

REZONING
PETITION NO.
RZP-2022-210

KEY MAP

SEARCH

PRELIMINARY
-FOR REVIEW ONLY-

THESE DOCUMENTS ARE FOR DESIGN
REVIEW ONLY AND NOT INTENDED FOR
CONSTRUCTION, BIDDING, OR PERMIT
PURPOSE. THEY ARE PREPARED BY, OR
UNDER THE SUPERVISION OF:

XXXXX XXXXXXXX	####	10/5/22
ENGINEER	REG. #	DATE

**NOT FOR
CONSTRUCTION**

PROJECT

**SOUTH END
BUSINESS PARK**

PALM BEACH GARDENS, FL 33418

1022222

REVISION / ISSUANCE

DESIGNED BY: LD
DRAWN BY: MH
CHECKED BY: ND

VERT: N/A
HORZ: NOT TO SCALE

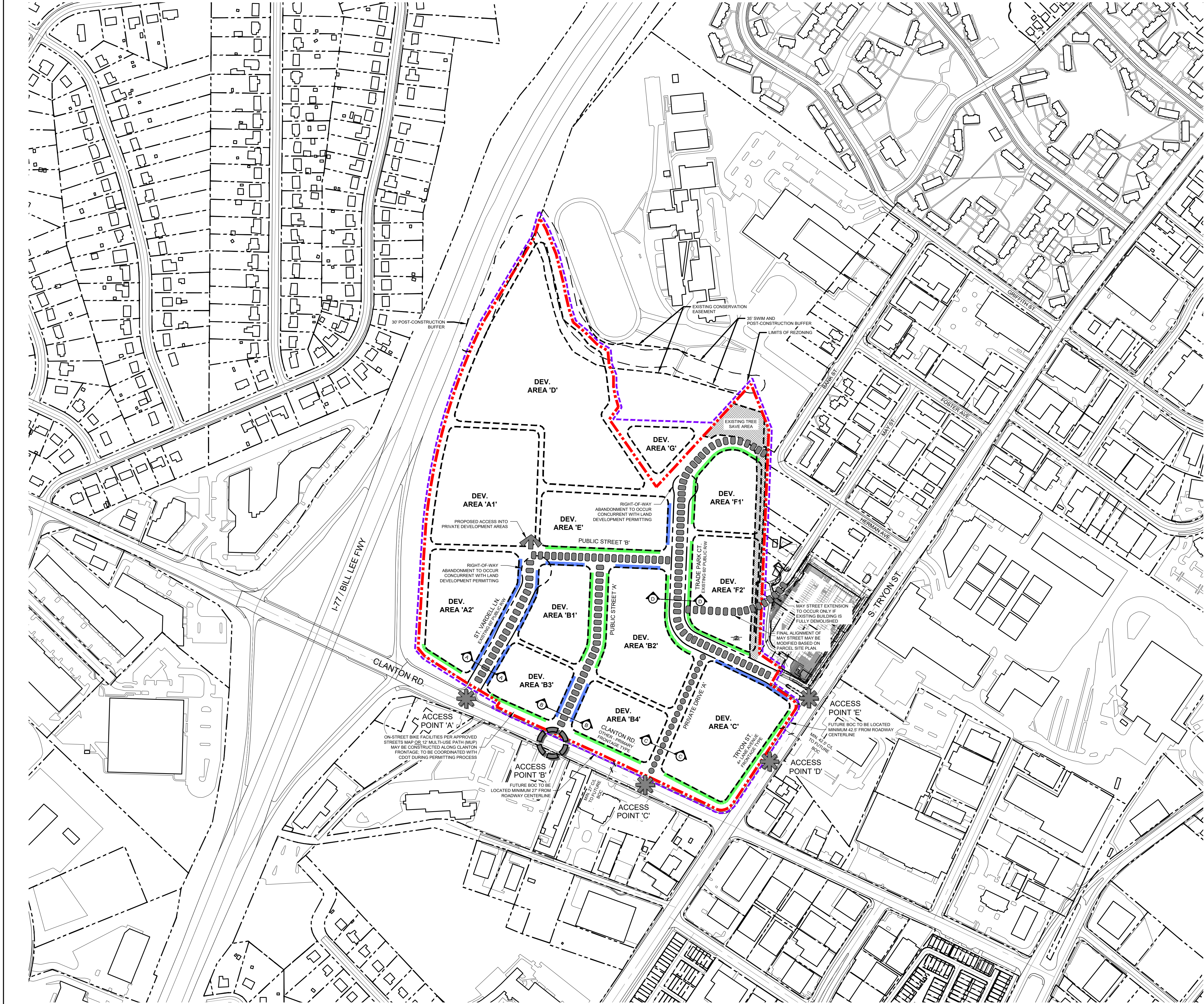
SHEET TITLE

EXISTING CONDITIONS

SHEET NUMBER

RZ-00B





SITE DEVELOPMENT DATA:	
ACREAGE:	±45.67 ACRES
TAX PARCEL #S:	145-061-22, 145-061-21, 145-061-28, 145-061-20, 145-061-26, AND A PORTION OF 145-061-18
EXISTING ZONING:	PRE-UDO: B-D, B-1, B-2 (CD), MUDD-O UDO: ML-1, CG, B-2(CD), MUDD-O
PROPOSED ZONING:	MUDD-O AND MUDD-O(SPA) WITH VESTED RIGHTS IN THESE DEVELOPMENT STANDARDS
EXISTING USES:	WAREHOUSE / OFFICE / COMMERCIAL AND PARKING
PROPOSED USES:	ALL USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN MUDD ZONING DISTRICT TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE MUDD ZONING DISTRICT (AS MAY BE MORE SPECIFICALLY DESCRIBED IN THE DEVELOPMENT STANDARDS).
MAX. GROSS S.F. OF DEVELOPMENT:	AS ALLOWED BY THE MUDD ZONING DISTRICT AND AS SET FORTH IN THE DEVELOPMENT STANDARDS
MAXIMUM HEIGHT:	MAXIMUM BUILDING HEIGHT SHALL BE 180'
PARKING:	AS SPECIFIED IN THE MUDD PARKING AND LOADING STANDARDS OF THE ORDINANCE AS MAY BE MODIFIED BY THE OPTIONAL PROVISIONS IN THE DEVELOPMENT STANDARDS
TREE SAVE AREA:	AS REQUIRED PER ORDINANCE

