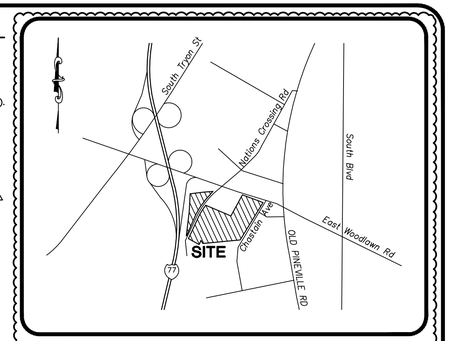
3 DECEMBER 04, 2018

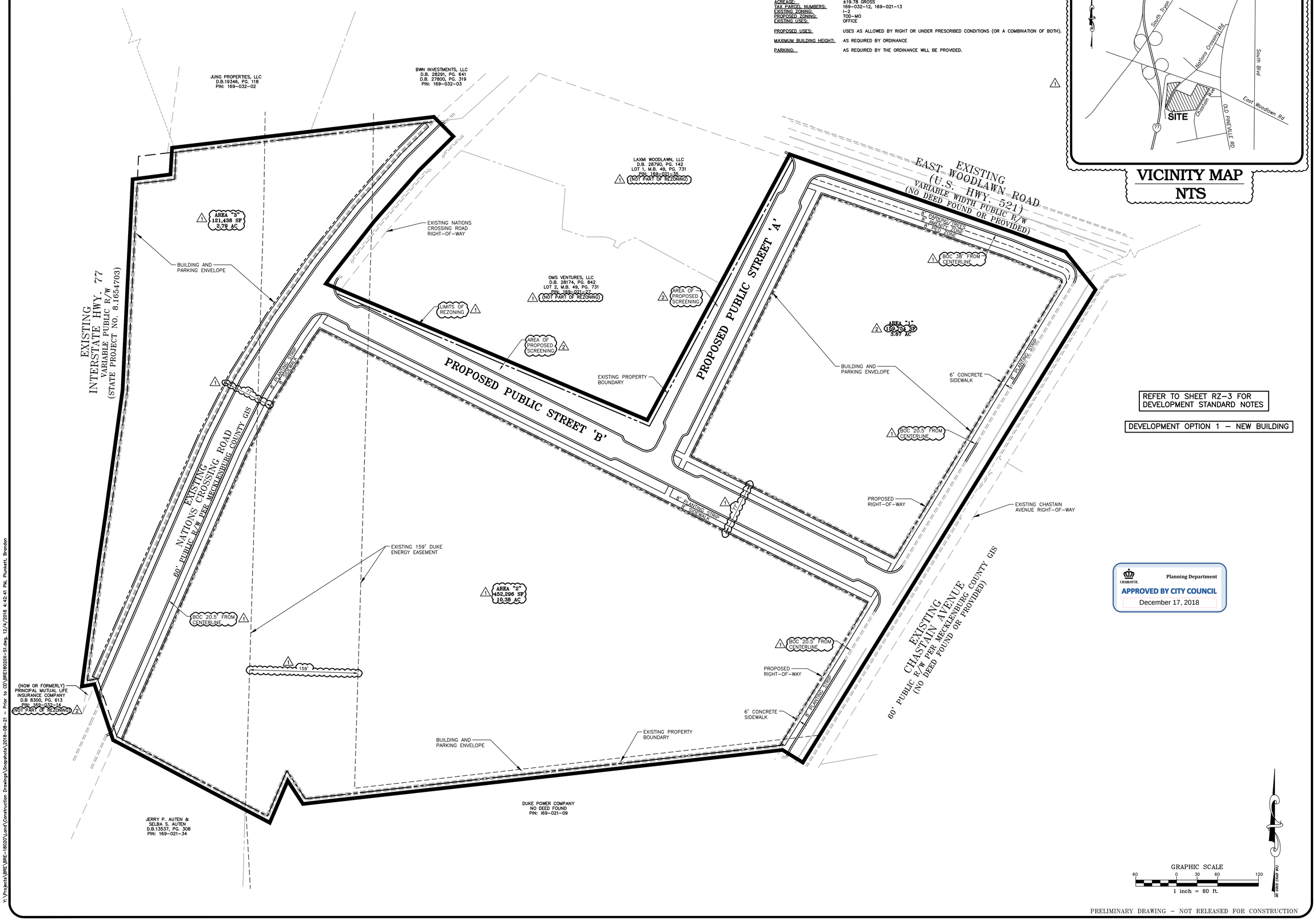
REZONING PETITION NO. 2017–195

SITE DEVELOPMENT DATA:

ACREAGE:	±19.78 GROSS
TAX PARCEL NUMBERS:	169–032–12, 169–021–13
EXISTING ZONING:	I–2
PROPOSED ZONING:	TOD–MO
EXISTING USES:	OFFICE
PROPOSED USES:	USES AS ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS (OR A COMBINATION OF BOTH).
MAXIMUM BUILDING HEIGHT:	AS REQUIRED BY ORDINANCE
PARKING:	AS REQUIRED BY THE ORDINANCE WILL BE PROVIDED.



VICINITY MAP
NTS



PRELIMINARY DRAWING – NOT RELEASED FOR CONSTRUCTION

THE JOHN R. McADAMS COMPANY, INC.
3436 Torington Way
Suite 110
Charlotte, North Carolina 28277
