

SITE PLAN SPECIFICATIONS

TAX PARCEL NUMBER: 177-063-01

REZONING PETITION NO. 2010-56

ZONING CLASSIFICATION
CURRENT: O-1
PROPOSED: MUDD-O

NET LAND AREA: +/- 13.15 ACRES

BUILDING HEIGHT: 150' MAX. (TRACT A & B)
120' MAX. (TRACT C & D)
NOTE: SEE PLAN

TRACT A - 240,000 SF OF COMMERCIAL FLOOR AREA

TRACT B - 240,000 SF OF COMMERCIAL FLOOR AREA

TRACT C - 200 MULTI-FAMILY DWELLING UNITS

TRACT D - 391 MULTI-FAMILY DWELLING UNITS AND
15,000 SF OF COMMERCIAL FLOOR AREA

THE TOTAL AMOUNT OF RETAIL AND/OR RESTAURANT USES
DEVELOPED ON THE SITE SHALL NOT EXCEED 15,000 SF.

**APPROVED BY
CITY COUNCIL**

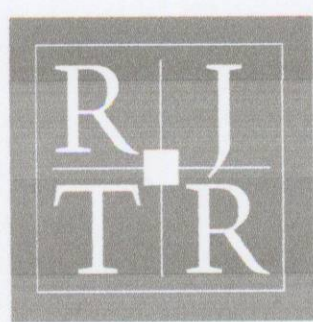
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TECHNICAL DATA SHEET A

Scale: 1" = 40' - 0"



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DATE	ISSUE/REVISION
09 17 2010	SUBMITTAL #2
10 05 2010	REVISION #2
10 15 2010	REVISION #3
10 22 2010	REVISION #4

TECHNICAL DATA SHEET A

CARNEGIE BLVD. REZONING
6000 CARNEGIE BLVD.
CHARLOTTE, NORTH CAROLINA

COMMISSION NO: 10 042.00

DRAWING NO:

R-1.A

NOT ISSUED FOR CONSTRUCTION

REZONING PETITION NO. 2010-56
DEVELOPMENT STANDARDS

1. General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by the Petitioner to accommodate redevelopment of the 13.15 ± acre tract encompassed by Carnegie Boulevard and Congress Street (the "Site").

Development of the Site will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").

Except as otherwise provided under the MUDD-Optional provisions set forth under Section 2 hereof and unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the MUDD Zoning District shall govern all development taking place on the Site.

The development depicted on the Technical Data Sheet is intended to reflect the arrangement of the maximum number of buildings proposed on the Site. The Petitioner has also provided a Conceptual Site Plan and a Conceptual Perspective Rendering which accompany the Technical Data Sheet. Inasmuch as planning for the proposed redevelopment of the Site has not yet advanced beyond the formative stage, the ultimate layouts of the development proposed, the configurations and placements of open space areas and buildings, and the heights, masses and number of buildings in each Tract have not yet been determined. As a consequence, the configurations, placements, number and sizes of the buildings and open space areas depicted on the Technical Data Sheet and the Conceptual Site Plan and the designs of the elevations depicted on the Conceptual Perspective Rendering are schematic in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified during design development and construction document phases so long as the maximum building envelope lines and intensity limitations established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the MUDD District. However, any alterations or modifications which in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Conceptual Site Plan or its respective conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

2. MUDD-Optional Provisions

This Petition proposes utilization of the MUDD-O provisions to allow for the following optional deviations:

- Deviations that would allow short-term surface level parking and drives within areas between public or private streets and buildings fronting these streets to allow: drop off areas in front of office buildings, pick-up and drop off areas in front of restaurants and residential buildings, valet parking; and service areas for uses such as mail delivery, loading and delivery;
- A deviation from the height requirements to allow buildings which are up to but not exceeding 150 feet or 10 stories in height on Tract A and Tract B.

3. Permitted Uses

Subject to the Maximum Development provisions set forth under Section 4, Tracts A and B of the Site may be devoted to office, bank, retail, and restaurant uses (hereinafter collectively referred to as "Commercial" uses) together with any incidental or accessory uses associated therewith which are permitted by right or under prescribed conditions in the MUDD Zoning District.

