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1. GENERAL PROVISIONS
- THESE DEVELOPMENT STANDARDS FORM PART OF THE TECHNICAL DATA SHEET ASSOCIATED WITH THE MUDD-O SITE PLAN AMENDMENT FILED BY APOLLO HOLDING COMPANY, LLC TO MODIFY SEVERAL PROVISIONS OF A MUDD-O REZONING PLAN WHICH WAS APPROVED BY THE CITY COUNCIL ON JANUARY 22, 2008 IN REZONING PETITION NO. 2007-082 FOR THE 159 ACRE CITY PARK DEVELOPMENT, AS THEREAFTER AMENDED ADMINISTRATIVELY FROM TIME TO TIME.
- THIS SITE PLAN AMENDMENT APPLIES ONLY TO THAT APPROXIMATELY 4.65 ACRE PART OF THE CITY PARK DEVELOPMENT WHICH IS BOUNDED BY POTOMAC RIVER PARKWAY, NATIONAL AVENUE, SPEER BOULEVARD, AND WEST TYVOLA ROAD AND WHICH HAS BEEN DESIGNATED BY MECKLENBURG COUNTY AS TAX PARCELS 143-131-14, 143-131-11, AND 143-131-15 (THE "SITE").
- UNLESS THE TECHNICAL DATA SHEET, THESE DEVELOPMENT STANDARDS OR ACCOMPANYING EXHIBITS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD ZONING DISTRICT AND THE DEVELOPMENT STANDARDS AS APPROVED IN REZONING PETITION 2007-082 AND ASSOCIATED ADMINISTRATIVE APPROVALS SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.
2. MUDD-O OPTIONAL PROVISIONS
- THE PETITIONER PROPOSES TO UTILIZE THE MUDD-O PROVISIONS OF THE ORDINANCE IN ORDER TO ACCOMMODATE THE FOLLOWING:
- (a) A DEVIATION TO ALLOW ONE (1) DRIVE THROUGH SERVICE WINDOWS AS AN ACCESSORY TO AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT (RESTAURANT) USE. THIS DRIVE-THROUGH SERVICE WINDOW SHALL BE LIMITED TO ONE (1) WINDOW ON EITHER PARCEL 143-131-14 OR PARCEL 143-131-15. NO DRIVE THROUGH SERVICE WINDOWS SHALL BE LOCATED ON PARCEL 143-131-11. THE DRIVE-THROUGH WINDOW SHALL ONLY BE LOCATED ON THE SAME PARCEL AS THE PRINCIPAL USE.
- (b) A DEVIATION TO ALLOW MANEUVERING BETWEEN THE STREET AND BUILDINGS FOR THE ONE (1) DRIVE-THROUGH SERVICE WINDOW ALLOWED ON EITHER PARCEL 143-131-14 OR PARCEL 143-131-15.
3. PERMITTED USES AND MAXIMUM DEVELOPMENT
- THE SITE MAY BE DEVELOPED WITH UP TO 12,000 SQUARE FEET OF COMMERCIAL FLOOR AREA (EXCLUSIVE OF AREAS USED FOR BUILDING AND EQUIPMENT ACCESS, SUCH AS STAIRS, ELEVATOR SHAFTS AND MAINTENANCE CRAWL SPACE) WITHIN UP TO TWO (2) BUILDINGS. THE EXISTING HOTEL AND FULLY CONSTRUCTED PARKING LOT SHALL REMAIN.
- EXCEPT AS OTHERWISE PROVIDED IN THE NEXT SUCCEEDING PARAGRAPH, THE SITE MAY BE DEVOTED TO ANY USES (INCLUDING ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH) WHICH ARE PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT UNDER THE ORDINANCE, AS WELL AS (1) ADDITIONAL DRIVE-THROUGH SERVICE WINDOW USE PERMITTED UNDER THE OPTIONAL PROVISIONS IN SECTION 2 ABOVE.
- NOTWITHSTANDING THE FOREGOING PARAGRAPH OF THIS SECTION 3, THE FOLLOWING USES SHALL NOT BE ALLOWED ON THE SITE:
- CONVENIENCE STORES WITH GASOLINE SALES;
  - CAR WASHES; AND
  - AUTOMOTIVE SERVICE STATIONS.
4. ARCHITECTURAL STANDARDS
- (a) ALL BUILDINGS SHALL CONTAIN A MINIMUM OF TWO (2) TENANTS.

- (b) FACADES FRONTING STREETS SHALL INCLUDE A COMBINATION OF WINDOWS AND OPERABLE DOORS FOR A MINIMUM OF 60% OF EACH FRONTAGE ELEVATION TRANSPARENT GLASS BETWEEN 2' AND 10' ON THE FIRST FLOOR. UP TO 20% OF THIS REQUIREMENT MAY BE COMPRISED OF DISPLAY WINDOWS. THESE DISPLAY WINDOWS MUST MAINTAIN A MINIMUM OF 3'-0" CLEAR DEPTH BETWEEN WINDOW AND REAR WALL. WINDOWS WITHIN THIS ZONE SHALL NOT BE SCREENED BY FILM, DECALS, AND OTHER OPAQUE MATERIALS, GLAZING FINISHES OR WINDOW TREATMENTS. THE MAXIMUM SILL HEIGHT FOR REQUIRED TRANSPARENCY SHALL NOT EXCEED 4'-0" ABOVE ADJACENT STREET SIDEWALK.
- (c) THE FACADES OF FIRST/GROUND FLOOR OF THE BUILDINGS ALONG STREETS SHALL INCORPORATE A MINIMUM OF 30% MASONRY MATERIALS SUCH AS BRICK OR STONE.
- (d) DIRECT PEDESTRIAN CONNECTION SHALL BE PROVIDED BETWEEN STREET FACING DOORS, CORNER ENTRANCE FEATURES TO SIDEWALKS ON ADJACENT STREETS.
- (e) BUILDING ELEVATIONS 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.
- (f) BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FEATURES WHICH SHALL INCLUDE A COMBINATION OF AT LEAST THREE (3) OF THE FOLLOWING: A COMBINATION OF EXTERIOR WALL OFFSETS (PROJECTIONS AND RECESSES), COLUMNS, PILASTERS, CHANGE IN MATERIALS OR COLORS, AWNINGS, ARCADES, OR OTHER ARCHITECTURAL ELEMENTS.
- (g) BUILDINGS SHALL BE A MINIMUM HEIGHT OF TWENTY-TWO (22) FEET.
5. STREETScape AND LANDSCAPING
- (a) DRIVE THROUGH WINDOW AREAS WILL BE SCREENED FROM VIEW FROM THE PARALLEL STREET UTILIZING A TRELLIS STRUCTURE INTEGRATED WITHIN A SCREEN WALL WITH A COMBINED MINIMUM HEIGHT OF SEVEN (7) FEET WHICH INCLUDES THE HEIGHT OF THE BASE WALL (IF ANY), AND A MINIMUM WIDTH OF THIRTY (30) FEET GENERALLY CENTERED ON THE LOCATION OF THE PROPOSED DRIVE THROUGH WINDOW. THE TRELLIS WILL BE PLANTED WITH CLIMBING EVERGREEN PLANT MATERIAL COMMON TO THE AREA.
- (b) THE DESIGN FOR DRIVE-THROUGH LANES CONSTRUCTED ON THE SITE MUST INCORPORATE AREAS FOR SAFE PEDESTRIAN CROSSING.
- (c) IN AREAS INDICATED ON THE SITE PLAN, THE PETITIONER WILL PROVIDE A MIXTURE OF INTERMITTENT WALLS AND ENHANCED LANDSCAPING ALONG STREETS WHERE DRIVE-THROUGH SERVICE LANES AND/OR PARKING ABUT THE STREET. WALLS WILL BE CONSTRUCTED OF MATERIALS GENERALLY COMPATIBLE WITH THE BUILDINGS TO WHICH THEY RELATE. IN ALL OTHER AREAS, PARKING SHALL BE SCREENED FROM PUBLIC ROADS, AS REQUIRED BY MUDD STANDARDS.
- (d) NO TREES SHALL BE REMOVED FROM THE RIGHT-OF-WAY OF ANY CITY MAINTAINED STREET WITHOUT EXPLICIT PERMISSION OF THE CITY ARBORIST'S OFFICE. AUTHORIZATION IS REQUIRED TO BE OBTAINED PRIOR TO PLAN APPROVAL BY URBAN FORESTRY DURING THE LAND DEVELOPMENT PLAN REVIEW PROCESS.

PROJECT NO.	MRE-13040
FILENAME:	
DESIGNED BY:	BCP
DRAWN BY:	BCP
SCALE:	
DATE:	12-15-2017
SHEET NO.	RZ-3



CITY PARK RETAIL  
PETITION #2018-001  
CITY OF CHARLOTTE, NORTH CAROLINA

OWNER:

APOLLO HOLDING  
COMPANY, LLC  
5720 CHEEDMOOR ROAD, SUITE 205  
RALEIGH, NORTH CAROLINA 27612

REVISIONS:

2018-03-12	REVISIONS PER PLANNING COMMENTS
2018-04-26	REVISIONS PER CITY COMMENTS

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1. GENERAL PROVISIONS

THE FOLLOWING DEVELOPMENT STANDARDS ARE TAKEN FROM THE ORIGINALLY APPROVED REZONING PETITION 2007-082 FOR CITY PARK AND ASSOCIATED ADMINISTRATIVE APPROVALS THROUGH JUNE 30, 2016. THE MINOR MODIFICATIONS ASSOCIATED WITH THIS REZONING (REZONING PETITION 2018-001) ARE DEPICTED ON SHEET RZ-3. THE PORTION OF THE SITE SUBJECT TO THIS REZONING PLAN SHALL BE TREATED AS PART OF THE OVERALL DEVELOPMENT, AS CONTEMPLATED IN THE ORIGINAL 2007-082 REZONING. HOWEVER, IF THERE IS A CONFLICT BETWEEN THE DEVELOPMENT STANDARDS CONTAINED HEREIN AND THOSE DEVELOPMENT STANDARDS FROM THE 2007-082 APPROVED REZONING PLAN (OR ASSOCIATED SITE PLAN AMENDMENTS OR ADMINISTRATIVE APPROVALS), THE NOTES CONTAINED HEREIN ON SHEET RZ-3 SHALL GOVERN FOR THIS APPROXIMATELY 4.65 ACRE PORTION OF THE OVERALL CITY PARK SITE AS CONTEMPLATED IN THIS REZONING PLAN.

