

- A. SITE. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, BUILDABLE HEIGHT EXHIBIT, BUFFER CROSS SECTIONS, OPEN SPACE EXHIBIT, BUFFER PLANTING PLANS, BOUNDARY DESCRIPTION, WALKABILITY IMPROVEMENT PLAN, GREENWAY IMPROVEMENT EXHIBIT, TRAFFIC CIRCULATION PLAN, ROAD IMPROVEMENT CROSS SECTIONS, SCOTT AVENUE STREETSCAPE PLAN AND TREE SAVE AREA EXHIBIT AND OTHER GRAPHICS SET FORTH ON ATTACHED SHEETS RZ-1 THROUGH RZ-7 FORM THE REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY (THE "PETITIONER") FOR AN APPROXIMATELY 69.27 ACRE SITE THAT IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE").
- 5 B. ZONING DISTRICT/ORDINANCE. THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). SUBJECT TO THE OPTIONAL PROVISIONS SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MIXED USE DEVELOPMENT DISTRICT ("MUDD") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND
 - GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, SIDEWALKS, DRIVEWAYS, PARKING AREAS, STREETS DEVELOPMENT AREA BOUNDARIES AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.

SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

(1) MINOR AND DO NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PURSUANT TO THIS AMENDMENT PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PURSUANT TO SECTION 6.207 OF THE ORDINANCE IN EACH INSTANCE, HOWEVER, SUBJECT TO PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

DEVELOPMENT AREAS/BUILDING AND PARKING ENVELOPES. FOR ENTITLEMENT PURPOSES, THE SITE IS DIVIDED INTO ELEVEN DEVELOPMENT AREAS THAT ARE DESIGNATED ON THE REZONING PLAN AS DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C-1, DEVELOPMENT AREA C-2, DEVELOPMENT AREA D, DEVELOPMENT AREA F, DEVELOPMENT AREA G-1, DEVELOPMENT AREA G-2, DEVELOPMENT AREA G-3, DEVELOPMENT AREA G-4 AND DEVELOPMENT AREA H. THE BOUNDARIES OF EACH DEVELOPMENT AREA ARE THE BUILDING AND PARKING ENVELOPES FOR EACH DEVELOPMENT AREA.

ALL PRINCIPAL BUILDINGS, ACCESSORY STRUCTURES, STRUCTURED PARKING FACILITIES AND SURFACE PARKING AREAS DEVELOPED ON THE SITE SHALL BE LOCATED WITHIN ONE OR MORE BUILDING AND PARKING ENVELOPES. THIS REZONING PLAN DOES NOT LIMIT THE NUMBER OF PRINCIPAL BUILDINGS, ACCESSORY STRUCTURES, STRUCTURED PARKING FACILITIES AND SURFACE PARKING AREAS THAT MAY BE LOCATED WITHIN ONE OR MORE BUILDING AND PARKING ENVELOPES OR ON THE SITE. THE NUMBER OF PRINCIPAL BUILDINGS, ACCESSORY STRUCTURES, STRUCTURED PARKING FACILITIES AND SURFACE PARKING AREAS THAT MAY BE LOCATED ON THE SITE OR WITHIN ONE OR MORE BUILDING AND PARKING ENVELOPES SHALL BE GOVERNED BY THE APPLICABLE PROVISIONS OF THE ORDINANCE. ADDITIONALLY, PRIVATE DRIVES AND PRIVATE STREETS MAY BE LOCATED WITHIN ONE OR MORE BUILDING AND PARKING ENVELOPES. ANY REFERENCE HEREIN TO THE SITE SHALL BE DEEMED TO INCLUDE DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C-1, DEVELOPMENT AREA C-2, DEVELOPMENT AREA D, DEVELOPMENT AREA F, DEVELOPMENT AREA G-1, DEVELOPMENT AREA G-2, DEVELOPMENT AREA G-3, DEVELOPMENT AREA G-4 AND DEVELOPMENT AREA H UNLESS OTHERWISE NOTED HEREIN.

EXISTING BUILDINGS, STRUCTURES AND IMPROVEMENTS. THE EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE MAY REMAIN IN PLACE AND CONTINUE TO BE UTILIZED. TO THE EXTENT THAT ANY EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE DO NOT COMPLY WITH ANY REQUIREMENT OF THE MUDD ZONING DISTRICT, THE ORDINANCE OR THIS REZONING PLAN, PETITIONER SHALL NOT BE REQUIRED TO BRING ANY SUCH EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE OR ANY PORTIONS THEREOF INTO COMPLIANCE WITH THE MUDD ZONING DISTRICT, THE ORDINANCE OR THIS REZONING PLAN.

NEW BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND OTHER NEW IMPROVEMENTS ON THE SITE WILL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE REZONING PLAN AND THE MUDD ZONING DISTRICT (EXCEPT AS MODIFIED BY THE OPTIONAL PROVISIONS SET OUT BELOW IN SECTION 2).

- UNIFIED DEVELOPMENT. THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. THEREFORE, SIDE AND REAR YARDS, BUILDING HEIGHT SEPARATION REQUIREMENTS AND OTHER SIMILAR ZONING STANDARDS SHALL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS, USES AND OTHER SITE ELEMENTS LOCATED ON THE SITE. FURTHERMORE, PETITIONER RESERVES THE RIGHT TO SUBDIVIDE PORTIONS OR ALL OF THE SITE AND TO CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS AND PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS, PROVIDED, HOWEVER, THAT THE DEVELOPMENT OF THE SITE SHALL BE REQUIRED TO MEET ANY APPLICABLE SETBACK, SIDE YARD AND REAR YARD AND LANDSCAPE AREA REQUIREMENTS WITH RESPECT TO THE EXTERIOR BOUNDARIES OF THE SITE.
- G. VESTED RIGHTS. PURSUANT TO SECTION 1.110 OF THE ORDINANCE AND SECTION 160A-385.1 OF THE NORTH CAROLINA GENERAL STATUTES, THE REZONING PLAN, IF APPROVED, SHALL BE VESTED FOR A PERIOD OF 5 YEARS DUE TO THE SIZE AND PHASING OF THE DEVELOPMENT, THE LEVEL OF INVESTMENT, ECONOMIC CYCLES AND MARKET CONDITIONS.
- AMENDMENTS. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.
- PRIOR TO FILING WITH THE CHARLOTTE PLANNING, DESIGN AND DEVELOPMENT DEPARTMENT (THE "PLANNING DEPARTMENT") A REQUEST FOR AN ADMINISTRATIVE AMENDMENT TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS, PETITIONER SHALL NOTIFY THE DILWORTH COMMUNITY ASSOCIATION IN WRITING OF PETITIONER'S INTENT TO FILE A REQUEST WITH THE PLANNING DEPARTMENT FOR AN ADMINISTRATIVE AMENDMENT TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS. PETITIONER SHALL INCLUDE A COPY OF SUCH WRITTEN NOTICE WITH ITS APPLICATION FOR AN ADMINISTRATIVE AMENDMENT TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS.
- 2. OPTIONAL PROVISIONS

THE OPTIONAL PROVISIONS SET OUT BELOW SHALL APPLY TO THE DEVELOPMENT OF THE SITE

- PARKING, VEHICULAR CIRCULATION AND VEHICULAR MANEUVERING SPACE MAY BE LOCATED BETWEEN BUILDINGS AND STRUCTURES LOCATED ON THE SITE AND THE REQUIRED SETBACKS FROM ALL ADJACENT PUBLIC AND PRIVATE STREETS. NOTWITHSTANDING THE FOREGOING, THIS OPTIONAL PROVISION SHALL NOT APPLY TO ANY NEW BUILDING OR STRUCTURE LOCATED IN BUILDING SETBACK ENVELOPE A-1, ANY NEW BUILDING OR STRUCTURE LOCATED IN DEVELOPMENT AREA C-1, ANY NEW BUILDING OR STRUCTURE LOCATED IN DEVELOPMENT AREA C-2, ANY NEW BUILDING OR STRUCTURE LOCATED IN DEVELOPMENT AREA G-3 OR ANY NEW BUILDING OR STRUCTURE LOCATED IN DEVELOPMENT AREA G-4.
- VALET PARKING SERVICE AREA(S) MAY BE LOCATED BETWEEN THE BUILDINGS AND STRUCTURES LOCATED ON THE SITE AND ALL ADJACENT PUBLIC AND PRIVATE STREETS. NOTWITHSTANDING THE FOREGOING, THIS OPTIONAL PROVISION SHALL NOT APPLY TO ANY NEW BUILDING OR STRUCTURE LOCATED IN BUILDING SETBACK ENVELOPE A-1, ANY NEW BUILDING OR STRUCTURE LOCATED IN DEVELOPMENT AREA C-1, ANY NEW BUILDING OR STRUCTURE LOCATED IN DEVELOPMENT AREA C-2, ANY NEW BUILDING OR STRUCTURE LOCATED IN DEVELOPMENT AREA G-3 OR ANY NEW BUILDING OR STRUCTURE LOCATED IN DEVELOPMENT AREA G-4. SUBJECT TO THE TERMS OF PARAGRAPHS 7.A, 7.B, 7.C, 7.G AND 7.H, THE EXISTING SIDEWALKS, PLANTING STRIPS, STREET TREES AND
- D. THE SCOTT AVENUE STREETSCAPE IMPROVEMENTS (DEFINED BELOW IN PARAGRAPH 7.B) SHALL SATISFY THE SITE'S STREETSCAPE REQUIREMENTS ALONG THE SITE'S ENTIRE FRONTAGE ON SCOTT AVENUE.

STREETSCAPES LOCATED ALONG THE SITE'S PUBLIC STREET AND PRIVATE STREET FRONTAGES MAY REMAIN IN PLACE.

THE EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE MAY REMAIN IN PLACE AND CONTINUE TO BE UTILIZED. TO THE EXTENT THAT ANY EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE DO NOT COMPLY WITH ANY REQUIREMENT OF THE MUDD ZONING DISTRICT, THE ORDINANCE OR THIS REZONING PLAN, PETITIONER SHALL NOT BE REQUIRED TO BRING ANY SUCH EXISTING BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND ANY OTHER EXISTING IMPROVEMENTS ON THE SITE OR ANY PORTIONS THEREOF INTO COMPLIANCE WITH THE MUDD ZONING DISTRICT, THE ORDINANCE OR THIS REZONING PLAN.

RENOVATED AND REHABILITATED EXISTING BUILDINGS, STRUCTURES AND STRUCTURED PARKING FACILITIES LOCATED ON THE SITE SHALL NOT BE REQUIRED TO COMPLY WITH THE URBAN DESIGN AND DEVELOPMENT STANDARDS SET OUT SECTION 9.8506 OF THE ORDINANCE.

NEW BUILDINGS, STRUCTURES, STRUCTURED PARKING FACILITIES, SURFACE PARKING FACILITIES AND OTHER NEW IMPROVEMENTS ON THE SITE WILL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE REZONING PLAN AND THE MUDD ZONING DISTRICT (EXCEPT AS MODIFIED BY THE OPTIONAL PROVISIONS SET HEREIN).

THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS LOCATED ON DEVELOPMENT AREA A SHALL BE 150 FEET AS MEASURED UNDER THE ORDINANCE.

- G. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS LOCATED ON DEVELOPMENT AREA B SHALL BE 200 FEET AS MEASURED UNDER THE ORDINANCE.
- H. SUBJECT TO THE BUILDING HEIGHT ENVELOPES DESCRIBED IN PARAGRAPH 6.E BELOW, THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS LOCATED ON DEVELOPMENT AREA D SHALL BE 250 FEET AS MEASURED UNDER THE ORDINANCE.
- I. NEW MONUMENT SIGNS INSTALLED ON THE SITE MAY HAVE A MAXIMUM HEIGHT OF 7 FEET AND A MAXIMUM SIGN AREA OF 40
- J. THE OPTIONAL PROVISION REGARDING SIGNAGE IS AN ADDITION/MODIFICATION TO THE ORDINANCE STANDARDS FOR SIGNS AND IS TO BE USED WITH THE REMAINDER OF THE ORDINANCE STANDARDS FOR SIGNS THAT ARE NOT MODIFIED BY THESE OPTIONAL
- 3. PERMITTED USES
- A. <u>DEVELOPMENT AREA A</u>
- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT HEREIN, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA A MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT. ACCESSORY USES SHALL INCLUDE, WITHOUT LIMITATION, HELIPADS, EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS LOCATED IN A HEALTH INSTITUTION BUILDING, A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES AND/OR A MULTI-FAMILY OR PLANNED MULTI-FAMILY BUILDING, RETAIL USES LOCATED IN A HEALTH INSTITUTION BUILDING, A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES AND/OR A MULTI-FAMILY OR PLANNED MULTI-FAMILY BUILDING, AND STRUCTURED PARKING FACILITIES.
- (a) HEALTH INSTITUTIONS, INCLUDING HOSPITALS, CLINICS AND SIMILAR USES.
- (b) LABORATORIES, DENTAL, MEDICAL AND OPTICAL
- (c) LABORATORIES, WITHIN AN ENCLOSED BUILDING FOR APPLIED AND BASIC RESEARCH.
- (d) PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING CLINICS, MEDICAL, DENTAL AND DOCTORS OFFICES.
- (e) COLLEGES OR UNIVERSITIES, INCLUDING A MEDICAL COLLEGE AND/OR A NURSING SCHOOL, AND DORMITORIES FOR THE STUDENTS OF ANY SUCH COLLEGES OR UNIVERSITIES.
- (f) MULTI-FAMILY AND PLANNED MULTI-FAMILY DWELLING UNITS.
- (g) STRUCTURED PARKING FACILITIES AS AN ACCESSORY USE.
- B. <u>DEVELOPMENT AREA B</u>
- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT HEREIN, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA B MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT. ACCESSORY USES SHALL INCLUDE, WITHOUT LIMITATION, HELIPADS, EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS LOCATED IN A HEALTH INSTITUTION BUILDING AND/OR A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES, RETAIL USES LOCATED IN A HEALTH INSTITUTION BUILDING AND/OR A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES, AND STRUCTURED PARKING FACILITIES.
- (a) HEALTH INSTITUTIONS, INCLUDING HOSPITALS, CLINICS AND SIMILAR USES.
- (b) LABORATORIES, DENTAL, MEDICAL AND OPTICAL.
- (c) LABORATORIES, WITHIN AN ENCLOSED BUILDING FOR APPLIED AND BASIC RESEARCH.
- (d) PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING CLINICS, MEDICAL, DENTAL AND DOCTORS OFFICES.
- (e) COLLEGES OR UNIVERSITIES, INCLUDING A MEDICAL COLLEGE AND/OR A NURSING SCHOOL, AND DORMITORIES FOR THE STUDENTS OF ANY SUCH COLLEGES OR UNIVERSITIES.
- (f) STRUCTURED PARKING FACILITIES AS AN ACCESSORY USE.
- C. <u>DEVELOPMENT AREA C-1</u>
- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT HEREIN, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA C-1 MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING
- (a) HEALTH INSTITUTIONS, INCLUDING HOSPITALS, CLINICS AND SIMILAR USES.
- (b) PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING CLINICS, MEDICAL, DENTAL AND DOCTORS OFFICES.
- (c) MULTI-FAMILY AND PLANNED MULTI-FAMILY DWELLING UNITS.
- (d) SINGLE FAMILY DETACHED AND SINGLE FAMILY ATTACHED DWELLING UNITS.
- (2) NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, STRUCTURED PARKING FACILITIES SHALL NOT BE PERMITTED ON DEVELOPMENT AREA C-1.
- D. DEVELOPMENT AREA C-2
- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT HEREIN, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA C-2 MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT. ACCESSORY USES SHALL INCLUDE, WITHOUT LIMITATION, EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS LOCATED IN A HEALTH INSTITUTION BUILDING, A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES AND/OR A MULTI-FAMILY OR PLANNED MULTI-FAMILY BUILDING, RETAIL USES LOCATED IN A HEALTH INSTITUTION BUILDING, A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES AND/OR A MULTI-FAMILY OR PLANNED MULTI-FAMILY BUILDING, AND STRUCTURED PARKING FACILITIES.
- (a) HEALTH INSTITUTIONS, INCLUDING HOSPITALS, CLINICS AND SIMILAR USES.
- (b) LABORATORIES, DENTAL, MEDICAL AND OPTICAL.
- (c) LABORATORIES, WITHIN AN ENCLOSED BUILDING FOR APPLIED AND BASIC RESEARCH.
- (d) PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING CLINICS, MEDICAL, DENTAL AND DOCTORS OFFICES.
- (e) MULTI-FAMILY AND PLANNED MULTI-FAMILY DWELLING UNITS.
- (f) STRUCTURED PARKING FACILITIES AS AN ACCESSORY USE.
- E. <u>DEVELOPMENT AREA D</u>
- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT HEREIN, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA D MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT. ACCESSORY USES SHALL INCLUDE, WITHOUT LIMITATION, HELIPADS, EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS LOCATED IN A HEALTH INSTITUTION BUILDING AND/OR A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES, RETAIL USES LOCATED IN A HEALTH INSTITUTION BUILDING AND/OR A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES, AND STRUCTURED PARKING FACILITIES.
- (a) HEALTH INSTITUTIONS, INCLUDING HOSPITALS, CLINICS AND SIMILAR USES.
- (b) LABORATORIES, DENTAL, MEDICAL AND OPTICAL.
- (c) LABORATORIES, WITHIN AN ENCLOSED BUILDING FOR APPLIED AND BASIC RESEARCH.
- (d) PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING CLINICS, MEDICAL, DENTAL AND DOCTORS OFFICES.
- (e) COLLEGES OR UNIVERSITIES, INCLUDING A MEDICAL COLLEGE AND/OR A NURSING SCHOOL, AND DORMITORIES FOR THE STUDENTS OF ANY SUCH COLLEGES OR UNIVERSITIES.
- (f) STRUCTURED PARKING FACILITIES AS AN ACCESSORY USE.
- (1) DEVELOPMENT AREA F MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW.