Subject to the Maximum Development provisions set forth under Section 4, Tract C of the Site may be devoted multi-family dwellings together with any incidental or accessory uses associated therewith which are permitted by right or under prescribed conditions in the MUDD Zoning District.

Subject to the Maximum Development provisions set forth under Section 4, Tract D of the Site may be devoted to Commercial uses and/or multi-family dwellings together with any incidental or accessory uses associated therewith which are permitted by right or under prescribed conditions in the MUDD Zoning District.

The existing structure on the Site may be maintained and devoted to those uses allowed in the O-1 Zoning District together with any incidental or accessory uses associated therewith until such time as the Site is redeveloped.

4. Maximum Development

- Subject to the overall limitations on retail and restaurant square footage established under Paragraph (g) of this Section, Tract A may be developed with up to 240,000 square feet of Commercial floor area. Areas devoted to structured parking, outdoor dining, courtyards and plazas are not included in the square footage limitations but outdoor dining areas for retail restaurants shall be counted toward the required parking calculation. Floor area calculations for commercial development shall not include areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), service areas, rooftop equipment rooms, storage areas and mechanical and electrical rooms.
- Subject to the overall limitations on retail and restaurant square footage established under Paragraph (g) of this Section, Tract B may be developed with up to 240,000 square feet of Commercial floor area. Areas devoted to structured parking, outdoor dining, courtyards and plazas are not included in the square footage limitation for commercial uses, but outdoor dining areas for retail restaurants shall be counted toward the required parking calculation. Floor area calculations for commercial development shall not include areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), service areas, rooftop equipment rooms, storage areas and mechanical and electrical rooms.
- Notwithstanding the foregoing provisions of this Section, if Tract A or Tract B is developed without using all of the Commercial floor area allocated to the particular Tract involved, the unused Commercial floor area may be transferred to the other Tract so long as the total Commercial floor area on Tract A and Tract B does not exceed, in the aggregate, 480,000 square feet.
- Tract C may be developed with up to 200 multi-family dwelling units and accessory amenities.
- Subject to the overall limitations on retail and restaurant square footage in Paragraph (g) of this Section, Tract D may be developed with up to 391 multi-family dwelling units and accessory amenities and up to 15,000 square feet of Commercial floor area. Areas devoted to structured parking, outdoor dining, courtyards and plazas are not included in the square footage limitation for commercial uses, but outdoor dining areas for retail restaurants shall be counted toward the required parking calculation. Floor area calculations for commercial development shall not include areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), service areas, rooftop equipment rooms, storage areas and mechanical and electrical rooms.
- Notwithstanding the foregoing provisions of this Section, if Tract C or Tract D is developed without using all of the multi-family dwelling units allocated to the particular Tract involved, the unused number of multi-family units may be transferred to the other Tract so long as the total number of multi-family dwelling units on Tract C and Tract D does not exceed, in the aggregate, 591.
- While the Petitioner has reserved the option to place retail or restaurant uses on any one or more of Tracts A, B and D, the total amount of retail and/or restaurant uses developed on these Tracts shall not exceed, in the aggregate, 15,000 square feet.
- The total number of individual buildings constructed on the Site shall not exceed six.

5. Setbacks, Side Yards and Rear Yards

The developer may subdivide any of the Tracts and create lots within the interiors of the Tracts with no side or rear yards as part of a unified development plan.

6. Waiver of Sight Triangle Requirements

In addition to the deviations allowed under the MUDD optional provisions set forth under Section 2, the Petitioner reserves the right to request the Director of the Charlotte Department of Transportation (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.

7. Internal Street Systems

- The Site's internal street system shall be composed of private streets built to public street standards and the minimum requirements of the *Urban Street Design Guidelines*.
- The Petitioner reserves the right to deviate from the street alignments depicted on the Technical Data Sheet, provided any proposed change in alignment is approved in advance by CDOT.
- All private streets may be converted to public streets at the Petitioner's option, provided they are designed to public street standards.

