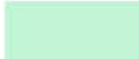






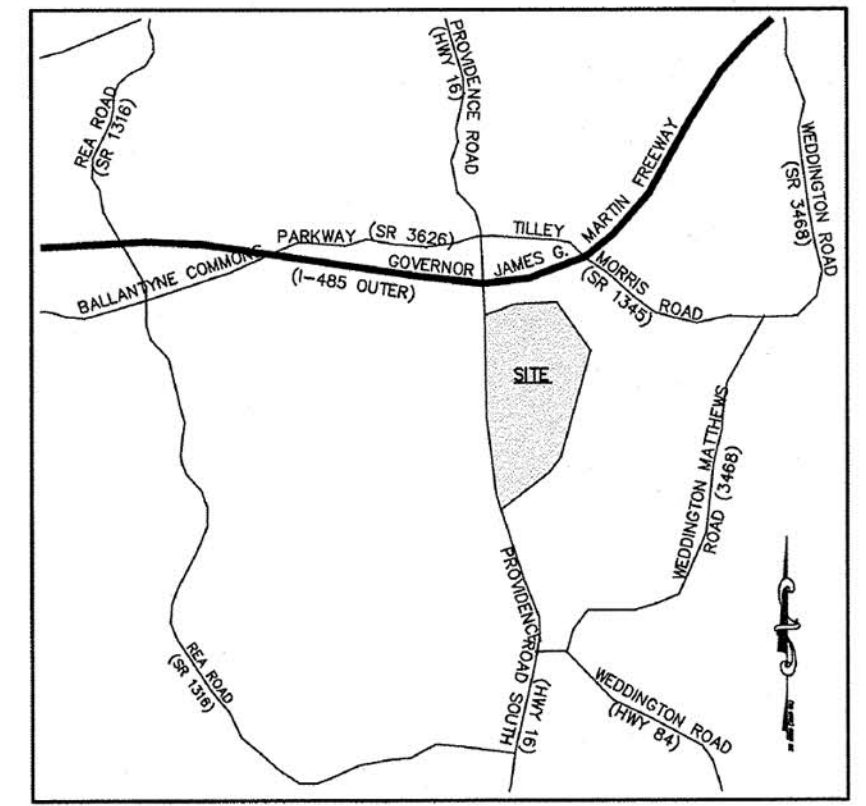
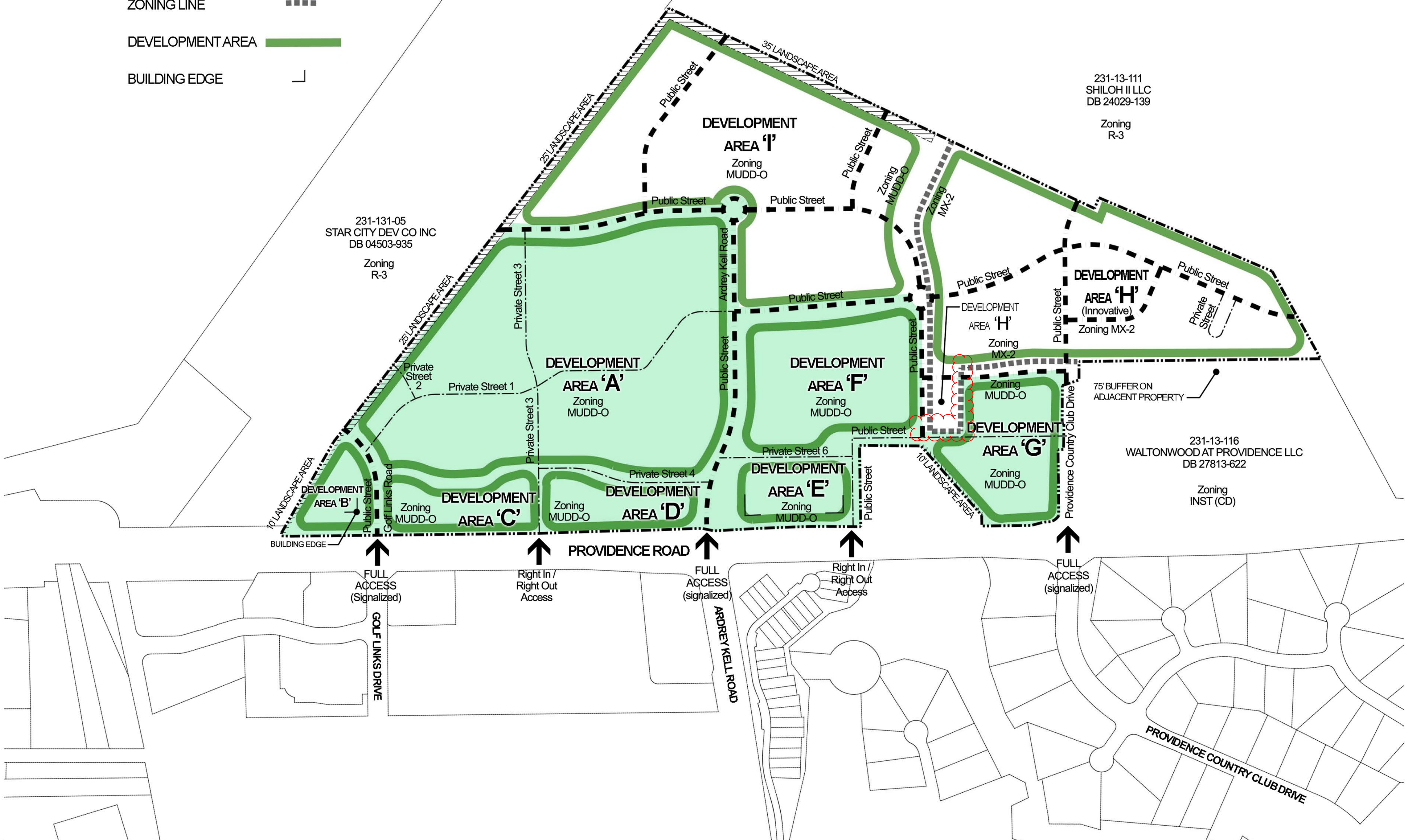


**SITE LEGEND**

- AMENDMENT AREA 
- SITE ACCESS 
- PUBLIC STREET 
- PRIVATE STREET 
- ZONING LINE 
- DEVELOPMENT AREA 
- BUILDING EDGE 



**Vacinity Map**  
N.T.S.

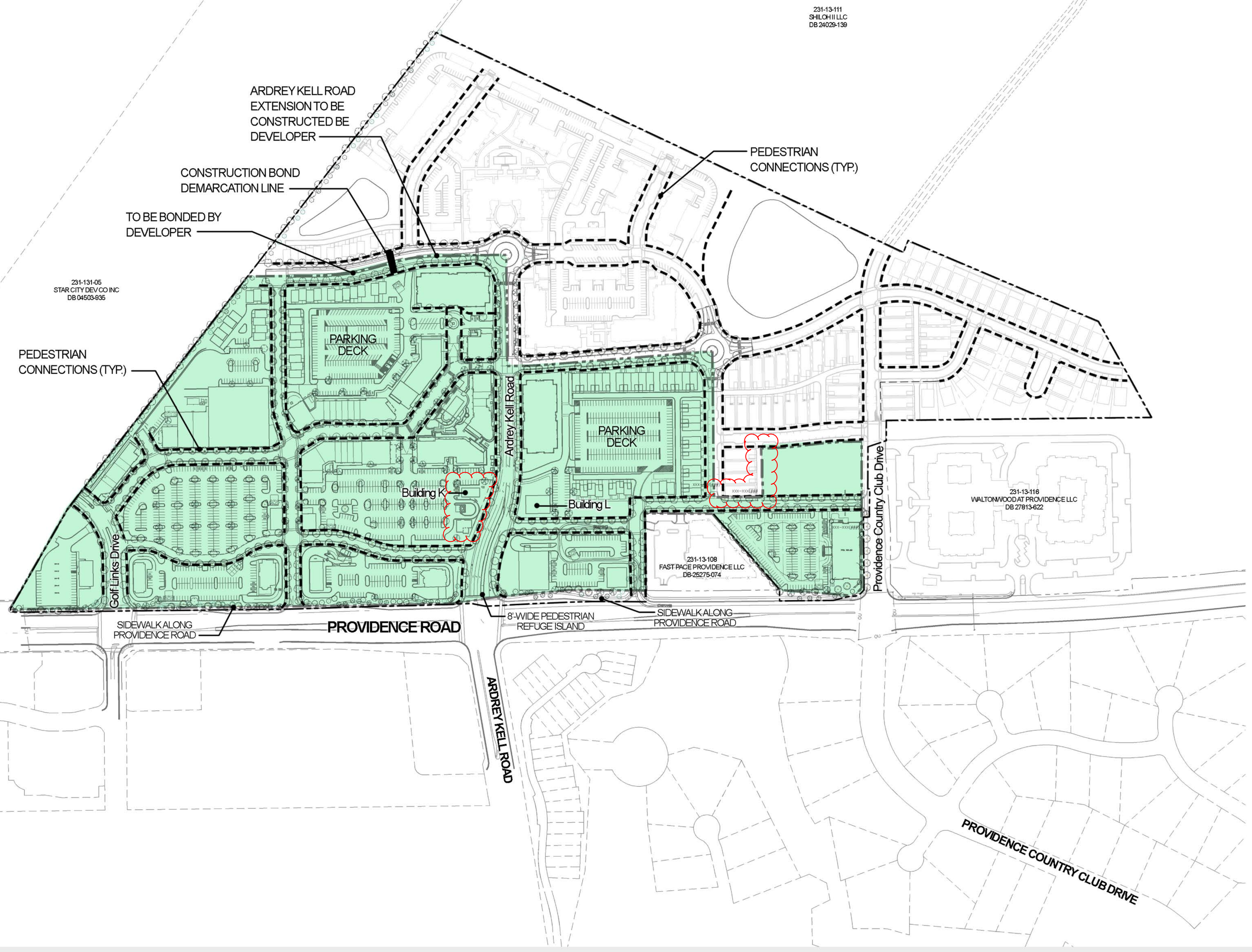
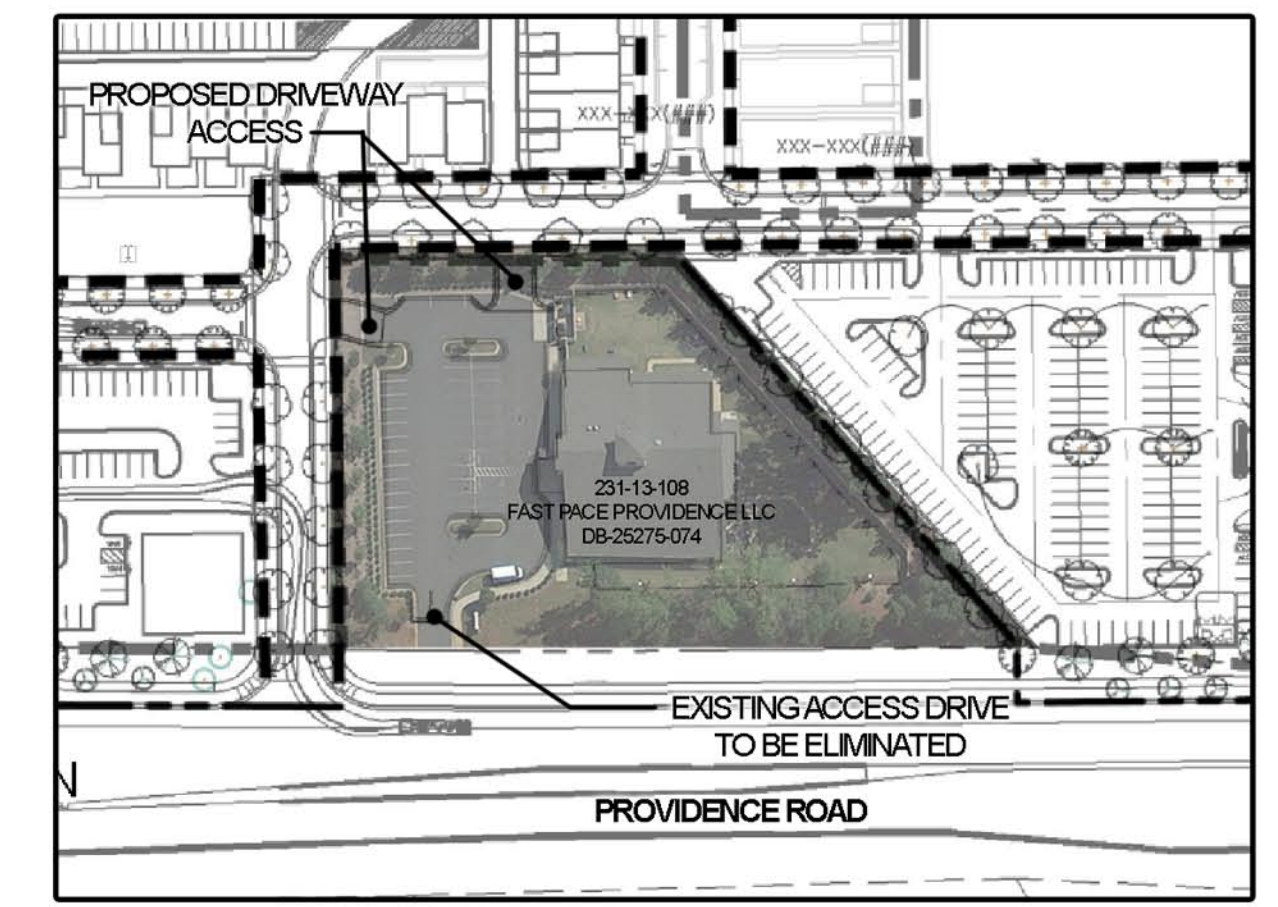