- NOTE:
- DEVELOPMENT STANDARDS/ PROVISIONS NOT SPECIFICALLY LISTED OR REFERENCED IN THIS REZONING PLAN (E.G., BUILDING HEIGHT, AMONG OTHER ITEMS) WILL BE GOVERNED BY THE STANDARDS/ PROVISIONS OF THE MUDD ZONING DISTRICT.
 - THE REZONING PLAN IS ILLUSTRATIVE IN NATURE AND IS INTENDED TO DEPICT OVERALL CIRCULATION AND DEVELOPMENT PATTERNS ONLY.
 - ALL TREE SAVE AREAS, CONSERVATION / UTILITY EASEMENTS, AND PCSO BUFFERS ARE SHOWN FOR REFERENCE ONLY. APPLICANT RESERVES THE RIGHT TO MAKE ALTERATIONS TO THESE AREAS AS ALLOWED PER THE ORDINANCE.
 - APPLICANT WILL OBSERVE AND FOLLOW ALL REQUIREMENTS AS LAID OUT BY THE CLDSM STANDARDS, CHARLOTTE STREETS MAP, AND STREETSCAPE REQUIREMENTS ESTABLISHED HEREIN DURING THE LAND DEVELOPMENT PERMITTING PROCESS

SITE LEGEND:

FULL MOVEMENT ACCESS

POTENTIAL ACCESS POINT **

REQUIRED NETWORK STREETS **

PRIVATE DRIVE

SITE BOUNDARY LINE

LIMITS OF REZONING

CONSERVATION EASEMENT LINE

SWIM BUFFER LINE

** SUBJECT TO CHANGE BASED ON CDOT AND NCDOT APPROVALS

FRONTAGE TYPES:

PRIMARY FRONTAGE

SECONDARY FRONTAGE

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XXXXX XXXXXXXX #### 11/16/22
ENGINEER REG. # DATE

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CONSTRUCTION**

PROJECT

**SOUTH END
BUSINESS PARK**

RRPVI SEBP CHARLOTTE, LP
4801 PGA BLVD
PALM BEACH GARDENS, FL 33418

LANDDESIGN PROJ.#
1022222

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
5	SUBMITTAL #5	09.11.2023
6	SUBMITTAL #6	10.16.2023
7	SUBMITTAL #7	11.14.2023
8	SUBMITTAL #8	12.15.2023
9	SUBMITTAL #9	1.15.2024
10	SUBMITTAL #10	2.22.2024

DESIGNED BY: LD
DRAWN BY: MH
CHECKED BY: ND

SCALE: NORTH

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

SHEET TITLE

TECHNICAL DATA SHEET

SHEET NUMBER

RZ-01

RRPVI SEBP CHARLOTTE, LP
DEVELOPMENT STANDARDS FOR SOUTH END BUSINESS PARK

Rezoning Petition #2022-210
February 22, 2024

Site Development Data:

- Acres:** ± 45.67 acres
--**Tax Parcel #s:** 145-061-22, 145-061-21, 145-061-28, 145-061-20, 145-061-26, and 145-061-18 (portion of)
--**Existing Zoning:** Pre-UDO: B-D, B-1, B-2(CD), & MUDD-O / UDO: ML-1, CG, B-2(CD), & MUDD-O
--**Proposed Zoning:** MUDD-O and MUDD-O SPA with vested rights in these Development Standards
--**Existing Uses:** Warehousing/Office/Commercial and Parking
--**Proposed Uses:** All uses permitted by right and under prescribed conditions in MUDD zoning district together with accessory uses as allowed in the MUDD zoning district (as may be more specifically described below).
--**Maximum Gross Square feet of Development:** As allowed by the MUDD zoning district and as set forth in Section IV below.
--**Maximum Height:** The maximum building height shall be 180'.
--**Parking:** As specified in the MUDD parking and loading standards of the Ordinance as may be modified by the Optional Provisions below.

NOTE: Development standards/provisions not specifically listed or referenced below in this Rezoning Plan will be governed by the pre-UDO standards/provisions of the MUDD zoning district.

I. General Provisions:

a. **Site Location.** These Development Standards and the Technical Data Sheet set forth on attached Sheet RZ-1 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by RRPVI SEBP CHARLOTTE, LP ("Petitioner") for an approximately ± 45.67-acres site located at South Tryon Street and Clanton Road (the "Site").

b. **Zoning District/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 in existence prior to the June 1, 2023 effective date of the UDO (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD-O zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

c. Development Areas & Contemplated Phasing.

1. For ease of reference and as an organizing principle associated with the master planned nature of the development associated with the Rezoning Plan, a series of seven (7) development areas (along with sub-areas) are generally depicted on Sheet RZ-1.0 (each a "Development Area" and collectively the "Development Areas"; sub-areas such as Development Area F1 and Development Area F2 may be referred together as Development Area F). The exact boundaries of the Development Areas and locations of streets may be

subject to modifications to account for development/site elements and other modifications needed to fulfill the design and development intent of the Rezoning Plan. It is understood Development Areas may be eliminated or combined so long as the street network adheres to ordinance requirements.

2. Streetscape and roadway improvements shall be implemented, per Ordinance, as development occurs along the frontage of the associated building construction. Each building's certificate of occupancy will not be issued until completion of transportation improvements along building's frontage or as approved by CDOT during permitting.

3. The overall development will be phased only in connection with transportation improvements described in the approved Traffic Impact Analysis (TIA) dated October X, 2023 and described in Section V which are triggered by a total amount of new vehicular trips resulting from the development.

d. **Number of Buildings Principal and Accessory.** Given the master planned nature of the Rezoning, there is not a limitation on the number of buildings permitted on the site. Development will be governed by the development levels set forth in Section III below.

e. **Planned/Unified Development.** The Rezoning Site and each Development Area and parcel created therein shall be viewed as a planned/unified development plan as to the development/site elements as may be generally depicted on the Rezoning Plan and shall be viewed as a planned/unified development; as such, except where design guidelines or standards are set forth in the Rezoning Plan, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other development/site elements located within the Rezoning. Furthermore, the Petitioner and/or owner of the applicable portion of the Rezoning Site reserve the right to subdivide portions or all of the Rezoning Site and create lots within the interior of the portion of the Rezoning Site without regard to any such internal separation standards and FAR requirements; provided, however, all such separation standards applied to the Rezoning Site along the exterior boundary of the Rezoning Site shall be adhered to. In addition, any FAR requirements, if applicable, will be regulated by any development limitations set forth in this Rezoning Plan for the Rezoning Site taken as a whole and not individual portions or lots located therein.

f. **Vested Rights.** Per Section 1.110 of the Ordinance and N.C.G.S. Section 160D-108(d)(3), 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.

