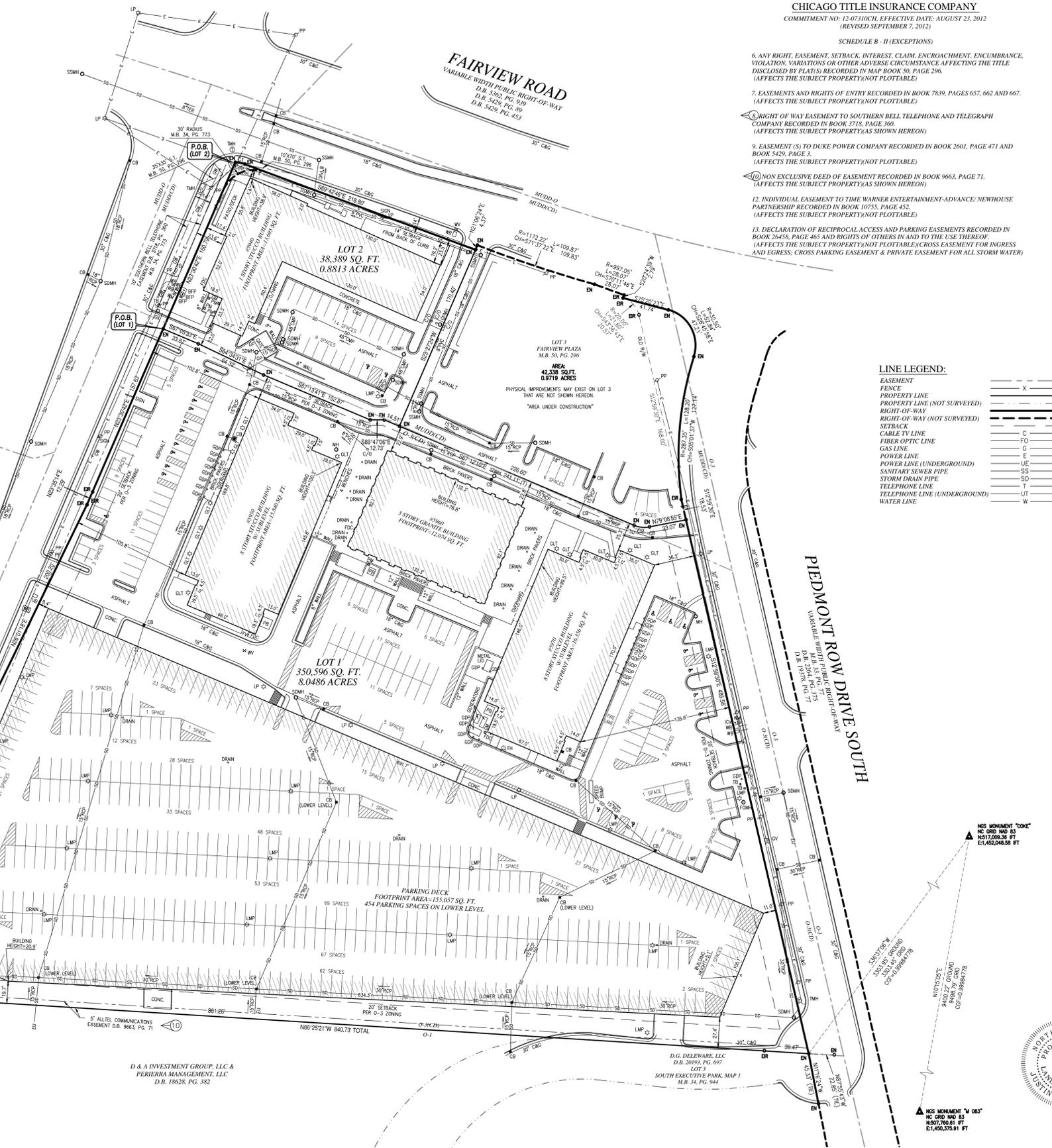


METES & BOUNDS DESCRIPTIONS:

TAX PARCEL: 179-022-39
 THAT CERTAIN TRACT OR PARCEL OF LAND BEING DESIGNATED AS LOT 1, RECOMBINATION PLAT OF FAIRVIEW PLAZA, AS RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, LYING AND BEING IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING NAIL LOCATED AT THE INTERSECTION FORMED BY THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE WITH THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE S 23°30'42" W A DISTANCE OF 160.79 FEET TO AN EXISTING NAIL BEING THE SOUTHWESTERLY CORNER OF LOT 2 AS DEPICTED ON A RECOMBINATION PLAT ENTITLED "FAIRVIEW PLAZA", RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, SAID NAIL ALSO BEING THE POINT AND PLACE OF BEGINNING; THENCE WITH THE SOUTHERLY LINE OF LOT 2 THE FOLLOWING FIVE (5) COURSES AND DISTANCES AS FOLLOWS: 1) S 67°05'33" E A DISTANCE OF 33.87 FEET TO AN EXISTING NAIL, 2) S 64°34'31" E A DISTANCE OF 64.32 FEET TO AN EXISTING NAIL, 3) S 67°13'41" E A DISTANCE OF 102.87 FEET TO AN EXISTING NAIL, 4) S 89°47'06" E A DISTANCE OF 12.73 FEET TO AN EXISTING NAIL, 5) S 67°12'10" E A DISTANCE OF 14.51 FEET TO AN EXISTING NAIL BEING THE SOUTHWESTERLY CORNER OF LOT 3, AS DEPICTED IN A FORESAID MAP BOOK 50, PAGE 296; THENCE WITH THE SOUTHERLY LINE OF LOT 3 THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) S 67°12'10" E A DISTANCE OF 226.60 FEET TO AN EXISTING NAIL, 2) WITH THE ARC OF A CIRCULAR CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 24.00 FEET, AND AN ARC LENGTH OF 14.09 FEET, (CHORD: S 64°03'38" E A DISTANCE OF 13.89 FEET TO AN EXISTING NAIL, 3) N 79°08'53" E A DISTANCE OF 33.07 FEET TO AN EXISTING NAIL LYING ON THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE SOUTH (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE WITH THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE SOUTH S 23°30'42" W A DISTANCE OF 455.56 FEET TO AN EXISTING NAIL BEING THE NORTH-EASTERLY CORNER OF THE D.G. DELAWARE, LLC PROPERTY AS DESCRIBED IN DEED BOOK 20193, PAGE 697; THENCE WITH THE NORTHERLY LINE OF THE D.G. DELAWARE, LLC PROPERTY AND CONTINUING WITH THE NORTHERLY LINE OF THE D & A INVESTMENT GROUP, LLC AND PERIERRA MANAGEMENT, LLC PROPERTY AS DESCRIBED IN DEED BOOK 18628, PAGE 382, N 69°27'21" W, PASSING AN EXISTING NAIL AT 39.47 FEET FOR A TOTAL DISTANCE OF 840.73 FEET TO AN EXISTING IRON ROD LYING ON THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE; THENCE WITH THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) N 23°10'50" E A DISTANCE OF 276.59 FEET TO AN EXISTING IRON ROD, 2) N 26°01'18" E A DISTANCE OF 200.20 FEET TO AN EXISTING IRON ROD, 3) N 23°35'14" E A DISTANCE OF 12.29 FEET TO AN EXISTING IRON ROD, 4) N 23°30'42" E A DISTANCE OF 157.63 FEET TO THE POINT OF BEGINNING, CONTAINING 330,596 SQUARE FEET OR 8.0486 ACRES OF LAND.

TAX PARCEL: 179-022-37
 THAT CERTAIN TRACT OR PARCEL OF LAND BEING DESIGNATED AS LOT 2, RECOMBINATION PLAT OF FAIRVIEW PLAZA, AS RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, LYING AND BEING IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT AN EXISTING NAIL LOCATED AT THE INTERSECTION FORMED BY THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE WITH THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) WITH THE ARC OF A CIRCULAR CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 8.83 FEET, AND AN ARC LENGTH OF 8.88 FEET, (CHORD: S 79°33'22" E A DISTANCE OF 8.83 FEET) TO AN EXISTING NAIL, 2) S 69°42'16" E A DISTANCE OF 218.80 FEET TO AN EXISTING NAIL BEING THE NORTHWESTERLY CORNER OF LOT 3 AS DEPICTED ON A RECOMBINATION PLAT ENTITLED "FAIRVIEW PLAZA", RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING WITH THE WESTERLY LINE OF LOT 3 S 23°27'24" W A DISTANCE OF 170.40 FEET TO AN EXISTING NAIL LYING ON THE NORTHERLY LINE OF LOT 1, AS DEPICTED IN A FORESAID MAP BOOK 50, PAGE 296; THENCE WITH THE NORTHERLY LINE OF LOT 1 THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) N 67°12'10" W A DISTANCE OF 14.51 FEET TO AN EXISTING NAIL, 2) N 89°47'06" W A DISTANCE OF 12.73 FEET TO AN EXISTING NAIL, 3) N 67°13'41" W A DISTANCE OF 102.87 FEET TO AN EXISTING NAIL, 4) N 64°34'31" W A DISTANCE OF 64.32 FEET TO AN EXISTING NAIL, 5) N 67°05'33" W A DISTANCE OF 33.87 FEET TO AN EXISTING NAIL ON THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE; THENCE WITH THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE N 23°30'42" E A DISTANCE OF 160.79 FEET TO THE POINT OF BEGINNING, CONTAINING 38,389 SQUARE FEET OR 0.8813 ACRES OF LAND.

