

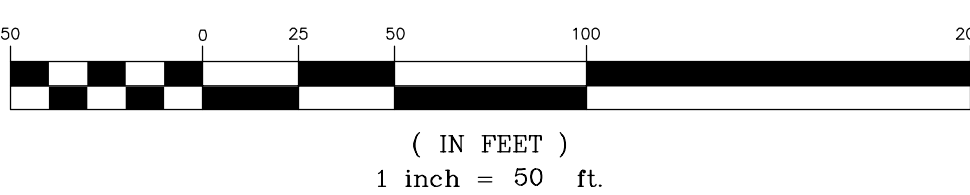
METES & BOUNDS DESCRIPTIONS:

TAX PARCEL: 179-022-39
THAT CERTAIN TRACT OR PARCEL OF LAND BEING DESIGNATED AS LOT 1, RECOMBINATION PLAT OF FAIRVIEW PLAZA, AS RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, LYING AND BEING IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING NAIL LOCATED AT THE INTERSECTION FORMED BY THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE WITH THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE S 23°30'42" W A DISTANCE OF 160.79 FEET TO AN EXISTING NAIL BEING THE SOUTHWESTERLY CORNER OF LOT 2 AS DEPICTED ON A RECOMBINATION PLAT ENTITLED "FAIRVIEW PLAZA", RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, SAID NAIL ALSO BEING THE POINT AND PLACE OF BEGINNING; THENCE WITH THE SOUTHERLY LINE OF LOT 2 THE FOLLOWING FIVE (5) COURSES AND DISTANCES AS FOLLOWS: 1) S 67°05'33" E A DISTANCE OF 33.87 FEET TO AN EXISTING NAIL, 2) S 64°34'31" E A DISTANCE OF 64.32 FEET TO AN EXISTING NAIL, 3) S 67°13'41" E A DISTANCE OF 102.87 FEET TO AN EXISTING NAIL, 4) S 89°47'06" E A DISTANCE OF 12.73 FEET TO AN EXISTING NAIL, 5) S 67°12'10" E A DISTANCE OF 14.51 FEET TO AN EXISTING NAIL BEING THE SOUTHWESTERLY CORNER OF LOT 3, AS DEPICTED IN AFORESAID MAP BOOK 50, PAGE 296; THENCE WITH THE SOUTHERLY LINE OF LOT 3 THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) S 67°12'10" E A DISTANCE OF 226.00 FEET TO AN EXISTING NAIL, 2) WITH THE ARC OF A CIRCULAR CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 24.00 FEET, AND AN ARC LENGTH OF 14.09 FEET, (CHORD: S 84°01'38" E A DISTANCE OF 13.89 FEET) TO AN EXISTING NAIL, 3) N 79°08'55" E A DISTANCE OF 33.07 FEET TO AN EXISTING NAIL LYING ON THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD; THENCE WITH THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD S 12°59'30" E A DISTANCE OF 485.36 FEET TO AN EXISTING NAIL BEING THE NORTHEASTERLY CORNER OF THE D.G. DELEWARE, LLC PROPERTY AS DESCRIBED IN DEED BOOK 20193, PAGE 907; THENCE WITH THE NORTHERLY LINE OF THE D.G. DELEWARE, LLC PROPERTY AND CONTINUING WITH THE NORTHERLY LINE OF THE D & A INVESTMENT GROUP, LLC AND PERIERRA MANAGEMENT, LLC PROPERTY AS DESCRIBED IN DEED BOOK 18628, PAGE 382, N 86°25'21" W, PASSING AN EXISTING NAIL AT 394.7 FEET, FOR A TOTAL DISTANCE OF: 840.73 FEET TO AN EXISTING IRON ROD LYING ON THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE; THENCE WITH THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) N 23°10'50" E A DISTANCE OF 276.59 FEET TO AN EXISTING IRON ROD, 2) N 26°01'18" E A DISTANCE OF 200.20 FEET TO AN EXISTING IRON ROD, 3) N 23°53'54" E A DISTANCE OF 12.29 FEET TO AN EXISTING IRON ROD, 4) N 23°30'42" E A DISTANCE OF 157.63 FEET TO THE POINT OF BEGINNING, CONTAINING 350.596 SQUARE FEET OR 8.0486 ACRES OF LAND.

