

**NOT FOR** 

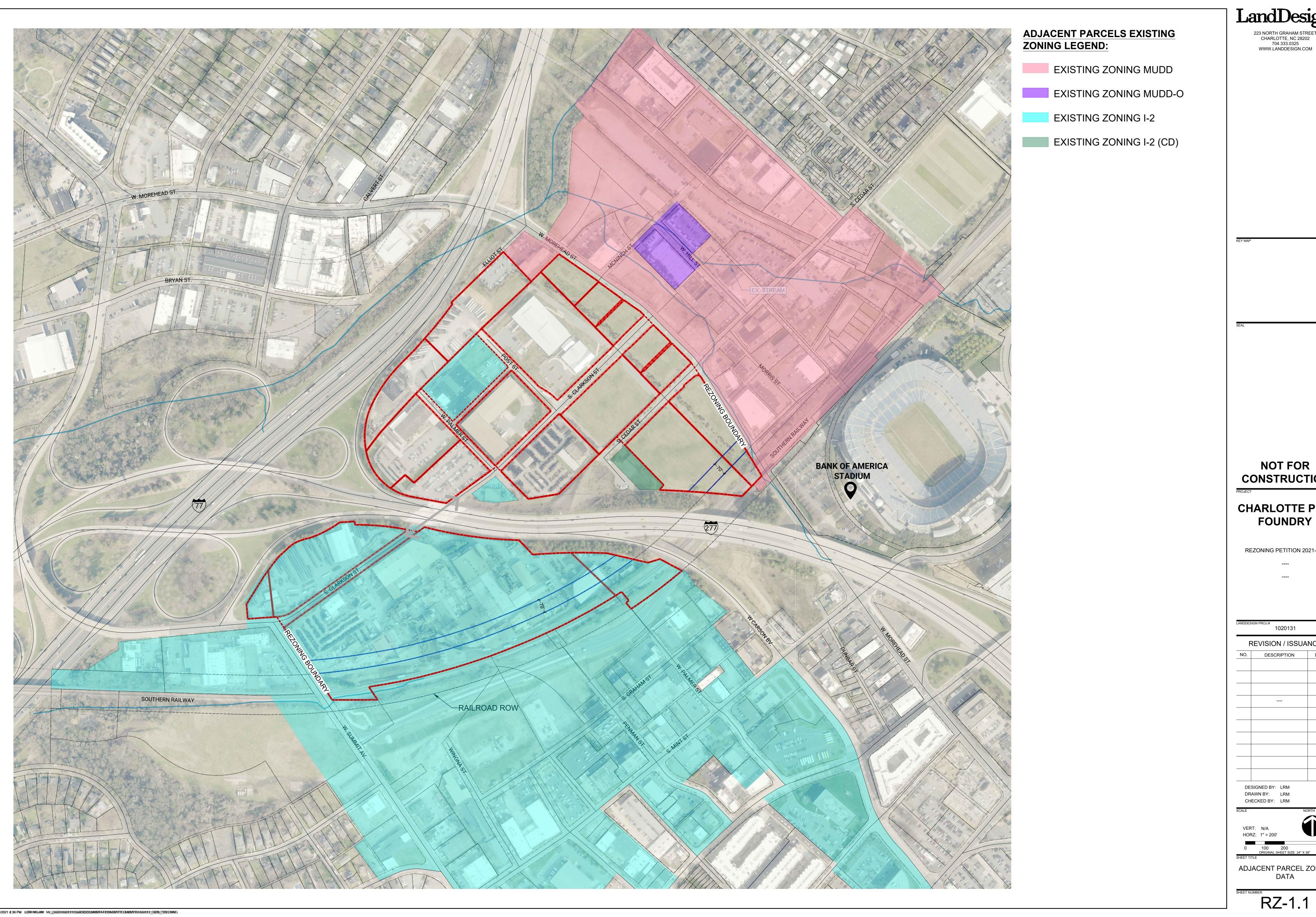
**CHARLOTTE PIPE** 

**REZONING PETITION 2021-033** 

REVISION / ISSUANCE

TECHNICAL DATA SHEET

RZ-1.0



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

ADJACENT PARCEL ZONING DATA

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

9/15/2021

#### **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

entitlements outlined above), subject to conversion rights listed below. Phase II may be located within Development Area A and B as generally depicted on the Rezoning Plan.

