

## SITE DEVELOPMENT DATA:

--ACREAGE: ± 10.6 ACRES

--TAX PARCELS: 175-144-03, 175-144-04, 175-14C-93

--EXISTING ZONING: 0-1 -- PROPOSED ZONING: MUDD-O WITH FIVE (5) YEAR VESTED RIGHTS.

-- EXISTING USES: OFFICE.

--PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD ZONING DISTRICT.

-- MAXIMUM DEVELOPMENT (SUBJECT TO CONVERSION RIGHTS AS DEFINED HEREIN):

- a. UP TO 600,000 SQUARE FEET OF COMMERCIAL USES (INCLUSIVE OF 228,324 SQUARE FEET OF EXISTING OFFICE USES), HOWEVER RETAIL USES SHALL NOT EXCEED 35,000 SQUARE FEET
- UP TO 450 RESIDENTIAL UNITS.
- HOTEL USES SUBJECT TO THE CONVERSION PROVISIONS IN SECTION 4.

--MAXIMUM BUILDING HEIGHT: UP TO 120 FEET AS ALLOWED BY THE ORDINANCE IN THE MUDD ZONING DISTRICT --PARKING: AS REQUIRED BY THE ORDINANCE FOR THE MUDD ZONING DISTRICT.

## I. GENERAL PROVISIONS:

- a. SITE DESCRIPTION. THESE DEVELOPMENT STANDARDS AND THE TECHNICAL DATA SHEET FORM THE REZONING PLAN (HEREAFTER COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY GRUBB PROPERTIES ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF A MIXED USE COMMERCIAL AND RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 10.6 ACRE SITE BOUNDED BY PARK ROAD, ABBEY PLACE, MOCKINGBIRD LANE, AND HEDGEMORE DRIVE (THE "SITE").
- b. INTENT. THIS REZONING IS INTENDED TO ACCOMMODATE DEVELOPMENT ON THE SITE IN A MANNER CONSISTENT WITH THE OBJECTIVES SET FORTH IN THE PARK WOODLAWN SMALL AREA PLAN. DEVELOPMENT OF THE SITE WOULD INCLUDE A HORIZONTALLY-INTEGRATED MIXTURE OF USES, POTENTIALLY INCLUDING OFFICE, RETAIL, HOTEL, AND RESIDENTIAL USES THE PETITIONER SEEKS TO PRESERVE EXISTING BUILDINGS AND INFRASTRUCTURE WHERE POSSIBLE WHILE MAINTAINING ENOUGH FLEXIBILITY TO DEVELOP NEW IMPROVEMENTS IN A MANNER AND AT A TIME THAT IS RESPONSIVE TO MARKET DEMAND. THE PETITIONER DESIRES TO SIGNIFICANTLY REDUCE THE AMOUNT OF EXISTING SURFACE PARKING BY BUILDING PARKING STRUCTURES WITH SMALLER FOOTPRINTS THAT CAN BE SHARED BY A VARIETY O USES. THE PETITIONER PROPOSES TO CREATE AN INTERNAL STREET NETWORK THROUGH THE SITE TO CREATE A MORE COMPLETE STREET NETWORK THAT WILL ALLOW PEDESTRIAN BICYCLE, AND AUTOMOBILE TRAFFIC TO TRAVEL THROUGH THE SITE. THE PETITIONER SEEKS TO CREATE A PUBLIC REALM WITH THE PEDESTRIAN EXPERIENCE IN MIND. THE OVERALL DEVELOPMENT PLAN IS INTENDED TO ALLOW THE SITE TO EVOLVE IN A MANNER THAT IS CONSISTENT WITH THE FUTURE VISION FOR THE AREA, RESULTING IN A WELL DESIGNED, QUALITY EXPERIENCE FOR THE RESIDENTS, EMPLOYEES, AND VISITORS, AS WELL AS THE LARGER COMMUNITY
- 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,
- 1. THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD 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.
- 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, SETBACKS, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, FAR REQUIREMENTS, AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS LOCATED ON THE SITE. FURTHERMORE, THE PETITIONER AND/OR OWNER OF TH SITE RESERVE THE RIGHT TO SUBDIVIDE 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 FRONTAGE REQUIREMENTS AND FAR REQUIREMENTS PROVIDED HOWEVER THAT 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 IV BELOW AS TO THE SITE AS A WHOLE AND NOT INDIVIDUAL PORTIONS OR LOTS LOCATED THEREIN
- EXISTING DEVELOPMENT. ALL EXISTING INFRASTRUCTURE, STRUCTURES, USES AND PARKING AREAS ON THE SITE MAY BE MAINTAINED AND CONTINUED IN THEIR CURRENT CONDITION UNTIL SUCH TIME AS THE PARTICULAR INFRASTRUCTURE STRUCTURE USE OR PARKING AREA IS REDEVELOPED. HOWEVER, NOTHING SHALL PREVENT THE PETITIONER FROM DEMOLISHING EITHER OF THE EXISTING BUILDINGS AND REPLACING THEM WITH NEW STRUCTURES. IN THE EVENT THAT NEW STREETSCAPE INFRASTRUCTURE IS INSTALLED ADJACENT TO EXISTING SURFACE PARKING AREAS, THE SURFACE PARKING AREAS MAY REMAIN IN THEIR CURRENT CONDITION UNTIL SUCH TIME AS NEW BUILDINGS ARE CONSTRUCTED WITHIN THE DEVELOPMENT AREA WHERE THEY ARE LOCATED. IN THE EVENT THAT THE EXISTING STRUCTURE WITHIN DEVELOPMENT AREA A IS DEMOLISHED AND A NEW STRUCTURE IS CONSTRUCTED WITHIN DEVELOPMENT AREA A, THEN ONLY LIMITED OFF-STREET SURFACE PARKING AREAS SHALL BE PERMITTED BETWEEN PARK ROAD AND ANY NEW STRUCTURE WITHIN DEVELOPMENT AREA A. THE EXISTING BUS SHELTER PAD ON PARK ROAD WILL BE RETAINED OR REPLACED. IF THE BUS SHELTER PAD IS REPLACED, THE PETITIONER WILL CONSTRUCT THE BUS STOP ACCORDING TO THE WAITING PAD WITH BOX SHELTER STANDARD
- 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.