In addition to the above provisions of this subsection I.f., per N.C.G.S. Section 160D-108(d)(4), a multi-phased development of at least 25 acres shall be vested for the entire development at the time a site plan approval is granted for the initial phase of the multi-phased development. This right shall remain vested for a period of seven (7) years from the time a site plan approval is granted for the initial phase of the multi-phased development.

g. **Special Definitions & Clarifications.** In addition to certain defined terms set forth in the Development Standards, the following apply to certain definitions:

vending and tactical urbanism type uses (i.e. pop-up parks, festivals, etc.) within portions of the active open space areas on the Site, surface parking on an interim basis for temporary uses including gravel and composition surfaces but not adhering to the standards for permanent parking contained in the Ordinance may be allowed provided that such interim surface parking areas will meet all required minimum setbacks. Such parking will only occur during the temporary installations of the experiential uses.

3. Allow a limited amount of permanent surface parking and maneuvering within the established setback, including valet parking and ride-share services. No more than ten (10) contiguous spaces and a maximum of fifty (50) spaces throughout the site will be allowed within the established setback. The required separation along frontages shall be five (5) feet behind the setback line in order to accommodate the required parking lot perimeter landscape.

Existing buildings and existing surface parking areas may remain until redevelopment of the parcel occurs. Demolition, adaptive reuse and normal maintenance and repair on an existing nonconforming parking or building may be performed. Resealing, resurfacing, or re-striping of an existing parking lot is considered normal maintenance and repair.

4. To allow up to seven (7) loading and/or drop off spaces on public streets throughout the Site. Such space may be utilized for service, loading, ride share, valet and/or similar.

5. To allow compliance with open space and tree save requirements to occur within the entire rezoning Site rather than within individual development area(s) and/or parcel(s).

6. To allow reasonable modifications to the required streetscape along public and network required streets to preserve existing trees as generally depicted on Sheet RZ-03 and RZ-04. Sidewalk may meander to preserve trees within the rights-of-way. In the event the site in Development Area F is redeveloped, the sidewalk shall be moved behind the planting strip.

7. To allow modifications to the required public and network required street cross sections as generally depicted on Sheet RZ.03 and RZ.04. Modifications shall be permitted between Trade Park Court from Tryon to end of existing cul-de-sac, and St. Vardell from Clanton to Public Street B. On-street parking may be eliminated on one side of the street for up to 50% of the block frontage.

8. To allow encroachments in the public right of way for outdoor dining and amenity areas. It is understood that the Petitioner shall apply for right of way encroachment to the City of Charlotte Department of Transportation.

9. To not require doorways to be recessed into the face of buildings so long as 6' of clear pedestrian zone is maintained. All required prominent entrances will comply with the design criteria within the definition of prominent entrance.

10. To allow required long-term bike, scooter and similar parking spaces for the uses to be located within the parking decks and between buildings and streets constructed within the Site.

11. To allow buildings to use limited instances of window like openings with non-clear glazing to help break up building facades and meet blank wall requirements. The intent of

1. **Blank Wall, Ground Floor.** The horizontal linear dimension of contiguous building wall that does not contain fenestration, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.

2. **Blank Wall, Upper Floor.** The horizontal or vertical linear dimension of contiguous building wall that does not contain fenestration, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. A wall does not count as a blank wall as long as one of the dimensions of the wall area is less than the maximum blank wall area standard of the district.

3. **Build-To Percentage.** The percentage of the building facade that shall be located within the build-to zone (BTZ), calculated by building facade, not lot width. Build-to percentage is further defined as:

i. Facade articulation elements, such as window or wall recesses and projections, shall be considered to meet any required build-to percentage.

ii. Public open spaces and outdoor dining areas that are between a building facade and the street and are no more than an average of 24 inches above or below grade of adjacent sidewalk are counted as meeting the build-to percentage.

iii. Common or private open spaces of residential development bounded on three sides by a building and no more than an average of 24 inches above or below grade of adjacent sidewalk are counted as meeting the build-to percentage.

4. **Build-To Zone.** A build-to zone (BTZ) is the area on a lot, measured parallel from the required frontage setback line, where the minimum build-to percentage of a structure shall be located. A build-to zone sets a minimum and maximum dimension within which the building facade line shall be located per the requirements of the minimum build-to percentage.

5. **Gross Floor Area Clarification.** When determining the maximum development levels set forth in this Rezoning Plan, the term gross floor area shall be defined as set forth in the Ordinance except that it shall also exclude any surface or structured parking facilities (including, without limitation, corridors, stairs, and elevators within such facilities), enclosed loading dock/service areas, and outdoor dining and gathering areas whether on the roof of the building or at street level.

6. **Large Format User.** A large format user is a single tenant nonresidential use with a floor area greater than 20,000 square feet or any retail grocery store greater than 10,000 square feet.

7. **Multi-Family Attached Unit.** Attached unit design refers to multi-family residential structure designed with primarily side-by-side dwelling units, each with an individual entry. Units may or may not be on sublots.

this provision is to allow wall treatments other than windows with clear glass to be used to meet the fenestration standards in limited instances when the use or uses located within the building are for areas related to storage rooms, bathrooms, mechanical electrical and plumbing equipment areas and alike and are not related to active retail/EDEE customer floor areas or active office areas.

12. To allow the maximum building height to exceed 120'. The maximum building height shall be 180'.

13. To allow drive-in windows as an accessory to the principal uses located in blocks A and D. For a restaurant/bar principal use to have an accessory drive-through, a minimum of 24 seats, indoor or outdoor, shall be required.

III. Permitted Uses, Development Level Limitations, Transfer & Conversion Rights:

a. **Permitted Uses Generally.** The Rezoning Site may contain and may be developed with uses permitted by right and under prescribed conditions in the MUDD-O zoning district together with accessory uses as allowed in the MUDD-O zoning district except as subject to the provisions of Sections III.b. and c. below.

b. **Prohibited Uses.** No automotive service/gas stations with accessory car washes, commercial self-storage facilities, nor drive-through windows as an accessory to a principal use (EDEE or otherwise) will be allowed on the Rezoning Site, except for in Development Area A2. There shall be no more than one gas station and no more than two accessory drive-through windows in Development Area A2.

c. **Development Levels for Transportation Purposes.** Development levels shall be limited to the development levels set forth in the approved TIA dated January 26, 2024 as the same may be amended (the TIA)(see table III.a below) and the conversion rights set forth below except that such levels and conversions may be increased further subject to any transportation improvements or multi-modal improvements that might be required as may be a result of a TIA addendum or new TIA as determined by CDOT and/or NCDOT.

