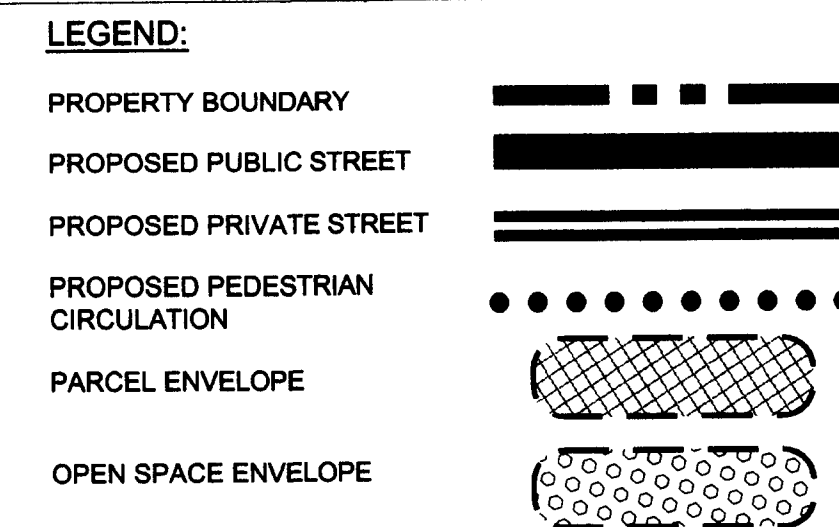


**FOR PUBLIC HEARING
PETITION NO. 2009-036**

REVISIONS:
04/17/09 - REVISIONS PER STAFF COMMENTS

DATE: 02/23/09
DESIGNED BY: WPB
DRAWN BY: WPB
CHECKED BY: CHK
Q.C. BY: CHK
SCALE: 1" = 100'
PROJECT #: 1007160
SHEET #:

LandDesign®
223 N Graham Street Charlotte, NC 28202
V: 704.333.0325 F: 704.332.3246
www.LandDesign.com



VICINITY MAP - NOT TO SCALE

Interstate 27

Tron St

Clanton Rd

LYNX Blue Line

Hartford Ave

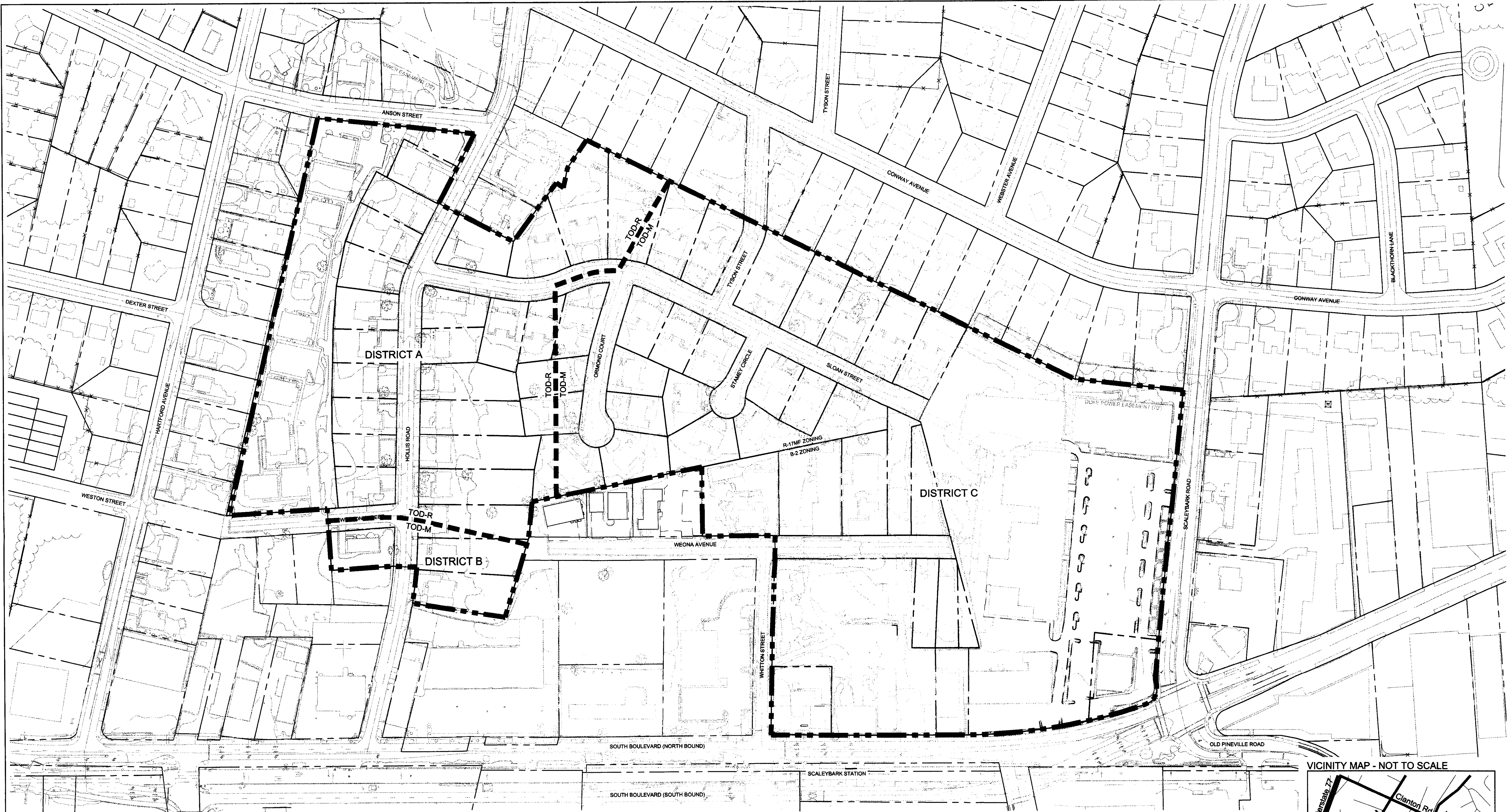
Old Pineville Rd

Scaleyfork Rd

SITE

**FOR PUBLIC HEARING
PETITION NO. 2009-036**

Z-1.0



LEGAL DESCRIPTION FOR DISTRICT A:

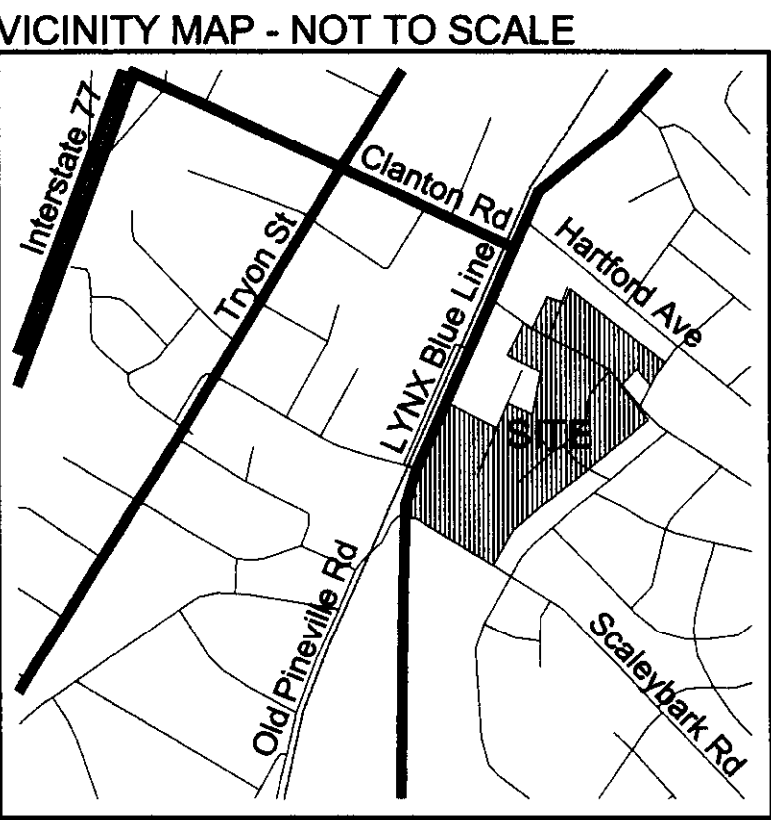
BEGINNING AT A POINT; THENCE North 14 degrees 41 minutes 07 seconds East for a distance of 53.70 feet to a point; THENCE North 59 degrees 34 minutes 27 seconds West for a distance of 7.31 feet to a point; THENCE North 58 degrees 24 minutes 28 seconds West for a distance of 73.49 feet to a point; THENCE North 46 degrees 40 minutes 21 seconds West for a distance of 11.28 feet to a point; THENCE with a curve to the right having an arc length of 18.76 feet, a radius of 300.00 feet, and a chord bearing of North 36 degrees 46 minutes 39 seconds East for a distance of 18.76 feet to a point; THENCE North 38 degrees 34 minutes 08 seconds East for a distance of 223.27 feet to a point; THENCE with a curve to the left having an arc length of 83.79 feet, a radius of 300.00 feet, and a chord bearing of North 30 degrees 34 minutes 03 seconds East for a distance of 83.52 feet to a point; THENCE North 22 degrees 33 minutes 58 seconds East for a distance of 110.20 feet to a point; THENCE South 67 degrees 36 minutes 30 seconds East for a distance of 26.12 feet to a point; THENCE North 22 degrees 25 minutes 27 seconds East for a distance of 211.15 feet to a point; THENCE South 51 degrees 07 minutes 38 seconds East for a distance of 871.85 feet to a point; THENCE South 36 degrees 01 minutes 39 seconds West for a distance of 3.31 feet to a point; THENCE South 31 degrees 53 minutes 36 seconds West for a distance of 336.15 feet to a point; THENCE North 36 degrees 29 minutes 30 seconds West for a distance of 168.16 feet to a point; THENCE South 53 degrees 31 minutes 12 seconds West for a distance of 50.11 feet to a point; THENCE South 52 degrees 57 minutes 01 minutes 39 seconds West for a distance of 91.96 feet to a point; THENCE South 52 degrees 51 minutes 38 seconds West for a distance of 38.26 feet to a point; THENCE South 27 degrees 20 minutes 51 seconds East for a distance of 76.95 feet to a point; THENCE South 27 degrees 18 minutes 56 seconds East for a distance of 46.09 feet to a point; THENCE South 27 degrees 10 minutes 23 seconds East for a distance of 33.72 feet to a point; THENCE South 61 degrees 12 minutes 59 seconds West for a distance of 18.48 feet to a point; THENCE South 52 degrees 04 minutes 00 seconds East for a distance of 43.11 feet to a point; THENCE South 28 degrees 22 minutes 21 seconds East for a distance of 42.00 feet to a point; THENCE South 29 degrees 20 minutes 51 seconds East for a distance of 30.40 feet to a point; THENCE South 52 degrees 19 minutes 08 seconds West for a distance of 31.08 feet to a point; THENCE South 52 degrees 18 minutes 36 seconds West for a distance of 48.91 feet to a point; THENCE South 52 degrees 16 minutes 17 seconds West for a distance of 72.07 feet to a point; THENCE South 52 degrees 17 minutes 18 seconds West for a distance of 46.40 feet to a point; THENCE North 34 degrees 06 minutes 46 seconds West for a distance of 222.04 feet to a point; THENCE with a curve to the left having an arc length of 78.04 feet, a radius of 200.01 feet, and a chord bearing of North 18 degrees 26 minutes 53 seconds East for a distance of 77.55 feet to a point; THENCE North 07 degrees 16 minutes 14 seconds East for a distance of 62.99 feet to a point; THENCE North 64 degrees 10 minutes 31 seconds West for a distance of 452.81 feet to the POINT OF BEGINNING. Said area containing 12.0 Acres, more or less.

LEGAL DESCRIPTION FOR DISTRICT B:

BEGINNING AT A POINT; THENCE North 48 degrees 40 minutes 21 seconds West for a distance of 163.16 feet to a point; THENCE North 34 degrees 36 minutes 19 seconds East for a distance of 201.29 feet to a point; THENCE South 55 degrees 23 minutes 41 seconds East for a distance of 4.36 feet to a point; THENCE South 58 degrees 02 minutes 47 seconds East for a distance of 36.17 feet to a point; THENCE South 58 degrees 38 minutes 43 seconds East for a distance of 32.67 feet to a point; THENCE South 59 degrees 27 minutes 53 seconds East for a distance of 4.43 feet to a point; THENCE North 28 degrees 55 minutes 48 seconds East for a distance of 49.99 feet to a point; THENCE North 22 degrees 26 minutes 34 seconds East for a distance of 134.38 feet to a point; THENCE South 67 degrees 48 minutes 02 seconds East for a distance of 82.84 feet to a point; THENCE South 67 degrees 36 minutes 30 seconds East for a distance of 23.88 feet to a point; THENCE South 22 degrees 33 minutes 58 seconds West for a distance of 110.20 feet to a point; THENCE with a curve to the right having an arc length of 83.79 feet, a radius of 300.00 feet, and a chord bearing of South 30 degrees 34 minutes 03 seconds West for a distance of 83.52 feet to a point; THENCE South 38 degrees 34 minutes 08 seconds West for a distance of 223.27 feet to a point; THENCE with a curve to the left having an arc length of 18.76 feet, a radius of 300.00 feet, and a chord bearing of South 36 degrees 46 minutes 39 seconds West for a distance of 18.76 feet to the POINT OF BEGINNING. Said area containing 1.3 Acres, more or less.

LEGAL DESCRIPTION FOR DISTRICT C:

BEGINNING AT A POINT; THENCE South 64 degrees 10 minutes 31 seconds East for a distance of 452.81 feet to a point; THENCE South 07 degrees 16 minutes 06 seconds West for a distance of 62.99 feet to a point; THENCE with a curve to the right having an arc length of 78.04 feet, a radius of 200.01 feet, and a chord bearing of South 19 degrees 26 minutes 53 seconds West for a distance of 77.55 feet to a point; THENCE South 34 degrees 06 minutes 46 seconds East for a distance of 222.03 feet to a point; THENCE South 52 degrees 03 minutes 33 seconds East for a distance of 971.97 feet to a point; THENCE South 31 degrees 57 minutes 26 seconds West for a distance of 233.80 feet to a point; THENCE North 58 degrees 10 minutes 57 seconds West for a distance of 577.52 feet to a point; THENCE with a curve to the left having an arc length of 57.32 feet, a radius of 271.25 feet, and a chord bearing of North 63 degrees 08 minutes 41 seconds West for a distance of 57.21 feet to a point; THENCE with a curve to the right having an arc length of 52.54 feet, a radius of 38.07 feet, and a chord bearing of North 32 degrees 53 minutes 42 seconds West for a distance of 48.47 feet to a point; THENCE with a curve to the right having an arc length of 373.04 feet, a radius of 1242.77 feet, and a chord bearing of North 16 degrees 13 minutes 01 seconds East for a distance of 371.64 feet to a point; THENCE North 25 degrees 47 minutes 31 seconds East for a distance of 205.85 feet to a point; THENCE North 26 degrees 09 minutes 06 seconds East for a distance of 234.55 feet to a point; THENCE South 62 degrees 57 minutes 18 seconds East for a distance of 220.48 feet to a point; THENCE South 62 degrees 10 minutes 38 seconds East for a distance of 207.20 feet to a point; THENCE North 25 degrees 35 minutes 37 seconds East for a distance of 155.68 feet to a point; THENCE South 64 degrees 36 minutes 00 seconds East for a distance of 148.48 feet to a point; THENCE North 14 degrees 40 minutes 15 seconds East for a distance of 320.05 feet to a point; to the POINT OF BEGINNING. Said area containing 23.1 Acres, more or less.



FOR PUBLIC HEARING
PETITION NO. 2009-036

CROSLAND GREENS MIXED-USE VILLAGE DEVELOPMENT STANDARDS

I. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE TECHNICAL DATA SHEET ASSOCIATED WITH THE REZONING PETITION FILED BY CROSLAND GREENS, LLC (THE "PETITIONER" OR "DEVELOPER") TO ACCOMMODATE DEVELOPMENT OF A MIXED USE, PEDESTRIAN-FRIENDLY VILLAGE TYPE COMMUNITY TO BE KNOWN AS CROSLAND GREENS ON AN APPROXIMATELY 38.3 ACRE SITE GENERALLY LOCATED AT THE NORTHEASTERLY CORNER OF THE INTERSECTION FORMED BY SOUTH BOULEVARD AND SCALEYBARK ROAD (THE "SITE"). DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE TECHNICAL DATA SHEET, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (AS AMENDED BY CITY COUNCIL ON MARCH 19TH 2009 (THE "ORDINANCE")). UNLESS THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE TRANSIT ORIENTED MIXED USE (TOD-M) AND TRANSIT ORIENTED RESIDENTIAL DISTRICT (TOD-R) ZONING CLASSIFICATIONS, SUBJECT TO THE OPTIONAL PROVISION PROVIDED BELOW, SHALL GOVERN DEVELOPMENT TAKING PLACE ON THOSE PORTIONS OF THE GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET.