## f. 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.
- g. A master development chart will be maintained and submitted with each new development.

## V. Transportation Commitments:

- a. **Street Network and Connectivity**. 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.
  - 1. **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.
  - 2. **Public Street Connectivity.** A public street connection shall be maintained between Morehead Street and Summit Avenue (currently Clarkson Street).
  - 3. **Bicycle and Pedestrian Connectivity.** A multimodal facility connecting Morehead Street to Summit Avenue shall be created through the site as development occurs. The exact alignment and design of this facility will be determined during the land development permitting process but will at a minimum consist of a twelve (12) foot wide multi use path or a comparable alternative (e.g., cycle track).
  - 4. **Cedar Street and Clarkson Street** shall be maintained as public streets into the site providing access to Morehead Street but may be realigned/relocated in order to serve the future development.
  - 5. **McNinch Street** shall be extended as a public street into the site providing access to Morehead Street and connected to the future street network of the site.
  - 6. **Elliot Street** shall be extended (subject to NCDOT approval, if necessary) as a public street into the site providing access to Morehead Street and connected to the future street network of the site.

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

01040-004/00291241-8 01040-004/00291241-5

- 7. **Internal Streets**: All internal streets shall follow Land Development Standards for a commercial-wide street cross section, including a minimum eight (8) foot wide amenity zone and eight (8) foot wide sidewalk.
- b. **Morehead Street.** The required future cross section of Morehead Street is described/illustrated in the development standards on RZ-2.1.
  - 1. The necessary right-of-way for this future cross section shall be reserved by the petitioner for future dedication as adjacent development occurs.
  - 2. The additional travel/turn lanes, planting strip and multi-use path shall be constructed by the petitioner as adjacent development occurs and as described in Section V.d.
  - 3. The streetscape improvements (multi-use path and planting strip) may be modified to accommodate the existing School Supply and Boxer Buildings as determined during land development permitting.
- c. **NCDOT Interchange No Build Zone.** 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 in order to reach an agreement of future right-of-way reservation/dedication. No development shall occur in the No Build Zone(s) until an agreement of future right-of-way reservation/dedication occurs. Should an agreement not be reached by both parties prior to the earlier of one year from the date of Council approval of this rezoning or December 31, 2022, development rights defer back to the rezoning boundary and associated rezoning conditions, thereby extinguishing the No Build Zone.
- d. **Transportation Improvement Phasing.** The overall development will be phased with the required transportation improvements described below.
  - 1. **Phase IA Transportation Improvements.** The following shall be required prior to the issuance of the first building certificate of occupancy for Phase IA:
    - a. **West Morehead and Cedar Street.** The Petitioner shall install a westbound left turn lane on West Morehead Street maximizing the storage and taper prior to the railroad bridge. The Petitioner shall install an eastbound left turn lane with approximately 215 linear feet of storage.
  - 2. **Phase IB Transportation Improvements.** The following shall be required to be completed prior to the issuance of the first building certificate of occupancy for Phase IB:
  - a. I-77 and Morehead Street. Petitioner shall install an additional left turn lane on the I-77 southbound ramp to West Morehead Street. The ramp shall include dual left turn lanes and a dedicated right turn lane maximizing storage to the gore area on the highway; McNinch Street and Morehead Street. Petitioner shall install left turn lane improvements and a new traffic signal at McNinch Street and West Morehead Street (maximizing storage eastbound to Cedar Street and westbound to I-77 northbound ramp);

