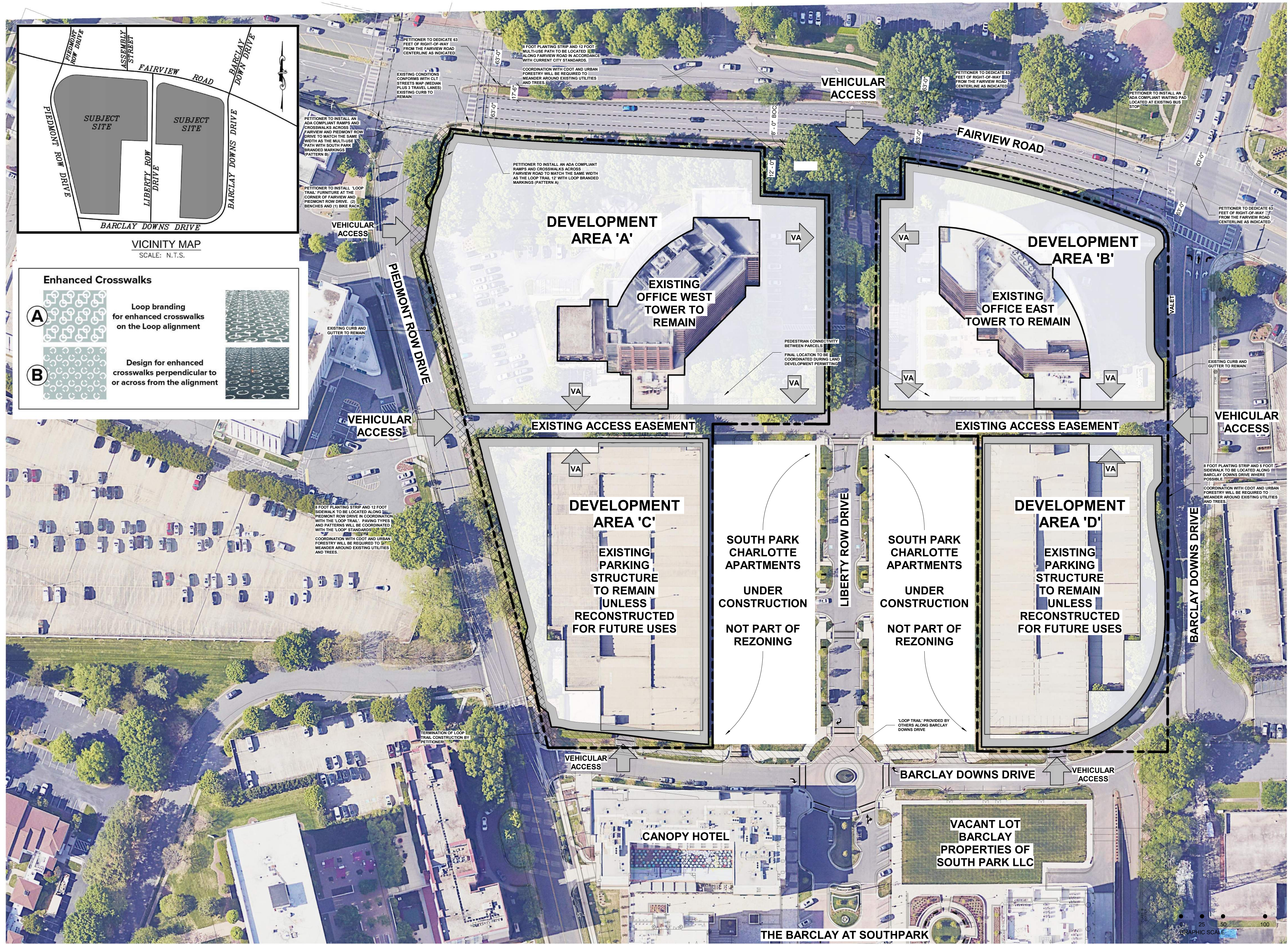


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SouthPark Towers PropCo, LLC

SOUTH PARK TOWERS - REZONING

LS3P

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REVISIONS:		
No.	Description	Date
1	2nd Submittal	02/13/2023
2	3rd Submittal	03/13/2023
3	4th Submittal	04/20/2023
4	5th Submittal	05/08/2023
5	6th Submittal	10/11/2023
6	7th Submittal	11/16/2023

