#### SITE PLAN AMENDMENT PETITION NO. 2016 - 071 DEVELOPMENT STANDARDS

## ASTON PROPERTIES, INC.

#### SITE DEVELOPMENT DATA:

ACREAGE:	±3.28 ACRES
TAX PARCELS:	143-131-09
EXISTING ZONING	MUDD-O
PROPOSED ZONIN	G: MUDD-O S.P.A. (5 YEAR VESTED RIGHTS)
EXISTING USES:	VACANT
PROPOSED USES:	UP TO 20,000 S.F. OF COMMERCIAL USES

#### GENERAL PROVISIONS

THESE DEVELOPMENT STANDARDS FORM PART OF THE TECHNICAL DATA SHEET ASSOCIATED WITH THE MUDD-O SITE PLAN AMENDMENT FILED BY ASTON PROPERTIES, INC. TO MODIFY SEVERAL PROVISIONS OF A MUDD-O REZONING PLAN WHICH WAS APPROVED BY THE CITY COUNCIL ON JANUARY 22, 2008 IN REZONING PETITION NO. 2007-082 FOR THE 159 ACRE CITY PARK DEVELOPMENT, AS THEREAFTER AMENDED ADMINISTRATIVELY FROM TIME TO TIME. THIS SITE PLAN AMENDMENT APPLIES ONLY TO THAT APPROXIMATELY 3.28 ACRE PART OF THE CITY PARK DEVELOPMENT WHICH IS BOUNDED BY WEST TYVOLA ROAD, CITY PARK DRIVE, NATIONAL AVENUE AND POTOMAC RIVER PARKWAY AND WHICH HAS BEEN DESIGNATED BY MECKLENBURG COUNTY AS TAX PARCEL 143-131-09 (THE "SITE").

UNLESS THE TECHNICAL DATA SHEET, THESE DEVELOPMENT STANDARDS OR THE ACCOMPANYING CONCEPTUAL ARCHITECTURAL RENDERINGS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

CONCEPTUAL ARCHITECTURAL RENDERINGS ARE INTENDED TO CONVEY THE ARCHITECTURAL VISION AND DESIGN CONCEPTS PROPOSED FOR CERTAIN BUILDINGS WITHIN SITE. ULTIMATELY, BUILDINGS AND IMPROVED AREAS CONSTRUCTED WITHIN THE SITE MAY DEVIATE FROM CONCEPTUAL ARCHITECTURAL RENDERINGS, AS LONG AS ANY BUILDINGS ARE CONSISTENT WITH THE SPIRIT AND INTENT OF THE CONCEPTUAL EXHIBITS.

INASMUCH AS PLANNING FOR THE PROPOSED REDEVELOPMENT OF THE SITE HAS NOT YET ADVANCED BEYOND THE FORMATIVE STAGE, THE ULTIMATE LAYOUTS OF THE DEVELOPMENT PROPOSED, THE EXACT ALIGNMENTS OF STREETS AND POINTS OF ACCESS, THE CONFIGURATIONS AND PLACEMENTS OF PARKING AREAS AND THE HEIGHTS AND MASSES OF BUILDINGS HAVE NOT YET BEEN DETERMINED. AS A CONSEQUENCE, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDINGS AND PARKING AREAS DEPICTED ON TECHNICAL DATA SHEET ARE SCHEMATIC IN NATURE AND THEREFORE ARE SUBJECT TO REFINEMENTS AS PART OF THE TOTAL DESIGN PROCESS. THEY MAY, THEREFORE, BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES SO LONG AS THE MAXIMUM PARKING AND BUILDING ENVELOPE LINES ESTABLISHED ON THE TECHNICAL DATA SHEET ARE NOT VIOLATED AND THE PROPOSED ALTERATIONS OR MODIFICATIONS DO NOT EXCEED THE PARAMETERS ESTABLISHED UNDER THESE DEVELOPMENT STANDARDS AND UNDER THE ORDINANCE FOR THE MUDD DISTRICT. 2. <u>MUDD-O OPTIONAL PROVISIONS</u>

THE PETITIONER PROPOSES TO UTILIZE THE MUDD-O PROVISIONS OF THE ORDINANCE IN ORDER TO ACCOMMODATE THE FOLLOWING:

(a) A DEVIATION TO ALLOW A DRIVE THROUGH SERVICE WINDOW AS AN ACCESSORY TO AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT (RESTAURANT) USE WITHIN PARCEL 1. THIS DRIVE-THROUGH WINDOW SHALL ONLY BE LOCATED ON THE SAME PARCEL AS THE PRINCIPAL USE.

