

- Maximum Gross Square Feet of Development:**
- (i) within Development Area A, up to 230,000 square feet of gross floor area devoted to retail, EDEF, general and medical office uses, an automotive service station with or without a convenience store, and personal service uses as allowed in the NS zoning district;
  - (ii) within Development Area A-1, up to 4,000 square feet for a bank, or retail, general or medical office uses, and personal service uses as allowed in the NS zoning district;
  - (iii) within Development Area B a 60,000 square foot motion picture theater, a hotel with up to 200 hotel rooms, and up to 9,000 square feet of gross floor area devoted to retail, EDEF, personal service uses as allowed in the CC zoning district, subject the conversions Sheet RZ.3.0 in Section 3;
  - (iv) within Development Area C up to 365,000 square feet of gross floor area of general offices uses as allowed by right and under prescribed conditions in the O-1 zoning district;
  - (v) within Development Area D up to 127,000 square feet of climate controlled storage (warehousing within an enclosed building) with up to 3,000 square feet of gross floor area of non-residential uses as allowed in the MUDD zoning district on the ground floor level, or up to 8,000 square feet of gross floor area non-residential uses as allowed in the MUDD zoning district;
  - (vi) within Development Area E up to 500 multi-family residential dwelling units; and
  - (vii) within Development Area F up to 100 attached or detached dwelling units "townhomes for sale and single-family homes" as allowed in the NS zoning district, provided, however, a loading docks (open or enclosed), outdoor dining areas and surface and structure parking areas shall not be counted toward the allowed gross floor area (floor area as defined by the ordinance) proposed by this rezoning petition.

MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT	
AREA	PROPOSED USES
AREA A	230,000 SF MIXED USE/RETAIL
AREA A-1	4,000 SF COMMERCIAL
AREA B	HOTEL (200 ROOMS) AND 9000 SF MIXED USE /RETAIL AND 60,000 SF ENTERTAINMENT
AREA C	365,000 SF OFFICE
AREA D	127,000 SF CLIMATE CONTROLLED STORAGE (with UP TO 3,000 SF NON RESIDENTIAL USES) —OR— UP TO 8,000 SF NON RESIDENTIAL USES
AREA E	UP TO 500 MULTI FAMILY UNITS
AREA F	UP TO 100 TOWNHOMES OR SINGLE FAMILY HOMES

PETITION 2016-128

**RIVERBEND**  
 (FKA MOUNTAIN ISLAND PROMENADE)  
**SIMPSON COMMERCIAL REAL ESTATE**  
 1401 SUNSET DRIVE, SUITE B  
 GREENSBORO, NC 27408  
 336-508-2801

