

Proposed Greenway Dedication

Open Space: ±5.4 AC

Open Space: ±11.6 AC

Existing Greenway

PALANTYNE



Conceptual Site Plan for MX-1 North District

| Parcel Tabulation | |
|--------------------------------|---------------------------|
| *Single Family (10K Lots) | ± 40.4 AC <i>Parcel C</i> |
| *Single Family (4K Lots) | ± 7.1 AC <i>Parcel B</i> |
| *Cluster Homes | ± 11.5 AC |
| Day Care Sites (2 Parcels) | ± 3.0 AC |
| Multi-Family Sites (2 Parcels) | ± 49.1 AC |
| School Site | ± 17.1 AC |
| Open Space | ± 17.0 AC |
| Total Area | ± 145.2 AC |

Existing Zoning: MX-1
*Innovative Residential Zoning

APPROVED BY COUNTY COMMISSION
DATE **4/8/17**

Parcel C Single Family: ±40.4 AC

- (Proposed Innovative Standards)
- 112 Lots 70'x150' Lot - Typ.
- 70' width at Setback/7,000 SF minimum lot size
- Setback/Yard Requirements:
 - 20' Setback
 - 30' Rear Yard
 - 5' Side Yard
- Density: 2.77 DUA
- Public Road Provided

Future Development (± 7.1 AC)

Proposed School Site (± 17.14 AC)

Parcel B Single Family: ±7.1 AC

- (Proposed Innovative Standards)
- 30 Lots 50'x100' Lot - Typ.
- 50' width at Setback/4,000 SF minimum lot size
- Setback/Yard Requirements:
 - 20' Setback
 - 30' Rear Yard
 - 5' Side Yard
- Density: 1.2 DUA
- Public Roads Provided

Multi-Family Site (± 25.1 AC)

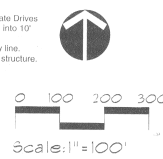
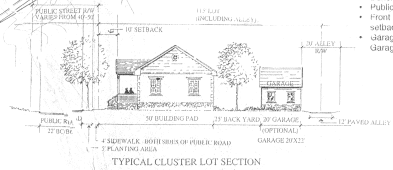
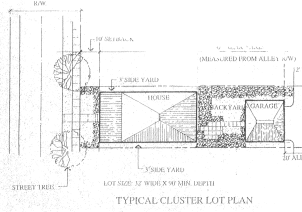
Day Care Site (± 1.5 AC)

Multi-Family Site (± 24.0 AC)

Day Care Site (± 1.5 AC)

Parcel A Cluster Homes: ±11.5 AC

- (Proposed Innovative Standards)
- 73 Lots 32'x50' minimum lot size
- Setback/Yard Requirements:
 - 10' Setback
 - 30' Rear Yard (measured from Alley RW)
 - 5' Side Yard
- Density: 0.35 DUA
- Public Roads Provided/Alleys to be Private Drives
- Front porch steps (stoop) may encroach into 10' setback no more than 3 feet
- Garage setback is 10' from rear property line. Garage can be attached to the principle structure.

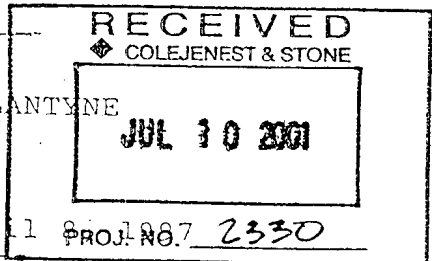


Formal Issuance

DATE: 11/1/16
 SUBJECT: NO. 1650
 COUNTY: ...
 11/18/16 SITE PLAN REVIEW

Land Design Inc.
 Landscape Architecture Land Planning Urban Design

DATE APRIL 8, 1997



STANDARDS FOR THE DEVELOPMENT OF BALLANTYNE
"STANDARDS"
Rezoning Petition No. 91-37(c)

Amended and completely restated as of April 8, 1997
Includes administrative amendments approved by the Planning Director on 7/28/93, 3/21/94, 9/26/95, 8/14/96 and 12/20/96, as well as amendments approved by the Mecklenburg County Board of Commissioners in Rezoning Petitions Nos. 94-23(c), 96-29(c) and 97-18(c)

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FILE

ColeJenest & Stone

Project No. 2330

Date 7-10-01

Cole

Jenest

Stone

Merriman

Freyler

Alexander

Brickman

Duncan

Stephens

Bryant

Cobb

File

Library

Board

Remarks:

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I. COMMITMENT

Development of the property identified on the accompanying Technical Data Sheet of the Rezoning Plan for Ballantyne prepared by Land Design, Inc. on November 22, 1996 (the "Rezoning Plan"), which consists of 2,009.37 acres more or less (the "Site"), will be governed by these Standards for Development (the "Standards") and the Rezoning Plan.

II. STATEMENT OF INTENT

It is the intention of the Petitioners to create within the Site a high quality mixed-use community to be known as "Ballantyne" offering opportunities for employment, shopping, recreation and housing.

The Development Program for Ballantyne contains nine separate and distinct elements, namely:

- Town Center
- Corporate Business Park
- Multi-family Residential Development
- Two Neighborhood Retail Developments
- MX-1 South, MX-2 North and PUD Residential Developments
- Two Schools
- Greenway
- District Park
- Transportation Improvements

Each of these elements and their components are more particularly described below.

It is the Petitioners' further intention that the housing elements will include a variety of housing types for rent or sale which are priced to accommodate all levels of income represented by Ballantyne's work force.