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REVISIONS:
1 REVISIONS PER 1ST REVIEW 8–13–2018
2 REVISIONS PER 2ND REVIEW 11–26–2018
3 REVISIONS PER 3RD REVIEW 12–04–2018

OWNER: BOULEVARD REAL ESTATE ADVISORS
121 WEST TRADE ST
SUITE 2800
CHARLOTTE, NC 28202

200 EAST WOODLAWN

PETITION #2017-195

200 EAST WOODLAWN, CHARLOTTE, NORTH CAROLINA 28217

TECHNICAL DATA SHEET - OPTION 1

PROJECT NO.	BRE–18020
FILENAME:	BRE18020X–S1
CHECKED BY:	BGP
DRAWN BY:	AJB
SCALE:	1"=60'
DATE:	03–08–18
SHEET NO.	RZ-1

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DECEMBER 17, 2018
REZONING PETITION NO. 2017–195

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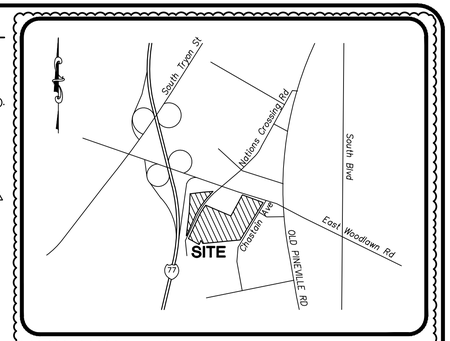

