



## General Provisions

These Development Standards form a part of the Technical Data Sheet for the "Village at Seven Eagles Mixed-Use Development" submitted by Harris Land Company (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 City of Charlotte 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 classification shall be followed in connection with development taking place on the Site.

The development depicted on the Schematic Site Plan attached as Sheet S2.0 is merely schematic in nature and is intended only to describe the possible arrangement of uses on the Site. Accordingly, the configuration, placement and size of the building footprints outlined on the Schematic Site Plan are schematic in nature 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 this Technical Data Sheet. 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.

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 Commercial Center (CC) District, except that fast food restaurants, restaurants with drive through services, gas stations, convenience stores and automobile service facilities shall not be permitted.

### **Building Limitations**

- 1. No more than 120,000 square feet of retail/restaurant space may be constructed within the Building Parking Envelopes together with associated surface and structured parking spaces.
- 2. No more than 120,000 square feet of office space may be constructed within the Building Parking Envelopes together with associated surface and structured parking spaces.
- 3. If a hotel/motel is constructed on the Site, then it may contain no more than 200 rooms, together with any incidental or accessory uses permitted under the Ordinance which the Petitioner may elect to provide for such facility.
- 4. Should fewer then 200 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 200 residential dwelling units.
- 5. No individual tenant shall occupy a single building or space for retail use of greater than 45,000 square feet.

- 1. Buffer areas established on this Technical Data Sheet shall conform to the standards of Section 12.302 of the Ordinance; subject, however, to the provisions of Section 12.304 thereof.
- 2. The Class B buffer along the easterly property line shall be reduced to 56.25 feet as per Section 12.302(8) of the Ordinance in the form of the existing brick wall along the easterly property line. The Class C buffer along the southerly property line shall be reduced to 37.5 feet as per Section 12.302(8) of the Ordinance in the form of a six foot high opaque fence along the southerty property line.
- 3. 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.
- 4. No buildings, parking spaces, maneuvering areas or storm water detention facilities may be located within buffer areas.
- 5. 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.

# Setbacks, Side Yards and Rear Yards

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 Zoning District.

## Screening and Landscaping Areas

- 1. The Owner shall install or cause to be installed within the setback areas established along Park Road and Glen Eagles 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). Internal areas of the Site shall be landscaped in accordance with the requirements of the City Code.
- 2. Landscape areas will be planted and improved in sequences which are keyed to each phase of development taking place on the Site and will meet or exceed the requirements of the Ordinance.
- 3. Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.
- All roof mounted mechanical equipment will be screened from view.
- 5. Petitioner shall exercise good faith efforts to preserve all trees 8 inches in caliper or greater shall be preserved within the setbacks along the roadways except to the extent that such preservation conflicts with the installation or replacement of utilities and other similar site elements.

# Parking/Drive-Through Facilities

- 1. Off street parking will meet the minimum standards established under the Ordinance.
- 2. All permitted drive-through facilities located on the Site shall be subject to stacking requirements of the Ordinance.

- 1. Petitioner agrees to Install pedestrian scale lighting along internal streets. The maximum 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 along Park Road and Glen Eagles Road) shall be designed such that direct illumination does not extend past any exterior property line. Consideration will be given to the impact of lighting both within and without the perimeter of the Site. Items for consideration will include intensity, cutoff angles, color, energy efficiency and shielding of sources of light, the intent being to eliminate glare towards Park Road, Gien Eagles Road and adjacent properties
- 3. No wall pack light fixtures will be allowed on any structures placed on the Site.

1. All signs placed on the Site will be erected in accordance with the requirements of the Ordinance.

# Access Points (Driveways)

- 1. The number of access points to Park Road shall be limited to one (1) right-in/right-out access and to Gien Eagles Road to one (1) right-in/right-out access and one (1) 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. The existing controlled private access from the Seven Eagles neighborhood as generally depicted on this Technical Data Sheet will use the gate and electronic card access equipment that currently exists to provide controlled private vehicular and pedestrian access from the Seven Eagles neighborhood to the Site.

# Fire Protection

commences.

1. Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building

# Open Space/Garden Area

- 1. The Open Space/Garden Area (as identified on this Technical Data Sheet) shall be located generally as depicted on this Technical Data Sheet and shall contain a minimum of 1.9 acres. The Petitioner may increase, but not reduce, the size of the Open Space/Garden Area by relocating the southerly boundary of the Open Space/Garden Area to the south.
- 2. The Petitioner reserves the right to utilize the Open Space/Garden Area 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/Garden Area for limited office uses as further described in this Section, retail sales of garden and landscape materials, park recreational uses, musical and entertainment performances, public and private ceremonies such as weddings and wedding receptions, and restaurant uses ancillary to and supportive of the permitted uses of the Open Space/Garden Area described in this Section, provided, however, (i) gross floor area for any buildings located within the Open Space/Garden Area shall not exceed 8,000 square feet as set forth below and (ii) any such retail sales, park and recreational uses, performances, ceremonies and restaurant uses shall not occur between the hours of 11:00 p.m. and 8:00 am E.S.T. The Petitioner also reserves the right to construct within the Open Space/Garden Area gross floor area of up to 8,000 square feet to provide space for uses that are ancillary to and supportive of the above-referenced permitted uses of the Open Space/Garden Area, such as offices for landscape architects, office or retail space for garden supply representatives and a small catering kitchen. The 8,000 square feet of gross
- floor area described in this development standard shall be subject to the square footage limitations set forth in the development standards under the Section entitled "Building Limitations". 3. Reasonable efforts shall be made to preserve all significant trees 8 inches in caliber or greater within the Open Space/Garden Area. During construction, significant trees located within the Open Space/Garden Area shall be protected per standards of the Charlotte Mecklenburg Land Development Manual.

## Architectural Controls and Restrictive Covenants

- 1. 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). The Petitioner agrees to record restrictive covenants governing the use and development of the Site prior to the issuance of any building permit for improvements to the Site. The restrictive covenants will be enforced by a Property Owners Association and will provide
- a. A Property Owners Association;
- b. Use restrictions on the property no less restrictive and in keeping with the use restrictions set forth in these Development Standards;

### c. Common area maintenance; and d. An Architectural Design Review Committee

- 2 The Applifectural Design Bouleau Committee shall be us account little for the l 2. The Architectural Design Review Committee shall have responsibility for adopting and implementing guidelines for all development taking place within the Site. The Architectural Design Review Committee shall consist of representatives of the Petitioner and / or developer of the Site (together with any other members deemed appropriate by the Petitioner/Developer) and shall be formed prior to the issuance of any building permit for improvements to the Site. Each application for a building permit must be accompanied by a letter which states that the plans for the relevant building have been approved by the Architectural Design Review Committee. In addition to the foregoing, all development will be subject to the following provisions:
- a. Dumpster areas will be enclosed on all four sides by a opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
- b. If a hotel is constructed on the Site, its design shall incorporate interior corridors and exteriors corridors shall be prohibited.
- 2. The height of all buildings constructed on the Site shall comply with the limitations set forth in Section 11.405(6) of the Ordinance, provided further, that (f) all buildings (excluding limited architectural enhancement features) constructed within Building/Parking Envelope D as generally depicted on the Technical Data Sheet shall not exceed 3 stories in height measured by using the existing average grade elevation of the Site along Park Road, and (ii) all buildings (excluding limited architectural enhancement features) constructed within Building/Parking Envelope A. Building/Parking Envelope B and Building/Parking Envelope C shall not exceed the stories in height measured by using the existing average grade elevation of the Site along Park Road, and (ii) all buildings (excluding limited architectural enhancement features) constructed within Building/Parking Envelope A. Building/Parking Envelope B and Building/Parking Envelope C shall not exceed the stories in height measured by using the existing average grade elevation of the Site along Park Road, and (ii) all buildings (excluding limited architectural enhancement features) architectural enhancement features architectural enhanceme enhancement features) constructed within Building/Parking Envelope A, Building/Parking Envelope B and Building/Parking Envelope C shall not exceed four stories in height measured by using the existing average grade elevation of the Site along Park Road. Height increases allowed in the CC District will be calculated from the boundary lines of the Site.
- -4. Buildings-constructed on The Site ationg Plank Road and Gieneagles, Road will have, windows that face, these streets and shall avoid long-expanses of solid-walls through, the introduction of articulated, lasades and other specifically designed architectural elements. Furthermore, at least one pedestrian corridor that connects pedestrian activity along Park Road with the Interior of the Site shall be located on Building/Parking Envelope B in addition to the pedestrian access to the Site to be provided by
- 5, Buildings located along (i) Access Drive A. (ii) the easterly margin of Access Drive B, and (iii) buildings along Access Drive C that have frontage on the "plazza circle" formed by the intersection of Access Drive A, Access Drive C and Access Drive D, as generally depicted on this Technical Data Sheet, shall have frontage on those internal access roads to which the buildings relate with no parking between such internal access roads and such buildings, except for on-street parallel and diagonal parking.
- 6. Buildings constructed in Building/Parking Envelope A, buildings constructed in Building/Parking Envelope B that have frontage along Access Drive A and that portion of the buildings located within Building/Parking Envelope D that have frontage along the "piazza circle" formed by the intersection of Access Drive B, Access Drive D, will have door(s) and windows facing Access Drive A and the "piazza circle", as applicable.
- The streetwall of all above grade Internal marking clocks shall be treated in such a ritanifier as to partially screen street level and higher floors roust be recessed at least 20 feet from the setback of the first and second floors as fillustrated in Figure 12.212(c) of the Ordinance.
- 8. A minimum 9 foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7 foot clearance throughout the remainder of the parking deck to ensure the safe movement of vehicles and emergency vehicles.
- 9. All below grade decks shall comply with Section 12.213 of the Ordinance.

