



Charlotte-Mecklenburg Planning Department

DATE: January 30, 2017

TO: Donald Moore
Zoning Supervisor

FROM: Ed McKinney
Interim, Planning
Director

SUBJECT: Administrative Approval for Petition No. 2015-022 Lincoln Harris, LLC

Attached is the revised site plan for the petition above. This request allows the modification of the proposed site plan as listed below. Since these changes do not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

- To allow the increase of five residential units.
- To allow the modification of a transportation note.
- Relocation of proposed retail building (Grocery Store-Harris Teeter)
- Possible connection to adjacent retail center to the east.
- Modification of a proposed sidewalk along southern drive in the retail center.
- Tree Ordinance note modification.

Reasons for Staff's support of the request:

- The site plan complies with the conditional notes and still meets the intent of the approved site plan by the City Council.

Note: All other Zoning, Subdivision, Tree Ordinances, Building Codes, and conditional requirements still apply.

Signage was not reviewed as part of this request.



SITE ACREAGE:	±193.73 AC
TAX PARCELS:	229-171-01 229-171-10 229-171-11 229-171-12 229-171-13
PROPOSED ZONING:	MUDD-O, AND MX-1 Innovative with five (5) year vested rights
EXISTING ZONING:	R-3 and NS
EXISTING USES:	Abandoned Golf Course
PROPOSED USES:	Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district and the MX-1 innovative zoning district (as more specifically on the following pages).

MAXIMUM GROSS SQUARE
FEET OF DEVELOPMENT:

- (a) Within the MUDD-O zoning district
 - up to 900,000 square feet of gross floor area of office, retail, restaurant, daycare, personal services, and other commercial uses (as more specifically described below in on the following pages);
 - up to 265,000 square feet of Institutional uses;
 - up to 250,000 square feet of Indoor and Outdoor Recreational uses;
 - up to 505 residential dwelling units of all types;
 - up to 300 dwelling units within an Adult Care Center or Nursing Home; and
 - up to 54,000 square feet of commercial floor area within Development Area H only.
- (b) Within the MX-1 Innovative zoning district:
 - up to 200 detached or attached dwelling units

MAXIMUM BUILDING HEIGHT: As allowed by the Ordinance in the area zoned MX-Innovative. In the area zoned MUDD-O, building height will be limited to 95 feet (for the purposes of this height limit, architectural features, (such as parapets, spires, mansards, domes and dormers), roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building).

PARKING:

- (a) As required by the Ordinance for the MX-1 Innovative portion of the Site; and
- (b) as required by the Ordinance for the portion of the Site zoned MUDD-O.

TOTAL OPEN SPACE: 33.5 AC (includes buffers and public open space)

Site Development Data:

- Acreage: ±193.73 acres
- Tax Parcel: 229-171-01, 229-171-10, 229-171-11, 229-171-12, 229-171-13
- Existing Zoning: R-3 and NS
- Proposed Zoning: MUDD-O; and MX-1 Innovative with five (5) year vested rights.
- Existing Uses: Abandoned golf course, office.
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD-O zoning district and the MX-1 innovative zoning district (as more specifically described below).

--Maximum Gross Square feet of Development:

- a. Within the MUDD-O zoning district
 - up to 900,000 square feet of gross floor area of office, retail, restaurant, personal services, and other commercial uses (as more specifically described below);
 - up to 265,000 square feet of Institutional uses;
 - up to 250,000 square feet of Indoor and Outdoor Recreational uses;
 - up to 505 residential dwelling units of all types;
 - up to 300 dwelling units within an Adult Care Center or Nursing Home; and
 - up to 54,000 square feet of commercial floor area within Development Area H only.
- b. Within the MX-1 Innovative zoning district:
 - up to 200 detached or attached dwelling units

--Maximum Building Height: As allowed by the Ordinance in the area zoned MX-Innovative. In the area zoned MUDD-O, building height will be limited to 95 feet (for the purposes of this height limit, architectural features, (such as parapets, spires, mansards, domes and dormers), roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment will not be considered for the calculation of allowed building height when located on a multi-story office building).

--Parking:

- a. As required by the Ordinance for the MX-1 Innovative portion of the Site; and
- b. as required by the Ordinance for the portion of the Site zoned MUDD-O.

I. General Provisions:

- a. **Site Description.** These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the “Rezoning Plan”) associated with the Rezoning Petition filed by Lincoln Harris (“Petitioner”) to accommodate development of a mixed use commercial and residential community on an approximately 193.73 acre site located south of I-485 in the northwest quadrant of the intersection between Providence Road and Ardrey Kell Road (the “Site”).

On February 13, 2015, the Petitioner filed an Amended Rezoning Application to add three parcels on the north side of Golf Links Drive (Tax Parcels 229-171-10, 229-171-12 and 229-171-13) totaling approximately 3.85 acres to the Rezoning Plan (referred to herein as Development Area H). The purpose of incorporating Development Area H is to allow the Site to have signage on Providence Road. Development activity within Development Area H shall be governed by the site plan and development conditions on RZ-5.

- 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,

- 1. the regulations established under the Ordinance for the MUDD-O zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below; and
- 2. the regulations established under the Ordinance for the MX-1 Innovative zoning classification for the portion of the Site so designated on the Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Innovative Provisions provided below.

- c. **Conceptual Master Plan.** The Technical Data Sheet is also accompanied by: a Conceptual Master Plan. Petitioner shall develop the Site in a manner generally consistent with the Conceptual Master Plan, with the understanding that the configurations, placements and sizes of buildings, parking areas and opens spaces may be altered or modified as long as the ultimate design is consistent with the spirit and intent of the Conceptual Master Plan. The configurations, placements, number and sizes of the buildings and treatment of open space areas depicted on the Conceptual Master Plan and any building designs depicted are conceptual in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified, in accordance with Section 6.207 of the Ordinance, during design development and construction document phases so long as the maximum building envelope lines and intensity limitations 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.

- d. **Planned/Unified Development.** The Site shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, setbacks, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site nor between the areas zoned MUDD-O and MX-Innovative. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, that all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section IV below as to the Site as a whole and not individual portions or lots located therein. Setbacks along private streets shall be at least 16 feet.

- e. **Five Year-Vested Rights.** Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period.

II. Optional Provisions for the MUDD-O Area.

The following optional provisions shall apply to Development Areas A, B, D, E, F and G. Optional provisions related to Development Area H are provided on Sheet RZ-5.

- a. To allow vehicular parking, maneuvering and service areas between the proposed buildings and: (i) Ardrey Kell Road; (ii) Golf Links Drive; and (iii) the interior public and private streets. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and streets is contained in Sections VI and VII below.
- b. To allow up to four (4) uses with accessory drive-through windows to be located within Development Areas B and G.
- c. To allow the existing cellular telephone tower within Development Area E to remain.
- d. To allow along Providence Road, two (2) ground mounted shopping center/development identification signs up to 24 feet in height and containing up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site.
- e. To allow along Ardrey Kell Road, two (2) ground mounted shopping center/development identification signs up to 24 feet in height and containing up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site.
- f. To allow one (1) detached ground mounted identification sign for each nonresidential building located within Development Areas A, B, D, E and G. In the event that a residential use fronts Ardrey Kell Road, it shall be permitted one (1) detached ground mounted identification sign. These detached identification signs may be up to five (5) feet in height and contain up to 36 square feet of sign area.
- g. To allow wall signs having up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less, within Development Areas A, B, D, E, and G.
- h. To allow special event signs and banners not to exceed 100 square feet in sign area, at the intersection of Providence Road and Golf Links Drive and at the intersection of Ardrey Kell and the Site's main north/south street connection. Any banners located at these intersections will be well-designed, professionally fabricated banners made of fabric or plastic of any type. Paper banners will not be allowed; and no more than two (2) banners will be allowed at a time at these intersections.
- i. To allow any of the detached signs permitted by the Ordinance or these Optional Provisions to be placed within the setback provided along Ardrey Kell Road or Providence Road, including

within landscape areas indicated on the Rezoning Plan, as long as signage is no closer than fourteen feet from back of curb.

- j. To allow, at the Petitioner's discretion, the ability to have one unified construction sign on Ardrey Kell Road up to 200 square feet in sign area in lieu of multiple construction signs as permitted by the Ordinance.

Note: The optional provisions regarding certain signs are additions/modifications to the standards for signs in the MUDD zoning district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.

- k. To not require doorways to be recessed into the face of buildings when the abutting sidewalk width is greater than twelve (12) feet.

- l. To allow required long term bike parking spaces to be located within parking structure.

- m. To allow deviations from typical streetscape standards. However, any changes to dimensional requirements are allowable only in cases of hardship.

III. Innovative Development Standards for the MX-1 Area.

The following provisions shall apply to the portions of the Site designated MX-1 on the Technical Data Sheet:

- a. The Petitioner hereby seeks the following Innovative Development Standards in connection with development taking place within MX-1 areas, to accommodate a variety of setback and yard widths and other development elements so as to allow for a pedestrian friendly residential development:

- 1. Minimum lot size for detached dwellings shall be 3,800 square feet, however lots abutting Stone Creek Ranch shall exceed 9,000 square feet;
- 2. Minimum lot widths for detached dwellings shall be 35 feet; however lots abutting Stone Creek Ranch shall be at least 60 feet in width;
- 3. Minimum side yards for detached dwellings shall be 5 (five) feet;
- 4. Minimum rear yards for detached dwellings shall be 20 (twenty) feet, however lots abutting Stone Creek Ranch shall provide rear yards of at least 35 feet;
- 5. Minimum front setbacks for detached dwellings shall be 14 (fourteen) feet as measured from proposed right-of-way or back of sidewalk (whichever is greater);
- 6. Minimum lot widths for attached dwellings shall be 22 (twenty two) feet; however attached dwellings shall only be permitted adjacent to Public Street C and along the extension of Public Street B; and
- 7. Residential uses may front on private streets as long as they are publicly accessible.

- b. In addition, the Petitioner reserves the right to modify the innovative development standards described above or seek other innovative development standards in the future pursuant to the applicable process set forth in the Ordinance.