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>Development Areas.</u> The Technical Data Sheet (RZ-1.0) depicts the general location of Development Areas A and B that are associated with the Transportation Phasing described below
- b. <u>Transportation Phase IA</u> may include a maximum of 500 residential units,500,000 square feet of office uses, 6,250 square feet of retail uses, and 6,250 square feet of EDEE 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.f. below. The requested maximum entitlements for Phase IA may be modified in coordination with the Planning Director (or its assignee) as long as the resulting development is traffic neutral to these requested entitlements. 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.
- c. <u>Transportation Phase IB</u> may include a maximum of 1,500,000 square feet of additional office uses, 18,750 square feet of additional retail uses, 18,750 square feet of additional EDEE 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 conversion rights in Section IV.f. The requested maximum entitlements for Phase IB may be modified in coordination with the Planning Director (or its assignee) as long as the resulting development is traffic neutral to these requested entitlements. Phase IB may 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.
- d. <u>Transportation Phase I Alternative.</u> Phase IA and IB may alternatively be combined to include a sports/entertainment complex with a maximum of 250 residential units and 500,000 square feet of non-residential 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.f. Phase I Alternative may be located within Development Area A, as generally depicted on the Rezoning Plan, except that up to 25% of Phase I Alternative may be located within Development Area B.
- e. <u>Transportation Phase II</u> may include all development, as permitted in the UMUD Zoning District as not otherwise restricted herein, exceeding 1,000 residential units, 2,000,000 square feet of office, 50,000 square feet of retail uses (i.e., the Phase IA and Phase IB

01040-004/00291241-8 01040-004/00291241-5

- b. **Elliot Street and Morehead Street.** Petitioner shall install a traffic signal and intersection improvements at Elliot Street/West Morehead Street/I-77 northbound ramp when new development on the Site creates a connection at Elliot Street to this intersection (certificate of occupancy to be tied to first building after such connection is made);
- c. Carson Street and Mint Street. Petitioner shall modify the Carson Street off-ramp laneage to accommodate dual left turn lanes and a thru right lane;
- d. Clarkson Street and Summit Avenue. Petitioner shall install a traffic signal at the intersection of Summit Avenue and Clarkson Street.
- e. <u>Alternative Compliance</u>: As an alternative to the improvements listed in this Section V.d.2.a-d, 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.
- 3. Phase I Alternative Transportation Improvements. No permits nor certificates of occupancy may be issued with respect to Phase I Alternative Development without additional transportation impact study(s) reasonably defined by and reasonably acceptable to CDOT and NCDOT, as applicable, in accordance with customary guidelines for the same to quantify and evaluate the transportation adequacy of Phase I Alternative (including, but not limited to, the mix of use, development levels, phasing and site location) relative to defined transportation investments/improvements.
- 4. **Phase II Major Transportation Investment/Improvements**: The provision of Phase II Development is intended to anticipate and accommodate additional development in excess of Phase IA and IB maximums associated with, and supportive of, planned major transportation commitments, investments and improvements within Areas A and B.
  - a. **Utilization of Phase II Development.** It is expressly understood that no permits nor certificates of occupancy may be issued with respect to the Phase II Development (or any portion thereof) without <u>BOTH:</u>
  - i. The determination, occurrence and documentation of a Major Transportation/Improvement (as defined in Section V.d.4.b below); AND
  - ii. Additional transportation impact study(s) reasonably defined by and reasonably acceptable to CDOT and NCDOT, as applicable, in accordance with customary guidelines for the same to quantify and evaluate the transportation adequacy of Phase II Development (including, but not limited to, the mix of use, development levels, phasing and site location) relative to defined Major Transportation Investments/Improvements, except where additional transportation analysis is not required, as stated in Section V.d.4.b.i.

