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE TECHNICAL DATA SHEET, THE ACCOMPANYING EXHIBITS AND THESE DEVELOPMENT STANDARDS 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 SUCCESSORS IN INTEREST AND ASSIGNS.
- THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS "PETITIONER" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNER OR OWNERS" OF ANY PART OF THE SITE FROM THE TIME TO THE TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.**
- SITE DISTANCES ALONG TYVOLA ROAD**
 - PETITIONER TO PROVIDE 705' CLEAR SIGHT DISTANCE AT ALL CONNECTIONS TO WEST TYVOLA ROAD PER CDOT STANDARDS AS APPROVED IN THE CITY PARK REZONING PETITION #2007-082.

SCALE: 1" = 100'

RZ1.0

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