- (a) OPEN SPACE AND/OR A TREE SAVE AREA (IF NEEDED FOR TREE SAVE).
- (b) LOOP ROAD, THE PLANTING STRIP AND SIDEWALK ASSOCIATED WITH LOOP ROAD AND OTHER IMPROVEMENTS RELATING TO LOOP
- (2) DEVELOPMENT AREA F SHALL NOT CONTAIN A BUILDING, STRUCTURE OR PARKING FACILITIES, BUT DEVELOPMENT AREA F MAY CONTAIN LANDSCAPING, HARDSCAPE AND SEATING ELEMENTS, SUCH AS BENCHES.
- (3) \NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, PORTIONS OF THE NEW CUL-DE-SAC TO BE LOCATED AT THE TERMINUS OF FOUNTAIN VIEW MAY ENCROACH INTO DEVELOPMENT AREA F.
- G. <u>DEVELOPMENT AREA G-1</u>
- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT HEREIN, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA G-1 MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT. ACCESSORY USES SHALL INCLUDE, WITHOUT LIMITATION, EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS LOCATED IN A HEALTH INSTITUTION BUILDING, A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES AND/OR A MULTI-FAMILY OR PLANNED MULTI-FAMILY BUILDING, RETAIL USES LOCATED IN A HEALTH INSTITUTION BUILDING, A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES AND/OR A MULTI-FAMILY OR PLANNED MULTI-FAMILY BUILDING, AND STRUCTURED PARKING FACILITIES.
- (a) HEALTH INSTITUTIONS, INCLUDING HOSPITALS, CLINICS AND SIMILAR USES.
- (b) LABORATORIES, DENTAL, MEDICAL AND OPTICAL.
- (c) LABORATORIES, WITHIN AN ENCLOSED BUILDING FOR APPLIED AND BASIC RESEARCH.
- (d) PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING CLINICS, MEDICAL, DENTAL AND DOCTORS OFFICES.
- (e) COLLEGES OR UNIVERSITIES, INCLUDING A MEDICAL COLLEGE AND/OR A NURSING SCHOOL, AND DORMITORIES FOR THE STUDENTS OF ANY SUCH COLLEGES OR UNIVERSITIES.
- (f) MULTI-FAMILY AND PLANNED MULTI-FAMILY DWELLING UNITS.
- (g) DWELLINGS, DETACHED, DUPLEX, TRIPLEX AND QUADRAPLEX.
- (h) SINGLE FAMILY ATTACHED DWELLING UNITS.
- (i) STRUCTURED PARKING FACILITIES AS AN ACCESSORY USE.
- H. <u>DEVELOPMENT AREA G-2</u>
- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT HEREIN, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA G-2 MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW.

(a) OPEN SPACE AND/OR TREE SAVE AREAS (IF NEEDED FOR TREE SAVE). (2) NOTWITHSTANDING PARAGRAPH 3.H(1) ABOVE, PUBLIC AND/OR PRIVATE STREETS AND ACCESS DRIVES TO SERVE THE USES ON THE SITE MAY BE LOCATED IN DEVELOPMENT AREA G-2. (3) NOTWITHSTANDING PARAGRAPH 3.H(1) ABOVE, AT THE OPTION OF PETITIONER, SOME OR ALL OF THE EXISTING SINGLE FAMILY

(4) NOTWITHSTANDING PARAGRAPH 3.H(1) ABOVE, UNDERGROUND UTILITIES TO SERVE THE SITE MAY BE LOCATED IN DEVELOPMENT

DETACHED HOMES ON DEVELOPMENT AREA G-2 MAY REMAIN IN PLACE AND CONTINUE TO BE DEVOTED ONLY TO SINGLE FAMILY

I. DEVELOPMENT AREA G-3

RESIDENTIAL USES.

- (1)\SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT HEREIN, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA G-3 MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW.
- (a) DWELLINGS, DETACHED, DUPLEX, TRIPLEX AND QUADRAPLEX.
- (b) MULTI-FAMILY AND PLANNED MULTI-FAMILY DWELLING UNITS.
- (c) SINGLE FAMILY ATTACHED DWELLING UNITS.
- (d) INCIDENTAL OR ACCESSORY USES ASSOCIATED WITH THE PERMITTED RESIDENTIAL USES THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT.
- (e) PUBLIC AND/OR PRIVATE STREETS AND ACCESS DRIVES TO SERVE THE USES ON THE SITE
- (f) SURFACE PARKING LOT(S) TO SERVE THE USES ON THE SITE.
- (g) A STRUCTURED PARKING FACILITY TO SERVE THE USES ON THE SITE PROVIDED THAT A STRUCTURED PARKING FACILITY MEETS THE FOLLOWING STANDARDS:

THE TOP LEVEL OF A STRUCTURED PARKING FACILITY SHALL BE LOCATED AT FINISHED GRADE AND ANY ADDITIONAL LEVELS OF A STRUCTURED PARKING FACILITY SHALL BE LOCATED BELOW THE TOP LEVEL AND BELOW FINISHED GRADE (I.E., SUBTERRANEAN).

- (2) NOTWITHSTANDING PARAGRAPH 3.I(1) ABOVE, UNDERGROUND UTILITIES TO SERVE THE SITE MAY BE LOCATED IN DEVELOPMENT
- J. DEVELOPMENT AREA G-4
- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT HEREIN, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA G-4 MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW.
- (a) DWELLINGS, DETACHED, DUPLEX, TRIPLEX AND QUADRAPLEX.
- (b) MULTI-FAMILY AND PLANNED MULTI-FAMILY DWELLING UNITS.
- (c) SINGLE FAMILY ATTACHED DWELLING UNITS.
- (d) INCIDENTAL OR ACCESSORY USES ASSOCIATED WITH THE PERMITTED RESIDENTIAL USES THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT.
- (e) PUBLIC AND/OR PRIVATE STREETS AND ACCESS DRIVES TO SERVE THE USES ON THE SITE.
- (2) NOTWITHSTANDING PARAGRAPH 3.J(1) ABOVE, UNDERGROUND UTILITIES TO SERVE THE SITE MAY BE LOCATED IN DEVELOPMENT AREA G-4.
- K. DEVELOPMENT AREA H
- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT HEREIN, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA H MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT. ACCESSORY USES SHALL INCLUDE, WITHOUT LIMITATION, EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS LOCATED IN A HEALTH INSTITUTION BUILDING AND/OR A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES, AND RETAIL USES LOCATED IN A HEALTH INSTITUTION BUILDING AND/OR A BUILDING DEVOTED TO PROFESSIONAL BUSINESS AND GENERAL OFFICES.
- (a) HEALTH INSTITUTIONS, INCLUDING HOSPITALS, CLINICS AND SIMILAR USES.
- (b) LABORATORIES, DENTAL, MEDICAL AND OPTICAL.
- (c) LABORATORIES, WITHIN AN ENCLOSED BUILDING FOR APPLIED AND BASIC RESEARCH.
- (d) PROFESSIONAL BUSINESS AND GENERAL OFFICES, INCLUDING CLINICS, MEDICAL, DENTAL AND DOCTORS OFFICES.
- (2) NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, STRUCTURED PARKING FACILITIES SHALL NOT BE PERMITTED ON DEVELOPMENT AREA H.
- 4. **DEVELOPMENT LIMITATIONS**
- A. A TOTAL MAXIMUM OF 4,795,000 SQUARE FEET OF GROSS FLOOR AREA MAY BE DEVELOPED AND LOCATED ON THE SITE.
- B. IN THE EVENT THAT MULTI-FAMILY OR PLANNED MULTI-FAMILY DWELLING UNITS ARE DEVELOPED ON THE SITE, EACH MULTI-FAMILY OR PLANNED MULTI-FAMILY DWELLING UNIT SHALL BE COUNTED TOWARDS THE MAXIMUM ALLOWED TOTAL GROSS FLOOR AREA SET OUT ABOVE IN PARAGRAPH 4.A AT THE RATE OF 1,000 SQUARE FEET PER MULTI-FAMILY DWELLING UNIT.

PRELIMINARY DOCUMENT

SHEET NUMBER

- C. NOTWITHSTANDING THE TERMS OF PARAGRAPH 4.B ABOVE, A TOTAL MAXIMUM OF 425 MULTI-FAMILY DWELLING UNITS MAY BE
- A MINIMUM OF 60% OF THE MULTI-FAMILY DWELLING UNITS CONSTRUCTED ON THE SITE SHALL MAINTAIN MONTHLY RENTS THAT ARE INCOME RESTRICTED FOR HOUSEHOLDS EARNING 80% OR LESS OF THE AREA MEDIAN INCOME FOR A PERIOD OF NOT LESS THAN 30 YEARS.
- E. A TOTAL MAXIMUM OF 42 DETACHED, DUPLEX, TRIPLEX, QUADRAPLEX AND/OR SINGLE FAMILY ATTACHED DWELLING UNITS MAY BE LOCATED ON THE SITE. THE GROSS FLOOR AREA OF DETACHED, DUPLEX, TRIPLEX, QUADRAPLEX AND/OR SINGLE FAMILY ATTACHED DWELLING UNITS SHALL NOT BE CONSIDERED OR COUNTED TOWARDS THE MAXIMUM GROSS FLOOR AREA OR DENSITY ALLOWED ON THE SITE SET OUT ABOVE IN PARAGRAPHS 4.A AND 4.C.
- HELIPADS AS AN ACCESSORY USE SHALL ONLY BE PERMITTED IN DEVELOPMENT AREA A, DEVELOPMENT AREA B AND DEVELOPMENT AREA D.
- G. HELIPADS ON DEVELOPMENT AREA D MAY ONLY BE LOCATED ON THE REAR (WESTERN) HALF OF THE ROOF OF THE BUILDING TO BE CONSTRUCTED ON DEVELOPMENT AREA D.
- H. STRUCTURED PARKING FACILITIES SHALL NOT BE PERMITTED ON DEVELOPMENT AREA C-1.
- I. STRUCTURED PARKING FACILITIES SHALL NOT BE PERMITTED ON DEVELOPMENT AREA H.
- FOR PURPOSES OF THESE DEVELOPMENT LIMITATIONS AND THE DEVELOPMENT STANDARDS IN GENERAL, THE TERM "GROSS FLOOR AREA" 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 STRUCTURED PARKING FACILITIES, SURFACE 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.
- K. AS PROVIDED IN PARAGRAPH 4.I ABOVE, THE GROSS FLOOR AREA OF ANY STRUCTURED PARKING FACILITIES LOCATED ON THE SITE SHALL NOT BE CONSIDERED OR COUNTED TOWARDS THE MAXIMUM GROSS FLOOR AREA OR DENSITY ALLOWED ON THE SITE.