Table III. a Development Levels for Transportation Purposes*

	Total Phase 1a	Total Phase 1b	Total Phase 2	Total Phase 3	FULL BUILD
New Office Uses	0	260,000 SF	100,000 SF	400,000 SF	760,000 SF
New Non-Office Commercial Uses (retail, EDEE, & personal service)	32,000 SF	142,151 SF	60,000 SF	92,500 SF	326,651 SF
Hotel Uses	0	150 rooms	0	140 rooms	290 Rooms
Multi-Family Uses	360 dwelling units	250 dwelling units	350 dwelling units	600 dwelling units	1560 Units

* Subject to conversion rights per Section III of Development Standards

d. **Existing Uses.** Expansion of an existing use and/or tenant or a change of tenant is not considered as part of development levels for transportation analysis purposes and is allowed under existing entitlements and thus shall not trigger transportation improvements.

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DESIGNED BY: LD
DRAWN BY: MH
CHECKED BY: ND

SCALE NORTH

VERT: N/A
HORZ: N/A

SHEET TITLE

DEVELOPMENT STANDARDS

SHEET NUMBER

RZ-02

f. **Process & Record-keeping for Development Levels.** Given the master planned nature of the development contemplated for the Rezoning Site, Petitioner, or assigns, and owners of portions of the Rezoning Site, will follow a process for recording entitlement taking place in accordance with the Rezoning Plan as part of a written summary table and report (the “**Entitlement Summary**”), a sample copy of the same being set forth as Table/Chart on **Sheet RZ-02**, filed in connection with urban review and similar site plan submittals for specific development taking place within Development Areas and the Rezoning Site as a whole. Such Entitlement Summary shall also reflect adjustments to applicable development levels allowed based on approved Site Plan Amendments and approved Administrative Site Plan Amendments.

g. **Conversion of Commercial Uses.** Retail, EDEE, and Personal Services uses (“**non-office commercial uses**”) set forth in *Table III.a.* above, may exceed the applicable development level specifications set forth by up to 75,000 square feet of gross floor area and office commercial uses may exceed the applicable development level specifications by up to 75,000 square feet of gross floor area by **converting non-office commercial uses into office commercial uses and vice versa at a ratio of 1.0 square foot of gross floor area of such uses so converted.** In such event the total gross floor area of commercial uses (office and non-office) allowed for the applicable Phase of Development shall not exceed the total specified amount as a result of such conversions, rather only the mix of such uses shall change but not by greater than the limits set forth above (except as may otherwise be approved by CDOT and/or NCDOT as set forth above); the conversions described above are in addition to other conversions set forth herein, and the conversions properly exercised and those remaining shall be set forth as part of the Conversions Levels on the Entitlement Summary and related Chart described on **Sheet RZ-02**.

h. **Conversion of Hotel Rooms & Residential Units.** Additional hotel rooms beyond the Development Levels set forth in *Table III.a.* above may be developed within the Rezoning Site by converting residential dwelling units into hotel rooms at the rate of **one (1) residential unit so converted into one (1) hotel room, up to a maximum of 200 new hotel rooms created in the aggregate** by such conversions; and additional residential dwelling units may be developed by converting hotel rooms as set forth in *Table III.a.* above, into residential dwelling units at the rate of **one (1) hotel room so converted into one (1) residential dwelling unit up to a maximum of 200 residential dwelling units created by such conversion in the aggregate.** The conversions described above are in addition to other conversions set forth herein, and the conversions properly exercised and those remaining shall be set forth as part of the Transfers/Conversions Levels on the Entitlement Summary and related Chart described on **Sheet RZ-02**.

i. **Conversion of Hotel Rooms/Residential Units & Commercial Uses.** Additional hotel rooms and/or residential dwelling units may be developed within the Rezoning Site by converting commercial uses (e.g. office, retail, EDEE and Personal Services uses) as set forth in *Table III.a.* above, into hotel rooms and/or residential dwelling units at the rate of **500 square feet of gross floor area of such commercial uses so converted for one (1) hotel room** added or for **one (1) residential dwelling unit added**, created in the aggregate by such conversion. Additional commercial uses may be developed by converting hotel rooms and/or residential dwelling units into commercial uses at the rate of **one (1) hotel room or one residential dwelling unit so converted into 500 square feet of gross floor area of commercial uses** so created up to a maximum of 200 hotel rooms and/or residential dwelling units so converted in the aggregate. The conversions described above are in addition to other conversions set forth herein, and the conversions properly exercised and those remaining shall be set forth as part of the Transfers/Conversions Levels on the Entitlement Summary and related Chart described on **Sheet RZ-02**.

permitted in accordance with the provisions of this Section IV. Such adjustments and/or sub-phases shall be allowed administratively subject to the reasonable review and approval by CDOT (and/or as applicable NCDOT) of appropriate transportation analysis in the form of existing or future transportation impact studies or technical transportation memoranda (hereinafter “**transportation analysis**”) and other factors promoting beneficial roadway network improvements such as cost allocations and timing of improvements, such approvals not to be unreasonably withheld or delayed to the extent that such transportation analysis is conducted in accordance with applicable standards/guidelines of CDOT and/or NCDOT, as the case may be. Approval by NCDOT as referenced herein shall only be applicable to the extent necessary per customary approval practice of NCDOT.

All roadway improvements for each major phase, or sub-phase, are required to be substantially completed prior to the issuance of the first certificate of occupancy for development within each major phase, or each sub-phase, as applicable, that is approved by CDOT (or as applicable NCDOT) per appropriate transportation analysis, subject to the provisions below dealing with appropriate adjustments and subject to any provisions set forth with reference to specific improvements described below and under IV.a.12.

Completion of Improvements by Others. The listing of required roadway improvements associated with each Phase set forth below are not intended to suggest that they must be completed by Petitioner; rather such roadway improvements, whether associated with a major phase or a sub-phase, may be completed by Petitioner, or assigns, or by others, such as governmental bodies by way of a public private partnerships, Community Investment Plan funding (e.g. CIP), direct investment by City or State or otherwise. Accordingly, references to “Ppetitioner,” or “Ppetitioner or assigns” in this Section IV may include such other third parties, and a listing of required improvements needed to allow certain development to take place does not mean that the Petitioner is exclusively responsible for such improvements. The applicable requirements, however, must be satisfied prior to issuance of the applicable certificates of occupancy associated with such development regardless of which party is involved in such development or commits to make such improvements, unless adjusted in accordance with the provisions of this Section IV.

