

VICINITY MAP
NTS

SITE DEVELOPMENT DATA

Site Acreage: +/- 89.50 Ac.
 Tax Parcels: 231-131-07, 231-131-06
 Proposed Zoning: MUDD-O; and MX-2 Innovative with five (5) year vested rights.
 Existing Zoning: R-3 and R-3 (CD) by Rezoning Petition No. 2011-021
 Existing Uses: Vacant and two single-family homes.
 Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district and the MX-2 Innovative zoning district (as designated in development standards notes).

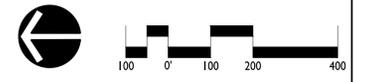
Maximum Gross Square Feet of Development:
 (i) within the MUDD-O zoning district: up to 560,000 square feet of gross floor area of office, retail, restaurant, personal services and other commercial uses (as designated in development standards notes); hotel uses for up to 150 rooms; up to 471 residential dwelling units (either: attached; detached; duplex; triplex; quadraplex; or multi-family dwelling units or any combination of these); and (ii) within the MX-2 Innovative zoning district: up to 90 detached, attached, duplex, triplex, and quadraplex dwelling units.

Maximum Building Height: As allowed by the Ordinance in the area zoned MX-Innovative. In the area zoned MUDD-O, building height will be limited to 95 feet (for the purposes of this height limit roof top penthouses and mechanical equipment screens will not be used to calculated allowed building height) otherwise building height will be measured as defined by the Ordinance.

Parking: As required by the Ordinance for the MX-2 Innovative portion of the Site and as specified in Table 12.202 "Minimum Required Off-Street Parking Spaces by Use" of the Off-Street Parking and Loading Section of the Ordinance for the portion of the Site zoned MUDD-O.

