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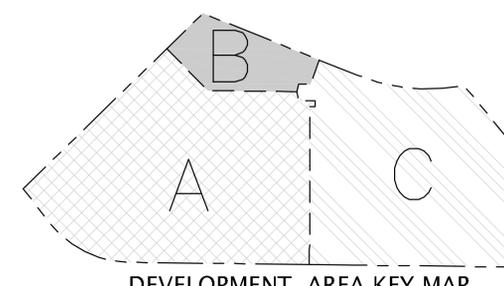
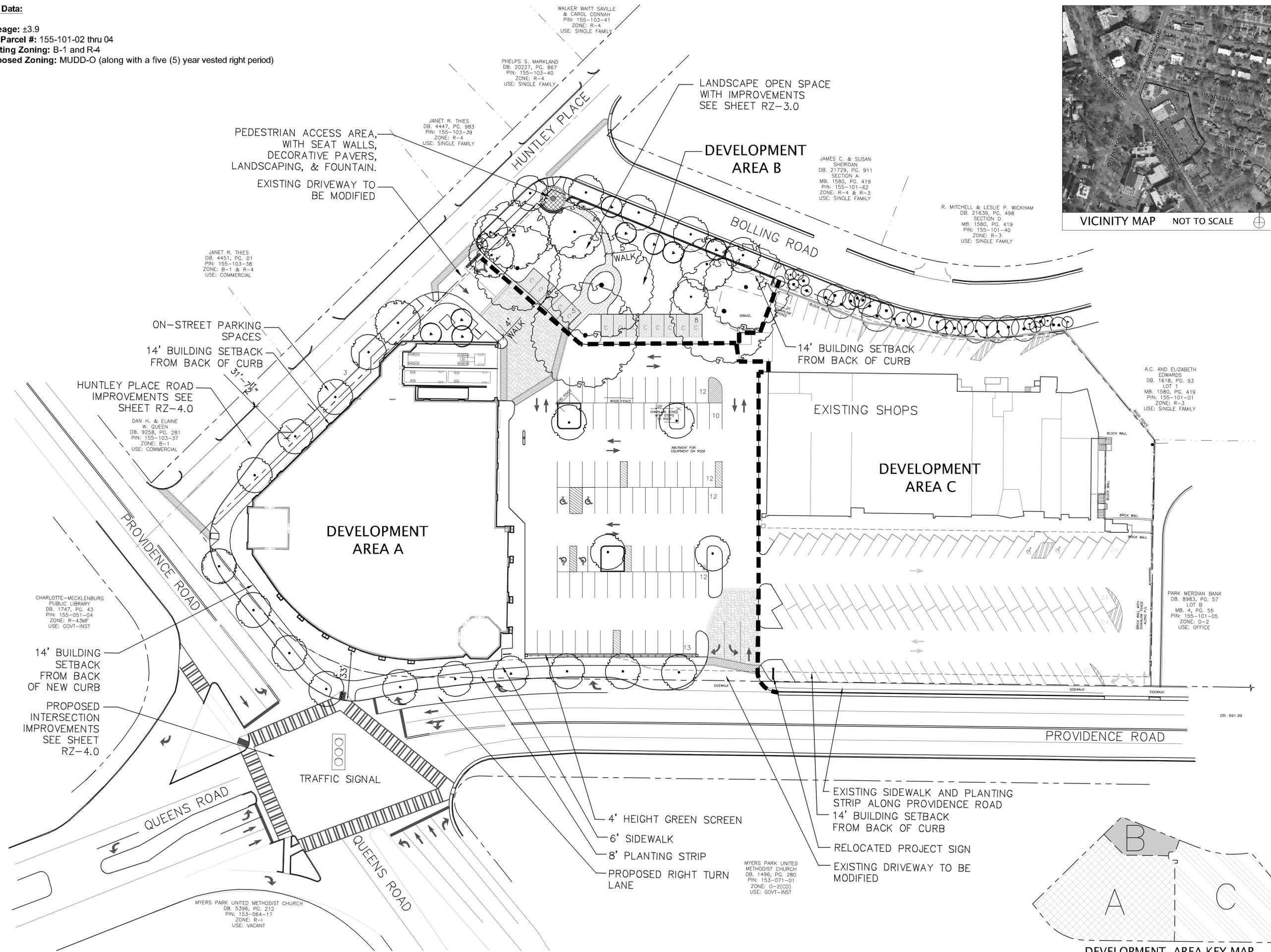
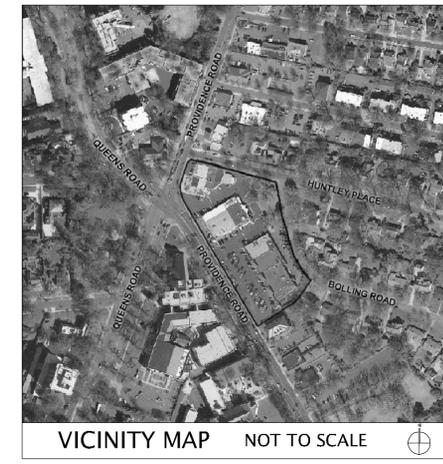
Acreage: ±3.9
Tax Parcel #: 155-101-02 thru 04
Existing Zoning: B-1 and R-4
Proposed Zoning: MUDD-O (along with a five (5) year vested right period)