II. PERMITTED USES AND BUILDING AREA RESTRICTIONS.

1. THIS PROPOSAL IS INTENDED TO ACCOMMODATE A MIXED USE DEVELOPMENT PRINCIPALLY OF RESIDENTIAL, RETAIL/RESTAURANT, CIVIC AND OFFICE USES WHICH WILL BE INTERCONNECTED WITH OPEN SPACE, PEDESTRIAN FEATURES AND VEHICULAR LINKAGES.

2. THE SITE MAY BE DEVOTED TO ANY OF THE FOLLOWING USES:

- NON-RESIDENTIAL USES AS ALLOWED IN THE TOD-M AND TOD-R ZONING DISTRICTS;
- RESIDENTIAL USES AS ALLOWED IN THE TOD-M AND TOD-R ZONING DISTRICTS;
- ASSOCIATED SURFACE AND STRUCTURED PARKING FACILITIES, AND
- ACCESSORY USES AND STRUCTURES ALLOWED IN THE TOD-M AND TOD-R ZONING DISTRICT.

3. THE SITE WILL CONSIST OF 12 PARCELS AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AS PARCELS A, B, C, D, E, F, G, H, I, J, K, AND L (EACH A "PARCEL" OR "COMPONENT", AND COLLECTIVELY THE "PARCELS" OR "COMPONENTS").

4. IT IS UNDERSTOOD THAT THE COMMON BOUNDARIES BETWEEN EACH OF THE PARCELS (AND THE RIGHTS AND RESTRICTIONS PERTAINING TO ALL SUCH PARCELS), MAY BE ADJUSTED UPON THE MUTUAL AGREEMENT OF THE OWNERS OF SUCH PARCELS SUBJECT TO THE APPROVAL OF THE PLANNING DIRECTOR. THE ZONING BOUNDARIES INDICATED MAY NOT SHIFT AND WILL BE MAINTAINED, UNLESS AMENDED AS ALLOWED FOR BY CHAPTER SIX (6) OF THE ORDINANCE

5. THE FOLLOWING USES WILL BE PERMITTED ON PARCELS A, B, D, AND F:

- RESIDENTIAL USES AND OPEN SPACE; AND
- ACCESSORY USES AND STRUCTURES ASSOCIATED WITH THE ALLOWED PRINCIPLE RESIDENTIAL AND OPEN SPACE USES IN THE TOD-R ZONING DISTRICT.

6. THE FOLLOWING USES WILL BE PERMITTED ON AND ALLOCATED TO PARCELS C, E, H, AND I:

- RESIDENTIAL, RETAIL, RESTAURANT, OFFICE AND CIVIC; AND
- ACCESSORY USES AND STRUCTURES ASSOCIATED WITH THE ALLOWED PRINCIPLE USES IN THE TOD-M ZONING DISTRICT.

7. THE FOLLOWING USES WILL BE PERMITTED ON AND ALLOCATED TO PARCEL G:

- PUBLIC OPEN SPACE; AND
- ACCESSORY USES AND STRUCTURES ASSOCIATED WITH THE ALLOWED PRINCIPLE OPEN SPACE USES IN THE TOD-R ZONING DISTRICT.

8. THE FOLLOWING USES WILL BE PERMITTED ON AND ALLOCATED TO PARCELS J, K AND L:

- RESIDENTIAL, OFFICE, RETAIL, RESTAURANT, CIVIC, AND PUBLIC OPEN SPACE USES; AND
- ASSOCIATED STRUCTURED AND SURFACE PARKING FACILITIES; AND
- ACCESSORY USES AND STRUCTURES ASSOCIATED WITH THE ALLOWED PRINCIPLE USES IN THE TOD-M ZONING DISTRICT.

9. THE FOLLOWING ADDITIONAL PROVISIONS SHALL GOVERN USES ON THE SITE:

- THE FOLLOWING USES WILL NOT BE PERMITTED ON THE SITE: GASOLINE SALES FACILITIES, AUTOMOBILE SERVICE STATIONS, AUTOMOBILE SALES, BOARDING HOUSES, COMMERCIAL ROOMING HOUSES, SINGLE ROOM OCCUPANCY RESIDENCES (SRO), AND CAR WASHES.

III. UNIFIED DEVELOPMENT; SETBACKS; YARDS; OPEN SPACE AREAS AND PARKING

1. EXCEPT AS SET FORTH IN SECTION IV, BELOW, SETBACKS AND YARDS SHALL BE PROVIDED IN ACCORDANCE WITH THE ORDINANCE AND THE ADOPTED SCALEYBARK TRANSIT STATION AREA PLAN. THE PROPOSED SETBACKS ARE ALSO SPECIFIED ON THE SHEET Z-3.0 TYPICAL STREET CROSS SECTIONS.

2. PARKING MAY BE PROVIDED BY WAY OF SURFACE OR STRUCTURED PARKING FACILITIES LOCATED ON THE SITE, SUBJECT TO COMPLIANCE WITH THE MAXIMUM AND MINIMUM PARKING RATIO REQUIREMENTS FOR RETAIL AND/OR RESTAURANT, RESIDENTIAL, OFFICE, CIVIC AND OTHER NON-RESIDENTIAL USES AS SET FORTH IN SECTION 9.1208.(6) OF THE ORDINANCE. PARALLEL AND ANGLED PARKING WILL BE PROVIDED ALONG INTERNAL STREETS AS INDICATED ON THE SHEET Z-3.0 TYPICAL STREET CROSS SECTIONS.

3. SINCE DEVELOPMENT OCCURRING ON THE SITE IS PART OF A UNIFIED MASTER PLANNED DEVELOPMENT, THE URBAN OPEN SPACE REQUIREMENTS ESTABLISHED AND DEFINED UNDER SECTION 9.1208.(12) OF THE ORDINANCE MAY BE SATISFIED WITH REFERENCE TO ALL PARCELS OF THE SITE TAKEN TOGETHER. BY WAY OF EXAMPLE, OPEN SPACE LOCATED ON PARCEL G MAY BE USED TO SATISFY THE URBAN OPEN SPACE REQUIREMENTS ASSOCIATED WITH PARCEL A.

4. TO THE EXTENT NECESSARY THE PROVISIONS OF THIS SECTION III SHALL CONSTITUTE A PORTION OF THE OPTIONAL PROVISIONS UNDER THE TOD-RO AND TOD-MO APPLICATION SET FORTH IN SECTION 4 BELOW.

IV. OPTIONAL DEVELOPMENT PROVISIONS

1. SIGNAGE STANDARDS (SECTION 9.1209.(7)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW MODIFICATIONS TO THE TOD-M AND TOD-R SIGNAGE STANDARDS TO PERMIT AN EXCITING AND UNIQUE SIGNAGE SYSTEM ON THE SITE. ACCORDINGLY, AS PART OF THIS TOD-OPTIONAL APPLICATION, THE PETITIONER REQUESTS THE FOLLOWING MODIFICATIONS FROM THE TOD-M SIGNAGE PROVISIONS:

- IN ADDITION TO THE OTHER SIGNS PERMITTED UNDER THIS SECTION (VI), PETITIONER SHALL BE ENTITLED TO TWO (2) DETACHED, GROUND-MOUNTED PROJECT/TENANT IDENTIFICATION SIGNS ON THE EXTERIOR OF THE SITE, IN THE LOCATIONS GENERALLY DEPICTED ON THE REZONING PLAN. THE PRIMARY PROJECT/TENANT IDENTIFICATION SIGN ALONG SOUTH BOULEVARD MAY BE UP TO 30 FEET IN HEIGHT AND 150 SQUARE FEET IN SIGNAGE AREA SIZE. THE OTHER DETACHED PROJECT/TENANT IDENTIFICATION SIGN LOCATED ALONG SCALEYBARK ROAD SHALL BE LIMITED TO 20 FEET IN HEIGHT AND 100 SQUARE FEET IN SIGNAGE AREA SIZE. THESE PROJECT IDENTIFICATION SIGNS MAY NOT BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY, SIGHT DISTANCE TRIANGLES OR REQUIRED SETBACKS. MATERIALS WHICH MAY BE INCLUDED AS PART OF THESE SIGNS INCLUDES: (I) MASONRY TO MATCH ARCHITECTURAL STYLE OF BUILDINGS LOCATED ON THE SITE (I.E. BRICK, STONE, GRANITE, ETC.), (II) TILE (CERAMIC, PORCELAIN, ETC.), (III) PRECAST CONCRETE, (IV) METAL PANELS AND CANOPIES, (V) FABRIC, (VI) GROUND AND/OR WALL LIGHTING AND (VII) VEGETATION.

IV. OPTIONAL DEVELOPMENT PROVISIONS (CONT')

- IN ADDITION TO THE OTHER SIGNS PERMITTED UNDER THIS SECTION (VI), PETITIONER SHALL BE ENTITLED TO ONE ROOF MOUNTED PROJECT IDENTIFICATION SIGN ON PARCEL L AT THE CORNER OF SOUTH BOULEVARD AND SCALEYBARK ROAD. (THE MAXIMUM HEIGHT OF THE SIGN WILL BE NO GREATER THAN 35 FEET ABOVE THE PARAPET OF THE BUILDING AND WILL NOT EXCEED 300 SQUARE FEET OF SIGN AREA). THE LOCATION OF THE SIGN MAY BE ON THE ROOFTOP OF A NON-RESIDENTIAL STRUCTURE WITHIN PARCEL L. THE MAXIMUM SIGN SURFACE AREA WILL BE LIMITED TO 10% OF THE AREA OF THE BUILDING WALL TO WHICH THE SIGN IS ORIENTED OR 200 SQUARE FEET WHICHEVER IS LESS. NO SIGNAGE MAY BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY, SIGHT DISTANCE TRIANGLES OR REQUIRED SETBACKS. ADVERTISEMENTS WITHIN THE PROJECT OR OTHER MARKETING RELATED MESSAGING (I.E. PHONE NUMBERS, WEBSITE, ETC.), PREVALENT IDENTIFICATION SIGNS OR NON-IDENTIFICATION SIGNS OR OTHER SIGNS WILL NOT BE ALLOWED ON THIS SIGN AT LEAST 50% OF THE PROPOSED SIGNAGE AREA WILL BE COMPOSED OF INDIVIDUAL LETTERING; THE OTHER 50% WILL BE COMPOSED OF GRAPHICS INCLUDING IDENTIFICATION ART AS WELL AS THREE DIMENSIONAL ELEMENTS. MATERIALS WHICH MAY BE INCLUDED AS PART OF THESE SIGNS INCLUDE, FREE STANDING METAL BRACING/STRUCTURE (ENGINEER STAMPED) AND SIGNAGE LIGHTING (BACK LIGHTING, UP LIGHTING, SPOT LIGHTING, NEON LIGHTING, ETC.)

- CONCEPTUAL ILLUSTRATIVE ELEVATIONS OF THE TWO DETACHED SIGNS, THE PROPOSED ROOF SIGN AND THE OVER STREET PROJECT IDENTIFICATION SIGNS HAVE BEEN INCLUDED ON SHEET Z-3.1 AND Z-3.2 CONCEPTUAL SIGNAGE AND BUILDING ELEVATIONS AS EXAMPLES OF THE PROPOSED SIGNS. THESE ILLUSTRATIVE ELEVATIONS ARE SCHEMATIC IN NATURE AND MAY BE ALTERED AND MODIFIED AS PART OF THE DEVELOPMENT PROCESS.

- IN ADDITION TO THE OTHER SIGNS PERMITTED UNDER THIS SECTION (VI), THE PETITIONER SHALL BE ENTITLED TO ONE GROUND MOUNTED OR MONUMENT STYLE IDENTIFICATION SIGN FOR EACH OF THE PARCELS. THESE SIGNS MUST BE LOCATED ALONG INTERIOR STREETS AND MAY BE UP TO FIVE (5) FEET IN HEIGHT AND 20 SQUARE FEET IN SIZE. IN ADDITION, WAY FINDING AND DIRECTIONAL SIGNS MAY BE PERMITTED IN ACCORDANCE WITH ORDINANCE REQUIREMENTS FOR THE TOD-M AND TOD-R DISTRICTS.

- IN ADDITION TO THE OTHER SIGNS PERMITTED UNDER THIS SECTION (VI), THE PETITIONER SHALL BE ALLOWED TO PLACE PROJECT IDENTIFICATION SIGNS OVER THE INTERIOR PUBLIC AND PRIVATE STREETS. NO MORE THAN ONE OF THESE TYPE SIGNS MAY BE INSTALLED ON THE SITE. THESE PROPOSED SIGNS WILL BE SUBJECT TO THE APPROVAL OF AN ENCRoACHMENT AGREEMENT AND THE APPROVAL OF THE CITY DEPARTMENT OF TRANSPORTATION.

- THE SIGN LOCATIONS GENERALLY DEPICTED ON THE REZONING PLAN ARE CONCEPTUAL IN NATURE; THE LOCATIONS OF THE SIGNS MAY BE ALTERED.

2. STREET WALLS (SECTION 9.1209.(1)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW THE PROPOSED BUILDINGS WITHIN PARCEL K OR L TO HAVE BUILDING WALLS ALONG SOUTH BOULEVARD AND SCALEYBARK ROAD THAT PROVIDE LESS THAN 50% OF THE LENGTH OF THE FIRST FLOOR STREET LEVEL FRONTAGE WITH USES THAT ARE VISIBLE FROM THE STREET. THE PETITIONER WILL TREAT THESE BUILDING FACADES WITH OTHER DESIGN ELEMENTS TO ENLIVEN AND ANIMATE THE STREETScape. ONE SUCH TREATMENT COULD BE A "GREEN WALL". THESE WALLS WILL MEET THE REQUIREMENTS OF SECTION 9.1209.(1)(D) OF THE ORDINANCE REGARDING "BLANK WALLS."

3. BUILDING ENTRANCES AND ORIENTATION (SECTION 9.1209.(4)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW BUILDINGS WITHIN PARCEL K OR L TO NOT HAVE AN OPERABLE PEDESTRIAN ENTRANCE ALONG SCALEYBARK AVENUE OR SOUTH BOULEVARD.

4. STRUCTURED PARKING FACILITIES (SECTION 9.1208.(6)(L)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW A STRUCTURED PARKING FACILITY LOCATED ON EITHER PARCEL K OR L AND WITH FRONTAGE ON PRIVATE STREET D TO NOT PROVIDE LESS THAN 35% OF THE LINEAR STREET LEVEL FRONTAGE WITH RETAIL, OFFICE, CIVIC, INSTITUTIONAL OR RESIDENTIAL USES. AT A MINIMUM, 35% OF THE LINEAR STREET LEVEL FRONTAGE OF A STRUCTURED PARKING FACILITY CONSTRUCTED ON EITHER PARCEL K OR L WILL BE OCCUPIED WITH STREET LEVEL RETAIL, OFFICE, CIVIC, INSTITUTIONAL OR RESIDENTIAL USES. SEE SHEET Z-3.1 AND Z-3.2 FOR CONCEPTUAL ELEVATIONS OF THIS PROPOSED TREATMENT.

5. PARKING STANDARDS: PARKING BETWEEN STREET AND BUILDINGS (SECTION 9.1208.(6)(C)). DUE TO THE SIZE OF THE PROJECT AND THE TIMING AND COST ASSOCIATED WITH THE CONSTRUCTION OF PARKING STRUCTURES CONTEMPLATED UPON FULL BUILD-OUT, THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW INTERIM SURFACE PARKING LOTS TO BE LOCATED IN AN ESTABLISHED SETBACK OR BETWEEN (I) A PERMITTED USE AND BUILDING AND (II) A STREET. SURFACE PARKING AREAS WILL MEET ALL REQUIRED MINIMUM SETBACKS ESTABLISHED BY THE SCALEYBARK TRANSIT STATION AREA PLAN. IN ADDITION A SURFACE PARKING LOT WITH FRONTAGE ON SOUTH BOULEVARD OR SCALEYBARK ROAD WILL PROVIDE A SETBACK OF 54 FEET FROM THE BACK OF THE FUTURE CURB OF SOUTH BOULEVARD OR SCALEYBARK ROAD. THESE INTERIM SURFACE PARKING LOTS MAY ONLY BE ESTABLISHED ON PARCELS J, K, AND L.