SITE LEGEND

- SITE ACCESS
- PUBLIC STREET
- PRIVATE STREET
- ZONING LINE
- DEVELOPMENT AREA
- BUILDING EDGE





SITE LEGEND

-  SITE ACCESS
-  PUBLIC STREET
-  PRIVATE STREET
-  ZONING LINE



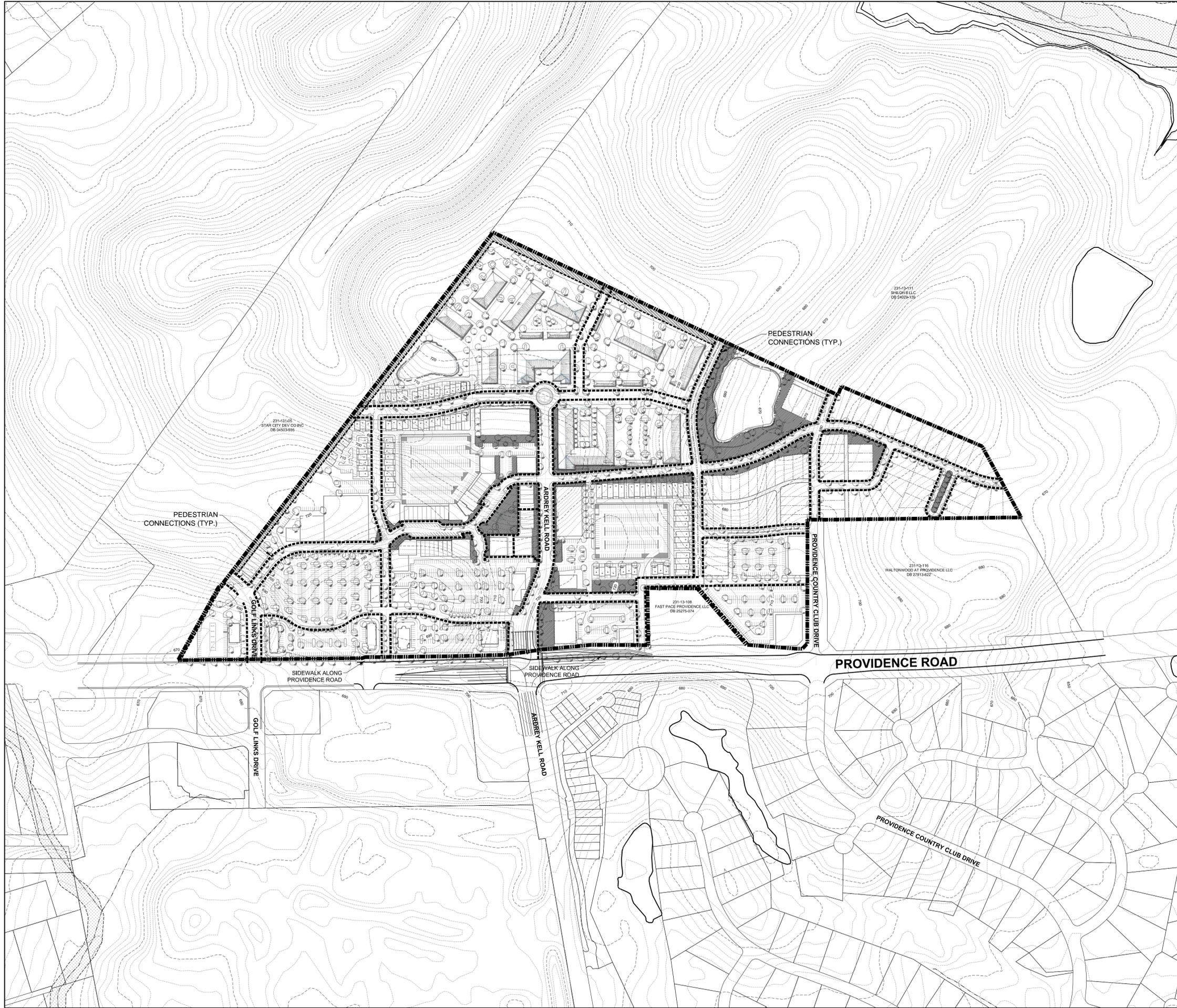
MATTHEWS FARM
REZONING PETITION No. 2013-000
 PROVIDENCE ROAD FARMS, LLC
 SCHEMATIC SITE PLAN

REVISIONS:

DATE: 07/20/13
 DESIGNED BY: KST
 DRAWN BY: MB
 CHECKED BY: KST
 C.C. BY: KST
 PROJECT #: 1013058

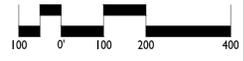
SHEET #:

RZ-2



SITE LEGEND

- PEDESTRIAN CONNECTIONS
- GREEN SPACE, HARDSCAPE, AND AMENITY NETWORK



REVISIONS:

DATE: 07/20/13
 DESIGNED BY: KST
 DRAWN BY: MB
 CHECKED BY: KST
 C.C. BY: KST
 PROJECT #: 1013058

SHEET #:
RZ-3

MATTHEWS FARM
REZONING PETITION No. 2013-000
 PROVIDENCE ROAD FARMS, LLC
 PEDESTRIAN CONNECTIVITY

Providence Road Farms, LLC
Development Standards
10/25/13
Rezoning Petition No. 2013-085 (Matthews Farms Mixed Use Community)

Site Development Data:

- Acreage: ± 89.5 acres
- Tax Parcel #: 231-131-06 and 07
- Existing Zoning: R-3 and R-3(CD) by Rezoning Petition No. 2011-021
- Proposed Zoning: MUDD-O, and MX-2 Innovative with five (5) year vested rights.
- Existing Uses: Vacant and two single-family homes.
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district and the MX-2 Innovative zoning district (as more specifically described below).
- Maximum Gross Square Feet of Development: (i) within the MUDD-O zoning district: up to 560,000 square feet of gross floor area of office, retail, restaurant, personal services and other commercial uses (as more specifically described below); hotel uses for up to 150 rooms; up to 471 residential dwelling units (either: attached; detached; duplex; triplex; quadruplex; or multi-family dwelling units or any combination of these); and (ii) within the MX-2 Innovative zoning district: up to 90 detached, attached, duplex, triplex, and quadruplex dwelling units.
- Maximum Building Height: As allowed by the Ordinance in the area zoned MX-Innovative. In the area zoned MUDD-O, building height will be limited to 95 feet (for the purposes of this height limit roof top penthouses and mechanical equipment screens will not be used to calculate allowed building height) otherwise building height will be measured as defined by the Ordinance.
- Parking: As required by the Ordinance for the MX-2 Innovative portion of the Site and as specified in Table 12.202 "Minimum Required Off-Street Parking Spaces by Use" of the Off-Street Parking and Loading Section of the Ordinance for the portion of the Site zoned MUDD-O.