IV. Permitted Uses, Development Area Limitations, Transfer and Conversion Rights:

- a. The Rezoning Plan sets forth seven (7) development areas as generally depicted on the Technical Data Sheet as Development Areas A, B, C, D, E, F, G and H (each a “Development Area” and collectively the “Development Areas”).

- b. Subject to the restrictions, limitations, and transfer/conversion rights listed below, the principal buildings constructed within Development Areas A, B, D, E, F and G on the Site may be developed: (i) with up to 900,000 square feet of gross floor area of commercial non-residential uses permitted by right and under prescribed conditions, (ii) up to 265,000 square feet gross floor area of Institutional Uses; (iii) up to 250,000 square feet of gross floor area of Indoor and Outdoor Recreational uses; (iv) 505 residential dwelling units of all types together; and (v) up to 300 Nursing Home or Adult Care Center units, along with any accessory uses allowed in the MUDD zoning district.

- c. In order to encourage the integration of retail uses into the ground floor levels of office or multi-family buildings with Development Areas A and B, the square footages of any such retail spaces shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site. Additionally, any uses developed within a structure constructed within Development Area B's plaza along Public Street A shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site.

- d. Permitted uses within Development Area C shall be limited to detached or attached dwelling units. No more than 200 dwelling units may be developed within Development Area C. However, if less than 200 dwelling units are developed within Development Area C, then one additional detached or attached dwelling may be developed within Development Areas A, D, E and F for each dwelling unit not developed within Development Area C.

- e. For purposes of the development limitations set forth in these Development Standards (the term “gross floor area” or “GFA” shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers 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).

- f. Permitted uses within Development Area D shall be limited to institutional uses and detached or attached dwelling units not to exceed four (4) dwelling units per acre based on the overall gross acreage (subject to the overall limit on residential dwellings within the Site), together with any accessory uses typically associated with residential development.

- g. Permitted uses within Development Area E shall be limited to indoor recreation, outdoor recreation, nursing homes, adult care centers, and detached or attached dwelling units not to exceed four (4) dwelling units per acre based on the overall gross acreage (subject to the overall limit on residential dwellings within the Site), together with any accessory uses typically associated with residential development.

- h. Permitted uses within Development Area F shall be limited to nursing homes, adult care centers, and detached or attached dwelling units not to exceed four (4) dwelling units per acre based on the overall gross acreage (subject to the overall limit on residential dwellings within the Site), together with any accessory uses typically associated with residential development.

- i. Convenience Stores with gasoline sales shall not be permitted on the Site.

- j. The total square feet of gross floor area devoted to office uses and other commercial uses such as retail, restaurant and personal service uses shall be interchangeable provided that:

- 1. The total square feet of gross floor area of all such office and other commercial uses does not exceed 900,000 square feet of gross floor area;
- 2. The total square feet of gross floor area of all office uses does not exceed 650,000 square feet of gross floor area;
- 3. In the event that a hotel use is developed, the total allowable square footage for office and other commercial uses shall be reduced by 1,000 square feet for each hotel room that is developed; and
- 4. The total square feet of gross floor area for non-office commercial uses such as retail, restaurant and personal service uses shall not exceed 250,000 square feet of gross floor area in purposes of these Development Standards (Personal Service uses are 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, spas, yoga and exercise studios, nail salons, massage shops, martial art training studios, laundries and dry cleaning establishments, locksmiths, and alike).
- 5. Office uses may exceed the limitations described in Paragraph IV.j.2. and non-office commercial uses may exceed the limitations described in Paragraph IV.j.4. up to an amount not to exceed 10% of the stated amounts by converting office uses into non-office commercial uses such as retail, restaurant and personal services at a ratio of 1 square foot of gross floor area of office uses for every 1 square foot of gross floor area of such non-office uses so converted and vice-versa, subject to the limitation described in item (i) above.

- k. Subject to the limitations set forth below, up to four (4) uses with accessory drive-through windows may be developed within Development Areas B and G, subject to the following restrictions and the design guidelines set forth in Section VI below:

- 1. No more than three (3) restaurants with accessory drive-through windows may be located within Development Areas B and G;
- 2. No more than two (2) banks/financial institutions with accessory drive-through windows may be located within Development Areas B and G.
- 3. One (1) retail pharmacy with accessory drive-through windows may be located within Development Areas B or G.

V. Transportation

- a. All 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 south Mecklenburg area, by way of a private/public partnership effort or other public sector project support.
- b. **Access and Internal Streets:**
- Access to the Site will be from Ardrey Kell Road, the proposed extension of Golf Links Drive and future streets as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.
 - The total number of access points to Ardrey Kell Road will be limited to four (4).
 - The proposed street connections to adjoining properties along the western boundary of the property shall be provided at the locations specified on the Technical Data Sheet in order to ensure that connections align with existing stub streets or proposed streets on adjoining properties. These street connections along the western property boundary shall be designed with careful consideration of existing and future single family neighborhoods. The design and layout of street connections from those external access points to the internal street network will be determined during the design process and efforts will be made to discourage through traffic on Raffia Road and Wheat Road.
 - “Choker” road shall be installed connecting the Site to Wheat Road and Raffia Road in order to discourage and slow traffic through the adjacent Stone Creek Ranch neighborhood. A Conceptual Cross-Section of the proposed choker connections is illustrated on Sheet RZ-4.
 - The street connection to Raffia Road shall not be completed until Certificates of Occupancy have been issued for homes on at least 50% of the single-family lots proposed within Development Area C or until a Certificate of Occupancy is issued for a public school within the Site.
 - The street connection to Wheat Road shall not be completed before Certificates of Occupancy have been issued for homes on at least 85% of the single-family lots proposed within Development Area C.
 - Two driveway access points from Golf Links drive to Development Area B shall be permitted in the locations generally depicted on the Technical Data Sheet. The eastern most of these driveways shall be limited to right-in-right-out vehicular movements only. In the event a vehicular connection between Development Area B and the abutting property to the east is created, as provided for in the preceding paragraph, it is understood that CDOT may evaluate the function a viability of the easternmost driveway access point between Golf Links Drive and Development Area B. If the easternmost driveway access point is deemed to be unsafe, CDOT and Petitioner will work together to identify a resolution.
 - The number and location of internal streets not depicted on the Rezoning Plan will be determined during the design process and thereafter with approval from appropriate governmental authorities, subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations. While some individual blocks may be longer, the average block length for all blocks within Development Areas A, B and G, shall not exceed 650 feet.
 - Vehicular access to the residential dwellings located within Development Area C may be from private alleys or private streets.
 - The Petitioner reserves the right to request the installation of pavers and/or stamped or colored asphalt within the Site's public streets in order to designate and define pedestrian cross-walks. The Petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the Petitioner understands that an encroachment and maintenance agreement must be obtained from CDOT before any decorative pavers and/or stamped pavement proposed in the public right-of-way may be installed.
 - The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT's final approval, to accommodate minor changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards and industry best practices so long as the street network set forth on the Rezoning Plan is not materially altered.
- c. **Substantial Completion.** Reference to “substantially complete” for certain improvements as set forth in the provisions of Section V.b above and Section V.d below shall mean completion of the roadway improvements in accordance with the standards set forth in Section V.a. above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) 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 CDOT will instruct applicable authorities 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. **Roadway Improvements and Phasing.** Petitioner shall 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:

Phase 1 Improvements. The following improvements shall be substantially completed prior to the issuance of a Certificate of Occupancy for the first building developed on the Site:

- Public Street B (Golf Links Drive Extension) shall be extended from the existing Golf Links Drive to the proposed Public Street C. Public Street B will be designed for at least an Office/Commercial wide cross-section with right-of-way width of at least 77 feet, subject to alterations that may be approved by CDOT. Petitioner shall comply with planting strip and sidewalk standards effective at the time of construction as long as the total width of sidewalk and planting strip area does not exceed sixteen (16) feet
- A public street connection from Public Street B extending north through Development Area D to connect to Red Rust Lane..
- Public Street C shall be extended from Ardrey Kell Road through the Site to Public Street B.
- Providence Road (NC 16) and Reconfigured Golf Links Drive/Waverly Offsite Access (reconfigured signalized intersection):
 - Construct a second eastbound left turn lane on Golf Links Drive with 525 feet of storage, appropriate bay taper, along with a median within Golf Links Drive extending from Providence Road to a point at least fifty (50) feet west of Golf Links Drive North. Thus providing dual left turn and with appropriate design.
 - With the installation of the traffic signal (upon approval by CDOT and NCDOT), install high-visibility crosswalks with pedestrian signal heads and pushbuttons across all four legs of the intersection.
 - Install 425 feet of storage and a southbound right turn lane on Providence Road with appropriate bay taper.
- Ardrey Kell Road and Proposed Access “D” (future signal)
 - Construct an eastbound left turn lane on Ardrey Kell Road with 400 feet of storage and an appropriate bay taper.
 - With the installation of the traffic signal (upon approval by CDOT and NCDOT), install a high-visibility crosswalk with pedestrian signal heads and pushbuttons across the Proposed Access “D” leg of the intersection.

Phase 2 Improvements. The following improvements shall be substantially completed prior to the development of more that 50,000 square feet of office or retail uses within Development Area A or Development Area B:

- Public Street A, located between Development Area A and Development Area B, connecting Public Street B and Ardrey Kell Road.
- Ardrey Kell Road and Providence Row Lane/Proposed Access “A” (future signal):
 - Construct dual eastbound left turn lanes on Ardrey Kell Road with 325 feet of storage each and an appropriate bay taper.
 - Construct a second westbound combined thru-right turn lane on Ardrey Kell Road that commences at the existing drop right turn lane located approximately 500 feet west of Providence Road and terminates at the existing right turn lane at Avaly Road (along the entire site frontage - a length of approximately ¾ of a mile). The Ardrey Kell Road curbline shall be set in a location that will accommodate one half of a future median and a westbound bike lane.