THE TERM "INTERIM" FOR THE PURPOSES OF THIS REQUEST SHALL BE DEFINED TO MEAN A MINIMUM OF FIVE (5) YEARS AND A MAXIMUM OF 15 YEARS FROM THE DATE THE SURFACE PARKING AREA IS COMPLETED IN ACCORDANCE WITH THE FOLLOWING PROVISIONS. PRIOR TO THE PASSAGE OF FIVE (5) YEARS FROM COMPLETION OF AN APPLICABLE SURFACE PARKING AREA, THE PETITIONER MAY REQUEST A FIVE YEAR EXTENSION FROM THE PLANNING DIRECTOR WHICH SHALL BE GRANTED IF THE PETITIONER CAN DEMONSTRATE AND PROVIDE REASONABLE EVIDENCE THAT DUE TO MARKET CONDITIONS THE ELIMINATION OF SURFACE PARKING AREAS IS NOT ECONOMICALLY FEASIBLE. A MAXIMUM OF TWO FIVE (5) YEAR EXTENSIONS MAY BE REQUESTED AND GRANTED. EACH FIVE YEAR EXTENSION MUST BE REQUESTED SEPARATELY TOGETHER WITH REASONABLE EVIDENCE JUSTIFYING THE EXTENSION. AFTER THE TIME PERIOD DEFINED ABOVE HAS EXPIRED, INCLUDING APPROVED EXTENSIONS, THE PETITIONER WILL BRING THE SURFACE PARKING AREAS INTO COMPLIANCE WITH THE ORDINANCE.

6. PARKING STANDARDS: PARKING AREAS THAT COVER MORE THAN 35% OF THE TOTAL LOT WIDTH (SECTION 9.1208.(6)(G)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW SURFACE PARKING TO THE SIDE OF THE PRIMARY STRUCTURES ON PARCEL H TO COVER MORE THAN 35% OF THE TOTAL LOT WIDTH ALONG PROPOSED PUBLIC STREET A. THE SURFACE PARKING LOT WILL NOT EXCEED 60% OF THE TOTAL LOT WIDTH ALONG PROPOSED PUBLIC STREET A.

7. MANEUVERING FOR LOADING SPACE IN RIGHT-OF-WAY OF PROPOSED PRIVATE STREET D (SECTION 9.1208.(7)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW LOADING DOCKS TO BE DESIGNED THAT REQUIRE VEHICLES TO MANUEVER WITHIN: (A) THE RIGHT-OF-WAY OF PROPOSED PRIVATE STREET D FOR BUILDINGS AND/OR USES LOCATED ON PARCEL L OR (B) WITHIN THE RIGHT-OF-WAY OF PRIVATE STREET D FOR BUILDINGS AND/OR USES LOCATED ON PARCEL K. MANEUVERING FOR THE LOADING DOCKS MAY NOT OCCUR WITHIN 150 FEET OF THE RIGHT-OF-WAY OF SOUTH BOULEVARD.

8. FLOOR AREA RATIO (FAR) (SECTION 9.1208.(5)(B)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW INDIVIDUAL PHASES OF THE PROJECT TO NOT MEET THE MINIMUM FAR AND/OR DENSITY REQUIREMENTS OF THE TOD-M OR TOD-R ZONING DISTRICTS AS LONG AS THE PETITIONER CAN DEMONSTRATE VIA A PROPOSED MASTER PLAN HOW THE ENTIRE PROJECT WILL MEET THE MINIMUM FAR AND/OR DENSITY REQUIREMENTS WHEN CONSTRUCTION OF THE SITE IS COMPLETED.

IV. OPTIONAL DEVELOPMENT PROVISIONS (CONT')

9. FRONT-LOADED GARAGES, PARKING PADS AND DRIVEWAYS FOR INDIVIDUAL UNITS (SECTION 9.1208.(6)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW INDIVIDUAL UNITS WITH FRONT LOADED GARAGES ONLY WITHIN PARCEL A BETWEEN PROPOSED PRIVATE STREET A AND THE NORTHERN BOUNDARY OF THE SITE AS MORE SPECIFICALLY INDICATED ON THE TECHNICAL DATA SHEET. THE DRIVEWAYS TO THESE UNITS WILL BE A MINIMUM OF 20 FEET IN LENGTH AS MEASURED FROM THE BACK OF THE SIDEWALK. WHERE POSSIBLE THE PETITIONER WILL CONSOLIDATE AND PROVIDE SHARED DRIVEWAYS. THE GARAGES FOR THESE UNITS DWELLING WILL BE DESIGNED TO BE FLUSH WITH THE UNIT OR RECESSED BEHIND THE DWELLING UNITS' PRINCIPAL BUILDING WALL.

10. RETAIL SALES ESTABLISHMENTS WITH MORE THAN 30,000 SQUARE FEET OF GROSS FLOOR AREA PER FLOOR, PER SINGLE TENANT (SECTION 9.1206.(9)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW ONE SINGLE TENANT RETAIL SALES ESTABLISHMENT WITH MORE THAN 30,000 BUT LESS THAN 60,000 SQUARE FEET OF GROSS FLOOR AREA TO BE ESTABLISHED ON PARCEL K OR L AND SUCH ESTABLISHMENT SHALL NOT BE REQUIRED TO HAVE AT LEAST 75% OF THE FIRST FLOOR STREET FRONTAGE OF THE BUILDING CONSTRUCTED WITH CLEAR GLASS WINDOWS AND DOORS (OR TO HAVE AT LEAST ONE ENTRANCE DESIGNED AS A STREET FRONTAGE). IN ADDITION TO THE SINGLE TENANT RETAIL ESTABLISHMENT DESCRIBED ABOVE, A SINGLE TENANT RETAIL ESTABLISHMENT OF 60,000 OR MORE SQUARE FEET OF GROSS FLOOR AREA SHALL BE PERMITTED PROVIDED THAT IT COMPLIES WITH THE DESIGN STANDARDS AND REQUIREMENTS OF THE ORDINANCE.

FOR PURPOSES OF THE DEVELOPMENT LIMITATIONS SET FORTH ABOVE, 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 OR STRUCTURED PARKING FACILITIES, OR SPECIALLY DESIGNATED AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS AND MAINTENANCE CRAWL SPACES) PROVIDED, AREAS DEVOTED TO OUTDOOR DINING ARE NOT INTENDED TO BE INCLUDED IN THE CALCULATION OF GROSS FLOOR AREA (BUT ANY SUCH OUTDOOR DINING AREAS SHALL BE CONSIDERED FOR PARKING PURPOSES)

11. BUFFER STANDARDS (SECTION 9.1208.(9)). AS A RESULT OF THE DUKE POWER DESIGN CRITERIA, FOR LANDSCAPING UNDER UTILITY LINES, WHICH DOES NOT ALLOW SHRUBS AND TREES TO BE LOCATED WITHIN 50 FEET OF UTILITY TRANSMISSION TOWERS, THE PETITIONER SEEKS THE OPTIONAL PROVISION TO OMIT THE REQUIRED SHRUBS AND TREES WITHIN 50 FEET OF THE DUKE POWER TRANSMISSION TOWERS. THESE UTILITY LINES AND TRANSMISSION TOWERS ARE LOCATED ALONG THE EASTERN BOUNDARY OF THE SITE AS INDICATED ON THE TECHNICAL DATA SHEET.

12. BUFFER STANDARDS (SECTION 9.1208.(9)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO REDUCE THE REQUIRED 10 FOOT BUFFER ALONG THE NORTHERN BOUNDARY OF PARCELS A AND B TO TWO FEET WITH A MINIMUM OF A SOLID SIX FOOT TALL FENCE OR WALL TO BE INSTALLED WHEN SINGLE-FAMILY DETACHED HOMES ARE DEVELOPED ON PARCEL A OR B. THE FENCE OR WALL USED IN THIS BUFFER WILL BE CONSTRUCTED IN A DURABLE FASHION OF BRICK, STONE, OTHER MASONRY MATERIALS, BRICK COLUMNS WITH WOOD PLYS, METAL VINYL, OR OTHER MATERIALS. SPECIALLY DESIGNED AREAS AS FENCING MATERIALS OR ANY COMBINATION THEREFORE. THE FINISHED SIDE OF THE FENCE OR WALL MUST FACE THE ABUTTING PROPERTY. UP TO 25% OF THE WALL OR FENCE SURFACE MAY BE LEFT OPEN.

13. MINIMUM REAR YARD (SECTION 9.1208.(2)(A)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO REDUCE THE REQUIRED 20 FOOT REAR YARD TO 10 FEET ALONG THE NORTHERN BOUNDARY OF PARCEL A AND B WHEN SINGLE-FAMILY DETACHED HOMES ARE DEVELOPED ON PARCELS A OR B.

14. ENCRoACHMENTS INTO REQUIRED SETBACKS (SECTION 9.1208.(1)(A) 2). THE PETITIONER WILL PROVIDE A 22 FOOT SETBACK ALONG ALL STREETS CLASSIFIED AS LOCAL. RESIDENTIAL STREET WIDE BY THE APPROVED SCALEYBARK TRANSIT STATION AREA PLAN, BUT IN ACCORDANCE WITH THE SCALEYBARK STATION AREA PLAN, PETITIONER SEEKS THE OPTIONAL PROVISION TO ALLOW THE FOLLOWING ITEMS TO ENCRoACH INTO THE LAST SIX (6) FEET OF THIS SETBACK, INCLUDING STEPS, OPEN PORCHES AND BAY WINDOWS AS LONG AS SUCH ENCRoACHMENTS AT GRADE DO NOT REDUCE THE WIDTH OF THE REQUIRED SIDEWALK. THIS OPTIONAL PROVISION IS IN ADDITION TO THE ALLOWED ENCRoACHMENTS ALLOWED BY SECTION 9.1208.(1)(G) OF THE ORDINANCE.

15. REQUIRED SETBACK OF 30 FEET WHEN ABUTTING SINGLE-FAMILY ZONING (SECTION 9.1208.(1)(A) 1). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO REDUCE THE 30 FEET REQUIRED ALONG A PORTION OF ANSON STREET TO 22 FEET FROM THE BACK OF CURB.

16. SCALEYBARK AVENUE STREETScape REQUIREMENTS (SECTION 9.1208.(8)(A)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO MODIFY THE WIDTH OF THE AMENITY ZONE ALONG SCALEYBARK AVENUE FROM 16 FEET TO 8 FEET. THE 8 FEET REMOVED FROM THE AMENITY ZONE WILL BE ADDED TO AREA BETWEEN THE SIDEWALK AND THE BUILDING SETBACK LINE. THE PROPOSED 24 FOOT SETBACK WILL NOT BE REDUCED. THIS PROPOSED STREETScape TREATMENT IS SPECIFICALLY SHOWN ON SHEET Z-3.0 TYPICAL STREET CROSS SECTIONS IN CROSS SECTION NUMBER 3.

17. SOUTH BLVD. AND WHITTON STREET STREETScape REQUIREMENTS (SECTION 9.1209.(8)). THE PETITIONER SEEKS THE OPTIONAL PROVISION TO PROVIDE TREES IN TREE GRATES ALONG SOUTH BLVD. AND WHITTON STREET AS GENERALLY SHOWN ON CROSS-SECTION 1 AND 5 ON SHEET Z-3.0 TYPICAL STREET CROSS SECTIONS.

18. REQUIRED STREET TREES AND SIDEWALKS. THE PETITIONER SEEKS THE OPTIONAL PROVISION TO REQUEST A DELAY IN THE INSTALLATION OF REQUIRED STREET TREES AND SIDEWALKS ON EACH PARCEL AS DEVELOPMENT OCCURS ON THE PARCEL. THE DELAY IN THE INSTALLATION WILL ALLOW CONSTRUCTION TO OCCUR WITHIN THE PARCELS WITHOUT DAMAGING SIDEWALKS AND STREET TREES THAT WOULD HAVE BEEN PREVIOUSLY INSTALLED. THE PETITIONER WILL COORDINATE THE TIMING OF THE INSTALLATION OF THESE REQUIRED STREETScape ELEMENTS WITH URBAN FORESTRY, CITY ENGINEERING AND THE PLANNING DEPARTMENT. ALL REQUIRED STREET TREES AND SIDEWALKS WILL BE INSTALLED ON EACH PARCEL PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING ON THE APPLICABLE PARCEL.

19. THE PROVISIONS OF SECTION (U) TO EXTENT NECESSARY CONSTITUTE ACCEPTABLE VARIATIONS (AND OPTIONAL PROVISIONS) FROM THE TOD-IS AND TOD-R MINIMUM STANDARDS.

V. DESIGN AND PERFORMANCE STANDARDS

1. BUILDINGS LOCATED WITHIN EACH PARCEL WILL MEET THE MAXIMUM HEIGHT REQUIREMENTS OF THE TOD-M AND TOD-R ZONING DISTRICTS. PROVIDED, HOWEVER, BUILDING HEIGHT SHALL BE AS MEASURED FROM AVERAGE GRADE TO ROOF LINE, EXCLUSIVE OF ARCHITECTURAL FEATURES SUCH AS CHIMNEYS OR SERVICE FEATURES LOCATED ABOVE THE ROOF LINE. BUILDING HEIGHT WILL BE MEASURED AS DEFINED IN THE ORDINANCE PROVIDED THE FOLLOWING WILL NOT BE INCLUDED IN THE CALCULATION OF MAXIMUM BUILDING HEIGHT SKYLIGHTS, AND ROOF STRUCTURES FOR ELEVATORS, STAIRWAYS, TANKS, HEATING, VENTILATION AND AIR-CONDITIONING EQUIPMENT, OR SIMILAR EQUIPMENT FOR THE OPERATION AND MAINTENANCE OF A BUILDING AND ANY DEVICE USED TO SCREEN SUCH STRUCTURES AND EQUIPMENT.

2. STREETS WITHIN THE SITE MAY BE EITHER PUBLIC OR PRIVATE AS INDICATED ON THE TECHNICAL DATA SHEET. REGARDLESS OF WHETHER THE INTERNAL STREETS ARE PUBLIC OR PRIVATE, THEY SHALL REMAIN OPEN AND ACCESSIBLE TO THE PUBLIC. THIS DOES NOT PRECLUDE THE PETITIONER FROM TEMPORARILY CLOSING A PRIVATE STREET FOR, BUT NOT LIMITED TO, SPECIAL EVENTS, FARMERS MARKETS, FESTIVALS, CONCERTS, BLOCK PARTIES OR OTHER SIMILAR EVENTS.

3. A BUFFER AS PER THE REQUIREMENT OF SECTION 9.1208.(9) OF THE ORDINANCE WILL BE PROVIDED ALONG THE NORTHERN AND EASTERN BOUNDARIES OF THE SITE ABUTTING THE EXISTING SINGLE-FAMILY HOMES AS SHOWN ON THE TECHNICAL DATA SHEET (SUBJECT TO THE OPTIONAL PROVISIONS IN SECTION IV ABOVE).

V. DESIGN AND PERFORMANCE STANDARDS (CONT')

4. THE PETITIONER SHALL MAKE GOOD FAITH DILIGENT EFFORTS TO SAVE THE EXISTING TREES LOCATED WITHIN THE TREE SAVE AREAS IDENTIFIED ON THE TECHNICAL DATA SHEET. ADDITIONAL TREE SAVE AREAS, TO THE EXTENT REQUIRED BY THE ORDINANCE, WILL BE IDENTIFIED DURING THE DESIGN DEVELOPMENT PHASES OF THE PROJECT. TREES WITHIN THESE ADDITIONAL TREE SAVE AREAS WILL ALSO BE PRESERVED.

5. A UNIFIED STREETScape TREATMENT WILL BE IMPLEMENTED THROUGHOUT THE SITE, INCLUDING THE SITE'S FRONTAGE ON SOUTH BOULEVARD AND SCALEYBARK ROAD. THE PROPOSED STREETScape TREATMENT IS SPECIFIED ON SHEET Z-3.0 TITLED TYPICAL STREET CROSS SECTIONS, SUBJECT, HOWEVER, TO ANY CONFLICTS WITH EXISTING UTILITY EASEMENTS LOCATED WITHIN SUCH AREAS.

