

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:

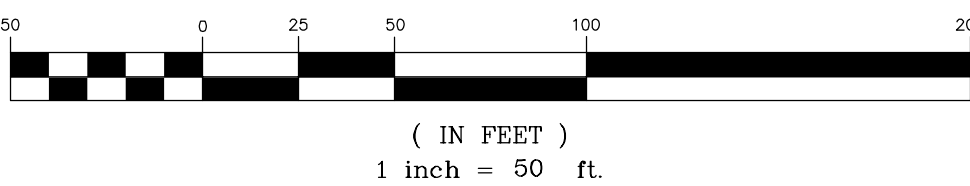
COMMENCING AT AN EXISTING NAIL LOCATED AT THE INTERSECTION FORMED BY THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE WITH THE EASTERLY MARGIN 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°07'06" 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 AFORESAID 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 226.00 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 84°01'38" E A DISTANCE OF 13.89 FEET) TO AN EXISTING NAIL, 3) N 79°08'55" E A DISTANCE OF 33.07 FEET TO AN EXISTING NAIL LYING ON THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD; THENCE WITH THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD S 12°59'30" E A DISTANCE OF 485.36 FEET TO AN EXISTING NAIL BEING THE NORTHEASTERLY CORNER OF THE D.G. DELEWARE, LLC PROPERTY AS DESCRIBED IN DEED BOOK 2019, PAGE 907; THENCE WITH THE NORTHERLY LINE OF THE D.G. DELEWARE, 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 86°25'21" 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°53'54" 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 350.596 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 25.00 FEET, AND AN ARC LENGTH OF 8.88 FEET, (CHORD: S 79°53'22" E A DISTANCE OF 8.83 FEET) TO AN EXISTING NAIL, 2) S 69°42'46" 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 AFORESAID 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.

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

CHICAGO TITLE INSURANCE COMPANY

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

SCHEDULE B - II (EXCEPTIONS)

- ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCRUMBRANCE, 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)
- EASEMENTS AND RIGHTS OF ENTRY RECORDED IN BOOK 7839, PAGES 657, 662 AND 667. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- RIGHT OF WAY EASEMENT TO SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY RECORDED IN BOOK 3718, PAGE 360. (AFFECTS THE SUBJECT PROPERTY)(AS SHOWN HEREON)
- EASEMENT (S) TO DUKE POWER COMPANY RECORDED IN BOOK 2601, PAGE 471 AND BOOK 5429, PAGE 3. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- NON EXCLUSIVE DEED OF EASEMENT RECORDED IN BOOK 9663, PAGE 71. (AFFECTS THE SUBJECT PROPERTY)(AS SHOWN HEREON)
- INDIVIDUAL EASEMENT TO TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP RECORDED IN BOOK 10755, PAGE 452. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- DECLARATION OF RECIPROCAL ACCESS AND PARKING EASEMENTS RECORDED IN BOOK 3645, 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)

LINE LEGEND:

EASEMENT	---
FENCE	---
PROPERTY LINE (NOT SURVEYED)	---
RIGHT-OF-WAY	---
RIGHT-OF-WAY (NOT SURVEYED)	---
SETBACK	---
CABLE TV LINE	C
FIBER OPTIC LINE	FO
GAS LINE	G
POWER LINE	P
POWER LINE (UNDERGROUND)	UE
SANITARY SEWER PIPE	SS
STORM DRAIN PIPE	SD
TELEPHONE LINE	T
TELEPHONE LINE (UNDERGROUND)	UT
WATER LINE	W

LEGEND:

