

VICINITY MAP
SCALE = 1" = 2,000'

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REZONING
PETITION NO.
RZP-2023-038

KEY MAP

SEAL

**NOT FOR
CONSTRUCTION**

**LEVINE
PROVIDENCE AND
SARDIS LANE
REZONING**

LEVINE PROPERTIES
5821 BRITTANY CT 11
CHARLOTTE NC 28270

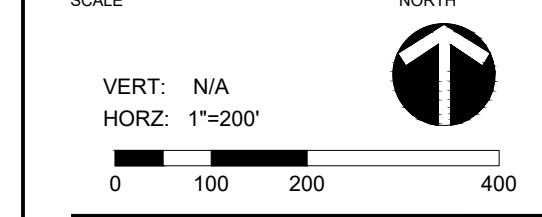
LANDDESIGN PROJ# 1022363

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	01.31.2023
2	REZONING 2ND SUBMITTAL	11.14.2023

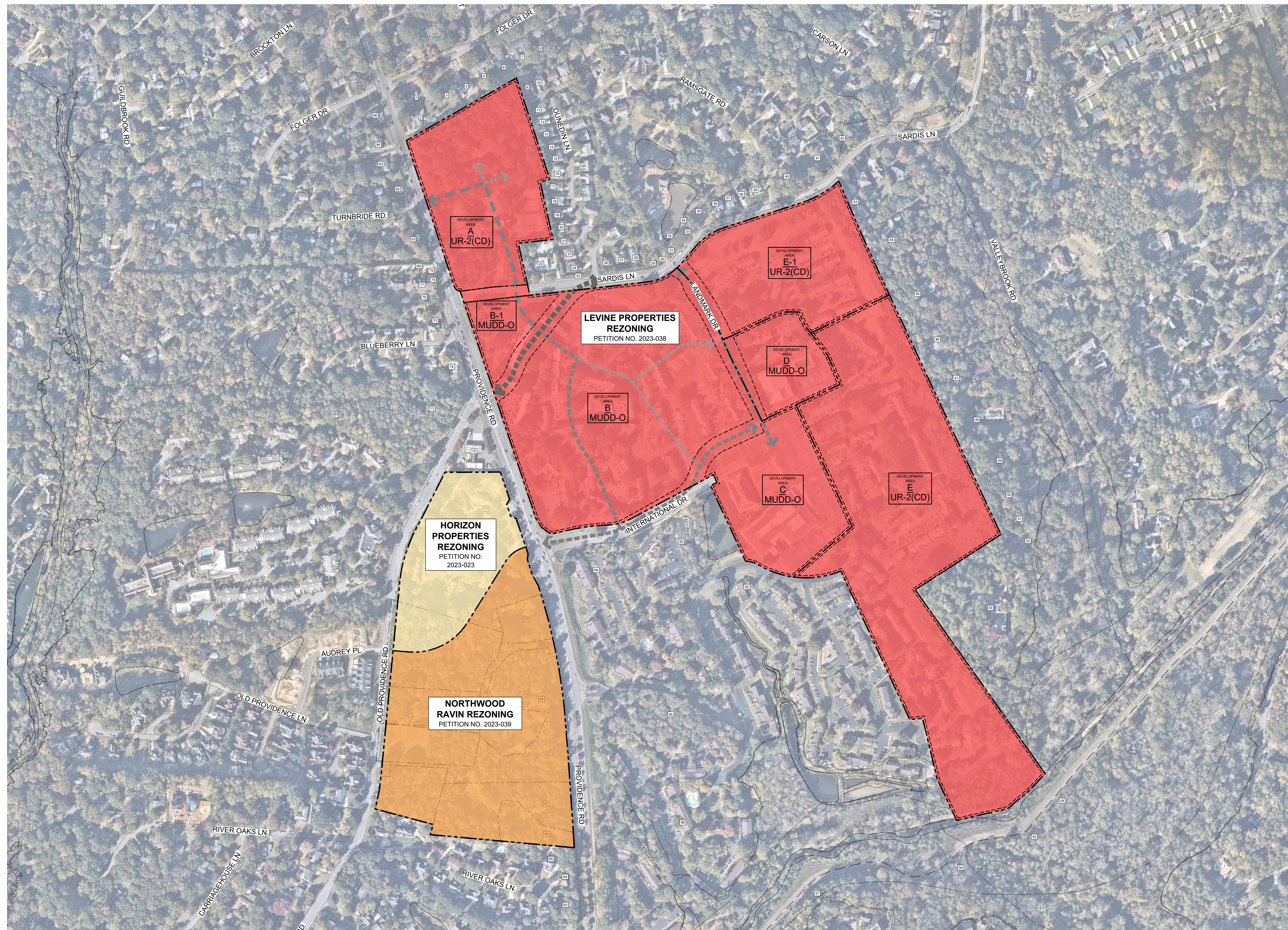
DESIGNED BY: LDI
DRAWN BY: LDI
CHECKED BY: LDI

SCALE



VISION STATEMENT

SHEET NUMBER
RZ0-00



VISION FOR PROVIDENCE RD JOINT REDEVELOPMENT

THIS REZONING AND THOSE LISTED FOR OTHER PARCELS GENERALLY DEPICTED HEREIN PROVIDES AN EXCITING REDEVELOPMENT OPPORTUNITY FOR PORTIONS OF AN EXISTING OVER 55 YEAR OLD MULTI-FAMILY RESIDENTIAL NODE IN THE PROVIDENCE RD, SARDIS LANE AND OLD PROVIDENCE RD AREA.

THE THREE COORDINATED, SEPARATE REZONING PETITIONS WILL COLLECTIVELY REVITALIZE AN AREA BY REPLACING A PORTION OF THE OVER 55 YEAR OLD OUT OF DATE OBSOLETE RESIDENTIAL UNITS WITH A VARIETY OF HOUSING TYPES AND A MIXED-USE NEIGHBORHOOD CENTER.

THIS REVITALIZATION WILL CREATE NEW AFFORDABLE/WORKFORCE HOUSING UNITS AND UPGRADE/EXTEND THE USEFUL LIFE OF OTHERS.

IT WILL BRING SMALLER FORMAT RETAIL AND EXCITING NEW GROCERY STORE OPPORTUNITY AS WELL AS CREATE AN IMPROVED STREET NETWORK AND PEDESTRIAN WALKABILITY.

OPPORTUNITIES FOR FURTHER AND BROADER OUTREACH INTO THE COMMUNITY WILL TAKE PLACE SHORTLY IN ADVANCE OF THE FULL GEAR UP OF THE REZONINGS UNDER THE CITY REZONING PROCESS TO TAKE PLACE IN SEVERAL MONTHS.

THIS REZONING PETITION RELATES TO THE APPROXIMATELY 84.16 ACRES SHOWN AS DEVELOPMENT AREAS A, B, B-1, C, D, E AND E-1 ON THE ATTACHED REZONING SHEETS TO ALLOW FOR REDEVELOPMENT AS A MIXED USE COMMUNITY OF RESIDENTIAL, RECREATIONAL AND COMMERCIAL USES IN A WELL-DESIGNED PEDESTRIAN FRIENDLY/WALKABLE MANNER.

LEGEND

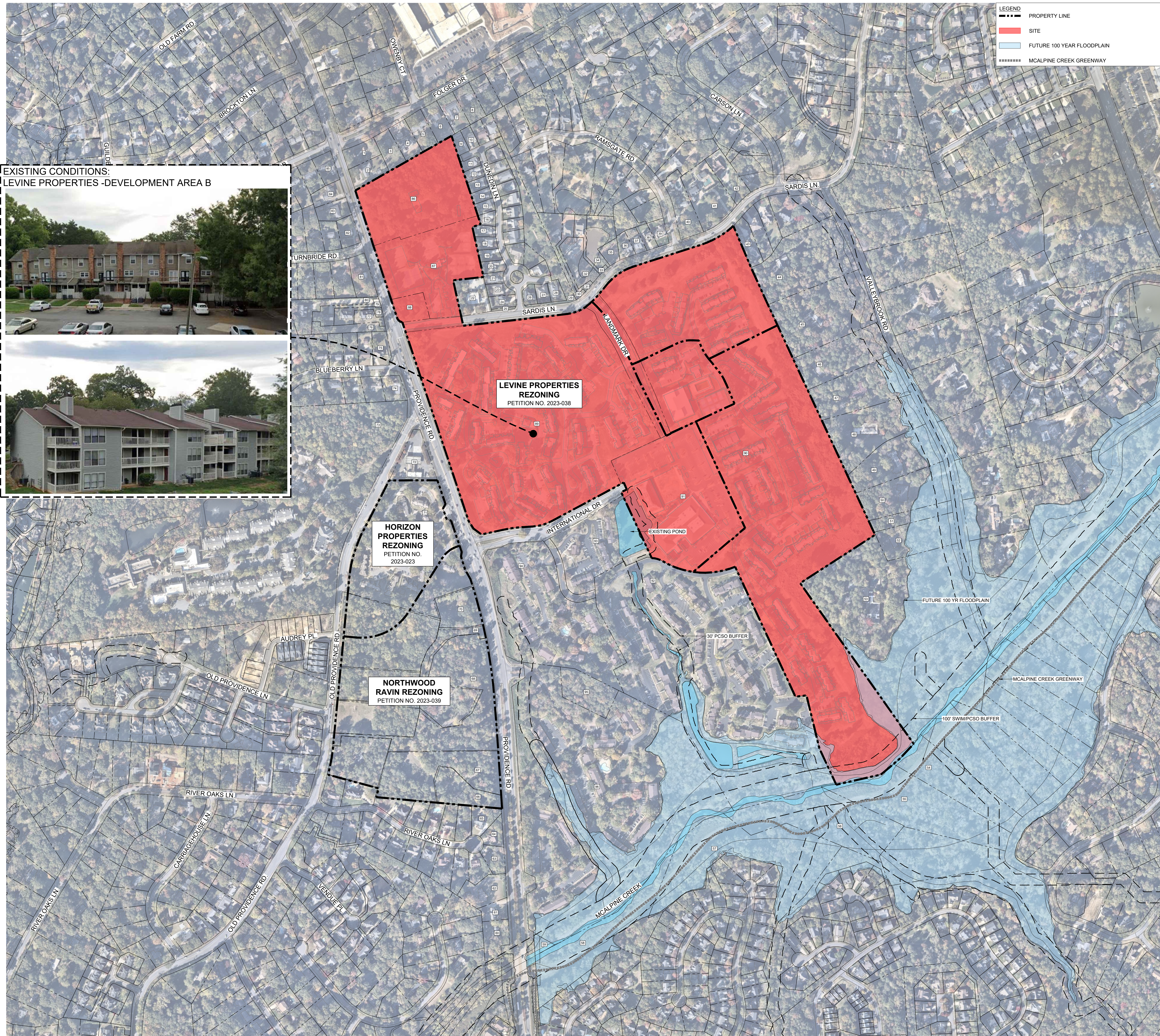
■ **LEVINE PROPERTIES REZONING:**
MIXED-USE RESIDENTIAL/RETAIL/
OFFICE/RECREATIONAL USE

