

**Maximum Gross Square Feet of Development:**

(i) within Development Area A, up to 230,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses, an automotive service station with or without a convenience store, and personal service uses as allowed in the NS zoning district, no more than five (5) uses with an accessory drive-through window will be allowed on Development Area A (of the five (5) allowed uses with an accessory drive-through window only three (3) EDEE (restaurant) uses with accessory drive-through windows allowed, the other two (2) allowed uses with an accessory drive-through window may be a retail or office use);

(ii) within Development Area A-1, up to 4,000 square feet for a bank, or retail, EDEE (without an accessory drive-through window), general or medical office uses, and personal service uses as allowed in the NS zoning district (the bank use may have an accessory drive-through window(s));

(iii) within Development Area B a 60,000 square foot motion picture theater, a hotel with up to 200 hotel rooms, and up to 10,000 square feet of gross floor area devoted to retail, EDEE, personal service uses as allowed in the CC zoning district, subject the conversions provisions below in Section 3;

(iv) within Development Area C up to 365,000 square feet of gross floor area of general offices uses as allowed by right and under prescribed conditions in the O-1 zoning district;

(v) within Development Area D up to 127,000 square feet of climate controlled storage (warehousing within an enclosed building) with up to 3,000 square feet of gross floor area of non-residential uses as allowed in the MUDD zoning district on the ground floor level, or up to 8,000 square feet of gross floor area non-residential uses as allowed in the MUDD zoning district;

(vi) within Development Area E up to 500 family residential dwelling units (multi-family, attached or detached dwelling units) as allowed in the NS zoning district, and subject the conversions provisions below in Section 3; and

(vii) within Development Area F up to 100 attached or detached dwelling units "townhomes for sale and single-family homes" as allowed in the NS zoning district.

MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT			
	PROPOSED USES		
AREA A	230,000 SF MIXED USE/RETAIL		
AREA A-1	4,000 SF COMMERCIAL		
AREA B	HOTEL (200 ROOMS) AND 9000 SF MIXED USE /RETAIL AND 60,000 SF ENTERTAINMENT		
AREA C	365,000 SF OFFICE		
AREA D	127,000 SF CLIMATE CONTROLLED STORAGE (with UP TO 3,000 SF NON RESIDENTIAL USES)	—OR—	UP TO 8,000 SF NON RESIDENTIAL USES
AREA E	UP TO 500 MULTI FAMILY UNITS		
AREA F	UP TO 100 TOWNHOMES OR SINGLE FAMILY HOMES		

PETITION 2016-128

RIVERBEND  
(FKA MOUNTAIN ISLAND PROMENADE)  
SIMPSON COMMERCIAL REAL ESTATE  
1401 SUNSET DRIVE, SUITE B  
GREENSBORO, NC 27408  
336-508-2801

TECHNICAL  
DATA SHEET

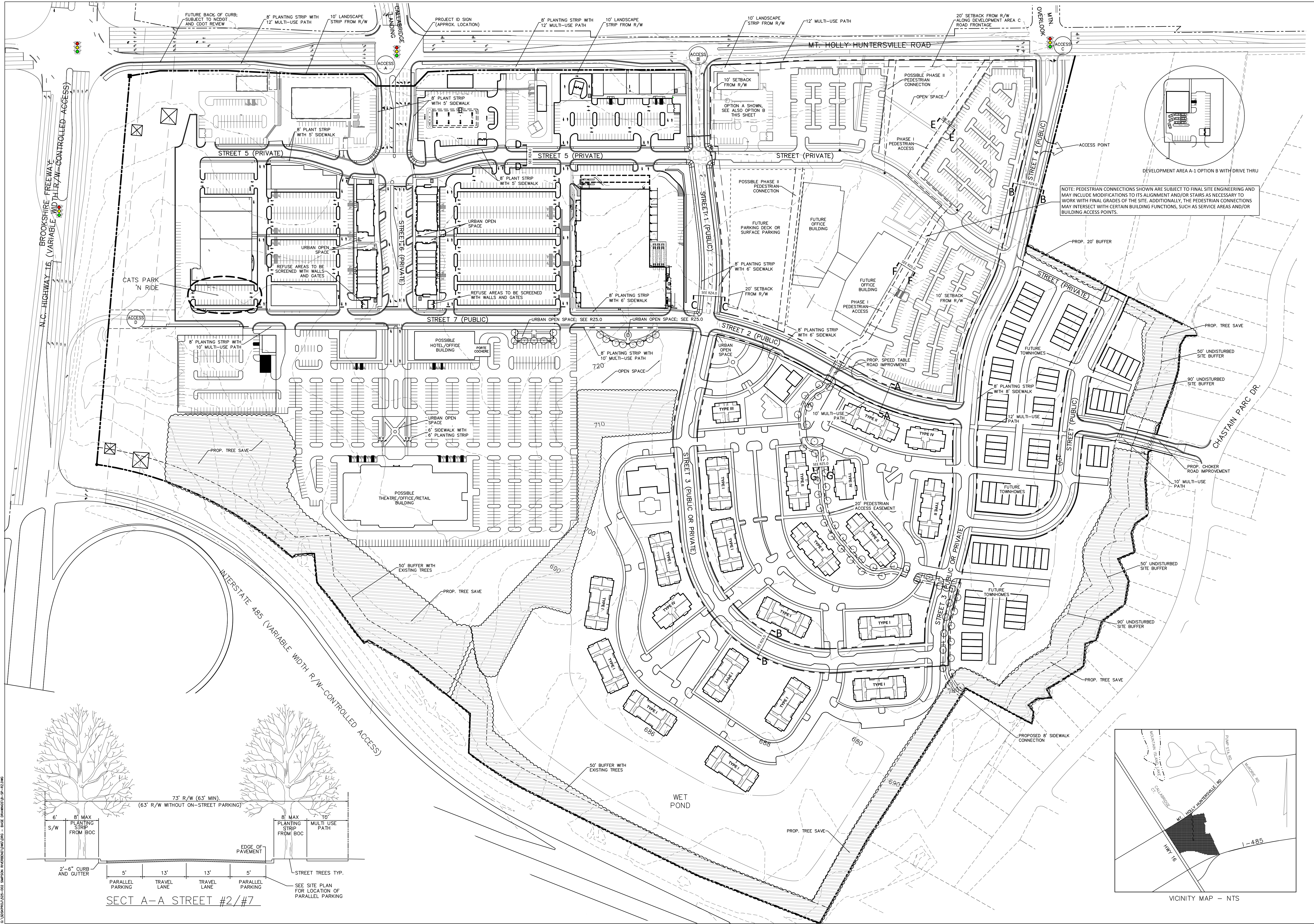
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PROJECT #: 525-001  
DRAWN BY: BMS  
CHECKED BY: BS

JULY 20, 2016

REVISIONS:  
9-28-16 STAFF COMMENTS CYCLE 01  
10-24-16 STAFF COMMENTS CYCLE 02  
11-21-16 FOR PUBLIC HEARING  
12-22-16 FOR ZONING COMMITTEE





PETITION 2016-128

**RIVERBEND**  
(FKA MOUNTAIN ISLAND PROMENADE)  
**SIMPSON COMMERCIAL REAL ESTATE**  
1401 SUNSET DRIVE, SUITE B  
GREENSBORO, NC 27408  
336-508-2801

**SCHEMATIC  
SITE DESIGN**

60 0 60 120  
SCALE: 1" = 120'

PROJECT #: 525-001  
DRAWN BY: BMS  
CHECKED BY: BS

JULY 20, 2016

REVISIONS:  
9-25-16 STAFF COMMENTS CYCLE 01  
10-24-16 STAFF COMMENTS CYCLE 02  
11-21-16 FOR PUBLIC HEARING  
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- o. A 20 foot pedestrian easement with a minimum of an eight (8) foot sidewalk will be established within Development Areas C and E as generally depicted on the Rezoning Plan. This easement and sidewalk will provide a pedestrian connection from Mt. Holly-Huntersville Road through Development Area C and E. The 20 foot easement area will be attractively landscaped and will contain intermediate seating and hardscape areas for pedestrians. Decorative pedestrian scale lighting will also be provided within the easement area (specific spacing to be determined during the design of each development area). In locations where the easement area is adjacent to parking areas the eight (8) foot sidewalk will be separated from the parking area by a landscape area of approximately six (6) feet (the width of the landscape area may vary to create visual interest and variety in the treatment of landscaping and path design). The landscaping within the easement area will also contain a row of trees on each side of the eight (8) foot sidewalk, except in areas where the sidewalk is located along to the front elevation of the proposed office buildings, where only one row of trees will be required. Because the sidewalk area, within Development Area C, will be located along the office buildings entire frontage it is very likely it will have to cross the building service area, if that is the case, the location of the sidewalk area will be designed to create separation that will allow the sidewalk area to be screened from the service area. If the service area is located within an enclosed area with gates or a door, this treatment will be considered screening of the path.
- p. As part of the specific building plans for each of the Development Areas in which the pedestrian easement is located, the Petitioner may request, subject to Planning Staff approval, alternative locations for the easement and sidewalk area that allow the sidewalk area to be better integrated into the overall site design and open space areas for the proposed Development Areas.
- 6. General Design Guidelines:**
- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, glass, architectural metal panels, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits and on handrails/railings.
- b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved).
- c. Building elevations within Development Area A, A-1 and B will have building elevations designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall off-sets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
- d. Buildings located along Mt. Holly-Huntersville Road shall contain translucent glass windows along the elevations which face Mt. Holly-Huntersville Road. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building.
- e. The buildings located along the private street # 6, between private street # 5 and public street # 7, that connects to Mt. Holly-Huntersville Road opposite Callabridge Landing shall contain translucent glass windows along the elevation which faces the main entrance drive. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building. The buildings along this portion of private street # 6 will have operable doors to private street # 6 open to customers during normal business hours. This standard regarding operable doors will also apply to buildings with frontage on both sides of public street # 7 between Brookshire Freeway and the intersection of private street # 6.
- f. All retail buildings must be architecturally integrated to complement one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.
- g. Buildings within Development Area E will have exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 30 percent masonry materials (brick, stone, architectural block, cementitious fiber board, stucco, decorative block or other masonry material). No aluminum or vinyl siding shall be used. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
- h. Buildings within Development Area F will have exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 30 percent masonry materials (brick, stone, architectural block, cementitious fiber board, stucco, decorative block or other masonry material). No aluminum or vinyl siding shall be used. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
- i. The building(s) located within Development Area D will meet the MUDD zoning district urban design street wall standards for building walls facing Street # 7.
- j. The attached dwelling units constructed within Development Area F will utilize alleys to provide access to parking areas and/or garages. If detached single-family homes are constructed within Development Area F the homes will be constructed with a combination of alleys for access to garages and parking areas or with garages or parking areas with direct access from a public street.
- k. The proposed parking structure located within Development Area C will meet or exceed the architectural treatment requirements of Section 12.212 of the Ordinance.
- l. Architectural and Site Design Standards for attached dwelling units (townhome for sale) located within Development Area F and E:**
- i. To provide privacy, all primary unit entrances located within 15 feet of the sidewalk must be raised from average grade a minimum of 24 inches.
- ii. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
- iii. Usable porches and stoops shall form a predominate feature of the building design and be located on the front and/or side of the building. Usable front porches are covered and are at least six (6) feet deep. Stoops and entry level porches may be covered but not enclosed.
- iv. All corner/end units that face a public or private street will have a porch or stoop that wraps a portion of the front and side of the unit or not have blank walls that exceed 20 feet in length on all building levels.
- v. Garage doors visible from public or private streets will minimize the visual impact by providing a setback of 12 to 24 inches from the front wall plane, and additional architectural treatments such as translucent windows or projecting elements over the garage door opening.
- vi. Sidewalks connecting the individual unit primary entrances to the sidewalks along the public or private streets will be provided.
- vii. Townhome buildings shall be limited to six (6) individual units or less, and when possible ideally alternate the number individual units per building in adjacent buildings.
- m. Architectural and Site Design Standards for multi-family dwelling units located within Development Area E:**
- i. Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 20% of that building's entire facade facing such network street using brick, natural stone (or synthetic equivalent), stucco, or other materials approved by the Planning Director.
- ii. Prohibited Exterior building materials, vinyl siding (but not vinyl hand rails, windows or door trim), and concrete masonry units not architecturally finished.
- iii. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
- (a) Buildings shall be placed so as to present a front or side facade to all network required streets (public or private);
- (b) Buildings shall front a minimum of 50% of the total network required street frontage on the site (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree planting areas, and storm water facilities); and
- (c) Parking lots shall not be located between any network required public or private streets.
- iv. Building Massing and Height shall be design to break up long monolithic building forms as follows: buildings exceeding 120 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of two (2) feet extending at last a full floor.
- v. Building entrances shall be at or slightly (one (1) foot or more) above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least three (3) of the following features: (a) decorative pedestrian lighting/scenes; (b) architectural details carried above the ground floor; (c) covered porches, canopies, awnings or sunshades; (d) archways; (e) transom windows; (f) terraced or raised planters that can be utilized as seat walls; (g) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (h) double doors; (i) stoops or stairs; and/or (j) contrasting pavement from primary sidewalk.
- vi. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:
- (a) building elevations shall be designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
- (b) Buildings shall be designed with a recognized architectural base on all facades facing network required public or private streets. Such base may executed through use of Preferred Exterior Building Materials or articulated architectural facade features and color changes.
- (c) Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- vi. Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
- (a) Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapet.
- (b) For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof parapet walls.
- (c) Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

- vii. Service Area Screening - service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20% Preferred Exterior Building Materials or a Class C buffer not less than 10 feet in depth at all above grade perimeter not paved for access.
- 7. Development Area C Design Intent (Corporate Office Campus):**
- a. **Design Intent:** The office campus is intended to integrate fully into the broader Riverbend Development. The overall concept of the plan is to showcase the office campus dedication to innovation to the public realm that is created throughout the site. Building placement creates opportunities for highly activated outdoor spaces that are open to the public, as well as accommodating connections through and around the buildings. It is anticipated that the planned office buildings will come in 2 separate phases. These buildings will work together, along with the site features, to pronounce a presence along Mount Holly-Huntersville Road through open spaces and view sheds. Particular attention has been given to the highly programmed exterior spaces within the site, creating a place that is not only supportive of the office campus building(s) facilities, but also inviting to the public in its perception of the office campus. The value of connections to and through the office campus is an important guiding principle of this project. Healthy, meaningful connections are present and we intend to further promote those connections in order to serve the broader network within Riverbend (the "Site"). In order to further unify the development as a whole, a Landscape/Hardscape theme is being identified for the public spaces within the office campus. Outdoor dining, terraces, patios and other amenitized spaces are connected by a rich & unifying aesthetic in the landscape and hardscape of the project. A lively landscape palette that focuses on native integration, seasonal interest, bloom time, and shade & comfort enhance the outdoors spaces provided. Interactive amenities promote people watching and an active public realm that will serve as an engaging community amenity for Riverbend.
- The architecture of the office campus will boast a vibrant office environment. Design standards for consistent applications of glazing, entry systems, lighting, entry features, and wayfinding elements will be enforced to maintain a high level of quality, while also allowing the flexibility required for individual tenant brand identity. The use of a practical and enduring material palette with a forward thinking strategy of sustainable and timeless contemporary architecture will be employed.

**7. Environmental Features:**

- a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. The location, size and type of storm water management system 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.
- c. The above ground water quality and detention BMPs will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens, or other like forms.
- d. The Petitioners agree to employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements. The enforcement officer shall be empowered to take the actions necessary to ensure the prompt correction of problems and as when they are detected. The enforcement officer must attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and must satisfactorily pass the certification test.
- e. The Petitioners will require supervisors assigned to the Site by all grading contractors to attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and all such supervisors must satisfactorily pass the certification test.
- f. Erosion Control. Measures for controlling erosion shall include:
- (i) In the event frequency and intensity of rainfall events are overloading basins or other devices, polymers and other flocculating measures shall be employed to enhance settling capabilities to avoid the discharge of solids from the Site.
- (ii) Double row high hazard silt fences shall be used in critical areas of the Site, including all intermittent and perennial streams, delineated wetlands, bases of slopes, approved stream crossings and other locations where the potential for off-site sedimentation is greatest.
- (iii) In the absence of silt fencing, orange construction barrier fence shall be installed along undisturbed buffers to delineate and protect undisturbed buffers during construction.
- (iv) Two stage sediment basins with outlet weirs sized for a 50-year storm event shall be used to reduce the risk of basin failure.
- (v) During construction, the developer shall develop a weekly inspection program meeting NPDES General Permit requirements for all sediment basins including written documentation of such inspections. This written documentation shall be maintained on-site and available upon request. Sedimentation in perennial or intermittent streams caused by construction activities shall be mitigated in an unobtrusive manner within two weeks of identification. Turbidity levels shall be monitored and recorded as part of the inspection program at appropriate runoff discharge points on the Site.
- g. The Site will comply with the Tree Ordinance.

**8. Signage:**

- a. Reserved.

**9. Lighting:**

- a. All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Development Areas A, A-1, B, C and Parcel D of the Site, shall not exceed 31 feet. All freestanding parking lot lighting fixtures within these Development Areas will be uniform in design.
- c. The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Development Areas E and F of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Development Areas E and F will be uniform in design.
- d. Pedestrian scale lighting will be provided along the Site's Public and Private Streets.