BFP - BACK FLOW PREVENTOR	CONC - CONCRETE	C&G - CURB & GUTTER	CB - CATCH BASIN	CMP - CORRUGATED METAL PIPE	C/O - CLEAN OUT	D.B. - DEED BOOK	EIR - EXISTING IRON ROD	EN - EXISTING NAIL	EU - END UNKNOWN	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	GP/MH - GREASE PIT MANHOLE	GLT - GROUND LIGHT	GDP - GUARD POST	GW - GUY WIRE	ICV - IRRIGATION CONTROL VALVE	LMP - LAMP POST	NGS - NATIONAL GEODETIC SURVEY	O/HANG - OVERHANG	PB - POWER BOX	PM - POWER METER	PP - POWER POLE	PG - PAGE	PVC - PLASTIC PIPE	R/W - RIGHT-OF-WAY	RCP - REINFORCED CONCRETE PIPE	S.T. - SIGHT TRIANGLE	SDMH - STORM DRAIN MANHOLE	SSMH - SANITARY SEWER MANHOLE	TB - TELEPHONE BOX	TER - TERRACOTTA PIPE	TMH - TELEPHONE MANHOLE	UB - UTILITY BOX	WB - WATER BOX	WM - WATER METER	WV - WATER VALVE
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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:

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: 20'  
HEIGHT: 9 STORIES, PER SITE PLAN (95-17)

FOR FURTHER INFORMATION CONTACT THE  
CHARLOTTE-MECKLENBURG ZONING DEPARTMENT AT  
704-336-3569.

NOTES:

- THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
- ALL CORNERS MONUMENTED AS SHOWN.
- NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
- 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.
- BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
- 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 55' FROM CENTERLINE.
- 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.
- 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.
- 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 ORIGINATED 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  
L-4430

DATE

REZONING PETITION NO. 2016-095 EXISTING CONDITIONS

REVISIONS		ALTA/ACSM LAND TITLE SURVEY PREPARED FOR:	
09/24/12	- GENERAL CORRECTIONS.	<b>FAIRVIEW PLAZA ASSOCIATES, L.P.</b>	
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	
CREW:		<b>R.B. PHARR &amp; ASSOCIATES, P.A.</b> SURVEYING & MAPPING LICENSE NUMBER: C-1471	
DRAWN:	REVISED:	DATE:	FILE NO. W-3603B
KD	CW	1" = 50'	SEPTEMBER 07, 2012 JOB NO. 78637

K:\CHL\_PRR\015272 AAC\030 FAIRVIEW ROAD\DWG\REZONING\2016-1212 - REZONING\R2-1 EXISTING CONDITIONS.DWG

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, 2009.

THIS IS TO CERTIFY THAT ON THE 9TH 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 56) 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



EXISTING ZONING:  
MUDD-O



PROJECT NAME: FAIRVIEW PLAZA  
CLIENT NAME: FAIRVIEW PLAZA J.L.C, LLC  
PHONE# (704)295-4005  
PLANS PREPARED BY: KIMLEY-HORN AND ASSOCIATES  
PHONE# (704)333-5131  
PORTION OF 179-022-53  
TAX PARCEL ID: FAIRVIEW ROAD  
STREET ADDRESS: 0-3 (CD)  
EXISTING ZONING: MUDD-G  
PROPOSED ZONING: AS SET OUT ON SHEET RZ-2  
PROPOSED USE: APPROXIMATELY 182 ACRES  
PROPOSED REZONING AREA: CITY OF CHARLOTTE  
JURISDICTION:

## SETBACKS


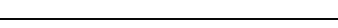

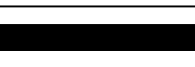

-MINIMUM SETBACK ON PARK SOUTH DRIVE & PIEDMONT ROW DRIVE: 30 FEET  
MINIMUM FROM BACK OF EXISTING OR PROPOSED CURB, WHICHEVER IS GREATER  
-MINIMUM SETBACK ON PROPOSED PRIVATE STREET: 20 FEET MINIMUM FROM BACK  
OF EXISTING OR PROPOSED CURB, WHICHEVER IS GREATER  
YARDS: PER ORDINANCE STANDARDS