- On Access “A” construct the following:
 - Dual northbound receiving lanes.
 - Dual southbound left turn lanes where the outside left turn lane is a termination of the southbound through lane and the inside left turn lane provides 400 feet of storage.
 - Combination southbound through/right turn lane.
 - With the installation of the traffic signal (upon approval by CDOT and NCDOT), install a high-visibility crosswalk with pedestrian signal heads and pushbuttons across the Proposed Access “A” leg of the intersection. In addition, construct a pedestrian refuge island within the painted-out median on the east side of the intersection.
3. Ardrey Kell Road and Proposed Right-In/Right-Out Only Access “B” (unsignalized):
- The Proposed Right-in/Right-Out Only Access “B” should include one ingress lane and one egress lane that terminates as a right turn exit lane.
 - A raised median (minimum four-foot width) should be installed in Ardrey Kell Road a minimum of 50 feet on either side of the access to restrict left entering and exiting movements.
- iii. The additional westbound through lane along the site frontage (discussed above) will create a westbound combined through-right turn lane (which terminates at the existing right turn lane at Avaly Road).
4. Ardrey Kell Road and Proposed Right-In/Right-Out Only Access “C” (unsignalized):
- The Proposed Right-in/Right-Out Only Access “C” should include one ingress lane and one egress lane that terminates as a right turn exit lane.
 - A raised median (minimum four-foot width) should be installed in Ardrey Kell Road a minimum of 50 feet on either side of the access to restrict left entering and exiting movements.
- iii. The additional westbound through lane along the site frontage (discussed previously) will create a westbound combined through-right turn lane (which terminates at the existing right turn lane at Avaly Road).

Phase 3 Improvements. The following improvements shall be substantially completed prior to the development of more than 225,000 square feet of office or retail uses within the Site:

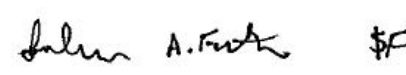
- Providence Road (NC 16) and I-485 Inner Loop Ramps:
 - Re-mark the existing westbound combined left-thru lane on the Inner Loop Exit Ramp to a left turn lane.
 - Re-mark the existing westbound right turn lane on the Inner Loop Exit Ramp to a combined left-through-right turn lane and ensure proper through lane alignment.
 - Construct a westbound right turn lane on the Inner Loop Exit Ramp with 525 feet of storage and appropriate bay taper.
- Providence Road (NC 16) and I-485 Outer Loop Ramps:

Modify the existing southbound right turn lane on Providence Road to a combined thru-right turn lane. This will also require a minor amount of widening on the west side south of the intersection to receive this 3rd lane of traffic.

 - Construct a second eastbound right turn lane on Ardrey Kell Road with 350 feet of storage and appropriate bay taper.
 - Extend and modify the existing median within Ardrey Kell Road west of Providence Road to provide a directional-crossover to allow left-in/right-in/right-out movements to the existing retail on the north side of Ardrey Kell Road while providing dual left turn lanes with appropriate design.
 - Construct a third southbound through-lane on Providence Road extending from Ardrey Kell Road to Providence Country Club Drive in accordance with the most recent design plan provided to CDOT by the Petitioner. In the event that the proposed design of the improvements is not approved by NCDOT, the Petitioner shall contribute to the City of Charlotte a monetary amount equivalent to the estimated cost of the design and construction of the proposed improvements (as mutually agreed upon by Petitioner and CDOT).
 - Construct a southbound right turn lane on Providence Road with 200 feet of storage and appropriate bay taper.
- Tom Short Road and Ardrey Kell Road (CDOT, at its discretion, may allow the Petitioner to contribute to the City of Charlotte a monetary amount equivalent to the estimated cost of the design and construction of the following improvements (as mutually agreed upon by Petitioner and CDOT) in lieu of constructing the improvements)):
 - Construct a northbound right-turn lane on Tom Short Road with 275 feet of storage and an appropriate bay taper.
 - Construct an extension of the existing westbound left-turn lane on Ardrey Kell Road (turning onto Tom Short Road) to include 400 feet of storage.

Phase 4 Improvements. The following roadway improvements shall be substantially completed by the Petitioner or other party prior to the development of more than 400,000 square feet of office or retail uses within the Site. However, should the undeveloped properties with frontage on the east side of Providence Road south of I-485 in close proximity to the proposed improvements seek development approvals prior to the development of over 400,000 square feet of office or retail uses within the Site, the proposed improvements shall not be considered an obligation of the Petitioner for purposes of any traffic impact analysis related to potential development on those adjacent properties.

- Providence Road (NC 16) and I-485 Outer Loop Ramps:
 - Construct a northbound right turn lane on Providence Road with 900 feet of storage and an appropriate bay taper.
- e. **Right-of-way Availability.** It is understood that some of the public roadway improvements referenced herein may not be possible without the acquisition of additional right-of-way. If after the exercise of diligent good faith efforts, as specified by the City of Charlotte right-of-way acquisition process as administered by the City of Charlotte's Engineering and Property Management Department, 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 above, then the Petitioner will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations. If after contacting the Planning Department and CDOT to determine the appropriate infrastructure phasing plan, delays in the acquisition of additional right-of-way 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 CDOT will instruct applicable authorities 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.
- f. **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, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate transportation improvements must provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

Attached to Administrative
Approval

Solomon A. Fortune

- g. **Traffic Signals.** Petitioner, on its own or in cooperation with other parties, shall be responsible for the cost of the traffic signals proposed herein, unless certain traffic signals are installed by others prior to the time that they are required to be provided by the Petitioner
- h. **Institutional and Recreational Uses.** Institutional and recreational uses (indoor or outdoor), and any accessory uses thereto, shall not be considered office or retail uses when calculating square footages for the purpose of determining when certain transportation improvements are required.
- i. **Alternative Compliance.** While it is understood that the improvements set forth above, unless otherwise specified, are the responsibility of the Petitioner or other private sector entity, in event that it is necessary or advantageous, CDOT may, at its discretion, accept a fee in lieu of construction of certain improvements, as long as such fee is equal to the full cost of said improvements (including design, acquisition and construction).

VI. **Design Guidelines:**

a. **Statement of Overall Design Intent.**

- Land Use:** The site plan for the Site contemplates an integrated, pedestrian friendly development through a horizontal mixture of uses including office, retail, service, civic, recreational, and open space as well as a variety of residential uses.
- Open Space:** The Site will incorporate a system of public and private open spaces throughout that will be interconnected by sidewalks and walking trails and linked to an active amenitized open space area at the core of the Site. At least 5 acres of publically accessible open space (including both green spaces and hardscape areas) shall be provided within Development Areas A and B. Smaller open space areas and pocket parks dispersed throughout Development Areas A and B shall be included in the total open space acreage requirement.
- Community Design:** The site plan for the Site will seek to emphasize pedestrian connections between uses and create a strong link between the commercial core of the development and adjacent uses. Additionally, streetscapes, landscaping and high-quality building materials will be used in a manner that creates a unified development pattern. Where opportunities exist, a vertical mix of uses will be encouraged but not required. Buildings will orient and provide prominent entrances along frontages on Public Street A and the Public Green.
- Transportation and Mobility:** The Site's internal street network will establish new connections between existing developments on adjoining properties providing multiple route options and creating new opportunities for non-automobile travel while also incorporating traffic calming devices in order to mitigate adverse impacts on adjacent residential neighborhoods.

b. **General Design Guidelines.**

- The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco, cementatious siding (such as hardi-plank), or wood. EIFS as a building material will not be allowed, except as back-up for architectural trim on stucco clad buildings. Vinyl, as a building material, will only be allowed on windows, soffits and trim features.
- The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.
- Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping, and, when provided, site furnishings, throughout Development Areas A, B and G.
- Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way-finding.
- Circulation paths will be provided along the Site's Public and Private Streets from parking areas and decks to building entries and areas of interest.
- Meter banks will be screened where visible from public view at grade from public or private streets.
- Rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.
- All dumpster areas shall be enclosed by walls and opaque gates utilizing materials similar in nature and complimentary in design to adjacent buildings.
- All service areas for non-residential uses shall be screened from residential structure.
- Each Development Area shall include sufficient open space to satisfy the minimum MUDD open space requirements.

c. **Development Area A Design Guidelines.**

- Freestanding retail uses shall be limited to one building (without a drive-through) along the Site's Ardrey Kell Road frontage that does not exceed 24,000 square feet.
- During the initial phases of development, uses within Development Area A may be served by surface parking areas. Structured parking facilities shall be required when/if office square footage within Development Area A exceeds 240,000 square feet.
- Buildings shall not exceed six (6) stories.
- The Rezoning Plan provides for a signature Public Green with significant building frontage in order to create a well-defined edge for that public open space. Off-street parking areas shall be screened from view from the Public Green and shall not front the Public Green or be located to the sides of buildings that front the Public Green, except as generally depicted on the Conceptual Master Plan.
- Off-street parking may be located along Ardrey Kell Road, Public Street B or other internal streets if adequately screened from those streets by landscaping. However, off-street parking and maneuvering areas may not be located between Ardrey Kell Road and proposed buildings, except as generally depicted on the Conceptual Master Plan.
- Multifamily buildings with facades in excess of 250 linear feet that front on public or private streets shall be articulated in one or more of the following methods to visually break down the buildings potentially monolithic mass and achieve an appropriate pedestrian scale along the street wall:

i. Façade Modulation varying the plane of the building street wall to break up the mass of the building.

- Minimum width of 15'-0" and a minimum depth of 5'-0"
- No single section of the façade shall exceed 150'-0" in length
- May be achieved through multiple modulations

ii. Building Mass Separation at a depth of at least 25'-0" from the street wall and a width of at least 25'-0" open to the sky.

- No single section of the façade shall exceed 150'-0" in length

iii. Architectural Façade Variations along the street wall to visually break down the building's mass with intervals not exceeding 150'-0". These façade variations shall include at least two of the following techniques:

- Varied Architectural Styles
- Varied Roof Pitches
- Varied Window Arrangement and Sizes
- Significant Exterior Façade Materials Changes
- Offset Wall Planes

- Buildings fronting Public Street A that house street level retail uses shall provide a ground floor Fenestration Zone having a minimum of 60% fenestration of the ground floor fenestration area measured between 2' and 10' above the sidewalk along Public Street A. Up to 40% of the required Fenestration Zone may be comprised of display windows. These display windows

must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within the Fenestration Zone shall not be screened by film, decals and other opaque material, glazing finishes or window treatments. The maximum sill height for required fenestration shall not exceed 4'-0" above the Public Street A sidewalk.

