

Technical Data Sheet 1"=200'

See Technical Data Sheet notes attached to and submitted herewith as part of the rezoning package.

1,605 Units of Housing*

Proposed Area Maximums Office: 1,360,000 sf Retail: 347,500 sf Theatre: 65,000 sf Hotels: 425 rooms Residential: 1,605 Units of Housing

1,605 Units of Housing is the maximum for

- Grading permit in accordance with Chapter 18 of the City Code.
- Driveway permits in accordance with the Charlotte Driveway Regulations.
- Development must conform to the Surface Water Improvement Management Plan (SWIM) and Stream Buffer Implementation Guidelines of November 1999.
- Encroachment agreement for improvements within the South Tryon Street right of way, a North Carolina Department of Transportation maintained roadway. Site will comply with Chapter 21 Section 45 of the Charlotte City Code. Trees 8 inches diameter breast
- height that are located in the setback will be shown on the grading and/or site plan with tree protection details and notes. These trees cannot be removed without a permit from the Urban Forestry Staff. Site will comply with Chapter 21 of the Charlotte City Code. The plans should include a note "Proposed planting shown is conceptual only and will be subject to change on actual site conditions and Urban Forestry Staff approval."
- The number and types of trees required for this site will be determined by the Urban Forestry Staff during
- Existing trees that are damaged or impacted by construction may require mitigation and/or monetary fines.

Proposed and Existing Overall Site Data for Villages

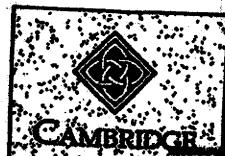
I-485 Retail / Mixed Use Village (Areas A, B, C, D)

Office / Mixed Use Village (Parcel E)

No Change to Zoning (existing MUDD Zone)
[see Petition Number 00-146]

Westinghouse Retail / Mixed Use Village

No Change to Zoning (existing CC Zone)
[see Petition Number 00-146]