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT")
- B. THE ALIGNMENTS OF THE INTERNAL PUBLIC STREETS, INTERNAL PRIVATE STREETS, INTERNAL PRIVATE DRIVES, VEHICULAR CIRCULATION AREAS AND DRIVEWAYS MAY BE MODIFIED BY PETITIONER DURING THE PERMITTING PROCESS TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS AND BUILDING AND PARKING LAYOUTS, AND TO ACCOMMODATE ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
- C. PETITIONER SHALL SUBMIT A PETITION TO THE CITY OF CHARLOTTE (THE "CITY") REQUESTING THE ABANDONMENT OF THAT PORTION OF THE GARDEN TERRACE RIGHT OF WAY THAT IS GENERALLY DEPICTED ON THE REZONING PLAN. IN THE EVENT THAT THE CITY ABANDONS THIS RIGHT OF WAY, A VEHICULAR CONNECTION FROM THE SITE TO THE REMAINING PORTION OF GARDEN TERRACE SHALL BE MAINTAINED AS GENERALLY DEPICTED ON THE REZONING PLAN.
- D. PETITIONER SHALL SUBMIT A PETITION TO THE CITY REQUESTING THE ABANDONMENT OF THAT PORTION OF THE FOUNTAIN VIEW RIGHT OF WAY THAT IS GENERALLY DEPICTED ON THE REZONING PLAN.
- E. PETITIONER SHALL SUBMIT A PETITION TO THE CITY REQUESTING THE ABANDONMENT OF THAT PORTION OF AN ALLEY LOCATED ON THE SITE THAT IS GENERALLY DEPICTED ON THE REZONING PLAN.
- F. PETITIONER SHALL NOT MAKE A VEHICULAR CONNECTION FROM THE SITE OR THE PRIVATE LOOP ROAD TO FOUNTAIN VIEW NOTWITHSTANDING THE FOREGOING, A VEHICULAR CONNECTION FROM FOUNTAIN VIEW TO THE PRIVATE LOOP ROAD MAY BE MADE BY CDOT OR OTHERS UPON THE REDEVELOPMENT OF ALL OF THE PARCELS OF LAND LOCATED ON FOUNTAIN VIEW TO NON-RESIDENTIAL USES OR MULTI-FAMILY USES, AT WHICH TIME THERE WILL BE NO REMAINING SINGLE FAMILY USES ON FOUNTAIN VIEW.
- G. PEDESTRIAN CONNECTIONS AND PEDESTRIAN CIRCULATION ON AND THROUGH THE SITE SHALL BE PROVIDED AS GENERALLY DEPICTED ON THE WALKABILITY IMPROVEMENT PLAN ON SHEET RZ-3 OF THE REZONING PLAN. ADJUSTMENTS TO THE PEDESTRIAN CONNECTIONS AND PEDESTRIAN CIRCULATION SHALL BE PERMITTED DURING THE PERMITTING PROCESS TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS AND BUILDING AND PARKING LAYOUTS AND SITE CONDITIONS.
- H. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA A, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF DEVELOPMENT AREA A LOCATED IMMEDIATELY ADJACENT TO KENILWORTH AVENUE REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 40 FEET FROM THE CENTERLINE OF EXISTING KENILWORTH AVENUE, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST.
- I. THE MINIMUM REQUIRED SECTIONS FOR THE INTERNAL PRIVATE STREETS ON THE SITE CURRENTLY PLANNED TO BE RELOCATED OR IMPROVED ARE SET OUT ON THE REZONING PLAN. THE RELOCATION OR IMPROVEMENT OF THESE PRIVATE STREETS AND THE IMPLEMENTATION OF THE MINIMUM SECTIONS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D.
- THE MINIMUM REQUIRED SECTION FOR MEDICAL CENTER DRIVE AND THE NEW MEDICAL CENTER DRIVE BRIDGE TO BE CONSTRUCTED ARE SET OUT ON THE REZONING PLAN. THE IMPROVEMENTS TO MEDICAL CENTER DRIVE AND THE CONSTRUCTION OF THE NEW MEDICAL CENTER BRIDGE SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D.
- K. AS A PART OF THE PERMITTING PROCESS FOR THE FIRST NEW BUILDING TO BE CONSTRUCTED IN DEVELOPMENT AREA D, PETITIONER SHALL SUBMIT A WAYFINDING PLAN FOR THE SITE TO CDOT FOR REVIEW AND APPROVAL.
- L. THE INTERSECTION OF LOOP ROAD AND SCOTT AVENUE SHALL BE LOCATED IN THE LOCATION GENERALLY DEPICTED ON THE
- M. PETITIONER SHALL INSTALL A PEDESTRIAN CROSSING SIGNAL AT ONE OF THE FOLLOWING INTERSECTIONS:
- (1) THE INTERSECTION OF LOOP ROAD AND SCOTT AVENUE; OR
- (2) THE INTERSECTION OF SCOTT AVENUE AND BUCHANAN AVENUE. THE ULTIMATE LOCATION OF THIS PEDESTRIAN CROSSING SIGNAL SHALL BE DETERMINED IN COORDINATION WITH CDOT. THIS PEDESTRIAN CROSSING SIGNAL SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D.
- N. PEDESTRIAN CONNECTIVITY BETWEEN AND WITHIN THE DEVELOPMENT AREAS SHALL BE ESTABLISHED AND PROVIDED DURING THE PERMITTING PROCESS FOR A DEVELOPMENT AREA. PEDESTRIAN CONNECTIONS MAY INCLUDE, WITHOUT LIMITATION, SIDEWALKS, TRAILS, PATHS AND SKY-BRIDGES.
- O. PETITIONER SHALL INSTALL PEDESTRIAN SCALE STREET LIGHTS ON THOSE INTERNAL PRIVATE STREETS (OR PORTIONS THEREOF) THAT ARE CURRENTLY PLANNED TO BE RELOCATED OR IMPROVED PURSUANT TO THE REZONING PLAN. THE PEDESTRIAN SCALE STREET LIGHTS SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D.

P. TRANSPORTATION DEMAND MANAGEMENT PLAN

- (1) A TRANSPORTATION DEMAND MANAGEMENT PLAN (THE "TDM PLAN") HAS BEEN DEVELOPED FOR THE SITE. THE TDM PLAN IS MORE PARTICULARLY SET OUT IN SECTION 10.0 OF THE TRAFFIC IMPACT STUDY DATED MAY 2020 PREPARED BY KIMLEY-HORN AND ASSOCIATES IN CONNECTION WITH THIS REZONING PETITION (THE "TIS").
- (2) THE TDM PLAN CONTAINS A TDM MEASURES TOOLBOX (THE "TDM TOOLBOX"). THE TDM TOOLBOX IS A MENU OF VARIOUS MEASURES (THE "TDM MEASURES") THAT PETITIONER CAN IMPLEMENT TO ENCOURAGE A SHIFT IN TRANSPORTATION MODES AND TO ACHIEVE A VEHICULAR TRIP REDUCTION FOR THE SITE. THE TDM MEASURES ARE SEPARATED INTO THREE CATEGORIES, NAMELY: PERSON-COMMUTE TRIP REDUCTION MEASURES, BICYCLE PROGRAMS/INFRASTRUCTURE AND TRANSIT PROGRAMS/INFRASTRUCTURE. THE TDM TOOLBOX IS SET OUT IN TABLE 10.0 OF THE TIS.
- (3) A 15% VEHICULAR TRIP REDUCTION FOR THE SITE DUE TO THE IMPLEMENTATION OF TDM MEASURES WAS APPLIED TO THE TRIP GENERATION TABLE IN THE TIS. THE REQUIRED TRANSPORTATION IMPROVEMENTS TO BE INSTALLED BY PETITIONER SET OUT IN THE TIS ARE BASED ON A 15% VEHICULAR TRIP REDUCTION DUE TO THE IMPLEMENTATION OF THE TDM MEASURES OR A 0% VEHICULAR TRIP REDUCTION.
- (4) THE TDM PLAN WILL BE REFINED AND FINALIZED BY PETITIONER AND CDOT BY WAY OF THE FOLLOWING STEPS:
- (a) THE COMPLETION OF A PARKING STRATEGY STUDY FOR THE SITE BY PETITIONER.
- (b) A SURVEY OF CURRENT EMPLOYEES AND STAFF ON THE SITE.
- (c) AN EVALUATION OF THE TDM MEASURES TO DETERMINE WHICH TDM MEASURES WILL LIKELY YIELD THE LARGEST VEHICULAR TRIP REDUCTION FOR THE SITE AND AT THE LOWEST COST TO PETITIONER.

- (d) THE DEVELOPMENT OF THE FINAL TDM PLAN (THE "FINAL TDM PLAN"). AMONG OTHER THINGS, THE FINAL TDM PLAN WILL SET FORTH THE TDM MEASURES TO BE IMPLEMENTED BY PETITIONER ON THE SITE.
- (5) PETITIONER WILL COORDINATE WITH CDOT ON THE DATE ON WHICH PETITIONER (THROUGH ITS TRAFFIC ENGINEER) WILL TAKE A DAILY TOTAL VEHICULAR TRAFFIC COUNT FOR THE SITE AND ON THE METHODOLOGY OF TAKING THE DAILY TOTAL VEHICULAR TRAFFIC COUNT. PETITIONER SHALL PROVIDE THE DAILY TOTAL VEHICULAR TRAFFIC COUNT TO CDOT AFTER IT IS TAKEN. THE DATE ON WHICH THE DAILY TOTAL VEHICULAR TRAFFIC COUNT IS TAKEN SHALL HEREINAFTER BE REFERRED TO AS THE "INITIAL
- (6) A DAILY TOTAL VEHICULAR TRAFFIC COUNT FOR THE SITE WILL BE TAKEN BY PETITIONER (THROUGH ITS TRAFFIC ENGINEER) ON OR ABOUT THE ONE YEAR ANNIVERSARY OF THE INITIAL TRAFFIC COUNT DATE, ON OR ABOUT THE TWO YEAR ANNIVERSARY OF THE INITIAL TRAFFIC COUNT DATE AND ON OR ABOUT THE THREE YEAR ANNIVERSARY OF THE INITIAL TRAFFIC COUNT DATE FOR THE PURPOSE OF DETERMINING THE EFFECTIVENESS OF THE TDM MEASURES IN THE FINAL TDM PLAN IN REDUCING THE DAILY TOTAL VEHICULAR TRAFFIC COUNT FOR THE SITE. THESE TRAFFIC COUNTS WILL NOT BE TAKEN ON A WEEKEND OR A HOLIDAY. THE PETITIONER SHALL PROVIDE EACH DAILY TOTAL VEHICULAR TRAFFIC COUNT TO CDOT.
- (7) IN THE EVENT THAT THE DAILY TOTAL VEHICULAR TRAFFIC COUNT TAKEN FOR THE SITE ON OR ABOUT THE THREE YEAR ANNIVERSARY OF THE INITIAL TRAFFIC COUNT DATE REVEALS A DAILY TOTAL VEHICULAR TRAFFIC COUNT REDUCTION EQUAL TO 15% AS COMPARED TO THE DAILY TOTAL VEHICULAR TRAFFIC COUNT TAKEN ON THE INITIAL TRAFFIC COUNT DATE, THEN PETITIONER WILL BE REQUIRED TO SUBSTANTIALLY COMPLETE THE PHASE 1 TRANSPORTATION IMPROVEMENTS (DEFINED BELOW) PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D AND THE PHASE 2 TRANSPORTATION IMPROVEMENTS (DEFINED BELOW) IN ACCORDANCE WITH THE TIME FRAME SET OUT IN PARAGRAPH 5.Q(2) BELOW.
- (8) IN THE EVENT THAT THE DAILY TOTAL VEHICULAR TRAFFIC COUNT TAKEN FOR THE SITE ON OR ABOUT THE THREE YEAR ANNIVERSARY OF THE INITIAL TRAFFIC COUNT DATE REVEALS A DAILY TOTAL VEHICULAR TRAFFIC COUNT REDUCTION EQUAL TO 0% AS COMPARED TO THE DAILY TOTAL VEHICULAR TRAFFIC COUNT TAKEN ON THE INITIAL TRAFFIC COUNT DATE, THEN PETITIONER WILL BE REQUIRED TO SUBSTANTIALLY COMPLETE THE PHASE 1 TRANSPORTATION IMPROVEMENTS PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D AND THE PHASE 2 TRANSPORTATION IMPROVEMENTS IN ACCORDANCE WITH THE TIME FRAME SET OUT IN PARAGRAPH 5.Q(2) BELOW, PROVIDED, HOWEVER, THAT THE FOLLOWING PHASE 2 TRANSPORTATION IMPROVEMENTS WILL BE REQUIRED TO BE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D:
- (a) THE IMPROVEMENTS TO THE INTERSECTION OF EAST MOREHEAD STREET AND KINGS DRIVE SET OUT BELOW IN PARAGRAPH 5.Q(2)(A); AND
- (b) THE IMPROVEMENTS TO THE INTERSECTION OF EAST MOREHEAD STREET AND EDGEHILL ROAD/QUEENS ROAD SET OUT BELOW IN
- (9) IN THE EVENT THAT THE DAILY TOTAL VEHICULAR TRAFFIC COUNT TAKEN FOR THE SITE ON OR ABOUT THE THREE YEAR ANNIVERSARY OF THE INITIAL TRAFFIC COUNT DATE REVEALS A DAILY TOTAL VEHICULAR TRAFFIC COUNT REDUCTION GREATER THAN 15% AS COMPARED TO THE DAILY TOTAL VEHICULAR TRAFFIC COUNT TAKEN ON THE INITIAL TRAFFIC COUNT DATE, THEN PETITIONER SHALL UNDERTAKE AND COMPLETE THE ITEMS IN PARAGRAPH 5.P(9)(A) BELOW OR THE ITEMS IN PARAGRAPH 5.P(9)(B) BELOW AS FOLLOWS:
- (a) SUBSTANTIALLY COMPLETE THE PHASE 1 TRANSPORTATION IMPROVEMENTS PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D AND THE PHASE 2 TRANSPORTATION IMPROVEMENTS IN ACCORDANCE WITH THE TIME FRAME SET OUT IN PARAGRAPH 5.Q(2) BELOW; OR
- (b) SUBMIT A REVISED TIS OR A TIS ADDENDUM TO CDOT AND NCDOT FOR THE PURPOSE OF REANALYZING AND DETERMINING THE REQUIRED TRANSPORTATION IMPROVEMENTS TO BE INSTALLED BY PETITIONER FOR THIS DEVELOPMENT IN VIEW OF THE REDUCTION OF THE DAILY TOTAL VEHICULAR TRAFFIC COUNT. THE REVISED TIS OR TIS ADDENDUM WILL COMPLY WITH ALL STATE AND LOCAL REQUIREMENTS AND SHALL BE PROCESSED IN ACCORDANCE WITH SUCH REQUIREMENTS. AFTER THE COMPLETION OF THE REVISED TIS OR TIS ADDENDUM AND THE APPROVAL THEREOF BY CDOT AND NCDOT, PETITIONER SHALL HAVE THE OPTION TO SUBSTANTIALLY COMPLETE THE TRANSPORTATION IMPROVEMENTS REFERENCED ABOVE IN THE IMMEDIATELY PRECEDING PARAGRAPH 5.P(9)(A) IN ACCORDANCE WITH THE TIME FRAME PRESCRIBED IN PARAGRAPH 5.P(9)(A), OR TO SUBSTANTIALLY COMPLETE THE REQUIRED TRANSPORTATION IMPROVEMENTS SET OUT IN THE APPROVED REVISED TIS OR TIS ADDENDUM IN ACCORDANCE WITH THE TIME FRAME SET OUT IN THE APPROVED REVISED TIS OR TIS ADDENDUM.
- (10) IN THE EVENT THAT THE DAILY TOTAL VEHICULAR TRAFFIC COUNT TAKEN FOR THE SITE ON OR ABOUT THE THREE YEAR ANNIVERSARY OF THE INITIAL TRAFFIC COUNT DATE REVEALS A DAILY TOTAL VEHICULAR TRAFFIC COUNT REDUCTION GREATER THAN 0% AND LESS THAN 15% AS COMPARED TO THE DAILY TOTAL VEHICULAR TRAFFIC COUNT TAKEN ON THE INITIAL TRAFFIC COUNT DATE, THEN PETITIONER SHALL UNDERTAKE AND COMPLETE THE ITEMS IN PARAGRAPH 5.P(10)(A) BELOW OR THE ITEMS IN
- (a) SUBSTANTIALLY COMPLETE THE PHASE 1 TRANSPORTATION IMPROVEMENTS PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D AND THE PHASE 2 TRANSPORTATION IMPROVEMENTS IN ACCORDANCE WITH THE TIME FRAME SET OUT IN PARAGRAPH 5.Q(2) BELOW, PROVIDED, HOWEVER, THAT THE FOLLOWING PHASE 2 TRANSPORTATION IMPROVEMENTS WILL BE REQUIRED TO BE SUBSTANTIALLY COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D:
- (i) THE IMPROVEMENTS TO THE INTERSECTION OF EAST MOREHEAD STREET AND KINGS DRIVE SET OUT BELOW IN PARAGRAPH
- (ii) THE IMPROVEMENTS TO THE INTERSECTION OF EAST MOREHEAD STREET AND EDGEHILL ROAD/QUEENS ROAD SET OUT BELOW IN
- (b) SUBMIT A REVISED TIS OR A TIS ADDENDUM TO CDOT AND NCDOT FOR THE PURPOSE OF REANALYZING AND DETERMINING THE REQUIRED TRANSPORTATION IMPROVEMENTS TO BE INSTALLED BY PETITIONER FOR THIS DEVELOPMENT IN VIEW OF THE REDUCTION OF THE DAILY TOTAL VEHICULAR TRAFFIC COUNT. THE REVISED TIS OR TIS ADDENDUM WILL COMPLY WITH ALL STATE AND LOCAL REQUIREMENTS AND SHALL BE PROCESSED IN ACCORDANCE WITH SUCH REQUIREMENTS. AFTER THE COMPLETION OF THE REVISED TIS OR TIS ADDENDUM AND THE APPROVAL THEREOF BY CDOT AND NCDOT, PETITIONER SHALL HAVE THE OPTION TO SUBSTANTIALLY COMPLETE THE TRANSPORTATION IMPROVEMENTS REFERENCED ABOVE IN THE IMMEDIATELY PRECEDING PARAGRAPH 5.P(10)(A) IN ACCORDANCE WITH THE TIME FRAME PRESCRIBED IN PARAGRAPH 5.P(10)(A), OR TO SUBSTANTIALLY COMPLETE THE REQUIRED TRANSPORTATION IMPROVEMENTS SET OUT IN THE APPROVED REVISED TIS OR TIS ADDENDUM IN ACCORDANCE WITH THE TIME FRAME SET OUT IN THE APPROVED REVISED TIS OR TIS ADDENDUM.

