

LandDesign.

223 NORTH GRAHAM STREET CHARLOTTE, NC 28202 704.333.0325 WWW.LANDDESIGN.COM

NOT FOR CONSTRUCTION

CHARLOTTE PIPE FOUNDRY

REZONING PETITION 2021-033

TO20131

REVISION / ISSUANCE

NO. DESCRIPTION DATE

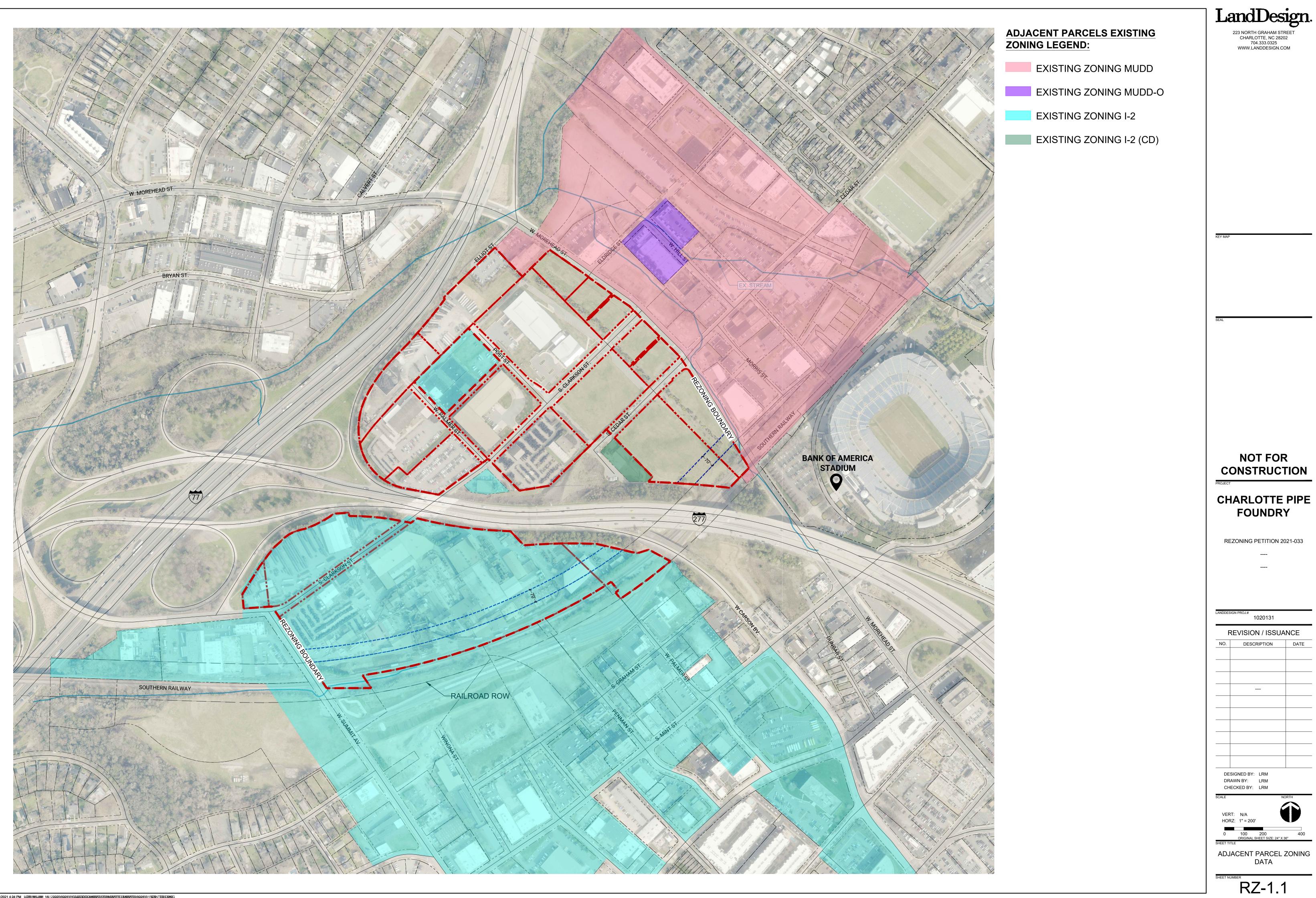
---
DESIGNED BY: LRM
DRAWN BY: LRM
CHECKED BY: LRM

