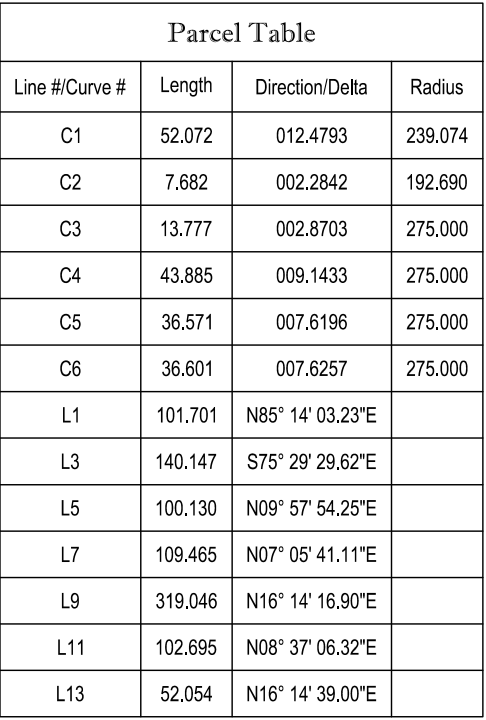




TREE SAVE CALCULATION		
	NS	MUDD
AREA OUTSIDE ROW	5.51 AC	7.06 AC
TREE SAVE REQUIRED (15% OF SITE)	0.827 AC	1.06 AC
TREE SAVE PROVIDED	0 AC*	1.06 AC