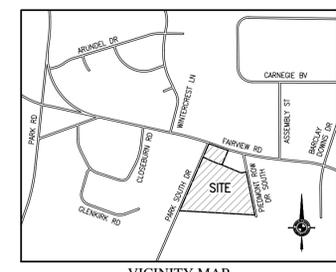


CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO: 12-07310CH, EFFECTIVE DATE: AUGUST 23, 2012
 (REVISED SEPTEMBER 7, 2012)

SCHEDULE B - II (EXCEPTIONS)

- 6. ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATIONS OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE DISCLOSED BY PLAT(S) RECORDED IN MAP BOOK 50, PAGE 296. (AFFECTS THE SUBJECT PROPERTY) (NOT PLOTTABLE)
- 7. EASEMENTS AND RIGHTS OF ENTRY RECORDED IN BOOK 7839, PAGES 657, 662 AND 667. (AFFECTS THE SUBJECT PROPERTY) (NOT PLOTTABLE)
- 8. RIGHT OF WAY EASEMENT TO SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY RECORDED IN BOOK 3718, PAGE 860. (AFFECTS THE SUBJECT PROPERTY) (AS SHOWN HEREON)
- 9. EASEMENT (S) TO DUKE POWER COMPANY RECORDED IN BOOK 2601, PAGE 471 AND BOOK 5429, PAGE 3. (AFFECTS THE SUBJECT PROPERTY) (NOT PLOTTABLE)
- 10. NON EXCLUSIVE DEED OF EASEMENT RECORDED IN BOOK 9663, PAGE 71. (AFFECTS THE SUBJECT PROPERTY) (AS SHOWN HEREON)
- 12. INDIVIDUAL EASEMENT TO TIME WARNER ENTERTAINMENT-ADVANCE/ NEWHOUSE PARTNERSHIP RECORDED IN BOOK 10755, PAGE 452. (AFFECTS THE SUBJECT PROPERTY) (NOT PLOTTABLE)
- 13. DECLARATION OF RECIPROCAL ACCESS AND PARKING EASEMENTS RECORDED IN BOOK 26458, PAGE 465 AND RIGHTS OF OTHERS IN AND TO THE USE THEREOF. (AFFECTS THE SUBJECT PROPERTY) (NOT PLOTTABLE) (CROSS EASEMENT FOR INGRESS AND EGRESS; CROSS PARKING EASEMENT & PRIVATE EASEMENT FOR ALL STORM WATER)



LEGEND:

- BFP - BACK FLOW PREVENTOR
- CONC. - CONCRETE
- C&C - CURB & GUTTER
- CB - CATCH BASIN
- CMP - CORRUGATED METAL PIPE
- CO - CLEANOUT
- D.B. - DEED BOOK
- EIR - EXISTING IRON ROD
- EN - EXISTING NAIL
- EU - END CROWN
- FOB - FIBER OPTIC BOX
- FOMH - FIBER OPTIC MANHOLE
- FDC - FIRE DEPARTMENT CONNECTION
- FH - FIRE HYDRANT
- FV - FIRE VALVE
- FES - FLARED END SECTION
- GM - GAS METER
- GP - GATE POST
- GV - GAS VALVE
- GMH - GREASE PIT MANHOLE
- GL - GROUND LIGHT
- GDP - GUARD POST
- GW - GUY WIRE
- ICV - IRRIGATION CONTROL VALVE
- LMP - LAMP POST
- SD - STORM DRAIN PIPE
- LP - LIGHT POLE
- MH - MANHOLE
- M.B. - MAP BOOK
- NGS - NATIONAL GEODETIC SURVEY
- OH&B - OVERHANG
- PM - POWER BOX
- PP - POWER METER
- PP - POWER POLE
- PG - PAGE
- PVC - PLASTIC PIPE
- R/W - RIGHT-OF-WAY
- RCP - REINFORCED CONCRETE PIPE
- ST - SIGHT TRIANGLE
- SDMH - STORM DRAIN MANHOLE
- SMH - SANITARY SEWER MANHOLE
- TB - TELEPHONE BOX
- TER - TERRACOTTA PIPE
- TMH - TELEPHONE MANHOLE
- UB - UTILITY BOX
- WB - WATER BOX
- WM - WATER METER
- WV - WATER VALVE