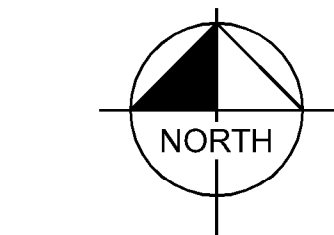
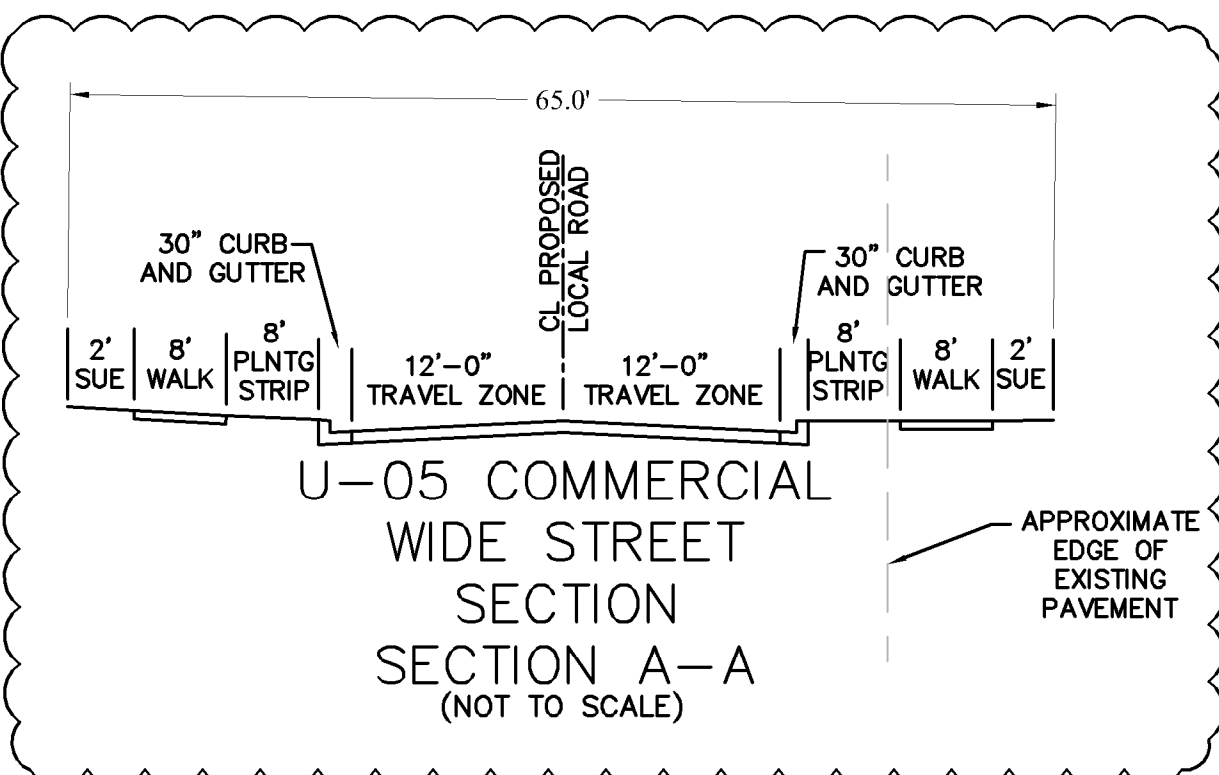
## PARKING SUMMARY

PARKING REQUIRED PER ORDINANCE STANDARDS

## NOTES

1. ALL DIMENSIONS ARE BASED FROM FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. SEE EXISTING CONDITIONS SHEET FOR COMPLETE BOUNDARY DESCRIPTION, ADJACENT PROPERTIES, AND USE.
3. ALL ON-STREET STRIPING IS TO BE PAINTED, UNLESS OTHERWISE NOTED. ALL STRIPING IN PUBLIC RIGHT-OF-WAY TO BE THERMOPLASTIC STRIPING.
4. STREET TREES: PER ORDINANCE STANDARDS
5. PORTION OF LOCAL COMMERCIAL WIDE STREET CROSS SECTION SHOWN ON SUBJECT PROPERTY WILL BE DEDICATED AS PUBLIC RIGHT-OF-WAY. ADDITIONALLY, EFFORT WILL BE MADE BY THE APPLICANT IN CONJUNCTION WITH THE ADJOINING PROPERTY OWNERS TO DEDICATE THE SHARED EASEMENT AS PUBLIC RIGHT-OF-WAY.