Q. TRANSPORTATION IMPROVEMENTS

- (1) SUBJECT TO THE TERMS OF PARAGRAPHS 5.P(8), 5.P(9) AND 5.P(10) ABOVE, PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D, PETITIONER SHALL SUBSTANTIALLY COMPLETE THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW IN THIS PARAGRAPH 5.Q(1). A NEW BUILDING IN DEVELOPMENT AREA H AND A NEW BUILDING IN DEVELOPMENT AREA D COMPRISE THE PHASE 1 BUILDOUT REFERENCED IN THE TIS. THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW IN THIS PARAGRAPH 5.Q(1) ARE HEREINAFTER COLLECTIVELY REFERRED TO AS THE "PHASE 1 TRANSPORTATION IMPROVEMENTS."
- (a) EAST MOREHEAD STREET AND KENILWORTH AVENUE
- (i) CONSTRUCT AN EASTBOUND RIGHT-TURN LANE FROM EAST MOREHEAD STREET ONTO KENILWORTH AVENUE WITH 75 FEET OF STORAGE.
- (ii) CONSTRUCT A NORTHBOUND RIGHT-TURN LANE FROM KENILWORTH AVENUE ONTO EAST MOREHEAD STREET WITH 50 FEET OF STORAGE.
- (b) EAST MOREHEAD STREET AND HARDING PLACE
- (i) INSTALL 4-SECTION FLASHING YELLOW ARROWS FOR THE EASTBOUND AND WESTBOUND LEFT-TURN MOVEMENTS ON EAST MOREHEAD STREET.
- (c) EAST MOREHEAD STREET AND KINGS DRIVE
- (i) CONSTRUCT AN EASTBOUND RIGHT-TURN LANE FROM EAST MOREHEAD STREET ONTO KINGS DRIVE WITH 140 FEET OF STORAGE.

(d) KINGS DRIVE AND MEDICAL CENTER DRIVE

- (i) CONSTRUCT AN EASTBOUND LEFT-TURN LANE FROM MEDICAL CENTER DRIVE ONTO KINGS DRIVE TO CREATE DUAL LEFT-TURN LANES WITH 150 FEET OF STORAGE. THIS LANE SHOULD BE ESTABLISHED BY UTILIZING THE EXISTING SECOND RECEIVING LANE ON THE WESTERN LEG OF THE INTERSECTION.
- (e) BLYTHE BOULEVARD AND MEDICAL CENTER DRIVE

- (i) RESTRIPE THE WESTBOUND LEFT-TURN LANE FROM MEDICAL CENTER DRIVE ONTO BLYTHE BOULEVARD TO PROVIDE 75 FEET OF STORAGE.
- (f) KINGS DRIVE AND EAST BOULEVARD
- (i) CONSTRUCT A SOUTHBOUND LEFT-TURN LANE FROM KINGS DRIVE ONTO QUEENS ROAD WITH 150 FEET OF STORAGE.
- (g) EAST BOULEVARD AND GARDEN TERRACE
- (i) CONSTRUCT A SOUTHBOUND RIGHT-TURN LANE FROM GARDEN TERRACE ONTO EAST BOULEVARD WITH 100 FEET OF STORAGE. NOTWITHSTANDING THE FOREGOING, PETITIONER WILL NOT BE REQUIRED TO CONSTRUCT THIS IMPROVEMENT IF CDOT AND/OR NCDOT APPROVES THE ELIMINATION OF THIS IMPROVEMENT.

(h) EAST MOREHEAD STREET AND EDGEHILL ROAD/QUEENS ROAD

- (i) CONSTRUCT A NORTHBOUND RIGHT-TURN LANE FROM EDGEHILL ROAD ONTO EAST MOREHEAD STREET WITH 100 FEET OF STORAGE.
- (i) MOREHEAD MEDICAL DRIVE AND LOOP ROAD
- (i) CONSTRUCT AN EASTBOUND LEFT-TURN LANE FROM LOOP ROAD ONTO MOREHEAD MEDICAL DRIVE WITH 100 FEET OF STORAGE.
- (ii) CONSTRUCT A TWO-WAY LEFT-TURN LANE ALONG LOOP ROAD BETWEEN MOREHEAD MEDICAL DRIVE AND GARDEN TERRACE.
- (j) GARDEN TERRACE AND LOOP ROAD
- (i) CONSTRUCT AN EASTBOUND LEFT-TURN LANE FROM LOOP ROAD ONTO GARDEN TERRACE WITH 100 FEET OF STORAGE.
- (ii) CONSTRUCT A WESTBOUND LEFT-TURN LANE FROM LOOP ROAD ONTO GARDEN TERRACE WITH 100 FEET OF STORAGE.
- (iii) CONSTRUCT A TWO-WAY LEFT-TURN LANE ALONG LOOP ROAD BETWEEN MOREHEAD MEDICAL DRIVE AND GARDEN TERRACE.
- (k) SCOTT AVENUE AND PARKING DECK ROAD RIGHT-IN/RIGHT-OUT
- (i) CONSTRUCT ONE INGRESS LANE AND ONE EGRESS LANE.
- (l) ROMANY ROAD AND MOREHEAD MEDICAL DRIVE
- (i) RESTRIPE THE EXISTING INTERSECTION TO MEET CURRENT MUTCD STANDARDS.
- (2) SUBJECT TO THE TERMS OF PARAGRAPHS 5.P(8), 5.P(9) AND 5.P(10) ABOVE, PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE (OTHER THAN A NEW BUILDING IN DEVELOPMENT AREA H, A NEW BUILDING IN DEVELOPMENT AREA D AND A NEW PARKING STRUCTURE OR NEW PARKING STRUCTURES ON THE SITE), PETITIONER SHALL SUBSTANTIALLY COMPLETE THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW IN THIS PARAGRAPH 5.Q(2). A NEW BUILDING OR BUILDINGS CONSTRUCTED ON THE SITE (OTHER THAN A NEW BUILDING IN DEVELOPMENT AREA H, A NEW BUILDING IN DEVELOPMENT AREA D AND A NEW PARKING STRUCTURE OR NEW PARKING STRUCTURES ON THE SITE) COMPRISE THE PHASE 2 BUILDOUT REFERENCED IN THE TIS. THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW IN THIS PARAGRAPH 5.Q(2) ARE HEREINAFTER COLLECTIVELY REFERRED TO AS THE "PHASE 2 TRANSPORTATION IMPROVEMENTS."

(a) EAST MOREHEAD STREET AND KINGS DRIVE

- (i) CONSTRUCT A NORTHBOUND LEFT-TURN LANE FROM KINGS DRIVE ONTO MOREHEAD STREET TO CREATE DUAL LEFT-TURN LANES
- (ii) CONSTRUCT A SOUTHBOUND LEFT-TURN LANE FROM KINGS DRIVE ONTO MOREHEAD STREET TO CREATE DUAL LEFT-TURN LANES WITH 100 FEET OF STORAGE.

DUE TO LIMITED RIGHT OF WAY AND POTENTIAL REAL ESTATE IMPACTS, DISCUSSIONS WITH NCDOT AND CDOT HAVE INDICATED THE POTENTIAL FOR OTHER FORMS OF MITIGATION IN THE FUTURE, SUCH AS ALTERNATIVE LANE USE CONTROLS OR CREATIVE SIGNAL TECHNOLOGIES.

(b) EAST BOULEVARD AND GARDEN TERRACE

- (i) MONITOR TRAFFIC VOLUMES TO DETERMINE WHEN SIGNAL WARRANTS ARE MET
- (c) EAST MOREHEAD STREET AND EDGEHILL ROAD/QUEENS ROAD
- (i) EXTEND THE NORTHBOUND RIGHT-TURN LANE FROM EDGEHILL ROAD ONTO EAST MOREHEAD STREET TO PROVIDE 150 FEET OF STORAGE.
- (d) ROMANY ROAD AND MOREHEAD MEDICAL DRIVE
- (i) RESTRIPE THE EXISTING NORTHBOUND APPROACH TO PROVIDE A DEDICATED LEFT-TURN LANE AND A SHARED THROUGH/RIGHT-TURN LANE. (PENDING VALIDATION OF THE DRIVEWAY WIDTH ON THE NORTHBOUND LEG OF THE INTERSECTION).
- (3) EACH OF THE TRANSPORTATION IMPROVEMENTS REFERENCED ABOVE ARE SUBJECT TO THE APPROVAL OF CDOT AND/OR NCDOT. IN THE EVENT THAT ANY TRANSPORTATION IMPROVEMENT IS NOT APPROVED BY CDOT AND/OR NCDOT, THEN PETITIONER SHALL HAVE NO OBLIGATION TO CONSTRUCT SUCH TRANSPORTATION IMPROVEMENT.
- R. ANY REFERENCE TO THE TERM "SUBSTANTIALLY COMPLETE" IN THIS SECTION 5 OF THE DEVELOPMENT STANDARDS SHALL MEAN A DETERMINATION BY CDOT AND/OR NCDOT THAT THE APPLICABLE TRANSPORTATION IMPROVEMENTS ARE DEEMED "SUBSTANTIALLY COMPLETE" FOR THE PURPOSE OF THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR NEW BUILDING(S) ON THE SITE. HOWEVER, IN THE EVENT THAT CERTAIN NON-ESSENTIAL TRANSPORTATION IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT) ARE NOT COMPLETED AT THE TIME THAT PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE, THEN CDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT PETITIONER MAY BE REQUIRED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH CERTIFICATES OF OCCUPANCY ARE ISSUED TO SECURE THE COMPLETION OF THE RELEVANT IMPROVEMENTS.
- S. IT IS UNDERSTOOD THAT SOME OF THE TRANSPORTATION IMPROVEMENTS REFERENCED IN THIS SECTION 5 OF THE DEVELOPMENT STANDARDS MAY NOT BE POSSIBLE WITHOUT THE ACQUISITION OF ADDITIONAL RIGHT OF WAY AND/OR TEMPORARY CONSTRUCTION EASEMENTS. IF, AFTER THE EXERCISE OF DILIGENT, GOOD FAITH EFFORTS, AS SPECIFIED IN THE CITY OF CHARLOTTE RIGHT-OF-WAY ACQUISITION PROCESS AS ADMINISTERED BY THE CITY OF CHARLOTTE'S ENGINEERING DEPARTMENT, PETITIONER IS UNABLE TO ACQUIRE ANY LAND NECESSARY TO PROVIDE FOR ANY SUCH ADDITIONAL RIGHT OF WAY AND/OR TEMPORARY CONSTRUCTION EASEMENTS UPON COMMERCIALLY REASONABLE TERMS AND AT MARKET PRICES, THEN CDOT, THE CITY OF CHARLOTTE ENGINEERING DEPARTMENT OR OTHER APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY AGREE TO ACQUIRE ANY SUCH LAND AND/OR TEMPORARY CONSTRUCTION EASEMENTS. IN SUCH EVENT, 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/OR TEMPORARY CONSTRUCTION EASEMENTS AND THE EXPENSES OF SUCH PROCEEDINGS. FURTHERMORE, IN THE EVENT THAT ANY OF THE TRANSPORTATION IMPROVEMENTS REFERENCED IN THIS SECTION 5 OF THE DEVELOPMENT STANDARDS ARE DELAYED BECAUSE OF DELAYS IN THE ACQUISITION OF ADDITIONAL RIGHT OF WAY AND/OR TEMPORARY CONSTRUCTION EASEMENTS AS CONTEMPLATED HEREIN AND SUCH DELAY EXTENDS BEYOND THE TIME THAT PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE IN CONNECTION WITH THE RELATED DEVELOPMENT PHASING DESCRIBED ABOVE, THEN PETITIONER WILL WORK WITH CITY STAFF TO DETERMINE A PROCESS TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS; PROVIDED, HOWEVER, PETITIONER CONTINUES TO EXERCISE GOOD FAITH EFFORTS TO COMPLETE THE TRANSPORTATION IMPROVEMENTS; IN SUCH EVENT PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY TRANSPORTATION IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE TRANSPORTATION IMPROVEMENTS.
- PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED IN DEVELOPMENT AREA D, PETITIONER SHALL INSTALL APS PUSH-BUTTONS AND ADA-COMPLIANT PEDESTRIAN INFRASTRUCTURE FOR ALL CROSSWALKS LOCATED AT THE FOLLOWING INTERSECTIONS, WHERE FEASIBLE:
- (1) KINGS DRIVE AND MOREHEAD MEDICAL CENTER DRIVE.
- (2) EAST BOULEVARD AND KENILWORTH AVENUE.