VICINITY MAP
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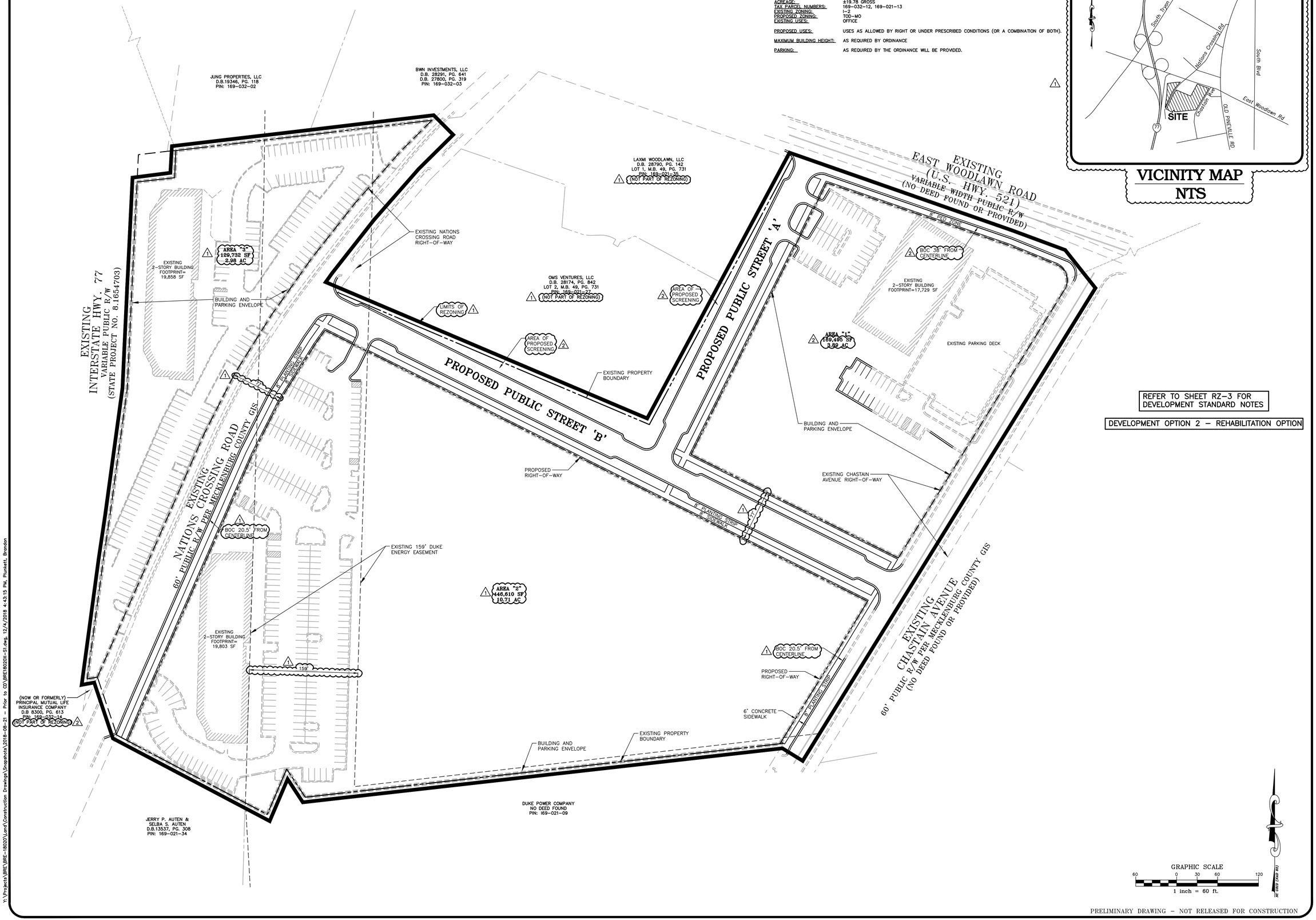

REFER TO SHEET RZ–3 FOR DEVELOPMENT STANDARD NOTES

DEVELOPMENT OPTION 2 – REHABILITATION OPTION

PRELIMINARY DRAWING – NOT RELEASED FOR CONSTRUCTION

Y:\Projects\BRE\BRE-18020\Land\Construction Drawings\Snapshots\2018-08-21 - Prior to CD\BRE18020X-S1.dwg, 12/4/2018 4:43:15 PM, Plunkett, Brandon

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200 EAST WOODLAWN

PETITION #2017-195

200 EAST WOODLAWN, CHARLOTTE, NORTH CAROLINA 28217

TECHNICAL DATA SHEET - OPTION 2

PROJECT NO.	BRE–18020
FILENAME:	BRE18020X–S1
CHECKED BY:	BGP
DRAWN BY:	AJB
SCALE:	1"=60'
DATE:	03–08–18
SHEET NO.	RZ–2

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DEVELOPMENT STANDARDS

3 December 4, 2018

1. GENERAL PROVISIONS

A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Boulevard Real Estate Advisors, LLC (the "Petitioner") for an approximately 19.783 acre site located on the southwest corner of the intersection of East Woodlawn Road and Chastain Avenue and on the west side of Nations Crossing Road, south of East Woodlawn Road, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of those parcels of land designated as Tax Parcel Nos. 169-032-12 and 169-021-13.

