

commercial uses allowed in the MUDD zoning district on an approximately  $\pm$  11.69 acre site located on W. Tyvola Road across from City Park Drive (the "Site").

b. **Zoning District/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.** 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 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 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

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

Ordinance. These instances would include changes to graphics if

they are:

iii. modifications to allow minor increases or decreases 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 will be limited four (4). 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. Note: These Development Standards replace and supersede the previous development standards approved as part of the prior Rezoning Petition for this Site. The proposed square footage and the number of proposed hotel rooms by this Petition are independent entitlements and are not associated with or part of the entitlements approved for City Park as Part of Rezoning Petition

### 2. Optional Provisions.

a. To allow each building, or each independently branded hotel, constructed on the Site to have a detached ground mounted sign with 36 square feet of sign area and up to five (5) feet in height. Detached signs must be located behind the required setback.

b. 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 wall signs may be increased by 10% if individual letters are used.

the Site. e. To allow the existing sidewalk and planting strip established along Tyvola Road to remain.

f. To allow maneuvering for an accessory drive-through window between the proposed building and Tyvola Road. *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.

# 3. Permitted Uses & Development Limitations:

a. The principal buildings constructed on the Site may be developed: (i) with up to 25,000 square feet of gross floor area of uses such as retail, restaurants (Eating, Drinking and Entertainment Establishments - EDEE), personal services, a gas station with or without a convenience store, and office uses as permitted by right and under prescribed conditions; (ii) a hotel(s) with up to 250 rooms; together with all accessory uses and uses under prescribed conditions as allowed in the MUDD-O zoning.

b. As allowed by the Optional Provisions above up to two (2) uses with accessory drive-through windows may be constructed on

### Access, Traffic, and Sight Distance Along Tyvola Road:

a. Vehicular and pedestrian access to the Site will be from Tyvola Road via two (2) proposed driveways as generally depicted on the Rezoning Plan. The existing driveway located on the western edge of the Site that serves the existing Duke Power Company Substation will be allowed to remain.

b. The placements and configurations of vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by CDOT in accordance with published standards.

d. The Petitioner will provide 705' clear sight distance at all connections to West Tyvola Road per CDOT standards as requested as part of the previously approved conditional plan for City Park.

### 5. Architectural Guidelines:

a. The intent of the City Park redevelopment concept is to create a variety of architectural experiences. The redevelopment will utilize primarily stone, brick, stucco and/or architectural face block construction materials. The elevations facing Tyvola Road will be properly articulated in accordance with MUDD development standards

b. All buildings constructed on this site shall conform to the MUDD urban design and development standards outlined in the

### c. Meter banks will be screened from Tyvola Road.

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

e. Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.

# Streetscape, Landscaping, Sidewalks:

a. The minimum setback will be the greater of the existing right-of-way for Tyvola Road or a 14 foot setback as measured from the back of the existing curb along Tyvola Road.

b. The Petitioner will maintain, and repair as needed, the existing streetscape (planting strip and sidewalk) established along

d. The Petitioner will design the internal sidewalk network to connect to the future Sugar Creek Greenway and Loop at City

e. Above ground backflow preventers will be screened from public view and will be located behind the proposed sidewalk, outside of the right-of-way, or the required MUDD setback which ever is

### **Environmental Features:**

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The Site will comply with the Tree Ordinance. The area of the Site dedicated to County Parks and Recreation for greenway purposes may also be used to meet the Site's tree save

# 8. <u>Signage:</u>

a. Signage as allowed by the Ordinance and by the Optional Provisions listed above may be provided.

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 will be limited to 25 feet in height.

c. Architectural lighting such as but not limited to, sconces, up lighting, accent lighting, including color accent lighting and decorative lighting on the building facades will be permitted.

property southeast of the easement labeled "existing 50' duke power row" including the portion of Duke Power easement indicated parallel to Tyvola Road.

b. The Petitioner will provide/dedicate to Mecklenburg County Parks and Recreation a 40' wide access easement(s) where appropriate and agreed upon by the Petitioner to allow greenway access to the development.

### 10. 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 of Chapter 6 of the Ordinance.

# **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 under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or

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