LEGEND	
	AREA OUTLINE
	SETBACK/BUFFER LINE
	BUILDING ENVELOPE
	FULL MOVEMENT ACCESS POINTS
	DIAGRAMATIC VEHICULAR ACCESS PATH



GRAPHIC SCALE IN FEET

A horizontal line with vertical tick marks at 0, 25, 50, and 100. The segment between 0 and 25 is white, 25 and 50 is black, 50 and 75 is white, and 75 and 100 is black.



Know what's below.  
Call before you dig.

Rezoning Petition No. 2016-095

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

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

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[illegible]

CLIENT: **FAIRVIEW PLAZA JLC, LLC**

**PROJECT:**

REZONING SITE PLAN

DESIGNED BY:	ARS
DRAWN BY:	ARS
CHECKED BY:	ECH
DATE:	12/19/2016
PROJECT#:	015272030

RZ-1

DEVELOPMENT STANDARDS  
JANUARY 23, 2016

I. GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY FAIRVIEW PLAZA BUILDINGS, LLC ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A HOTEL AND RETAIL, RESTAURANT AND SERVICE USES ON THAT APPROXIMATELY 1.621 ACRE SITE LOCATED ON PIEDMONT ROW DRIVE SOUTH, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF A PORTION OF TAX PARCEL NO. 179-022-53.
- 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. A MAXIMUM OF TWO BUILDINGS MAY BE CONSTRUCTED ON THE SITE AS DEPICTED ON THE REZONING PLAN. THE TWO BUILDINGS ARE DESIGNATED AS BUILDING A AND BUILDING B ON THE REZONING PLAN.
- E. THE BUILDINGS THAT MAY BE CONSTRUCTED ON THE SITE MUST BE LOCATED IN THE BUILDING ENVELOPE DEPICTED ON THE REZONING PLAN. THE LOCATIONS AND CONFIGURATIONS OF THE BUILDING FOOTPRINTS FOR BUILDING A AND BUILDING B DEPICTED ON THE REZONING PLAN ARE ILLUSTRATIVE, AND PETITIONER MAY MODIFY AND RELOCATE THE BUILDING FOOTPRINTS AND/OR COMBINE BUILDING A AND BUILDING B INTO ONE BUILDING AT ITS OPTION, PROVIDED, HOWEVER, THAT THE BUILDING OR BUILDINGS CONSTRUCTED ON THE SITE MUST BE LOCATED WITHIN THE BUILDING ENVELOPE.
- F. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS FOR 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.

2. OPTIONAL PROVISIONS

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

- A. THE MAXIMUM BUILDING HEIGHT SHALL BE 150 FEET.
- B. A DRIVEWAY, AN ENTRANCE INTO THE STRUCTURED PARKING FACILITY AND/OR A MOTOR COURT FOR DROPPING OFF AND PICKING UP HOTEL GUESTS MAY BE LOCATED BETWEEN A BUILDING OR BUILDINGS LOCATED ON THE SITE AND THE REQUIRED SETBACK FROM PIEDMONT ROW DRIVE SOUTH.
- C. VALET PARKING SERVICE AREA(S) MAY BE LOCATED BETWEEN THE BUILDING(S) LOCATED ON THE SITE AND PIEDMONT ROW DRIVE SOUTH.
- D. HARDSCAPE, LANDSCAPING, CHAIRS AND TABLES, SEAT WALLS AND OTHER SEATING ELEMENTS MAY BE LOCATED WITHIN THE INNER (SITE SIDE) 14 FEET OF THE 30 FOOT SETBACK LOCATED ALONG THE SITES FRONTAGE ON PIEDMONT ROW DRIVE SOUTH PROVIDED THAT SUCH ITEMS ARE NOT LOCATED WITHIN THE PUBLIC RIGHT OF WAY AND A MINIMUM 8 FOOT WIDE CLEAR SIDEWALK ZONE IS MAINTAINED.
3. PERMITTED USES
- A. 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) HOTELS;
- (2) EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1), AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 2) SUBJECT TO THE APPLICABLE REGULATIONS OF SECTION 12.346 OF THE ORDINANCE;
- (3) ART GALLERIES;
- (4) RETAIL SALES LIMITED TO USES ALLOWED IN THE B-1 ZONING DISTRICT;
- (5) SERVICES, INCLUDING, WITHOUT LIMITATION, BEAUTY SHOPS AND BARBERSHOPS, SPAS AND FITNESS CENTERS; AND
- (6) STRUCTURED PARKING DECKS AS AN ACCESSORY USE.