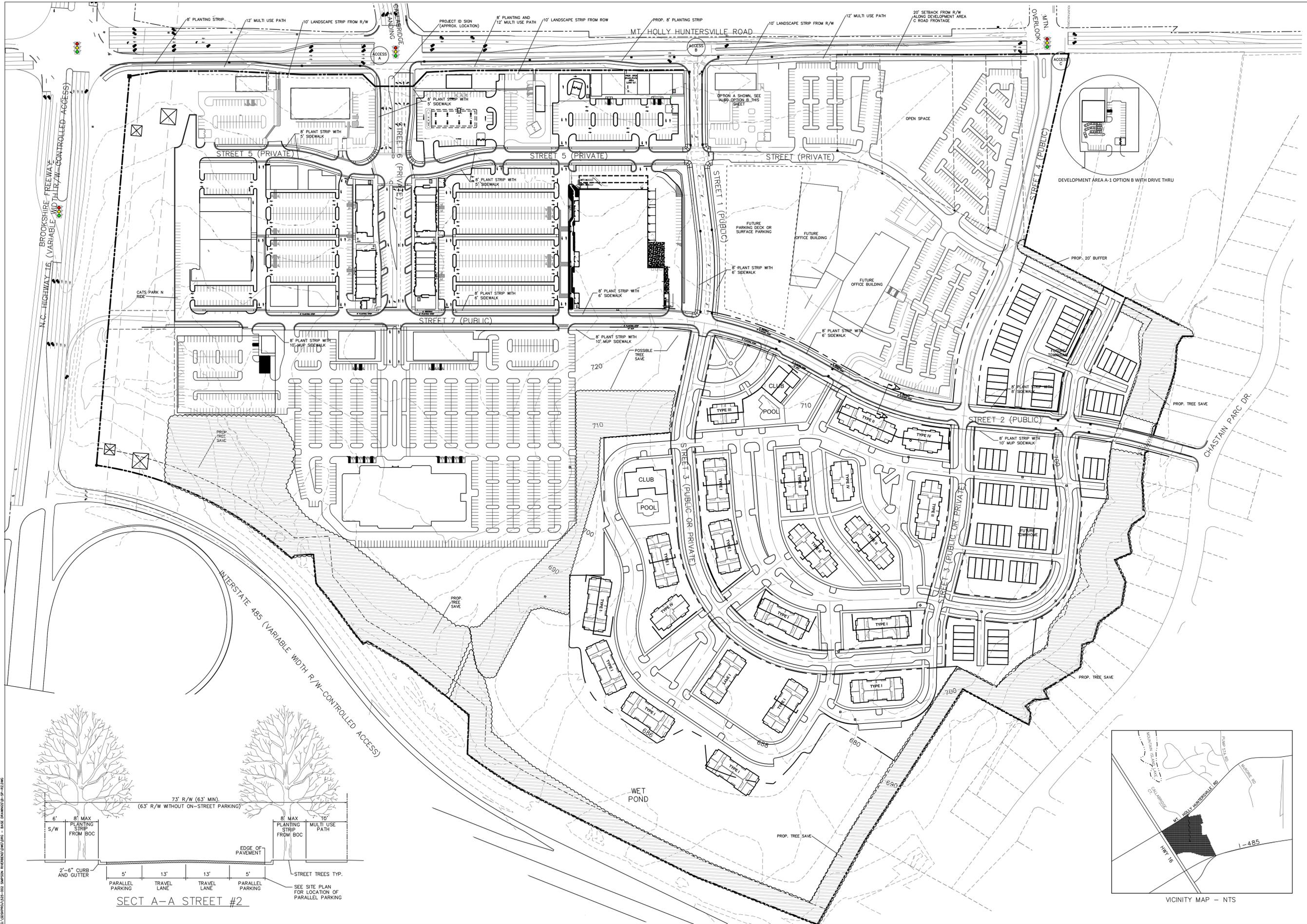
**SCHEMATIC  
 SITE DESIGN**

0 60 120  
 SCALE: 1" = 120'

PROJECT #: 525-001  
 DRAWN BY: KC  
 CHECKED BY: BS

JULY 20, 2016

REVISIONS:



SECT A-A STREET #2

**Site Development Data:**

-Acreage: ± 125.13 acres  
-Tax Parcel #: 033-041-09, 033-041-23, 033-041-22, 033-041-19, 033-041-20, 033-041-17, 033-041-11, 033-201-14, 033-041-10

-Existing Zoning: R-3, NS and B-D(CD)  
-Proposed Zoning: CC, MUDD-O, O-1(CD) & NS(SPA)  
-Existing Uses: Vacant and Residential uses  
-Proposed Uses: Retail; Eating, Drinking, Entertainment, Establishments (EDEE); Motion Picture Theater, a Hotel; Residential Dwelling units; general and medical office uses; Climate Controlled Storage (warehousing within an enclosed building), an automobile service station, and Personal Service Uses as permitted by right, under prescribed conditions, in the NS, O-1, CC and MUDD-O zoning districts and by the Optional provisions below together with accessory uses, including parking structures, as allowed in each of the zoning districts described above (as more specifically described and restricted below in Section 3).

**--Maximum Gross Square Feet of Development:**

- (i) within Development Area A, up to 230,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses, an automotive service station with or without a convenience store, and personal service uses as allowed in the NS zoning district;
- (ii) within Development Area A-1, up to 4,000 square feet for a bank, or retail, general or medical office uses, and personal service uses as allowed in the NS zoning district;
- (iii) within Development Area B a 60,000 square foot motion picture theater, a hotel with up to 200 hotel rooms, and up to 9,000 square feet of gross floor area devoted to retail, EDEE, personal service uses as allowed in the CC zoning district, subject to the conversions provisions below in Section 3;
- (iv) within Development Area C up to 365,000 square feet of gross floor area of general offices uses as allowed by right and under prescribed conditions in the O-1 zoning district;
- (v) within Development Area D up to 127,000 square feet of climate controlled storage (warehousing within an enclosed building) with up to 4,000 square feet of gross floor area for non-residential uses as allowed in the MUDD zoning district on the ground floor level, or up to 8,000 square feet of gross floor area non-residential uses as allowed in the MUDD zoning district;
- (vi) within Development Area E up to 500 multi-family residential dwelling units; and