THESE DEVELOPMENT STANDARDS FORM A PART OF THE TECHNICAL DATA SHEET (SHEET RZ 1) ASSOCIATED WITH THE REZONING PETITION FILED BY THE PETITIONER TO ACCOMMODATE REDEVELOPMENT OF THE 192+ ACRE TRACT OCCUPIED BY THE OLD CHARLOTTE COLISEUM WHICH LIES BETWEEN TYVOLA ROAD AND YORKMONT ROAD AND THE 12 ACRE TRACT LOCATED ON THE OPPOSITE SIDE OF TYVOLA ROAD (COLLECTIVELY CALLED THE "SITE"), ALL AS MORE PARTICULARLY DEPICTED ON THE TECHNICAL DATA SHEET. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE TECHNICAL DATA SHEET, THE ACCOMPANYING EXHIBITS, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). ACCOMPANYING THE REZONING PETITION ARE THE TECHNICAL DATA SHEET (SHEET RZ 1), A CONCEPTUAL SITE PLAN FOR THE DEVELOPMENT OF THE SITE (SHEET RZ 3.0), A CONCEPTUAL SITE PLAN ALTERNATE, DEPICTING OPTIONAL DEVELOPMENT PLANS FOR VARIOUS AREAS WITHIN THE SITE (SHEET RZ 3.1) AND A PERSPECTIVE RENDERING LOOKING NORTH UP CITY PARK DRIVE (SHEET RZ 3.2). THE PETITIONER RESERVES THE OPTION TO COMBINE OR NOT COMBINE BUILDINGS DEPICTED ON SHEETS RZ 3.0 AND RZ 3.1. HOWEVER, THIS OPTION DOES NOT INCLUDE THE RIGHT TO INCREASE THE NUMBER OF BUILDINGS SHOWN ON EITHER OF THESE SHEETS. UNLESS THE TECHNICAL DATA SHEET, THESE DEVELOPMENT STANDARDS OR THE ACCOMPANYING EXHIBITS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE. INASMUCH AS PLANNING FOR THE PROPOSED REDEVELOPMENT OF THE SITE HAS NOT YET ADVANCED BEYOND THE FORMATIVE STAGE, THE ULTIMATE LAYOUTS OF THE DEVELOPMENT PROPOSED, THE EXACT ALIGNMENTS OF STREETS AND POINTS OF ACCESS, THE CONFIGURATIONS AND PLACEMENTS OF PARKING AREAS AND THE HEIGHTS AND MASSES OF BUILDINGS HAVE NOT YET BEEN DETERMINED. AS A CONSEQUENCE, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDINGS AND PARKING AREAS DEPICTED ON THE CONCEPTUAL SITE PLAN [SHEET RZ 3.0] AND THE OPTIONAL DEVELOPMENT PLANS (SHEET RZ 3.1) ARE SCHEMATIC IN NATURE AND THEREFORE ARE SUBJECT TO REFINEMENTS AS PART OF THE TOTAL DESIGN PROCESS. THEY MAY, THEREFORE, BE ALTERED, MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES SO LONG AS THE MAXIMUM PARKING AND BUILDING ENVELOPE LINES ESTABLISHED ON THE TECHNICAL DATA SHEET (SHEET RZ 1) ARE NOT VIOLATED AND THE PROPOSED ALTERATIONS OR MODIFICATIONS DO NOT EXCEED THE PARAMETERS ESTABLISHED UNDER THESE DEVELOPMENT STANDARDS AND UNDER THE ORDINANCE FOR THE MUDD DISTRICT. FOR PURPOSES OF THE PRECEDING PARAGRAPH, ANY ALTERATIONS OR MODIFICATIONS WHICH SUBSTANTIALLY ALTER THE CHARACTER OF THE DEVELOPMENT OR SIGNIFICANTLY ALTER THE CONCEPTUAL SITE PLAN, THE CONCEPTUAL SITE PLAN ALTERNATE, OR THEIR RESPECTIVE CONDITIONS AS WELL AS ANY CHANGES WHICH INCREASE THE INTENSITY OF DEVELOPMENT SHALL NOT BE DEEMED TO BE MINOR AND MAY ONLY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6.207(1) OR (2) OF THE ORDINANCE, AS APPLICABLE. THE PERSPECTIVE RENDERING ACCOMPANYING THE TECHNICAL DATA SHEET (SHEET RZ 3.2), WHICH HAS AS ITS VIEWPOINT OR POINT OF REFERENCE THE VIEW A MOTORIST ENTERING CITY PARK TOWN SQUARE FROM TYVOLA ROAD WOULD HAVE OF DEVELOPMENT WITHIN THE SITE ALONG EITHER SIDE OF CITY PARK DRIVE AS THE MOTORIST CONTINUED TRAVELING IN A NORTHERLY DIRECTION, ILLUSTRATES THE QUALITY OF DEVELOPMENT THE PETITIONER INTENDS TO ACHIEVE FOR CITY PARK. THE PETITIONER AGREES TO SUBMIT DETAILED PLANS WITH RESPECT TO EACH PHASE OF DEVELOPMENT PROPOSED ON THE SITE TO THE STAFF OF THE CHARLOTTE MECKLENBURG PLANNING COMMISSION FOR REVIEW PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION OF THE PROPOSED PHASE OF DEVELOPMENT SO THAT STAFF MAY BE ASSURED THAT SUCH DEVELOPMENT SATISFIES THE CONDITIONS IMPOSED UNDER THE REZONING PLAN. THESE DEVELOPMENT STANDARDS AND THE OTHER SHEETS AND EXHIBITS ACCOMPANYING THE REZONING PETITION, COMPLIANCE WITH THE PROVISIONS OF THIS PARAGRAPH SHALL NOT BE DEEMED TO BE AN ADMINISTRATIVE SITE PLAN APPLICATION OR REQUIRE ADMINISTRATIVE SITE PLAN APPROVAL AS ENVISIONED BY SECTION 6.207 OF THE ORDINANCE.

2. REQUIREMENTS FOR REMOVING PUBLIC ART PIECE

THERE IS CURRENTLY IN PLACE IN FRONT OF THE CHARLOTTE COLISEUM A MAYA LIN PUBLIC ART PIECE FEATURING NINE HOLLY SHRUBS SCULPTED TO GIVE THE APPEARANCE OF ROLLING BALLS. THE CONTRACT WHICH THE CITY OF CHARLOTTE ENTERED INTO WITH ITS ARTIST RESERVED A RIGHT ON THE PART OF THE CITY TO REMOVE THIS ART PIECE, PROVIDED CERTAIN TERMS AND CONDITIONS WERE SATISFIED. A COPY OF THIS CONTRACT IS ON FILE IN THE OFFICE OF THE CITY MANAGER OF THE CITY OF CHARLOTTE.

WHILE THE OWNER OR OWNERS OF THAT PORTION OF THIS SITE INVOLVED MAY REMOVE THIS PIECE OF ART, THEY MAY ONLY DO SO AFTER HAVING FULLY COMPLIED WITH ALL OF THE TERMS AND CONDITIONS SET FORTH IN THE MAYA LIN CONTRACT.

3. PERMITTED USES

EXCEPT AS OTHERWISE PROVIDED IN THE NEXT SUCCEEDING PARAGRAPH, THE SITE MAY BE DEVOTED TO ANY USES (INCLUDING ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH) WHICH ARE PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN A MUDD ZONING DISTRICT UNDER THE ORDINANCE.

NOTWITHSTANDING THE FOREGOING PARAGRAPH OF THIS SECTION 3, THE FOLLOWING USES SHALL NOT BE ALLOWED ON THE SITE:

- FAST FOOD RESTAURANTS WITH DRIVE THROUGH FACILITIES;
- CONVENIENCE STORES WITH GASOLINE SALES;
- CAR WASHES; AND
- AUTOMOTIVE SERVICE STATIONS

SUBJECT TO THE PROVISIONS OF THE NEXT SUCCEEDING PARAGRAPH OF THIS SECTION 3, ONE OF EACH OF THE FOLLOWINGS USES MAY BE LOCATED ON THE SITE WITHIN AREAS A, B AND C DEPICTED ON THE TECHNICAL DATA SHEET AND WILL BE ALLOWED TO HAVE DRIVE-THROUGH SERVICE LANES AND WINDOWS AS AN ACCESSORY USE:

- A BANK;
- A DRUG STORE; AND
- A DRY CLEANER

DRIVE-THROUGH WINDOWS SHALL ONLY BE LOCATED ON THE SAME PARCEL AS THE PRINCIPAL USE; AND, TO MINIMIZE VISIBILITY ALONG PUBLIC RIGHTS-OF-WAY, SHALL BE LOCATED TO THE REAR OR SIDE OF THE PRINCIPAL USE. EXCEPT AS OTHERWISE DEPICTED ON THE CONCEPTUAL SITE PLAN AND THE OPTIONAL DEVELOPMENT PLANS, OR AS APPROVED THROUGH AN ADMINISTRATIVE VARIANCE, MANEUVERING/STACKING FOR THE DRIVE-THROUGH WINDOWS MAY NOT OCCUR BETWEEN BUILDINGS AND PUBLIC OR PRIVATE STREETS. NO MORE THAN 4 DRIVE-THROUGH SERVICE LANES SHALL BE PERMITTED PER INDIVIDUAL USE AND FREESTANDING DRIVE-THROUGH LANES SHALL BE PROHIBITED. EACH SUCH DRIVE-THROUGH SERVICE LANE/WINDOW SHALL BE APPROVED AND DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 12.413 OF THE ORDINANCE.

THE BUILDING CURRENTLY SITUATED BEHIND THE COLISEUM BUILDING WHICH WAS FORMERLY OCCUPIED BY THE CHARLOTTE HORNETS MAY BE RENOVATED, REUSED OR REPLACED WITH NEW DEVELOPMENT.

4. MAXIMUM DEVELOPMENT

THE MAXIMUM MIXED/MULTI-USE DEVELOPMENT WHICH MAY TAKE PLACE ON THE SITE SHALL BE AS FOLLOWS:

COMMERCIAL

- UP TO 180,000 SQUARE FEET OF RETAIL DEVELOPMENT, EXCLUSIVE OF AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS AND MAINTENANCE CRAWL SPACE), SERVICE AREAS, MECHANICAL AND ELECTRICAL ROOMS, STORAGE AREAS AND BACK OF HOUSE OFFICE SPACES MAY BE CONSTRUCTED ON THE SITE.
- UP TO TWO HOTELS CONTAINING, IN THE AGGREGATE, NO MORE THAN 350 ROOMS; AND
- UP TO 400,000 SQUARE FEET OF OFFICE DEVELOPMENT EXCLUSIVE OF AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS AND MAINTENANCE CRAWL SPACE), SERVICE AREAS, MECHANICAL AND ELECTRICAL ROOMS, STORAGE AREAS AND BACK OF HOUSE OFFICE SPACES MAY BE CONSTRUCTED ON THE SITE.

AREAS DEVOTED TO OUTDOOR DINING, COURTYARDS AND PLAZAS ARE NOT INCLUDED IN THE SQUARE FOOTAGE AMOUNTS NOTED ABOVE.

RESIDENTIAL

FOR SALE RESIDENTIAL:

- UP TO 1,090 DWELLING UNITS CONSISTING OF ANY COMBINATION OF TOWNHOMES, CONDOS, FLATS, AND DETACHED DUPLEX OR SINGLE FAMILY RESIDENCES.

MULTI-FAMILY RENTAL:

- UP TO 1,210 HIGH DENSITY RESIDENTIAL UNITS; AND
- UP TO 200 MEDIUM DENSITY RESIDENTIAL UNITS.

5. SETBACKS, SIDE YARDS AND REAR YARDS

EXCEPT AS MAY OTHERWISE BE PROVIDED HEREIN, ALL BUILDINGS BEING CONSTRUCTED ON THE SITE SHALL, AT A MINIMUM, SATISFY THE REQUIREMENTS OF THE MUDD DISTRICT. THE DEVELOPER MAY SUBDIVIDE THE SITE AND CREATE LOTS WITHIN THE INTERIORS OF THE PARCELS WITH NO SIDE OR REAR YARDS AS PART OF A UNIFIED DEVELOPMENT PLAN.

6. MUDD-OPTIONAL PROVISIONS/WAIVER OF SIGHT TRIANGLE REQUIREMENTS

- a. THIS PETITION PROPOSES UTILIZATION OF THE MUDD-O PROVISIONS TO ALLOW FOR THE FOLLOWING OPTIONAL DEVIATIONS:
- DEVIATIONS THAT WOULD ALLOW SURFACE LEVEL OFF STREET PARKING SPACES AND MANEUVERING WITHIN AREAS BETWEEN ANY BUILDING FRONTING ON ANY PUBLIC STREET THAT WAS IN EXISTENCE AS OF THE DATE ON WHICH THIS REZONING PETITION IS APPROVED AND THE PARTICULAR PUBLIC STREET INVOLVED.
- DEVIATIONS THAT WOULD ALLOW THOSE BUILDINGS WITHIN THE CITY PARK TOWN SQUARE RETAIL DISTRICT WHICH ARE SHOWN ON THE CONCEPTUAL SITE PLAN OR THE CONCEPTUAL SITE PLAN ALTERNATE TO HAVE OFF-STREET PARKING SPACES OR MANEUVERING WITHIN AREAS BETWEEN THESE BUILDINGS AND THE PUBLIC OR PRIVATE STREET ON WHICH THEY FRONT TO HAVE SUCH AREAS.
- DEVIATIONS THAT WOULD ALLOW SURFACE LEVEL OFF STREET PARKING SPACES AND MANEUVERING WITHIN AREAS LOCATED BETWEEN ANY BUILDING CONSTRUCTED WITHIN THAT PART OF THE SITE WHICH IS BOUNDED BY BILLY GRAHAM PARKWAY, RE-ALIGNED YORKMONT ROAD AND PRICE LANE AND THE STREET ON WHICH IT FRONTS.