III. DEVELOPMENT PROGRAM

Subpart A. Permitted Development Within The Site

SECTION (1) TOWN CENTER

The Town Center encompasses an area of 177.23 acres, more or less, and is located in the southeastern and southwestern quadrants of the intersection between Relocated U.S. 521 and the proposed East/West Connector Road and at the northwestern quadrant of Relocated U.S. 521 and Providence Road West.

The Town Center is to be rezoned to the CC and B-1SCD Districts and will function as the focal point for Ballantyne.

The Town Center will consist of two components, namely, Town Center I which contains 158.73 acres, and Town Center II, which contains 18.5 acres.

(a) Town Center I

Town Center I will be a high intensity mixed-use center which incorporates a variety of institutional uses, including a library, a police station and a post office.

During the process of designing Town Center I, the Petitioners will focus on the feasibility of establishing a suitable location for a grade separated connector which would cross Relocated U.S. 521 south of the East-West Connector and provide future connectivity between the two sections of the Town Center. No obligation on the part of Petitioners to construct such a facility is to be presumed from their commitment to make this feasibility study.

In developing Town Center I, the Petitioners intend to base their design on traditional town concepts having the following characteristics:

- (i) Minimal building setbacks;
- (ii) Well designed streetscapes;
- (iii) A strong pedestrian orientation; and
- (iv) Public open spaces such as a common green or public plazas.

Uses.

Office Uses The total gross floor area within Town Center I which may be devoted to Office uses may not exceed 225,000 square feet unless one or more additional transportation elements are established within the Ballantyne Site in accordance with the provisions of Subpart B of this Part III, in which case up to 209,210 additional square feet of office uses may be constructed within the Town Center.

Office uses are intended to include all uses (including any accessory use) which are permitted in the O-1 Office District.

Retail Uses

The total gross floor area within Town Center I which may be devoted to retail uses cannot exceed 350,000 square feet.

Retail uses are intended to include any use (including any accessory use) which is permitted in the CC Commercial Center District.

Residential Uses

Up to 1,800 residential dwelling units may be constructed in Town Center I.

Residential dwelling units are intended to include any residential types of units and uses (including any accessory use) which are permitted in the CC District.

Hotel/Conference Center

A hotel/conference center having up to 450 rooms with supporting amenities and accessory uses may be constructed in Town Center I.

The Petitioners reserve the option to transfer up to 250 hotel rooms from Town Center I to the Corporate Business Park.

The Petitioners reserve the option to convert up to 250 hotel rooms into office space, at the rate of 450 square feet of office space for each hotel room eliminated.

Institutional Uses

Library Parcel

As an incentive to the Public Library of Charlotte and Mecklenburg County, a North Carolina statutory corporation

(the "Library") to locate a public library within Town Center I, the Petitioners are willing to donate to the Library a parcel of land within Town Center I with the precise location to be determined at a later time (the "Library Parcel") upon terms, conditions and restrictions which address items of mutual concern, including, but not limited to, the uses to which the Library Parcel may be devoted, the design of any building proposed to be constructed on the parcel, the size of the parcel (to be limited to an area which will adequately provide for the Library's building and parking needs and does not exceed one acre in size), the reservation of a possibility of reverter in favor of the Petitioners should certain events transpire and a "first refusal" type option in favor of the Petitioners to purchase the Library Parcel from the Library should it subsequently desire to sell the same. Toward this end, Petitioners agree within four years after the date on which the zoning for Ballantyne was initially approved to enter into and diligently pursue negotiations with representatives of the Library leading toward a contract under the terms of which the Petitioners would agree to donate to the Library a parcel of land lying within Town Center I, upon mutually acceptable terms and conditions.

The Petitioners' deed may reserve easements over all or any portion of the Library Parcel for drainage and water retention purposes, sanitary sewers, water lines, telephone lines, power lines, cable television lines, gas lines and such other utility purposes as they may deem necessary or desirable for the orderly development of the Site.

If the Petitioners and the Library have not executed a binding contract which provides for the donation by the Petitioners of the Library Parcel to

the Library on a closing date which is no later than 60 days after the date on which the contract is executed and which contains terms and conditions mutually acceptable to the parties within five years after the date on which the zoning for Ballantyne was initially approved, the Petitioners shall be fully released from their commitment to the Library with respect to the Library Parcel and may thereafter deal with such parcel as freely as if such commitment had never been made to the Library.

If for any reason the Library Parcel is not conveyed to the Library within five years and 60 days after the date on which the zoning for Ballantyne was initially approved, the total gross floor area within Town Center I which may be devoted to Office or Retail uses shall be increased by 20,000 square feet.

Police Precinct and Fire Station Facilities

Prior to completion of their final construction plans for the Town Center I initial development, Petitioners agree to enter into good faith lease negotiations with Mecklenburg County which could lead to the possible locations of police and fire station facilities within the Town Center.

(b) Town Center II

Town Center II will be a community-like retail shopping center.

Uses.

Retail Uses The total gross floor area within Town Center II which may be devoted to retail uses cannot exceed 100,000 square feet.

Retail uses are intended to include any use (including any accessory use) which is permitted in the B-1 SCD Shopping Center District.

(c) Owners Associations.

Development taking place within each of the Town Center components will be subject to its own covenants and restrictions governed by a master owners association. Documents will be prepared providing such covenants, restrictions and by-laws as the Petitioners may deem necessary or advisable for the effective administration of the owners association or to insure compliance with local, state and federal laws.

