

DEVELOPMENT STANDARDS FOR REZONING PETITION NO. 2009-042

 Existing Zoning: CC by rezoning petition no. 2004-074 - Proposed Uses: Up to 1,000,000 square feet of gross floor area of general and medical office

uses, professional business uses and ancillary retail, restaurants and personal service uses.

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, pedestrian friendly corporate office park, on an approximately 24.03 acre site generally located at the southwesterly corner of the intersection formed by West Mallard Creek Church Road and North Carolina Highway 29, a/k/a North Tryon Street, (the "Site"). Development of the Site will be governed by the Technical Data Sheet, these/1 (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD) Zoning Classification, subject to the Optional Provision provided below, 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 of access, the configurations at placements of parking areas, and the precise locations of buildings, parking decks and other individual Site elements 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 th 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/1 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, th 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

The Site may be developed with general and medical office uses, professional business uses, and support services such as retail, restaurants, childcare centers (subject to the/ 1 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 1 district. Accessory uses associated with the permitted principal uses, and within the principal structures, as allowed within the MUDD zoning districts, shall be permitted on/1

restaurants, childcare centers, and personal services and similar "non-office" uses as For purposes of the development limitations set forth in this Section B., the term "gross floor area" or "GFA" shall mean and refer to the sum 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 term shall exclude any surface or structured parking facilities

elevator and mechanical shafts and maintenance crawl spaces), provided, further, areas/1 devoted to outdoor dining, including without limitation patios are not intended to be included in the calculation of gross floor area. Development on the Site may take place in phases. The Rezoning Plan contemplates initial development with the primary building to be located within Development Area and surface parking permitted in Development Areas 2, 3 and 4, as generally depicted on Sheets 2 and 3 of the Rezoning Plan (the "Development Area One Technical Data Sheet and Illustrative Master Plan"). Although it is contemplated that the first building will be developed in Development Area 1, the initial development may take place in any one of Development Areas 1, 2 or 3 ("Initial Development Areas") with surface parking

at, when the development occurs beyond one of the Initial Development Areas, parking shall take place within structured parking facility(ies) located on Development Areas and 6 (except for limited surface parking along the internal private streets on the Site) Nothing contained herein shall prevent the Petitioner from proceeding with multiple

Setbacks, Yards And Buffers; Unified/Planned Development

(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.

The Petitioner reserves the right to subdivide the MUDD-O portion of the Site and create lots within the interior of the development with no side and/or rear yards, internal buffe requirements or any other separation standards as part of a unified/planned development.

The Petitioner proposes to utilize MUDD-O provisions of the Ordinance in order to

(b) 265 feet within Development Area 2; and

Building height shall be measured in the manner prescribed in the Ordinance; provided, however, height limits shall not apply to skylights, telecom 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

The Petitioner requests the Optional provision to allow walls 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 13.108a of the Ordinance.

The Petitioner requests the Optional provision to allow two (2) detached ground mounted signs with up to 50 square feet of sign area one sign to be located along W. Mallard Creek Church Road and one along N. Tryon street; such signs will be limited to a

The Petitioner requests the Optional provision to allow surface parking associated with a building constructed on one of the Initial Development Areas (i.e. Development Areas 1, 2 or 3) to be located within Development Areas 1, 2, 3, and 4, thereby being located to the side and rear of the building constructed in one of the Initial Development Areas and between existing or proposed public streets; structured parking facilities associated with Additional Development may only be located within Development Areas 4 and 6, and surface parking associated with Additional Development may be located between

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

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.

height will be designed utilizing architectural treatments to assure that the first four floors above grade (the base) are differentiated from the rest of the building so that the buildings reinforce the streetscape and pedestrian environment Pedestrian access will be provided from each building constructed along W. Mallard Creek Church Road and N. Tryon Street to such streets, 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). entrances will be connected to such streets by way of an 8 foot wide sidewalk to the sidewalks along W. Mallard Creek Church Road and N. Tryon Street.

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

 The Petitioner will provide eight (8) foot planting strips and eight (8) foot sidewalks along W. Mallard Creek Church Road, N. Tryon Street and on both sides of Public Street These streetscape improvements may be constructed in phases.

Along both sides of internal Private Street A, Private Street B, and Private Street E, the Petitioner will provide an eight (8) foot planting strip and a six foot (6) sidewalk. A six (6) foot sidewalk and an eight (8) foot planting strip will be constructed on one side of

Street trees will be provided along all public and privates streets. Street Trees will be planted in accordance with the standards of the City of Charlotte Tree Ordinance.

The Petitioner will construct a concrete waiting pad along N. Tryon Street, as requested by Charlotte Area Transit System (CATS). The location and design of the concrete waiting pad to be coordinated with CATS during the approval process for the first building constructed on the Site. Waiting pad design will be either Charlotte Mecklenburg Land Development Standard 60.02A or 60.02B as determined by CATS

A path consistent with existing Greenway Path will be constructed by the Petitioner to 1 connect the Site to the existing Greenway along Mallard Creek. The location of the Tryon Street so that it can also function as a public access to the Mallard Creek Greenway. This connection will be constructed prior to the issuance of a certificate of occupancy for the second building on the Site.