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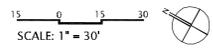


MYERS PARK CENTER REZONING

1027 PROVIDENCE ROAD
 CHARLOTTE, NORTH CAROLINA
HARRIS TEETER, INC.
 701 CRESTDALE ROAD
 MATTHEWS, NORTH CAROLINA 28105

REZONING DOCUMENTS

HUNTINGTON MANAGEMENT CO.
 140 HUNTLEY PL.
 CHARLOTTE, NC 28207
 H & N REALTY LLC
 PO BOX 6037
 CHARLOTTE, NC 28207
 PARTNERSHIP HUNTINGTON
 PROPERTIES LIMITED
 PO BOX 6037
 CHARLOTTE, NC 28207



PROJECT #: 219-002
 DRAWN BY: SK
 CHECKED BY: DM

REZONING PLAN FOR PUBLIC HEARING REZONING PETITION # _____

FEBRUARY 28, 2011

REVISIONS:

Site Data:

--**Acreeage:** ±3.9
--**Tax Parcel #:** 155-101-02 thru 04
--**Existing Zoning:** B-1 and R-4
--**Proposed Zoning:** MUDD-O (along with a five (5) year vested right period).
--**Existing Uses:** Shopping center, retail & business uses, restaurants, & personal service uses.
--**Proposed Uses [See Development Standards below for complete description]:** Up to 77,500 square feet (as defined below) of a shopping center uses, retail and business uses, restaurants, general/medical office uses and personal service uses; but green space/parking or residential uses for Development Area B as specifically described below.
--**Maximum Building Height:** See Section 5 of Development Standards below.
--**Parking:** See Section 7 of Development Standards below.

Development Standards

1. General Provisions :

a. This MUDD-O rezoning petition (the “Rezoning Petition”) seeks to provide for the redevelopment of a portion of the existing Myers Park Shopping Center. The portion being redeveloped is set forth in Development Area A and Development Area B; it being understood that development is not contemplated at present for the remaining portion of the existing shopping center generally depicted as Development Area C on the Rezoning Plan (as defined below).

b. These Development Standards form a part of the rezoning plan associated with this MUDD-O petition that includes certain “Optional Provisions” to accommodate redevelopment on approximately 3.9 acres located at the intersection of Providence Road and Queens Road (the “Site”), as more particularly shown on the rezoning plan. Development of the Site will be governed by the attached plans and these Development Standards (together with the plans referred to as the “Rezoning Plan”) as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”). Unless the Rezoning Plan establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD) zoning classification shall govern all development taking place on the Site within the Development Areas generally depicted on the Rezoning Plan as Development Area A, Development Area B and Development Area C, subject to the Optional Provisions provided below. For the reasons set forth below, this Petition includes the vesting of the approved Rezoning Plan for the Site for five (5) years.

c. Consequently, except as otherwise expressly specified on the Rezoning Plan: the layout of the development; the exact alignments of points of access; the numbers, the size, configuration and placements of buildings and parking areas; and the depictions of such other site elements within the Development Areas on the Rezoning Plan are graphic representations of the proposed development. They may, therefore, be subject to minor alterations or modifications, subject to the accompanying Development Standards and Section 6.207 of the Ordinance. For the purposes of Section 6.207 of the Ordinance, accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Parking layouts for surface parking may be modified to accommodate changes during the design/development/construction phases to the extent permitted by the Ordinance and subject to the requirements and conditions of the Development Standards.

2. Optional Provisions

a. **Signs on Development Area C.** The Petitioner seeks the Optional Provision to allow the existing detached sign (or a new sign substantially similar in size) located along Providence Road within Development Area C to remain. The existing sign (or new sign) may be relocated to accommodate modifications to the existing driveway and parking lot layout. Wall signs for building on Development Area C shall comply with the standards of the B-1 zoning district.

b. **Signs on Development Area A.** The Petitioner seeks the Optional Provision to allow wall signs located on any building wall of a structure on Development Area B to have a maximum sign surface not to exceed 10% of the building wall area to which the sign is attached up to a maximum of 200 square feet.

c. **Development Area C Aspects.** It is the intent of this request that the existing parking, loading and other site elements and improvements shall be approved in the current condition and in lieu of the standards of Section 9.8507 of the Ordinance, subject to and in accordance with the Rezoning Plan. Accordingly, the Petitioner seeks the following Optional Provision for the portion of the Site within Development Area C: allow the existing sidewalk along Providence Road to remain; eliminate the requirement for a sidewalk along Bolling Road; allow the existing parking and maneuvering for parking and loading located between the shops and the abutting public streets (both front and rear) to remain substantially as shown on the Rezoning Plan; allow any parking in the required setbacks to remain; allow the configuration of the existing parking lot and parking spaces and aisles to remain as substantially shown on the Rezoning Plan, subject to minor modifications; not provide street trees nor tree islands; not provide a planting strip along Providence Road; not provide screening for the parking spaces along Providence Road and along the southern property line; and allow parking within the basement area of the building within Development Area C to adhere to the ratio of one (1) parking space per 1,000 square feet of space as described below.

d. Development Area B - Bolling Road & Huntley Place .