PROJECT: Project Number

DATE: 01 MAY 2023

DRAWN BY: HS

CHECKED BY: JW

Technical Data Sheet

RZ-100

REZONING PETITION #2022-147

11/16/2023 9:21:23 AM

DEVELOPMENT STANDARDS
Petitioner: SouthPark Towers PropCo, LLC
Rezoning Petition No. 2022-147
11/13/2023

Site Development Data:

- Acreage: ± 9.94
--Tax Parcels: 179-011-79 and 179-011-84
--Existing Zoning: O-3
--Proposed Zoning: MUDD-O
--Existing Uses: Commercial
--Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district not otherwise limited in the Rezoning Plan.
--Maximum Development:
a. Up to 300 multi-family dwelling units
b. 535,000 square feet of existing office uses;
c. 112,000 square feet of medical office (or up to 224 hotel rooms per the conversions below); and
d. Up to 38,000 square feet of retail, EDEE or personal service or other commercial uses (including 13,000 existing EDEE to remain).
--Maximum Building Height: 220 feet, per the Optional Provision in Section II
--Parking: As required by the Ordinance for the MUDD 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 SouthPark Towers PropCo, LLC ("Petitioner") to accommodate development of mixed-use building(s) on an approximately 9.94-acre site located at 6000 and 6100 Fairview Road, more particularly described as Mecklenburg County Tax Parcel Numbers 179-011-79 and 179-011-84 (the "Site").
- b. **Intent.** This Rezoning is intended accommodate development on the Site of a pedestrian-focused mixture of MUDD-permitted uses including but not limited to multi-family residential, medical office, retail, hotel, and other commercial uses.
- c. **Zoning Districts/Ordinance.** Unless otherwise requested in the Optional Provisions, below, 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").

II. Optional Provisions

1. The Petitioner requests the ability to exceed the height provisions in Section 9.8505(5) for a total of 220 feet of building height within the building envelope, measured per Ordinance standards.
2. The Petitioner requests the ability to allow existing parking and maneuvering to remain until such time as that the existing parking areas in Area A and/or Area B are redeveloped, in which case it must come into conformance with parking and maneuvering requirements under the MUDD Ordinance.
3. Existing parking structures, if they remain, shall not be subject to MUDD design standards to the extent they are legally noncomplying. However, if the parking structure(s) are demolished, all new construction shall meet MUDD standards.

III. Permitted Uses

Subject to the Maximum Development provisions set forth under Section IV below, the Site may be devoted to any non-residential uses permitted by right or under prescribed conditions in the MUDD Zoning District, together with any incidental or accessory uses associated therewith.

IV. Maximum Development and Restrictions

- a. Subject to the restrictions, limitations, and conversion rights listed below, the principal buildings constructed in Development Areas A, B, C, and D may be developed with up to: (i) 112,000 square feet of gross floor area of medical office uses or up to 224 hotel rooms subject to conversion rights in listed in Section IV.d in Development Area A, (ii) 300 multi-family dwelling units in Development Areas C and/or D, and (iii) 25,000 square feet of retail, personal service, EDEE, and other non-residential uses permitted by right and under prescribed conditions in the MUDD zoning district, along with any accessory uses allowed in the MUDD zoning district within Development Areas A, B, C, and D.
- b. The site is developed with approximately 535,000 square feet of existing office uses and 13,000 square feet of EDEE uses to remain in existing buildings.
- c. **Prohibited Uses:** Car washes (except for residential car wash stations); Automobile Service Stations; EDEEs with accessory drive-through service windows; and climate controlled self-storage (except permitted accessory storage space for multi-family residential tenants).
- d. **Conversion Rights:**
1. Unused medical office space may be converted to lodging uses at a rate of 500 square feet to 1 room so converted within Development Area A.
2. Unused medical office space may be converted to retail at a rate of 1 square foot of medical office to 1 square foot of retail so converted, however the total amount of retail space converted shall not exceed 15,000 square feet.

If unused medical office space is converted to lodging, then unused lodging space may be converted to retail at a rate of 1 room to 500 square feet of retail so converted, however the total amount of retail space converted shall not exceed 15,000 square feet.