Except as otherwise provided in the next succeeding paragraph, each owner of property within one of the Town Center Components must be a member of the master owners association for that component.

Sub-owners associations may be created for purposes of representing a group of owners in a particular area or of a particular project. Any sub-owners' association representing a group of owners or a particular project may be the member of the master owners association in lieu of all owners in such area or project being members.

SECTION (2) CORPORATE BUSINESS PARK

The Corporate Business Park element of Ballantyne is divided into two sections by the proposed Relocated U.S. 521 and is located north of the proposed East/West Connector Road. Combined, these two sections encompass 598.11 acres, more or less.

The Corporate Business Park is to be rezoned to the BP(CD) District.

The following uses will be permitted within the Corporate Business Park.

(a) Office Uses

Except as otherwise provided below, 1,680,790 square feet of office uses may be constructed in the section generally depicted on the Rezoning Plan as the Corporate Business Park West.

Except as otherwise provided below, 2,300,000 square feet of office uses may be constructed in the section generally depicted on the Rezoning Plan as Corporate Business Park East.

The Petitioners reserve the option to trade up to ~~200,000~~ ^{1,500,000 TEN 2/18/04} square feet of office square footage between the two Corporate Business Park sections.

If one or more additional transportation elements are established within the Ballantyne Site in accordance with the provisions of Subpart B of this Part III, then up to 1,210,000 additional square feet of office uses may be constructed within the Corporate Business Park.

(b) Flex Space

As an alternative to office development, flex space will be allowed within the Corporate Business Park. The amount of land allocated to flex space will be determined by market activity from time to time.

If flex space is constructed in lieu of office space, the permissible square footage within the Corporate Business Park may be increased at the rate of 1.4 square feet of flex space for each one square foot of permissible office space developed within the Park. Provided, however, that no more than 4,000,000 square feet of flex space may be constructed within the Corporate Business Park.

"Flex space" is defined as space which can be used for office uses and any of the following other uses, or combinations: warehousing and distribution or wholesale sales. The distinguishing characteristics of flex space are interior clear ceiling heights of 12 to 30 feet and the presence of loading doors and docks. Office use within each flex space facility may not exceed 25% of its

total area. A flex space building is usually a one-story structure, but, in most cases, is designed to be flexible enough to accept a mezzanine or second floor.

(c) Hotel Development

Subject to the provisions of the next succeeding paragraph, a maximum of 700 hotel rooms may be constructed within the Corporate Business Park.

The Petitioners reserve the option to transfer up to 250 additional hotel rooms from Town Center I to the Corporate Business Park.

If less than 700 hotel rooms are constructed within the Corporate Business Park, then the permissible office square footage within the Park will be increased at the rate of 1,000 square feet for each hotel room deleted.

Hotel uses are intended to include any accessory uses normally associated with a hotel use which are permitted in the BP District.

(d) Other Allowable Uses

All other uses permissible in the BP District may be constructed within the Corporate Business Park.

All uses other than flex space type uses will absorb permissible office square footage at the rate of one for one.

SECTION (3) NEIGHBORHOOD RETAIL CENTERS

Neighborhood retail centers are contemplated to serve surrounding residential developments and will be located within each of the two parcels depicted on the Rezoning Plan. Each parcel will be rezoned to the B-1(CD) District.

One center, which may contain up to 70,000 square feet of developed space, including not more than two

outparcels, will be situated on a parcel containing 11.88 acres (more or less) located south of the East/West Connector Road and fronting on the eastern margin of existing U.S. 521.

The other center, which may also contain up to 70,000 square feet of developed space, including not more than two outparcels, will be situated on a parcel containing 11.37 acres (more or less) located at the northeastern corner of the intersection between Community House Road Extension and existing Providence Road West.

Uses within each of these centers are intended to include all uses (including any accessory use) which are permitted in a B-1 District.

SECTION (4) MX-1 SOUTH, MX-2 NORTH AND PUD RESIDENTIAL AREAS

Residential Development outside the Town Center will take place predominantly in three development areas, namely, the MX-1 South element, the MX-2 North element and the R-12 PUD East element.

The MX-1 South element is located adjacent to existing U.S. 521 south of the proposed East/West Connector Road, adjoins the Town Center and extends in an easterly direction crossing Relocated U.S. 521 to proposed Community House Road and encompasses 754.89 acres, more or less.

The MX-2 North element is located adjacent to existing U.S. 521, north of the proposed East/West Connector Road, extends eastward to the Corporate Business Park element and encompasses 177.70 acres, more or less.

The R-12 PUD East element is located south of the East/West Connector Road, east of the proposed Community House Road, extends to a point south of Providence Road West and encompasses 226.23 acres, more or less.

The three residential elements will have a variety of housing types as well as two schools, a district park, greenway and other open space.

Up to 71 dwelling units may be transferred from the R-12 PUD element to the MX-1 South element.

Up to 129 dwelling units may be transferred from the R-12 PUD element to the MX-2 North element.

The existing natural character of each of these three residential elements will be preserved through careful placement of roads and open space.

(a) Permissible Uses

No more than 410 residential dwelling units may be constructed in the R-12 PUD East element.

No more than 1,791 residential dwelling units (or up to 1,862 units in the event of a transfer of units from the R-12 PUD East element pursuant to the provisions of this Section 4 of Subpart A of Part III) may be constructed in the MX-1 South element.

No more than 1,070 residential dwelling units (or up to 1,199 units in the event of a transfer of units from the R-12 PUD East element pursuant to the provisions of this Section 4 of Subpart A of Part III) may be constructed in the MX-2 North element.

