



**MUDD OPTIONAL DEVELOPMENT STANDARDS
PIEDMONT TOWN CENTER EXPANSION**

Development of the Site will be controlled by the standards depicted on this Rezoning Plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this Rezoning Plan is intended to reflect the arrangements of proposed buildings and uses on the Site, but the exact configurations, placements and sizes of individual site elements may be altered or modified within the Ordinance during the design development and construction phases. The Concept Book containing Exhibits A, B, C, D, E and F is a part of the Petition and will be used in conjunction with the Rezoning Plan in evaluating the individual site elements as they are developed.

Permitted Uses and Maximum Development

1. The Site may be devoted to office, retail, restaurant, health club facilities and residential uses along with associated accessory uses and parking and service areas allowed under the Ordinance in a MUDD District, subject, however, to the following development restrictions:
 - a. No more than 95,000 square feet of retail and restaurant uses may be developed on the Site. Retail uses will be required to have individual doors on private streets and/or driveways and generally are limited to ground floors. However, retail uses may incorporate upper level floor areas so long as the total floor area assigned to retail uses is not increased and any upper-level retail space has access to a street;
 - b. No more than 410,000 square feet of office uses may be developed on the Site;
 - c. No more than 462 residential units may be developed on the Site; and
 - d. No more than 20,000 square feet may be developed on the Site for a health club facility.

Optional Development Provisions

1. The Petitioners reserve the right through the MUDD-Optional process to seek deviations from the strict application of the Ordinance as it applies to building heights, signage, parking locations and tree installations as follows:
 - (i) The Petitioners propose the following building height modifications for certain of the structures to be built on the Site that will exceed the regular 120 foot height limit imposed under the MUDD provisions of the Ordinance:
 - Building A: The westernmost side of Building A may extend to its parapet up to 140 feet in height, as measured from the average grade of that side of the building. Each of the other sides of Building A may extend to its parapet up to 125 feet in height, as measured from average grade.
 - Building B: Building B may extend to its parapet up to 125 feet in height, as measured from average grade.
 - Building F and G: Building F and Building G may each extend up to 180 feet in height as measured from average grade.
 - (ii) The Petitioners request a modification from the MUDD signage provisions in order to allow 5 detached, ground-mounted project/tenant identification signs, in the locations generally depicted on the Rezoning Plan. The project/tenant identification sign at the intersection between Piedmont Place Way and Fairview Road may be up to 25 feet in height and 100 square feet in signage area size. Wall mounted signage shall conform to the UMUD District standards of the Ordinance. Project/tenant identification signs may not be located within public rights-of-way or sight triangles.
 - (iii) The Petitioners request a modification from the MUDD signage provisions in order to allow one monument style building identification sign for each of the 6 buildings proposed for the Site. These signs must be located along interior private streets and may be up to 6 feet in height and 18 square feet in size.
 - (iv) The Petitioners seek the Optional provision to allow a limited amount of parking and maneuvering between buildings and Carnegie Boulevard, as generally depicted on the Rezoning Plan.
 - (v) The Petitioners seek the Optional provision to allow for a view corridor along a portion of the setback along Carnegie Boulevard generally as indicated on the Rezoning Plan. The treatment of this portion of Carnegie Boulevard will allow views into the open space area between Building F and Building G and tree installation or preservation will not be required in this corridor.