- Entries into individual retail spaces fronting Public Street A shall be recessed 3'-0" for a minimum width of 5'-0" in those locations with sidewalks less than 12'-0" in width.
- Any buildings fronting the Public Green shall include primary entrances that open to the Public Green and all such entrances for non-residential uses shall be open and operable during business hours.
- All service areas for non-residential uses shall be screened from residential structures.
- In the event that single-family residential units are developed within Development Area A, vehicular driveways accessing individual units shall not be permitted to connect directly to Golf Links Drive or the streets surrounding the Public Green.
- A twenty (20) foot setback (measured from back of curb) shall be provided for any attached or detached dwelling units that front on Public Street B or Public Street C. Stairs or stoops may encroach up to four (4) feet into this setback.

d. **Development Area B Design Guidelines.**

- Individual retail uses shall not exceed 60,000 square feet. However, in the event that a grocery store use is developed, that use may occupy up to 85,000 square feet.
- Up to two free-standing retail uses shall be permitted. Only one freestanding retail use may exceed 24,000 square feet. This provision shall not prohibit non-retail uses, including but not limited to offices or studios, within free-standing buildings,
- Buildings shall not exceed three (3) stories in height
- Service areas shall be designed to face existing service areas within the adjacent Rea Village Shopping Center as generally depicted on the Conceptual Master Plan..
- Any drive-through uses within Development Area B shall be internally oriented and drive-through facilities and associated maneuvering areas shall be screened with a low wall and/or landscaping when visible from Public Street A or Public Street B.
- Retail areas in buildings fronting Public Street A shall provide a ground floor Fenestration Zone having a minimum of 60% fenestration of the ground floor façade area measured between 2' and 10' above the sidewalk along Public Street A. Up to 40% of the required fenestration may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within the Fenestration Zone shall not be screened by film, decals or other opaque material, glazing finishes or window treatments. The maximum sill height for required fenestration shall not exceed 4'-0" above the sidewalk.
- The primary entrance to buildings along Public Street A shall be on the Public Street A façade of those buildings. These entries shall be recessed a minimum of 3'-0" deep with a minimum width of 5'-0" unless fronting a sidewalk with a minimum width of 12'-0".
- Parking Areas for the retail buildings along Public Street A shall be located behind the buildings fronting Public Street A and shall be screened by the buildings, except at pedestrian ways providing access from parking areas to the street.
- The facades of the retail buildings along the Public Street A fronting the parking areas shall provide a Ground Floor Fenestration Zone of 30% of the ground façade area as defined in Paragraph 6 above unless a particular façade directly abuts a required service area. Up to 40% of the required Fenestration Zone may be display windows as defined in Paragraph 6 of this Section.
- With regard to the main retail anchor, enhanced fenestration zones shall be provided in the areas indicated on RZ-7.1. Within the highlighted areas, at least 40% of the ground floor façade area measured between 3' and 10' above the sidewalk shall be fenestrated. Fenestration requirements for the western elevation area may be satisfied entirely through the use of display windows with a minimum of 3'-0" clear depth between window and rear wall. The southern elevation of this building shall be generally consistent with the conceptual elevation on Sheet RZ-7.1. The clear vision glass will be provided along the facade and no signage film or blackout film will be placed in the clear vision windows. All other portions of this building will only be required to meet façade design standards for the MUDD District per the Zoning Ordinance.
- Required service areas within Development Area B shall be screened per requirements of the Zoning Ordinance. Those service areas directly abutting retail buildings along Public Street A shall be located to the rear facades of these building, away from the street and within the parking areas. These service areas shall have screen walls constructed to match the building's exterior finish materials and, with the exception of the main retail anchor, be accessed through opaque gates.
- Petitioner acknowledges the benefit of vehicular connectivity between Development Area B and the abutting property to the east in the event that that property is redeveloped in a compatible manner. Although it is not possible to commit to such a connection at this time, due to the number of uncertainties related to the adjacent property, Petitioner has designed Development Area B so that a vehicular connection to the adjacent property could be made if development plans and physical conditions on the abutting site can accommodate such a connection. Potential locations for this connection are identified on the Technical Data Sheet.
- The plaza area adjacent to Public Street A shall contain a structure with heated square footage. This structure may be used for retail or office purposes and any such square footage shall not be counted towards the maximum amount of commercial or retail square footage allowed within the Site.

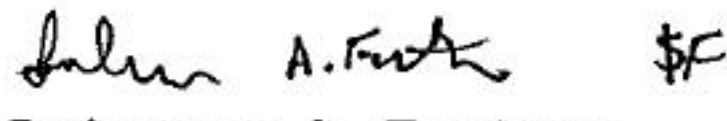
e. **Development Area C Design Guidelines.**

- Buildings shall not exceed three (3) stories in height.
- A buffer area at least twenty-five (25) feet wide shall be maintained along that portion of the Site's western property boundary which touches the Stone Creek Ranch neighborhood. Petitioner shall provide plantings within the buffer area in accordance with the requirements for a Class C buffer under the Ordinance. However, in areas where existing vegetation is sufficient, the buffer area shall remain undisturbed.
- Attached, front loading garages shall be recessed at least two (2) feet behind the front façade of the residential structure unless a front porch greater than eight (8) feet in depth is included, in which case the garage must be recessed at least two (2) feet behind the front face of the porch (example detail provided on sheet RZ-6). The width of front facing garages shall not exceed 50% of the width of the front façade of the home.

f. **Development Area D Design Guidelines.**

- Buildings shall not exceed four (4) stories in height.
- Limited vehicle parking, circulation and maneuvering areas may be located between proposed buildings and adjacent streets. Between Public Road B and the building, no more than 30 off-street parking spaces shall be located in this area.
- The mass of any institutional buildings shall be placed to create a strong built edge along Public Street B.
- Fenestration along Public Street B shall constitute a minimum of 25% of the surface area of the street façade. Non-fenestrated areas shall meet the requirements of the MUDD district per the Zoning Ordinance.
- Primary parking and driveway areas shall be located to the rear or sides of the building and shall be screened per Ordinance requirements.
- A primary pedestrian entrance to the sidewalk along Public Street B shall be provided to enhance pedestrian connectivity within the Site.
- Outdoor recreational areas shall be provided within Development Area D.

Attached to Administrative
Approval


Solomon A. Fortune

d. Development Area E Design Guidelines.

- Buildings shall not exceed three (3) stories or sixty five feet in height.
- Primary parking areas shall be located to the rear or side of buildings. Limited vehicle parking, circulation and maneuvering areas may be located between proposed buildings and Public Road B as generally depicted on the Conceptual Master Plan.
- A primary building entrance fronting on Public Street B shall be provided to enhance pedestrian activity. The entrance shall be connected to the sidewalk along Public Street B by a sidewalk that terminates at the axis of Public Street A.
- A Ground Floor Fenestration Zone as defined above shall be provided along Public Street B. This Fenestration Zone shall represent 30% of the ground floor façade. Those functional areas of any recreational use that cannot accommodate fenestration (i.e., certain gyms, racquetball courts, locker rooms, etc.) shall meet the guidelines for Façade Articulation for the MUDD District per the Zoning Ordinance.
- Existing natural areas within Development Area E shall be provided, as generally depicted on the Conceptual Master Plan.

e. Development Area F Design Guidelines

- Nursing Home or Adult Care Center uses shall not exceed three (3) stories in height.
- If Nursing Home or Adult Care Center uses are developed, a 25 foot buffer shall be provided along the western boundary of the Site.
- If residential uses are developed, lots shall meet with minimum requirements for lots within the MX-1 portion of the Site as set forth in Section III.a above. Provisions of Section III.a related to lots abutting Stone Creek Ranch shall not be applicable to residential lots within Development Area F.

f. Development Area G Design Guidelines.

- Buildings shall not exceed three (3) stories in height.
- Drive-through uses shall only be allowed immediately adjacent to Public Street A and within the portion of Development Area G lying east of Public Street A.
- Drive-through uses shall be designed to facilitate safe pedestrian crossings.
- Drive-through uses shall be oriented internally to the Site. No drive-through circulation shall be permitted between Public Street A and the proposed use.
- Site design shall encourage pedestrian travel between Development Area G and the remainder of the Site.
- If drive-through lanes are installed between the buildings and the adjacent streets, low walls and low accent plantings will be provided between the drive through lanes and the adjacent streets, such walls may be intermittent but shall be constructed of building materials generally compatible with the buildings to which they relate.
- Off-street parking areas may not be located between Ardrey Kell Road and proposed buildings, but vehicular parking may be located to the side or behind such buildings, behind the established setback. In areas adjacent to and lying east of Public Street A, vehicle circulation and maneuvering areas may be located between Ardrey Kell Road and the proposed buildings
- A sidewalk shall be provided along the south side of the driveway running between the Development Area B and Development Area G.

VII. Parking Areas, Access and Circulation Design Guidelines.

- Building materials associated with facades on parking structures shall be generally compatible in character and quality with materials used on nearby buildings, plazas and streetscapes, taking into consideration differences associated with parking structures.
- Parking structures shall be designed to materially screen the view of parked cars from adjacent public or private streets or publicly accessible open spaces or plazas. Screening of cars on the ground level will be accomplished primarily through the use of landscaping; and screening of cars parked on the upper level will be accomplished by a wall, at least 36 inches in height, designed as part of the parking deck structure. Parking structures shall be screened with decorative louvers and landscaped as required by the Ordinance.
- On-site loading docks and waste areas shall be separated and/or screened from view at ground level from primary building entrances.

VIII. Pedestrian Access and Circulation Design Guidelines.

- Along the Site's internal streets, the Petitioner will provide a sidewalk and a cross-walk network that links the buildings, parking areas and areas of interest on the Site with one another by way of links to sidewalks along the abutting public and private streets and/or other pedestrian features. Street trees will also be provided within planting strips along the Site's internal public and private streets.
- Walkways through plazas or publicly accessible open space areas will be at least six (6) feet in width and shall be appropriately designed for the intended use and type of open space area in which they are located.
- Where walkways occur along building walls, a walkway width of at least six (6) feet must be maintained clear of door swings, shopping cart storage, and temporary trash or similar impediments.
- Subject to the optional provision set forth in Section II.m. above, deviations from typical sidewalk and planting strip requirements are allowable upon approval by CDOT and the Planning Director.. Any changes to dimensional requirements are allowable only in cases of hardship.