6. ON A PORTION OF PROPOSED PRIVATE STREET D THE PETITIONER MAY HAVE A GAP IN THE SPACING OF STREET TREES. THIS GAP WILL OCCUR ON ONE SIDE OF THE STREET FOR A LENGTH OF 120 FEET. ON STREET PARKING ALONG PRIVATE STREET D MAY EITHER BE PARALLEL OR ANGLED PARKING

7. THE PETITIONER WILL CONSTRUCT PUBLIC STREET C (WEOONA AVENUE) TO THE MAIN STREET STANDARDS CALLED FOR IN THE SCALEYBARK STATION AREA PLAN.

8. THE PETITIONER RESERVES THE RIGHT TO SUBSTITUTE A BIO-SWALE/RAIN GARDEN FOR THE TYPICAL EIGHT FOOT PLANTING STRIP ALONG BOTH SIDES OF ANY OF THE PROPOSED PRIVATE STREETS. THE PETITIONER WILL CONSULT WITH CITY ENGINEERING STORM WATER SERVICES ON THE DESIGN OF THE PROPOSED BIO-SWALE/RAIN GARDEN DURING THE LAND DEVELOPMENT REVIEW PROCESS.

9. AS THE PROJECT DEVELOPS, PEDESTRIAN SCALE LIGHTING WILL BE INSTALLED ALONG BOTH INTERIOR STREETS AND STREETS THAT BORDER THE SITE.

10. ALL FREESTANDING LIGHTING AND ALL EXTERIOR LIGHTING ON BUILDINGS WILL BE FULLY SHIELDED AND FULL CUT-OFF TYPE FIXTURES DOWNWARDLY DIRECTED. NO WALL "PAK" TYPE LIGHTING SHALL BE USED, BUT ATTACHED DECORATIVE LIGHTING FIXTURES SUCH AS SCENCES MAY BE USED. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURES, INCLUDING ITS BASE, SHALL NOT EXCEED 20 FEET.

11. ALL DUMPSTERS, LOADING AREAS AND SERVICE AREAS WILL BE SCREENED IN ACCORDANCE WITH SECTION 12.303 OF THE ORDINANCE.

12. OFF-STREET VEHICULAR AND BICYCLE PARKING WILL BE PROVIDED WHICH MEETS OR EXCEEDS THE RATIO REQUIREMENTS OF THE ORDINANCE.

13. SIDEWALK AND PLANTING STRIPS ALONG INTERNAL STREETS MAY BE INSTALLED IN PHASES IN ASSOCIATION WITH NEARBY DEVELOPMENT AND AS THE PROJECT DEVELOPS.

14. AREAS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AS "OPEN SPACE" WILL INCLUDE DECORATIVE PAVING, BENCHES AND SEATING AREAS, LANDSCAPING FEATURES AND/OR OTHER AMENITIES SUCH AS FOUNTAINS OR DECORATIVE ARCHITECTURAL FEATURES.

15. AT LEAST ONE ACRE, IN THE AGGREGATE, OF PUBLIC OPEN SPACE AS DEFINED BY THE TOD PROVISIONS OF THE ORDINANCE WILL BE PROVIDED WITHIN PARCELS J, K AND L. THIS PUBLIC OPEN SPACE MAY INCLUDE THE LAND UNDER THE DUKE POWER UTILITY EASEMENT LOCATED ALONG THE EASTERN BOUNDARY OF THE SITE. THIS ONE ACRE OF PUBLIC OPEN SPACE WILL BE IMPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE ORDINANCE.

16. THE PETITIONER WILL PROVIDE A MINIMUM OF 800 SQUARE FEET OR URBAN OPEN SPACE ON PARCEL K ALONG SOUTH BOULEVARD ACROSS FROM THE EXISTING RAPID TRANSIT STATION, AS GENERALLY DEPICTED ON SHEET Z-1.0.

17. THE PETITIONER SHALL INSTALL TWO (2) CONCRETE WAITING PADS ON THE SITE; ONE ALONG SOUTH BOULEVARD AND ONE ALONG SCALEYBARK ROAD IN THE AREAS GENERALLY INDICATED THE TECHNICAL DATA SHEET. THESE PROPOSED WAITING PADS WILL BE CONSTRUCTED PER THE CHARLOTTE-MECKLENBURG LAND DEVELOPMENT STANDARDS (60.02A OR 60.02B). THE APPROPRIATE STANDARD AND FINAL LOCATIONS OF SUCH PADS WILL BE COORDINATED WITH CHARLOTTE AREA TRANSIT SYSTEM DURING THE PLAN REVIEW PROCESS.

18. THE PETITIONER WILL EXPLORE OPPORTUNITIES TO CONSOLIDATE AND PLACE UNDERGROUND EXISTING OVERHEAD UTILITIES WITH EACH OF THE RESPECTIVE UTILITY COMPANIES THAT OWN AND OPERATE THESE EXISTING UTILITIES. IN LOCATIONS AND CIRCUMSTANCES WHERE THE PETITIONER FINDS THE COSTS AND FEASIBILITY OF CONSOLIDATING OR PLACING EXISTING UTILITIES UNDERGROUND REASONABLE, THE UTILITIES WILL BE PLACED UNDERGROUND OR CONSOLIDATED. ALL NEW UTILITY LINES WILL BE PLACED UNDERGROUND AS REQUIRED BY SECTION 12.509 OF THE CITY ZONING REGULATIONS.

VI. ACCESS POINTS

1. THE TOTAL NUMBER OF INGRESS/EGRESS POINTS TO THE SITE SHALL BE LIMITED TO THE NUMBER SHOWN ON THE TECHNICAL DATA SHEET. EXCEPT TO THE MORE ACCESS POINTS ARE PERMITTED BY CDOT. THE EXACT LOCATIONS MAY VARY SOMEWHAT FROM THOSE DEPICTED BASED UPON FINAL DESIGN AND LOCATIONAL REQUIREMENTS AS REGULATED BY CDOT.

2. THE EXISTING ACCESS POINTS TO THE SITE MAY CONTINUE TO BE USED UNTIL THE NEW ACCESSSES HAVE BEEN COMPLETED. (AS EACH PARCEL WITH EXISTING DRIVEWAYS IS REDEVELOPED EXISTING DRIVEWAYS WILL BE REMOVED OR RECONSTRUCTED TO MEET CURRENT DRIVEWAY STANDARDS AND THE CONDITIONS OF THIS CONDITIONAL PLAN.

VII. ROADWAY IMPROVEMENTS

1. THE PETITIONER HAS REACHED AN AGREEMENT IN PRINCIPAL WITH THE CITY OF CHARLOTTE REGARDING PROPOSED ROADWAY IMPROVEMENTS IN THE AREA SURROUNDING THE SITE.

2. THE PETITIONER WILL RELOCATE THE EXISTING CURB AND GUTTER ALONG THE SITE'S PARCEL L FRONTAGE ON SOUTH BOULEVARD TO ALLOW THE CONSTRUCTION OF A FIVE (5) FOOT BIKE LANE.

3. THE PETITIONER WILL RELOCATE THE EXISTING CURB ALONG THE SITE'S FRONTAGE ON ANSON STREET AS NECESSARY TO PROVIDE PROTECTED PARKING.

VIII. SCREENING, LANDSCAPING, AND OPEN SPACE AREAS

1. SCREENING WILL CONFORM TO THE APPLICABLE STANDARDS OF THE ORDINANCE.

2. LANDSCAPING SHALL SATISFY THE REQUIREMENTS OF THE ORDINANCE FOR THE TOD-MO AND TOD-RO ZONING DISTRICTS AND THE CITY OF CHARLOTTE TREE ORDINANCE.

3. THE PROPOSED INTERIM SURFACE PARKING AREAS WILL BE SCREENED FROM ABUTTING PROPERTY AND FROM PUBLIC VIEW FROM A PUBLIC STREET WITH A MINIMUM OF TWO ROWS OF EVERGREEN SHRUBS PLANTED PER THE REQUIREMENTS OF SECTION 12.303.(2)(G) OF THE ORDINANCE.

4. SINCE DEVELOPMENT OCCURRING ON THE SITE IS PART OF A UNIFIED MASTER PLANNED DEVELOPMENT, THE URBAN OPEN SPACE REQUIREMENTS ESTABLISHED AND DEFINED UNDER SECTION 9.1208.(12) OF THE ORDINANCE WILL BE SATISFIED WITH REFERENCE TO ALL PARCELS OF THE SITE TAKEN TOGETHER. BY WAY OF EXAMPLE, OPEN SPACE LOCATED ON PARCEL J THAT EXCEEDS THE URBAN OPEN SPACE REQUIREMENTS FOR PARCEL J MAY BE USED TO SATISFY THE URBAN OPEN SPACE REQUIREMENTS ASSOCIATED WITH PARCEL K. TO THE EXTENT NECESSARY THE PROVISIONS OF THIS SUBSECTION SHALL CONSTITUTE A PORTION OF THE OPTIONAL PROVISIONS UNDER THE TOD-MO OR TOD-RO APPLICATION SET FORTH IN SECTION 4 ABOVE.

5. URBAN OPEN SPACE WILL BE PROVIDED THROUGHOUT THE SITE AND CENTRALLY LOCATED

6. ALL ROOF-MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES AS VIEWED FROM GRADE.

IX. SIGNS

1. EXCEPT AS SET FORTH IN SECTION IV REGARDING THE OPTIONAL PROVISIONS, SIGNAGE WITHIN THE COMPONENTS OF THE SITE SHALL CONFORM TO THE STANDARDS OF THE ORDINANCE FOR THE TOD-M AND TOD-R ZONING DISTRICTS.

X. STORM WATER MANAGEMENT AND WATER QUALITY

1. DEVELOPMENT ON THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE (PCCO) EFFECTIVE AS OF THE DATE OF APPROVAL OF THE PETITION. (ALL EXISTING POST-CONSTRUCTION BUFFERS HAVE BEEN INDICATED ON THE TECHNICAL DATA SHEET Z-1.0)

2. THE PETITIONER SHALL INVESTIGATE DURING PLAN REVIEW IF THE OPEN CHANNEL LEADING TO SLOAN STREET NEEDS TO HAVE A PCCO STREAMSIDE BUFFER.

XI. SOLID WASTE MANAGEMENT PLAN

1. THE PETITIONER SHALL SUBMIT TO THE MECKLENBURG COUNTY SOLID WASTE DEPARTMENT A SOLID WASTE MANAGEMENT PLAN PRIOR TO INITIATING DEMOLITION AND/OR CONSTRUCTION ACTIVITIES. THE SOLID WASTE MANAGEMENT PLAN WILL INCLUDE, AT A MINIMUM, THE PROCEDURES THAT WILL BE USED TO RECYCLE ALL CLEAN WOOD, METAL, AND CONCRETE GENERATED DURING DEMOLITION AND CONSTRUCTION ACTIVITIES. ADDITIONALLY, THE SOLID WASTE MANAGEMENT PLAN WILL SPECIFY THAT ALL LAND CLEARING AND INERT DEBRIS SHALL BE TAKEN TO A PROPERLY PERMITTED FACILITY. THE PLAN SHALL ALSO INCLUDE A REQUIREMENT THAT A MONTHLY REPORTING OF ALL TONNAGE DISPOSED AND RECYCLED WILL BE MADE TO THE MECKLENBURG COUNTY SOLID WASTE DEPARTMENT. THE REPORT SHALL INCLUDE THE IDENTIFICATION AND LOCATION OF ALL FACILITIES RECEIVING DISPOSED OR RECYCLED MATERIALS.

XII. GROUNDWATER

1. THE PETITIONER WILL COORDINATE CHANGE OF USES AND REDEVELOPMENT PLANS FOR THE SITE WITH THE COUNTY GROUNDWATER & WASTEWATER SERVICES AND THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES DIVISION OF WASTE MANAGEMENT DURING THE REDEVELOPMENT.

XIII. HOUSING

1. AS PART OF THE DEVELOPMENT OF THE SITE, IT IS CURRENTLY CONTEMPLATED THAT THE PETITIONER WILL PROVIDE A VARIETY OF HOUSING TYPES AT A VARIETY OF PRICE POINTS. ADDITIONALLY, THE PETITIONER SHALL CONSIDER OPPORTUNITIES TO INCLUDE RESIDENTIAL UNITS THAT ARE LOW TO MODERATE INCOME UNITS IN ACCORDANCE WITH CITY COUNCIL ADOPTED AFFORDABLE HOUSING POLICIES, SUBJECT IN ALL RESPECTS TO PROJECT FEASIBILITY AND AVAILABILITY OF APPROPRIATE FINANCING AND DEVELOPMENT CONSTRAINTS.