(vii) within Development Area F up to 100 attached or detached dwelling units "townhomes for sale and single-family homes" as allowed in the NS zoning district, provided, however, a loading docks (open or enclosed), outdoor dining areas and surface and structure parking areas shall not be counted toward the allowed gross floor area (floor area as defined by the ordinance) proposed by this rezoning petition.  
-Maximum Building Height: Buildings within Development Area A and A-1 will be limited to two (2) stories; buildings within Development Area B will be limited to seven (7) stories; buildings within Development Area C will be limited to seven (7) stories; buildings within Development Area D will be limited to four (4) stories; and buildings within Development Area E and F will be limited to four (4) stories. Building height to be measured as required by the Ordinance.  
-Parking: As required by the Ordinance will be provided.

**1. 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 MT Island Promenade LLC. ("Petitioner") to accommodate the development of a high quality retail uses; Eating, Drinking Entertainment Establishments; Residential Dwellings units; General and Medical office uses; a Hotel, a Motion Picture Theater, and Personal Service uses on an approximately 125.13 acre site located on the southeast quadrant of the intersection of N.C. Hwy. 16 and Mt. Holly-Huntersville 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 NS, O-1, CC and MUDD-O zoning district classifications shall govern all development taking place on the Site, and subject to the Optional Provisions provided below for the MUDD portion of the Site.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Permissible Building Areas (as defined below) 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. minor and not materially change the overall design intent depicted on the Rezoning Plan.
- The Planning Director, or designee 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 to 91, and may be located on the Site as follows: 19 buildings may be located within Development Area A; two (2) buildings within Development Area A-1; seven (7) buildings within Development Area B; four (4) buildings within Development Area C; two (2) buildings within Development Area D; 26 buildings within Development Area E; and 34 buildings within Development Area F. 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.

e. **Detailed Plan Approval Prior to the Issuance of a Building Permit.** The Petitioners agree to submit detailed plans with respect to each phase of development proposed on the Site to the Staff of the Charlotte-Mecklenburg Planning Commission for review prior to the issuance of building permits for construction of the proposed phase of development so that Staff may be assured that such development satisfies the conditions imposed under the Technical Data Sheet, these Development Standards and the other Sheets and Exhibits accompanying the Rezoning Petition. Compliance with the provisions of this paragraph shall not be deemed to be an administrative site plan application or require administrative site plan approval as envisioned by Section 6.207 of the Ordinance.

**2. Optional Provisions**

The following optional provisions shall apply to the portion of the Site zoned MUDD-O:

- a. To allow the proposed building within Development Area D to have a detached sign up to four (4) feet high with up to 32 square feet of sign area.
- d. To allow parking between the building in Development Area D and NC Hwy. 16, I-485 and Mt. Holly-Huntersville Road as generally depicted on the Rezoning Plan.

*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. For ease of reference, the Rezoning Plan sets forth six (6) Development Areas as generally depicted on the Technical Data Sheet as Development Areas A, A-1, B, C, D, E, and F (each a "Development Area" and collectively the "Development Areas").
- b. Subject to the restrictions, limitations, and conversion rights listed below, the principal buildings constructed on the Site and located within:

- (i) Development Area A may be developed with up to 230,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses, an automotive service station, and personal service uses;
- (ii) within Development Area A-1 up to 4,000 square feet of gross floor area devoted to either a bank with accessory drive-through windows, or retail, general or medical office uses, and personal services uses;
- (iii) within Development Area B a motion picture theater with up to 60,000 square feet of gross floor area, a hotel with up to 200 rooms, and up to 9,000 square feet of gross floor area for retail, EDEE, general and medical office uses, and personal service uses subject to the conversion provisions listed below;
- (iv) within Development Area C up to 365,000 square feet of gross floor area of general office uses, with and without parking structures;
- (v) within Development Area D up to 127,000 square feet of gross floor area of climate controlled storage (warehousing

within an enclosed building) with 3,000 square feet of gross floor area of non-residential uses as allowed in the MUDD zoning district, or 8,000 square feet of gross floor area on non-residential uses allowed as allowed in the MUDD zoning district;

- (vi) within Development Area E up to 500 multi-family residential uses; and
- (vii) within Development Area F 100 attached or detached (per R-6 standards) dwelling units (townhomes for sale or single-family homes) all as permitted by right, and under prescribed conditions in the NS, CC, O-1, and MUDD-O zoning district together with accessory uses allowed as allowed in each of the proposed zoning districts.

