

DEVELOPMENT STANDARDS
PIEDMONT TOWN CENTER PHASE II
REVISED 06/13/08

Development of Phase II of the Site will be controlled by the Rezoning Plan and the documents accompanying the Rezoning Plan, including these Development Standards, and by the standards of the Charlotte Zoning Ordinance (the "Ordinance"). The development depicted on the Rezoning Plan is intended to reflect the arrangements of proposed buildings and uses, but the exact configurations, placements and sizes of individual Site elements may be altered or modified within the maximum building envelope areas established on the Rezoning Plan during the design development and construction phases.

I. Permitted Uses and Maximum Development - Phase I

Development of Phase I of the Site has been completed. See the Site Data Table incorporated within the Rezoning Plan for the Phase I development.

II. Permitted Uses and Maximum Development - Phase II

(a) Phase II of the Site may be devoted to office, retail and restaurant uses along with associated accessory uses and parking and service areas allowed under the Ordinance in a MUDD District; subject, however, to the following development restrictions:

(1) No more than 35,000 square feet of retail (including restaurant uses) development may occur on Phase II of the Site. Retail uses will be required to have individual doors on private streets and/or driveways and generally are limited to ground floors. However, retail uses may incorporate upper level floor areas so long as the total floor area assigned to retail uses is not increased and any upper level retail space has access to a street;

(2) No more than 275,000 square feet of office development may occur on Phase II of the Site; and

(3) Notwithstanding the foregoing provisions of this Section II, the following uses shall not be allowed on Phase II of the Site:

- restaurants with drive through facilities;
- convenience stores with gasoline sales; and
- automotive service stations

(b) Building G will be devoted primarily to off-street structured parking purposes.

III. Optional Development Provisions for Phase II and Tree Ordinance Variance Request

(a) Optional Development Provisions for Phase II

(1) The Petitioners reserve the right through the MUDD-Optional process to seek deviations from the strict application of the Ordinance as it applies to building heights, signage, parking locations and tree installations as follows:

(i) The Petitioners propose the following building height modification for Building H which will exceed the regular 120 foot height limit imposed under the MUDD provisions of the Ordinance:

- Building H may extend up to 165 feet in height to the parapet of its top occupied floor, as measured from average grade. This height limitation is, however, exclusive of ornamental roof structures, including the mansards, domers, mechanical screen walls and other architectural features.

(ii) The Petitioners request modifications from the MUDD signage provisions in order to allow:

- One detached, ground-mounted project/tenant identification sign in the location generally depicted on the Rezoning Plan. This sign shall be limited to 25 feet in height and 200 square feet in signage area and may not be located within public rights of way or sight triangles;
- Wall mounted signage which conforms to the UMUD District standards of the Ordinance; and
- One monument style building identification sign for Building H. This sign must be located along an interior private street and may not exceed 6 feet in height or 25 square feet in area.

(iii) The Petitioners request a modification to allow a limited amount of parking and maneuvering between Building H and Carnegie Boulevard, as generally depicted on the Rezoning Plan.

(b) Tree Ordinance Modification Request

The Petitioners reserve the right to request a variance from the City Tree Ordinance which would allow them to create a view corridor along a portion of the setback off of Carnegie Boulevard by eliminating the requirement for tree installation or preservation within that portion of the setback generally depicted on the Rezoning Plan. The treatment of this portion of the setback along Carnegie Boulevard will allow views into the open space area between Building F and Building G.

IV. Design and Performance Standards

(a) The proposed buildings and development for Phase II will comply with all applicable Ordinance requirements for signage, screening and landscaping, except as otherwise noted above under Paragraph (a)(i) of Section III.

(b) All sidewalks installed within Phase II of the Site will be at least six feet in width, except for a walking trail running around the pond, if the Petitioners elect to install one, which may be 4 feet in width.

(c) While all streets within Phase II of the Site will be private, they must remain open and accessible to the public.

(d) Building Designs:

- Exhibit A, which accompanies this Rezoning Plan, establishes the general conceptual architectural style, building materials and character of Building H to be constructed within Phase II of the Site. Exhibit B, which accompanies this Rezoning Plan, establishes an optional alternative design for the roofline of Building H.
- The buildings within Phase II of the Site will be designed in accordance with MUDD requirements to enhance and promote the pedestrian environment at the street level. This will be accomplished through the use of a variety of materials, features and forms which, while not identical from building to building, will enclose and define spaces to create unique settings in each portion of Phase II which are consistent with the uses in that particular portion. The base of each building will be designed to promote and enhance the pedestrian environment at the street level.

(e) A landscape edge will be established along the northwesterly side of Phase II of the Site abutting existing residential development, as generally depicted on the Rezoning Plan. This area will include a "no build" zone measured 100 feet from the property boundary. Within this 100 foot wide no build zone, the following treatment will occur, as generally depicted on the Rezoning Plan:

- The 75 foot wide zone immediately adjacent to the exterior property line depicted on the Rezoning Plan will adhere to the shrub requirements under the Ordinance for a Class B buffer which will be planted within 10 feet of the exterior property line. These plantings will be installed in such manner as to avoid damage to existing trees within this zone. This 75 foot wide zone will remain undisturbed except for the planting of shrubs in satisfaction of the provisions of the next preceding sentence.
- No buildings, parking or maneuvering may occur within the interior 25 feet of the 100 foot zone. However, this area may be used for grading, retaining walls, walking trails and storm water facilities.
- Petitioners reserve the option to erect a green vinyl coated chain length fence no closer than 10 feet from their property line along the northwesterly side of the Site, along the alignment generally depicted on the Rezoning Plan. If this fence is erected, the required plantings of shrubs will take place on the exterior side of the fence.