V. Transportation

- 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 CDOT for approval.
- b. Petitioner shall dedicate sixty-three (63) feet of right-of-way from the Fairview Road centerline, measured as halfway between the curbs of Fairview Road at Piedmont Row Drive and measured proportional to half the amount of drive lanes east-bound where disproportionate (i.e., 4 lanes on the south side and east direction of Fairview and 2 lanes on the north side), as generally depicted on the Rezoning Plan.
- c. Where necessary and unless otherwise stated herein, the Petitioner shall dedicate and convey in fee simple all rights-of-way to the City of Charlotte before the Site's first new building certificate of occupancy is issued.
- d. Unless otherwise stated herein, all transportation improvements shall be approved and constructed prior to the issuance of the Site's first new building certificate of occupancy. .
- e. Loop Commitment Timing Triggers:
- i. Petitioner shall provide a right-of-way easement for the Loop area commitments along Piedmont Row Drive and Fairview Road prior to the issuance of a new building permit or change of use permit within Development Area B for Retail/EDEE uses. As part of this easement, the Petitioner shall allow the City to install Loop-branded furniture on the Site near the corner of Fairview Road and Piedmont Row Drive, or as otherwise mutually coordinated through the City's funding and installation.
- ii. Prior to the issuance of a certificate of occupancy for new construction within Development Area A of less than or equal to 50,000 square feet of gross floor area (currently contemplated as a Retail/EDEE building), Petitioner shall fund crosswalk and traffic signal improvements at Piedmont Row Drive, including branded Loop design.
- iii. Prior to the issuance of a certificate of occupancy for new construction in Development Area C or D, or new construction exceeding 50,000 square feet of gross floor area in Development Area A (excluding renovations, modifications, or replacement of existing structures), Petitioner shall contribute funds sufficient to construct 770 linear feet of Loop improvements, payable to SouthPark Partners. Such contribution shall be based on a timely construction estimate provided by a third party contractor mutually agreed upon by the Petitioner and SouthPark Partners.
- f. Petitioner shall provide the following off-site improvements per the traffic study, to be coordinated with CDOT during the permitting phase of development:
- i. At the intersection of Fairview Road/Tyvola Road and Park Road (Signalized).
1. Provide LPI+ (RT FYA and blank-out sign) for the EB and NB approaches.
2. Install APS pushbuttons and upgrade any pedestrian ramps out of ADA compliance.
- ii. At the intersection of Fairview Road and Piedmont Row Drive (Signalized)
1. Install FYAs on the EB and WB approaches.
2. Install APS pushbuttons and upgrade any pedestrian ramps out of ADA compliance.
3. Install the NB and EB crossings to match the LOOP standard 12-foot sidewalk with appropriate Loop Brand crosswalk markings. This crosswalk shall be completed within twenty-four (24) months of the issuance of the first building permit for new construction, assuming reasonable coordination with CDOT and NCDOT for Fairview Road.
- g. Petitioner shall coordinate on installation of the SouthPark Loop along the Site's frontage of Piedmont Row Drive to the crosswalk, as generally depicted on the Rezoning Plan and as outlined in the Loop Commitment Timing Triggers of Section V.e. above, and use good faith efforts to coordinate with adjacent property owner(s) on their completion of adjacent segments of the Loop in a timely fashion, assuming reasonable cooperation by adjacent owner(s), by the Petitioner's agreement to provide all necessary easements along Barclay Downs Drive so that adjacent owner(s) can complete their Loop commitments.
- h. Petitioner shall provide a twelve (12) foot wide multi-use path and eight (8) foot wide planting strip along the Site's frontage of Fairview Road and a minimum eight (8) foot wide planting strip and five (5) foot wide sidewalk along the Site's frontage of Barclay Downs Drive, where feasible and not otherwise constrained by existing conditions, utilities, and/or mature trees, as generally depicted on the Rezoning Plan. Sidewalks may meander to preserve exiting conditions where approved by CDOT and Urban Forestry.
- i. A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick

pavers, etc.) within a proposed/existing City-maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

- j. Petitioner shall reinstall, to be ADA compliant, the ramps and crosswalks across Fairview Road and Piedmont Drive so that the width is the same as the Multi-Use Path(s). Petitioner shall install Fairview Road crossing with Loop Brand crosswalk markings.
- k. Petitioner shall construct a new ADA-compliant CATS bus waiting pad per Land Development Standard 60.03A at the current bus stop location.