B. 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 TOD-M zoning district shall govern the development and use of the Site.

C. The development of the Site proposed under this Rezoning Plan shall be considered to be a planned/unified development. Therefore, the term "Site" shall mean the entire 19.783 acre site subject to this Rezoning Petition regardless of any future change in ownership or parcel boundaries. Additionally, side and rear yards, buffers, 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 and/or owner of the Site reserve 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 requirements with respect to the exterior boundary of the Site.

2

D. The Site may be developed pursuant to one of the development options described below.

(1) **Development Option 1 – New Buildings**. Petitioner may demolish all existing buildings, accessory structures, surface parking facilities and structured parking facilities on the Site. Newly constructed principal buildings, accessory structures, surface parking facilities and structured parking facilities (if any) shall be located within the building/parking envelopes depicted on the Rezoning Plan ("**Development Option 1—New Buildings**"). Development Option 1—New Buildings is depicted on Sheet No. RZ-1 of the Rezoning Plan.

(2) **Development Option 2 – Rehabilitation**. Petitioner may retain, renovate and reuse one or more of the existing principal buildings, accessory structures, surface parking facilities and structured parking facilities that are more particularly identified on Sheet RZ-2 of the Rezoning Plan. Petitioner shall demolish any existing buildings, accessory structures, surface parking facilities and/or structured parking facilities on the Site which are not retained, renovated and reused. Any new principal buildings, accessory structures, surface parking facilities and structured parking facilities (if any) shall be located within the building/parking envelopes depicted on the Rezoning Plan ("**Development Option 2—Rehabilitation**"). Development Option 2—Rehabilitation is depicted on Sheet No. RZ-2 of the Rezoning Plan.

2 2

Each provision of these Development Standards shall apply to Development Option 1 – New Buildings and Development Option 2 – Rehabilitation unless otherwise provided herein.

E. This Rezoning Plan does not limit the number of principal buildings, accessory structures, surface parking facilities or structured parking facilities that may be located on the Site. The number of principal buildings, accessory structures, surface parking facilities and structured parking facilities that may be located on the Site shall be governed by the applicable provisions of the Ordinance.

F. Pursuant to Section 1.110 of the Ordinance and Section 160A-385.1 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.

G. 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 only to Development Option 1 – New Buildings.

A. As depicted on Sheet RZ-1, an approximately 159 foot wide Duke Energy Easement (the "Easement") is located within Development Area 2 and Development Area 3. Buildings and structures are not permitted within the Easement, however, parking and vehicular circulation and maneuvering space is permitted within the Easement. As a result, parking and vehicular circulation and maneuvering space may be located between any buildings and structures located on the Site and the setbacks from Nations Crossing Road.

B. The Site may be developed in several phases. As a result, parking and vehicular circulation and maneuvering space could be located between buildings and/or structures on the Site and the required setbacks from Public Street A, Public Street B, Chastain Avenue and East Woodlawn Road until such time that a future phase or future phases of the development are constructed. This condition shall be permitted provided that a future building or future structure site is located between any such buildings and/or structures and the required setbacks from Public Street A, Public Street B, Chastain Avenue and East Woodlawn Road.