**10. CATS Park and Ride Spaces and Pad for Passengers:**

- a. The Petitioner will provide 30 nonexclusive parking spaces for use by CATS passengers during the work week (weekdays only) as generally depicted on the Rezoning Plan. The Petitioner will also construct a waiting pad per standard 60.03A along Mt. Holly-Huntersville Road. The location of the waiting pad will be coordinated with CATS during the land development approval process. The Petitioner will provide and access easements to allow the CATS buses to circulate on the Site. The Petitioner will work with CATS to determine the specific routing for CATS buses through the Site. The parking spaces, waiting pad, and access easements will be provided prior to the issuance of certificate of occupancy for the buildings located along N.C. Hwy. 16 and between private street #5 and public street # 7.

**11. 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.

**12. 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.

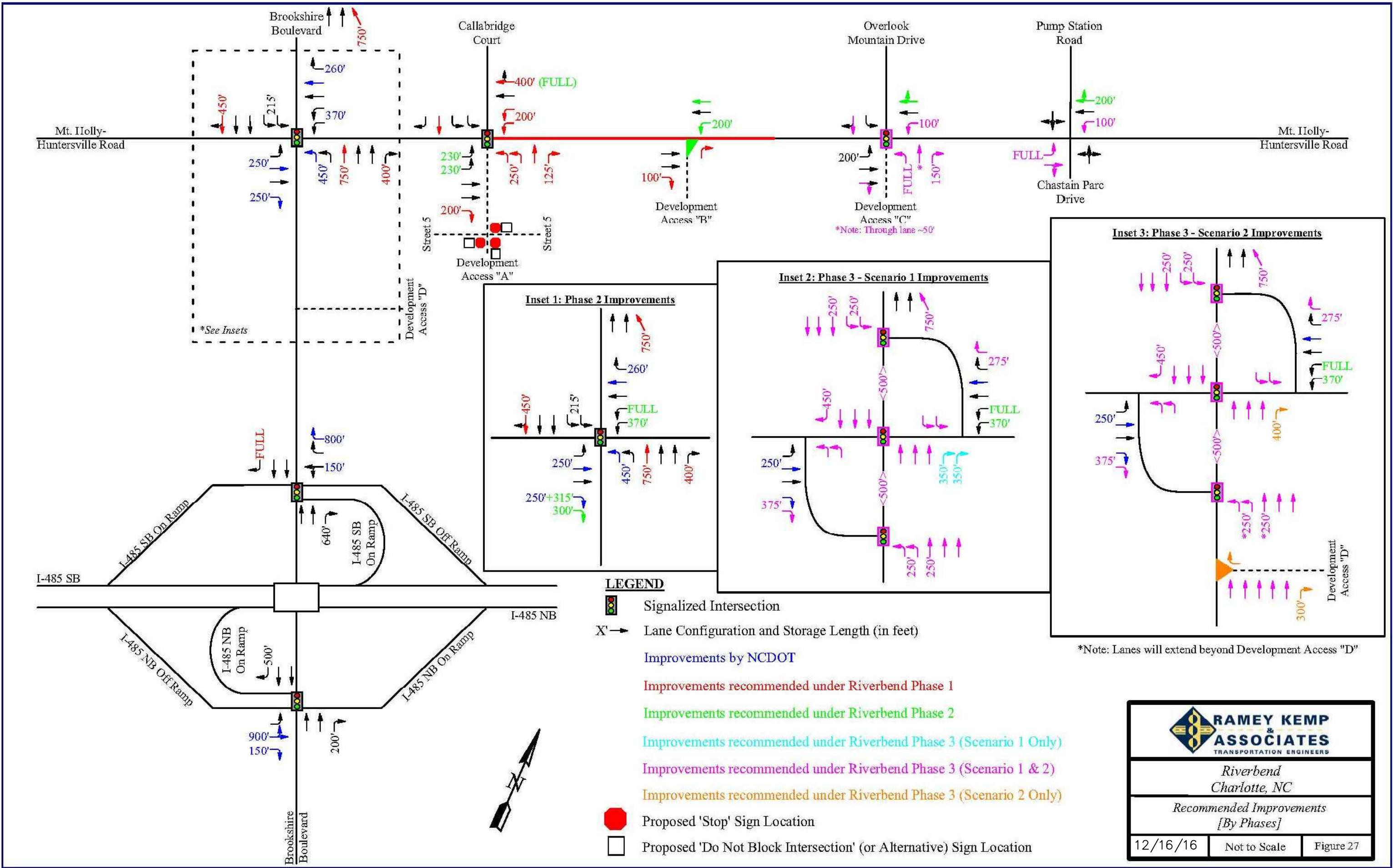
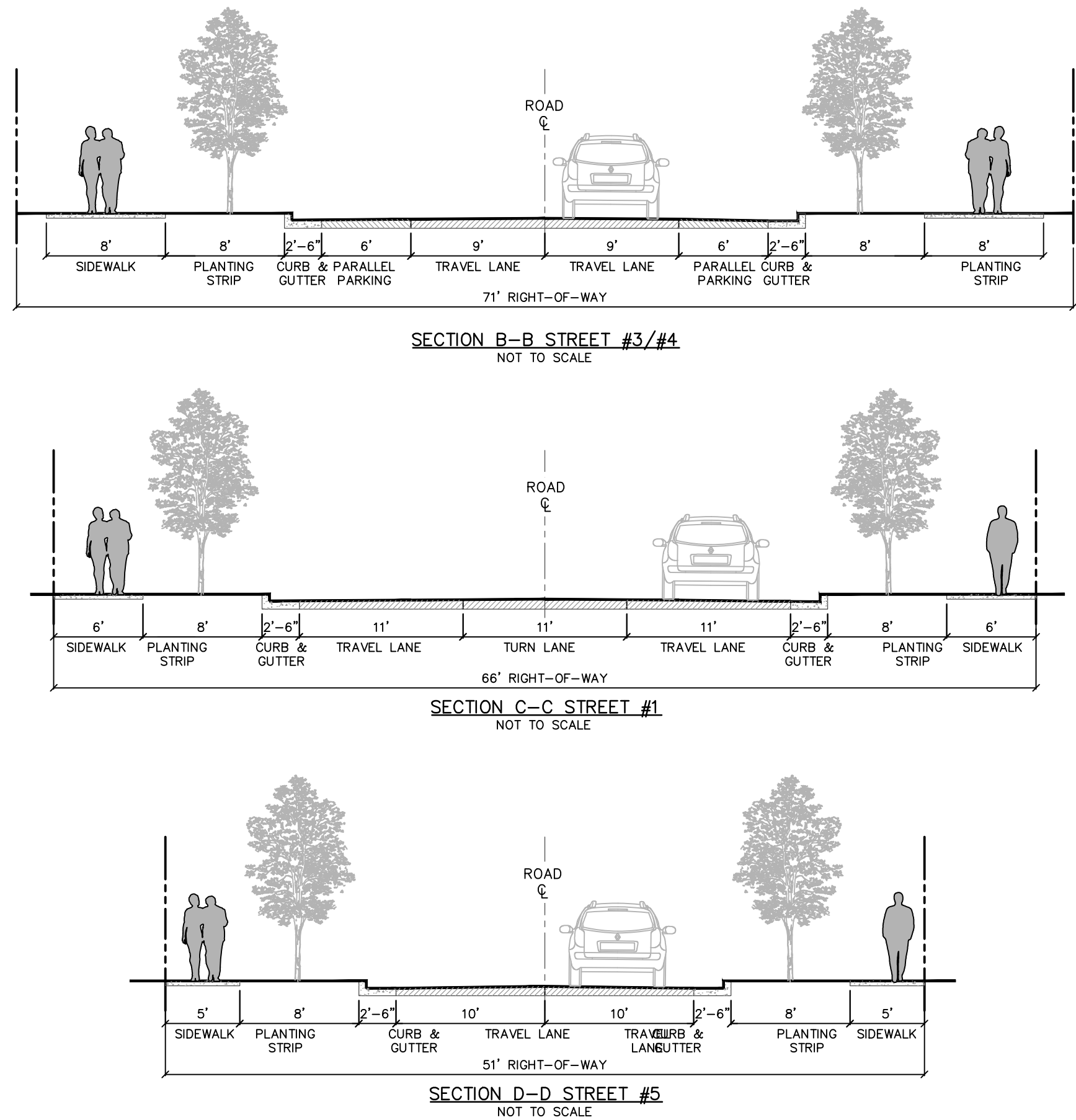


FIGURE IMP-1



PETITION 2016-128

**RIVERBEND**  
(FKA MOUNTAIN ISLAND PROMENADE)  
**SIMPSON COMMERCIAL REAL ESTATE**  
1401 SUNSET DRIVE, SUITE B  
GREENSBORO, NC 27408  
336-508-2801

**DEVELOPMENT**  
**NOTES**

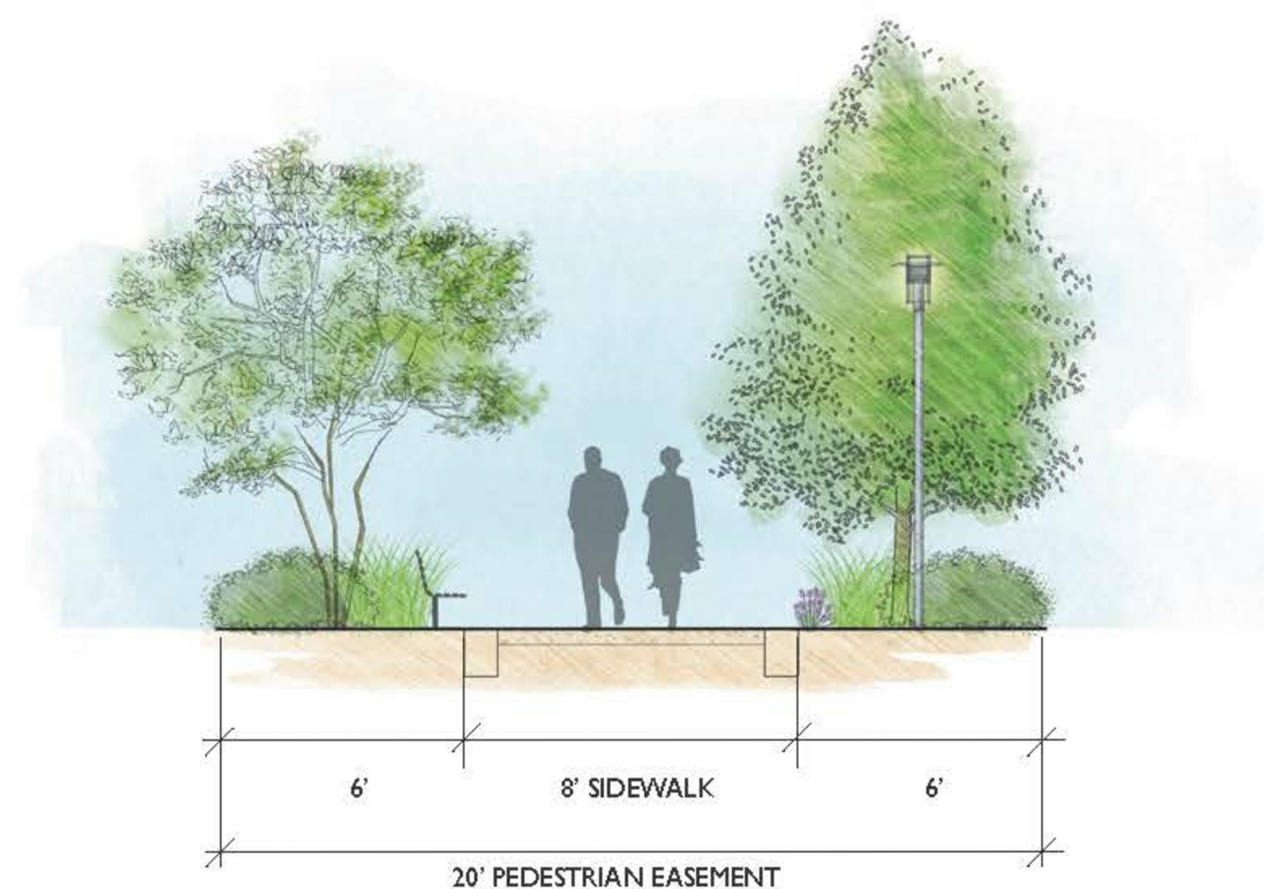
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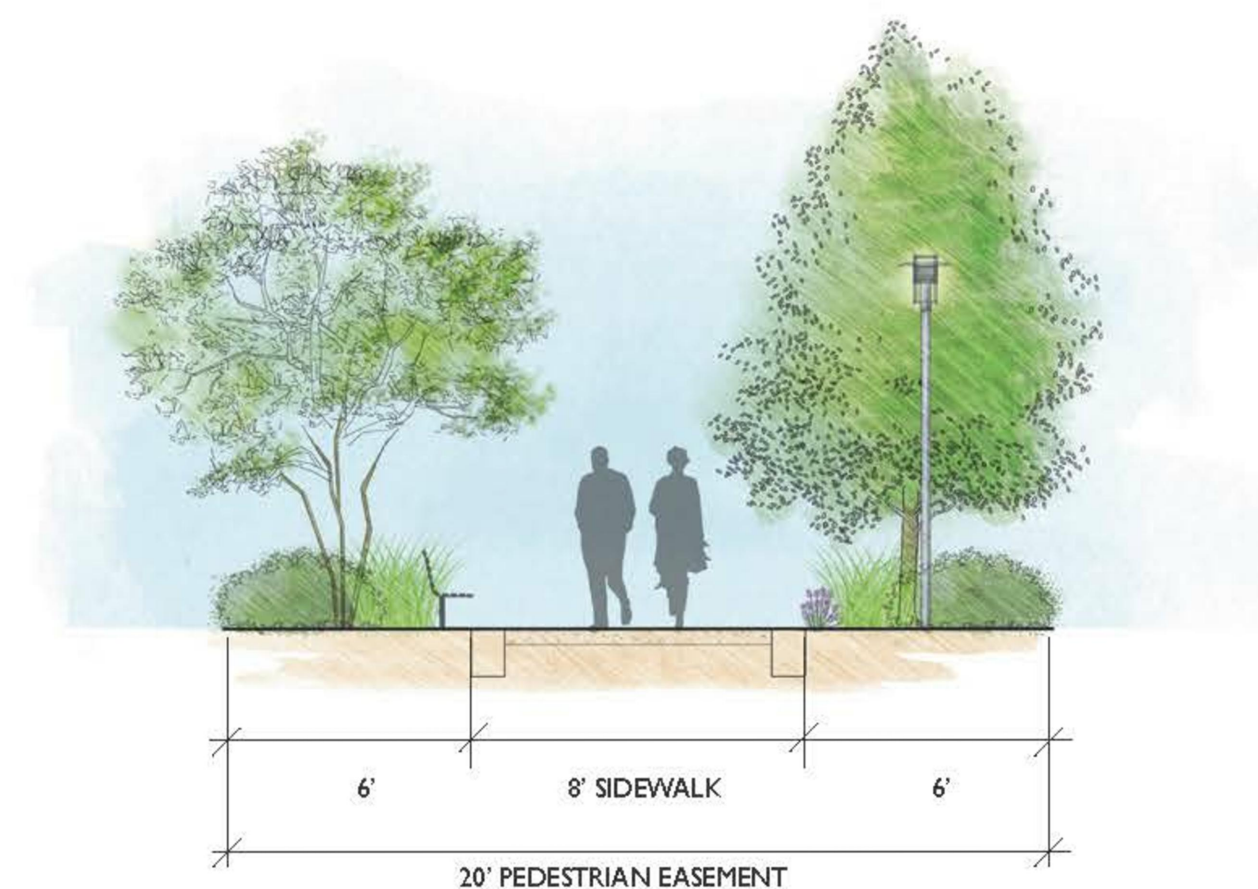
OCTOBER 24, 2016

