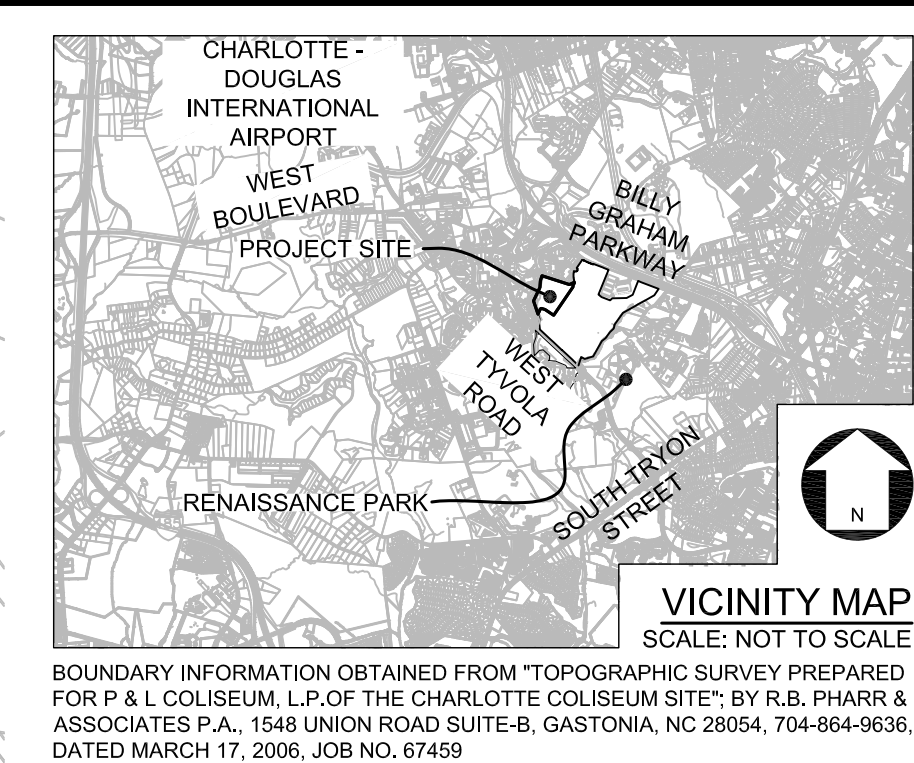
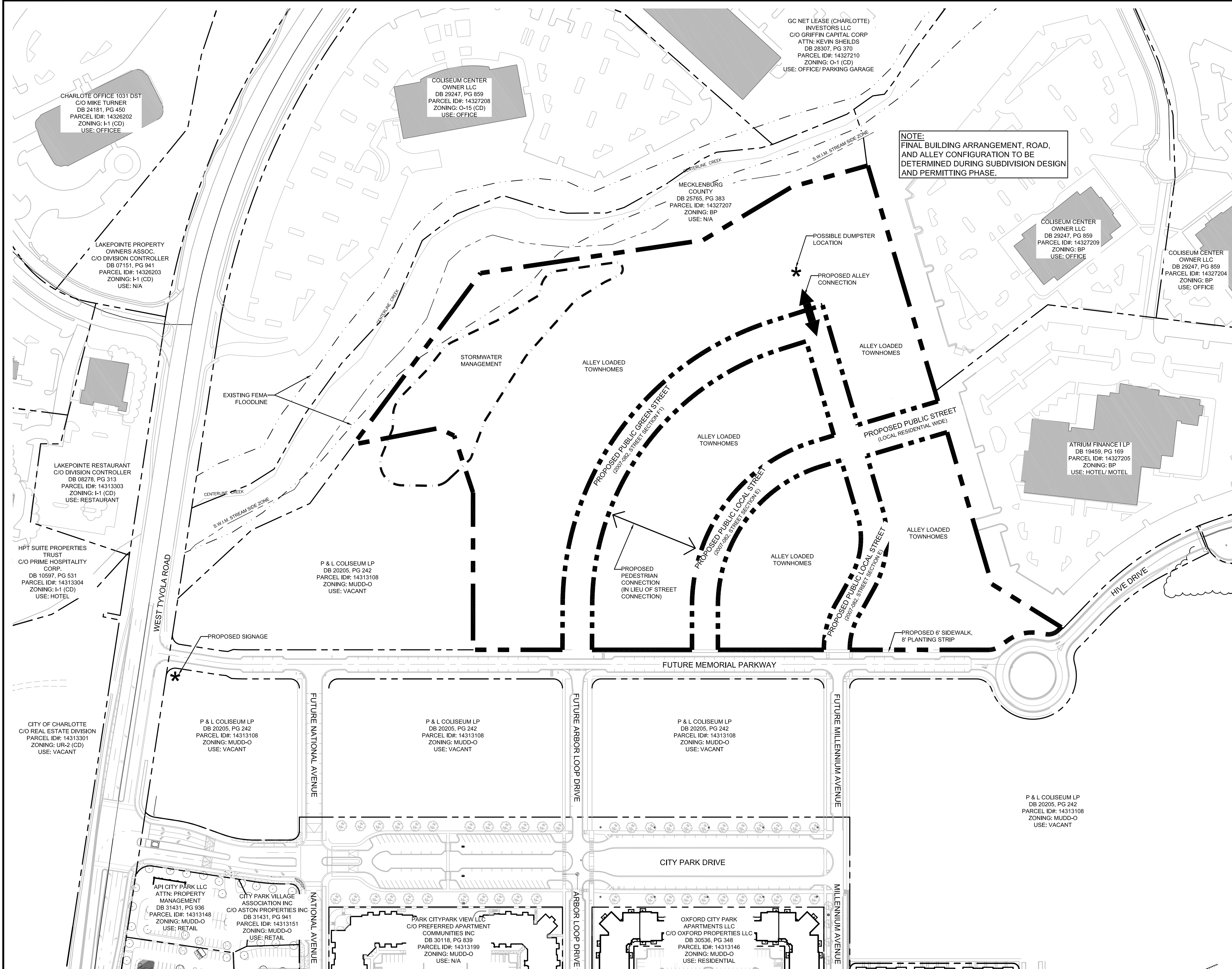


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DEVELOPMENT DATA:	
TAX PARCEL ID:	14313108 (PARTIAL)
ACREAGE:	± 23.38 AC (1,018,363 SF)
EXISTING ZONING:	MUDD-O
EXISTING USE:	COMMERCIAL
PROPOSED ZONING:	MUDD-O (SPA)
PROPOSED USE:	SINGLE-FAMILY ATTACHED TOWNHOMES
PROPOSED UNITS:	UP TO 260 TOWNHOMES
PROPOSED DENSITY:	±11.12 UNITS/ AC MAX.
WASTE MANAGEMENT:	ROLLOUT CONTAINERS - SERVICE TO BE PROVIDED BY HOA
MAXIMUM BUILDING HEIGHT:	120' MAX.

This Plan Is A
Preliminary Design.
NOT Released For
Construction.