Design and Performance Standards

1. The proposed buildings and development will comply with all applicable Ordinance requirements for signage, screening and landscaping, except as otherwise noted above under **Optional Development Provisions**.
2. All sidewalks installed within the Site will be at least six feet in width.
3. While all streets within the Site will be private, they must remain open and accessible to the public. This note, however, does not apply to the service drive for Building A leading from Fairview Road.
4. The buildings within the Site will be designed in accordance with MUDD requirements to enhance and promote the pedestrian environment at the street level. This will be accomplished through the use of a variety of materials, features and forms which, while not identical from building to building, will enclose and define spaces to create unique settings in each portion of the Site which are consistent with the uses in the particular portion of the Site involved. The bases of the larger buildings will be designed to promote and enhance the pedestrian environment at the street level. Additionally, doors will be provided from Building A and Building B toward Fairview Road.
5. The designs of Buildings F and G will be compatible with all other buildings within the Town Center.
6. A landscape edge will be established along the northwesterly side of the Site abutting existing residential development, as generally depicted on the Rezoning Plan. This area will include a "no build" zone measured 100 feet from the property boundary. Within this 100 foot wide no build zone, the following treatment will occur, as generally depicted on the Rezoning Plan:
 - The 75 foot zone immediately adjacent to the exterior property line will remain undisturbed and shall, at a minimum adhere to the shrub requirements under the Ordinance for a Class C buffer.
 - No buildings, parking or maneuvering may occur within the interior 25 feet of the 100 foot zone. However, this area may be used for grading and storm water facilities.
7. A unified streetscape plan will be implemented along Fairview Road which will include two rows of trees to be planted in staggered fashion along the Fairview Road frontage in the manner generally depicted on the Rezoning Plan in accordance with the specifications for spacing and planting area approved by the Urban Forester.
8. As the project develops, pedestrian scale lighting will be installed along both interior streets and streets that border the Site.
9. All freestanding lighting and all exterior lighting on buildings will be capped so as to minimize the impact from lights that may be visible from nearby properties. No wall "pak" type lighting shall be used, but attached decorative lighting fixtures such as sconces may be used.
10. All dumpsters, loading areas and service areas will be screened in accordance with Section 12.303 of the Ordinance.
11. Off-street vehicular parking will be provided which meets or exceeds the requirements of the Ordinance.
12. A minimum of 25 bicycle parking spaces shall be provided within the parking decks for each of Buildings D and E.
13. Open spaces including water features will be provided generally as shown on the Rezoning Plan. The water features will be completed prior to the completion of Building F and Building G.
14. Seating, shade trees, sidewalks and pedestrian scale lighting shall be provided within the open space areas located along Fairview Road in front of Building A and Building B as generally depicted on the Rezoning Plan.
15. On premises directional and instructional signage will be permitted in accordance with Section 31.106 of the Ordinance.

Storm Water Management

1. The Petitioners shall control the difference between the pre and post development storm water runoff discharge leaving the project site for the 1, 2, 10, 25 and 50 year 24 hour storms.
2. The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc) shall be incorporated into the Site and designed to have an 85 % average annual removal for Total Suspended Solids generated from the development by controlling runoff from a 1 inch rainfall.
3. A maintenance plan shall be developed to ensure adequate long-term operation of the structural storm water treatment systems.
4. The Petitioners shall abide by the S.W.I.M. Stream Buffer regulations where applicable.

Fire Protection

Each building on the Site will be located within 750 feet of a fire hydrant.