XIV. PLAN REVIEW

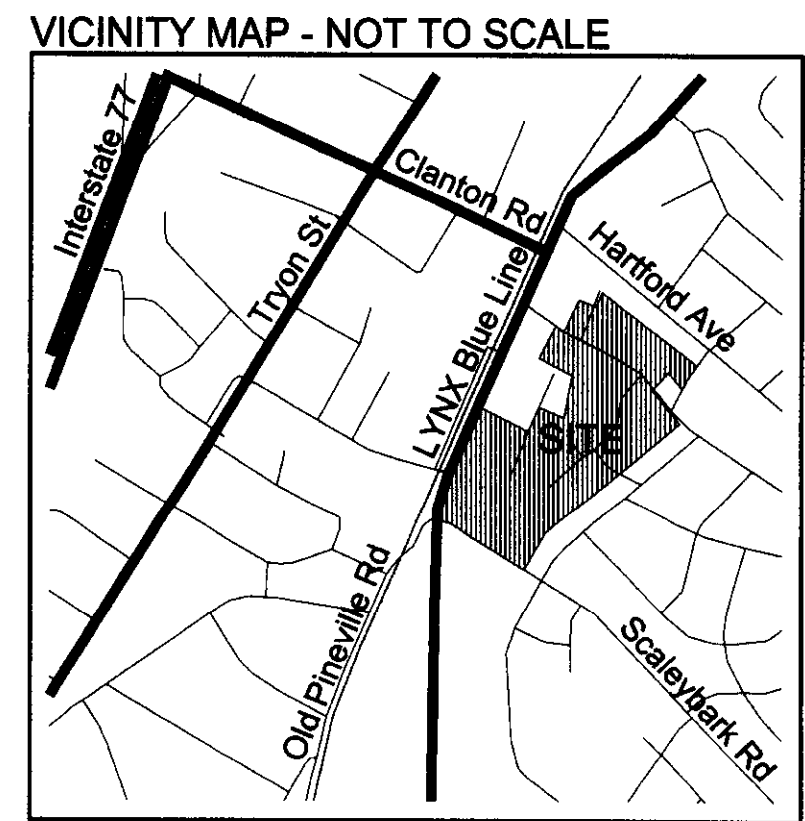
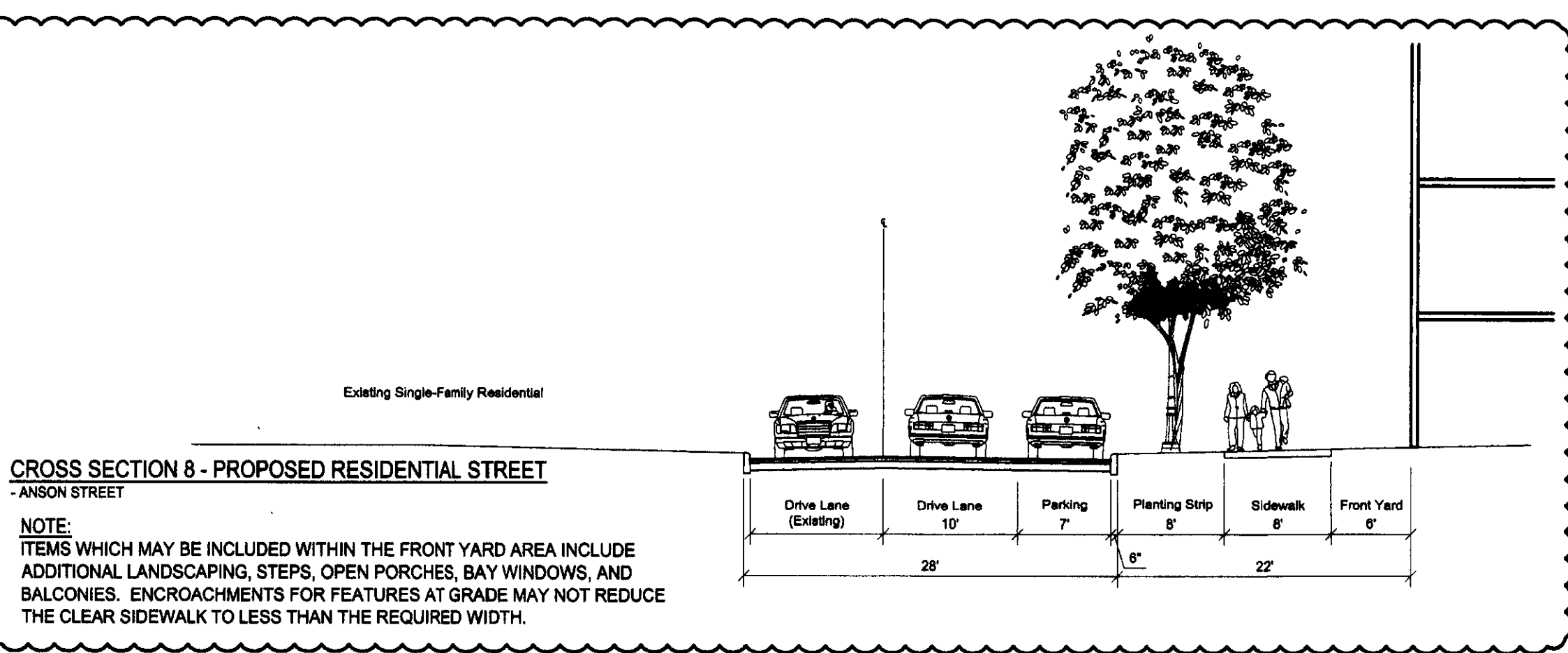
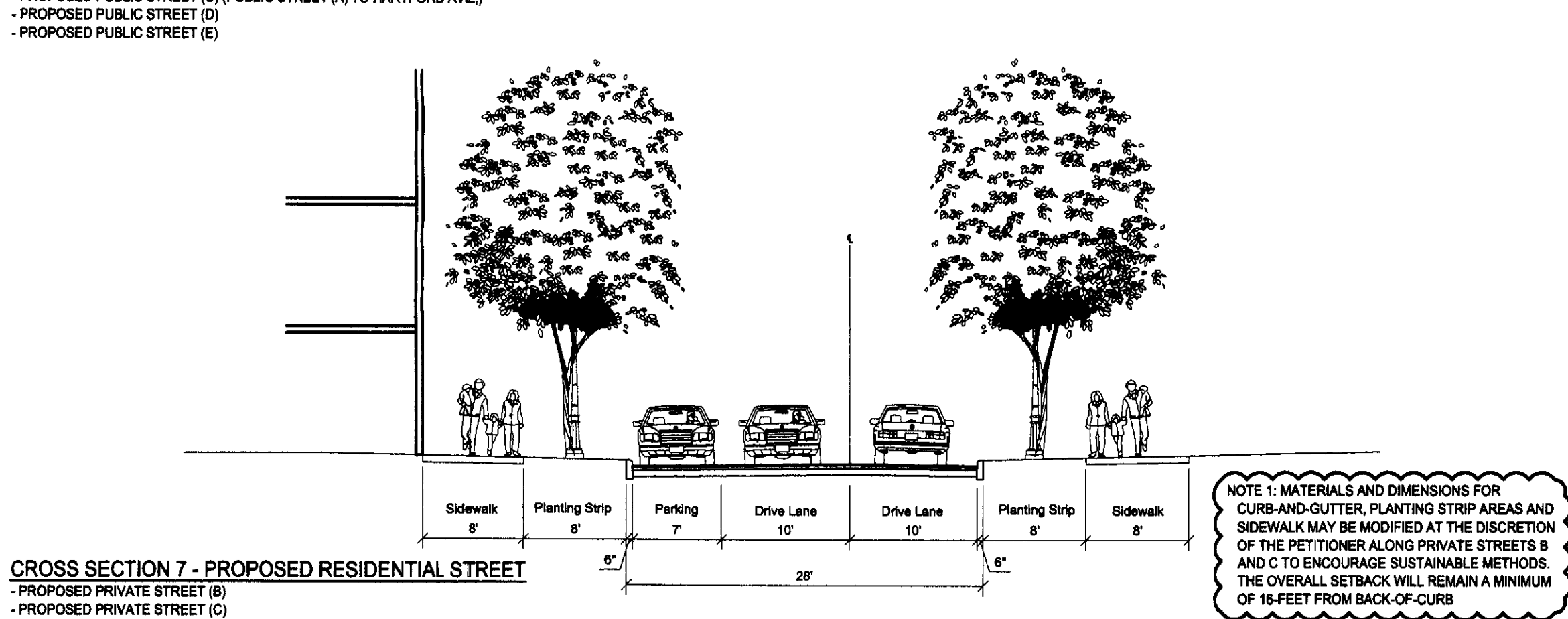
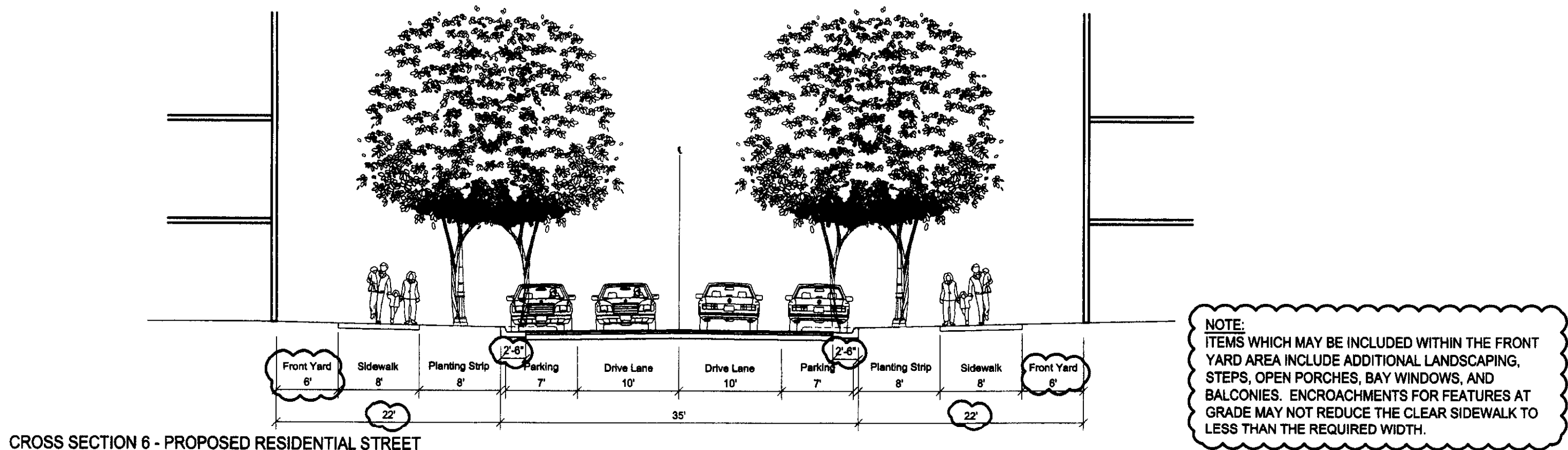
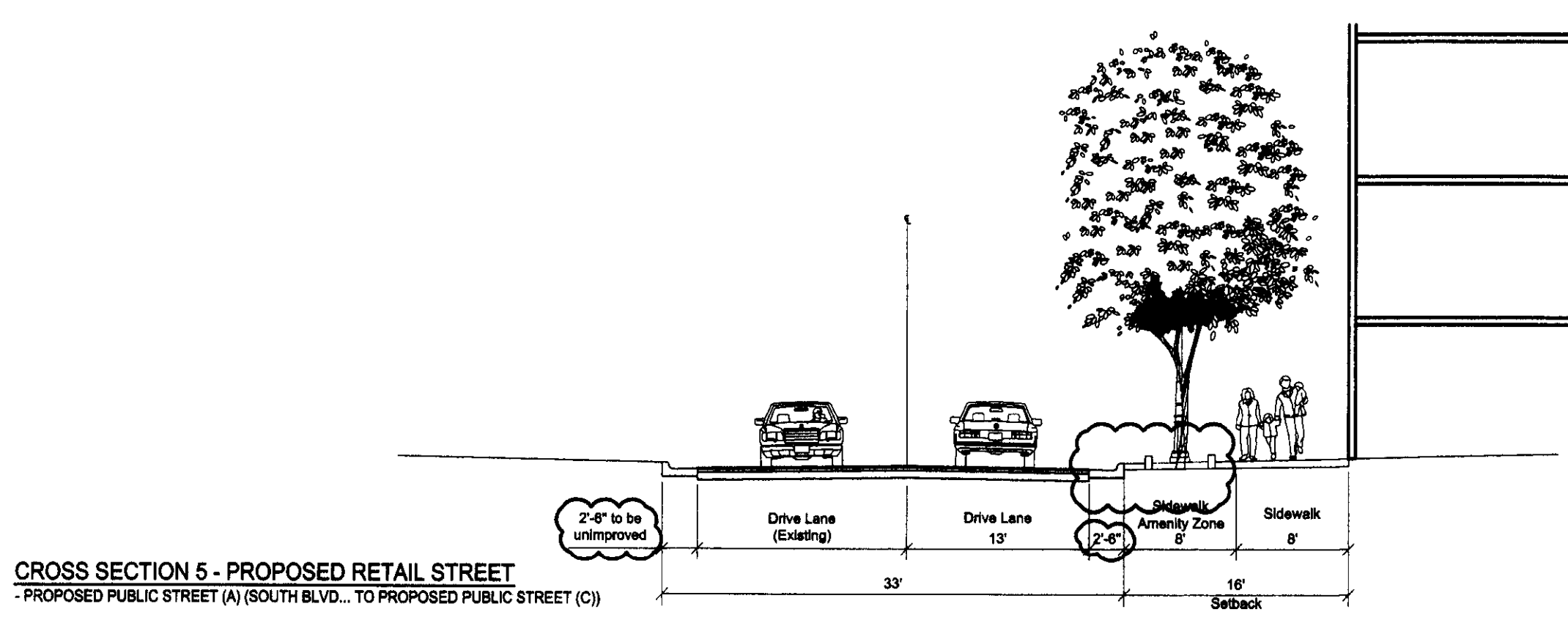
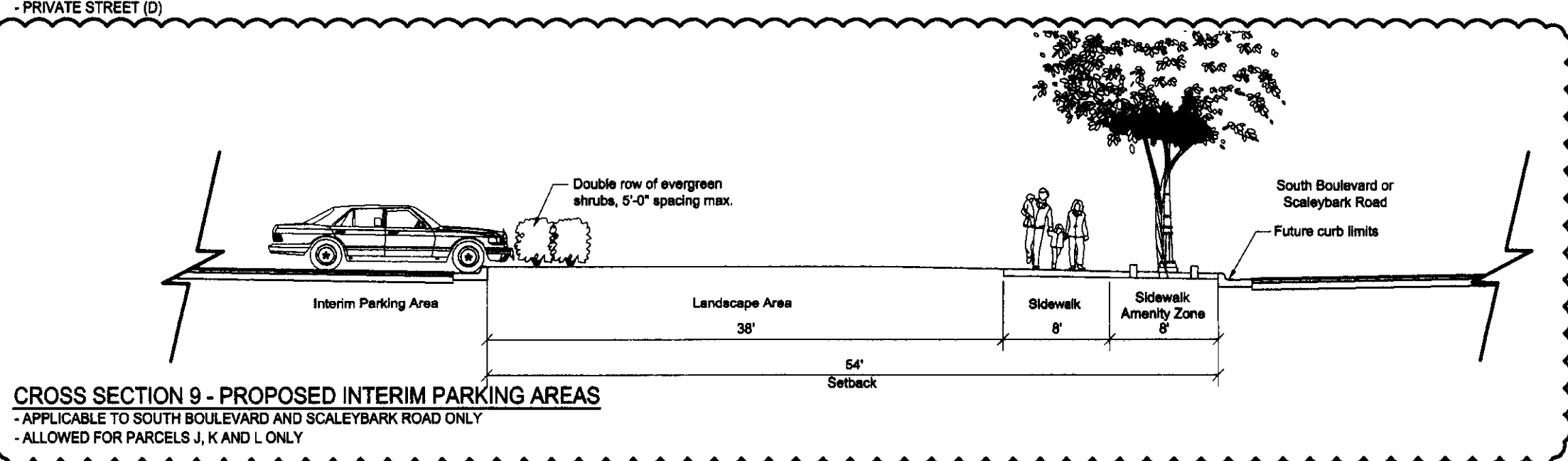
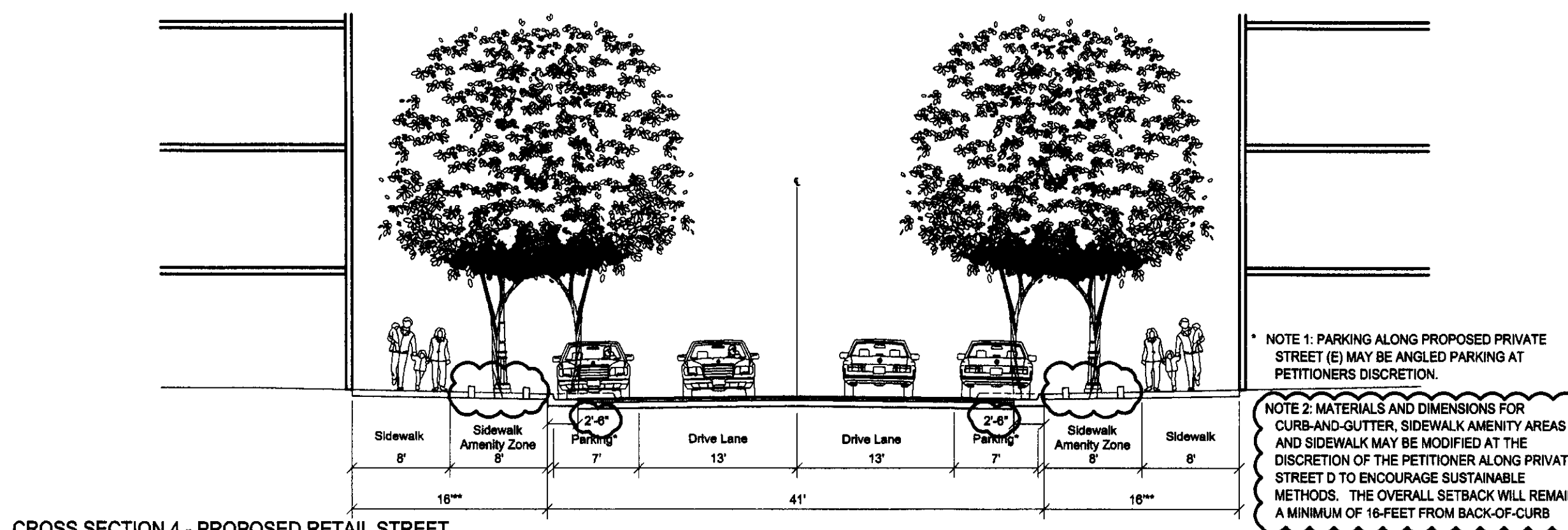
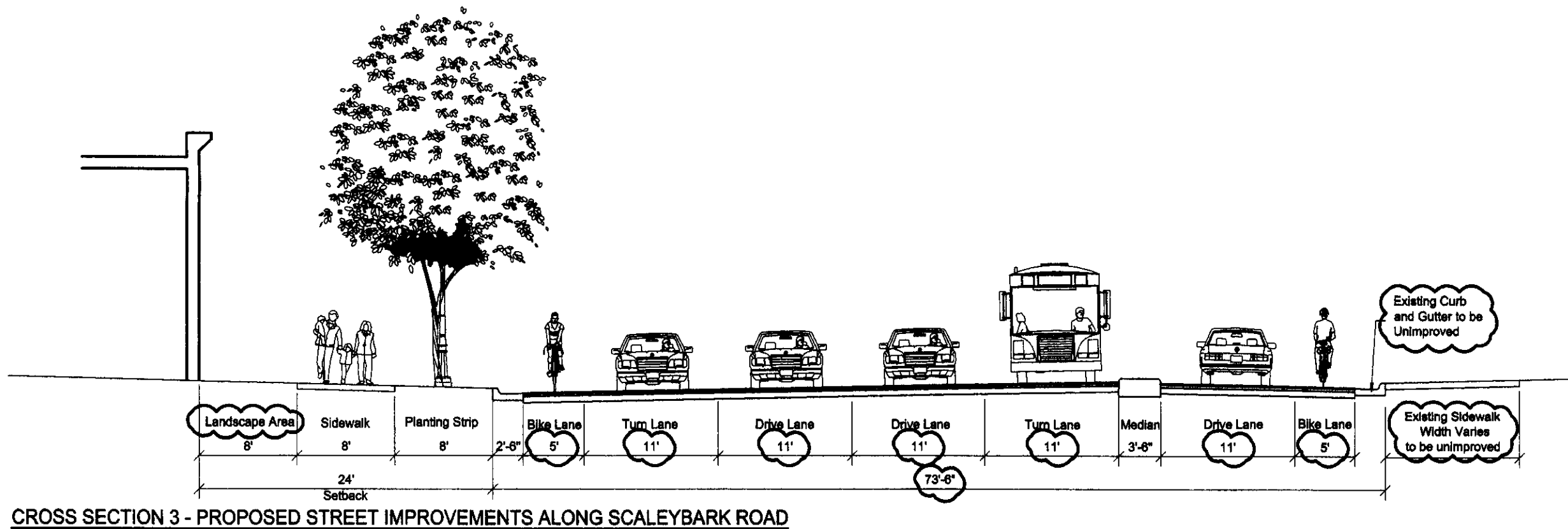
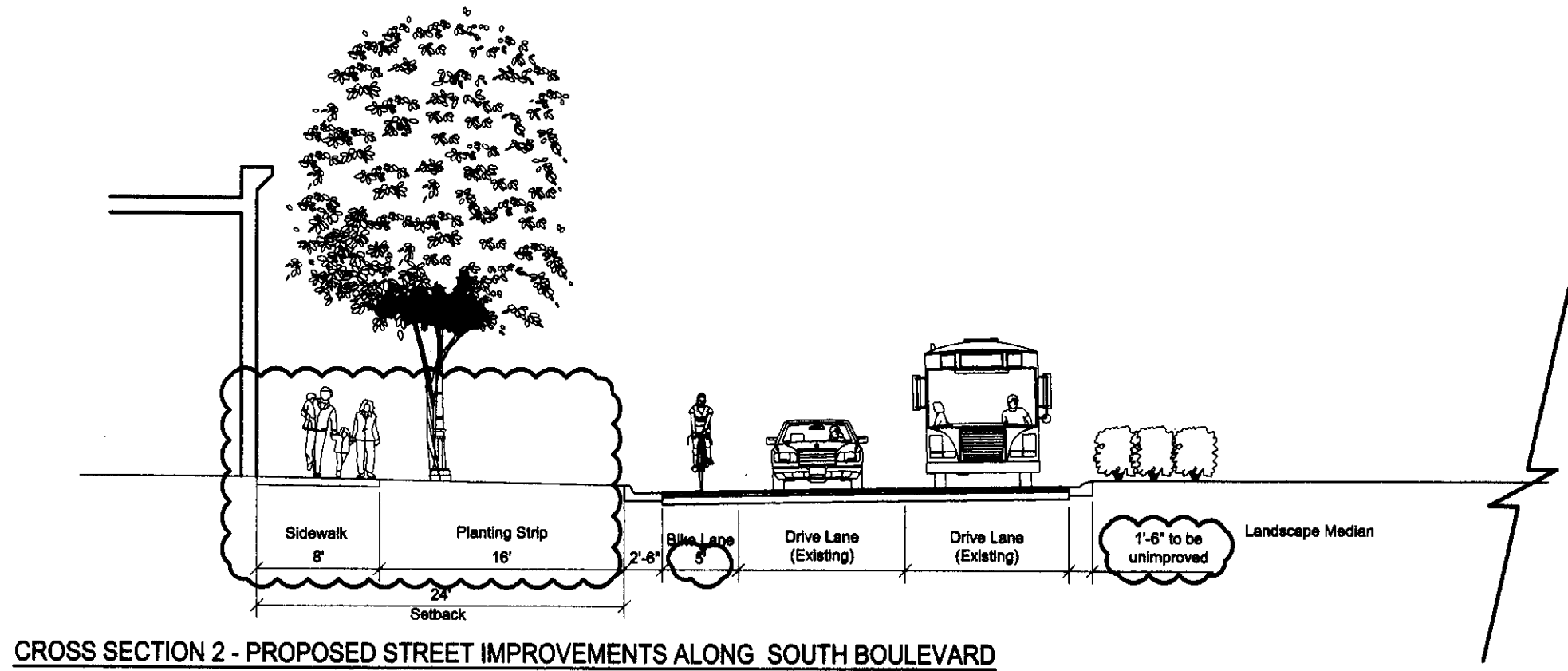
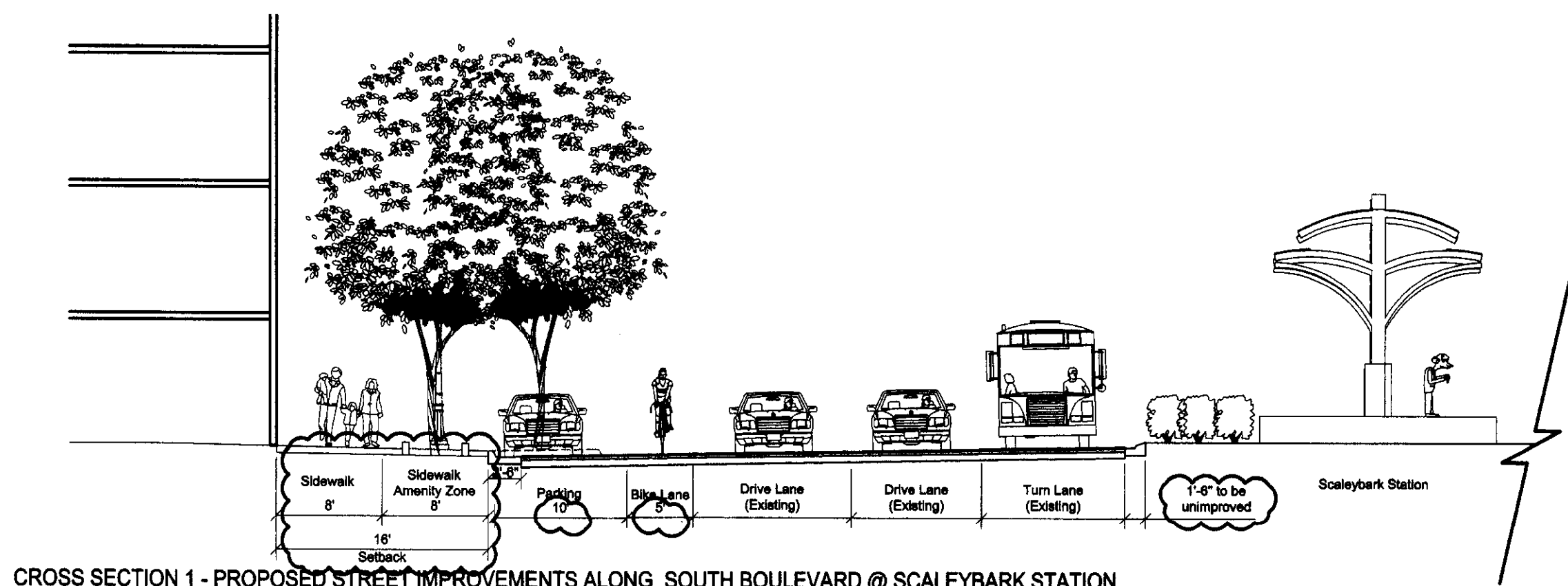
1. ALL DEVELOPMENT OCCURRING ON THE SITE SHALL SATISFY THE REQUIREMENTS FOR PLAN REVIEW IMPOSED BY SECTION 9.1213*PRELIMINARY REVIEW OF THE ORDINANCE.