SCALE: 1"=100'

REVISIONS:

No.	Date	By	Description
1	02/12/18	DRW	PER REVIEW COMMENTS

Landworks
Design Group, P.A.
7621 Little Avenue, Suite 111
Charlotte, NC 28226
704-541-1604 fax 704-541-1604

CITY PARK TOWNHOMES
CHARLOTTE, NC
2250 WEST TYVOLA ROAD
CHARLOTTE, NC 28217

REZONING SITE PLAN

PETITION: 2017-205

CORPORATE CERTIFICATIONS
NC PE: C-2930 NC LA: C-293
SC ENG: NO. 3599 SC LA: NO. 211

Project Manager: MDL

Drawn By: DRW

Checked By: MDL

Date: 12/18/17

Project Number: 14008

Sheet Number:

RZ1.0

SHEET # 1 OF 2

1. GENERAL PROVISIONS

THE FOLLOWING DEVELOPMENT STANDARDS ARE TAKEN FROM THE ORIGINALLY APPROVED REZONING PETITION 2007-082 FOR CITY PARK AND ASSOCIATED ADMINISTRATIVE APPROVALS THROUGH JUNE 30, 2010. THE MINOR MODIFICATIONS ASSOCIATED WITH THIS REZONING REZONING PETITION 2017-205 ARE DEPICTED IN CLOUDS FOR LANGUAGE BELOW. THE PORTION OF THE SITE SUBJECT TO THIS REZONING PLAN SHALL BE TREATED AS PART OF THE OVERALL DEVELOPMENT, AS CONTEMPLATED IN THE ORIGINAL 2007-082 REZONING. HOWEVER, IF THERE IS A CONFLICT BETWEEN THE DEVELOPMENT STANDARDS CONTAINED HEREIN AND THOSE DEVELOPMENT STANDARDS FROM THE 2007-082 APPROVED REZONING PLAN (OR ASSOCIATED ADMINISTRATIVE APPROVALS), THE NOTES CONTAINED HEREIN SHALL GOVERN FOR THIS APPROXIMATELY 23.38 ACRE PORTION OF THE OVERALL CITY PARK SITE AS AS CONTEMPLATED IN THIS REZONING PLAN.

THESE DEVELOPMENT STANDARDS FORM A PART OF THE TECHNICAL DATA SHEET (SHEET RZ 1) ASSOCIATED WITH THE REZONING PETITION FILED WITH THE PETITION TO ACCOMMODATE REDEVELOPMENT OF THE 159 ACRE TRACT OWNED BY THE OLD CHARLOTTE COLISEUM WHICH LIES BETWEEN TYVOLA ROAD AND YORKMONT ROAD. THE 12 ACRE TRACT LOCATED ON THE OPPOSITE SIDE OF TYVOLA ROAD (COLLECTIVELY CALLED THE 'SITE') ALL AS MORE PARTICULARLY DEPICTED ON THE TECHNICAL DATA SHEET. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE TECHNICAL DATA SHEET, THE ACCOMPANYING EXHIBITS, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). ACCOMPANYING THE REZONING PETITION ARE THE TECHNICAL DATA SHEET (SHEET RZ 1), A CONCEPTUAL SITE PLAN FOR THE DEVELOPMENT OF THE SITE (SHEET RZ 10), A CONCEPTUAL SITE PLAN ALTERNATE, DEPICTING OPTIONAL DEVELOPMENT PLANS FOR VARIOUS AREAS WITHIN THE SITE (SHEET RZ 3.1) AND A PERSPECTIVE RENDERING LOOKING NORTH UP CITY PARK DRIVE (SHEET RZ 3.2). THE PETITIONER RESERVES THE OPTION TO COMBINE OR NOT COMBINE BUILDINGS DEPICTED ON SHEETS RZ 3.0 AND RZ 3.1. HOWEVER, THIS OPTION DOES NOT INCLUDE THE RIGHT TO INCREASE THE NUMBER OF BUILDINGS SHOWN ON EITHER OF THESE SHEETS. UNLESS THE TECHNICAL DATA SHEET, THESE DEVELOPMENT STANDARDS OR THE ACCOMPANYING EXHIBITS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE. INASMUCH AS PLANNING FOR THE PROPOSED REDEVELOPMENT OF THE SITE HAS NOT YET ADVANCED BEYOND THE FORMATIVE STAGE, THE ULTIMATE LAYOUTS OF THE DEVELOPMENT PROPOSED, THE EXACT ALIGNMENTS OF STREETS AND POINTS OF ACCESS, THE CONFIGURATIONS AND PLACEMENTS OF PARKING AREAS AND THE HEIGHTS AND MASSES OF BUILDINGS HAVE NOT YET BEEN DETERMINED. AS A CONSEQUENCE, THE CONFIGURATIONS, PLACEMENTS OF THE BUILDINGS AND PARKING AREAS DEPICTED ON THE CONCEPTUAL SITE PLAN (SHEET RZ 3.0) AND THE OPTONAL DEVELOPMENT PLANS (SHEET RZ 3.1) ARE SCHEMATIC IN NATURE AND THEREFORE ARE SUBJECT TO REFINEMENTS AS PART OF THE TOTAL DESIGN PROCESS. THEY MAY, THEREFORE, BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES SO LONG AS THE MAXIMUM PARKING AND BUILDING ENVELOPE LINES ESTABLISHED ON THE TECHNICAL DATA SHEET (SHEET RZ 1) ARE NOT VIOLATED AND THE PROPOSED ALTERATIONS OR MODIFICATIONS DO NOT EXCEED THE PARAMETERS ESTABLISHED UNDER THESE DEVELOPMENT STANDARDS AND UNDER THE ORDINANCE FOR THE MUDD DISTRICT. FOR PURPOSES OF THE PRECEDING PARAGRAPH, ANY ALTERATIONS OR MODIFICATIONS WHICH SUBSTANTIALLY ALTER THE CHARACTER OF THE DEVELOPMENT OR SIGNIFICANTLY ALTER THE CONCEPTUAL SITE PLAN, THE CONCEPTUAL SITE PLAN ALTERNATE, OR THEIR RESPECTIVE CONDITIONS AS WELL AS ANY CHANGES WHICH INCREASE THE INTENSITY OF DEVELOPMENT SHALL NOT BE DEEMED TO BE MINOR AND MAY ONLY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6.2 OF THE ORDINANCE. AS APPLICABLE, THE PERSPECTIVE RENDERING ACCOMPANYING THE TECHNICAL DATA SHEET (SHEET RZ 3.2), WHICH HAS AS ITS VIEWPOINT OR POINT OF REFERENCE THE VIEW A MOTORIST ENTERING CITY PARK TOWN SQUARE FROM TYVOLA ROAD WOULD HAVE OF DEVELOPMENT WITHIN THE SITE ALONG EITHER SIDE OF CITY PARK DRIVE AS THE MOTORIST CONTINUED TRAVELING IN A NORTHERLY DIRECTION. THE PETITIONER INTENDS TO ACHIEVE LEVELS OF DEVELOPMENT WITHIN THE CITY PARK. 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 DEVELOPMENT. THE PETITIONER SO THAT STAFF MAY BE ASSURED THAT SUCH DEVELOPMENT SATISFIES THE CONDITIONS IMPOSED UNDER THE REZONING PLAN, 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 ENVISSIONED BY SECTION 6.207 OF THE ORDINANCE.