## OPTIONAL PROVISIONS FOR THE MUDD-O AREA.

4) HEDGEMORE SIGN

THE FOLLOWING OPTIONAL PROVISIONS ARE PROVIDED TO ACCOMMODATE DEVIATIONS FROM THE

- a. TO ALLOW OFF-STREET, SURFACE LEVEL, VEHICULAR PARKING AND MANEUVERING AREAS BETWEEN EXISTING BUILDINGS AND PUBLIC AND PRIVATE STREETS IN THE AREAS GENERALLY DEPICTED ON THE REZONING PLAN. THE TOTAL NUMBER OF OFF-STREET, SURFACE LEVEL, VEHICULAR PARKING SPACES SHALL NOT EXCEED 100 SPACES.
- b. TO ALLOW UP TO THREE PORTE-COCHERES OR VALET PARKING SERVICE AREAS BETWEEN
- BUILDINGS AND A STREET. c. TO ALLOW ALL EXISTING WALL MOUNTED AND DETACHED GROUND MOUNTED SIGNAGE, AS DENTIFIED BELOW, TO REMAIN EXISTING SIGNS MAY BE UPDATED AS LONG AS THEIR OVERALL SIZE AND HEIGHD IS NOT INCREASED. EXISTING NONCONFORMING SIGNAGE IS CALLOWED TO REMAIN HOWEVER SHALL BE REMOVED UPON THE DEMOLITION OF THE EXISTING

### BUILDING FOR WHICH THE SIGNS ARE ASSOCIATED (SEE TABLE BELOW). RUILDING SIGNS GROUND MOUNTED SIGNS

1515 MOCKINGBIRD LANE SIGNS SF		1515 MOCKINGBIRD LANE SIGNS SF	
	15	1) PARK SIGN	55
1) MOCKINGBIRD SIGN	300	I) PARK SION	- 55
2) PARK SIGN#1	100		
3) PARK SIGN #2	100		
4601 PARK ROAD SIGNS	SF	4601 PARK ROAD SIGNS	SF
1) MOCKINGBIRD SIGN	135	1) PARK SIGN 50	
2) PARK SIGN#1	55	2) ABBEY SIGN #1	20
3) PARK SIGN #2	10	3) ABBEY SIGN#2	50

- d. TO ALLOW WALL SIGNS HAVING 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 (EXCLUSIVE OF ANY EXISTING WALL MOUNTED SIGNAGE TO REMAIN).
- e. TO ALLOW 45 SQUARE FEET OF WALL MOUNTED SIGNAGE ON THE GROUND FLOOR, NEAR ) ENTRANCES, FOR EACH USE IN ADDITION TO ANY OTHER SIGNAGE ALLOWED (NOT INCLUDING EXISTING NONCONFORMING SIGNS)
- f. TO ALLOW TEMPORARY SIGNS AND BANNERS NOT TO EXCEED 100 SQUARE FEET IN SIGN AREA (NOT INCLUDING EXISTING NONCONFORMING SIGNS). ANY SUCH SIGNS OR BANNERS WILL BE PROFESSIONALLY FABRICATED BANNERS MADE OF FABRIC OR PLASTIC OF ANY TYPE. PAPER BANNERS WILL NOT BE ALLOWED; AND NO MORE THAN TWO (2) BANNERS WILL BE ALLOWED
- g. TO ALLOW ALONG PARK ROAD ONE (1) GROUND MOUNTED SIGN UP TO 12 FEET IN HEIGHT AND EACH CONTAINING UP TO 100 SQUARE FEET OF SIGN AREA (NOT INCLUDING EXISTING
- h. TO ALLOW ONE (1) DETACHED, GROUND MOUNTED SIGN PER STREET FRONT FOR EACH DEVELOPMENT AREA (NOT INCLUDING EXISTING NONCONFORMING SIGNS). THE DETACHED SIGNS MAY BE UP TO FIVE (3) FEET IN HEIGHT AND CONTAIN UP TO 60 SQUARE FEET OF SIGN AREA. THESE SIGNS SHALL NOT BE LOCATED ON PARK ROAD.
- NOTE: THE OPTIONAL PROVISIONS ABOVE REGARDING CERTAIN SIGNS ARE ADDITIONS/MODIFICATIONS TO THE STANDARDS FOR SIGNS IN THE MUDD ZONING DISTRICT AND ARE TO BE USED WITH THE REMAINDER OF MUDD STANDARDS FOR SIGNS NOT MODIFIED BY THESE
- i. TO NOT REQUIRE DOORWAYS TO BE RECESSED INTO THE FACE OF BUILDINGS WHEN THE ABUTTING SIDEWALK WIDTH IS GREATER THAN TWELVE (12) FEET. HOWEVER, RECESSED DOOR'S SHALL BE PROVIDED ON BUILDING FACADES THAT FRONT PARK ROAD.

- j. TO ALLOW REQUIRED LONG TERM BIKE PARKING SPACES TO BE LOCATED WITHIN PARKING
- k. TO ALLOW WATER QUALITY AND STORMWATER DETENTION FACILITIES TO BE LOCATED BENEATH SIDEWALKS, BUT OUTSIDE OF THE PUBLIC RIGHT-OF-WAY.
- I. TO ALLOW BACKFLOW PREVENTION DEVICES TO BE LOCATED WITHIN BUILDINGS. AFTER VERIFYING THE ACCEPTABLE LOCATION WITH CITY AND COUNTY DEPARTMENTS. EXPOSED
- m. TO ALLOW THE "BASE" OF BUILDING REQUIREMENTS OF SECTION 9.8506(2)(1) TO BE SATISFIED BY PROVIDING TALLER AND ARCHITECTURALLY DIFFERENTIATED GROUND FLOORS THAT DISTINGUISH GROUND FLOOR LEVELS FROM UPPER STORIES.

## III. PERMITTED USES

- SUBJECT TO THE MAXIMUM DEVELOPMENT PROVISIONS SET FORTH UNDER SECTION 4 BELOW. THE SITE MAY BE DEVOTED TO ANY COMMERCIAL AND RESIDENTIAL USES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH, EXCEPT FOR THE FOLLOWING:
- 1. CAR WASHES;
- AUTOMOBILE SERVICE STATIONS; AND
- NO HOTEL USES SHALL BE PERMITTED IN DEVELOPMENT AREA E

EDEES WITH DRIVE-THROUGH SERVICE WINDOWS.