(i) The Petitioner seeks the Optional Provision to eliminate the requirement for a sidewalk along Bolling Road within Development Area B as well as an optional provision to only plant street trees and other vegetation along the portion of Bolling Road within Development Area B. The Petitioner also seeks the optional provision to modify the requirement for a sidewalk connection from the Site to Bolling Road, provided that the required sidewalk connection from the Site to Bolling Road will be made through the proposed landscaped open space to be located within Development Area B at the intersection of Bolling Road and Huntley Place as generally depicted on the Rezoning Plan (Sheet RZ-3.0).

(ii) Petitioner seeks the Optional Provision to reduce the sidewalk and planting strip widths along Huntley Place adjacent to Development Area B, provided that such sidewalk will be at least 5 feet in width and such planting strip at least 6 feet in width.

e. **Development Area A - Providence Road.** The Petitioner seeks the Optional Provision to use a four (4) foot “green screen” wall to screen new parking spaces to be located within Development Area A from Providence Road, as generally depicted on the Rezoning Plan.

f. **Development Area A - Parking.** For clarity purposes and in addition to the parking aspects of the Optional Provision for Development Area C above, this Rezoning Plan confirms an Optional Provision for the right to have parking and maneuvering to the side of and rear of the building located within Development Area A, as generally depicted on the Rezoning Plan.

g. **Basement of Development Area C.** For clarity purposes, this Rezoning Plan confirms an Optional Provision for the right to have portions of the existing basement area located in the building within Development Area C upfitted for use.

3. Permitted Uses & Development Area Limitation :

a. The portion of the Site generally depicted as Development Areas A and C may be developed with up to 77,500 square feet gross floor area (as defined below) consisting of retail uses as permitted in the B-1 zoning district under Section 9.8502 of the MUDD district, shopping center uses, business uses, restaurants, general/medical office uses and personal service uses, along with accessory uses and structures allowed in the MUDD district.

b. The portion of the Site generally depicted as Development Area B at the intersection of Huntley Place and Bolling Road may be developed as an improved landscaped open space area together with certain parking spaces and other amenities as more particularly shown and described on the Rezoning Plan.

c. The building located within Development Area A shall not exceed an aggregate of 42,200 square feet of gross floor area.

d. The total at grade building footprint (measured from outside wall but excluding loading dock and storage areas) of the building located within Development Area A shall not exceed an aggregate of 30,500 square feet.

For purposes of the development limitations set forth in these Development Standards, the term “gross floor area” or “GFA” shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building, and any accessory buildings or structures on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface parking facilities, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces), all loading dock areas (open or enclosed), and outdoor dining areas.

4. Setbacks, Side Yards, and Rear Yards :

a. Except as described in this Section, the Petitioner will establish a 14 foot setback along Providence Road, Huntley Place and Bolling Road. At the intersection of Providence Road and Queens Road the setback may be increased in the manner generally depicted on the Rezoning Plan. No new buildings or parking will be allowed in the setbacks, except that existing parking and maneuvering as described by the Optional Provisions above will be allowed within the portion of the required setback within Development Area C. The setbacks will be measured from the existing or proposed back of curb as indicated on the Rezoning Plan.

b. Subject to and in accordance with the Optional Provisions set forth above, a six (6) foot sidewalk, portions of which shall be constructed of decorative pavers, will be installed within the 14 foot setback of Huntley Place and the portion of Providence Road located within Development Areas A and B, as generally depicted on the Rezoning Plan.

5. Building Heights :

a. Building height within Development Area A will be substantially as shown on the Rezoning Plan (RZ-7) and shall step down from Providence Road in the manner generally depicted. The height of the building within Development Area C shall remain substantially as currently exists.

6. Unified Development:

a. The Site shall be viewed as a unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, setbacks, and other similar zoning standards will not be required internally between improvements and site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide the Site and create lots within the interior of the Site without regard to any such internal separation standards, provided, however, all such yards and separation standards along the exterior boundary of the Site shall be adhered to, except as may be altered by the Optional Provisions.

