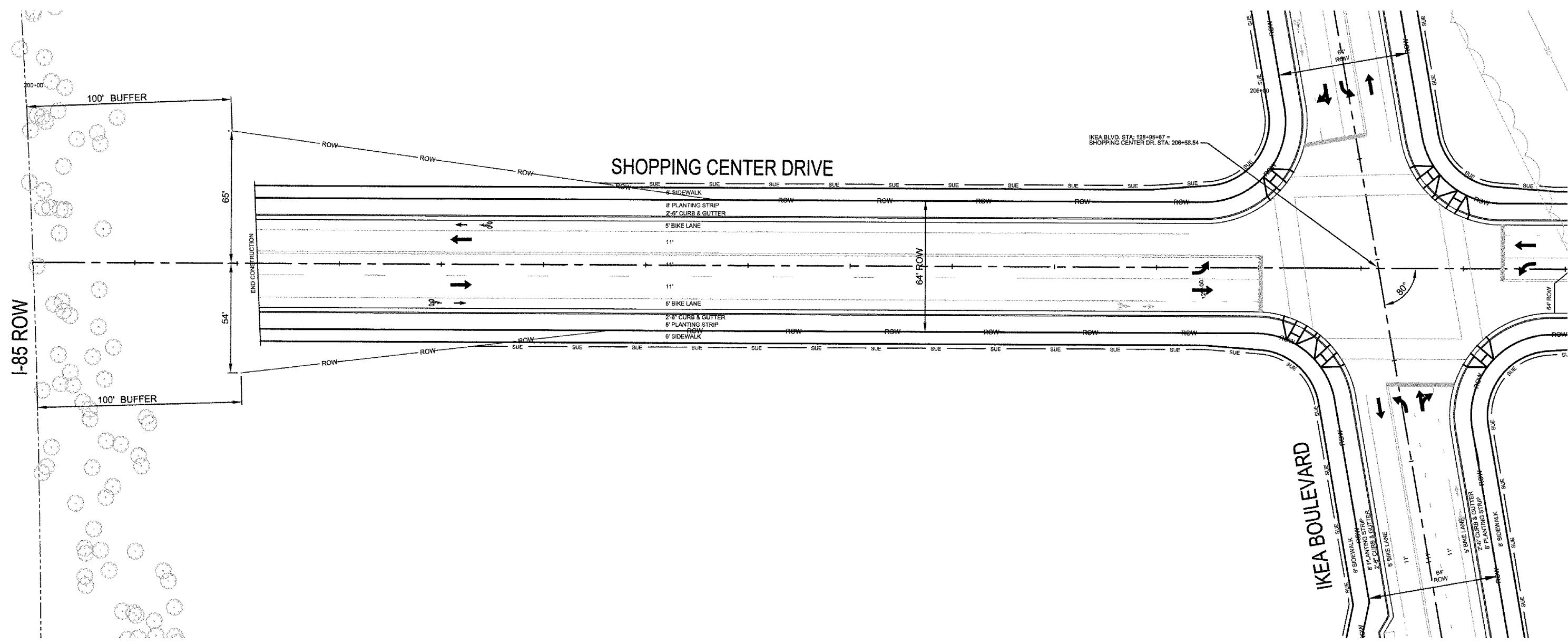


BELGATE
2017 SITE PLAN AMENDMENT
CHARLOTTE, NORTH CAROLINA

SHEET INDEX:

		REVISED
RZ-1	Technical Data Sheet	01/28/08 (ORIGINAL SUBMITTAL)
RZ-2	Conceptual Site Plan	11/27/17
RZ-2.1	Conceptual Site Plan - Parcel B3 Enlargement	11/27/17
RZ-3	Development Standards	11/27/17
RZ-4	Development Standards	11/27/17



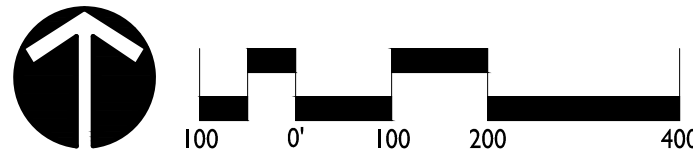


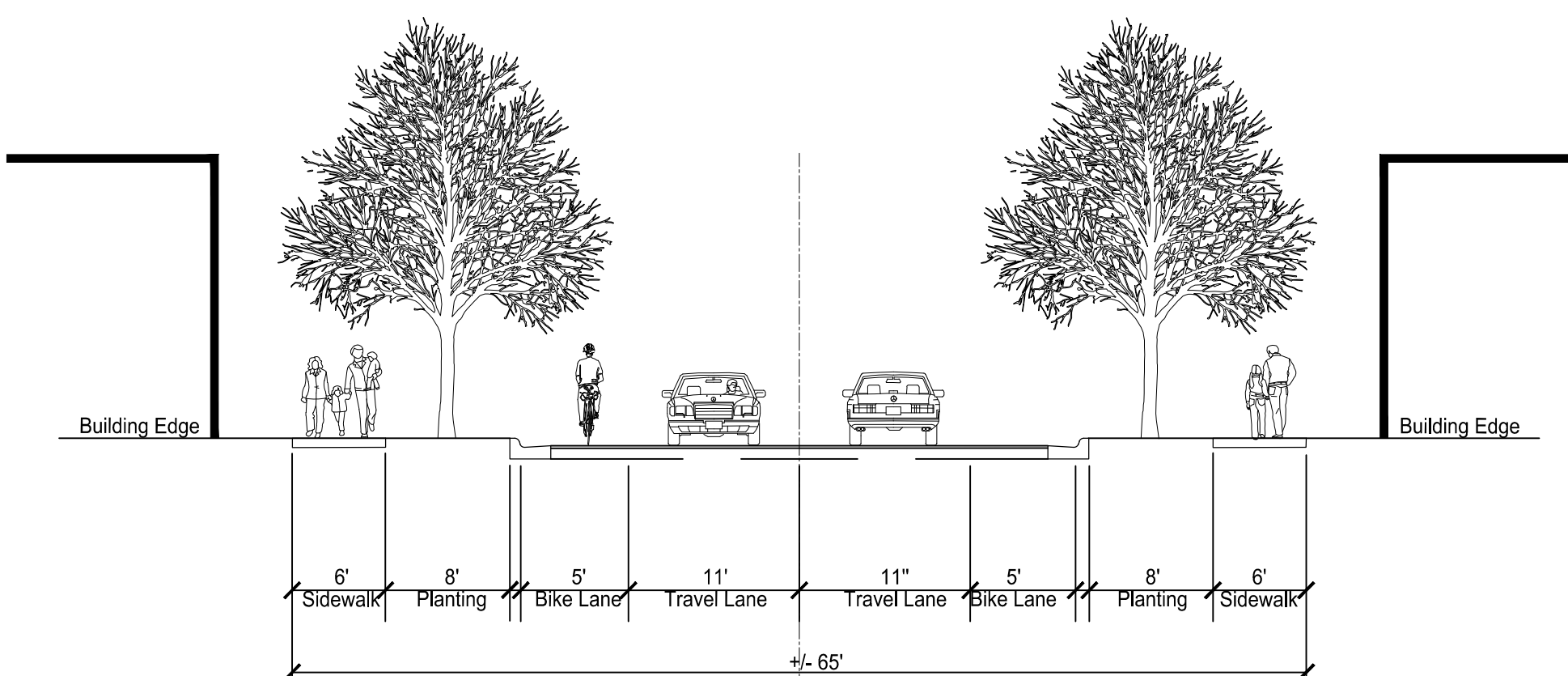
SHOPPING CENTER DRIVE EXTENSION (for future flyover)
DETAIL I