**SITE DEVELOPMENT DATA**

<b>Site Acreage:</b>	+/-47.55 Ac.
<b>Tax Parcels:</b>	231-131-10 and a portion of, 231-131-07, and 18
<b>Existing Zoning:</b>	MUDD-O by Rezoning Petition No. 2013-085
<b>Proposed Zoning:</b>	MUDD-O SPA
<b>Proposed Uses:</b>	Uses permitted by right and under prescribed conditions together with accessory conditions together with accessory uses, as allowed in the MUDD-O zoning district (as more specifically described in Section 3 of the Development Standards).
<b>Maximum Gross Square feet of Development</b>	Up to 560,000 square feet of gross floor area of office, retail, EDEE (i.e. restaurants), personal services and other commercial uses (as more specifically described below in Section 3); hotel uses for up to 150 rooms; and up to 96 residential dwelling units of all types.
<b>Maximum Building Height:</b>	Building height will be limited to 95 feet (for the purposes of this height limit, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building, otherwise building height will be measured as defined by the Ordinance).
<b>Parking:</b>	As specified in Table 12.202 "Minimum Required Off-Street Parking Spaces by Use" of the Off-Street Parking and Loading Section of the Ordinance.
<b>Urban Character Guidebook</b>	The Petitioner has created an Urban Character Guidebook for Waverly. This Urban Character Guidebook creates a set of common guidelines for various site elements (i.e. benches, tables & chairs, planters & receptacles, bike racks, bollards, tree grates, paving materials, lighting and signage) for different areas within Waverly. This Urban Character Guidebook is to be used so that the various site elements used throughout the Site have a uniform and/or coordinated appearance. The Petitioner may update and modify the Urban Character Guidebook to add, delete and change the site elements proposed within each of the areas. Any proposed changes will be submitted to the Planning Department when updated or modified.

Petition No. 2015-055





**SITE LEGEND**

- PEDESTRIAN CONNECTIONS
- AMENDMENT AREA

Petition No. 2015-055



**Providence Road Farms, LLC**  
**Development Standards**  
**04/17/15**  
**Rezoning Petition No. 2015-055 (Waverly Mixed Use Community - SPA)**

**Site Development Data:**

- Acreage:** ±47.55 acres
- Tax Parcel #s:** 231-131-19 and a portion of 231-131-07, and 18
- Existing Zoning:** MUDD-O by Rezoning Petition No. 2013-085
- Proposed Zoning:** MUDD-O SPA.
- Existing Uses:** Vacant and two single-family homes.
- Proposed Uses:** Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district (as more specifically described below in Section 3).
- Maximum Gross Square feet of Development:** Up to 560,000 square feet of gross floor area of office, retail, EDEE (i.e. restaurants), personal services and other commercial uses (as more specifically described below in Section 3); hotel uses for up to 150 rooms; and up to 96 residential dwelling units of all types.
- Maximum Building Height:** Building height will be limited to 95 feet (for the purposes of this height limit, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building, otherwise building height will be measured as defined by the Ordinance).
- Parking:** As specified in Table 12.202 “Minimum Required Off-Street Parking Spaces by Use” of the Off-Street Parking and Loading Section of the Ordinance.

**I. General Provisions:**

**a. Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets RZ-4, RZ-5, RZ-6 and RZ-7 form this rezoning plan (collectively referred to as the “Rezoning Plan”) associated with the Rezoning Petition filed by Providence Road Farms, LLC (“Petitioner”) to accommodate development of mixed use commercial and residential community on an approximately 47.50 acre site located south of I-485 and east of Providence Road (the “Site”).

**b. Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the “Ordinance”). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the MUDD-O zoning classification shall govern all development taking place on the Site, subject to the Optional Provisions provided below.

**c. Graphics and Alterations/Modifications.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the “Development/Site Elements”) set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/ Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or,
- minor and don’t materially change the overall design intent depicted on the Rezoning Plan; or
- modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the “external building line” (in this case the external setbacks or buffer areas) indicated on Sheet RZ-1; or
- modifications to allow minor increases in the mass of the buildings that do not materially change the design intent depicted on or described in the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner’s appeal rights set forth in the Ordinance.

**d. Number of Buildings Principal and Accessory.** Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site and developed for commercial uses shall not exceed 32 and the number of buildings within such portion of the Site developed for the residential uses shall not exceed 43. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building. Other than parking structures, the size of accessory structures/buildings located on the Site will be limited to 20% of the building area of the principal buildings constructed within such Development Areas to which the accessory structure/building (other than parking structures) relate.

**e. Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site nor between the areas zoned MUDD-O and MX-Innovative, as part of Rezoning Petition 2013-085. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 2 below as to the Site as a whole and not individual portions or lots located therein.

**2. Optional Provisions.**

The following optional provisions shall to the Site:

a. To allow vehicular parking, maneuvering and service between the proposed buildings and: (i) Providence Road; (ii) Golf Links Drive; and (iii) the interior public and private streets, in the manner generally depicted on the Rezoning Plan. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and streets is contained in Sections 5 and 6 below.

b. To allow within Development Areas A and F, a surface parking lot in lieu of a parking deck in the areas generally depicted for a parking deck on Sheet RZ-2 Schematic Site Plan; such surface parking areas will meet all required minimum setbacks, streetscape and screening requirements.

c. To allow up to six (6) uses in total with an accessory drive-through windows to be located within Development Areas A, B, C, D, and E.

d. To allow an EDEE (i.e. restaurant) with an accessory drive-through window to have a minimum of 25 seats on the interior the building and to have additional seating on the exterior building, in an outdoor urban open space, that when added to the seats provided on the interior of the building (no less than 25) equal or exceed a minimum of 50 total seats (*This optional provision may only be applied to one of the allowed Limited Service Restaurant’s as defined below in Section 3*).

e. To allow along Providence Road ground mounted shopping center/development identification signs up to 20 feet in height and containing up to 150 square feet of sign area. The number and locations of these shopping center/development identification signs will be limited as follows: (i) one on each side of Ardrey Kell Road extension at its intersection with Providence Road; (ii) one on each side of Golf Links Drive at its intersection with Providence Road; and (iii) one at the intersection of Providence Country Club Drive and Providence Road. These signs may be used to identify any of the uses located on the Site except for any uses located within Development Area B, C, D and Area E.

f. To allow one (1) detached ground mounted identification sign for each building located within Development Areas B, C, D, and E. These detached identification signs may be up to five (5) feet high and contain up to 36 square feet of sign area.

g. To allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less, within Development Areas A, B, C, D, E, F, and G. The sign area of the wall signs may be increased by 10% if individual letters are used.

h. To allow the multi-tenant office buildings constructed within Development Areas A, F, and G to have one ground mounted detached sign each with up to 36 square feet of sign area and up to five (5) feet in height.

i. To allow special event signs and banners along Private Streets #1, 3, and 4 and at the intersection of Providence Road and Ardrey Kell Road. The banners located at the intersection of Providence Road and Ardrey Kell Road will be attractive, well-designed professionally fabricated banners made of fabric or plastic of any type; paper banners will not be allowed; and no more than four (4) banners will be allowed at a time at this intersection.

j. To allow a digital wall sign within Development Area A and along Private Street # 1 with up to 250 square feet of sign area; this sign is in addition to the allowed tenant and shopping center signs. The digital wall sign may be used to: (i) advertise and identify tenants and merchandise located and sold at the Site; (ii) events occurring on or at the Site; (iii) as a screen for motion pictures (e.g. movies, T.V. shows and the like); and (iv) to promote Major Events, Major Events may include, but are not limited to, religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to, golf tournaments, festivals, and major or seasonal sporting events.

k. To allow Temporary Planned Development signs and/or banners along Providence Road with up to 150 square feet of sign face area and with a maximum height of seven (7) feet. A total of 19 Temporary Planned Development signs and/or banners may be erected on the Site and generally located along the Site’s frontage on Providence Road.

l. To allow digital/electronic way finding signs on the Site with a maximum sign area of nine (9) square feet.

m. To allow any of the detached signs allowed by the Ordinance or these Optional Provisions to be placed within the landscape setback provided along Providence Road or landscape areas indicated on the Rezoning Plan.