IX. Open Space, Public Green and Amenity Areas.

- The Petitioner will provide at least five (5) acres of publically accessible open space (including both green spaces and hardscape areas) within Development Areas A and B. Smaller open space areas and pocket parks dispersed throughout Development Areas A and B shall be included in the total acreage requirement. Portions of the open space may be used for outdoor dining associated with restaurants.
- Petitioner shall provide a “Public Green,” at least three (3) acres in size, located within Development Area A and Development Area B in the location generally depicted on the Technical Data Sheet. The Public Green will be designed as a significant pedestrian focal point and an amenity for that portion of the development. The Public Green will include elements such as: water features, specialty graphics, landscaping, specialty paving, seating areas, signage (e.g. way-finding, directional, special event) art work and/or other site elements that help create a vibrant Public Green area.
- Portions of the public Public Green shall be completed in conjunction with adjacent development. Portions of the Public Green within Development Area B shall be completed prior to the issuance of a Certificate of Occupancy for the retail anchor within Development Area B. Within Development Area A, portions of the Public Green adjacent to multi-family uses shall be substantially completed prior to the issuance of a Certificate of Occupancy for those multi-family uses and portions of the Public Green adjacent to offices uses shall be substantially completed prior to the issuance of a Certificate of Occupancy for those office uses.
- Open spaces associated with water quality/storm water detention ponds may be improved as amenity areas with seating areas, naturalized paths and landscaping.

X. Buffers:

- A buffer area at least twenty five (25) feet wide shall be maintained along that portion of the Site's western property boundary which touches the Stone Creek Ranch neighborhood. Petitioner shall provide plantings within the buffer area in accordance with the requirements for a Class C buffer under the Ordinance. However, in areas where existing vegetation is sufficient, the buffer area shall remain undisturbed.
- Petitioner shall provide a twenty five (25) foot building setback along Ardrey Kell Road, as measured from the back of the future curb line. This setback area off of Ardrey Kell Road will be landscaped with a variety of landscape materials (trees, shrubs, ornamental grasses, grass, and/or areas of seasonal color). A minimum of 25 shrubs and 5 trees per 100 linear feet will be planted within this area. An eight (8) foot wide sidewalk will be provided within the landscaped setback. This planted sidewalk may meander or be located at a consistent distance (minimum 8 feet) from the back of curb.

XI. Environmental Feature:

- The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems 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.
- In accordance with Section 21-126 of the Charlotte Tree Ordinance, the Senior Urban Forester has approved a variance from the requirements of the Tree Ordinance to allow the Petitioner to satisfy Commercial Tree Save requirements through a combination of on-site tree save areas, on-site tree enhancement areas and payment in lieu.

XII. Signage

- Signage as allowed by the Ordinance and by the Optional Provisions set forth under Section II above may be provided. Because the Site will be viewed as a Planned/Unified-Development as defined by the Ordinance, shopping center signs may be located throughout that portion of the Site zoned MUDD-O as allowed by the Ordinance and the Optional Provisions. In addition, uses located on the interior of the Site may be identified on the allowed shopping center/development signs (by way of example, the multi-family developments and single-family developments may be identified on the signs allowed along Ardrey Kell Road and Providence Road). The allowed signs may contain identification signage for any of the uses located on the Site.
- Master signage and graphics systems may be adopted.
- Information and Advertising Pillar Signs as defined by the Ordinance may be provided on the portion of the Site zoned MUDD-O.
- On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.
- Temporary Banners as allowed by the Ordinance may be provided.

XIII. Lighting:

- All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- Detached lighting on the Site, except street lights located along public and private streets, will be limited to 30 feet in height in the portions of the Site used for non-residential uses and 25 feet in height in the portions of the Site used for residential uses.
- Attached and detached lighting shall be downwardly directed. However, upward facing accent lighting shall be permitted.

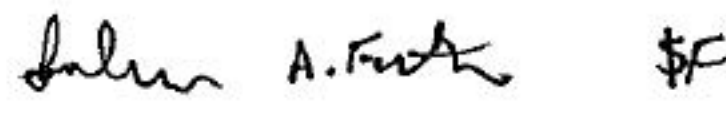
XIV. Amendments to the Rezoning Plan:

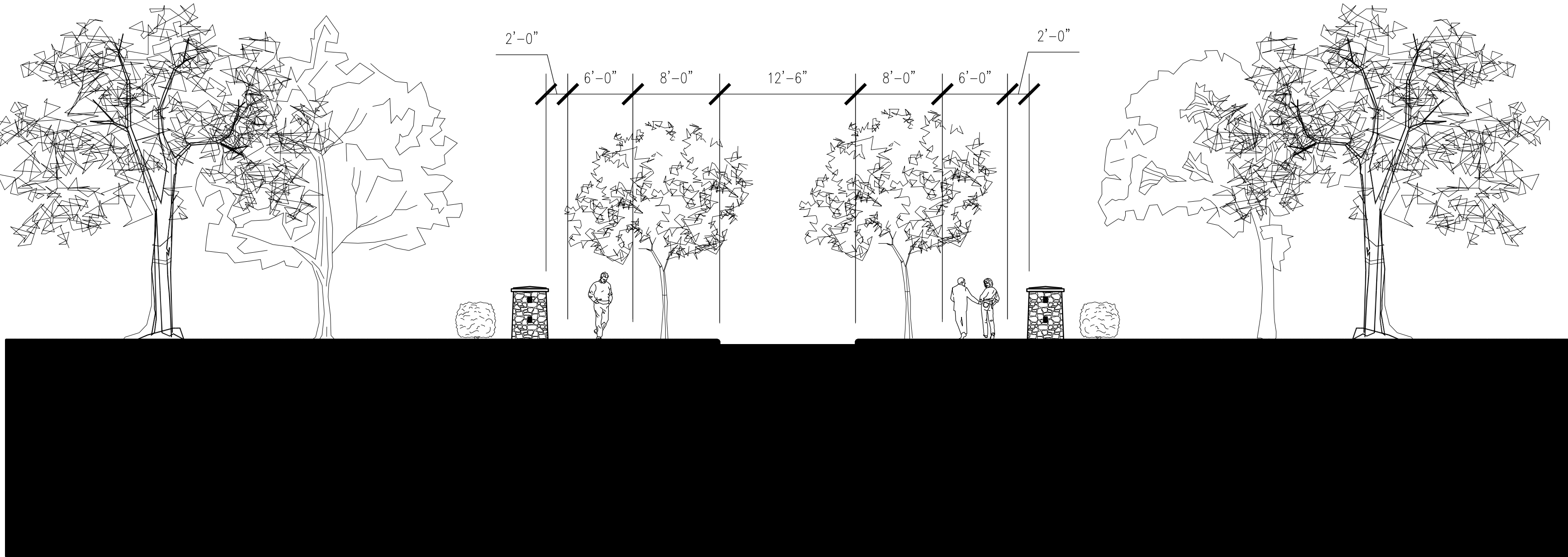
Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

XV. Binding Effect of the Rezoning Application:

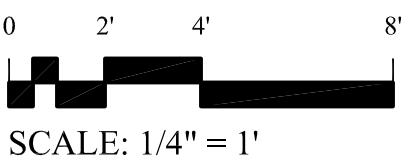
If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

