

CHILDRESS KLEIN REZONING PETITION NO. 2015-058 - (SHARON UNITED METHODIST MIXED USE **DEVELOPMENT)**

SITE DEVELOPMENT DATA:

--ACREAGE: ± 7.10 ACRES

--**TAX PARCEL #:** 183-177-02 --EXISTING ZONING: R-3 AND B-1SCD

--PROPOSED ZONING: MUDD-O WITH FIVE (5) YEAR VESTED RIGHTS.

--EXISTING USES: RELIGIOUS INSTITUTION (CHURCH) --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 DEVELOPMENT LEVELS: IN ACCORDANCE WITH THE TRANSFER/CONVERSION RIGHTS AND THE OTHER PROVISIONS OF SECTION 3 BELOW: (I) UP TO 170,000 SQUARE FEET OF GROSS FLOOR AREA OF OFFICE, RETAIL, RESTAURANT (EDEE)

PERSONAL SERVICES AND OTHER COMMERCIAL USES; (II) HOTEL USES FOR UP TO 175 ROOMS; (III) UP TO 490 RESIDENTIAL DWELLING UNITS OF ALL TYPES; (IV) 3 INDOOR RECREATION USES OF UP TO 20,000 SQUARE FEET OF GROSS FLOOR AREA; AND (V) RELIGIOUS INSTITUTION USES; ALL TOGETHER WITH ACCESSORY USES PERMITTED IN THE MUDD-O ZONING CLASSIFICATION AND AS MORE PARTICULARLY DESCRIBED BELOW IN SECTION 3.

--MAXIMUM BUILDING HEIGHT: NOT TO EXCEED 120 FEET. HEIGHT TO BE MEASURED AS

DESCRIBED IN THE ORDINANCE... -PARKING: AS REQUIRED BY THE ORDINANCE FOR THE MUDD-O ZONING CLASSIFICATION.

GENERAL PROVISIONS:

a. SITE LOCATION. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET AND OTHER GRAPHICS SET FORTH ON ATTACHED SHEETS RZ-1, RZ-2, RZ-3, RZ-4 AND RZ-6 FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY CHILDRESS KLEIN ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF MIXED USE COMMERCIAL AND RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 7.10 ACRE SITE LOCATED AT THE INTERSECTION OF SHARON ROAD AND MORRISON BOULEVARD (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, DEVELOPMENT AREAS (AS DEFINED BELOW) AND OTHER DEVELOPMENT MATTERS AND SITE FLEMENTS (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 DOCUMENTATION 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:

- (i) MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN, SUCH AS MINOR MODIFICATIONS TO THE CONFIGURATIONS OF THE DEVELOPMENT AREAS (AS DEFINED BELOW). STREET DIMENSIONS AND THE LIKE AS LONG AS THE MODIFICATIONS MAINTAIN THE GENERAL BUILDING/PARKING ORIENTATION AND CHARACTER OF THE DEVELOPMENT GENERALLY DEPICTED ON THE
- (ii) 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, REAR/SIDE YARDS OR BUFFER AREAS, IF APPLICABLE) INDICATED ON SHEET RZ-1; OR
- (iii) 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
- (iv) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5 REGARDING THE BUILDING LOCATION AND STREETSCAPE ELEMENTS ALONG MORRISON BOULEVARD AND TO A LESSER EXTENT SHARON ROAD RESULTING FROM POSSIBLE USE OF THE "REVERSION AREA" AS DESCRIBED IN SECTION 5 BELOW.

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

d. <u>Number of Buildings Principal and Accessory</u>. Notwithstanding the NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN. THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED 8. 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.

e. PLANNED/UNIFIED DEVELOPMENT. THE SITE TOGETHER WITH THAT CERTAIN SITE LOCATED ADJACENT TO THE SITE AND DESIGNATED AS TAX PARCEL NOS. 183-131-08 AND 10 (THE "ADJACENT COLTSGATE SITE") SHALL BE VIEWED IN THE AGGREGATE AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN AND THOSE DEPICTED ON THE APPLICABLE CONDITIONAL REZONING PLAN FOR THE ADJACENT COLTSGATE SITE. 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 AND THE ADJACENT COLTSGATE SITE. THE PETITIONER AND/OR OWNER(S) OF THE SITE AND THE ADJACENT COLTSGATE SITE RESERVE THE RIGHT TO SUBDIVIDE THE PORTIONS OR ALL OF THE SITE AND THE ADJACENT COLTSGATE SITE AND CREATE LOTS WITHIN THE INTERIOR OF THE SITE AND THE ADJACENT COLTSGATE 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 AND OF THE ADJACENT COLTSGATE 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 AND IN THE APPLICABLE CONDITIONAL REZONING PLAN AS TO THE ADJACENT COLTSGATE SITE, TAKEN AS A WHOLE AND NOT INDIVIDUAL PORTIONS OR LOTS LOCATED THEREIN.

FIVE YEAR VESTED RIGHTS. PURSUANT TO THE PROVISIONS OF SECTION 1.110 OF THE ORDINANCE AND N.C.G.S. SECTION 160A-385.1. DUE TO THE MASTER PLANNED LARGE SCALE NATURE OF THE DEVELOPMENT AND/OR REDEVELOPMENT. THE LEVEL OF INVESTMENT, THE TIMING OF DEVELOPMENT AND/OR REDEVELOPMENT AND CERTAIN INFRASTRUCTURE IMPROVEMENTS, ECONOMIC CYCLES AND MARKET CONDITIONS, THIS PETITION INCLUDES VESTING OF THE APPROVED REZONING PLAN AND CONDITIONAL ZONING DISTRICTS ASSOCIATED WITH THE PETITION FOR A FIVE (5) YEAR PERIOD. BUT SUCH PROVISIONS SHALL NOT BE DEEMED A LIMITATION ON ANY OTHER VESTED RIGHTS WHETHER AT COMMON LAW OR OTHERWISE.

a. Gross floor area clarification. When determining the maximum DEVELOPMENT LEVELS SET FORTH IN THIS REZONING PLAN, GROSS FLOOR AREA AS DEFINED IN THE ORDINANCE SHALL EXCLUDE ANY SURFACE OR STRUCTURED PARKING FACILITIES (INCLUDING, WITHOUT LIMITATION, CORRIDORS AND ELEVATORS WITHIN SUCH FACILITIES), ENCLOSED LOADING DOCK/SERVICE AREAS, AND OUTDOOR DINING AND GATHERING AREAS WHETHER ON THE ROOF OF THE BUILDING OR AT STREET LEVEL (SEE ALSO SECTION 2.P. BELOW).

h. PERSONAL SERVICES. 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 MERCHANDISED 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, FITNESS AND WELLNESS FACILITIES, NAIL SALONS, MARTIAL ART TRAINING STUDIOS, LAUNDRIES AND DRY CLEANING ESTABLISHMENTS,

LOCKSMITHS, FUNERAL HOMES AND THE LIKE). 2. OPTIONAL PROVISIONS.