1 H. Urban Open Space

1. Urban open space will be provided as required by the Ordinance. A portion of the urban open space that is provided will be centrally located and accessible and visible to the tenants of the office buildings. The urban open space provided will be designed as an

amenity to the office buildings with seating and landscape areas.

Screening shall conform to the standards and treatments specified in Section 12.303 of

Dumpster areas and recycling areas (if any) will be enclosed and screened from public riew by solid fences or a brick wall with one side being a decorative wooden 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. These areas will be located so as to minimize ibility from N. Tryon Street or W. Mallard Creek Church Road.

Roof top mechanical equipment shall be screened from public view at grade level.

Off street parking spaces will be provided at the following ratios for the Site:

Professional business and general and medical office uses: one space per 300

Retail uses (non-restaurant): one space per 600 square feet;

Restaurant uses: one space per 125 square feet; and

(iv) Other non-residential uses: one space per 600 square feet

Bicycle parking will be provided as required by Section 12.202 of the Ordinance.

All freestanding lighting fixtures will be uniform in design and shielded with full cut-off

The height of any freestanding fixture, including its base may not exceed 20 feet. Wall pack lighting will not be allowed. However, decorative shielded down lighting will

All signs placed on the Site will be in accordance with the requirements of the

The number of vehicular access points to the Site shall be limited to the number depicted

The placement and configuration of each access point are subject to modifications required to accommodate final Site and architectural construction plans and designs. Private street E access onto W. Mallard Creek Church Road will be limited to a right-in

The proposed building entrances will be designed to comply with the standards 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.

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 lina Department of Transportation (NCDOT). 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 storage. The Petitioner will install a traffic signal to be installed at this intersection when warranted. This proposed traffic signal will be interconnected into the traffic signal system along West Mallard Creek Church Road from I-85 to Tryon Street.

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, it 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 to provide a minimum combined storage of 350 feet on North Tryon Street at Mallard Creek Church Road (including

the installation of a 6' 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 rch Road which will drop as a right-turn lane at the proposed driveway on North

The Petitioner will improve portions of the intersection of Mallard Creek Church and N ryon Street with pedestrian refuge islands and crosswalks as generally depicted on the Rezoning Plan. The pedestrian refuge islands will consist of a six (6) foot median adjacent to the left turn lanes with an eight (8) foot long section flush with roadway surface. The median will be designed to accommodate pedestrians crossing the street The pedestrian refuge islands and crosswalks will be constructed on N. Tryon Street or the northbound approach and on E. Mallard Creek Church Road on the westbound approach to the intersection as indicated on the Technical Data Sheet. These Pedestrian refuge islands will be constructed by the Petitioner when the platform at the proposed East Mallard Creek Light Rail Station is operational or prior to the issuance of a certificate of occupancy for the final building on the Site is issued whichever occurs first.

The Petitioner will construct the portion of sidewalk along N. Tryon Street that will connect the Sites required sidewalk along its N. Tryon Street frontage to the sidewalk that will be constructed, by others, on the southbound bridge of N. Tryon Street, so that no gaps will exist in the sidewalk along N. Tryon Street between the south bound bridge and the intersection of N. Tryon Street and W. Mallard Creek Church Road.

Except as otherwise specifically set forth in Section O above regarding the pedestria refuge islands and the missing sidewalk segment along N. Tryon Street, Petitioner will

cause to be constructed all the required roadway improvements detailed in Section O above prior to the issuance of a certificate of occupancy for the first building constructed

If this Rezoning Petition is approved, the Petitioner commits to dedicate and convey by ne Petitioner and where not already existing, that portion of such additional right of way

along the Site's frontage of N. Tryon Street and W. Mallard Creek Church Road to result in a 100 foot right of way measured 50 feet from the centerline of N. Tryon Street and W. The dedication and conveyance described subsection 1 above shall occur before the issuance of the final certificate of occupancy for the first building constructed on the Site.

The Petitioner will provide adequate fire protection to the Fire Marshal's specifications.

Fire hydrants will be provided to the Fire Marshall's specifications. 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. The Petitioner shall comply with Charlotte City Council approved and adopted Post

The Site will comply with the Mecklenburg County and City of Charlotte Floodplain

eliminate the amount of fill that is placed in the FEMA Flood Fringe Area and the SOLID WASTE MANAGEMENT PLAN

he 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 furing 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 that monthly reporting of all tonnage disposed and recycled will be made to Mecklenburg County Solid Waste Program. The report will also include the dentification and location of all facilities receiving disposed or recycled materials

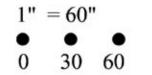
Future amendments to this Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the applicable parcel or parcels affected by mendment in accordance with the provisions of Chapter 6 of the Ordinance. Binding Effect Of The Rezoning Application

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 Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

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, this Petition includes vesting of the approved Rezoning Plan and the conditional zoning district associated with this Petition for a five













LINCOLN

HARRIS