*Note: The optional provisions regarding signs are additions/modifications to the standards for signs in the MUDD district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.*

n. To not require doorways to be recessed into the face of buildings when the abutting sidewalk width is greater than six (6) feet.

o. To allow required long term bike parking spaces for the uses located within Development Areas A, F and G to be located within the parking decks constructed on the Site.

p. To allow the required six (6) foot sidewalk along Providence Road to meander within the 29 foot landscape setback provided along Providence Road and to allow the eight (8) foot wide planting strip to be reduced to no less than four (4) feet in width as long as an eight (8) foot wide planting strip is provided along no less than 65% of the Site’s frontage along Providence Road. Provided, however, if during design/development phases existing utilities, roadway improvements and site grade related issues prevent an eight (8) foot planting strip from being provided along 65% of the Providence Road frontage, the percentage may be reduced but in no event below 55%.

**3. Permitted Uses, Development Area Limitations, Transfer & Conversion Rights and Outparcel Restrictions:**

a. For ease of reference, the Rezoning Plan sets forth seven (7) development areas as generally depicted on the Technical Data Sheet as Development Areas A, B, C, D, E, F, and G (each a “Development Area” and collectively the “Development Areas”).

b. Subject to the restrictions, limitations, and transfer/conversion rights listed below, the principal buildings constructed within Development Areas A, B, C, D, E, F and G on the Site may be developed: (i) with up to 560,000 square feet of gross floor area of uses permitted by right and under prescribed conditions, (ii) a hotel with up to 150 rooms, and (iii) up to 96 residential dwelling units, together with accessory uses and uses under prescribed conditions in the MUDD-O zoning district.

*For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), 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 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 or these development standards).*

c. The total square feet of gross floor area devoted to office uses and other commercial uses such as retail, restaurant and personal services uses shall be interchangeable provided that:

(i) the total square feet of gross floor area of all such office and other commercial uses does not exceed 560,000 square feet of gross floor area;

(ii) the total square feet of gross floor area of all office uses does not exceed 330,000 square feet of gross floor area; and

(iii) the total square feet of gross floor area for non-office commercial uses such as retail, EDEE (i.e. restaurants and personal services uses shall not exceed 230,000 square feet of gross floor area (Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandise but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, Spa’s, Yoga and exercise studios, nail salons, massage shops, martial art training studios, laundries and dry cleaning establishments, locksmiths, funeral homes and alike); furthermore

(iv) office uses may exceed the limitations described in item (ii) above and non-office commercial uses may exceed the limitations described in item (iii) above up to an amount not to exceed 10% of the stated amounts by converting office uses into non-office commercial uses such as retail, restaurant and personal services at a ratio of 1.5 square feet of gross floor area of office uses for every 1 square foot of gross floor area of such non-office uses so converted and vice-versa, subject to the limitation described in item (i) above.

d. Additional hotel rooms may be developed within the area of the Site zoned MUDD-O by converting residential dwelling units into hotel rooms at the rate of one (1) residential unit so converted into two (2) hotel rooms, up to a maximum of 50 hotel rooms created by such conversion, and additional residential dwelling units may be developed by converting hotel rooms into residential dwelling units at the rate of two (2) hotel rooms so converted into one (1) residential dwelling unit up to a maximum of 25 residential dwelling units created by such conversion. (*This conversation provision may be used in conjunction with the residential units that were approved for Development Area 1 under the original rezoning petition for the Site (2013-085)*).

e. If less than 150 hotel rooms are constructed within the portion of the Site zoned MUDD-O, then subject to taking into account the number of hotel rooms converted to residential dwelling units as described above in Subsection 3.f., the permissible gross floor area described in Subsection 3.b. above may be increased at the rate of 1,000 square feet of gross floor area for each hotel room not constructed up to a maximum increased gross floor area of 50,000 square feet, such floor area being allocated among office uses and other non-office commercial uses such as retail, restaurant and personal services uses at a ratio of 1 square foot of office uses to 1.5 square feet of non-office commercial uses. *By way of example only, if 15 hotel rooms were converted, the 15,000 square feet of gross floor area the permitted for commercial uses could be used for an increase of up to 15,000 square feet of gross floor area of office uses or 10,000 square feet of gross floor area of non-office commercial uses, or some combination following the same ratio.*

f. Entitlement for up to 30 residential dwelling units may be transferred from Development Area 1 to Development Areas A, F and G. (*This conversation provision may be used in conjunction with the residential units that were approved for Development Area 1 under the original rezoning petition for the Site (2013-085)*).

g. Up to six (6) uses, in total, with an accessory drive-through window may be developed within Development Areas A, B, C, D, E and F, subject to the following restrictions and the design guidelines set forth in Section 5 below:

(i) No more than two restaurants (EDEE) in total with accessory drive-through windows may be located within Development Areas B, C, D and E;

(ii) Only one such use with an accessory drive-through window may be located within Development Area A or Development Area F, and may be located either: (i) in the building located in the southeast quadrant of the intersection of Private Street #3 and Private Street #4; (ii) in the building located along Ardrey Kell Road between Private Street 4 and the next driveway into Development Area A from Ardrey Kell Road, labeled as Building K on the Rezoning Plan; or (iii) the building located in the southeast quadrant of the intersection of Private Street # 6 and Ardrey Kell Road and labeled building number L. This allowed use with an accessory drive-through window will be restricted to a “Limited Service Restaurant,” which shall mean a restaurant with no more than 4,300 square feet of gross floor area serving primarily items such as coffee, ice cream, yogurt, juices, bagels, muffins, pastries, sandwiches and similar foods that do not require on-premise cooking of food (other than heating and the baking of premixed dough); the drive-through lane for the Limited Service Restaurant located at the intersection of Private Street #3 and #4 will not be allowed to circulate between the building and the abutting Private Streets, if the Limited Service Restaurant is located in Building K or L the following design criteria will apply: (i) the drive-through lane will not be allowed to circulate between the building and Ardrey Kell Road as generally depicted on the Rezoning Plan; (ii) the building with the Limited Service Restaurant will have at least one principle building entrance on to Ardrey Kell Road; (iii) no temporary or permanent waste or service areas will be located between the building and Ardrey Kell Road; and (iv) the drive-through lane will be screened from Ardrey Kell Road by a low masonry wall (2.0 to 2.5 feet) and low accent planting;

(iii) No more than two banks/financial institutions with accessory drive-through windows may be located within Development Areas B, C, D and E; provided, however, the Petitioner reserves the right to construct a Limited Service Restaurant (as defined above) in lieu of the allowed banks/financial institutions with an accessory drive-through window.

h. Only one gas station with or without a convenience store will be allowed on the Site. The gas station with or without a convenience store may only be developed within Development Areas B.

**4. Transportation Improvements and Access:**

**I. Proposed Improvements:**

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

*The following Transportation Improvements are also illustrated on figure 10.1 located on Sheet RZ-3B of the Rezoning Plan. Figure 10.1 on Sheet RZ-3B is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number when describing an improvement corresponds to the number found on Figure 10.1 on Sheet RZ-3B for the proposed improvement).*

- a. **At the intersection of Providence Road at I-485 Eastbound Ramps (Intersection #2):**
  - Restripe the existing shared eastbound left/through lane to become a shared left/through/right lane on I-485 Eastbound Ramp; and
  - Extend the existing eastbound right-turn lane on I-485 Eastbound Ramp by 260 feet to include a total of 750 feet of storage.

- b. **At the intersection of Providence Road at Ardrey Kell Road (Intersection #3):**
  - Convert the existing inside right-turn lane on the eastbound approach of Ardrey Kell Road to an eastbound through lane;
  - Construct the westbound approach on Ardrey Kell Road Extension to provide dual left-turn lanes with a minimum of 150 feet of storage, one through lane, one exclusive right-turn lane that extends to Intersection # 9;
  - Construct a northbound right-turn lane on Providence Road with a minimum of 150 feet of storage; and
  - Construct an additional northbound through lane on Providence Road that begins south of Providence Country Club Drive to extend through Ardrey Kell Road to the three existing northbound lanes north of Ardrey Kell Road.

- c. **At the intersection of Providence Road at Providence Country Club Drive (Intersection #4):**
  - Restripe the existing northbound right-turn lane to become a shared through/right lane on Providence Road.

- d. **At the intersection of Providence Road at Golf Links Drive (Intersection # 5):**
  - Install a full-movement traffic signal upon demonstration of meeting applicable MUTCD signal warrants;
  - The proposed signal will be installed with the construction of the full movement intersection;
  - Construct a southbound left-turn lane on Providence Road with a minimum of 150 feet of storage; and
  - Construct the westbound approach on Access 1 to provide a through/right-turn lane with an exclusive left-turn lane with a minimum of 275 feet of storage.

- e. **At the proposed un-signalized intersection at north end of the Site (Intersection #8):**
  - Construct a single lane on all four approaches with two-way stop-controlled operations with stop control on the eastbound and westbound approaches.

- f. **At Ardrey Kell Road Extension at the proposed traffic signal (Intersection #10):**
  - Install a traffic signal with full pedestrian accommodations upon meeting the applicable MUTCD signal warrants;
  - The Petitioner will provide a signal warrant analysis (including pedestrian warrants/considerations) to CDOT for review and approval upon completion of the construction of the dense multi-use area of the Site;
  - Construct a single lane on the northbound, southbound and westbound approaches; and
  - Construct a through/right-turn lane with an exclusive left-turn lane with a minimum 150 feet of storage on the eastbound approach.

- g. **At Ardrey Kell Road Extension at the proposed roundabout (Intersection # 11):**
  - Construction of a single-lane roundabout.