DOCUMENT

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SHEET NUMBER

- 6. ARCHITECTURAL STANDARDS
- A. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS LOCATED ON DEVELOPMENT AREA A SHALL BE 150 FEET AS MEASURED UNDER THE ORDINANCE.
- B. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS LOCATED ON DEVELOPMENT AREA B SHALL BE 200 FEET AS MEASURED
- C. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS LOCATED ON DEVELOPMENT AREA C-1 SHALL BE 40 FEET AS MEASURED
- D. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS LOCATED ON DEVELOPMENT AREA C-2 SHALL BE 60 FEET AS MEASURED UNDER THE ORDINANCE.
- E. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA D WITHIN THE 250 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 250 FEET AS MEASURED UNDER THE ORDINANCE. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA D WITHIN THE 100 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 100 FEET AS MEASURED UNDER THE ORDINANCE. BUILDINGS MAY NOT BE LOCATED ON DEVELOPMENT AREA D OUTSIDE OF THE BUILDING HEIGHT ENVELOPES. THE BUILDING HEIGHT ENVELOPES ARE DEPICTED ON THE BUILDABLE HEIGHT EXHIBIT ON SHEET RZ-1.1 OF THE REZONING PLAN.
- THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA G-1 WITHIN THE 60 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 60 FEET AS MEASURED UNDER THE ORDINANCE. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA G-1 WITHIN THE 40 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 40 FEET AS MEASURED UNDER THE ORDINANCE. BUILDINGS MAY NOT BE LOCATED ON DEVELOPMENT AREA G-1 OUTSIDE OF THE BUILDING HEIGHT ENVELOPES. THE BUILDING HEIGHT ENVELOPES ARE DEPICTED ON THE BUILDABLE HEIGHT EXHIBIT ON SHEET RZ-1.1 OF THE REZONING PLAN.
- G. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA G-3 WITHIN THE 60 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 60 FEET AS MEASURED UNDER THE ORDINANCE. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA G-3 WITHIN THE 40 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 40 FEET AS MEASURED UNDER THE ORDINANCE. BUILDINGS MAY NOT BE LOCATED ON DEVELOPMENT AREA G-3 OUTSIDE OF THE BUILDING HEIGHT ENVELOPES. THE BUILDING HEIGHT ENVELOPES ARE DEPICTED ON THE BUILDABLE HEIGHT EXHIBIT ON SHEET RZ-1.1 OF THE REZONING PLAN.
- H. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA G-4 WITHIN THE 60 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 60 FEET AS MEASURED UNDER THE ORDINANCE. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA G-4 WITHIN THE 40 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 40 FEET AS MEASURED UNDER THE ORDINANCE. BUILDINGS MAY NOT BE LOCATED ON DEVELOPMENT AREA G-4 OUTSIDE OF THE BUILDING HEIGHT ENVELOPES. THE BUILDING HEIGHT ENVELOPES ARE DEPICTED ON THE BUILDABLE HEIGHT EXHIBIT ON SHEET RZ-1.1 OF THE REZONING PLAN.
- THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA H WITHIN THE 100 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 100 FEET AS MEASURED UNDER THE ORDINANCE. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA H WITHIN THE 60 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 60 FEET AS MEASURED UNDER THE ORDINANCE. THE MAXIMUM HEIGHT OF ANY BUILDING OR BUILDINGS (OR PORTIONS THEREOF) LOCATED ON DEVELOPMENT AREA H WITHIN THE 40 FOOT BUILDING HEIGHT ENVELOPE SHALL BE 40 FEET AS MEASURED UNDER THE ORDINANCE. BUILDINGS MAY NOT BE LOCATED ON DEVELOPMENT AREA H OUTSIDE OF THE BUILDING HEIGHT ENVELOPES. THE BUILDING HEIGHT ENVELOPES ARE DEPICTED ON THE BUILDABLE HEIGHT EXHIBIT ON SHEET RZ-1.1 OF
- NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, THE BUILDING HEIGHT LIMITATIONS SET OUT IN THE DEVELOPMENT STANDARDS SHALL NOT APPLY TO ANY EXISTING BUILDINGS OR STRUCTURES LOCATED ON THE SITE.
- K. THE MAXIMUM SETBACK FROM SCOTT AVENUE, KENILWORTH AVENUE AND EAST MOREHEAD STREET FOR ANY NEW BUILDINGS OR STRUCTURES CONSTRUCTED WITHIN THAT PORTION OF DEVELOPMENT AREA A DESIGNATED AS BUILDING SETBACK ENVELOPE A-1 ON THE REZONING PLAN SHALL BE 20 FEET FROM THE BACK OF THE EXISTING OR FUTURE CURB LOCATED ALONG SCOTT AVENUE. KENILWORTH AVENUE AND EAST MOREHEAD STREET. NO SURFACE PARKING, VEHICULAR CIRCULATION OR VEHICULAR MANEUVERING SPACE SHALL BE PERMITTED IN THIS SETBACK OR BETWEEN ANY NEW BUILDINGS OR STRUCTURES LOCATED IN BUILDING SETBACK ENVELOPE A-1 AND THE SETBACK, EXCEPT THAT DRIVEWAYS PROVIDING ACCESS TO A PARKING AREA MAY BE INSTALLED ACROSS THESE AREAS. IT IS THE INTENT THAT THESE DRIVEWAYS ARE AS NEARLY PERPENDICULAR TO THE STREET RIGHT OF WAY AS POSSIBLE.
- HELIPADS ON DEVELOPMENT AREA D MAY ONLY BE LOCATED ON THE REAR (WESTERN) HALF OF THE ROOF OF THE BUILDING TO BE
- M. THE DESIGN MEASURES SET OUT BELOW WILL BE INCORPORATED INTO THE DESIGN OF THE BUILDING TO BE CONSTRUCTED ON DEVELOPMENT AREA D IN AN EFFORT TO PROVIDE SOME NOISE ABATEMENT FOR THE HELIPADS REFERENCED ABOVE IN PARAGRAPH 6.L.
- (1) A PARAPET WITH A MINIMUM HEIGHT OF 5 FEET SHALL BE INSTALLED AROUND THE PERIMETER OF THE ROOF OF THE BUILDING.
- (2) A PENTHOUSE STRUCTURE WITH A MINIMUM HEIGHT OF 15 FEET SHALL BE INSTALLED ON TOP OF THE CENTER PORTION OF THE ROOF OF THE BUILDING.
- N. THE MINIMUM SETBACK IN DEVELOPMENT AREA G-1, DEVELOPMENT AREA G-3 AND DEVELOPMENT AREA G-4 SHALL BE 24 FEET
- O. THE ARCHITECTURAL AND DESIGN STANDARDS SET OUT BELOW SHALL APPLY TO ANY MULTI-FAMILY BUILDINGS DEVELOPED ON DEVELOPMENT AREA G-1, DEVELOPMENT AREA G-3 OR DEVELOPMENT AREA G-4.
- (1) PREFERRED EXTERIOR BUILDING MATERIALS: ALL PRINCIPAL AND ACCESSORY BUILDINGS ABUTTING A NETWORK REQUIRED PUBLIC OR PRIVATE STREET SHALL COMPRISE A MINIMUM OF 30% OF THAT BUILDING'S ENTIRE FACADE FACING SUCH NETWORK STREET USING BRICK, NATURAL STONE (OR ITS SYNTHETIC EQUIVALENT), STUCCO OR OTHER MATERIAL APPROVED BY THE PLANNING DIRECTOR.
- (2) PROHIBITED EXTERIOR BUILDING MATERIALS:
- (a) VINYL SIDING (BUT NOT VINYL HAND RAILS, WINDOWS, DOORS OR DOOR TRIM).
- (b) CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED.
- (3) BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT THROUGH THE FOLLOWING:
- (a) BUILDINGS SHALL BE PLACED SO AS TO PRESENT A FRONT OR SIDE FACADE TO ALL NETWORK REQUIRED STREETS (PUBLIC OR PRIVATE).
- $\underbrace{\hspace{1cm}}^{\underline{b}}$ (b) BUILDINGS SHALL FRONT A MINIMUM OF 60% OF THE TOTAL NETWORK REQUIRED STREET FRONTAGE ON THE RELEVANT DEVELOPMENT AREA (EXCLUSIVE OF DRIVEWAYS, PEDESTRIAN ACCESS POINTS, ACCESSIBLE OPEN SPACE).
- (c) PARKING LOTS SHALL NOT BE LOCATED BETWEEN ANY BUILDING AND ANY NETWORK REQUIRED PUBLIC OR PRIVATE STREET.
- (d) DRIVEWAYS INTENDED TO SERVE SINGLE UNITS SHALL BE PROHIBITED ON ALL NETWORK REQUIRED STREETS.
- (4) BUILDING MASSING AND HEIGHT SHALL BE DESIGNED TO BREAK UP LONG MONOLITHIC BUILDING FORMS AS FOLLOWS:
- (a) BUILDINGS EXCEEDING 120 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FACADE PLANE (SUCH AS RECESSES, PROJECTIONS, AND ARCHITECTURAL DETAILS). MODULATIONS SHALL BE A MINIMUM OF 10 FEET WIDE AND SHALL PROJECT OR RECESS A MINIMUM OF 6 FEET EXTENDING THROUGH THE BUILDING.
- (5) ARCHITECTURAL ELEVATION DESIGN ELEVATIONS SHALL BE DESIGNED TO CREATE VISUAL INTEREST AS FOLLOWS:
- (a) BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FACADE FEATURES WHICH MAY INCLUDE BUT NOT BE LIMITED TO A COMBINATION OF EXTERIOR WALL OFFSETS, PROJECTIONS, RECESSES, PILASTERS, BANDING AND CHANGE IN MATERIALS OR COLORS.
- (b) BUILDINGS SHALL BE DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE ON ALL FACADES FACING NETWORK REQUIRED PUBLIC OR PRIVATE STREETS. SUCH BASE MAY BE EXECUTED THROUGH USE OF PREFERRED EXTERIOR BUILDING MATERIALS OR ARTICULATED ARCHITECTURAL FACADE FEATURES AND COLOR CHANGES.
- (c) BUILDING ELEVATIONS FACING NETWORK REQUIRED PUBLIC OR PRIVATE STREETS SHALL NOT HAVE EXPANSES OF BLANK WALLS

GREATER THAN 20 FEET IN ALL DIRECTIONS AND ARCHITECTURAL FEATURES SUCH AS BUT NOT LIMITED TO BANDING, MEDALLIONS OR DESIGN FEATURES OR MATERIALS WILL BE PROVIDED TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS.

- (6) ROOF FORM AND ARTICULATION - ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:
- (a) LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM, TO INCLUDE BUT NOT BE LIMITED TO GABLES, HIPS, DORMERS OR PARAPETS.
- (b) FOR PITCHED ROOFS THE MINIMUM ALLOWED IS 4:12 EXCLUDING BUILDINGS WITH A FLAT ROOF AND PARAPET WALLS.
- (c) ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM THE NEAREST STREET.
- (7) SERVICE AREA SCREENING SERVICE AREAS SUCH AS DUMPSTERS, REFUSE AREAS, RECYCLING AND STORAGE SHALL BE SCREENED FROM VIEW WITH MATERIALS AND DESIGN TO BE COMPATIBLE WITH PRINCIPAL STRUCTURES. SUCH DESIGN SHALL INCLUDE A MINIMUM 20 PERCENT PREFERRED EXTERIOR BUILDING MATERIALS OR A CLASS B BUFFER NOT LESS THAN 10' IN DEPTH AT ALL ABOVE GRADE PERIMETER NOT PAVED FOR ACCESS.
- (8) EACH GROUND FLOOR RESIDENTIAL UNIT THAT ABUTS A PUBLIC OR PRIVATE STREET SHALL HAVE A STOOP AND AN ENTRANCE FACING SUCH PUBLIC OR PRIVATE STREET, AND THE ENTRANCE SHALL BE RAISED A MINIMUM OF 12 TO 24 INCHES.