7. Parking/Internal Vehicular Circulation :

a. Off street parking spaces (including any spaces located on Huntley Place adjacent to the Site) will be provided for the Site at the following ratios:

- (i) Retail and restaurant uses: one space per 350 square feet;
- (ii) Personal service, civic, general/medical office uses: one space per 400 square feet; and
- (iii) Uses located within the basement of the building within Development Area C: one space per 1,000 square feet.

8. Access Points :

a. Access to the Site will be from Providence Road and Huntley Place as generally depicted on the Rezoning Plan.

b. Vehicular access to the Site from Bolling Road is prohibited.

c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns and parking layouts; provided, however, the driveway to Huntley Place may not be modified so as to encroach into Development Area B.

d. The Petitioner will design portions of the driveways accessing the Site from Huntley Place and from Providence Road within Development Area A with specialty pavers as generally depicted on the Rezoning Plan.

9. Internal Sidewalks :

a. Sidewalks that link the new building to Providence Road and Huntley Place shall be provided, subject to and in accordance with the Optional Provisions above; such sidewalks shall be five (5) feet in width.

10. Stormwater :

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance in effect at the time of approval of this Petition in connection with development taking place on Development Areas A and B.

b. Any required water quality and storm water detention areas will be installed underground.

11. Lighting :

a. All new lighting fixtures located in Development Areas A and B shall be full cut-off type lighting fixtures with the exception of lower, decorative lighting that may be installed along the driveways, and sidewalks. The existing lighting fixtures located within Development Area C may remain but if new fixtures are installed they must comply with the standard above.

b. New detached lighting located in Development Areas A and B will be limited to 25 feet in height.

c. No "wall pak" lighting will be allowed on any new buildings constructed on the Site, however architectural lighting on building facades, such as sconces, will be permitted.

d. Pedestrian scale lighting may be installed throughout the Site.

12. Signage :

a. All wall signs placed on the building within Development Area A will be erected in accordance with the requirements of the MUDD district, subject to and in accordance with the Optional Provisions above. Per the above Optional Provisions, wall signs for the building within Development Area C shall adhere to the standards of the B-1 zoning district.

b. The existing detached sign located along Providence Road within Development Area C will be allowed to remain (or a new sign of substantially the same size installed) as described in the Optional Provisions; such sign will be relocated (or installed) from the current location to accommodate modifications to the existing driveway and parking spaces.

c. No detached identification signage will be allowed along Bolling Road or Huntley Place, but vehicular directional signs will be allowed along Huntley Place and Providence Road.

13. Screening and Street Trees :

a. A series of trees and shrubs along with a brick wall will be installed within the setback of Bolling Road directly adjacent to the landscaped open space area within Development Area B. Along the remainder of the Bolling Road setback adjacent to Development Area C, the existing landscaping, brick wall and wooden fence will remain, provided that the existing wall in such area shall be painted to match the new wall to be installed within Development Area B.

b. Street trees will be planted along Huntley Place and along a portion of Providence Road within Development Area A as generally depicted on the Rezoning Plan.

c. All roof mounted mechanical equipment for building(s) within Development Area A will be screened from view from adjoining public streets and abutting properties as viewed from grade.

d. New dumpster areas and recycling areas within Development Area A will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the building within Development Area A. If one or more sides of a dumpster area adjoin a side or rear wall of a building within Development Area A, then the side or rear wall may be substituted for a side.

e. Above ground backflow preventers within Development Area A will be screened from public view and will be located outside of the required setbacks.

14. Special Provisions Regarding Development Area B:

a. The Petitioner will establish an improved landscaped open space area along with parking spaces and amenities, as generally depicted on the Rezoning Plan, within Development Area B, if certain private restrictions governing Development Area B are modified to permit such development within Development Area B. Until such private restrictions governing Development Area B are so modified, Development Area B may be developed for residential uses consistent with the R-4 zoning district.

b. If the referenced private restrictions governing Development Area B are modified to permit the development of Development Area B in the manner contemplated by the Rezoning Plan, the Petitioner will make the following improvements to Development Area B:

- (i) At the corner of Bolling Road and Huntley Place a seating area with a brick seat wall, pervious pavers, a drinking fountain and dog fountain will be installed, as generally depicted on the Rezoning Plan.
- (ii) A minimum six (6) foot decorative brick screen wall along Bolling Road (the six foot minimum height to be measured at the base of the existing wall along Bolling Road) will be installed, as generally depicted on the Rezoning Plan.
- (iii) A layered planting of additional trees, shrubs and seasonal color will be planted to create a pleasing and effective screen along Bolling Road, as generally depicted on the Rezoning Plan.
- (iv) A five (5) foot sidewalk, constructed substantially of specialty pavers and providing access the shopping center through Development Area B, will be provided, as generally depicted on the Rezoning Plan.
- (v) Up to thirteen (13) compact parking spaces constructed on above grade pervious pavers will be provided, as generally depicted on the Rezoning Plan.
- (vi) An irrigation system will be installed within Development Area B.
- (vii) The landscaping, wall, irrigation, sidewalks and other amenities as generally depicted on the Rezoning Plan will be maintained by the Petitioner and/or the owner of the Site.