VERT: N/A
HORZ: 1" = 200'

0 100 200
ORIGINAL SHEET SIZE: 24" X

TECHNICAL DATA SHEET

RZ-1.0



LandDesign.

223 NORTH GRAHAM STREET CHARLOTTE, NC 28202 704.333.0325 WWW.LANDDESIGN.COM

**NOT FOR** CONSTRUCTION

**FOUNDRY** 

REZONING PETITION 2021-033

REVISION / ISSUANCE NO. DESCRIPTION DATE DESIGNED BY: LRM
DRAWN BY: LRM

# CHARLOTTE PIPE & FOUNDRY COMPANY REZONING DEVELOPMENT STANDARDS Rezoning Petition No. 2021-033 6/14/2021

#### **Site Development Data:**

--Acreage:  $\pm$  55 acres

--**Tax Parcels:** 073-261-02, 119-102-01, 073-262-30A, 073-262-30B, 073-268-01, 073-252-13, 073-252-15, 073-252-11, 073-252-07, 073-252-02, 073-252-16, 073-252-17, 073-256-01, 073-256-02, 073-255-01, 073-251-14, 073-141-05, -73-142-01, 073-252-10, and 073-252-10, 073-252

--Existing Zoning: I-2, I-2(CD), MUDD-O

-- **Proposed Zoning:** UMUD-O with 5-year vested rights

-- Existing Use: Industrial

--Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the UMUD zoning district not otherwise limited in the

--Maximum Building Height: As required by the Ordinance for the UMUD zoning district.
--Parking: As required by the Ordinance for the UMUD zoning district.

#### I. General Provisions:

- a. **Site Description.** These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Charlotte Pipe & Foundry Co. ("Petitioner") to accommodate development of an urban mixed-use project on an approximately 55-acre site located along the north and south side of John Belk Freeway, east of Interstate 77, and northwest of South Mint Street, more particularly described as Mecklenburg County Tax Parcel Numbers 073-261-02, 119-102-01, 073-262-30A, 073-262-30B, 073-268-01, 073-252-13, 073-252-15, 073-252-11, 073-252-07, 073-252-02, 073-252-16, 073-252-17, 073-256-01, 073-256-02, 073-255-01, 073-251-14, 073-141-05, -73-142-01, 073-252-10, and 073-252-09 (the "Site").
- b. **Intent.** This Rezoning is intended to provide the framework to accommodate development on the Site for a mixture of UMUD-permitted uses including but not limited to residential, office, commercial, recreational, hospitality, and sports entertainment uses.
- c. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, or as requested in the Optional Provisions below, the regulations established under the Ordinance for the UMUD zoning district shall govern all development taking place on the Site.
- d. Flexibility in Placement of Development/Site Elements; Alterations/Modifications.

  The Development Area layout depicted on the Rezoning Plan is schematic in nature and

01040-004/00291241-4 Error! Unknown document property name.