2. REQUIREMENTS FOR REMOVING PUBLIC ART PIECE

THERE IS CURRENTLY IN PLACE IN FRONT OF THE CHARLOTTE COLISEUM A MAYA LIN PUBLIC ART PIECE FEATURING NINE HOLLY SHRUBS SCULPTED TO GIVE THE APPEARANCE OF ROLLING HILLS. THE CONTRACT WHICH THE CITY OF CHARLOTTE ENTERED INTO WITH ITS ARTIST RESERVED A RIGHT ON THE PART OF THE CITY TO REMOVE THIS ART PIECE. PROVIDED CERTAIN TERMS AND CONDITIONS WERE SATISFIED. A COPY OF THIS CONTRACT IS ON FILE IN THE OFFICE OF THE CITY MANAGER OF THE CITY OF CHARLOTTE. THE CITY OF CHARLOTTE REQUESTS THAT WHILE THE OWNER OR OWNERS OF THAT PORTION OF THE SITE INVOLVED MAY REMOVE THIS PIECE OF ART, THEY MAY ONLY DO SO AFTER HAVING FULLY COMPLIED WITH ALL OF THE TERMS AND CONDITIONS SET FORTH IN THE MAYA LIN CONTRACT.

3. PERMITTED USES

EXCEPT AS OTHERWISE PROVIDED IN THE NEXT SUCCEEDING PARAGRAPH, THE SITE MAY BE DEVOTED TO ANY USES (INCLUDING ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH) WHICH ARE PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN A MUDD ZONING DISTRICT UNDER THE ORDINANCE. NOTWITHSTANDING THE FOREGOING PARAGRAPH OF THIS SECTION 3, THE FOLLOWING USES SHALL NOT BE ALLOWED ON THE SITE:

- FAST FOOD RESTAURANTS WITH DRIVE THROUGH FACILITIES;
- CONVENIENCE STORES WITH GASOLINE SALES;
- CAR WASHES; AND
- AUTOMOTIVE SERVICE STATIONS

SUBJECT TO THE PROVISIONS OF THE NEXT SUCCEEDING PARAGRAPH OF THIS SECTION 3, TWO OF THE FOLLOWING USES MAY BE LOCATED ON THE SITE WITHIN AREAS A AND C DEPICTED ON THE TECHNICAL DATA SHEET AND WILL BE ALLOWED TO HAVE DRIVE-THROUGH SERVICE LANES AND WINDOWS AS AN ACCESSORY USE:

- A BANK;
- A DRUG STORE; AND
- A DRY CLEANER

DRIVE-THROUGH WINDOWS SHALL ONLY BE LOCATED ON THE SAME PARCEL AS THE PRINCIPAL USE; AND, TO MINIMIZE VISIBILITY ALONG PUBLIC RIGHTS-OF-WAY, SHALL BE LOCATED TO THE REAR OR SIDE OF THE PRINCIPAL USE. EXCEPT FOR THE GEOMETRY AT ALL INTERNAL INTERSECTIONS, INCLUDING TURN LANES AS DEEMED NECESSARY BY CDDT, AS APPROVED THROUGH AN ADMINISTRATIVE VARIANCE, MANEUVERING/STACKING FOR THE DRIVE-THROUGH WINDOWS MAY NOT OCCUR BETWEEN BUILDINGS AND PUBLIC OR PRIVATE STREETS. NO MORE THAN A DRIVE-THROUGH SERVICE LANE SHALL BE PROVIDED FOR DRIVE-THROUGH SERVICE. DRIVE-THROUGH SERVICE LANES SHALL BE PROHIBITED. EACH DRIVE-THROUGH SERVICE LANE/WINDOW SHALL BE APPROVED AND DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 12.413 OF THE ORDINANCE.

THE BUILDING CURRENTLY SITUATED BEHIND THE COLISEUM BUILDING WHICH WAS FORMERLY OCCUPIED BY THE CHARLOTTE HORNETS MAY BE RENOVATED, REUSED OR REPLACED WITH NEW DEVELOPMENT.

4. MAXIMUM DEVELOPMENT

THE MAXIMUM MIXED/MULTI-USE DEVELOPMENT WHICH MAY TAKE PLACE ON THE SITE SHALL BE AS FOLLOWS:

COMMERCIAL

- UP TO 180,000 SQUARE FEET OF RETAIL DEVELOPMENT. EXCLUSIVE OF AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS AND MAINTENANCE CRAWL SPACE), SERVICE AREAS, MECHANICAL AND ELECTRICAL ROOMS, STORAGE AREAS AND BACK OF HOUSE OFFICE SPACES MAY BE CONSTRUCTED ON THE SITE.
- UP TO TWO HOTELS CONTAINING, IN THE AGGREGATE, NO MORE THAN 350 ROOMS; AND
- UP TO 450,000 SQUARE FEET OF OFFICE DEVELOPMENT EXCLUSIVE OF AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS AND MAINTENANCE CRAWL SPACE), SERVICE AREAS, MECHANICAL AND ELECTRICAL ROOMS, STORAGE AREAS AND BACK OF HOUSE OFFICE SPACES MAY BE CONSTRUCTED ON THE SITE.

AREAS DEVOTED TO OUTDOOR DINING, COURTYARDS AND PLAZAS ARE NOT INCLUDED IN THE SQUARE FOOTAGE AMOUNTS NOTED ABOVE.

RESIDENTIAL

- FOR SALE RESIDENTIAL:
- UP TO 1,050 DWELLING UNITS CONSISTING OF ANY COMBINATION OF TOWNHOMES, CONDOS, FLATS, AND DETACHED DUPLEX OR SINGLE FAMILY RESIDENCES.

MULTI-FAMILY RESIDENTIAL:

- UP TO 1,210 HIGH DENSITY RESIDENTIAL UNITS; AND
- UP TO 200 MEDIUM DENSITY RESIDENTIAL UNITS.

5. SETBACKS, SIDE YARDS AND REAR YARDS

EXCEPT AS MAY OTHERWISE BE PROVIDED HEREIN, ALL BUILDINGS BEING CONSTRUCTED ON THE SITE SHALL, AT A MINIMUM, SATISFY THE MINIMUM SETBACK REQUIREMENTS FOR DEVELOPMENT OF THE SITE AND SHALL CREATE LOTS WITHIN THE INTERIORS OF THE PARCELS WITH NO SIDE OR REAR YARDS AS PART OF A UNIFIED DEVELOPMENT PLAN.

6. MUDD-OPTIONAL PROVISIONS / WAIVER OF SIGHT TRIANGLE REQUIREMENTS

(a) THIS PETITION PROPOSES UTILIZATION OF THE MUDD-O PROVISIONS TO ALLOW FOR THE FOLLOWING OPTIONAL DEVIATIONS:

- DEVIATIONS THAT WOULD ALLOW SURFACE LEVEL OFF STREET PARKING SPACES AND MANEUVERING WITHIN AREAS BETWEEN ANY BUILDING FRONTING ON ANY PUBLIC STREET THAT WAS IN EXISTENCE AS OF THE DATE ON WHICH THIS REZONING PETITION IS APPROVED AND THE PARTICULAR PUBLIC STREET INVOLVED.
- DEVIATIONS THAT WOULD ALLOW THOSE BUILDINGS WITHIN THE CITY PARK TOWN SQUARE RETAIL DISTRICT WHICH ARE SHOWN ON THE CONCEPTUAL SITE PLAN OR THE CONCEPTUAL SITE PLAN ALTERNATE TO HAVE OFF-STREET PARKING SPACES OR MANEUVERING WITHIN AREAS BETWEEN THESE BUILDINGS AND THE PUBLIC OR PRIVATE STREET ON WHICH THEY FRONT TO HAVE SUCH AREAS.

- DEVIATIONS THAT WOULD ALLOW SURFACE LEVEL OFF STREET PARKING SPACES AND MANEUVERING WITHIN AREAS LOCATED BETWEEN ANY BUILDING CONSTRUCTED WITHIN THAT PART OF THE SITE WHICH IS BOUNDED BY BILLY GRAHAM PARKWAY, RE-ALIGNED YORKMONT ROAD AND PRICE LANE AND THE STREET ON WHICH IT FRONTS.
- DEVIATIONS THAT WOULD ALLOW TEMPORARY SURFACE LEVEL, PARKING AND MANEUVERING WITHIN AREAS BETWEEN PUBLIC OR PRIVATE STREETS AND BUILDINGS FRONTING THESE STREETS IN INSTANCES WHERE THE AREAS ARE UNMARKED FOR FUTURE BUILDINGS.
- A PORTE-COCHERE FOR A HOTEL.
- ENCLOSED, SHELTERED AND UNENCLOSED URBAN SPACES AND PLAZAS
- DROP OFF AREAS IN FRONT OF OFFICE BUILDINGS;
- SERVICE AREAS FOR USES SUCH AS MAIL DELIVERY, TRASH DISPOSAL, ABOVE-GROUND UTILITIES, LOADING AND DELIVERY;
- A DEVIATION FROM THE HEIGHT REQUIREMENTS TO ALLOW AN 11 STORY BUILDING WITHIN THE AREA AT THE END OF THE PROPOSED CITY PARK DRIVE TO BE KNOWN AS THE PINNACLE AT CITY PARK WITH A HEIGHT OF UP TO BUT NOT EXCEEDING 150 FEET.
- A DEVIATION THAT WOULD ALLOW THE SIDEWALKS CURRENTLY LOCATED ON THE SITE WHICH RUN ALONG TYVOLA ROAD TO REMAIN IN PLACE;
- DEVIATIONS TO ACCOMMODATE OPTIONAL PAYING SYSTEMS USED ON PRIVATE PLAZAS AND WALKWAYS;
- DEVIATIONS FROM THE SIGNAGE PROVISIONS TO ALLOW THE FOLLOWING:

TWO DETACHED, GROUND-MOUNTED PROJECT TENANT IDENTIFICATION SIGNS ALONG TYVOLA ROAD AND ONE EACH ON YORKMONT ROAD AND BILLY GRAHAM PARKWAY. THESE SIGNS MAY EACH EXTEND TO A HEIGHT OF UP TO 25 FEET AND MAY INCLUDE UP TO 100 SQUARE FEET IN SIGNAGE AREA.

OTHER DETACHED PROJECT/TENANT IDENTIFICATION SIGNS SHALL BE LIMITED IN SIZE TO 10 FEET IN HEIGHT AND 80 SQUARE FEET IN SIGNAGE AREA AND MUST BE LOCATED INTERNAL TO THE PROJECT.

ALLOWABLE SIGNAGE TYPES INCLUDING ALL TYPES OF SIGNAGE PERMITTED UNDER CHAPTER 13 AND/OR, IN ADDITION, COMPUTER PROGRAMMABLE, L.E.D. SYSTEMS WITH FULL COLOR, FULL MATRIX DISPLAYS AND MESSAGE BOARDS, INCLUDING TYPE MOVING MESSAGE, HOWEVER, IN NO EVENT SHALL A L.E.D. SIGN OR A MESSAGE BOARD SIGN BE PERMITTED ALONG ANY PORTION OF THE SITE'S FRONTAGE ALONG TYVOLA ROAD, YORKMONT ROAD OR BILLY GRAHAM PARKWAY.

ONE MONUMENT STYLE BUILDING IDENTIFICATION SIGN UP TO 6 FEET IN HEIGHT AND UP TO 36 SQUARE FEET IN SIGNAGE SIZE AREA FOR EACH BUILDING LOCATED WITHIN THE SITE.

WALL MOUNTED SIGNAGE WHICH CONFORMS TO THE MUDD DISTRICT STANDARDS OF THE ORDINANCE. GROUND-MOUNTED PROJECT / TENANT IDENTIFICATION SIGN AT THE INTERSECTION OF TYVOLA AND MEMORIAL PARKWAY SHALL BE LIMITED IN SIZE TO 8 FEET IN HEIGHT AND 100 SQUARE FEET IN SIGNAGE AREA.

- THE ESTABLISHMENT OF LIMITED DRIVE-THROUGH FACILITIES AS ACCESSORY USES FOR EACH OF THE FOLLOWING PRINCIPAL USES THAT MAY BE LOCATED ON THE SITE IN ACCORDANCE WITH (AND SUBJECT TO) THE PROVISIONS OF SECTION 3:

- A BANK;
- A DRUG STORE; AND
- A DRY CLEANERS

- (a) WAIVER OF SIGHT TRIANGLE REQUIREMENTS

- IN ADDITION TO THE FOREGOING MUDD OPTIONAL DEVIATIONS, THE PETITIONER RESERVES THE RIGHT TO REQUEST THE DIRECTOR OF CDDT TO WAIVE ALL OR PART OF THE SIGHT TRIANGLE REQUIREMENTS OF THE ORDINANCE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12.100(f) THEREOF.

7. GRANDFATHER PROVISIONS

DURING THE VARIOUS PHASES OF THE REDEVELOPMENT PROCESS, IT IS THE INTENTION OF THE PETITIONER TO RETAIN AND PRESERVE ANY GRANDFATHERED RIGHTS UNDER THE ORDINANCE WITH RESPECT TO ALL STRUCTURES, STREETS, SIDEWALKS, PARKING AREAS, AND OTHER IMPROVEMENTS CURRENTLY IN PLACE ON THE SITE (INCLUDING THE SIDEWALKS IN PLACE ALONG PLAIN BUCK BOULEVARD AND TYVOLA ROAD) WHICH ARE NOT REMOVED OR RENOVATED TO ACCOMMODATE THE PARTICULAR ASSOCIATED REDEVELOPMENT PHASE.

8. CONNECTIVITY

PEDESTRIAN AND VEHICULAR CONNECTIVITY WILL BE ENHANCED BY THE PROPOSED LOOP AT CITY PARK, A 3 MILE HARD SURFACE TRAIL SYSTEM THAT WILL ENCRIRCLE THE SITE. THE GENERAL ALIGNMENT OF WHICH IS MORE PARTICULARLY DEPICTED ON THE TECHNICAL DATA SHEET (SHEET RZ 11) AND DESIGNATED AS THE PROPOSED LOOP PEDESTRIAN TRAIL SYSTEM.

IT IS TO BE NOTED THAT PORTIONS OF THIS TRAIL SYSTEM RUN THROUGH ADJOINING PROPERTIES SO AS TO PROVIDE BETTER PEDESTRIAN/BICYCLISTS LINKAGE TO:

- LAKE POINTE OFFICE PARK;
- COLISEUM CENTER OFFICE PARK;
- LAKE POINTE CORPORATE CENTER;
- PARKWAY PLAZA OFFICE PARK;
- 500 HOTEL ROOMS;
- THE FUTURE GREENWAY TRAIL;
- BILLY GRAHAM EVANGELISTIC ASSOCIATION LIBRARY Y AND HEADQUARTERS;
- THE FARMER'S MARKET;
- RENAISSANCE PARK; AND
- RENAISSANCE GOLF CLUB

9. INTERNAL STREET SYSTEMS

THE SITE'S INTERNAL STREET SYSTEM SHALL BE COMPOSED OF PUBLIC AND PRIVATE STREETS AS DEPICTED ON THE TECHNICAL DATA SHEET. THE RIGHT TO DEViate FROM THE STREET ALIGNMENTS DEPICTED ON THE TECHNICAL DATA SHEET IS RESERVED. PROVIDED ANY PROPOSED CHANGE IN ALIGNMENT IS APPROVED IN ADVANCE BY CDDT AND/OR NCDDT. AS APPLICABLE, EACH STREET DESIGN WILL BE CONSISTENT WITH THE PROPOSED URBAN STREET DESIGN GUIDELINES FOR ITS TYPE OF STREET.

10. VEHICULAR ACCESS AND ROADWAY RIGHT-OF-WAY

VEHICULAR ACCESS TO TYVOLA ROAD AND YORKMONT ROAD WILL BE AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. THE EXTENSION OF SOUTH STREAM BOULEVARD TO THE SITE IS OPTIONAL ONLY. GIVEN THE FACT THAT THE PETITIONER DOES NOT OWN ALL OF THE RIGHT-OF-WAY NECESSARY TO MAKE THE CONNECTION, HOWEVER, IF OTHER PARTIES, AT THEIR EXPENSE, EXTEND SOUTH STREAM BOULEVARD TO THE SITE, THE PETITIONER WILL PROVIDE ANY RIGHT-OF-WAY NEEDED TO CONNECT SOUTH STREAM BOULEVARD TO THE SITE'S INTERNAL ROADWAY SYSTEM ALONG THE ALIGNMENT GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. PEDESTRIAN CONNECTIONS ACROSS TYVOLA ROAD WILL BE PROVIDED AS GENERALLY DEPICTED ON THE CONCEPTUAL SITE PLAN THAT WILL INCLUDE THE NECESSARY SIDEWALKS, A LANDSCAPED MEDIAN REFUGE ISLAND AND PEDESTRIAN SIGNALS. SIX ACCESS POINTS ARE PROPOSED ON TYVOLA ROAD, NAMELY, TWO FULL-MOVEMENT AND FOUR RIGHT-IN-RIGHT-OUT MOVEMENTS. FOUR ACCESS POINTS ARE PROPOSED ON THE REALIGNED YORKMONT ROAD WHICH IS A COLLECTOR ROAD. THE ONE FURTHER DOWNSTREAM, WITH A LEFT-TURN LANE ON YORKMONT ROAD LEADING INTO THE SITE. THE NEW ACCESS POINT FURTHEST TO THE EAST WILL BE CONSTRUCTED IN PHASE TWO AS PART OF THE NEW NORTH/SOUTH CONNECTOR ROAD EXTENDING FROM TYVOLA ROAD TO BILLY GRAHAM PARKWAY WHICH WILL INTERSECT A REALIGNED YORKMONT ROAD. THE TWO ADDITIONAL ACCESS POINTS DEPICTED ALONG THE REALIGNED YORKMONT ROAD WILL SERVE THE LAND PARCELS BETWEEN REALIGNED YORKMONT ROAD. THE NEW NORTH/SOUTH CONNECTOR ROAD, AND BILLY GRAHAM PARKWAY. THESE ACCESS POINTS MAY REQUIRE LEFT-TURN LANES WHICH WILL BE DETERMINED THROUGH THE BUILDING/DRIVEWAY PERMIT PROCESS. THE PLACEMENTS AND CONFIGURATIONS OF THE VEHICULAR ACCESS POINTS SHOWN ON THE TECHNICAL DATA SHEET ARE GENERAL. 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 (CDDT) AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDDT), THE PETITIONER WILL BE RESPONSIBLE FOR THE GEOMETRY AT ALL INTERNAL INTERSECTIONS, INCLUDING TURN LANES AS DEEMED NECESSARY BY CDDT. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT FOR ANY PHASE TWO DEVELOPMENT TO BE CONSTRUCTED ON THE SITE, THE PETITIONER AGREES TO DEDICATE AND CONVEY OUT OF THE SITE (BY QUITCLAIM DEED AND SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) ANY ADDITIONAL RIGHT-OF-WAY SOUTH OF THE CENTERLINE OF YORKMONT ROAD REQUIRED TO PROVIDE A STREET OF RIGHT-OF-WAY SOUTH OF THE CENTERLINE. THE PETITIONER FURTHER AGREES TO DEDICATE AND CONVEY ADDITIONAL RIGHT-OF-WAY OUT OF THE SITE NECESSARY TO ACCOMMODATE THE EXTENSION OF YORKMONT ROAD THROUGH THE SITE AS A 60 FOOT-WIDE LANE. THE ALIGNMENT OF THE REALIGNED YORKMONT ROAD SHALL BE DETERMINED BY THE PETITIONER. THE PETITIONER ANTICIPATES THAT IF THE NORTH/SOUTH CONNECTOR IS APPROVED AND YORKMONT ROAD IS REALIGNED AND EXTENDED THROUGH THE SITE, IT WILL PETITION FOR THE ABANDONMENT OF THAT PART OF THE EXISTING RIGHT-OF-WAY FOR YORKMONT ROAD WHICH IS NO LONGER NEEDED FOR ROADWAY PURPOSES. IF ADDITIONAL RIGHT-OF-WAY IS REQUIRED TO COMPLETE THE NORTH/SOUTH CONNECTOR ALONG THE ALIGNMENT GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AND THE PETITIONER, AFTER A GOOD FAITH EFFORT, IS UNABLE TO ACQUIRE THIS ADDITIONAL RIGHT-OF-WAY VOLUNTARILY, THE PETITIONER MAY REQUEST THE CITY TO CONDEMN THE PROPERTY. PROVIDED THE PETITIONER AGREES TO PAY FOR ALL COSTS AND EXPENSES ASSOCIATED THEREWITH. THE PETITIONER FURTHER AGREES TO DEDICATE AND CONVEY (BY QUITCLAIM DEED AND SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) ADDITIONAL PORTIONS OF THE SITE REQUIRED TO ACCOMMODATE ALL PUBLIC STREETS DEPICTED ON THE TECHNICAL DATA SHEET, IF SUCH RIGHT-OF-WAY DOES NOT PRESENTLY EXIST.

11. ROADWAY IMPROVEMENTS

(a) MINIMUM ROADWAY IMPROVEMENTS FOR PHASE ONE DEVELOPMENT FOR PURPOSES OF THIS PARAGRAPH 11(a), PHASE ONE DEVELOPMENT SHALL BE DEEMED TO INCLUDE:

- 90,000 SQUARE FEET OF RETAIL/COMMERCIAL FLOOR AREA
- 150,000 SQUARE FEET OF OFFICE DEVELOPMENT
- 175 HOTEL ROOMS
- 750 DWELLING UNITS

THE PETITIONER MAY APPLY FOR BUILDING PERMITS FOR PHASE ONE DEVELOPMENT AFTER OBTAINING FINAL PLAT APPROVAL FOR THE PUBLIC STREET SYSTEM AND AFTER THE LETTING OF CONTRACTS FOR THE FOLLOWING TYVOLA ROAD IMPROVEMENTS, ALL OF WHICH MUST BE DESIGNED IN ACCORDANCE WITH THE CITY'S STANDARDS AND BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL:

- DESIGN AND CONSTRUCTION OF A RAISED LANDSCAPED MEDIAN ON TYVOLA ROAD BEGINNING AT SOUTH STREAM BLVD. AND TERMINATING EAST OF THE NORTH/SOUTH CONNECTOR ROAD. MEDIAN MAY VARY IN WIDTH FROM A MINIMUM OF 8 FEET UP TO 22 FEET, FACE-OF-CURB TO FACE-OF-CURB. DESIGN AND INSTALLATION OF A NEW PAVEMENT MARKING PLAN ON TYVOLA ROAD TO INCLUDE PAVEMENT MILLING/OVERLAY MADE NECESSARY BY THE LANDSCAPED MEDIAN AND APPROPRIATE TRANSITIONS TO EXISTING CROSS SECTIONS.

SERVICE AREAS FOR USES SUCH AS MAIL DELIVERY, TRASH DISPOSAL, ABOVE-GROUND UTILITIES, LOADING AND DELIVERY.

A DEVIATION FROM THE HEIGHT REQUIREMENTS TO ALLOW AN 11 STORY BUILDING WITHIN THE AREA AT THE END OF THE PROPOSED CITY PARK DRIVE TO BE KNOWN AS THE PINNACLE AT CITY PARK WITH A HEIGHT OF UP TO BUT NOT EXCEEDING 150 FEET.

A DEVIATION THAT WOULD ALLOW THE SIDEWALKS CURRENTLY LOCATED ON THE SITE WHICH RUN ALONG TYVOLA ROAD TO REMAIN IN PLACE.

DEVIATIONS TO ACCOMMODATE OPTIONAL PAYING SYSTEMS USED ON PRIVATE PLAZAS AND WALKWAYS;

DEVIATIONS FROM THE SIGNAGE PROVISIONS TO ALLOW THE FOLLOWING:

TWO DETACHED, GROUND-MOUNTED PROJECT TENANT IDENTIFICATION SIGNS ALONG TYVOLA ROAD AND ONE EACH ON YORKMONT ROAD AND BILLY GRAHAM PARKWAY. THESE SIGNS MAY EACH EXTEND TO A HEIGHT OF UP TO 25 FEET AND MAY INCLUDE UP TO 100 SQUARE FEET IN SIGNAGE AREA.

OTHER DETACHED PROJECT/TENANT IDENTIFICATION SIGNS SHALL BE LIMITED IN SIZE TO 10 FEET IN HEIGHT AND 80 SQUARE FEET IN SIGNAGE AREA AND MUST BE LOCATED INTERNAL TO THE PROJECT.

ALLOWABLE SIGNAGE TYPES INCLUDING ALL TYPES OF SIGNAGE PERMITTED UNDER CHAPTER 13 AND/OR, IN ADDITION, COMPUTER PROGRAMMABLE, L.E.D. SYSTEMS WITH FULL COLOR, FULL MATRIX DISPLAYS AND MESSAGE BOARDS, INCLUDING TYPE MOVING MESSAGE, HOWEVER, IN NO EVENT SHALL A L.E.D. SIGN OR A MESSAGE BOARD SIGN BE PERMITTED ALONG ANY PORTION OF THE SITE'S FRONTAGE ALONG TYVOLA ROAD, YORKMONT ROAD OR BILLY GRAHAM PARKWAY.

ONE MONUMENT STYLE BUILDING IDENTIFICATION SIGN UP TO 6 FEET IN HEIGHT AND UP TO 36 SQUARE FEET IN SIGNAGE SIZE AREA FOR EACH BUILDING LOCATED WITHIN THE SITE.

WALL MOUNTED SIGNAGE WHICH CONFORMS TO THE MUDD DISTRICT STANDARDS OF THE ORDINANCE.

GROUND-MOUNTED PROJECT / TENANT IDENTIFICATION SIGN AT THE INTERSECTION OF TYVOLA AND MEMORIAL PARKWAY SHALL BE LIMITED IN SIZE TO 8 FEET IN HEIGHT AND 100 SQUARE FEET IN SIGNAGE AREA.

- CONSTRUCTION OF THE TWO RIGHT-IN-RIGHT-OUT ACCESSES ON TYVOLA ROAD;

TYVOLA ROAD/CITY PARK DRIVE INTERSECTION;

EASTBOUND TYVOLA ROAD LEFT-TURN LANE WITH 275 FEET OF STORAGE;

WESTBOUND TYVOLA ROAD LEFT-TURN LANE WITH 150 FEET OF STORAGE;

WESTBOUND TYVOLA ROAD RIGHT-TURN LANE WITH 150 FEET OF STORAGE;

SOUTHBOUND CITY PARK APPROACH WITH DUAL LEFT-TURN LANES WITH 250 FEET OF STORAGE EACH AND A THROUGH/RIGHT-TURN LANE;

NORTHBOUND CITY PARK APPROACH WITH LEFT-TURN LANE WITH 150 FEET OF STORAGE AND A THROUGH/RIGHT-TURN LANE;

INSTALLATION OF A TRAFFIC SIGNAL AT CITY PARK DRIVE AND TYVOLA ROAD. THE SIGNAL WILL UTILIZE MAST ARM ASSEMBLY POLES/STEEL POSTS (USING EQUIPMENT FROM THE FORMER REVERSIBLE LANE SYSTEM WHERE FEASIBLE) AND THE INTO THE EXISTING INTERCONNECT ALONG TYVOLA ROAD;

THE PETITIONER MAY NOT RECEIVE CERTIFICATES OF OCCUPANCY FOR ANY PHASE ONE DEVELOPMENT UNTIL AFTER THE PHASE ONE ROADWAY IMPROVEMENTS DESCRIBED ABOVE HAVE BEEN COMPLETED.

- (a) MINIMUM ROADWAY IMPROVEMENTS FOR PHASE TWO DEVELOPMENT FOR PURPOSES OF THIS SECTION 11(b), PHASE TWO DEVELOPMENT SHALL BE DEEMED TO INCLUDE:

- 110,000 SQUARE FEET OF ADDITIONAL RETAIL/COMMERCIAL FLOOR AREA
- 250,000 SQUARE FEET OF ADDITIONAL OFFICE SPACE
- 175 ADDITIONAL HOTEL ROOMS
- 1,000 ADDITIONAL DWELLING UNITS

THE PETITIONER MAY NOT APPLY FOR BUILDING PERMITS FOR PHASE TWO DEVELOPMENT UNTIL AFTER THE LETTING OF CONTRACTS FOR THE FOLLOWING ROADWAY IMPROVEMENTS, ALL OF WHICH MUST BE DESIGNED IN ACCORDANCE WITH THE CITY'S STANDARDS AND BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL:

- EXTENSION OF THE RIGHT-TURN LANE ON EASTBOUND TYVOLA ROAD AT TRYON STREET TO A TOTAL LENGTH OF 1,000 FEET;
- CONSTRUCTION OF AN ADDITIONAL EASTBOUND LEFT-TURN LANE ON YORKMONT ROAD CREATING 350 FEET OF DUAL LEFT-TURN STORAGE AT TYVOLA ROAD. THIS IMPROVEMENT IS TO BE COMPLETED BY OTHERS AND IS NOT THE RESPONSIBILITY OF THE PETITIONER;
- CONSTRUCTION OF A NEW ROAD (THE NORTH/SOUTH CONNECTOR ROAD) WHICH WILL EXTEND THROUGH THE EASTERN PORTION OF THE SITE FROM TYVOLA ROAD NORTHWARD INTERSECTING WITH YORKMONT ROAD AND BILLY GRAHAM PARKWAY ALONG THE ALIGNMENT GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET.

THIS ROAD SHALL HAVE THE FOLLOWING ELEMENTS:

CONSTRUCTION OF THE NORTH/SOUTH CONNECTOR ROAD BETWEEN YORKMONT ROAD AND BILLY GRAHAM PARKWAY TO INCLUDE TWO TRAVEL LANES NORTHBOUND AND TWO TRAVEL LANES SOUTHBOUND. THE NORTHBOUND APPROACH OF THE NORTH/SOUTH CONNECTOR ROAD AT BILLY GRAHAM PARKWAY WILL INCLUDE AN EXCLUSIVE LEFT-TURN LANE, A SHARED THROUGH/RIGHT-TURN LANE, AND AN EXCLUSIVE RIGHT-TURN LANE WITH 150 FEET OF STORAGE. TYVOLA ROAD/NORTH-SOUTH CONNECTOR INTERSECTION (NEW). EASTBOUND TYVOLA ROAD APPROACH WILL CONSIST OF TWO THROUGH LANES AND AN EXCLUSIVE LEFT TURN LANE WITH 150 FEET OF STORAGE. WESTBOUND TYVOLA ROAD APPROACH WILL CONSIST OF A THROUGH LANE AND A SHARED THROUGH/RIGHT-TURN LANE. SOUTHBOUND NORTH/SOUTH CONNECTOR APPROACH WILL CONSIST OF TWO THROUGH LANES WITH AT LEAST 275 FEET OF STORAGE AND AN EXCLUSIVE RIGHT-TURN LANE. NORTHBOUND NORTH/SOUTH CONNECTOR LANE (15 FEET IN WIDTH, 18 FEET FACE-OF-CURB TO FACE-OF-CURB ALONG MEDIAN SECTION). DEVELOPER RESPONSIBLE (SOLELY FOR ALL COSTS ASSOCIATED WITH NECESSARY MODIFICATIONS TO THE TYVOLA ROAD LANDSCAPED MEDIAN FOR INTERSECTION TURN LANE CONSTRUCTION. TYVOLA ROAD MEDIAN (AT LEAST 7 FEET IN WIDTH) RUNNING FROM THE TYVOLA ROAD/NORTH-SOUTH CONNECTOR INTERSECTION IN A NORTHERLY DIRECTION TO A POINT JUST NORTH OF THE PROPOSED INTERSECTION BETWEEN THE NORTH/SOUTH CONNECTOR ROAD AND TYVOLA ROAD. ALL AS MORE PARTICULARLY DEPICTED ON THE CONCEPTUAL SITE PLAN (SHEET RZ 3). INSTALLATION OF A TRAFFIC SIGNAL (WHEN WARRANTED IN PHASE TWO OR BEYOND). THE SIGNAL WILL UTILIZE MAST ARM ASSEMBLY POLES/STEEL POSTS (USING EQUIPMENT FROM THE FORMER REVERSIBLE LANE SYSTEM WHERE FEASIBLE) AND THE INTO THE EXISTING INTERCONNECT ALONG TYVOLA ROAD. REALIGNMENT OF YORKMONT ROAD IN THE MANNER GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. BILLY GRAHAM PARKWAY/NORTH-SOUTH-CONNECTOR ROAD/WESTMONT DRIVE INTERSECTION (NEW 4TH LEB CONNECTION). CONSTRUCTION OF AN ADDITIONAL WESTBOUND LEFT-TURN LANE ON BILLY GRAHAM PARKWAY AT THE NORTH/SOUTH CONNECTOR ROAD TO PROVIDE DUAL LEFT-TURN LANE STORAGE OF 275 FEET. RESTORING, AS NEEDED, ON THE SOUTHBOUND AND EASTBOUND APPROACH OF THE BILLY GRAHAM PARKWAY AND WESTMONT DRIVE INTERSECTION TO ACCOMMODATE THE PROPOSED FOURTH LEG OF THE INTERSECTION (NORTHBOUND NORTH/SOUTH CONNECTOR ROAD); MODIFICATIONS TO THE EXISTING BILLY GRAHAM PARKWAY AND WESTMONT DRIVE TRAFFIC SIGNAL. THE EXISTING POLES, TRAFFIC SIGNAL EQUIPMENT, AND INTERCONNECT WILL BE UTILIZED TO THE EXTENT POSSIBLE AT THE INTERSECTION OF BILLY GRAHAM PARKWAY AND WESTMONT DRIVE, AND THE CONSTRUCTION OF, OPERATION OF, AND THE LANDSCAPE REQUIRED AT THE INTERSECTION OF THE REALIGNED YORKMONT ROAD AND THE NORTH/SOUTH CONNECTOR ROAD AND AT THE INTERSECTION OF BILLY GRAHAM PARKWAY AND THE NORTH/SOUTH CONNECTOR ROAD ARE SUBJECT TO APPROVAL BY CDDT AND NCDDT. INSTALLATION OF A TRAFFIC SIGNAL AT THE TYVOLA ROAD AND NORTH/SOUTH CONNECTOR ROAD INTERSECTION (WHEN WARRANTED IN PHASE TWO OR BEYOND). THE SIGNAL WILL UTILIZE MAST ARM ASSEMBLY POLES/STEEL POSTS (USING EQUIPMENT FROM THE FORMER REVERSIBLE LANE SYSTEM WHERE FEASIBLE) AND THE INTO THE EXISTING INTERCONNECT ALONG TYVOLA ROAD. REALIGNMENT OF TYVOLA ROAD TO THE WEST EXISTS CURRENTLY, WITH A LEFT-TURN LANE ON YORKMONT ROAD LEADING INTO THE SITE. THE NEW ACCESS POINT FURTHEST TO THE EAST WILL BE CONSTRUCTED IN PHASE TWO AS PART OF THE NEW NORTH/SOUTH CONNECTOR ROAD EXTENDING FROM TYVOLA ROAD TO BILLY GRAHAM PARKWAY WHICH WILL INTERSECT A REALIGNED YORKMONT ROAD. THE TWO ADDITIONAL ACCESS POINTS DEPICTED ALONG THE REALIGNED YORKMONT ROAD WILL SERVE THE LAND PARCELS BETWEEN REALIGNED YORKMONT ROAD. THE NEW NORTH/SOUTH CONNECTOR ROAD, AND BILLY GRAHAM PARKWAY. THESE ACCESS POINTS MAY REQUIRE LEFT-TURN LANES WHICH WILL BE DETERMINED THROUGH THE BUILDING/DRIVEWAY PERMIT PROCESS. THE PLACEMENTS AND CONFIGURATIONS OF THE VEHICULAR ACCESS POINTS SHOWN ON THE TECHNICAL DATA SHEET ARE GENERAL. 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 (CDDT) AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDDT), THE PETITIONER WILL BE RESPONSIBLE FOR THE GEOMETRY AT ALL INTERNAL INTERSECTIONS, INCLUDING TURN LANES AS DEEMED NECESSARY BY CDDT. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT FOR ANY PHASE TWO DEVELOPMENT TO BE CONSTRUCTED ON THE SITE, THE PETITIONER AGREES TO DEDICATE AND CONVEY OUT OF THE SITE (BY QUITCLAIM DEED AND SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) ANY ADDITIONAL RIGHT-OF-WAY SOUTH OF THE CENTERLINE OF YORKMONT ROAD REQUIRED TO PROVIDE A STREET OF RIGHT-OF-WAY SOUTH OF THE CENTERLINE. THE PETITIONER FURTHER AGREES TO DEDICATE AND CONVEY ADDITIONAL RIGHT-OF-WAY OUT OF THE SITE NECESSARY TO ACCOMMODATE THE EXTENSION OF YORKMONT ROAD THROUGH THE SITE AS A 60 FOOT-WIDE LANE. THE ALIGNMENT OF THE REALIGNED YORKMONT ROAD SHALL BE DETERMINED BY THE PETITIONER. THE PETITIONER ANTICIPATES THAT IF THE NORTH/SOUTH CONNECTOR IS APPROVED AND YORKMONT ROAD IS REALIGNED AND EXTENDED THROUGH THE SITE, IT WILL PETITION FOR THE ABANDONMENT OF THAT PART OF THE EXISTING RIGHT-OF-WAY FOR YORKMONT ROAD WHICH IS NO LONGER NEEDED FOR ROADWAY PURPOSES. IF ADDITIONAL RIGHT-OF-WAY IS REQUIRED TO COMPLETE THE NORTH/SOUTH CONNECTOR ALONG THE ALIGNMENT GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AND THE PETITIONER, AFTER A GOOD FAITH EFFORT, IS UNABLE TO ACQUIRE THIS ADDITIONAL RIGHT-OF-WAY VOLUNTARILY, THE PETITIONER MAY REQUEST THE CITY TO CONDEMN THE PROPERTY. PROVIDED THE PETITIONER AGREES TO PAY FOR ALL COSTS AND EXPENSES ASSOCIATED THEREWITH. THE PETITIONER FURTHER AGREES TO DEDICATE AND CONVEY (BY QUITCLAIM DEED AND SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) ADDITIONAL PORTIONS OF THE SITE REQUIRED TO ACCOMMODATE ALL PUBLIC STREETS DEPICTED ON THE TECHNICAL DATA SHEET, IF SUCH RIGHT-OF-WAY DOES NOT PRESENTLY EXIST.

- (c) MINIMUM ROADWAY IMPROVEMENTS FOR PHASE THREE DEVELOPMENT FOR PURPOSES OF THIS SECTION 11(c), PHASE THREE DEVELOPMENT SHALL BE DEEMED TO INCLUDE 750 ADDITIONAL DWELLING UNITS. THE PETITIONER MAY NOT APPLY FOR BUILDING PERMITS FOR PHASE THREE DEVELOPMENT UNTIL AFTER THE LETTING OF CONTRACTS FOR THE FOLLOWING ROADWAY IMPROVEMENT, ALL OF WHICH MUST BE DESIGNED IN ACCORDANCE WITH THE CITY'S STANDARDS AND BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL:

- MODIFICATION OF THE OFF-RAMP FROM SOUTHBOUND BILLY GRAHAM PARKWAY TO TYVOLA ROAD TO REMOVE THE FREE-FLOW RIGHT-TURN LANE AND EXPAND THE SIGNALIZED INTERSECTION APPROACH FROM TWO TO THREE LANES (ONE LEFT-TURN, ONE LEFT-RIGHT-OUT, AND ONE RIGHT-TURN) WITH AT LEAST 1000 FEET OF STORAGE.
- MODIFICATION OF THE PAVEMENT MARKINGS ON EASTBOUND YORKMONT ROAD AT S. TRYON STREET TO PROVIDE AT LEAST 500 FEET OF DUAL LEFT-TURN LANE STORAGE; AND
- THE ADDITION OF A SOUTHBOUND THROUGH LANE ON YORKMONT ROAD AT BEAM ROAD. THIS IMPROVEMENT IS TO BE COMPLETED BY OTHERS AND IS NOT THE RESPONSIBILITY OF THE PETITIONER.

THE PETITIONER MAY NOT RECEIVE CERTIFICATES OF OCCUPANCY FOR ANY PHASE THREE DEVELOPMENT UNTIL AFTER THE PHASE THREE ROADWAY IMPROVEMENTS DESCRIBED ABOVE HAVE BEEN COMPLETED. IF PETITIONER IS UNABLE TO ACQUIRE ANY ADDITIONAL RIGHT-OF-WAY NEEDED TO MAKE THE ROADWAY IMPREMENTS ASSOCIATED WITH THE UPGRADE OF THE ROADWAY, THE PETITIONER AGREES TO REQUEST THE CITY TO CONDEMN THE PROPERTY. PROVIDED THE PETITIONER AGREES TO PAY FOR ALL COSTS AND EXPENSES ASSOCIATED THEREWITH.

12. PHASING ADJUSTMENTS

TO PROVIDE FLEXIBILITY FOR ADDRESSING EMERGING MARKETS, THE SQUARE FOOTAGE ALLOTMENTS FOR RETAIL AND OFFICE DEVELOPMENT, THE NUMBER OF HOTEL ROOMS AND THE NUMBER OF DWELLING UNITS SPECIFIED FOR EACH USE IN A PARTICULAR PHASE CAN BE CHANGED FROM ONE USE TO ANOTHER USE PROVIDED THAT THE TOTAL NET NEW EXTERNAL TRIPS GENERATED BY THE SITE WITHIN THAT PHASE DO NOT EXCEED THE TOTAL NET NEW EXTERNAL TRIPS THAT WOULD HAVE BEEN GENERATED BY THE LAND USES SPECIFIED FOR THE PHASE INVOLVED AND PROVIDED FURTHER THAT IN NO EVENT MAY ANY USE CATEGORY OR COMPONENT OF THE MIXED/MULTI USE

DEVELOPMENT CONTEMPLATED FOR THE SITE EXCEED, IN THE AGGREGATE, THE MAXIMUM SQUARE FOOTAGE OR NUMBER OF UNITS ESTABLISHED FOR THAT PARTICULAR USE CATEGORY OR COMPONENT UNDER SECTION 4 ABOVE. BY WAY OF AN EXAMPLE, THE MAXIMUM AMOUNT OF OFFICE SPACE THAT COULD BE BUILT ON THE SITE WOULD BE 400,000 SQUARE FEET, IN THE EVENT THAT ONE OR MORE OF THE TRANSPORTATION IMPROVEMENTS TIED TO A PARTICULAR PHASE ARE COMPLETED DURING A PRECEDING PHASE. THE PHASING PROVISIONS CONTAINED IN SECTION 11 ABOVE MAY BE ALTERED TO ACCOMMODATE ADDITIONAL DEVELOPMENT WARRANTED BY SUCH IMPROVEMENT OR IMPROVEMENTS BY WAY OF AN ADMINISTRATIVE SITE PLAN AMENDMENT THE APPLICATION OF WHICH MUST BE JOINED IN BY CDDT.

- TO PROVIDE CONNECTIVITY TO A POTENTIAL REDEVELOPED FARMER'S MARKET, A ROAD SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY STANDARDS AS PART OF THE PHASE I ROADWAY IMPROVEMENTS OR AT THE TIME THE FARMERS MARKET IS REDEVELOPED, WHICHEVER COMES FIRST

13. TRANSIT

PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR MORE THAN 100,000 SQUARE FEET OF RETAIL SPACE, THE OWNER OR OWNERS INVOLVED SHALL PROVIDE AT ITS OR THEIR EXPENSE THE FOLLOWING TRANSIT IMPROVEMENTS (AND SHALL DEDICATE AND CONVEY TO THE CHARLOTTE AREA TRANSIT SYSTEM (CATS) EASEMENTS TO ACCOMMODATE THE SAME):

- TWO PULL OFF TYPE TRANSIT STOP AREAS WITHIN THE SITE THAT WILL ACCOMMODATE UP TO TWO BUSES EACH. THE OWNER SHALL SEEK