1. General Provisions:

a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Providence Road Farms, LLC ("Petitioner") to accommodate development of mixed use commercial and residential community on an approximately 89.5 acre site located south of I-485 and east of Providence Road (the "Site").

b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, (i) the regulations established under the Ordinance for the MUDD-O zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below; and (ii) the regulations established under the Ordinance for the MX-2 Innovative zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Innovative Provisions provided below.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, and other site elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan as well as any schematic building elevations are graphic representations of the development and site elements proposed, and they may be altered or modified in accordance with the setback, yard and buffer requirements set forth on this Rezoning Plan and the Development Standards, provided, however, any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan. Changes to the Rezoning Plan not permitted by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

d. **Number of Buildings Principal and Accessory.** Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the portions of the Site zoned MUDD-O and developed for commercial uses shall not exceed 32 and the number of buildings within such portion of the site zoned MUDD-O and developed for the residential uses shall not exceed 40. Furthermore, notwithstanding the number of buildings or lots shown on the Rezoning Plan, the total number of principal buildings or lots to be developed on the portions of the Site zoned MX-2 Innovative and developed for the residential uses shall not exceed 95. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building. Other than parking structures, the size of accessory structures/buildings located within the portion of the Site zoned MUDD-O will be limited to 20% of the building area of the principal buildings constructed within such Development Areas to which the accessory structure/building (other than parking structures) relate.

e. **Planned/Unified Development.** The Site shall be viewed as a planned/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, buffers, building height separation standards, FAR requirements, public/private street requirements (except as set forth herein) and other similar zoning standards will not be required in respect to improvements and other site elements located on the Site nor between the areas zoned MUDD-O and MX-Innovative. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street requirements, and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 2 below as to the Site as a whole and not individual portions or lots located therein.

f. **Five Year Vested Rights.** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period, but such provisions shall not be deemed a limitation on any other vested rights whether at common law or otherwise.

2. Permitted Uses, Development Area Limitations, Transfer & Conversion Rights, and Certain Building Edge Treatments:

a. For ease of reference, the Rezoning Plan sets forth nine (9) development areas as generally depicted on the Technical Data Sheet as Development Areas A, A-1, A-2, A-3, B, C, D, E, and F (each a "Development Area" and collectively the "Development Areas").

b. Subject to the restrictions, limitations, and transfer/conversion rights listed below, the principal buildings constructed within Development Areas A, A-1, A-2, A-3, B, C, and D on the Site may be developed: (i) with up to 560,000 square feet of gross floor area of uses permitted by right and under prescribed conditions, (ii) a hotel with up to 150 rooms, and (iii) up to 96 dwelling units (either: attached; detached; duplex; triplex; quadruplex; or multi-family or any combination of these), together with accessory uses and uses under prescribed conditions in the MUDD-O zoning district; provided, however, the allowed dwelling units (either: attached; detached; duplex; triplex; quadruplex; or multi-family) shall be located within Development Areas A and C.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), 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 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 or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance areas), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas (whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

c. Subject to the restrictions, limitations, and transfer/conversion rights listed below, Development Area F may be developed for up to 375 multi-family and/or other residential dwelling units as described in Subsection 2.b. above, together with accessory uses and uses under prescribed conditions in the MUDD-O zoning district.

d. Subject to the restrictions, limitations, and transfer/conversion rights listed below, Development Area E may be developed for up to 90 detached, attached, duplex, triplex, and quadruplex dwelling units, together with accessory uses and uses under prescribed conditions in MX-2 Innovative zoning district.