XV. AMENDMENTS TO REZONING PLAN

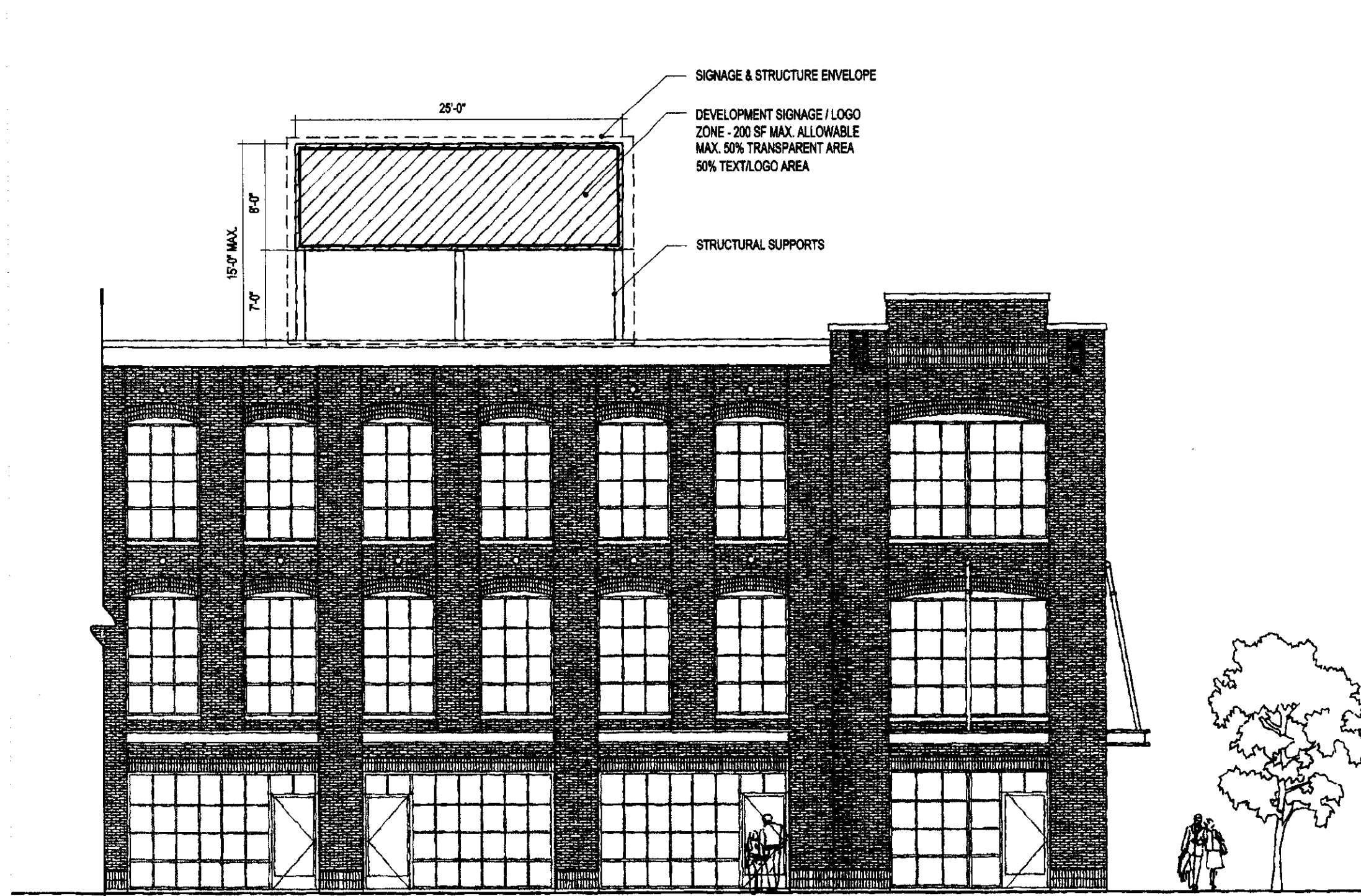
1. FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCEL OR PARCELS INVOLVED, IN ACCORDANCE WITH CHAPTER SIX OF THE ORDINANCE.

XVI. BINDING EFFECT

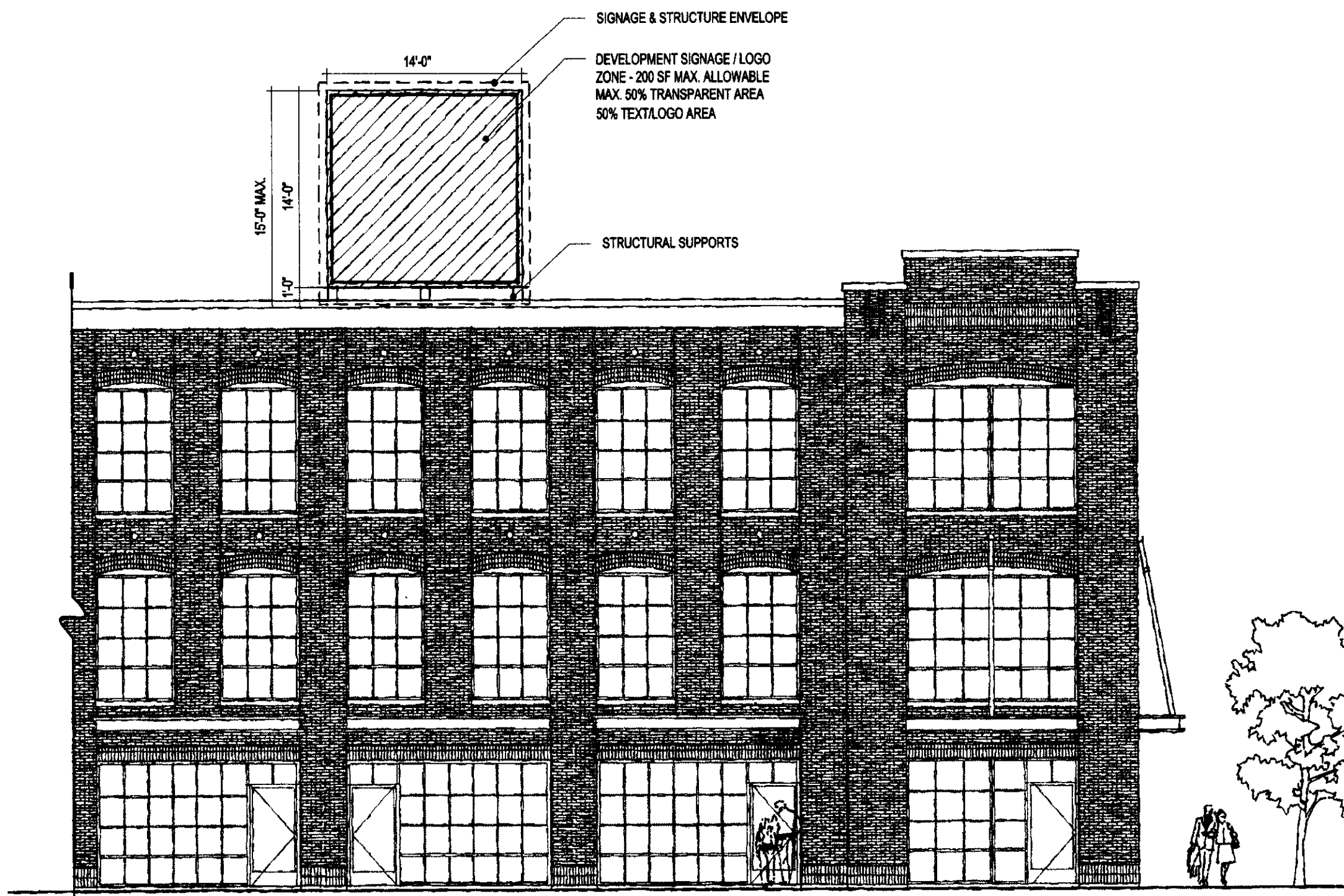
1. IF THIS REZONING PETITION IS APPROVED, THE DEVELOPMENT PROGRAM ESTABLISHED UNDER THESE DEVELOPMENT STANDARDS AND THE TECHNICAL DATA SHEET SHALL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE,