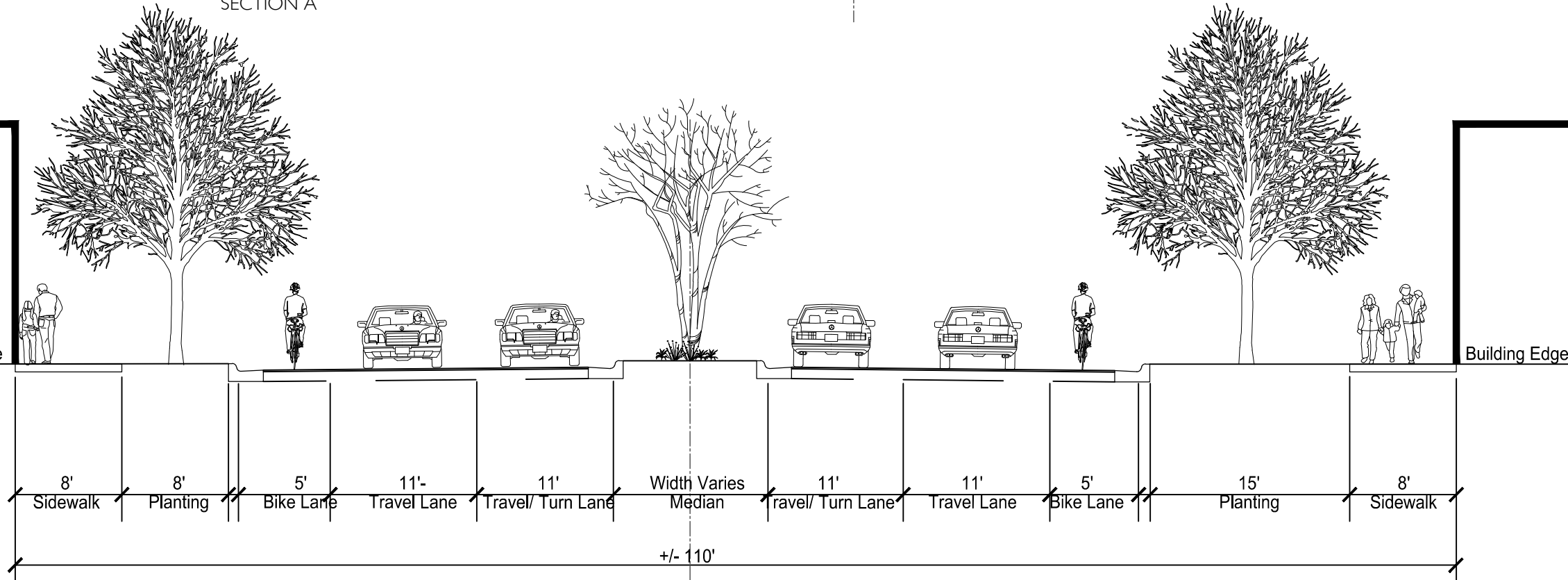
Site Data	
Site Area:	+/- 198 Ac.
IKEA parcel:	+/- 30 Ac.
Total:	+/- 168 Ac.
Parcels A, B, C:	+/- 125 Ac.
Undeveloped	+/- 43 Ac.
** (buffers, previously approved treesave, circulation, undevelopable land...etc)	
Open Space:	+/- 30 Ac. (18%)
**excludes previously approved open space (5 ac.)	

