

### VICINITY PLAN

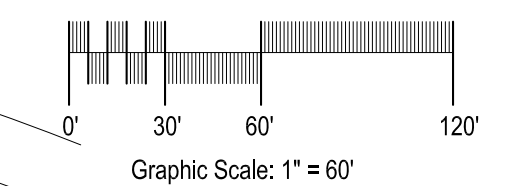
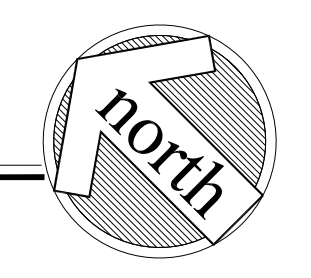
- Site Development Data:**
- Acreage: ± 10.80 acres
  - Tax Parcel #: 183-121-10 and 14
  - Existing Zoning: B-1(CD) and R-12MF
  - Proposed Zoning: MUDD-O
  - Existing Uses: A convenience store and a multi-family complex.
  - Proposed Uses: Retail; Eating, Drinking, Entertainment, Establishments (EDEE); Residential Dwelling units; general and medical office uses; and Personal Service Uses as permitted by right, under prescribed conditions, and by the Optional provisions below together with accessory uses, as allowed in the MUDD zoning district (as more specifically described and restricted below in Section 3).
  - Maximum Gross Square feet of Development: Up to 100,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses and personal service uses; and up to 225 residential dwellings units as allowed by right and under prescribed conditions in the MUDD zoning district, provided, however, the enclosed loading dock shall not be part of the gross floor area for this provision.
  - Maximum Building Height: Buildings developed principally with residential uses will be limited to a maximum building height of five (5) stories, not to exceed 75 feet; buildings developed principally with non-residential uses will be limited to a maximum building height of two (2) stories, not to exceed 45 feet. Architectural features such as spires, mansards, domes, and the like as well as roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will be allowed and will not be considered part of the allowed five (5) story or the allowed 75 foot maximum building height.
  - Parking: A minimum of one parking space per 400 square feet of non-residential gross floor area and 1.0 spaces per dwelling unit will be provided.



LEVINE PROPERTIES

RALEY MILLER  
PROPERTIES, INC.

## SITE PLAN



Columbine Circle

Providence at Fairview CHARLOTTE, NC

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project no.	drawn	date
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**Mallard Creek Associates #1, LLC.  
Development Standards  
01/26/15  
Rezoning Petition No. 2015-000**

**Site Development Data:**

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- Parking: A minimum of one parking space per 400 square feet of non-residential gross floor area and 1.0 spaces per dwelling unit will be provided.

**I. General Provisions:**

a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets RZ-1 and RZ-2 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Mallard Creek Associates #1, LLC. ("Petitioner") to accommodate the development of a high quality retail uses; Eating, Drinking Entertainment Establishments; Residential Dwellings units; General and Medical office uses; and Personal Service uses on an approximately 10.80 acre site located on the northeast quadrant of the intersection of Providence Road and Fairview 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, the regulations established under the Ordinance for the MUDD-O zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- i. expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or
- ii. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- iii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties but no closer than the "external building line" (in this case the external setbacks, side or rear yards) indicated on Sheet RZ-1; or
- iv. modifications to allow minor increases or decreases in the mass of the buildings that do not materially change the design intent depicted on or described in the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

d. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site will be limited eight (8). 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.

**2. Optional Provisions.**

The following optional provisions shall apply to the Site:

- a. 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.
- b. To allow one detached shopping center identification sign per street front with a maximum height of 20 feet and containing up to 128 square feet of sign area.
- c. To allow, free-standing single-use buildings, to have a detached identification sign up to four (4) feet high with up to 32 square feet of sign area.
- d. To allow up to two uses with accessory drive-through windows. The allowed accessory windows will be designed so that they do not circulate between the proposed building and Providence Road and Fairview Road.
- e. To not require doorways to be recessed into the face of the building(s).
- f. The definition of "Gross Floor Area" or "GSA" set forth below shall be permitted and applied in the manner described below.

*Note: The optional provision regarding signs is an addition/modification to the standards for signs in the MUDD district and is to be used with the remainder of MUDD standards for signs not modified by these optional provisions.*

**3. Permitted Uses, Development Area Limitations:**

a. Subject to the restrictions and limitations listed below, the principal buildings constructed on the Site may be developed with up to 100,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses, and personal service uses; and 225 residential dwellings units as permitted by right, under prescribed conditions and per the Optional provisions above together with accessory uses allowed in the MUDD-O zoning district (*As per the definition of Gross Floor Area below the square footage of the proposed parking structure will not be considered when calculating the allowed square feet of gross floor area for the Site.*)

*Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandise but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, Spa's, Yoga and exercise studios, nail salons, massage shops, martial art training studios, dry cleaning establishments, locksmiths, and alike.*

b. Up to two (2) uses with an accessory drive through window will be permitted on the Site.

c. The following uses will not be allowed; gasoline service stations with or without a convenience store.