2. **Substantial Completion.** Reference to term “substantial completion” for certain improvements as set forth in the provisions of this Section IV shall mean a determination by CDOT that the applicable roadway improvements are deemed “substantially complete” for the purpose of the issuance of certificates of occupancy for building(s) on the Rezoning Site in connection with development/improvements phasing. The Petitioner, or assigns, may be asked to post a letter of credit or a bond for any improvements not in place at the time of any such substantial completion to secure completion of the applicable improvements in instances where CDOT has deemed certain improvements as substantially complete. Furthermore, upon substantial completion of the applicable roadway improvements referenced herein development associated with such improvements shall entitled without regard to installation of improvements associated with a later phase or sub-phase, and later roadway improvements may be made in a timely manner or otherwise so as to permit additional development to be entitled as provided herein.

3. **Alternative Improvements; Design Changes.** The transportation improvements deemed necessary as described herein, are anticipated to take place over the long-term development horizon contemplated by this Rezoning Plan. As a result, unanticipated

j. **Conversion Limits.** In no event shall the total amount of non-office commercial uses created through the conversions set forth in subsections III. g., h., or i. result in greater than 125,000 square feet of gross floor area of additional non-office commercial uses, greater than 250,000 square feet of gross floor area of additional office uses, greater than 200 hotel rooms, greater than 900 multi-family units, and/or greater than 100 single-family units (except as may be otherwise approved by CDOT and/or NCDOT as described above).

k. **Written Notices & Records for Conversions & Transfers; Administrative Amendments.** Prior to any conversions of entitlement pursuant to subsections g., h, and i. above, the Petitioner or owner of the portion of the Development Areas involved in the conversion or transfer under notice shall provide to the Planning Department a written notice for such conversion and transfer as well as an updated Entitlement Summary in accordance with above, shall provide to the Planning Department, a written notice for such conversion, including the applicable Conversions Levels. Furthermore, the results of such conversions and transfers shall be evidenced by an update of the applicable tracking summary for the applicable area involved as described above in subsection f.

IV. **Transportation/Roadway Improvements & Implementation.**

a. **General Transportation and Streetscape.** The following provisions set forth the general provisions governing the transportation components of the Rezoning Plan.

- South Tryon Street: Location of curb and gutter to be moved a minimum of 42.5 feet from roadway centerline to accommodate the Charlotte Streets Map with a roadway typical section of a 2+ Avenue with Buffered/Separated Bike Lanes and On-Street-Parking.
- Clanton Road: Location of curb and gutter to be moved a minimum of 27 feet from roadway centerline to accommodate the Charlotte Streets Map with a roadway typical section of a 2+ Avenue with Buffered/Separated Bike Lanes.
- The Petitioner shall dedicate a minimum of fifty (50) feet of right-of-way from the road centerline of South Tryon Street and Clanton Road.
- The Petitioner shall construct an 8-foot planting strip, and 8-foot sidewalk on South Tryon Street and Clanton Road per Chapter 19.
- The Petitioner shall construct bike facilities along South Tryon Street and Clanton Road. It is understood, the Petitioner may construct a multi-use path or on street bike lanes on Clanton Road as approved by CDOT and NCDOT.
- The Petitioner shall provide new or upgraded sidewalks and street crossings to improve pedestrian safety and create additional connectivity throughout the larger neighborhood as indicated in the TIA..
- It is understood, that 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-

circumstances or conditions (e.g. increased transit service and the like), preferred transportation improvements to the area transportation network and cost considerations that support “best bang for buck” adjustments), including without limitation improvements associated with the NCDOT improvement, may affect the ability or advisability of the construction of the roadway improvements. In addition, certain design changes or alternative roadway improvements may make sense under existing and future circumstances. Accordingly, it understood that the roadway improvements may be altered with alternate improvements, design changes or other adjustments upon reasonable approval by the Petitioner, or assigns, CDOT (and, as applicable, NCDOT). The above-referenced adjustments or design changes may be approved upon CDOT’s approval and approval of the Petitioner or assigns.

4. **Right-of-way Availability.** It is understood that some of the public roadway improvements referenced in this Section IV 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, 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, 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.

Furthermore, in the event roadway improvements referenced in this Section IV are delayed because of delays in the acquisition of additional right-of-way as contemplated herein, then the applicable responsible party may contact CDOT and the Planning Director, or designee, regarding an appropriate infrastructure mitigation phasing plan that appropriately matches the scale of the development proposed. Upon approval of such mitigation phasing plan, CDOT, in its discretion, may inform applicable authorities that it is comfortable with allowing the issuance of certificates of occupancy for the applicable buildings in light of approved infrastructure mitigation phasing plan. If so, the Petitioner, or assigns (or third parties) shall seek to complete the applicable roadway improvements and may have to post a letter of credit/bond for any such improvements to secure completion of the applicable improvements.

It is understood that the above provisions are not to be construed as a limitation on the general rights of the City or State of North Carolina, in its discretion, to acquire or condemn right of way needed for installation of public streets, which, unless agreed otherwise, shall not require reimbursement by the Petitioner, or assigns. In the event right of way is not available and cannot be acquired, a revised improvement, not requiring the right of way, can be negotiated with CDOT. If a revised improvement is not agreed upon prior to the first certificate of occupancy, then the improvement will not be held as a CO requirement.

c. **Transportation Improvements.** [NOTE: SUBJECT TO FURTHER REVIEW AND ASSESSMENT] The following references applicable phased improvements that are subject to adjustments as described in Sections III and IV.

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. Encroachment agreements are not required for standard items.

- The petitioner shall complete and submit the Right-of-Way Abandonment Petition form to CDOT for review. It is understood, the Right-of Way-Abandonment process is controlled by North Carolina General Statutes and is independent of this rezoning process.
- The Petitioner shall dedicate and convey in fee simple all rights-of-way adjacent to the building’s development parcel to the City before the development parcels first building certificate of occupancy is issued. CDOT requests rights-of-way set at 2’ behind back of sidewalk where feasible.
- All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad Mecklenburg area, by way of a private/public partnership effort or other public sector project support.
- Internal network street modifications may be permitted in coordination with CDOT and Subdivision, so long as subdivision compliance for block lengths are satisfied and access locations are acceptable to NCDOT and CDOT.

Driveway permits from CDOT and/or NCDOT shall not be a condition of site permit approval, however no certificate of occupancy will be issued without all necessary driveway permits for the development phase.

- Twenty-five EVC-ready spaces will be installed prior to Phase 2 established in the traffic study.
- An ADA compliant bus stop shall be provided along Clanton Road in coordination with CATS.

b. **Phasing.** The following provision describes phasing.