- B. NOTWITHSTANDING THE TERMS OF PARAGRAPH A ABOVE, THE FOLLOWING USES SHALL BE PROHIBITED ON THE SITE:
- (1) AUTOMOTIVE SERVICE STATIONS;
- (2) CONVENIENCE STORES WITH OR WITHOUT GASOLINE SALES; AND
- (3) DRIVE THROUGH WINDOW(S) AS AN ACCESSORY USE TO ANY LOCATED ON THE SITE.

4. DEVELOPMENT LIMITATIONS

- A. A MAXIMUM OF 180 HOTEL ROOMS MAY BE DEVELOPED ON THE SITE.
- B. A MAXIMUM OF 7,500 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO THE USES SET OUT ABOVE IN PARAGRAPHS 3.A.(2) THROUGH 3.A.(5) (THE "NON-HOTEL USES") MAY BE DEVELOPED ON THE SITE.
- C. RETAIL SALES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND TYPE 2) ASSOCIATED WITH AND ACCESSORY TO A HOTEL USE SHALL NOT BE COUNTED TOWARDS THE MAXIMUM GROSS FLOOR AREA OF 7,500 SQUARE FEET THAT MAY BE DEVOTED TO NON-HOTEL USES.
- D. 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.
- E. AS PROVIDED IN PARAGRAPH D 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.

5. 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. STRUCTURED PARKING FACILITIES MAY BE LOCATED BENEATH THE BUILDING(S) TO BE LOCATED ON THE SITE.
- C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL COMPLETE THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW.
- (1) CONSTRUCT ONLY ALONG THE SITE'S SOUTHERN BOUNDARY LINE A NEW PUBLIC STREET TO THE LOCAL COMMERCIAL WIDE STREET SECTION AS SHOWN ON THE REZONING PLAN (THE "NEW STREET"). THE NEW STREET SHALL CONNECT TO PIEDMONT ROW DRIVE SOUTH AND TO THE EXISTING PRIVATE STREET LOCATED TO THE SOUTHWEST OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
- (2) CONSTRUCT A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 8 FOOT WIDE SIDEWALK ONLY ON THE SITE SIDE OF THE NEW STREET. PETITIONER SHALL NOT BE REQUIRED TO CONSTRUCT A SIDEWALK AND PLANTING STRIP ALONG THE SOUTH SIDE OF THE NEW STREET. THE MINIMUM 8 FOOT WIDE PLANTING STRIP AND THE MINIMUM 8 FOOT WIDE SIDEWALK AND AN ADDITIONAL 2 FEET BEHIND THE SIDEWALK FOR MAINTENANCE MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT RATHER THAN IN PUBLIC RIGHT OF WAY.
- (3) DEDICATE RIGHT OF WAY FOR THE NEW STREET AS DEPICTED ON THE REZONING PLAN.
- D. PETITIONER WILL REQUEST THE ADJOINING PROPERTY OWNER(S) TO DEDICATE TO THE CITY AS PUBLIC RIGHT OF WAY THE EXISTING PRIVATE STREET LOCATED TO THE SOUTHWEST OF THE SITE AND TO WHICH THE NEW STREET WILL CONNECT. PETITIONER'S ONLY OBLIGATION IN THIS REGARD SHALL BE TO MAKE THE REQUEST, AND THE FAILURE OR REFUSAL OF THE ADJOINING PROPERTY OWNER(S) TO DEDICATE THE EXISTING PRIVATE STREET AS PUBLIC RIGHT OF WAY SHALL NOT CAUSE ANY APPROVAL, PERMIT OR CERTIFICATION OF OCCUPANCY FOR THE SITE TO BE DELAYED OR WITHHELD.