If required as set forth in this Section, the above-referenced improvements must be completed prior to the issuance of the final certificate of occupancy for the building(s) to be located within Development Area A.

c. If the referenced private restrictions governing Development Area B are modified to permit the development of Development Area B contemplated by the Rezoning Plan, Development Area B will also adhere to the following requirements:

- (i) Subject to recommendations to the contrary made by a certified professional arborist, the Petitioner shall use diligent best efforts to preserve the existing trees in Development Area B, as generally depicted on the Rezoning Plan.
- (ii) The pavement for the proposed parking spaces and pedestrian walkways within Development Area B, as generally depicted on the Rezoning Plan, will be installed as above grade pervious pavers.
- (iii) The Petitioner shall use diligent best efforts to protect Development Area A during construction on the improvements contemplated by this Rezoning Plan by a six (6) foot chain link fence, and no storage of construction materials or gathering of construction workers will be allowed within Development Area B.
- (iv) Petitioner will engage a certified professional arborist for the following:
 - Initial health assessment and deep root fertilization of the trees prior to construction commencement.
 - Root pruning where the corner feature and brick seating wall are proposed.

- Removal of the existing gravel area and air spade that area to enhance tree root oxygen; gravel removed will be replaced with top soil meeting the city soil meeting the city soil specifications.
- Monthly visits to Development Area B during construction to support compliance with the matters contained herein.
- (v) Three understory trees will be added to Development Area B. Three additional understory trees will also be planted in the area across from the driveway in Development Area A, as generally depicted on the Rezoning Plan.
- (vi) Development Area B will be provided with automatic irrigation and will be maintained by the Petitioner and/or the owner of the Site.

15. Development Area A - Architectural Controls :

a. The attached elevations associated with the building to be located within Development Area A are included to reflect the architectural style and quality of the building that will be constructed (the actual building so constructed may vary slightly from these illustrations as long the general architectural concepts and intent illustrated is maintained).

b. All sides of the building to be constructed in Development Area A will be built using four sided architecture.

c. Meter banks will be hidden from public view.

16. Transportation Design Commitments :

a. Subject to the approval or consent of the Charlotte Department of Transportation (CDOT) and, as applicable, the North Carolina Department of Transportation (NCDOT), upon commencement of the redevelopment contemplated by the Rezoning Plan, Petitioner agrees to undertake the following improvements to the existing intersection of Providence Road and Queens Road, said improvements being generally depicted in the Rezoning Plan (see Sheet RZ-4.0):

- (i) Installation of an expanded northbound right turn lane within Providence Road;
- (ii) Installation of a reduced turning radius for the northbound right turn lane and receiving lane on Providence Road;
- (iii) Modifications/enhancements to the cross-walks within the intersection of Providence Road and Queens Road; and
- (iv) Enhancement of the turning radius at the intersection of Providence Road and Huntley Place to promote a more efficient right turn onto Huntley Place for cars and trucks turning onto Huntley Place.

17. Vesting :

Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. §160A-385.1, due to the nature of the redevelopment, certain environmental remediation involved in the redevelopment, the level of investment, the timing of the redevelopment and certain infrastructure, economic cycles and market conditions this Petition includes vesting of the approved Rezoning Plan and conditional zoning district associated with this Petition for a five (5) year period.

18. Amendments to the Rezoning Plan :

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

19. 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 under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



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H & N REALTY LLC
PO BOX 6037
CHARLOTTE, NC 28207

PARTNERSHIP HUNTINGTON
PROPERTIES LIMITED
PO BOX 6037
CHARLOTTE, NC 28207

SCALE: NOT TO SCALE

PROJECT #: 219-002
DRAWN BY: SK
CHECKED BY: DM

DEVELOPMENT
STANDARDS
FOR PUBLIC HEARING
REZONING PETITION
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FEBRUARY 28, 2011