e. The total square feet of gross floor area devoted to office uses and other commercial uses such as retail, restaurant and personal services uses shall be interchangeable provided that (i) the total square feet of gross floor area of all such office and other commercial uses does not exceed 560,000 square feet of gross floor area; (ii) the total square feet of gross floor area of all office uses does not exceed 330,000 square feet of gross floor area; and (iii) the total square feet of gross floor area for non-office commercial uses such as retail, restaurant and personal services uses does not exceed 230,000 square feet of gross floor area; furthermore, office uses may exceed the limitations described in item (i) above and non-office commercial uses may exceed the limitations described in item (ii) above up to an amount not to exceed 10% of the stated amounts by converting office uses into non-office commercial uses such as retail, restaurant and personal services at a ratio of 1.5 square feet of gross floor area of office uses for every 1 square foot of gross floor area of such non-office uses so converted and vice-versa, subject to the limitation described in item (i) above.

f. Additional hotel rooms may be developed within the area of the Site zoned MUDD-O by converting residential dwelling units into hotel rooms at the rate of one (1) residential unit so converted into two (2) hotel rooms, up to a maximum of 50 hotel rooms created by such conversion, and additional residential dwelling units may be developed by converting hotel rooms into residential dwelling units at the rate of two (2) hotel rooms so converted into one (1) residential dwelling unit up to a maximum of 25 residential dwelling units created by such conversion.

g. If less than 150 hotel rooms are constructed within the portion of the Site zoned MUDD-O, then subject to taking into account the number of hotel rooms converted to residential dwelling units as described above in Subsection 2.f, the permissible gross floor area described in Subsection 2.b. above may be increased at the rate of 1,000 square feet of gross floor area for each hotel room not constructed up to a maximum increased gross floor area of 50,000 square feet, such floor area being allocated among office uses and other non-office commercial uses such as retail, restaurant and personal services uses at a ratio of 1 square foot of office uses to 1.5 square foot of non-office commercial uses. By way of example only, if 15 hotel rooms were converted, the 15,000 square feet of gross floor area permitted for commercial uses could be used for an increase of up to 15,000 square feet of gross floor area of office uses or 10,000 square feet of gross floor area of non-office commercial uses, or some combination following the same ratio.

h. Entitlement for up to 30 residential dwelling units may be transferred among Development Areas A, C, and F.

i. Up to five (5) uses, in total, with an accessory drive-through window may be developed within Development Areas A, A-1, A-2, A-3 and B. If a gas station with or without a convenience store is constructed on one of the Development Areas referenced in this Subsection, then only four (4) uses with accessory drive through windows will be allowed, except that in such event the total of five (5) such uses with an accessory drive through window will be allowed to the extent two (2) of the five (5) such uses involve a bank/financial institution as the principal use. In no event, no more than two (2) restaurants with accessory drive-through windows will be allowed on the Site.

j. The Petitioner reserves the right to construct a surface parking lot in lieu of a parking deck in the areas currently illustrated for a parking deck on Sheet RZ-2 Schematic Site Plan.

3. Optional Provisions for MUDD-O Areas.

The following optional provisions shall apply to the portions of the Site designated MUDD-O on the Technical Data Sheet:

a. To allow vehicular parking, maneuvering and service between the proposed buildings and: (i) Providence Road; (ii) Ardrey Kell Road (extension); and (iii) the interior public streets, in the manner generally depicted on the Rezoning Plan.

b. To allow interim surface parking lots to be located in an established setback or between (i) a permitted use and building and a (ii) street. Surface parking areas will meet all required minimum setbacks and streetscape and screening requirements. These interim surface parking lots may only be established in Development Areas A, and C. The term "interim" for the purposes of this request shall be defined to mean a minimum of five (5) years and a maximum of 15 years from the date the surface parking area is completed in accordance with the following provisions. Prior to the passage of five (5) years from the completion of an application surface parking area, the Petitioner may request a five year extension from the Planning Director, which shall be granted if the Petitioner can demonstrate and provide reasonable evidence that due to market conditions the elimination of surface parking areas is not economically feasible. A maximum of two five (5) year extensions may be requested and granted. Each five year extension must be requested separately together with reasonable evidence justifying the extension. After the time period defined above has expired, including approved extensions, the Petitioner will bring the surface parking areas into compliance with the Ordinance.