Transportation Commitments

1. Access to the Site shall be as generally depicted on the Rezoning Plan. The Right in, Right out service driveway on Fairview Road may only provide access for service/delivery vehicles and no more than 10 parking spaces. In no event may this access drive be connected to any parking deck or any internal street or driveway.
2. In the event Park South Drive is extended through the adjoining tract of land to Carnegie Boulevard as a public street, the Petitioners agree to eliminate this driveway connection to Fairview Road and to relocate it to the extended street if consent of so is granted by the adjoining property owners and if CDOT reasonably deems this connection to be feasible and in the public interest. Such relocation will be completed within 12 months following receipt by the then owner of the driveway of notice from CDOT to proceed with the relocation.
3. The Petitioners also agree that in the event Park South Drive is extended as a public street, as described above, they will dedicate right-of-way or establish an easement within the Site generally in the area depicted on the Rezoning Plan for future vehicular access from the Site to the adjoining property located to the west.
4. (a) Except as otherwise provided under paragraph (c) below, no certificates of occupancy for development taking place on the Site may be issued until after all of the following transportation and access improvements have been completed:
 - (i) The construction of the intersection of J.A. Jones Drive and the entrance to the Site with Fairview Road.
 - (ii) The improvement of the intersection of Fairview Road and Park South Drive through the construction of a second left turn lane from westbound Fairview Road to southbound Park South Drive.
 - (iii) The construction of a new westbound lane on Fairview along the frontage of the Site.
 - (b) The exact arrangements between the parties on both sides of Fairview Road will be determined by those parties. The timing of the construction will be determined by the Petitioners in conjunction with CDOT.
 - (c) Piedmont Natural Gas Company ("Piedmont") has committed to relocate its corporate headquarters on the Site within Building A. Notwithstanding anything provided to the contrary under Paragraph (a) above, certificates of occupancy may be issued for all office space to be occupied by Piedmont within Building A and all vehicular spaces associated therewith in Building A and Building D. However, if the transportation commitments described in Paragraphs (a) above have not been completed, then such certificates of occupancy may not be issued unless and until the following conditions have been satisfied:
 - Vehicular movements at the service driveway and Assembly Street on Fairview Road have been restricted to right-in and right-out movements by a physical median installed within Fairview Road, whether permanent or temporary, that is acceptable to CDOT; and
 - The primary site access to Fairview Road must remain closed until the transportation improvements described in Subparagraph (a) have been completed.
 - (d) The Petitioners will provide clearly marked pedestrian crosswalks at the Site's main Fairview Road entrance, including pedestrian refuges for pedestrians crossing Fairview Road.
5. The Petitioners shall dedicate and convey to the City of Charlotte the additional right-of-way needed to accommodate a new westbound lane on Fairview Road along the frontage of the Site prior to the issuance of a shell permit for Building A.
6. If off-site right-of-way is required to accommodate any of the transportation improvements described under Paragraph 2 above, the developers of Building A shall make a good faith effort (which includes the use of an independent appraiser to assess property values to secure the necessary off-site right-of-way. If the developers of Building A successfully acquire the necessary off-site right-of-way, the Petitioners agree to dedicate and convey this right-of-way to the City of Charlotte.
7. If off-site right-of-way is required to accommodate these improvements and the developers fail in their good faith efforts to attempt to acquire the right-of-way, CDOT has agreed to cause the City to condemn such right-of-way. In any such case, the developers agree to reimburse the City for all costs and expenses associated therewith.

Amendments to Rezoning Plan

Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the Tract or Tracts within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

Binding Effect of the Rezoning Documents and Definitions

- (i) If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Rezoning Plan and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- (ii) Throughout these Development Standards, the terms, "Petitioners" and "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners or the owner or owners of the Site from time to time who may be involved in any future development thereof.

SITE DATA TABLE

EXISTING ZONING	- MUDD-O (11,1353 AC TRACT) AND O-1 (7,6324 AC TRACT)
PROPOSED ZONING	- MUDD-O SITE PLAN AMENDMENT (11,1353 AC TRACT) AND MUDD-O (7,6324 AC TRACT)
SITE AREA	- 19 AC±
PROPOSED OFFICE AREA:	UP TO 410,000 SF
PROPOSED RESTAURANT/RETAIL AREA WITHIN BUILDINGS A,B,D AND E:	UP TO 95,000 SF
PROPOSED HEALTH CLUB:	UP TO 20,000 SF
PROPOSED NUMBER OF RESIDENTIAL UNITS:	UP TO 462
PROPOSED URBAN OPEN SPACE (TOWN SQUARE) AREA:	18,611 SF

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PIEDMONT TOWN CENTER
 Fairview Road
 Charlotte, North Carolina

REZONING PLAN
 Petition #: 2004-142

Project No. 2771
 Issued 09/16/04

04-142

Revised
 10/07/04 RESUBMISSION TO CMPC
 11/01/04 REVISIONS PER CLIENT COMMENTS
 11/19/04 REVISIONS PER CMPC COMMENTS
 01/14/05 REVISIONS PER CLIENT COMMENTS

APPROVED BY CITY COUNCIL
 DATE 1/18/05

SCALE: 1" = 80'
 0 40 80 160

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FOR PUBLIC HEARING
 PETITION # 2004-142

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