1. **Multiple Phases & Transportation Analysis; Adjustments/Sub-phases; Completion of Improvements Prior to Certificates of Occupancy.** The transportation improvements required for the Rezoning Site will be accomplished in multiple phases, including “Phase I Improvements”, “Phase II Improvements” and “Phase III Improvements,” as defined below (each being a “**major phase**”), or “sub-phases” of such major phases. The development levels for the major phases of the development are described in *Table III a.* It is understood that upon installation of the applicable Phase Improvements (as set forth below and subject to increases as may be approved by CDOT and/or NCDOT as described above) the entire Phase Development level as to the applicable Improvements may be developed in accordance with the provisions herein. Adjustments, however, to the mix and amount of such development levels and the accompanying roadway improvements associated with development for such major phases or sub-phases may be

1. **Clanton Road & Revolution Park Drive (Signalized) [CDOT ONLY]**

- No suggested improvements

2. **Clanton Road & I-77 Southbound Ramps (Signalized)**

Phase 2

- Maximize the storage (approximately 450 feet) for the existing southbound right turn lane on the I-77 Southbound Off-Ramp.
- If determined necessary during permitting, install a vehicle loop detector on the I-77 Southbound Off-Ramp at an appropriately determined distance from Clanton Road.
- Install APS pushbuttons and upgrade curbs, ramps, and sidewalks to ADA standards and PROWAG guidelines.

3. **Clanton Road & I-77 Northbound Ramps (Signalized)**

Phase 2

- Remark the existing I-77 Northbound Off-Ramp to allow for a left turn lane with 350 feet of storage and a terminating right turn lane
- Construct an additional northbound right turn lane on the I-77 Northbound Off-Ramp with 450 feet of storage
- Install APS pushbuttons and upgrade curbs, ramps, and sidewalks to ADA standards and PROWAG guidelines.

4. **S. Tryon Street & Clanton Road (Signalized)**

Phase 1B

- Construct a southbound right turn lane on S. Tryon Street with 200 feet of storage.

Phase 2

- Construct an additional eastbound left turn lane on Clanton Road with maximized storage.
- Construct a westbound right turn lane on Clanton Road with maximized storage.
- Install APS pushbuttons and upgrade curbs, ramps, and sidewalks to ADA standards and PROWAG guidelines.
- Extend the existing southbound left turn lane from 150 feet to 250 feet of storage.

Phase 3

- Convert the existing westbound right turn lane on Clanton Road (Phase 2 improvement) to a combined thru-right turn lane
- Construct an additional westbound receiving lane on Clanton Road that terminates as a right turn lane at I-77 Northbound On-Ramp

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KEY MAP

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NOT FOR
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PROJECT

SOUTH END
BUSINESS PARK

RRPVI SEBP CHARLOTTE, LP

4801 PGA BLVD

PALM BEACH GARDENS, FL 33418

LANDDESIGN PROJ.#

1022222

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DESIGNED BY: LD
DRAWN BY: MH
CHECKED BY: ND

SCALE NORTH

VERT: N/A
HORZ: N/A

SHEET TITLE

DEVELOPMENT STANDARDS

SHEET NUMBER

RZ-02B

4. To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 12 inches, subject to applicable deviations to address site constraints.
5. Pitched roofs, if provided, shall be symmetrically sloped no less than 6:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
6. Porches and stoops shall form a predominate feature of the building design and be located on the front and/or side of the building. Stoops and entry-level porches may be covered but not be enclosed.
7. All corner/end units that face a public or private street should have a porch or stoop that wraps a portion of the front and side of the unit or blank wall provisions shall be implemented that limit the maximum blank wall expanse to 10 feet on all building levels and/or allows acceptable landscaping treatments along such areas.
8. Sidewalks should be provided to connect one residential entrance to sidewalks along public and private streets.
9. Buildings may orient to open space in lieu of a public street.

i. **Structured Parking Design Standards.** Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure. In the event that any openings for ventilation, service, or emergency access are located at the first-floor level in the building facade then they must be decorative and must be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances must be designed so that cars parked inside are not visible from the street. The remainder of the street level frontage must be either occupied retail space or an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space.

Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grillwork or louvers. In no instance will cabling alone be sufficient to meet this screening requirement.

j. **Gas Station Design Standards.** The following design provisions shall apply to gas stations:

1. Gas station canopies may be located in required build-to zones but shall be located a minimum of 15 feet from any required frontage setback line.
2. Gas stations must meet the standards of the district with the exception of minimum building length as a percentage of lot width along a frontage and have a minimum ground floor height of 14'.
3. Gas stations may have a maximum of 8 pumps with the ability to service up to 16 cars.
4. Canopies shall be located to the rear or side of the principal building.

k. **Accessory Drive-In Window and Drive-Through Lane Design Standards.** The following design provisions shall apply to accessory drive-in windows and drive-through lanes:

1. All establishments with an accessory drive-through, except restaurants, shall provide a minimum of four stacking spaces per lane or bay. Restaurants shall provide a minimum of six stacking spaces per lane or bay. The space located at the service window shall be counted in this minimum number of stacking spaces.
2. A stacking space shall be a minimum of nine feet in width and 18 feet in length.
3. All components of an accessory drive-through including, but not limited to, signs, stacking lanes, trash receptacles, ordering box, and drive-up windows, shall be located to the rear or side of the building.
4. Drive through lanes and drive aisles may not be located between primary streets and the façade of the building.
5. A drive-through lane shall have bail out capability for all vehicles that enter the drive-through lane. The bail out lane shall be a minimum width of ten feet in width and run parallel to the drive-through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive-through lane.
6. For a restaurant/bar principal use to have an accessory drive-through, a minimum of 24 seats, indoor or outdoor, shall be required.
7. Seatwalls may be used to enhance the pedestrian environment.

VII. **Environmental:**

- a. **Tree Save.** Since the Rezoning Site is a master planned unified development, tree save requirements set forth in the Tree Ordinance applicable to development and redevelopment in the Rezoning Site may be met using any area within the Rezoning Site such that individual parcels within the Rezoning Site will not be required to provide tree save areas within such parcel boundaries provided that the overall tree save areas and requirements for overall Rezoning Site are in compliance.
- b. **Storm Water Management.** Development and redevelopment within the Rezoning Site shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance in existence pre-UDO. Development within any SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance. Petitioner acknowledges intermittent/perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions.
- c. **Open Space.** In addition to the open space required by the MUDD zoning provisions of the Ordinance, the petitioner commits to providing the following:

1. The Petitioner shall commit to a minimum of 30% increased open space above MUDD requirements.
2. The Petitioner shall do one of the following:
- i. Increase open space by an additional 20% above MUDD requirements for a total of 50% increase above MUDD open space requirements;
- ii. Donate \$250,000 toward the improvements of a park near the site.