BACKFLOW PREVENTION DEVICES SHALL BE SCREENED

### IV. DEVELOPMENT AREAS AND CONVERSION RIGHTS

- a. THE REZONING PLAN SETS FORTH FIVE (5) DEVELOPMENT AREAS AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AS DEVELOPMENT AREAS A, B, C, D AND E (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 MAY BE DEVELOPED: (I) WITH UP TO 600,000 SQUARE FEET OF GROSS FLOOR AREA OF COMMERCIAL NON-RESIDENTIAL USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS: AND (II UP TO 450 RESIDENTIAL DWELLING UNITS, ALONG WITH ANY ACCESSORY USES ALLOWED IN THE MUDD ZONING DISTRICT. IN THE EVENT THAT 600,000 SQUARE FEET OF COMMERCIAL USES ARE NOT CONSTRUCTED ON THE SITE, UNUSED COMMERCIAL SQUARE FOOTAGE MAY BE CONVERTED TO RESIDENTIAL DWELLING UNITS AT THE RATE OF ONE (1) RESIDENTIAL DWELLING UNIT PER 1,000 SQUARE FEET OF COMMERCIAL SQUARE FOOTAGE SO CONVERTED THUS, THE TOTAL NUMBER OF RESIDENTIAL DWELLING UNITS ALLOWED ON THE SITE MAY EXCEED 450 IF UNUSED COMMERCIAL SQUARE FOOTAGE IS CONVERTED IN ACCORDANCE WITH THE ABOVE RATIO. HOWEVER, THE TOTAL NUMBER OF MULTIFAMILY UNITS SHALL NOT EXCEED 775 UNITS AT ANY TIME INCLUDING CONVERSIONS. ANY SUCH CONVERSION SHALL TAKE INTO ACCOUNT ANY REDUCTION IN COMMERCIAL SQUARE FOOTAGE RESULTING FROM THE CONVERSION OF COMMERCIAL SQUARE FOOTAGE INTO HOTEL ROOMS AS PERMITTED IN
- c. THE TOTAL NUMBER OF HOTEL ROOMS SHALL NOT EXCEED 300 UNITS AT ANY TIME, INCLUDING
- d. FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS A LIMITATION ON FAR REQUIREMENTS) THE FOLLOWING ITEMS WILL NOT BE COUNTED AS PART OF THE ALLOWED GROSS FLOOR AREA (FLOOR AREA AS DEFINED BY THE ORDINANCE) FOR THE SITE: SURFACE OR STRUCTURED PARKING FACILITIES, ALL LOADING DOCK AREAS (OPEN OR ENCLOSED), 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).
- PETITIONER SHALL PROVIDE AT LEAST 5,000 SQUARE FEET OF GROUND FLOOR SPACE THAT IS DESIGNED AND CONSTRUCTED TO ACCOMMODATE RETAIL ACTIVITIES (LEASING OFFICES, FITNESS CENTERS, LOBBIES, AND OTHER AREAS THAT ARE ACCESSORY TO RESIDENTIAL OR OFFICE USES SHALL NOT BE CONSIDERED RETAIL SPACE FOR PURPOSES OF THIS PROVISION) FURTHERMORE, AT LEAST 2,500 SQUARE FEET OF THE 5,000 SQUARE FEET OF MINIMUM RETAIL SPACE SHALL BE LOCATED AT THE CORNER OF PARK ROAD AND MOCKINGBIRD LANE.
- THE TOTAL SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO OFFICE USES AND OTHER COMMERCIAL USES SUCH AS RETAIL, RESTAURANT AND PERSONAL SERVICE USES SHALL BE INTERCHANGEABLE PROVIDED THAT:
- 1. THE TOTAL SQUARE FEET OF GROSS FLOOR AREA OF ALL SUCH OFFICE AND OTHER COMMERCIAL USES DOES NOT EXCEED 600,000 SQUARE FEET OF GROSS FLOOR AREA;
- THE TOTAL AMOUNT OF RETAIL SQUARE FOOTAGE SHALL NOT EXCEED 35,000 SQUARE FEET;
- 3. IN THE EVENT THAT A HOTEL USE IS DEVELOPED, THE TOTAL ALLOWABLE SOUARE FOOTAGE FOR COMMERCIAL USES SHALL BE REDUCED BY 500 SQUARE FEET FOR EACH HOTEL ROOM THAT IS DEVELOPED.

- ALL 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. ACCESS AND INTERNAL STREETS:
- 1. ACCESS TO THE SITE FROM EXTERNAL PUBLIC STREETS WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.
- 2. THE TOTAL NUMBER OF ACCESS POINTS TO PARK ROAD WILL BE LIMITED TO ONE (1).
- THE EXACT LOCATION OF INTERNAL STREETS DEPICTED ON THE REZONING PLAN WILL BE DETERMINED DURING THE DESIGN PROCESS AND THEREAFTER WITH APPROVAL FROM APPROPRIATE GOVERNMENTAL AUTHORITIES, SUBJECT TO APPLICABLE STATUTES,
- ORDINANCES AND REGULATIONS SUCH AS SUBDIVISION AND DRIVEWAY REGULATIONS. 4. THE INTERNAL PRIVATE STREETS WILL HAVE RECORDED PUBLIC ACCESS EASEMENTS. HOWEVER, THIS SHALL NOT PRECLUDE PETITIONER FROM TEMPORARILY CLOSING INTERNAL PRIVATE STREETS FOR, BUT NOT LIMITED TO, SPECIAL EVENTS, FESTIVALS, PUBLIC MARKETS, CONCERTS, BLOCK PARTIES OR SIMILAR EVENTS.
- 5. PETITIONER RESERVES THE RIGHT TO LIMIT THE ACCESS POINT TO THE INTERNAL STREET
- CONNECTION TO ABBEY PLACE TO ONE-WAY TRAFFIC PATTERNS. 6. UP TO SIX (6) ACCESS POINTS TO INTERNAL STREET SHALL BE PERMITTED. LOCATIONS OF ACCESS POINTS TO INTERNAL STREETS SHALL BE IDENTIFIED DURING THE DESIGN AND
- 7. IN ADDITION TO PROPOSED STREET LOCATIONS, THE REZONING PLAN IDENTIFIES POTENTIAL VEHICULAR ACCESS POINTS WHICH COULD BE SURFACE DRIVES OR ENTRANCES TO STRUCTURED PARKING FACILITIES. THE EXACT NUMBER AND LOCATION OF VEHICULAR ACCESS POINTS WILL BE DETERMINED DURING THE DESIGN PROCESS AND THEREAFTER WITH APPROVAL FROM APPROPRIATE GOVERNMENTAL AUTHORITIES, SUBJECT TO APPLICABLE STATUTES, ORDINANCES AND REGULATIONS SUCH AS SUBDIVISION AND DRIVEWAY REGULATIONS. PETITIONER, IN ITS DISCRETION MAY LIMIT INGRESS AND EGRESS MOVEMENTS OR RESTRICT CERTAIN VEHICULAR ACCESS POINTS TO ONE-WAY TRAFFIC IF NECESSARY.
- 8. THE PETITIONER RESERVES THE RIGHT TO REQUEST THE INSTALLATION OF PAVERS AND/OR STAMPED OR COLORED ASPHALT WITHIN STREETS ABUTTING OR INTERNAL TO THE SITE IN ORDER TO DESIGNATE AND DEFINE PEDESTRIAN CROSS-WALKS. THE PETITIONER WILL COORDINATE THE DESIGN OF ANY DECORATIVE PAVEMENT ELEMENTS PROPOSED WITHIN THE PUBLIC RIGHT-OF-WAY WITH CDOT DURING THE DRIVEWAY PERMIT PROCESS. FURTHERMORE, THE PETITIONER UNDERSTANDS THAT AN ENCROACHMENT AND MAINTENANCE AGREEMENT MUST BE OBTAINED FROM CDOT BEFORE ANY DECORATIVE PAVERS AND/OR STAMPED PAVEMENT PROPOSED IN THE PUBLIC RIGHT-OF-WAY MAY BE
- 9. THE ALIGNMENT OF THE INTERNAL PUBLIC AND PRIVATE STREETS, VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER, SUBJECT TO COOTS FINAL APPROVAL
- c. SUBSTANTIAL COMPLETION. REFERENCE TO "SUBSTANTIALLY COMPLETE" FOR CERTAIN IMPROVEMENTS AS SET FORTH HEREIN SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH HEREIN, 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 COOT WILL ALLOW 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. ROADWAY IMPROVEMENTS AND PHASING. PETITIONER SHALL 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:
- INTERNAL STREETS SHALL BE SUBSTANTIALLY COMPLETE PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST NEW BUILDING TO BE CONSTRUCTED ON THE
- 2. EXTEND THE EXISTING SOUTHBOUND LEFT TURN LANE STORAGE AT PARK ROAD AND ABBEY PLACE FROM 150 FEET TO 225 FEET WITH 90 FEET OF BAY TAPER PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST NEW BUILDING CONSTRUCTED
- 3. EXTEND THE EXISTING NORTHBOUND DUAL LEFT TURN LANES AT PARK ROAD AND WOODLAWN ROAD. THE INNER LEFT TURN LANE SHALL BE EXTENDED FROM 300 FEET TO 360 FEET WITH 115 FEET OF TAPER. THE OUTSIDE TURN LANE SHALL BE EXTENDED FROM 375 FEET TO THE MAXIMUM EXTENT ALLOWABLE WITHOUT INTERFERING WITH A NEW PEDESTRIAN REFUGE ISLAND TO BE PROVIDED WITHIN THE EXISTING MEDIAN. THESE IMPROVEMENTS SHALL BE MADE PRIOR TO THE ISSUANCE OF A CERTIFICATE OF