- DEVIATIONS THAT WOULD ALLOW TEMPORARY SURFACE LEVEL PARKING AND MANEUVERING WITHIN AREAS BETWEEN PUBLIC OR PRIVATE STREETS AND
- BUILDINGS FRONTING THESE STREETS IN INSTANCES WHERE THE AREAS ARE EARMARKED FOR FUTURE BUILDINGS.
- A PORTE-COCHERE FOR A HOTEL;
- ENCLOSED, SHELTERED AND UNENCLOSED URBAN SPACES AND PLAZAS
- DROP OFF AREAS IN FRONT OF OFFICE BUILDINGS;
- SERVICE AREAS FOR USES SUCH AS MAIL DELIVERY, TRASH DISPOSAL, ABOVE-GROUND UTILITIES, LOADING AND DELIVERY;
- A DEVIATION FROM THE HEIGHT REQUIREMENTS TO ALLOW AN 11 STORY BUILDING WITHIN THE AREA AT THE END OF THE PROPOSED CITY PARK DRIVE TO BE KNOWN AS THE PINNACLE AT CITY PARK WITH A HEIGHT OF UP TO BUT NOT EXCEEDING 150 FEET.
- A DEVIATION THAT WOULD ALLOW THE SIDEWALKS CURRENTLY LOCATED ON THE SITE WHICH RUN ALONG TYVOLA ROAD TO REMAIN IN PLACE.
- DEVIATIONS TO ACCOMMODATE OPTIONAL PAVING SYSTEMS USED ON PRIVATE PLAZAS AND WALKWAYS;
- DEVIATIONS FROM THE SIGNAGE PROVISIONS TO ALLOW THE FOLLOWING:

TWO DETACHED, GROUND-MOUNTED PROJECT /TENANT IDENTIFICATION SIGNS ALONG TYVOLA ROAD AND ONE EACH ON YORKMONT ROAD AND BILLY GRAHAM PARKWAY. THESE SIGNS MAY EACH EXTEND TO A HEIGHT OF UP TO 25 FEET AND MAY INCLUDE UP TO 100 SQUARE FEET IN SIGNAGE AREA;

OTHER DETACHED PROJECT/TENANT IDENTIFICATION SIGNS SHALL BE LIMITED IN SIZE TO 10 FEET IN HEIGHT AND 80 SQUARE FEET IN SIGNAGE AREA AND MUST BE LOCATED INTERNAL TO THE PROJECT.

ALLOWABLE SIGNAGE TYPES INCLUDING ALL TYPES OF SIGNAGE PERMITTED UNDER CHAPTER 13 AND/OR, IN ADDITION, COMPUTER PROGRAMMABLE L.E.D. SYSTEMS WITH FULL COLOR, FULL MATRIX DISPLAYS AND MESSAGE BOARDS, INCLUDING TICKER TAPE TYPE MOVING MESSAGES. HOWEVER, IN NO EVENT SHALL A L.E.D. SIGN OR A MESSAGE BOARD SIGN BE PERMITTED ALONG ANY PORTION OF THE SITE'S FRONTAGE ALONG TYVOLA ROAD, YORKMONT ROAD OR BILLY GRAHAM PARKWAY.

ONE MONUMENT STYLE BUILDING IDENTIFICATION SIGN OF UP TO 6 FEET IN HEIGHT AND UP TO 36 SQUARE FEET IN SIGNAGE SIZE AREA FOR EACH BUILDING LOCATED WITHIN THE SITE;

WALL MOUNTED SIGNAGE WHICH CONFORMS TO THE UMUD DISTRICT STANDARDS OF THE ORDINANCE.

- THE ESTABLISHMENT OF LIMITED DRIVE-THROUGH FACILITIES AS ACCESSORY USES FOR EACH OF THE FOLLOWING PRINCIPAL USES THAT MAY BE LOCATED ON THE SITE IN ACCORDANCE WITH (AND SUBJECT TO) THE PROVISIONS OF SECTION 3:

- A BANK;
- A DRUG STORE; AND
- A DRY CLEANERS

b. WAIVER OF SIGHT TRIANGLE REQUIREMENTS

- IN ADDITION TO THE FOREGOING MUDD OPTIONAL DEVIATIONS, THE PETITIONER RESERVES THE RIGHT TO REQUEST THE DIRECTOR OF CDOT TO WAIVE ALL OR PART OF THE SIGHT TRIANGLE REQUIREMENTS OF THE ORDINANCE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12.109(7) THEREOF.

7. GRANDFATHER PROVISIONS

DURING THE VARIOUS PHASES OF THE REDEVELOPMENT PROCESS, IT IS THE INTENTION OF THE PETITIONER TO RETAIN AND PRESERVE ANY AND ALL GRANDFATHERING RIGHTS UNDER THE ORDINANCE WITH RESPECT TO ALL STRUCTURES, STREETS, SIDEWALKS, PARKING AREAS, AND OTHER IMPROVEMENTS CURRENTLY IN PLACE ON THE SITE (INCLUDING THE SIDEWALKS IN PLACE ALONG PAUL BUCK BOULEVARD AND TYVOLA ROAD) WHICH ARE NOT REMOVED OR RENOVATED TO ACCOMMODATE THE PARTICULAR ASSOCIATED REDEVELOPMENT PHASE.

8. CONNECTIVITY

PEDESTRIAN AND VEHICULAR CONNECTIVITY WILL BE ENHANCED BY THE PROPOSED LOOP AT CITY PARK, A 3 MILE HARD SURFACE TRAIL SYSTEM THAT WILL ENCRIRCLE THE SITE, THE GENERAL ALIGNMENT OF WHICH IS MORE PARTICULARLY DEPICTED ON THE TECHNICAL DATA SHEET (SHEET RZ-1) AND DESIGNATED AS THE PROPOSED LOOP PEDESTRIAN TRAIL SYSTEM.

IT IS TO BE NOTED THAT PORTIONS OF THIS TRAIL SYSTEM RUN THROUGH ADJOINING PROPERTIES SO AS TO PROVIDE BETTER PEDESTRIAN/BICYCLISTS LINKAGE TO:

- LAKE POINTE OFFICE PARK;
- COLISEUM CENTER OFFICE PARK;
- LAKE POINTE CORPORATE CENTER;
- PARKWAY PLAZA OFFICE PARK;
- 500 HOTEL ROOMS
- THE FUTURE GREENWAY TRAIL;
- BILLY GRAHAM EVANGELISTIC ASSOCIATION LIBRARY AND HEADQUARTERS;
- THE FARMER'S MARKET;
- RENAISSANCE PARK; AND
- RENAISSANCE GOLF CLUB

9. INTERNAL STREET SYSTEMS

THE SITE'S INTERNAL STREET SYSTEM SHALL BE COMPOSED OF PUBLIC AND PRIVATE STREETS AS DEPICTED ON THE TECHNICAL DATA SHEET. THE RIGHT TO DEVIATE FROM THE STREET ALIGNMENTS DEPICTED ON THE TECHNICAL DATA SHEET IS RESERVED, PROVIDED ANY PROPOSED CHANGE IN ALIGNMENT IS APPROVED IN ADVANCE BY CDOT AND/OR NCDOT, AS APPLICABLE. EACH STREET SECTION WILL BE CONSISTENT WITH THE PROPOSED URBAN STREET DESIGN GUIDELINES FOR ITS TYPE OF STREET.

10. VEHICULAR ACCESS AND ROADWAY RIGHT-OF-WAY

VEHICULAR ACCESS TO TYVOLA ROAD AND YORKMONT ROAD WILL BE AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. THE EXTENSION OF SOUTH STREAM BOULEVARD TO THE SITE IS OPTIONAL ONLY, GIVEN THE FACT THAT THE PETITIONER DOES NOT OWN ALL OF THE RIGHT-OF-WAY NECESSARY TO MAKE THE CONNECTION. HOWEVER, IF OTHER PARTIES, AT THEIR EXPENSE, EXTEND SOUTH STREAM BOULEVARD TO THE SITE, THE PETITIONER WILL PROVIDE ANY RIGHT-OF-WAY NEEDED TO CONNECT SOUTH STREAM BOULEVARD TO THE SITE'S INTERNAL ROADWAY SYSTEM ALONG THE ALIGNMENT GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. PEDESTRIAN CONNECTIONS ACROSS TYVOLA ROAD WILL BE PROVIDED AS GENERALLY DEPICTED ON THE CONCEPTUAL SITE PLAN THAT WILL INCLUDE THE NECESSARY CROSSWALKS, A LANDSCAPED MEDIAN REFUGE ISLAND AND PEDESTRIAN SIGNALS. SIX ACCESS POINTS ARE PROPOSED ONTO TYVOLA ROAD; NAMELY, TWO FULL-MOVEMENT AND FOUR RIGHT-IN/RIGHT-OUT MOVEMENTS. FOUR ACCESS POINTS ARE PROPOSED ON THE REALIGNED YORKMONT ROAD WHICH IS A COLLECTOR ROAD. THE ONE FURTHEST TO THE WEST EXISTS CURRENTLY, WITH A LEFT-TURN LANE ON YORKMONT ROAD LEADING INTO THE SITE. THE NEW ACCESS POINT FURTHEST TO THE EAST WILL BE CONSTRUCTED IN PHASE TWO AS PART OF THE NEW NORTH/SOUTH CONNECTOR ROAD EXTENDING FROM TYVOLA ROAD TO BILLY GRAHAM PARKWAY WHICH WILL INTERSECT A REALIGNED YORKMONT ROAD. THE TWO ADDITIONAL ACCESS POINTS DEPICTED ALONG THE REALIGNED YORKMONT ROAD WILL SERVE THE LAND PARCELS BETWEEN REALIGNED YORKMONT ROAD, THE NEW NORTH/SOUTH CONNECTOR ROAD, AND BILLY GRAHAM PARKWAY. THESE ACCESS POINTS MAY REQUIRE LEFT-TURN LANES WHICH WILL BE DETERMINED THROUGH THE BUILDING/DRIVEWAY PERMIT PROCESS. THE PLACEMENTS AND CONFIGURATIONS OF THE VEHICULAR ACCESS POINTS SHOWN ON THE TECHNICAL DATA SHEET ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT). THE PETITIONER WILL BE RESPONSIBLE FOR THE GEOMETRY AT ALL INTERNAL INTERSECTIONS, INCLUDING TURN LANES AS DEEMED NECESSARY BY CDOT. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT FOR ANY PHASE TWO DEVELOPMENT TO BE CONSTRUCTED ON THE SITE, THE PETITIONER AGREES TO DEDICATE AND CONVEY OUT OF THE SITE (BY QUITCLAIM DEED AND SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) ANY ADDITIONAL RIGHT-OF-WAY SOUTH OF THE CENTERLINE OF YORKMONT ROAD REQUIRED TO PROVIDE 30 FEET OF RIGHT-OF-WAY SOUTH OF THE CENTERLINE. THE PETITIONER FURTHER AGREES TO DEDICATE AND CONVEY ADDITIONAL RIGHT OF WAY OUT OF THE SITE NECESSARY TO ACCOMMODATE THE EXTENSION OF YORKMONT ROAD THROUGH THE SITE AS A 60 FOOT-WIDE SECTION ALONG THE ALIGNMENT GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. THE PETITIONER ANTICIPATES THAT IF THE NORTH/SOUTH CONNECTOR IS APPROVED AND YORKMONT ROAD IS REALIGNED AND EXTENDED THROUGH THE SITE, IT WILL PETITION FOR THE ABANDONMENT OF THAT PART OF THE EXISTING RIGHT-OF-WAY FOR YORKMONT ROAD WHICH IS NO LONGER NEEDED FOR ROADWAY PURPOSES. IF ADDITIONAL RIGHT-OF-WAY IS REQUIRED TO COMPLETE THE NORTH/SOUTH CONNECTOR ALONG THE ALIGNMENT GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AND THE PETITIONER, AFTER A GOOD FAITH EFFORT, IS UNABLE TO ACQUIRE THIS ADDITIONAL RIGHT-OF-WAY VOLUNTARILY, THE PETITIONER MAY REQUEST THE CITY TO CONDEMN THE PROPERTY, PROVIDED THE PETITIONER AGREES TO PAY FOR ALL COSTS AND EXPENSES ASSOCIATED THEREWITH.