*PAYMENT IN LIEU MITIGATION FOR TREE SAVE IN NS ZONING DISTRICT

LEGEND NO. 2017-023

PROPERTY BOUNDARY

DEVELOPMENT AREA

RIGHT-OF-WAY TO BE DEDICATED

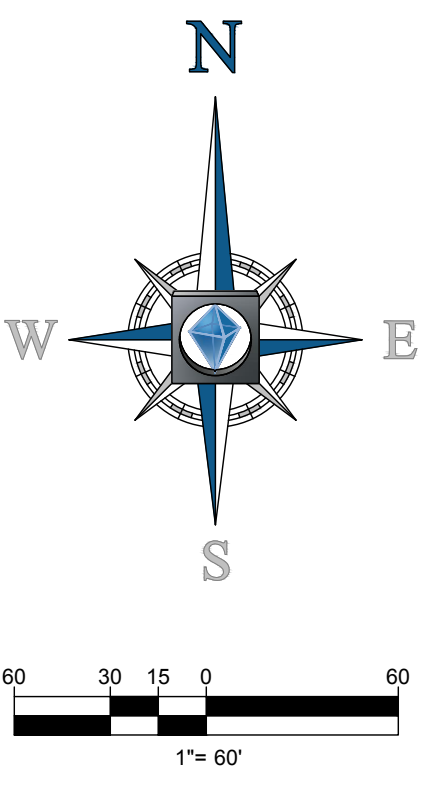