Dwelling units are intended to include all types of residential units and uses (including accessory uses) which are permitted in an R-12 PUD District or in the MX-1 South District or in the MX-2 North District (as the case might be). However, once any portion of the MX-1 South element (Parcel a) has been approved by the Charlotte-Mecklenburg Planning Commission for subdivision, all lots depicted on the approved subdivision plat other than any lots which may be designated for use as open space, golf course, club house (and related accessory uses or amenities) or any other use, must thereafter be used exclusively for detached single-family residences.

(b) Innovative Design Standards

The Petitioners intend to request permission to allow development of portions of each residential element to

occur under the innovative regulations set forth under the Planned Unit District development regulations or the MX-1 District development regulations or the MX-2 District development regulations (as the case might be). This will allow for selective innovative site planning and modifications to subdivision and street requirements in each element. The extent of these modifications will be documented as parts of the more detailed submissions required by the regulations governing the R-PUD, MX-1 and MX-2 Districts.. In this connection, a copy of the innovative development plan for the area falling within the MX-2 North element which has been approved by the Charlotte-Mecklenburg Planning Commission forms a part of Rezoning Petition No. 97-18(c).

(c) Owners Associations

Development taking place within each of these three residential elements will be subject to covenants and restrictions governed by a Master Owners Association. Documents will be prepared to incorporate the conditions of these Development Standards and the Rezoning Plan as approved by the Mecklenburg County Commission and may contain such other covenants, restrictions and by-laws as the Petitioners may deem necessary or advisable for the effective administration of the Master Owners Association or to insure compliance with local, state and federal laws.

Individual parcels which contain one or more of the following features: (1) specialized amenities; (2) open space peculiarly associated with that parcel, (3) private streets and (4) private utilities may be governed by separate sub-owners associations. Except as otherwise provided in the next succeeding paragraph, each owner of property within the residential elements must be a member of the Master Owners Association and may be a member of a sub-owners association.

Property owned by governmental bodies (including schools and parks) may be

excluded from the Master Owners Association or, in the alternative, exempted from specific provisions of the Declaration of Covenants, Conditions and Restrictions for the residential element involved. Any sub-owners association representing a group of owners in a particular area or project may be the member of the Master Owners Association in lieu of all owners in such area or project being members. By way of examples, a condominium association may be the member of the Master Owners Association rather than all owners of condominium units and a homeowners association may be the member of the Master Owners Association rather than all owners of lots within a single-family project.

Common open space not otherwise owned and maintained by a sub-owners association shall be owned and maintained by the Master Owners Association.

Each swim and racquet club that may be constructed within a residential elements may be privately owned and operated and in such case the operator shall be responsible for the operation, maintenance and preservation of its grounds and facilities.

(d) Open Space

Open space areas created within the residential elements will either be organized as common open space that is owned and maintained by a property owners association, or be deeded out to individual owners subject to restrictive covenants designed to preserve these open space areas, or dedicated to the general public.

(e) Pedestrian/Bicycle System

A coordinated pedestrian/bicycle system shall be provided within each residential element.

(f) Golf Course

A golf course with related or accessory facilities will be established within the MX-1 South component in the area generally depicted on the Rezoning Plan. It is contemplated that some

portions of the common open space areas and exterior buffer areas may be incorporated within the golf course.

(g) Golf Course Option

Petitioners may amend the Rezoning Plan and these Standards so as to accommodate development of additional golfing facilities within either of the components of the MX-1 South element. It is contemplated that some portions of the common open space areas could be incorporated within these facilities.

(h) School Sites

Two school sites are provided for the Ballantyne Site - one for an elementary school and one for a junior high school.

The elementary school site will contain 17 acres, more or less, and be located along the eastern margin of existing U.S. 521 at the northwestern corner of the MX-2 North element, unless the Petitioners and the Mecklenburg County Board of Commissioners agree upon another location within the MX-2 North element.

The junior high school site will contain 30 acres, more or less, will be located south of Providence Road West within the R-12 PUD East element and will adjoin the District Park Site identified under Paragraph (j) of this Section (4).

As an incentive to Mecklenburg County to locate these two schools within the residential elements of Ballantyne, the Petitioners are willing to dedicate both of these parcels to Mecklenburg County for school purposes. The precise location and size of the junior high school site will be determined by the Mecklenburg County Board of Commissioners after giving due consideration to the preferences of representatives of the School Board and the Parks and Recreation Commission.

The conveyances of each of the school sites will be made by Petitioners upon terms, conditions and restrictions which address items of mutual concern, including but not limited to, the uses to which the sites may be devoted, the precise location and size of each site, the design of each building proposed to be constructed, the reservation of a possibility of reverter in favor of the Petitioners should either site not be devoted to school purposes and a "first-refusal" type option in favor of the Petitioners to purchase from Mecklenburg County each school site should it subsequently desire to sell the same.

Toward these ends, Petitioners agree within five (5) years after the date on which this Rezoning Petition was initially approved to enter into and diligently pursue negotiations with the Mecklenburg County Board of Commissioners leading toward a contract under the terms of which the Petitioners would agree to donate each school site upon mutually acceptable terms and conditions.

The Petitioners' deed may reserve easements over all or any portion of either school site for drainage and water retention purposes, sanitary sewers, water lines, telephone lines, power lines, cable television lines, gas lines and such other utility purposes as they may deem necessary or desirable for the orderly development of the Site.