Current Zoning:	O-2, RE-1, B-1 SCD, I-1, MUDD-O
Proposed Zoning:	CC

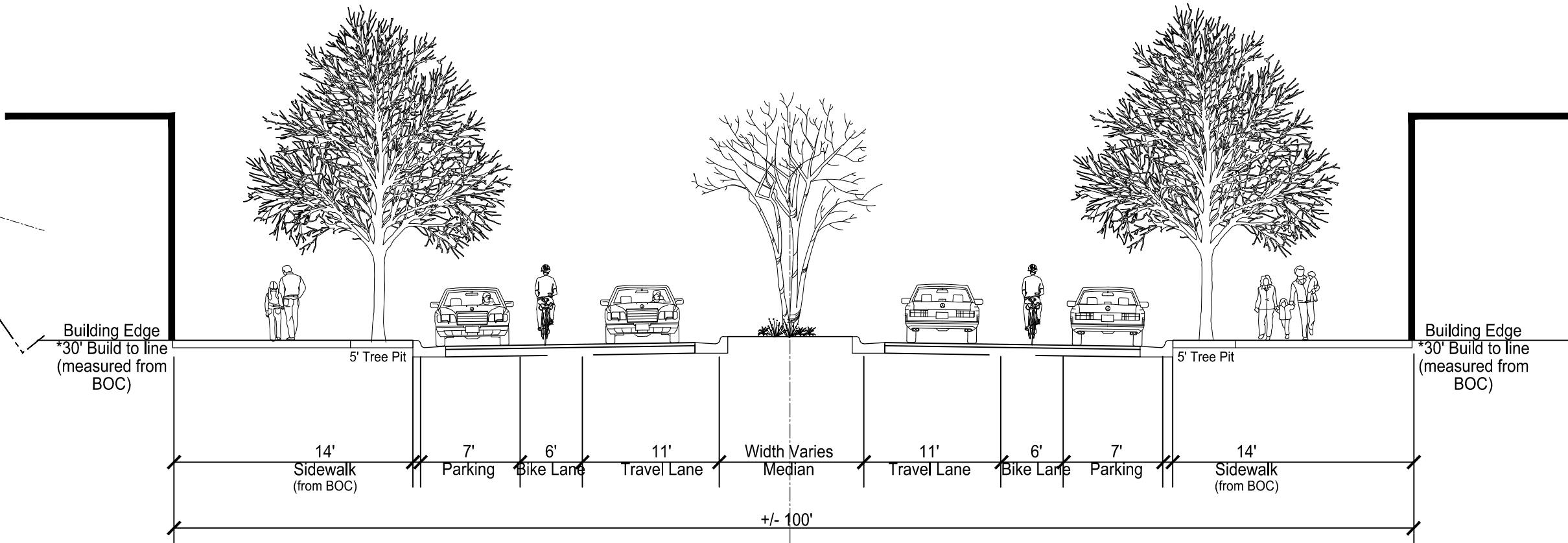




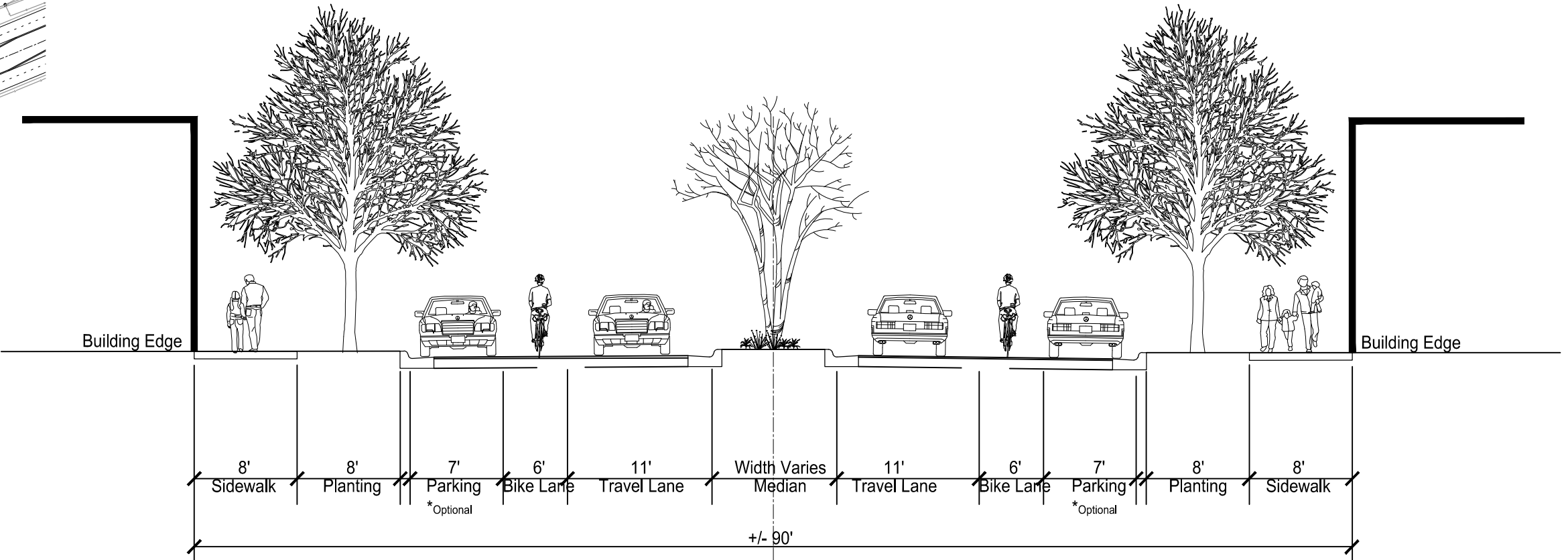
SHOPPING CENTER DRIVE EXTENSION/ BROOKSIDE LANE
SECTION A



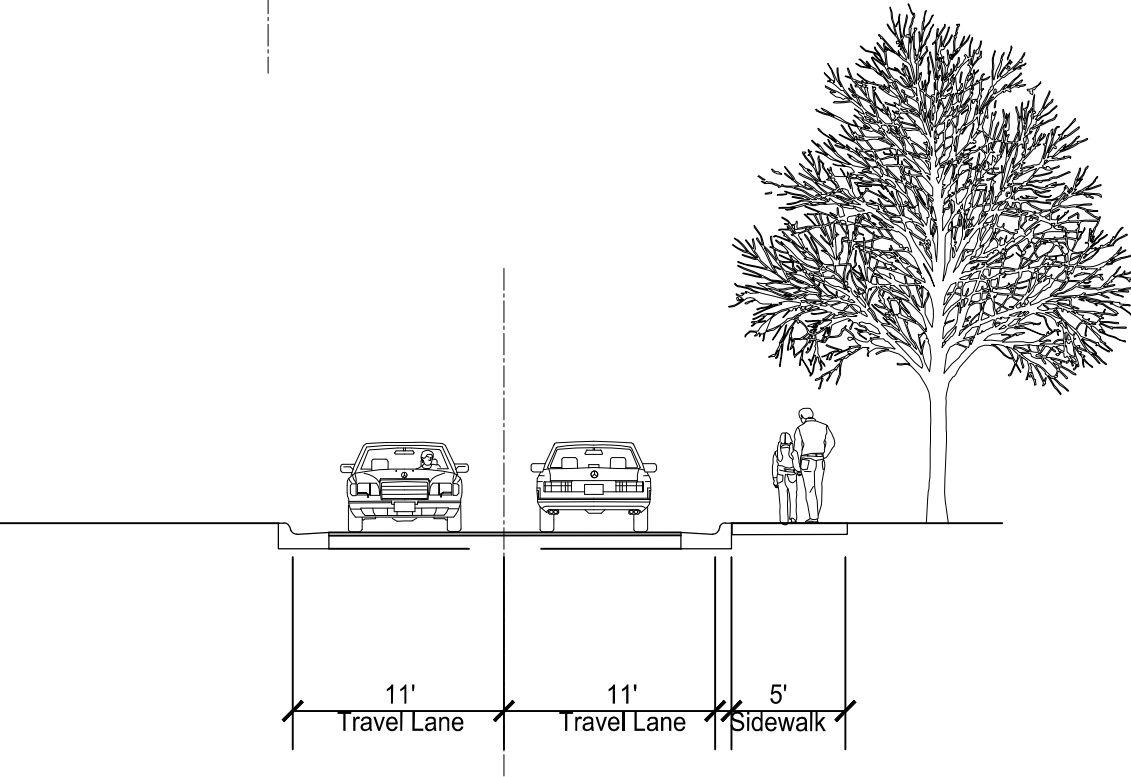
IKEA BLVD - Ph. I
SECTION B



IKEA BLVD - Ph. 2
SECTION C

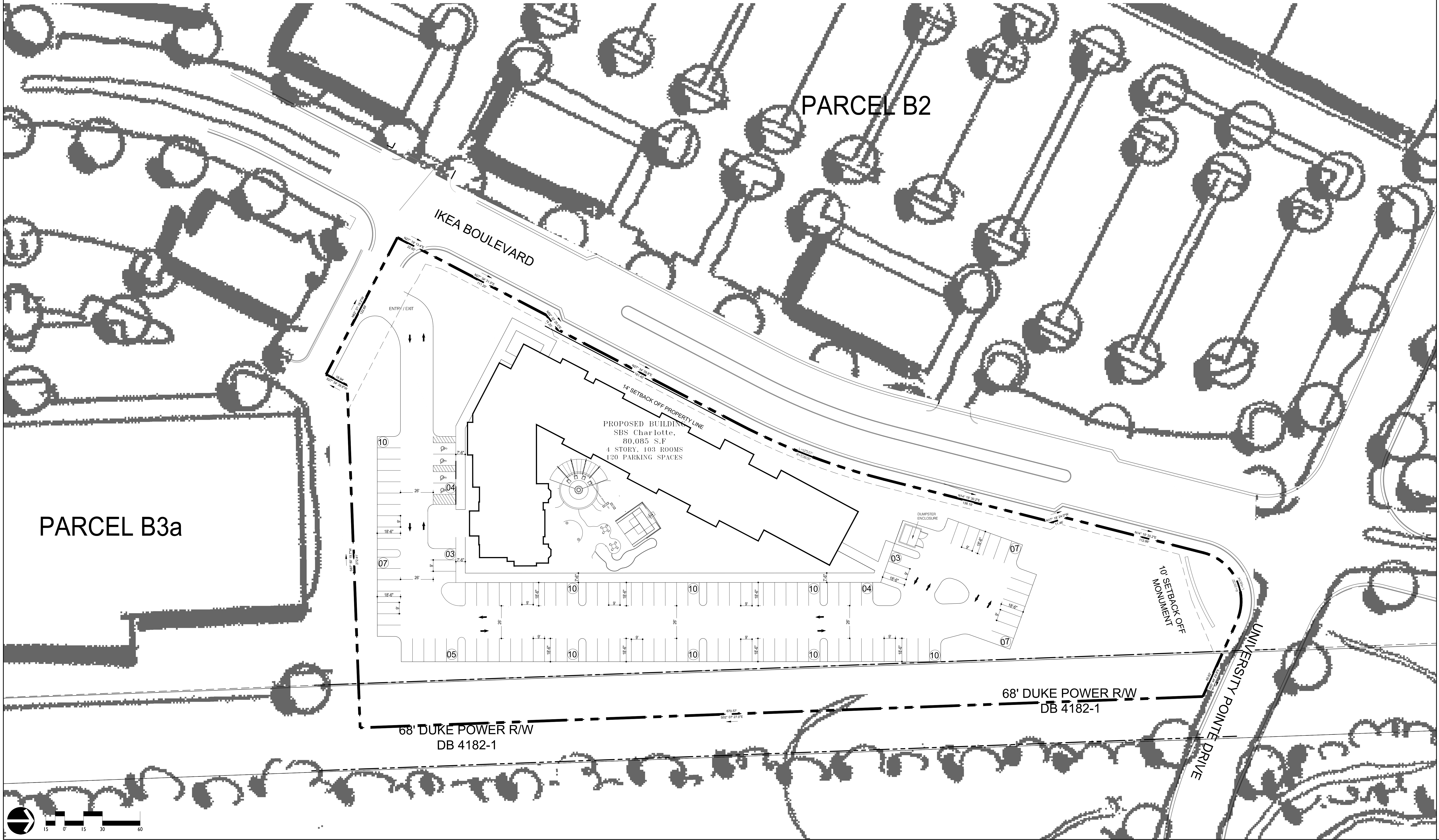


IKEA BLVD - Ph. 3
SECTION D



PRIVATE STREETS (typ.)
SECTION E





General Provisions

The Petitioner agrees 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 accompanying the Rezoning Petition. However, 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.

1. Permitted Uses

- (a) Parcel A and Parcel C of the Site may be devoted to all types of attached residential development which may be all rental, all for sale or some combination thereof along with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the CC Zoning District.
- At all times, no less than 90% of the total number of residential units developed on Parcel A and Parcel C shall be one bedroom and two bedroom units.
- (b) Parcel B of the Site may be devoted to
- Any combination of retail, restaurant and office uses along with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under the Ordinance by right or under prescribed conditions in the CC Zoning District; and
 - Hotel uses, along with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the CC District zoning.

2. Maximum Building Areas and Development Limitations

- (a) The base number of attached residential units that may be developed on Parcel A is 360 units. However, for every two units not developed on Parcel A, the Petitioner may transfer one unit to Parcel C for additional development, subject to a maximum number of units that can be transferred of 40 units. By way of example, should the Petitioner elect to transfer 40 units from Parcel A to Parcel C, the maximum units that could be developed on Parcel A would be 280 units.
- (b) The base number of attached residential units that may be developed on Parcel C is 360 units. This number, however, may be increased up to a maximum of 400 units through the exercise of the transfer rights reserved for Parcel A under Paragraph 2(a) above.
- (c) The following limitations and restrictions shall apply to the development of Parcel B:
 - (i) Subject to the provisions of Paragraph (a) of Section 1, the total amount of gross floor area devoted to retail, restaurant and office uses within Parcel B may not exceed 450,000 square feet, of which no more than 400,000 square feet may be devoted to retail and restaurant uses.
 - (ii) No more than three (3) hotels may be developed within Parcel B and they must be located within Parcel B-1 or Parcel B-3. None of these hotels may contain more than 250 rooms and none of them may be an extended stay hotel. The total number of hotel rooms within Parcel B shall not exceed 500 hotel rooms.
 - (iii) If three hotels are not developed or all of the hotels are developed with less than 500 total hotel rooms, then additional office floor area may be developed in lieu of the undeveloped hotel rooms at the rate of 250 square feet of office space for each hotel room that is not constructed, up to a maximum of 25,000 square feet of additional office space.
- (iv) Parcel B1 may also be devoted to retail, restaurant or office uses, subject to the square footage restrictions established under subparagraphs 2(c)(i) and 2(c)(iii) of this Section 2.
- (v) Financial institutions and hotels shall be deemed to be office uses within the context of this Paragraph 2(c) and not retail uses.
- (vi) Notwithstanding the development plan for Parcel B2 and B3 depicted on Sheet RZ-2, Brookside Lane (east of the Site) must be extended along its current unless an alternative alignment is assured through legally binding agreements and approved subdivision plans.

3. Setbacks, Side Yards and Rear Yards

- (a) All buildings constructed on Parcels A, B and C of the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the CC zoning district.
 - (b) The Site may be considered a unified development plan and as such internal side and/or rear yards may be eliminated, subject to the normally required staff review and approval process.
- Design and Performance Standards**
- (a) Internal Landscaping and Screening
 - (i) Internal areas of the Site shall be landscaped in accordance with the requirements of the City of Charlotte Tree Ordinance.
 - (ii) All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties.
 - (iii) All screening and landscaping shall meet or exceed the standards of the Ordinance.
 - (iv) Dumpster areas will be enclosed on all three sides by an opaque wall with the fourth side being a hinged open gate. 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.
 - (b) Streetscape Treatment
 - (i) The streetscape treatment running along both sides of IKEA Boulevard as it passes through subparcels B-2a and B-3a shall include a building and parking setback which is at least 14 feet and at most 30 feet in depth as measured from back of curb and will consist of a sidewalk and/or decorative pavers with large maturing trees planted in tree pits, all as more particularly specified on the Conceptual Site Plan.
 - (ii) Pedestrian scaled decorative lighting fixtures will be installed along both sides of IKEA Boulevard except for the streetscape on the western side of IKEA Boulevard as it passes through the IKEA Store Site.
 - (iii) In order to enhance pedestrian connectivity and the aesthetic appeal of the streetscape, decorative pavers and/or stamped asphalt will be used at IKEA Boulevard within the zone bounded by Subparcels B-2a and B-3a.
 - (c) Architectural and Design Controls
 - (i) With regard to buildings located within Parcel B2a and B3a, facades that directly face Ikea Boulevard shall meet the following standards:

Purpose:

Establish building standards for *each* building along Ikea Boulevard (for Parcels B2a and B3a) in order to reinforce the pedestrian design of Ikea Boulevard by: providing visual interest and street activity for pedestrians, visually connecting the interior building activity to the exterior, putting eyes on the street, and promoting long-term building adaptability.

Definitions

Fenestration - An opening in the exterior building wall allowing light and views between the interior and exterior.

Fenestration Zone - The square foot area of a building's ground floor frontage designated for *fenestration*. It is the area between two to ten feet above the fronting sidewalk along the entire length of the building.

Display windows - Any fenestration encased or enclosed by an interior wall for the purposes of displaying merchandise visible from the public street.

Frontage Standards (OPTION A):

1. The ground floor facades of individual buildings fronting along Ikea Boulevard shall have a minimum area of 60 percent *fenestration* within the *fenestration zone*.
2. A maximum area of 40 percent of the required *fenestration* within the *fenestration zone* can be comprised of *display windows*. Leaving the balance for clear glass and direct views into the building's primary use and sales area.

Frontage Standards (OPTION B):

1. The ground floor facades of individual buildings fronting along Ikea Boulevard shall have a minimum area of 60 percent *fenestration* within the *fenestration zone*.
2. A maximum area of 70 percent of the required *fenestration* within the *fenestration zone* can be comprised of *display windows*.
3. A contiguous 30 percent (minimum area) of the required *fenestration* within the *fenestration zone* must include an operable and publicly accessible door and *fenestration* (*clear glass*) that provides direct access and views to the primary tenant use or sales area.

General Standards:

1. The required *fenestration (including display windows)* shall not be screened by film, decals, other opaque materials, glazing finishes or window treatments for the purpose of screening service areas, merchandise or secondary operational functions to the primary business.
2. For tenants with 50 feet or less of frontage, the required *fenestration* may be screened by removable treatments such as film, decals, or other window treatments in order to screen service areas or other secondary operational functions.
3. Interior walls for *display windows* shall be located a minimum of three feet from the exterior wall.

- (iii) All retail buildings located within Parcel B except the Furniture Row building proposed for subparcel B-3 must be architecturally integrated to complement one another by using similar exterior materials.
- (iv) With respect to the buildings fronting University City Boulevard within subparcels B-4, B-5a, B-5a, B-6, and B-6a external vertical wall surfaces (exclusive of windows and doors) of all buildings shall be constructed with a minimum of 70 percent masonry materials from Belgate's Standard finishes (brick, stone, pre-cast or poured concrete). No aluminum or vinyl siding or spandrel glass may be used on the elevations of any of these buildings. In addition a minimum of three elevations of each such building will be articulated and a wainscot of brick or stone (from Belgate's standard finishes) having a minimum height of 3 feet will be incorporated with in each such elevation. At least two of Belgate's standard colors will be incorporated with in the elevation fronting University City Boulevard and the two side elevations of each such building. Metal canopies, awnings, and other elements may be incorporated within storefronts to accommodate tenant brand images.
- (v) With respect to all other buildings constructed with in Parcel B external vertical wall surfaces (exclusive of windows and doors) of all buildings except the Furniture Row building (on subparcel B-3) shall be constructed with a minimum of 60 percent masonry materials from Belgate's standard finishes (brick, stone, pre-cast or poured concrete). No aluminum or vinyl siding or spandrel glass may be used on buildings constructed within Parcel B.
- (vi) Sheet RZ-5 depicts the front, sides and rear elevations for the Furniture Row building proposed to be built with in subparcel B-3 and demonstrates the general intent of the Petitioner with respect to height, scale, articulation, rhythm, proportions and design elements for each elevation of this building should Furniture Row elect to locate within Belgate. If for no such election is made, then the construction of all buildings within subparcel B-3 will be governed by the other Design and Performance Standards set forth under in this Section 4. No spandrel glass, aluminum or vinyl siding may be used on the elevation of the Furniture Row building. While Furniture Row may construct its prototype building as depicted on these elevations, each elevation will contain some common design element(s) which are in utilized on other commercial building constructed with in Parcel B.
- (vii) External vertical wall surfaces (exclusive of windows and doors) of all residential buildings developed on Parcel A and Parcel C shall be constructed with a minimum 30 percent masonry materials (brick, stone, precast or poured concrete, or other finished masonry materials). No aluminum or vinyl siding or spandrel glass may be used on buildings constructed within Parcel A or Parcel C.
- (viii) All buildings must be sited with an emphasis on maintaining pedestrian interconnectivity between buildings and through parking areas.
- (ix) All commercial building entrances located within Parcel B, except those for fire exits and loading, will be connected directly to a sidewalk along a public street or to a private street/drive or to an open space sidewalk having a width of at least 5 feet.
- (x) Except for the Furniture Row building proposed to be built on subparcel B-3 parking and loading areas shall be located to the side and/or rear of all buildings fronting on and abutting that portion of IKEA Boulevard which runs north of University City Boulevard and no parking outside the public right-of-way shall be located between such buildings and IKEA Boulevard.
- (xi) No more than four retail uses within Parcel B may include drive-through window facilities, as defined in the Ordinance and three of the four retail uses with drive through facilities must be located on lots with frontage on University City Boulevard.
- (xii) No more than two banking institutions that include drive through facilities shall be permitted on Parcel B. Only one of these banking institutions will be permitted on that portion of Parcel B which is located north of University City Boulevard and only one of these banking institutions will be permitted on that portion of Parcel B which is located south of University City Boulevard.
- (xiii) No more than one gasoline sales establishment will be permitted on Parcel B and it must be located on a lot with frontage on University City Boulevard.
- (xiv) Except for the two drive through facilities located within subparcel B-5a and the one such facility located within subparcel B-6a (all as indicated on the Technical Data Sheet), drive through facilities shall be internally oriented and shall not be located between the buildings they serve and the public street they face.
- (d) Buffer Area Requirements
- (i) Natural Buffer Area Requirements
- Each Buffer Area established along I-85 which is labeled as a "50' Natural Buffer" on the Technical Data Sheet shall satisfy the following requirements:
- Within the Natural Buffer Area, trees four inches in caliper and greater will be preserved and the Petitioner reserves the right to remove weeds and vines and trees that measure less than 4 inches in caliper.
 - Best efforts will be employed to not disturb any healthy native, understory trees which are less than 4 inches in caliper that are known to produce seasonal color. If any of these trees are removed, replanting of these tree species north and/or south of the removal area will occur along the Site's I-85 property line. These trees shall be preserved in accordance with the City of Charlotte's Tree Ordinance Guidelines. This is limited to Dogwoods, Eastern Redbuds, Beeches, Serviceberries and Tulip Trees.
 - Tree measurements will be taken as follows: If the tree is less than 4 inches in caliper, it will be measured 6 inches above ground level. If the tree is 4 inches or wider in diameter, it will be measured one foot above ground level.
 - Dead trees and materials may be removed. The grounds located within the maintained tree save area will be maintained in a natural state.
 - The Petitioner agrees to supplement plantings within the 50' Natural Buffer Area located adjacent to Parcel B5 between the existing pond and the right-of-way for I-85 in the manner generally depicted on the IKEA Buffer Exhibit (Sheet RZ-6).
- (ii) Landscaped Buffer Acres Requirements
- Each landscape areas established along I-85 with in subparcel B-1, subparcel B-2, and Parcel C which is labeled "50' Landscape Buffer" on the Technical Data Sheet has already been graded and will be replanted with plants in accordance with the same specifications provided in the Ordinance for a Class A Buffer.
 - With respect to each Parcel which contains such a landscape area, in order to prevent damage to the trees, plants and root systems to be planted within these areas, the planting will not take place until the final phase of development for the property which abuts the Landscape Buffer Area and prior to the issuance of the final Certificate of Occupancy for the building.
 - Grading for a permanent wet detention pond which will serve Parcel C has already taken place and a portion of that pond is located within the 50 feet Landscape Buffer established for that Parcel, all as generally depicted on the Technical Data Sheet and the Conceptual Site Plan. Because the Petitioner is unable to install plants within this pond area, it agrees to plant those particular plants which it would have planted in this area had the pond not been there with in other areas established within Parcel C.
 - Grading for a permanent wet detention pond which will serve subparcel B-5 and subparcel B-5a and the IKEA Site has already taken place and a portion of that pond is located closer to the right of way for I-85 than 100 feet. Moreover, the slopes created by the installation of the northbound ramp for I-85 as well as the general topography for the area have created slope conditions which are within 50 feet of the Natural Buffer area which that make it impracticable to reestablish a Landscape Buffer in those areas. Because the Petitioner is unable to install plants within these areas, it agrees to install landscaping materials it would have planted in this area had the pond not been there within other areas established falling within 50' of the right of way of I-85. Landscaped Areas will be provided adjacent to the Natural Buffer Area established within subparcel B-5 and subparcel B-5a.
- (iii) Other Required Buffer Areas
- Where Buffer Areas are required by the Ordinance to be established in other portions of the perimeter of the Site, the following standards shall apply:
- All such buffer areas shall conform to the standards of Section 12.302 of the Ordinance; subject, however, to the provisions of Section 12.304.
 - The width of any such buffer may be reduced to the extent allowed by the Ordinance. The buffers may be disturbed to accommodate access points, berms, walls, fences, drainage pipes or channels, utility lines and facilities, pedestrian pathways and bicycle pathways.
- (iv) Standards Applicable to All Buffer Areas
- No buildings, parking spaces or maneuvering areas may be located within buffer areas, and utility installations may only cross the Buffer Areas at interior angles measured at property lines which are not less than 75 degrees.
- (e) Roadway Designs
- Roadway Sections depicting the designs the Petitioner commits to follow in the construction of Shopping Center Drive Extension/Brookside Lane (Section A), IKEA Blvd - Phase 1 (Section B), IKEA Blvd - Phase 2 (Section 3), IKEA Blvd - Phase 3 (Section D), and Private Streets (Typical) (Section E) are set forth on the Conceptual Site Plan (Sheet RZ-2). The designs for Shopping Center Drive, IKEA Blvd - Phase 1, IKEA Blvd - Phase 2 and IKEA Blvd - Phase 3 are subject to approval by the Charlotte Department of Transportation.
- (f) Parcel C To Be a Gated Community

5. Storm Water Management

- (a) **Storm Water Quality Treatment**
- For projects with defined watersheds greater than 10% built-up area, the Petitioner shall construct water quality best management practices (BMPs) to achieve 80% Total Suspended Solids (TSS) removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMPs must be designed and constructed in accordance with the Mecklenburg County BMP Design Manual, July 2007 or North Carolina Division of Water Quality Stormwater Best Management Practices Manual, July 2007. Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available). Use of Low Impact Development (LID) techniques is optional.
- (b) **Volume and Peak Control**
- For projects with defined watersheds greater than 10% built-up area, the Petitioner shall control the entire volume for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.
- For residential projects with greater than 10% BUA, the Petitioner shall control the peak to match the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency. "Residential" shall be defined as "A development containing dwelling units with open yards on at least two sides where land is sold with each dwelling unit."
- For commercial projects with greater than 10% BUA, the Petitioner shall control the peak to match the predevelopment runoff rates for the 10-yr, 6-hr storm and perform a downstream flood analysis to determine whether additional peak control is needed, and if so, for what level of storm frequency, or if a downstream analysis is not performed, the Petitioner shall control the peak for the 10-yr and 25-yr, 6-hour storms.
- For commercial projects with less than or equal to 10% BUA, but greater than one acre of disturbed area, the Petitioner shall control the peak to match the predevelopment runoff rates for the 25-yr and 10-yr, 6-hour storms.
- (c) **Stream Buffers**
- The Petitioner shall abide by the S.W.I.M. Stream Buffer requirements, as described in the City of Charlotte Zoning Ordinance, Chapter 12, where applicable. In addition, intermittent and perennial streams within the project boundary shall be delineated by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be shown on the site plan.
- All perennial and intermittent streams draining less than 100 acres shall have a minimum 100-foot undisturbed buffer.
- When applicable, the following agencies will be contacted prior to construction regarding wetland and water quality permitting:
- Section 401 Permit NCDEIINR Raleigh Office - (919-733-1786)
Section 404 Permit - US Army Corps of Engineers - (704-271-4854)

6. Street Network and Street Design

- (a) Bike lanes of at least 5 feet in width shall be included as part of the cross sections for IKEA Boulevard and Shopping Center Drive. Bike lanes of at least 6 feet in width shall be provided along these roads if they are located next to parallel parking.
- (b) Parallel parking may be permitted subject to approval by CDOT.
- Vehicle Access, Rights-of-Way and Signalization**
- (a) Vehicular access to the Site shall be as generally depicted on the Technical Data Sheet
- (b) The placements and configurations of these vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT") including alterations to accommodate right-of-way needs and construction easements.
- (c) The Petitioner shall dedicate and convey (by quitclaim deed and subject to reservations for any necessary utility easements) right-of-way measuring up to sixty-five (65) feet in width extending the future Shopping Center Drive from Petitioner's eastern property line to eastern right-of-way line of Interstate 85 for the planned flyover connector road across I-85. Alignment location to be as shown on the Technical Data Sheet. Dedication of this right-of-way shall occur when one of the abutting parcels is developed. The City has agreed at such time as it might choose not to make a crossing over I-85 to the west, to convey the land back to the land owner at no cost;
- (d) The proposed traffic signals located at the intersection of IKEA Boulevard and City Boulevard and at the intersection of IKEA Boulevard and Brookside Lane shall include steel poles and mast arms;
- (e) Dedicate and convey (by quitclaim deed and subject to reservations for necessary utility easements) all right-of-way necessary for the IKEA Boulevard Phase 2;
- (f) Dedicate and convey (by quitclaim deed and subject to reservations for necessary utility easements) all right-of-way necessary for the IKEA Blvd South connection to McFarlane Boulevard, with the actual width not to exceed eighty (80) feet and the alignment to be as shown on the Technical Data Sheet. Dedication of this right-of-way shall occur when one of the abutting parcels is developed.
- (g) Dedicate and convey (by quitclaim deed and subject to reservations for necessary utility easements) one half of the right-of-way necessary to extend McFarlane Boulevard to a point 200 feet west of its existing terminus. Actual width not to exceed thirty (30) feet from the centerline and the location to be as shown on the Technical Data Sheet. Dedication of this right-of-way shall occur when one of the abutting parcels is developed.
- (h) The Petitioner will cause to be erected at its expense a traffic signal at the intersection of IKEA Boulevard and Shopping Center when warranted and approved by CDOT. This traffic signal shall include steel poles and mast arms.
- (i) University Pointe Boulevard Extension (AKA Shopping Center Drive)
- (i) Petitioner agrees to dedicate to the city 64 feet of right-of-way of the extension of Shopping Center Drive from its intersection with IKEA Boulevard to the eastern right-of-way line for I-85 between Parcel B1 and Parcel B2 (by quitclaim deed and subject to reservations for any necessary utility easements), all as shown on a preliminary concept plan prepared by Kimley Horn Associates (the "Concept Plan") and as depicted on Sheet RZ-1.
- (ii) Petitioner agrees to grant easements to the City 8 feet wide on both sides of Shopping Center Drive to accommodate sidewalks and utilities from its intersection with IKEA Boulevard to the eastern right-of-way line for I-85 between Parcel B1 and Parcel B2, all as shown on the Concept Plan and as depicted on Sheet RZ-1, subject to reservations for any necessary utility easements. The right-of-way is to be measured 32 feet from the centerline established by the City, all as shown the Concept Plan and as depicted on Sheet RZ-1.
- (iii) Petitioner agrees to design and construct a temporary at-grade road section within the right-of-way for the extension of Shopping Center Drive from its intersection with IKEA Boulevard to the 50' Landscape Buffer at the time of development of Parcel B2 is developed. Petitioner reserves the right to construct two permanent curb cuts off this extension to serve Parcel B1 and Parcel B2 between the intersection of IKEA Boulevard and Shopping Center Drive subject to review and approval by CDOT. The exact location and dimensions of the proposed curb cuts will be addressed during the construction plan permitting process.
- (iv) Petitioner agrees to design and construct a permanent at-grade road section, built to city approved public street standards, within the right-of-way for the extension of Shopping Center Drive from its intersection with IKEA Boulevard to the eastern property line (to the University Pointe Boulevard to North Tryon Street) prior to the issuance of certificates of occupancy for development on Parcel B2.
- (v) Petitioner further agrees to dedicate and convey additional rights-of-way on both sides of Shopping Center Drive to accommodate future slope and tie back area for the proposed extension of Shopping Center Drive across I-85, all as shown on the Concept Plan and as depicted on Sheet RZ-1 (the "reserved right-of-way areas"). The reserved right-of-way areas shall be dedicated by the Petitioner to the City or NCDOT, as appropriate (by quit claim deed and subject to reservations for any necessary utility easements) upon request. Until dedication and conveyance occurs, the right-of-way will be considered reserved for future dedication and conveyance.
- (vi) Petitioner reserves the right to utilize the reserved right-of-way areas for any lawful purposes except those prohibited under Subparagraphs 7(i)(viii) and (ix) below, including, without limitation, the following purposes:
- Access areas
 - Maneuvering areas in excess of the minimum requirements of the Ordinance,
 - Side-walks
 - Curb and gutters
 - Curb cuts
 - Landscaping
 - Grading
- (vii) The Petitioner agrees to exercise best efforts to refrain from installing or causing to be installed any utilities within the reserved right-of-way areas. However, should CMUD or any other utility insist that lateral lines be run through these areas, the Petitioner reserves the right to do so with CDOT approval.
- (viii) For purposes of this subsection 7(i), the following uses will be prohibited in the dedicated and conveyed, granted and reserved right-of-way areas:
- Required off-street parking spaces, maneuvering areas, or loading areas required by the Ordinance.
 - Occupiable and other permanent structures
 - Backflow preventers, grease traps, or transformers.
- (ix) Except for any utilities installed within the reserved right-of-way areas which were not required by CMUD or other utilities and except for streetlights installed within the right-of-way areas, the City or NCDOT, as appropriate, shall be responsible for the removal or covering up of any appropriate, shall be responsible for the removal or covering up of any permissible uses constructed within the dedicated and conveyed, granted and reserved right-of-way areas.
- (x) The Petitioner shall be responsible for the removal of any improvements installed within these areas which are not permitted under Subparagraph 7(i) (viii) or Subparagraph 7(i) (ix) above.
- (xi) The Petitioner agrees that it will not seek damages or fees for the additional right-of-way granted under this Subsection 7(i).
- (xii) If the City and State ever abandon the project to extend Shopping Center Drive across I-85, the City will support a request for an administrative approval by the Petitioner to eliminate the requirements imposed under this Subsection 7(i) with respect to the reserved right-of-way areas from these Development Standards.
- (xiii) Setbacks shall be measured from back of curb for local and collector streets.

8. Roadway Improvements

- The Petitioner commits to make the following roadway improvements as defined in the Infrastructure Reimbursement Agreement between the City of Charlotte and the Petitioner no later April 1, 2014 or subsequent amended dates of this reimbursement agreement:
- Design the IKEA Boulevard Phase 2 improvement (extension from IKEA's northern entrance to McCullough Drive).
 - Obtain all necessary regulatory approvals for construction of IKEA Boulevard Phase 2 including, but not limited to subdivision approval, grading and erosion control permits, and wetlands permits.
 - Acquire all rights-of-way and temporary construction easements necessary for the construction of IKEA Boulevard Phase 2.
 - Construct IKEA Boulevard Phase 2 in accordance with all regulatory standards and approvals, including all modifications or improvements required through normal governmental inspection processes.
 - Construction of the portion of IKEA Boulevard Phase 2 extending from the Shopping Center Drive north to McCullough Blvd. shall be completed prior to the issuance of the first certificate of occupancy for any development within Parcel A or Parcel B1.
 - If Petitioner, after a good faith effort, is unable to acquire any additional right-of-way needed to make the roadway improvements required by this Section voluntarily the Petitioner may request the City to condemn the property, provided the Petitioner agrees to pay for all costs and expenses associated therewith.
 - Construct a traffic signal at the intersection of Shopping Center Drive and Ikea Blvd once Shopping Center Drive is connected to N. Tryon Street and Ikea Blvd. is connected to McCullough Drive.
- (a) The Petitioner also commits to make the following additional Roadway Improvements:
- Obtain all necessary regulatory approvals for construction of the IKEA Boulevard south extension including, but not limited to, subdivision approval, grading and erosion control permits, and wetlands permits;
 - Acquire all rights-of-way and temporary construction easements necessary for construction of the IKEA Boulevard south extension;
 - Design the entire IKEA Boulevard south extension (extension from City Boulevard to McFarlane Road) as part of the first phase of development taking place on the south side of University City Boulevard;
 - Construct the IKEA Boulevard South Extension in accordance with all regulatory standards and approvals, including all modifications or improvements required through normal governmental processes. While the construction of the IKEA Boulevard South Extension may be phased, the construction of at least the section between University City Boulevard and the north side of the existing stream, approximately 950 linear feet south of University City Boulevard, must be included within the first phase of development taking place on the south side of University City Boulevard.
- (a) The Petitioner makes the following commitments with respect to Clark Drive South, Clark Drive North and Clark Drive:

Belgate 2017 Site Plan Amendment (Petition No. 2017-XXX)

Belgate 2017 Site Plan

REVISIONS:

DATE: 11.27.17
DESIGNED BY: KST
DRAWN BY: KST
CHECKED BY: MRC
QC. BY: MRC
SCALE: N/A
PROJECT #: 1017329

SHEET #: RZ-



9. Vacancy Clause

If the Furniture Row building is constructed on subparcel B3 and if it should at any time or times after its initial occupation be permanently vacated by any occupant, the owner or owners or former occupant thereof (as appropriate) shall implement the following building vacancy mitigation procedures:

- (a) The exterior of the building, associated parking lot, outside lighting, landscaping and irrigation system shall continue to be operated, maintained secured, repaired or replaced in the same manner as when the building was occupied.
- (b) All exterior business signs associated with the former occupant shall be removed and exterior building surfaces shall be repaired and repainted to provide a neat appearance within 45 days after the building has been permanently vacated by any occupant for a period longer than 6 months for any reason other than fire or some other casualty or a force majeure event, or alterations, remodeling, additions and/or similar construction activities.
- (c) Trash and litter shall be removed on a regular basis at least once a week.
- (d) Should the building be permanently vacated by any occupant for a period longer than 6 months for any reason other than fire or some other casualty or a force majeure event, or alterations, remodeling, additions and/or similar construction activities, then the owner or owners or occupant of the building (as appropriate) shall thereafter implement with reasonable dispatch commercially reasonable efforts (including listing the property with a commercial brokerage firm) which are designed to cause the building to be reoccupied and devoted to any use or uses permitted in the CC District (or any other permissible use authorized by a subsequently approved Rezoning Petition). In offering the building for sale or lease, the owner/occupant of the building may not impose anti-competitive covenants or restrictions by deed or contract that would prevent a business which is similar to the business conducted by the former occupant of the building from occupying and conducting its business within the building, if it purchased or leased the building, the intent being to ensure that such competitors are not discouraged from purchasing or seeking to lease the building by the imposition of restrictions which would prevent them from occupying and conducting their competitive business within the building.
- (e) If at some future time the owner of the Furniture Row building proposed to be constructed on subparcel B-3 elects to demolish the building, the Zoning Committee of the Planning Commission may approve an amendment to the approved Rezoning Plan for this Site which would accommodate more buildings than the two buildings which the Conceptual Site Plan (Sheet R7- 2) currently allows within Parcel B3 through an Administrative Site Plan amendment; subject, however, to the satisfaction of all applicable regulations under the CC Zoning District in effect at the time such approval is sought.

10. Lighting

- (a) The maximum height of any freestanding light fixtures, including its base, erected in the parking areas within Parcel A and Parcel C shall not exceed twenty-five (25) feet.
- (b) The maximum height of any freestanding light fixtures, including its base, erected in the parking areas within Parcel B shall not exceed twenty-five (25) feet.
- (c) All freestanding parking lot fixtures within the site will be uniform in design.
- (d) All lighting fixtures installed within the Site shall be full cut-off fixtures and capped and downward diverted.

11. Connectivity

Pedestrian and vehicular connections throughout the Site will be provided in the manner generally depicted on the Technical Data Sheet. Where internal sidewalks are located between buildings and parking bays, the sidewalk width will be established based on the requirements listed in the Charlotte Land Development Standard Detail 50.09-B.

12. Bicycle Parking

Bicycle parking spaces (bike racks) shall be provided in accordance with the Ordinance.

13. Signs

- (a) All signs placed on the Site will be erected in accordance with the requirements of the Ordinance for the CC District.
- (b) A uniform signage and graphics systems will be employed throughout the site.

14. Tree Ordinance

All development will comply with the City of Charlotte Tree Ordinance.

15. Open Space

- (a) An open space area totaling at least one acre in area will be created at the intersection of University City Boulevard and IKEA Boulevard. This area will contain a combination of open space, monumentation, and landscaping which will serve to unify the four corners of this intersection.
- (b) Other open space areas will be provided at various points throughout the site. Areas generally depicted on the Conceptual Site Plan.
- (c) Open Space Areas established throughout the Site will total, in the aggregate, at least 30 acres.

16. CATS

Subject to refinements to the total design process, the Petitioner will install a concrete waiting pad on IKEA Boulevard (Parcel B-4), constructed to CATS Development Standards 60.01 A. The waiting pad will be located approximately 60 feet south of the intersection of IKEA Boulevard and Brookside Lane, the stub road as depicted as a future connection to the western I-1 parcel.

17. Utility Placement

Newly installed utility lines (not including existing or relocated lines) shall be placed underground subject to the review and approval of the respective agency or authority.

18. Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshals specifications. Plans for each building will submitted to the Fire Marshals office for approval before the construction of that building commences.

19. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, the Schematic Site Plan, other sheets accompanying the Petition and these Development Standards may be applied for by the then Owner or Owners of the Parcel or Parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

20. Request for 5-Year Vesting

Pursuant to Sections 1.110 of the Ordinance, the Petitioner hereby requests a 5-year vesting of these Development Standards and other related rezoning documents commencing upon approval of this Rezoning Petition by the Charlotte City Council. Petitioner requests a 5-year vesting right due to the size and phasing of the proposed development and the level of Petitioner's investment.

21. Binding Effect of the Rezoning Documents and Definitions

- (a) If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- (b) Throughout these Development Standards, the terms, "Petitioners" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners 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.