- OCCUPANCY FOR THE FIRST NEW BUILDING CONSTRUCTED ON THE SITE;
- 4. INSTALL A PEDESTRIAN REFUGE ISLAND AT LEAST 30 FEET IN LENGTH WITHIN THE EXISTING PARK ROAD MEDIAN NEAR THE INTERSECTION OF PARK ROAD AND MONTFORD DRIVE PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST NEW BUILDING CONSTRUCTED ON THE SITE:
- 5. INSTALL A TRAFFIC SIGNAL AT PARK ROAD AND MOCKINGBIRD LANE ALONG WITH A WESTBOUND LEFT-THROUGH LANE ON MOCKINGBIRD LANE WHEN WARRANTED. HOWEVER, IN THE EVENT THAT THE TRAFFIC SIGNAL IS REQUIRED TO BE PROVIDED BY OTHERS BEFORE THIS THRESHOLD HAS BEEN MET, PETITIONER WILL ONLY BE REQUIRED CONTRIBUTE UP TO \$50,000 OF THE COST OF THE SIGNAL
- 6. RESTRIPE MONTFORD DRIVE (BETWEEN WOODLAWN ROAD AND ABBEY PLACE) TO ACCOMMODATE A LEFT TURN LANE INTO ABBEY PLACE WHILE MAINTAINING THE EXISTING LANES AT THE INTERSECTION OF MONTFORD DRIVE AND WOODLAWN ROAD;
- PETITIONER SHALL CONTRIBUTE \$50,000 TO THE CITY OF CHARLOTTE PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST PERMANENT BUILDING CONSTRUCTED WITHIN DEVELOPMENT AREA D, TO BE USED TOWARDS THE FOLLOWING
- IMPROVEMENTS TO BE INSTALLED BY CDOT OR OTHERS: INSTALLATION OF A TRAFFIC SIGNAL AT WOODLAWN ROAD AND MONTFORD DRIVE.
- PETITIONER SHALL CONTRIBUTE \$150,000 TO THE CITY OF CHARLOTTE, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR DEVELOPMENT IN EXCESS OF 450,000 SOUARE FEET OF SPACE WITHIN NEW BUILDINGS ON THE SITE, TO BE USED FOR IMPROVEMENTS AT THE INTERSECTION OF PARK ROD AND WOODLAWN ROAD. THE IMPROVEMENTS THAT THESE FUNDS COULD BE USED FOR MAY INCLUDE BUT ARE NOT
- INSTALLATION OF A PEDESTRIAN REFUGE ISLAND AT THE SOUTHEAST CORNER OF THE INTERSECTION OF PARK ROAD AND WOODLAWN ROAD; AND
- INSTALLATION OF A NORTHBOUND RIGHT TURN LANE AT PARK ROAD AND WOODLAWN ROAD WITH A MINIMUM OF 200 FEET OF STORAGE.
- RIGHT-OF-WAY AVAILABILITY. IT IS UNDERSTOOD THAT SOME OF THE PUBLIC ROADWAY IMPROVEMENTS REFERENCED HEREIN MAY NOT BE POSSIBLE WITHOUT THE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY. IF AFTER THE EXERCISE OF DILIGENT GOOD FAITH EFFORTS. AS SPECIFIED BY THE CITY OF CHARLOTTE RIGHT-OF-WAY ACQUISITION PROCESS AS ADMINISTERED BY THE CITY OF CHARLOTTE'S ENGINEERING AND PROPERTY MANAGEMENT DEPARTMENT, 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 ABOVE, THEN THE PETITIONER WILL CONTACT THE PLANNING DEPARTMENT AND CDOT REGARDING AN APPROPRIATE INFRASTRUCTURE PHASING PLAN THAT APPROPRIATELY MATCHES THE SCALE OF THE DEVELOPMENT PROPOSED TO THE PUBLIC INFRASTRUCTURE MITIGATIONS. IF AFTER CONTACTING THE PLANNING DEPARTMENT AND CDOT TO DETERMINE THE APPROPRIATE INFRASTRUCTURE PHASING PLAN, DELAYS IN THE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY 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 COOT 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.
- 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 PROFOSED ALTERNATE TRANSPORTATION IMPROVEMENTS MUST PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.
- ALTERNATIVE COMPLIANCE. WHILE IT IS UNDERSTOOD THAT THE IMPROVEMENTS SET FORTH ABOVE, UNLESS OTHERWISE SPECIFIED, ARE THE RESPONSIBILITY OF THE PETITIONER OR OTHER PRIVATE SECTOR ENTITY, IN EVENT THAT IT IS NECESSARY OR ADVANTAGEOUS, CDOT MAY, AT ITS DISCRETION, ACCEPT A FEE IN LIEU OF CONSTRUCTION OF CERTAIN IMPROVEMENTS, AS LONG AS SUCH FEE IS EQUAL TO THE FULL COST OF SAID IMPROVEMENTS (INCLUDING DESIGN, ACQUISITION AND CONSTRUCTION).