2

C. The Site, when fully developed pursuant to this Rezoning Plan, shall be required to meet the minimum residential density and/or the minimum floor area ratio requirements of the TOD-M zoning district. However, in the event that the Site is developed in phases, an individual phase of the development will not be required to meet the minimum residential density and/or the minimum floor area ratio requirements of the TOD-M zoning district. For purposes of determining if the Site, when fully developed pursuant to this Rezoning Plan, meets the minimum residential density and/or the minimum floor area ratio requirements of the TOD-M zoning district, the gross area of the Site located within the Easement shall not be considered to be a part of the acreage or gross area of the Site since no buildings or structures can be located within the Easement. Additionally, for purposes of this determination, the Site is considered to be located between ¼ mile and ½ mile walking distance of a transit station.

2 D. Those portions of Nations Crossing Road located adjacent to the Site shall be improved by Petitioner to the Local Office/Commercial Wide street type/cross-section in accordance with the cross section for Nations Crossing Road set out on the Rezoning Plan. The center line of Nations Crossing Road may be relocated to accommodate preservation of the existing curb on the west side of Nations Crossing Road, and Petitioner may use alternative screening without a five foot buffer to screen any surface parking facilities on Development Area 3 from Nations Crossing Road.

The optional provisions set out below shall apply only to Development Option 2 – Rehabilitation.

A. As depicted on Sheet RZ-2, the Easement is located within Development Area 2 and Development Area 3. Buildings and structures are not permitted within the Easement, however, parking and vehicular circulation and maneuvering space is permitted within the Easement. As a result, parking and vehicular circulation and maneuvering space may be located between any buildings and structures located on the Site and the setbacks from Nations Crossing Road.

B. The Site may be developed in several phases. As a result, parking and vehicular circulation and maneuvering space could be located between buildings and/or structures on the Site and the required setbacks from Public Street A, Public Street B, Chastain Avenue and East Woodlawn Road until such time that a future phase or future phases of the development are constructed. This condition shall be permitted provided that a future building or future structure site is located between any such buildings and/or structures and the required setbacks from Public Street A, Public Street B, Chastain Avenue and East Woodlawn Road.

2

C. The Site shall not be required to meet the minimum residential density and/or the minimum floor area ratio requirements of the TOD-M zoning district.

D. The number of parking spaces serving the Site may exceed the maximum number of off-street parking spaces allowed in the TOD-M zoning district.

E. With respect to the Site's entire frontage on Chastain Avenue, parking that is located to the sides of the primary structures may not cover more than 35% of the total length of the Site's entire frontage on Chastain Avenue, However, parking that is located to the side of a primary structure on an individual lot located on the Site's frontage on Chastain Avenue may cover more than 35% of the total width of the individual lot.

2

F. Those portions of Nations Crossing Road located adjacent to the Site shall be improved by Petitioner to the Local Office/Commercial Wide street type/cross-section in accordance with the cross section for Nations Crossing Road set out on the Rezoning Plan. Notwithstanding the foregoing, in the event that Petitioner elects to preserve the existing building and parking in Development Area 3, then (i) the center line of Nations Crossing Road may be relocated to accommodate the existing parking in Development Area 3; (ii) the Petitioner may preserve the existing curb on the west side of Nations Crossing Road and adjust the width of the planting strip along the west side of Nations Crossing Road as necessary to accommodate the existing curb and existing parking in Development Area 3; and (iii) the Petitioner may use alternative screening without a five foot buffer to screen the existing parking from Nations Crossing Road.

G. In the event that an existing building, surface parking facility and/or structured parking facility located on Development Area 1 are retained, renovated and reused, those portions of the sidewalks and planting strips located along the Site's frontages on East Woodlawn Road and Chastain Avenue between the existing building, surface parking facility and/or structured parking facility to be retained and East Woodlawn Road and Chastain Avenue shall be of a width that does not require the removal or modification of any portion of such improvements. The width of these portions of the sidewalks and planting strips shall be determined during the permitting process.