REVISIONS:  
11-21-16 FOR PUBLIC HEARING  
12-22-16 FOR ZONING COMMITTEE

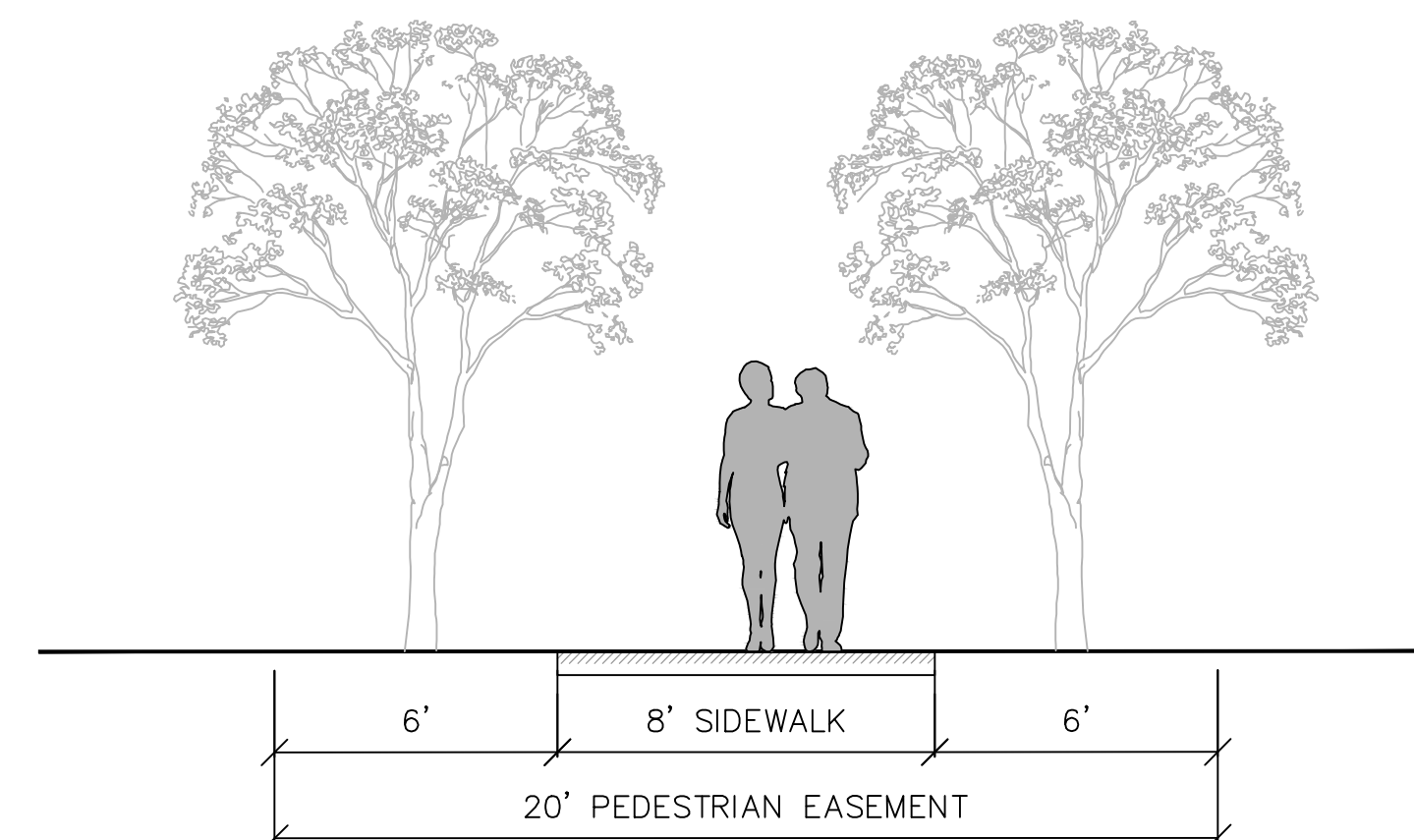




SECTION B-B



SECTION C-C



SECTION D-D

PETITION 2016-128

**RIVERBEND**  
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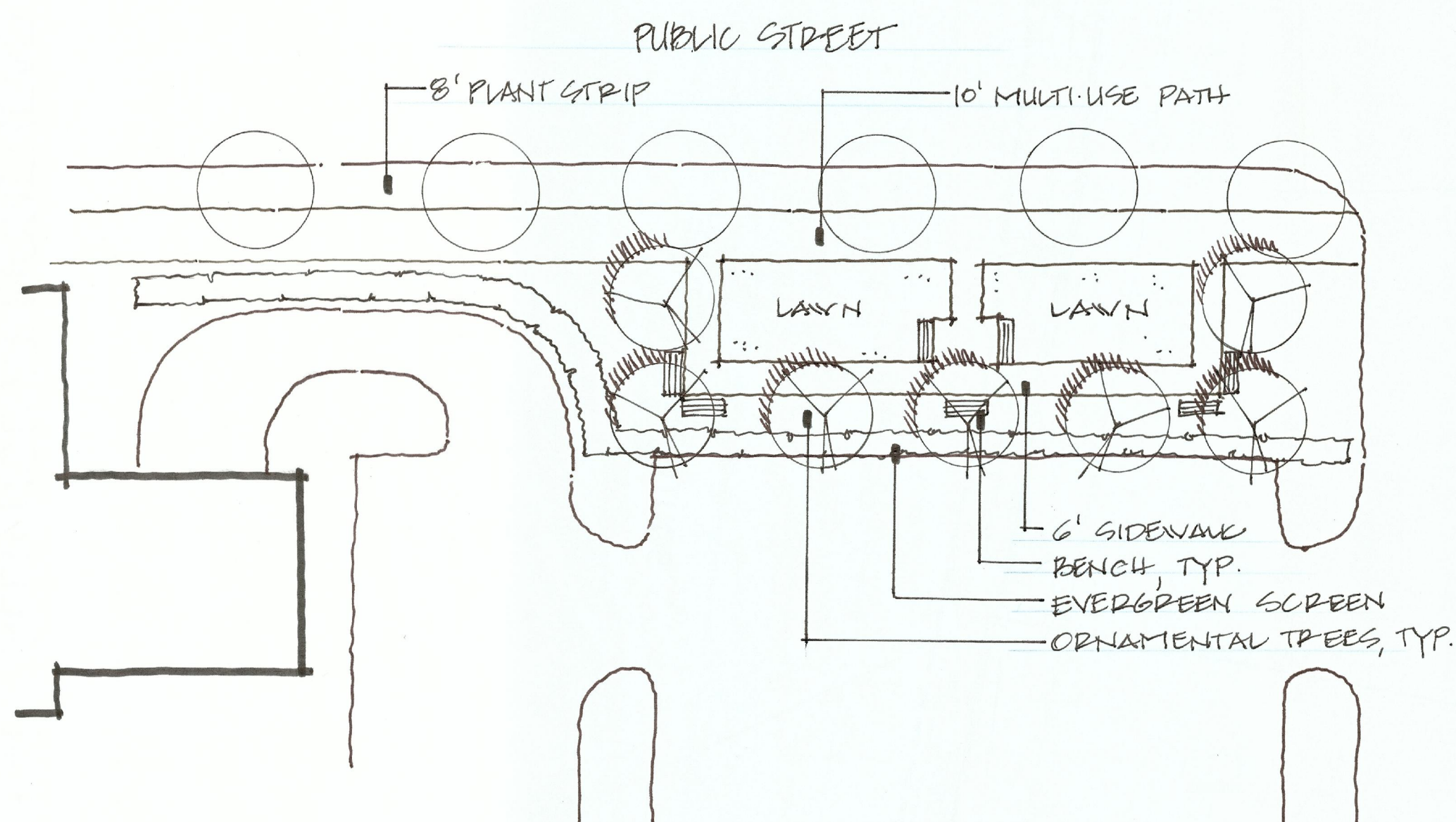
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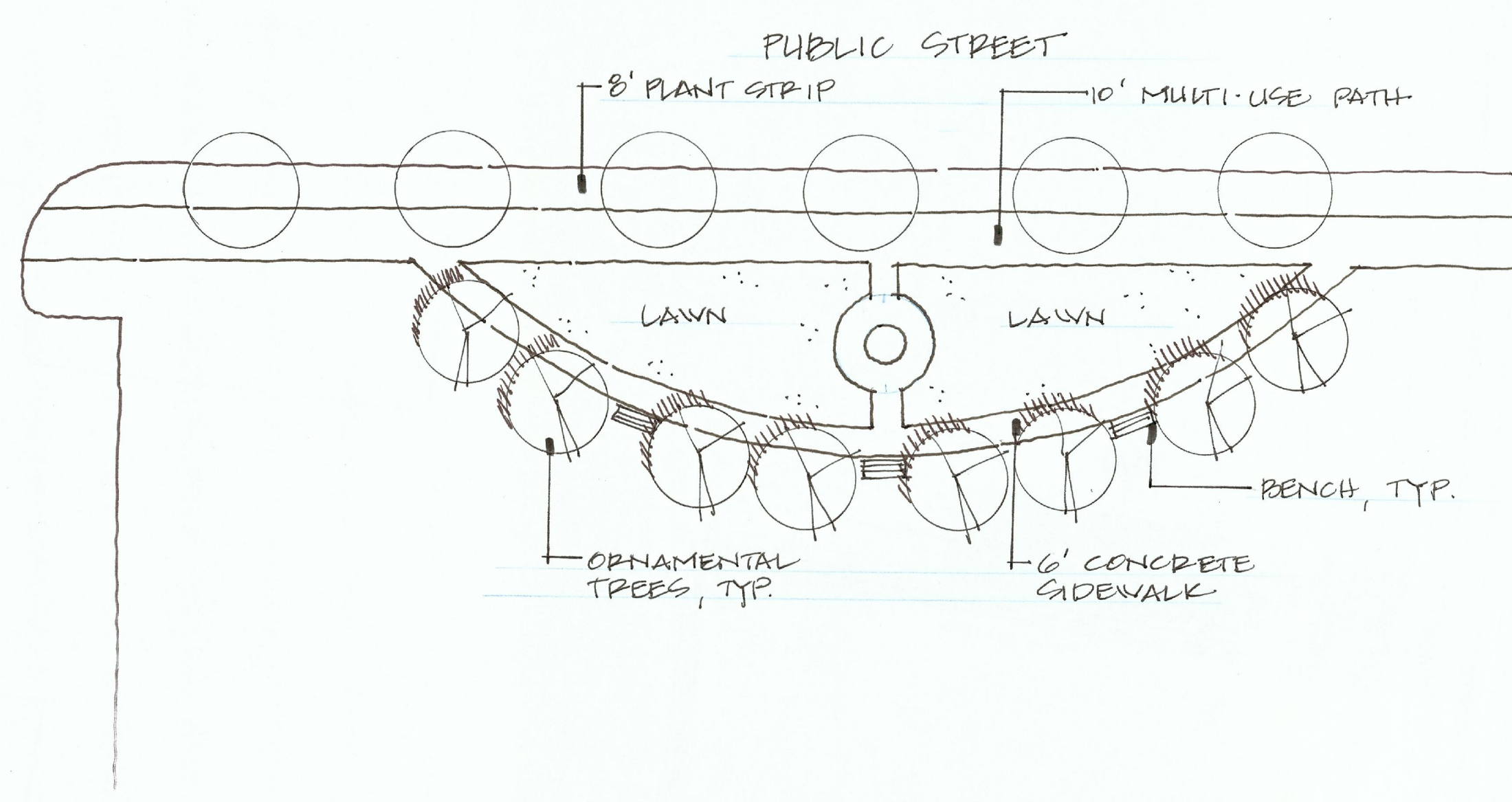
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NOVEMBER 21, 2016

REVISIONS:  
11-21-16 FOR PUBLIC HEARING  
12-22-16 FOR ZONING COMMITTEE



URBAN OPEN SPACE ENLARGEMENT



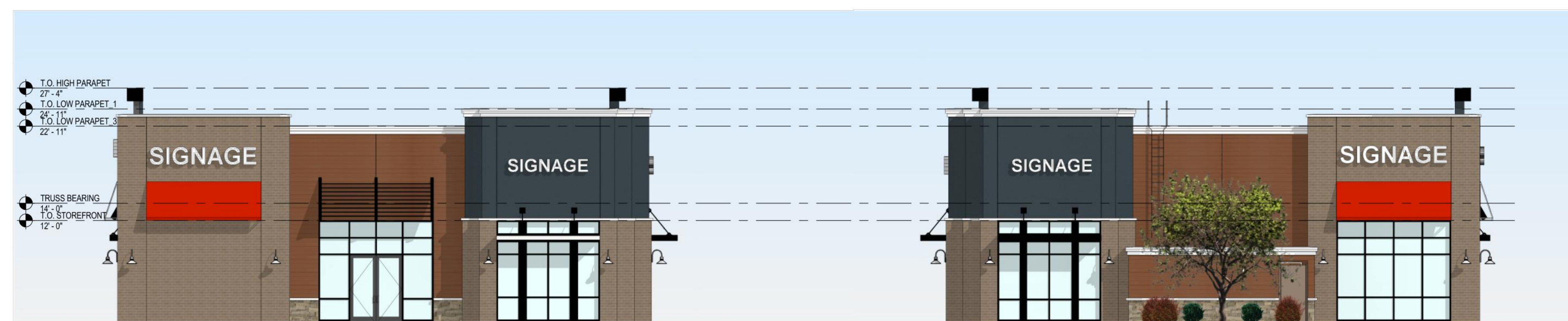




C1 BUILDING K - FRONT ELEVATION  
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B1 BUILDING K - REAR ELEVATION  
SCALE: NTS

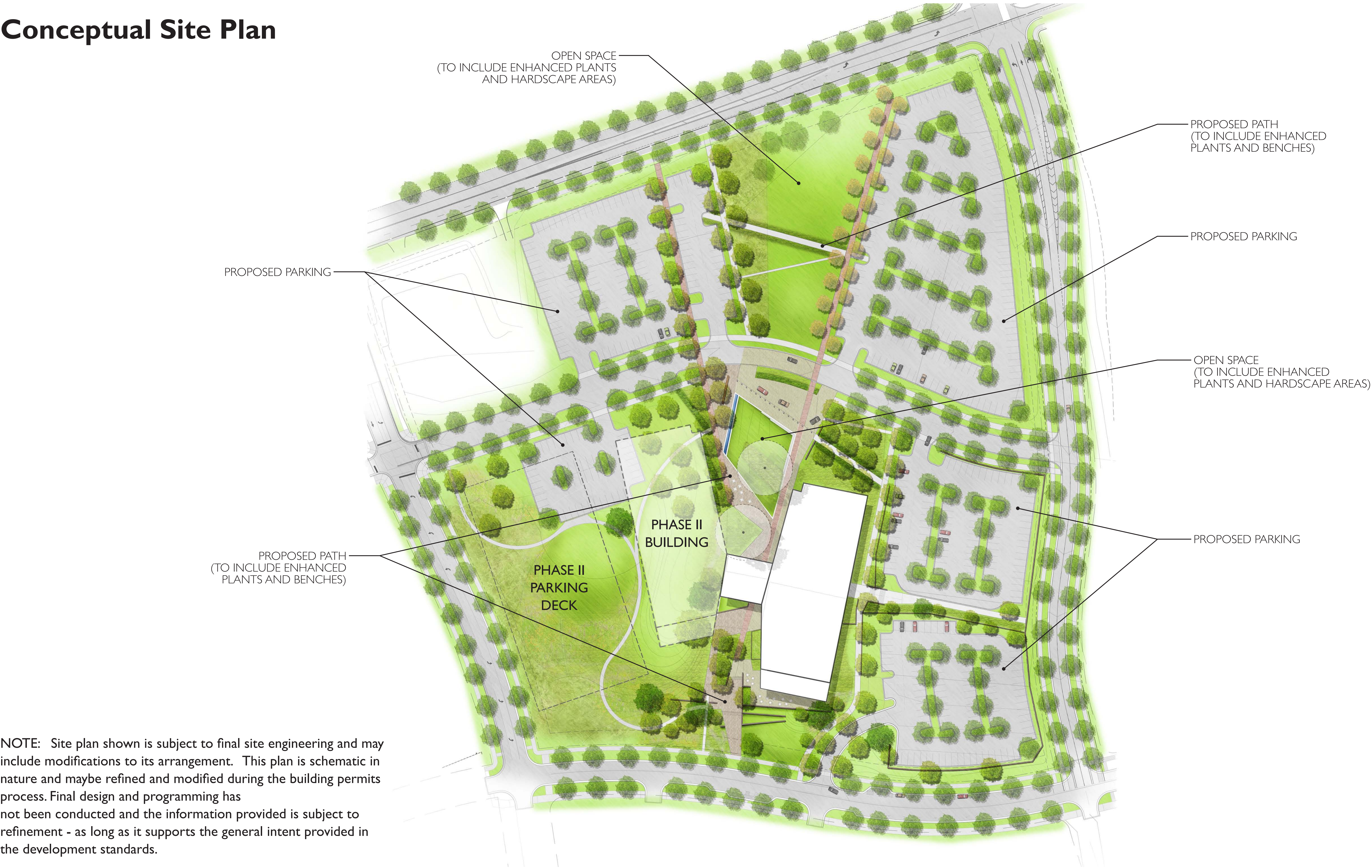


A1 BUILDING K - LEFT SIDE ELEVATION  
SCALE: NTS

A2 BUILDING K - RIGHT SIDE ELEVATION  
SCALE: NTS



# Conceptual Site Plan



NOTE: Site plan shown is subject to final site engineering and may include modifications to its arrangement. This plan is schematic in nature and maybe refined and modified during the building permits process. Final design and programming has not been conducted and the information provided is subject to refinement - as long as it supports the general intent provided in the development standards.



**MT Island Promenade LLC**  
**Development Standards**  
**11/21/1612/22/16**  
**Rezoning Petition No. 2016-128**

**Site Development Data:**

--**Acreage:** ± 125.13 acres

--**Tax Parcel #s:** 033-041-09, 033-041-23, 033-041-22, 033-041-19, 033-041-20, 033-041-17, 033-041-11, 033-201-14, 033-041-10

--**Existing Zoning:** R-3([LWPA](#)), NS([LWPA](#)) and B-D(CD)([LWPA](#))

--**Proposed Zoning:** CC([LWPA](#)), MUDD-O([LWPA](#)), O-1(CD)([LWPA](#)) & NS([LWPA](#))(SPA) [with five \(5\) years vested rights.](#)

--**Existing Uses:** Vacant and Residential uses

--**Proposed Uses:** Retail; Eating, Drinking, Entertainment, Establishments (EDEE); Motion Picture Theater; a Hotel; Residential Dwelling units; general and medical office uses; Climate Controlled Storage (warehousing within an enclosed building), an automobile service station with or without an convenience store, and Personal Service Uses as permitted by right, under prescribed conditions, in the NS, O-1, CC and MUDD-O zoning districts and by the Optional provisions (for the portion of the Site zoned MUDD-O) below together with accessory uses, including parking structures, as allowed in each of the zoning districts described above (as more specifically described and restricted below in Section 3).