*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 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 or these development standards).*

**4. Transportation Improvements and Access:**

**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 --- located on Sheet RZ -- of the Rezoning Plan. Figure --- on Sheet RZ -- is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number when describing an improvement corresponds to the number found on Figure --- on Sheet RZ -- for the proposed improvement).*

The following roadway improvements will be made by the Petitioner as part of the redevelopment of the Site as proposed by the Rezoning Plan:

a. **The proposed roadway improvements will be added after the Traffic Impact Study is Reviewed by CDOT and NCDOT.**

**II. Standards, Phasing and Other Provisions.**

a. **CDOT/NCDOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT as applicable. 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 area, by way of a private/public partnership effort or other public sector project support.

b. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.III.b. above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.III.a. above provided, however, in the event all roadway improvements 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 the Petitioner will work with City Staff to determine a process 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 acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event 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 the Petitioner will work with City Staff to determine a process 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, and the Planning Director as applicable, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

**III. Access.**

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a. Access to the Site will be from Providence Road and Fairview Road as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

b. The Petitioner as part of the development of Site will construct a Private Street through the Site from the access point on Providence Road to the access point on Fairview Road as generally depicted on the Rezoning Plan. The Private Street will also provide access to the adjoining property located along the Site's northern boundary. A public access easement will be provided on this private street. The public access easement will prohibit the private street from being closed or gated and will require that the private street be kept open to allow the public to use the street for ingress and egress. The Public Access Easement will be documented on applicable approved building permit plans which will include a provision stating that the easement can be modified as permitted herein. This provision and provisions to be included on the building plans are not intended to create private easements rights that may be enforced by individual land owners, but rather are intended to comply with desire of the City to have a private street open to the public between Providence Road and Fairview Road. Portions or all of the Storm Water Management features may be located within the private street.

c. Driveway and pedestrian connections to the private street depicted on the Rezoning Plan from the adjoining properties may be allowed in the future if the Petitioner and the parties seeking the connection(s) are in agreement on the location and terms of the connection(s).

d. The alignment of the 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 so long as the street network set forth on the Rezoning Plan is not materially altered.

**5. Streetscape, Buffer, Landscaping Open Space and Screening:**

a. A 14 foot setback as measured from the existing or future back of curb along Fairview Road and Providence Road will be provided as generally depicted on the Rezoning Plan.

b. An eight (8) foot planting strip and a minimum six (6) foot sidewalk will be provided along Providence Road and Fairview Road within the required setbacks as generally depicted on the Rezoning Plan.

c. A 40 foot Class B Buffer will be provided were the Site abuts the existing single-family homes on Columbine Circle, this buffer area may be used for required fire truck access.

d. A 20 foot landscape area will be provided along the north property line adjacent to the Pinhurst Apartments. This landscape area will contain a variety of trees and shrubs, except in the portions of the landscape area required to be used to provide fire access to the building.

e. Utilities may cross required buffers at angles no greater than 75 degrees.

f. Urban Open Space will be provided on the Site as required by the Ordinance. The location of the proposed Urban Open Space is generally depicted on the Rezoning Plan.

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

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

**6. General Design Guidelines:**

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved).

c. Building Street Walls will meet the MUDD requirements for blank walls.

**7. Parking and Maneuvering Restrictions.**

a. A minimum of one parking space per 400 square feet of non-residential gross floor area will be provided and a minimum of 1.0 space per residential dwelling unit will be provided.

**8. Environmental Features:**

a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The Site will comply with the Tree Ordinance. Redevelopment activity on the Site is exempt from tree save requirements under tree ordinance.

**9. Signage:**

a. Signage as allowed by the Ordinance and by the Optional Provisions listed above may be provided.

b. On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.

**10. Lighting:**

a. All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site, except street lights located along public streets, will be limited to 25 feet in height.

**11. Amendments to the Rezoning Plan:**

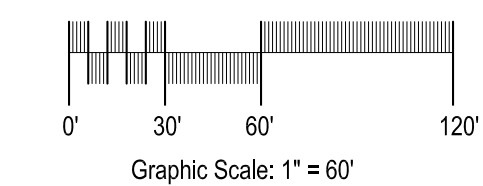
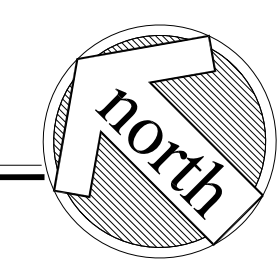
a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with



**LEVINE PROPERTIES**

**RALEY MILLER**  
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**SITE PLAN**



**Sheet 2 of 2**

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