■ **HORIZON PROPERTIES REZONING:**
RESIDENTIAL

■ **NORTHWOOD RAVIN REZONING:**
RESIDENTIAL

NOTE:

1. THE REZONING PLAN IS ILLUSTRATIVE IN NATURE AND IS INTENDED TO DEPICT OVERALL CIRCULATION AND DEVELOPMENT PATTERNS ONLY.
2. FOR ADJACENT PARCEL INFO SEE TABLE ON SHEET RZ1-00



EXISTING CONDITIONS:
LEVINE PROPERTIES -DEVELOPMENT AREA B



LOT #	PARCEL ID	OWNER FIRST	OWNER LAST	EX. ZONING
1	187-221-16	DANIEL	GONZALEZ	R-3
2	187-221-17	PAUL	LAZAROU	R-3
3	187-221-15	MARY	SMITH	R-3
4	187-221-14	LAURA	BAREFOOT	R-3
5	187-221-13	JOAN	KILIAN	R-3
6	187-221-12	JOHANNA	BLACKWELL	R-3
7	187-221-11	ARMIN	MAHMUTEFENDIC	R-3
8	187-221-10	JOSEPH	BURRIDGE	R-3
9	187-221-61	BARBARA	DEVINEY	R-20MF
10	187-221-62	NEIKO	NISHIMARU	R-20MF
11	187-221-90	GEORGE	LAUGHRIN	R-20MF
12	187-221-89	CELIA	LANEY	R-20MF
13	187-221-88	WILLIAM	LEMELY	R-20MF
14	187-221-87	ALEXANDER	SANSONE	R-20MF
15	187-221-86	JAMES	HAWKING	R-20MF
16	187-221-85	SHARON	PEARSON	R-20MF
17	187-221-84	KUANG-TA	HO	R-20MF
18	187-221-83	JAMES	JONES	R-20MF
19	187-221-82	ARIANNA	TAN	R-20MF
20	187-221-81	RUBIBEN	PATEL	R-20MF
21	187-221-80	JEROME	OBOYLE	R-20MF
22	187-221-31	CITY OF CHARLOTTE		R-12MF
23	187-221-79	FRANZ	BEVER	R-20MF
24	187-221-78	PAUL	MASSEY	R-20MF
25	187-221-95	DUNEDIN HOMEOWNERS ASSOC INC		R-20MF
26	187-221-77	WILLIAM	GRIFENHAGEN	R-20MF
27	187-221-76	NAVIN	SHAH	R-20MF
28	187-221-75	NANCY	LEFLORE	R-20MF
29	187-221-91	DUNEDIN HOMEOWNERS ASSOC INC		R-20MF
30	187-222-12	BARRINGER HOMES LLC		R-3
31	187-222-13	BARRINGER HOMES LLC		R-3
32	187-222-14	BARRINGER HOMES LLC		R-3
33	187-222-15	BARRINGER HOMES LLC		R-3
34	187-222-16	BARRINGER HOMES LLC		R-3
35	187-222-17	BARRINGER HOMES LLC		R-3
36	187-222-05	BRANDEN	CONRAD	R-3
37	187-222-06	CHRISTOPHER	CARRARA	R-3
38	187-222-07	KEVIN	BARTLETT	R-3
39	187-222-09	MICHAEL	MCLENDON	R-3
40	187-221-38	BARRY	LUCAS	R-3
41	187-221-35	JUAN	GOMEZ	R-3
42	187-221-36	ROBERT	HORSLEY	R-3
43	187-291-29	RYAN	RITZ	R-3
44	187-291-25	FIREBIT LLC		R-3
45	187-291-22	GEORGE	VELONIS	R-3
46	187-291-21	TRUST FLOYD	PATTEN	R-3
47	187-291-20	JESSIE	LYNN	R-3
48	187-291-19	JONATHAN	SIRES	R-3
49	187-291-18	EDGAR	BARNES	R-3
50	187-291-17	CYNTHIA	FENNINGER	R-3
51	187-291-30	CYNTHIA	FENNINGER	R-3
52	187-291-16	TRACEY	ALLEN	R-3
53	187-291-14	ROBERT	MCLEAN	R-3
54	213-091-09	MECKLENBURG COUNTY		R-3
55	213-091-08	MECKLENBURG COUNTY		R-3
56	213-351-06	MECKLENBURG COUNTY		R-3
57	213-351-05	MECKLENBURG COUNTY		R-3
58	213-351-02	MECKLENBURG COUNTY		R-3
59	187-351-01	JAMES	JACKSON	R-12MF
60	187-371-39	MOHAMMAD	SHAYEGHI	R-3
61	187-361-08	SOUTHPOINT REALTY SERVICES LLC		R-3
62	187-361-32	SHUBHANGI	THORAT	R-3
63	187-361-22	CARL	HUNTSBERGER	R-3
64	187-361-21	LILI	BAN	R-3
65	187-361-20	CHASE	WALKER	R-3
66	187-361-51	DSL PROVIDENCE LLC		R-3
67	187-361-10	DSL PROVIDENCE LLC		R-3
68	187-361-11	DSL PROVIDENCE LLC		R-3
69	187-361-52	LEVINE LIMITED PARTNERSHIP IV		R-3
70	187-361-12	DSL PROVIDENCE LLC		R-3
71	187-361-02	HDP GLADEDALE LLC		R-20MF
72	187-361-01	SAMS INVESTMENTS VIII LLC		B-1
73	187-251-20	ARCUP-CHARLOTTE LLC		INST(CD)
74	187-251-32	DONALD	CANNON	R-3
75	187-251-40	HARVEY	FRIEDMAN	R-3
76	187-251-64	CHARLOTTE TREE SAVE LLC		R-3
77	187-251-61	TRENT	LEGARE	R-3
78	187-251-62	LAWRENCE	BECKWITH	R-3
79	187-251-63	TITCOMB PROPERTIES LLC		R-3
80	187-251-01	STRETAW FAMILY INVESTMENTS LLC		R-3
81	187-215-01	BETH	BUTLER	R-3
82	187-214-07	LISA	WINOKER	R-3
83	187-214-08	FOTIOS	MITSOB	R-3
84	187-214-09	ANGELO	POLITIS	R-3
85	187-214-10	MORGAN	MCCLOSKEY	R-3
86	187-221-18	GALLERIA PARTNERS III		R-3
87	187-221-33	GALLERIA PARTNERS III		R-12MF
88	187-221-34	GALLERIA PARTNERS III		R-12MF
89	187-331-01	GOLDEN TRIANGLE #5 - PROVIDENCE SQUARE LLC		R-12MF
90	187-342-01	GOLDEN TRIANGLE #5 - PROVIDENCE SQUARE LLC		R-20MF B-1(CD)
91	187-351-06	GOLDEN TRIANGLE #5 - PROVIDENCE SQUARE LLC		B-15CD
92	187-351-04	RESERVE AT PROVIDENCE I LLC		R-12MF
93	187-351-07	RESERVE AT PROVIDENCE I LLC		R-12MF
94	187-351-09	RESERVE AT PROVIDENCE I LLC		R-12F
95	187-351-03	GOLDEN TRIANGLE #5 - PROVIDENCE SQUARE LLC		R-12MF
96	187-351-02	RESERVE AT PROVIDENCE I LLC		R-12MF

REZONING
PETITION NO.
RZP-2023-038

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LEVINE
PROVIDENCE AND
SARDIS LANE
REZONING

LEVINE PROPERTIES
5821 BRITANNY CT 11
CHARLOTTE NC 28270

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	01.31.2023
2	REZONING 2ND SUBMITTAL	11.14.2023

DESIGNED BY: LDI
DRAWN BY: LDI
CHECKED BY: LDI

SCALE: 1" = 200'

VERT: N/A
HORZ: 1"=200'

0 100 200 400

MASTER EXISTING
CONDITIONS PLAN

RZ1-00

LEGEND

- - - PROPERTY/EXISTING RIGHT-OF-WAY LINE
- TREES WITHIN EXISTING RIGHT-OF-WAY
- EXISTING TREES ALONG PROVIDENCE FALL BETWEEN EXISTING AND PROPOSED RIGHT-OF-WAY



REZONING PETITION NO.
RZP-2023-038

REVISED

SCALE

NOT FOR CONSTRUCTION

LEVINE PROVIDENCE AND SARDIS LANE REZONING

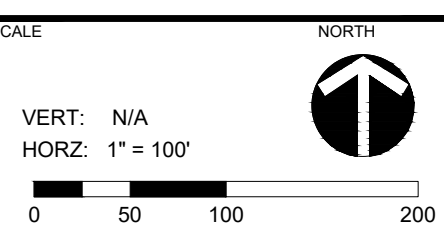
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LANDDESIGN PROJ# 1022363

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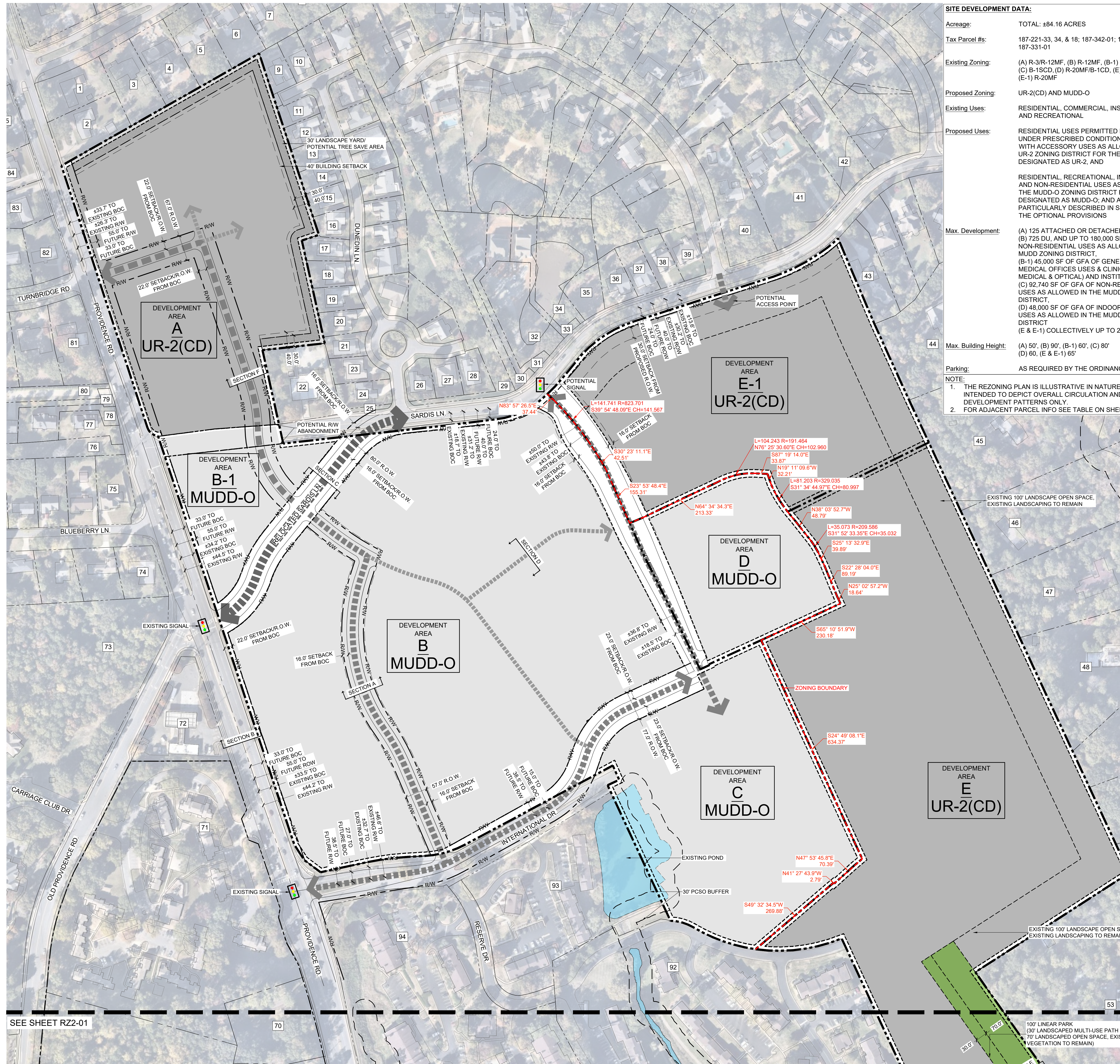
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DESIGNED BY: LDI
DRAWN BY: LDI
CHECKED BY: LDI