FOR PUBLIC HEARING

Petition Number 2001 – 132

New Urban Mixed Use Community

CHARLOTTE, NORTH CAROLINA

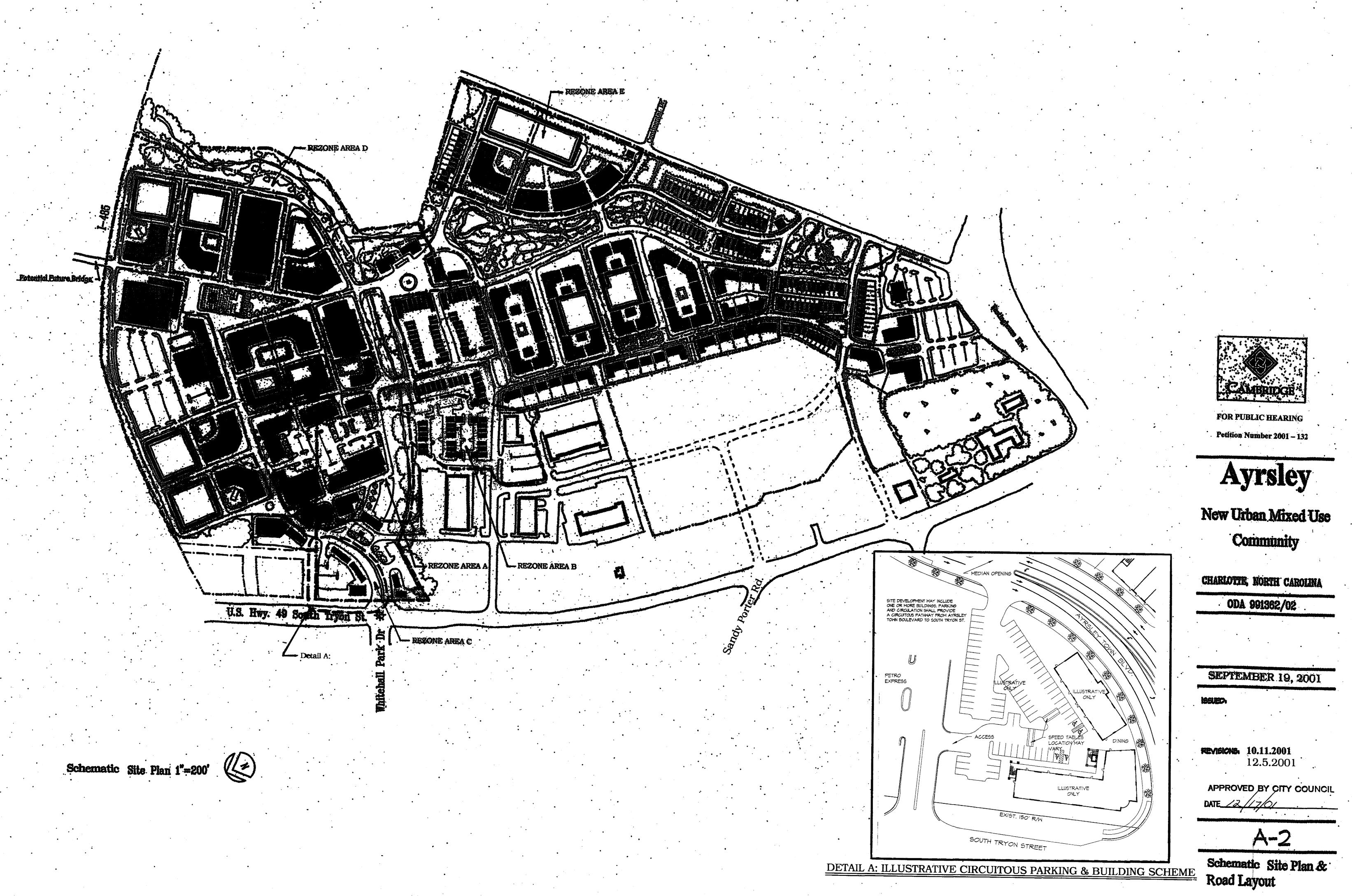
ODA 991362/02

SEPTEMBER 19, 2001

REVISIONS: 10.11.2001 12.5.2001

APPROVED BY CITY COUNCIL

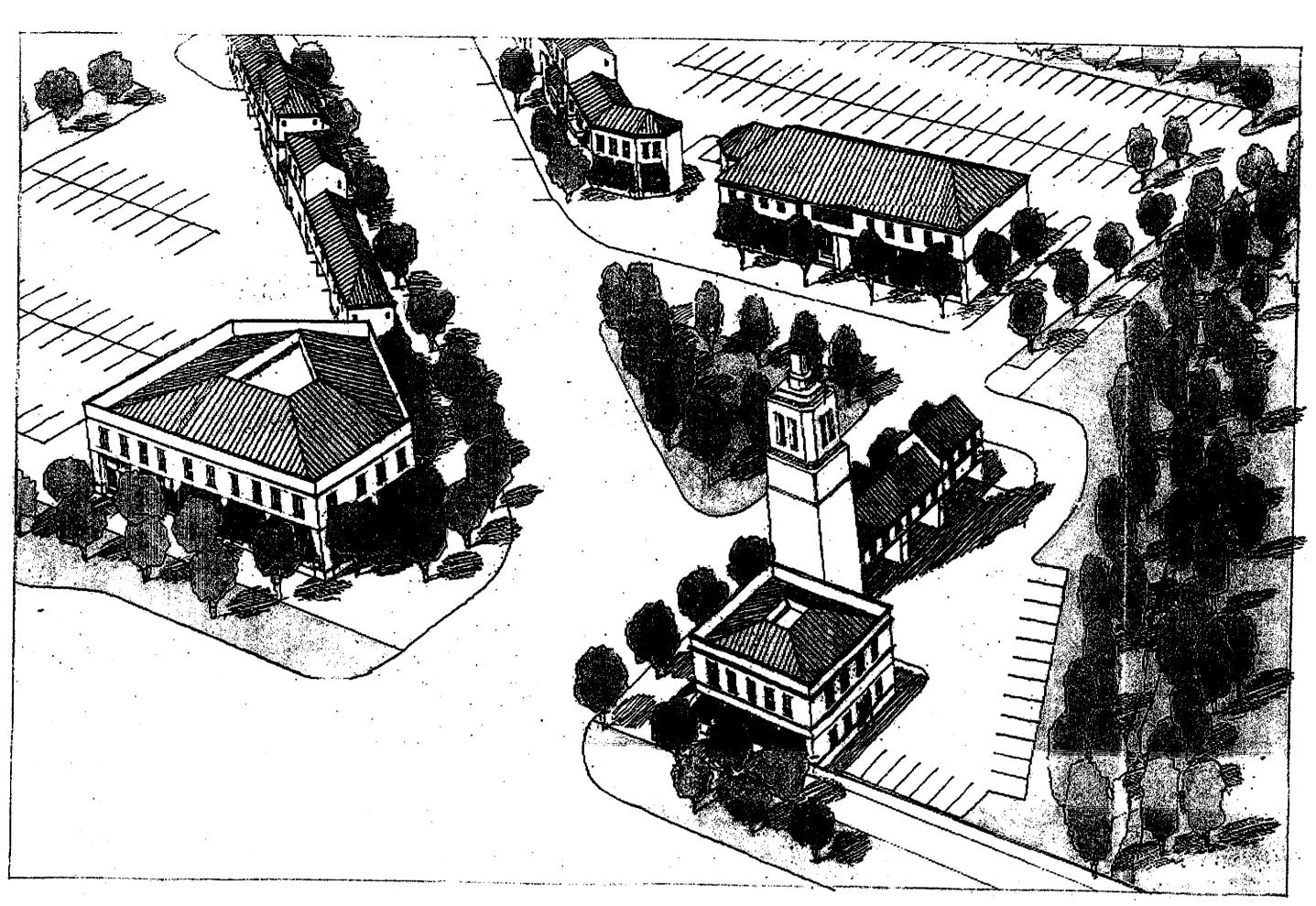
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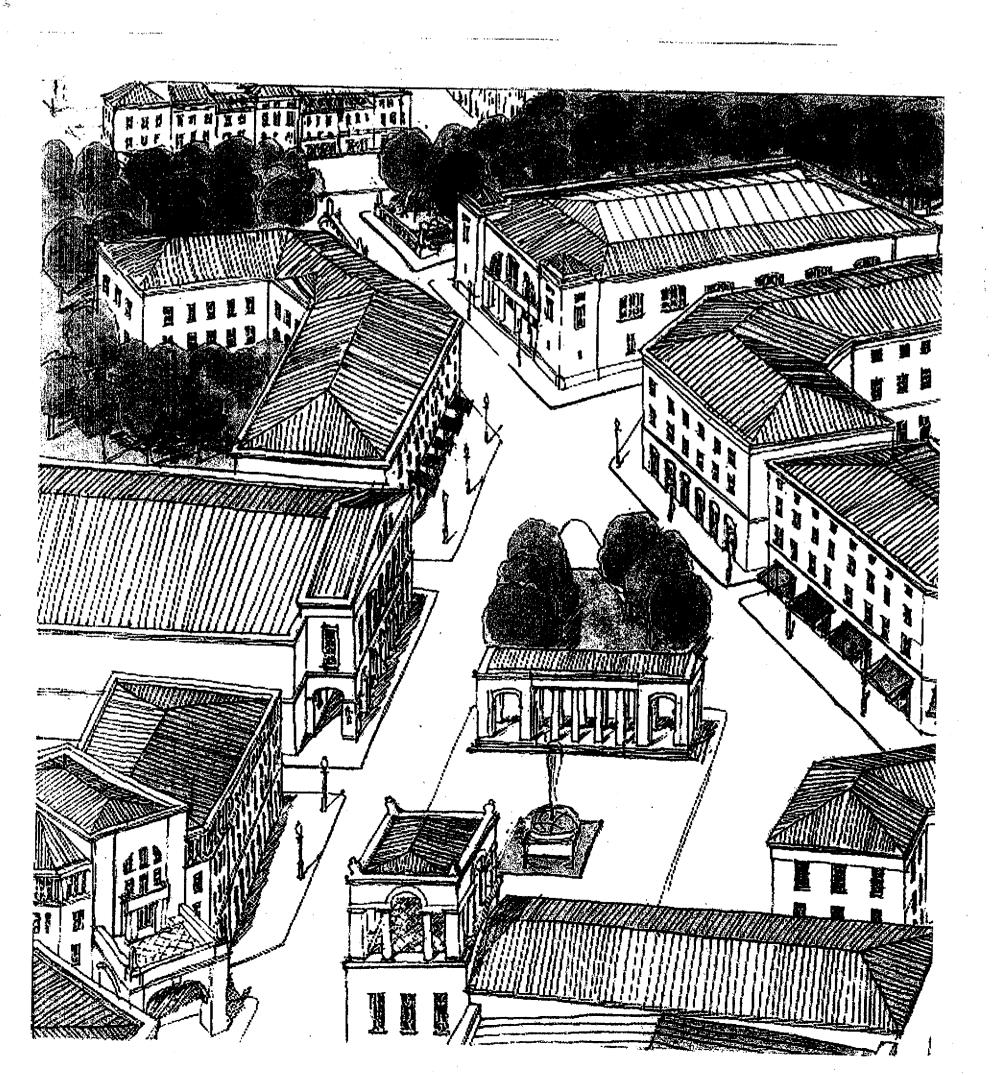