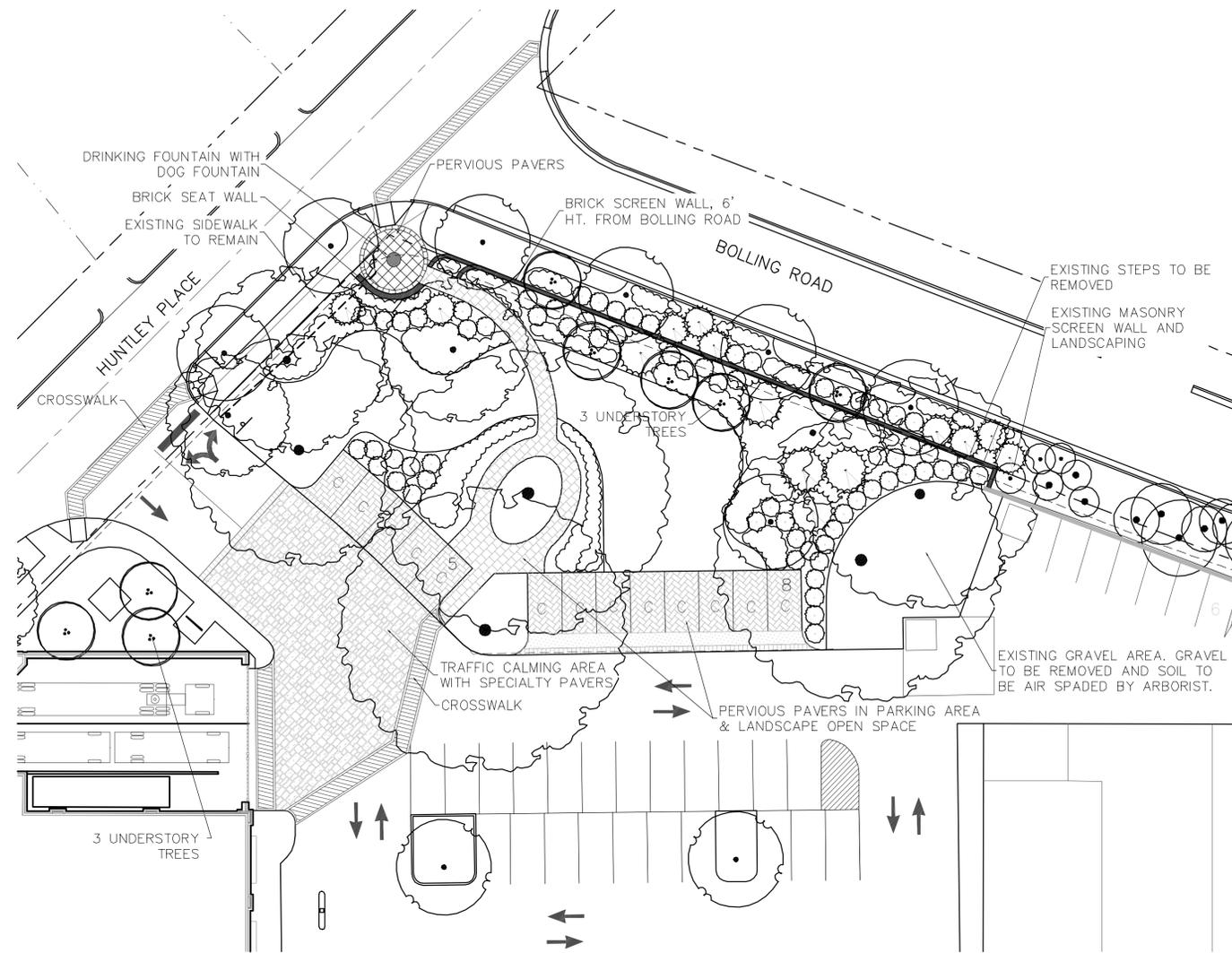
REVISIONS:



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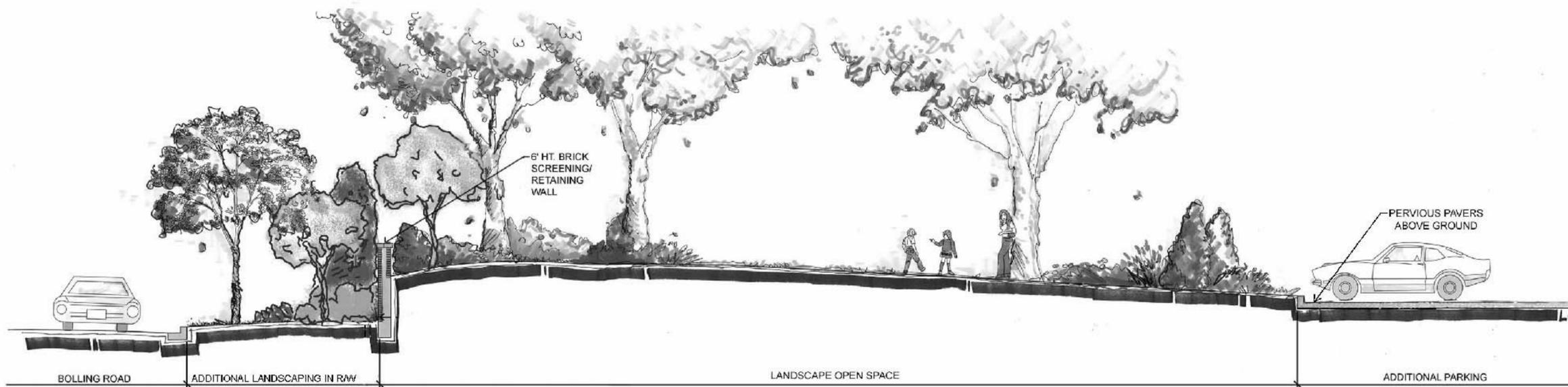
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Notes:

1) Planting design is conceptual, final design and materials may vary from this concept so long as general intent is preserved.