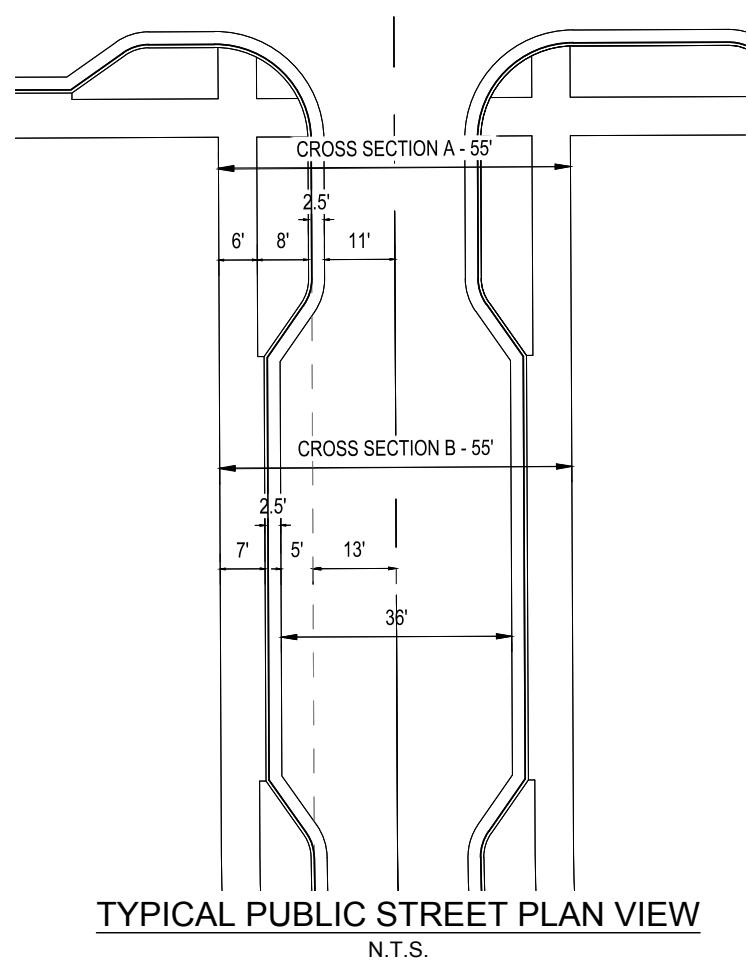
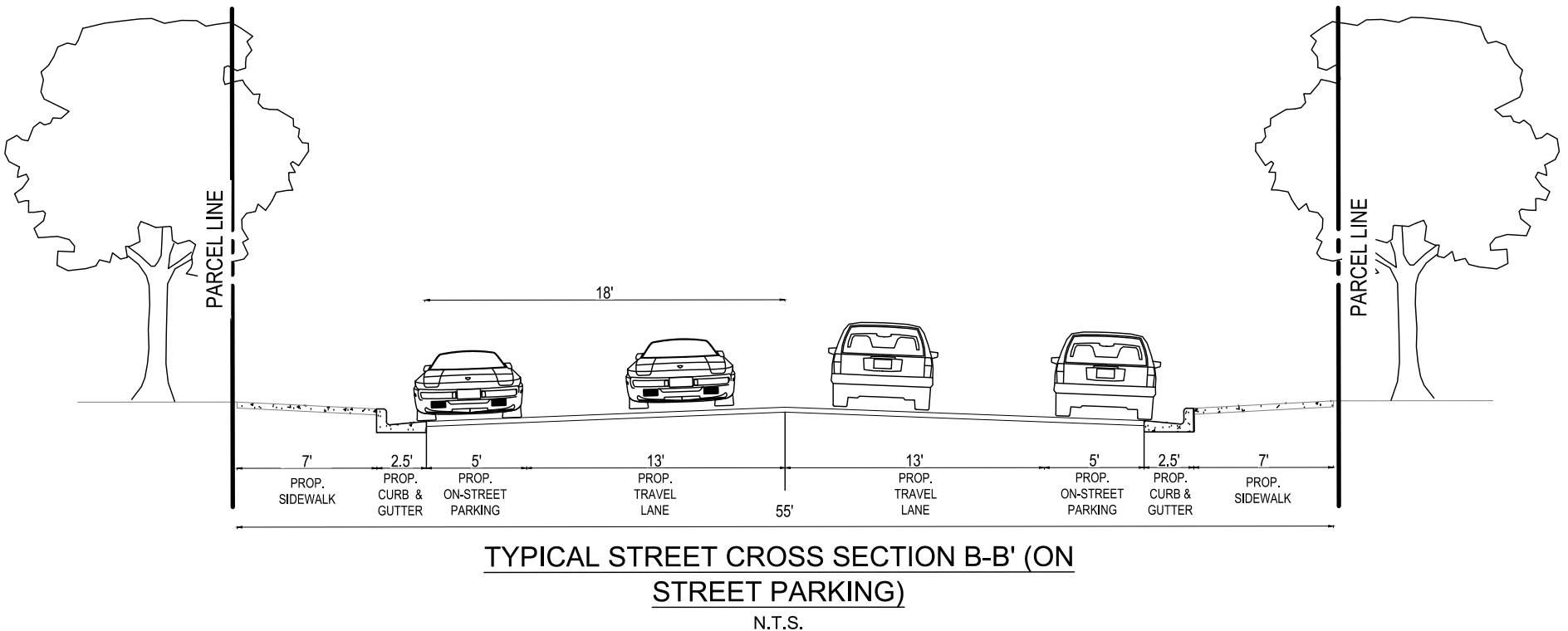
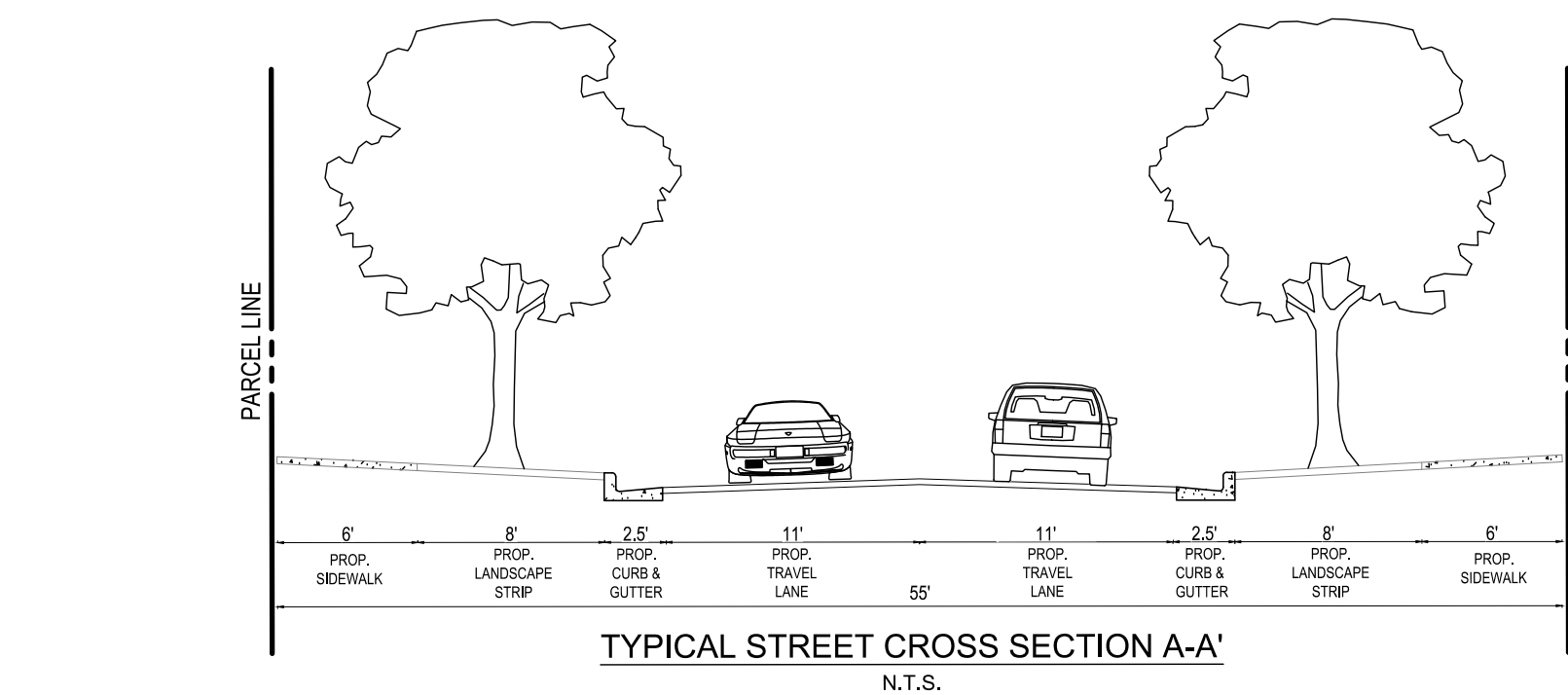
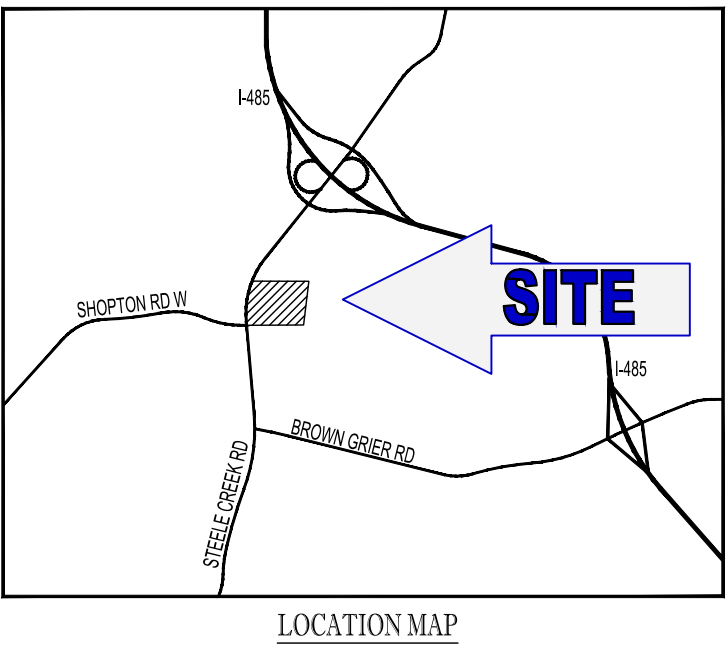
PRIMARY FRONTAGE AREAS