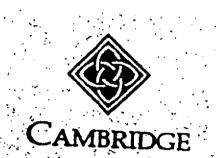
Typical Mixed Use Development



View of entry from South Tryon



View of Town Square



FOR PUBLIC HEARING
Petition Number 00-146

Ayrsley

New Urban Mixed Use Community

CHARLOTTE, NORTH CAROLINA

ODA 991362/02

OCTOBER 9, 2000

ISSUED:

REVISIONS:

Revised 11/20/00

APPROVED BY CITY COUNCIL

A-3

Streetscape / Massing Studies

Ayrsley
Technical Data Sheet Notes
for Rezoning Petition \$2001-152
Regarding Expanded and Reclassified 1-485 Retail Mixed Use Village and
Reclassified Office Mixed Use Village
December 7, 2001

These Technical Data Sheet Notes form a part of the Technical Data Sheet for Rezoning Petition #2001-152 submitted by Thomas Henson on behalf of BX Holdings, LLC, BY Holdings, LLC and BM Holdings, LLC (the "Technical Data Sheet") in connection with the reclassification of the 1-465 Retail Mixed Use Village and this Office Mixed Use Village from Commercial Center (CC) District to Mixed Use Development District - Optional (MDD-0) and the addition of certain parcels containing 5.155 acres (Rezoning Area A), \$550 acres (Rezoning Area B) and 4.461 acres (Rezoning Area C) respectively as part of the 1-465 Retail Mixed Use Village.

IT IS UNDERSTOOD THAT AS TO 1-465 RETAIL MIXED USED VILLAGE (AS DESCRIBED BELOW) AND THE OFFICE MIXED USE VILLAGE, THIS REZONING PETITION #2001-152 AND THESE TECHNICAL DATA SHEET NOTES SUPERCEDE ALL PRIOR REZONING PETITIONS INCLUDING REZONING PETITION #2000-146.

IT IS FURTHER UNDERSTOOD THAT THE RESIDENTIAL MIXED USE VILLAGE AND THE WESTINGHOUSE RETAIL MIXED USE VILLAGE ARE SHOWN ON THE TECHNICAL DATA SHEET FOR EASE OF REFERENCE ONLY AND SAID RESIDENTIAL MIXED USE VILLAGE AND THE WESTINGHOUSE RETAIL MIXED USE VILLAGE ARE NOT GOVERNED BY THIS REZONING PETITION BUT INSTEAD ARE GOVERNED BY REZONING PETITION #2000-146, INCLUDING WITHOUT LIMITATION THE TECHNICAL DATA SHEET NOTES SUBMITTED IN CONNECTION THEREWITH. REFERENCE SHOULD BE MADE TO REZONING PETITION #2000-146 WITH RESPECT TO THE RESIDENTIAL MIXED USE VILLAGE AND THE WESTINGHOUSE RETAIL MIXED USE VILLAGE.

Reference to the Technical Data Sheet herein shall include these Technical Data Sheet Notes. Development of the portion of the property identified on the Technical Data Sheet as the 1-485 Retail Mixed Use Village and the Office Mixed Use Village and the individual components to be located thereon will be governed by the conditions of the Technical Data Sheet (including these Technical Data Sheet Notes) and those plans and drawings incorporated therein by reference and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").

As stated the Ayrsian project consists of the following four (4) Interconnected "villages" - (1) the I-405 Retail Mixed Use Village as described in Section 1 below, (II) the Mestinghouse Retail Mixed Use Village as described in Section 1 below, (III) the Office Mixed Use Village as described in Section 2 below, and (IV) the Residential Mixed Use Village as described in Section 3 below (each a "Village" and collectively the "Community" or the "Site"). Each of the Villages are more particularly shown on the Technical Data Sheet, PROVIDED, HONEVER, AS STATED ABOVE DEVELOPMENT OF THE RESIDENTIAL MIXED USE VILLAGE AND THE WESTINGHOUSE RETAIL MIXED USE VILLAGE REMAIN GOVERNED BY REZONING PETITION #2000-146.

Section I. Retail Mound Use Village

The Community shall include two (2) Retail Mixed Use Villages as generally depicted on the Technical Data Sheet (the "Retail Mixed Use Villages"): (i) the 1-425 Retail Mixed Use Village portion of the Community encompasses on area of approximately 74.415 acres generally located between interstate 425 on the northwest, Highway 44 (South Tryon Street) on the northwest, and the existing creek to the east and south as generally depicted on the Technical Data Sheet and consisting of new Rezoning Areas A, B and C and emitting Rezoning Area D (the "1-425 Retail Mixed Use Village"), and (II) the Mestinghouse Retail Mixed Use Village portion of the Community encompasses an area of approximately 6.225 acres generally located off of Westinghouse Boulevard along the southeastern boundary of the Community as generally depicted on the Technical Data Sheet (the "Westinghouse Retail Mixed Use Village"). It being understood that specific development features of the Westinghouse Retail Mixed Use Village are governed by Rezoning Petition #2000-146.

(a) The 1-425 Retail Missed Use Village may be developed for any uses (including accessory uses) which are permitted by right or under prescribed conditions under the Ordinance for the Mixed Use Development District Optional (MUDD-O) in accordance with the standards of that district, the restrictions set forth in the Technical Data Sheet and the MUDD-Optional provisions set forth in Section 5 below. The demonstrated of the 1-425 Retail Mixed Use Village shall be further governed by the General Standards set Forth in Section 4 hereof.

(b) The total floor area salich may be developed within the 1-405 Retail Mixed Use Village (excluding hotel uses) may not exceed 1,522,500 st; in addition, the 1-405 Retail Mixed Use Village may include up to 425 hotel rooms. The total floor area which may be developed within the Mestinghouse Retail Mixed Use Village may not exceed 277,500.

(c) Residential units and effice square footage may be incorporated into each of the Retail Mixed Use Villages so long as the maximum aggregate number of residential units for the entire Community does not exceed i605 cheeting units or the maximum amount of office square footage for the entire Community does not exceed 1,450,000 sf. (subject to adjustment in accordance with Section 4(b) below).