FOUNDRY

REZONING PETITION 2021-033

NOT FOR

CONSTRUCTION

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

----

REVISION / ISSUANCE

NO. DESCRIPTION DATE

----

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

VERT: N/A HORZ:

HEET TITLE

DEVELOPMENT STANDARDS

RZ-2.0

- b. Major Transportation Investments/Improvements shall be defined as transportation related commitment(s), improvement(s), investment(s), and/or future technological mobility advancement(s) 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 Major Transportation Investments/Improvement commitment or combination thereof necessary for any consideration of Phase II Development shall be made jointly and reasonably by the Directors of Planning, CDOT, CATS and NCDOT, as required, in accordance with customary guidelines for the same and could include by way of illustration
- i. A commitment to light rail service to the Site, which shall not require additional traffic analysis by the Petitioner, that could include either:
- 1. The dedication of corridor right-of-way by Petitioner, which, if this occurs, the Petitioner shall be entitled to an additional 2,000,000 square feet of permitted commercial and/or residential uses in the UMUD zoning district, subject to the conversion rights contained herein; or
- 2. The adoption of a Full Funding Grant Agreement, and/or operational light rail service, which, if this occurs, the Petitioner shall be entitled to the full amount of development permitted under the UMUD zoning district.
- ii. A combination of two or more of the following improvements (for example):
- 1. Operational bus rapid transit service to the Site;
- 2. Major capacity, operational and/or reconfiguration improvements to West Morehead Street and/or the I-77/I-277 interchange:
- 3. New local street network connections and/or intersection improvements; and/or
- 4. Future technological mobility advancements that reduce vehicle trips (such as micro/shared mobility service and/or autonomous vehicles).
- e. Right-of-Way Acquisition. It is understood that some of the public roadway improvements required herein to be completed by the Petitioner 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,

01040-004/00291241-8 01040-004/00291241-5

- a. 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.
- b. 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(s) of any part of the Site from time to time who may be involved in any future development thereof.
- c. The term "CATS" as referenced herein shall be understood to also include a successor regional transportation authority if applicable.

01040-004/00291241-5

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 and Dedication of CATS Right-of-Way.

- 1. Right-of-Way Reservation Area Provisions. The Petitioner shall reserve, for the sole benefit of the City of Charlotte, the area (the "Reservation Area") that is identified on the Rezoning Plan as the "Light Rail Conceptual Right-of-Way Reservation," generally following parallel to the heavy rail alignment but may slightly deviate from this area, not to exceed 100' from the heavy rail right-of-way, as generally depicted on the Rezoning Plan.
  - a. Reservation Area Time Period. At a minimum, the petitioner shall maintain reservation of this area through 75% completion of the entitlements associated with the development of Phases IA and IB as described in Section IV, or for a minimum of 10 years, whichever is later. Extending the reservation commitment time period and/or the dedication of right-of-way shall be considered as part of the Phase II Major Transportation Investment/Improvements evaluation necessary for additional development approvals beyond Phases IA and IB, as described in Section V.d.4.
  - b. The right-of-way area, once the final location is determined, shall not exceed seventy (70) feet in width.
- c. Only the following construction, installation, and development activities are allowed within the Reservation Area, and no others: grading and the installation and maintenance of pavement, driveways, sidewalks, surface parking areas, landscaping, and comparable non-vertical improvements. For clarification only, none of the following may be placed, developed, constructed, installed, or maintained anywhere within the Reserved Area: (a) buildings or other vertical structures, (b) utility lines or facilities, or (c) detention facilities or other stormwater collection or control facilities.
- d. Nothing (including, by example only, any pavement, driveways, sidewalks, surface parking areas, landscaping, or other non-vertical improvements) may be placed, developed, constructed, installed, or maintained anywhere within the Reservation Area that, if the same is ever removed, would cause the Site or any part of it to violate any applicable law, ordinance, or regulation, including by example only any zoning or land use regulation or any provision of the approved Rezoning Plan.
- e. The reservation commitment shall be withdrawn from this Rezoning Plan and the Petitioner will no longer have any cooperation obligations regarding the same if the Silver Line is removed from the adopted Metropolitan Transit Commission (MTC) Plan and/or the approved alignment through the site is removed or modified. Such withdrawal shall be documented by an administrative amendment to the Rezoning Plan.