## V. <u>Transportation Commitments:</u>

- a. Vehicular access will be as generally depicted on the Rezoning Plan. The placements and configurations of the vehicular access points shown on the Rezoning Plan are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required by NCDOT/CDOT for approval.
- b. **Transportation Network**. Due to the master planned nature of the development of the Site which will occur over many years, the applicable transportation network will be implemented over time and may adapt to the timing of development, availability of public and private funding and other factors, and if needed, in coordination with NCDOT/CDOT approval.
- c. **Transportation Improvement Phasing.** The overall development will be phased only in connection with transportation improvements described below. Phase IA shall require a CATS right-of-way dedication and reservation of a temporary no-build zone, Phase IB, as defined herein, shall require substantial completion of the below off-site transportation improvements. Phase II shall require substantial completion of Major Transportation Investment/Improvements.
  - 1. **Phase IA.** The following shall be required prior to the issuance of the first building certificate of occupancy for Phase IA:
    - a. There shall be no required off-site improvements associated with Phase IA development.
    - b. The Petitioner shall dedicate right-of-way for future lightrail use by CATS, as described in Section V.d.
    - c. The Petitioner shall temporarily designate a NCDOT interchange "No Build Zone" as generally depicted on the Rezoning Plan. The Petitioner shall work with NCDOT and CDOT on furthering the I-277 / I-77 interchange design until July 31, 2022. No development shall occur in the No Build Zone(s) until an agreement of future right-of-way dedication occurs. Should an agreement not be reached by both parties prior to the expiration date, development rights defer back to the rezoning boundary and associated rezoning conditions, thereby extinguishing the No Build Zone.
  - 2. **Phase IB Off-site Transportation Improvements.** The following shall be required to be completed (by the Petitioner, City, NCDOT, or others) prior to the issuance of the first building certificate of occupancy for Phase IB or Alternative Phase I (sports/entertainment):
    - a. Construct a five (5) lane section on Morehead Street from Cedar Street to McNinch Street;
    - b. Modify the I-77 Southbound ramp at Morehead Street to accommodate a dedicated right turn lane and dual left turn lanes. The inner left turn lane shall have three hundred (300) linear feet of storage and a one hundred (100) linear foot taper;

intended to depict the possible general arrangement of permitted uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements generally depicted on the Rezoning Plan, if provided, are graphic representations of the possible proposed development and site elements; but since the project has not undergone design development, it is intended that this Rezoning Plan provide for flexibility in ultimate layout, locations and sizes of development and site elements including allowing alterations or modifications to graphic representations in accordance with the setback, yard, landscaping and tree save requirements set forth on this Rezoning Plan and the Development Standards.

Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Minor alterations to the Rezoning Plan not otherwise contemplated by this Rezoning Plan are subject to Section 6.207 of the Ordinance.

- e. **Planned/Unified Development.** The Site and each Development Area and parcel created therein shall be viewed as a planned/unified development plan as may be generally depicted on the Rezoning Plan; as such, except where design guidelines or standards are set forth in the Rezoning Plan, side and rear yards, buffers, building height separation standards, and other similar zoning standards will not be required internally between improvements and other site elements located within the Site. Furthermore, the Petitioner and/or owner of the applicable portion of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the portion of the Site without regard to any such internal separation standards; provided, however, all such separation standards applied to the Site along the exterior boundary of the Site shall be adhered to.
- f. **Five Year Vested Rights**. Per Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development & its timing, and the level of investment, among other factors, this Petition includes vesting of the Rezoning Plan and the Rezoning Site for a five (5) year period, but such provisions shall not limit any other vested rights at common law or otherwise.

### II. Permitted Uses:

The Site may be devoted to any uses permitted by right or under prescribed conditions in the UMUD Zoning District, together with any incidental or accessory uses associated therewith.

#### III. Optional Provisions:

The Petitioner requests the following deviations from the UMUD Zoning Ordinance:

- a. Except as may be expressly set forth in the Rezoning Plan, the frontage of the Site with I-77 and I-277 shall not be deemed public street frontage for design or other types of zoning regulations (See Section 9.906(2) of the Ordinance).
- b. To allow temporary special event off-street parking as a principal use, for an unlimited number of special events per year, not to exceed seven (7) days in duration per event. The use shall be exempt from any requirements related to installation of sidewalks, trees, and

01040-004/00291241-4

01040-004/00291241-4

c. Install a traffic signal at the I-77 Northbound ramp and Morehead Street to accommodate a 4<sup>th</sup> leg to the intersection into the Site;