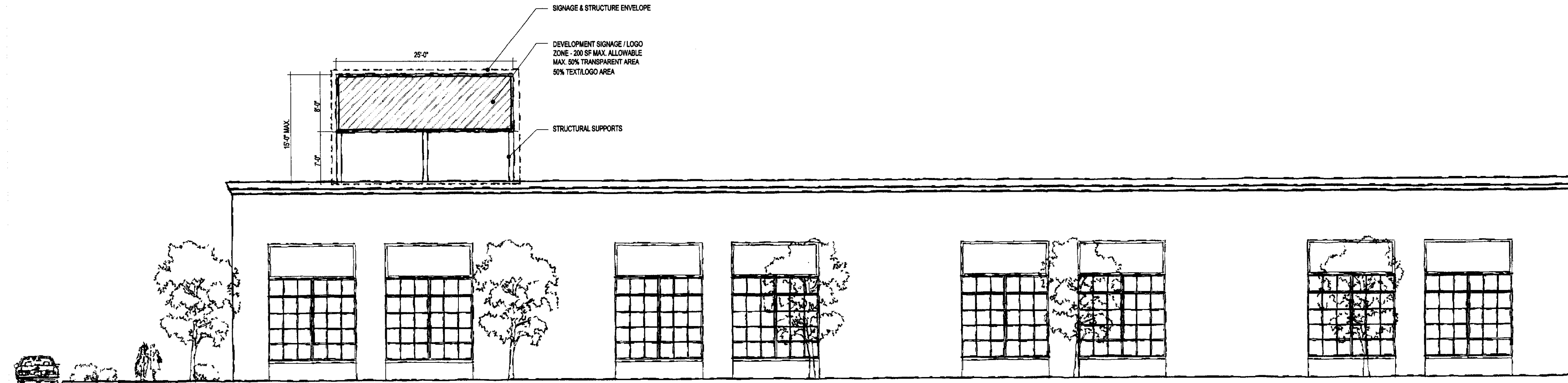
**FOR PUBLIC HEARING
PETITION NO. 2009-036**



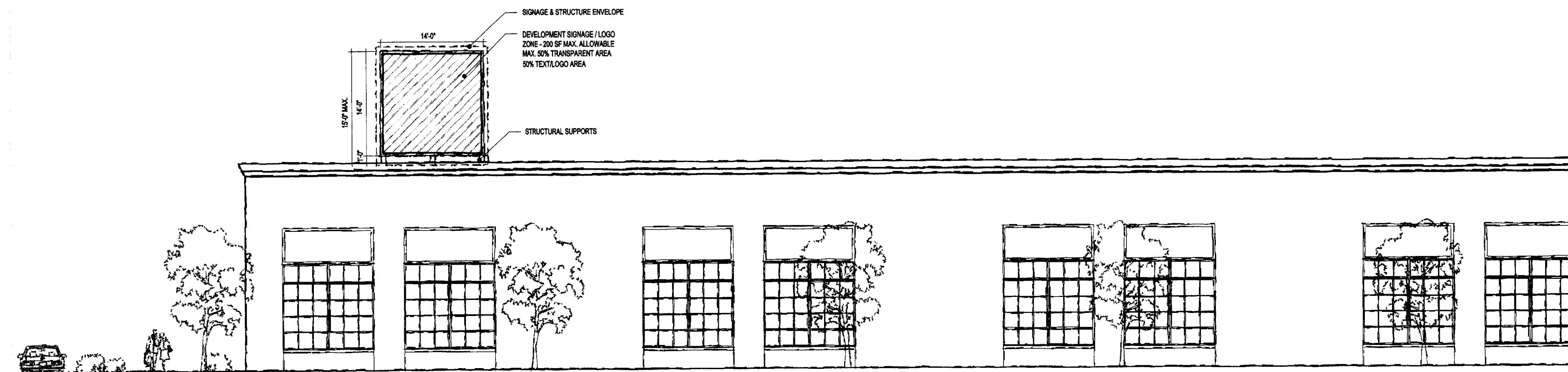
ROOF MOUNTED PROJECT IDENTIFICATION SIGNAGE AT PARCEL L: OPTION 1
NOT TO SCALE



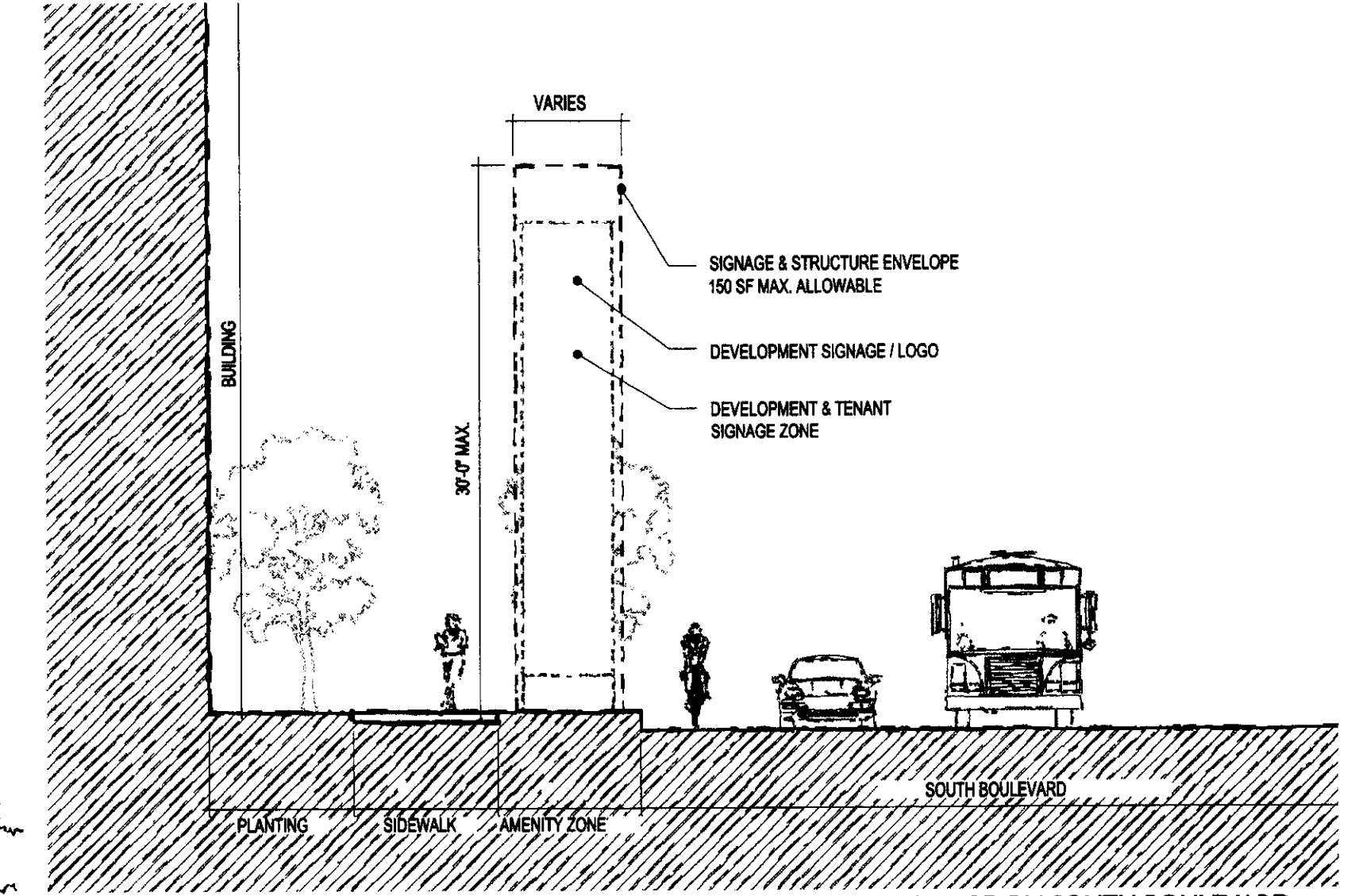
ROOF MOUNTED PROJECT IDENTIFICATION SIGNAGE AT PARCEL L: OPTION 2
NOT TO SCALE



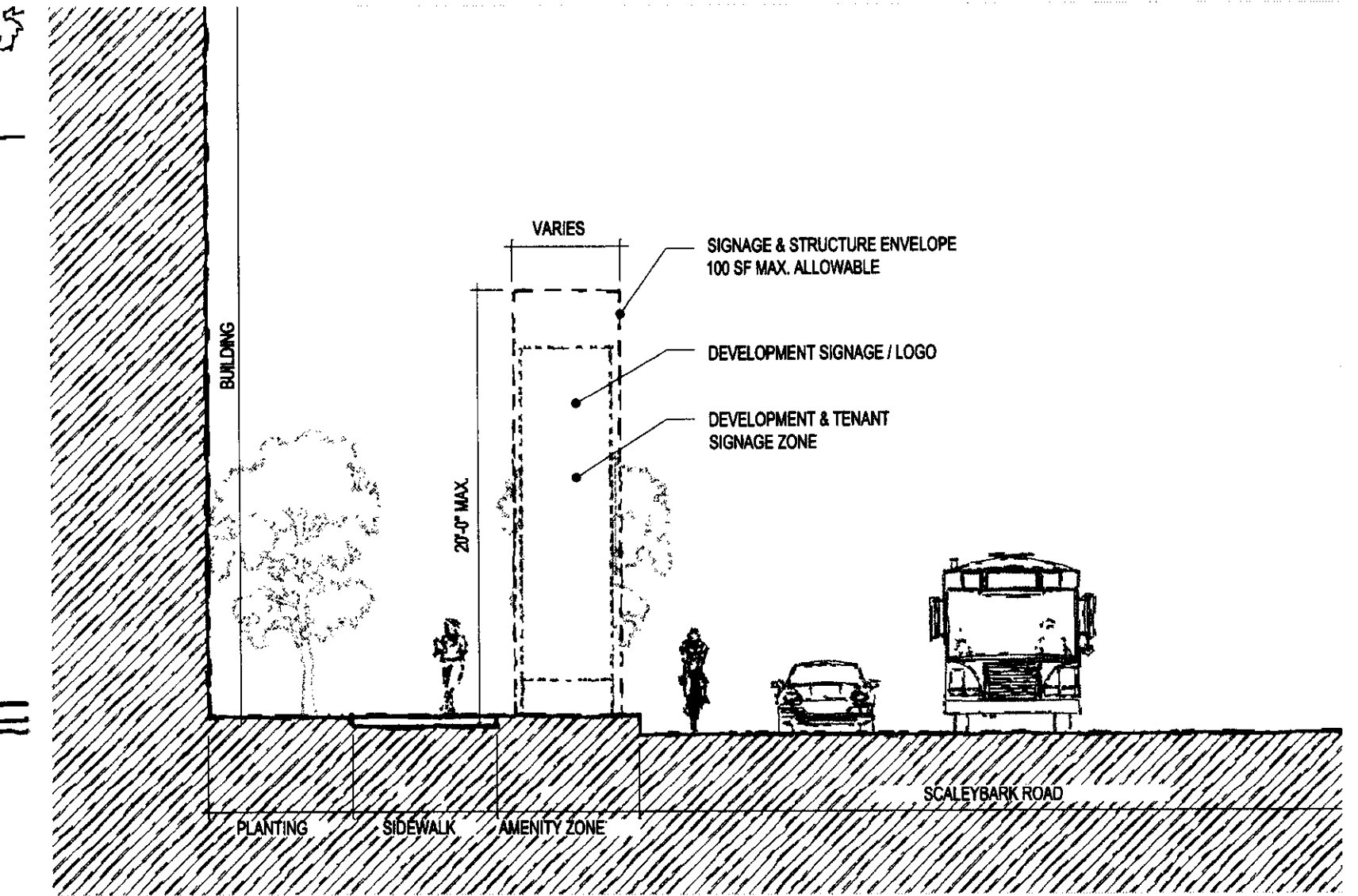
ROOF MOUNTED PROJECT IDENTIFICATION SIGNAGE AT PARCEL L: OPTION 3
NOT TO SCALE



ROOF MOUNTED PROJECT IDENTIFICATION SIGNAGE AT PARCEL L: OPTION 4
NOT TO SCALE

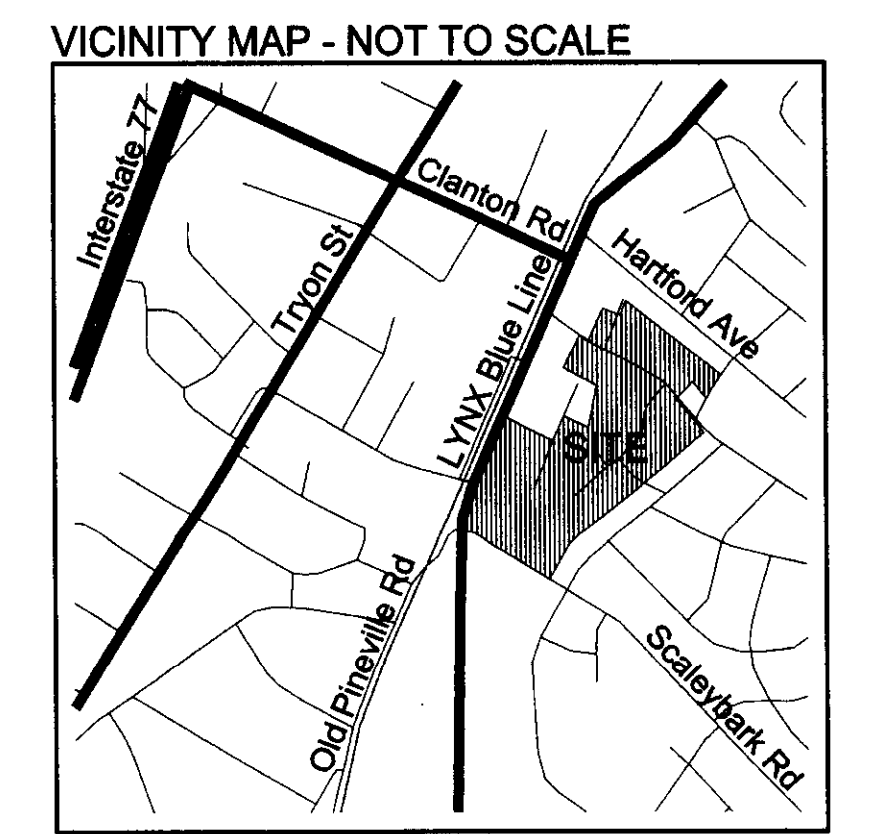


DETACHED GROUND MOUNTED PROJECT/TENANT IDENTIFICATION SIGNAGE ON SOUTH BOULEVARD
NOT TO SCALE

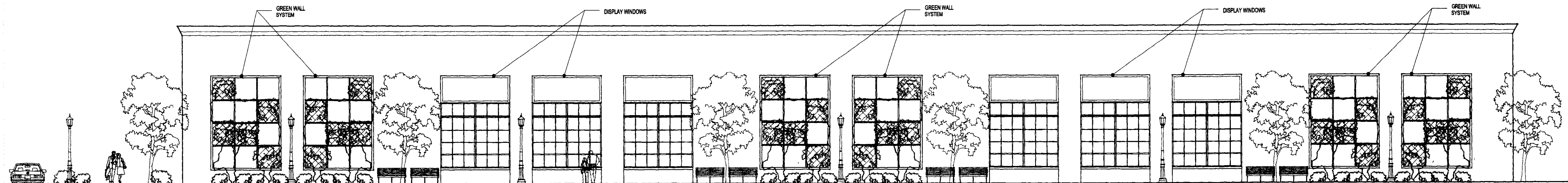


DETACHED GROUND MOUNTED PROJECT/TENANT IDENTIFICATION SIGNAGE ON SCALEYBARK ROAD
NOT TO SCALE

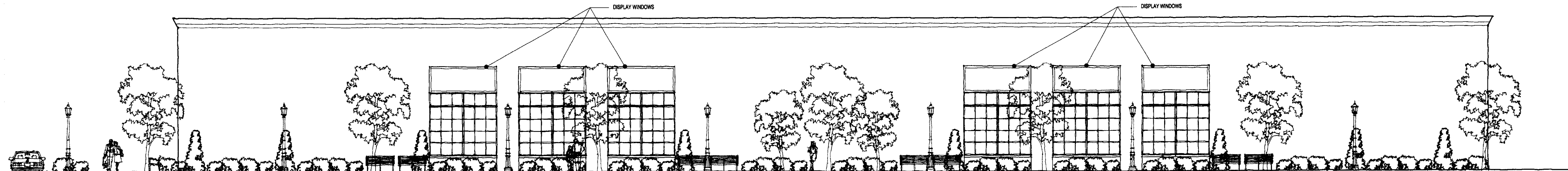
NOTE:
1. THE ILLUSTRATIVE ELEVATIONS ARE INTENDED TO DEPICT BUILDING AND SIGNAGE SCALE AND MASSING AS DESCRIBED WITHIN THE REZONING DEVELOPMENT NOTES. THESE ILLUSTRATIVE ELEVATIONS ARE SCHEMATIC IN NATURE AND MAY BE ALTERED AND MODIFIED AS PART OF THE DEVELOPMENT PROCESS.