## VI. DESIGN GUIDELINES:

GENERAL DESIGN GUIDELINES.

- 1. 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, ARCHITECTURAL PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTATIOUS SIDING (SUCH AS HARDI-PLANK), OR WOOD. EIFS AS A BUILDING MATERIAL WILL NOT BE ALLOWED, EXCEPT AS BACK-UP FOR ARCHITECTURAL TRIM ON STUCCO CLAD BUILDINGS. VINYL, AS A BUILDING MATERIAL, WILL ONLY BE ALLOWED ON WINDOWS, SOFFITS AND TRIM FEATURES.
- 2. A MINIMUM FOUR (4) FOOT TRANSITION ZONE SHALL BE PROVIDED BETWEEN THE BACK OF SIDEWALK AND ADJACENT BUILDING FACES ALONG AT LEAST 75% PERCENT OF THE PERIMETER OF THE SITE. THE PURPOSE OF THE TRANSITION ZONE IS CONTINGENT UPON THE USE AND SHALL BE DESIGNED TO ACCOMMODATE SEMI-PUBLIC COURTYARDS, A WIDER SIDEWALK FOR OUTDOOR DINING WHEN ADJACENT TO NON-RESIDENTIAL OR ENHANCED LANDSCAPING. STAIRS AND STOOPS MAY ENCROACH INTO THIS TRANSITION
- 3. "BUILDING FRONTAGE AREAS" ARE GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. WITHIN THESE AREAS BUILDING FRONTAGES SHALL INCLUDE PRINCIPAL USES. WITHIN THESE AREAS, NO STRUCTURED PARKING AREAS OR PARKING AND MANEUVERING AREAS SHALL BE VISIBLE FROM STREETS OR OPEN SPACES. HOWEVER, DRIVEWAY ACCESS POINTS INTO "WRAPPED" PARKING STRUCTURES AND LOADING AREAS ARE PERMITTED WITHIN ANY BUILDING FRONTAGE AREA.
- 4. "PERMISSIBLE PARKING AREAS" ARE GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. THIS DENOTES AREAS WHERE PARKING AREAS AND PARKING STRUCTURES MAY BE VISIBLE FROM STREETS OR OPEN SPACES.
- 5. BUILDING MATERIALS ASSOCIATED WITH FACADES OF PARKING STRUCTURES SHALL BE GENERALLY COMPATIBLE IN CHARACTER AND QUALITY WITH MATERIALS USED ON NEARBY BUILDINGS, PLAZAS AND STREETSCAPES, TAKING INTO CONSIDERATION DIFFERENCES ASSOCIATED WITH PARKING STRUCTURES.
- ALTHOUGH PARKING AREAS OR PARKING STRUCTURES MAY BE VISIBLE FROM PARK ROAD, AT LEAST 50% OF DEVELOPMENT AREA C'S PARK ROAD FRONTAGE SHALL BE TREATED LIKE
- 7. IN THE EVENT THE DEVELOPMENT AREA A IS REDEVELOPED, AT LEAST 50% OF DEVELOPMENT AREA A'S PARK ROAD FRONTAGE SHALL BE TREATED LIKE A BUILDING FRONTAGE AREA.
- 8. AT LEAST 50% OF DEVELOPMENT AREA C'S FRONTAGE ALONG THE ADJACENT INTERNAL STREET SHALL BE TREATED LIKE BUILDING FRONTAGE AREA.
- 9. ALL PERMISSIBLE PARKING AREAS THAT FACE PUBLIC AND PRIVATE STREETS ADJACENT TO REQUIRED OPENS SPACES SHOWN ON THE TECHNICAL DATA SHEET SHALL BE SCREENED AT A LEVEL THAT EXCEEDS THE ORDINANCE REQUIREMENT. THE FIRST FLOORS OF ANY PARKING STRUCTURES THAT FACE STREETS OR REQUIRE OPEN SPACES SHALL BE DESIGNED TO ENCOURAGE AND COMPLEMENT PEDESTRIAN-SCALE ACTIVITY AND SHALL INCORPORATE AT LEAST TWO OF THE FOLLOWING DESIGN FEATURES:
  - WORKS OF ART:
  - DECORATIVE PEDESTRIAN LIGHTING/SCONCES;
  - FOUNTAINS AND POOLS; COVERED PORCHES, CANOPIES, AWNINGS OR SUNSHADES;
  - STREET FURNITURE;
- LANDSCAPING AND GARDEN AREAS; AND/OR ARCHITECTURALLY ARTICULATED FACADES.
- 10. NEW METER BANKS WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE FROM PUBLIC OR PRIVATE STREETS AND SHALL BE LOCATED OUTSIDE OF THE SETBACK.
- 11. NEW ROOFTOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM PUBLIC OR PRIVATE STREETS. 12. TREES MAY BE PROVIDED IN GRATES OR RAISED PLANTERS RATHER THAN IN PLANTING
- 13. DUMPSTERS, LOADING AND SERVICES AREAS SHALL BE SCREENED FROM STREETS, COMMON OPEN SPACES AND ANY ADJACENT RESIDENTIAL USES WITH MATERIALS COMPLIMENTARY TO THE PRINCIPAL STRUCTURE. DUMPSTER ENCLOSURES WILL NOT DIRECTLY ABUT THE BACK OF A SIDEWALK.

14. BACKFLOW PREVENTERS AND TRANSFORMERS SHALL BE SCREENED AND LOCATED

OUTSIDE THE SETBACK, BUT CAN BE LOCATED IN THE FOUR (4) FOOT TRANSITION ZONE.