ZONING DISTRICT BOUNDARY LINE

REZONING PETITION NO. 2017-023

SITE DEVELOPMENT DATA:

- ACREAGE: ± 16.2 ACRES
- TAX PARCEL: 201-091-07, 201-091-05, 201-091-17, 201-091-06
- EXISTING ZONING: R-3
- PROPOSED ZONING: MUDD-O AND NS WITH FIVE (5) YEAR VESTED RIGHTS.
- EXISTING USES: SINGLE FAMILY, VACANT
- PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD AND NS ZONING DISTRICTS.
- MAXIMUM DEVELOPMENT:
 - a. UP TO 45,000 SQUARE FEET OF COMMERCIAL USES INCLUDING RETAIL, EDEE, PERSONAL SERVICE, FOOD, GROCERY, INDOOR RECREATION AND FINANCIAL INSTITUTIONS.
 - b. UP TO 230 MULTI-FAMILY RESIDENTIAL UNITS.
- MAXIMUM BUILDING HEIGHT: UP TO 75 FEET FOR THE MUDD DEVELOPMENT AREA AND 60 FEET FOR THE NS DEVELOPMENT AREA (FOR THE PURPOSES OF THIS HEIGHT LIMIT, ARCHITECTURAL FEATURES, (SUCH AS PARAPETS, SPIRES, MANSARDS, DOMES AND DORMERS), SIGNAGE, MECHANICAL EQUIPMENT, AND SCREENS OR DEVICES USED TO SCREEN ROOFTOP STRUCTURES OR EQUIPMENT WILL NOT BE CONSIDERED FOR THE CALCULATION OF ALLOWED BUILDING HEIGHT WHEN LOCATED ON A 10-STOREY OFFICE BUILDING).
- PARKING: AS REQUIRED BY THE ORDINANCE FOR THE MUDD AND NS ZONING DISTRICTS.



REVISIONS

REV	DATE	COMMENT	BY
1	04/10/17	PER DEVELOPER RESPONSE	JMO
2	06/15/17	PER STAFF COMMENTS	JMO
3	08/07/17	PER CITY COMMENTS	JMO
4	09/17/17	PER CITY COMMENTS	JMO
5	08/13/18	PER CITY COMMENTS	RDH
6	10/04/18	PER CITY COMMENTS	PCM
7	10/22/18	PER CITY COMMENTS	PCM
8	11/05/18	PER CITY COMMENTS	PCM



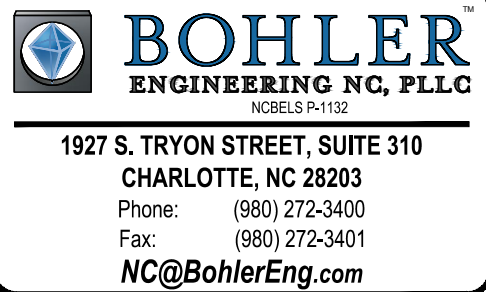
KNOW WHAT'S BELOW
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NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	NCC162008
DRAWN BY:	JMO
CHECKED BY:	JG
DATE:	11/6/2018
SCALE:	1"=60'-0"
CAD I.D.:	NCC182129 RZ8

PROJECT: FREEMAN PLACE

MADISON
CAPITAL GROUP,
LLC
LOCATION OF SITE
STEELE CREEK ROAD
CITY OF CHARLOTTE, NC



SHEET TITLE:

TECHNICAL DATA SHEET

SHEET NUMBER:

RZ-1

STEELE CREEK/DIXIE RIVER RD EXTENSION DEVELOPMENT STANDARDS

REZONING PETITION NO. 2016-023 MADISON CAPITAL GROUP, LLC - PETITIONER

11/1/18

SITE DEVELOPMENT DATA:

- ACREAGE: ± 16.2 ACRES
- TAX PARCEL: 201-091-07, 201-091-05, 201-091-17, 201-091-06
- EXISTING ZONING: R-3
- PROPOSED ZONING: MUDD-O AND NS WITH FIVE (5) YEAR VESTED RIGHTS.
- EXISTING USES: SINGLE FAMILY, VACANT
- PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE MUDD AND NS ZONING DISTRICTS.
- MAXIMUM DEVELOPMENT:
 - a. UP TO 45,000 SQUARE FEET OF COMMERCIAL USES, INCLUDING RETAIL, EDEE, PERSONAL SERVICE, OFFICE, GROCERY, INDOOR RECREATION, AND FINANCIAL INSTITUTIONS; AND
 - b. UP TO 230 MULTI-FAMILY RESIDENTIAL UNITS.
- MAXIMUM BUILDING HEIGHT: UP TO 75 FEET FOR THE MUDD DEVELOPMENT AREA AND 60 FEET FOR THE NS DEVELOPMENT AREA (FOR THE PURPOSES OF THIS HEIGHT LIMIT, ARCHITECTURAL FEATURES, (SUCH AS PARAPETS, SPIRES, MANSARDS, DORMS AND DORMERS), ROOF TOP MECHANICAL EQUIPMENT, AND SCREENS OR DEVICES USED TO SCREEN ROOF TOP STRUCTURES OR EQUIPMENT WILL NOT BE CONSIDERED FOR THE CALCULATION OF ALLOWED BUILDING HEIGHT WHEN LOCATED ON A MULTI-STORY OFFICE BUILDING).
- PARKING: AS REQUIRED BY THE ORDINANCE FOR THE MUDD AND NS 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 MADISON CAPITAL GROUP, LLC ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF A MIXED USE COMMERCIAL AND RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 16.2 ACRE SITE LOCATED NEAR THE INTERSECTION OF STEELE CREEK ROAD AND DIXIE RIVER ROAD EXTENSION (THE "SITE").
- b. INTENT. THIS REZONING IS INTENDED ACCOMMODATE DEVELOPMENT ON THE SITE OF A HORIZONTALLY INTEGRATED MIXTURE OF OFFICE, RETAIL, AND RESIDENTIAL USES. ADDITIONALLY, THE PETITIONER SEEKS 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, THEREBY HELPING TO ALLEVIATE CONGESTION AT EXISTING INTERSECTIONS.
- c. ZONING DISTRICTS/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE").

- UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD OR NS 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 IN SECTION II.
- d. 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, 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 THE 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, AND PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS, PROVIDED, HOWEVER, THAT ALL SUCH SEPARATION STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE SHALL BE ADHERED TO AND TREATED AS THE SITE AS A WHOLE AND NOT INDIVIDUAL PORTIONS OR LOTS LOCATED THEREIN.

- II. OPTIONAL PROVISIONS FOR THE MUDD-O AREA
THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY:
 - a. THE PETITIONER REQUESTS THE ABILITY TO PROVIDE A PEDESTRIAN TRAIL NETWORK THROUGH PORTIONS OF THE SITE LABELED AS POTENTIAL TREE SAVE AREAS.
- III. PERMITTED USES
SUBJECT TO THE MAXIMUM DEVELOPMENT PROVISIONS SET FORTH UNDER SECTION IV BELOW, THE SITE MAY BE DEVOTED TO ANY COMMERCIAL AND RESIDENTIAL USES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD OR NS ZONING DISTRICT, IN AREAS AS INDICATED ON THE REZONING PLAN, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH EXCEPT FOR THE FOLLOWING:
 - CAR WASHES;
 - AUTOMOBILE SERVICE STATIONS;
 - CONVENIENCE STORES WITH GAS SALES; OR
 - NO MORE THAN ONE (1) DRIVE-THROUGH SERVICE WINDOW, AS AN ACCESSORY TO EITHER A FINANCIAL INSTITUTION OR NEIGHBORHOOD FOOD AND BEVERAGE SERVICE USES. NEIGHBORHOOD FOOD AND BEVERAGE SERVICE SHALL BE DEFINED AS THOSE ESTABLISHMENTS THAT MAY SERVE ICE CREAM, YOGURT, COFFEE, JUICES, AND SIMILAR ITEMS SUCH AS BAGELS, MUFFINS, SANDWICHES AND PASTRIES PROVIDING THE FOLLOW RESTRICTIONS APPLY: THE USE WILL BE LIMITED TO 4,000 SQUARE FEET AND WILL PROVIDE FOR ON PREMISE COOKING OF FOOD LIMITED TO THOSE FOOD PREPARATION METHODS THAT DO NOT REQUIRE A HOOD VENTILATION SYSTEM.

- IV. DEVELOPMENT AREA LIMITATIONS, TRANSFER AND CONVERSION RIGHTS
a. THE REZONING PLAN SETS FORTH TWO (2) DEVELOPMENT AREAS AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AS THE NS DEVELOPMENT AREA AND THE MUDD DEVELOPMENT AREA (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 45,000 SQUARE FEET OF GROSS FLOOR AREA OF COMMERCIAL NON-RESIDENTIAL USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE NS DEVELOPMENT AREA; AND (II) UP TO 230 MULTI-FAMILY RESIDENTIAL DWELLING UNITS, ALONG WITH ANY ACCESSORY USES ALLOWED IN THE MUDD DEVELOPMENT AREA, AS INDICATED ON THE REZONING PLAN.
- c. FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH IN THESE DEVELOPMENT STANDARDS (THE TERM "GROSS FLOOR AREA" OR "GFA" SHALL MEAN AND REFER TO THE SUM OF THE GROSS HORIZONTAL AREAS OF EACH FLOOR OF A PRINCIPAL BUILDING ON THE SITE MEASURED FROM THE OUTSIDE OF THE EXTERIOR WALLS OR FROM THE CENTER LINE OF PARTY WALLS, PROVIDED, HOWEVER, SUCH TERM SHALL EXCLUDE ANY SURFACING PARKING FACILITIES, AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS, VESTIBULES, ROOF TOP EQUIPMENT ROOMS AND MAINTENANCE CRAWL SPACES), ALL LOADING DOCK AREAS (OR/IN OR EXCLUDED), OUTDOOR COOLERS AND OUTDOOR DINING AREAS WHETHER ON THE ROOF OF THE BUILDINGS) OR AT STREET LEVEL (PARKING FOR OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE OR THESE DEVELOPMENT STANDARDS).

- V. TRANSPORTATION
a. 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 MCGLENNER AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.
- b. PETITIONER SHALL COORDINATE WITH CATS REGARDING THE CONSTRUCTION OF A POTENTIAL BUS STOP LOCATION ALONG THE SITE'S FRONTAGE ON STEELE CREEK ROAD DURING THE PERMITTING PHASE OF REDEVELOPMENT.
- c. PETITIONER SHALL DEDICATE ALL RIGHTS-OF-WAY TO THE CITY OF CHARLOTTE IN FEE SIMPLE CONVEYANCE BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED.
- d. PETITIONER SHALL SUBSTANTIALLY COMPLETE ALL TRANSPORTATION IMPROVEMENTS BEFORE THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED OR PHASED PER THE SITE'S DEVELOPMENT PLAN.
- e. ACCESS AND INTERNAL STREETS.
 1. ACCESS TO THE SITE WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.
 2. THE TOTAL NUMBER OF NEW DRIVEWAY ACCESS POINTS TO STEELE CREEK ROAD WILL BE LIMITED TO ONE (1).
 3. THE NUMBER AND LOCATION OF INTERNAL STREETS NOT 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 PETITIONER RESERVES THE RIGHT TO REQUEST THE INSTALLATION OF PAVERS AND/OR STAMPED OR COLORED ASPHALT WITHIN THE SITE'S PUBLIC STREETS 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 ENFORCEMENT 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 INSTALLED.
 5. THE ALIGNMENT OF THE INTERNAL PUBLIC AND PRIVATE STREETS, VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER, SUBJECT TO CDOT'S FINAL APPROVAL, TO ACCOMMODATE MINOR CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS AND INDUSTRY BEST PRACTICES SO LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.
 6. PROPOSED STREET A SHALL EXTEND ACROSS SHOPTON ROAD WEST EXTENSION, AS GENERALLY DEPICTED ON THE REZONING PLAN.
- f. 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 PROVIDED, 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 THE SITE, THE PETITIONER SHALL BE RESPONSIBLE FOR COMPLETING SUCH IMPROVEMENTS. THE PETITIONER SHALL INSTRUCT 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.
- g. OFF-SITE IMPROVEMENTS.