--**Maximum Gross Square feet of Development:**

(i) within Development Area A, up to 230,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses, an automotive service station with or without a convenience store, and personal service uses as allowed in the NS zoning district, no more than five (5) uses with an accessory drive-through window will be allowed on Development Area A (of the five (5) allowed uses with an accessory drive-through window only three (3) EDEE (restaurant) uses with accessory drive-through windows allowed, the other two (2) allowed uses with an accessory drive-through window may be a retail or office use);

(ii) within Development Area A-1, up to 4,000 square feet for a bank, or retail, EDEE (without an accessory drive-through window), general or medical office uses, and personal service uses as allowed in the NS zoning district (the bank use may have an accessory drive-through window(s));

(iii) within Development Area B a 60,000 square foot motion picture theater, a hotel with up to 200 hotel rooms, and up to 9,000 square feet of gross floor area devoted to retail, EDEE, personal service uses as allowed in the CC zoning district, subject the conversions provisions below in Section 3;

(iv) within Development Area C up to 365,000 square feet of gross floor area of general offices uses as allowed by right and under prescribed conditions in the O-1 zoning district;

(v) within Development Area D up to 127,000 square feet of climate controlled storage (warehousing within an enclosed building) with up to 3,000 square feet of gross floor area of non-residential uses as allowed in the MUDD zoning district on



the ground floor level, or up to 8,000 square feet of gross floor area non-residential uses as allowed in the MUDD zoning district;

(vi) within Development Area E up to 500 family residential dwelling units (multi-family, attached or detached dwelling units) as allowed in the NS zoning district, and subject the conversions provisions below in Section 3; and

(vii) within Development Area F up to 100 attached or detached dwelling units “townhomes for sale and single-family homes” as allowed in the NS zoning district.

*Loading docks (open or enclosed), outdoor dining areas and surface and structure parking areas shall not be counted toward the allowed gross floor area (floor area as defined by the ordinance) proposed by this rezoning petition.*

**--Maximum Building Height:** Buildings within Development Area A and A-1 will be limited to two (2) stories; buildings within Development Area B will be limited to seven (7) stories; buildings within Development Area C will be limited to seven (7) stories; buildings within Development Area D and E will be limited to four (4) stories; and buildings within Development Area F will be limited to three (3) stories. Building height to be measured as required by the Ordinance.

**--Parking:** As required by the Ordinance will be provided.

## **1. General Provisions:**

a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets RZ-1 and RZ-2 form this rezoning plan (collectively referred to as the “Rezoning Plan”) associated with the Rezoning Petition filed by MT Island Promenade LLC. (“Petitioner”) to accommodate the development of a high quality retail uses; Eating, Drinking Entertainment Establishments; Residential Dwellings units; General and Medical office uses; a Hotel, a Motion Picture Theater, and Personal Service uses on an approximately 125.13 acre site located on the southeast quadrant of the intersection of N.C. Hwy. 16 and Mt. Holly-Huntersville 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 NS, O-1, CC and MUDD-O zoning district classifications [and the Lake Wylie Protected Overlay District](#) shall govern all development taking place on the Site, and subject to the Optional Provisions provided below for the MUDD portion of the Site.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Permissible Building 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 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.

The Planning Director, or designee 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.** The total number of principal buildings to be developed on the Site will be limited to ~~94~~<sup>93</sup>, and may be located on the Site as follows: 19 buildings may be located within Development Area A; two (2) buildings within Development Area A-1; ~~seven~~<sup>eight</sup> (~~7~~<sup>8</sup>) buildings within Development Area B; four (4) buildings within Development Area C; two (2) buildings within Development Area D; ~~26~~<sup>27</sup> buildings within Development Area E; and 34 buildings within Development Area F, or up to 112 buildings within Development Area E and F if single-family detached structures are constructed in lieu of some of the allowed multi-family and attached dwelling units. 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.

## 2. Optional Provisions.

The following optional provisions shall apply to the portion of the Site zoned MUDD-O:

- a. To allow parking between the building in Development Area D and NC Hwy. 16, I-485 and Mt. Holly-Huntersville Road as generally depicted on the Rezoning Plan.

~~*Note: The optional provision regarding signs is an addition/modification to the standards for signs in the MUDD district and is to be used with the remainder of MUDD standards for signs not modified by these optional provisions.*~~

## 3. Permitted Uses, Development Area Limitations:

- a. For ease of reference, the Rezoning Plan sets forth ~~six~~<sup>seven</sup> (~~6~~<sup>7</sup>) Development Areas as generally depicted on the Technical Data Sheet as Development Areas A, A-1, B, C, D, E, and F (each a "Development Area" and collectively the "Development Areas").

- b. Subject to the restrictions, limitations, and conversion rights listed below, the principal buildings constructed on the Site and located within:

(i) Development Area A may be developed with up to 230,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses, an automobile service station, and ~~CHAR2\1816485v8~~<sup>CHAR2\1816485v10</sup>



personal service uses (up to five (5) uses with an accessory drive-through window will be allowed as further restricted below);

(ii) within Development Area A-1 up to 4,000 square feet of gross floor area devoted to either a bank with accessory drive-through window(s), or retail, EDEE, general or medical offices uses, and personal services uses (the bank use is the only use allowed to have an accessory drive-through window);

(iii) within Development Area B a motion picture theater with up to 60,000 square feet of gross floor area, a hotel with up to 200 rooms, and up to 9,000 square feet of gross floor area for retail, EDEE, general and medical office uses, and personal service uses subject to the conversion provisions listed below;

(iv) within Development Area C up to 365,000 square feet of gross floor area of general office uses, with and without parking structures;

(v) within Development Area D up to 127,000 square feet of gross floor area of climate controlled storage (warehousing within an enclosed building) with 3,000 square feet of gross floor area of non-residential uses as allowed in the MUDD zoning district, or 8,000 square feet of gross floor area on non-residential uses allowed as allowed in the MUDD zoning district;

(vi) within Development Area E up to 500 residential dwelling units (multi-family, attached or detached (per R-6 standards) dwelling units), subject to the conversation provisions listed below; and

(vii) within Development Area F 100 attached or detached (per R-6 standards) dwelling units (townhomes for sale or single-family homes)

All as permitted by right, and under prescribed conditions in the NS, CC, O-1, and MUDD-O zoning district together with accessory uses allowed as allowed in each of the proposed zoning districts.

*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, dry cleaning establishments, locksmiths, and alike.*

c. The 60,000 square foot motion picture theater allowed in Development Area B may be converted into 60,000 square feet of additional retail, EDEE, office, personal services uses as allowed in the CC zoning district if the motion picture theater is not constructed. If the allowed theater square footage is converted to other allowed uses as indicated, additional buildings may be added to Development Area B. The additional buildings will maintain the same general building orientation proposed by the theater. The Petitioner will submit to the Planning Staff for approval the arrangement of the additional buildings prior to the issuance of a building permit. The additional buildings for the alternative uses will be reviewed from general compliance with the following standards: (i) be oriented toward the internal private street and open space; (ii) will have clear glass store fronts and operable doors facing the private street and open space; (iii) maintain strong pedestrian connections to the remainder of the center; and (iv) not have parking located between the buildings and the open space area.

d. Within Development Area D either a climate controlled storage facility with ground floor non-residential uses as allowed in the MUDD zoning district, or up to 8,000 square feet of gross floor area of uses allowed in the MUDD zoning district may be constructed in lieu of the climate controlled storage facility.



e. Within Development Area A-1 either a bank with accessory drive-through windows with up to 4,000 square feet of gross floor area may be constructed, or if a bank is not constructed up to 4,000 square feet of gross floor area for retail, general or medical office uses, and personal uses will be allowed.

f. Up to five (5) uses with an accessory drive through window will be permitted within Development Area A. A maximum of three (3) restaurants (EDEE) with accessory drive-through windows will be allowed, the other two (2) uses with accessory drive-through windows may be retail or office uses.

g. Only one (1) automobile service station with or without a convenience store will be allowed on the Site and it must be located within Development Area A.

h. The number of independent out-parcels along Mt. Holly-Huntersville Road within Development Areas A and A-1 shall be limited to no more than two. All other out-parcels (buildings with frontage on Mt. Holly-Huntersville Road) must be inter-connected. A inter-connected out-parcel is a freestanding single tenant building designed to share parking and at least one site amenity such as a plaza, fountain or pedestrian pathway system, with other buildings on the Site. A pedestrian pathway system will qualify as providing the necessary connectivity. (Not all the amenities listed are required to be considered an inter-connected freestanding single-tenant building). An independent free standing single tenant building is a building that functions independently on the surrounding Site and is usually disconnected from the adjacent development by drive-through lanes, parking areas, and driveways.

i. The Petitioner reserves the right to transfer portions of the allowed square footage for Development Areas A, and B between these two Development Areas as long as the total amount of allowed square footage is not increased. If square allowed square footage is transferred between the two Development Areas the arrangement and placement of the building indicated will be maintained. The Planning Staff may approve alternative building arrangements if the revised building arrangement maintains or improves the pedestrian inter-connectivity of the Site.

j. Within Development Area E, the Petitioner may substitute up to 125,000 square feet of gross floor area of general or medical office uses for 236 of the allowed residential dwelling units. If the allowed multi-family units are converted to office square footage as indicated, additional or fewer buildings may be developed on the portion of Development Area E designated for the conversion of multi-family units to office uses. The office buildings will maintain the same general building orientation proposed by the multi-family buildings. The Petitioner will submit to the Planning Staff for approval the arrangement of the proposed office buildings prior to the issuance of a building permit. The proposed office buildings will be reviewed from general compliance with the following standards: (i) will be oriented toward the internal public street and/or open space; (ii) will have clear glass store fronts and operable doors facing the public street; (iii) maintain strong pedestrian connections to the remainder of the center; and (iv) not have parking (other than on-street parking) located between the buildings and public street.

*For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the following items will not be counted as part of the allowed gross floor area (floor area as defined by the Ordinance) for the Site: surface or structured parking facilities, all loading dock areas (open or enclosed), 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).

#### **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 IMP-1 located on Sheet RZ4.0 of the Rezoning Plan. Figure IMP-1 on Sheet RZ4.0 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 IMP-1 on Sheet RZ4.0 for the proposed improvement).*

The following roadway improvements will be made by the Petitioner as part of the development of the Site as proposed by the Rezoning Plan:

##### **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 northwest Mecklenburg area, by way of a private/public partnership effort or other public sector project support. The design of the proposed signalized intersections (new and existing) where the Petitioner is making improvements will accommodate “protected” pedestrian/bike movement through the intersection, including necessary pedestrian refuge areas and connections to existing sidewalks, location to be determined during the permitting process, as need to optimize signal timing and pedestrian safety.

Construction and/or reconstruction of all curb returns and pedestrian signals to be per PROWAG standards at intersections where signals are installed or modified by/for this Site including offsite mitigations, and the construction or reconstruction of the intersection removes the existing curb returns or requires curb returns, and the Petitioner is responsible for the installation pedestrian signals.

##### **b. Phasing and Substantial Compliance.**

The Petitioner will be allowed to obtain a certificate of occupancy for any one or all of the buildings that correspond to the allowed development square footages and uses indicated for each Phase of development located on Site upon the substantial completion of the following improvements:

1. Phase One Development allowance:
  - (a) Retail uses - 177,100 square feet of gross floor area.
  - (b) Gas station convenience store – with up to 14 fueling Positions



- (c) EDEE (Sit-Down Restaurants) – up to 20,000 square feet of gross floor area.
- (d) Restaurants with accessory drive-thru window – up to 8,100 square feet of gross floor area.

i. Phase One Required Improvements:

Intersection of Brookshire Boulevard & Mt. Holly-Huntersville Road

- Widen the northbound approach of Brookshire Boulevard to provide an additional through lane. Provide a minimum of 750 feet of full storage and appropriate taper lengths for the new lane. Brookshire Boulevard north of Mt. Holly-Huntersville Road will also need to be widened to provide an additional receiving lane for the triple through lanes. Provide a minimum of 750 feet of full lane and appropriate taper lengths for the receiving lane.
- Extend the existing northbound right turn lane on Brookshire Boulevard to provide a minimum of 400 feet of full storage with appropriate bay taper length.
- Restripe the existing southbound right turn lane on Brookshire Boulevard to provide a shared through-right turn lane. Extend the existing lane to provide a minimum of 450 feet of full storage and appropriate bay taper length. The southbound right turn lane on Brookshire Boulevard at the I-485 southbound on-ramp should be extended to provide a full lane between the southbound ramps and Mt. Holly-Huntersville Road to provide an additional receiving lane for the triple through movements.
- Install a blank out sign to convert the outside through lane on the eastbound approach of Mt. Holly-Huntersville Road into a right turn lane during the AM peak period to provide dual right turn lanes.
- Modify the existing signal to accommodate the eastbound dual right blank out installation.

Intersection of Mt. Holly-Huntersville Road & Callabridge Court/Development Access “A”

- Construct an exclusive eastbound right turn lane on Mt. Holly-Huntersville Road. Provide a minimum of 325 feet of full storage and appropriate bay taper length.
- Construct dual left turn lanes on the westbound approach of Mt. Holly-Huntersville Road. Provide a minimum of 200 feet of full storage and appropriate taper lengths per lane.
- Restripe the existing westbound right turn lane to provide a shared through-right turn lane. Extend the existing storage lane to provide a minimum of 400 feet of full storage and appropriate bay taper length.
- Construct a six-lane cross-section for the development access with two ingress (2) and four (4) egress lanes. Provide dual left turn lanes, a through lane, and a right turn lane for vehicles exiting the site. Provide a minimum of 250 feet of full storage and appropriate taper lengths for the dual left turn lanes, and a minimum of 125 feet of full storage and appropriate taper lengths for the exclusive right turn lane.
- Restripe the southbound approach of Callabridge Court to provide dual left turns, a through lane, and an exclusive right turn lane.



Intersection of Mt. Holly-Huntersville Road & Callabridge Court/Development Access "B"

- Construct a median on Mt. Holly-Huntersville Road from Callabridge Court through Access B to restrict Development Access "B" to right turn movements only (portions of this median with sufficient width will be landscaped if allowed by NCDOT).
- Construct an exclusive eastbound right turn lane on Mt. Holly-Huntersville Road. Provide a minimum of 100 feet of full width storage and appropriate bay taper length.
- Access B will be designed to have a minimum of 150 feet internal protected stem.

2. Phase Two Development Allowances:

- (a) General or medical office uses: – up to 182,500 square feet of gross floor area.
- (b) Up to an additional 10,900 square feet of gross floor area of retail uses.
- (c) A financial institution with an accessory drive-through window – with up to 4,000 square feet of gross floor area.
- (d) Up to an additional 10,900 square feet of gross floor area of EDEE (Sit-Down Restaurants).

ii. Phase Two Required Improvements:

Intersection of Brookshire Boulevard & Mt. Holly-Huntersville Road

- Extend the existing eastbound right turn lane on Mt. Holly-Huntersville Road to provide 565 feet of full storage.
- Construct an exclusive right turn lane on the eastbound approach Mt. Holly-Huntersville Road to provide dual right turn lanes. Provide a minimum of 300 feet of full storage and appropriate taper lengths.

Mt. Holly-Huntersville Road between Brookshire Freeway and Development Access A ~~(option #1 if right in only driveway from Brookshire Freeway into the Site is not approved)~~

- Reduce the proposed lane widths on Mt. Holly-Huntersville Road to 11 feet.
- Reduce the proposed eight (8) foot planting strip on the development side of Mt. Holly-Huntersville Road to six (6) feet, and the Multi-use Path to 10 feet ~~(the Petitioner may post a bond for these improvements if a decision on the right in only driveway from Brookshire Freeway into the Site has not been made).~~
- Extend the westbound dual left turn storage to provide approximately 940 feet of combined storage.
- Provide approximately 460 feet of combined eastbound left turn storage from Mt. Holly-Huntersville Road to Callabridge Court (no median will be provided between the opposing left turn lanes for approximately 380 feet).
- Provide a pedestrian refuge island on Mt. Holly-Huntersville Road at Callabridge Court.
- Provide an eastbound right-turn lane from Mt. Holly-Huntersville Road into Development Access A with 325 feet of storage ~~(the Petitioner may post a letter of credit for this improvement if a decision on the right in only driveway from Brookshire Freeway into the Site has not been made).~~ The length of the



eastbound right-turn lane will be reduced to 200 feet of storage if the access into the Site from Brookshire is under construction as part of this phase.

~~Mt. Holly-Huntersville Road between Brookshire Freeway and Development Access A (option #2 if right-in-only driveway from Brookshire Freeway into the Site is approved)~~

- ~~• Reduce the proposed lane widths on Mt. Holly-Huntersville Road to 11 feet.~~
  - ~~• Extend the westbound dual left turn storage to provide approximately 940 feet of combined storage.~~
  - ~~• Provide approximately 460 feet of combined eastbound left turn lane storage from Mt. Holly-Huntersville Road to Callabridge Court.~~
  - ~~• Provide a pedestrian refuge island on Mt. Holly-Huntersville Road at Callabridge Court.~~
- ~~(no reduction in the planting strip or the MUP is required and the right-turn lane from Mt. Holly-Huntersville Road into Site Access A is no longer required).~~

Intersection of Mt. Holly-Huntersville Road Development Access “B”

- Construct a restrictive median to allow left turn ingress movements while prohibiting left turn egress movements. Provide a minimum of 200 feet of full storage and appropriate taper lengths.