SHEET TITLE
EXISTING RIGHT-OF-WAY TREE PLAN

SHEET NUMBER
RZ1-10



SITE DEVELOPMENT DATA:

Acreage: TOTAL: ±84.16 ACRES

Tax Parcel #s: 187-221-33, 34, & 18; 187-342-01; 187-351-06; 187-331-01

Existing Zoning: (A) R-3/R-12MF, (B) R-12MF, (B-1) R-12MF, (C) B-1SCD, (D) R-20MF/B-1CD, (E) R-20MF, (E-1) R-20MF

Proposed Zoning: UR-2(CD) AND MUDD-O

Existing Uses: RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, AND RECREATIONAL

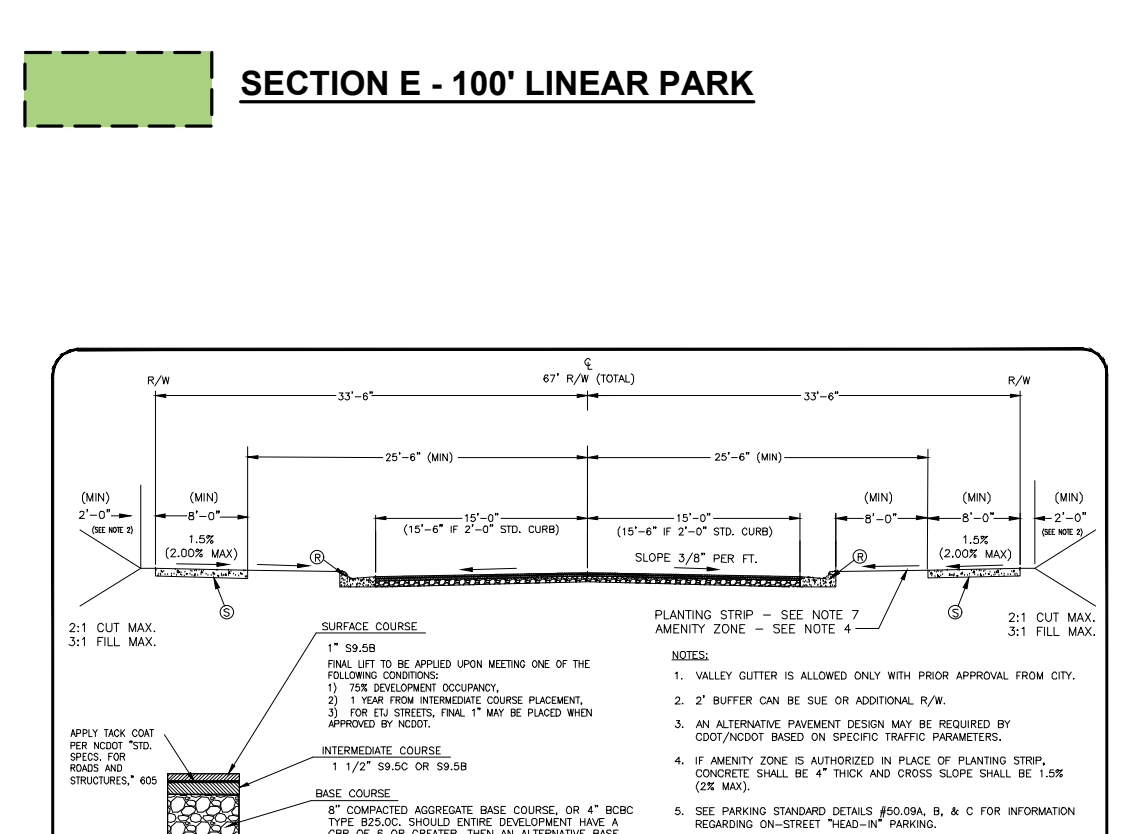
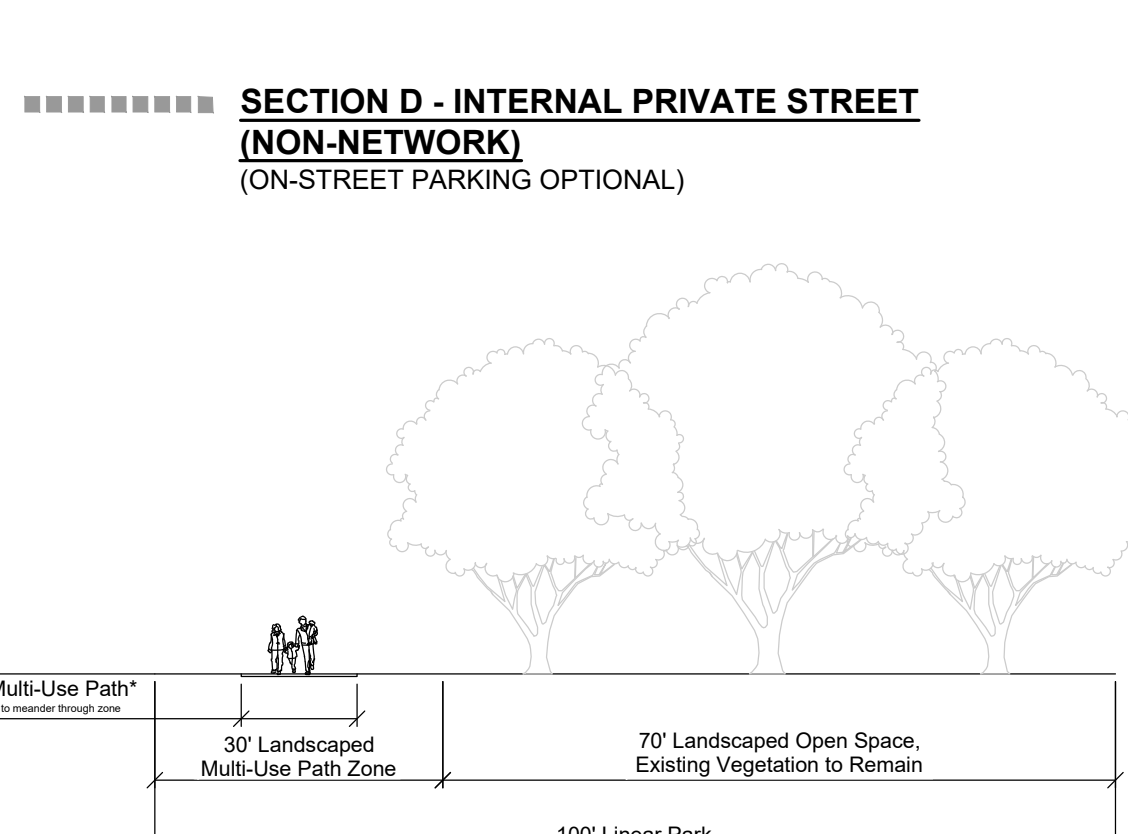
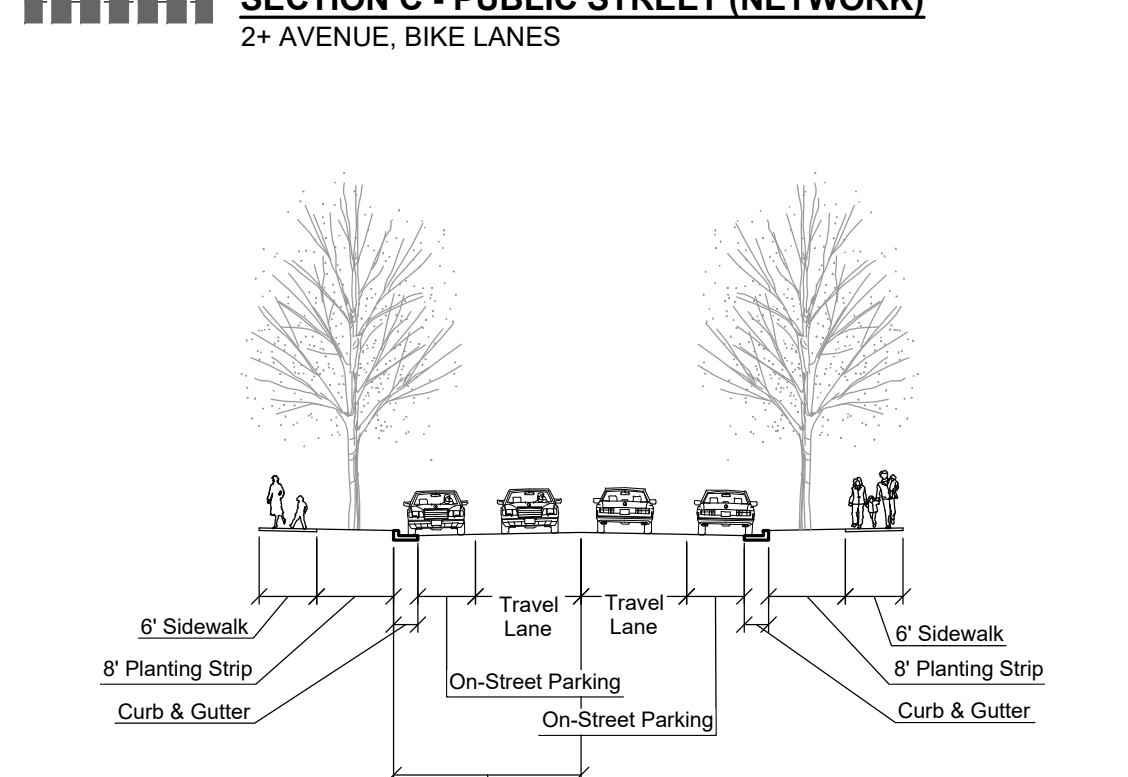
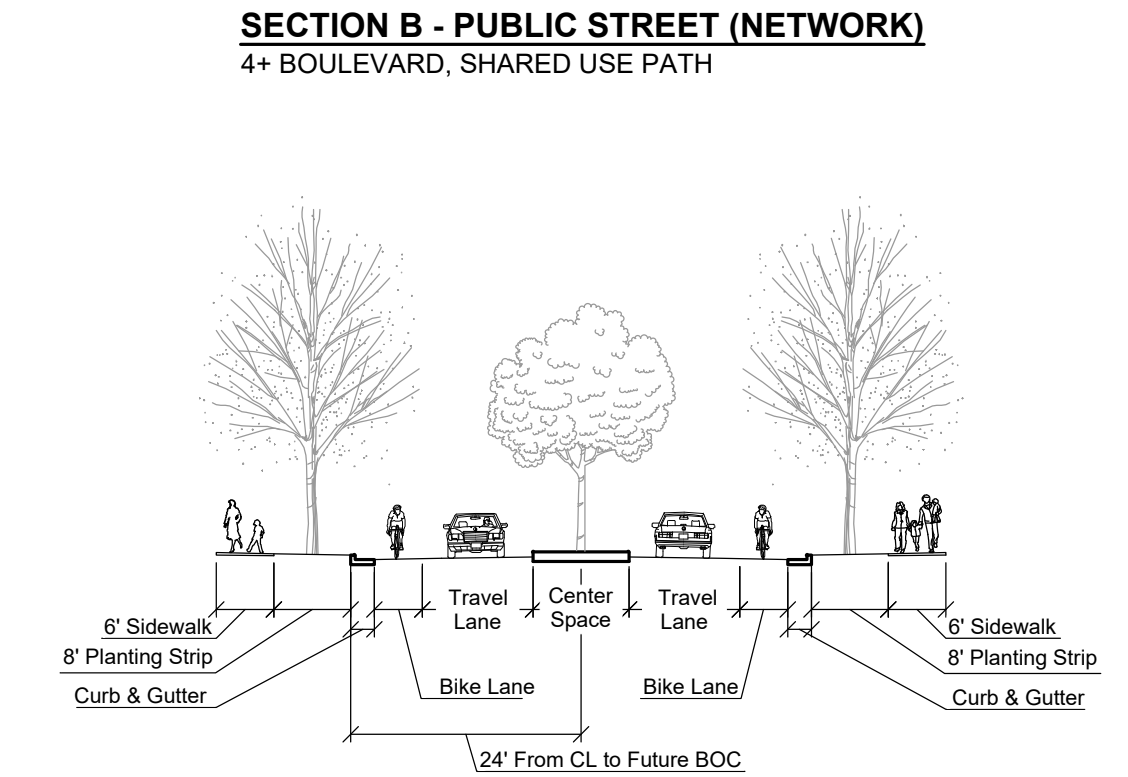
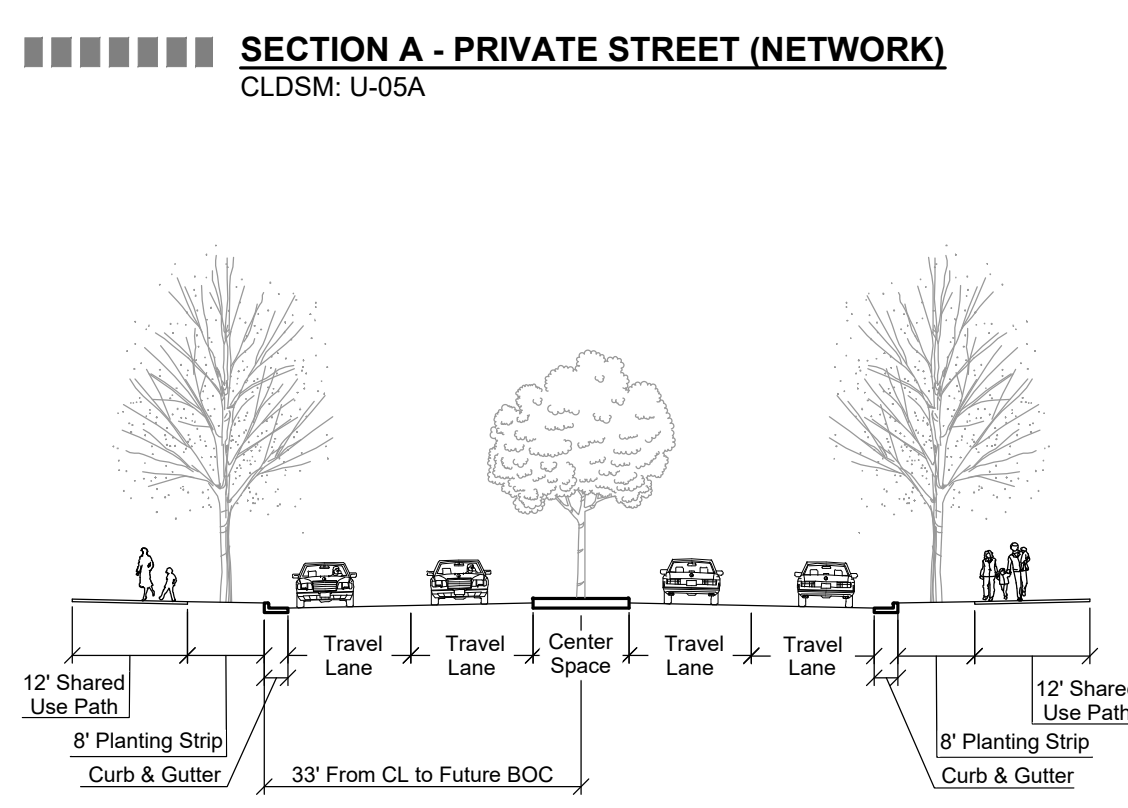
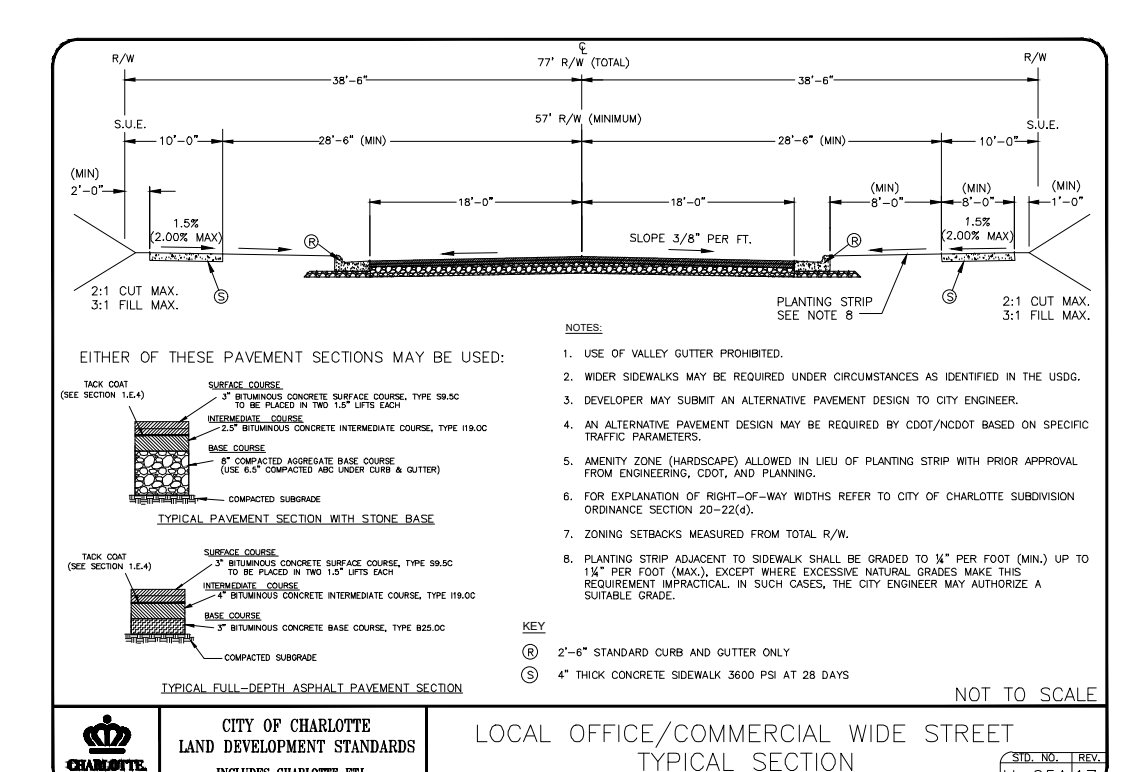
Proposed Uses: RESIDENTIAL USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE UR-2 ZONING DISTRICT FOR THE AREAS DESIGNATED AS UR-2, AND