- (b) A DEVIATION TO ALLOW A DRIVE-THROUGH WINDOW AND A RELATED VEHICULAR CIRCULATION LANE TO BE LOCATED BETWEEN A BUILDING CONSTRUCTED WITHIN PARCEL 2 AND TYVOLA ROAD AND POTOMAC RIVER PARKWAY.
- (i.) THIS DRIVE-THROUGH USE SHALL BE LIMITED TO USES SIMILAR TO A NEIGHBORHOOD FOOD A BEVERAGE SERVICE, WHICH MAY SERVE ICE CREAM, YOGURT, COFFEE, JUICES, AND SIMILAR ITEMS ALONG WITH ITEMS SUCH AS BAGELS, MUFFINS, SANDWICHES AND PASTRIES PROVIDED THE FOLLOWING RESTRICTION APPLY: THE USE WILL BE LIMITED TO 2,300 2 SQUARE FEET AND WILL PROVIDE FOR ON-PREMISE COOKING OF FOOD LIMITED TO THOSE FOOD PREPARATION METHODS THAT DO NOT REQUIRE AN HOOD VENTILATION SYSTEM.
- (c.) A DEVIATION FROM THE SIGNAGE PROVISIONS TO ALLOW A DETACHED, MONUMENT SIGN UP TO 10 FEET IN HEIGHT AND UP TO 75 SQUARE FEET IN SIGN AREA, IN THE LOCATION GENERALLY DEPICTED ON THE SITE'S TECHNICAL DATA SHEET. THIS SIGN WILL SERVE TENANTS WITHIN THE AREAS IDENTIFIED AS PARCEL 2 AND PARCEL 3 (THIS SIGN SHALL BE PERMITTED IN ADDITION TO A SIGN FOR PARCEL 1 AS ALLOWED UNDER THE APPROVED PLAN WHICH PROVIDES FOR ONE MONUMENT SIGN FOR EACH BUILDING LOCATED WITHIN THE CITY PARK SITE, BUT LIMITS THEIR SIZE TO 6 FEET IN HEIGHT AND 36 SQUARE FEET IN SIGN AREA). THE COMBINED DETACHED SIGN FOR PARCELS 2 AND 3 WILL BE IN LIEU OF A PARCEL 3 DETACHED SIGN.

### PERMITTED USES AND MAXIMUM DEVELOPMENT

THE SITE MAY BE DEVELOPED WITH UP TO 20,000 SQUARE FEET OF COMMERCIAL FLOOR AREA (EXCLUSIVE OF AREAS USED FOR BUILDING AND EQUIPMENT ACCESS, SUCH AS STAIRS, ELEVATOR SHAFTS AND MAINTENANCE CRAWL SPACE) WITHIN UP TO THREE BUILDINGS. EXCEPT AS OTHERWISE PROVIDED IN THE NEXT SUCCEEDING PARAGRAPH, THE SITE MAY BE DEVOTED TO ANY USES (INCLUDING ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH) WHICH ARE PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT UNDER THE ORDINANCE, AS WELL AS THE ADDITIONAL DRIVE-THROUGH SERVICE WINDOW USES PERMITTED UNDER TO THE OPTIONAL PROVISIONS IN SECTION 2 ABOVE.

NOTWITHSTANDING THE FOREGOING PARAGRAPH OF THIS SECTION 3, THE FOLLOWING USES SHALL NOT BE ALLOWED ON THE SITE: • CONVENIENCE STORES WITH GASOLINE SALES;

CAR WASHES; AND
AUTOMOTIVE SERVICE STATIONS

# TRANSPORTATION

(a) THE SITE WILL CONTAIN A TOTAL OF THREE (3) VEHICULAR ACCESS POINTS. ONE ACCESS POINT SHALL BE LOCATED ON EACH OF THE FOLLOWING STREETS: NATIONAL AVENUE, POTOMAC RIVER PARKWAY, AND CITY PARK DRIVE, AS GENERALLY DEPICTED IN THE SITE PLAN.