8. Vehicular Access and Roadway Right-of-Way

- Vehicular access will be as generally depicted on the Technical Data Sheet. The placements and configurations of the vehicular access points shown on the Technical Data Sheet are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by CDOT for approval. The Petitioner will be responsible for the geometry depicted on all internal intersections, including turn lanes as deemed necessary by CDOT.
- No vehicular access may be provided for any vertical development fronting on either side of the street corridor which runs from the center of the Site in a northerly direction to Carnegie Boulevard.

9. Design and Performance Standards

- The intent of the redevelopment concept is to create a variety of architectural experiences. The redevelopment will utilize primarily glass, stone, brick, stucco, architectural pre-cast concrete panels, and/or architectural face block construction materials. The Conceptual Perspective Rendering is intended to describe the conceptual architectural theme proposed for the Site. However, as noted in Section 1, the rendering is conceptual in nature. Accordingly, the architectural concept may be altered or simplified during design development and construction phases, subject, however, to the provisions of Subsection 6.207(1) or (2) of the Ordinance as applicable.
- Except as otherwise provided under Section 2, 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 an exterior building wall facing a residential component shall be capped and downwardly directed.
- All street and parking lot lighting fixtures will be shielded with full cut-off fixtures.
- Wall-pak lighting will be prohibited throughout the Site.
- Pedestrian scale lighting will be provided within the Site along all interior streets.
- Dumpster areas will be enclosed on all four sides by an opaque wall with one side having a hinged opaque 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 will 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 abutting 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 Carnegie Boulevard 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.

- The street elevations of the first floors of all buildings in which ground floor retail uses are to be located on Carnegie Boulevard 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.

- Expanses of blank walls exceeding 20 feet in length will be eliminated through use various design elements, including one or more of the following design elements:

awnings,
display windows,
art,
sculptures,
mosaics
ornamentation,
molding,
string courses,
belt courses,
fountains,
street furniture,
landscaping and garden areas, or
display areas.

Provided, however, that the use of opaque or reflective glass may not be utilized as a means for addressing blank walls.

- Meter boxes, back flow preventors, and similar items will be screened from public view.

- Except as otherwise provided in these Development Standards, the streetscape treatment along the Carnegie Boulevard and Congress Street frontages 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 8 feet in width. Sidewalks may meander to preserve existing trees.

- Off-street parking may be provided either through surface lots or through parking structures.

- While the location or locations of urban open spaces have not yet been determined, the Site shall contain a minimum of 10,800 square feet of urban open space, as that term is defined in the Ordinance.

10. Pedestrian Friendly Corridor

The Technical Data Sheet contains a proposed pedestrian friendly corridor running in a generally southerly direction from Carnegie Boulevard through Tract B and extending, as a street corridor through Tract C to Carnegie Boulevard (the "Corridor") which is fronted on both sides only by ground floor Commercial uses or multi-family dwelling units.

In order to ensure the orderly development of these uses along the Corridor, the Petitioner makes the following commitments:

- The ground floor Commercial uses or multi-family dwelling units proposed along both sides of Corridor within Tract C shall be constructed simultaneously with any other multi-family development that occurs on any portion of Tract C.
- The ground floor Commercial uses or multi-family dwelling units proposed along both sides of Corridor within Tract D shall be constructed simultaneously with any other multi-family development that occurs on any portion of Tract D.

The Petitioner reserves the right to elect to extend these types of ground floor uses along the southerly margin of Tract D and Tract A in an easterly direction along Carnegie Boulevard within the general area depicted on the Technical Data Sheet.

11. Signs

No building sign mounted over forty feet above average grade on any building elevation which faces in a westerly direction shall be permitted.

12. Stormwater

- The Petitioner shall satisfy the requirements of the Post Construction Controls Ordinance and in addition, provide for a reduction of the peak flow in a 100-year storm event by 50 % or more over the conditions of the Site as they exist at the time this Rezoning Petition is approved.
- If the Petitioner elects to satisfy the requirements of Paragraph (a) of this Section with on-site above-ground detention facilities each such facility must be designed as a permanent water feature amenity for the Site.