c. To allow up to five (5) uses with an accessory drive-through windows within Development Areas A, A-1, A-2, A-3, and B.

d. To allow along Providence Road shopping center/development identifications signs in accordance with a master planned signage package, these signs may be up to 30 feet high and contain up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site except for any uses located within development Area A-1, A-2, A-3 and Area B.

e. To allow one (1) detached identification sign for each building located within Development Areas A-1, A-2, A-3 and B. These detached identification signs may be up to five (5) feet high and contain up to 50 square feet of sign area.

f. To allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less, within Development Areas A, A-1, A-2, A-3, B, C, and D.

g. To allow the uses within Development Area F to have detached sign(s) with up to 50 square feet of sign area and up to five (5) feet high.

h. To allow the multi-tenant office building(s) constructed within Development Area A, C, and D to have one detached sign each with up to 50 square feet of sign area and up to five (5) feet high.

i. To allow any of the detached signs allowed by the Ordinance or these Optional Provisions to be placed within the setbacks or landscape areas indicated on the Rezoning Plan, provided, however, such detached signs are located a minimum of 14 feet behind the back of curb of the abutting public street.

j. To not require doorways to be recessed into the face of the building(s).

k. To allow required long term bike parking spaces for the uses located within Development Areas A, C and D to be located within the parking decks constructed on the Site.

l. To allow the existing sidewalk and planting strip along Providence Road to remain.

Note: The optional provisions regarding signs are additions to the standards for signs in the MUDD district and should be used in conjunction with and in addition to the normal MUDD sign regulations

4. Innovative Development Standards for MX-2 Innovative Area.

The Petitioner hereby seeks in this Rezoning Petition the following Innovative Development Standards in connection with development taking place within Development Area E, the MX-2 Community to accommodate a variety of setback and yard widths and other development elements so as to allow for a pedestrian friendly neo-traditional residential development:

- a. A minimum lot size for single-family detached lots of 3,800 square feet.
- b. A minimum lot width of 35 feet.
- c. A minimum side yard of 3.0 feet.
- d. A minimum front setback as measured from the proposed right-of-way 5 feet.
- e. A minimum rear yard of 20 feet except where the rear lot line abuts property not included in this Petition at which point the rear yards will be 25 feet.
- f. A maximum building height of 40 feet as measured at the 3.0 side yard.
- g. The ability to allow single-family lots to front on private streets or open space areas.
- h. The ability to have an attached or detached garage encroach into the rear yard.

In addition, the Petitioner reserves the right to modify the innovative provisions described above or seek other innovative development standards in the future pursuant to the applicable process set forth in the Ordinance.

5. Access:

a. Access to the Site will be from Providence Road and the proposed extension of Ardrey Kell Road as generally depicted on the Rezoning Plan.

b. The number and location of access points to the internal public streets will be determined during the building permit process and thereafter additional or fewer driveways and additional private streets may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances and regulations.

c. The two public streets indicated within Development Area F will be designed as public streets with angled parking.

d. The private streets generally depicted on the Technical Data Sheet will be designed to meet a public street cross-section as defined in City of Charlotte Subdivision Ordinance in existence at the time of approval of this Petition. The determination of which street cross-section will be used will be determined during the subdivision review process.

e. Vehicular access to the residential dwellings located within Development Areas B and C will be from a private alley or a private street.

f. A sidewalk network as generally depicted by the pedestrian circulation plan set forth on Sheet RZ-3 of the Rezoning Plan will be provided. The minimum width of the sidewalks indicated will be six (6) feet, except in Development Area E where sidewalk widths may be five (5) feet.

g. The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards.