Max. Development: (A) 125 ATTACHED OR DETACHED DU (B) 725 DU, AND UP TO 180,000 SF OF GFA OF NON-RESIDENTIAL USES AS ALLOWED IN THE MUDD ZONING DISTRICT, (B-1) 45,000 SF OF GFA OF GENERAL AND MEDICAL OFFICES USES & CLINICS (DENTAL MEDICAL & OPTICAL) AND INSTITUTIONAL USES, (C) 92,740 SF OF GFA OF NON-RESIDENTIAL USES AS ALLOWED IN THE MUDD ZONING DISTRICT, (D) 48,000 SF OF GFA OF INDOOR RECREATION USES AS ALLOWED IN THE MUDD ZONING DISTRICT (E & E-1) COLLECTIVELY UP TO 263 DU

Max. Building Height: (A) 50', (B) 90', (B-1) 60', (C) 80' (D) 60', (E & E-1) 65'

Parking: AS REQUIRED BY THE ORDINANCE.

NOTE:
1. THE REZONING PLAN IS ILLUSTRATIVE IN NATURE AND IS INTENDED TO DEPICT OVERALL CIRCULATION AND DEVELOPMENT PATTERNS ONLY.
2. FOR ADJACENT PARCEL INFO SEE TABLE ON SHEET RZ1-00



REZONING PETITION NO. RZP-2023-038

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LEVINE PROVIDENCE AND SARDIS LANE REZONING
LEVINE PROPERTIES
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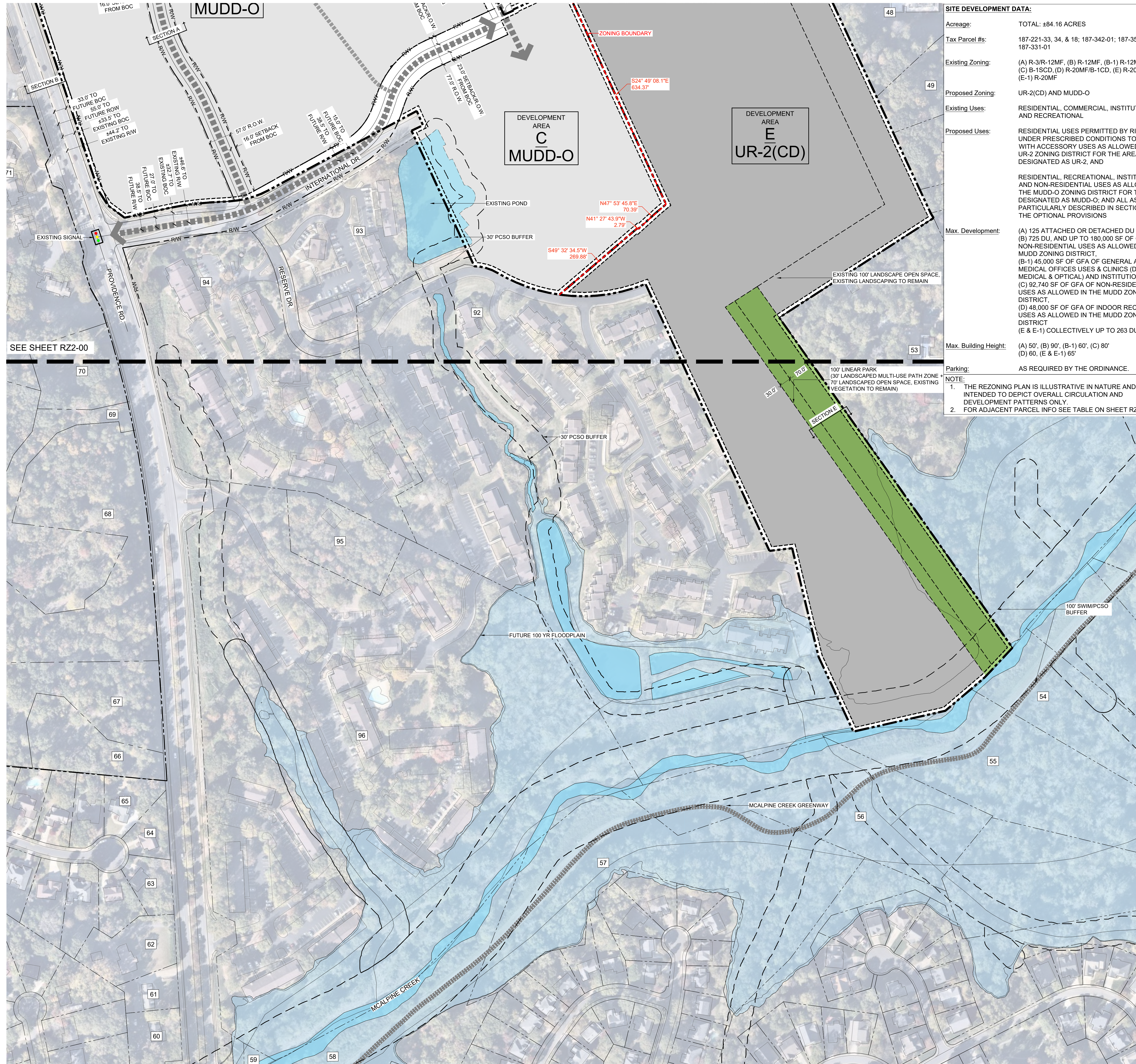
DESIGNED BY: LDI
DRAWN BY: LDI
CHECKED BY: LDI

SCALE: NORTH
VERT: N/A
HORZ: 1" = 100'

TECHNICAL DATA SHEET

RZ2-00

SEE SHEET RZ2-01



SITE DEVELOPMENT DATA:

Acreage: TOTAL: ±84.16 ACRES

Tax Parcel #s: 187-221-33, 34, & 18; 187-342-01; 187-351-06; 187-331-01

Existing Zoning: (A) R-3/R-12MF, (B) R-12MF, (B-1) R-12MF, (C) B-1SCD, (D) R-20MF/B-1CD, (E) R-20MF, (E-1) R-20MF