(f) As Phase II develops, pedestrian scale lighting will be installed along both interior streets and Carnegie Boulevard.

(g) All freestanding lighting will be capped and fully shielded.

(h) All exterior lighting on buildings will be capped so as to minimize the impact of glare from lights that may be visible from nearby properties.

(i) No wall "pak" type lighting shall be used, but attached decorative lighting fixtures such as sconces may be used.

(j) All dumpsters, loading areas and service areas will be screened in accordance with Section 12.303 of the Ordinance.

(k) Off-street vehicular parking will be provided which meets or exceeds the requirements of the Ordinance.

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

(m) The Petitioners will comply with the urban open spaces requirements of Section 9.8506 (4) of the Ordinance and open spaces will be provided in the manner generally depicted on the Rezoning Plan.

(n) On premises directional and instructional signage will be permitted in accordance with Section 13.106 of the Ordinance.

(o) A master signage and graphics system will be adopted and implemented throughout Phase II. Except as otherwise provided above under the Section dealing with Optional Development Provisions for Phase II, all signs and graphics will be designed and erected in compliance with the Ordinance.

V. Storm Water Management

(a) The Petitioners shall control the difference between the pre and post development storm water runoff discharge leaving the project site for the 1, 2, 10, 25 and 50 year 24 hour storms.

(b) The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc) shall be incorporated into Phase II of the Site and designed to have an 85% average annual removal for Total Suspended Solids generated from the development by controlling runoff from a 1 inch rainfall per "NCDENR Division of Water Quality 1999 Stormwater BMP Design Manual".

(c) A maintenance plan shall be developed to ensure adequate long-term operation of the structural storm water treatment systems.

(d) To insure compliance with the provisions of Paragraph (b) of this Section V, the location, size and type of the stormwater management system depicted on the Rezoning Plan are subject to review and approval by the government agency having jurisdiction over this matter.

(e) A pond will be created on the Phase II portion of the Site in the area generally depicted on the Rezoning Plan. In addition to serving as a stormwater management/detention facility for Phase I and Phase II of the Site, the pond will serve to improve the quality of the storm water leaving the property.

(f) Location, size, and type of any Stormwater Management Systems depicted on rezoning plan is subject to review and approval with full development plan submittal and is not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual stormwater treatment requirements and natural site discharge points.

(g) It is the Petitioners' position that Phase II of the Site is exempt from the City's Post Construction Controls Ordinance because, among other reasons, this Petition is a site plan amendment that does not increase impervious area. Should the City of Charlotte rule otherwise, the Petitioners reserve the right to seek a variance from the Post Construction Controls Ordinance that exceed the standards established under the foregoing provisions of this Section V.

VI. Fire Protection

Each building on the Site will be located within 750 feet of a fire hydrant.

VII. Transportation Commitments

(a) Access to Phase II of the Site shall be as generally depicted on the Rezoning Plan.

(b) In the event Park South Drive is extended through the adjoining tract of land to Carnegie Boulevard, the Petitioners agree to allow this extension to connect with Petitioners' interior street system in the area generally depicted on the Rezoning Plan so as to provide for future access from Phase II of the Site by the general public to and from Carnegie Boulevard and Fairview Road.

VIII. Amendments to Rezoning Plan

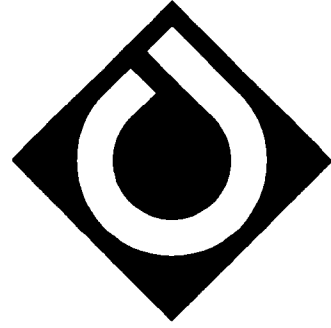
Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the Tract or Tracts within Phase II of the Site involved in accordance with the provisions of Chapter 5 of the Ordinance.

IX. Binding Effect of the Rezoning Documents and Definitions

(a) If this Rezoning Petition is approved, all conditions applicable to development of Phase II of the Site imposed under the Rezoning Plan and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.

(b) Throughout these Development Standards, the terms "Petitioners" and "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners or the owner or owners of Phase II of the Site from time to time who may be involved in any future development thereof.

PHASE I (EXISTING)	PHASE II	SITE DATA TABLE
11,1353 AC	7,6324 AC	EXISTING ZONING — MUDD—O (11.1353 AC TRACT)(7.6324 AC TRACT)
410,000	275,000 (H)	PROPOSED ZONING — MUDD—O SITE PLAN AMENDMENT (11.1353 AC TRACT-EXISTING PHASE I) AND MUDD—O SITE PLAN AMENDMENT (7.6324 AC TRACT-PHASE II)
95,000	35,000 (F & H)	SITE AREA — 19 AC±
20,000	0	PROPOSED OFFICE AREA:
179	0	PROPOSED RESTAURANT/RETAIL AREA WITHIN BUILDINGS A,B,D AND E:
22,144	6,000 MIN.	PROPOSED HEALTH CLUB
		PROPOSED NUMBER OF RESIDENTIAL UNITS:
		PROPOSED URBAN OPEN SPACE AREA:



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REZONING PLAN

Petition #:
2007-156
SITE PLAN AMENDMENT

Project No.

3438

Issued

9/12/07

Revised

06/13/08 REVISED

SCALE: 1" = 80'

0 40 80 160

RZ1.0

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FOR PUBLIC HEARING
PETITION # 2007-156



FRONT ELEVATION - EXHIBIT B

0 8 16 32
SCALE: 1/16" = 1'-0"