Intersection of Mt. Holly-Huntersville Road & Chastain Parc Drive/Pump Station Road

- Construct an additional westbound travel lane on Mt. Holly-Huntersville Road to be striped as a shared through-right turn lane and extend to tie into the shared through-right turn lane at the Callabridge Court intersection. The lane should begin a minimum of 200 feet in advance of this intersection with an appropriate bay taper length.

3. Phase Three Development allowance:

- (a) Climate Controlled Warehouse – up to 127,000 square feet of gross floor area.
- (b) Residential Dwellings Units Multi-Family – up to 264 dwelling units
- (c) Residential Dwellings Units Attached or Detached – 93 Dwelling Units
- (d) A hotel with up to – 200 rooms
- (e) General or medical office uses – up to an additional 467,500 square feet of gross floor area, or an additional 236 dwelling units (either multi-family, attached or detached) in lieu of 125,000 square feet of gross floor area less of general or medical office uses, and/or a motion picture theater with up to 60,000 square feet of gross floor area in lieu of 60,000 square feet less of general or medical office uses.
- (f) Up to an additional 9,000 square feet of gross floor area of EDEE (Sit-Down Restaurants).

i. Phase Three Required Improvements:

**Phase 3 – Scenario 1**

Intersection of Brookshire Boulevard & Mt. Holly-Huntersville Road

- Convert intersection to continuous flow intersection.
- Install traffic signals to the north and south of the Mt. Holly-Huntersville Road intersection to accommodate the northbound and southbound crossover



left turn movements. Provide a minimum 250 feet of full width storage and an appropriate bay taper length per lane for the northbound dual left turn movements at the southern traffic signal and a minimum 250 feet of full width storage and an appropriate bay taper length per lane for the southbound dual left turn movements at the northern traffic signal.  $\pm 500$  feet of spacing will be provided between the main intersection and the cross-over signals.

- Construct an additional through lane on the northbound approach of Brookshire Boulevard. Extend a minimum of 250 feet south of the new southern traffic signal where northbound crossover left turn movements are accommodated, and a minimum of 750 feet north of the new northern traffic signal. Provide appropriate transitional taper lengths.
- Construct an additional through lane on the southbound approach of Brookshire Boulevard. Extend a minimum of 250 feet north of the new northern traffic signal where southbound crossover left turn movements are accommodated, and tie into the existing right turn lane onto the I-485 Southbound On-Ramp. Provide an exclusive right turn lane on the southbound approach of Brookshire Boulevard with a minimum of 450 feet of full width storage. Provide appropriate bay and transitional taper lengths.
- Construct an additional right turn lane on the northbound approach of Brookshire Boulevard. Provide a minimum 350 feet of full width storage and an appropriate bay taper length per lane.
- Construct an exclusive right turn lane on the eastbound approach of Mt. Holly-Huntersville Road to provide dual right turn lanes. Provide a minimum of 375 feet of full width storage and an appropriate bay taper length per lane.
- Construct an exclusive right turn lane on the westbound approach of Mt. Holly-Huntersville Road to provide dual right turn lanes. Provide a minimum of 275 feet of full width storage and an appropriate bay taper length per lane.

*Intersection of Mt. Holly-Huntersville Road & Development Access “C” (same as Scenario 2)*

- Install a traffic signal.
- Construct an exclusive left turn lane on the westbound approach of Mt. Holly-Huntersville Road. Provide a minimum of 100 feet of full width storage and an appropriate bay taper length.
- Construct a three-lane approach on the development access consisting of an exclusive left turn lane, a through lane approximately 50 foot pocket lane, and an exclusive right turn lane with a minimum of 150 feet of full width storage and an appropriate taper length.
- Construct Access C with an internal protected stem that will restrict access from Development Area C for the first 400 feet, but will allow one access point to the adjoining church (Holly Hunter Baptist Church) approximately 240 for the intersection of Mt. Holly-Huntersville Road.
- Stripe the southbound approach of Overlook Mountain Drive to provide an exclusive left turn lane and a shared through-right lane.

*Intersection of Mt. Holly-Huntersville Road & Chastain Parc Drive/Pump Station Road (same as Scenario 2)*

- Restripe the eastbound approach of Mt. Holly-Huntersville Road to provide an exclusive left turn lane and a shared through-right lane.



- Construct an exclusive left turn lane on the westbound approach of Mt. Holly-Huntersville Road. Provide a minimum of 100 feet of full width storage and appropriate bay taper length.

*Cross Access between Chastain Parc Subdivision and the Proposed Development*

Per the original rezoning conditions, a speed hump should be installed as a traffic-calming device when warranted based on CDOT procedures. Since the majority of traffic entering and exiting the proposed development will likely be residents of the existing subdivision, this should suffice; however, further evaluation of alternative solutions may be necessary.

**Phase 3 – Scenario 2**

*Intersection of Brookshire Boulevard & Mt. Holly-Huntersville Road*

- Convert intersection to continuous flow intersection.
- Install traffic signals to the north and south of the Mt. Holly-Huntersville Road intersection to accommodate the northbound and southbound [crossover] left turn movements. Provide a minimum 250 feet of full width storage and an appropriate bay taper length per lane for the northbound dual left turn movements at the southern traffic signal and a minimum 250 feet of full width storage and an appropriate bay taper length per lane for the southbound dual left turn movements at the northern traffic signal.
- Construct an additional through lane on the northbound approach of Brookshire Boulevard. Extend a minimum of 250 feet south of the new southern traffic signal where northbound crossover left turn movements are accommodated, and a minimum of 750 feet north of the new northern traffic signal. Provide appropriate transitional taper lengths. Approximately 500 feet of spacing will be provided between main intersection and crossover signals.
- Construct an additional through lane on the southbound approach of Brookshire Boulevard. Extend a minimum of 250 feet north of the new northern traffic signal where southbound crossover left turn movements are accommodated, and tie into the existing right turn lane onto the I-485 Southbound On-Ramp. Provide an exclusive right turn lane on the southbound approach of Brookshire Boulevard with a minimum of 450 feet of full width storage. Provide appropriate bay and transitional taper lengths.
- Provide an exclusive right turn lane on the northbound approach of Brookshire Boulevard with a minimum 400 feet of full width storage and an appropriate bay taper length.
- Construct an exclusive right turn lane on the eastbound approach of Mt. Holly-Huntersville Road to provide dual right turn lanes. Provide a minimum of 375 feet of full width storage for each lane and an appropriate bay taper length per lane.
- Construct an exclusive right turn lane on the westbound approach of Mt. Holly-Huntersville Road to provide dual right turn lanes. Provide a minimum of 275 feet of full width storage and an appropriate bay taper length per lane.

*Intersection of Brookshire Boulevard & Development Access “D”*

- Construct an exclusive right turn lane on the northbound approach of Brookshire Boulevard. Provide a minimum of 300 feet of full width storage and an appropriate bay taper length.



c. **Substantial Completion.** Reference to “substantial completion” for certain improvements as set forth in the provisions of Section 4.II.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 all roadway improvements 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 the Petitioner will work with City Staff to determine a process 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 over a minimum of a 60 day period, 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 and such delay 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 the Petitioner will work with City Staff to determine a process 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, and the Planning Director as applicable, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

f. In connection with improvements to Mt. Holly-Huntersville Road, a major-thoroughfare, the Petitioner reserve the right to request the maximum reimbursement amount permitted under CDOT policy.

### **III. Access.**

a. Access to the Site will be from Mt. Holly-Huntersville Road, NC Hwy. 16 and Chastain Parc Drive as part of the extension of an existing public street stub (Valley Walk Drive) as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.



- b. The opening (the removal of the barricade) of the public street connection from the Riverbend Development to Chastain Parc via the connection and extension of Valley Walk Drive will not occur until at least 150,000 square feet of the allowed uses within Development Area A has received a certificate of occupancy, and the first planned office building within Development Area C has also received a certificate of occupancy.
- c. The Petitioner will construct one (1) speed tables along public street # 2 between the intersection of public street #1 and public street # 4 as generally depicted on the Rezoning Plan.
- d. The Petitioner will construct the connection to Chastain ~~Park~~Parc with a choker road design. In addition the configuration of the road network connecting to Chastain ~~Park~~Parc will be done in the configuration generally depicted on the Rezoning Plan as to avoid a direct connection from the Site to Chastain ~~Park~~Parc. The final design of the Choker will be coordinated with CDOT and Chastain Parc. If agreed to by all parties the design of the Choker Road may be changed to provide curb extension to create the one-way choker road instead of curb line modifications as indicated on the Rezoning Plan.
- e. Construction traffic from the Site will be directed to not use the connection to Chastain Parc for ingress and egress.
- f. The Petitioner as part of the development of Site will construct a public and private street network through the Site as generally depicted on the Rezoning Plan. A public access easement will be provided for each of the proposed private streets. The public access easement 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 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 herein. 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 network open to the public on the Site providing access to Mt. Holly-Huntersville Road and NC Hwy. 16.
- g. The alignment of the vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.
- h. The Site's internal private street will be designed to include sidewalks and planting strips as generally depicted on the Rezoning Plan.
- i. The Petitioner will dedicate, in fee simple to NCDOT and before the Site's first building certificate of occupancy is issued for in each phase, right-of-way necessary along Brookshire Freeway and Mt. Holly-Huntersville Road that encompass the required transportation improvements. The multi-use path may be placed on an easement if it falls outside of the right-of-way.

## **5. Streetscape, Buffer, Landscaping Open Space and Screening:**



- a. A 24 foot landscape setback as measured from the future back of curb along Mt. Holly-Huntersville Road will be established along Development Area A and A-1's frontage on Mt. Holly-Huntersville Road. An eight (8) foot planting strip and a 12 foot multi-use path (MUP) will be located within the landscape setback (see alternative transportation improvements that allow the MUP to be reduced to 10 feet between Hwy. 16 and Site Access A). Street Trees may be located outside of the right-of-way if NCDOT does not allow street trees to be located in the R/W for Mt. Holly-Huntersville Road.
- b. Along Development Area C's frontage on Mt. Holly-Huntersville Road a 20 foot setback as measured from the future right-of-way line will be established. An eight (8) foot planting strip and a 12 foot multi-use path will be constructed along Development Area C's frontage on Mt. Holly-Huntersville Road frontage.
- c. A 50 foot landscape setback will be established along I-485 as generally depicted on the Rezoning Plan. .
- d. The Petitioner will provide buffers along the western property boundary as generally depicted on the Rezoning Plan. These buffers will consist of a 90' undisturbed buffer, and a 50 foot ~~Class C~~undisturbed buffer as generally depicted on the Rezoning Plan. The Petitioner will ~~install, at its expense, a four foot (4') high black aluminum fence within the 90' buffer as shown on the Technical Data Sheet.~~be allowed to disturb the 50 foot undisturbed buffer to extend an eight (8) foot sidewalk through the 50 foot buffer to the adjoining property line as generally depicted on the rezoning plan.
- e. The Petitioner is required to connect a Public Street from the Site to Valley Walk Drive in the Chastain Parc Subdivision. In order to provide an attractive entryway, the Petitioners agree to install a streetscape on both sides of Valley Walk Drive between Chastain Parc Drive and the Site; provided appropriate consents are granted from the individual property owners of Lots number 17 and 18, as depicted on the Technical Data Sheet, within 30 days after Petitioners have made written offers to do so. These trees will be planted on both sides of Valley Walk Drive and be the same species and size as those planted on Public Street 2. The Petitioners agree to meet with each of the property owners involved who shall have returned timely consents to the Petitioners (or their respective representatives) to decide upon the exact locations of the plant material within 30 days after receipt of the appropriate consent form and to install the plant materials on the lots of each consenting owner involved prior to the issuance of a permanent certificate of occupancy for any building constructed on Parcel F. If the plant material is installed on any such lot, all watering and maintenance will be the responsibility of the owner of the lot and the Petitioners shall not be responsible for maintaining this plant material or for replacement in the event any of the plant material dies.
- f. All internal public streets shall have an eight (8) foot wide planting strips and either six (6) foot sidewalks on both sides, or a 10 foot multi-use path on one side and a six (6) foot sidewalk on the opposite side as generally depicted on the Rezoning Plan.
- g. All internal private streets shall have a six (6) foot wide planting strips and a five (5) foot wide sidewalks on both sides as generally depicted on the Rezoning Plan (except as noted below). The sidewalk in front of the small shops located on private Street # 6, between private street # 5 and private street # 7 will be a minimum of eight (8) feet. The Private Street within Development Area C connecting Public Street #1 to Public Street # 4 will have eight (8) foot planting strips and eight (8) foot sidewalks on both sides.



h. All public building entrances, except those for fire exits and loading, will connect directly to the sidewalks provided along the adjoining public street or to a private street/drive or to an open space.

i. Utilities may cross required buffers at angles no greater than 75 degrees.

j. The open space area located within Development Area C will be at least one (1) acre in size and will be improved with seating areas, landscaping and hardscape improvements. Additional open space areas may be provided within Development Area C.

k. Urban Open Space and public open spaces containing landscaping, benches, and pedestrian scaled lighting shall be provided on Development Area A in those locations depicted on the Schematic Site Plans. Additionally, outdoor dining and seating areas associated with restaurant tenants may be provided.

l. Outdoor dining areas may be provided along the internal private streets, adjacent to the proposed buildings, in the urban open space and open space areas provided on the Site. The location and size of outdoor dining areas will be determined during the urban review process for the Site.

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

[n. Parking areas adjacent to Brookshire Freeway will be screened as required by the Ordinance.](#)

~~no~~. A 20 foot pedestrian easement with a minimum of an eight (8) foot sidewalk will be established within Development Areas C and E as generally depicted on the Rezoning Plan. This easement and sidewalk will provide a pedestrian connection from Mt. Holly-Huntersville Road through Development Area C and E. The 20 foot easement area will be attractively landscaped and will contain intermediate seating and hardscape areas for pedestrians. Decorative pedestrian scale lighting will also be provided within the easement area (specific spacing to be determined during the design of each development area). In locations where the easement area is adjacent to parking areas the eight (8) foot sidewalk will be separated from the parking area by a landscape area of approximately six (6) feet (the width of the landscape area may vary to create visual interest and variety in the treatment of landscaping and path design). The landscaping within the easement area will also contain a row of trees on each side of the eight (8) foot sidewalk, except in areas where the sidewalk is located along the front elevation of the proposed office buildings, where only one row of trees will be required. Because the sidewalk area, within Development Area C, will be located along the office buildings entire frontage it is very likely it will have to cross the building service area, if that is the case, the location of the sidewalk area will be designed to create separation that will allow the sidewalk area to be screened from the service area. If the service area is located within an enclosed area with gates or a door, this treatment will be considered screening of the path.

~~mp~~. As part of the specific building plans for each of the Development Areas in which the pedestrian easement is located, the Petitioner may request, subject to Planning Staff approval, alternative locations for the easement and sidewalk area that allow the sidewalk area to be better integrated into the overall site design and open space areas for the proposed Development Areas.



## **6. General Design Guidelines:**

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, [glass, architectural metal panels](#), precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl ~~or aluminum~~ as a building material may only be used on windows, soffits and on handrails/railings.

b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved.

c. Building elevations within Development Area A, A-1 and B will have building elevations designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall off-sets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.

d. Buildings located along Mt. Holly-Huntersville Road shall contain translucent glass windows along the elevations which face Mt. Holly-Huntersville Road. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building.

e. The buildings located along the private street # 6, between private street # 5 and public street # 7, that connects to Mt. Holly-Huntersville Road opposite Callabridge Landing shall contain translucent glass windows along the elevation which faces the main entrance drive. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building. The buildings along this portion of private street # 6 will have operable doors to private street # 6 open to customers during normal business hours. This standard regarding operable doors will also apply to buildings with frontage on both sides of public street # 7 between Brookshire Freeway and the intersection of private street # 6.

f. All retail buildings must be architecturally integrated to complement one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.

g. Buildings within Development Area E will have exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 30 percent masonry materials



(brick, stone, architectural block, [cementitious fiber board](#), [stucco](#), [decorative block](#) or other masonry material). No aluminum or vinyl siding shall be used. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

h. Buildings within Development Area F will have exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 35 percent masonry materials (brick, stone, architectural block, [cementitious fiber board](#), [stucco](#), [decorative block](#) or other masonry material). No aluminum or vinyl siding shall be used. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

i. The building(s) located within Development Area D will meet the MUDD zoning district urban design street wall standards for building walls facing Street # 7.

j. The attached dwelling units constructed within Development Area F will utilize alleys to provide access to parking areas and/or garages. If detached single-family homes are constructed within Development Area F the homes will be constructed with a combination of alleys for access to garages and parking areas or with garages or parking areas with direct access from a public street.

k. The proposed parking structure located within Development Area C will meet or exceed the architectural treatment requirements of Section 12.212 of the Ordinance.

l. Architectural and Site Design Standards for attached dwelling units (townhome for sale) located within Development Area F and E.

i. To provide privacy, all primary unit entrances located within 15 feet of the sidewalk must be raised from average grade a minimum of 24 inches.

ii. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.

iii. Usable porches and stoops shall form a predominate feature of the building design and be located on the front and/or side of the building. Usable front porches are covered and are at least six (6) feet deep. Stoops and entry level porches may be covered but not enclosed.

iv. All corner/end units that face a public or private street will have a porch or stoop that wraps a portion of the front and side of the unit or not have blank walls that exceed 20 feet in length on all building levels.

v. Garage doors visible from public or private streets will minimize the visual impact by providing a setback of 12 to 24 inches from the front wall plane, and additional architectural treatments such as translucent windows or projecting elements over the garage door opening.

vi. Sidewalks connecting the individual unit primary entrances to the sidewalks along the public or private streets will be provided.

vii. Townhome buildings shall be limited to six (6) individual units or less, and when possible ideally alternate the number individual units per building in adjacent buildings.

m. Architectural and Site Design Standards for multi-family dwelling units located within Development Area E.

i. Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 20% of that



- building's entire façade facing such network street using brick, natural stone (or synthetic equivalent), stucco, or other materials approved by the Planning Director.
- ii. Prohibited Exterior building materials, vinyl siding (but not vinyl hand rails, windows or door trim), and concrete masonry units not architecturally finished.
  - iii. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
    - (a) Buildings shall be placed so as to present a front or side façade to all network required streets (public or private);
    - (b) Buildings shall front a minimum of 50% of the total network required street frontage on the site (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree planting areas, and storm water facilities); and
    - (c) Parking lots shall not be located between any network required public or private streets.
  - iv. Building Massing and Height shall be design to break up long monolithic building forms as follows: buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of two (2) feet extending at last a full floor.
  - v. Building entrances shall be at or slightly (one (1) foot or more) above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least three (3) of the following features: (a) decorative pedestrian lighting/scones; (b) architectural details carried above the ground floor; (c) covered porches, canopies, awnings or sunshades; (d) archways; (e) transom windows; (f) terraced or raised planters that can be utilized as seat walls; (g) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (h) double doors; (i) stops or stairs; and/or (j) contrasting pavement from primary sidewalk.
  - vi. Architectural Elevation Design – elevations shall be designed to create visual interest as follows:
    - (a) building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
    - (b) Buildings shall be designed with a recognized architectural base on all facades facing network required public or private streets. Such base may executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.
    - (c) Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
  - vi. Roof Form and Articulation – roof from and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
    - (a) Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapet.
    - (b) For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof parapet walls.