- h. **Ardrey Kell Road Construction/Bond Demarcation Line:**

• As shown on Sheet RZ-2, the Petitioner will construct Ardrey Kell Road Extension from Providence Road east to the proposed roundabout, and then to the north to extend just past the private driveway that connects to the improvements to be constructed within Development Area 1 to the east (resulting in construction of approximately 350 feet of Ardrey Kell Road Extension north of the roundabout) as illustrated on Sheet RZ-2 up to the demarcation line of the limits of construction. The remainder of Ardrey Kell Road Extension north to the edge of the property line will be bonded by the Petitioner for future construction which shall take place when development occurs on the parcel to the north of the Site (Parcel # 231-131-05). However, if the residential dwellings units located within Development Area A or I, located along Ardrey Kell Road beyond the demarcation line illustrated on Sheet RZ-2, are constructed then Ardrey Kell Road will be extended to the northernmost property line.

**II. Standards, Phasing and Other Provisions.**

**a. CDOT/NCDOT Standards.** All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad south Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

**b. Phasing.**

Notwithstanding the commitments of the Petitioner to provide for the roadway improvements described in Section 4.1 above, the following provisions shall permit development to take place prior to completion of all of the above-referenced improvements.

(i) The Petitioner has the right to construct up to the maximum amount of land use densities shown below by constructing the appropriate driveway connection to Providence Road without being required to construct the remainder of the required transportation improvements listed above in Section 4.1. a - h until the development density levels shown below are exceeded:

A. Up to 35,000 square feet of gross floor area of medical office and/or general office uses may be developed and occupied within Development Area G and up to 20 residential units may be developed and occupied within Development Area H upon substantial construction of the driveway connection to Providence Road via Providence Country Club Drive as generally depicted as Intersection # 4 on figure 10.1 on Sheet RZ-3B.

B. Up to 25,000 square feet of gross floor area of retail, restaurant and/or personal services uses may be developed and occupied within Development Areas A, D, E and F upon substantial completion of the construction of the driveway connection to Providence Road by way of Ardrey Kell Road Extension as generally depicted as Intersection #3 on figure 10.1 on Sheet RZ 3B.

C. Up to 25,000 square feet of gross floor area of retail, restaurant and/or personal services uses may be developed and occupied within Development Areas A, B and C upon the substantial completion of construction of the driveway connection to Providence Road by way of the fourth leg of its intersection at Golf Links Drive as generally depicted as Intersection # 5 on figure 10.1 on Sheet RZ 3B.

(ii) The Petitioner will be allowed to obtain a certificate of occupancy for any or all of the remaining allowed square footage, units, and hotel rooms allowed on the Site upon the substantial completion of the improvements listed above in Section 4.1.a. - h. of these Development Standards.

**c. Substantial Completion.** Reference to “substantial completion” for certain improvements as set forth in the provisions of Section 4.1 and in Section 4II. b. above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.II.a above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

**d. Right-of-way Availability.** It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts, as specified by the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte’s Engineering & Property Management Department, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein above, then the Petitioner will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations. If after contacting the Planning Department and CDOT to determine the appropriate infrastructure phasing plan, delays in the acquisition of additional right-of-way extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

**e. Alternative Improvements.** Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.





### III. Access.

a. Access to the Site will be from Providence Road, the proposed extension of Ardrey Kell Road and future streets as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

b. The total number of access points to Ardrey Kell extension will be limited to 15. The number and location of access points to the internal public streets, other than Ardrey Kell Road, will be determined during the building permit process and thereafter additional or fewer driveways and/or private streets may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations.

c. Ardrey Kell Road extension through the Site will be designed so that the back of curb will be located 29.5 feet from the centerline of the street, subject to alterations that may be approved by CDOT. However, the back of curb may be reduced to 23.5 feet from the center of the street for the portion of Ardrey Kell Road north of the proposed one-lane round-about, where parallel parking stalls are not provided due to Site constraints.

d. The private streets generally depicted on the Technical Data Sheet will be designed to meet any of the public street cross-sections as defined in City of Charlotte Subdivision Ordinance. The determination of which street cross-section will be used will be determined during the subdivision review process.

e. Those streets expressly designated as Private Streets on the Rezoning Plan shall be kept open to the public for vehicular and pedestrian use except on a temporary basis due to repairs, emergency, community events and the like.

f. Vehicular access to the residential dwellings located within Development Areas A and F shall be from a private alley or a private street.

g. To better integrate the existing day care center located on Tax Parcel # 231-131-08 adjacent to the Site (the “Daycare Facility”), the Petitioner will construct and design the adjacent streets (Street #5 and a portion of Street #6) as Public Streets to allow access to and from Providence Road to and from the Daycare Facility as generally depicted on Sheet RZ-2, subject to the Petitioner and the owner of the Daycare Facility executing an access easement agreement on reasonable and customary terms.

h. The Petitioner reserves the right to request the installation of pavers and/or stamped or colored asphalt within the Site’s public streets in order to designate and define pedestrian cross-walks. The Petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the Petitioner understands that they would be in need to obtain an encroachment agreement for any decorative pavers and/or stamped pavement proposed in the public right-of-way.

i. The location of pedestrian cross-walks generally depicted on Sheet RZ-4 are subject to approval by CDOT to ensure public safety considerations.

j. The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT’s final approval, to accommodate minor changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards and industry best practices so long as the street network set forth on the Rezoning Plan is not materially altered.

### 5. Design Guidelines:

#### **I. Statement of Overall Design Intent.**

It is intended that site plan for the Site provide a horizontal mix of uses that includes office, retail, service uses and varying levels of residential uses in a manner that creates a unified development pattern with generally coordinated streetscape elements, landscaping, open spaces and quality building materials. Where opportunities exist, a vertical mix of uses will be encouraged but not required. The majority of the main street building facades along Ardrey Kell Road and Private Street 1 that are visible at ground level to site visitors, residents and adjacent neighbors shall incorporate high levels of design detail, articulation and quality materials. The site plan for the Site will seek to emphasize pedestrian connections between uses and create a strong link between the commercial core of the development and adjacent uses. Long expanses of blank walls will be limited, and where they are necessary will be treated with a combination of architectural expressions such as changes in materials, fenestration, windows, building setback and landscaping, artwork, display cases or other similar items. The Providence Road corridor will be treated with a range of edge treatments that seek to establish a sense of entry on Providence Road and seek to deter the eye from service areas or parking lots. Ardrey Kell Road and Private Street 1 shall be established as the “main streets” with principle building orientation and elevated attention to the public realm. Focal points will be developed at both Golf Links Drive and Ardrey Kell Road to identify the community and serve as a gateway into it.

#### **II. General Design Guidelines.**

a. The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-blank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.

b. The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.

c. Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping, and when provided site furnishings throughout the Site.

d. Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as method of way finding.

e. The Petitioner has established a set of building orientation and fenestration diagram for Development Areas A, E, F, G and I as set forth on Sheet RZ-4 of the Rezoning Plan (the “Orientation/Fenestration Diagram”). The Orientation/Fenestration Diagram create certain design standards for how various buildings within each of these Development Areas will seek to address the following site elements: (i) public streets; (ii) private streets; (iii) open space areas; and (iv) parking areas. Without limiting the authority granted to the Planning Director/Planning Department by the Zoning Ordinance, at the request of the Petitioner the Planning Director/Planning Department may allow minor modifications various aspects of the Orientation/Fenestration Diagram as long as the overall intent is preserved.

f. Circulation paths will be provided along the Site’s Public and Private Streets from parking areas and decks to building entries and areas of interest.

g. Along Ardrey Kell Road and Private Street 1 provide visual interest at pedestrian levels by using architectural features that reflect the character of the overall Site. Where appropriate integrate the use of arcades, display windows, awnings, insets, balconies, window projections and other architectural elements to provide a sense of scale.

h. Petitioner shall seek to provide special architectural attention at the ground level to the corner of buildings located at street intersections along Ardrey Kell Road, including for example iconic elements, permanent artistic elements, architectural detailing, differing materials or design of materials or corner entrances, where feasible.

i. Buildings greater than 100’ in length and that abut Private Street 1 and Ardrey Kell Road shall incorporate at the ground level architectural elements such as columns, pilasters, fenestration, or other types of architectural treatments in such a manner that there are no uninterrupted lengths greater than 40 feet.

j. Buildings with a building horizontal footprint greater than 30,000 square feet shall include a mix of massing and building heights.

k. Buildings, accent walls, landscaping, hardscape elements and/or similar site furnishings will be developed within Development Areas B, C, D and E in a manner that is harmonious, complementary and creates a cohesive appearance along Providence Road, while allowing each building to have its own unique characteristics. .

#### **III. Providence Road Design Guidelines.**

a. The Petitioner shall create an appropriately landscaped corridor along Providence Road utilizing plantings to draw attention to areas of visual interest and deter from highlighting back of house and service areas. This shall include use of a combination of varied wall heights, plant materials, monumentation, artwork or other vertical elements as generally depicted on Sheet RZ-5.

b. A 29 foot landscape setback area along Providence Road, as measured from the back of the existing curb or the back of the future curb of Providence Road, as applicable, will be provided, and no buildings, parking or maneuvering for parking will be allowed within this setback. This 29 foot landscape setback area will be landscaped with a variety of landscape materials (trees, shrubs, ornamental grasses, grass, and/or areas of seasonal color), a minimum of 25 shrubs and five (5) trees per hundred linear feet will be provided as well as a low wall as described below. Subject to the constraints presented by the provisions of the Tree Ordinance and by overhead or underground utility conflicts, a minimum of three (3) of the required five (5) trees per 100 linear feet will be large maturing trees, unless the location of overhead power lines will not allow the installation of large maturing trees; in which case small maturing trees within area affected by power lines shall be planted. Where feasible (such as a tree island or dedicated open space), medium or large maturing trees will be planted within ± 30 feet of the 29 foot landscape setback, as allowed by Duke Power, in combination with the small maturing trees. A low wall (2.0’ to 2.5’ high) will be provided within portions of the landscape setback that abut parking areas that are over 150 linear feet in length, and in these instances such low wall will be added to the landscape setback for at least 50% of the length of the parking area. This landscape setback area and associated treatments are generally depicted on Sheet RZ-5 of the Rezoning Plan

c. A six (6) foot wide sidewalk will be provided within this 29 foot landscape setback; this sidewalk will be allowed to meander within the landscape setback to avoid existing and relocated utility poles. An eight (8) foot wide planting strip will be provided along at least 65% of the Site’s Providence Road frontage provided that the width of such planting strip may be reduced to no less than a width of four (4) feet to avoid existing and relocated utility poles. Provided, however, if during design/development phases existing utilities, roadway improvements and site grade related issues prevent an eight (8) foot planting strip from being provided along 65% of the Providence Road frontage, the percentage may be reduced but in no event below 55%. This landscape setback area and associated treatments are generally depicted on Sheet RZ-5 of the Rezoning Plan.

d. The Petitioner will provide an additional landscape area of approximately 25 feet x 17 feet in size within the area located approximately at the mid-point of the surface parking area adjacent to the Providence Road landscape area within Development Areas C and D as generally depicted on Sheet RZ-5.