- (i.) ALL ACCESS POINTS ON POTOMAC RIVER PARKWAY AND NATIONAL AVENUE WILL BE FULL ACCESS.
   (ii) THE ACCESS POINT ON OFFICIATE PARKWAY AND NATIONAL AVENUE
- (ii.) THE ACCESS POINT ON CITY PARK DRIVE SHALL ALLOW FOR FULL ENTRY INTO THE SITE AND BE LIMITED TO "RIGHT-OUT" MOVEMENTS ONTO CITY PARK DRIVE.
- (b) PETITIONER SHALL PROVIDE AND CONSTRUCT A NEW WAITING PAD FOR A RELOCATED BUS STOP ON WEST TYVOLA ROAD, LOCATED BEFORE THE START OF THE RIGHT-TURN LANE ALONG WEST TYVOLA ROAD.

#### ARCHITECTURAL STANDARDS

THE PETITIONER'S INTENT IS TO CREATE A VILLAGE OF SHOPS TO SERVE AS A COMMERCIAL CENTER AND COMPLEMENT THE RESIDENTIAL, OFFICES AND HOTELS AT CITY PARK. EACH SHOP WILL INTEGRATE A RICH VARIETY OF MATERIALS, VARYING ROOFLINES AND OFFSETS TO GIVE CHARACTER TO THE VARIOUS SHOPS. MATERIALS THAT ARE ALLOWED TO BE INTEGRATED INTO THE BUILDINGS WILL INCLUDE BRICK, STONE OR SYNTHETIC STONE, STUCCO AND SYNTHETIC STUCCO, AND GLASS. ACCENTS OF METAL, CANVAS, PRECAST CONCRETE AND CEMENTITIOUS PRODUCTS MAY BE USED FOR TRIM, CORNICES, CAPS, AWNINGS, TRELLISES.THE DEVELOPMENT MUST HAVE A MINIMUM OF 25% MASONRY FOR ALL NON-GLASSED AREAS. THIS WILL BE AN AVERAGE FOR EACH INDIVIDUAL BUILDING'S ENTIRE EXTERIOR AREA. AND NOT AS A MINIMUM PER ELEVATION.

EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 2 ABOVE, ALL BUILDINGS CONSTRUCTED ON THIS SITE SHALL CONFORM TO THE MUDD URBAN DESIGN AND DEVELOPMENT STANDARDS OUTLINED IN SECTION 9.8506 OF THE ORDINANCE.

- (a) THE DRIVE THROUGH WINDOW AREA AS GENERALLY DEPICTED ON SHEET RZ-2 (CONCEPTUAL ARCHITECTURAL PERSPECTIVE) WILL BE SCREENED FROM VIEW FROM THE PARALLEL STREET UTILIZING A TRELLIS STRUCTURE INTEGRATED WITHIN A SCREEN WALL WITH A COMBINED MINIMUM HEIGHT OF SEVEN (7) FEET WHICH INCLUDES THE HEIGHT OF THE BASE WALL (IF ANY), AND A MINIMUM WIDTH OF THIRTY (30) FEET GENERALLY CENTERED ON THE LOCATION OF THE PROPOSED DRIVE THROUGH WINDOW WITHIN PARCEL 2. THE TRELLIS WILL BE PLANTED WITH CLIMBING EVERGREEN PLANT MATERIAL COMMON TO THE AREA.
- (b) THE DESIGN FOR DRIVE-THROUGH LANES CONSTRUCTED ON THE SITE MUST INCORPORATE AREAS FOR SAFE PEDESTRIAN CROSSING.
- (c) ANY DRIVE-THROUGH SERVICE WINDOW LOCATED WITHIN PARCEL 1 MUST BE ORIENTED INTERNALLY TO THE SITE, AND THE DRIVE-THROUGH CIRCULATION LANES SERVICING THIS WINDOW MUST NOT BE LOCATED BETWEEN THAT BUILDING AND ADJACENT STREETS.
- (d) ALL STREET FACING ENTRANCES WILL HAVE A DIRECT PEDESTRIAN CONNECTION TO ADJACENT PUBLIC SIDEWALK.

- (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.
- (f) INTERNAL AREAS OF THE SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.
- (g) ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES AS VIEWED FROM GRADE.
   (L) METER DOVES DACK FLOW PREVENTORS AND SHALLAR ITEMS WILL DE
- (h) METER BOXES, BACK FLOW PREVENTORS, AND SIMILAR ITEMS WILL BE SCREENED FROM PUBLIC VIEW.(i) EXPANSES OF BLANK WALLS EXCEEDING 20 FEET IN LENGTH THAT WOULD NOT
- ADD TO THE CHARACTER OF THE STREETSCAPE WILL BE ELIMINATED THROUGH USE OF ANY ONE OR MORE OF THE FOLLOWING DESIGN ELEMENTS:
- AWNINGS,DISPLAY WINDOWS,
- ORNAMENTATION,MOLDING.
- STRING COURSES,
- BELT COURSES,FOUNTAINS.
- FOUNTAINS,STREET FURNITURE,
- LANDSCAPING AND GARDEN AREAS, AND
  DISPLAY AREAS.
- PROVIDED, HOWEVER, THAT THE USE OF OPAQUE OR REFLECTIVE GLASS MAY NOT BE UTILIZED AS A MEANS FOR ADDRESSING BLANK WALLS. STREETSCAPE AND LANDSCAPING
- (a) EXISTING STREET TREES, PLANTING STRIPS AND SIDEWALKS AROUND THE PERIMETER OF THE SITE SHALL REMAIN EXCEPT WHERE REMOVAL IS NECESSARY TO ACCOMMODATE NEW DRIVEWAY CONNECTIONS.
- (b) IN AREAS INDICATED ON THE SITE PLAN, THE PETITIONER WILL PROVIDE A MIXTURE OF INTERMITTENT WALLS AND ENHANCED LANDSCAPING ALONG STREETS WHERE DRIVE-THROUGH SERVICE LANES AND/OR PARKING ABUT THE STREET. WALLS WILL BE CONSTRUCTED OF MATERIALS GENERALLY COMPATIBLE WITH THE BUILDINGS TO WHICH THEY RELATE. IN ALL OTHER AREAS, PARKING SHALL BE SCREENED FROM PUBLIC ROADS, AS REQUIRED BY MUDD STANDARDS.

**ENVIRONMENTAL FEATURES** THE PETITIONER WILL UTILIZE BIORETENTION AREA(S), SAND FILTERS, OR OTHER ALTERNATE BMPS TO PROVIDE TREATMENT OF STORM WATER RUNOFF FROM SURFACE PARKING AREAS. THE BMP(S) SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE MECKLENBURG COUNTY BMP DESIGN MANUAL, JULY 2007, TO ACHIEVE 85% TOTAL SUSPENDED SOLIDS REMOVAL FOR THE RUNOFF GENERATED FROM THE FIRST 1-INCH OF RAINFALL. THE PETITIONER SHALL BE PERMITTED TO RELOCATE, ELIMINATE, OR COMBINE REQUIRED TREE PLANTING ISLANDS TO CREATE SUFFICIENT OR ALTERNATE BMP(S) DUE TO SLOPE OR OTHER CONSIDERATIONS. THE PETITIONER SHALL BE PERMITTED TO INSTALL PERVIOUS CONCRETE ACCORDING TO SPECIFICATIONS FROM STORM WATER SERVICES IN LIEU OF THE BMP(S) TO TREAT SURFACE PARKING AREAS.

### OPEN SPACE

PARCEL NUMBER 4 WILL CONTAIN A COMBINATION OF A RAIN GARDEN BMP AS A PART OF THE OVERALL PROPOSED STORM WATER MANAGEMENT PRACTICES DESCRIBED IN PARAGRAPH 7 ABOVE, AND PUBLIC AMENITY SPACE CONSISTING OF A MINIMUM SIX (6) FOOT WIDE MULTI-PURPOSE PATH WHICH WILL OCCUR AROUND THE INTERIOR PERIMETER OF THE PARCEL AND CONNECT TO THE EXISTING PUBLIC SIDEWALKS ALONG THE EXTERIOR PERIMETER, AND ALSO AN AMENITY FEATURE AT THE INTERSECTION OF CITY PARK DRIVE AND NATIONAL AVENUE WHICH WILL CONTAIN A MINIMUM OF 650 SQUARE FEET OF PUBLIC GATHERING SPACE WHERE GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. A MINIMUM OF 30 LINEAR FEET OF OUTDOOR SEATING SPACE WILL OCCUR WITHIN THE PUBLIC GATHERING SPACE AND AROUND THE MULTI-PURPOSE PATH, AND OTHER FEATURES CONSISTENT WITH OTHER STREETSCAPE ELEMENTS IN THE OVERALL DEVELOPMENT WILL BE ALLOWED. THE 30 LINEAR FEET OF SEATING MAY BE SATISFIED THROUGH THE USE OF SEAT WALLS AND/OR BENCHES PLACED AROUND THE PARCEL ALONG THE MULTI-PURPOSE PATH.