*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.*

e. The 60,000 square foot motion picture theater allowed in Development Area B may be converted into 60,000 square feet of additional retail, EDEE, office, personal services uses as allowed in the CC zoning district if the motion picture theater is not constructed. If the allowed theater square footage is converted to other allowed uses as indicated, additional buildings may be added to Development Area B. The additional buildings will maintain the same general building orientation proposed by the theater. The Petitioner will work with Planning Staff on the arrangement of the additional buildings prior to the issuance of a building permit.

d. Within Development Area D either a climate controlled storage facility with ground floor non-residential uses as allowed in the MUDD zoning district, or up to 8,000 square feet of gross floor area of uses allowed in the MUDD zoning district may be constructed in lieu of the climate controlled storage facility.

e. Within Development Area A-1 either a bank with accessory drive-through windows with up to 4,000 square feet of gross floor area may be constructed, or if a bank is not constructed up to 4,000 square feet of gross floor area for retail, general or medical office uses, and personal uses will be allowed.

f. Up to four (4) uses with an accessory drive through window will be permitted within Development Area A. A maximum of three (3) restaurants (EDEE) with accessory drive-through windows will be allowed.

g. Only one (1) automobile service station with or without a convenience store will be allowed on the Site and it must be located within Development Area A.

h. The number of independent out-parcels with Development Areas A and A-1 shall be limited to no more than two. All other out-parcels must be inter-connected as defined by the General Development Policies

i. The Petitioner reserves the right to transfer portions of the allowed square footage for Development Areas A, and B between these two Development Areas as long as the total amount of allowed square footage is not increased. If square allowed square footage is transferred between the two Development Areas the arrangement and placement of the building indicated will be maintained. The Planning Staff may approve alternate building arrangements if the revised building arrangement maintains or improves the pedestrian inter-connectivity of the Site.

*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).*

**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 Figure -- located on Sheet -- of the Rezoning Plan. Figure -- on Sheet -- 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 -- for the proposed improvement).*

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

**To be Completed upon the Completion of the Traffic Impact Analysis for the Site.**

**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 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 northwest Mecklenburg area, by way of a private/public partnership effort or other public sector project support.]

**b. Phasing and Substantial Compliance.**

i. **Development Areas --- and --.** The Petitioner will be allowed to obtain a certificate of occupancy for any one or all of the buildings located within Development Areas --- and -- upon the substantial completion of the following improvements:

**To be Completed upon the completion of the Site's TIA.**

c. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.11.b. above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.11.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 above 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 provided in the (aggregate) comparable transportation network benefits to the improvements identified in this Petition. The proposed signalized directional cross-over along Providence Road will not be replaced with other improvements.

f. In connection with improvements to Mt. Holly-Huntersville Road, a major-throughfare, the Petitioner reserve the right to request the maximum reimbursement amount permitted under CDOT policy.

**III. Access.**

a. Access to the Site will be from Mt. Holly-Huntersville Road, NC Hwy. 16 and Chastain Parc Drive as part of the extension of an existing public street stub (Valley Walk Drive) as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

b. The opening (the removal of the barricade) of the public street connection from the Riverbend Development to Chastain Parc via the connection and extension of Valley Walk Drive will not occur until at least 150,000 square feet of the allowed uses

within Development Area A has received a certificate of occupancy, and the first planned office building within Development Area C has also received a certificate of occupancy.

c. The Petitioner will construct two (2) speed tables along public street # 2 between the intersection of public street #1 and public street # 4 as generally depicted on the Rezoning Plan.

d. The Petitioner as part of the development of Site will construct a public and private street network through the Site as generally depicted on the Rezoning Plan. A public access easement will be provided for each of the proposed private streets. The public access easement will prohibit the private streets from being closed or gated and will require that the private streets 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 network open to the public on the Site providing access to Mt. Holly-Huntersville Road and NC Hwy. 16.

e. 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.

f. The Site's internal private street will be designed to include sidewalks and planting strips as generally depicted on the Rezoning Plan.

