

DEVELOPMENT STANDARDS

542950 v.2

1. General Provisions

a. This Mixed Use Development District - Optional ("MUDD-O") Petition seeks to provide for the allowance of a community theatre and lounge in the existing shopping center at the intersection of North Graham Street and West Sugar Creek Road. Petitioner seeks to rezone a portion of its B-2 property, said portion to be rezoned as shown on the Rezoning Plan ("Site"). The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Subject to the optional provisions set forth below, the regulations established under the Ordinance for the MUDD Zoning District shall govern the development of the Site.

b. Minor alterations to the Site, including building footprint additions, and other Site elements within the Site may be altered or modified subject to the requirements of the Ordinance as modified by the accompanying Rezoning Plan and Development Standards.

c. Minor alterations to parking and access/circulation will be allowed to accommodate future driveway locations and Site access as may be required to accommodate the NCDOT road widening project at N. Graham Street and W. Sugar Creek Road.

d. Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the tract or tracts within the Site involved in accordance with the provisions of Chapter 6.207 of the Ordinance.

2. Permitted Uses

a. Subject to the maximum building area set forth below, the Site may be devoted to any uses (including any accessory uses) as are permitted in the MUDD Zoning Classification.

b. Future accessory structures may be allowed on the Site, as permitted in the MUDD Zoning Classification.

3. Gross Floor Area

The existing building on the Site includes approximately 23,700 square feet of floor area. This building may be renovated and reused and, in addition, may also be expanded to up to approximately 9,200 square feet, generally as depicted on the Rezoning Plan, said expansion being one (1) story in height.

4. Optional Provisions

The Petitioner requests the following variations from the MUDD minimum standards for design and development as part of this MUDD-O petition:

a. The existing building and façade improvements shall be allowed to remain in their current condition.

b. Future improvements to the existing building façade shall not be required to construct recessed entrances.

c. The existing parking, loading, circulation, and other existing Site elements shall be allowed to remain in their current condition and location.

d. Parking and circulation shall be allowed between the building, including the proposed expansion area, and N. Graham Street and W. Sugar Creek Rd.

e. Petitioner shall be allowed to replace the existing detached sign with a new detached sign having a maximum height of fifteen feet (15') and maximum face area of sixty feet (60') to be installed generally in the same location.

f. The existing sidewalks along N. Graham Street and W. Sugar Creek Road shall remain in their current condition and location until improvements by NCDOT are completed. Petitioner shall not be required to demolish any new sidewalks installed as part of NCDOT's road widening project.

5. Streetscape

The petitioner has planted non-required street trees in the area behind the future right of way required for the road widening project for N. Graham Street and W. Sugar Creek Road. At such time as the building expansion may occur, Petitioner shall coordinate with Urban Forestry for any additional tree planting required to meet the Tree Ordinance requirements. As part of the road widening project, NCDOT will provide a five foot (5') sidewalk and a planting buffer of variable width, generally as depicted on the Rezoning Plan. Petitioner will attempt to work with NCDOT to widen the proposed sidewalk and move it back to allow for an eight foot (8') planting strip, but Petitioner will not otherwise be required to provide an six foot (6') sidewalk and eight foot (8') planting strip.

5. Transportation

a. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The two existing driveway cuts shall be allowed to remain, subject to final negotiations regarding future road improvements with and approval of NCDOT.

b. The existing driveway locations may be allowed to vary from their current location, subject to NCDOT/CDOT approval. In addition, the Petitioner reserves the right to join the existing parking and/or circulation with any future parking and/or circulation on the B-2 parcel to the south.

c. Petitioner shall provide a five foot (5') internal sidewalk connection between the Building and N. Graham Street and West Sugar Creek Road.

7. Binding Effect of the Rezoning Documents and Definitions

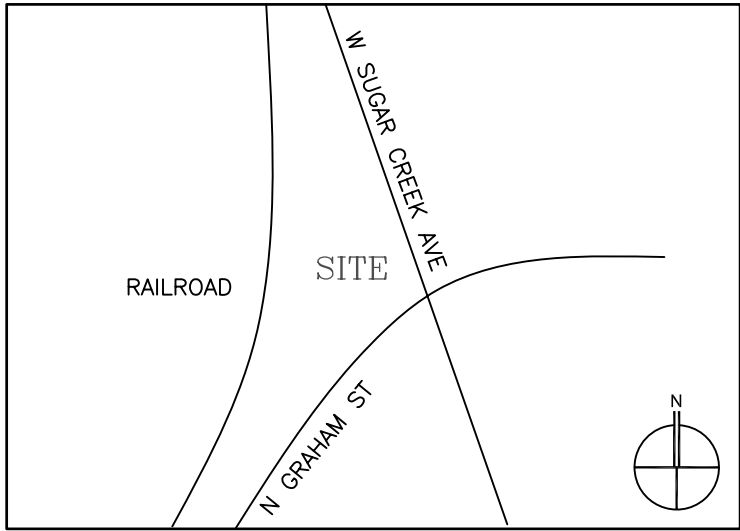
If this Rezoning Petition is approved, all development standards applicable to the development of the Site imposed under this Rezoning Plan will, unless amended in a manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their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