#### 9. <u>FIRE PROTECTION</u>

ADEQUATE FIRE PROTECTION IN THE FORM OF FIRE HYDRANTS WILL BE PROVIDED TO THE CHARLOTTE FIRE MARSHAL'S SPECIFICATIONS. PLANS FOR EACH BUILDING WILL BE SUBMITTED TO THE FIRE MARSHAL'S OFFICE FOR APPROVAL BEFORE THE CONSTRUCTION OF THAT BUILDING COMMENCES.

#### 10. <u>SIGNAGE</u>

SIGNAGE SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE, SUBJECT TO THE OPTIONAL PROVISIONS SET OUT ABOVE IN PARAGRAPH 2. A UNIFORM SIGNAGE AND GRAPHIC SYSTEM WILL BE EMPLOYED THROUGHOUT THE SITE.

- 11. <u>LIGHTING</u>
   (a) ALL LIGHTING ATTACHED TO THE REAR EXTERIOR OF ANY BUILDING WALL CONSTRUCTED ON PARCEL 3 WHICH FACES A RESIDENTIAL COMPONENT SHALL
- BE CAPPED AND DOWNWARDLY DIRECTED. (b) ALL STREET AND PARKING LOT LIGHTING FIXTURES WILL BE FULLY SHIELDED (c) PEDESTRIAN SCALE LIGHTING WILL BE PROVIDED WITHIN THE SITE ALONG
- (c) PEDESTRIAN SCALE LIGHTING WILL BE PROVIDED WITHIN THE SITE ALONG PUBLIC AND PRIVATE STREETS

## 12. <u>AMENDMENTS TO REZONING PLAN</u>

FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCEL OR PARCELS WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

FURTHER ALTERATIONS OR MODIFICATIONS TO THE APPROVED PLAN FOR THE CITY PARK DEVELOPMENT WHICH, IN THE OPINION OF THE PLANNING DIRECTOR, SUBSTANTIALLY ALTER THE CHARACTER OF THE DEVELOPMENT OR SIGNIFICANTLY ALTER THE APPROVED TECHNICAL DATA SHEET FOR THE CITY PARK DEVELOPMENT OR ANY OF ITS CONDITIONS OR WHICH INCREASE THE INTENSITY OF DEVELOPMENT SHALL NOT BE DEEMED TO BE MINOR AND MAY ONLY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTIONS 6.207(1) OR (2) OF THE ORDINANCE, AS APPLICABLE.

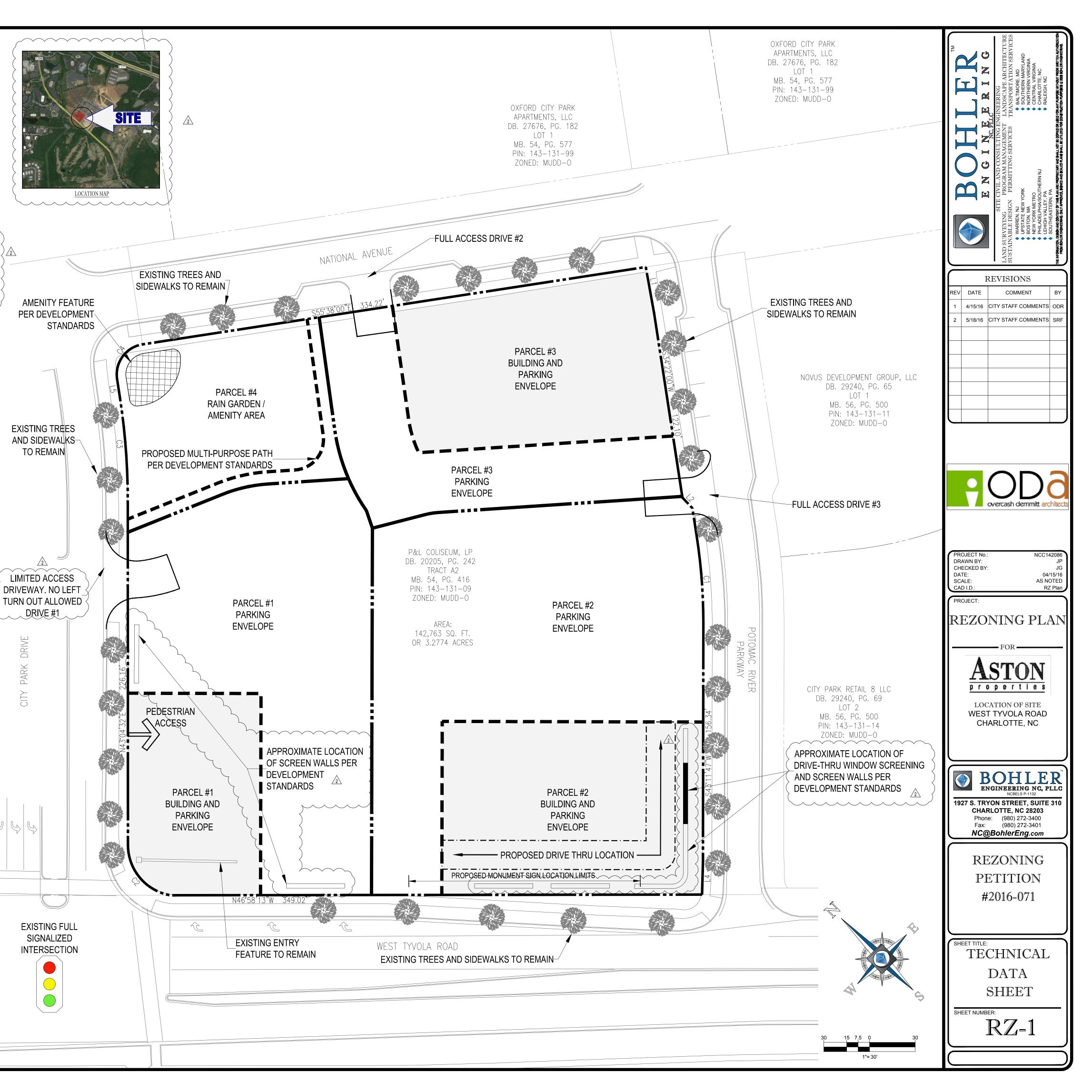
#### **BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS**

- (a) IF THIS SITE PLAN AMENDMENT IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE TECHNICAL DATA SHEET WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
- (b) THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "PETITIONER" AND "OWNER" AND "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

#### 14. <u>VESTED RIGHTS PROVISION</u>

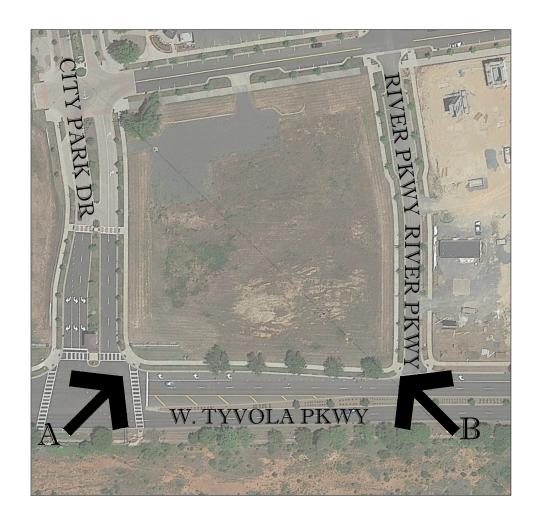
IF THIS REZONING PETITION IS APPROVED BY THE CHARLOTTE CITY COUNCIL THEN, PURSUANT TO SECTION 1.110 OF THE ORDINANCE, THE PETITIONER HEREBY REQUESTS A FIVE-YEAR VESTED RIGHT TO UNDERTAKE AND COMPLETE THE DEVELOPMENT OF THIS SITE UNDER THE TERMS AND CONDITIONS AS SO APPROVED, COMMENCING UPON APPROVAL OF THIS REZONING PETITION BY THE CHARLOTTE CITY COUNCIL. THE PETITIONER MAKES THIS REQUEST FOR A FIVE-YEAR VESTED RIGHT DUE TO THE SIZE AND PHASING OF THE PROPOSED DEVELOPMENT, MARKET CONDITIONS AND THE LEVEL OF INVESTMENT INVOLVED.

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ARCHITECTURAL PERSPECTIVE A



VIEW LEGEND



ARCHITECTURAL PERSPECTIVE B

# ARCHITECTURAL RENDERINGS ARE CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE PENDING FINAL DESIGN