- (c) Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.
- vii. Service Area Screening – service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20% Preferred Exterior Building Materials or a Class C buffer not less than 10 feet in depth at all above grade perimeter not paved for access.

7. **Development Area C Design Intent (Corporate Office Campus):**

a. **Design Intent:** The office campus is intended to integrate fully into the broader Riverbend Development. The overall concept of the plan is to showcase the office campus dedication to innovation to the public realm that is created throughout the site. Building placement creates opportunities for highly activated outdoor spaces that are open to the public, as well as accommodating connections through and around the buildings. It is anticipated that the planned office buildings will come in 2 separate phases. These buildings will work together, along with the site features, to pronounce a presence along Mount Holly-Huntersville Road through open spaces and view sheds. Particular attention has been given to the highly programmed exterior spaces within the site, creating a place that is not only supportive of the office campus building(s) facilities, but also inviting to the public in its perception of the office campus.

The value of connections to and through the office campus is an important guiding principle of this project. Healthy, meaningful connections are present and we intend to further promote those connections in order to serve the broader network within Riverbend (the “Site”).

In order to further unify the development as a whole, a Landscape/Hardscape theme is being identified for the public spaces within the office campus. Outdoor dining, terraces, patios and other amenitized spaces are connected by a rich & unifying aesthetic in the landscape and hardscape of the project. A lively landscape palette that focuses on native integration, seasonal interest, bloom time, and shade & comfort enhance the outdoors spaces provided. Interactive amenities promote people watching and an active public realm that will serve as an engaging community amenity for Riverbend.

The architecture of the office campus will boast a vibrant office environment. Design standards for consistent applications of glazing, entry systems, lighting, entry features, and wayfinding elements will be enforced to maintain a high level of quality, while also allowing the flexibility required for individual tenant brand identity. The use of a practical and enduring material palette with a forward thinking strategy of sustainable and timeless contemporary architecture will be employed.

7. **Environmental Features:**

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

b. The location, size and type of storm water management system 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.



c. The above ground water quality and detention BMPs will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens, or other like forms.

ed. The Petitioners agree to employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements. The enforcement officer shall be empowered to take the actions necessary to ensure the prompt correction of problems as and when they are detected. The enforcement officer must attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and must satisfactorily pass the certification test.

de. The Petitioners will require supervisors assigned to the Site by all grading contractors to attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and all such supervisors must satisfactorily pass the certification test.

ef. Erosion Control.

Measures for controlling erosion shall include:

- (i) In the event frequency and intensity of rainfall events are overloading basins or other devices, polymers and other flocculating measures shall be employed to enhance settling capabilities to avoid the discharge of solids from the Site.
- (ii) Double row high hazard silt fences shall be used in critical areas of the Site, including all intermittent and perennial streams, delineated wetlands, bases of slopes, approved stream crossings and other locations where the potential for off-site sedimentation is greatest.
- (iii) In the absence of silt fencing, orange construction barrier fence shall be installed along undisturbed buffers to delineate and protect undisturbed buffers during construction.
- (iv) Two stage sediment basins with outlet weirs sized for a 50-year storm event shall be used to reduce the risk of basin failure.
- (v) During construction, the developer shall develop a weekly inspection program meeting NPDES General Permit requirements for all sediment basins including written documentation of such inspections. This written documentation shall be maintained on-site and available upon request. Sedimentation in perennial or intermittent streams caused by construction activities shall be mitigated in an unobtrusive manner within two weeks of identification. Turbidity levels shall be monitored and recorded as part of the inspection program at appropriate runoff discharge points on the Site.

fg. The Site will comply with the Tree Ordinance.

## 8. **Signage:**

- a. Reserved.

## 9. **Lighting:**

- a. All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

- b. The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Development Areas A, A-1, B, C and Parcel D of the Site, shall not exceed 31 feet. All freestanding parking lot lighting fixtures within these Development Areas will be uniform in design.



c. The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Development Areas E and F of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Development Areas E and F will be uniform in design.

d. Pedestrian scale lighting will be provided along the Site's Public and Private Streets.

**10. CATS Park and Ride Spaces and Pad for Passengers:**

a. The Petitioner will provide 30 nonexclusive parking spaces for use by CATS passengers during the work week (weekdays only) as generally depicted on the Rezoning Plan. The Petitioner will also construct a waiting pad per standard 60.03A along Mt. Holly-Huntersville Road. The location of the waiting pad will be coordinated with CATs during the land development approval process. The Petitioner will provide and access ~~easement~~[easements](#) to allow the CATS buses to circulate ~~between the park and ride spaces and Mt. Holly-Huntersville Road on the Site. The Petitioner will work with CATS to determine the specific routing for CATS buses through the Site.~~ The parking spaces, waiting pad, and access easements will be provided prior to the issuance of certificate of occupancy for the buildings located along N.C Hwy. 16 and between private street #5 and public street # 7.

**11. 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.

**12. 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.



<b>Summary report:</b> <b>Litéra® Change-Pro TDC 7.5.0.155 Document comparison done on</b> <b>12/21/2016 9:45:51 PM</b>	
<b>Style name:</b> MVASet	
<b>Intelligent Table Comparison:</b> Active	
<b>Original DMS:</b> dm://CHAR2/1816485/8	
<b>Modified DMS:</b> dm://CHAR2/1816485/10	
<b>Changes:</b>	
<u>Add</u>	38
<del>Delete</del>	37
<del>Move From</del>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<del>Table Delete</del>	0
<u>Table moves to</u>	0
<del>Table moves from</del>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>75</b>



**MT Island Promenade LLC**  
**Development Standards**  
**12/22/16**  
**Rezoning Petition No. 2016-128**

**Site Development Data:**

--**Acreage:** ± 125.13 acres

--**Tax Parcel #s:** 033-041-09, 033-041-23, 033-041-22, 033-041-19, 033-041-20, 033-041-17, 033-041-11, 033-201-14, 033-041-10

--**Existing Zoning:** R-3(LWPA), NS(LWPA) and B-D(CD)(LWPA)

--**Proposed Zoning:** CC(LWPA), MUDD-O(LWPA), O-1(CD)(LWPA) & NS(LWPA)(SPA) with five (5) years vested rights.

--**Existing Uses:** Vacant and Residential uses

--**Proposed Uses:** Retail; Eating, Drinking, Entertainment, Establishments (EDEE); Motion Picture Theater; a Hotel; Residential Dwelling units; general and medical office uses; Climate Controlled Storage (warehousing within an enclosed building), an automobile service station with or without an convenience store, and Personal Service Uses as permitted by right, under prescribed conditions, in the NS, O-1, CC and MUDD-O zoning districts and by the Optional provisions (for the portion of the Site zoned MUDD-O) below together with accessory uses, including parking structures, as allowed in each of the zoning districts described above (as more specifically described and restricted below in Section 3).

--**Maximum Gross Square feet of Development:**

(i) within Development Area A, up to 230,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses, an automotive service station with or without a convenience store, and personal service uses as allowed in the NS zoning district, no more than five (5) uses with an accessory drive-through window will be allowed on Development Area A (of the five (5) allowed uses with an accessory drive-through window only three (3) EDEE (restaurant) uses with accessory drive-through windows allowed, the other two (2) allowed uses with an accessory drive-through window may be a retail or office use);

(ii) within Development Area A-1, up to 4,000 square feet for a bank, or retail, EDEE (without an accessory drive-through window), general or medical office uses, and personal service uses as allowed in the NS zoning district (the bank use may have an accessory drive-through window(s));

(iii) within Development Area B a 60,000 square foot motion picture theater, a hotel with up to 200 hotel rooms, and up to 9,000 square feet of gross floor area devoted to retail, EDEE, personal service uses as allowed in the CC zoning district, subject the conversions provisions below in Section 3;

(iv) within Development Area C up to 365,000 square feet of gross floor area of general offices uses as allowed by right and under prescribed conditions in the O-1 zoning district;

(v) within Development Area D up to 127,000 square feet of climate controlled storage (warehousing within an enclosed building) with up to 3,000 square feet of gross floor area of non-residential uses as allowed in the MUDD zoning district on



the ground floor level, or up to 8,000 square feet of gross floor area non-residential uses as allowed in the MUDD zoning district;

(vi) within Development Area E up to 500 family residential dwelling units (multi-family, attached or detached dwelling units) as allowed in the NS zoning district, and subject the conversions provisions below in Section 3; and

(vii) within Development Area F up to 100 attached or detached dwelling units “townhomes for sale and single-family homes” as allowed in the NS zoning district.

*Loading docks (open or enclosed), outdoor dining areas and surface and structure parking areas shall not be counted toward the allowed gross floor area (floor area as defined by the ordinance) proposed by this rezoning petition.*

**--Maximum Building Height:** Buildings within Development Area A and A-1 will be limited to two (2) stories; buildings within Development Area B will be limited to seven (7) stories; buildings within Development Area C will be limited to seven (7) stories; buildings within Development Area D and E will be limited to four (4) stories; and buildings within Development Area F will be limited to three (3) stories. Building height to be measured as required by the Ordinance.

**--Parking:** As required by the Ordinance will be provided.

## **1. General Provisions:**

a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets RZ-1 and RZ-2 form this rezoning plan (collectively referred to as the “Rezoning Plan”) associated with the Rezoning Petition filed by MT Island Promenade LLC. (“Petitioner”) to accommodate the development of a high quality retail uses; Eating, Drinking Entertainment Establishments; Residential Dwellings units; General and Medical office uses; a Hotel, a Motion Picture Theater, and Personal Service uses on an approximately 125.13 acre site located on the southeast quadrant of the intersection of N.C. Hwy. 16 and Mt. Holly-Huntersville 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 NS, O-1, CC and MUDD-O zoning district classifications and the Lake Wylie Protected Overlay District shall govern all development taking place on the Site, and subject to the Optional Provisions provided below for the MUDD portion of the Site.

c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Permissible Building 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 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.

The Planning Director, or designee 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.** The total number of principal buildings to be developed on the Site will be limited to 93, and may be located on the Site as follows: 19 buildings may be located within Development Area A; two (2) buildings within Development Area A-1; eight (8) buildings within Development Area B; four (4) buildings within Development Area C; two (2) buildings within Development Area D; 27 buildings within Development Area E; and 34 buildings within Development Area F, or up to 112 buildings within Development Area E and F if single-family detached structures are constructed in lieu of some of the allowed multi-family and attached dwelling units. 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.

## **2. Optional Provisions.**

The following optional provisions shall apply to the portion of the Site zoned MUDD-O:

- a. To allow parking between the building in Development Area D and NC Hwy. 16, I-485 and Mt. Holly-Huntersville Road as generally depicted on the Rezoning Plan.

## **3. Permitted Uses, Development Area Limitations:**

- 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, A-1, B, C, D, E, and F (each a "Development Area" and collectively the "Development Areas").

- b. Subject to the restrictions, limitations, and conversion rights listed below, the principal buildings constructed on the Site and located within:

(i) Development Area A may be developed with up to 230,000 square feet of gross floor area devoted to: retail, EDEE, general and medical office uses, an automobile service station, and personal service uses (up to five (5) uses with an accessory drive-through window will be allowed as further restricted below);



- (ii) within Development Area A-1 up to 4,000 square feet of gross floor area devoted to either a bank with accessory drive-through window(s), or retail, EDEE, general or medical offices uses, and personal services uses (the bank use is the only use allowed to have an accessory drive-through window);
- (iii) within Development Area B a motion picture theater with up to 60,000 square feet of gross floor area, a hotel with up to 200 rooms, and up to 9,000 square feet of gross floor area for retail, EDEE, general and medical office uses, and personal service uses subject to the conversion provisions listed below;
- (iv) within Development Area C up to 365,000 square feet of gross floor area of general office uses, with and without parking structures;
- (v) within Development Area D up to 127,000 square feet of gross floor area of climate controlled storage (warehousing within an enclosed building) with 3,000 square feet of gross floor area of non-residential uses as allowed in the MUDD zoning district, or 8,000 square feet of gross floor area on non-residential uses allowed as allowed in the MUDD zoning district;
- (vi) within Development Area E up to 500 residential dwelling units (multi-family, attached or detached (per R-6 standards) dwelling units), subject to the conversation provisions listed below; and
- (vii) within Development Area F 100 attached or detached (per R-6 standards) dwelling units (townhomes for sale or single-family homes)

All as permitted by right, and under prescribed conditions in the NS, CC, O-1, and MUDD-O zoning district together with accessory uses allowed as allowed in each of the proposed zoning districts.

*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, dry cleaning establishments, locksmiths, and alike.*

c. The 60,000 square foot motion picture theater allowed in Development Area B may be converted into 60,000 square feet of additional retail, EDEE, office, personal services uses as allowed in the CC zoning district if the motion picture theater is not constructed. If the allowed theater square footage is converted to other allowed uses as indicated, additional buildings may be added to Development Area B. The additional buildings will maintain the same general building orientation proposed by the theater. The Petitioner will submit to the Planning Staff for approval the arrangement of the additional buildings prior to the issuance of a building permit. The additional buildings for the alternative uses will be reviewed from general compliance with the following standards: (i) be oriented toward the internal private street and open space; (ii) will have clear glass store fronts and operable doors facing the private street and open space; (iii) maintain strong pedestrian connections to the remainder of the center; and (iv) not have parking located between the buildings and the open space area.

d. Within Development Area D either a climate controlled storage facility with ground floor non-residential uses as allowed in the MUDD zoning district, or up to 8,000 square feet of gross floor area of uses allowed in the MUDD zoning district may be constructed in lieu of the climate controlled storage facility.



- e. Within Development Area A-1 either a bank with accessory drive-through windows with up to 4,000 square feet of gross floor area may be constructed, or if a bank is not constructed up to 4,000 square feet of gross floor area for retail, general or medical office uses, and personal uses will be allowed.
- f. Up to five (5) uses with an accessory drive through window will be permitted within Development Area A. A maximum of three (3) restaurants (EDEE) with accessory drive-through windows will be allowed, the other two (2) uses with accessory drive-through windows may be retail or office uses.
- g. Only one (1) automobile service station with or without a convenience store will be allowed on the Site and it must be located within Development Area A.
- h. The number of independent out-parcels along Mt. Holly-Huntersville Road within Development Areas A and A-1 shall be limited to no more than two. All other out-parcels (buildings with frontage on Mt. Holly-Huntersville Road) must be inter-connected. A inter-connected out-parcel is a freestanding single tenant building designed to share parking and at least one site amenity such as a plaza, fountain or pedestrian pathway system, with other buildings on the Site. A pedestrian pathway system will qualify as providing the necessary connectivity. (Not all the amenities listed are required to be considered an inter-connected freestanding single-tenant building). An independent free standing single tenant building is a building that functions independently of the surrounding Site and is usually disconnected from the adjacent development by drive-through lanes, parking areas, and driveways.
- i. The Petitioner reserves the right to transfer portions of the allowed square footage for Development Areas A, and B between these two Development Areas as long as the total amount of allowed square footage is not increased. If square allowed square footage is transferred between the two Development Areas the arrangement and placement of the building indicated will be maintained. The Planning Staff may approve alternative building arrangements if the revised building arrangement maintains or improves the pedestrian inter-connectivity of the Site.
- j. Within Development Area E, the Petitioner may substitute up to 125,000 square feet of gross floor area of general or medical office uses for 236 of the allowed residential dwelling units. If the allowed multi-family units are converted to office square footage as indicated, additional or fewer buildings may be developed on the portion of Development Area E designated for the conversion of multi-family units to office uses. The office buildings will maintain the same general building orientation proposed by the multi-family buildings. The Petitioner will submit to the Planning Staff for approval the arrangement of the proposed office buildings prior to the issuance of a building permit. The proposed office buildings will be reviewed from general compliance with the following standards: (i) will be oriented toward the internal public street and/or open space; (ii) will have clear glass store fronts and operable doors facing the public street; (iii) maintain strong pedestrian connections to the remainder of the center; and (iv) not have parking (other than on-street parking) located between the buildings and public street.

