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FINAL DRAWING - RELEASED FOR CONSTRUCTION

General Provisions

These Development Standards form part of the Technical Data Sheet associated with the MUDD-O Site Plan Amendment filed by Apollo Holding Company, LLC to modify several provisions of a MUDD-O Rezoning Plan which was approved by the City Council on January 22, 2008 in Rezoning Petition No. 2007-082 for the 159 acre City Park Development, as thereafter amended administratively from time to time.

This Site Plan Amendment applies only to that approximately 4.65 acre part of the City Park Development which is bounded by Potomac River Parkway, National Avenue, Speer Boulevard, and West Tyvola Road and which has been designated by Mecklenburg County as Tax Parcels 143-131-14, 143-131-11, and 143-131-15 (the "Site").

Unless the Technical Data Sheet, these Development Standards or accompanying exhibits establish more stringent standards, the regulations established under the Ordinance for the MUDD Zoning District shall govern all development taking place on the Site.

Conceptual Architectural Renderings are intended to convey the architectural vision and design concepts proposed for certain buildings within Site. Ultimately, buildings and improved areas constructed within the Site may deviate from Conceptual Architectural Renderings, as long as any buildings are consistent with the spirit and intent of the Conceptual Exhibits.

Inasmuch as planning for the proposed redevelopment of the Site has not yet advanced beyond the formative stage, the ultimate layouts of the development proposed, the exact alignments of streets and points of access, the configurations and placements of parking areas and the heights and masses of buildings have not yet been determined. As a consequence, the configurations, placements and sizes of the buildings and parking areas depicted on Technical Data Sheet are schematic in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified during design development and construction document phases so long as the maximum parking and building envelope lines established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the MUDD District.

MUDD-O Optional Provisions

The Petitioner proposes to utilize the MUDD-O provisions of the Ordinance in order to accommodate the following:

(a) A deviation to allow two (2) drive through service windows as an accessory to an Eating, Drinking and Entertainment Establishment (Restaurant) use. These drive through service windows shall be limited to one window on parcel 143-131-14 and one window on parcel 143-131-15. No drive through service windows shall be located on parcel 143-131-11. All drive-through windows shall only be located on the same parcel as the principal use.

Permitted Uses and Maximum Development

The Site may be developed with up to 12,000 square feet of additional commercial floor area (exclusive of areas used for building and equipment access, such as stairs, elevator shafts and maintenance crawl space) within up to two (2) buildings. The existing hotel and fully constructed parking lot shall remain.

Except as otherwise provided in the next succeeding paragraph, the Site may be devoted to any uses (including any incidental or accessory uses associated therewith) which are permitted by right or under prescribed conditions in the MUDD Zoning District under the Ordinance, as well as the additional drive-through service window uses permitted under to the optional provisions in Section 2 above.

Notwithstanding the foregoing paragraph of this Section 3, the following uses shall not be allowed on the Site:

- convenience stores with gasoline sales;
- car washes; and
- automotive service stations.

Transportation

The Site shall not create any additional access points off of West Tyvola Road. (a) The Site shall be accessed via Speer Boulevard and/or Potomac River Parkway, as generally depicted in the Site Plan. All access points on Potomac River Parkway and Speer Boulevard will be full access.

Architectural Standards

The Petitioner's intent is to create a Village of Shops to serve as a Commercial Center and complement the Residential, Offices and Hotels at City Park. Each shop will integrate a rich variety of materials, varying rooflines and offsets to give character to the various shops.

Materials that are allowed to be integrated into the buildings will include brick, stone or synthetic stone, stucco and synthetic stucco, and glass. Accents of metal, canvas, precast concrete and cementitious products may be used for trim, cornices, caps, awnings, trellises.

The Development must have a minimum of 25% masonry for all non-glassed areas. This will be an average for each individual building's entire exterior area, and not as a minimum per elevation.

Except as otherwise provided under Section 2 above, all buildings constructed on this Site shall conform to the MUDD Urban Design and Development Standards outlined in Section 9.8506 of the Ordinance.

- material common to the area.
- safe pedestrian crossing.
- (h)
- view (i)
- following design elements:
- Awnings,
- Display windows, • Ornamentation.
- Molding,
- String courses,
- Belt courses,
- Fountains,
- Street furniture,

 - Display areas.

Streetscape and Landscaping

Existing street trees, planting strips and sidewalks around the perimeter of the Site shall remain except where removal is necessary to accommodate new driveway connections.

In areas indicated on the Site Plan, the Petitioner will provide a mixture of intermittent walls and enhanced landscaping along streets where drive-through service lanes and/or parking abut the street. Walls will be constructed of materials generally compatible with the buildings to which they relate. In all other areas, parking shall be screened from public roads, as required by MUDD standards.

Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet or these Development Standards may be applied for by the then Owner or Owners of the parcel or parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

Further alterations or modifications to the Approved Plan for the City Park Development which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the approved Technical Data Sheet for the City Park Development or any of its conditions or which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

Binding Effect of the Rezoning Documents and Definitions

- future development thereof.

(a) Drive through window areas will be screened from view from the parallel street utilizing a trellis structure integrated within a screen wall with a combined minimum height of seven (7) feet which includes the height of the base wall (if any), and a minimum width of thirty (30) feet generally centered on the location of the proposed drive through window. The trellis will be planted with climbing evergreen plant

(b) The design for drive-through lanes constructed on the Site must incorporate areas for

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

(g) All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade. Meter boxes, back flow preventors, and similar items will be screened from public

Expanses of blank walls exceeding 20 feet in length that would not add to the character of the streetscape will be eliminated through use of any one or more of the

• Landscaping and garden areas, and

Provided, however, that the use of opaque or reflective glass may not be utilized as a means for addressing blank walls.

(a) If this Site Plan Amendment is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

(b) Throughout these Development Standards, the

Terms, "Petitioner" and "owner" and "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owners of the Site from time to time who may be involved in any