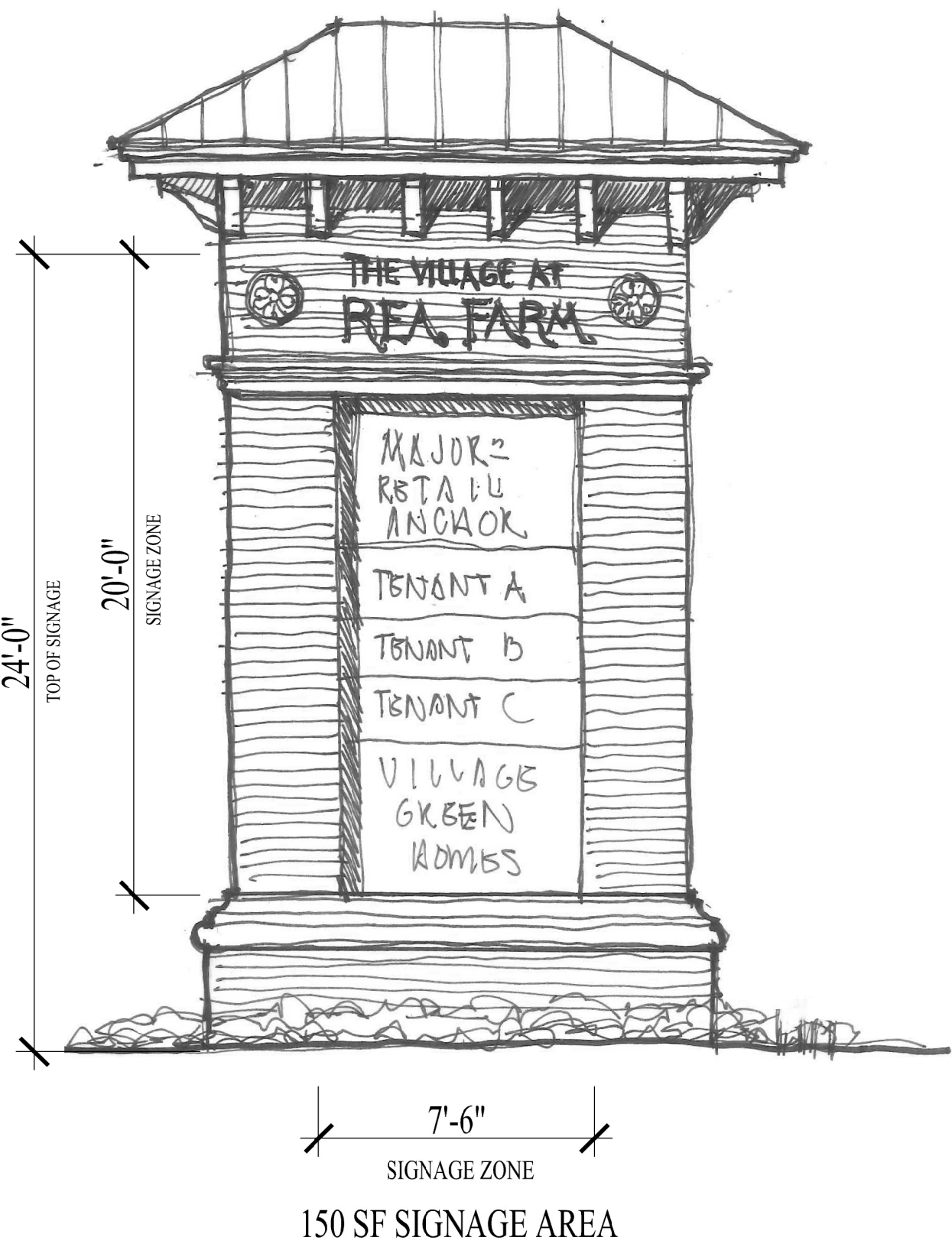
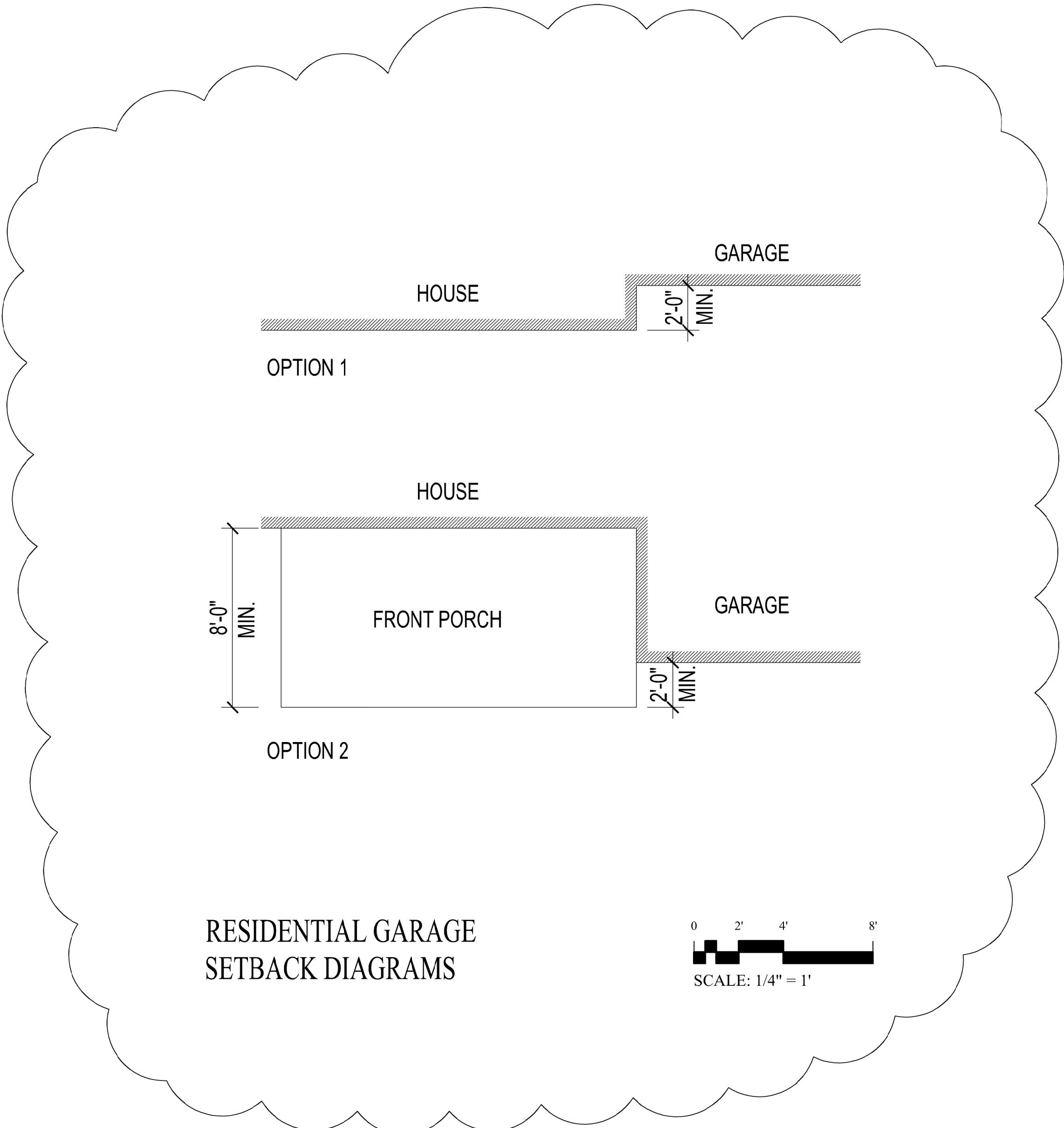
Attached to Administrative
Approval


Solomon A. Fortune



"CHOKER" ROAD CONCEPTUAL CROSS SECTION



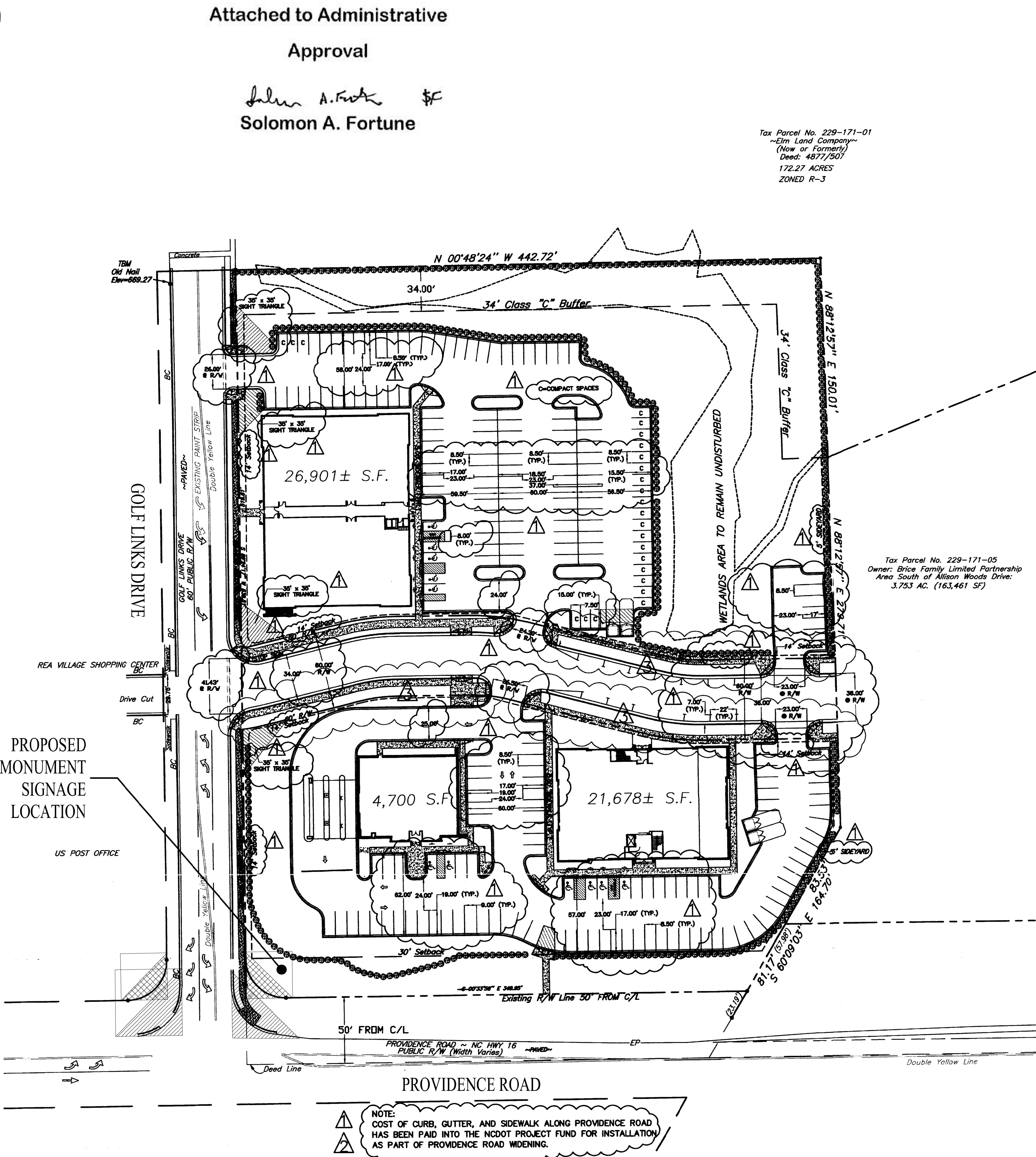


Development Area H

Development Area H was developed in accordance with the Technical Data Sheet and Development Standards related to Rezoning Petition 2004-134. There is no intent to permit new development within Development Area H or to alter the basic zoning conditions of Rezoning Petition 2004-134. The purpose of including Development Area H in current rezoning is to request MUDD Optional provisions that will allow additional signage within Development Area H and to address any nonconformities that would otherwise be created when the existing development is rezoned to the MUDD zoning district.

Therefore, the Technical Data Sheet and Development Standards set forth herein are identical to the Technical Data Sheet and Development Standards submitted and approved in Rezoning Petition No. 2004-134 except for the conceptual rendering of a proposed monument sign, proposed sign locations and the following MUDD Optional provisions.

1. The existing sidewalk and planting strip along Golf Links Drive are both approximately four feet wide
2. If any of the existing buildings within Development Area H are redeveloped, required planting strips and sidewalks along Golf Links Drive and Providence Road will be added.
3. If any of the existing buildings within Development Area H are redeveloped, the redevelopment shall comply with the Post Construction Controls Ordinance.