VI. Design Guidelines:

- a. The two (2) existing office buildings shall remain, as generally depicted on the Rezoning Plan and are exempt from Section VI.b. If either/both of the existing parking deck(s) remain, they shall each also be exempt from the new construction guidelines of Section VI.b. for the portion(s) remaining. Changes to existing buildings shall not increase their degree of nonconformity.
- b. **General Design Guidelines for New Construction.**
1. The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of any of the following: glass, brick, metal, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco/E.I.F.S., cementitious siding (such as hardi-plank), or wood/composite wood. Vinyl, as a building material, will only be allowed on windows, soffits and trim features
2. New facades fronting public streets shall meet all MUDD activation standards, at a minimum.
3. If structured parking is developed, exposed multi-level parking decks shall provide screening so that the view of interior lighting and cars is obscured from required public or private streets through the use of decorative louvers, architectural panels, metal and/or precast concrete barrier walls, including screening of vehicles from adjacent properties with a minimum 3.5-foot screening wall or other comparable screening measures.
4. Meter banks shall be located outside of the setback.
5. Petitioner will make every effort to design and construct the buildings following green building guidance. Petitioner will commit to installing EV charging in the new deck construction at a ratio of 2% of the total parking spaces provided with provisions in place for future charging stations at a ratio of 5% of the total parking spaces. The existing parking deck will be exempt from providing new EV charging stations.
6. All dumpster enclosure areas shall be internal to the building/parking deck or screened from network required public or private streets with materials complimentary to the principal structure.
7. Building height above ninety (90) feet shall include a minimum stepback of ten (10) feet from the building façade line. Such stepback shall occur above the ground story and no lower than ninety (90) feet.
8. At least 70% of the total ground floor height along elevations facing public right-of-way shall meet the following ground floor height requirement: The floor-to-floor ground floor height along primary facades shall be a minimum of sixteen (16) feet.
9. The vertical distance between the building entry and sidewalk: 50% of the required prominent entrances along the sidewalk/building exterior shall meet grade.
10. Ground floor transparency area (measured 3' to 10' from finished grade, including both clear and tinted/coated vision glass): A minimum of 60% of elevations facing public right-of-way.
11. Upper floor transparency (% wall area of story): A minimum of 40% vision glass as noted above for elevations facing public right-of-way.
- c. Petitioner shall comply with all minimum parking requirements, including during construction.

VII. Open Space

The Petitioner shall provide double (2x) the required amount of open space for new buildings over 50,000 square feet on the Site as otherwise required by the MUDD Ordinance. Provided open space may be phased with the completion of each new construction building over 50,000 square feet. Calculations of required open space area(s) for new construction under this Rezoning Plan may include newly developed open space and/or existing open space area(s) on the Site.

VIII. Environmental Features

- a. The Petitioner shall comply with the Post Construction Stormwater Ordinance.
- b. The Petitioner shall comply with the Tree Ordinance.

IX. Signage

Shall comply with Ordinance standards for the MUDD Zoning District.

X. Lighting:

All necessary lighting shall be full cut-off type lighting fixtures. Decorative lighting may be installed on buildings for pedestrian and vehicular circulation along the driveways, sidewalks, and parking areas. Exterior accent/architectural lighting shall be permitted.

XI. Amendments to the Rezoning Plan:

Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Lot of the Site affected by such amendment in accordance with the provisions herein and of Section 6.207 of the Ordinance.

XII. Binding Effect of the Rezoning Application:

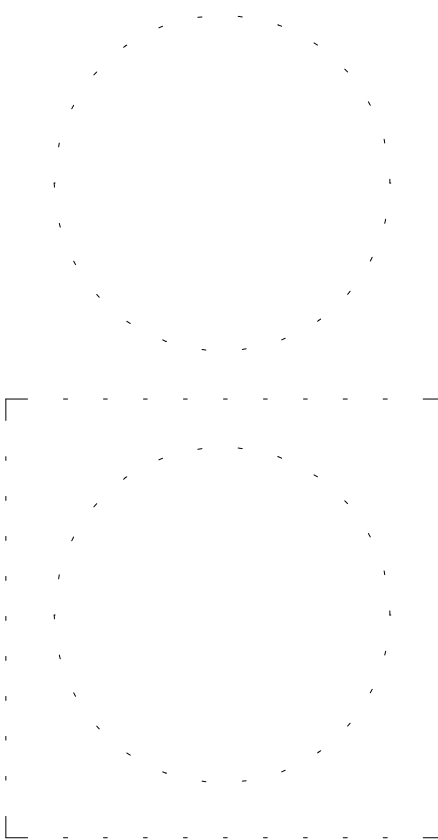
If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Lot(s),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

SouthPark Towers
PropCo, LLC

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TOWERS -
REZONING



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DEVELOPMENT
STANDARDS

RZ-101