2

H. The amount of right of way that Petitioner will dedicate will be an amount that does not require the removal or modification of any portions of any existing buildings, surface parking facilities and/or structured parking facilities to be retained on the Site. The amount of right of way to be dedicated shall be determined during the permitting process.

I. The setbacks for any existing buildings, surface parking facilities and/or structured parking facilities on the Site that are retained, renovated and reused shall be the established setbacks. Therefore, such improvements may encroach into the setback specified under the Ordinance.

3. PERMITTED USES

A. The Site may be devoted to any use or uses allowed by right or under prescribed conditions in the TOD-M zoning district (including any combination of such uses), together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the TOD-M zoning district.

4. 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 of the internal public 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. Public Street A and Public Street B shall each be constructed prior to the issuance of the first certificate of occupancy for a new building constructed on the Site. Notwithstanding the foregoing, Petitioner shall not be required to connect Public Street A to East Woodlawn Road if such connection is not approved by NCDOT and/or CDOT, or if Petitioner would be required to construct any off-site transportation improvements to obtain NCDOT's and/or CDOT's approval of such connection other than improvements located at the intersection of Public Street A and East Woodlawn Road.

2 3

D. The cross sections for Public Street A and Public Street B are set out on the Rezoning Plan.

E. The right of way for Public Street A shall extend to the eastern boundary lines of Tax Parcel Nos. 169-021-35 and 169-021-27 as depicted on the cross section for Public Street A. Petitioner shall not be required to install a planting strip or a sidewalk along the western side of Public Street A. Notwithstanding the foregoing, the strip of land located behind the back of curb along the western side of Public Street A and within the right of way may contain trees and shrubs to screen Tax Parcel Nos. 169-021-35 and 169-021-27 from the Site. These trees and shrubs may remain in place until such time that Tax Parcel Nos. 169-021-35 and 169-021-27 are redeveloped and a planting strip and sidewalk are installed along the western side of Public Street A within this strip of land by the developer(s) of Tax Parcel Nos. 169-021-35 and 169-021-27. If required by CDOT, Petitioner shall obtain an encroachment agreement from CDOT for the trees and shrubs.

F. The right of way for Public Street B shall extend to the southern boundary line of Tax Parcel No. 169-021-27 as depicted on the cross section for Public Street B. Petitioner shall not be required to install a planting strip or a sidewalk along the northern side of Public Street B. Notwithstanding the foregoing, the strip of land located behind the back of curb along the northern side of Public Street B and within the right of way may contain trees and shrubs to screen Tax Parcel No. 169-021-27 from the Site. These trees and shrubs may remain in place until such time that Tax Parcel No. 169-021-27 is redeveloped and a planting strip and sidewalk are installed along the northern side of Public Street B within this strip of land by the developer(s) of Tax Parcel No. 169-021-27. If required by CDOT, Petitioner shall obtain an encroachment agreement from CDOT for the trees and shrubs.

G. Prior to the issuance of the first certificate of occupancy for any new building constructed on the Site, Petitioner shall install (by way of striping within the public right of way) a pedestrian crossing from the Site across Chastain Avenue to provide a pedestrian connection from the Site to the existing pedestrian access to the Woodlawn Transit Station. The precise location of this pedestrian crossing shall be determined during the permitting process.

2

H. Under Development Option 1 – New Buildings, streetscape improvements along Development Area 1's frontages on East Woodlawn Road and Chastain Avenue shall be completed prior to the issuance of the first certificate of occupancy for any new building constructed on Development Area 1.

2

I. Under Development Option 2 – Rehabilitation, in the event that an existing building, surface parking facility and/or structured parking facility located on Development Area 1 are retained, renovated and reused, those portions of the sidewalks and planting strips located along the Site's frontages on East Woodlawn Road and Chastain Avenue between the existing building, surface parking facility and/or structured parking facility to be retained and East Woodlawn Road and Chastain Avenue shall be of a width that does not require the removal or modification of any portion of such improvements. The width of these portions of the sidewalks and planting strips shall be determined during the permitting process, and these streetscape improvements along the Site's frontages on East Woodlawn Road and Chastain Avenue shall be completed prior to the issuance of the first certificate of occupancy for any new or renovated building on Development Area 1.