TAX PARCEL: 179-022-37
THAT CERTAIN TRACT OR PARCEL OF LAND BEING DESIGNATED AS LOT 2, RECOMBINATION PLAT OF FAIRVIEW PLAZA, AS RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, LYING AND BEING IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT AN EXISTING NAIL LOCATED AT THE INTERSECTION FORMED BY THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE WITH THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF FAIRVIEW ROAD THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) WITH THE ARC OF A CIRCULAR CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AND AN ARC LENGTH OF 8.88 FEET, (CHORD: S 79°53'22" E A DISTANCE OF 8.83 FEET) TO AN EXISTING NAIL, 2) S 69°42'46" E A DISTANCE OF 218.80 FEET TO AN EXISTING NAIL, BEING THE NORTHWESTERLY CORNER OF LOT 3, AS DEPICTED ON A RECOMBINATION PLAT ENTITLED "FAIRVIEW PLAZA", RECORDED IN MAP BOOK 50, PAGE 296 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING WITH THE WESTERLY LINE OF LOT 3 S 23°27'24" W A DISTANCE OF 170.40 FEET TO AN EXISTING NAIL LYING ON THE NORTHERLY LINE OF LOT 1, AS DEPICTED IN AFORESAID MAP BOOK 50, PAGE 296; THENCE WITH THE NORTHERLY LINE OF LOT 1 THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) N 67°12'10" W A DISTANCE OF 14.51 FEET TO AN EXISTING NAIL, 2) N 89°47'06" W A DISTANCE OF 12.73 FEET TO AN EXISTING NAIL, 3) N 67°13'41" W A DISTANCE OF 102.87 FEET TO AN EXISTING NAIL, 4) N 64°34'31" W A DISTANCE OF 64.32 FEET TO AN EXISTING NAIL, 5) N 67°05'33" W A DISTANCE OF 33.87 FEET TO AN EXISTING NAIL ON THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE; THENCE WITH THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF PARK SOUTH DRIVE N 23°30'42" E A DISTANCE OF 160.79 FEET TO THE POINT OF BEGINNING, CONTAINING 38.389 SQUARE FEET OR 0.8813 ACRES OF LAND.

GRAPHIC SCALE



| CURVE TABLE | | | | |
|-------------|--------|------------|--------------|---------------|
| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
| C1 | 25.00' | 8.88' | 8.83' | S79°53'22"E |
| C2 | 24.00' | 14.09' | 13.89' | S84°01'38"E |

FAIRVIEW ROAD
VARIABLE WIDTH PUBLIC RIGHT-OF-WAY
D.B. 5302, PG. 59
D.B. 5420, PG. 90
D.B. 5428, PG. 453

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO: 12-07310CH, EFFECTIVE DATE: AUGUST 23, 2012
(REVISED SEPTEMBER 7, 2012)

SCHEDULE B - II (EXCEPTIONS)

- ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATIONS OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE DISCLOSED BY PLAT(S) RECORDED IN MAP BOOK 50, PAGE 296. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- EASEMENTS AND RIGHTS OF ENTRY RECORDED IN BOOK 7839, PAGES 657, 662 AND 667. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- RIGHT OF WAY EASEMENT TO SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY RECORDED IN BOOK 3718, PAGE 360. (AFFECTS THE SUBJECT PROPERTY)(AS SHOWN HEREON)
- EASEMENT (S) TO DUKE POWER COMPANY RECORDED IN BOOK 2601, PAGE 471 AND BOOK 5429, PAGE 3. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- NON EXCLUSIVE DEED OF EASEMENT RECORDED IN BOOK 9663, PAGE 71. (AFFECTS THE SUBJECT PROPERTY)(AS SHOWN HEREON)
- INDIVIDUAL EASEMENT TO TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP RECORDED IN BOOK 10755, PAGE 452. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)
- DECLARATION OF RECIPROCAL ACCESS AND PARKING EASEMENTS RECORDED IN BOOK 3645, PAGE 465 AND RIGHTS OF OTHERS IN AND TO THE USE THEREOF. (AFFECTS THE SUBJECT PROPERTY)(NOT PLOTTABLE)(CROSS EASEMENT FOR INGRESS AND EGRESS: CROSS PARKING EASEMENT & PRIVATE EASEMENT FOR ALL STORM WATER)

LINE LEGEND:

| | |
|------------------------------|-----|
| EASEMENT | --- |
| FENCE | --- |
| PROPERTY LINE (NOT SURVEYED) | --- |
| RIGHT-OF-WAY | --- |
| RIGHT-OF-WAY (NOT SURVEYED) | --- |
| SETBACK | --- |
| CABLE TV LINE | C |
| FIBER OPTIC LINE | FO |
| GAS LINE | G |
| POWER LINE | P |
| POWER LINE (UNDERGROUND) | UE |
| SANITARY SEWER PIPE | SS |
| STORM DRAIN PIPE | SD |
| TELEPHONE LINE | T |
| TELEPHONE LINE (UNDERGROUND) | UT |
| WATER LINE | W |

LEGEND:

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---------------------------|-----------------|---------------------|------------------|-----------------------------|-----------------|------------------|-------------------------|--------------------|------------------|-----------------------|----------------------------|----------------------------------|-------------------|-----------------|--------------------------|----------------|----------------|----------------|----------------------------|-----------------|--------------------|------------------|---------------|--------------------------------|------------------|--------------------------------|-------------------|----------------|------------------|-----------------|-----------|--------------------|--------------------|--------------------------------|-----------------------|----------------------------|-------------------------------|--------------------|-----------------------|-------------------------|------------------|----------------|------------------|------------------|
| BFP - BACK FLOW PREVENTOR | CONC - CONCRETE | C&G - CURB & GUTTER | CB - CATCH BASIN | CMP - CORRUGATED METAL PIPE | C/O - CLEAN OUT | D.B. - DEED BOOK | EIR - EXISTING IRON ROD | EN - EXISTING NAIL | EU - END UNKNOWN | FOB - FIBER OPTIC BOX | FOMH - FIBER OPTIC MANHOLE | FDC - FIRE DEPARTMENT CONNECTION | FH - FIRE HYDRANT | FV - FIRE VALVE | FES - FLARED END SECTION | GM - GAS METER | GP - GATE POST | GV - GAS VALVE | GP/MH - GREASE PIT MANHOLE | LMP - LAMP POST | GLT - GROUND LIGHT | GDP - GUARD POST | GW - GUY WIRE | ICV - IRRIGATION CONTROL VALVE | LAMP - LAMP POST | NGS - NATIONAL GEODETIC SURVEY | O/HANG - OVERHANG | PB - POWER BOX | PM - POWER METER | PP - POWER POLE | PG - PAGE | PVC - PLASTIC PIPE | R/W - RIGHT-OF-WAY | RCP - REINFORCED CONCRETE PIPE | S.T. - SIGHT TRIANGLE | SDMH - STORM DRAIN MANHOLE | SSMH - SANITARY SEWER MANHOLE | TB - TELEPHONE BOX | TER - TERRACOTTA PIPE | TMH - TELEPHONE MANHOLE | UB - UTILITY BOX | WB - WATER BOX | WM - WATER METER | WV - WATER VALVE |
|---------------------------|-----------------|---------------------|------------------|-----------------------------|-----------------|------------------|-------------------------|--------------------|------------------|-----------------------|----------------------------|----------------------------------|-------------------|-----------------|--------------------------|----------------|----------------|----------------|----------------------------|-----------------|--------------------|------------------|---------------|--------------------------------|------------------|--------------------------------|-------------------|----------------|------------------|-----------------|-----------|--------------------|--------------------|--------------------------------|-----------------------|----------------------------|-------------------------------|--------------------|-----------------------|-------------------------|------------------|----------------|------------------|------------------|

PARKING:

MUDD: NO REQUIREMENTS
O-3: 1 PARKING SPACE PER 300 SQ. FT.

LOT 1:
1,047 REGULAR PARKING SPACES
20 HANDICAPPED PARKING SPACES
1,067 TOTAL PARKING SPACES

LOT 2:
23 REGULAR PARKING SPACES
2 HANDICAPPED PARKING SPACES
25 TOTAL PARKING SPACES

ZONING:

ZONING RESTRICTIONS AS PER ZONING ORDINANCE:
SUBJECT PROPERTY ZONED: MUDD(CD) & O-3(CD)

MINIMUM SETBACK REQUIREMENTS LOT 2 PER ZONING
PETITION NO. 2006-074
MUDD(CD)

MINIMUM SETBACK: 14 FT. FROM BACK OF CURB
MINIMUM SIDE YARD: 0'
MINIMUM REAR YARD: 0'
HEIGHT: 120'
O-3(CD)

MINIMUM SETBACK: 20'
MINIMUM SIDE YARD: 5'
MINIMUM REAR YARD: 20'
HEIGHT: 9 STORIES, PER SITE PLAN (95-17)

FOR FURTHER INFORMATION CONTACT THE
CHARLOTTE-MECKLENBURG ZONING DEPARTMENT AT
704-336-3569.

NOTES:

- THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
- ALL CORNERS MONUMENTED AS SHOWN.
- NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
- THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
- BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
- PARK SOUTH DRIVE IS SHOWN AS A "MINOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 55' FROM CENTERLINE.
- FAIRVIEW ROAD IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 50' FROM CENTERLINE.
- THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
- THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT ORDER NO. 12-07310CH WITH AN EFFECTIVE DATE OF AUGUST 23, 2012 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT ORIGINATE FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN TO ME HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

ALTA CERTIFICATION:

TO: JEFFERIES LOANCORE LLC, ITS SUCCESSORS AND ASSIGNS; CHICAGO TITLE INSURANCE COMPANY AND CHICAGO TITLE COMPANY, LLC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 11(A), 13, 16, 18 AND 21 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON SEPTEMBER 07, 2012.

JUSTIN F. CLONINGER, NCPLS

L-4430

DATE

REZONING PETITION NO. 2016-095 EXISTING CONDITIONS RZ-1

| REVISIONS | | ALTA/ACSM LAND TITLE SURVEY PREPARED FOR: | |
|-----------|------------------------|---|--|
| 09/24/12 | - GENERAL CORRECTIONS. | FAIRVIEW PLAZA ASSOCIATES, L.P. | |
| 10/01/12 | - GENERAL CORRECTIONS. | 5940, 5950, 5960 & 5970 FAIRVIEW ROAD 6010 PIEDMONT ROW DRIVE SOUTH CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C. LOTS 1 & 2, FAIRVIEW PLAZA MAP REFERENCE: M.B. 50, PG. 296 DEED REFERENCE: D.B. 4278, PG. 350, D.B. 4637, PG. 155 & D.B. 9869, PG. 952 TAX PARCEL NO: 179-022-37 & 39 | |
| CREW: | | R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING LICENSE NUMBER: C-1471 | |
| DRAWN: | | 420 HAWTHORNE LANE, CHARLOTTE, NC 28204 TEL: (704) 376-2186 | |
| REVISED: | | DATE: SEPTEMBER 07, 2012 | |
| SCALE: | | FILE NO. W-3603B | |
| JOB NO. | | 1" = 50' | |

