

**DEVELOPMENT GUIDELINES** MT. HOLLY DEVELOPERS LLC PROPERTY AT MT. HOLLY ROAD AND RHYNE ROAD LEGAL DESCRIPTION

TRACT A BEGINNING AT A PK NAIL SET IN THE CENTER OF RHYNE ROAD, SR 1609; SAID PK NAIL LIES NORTH 14 DEGREES 44 MINUTES 33 SECONDS EAST 346.73 FEET FROM NORTH CAROLINA GEODETIC SURVEY MONUMENT WHITE. NCGS MONUMENT WHITE HAS COORDINATES OF NORTHING: 564990.7054 AND EASTING: 1411958.9816 BASED ON THE NORTH AMERICAN DATUM ADJUSTMENT OF 1983.

RUNNING THENCE FROM SAID POINT OF BEGINNING, LEAVING THE ROAD AND RUNNING WITH A LINE COMMON WITH HARRY ROSS AS SHOWN ON DEED OF RECORD AT DEED BOOK 16121, PAGE 710, SOUTH 75 DEGREES 57 MINUTES 21 SECONDS EAST 29.55 FEET TO AN EXISTING IRON: THENCE, CONTINUING WITH THE ROSS LINE, SOUTH 75 DEGREES 57 MINUTES 21 SECONDS EAST 190.29 FEET TO AN EXISTING IRON; THENCE, WITH THE ROSS LINE, NORTH 14 DEGREES 36 MINUTES 13 SECONDS EAST 99.70 FEET TO AN EXISTING IRON; THENCE, WITH THE LINE OF TRACT 3 AS DESCRIBED HEREIN, NORTH 14 DEGREES 40 MINUTES 02 SECONDS EAST 77.36 FEET TO AN EXISTING IRON; THENCE, WITH A LINE COMMON WITH MT. HOLLY DEVELOPERS LLC AND OTHERS, NORTH 11 DEGREES 56 MINUTES 00 SECONDS EAST 188.92 FEET TO A NEW IRON; THENCE, WITH A LINE COMMON WITH ANOTHER TRACT OWNED BY MT. HOLLY DEVELOPERS LLC, SOUTH 57 DEGREES 28 MINUTES 51 SECONDS EAST 1189.54 FEET TO A NEW IRON IN THE I-485 RIGHT OF WAY; THENCE, WITH THE WESTERN RIGHT OF WAY OF I-485 THE FOLLOWING SIX (6) COURSES AND DISTANCES: (1) SOUTH 12 DEGREES 44 MINUTES 52 SECONDS WEST 84.13 FÉET TO A RIGHT OF WAY MONUMENT; (2) SOUTH 7 DEGREES 01 MINUTES 30 SECONDS WEST 407.83 FEET TO A RIGHT OF WAY MONUMENT; (3) SOUTH 02 DEGREES 12 MINUTES 23 SECONDS EAST 388.90 FEET TO A RIGHT OF WAY MONUMENT; (4) SOUTH 00 DEGREES 28 MINUTES 12 SECONDS EAST 398.90 FEET TO A RIGHT OF WAY MONUMENT; (5) SOUTH 01 DEGREES 12 MINUTES 51 SECONDS WEST 295.41 FEET TO AN EXISTING IRON; AND (6) SOUTH 01 DEGREES 12 MINUTES 47 SECONDS WEST 238.36 FEET TO A NEW IRON; THENCE, WITH THE LINE OF ELIZABETH HARRIS AS REFERENCED IN DEED BOOK 6299, PAGE 0247, NORTH 32 DEGREES 23 MINUTES 37 SECONDS WEST 49.78 FEET TO AN EXISTING IRON; THENCE, WITH THREE (3) LINES COMMON WITH MARTHA MOZELLA SHARPE AS REFERENCED IN DEED BOOK 3813, PAGE 933: (I) NORTH 31 DEGREES 03 MINUTES 41 SECONDS WEST 49.65 FEET TO AN EXISTING IRON; (2) SOUTH 58 DEGREES 06 MINUTES 01 SECONDS WEST 175.40 FEET TO AN EXISTING IRON; AND (3) SOUTH 58 DEGREES 06 MINUTES 01 SECONDS WEST 29.98 FEET TO A POINT IN THE CENTER OF RHYNE ROAD, SR 1609; THENCE WITH THE CENTER OF RHYNE ROAD, SR 1609, THE FOLLOWING TWENTY (20) COURSES AND DISTANCES: (1) NORTH 31 DEGREES 05 MINUTES 57 SECONDS WEST 208.88 FEET; (2) NORTH 31 DEGREES 08 MINUTES 16 SECONDS WEST 323.42 FEET; (3) NORTH 30 DEGREES 59 MINUTES 41 SECONDS WEST 287.76 FEET; (4) NORTH 31 DEGREES 12 MINUTES 19 SECONDS WEST 240.80 FEET; (5) NORTH 31 DEGREES 17 MINUTES 49 SECONDS WEST 239.87 FEET; (6) NORTH 31 DEGREES 03 MINUTES 15 SECONDS WEST 95.51 FEET; (7) NORTH 31 DEGREES 15 MINUTES 15 SECONDS WEST 80.83 FEET; (8) NORTH 31 DEGREES 14 MINUTES 39 SECONDS WEST 144.47 FEET; (9) NORTH 31 DEGREES 15 MINUTES 15 SECONDS WEST 152.55 FEET; (10) NORTH 31 DEGREES 36 MINUTES 05 SECONDS WEST 111.36 FEET; (11) NORTH 31 DEGREES 16 MINUTES 24 SECONDS WEST 78.51 FEET; (12) NORTH 29 DEGREES 59 MINUTES 03 SECONDS WEST 62.91 FEET; (13) NORTH 24 DEGREES 11 MINUTES 21 SECONDS WEST 38.73 FEET; (14) NORTH 17 DEGREES 36 MINUTES 19 SECONDS WEST 26.99 FEET; (15) NORTH 9 DEGREES 36 MINUTES 56 SECONDS WEST 37.76 FEET; (16) NORTH 01 DEGREES 00 MINUTES 03 SECONDS WEST 39.65 FEET; (17) NORTH 03 DEGREES 52 MINUTES 35 SECONDS EAST 20.82 FEET; (18) NORTH 10 DEGREES 42 MINUTES 14 SECONDS EAST 61.19 FEET; (19) NORTH 13 DEGREES 51 MINUTES 49 SECONDS EAST 71.96 FEET; AND (20) NORTH 14 DEGREES 30 MINUTES 26 SECONDS EAST 150.14 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 42.978 ACRES MORE OR LESS.

BEGINNING AT A NEW IRON IN THE EASTERN RIGHT OF WAY OF I-485, SAID IRON LYING SOUTH 42 DEGREES 40 MINUTES 13 SECONDS EAST 2338.96 FEET FROM NORTH CAROLINA GEODETIC SURVEY MONUMENT WHITE. NCGS MONUMENT WHITE HAS COORDINATES OF NORTHING: 564990.7054 AND EASTING: 1411958.9816 BASED ON THE NORTH AMERICAN DATUM ADJUSTMENT OF 1983.

RUNNING THENCE FROM SAID POINT OF BEGINNING AND WITH THE WESTERN RIGHT OF WAY OF I-485 THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) NORTH 01 DEGREES 59 MINUTES 28 SECONDS EAST 438.62 FEET TO A RIGHT OF WAY MONUMENT; (2) NORTH 4 DEGREES 18 MINUTES 36 SECONDS EAST 389.09 FEET TO A RIGHT OF WAY MONUMENT; (3) NORTH 9 DEGREES 24 MINUTES 14 SECONDS EAST 556.00 FEET TO A RIGHT OF WAY MONUMENT; AND (4) NORTH 15 DEGREES 22 MINUTES 14 SECONDS EAST 116.19 FEET TO A NEW IRON; THENCE, LEAVING THE RIGHT OF WAY OF I-485 AND WITH AN OLD LINE, SOUTH 57 DEGREES 28 MINUTES 51 SECONDS EAST 23.19 FEET TO A NEW IRON; THENCE SOUTH 54 DEGREES 35 MINUTES 51 SECONDS EAST 111.25 FEET TO A NEW IRON IN THE CENTER OF AN ABANDONED CSX TRANSPORTATION RAILROAD TRACK; THENCE SOUTH 54 DEGREES 35 MINUTES 51 SECONDS EAST 818.75 FEET TO AN EXISTING IRON ON THE NORTH SIDE OF THE ABANDONED CSX TRANSPORTATION RAILROAD TRACK; THENCE SOUTH 49 DEGREES 58 MINUTES 49 SECONDS EAST 36.08 FEET TO A NEW IRON SET IN PLACE OF AN OLD IRON IN THE CENTER OF THE ABANDONED RAILROAD TRACK; THENCE, WITH THE CENTER OF THE ABANDONED TRACK, SOUTH 66 DEGREES 32 MINUTES 52 SECONDS EAST 32.62 FEET TO A NEW IRON IN THE CENTER OF THE ABANDONED TRACK; THENCE, LEAVING THE ABANDONED TRACK AND WITH FOUR CALLS COMMON WITH LYNDELL THOMPSON AND WIFE LOIS THOMPSON AS REFERENCED IN DEED BOOK 7873, PAGE 213, SOUTH 26 DEGREES 59 MINUTES 26 SECONDS EAST 288.57 FEET TO AN OLD IRON; THENCE SOUTH 9 DEGREES 40 MINUTES 17 SECONDS EAST 110.96 FEET TO A NEW IRON; THENCE SOUTH 20 DEGREES 35 MINUTES 40 SECONDS EAST 235.39 FEET TO AN EXISTING IRON; THENCE SOUTH 55 DEGREES 21 MINUTES 28 SECONDS WEST 1100.30 FEET TO AN EXISTING IRON, A COMMON CORNER WITH LYNDELL THOMPSON AND WIFE LOIS THOMPSON, SPIRIT OF LIFE MINISTRIES, AS REFERENCED IN DEED BOOK 11953 PAGE 267, AND LANDS NOW OR FORMERLY OWNED BY CORRIE COOPER WILSON AS REFERENCED IN DEED BOOK 4476, PAGE 670; THENCE, WITH A COMMON LINE OF THE TRACT OWNED NOW OR FORMERLY BY CORRIE COOPER WILSON, NORTH 50 DEGREES 20 MINUTES 49 SECONDS WEST 23.48 FEET TO AN OLD IRON; THENCE NORTH 45 DEGREES 19 MINUTES 50 SECONDS WEST 334.49' TO A RIGHT OF WAY MONUMENT IN THE EASTERN RIGHT OF WAY OF I-485; THENCE, WITH THE RIGHT OF WAY, NORTH 49 DEGREES 07 MINUTES 36 SECONDS WEST 95.85 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 31.191 ACRES MORE OR LESS.

TRACT C BEGINNING AT A PK NAIL SET IN THE CENTER OF RHYNE ROAD, SR 1609, THAT LIES NORTH 14 DEGREES 31 MINUTES 58 SECONDS EAST 617.06 FEET FROM NORTH CAROLINA GEODETIC SURVEY MONUMENT WHITE. NCGS MONUMENT WHITE HAS COORDINATES OF NORTHING: 564990,7054 AND EASTING: 1411958.9816 BASED ON THE NORTH AMERICAN DATUM ADJUSTMENT OF 1983.

RUNNING THENCE FROM SAID POINT OF BEGINNING, LEAVING THE ROAD AND WITH A LINE COMMON WITH MT. HOLLY DEVELOPERS, LLC AND OTHERS, SOUTH 53 DEGREES 02 MINUTES 16 SECONDS EAST 31.46 FEET TO A NEW IRON; THENCE, CONTINUING WITH THE COMMON LINE WITH MT. HOLLY DEVELOPERS, LLC AND OTHERS, SOUTH 53 DEGREES 02 MINUTES 16 SECONDS EAST 208.07 FEET TO AN EXISTING IRON; THENCE, WITH A LINE COMMON WITH TRACT I AS REFERENCED HEREIN, SOUTH 14 DEGREES 40 MINUTES 02 SECONDS WEST 77.36 FEET TO A NEW IRON; THENCE, A LINE COMMON WITH HARRY ROSS AS REFERENCED IN DEED BOOK 06121, PAGE 710. NORTH 75 DEGREES 51 MINUTES 55 SECONDS WEST 191.96 FEET TO A NEW IRON; THENCE NORTH 75 DEGREES 51 MINUTES 55 SECONDS WEST 30.00 FEET TO A POINT IN THE CENTER OF RHYNE ROAD, SR 1609; THENCE, WITH THE CENTER OF RHYNE ROAD, SR 1609, NORTH 14 DEGREES 46 MINUTES 43 SECONDS EAST 170.30 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.631 ACRES MORE OR LESS.

**GENERAL PROVISIONS** 

THESE DEVELOPMENT STANDARDS FORM A PART OF THE TECHNICAL DATA SHEET FOR THE "RHYNE STATION MIXED-USE DEVELOPMENT" SUBMITTED BY MT. HOLLY DEVELOPERS LLC (THIS "TECHNICAL DATA SHEET"). DEVELOPMENT OF THE PROPERTY IDENTIFIED ON THIS TECHNICAL DATA SHEET (THE "PROPERTY" OR THE "SITE") AND THE INDIVIDUAL COMPONENTS TO BE LOCATED THEREON WILL BE GOVERNED BY THE CONDITIONS OF THIS TECHNICAL DATA SHEET AND THOSE PLANS AND DRAWINGS EXPRESSLY INCORPORATED HEREIN BY REFERENCE AND THE APPLICABLE PROVISIONS OF THE MECKLENBURG COUNTY ZONING ORDINANCE (THE "ORDINANCE"). UNLESS MORE STRINGENT STANDARDS ARE ESTABLISHED BY THIS TECHNICAL DATA SHEET, THE DEVELOPMENT STANDARDS ESTABLISHED UNDER THE ORDINANCE FOR THE COMMERCIAL CENTER (CC) DISTRICT, BUSINESS (B-2(CD)) DISTRICT, AND MIXED-USE (MX-2) DISTRICT CLASSIFICATIONS SHALL BE FOLLOWED IN CONNECTION WITH DEVELOPMENT TAKING PLACE ON THE SITE.

THE DEVELOPMENT DEPICTED ON THE ILLUSTRATIVE SITE PLAN ATTACHED AS SHEET I OF 3 IS SCHEMATIC IN NATURE AND IS INTENDED ONLY TO DESCRIBE THE POSSIBLE ARRANGEMENT OF USES ON THE SITE AND ILLUSTRATE DESIGN PRINCIPALS. ACCORDINGLY, THE CONFIGURATION, PLACEMENT AND SIZE OF THE BUILDING FOOTPRINTS OUTLINED ON THE ILLUSTRATIVE SITE PLAN ARE SCHEMATIC AND, SUBJECT ONLY TO THE PROVISIONS SET FORTH BELOW UNDER ARCHITECTURAL CONTROLS AND RESTRICTIVE COVENANTS, MAY BE ALTERED OR MODIFIED DURING DESIGN, DEVELOPMENT AND CONSTRUCTION PHASES WITHIN THE MAXIMUM BUILDING/PARKING ENVELOPE LINES ESTABLISHED ON THE SCHEMATIC SITE PLAN SHEET (TDS.2). PARKING LAYOUTS MAY ALSO BE MODIFIED TO ACCOMMODATE FINAL BUILDING LOCATIONS AND OFF-STREET PARKING SPACES MAY BE LOCATED INSIDE AND OUTSIDE BUILDING ENVELOPES TO THE EXTENT PERMITTED BY THE ORDINANCE. ALL SUCH CHANGES ARE SUBJECT TO APPROVAL PER SECTION 6.206(2) OF THE ORDINANCE.

PERMITTED USES

THE SITE MAY BE DEVELOPED FOR ANY USES (INCLUDING ACCESSORY USES) WHICH ARE PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS UNDER THE ORDINANCE FOR THE I) COMMERCIAL CENTER (CC) DISTRICT - WITH THE EXCLUSION OF FAST FOOD RESTAURANTS, RESTAURANTS WITH DRIVE THROUGH SERVICES, GAS STATIONS AND CONVENIENCE STORES, 2) BUSINESS (B-2(CD)) DISTRICT - LIMITED TO CAR DEALERSHIPS AND GENERAL RETAIL AND 3) MIXED-USE (MX-2) DISTRICT - NON-RESIDENTIAL USES SHALL NOT BE PERMITTED WITHIN THE MIXED-USE (MX-2) DISTRICT. AUTOMOBILE SERVICE FACILITIES SHALL NOT BE PERMITTED WITHIN THE COMMERCIAL CENTER (CC) DISTRICT.

THE MAXIMUM SQUARE FOOTAGE OCCUPIED BY ONE SINGLE TENANT IS LIMITED TO AND SHALL NOT EXCEED 140,000 SQUARE FEET.

**BUILDING LIMITATIONS** 

I. NO MORE THAN 306,400 SQUARE FEET OF RETAIL/RESTAURANT SPACE MAY BE CONSTRUCTED WITHIN THE AGGREGATE OF THE DEPICTED BUILDING ENVELOPES.

2. NO MORE THAN 30,000 SQUARE FEET OF OFFICE SPACE MAY BE CONSTRUCTED WITHIN THE AGGREGATE OF THE DEPICTED BUILDING ENVELOPES.

3. NO MORE THAN 150,000 SQUARE FEET OF AUTOMOBILE SALES "CAR DEALERSHIP" SPACE MAY

BE CONSTRUCTED WITHIN THE AGGREGATE OF THE DEPICTED BUILDING ENVELOPES. 4. IF A HOTEL/MOTEL IS CONSTRUCTED ON THE SITE, THEN IT MAY CONTAIN NO MORE THAN 100 ROOMS, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES PERMITTED UNDER THE

5. FOR THE COMMERCIAL CENTER (CC) ZONING THE MAXIMUM DENSITY PER ACRE FOR RESIDENTIAL USES SHALL BE LIMITED TO 8.00 DUA AND THE MAXIMUM NUMBER OF RESIDENTIAL UNITS SHALL BE LIMITED TO 81 UNITS. FOR THE MIXED-USE (MX-2) DISTRICT ZONING THE MAXIMUM DENSITY PER ACRE FOR RESIDENTIAL USES SHALL BE LIMITED TO 7.00 DUA AND THE

ORDINANCE WHICH THE PETITIONER MAY ELECT TO PROVIDE FOR SUCH FACILITY.

MAXIMUM NUMBER OF RESIDENTIAL UNITS SHALL BE LIMITED TO 373 UNITS.

6. SHOULD FEWER THEN 100 ROOMS BE DEVELOPED ON THE SITE, THEN ADDITIONAL OFFICE SPACE MAY BE DEVELOPED ON THE SITE AT THE RATE OF 200 SQUARE FEET OF OFFICE SPACE FOR EACH HOTEL ROOM ELIMINATED, UP TO A MAXIMUM OF 20,000 ADDITIONAL SQUARE FEET OF OFFICE SPACE. ADDITIONALLY, HOTEL ROOMS MAY BE CONVERTED INTO RESIDENTIAL DWELLING UNITS AT THE RATE OF ONE HOTEL ROOM PER RESIDENTIAL DWELLING UNIT UP TO A MAXIMUM OF 100 RESIDENTIAL DWELLING UNITS.

7. NO INDIVIDUAL TENANT SHALL OCCUPY A SINGLE BUILDING OR SPACE FOR RETAIL USE OF GREATER THAN 16.000 SOUARE FEET ALONG PRIVATE ROAD 'F'.

8. PETITIONER AGREES TO ACCOMMODATE AND PROVIDE LEASEABLE SPACE AT DEVELOPERS COST FOR THE ADDITION OF A CHARLOTTE-MECKLENBURG POLICE SUBSTATION WITHIN THE COMMERCIAL CENTER (CC) ZONING AREA FOR A TWO YEAR PERIOD FOLLOWING THE COMMENCEMENT OF CONSTRUCTION.

9. AS PERMITTED UNDER CHAPTER 11 OF THE ORDINANCE, SINGLE FAMILY RESIDENTIAL DWELLING UNITS MAY BE DEVELOPED IN CONJUNCTION WITH THE MIXED-USE (MX-2) DISTRICT AND SHALL ADHERE TO THE REQUIREMENTS ESTABLISHED IN SECTION 9.205.

**BUFFERS** I. BUFFER AREAS ESTABLISHED ON THIS TECHNICAL DATA SHEET (TDS.I) SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE; SUBJECT, HOWEVER, TO THE PROVISIONS OF SECTION 12.304 THEREOF.

2. BUFFER AREAS SHALL REMAIN AS OPEN SPACE, EXCEPT TO THE EXTENT NECESSARY TO ACCOMMODATE ACCESS POINTS, WALLS, FENCES, DRAINAGE PIPES OR CHANNELS, UTILITY LINES AND FACILITIES, PEDESTRIAN PATHWAYS AND BICYCLE PATHWAYS. UTILITY INSTALLATIONS MAY ONLY CROSS BUFFER AREAS AT INTERIOR ANGLES MEASURED AT PROPERTY LINES WHICH ARE NOT LESS THAN 75 DEGREES.

3. NO BUILDINGS, PARKING SPACES, MANEUVERING AREAS OR STORM WATER DETENTION FACILITIES MAY BE LOCATED WITHIN BUFFER AREAS, HOWEVER, WATER QUALITY/LOW IMPACT DEVELOPMENT (LID) FACILITIES, SUCH AS RAINGARDENS, MAY BE WITHIN THE BUFFERS.

4. IN ALL BUFFER AREAS WHERE EXISTING TREES AND NATURAL VEGETATION HAVE BEEN CLEARED TO ACCOMMODATE WALLS, FENCES, PEDESTRIAN SIDEWALKS OR PATHWAYS OR THE INSTALLATION OF UTILITY LINES OR FACILITIES, THE CLEARED, UNIMPROVED AREAS WILL BE LANDSCAPED WITH TREES AND SHRUBS AS REQUIRED BY SECTION 12.302 OF THE ORDINANCE.

5. A 50 FOOT CLASS "C" BUFFER SHALL BE MAINTAINED ALONG THE NORTHERN CSX TRANSPORTATION RAIL LINE FOR THE PROPOSED MIXED-USE (MX-2) ZONING. A 75 FOOT CLASS "B" BUFFER SHALL BE MAINTAINED ALONG THE SOUTHERN PROPERTY LINE FOR THE COMMERCIAL CENTER (CC) ZONING. THESE BUFFERS MAY BE REDUCED BY 25 % PER SECTION 12.302 (8) OF THE ORDINANCE.

6. THE PETITIONER AGREES TO INSTALL A BERM AND FENCE ALONG THE NORTHERN CSX TRANSPORTATION RAIL LINE FOR THE PROPOSED MIXED-USE (MX-2) ZONING IN ACCORDANCE WITH SECTION 12.302(8) OF THE ORDINANCE.

SETBACKS, SIDE YARDS AND REAR YARDS

I. ALL BUILDINGS CONSTRUCTED WITHIN THE SITE SHALL SATISFY OR EXCEED THE SETBACK, REAR YARD AND SIDE YARD REQUIREMENTS ESTABLISHED UNDER THE ORDINANCE FOR THE CC. B-2. AND MX-2 ZONING DISTRICTS.

2. INTIERNAL PRIVATE ROADS SHALL BE DESIGNED WITH A MINIMUM BUILDING AND PARKING SETBAICK OF FOURTEEN (14) FEET AS MEASURED FROM THE BACK-OF-CURB WITH THE EXCEPTION OF PRIVATE ROAD 'F' WHICH SHALL HAVE A MINIMUM BUILDING AND PARKING SETBAICK OF TEN (10) FEET AS MEASURED FROM THE BACK-OF-CURB.

SCREENING AND LANDSCAPING AREAS

D. WEEDS AND VINES MAY BE REMOVED.

I. THE: OWNER SHALL INSTALL OR CAUSE TO BE INSTALLED WITHIN THE SETBACK AREAS ESTABILISHED ALONG INTERSTATE 485 AND RHYNE ROAD PLANTS, TREES AND OTHER MATERIALS IN ACCORDANCE WITH THE ORDINANCE AND SHALL THEREAFTER MAINTAIN OR CAUSE TO BE MAINTAINED ALL SUCH MATERIALS (INCLUDING REPLACEMENT OF ALL DEAD OR DYING PLANTS). ADDITIONALLY, THE OWNER SHALL MAINTAIN THE SETBACK AREA AS A TREE PRESERVATION AREA AND SHALL SUPPLEMENT EXISTING VEGETATION TO ENHAINCE THE APPEARANCE. INTERNAL AREAS OF THE SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY CODE.

2. DEFFINED AREAS OF LANDSCAPE CLEARING AS DEPICTED IN TDS.2 SHALL BE ALLOWED ALONIG THE WESTERN 50' LANDSCAPE BUFFER OF INTERSTATE 485 TO ALLOW BETTER VEHICULAR VISIBILITY INTO THE SITE. THE OWNER SHALL INSTALL OR CAUSE TO BE INSTAILLED WITHIN THE CLEARED SETBACK AREA ESTABLISHED ALONG INTERSTATE 485 PLANTS, TREES AND OTHER MATERIALS IN ACCORDANCE WITH THE ORDINANCE AND SHALL THEREAFTER MAINTAIN OR CAUSE TO BE MAINTAINED ALL SUCH MATERIALS (INCLIUDING REPLACEMENT OF ALL DEAD OR DYING PLANTS).

3. LANDSCAPE AREAS WILL BE PLANTED ON THE SITE TO MEET OR EXCEED THE REQUIREMENTS OF THE ORDINANCE.

4. SCRIEENING SHALL CONFORM WITH THE STANDARDS AND TREATMENTS SPECIFIED IN SECTION 12.303 OF THE ORDINANCE. REQUIRED LANDSCAPING OF TREES AND SHRUBS LOCATED WITHIN THE BUFFER AREA SHALL CONFORM TO SECTION 12.302 (9) OF THE ORDINANCE AND CHAPTER 21 (CITY OF CHARLOTTE TREE ORDINANCE) OF THE CITY CODE.

5. LIMITED AMOUNT OF CLEARING SHALL BE ALLOWED WITHIN THE BUFFER/SETBACK AREAS TO PRIOMOTE THE GROWTH OF EXISTING VEGETATION AND/OR ENHANCE THE AESTHETIC APPEAL OF THE SITE. THE FOLLOWING WOULD BE ALLOWED IN A BUFFER/SETBACK AREA: A. HAND PRUNING ONLY. NO HEAVY EQUIPMENT OR VEHICLES ALLOWED IN THE

BUFFER (I.E. BULLDOZERS). B. PLANT MATERIAL, WHICH MAY BE REMOVED, SHALL BE CUT FLUSH WITH THE GROUND. NO DISTURBANCE OF THE SOIL WILL BE ALLOWED. C. NO LIMB REMOVAL WITH THE EXCEPTION OF DEAD OR DISEASED LIMBS.

E. TREES THAT MEASURE LESS THAN 2" CALIPER AT THE BASE THAT AREA CLEARLY WITHIN THE DRIP LINE OF A TREE THAT IS 2" OR GREATER MAY BE REMOVED. DRIP LINE IS DEFINED AS AN IMAGINARY LINE ON THE GROUND THAT WOULD FORM THE PERIMETER OF THE TREE'S CANOPY. F. DEAD TREES AND MATERIAL MAY BE REMOVED. DISEASED TREES MAY BE REMOVED

AT THE DISCRETION OF AN URBAN FORESTER. G. MULCH MAY BE APPLIED TO THE WOODLAND BUFFER. KEEP MULCH 2-3" AWAY FROM THE BARK OF TREES.

6. ANY FENCE OR WALL CONSTRUCTED ALONG OR ADJACENT TO ANY SIDEWALK OR STREET RIGHT-OF-WAY REQUIRES A CERTIFICATE ISSUED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION.

7. ALL. ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW.

8. PET(ITIONER SHALL EXERCISE GOOD FAITH EFFORTS TO PRESERVE ALL TREES 8 INCHES IN CALIPIER OR GREATER SHALL BE PRESERVED WITHIN THE SETBACKS ALONG THE ROADWAYS EXCEPPT TO THE EXTENT THAT SUCH PRESERVATION CONFLICTS WITH THE INSTALLATION OR REPLACEMENT OF UTILITIES, DRIVEWAY ACCESS AND OTHER SIMILAR SITE ELEMENTS.

9. ALL. BUFFERS AND SETBACKS SHALL BE MAINTAINED BY THE OWNER AS TREE PRESERVATION AREAS THAT MAY BE SUPPLEMENTED TO ENHANCE THE APPEARANCE OF THE PROJECT. LIKEWISE, BUFFERS AND SETBACKS TO BE MAINTAINED BY THE PROPERTY OWNER MAY B3E MODIFIED AS ALLOWED IN SECTION 12.305 OF THE ORDINANCE AND CHAPTER 21 (CITY OF CHARLOTTE TREE ORDINANCE) OF THE CITY CODE.

PARK(ING/DRIVE-THROUGH FACILITIES I. OFF: STREET PARKING WILL MEET THE MINIMUM STANDARDS ESTABLISHED UNDER THE ORDINVANCE.

2. ALL. PERMITTED DRIVE-THROUGH FACILITIES LOCATED ON THE SITE SHALL BE SUBJECT TO STACKING REQUIREMENTS OF THE ORDINANCE.

3. BIKE RACKS WILL BE PROVIDED PER SECTION 12.202A OF THE ORDINANCE.

4. THROUGHOUT THE DEVELOPMENT, PARKING SHALL NOT BE PERMITTED BETWEEN THE BUILDINGS AND INTERNAL PRIVATE AND PUBLIC STREETS, WITH THE EXCEPTION OF ON-STITREET PARKING.

5. PARIKING FOR PROPOSED USES ALONG RHYNE ROAD SHALL BE LOCATED TO THE REAR OR SIDE OF THE BUILDING AND SHALL BE SCREENED FROM VIEW WHEN POSSIBLE. LIGHTING

1. PETITIONER AGREES TO INSTALL PEDESTRIAN SCALE LIGHTING ALONG INTERNAL STREETS.

THE MIAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE, INCLUDING ITS BASE, SHALL, NOT EXCEED 30 FEET. 2. ALL DIRECT LIGHTING WITHIN THE SITE (EXCEPT STREETLIGHTS WHICH MAY BE ERECTED ALONIG RHYNE ROAD) SHALL BE FULLY SHIELDED AND DESIGNED SUCH THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY EXTERIOR PROPERTY LINE. CONSIDERATION WILL EBE GIVEN TO THE IMPACT OF LIGHTING BOTH WITHIN AND OUTSIDE OF THE

BEING; TO ELIMINATE GLARE TOWARDS RHYNE ROAD, MT. HOLLY ROAD, OLD MOORES CHAPEL ROAD, INTERSTATE 485 AND ADJACENT PROPERTIES. 3. NO WALL PACK LIGHT FIXTURES WILL BE ALLOWED ON ANY STRUCTURES PLACED ON THE SIITE.

PERIMIETER OF THE SITE. ITEMS FOR CONSIDERATION WILL INCLUDE INTENSITY, CUTOFF

ANGLIES, COLOR, ENERGY EFFICIENCY AND SHIELDING OF SOURCES OF LIGHT, THE INTENT

I. ALL SIGNS PLACED ON THE SITE SHALL BE GROUND MOUNTED AND WILL BE ERECTED IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 13 OF THE ORDINANCE.

2. POLE MOUNTED SIGNS WILL NOT BE ALLOWED, NOR WILL FLASHING SIGNS OF ANY NATURE. THE MAXIMUM HEIGHT OF GROUND MOUNTED/MONUMENT SIGNS WILL BE 7 FEET ABOVE THE AVERAGE GRADE AT EDGE OF RIGHT-OF-WAY. MAXIMUM SIZE OF SIGNAGE WILL BE 48 SQUARE FEET, EACH FACE. NO PERMANENT BUSINESS IDENTIFICATION SIGNS OR ADVERTISEMENTS WILL BE ALLOWED WITHIN THE BUILDING SETBACK, EXCEPT AT DRIVEWAY ENTRANCES WHICH BISECT THE LANDSCAPE SETBACK AREA. ANY SAID SIGNS MUST BE WITHIN 6 FEET OF THE DRIVEWAY CURBING. TEMPORARY PROJECT IDENTIFICATION SIGNS MUST BE LOCATED OUTSIDE OF THE REQUIRED SETBACK STATED ABOVE.

3. TEMPORARY CONSTRUCTIONS SIGNAGE CAN NOT BE LOCATED WITHIN THE REQUIRED SETBACK, AND MUST BE REMOVED NO LATER THAN 60 DAYS FOLLOWING THE RECEIPT OF THE CERTIFICATE OF OCCUPANCY FOR THE STRUCTURE ADDRESSED BY THE SIGNAGE.

4. BUILDING IDENTIFICATION SIGNS WITHIN INTERIOR PARKING LOTS WILL BE ALLOWED AT THE WALKWAY LEADING TO THE BUILDING AT THE POINT THE WALKWAY EXITS THE PARKING LOT. SUCH SIGNAGE IS LIMITED TO 6 SQUARE FEET, EACH FACE, AND MUST BE INTERNALLY ILLUMINATED.

5. SIGNAGE LOCATED WITHIN THE MIXED-USE (MX-2) DISTRICT SHALL CONFORM TO SECTION 13.109 (1) OF THE ORDINANCE.

6. SIGNAGE LOCATED WITHIN THE PROPOSED COMMERCIAL CENTER (CC) AND BUSINESS (B-2(CD)) DISTRICT SHALL CONFORM TO SECTION 13.109 (4) OF THE ORDINANCE.

**ACCESS POINTS (DRIVEWAYS)** I. THE NUMBER OF ACCESS POINTS TO RHYNE ROAD SHALL BE LIMITED TO TWO (2) RIGHT-IN/RIGHT-OUT ACCESS AND THREE (3) FULL ACCESS. THE NUMBER OF ACCESS POINTS TO OLD MOORES CHAPEL ROAD SHALL BE LIMITED TO ONE (I) FULL ACCESS, AS GENERALLY DEPICTED ON THIS TECHNICAL DATA SHEET.

2. THE PLACEMENT AND CONFIGURATION OF THESE ACCESS POINTS ARE SUBJECT TO MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND ARCHITECTURAL CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

3. ALL PROPOSED COMMERCIAL DRIVEWAY CONNECTIONS TO A FUTURE PUBLIC STREET SHALL REQUIRE A DRIVEWAY PERMIT TO BE SUBMITTED TO THE CHARLOTTE DEPARTMENT OF TRANSPORTATION FOR FINAL REVIEW AND APPROVAL.

4. ALL PROPOSED TREES, BERMS, WALLS, FENCES, AND/OR IDENTIFICATION SIGNS MUST NOT INTERFERE WITH SIGHT DISTANCE AT THE ENTRANCE(S).

<u>......</u> OPEN SPACE

1. THE COMMON OPEN SPACE LOCATED ALONG RHYNE ROAD 'AREA 2' (AS GENERALLY DEPICTED ON TDS.2) SHALL CONTAIN A MINIMUM OF 0.40 ACRES. THE COMMON OPEN SPACE LOCATED WITHIN THE TOWNHOME 'AREA 5' PORTION OF THE EASTERN PORTION OF THE PROJECT (AS GENERALLY DEPICTED ON TDS.2) SHALL CONTAIN A MINIMUM OF 6.35 ACRES AND SHALL MEET THE STANDARDS SET FORTH IN SECTION 10, PART 6 OF THE CHARLOTTE-MECKLENBURG ZONING ORDINANCE FOR THE "CATAWBA RIVER/LAKE WYLIE WATERSHED DISTRICT". THE OPEN SPACE LOCATED AT THE INTERSECTION OF PUBLIC ROAD 'D' AND PRIVATE ROAD 'H' (AS GENERALLY DEPICTED ON TDS.2) SHALL CONTAIN A MINIMUM OF 0.40 ACRES. THE PETITIONER MAY INCREASE, BUT NOT REDUCE, THE SIZE OF THE OPEN

2. THE PETITIONER RESERVES THE RIGHT TO UTILIZE THE OPEN SPACE TO ACCOMMODATE PEDESTRIAN WALKWAYS, BICYCLE PATHWAYS, SIDEWALKS, GRADING, SLOPES, WALLS, FENCES SIGNS AND GRAPHICS, LIGHTING, DRAINAGE AND UTILITIES. THE PETITIONER ALSO RESERVES THE RIGHT TO UTILIZE THE OPEN SPACE FOR RETAIL SALES, RECREATIONAL USES, MUSICAL AND ENTERTAINMENT PERFORMANCES, AND RESTAURANT USES ANCILLARY TO AND SUPPORTIVE OF THE PERMITTED USES OF THE OPEN SPACE DESCRIBED IN THIS SECTION, PROVIDED, HOWEVER, ANY SUCH RETAIL SALES, RECREATIONAL USES, PERFORMANCES, AND RESTAURANT USES SHALL NOT OCCUR BETWEEN THE HOURS OF 11:00 P.M. AND 8:00 AM E.S.T.

~~~~~~~~~~~~~~~~<u>/2</u>

3. COMMON OPEN SPACE OCCUPIED OR USED FOR GRADING, SLOPES, WALLS, FENCES, SIGNS, DRAINAGE AND UTILITIES SHALL NOT BE COUNTED TOWARD THE 10 % USEABLE COMMON OPEN SPACE.

4. IN COMMON OPEN SPACE AREAS LOCATED OUTSIDE OF THE "CATAWBA RIVER/LAKE WYLIE WATERSHED DISTRICT" THE PETITIONER RESERVES THE RIGHT FOR IMPROVEMENTS TO INCLUDE SIDEWALKS, PLAYGROUND (TOT LOT), PEDESTRIAN LIGHTING, BENCHES, TABLES AND CHAIRS, FOUNTAINS, ADDITIONAL HARDSCAPE MATERIALS, TRASH RECEPTACLES AND ANY OTHER SITE AMENITY ALLOWED BY THE ORDINANCE. IN COMMON OPEN SPACE AREAS LOCATED WITHIN THE "CATAWBA RIVER/LAKE WYLIE WATERSHED DISTRICT" IMPROVEMENTS BY THE PETITIONER ARE RESTRICTED UNDER CHAPTER 10, PART 6 OF THE ORDINANCE.

5. THE PETITIONER COMMITS TO MAINTAIN A 15 % TREE SAVE AREA WITH IN THE 200 FOOT "CATAWBA RIVER/LAKE WYLIE WATERSHED DISTRICT" BUFFER LOCATED WITHIN THE MULTI-FAMILY (CONDOMINIUMS / APARTMENTS) PROPERTY. 

> FOR PUBLIC HEARING PETITION NO. 2005-150

## **DEVELOPMENT GUIDELINES (CON'T)**

ARCHITECTURAL CONTROLS AND RESTRICTIVE COVENANTS I. ALL BUILDINGS CONSTRUCTED ON THE SITE SHALL BE ARCHITECTURALLY COMPATIBLE IN APPEARANCE THROUGH THE USE OF SIMILAR, AS WELL AS COMPLEMENTARY BUILDING MATERIALS, COLORS AND DESIGN (GIVING DUE CONSIDERATIONS TO THE USE OF EACH BUILDING).

2. THE FIRST FLOOR OF ALL BUILDINGS SHALL BE DESIGNED TO ENCOURAGE AND COMPLEMENT PEDESTRIAN SCALE INTEREST AND ACTIVITY.

3. IF DRIVE-THROUGH WINDOWS AND SERVICES ARE INCLUDED WITHIN THE DEVELOPMENT, THEY MUST NOT COMPROMISE PEDESTRIAN CIRCULATION.

5. BUILDINGS LOCATED WITH THE DEVELOPMENT SHALL BE ORIENTED TOWARD THE STREET

4. BUILDINGS LOCATED WITHIN THE DEVELOPMENT SHALL BE DESIGNED TO RELATE TO THE OVERALL PEDESTRIAN ENVIRONMENT. BUILDINGS SHALL BE DESIGNED TO INCLUDE TRANSPARENT OPENINGS, ORNAMENTATION AND ARCHITECTURAL CHARACTER AND SHALL RAISE THE STANDARD LEVEL OF THE DESIGN TO CREATE A PLACE OF INTEREST.

AND SHALL CREATE ENTRANCES WITH PEDESTRIAN INTEREST. DEVELOPMENT LOCATED ALONG RHYNE ROAD SHALL BE ORIENTED TO ADDRESS THE STREET IN A PEDESTRIAN NATURE THE FACADES OF THE PROPOSED DEVELOPMENT ALONG RHYNE ROAD SHALL BE DESIGNED IN A WAY THAT IS COMPLEMENTARY TO THE EXISTING RESIDENTIAL CONTEXT OF THE STREET. 6. BUILDING ELEVATIONS FOR THE TOWNHOMES/CONDOMINIUMS LOCATED IN AREA 5 AND AREA 2, AS WELL AS DEVELOPMENT WITHIN THE COMMERCIAL CENTER (CC) AND BUSINESS

CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT DURING THE SITE PLAN APPROVAL PHASE

(B-2(CD)) DISTRICTS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL TO THE

PRIOR TO ISSUANCE OF BUILDING PERMITS. PRIOR TO ISSUANCE OF BUILDING PERMITS, THE CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT SHALL HAVE THE OPPORTUNITY TO REVIEW THE PROPOSED PLANS AGAINST THE APPROVED CONDITIONAL PLANS TO ASSURE COMPLIANCE WITH DESIGN PRINCIPALS ILLUSTRATED ON THE PLANS. 7. THE SCALE AND ORIENTATION OF THE TOWNHOMES, MULTI-FAMILY (CONDOMINIUMS / APARTMENTS) AND OFFICE SHOULD COMPLEMENT THE SCALE OF THE SURROUNDING RESIDENTIAL BUILDINGS. RESIDENTIAL AND OFFICE BUILDINGS WILL BE REQUIRED TO INCORPORATE BALCONIES, BAY WINDOWS, PORCHES AND OTHER ARCHITECTURAL

FRONT DOORS SHOULD ORIENT TOWARD THE STREET, FACADES SHOULD BE VARIED WITH FREQUENT BUILDING ENTRIES AND WINDOWS. 8. CAR DEALERSHIPS SHALL BE DESIGNED TO RESPOND TO THE PEDESTRIAN CHARACTER OF THE DEVELOPMENT AND SHALL BE ORIENTED TOWARD PUBLIC ROAD 'H'. STORAGE FOR THE CAR DEALERSHIPS SHALL BE LOCATED AT THE REAR OF THE BUILDINGS AND ORIENTED

ENHANCEMENTS AS A WAY OF ADDRESSING THE PEDESTRIAN NATURE OF THE VILLAGE.

**TOWARD INTERSTATE 485.** 9. BUILDINGS CONSTRUCTED WITHIN BUILDING ENVELOPES 4, 5, 7, 8, 12, 13 AND 14 SHALL HAVE WINDOWS THAT FACE PRIVATE ROADS 'A', 'B', 'C', AND 'F' AND PUBLIC ROAD 'D' AND SHALL AVOID LONG EXPANSES OF SOLID WALLS, GREATER THAN 20 FEET IN LENGTH, THROUGH THE INTRODUCTION OF ARTICULATED FACADES AND OTHER SPECIFICALLY DESIGNED ARCHITECTURAL ELEMENTS.

( 10. TRASH AND/ OR DUMPSTER/COMPACTOR AND RECYCLING AREAS SHALL COMPLY WITH SECTION 12.403 OF THE CHARLOTTE-MECKLENBURG ZONING ORDINANCE. TRASH OR "DUMPSTER" PADS WILL BE SCREENED FROM VIEW USING MATERIALS SIMILAR TO THOSE USED ON THE RESPECTIVE BUILDING. WHERE IOINT COLLECTION POINTS ARE DEVELOPED, PADS SHALL BE SCREENED WITH BRICK ENCLOSURES. ALL ENCLOSURES WILL HAVE GATES THAT TOTALLY CONCEAL THE INTERIOR OF THE ENCLOSURE, MULTI-FAMILY (CONDOMINIUMS / APARTMENTS) COMPLEXES MUST MEET ALL REQUIREMENTS AS STATED IN CHAPTERS 9 AND 12 OF THE CHARLOTTE CITY CODE REGARDING SOLID WASTE DUMPSTER, COMPACTOR AND

STORM WATER MANAGEMENT STORM WATER RUNOFF FROM THE SITE WILL BE MANAGED THROUGH PROVEN TECHNIQUES WHICH SATISFY THE STANDARDS IMPOSED BY MECKLENBURG COUNTY.

NO STORM WATER DETENTION SHALL BE ALLOWED WITHIN THE SETBACK ALONG RHYNE

**ROAD AND INTERSTATE 485.** THE PETITIONER SHALL ABIDE BY THE S.W.I.M. STREAM BUFFER REGULATIONS WHERE

RECYCLING AREAS.

SIX-HOUR STORM EVENTS.

TRANSPORTATION COMMITMENTS

OPERATIONAL CONSIDERATIONS.

APPLICABLE. THE PETITIONER SHALL CONTROL AND TREAT THE DIFFERENCE IN STORM WATER RUNOFF VOLUME LEAVING THE PROJECT SITE BETWEEN THE PRE- AND POST-DEVELOPMENT RUNOFF CONDITIONS FOR THE ONÉ-YEAR 24-HOUR STORM. RUNOFF DRAW DOWN TIME SHALL BE A MINIMUM OF 24 HOURS, BUT NOT MORE THAN 120 HOURS. PEAK STORM WATER RELEASE RATES SHOULD MATCH PRE-DEVELOPMENT RATES FOR THE TWO-YEAR AND TEN-YEAR

THE USE OF STRUCTURAL STORM WATER TREATMENT SYSTEMS (WET PONDS, EXTENDED DETENTION WETLANDS, BIO-RETENTION, ETC.) SHALL BE INCORPORATED INTO THE SITE AND DESIGNED TO HAVE AN 85 % AVERAGE ANNUAL REMOVAL FOR TOTAL SUSPENDED SOLIDS GENERATED FROM THE DEVELOPMENT ACCORDING TO THE SPECIFICATIONS IN THE N.C. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEST MANAGEMENT PRACTICES MANUAL, APRIL 1999.

FIRE PROTECTION FIRE HYDRANTS WILL BE PROVIDED WITHIN THE LANDSCAPE SETBACK AREAS AS REQUIRED BY THE FIRE MARSHALL. FOR BUILDINGS ACCESSED THROUGH SCREENED PARKING LOTS, HYDRANTS MUST BE INSTALLED ADJACENT TO THE PARKING LOT AND EASILY ACCESSIBLE BY FIRE FIGHTING EQUIPMENT. HYDRANT LOCATIONS MUST BE APPROVED BY THE FIRE MARSHALL. AN ACCESS AGREEMENT SHALL BE ON FILE FOR ANY BUILDING SO PROTECTED.

I. PETITIONER SHALL IMPROVE RHYNE ROAD TO INCLUDE LEFT-TURN LANES INTO THE PROPOSED DEVELOPMENT. THE ENGINEERING DESIGN AND CONSTRUCTION OF THE LEFT-TURN LANE IS THE RESPONSIBILITY OF THE OWNER AND SHALL BE PERFORMED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF NORTH CAROLINA WHO HAS ROADWAY-DESIGN EXPERIENCE.

DEVELOPMENT OF THE SITE IN ACCORDANCE WITH THIS PETITION: A. RHYNE ROAD CONSTRUCT LEFT-TURN LANE(S) ON RHYNE ROAD WITH A MINIMUM 150 FEET OF

UNDERTAKEN THE FOLLOWING ROADWAY IMPROVEMENTS IN CONNECTION WITH

2. THE PETITIONER, ITS SUCCESSORS AND ASSIGNS, AGREES TO UNDERTAKE OR CAUSED TO BE

STORAGE, A 15:1 BAY TAPER AND 45:1 THROUGH LANE TAPER PROVIDE FOR A MINIMUM OF 150 FEET OF INTERNAL CHANNELIZATION (MEASURED FROM THE RIGHT-OF-WAY) AT THE ENTRANCES TO THE SITE FROM RHYNE ROAD. IF THE ENTRANCE IS CONSÍDERED A PUBLIC ROAD AND/OR THE MAIN ENTRANCE INTO THE

DEVELOPMENT, THIS REQUIREMENT MAY BE INCREASED TO 300 FEET OR GREATER

DEPENDENT ON THE FINDINGS OF THE TRAFFIC IMPACT STUDY/RELATED DESIGN AND

TRANSPORTATION COMMITMENTS (CON'T) 3. PETITIONER TO COORDINATE ACCESS POINT FOR PUBLIC ROAD 'D' ONTO RHYNE ROAD

OF BUILDING PERMITS.

WITH THE FUTURE ALIGNMENT OF THE COLLECTOR ROAD WEST OF RHYNE ROAD THAT WAS DEVELOPED BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION. 4. PROPOSED PUBLIC AND PRIVATE ROADS AND EXISTING PUBLIC ROAD "K" AS IDENTIFIED ON THE TECHNICAL DATA SHEETS SHALL BE DESIGNED AND CONSTRUCTED TO CONFORM TO THE

CHARLOTTE-MECKLENBURG LAND DEVELOPMENT STANDARDS (CMLDS) AND TO BE SUBJECT

TO REVIEW BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION PRIOR TO THE ISSUANCE

5. PETITIONER SHALL CONTACT CSX TRANSPORTATION TO OBTAIN RIGHT-OF-ENTRY ACCESS FOR PUBLIC ROAD 'Q' CONNECTION TO ROCKWOOD DRIVE.

6. PETITIONER SHALL PRESERVE AND DEDICATE RIGHT-OF-WAY ALONG RHYNE ROAD TO ACCOMMODATE A FUTURE 700 FOOT CENTERLINE RADIUS, PENDING THE RECOMMENDATION AND APPROVAL OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

EVENT THAT PARCEL #053-01-131, DIRECTLY TO THE WEST OF RHYNE ROAD, REDEVELOPS AND DOES NOT PROVIDE A PUBLIC ROAD CONNECTION AT THIS INTERSECTION. 8. PETITIONER, ITS SUCCESSORS AND ASSIGNS, AGREES TO COOPERATE WITH THE CHARLOTTE DEPARTMENT OF TRANSPORTATION AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE TIMING OF CONSTRUCTION OF ROADWAY IMPROVEMENTS TO BE UNDERTAKEN BY THE PETITIONER, WHICH SHALL BE BASED UPON THE

TRAFFIC IMPACT ASSOCIATED WITH THE PROPOSED DEVELOPMENT AS REFLECTED IN THE

7. PETITIONER RESERVES THE RIGHT TO DECLARE PUBLIC ROAD 'I' AS A PRIVATE ROAD IN THE

PETITIONER'S TRAFFIC IMPACT STUDY. SIDEWALKS AND INTERNAL STREETS I. PETITIONER SHALL INSTALL AN 8 FOOT WIDE SIDEWALK WITH A MINIMUM 8 FOOT WIDE PLANTING STRIP PARALLEL TO THE SITE'S FRONTAGE ON RHYNE ROAD AND PUBLIC AND PRIVATE ROADS LOCATED WITHIN THE COMMERCIAL CENTER (CC) AND BUSINESS DISTRICT (B-2(CD)). THE SIDEWALK MAY MEANDER IN ORDER TO PERMIT THE PETITIONER TO EXERCISE

GOOD FAITH EFFORTS TO SAVE EXISTING 8 INCH OR LARGER CALIPER TREES WITHIN THE APPLICABLE BUILDING SETBACK AREA. 2. AS CONCEPTUALLY DEPICTED ON THE SCHEMATIC SITE PLAN, THE PETITIONER SHALL INSTALL INTERNAL SIDEWALKS ON THE SITE THAT WILL PROVIDE PEDESTRIAN CONNECTIONS BETWEEN THE VARIOUS BUILDINGS LOCATED THEREON AND TO THE SIDEWALKS INSTALLED

ALONG RHYNE ROAD. 3. PETITIONER SHALL CONTACT CSX TRANSPORTATION AND OBTAIN RIGHT-OF-ENTRY ACCESS TO THE CSX PROPERTY LOCATED ALONG THE NORTHERN PROPERTY LINE. ONCE ACCESS HAS BEEN GRANTED, PETITIONER SHALL INSTALL A MINIMUM 8 FOOT WIDE SIDEWALK ADJACENT TO THE RAIL LINE THAT SHALL CREATE A PEDESTRIAN CONNECTION TO THE EASTERN AND WESTERN PORTIONS OF THE SITE. THE MATERIAL USED FOR THE SIDEWALK SHALL BE CONCRETE WITH THE EXCEPTION OF SIDEWALK LOCATED IN THE "CATAWBA RIVER/LAKE WYLIE WATERSHED DISTRICT" OF WHICH SHALL BE CONSTRUCTED OF A

NON-IMPERVIOUS MATERIAL AS SPECIFIED BY SECTION 10.608 OF THE ORDINANCE. 4. EXCEPT WHERE NECESSARY TO ACCOMMODATE SIGNIFICANT DESIGN AND ARCHITECTURAL ELEMENTS LOCATED ON THE SITE, INTERNAL PRIVATE ROADS SHALL BE DESIGNED TO HAVE STREET TREES AND SIDEWALKS A MINIMUM OF 8 FEET IN WIDTH PROVIDED THAT ANY DEVIATION FROM THE MINIMUM 8 FEET SIDEWALK WIDTH SHALL RELATE TO PEDESTRIAN WALK AREAS OF AN APPROPRIATE WIDTH INCLUDED AS PART OF THE ABOVE DESCRIBED SIGNIFICANT DESIGN FEATURES.

STORM WATER MANAGEMENT ( IN ORDER TO ASSURE THAT THE INFRASTRUCTURE THAT SERVES THE AREA IS ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT, THE DEVELOPMENT OF THE SITE WILL BE TIED TO THE PROVISION OF SPECIFIC INFRASTRUCTURE IMPROVEMENTS. THE PROVISION OF THESE IMPROVEMENTS IS NOT TIED TO SPECIFIC CALENDAR DATES BUT RATHER SERVES AS A LIMITING FACTOR TO THE AMOUNT OF DEVELOPMENT THAT CAN OCCUR ON THE SITE. AS SPECIFIED BELOW, CERTAIN LEVELS OF DEVELOPMENT WILL BE PERMITTED IN CONJUNCTION WITH THE PROVISION OF CERTAIN ROAD IMPROVEMENTS THAT HAVE BEEN DESIGNED TO IMPROVE EXISTING CONDITIONS AND TO ACCOMMODATE THE ANTICIPATED TRAFFIC IMPACT THAT CAN BE EXPECTED FROM THE NEW DEVELOPMENT. THE DESIGN AND LOCATION OF THE IMPROVEMENTS WILL SUBSTANTIALLY CONFORM TO THE PROVISIONS OF THIS ILLUSTRATIVE SITE PLAN, IN CONJUNCTION WITH THE APPROVAL OF THE APPROPRIATE TRANSPORTATION AUTHORITY. IN THAT CONTEXT, IF THE PETITIONER IS REQUIRED OR CHOOSES TO MAKE ADDITIONAL IMPROVEMENTS ON PUBLIC STREETS THAT ARE NOT LISTED BELOW, THE PETITIONER MAY MODIFY THE NATURE OR EXTENT OF THE SPECIFIC IMPROVEMENTS LISTED BELOW IF THESE CHANGES ARE APPROVED BY NCDOT OR CDOT, WHICH EVER HAS JURISDICTION FOR THE PUBLIC ROADS INVOLVED WITH THE CHANGES. IN ADDITION, THE PETITIONER RESERVES THE RIGHT TO ACCELERATE ANY OF THE IMPROVEMENTS LISTED BELOW IN ANY OF THE PHASES TO FACILITATE THE EFFICIENT PROVISION OF THE LISTED IMPROVEMENTS. FINALLY, WITH REGARD TO THE INSTALLATION OF TRAFFIC SIGNALIZATION THAT IS INCLUDED IN THE PHASING PROVISIONS, IF THE TRAFFIC REQUIREMENTS FOR A PARTICULAR SIGNAL HAVE NOT BEEN MET AND/OR THE APPROPRIATE TRANSPORTATION AUTHORITY HAS NOT PERMITTED A SIGNAL TO BE INSTALLED, THE LACK OF AN INSTALLED SIGNAL SHALL NOT BE CONSTRUED AS A FAILURE ON THE PART OF THE PETITIONER TO COMPLETE THAT PARTICULAR PORTION OF THE PHASING PROVISIONS AND DEVELOPMENT ( RIGHTS TIED TO THE PROVISION OF THAT SIGNAL WILL BE AVAILABLE TO THE PETITIONER AS IF THE SIGNAL WAS IN PLACE. THE PETITIONER IS COMMITTED TO PROVIDING THE PARTICULAR SIGNAL WHEN TRAFFIC REQUIREMENTS DICTATE OR AT THE DIRECTION OF THE APPROPRIATE TRANSPORTATION AUTHORITY SHOULD THAT AUTHORITY REQUEST THE SIGNAL EVEN IF TRAFFIC REQUIREMENTS HAVE NOT BEEN MET. THE SQUARE FOOTAGE/NUMBER OF DWELLING UNITS SPECIFIED FOR EACH USE INCLUDED IN PHASE ONE CAN BE EXCHANGED FROM ONE USE TO ANOTHER PROVIDED THAT THE NET NEW EXTERNAL TRIPS PRODUCED BY THE SITE DOES NOT EXCEED 1.300 TRIPS DURING THE PM PEAK HOUR.

> IN CONJUNCTION WITH THE PROVISION OF THE IMPROVEMENTS LISTED BELOW, THE PETITIONER MAY DEVELOP UP TO 159,600 SQUARE FEET OF RETAIL SPACE, 16,530 SQUARE FEET OF RESTAURANT SPACE, A HOTEL, A CAR DEALERSHIP, AND 81 TOWNHOMES IN THE WEST SECTOR OF THE DEVELOPMENT. THE PETITIONER MAY APPLY FOR BUILDING PERMITS UPON THE LETTING OF CONTRACTS FOR THE IMPROVEMENTS LISTED AND MAY NOT RECEIVE CERTIFICATES OF OCCUPANCY UNTIL THE SPECIFIC IMPROVEMENTS HAVE BEEN COMPLETED. manara de la constitue de la c

DEVELOPMENT PHASING PROVISIONS (CON'T) IN CONNECTION WITH ANY SUCH PHASE ONE (A) DEVELOPMENT, THE FOLLOWING IMPROVEMENTS MUST BE INSTALLED OR CONTRACTED FOR PRIOR TO ANY DEVELOPMENT AND 'THE IMPROVEMENTS WILL BE INSTALLED IN VARIOUS PORTIONS OF THE SITE AS THOSE PORTIONS OF THE SITE DEVELOP PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY FOR DEVELOPMENT ON THAT PORTION OF THE SITE, RESERVING THE PETITIONER'S RIGHT TO INSTALL ANY OR ALL IMPROVEMENTS IF TO DO SO WOULD RESULT IN GREATER EFFICIENCY, SUBJECT TO THE AVAILABILITY OF RIGHT-OF-WAY. FOR ANY RIGHT-OF-WAY THAT MAY NOT BE AVAILABLE, THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IS ASSUMED TO ASSIST IN RIGHT-OF-WAY ACQUISITION. ALSO IN CONNECTION WITH ANY PHASE ONE (A) DEVELOPMENT:

PETITIONER COMMITS TO DESIGN THE 2010 INTERSECTION CONFIGURATION AS DEFINED IN THE PETITIONER'S TRAFFIC IMPACT STUDY AT MOUNT HOLLY ROAD AND RHYNE ROAD, CONSISTING OF THE FOLLOWING: O RHYNE ROAD (SOUTHERN LEG): DUAL SOUTHBOUND THROUGH LANES, DUAL NORTHBOUND LEFT-TURN LANES, A NORTHBOUND THROUGH LANE, DUAL NORTHBOUND S RIGHT-TURN LANES, AND A MEDIAN EXTENDING FROM MOUNT HOLLY ROAD TO

DRIVEWAY #3. O MOJUNT HOLLY ROAD: DUAL WESTBOUND LEFT-TURN LANES. O RELOCATION OF RAILROAD GATES AND TRAFFIC SIGNAL MODIFICATIONS.

PETITIONER COMMITS TO WORK IN GOOD FAITH WITH THE CLINE PROPERTY (CHARLOTTE REZOINING PETITION 2003-088) TO JOINTLY FUND THE IMPROVEMENTS AT MOUNT HOLLY ROAD AND RHYNE ROAD.

BUILDING PERMITS WILL BE ISSUED WHEN THE CONSTRUCTION CONTRACT IS LET FOR THE

ABOWE REFERENCED INTERSECTION IMPROVEMENTS FOR THE SOUTHERN LEG OF RHYNE

ROAD AT THE MOUNT HOLLY ROAD AND RHYNE ROAD INTERSECTION. GRADING, ON-SITE INFRASTRUCTURE, AND OTHER SITE RELATED CONSTRUCTION EXCEPT BUILDINGS MAY PROCEED PRIOR TO ISSUANCE OF THE INTERSECTION CONSTRUCTION CONTRACT WITH APPLICABLE PERMITS.

MOUINT HOLLY ROAD AND RHYNE ROAD -INSTIALL A NORTHBOUND RIGHT-TURN LANE ON RHYNE ROAD WITH 350 FEET OF STORAGE.

DRIVEWAY #2 AND RHYNE ROAD (RIGHT-IN/RIGHT-OUT)

STORAGE.

FEET (OF STORAGE.

RIGHT-OF-WAY ACQUISITION.

PHASSE TWO

DRIVEWAY #1 AND RHYNE ROAD (RIGHT-IN/RIGHT-OUT) -INSTIALL A NORTHBOUND RIGHT-TURN LANE ON RHYNE ROAD WITH 150 FEET OF STORAGE.

DRIVEWAY #3 AND RHYNE ROAD \* -INSTIALL A TRAFFIC SIGNAL WHEN TRAFFIC SIGNAL WARRANT REQUIREMENTS ARE MET. -INST:ALL DUAL SOUTHBOUND LEFT-TURN LANES ON RHYNE ROAD WITH 300 FEET OF STORAGE. -INSTIALL AN EXCLUSIVE WESTBOUND RIGHT-TURN LANE ON DRIVEWAY #3.

\* IMPROVEMENTS AT THIS INTERSECTION WILL BE CONSTRUCTED FOLLOWING AN APPROVED

-INSTIALL A NORTHBOUND RIGHT-TURN LANE ON RHYNE ROAD WITH 150 FEET OF

CENTIERLINE IMPROVEMENT ON RHYNE ROAD (CURRENTLY EXPECTED TO BE A 700-FOOT RADIUS). DRIVIEWAY #4 AND RHYNE ROAD -INSTALL A SOUTHBOUND LEFT-TURN LANE ON RHYNE ROAD WITH 150 FEET OF STORAGE.

DRIVEWAY #5 AND RHYNE ROAD -INSTIALL A SOUTHBOUND LEFT-TURN LANE ON RHYNE ROAD WITH 150 FEET OF STORAGE. -INST. ALL A NORTHBOUND LEFT-TURN LANE ON RHYNE ROAD WITH 150 FEET OF STORAGE.

(THE IIMPROVEMENTS RELATED TO SPECIFIC DRIVEWAYS AS LISTED ABOVE WILL BE DESIGNED AND

(CONDOMINIUMS/ APARTMENTS) IN THE EAST SECTOR OF THE DEVELOPMENT. THE

⟨⟩ INSTAILLED AS PART OF THE PERMITTING PROCESS FOR THE SPECIFIC DRIVEWAY. UNLESS SOME OF THE

IMPROVEMENTS HAVE ALREADY BEEN MADE AS PART OF OTHER INFRASTRUCTURE IMPROVEMENTS CALLEID FOR IN THESE PROVISIONS.) PHASE ONE (B) () IN CONJUNCTION WITH THE PROVISION OF THE IMPROVEMENTS LISTED BELOW, THE PETIT IONER MAY DEVELOP 181 TOWNHOMES AND 192 MULTI-FAMILY UNITS

PETITIONER MAY APPLY FOR BUILDING PERMITS UPON THE LETTING OF CONTRACTS FOR THE IMPROVEMENTS LISTED AND MAY NOT RECEIVE CERTIFICATES OF OCCUPANCY UNTIL THE SSPECIFIC IMPROVEMENTS HAVE BEEN COMPLETED (> IN CONNECTION WITH ANY SUCH PHASE ONE (B) DEVELOPMENT, THE FOLLOWING () IMPROVEMENTS MUST BE INSTALLED OR CONTRACTED FOR PRIOR TO ANY DEVELOPMENT AND THE IMPROVEMENTS WILL BE INSTALLED IN VARIOUS PORTIONS OF THE SITE AS THOSE PORTTIONS OF THE SITE DEVELOP PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCIUPANCY FOR DEVELOPMENT ON THAT PORTION OF THE SITE, RESERVING THE ♦ PETIT IONER'S RIGHT TO INSTALL ANY OR ALL IMPROVEMENTS IF TO DO SO WOULD RESULT IN GREATER EFFICIENCY, SUBJECT TO THE AVAILABILITY OF RIGHT-OF-WAY. FOR ANY RIGHT-OF-WAY THAT MAY NOT BE AVAILABLE, THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IS ASSUMED TO ASSIST IN RIGHT-OF-WAY ACQUISITION.

MOO)RES CHAPEL ROAD AND OLD MOORES CHAPEL ROAD -INST. ALL AN EASTBOUND LEFT-TURN LANE ON MOORES CHAPEL ROAD WITH 150 FEET OF STORIAGE. -INST. ALL A WESTBOUND LEFT-TURN LANE ON MOORES CHAPEL ROAD WITH 150 FEET OF STORIAGE. -INST, ALL A SOUTHBOUND RIGHT-TURN LANE ON OLD MOORES CHAPEL ROAD WITH 150

ONCIE THE CONDITIONS IMPOSED UNDER PHASE ONE HAVE BEEN SATISFIED, THE PETITIONER MAY IDEVELOP THE REMAINING 58,082 SQUARE FEET OF RETAIL SPACE, 8-SCREEN MOVIE THEALTER, A CAR DEALERSHIP, 6,775 SQUARE FEET OF RESTAURANT SPACE, AND 28,800 SOUARE FEET OF OFFICE SPACE. IN CONNECTION WITH ANY SUCH PHASE TWO DEVELOPMENT, THE FOLLOWING IMPROVEMENTS MUST BE INSTALLED OR CONTRACTED FOR PRIOR TO ANY DEVELOPMENT AND THE IMPROVEMENTS WILL BE INSTALLED IN VARIOUS PORTIONS OF THE SITE AS THOSE PORTIONS OF THE SITE DEVELOP, RESERVING THE PETITIONER'S RIGHT TO INSTALL ANY OR ALL IIMPROVEMENTS IF TO DO SO WOULD RESULT IN GREATER EFFICIENCY, SUBJECT TO THE

AVAIILABILITY OF RIGHT-OF-WAY. FOR ANY RIGHT-OF-WAY THAT MAY NOT BE AVAILABLE,

12 THE INORTH CAROLINA DEPARTMENT OF TRANSPORTATION IS ASSUMED TO ASSIST IN

DEVELOPMENT PHASING PROVISIONS (CON'T) MOUNT HOLLY ROAD AND MOUNT HOLLY-HUNTERSVILLE ROAD -MODIFY TRAFFIC SIGNAL PHASING TO HAVE PROTECTED PHASING ON THE WESTBOUND AND SOUTHBOUND LEFT-TURN MOVEMENTS.\*\*

-EXTEND THE WESTBOUND LEFT-TURN LANE ON MOUNT HOLLY ROAD BY 135 FEET. -EXTEND THE SOUTHBOUND LEFT-TURN LANE ON MOUNT HOLLY-HUNTERSVILLE ROAD BY 90 FEET. \*\* CONTINGENT UPON CDOT'S APPROVAL

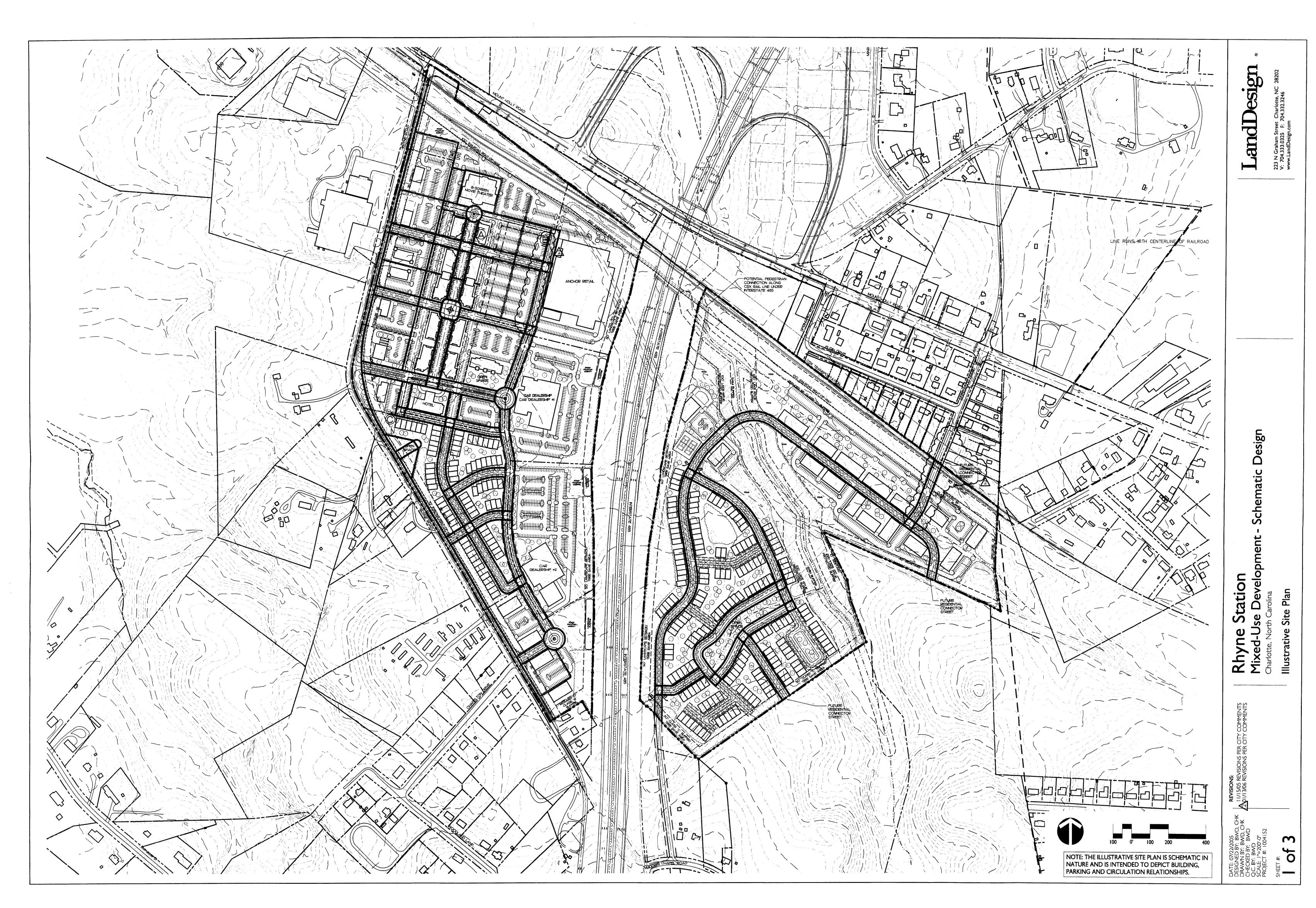
MOUNT HOLLY ROAD AND RHYNE ROAD -ADDITION OF A WESTBOUND LEFT-TURN LANE ON MOUNT HOLLY ROAD WITH 225 FEET OF STORAGE

THE PETITIONER MAY SEEK THE ISSUANCE OF BUILDING PERMITS IF CONTRACTS HAVE BEEN LET FOR THE ROAD IMPROVEMENTS PER THE PHASING OF THE DEVELOPMENT, AS OUTLINED ABOVE. NOTWITHSTANDING THE SPECIFIC TRANSPORTATION COMMITMENTS OUTLINED ABOVE, THE PETITIONER WILL BE ALLOWED TO COMMENCE OTHER OVERALL SITE DEVELOPMENT DESIGN, PERMITTING, AND CONSTRUCTION SUCH AS GRADING, STORM DRAINAGE, UTILITY INSTALLATION, INTERNAL PRIVATE DRIVEWAY CONSTRUCTION, PUBLIC STREET IMPROVEMENTS, AND/OR OTHER SIMILAR ACTIVITIES AT ANY TIME THAT RELATE TO THE DEVELOPMENT OF THE ENTIRE SITE AND DO NOT RELATE TO THE SPECIFIC DEVELOPMENT OF ANY SPECIFIC INDIVIDUAL SITE WITHIN THE OVERALL DEVELOPMENT, ALL IN ACCORDANCE WITH THE CONDITIONS OF THE APPROVED ZONING AND OTHER APPLICABLE ORDINANCES.

**AMENDMENTS TO REZONING PLAN** I. FUTURE AMENDMENTS TO THIS TECHNICAL DATA SHEET MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

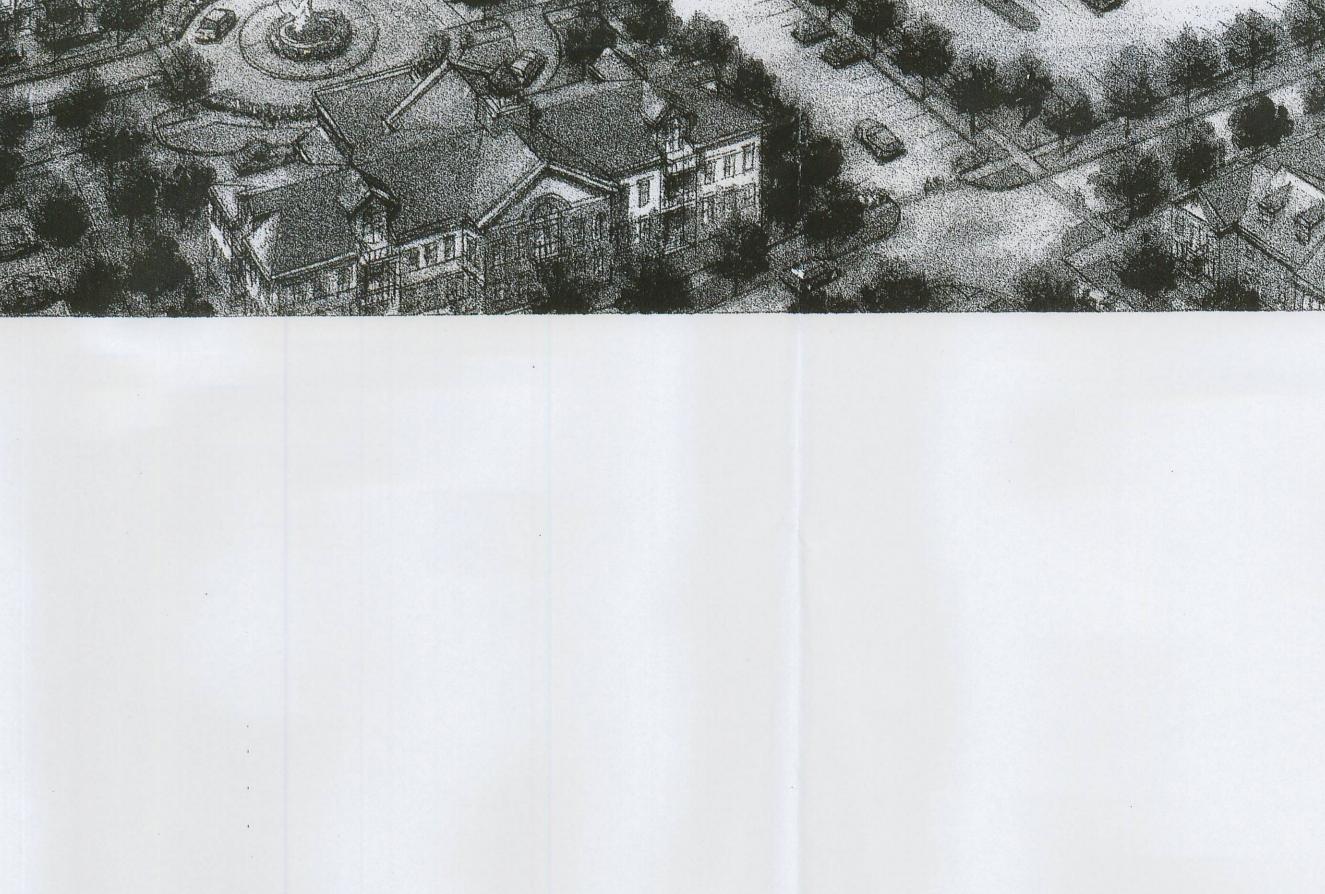
BINDING EFFECT I. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THIS TECHNICAL DATA SHEET WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE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

FOR PUBLIC HEARING **PETITION NO. 2005-150** 





Station





Birdseye Perspective





Anchor Retail and Pedestrian Entrance