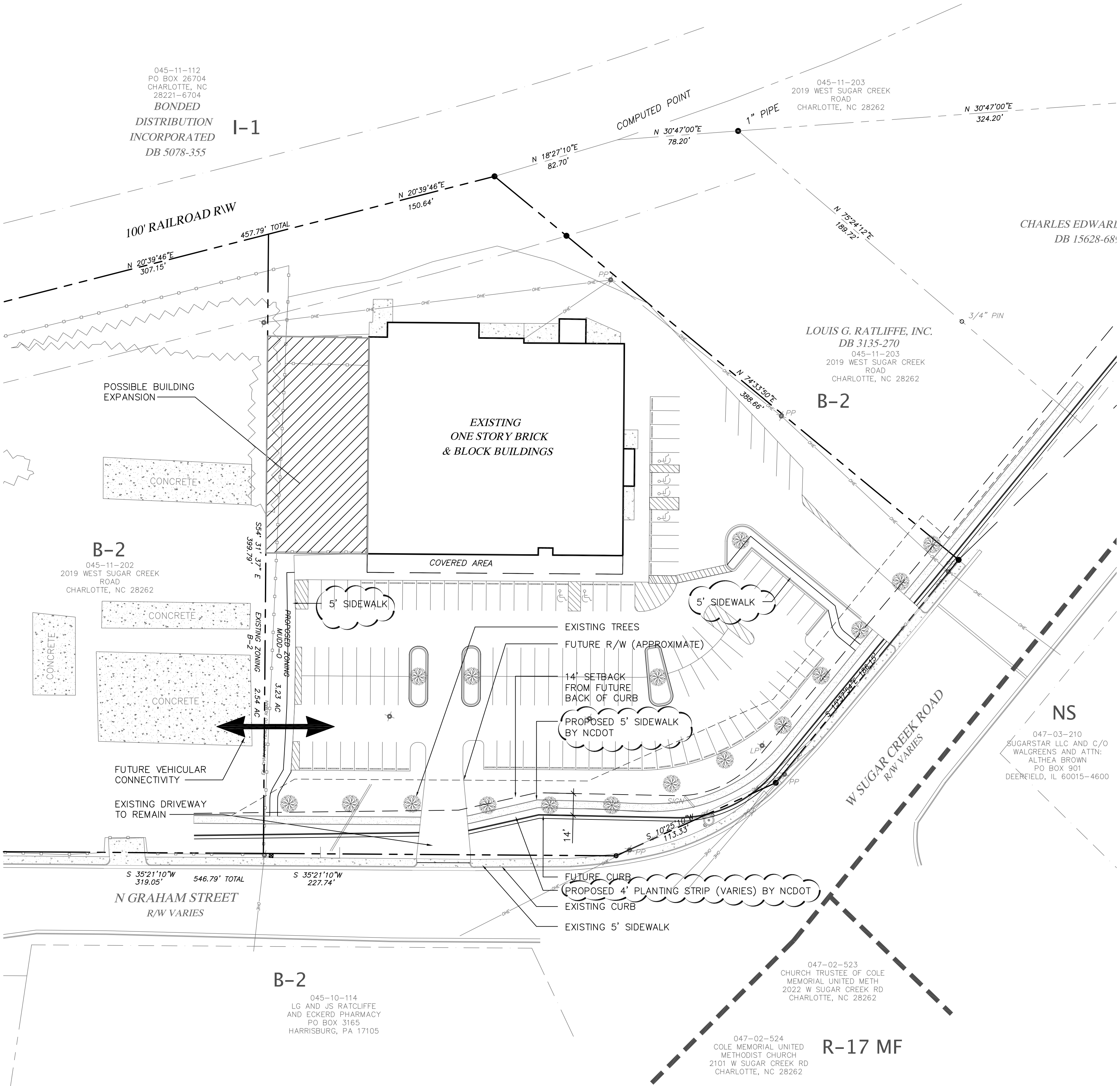
BUILDING ELEVATION (EXISTING)

SITE SUMMARY

| | |
|-----------------|---|
| TAX PARCEL ID | PORTION OF 045-112-02 |
| SITE AREA | 3.23 ACRES |
| EXISTING ZONING | B-2 |
| PROPOSED ZONING | MUDD-O |
| BUILDING AREA | 23,661 SF EXISTING 9,339 SF EXPANSION 33,000 SF TOTAL |
| PARKING | 1 SPACE:320 SF |



VICINITY MAP



design resource group

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- transportation planning

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CHARLOTTE, NORTH CAROLINA 28262
(704) 596-9424

REZONING PETITION
FOR PUBLIC HEARING
PETITION #2011-043

SCALE: 1" = 40'

PROJECT #: 347-001
DRAWN BY: DBS
CHECKED BY: DM

REZONING
PLAN

APRIL 25, 2011

REVISIONS:
1. 6-17-11 PER CMPC COMMENTS