The Petitioners' commitment with respect to each of the school sites is expressly conditioned upon approval of this Rezoning Petition.

If the Petitioners and Mecklenburg County have not executed a binding contract which provides for the dedication by the Petitioners of both schools sites to Mecklenburg County on a closing date which is no later than

60 days after the date on which the contract is executed and which contains terms and conditions mutually acceptable to the parties within six years after the date on which this Rezoning Petition was initially approved, the Petitioners shall be fully released from their commitments to Mecklenburg County with respect to the School sites and may thereafter deal with such sites as freely as if such commitments had never been made to Mecklenburg County.

If for any reason one or both of the School sites are not conveyed to Mecklenburg County (or to its nominee) within six years and 60 days after the date on which this Rezoning Petition was initially approved, either such site not so conveyed may be developed for residential uses at the same density allowed for the remainder of the residential element to which it has been assigned, with such type or types of housing as the Petitioners may select, so long as the number of attached units constructed does not cause the maximum attached housing ratio established for the overall PUD to be exceeded.

(i) Greenway

If this Rezoning Petition is approved, the Petitioners agree to dedicate a parcel containing 17 acres, more or less, to Mecklenburg County for Greenway purposes. This parcel is located in the northwest corner of the MX-2 North element and adjoins the existing Walden Greenway. The Petitioners will convey this parcel to the County after this Petition has been approved within a reasonable period of time following receipt of a written request from the County Manager.

The Petitioners' deed may reserve easements over all or any portion of this Greenway parcel for drainage and water retention purposes, sanitary sewers, water lines, telephone lines,

power lines, cable television lines, gas lines and such other utility purposes as they may deem necessary or desirable for the orderly development of the Site.

(j) District Park

If this Rezoning Petition is approved, the Petitioners agree to dedicate to Mecklenburg County or its nominee a parcel for a district park.

This parcel will contain 61 acres, more or less, will be located in the southeast corner of the R-12 PUD East element and adjoin the proposed junior high school site.

The precise location and size of this District Park will be determined by the Mecklenburg County Board of Commissioners after giving due consideration to the preferences of representatives of the School Board and the Parks and Recreation Commission.

The Petitioners will convey this parcel to the County after this Petition has been approved within a reasonable period of time following receipt of a written request from the County Manager.

The Petitioners' deed may reserve easements over all or any portion of the district park parcel for drainage and water retention purposes, sanitary sewers, water lines, telephone lines, power lines, cable television lines, gas lines and such other utility purposes as they may deem necessary or desirable for the orderly development of the Site, provided the locations of such easements do not unreasonably interfere with the use of the parcel for park purposes.

SECTION (5) MULTI-FAMILY RESIDENTIAL AREA

A multi-family residential area is located to the east of the Corporate Business Park and north of the proposed East/West Connector Road.

This area encompasses 29.81 acres, more or less, and will be rezoned to the R-15MF(CD) District.

No more than 292 residential dwelling units may be constructed within this area.

Residential dwelling units are intended to include all residential types of units and uses (including any accessory uses) which are permitted in the R-15 MF District.

Subpart B. Transportation Commitments

The roadway system which Petitioners are proposing for Ballantyne either is in agreement with the approved Charlotte/Mecklenburg Thoroughfare Plan for Southern Mecklenburg County or provides for alternative solutions which will benefit the overall traffic patterns throughout the area.

As a part of this Rezoning Application, the Petitioners make the following transportation commitments:

- (i) Parts of the proposed Outer Loop and its interchange with Relocated U.S. 521 lie adjacent to and within the Ballantyne Site. All rights-of-way for Outer Loop and interchange purposes situated within the Ballantyne Site and depicted on the Rezoning Plan, except the parcel containing 7 acres, more or less, which is depicted on the Rezoning Plan and identified as "Reserved for NCDOT," will be dedicated by the Petitioners within 90 days after receipt of a written request from the North Carolina Department of Transportation.
- (ii) That portion of Relocated U.S. 521 which runs between Providence Road West and its interchange with the Outer Loop has been recommended to bisect the Site in a north to south direction. All right of way for Relocated U.S. 521 situated within the Ballantyne Site and depicted on the Rezoning Plan will be dedicated by the Petitioners within 90 days after receipt of a written request from the North Carolina Department of Transportation.
- (iii) An East/West Connector Road is proposed as a four lane arterial. This alignment, coupled with the continuation of the East/West Connector Road which follows the proposed U.S. 521 Connector Road, provides a significant east/west connection

to existing U.S. 521. Adoption of this alignment for the East/West Connector Road allows all of the roadway to be constructed within the Ballantyne Site except for a short section between the Site and Elm Lane. The Petitioners will dedicate all right-of-way for this road situated within the Ballantyne Site and depicted on the Rezoning Plan. In addition, Petitioners will provide for the construction of this road (initially as a two-lane and ultimately as a four-lane facility) within the Ballantyne Site in accordance with standards prescribed by the North Carolina Department of Transportation and the construction phasing provided under Subpart C of this Part III.

(iv) The Petitioners will dedicate that portion of the right-of-way for Community House Road Extension situated within the Ballantyne Site and generally depicted on the Rezoning Plan which extends from the southern edge of the Ballantyne Site to the East/West Connector Road and provides North/South traffic flow as proposed in the adopted Thoroughfare Plan.

(v) In addition, Petitioners will dedicate the right-of-way for the further extension of Community House Road, as generally depicted on the Rezoning Plan from the East/West Connector to the southern edge of the Outer Loop to provide a connection to the proposed Johnston Road Extension by way of an overpass across the Outer Loop. This will provide for a north-south by-pass of the Outer Loop's interchange with the proposed Johnston Road Extension.