### Storm Water Management

- 1. Storm water runoff from the Site will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte
- 2. No storm water detention shall be allowed within the setback along Park Road and Glen Eagles Road.
- 3. All disturbance to existing trees within the reduced Class B buffer along the easterly property line as a result of the construction of the water quality pond shall be mitigated as per the City of Charlotte Tree Ordinance.

<u>Transportation Commitments</u>

Transportation with devalonment of the Site in accordance with this Petition:

### 1. Park Road / Access Drive A

- Construct entrance and exit lanes onto Access Drive A to provide right-in and right-out accessibility to Park Road.
- 2. Glen Eagles Road / Access Drive B (referred to as Access "C" in the Traffic Impact Study prepared by Kubilins Transportation Group, Inc. dated March, 2001). Construct entrance and exit lanes on Access Drive B to provide right-in and right-out accessibility to Glen Eagles Road.
- Glen Eagles Road / Access Drive C (referred to as Access Drive "B" in the Traffic Impact Study)
- Construct exit lanes on Access Drive C to include a right-turn lane with 100 feet of storage and a thru lane that terminates as a "left-turn only" lane.
- Park Road / Glen Eagles Road / Sharon Road West.
- Construct an additional westbound left turn land on Glen Eagles Road with 440 feet of total combined storage and a 15:1 bay taper. It is anticipated that this lane can be developed within the existing median.
- Provide for a minimum of 150 feet of internal channelization (measured from the right-of-way) at the entrances to the Site from Park Road and Glen Eagles Road.
- Petitioner agrees to cooperate with this Charlotte Department of Transportation lin connection with the timing of construction of the above described 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 Traffic Impact Study.

# Sidewalks and Internal Streets.

- 1. Petitioner shall install a 8 foot wide sidewalk with a minimum 8 foot wide planting strip along the Site's frontage on Park Road and Gien Eagles Road, and 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 set back area.
- 2. As more conceptually depicted on the 3etiematic 3tte Plan; the Petitioner shall-install-internal sidewalks an the Site that will provide pedestrian connections between the various buildings located thereon and to the sidewalks installed along Rark Pload and Glen Eagles Road. and Gien Eagles Hoad.

  3. Except where necessary to accommodate significant design and architectural elements associated with the "plazza circle" formed by the intersection of Access Drive A, Access Drive C and Access Drive D and with other courtyard and motor court/viglet
- parking areas that may be located on the Site, internal streets located on the Site shall be designed to have street trees at an average separation of 40 feet off-of-center and sidewalks a minimum of 8 feet in width provided that any deviation from the midirature 8 feet sidewalk width shall relate to pedestrian walk-areas of an appropriate width included as part of the above described significent design features.

Amendments to Rezoning Plan

1. 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.

1. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under title-Technical Data Sheet will, unless arrapped 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.

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