#### **IV. Parking Areas, Access and Circulation Design Guidelines.**

a. Building materials associated with facades on parking structures that are generally compatible in character and quality with adjoining buildings, plazas and streetscapes will be created, taking into consideration differences associated with parking structures.

b. Parking structures shall be designed to materially screen the view of parked cars from adjacent public or private streets or publicly accessible open spaces or plazas. Screening of cars on the ground level will be accomplished primarily through the use of landscaping; and screening of cars parked on the upper level will be accomplished by a wall, at least 36 inches in height, designed as part of the parking deck structure.

c. Along the Site’s Private Streets the number of curb cuts will be limited as generally depicted to maintain a street like condition, subject to modifications reasonably needed to accommodate unusual site design conditions or elements, or development constraints.

d. On-site loading docks and waste areas shall be separated and/or screened from view at ground level from primary building entrances.

e. Buildings within Development Areas B, C, D and E will not primarily orient the service side of such buildings to Providence Road and solid waste/recycling areas will not be allowed to abut Providence Road unless such areas area enclosed by a wall treatment similar to the low screen wall along Providence Road.

f. The service areas of the buildings constructed within Development Areas A and F will be screened from the adjoining streets with walls designed to complement the building architecture of the adjacent buildings. Architectural features such as, but not limited to, banding, medallions, changes in color or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

g. Surface parking areas, except the surface parking area located between Private Street 1 within Development Area A and Development Area C, shall be designed in a manner that utilizes landscape islands and public/private streets to create pockets of parking areas as generally depicted on Sheet RZ-4.

#### **V. Pedestrian Access and Circulation Design Guidelines.**

a. Along the Site’s internal private streets, the Petitioner will provide a sidewalk and a cross-walk network that links the buildings, parking areas and areas of interest on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. The minimum width for these internal sidewalks will be six (6) feet, except in Development Area H where a five (5) foot sidewalk may be provided. Street trees will also be provided along the Site’s internal public and private streets.

b. Sidewalks along Ardrey Kell Road and the portion of Private Street 1 between Ardrey Kell Road and Private Street 3 shall be a minimum width of 8 feet.

c. Walkways through plazas or publicly accessible open space areas will be appropriately designed for the intended use and type of open space area in which they are located.

d. Where walkways occur along building walls, a walkway width of at least six (6) feet must be maintained clear of door swings, shopping cart storage, and temporary trash or similar impediments.

e. Within Development Area A, two (2) twenty-five foot wide pedestrian accessways from Ardrey Kell Road to the Public Plaza located along Private Street 1 shall be provided as generally depicted in the Orientation/Fenestration Diagram (Sheet RZ-4). These two (2) pedestrian accessways may be combined into one pedestrian accessway with a minimum width of 40 feet. An additional pedestrian accessway, with a minimum width of 20 feet, shall be provided to such Public Plaza or Private Street # 1 from the parking area opposite the Public Plaza or Private Street # 1 as generally depicted on the Orientation/Fenestration Diagram (Sheet RZ-4). These pedestrian accessways may be combined into one and relocated to the northern end of the building adjacent to the Public Plaza and the group of buildings combined for a total of two buildings. At least one pedestrian accessway shall also be provided to Private Street # 1 from the parking deck opposite Private Street 1 as generally depicted on Sheet RZ-4.

#### **VI. Open Space, Public Plaza and Amenity Areas.**

a. The Petitioner will provide for a “Public Plaza” to be located within Development Area A in the location generally depicted on Sheet RZ-4 of the Rezoning Plan. The Public Plaza will be designed as a significant pedestrian focal point and an amenity for that portion of the development. The Public Plaza will include features such as: water features, windows, specialty graphics, landscaping, specialty paving, seating areas, signage (e.g. wayfind, directional, special event) art work and/or other site elements that help create a vibrant Public Plaza area. Portions of the Public Plaza may be used for outdoor dining associated with restaurants. Additional open space areas will also be provided as generally illustrated on Sheet RZ-4 of the Rezoning Plan and such areas shall include at a minimum landscaping, pedestrian walks and seating.

b. On the ground floor of the buildings abutting the Public Plaza, the portion of the ground floor facing the Public Plaza shall have active uses (e.g. retail, office or restaurant) along the majority of its perimeter.

#### **VII. Multi-Family Design Guidelines (i.e. Development Area I Design Guidelines).**

##### **a. General Site Considerations**

- Orient buildings towards primary and secondary streets to reinforce the street scape, as shown on the provided Plans.
- Orient buildings in a way to enclose and define public space, open space and green space.
- The Petitioner reserves the right to combine or relocate building locations so long as the street frontage requirement is met.
- Building features such as porches, patios, stoops, front walkways and centralized doorways or breezeways shall front the public or private streets, except where ends of buildings front these streets. When ends of buildings front streets, walkways will be provided to clearly connect the building entrances with the street network.
- Architectural treatment shall continue on all sides of a building except as specifically noted otherwise.
- All building entrances will be connected to the street network subject to grade and ADA standards.

##### **b. Facade Composition**

- The Principal Entrance of a building shall be articulated and expressed in greater architectural detail than other building entrances.
- Windows shall be vertically shaped with a height greater than their width.

##### **Facades shall incorporate windows and doors as follows:**

- Windows and doors shall be provided for at least 25% of the total Facade area along the primary and secondary streets, with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length.
- The above requirement may be reduced where a Facade is not visible from a public or private street.
- Facades along primary and secondary streets shall incorporate a minimum of 25% masonry materials such as brick, stucco or stone.

##### **Facade articulation:**

- Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of said recesses and projections shall constitute at least 20% of the total Facade length.

##### **Additional Enfronting Facade requirements on primary and secondary streets:**

- Enfronting Facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets.
- On corner lots, the architectural treatment of a building’s intersecting Enfronting Facades shall be substantially similar, except that said building shall emphasize the corner location by incorporating additional height at the corner, varying the roof form at the corner, or providing other architectural embellishments at the corner.
- First Story Facades of all buildings along primary and secondary streets shall incorporate columns, awnings, arcades, porches, stoops, windows, doors, or other architectural elements.
- Facades shall provide visual divisions between the first and second stories through architectural means such as courses, awnings, or a change in primary façade materials or colors.
- Facades above the first Story shall incorporate windows, arches, balconies, or other architectural details.
- No more than four different materials, textures, colors, or combinations thereof may be used on a single building. This requirement shall not include materials used on windows, doors, porches, balconies, foundations, awnings or architectural details.
- Materials may be combined horizontally or vertically, with the heavier below the lighter when horizontal.
- Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, prefabricated metal, exposed plywood, and exposed pressboard are prohibited.
- Exterior materials of buildings along the primary and secondary streets shall be limited to brick, stone, pre-cast concrete, wood, stucco, cementitious siding, glass, or granite.
- Accessory Structures shall be consistent with the Principal Building in material, texture, and color.

- Foundations, where provided, shall be constructed as a distinct building element that contrasts with Facade materials. Exposed above-ground foundations shall be coated or faced in cement, stucco, brick, manufactured stone, or natural stone to contrast with facade materials.

##### **c. Roofs**

- Pitched roofs shall have a minimum slope of 4:12. Flat roofs shall be screened from the view of primary and secondary streets by a parapet.
- Accessory features on a roof shall be screened from the view of the primary and secondary streets by a parapet or other architectural feature.
- Permitted sloped roof materials are asphalt shingles, composition shingles, wood shingles, tin, standing seam metal, and wood shakes.
- Vents, stacks, and roof fans are to be painted to blend with the roof color and hidden from public street view to the greatest extent possible.

##### **6. Parking and Maneuvering Restrictions.**

a. Buildings constructed within Development Areas B and E that directly abut Providence Road, Golf Links Drive, Ardrey Kell Road extension and Private Street 5 will be designed so that no parking, maneuvering for parking areas or drive-thru lanes will be allowed between the proposed building and these abutting public or private streets.

b. Buildings constructed within Development Areas C and D that directly abut Providence Road, Adrey Kell Road, Golf Links Drive, and Private Street 3 will not have parking areas or maneuvering for parking areas located between the buildings and these streets, provided, however, drive thru lanes will be allowed between such buildings and these streets. If drive-thru lanes are installed between the buildings and the adjacent streets, a low wall (2.0’ to 2.5’ feet high) and low accent plantings will be provided between the drive thru lanes and these adjacent streets, and such wall will be constructed of building materials generally compatible with the buildings to which they relate.

c. A low wall (2.0 to 2.5 feet high) and low accent plantings will be provided between Providence Road and any gas pumps/maneuvering area associated with a gas station with or without a convenience store constructed in Development Area B abutting Providence Road

d. Off-street parking areas may not be located between Ardrey Kell Road and the proposed buildings on Ardrey Kell Road, except that, drive thru lanes will be allowed between the building constructed in Development Area D abutting Ardrey Kell Road and between Building K and Ardrey Kell Road as generally depicted on the Rezoning Plan. Vehicular parking and maneuvering may be located; to the side or behind the buildings and behind the established setback of the buildings constructed along Ardrey Kell Road.

e. Along the extension of Ardrey Kell Road off-street parking areas, other than parking areas created in locations where parking structures can be constructed, will not occupy more than 45% of the linear street frontage of each block face along Ardrey Kell Road.

f. Meter banks will be screened where visible from public view at grade level.

g. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.

##### **7. Buffers:**

a. A Class C Buffer of varying widths will be provided within the portion of the Site zoned MUDD-O that abuts Tax Parcels 231-131-05 and 11 as generally depicted on the Rezoning Plan. This Buffer may be reduced in width by 25 % by the installation of a fence or wall. This Buffer may also be eliminated when the use or zoning on the adjoining property changes to a use or zoning category that would not be required to have a buffer under the Ordinance.

##### **8. Environmental Features:**

a. The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan 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. .