THE PETITIONER FURTHER AGREES TO DEDICATE AND CONVEY (BY QUITCLAIM DEED AND SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) ADDITIONAL PORTIONS OF THE SITE REQUIRED TO ACCOMMODATE ALL PUBLIC STREETS DEPICTED ON THE TECHNICAL DATA SHEET, IF SUCH RIGHT-OF-WAY DOES NOT PRESENTLY EXIST.

11. ROADWAY IMPROVEMENTS

- a. MINIMUM ROADWAY IMPROVEMENTS FOR PHASE ONE DEVELOPMENT
- FOR PURPOSES OF THIS PARAGRAPH 11(A), PHASE ONE DEVELOPMENT SHALL BE DEEMED TO INCLUDE:

90,000 SQUARE FEET OF RETAIL/COMMERCIAL FLOOR AREA  
150,000 SQUARE FEET OF OFFICE DEVELOPMENT  
175 HOTEL ROOMS  
750 DWELLING UNITS

THE PETITIONER MAY APPLY FOR BUILDING PERMITS FOR PHASE ONE DEVELOPMENT AFTER OBTAINING FINAL PLAT APPROVAL FOR THE PUBLIC STREET SYSTEM AND AFTER THE LETTING OF CONTRACTS FOR THE FOLLOWING TYVOLA ROAD IMPROVEMENTS, ALL OF WHICH MUST BE DESIGNED IN ACCORDANCE WITH THE CITY'S STANDARDS AND BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL:

- DESIGN AND CONSTRUCTION OF A RAISED LANDSCAPED MEDIAN ON TYVOLA ROAD BEGINNING AT SOUTH STREAM BLVD. AND TERMINATING EAST OF THE NORTH/SOUTH CONNECTOR ROAD; MEDIAN MAY VARY IN WIDTH FROM A MINIMUM OF 8 FEET TO UP TO 22 FEET, FACE-OF-CURB TO FACE-OF-CURB; DESIGN AND INSTALLATION OF A NEW PAVEMENT MARKING PLAN ON TYVOLA ROAD TO INCLUDE PAVEMENT MILLING/OVERLAY MADE NECESSARY BY THE LANDSCAPED MEDIAN AND APPROPRIATE TRANSITIONS TO EXISTING CROSS SECTIONS.

THE PETITIONER RESERVES THE RIGHT TO REQUEST CDOT TO CONSIDER ALLOWING IT TO CONSTRUCT AN EXCLUSIVE EAST BOUND LEFT-TURN LANE ON TYVOLA ROAD WITH 150 FEET OF STORAGE AT THE PROPOSED NORTH/SOUTH CONNECTOR ROAD TO MINIMIZE CONSTRUCTION COSTS ASSOCIATED WITH CONSTRUCTION OF THE INTERSECTION BETWEEN TYVOLA ROAD AND THE PROPOSED NORTH/SOUTH CONNECTION IN LIEU OF THE EXTENDED MEDIAN.

- AS PART OF THE FIRST SUBDIVISION SUBMITTAL FOR ANY PART OF THE CONSTRUCTION OF THE PROPOSED NORTH/SOUTH CONNECTOR ROAD, THE PETITIONER WILL ALSO SUBMIT TO CDOT PRELIMINARY PLANS FOR THE VERTICAL/HORIZONTAL ALIGNMENT FOR THE NORTH/SOUTH CONNECTOR ROAD BETWEEN BILLY GRAHAM PARKWAY AND TYVOLA ROAD, INCLUDING THE REALIGNED PORTION OF YORKMONT ROAD TO ENSURE THAT THE TURN LANE DESCRIBED IN THE PRECEDING PARAGRAPH (IF APPROVED BY CDOT) IS CONSTRUCTED IN ITS FINAL LOCATION.

- CONSTRUCTION OF THE TWO RIGHT-IN/RIGHT-OUT ACCESSES ON TYVOLA ROAD;

- TYVOLA ROAD/CITY PARK DRIVE INTERSECTION;

EASTBOUND TYVOLA ROAD LEFT-TURN LANE WITH 275 FEET OF STORAGE;

WESTBOUND TYVOLA ROAD LEFT-TURN LANE WITH 150 FEET OF STORAGE;

WESTBOUND TYVOLA ROAD RIGHT-TURN LANE WITH 150 FEET OF STORAGE;

SOUTHBOUND CITY PARK APPROACH WITH DUAL LEFT-TURN LANES WITH 250 FEET OF STORAGE EACH AND A THROUGH/RIGHT-TURN LANE;

NORTHBOUND CITY PARK APPROACH WITH LEFT-TURN LANE WITH 150 FEET OF STORAGE AND A THROUGH/RIGHT-TURN LANE;

INSTALLATION OF A TRAFFIC SIGNAL AT CITY PARK DRIVE AND TYVOLA ROAD. THE SIGNAL WILL UTILIZE MAST ARM ASSEMBLY POLES/STEEL POSTS (USING EQUIPMENT FROM THE FORMER REVERSIBLE LANE SYSTEM WHERE FEASIBLE) AND TIE INTO THE EXISTING INTERCONNECT ALONG TYVOLA ROAD;

- BIKE LANES WILL NOT BE PROVIDED ALONG THE SITE'S TYVOLA ROAD FRONTAGE; THEREFORE, A CONTINUOUS ROUTE WITHIN THE SITE SHALL BE CONSTRUCTED TO ACCOMMODATE EASTBOUND/WESTBOUND BIKE TRAFFIC PARALLELING TYVOLA ROAD. FUTURE BIKE LANES ARE CONTEMPLATED BY THE CITY ALONG TYVOLA ROAD (EXCEPT ALONG THE SITE'S FRONTAGE). THEREFORE, BIKE FRIENDLY INGRESS AND EGRESS POINTS FROM THE EXISTING TYVOLA ROAD PAVEMENT TO THE PROPOSED PEDESTRIAN/BIKE LOOP TRAIL SHALL BE CONSTRUCTED. THE SECTION THAT PROVIDES INGRESS AND EGRESS TO THE LOOP TRAIL SHALL BE LIT AND ACCESSIBLE. ONCE CONSTRUCTION IS COMPLETE, THE LOOP TRAIL WILL BE MAINTAINED BY THE COUNTY.

THE PETITIONER MAY NOT RECEIVE CERTIFICATES OF OCCUPANCY FOR ANY PHASE ONE DEVELOPMENT UNTIL AFTER THE PHASE ONE ROADWAY IMPROVEMENTS DESCRIBED ABOVE HAVE BEEN COMPLETED.

a. MINIMUM ROADWAY IMPROVEMENTS FOR PHASE TWO DEVELOPMENT

FOR PURPOSES OF THIS SECTION 11(B), PHASE TWO DEVELOPMENT SHALL BE DEEMED TO INCLUDE:

- 110,000 SQUARE FEET OF ADDITIONAL RETAIL/COMMERCIAL FLOOR AREA
- 250,000 SQUARE FEET OF ADDITIONAL OFFICE SPACE
- 175 ADDITIONAL HOTEL ROOMS
- 1,000 ADDITIONAL DWELLING UNITS

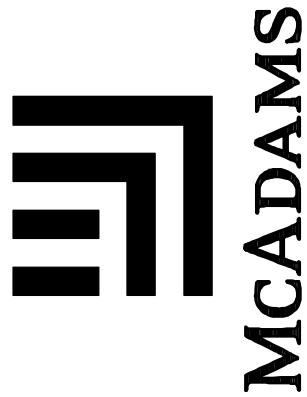
THE PETITIONER MAY NOT APPLY FOR BUILDING PERMITS FOR PHASE TWO DEVELOPMENT UNTIL AFTER THE LETTING OF CONTRACTS FOR THE FOLLOWING ROADWAY IMPROVEMENTS, ALL OF WHICH MUST BE DESIGNED IN ACCORDANCE WITH THE CITY'S STANDARDS AND BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL:

- EXTENSION OF THE RIGHT-TURN LANE ON EASTBOUND TYVOLA ROAD AT TRYON STREET TO A TOTAL LENGTH OF 1,000 FEET;
- CONSTRUCTION OF AN ADDITIONAL EASTBOUND LEFT-TURN LANE ON YORKMONT ROAD CREATING 350 FEET OF DUAL LEFT-TURN STORAGE AT TYVOLA ROAD. THIS IMPROVEMENT IS TO BE COMPLETED BY OTHERS AND IS NOT THE RESPONSIBILITY OF THE PETITIONER;
- CONSTRUCTION OF A NEW ROAD (THE NORTH/SOUTH CONNECTOR ROAD) WHICH WILL EXTEND THROUGH THE EASTERN PORTION OF THE SITE FROM TYVOLA ROAD NORTHWARD INTERSECTING WITH YORKMONT ROAD AND BILLY GRAHAM PARKWAY ALONG THE ALIGNMENT GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET.

THIS ROAD SHALL HAVE THE FOLLOWING ELEMENTS:

CONSTRUCTION OF THE NORTH/SOUTH CONNECTOR ROAD BETWEEN YORKMONT ROAD AND BILLY GRAHAM PARKWAY TO INCLUDE TWO TRAVEL LANES NORTHBOUND AND TWO TRAVEL LANES SOUTHBOUND. THE NORTHBOUND APPROACH OF THE NORTH/SOUTH CONNECTOR ROAD AT BILLY GRAHAM PARKWAY WILL INCLUDE AN EXCLUSIVE LEFT-TURN LANE, A SHARED THROUGH/RIGHT LANE, AND AN EXCLUSIVE RIGHT TURN LANE WITH 150 FEET OF STORAGE. TYVOLA ROAD/NORTH-SOUTH CONNECTOR INTERSECTION (NEW): EASTBOUND TYVOLA ROAD APPROACH WILL CONSIST OF TWO THROUGH LANES AND AN EXCLUSIVE LEFT TURN LANE WITH 150 FEET OF STORAGE; WESTBOUND TYVOLA ROAD APPROACH WILL CONSIST OF A THROUGH LANE AND A SHARED THROUGH/RIGHT-TURN LANE; SOUTHBOUND NORTH/SOUTH CONNECTOR APPROACH WILL CONSIST OF DUAL LEFT-TURN LANES WITH AT LEAST 275 FEET OF STORAGE AND AN EXCLUSIVE RIGHT-TURN LANE; NORTHBOUND NORTH/SOUTH CONNECTOR LANE (15 FEET IN WIDTH, 18 FEET FACE-OF-CURB TO FACE-OF-CURB ALONG MEDIAN SECTION); DEVELOPER RESPONSIBLE (SOLELY) FOR ALL COSTS ASSOCIATED WITH NECESSARY MODIFICATIONS TO THE TYVOLA ROAD LANDSCAPED MEDIAN FOR INTERSECTION/TURN LANE CONSTRUCTION; LANDSCAPED MEDIAN (AT LEAST 7 FEET IN WIDTH) RUNNING FROM THE TYVOLA ROAD/NORTH-SOUTH CONNECTOR INTERSECTION IN A NORTHERLY DIRECTION TO A POINT JUST NORTH OF THE PROPOSED INTERSECTION BETWEEN THE NORTH/SOUTH CONNECTOR ROAD AND CITY PARKWAY, ALL AS MORE PARTICULARLY DEPICTED ON THE CONCEPTUAL SITE PLAN (SHEET RZ.3); INSTALLATION OF A TRAFFIC SIGNAL (WHEN WARRANTED IN PHASE TWO OR BEYOND). THE SIGNAL WILL UTILIZE MAST ARM ASSEMBLY POLES/STEEL POSTS (USING EQUIPMENT FROM THE FORMER REVERSIBLE LANE SYSTEM WHERE FEASIBLE) AND TIE INTO THE EXISTING INTERCONNECT ALONG TYVOLA ROAD. REALIGNMENT OF YORKMONT ROAD IN THE MANNER GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. BILLY GRAHAM PARKWAY/NORTH-SOUTH-CONNECTOR ROAD/WESTMONT DRIVE INTERSECTION (NEW 4TH LEG CONNECTION) CONSTRUCTION OF AN ADDITIONAL WESTBOUND LEFT-TURN LANE ON BILLY GRAHAM PARKWAY AT THE NORTH/SOUTH CONNECTOR ROAD TO PROVIDE DUAL LEFT-TURN LANE STORAGE OF 275 FEET; RESTRIPIING, AS NEEDED, ON THE SOUTHBOUND AND EASTBOUND APPROACH OF THE BILLY GRAHAM PARKWAY AND WESTMONT DRIVE INTERSECTION TO ACCOMMODATE THE PROPOSED FOURTH LEG OF THE INTERSECTION (NORTH/SOUTH CONNECTOR ROAD); MODIFICATIONS TO THE EXISTING BILLY GRAHAM PARKWAY AND WESTMONT DRIVE TRAFFIC SIGNAL. THE EXISTING POLES, TRAFFIC SIGNAL EQUIPMENT, AND INTERCONNECT WILL BE UTILIZED TO THE EXTENT POSSIBLE AT THE INTERSECTION OF BILLY GRAHAM PARKWAY AND WESTMONT DRIVE; AND THE CONSTRUCTION OF, OPERATION OF, AND THE LANEAGE REQUIRED AT THE INTERSECTION OF THE REALIGNED YORKMONT ROAD AND THE NORTH/SOUTH CONNECTOR ROAD AND AT THE INTERSECTION OF BILLY GRAHAM PARKWAY AND THE NORTH/SOUTH CONNECTOR ROAD ARE SUBJECT TO APPROVAL BY CDOT AND NCDOT. INSTALLATION OF A TRAFFIC SIGNAL AT THE TYVOLA ROAD AND NORTH/SOUTH CONNECTOR ROAD INTERSECTION (WHEN WARRANTED IN PHASE TWO OR BEYOND). THE SIGNAL WILL UTILIZE MAST ARM ASSEMBLY POLES/STEEL POSTS (USING EQUIPMENT FROM THE FORMER REVERSIBLE LANE SYSTEM WHERE FEASIBLE) AND TIE INTO THE EXISTING INTERCONNECT ALONG TYVOLA ROAD. THE SOUTHBOUND APPROACH OF THE NORTH/SOUTH CONNECTOR ROAD AT TYVOLA ROAD WILL CONSIST OF DUAL LEFT-TURN LANES WITH AT LEAST 275 FEET OF STORAGE AND AN EXCLUSIVE RIGHT-TURN LANE. THE EASTBOUND APPROACH WILL CONSIST OF TWO THROUGH LANES AND AN EXCLUSIVE LEFT-TURN LANE WITH 150 FEET OF STORAGE. THE WESTBOUND APPROACH WILL CONSIST OF A THROUGH LANE AND A SHARED THROUGH/RIGHT LANE. IF A CONNECTION TO BILLY GRAHAM PARKWAY IS NOT POSSIBLE, THEN IN PLACE OF THE ROADWAY/OPERATIONAL IMPROVEMENTS DESCRIBED ABOVE, THE NORTHBOUND RIGHT-TURN LANE ON TYVOLA ROAD AT YORKMONT ROAD MUST BE CONVERTED TO A SHARED THROUGH/RIGHT LANE INSTEAD; AND THE PETITIONER MAY NOT RECEIVE CERTIFICATES OF OCCUPANCY FOR ANY PHASE TWO DEVELOPMENT UNTIL AFTER THE PHASE TWO ROADWAY.

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REVISONS:	△ 2018-03-12 REVISIONS FOR PLANNING COMMENTS
	△ 2018-04-26 REVISIONS FOR CITY COMMENTS

OWNER:  
**APOLLO HOLDING  
COMPANY, LLC**  
5720 CREEKMOOR ROAD, SUITE 205  
RALEIGH, NORTH CAROLINA 27612

**CITY PARK RETAIL  
PETITION #2018-001**  
CITY OF CHARLOTTE, NORTH CAROLINA

PROJECT NO.	MRE-13040
FILENAME:	MRE13040-S1
DESIGNED BY:	BGP
DRAWN BY:	BGP
SCALE:	1"= 30'
DATE:	12-15-2017
SHEET NO.	RZ-3a





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IMPROVEMENTS DESCRIBED ABOVE HAVE BEEN COMPLETED:

(C) MINIMUM ROADWAY IMPROVEMENTS FOR PHASE THREE DEVELOPMENT

FOR PURPOSES OF THIS SECTION 11(C), PHASE THREE DEVELOPMENT SHALL BE DEEMED TO INCLUDE 750 ADDITIONAL DWELLING UNITS. THE PETITIONER MAY NOT APPLY FOR BUILDING PERMITS FOR PHASE THREE DEVELOPMENT UNTIL AFTER THE LETTING OF CONTRACTS FOR THE FOLLOWING ROADWAY IMPROVEMENT, ALL OF WHICH MUST BE DESIGNED IN ACCORDANCE WITH THE CITY'S STANDARDS AND BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL:

- MODIFICATION OF THE OFF-RAMP FROM SOUTHBOUND BILLY GRAHAM PARKWAY TO TYVOLA ROAD TO REMOVE THE FREE-FLOW RIGHT-TURN LANE AND EXPAND THE SIGNALIZED INTERSECTION APPROACH FROM TWO TO THREE LANES (ONE LEFT-TURN, ONE LEFT-RIGHT AND ONE RIGHT-TURN) WITH AT LEAST 1000 FEET OF STORAGE;
- MODIFICATION OF THE PAVEMENT MARKINGS ON EASTBOUND YORKMONT ROAD AT S. TRYON STREET TO PROVIDE AT LEAST 500 FEET OF DUAL LEFT-TURN LANE STORAGE; AND
- THE ADDITION OF A SOUTHBOUND THROUGH LANE ON YORKMONT ROAD AT BEAM ROAD. THIS IMPROVEMENT IS TO BE COMPLETED BY OTHERS AND IS NOT THE RESPONSIBILITY OF THE PETITIONER.

THE PETITIONER MAY NOT RECEIVE CERTIFICATES OF OCCUPANCY FOR ANY PHASE THREE DEVELOPMENT UNTIL AFTER THE PHASE THREE ROADWAY IMPROVEMENTS DESCRIBED ABOVE HAVE BEEN COMPLETED. IF PETITIONER IS UNABLE TO ACQUIRE ANY ADDITIONAL RIGHT-OF-WAY NEEDED TO MAKE THE ROADWAY IMPROVEMENTS ASSOCIATED WITH PHASES I, II OR III WHICH PETITIONER ELECTS TO MAKE AND IF THE PETITIONER, AFTER A GOOD FAITH EFFORT, IS UNABLE TO ACQUIRE ANY SUCH ADDITIONAL RIGHT-OF-WAY VOLUNTARILY, THE PETITIONER MAY REQUEST THE CITY TO CONDEMN THE PROPERTY PROVIDED THE PETITIONER AGREES TO PAY FOR ALL COSTS AND EXPENSES ASSOCIATED THEREWITH.

12. PHASING ADJUSTMENTS

TO PROVIDE FLEXIBILITY FOR ADDRESSING EMERGING MARKETS, THE SQUARE FOOTAGE ALLOTMENTS FOR RETAIL AND OFFICE DEVELOPMENT, THE NUMBER OF HOTEL ROOMS AND THE NUMBER OF DWELLING UNITS SPECIFIED FOR EACH USE IN A PARTICULAR PHASE CAN BE CHANGED FROM ONE USE TO ANOTHER USE PROVIDED THAT THE TOTAL NET NEW EXTERNAL TRIPS GENERATED BY THE SITE WITHIN THAT PHASE DO NOT EXCEED THE TOTAL NET NEW EXTERNAL TRIPS THAT WOULD HAVE BEEN GENERATED BY THE LAND USES SPECIFIED FOR THE PHASE INVOLVED AND PROVIDED FURTHER THAT IN NO EVENT MAY ANY USE CATEGORY OR COMPONENT OF THE MIXED/MULTI USE DEVELOPMENT CONTEMPLATED FOR THE SITE EXCEED, IN THE AGGREGATE, THE MAXIMUM SQUARE FOOTAGE OR NUMBER OF UNITS ESTABLISHED FOR THAT PARTICULAR USE CATEGORY OR COMPONENT UNDER SECTION 4 ABOVE. BY WAY OF AN EXAMPLE, THE MAXIMUM AMOUNT OF OFFICE SPACE THAT COULD BE BUILT ON THE SITE WOULD BE 400,000 SQUARE FEET. IN THE EVENT THAT ONE OR MORE OF THE TRANSPORTATION IMPROVEMENTS TIED TO A PARTICULAR PHASE ARE COMPLETED DURING A PRECEDING PHASE, THE PHASING PROVISIONS CONTAINED IN SECTION 11 ABOVE MAY BE ALTERED TO ACCOMMODATE ADDITIONAL DEVELOPMENT WARRANTED BY SUCH IMPROVEMENT OR IMPROVEMENTS BY WAY OF AN ADMINISTRATIVE SITE PLAN AMENDMENT THE APPLICATION OF WHICH MUST BE JOINED IN BY CDOT.

13. TRANSIT

PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR MORE THAN 100,000 SQUARE FEET OF RETAIL SPACE, THE OWNER OR OWNERS INVOLVED SHALL PROVIDE AT ITS OR THEIR EXPENSE THE FOLLOWING TRANSIT IMPROVEMENTS (AND SHALL DEDICATE AND CONVEY TO THE CHARLOTTE AREA TRANSIT SYSTEM ("CATS") EASEMENTS TO ACCOMMODATE THE SAME):

- TWO PULL OFF TYPE TRANSIT STOP AREAS WITHIN THE SITE THAT WILL ACCOMMODATE UP TO TWO BUSES EACH. THE OWNER SHALL SEEK FROM CATS COMMENTS ON THE DESIGN(S) AND TIMING OF THE CONSTRUCTION OF THESE BUS STOP FACILITIES AND GIVE CONSIDERATION TO ANY SUCH COMMENTS PRIOR TO MAKING FINAL DECISIONS WITH REGARD THERETO.
- BUS SHELTERS AT EACH OF THESE BUS STOPS WHICH SHALL BE CONSTRUCTED IN ACCORDANCE WITH EXISTING CATS PROTOTYPE DESIGNS OR, SUBJECT TO PRIOR APPROVAL BY CATS, IN ACCORDANCE WITH AN INDIVIDUAL DESIGN OR DESIGNS.

THE FORM AND CONTENT OF EACH OF THE EASEMENTS DESCRIBED ABOVE SHALL BE MUTUALLY SATISFACTORY WITH COUNSEL FOR CATS AND COUNSEL FOR THE OWNER OR OWNERS INVOLVED.

14. DESIGN AND PERFORMANCE STANDARDS

- THE INTENT OF THE CITY PARK REDEVELOPMENT CONCEPT IS TO CREATE A VARIETY OF ARCHITECTURAL EXPERIENCES. THE REDEVELOPMENT WILL UTILIZE PRIMARILY STONE, BRICK, STUCCO AND/OR ARCHITECTURAL FACE BLOCK CONSTRUCTION MATERIALS. THE ATTACHED PERSPECTIVE RENDERING IS INTENDED TO DESCRIBE THE CONCEPTUAL ARCHITECTURAL THEME PROPOSED FOR CITY PARK. HOWEVER, IT SHOULD BE NOTED THAT THE PERSPECTIVE SHOWN IS SCHEMATIC IN NATURE. ACCORDINGLY, THE ARCHITECTURAL CONCEPT MAY BE ALTERED OR SIMPLIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION PHASES.
- EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 6 ABOVE, ALL BUILDINGS CONSTRUCTED ON THIS SITE SHALL CONFORM TO THE MUDD URBAN DESIGN AND DEVELOPMENT STANDARDS OUTLINED IN SECTION 9.8506 OF THE ORDINANCE.
- EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 6 ABOVE, SURFACE LEVEL OFF-STREET PARKING SHALL NOT BE LOCATED BETWEEN BUILDINGS FRONTING ON PUBLIC OR PRIVATE STREETS AND THE PUBLIC OR PRIVATE STREETS ON WHICH THE BUILDINGS FRONT. HOWEVER, PARKING MAY BE LOCATED TO THE SIDE AND/OR REAR OF BUILDINGS LOCATED ALONG THE PUBLIC OR PRIVATE STREETS.
- ANY LIGHTING ATTACHED TO A REAR EXTERIOR BUILDING WALL FACING A RESIDENTIAL COMPONENT SHALL BE CAPPED AND DOWNWARDLY DIRECTED.
- ALL STREET AND PARKING LOT LIGHTING FIXTURES WILL BE FULLY SHIELDED;
- PEDESTRIAN SCALE LIGHTING WILL BE PROVIDED WITHIN THE SITE ALONG PUBLIC AND PRIVATE STREETS.
- DUMPSTER AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL WITH ONE SIDE BEING A HINGED OPAQUE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AREA ADJOIN A SIDE OR REAR WALL OF A BUILDING, THEN THE SIDE OR REAR WALL MAY BE SUBSTITUTED FOR A SIDE.
- INTERNAL AREAS OF THE SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.
- ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES AS VIEWED FROM GRADE.
- ALL OTHER SCREENING AND LANDSCAPING SHALL CONFORM TO THE STANDARDS OF THE ORDINANCE.
- THE STREET ELEVATIONS OF THE FIRST FLOORS OF ALL BUILDINGS IN WHICH GROUND FLOOR RETAIL USES ARE TO BE LOCATED ON CITY PARK DRIVE AND CITY PARKWAY WILL BE DESIGNED TO ENCOURAGE AND COMPLEMENT PEDESTRIAN - SCALE INTEREST AND ACTIVITY BY THE USE OF DOORS WHICH SHALL REMAIN OPEN DURING BUSINESS HOURS AND TRANSPARENT STORE FRONT GLASS SO THAT THE USES ARE VISIBLE FROM AND ACCESSIBLE TO THE STREET.
- EXPANSES OF BLANK WALLS EXCEEDING 20 FEET IN LENGTH THAT WOULD NOT ADD TO THE CHARACTER OF THE STREETScape WILL BE ELIMINATED THROUGH USE OF ANY ONE OR MORE OF THE FOLLOWING DESIGN ELEMENTS:

AWNINGS,  
DISPLAY WINDOWS,  
ORNAMENTATION,  
MOLDING,  
STRING COURSES,  
BELT COURSES,  
FOUNTAINS,  
STREET FURNITURE,  
LANDSCAPING AND GARDEN AREAS, AND  
DISPLAY AREAS.

PROVIDED, HOWEVER, THAT THE USE OF OPAQUE OR REFLECTIVE GLASS MAY NOT BE UTILIZED AS A MEANS FOR ADDRESSING BLANK WALLS.

- METER BOXES, BACK FLOW PREVENTORS, AND SIMILAR ITEMS WILL BE SCREENED FROM PUBLIC VIEW.

- EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 5 AND SECTION 6 ABOVE, THE STREETScape TREATMENT ALONG ANY PUBLIC STREET FRONTAGE WILL MEET OR EXCEED THE STANDARDS OF THE ORDINANCE AND INCLUDE LARGE MATURING TREES, SUPPLEMENTAL SHRUBBERY, SIDEWALKS OF AT LEAST SIX FEET IN WIDTH AND PLANTING STRIPS OF AT LEAST 8 FEET IN WIDTH. SIDEWALKS MAY MEANDER TO PRESERVE EXISTING TREES.
- OFF-STREET PARKING MAY BE PROVIDED EITHER THROUGH SURFACE LOTS OR THROUGH PARKING STRUCTURES.
- PRIVATE STREETS, AS IDENTIFIED ON THE TECHNICAL DATA SHEET, WILL BE DESIGNED IN ACCORDANCE WITH THE CDOT URBAN STREET DESIGN GUIDELINES (ADOPTED BY CITY COUNCIL ON OCTOBER 22, 2007). ALL PRIVATE STREETS MAY BE CONVERTED TO PUBLIC STREETS AT THE PETITIONER'S OPTION, PROVIDED THEY ARE DESIGNED TO CITY STANDARDS.

WITH RESPECT TO THE PROPOSED COMMERCIAL BUILDINGS CONTEMPLATED AS PART OF THIS REZONING PETITION 2018-001, THE FOLLOWING ADDITIONAL STANDARDS SHALL APPLY:

- ALL BUILDINGS SHALL CONTAIN A MINIMUM OF TWO (2) TENANTS.
- FACADES FRONTING STREETS SHALL INCLUDE A COMBINATION OF WINDOWS AND OPERABLE DOORS FOR A MINIMUM OF 60% OF EACH FRONTAGE ELEVATION TRANSPARENT GLASS BETWEEN 2' AND 10' ON THE FIRST FLOOR. UP TO 20% OF THIS REQUIREMENT MAY BE COMPRISED OF DISPLAY WINDOWS. THESE DISPLAY WINDOWS MUST MAINTAIN A MINIMUM OF 3'-0" CLEAR DEPTH BETWEEN WINDOW AND REAR WALL. WINDOWS WITHIN THIS ZONE SHALL NOT BE SCREENED BY FILM, DECALS, AND OTHER OPAQUE MATERIAL, GLAZING FINISHES OR WINDOW TREATMENTS. THE MAXIMUM SILL HEIGHT FOR REQUIRED TRANSPARENCY SHALL NOT EXCEED 4'-0" ABOVE ADJACENT STREET SIDEWALK.
- THE FACADES OF FIRST/GROUND FLOOR OF THE BUILDINGS ALONG STREETS SHALL INCORPORATE A MINIMUM OF 30% MASONRY MATERIALS SUCH AS BRICK OR STONE.
- DIRECT PEDESTRIAN CONNECTION SHALL BE PROVIDED BETWEEN STREET FACING DOORS, CORNER ENTRANCE FEATURES TO SIDEWALKS ON ADJACENT STREETS.
- BUILDING ELEVATIONS 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.
- BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FEATURES WHICH SHALL INCLUDE A COMBINATION OF AT LEAST THREE (3) OF THE FOLLOWING: A COMBINATION OF EXTERIOR WALL OFFSETS (PROJECTIONS AND RECESSES), COLUMNS, FILASTERS, CHANGE IN MATERIALS OR COLORS, AWNINGS, ARCADES, OR OTHER ARCHITECTURAL ELEMENTS.
- BUILDINGS SHALL BE A MINIMUM HEIGHT OF TWENTY-TWO (22) FEET.

15. SIGNS

- ALL SIGNS AND GRAPHICS PLACED ON THE SITE WILL BE ERECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MUDD DISTRICT EXCEPT AS OTHERWISE PERMITTED UNDER THE MUDD-OPTIONAL PROVISIONS SET FORTH UNDER PARAGRAPH (A) OF SECTION 6 ABOVE AND EXCEPT FOR PETITIONER'S RESERVATION OF AN OPTION TO SEEK SUCH VARIANCES FROM THE CITY'S SIGN REGULATIONS AS MAY BE PERMITTED BY THE ORDINANCE.
- A UNIFORM SIGNAGE AND GRAPHIC SYSTEM WILL BE EMPLOYED THROUGHOUT THE SITE.

16. PARKING

EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 5, OFF STREET PARKING AND LOADING WILL MEET THE STANDARDS ESTABLISHED UNDER THE ORDINANCE.

17. FIRE PROTECTION

ADEQUATE FIRE PROTECTION IN THE FORM OF FIRE HYDRANTS WILL BE PROVIDED TO THE CHARLOTTE FIRE MARSHAL'S SPECIFICATIONS. PLANS FOR EACH BUILDING WILL BE SUBMITTED TO THE FIRE MARSHAL'S OFFICE FOR APPROVAL BEFORE THE CONSTRUCTION OF THAT BUILDING COMMENCES.

18. STORMWATER DETENTION AND QUALITY PROTECTION MEASURES

- (a) S.W.I.M. BUFFERS SHALL BE PROVIDED AS REQUIRED BY THE ORDINANCE.

STORM WATER RUNOFF WILL BE MANAGED THROUGH PROVEN TECHNIQUES WHICH SATISFY THE STANDARDS IMPOSED BY THE CITY OF CHARLOTTE ORDINANCES AND THE CHARLOTTE MECKLENBURG STORM WATER DESIGN MANUAL IN PLACE AT THE TIME THIS REZONING PETITION WAS FILED, EXCEPT AS MODIFIED BELOW. WHERE REQUIRED, SURFACE LEVEL STORM WATER DETENTION MAY BE LOCATED IN COMMON OPEN SPACE AREAS BUT NOT WITHIN SETBACK OR S.W.I.M. BUFFER AREAS. SPECIFICALLY, THE PETITIONER SHALL PROVIDE FOR THE FOLLOWING BASED ON THE DRAINAGE BASINS IDENTIFIED ON THE SUPPLEMENTAL DATA SHEET (R25.0), AS WELL AS THE ATTACHED SUPPLEMENTAL DRAINAGE BASIN EXHIBIT DATED 02/18/09:

- (b) BASIN 1 (FORMER COLISEUM AND PARKING LOT DRAINING TO SUGAR CREEK) -

FOR WATERSHEDS EXCEEDING 24% BUILT-UPON AREA WITHIN SUBAREAS 1A, 1B, AND 1C, THE PETITIONER WILL UTILIZE BIORETENTION AREA(S), SAND FILTERS, OR OTHER ALTERNATE BMPS TO PROVIDE TREATMENT OF STORM WATER RUNOFF FROM SURFACE PARKING AREAS. THE BMP(S) SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE MECKLENBURG COUNTY BMP DESIGN MANUAL, JULY 2007, TO ACHIEVE 85% TOTAL SUSPENDED SOLIDS REMOVAL FOR THE RUNOFF GENERATED FROM THE FIRST 1-INCH OF RAINFALL. THE PETITIONER SHALL BE PERMITTED TO RELOCATE, ELIMINATE, OR COMBINE REQUIRED TREE PLANTING ISLANDS TO CREATE SUFFICIENT AREAS WITHIN THE PARKING LOT TO ACCOMMODATE THE BMP(S). AS AN OPTION TO INSTALLING BIORETENTION AREAS, SAND FILTERS, OR ALTERNATE BMPS DUE TO SLOPE OR OTHER CONSIDERATIONS, THE PETITIONER SHALL BE PERMITTED TO INSTALL PERVIOUS CONCRETE ACCORDING TO SPECIFICATIONS FROM STORM WATER SERVICES IN LIEU OF THE BMPS TO TREAT SURFACE PARKING AREAS. AS AN ADDITIONAL OPTION TO INSTALLING BIORETENTION AREAS, SAND FILTERS, OR ALTERNATE BMPS DUE TO SLOPE AND OTHER CONSIDERATIONS IN SUB-AREAS 1B AND 1C ONLY, THE PETITIONER SHALL BE PERMITTED TO INSTALL PROPRIETARY FILTER-TYPE BMPS IN THESE SPECIFIC SUB-AREAS ACCORDING TO THE SPECIFICATIONS AND APPROVAL FROM CHARLOTTE STORM WATER SERVICES, IN LIEU OF THE STANDARD CONVENTIONAL BMPS TO TREAT SURFACE PARKING AREAS AS FOLLOWS: FOR SUB-AREA 1B, THE PETITIONER MAY UTILIZE PROPRIETARY CATCH BASIN FILTER-TYPE BMPS FOR THE UPSTREAM HALF OF SUB-AREA 1B (A.K.A. RETAIL BLOCK A), AND, PROPRIETARY IN-LINE FILTER-TYPE BMPS FOR THE DOWNSTREAM HALF OF SUB-AREA 1B (A.K.A. RETAIL BLOCK A-1). FOR SUB-AREA 1C, IF THE PETITIONER CHOOSES TO UTILIZE PROPRIETARY CATCH BASIN FILTER-TYPE BMPS IN THE UPSTREAM HALF OF SUB-AREA 1B, THEN NO BMPS OR WATER QUALITY TREATMENT OF THE STORMWATER RUNOFF FROM THE DOWNSTREAM HALF OF SUB-AREA 1C (A.K.A. RETAIL BLOCK B) ARE REQUIRED; HOWEVER, THE PETITIONER WILL PROVIDE A STORM SYSTEM DESIGN AND SAMPLING MANHOLES AS REQUIRED BY CHARLOTTE STORM WATER SERVICES TO ALLOW FOR MONITORING OF THE RUNOFF FROM THIS PORTION OF THE SUB-AREA. IN ADDITION, WATER QUALITY TREATMENT OF THE STORMWATER RUNOFF FROM THE UPSTREAM HALF OF SUB-AREA 1C (A.K.A. RETAIL BLOCK C) IS REQUIRED AND THE PETITIONER MAY UTILIZE PROPRIETARY IN-LINE FILTER-TYPE BMPS FOR TREATMENT OF STORMWATER RUNOFF FROM THIS PORTION OF SUB-AREA 1C. ALL PROPRIETARY FILTER-TYPE BMPS IN SUB-AREAS 1B AND 1C SHALL BE DESIGNED, SIZED, AND CONSTRUCTED TO TREAT THE RUNOFF GENERATED FROM THE FIRST 1-INCH OF RAINFALL FROM SURFACE PARKING AREAS WITHIN THESE SUB-AREAS.

WITHIN SUBAREA 1D THE CONCEPTUAL SITE PLAN ANTICIPATES THAT NO SURFACE PARKING LOTS WILL BE CONSTRUCTED. ACCORDINGLY, IN LIEU OF PROVIDING BMP(S) FOR THIS AREA, THE PETITIONER SHALL INSTALL 1-1/2 INCH CALIPER TREES NOT TO EXCEED 500 STEMS, IN AREAS CLEARED BY THE CITY OF CHARLOTTE IN CONNECTION WITH THE PROPOSED CHANNEL RESTORATION PROJECT AT THE TRIBUTARY ADJOINING THE EAST PROPERTY BOUNDARY. THE TREES WILL CONSIST OF MIXED NATIVE HARDWOODS AND PLANTED ACCORDING TO THE LANDSCAPE PLAN DEVELOPED BY CHARLOTTE STORM WATER SERVICES. ADDITIONALLY, THE PETITIONER AGREES TO DONATE A 50-FOOT WIDE CONSERVATION EASEMENT, MEASURED FROM THE PROPERTY LINE ALONG THE EAST PROPERTY BOUNDARY FROM THE CONFLUENCE WITH TYVOLA ROAD TO THE UPPER LIMIT OF JURISDICTIONAL STREAM CHANNEL. ALL STORMWATER DISCHARGES FROM THE PROJECT SITE TO THE CONSERVATION EASEMENT, EXCEPT THOSE DISCHARGES PREVIOUSLY APPROVED AND PERMITTED BY THE CITY PRIOR TO THE DATE OF THIS ADMINISTRATIVE REZONING NOTE AMENDMENT, SHALL BE DISCHARGED AT THE LANDWARD OUTSIDE EDGE OF THE EASEMENT AND SHALL BE DISCHARGED THROUGH DIFFUSE FLOW METHODS INTO THE EASEMENT (I.E. LEVEL SPREADERS, ETC.) IN A MANNER THAT WILL PREVENT EROSION OF SOILS WITHIN THE EASEMENT.

- (c) BASIN 2 (AREA DRAINING TO UNNAMED TRIBUTARY ADJACENT TO RENAISSANCE PARK) - FOR WATERSHEDS EXCEEDING 24% BUILT-UPON AREA, THE PETITIONER WILL PROVIDE STORMWATER VOLUME CONTROL FOR THE 1-YEAR, 24-HOUR STORM. RUNOFF VOLUME DRAWDOWN TIME SHALL BE A MINIMUM OF 24-HOURS, BUT NOT MORE THAN 120 HOURS.

FOR WATERSHEDS EXCEEDING 24% BUILT-UPON AREA, THE PETITIONER WILL CONSTRUCT WATER QUALITY BEST MANAGEMENT PRACTICES (BMPS) TO ACHIEVE 85% TOTAL SUSPENDED SOLIDS REMOVAL FOR THE RUNOFF GENERATED FROM THE FIRST 1-INCH OF RAINFALL. BMP'S SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE MECKLENBURG COUNTY BMP DESIGN MANUAL.

- (d) BASIN 3 (AREA DRAINING TO EXISTING CULVERT AT YORKMONT ROAD AND HIVE DRIVE) - FOR WATERSHEDS EXCEEDING 24% BUILT-UPON AREA, THE PETITIONER WILL PROVIDE STORMWATER VOLUME CONTROL FOR THE 1-YEAR, 24-HOUR STORM. RUNOFF VOLUME DRAWDOWN TIME SHALL BE A MINIMUM OF 24-HOURS, BUT NOT MORE THAN 120 HOURS.

FOR WATERSHEDS EXCEEDING 24% BUILT-UPON AREA, THE PETITIONER WILL CONSTRUCT WATER QUALITY BEST MANAGEMENT PRACTICES (BMPS) TO ACHIEVE 85% TOTAL SUSPENDED SOLIDS REMOVAL FOR THE RUNOFF GENERATED FROM THE FIRST 1-INCH OF RAINFALL. BMP'S SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE MECKLENBURG COUNTY BMP DESIGN MANUAL.

- (e) BASIN 4 (AREA AT SOUTH SIDE OF TYVOLA ROAD DRAINING TO SUGAR CREEK)- FOR WATERSHEDS EXCEEDING 24% BUILT-UPON AREA, THE PETITIONER WILL UTILIZE BIORETENTION AREA(S), SAND FILTERS, OR OTHER ALTERNATE BMPS TO PROVIDE TREATMENT OF STORM WATER RUNOFF FROM SURFACE PARKING AREAS. THE BMP(S) SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE MECKLENBURG COUNTY BMP DESIGN MANUAL TO ACHIEVE 85% TOTAL SUSPENDED SOLIDS REMOVAL FOR THE RUNOFF GENERATED FROM THE FIRST 1-INCH OF RAINFALL. THE PETITIONER SHALL BE PERMITTED TO RELOCATE, ELIMINATE, OR COMBINE REQUIRED TREE PLANTING ISLANDS TO CREATE SUFFICIENT AREAS WITHIN THE PARKING LOT TO ACCOMMODATE THE BMP(S). AS AN OPTION TO INSTALLING BIORETENTION AREAS, SAND FILTERS, OR ALTERNATE BMPS DUE TO SLOPE OR OTHER CONSIDERATIONS, THE PETITIONER SHALL BE PERMITTED TO INSTALL PERVIOUS CONCRETE ACCORDING TO SPECIFICATIONS FROM STORM WATER SERVICES IN LIEU OF THE BMPS TO TREAT SURFACE PARKING AREAS.

- (f) THE PETITIONER AGREES TO ALLOW THE CITY OF CHARLOTTE TO MONITOR ALL STORMWATER DETENTION AND WATER QUALITY BMPS WITHIN THE PROJECT AS THE CITY MAY DEEM NECESSARY TO SUPPORT ITS PILOT BMP PROGRAM. SUCH MONITORING WILL INCLUDE THE PLACEMENT OF MONITORING STRUCTURES, CONCRETE CHANNELS, WEIRS, ORIFICES, MONITORING EQUIPMENT, ETC., (WITH SAID EQUIPMENT TO BE FURNISHED AND INSTALLED BY THE CITY), WITHIN THE PROJECT SITE FOR THE PURPOSE OF COLLECTING SAMPLES OF STORMWATER RUNOFF AND RAINFALL AS DEEMED NECESSARY BY THE CITY. THE PETITIONER WILL DESIGN AND CONSTRUCT ALL STORMWATER DETENTION AND WATER QUALITY BMPS AND RELATED STORMWATER SYSTEM INFRASTRUCTURE TO BE MONITOR-ABLE ACCORDING TO THE DESIGN REQUIREMENTS PROVIDED BY CHARLOTTE STORM WATER SERVICES, EXCEPT FOR THOSE BMPS PREVIOUSLY APPROVED AND PERMITTED BY THE CITY PRIOR TO THE DATE OF THIS ADMINISTRATIVE REZONING NOTE AMENDMENT. A MONITOR-ABLE DESIGN WILL INCLUDE ITEMS SUCH AS SAMPLING MANHOLES, INLET AND OUTLET CONCRETE CHANNELS, WEIRS, AND OUTLET ORIFICES DEPENDING ON THE BMP TYPE AND DESIGN. THE PETITIONER AGREES TO EXECUTE A TEMPORARY MONITORING AND MAINTENANCE EASEMENT IN A FORM AND TERM SPECIFIED BY THE CITY FOR THE PROJECT SITE AND ALL STORMWATER DETENTION AND WATER QUALITY BMPS WITHIN THE PROJECT. THE PETITIONER WILL PROVIDE AS-BUILT SURVEY DRAWINGS OF ALL STORMWATER DETENTION AND WATER QUALITY BMPS CONSTRUCTED WITHIN THE PROJECT ACCORDING TO THE REQUIREMENTS PROVIDED BY CHARLOTTE STORM WATER SERVICES AS EACH PHASE OF THE PROJECT IS COMPLETED AND FINALIZED.

THE FOLLOWING AGENCIES WILL BE CONTACTED PRIOR TO CONSTRUCTION REGARDING WETLAND AND WATER QUALITY PERMITS, IF APPLICABLE:

SECTION 401 PERMIT NCDEHNR-RALEIGH OFFICE

SECTION 404 PERMIT US ARMY CORPS OF ENGINEERS

A. BUFFERS

BUFFER AREAS WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

B. AMENDMENTS TO REZONING PLAN

FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARTICULAR PARCEL OR (SUBPARCEL) WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

C. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE TECHNICAL DATA SHEET, THE ACCOMPANYING EXHIBITS AND THESE DEVELOPMENT STANDARDS WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "PETITIONER" AND "OWNER " OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNER OR OWNERS OF ANY PART THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

D. VESTED RIGHTS PROVISION

IF THIS REZONING PETITION IS APPROVED BY THE CHARLOTTE CITY COUNCIL THEN, PURSUANT TO SECTION 1.110 OF THE ORDINANCE, THE PETITIONER HEREBY REQUESTS A FIVE-YEAR VESTED RIGHT TO UNDERTAKE AND COMPLETE THE DEVELOPMENT OF THIS SITE UNDER THE TERMS AND CONDITIONS AS SO APPROVED, COMMENCING UPON APPROVAL OF THIS REZONING PETITION BY THE CHARLOTTE CITY COUNCIL. THE PETITIONER MAKES THIS REQUEST FOR A FIVE-YEAR VESTED RIGHT DUE TO THE SIZE AND PHASING OF THE PROPOSED DEVELOPMENT, MARKET CONDITIONS AND THE LEVEL OF INVESTMENT INVOLVED.

THE JOHN R. MCADAMS  
COMPANY, INC.  
2905 Meridian Parkway  
Durham, North Carolina 27713  
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Fax: 919-486-1029  
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MCADAMS

REVISONS:

△ 2018-03-12 REVISIONS PER PLANNING COMMENTS
△ 2018-04-26 REVISIONS PER CITY COMMENTS

OWNER:

APOLLO HOLDING  
COMPANY, LLC  
5720 CHEERMOOR ROAD, SUITE 205  
RALEIGH, NORTH CAROLINA 27612

CITY PARK RETAIL  
PETITION #2018-001  
CITY OF CHARLOTTE, NORTH CAROLINA

TECHNICAL DATA SHEET

PROJECT NO.	MRE-13040
FILENAME:	MRE13040-S1
DESIGNED BY:	BGP
DRAWN BY:	BGP
SCALE:	1"= 30'
DATE:	12-15-2017
SHEET NO.	RZ-3b

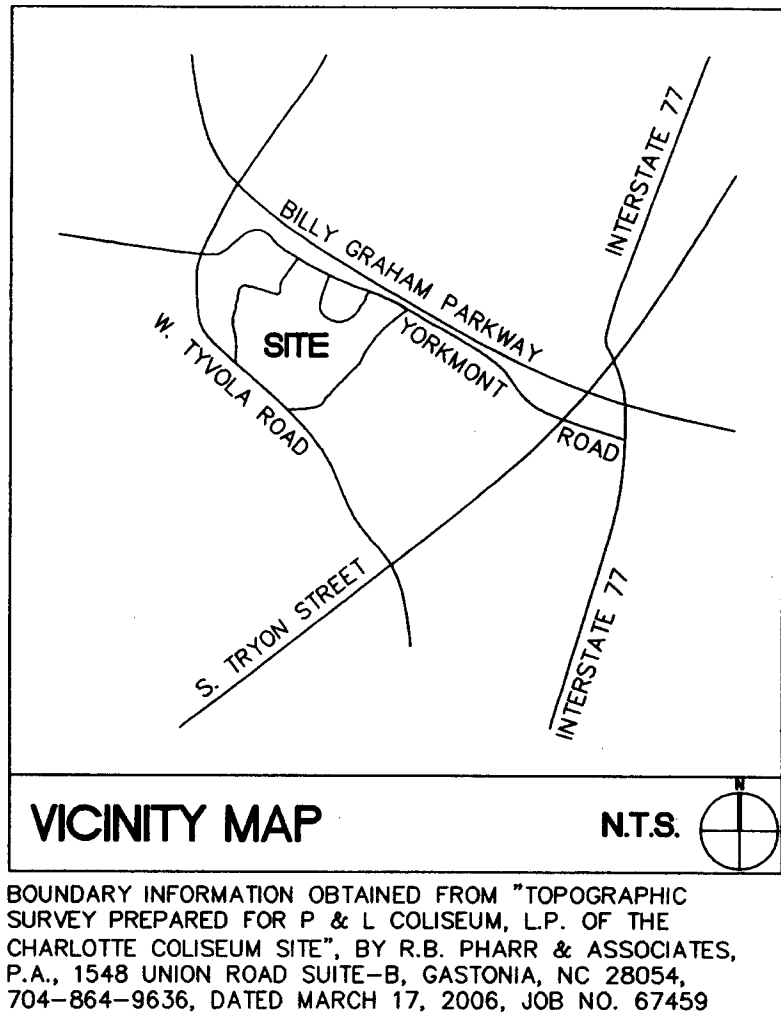
McADAMS



FOR REFERENCE ONLY REZONING PETITION 2018-001



LEGEND  
OPTIONAL SITE PLAN  
SEE SHEET RZ3.1



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ATLANTA, GEORGIA 30339

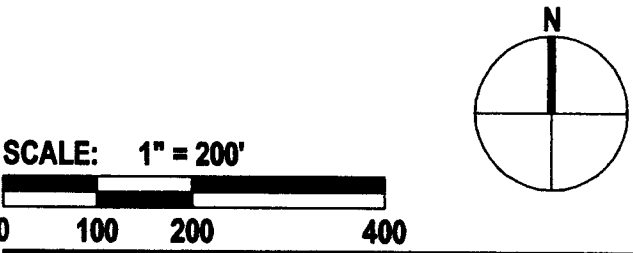
CITY PARK

CHARLOTTE, NORTH CAROLINA

CONCEPTUAL SITE PLAN  
For Public Hearing  
Petition # 2007-082

Project No.  
3592  
Issued  
03.26.07

Revised  
09/14/07  
11/16/07  
12/14/07

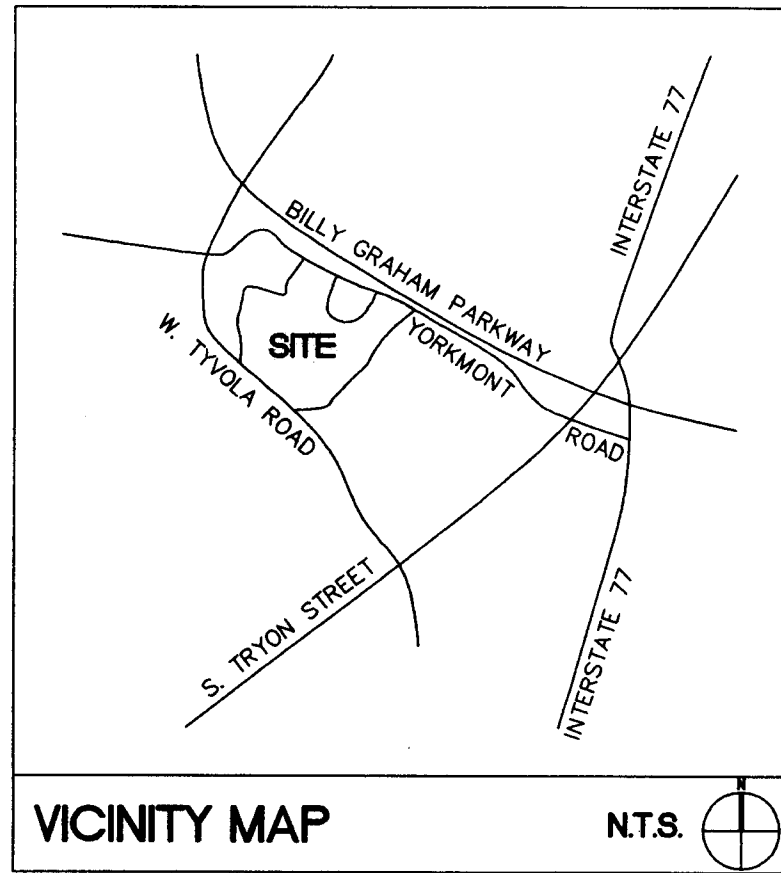
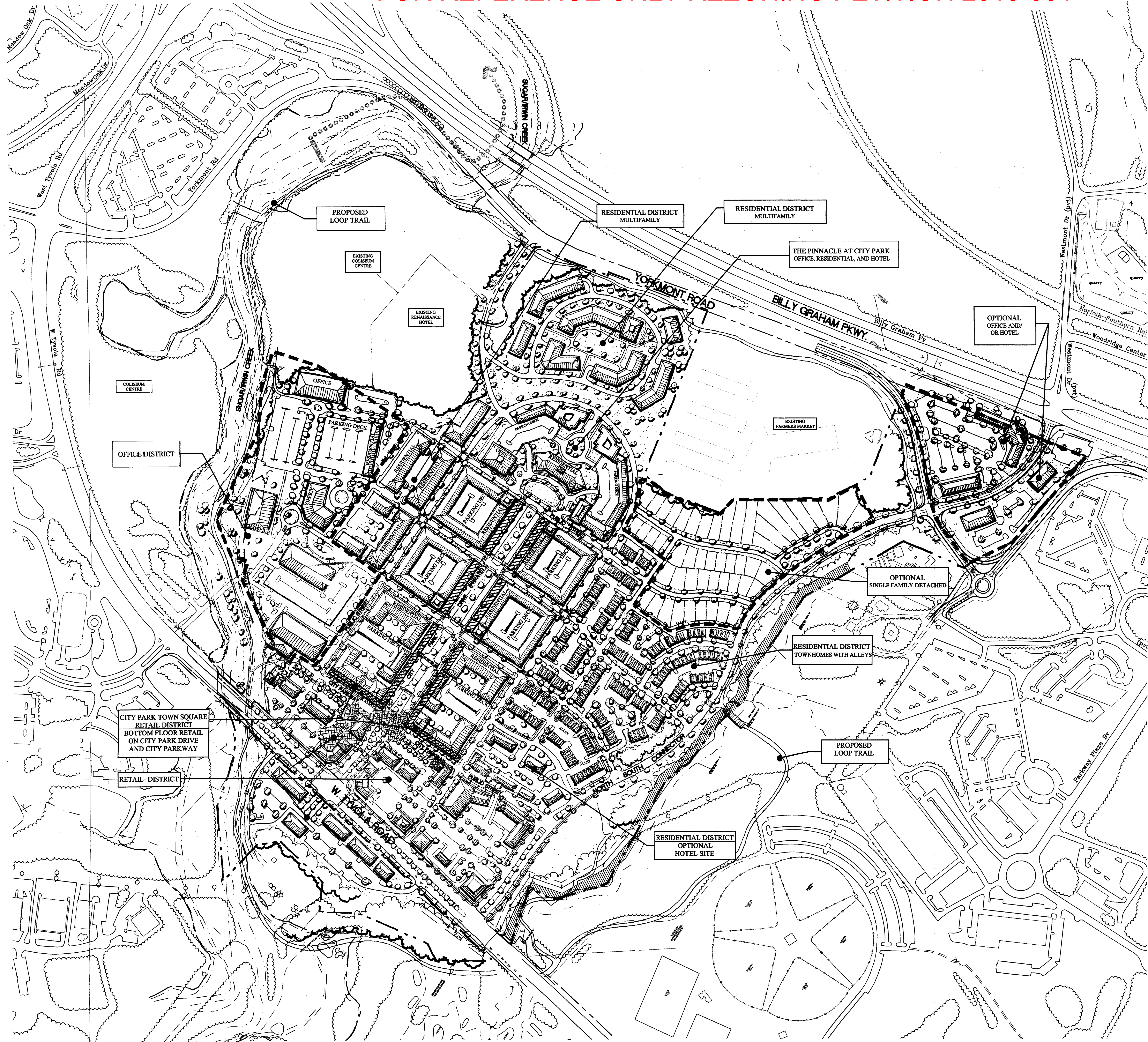


RZ3.0

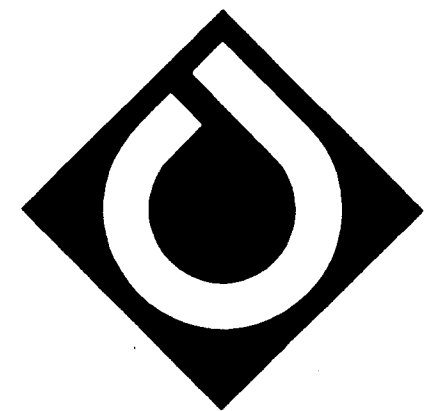
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BOUNDARY INFORMATION OBTAINED FROM "TOPOGRAPHIC SURVEY PREPARED FOR P. & L. COLOSSEUM, L.P. OF THE CHARLOTTE COLOSSEUM SITE", BY R.B. PHARR & ASSOCIATES, P.A., 1548 UNION ROAD SUITE-B, GASTONIA, NC 28054, 704-864-9636, DATED MARCH 17, 2006, JOB NO. 67459



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## CITY PARK

CHARLOTTE, NORTH CAROLINA

## CONCEPTUAL SITE PLAN ALTERNATIVE For Public Hearing Petition # 2007-082

Project No.

3592

Issued

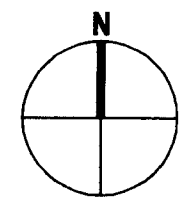
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Revised

09/14/07  
11/16/07  
12/14/07

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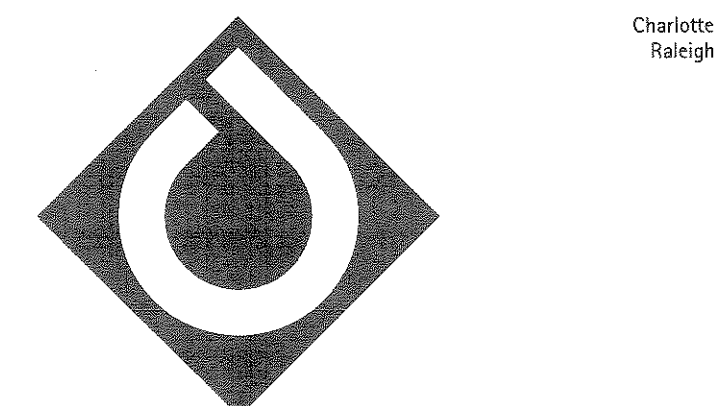


**RZ3.1**

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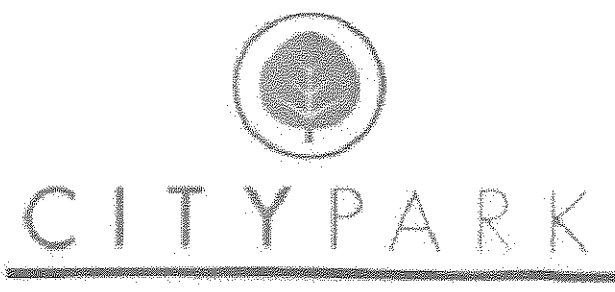
**CITY PARK**

CHARLOTTE, NORTH CAROLINA

**PERSPECTIVE  
RENDERING**  
For Public Hearing  
Petition # 2007-082

Project No.  
3592  
Issued  
03.26.07

Revised



**RZ3.2**

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