- d. Install an I-77 Southbound ramp off Freedom Drive to accommodate both Eastbound and Westbound Freedom Drive movements;
- e. Modify the I-277 off-ramp at Carson Street to accommodate dual lefts and a thru right movement; and/or

## f. Alternative Compliance:

- i. As an alternative to the improvements listed in this Section V.c.2.a-e, above, if all parties in coordination with CDOT, NCDOT and the City of Charlotte as applicable, find that alternative transportation improvements may be preferred, the above commitments may be modified by such parties.
- ii. Petitioner may provide a payment in lieu of constructing the above improvements for a maximum fee of \$2,000,000 to the City of Charlotte for the purpose of allocating such funds to the above improvements to be completed by the City of Charlotte or other outside parties.
- g. The City of Charlotte and NCDOT agree to prioritize these improvements in connection to other transportation commitments associated with outside parties' seeking of rezonings, entitlements, and/or amendments to entitlements within a half (1/2) mile radius of the perimeter of the Site.
- 3. Phase II Major Transportation Investment/Improvements: Major Transportation Investments/Improvements shall be defined as a combination of transportation related improvements, investments, and/or future technological mobility advancements that can be quantified and demonstrated to significantly alter the transportation/congestion management environment for the Site. The definition, determination and approval of an appropriate combination of Major Transportation Investments/Improvements necessary for any consideration of Phase II Development shall be made jointly and reasonably by the Directors of Planning, CDOT, and NCDOT, as required, in accordance with customary guidelines for the same and could include by way of illustration only:
  - a. Operational light rail service to the Site;
  - b. Operational bus rapid transit service to the Site;
  - c. Major capacity, operational and/or reconfiguration improvements to West Morehead Street and/or the I-77 interchange;
  - d. New local street network connections and/or intersection improvements; and
  - e. Future technological mobility advancements that reduce vehicle trips (such as micro/shared mobility service and/or autonomous vehicles).
- d. Right-of-way dedication for the future light rail shall generally follow parallel to the heavy rail alignment and may slightly deviate from this area, not to exceed 100' from the heavy rail right-of-way, as generally depicted on the Rezoning Plan. The right-of-way area, once

buffering or screening of parking. The use shall be located a distance of at least 200 feet from any single-family residential zoning district or land use. (See Section 9.903(16.1) of the Ordinance for comparison).

c. <u>Signage</u>: Petitioner may seek approval by the Planning Director of a master signage package for the Site in the manner set forth in Section 13.12.B of the Ordinance and such master signage package may provide additional flexibility that the Planning Director deems appropriate for the mixed use integrated development of the kind contemplated by this Rezoning (See Chapter 13 of Ordinance).

#### IV. Transportation Phasing and Conversion Rights:

- a. <u>Transportation Phase IA</u> may include a maximum of 500 residential units and 500,000 square feet of non-residential uses (including 15,000 square feet of retail uses) as permitted in the UMUD Zoning District as not otherwise restricted herein and subject to the conversion rights allowing for conversions to residential uses at the rate stated in IV.d. below. Phase IA shall be located within Development Area A, as generally depicted on the Rezoning Plan, except that up to 25% of Phase I may be located within Development Area B.
- b. <u>Transportation Phase</u> IB may include a maximum of 1,500,000 square feet of additional non-residential uses (including 35,000 square feet of additional retail uses) and 500 additional residential units above the Phase IA entitlements, as permitted in the UMUD Zoning District as not otherwise restricted herein and subject to the conversions rights in Section IV.d. Phase IB shall be located within Development Area A, as generally depicted on the Rezoning Plan, except that up to 25% of Phase I may be located within Development Area B.
- 1. Alternatively, Phase IB may contain a sports/entertainment complex within Development Area A. If a sports/entertainment complex is provided within Development Area A, a maximum of 250 residential units and 500,000 square feet of non-residential uses may also be included in Phase IB. Any additional residential units or non-residential uses above these entitlements will be included in Phase II. (The above provision stating that up to 25% of Phase IB may be located within Development Area B also applies to this alternative Phase IB.).
- c. <u>Transportation Phase II</u> shall include all development in excess of 1,000 residential units and 2,000,000 square feet of non-residential uses, subject to conversion rights listed below.
- d. Transportation Conversion Rights:
  - 1. Residential dwelling units may be converted to hotel rooms (and vice versa) at a ratio of one (1) residential dwelling unit to two (2) hotel rooms.
  - 2. Residential dwelling units may be converted to non-residential uses (and vice versa) at a rate of one (1) residential unit per 1,000 square feet of non-residential gross floor area.