13. Parking

- Except as otherwise provided in Paragraph (c) of this Section, off-street parking spaces provided on Tract A and Tract B shall each satisfy or exceed the parking requirements of the O-1 Zoning District.
- Off-street parking spaces provided on Tract C and Tract D shall satisfy or exceed the parking requirements of the O-1 Zoning District.

- If a build-to-suit tenant should enter into an agreement to occupy a portion of a building within Tract A or Tract B and the Petitioner submits to the Planning Director a recorded copy of a parking agreement between the Petitioner or the build-to-suit tenant and the Charlotte Department of Transportation (CDOT) within 150 days of the approval of this rezoning petition, the parking requirements of the O-1 Zoning District shall not apply to the building occupied by the build-to-suit tenant shall include at least 1 parking space per 375 square feet; subject however to the following conditions:

- The reduced parking requirements for a build-to-suit tenant may only apply to one of those two Tracts and not both.
- The component of the building containing the off-street parking spaces for the build-to-suit tenant must be designed and engineered so as to accommodate an expansion of that component's off-street parking spaces necessary to satisfy the parking requirements for this building had it been located within an O-1 Zoning District.
- If the build-to-suit tenant vacates the building, then no more than ⅓ of the building may thereafter be occupied unless and until the off-street parking facilities for that building shall have been expanded to satisfy the parking requirements for this building had it been located within an O-1 Zoning District.

14. Roadway Improvements

- The Petitioner may develop all or any part of one of the Tracts on the Site without any off-site transportation improvements other than driveway connections.
- Prior to the issuance of building permits for vertical development on the second Tract to be developed and following receipt of written authorization from CDOT (the "Written Authorization") to make these improvements, the Petitioner commits to construct a third westbound through lane on Fairview Road extending from Barclay Downs Drive to a point where this lane would tie in with the existing westbound right turn lane at Assembly Street.

The Petitioner will be responsible for all costs associated with the design and construction of the roadway improvements and all other associated intersection and roadway modifications required as a result of these improvements, including but not limited to, traffic signal modifications, pavement markings, engineering, permitting, project administration, landscaping, street trees, street tree mitigation, and right-of-way acquisition and dedication. The design of these improvements must meet applicable requirements as determined by CDOT and be subject to its review and approval.

- If off-site right-of-way is required to accommodate any of the transportation improvements described under Paragraph (b) of this Section, the Petitioner shall make a good faith effort (which includes the use of an independent appraiser to assess property values) to secure the necessary off-site right-of-way. If the Petitioner is successfully able to acquire the necessary off-site right-of-way, the Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) this right-of-way to the City of Charlotte.
- If off-site right-of-way is required to accommodate these improvements and the Petitioner fails in its good faith efforts to acquire the right-of-way, CDOT will cause the City to condemn such right-of-way. In any such case, the Petitioner agrees to reimburse the City for all costs and expenses associated therewith.

In the event CDOT does not authorize construction of these improvements, the Petitioner agrees to contribute to the City of Charlotte the sum of \$366,000.00 within thirty days of receipt of CDOT's notification that the Written Authorization has not been granted. In the event that these funds have not been dedicated to street improvement within the boundaries of the South Park Small Area Plan within seven (7) years of the date that they shall be funded to the City of Charlotte.

15. 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 a particular Tract within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