- AS RELATED TO THE SIGNALIZED INTERSECTION OF STEELE CREEK ROAD AND SHOPTON ROAD WEST/SHOPTON ROAD WEST EXTENSION, PETITIONER SHALL:
 - i. WIDEN THE EASTBOUND APPROACH OF SHOPTON ROAD W TO INCLUDE DUAL LEFT-TURN LANES, ONE THROUGH LANE AND ONE RIGHT-TURN LANE WITH 125 FEET OF STORAGE.
 - ii. CONSTRUCT A WESTBOUND LEFT-TURN LANE WITH 100 FEET OF STORAGE.
 - iii. CONSTRUCT A WESTBOUND THROUGH LANE ALONG SHOPTON ROAD W EXTENSION; AND
 - iv. CONSTRUCT A WESTBOUND RIGHT-TURN LANE TO MAXIMIZE STORAGE TO PROPOSED ACCESS B.
- AS RELATED TO THE SIGNALIZED INTERSECTION OF STEELE CREEK ROAD AND DIXIE RIVER ROAD, PETITIONER SHALL:
 - i. CONSTRUCT AN ADDITIONAL SOUTHBOUND LEFT-TURN LANE ALONG STEELE CREEK ROAD (NC 160) WITH A MINIMUM OF 150 FEET OF STORAGE (CREATING DUAL LEFT-TURN LANES); STORAGE SHALL BE MAXIMIZED WITHIN THE EXISTING MEDIAN TO MAINTAIN THE MINIMUM MEDIAN WIDTH REQUIRED BY CDOT/NCDOT WITHOUT MODIFICATION OF THE THROUGH LANES ALONG STEELE CREEK ROAD (NC 162).
 - ii. CONSTRUCT A SECOND EASTBOUND RECEIVING LANE ALONG DIXIE RIVER ROAD EXTENSION TO ACCOMMODATE THE DUAL SOUTHBOUND LEFT TURN LANES. THIS LANE SHALL BE MAXIMIZED WITHIN THE EXISTING MEDIAN ALONG DIXIE RIVER ROAD EXTENSION WITHOUT REQUIRING WIDENING EAST OF PROPOSED ACCESS C.
- AS RELATED TO THE UNSIGNALIZED INTERSECTION OF STEELE CREEK ROAD AND PROPOSED RIGHT-IN/RIGHT-OUT ACCESS (ACCESS A), PETITIONER SHALL:
 - i. CONSTRUCT A NORTHBOUND RIGHT-TURN LANE ALONG STEELE CREEK ROAD (nc160) WITH 100 FEET OF STORAGE; AND
 - ii. CONSTRUCT THE WESTBOUND APPROACH TO INCLUDE ONE INGRESS AND ONE EGRESS LANE ALONG ACCESS A.
- AS RELATED TO THE INTERSECTION OF SHOPTON ROAD WEST EXTENSION AND ACCESS B, PETITIONER SHALL:
 - i. CONSTRUCT THE SOUTHBOUND APPROACH TO INCLUDE ONE INGRESS AND ONE EGRESS LANE ALONG ACCESS B
- AS RELATED TO THE INTERSECTION OF SHOPTON ROAD WEST EXTENSION AND ACCESS C, PETITIONER SHALL:
 - i. PROVIDE CROSS ACCESS TO EXISTING BOJANGLES DRIVEWAY CONNECTION TO DIXIE RIVER ROAD EXTENSION.
- AS RELATED TO SHOPTON ROAD WEST EXTENSION, PETITIONER SHALL:
 - i. CONSTRUCT SHOPTON ROAD WEST EXTENSION ALONG THE SOUTHERN FRONTAGE OF THE PROPOSED SITE WITH A STUB TO PROVIDE A FUTURE EXTENSION UPON DEVELOPMENT OF THE VACANT LAND TO THE EAST; AND
 - ii. DESIGN SHALL ADHERE TO RECOMMENDATIONS OUTLINED IN THE STEELE CREEK DEVELOPMENT RESPONSE (OCTOBER 2017) TO PROVIDE A PEDESTRIAN- ORIENTED MAIN STREET WITH APPROPRIATE BICYCLE AND PEDESTRIAN ACCOMMODATIONS.
- 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 AGREES 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 TO THE APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY FOR ANY SUCH LAND AND THE EXPENSES OF SUCH PROCEEDINGS.
- 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 PROPOSED 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:
 - a. GENERAL DESIGN GUIDELINES.

1. THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS WILL BE A COMBINATION OF THE FOLLOWING: GLASS, BRICK, METAL, STONE, SIMULATED STONE, PRE-CAST STONE, ARCHITECTURAL PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTITIOUS SIDING (SUCH AS HARDI-PLANK), OR WOOD. VINYL, AS A BUILDING MATERIAL, WILL ONLY BE ALLOWED ON WINDOWS, SOFFITS AND TRIM FEATURES.
2. AS USED HEREIN, PRIMARY FRONTAGE AREA SHALL MEAN THE AREAS IDENTIFIED ON THE REZONING PLAN. BUILDINGS SHALL OCCUPY A MINIMUM OF 60% OF THIS FRONTAGE AREA.
3. BUILDING ELEVATIONS SHALL BE GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. WITHIN THESE AREAS, BUILDING PORTIONS SHALL INCLUDE THE FOLLOWING:
 - a. "PARKING ENVELOPES" ARE GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. THIS DENOTES AREAS WHERE PARKING AREAS MAY BE VISIBLE FROM STREETS OR OPEN SPACES.
 - b. STREETSCAPE TREATMENT WILL BE A UNIFYING ELEMENT THROUGH THE USE OF CONSISTENT PAVING, LIGHTING, LANDSCAPING, AND, WHEN PROVIDED, SITE FURNISHINGS, THROUGHOUT DEVELOPMENT AREAS.
 - c. 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.
 - d. ROOFTOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM PUBLIC OR PRIVATE STREETS.
 - e. ALL DUMPSTER, LOADING AND SERVICE AREAS SHALL BE SCREENED FROM STREETS, COMMON OPEN SPACES AND ANY ADJACENT RESIDENTIAL USES WITH MATERIALS COMPLEMENTARY TO THE PRINCIPAL STRUCTURE. DUMPSTER ENCLOSURES SHALL NOT DIRECTLY ABUT THE BACK OF A SIDEWALK.
 - f. BACKFLOW PREVENTERS AND TRANSFORMERS SHALL BE SCREENED AND LOCATED OUTSIDE THE SETBACK.
 - g. ALL SERVICE AREAS FOR NON-RESIDENTIAL USES SHALL BE SCREENED FROM RESIDENTIAL STRUCTURES.
 - h. TREES MAY BE PROVIDED IN GRATES OR BASED PLANTINGS RATHER THAN IN PLANTING STRIPS.
 - i. PLANTINGS WILL BE PROVIDED ALONG THE PARKING ROW ABUTTING STEELE CREEK ROAD. THE PETITIONER WILL COMMIT TO ONE LARGE MATURING TREE EVERY FORTY FEET OR ONE SMALL MATURING TREE EVERY THIRTY FEET. ADDITIONALLY, ALONG PARKING ROWS, SHRUBS WILL BE PROVIDED WITH A MINIMUM EXPECTED SPREAD OF TWO FEET AND PLANTED NO FURTHER THAN FIVE FEET APART. SAID SHRUBS SHALL HAVE AND AVERAGE EXPOSED HEIGHT OF AT LEAST FOUR FEET. IN LIEU OF SHRUBS FOR CERTAIN PORTIONS ALONG PARKING ROWS, THE PETITIONER MAY ELECT TO INSTALL A BRICK, STONE OR OTHER TYPE OF MASONRY WALL WITH A MINIMUM HEIGHT OF FOUR FEET.