DEVELOPMENT AREA H

Optional Provisions:

1. To allow along Providence Road, two (2) ground mounted shopping center/development identification signs up to 20 feet in height and containing up to 150 square feet of sign area. These signs may be used to identify any of the uses located on the Site.
2. To allow wall signs having up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.
3. To allow a drive-through window as an accessory to a financial service use.
4. To allow vehicular parking, maneuvering and service areas between buildings and streets.
5. To allow non-standard sidewalks and planting strips along Golf Links Drive.

CONDITIONAL NOTES:

1. THE SITE PLAN CONSISTS OF THE TECHNICAL DATA SHEET AND THE ILLUSTRATIVE PLAN. THE TECHNICAL DATA SHEET CONTAINS ALL DEVELOPMENT NOTES AND CONDITIONS REGARDING SUCH THINGS AS VEHICULAR ACCESS POINTS, BUFFERS, SETBACK/YARD DIMENSIONS, GENERALIZED BUILDING/PARKING/CIRCULATION AREAS, DEVELOPMENT INTENSITY, ETC. THE ILLUSTRATIVE PLAN DEPICTS A DEVELOPMENT SCENARIO BASED UPON THE CONDITIONS IMPOSED BY THE TECHNICAL DATA SHEET. HOWEVER, OTHER DEVELOPMENT SCENARIOS ARE PERMITTED AS A MATTER OF RIGHT, WHICH ALLOWS ALTERNATIVES TO THE ARRANGEMENT OF BUILDING/PARKING/CIRCULATION AREAS. BUILDING FOOTPRINTS AND SHAPES, ETC. SUCH CHANGES SHALL STILL REFLECT THE "NEO-TRADITIONAL" STYLE LAYOUT OF THE SITE AS GENERALLY DEPICTED ON THE PLAN.
2. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CITY OF CHARLOTTE REGULATIONS PERTAINING TO OFF-STREET PARKING, SIGNAGE, BUFFERS/LANDSCAPING, SCREENING, DRAINAGE, TREE ORDINANCE,
3. ~~FLORING~~ FOR THE OVERALL SITE SHALL BE CONSIDERED AS A UNIFIED DEVELOPMENT AND SHALL BE CALCULATED AS IF THE SITE IS ZONED O-1. NO REDUCTION IN PARKING AS PERMITTED BY NS ZONING SHALL BE ALLOWED.
4. THE NUMBER OF VEHICULAR ACCESS TO THE SITE SHALL BE LIMITED TO THE POINTS OF INGRESS/EGRESS AS SHOWN ON THE SITE PLAN. HOWEVER, THE LOCATIONS MAY VARY SOMEWHAT FROM THAT DEPICTED. THE LOCATION AND DESIGN SHALL COMPLY WITH ALL APPLICABLE STANDARDS AND REQUIREMENTS OF THE CHARLOTTE DEPARTMENT OF TRANSPORTATION.
5. MAXIMUM BUILDING HEIGHTS SHALL BE TWO STORIES (MAY INCLUDE ATTIC AND/OR FINISHED SPACE WITHIN THE AREA HEIGHT OF THE ROOF).
6. A CLASS "C" BUFFER SHALL BE ESTABLISHED WHERE THERE IS INSUFFICIENT NATURAL VEGETATION TO COMPLY WITH MINIMUM BUFFER STANDARDS. THE BUFFER SHALL BE IMPROVED WITH NEW LANDSCAPING IN ACCORDANCE WITH APPLICABLE STANDARDS.
7. A 30 FOOT SETBACK MEASURED FROM THE R/W LINE SHALL BE ESTABLISHED ALONG THE SITE'S PROVIDENCE ROAD FRONTAGE. R/W MEASURING 50 FEET FROM THE CL OF PROVIDENCE ROAD SHALL BE ESTABLISHED AS SHOWN. PETITIONER HAS DEDICATE THE NEW R/W AREA
8. STORM WATER DETENTION SHALL NOT BE LOCATED IN THE SETBACK AREAS OR THE BUFFER AREAS. STORM WATER DETENTION FOR PORTIONS OF THE SITE MAY BE PROVIDED IN A COMMON DETENTION FACILITY LOCATED ON ANY LOT CREATED BY FUTURE SUBDIVISION. CROSSING OF THE PROPOSED PUBLIC ROAD TO CONNECT TO THE DETENTION SYSTEM WILL BE ALLOWED AS WELL AS DIVERTING STORM DRAINAGE FROM THE PUBLIC ROAD TO THE PROPOSED DETENTION FACILITY WHILE DISCHARGING NOW DETAINED FLOW FROM A LIKE AREA OF IMPERVIOUS DEVELOPMENT TO THE EXISTING WETLAND AREA TO MAINTAIN DRAINAGE TO SUCH WETLANDS AREA.
9. MAXIMUM HEIGHT OF BUILDING LIGHTING SHALL BE 30 FEET. LIGHTING SHALL BE DESIGNED IN A MANNER TO SHIELD/DIRECT LIGHTING GLARE AWAY FROM RESIDENTIAL AREAS.
10. BUFFERS AREAS SHALL NOT BE REDUCED IN DEPTH FROM THAT DEPICTED ON THE PLAN.
11. SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 12.303 OF THE CITY OF CHARLOTTE ZONING ORDINANCE.
12. BUFFERS SHALL REMAIN UNDISTURBED EXCEPT THAT ANY AREA WHICH ARE SPARSELY VEGETATED (VEGETATION LESS THAN 2 INCHES IN CALIPER) MAY BE CLEARED IF NECESSARY TO PROVIDE FOR THE DEVELOPMENT OF THE SITE, AND TO ACCOMMODATE UTILITY EXTENSIONS ASSOCIATED WITH DEVELOPMENT. ANY CLEARED AREAS SHALL BE REPLANTED IN ACCORDANCE WITH APPLICABLE BUFFER REQUIREMENTS.
13. TREES LOCATED WITHIN THE FRONT SETBACK AREA WHICH ARE 6 INCHES OR GREATER IN CALIPER SHALL BE PRESERVED OR MITIGATED PER CITY OF CHARLOTTE TREE ORDINANCE.
14. THE MAXIMUM HEIGHT OF DETACHED POLE LIGHTS SHALL BE RESTRICTED TO
15. WALL PACK TYPE LIGHTING SHALL NOT BE ALLOWED.
16. ALL ~~POLE~~ SITE'S SHALL BE LOCATED WITHIN A SOLID ENCLOSURE WITH
17. BUILDINGS ON THE SITE WILL BE CONSTRUCTED WITH BRICK AND/OR OTHER MASONRY FINISHING MATERIALS ON 80% OF THE EXTERIOR WALLS OF ~~ANY~~ BUILDING.
18. THE PETITIONER/DEVELOPER SHALL INSTALL OR PAY THE CITY OF CHARLOTTE FOR FUTURE INSTALLATION DURING PROVIDENCE ROAD WIDENING OF A 5 FOOT SIDEWALK WITH AN 8 FOOT PLANTING STRIP ALONG THE SITE'S PROVIDENCE ROAD FRONTAGE. THIS SIDEWALK SHALL LINK TO OTHER INTERNAL SIDEWALKS ON THE SITE.
19. PROPOSED USES FOR THE SITE SHALL INCLUDE THOSE ALLOWED IN THE O-1 DISTRICT, EXCEPT THAT HOTELS OR MOTELS, AND RESTAURANTS (EXCEEDING 3,000 SF) ALLOWED SHALL NOT BE PERMITTED. FURTHERMORE, ANY MEDICAL OFFICE USE (S) SHALL BE RESTRICTED TO A MAXIMUM OF 34,000 SQUARE FEET.
20. BUILDINGS CONSTRUCTED ON THE SITE SHALL BE DESIGNED IN A MANNER WHICH REFLECTS A RESIDENTIAL STYLE AND SCALE, SPECIFICALLY UTILIZING RESIDENTIAL STYLE DOORS AND WINDOWS, PITCHED ROOF, ETC.
21. THE PETITIONER/DEVELOPER SHALL INSTALL A FIRE HYDRANT WITHIN 750 FEET OF THE MOST REMOTE BUILDING AS A FIRE TRUCK TRAVELS IF SUCH HYDRANT DOES NOT EXIST. FURTHERMORE, IF REQUIRED BY FIRE DEPARTMENT REGULATIONS, 4-HOUR FIRE WALLS AND/OR SPRINKLER SYSTEMS SHALL BE INSTALLED IN EACH BUILDING TO OFFSET ANY POTENTIAL MARGINAL WATER SUPPLY IN THE AREA.
22. THE DEVELOPER SHALL DESIGN AND CONSTRUCT THE PROPOSED PUBLIC ROAD THROUGH THE SITE TO CITY OF CHARLOTTE STANDARDS. THE DEVELOPER SHALL DEDICATE SUCH ROAD AND RELATED 50 FOOT RIGHT OF WAY TO THE CITY OF CHARLOTTE FOR OWNERSHIP AND MAINTENANCE
23. EXISTING DRIVES ARE PERMITTED BY RIGHT AS CONSTRUCTED. SEE SHEET 1 OF 4 EXISTING CONDITION. NO MODIFICATIONS WILL BE REQUIRED AS PART OF FUTURE DRIVEWAY PROCESS.