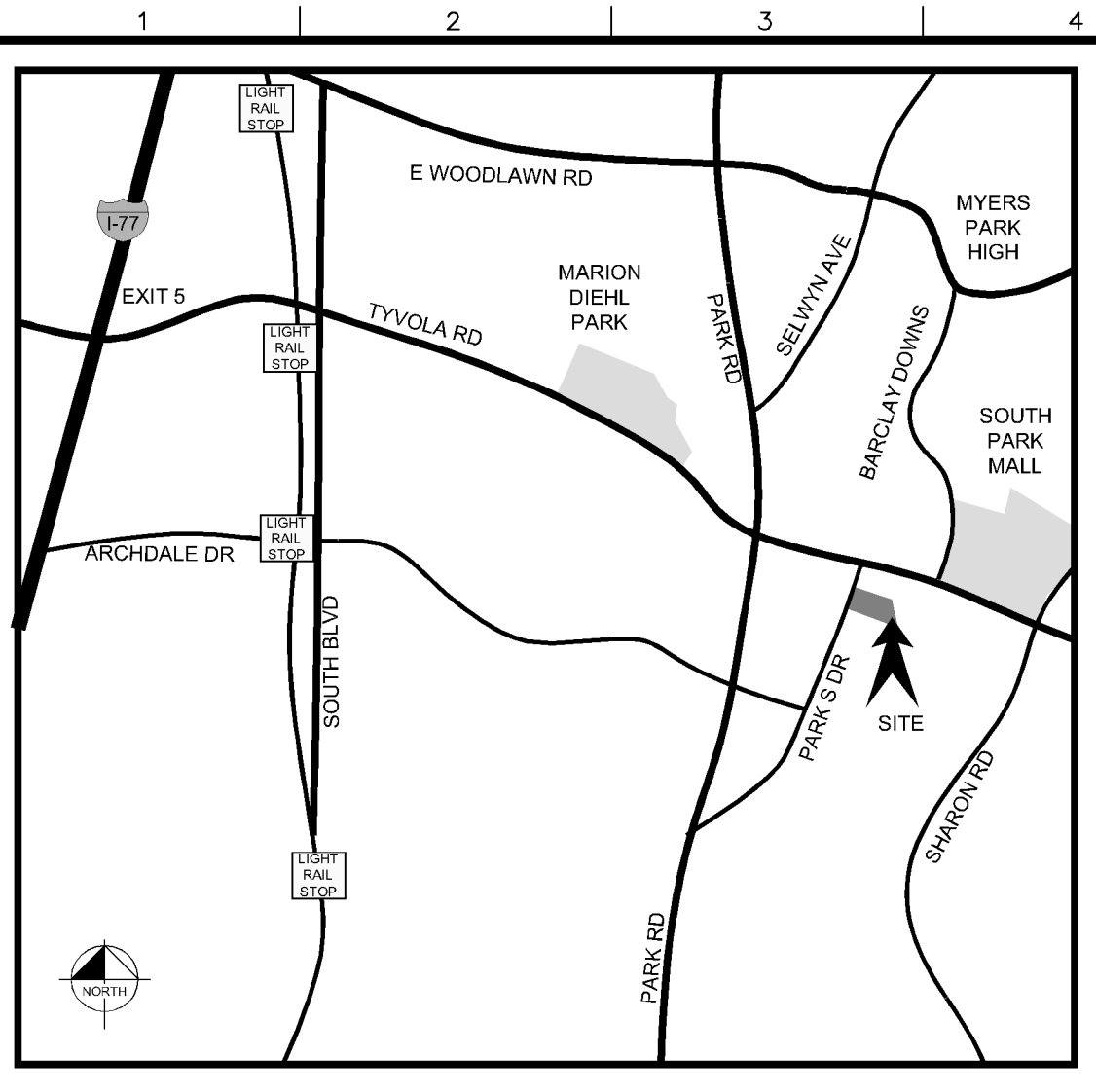
K:\CHL_PRR\015272 AAC\030 FAIRVIEW ROAD\DWG\REZONING\2016-1212 - REZONING\RZ-1 EXISTING CONDITIONS.DWG

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED MARCH 2, 2009.
COMMUNITY PANEL NO: 370158 4541J (MAP NO. 371045 4100J)(ZONE X--UNSHADED)

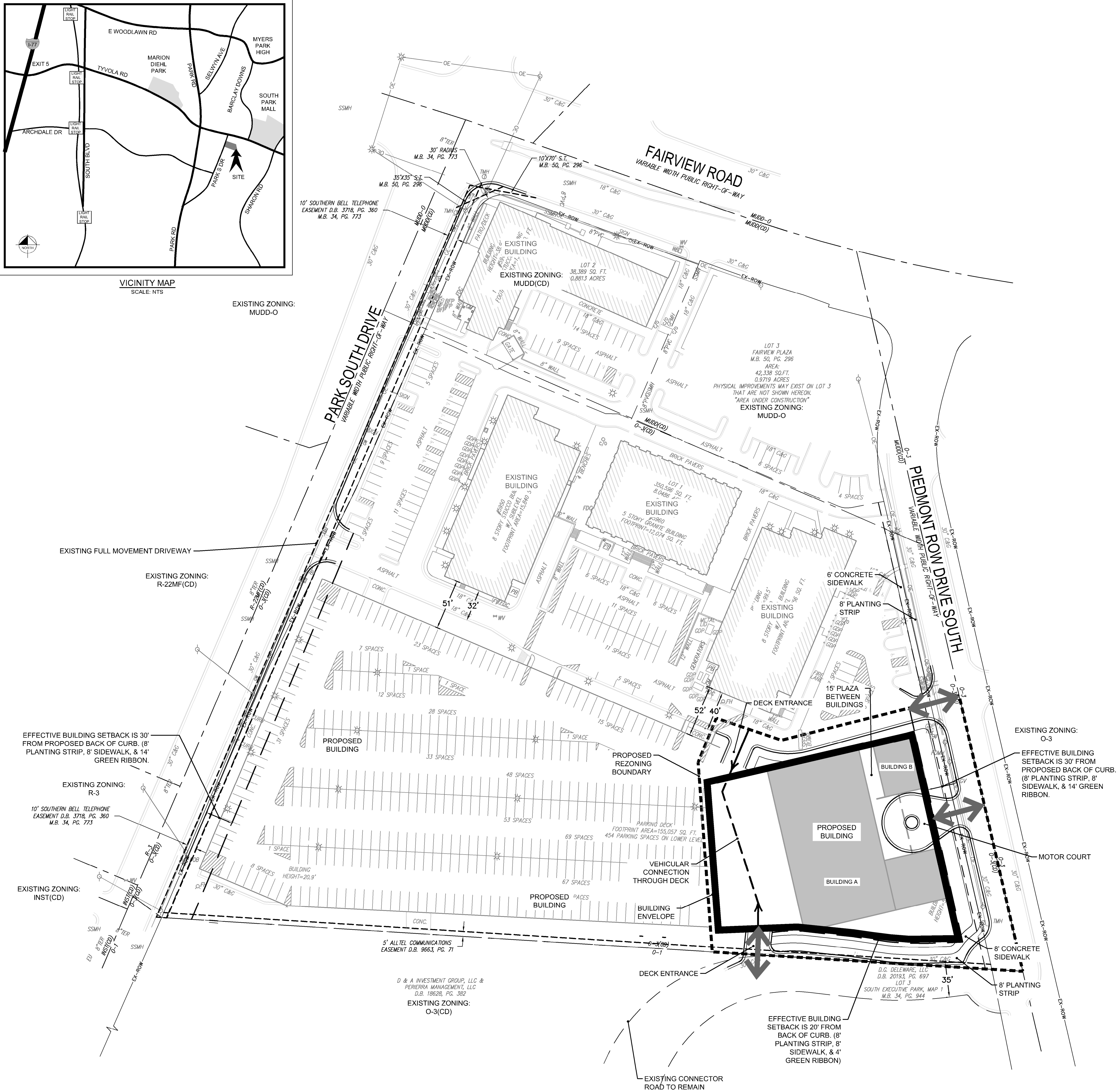
THIS IS TO CERTIFY THAT ON THE 9TH DAY OF SEPTEMBER 2012, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED



VICINITY MAP
SCALE: NTS

EXISTING ZONING:
MUDD-O



ZONING CODE SUMMARY

PROJECT NAME: FAIRVIEW PLAZA
CLIENT NAME: FAIRVIEW PLAZA JLC, LLC
PHONE# (704)295-4005
PLANS PREPARED BY: KIMLEY-HORN AND ASSOCIATES
PHONE# (704)333-5131
179-022-53
TAX PARCEL ID: FAIRVIEW ROAD
O-3 (CD)
STREET ADDRESS: MUDD-O
EXISTING ZONING: PROFESSIONAL BUSINESS; GENERAL OFFICES;
PROPOSED ZONING: RETAIL; EATING, DRINKING AND ENTERTAINMENT
ESTABLISHMENTS; HOTEL; MULTIFAMILY
RESIDENTIAL; AND THE OTHER USES SET OUT ON
RZ-4

PROPOSED REZONING AREA: APPROXIMATELY 1.621 ACRES
JURISDICTION: CITY OF CHARLOTTE

SETBACKS

-MINIMUM SETBACK ON PARK SOUTH DRIVE & PIEDMONT ROW DRIVE: 30 FEET
MINIMUM FROM BACK OF EXISTING OR PROPOSED CURB, WHICHEVER IS GREATER
-MINIMUM SETBACK ON PROPOSED PRIVATE STREET: 30 FEET MINIMUM FROM BACK
OF EXISTING OR PROPOSED CURB, WHICHEVER IS GREATER
-MINIMUM SIDE YARDS: NONE, BUT 10' BUILDING SEPARATION REQUIRED TO A
RESIDENTIAL USE
-MINIMUM REAR YARD: NONE, BUT 10' BUILDING SEPARATION REQUIRED TO A
RESIDENTIAL USE

PARKING SUMMARY

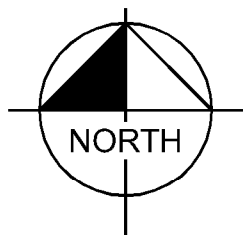
AUTOMOTIVE PARKING REQUIREMENT
RESIDENTIAL: 1 SPACE PER DWELLING UNIT
HOTELS / MOTELS: 0.5 SPACE PER ROOM
ALL OTHER USES: 1 SPACE PER 600 GROSS SQUARE FEET
LONG TERM BIKE PARKING
RESIDENTIAL: NONE
HOTELS / MOTELS: 2, OR 1 SPACE PER 20 RENTABLE ROOMS
OFFICE: 2, OR 1 PER 10,000 SF, OR 50 MAXIMUM SPACES
RETAIL: 2 MINIMUM, OR 1 PER 12,000 SF, OR 1 PER 25
EMPLOYEES, OR 30 MAXIMUM SPACES
SHORT TERM BIKE PARKING
RESIDENTIAL: 2, OR 1 SPACE PER 20 UNITS
HOTELS / MOTELS: NONE
OFFICE: 2, OR 1 PER 40,000 SF, OR 30 MAXIMUM SPACES
RETAIL: 5% OF AUTO PARKING, OR MAXIMUM OF 30 SPACES

PARKING PROVIDED: AS REQUIRED BY THE APPLICABLE ZONING DISTRICT

NOTES

- ALL DIMENSIONS ARE BASED FROM FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
- SEE EXISTING CONDITIONS SHEET FOR COMPLETE BOUNDARY DESCRIPTION, ADJACENT PROPERTIES, AND USE.
- ALL ON-SITE STRIPING IS TO BE PAINTED, UNLESS OTHERWISE NOTED. ALL STRIPING IN PUBLIC RIGHT-OF-WAY TO BE THERMOPLASTIC STRIPING.
- STREET TREES TO BE SPACED EVENLY AT 40' O.C. WITHIN THE PLANTING STRIP

| LEGEND | |
|--------|-----------------------------------|
| | AREA OUTLINE |
| | SETBACK/BUFFER LINE |
| | BUILDING ENVELOPE |
| | FULL MOVEMENT ACCESS POINTS |
| | DIAGRAMATIC VEHICULAR ACCESS PATH |



GRAPHIC SCALE IN FEET
0 25 50 100



Rezoning Petition No. 2016-095

DECEMBER 19, 2016

1. GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY FAIRVIEW PLAZA BUILDINGS, LLC ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A HOTEL AND RETAIL, RESTAURANT AND SERVICE USES ON THAT APPROXIMATELY 1.621 ACRE SITE LOCATED ON PIEDMONT ROW DRIVE SOUTH DRIVE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF A PORTION OF TAX PARCEL NO. 179-022-53.
- 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 CITY OF CHARLOTTE'S "MUDBO" DISTRICT ("MUDBO") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT OF THE SITE.
- 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. A MAXIMUM OF TWO BUILDINGS MAY BE CONSTRUCTED ON THE SITE AS DEPICTED ON THE REZONING PLAN. THE TWO BUILDINGS ARE DESIGNATED AS BUILDING A AND BUILDING B ON THE REZONING PLAN.
- E. THE BUILDINGS THAT MAY BE CONSTRUCTED ON THE SITE MUST BE LOCATED IN THE BUILDING ENVELOPE DEPICTED ON THE REZONING PLAN. THE LOCATIONS AND CONFIGURATIONS OF THE BUILDING FOOTPRINTS FOR BUILDING A AND BUILDING B DEPICTED ON THE REZONING PLAN ARE ILLUSTRATIVE, AND PETITIONER MAY MODIFY AND RELOCATE THE BUILDING FOOTPRINTS AND/OR COMBINE BUILDING A AND BUILDING B INTO ONE BUILDING AT ITS OPTION. PROVIDED, HOWEVER, THAT THE BUILDING OR BUILDINGS CONSTRUCTED ON THE SITE MUST BE LOCATED WITHIN THE BUILDING ENVELOPE.
- F. 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.
- 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 6.2.07 OF THE ORDINANCE.

2. OPTIONAL PROVISIONS

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE DEVELOPMENT OF THE SITE:

- A. BUILDING A MAY HAVE A MAXIMUM HEIGHT OF 150 FEET. IF BUILDING A AND BUILDING B ARE COMBINED INTO ONE BUILDING, THE COMBINED BUILDING MAY HAVE A MAXIMUM HEIGHT OF 150 FEET.
- B. A DRIVEWAY, AN ENTRANCE INTO THE STRUCTURED PARKING FACILITY AND A MOTOR COURT FOR DROPPING OFF AND PICKING UP HOTEL GUESTS MAY BE LOCATED BETWEEN A BUILDING OR BUILDINGS LOCATED ON THE SITE AND THE REQUIRED SETBACK FROM PIEDMONT ROW DRIVE SOUTH.
- C. VALET PARKING SERVICE AREA(S) MAY BE LOCATED BETWEEN THE BUILDING(S) LOCATED ON THE SITE AND PIEDMONT ROW DRIVE SOUTH.
- D. HARDSCAPE, LANDSCAPING, CHAIRS AND TABLES, SEAT WALLS AND OTHER SEATING ELEMENTS MAY BE LOCATED WITHIN THE INNER (SITE SIDE) 14 FEET OF THE 30 FOOT SETBACK LOCATED ALONG THE SITE'S FRONTAGE ON PIEDMONT ROW DRIVE SOUTH.

