

SITE DATA (SEE DEVELOPMENT STANDARDS):

SITE AREA: 3.9 +/- ACRES

TAX PARCEL: 155-101-02 thru 04

EXISTING ZONING: B-1 and R-4

PROPOSED ZONING: MUDD-O
(along with a five (5) year vested right period)

SQUARE FOOTAGE (SEE DEVELOPMENT STANDARDS):

- DEVELOPMENT AREA "A" 42,200 SF

- DEVELOPMENT AREA "B" 0 SF

- DEVELOPMENT AREA "C" 35,300 SF

PEDESTRIAN ACCESS AREA,
WITH SEAT WALLS,
DECORATIVE PAVERS,
LANDSCAPING, & FOUNTAIN.

EXISTING DRIVEWAY TO
BE MODIFIED

LOADING DOCK AREA
(EXCLUDED FROM G.F.A. CALCULATION)

POSSIBLE MAILBOX
LOCATION

ON-STREET PARKING
SPACES

14' BUILDING SETBACK
FROM BACK OF CURB

HUNTLEY PLACE ROAD
IMPROVEMENTS SEE
SHEET RZ-4.0

DAN H. & ELAINE
W. QUEEN
DB: 9258, PG. 281
PIN: 155-103-37
ZONE: B-1
USE: COMMERCIAL

CHARLOTTE-MECKLENBURG
PUBLIC LIBRARY
DB: 1747, PG. 43
PIN: 155-051-04
ZONE: R-43MF
USE: GOVT-INST

14' BUILDING
SETBACK
FROM BACK
OF NEW CURB

PROPOSED
INTERSECTION
IMPROVEMENTS
SEE SHEET
RZ-4.0

DEVELOPMENT
AREA A

DEVELOPMENT
AREA B

DEVELOPMENT
AREA C

EXISTING SHOPS

The building(s) shown shall remain in substantially the same location and orientation as shown. Any material changes in the orientation or location of such building(s) shall not be approved administratively but rather only upon a rezoning amendment to this Rezoning Plan approved by Charlotte City Council, as further clarified in Section 3.e Permitted Uses & Development Area Limitation.

"NO LEFT TURN" SIGN

"NO LEFT TURN" SIGN

TRAFFIC SIGNAL

4' HEIGHT GREEN SCREEN

6' SIDEWALK

8' PLANTING STRIP

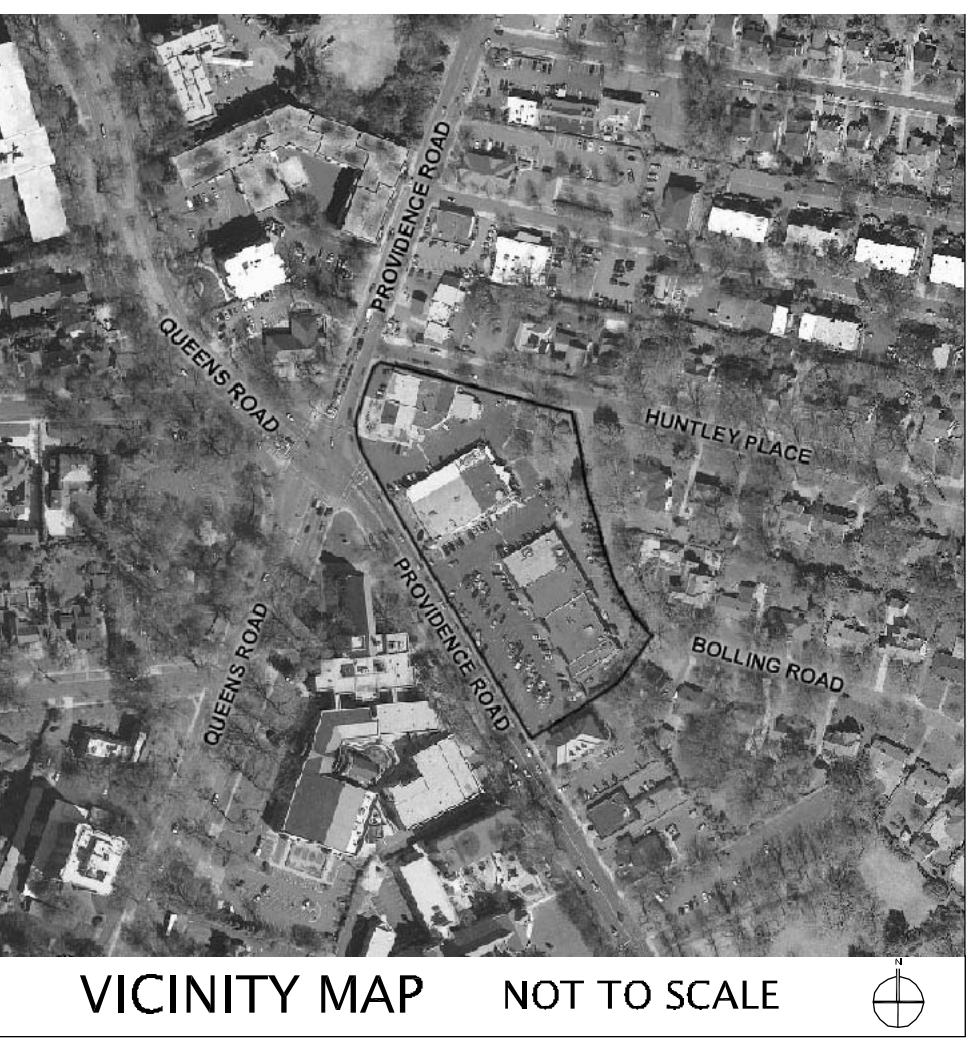
PROPOSED RIGHT TURN
LANE

MYERS PARK UNITED
METHODIST CHURCH
DB: 1498, PG. 280
PIN: 153-071-01
ZONE: O-2(CD)
USE: GOVT-INST

EXISTING SIDEWALK AND PLANTING
STRIP ALONG PROVIDENCE ROAD
14' BUILDING SETBACK FROM BACK
OF CURB (SEE OPTIONAL
PROVISION)

RELOCATED PROJECT SIGN

EXISTING DRIVEWAY TO BE
MODIFIED



design resource group

- landscape architecture
- civil engineering
- urban design
- land planning
- traffic engineering
- transportation planning

2459 wilkinson boulevard, suite 200
charlotte, nc 28208
p 704.343.0608 f 704.358.3093
www.drgpr.com

MYERS PARK CENTER REZONING

1027 PROVIDENCE ROAD
CHARLOTTE, NORTH CAROLINA

HARRIS TEETER, INC.
701 CRESTDALE ROAD
MATTHEWS, NORTH CAROLINA 28105

REZONING DOCUMENTS

HUNTINGTON MANAGEMENT CO.
140 HUNTLEY PL.
CHARLOTTE, NC 28207

H & N REALTY LLC
PO BOX 6037
CHARLOTTE, NC 28207

PARTNERSHIP HUNTINGTON
PROPERTIES LIMITED
PO BOX 6037
CHARLOTTE, NC 28207

SCALE: 1" = 30'

PROJECT #: 219-002
DRAWN BY: SK
CHECKED BY: DM

REZONING
PLAN

FOR PUBLIC HEARING
REZONING PETITION
#2011-029

FEBRUARY 28, 2011
(REVISED APRIL 18, 2011
AND FURTHER REVISED MAY 20, 2011)

- REVISIONS:
- 4-18-11 SUBMITTAL #2: PER
 - CMPC/NEIGHBORHOOD COMMENTS
 - 5-20-11 REVISED FOR SUBMITTAL PER REZONING
 - PROCESS FOR FURTHER CMPC/NEIGHBORHOOD
 - COMMENTS
 - 5-23-11 REVISED FOR SUBMITTAL PER REZONING
 - PROCESS FOR FURTHER CMPC/NEIGHBORHOOD
 - COMMENTS

DEVELOPMENT AREA KEY MAP

SITE DATA

--Acreage: 13.9

--Tax Parcel #: 155-101-02 thru 04

--Existing Zoning: B-1 and R-4

--Proposed Zoning: MUDD-O (along with a five (5) year vested right period).

--Existing Uses: Shopping center, retail & business uses, restaurants, & personal service uses.

--Proposed Uses: See Development Standards below for complete description (i) the portion of the Site generally depicted as Development Area A and C may be developed with up to 77,500 square feet of gross floor area (as defined below) consisting of non-residential uses as permitted by right or under prescribed conditions in the MUDD zoning district along with accessory uses and structures allowed in the MUDD zoning district; and (ii) as to Development Area B, green space landscaped areas and amenities/parking/maneuvering uses with up to 13 parking spaces, supporting adjoining commercial uses as set forth in Development Standards below.

--Maximum Principal Building Sizes: (i) Development Area A: 42,200 square feet (as defined below); (ii) Development Area B: 0 square feet; and (iii) Development Area C: 35,300 square feet (as defined below) which includes the basement space.

--Maximum Building Height: See Development Standards below such that (i) Development Area A will have a maximum building height of 58 feet along Providence Road with a step down in height from Providence Road in the manner shown on Sheet RZ-8, and (ii) Development Area C will have height substantially as currently exists, as defined by the Ordinance.

--Parking: Off street parking spaces (including any spaces located on Huntley Place adjacent to the Site) will be provided for the Site at the following ratios:

- (i) Retail and restaurant uses: one space per 375 square feet;
- (ii) Personal service, civic, general/medical office uses: one space per 400 square feet; and
- (iii) Uses located within the basement of the building within Development Area C: one space per 1,000 square feet (per Optional Provision).

--Setbacks: 14 feet back of curb as indicated on Rezoning Plan but see Optional Provisions as to Development Area C allowing existing parking and maneuvering within setback.

NOTE: provisions of the Development Standards set out below will control in the event of any conflicts between Site Data and provisions of the Development Standards.

1. General Provisions:

a. This MUDD-O rezoning petition (the "Rezoning Petition") seeks to provide for the redevelopment of a portion of the existing Myers Park Shopping Center. The portion being redeveloped is set forth in Development Area A and Development Area B; it being understood that development is not contemplated at present for the remaining portion of the existing shopping center generally depicted as Development Area C on the Rezoning Plan (as defined below). If Development Area C is redeveloped in the future beyond what is permitted in these Development Standards, a subsequent rezoning will be required for that portion of the Site.

b. These Development Standards form a part of the rezoning plan associated with this MUDD-O petition that includes certain "Optional Provisions" to accommodate redevelopment on approximately 3.9 acres located at the intersection of Providence Road and Queens Road (the "Site"), as more particularly shown on the rezoning plan. Development of the Site will be governed by the attached plans and these Development Standards (together with the plans referred to as the "Rezoning Plan") as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD) zoning classification shall govern all development taking place on the Site within the Development Areas generally depicted on the Rezoning Plan as Development Area A, Development Area B and Development Area C, subject to the Optional Provisions provided below. For the reasons set forth below, this Petition includes the vesting of the approved Rezoning Plan for the Site for five (5) years.

c. Except as otherwise expressly specified on the Rezoning Plan, the layout of the development; the exact alignments of points of access; the numbers, the size, configuration and placements of buildings and parking areas; and the depictions of such other site elements within the Development Areas on the Rezoning Plan are graphic representations of the proposed development prior to the design/development/construction phase of the project. They may, therefore, be subject to minor alterations or modifications during the design/development/construction phase of the project, subject to the accompanying Development Standards and Section 6.207 of the Ordinance. For the purposes of Section 6.207 of the Ordinance, accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site, and up to three (3) principal buildings may be developed on the Site. Parking layouts for surface parking may be modified to accommodate changes during the design/development/construction phases to the extent permitted by the Ordinance and subject to the requirements and conditions of the Development Standards.

2. Optional Provisions

a. **Signs on Development Area C.** The Petitioner seeks the Optional Provision to allow the existing detached sign (that is approximately 20 feet in height and 6.5 feet in width with a sign area of 50 square feet on each side) located along Providence Road within Development Area C to remain or to be replaced with a new sign the same size or smaller in size. The existing sign (or new sign) may be relocated to accommodate modifications to the existing driveway and parking lot layout. Wall signs for building on Development Area C shall comply with the standards of the B-1 zoning district.

b. **Signs on Development Area A.** The Petitioner seeks the Optional Provision to allow wall signs located on any building wall of a structure on Development Area A to have a maximum sign surface not to exceed 10% of the building wall area to which the sign is attached up to a maximum of 200 square feet.

c. **Development Area C Aspects.** It is the intent of this request that the existing parking, loading and other site elements and improvements within Development Area C shall be approved substantially as shown on the Rezoning Plan in lieu of the standards of Section 9.8507 of the Ordinance, subject to and in accordance with the Rezoning Plan. Accordingly, the Petitioner seeks the following Optional Provision for the portion of the Site within Development Area C: (i) allow the existing sidewalk along Providence Road to remain; (ii) eliminate the requirement for a sidewalk along Bolling Road; (iii) allow the existing parking and maneuvering for parking and loading located between the shops and the abutting public streets (both front and rear) to remain but as modified substantially in the manner as shown on the Rezoning Plan (e.g. restricting of parking field, alterations to one-way/two-way drive aisles, and other matters shown); (iv) allow any parking in the required setbacks to remain; (v) allow aspects of the configuration of the existing parking lot and parking spaces and aisles to remain but as modified in the manner substantially as shown on the Rezoning Plan and subject to other minor modifications; (vi) not be required to provide street trees nor tree islands; (vii) not provide a planting strip along Providence Road; (viii) not provide screening for the parking spaces along Providence Road and along the southern property line; and (ix) allow parking for the basement area of the building within Development Area C to adhere to the ratio of one (1) parking space per 1,000 square feet of space as described below.

d. Development Area B - Bolling Road & Huntley Place

(i) The Petitioner seeks the Optional Provision to eliminate the requirement for a sidewalk along Bolling Road within Development Area B as well as an optional provision to only plant street trees and other vegetation along the portion of Bolling Road within Development Area B. The Petitioner also seeks the optional provision to clarify that the required sidewalk connection from the Site to Bolling Road will be made through the proposed landscaped open space to be located within Development Area B at the intersection of Bolling Road and Huntley Place as generally depicted on the Rezoning Plan (Sheet RZ-3.0).

(ii) Petitioner seeks the Optional Provision to reduce the sidewalk and planting strip widths along Huntley Place adjacent to Development Area B, provided that such sidewalk will be at least six (6) feet in width and such planting strip at least six (6) feet in width.

c. **Development Area A - Providence Road & Huntley Place.** The Petitioner seeks the Optional Provision to use a four (4) foot "green screen" wall to screen new parking spaces to be located within Development Area A from Providence Road, as generally depicted on the Rezoning Plan; such "green screen" shall have a width of approximately one (1) foot. Petitioner also seeks the Optional Provision to allow the sidewalk connecting Huntley Place into the Site along the service area within Development Area C to be four (4) feet in width.

f. **Development Area A - Parking.** For clarity purposes and in addition to the parking aspects of the Optional Provision for Development Area C above, this Rezoning Plan confirms an Optional Provision for the right to have parking and maneuvering to the side of and rear of the building located within Development Area A, as generally depicted on the Rezoning Plan. In addition, parking for any second floor outdoor seating and/or dining area will not be required.

3. Permitted Uses & Development Area Limitation :

a. The portion of the Site generally depicted as Development Areas A and C may be developed with up to 77,500 square feet of gross floor area (as defined below) consisting of non-residential uses as permitted by right or under prescribed conditions in the MUDD zoning district along with accessory uses and structures allowed in the MUDD zoning district.

b. The portion of the Site generally depicted as Development Area B at the intersection of Huntley Place and Bolling

Road (i) may be developed and/or maintained as an improved landscaped open space area together with certain driveway improvements, sidewalks, walls, utilities, trees, fountains, bicycle amenities, parking spaces (up to a maximum of 13 spaces) and other amenities and improvements as more particularly shown and described on Sheet RZ-3 of the Rezoning Plan if the private restrictions set forth in the 1953 Agreement as described in Section 13 are modified as described therein or (ii) shall remain in its current condition subject to Petitioner's right to add landscaping and trees and other green space improvements as well as structures to the extent that such improvements and structures do not conflict with the Tree Ordinance Plan (as defined above).

c. The building located within Development Area A shall not exceed an aggregate of 42,200 square feet of gross floor area.

d. The total at grade building footprint (measured from outside wall but excluding loading dock and storage areas) of the building located within Development Area A shall not exceed an aggregate of 30,500 square feet.

e. The existing building located within Development Area C which is currently approximately 35,000 square feet of gross floor area shall not exceed an aggregate of 35,300 square feet of gross floor area. Such building may be divided into two buildings but the building(s) shall remain in substantially the same location and orientation as shown on this Rezoning Plan and any material changes in the orientation or location of such building(s) shall not be approved administratively but rather only upon a rezoning amendment to this Rezoning Plan approved by Charlotte City Council. The basement area within the building within Development Area C may not be used for restaurant purposes.

For purposes of the development limitations set forth in this Section 3 and in the "Maximum Building Sizes" of the Site Data Section of 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, and any accessory buildings or structures 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 surface parking facilities, areas used for building and equipment access (such as stairs, elevator shafts and maintenance carport spaces), all loading dock areas (open or enclosed), and outdoor dining areas.

4. Setbacks, Side Yards, and Rear Yards :

a. Except as described in this Section, the Petitioner will establish a 14 foot minimum setback along Providence Road, Huntley Place and Bolling Road. At the intersection of Providence Road and Queens Road the setback may be increased in the manner generally depicted on the Rezoning Plan. No new buildings or parking will be allowed in the setbacks, except that existing parking and maneuvering as described by the Optional Provisions above will be allowed within the portion of the required setback within Development Area C. The setbacks will be measured from the existing or proposed back of curb as indicated on the Rezoning Plan.

5. Building Heights:

a. As set out in the Site Data, building height within Development Area A will be substantially as shown on the Rezoning Plan (RZ-8) and shall step down from Providence Road in the manner generally depicted. The height of the building within Development Area C shall remain substantially as currently exists. Building height will be determined as defined by the Ordinance.

6. Unified Development:

a. The Site shall be viewed as a unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, setbacks, and other similar zoning standards will not be required internally between improvements and site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide the portions or all of Development Area A and Development Area C (but not Development Area B) and create lots within the interior of the Site without regard to any such internal separation standards, provided, however, all such yards and separation standards along the exterior boundary of the Site shall be adhered to, except as may be altered by the Optional Provisions.

7. Parking:

a. Off street parking spaces (including any spaces located on Huntley Place adjacent to the Site) will be provided for the Site in accordance with the ratios set out in the Site Data.

b. Any parking spaces located on Huntley Place shall be restricted to no greater than 2 hour parking subject to approval of applicable governmental authorities as to such limitations.

8. Internal Sidewalks:

a. Sidewalks that link the new building to Providence Road and Huntley Place shall be provided, subject to and in accordance with the Optional Provisions above; such sidewalks shall be five (5) feet in width except for the sidewalk along the service area which per the Optional Provisions may be four (4) feet in width.

9. Environmental Features :

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance in effect at the time of approval of this Petition in connection with development taking place on Development Areas A and B.

b. Any required water quality and storm water detention areas for Development Areas A and B may be installed substantially underground.

c. Compliance with the City of Charlotte Tree Ordinance shall be undertaken in accordance with the requirements and provisions more particularly described and depicted on Sheet RZ-5 of this Rezoning Plan (the "Tree Ordinance Plan"). The Tree Ordinance Plan is the result of detailed consultation between Petitioner's representatives and members of the City of Charlotte Urban Forestry Department ("Urban Forestry"). Variations in the Tree Ordinance Plan may be approved by Urban Forestry in accordance with its procedures and processes.

10. Lighting:

a. All new lighting fixtures located in Development Areas A and B shall be full cut-off type lighting fixtures with the exception of lower, decorative lighting that may be installed along the driveways, and sidewalks. The existing lighting fixtures located within Development Area C may remain but if new fixtures are installed they must comply with the standard above.

b. New detached lighting located in Development Areas A and B will be limited to 25 feet in height.

c. No "wall pak" lighting will be allowed on any new buildings constructed on the Site, however architectural lighting on building facades, such as sconces, will be permitted. Existing "wall pak" lighting on the building(s) within Development Area C may remain.

d. Pedestrian scale lighting may be installed throughout the Site.

11. Signage:

a. **Wall Signs.** All wall signs placed on the building within Development Area A will be erected in accordance with the requirements of the MUDD district, subject to and in accordance with the Optional Provisions set forth above in Section 2.b that allow a maximum sign surface not to exceed 10% of the building wall area to which the sign is attached up to a maximum of 200 square feet provided, however, no wall sign shall be permitted along the screen wall for the loading/service area or accompanying elevation as shown on the Rezoning Plan. Per the Optional Provisions set forth in Section 2a., wall signs for the building within Development Area C shall adhere to the standards of the B-1 zoning district.

b. **Detached Signs.** As set forth in the Optional Provisions, the existing detached sign (that has approximately 50 square feet of sign area per side) located along Providence Road within Development Area C may remain or to be replaced with a new sign the same size or smaller in size. The existing sign (or new sign) may be relocated to accommodate modifications to the existing driveway and parking lot as described in the Optional Provisions.

c. **Identification Signs.** No detached identification signage will be allowed along Bolling Road or Huntley Place except for one vehicular directional sign along Huntley Place in the approximate location shown on the Rezoning Plan. Additional directional signs may be located along Providence Road.

12. Streetscape and Landscaping :

a. Subject to the modification of certain private restrictions governing Development Area B to permit development within Development Area B in the manner contemplated by this Rezoning Plan, a series of trees and shrubs along with a brick wall will be installed within the setback of Bolling Road directly adjacent to the landscaped open space area within Development Area B (it is anticipated that the brick wall will be in the same location as the current wall).

b. Along the remainder of the Bolling Road setback adjacent to Development Area C, the existing landscaping, brick wall and wooden fence will remain, provided that the existing wall in such area shall be painted to match the new wall to be installed within Development Area B if such new wall is installed as provided herein. Subject to the modification of the private restrictions referenced above, the existing trees along the Bolling Road side of the masonry wall located to the rear of Development Area C shall be maintained by the owner of Development Area C in a manner so that such trees continue to provide screening substantially similar to that which now exists. Whenever the replacement of one of more of these trees becomes necessary in the future, the replacement tree(s) shall be an appropriate evergreen species approximately 10 feet in height and shall be planted with spacing calculated to provide screening, when mature, substantially similar to the year 2011 level of screening. The replacement tree specimen(s) shall be planted and thereafter maintained, in accordance with generally accepted arborist standards. The obligation to maintain this landscaped area

shall at all times also include the removal of trash, dead limbs and other debris at reasonable intervals.

c. Street trees will be planted along Huntley Place within Development Areas A and B and along a portion of Development Road within Development Area A as generally depicted on the Rezoning Plan.

d. Subject to and in accordance with the Optional Provisions set forth above, a six (6) foot sidewalk, portions of which shall be constructed of decorative pavers, will be installed within the 14 foot setback of Huntley Place and the portion of Providence Road located within Development Areas A and B, as generally depicted on the Rezoning Plan; but the existing six (6) foot sidewalk and six (6) foot planting strip may remain along the portion of Huntley Place adjacent to Development Area B.

13. Special Provisions Regarding Development Area B:

a. The Petitioner will establish an improved landscaped open space area along with parking spaces, driveway improvements, sidewalks, bicycle amenities, hardscape and landscape amenities, as generally depicted on Sheet RZ- 3 of the Rezoning Plan, within Development Area B, if certain private restrictions governing Development Area B referenced in Agreement dated April 25, 1953 (the "1953 Agreement") are modified to permit such development within Development Area B. Until such private restrictions governing Development Area B in the 1953 Agreement are so modified, Development Area B shall remain in its current condition subject to Petitioner's right to add landscaping and trees and other green space improvements as well as structures to the extent that such improvements and structures do not conflict with the Tree Ordinance Plan (as defined above).

b. If the referenced private restrictions governing Development Area B in the 1953 Agreement are modified to permit the development of Development Area B in the manner contemplated by the Rezoning Plan, the Petitioner will make the following improvements to Development Area B:

- (i) At the corner of Bolling Road and Huntley Place a seating area with a brick seat wall (anticipated to be in same location as the existing wall), pervious pavers, a drinking fountain and dog fountain will be installed, as generally depicted on Sheet RZ-3 of the Rezoning Plan.
- (ii) A minimum six (6) foot decorative brick screen wall along Bolling Road (the six foot minimum height to be measured at the base of the existing wall along Bolling Road so it is anticipated that it will be in same locations as the existing wall) will be installed, as generally depicted on Sheet RZ-3 of the Rezoning Plan.
- (iii) A layered planting of additional trees, shrubs and seasonal color will be planted to create a pleasing and effective screen along Bolling Road, as generally depicted on Sheet RZ-3 of the Rezoning Plan.
- (iv) A five (5) foot sidewalks, constructed substantially of specialty pavers and providing access the shopping center through Development Area B, will be provided, as generally depicted on Sheet RZ-3 of the Rezoning Plan.
- (v) Up to thirteen (13) compact parking spaces constructed on above grade pervious pavers may be provided, as generally depicted on Sheet RZ-3 of the Rezoning Plan.
- (vi) An irrigation system will be installed within Development Area B.
- (vii) A bike rack may be installed to support bicycles access to the Site, subject to the Tree Ordinance Plan.
- (viii) The landscaping, wall, irrigation, sidewalks and other amenities as generally depicted on Sheet RZ-3 of the Rezoning Plan will be maintained by the Petitioner and/or the owner of the Site.
- (ix) Such other site elements, improvements and amenities generally depicted on Sheet RZ-3 of the Rezoning Plan for Development Area B may be installed or maintained.

If required as set forth in this Section, the above-referenced improvements must be completed prior to the issuance of the final certificate of occupancy for the building(s) to be located within Development Area A.

To the extent of any conflict between the above requirements and compliance with the Tree Ordinance Plan or any other regulations of Urban Forestry regarding, the Tree Ordinance Plan and regulations of Urban Forestry shall control.

c. If the referenced private restrictions governing Development Area B in the 1953 Agreement are modified to permit the development of Development Area B as contemplated by the Rezoning Plan, Development Area B will also adhere to the following requirements:

- (i) Subject to recommendations to the contrary made by a certified professional arborist, the Petitioner shall use diligent best efforts to preserve the existing trees in Development Area B, as generally depicted on Sheet RZ-3 of the Rezoning Plan.
- (ii) The pavement for the proposed parking spaces and pedestrian walkways within Development Area B, as generally depicted on Sheet RZ-3 of the Rezoning Plan, will be installed as above grade pervious pavers.
- (iii) The Petitioner shall use diligent best efforts to protect Development Area B during construction on the improvements contemplated by this Rezoning Plan by a six (6) foot chain link fence, and no storage of construction materials or gathering of construction workers will be allowed within Development Area B.
- (iv) Petitioner will engage a certified professional arborist for the following:
 - Initial health assessment and deep root fertilization of the trees prior to construction commencement.
 - Root pruning where the corner (sature and brick seating wall are proposed.
 - Removal of the existing gravel area and air spade that area to enhance tree root oxygen; gravel removed will be replaced with top soil meeting the city soil meeting the city soil specifications.
 - Monthly visits to Development Area B during construction to support compliance with the matters contained herein.
- (v) Five (5) cryptomarias at least six (6) feet in height (or similar trees) will be added to Development Area B as generally depicted on Sheet RZ-3 of the Rezoning Plan. Three (3) understory trees will also be planted in the area across from the driveway in Development Area A, as generally depicted on the Rezoning Plan.
- (vi) Development Area B will be provided with automatic irrigation and will be maintained by the Petitioner and/or the owner of the Site. Any such irrigation or any underground utilities located within Development Area B will be installed with an air spading process.

d. If the improvements described in subsections a. - c. above are required to be undertaken in connection with the modification of the 1953 Agreement, these improvements must be completed prior to the issuance of the final certificate of occupancy for the building(s) to be located within Development Area A except to the extent the prudent planning standards dictate that plans and landscaping be installed at a later date in which case such plantings shall occur at the first practicable and prudent opportunity.

e. To the extent of any conflict between the above requirements and compliance with the Tree Ordinance Plan (as defined above) or any other regulations of Urban Forestry regarding development on the Site, the Tree Ordinance Plan and regulations of Urban Forestry shall control.

f. Notwithstanding the foregoing, in the event that the Petitioner is unable to proceed or encounters risks in so proceeding with the development contemplated by this Rezoning Plan, including without limitation the development and improvements contemplated for Development Area B, because of a dispute, challenge or proceeding regarding either (i) the approval of the rezoning petition or (ii) the modification of the existing private restrictions governing Development Area B in the 1953 Agreement needed to permit development of Development Area B as contemplated by this Rezoning Plan, then Petitioner may proceed with development of the Site in accordance with this Rezoning Petition except that (i) Petitioner shall not be required to make any of the improvements contemplated for Development Area B under this Rezoning Plan and (ii) Petitioner may, in its discretion, make certain minor alterations to the entrance driveway and rear portion of the building/service area within Development Area A and Development Area B; provided, however, this shall not excuse compliance with the Tree Ordinance Plan.

14. Architectural Standards:

a. The attached elevations associated with the building to be located within Development Area A are included to reflect the architectural style and quality of the building that will be constructed (the actual building so constructed may vary in minor ways from these illustrations as long the general architectural concepts and intent illustrated is maintained).

b. All sides of the building to be constructed in Development Area A will be built using four sided architecture. The portions of the principal building to be constructed in Development Area A excluding windows and roof shall consist primarily of brick, stone, effice, wood and similar materials.

c. Meter banks will be hidden from public view. Mechanical equipment located on the roof of the building(s) in Development Area A shall be screened from public view at grade and will include screen walls of architectural quality and materials comparable to the primary building walls and such screen walls and equipment shall be oriented where possible toward the center of the building and shall extend no more than six (6) feet above the applicable building parapet wall.

d. New dumpster areas and recycling areas within Development Area A will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the building within Development Area A. If one or more sides of a dumpster area adjoin a side or rear wall of a building within Development Area A, then the side or rear wall may be substituted for a side.

e. Above ground backflow preventers within Development Area A will be screened from public view and will be located outside of the required setbacks.

15. Access & Transportation:

a. Access to the Site will be from Providence Road and Huntley Place as generally depicted on the Rezoning Plan. Vehicular access to the Site from Bolling Road is prohibited.

b. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns and parking layouts; provided, however, the driveway to Huntley Place may not be modified so as to encroach into Development Area B in a manner substantially more than as generally depicted on this Rezoning Plan.

c. The Petitioner will design portions of the driveways accessing the Site from Huntley Place and from Providence Road within Development Area A with specialty pavers as generally depicted on the Rezoning Plan.

d. Subject to the approval or consent of the Charlotte Department of Transportation (CDOT) and, as applicable, the North Carolina Department of Transportation (NCDOT), upon commencement of the redevelopment contemplated by the Rezoning Plan, Petitioner agrees to implement the following transportation improvements to the existing intersection of Providence Road and Queens Road to be completed prior to issuance of the final certificate of occupancy for the new building within Development Area A; said improvements being generally depicted in the Rezoning Plan (see Sheet RZ-4):

(i) Installation of an expanded northbound right turn lane with approximately 170 feet of storage on Providence Road;

(ii) Installation of a reduced turning radius for the northbound right turn lane and receiving lane on Providence Road;

(iii) Modifications/enhancements to all of the cross-walks within the intersection of Providence Road and Queens Road, including if necessary upgrading the pedestrian accessible ramps to ADA standards and modifications to existing pedestrian refuge islands (it is understood that due to the extent of intersection improvements/modifications (i.e. new curb radii, enlarging pedestrian islands, and relocating pavement markings) the entire intersection will need to be milled and overlaid with new asphalt); and

(iv) Enhancement of the turning radius at the intersection of Providence Road and Huntley Place to promote a more efficient right turn onto Huntley Place for cars and trucks turning onto Huntley Place.

(v) Any necessary traffic signal modifications associated with the above intersection improvements, including pedestrian poles with count-down signals and pushbuttons to promote a pedestrian friendly intersection; and

(vi) Any pavement widening on the south side of Huntley Place to provide for a minimum of two on-street parking spaces, including an 8-foot planting strip and 6-foot sidewalk in such location.

e. Subject to approval of applicable governmental authorities, Petitioner agrees to improve or install as new, up to four (4) speed bumps on Huntley Place within a reasonable period of time upon request of a majority of the residents on Huntley Place

f. The Petitioner will install as requested by CATS a concrete passenger waiting pad (std. 60.01A) along Providence Road in front of Development Area C in a location mutually acceptable to CATS and the Petitioner and owner as long as the pad design/installation does not result in the loss of parking spaces on the Site.

16. Vesting:

Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. §160A-385.1, due to the nature of the redevelopment, certain environmental remediation involved in the redevelopment, the level of investment, the timing of the redevelopment and certain infrastructure, economic cycles and market conditions this Petition includes vesting of the approved Rezoning Plan and conditional zoning district associated with this Petition for a five (5) year period.

17. Amendments to the Rezoning Plan :

Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance but any such amendments shall not affect in any manner the existing private restrictions governing Development Area B, as the same may be modified.

18. 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 under the Ordinance, be binding upon and true to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns. References to Petitioner shall also include owners of portions or all of the Site.



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MYERS PARK CENTER REZONING

1027 PROVIDENCE ROAD
CHARLOTTE, NORTH CAROLINA

HARRIS TEETER, INC.
701 CRESTDALE ROAD
MATTHEWS, NORTH CAROLINA 28105

REZONING DOCUMENTS

HUNTINGTON MANAGEMENT CO.
140 HUNTLEY PL.
CHARLOTTE, NC 28207

H & N REALTY LLC
PO BOX 6037
CHARLOTTE, NC 28207

PARTNERSHIP HUNTINGTON
PROPERTIES LIMITED
PO BOX 6037
CHARLOTTE, NC 28207

SCALE: NOT TO SCALE

PROJECT #: 219-002
DRAWN BY: SK
CHECKED BY: DM

DEVELOPMENT STANDARDS

FOR PUBLIC HEARING
REZONING PETITION
#2011-029

FEBRUARY 28, 2011
(REVISED APRIL 18, 2011
AND FURTHER REVISED MAY 20, 2011)

REVISIONS:

- 4-18-11 SUBMITTAL #2: PER
- CMP/NEIGHBORHOOD COMMENTS
- 5-20-11 REVISED FOR SUBMITTAL PER REZONING
- PROCESS FOR FURTHER CMP/NEIGHBORHOOD
- COMMENTS
- 5-23-11 REVISED FOR SUBMITTAL PER REZONING
- PROCESS FOR FURTHER CMP/NEIGHBORHOOD
- COMMENTS

RZ-2.0



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REZONING DOCUMENTS

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CHARLOTTE, NC 28207

PARTNERSHIP HUNTINGTON
PROPERTIES LIMITED
PO BOX 6037
CHARLOTTE, NC 28207

10 0 10 20
SCALE: 1" = 20' PLAN

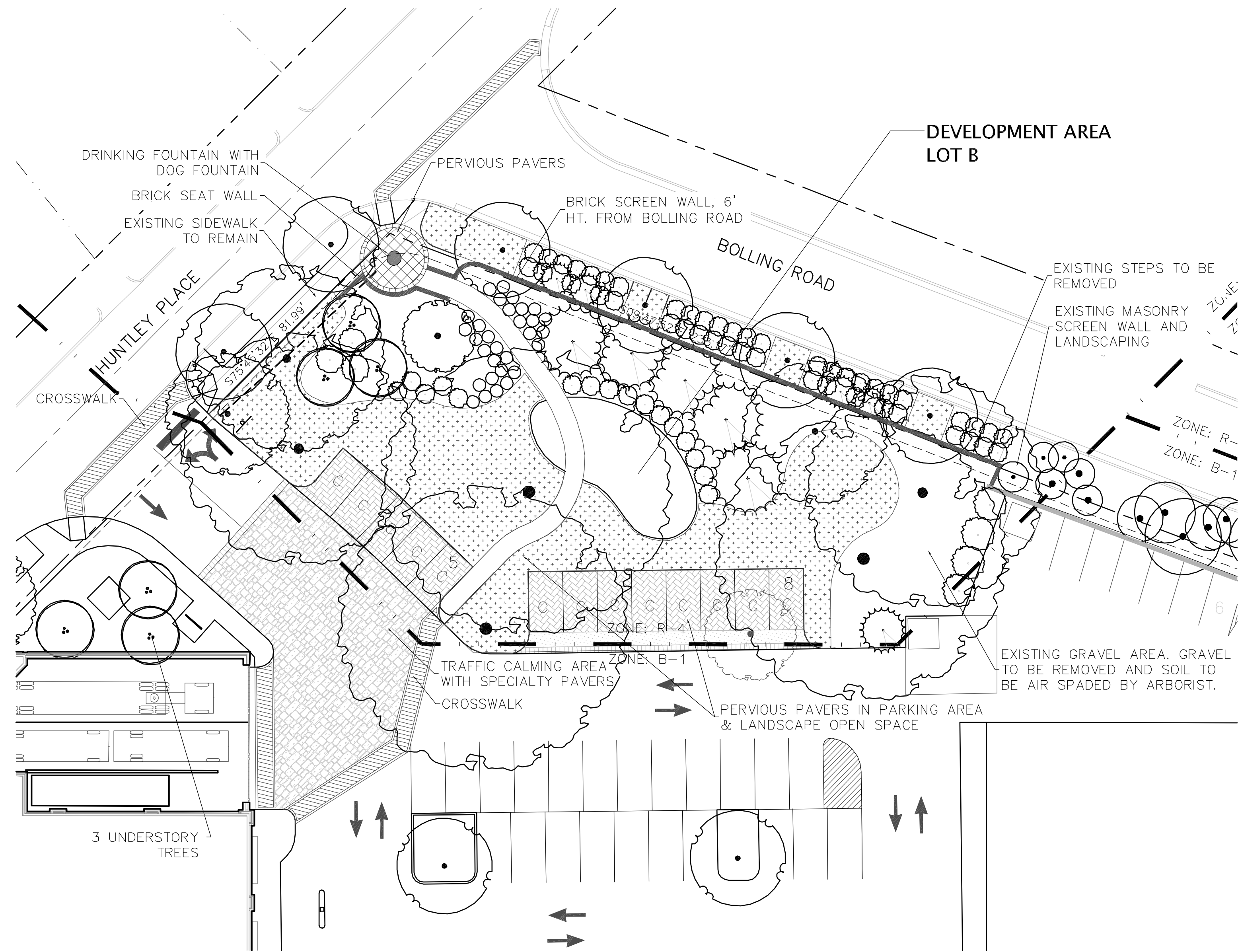
PROJECT #: 219-002
DRAWN BY: SK
CHECKED BY: DM

DEVELOPMENT
AREA "B" PLAN
(LOT B SITE PLAN)
FOR PUBLIC HEARING
REZONING PETITION
#2011-029

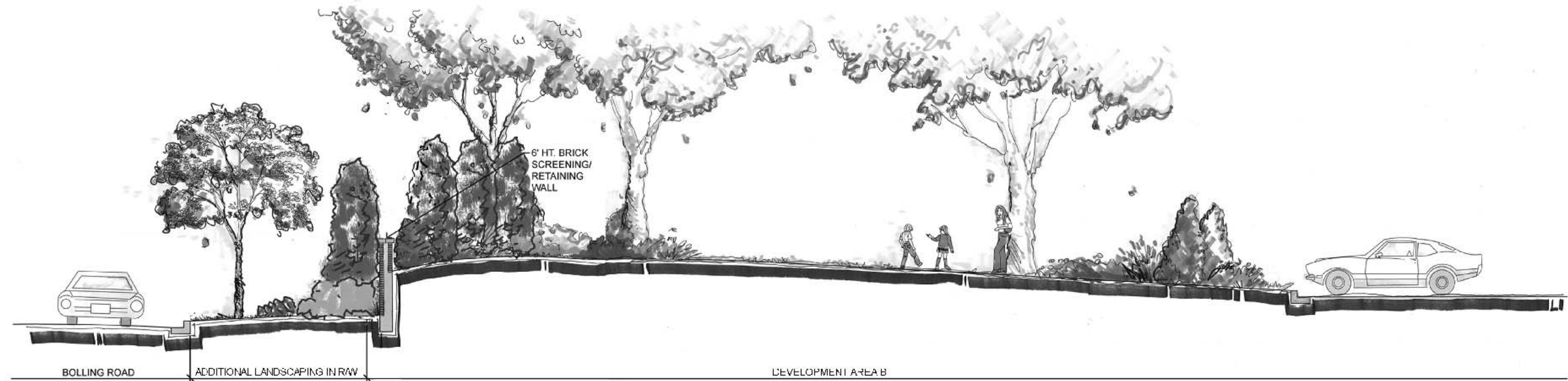
FEBRUARY 28, 2011
(REVISED APRIL 18, 2011
AND FURTHER REVISED MAY 20, 2011)

REVISIONS:
4-18-11 SUBMITTAL #2: PER
CMPC/NEIGHBORHOOD COMMENTS
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PROCESS FOR FURTHER CMPC/NEIGHBORHOOD
COMMENTS
5-23-11 REVISED FOR SUBMITTAL PER REZONING
PROCESS FOR FURTHER CMPC/NEIGHBORHOOD
COMMENTS

RZ-3.0



LANDSCAPE OPEN SPACE OPTION IF 1953 COVENANTS ARE MODIFIED
(SEE DEVELOPMENT STANDARDS NOTE 13 SHEET RZ-2.0)



BOLLING ROAD EDGE CONDITION
N.T.S.

Notes:

1) Planting design is conceptual, final design and materials may vary from this concept so long as general intent is preserved.

2) See development standard notes sheet RZ-2.0 when these components are implemented.



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PO BOX 6037
CHARLOTTE, NC 28207

1" = 0' 15" 30'
SCALE: 1" = 30'

PROJECT #: 219-002
DRAWN BY: SK
CHECKED BY: DM

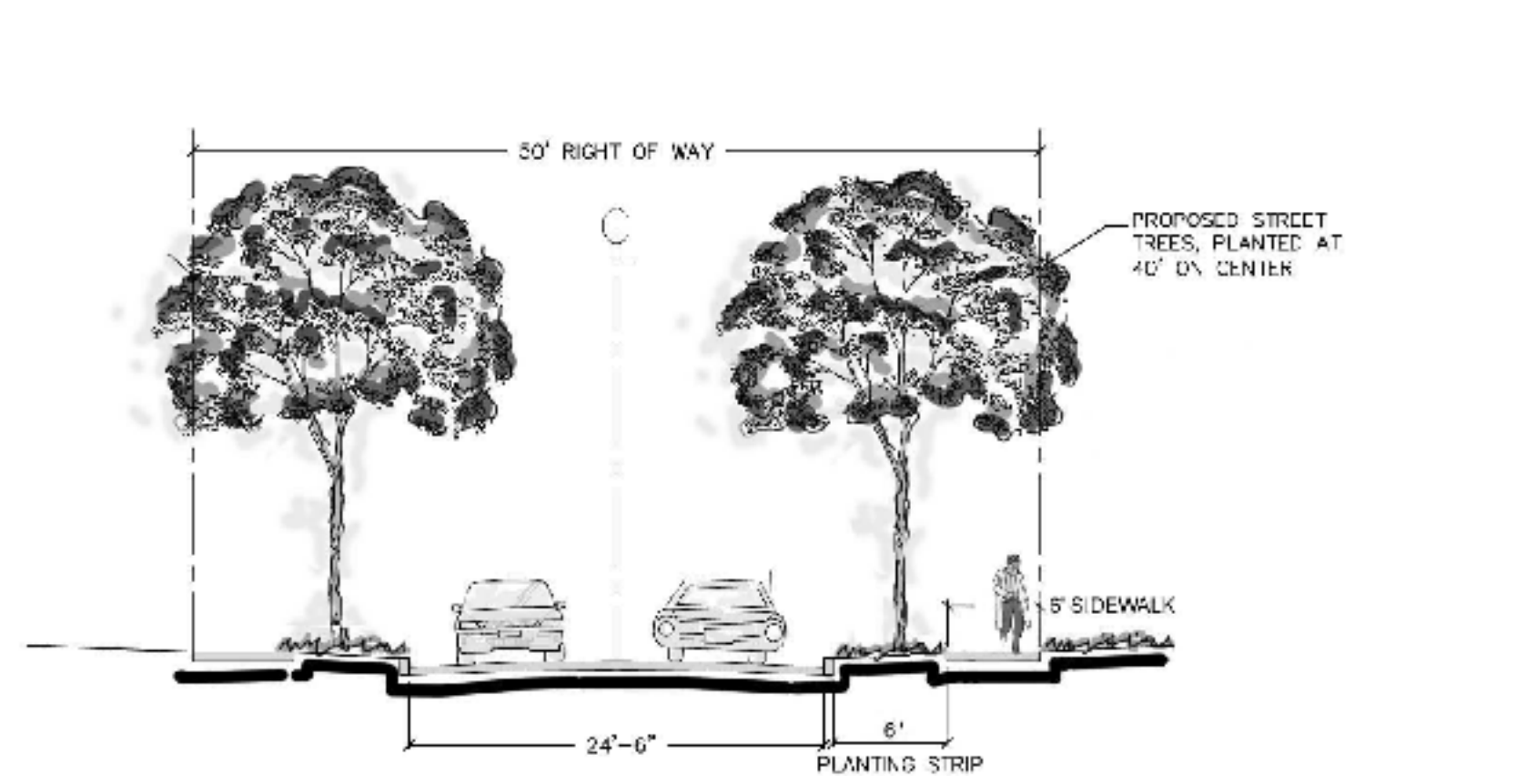
ROAD/STREETSCAPE IMPROVEMENTS

FOR PUBLIC HEARING
REZONING PETITION
#2011-029

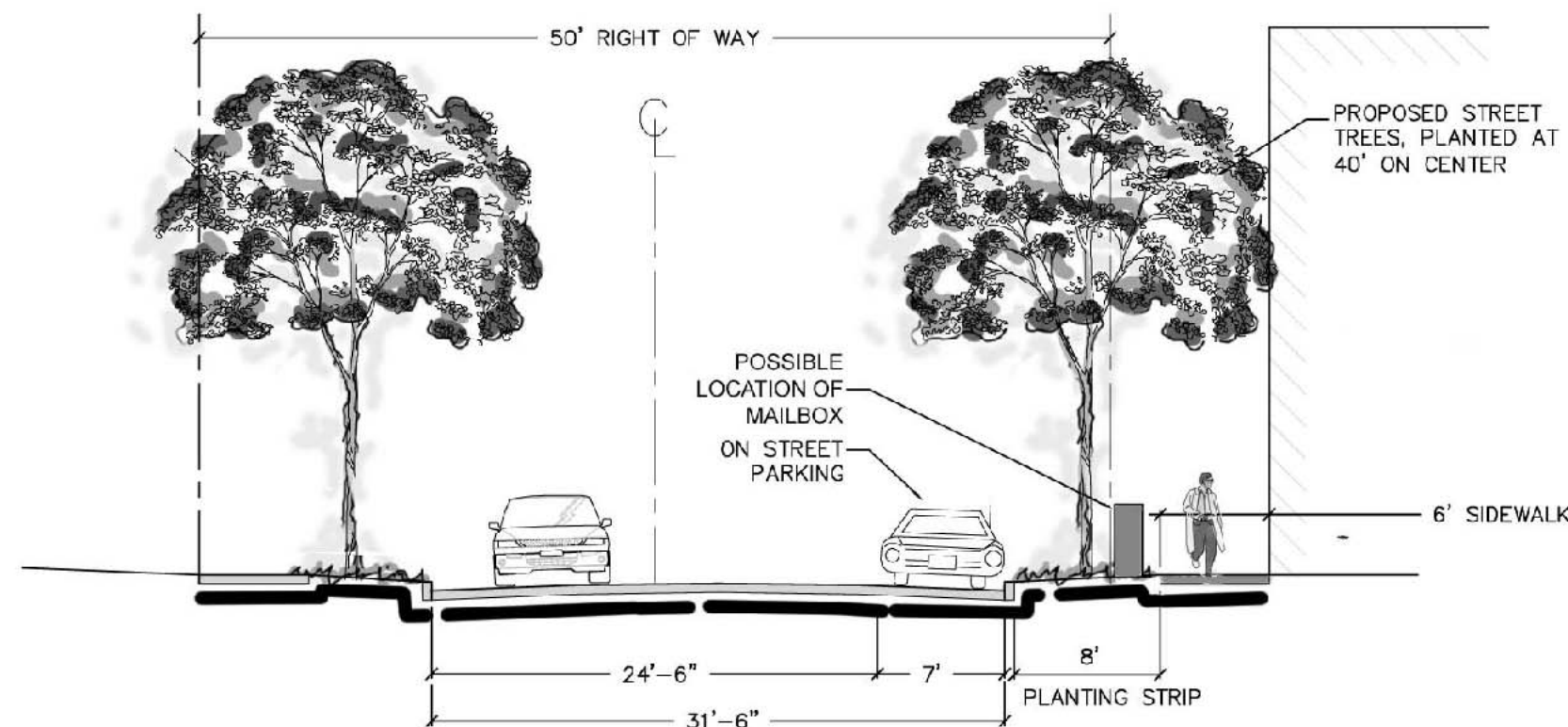
FEBRUARY 28, 2011
(REVISED APRIL 18, 2011
AND FURTHER REVISED MAY 20, 2011)

- REVISIONS:
- 4-18-11 SUBMITTAL #2 - PER CMPC/NEIGHBORHOOD COMMENTS
 - 5-20-11 REVISED FOR SUBMITTAL PER REZO PROCESS FOR FURTHER CMPC/NEIGHBORHOOD COMMENTS
 - 5-23-11 REVISED FOR SUBMITTAL PER REZO PROCESS FOR FURTHER CMPC/NEIGHBORHOOD COMMENTS

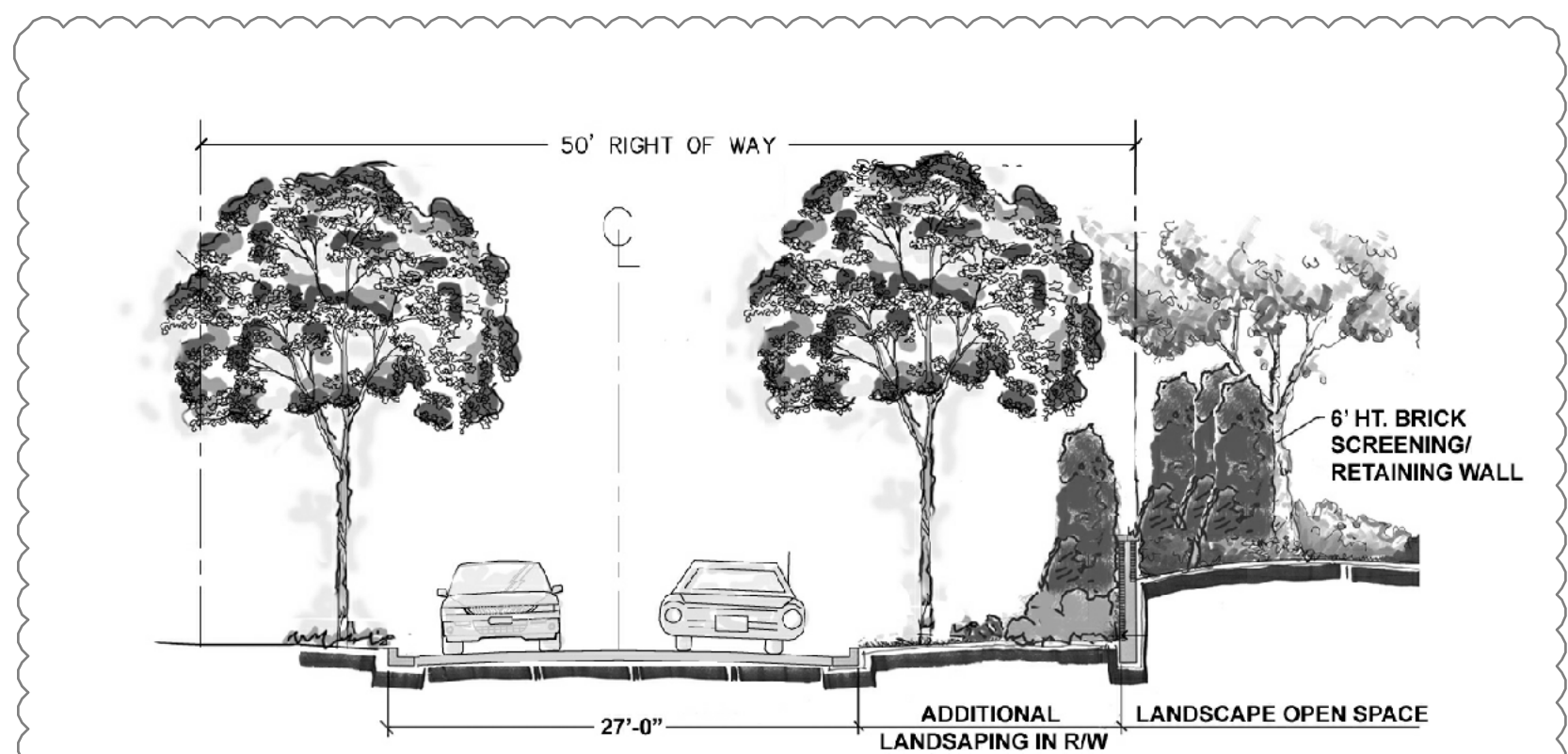
RZ-4.0



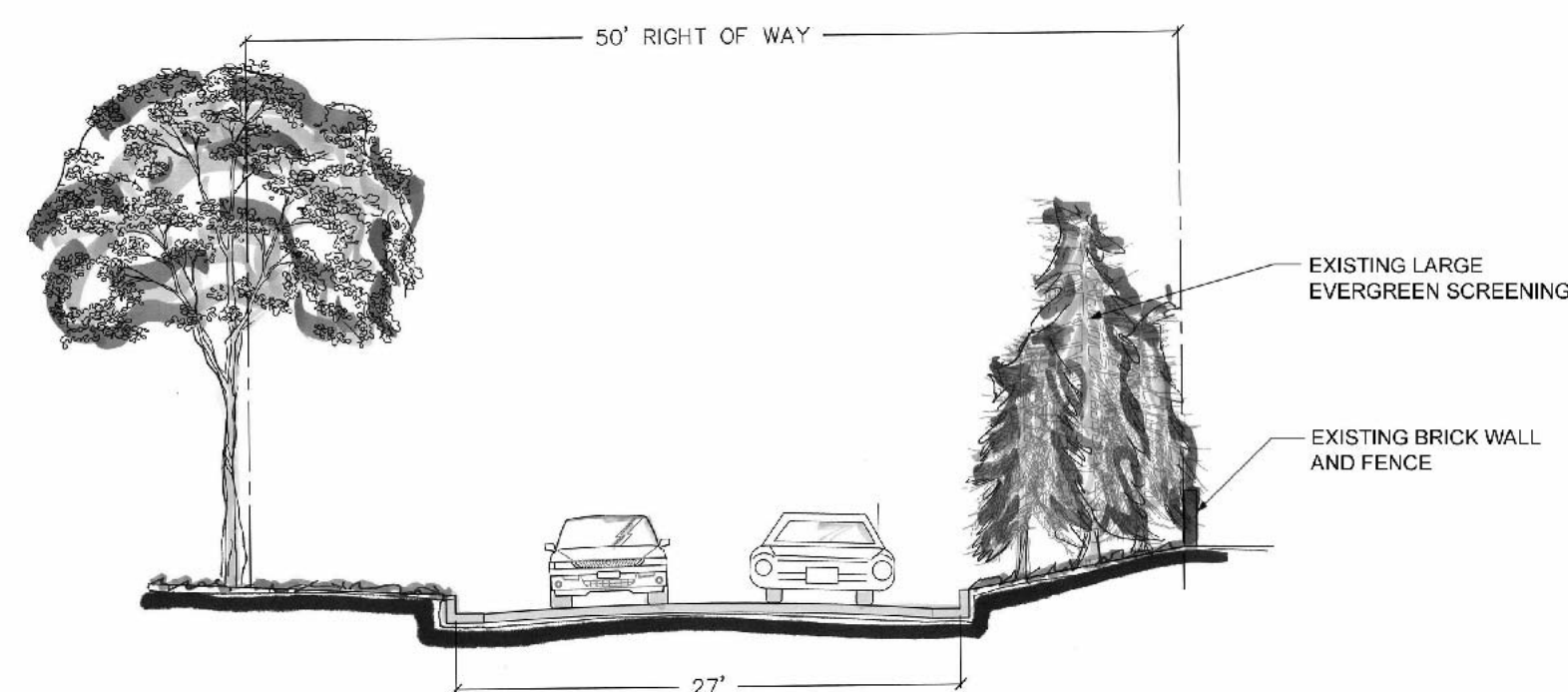
PROPOSED HUNTLEY PLACE CROSS SECTION
ADJACENT TO LANDSCAPE OPEN SPACE



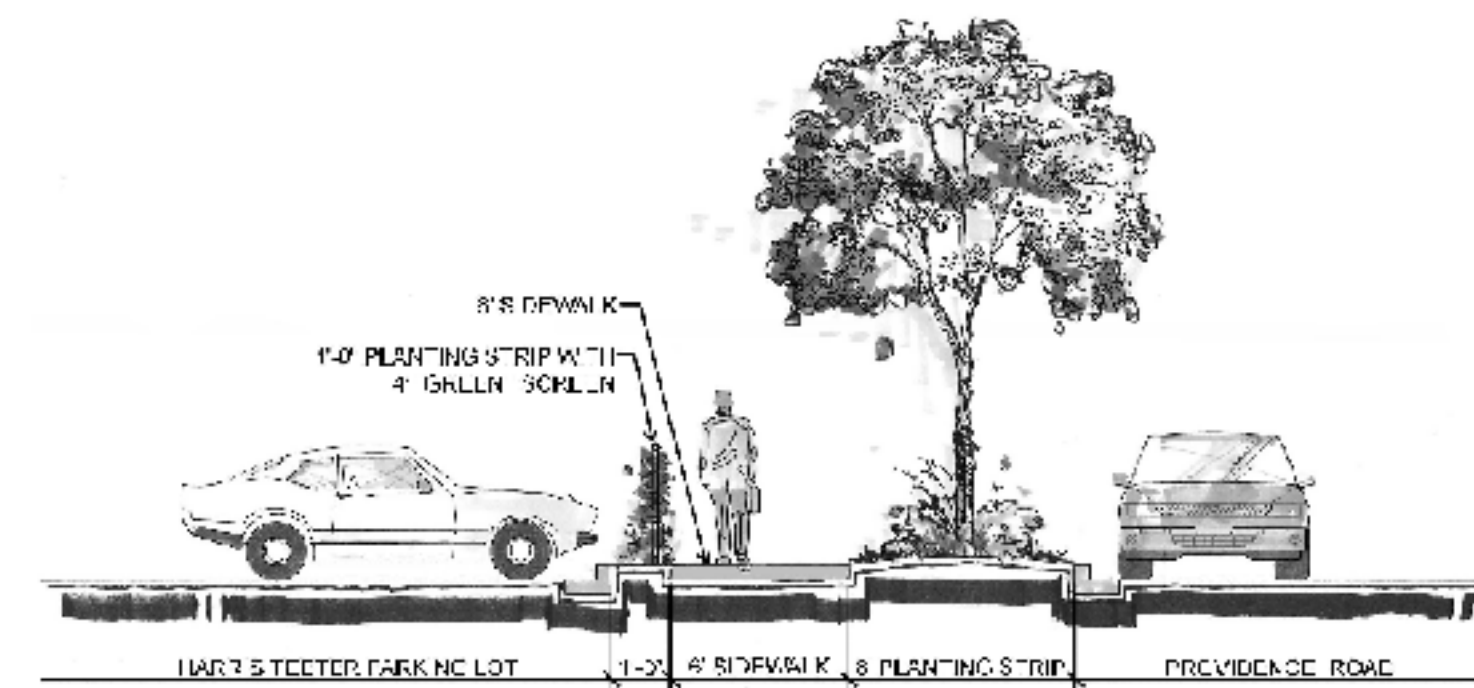
PROPOSED HUNTLEY PLACE CROSS SECTION
ADJACENT TO STORE



PROPOSED BOLLING ROAD CROSS SECTION
AT LANDSCAPE OPEN SPACE

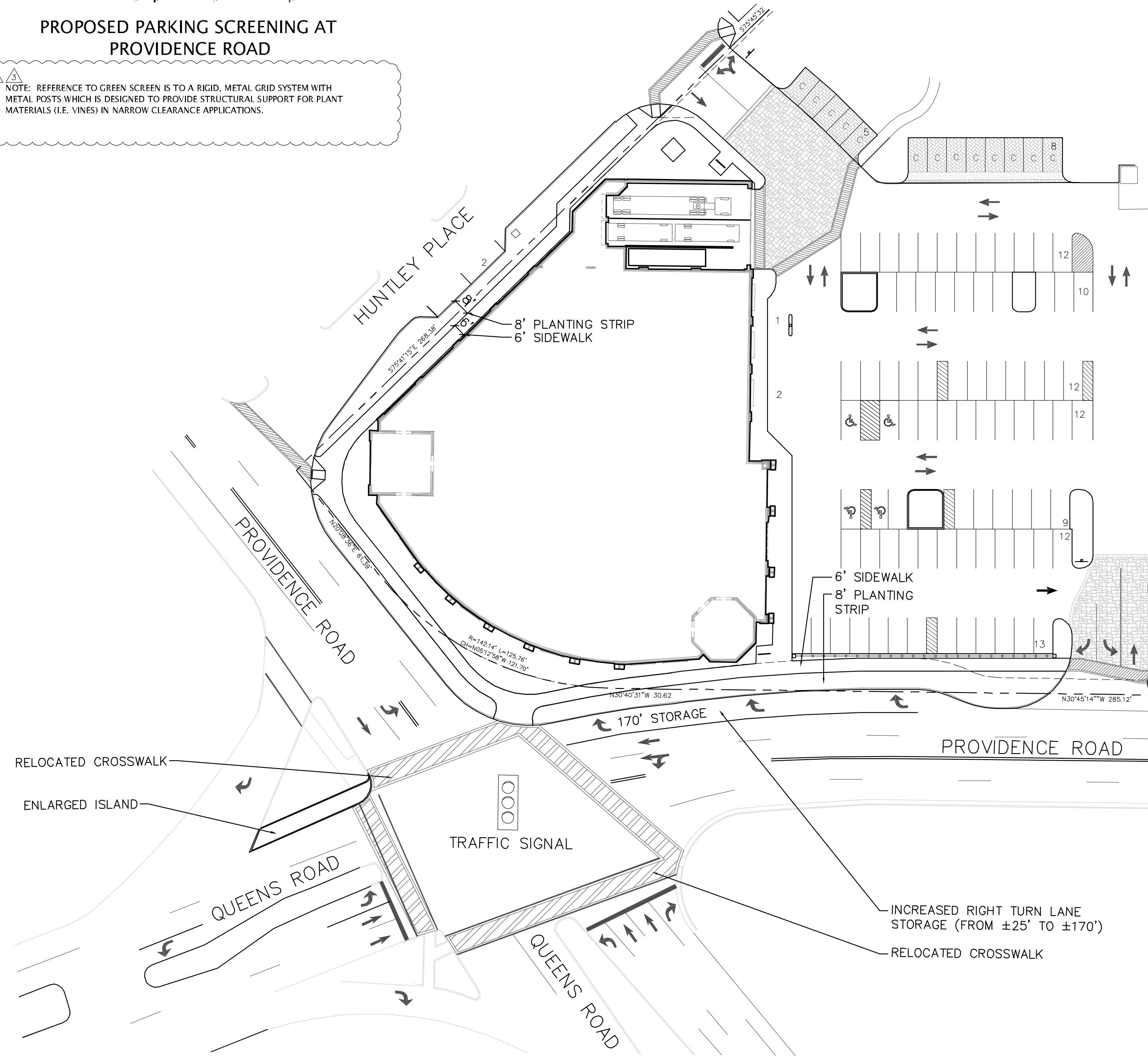


EXISTING BOLLING ROAD CROSS
SECTION IN REAR OF SHOPS

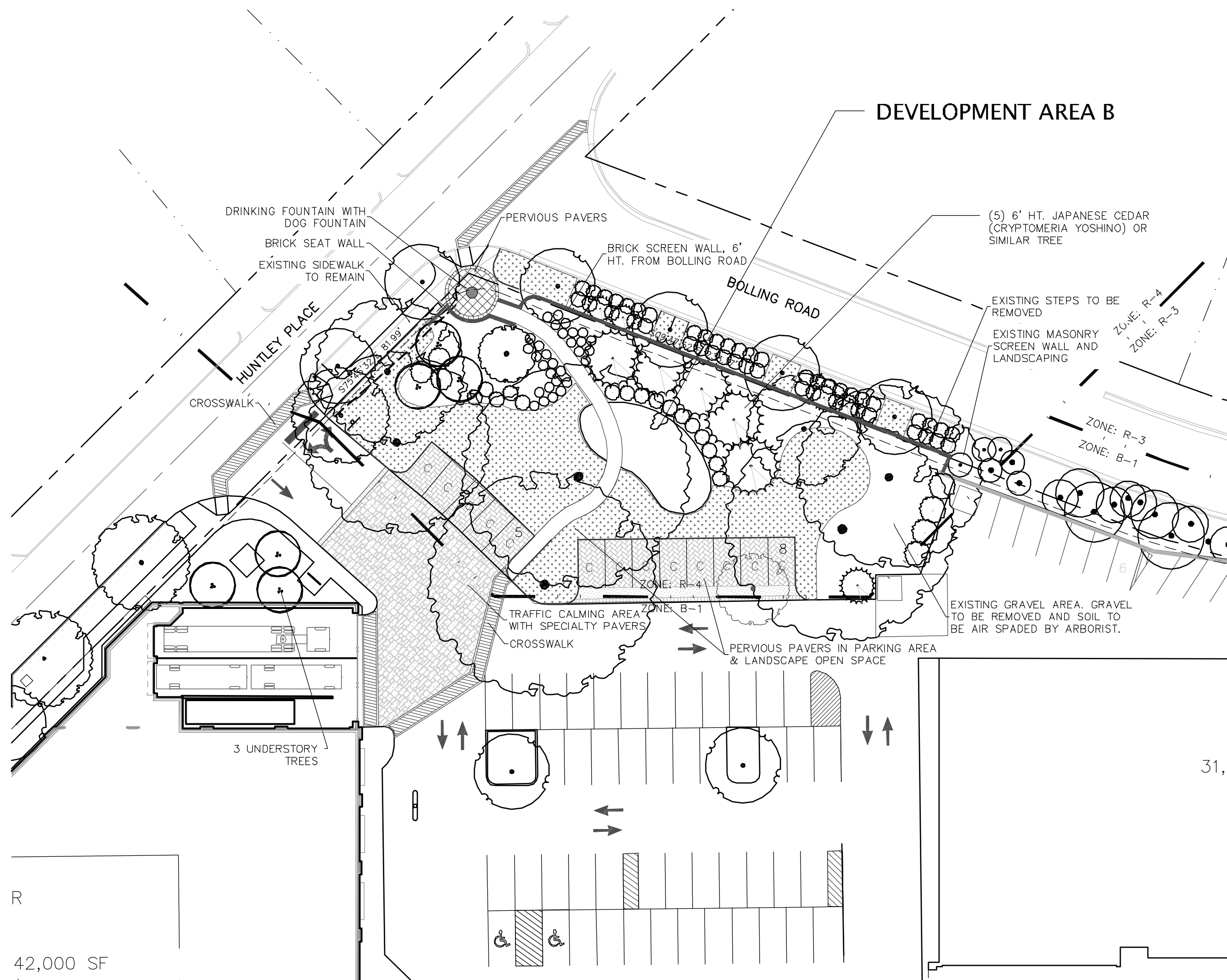


PROPOSED PARKING SCREENING AT
PROVIDENCE ROAD

NOTE: REFERENCE TO GREEN SCREEN IS TO A RIGID, METAL GRID SYSTEM WITH METAL POSTS WHICH IS DESIGNED TO PROVIDE STRUCTURAL SUPPORT FOR PLANT MATERIALS (I.E. VINES) IN NARROW CLEARANCE APPLICATIONS.



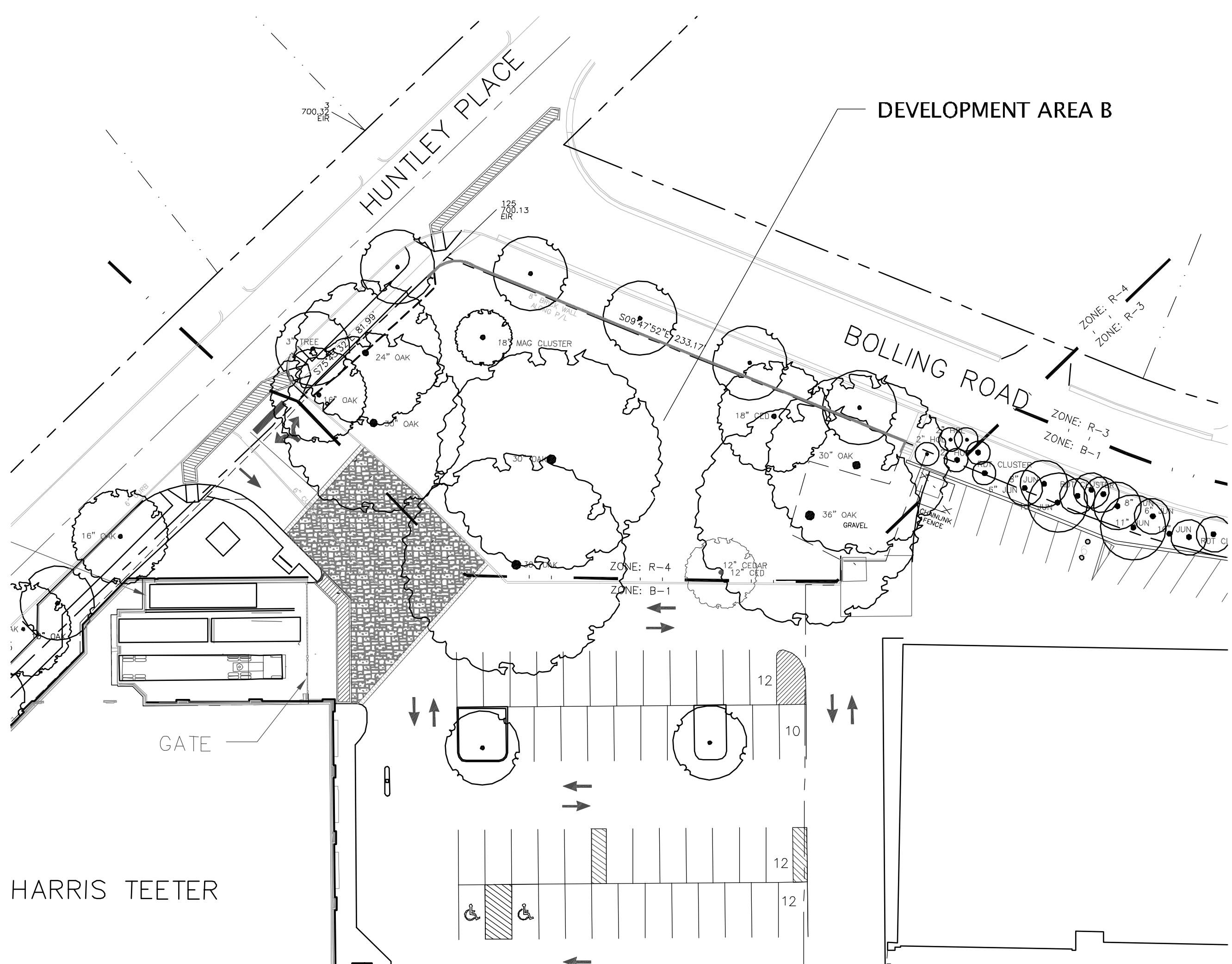
PROPOSED IMPROVEMENTS TO PROVIDENCE ROAD AND QUEENS ROAD INTERSECTION



TREE ORDINANCE FOR DEVELOPMENT AREA B – SCENARIO "A"

LANDSCAPE OPEN SPACE OPTION IF 1953 COVENANTS ARE MODIFIED Tree Protection Plan Commitments:

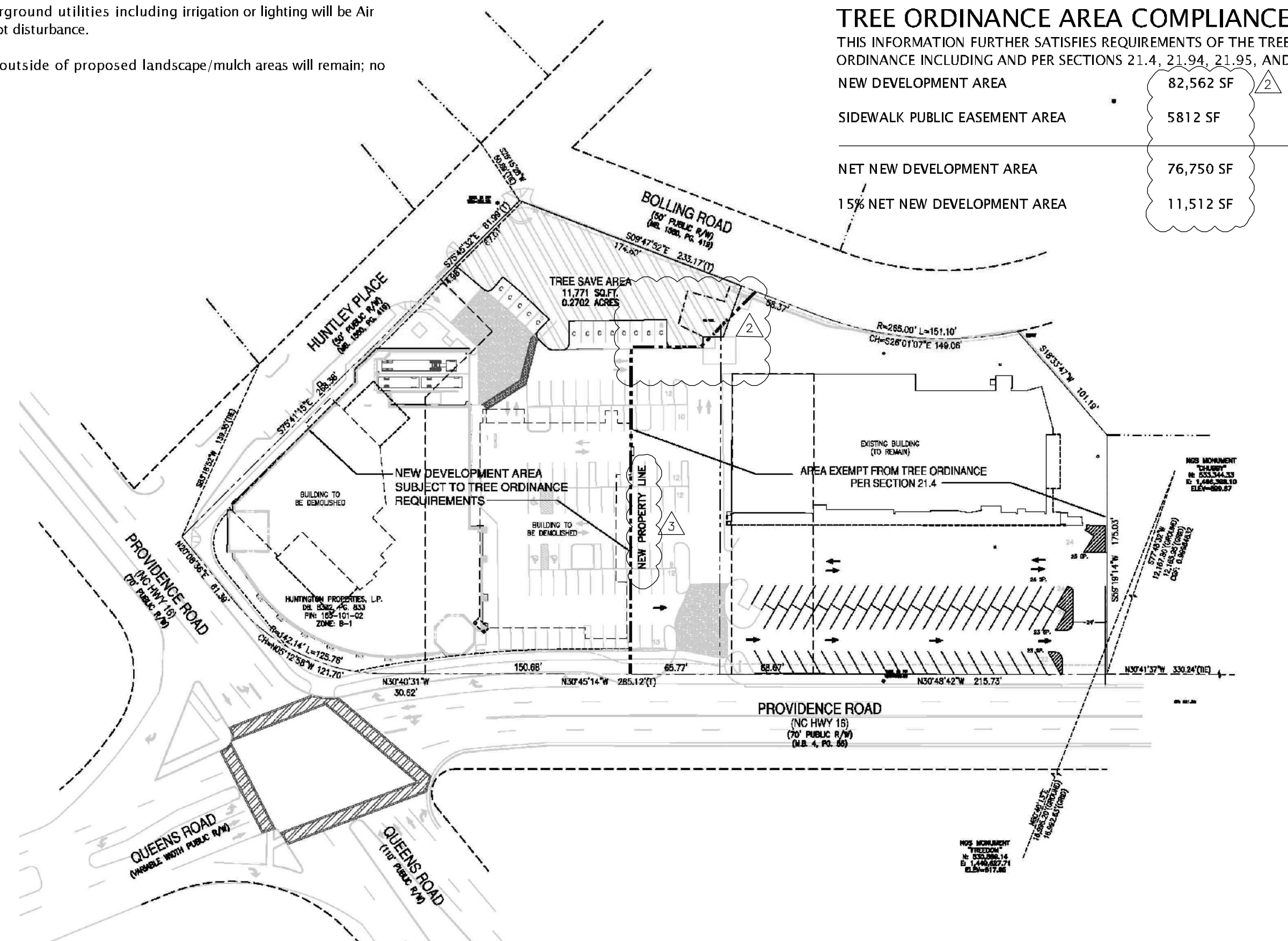
- New pavement for parking spaces adjacent to the tree save area will be installed as above grade pervious pavers.
- The pedestrian path within the tree save area will be installed as above grade pervious pavers.
- Arborist will be engaged for the following:
 - to deep fertilize the trees prior to construction commencement.
 - to root prune roots where the corner feature and brick seating wall are proposed.
 - to remove the existing gravel in the tree save area and Air Spade the area to enhance tree root oxygen. The gravel removed will be replaced with top soil meeting the City soil specifications.
 - to provide monthly inspections of the tree save area during construction.
 - to install the growth regulator Cambistat prior to construction.
- A 6' chain link fence will be installed around the perimeter of the tree save area prior to the commencement of construction. The fence shall allow for pedestrian access to the site from Bolling Road to the shopping center via the existing steps and gravel area near the rear/side of the existing shoppes.
- No storage of materials or gathering of people will be allowed within the fence during construction.
- Parking Spaces adjacent to the tree save area will be compact spaces.
- The tree save area will be irrigated.
- Five (5) 6' ht. Cryptomerias (or similar trees) will be installed, along with other landscaping as generally indicated in the plan.
- Three understory trees will be added to the area across from the tree save area.
- Trenching for underground utilities including irrigation or lighting will be Air Spaded to avoid root disturbance.
- The existing grass outside of proposed landscape/mulch areas will remain; no sod will be installed.
- Any existing old asphalt will remain and be mulched over to avoid root disturbance.



TREE ORDINANCE PLAN FOR DEVELOPMENT AREA B – SCENARIO "B"

LANDSCAPE OPEN SPACE OPTION IF 1953 COVENANTS ARE NOT MODIFIED: TREE ORDINANCE COMMITMENTS:

- A 6' chain link fence will be installed around the perimeter of the tree save area prior to the commencement of construction. The fence shall allow for pedestrian access to the site from Bolling Road to the shopping center via the existing steps and gravel area near the rear/side of the existing shoppes.
- No storage of materials or gathering of people will be allowed within the fence during construction.
- Trenching for underground utilities including irrigation or lighting will be Air Spaded to avoid root disturbance.
- The existing grass outside of proposed landscape/mulch areas will remain; no sod will be installed.



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10 0 10 20
SCALE: 1" = 20' PLAN

PROJECT #: 219-002
DRAWN BY: BS
CHECKED BY: DM

TREE ORDINANCE PLAN

FOR PUBLIC HEARING
REZONING PETITION
#2011-029

APRIL 18, 2011
(REVISED MAY 20, 2011)

- REVISIONS:
- 4-18-11 – ADDED SHEET RZ5.0 TO REZONING PETITION
 - 5-20-11 REVISED FOR SUBMITTAL PER REZONING PROCESS FOR FURTHER CMPC/NEIGHBORHOOD COMMENTS
 - 5-23-11 REVISED FOR SUBMITTAL PER REZONING PROCESS FOR FURTHER CMPC/NEIGHBORHOOD COMMENTS

RZ-5.0



ELEVATION AT QUEENS RD & PROVIDENCE RD

Note: These elevations are provided to reflect the architectural style and quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations as long the general architectural concepts and intent illustrated is maintained). Project street trees have been removed from these illustrations to enable viewing of the building elevations.



ELEVATION FACING PARKING FIELD



ELEVATION FACING HUNTLEY PLACE

Note: These elevations are provided to reflect the architectural style and quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations as long the general architectural concepts and intent illustrated is maintained). Project street trees have been removed from these illustrations to enable viewing of the building elevations.



ELEVATION FACING BOLLING RD & HUNTLEY PL



← HUNTLEY PLACE

ELEVATION AT QUEENS RD & PROVIDENCE RD

Note: These elevations are provided to reflect the architectural style and quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations as long the general architectural concepts and intent illustrated is maintained). Project street trees have been removed from these illustrations to enable viewing of the building elevations.

Vertical Dimensions are taken from level one finish floor surface as exterior grades vary. Heights shown exclude rooftop equipment which must be screened as described in the Development Standards.

As shown, the building heights “step-down” as the building moves from the front of the building along Providence road to the rear of the building closer to the residential areas.



← PROVIDENCE ROAD

ELEVATION FACING PARKING FIELD

HUNTLEY PLACE →