- P. THE ARCHITECTURAL AND DESIGN STANDARDS SET OUT BELOW SHALL APPLY TO ANY NEW SINGLE FAMILY ATTACHED DWELLING UNITS DEVELOPED ON DEVELOPMENT AREA G-1, DEVELOPMENT AREA G-3 OR DEVELOPMENT AREA G-4.
- (1) ROOFTOP TERRACES MAY BE INSTALLED ON THE SINGLE FAMILY ATTACHED DWELLING UNITS AT THE OPTION OF PETITIONER.
- (2) THE PRIMARY EXTERIOR BUILDING MATERIALS FOR THE SINGLE FAMILY ATTACHED DWELLING UNITS WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK VENEER OR SIMILAR MASONRY PRODUCTS, STONE, MANUFACTURED STONE, STUCCO AND
- (3) VINYL, EIFS OR MASONITE MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL ON ANY SINGLE FAMILY ATTACHED DWELLING UNIT. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WINDOWS, DOORS, GARAGE DOORS, SOFFITS, TRIM AND RAILINGS. ADDITIONALLY, ALUMINUM MAY BE USED ON TRIM AND GARAGE DOORS.
- (4) EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL HAVE A GARAGE.
- (5) EACH SINGLE FAMILY ATTACHED DWELLING UNIT (I.E., TOWNHOME, DUPLEX, TRIPLEX, QUADRAPLEX) SHALL BE ALLEY/REAR LOADED.
- (6) IF PITCHED ROOFS ARE PROVIDED, THE FRONT OF THE ROOFS SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12. THE REAR OF THE ROOFS AND ROOFS FOR ANY PORCHES, COVERED STOOPS, ATTACHED SHEDS AND DORMERS MAY BE NO LESS THAN 2:12. ADDITIONALLY, A FLAT ROOF ARCHITECTURAL STYLE MAY BE EMPLOYED.
- (7) THE FINISHED FLOOR ELEVATION OF EACH SINGLE FAMILY ATTACHED DWELLING UNIT LOCATED WITHIN 15 FEET OF A PUBLIC SIDEWALK SHALL BE A MINIMUM OF 12 INCHES ABOVE THE AVERAGE SIDEWALK GRADE OF THE PUBLIC SIDEWALK.
- (8) EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL HAVE A USABLE FRONT PORCH OR A FRONT STOOP. USABLE FRONT PORCHES SHALL BE COVERED AND BE AT LEAST 5 FEET IN DEPTH. FRONT STOOPS SHALL BE COVERED AND FRONT STOOPS MAY BE COVERED BY AN AWNING, CANOPY, ROOF EXTENSION OR OTHER ARCHITECTURAL FEATURE CHOSEN BY PETITIONER. FRONT STOOPS SHALL NOT BE REQUIRED TO HAVE A MINIMUM DEPTH OF 5 FEET.
- (9) ALL CORNER/END UNITS THAT FACE A PUBLIC OR PRIVATE STREET SHALL HAVE A PORCH OR STOOP THAT WRAPS A PORTION OF THE FRONT AND SIDE OF THE UNIT OR PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 15 FEET ON ALL LEVELS.
- (10) THE FRONT ELEVATION OF EACH SINGLE FAMILY ATTACHED DWELLING UNIT SHALL HAVE WINDOWS OR OTHER ARCHITECTURAL DETAILS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 15 FEET ON EACH LEVEL OF THE SINGLE FAMILY ATTACHED DWELLING UNIT.
- (11) WALKWAYS SHALL BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS FRONTING PUBLIC STREETS.
- (12) TOWNHOME BUILDINGS THAT ARE ADJACENT TO AND FRONT A PUBLIC OR PRIVATE STREET SHALL NOT CONTAIN MORE THAN 3 INDIVIDUAL SINGLE FAMILY ATTACHED DWELLING UNITS. THIS REQUIREMENT SHALL NOT APPLY TO BUILDINGS THAT DO NOT FRONT A PUBLIC STREET OR BUILDINGS THAT ARE ADJACENT AND PERPENDICULAR TO A PUBLIC STREET.
- 7. STREETSCAPE/LANDSCAPING
- A. EXCEPT AS OTHERWISE PROVIDED BELOW IN PARAGRAPHS 7.B, 7.G AND 7.H, THE EXISTING SIDEWALKS, PLANTING STRIPS, STREET TREES AND STREETSCAPE LOCATED ALONG THE SITE'S PUBLIC STREET AND PRIVATE STREET FRONTAGES SHALL REMAIN IN PLACE. NOTWITHSTANDING THE FOREGOING, THE EXISTING SIDEWALKS, PLANTING STRIPS AND STREET TREES MAY BE REPLACED BY PETITIONER AT ITS OPTION, AND SUCH IMPROVEMENTS SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE OR THE REQUIREMENTS SET FORTH HEREIN.
- B. PETITIONER SHALL INSTALL A SIDEWALK AND PLANTING STRIP ALONG THAT PORTION OF THE SITE'S FRONTAGE ON SCOTT AVENUE THAT IS MORE PARTICULARLY DEPICTED ON THE SCOTT AVENUE STREETSCAPE PLAN SET OUT ON THE REZONING PLAN (THE "SCOTT AVENUE STREETSCAPE IMPROVEMENTS"). THE SCOTT AVENUE STREETSCAPE IMPROVEMENTS SHALL BE IN INSTALLED IN ACCORDANCE WITH THE SCOTT AVENUE STREETSCAPE PLAN. NOTWITHSTANDING THE DEPICTION OF THE SIDEWALK ON THE SCOTT AVENUE STREETSCAPE PLAN, THE SIDEWALK MAY MEANDER TO SAVE EXISTING TREES.
- C. THE SCOTT AVENUE STREETSCAPE IMPROVEMENTS SHALL BE INSTALLED PRIOR TO THE COMPLETION OF THE RELOCATED LOOP ROAD SECTION LOCATED BETWEEN GARDEN TERRACE AND SCOTT AVENUE.
- D. DUMPSTER AND RECYCLING AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL OR FENCE WITH ONE SIDE BEING A HINGED OPAQUE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AND RECYCLING AREA ADJOIN A SIDE WALL OR REAR WALL OF A BUILDING, THEN THE SIDE WALL OR REAR WALL OF THE BUILDING MAY BE SUBSTITUTED FOR THE WALL OR FENCE ALONG EACH SUCH SIDE.
- . LANDSCAPE AREAS PLANTED TO THE STANDARDS OF A CLASS C BUFFER SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S BOUNDARY LINES THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN AND THE BUFFER CROSS SECTIONS ON SHEET RZ-1.2 OF THE REZONING PLAN. THE WIDTHS OF THESE LANDSCAPE AREAS ARE DEPICTED ON THE REZONING PLAN AND THE BUFFER CROSS SECTIONS.
- (1) TO MEET THE TREE PLANTING REQUIREMENT WITHIN THE 30 FOOT LANDSCAPE AREA AND THE 10 FOOT LANDSCAPE AREA THAT ARE LOCATED ON THE SOUTHERN BOUNDARY OF THE SITE NEXT TO THE ADJACENT LOTS LOCATED ON LOMBARDY CIRCLE THAT ARE DEPICTED ON SHEET RZ-1.2 OF THE REZONING PLAN, PETITIONER SHALL INSTALL GREEN GIANT ARBORVITAE, LEYLAND CYPRESS AND/OR SOUTHERN MAGNOLIA WITHIN THESE LANDSCAPE AREAS. THE GREEN GIANT ARBORVITAE, LEYLAND CYPRESS AND/OR SOUTHERN MAGNOLIA SHALL EACH BE 4 TO 6 INCHES IN CALIPER AT THE TIME OF INSTALLATION, AND THEY SHALL BE PLANTED AT THE RATE OF 9 TREES PER 100 FEET. EXISTING TREES LOCATED IN THESE LANDSCAPE AREAS MAY COUNT TOWARDS THE TREE PLANTING REQUIREMENT.
- SUBJECT TO THE APPROVAL OF MECKLENBURG COUNTY, PETITIONER SHALL INSTALL A PLANTED LANDSCAPE AREA ALONG THAT PORTION OF THE EASTERN EDGE OF THE LITTLE SUGAR CREEK GREENWAY THAT IS ADJACENT TO THE SITE AND DEPICTED ON SHEET RZ-1.4 OF THE REZONING PLAN (THE "GREENWAY LANDSCAPE AREA"). SET OUT ON SHEET RZ-1.4 IS A LANDSCAPING PLAN THAT SPECIFIES THE GENERAL LOCATIONS, TYPES, QUANTITIES AND MINIMUM HEIGHTS AT THE TIME OF INSTALLATION OF THE TREES TO BE INSTALLED IN THE GREENWAY LANDSCAPE AREA. PETITIONER SHALL INSTALL TREES WITHIN THE GREENWAY LANDSCAPE AREA THAT MEET THE GENERAL SPECIFICATIONS SET OUT ON SHEET RZ-1.4 OF THE REZONING PLAN. NOTWITHSTANDING THE FOREGOING, THE LOCATIONS AND SPACING OF THE TREES, THE TYPES OF TREES AND THE QUANTITIES MAY VARY TO ACCOUNT FOR EXISTING TREES LOCATED WITHIN THE GREENWAY LANDSCAPE AREA AND TO ADDRESS ANY REVISIONS REQUIRED BY MECKLENBURG COUNTY.

PETITIONER SHALL NOT BE REQUIRED TO MAINTAIN THE GREENWAY LANDSCAPE AREA, AS IT WILL EVOLVE INTO A NATURALIZED AREA. NOTWITHSTANDING THE FOREGOING, PETITIONER WILL PROVIDE A TWO YEAR WARRANTY ON THE TREES INSTALLED WITHIN THE GREENWAY LANDSCAPE AREA, SUCH THAT PETITIONER WILL REPLACE ANY TREES THAT DIE OR CONTRACT A DISEASE WITHIN TWO YEARS OF THE DATE OF INSTALLATION.

- G. PETITIONER SHALL INSTALL NEW SIDEWALKS ON REALIGNED AND RELOCATED LOOP ROAD AND BLYTHE BOULEVARD TO PROVIDE A PEDESTRIAN/BICYCLE CONNECTION FROM THE GREENWAY TRAIL (DEFINED BELOW) TO SCOTT AVENUE AS GENERALLY DEPICTED ON THE WALKABILITY IMPROVEMENT PLAN ON SHEET RZ-3 OF THE REZONING PLAN.
- H. NEW SIDEWALKS AND PLANTING STRIPS WITH STREET TREES SHALL BE INSTALLED ON THE NEW INTERNAL PRIVATE STREETS TO BE CONSTRUCTED ON THE SITE OR ON THE EXISTING INTERNAL PRIVATE STREETS ON THE SITE THAT ARE RELOCATED OR IMPROVED IN ACCORDANCE WITH THE MINIMUM SECTIONS FOR THESE PRIVATE STREETS SET OUT ON THE REZONING PLAN.

- NOTWITHSTANDING THE TERMS OF PARAGRAPH 7.H ABOVE, PETITIONER MAY CHANGE THE SIDE OF LOOP ROAD ON WHICH THE 12 FOOT WIDE MULTI-USE PATH IS TO BE CONSTRUCTED.
- 8. ENVIRONMENTAL FEATURES
- A. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST-CONSTRUCTION STORMWATER ORDINANCE, SUBJECT, HOWEVER, TO ANY SUPERSEDING OR LIMITING STATE STATUTE OR LEGISLATION.
- B. 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.
- C. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE. TREE SAVE AREAS SHALL BE INSTALLED OR IMPLEMENTED ON THE SITE IN PHASES AS THE SITE REDEVELOPS.
- D. TREES IN THE RIGHT OF WAY ARE PROTECTED UNDER THE CITY OF CHARLOTTE TREE ORDINANCE. MITIGATION WILL BE REQUIRED FOR ANY TREES PERMITTED FOR REMOVAL.
- AS NOTED ABOVE IN PARAGRAPH 1.F, THE DEVELOPMENT OF THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. ACCORDINGLY, THE TREE SAVE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE SHALL BE CALCULATED AND SATISFIED OVER THE ENTIRE SITE, RATHER THAN WITHIN EACH INDIVIDUAL DEVELOPMENT AREA. AS A RESULT, EACH INDIVIDUAL DEVELOPMENT AREA SHALL NOT BE REQUIRED TO MEET THE TREE SAVE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE PROVIDED THAT THE SITE AS A WHOLE MEETS SUCH TREE SAVE REQUIREMENTS.
- F. THE TREE SAVE AREAS DEPICTED ON THE REZONING PLAN ARE CONCEPTUAL, AND THE ACTUAL LOCATIONS OF THE TREE SAVE AREAS ON THE SITE MAY VARY FROM WHAT IS DEPICTED ON THE REZONING PLAN. THE ACTUAL LOCATIONS OF THE TREE SAVE AREAS SHALL BE DETERMINED DURING THE SITE PLAN APPROVAL AND PERMITTING PROCESS.
- G. IN THE EVENT THAT THE CITY OF CHARLOTTE TREE ORDINANCE IS AMENDED IN THE FUTURE SUCH THAT TREE SAVE AREAS ARE NO LONGER REQUIRED ON THE SITE, THEN TREE SAVE AREAS WILL NOT BE REQUIRED ON THE SITE.

9. PARKS/GREENWAYS/OPEN SPACE

- A. AS NOTED ABOVE IN PARAGRAPH 1.F, THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. ACCORDINGLY THE URBAN OPEN SPACE REQUIREMENTS OF THE ORDINANCE SHALL BE CALCULATED AND SATISFIED OVER THE ENTIRE SITE, RATHER THAN WITHIN EACH INDIVIDUAL DEVELOPMENT AREA. AS A RESULT, EACH INDIVIDUAL DEVELOPMENT AREA SHALL NOT BE REQUIRED TO MEET THE URBAN OPEN SPACE REQUIREMENTS PROVIDED THAT THE SITE AS A WHOLE MEETS SUCH URBAN OPEN SPACE REQUIREMENTS.
- B. SUBJECT TO THE APPROVAL OF ALL APPLICABLE GOVERNMENTAL AGENCIES AND AUTHORITIES AND THE ACQUISITION OF ANY REQUIRED EASEMENTS FROM MECKLENBURG COUNTY, PETITIONER SHALL IMPROVE THAT PORTION OF THE LITTLE SUGAR CREEK GREENWAY (THE "GREENWAY") AND THAT PORTION OF THE LITTLE SUGAR CREEK GREENWAY TRAIL (THE "GREENWAY TRAIL") THAT IS MORE PARTICULARLY DEPICTED ON THE GREENWAY IMPROVEMENT EXHIBIT ON SHEET RZ-4 OF THE REZONING PLAN. THE GREENWAY AND THE GREENWAY TRAIL SHALL BE IMPROVED IN ACCORDANCE WITH THE GREENWAY IMPROVEMENT EXHIBIT ON SHEET RZ-4 OF THE REZONING PLAN OR IN ACCORDANCE WITH ALTERNATIVE PLANS APPROVED BY MECKLENBURG COUNTY. NOTWITHSTANDING THE FOREGOING, THE IMPROVED GREENWAY TRAIL SHALL BE LOCATED ON THE ALIGNMENT DEPICTED ON THE GREENWAY IMPROVEMENT EXHIBIT ON SHEET RZ-4 OF THE REZONING PLAN. THE IMPROVEMENTS TO THE GREENWAY AND THE GREENWAY TRAIL SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON DEVELOPMENT AREA D. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS OR ANY EASEMENTS FROM MECKLENBURG COUNTY REQUIRED TO IMPROVE THE GREENWAY AND THE GREENWAY TRAIL, THEN PETITIONER SHALL HAVE NO OBLIGATION TO IMPROVE THE GREENWAY AND THE GREENWAY TRAIL.
- C. AT SUCH TIME THAT A DETOUR ROUTE FOR THE GREENWAY TRAIL IS REQUIRED DURING THE CONSTRUCTION AND INSTALLATION OF THE IMPROVEMENTS TO THE GREENWAY AND THE GREENWAY TRAIL, A DETOUR ROUTE SHALL BE ESTABLISHED ALONG THE EXISTING SIDEWALK LOCATED ALONG THE WESTERN SIDE OF SOUTH KINGS DRIVE. APPROPRIATE SIGNAGE, APPROVED DURING THE PERMITTING PROCESS, SHALL BE INSTALLED TO DIRECT PEDESTRIANS AND BICYCLISTS TO THE DETOUR ROUTE.
- D. TO CONSTRUCT AND INSTALL THE IMPROVEMENTS TO THE GREENWAY AND THE GREENWAY TRAIL DESCRIBED ABOVE IN PARAGRAPH 9.B, PETITIONER SHALL BE REQUIRED TO ACQUIRE A TEMPORARY CONSTRUCTION EASEMENT FROM MECKLENBURG COUNTY TO PERMIT PETITIONER TO ENTER THE GREENWAY TO CONSTRUCT SUCH IMPROVEMENTS.
- E. A PEDESTRIAN AND/OR A BICYCLE CONNECTION FROM THE IMPROVED GREENWAY TRAIL TO LOMBARDY CIRCLE SHALL NOT BE INSTALLED ON THE SITE OR PROVIDED FROM THE GREENWAY TRAIL.
- F. THE IMPROVED GREENWAY TRAIL SHALL MEET THE STANDARDS AND SPECIFICATIONS OF MECKLENBURG COUNTY, AND, SUBJECT TO THE TERMS OF PARAGRAPH 9.B ABOVE, THE FINAL ALIGNMENT OF THE IMPROVED GREENWAY TRAIL SHALL BE APPROVED BY MECKLENBURG COUNTY.
- G. THE CONSTRUCTION DOCUMENTS FOR THE IMPROVEMENTS TO THE GREENWAY AND THE GREENWAY TRAIL SHALL BE REVIEWED AND APPROVED BY STORM WATER SERVICES DURING THE PERMITTING PROCESS. ADDITIONALLY, THE MECKLENBURG COUNTY PARK AND RECREATION DEPARTMENT SHALL REVIEW THE CONSTRUCTION DOCUMENTS FOR THE GREENWAY AND THE GREENWAY TRAIL AT 25%, 50%, 75% AND 95% COMPLETION.
- H. AT A MINIMUM, THE OPEN SPACE AREAS ON THE SITE DEPICTED ON THE REZONING PLAN SHALL CONTAIN HARDSCAPE, LANDSCAPING, WALKING TRAILS AND BENCHES.
- PETITIONER SHALL CONSTRUCT AND INSTALL A MINIMUM OF THREE ACCESSIBLE PEDESTRIAN CONNECTIONS FROM THE SITE TO THE GREENWAY TRAIL. THE FINAL LOCATIONS OF THE ACCESSIBLE PEDESTRIAN CONNECTIONS MAY VARY FROM WHAT IS DEPICTED ON SHEET RZ-4 OF THE REZONING PLAN. ^^^^^
- J. LOOP ROAD MAY BE LOCATED IN THE OPEN SPACE AREA LOCATED BETWEEN DEVELOPMENT AREA F AND DEVELOPMENT AREA B.
- 10. CONSTRUCTION TRAFFIC ON GARDEN TERRACE
- A. ALTHOUGH CONSTRUCTION TRAFFIC ON GARDEN TERRACE SHALL NOT BE PROHIBITED, PETITIONER SHALL INSTRUCT ITS CONTRACTOR TO UTILIZE OTHER ACCESS POINTS TO AND FROM THE SITE FOR CONSTRUCTION TRAFFIC AS MUCH AS IS REASONABLY POSSIBLE. THIS PROVISION SHALL NOT APPLY TO CONSTRUCTION ACTIVITIES IN DEVELOPMENT AREA G-1, DEVELOPMENT AREA G-2, DEVELOPMENT AREA G-3 AND/OR DEVELOPMENT AREA G-4.
- B. CONSTRUCTION WORKER VEHICULAR PARKING SHALL BE PROHIBITED ON GARDEN TERRACE.
- 11. SIGNS
- A. EXCEPT AS MODIFIED BY PARAGRAPH 2.I UNDER OPTIONAL PROVISIONS, ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE SIGN ORDINANCE, INCLUDING, WITHOUT LIMITATION, THE SIGN ILLUMINATION STANDARDS OF THE SIGN ORDINANCE.

12. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
- B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
- C. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.

PRELIMINARY DOCUMENT

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BEING all that certain area or tract of land subject to the related rezoning petition, which said area or tract is comprised of multiple existing land parcels and portions of street rights-of-way and portions of alleys located within the City of Charlotte, Mecklenburg County, North Carolina, and fronting on East Morehead Street, the waters of Little Sugar Creek, Garden Terrace, Fountain View, Scott Avenue, Kenilworth Avenue and others, and being more particularly described as

BEGINNING at an existing surveyor's pk nail ("Beginning Point") located at the intersection of the southwesterly right-of-way margin of East Morehead Street, said right-of-way having a width that varies from 80 feet as shown on that certain plat recorded in Map Book 332 Page 90 of the Mecklenburg County Registry, and the easterly or southeasterly right-of-way margin of Kenilworth Avenue, said right-of-way having a width that varies from 60 feet as shown on those certain plats recorded in Map Book 332 Page 464 and Map Book 40 Page 609 both of the Mecklenburg County Registry, said existing surveyor's pk nail Beginning Point having North Carolina State Plane coordinates of Northing = 535,800.20 feet and Easting = 1,450,523.11 feet as based on the Epoch 2010.0000 realization of the North American Horizontal Datum of 1983, said datum having a combined grid factor of 0.99984784 to convert from the ground distances noted herein, and running thence from said POINT AND PLACE OF BEGINNING along the southwesterly right-of-way margin of the said East Morehead Street the following fourteen (14) calls: (1) South 36-01-50 East 84.84 feet to a point, (2) South 35-59-28 East 62.02 feet to an existing iron rebar, (3) South 35-58-35 East 81.86 feet to an existing iron rebar, (4) South 35-59-53 East 160.08 feet to an existing iron pipe, (5) South 35-47-46 East 100.26 feet to a point, (6) South 35-52-34 East 166.50 feet to a point, (7) following along the arc of a circular curve to the left having a radius of 1,763.18 feet and an arc length of 56.34 feet (chord bearing South 37-03-40 East 56.34 feet) to a point, (8) following along the arc of a circular curve to the left having a radius of 2,905.88 feet and an arc length of 176.09 feet (chord bearing South 36-56-37 East 176.06 feet) to a point, (9) following along the arc of a circular curve to the left having a radius of 2,911.29 feet and an arc length of 84.03 (chord bearing South 41-34-55 East 84.03 feet) to an existing surveyor's nail, (10) crossing the right-of-way of Harding Place, said right-of-way having a width of 50 feet as shown on that certain plat recorded in Map Book 4 Page 85 of the Mecklenburg County Registry, South 52-48-38 East 50.33 feet to a point, (11) following along the arc of a circular curve to the left having a radius of 3,021.14 feet and an arc length of 66.87 feet (chord bearing South 44-04-33 East 66.87 feet) to a point, (12) South 44-42-22 East 72.90 feet to a point, (13) following along the arc of a circular curve to the left having a radius of 875.04 feet and an arc length of 67.60 feet (chord bearing South 46-55-10 East 67.58 feet) to a new surveyor's pk nail and (14) South 45-31-13 East 63.37 feet to a point in the Little Sugar Creek bridge wall; thence following along the centerline meanderings of the said Little Sugar Creek the following twenty-one (21) calls: (1) South 06-54-36 West 274.70 feet, (2) South 07-19-47 West 160.25 feet, (3) South 07-10-10 West 58.09, (4) South 03-21-08 West 58.55 feet, (5) South 06-57-16 West 128.41 feet, (6) South 06-36-50 West 220.36 feet, (7) crossing the right-of-way of Medical Center Drive, said right-of-way having a width of 50 feet as shown on that certain plat recorded in Map Book 5 Page 438 and as described in Deed Book 6645 Page 363 both of the Mecklenburg County Registry, South 06-36-49 West 55.97 feet, (8) South 12-37-42 West 94.99 feet, (9) South 09-10-38 West 103.60 feet, (10) South 04-51-26 West 93.45 feet, (11) South 04-34-31 West 203.48 feet, (12) South 08-15-37 West 101.84 feet, (13) South 06-13-42 West 197.86 feet, (14) South 08-06-43 West 199.34 feet, (15) South 12-17-30 West 35.13 feet, (16) South 06-05-35 West 172.32 feet, (17) South 04-13-21 West 51.56 feet, (18) South 07-05-51 West 133.34 feet, (19) South 13-25-32 West 181.18 feet, (20) South 07-55-13 West 111.12 feet and (21) South 01-37-44 East 130.04 feet; thence along Sub-Lot A-1 as shown on that certain plat recorded in Map Book 58 Page 278 of the Mecklenburg County Registry South 84-29-35 West 38.09 feet to an existing iron pipe; thence along the common boundary line with the Lombardy Green Condominium as shown on that certain map recorded in Unit Ownership File No. 901 and continuing with the common boundary line of Lot 12 in Block 6 as shown on that certain plat recorded in Map Book 3 Page 36 both of the Mecklenburg County Registry following along the arc of a circular curve to the left having a radius of 1,170.85 feet and an arc length of 170.93 feet (chord bearing North 10-17-51 West 170.78 feet); thence along the common boundary line with Lot 11 in Block 6 as shown on that certain plat recorded in Map Book 3 Page 36 of the Mecklenburg County Registry following along the arc of a circular curve to the left having a radius of 1,170.85 feet and an arc length of 57.26 feet (chord bearing North 16-30-40 West 57.25 feet); thence along the common boundary line with Lots 10 and 9 in Block 6 as shown on that certain plat recorded in Map Book 3 Page 36 of the Mecklenburg County Registry following along the arc of a circular curve to the left having a radius of 1,170.85 feet and an arc length of 114.60 feet (chord bearing North 19-19-52 West 114.55 feet) to an existing surveyor's pk nail; thence along the common boundary line with Lots 8, 7, 6, 5, 4, 3, 2 and 1 in Block 6 as shown on that certain plat recorded in Map Book 3 Page 36 of the Mecklenburg County Registry following along the arc of a circular curve to the left having a radius of 1,170.85 feet and an arc length of 463.89 feet (chord bearing North 34-03-28 West 460.86 feet) to an existing iron pipe; thence along the common boundary line with the said Lot 1 in Block 6 South 42-55-47 West 153.47 feet to an existing iron pipe; thence passing through and along the right-of-way of Lombardy Circle, said right-of-way having a width of 50 feet as shown on that certain plat recorded in Map Book 3 Page 36 of the Mecklenburg County Registry South 87-23-59 West 68.27 feet to an existing iron pipe; thence along the common boundary line with Lot 5 in Block 4 as shown on that certain plat recorded in Map Book 3 Page 36 of the Mecklenburg County Registry the following two (2) calls: (1) North 47-39-56 West 152.17 feet to an existing iron pipe and (2) South 42-41-35 West 5.07 feet to an existing iron pipe; thence along the common boundary line with Lot 39 as shown on that certain plat recorded in Map Book 332 Page 339 of the Mecklenburg County Registry North 60-17-07 West 190.00 feet to an iron stake under a tree root; thence along the easterly right-of-way margin of Garden Terrace, said right-of-way having a width of 50 feet as shown on that certain plat recorded in Map Book 332 Page 339 of the Mecklenburg County Registry the following three (3) calls: (1) following along the arc of a circular curve to the left having a radius of 1,132.77 feet and an arc length of 49.36 feet (chord bearing North 28-48-45 East 49.36 feet) to an existing iron pipe, (2) North 25-39-46 East 49.59 feet to an existing iron pipe and (3) North 26-20-40 East 84.83 feet to a point; thence crossing the right-of-way of the said Garden Terrace and continuing along the common boundary line with Camilla E. Moffitt as described in Deed Book 1000 Page 6 of the Mecklenburg County Registry North 63-43-53 West 238.24 feet to a point; thence along the centerline of that certain 10-foot alley serving Block 2 as shown on that certain plat recorded in Map Book 230 Page 69 of the Mecklenburg County Registry the following two (2) calls: (1) North 31-05-15 East 301.27 feet to a point and (2) North 31-04-26 East 164.32 feet to a point; thence along the common boundary line with Lot 15 in Block 2 as shown on that certain plat recorded in Map Book 230 Page 69 of the Mecklenburg County Registry North 70-19-32 West 107.02 feet to a point; thence along a line through Lot 16 in Block 2 as shown on that certain plat recorded in Map Book 230 Page 69, North 19-18-46 East 50.00' to a point in the common line of Lot 16 and Lot 17 in Block 2, Map Book 230 Page 69; thence with said common line of Lot 16 and Lot 17 in Block 2, North 70-41-14 West 135.86 feet to an existing iron pipe in the easterly right-of-way of Fountain View, said right-of-way having a width of 70 feet as shown on that certain plat recorded in Map Book 230 Page 69 of the Mecklenburg County Registry; thence with the easterly right-of-way of Fountain View North 19-13-10 East 50.00 feet to an existing iron pipe; thence crossing the right-of-way of Fountain View, North 70-33-22 West 70.05 feet to an existing iron pipe at the northeast corner of Lot 15 in Block 1 as shown on that certain plat recorded in Map Book 230 Page 69; thence with the line of Lot 16, Block 1 North 70-28-30 West 199.49 feet to a point in the easterly margin of a 10-foot alley serving Block 1, as shown on that certain plat recorded in Map Book 230 Page 69 of the Mecklenburg County Registry; thence with the easterly margin of that certain 10-foot alley North 19-27-46 East 16.96 feet to a point; thence crossing the said 10-foot alley serving Block 1, as shown on that certain plat recorded in Map Book 230 Page 69 of the Mecklenburg County Registry, North 70-32-14 West 9.79 feet to an existing iron rebar a common corner with the property of Daisy and James Payseur as described in Deed Book 7927 Page 117 of the Mecklenburg County Registry; thence along the common line with Daisy and James Payseur as described in Deed Book 7927 Page 117 of the Mecklenburg County Registry North 48-23-59 West 47.01 feet to an existing iron pipe; thence along the easterly right-of-way margin of Scott Avenue, said right-of-way having a width of 50 feet as shown on that certain plat recorded in Map Book 230 Page 55 of the Mecklenburg County Registry the following six (6) calls: (1) North 41-27-15 East 117.36 feet to a point, (2) crossing the said 10-foot alley serving Block 1 North 41-29-42 East 24.96 feet to an existing surveyor's pk nail, (3) North 41-29-42 East 52.12 feet to a point, (4) North 19-31-55 East 755.75 feet to a point on a telephone cabinet, (5) South 70-28-05 East 9.68 feet to a drill hole in the public sidewalk and (6) North 19-47-52 East 159.38 feet to an existing iron pipe; thence crossing the right-of-way of Romany Road North 12-39-13 East 89.58 feet to an existing surveyor's pk nail; thence along the easterly right-of-way of the aforesaid Kenilworth Avenue the following nine (9) calls: (1) North 19-46-47 East 168.47 feet to an existing iron rebar, (2) following along the arc of a circular curve to the left having a radius of 545.72 feet and an arc length of 185.12 feet (chord bearing North 10-03-42 East 184.23 feet) to an existing surveyor's pk nail, (3) North 00-20-34 East 41.57 feet to an existing surveyor's pk nail, (4) North 00-20-34 East 125.53 feet to an existing iron rebar, (5) following along the arc of a circular curve to the right having a radius of 450.72 feet and an arc length of 107.37 feet (chord bearing North 07-10-03 East 107.12 feet) to an existing iron rebar, (6) following along the arc of a circular curve to the right having a radius of 454.85 feet and an arc length of 94.06 feet (chord bearing North 17-35-21 East 93.89 feet) to an existing iron rebar, (7) following along the arc of a circular curve to the right having a radius of 454.85 feet and an arc length of 125.40 feet (chord bearing North 31-24-42 East 125.00 feet) to a new iron rebar, (8) following along the arc of a circular curve to the right having a radius of 459.72 feet and an arc length of 87.36 feet (chord bearing North 47-02-08 East 87.23 feet) to a point and (9) North 52-42-37 East 15.87 feet to the point and place of BEGINNING, containing 69.2699 acres, more or less, all as shown on a survey conducted by Andrew G. Zoutewelle, North Carolina Professional Land Surveyor No. L-3098 dated May 1, 2007, as supplemented with calls across and through the

various public streets and alleys noted herein on June 19, 2019.