The alignment of Community House Road shown on the Rezoning Plan is subject to further adjustment so as to allow flexibility in integrating this roadway with the ultimate design of the R-12 PUD East and MX-1 South elements and the Corporate Business Park.

(vi) The Petitioners will provide for the construction of Community House Road Extension (a major thoroughfare) as a two lane facility between existing Providence Road West and the southern edge of the Outer Loop.

(vii) The Petitioner will reserve the right-of-way for Providence Road West's future realignment as generally depicted on the Rezoning Plan.

The specific designs of the roadways to be constructed by Petitioners will be parts of more detailed submissions of construction documents.

These roadway improvements will be made in accordance with the overall Phasing Schedule of the Ballantyne Development described below under Subpart C of this Part III.

All of the foregoing roadway improvements will be subject to the standards and criteria of the Mecklenburg County Engineering Department and the North Carolina Department of Transportation ("NCDOT").

Subpart C. Phasing of Development

The Petitioners agree to develop Ballantyne in accordance with the phasing schedule set forth below.

Generally, phasing of development will begin with residential development where access can be achieved from the existing roadway system.

Except as otherwise noted under Phase I below, the development of the Town Center and the Corporate Business Park will be sequenced to correspond with completion of Relocated U.S. 521 and its interchange with the Southern Outer Loop and phased from the intersection between Relocated U.S. 521 and the East/West Connector Road in accordance with the completion of roadway and other infrastructure facilities as necessary to service the development. As development increases, the East/West Connector Road will be expanded to accommodate the increase in traffic volume.

The various phases are illustrated on Exhibits A through E which are attached to these Standards.

Laneage charts for each Phase are attached to these Standards as Figures 7 through 11.

Each of these laneage charts depicts the transportation network system in place after the maximum buildout within the applicable Phase, the intent being that Petitioners can proceed with development of a given Phase once the capacity of the network system for the preceding Phase is in place.

For purposes of the Phasing Program, network system is intended to mean the through lanes and the turning lanes at intersections of thoroughfares depicted on the phasing figures for the applicable Phase.

Once the capacity of the network system for the preceding Phase is in place, Petitioners may proceed with additional development in the next Phase as additional roadway improvements are constructed within Ballantyne, with the actual square footage of additional development to be determined by agreement between Petitioners and the local transportation authority having jurisdiction over the area at the time, the intent being to allow the establishment of subphases within each Phase which are keyed to added capacity in the network system.

Phase I

Development in Phase I will occur utilizing existing Lancaster Highway/U.S. 521 and existing Providence Road West prior to the completion of the Southern Outer Loop (I-485), Relocated U.S. 521 and the interchange of these roads.

Except as otherwise provided below, development will be restricted to residential development within the R-12 PUD, MX-1 South and MX-2 North elements and the Thornhill PUD Addition and to commercial development within the B-1 (CD) sites and perhaps one or both school sites, depending upon population projections and the School Board's plans.

All of the residential units approved for the Thornhill PUD Addition may be completed during Phase I. No more than 1,744 additional residential units; and no more than 140,000 square feet of non-residential development may be constructed on the Site during Phase I.

Provided, however, that should the potential exist for development of a portion of the Corporate Business Park before construction of Relocated U.S. 521 has commenced, the Petitioners may proceed with up to 500,000 square feet of non-residential development if they construct (as a two-lane facility) that portion of the proposed East-West Connector between existing Lancaster Highway/U.S. 521 and the roadways prior to the issuance of any certificate of occupancy for any such development to provide access from such development to the East-West Connector.

Phase II

Development in Phase II will occur in conjunction with completion of the Southern Outer Loop (I-485) between existing South Boulevard/U.S. 521 and Relocated U.S. 521 and the Outer Loop's interchange with Relocated U.S. 521.

The planning, engineering and site development for this Phase may precede the completion of the Southern Outer Loop (I-485) Interchange and Relocated U.S. 521 in order for development to receive certificates of occupancy coincidentally with the opening of the roadways.

No more than 1,000 additional residential units and no more than 870,000 additional square feet of non-residential development may be constructed during Phase II.

Phase III

Development in Phase III will occur in conjunction with completion of the southern section of the Charlotte Outer Loop (I-485) between Relocated U.S. 521 and Rea Road Extension. The East/West Connector Road will be constructed as a two-lane roadway east and west of Relocated U.S. 521 to the access driveways of the Corporate Business Park and the Town Center.

The planning, engineering and site development for this Phase may precede the completion of these roadway improvements in order for development to receive certificates of occupancy coincidentally with the opening of the roadways.

No more than 1,000 additional residential units and no more than 1,000,000 additional square feet of non-residential development may be constructed during Phase III.

Phase IV

Development in Phase IV will occur in connection with construction of the East/West Connector Road from existing Lancaster Highway/U.S. 521(Bus.) to Elm Lane West as a four-lane facility. Assumed to precede this phase is an enhancement to the Corporate Business Park circulation system with the construction by Petitioners of a grade-separated connection on Relocated U.S. 521 which connects the East and West sections of the

Corporate Business Park, and the construction by Petitioners of Community House Road Extension from existing Providence Road West north to the southern edge of the Outer Loop.

The planning, engineering and site development for this Phase may precede the completion of these roadway improvements in order for development to receive certificates of occupancy coincidentally with the opening of the roadways.