6. ARCHITECTURAL AND DESIGN STANDARDS

- A. SUBJECT TO THE OPTIONAL PROVISIONS SET OUT ABOVE, 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 BUILDING A SHALL BE 150 FEET.
- C. THE MAXIMUM HEIGHT OF BUILDING B SHALL BE 25' FEET. IN THE EVENT THAT BUILDING A AND BUILDING B ARE COMBINED INTO ONE BUILDING, THEN THE MAXIMUM HEIGHT OF THE COMBINED BUILDING SHALL BE 150 FEET.
- D. BUILDINGS WILL BE ORIENTED TOWARDS AND HAVE PROMINENT PEDESTRIAN ENTRANCES ON PIEDMONT ROW DRIVE SOUTH.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. FACADES ABOVE THE FIRST STORY SHALL INCORPORATE WINDOWS, ARCHES, BALCONIES OR OTHER ARCHITECTURAL DETAILS.
- J. ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES AS VIEWED FROM GRADE.
- K. 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 BUILDING(S). 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 EMPTIED AND THEN RETURNED TO THE INTERIOR OF THE STRUCTURED PARKING FACILITY OR BUILDING. ALTERNATIVELY, PETITIONER MAY ENTER INTO AN AGREEMENT WITH AN ADJACENT PROPERTY OWNER TO UTILIZE THE ADJACENT PROPERTY OWNER'S DUMPSTER AND RECYCLING FACILITIES.

7. SETBACK AND YARDS/STREETSCAPE

- A. SETBACKS AND YARDS SHALL BE PROVIDED AS DEPICTED ON THE REZONING PLAN.
- B. AS DEPICTED ON SHEET RZ-2 OF THE REZONING PLAN, A 30 FOOT SETBACK FROM THE BACK OF CURB SHALL BE PROVIDED ALONG THE SITE'S FRONTAGE ON PIEDMONT ROW DRIVE SOUTH. THE 30 FOOT SETBACK WILL BE COMPRISED OF AN 8 FOOT PLANTING STRIP LOCATED AT THE BACK OF CURB, AN 8 FOOT SIDEWALK AND A 14 FOOT WIDE GREEN RIBBON TRANSITION AREA. THIS GREEN RIBBON TRANSITION AREA SHALL BE A SEMI-PUBLIC TRANSITION ZONE THAT WILL CONTAIN HARDSCAPE AND LANDSCAPING, AND IT MAY CONTAIN CHAIRS AND TABLES, SEAT WALLS AND OTHER SEATING ELEMENTS, PROVIDED THAT SUCH ITEMS ARE NOT LOCATED WITHIN THE PUBLIC RIGHT OF WAY AND A MINIMUM 8 FOOT WIDE CLEAR SIDEWALK ZONE IS MAINTAINED.
- C. A 20 FOOT SETBACK FROM THE BACK OF CURB SHALL BE ESTABLISHED ALONG THE SITE'S FRONTAGE ON THE NEW STREET.
- D. PETITIONER SHALL INSTALL PLANTING STRIPS AND SIDEWALKS ALONG THE SITE'S PUBLIC STREET FRONTAGES AS GENERALLY DEPICTED ON THE REZONING PLAN.

8. ENVIRONMENTAL FEATURES

- A. DEVELOPMENT OF THE SITE SHALL BE IN COMPLIANCE WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

- B. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

9. 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 AND IN THE LANDSCAPED 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 21 FEET.
- C. ANY LIGHTING FIXTURES ATTACHED TO THE STRUCTURES TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

10. 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.
- D. 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.

	Reviewer	Date	Comments? Yes or No
Rezoning			
Area Planning			
Urban Design			
Subdivision			
Zoning	KYoung		
	TKeplinger		
	LHarmon		

Kimley»Horn

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NO.	DATE	REVISED PER CITY COMMENTS	REVISIONS
A	01/23/17		

CLIENT:  
FAIRVIEW PLAZA JLC, LLC  
5850 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: ARS  
DRAWN BY: ARS  
CHECKED BY: ECH  
DATE: 12/19/2016  
PROJECT#: 015272030

RZ-2



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Rezoning Petition No. 2016-095