It is understood that open space can be provided across the site and is not required on individual sites or blocks.

d. **High Performance Construction.** The Petitioner commits to the use of sustainable design and architecture that meets established standards, such as Leadership in Energy and Environmental Design (LEED), Energy Star, Earthcraft, National Green Building Standards, etc. on at least 50% of the buildings.

VIII. **Amendments to the Rezoning Plan: Binding Effect:**

a. **Amendments.** Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable portions or area of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

Since the Project has not undergone the design development and construction documentation phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the development/site elements. Therefore, there may be instances where minor modifications that don't materially change the overall design intent depicted on the Rezoning Plan may be allowed by the Planning Staff/Planning Director, in their discretion, without requiring the administrative amendment process per Section 6.207 of the Ordinance; in other instances, modifications shall be reviewed and approved as allowed by Section 6.207.

Modifications to the internal street network, and related development areas, indicated on Sheet RZ-01 may be allowed but any modifications must comply with the pre-UDO Subdivision Ordinance.

b. **Binding Effect.** If this Rezoning Petition is approved, it 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, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

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DRAWN BY: MH
CHECKED BY: ND

SCALE NORTH

VERT: N/A
HORZ: N/A

SHEET TITLE

DEVELOPMENT STANDARDS

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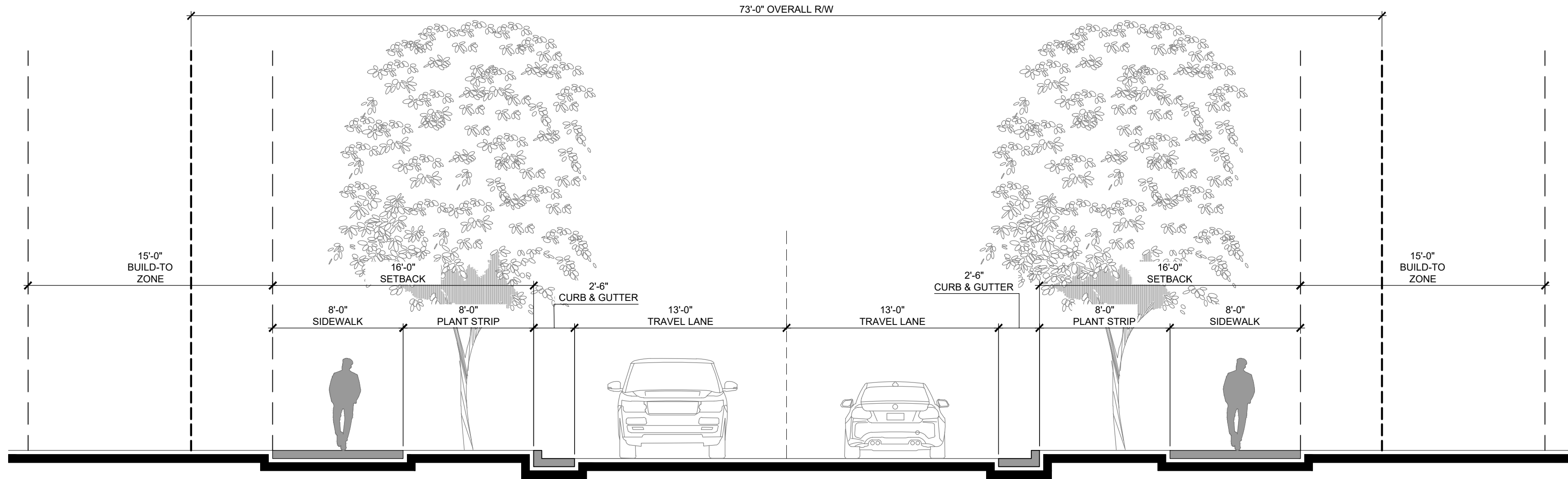
VERT: N/A
HORZ: AS NOTED