- BACKFLOW PREVENTION DEVICES MAY ALSO BE LOCATED INSIDE BUILDINGS, AS PERMITTED IN THE OPTIONAL PROVISIONS ABOVE. 15. BUILDINGS SHALL BE DESIGNED SO THAT INDIVIDUAL RESIDENTIAL UNITS, SHOPS, TENANTS OR COMMON ENTRANCES HAVE DIRECT ACCESS TO PUBLIC OR PRIVATE STREETS, PEDESTRIAN CORRIDORS OR OPEN SPACES. BUILDING ENTRANCES SHALL BE AT OR
- FIVE (5) OF THE FOLLOWING FEATURES: DECORATIVE PEDESTRIAN LIGHTING/SCONCES;

STRIPS.

 ARCHITECTURAL DETAILS CARRIED THROUGH TO UPPER STORIES; iii. COVERED PORCHES, CANOPIES, AWNINGS OR SUNSHADES;

- - iv. ARCHWAYS:
  - v TRANSOM WINDOWS vi. TERRACED OR RAISED PLANTERS THAT CAN BE UTILIZED AS SEAT WALLS:
  - vii. COMMON OUTDOOR SEATING ENHANCED WITH SPECIALTY DETAILS, PAVING, LANDSCAPING OR XI. LIGHTING
  - WATER FEATURES: viii. DOUBLE DOORS;
  - ix. STOOPS OR STAIRS; AND/OR
  - x. CONTRASTING PAVEMENT FROM PRIMARY SIDEWALK.

DIFFERENTIATE ROOF LINES OR HIGHLIGHT GROUND FLOOR USES;

- 16. STREETSCAPE TREATMENT WILL BE A UNIFYING ELEMENT THROUGH THE USE OF CONSISTENT PAVING, PEDESTRIAN SCALE LIGHTING, ENHANCED LANDSCAPING, SITE FURNISHINGS AND SIGNAGE. SPECIALTY PAVERS, STAINED AND PATTERNED CONCRETE. PAVING OR OTHER SIMILAR MEANS WILL BE USED TO CALL ATTENTION TO AMENITY AREAS, GATHERING SPACES AND PLAZAS AS A METHOD OF WAY-FINDING.
- 17. EXPANSES OF BLANK OR UNARTICULATED WALLS GREATER THAN 20 FEET IN LENGTH SHALL BE TREATED WITH A MINIMUM OF THREE (3) OPTIONS BELOW:
- PROVIDE A HIGHER LEVEL OF TRANSPARENCY ON THE GROUND FLOOR, SUCH AS EXAGGERATED OR LARGER WINDOWS INDICATIVE OF LIVING AREAS OR RETAIL SPACES;
- ii. UTILIZE HORIZONTAL AND VERTICAL VARIATIONS IN WALL PLANES;
- iii. PROVIDE ARCHITECTURAL PROTRUSION TO ACCENTUATE ENCLOSED BALCONIES; iv. UTILIZE CORNERS TO PROVIDE VISUAL INTEREST AT THE PEDESTRIAN LEVEL AS WELL AS TO
- v. PROVIDE AMENITY LANDSCAPING, SUCH AS A SITTING AREA WITH ARBORING: AND/OR vi. ANY OTHER ARCHITECTURAL IMPROVEMENTS AS ALLOWED BY THE ORDINANCE TO IMPROVE
- THE VISUAL AESTHETICS OF BLANK OR UNARTICULATED WALL 18. THE SCALE AND MASSING OF BUILDINGS LONGER THAN 150 FEET ALONG A STREET OR PUBLIC OPEN SPACE OR GREATER THAN 30,000 HORIZONTAL SQUARE FEET SHALL BE MINIMIZED BY UTILIZING AT LEAST THREE (3) OPTIONS BELOW:
- i. PROVIDE A MINIMUM FOUR (4) FOOT STEP BACK FOR BUILDINGS TALLER THAN FOUR STORIES ABOVE THE FIRST FLOOR OR SECOND FLOOR;
- ii. PROVIDE VARIED ROOF LINES THROUGH THE USE OF SLOPES, MODULATED BUILDING HEIGHTS, GABLES, DORMERS OR INNOVATIVE ARCHITECTURAL SOLUTIONS; iii. UTILIZE CORNERS TO PROVIDE VISUAL INTEREST AT THE PEDESTRIAN LEVEL AS WELL AS TO
- DIFFERENTIATE ROOF LINES OR HIGHLIGHT GROUND FLOOR USES: iv. PROVIDE ARCHITECTURAL PROTRUSION TO ACCENTUATE ENCLOSED BALCONIES; v. PROVIDE AMENITY LANDSCAPING, SUCH AS A SITTING AREA WITH ARBORING; AND/OR
- vi. ANY OTHER ARCHITECTURAL IMPROVEMENTS AS ALLOWED BY THE ORDINANCE TO IMPROVE THE VISUAL AESTHETICS OF SCALE AND/OR MASSING. 19. IF NON-RESIDENTIAL USES ARE NOT ORIENTED TO AN EXISTING OR NEW NETWORK REQUIRED STREET AND CANNOT MEET THE DESIGN STANDARDS FOR BLANK WALL ARTICULATION, ALTERNATIVE INNOVATIVE DESIGN SOLUTIONS MAY BE CONSIDERED FOR
- APPROVAL BY THE PLANNING DIRECTOR 20. UPON COMPLETION OF THE REDEVELOPMENT OF THE SITE, NO MORE THAN 100 SURFACE LEVEL (EXCLUSIVE OF THOSE LOCATED WITHIN A PARKING STRUCTURE) OFF-STREET PARKING SPACES SHALL BE ALLOWED THROUGHOUT THE SITE. EXISTING SURFACE PARKING AREAS WITHIN A SPECIFIC DEVELOPMENT AREA MAY REMAIN UNTIL THAT DEVELOPMENT AREA IS REDEVELOPED.
- 21. ALL BUILDINGS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS ESTABLISHED UNDER