g. The Petitioners agree to dedicate and convey (by quitclaim deed and subject to reservations for any necessary utility easement) portions of the Site prior to the issuance of first certificate of occupancy for any building taking place on the Site, right-of-way as follows, if such right-of-way does not presently exist:

- (i) Brookshire Boulevard (NC 16; 100 feet east of the centerline unless the existing Duke Energy right-of-way and NC Highway 16 right-of-way are contiguous.
- (ii) Mt. Holly-Huntersville Road;

70 feet south of the centerline for a distance of 1300 feet running from the eastern margin of the right-of-way for NC Highway 16 to Access A and reduced to 60 feet south of the centerline along the remaining frontage of the Site. Any such additional right-of-way may be reduced if the entire amount committed is not necessary to accommodate the improvements depicted on the Technical Data Sheet (including a 5 foot wide bike lane, the construction costs of which the City has agreed to bear), with the final width of the additional right-of-way to be determined based on the Final design for these roadway improvements approved by CDOT and NCDOT.

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

a. A 24 foot landscape setback as measured from the future back of curb along Mt. Holly-Huntersville Road will be established along Development Area A and A-1's frontage on Mt. Holly-Huntersville Road. An eight (8) foot planting strip and a 12 foot multi-use path will be located within the landscape setback. Detached signs will be allowed within the proposed setbacks established along Mt. Holly-Huntersville Road. Signs must be located outside of the right-of-way line.

b. Along Development Area C's frontage on Mt. Holly-Huntersville Road a 20 foot setback as measured from the future right-of-way line will be established. An eight (8) foot planting strip and a 12 foot multi-use path will be constructed along Development Area C's frontage on Mt. Holly-Huntersville Road frontage. Detached signs will be allowed within these proposed setbacks established along Mt. Holly-Huntersville Road.

c. A 50 foot landscape setback will be established along I-485 as generally depicted on the Rezoning Plan. Signs will be allowed within the setback.

d. The Petitioner will provide buffers along the western property boundary as generally depicted on the Rezoning Plan. These buffer will consist of a 90' undisturbed buffer, and a 50 foot Class C buffer as generally depicted on the Rezoning Plan. The Petitioner will install, at its expense, a four foot (4') high black aluminum fence within the 90' buffer as shown on the Technical Data Sheet.

e. The Petitioner is required to connect a Public Street from the Site to Valley Walk Drive in the Chastain Parc Subdivision. In order to provide an attractive entryway, the Petitioners agree to install a streetscape on both sides of Valley Walk Drive between Chastain Parc Drive and the Site, provided appropriate consents are granted from the individual property owners of Lots number 17 and 18, as depicted on the Technical Data Sheet, within 30 days after Petitioners have made written offers to do so. These trees will be planted on both sides of Valley Walk Drive and be the same species and size as those planted on Public Street 2. The Petitioners agree to meet with each of the property owners involved who shall have returned timely consents to the Petitioners (or their respective representatives) to decide upon the exact locations of the plant material within 30 days after receipt of the appropriate consent form and to install the plant materials on the lots of each consenting owner involved prior to the issuance of a permanent certificate of occupancy for any building constructed on Parcel F. If the plant material is installed on any such lot, all watering and maintenance will be the responsibility of the owner of the lot and the Petitioners shall not be responsible for maintaining this plant material or for replacement in the event any of the plant material dies.

f. All internal public streets shall have an eight (8) foot wide planting strips and either six (6) foot sidewalks on both sides, or a 10 foot multi-use path on one side and a six (6) foot sidewalk on the opposite side as generally depicted on the Rezoning Plan.

g. All internal private streets shall have a six (6) foot wide planting strip and a five (5) foot wide sidewalks on both sides as generally depicted on the rezoning plan.

h. All public building entrances, except those for fire exits and loading, will connect directly to a sidewalk along a public street or to a private street/drive or to an open space.

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

j. The possible location of some of the proposed Urban Open Space is generally depicted on the Rezoning Plan.

k. The open space area located within Development Area C will be at least one (1) acre in size and will be improved with seating areas, landscaping and hardscape improvements. Additional open space areas may be provided within Development Area C.

l. Public open spaces containing landscaping, benches, and pedestrian sealed lighting shall be provided on Development Area A in those locations depicted on the Schematic Site Plans. Additionally, outdoor dining and seating areas associated with restaurant tenants may be provided.

m. Outdoor dining areas may be provided along the internal private streets, adjacent to the proposed buildings, in the urban open space and open space areas provided on the Site. The location and size of outdoor dining areas will be determined during the urban review process for the Site.