##### **9. Signage:**

a. Signage as allowed by the Ordinance and by the Optional Provisions listed above may be provided. Because the Site will be viewed as a Planned/Unified Development as defined by the Ordinance, shopping center signs may be located throughout the portion of the Site designated MUDD-O as allowed by the Ordinance and the Optional Provisions. In addition, uses located on the interior of the Site may be identified on the allowed shopping center/development signs (by way of example, the multi-family developments and single-family developments may be identified on the signs allowed along Providence Road and Ardrey Kelly extension). The allowed signs may contain identification signage for any of the uses located on the Site.

b. Master signage and graphic systems shall be adopted.

c. Information and Advertising Pillar Signs as defined by the Ordinance may be provided on the portion of the Site zoned MUDD-O.

d. On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.

e. Temporary Banners as allowed by the Ordinance may be provided.

##### **10. Lighting:**

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site, except street lights located along public and private streets, will be limited to 30 feet in height in the portions of the Site used for non-residential uses and 25 feet in height in the portions of the Site used for residential uses.

##### **11. Miscellaneous:**

a. The Petitioner will make available on the Site to Charlotte Area Transit System (CATS) 40 non-exclusive parking spaces for use by transit customers. The 40 parking spaces will be located within Development Area A or F. The Petitioner will construct a bus stop shelter waiting pad in an area near the park and ride spaces and pedestrian access. The location of the waiting pad will be determined during the land development permitting process in consultation with CATS. The Petitioner will work with CATS to provide a bus access easement between Providence Road and the parking spaces. The Petitioner reserves the right to terminate this commitment to provide 40 park and ride spaces should CATS discontinue Express Bus service to the Site. These 40 spaces may be used to meet minimum parking requirements for the Site.

##### **12. Amendments to the Rezoning Plan:**

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

##### **13. Binding Effect of the Rezoning Application:**

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.



**Non-Residential Key**

**Fenestration Area**

The fenestration area is calculated as a percentage of the wall area zone from 3 foot above finish floor to 8 foot above finish floor for the length of the building / aggregate edge.

- Primary Frontage**
  - 60% Minimum fenestration (Area) required, measured as an aggregate edge (not per tenant or building)
  - Door Entry for Each Tenant
- Secondary Frontage**
  - 30% Minimum fenestration (Area) required (1/2 of which to be unobstructed views), measured as an aggregate edge (not per tenant or building)
  - Alternate Entry Permitted
- Critical Corridor**
  - 45% Minimum fenestration (Area) required, measured as an aggregate edge (not per tenant or building)
  - Alternate Entry Permitted
- Ardrey Kell (Limited Access + Out Parcel)**
  - 60% Minimum fenestration (Area) required, measured as an aggregate edge (not per tenant or building)
  - Alternate Entry Permitted
- MUDD Min. Requirement**

**Note:**  
A fenestration is an opening in the exterior building wall with windows allowing light and views between the interior and exterior and not screened from view. Glazing of windows shall be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head. The fenestration areas shall extend from a height of no more than three feet from the exterior average grade at the base of the building to at least the height of the door head. This requirement for fenestration will be applied to the noted Percentage of fenestration areas as noted above.

- Hardscape**
- Greenspace**

**Note:**  
Loading areas along critical corridor will be screened from view by a wall with a similar materiality as the architecture. This frontage will not contribute to the required fenestration.

Please see Development Standards for provisions allowing alterations or modifications of these graphic depictions.

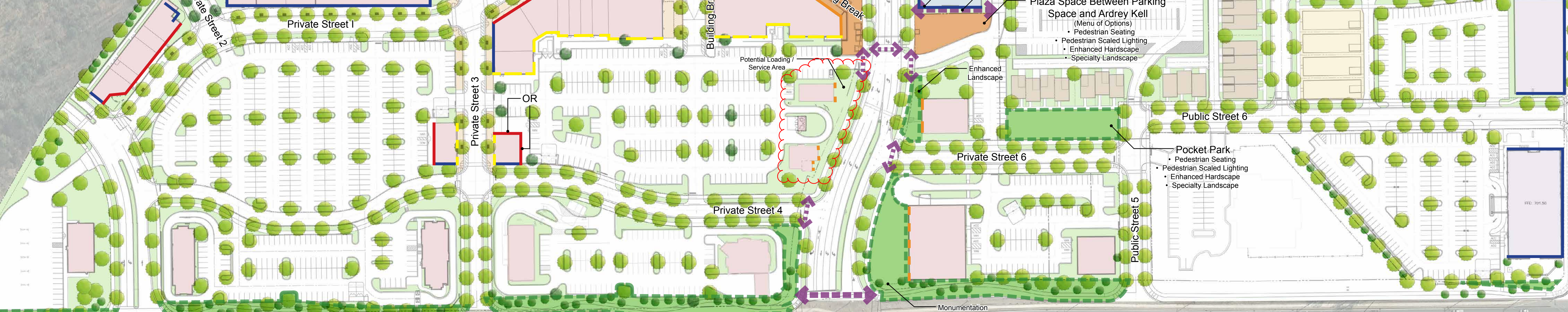
**Multi-Family Street Frontage Key**

- Primary Frontage**
  - 55% Building Frontage\*
- Secondary Frontage**
  - 35% Building Frontage\*

\*The buildings must have at least 40% fenestration in the aggregate, but in no case will any individual building have less than 25% fenestration

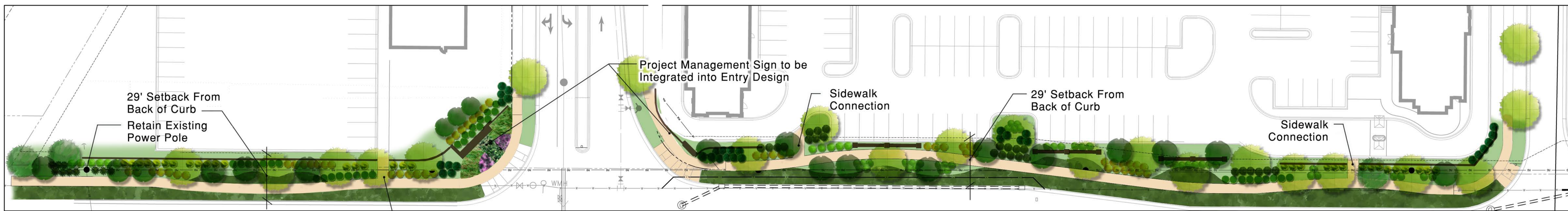
\*Plazas, Greenspace, and Building Edges may count towards this requirement.

**Pedestrian Connections**

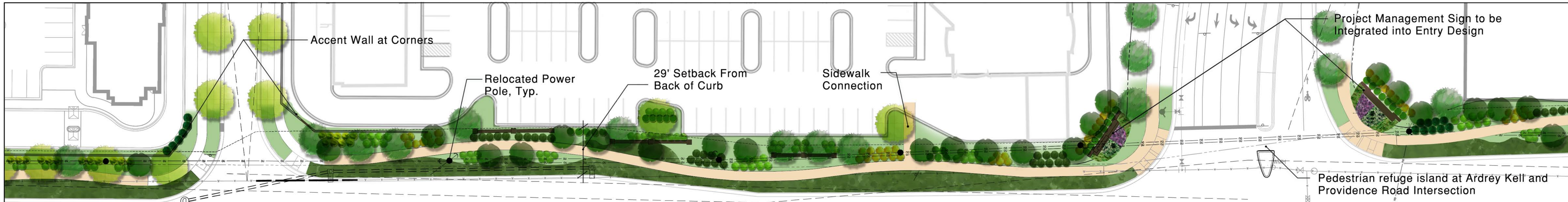


Petition No. 2015-055

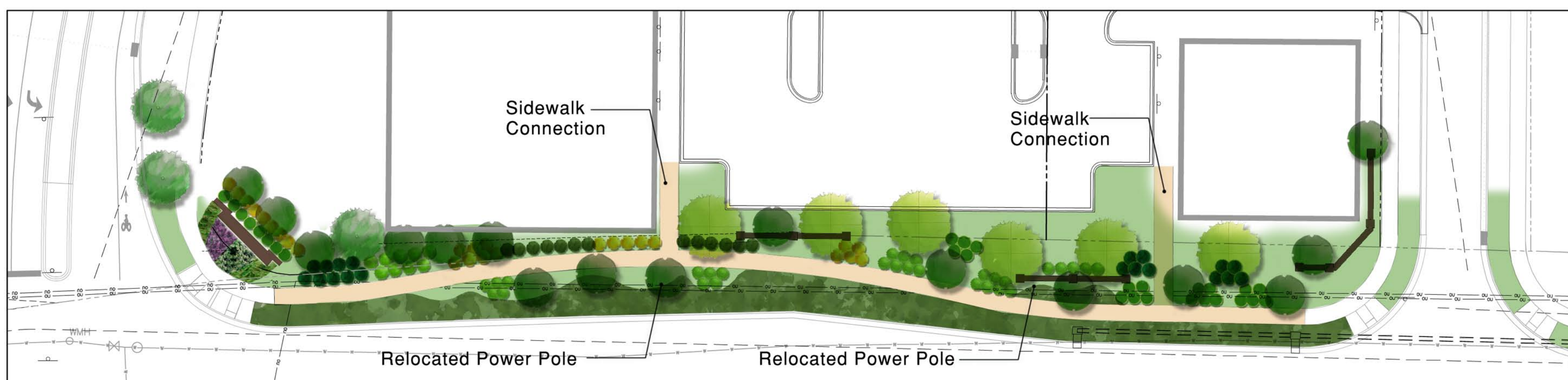




**Section One**



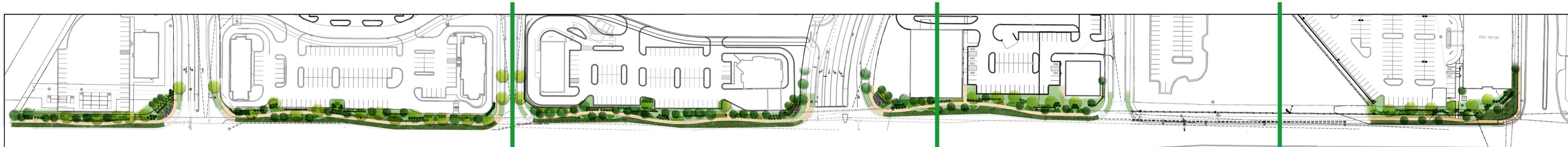
**Section Two**



**Section Three**



**Section Four**



**Overall Plan**

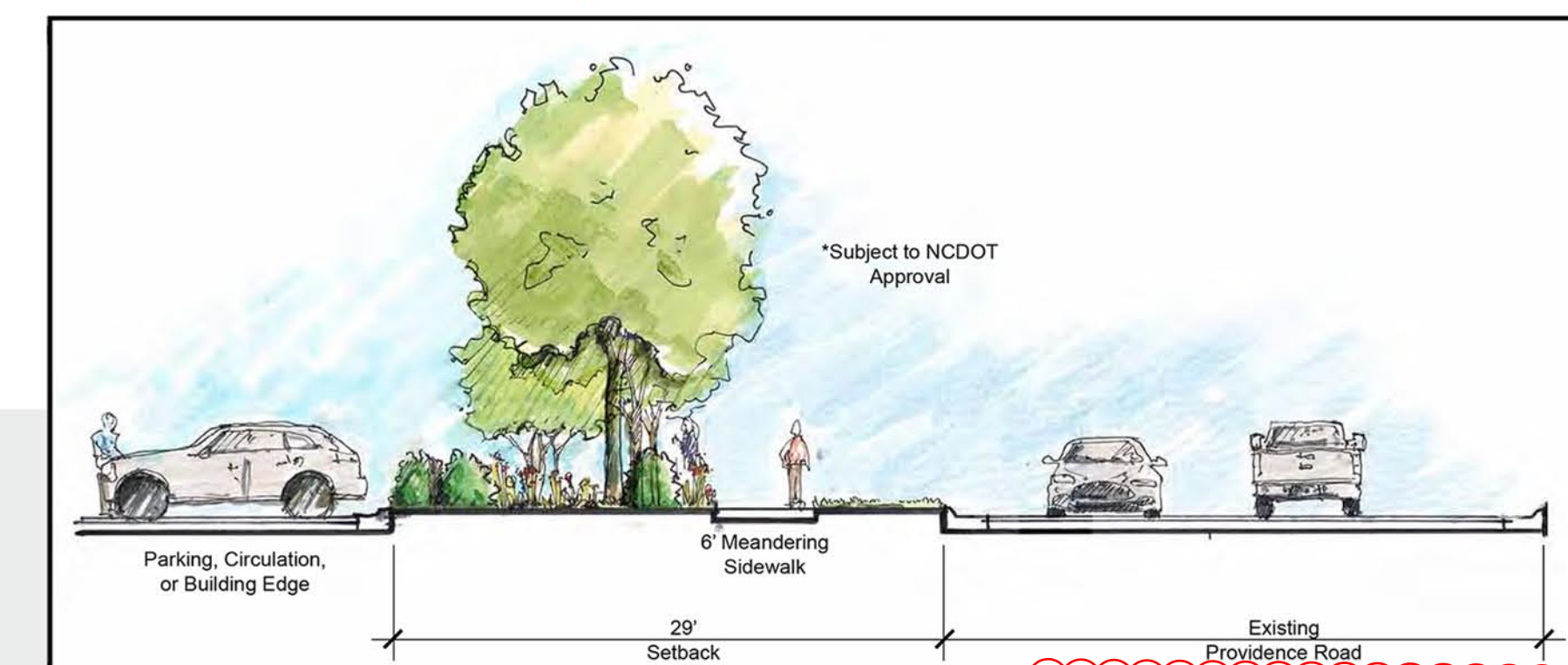
Section One

Section Two

Section Two

Section Three

Section Four



Providence Road Outparcel Section

Petition No. 2015-055



**NOTES:**

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
4. 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 LINES SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
5. ELEVATIONS BASED ON N.G.S. MONUMENT "SIXTEEN", ELEVATION = 706.46 FEET, NAVD 88.
6. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
7. PROVIDENCE 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.
8. 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.
9. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
10. THIS IS NOT A BOUNDARY.
11. THE PURPOSE OF THIS EXHIBIT MAP IS TO DEPICT THE AMENDED AREA, ALL AS SHOWN HEREON.

**LEGAL DESCRIPTION:**

That certain parcel or tract of land situated, lying and being in the Township of Providence, County of Mecklenburg, State of North Carolina and being a portion of the lands as described in Deed Book 29441, Page 592, Deed Book 29441, Page 671, Deed Book 29441, Page 678 and Deed Book 29622, Page 422 and being a portion of Parcel B as shown on a Plat entitled "Revised Waverly Map 1, Phase 1" recorded at Map Book 56, Pages 771-772, and all of Lot 1 and a portion of the Future Development Remaining Area as shown on a Plat entitled "Waverly Map 1" recorded at Map Book 57, Pages 45-46, all Deed and Map Book recorded in the Mecklenburg County Public Register of Deeds and being more particularly described as follows:

Commencing at an existing NGS monument "Sixteen" having NAD 83 ground coordinates of N: 481,361.88; E: 1,470,360.43; thence South 04°57'08" East a horizontal ground distance of 1606.49 feet to an existing punch hole in an existing concrete headwall, situated on the easterly margin of Providence Road (NC Highway 16) (a variable width public right-of-way) (a 140' public right-of-way within this area) as shown on YCOTD plans having a project number of 24813.2.3, and being recorded in Instrument Number 2008034600; thence along a common line between the southeasterly margin of the aforesaid Providence Road with the northerly line of the lands of Providence Road Farms, LLC as described in the aforesaid Deed Book 29441, Page 592 and Deed Book 29441, Page 678, South 58°35'40" East a distance of 35.54 feet to an existing iron rod, said point situated on the easterly margin of the aforesaid Providence Road (a 200' public right-of-way within this area) continue along the common line between the aforesaid lands of Providence Road Farms, LLC and the lands of Star City Development Company, Inc. as described in Deed Book 4503, Page 935 and being Tract C, as shown on Map Book 1166, Page 689 for the following two (2) courses and distances: 1) South 07°12'44" East a distance of 346.03 feet to an existing iron pipe; 2) South 52°16'09" East a distance of 977.44 feet to a point, situated on the centerline of the proposed Ardrey Kell Road in variable width public right-of-way; thence along the centerline for the following six (6) courses and distances: 1) South 00°59'02" East a distance of 239.83 feet to a point; 2) with a curve along the arc of a curve to the left said curve having an arc length of 163.96 feet a radius of 650.00 feet (chord bearing of South 07°49'28" East and chord distance of 163.53 feet) to a point; 3) South 15°03'13" East a distance of 103.34 feet to a point; 4) with a curve along the arc of a curve to the right said curve having an arc length of 510.00 feet (chord bearing of South 07°49'28" East and chord distance of 128.51 feet) to a point; 5) South 00°36'02" East a distance of 227.89 feet to a point; 6) South 89°23'58" West a distance of 368.52 feet to a point, situated at the intersection of the aforesaid centerline of the proposed Ardrey Kell Road with the centerline of a proposed Private Road; thence along the centerline of the proposed Private Road for the following three (3) courses and distances: 1) South 00°37'00" East a distance of 67.16 feet to a point; 2) with a curve along the arc of a curve to the left said curve having an arc length of 33.13 feet a radius of 568.90 feet (chord bearing of South 02°36'48" East and chord distance of 33.12 feet) to a point; 3) South 04°37'34" East a distance of 378.68 feet to a point, thence continue over, upon and through the aforesaid lands for the following ten (10) courses and distances: 1) South 89°20'52" West a distance of 481.03 feet to a point; 2) South 00°30'00" East a distance of 161.45 feet to a point; 3) North 85°41'19" East a distance of 9.60 feet to a point; 4) North 89°23'58" East a distance of 138.15 feet to a point; 5) North 04°53'24" West a distance of 10.05 feet to a point; 6) South 00°41'17" East a distance of 52.73 feet to a point; 7) with a curve along the arc of a curve to the left said curve having an arc length of 53.77 feet a radius of 328.31 feet (chord bearing of South 03°30'55" East and chord distance of 53.74 feet) to a point; 8) South 00°42'28" East a distance of 132.20 feet to a point; 9) with a curve along the arc of a curve to the right said curve having an arc length of 47.99 feet a radius of 475.51 feet (chord bearing of South 03°30'59" East and chord distance of 47.97 feet) to a point; 10) South 00°36'02" East a distance of 62.73 feet to a point, situated on the northerly margin Providence Country Club Drive (a variable width public right-of-way as shown on Map Book 54, Page 520); thence along the northerly line of the aforesaid road, situated on the easterly margin of the aforesaid Providence Road (NC Highway 16); thence along the aforesaid easterly margin for the following four (4) courses and distances: 1) North 00°48'45" West a distance of 5.97 feet to an existing metal monument; 2) North 00°32'43" West a distance of 23.84 feet to an existing metal monument; 3) North 04°53'10" East a distance of 15.06 feet to an existing iron rod; 4) North 04°30'02" East a distance of 205.89 feet to an existing metal monument; 5) North 00°48'45" West a distance of 5.97 feet to an existing iron rod, situated on the southerly line of the lands of East Pace Providence, LLC as described in Deed Book 25275, Page 14 and shown on a Plat entitled "Cranfield Academy Easement Plat, recorded in Map Book 52, Page 627; thence along the southerly, easterly and northerly line of the aforesaid lands for the following three (3) courses and distances: 1) North 48°49'04" East a distance of 335.60 feet to an existing iron pipe; 2) North 00°26'54" East a distance of 223.62 feet to an existing iron pipe; 3) South 88°59'14" West a distance of 255.88 feet to an existing iron rod, situated on the aforesaid easterly margin of Providence Road (NC Highway 16); thence along the aforesaid easterly margin for the following seven (7) courses and distances: 1) North 00°31'01" East a distance of 74.48 feet to an existing metal monument; 2) North 00°13'54" East a distance of 181.61 feet to an existing metal monument; 3) North 05°12'37" West a distance of 227.42 feet to an existing metal monument; 4) North 08°46'30" West a distance of 149.61 feet to an existing metal monument; 5) North 01°31'57" West a distance of 251.67 feet to an existing metal monument; 6) North 00°39'43" West a distance of 390.08 feet to an existing iron rod; 7) North 00°39'26" West passing an existing metal monument at 31.01 feet for a total distance of 836.95 feet to the Point of Beginning, Containing 2,071,202 square feet or 47,548.22 acres, as shown on an exhibit map prepared by R. B. Pharr & Associates, P.A. dated February 24, 2015 (Map File No. W-4532)(Project No. 82812).