2) See development standard notes sheet RZ-2.0 regarding when these components are done.



BOLLING ROAD EDGE CONDITION AT LANDSCAPE OPEN SPACE

MYERS PARK CENTER REZONING

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SCALE: 1" = 30' PLAN

PROJECT #: 219-002
 DRAWN BY: SK
 CHECKED BY: DM

LANDSCAPE
 OPEN SPACE
 FOR PUBLIC HEARING
 REZONING PETITION
 # _____

FEBRUARY 28, 2011

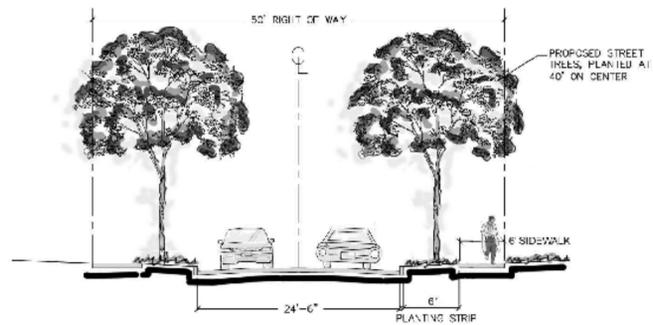
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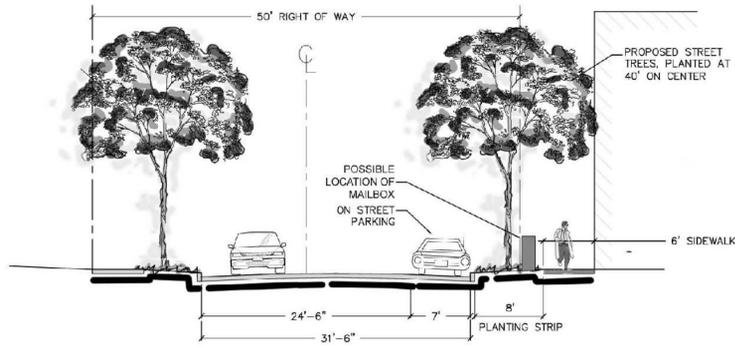
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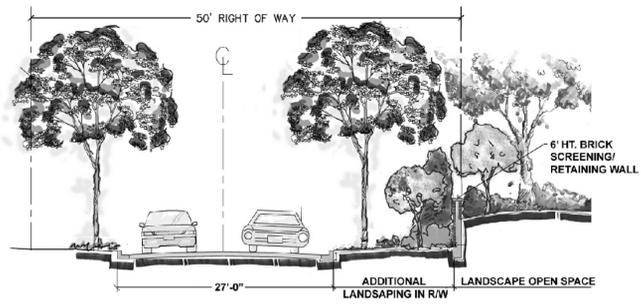
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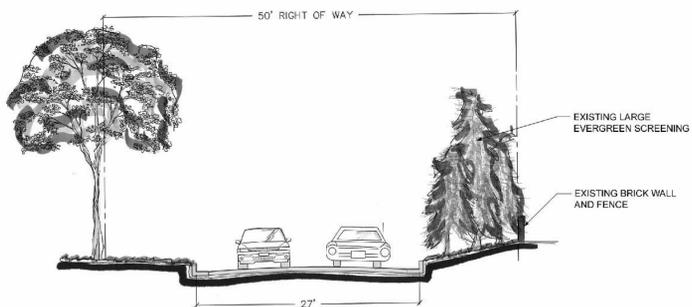
PROPOSED HUNTLEY PLACE CROSS SECTION
 ADJACENT TO LANDSCAPE OPEN SPACE



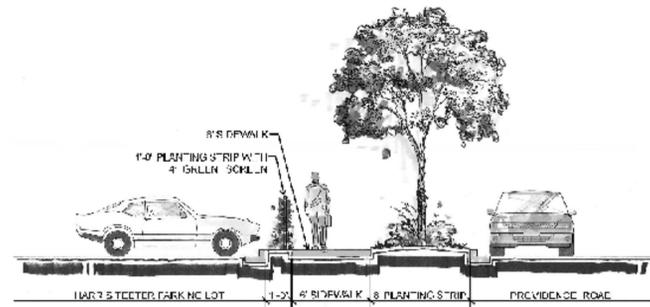
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 ADJACENT TO STORE