(d) Hotels may be incorporated into the I-485 Retail Mixed Use Village so long as the total number of rooms for hotels on the entire Site does not exceed 425 (subject to adjustment up to a maximum of 450 rooms in accordance with Section 4(b) below).

(e) Buildings that front along parties of the public or private roads located within the i-455 Retail ited on the Technical Data Sheet Hill adhere to the general schemat streetscape making dealign illustrated on the Streetscape/Massing Studies set forth as Sheet A-3 and incorporated herein by reference. It is understood that the libustrations set forth as Sheet A-5 to this Technical Data Sheet are for the purpose of setting forth the general orientation of the buildings and streets one to the other and the general concept and image thereof but are not intended to represent the actual final building locations or architectural design, it being understood that the buildings shall exiliers to the architectural standards developed for the Community in accordance with Section 4(a), including without limitation the Preliminary Architectural Standards referenced therein. The public or private roads located within the 1-485 Retail Mixed Use Village as depicted on the Technical Data Sheet shall be located in a modified grid system substantially in the manner likestrated on the Sichematic Site Plan and Road Layout set forth as Sheet A-2 and incorporated herein by reflerence; provided, however, Petitioner shall be entitled to modify the final location of the public or private roads on the Site in connection with final site and building design and development during the marketing, development and construction phases of the project, subject to the reasonable approval and consent of the Planning Department, and the Charlotte Department of Transportation with respect to material changes. The provisions of this Section I(e) are not intended to limit the provisions of Mart 8.5 of the Ordinance regarding development standards and review by the Planning Department in connection with development in a Mixed Use Development District-Optional

Section 2. Office Missed Use Village

The Office Mixed Use Village portion of the Community encompasses on area of approximately !!.!9 acres and is generally busineed on the north by the common boundary with property owned by frologis, on the east by Fleneer Avenue and on the west and south by the existing creek and the Residential Village, as generally depicted on the Technical Data Sheet.

(a) The Office Mixed Use Village may be developed for any use (together with permitted accessory uses) which are permitted by right or under prescribed conditions under the Mixed Use Development District - Optional (MUDD-O) and may also be used for such support retail and restaurant uses as described in Section 2(d) below, in accordance with the standards of that district, the restrictions set forth in the Technical Dales Sheet and the MUDD-Optional provisions set forth in Section 5 below...
The development of the Office Mixed Use Village shall be further governed by the General Standards set forth in Section 4 hereof.

(b) The total floor area for buildings located in the Office Mixed Use Village may not exceed 450,000 sf. of office/retail uses and may include up to 180 residential units.

(c) Residential units may be incorporated into the buildings on the Office Mixed Use Village as long as the maximum number of residential units for the entire Site does not exceed 1,605 dwelling units.

(d) Support retail (including without limitation restaurants) may be incorporated as a mixed use component in the Office Placed Use Village so long as such uses are limited to the ground floor only and so long as the maximum square footage of retail for the entre Site does not exceed 341,500

(e) Buildings that front along those parties of the public or private roads located within the Office Mixed Use Village as depicted on the Technical Data Sheet shall adhere to the general schematic streetscape massing dealign illustrated on the Streetscape/Massing Studies set forth as Sheet A-3 and incorporated herein in reference. It is understood that the Illiustrations set forth as Sheet A-3 to this Technical Data Short are for the purpose of setting forth the general orientation of the buildings and streets one to the other and the general concept and image thereof but are not intended to represent the actual final building locations or architectural design, it being understood that the buildings shall authors to the architectural standards developed for the Community in accordance with Section 4(a), including without limitation the Preliminary Architectural Standards referenced therein. The public or private roads located within the Office Mixed Use Village as depicted on the Technical Data Sheet shall be located in a modified grid system substantially in the manner Illustrated on the Schematic Site Plan and Road Layout set forth as Sheet A-2 and incorporated herein by reference; provided, however, Petitioner shall be entitled to modify the Final location of the public or private roads on the Site in connection with final site and building design and development during the marketing, development and construction phases of the project, subject to the reasonable approval and consent of the Planning Department and the Charlotte Department of Transportation with respect to any material changes. The provisions of this Section 2(s) are not intended to limit the previsions of Part 8.5 of the Ordinance regarding development standards and review by the Planning Department in connection with development in a Mixed Use Development District-Optional (MUDD-01).

(f) Office Mixed Use Village land can be substituted for Residential Village land, and vice-versa, as long as the Residential Village acreage does not exceed 55 acres and the Office Mixed Use Village

Section 3. Residential Mixed Use Village [NOTE: Residential Mixed Use Village is governed by Petition #2000-146]

The Residential Mixed Use Village encompasses an area of 48.9 acres, more or less, and is generally located south and west of the Office Mixed Use Village to Ploneer Avenue, as generally depicted on the Technical Data Sheet.

(a) The Residential Village may be developed for any use (including any accessory use) which is permitted by right or under prescribed conditions in the Mixed Use Development District (MUDD), in accordance with the standards of that district and the restrictions set forth in the technical Data Sheet. The development of the Residential Mixed Use Village shall be further governed by the General Standards set forth in Section 4 hereof.

(b) The total number of dwelling units which may be constructed within the Residential Mixed Use Village may not exceed 1,605. Office and retail uses may be allowed on the ground floor of residential buildings within the Residential Mixed Use Village so long as the maximum mixed use square footage of office for the Site does not exceed 1,430,000 s.f. and the maximum square footage of retail on the Site does not exceed 347,500 s.f.

(c) A variety of housing types and densities may be developed within the Residential Mixed Use Village.

(d) Residential Mixed Use Village land may be substituted for land within the Mixed Use Office Village, and vice-versa, as long as the total area of the Residential Mixed Use Village does not exceed 55 acres and the total area of the Office Mixed Use Village does not exceed 12 acres.

(a) Buildings that front along those portions of the public or private roads located within the Residential Mixed Use Village as depicted on the Technical Data Sheet shall adhere to the general schematic streetscape massing design illustrated on the Streetscape/Massing Studies set forth as Sheet A-3 and incorporated here in by reference. It is understood that the illustrations set forth as Sheet A-3 to this Technical Data Sheet are for the purpose of setting forth the general orientation of the buildings and streets one to the other and the general concept and image thereof but are not intended to represent the actual final building locations or architectural design, it being understood that the buildings shall adhere to the architectural standards developed for the Community in accordance with Section 4(a), including without limitation the Preliminary Architectural Standards referenced therein. The public or private roads located within the Residential Mixed Use Village as depicted on the Technical Data Sheet shall be located in a modified grid system substantially in the manner illustrated on the Schematic Site Plan and Road Layout set forth as Sheet A-2 and incorporated herein by reference; provided, however, Petitioner shall be entitled to modify the final location of the public or private roads on the Site in connection with final site and building design and development during the marketing, development and construction phases of the project, subject to the reasonable approval and consent of the Planning Director and the Charlotte Department of Transportation with respect to any material changes. The provisions of this Section 3(e) are not intended to limit the provisions of Part 8.5 of the Ordinance regarding development standards and review by the Planning Department in connection with development in Mixed Use Development Districts

Section 4. General Development Standards

The following general development standards shall apply to the development (the "Development") of the Community in addition to those restrictions set forth in Sections 1, 2 and 3 above [NOTE: specific development features of the Residential Mixed Use Village and Mestinghouse Retail Mixed Use Village shall be governed by Rezoning Petition #2000-146]:

(a) This Development is intended to enable the development of a mixed use community composed of office, retail, multi-family, hotel, theatre, institutional and service uses. All Development will adhere to the restrictions and provisions contained in the Ordinance, including permitted uses, prescribed uses, accessory uses, setbacks, height and area restrictions, screening, parking, signage, landscaping, etc., and in Sections 1, 2, 3, 4 and 5 of the Technical Data Sheet. The Development depicted on the Schematic Site Plan and Road Lay-out attached as Sheet A-2 is merely schematic in nature and is intended only to describe the possible arrangement of uses on the Site. The exact details of configuration, placement and size of the individual site elements (including without limitation roads, buildings, parking areas, driveways, etc.) shall be established during the design, development and construction phases and shall be governed by the requirements of the Ordinance and the Technical Data Sheet (including without limitation the maximums for floor area, rooms and units set forth herein).

(b) The Petitioner will not exceed the overall maximum square footage and unit/room calculations for each Proposed lise Type shown on the legend for the Technical Data Sheet but can adjust the percentages for any individual mixed use building, and for each Village in the manner described in the Technical Data Sheet Notes to accommodate development, design, leasing and market demand. The Petitioner may place retall and residential uses within buildings contemplated for office use in order to further the mixed use nature of the site. Retail floor area located within office buildings will not be counted toward the overall allowed retail floor area for the Community as long as the accessory/support retail in the office building does not exceed 20% of the total building area. The maximum number of hotel rooms of 425 shown in the legend for the Technical Data Sheet may be increased to a total of 450 rooms provided that there is a reduction in either (1) the total square feet of office space in the Community at the rate of 300 square feet per room, (ii) the total square footage of theatre space in the Community at the rate of IOO square feet per room, or (III) the office space or theatre space based on some combination of (1) and (11). Office square footage on the Site may be substituted for (x) hotel square footage at the rate of one room for 300 square feet, and (w) for retail or theatre square footage at a one square foot to one square foot rate, and the maximum square footage of office space on the Site shown on the legend to the Technical Data Sheet may be increased accordingly.

(c) No individual tenant or owner shall occupy a single building or space for retail use of greater than 60,000 square feet. Retail use shall not be deemed to include entertainment uses.

(d) Notwithstanding any other provisions of the Technical Data Sheet to the contrary, except as set forth in the next sentence with respect to the Westinghouse Retail Mixed Use Village, no fast food restaurants with drive-through windows or gas station/convenient stores will be allowed on the Site. The Westinghouse Retail Mixed Use Village may include up to one (1) gas station/convenience store. Furthermore, any other drive through windows serving as an accessory use on the Site shall not face a public right-of-way.

(e) Height increases allowed in the CC District and the MIDD District, as applicable, will be calculated from external boundary lines of the overall Community.

(f) The Community will have 2 transit stops in locations as may be subject to the reasonable approval of the Planning Department and the Transit Director. The transit stops will be incorporated as the adjacent buildings are developed. The transit stops will incorporate a bus shelter (in keeping with the development design and image) and a loading area to accommodate the Charlotte Area Transit System buses. Specifics of the design of the transit stops will be coordinated and developed with the City Department of Transportation and Charlotte Transit. The Petitioner shall construct, at its expense, the transit shelters associated with the two transit stops referenced on the Technical Data Sheet. The size of such transit shelters shall be appropriate for the level of bus service contemplated for the Community. Benches, blke racks, and sidewalks are planned to provide connectivity to the residential and commercial areas adjacent to these transit stops.

(g) Any public streets on the Site will be constructed in accordance with Charlotte Department of Transportation Standards and, except with respect to the primary entrance road across from Whitehall Park Drive as shown on the Technical Data Sheet, will be designed to accommodate on-street parking. Final right of way width for all public streets on the Site will be coordinated with the Charlotte Department of Transportation.

(h) Interior setbacks along any public streets on the Site may be reduced per Section 11.405(7) of the Ordinances.

(i) A coordinated streetscape tree planting plan consistent with the Architectural Standards (as defined below) and the schematic streetscape massing design illustrated on the Streetscape/Massing Studies set forth as Sheet A-3 will be developed for the entire Site prior to approval of any construction decrease.

(j) internal sidewalks from buildings not fronting directly on public streets shall connect to the sidewalks system along public streets substantially in the manner shown on the Technical Data Sheet.

(k) Parking shall be provided which will meet or exceed the standards of the Ordinance. Where parking is not located behind buildings, screening shall be provided at the lot line by landscaping or decorative walks or fonces.

(i) In mixed use areas, shared parking may be allowed at the discretion of the Zoning Administrator. Parking decks and underground parking will be allowed. If parking decks are adjacent to the major public streets identified as street numbers AV 90-60, CS 52-58, ST 58-34, PK 51-27 and 50, 43-19 on the Technical Data Sheet, the decks will be designed with first floor commercial uses and the "deck edge" will be designed in a manner consistent with the Community design and image.

(m) Except as permitted by the MUDD - Optional provisions set forth in Section 5 below for the 1-465 Retail Mixed Use Village and the Office Mixed Use Village and except as set forth on the Technical Data Sheet, signage will meet or exceed the requirements as outlined in the Ordinance, and detached signs along internal public streets will be limited to 4 feet in height and a maximum area of 50 square feet. Detached signs shall otherwise by subject to review by the Architectural Review Board described below with respect to uniformity of image, materials and character in keeping with the Architectural Standards.