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE SITE:

a. INTERIM SURFACE PARKING. TO ALLOW DURING THE STAGING AND PHASING OF DEVELOPMENT ON THE SITE, SURFACE PARKING IN LIEU OF PARKING DECKS ON PORTIONS OF THE SITE ON AN INTERIM BASIS MAY BE ALLOWED PROVIDED THAT SUCH SURFACE PARKING AREAS WILL MEET ALL REQUIRED MINIMUM SETBACKS, STREETSCAPE AND SCREENING REQUIREMENTS.

b. <u>Detached signs on Sharon & Morriso</u>(). To allow along sharon road and MORRISON BOULEVARD DETACHED, GROUND MOUNTED SIGNS UP TO 12 FEET IN HEIGHT

AND CONTAINING UP TO 100 SQUARE FEET OF SIGN AREA. THE NUMBER AND LOCATIONS 4 OF THESE SIGNS WILL BE-LIMITED AS FOLLOWS: (I) ONE (1) ON SHARON ROAD; AND (II) ONE (1) ON MORRISON BOULEVARD. THESE SIGNS MAY BE USED TO IDENTIFY ANY OF THE USES LOCATED ON THE SITE AND/OR LOCATED ON THE ADJACENT COLTSGATE SITE. IN ADDITION TO THE FOREGOING AND OTHER SIGNS PERMITTED IN THIS SECTION 2 AND OTHERWISE IN THE REZONING PLAN. TO ALLOW ONE (1) ADDITIONAL DETACHED, GROUND MOUNTED SIGN ALONG SHARON ROAD AND ONE (1) SUCH SIGN ALONG MORRISON BOULEVARD: THESE ADDITIONAL DETACHED SIGNS MAY BE UP TO FIVE (5) FEET HIGH AND CONTAIN UP TO 36 SQUARE FEET OF SIGN AREA.

c. <u>Wall signs on Sharon & Morrison</u>. 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. THE SIGN AREA OF THESE ALLOWED WALI SIGNS MAY BE INCREASED BY 10% IF INDIVIDUAL LETTERS ARE USED. IN ADDITION TO THE FOREGOING AND TO OTHER SIGNS PERMITTED IN THIS SECTION 2 AND OTHERWISE IN THE REZONING PLAN, TO ALLOW ADDITIONAL WALL SIGNS ALONG SHARON ROAD AND MORRISON BOULEVARD WITH UP TO AN ADDITIONAL 300 SQUARE FEET (BEYOND THE 200 SF AS ALLOWED BY ORDINANCE) OF SIGN AREA PER BUILDING ELEVATION OR STREET FRONTAGE; THE ADDITIONAL SIGNAGE AREA FOR THESE SIGNS MAY BE LOCATED ON MULTIPLE SIGNS SUBJECT TO THE STATED SIZE LIMITATION OF 300 CUMULATIVE SQUAF FEET OF SIGN AREA PER BUILDING ELEVATION OR STREET FRONTAGE AND A LIMIT OF

SQUARE FEET OF SIGN AREA PER INDIVIDUAL SIGN. SIGNS ON INTERIOR STREETS GENERALLY. IN ADDITION TO OTHER SIGNS PERMITTED IN THIS SECTION 2 AND OTHERWISE IN THE REZONING PLAN, TO ALLOW DETACHED, GROUND MOUNTED SIGNS, TENANT IDENTIFICATION WALL SIGNS LOCATED ALONG THE INTERIOR STREETS ON THE SITE IN EXCESS OF THE SIGNAGE REGULATIONS PROVIDED FOR IN THE MUDD ZONING CLASSIFICATION.

DIGITAL SIGNS ON SHARON & MORRISON. TO ALLOW PERMITTED WALL AND DETACHED SIGNS ALONG SHARON ROAD AND MORRISON BOULEVARD TO BE DIGITAL SIGNS OR HAVE PORTIONS OF THE SIGNS INCLUDE DIGITAL COMPONENTS; PROVIDED, HOWEVER, THE DIGITAL PORTION OF THE DETACHED, CROUND MOUNTED SIGNS SHALL BE LIMITED, IN THE AGGREGATE OF ALL SUCH SIGNS, TO 100 SQUARE FEET OF SIGN AREA. THE DIGITAL WALL SIGNS ALONG THE BUILDING WALLS OF SHARON ROAD AND MORRISON BOULEVARD WILL BE LIMITED TO A MAXIMUM CUMULATIVE SIGN FACE AREA OF 200 BOUARE FEET OF SIGN FACE AREA PER SIGN)

f. <u>DIGITAL SIGNS ON INTERIOR STREETS</u>. TO ALLOW PERMITTED SIGNS ALONG THE INTERIOR STREETS ON THE SITE TO BE DIGITAL SIGNS OR HAVE PORTIONS OF THE SIGNS INCLUDE DIGITAL COMPONENTS, PROVIDED, HOWEVER, THE DIGITAL SIGNS ALONG THE INTERIOR STREETS ON THE SITE THAT ARE DETACHED, GROUND MOUNTED SIGNS SHALL BE LIMITED, IN THE AGGREGATE, TO 200 SQUARE FEET OF SIGN AREA. THE DIGITAL WALL SIGNS ALONG THE BUILDING WALLS ON THE INTERIOR OF THE SITE WHILL BE LIMITED TO (MAXIMUM CUMULATIVE SIGN FACE AREA OF 200 SQUARE FEET OF SIGN AREA, AND NO MORE THAN 1-- SQUARE FEET OF SIGN FACE AREA PER SIGN.

g. PROJECTING SIGNS. PROJECTING AND BLADE SIGNAGE SHALL BE PERMITTED: (I) TO ENCROACH UP TO SIX (6) PET INTO THE SETBACKS FOR MORRISON BOULEVARD AND SHARON ROAD, AND THE INTERNAL STREETS ON THE SITE (AN INCREASE OF TWO (2) FLET ABOVE THE ORDINANCE REQUIREMENTS); AND (II) YO PROJECT UP TO EIGHT (8) FEET FROM A BUILDING WALL (AN INCREASE OF (FOUR (4)) FEET ABOVE THE ORDINANCE

TEMPORARY PLANNED DEVELOPMENT SIGNS. IN ADDITION TO OTHER SIGNS RERMITTED, IN THIS SECTION 2 AND OTHERWISE IN THE REZONING PLAN, TO ALLOW TEMPORARY SIGNS AND/OR BANNERS ALONG SHARON ROAD AND MORRISON BOULEVARD VITH UP TO 100 SQUARE FEET OF SIGN FACE AREA AND WITH A MAXIMUM HEIGHT O SEVEN (7) FEET. A TOTAL OF TWO (2) TEMPORARY PLANNED DEVELOPMENT SIGNS MAY BE ERECTED ALONG THE SITE SCRIPTION BOTH SHARON ROAD AND MORRISON BOULEVARD (AN INCREASE OF THREE (3) FEET ABOVE THE ORDINANCE REQUIREMENTS).

MASTER SIGNAGE PACKAGE. TO ALLOW PETITIONER TO SUBMIT FOR APPROVAL ON AN ADMINISTRATIVE BASIS BY THE PLANNING DIRECTOR A MASTER SIGNAGE PACKAGE FOR THE SITE AND/OR THE ADJACENT COLTSGATE SITE THAT MAY PROVIDE FOR MODIFICATIONS TO THE SIGNAGE PERMITTED IN THIS SECTION 2 AND OTHERWISE IN THIS REZONING PLAN PROVIDED THAT ANY SUCH MODIFICATIONS BY THE PLANNING DIRECTOR AS PART OF SUCH A MASTER SIGNAGE PACKAGE SHALL BE GENERALLY IN KEEPING WITH THE OVERALL REQUIREMENTS AND PROVISIONS OF THIS SECTION 2 AND THE REZONING

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.

RECESSED DOORS. NOT TO REQUIRE DOORWAYS TO BE RECESSED-INTO THE FACE OF BUILDINGS WHEN THE ABUTTING SIDEWALK WIDTH IS GREATER THAN 10 FEET.

k. BIKE PARKING. TO ALLOW REQUIRED LONG TERM BIKE PARKING SPACES FOR THE USES LOCATED ON THE SITE TO BE LOCATED WITHIN THE PARKING DECKS CONSTRUCTED

I. <u>Location</u> <u>of certain</u> <u>accessory</u> <u>uses</u>. To allow accessory uses ASSOCIATED WITH THE PERMITTED RELIGIOUS INSTITUTION USES TO BE LOCATED IN A BUILDING AND ON A PARCEL OTHER THAN THE BUILDING OR PARCEL UPON WHICH THE PRINCIPAL USES ARE LOCATED.

m. Parking on one side of street. To allow parking to be located only on ONE SIDE OF THE PRIVATE STREETS LOCATED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

PRIVATE STREET CROSS-SECTION. TO ALLOW THE USE OF INNOVATIVE STREET DESIGNS AND NON-STANDARD CROSS-SECTIONS FOR THE PRIVATE STREETS OFF OF SHARON ROAD AND MORRISON BOULEVARD AS GENERALLY DEPICTED ON THE REZONING DLAN.

GROSS FLOOR AREA. TO ALLOW THE DEFINITION OF "GROSS FLOOR AREA" OR "GSA"

SET FORTH BELOW TO BE USED AND APPLIED IN THE MANNER DESCRIBED BELOW.