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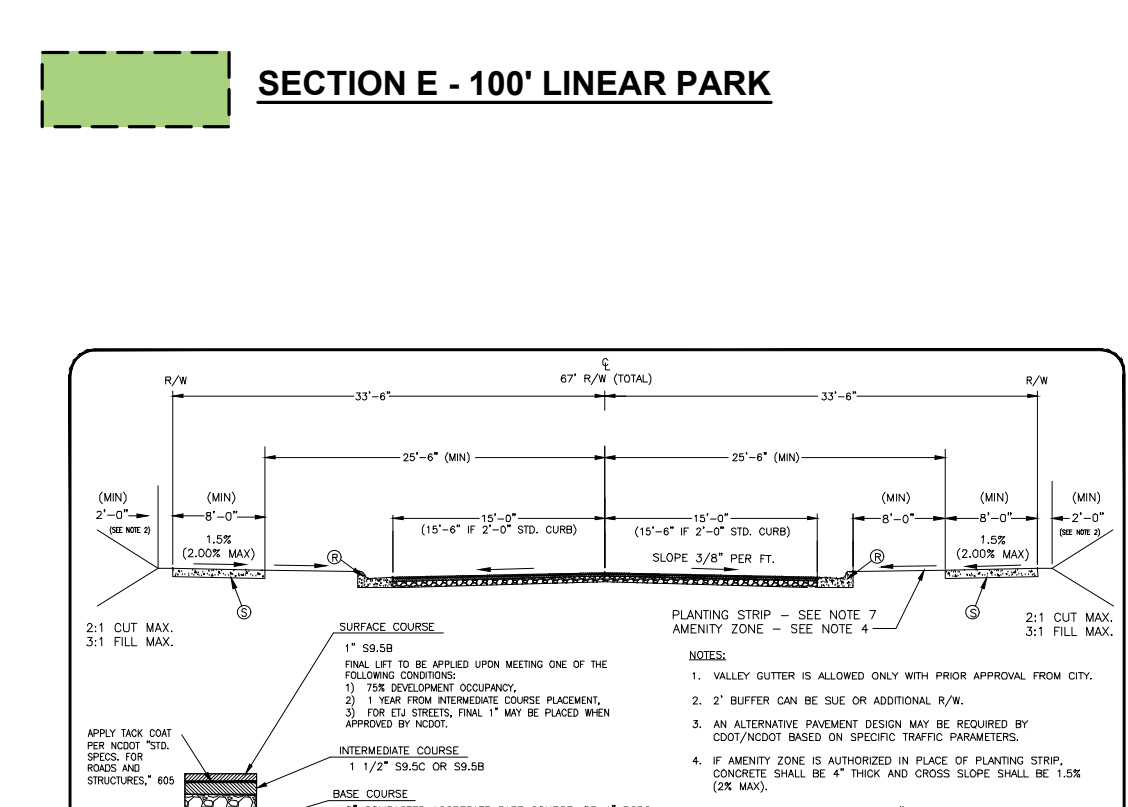
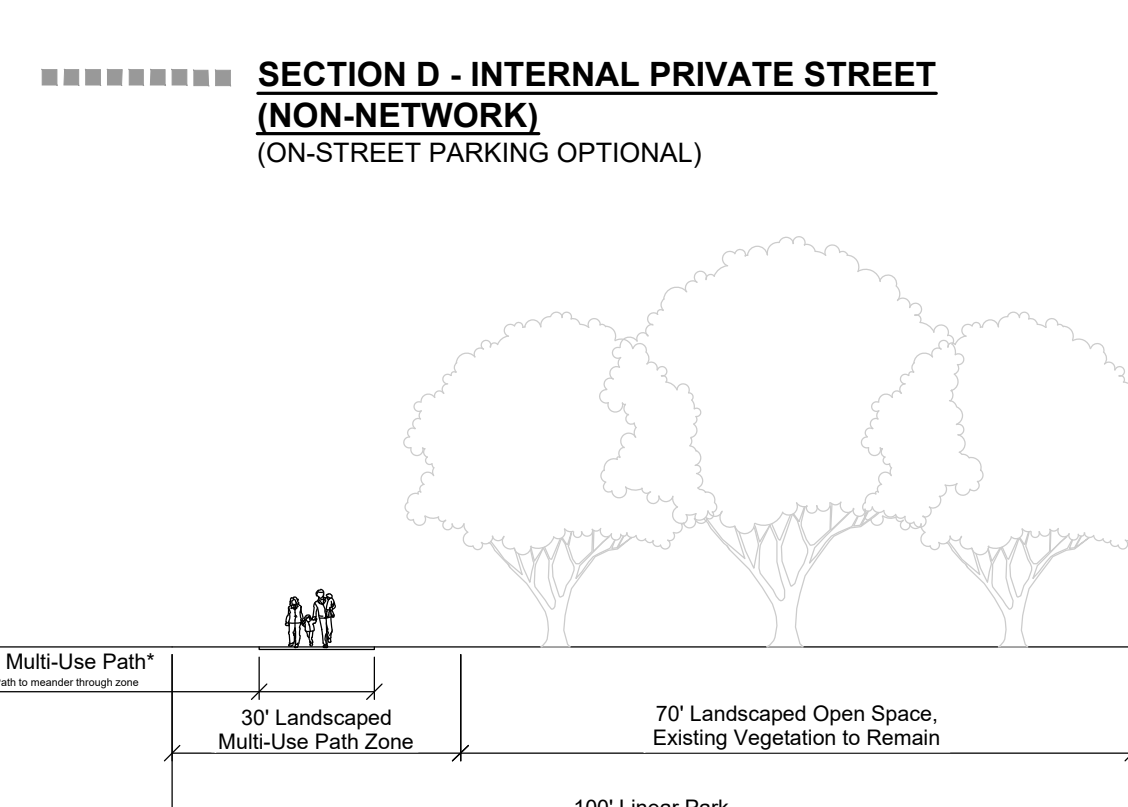
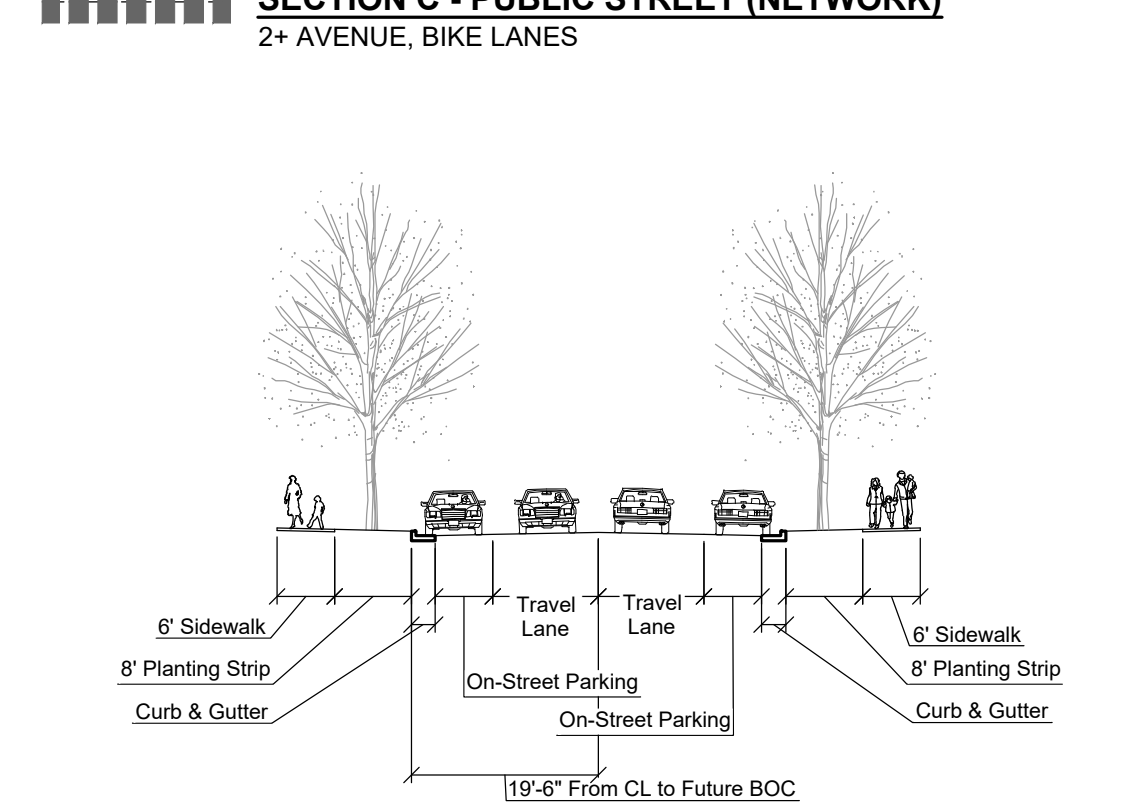
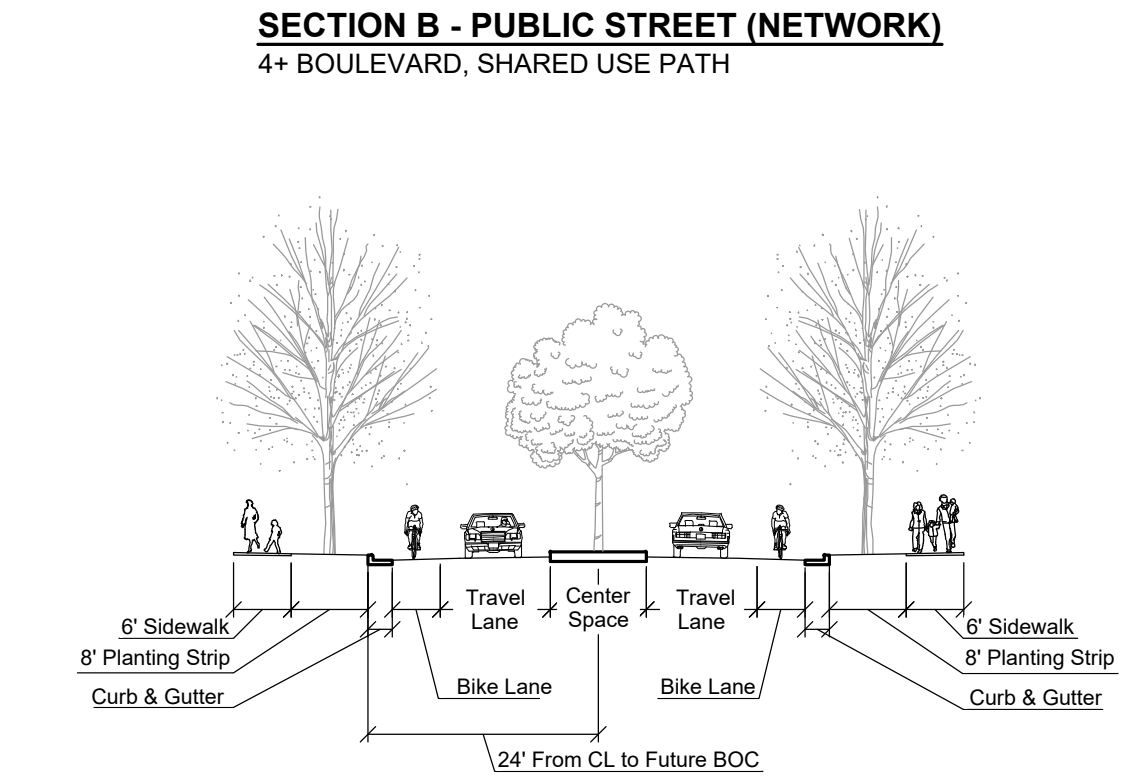
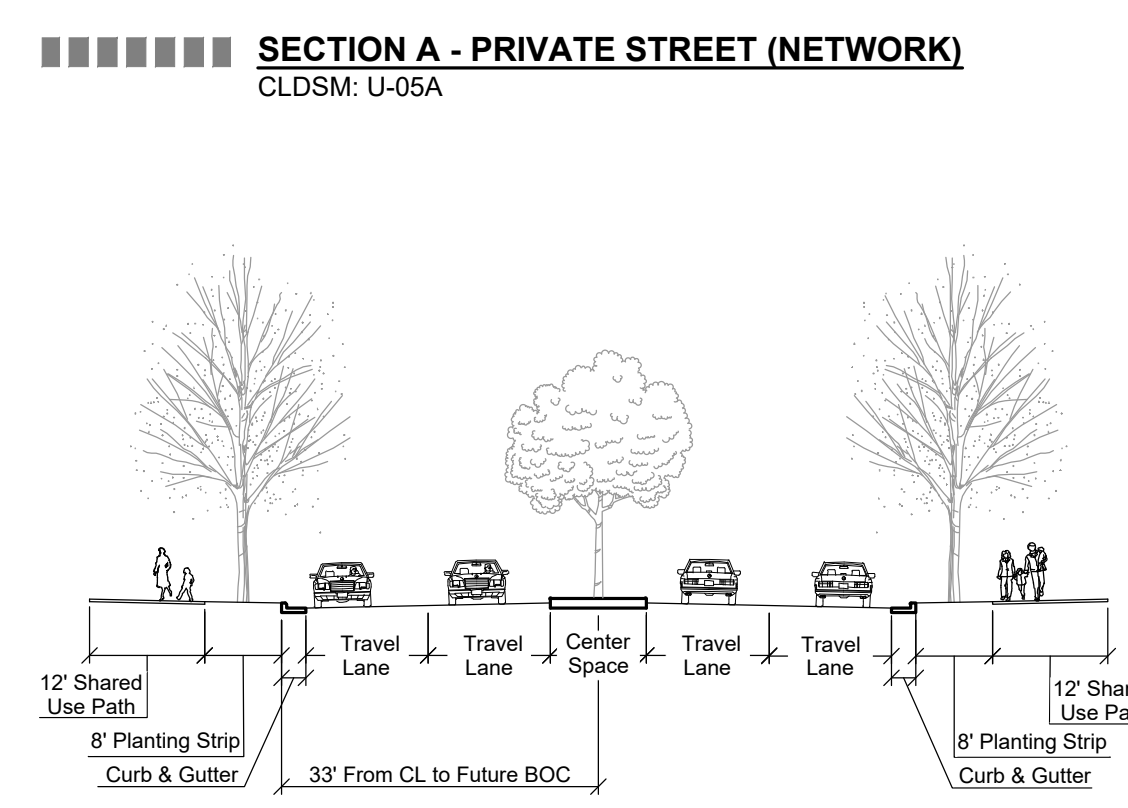
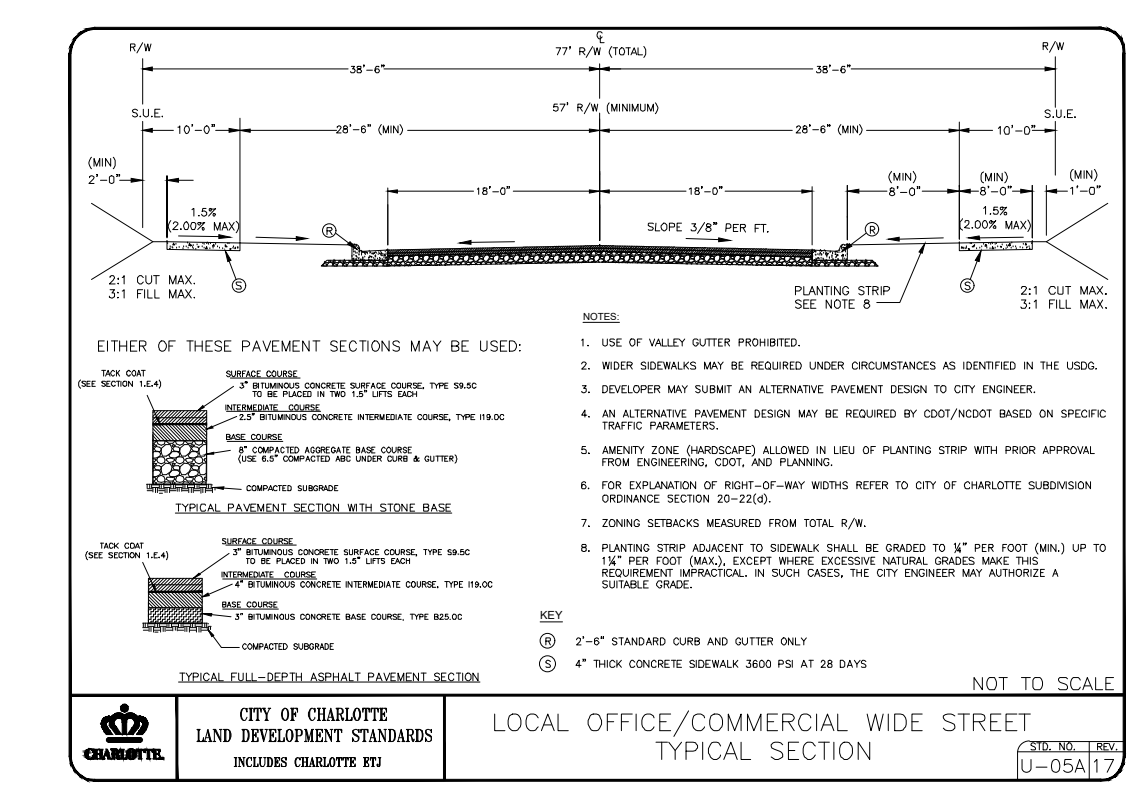
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Parking: AS REQUIRED BY THE ORDINANCE.

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DRAWN BY: LDI
CHECKED BY: LDI

SCALE: VERT: N/A
HORZ: 1" = 100'

TECHNICAL DATA SHEET

RZ2-01

REVISED

SEAL

**NOT FOR
CONSTRUCTION**

**LEVINE
PROVIDENCE AND
SARDIS LANE
REZONING**

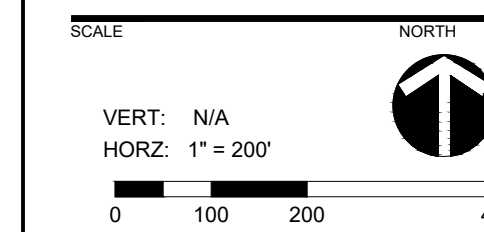
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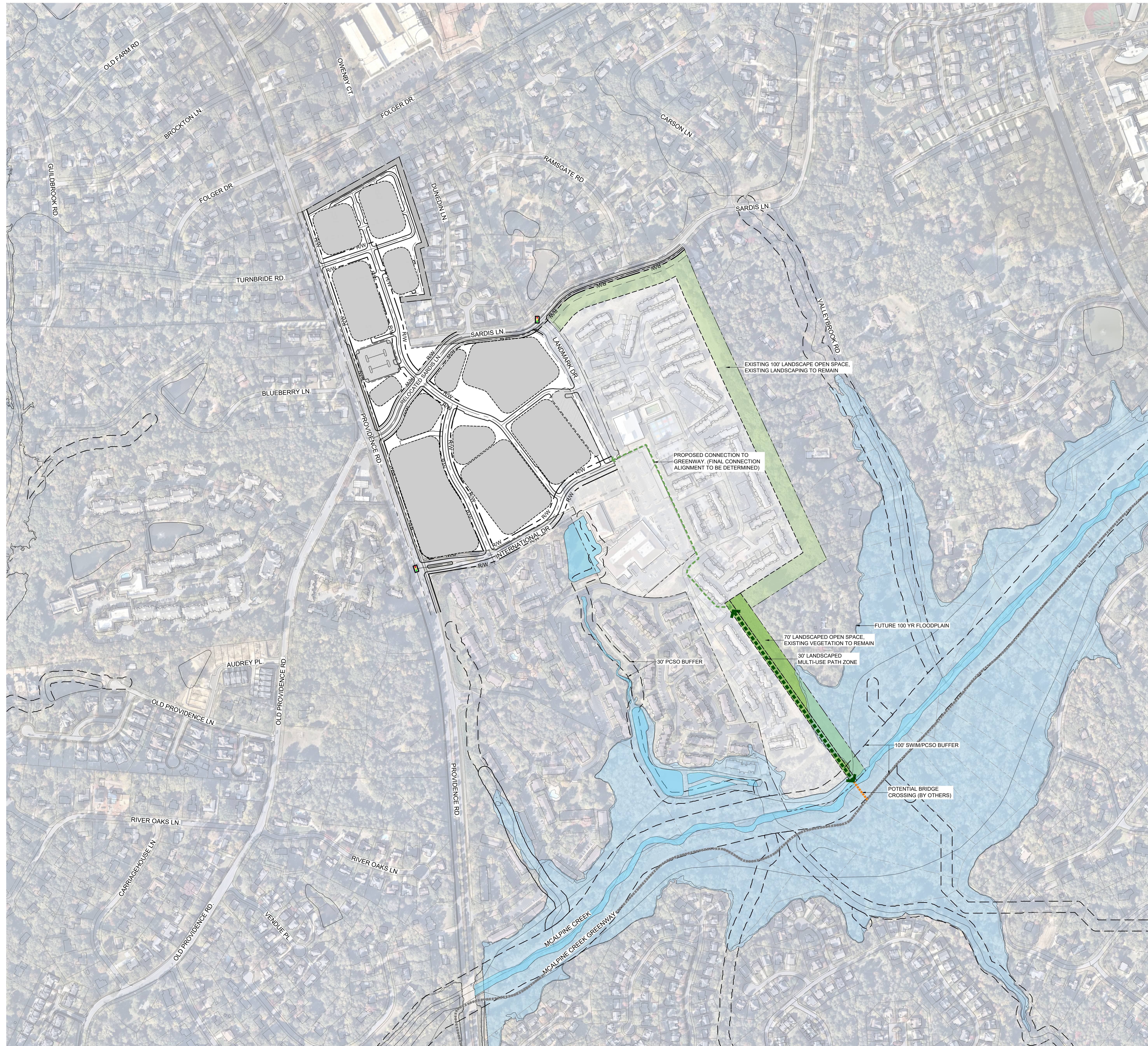
DESIGNED BY: LDI
DRAWN BY: LDI
CHECKED BY: LDI



SHEET TITLE

SCHMATIC SITE PLAN

RZ2-10



LEGEND

- EXISTING MCALPINE CREEK GREENWAY
- PROPOSED GREENWAY
- PROPOSED CONNECTION TO GREENWAY
- PROPOSED BRIDGE CONNECTION - BY OTHERS
- LANDSCAPE YARD/POTENTIAL TREE SAVE AREA
- 100' LINEAR PARK
- EXISTING 100' BUFFER
- EXISTING POND
- FUTURE 100 YR FLOODPLAIN
- PROPERTY LINE
- SETBACK
- BUILDING ENVELOPE
- PARKING ENVELOPE

NO.	DESCRIPTION	DATE
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DESIGNED BY: LDI
DRAWN BY: LDI
CHECKED BY: LDI

VERT: N/A
HORIZ: AS NOTED

h. The Petitioner will dedicate and convey to CDOT 40-feet of right-of-way as measured from the existing center line of Sardis Ln. as generally depicted on the Rezoning Plan.

i. A Right-of-Way Encroachment Agreement is required for the installation of any non-standard items (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City-maintained street right-of-way by a private individual, group, business, or homeowner/business association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

j. As a result of the proposed realignment of Sardis Ln. a portion of existing Sardis Ln. may need to be abandoned. The Petitioner acknowledges that in order to abandon a portion of Sardis Ln. the Petitioner will need to complete and submit a right of way abandonment petition form to CDOT for review. The Right of Way Abandonment process is controlled by North Carolina General Statutes and is independent of this rezoning process.

k. 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.

6. **Architectural and Site Standards and Parking Location Restrictions:**

a. **Building Materials for Development Areas A, B, and B-1:** The principal buildings constructed on Development Areas A, B and B-1 may use a variety of building materials. The building materials used for buildings in connection with new development taking place (other than structured parking facilities, if any) will be a combination of the following: glass, brick, stone, pre-cast concrete, synthetic stone, stucco, metal, cementitious siding (such as hardie-panels), EIFS or wood. Aluminum as a building material may only be used on windows, soffits and on handrails/railings. The proposed roofing materials will be architectural asphalt shingles; metal type roofing materials may also be used. Vinyl is a primary building material will not be allowed except on windows, balcony railings, on trim elements, and soffits. It is expressly understood that buildings existing currently as of the rezoning filing shall be excluded from requirements of this subsection including in connection with refurbishment of existing buildings.

b. **Non-residential Design Standards - Development Areas B and B-1:**

Building Placement and Site Design within Development Areas B and B-1 shall focus on and enhance the pedestrian environment through the following: [to be forthcoming during the rezoning process]

Architectural Elevation Design: elevations shall be designed to create visual interest as follows: [to be forthcoming during the rezoning process]

Multi-Family residential buildings within Development Area B (not attached units within Development Area A nor other Development Areas) shall adhere to the following standards:

Building Placement and Site Design shall focus on and enhance the pedestrian environment on public or private network required streets, through the following: [to be forthcoming during the rezoning process]

Building Massing and Height shall be designed to break up long monolithic building forms as follows: [to be forthcoming during the rezoning process]

Architectural Elevation Design: elevations shall be designed to create visual interest as follows: [to be forthcoming during the rezoning process]

7. **Attached residential units within Development Area A and if constructed within Development Area A shall adhere to the following standards:** [to be forthcoming during the rezoning process]

8. **Streetscape, Landscaping and Buffer:**

a. Along Site's frontage on Providence Road, [to be forthcoming during the rezoning process] This proposed setback will not apply to existing buildings and parking areas located within the site's right-of-way.

b. The setback along Sardis Ln. within Development Area B-1 and B will be 10 feet as measured from the future back of curb as generally depicted on the Rezoning Plan.

c. The setback along Sardis Ln. within Development Area E-1 will be 100 feet as measured from the future right-of-way as generally depicted on the Rezoning Plan.

d. The proposed setback along Landmark Dr. will be 10 feet as measured from the existing back of curb as generally depicted on the Rezoning Plan. This proposed setback will not apply to existing building and parking areas located within the Site.

e. The proposed setback along International Dr. will be 23-feet as measured from the back of curb as generally depicted on the Rezoning Plan.

f. The proposed setback along the new network required streets will be 23-feet as measured from the back of curb as generally depicted on the Rezoning Plan.

g. Landscaping and buffer will be provided along the eastern and western property boundary of Development Area A. Within the 40-foot distance and a 10-foot landscape open space area will be provided between the units in Development Area A and the existing attached single-family homes. This landscape open space area will be a minimum of 30 feet wide and will be planted to meet the City's standards as generally depicted on the Rezoning Plan.

h. Within Development Areas E and E-1, 100-foot-wide landscaped open space area will be provided along the eastern and western property boundary for the portion of eastern boundary which will be improved with a greenway access trail to provide a connection to McAlpine Greenway as generally depicted on the Rezoning Plan. In the area where the greenway access trail will be constructed a 70-foot landscaped open space area will be provided along the eastern property line and a 30-foot landscaped open space area will be provided along the western property line on the Site as generally depicted on the Rezoning Plan.

9. **Environmental Features**

a. 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 from and engineering perspective with this rezoning. Adjustments may be necessary to accommodate actual storm water treatment requirements and natural site discharge points.

b. Development within any SWIMPCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance. Petitioner acknowledges intermittent/perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions.

c. The Site will comply with the requirements of the City of Charlotte Tree Ordinance and the City Post Construction Stormwater Ordinance.

10. **Open Spaces:** Open space areas shall be available on the Site with portions of such open space areas available for active uses as determined during the rezoning process.

11. **Within Development Area B several unimproved open space areas will be provided:**

12. **Signage:**

a. Signage as allowed by the Ordinance may be provided. The Site will be viewed as a Planned/Unified Development as defined by the Ordinance; consequently, uses located on the interior of the Site may be identified on the allowed signs for the uses in Development Areas A, B, B-1 and vice-versa.

13. **Lighting:**

a. All new lighting shall be decorative, capped, or downwardly directed.

b. Detached lighting on the Site, except streetlights located along public streets and existing lighting in Development Area C and D, will be limited to 25 feet in height.

14. **Greenway Dedication for McAlpine Greenway:**

a. To be determined.

15. **Charlotte Area Transit System:**

a. The Petitioner will work with CATS to maintain the existing bus stops located along Providence Rd. If any of the existing bus stops conflict with the proposed development the Petitioner will coordinate new location with CATS during the Land Development plan review process.

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

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

17. **Binding Effect of the Rezoning Application:**

a. If this Rezoning Petition is approved, and 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 and their respective heirs, devisees, personal representatives, successors in interest or assigns.

11. **Site Location:** These Development Standards, the Technical Data Sheet, Schematic Site Plan, and related graphics form the Rezoning Plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition (the "Rezoning") filed by Levine Properties (the "Petitioner") to accommodate development of a mixed-use residential based community on an approximately 84.16-acre site generally located on the east side of Providence Rd., south of Folger Dr. and north of International Dr. (the "Site").

12. **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 in effect as of the date of filing of the application for the Rezoning on or prior to January 31, 2023 (the "Ordinance"). Unless the Rezoning Plan modifies the standards under the Optional provisions or more stringent standards as part of the conditional site plan, the regulations established under the Ordinance for the UR-2 zoning classification shall govern all development taking place on the portion of the Site designated UR-2, and the regulations established under the Ordinance for the MUDD zoning classification shall govern all development taking place on the portion of the Site designated as MUDD, subject to the provisions provided below including without limitation the Optional provisions of Section 2.

13. **Development Areas:** For ease of reference and as an organizing principal associated with the master planned unified development, the Rezoning Plan sets forth six (6) development areas (and as applicable other sub-area within the Development Areas) as generally depicted on the Technical Data Sheet as Development Areas A, B, B-1, C, D, E and E-1 (each a "Development Area" and collectively the "Development Areas"). The exact boundaries of the Development Areas may be subject to modifications to account for Development/Site Elements (as defined below) and other modifications needed to fulfill the design and development intent of the Rezoning Plan.

14. **Graphics and Alterations:** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Development Areas (as defined below), open space areas and other development matters and all other 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 are reviewed and approved as allowed by Section 6.207 of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

i. expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or

ii. minor and don't materially change the overall design intent proposed on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

15. **Planned/Unified Development:** The Site shall be viewed as a planned/unified development plan as to the Development/Site Elements. Development Areas and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, public/private street frontage requirements, and other similar zoning standards will not be required internally between improvements. Development Areas and other Development/Site Elements located on the Site. Furthermore, the Petitioner and/or owners of the applicable portion of the Site under development reserve the right to subdivide the portions or all of the Site, including without limitation the Development Areas, and create lots within the interior of the Site without regard to any such internal separation standards, and public/private street frontage requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all density/unit number requirements/limits will be regulated by any development applications set forth in Section 2 below as to the Site as a whole and not individual portions, Development Areas or lots located therein.

16. **Severable Vesting Rights:** Pursuant to the provisions of Section 1110 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 timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, the Petitioner includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a **ten (10)** year period, but such provisions shall not be deemed a limitation on any other vested rights whether at common law or otherwise.

17. **Number of Buildings Principal and Accessory:** Notwithstanding the number of buildings or lots shown on the Rezoning Plan, the number of buildings constructed on the Site is not limited by this graphic illustration of buildings indicated on the Rezoning Plan.

18. **Gross Floor Area Clarification:** When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities, areas used for building and equipment access such as stairs, elevator shafts and maintenance crawl space), service areas, rooftop equipment rooms, loading dock/service areas (indoor or outdoor), trash/recycling storage areas, mechanical and electrical rooms, and outdoor dining, courtyards and gathering areas whether on the roof of the building or at street level.

19. **Personal Services:** Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandise, but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to beauty salons and barber shops, hair salons, yoga and exercise studios, fitness and wellness facilities, nail salons, martial art training studios, laundries and dry cleaning establishments, dental offices, locksmiths, funeral homes and the like.

20. **Optional Provisions:**

The following optional provisions shall apply to the Site:

a. To allow parking, loading areas, and maneuvering for parking and loading areas to occur between the proposed buildings in Development Areas B, B-1, C and D and the new and existing public streets.

b. To allow existing parking areas, new parking areas, and maneuvering for parking areas to be located between the existing buildings and the new and existing public streets within Development Area C and D.

c. To allow the existing and new buildings within Development Area C and D to not meet the blank wall requirements of the Ordinance. The existing buildings do not need to comply with the blank wall requirement if the buildings are expanded or use of the building changes.

d. To not require screening of existing parking areas within Development Area C and D when uses are changed or expanded.

e. To not require the removal of existing non-conforming parking located within Development Area C and D when an existing building undergoes a change of use, or a building is expanded.

21. **Permitted Uses and Development Area Limitations:**

a. Subject to the restrictions and limitations (if any) set forth herein, as well as the benefits of the Optional provisions set forth herein, the principal buildings constructed on the Site and located within the applicable Development Areas may be developed as follows:

(i) Development Area A may be developed with up to 125 attached or detached dwelling units as allowed by-right and under prescribed conditions in the UR-2 zoning district together with allowed accessory uses.

(ii) Development Area B may be developed with up to 725 residential dwelling units and up to 180,000 square feet of gross floor area of general and medical offices uses, clinics (dental medical & optical) uses, and institutional uses as allowed by-right and under prescribed conditions in the MUDD zoning district together with allowed accessory uses.

(iii) Development Area B-1 may be developed with up to 45,000 square feet of gross floor area of general and medical offices uses, clinics (dental medical & optical) uses, and institutional uses as allowed by-right and under prescribed conditions in the MUDD zoning district together with allowed accessory uses.

(iv) Development Area C may be developed with up to 70,000 square feet of gross floor area of general and medical offices uses, clinics (dental medical & optical) uses, and institutional uses as allowed by-right and under prescribed conditions in the MUDD zoning district together with allowed accessory uses (it is noted that Development Area C is currently zoned for up to 92,740 square feet of gross floor area and may be transferred to Development Area D).

(v) Development Area D may be developed with up to 48,000 square feet of gross floor area of indoor recreational uses and improvements as allowed by-right and under prescribed conditions in the MUDD zoning district together with allowed accessory uses (it is noted that approximately 45,000 square feet of gross floor area is already currently in Development Area D).

(vi) Development Areas E and E-1 may be developed with up to 263 residential dwelling units as allowed by-right and under prescribed conditions in the UR-2 zoning district together with allowed accessory uses; it is noted that 263 units exist currently collectively in Development Areas E and E-1. (Note: any use that is not specifically listed in the Rezoning Plan may be reviewed, approved, and approved as allowed by Section 6.207 of the Ordinance in accordance with the provisions of the following subsection.)

b. **Workforce Housing Preservation within Development Area E:** The Petitioner shall voluntarily provide a workforce housing program to ensure that some residential units are reasonably priced for persons earning less than area median income as follows: the Petitioner shall ensure that some of the units within Development Area E are available for a period of not less than 15 years, monthly rents that are income restricted for households earning 80% or less of the area median income. The development will ensure that the final certificate of occupancy for the project shall be available for workforce housing in accordance with the provisions of the following subsection.

c. **Prohibited Uses:** The following uses are not allowed on the Site: gasoline service stations, convenience stores with gasoline sales, automobile repair garages and accessory drive-through window service (for clarity it is understood all other EDE uses are permitted).

22. **Transportation Improvements & Access:**

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

a. The following roadway improvements will be made by the Petitioner as part of the development of the Site as proposed by the Rezoning Plan in accordance with the phasing described below (the applicable roadway improvements shall be provided in connection with the applicable Phased development levels set forth in Section 4.11.B below).

1. **Proposed Improvements:**

The following multi-modal/pedestrian and/or street improvements shall be implemented in accordance with the provisions of this Section 4, and as described below may be implemented in conjunction with other developments or public or private/public projects:

a. To be determined based on transportation study results during rezoning process.

b. Subject to the approval of CDOT and NCDOT, the Petitioner agrees to re-align Sardis Lane, so that the relocated Sardis Lane will align with Old Providence Rd. to create a signalized intersection with Providence Rd. as generally depicted on the Rezoning Plan. The specific configuration of the intersection is recommended by the City.

2. **Standards, Phasing and Other Provisions:**

a. **CDOT and NCDOT Standards:** 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.

b. **Timing of Improvements/Phasing:** Those street improvements described in Section 4I, above will be substantially completed in conjunction with the development of the Site, and in accordance with phasing as set forth as follows: [to be determined as part of transportation study work]

b. **Substantial Completion:** Reference to "substantial completion" for certain improvements as set forth in the provisions of this Section 4 shall mean completion of the roadway improvements in accordance with the standards set forth in this Section 4, provided, however, in the event certain non-essential roadway improvements (as reasonably determined by the CDOT and/or NCDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for buildings on the Site, then CDOT or NCDOT 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. In the event that portions of the project are phased, the Petitioner shall only be required to complete as a condition of the first certificate of occupancy for a specified building associated with the applicable phase, the roadway, pedestrian and multi-modal improvements necessary as part of the applicable phase, as set forth in this Rezoning or as otherwise allowed by CDOT, each without the need for a rezoning nor site plan amendment to the Rezoning Plan.

c. **Right-of-way Availability:** IF APPLICABLE BUT ONLY TO THE EXTENT APPLICABLE, it is understood that some of the public roadway improvements referenced in subsection a above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60-day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then the City of Charlotte, or other applicable agency, department or governmental body may 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 including compensation paid by the applicable agency, department or governmental body for any such land and the expense of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for buildings on the Site in connection with related development phasing described above, then the CDOT or NCDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings provided, however, the 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.

In addition to the foregoing, in the event the right of way is not available for any reason after the good faith efforts of the Petitioner, the Petitioner will work with the CDOT or NCDOT as applicable to either (i) identify alternative improvements to implement traffic mitigation in lieu of the improvements impacted by the lack of right of way as described in subsection g below; or (ii) contribute to CDOT or NCDOT as applicable, an amount equal to the estimated cost of the road improvements not completed due to the lack of available right of way, such funds to be used to complete such alternative roadway improvements in the general area of the Site in a manner reasonable agreeable to the Petitioner, CDOT or NCDOT as applicable.

d. **Right-of-way Conveyance:** IF APPLICABLE BUT ONLY TO THE EXTENT APPLICABLE, the Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy for a particular phase as described herein. Petitioner will provide a permanent utility easement for any of the proposed sidewalk/multi-use path located along the public streets located outside of the right-of-way where ROW dedication is not provided as development takes place on a phased basis. The permanent sidewalk utility easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

e. **Alternative Improvements:** IF APPLICABLE BUT ONLY TO THE EXTENT APPLICABLE, changes to the above referenced roadway improvements can be approved through the Administrative Amendment Process upon the determination and mutual agreement of Petitioner, the CDOT, NCDOT and the Planning Director; provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition in the overall area of the rezoning.

For example, transportation improvements may be substituted and/or payment in lieu for other improvements in the overall area of the rezoning may be implemented as described in subsection (d) above.

5. **Access and Pedestrian Circulation:**

a. **Access to the Site** will be from Providence Road, Sardis Lane, International Lane, and from Landmark Drive, as generally depicted on the Rezoning Plan.

b. **The Petitioner will construct an eight-foot (8') planting strip and an eight-foot (8') sidewalk** along the Site's frontage on Providence Rd. as generally depicted on the Rezoning Plan. The construction of the streetscape improvements may be phased in coordination with the construction of the Development Areas.

c. **The Petitioner will provide an eight-foot (8') planting strip and a six-foot (6') sidewalk** along the Site's frontage on Sardis Lane and International Drive.

d. **The Petitioner will construct a public/private street network** as generally depicted on the Rezoning Plan. The proposed internal network streets will be constructed to meet USGS standards in place as of filing of the Rezoning. The USGS standard proposed for each such network street has been noted on the Rezoning Plan. The internal streets may either be public or private streets with public access easements. The internal street network may be phased in coordination with the construction of the Development Areas.

e. **The number and location of access points** to the internal public/private street and drives will be determined during the building permit process and thereafter additional or fewer driveways and/or additional streets may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances, and regulations.

f. **The alignment of the internal vehicular circulation and driveways** may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments reasonably required for approval by CDOT in accordance with published standards.

6. The Petitioner will dedicate and convey to CDOT 35-foot of right-of-way as measured from the existing center line of Providence Rd. as generally depicted on the Rezoning Plan.