(n) A Master Storm Water Management Concept Plan shall be developed and approved prior to the approval of any construction documents. Storm water runoff from the Site will be managed through a variety of proven techniques which at a minimum satisfy the standards imposed by the Charlotte/Mecklenburg Engineering Dept. No detention ponds will be located within setback or buffer areas. Petitioner agrees to ensure compliance with the SiMIM buffer regulations and applicable state and Federal regulations regarding storm water.

(a) Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance. All dumpsters on the Site will be screened with a solid enclosure with gates.

(p) All freestanding lighting fixtures (excluding public streetlights) installed will be uniform in design. Petitioner agrees to install pedestrian scale lighting along internal and external public and private streets shown on the Technical Data Sheet. The maximum height of any freestanding lighting fixture (excluding public street lights), including the base, shall not exceed 30' in the commercial mixed use areas, or exceed 20' in the non-mixed use residential areas.

(a) The Petitioner agrees to establish an Architectural Review Board to review designs of all buildings proposed for the Community. The architectural standards developed for the Community will address allowed materials and construction systems, signage design requirements, image, masking guidelines, colors allowed, and approved landscaping materials. The proposed buildings will be generally in keeping with the concept and image illustrated on Sheet A-3 incorporated herein by reference. Furthermore, reference is made to those certain preliminary architectural standards developed by Duany Plater-Zyberk & Company dated as of December 7, 2000 (the "Preliminary Architectural Standards"), a copy of which are attached to and incorporated into these Technical Data Sheet. Notes. The Petitioner agrees that except as otherwise modified in connection with the subdivision approval of portions or all of the Development the proposed buildings will comply in all material respects with the Preliminary Architectural Standards. It is understood and agreed that changes to the Preliminary Architectural Standards may be made by the Petitioner provided that the general concepts and requirements of the Preliminary Architectural Standards shall not be materially altered in a manner that could result in a materially diminished quality of construction or design of the proposed buildings. Petitioner shall cause a letter from the Architectural Review Board approving a proposed building to be submitted to the Charlotte-Mecklenburg Building Standards Department in connection with each request for a building permit.

(r) (1) Subject to applicable engineering approvals, Petitioner agrees to construct the following roads to provide access to the Site: (1) the access road at the intersection of Highway 49 across from Whitehall Park Drive as depicted on the Technical Data Sheet to be called Aursley Town Boulevard (the "whitehall Drive Connection") or in the alternative on access road at the intersection of Highway 49 across from Whitehall Park Drive in a location and design acceptable to the Planning Department and Charlotte Department of Transportation (the "Alternative Whitehall Drive Connection"); (ii) the access road connecting the intersection of Combridge Beltway Drive and Highway 44 with the 5ite as depicted on the Technical Data Sheet (the "Cambridge Beltway Drive Connection"); (III) the access road connecting the Site with Mestinghouse Boulevard as depicted on the Technical Data Sheet (the "Westinghouse Boulevard Connection"), and (iv) a minimum of two (2) internal access roads connecting the Site to Ploneer Drive with one such access to be located within 500 feet of the Planear Drive/Westinghouse Boulevard Intersection as depicted on the Technical Data Sheet (the "Pioneer Drive/Westinghouse Connection") and the other such access to be located either In the location shown as Pioneer Connection Alternative A or Pioneer Connection Alternative B as depicted on the Technical Data Sheet (the "Pioneer Drive Alternative Connections; together with the Pioneer Drive/Nestinghouse Connection referred to as the "Pioneer Drive Connections"); it being understood that such roadway improvements relate to those specified as the Developer's responsibilities by the Traffic information Study prepared by Kubilins Transportation Group, inc. dated as February 26, 2000 (the "2/26/00 TIS"), as supplemented by Executive Summary dated as of March, 2000 (the "5/00 Executive Summary") and as further supplemented by phasing summary letter dated as of December II, 2001 (the "12/11/01 Phasing Summary" and collectively with the 2/28/00 TIS and the 5/00 Executive Summary referred to as the "TIS"). It is understood that any other roads or streets, not described in items (i) through (iv) above, that provide access to and from the Site or adjoining properties from and to Highway 44, Ploneer Drive or Westinghouse Boulevard shown on any portion of the Site Plan are for illustrative purposes and are not required to be completed as part

(2) Petitioner and/or its affiliate is the current owner of Cambridge Business Park located to the southwest of the Site along NC Hwy 49. The Petitioner has agreed to extend Cambridge Beltimary Drive from NC Hwy 49 to the Site in the manner shown on the Site Plan. Furthermore, if additional roads are extended within Cambridge Business Park to a point parallel to NC Hwy 49 in the general vicinity of Sandy Porter Drive, the Petitioner shall reserve or cause its affiliates to reserve an area 60 feet in width across a portion of the Cambridge Business Park property in a manner that would permit a possible right of way connection to Sandy Porter Road at its intersection with NC Hwy 49, to the extent that such a connection with Sandy Porter Drive is accomplished within five (5) years from the date of approval of this Petition. Except for its agreement to reserve the 60 foot right of way portion as described above, the Petitioner shall have no obligations or responsibilities to pursue the ultimate connection with Sandy Porter Drive.

(5) Reference is made to that certain Schematic Circuitous Parking Scheme set forth as Detail A on the Technical Data Sheet regarding access to that certain parcel located at the intersection of proposed Ayrsiey Town Boulevard and Highway 49 (South Tryon Street) (the "South Tryon Corner Parcel"). Petitioner agrees that (1) the point of access from the South Tryon Corner Parcel to Ayrsiey Town Boulevard and to the driveway that intersects with Highway 49 (South Tryon Street) across from the existing Petro Express shall be located in substantially the same manner as depicted on Detail A and (11) the driveway and parking design for the South Tryon Corner Parcel shall ensure a circuitous connection from the access points described in Item (1) above to avoid straight line access to and from such access points. It is understood that the driveway/parking areas and building locations shown on Detail A are an example of an acceptable circuitous design as described above, but the exact details of configuration, placement and size of the driveway/parking areas and buildings on the South Tryon Corner Parcel shall be established during design, development and construction phases. Without limiting the foregoing, the South Tryon Corner Parcel may be developed for a single user or multiple users in a single building or multiple buildings provided that the access points and circuitous driveway/parking areas requirements described above are satisfied in a manner reasonably acceptable to CDOT.