CELL TOWER TO ALLOW THE EXISTING CELL TOWER LOCATED ON THE SAFE TO REMAIN IN ITS CURRENT LOCATION. OR TO BE RELOCATED TO ANOTHER LOCATION OR ON THE ROOF OF THE BUILDINGS: PROVIDED THAT THE HEIGHT OF THE EXISTING AN RELOCATED CELL TOWER SHALL NOT EXCEED THE HEIGHT OF THE EXISTING CELL TOWER ADJACENT BUILDING GENERALLY DEPICTED ON THE REZONING PLAN MAY BE LOCATED CLOSER TO THE EASTERN BOUNDARY LINE (BUT WITHIN THE EXTERNAL BUILDING LINE (IN THIS CASE THE EXTERNAL SETBACKS. REAR/SIDE YARDS OR BUFFER AREAS. IF APPLICABLE) AND/OR A DRIVE-WAY/PRIVATE STREET MAY BE LOCATED ON THE AREA OVER

WHICH THE EXISTING CELL TOWER IS LOCATED REVERSION AREA. STREET 1 CROSS-SECTION & STREETSCAPE TO THE EXTENT REQUIRED TO PRESERVE THE RICHTS SO NOTED: AN OPTIONAL PROVISION SHALL APPLY IN CONNECTION WITH THE RIGHTS OF THE PETITIONER TO USE THE REVERSION AREA AS MORE PARTICULARLY DESCRIBED IN SECTION 5 BELOW AND OTHERWISE IN THIS REZONING

3. <u>PERMITTED USES, DEVELOPMENT AREA LIMITATIONS, TRANSFER & CONVERSION</u>

a FOR FASE OF REFERENCE THE REZONING PLAN SETS FORTH THREE (3) DEVELOPMENT AREAS AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AS DEVELOPMENT AREAS A, B AND C (EACH A "DEVELOPMENT AREA" AND COLLECTIVELY THE

b. IN ADDITION TO OTHER DEVELOPMENT PERMITTED ON THE SITE AS DESCRIBED IN THIS SECTION 3 AND IN ACCORDANCE WITH THE RESTRICTIONS, LIMITATIONS, AND TRANSFER/CONVERSION RIGHTS LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE MAY BE DEVELOPED: (I) WITH UP TO 170,000 SQUARE FEET OF GROSS FLOOR AREA OF USES SUCH AS RETAIL, RESTAURANTS (EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS - EDEE), PERSONAL SERVICES AND OFFICE USES AS PERMITTED BY RIGHT-AND UNDER PRESCRIBED CONDITIONS; (II) A HOTEL WITH UP TO 175 ROOMS; (III) UP () 490 RESIDENTIAL DWELLING UNITS; (IV) INDOOR RECREATION USES OF UP TO 20,000 SQUARE FEET OF GROSS FLOOR AREA; AND (V) RELIGIOUS INSTITUTION USES OF UP TO 750 SEATS: TOGETHER WITH ALL ACCESSORY USES AND USES UNDER PRESCRIBED CONDITIONS AS ALLOWED IN THE MUDD-O ZONING DISTRICT (INCLUDING, WITHOUT LIMITATION CELL TOWERS).

C. THE TOTAL SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO OFFICE USES AND OTHER COMMERCIAL USES SUCH AS RETAIL, RESTAURANT (EDEE) AND PERSONAL SERVICES USES SHALL BE INTERCHANGEABLE PROVIDED THAT:

(I) THE TOTAL SQUARE FEET OF GROSS FLOOR AREA OF ALL OFFICE USES (ANG INCLUDING SUCH USES THAT ARE ACCESSORY USES) DOES NOT EXCEED 50,000 SQUARE FEET OF GROSS FLOOR AREA:

(II) THE TOTAL SQUARE FEET OF GROSS FLOOR AREA FOR NON-OFFICE COMMERCIAL USES SUCH AS RETAIL, RESTAURANT (EDEE) AND PERSONAL SERVICE USES SHALL NOT EXCEED 170,000 SQUARE FEET OF GROSS FLOOR AREA; AND III)THE TOTAL SQUARE FEET OF GROSS FLOOR AREA OF ALL COMMERCIAL USES (E.G.

EXCEED 170.000 SQUARE FEET OF GROSS FLOOR AREA. ADDITIONAL HOTEL ROOMS MAY BE DEVELOPED WITHIN THE SITE 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.

RETAIL, RESTAURANTS/EDEE, PERSONAL SERVICES AND OFFICE USES) SHALL NOT

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 (INCLUDING, WITHOUT LIMITATION, THE DEVELOPERS OF THE COLONY PROJECT AS SET FORTH IN REZONING PET. 2015-131), 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 17 IN THE SHARON METHODIST TRAFFIC IMPACT STUDY DATED JUNE 19TH, 2015 AND ON FIGURE 6 IN THE MORRISON BOULEVARD PROPOSED DRIVEWAYS TECHNICAL MEMORANDUM DATED NOVEMBER 2, 2015. THESE FIGURES ARE ILLUSTRATED ON SHEET RZ-6 OF THE REZONING PLAN. FIGURE 17 AND FIGURE 6 AS ATTACHED AS SHEET RZ-6 ARE TO BE USED IN CONJUNCTION WITH THE FOLLOWING NOTES TO DETERMINE THE EXTENT OF THE PROPOSED IMPROVEMENTS TO THE EXTENT OF CONFLICT BETWEEN THE OW AND THE DRAWINGS ON SHEET RZ-6, THE PROVISIONS BELOW SHALL 🕻 CONTORL

a. <u>AT THE INTERSECTION OF SHARON ROAD AND COLONY ROAD (INTERSECTION #1):</u> • CONSTRUCT ONE EASTBOUND COLONY ROAD RIGHT TURN LANE WITH 300 FEET OF STORAGE, THIS MAY REQUIRE ADDITIONAL RIGHT-OF-WAY.

AT THE INTERSECTION OF SHARON ROAD AND MORRISON BOULEVARD

 CONSTRUCT ONE ADDITIONAL SOUTHBOUND SHARON ROAD LEFT TURN LANE. THE FINAL DESIGN OF THE SOUTHBOUND DUAL LEFT TURN LANES WILL NEED TO BE COORDINATED WITH THE EXPECTED NORTHBOUND LEFT TURN LANE FOR THE COLONY DEVELOPMENT DRIVEWAY. IT IS RECOMMENDED THE DUAL LEFT TURN LANES HAVE THE MAXIMUM AMOUNT OF STORAGE POSSIBLE (APPROXIMATELY 235 FEET) WHILE PROVIDING 200 FEET OF STORAGE FOR THE NORTHBOUND LEFT TURN LANE AT THE

c. <u>AT THE INTERSECTION OF CAMERON VALLEY PARKWAY AND COLTSGATE ROAD</u> STRIPE THE EASTBOUND COLTSGATE ROAD APPROACH TO PROVIDE ONE LEFT TURN

AT THE INTERSECTION OF FAIRVIEW ROAD AND CAMERON VALLEY PARKWAY (INTERSECTION #4):

LANE WITH 175 FEET OF STORAGE AND ONE SHARED THROUGH/RIGHT LANE.

• EXTEND THE EASTBOUND FAIRVIEW ROAD LEFT TURN LANE TO PROVIDE 275 FEET OF

 CONSTRUCT AN ADDITIONAL SOUTHBOUND CAMERON VALLEY PARKWAY LEFT TURN LANE WITH 125 FEET OF STORAGE. • RESTRIPE THE EXISTING SOUTHBOUND CAMERON VALLEY PARKWAY LEFT TURN LANE AS A DROP LANE. • RESTRIPE THE EXISTING SOUTHBOUND CAMERON VALLEY PARKWAY THROUGH AND

• INSTALL LANE CONFIGURATION SIGNAGE AND MARKINGS AS NECESSARY

SHARED THROUGH/RIGHT LANES AS NECESSARY.

 INSTALL A TRAFFIC SIGNAL AND ASSOCIATED IMPROVEMENTS. THE INSTALLATION AND COST OF WHICH TO BE THE RESPONSIBILITY OF PETITIONER UPON APPROVAL BY • CONSTRUCT SITE DRIVE 1 WITH ONE LEFT TURN LANE AND ONE SHARED

THROUGH/RIGHT. PROVIDE 200 FEET OF STORAGE ON THE LEFT TURN LANE. AT THE PROPOSED INTERSECTION OF SHARON ROAD AND SITE DRIVE 2

• CONSTRUCT SITE DRIVE 2 TO FORM A RIGHT-IN / RIGHT-OUT INTERSECTION WITH

AT THE PROPOSED INTERSECTION OF COLTSGATE ROAD AND SITE DRIVE 3 CONSTRUCT SITE DRIVE 3 TO FORM A THREE-LEGGED INTERSECTION WITH COLTSGATE

ROAD. ONE SHARED LANE IS RECOMMENDED ON EACH APPROACH. AT THE PROPOSED INTERSECTION OF MORRISON BOULEVARD AND SITE DRIVE 4

CONSTRUCT SITE DRIVE 4 TO FORM A RIGHT-IN/RIGHT-OUT INTERSECTION WIT MORRISON BOULEVARD. [NOTE: THESE IMPROVEMENTS ARE ONLY ALLOWED II PETITIONER INSTALLS SITE DRIVE 4 AS PART OF ITS DEVELOPMENT OF THE RESERVATION AREA UNDER SECTION 5 BELOW AND THE SAME IS APPROVED BY CDOT , SUCH APPROVAL NOTE BE UNREASONABLY WITHHELD OR DELAYED.]

AT THE PROPOSED INTERSECTION OF MORRISON BOULEVARD AND SITE DRIVE 5 (INTERSECTION #9):

• CONSTRUCT SITE DRIVE 5 TO FORM A RIGHT-IN / RIGHT-OUT INTERSECTION WIT MORRISON BOULEVARD. [NOTE: THESE IMPROVEMENTS ARE ONLY ALLOWED I PETITIONER INSTALLS SITE DRIVE 5 AS PART OF ITS DEVELOPMENT OF THE RESERVATION AREA UNDER SECTION 5 BELOW AND THE SAME IS APPROVED BY CDOT, SUCH APPROVAL NOT TO BE UNREASONABLY WITHHELD OR DELAYED.]

..... INTERNAL PRIVATE STREETS CONNECTING MORRISON BOULEVARD AND SHARON ROAD TO COLTSGATE ROAD:

 \bullet THE PETITIONER WILL CONSTRUCT THE INTERNAL PRIVATE STREET NETWORK ILLUSTRATED ON THE REZONING PLAN. • THE PETITIONER WILL ALSO CONSTRUCT, OR CAUSE TO BE CONSTRUCTED, A PRIVATE STREET CONNECTION FROM THE SITE TO COLTSGATE ROAD AS INDICATED ON REZONING PETITION NO. 2015-059.

II. STANDARDS, PHASING AND OTHER PROVISIONS.

CDOT/NCDOT STANDARDS. ALL OF THE FOREGOING PUBLIC ROADWA MPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT. 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 SOUTHPARK AREA (INCLUDING. WITHOUT LIMITATION. TH COLONY PROJECT AS DESCRIBED ABOVE), BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

..... [b. PHASING; COMPLETION OF CONNECTION TO COLTSGATE ROAD. THE IMPROVEMENTS LISTED ABOVE WILL BE COMPLETED IN CONJUNCTION WITH THE DEVELOPMENT OF THE SITE. IN PARTICULAR IT IS UNDERSTOOD THAT THE IMPROVEMENTS RELATED TO PRIVATE STREET 1 SHALL BE UNDERTAKEN SO AS TO CONNECT ALL THE WAY TO COLTSGATE ROAD PRIOR TO ISSUANCE OF THE FIRST CERTICIATE OF OCCUPANCY FOR THE FIRST BUILDING $\,$

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.

RIGHT-OF-WAY AVAILABILITY. IT IS UNDERSTOOD THAT SOME OF THE PUBLIC 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 FEFORTS 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

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, PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS

III. ACCESS & STREETS.

a. ACCESS TO THE SITE WILL BE FROM SHARON ROAD, MORRISON BOULEVARD, THE PRIVATE STREET CONNECTING TO THE ADJACENT COLTSGATE SITE: FUTURE ACCESS MAY TAKE PLACE (I) TO THE POTENTIAL FUTURE STREET SHOWN TO CONNECT WITH TAX PARCEL #183-177-03 LOCATED TO THE SOUTHWEST OF THE SITE KNOWN AS THE "SHARON STATION PARCEL." AND/OR (II) TO THE PARCEL LOCATED TO THE SOUTHWEST OF THE SITE REFERENCED AS TAX PARCEL #183-177-04; ALL AS GENERALLY DEPICTED ON THE REZONING PLAN AND SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.

b. SUBJECT TO THE OPTIONAL PROVISIONS SET FORTH ABOVE, THE PRIVATE STREETS GENERALLY DEPICTED ON THE REZONING PLAN WILL BE DESIGNED AS INDICATED ON THE

c. THE PETITIONER AS PART OF THE DEVELOPMENT OF SITE WILL CONSTRUCT THREE (3)

PRIVATE STREETS THROUGH AND TO THE BOUNDARIES OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN AND SUBJECT TO THE PROVISIONS OF SECTION 5 REGARDING USE OF THE REVERSION AREA. ADDITIONAL DRIVE-WAYS MAY BE INSTALLED TO POSSIBLY CONNECT TO MORRISON BOULEVARD AS GENERALLY DEPICTED AS OPTION 2 ON SHEET RZ-4. A PUBLIC ACCESS EASEMENT WILL BE PROVIDED ON EACH PRIVATE STREET. THE PUBLIC ACCESS FASEMENT WILL PROHIBIT THE PRIVATE STREETS FROM BEING CLOSED OR GATED AND WILL REQUIRE THAT THE PRIVATE STREETS BE KEPT OPEN TO ALLOW THE PUBLIC TO USE THE STREET FOR INGRESS AND EGRESS (THE PETITIONER MAY FROM TIME TO TIME TEMPORARILY CLOSE THESE INTERNAL PRIVATE STREETS FOR SPECIAL EVENTS AND FESTIVALS AS WELL AS FOR ROUTINE MAINTENANCE AND REPAIRS). THE PUBLIC ACCESS EASEMENT WILL BE DOCUMENTED ON APPLICABLE APPROVED BUILDING PERMIT PLANS WHICH WILL INCLUDE A PROVISION STATING THAT THE EASEMENT CAN BE MODIFIED AS PERMITTED HERFIN. THIS PROVISION AND PROVISIONS TO BE INCLUDED ON THE BUILDING PLANS ARE NOT INTENDED TO CREATE PRIVATE EASEMENTS RIGHTS THAT MAY BE ENFORCED BY INDIVIDUAL LAND OWNERS, BUT RATHER ARE INTENDED TO COMPLY WITH DESIRE OF THE CITY TO HAVE A PRIVATE STREET OPEN TO THE PUBLIC BETWEEN SHARON ROAD, MORRISON BOULEVARD AND THE ADJACENT COLTSGATE SITE.

d. DRIVEWAY AND PEDESTRIAN CONNECTIONS TO THE INTERIOR STREETS DEPICTED ON THE REZONING PLAN FROM ADJOINING PROPERTIES MAY BE ALLOWED IN THE LOCATION(S). SHOWN ON THE REZONING PLAN IF THE PETITIONER AND THE PARTIES SEEKING THE CONNECTION(S) ARE IN AGREEMENT ON THE LOCATION(S) AND THE TERMS OF THE

e. THE EXACT ALIGNMENT, DIMENSIONS AND LOCATIONS OF THE ACCESS POINTS TO THE SITE, THE DRIVEWAYS ON THE SITE AND STREETSCAPE CROSS-SECTIONS FOR THE PRIVATE STREETS ON THE SITE MAY BE MODIFIED FROM THE ELEMENTS SHOWN ON THE REZONING PLAN PROVIDED THAT THE OVERALL DESIGN INTENT IS NOT MATERIALLY ALTERED AND REQUIREMENTS DESCRIBED IN THIS SECTION 4.III. IS MET.

f. THE PRIVATE STREET 1 THAT CONNECTS TO MORRISON BOULEVARD AS GENERALLY DEPICTED ON THE REZONING PLAN SHALL BE DESIGNED SO AS TO PROVIDE FOR (i) A MINIMUM VERTICAL BUILDING CLEARANCE OF FIFTEEN (15) FEET AND (ii) SIDEWALKS ON BOTH SIDES OF SUCH ENTRANCE WITH A MINIMUM OF TWEENE (12) FEET WHIDTH AND MAY INCLUDE INSTALLATION OF TREES IN GRATES OR RAISED PLANTERS; PROVIDED HOWEVER, IF THE REVERSION AREA MAY BE USED AS DESCRIBED IN SECTION 5 BELOW. OPTION 2 SHALL PROVIDE FOR A CROSS-SECTION OF AN EIGHT (8) FOOT PLANTING STRIP <u>ÚSE OF REVERSION AREA</u>. AND EIGHT (8) FOOT SIDEWALK.

a. REFERENCE IS MADE TO THAT CERTAIN PORTION OF THE SITE DESIGNATED AS THE "REVERSION AREA" ON THE TECHNICAL DATA SHEET (THE "REVERSION AREA").

b. THE REVERSION AREA IS OWNED IN FEE SIMPLE BY THE SHARON UNITED METHODIST CHURCH, BUT UNDER CERTAIN CIRCUMSTANCES TITLE TO THE REVERSION AREA MAY REVERT TO DIFFERENT OWNERSHIP, WHICH MAY LIMIT THE USE BY THE PETITIONER OF THE REVERSION AREA FOR THE INTENDED DEVELOPMENT. AS A RESULT, THE REZONING PLAN, INCLUDING WITHOUT LIMITATION, SHEET RZ-1 (TECHNICAL DATA SHEET) AND SHEETS RZ-3 AND 4 (CONCEPTUAL PLANS OPTION 1 AND OPTION 2. RESPECTIVELY). CONTEMPLATES AN ALTERNATIVE DEVELOPMENT BUILDING/STREETSCAPE EDGE AND POSSIBLE ADDITIONAL DRIVE-WAY(S) FOR THE PORTION OF SITE LOCATED ALONG MORRISON BOULEVARD, SUCH PORTION BEING HIGHLIGHTED ON SUCH RZ SHEETS.

c. IF PETITIONER IS UNABLE TO OBTAIN, WHETHER THROUGH CONSENT OF THE APPLICABLE PARTIES OR THROUGH OTHER LEGAL MEANS, THE USE OF THE REVERSION AREA FOR THE BUILDING AND STREETSCAPE IMPROVEMENTS GENERALLY DEPICTED AS OPTION 2 ON SHEET RZ-4. THEN PETITIONER MAY ONLY PROCEED WITH DEVELOPMENT IN ACCORDANCE WITH THE BUILDING AND STREETSCAPE IMPROVEMENTS GENERALLY DEPICTED AS OPTION 1 ON SHEET RZ-3 AND AS DESCRIBED ON THE TECHNICAL DATA

d. IF THE PETITIONER IS ABLE TO OBTAIN, WHETHER THROUGH CONSENT OF THE APPLICABLE PARTIES OR THROUGH OTHER LEGAL MEANS, THE USE OF THE REVERSION AREA FOR THE BUILDING AND STREETSCAPE IMPROVEMENTS GENERALLY DEPICTED AS OPTION 2 ON SHEET RZ-4. THEN PETITIONER MAY PROCEED WITH DEVELOPMENT IN ACCORDANCE WITH THE BUILDING AND STREETSCAPE IMPROVEMENTS GENERALLY DEPICTED AS OPTION 2 ON SHEET RZ-4.

IF THE PETITIONER MAY PROCEED WITH DEVELOPMENT WITHIN THE REVERSION AREA AS DESCRIBED ABOVE, PETITIONER MAY ALSO PROVIDE FOR ADDITIONAL DRIVEWAY CONNECTION(S) TO MORRISON BOULEVARD IN THE MANNER GENERALLY DEPICTED AS OPTION 2 ON SHEET BY (SUBJECT TO CDOT'S APPROVAL NOT TO BE UNREASONABLE WITHHELD OR DELAYED) AND PETITIONER SHALL EXPAND THE SIDEWALK WIDTH ALONG MORRISON BOULEVARD FROM SIX (6) FEET TO A MUNIMUM OF [EIGHT (8)] FEET IN WIDTH-TO GO WITH THE PROPOSED EIGHT (8) FOOT PLANTING STRIP

A MINIMUM OF A 22 FOOT SETBACK WILL BE PROVIDED ALONG SHARON ROAD! WITHI THE SETBACK AREA OF SHARON ROAD, AN EIGHT (8) FOOT PLANTING STRIP AND AN EIGH

(8) FOOT SIDEWALK WILL BE PROVIDED. b. (EXCEPT AS SET FORTH IN SECTION 5.E ABOVE REGARDING USE OF THE REVERSION AREA, A 14 FOOT SETBACK WILL BE PROVIDED ALONG MORRISON BOULEVARD. WITHIN THE SETBACK AREA OF MORRISON BOLLI EVARD. AN EIGHT *8) FOOT PLANTING STRIP AND SEX 96) FOOT SIDEWALK WILL PROVIDED, UNLESS OTHERWISE PROVIDED FOR IN SECTION 5.E. ABOVE REGARDING USE OF THE REVERSION AREA.

ALONG THE SITE'S INTERIOR PRIVATE STREET A MINIMUM OF A 16 FOOT BUILDING SETBACK WILL BE PROVIDED AS MEASURED FROM THE BACK OF CURB. WITHIN THIS SETBACK AREA AN EIGHT (8) FOOT SIDEWALK WITH EITHER AND EIGHT *9) FOOT PLANTING STRIP WITH STREET TREES WILL BE PROVIDED OR STREET TREES IN GRATE S OR PLANTERS

BALCONIES LOCATED ABOVE THE FIRST FLOOR OF THE BUILDING(S) ALONG SHARON ROAD AND MORRISON BOULEVARD MAY ENCROACH UP TO TWO (2) FEET INTO THE SETBACK.

7. PARKING AREAS, ACCESS AND CIRCULATION DESIGN GUIDELINES.

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 AN EXPOSED UPPER LEVEL WILL BE ACCOMPLISHED BY A WALL, AT LEAST 36 INCHES IN HEIGHT, DESIGNED AS PART OF THE PARKING DECK STRUCTURE.

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.

8. 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 EIGHT (8) FEET. STREET TREES WILL ALSO BE PROVIDED ALONG THE SITE'S INTERNAL

b. 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. c. 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.

a. THE PETITIONER WILL PROVIDE URBAN OPEN SPACE AREAS ALONG THE SITE'S INTERNAL PRIVATE STREETS IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN BUT SUBJECT TO MINOR ADJUSTMENTS NEEDED TO ACCOMMODATE BUILDING AND PARKING IMPROVEMENTS. THESE OPEN SPACE AREAS WILL BE CONTAIN LANDSCAPING, SEATING AREAS AND HARDSCAPE ELEMENTS.

10. GENERAL DESIGN GUIDELINES. a. GENERAL CONSIDERATIONS

BUILDINGS WILL BE ORIENTED TOWARDS PUBLIC AND PRIVATE STREETS TO REINFORCE THE STREET SCAPE.

ii. BUILDINGS WILL BE ORIENTED IN A WAY TO DEFINE PUBLIC OPEN SPACE AREAS. iii. ARCHITECTURAL TREATMENT SHALL CONTINUE ON ALL SIDES OF A BUILDING EXCEPT

AS SPECIFICALLY NOTED OTHERWISE. iv. GROUND FLOOR ELEVATIONS SHALL BE TREATED WITH A COMBINATION OF FENESTRATION, CLEAR GLASS, PROMINENT ENTRANCES, CHANGE IN MATERIALS, BUILDING

STEP BACKS, ART WORK AND LANDSCAPING. BLANK WALLS CANNOT BE ADDRESSED WITH LANDSCAPE ELEMENTS ONLY. v. ALL BUILDING ENTRANCES WILL BE CONNECTED TO THE STREET NETWORK SUBJECT TO GRADE AND ADA STANDARDS (PRIVATE PATIOS WILL NOT BE CONSIDERED A BUILDING

b. **ARCHITECTURAL ELEVATIONS**. THE ATTACHED ELEVATIONS ASSOCIATED WITH THE BUILDING(S) TO BE LOCATED ON THE SITE IN CONNECTION WITH THE PERMITTED USES OF THE SITE ARE INCLUDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDING(S) THAT WILL BE CONSTRUCTED IN CONNECTION WITH THE PROPOSED USES, IT BEING UNDERSTOOD THAT THE ACTUAL BUILDING(S) SO CONSTRUCTED IN CONNECTION WITH THE SUCH PROPOSED USES MAY VARY FROM THESE ILLUSTRATIONS AS LONG AS THE GENERAL ARCHITECTURAL CONCEPT AND INTENT SHOWN IS MAINTAINED.

c. FACADE COMPOSITION

i. THE PRINCIPAL ENTRANCE OF A BUILDING SHALL BE ARTICULATED AND EXPRESSED IN GREATER ARCHITECTURAL DETAIL THAN OTHER BUILDING ENTRANCES.

d. FACADES SHALL INCORPORATE WINDOWS AND DOORS AS FOLLOWS:

i. WINDOWS AND DOORS SHALL BE PROVIDED FOR AT LEAST 30% 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 AND 25 FEET IN LENGTH. THIS STANDARD WILL NOT APPLY TO THE PORTIONS OF PARKING DECK STRUCTURES THAT ARE LOCATED ALONG PRIMARY AND SECONDARY STREETS.

ii. THE ABOVE REQUIREMENT MAY BE REDUCED WHERE A FACADE IS NOT VISIBLE FROM A PUBLIC OR PRIVATE STREET.

iii. THE FACADES OF FIRST/GROUND FLOOR OF THE BUILDINGS ALONG PUBLIC AND PRIVATE STREETS SHALL INCORPORATE A MINIMUM OF 25% MASONRY MATERIALS SUCH AS BRICK, STUCCO OR STONE.

STREET FRONTING FACADES OVER 75 FEET IN LENGTH SHALL INCORPORATE WALL PROJECTIONS OR RECESSES A MINIMUM OF THREE FEET IN DEPTH. THE COMBINED LENGTH OF SAID RECESSES AND PROJECTIONS SHALL CONSTITUTE AT LEAST 20% OF THE TOTAL FACADE LENGTH FOR FACADES OVER 75 FEET IN LENGTH. PATIOS AND BALCONIES ARE ACCEPTABLE PROJECTIONS.

ADDITIONAL STREET FRONTING FACADE REQUIREMENTS ON PUBLIC AND PRIVATE

STREET FRONTING FACADES AND END FRONTING 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 STREET FRONTING FACADES SHALL BE SUBSTANTIALLY SIMILAR. EXCEPT THAT SAID BUILDING MAY 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.

i. FIRST STORY FACADES OF ALL BUILDINGS ALONG PRIMARY AND SECONDARY STREETS SHALL INCORPORATE COLUMNS, AWNINGS, ARCADES, WINDOWS, DOORS, OR OTHER ARCHITECTURAL FLEMENTS.

iv. FACADES SHALL PROVIDE VISUAL DIVISIONS BETWEEN THE FIRST TWO OR THREE STORIES DESIGNED FOR COMMERCIAL USES AND THE UPPER LEVEL STORIES DESIGNED FOR RESIDENTIAL USES, WHEN THE BUILDING HEIGHT IS MORE THAN TWO STORIES. THROUGH ARCHITECTURAL MEANS SUCH AS COURSES, AWNINGS, OR A CHANGE IN PRIMARY FAÇADE MATERIALS OR COLORS.

. FACADES DESIGNED FOR RESIDENTIAL USES ABOVE THE TWO OR THREE LOWER STORIES SHALL INCORPORATE WINDOWS, ARCHES, OR OTHER ARCHITECTURAL DETAILS.

vi. 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.

vii. MATERIALS MAY BE COMBINED HORIZONTALLY OR VERTICALLY, WITH THE HEAVIER BELOW THE LIGHTER WHEN HORIZONTAL.

viii. EXTERIOR MATERIALS OF BUILDINGS ALONG THE PUBLIC AND PRIVATE STREETS

SHALL BE LIMITED TO BRICK, STONE, PRE-CAST CONCRETE, WOOD, STUCCO, CEMENTITIOUS SIDING, GLASS, MANUFACTURED STONE OR GRANITE. ix. ACCESSORY STRUCTURES SHALL BE CONSISTENT WITH THE PRINCIPAL BUILDING IN

MATERIAL, TEXTURE, AND COLOR, x. FOUNDATIONS, WHERE PROVIDED, SHALL BE CONSTRUCTED AS A DISTINCT BUILDING ELEMENT THAT CONTRASTS WITH FACADE MATERIALS. EXPOSED ABOVE-GROUND

STONE, OR NATURAL STONE TO CONTRAST WITH FACADE MATERIALS. 11. ENVIRONMENTAL FEATURES:

FAÇADE ARTICULATION:

a. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

FOUNDATIONS SHALL BE COATED OR FACED IN CEMENT, STUCCO, BRICK, MANUFACTURED

a. SIGNAGE AS ALLOWED BY THE ORDINANCE AND BY THE OPTIONAL PROVISIONS LISTED ABOVE MAY BE PROVIDED IN ADDITION TO THE SIGNAGE OTHERWISE ALLOWED IN

b. 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 THE OTHER USES MAY BE IDENTIFIED ON THE SIGNS ALLOWED ALONG SHARON ROAD AND MORRISON BOULEVARD). THE ALLOWED SIGNS MAY CONTAIN IDENTIFICATION SIGNAGE FOR ANY OF THE USES LOCATED

c. MASTER SIGNAGE AND GRAPHIC SYSTEMS MAY BE ADOPTED.

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 25 FEET IN HEIGHT.

c. DETACHED PEDESTRIAN SCALE LIGHTING ALONG INTERNAL STREETS SHALL NOT EXCEED 20 FEET IN HEIGHT.

14. WORKFORCE HOUSING: THE PETITIONER SHALL VOLUNTARILY PROVIDE TO THE PETITIONER SHALL PROVIDE TO THE WORKFORCE HOUSING PROGRAM TO ENSURE THAT SOME RESIDENTIAL UNITS ARE RESONABLY PRICED FOR PERSONS EARNING LESS THAN THE MEDIAN INCOME FOR THE AREA. PETITIONER SHA,L.L ENSURE THAT NO FEWER THAN 5% OF THE TOTAL NUMBER OF RESIDENTIAL UNITS ACTUALLY CONSTRUCTED ON THE SITE, FOR A PERIOD OF NOT LESS

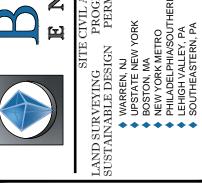
THAN 15 YEARS, MAINTAIN MONTHLY RENTS THAT ARE, ON AVERAGE, AFFORDABLE FOR

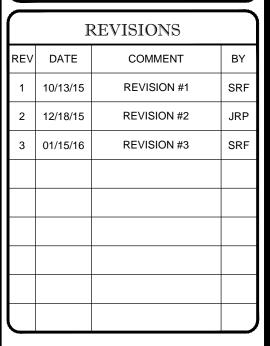
PERSON EARNING NOT LESS THAN 80% OF THE AREA MEDIAN INCOME. 15. AMENDMENTS TO THE REZONING PLAN: a. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA PORTION OF THE SITE AFFECTED BY SUCH

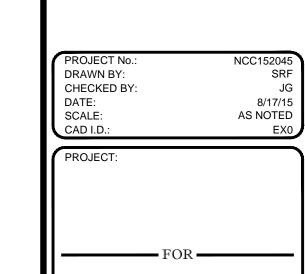
AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE

15. 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.







LOCATION OF SITE

4411 SHARON ROAD

CHARLOTTE, NC

REZONING PLAN **PETITION**

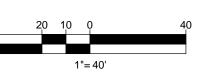
DEVELOPMENT STANDARDS

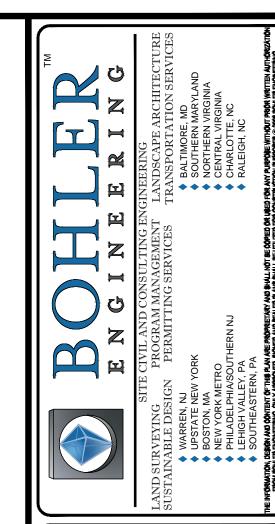


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OPTION 1





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| ı | REV | DATE | COMMENT | BY |
| ı | 1 | 10/13/15 | REVISION #1 | SRF |
| ı | 2 | 12/18/15 | REVISION #2 | JRP |
| ı | 3 | 01/15/16 | REVISION #3 | SRF |
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4411 SHARON ROAD CHARLOTTE, NC

REZONING PLAN
PETITION
#2015-58
OPTION 1

SCHEMATIC
SITE PLAN

RZ-3

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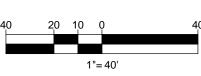


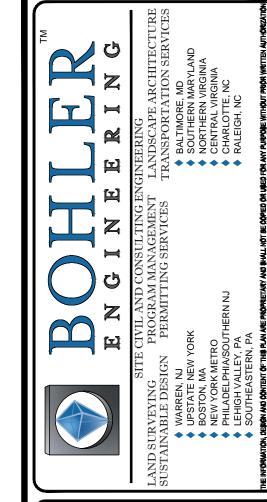
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Architecture Interior Design

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OPTION 2





| | | REVISIONS | | |
|---|-----|-----------|-------------|-----|
| ı | REV | DATE | COMMENT | BY |
| ı | 1 | 10/13/15 | REVISION #1 | SRF |
| ı | 2 | 12/18/15 | REVISION #2 | JRP |
| ı | 3 | 01/15/16 | REVISION #3 | SRF |
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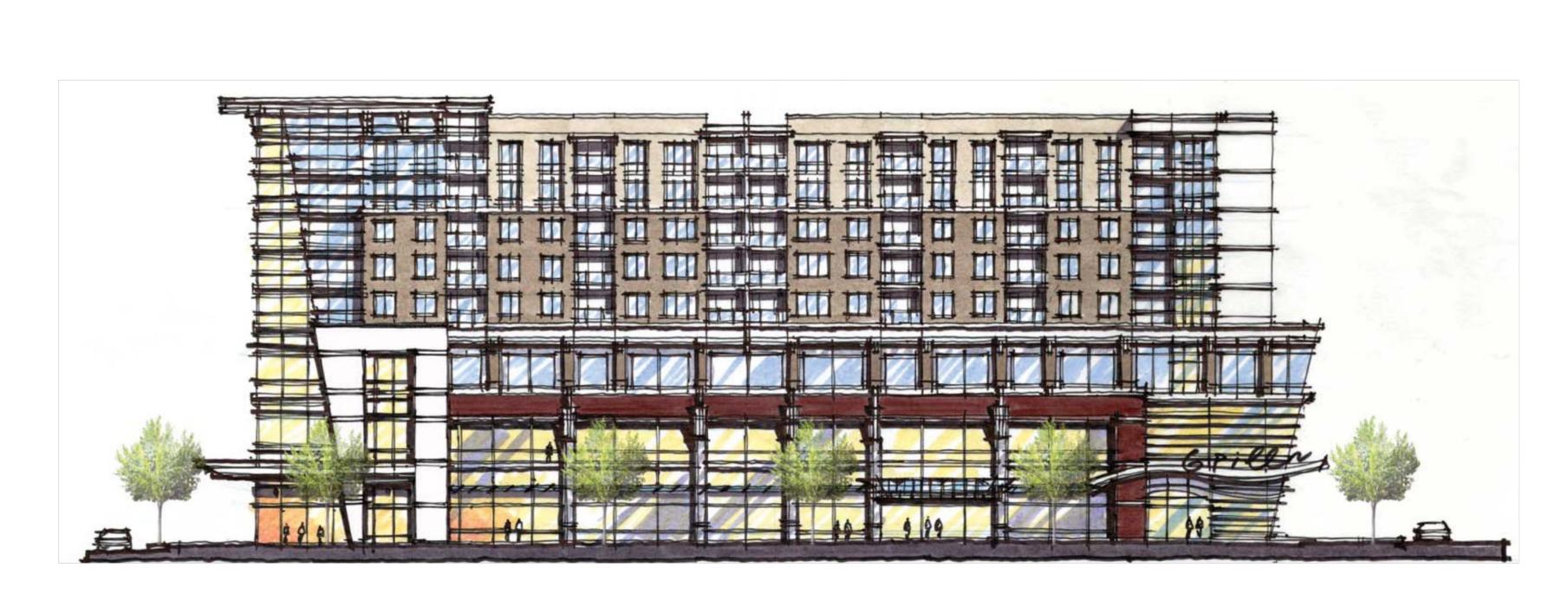
| PROJECT No.: | NCC152045 |
|--------------|-----------|
| DRAWN BY: | SRF |
| CHECKED BY: | JG |
| DATE: | 8/17/15 |
| SCALE: | AS NOTED |
| CAD I.D.: | EX0 |
| PROJECT: | |
| F | OR — |
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LOCATION OF SITE 4411 SHARON ROAD CHARLOTTE, NC

REZONING PLAN
PETITION
#2015-58
OPTION 2

SCHEMATIC
SITE PLAN

RZ-4



SHARON ROAD ELEVATION



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COMMISSION NO. 14-122.01 DECEMBER. 14. 2015

SHARON UNITED METHODIST CHURCH
CHARLOTTE, NORTH CAROLINA



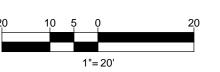
NOTE: THE ARCHITECTURAL BUILDING ELEVATIONS DEPICTED ARE SCHEMATIC ILLUSTRATIONS ONLY AND INTENDED TO CONVEY A THEMATIC DESIGN CONTEXT AND MASSING STUDY. THESE ILLUSTRATIONS ARE NOT MEANT TO CONVEY FINAL DETAILED ARCHITECTURAL DESIGN FOR THE PROJECT.

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OPTION 1 & 2



ENGRINGERING
SITE CIVIL AND CONSULTING ENGINEERING
NABLE DESIGN PERMITTING SERVICES TRANSPORTATION SERVICES
WARREN, NJ

* UPSTATE NEW YORK
* BOSTON, MA

* BOSTON, MA

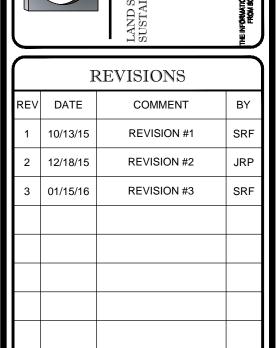
* PHILADELPHIA/SOUTHERN NJ

* PHILADELPHIA/SOUTHERN NJ

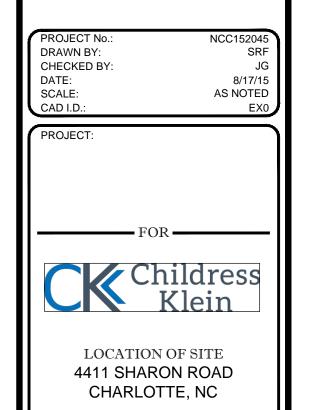
* CHARLOTTE, NC

* CHARLOTTE, NC

* CHARLOTTE, NC



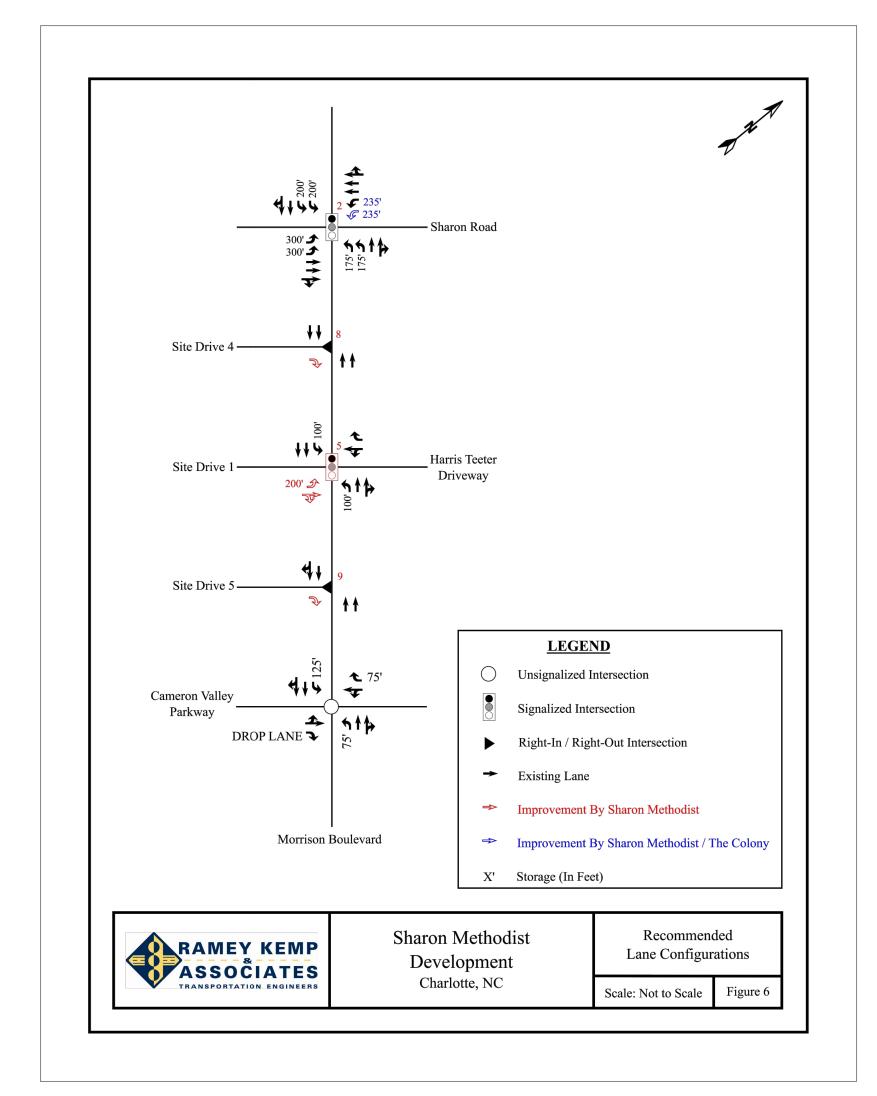
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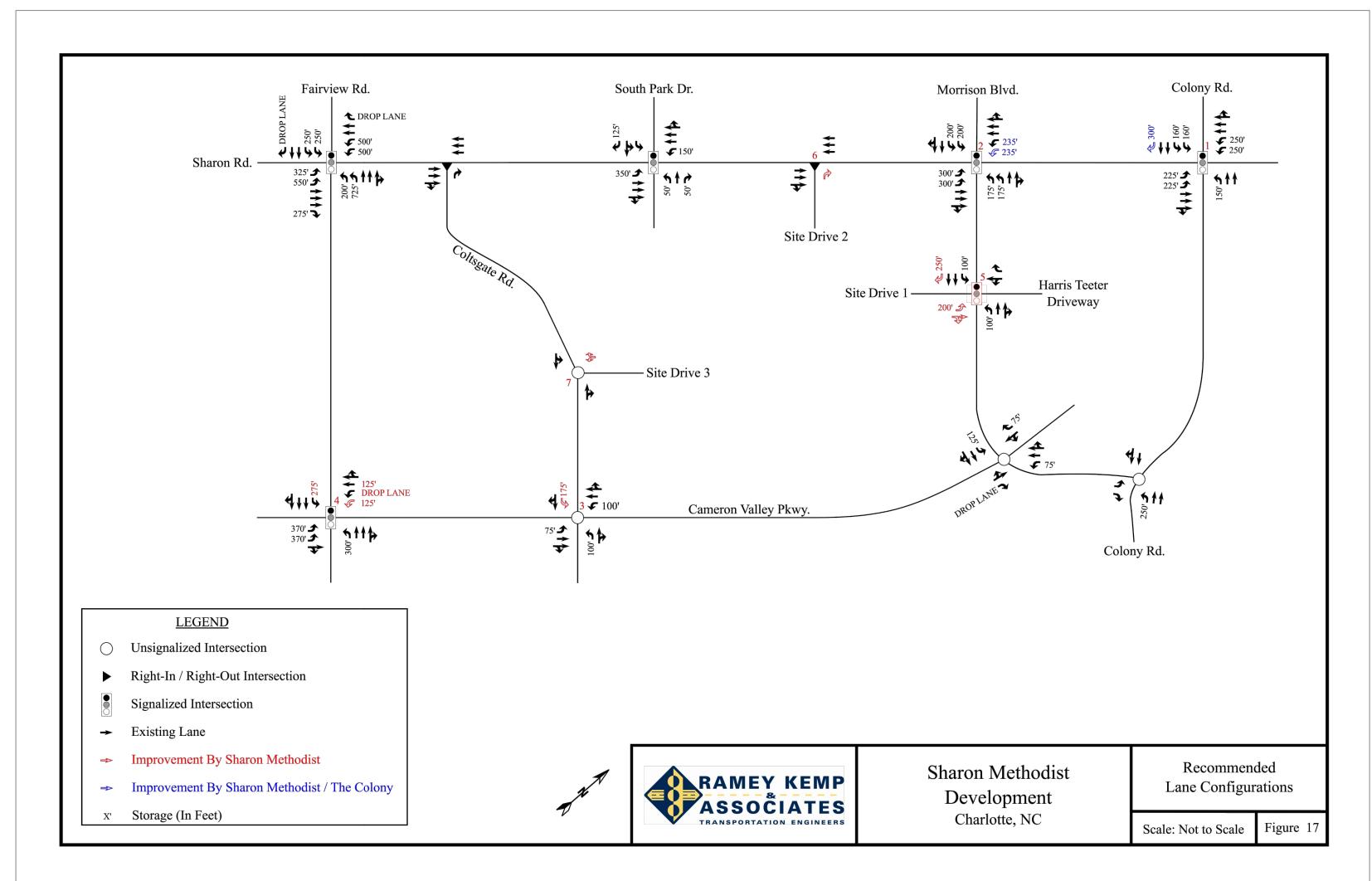
REZONING PLAN
PETITION
#2015-58
OPTION 1 & 2

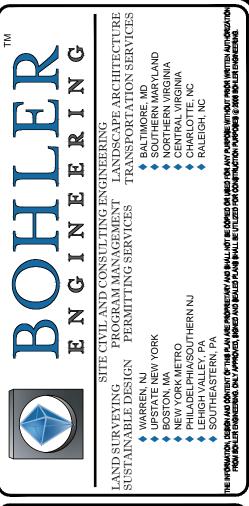
BUILDING
ELEVATIONS

RZ-5



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| | REVISIONS | | |
|-----|-----------|-------------|-----|
| REV | DATE | COMMENT | BY |
| 1 | 10/13/15 | REVISION #1 | SRF |
| 2 | 12/18/15 | REVISION #2 | JRP |
| 3 | 01/15/16 | REVISION #3 | SRF |
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| | PROJECT No.: | NCC152045 |
|---|-----------------------------------|------------------|
| | DRAWN BY: | DRAFTER |
| | CHECKED BY: | ENGINEER |
| | DATE: | DATE |
| | SCALE: | AS NOTED |
| | CAD I.D.: | CAD-ID |
| | OND I.B. | 0/10/10 |
| 1 | PROJECT: | |
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| | LOCATION 4411 SHARO CHARLOT | ON ROAD |

REZONING PLAN
PETITION
#2015-58

SHEET TITI

TRANSPORTATION IMPROVEMENTS

HEET NUMBER:

RZ-6