3. PERMITTED USES

- A. THE SITE MAY ONLY BE DEVOTED TO 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.
- (1) HOTELS;
 - (2) EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1), AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 2) SUBJECT TO THE APPLICABLE REGULATIONS OF SECTION 12.546 OF THE ORDINANCE;
 - (3) ART GALLERIES;
 - (4) RETAIL SALES LIMITED TO USES ALLOWED IN THE B-1 ZONING DISTRICT;
 - (5) SERVICES, INCLUDING, WITHOUT LIMITATION, BEAUTY SHOPS AND BARBERSHOPS, SPAS AND FITNESS CENTERS; AND
 - (6) STRUCTURED PARKING DECKS AS AN ACCESSORY USE.

4. DEVELOPMENT LIMITATIONS

- A. A MAXIMUM OF 180 HOTEL ROOMS MAY BE DEVELOPED ON THE SITE.
- B. A MAXIMUM OF 7,500 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO THE USES SET OUT ABOVE IN PARAGRAPHS 3.A.(2) THROUGH 3.A.(5) (THE "NON-HOTEL USES") MAY BE DEVELOPED ON THE SITE.
- C. RETAIL SALES AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE I AND TYPE 2) ASSOCIATED WITH AND ACCESSORY TO A HOTEL USE SHALL NOT BE COUNTED TOWARDS THE MAXIMUM GROSS FLOOR AREA OF 7,500 SQUARE FEET THAT MAY BE DEVOTED TO NON-HOTEL USES.
- D. FOR PURPOSES OF THESE DEVELOPMENT LIMITATIONS AND THE DEVELOPMENT STANDARDS IN GENERAL, 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. WHETHER ON THE ROOF OF THE BUILDING(S) OR AT STREET LEVEL, PARKING FOR OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE.
- E. AS PROVIDED IN PARAGRAPH D ABOVE, THE GROSS FLOOR AREA OF ANY STRUCTURED PARKING FACILITIES CONSTRUCTED ON THE SITE SHALL NOT BE CONSIDERED OR COUNTED TOWARDS THE MAXIMUM GROSS FLOOR AREA OR DENSITY ALLOWED ON THE SITE.

5. 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. A STRUCTURED PARKING FACILITY MAY BE LOCATED BENEATH THE BUILDING(S) TO BE LOCATED ON THE SITE.
- C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL COMPLETE THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW.
 - (1) CONSTRUCT ONLY ALONG THE SITE'S SOUTHERN BOUNDARY LINE A PUBLIC STREET TO THE OFFICE/NARROW STREET SECTION AS GENERALLY DEPICTED ON THE REZONING PLAN (THE "NEW STREET"). THE NEW STREET SHALL CONNECT TO PIEDMONT ROW DRIVE SOUTH AND TO THE EXISTING PRIVATE STREET LOCATED TO THE SOUTHWEST OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
 - (2) CONSTRUCT A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 8 FOOT WIDE SIDEWALK ONLY ON THE SITE SIDE OF THE NEW STREET. PETITIONER SHALL NOT BE REQUIRED TO CONSTRUCT A SIDEWALK AND PLANTING STRIP ALONG THE SOUTH SIDE OF THE NEW STREET. THE MINIMUM 8 FOOT WIDE PLANTING STRIP AND THE MINIMUM 8 FOOT WIDE SIDEWALK MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT RATHER THAN IN PUBLIC RIGHT OF WAY.
 - (3) DEDICATE RIGHT OF WAY FOR THE NEW PUBLIC STREET AS DEPICTED ON THE REZONING PLAN.

6. ARCHITECTURAL AND DESIGN STANDARDS

- A. SUBJECT TO THE OPTIONAL PROVISIONS SET OUT ABOVE, THE DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE APPLICABLE URBAN DESIGN STANDARDS OF SECTION 9.8506 OF THE ORDINANCE.
- B. THE MAXIMUM HEIGHT OF BUILDING A SHALL BE 150 FEET. IF BUILDING A AND BUILDING B ARE COMBINED INTO ONE BUILDING, THEN THE MAXIMUM HEIGHT OF THE COMBINED BUILDING SHALL BE 150 FEET.
- C. THE MAXIMUM HEIGHT OF BUILDING B SHALL BE 25 FEET.
- D. BUILDINGS WILL BE ORIENTED TOWARDS AND HAVE PROMINENT PEDESTRIAN ENTRANCES ON PIEDMONT ROW DRIVE SOUTH.
- E. WINDOWS AND DOORS SHALL BE PROVIDED FOR AT LEAST 60% OF THE TOTAL FACADE AREA ALONG PUBLIC STREETS WITH EACH FLOOR CALCULATED INDEPENDENTLY. A MAXIMUM OF 20% OF THE REQUIRED 60% OF WINDOWS AND DOORS LOCATED ON THE GROUND FLOOR MAY BE REFLECTIVE GLASS. THE MAXIMUM CONTIGUOUS AREA WITHOUT WINDOWS OR DOORS ON THE GROUND FLOOR SHALL NOT EXCEED 10 FEET IN HEIGHT OR 20 FEET IN LENGTH.
- F. GROUND FLOOR ELEVATIONS SHALL BE TREATED WITH A COMBINATION OF FENESTRATION, CLEAR GLASS, PROMINENT ENTRANCES, PORCHES, STOOPS, CHANGE IN MATERIALS, BUILDING STEP BACKS, ART WORK AND LANDSCAPING. BLANK WALLS CANNOT BE ADDRESSED WITH LANDSCAPE ELEMENTS ONLY.
- G. FACADES OVER 75 FEET IN LENGTH SHALL INCORPORATE WALL PROJECTIONS OR RECESSES A MINIMUM OF 5 FEET IN DEPTH. THE COMBINED LENGTH OF SAID RECESSES AND PROJECTIONS SHALL CONSTITUTE AT LEAST 20% OF THE TOTAL FACADE LENGTH.
- H. FACADES SHALL PROVIDE VISUAL DISTINCTIONS BETWEEN THE FIRST AND SECOND STORIES THROUGH ARCHITECTURAL MEANS SUCH AS COURSES, AWNINGS OR A CHANGE IN PRIMARY FACADE MATERIALS OR COLORS.
- I. FACADES ABOVE THE FIRST STORY SHALL INCORPORATE WINDOWS, ARCHES, BALCONIES OR OTHER ARCHITECTURAL DETAILS.
- J. ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES AS VIEWED FROM GRADE.
- K. EXTERIOR DUMPSTER AREAS AND RECYCLING AREAS 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(S). IF ONE OR MORE SIDES OF A DUMPSTER AREA ADJOIN A SIDE OR REAR WALL OF A BUILDING, THEN THE SIDE OR REAR WALL MAY BE SUBSTITUTED FOR A SIDE. ADDITIONALLY, DUMPSTER AND RECYCLING AREAS MAY BE LOCATED WITHIN STRUCTURED PARKING FACILITIES OR WITHIN THE INTERIOR OF A BUILDING LOCATED ON THE SITE, AND ANY SUCH DUMPSTER AND RECYCLING AREAS MAY HAVE ROLL UP DOORS AND THE CONTAINERS CAN BE MOVED OUTSIDE TO BE EMPTIED AND THEN RETURNED TO THE INTERIOR OF THE STRUCTURED PARKING FACILITY OR BUILDING.

7. SETBACK AND YARDS/STREETSCAPE

- A. SETBACKS AND YARDS SHALL BE PROVIDED AS DEPICTED ON THE REZONING PLAN.
- B. AS DEPICTED ON SHEET RZ-2 OF THE REZONING PLAN, A 30 FOOT SETBACK FROM THE BACK OF CURB SHALL BE PROVIDED ALONG THE SITE'S FRONTAGE ON PIEDMONT ROW DRIVE SOUTH. THE 30 FOOT SETBACK WILL BE COMPRISED OF AN 8 FOOT PLANTING STRIP LOCATED AT THE BACK OF CURB, AN 8 FOOT SIDEWALK AND A 14 FOOT WIDE GREEN RIBBON TRANSITION AREA. THIS GREEN RIBBON TRANSITION AREA SHALL BE A SEMI-PUBLIC TRANSITION ZONE THAT WILL CONTAIN HARDSCAPE AND LANDSCAPING, AND IT MAY CONTAIN CHAIRS AND TABLES, SEAT WALLS AND OTHER SEATING ELEMENTS.
- C. A 20 FOOT SETBACK FROM THE BACK OF CURB SHALL BE ESTABLISHED ALONG THE SITE'S FRONTAGE ON THE NEW STREET.
- D. PETITIONER SHALL INSTALL PLANTING STRIPS AND SIDEWALKS ALONG THE SITE'S PUBLIC STREET FRONTAGES AS GENERALLY DEPICTED ON THE REZONING PLAN.

8. ENVIRONMENTAL FEATURES

- A. DEVELOPMENT OF THE SITE SHALL BE IN COMPLIANCE WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADAPTED POST CONSTRUCTION CONTROLS ORDINANCE.
- B. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.
- 9. LIGHTING**
- A. ALL NEW 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 SITE.
- B. THE MINIMUM HEIGHT OF ANY NEW FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE SHALL BE 30 FEET.
- C. ANY LIGHTING FIXTURES ATTACHED TO THE STRUCTURES TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

10. 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 ASSIGNS.
- 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.
- D. 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.

[illegible]

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

PROJECT: FAIRVIEW PLAZA
REZONING PETITION #2014-117
PARK SOUTH DRIVE AT FAIRVIEW ROAD
CHARLOTTE, MECKLENBURG COUNTY
NORTH CAROLINA

TITLE: REZONING NOTES

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| DESIGNED BY: | ARS |
| DRAWN BY: | ARS |
| CHECKED BY: | ECH |
| DATE: | 12/19/2016 |
| PROJECT#: | 015272030 |

RZ-3



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Rezoning Petition No. 2016-095