*For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the following items will not be counted as part of the allowed gross floor area (floor area as defined by the Ordinance) for the Site: surface or structured parking facilities, all loading dock areas (open or enclosed), 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).

#### **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 IMP-1 located on Sheet RZ4.0 of the Rezoning Plan. Figure IMP-1 on Sheet RZ4.0 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 IMP-1 on Sheet RZ4.0 for the proposed improvement).*

The following roadway improvements will be made by the Petitioner as part of the development of the Site as proposed by the Rezoning Plan:

##### **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 northwest Mecklenburg area, by way of a private/public partnership effort or other public sector project support. The design of the proposed signalized intersections (new and existing) where the Petitioner is making improvements will accommodate “protected” pedestrian/bike movement through the intersection, including necessary pedestrian refuge areas and connections to existing sidewalks, location to be determined during the permitting process, as need to optimize signal timing and pedestrian safety.

Construction and/or reconstruction of all curb returns and pedestrian signals to be per PROWAG standards at intersections where signals are installed or modified by/for this Site including offsite mitigations, and the construction or reconstruction of the intersection removes the existing curb returns or requires curb returns, and the Petitioner is responsible for the installation pedestrian signals.

##### **b. Phasing and Substantial Compliance.**

The Petitioner will be allowed to obtain a certificate of occupancy for any one or all of the buildings that correspond to the allowed development square footages and uses indicated for each Phase of development located on Site upon the substantial completion of the following improvements:

1. Phase One Development allowance:
  - (a) Retail uses - 177,100 square feet of gross floor area.
  - (b) Gas station convenience store – with up to 14 fueling Positions
  - (c) EDEE (Sit-Down Restaurants) – up to 20,000 square feet of gross floor area.



(d) Restaurants with accessory drive-thru window – up to 8,100 square feet of gross floor area.

i. Phase One Required Improvements:

*Intersection of Brookshire Boulevard & Mt. Holly-Huntersville Road*

- Widen the northbound approach of Brookshire Boulevard to provide an additional through lane. Provide a minimum of 750 feet of full storage and appropriate taper lengths for the new lane. Brookshire Boulevard north of Mt. Holly-Huntersville Road will also need to be widened to provide an additional receiving lane for the triple through lanes. Provide a minimum of 750 feet of full lane and appropriate taper lengths for the receiving lane.
- Extend the existing northbound right turn lane on Brookshire Boulevard to provide a minimum of 400 feet of full storage with appropriate bay taper length.
- Restripe the existing southbound right turn lane on Brookshire Boulevard to provide a shared through-right turn lane. Extend the existing lane to provide a minimum of 450 feet of full storage and appropriate bay taper length. The southbound right turn lane on Brookshire Boulevard at the I-485 southbound on-ramp should be extended to provide a full lane between the southbound ramps and Mt. Holly-Huntersville Road to provide an additional receiving lane for the triple through movements.
- Install a blank out sign to convert the outside through lane on the eastbound approach of Mt. Holly-Huntersville Road into a right turn lane during the AM peak period to provide dual right turn lanes.
- Modify the existing signal to accommodate the eastbound dual right blank out installation.

*Intersection of Mt. Holly-Huntersville Road & Callabridge Court/Development Access "A"*

- Construct an exclusive eastbound right turn lane on Mt. Holly-Huntersville Road. Provide a minimum of 325 feet of full storage and appropriate bay taper length.
- Construct dual left turn lanes on the westbound approach of Mt. Holly-Huntersville Road. Provide a minimum of 200 feet of full storage and appropriate taper lengths per lane.
- Restripe the existing westbound right turn lane to provide a shared through-right turn lane. Extend the existing storage lane to provide a minimum of 400 feet of full storage and appropriate bay taper length.
- Construct a six-lane cross-section for the development access with two ingress (2) and four (4) egress lanes. Provide dual left turn lanes, a through lane, and a right turn lane for vehicles exiting the site. Provide a minimum of 250 feet of full storage and appropriate taper lengths for the dual left turn lanes, and a minimum of 125 feet of full storage and appropriate taper lengths for the exclusive right turn lane.
- Restripe the southbound approach of Callabridge Court to provide dual left turns, a through lane, and an exclusive right turn lane.

*Intersection of Mt. Holly-Huntersville Road & Callabridge Court/Development Access "B"*

- Construct a median on Mt. Holly-Huntersville Road from Callabridge Court through Access B to restrict Development Access “B” to right turn movements only (portions of this median with sufficient width will be landscaped if allowed by NCDOT).
- Construct an exclusive eastbound right turn lane on Mt. Holly-Huntersville Road. Provide a minimum of 100 feet of full width storage and appropriate bay taper length.
- Access B will be designed to have a minimum of 150 feet internal protected stem.

2. Phase Two Development Allowances:

- (a) General or medical office uses: – up to 182,500 square feet of gross floor area.
- (b) Up to an additional 10,900 square feet of gross floor area of retail uses.
- (c) A financial institution with an accessory drive-through window – with up to 4,000 square feet of gross floor area.
- (d) Up to an additional 10,900 square feet of gross floor area of EDEE (Sit-Down Restaurants).

ii. Phase Two Required Improvements:

Intersection of Brookshire Boulevard & Mt. Holly-Huntersville Road

- Extend the existing eastbound right turn lane on Mt. Holly-Huntersville Road to provide 565 feet of full storage.
- Construct an exclusive right turn lane on the eastbound approach Mt. Holly-Huntersville Road to provide dual right turn lanes. Provide a minimum of 300 feet of full storage and appropriate taper lengths.

Mt. Holly-Huntersville Road between Brookshire Freeway and Development Access A)

- Reduce the proposed lane widths on Mt. Holly-Huntersville Road to 11 feet.
- Reduce the proposed eight (8) foot planting strip on the development side of Mt. Holly-Huntersville Road to six (6) feet, and the Multi-use Path to 10 feet.
- Extend the westbound dual left turn storage to provide approximately 940 feet of combined storage.
- Provide approximately 460 feet of combined eastbound left turn storage from Mt. Holly-Huntersville Road to Callabridge Court (no median will be provided between the opposing left turn lanes for approximately 380 feet).
- Provide a pedestrian refuge island on Mt. Holly-Huntersville Road at Callabridge Court.
- Provide an eastbound right-turn lane from Mt. Holly-Huntersville Road into Development Access A with 325 feet of storage. The length of the eastbound right-turn lane will be reduced to 200 feet of storage if the access into the Site from Brookshire is under construction as part of this phase.

Intersection of Mt. Holly-Huntersville Road Development Access “B”

- Construct a restrictive median to allow left turn ingress movements while prohibiting left turn egress movements. Provide a minimum of 200 feet of full storage and appropriate taper lengths.



Intersection of Mt. Holly-Huntersville Road & Chastain Parc Drive/Pump Station Road

- Construct an additional westbound travel lane on Mt. Holly-Huntersville Road to be striped as a shared through-right turn lane and extend to tie into the shared through-right turn lane at the Callabridge Court intersection. The lane should begin a minimum of 200 feet in advance of this intersection with an appropriate bay taper length.

3. Phase Three Development allowance:

- (a) Climate Controlled Warehouse – up to 127,000 square feet of gross floor area.
- (b) Residential Dwellings Units Multi-Family – up to 264 dwelling units
- (c) Residential Dwellings Units Attached or Detached – 93 Dwelling Units
- (d) A hotel with up to – 200 rooms
- (e) General or medical office uses – up to an additional 467,500 square feet of gross floor area, or an additional 236 dwelling units (either multi-family, attached or detached) in lieu of 125,000 square feet of gross floor area less of general or medical office uses, and/or a motion picture theater with up to 60,000 square feet of gross floor area in lieu of 60,000 square feet less of general or medical office uses.
- (f) Up to an additional 9,000 square feet of gross floor area of EDEE (Sit-Down Restaurants).

i. Phase Three Required Improvements:

**Phase 3 – Scenario 1**

Intersection of Brookshire Boulevard & Mt. Holly-Huntersville Road

- Convert intersection to continuous flow intersection.
- Install traffic signals to the north and south of the Mt. Holly-Huntersville Road intersection to accommodate the northbound and southbound crossover left turn movements. Provide a minimum 250 feet of full width storage and an appropriate bay taper length per lane for the northbound dual left turn movements at the southern traffic signal and a minimum 250 feet of full width storage and an appropriate bay taper length per lane for the southbound dual left turn movements at the northern traffic signal.  $\pm 500$  feet of spacing will be provided between the main intersection and the cross-over signals.
- Construct an additional through lane on the northbound approach of Brookshire Boulevard. Extend a minimum of 250 feet south of the new southern traffic signal where northbound crossover left turn movements are accommodated, and a minimum of 750 feet north of the new northern traffic signal. Provide appropriate transitional taper lengths.
- Construct an additional through lane on the southbound approach of Brookshire Boulevard. Extend a minimum of 250 feet north of the new northern traffic signal where southbound crossover left turn movements are accommodated, and tie into the existing right turn lane onto the I-485 Southbound On-Ramp. Provide an exclusive right turn lane on the southbound approach of Brookshire Boulevard with a minimum of 450 feet of full width storage. Provide appropriate bay and transitional taper lengths.
- Construct an additional right turn lane on the northbound approach of Brookshire Boulevard. Provide a minimum 350 feet of full width storage and an appropriate bay taper length per lane.

- Construct an exclusive right turn lane on the eastbound approach of Mt. Holly-Huntersville Road to provide dual right turn lanes. Provide a minimum of 375 feet of full width storage and an appropriate bay taper length per lane.
- Construct an exclusive right turn lane on the westbound approach of Mt. Holly-Huntersville Road to provide dual right turn lanes. Provide a minimum of 275 feet of full width storage and an appropriate bay taper length per lane.

*Intersection of Mt. Holly-Huntersville Road & Development Access “C” (same as Scenario 2)*

- Install a traffic signal.
- Construct an exclusive left turn lane on the westbound approach of Mt. Holly-Huntersville Road. Provide a minimum of 100 feet of full width storage and an appropriate bay taper length.
- Construct a three-lane approach on the development access consisting of an exclusive left turn lane, a through lane approximately 50 foot pocket lane, and an exclusive right turn lane with a minimum of 150 feet of full width storage and an appropriate taper length.
- Construct Access C with an internal protected stem that will restrict access from Development Area C for the first 400 feet, but will allow one access point to the adjoining church (Holly Hunter Baptist Church) approximately 240 for the intersection of Mt. Holly-Huntersville Road.
- Stripe the southbound approach of Overlook Mountain Drive to provide an exclusive left turn lane and a shared through-right lane.

*Intersection of Mt. Holly-Huntersville Road & Chastain Parc Drive/Pump Station Road (same as Scenario 2)*

- Restripe the eastbound approach of Mt. Holly-Huntersville Road to provide an exclusive left turn lane and a shared through-right lane.
- Construct an exclusive left turn lane on the westbound approach of Mt. Holly-Huntersville Road. Provide a minimum of 100 feet of full width storage and appropriate bay taper length.

*Cross Access between Chastain Parc Subdivision and the Proposed Development*

Per the original rezoning conditions, a speed hump should be installed as a traffic-calming device when warranted based on CDOT procedures. Since the majority of traffic entering and exiting the proposed development will likely be residents of the existing subdivision, this should suffice; however, further evaluation of alternative solutions may be necessary.

**Phase 3 – Scenario 2**

*Intersection of Brookshire Boulevard & Mt. Holly-Huntersville Road*

- Convert intersection to continuous flow intersection.
- Install traffic signals to the north and south of the Mt. Holly-Huntersville Road intersection to accommodate the northbound and southbound [crossover] left turn movements. Provide a minimum 250 feet of full width storage and an appropriate bay taper length per lane for the northbound dual left turn movements at the southern traffic signal and a minimum 250 feet of full width storage and an appropriate bay taper length per lane for the southbound dual left turn movements at the northern traffic signal.
- Construct an additional through lane on the northbound approach of Brookshire Boulevard. Extend a minimum of 250 feet south of the new



southern traffic signal where northbound crossover left turn movements are accommodated, and a minimum of 750 feet north of the new northern traffic signal. Provide appropriate transitional taper lengths. Approximately 500 feet of spacing will be provided between main intersection and crossover signals.

- Construct an additional through lane on the southbound approach of Brookshire Boulevard. Extend a minimum of 250 feet north of the new northern traffic signal where southbound crossover left turn movements are accommodated, and tie into the existing right turn lane onto the I-485 Southbound On-Ramp. Provide an exclusive right turn lane on the southbound approach of Brookshire Boulevard with a minimum of 450 feet of full width storage. Provide appropriate bay and transitional taper lengths.
- Provide an exclusive right turn lane on the northbound approach of Brookshire Boulevard with a minimum 400 feet of full width storage and an appropriate bay taper length.
- Construct an exclusive right turn lane on the eastbound approach of Mt. Holly-Huntersville Road to provide dual right turn lanes. Provide a minimum of 375 feet of full width storage for each lane and an appropriate bay taper length per lane.
- Construct an exclusive right turn lane on the westbound approach of Mt. Holly-Huntersville Road to provide dual right turn lanes. Provide a minimum of 275 feet of full width storage and an appropriate bay taper length per lane.

*Intersection of Brookshire Boulevard & Development Access "D"*

- Construct an exclusive right turn lane on the northbound approach of Brookshire Boulevard. Provide a minimum of 300 feet of full width storage and an appropriate bay taper length.

**c. Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.II.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 all roadway improvements 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 the Petitioner will work with City Staff to determine a process 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 over a minimum of a 60 day period, 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 and such delay 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 the Petitioner will work with City Staff to determine a process 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, and the Planning Director as applicable, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

**f.** In connection with improvements to Mt. Holly-Huntersville Road, a major-thoroughfare, the Petitioner reserve the right to request the maximum reimbursement amount permitted under CDOT policy.

### **III. Access.**

a. Access to the Site will be from Mt. Holly-Huntersville Road, NC Hwy. 16 and Chastain Parc Drive as part of the extension of an existing public street stub (Valley Walk Drive) as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.

b. The opening (the removal of the barricade) of the public street connection from the Riverbend Development to Chastain Parc via the connection and extension of Valley Walk Drive will not occur until at least 150,000 square feet of the allowed uses within Development Area A has received a certificate of occupancy, and the first planned office building within Development Area C has also received a certificate of occupancy.

c. The Petitioner will construct one (1) speed tables along public street # 2 between the intersection of public street #1 and public street # 4 as generally depicted on the Rezoning Plan.

d. The Petitioner will construct the connection to Chastain Parc with a choker road design. In addition the configuration of the road network connecting to Chastain Parc will be done in the configuration generally depicted on the Rezoning Plan as to avoid a direct connection from the Site to Chastain Parc. The final design of the Choker will be coordinated with CDOT and Chastain Parc. If agreed to by all parties the design of the Choker Road may be changed to provide curb extension to create the one-way choker road instead of curb line modifications as indicated on the Rezoning Plan.

e. Construction traffic from the Site will be directed to not use the connection to Chastain Parc for ingress and egress.

f. The Petitioner as part of the development of Site will construct a public and private street network through the Site as generally depicted on the Rezoning Plan. A public access easement will be provided for each of the proposed private streets. The public access easement 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 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 herein. 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 network open to the public on the Site providing access to Mt. Holly-Huntersville Road and NC Hwy. 16.

g. The alignment of the vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.

h. The Site's internal private street will be designed to include sidewalks and planting strips as generally depicted on the Rezoning Plan.

i. The Petitioner will dedicate, in fee simple to NCDOT and before the Site's first building certificate of occupancy is issued for in each phase, right-of-way necessary along Brookshire Freeway and Mt. Holly-Huntersville Road that encompass the required transportation improvements. The multi-use path may be placed on an easement if it falls outside of the right-of-way.