(4) Except as set forth below in this paragraph, the Community shall be developed in certain phases tied to the completion of certain roadinay improvements as described below such that no final certificates of occupancy will be issued with respect to improvements to be located within the 1-425 Retail Mixed Use Village, the Office Mixed Use Village and the Residential Mixed Use Village unless and until the roadinay improvements described below in items I.A., I.B., II. and IV. have been completed in connection with the following described development in the specified amounts (together with associated parking and accessory uses):

I.A. Phase I.A. Improvements: completion of the on-site improvements to provide a connection from the Site to Whitehall Park Drive as shown in Figure C to the 12/11/01 Phasing Summary will permit the following development:

TS,000 square feet of retail space, plus
50,000 square feet of office space, plus

I.B. Fhase IB. Improvements: completion of (1) the improvements described in item I.A. above, (11) an additional southbound left-turn lane on Highway 49 at Whitehail Park Drive into the Site, (iii) an additional northbound through-lane on Highway 49 from Aursley Town Boulevard to I-485, and (iv) remarking of the existing pavement on Whitehail Park Drive to provide an exclusive left-turn lane (to the extent feasible within existing pavement width), all as shown in Figure D to the 12/11/01 Phasing Summary, will permit the following development in addition to the development permitted in item I.A. above will result in permitted development for all Phase I.A. and I.B. Improvements as shown in the [1] below):

100,000 square feet of retail space (for total Phase I.A. and I.B. retail space of 175,000 square feet), plus
 100,000 square feet of office space (for total Phase I.A. and I.B. office space of 150,000 square feet), plus

200 hotel rooms [for total Phase I.A. and I.B. hotel rooms of 200] pius
50 residential dwelling units [for total Phase I.A and I.B residential units of 400];

II. Phase II Improvements: completion of (i) the improvements described in items (A. and I.B. above, (ii) a right-in/right-out connection to Highway 49 at the Cambridge Beltway Drive Connection (i.e., south of the full access location at Whitehall Park Drive) as shown as Access "B" on Figure E to the 12/11/01 Phasing Summary), (iii) the improvements associated with either the Pioneer Drive Alternative A Connection or the Pioneer Drive Alternative B Connection as shown on Figure E to the 12/11/01 Phasing Summary and (iv) the addition of an eastbound right turn lane on that portion of Whitehall Park Drive opposite Highway 49 from the Site as shown on Figure E to the 12/11/01 Phasing Summary (subject, however, to the provisions of paragraph (5) of this Section 4(r)) will permit the following development in addition to the development permitted by Items I.A. and I.B. above:

• An amount of additional retail, office and residential development, which when added to the development completed in connection with the Phase I.A. and I.B. improvements described in Items I.A. and I.B. above, would result in entering and exiting traffic to and from the Site in amounts not to exceed the Entering Traffic Threshold of 990 and the Exiting Traffic Threshold of 900 based on the following formula:

- Entering Traffic Threshold

[(_____000 s.f. of Office) x .22] +

[(_____000 s.f. of Retail) x 1.77] +

[(_____Residential Units x .64] shall result in an Entering Traffic Threshold of < 940; and

- Exiting Traffic Threshold

[(____000 s.f. of Office) x 1.08] +

(______000 s.f. of Retail) x 1.91) + (_____000 s.f. of Retail) x 1.91) + (_____ Residential Units x 23) shall result in an Exiting Traffic Threshold of < 980.

 In addition to the development in the immediately preceding bullet (*), 65,000 square feet of theatre space and an additional 225 hotel rooms (for full buildout of 425 hotel rooms) may be permitted;
 provided, however, it is understood that a minimum of 400 residential units must be developed prior

to ar contemporaneously with the development described in this Fhase II, said development to be evidenced by certificates of occupancy for the buildings (but not individual units) required to provide such units.

ill. Phase III Improvements: completion of (i) the improvements described in items I.A., I.B. and II. above, (ii) the addition of a northbound right-turn lane on Highway 44 into the Site as shown on Figure F to the I2/II/OI Phasing Summary, and (III) the improvements to the I-465 ramps as shown in Figure F to the I2/II/OI Phasing Summary, will permit the following development in addition to the development permitted by items i.A., I.B., and III. above:

• An amount of additional retail, office and residential development, which when added to the development completed in connection with the Phase I.A., I.B. and II. Improvements described in items I.A., I.B. and II above, would result in entering and exiting traffic to and from the Site in amounts not to exceed the Entering Traffic Threshold of 1,500 and the Exiting Traffic Threshold of 1,750 based on the following formula:

- Entering Traffic Threshold [(____000 s.f. of Office) x 22] + [(____000 s.f. of Retail) x 1.71] +

Residential Units x 69] shall result in an Entering Traffic Threshold of < 1,510; and

- Exiting Traffic Threshold {(____000 s.f. of Office) x i.08] + [(___000 s.f. of Retail) x i.9i] +

Residential Units × 23] shall result in an Exiting Traffic Threshold of < 1,750;

provided, however, it is understood that a minimum of 800 residential units must be developed prior to ar contemporaneously with the development described in this Phase III, said development to be evidenced by the issuance of certificates of occupancy for the buildings (but not individual units) required to provide for such units.

V. Fhase V: The balance of the development permitted by this Technical Data Sheet shall be permitted after completion of the improvements described in items I.A., I.B., II and III above without any further roadway improvements.

In connection with each request for a building permit and upon completion of construction of buildings associated with the permitted development described in items I.A., I.B., II and III above, the Petitioner shall submit to CDOT a summary setting forth the square footage amounts of the development by type completed on the Site, the square footage amounts of the development by type for which the Petitioner is requesting a building permit, and the calculations of the Entering Traffic Threshold and the Exiting Traffic Threshold resulting from the existing and the proposed development, in order to ensure compliance with the above-referenced phasing requirements. CDOT shall communicate to the Petitioner and applicable representatives of Mecklenburg County Building Standards Department, CDOTs acceptance or rejection of the accounting summary and the resulting compliance or lack of compliance with the Entering Traffic Threshold and the Exiting Traffic Threshold promptly upon receipt by CDOT of all such information reasonably necessary to verify such compliance.

For the purposes of the calculations of the permitted development described above, the amount of permitted development set forth for a specific use may be increased above the amounts shown to the extent that the amount of actual development for other uses is less than the amounts shown, in accordance with the following conversion ratios: office square footage may be substituted for unused hotel rooms at the rate of one room for 1,250 square feet of office space; office square footage may be substituted for unused retail or theatre square footage at the rate of I square footage may be substituted for unused office square footage at the rate of i square foot to I square foot; retail square footage may be substituted for unused hotel rooms at the rate of I room for 300 square feet; residential dwelling units may be substituted for office or retail space at the rate of I unit for 1,250 square feet; and residential units may be substituted for hotel square footage at the rate of I unit for 1 room.

(5) It is understood that certain roadway improvements associated with the Whitehall Drive Connection located across N.C. Highway 44 from the Site including, without limitation the eastbound right turn lane on Whitehall Park Drive, may not be accommodated by the existing right-of-way of Whitehall Park Drive. If the roadway improvements to Whitehall Park Drive located across N.C. Highway 44 from the Site cannot be located within the existing right-of-way of Whitehall Park Drive, the Charlotte Department of Transportation shall cooperate, at no out-of-pocket expense to the City, with the Petitioner in connection with an easement or acquisition of such portion of the adjacent private property (Including the exercise of eminent domain) as may be necessary to ensure completion of such roadway improvements. The Petitioner agrees to exercise reasonable efforts to obtain an easement or other agreement from the applicable property owner to permit the completion of the Whitehall Park Drive improvements located across N.C. Highway 44 from the Site. If the Petitioner is unable to do so after the exercise of reasonable efforts or the Petitioner or CDOT encounters delays in the acquisition of any needed right-of-way for such improvements, the Petitioner shall be entitled to implement minor adjustments in the design of the Whitehall Park Drive improvements, subject to the reasonable approval of CDOT, in connection with the development and occupancy of the development permitted in Phases I.A., I.B. and II as described in items I.A., I.B. and II. above in Section 4(r)(4) above.

(6) No building permits will be issued with respect to improvements to be located within the 1-485 Retail Mixed Use Village until the on-site portion of the Mitchall Drive Connection or the Alternative Whitehall Drive Connection has been offered for dedication.

(1) The Petitioner agrees to (1) bear any costs associated with modifications to the traffic signal at the Whitehall Drive Connection and (11) share up to one-half (1/2) of the costs associated with installation of a traffic signal at the Pioneer Drive/Mestinghouse Boulevard intersection (provided that the Petitioner's share of such cost shall not exceed \$20,000).

(b) It is understood that the NCDOT has expressed a willingness to include certain roadway improvements, described above and in the TIS as the Petitioner's responsibility, as part of the NCDOT's planned improvements to NC. Highway 49. Accordingly, certain of the roadway improvements listed as the Petitioner's responsibility herein and in the TIS may be undertaken by the NCDOT; provided, however, this shall not eliminate the responsibility of the Petitioner to complete the improvements contemplated herein or in the TIS as the Petitioner's responsibility if the NCDOT falls to complete the same.

(s) Future amendments to the Technical Data Sheet (including the Technical Data Sheet Notes) involving any portion of the Community may be applied for by the then owner or owners of the parcel or parcels involved in accordance with Chapter 6 of the Ordinance.

(t) The development plan established under the Technical Data Sheet (including the Technical Data Sheet Notes) shall, unless amended in the manner provided herein, be binding upon and inure to the benefit of the Petitioner and each of the owners of any portion of the Site, and their respective heirs, executors, personal representatives, successors in interest and assigns.

(v) Upon application for building permits, the following requirements will be met:

Development must conform to the Charlotte Subdivision Regulations, Chapter 20 of the City Code.
 Standard 2'-6" curb and gutter, associated storm drainage and 4-foot sidewalk along property frontage on Pioneer Avenue and 5-foot sidewalk on South Tryon Street.

• Stormwater detention facilities in accordance with Drainage Detention Ordinance, a portion of Appendix A of the City Code.

. Grading permit in accordance with Chapter 18 of the City Code.

Driveway permits in accordance with Chapter 18 of the City Code.

• Development must conform to the Surface Water Improvement Management Plan (SWIM) and Stream Buffer Implementation Guidelines of November 1999.

 Encroachment agreement for improvements within the South Tryon Street right of way, a North Carolina Department of Transportation maintained roadway.

. Site will comply with Chapter 21 Section 45 of the Charlotte City Code. Trees 8 inches diameter breast height that are located in the setback will be shown on the grading and/or site plan with tree protection details and notes. These trees cannot be removed without a permit from the Urban Forestry Staff.

• Site will comply with Chapter 21 of the Charlotte City Code. The plans should include a note "Proposed planting shown in conceptual only and will be subject to change on actual site conditions and Urban Forestry Staff approval."

. The number and types of trees required for this site will be determined by the Urban Forestry Staff during landscape plan review.

• Existing trees that are damaged or impacted by construction may require mitigation and/or monetary fines.

Section 5. MUDD - Optional Provisions

The Petitioner is requesting a variation from certain MJDD standards as a part of this MJDD (Optional) application for the 1-485 Retail Mixed Use Village and the Office Mixed Use Village. These Optional variations are as follows:

(a) Building/Parking Locations. As set forth on the Technical Data Sheet with respect to the Intended building edges to be located on the Site, it is contemplated that the Development shall comply in all material respects with the provisions of Section 9.8507(2) of the Ordinance regarding the prohibition of surface parking or maneuvering space within any required setback, or between the permitted use and the required setback. It is acknowledged, however, that given the size and scope of the Development and the need to permit some flexibility in building/parking design, Petitioner may on a case by case basis prior to the issuance of a building permit for a specific building site within the Community seek the approval of the Planning Staff with respect to limited exceptions to the requirements of Section 9.8507(2). These exceptions may be granted by the Planning Staff based upon a determination that the exception to be granted will not materially after the new urbanism pedestrian friendly design features contemplated by the Technical Data Sheet and the Preliminary Architectural Standards.

(b) Signage. A coordinated and well-designed signage system will be developed for the 1-485 Retail Mixed Use Village and the Office Mixed Use Village. The size and number of attached and detached signs in the 1-485 Retail Mixed Use Village shall be limited to that allowed for a shapping center as per Section 13.104(4)(b) and as modified by the Planned Development Flexibility Option in Section 13.110(2). In this regard, the size of the attached signage in the 1-485 Retail Mixed Use Village may cover 5% of the square footage for each building wall per tenant with space within such wall up to a maximum of 100 square feet.

(c) Variation for Building Permitted Parcel. Reference is made to that certain parcel designated as the "MUDD Optional Building Previously Permitted" on the Technical Data Sheet. Since building permits for the improvements on such parcel have been issued, the existing building, parking and driveway improvements located thereon shall be exempt from the development standards applicable to MUDD but any expansion of such improvements shall conform to such requirements.



FOR PUBLIC HEARING

Petition Number 2001 - 132

Ayrsley

New Urban Mixed Use Community

CHARLOTTE, NORTH CAROLINA

ODA 991362/02

SEPTEMBER 19, 2001

ISSUED:

REVISIONS: 10.11.2001 12.5.2001

APPROVED BY CITY COUNCIL

A-4

NOTES