6. DESIGN STANDARDS RELATED TO RESIDENTIAL USES (MUDD DEVELOPMENT AREA)
 - a. PREFERRED EXTERIOR BUILDING MATERIALS. ALL PRINCIPAL AND ACCESSORY BUILDINGS ABUTTING A PRIMARY FRONTAGE AREA, AS SHOWN ON THE REZONING PLAN, SHALL COMPRISE A MINIMUM OF 30% OF THAT BUILDING'S ENTIRE FAÇADE FACING SUCH NETWORK STREET, EXCLUDING WINDOW AND DOOR AREAS, USING BRICK, NATURAL STONE (OR ITS SYNTHETIC EQUIVALENT), STUCCO OR OTHER MATERIAL APPROVED BY THE PLANNING DIRECTOR.
 - b. PROHIBITED EXTERIOR BUILDING MATERIALS:
 - a. VINYL SIDING (BUT NOT VINYL HAND RAILS, WINDOWS OR DOOR TRIM); AND
 - b. CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED.
 - c. DRIVEWAYS INTENDED TO SERVE SINGLE UNITS SHALL BE PROHIBITED ON ALL NETWORK REQUIRED STREETS.
 - d. BUILDING MASSING AND HEIGHT SHALL BE DESIGNED TO BREAK UP LONG MONOLITHIC BUILDING FORMS AS FOLLOWS:
 - a. BUILDINGS EXCEEDING 120 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FAÇADE PLANE (SUCH AS RECESSES, PROJECTIONS, AND ARCHITECTURAL DETAILS). MODULATIONS SHALL BE A MINIMUM OF 10 FEET WIDE AND SHALL PROJECT OR RECESS A MINIMUM OF ONE (1) FOOT EXTENDING BEYOND THE BUILDING MASSING/FAÇADE PLANE THROUGH AT LEAST A FULL FLOOR.
 - b. ARCHITECTURAL ELEVATION DESIGN - ELEVATIONS SHALL BE DESIGNED TO CREATE VISUAL INTEREST AS FOLLOWS:
 - a. BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES WHICH MAY INCLUDE BUT NOT BE LIMITED TO A COMBINATION OF EXTERIOR WALL OFFSETS, PROJECTIONS, RECESSES, PILASTERS, BANDING AND CHANGE IN MATERIALS OR COLORS.
 - b. BUILDINGS SHALL BE DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE ON ALL FAÇADES FACING NETWORK REQUIRED PUBLIC OR PRIVATE STREETS. SUCH BASE MAY BE EXECUTED THROUGH THE USE OF PREFERRED BUILDING MATERIALS OR ARTICULATED ARCHITECTURAL FAÇADE FEATURES OR COLOR CHANGES; AND
 - c. BUILDING ELEVATIONS FACING NETWORK REQUIRED PUBLIC OR PRIVATE STREETS SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN 20 FEET IN ALL DIRECTIONS AND ARCHITECTURAL FEATURES SUCH AS BUT NOT LIMITED TO BANDING, MEDALLIONS OR DESIGN FEATURES OR MATERIALS WILL BE PROVIDED TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS.
 - d. ROOF FORM AND ARTICULATION - ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:
 - a. LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM, TO INCLUDE BUT NOT BE LIMITED TO GABLES, HIPs DORMERS OR PARAPETS.
 - b. ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM THE NEAREST NETWORK REQUIRED PUBLIC OR PRIVATE STREET.
 - c. SERVICE AREA SCREENING - SERVICE AREAS SUCH AS DUMPSTERS, REFUSE AREAS, RECYCLING AND STORAGE SHALL BE SCREENED FROM VIEW WITH MATERIALS AND DESIGN TO BE COMPATIBLE WITH PRINCIPAL STRUCTURES. SUCH DESIGN SHALL INCLUDE A MINIMUM 20% PREFERRED EXTERIOR BUILDING MATERIALS OR A CLASS B BUFFER NOT LESS THAN 10" IN DEPTH AT ALL ABOVE GRADE PERIMETER NOT PAVED FOR ACCESS.
 - d. IF STRUCTURED PARKING IS DEVELOPED, EXPOSED MULTI-LEVEL PARKING DECKS SHALL PROVIDE SCREENING SO THAT INTERIOR LIGHTING AND CARS ARE NOT VISIBLE FROM PUBLIC STREETS.
 - e. STOOPS WILL BE PROVIDED ON ALL PUBLIC AND PRIVATE STREETS, AS WELL AS THE EASTERN PROPERTY BOUNDARY, AS DEPICTED ON THE REZONING PLAN.
 - f. SIDEWALK EXTENSIONS SHALL BE PROVIDED BETWEEN ALL STREET TREES ON ALL PUBLIC AND PRIVATE NETWORK REQUIRED STREETS WHEN PARKING IS ADJACENT.
 - g. STOOPS WILL BE PROVIDED ON ALL PUBLIC AND PRIVATE STREETS, AS WELL AS THE EASTERN PROPERTY BOUNDARY, AS DEPICTED ON THE REZONING PLAN.
 - h. STARIS MAY ENCRATCH FOUR (4) FEET INTO THE SETBACK AS A "TRANSITION ZONE."
 - e. DESIGN STANDARDS RELATED TO COMMERCIAL USES, (NS DEVELOPMENT AREA)
 - a. BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT ON PUBLIC OR PRIVATE NETWORK REQUIRED STREETS, THROUGH THE FOLLOWING:
 - i. BUILDINGS SHALL FRONT A MINIMUM OF 50% OF THE PRIMARY FRONTAGE AREAS ON THE SITE (EXCLUSIVE OF DRIVEWAYS, PEDESTRIAN ACCESS POINTS, ACCESSIBLE OPEN SPACE, TREE SAVE AND NATURAL AREAS, TREE REPLANTING AREAS AND STORM WATER FACILITIES).
 - ii. FAÇADES FRONTING PRIMARY FRONTAGE AREAS SHALL INCLUDE A MINIMUM OF 50% OF EACH FRONTAGE (EXCLUDING DOOR AND WINDOW) ELEVATION GLASS WITHIN THE FENESTRATION ZONE, 20% OF WHICH MAY BE SCREENED BY FILM, DECALS, AND OTHER OPAQUE MATERIAL, GLAZING FINISHES OR WINDOW TREATMENTS.
 - l. THE FENESTRATION ZONE SHALL BE THE AREA BETWEEN TWO (2) TO TEN (10) FEET ABOVE THE GROUND FLOOR OF A BUILDING WITHIN THE PRIMARY FRONTAGE AREAS.
 - iii. BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FEATURES WHICH MAY INCLUDE THE FOLLOWING: A COMBINATION OF EXTERIOR WALL OFFSETS (PROJECTIONS AND RECESSES), COLUMNS, PLASTERS, CHANGE IN MATERIALS OR COLORS, AWNINGS, ARCADES, OR OTHER ARCHITECTURAL ELEMENTS.
 - iv. BUILDING ELEVATIONS FACING PRIMARY FRONTAGE AREAS SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN 20 FEET IN ALL DIRECTIONS AND ARCHITECTURAL FEATURES SUCH AS BUT NOT LIMITED TO BANDING, MEDALLIONS OR DESIGN FEATURES OR MATERIALS WILL BE PROVIDED TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS.
 - b. WITH RESPECT TO THE BUILDING PARKING ENVELOPE AT THE INTERSECTION OF STEELE CREEK ROAD AND FUTURE SHOPTON ROAD WEST:
 - i. IF A GROCERY USE IS NOT PROVIDED, BUILDING WALLS FACING EITHER THE STEELE CREEK ROAD OR FUTURE SHOPTON ROAD WEST FRONTAGES SHALL ADHERE TO ALL PRIMARY FRONTAGE AREA STANDARDS IN THE AREAS AS LABELED ON THE REZONING PLAN.
 - ii. IF A GROCERY USE IS PROVIDED, BUILDING WALLS FACING EITHER THE STEELE CREEK ROAD OR FUTURE SHOPTON ROAD WEST FRONTAGES SHALL TREAT EXPANSES OF BLANK OR UNARTICULATED WALLS GREATER THAN FORTY (40) FEET IN LENGTH WITH A MINIMUM OF THREE (3) OF THE FOLLOWING OPTIONS:
 - A. UTILIZE HORIZONTAL AND VERTICAL VARIATIONS IN WALL PLANES;
 - B. UTILIZE CORNERS TO PROVIDE VISUAL INTEREST AT THE PEDESTRIAN LEVELS;
 - C. DIFFERENTIATE ROOF LINES;
 - D. PROVIDE AMENITY LANDSCAPING;
 - E. UTILIZE ARCHES, COLUMNS, AND/OR BUILDING OFFSETS;
 - F. CHANGES IN BUILDING MATERIAL OR COLOR, AND/OR
 - G. ANY OTHER ARCHITECTURAL IMPROVEMENTS AS ALLOWED BY THE ORDINANCES TO IMPROVE THE VISUAL AESTHETICS OF BLANK OR UNARTICULATED WALLS.
 - c. A DRIVE THROUGH WINDOW AREA, IF PROVIDED, WILL BE SCREENED FROM VIEW FROM STEELE CREEK ROAD THROUGH THE USE OF AN INTERMITTENT LOW WALL (CONSISTING OF MASONRY MATERIALS SUCH AS BRICK AND STONE) AND ENHANCED LANDSCAPING GENERALLY CENTERED ON THE LOCATION OF THE PROPOSED DRIVE THROUGH WINDOW