## THE ORDINANCE FOR THE MUDD CLASSIFICATION.

- DESIGN GUIDELINES FOR DESIGNATED FOCAL POINTS. PETITIONER SHALL CREATE A FOCAL POINT WITHIN DEVELOPMENT AREA C AT THE CORNER OF PARK ROAD AND MOCKINGBIRD LANE, AS GENERALLY DEPICTED ON THE REZONING PLAN. IN ORDER TO STIMULATE PEDESTRIAN ACTIVITY AND INTEREST AT THIS LOCATION THE FIRST FLOOR (STREET LEVEL) OF ANY BUILDING WITHIN THAT AREA SHALL BE DESIGNED TO ADDRESS THE CORNER AND PROMOTE A VISUAL RELATIONSHIP TO THE STREET AND ENCOURAGE MOVEMENT AND ACTIVITY AT STREET LEVEL. ADDITIONALLY PETITIONER SHALL PROVIDE AT LEAST 2500 SQUARE FEET OF SPACE DESIGNED AND CONSTRUCTED FOR RETAIL ACTIVITY FRONTING THE CORNER AT THIS LOCATION. FOR PURPOSES OF THIS PARAGRAPH, THE TERM RETAIL INCLUDES NOT ONLY SALES OF MERCHANDISE AT RETAIL BUT WILL ALSO BE CONSTRUED TO MEAN PERSONAL AND BUSINESS SERVICES, EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS, GALLERIES, AND SIMILAR USES, BUT NOT FINANCIAL INSTITUTIONS.
- 2. PETITIONER SHALL CREATE A FOCAL POINT WITHIN DEVELOPMENT AREA D AT THE CORNER OF ABBEY PLACE AND THE INTERNAL STREET CONNECTING TO ABBEY PLACE, AS GENERALLY DEPICTED ON THE REZONING PLAN. IN ORDER TO STIMULATE PEDESTRIAN ACTIVITY AT THE STREET LEVEL, THE FIRST FLOOR (STREET LEVEL) OF ANY NEW BUILDING WITHIN THAT AREA SHALL BE DESIGNED AND CONSTRUCTED TO PROMOTE A VISUAL RELATIONSHIP TO THE STREET, ENCOURAGE MOVEMENT AND ACTIVITY AT STREET LEVEL, AND TO ACCOMMODATE GROUND FLOOR ACTIVITIES IN THE BUILDING REYOND THE NORMAL BUSINESS DAY. ADDITIONALLY, AT LEAST 50% OF THE LENGTH OF THE FIRST FLOOR STREET FRONTAGE WITHIN THIS AREA SHALL INCORPORATE TRANSPARENT WINDOWS AND DOORS ARRANGED SO THAT THE USES ARE VISIBLE FROM AND/OR ACCESSIBLE TO THE ADJACENT STREETS.

## VII. PARKING AREAS, ACCESS AND CIRCULATION DESIGN GUIDELINES

- a. STRUCTURED PARKING FACILITIES SHALL BE DESIGNED TO ENCOURAGE AND COMPLEMENT PEDESTRIAN-SCALE INTEREST AND ACTIVITY ON THE GROUND FLOOR AND BE
- ARCHITECTURALLY COMPATIBLE WITH PRIMARY BUILDINGS ON ALL LEVELS. PETITIONER SEEKS TO LIMIT AREAS WHERE PARKING STRUCTURES AND OFF-STREET SURFACE PARKING AREAS ARE VISIBLE FROM PUBLIC OR PRIVATES STREETS. THEREFORE, EXPOSED PARKING STRUCTURES (DRIVEWAY ENTRANCES TO PARKING DECKS ARE PERMITTED) AND OFF-STREET SURFACE PARKING AREAS THAT ARE VISIBLE FROM PUBLIC OR PRIVATE STREETS SHALL NOT BE ALLOWED IN THE AREAS GENERALLY DEPICTED ON THE REZONING PLAN.
- c. OPENINGS AT THE STREET LEVEL ARE LIMITED TO VEHICULAR ENTRANCES, PEDESTRIAN ACCESS TO THE STRUCTURE, AND VENTILATION OPENINGS. ALL SUCH OPENINGS SHALL BE DECORATIVE AND BE AN INTEGRAL PART OF THE OVERALL BUILDING DESIGN.
- PARKING STRUCTURE SHALL BE ACTIVATED WITH A GROUND FLOOR USE. e. ON-SITE LOADING DOCKS AND WASTE AREAS SHALL BE SEPARATED AND/OR SCREENED FROM VIEW AT GROUND LEVEL FROM PRIMARY BUILDING ENTRANCES AND FROM PARK ROAD AND

d. IF AN EXPOSED PARKING STRUCTURE IS LOCATED AT A STREET CORNER, THE CORNER OF THE

# VIII. PEDESTRIAN ACCESS AND CIRCULATION DESIGN GUIDELINES.

- a. ALONG THE SITE'S INTERNAL STREETS, THE PETITIONER WILL PROVIDE A SIDEWALK AND A CROSS-WALK NETWORK THAT LINKS THE BUILDINGS, PARKING AREAS AND AREAS OF INTEREST ON THE SITE WITH ONE ANOTHER BY WAY OF LINKS TO SIDEWALKS ALONG THE ABUTTING
- PUBLIC AND PRIVATE STREETS AND/OR OTHER PEDESTRIAN FEATURES. b. WHERE WALKWAYS OCCUR ALONG BUILDING WALLS, A WALKWAY WIDTH OF AT LEAST SIX (6) FEET MUST BE MAINTAINED CLEAR OF MAIN DOOR SWINGS, SHOPPING CART STORAGE, AND TEMPORARY TRASH OR SIMILAR IMPEDIMENTS. MAIN DOOR SWINGS ARE TO BE DISTINGUISHED FROM EMERGENCY EXITS, WITH EMERGENCY EXITS ONLY REQUIRING A WALKWAY WIDTH OF
- SUBJECT TO THE OPTIONAL PROVISION SET FORTH ABOVE, DEVIATIONS FROM TYPICAL SIDEWALK AND PLANTING STRIP REQUIREMENTS ARE ALLOWABLE UPON APPROVAL BY CDOT AND THE PLANNING DIRECTOR. ANY CHANGES TO DIMENSIONAL REQUIREMENTS ARE