I-485

Attached to Administrative
Approval

Solomon A. Fortune
Solomon A. Fortune

SEE ENLARGED PLAN
ON SHEET RZ-71

SINGLE
FAMILY
RESIDENTIAL

CMS STEAM
K-8 SCHOOL

GOLF LINKS PARKWAY

STRUCTURED
PARKING

OFFICE

OFFICE

MULTI-FAMILY
RESIDENTIAL

RETAIL
VILLAGE

VILLAGE GREEN

GROCERY
ANCHOR

OUTPARCELS

WALNUT BRANCH LANE

STRUCTURED
PARKING

OFFICE

OFFICE

MULTI-FAMILY
RESIDENTIAL

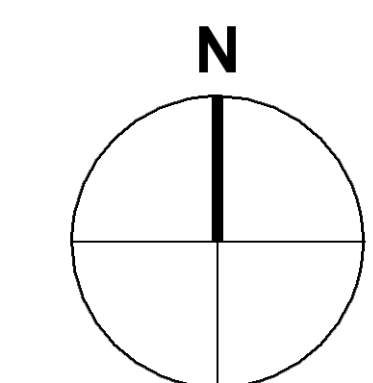
SENIOR LIVING

PARCELA

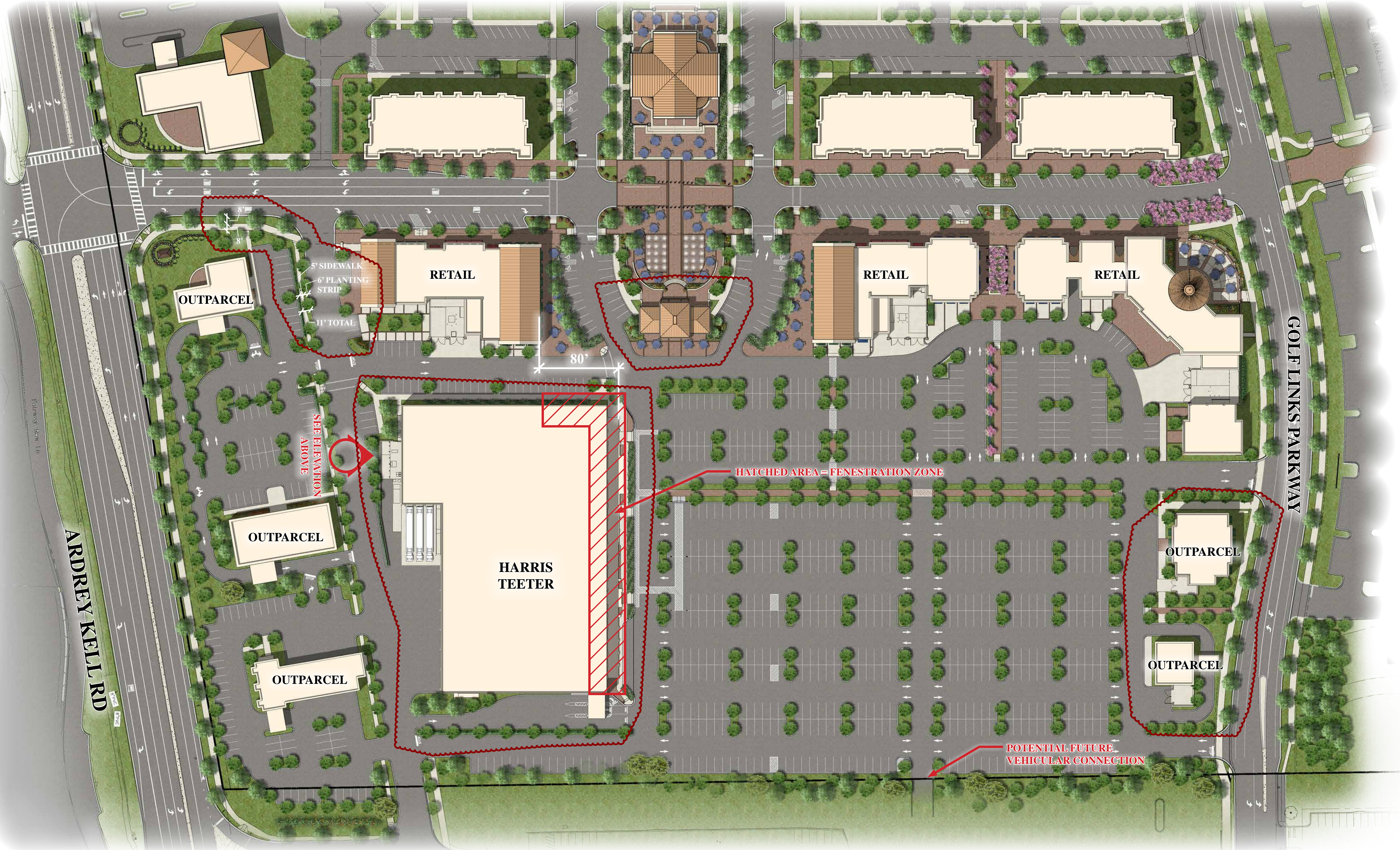
ARDREY KELL RD.

PROVIDENCE RD.

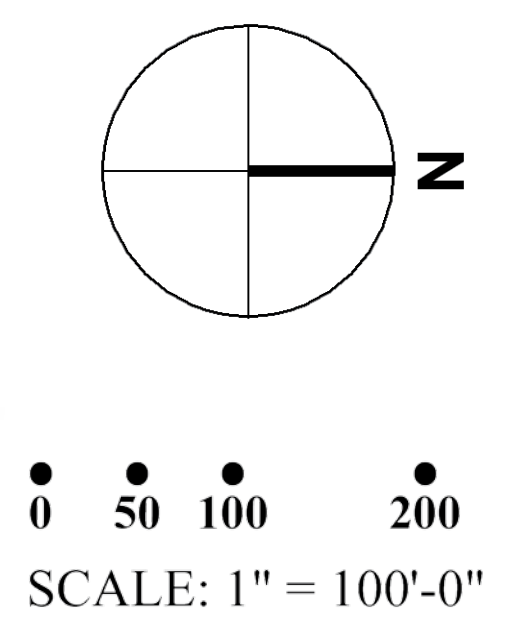
Petitioner shall develop the Site in a manner generally consistent with the Conceptual Master Plan, with the understanding that the configurations, placements and sizes of buildings, parking areas and opens spaces may be altered or modified as long as the ultimate design is consistent with the spirit and intent of the Conceptual Master Plan. The configurations, placements, number and sizes of the buildings and treatment of open space areas depicted on the Conceptual Master Plan and any building designs depicted are conceptual in nature and therefore are subject to refinements as part of the total design process. They may, therefore, be altered or modified, in accordance with Section 6.207 of the Ordinance, during design development and construction document phases so long as the maximum building envelope lines and intensity limitations 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.



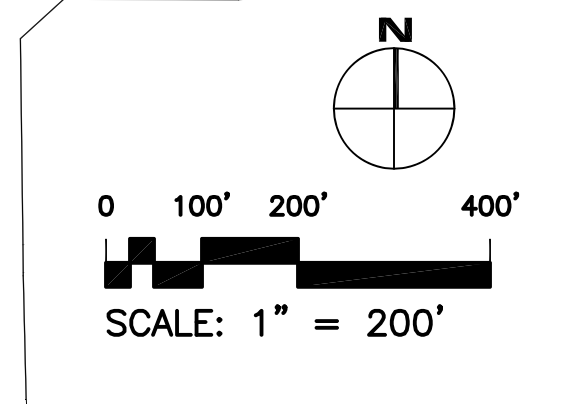
0 100 200 400
SCALE: 1" = 200'-0"











Attached to Administrative
Approval
Solomon A. Fortune \$
Solomon A. Fortune



Solomon A. Fortune \$F
Solomon A. Fortune



SITE LEGEND

	PUBLIC STREET		100' PC BUFFER
	PRIVATE STREET		50' PC BUFFER
	DEVELOPMENT AREA		OPEN SPACE
	PROPERTY LINE		SETBACKS

- Off street parking areas shall not be permitted between buildings and Public Street A.
- Buildings fronting Public Street A that house street level retail uses shall provide a ground floor Fenestration Zone having a minimum of 60% fenestration of the ground floor fenestration area measured between 2' and 10' above the sidewalk along Public Street A. Up to 40% of the required Fenestration Zone may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within the Fenestration Zone shall not be screened by film, decals and other opaque material, glazing finishes or window treatments. The maximum sill height for required fenestration shall not exceed 4'-0" above the Public Street A sidewalk.
- Entries into individual retail spaces fronting Public Street A shall be recessed 3'-0" for a minimum width of 5'-0" in those locations with sidewalks less than 12'-0" in width.
- Parking Areas for the retail buildings along Public Street A shall be located behind the buildings fronting Public Street A and shall be screened by the buildings, except at pedestrian ways providing access from parking areas to the street.
- Multifamily buildings with facades in excess of 250 linear feet that front on public or private streets shall be articulated in one or more of the following methods to visually break down the buildings potentially monolithic mass and achieve an appropriate pedestrian scale along the street wall.
- The primary entrance to buildings along Public Street A shall be on the Public Street A façade of those buildings, unless the primary entrance fronts the Public Green. These entries shall be recessed a minimum of 3' deep with a minimum width of 5' unless fronting a sidewalk with a minimum width of 12'.
- Any non-residential building located across Public Street B from the northern terminus of Public Street A shall have a Ground Floor Fenestration Zone that shall represent 30% of the ground floor façade fronting Public Street B and a primary building entrance fronting on Public Street B to enhance pedestrian activity. The entrance shall be connected to the sidewalk along Public Street B by a sidewalk that terminates at the axis of Public Street A.

- The Rezoning Plan provides for a signature Public Green with significant building frontage in order to create a well-defined edge for that public open space.
- Off-street parking areas shall be screened from view from the Public Green and shall not front the Public Green or be located to the sides of buildings that front the Public Green, except as generally depicted on the Conceptual Master Plan.
- Multifamily buildings with facades in excess of 250 linear feet that front on public or private streets shall be articulated in one or more of the following methods to visually break down the buildings potentially monolithic mass and achieve an appropriate pedestrian scale.
- Any buildings fronting the Public Green shall include primary entrances that open to the Public Green and all such entrances for non-residential uses shall be open and operable during business hours.

- **Parking structures shall be designed to materially screen the view of parked cars from adjacent public or private streets or publicly accessible open spaces or plazas. Screening of cars on the ground level will be accomplished primarily through the use of landscaping; and screening of cars parked on the upper level will be accomplished by a wall, at least 36 inches in height, designed as part of the parking deck structure. Parking structures shall be screened with decorative louvers and landscaped as required by the Ordinance.**
- **Multifamily buildings with facades in excess of 250 linear feet that front on public or private streets shall be articulated in one or more of the following methods to visually break down the buildings potentially monolithic mass and achieve an appropriate pedestrian scale along the street wall.**
- **Off-street parking and maneuvering areas may not be located between public streets and buildings, except as generally depicted on the Conceptual Master Plan.**