- VII. 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 DIRECTLY CONNECTS THE MAIN ENTRANCES OF BUILDINGS TO 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 JUSTIFIED THROUGH FROM EMERGENCY EXITS, WITH EMERGENCY EXITS ONLY REQUIRING A WALKWAY WIDTH OF AT LEAST SIX (6) FEET.
1. PETITIONER WILL EITHER INCLUDE TWO (2) FEET OF ADDITIONAL SIDEWALK WIDTH WHEN SIDEWALK IS ADJACENT TO PARKING SPACES IN ORDER TO ACCOUNT FOR CAR OVERHANG, OR WILL PROVIDE CAR STOPS.
- c. 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 HANDSHIP.

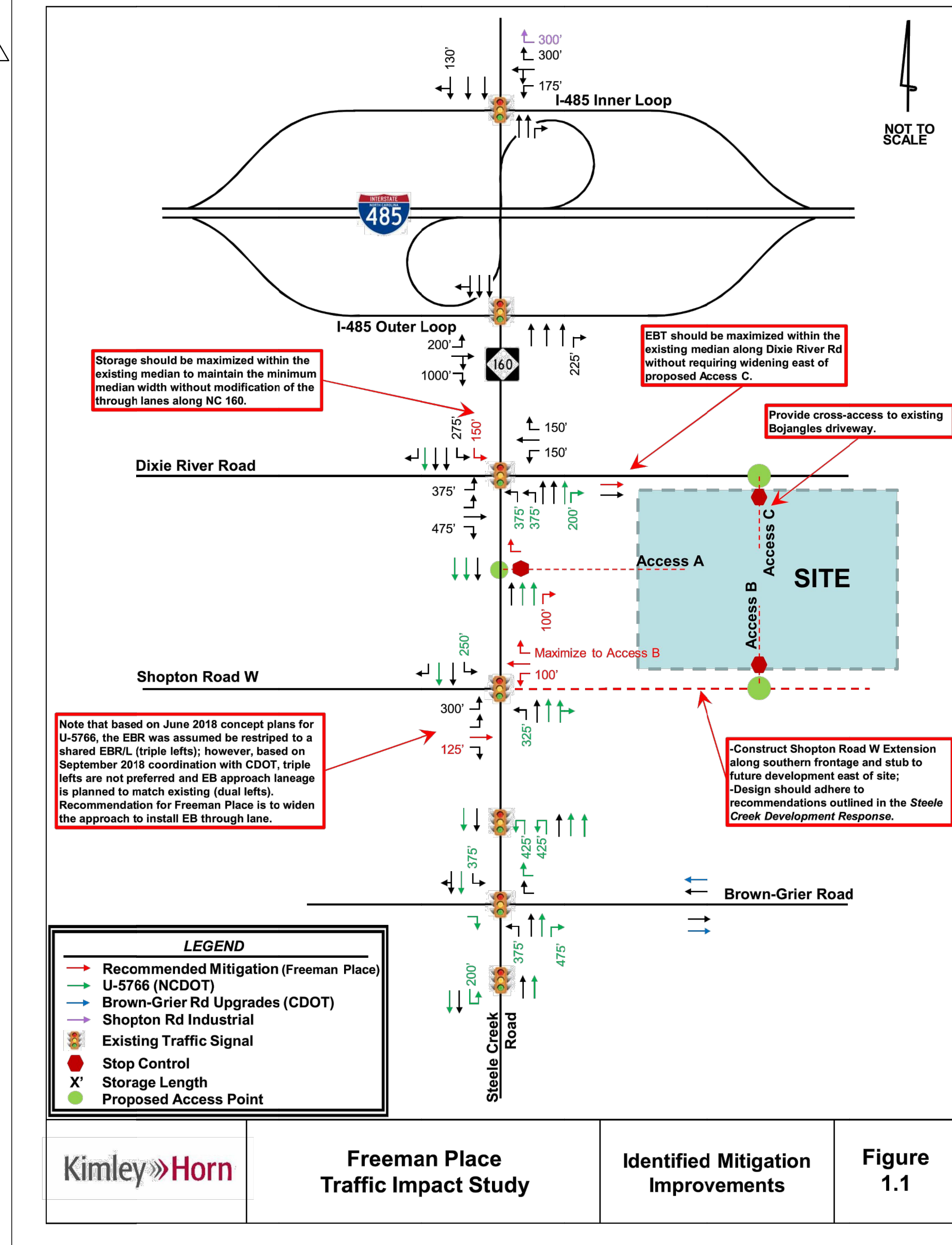
- VIII. OPEN SPACE AND AMENITY AREAS.
 - a. PETITIONER SHALL PROVIDE OPEN SPACES THROUGHOUT THE SITE AND MAY PROVIDE A TRAIL NETWORK, AS SHOWN ON THE REZONING PLAN, SUBJECT TO URBAN FORESTRY APPROVAL.
 - b. PETITIONER SHALL PROVIDE PUBLICLY ACCESSIBLE AMENITY AREAS IN THE LOCATIONS AS GENERALLY DEPICTED IN THE REZONING PLAN.
 1. IN THE AREA ON THE REZONING PLAN LABELED "AMENITY AREA OPEN SPACE" FRONTING STEELE CREEK ROAD, THE PETITIONER SHALL PROVIDE A FOUNTAIN OR OTHER WATER FEATURE AND A MINIMUM OF AT LEAST TWO (2) OF THE FOLLOWING ELEMENTS: OUTDOOR SEATING, DECORATIVE LIGHTING, SPECIALTY HARDSCAPE, SCULPTURES, AND/OR LANDSCAPED GARDEN AREAS. THIS SHALL BE A MINIMUM OF 3,000 SQUARE FEET.
 2. IN THE AREA ON THE REZONING PLAN LABELED "PUBLIC AMENITY AREA OPEN SPACE" FRONTING THE CORNER OF FUTURE SHOPTON ROAD WEST AND PUBLIC STREET A, THE PETITIONER SHALL PROVIDE A MINIMUM OF TWO (2) OF THE FOLLOWING ELEMENTS: LANDSCAPING, SPECIALTY PAVING, SEATING AREA, DECORATIVE LIGHTING AND/OR SIGNAGE. THIS AREA SHALL BE A MINIMUM OF 1,000 SQUARE FEET.

- IX. ENVIRONMENTAL FEATURES.
 - a. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE, THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS 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.
 - b. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE. TREE SAVE AREAS WILL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN.

- X. SIGNAGE.
 - a. BECAUSE THE SITE WILL BE VIEWED AS A PLANNED/UNIFIED DEVELOPMENT AS DEFINED BY THE ORDINANCE, SHOPPING CENTER SIGNS MAY BE LOCATED THROUGHOUT THE SITE. 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 STEELE CREEK ROAD).
 - b. ON PREMISES DIRECTIONAL AND INSTRUCTIONAL SIGNS MAY BE LOCATED THROUGHOUT THE SITE PER THE STANDARDS OF THE ORDINANCE.

- XI. LIGHTING:
 - a. 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 AND PRIVATE STREETS, WILL BE LIMITED TO 31 FEET IN HEIGHT.
 - c. ATTACHED AND DETACHED LIGHTING SHALL BE DOWNWARDLY DIRECTED. HOWEVER, UPWARD FACING ACCENT LIGHTING SHALL BE PERMITTED.

- XII. PHASING
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 FOR ANY BUILDING WITHIN THE SAME DEVELOPMENT AREA. THIS REQUIREMENT SHALL NOT APPLY TO CERTIFICATES OF OCCUPANCY.
- XIII. AMENDMENTS TO THE REZONING PLAN
FUTURE AMENDMENTS TO THE REZONING PLAN 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 SECTION 6.207 OF THE ORDINANCE.
- 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.
- XV. VESTED RIGHTS PROVISION
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.



THIS DRAWING IS CONCEPTUAL IN NATURE TO ILLUSTRATE DESIGN INTENT, AND THEREFORE IS SUBJECT TO REASONABLE CHANGES AND MODIFICATIONS AS THE DESIGN IS DEVELOPED AND REFINED, INCLUDING BUT NOT LIMITED TO COLORS, MATERIALS, EXACT BUILDING LOCATION, MASSING AND NUMBER OF STORIES SHOWN.