# ALLOWABLE ONLY IN CASES OF HARDSHIP.

IX. OPEN SPACE AND AMENITY AREAS. PETITIONER SHALL PROVIDE OPEN SPACES THROUGHOUT THE SITE IN ACCORDANCE WITH THE

- a. <u>URBAN OPEN SPACES:</u> NEW DEVELOPMENT WITHIN THE SITE SHALL MEET OR EXCEED THE URBAN OPEN SPACE REQUIREMENTS OF THE MUDD DISTRICT.
- b. AMENITIZED PUBLICLY ACCESSIBLE OPEN SPACE: PETITIONER SHALL PROVIDE AT LEAST 10,000 SQUARE FEET OF AMENITIZED, PUBLICLY ACCESSIBLE OPEN SPACES DESIGNED AS AMENITY AREAS CENTRAL TO THE SITE IN THE AREAS GENERALLY DEPICTED ON THE REZONING PLAN. THE MAJORITY OF THE REQUIRED OPEN SPACE WILL BE AT THE GROUND LEVEL IN LOCATIONS THAT ARE VISIBLE AND ACCESSIBLE FROM STREETS OR SIDEWALKS. THESE AREAS MAY INCLUDE ELEMENTS SUCH AS: WATER FEATURES, SPECIALTY GRAPHICS, LANDSCAPING, SPECIALTY PAVING, SEATING AREAS, SIGNAGE, ART WORK AND/OR OTHER SITE ELEMENTS.
- PERIMETER OPEN SPACE: PETITIONER SHALL PROVIDE A FOUR (4) FOOT TRANSITION ZONE BETWEEN THE BACK OF SIDEWALK AND THE FACE OF BUILDING AROUND AT LEAST 75% PERCENT OF THE PERIMETER OF THE SITE'S EXISTING PUBLIC STREET FRONTAGES. THE PURPOSE OF THE TRANSITION ZONE IS CONTINGENT UPON THE USE AND SHALL BE DESIGNED TO ACCOMMODATE SEMI-PUBLIC COURTYARDS, A WIDER SIDEWALK FOR OUTDOOR DINING WHEN ADJACENT TO NON-RESIDENTIAL OR ENHANCED LANDSCAPING, STAIRS AND STOOPS MAY ENCROACH INTO THIS TRANSITION ZONE
- d. THE AMENITIZED PUBLICLY ACCESSIBLE OPEN SPACE WITHIN DEVELOPMENT AREA B SHALL BE DESIGNED TO CREATE A CONNECTION BETWEEN THE BUILDING WITHIN DEVELOPMENT AREA B AND THE OPEN SPACE AREAS AT THE CENTER OF THE SITE. PEDESTRIAN CONNECTIONS SHALL BE PROVIDED FROM THE REAR OF THE BUILDING WITHIN DEVELOPMENT AREA B TO THE ADJACENT AMENITIZED PUBLICLY ACCESSIBLE OPEN SPACE.

OPEN SPACES WITHIN A SPECIFIC DEVELOPMENT AREA SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING WITHIN THE SAME DEVELOPMENT AREA. HOWEVER, THE AMENITIZED PUBLICLY ACCESSIBLE OPEN SPACE WITHIN DEVELOPMENT AREA R MAY BE IMPACTED BY THE DEVELOPMENT OF DEVELOPMENT AREA E. IF IMPROVEMENTS TO DEVELOPMENT AREA B OCCUR FIRST, THEN THE OPEN SPACE WITHIN A DEVELOPMENT AREA B WILL BE PROVIDED WITH THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR DEVELOPMENT AREA E. IF DEVELOPMENT AREA E IS DEVELOPED FIRST THEN THE OPEN SPACE SHALL BE PROVIDED WITH THE IMPROVEMENTS TO AREA B OR PRIOR TO THE FIRST CERTIFICATE OF OCCUPANCY FOR AREA C, WHICHEVER OCCURS FIRST. 

SLIGHTLY ABOVE GRADE AND SHALL BE HIGHLY VISIBLE AND ARCHITECTURALLY TREATED AS PROMINENT PEDESTRIAN ENTRANCE THROUGH A COMBINATION OF AT LEAST SIGNAGE AS ALLOWED BY THE ORDINANCE AND BY THE OPTIONAL PROVISIONS SET FORTH UNDER SECTION II ABOVE MAY BE PROVIDED. BECAUSE THE SITE WILL BE VIEWED AS A PLANNED/UNIFIED-DEVELOPMENT AS DEFINED BY THE ORDINANCE, SHOPPING CENTER SIGNS MAY BE LOCATED THROUGHOUT THAT PORTION OF THE SITE ZONED MUDD-O AS ALLOWED BY THE ORDINANCE AND THE OPTIONAL PROVISIONS. IN ADDITION, USES LOCATED ON THE INTERIOR OF THE SITE MAY BE IDENTIFIED ON THE ALLOWED SHOPPING CENTER/DEVELOPMENT SIGNS (BY WAY OF EXAMPLE, THE MULTI-FAMILY DEVELOPMENTS MAY BE IDENTIFIED ON THE SIGNS ALLOWED ALONG PARK ROAD). THE ALLOWED SIGNS MAY CONTAIN IDENTIFICATION SIGNAGE FOR ANY OF

- 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, EXCEPT STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 30 FEET IN HEIGHT IN THE PORTIONS OF THE SITE USED FOR NON-RESIDENTIAL USES AND 25 FEET IN HEIGHT IN THE PORTIONS OF THE SITE USED FOR
- c. ATTACHED AND DETACHED LIGHTING SHALL BE DOWNWARDLY DIRECTED. HOWEVER, UPWARD FACING ACCENT LIGHTING SHALL BE PERMITTED.

PETITIONER INTENDS TO DEVELOP THE SITE IN PHASES AND MAY DEVELOP INDIVIDUAL DEVELOPMENT AREAS BASED ON MARKET DEMAND. ALL REQUIRED SIDEWALKS, STREET TREES AND OPEN SPACE AMENITIES WITHIN A PARTICULAR DEVELOPMENT AREA SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY (THIS REQUIREMENT SHALL NOT APPLY TO TEMPORARY CERTIFICATES OF OCCUPANCY) FOR PRINCIPAL BUILDING WITHIN THE SAME DEVELOPMENT AREA.

d. ARCHITECTURAL LIGHTING MAY BE INTEGRATED INTO BUILDING ELEMENTS.

## XIII. AMENDMENTS TO THE REZONING PLAN:

XV. VESTED RIGHTS PROVISION:

THE USES LOCATED ON THE SITE.

FUTURE AMENDMENTS TO THE REZONING PLAN MAY BE APPLIED FOR BY THE THEN OWNER OF 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

### XIV. BINDING EFFECT OF THE REZONING APPLICATION: IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF

THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.

IF THIS REZONING PETITION IS APPROVED BY THE CHARLOTTE CITY COUNCIL THEN, PURSUANT TO

SECTION 1.110 OF THE ORDINANCE, THE PETITIONER HEREBY REQUESTS A FIVE-YEAR VESTED RIGHT

TO UNDERTAKE AND COMPLETE THE DEVELOPMENT OF THIS SITE UNDER THE TERMS AND

CONDITIONS AS SO APPROVED, COMMENCING UPON APPROVAL OF THIS REZONING PETITION BY THE

### CHARLOTTE CITY COUNCIL. THE PETITIONER MAKES THIS REQUEST FOR A FIVE-YEAR VESTED RIGHT DUE TO THE SIZE AND PHASING OF THE PROPOSED DEVELOPMENT, MARKET CONDITIONS AND THE LEVEL OF INVESTMENT INVOLVED.

APPROVED BY

CITY COUNCI

200 SOUTH TRYON ST SUITE 200 CHARLOTTE, NC 28202 PHONE: (704) 333-5131

DESIGNED BY: DRAWN BY: CHECKED BY: 08/03/2015 PROJECT#: 017079000

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