01040-004/00291241-4

the final location is determined, shall not exceed seventy (70) feet in width. Such right-of-way dedication is subject to the Petitioner and CATS reasonably cooperating on design standards for the light rail line and station adjacent and contiguous to the Site.

e. **Right-of-Way Acquisition.** It is understood that some of the public roadway improvements may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts, as specified and administered by the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte Department of General Services or the North Carolina Department of Transportation (NCDOT), the Petitioner, or assigns (or third parties), are unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, NCDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body may agree to proceed with acquisition of any such land. In such event, Petitioners, or assigns (or third parties), shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings.

- f. Reservation of Right-of-Way. Petitioner will work in good faith with CATS regarding the reservation of the right of way; provided, however, if material progress in the funding is not made and such funding is not so allocated within eight (8) years and related transportation improvements installed and operational within twelve (12) years, then the reservation of the right of way shown may be withdrawn from this Rezoning Plan and Petitioner may no longer have any cooperation obligations regarding the same (such withdrawal shall be documented by an administrative amendment to the Rezoning Plan).
- g. **Substantial Completion**. Reference to substantial completion for certain improvements as set forth herein shall mean completion of the improvements in accordance with the standards set forth in this Section V provided, however, in the event certain non-essential transportation improvements (as reasonably determined by CDOT/NCDOT, as required) are not completed at the time that the Petitioner(s) seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT/NCDOT, as required, will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner(s) may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements
- h. The Site will comply with the Subdivision Ordinance.

## VI. <u>Environmental Features:</u>

01040-004/00291241-4

a. The Petitioner shall comply with the Post Construction Stormwater Ordinance, which may be satisfied cumulatively across the Site rather than parcel by parcel within the Site.

NOT FOR CONSTRUCTION

223 NORTH GRAHAM STREET CHARLOTTE, NC 28202 704.333.0325 WWW.LANDDESIGN.COM

CHARLOTTE PIPE FOUNDRY

<b>REZONING PETITION 2021</b>	-

----

LANDDES	SIGN PROJ.# 1020131			
REVISION / ISSUANCE				
NO.	DESCRIPTION	DATE		

DESIGNED BY: LRM
DRAWN BY: LRM
CHECKED BY: LRM

VERT: N/A

ORIGINAL SHEET SIZE: 24" X 36"
EET TITLE

DEVELOPMENT STANDARDS

RZ-2.0

01040-004/00291241-4

b. The Petitioner shall comply with the Tree Ordinance, which may be satisfied cumulatively across the Site rather than parcel by parcel within the Site.

## VII. Binding Effect of the Rezoning Application:

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Lot(s), as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

01040-004/00291241-4

LandDesign

223 NORTH GRAHAM STREET CHARLOTTE, NC 28202 704.333.0325 WWW.LANDDESIGN.COM

## NOT FOR CONSTRUCTION

## CHARLOTTE PIPE FOUNDRY

REZONING PETITION 2021-033

----

REVISION / ISSUANCE

NO. DESCRIPTION DATE

----

DESIGNED BY: LRM
DRAWN BY: LRM
CHECKED BY: LRM

VERT: N/A

HORZ:

DEVELOPMENT STANDARDS

RZ-2.1