**LEGEND:**

- BMP - BEST MANAGEMENT PRACTICES
- CP - CALCULATED POINT
- DB - DEED BOOK
- ECM - EXISTING CONCRETE MONUMENT
- EP - EXISTING IRON PIPE
- ER - EXISTING IRON ROD
- EMM - EXISTING METAL MONUMENT
- EV - EXISTING VAULT
- MB - MAP BOOK
- N.G.S. - NATIONAL GEODETIC SURVEY
- NIR - NEW IRON ROD
- NY - NEW NAIL
- PDE - PERMANENT DRAINAGE EASEMENT
- PN - PARCEL IDENTIFICATION NUMBER
- PG - PAGE
- R/W - RIGHT-OF-WAY
- PROPERTY LINE
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY
- RIGHT-OF-WAY (NOT SURVEYED)
- EASEMENT
- SETBACK

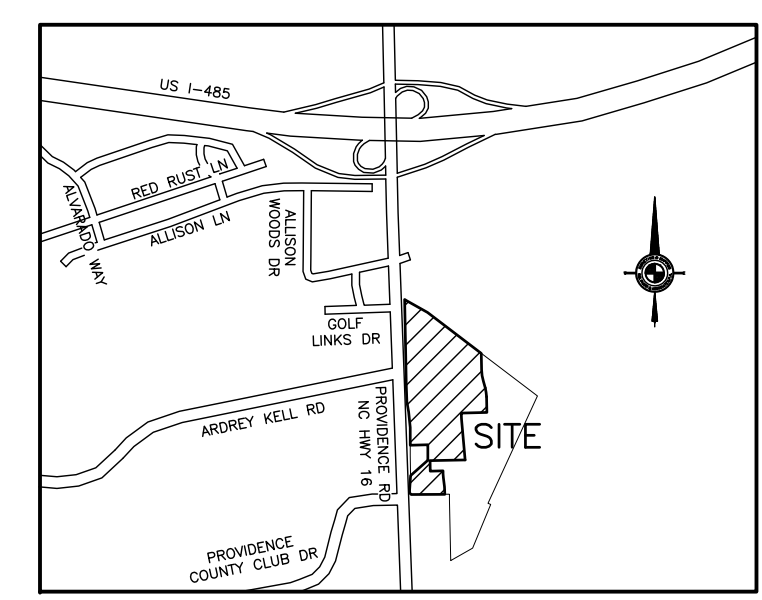
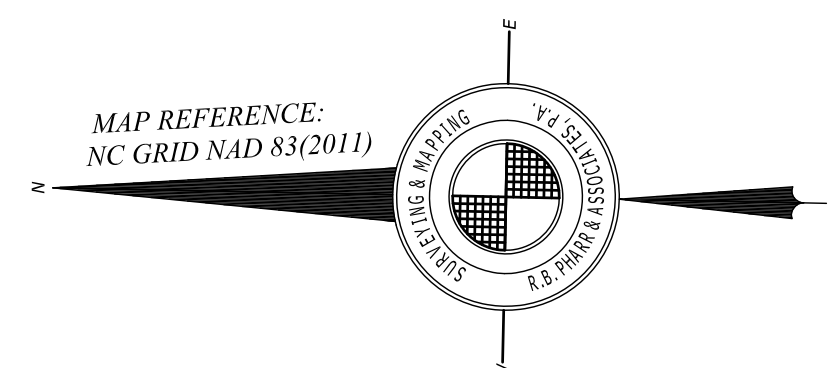
**PRELIMINARY PLAT**  
NOT FOR RECORDATION  
CONVEYANCE OR SALE

**ZONING:**

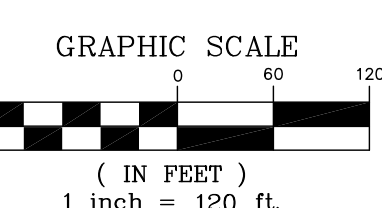
ZONING RESTRICTIONS AS PER ZONING ORDINANCE.  
SUBJECT PROPERTY ZONED: SEE REZONING PETITION # 2013-85  
FOR FURTHER INFORMATION CONTACT THE CHARLOTTE-MECKLENBURG ZONING DEPARTMENT AT 704-336-3569.

**GPS CERTIFICATION:**

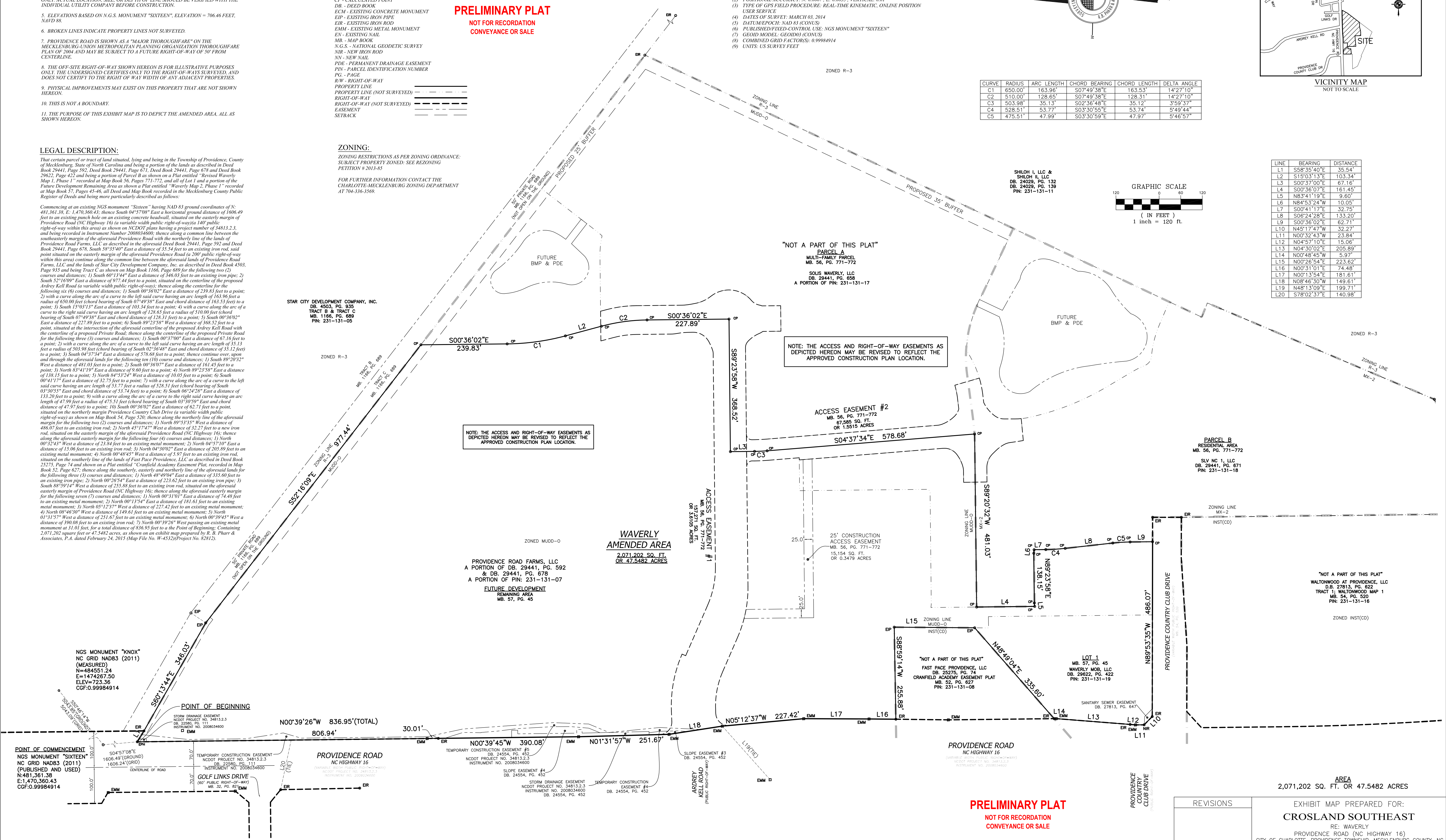
I, JUSTIN F. CLONINGER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:  
(1) CLASS OF SURVEY: 411-10(008)  
(2) POSITIONAL ACCURACY: N: 0.0007"; E: 0.0035"; VERTICAL: 0.01"  
(3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC, ONLINE POSITION USER SERVICE  
(4) DATES OF SURVEY: MARCH 03, 2014  
(5) DATUM/EPOCH: NAD 83 (CONUS)  
(6) PUBLISHED/FIXED-CONTROL USE: NGS MONUMENT "SIXTEEN"  
(7) GEOD MODEL: GEOD03 (CONUS)  
(8) COMBINED GRID FACTORS: 0.9994914  
(9) UNITS: US SURVEY FEET



CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	650.00'	163.96'	S07°49'38"E	163.53'	14°27'10"
C2	510.00'	128.65'	S07°49'38"E	128.31'	14°27'10"
C3	503.98'	35.13'	S02°36'48"E	35.12'	3°59'37"
C4	528.51'	53.77'	S03°30'59"E	53.74'	5°49'44"
C5	475.51'	47.99'	S03°30'59"E	47.97'	5°46'57"



LINE	BEARING	DISTANCE
L1	S58°35'40"E	35.54'
L2	S15°03'13"E	103.34'
L3	S00°37'00"E	67.16'
L4	S00°36'07"E	161.45'
L5	N85°41'19"E	9.60'
L6	N84°53'24"W	10.05'
L7	S00°41'17"E	32.75'
L8	S06°24'28"E	133.20'
L9	S00°36'02"E	62.71'
L10	N45°17'47"W	32.27'
L11	N00°32'43"W	23.84'
L12	N04°57'10"E	15.06'
L13	N04°30'02"E	205.89'
L14	N00°48'45"W	5.97'
L15	N00°26'54"E	223.62'
L16	N00°31'01"E	74.48'
L17	N00°13'54"E	181.61'
L18	N08°46'30"W	149.61'
L19	N48°13'09"E	199.71'
L20	S78°02'37"E	140.98'



**PRELIMINARY PLAT**  
NOT FOR RECORDATION  
CONVEYANCE OR SALE

AREA  
2,071,202 SQ. FT. OR 47.5482 ACRES

REVISIONS			EXHIBIT MAP PREPARED FOR:	
			<b>CROSLAND SOUTHEAST</b>	
			RE: WAVERLY PROVIDENCE ROAD (NC HIGHWAY 16) CITY OF CHARLOTTE, PROVIDENCE TOWNSHIP, MECKLENBURG COUNTY, NC DEED REFERENCE: 29441-572, -671, -678 & 29622-422 MAP REFERENCE: 56-771 & 57-45 TAX PARCEL #: A PORTION OF 231-131-07, -118 & -119	
			<b>R.B. PHARR &amp; ASSOCIATES, P.A.</b> SURVEYING & MAPPING LITIZURE RD #3-1471 420 HAWTHORNE LANE CHARLOTTE, NC 28204 TEL: (704) 376-2186	
CREW:	DRAWN:	REVISED:	SCALE:	DATE:
RBP	CW		1" = 120'	FEBRUARY 24, 2015
				FILE NO. W-4532 JOB NO. 82812