6. Transportation Improvements:

I. Proposed Improvements:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

The following Transportation Improvements are also illustrated on Figure ____ and ____ on Sheet RZ ____ of the Rezoning Plan. The figures on Sheet RZ ____ are to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds to the number or letter found on figure ____ and ____ for the proposed improvements).

(LIST OF IMPROVEMENTS TO BE FORTHCOMING)

II. Standards, Phasing and Other Provisions.

a. **CDOT/NCOT Standards.** All of the foregoing 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 south Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

b. Phasing (TO BE DETERMINED):

c. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 5.II above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 5.II.a above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

d. **Right-of-way Availability.** It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is 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 agree to proceed with condemnation of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such condemnation 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 public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

e. **Alternative Improvements.** Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

7. Architectural Standards:

a. The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-blank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.

b. Buildings fronting on Private Street #1 will have their storefront entrances along this Private Street. Additional entrances to the buildings may be provided that do not face Private Street #1 to meet building code requirements or tenant needs.

c. Non-residential buildings within Development Areas A, C and D that have frontage on Ardrey Kell Road or any of the new public or private streets indicated on the Technical Data Sheet will be designed to address the street and where possible will also have entrances that face the public or private street, except that buildings with frontage on two streets (either public or private or two legs of a roundabout) may have an entrance to only one street.

d. Residential buildings within Development Areas A, C, and F that front on a public or private street will be designed with buildings entrances that face the abutting public or private street, except that buildings with frontage on two streets (either public or private or two legs of a roundabout) may have an entrance to only one street.

e. Buildings within Development Areas A-1, A-2, A-3 and B will not orient the service side of such buildings to Providence Road.

f. The service areas of the buildings constructed within Development Areas A, C and F will be screened from the adjoining streets with walls designed to complement the building architecture of the adjacent buildings. Architectural features such as, but not limited to, banding, medallions, changes in color or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

g. Notwithstanding anything to the contrary, buildings constructed within Development Areas A-2, A-3 and B abutting Providence Road, Golf Links Drive, Private Streets 3 and 5, and Ardrey Kell Road (extension), will have no parking areas or maneuvering for parking areas located between the buildings and these streets, provided, however, a drive thru lane will be allowed between such buildings and these streets. If a drive-thru lane is installed between the buildings and the adjacent street(s) a low wall (2.0' to 2.5' feet high) and low accent planting will be provided between the drive thru lane and the adjacent street, and such wall will be constructed of building materials generally compatible with the buildings within Development Areas A-2, A-3 and B as applicable.

h. Off-street parking areas may not be located between Ardrey Kell Road and the proposed buildings, however, but vehicular parking and maneuvering may be located to the side or behind the such buildings and behind the established setback.

i. Along the extension of Ardrey Kell Road off-street parking areas will not occupy more than 45% of the linear street frontage of each block face along Ardrey Kell Road.

j. Retaining walls located on the Site will be accompanied by landscaping to help soften their appearance.

k. Meter banks will be screened where visible from public view at grade level.

l. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.

8. Streetscape, Landscaping and Buffers:

a. For portions of the Site designated MUDD-O and subject to the Optional Provisions above, a setback as required by the MUDD-O zoning district will be established along Providence County Club Drive and proposed public streets. For the portions of the Site designated MX-2 Innovative and subject to the Innovative Development Standards set forth above, a setback as required by the MX-2 Innovative zoning district will be established along existing and proposed public streets.

b. Along Providence Road a 20 foot landscape setback as measured from the back of the existing sidewalk will be provided, and no buildings, parking or maneuvering for parking will be allowed within this setback. This 20 foot landscape setback area will be landscaped with a variety of landscape materials (trees, shrubs, ornamental grasses, grass, and areas of seasonal color) and a low wall as described below. In locations where a drive-thru lane is constructed adjacent to the 20 foot landscape setback a low wall (2.0' to 2.5' feet high) will be added within the 20 foot landscape setback to supplement the landscape materials (the amount landscaping may be reduced where a wall is installed), and such wall will be constructed of building materials generally compatible with the adjacent building. A low wall as referenced above will also be provided within portions of the landscape setback that abut parking areas that are over 200 linear feet in length; in these instances a low wall will be added to the landscape setback for at least 100 linear feet.