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

o. 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 vinyl and/or wood. Brick 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. Buildings located along Mt. Holly-Huntersville Road shall contain translucent glass windows along the elevations which face Mt. Holly-Huntersville Road. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but

complimentary building materials, colors, or textures may be used to enhance the architecture of the building.

d. The buildings located along the private street that connects to Mt. Holly-Huntersville Road opposite Calabridge Landing shall contain translucent glass windows along the elevation which faces the main entrance drive. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building.

e. All retail buildings must be architecturally integrated to complement one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.

f. Buildings within Development Area E will have exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 30 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum or vinyl siding shall be used. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

g. Buildings within Development Area F will have exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 35 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum or vinyl siding shall be used. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

**7. Environmental Features:**

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

b. The location, size and type of storm water management system depicted on the Rezoning Plan 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. The Petitioners agree to employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements. The enforcement officer shall be empowered to take the actions necessary to ensure the prompt correction of problems as and when they are detected. The enforcement officer must attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and must satisfactorily pass the certification test.

d. The Petitioners will require supervisors assigned to the Site by all grading contractors to attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and all such supervisors must satisfactorily pass the certification test.

**e. Erosion Control.**

Measures for controlling erosion shall include:

- (i) In the event frequency and intensity of rainfall events are overloading basins or other devices, polymers rand other flocculating measures shall be employed to enhance settling capabilities to avoid the discharge of solids from the Site.
- (ii) Double row high hazard silt fences shall be used in critical areas of the Site, including all intermittent and perennial streams, delineated wetlands, bases of slopes, approved stream crossings and other locations where the potential for off-site sedimentation is greatest.
- (iii) In the absence of silt fencing, orange construction barrier fence shall be installed along undisturbed buffers to delineate and protect undisturbed buffers during construction.
- (iv) Two stage sediment basins with outlet weirs sized for a 50-year storm event shall be used to reduce the risk of basin failure.
- (v) During construction, the developer shall develop a weekly inspection program meeting NPDES General Permit requirements for all sediment basins including written documentation of such inspections. This written documentation shall be maintained on-site and available upon request. Sedimentation in perennial or intermittent streams caused by construction activities shall be mitigated in an unobtrusive manner within two weeks of identification. Turbidity levels shall be monitored and recorded as part of the inspection program at appropriate runoff discharge points on the Site.

f. The Site will comply with the Tree Ordinance.

**8. 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.

**9. Lighting:**

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

b. The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Development Areas A, A-1, B, C and Parcel D of the Site, shall not exceed 31 feet. All freestanding parking lot lighting fixtures within these Development Areas will be uniform in design.

c. The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Development Areas E and F of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Development Areas E and F will be uniform in design.

d. Pedestrian scale lighting will be provided along the Site's Public and Private Streets.

**10. CATS Park and Ride Spaces and Pad for Passengers:**

a. The Petitioner will provide 30 nonexclusive parking spaces for use by CATS passengers during the work week (weekdays only) as generally depicted on the Rezoning Plan. The Petitioner will also construct a waiting pad per standard 60.03A along Mt. Holly-Huntersville Road. The location of the waiting pad will be coordinated with CATS during the land development approval process. The Petitioner will provide and access easement to allow the CATS buses to circulate between the park and ride spaces and Mt. Holly-Huntersville Road. The parking spaces, waiting pad, and access easements will be provided prior to the issuance of certificate of occupancy for the buildings located along N.C Hwy. 16 and between private street #5 and public street # 7.

**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 the provisions herein and of Chapter 6 of the Ordinance.

**12. Binding Effect of the Rezoning Application:**

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

(a)



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**PETITION 2016-128**

**RIVERBEND**  
(FKA MOUNTAIN ISLAND PROMENADE)  
**SIMPSON COMMERCIAL REAL ESTATE**  
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GREENSBORO, NC 27408  
336-508-2801

**DEVELOPMENT NOTES**

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SCALE: NTS

PROJECT #: 525-001  
DRAWN BY: KC  
CHECKED BY: BS

JULY 20, 2016

REVISIONS: