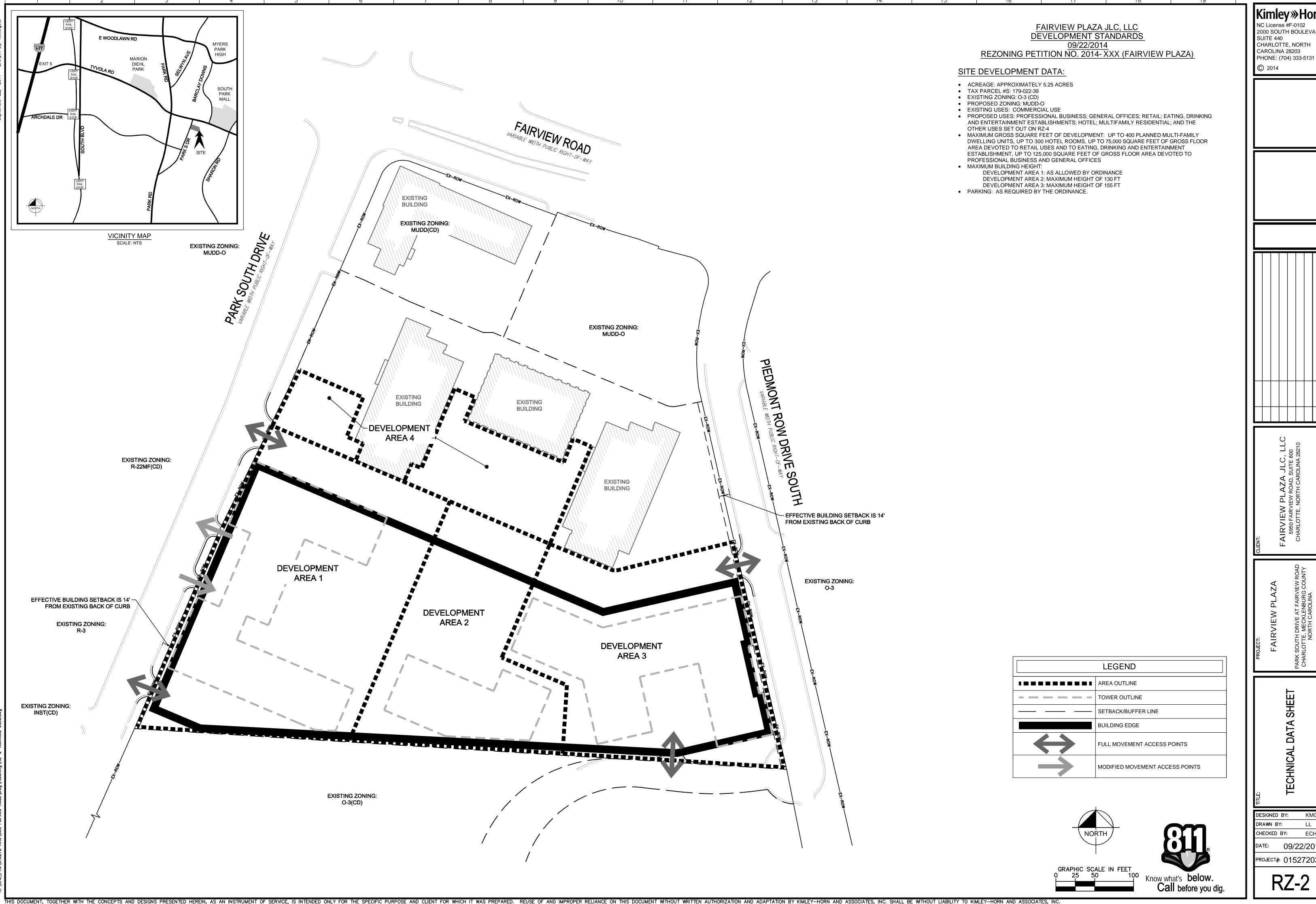


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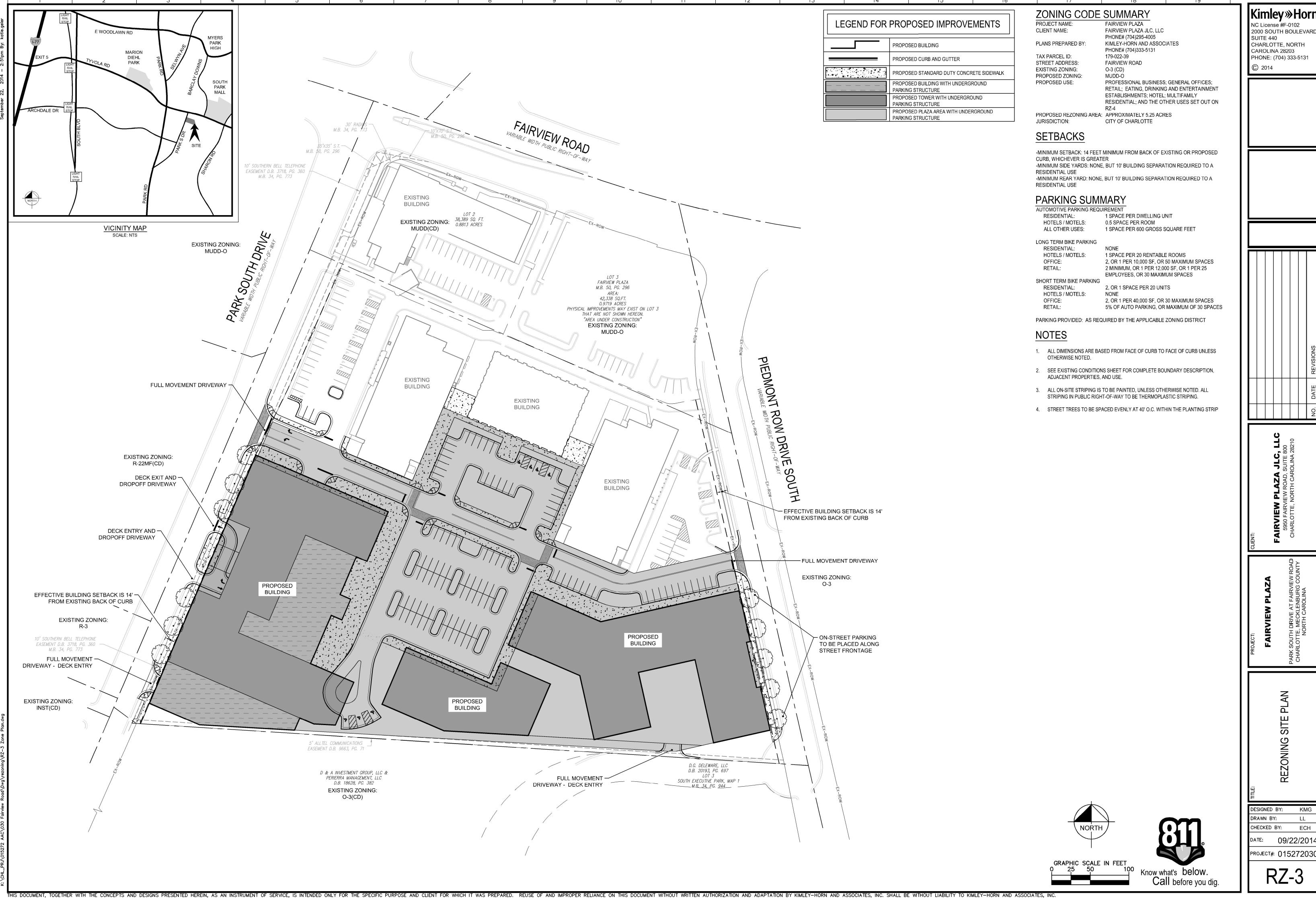
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DATE: 09/22/2014 PROJECT#: 015272030



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DATE: 09/22/2014

FAIRVIEW PLAZA JLC. LLC **DEVELOPMENT STANDARDS** 09/22/2014

REZONING PETITION NO. 2014- XXX (FAIRVIEW PLAZA)

SITE DEVELOPMENT DATA:

- ACREAGE: APPROXIMATELY 5.25 ACRES
- TAX PARCEL #S: 179-022-39
- EXISTING ZONING: O-3 (CD) PROPOSED ZONING: MUDD-O
- EXISTING USES: COMMERCIAL USE
- PROPOSED USES: PROFESSIONAL BUSINESS; GENERAL OFFICES; RETAIL; EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS; HOTEL; MULTIFAMILY RESIDENTIAL; AND THE OTHER USES SET OUT BELOW
- MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: UP TO 400 PLANNED MULTI-FAMILY DWELLING UNITS, UP TO 300 HOTEL ROOMS, UP TO 75,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO RETAIL USES AND TO EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT, UP TO 125,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES
- MAXIMUM BUILDING HEIGHT: AS ALLOWED BY THE ORDINANCE, BUILDING HEIGHT TO BE
- MEASURED AS DEFINED BY THE ORDINANCE. PARKING: AS REQUIRED BY THE ORDINANCE.

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY FAIRVIEW PLAZA JLC, LLC ("PETITIONER") TO ACCOMMODATE A MIXED USE DEVELOPMENT THAT COULD CONTAIN OFFICE, RETAIL, HOTEL AND RESIDENTIAL USES ON THAT APPROXIMATELY 5.25 ACRE SITE LOCATED ON PARK SOUTH DRIVE. WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS A PORTION OF TAX PARCEL NO. 179-022-39 THAT CONTAINS IN TOTAL APPROXIMATELY 8.0486 ACRES.
- B. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). SUBJECT TO THE OPTIONAL PROVISIONS SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT ("MUDD") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT OF THE
- C. THE DEVELOPMENT AND USES DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK AND YARD REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN
- INTENT DEPICTED ON THE REZONING PLAN. D. SIDEWALKS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE ALTERED PROVIDED THAT SUCH ALTERATIONS DO NOT MATERIALLY CHANGE THE DESIGN INTENT GENERALLY DEPICTED
- ON THE REZONING PLAN. E. THE SITE AND TAX PARCEL NO. 179-022-39 SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. THE SITE AND TAX PARCEL NO. 179-022-39 MAY BE SUBDIVIDED WITHOUT REGARD TO INTERNAL SEPARATION REQUIREMENTS.
- F. PURSUANT TO SECTION 1.110 OF THE ORDINANCE AND SECTION 160A-385.1 OF THE NORTH CAROLINA GENERAL STATUTES, THE REZONING PLAN, IF APPROVED, SHALL BE VESTED FOR A PERIOD OF 5 YEARS DUE TO THE SIZE AND PHASING OF THE DEVELOPMENT, THE LEVEL OF INVESTMENT, ECONOMIC CYCLES AND MARKET CONDITIONS.
- G. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

OPTIONAL PROVISIONS

- THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE DEVELOPMENT OF THE SITE:
- A. TO ALLOW THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 2 TO HAVE A MAXIMUM
- B. TO ALLOW THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 3 TO HAVE A MAXIMUM HEIGHT OF 155 FEET.
- C. TO ALLOW A VEHICULAR DRIVEWAY, UP TO 5 PARKING SPACES, A VEHICULAR DROP-OFF/PICK-UP AREA, AN ACCESS POINT FOR THE STRUCTURED PARKING FACILITY AND A VALET SERVICE LOCATION TO BE LOCATED BETWEEN THE BUILDING TO BE LOCATED WITHIN DEVELOPMENT AREA 1 AND THE BACK OF CURB ALONG PARK SOUTH DRIVE.

PERMITTED USES

- A. THE BUILDINGS TO BE LOCATED ON THE SITE MAY CONTAIN THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OR MIXTURE OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT:
 - PLANNED MULTI-FAMILY DWELLING UNITS;
 - 2. EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND TYPE 2), SUBJECT TO THE REGULATIONS OF SECTION 12.546 OF THE ORDINANCE;
 - HOTELS; 4. ART GALLERIES;
 - 5. COLLEGES, UNIVERSITIES, COMMERCIAL SCHOOLS AND SCHOOLS PROVIDING ADULT
 - TRAINING IN ANY OF THE SCIENCES, TRADES AND PROFESSIONS; 6. PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING, WITHOUT LIMITATION,
 - CLINICS, MEDICAL, DENTAL AND DOCTORS' OFFICES;
 - 7. RETAIL SALES LIMITED TO USES ALLOWED IN THE B-1 ZONING DISTRICT; 8. SERVICES, INCLUDING, WITHOUT LIMITATION, BEAUTY SHOPS AND BARBERSHOPS, SPAS AND FITNESS CENTERS;
 - 9. POST OFFICES; AND 10. STRUCTURED PARKING DECKS AS AN ACCESSORY USE.

DEVELOPMENT LIMITATIONS

- A. A MAXIMUM OF 400 PLANNED MULTI-FAMILY DWELLING UNITS MAY BE DEVELOPED ON THE SITE.
- B. A MAXIMUM OF 300 HOTEL ROOMS MAY BE DEVELOPED ON THE SITE.
- C. A MAXIMUM OF 75,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO RETAIL USES AND TO EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND TYPE 2) MAY BE DEVELOPED ON THE SITE.
- D. A MAXIMUM OF 125,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES AND TO THE OTHER USES SET OUT ABOVE UNDER PERMITTED USES(EXCLUDING PLANNED MULTI-FAMILY DWELLING UNITS, HOTEL ROOMS, RETAIL USES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1 AND TYPE 2)) MAY BE DEVELOPED ON THE SITE.
- E. THE TERM "GROSS FLOOR AREA" SHALL MEAN AND REFER TO THE SUM OF THE GROSS HORIZONTAL AREAS OF EACH FLOOR OF A PRINCIPAL BUILDING ON THE SITE MEASURED FROM THE OUTSIDE OF THE EXTERIOR WALLS OR FROM THE CENTER LINE OF PARTY WALLS; PROVIDED, HOWEVER, SUCH TERM SHALL EXCLUDE ANY SURFACE OR STRUCTURED PARKING FACILITIES, AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS, VESTIBULES, ROOF TOP EQUIPMENT ROOMS AND MAINTENANCE CRAWL SPACES), ALL LOADING DOCK AREAS (OPEN OR ENCLOSED), OUTDOOR COOLERS AND OUTDOOR DINING AREAS.

TRANSPORTATION

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION.
- B. OFF-STREET PARKING SHALL BE LOCATED AS GENERALLY DEPICTED ON THE REZONING PLAN.

ARCHITECTURAL AND DESIGN STANDARDS

A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE APPLICABLE URBAN DESIGN STANDARDS OF SECTION 9.8506 OF THE ORDINANCE.

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- B. AS REQUIRED UNDER SECTION 9.8506(2)(I) OF THE ORDINANCE, THE BASE OF EACH BUILDING (EQUIVALENT TO THE FIRST 3 FLOORS ABOVE STREET GRADE) SHALL BE DISTINGUISHED FROM THE REMAINDER OF THE BUILDING WITH AN EMPHASIS ON PROVIDING DESIGN ELEMENTS THAT WILL ENHANCE THE PEDESTRIAN ENVIRONMENT. ATTACHED TO THE REZONING PLAN ARE CONCEPTUAL, SCHEMATIC IMAGES OF THE BASE OF EACH BUILDING TO BE CONSTRUCTED ON THE SITE THAT ARE INTENDED TO DEPICT THE GENERAL CONCEPTUAL ARCHITECTURAL STYLE. CHARACTER AND QUALITY OF THE BASE OF EACH BUILDING. ACCORDINGLY, THE BASE OF EACH BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE DESIGNED AND CONSTRUCTED SO THAT THE BASE OF EACH BUILDING IS SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE ATTACHED CONCEPTUAL, SCHEMATIC IMAGES WITH RESPECT TO ARCHITECTURAL STYLE, CHARACTER AND QUALITY. NOTWITHSTANDING THE FOREGOING, CHANGES AND ALTERATIONS TO THE BASE OF EACH BUILDING WHICH DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE, CHARACTER AND QUALITY SHALL BE PERMITTED.
- C. URBAN OPEN SPACE SHALL BE PROVIDED ON THE SITE AS DEPICTED ON THE REZONING PLAN. D. ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES AS VIEWED FROM GRADE.
- E. DUMPSTER AND RECYCLING AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL OR FENCE WITH ONE SIDE BEING A HINGED OPAQUE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AND RECYCLING AREA ADJOIN A SIDE WALL OR REAR WALL OF THE BUILDING, THEN THE SIDE WALL OR REAR WALL OF THE BUILDING MAY BE SUBSTITUTED FOR THE WALL OR FENCE ALONG EACH SUCH SIDE

SETBACK AND YARDS/STREETSCAPE

PETITIONER SHALL INSTALL PLANTING STRIPS AND SIDEWALKS ALONG THE SITE'S PUBLIC STREET FRONTAGES AS GENERALLY DEPICTED ON THE REZONING PLAN.

ENVIRONMENTAL FEATURES

- A. DEVELOPMENT OF THE SITE SHALL BE IN COMPLIANCE WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.
- B. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
- C. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

SIGNS

ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

LIGHTING

- A. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS AND PARKING AREAS) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE
- B. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE SHALL
- C. ANY LIGHTING FIXTURES ATTACHED TO THE STRUCTURES TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND
- B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER 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.

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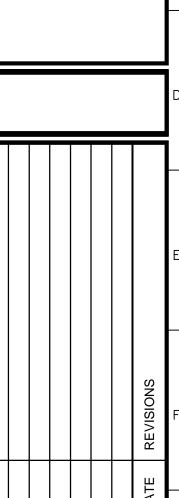
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FAIRVIEW PLAZA JLC, LLC 5950 FAIRVIEW ROAD, SUITE 800 CHARLOTTE, NORTH CAROLINA 28210

PARK SOUTH DRIVE AT FAIRVIEW ROA CHARLOTTE, MECKLENBURG COUNTY NORTH CAROLINA

PIEDMONT ROW DRIVE SOUTH SCHEMATIC BUILDING ELEVATION

DESIGNED BY: KMG
DRAWN BY: LL
CHECKED BY: ECH
DATE: 09/22/2014
PROJECT#: 015272030

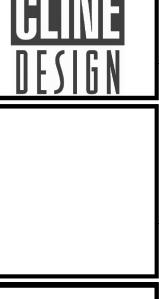
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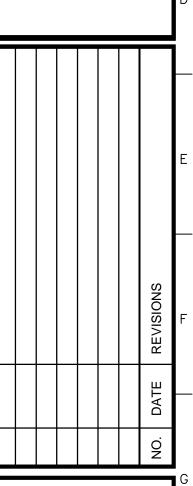


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PARK SOUTH DRIVE SCHEMATIC BUILDING ELEVATION

KMG CHECKED BY: ECH DATE: 09/22/2014 PROJECT#: 015272030