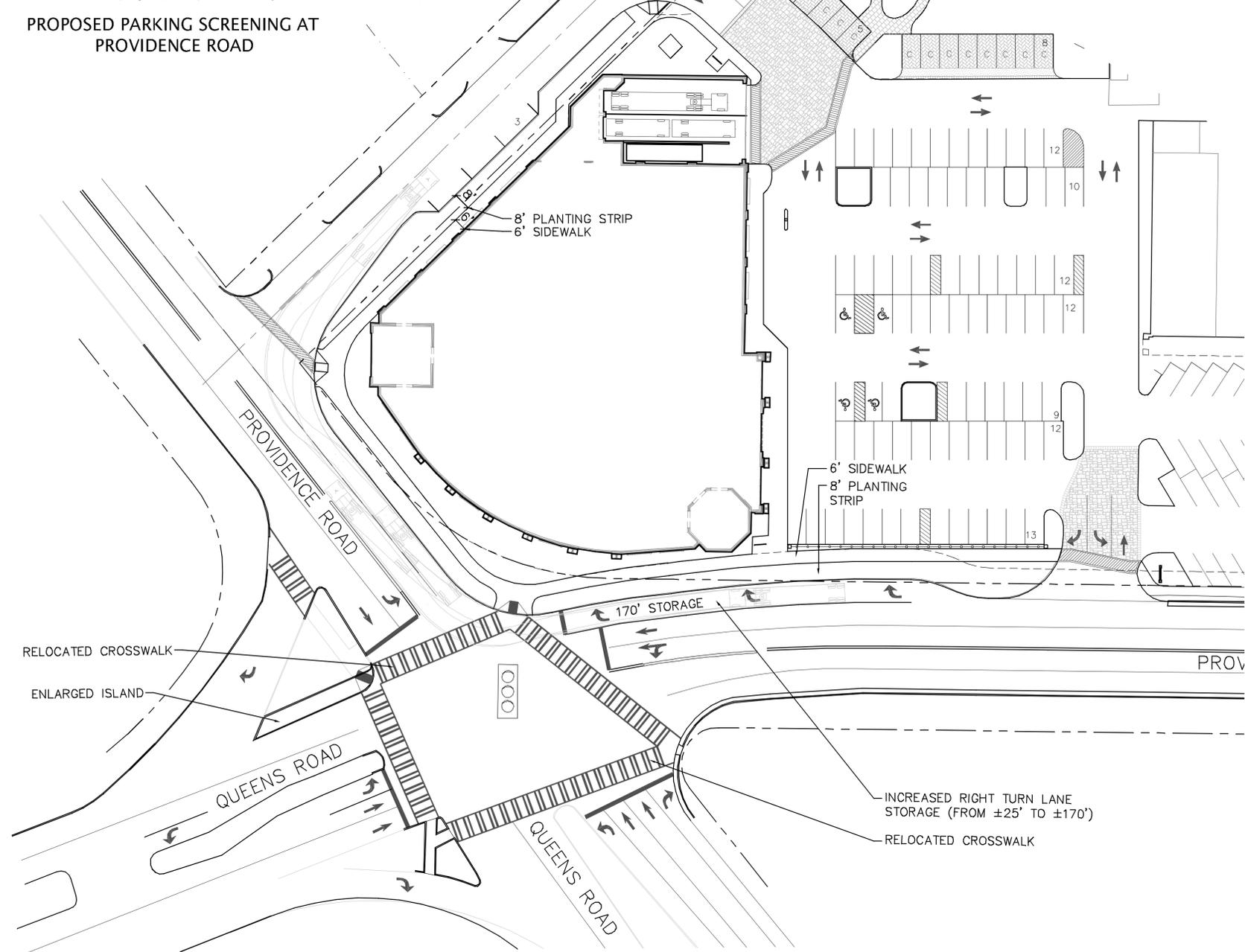
PROPOSED BOLLING ROAD CROSS SECTION
 AT LANDSCAPE OPEN SPACE



EXISTING BOLLING ROAD CROSS SECTION
 IN REAR OF SHOPS



PROPOSED PARKING SCREENING AT
 PROVIDENCE ROAD



MYERS PARK CENTER REZONING

1027 PROVIDENCE ROAD
 CHARLOTTE, NORTH CAROLINA

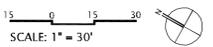
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PROJECT #: 219-002
 DRAWN BY: SK
 CHECKED BY: DM

ROAD IMPROVEMENTS FOR PUBLIC HEARING REZONING PETITION

FEBRUARY 28, 2011

REVISIONS:



SOUTH ELEVATION AT QUEENS RD & PROVIDENCE RD

Note: These elevations are provided to reflect the architectural style and quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations as long as the general architectural concepts and intent illustrated is maintained).



EAST ELEVATION FACING PARKING FIELD



WEST ELEVATION FACING HUNTLEY PLACE

Note: These elevations are provided to reflect the architectural style and quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations as long the general architectural concepts and intent illustrated is maintained).



NORTH ELEVATION FACING BOLLING RD & HUNTLEY PL



SOUTH ELEVATION AT QUEENS RD & PROVIDENCE RD

Note: These elevations are provided to reflect the architectural style and quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations as long the general architectural concepts and intent illustrated is maintained).



EAST ELEVATION FACING PARKING FIELD