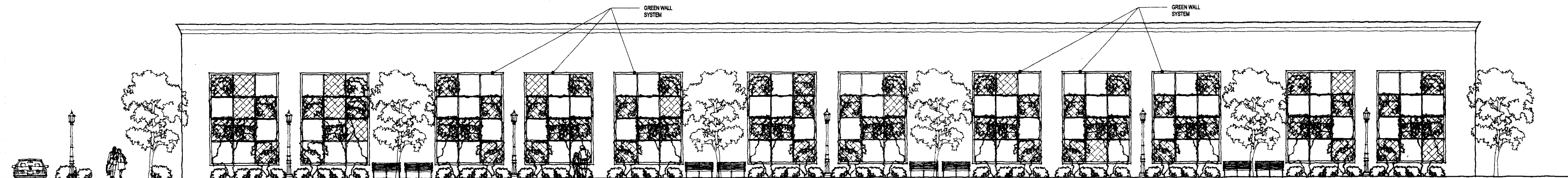
FOR PUBLIC HEARING
PETITION NO. 2009-036



CONCEPTUAL BUILDING WALL FRONTAGE FOR BUILDINGS WITHIN PARCEL K OR L
ALONG SOUTH BOULEVARD AND SCALEYBARK ROAD: OPTION 1
NOT TO SCALE

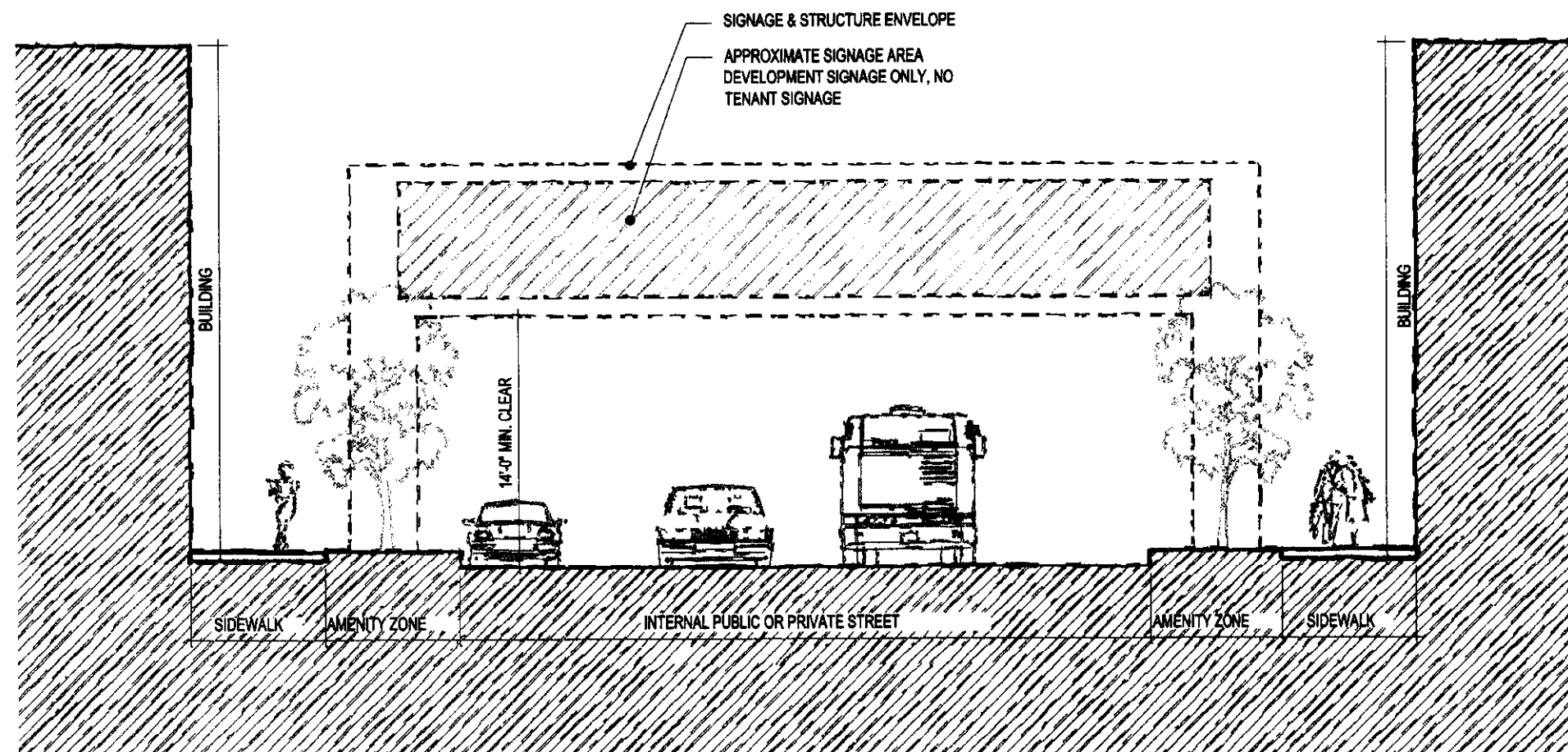


CONCEPTUAL BUILDING WALL FRONTAGE FOR BUILDINGS WITHIN PARCEL K OR L
ALONG SOUTH BOULEVARD AND SCALEYBARK ROAD: OPTION 2
NOT TO SCALE

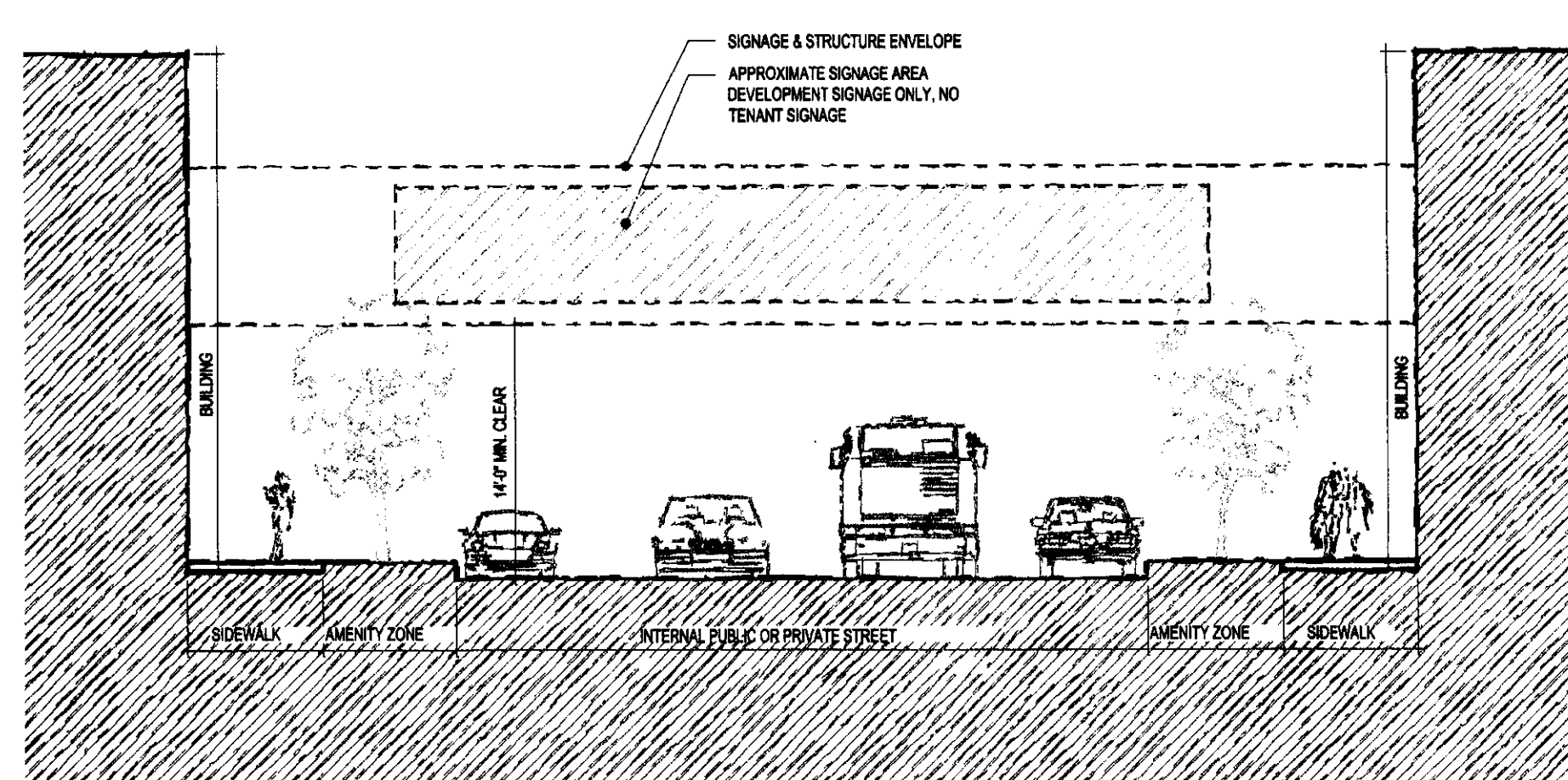


CONCEPTUAL BUILDING WALL FRONTAGE FOR BUILDINGS WITHIN PARCEL K OR L
ALONG SOUTH BOULEVARD AND SCALEYBARK ROAD: OPTION 3
NOT TO SCALE

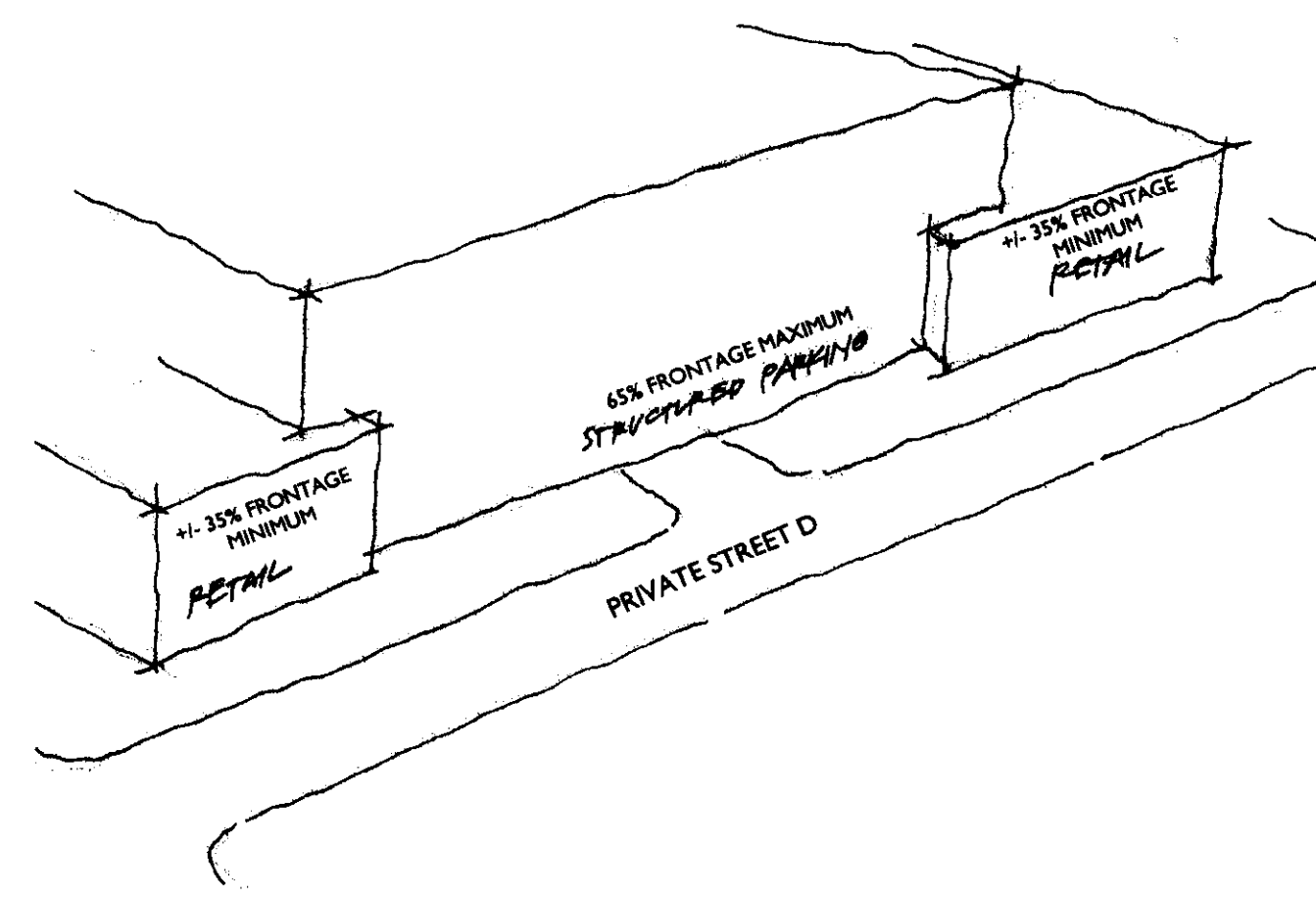
NOTE:
1. THE ILLUSTRATIVE ELEVATIONS ARE INTENDED TO DEPICT BUILDING AND SIGNAGE SCALE AND MASSING AS DESCRIBED WITHIN THE REZONING DEVELOPMENT NOTES. THESE ILLUSTRATIVE ELEVATIONS ARE SCHEMATIC IN NATURE AND MAY BE ALTERED AND MODIFIED AS PART OF THE DEVELOPMENT PROCESS.



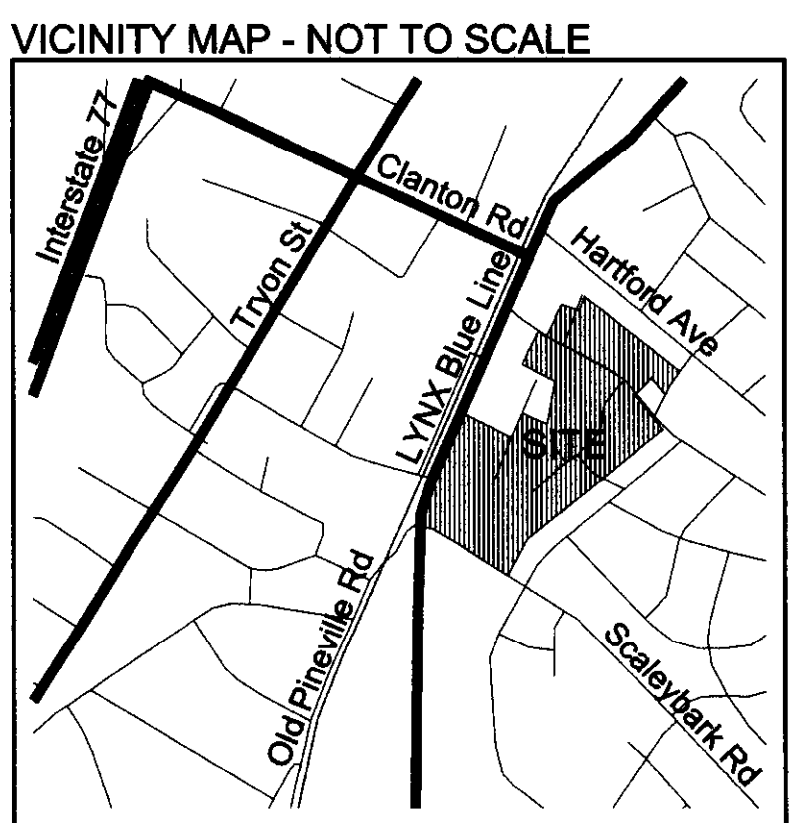
PROJECT IDENTIFICATION SIGNAGE OVER INTERIOR PUBLIC AND PRIVATE STREETS: OPTION 1
NOT TO SCALE



PROJECT IDENTIFICATION SIGNAGE OVER INTERIOR PUBLIC AND PRIVATE STREETS: OPTION 2
NOT TO SCALE



STRUCTURED PARKING FRONTAGE WITHIN PARCEL K OR L ALONG "PRIVATE STREET D"
NOT TO SCALE



FOR PUBLIC HEARING
PETITION NO. 2009-036