PARKING:

- MUDD: NO REQUIREMENTS
- O-3: 1 PARKING SPACE PER 300 SQ. FT.
- LOT 1: 1,047 REGULAR PARKING SPACES, 20 HANDICAPPED PARKING SPACES, 1,067 TOTAL PARKING SPACES
- LOT 2: 23 REGULAR PARKING SPACES, 2 HANDICAPPED PARKING SPACES, 25 TOTAL PARKING SPACES

ZONING:

- RESTRICTIONS AS PER ZONING ORDINANCE: SUBJECT PROPERTY ZONED: MUDD(CD) & O-3(CD)
- MINIMUM SETBACK REQUIREMENTS LOT 2 PER ZONING PETITION NO. 2006-074 (MUDD(CD))
- MINIMUM SETBACK: 14 FT. FROM BACK OF CURB
- MINIMUM SIDE YARD: 0'
- MINIMUM REAR YARD: 0'
- HEIGHT: 120'
- O-3(CD)
- MINIMUM SETBACK: 20'
- MINIMUM SIDE YARD: 5'
- MINIMUM REAR YARD: 30'
- HEIGHT: 5 STORIES, PER SITE PLAN (95-17)
- FOR FURTHER INFORMATION CONTACT THE CHARLOTTE-MECKLENBURG ZONING DEPARTMENT AT 704-336-3569.

LINE LEGEND:

- EASEMENT
- FENCE
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY (NOT SURVEYED)
- RIGHT-OF-WAY (NOT SURVEYED)
- SETBACK
- CABLE TV LINE
- FIBER OPTIC LINE
- GAS LINE
- POWER LINE (UNDERGROUND)
- POWER LINE (UNDERGROUND)
- SANITARY SEWER PIPE
- STORM DRAIN PIPE
- TELEPHONE LINE
- TELEPHONE LINE (UNDERGROUND)
- WATER LINE

NOTES:

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
5. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
6. PARK SOUTH DRIVE IS SHOWN AS A "MINOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 35' FROM CENTERLINE.
7. FAIRVIEW ROAD IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 50' FROM CENTERLINE.
8. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT-OF-WAY WIDTH OF ANY ADJACENT PROPERTIES.
9. THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT ORDER NO. 12-07310CH WITH AN EFFECTIVE DATE OF AUGUST 23, 2012 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN TO ME HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

ALTA CERTIFICATION:

TO: JEFFERIES LOANCORE LLC, ITS SUCCESSORS AND ASSIGNS; CHICAGO TITLE INSURANCE COMPANY AND CHICAGO TITLE COMPANY, LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 11(A), 13, 16, 18 AND 21 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON SEPTEMBER 07, 2012.

JUSTIN F. CLONINGER, NCPLS DATE



REZONING PETITION #2014-117 EXISTING CONDITIONS RZ-1

REVISIONS	ALTA/ACSM LAND TITLE SURVEY PREPARED FOR:
09/24/12 - GENERAL CORRECTIONS.	FAIRVIEW PLAZA ASSOCIATES, L.P.
10/01/12 - GENERAL CORRECTIONS.	5940, 5950, 5960 & 5970 FAIRVIEW ROAD 6010 PIEDMONT ROW DRIVE SOUTH CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C. LOTS 1 & 2, FAIRVIEW PLAZA MAP REFERENCE: M.B. 50, PG. 296 DEED REFERENCE: D.B. 4278, PG. 350, D.B. 4637, PG. 155 & D.B. 9869, PG. 952 TAX PARCEL NO: 179-022-37 & 39
	R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING LICENSE NO. C-1471 420 HAWTHORNE LANE CHARLOTTE, NC 28224 TEL: (704) 376-2186
CREW: KD	SCALE: 1" = 50'
DRAWN: CW	DATE: SEPTEMBER 07, 2012
REVISED: CW	FILE NO. W-3603B JOB NO. 78637

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED MARCH 2, 2005 (COMMUNITY PANEL NO: 370158 4541J (MAP NO. 371045 4100J)) (ZONE X-UNSHADED)

THIS IS TO CERTIFY THAT ON THE 8TH DAY OF SEPTEMBER 2012, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE, 1600 (21 NCAC 36) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED

GRAPHIC SCALE



CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	25.00'	8.88'	8.83'	S79°53'22"E
C2	24.00'	14.09'	13.89'	S84°01'38"E

(IN FEET)
 1 inch = 50 ft.

June 23, 2015 - 11:46am By: andrew.polina

K:\CHL_PRA\015272_MAC\030 Fairview Road\Draw\Zoning\RZ-4_Zone_notas.dwg

DEVELOPMENT STANDARDS

JUNE 22, 2015

GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY FAIRVIEW PLAZA JLC, LLC ("PETITIONER") TO ACCOMMODATE A MIXED USE DEVELOPMENT THAT COULD CONTAIN OFFICE, RETAIL, HOTEL AND RESIDENTIAL USES ON THAT APPROXIMATELY 5.25 ACRE SITE LOCATED ON PARK SOUTH DRIVE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS A PORTION OF TAX PARCEL NO. 179-022-39.
B. 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 OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT ("MUDD") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT OF THE SITE.
C. THE DEVELOPMENT AND USES DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK AND YARD REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
D. SIDEWALKS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE ALTERED PROVIDED THAT SUCH ALTERATIONS DO NOT MATERIALLY CHANGE THE DESIGN INTENT GENERALLY DEPICTED ON THE REZONING PLAN.
E. THE SITE AND THE REMAINDER OF TAX PARCEL NO. 179-022-39 SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. THEREFORE, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION REQUIREMENTS AND OTHER SIMILAR ZONING STANDARDS SHALL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS, USES AND OTHER SITE ELEMENTS LOCATED ON THE SITE AND THE REMAINDER OF TAX PARCEL NO. 179-022-39. FURTHERMORE, PETITIONER AND/OR OWNER OF THE SITE AND THE REMAINDER OF TAX PARCEL NO. 179-022-39 RESERVE THE RIGHT TO SUBDIVIDE PORTIONS OR ALL OF THE SITE AND THE REMAINDER OF TAX PARCEL NO. 179-022-39 AND TO CREATE LOTS WITHIN THE INTERIOR OF THE SITE AND THE REMAINDER OF TAX PARCEL NO. 179-022-39 WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS AND PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS. PROVIDED, HOWEVER, THAT THE DEVELOPMENT OF THE SITE AND THE REMAINDER OF TAX PARCEL NO. 179-022-39 SHALL BE REQUIRED TO MEET ANY APPLICABLE SETBACK, SIDE YARD AND REAR YARD REQUIREMENTS WITH RESPECT TO THE EXTERIOR BOUNDARY OF THE SITE.
F. PURSUANT TO SECTION 1.110 OF THE ORDINANCE AND SECTION 160A-385.1 OF THE NORTH CAROLINA GENERAL STATUTES, THE REZONING PLAN, IF APPROVED, SHALL BE VESTED FOR A PERIOD OF 5 YEARS DUE TO THE SIZE AND PHASING OF THE DEVELOPMENT, THE LEVEL OF INVESTMENT, ECONOMIC CYCLES AND MARKET CONDITIONS.
G. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

OPTIONAL PROVISIONS

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE DEVELOPMENT OF THE SITE:

- A. TO ALLOW THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 3 TO HAVE A MAXIMUM HEIGHT OF 150 FEET.
B. DOORS AND BUILDING ENTRANCES SHALL NOT BE REQUIRED TO BE RECESSED.
C. REFLECTIVE GLASS MAY BE UTILIZED ON GROUND FLOOR ELEVATIONS AS DESCRIBED BELOW IN PARAGRAPH F UNDER ARCHITECTURAL AND DESIGN STANDARDS.

PERMITTED USES

- A. THE BUILDINGS TO BE LOCATED ON THE SITE MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OR MIXTURE OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT:
(1) PLANNED MULTI-FAMILY DWELLING UNITS;
(2) EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1), AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 2) SUBJECT TO THE APPLICABLE REGULATIONS OF SECTION 12.546 OF THE ORDINANCE;
(3) HOTELS;
(4) ART GALLERIES;
(5) COLLEGES, UNIVERSITIES, COMMERCIAL SCHOOLS AND SCHOOLS PROVIDING ADULT TRAINING IN ANY OF THE SCIENCES, TRADES AND PROFESSIONS;
(6) PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING, WITHOUT LIMITATION, CLINICS, MEDICAL, DENTAL AND DOCTORS' OFFICES;
(7) RETAIL SALES LIMITED TO USES ALLOWED IN THE B-1 ZONING DISTRICT;
(8) SERVICES, INCLUDING, WITHOUT LIMITATION, BEAUTY SHOPS AND BARBERSHOPS, SPAS AND FITNESS CENTERS;
(9) POST OFFICES; AND
(10) STRUCTURED PARKING DECKS AS AN ACCESSORY USE.

DEVELOPMENT LIMITATIONS

- A. A MAXIMUM OF 400 PLANNED MULTI-FAMILY DWELLING UNITS MAY BE DEVELOPED ON THE SITE.
B. A MAXIMUM OF 300 HOTEL ROOMS MAY BE DEVELOPED ON THE SITE.
C. A MAXIMUM OF 75,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO RETAIL USES AND TO EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND TYPE 2) MAY BE DEVELOPED ON THE SITE.
D. A MAXIMUM OF 125,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES AND TO THE OTHER USES SET OUT ABOVE UNDER PERMITTED USES (EXCLUDING PLANNED MULTI-FAMILY DWELLING UNITS, HOTEL ROOMS, RETAIL USES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND TYPE 2)) MAY BE DEVELOPED ON THE SITE.
E. FOR PURPOSES OF THESE DEVELOPMENT LIMITATIONS AND THE DEVELOPMENT STANDARDS IN GENERAL, THE TERM "GROSS FLOOR AREA" 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 CRAWL SPACES), 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.

- F. AS PROVIDED IN PARAGRAPH E ABOVE, THE GROSS FLOOR AREA OF ANY STRUCTURED PARKING FACILITIES CONSTRUCTED ON THE SITE SHALL NOT BE CONSIDERED OR COUNTED TOWARDS THE MAXIMUM GROSS FLOOR AREA OR DENSITY ALLOWED ON THE SITE.

TRANSPORTATION

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION.
B. OFF-STREET PARKING SHALL BE LOCATED AS GENERALLY DEPICTED ON THE REZONING PLAN. OFF-STREET PARKING MAY BE LOCATED IN SURFACE PARKING LOTS OR IN STRUCTURED PARKING FACILITIES.
C. THE DEVELOPMENT SHALL COMPLY WITH THE PARKING REQUIREMENTS OF THE MUDD ZONING DISTRICT.
D. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL DESIGN, CONSTRUCT AND INSTALL THE FOLLOWING TRANSPORTATION IMPROVEMENTS:
(1) EAST - WEST CONNECTOR ROAD
(a) CONSTRUCT AND INSTALL THE NEW EAST - WEST CONNECTOR ROAD ALONG THE SOUTHERN BOUNDARY OF THE SITE BETWEEN PARK SOUTH DRIVE AND PIEDMONT ROW DRIVE SOUTH (THE "CONNECTOR ROAD") AS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN. THE CONNECTOR ROAD SHALL BE A PRIVATE ROAD BUT IT SHALL BE ACCESSIBLE BY THE PUBLIC.
(2) PARK SOUTH DRIVE BETWEEN FAIRVIEW ROAD AND THE CONNECTOR ROAD
(a) MODIFY THE EXISTING CURB ON THE EASTERN SIDE OF PARK SOUTH DRIVE TO INCLUDE A 5-LANE SECTION WITH 2 NORTHBOUND LANES.
(b) CONVERT THE EXISTING TWO-WAY LEFT-TURN LANE TO DEDICATED LEFT-TURN LANES FOR THE INTERSECTIONS. A RAISED MEDIAN OF VARIABLE WIDTH WILL BE INSTALLED BETWEEN FAIRVIEW ROAD AND A POINT SOUTH OF THE SOUTHERN-MOST SITE DRIVE AND NORTH OF THE CONNECTOR ROAD (THE MEDIAN TERMINATES IN THE TAPER THAT CREATES THE SOUTHBOUND LEFT-TURN LANE AT THE CONNECTOR ROAD).
(c) THE CONSTRUCTION OF THE MEDIAN WILL LIMIT THE RELEVANT EXISTING DRIVEWAYS ALONG PARK SOUTH DRIVE TO RIGHT-IN/RIGHT-OUT ONLY DRIVEWAYS.
(d) INSTALL A PEDESTRIAN REFUGE ISLAND WITHIN THE MEDIAN IN THE VICINITY OF WHERE THE DRIVEWAYS ARE ALIGNED WITH BRIGHTON GARDENS AND THE EXISTING FAIRVIEW PLAZA OFFICE DRIVEWAY (APPROXIMATELY 350 FEET SOUTH OF FAIRVIEW ROAD).
(3) PARK SOUTH DRIVE AT FAIRVIEW ROAD
(a) EXTEND THE EXCLUSIVE NORTHBOUND LEFT-TURN LANE ALONG PARK SOUTH DRIVE TO INCLUDE 250 FEET OF STORAGE.
(b) OPTIMIZE INTERSECTION SPLITS AND OFFSETS DURING THE AM AND PM PEAK HOURS (WHILE KEEPING A 150 SECOND CYCLE LENGTH).
(4) FAIRVIEW ROAD AT PIEDMONT ROW DRIVE SOUTH
(a) OPTIMIZE INTERSECTION SPLITS AND OFFSETS DURING THE AM AND PM PEAK HOURS (WHILE KEEPING A 150 SECOND CYCLE LENGTH).
(b) SET THE ROW AND THE NEW BUILDING LOCATIONS ALONG PIEDMONT ROW DRIVE SOUTH TO ALLOW FOR THE FUTURE CONSTRUCTION OF TWO RECEIVING LANES SOUTHBOUND.
(5) PIEDMONT ROW DRIVE SOUTH AT THE CONNECTOR ROAD
(a) PROVIDE STOP CONTROL ON ALL APPROACHES OF THIS INTERSECTION TO BE CONVERTED TO AN ALL-WAY STOP-CONTROLLED INTERSECTION (AWSC).
(6) PARK SOUTH DRIVE AT THE CONNECTOR ROAD/ADULT DAYCARE DRIVEWAY
(a) INSTALL A TRAFFIC SIGNAL.
(b) OPERATE THE SOUTHBOUND LEFT-TURN MOVEMENT UNDER PROTECTED/PERMISSIVE PHASING.
(c) PROVIDE 175 FEET OF SOUTHBOUND LEFT-TURN STORAGE ALONG PARK SOUTH DRIVE.
(d) CONSTRUCT A SHARED NORTHBOUND THROUGH/RIGHT-TURN LANE ALONG PARK SOUTH DRIVE WITH 100 FEET OF STORAGE.
(e) CONSTRUCT THE WESTBOUND APPROACH OF THE CONNECTOR ROAD TO INCLUDE AN EXCLUSIVE LEFT-TURN LANE (AS THE DROP LANE) AND A SHARED THROUGH/RIGHT LANE WITH 200 FEET OF STORAGE.

ARCHITECTURAL AND DESIGN STANDARDS

- A. SUBJECT TO THE OPTIONAL PROVISIONS, THE DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE APPLICABLE URBAN DESIGN STANDARDS OF SECTION 9.8506 OF THE ORDINANCE.
B. THE MAXIMUM HEIGHT OF THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 1 SHALL BE 90 FEET.
C. THE MAXIMUM HEIGHT OF THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 2 SHALL BE 120 FEET.
D. THE MAXIMUM HEIGHT OF THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 3 SHALL BE 150 FEET.
E. BUILDINGS WILL BE ORIENTED TOWARDS AND HAVE PROMINENT PEDESTRIAN ENTRANCES ON THE ADJACENT PUBLIC STREETS WITH THE EXCEPTION THAT BUILDINGS WILL NOT BE ORIENTED TOWARDS AND HAVE PROMINENT PEDESTRIAN ENTRANCES ON THE PRIVATE CONNECTOR ROAD.
F. WINDOWS AND DOORS SHALL BE PROVIDED FOR AT LEAST 60% OF THE TOTAL FACADE AREA ALONG PUBLIC STREETS WITH EACH FLOOR CALCULATED INDEPENDENTLY. A MAXIMUM OF 20% OF THE REQUIRED 60% OF WINDOWS AND DOORS LOCATED ON THE GROUND FLOOR MAY BE REFLECTIVE GLASS. THE MAXIMUM CONTIGUOUS AREA WITHOUT WINDOWS OR DOORS ON THE GROUND FLOOR SHALL NOT EXCEED 10 FEET IN HEIGHT OR 20 FEET IN LENGTH.
G. GROUND FLOOR ELEVATIONS SHALL BE TREATED WITH A COMBINATION OF FENESTRATION, CLEAR GLASS, PROMINENT ENTRANCES, PORCHES, STOOPS, CHANGE IN MATERIALS, BUILDING STEP BACKS, ART WORK AND LANDSCAPING. BLANK WALLS CANNOT BE ADDRESSED WITH LANDSCAPE ELEMENTS ONLY.
H. FACADES OVER 75 FEET IN LENGTH SHALL INCORPORATE WALL PROJECTIONS OR RECESSES A MINIMUM OF 5 FEET IN DEPTH. THE COMBINED LENGTH OF SAID RECESSES

AND PROJECTIONS SHALL CONSTITUTE AT LEAST 20% OF THE TOTAL FACADE LENGTH.