c. Along the Site's internal private streets, the Petitioner will provide a sidewalk and a cross-walk network that links all the buildings on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. The minimum width for these internal sidewalks will be six (6) feet. Street trees will also be provided along the Site's internal public and private streets.

d. A landscaped area will be provided along the portion of the Site zoned MUDD-O as generally depicted on the Rezoning Plan. This buffer may be reduced in width as allowed by the Ordinance by the installation of a fence or wall. This buffer will be eliminated when the use or zoning on the adjoining property changes to a use or zoning category that no longer requires a buffer.

9. Environmental Features:

a. The project will provide for storm water best management practices (BMPs) designed to meet regulatory requirements for storm water capture, treatment, volume attenuation and detention as applicable.

b. The project reserves the right to adjust the natural drainage boundaries of the site as required to meet program requirements of the development while meeting applicable storm water controls regulations as applicable in above ground BMPs as depicted on the rezoning plan. Pre-developed release rates shall be set for BMP discharge based on pre-developed natural drainage patterns. Volume capture for the 1-year design storm event shall fully capture post-developed drainage area to said BMPs and release said volume over a 2 to 5 day release period. Water quality treatment shall be provided per regulation for the first 1" rainfall volume or "first flush".

c. The location, size and type of storm water management systems depicted on the Rezoning Plan is subject to adjustment in order to accommodate actual storm water treatment requirements as applicable.

d. The Site will comply with the Tree Ordinance.

10. Plazas and Open Space:

a. The Petitioner will provide for a "Pedestrian Plaza" to be located within Development Area A in the location generally depicted on Sheet RZ-3 of the Rezoning Plan. The Pedestrian Plaza will be designed as a significant pedestrian focal point and an amenity for that portion of the development. The Pedestrian Plaza will include features such as but not limited to: water features, windows, specialty graphics, landscaping, specialty paving, seating areas, signage, art work and/or other site elements that help create a vibrant Pedestrian Plaza area. Portions of the Pedestrian Plaza may be used for outdoor dining associated with restaurants. Additional open space areas will also be provided as generally illustrated on Sheet RZ-3 of the Rezoning Plan.

b. The open space area surrounding the water quality/storm water detention pond located in Development Area E will be improved as an amenity area as the adjacent portions of the Site are developed.

11. Signage:

a. Signage as allowed by the Ordinance and by the Optional Provisions listed above may be provided. The Site will be viewed as a Planned/Unified Development as defined by the Ordinance, consequently Shopping Center signs may be located throughout the Site portion of the Site designated MUDD-O as allowed by the Ordinance. The allowed signs may contain business and identification signage for any of the businesses or tenants located on the Site.

b. Master signage and graphic systems shall be adopted. In addition, signage is allowed pursuant to an approved "sign flex option" plan for the community, and such plan will be incorporated herein upon approval.

12. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site will be limited to 30 feet in height.

c. No "wall pak" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted and in loading dock areas or at the rear of the buildings where "wall pak" lighting that is designed as down lighting will be allowed.

13. Miscellaneous:

a. The Petitioner reserves the right to request a modification to the required internal public/private streets through the Alternative Compliance provisions of the Subdivision Regulations or through the variance process.

b. The Petitioner will make available on the Site to Charlotte Area Transit System (CATS) 40 non-exclusive parking spaces for use by transit customers. The 40 parking spaces will be located within Development Area A. The Petitioner will construct a bus stop shelter waiting pad in an area near the park and ride spaces and with pedestrian access. The location of the waiting pad will be determined during the land development permitting process in consultation with CATS. The Petitioner will work with CATS to provide a bus access easement between Providence Road and the parking spaces. The Petitioner reserves the right to terminate this commitment to provide 40 park and ride spaces should CATS discontinue Express Bus service to the Site.

14. Amendments to the Rezoning Plan:

a. 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 herein and of Chapter 6 of the Ordinance.

15. Binding Effect of the Rezoning Application:

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

b.