2

J. Streetscape improvements along Development Area 2's frontage on Chastain Avenue shall be completed prior to the issuance of the first certificate of occupancy for any new building constructed on Development Area 2.

2

K. Under Development Option 1 – New Buildings, streetscape improvements along Development Area 2's frontage on Nations Crossing Road shall be completed prior to the issuance of the first certificate of occupancy for any new building constructed on Development Area 2.

2

L. Under Development Option 2 – Rehabilitation, streetscape improvements along Development Area 2's frontage on Nations Crossing Road shall be completed prior to the issuance of the first certificate of occupancy for any new or renovated building on Development Area 2.

2

M. Under Development Option 1 – New Buildings, streetscape improvements along Development Area 3's frontage on Nations Crossing Road shall be completed prior to the issuance of the first certificate of occupancy for any new building on Development Area 3.

2

N. Under Development Option 2 – Rehabilitation, streetscape improvements along Development Area 3's frontage on Nations Crossing Road shall be completed prior to the issuance of the first certificate of occupancy for any new or renovated building on Development Area 3.

2

O. A Traffic Impact Study ("TIS") for the development of the Site will be required as provided below.

(1) Subject to the terms of paragraphs 2 and 3 below, Petitioner shall complete a TIS for the development and submit it to CDOT and NCDOT for review prior to the issuance of any permits, including permits for new construction or change of use, for any phase of the development that would cause the total cumulative daily vehicular trips generated by all of the uses on the Site to exceed 2,500 daily vehicular trips (the "**2,500 Daily Trip TIS Trigger**").

(2) For the purposes of calculating the 2,500 Daily Trip TIS Trigger, the following uses will not be included in the calculation (i.e., resulting daily vehicular trips will not count towards the 2,500 Daily Trip TIS Trigger).

(a) Uses located in the existing buildings on the Site up to a maximum of 79,526 square feet of gross floor area.

(b) Up to 25,000 square feet of gross floor area in the existing buildings, referenced in 2(a) above, on the Site devoted to retail and/or eating, drinking and entertainment establishments.

2

(3) For the purposes of calculating the 2,500 Daily Trip TIS Trigger, the following will be included in the calculation (i.e., resulting daily vehicular trips will count towards the 2,500 Daily Trip TIS Trigger).

(a) All new buildings developed on the Site.

(b) If more than 79,526 square feet of gross floor area in the existing buildings on the Site are occupied, then the daily vehicular trips generated from the gross floor area in excess of 79,526 square feet shall count towards the 2,500 Daily Trip TIS Trigger.

(c) If more than 25,000 square feet of gross floor area in the existing buildings is devoted to retail and/or eating, drinking, and entertainment establishments, then the daily vehicular trips generated by the floor area in excess of 25,000 square feet shall county towards the 2,500 Daily Trip TIS Tigger.

(4) If the daily vehicular trips generated by the uses on the Site, excluding the daily vehicular trips generated by the uses described above in paragraph 2, exceed the 2,500 Daily Trip TIS Trigger, a TIS will be required to be submitted as set out in paragraph 1 above. The daily vehicular trips included in the TIS shall be cumulative and shall include all of the daily vehicular trips generated from all of the uses on the Site, including the uses described above in paragraph 2.

P. Prior to the issuance of the first certificate of occupancy for any new building constructed on the Site, Petitioner shall install ADA compliant ramps on the southwest and southeast corners of the intersection of Nations Crossing Road and East Woodlawn Road and restripe the crosswalk as necessary.

3

5. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

A. If this Rezoning Petition is approved, all conditions applicable to the use and 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 Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

B. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

C. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

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