No more than 1,000 additional residential units and no more than 1,400,000 additional square feet of non-residential development may be constructed during Phase IV.

Phase V

Development in Phase V may occur simultaneously with the construction of Johnston Road Extension and the Community House Road Extension Flyover to Johnston Road Extension. This will provide maximum vehicular flexibility within and surrounding the Ballantyne Community. In the event that either one of these Extensions is eliminated from the Thoroughfare Plan, appropriate modifications to the development permitted under this Phase may be accomplished through an Administrative Site Plan Amendment, the terms of which are mutually agreed upon by the Planning Director, the local transportation authority having jurisdiction over Ballantyne and the Petitioners.

All residential development may be completed during Phase V and an additional 1,300,000 square feet of non-residential development may be constructed during Phase V.

Subpart D. Bonus for Innovative Transportation Facilities.

Through the implementation of innovative transportation facilities and techniques, the Petitioners may be allowed a bonus of up to 1,810,000 additional square feet of office development within the Site which shall be based upon an Administrative Site Plan review wherein the Planning Director, the local transportation authority having jurisdiction over Ballantyne and the Petitioners determine that the measures proposed below or any others having national acceptance shall have resulted in congestion not seriously worse than that level of congestion associated with Phase V.

Set forth below are mitigation techniques and the suggested bonus square footage associated with each technique:

- (i) Park and ride facilities installed in each of the four quadrants of the intersection between the East-West Connector and U.S. 521 Relocated which accommodate a minimum of 150 vehicles per quadrant, would entitle the Petitioners to an additional 280,000 square feet of office development.
- (ii) The introduction of mass transit/express bus service linking the Ballantyne Site with Uptown Charlotte would entitle the Petitioners to construct an additional 270,000 square feet of office development within the Site.
- (iii) Construction of high occupancy vehicle lanes along Relocated U.S. 521 between the first major access to the Town Center (located south of the East-West Connector Road) and the Outer Loop would allow the Petitioners to construct an additional 540,000 square feet of office development.
- (iv) The establishment of employer based transportation associations which utilize flexible work schedules, staggered work hours, carpooling, vanpooling and other techniques would entitle the Petitioners to construct up to an additional 720,000 square feet of office development within the Site, with the amount of the bonus being determined by the Planning Director for the Charlotte/Mecklenburg Planning Commission based upon the increase in capacity of Ballantyne's roadway system attributable to such techniques as determined from traffic studies underwritten by the Petitioners.

The construction of a light rail transit facility linking the Ballantyne Site with Uptown Charlotte would qualify the Petitioners for the full bonus and they could construct a total of 1,810,000 additional square feet of office space once the facility is operating.

IV. DESIGN GUIDELINES

Subpart A. Yard Restrictions

SECTION (1) Unless otherwise provided in the Rezoning Plan or in an approved innovative development plan, in every instance the side yard, setback and rear yard requirements set forth below will be satisfied with respect to development taking place within each of the following components of Ballantyne, unless waivers are obtained in accordance with procedures established for innovative or cluster developments within the two residential elements:

| <u>District</u> | <u>Setback</u> | <u>Side Yard</u> | <u>Rear Yard</u> |
|---|----------------|-------------------------|---|
| CC and B-1 SCD (Town Center) | 40 feet | 25 feet | 25 feet |
| BP (CD) (Corporate Business Park) | 40 feet | 20 feet | 20 feet |
| B-1 (CD) (Neighborhood Retail) | 40 feet | 10 feet | 20 feet |
| R-15 MF (CD) (Multi-Family) | 40 feet | 30 feet | 30 feet, except 45 feet where adjoining single family zoned or developed property |
| R-12 PUD: | | | |
| Detached Single Family | 25 feet* | 6 feet and 8 feet | 30 feet |
| Multi-Family | 35 feet* | 25 feet | 25 feet, except 45 feet where adjoining single family |
| MX-1 South and MX-2 North | | | |
| Detached Single Family | 20 feet* | 5 feet | 30 feet |
| Multi-Family | 30 feet* | 10 feet | 40 feet |

*Except for a 40 foot setback along thoroughfares, as required by the Subdivision Ordinance.

Development taking place along the outside perimeters of the R-12 PUD element, the MX-1 South element and the MX-2 North element must observe the minimum yard requirements for the R-3 District.

Yards will be measured from property lines.

Subpart B. Driveways and Streets

SECTION (1) The Rezoning Plan is not intended to fix and determine the ultimate number of roadway connections which Petitioners may have to thoroughfares nor to establish their precise locations but merely to establish the minimum number of roadways. Additional driveways and streets may be installed with approval from the appropriate governmental authorities subject to applicable statutes, ordinances and regulations.

SECTION (2) Except for departures from standard construction requirements which are authorized under the regulations governing the R-PUD Planned Unit Development District, the MX-1 District and the MX-2 District, all streets and highways will be constructed in accordance with standards established by the governmental authorities having jurisdiction over their maintenance and operation.

SECTION (3) Shifts in street alignments may occur where dictated by engineering and site constraints.

Subpart C. Open Spaces

SECTION (1) Open spaces will be designed to incorporate natural drainageways, heavily wooded areas and steep slopes.

SECTION (2) No buildings may be placed within any open space area, except for entrance features and accessory recreational uses such as swimming pools, clubhouses or picnic shelters.

SECTION (3) Petitioners reserve the right to use open space areas for pedestrian and bicycle pathways, streets, berms, walls, fences, signs and graphics, lighting fixtures, drainage, utility lines and facilities, golf courses and other types of recreational facilities.