Legal Description
ium Carolinas Medical Center - Main Campus
Rezoning Petition 2019

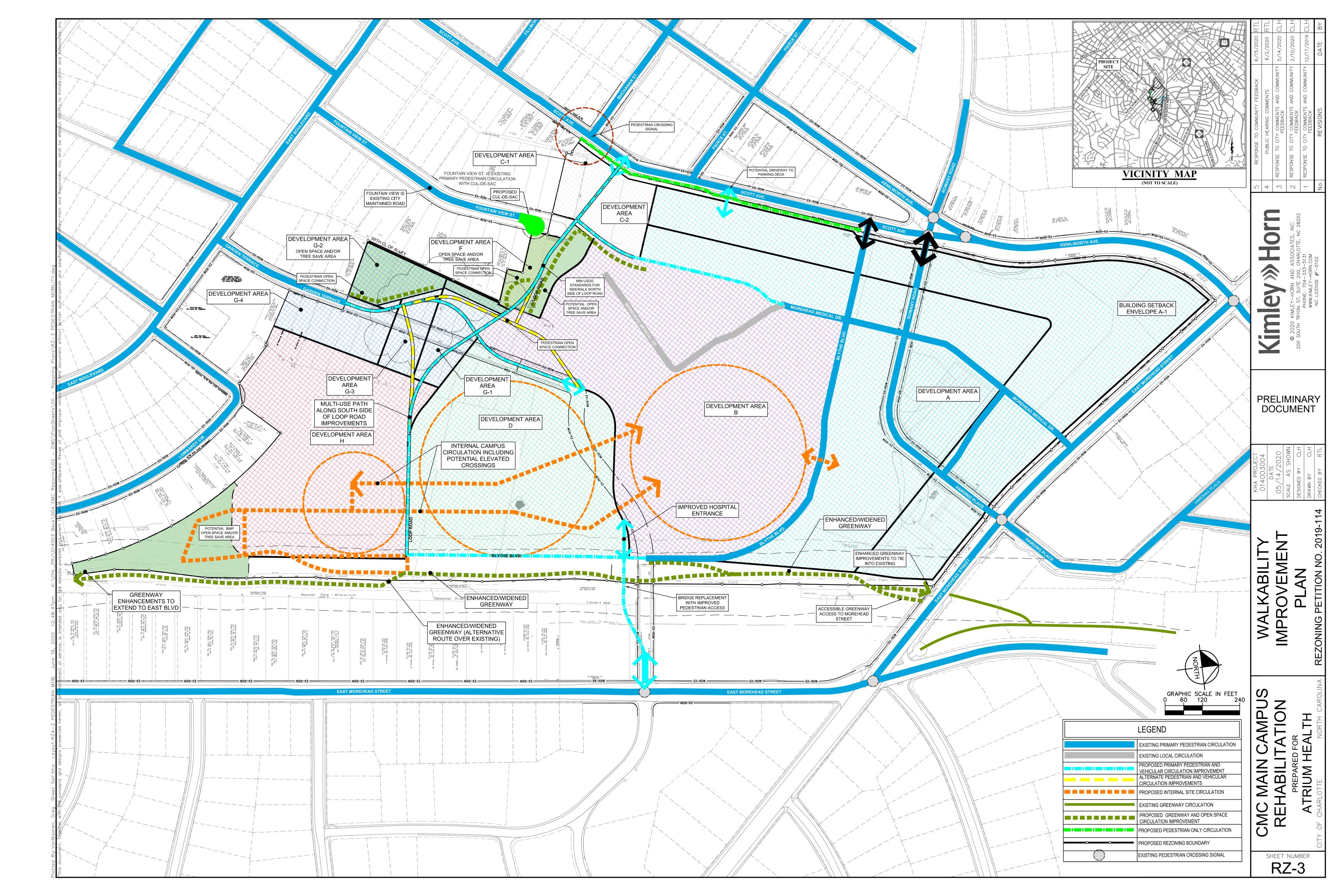
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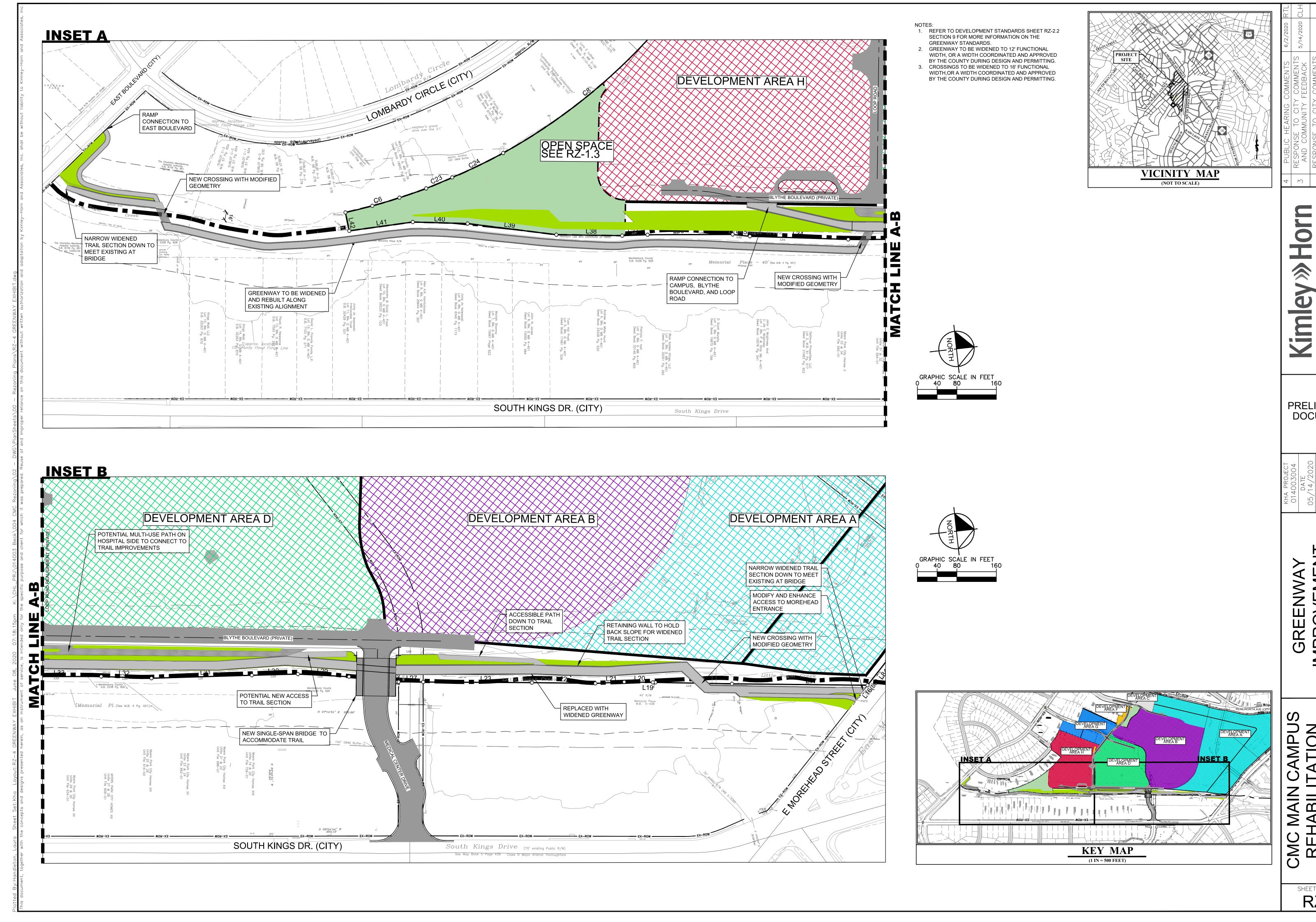
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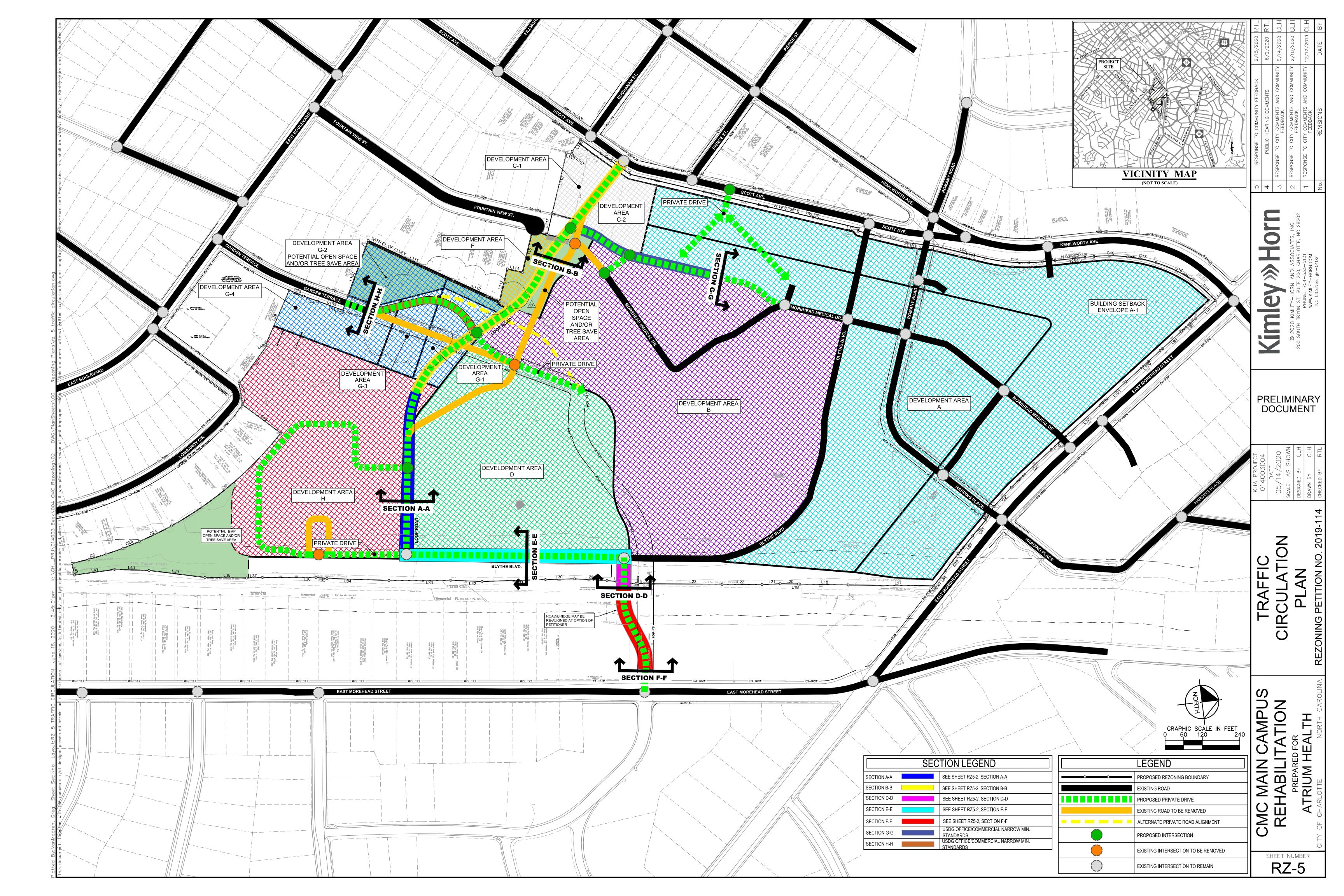
> SHEET NUMBER RZ-2.3





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SHEET NUMBER RZ-4



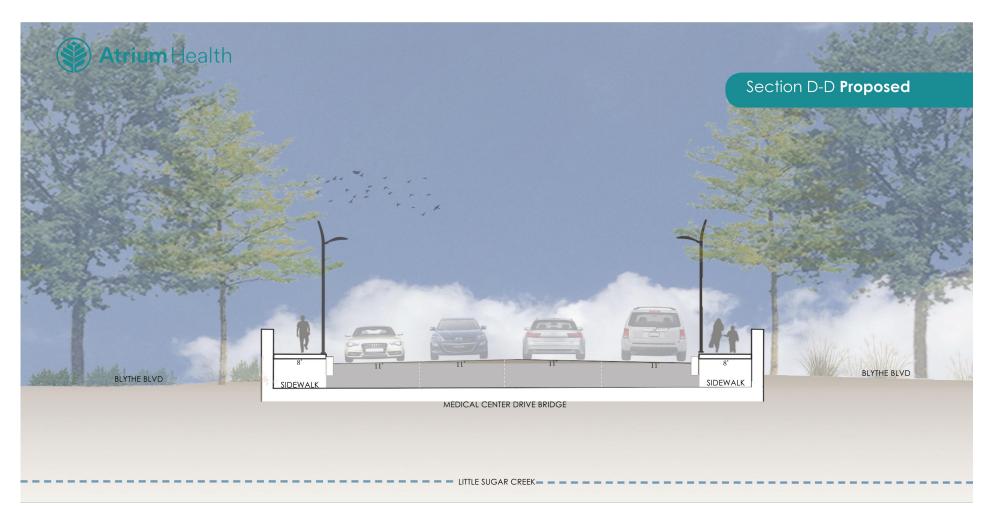




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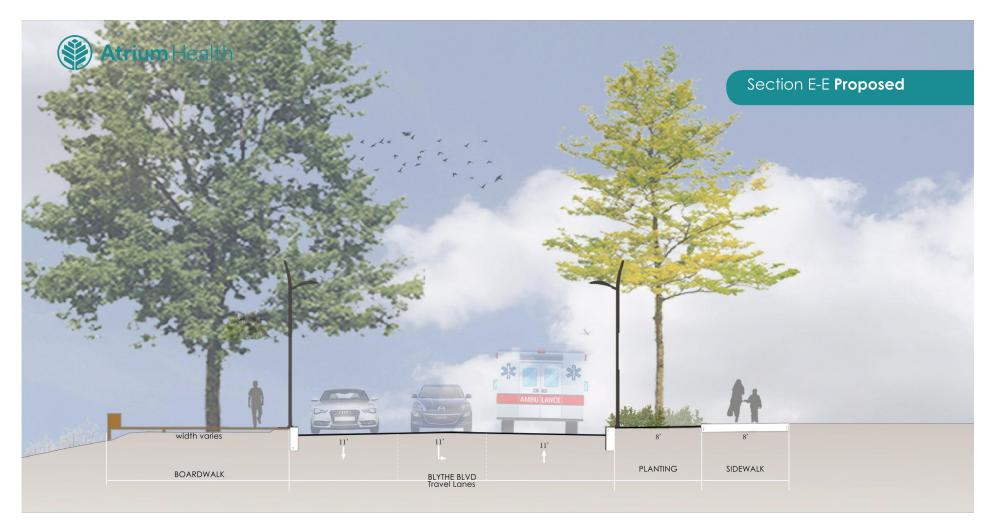
Roadway Section B-B

Atrium Health Main Campus- Charlotte, North Carolina



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Roadway **Section D-D**Atrium Health Main Campus- Charlotte, North Carolina



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Roadway Section E-E

Atrium Health Main Campus- Charlotte, North Carolina



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Roadway Section F-F

Atrium Health Main Campus- Charlotte, North Carolina

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PRELIMINARY DOCUMENT

DATE
05/14/2020
scale AS SHOWN
DESIGNED BY CLH

ROAD IMPROVEMENT CROSS SECTIONS

ATRIUM HEALTH

SHEET NUMBER RZ5-2