01040-004/00291241-8 01040-004/00291241-5

- 2. **Right-of-Way Dedication Provisions.** The Petitioner will work in good faith with the City of Charlotte/CATS regarding the dedication of the right-of-way assuming material progress in the transit corridor's design, engineering and funding is maintained.
- a. CATS shall demonstrate that the full seventy (70) feet is necessary at the time of dedication, otherwise less than the full right-of-way area may be provided based on the actual needs of CATS.
- b. Dedication is subject to the Petitioner and CATS reasonably cooperating on and agreeing to design standards that integrate the light rail line and station with the planned and on-going development of the Site.
- c. The Reservation Area shall be dedicated to the City of Charlotte under the following conditions and subject to the alignment and station location(s) as depicted on the Rezoning Plan.
  - i. The City notifying Petitioner (or its successors or assigns) in writing that the City seeks dedication of the Reservation Area, and the Petitioner agreeing to dedicate the Reservation Area as part of the provisions described in Section V.d.4; or
  - ii. Upon the formal adoption and approval of a Full Funding Grant Agreement, or other comparable funding grant mechanism, for the funding of the Silver Line transit corridor.
- 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.

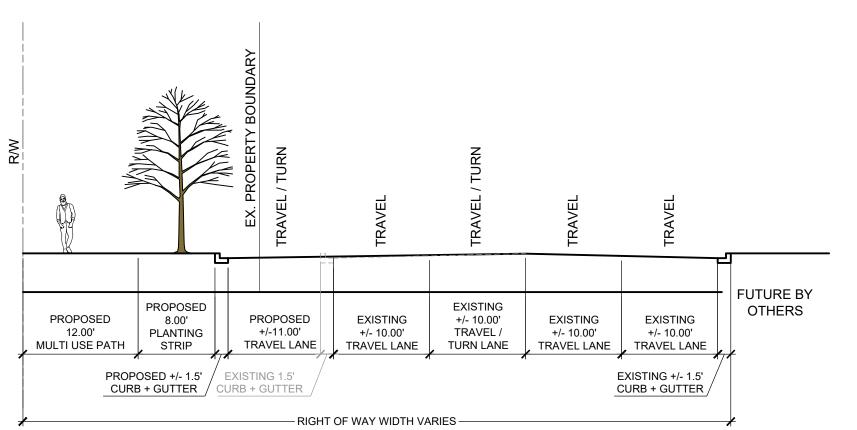
#### VI. Environmental Features:

- 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.
- 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 and Definitions:

01040-004/00291241-8 01040-004/00291241-5

## W MOREHEAD STREET PROPOSED SECTION



(RIGHT OF WAY TO BE RESERVED BY PETITIONER FOR FUTURE DEDICATION WHEN ADJACENT DEVELOPMENT OCCURS)

NOTE: STREETSCAPE IMPROVEMENTS MAY BE ADJUSTED BASED ON EXISTING BUILDING CONFLICTS, TO BE DETERMINED DURING LAND DEVELOPMENT PERMITTING. 223 NORTH GRAHAM STREET

WWW.LANDDESIGN.COM

CHARLOTTE, NC 28202 704.333.0325

NOT FOR CONSTRUCTION

**CHARLOTTE PIPE FOUNDRY** 

**REZONING PETITION 2021-033** 

1020131

REVISION / ISSUANCE DESCRIPTION DATE

DESIGNED BY: LRM DRAWN BY: LRM

CHECKED BY: LRM

VERT: N/A

DEVELOPMENT STANDARDS

RZ-2.1

01040-004/00291241-8