SHEET TITLE

STREET SECTIONS

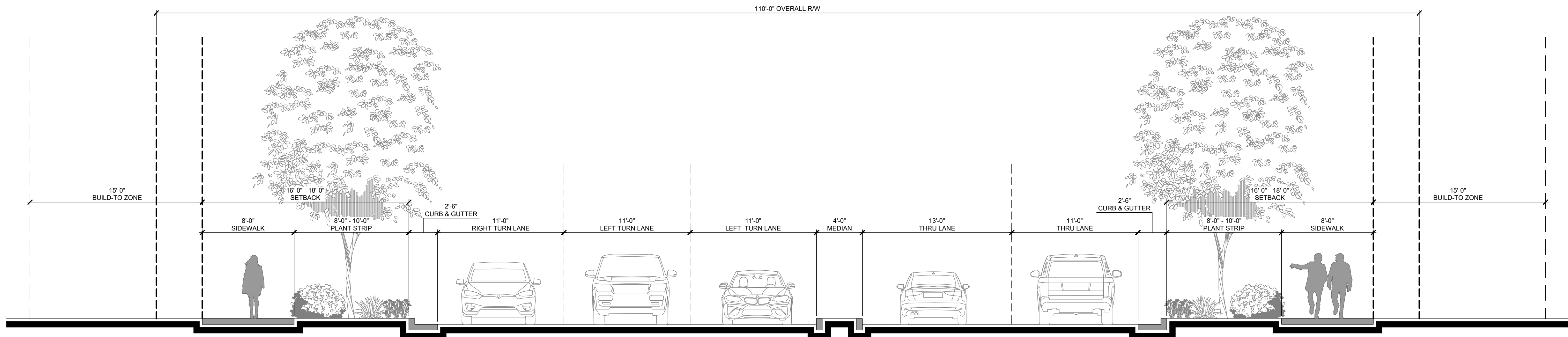
SHEET NUMBER

RZ-03



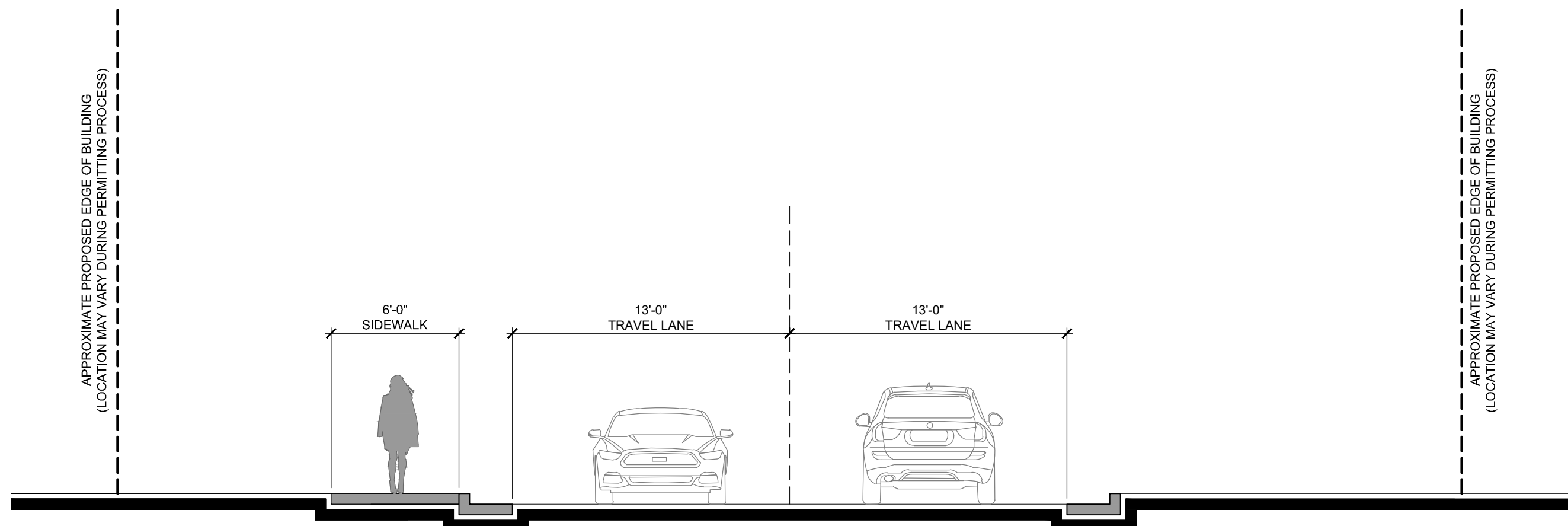
A ST. VARDELL LN. SECTION WITHOUT ON-STREET PARKING

3/16" = 1'-0"



B PUBLIC STREET 'A' - AT INTERSECTION WITH CLANTON RD.

3/16" = 1'-0"



C PRIVATE DRIVE 'A' SECTION

3/16" = 1'-0"

GENERAL NOTE:

MINOR MODIFICATIONS SUCH AS PRESERVATION OF
EXISTING BUILDINGS, TREES, PINCH POINTS, ETC. CAN BE
PERMITTED WITHOUT A ZONING AMENDMENT.
(AS APPROVED BY CDOT DIRECTOR)

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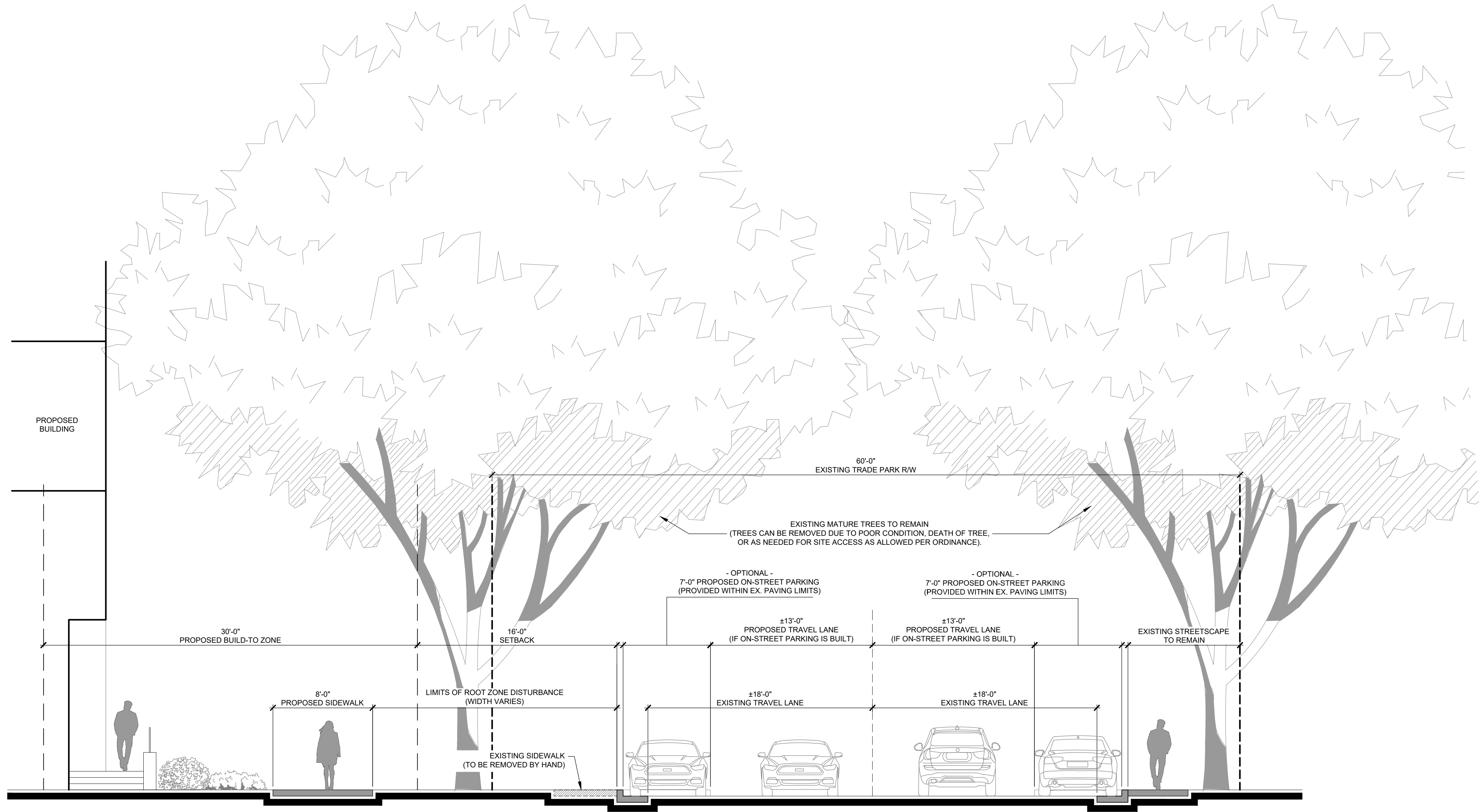
VERT: N/A
HORZ: AS NOTED

SHEET TITLE

STREET SECTIONS

SHEET NUMBER

RZ-04



D TRADE PARK CT. SECTION WITH PROPOSED ON-STREET PARKING

3/16" = 1'-0"

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