- I. FACADES SHALL PROVIDE VISUAL DIVISIONS BETWEEN THE FIRST AND SECOND STORIES THROUGH ARCHITECTURAL MEANS SUCH AS COURSES, AWNINGS OR A CHANGE IN PRIMARY FACADE MATERIALS OR COLORS.
J. FACADES ABOVE THE FIRST STORY SHALL INCORPORATE WINDOWS, ARCHES, BALCONIES OR OTHER ARCHITECTURAL DETAILS.
K. THE SITE WILL INCLUDE A SERIES OF PUBLICLY ACCESSIBLE OPEN SPACES AND PLAZAS AS FOCAL POINTS. THESE FOCAL POINTS WILL INCLUDE SOME COMBINATION OF LANDSCAPING, HARDSCAPE, MONUMENTATION, WATER FEATURES, SEATING AREAS AND/OR ART WORK.
L. ATTACHED TO THE REZONING PLAN ARE AN AERIAL PERSPECTIVE RENDERING OF THE BUILDINGS PROPOSED TO BE CONSTRUCTED ON THE SITE AND A MASSING EXHIBIT THAT ARE INTENDED ONLY TO DEMONSTRATE THE MASSING AND SCALE OF THE BUILDINGS PROPOSED TO BE DEVELOPED ON THE SITE. THE ARCHITECTURAL DESIGN OF THE PROPOSED BUILDINGS MAY VARY FROM THE AERIAL PERSPECTIVE RENDERING AND THE MASSING EXHIBIT.
M. ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES AS VIEWED FROM GRADE.
N. EXTERIOR DUMPSTER AREAS AND RECYCLING AREAS 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 BUILDINGS. IF ONE OR MORE SIDES OF A DUMPSTER AREA ADJOIN A SIDE OR REAR WALL OF A BUILDING, THEN THE SIDE OR REAR WALL MAY BE SUBSTITUTED FOR A SIDE. ADDITIONALLY, DUMPSTER AND RECYCLING AREAS MAY BE LOCATED WITHIN STRUCTURED PARKING FACILITIES OR WITHIN THE INTERIOR OF A BUILDING LOCATED ON THE SITE, AND ANY SUCH DUMPSTER AND RECYCLING AREAS MAY HAVE ROLL UP DOORS AND THE CONTAINERS CAN BE MOVED OUTSIDE TO BE EMPLOYED AND THEN RETURNED TO THE INTERIOR OF THE STRUCTURED PARKING FACILITY OR A BUILDING.

SETBACK AND YARDS/STREETSCAPE

- A. SETBACKS AND YARDS SHALL BE PROVIDED AS DEPICTED ON THE REZONING PLAN.
B. PETITIONER SHALL INSTALL PLANTING STRIPS AND SIDEWALKS ALONG THE SITE'S PUBLIC STREET FRONTAGES AS GENERALLY DEPICTED ON THE REZONING PLAN.

ENVIRONMENTAL FEATURES

- A. DEVELOPMENT OF THE SITE SHALL BE IN COMPLIANCE WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
B. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
C. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

SIGNS

ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

LIGHTING

- A. ALL NEW FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS AND PARKING AREAS) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.
B. THE MAXIMUM HEIGHT OF ANY NEW FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE SHALL BE 30 FEET.
C. ANY LIGHTING FIXTURES ATTACHED TO THE STRUCTURES TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
C. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.

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CLIENT: FAIRVIEW PLAZA JLC, LLC, 5950 FAIRVIEW ROAD, SUITE 800, CHARLOTTE, NORTH CAROLINA 28210

PROJECT: FAIRVIEW PLAZA, REZONING PETITION #2014-117, PARK SOUTH DRIVE AT FAIRVIEW ROAD, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

TITLE: REZONING NOTES

DESIGNED BY: KMG, DRAWN BY: ASP, CHECKED BY: MSM, DATE: 06/22/2015, PROJECT#: 015272030

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