## **5. Streetscape, Buffer, Landscaping Open Space and Screening:**

a. A 24 foot landscape setback as measured from the future back of curb along Mt. Holly-Huntersville Road will be established along Development Area A and A-1's frontage on Mt. Holly-Huntersville Road. An eight (8) foot planting strip and a 12 foot multi-use path (MUP) will be located within the landscape setback (see alternative transportation improvements that allow the MUP to be reduced to 10 feet between Hwy. 16 and Site Access A). Street Trees may be located outside of the right-of-way if NCDOT does not allow street trees to be located in the R/W for Mt. Holly-Huntersville Road.

b. Along Development Area C's frontage on Mt. Holly-Huntersville Road a 20 foot setback as measured from the future right-of-way line will be established. An eight (8) foot planting strip and a 12 foot multi-use path will be constructed along Development Area C's frontage on Mt. Holly-Huntersville Road frontage.

c. A 50 foot landscape setback will be established along I-485 as generally depicted on the Rezoning Plan. .

d. The Petitioner will provide buffers along the western property boundary as generally depicted on the Rezoning Plan. These buffers will consist of a 90' undisturbed buffer, and a 50 foot undisturbed buffer as generally depicted on the Rezoning Plan. The Petitioner will be allowed to disturb the 50 foot undisturbed buffer to extend an eight (8) foot sidewalk through the 50 foot buffer to the adjoining property line as generally depicted on the rezoning plan.

e. The Petitioner is required to connect a Public Street from the Site to Valley Walk Drive in the Chastain Parc Subdivision. In order to provide an attractive entryway, the Petitioners

agree to install a streetscape on both sides of Valley Walk Drive between Chastain Parc Drive and the Site; provided appropriate consents are granted from the individual property owners of Lots number 17 and 18, as depicted on the Technical Data Sheet, within 30 days after Petitioners have made written offers to do so. These trees will be planted on both sides of Valley Walk Drive and be the same species and size as those planted on Public Street 2. The Petitioners agree to meet with each of the property owners involved who shall have returned timely consents to the Petitioners (or their respective representatives) to decide upon the exact locations of the plant material within 30 days after receipt of the appropriate consent form and to install the plant materials on the lots of each consenting owner involved prior to the issuance of a permanent certificate of occupancy for any building constructed on Parcel F. If the plant material is installed on any such lot, all watering and maintenance will be the responsibility of the owner of the lot and the Petitioners shall not be responsible for maintaining this plant material or for replacement in the event any of the plant material dies.

f. All internal public streets shall have an eight (8) foot wide planting strips and either six (6) foot sidewalks on both sides, or a 10 foot multi-use path on one side and a six (6) foot sidewalk on the opposite side as generally depicted on the Rezoning Plan.

g. All internal private streets shall have a six (6) foot wide planting strips and a five (5) foot wide sidewalks on both sides as generally depicted on the Rezoning Plan (except as noted below). The sidewalk in front of the small shops located on private Street # 6, between private street # 5 and private street # 7 will be a minimum of eight (8) feet. The Private Street within Development Area C connecting Public Street #1 to Public Street # 4 will have eight (8) foot planting strips and eight (8) foot sidewalks on both sides.

h. All public building entrances, except those for fire exits and loading, will connect directly to the sidewalks provided along the adjoining public street or to a private street/drive or to an open space.

i. Utilities may cross required buffers at angles no greater than 75 degrees.

j. The open space area located within Development Area C will be at least one (1) acre in size and will be improved with seating areas, landscaping and hardscape improvements. Additional open space areas may be provided within Development Area C.

k. Urban Open Space and public open spaces containing landscaping, benches, and pedestrian scaled lighting shall be provided on Development Area A in those locations depicted on the Schematic Site Plans. Additionally, outdoor dining and seating areas associated with restaurant tenants may be provided.

l. Outdoor dining areas may be provided along the internal private streets, adjacent to the proposed buildings, in the urban open space and open space areas provided on the Site. The location and size of outdoor dining areas will be determined during the urban review process for the Site.

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

n. Parking areas adjacent to Brookshire Freeway will be screened as required by the Ordinance.



o. A 20 foot pedestrian easement with a minimum of an eight (8) foot sidewalk will be established within Development Areas C and E as generally depicted on the Rezoning Plan. This easement and sidewalk will provide a pedestrian connection from Mt. Holly-Huntersville Road through Development Area C and E. The 20 foot easement area will be attractively landscaped and will contain intermediate seating and hardscape areas for pedestrians. Decorative pedestrian scale lighting will also be provided within the easement area (specific spacing to be determined during the design of each development area). In locations where the easement area is adjacent to parking areas the eight (8) foot sidewalk will be separated from the parking area by a landscape area of approximately six (6) feet (the width of the landscape area may vary to create visual interest and variety in the treatment of landscaping and path design). The landscaping within the easement area will also contain a row of trees on each side of the eight (8) foot sidewalk, except in areas where the sidewalk is located along the front elevation of the proposed office buildings, where only one row of trees will be required. Because the sidewalk area, within Development Area C, will be located along the office buildings entire frontage it is very likely it will have to cross the building service area, if that is the case, the location of the sidewalk area will be designed to create separation that will allow the sidewalk area to be screened from the service area. If the service area is located within an enclosed area with gates or a door, this treatment will be considered screening of the path.

p. As part of the specific building plans for each of the Development Areas in which the pedestrian easement is located, the Petitioner may request, subject to Planning Staff approval, alternative locations for the easement and sidewalk area that allow the sidewalk area to be better integrated into the overall site design and open space areas for the proposed Development Areas.

## **6. General Design Guidelines:**

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, glass, architectural metal panels, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits and on handrails/railings.

b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved).

c. Building elevations within Development Area A, A-1 and B will have building elevations designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall off-sets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.

d. Buildings located along Mt. Holly-Huntersville Road shall contain translucent glass windows along the elevations which face Mt. Holly-Huntersville Road. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural

treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building.

e. The buildings located along the private street # 6, between private street # 5 and public street # 7, that connects to Mt. Holly-Huntersville Road opposite Callabridge Landing shall contain translucent glass windows along the elevation which faces the main entrance drive. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building. The buildings along this portion of private street # 6 will have operable doors to private street # 6 open to customers during normal business hours. This standard regarding operable doors will also apply to buildings with frontage on both sides of public street # 7 between Brookshire Freeway and the intersection of private street # 6.

f. All retail buildings must be architecturally integrated to complement one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.

g. Buildings within Development Area E will have exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 30 percent masonry materials (brick, stone, architectural block, cementitious fiber board, stucco, decorative block or other masonry material). No aluminum or vinyl siding shall be used. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

h. Buildings within Development Area F will have exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 35 percent masonry materials (brick, stone, architectural block, cementitious fiber board, stucco, decorative block or other masonry material). No aluminum or vinyl siding shall be used. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.

i. The building(s) located within Development Area D will meet the MUDD zoning district urban design street wall standards for building walls facing Street # 7.

j. The attached dwelling units constructed within Development Area F will utilize alleys to provide access to parking areas and/or garages. If detached single-family homes are constructed within Development Area F the homes will be constructed with a combination of alleys for access to garages and parking areas or with garages or parking areas with direct access from a public street.

k. The proposed parking structure located within Development Area C will meet or exceed the architectural treatment requirements of Section 12.212 of the Ordinance.

l. Architectural and Site Design Standards for attached dwelling units (townhome for sale) located within Development Area F and E.



- i. To provide privacy, all primary unit entrances located within 15 feet of the sidewalk must be raised from average grade a minimum of 24 inches.
- ii. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
- iii. Usable porches and stoops shall form a predominate feature of the building design and be located on the front and/or side of the building. Usable front porches are covered and are at least six (6) feet deep. Stoops and entry level porches may be covered but not enclosed.
- iv. All corner/end units that face a public or private street will have a porch or stoop that wraps a portion of the front and side of the unit or not have blank walls that exceed 20 feet in length on all building levels.
- v. Garage doors visible from public or private streets will minimize the visual impact by providing a setback of 12 to 24 inches from the front wall plane, and additional architectural treatments such as translucent windows or projecting elements over the garage door opening.
- vi. Sidewalks connecting the individual unit primary entrances to the sidewalks along the public or private streets will be provided.
- vii. Townhome buildings shall be limited to six (6) individual units or less, and when possible ideally alternate the number individual units per building in adjacent buildings.

m. Architectural and Site Design Standards for multi-family dwelling units located within Development Area E.

- i. Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 20% of that building's entire façade facing such network street using brick, natural stone (or synthetic equivalent), stucco, or other materials approved by the Planning Director.
- ii. Prohibited Exterior building materials, vinyl siding (but not vinyl hand rails, windows or door trim), and concrete masonry units not architecturally finished.
- iii. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
  - (a) Buildings shall be placed so as to present a front or side façade to all network required streets (public or private);
  - (b) Buildings shall front a minimum of 50% of the total network required street frontage on the site (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree planting areas, and storm water facilities); and
  - (c) Parking lots shall not be located between any network required public or private streets.
- iv. Building Massing and Height shall be design to break up long monolithic building forms as follows: buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of two (2) feet extending at last a full floor.
- v. Building entrances shall be at or slightly (one (1) foot or more) above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least three (3) of the following features: (a) decorative pedestrian lighting/scones; (b) architectural details carried above the ground floor; (c) covered porches, canopies, awnings or sunshades; (d) archways; (e) transom windows; (f) terraced or raised planters that can be utilized as seat walls; (g) common outdoor seating

enhanced with specialty details, paving, landscaping or water features; (h) double doors; (i) stops or stairs; and/or (j) contrasting pavement from primary sidewalk.

vi. Architectural Elevation Design – elevations shall be designed to create visual interest as follows:

(a) building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

(b) Buildings shall be designed with a recognized architectural base on all facades facing network required public or private streets. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.

(c) Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

vi. Roof Form and Articulation – roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:

(a) Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapet.

(b) For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof parapet walls.

(c) Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

vii. Service Area Screening – service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20% Preferred Exterior Building Materials or a Class C buffer not less than 10 feet in depth at all above grade perimeter not paved for access.

## **7. Development Area C Design Intent (Corporate Office Campus):**

a. **Design Intent:** The office campus is intended to integrate fully into the broader Riverbend Development. The overall concept of the plan is to showcase the office campus dedication to innovation to the public realm that is created throughout the site. Building placement creates opportunities for highly activated outdoor spaces that are open to the public, as well as accommodating connections through and around the buildings. It is anticipated that the planned office buildings will come in 2 separate phases. These buildings will work together, along with the site features, to pronounce a presence along Mount Holly-Huntersville Road through open spaces and view sheds. Particular attention has been given to the highly programmed exterior spaces within the site, creating a place that is not only supportive of the office campus building(s) facilities, but also inviting to the public in its perception of the office campus.

The value of connections to and through the office campus is an important guiding principle of this project. Healthy, meaningful connections are present and we intend to further promote those connections in order to serve the broader network within Riverbend (the “Site”).

In order to further unify the development as a whole, a Landscape/Hardscape theme is being identified for the public spaces within the office campus. Outdoor dining, terraces, patios and



other amenitized spaces are connected by a rich & unifying aesthetic in the landscape and hardscape of the project. A lively landscape palette that focuses on native integration, seasonal interest, bloom time, and shade & comfort enhance the outdoors spaces provided. Interactive amenities promote people watching and an active public realm that will serve as an engaging community amenity for Riverbend.

The architecture of the office campus will boast a vibrant office environment. Design standards for consistent applications of glazing, entry systems, lighting, entry features, and wayfinding elements will be enforced to maintain a high level of quality, while also allowing the flexibility required for individual tenant brand identity. The use of a practical and enduring material palette with a forward thinking strategy of sustainable and timeless contemporary architecture will be employed.

## **7. Environmental Features:**

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

b. The location, size and type of storm water management system 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.

c. The above ground water quality and detention BMPs will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens, or other like forms.

d. The Petitioners agree to employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements. The enforcement officer shall be empowered to take the actions necessary to ensure the prompt correction of problems as and when they are detected. The enforcement officer must attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and must satisfactorily pass the certification test.

e. The Petitioners will require supervisors assigned to the Site by all grading contractors to attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and all such supervisors must satisfactorily pass the certification test.

f. Erosion Control.

Measures for controlling erosion shall include:

(i) In the event frequency and intensity of rainfall events are overloading basins or other devices, polymers and other flocculating measures shall be employed to enhance settling capabilities to avoid the discharge of solids from the Site.

(ii) Double row high hazard silt fences shall be used in critical areas of the Site, including all intermittent and perennial streams, delineated wetlands, bases of slopes, approved stream crossings and other locations where the potential for off-site sedimentation is greatest.

(iii) In the absence of silt fencing, orange construction barrier fence shall be installed along undisturbed buffers to delineate and protect undisturbed buffers during construction.

(iv) Two stage sediment basins with outlet weirs sized for a 50-year storm event shall be used to reduce the risk of basin failure.

(v) During construction, the developer shall develop a weekly inspection program meeting NPDES General Permit requirements for all sediment basins including written documentation of such inspections. This written documentation shall be maintained on-site and available upon request. Sedimentation in perennial or intermittent streams caused by construction activities shall be mitigated in an unobtrusive manner within two weeks of identification. Turbidity levels shall be monitored and recorded as part of the inspection program at appropriate runoff discharge points on the Site.

g. The Site will comply with the Tree Ordinance.

**8. Signage:**

a. Reserved.

**9. Lighting:**

a. All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Development Areas A, A-1, B, C and Parcel D of the Site, shall not exceed 31 feet. All freestanding parking lot lighting fixtures within these Development Areas will be uniform in design.

c. The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Development Areas E and F of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Development Areas E and F will be uniform in design.

d. Pedestrian scale lighting will be provided along the Site's Public and Private Streets.

**10. CATS Park and Ride Spaces and Pad for Passengers:**

a. The Petitioner will provide 30 nonexclusive parking spaces for use by CATS passengers during the work week (weekdays only) as generally depicted on the Rezoning Plan. The Petitioner will also construct a waiting pad per standard 60.03A along Mt. Holly-Huntersville Road. The location of the waiting pad will be coordinated with CATs during the land development approval process. The Petitioner will provide and access easements to allow the CATS buses to circulate on the Site. The Petitioner will work with CATS to determine the specific routing for CATS buses through the Site. The parking spaces, waiting pad, and access easements will be provided prior to the issuance of certificate of occupancy for the buildings located along N.C Hwy. 16 and between private street #5 and public street # 7.

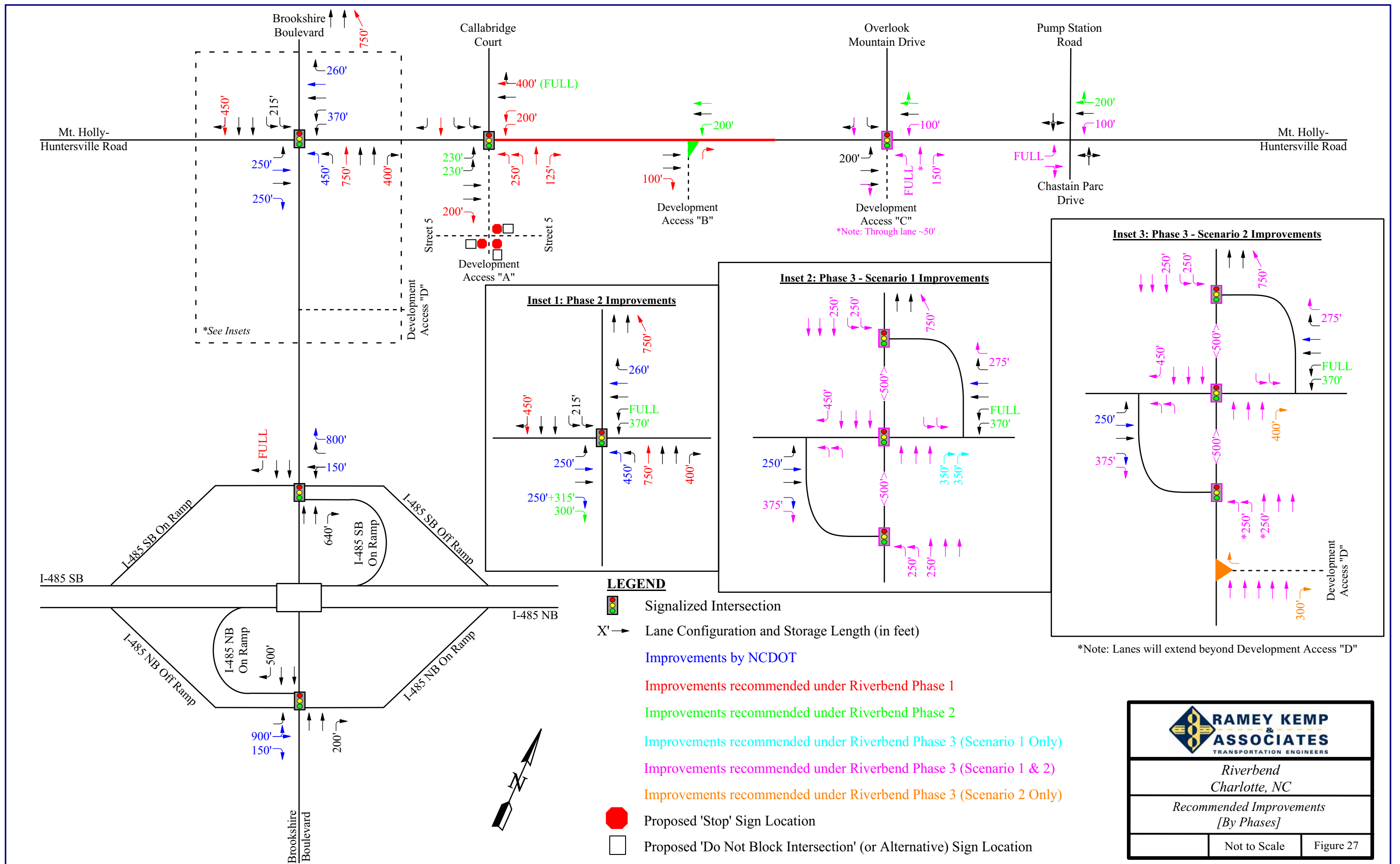
**11. Amendments to the Rezoning Plan:**

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.



**12. 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.



**RAMEY KEMP & ASSOCIATES**  
TRANSPORTATION ENGINEERS

Riverbend  
Charlotte, NC

Recommended Improvements  
[By Phases]

Not to Scale

Figure 27