SECTION (4) In open space areas where existing natural vegetation has been excessively cleared to accommodate pedestrian and bicycle pathways, streets, berms, walls, fences, signs and graphics, lighting fixtures, drainage, utility lines and facilities, the cleared, unimproved areas will be appropriately landscaped.

Subpart D. Signs and Graphics

SECTION (1) Master signage and graphics systems will be adopted and will conform to the Mecklenburg County Sign Ordinance.

SECTION (2) All freestanding building and tenant identification signs and graphics installed within building areas will be complementary in scale and appearance to the structures which they identify.

SECTION (3) No sign may be mounted on the roof of any structure.

SECTION (4) Public information signs and graphics will be easily understood and complementary in scale and appearance.

Subpart E. Storm Water Management

Storm water runoff from the Site will be managed through a variety of proven techniques which satisfy the standards imposed by Mecklenburg County.

No detention ponds may be located within buffer areas established along any exterior property line of the Site.

Subpart F. Architectural Controls

SECTION (1) A coordinated inventory of streetscape elements will be utilized within the various development elements of the Site so as to create a coherent image, identity and sense of community.

SECTION (2) All rooftop mechanical and electrical equipment and ground mounted utilities will be screened.

SECTION (3) All loading and service areas will be screened.

SECTION (4) The character of the Office and Residential elements within the Site will be compatible so as to provide a sense of community and continuity.

SECTION (5) All direct accesses to detached residential lots within the R-12 PUD element, the MX-1 South element and the MX-2 North element will be from internal roadways and no individual residential lot driveway will be allowed to Relocated U.S. 521, the East/West Connector or Community House Extension.

SECTION (6) The mixture of housing styles will eliminate excessive repetition and create a positive aesthetic benefit.

Subpart G. Buffer Areas

SECTION (1) Corporate Business Park. All buffers in the Corporate Business Park element will be subject to the regulations established for the BP District under the Mecklenburg County Zoning Ordinance.

SECTION (2) Town Center, Multi-Family Residential Area, Neighborhood Retail Areas and Residential Areas.

- (i) The Buffer Areas established on the Rezoning Plan for these elements are to remain as undisturbed open space, except to the extent necessary to accommodate pedestrian and bicycle pathways, access points, berms, walls, fences, signs and graphics, lighting fixtures, drainage, utility lines and facilities, golf courses and other types of recreational facilities.
- (ii) Grading may be performed and slopes and berms may be installed within any Setback Area or Buffer Area established for these elements on the Rezoning Plan.
- (iii) Except as provided in subparagraph (i) of this Section (1), no buildings or parking lots may be placed within any Setback Area or Buffer Area.
- (iv) In all such Buffer Areas where existing trees and natural vegetation have been cleared to accommodate walls, berms, fences, grading, signs, graphics, and the installation of utility construction, the cleared, unimproved areas will be appropriately landscaped.

Subpart H. Landscaping and Screening

SECTION (1) Landscaping and screening within the Ballantyne Site shall satisfy the minimum requirements of Section 1601 of the Mecklenburg County Zoning Ordinance in effect as of the date of the filing of the Ballantyne Rezoning Petition.

SECTION (2) Landscaping areas within the Site will be planted and improved in sequences which are keyed to the development taking place on each parcel.

SECTION (3) All dumpsters and service areas will be screened from public streets and from adjacent properties.

SECTION (4) An area equal to at least 10% of the paved surface of each parking area which accommodates more than 20 spaces must be landscaped with plantings and trees. This requirement is in addition to any perimeter screening requirements for the parking areas and must be placed in the interior of the lot.

Subpart I. Statement with Respect to the Graphics Which are Attached to the Rezoning Plan

SECTION (1) Inasmuch as planning for the proposed development of the Site has not yet advanced beyond the formative stage, the ultimate layouts of the developments proposed for each of the elements of Ballantyne and the parcels or lots forming parts thereof, the exact alignments of streets, thoroughfares and points of access, the configurations and placements of parking areas and the precise locations, heights and masses of buildings to be constructed have not been determined and as a consequence the Graphics which accompany the Rezoning Plan, as well as the thoroughfare locations shown on the Rezoning Plan, are schematic in nature and are not to be considered as specific site development plans but rather as preliminary graphic representations of the types of development proposed for the various elements.

SECTION (2) Petitioners agree to submit detailed plans with respect to any development proposed within the Town Center and the two neighborhood retail developments to the Staff of the Charlotte-Mecklenburg Planning Commission for approval prior to the issuance of building permits for construction of the proposed development so that Staff may be assured that such development satisfies the requirements imposed under the Rezoning Plan and these Standards. Such review is intended to be in addition to the normal staff administrative review provisions.

Petitioners further agree that each time they apply for Staff approval with respect to any new development proposed within the Town Center they will, within three business days after the application is submitted to Staff, forward a notice to that individual (if any) whose name and address has been registered with the Charlotte/Mecklenburg Planning Commission's office as the designee of the Southeast Neighborhood Coalition advising that the application has been filed.

V. BINDING EFFECT OF THE REZONING APPLICATION

SECTION (1) If the Petitioners' Rezoning Application is approved, the development program established under these standards, the Rezoning Plan and other supportive documents shall, unless amended in the manner provided under the then applicable ordinances, be binding upon and inure to the benefit of the Petitioners and their respective heirs, devisees, personal representatives, successors in interest and assigns.

SECTION (2) Throughout this Rezoning Application, the term "Petitioners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners.