CONDITIONAL NOTES:

DEVELOPMENT STANDARDS
PART I

Commitment

Development of the real estate identified on the accompanying Technical Data Sheet, prepared by Little & Associates Architects on June 14, 1996, and revised as noted, consisting of 36.3 acres, more or less (the "Site"), and its individual subparcels will be governed by the conditions of these Development Standards, the Technical Data Sheet, and the applicable provisions of the City of Charlotte Official Zoning Ordinance (the "Ordinance"). The applicable tracts will also comply with all requirements of the City of Charlotte subdivision ordinance.

The building configurations, placements, and sizes shown on Sheet RZ-2, which accompanies this rezoning plan for Parcel 1 and Parcel 2, are schematic in nature and may be altered and/or modified during design development and construction document phases within the maximum building areas established on this Rezoning Plan. Parking layouts may also be modified to accommodate final building configurations.

PART II

Statement of Intent

It is the intention of the Petitioner to create within the Site a high quality, mixed use development, offering shopping, office, daycare, and housing opportunities.

PART III

Permitted Development Within the Site

Section 1. Parcel 1 – Shopping, Office, Daycare Components

Parcel 1 consists of approximately 22.3 acres and contains frontage on NC Hwy 27 (Albemarle Road) to the north and Dwightware Blvd. to the east.

(a) Parcel 1 may be devoted to any use (including any accessory use) which is permitted by right or under prescribed conditions in the CC Zoning District under the Ordinance.
(b) The total gross floor area of all buildings constructed within Parcel 1 cannot exceed 127,800 square feet.
(c) Tract C within Parcel 1 will be restricted to use as a daycare center or other uses permitted as low intensity institutional under conditions prescribed under the Ordinance. The maximum number of children in the daycare will not exceed the maximum allowed by the Ordinance.

Section 2. Parcel 2 – Multi Family Development Residential Component

The Multi Family Residential Component contains approximately 14.3 acres, more or less, and is generally located to the south and east of Parcel 1. This parcel will be planned and developed with a unified design of buildings and coordinated common open space and service areas.

(a) No more than 169 residential units may be developed within Parcel 2 at a density of 11.8 units per acre.
(b) The petitioner voluntarily agrees that each residential unit will be developed, marketed, and sold as a single ownership unit. (ie- condominiums townhomes, or similar type of development) Petitioner further voluntarily agrees that within thirty (30) days of approval of this rezoning petition it will record or cause to be recorded a restrictive covenant binding on Parcel II and current and future owners thereof, stating that Subdivision III-2-(b) of these Development Standards are binding in accordance with the provisions of Part VI hereof, and may be enforced at law or in equity by the owners of Parcel I and those owners of property that are entitled to file a protest petition against this rezoning petition under state law or local ordinance.
(c) Subject to the conditions of Part III, Section 2, subsections (a) and (b), the residential component may also be devoted to any use which is permitted by right and the following under prescribed conditions: Adult Care Centers, Adult Care Homes, Bus Stop Shelters, Nursing Homes, Rest Homes, Homes for the Aged and Elderly, Disabled Housing, Planned Multi-Family and Attached, Subdivision Sales Offices, Temporary Buildings and Storage of Material; and related Accessory Uses and Structures in the R-12MF (Residential) Zoning District under the Ordinance.

PART IV

Section 1. Transportation Commitments
(a) The petitioner agrees to dedicate the required right-of-way for the future construction of the proposed eastern circumferential road, which is currently planned to bisect the contiguous property as described within this rezoning petition.
(b) The petitioner will construct the necessary roadway improvements to serve the planned development which will occur within the portion of the property reserved for the Eastern Circumferential Road. The phasing of the construction for these improvements will be determined along with the phasing of the proposed development taking place within the property which will be served by these improvements.
(c) The construction of the necessary roadway improvements, including each access drive into the site, will be made by the petitioner in accordance with the recommendations contained within the petitioner's traffic study and as agreed to by NCDOT, CDOT, and the petitioner. These improvements will include all associated turn lanes, deceleration lanes, and acceleration lanes recommended by the petitioner's traffic consultant and may differ from that which is shown on this rezoning plan. All improvements will be designed and constructed to CDOT or NCDOTstandards, whichever has jurisdiction.
(d) The petitioner further agrees to provide the following traffic improvements as agreed to by the petitioner and CDOT.
(1) Add an eastbound right-turn deceleration lane on Albemarle Road at the primary site drive (Eastern Circumferential) with 150 feet of storage and 240 feet of taper.
(2) If a traffic signal is warranted at the intersection of Albemarle Road with the primary site drive (Eastern Circumferential), the traffic signal shall be privately funded, if such funding is requested by NCDOT.
(3) Design and construct a second westbound left-turn lane (providing dual westbound left-turn lanes) on Albemarle Road at the primary site drive (Eastern Circumferential) with 150 feet of storage.
(4) Design and construct northbound dual left-turn lanes, a through lane, and a right turn lane at the primary site drive (Eastern Circumferential) and Albemarle Road. The left turn lane should provide 250 feet of full storage per lane with a 4 foot concrete median between the west-most left-turn lane and this adjacent southbound lane.
(5) Design and construct two southbound lanes from Albemarle Road for the primary site drive (Eastern Circumferential) to the first east/west site drive, approximately 640 feet south of Albemarle Road. Design and construct turn lanes with 150 feet of storage with 15:1 tapers on both the north bound (Phase 2 construction) and south bound (Phase 1 construction) Eastern Circumferential at second east-west site drive.
(6) CDOT will be responsible for any off-site improvements for the drive serving the Wal-Mart Shopping Center opposite the primary site drive (Eastern Circumferential).
(7) The dedication of the right-of-way for the Eastern Circumferential will be made by petitioner prior to the issuance of a building/driveway permit. Petitioner will complete its off-site roadway improvements as well as the improvements from the intersection of Albemarle Road and the primary site drive (Eastern Circumferential) to the beginning of Parcel 2 (phase line to be shown on the accompanying plan) prior to a permanent certificate of occupancy for any building in Parcel 1, Tract B, Tract C, or Tract A (with the exception of the out parcel).
(8) Channelization for the first east/west site drive shall be 100 feet on both Tract A and Tract B of Parcel 1, and such channelization will be accomplished by means of a concrete median. Channelization for the second east/west site drive shall be 150 feet on the primary drive serving Tract B, Parcel 1, and at least 75 feet for the secondary drive serving Tract C, Parcel 1. Channelization for the second east/west site drive serving Tract A of Parcel 1 shall be 150 feet for the drive, with access to a segregated parking area permitted within that 150 feet of channelization, provided that at least 75 feet of channelization is provided. All channelization to be provided from right-of-way line.
(9) The first east/west site drive shall remain full movement until such time as right-in, right-out turns only are permitted based upon safety considerations and the criteria set out in Part V.1.c. of this sheet. The second east/west site drive shall remain full movement until and after the completion of construction of the Eastern Circumferential.
(10) A residential collector street will be constructed by petitioner to serve the multifamily development as part of the development of that portion of the site (Parcel 2).
(11) Petitioner will provide conceptual planning and design layouts of the proposed Eastern Circumferential within the site, in order to allow design tie-ins with improvements actually constructed by the petitioner, as well as conceptual planning and design for "interim" improvements to the Wal-Mart Shopping Center drive.
(12) Appropriate pavement markings, signs, etc. will be provided by petitioner to accommodate traffic flow.

PART V

Design Guidelines

Section 1. Access Points

(a) The number of vehicular access points into each tract will be limited to those shown on the Technical Data Sheet and each will be located in the general areas depicted.
(b) The placement and configuration of each access point and driveway within the site are subject to any modifications required to accommodate the final site and architectural/engineering construction plans and designs and are further subject to approval by the NCDOT or CDOT.
(c) The operational design of access points from Parcel 1 and Parcel 2 to the proposed eastern circumferential road is subject to future modification upon either the full completion of the eastern circumferential road or when the traffic volumes approaching the Albemarle Road intersection from the eastern circumferential road warrant modification in consultation with CDOT and the current or future property owners.

Section 2. Yard Restrictions

(a) In every instance, the side yard, setback, and rear yard requirements imposed under the Ordinance will be satisfied with respect to development taking place within each component of the site. An additional 100' building structure setback will be imposed for Parcel 2 along the eastern and southern boundaries.

Section 3. Stormwater Management

(a) Stormwater on each Parcel will be managed strictly in accordance with the requirements of the City of Charlotte Engineering Department. In no case will required above ground detention basins occur within any required buffer or setback.
(b) The petitioner agrees to provide on-site stormwater detention/retention to accommodate both a 25 (twenty five) and a 50 (fifty) year storm event.

Section 4. General Design Provisions

(a) Parking: Each of the parking areas depicted on Sheet RZ2 may vary in size and location, but in all events, parking will meet the minimum standards established under the Ordinance. Parking may be constructed inside and outside of the building envelopes as depicted on Sheet RZ1.
(b) Lighting: The uniform lighting system will be employed throughout both Parcels. All direct lighting within the property shall be designed such that direct illumination does not extend past the property lines. Consideration will be given to the impact of lighting both within and without the perimeter of the site. The maximum height of lighting fixtures within the development will not exceed 30'.
(c) Signs: All signs placed on the property will be erected in accordance with the Ordinance. No signage will be allowed along Dwightware Boulevard frontage.
(d) Fire Protection: Plans for each building will be submitted to the Fire Marshall's office for approval before the construction of that building commences. Fire hydrants will be located within the prescribed locations under the Charlotte Mecklenburg Building Code.
(e) Trash Handling: All dumpster areas will be screened in accordance with requirements of the Ordinance. Each dumpster area will be enclosed on all four sides by a fence and a hinged gate which are constructed of brick, wood, masonry, or any combination thereof unless one or more sides of the dumpster area joins the rear of a building. In this case, the rear wall will be substituted for the fence along each such side. Trash pick-up may not occur between the hours of 10:00 p.m. and 8:00 a.m.
(f) Architectural Quality: All buildings constructed within Parcel 1, including the designated outparcel, will be constructed of similar materials so as to provide consistent architectural treatment of the development. All residential buildings within Phase 2 will likewise be of consistent architectural treatment.
(g) A 6' high dogeat fence will be constructed inside of the southern and eastern buffer lines of Parcel 2.

Section 5. Buffer Areas

(a) Exterior buffer areas will be provided as established in the ordinance or as shown on Sheet RZ1, whichever is greater.
(b) All designated buffer areas are to remain as undisturbed open space, except to the extent necessary to accommodate walks, fences, drainage structures, utility lines, and drives, as prescribed within the Ordinance.
(c) In all buffer areas within Parcel 1 where existing trees exceeding 8" in caliper do not exist, the petitioner reserves the right to perform grading activity within these areas within the established buffers and install landscaping berms and/or fencing in accordance with the provisions of Section 12.302 of the Ordinance.

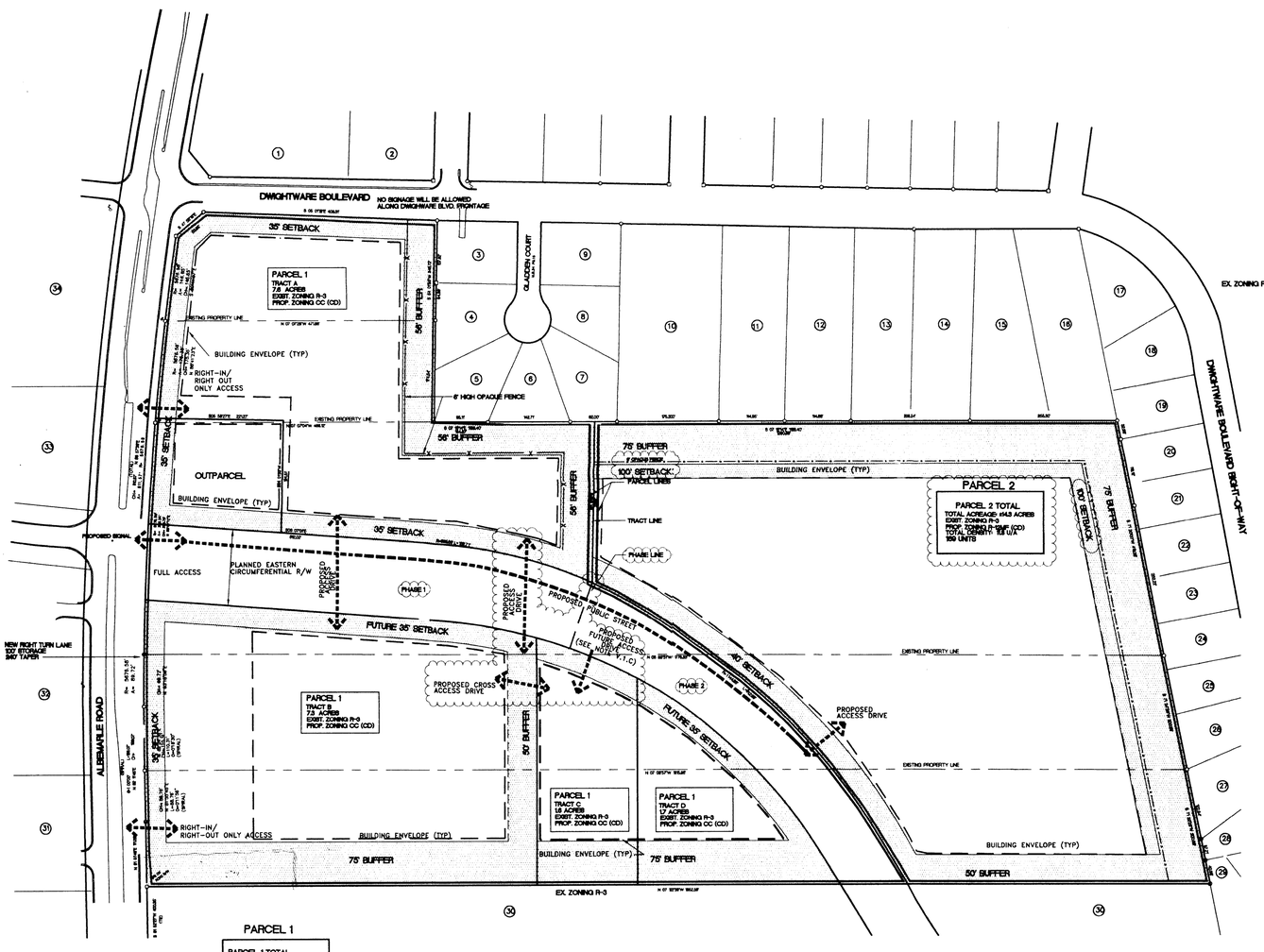
Section 6. Landscaping and Screening

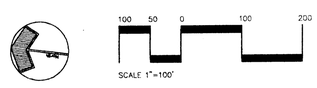
(a) Landscaping and screening shall, at a minimum, satisfy the requirements of the Ordinance.
(b) Landscaping within the site will be planted and improved in sequences which are keyed to the development taking place within each tract.
(c) Landscape treatment along Albemarle Road will be complementary to the existing landscaping at the existing neighboring commercial development.

PART VI

Binding Effect of the Rezoning Application

Section 1. If the petitioner's Rezoning Petition is approved, the development program established under these Development Standards and the Technical Data Sheet shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the petitioner and each of the Owners and their respective heirs, devisees, personal representatives, successors in interest and assigns.





PARCEL 1

PARCEL 1 TOTAL
TOTAL ACREAGE: ±22.0 ACRES
EX. ZONING R-3
PROP. ZONING CC (CD)
TOTAL BUILDING AREA ALLOWED: 127,800 SQ. FT.

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION, PARCEL II

BEGINNING at an existing iron pin on the southern margin of Albermarle Road located at the northwest corner of said property, running thence from the point of beginning and with the southern right of way line of Albermarle Road north 81 degrees 51 minutes 48 seconds east 111.22 feet to an existing iron pin con the southern right of way line of Albermarle Road; thence along an arc whose cord is north 81 degrees 55 minutes 45 seconds east 88.76 feet and whose length is 88.76 feet; thence along an arc whose cord is 82 degrees 24 minutes 38 seconds east 110.31 feet and those length is 110.31 feet to an iron pin located on the southern right of way on Albermarle Road; thence along an arc whose cord is 83 degrees 18 seconds 58 minutes east 89.72 feet and whose length is 89.72 feet; thence along an arc whose cord is north 85 degrees 47 minutes 12 seconds east 399.75 feet and whose length is 399.84 feet; thence along an arc whose cord is 88 degrees 41 minutes 23 seconds east 175.35 feet and whose length is 175.35 feet; thence along an arc whose cord is south 89 degrees 41 minutes 07 seconds east 146.65 feet and whose length is 146.65 feet to an iron pin on the southern right of way of Albermarle Road; thence along the line south 47 degrees 55 minutes 16 seconds east 63.85 feet to an iron pin along the western right of way of Dwightware Boulevard; thence along a line south 05 degrees 01 minutes 18 seconds east 408.31 feet to an existing iron pin along the western right of way of Dwightware Boulevard; thence south 84 degrees 01 minutes 55 seconds west 346.72 feet to an existing iron pin; thence along a line south 7 degrees 13 minutes 14 seconds east 134.87 feet; thence along a line south 82 degrees 47 minutes 22 seconds west 232.06 feet; thence along an arc whose length is 912.99 feet and whose radius is 1144.98 feet to a point; thence along the line north 07 degrees 12 minutes 38 seconds west 1885.2 58 feet back to the point of BEGINNING, containing 21.20 acres.

LEGAL DESCRIPTION, PARCEL II

BEGINNING at an existing iron pipe at the southeastern corner of said parcel thence running along a line south 71 degrees 30 minutes 00 seconds west 413.23 feet to an existing iron pin; thence along a line south 71 degrees 24 minutes 38 seconds west 200.36 feet to a set iron pin, thence south along a line 71 degrees 22 minutes 25 seconds west 200.93 feet to an existing iron pin; thence along a line north 07 degrees 12 minutes 38 seconds west 914.66 feet to an iron pin set; thence along an arc whose length is 912.99 feet and whose radius is 1144.98 feet to an iron pin set; thence along a line south 82 degrees 47 minutes 22 seconds west 232.06 feet to an iron pin set; thence along a line south 07 degrees 13 minutes 14 seconds east 1188.40 feet to the point of BEGINNING, containing 15.10 acres.

ADJACENT PROPERTY OWNERS:

1. 109-414-08 COPSS ENTERPRISES 9309 ALBEMARLE ROAD CHARLOTTE, N.C. 28212
2. 109-414-04 CURRIE, HENRY ROBERT & WIFE, THRESEA W. 9101 CLANCY PLACE CHARLOTTE, N.C. 28212
3, 4, 5, 6, 7, 8, 9. 109-301-49 GLADDEN, W.K. & WIFE, HELEN R. 6825 HANNON CT. CHARLOTTE, N.C. 28227
10. 109-301-05 FOX, JAMES D. & WIFE, JUANITA G. 6701 DWIGHTWARE BLVD. CHARLOTTE, N.C. 28227
11. 109-301-43 GORDON, CHARLES E. & WIFE, BARBARA H. 6651 DWIGHTWARE CHARLOTTE, N.C. 28227
12. 109-301-02 DOWNING, CHARLES R. & WIFE, JUDI W. 6627 DWIGHTWARE CHARLOTTE, N.C. 28227
13. 109-301-16 BOSHEARS, FLOYD R. & WIFE, MILDRED L. 6623 DWIGHTWARE CHARLOTTE, N.C. 28227
14. 109-301-14 FINK, ROBBIE C. 6619 DWIGHTWARE CHARLOTTE, N.C. 28227
15. 109-301-51 STUKES, JAMIE C. 6609 DWIGHTWARE CHARLOTTE, N.C. 28227
16. 109-301-01 REID, ROBERT M. & WIFE, HAZEL G. 535 AMITY SPRINGS CHARLOTTE, N.C. 28212
17. 109-421-01 PIERCE, NANETTE 6525 DWIGHTWARE CHARLOTTE, N.C. 28212
18. 109-421-02 MACO HOMES, INC P.O.BOX 25746 CHARLOTTE, N.C. 28229
19. 109-421-03 ROST, ROBBIE K. 6501 DWIGHTWARE BLVD. CHARLOTTE, N.C. 28227
20. 109-421-04 SHROYER, PATRICIA O'HARA, S. 10229 GLIDAN CT. CHARLOTTE, N.C. 28227
21. 109-421-06 BRUNSON, ELLANOR K. 6419 DWIGHTWARE BLVD. CHARLOTTE, N.C. 28212
22. 109-421-05 TADLOCK, JEFFERY W. 6419 DWIGHTWARE BLVD. CHARLOTTE, N.C. 28227
23. 109-421-07 BENDER, CRAIG P. & WIFE, MICHELE A. 6407 DWIGHTWARE CHARLOTTE, N.C. 28227
24. 109-421-08 YOUNG, FRANKLIN D. & WIFE, JULIA C. 5501 MARLSTONE LANE CHARLOTTE, N.C. 28215
25. 109-421-09 HASEN, PAULA J. 6325 DWIGHTWARE BLVD. CHARLOTTE, N.C. 28227
26. 109-421-10 HAYES, RONALD V. & WIFE, MARTHA S. 6319 DWIGHTWARE CHARLOTTE, N.C. 28227
27. 109-421-11 MJAM, SAMUAL B. & CATHERINE R. LIFE ESTATE 6313 DWIGHTWARE CHARLOTTE, N.C. 28212
28. 109-421-12 HUELTER, GARY F. 1215 MARLWOOD CIRCLE CHARLOTTE, N.C. 28227
29. 109-421-15 RUNDERBURK, VERNON 5818 HEMSWORTH TERRACE CHARLOTTE, N.C. 28205
30. 109-301-09 CADELL, BRUCE BRUNSON (BY ENTIRETY) 5904 ALBEMARLE ROAD CHARLOTTE, N.C. 28227
31. 109-132-05 HUNTLEY, MARION BUFORD JR. WIFE, KATHLEEN PORTER 5901 ALBEMARLE ROAD CHARLOTTE, N.C. 28227
32. 109-132-06 CORNERSTONE BAPTIST CHURCH 5823 ALBEMARLE ROAD CHARLOTTE, N.C. 28212
33. 109-062-22 FIRST UNION NATIONAL BANK OF NORTH CAROLINA NCO TWO FIRST UNION CENTER CHARLOTTE, N.C. 28288
34. 109-062-09 CHARTER PROPERTIES PROJECT C P #20 P.O.BOX 37180 CHARLOTTE, N.C. 28237

SITE DATA

SITE AREA 36.3 AC +/-
PARCEL I: 22.0 AC +/-
PARCEL II: 14.3 AC +/-
*INCLUDES +/-3.8 AC OF RESERVED PROPERTY FOR FUTURE EASTERN CIRCUMFERENTIAL R-O-W

EXISTING ZONING:
PARCEL I: R-3
PARCEL II: R-3

PROPOSED ZONING/DEVELOPMENT:
PARCEL I: CC (CD)
TOTAL ACREAGE: ±22.0 ACRES (INCLUDES PROPERTY FOR EASTERN CIRCUMFERENTIAL R/W)
TOTAL BUILDING AREA:
TRACT A: 7.6 AC
OFFICE OR RETAIL: NOT TO EXCEED 57,800 SQ.FT. TOTAL
PARKING REQUIRED: 231 SPACES
PARKING PROVIDED: 281 SPACES
TRACT B: 7.3 AC
RETAIL: NOT TO EXCEED 62,000 SQ.FT.
PARKING REQUIRED: 248 SPACES
PARKING PROVIDED: 299 SPACES
TRACT C: 1.6 AC
DAYCARE: NOT TO EXCEED 8,000 SQ.FT.
PARKING REQUIRED: 33 SPACES
PARKING PROVIDED: 37 SPACES
TRACT D: 1.7 AC
REGIONAL DETENTION BASIN

PARCEL II: R-12MF (CD)
TOTAL ACREAGE: ±14.3 ACRES
TOTAL NUMBER OF UNITS: 169
DENSITY: 11.8 U/A
PARKING REQUIRED: 254 SPACES
PARKING PROVIDED: 257 SPACES

APPROVED BY CITY COUNCIL
DATE OCTOBER 21, 1996

PETITION #96-60 AS FOR PUBLIC HEARING
resubmitted 09/20/96
resubmitted 10/02/96

PETITIONER:

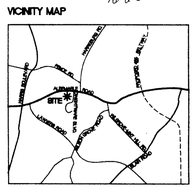
ALBEMARLE CROSSING ASSOCIATES
320 S. TRYON STREET
LATTA ARCADE
CHARLOTTE, NORTH CAROLINA 28202
(704) 376-0363

ARCHITECT:

LITTLE & ASSOCIATES ARCHITECTS
5815 WESTPARK DRIVE
CHARLOTTE, NORTH CAROLINA 28217
(704) 525-6350

VICINITY MAP

#96-60



Little & Associates Architects
5815 Westpark Drive
Charlotte, NC 28217
704-525-6350
704-522-7889 fax

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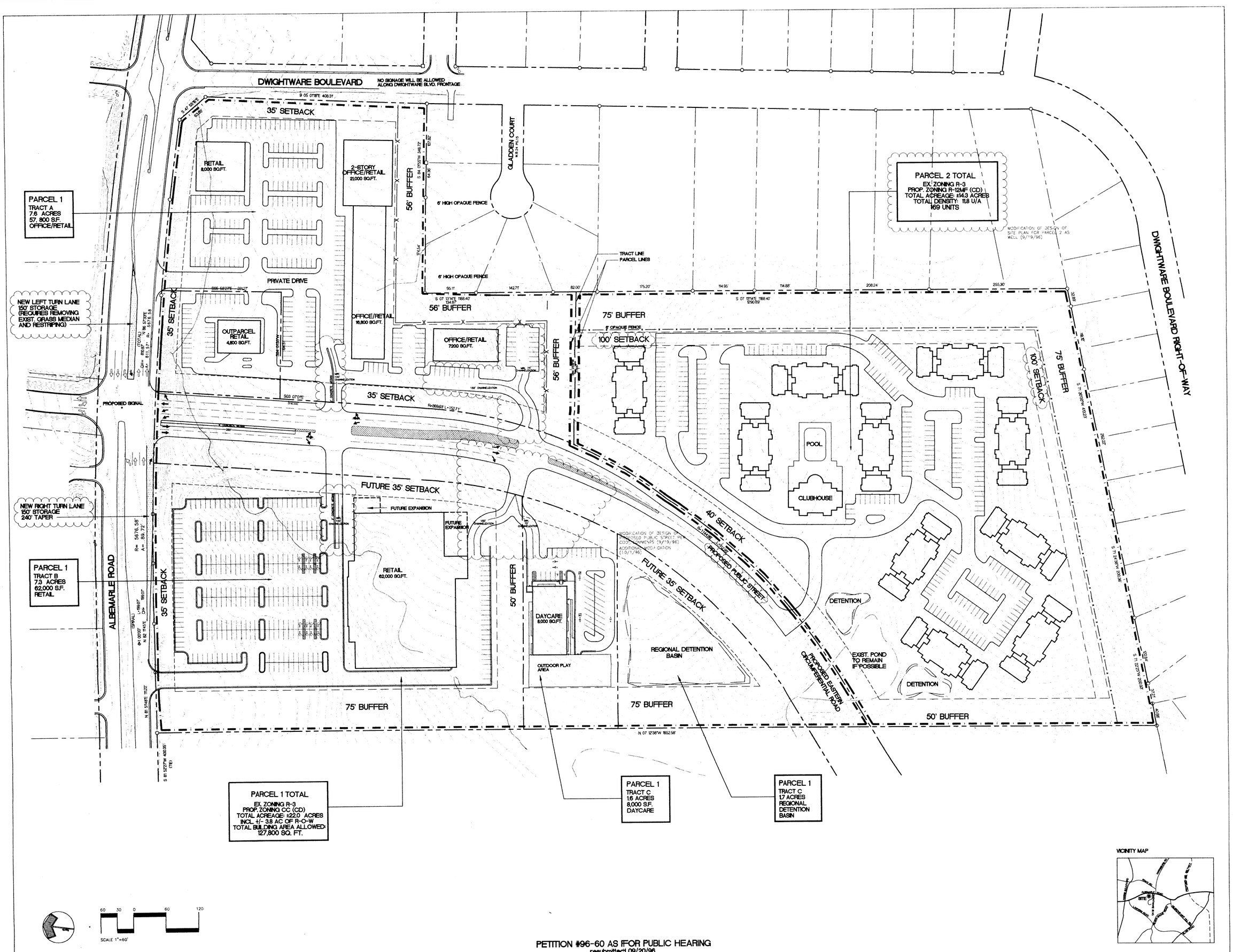
Project: ALBEMARLE CROSSING REZONING PLAN
Sheet Title: TECHNICAL DATA SHEET

Division President in Charge: FRANK GOPPOLD
Project Architect: JIM GAMBLE
Drawn By: CAROLINE MAJORS
Date Drawn: 6/14/96
AutoCAD® Dwg. Name: 3369-RZIX 1"=100'
Revisions: No. 1 Date 09/19/96; No. 2 Date 10/01/96
Issue Date 6/14/96

Project Number: 3369-01
Sheet RZ-1 Of 2



PETITION #96-60 AS FOR PUBLIC HEARING
resubmitted 09/20/96
resubmitted 10/02/96

VICINITY MAP

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5815 Westpark Drive
Charlotte, NC 28217
704-525-6350
704-522-7889 fax

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Project: ALBEMARLE ROAD SITE REZONING PLAN
Sheet Title: SCHEMATIC SITE PLAN

Division President in Charge: FRANK GOPPOLD
Project Architect: JIM GAMBLE
Drawn By: CAROLINE MAJORS
Date Drawn: 6/14/96
AutoCAD® Dwg. Name: 3369RZ2X 1"=60'
Revisions: No. 1 Date 09/19/96; No. 2 Date 10/01/96
Issue Date 6/14/96

Project Number: 3369-01
Sheet RZ-2 Of 2