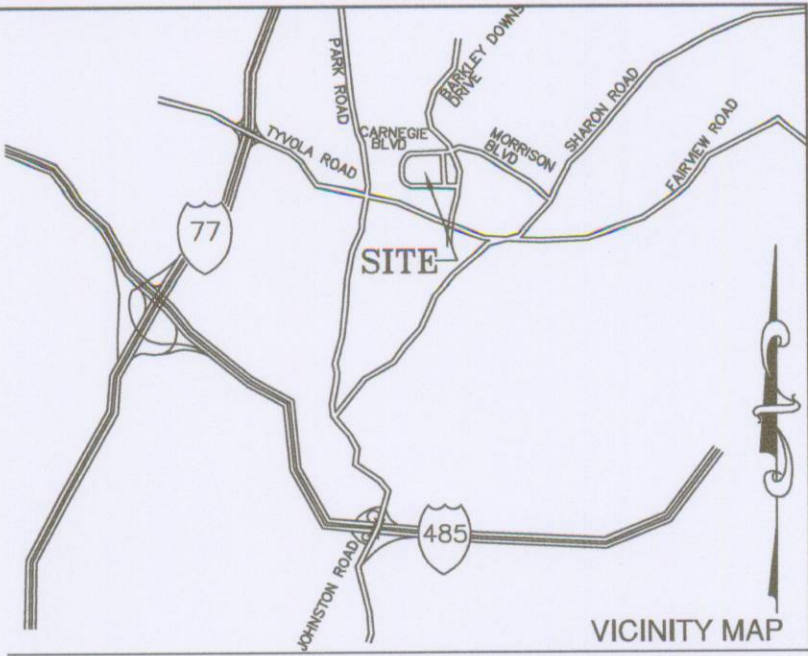
16. Binding Effect of the Rezoning Documents and Definitions

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet 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 time to time who may be involved in any future development thereof.

17. Vested Rights Provision

If this Rezoning Petition is approved by the Charlotte City Council then, pursuant to Section 1.110 of the Ordinance, the Petitioner hereby requests a five-year vested right to undertake and complete the development of this Site under the terms and conditions as so approved, commencing upon approval of this Rezoning Petition by the Charlotte City Council. The Petitioner makes this request for a five-year vested right due to the size and phasing of the proposed development, market conditions and the level of investment involved.



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CITY COUNCIL

NOV 15 2010

1 TECHNICAL DATA SHEET B
Scale:

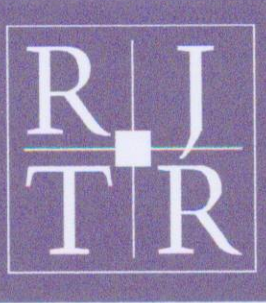
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DATE	ISSUE/REVISION
09 17 2010	SUBMITTAL #2
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10 22 2010	REVISION #4
11 11 2010	REVISION #5

NOT ISSUED FOR CONSTRUCTION
DATE: TECHNICAL DATA SHEET B

CARNEGIE BLVD. REZONING
6000 CARNEGIE BLVD.
CHARLOTTE, NORTH CAROLINA

COMMISSION NO: 10-042.00
DRAWING NO:

R-1.B



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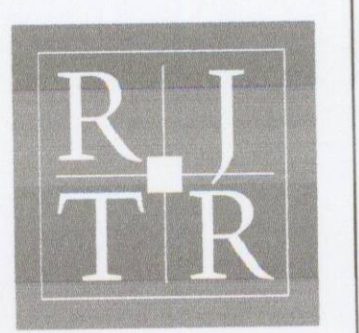
The Petitioner has also provided a Conceptual Site Plan and Conceptual Architectural Rendering which are conceptual in nature. Inasmuch as planning for the proposed redevelopment of the Site has not yet advanced beyond the formative stage, the ultimate layouts of the development proposed, the configurations and placements of open space areas and buildings, and the heights, masses and number of buildings in each tract have not yet been determined. As a consequence, the configurations, placements, number and sizes of the buildings and open space areas depicted on the Conceptual Site Plan and the design of the buildings depicted on the Conceptual Architectural Rendering are schematic in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified during design development and construction document phases so long as the maximum building envelope lines and intensity limitations established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the MUDD District. However, any alterations or modifications which in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Conceptual Site Plan or its respective conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Section 6.207(1) or (2) of the Ordinance, as applicable.



PIEDMONT
ROW
DRIVE

ASSEMBLY
STREET

1 CONCEPTUAL SITE PLAN
Scale: 1" = 50'



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CONCEPTUAL SITE PLAN
CARNegie BLVD. REZONING
6000 CARNegie BLVD.
CHARLOTTE, NORTH CAROLINA
COMMISSION NO: 10-042.00
DRAWING NO:
R-3



APPROVED BY
CITY COUNCIL

NOV 15 2010

RENDERING