DEVELOPMENT STANDARDS

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Pine Colony to accommodate development of a mixed use, pedestrian-friendly community on an approximately 144.5 acre site located generally at the southeast corner of Mallard Creek Church Road and Galloway Road. Unless the context clearly shows otherwise and except as otherwise specified herein and the provisions of the Charlotte Zoning Ordinance (the "Ordinance"), Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use I (MX-I) District shall govern all development taking place on Tract C of this Site, except as provided below, shall governall development taking place on Tract A and Tract B of this Site. The regulations established under the Ordinance for the Mixed Use I (MX-I) District shall govern all development taking place on Tract C of this Site. Tract C may be developed with any uses or combination of uses permitted by-right or under prescribed conditions in the MUDD district. Tract C of the Site may be developed to single family detached homes together with any residential or accessory uses permitted by-right or under prescribed conditions in the Ordinance by right or under prescribed conditions in the R-8 district.

Development of the Site will be governed by the following provisions:

1. Permitted Uses

A. Tract A of the Site may be developed to retail, office, day care, bank, hotel, commercial and restaurant uses (including any accessory uses associated with such uses) as permitted by-right or under prescribed conditions in the MUDD district, subject to the limitations set forth below under Paragraph A of Section 2 and the MUDD-Optional Provisions set forth below under Paragraph C of Section 3. However, in no event shall any restaurant with drive thru service be located within 100 feet of any residential building located on Tract A of the Site. The foregoing restriction shall not apply to any restaurant with drive thru service located therewith which are permitted under the Ordinance by right or under prescribed conditions in the MUDD district.

C. Tract C of the Site may be devoted to single family detached homes together with any residential or accessory uses permitted by-right or under prescribed conditions in the Ordinance by right or under prescribed conditions in the R-8 district.

2. Maximum Development

A. Tract A may be developed with up to 200,000 square feet of office uses and up to 100,000 square feet of commercial/retail uses, subject to the following provisions:

- Area devoted to outdoor dining, courtyards and plazas are not included in the square footage noted above.

- Any floor area located outside of the 1,000,000 square feet permitted in Section 2.A above for commercial/retail uses may be converted to additional office square footage at a conversion rate of one square foot of office space for every one square foot of commercial/retail space subject to a maximum of 250,000 square feet of office uses; and

- In the event Tract A is developed with a hotel use (generally depicted by Schematic Site Plan Alternate B), no more than 200,000 square feet of office uses may be developed on Tract A.

B. Tract B may be developed with up to 65 townhome units.

C. Tract C may be developed with up to 300 single family detached homes.

3. MUDD-Optional Provisions

The Petition proposes utilization of the MUDD-O provisions to accommodate the following: Buildings located on Tract A may be located within the building setback and the parking lot may be located within the area between the building and the right of way of Galloway Road as generally depicted on the Technical Data Sheet. The two monument signs that bend with the architecture of the buildings and not exceed 8 feet in height and 45 square feet per side of each sign in size. The signage on the buildings located on Tract A of the Site may be located above the roof line of the building and may up to 10% of building wall area to which the sign is attached up to a maximum of 150 square feet per tenant.

B. The MUDD-Optional plan allows parking in front of buildings generally in the manner indicated on the Schematic Site Plan.

C. The MUDD-Optional plan includes limited drive-through facility provisions. In the event banks or other types of financial institutions are developed on the Site, they may include accessory drive through facilities. A convenience store facility may not include gasoline pumps but such gasoline pumps must be oriented so that they are not facing onto Mallard Creek Church Road.

4. Setbacks, Side Yards and Rear Yards

A. All buildings constructed within Tract A of the Site shall be setback or exceed the setback, rear yard and side yard requirements established under the Ordinance for the MUDD District. Buildings and parking areas may be located within the applicable setback as depicted on the Schematic Site Plan.

B. All homes constructed within Tract C of the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the Mixed Use I (MX-I) District.

5. Tract A Design and Performance Standards

A. Architectural Controls:

1. Buildings constructed shall not be located between the building and Mallard Creek Church Road, except as provided for in Section 3(B) above.

2. Buildings constructed along Mallard Creek Church Road will contain windows which face this street and large expanses of solid walls that face buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements in conformance with Section 9.8506 of the Ordinance and as generally depicted on the perspective on Sheet 3.

3. Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one of 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.

4. The design treatment shall include, at a minimum, the following amenities as generally indicated on the perspective on Sheet 3:
a. a courtyard/plaza area and
b. seating area(s)

5. In the event Tract A is developed in the manner depicted by the Schematic Site Plan and with loading areas or service areas located on the side of a building that faces Mallard Creek Church Road, such loading areas or service areas will be screened from public view by architectural elements, such as walls, fences, landscaping or other materials, such that such loading areas or service areas will not be visible from Mallard Creek Church Road and should be well screened in a manner that is aesthetically pleasing and in order to screen such activity.

6. Outdoor dining and courtyard areas may be located within the established, but outside of the required, setback along Mallard Creek Church Road as generally indicated on the perspective on Sheet 3.

B. Lighting:

1. All parking lot lighting shall be designed such that direct illumination does not extend past any exterior project edge property line.

2. The parking lot lighting within Tract A shall not exceed 30 feet in height.

3. The lighting under the canopy of any convenience store constructed on Tract A shall be of the flat lens type (as opposed to a dropped lens) and may not exceed a maximum average of 4 foot candles under the canopy at grade level.

4. Any lighting attached to a rear exterior building wall facing the residential component in Tract C shall be capped and downwardly directed.

5. Wall-mounted decorative light fixtures such as sconces are permitted.

C. Parking:

Off street parking and loading will meet the standards established under the Ordinance. At least one bicycle rack shall be provided at each building within Tract A.

D. Any building sited generally in the manner depicted on the Schematic Site Plan shall be oriented such that no more than 50 feet in width as measured at the setback line. Lots within the portion of Tract C as designated on the Schematic Site Plan that not be less than 40 feet in width.

D. Except as otherwise provided under Paragraph E below, no building/driveway permit may be issued for development taking place within Tract A or Tract B and after the design/construction plans for the following roadway/intersection improvements have been completed and approved by CDOT and NCDOT, as the case may be. Notwithstanding the foregoing, no building or certificate of occupancy may be issued for development taking place within Tract A or Tract B until after the following road improvements have been completed:

Intersection of Mallard Creek Church Road and Senator Royall Place:
- construction of a westbound right turn lane with 150 feet of storage and a 20:1 taper; and
- construction of a northbound left turn lane within the existing median with 200 feet of storage and a 15:1 taper; and
- restriping the southbound approach to include dual left turn lanes with 150 feet of storage in each lane and a through-right turn combination lane.

Intersection of Mallard Creek Church Road and Claude Freeman Drive:
- construction of a westbound right turn lane with 150 feet of storage and a 20:1 taper; and
- construction of a northbound left turn lane within the existing median with 200 feet of storage and a 15:1 taper; and
- restriping the southbound approach to include dual left turn lanes with 150 feet of storage in each lane and a through-right turn combination lane.

Scope of Intersection Improvements:
The Developer will be responsible for the costs associated with the design and construction of these improvements, and all other associated intersection and roadway modifications necessary as a result of these improvements as determined by CDOT and NCDOT, to include but not be limited to, any traffic signal modifications, median modifications, utility relocation, traffic signal modifications, pavement markings, and right-of-way acquisition dedication. The design of the southbound approach to the intersection of Mallard Creek Church Road and Claude Freeman Drive will include dual left turn lanes, median design and associated elements will be finalized in conjunction with the intersection design process.

E. No final plats for residential development taking place within Tract C may be recorded until after the following road improvements have either been completed or bonded in the manner established under the subdivision process:

Intersection of Mallard Creek Church Road and Claude Freeman Drive:
- construction of a westbound right turn lane with 150 feet of storage and a 20:1 taper; and
- construction of a northbound left turn lane within the existing median with 200 feet of storage and a 15:1 taper; and
- restriping the southbound approach to include dual left turn lanes with 150 feet of storage in each lane and a through-right turn combination lane.

Intersection of Mallard Creek Road and Galloway Road:
- construction of a northbound left turn lane with 150 feet of storage and a 20:1 taper.

F. If office right-of-way is required to accommodate this improvement, the development of Tract C will make a good faith effort to acquire such property and install the cost of the improvements on such property upon its acquisition to secure the necessary office right-of-way. If the developer of Tract C successfully acquires the necessary office right-of-way, the developer of Tract C will cause the improvements to be completed.

If right-of-way not owned by the developer of Tract C is required to complete this work and the developer of Tract C fails in its good faith attempt to acquire the right-of-way, the developer may request the City to condemn the property and agree to pay for or install the above referenced improvements.

Bond/escrow funding plans for these proposed road improvements must be submitted as a part of the preliminary plans for development taking place on Tract C.

Building permits for residential development covered by the particular plat (recorded) may be applied for after the final plat has been approved.

Scope of Intersection Improvements:
The Developer will be responsible for the costs associated with the design and construction of these improvements, and all other associated intersection and roadway modifications necessary as a result of these improvements as determined by CDOT and NCDOT, to include but not be limited to, any traffic signal modifications, median modifications, utility relocation, traffic signal modifications, pavement markings, and right-of-way acquisition dedication. The design of the southbound approach to the intersection of Mallard Creek Church Road and Claude Freeman Drive will include dual left turn lanes, median design and associated elements will be finalized in conjunction with the intersection design process.

G. The developer of Tract C shall provide standard collector street improvements along that portion of the southern half of the right-of-way for Galloway Road abutting Tract C in accordance with the Charlotte Mecklenburg Land Development / Standards Manual.

H. The developer of Tract C shall contribute 530,000.00 toward the costs of installation of a traffic signal at the intersection of Galloway Road and Mallard Creek Road to CDOT or NCDOT, whichever may be applicable. If the traffic signal is installed by the developer of Tract A or Tract B in accordance with the above-referenced improvements, such contribution shall be made within 60 days of its written request to the developer of Tract C by the appropriate agency.

I. The traffic circle indicated on the Schematic Site Plan shall conform to the standards for an urban compact or mini-roundabout as defined in the Federal Highway Administration's manual entitled Roundabouts: An Informational Guide. In the event the developer of Tract C determines that the design of the traffic circle cannot comply with these standards, the traffic circle may be eliminated.

J. At least one of the access points to Mallard Creek Church Road will be constructed during the initial construction phase of the development of Tract C. The second access point to Mallard Creek Church Road may be constructed at a later date if construction traffic is permitted to access the Site from Galloway Road must be posted at the time access to Mallard Creek Church Road becomes available. Temporary access will not be permitted at either of the signalized intersection locations on Mallard Creek Church Road without necessary traffic signal modifications.

K. The developer of Tract C will contribute to the City funds for the cost of installing two speed humps on Galloway Road between the Site and Tuckaseegee Road, if such speed humps are determined by the City to be required and such installation is approved by such speed humps should be installed, and such determination is made within five years of the date of approval of this Rezoning Petition.

9. Connectivity

Pedestrian and vehicular connections to adjoining parcels will be provided generally as shown on the Technical Data Sheet. The locations of such connections are subject to minor adjustment based on the final site and building design. In the event the road is constructed prior to the approval of the owners of those respective adjoining properties to extend the connections, consideration should be made. The presence of wetlands may necessitate a cul-de-sac on the most easterly northbound street within Tract A of the Site. In the event a cul-de-sac is needed, the cul-de-sac will be in the form of a temporary cul-de-sac with a 50 foot (50') radius. The easement would look more like a 100 foot (100') diameter and 149 linear feet of street in order to meet the connection were made.

10. Fire Protection

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 commences.

11. Water Quality Protection Measures

A. Silt fence will be installed as required by the Ordinance.

B. Within Tract A, the Developer will provide (wet detention ponds or retrogenitors) to provide additional treatment of stormwater runoff from parking and driveway areas, to the extent that approval can be obtained from the Urban Forestry Division of the City of Charlotte Department of Solid Waste Services. Such ponds, if provided, will be located in the rear or side of parking areas associated with the creation of biomentor areas or retrogenitors.

C. Within Tract A, storm water runoff will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte Storm Water Quality Manual and the Charlotte Mecklenburg Storm Water Design Manual. The developer will install water quality structure BMP's within Tract A. Such BMPs are to be located outside the SWIM buffer. Surface level storm water runoff from Tract A will be directed to these BMPs to the extent that such runoff can be feasibly drained to such BMPs and shall be in the existing storm water system(s). The developer shall have the existing drainage system detailing the Site analyzed to ensure that it will not be taken out of standard due to this development. If it is found that the development will cause the system to be taken out of standard due to the development, the developer of Tract A shall provide adequate improvements to the Site that will bring the system back into standard. The existing drainage system is deemed to be out of standard prior to development of the Site, the developer will provide adequate improvements to the Site that the system will not be additionally overburdened.

The following agencies must be contacted prior to construction regarding wetland and water quality permits:

Section 404 Permit NCDENR/Raleigh Office
Section 404 Permit US Army Corps of Engineers

Mitigation, the existing pond identified on the Schematic Site Plan shall be retained unless the NCDENR rules that it is in lieu of mitigation needs due to safety issues. If this ruling is received, the developer of Tract C may either: (i) make the repairs and retain the pond, or (ii) construct a water holding area in the same general location as the existing pond and provide an amount of storm water storage that equals the pond presently provides for the 2, 10 and 100 year storm events.

12. Buffers

A. The buffers to adjacent parcels are required between existing land uses within the Site. Any required buffer between Tract C and adjacent properties will be maintained in its natural state or, if such area is undergoing grading, replanted. The buffer may straddle the property lines of the parcel and shall be in accordance with plans and specifications that are subject to the review and approval of the Zoning Administrator.

13. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, the Schematic Plan and these Development Standards may be applied for by the owner or owners of the Site in Tract A or Tract B within the land affected in accordance with the provisions of Chapter 6 of the Ordinance.

14. Binding Effect of the Rezoning Documents and Definitions

A. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

B. Throughout these Development Standards, the terms "Petitioner" and "owner" or "owners" shall be deemed to include the heirs, devisees and assigns of the Petitioner and owners and their respective successors in interest and assigns.

C. The development depicted on the Schematic Site Plans is schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, the configuration, placement and size of the building footprints outlined on the Schematic Site Plans are schematic in nature, and subject to the provisions set forth above under Architectural Controls, Setbacks, Side Yards and Rear Yards, Buffers, Amendments to Rezoning Plan and Binding Effect of Rezoning Documents and Definitions. Other building locations and parking layouts may also be established on properties located within the Technical Data Sheet. Street and parking layouts may also be established on properties located thereon. Building locations and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.

TURNBULL ● SIGMON DESIGN

Turnbull Sigmon Design, 1001 Morehead Square Dr. Suite 330, Charlotte, NC 28203, Phone: 704.335.6000, Fax: 704.335.0886

LAND DEVELOPMENT DESIGN SERVICES

NORTH CAROLINA ARCHITECTURAL COMPANY 2220 · NORTH CAROLINA ENGINEERING COMPANY C-187

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FIRST COLONY
4500 Cameron Valley Parkway
Charlotte, NC 28211

FIRST COLONY

LPA Lat Purser & Associates, Inc.

SCALE: 1" = 200'

The Arbors
City of Charlotte
North Carolina

FOR PUBLIC HEARING

Technical Data Sheet

Petition # 2002-142

PROJECT NUMBER: 02063
DRAWN BY: TCS
DESIGNED BY: BRT
ISSUE DATE: 11/7/02
ADMINISTRATIVE
11/7/02
11/7/02
APPROVED BY:

1 OF 3

INNOVATIVE DEVELOPMENT STANDARDS

Pursuant to Section 11.208 of the Ordinance, the Petitioner seeks to obtain approval of the following Innovative Development Standards in conjunction with the development of the Site pursuant to the Rezoning Petition:

SINGLE FAMILY DETACHED HOMES

MINIMUM LOT SIZE	5,500 SF
MINIMUM LOT WIDTH	50' & 60' (AS DESIGNATED)
MIN. SIDE YARD	6'
MIN. REAR YARD (INTERNAL)	10'
MIN. REAR YARD (EXTERNAL)	40' (MAY INCLUDE ANY BUFFER)
INTERNAL BUFFER	0'
SWIM CLUB PARKING	1 SPACE/200 SF (SF OF POOL WATER SURFACE)

TOWNHOMES

MIN. FRONT SETBACK	10' (FROM BACK OF BACK OF CURB)
MIN. REAR YARD	10'
INTERNAL BUFFER	0'

SYMBOL LEGEND

- PROPOSED PUBLIC STREET
- COMMON OPEN SPACE/AMENITY AREA
- COMMERCIAL/OFFICE
- BUFFER
- PUBLIC STREET ACCESS POINT
- INTERNAL ACCESS POINT
- RIGHT TURN IN/RIGHT TURN OUT
- MONUMENT SIGN
- PEDESTRIAN ACCESS
- CENTERLINE EXISTING CREEK

DEVELOPMENT DATA

Site Area:	144.5 Ac
Existing Zoning:	R5-3 (cd)
Tax Parcel Number:	029-011-17

Tract "A"

Area:	±31.54 Ac
Proposed Zoning:	MUDD-O
Maximum Retail & Office: (See Note 2)	300,000 sf

Tract "B"

Area:	±8.38 Ac
Proposed Zoning:	MUDD-O
Dwelling Units:	63
Density:	±7.51 DUA

Tract "C"

Area:	±104.5 Ac
Proposed Zoning:	MX-1 (INNOVATIVE)
Dwelling Units:	300
Density:	3.77 DUA
Common Open Space:	±12.55 ac.(12%)

VICINITY MAP

TURNBULL ● SIGMON DESIGN

Turnbull Sigmon Design, 1001 Morehead Square Dr. Suite 330, Charlotte, NC 28203, Phone: 704.335.6000, Fax: 704.335.0886

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Charlotte, NC 28211

FIRST COLONY

LPA Lat Purser & Associates, Inc.

SCALE: 1" = 100'

The Arbors
City of Charlotte
North Carolina

FOR PUBLIC HEARING

Schematic Site Plan

Petition #2002-142

PROJECT NUMBER: 02063
DRAWN BY: JKA, SFC
DESIGNED BY: BRT
ISSUE DATE: 11/7/02
ADMINISTRATIVE
11/7/02
11/7/02
APPROVED BY:

2 OF 3

INSET
Schematic Site Plan: Alternate "A"

INSET
Schematic Site Plan: Alternate "B"

TURNBULL ● SIGMON DESIGN

Turnbull Sigmon Design, 1001 Morehead Square Dr. Suite 330, Charlotte, NC 28203, Phone: 704.335.6000, Fax: 704.335.0886

LAND DEVELOPMENT DESIGN SERVICES

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FIRST COLONY
4500 Cameron Valley Parkway
Charlotte, NC 28211

Overcash·Demmitt Architects

FIRST COLONY

LPA Lat Purser & Associates, Inc.

The Arbors
City of Charlotte
North Carolina

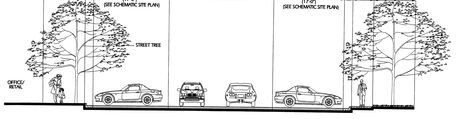
FOR PUBLIC HEARING

Sections and Graphics

Petition #2002-142

PROJECT NUMBER: 02063
DRAWN BY: JKA, SFC
DESIGNED BY: BRT
ISSUE DATE: 11/7/02
ADMINISTRATIVE
11/7/02
11/7/02
APPROVED BY:

3 OF 3



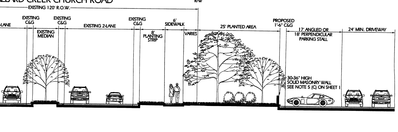
1/3 STREET CROSS SECTION: THROUGH COMMERCIAL OR OFFICE
N.T.S.

Where reverse frontage lots exist, the bottom of the fence will be no more than 6' below the curb height of Galloway Road.

The landscape treatment along Galloway Road will consist of a berm in the movement at Fountaingate Drive, a wood fence with brick column accents, and the landscape plantings described. So that the landscape plantings in the medium/tall shrubs, ornamental trees strange the plant material, as well as the height of the berm, however, in no distance may the amount of plants for every 200 lineal feet of planting be less than the following:

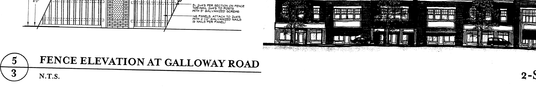
i. Street Trees: Four (4) 2" caliper trees
ii. Evergreen and Accent Trees: Ten (10) 6-8' tall trees
iii. Evergreen and Accent Shrubs: Sixty (60) 24" tall shrubs

Where existing trees are preserved in the common area, the street tree requirement will remain unchanged, but any existing trees or shrubs may be credited toward meeting the planting requirements noted.

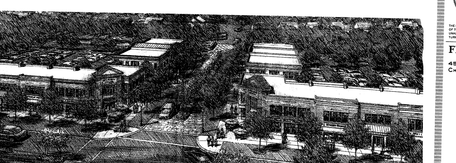


2/3 GALLOWAY ROAD LANDSCAPE TREATMENT
N.T.S.

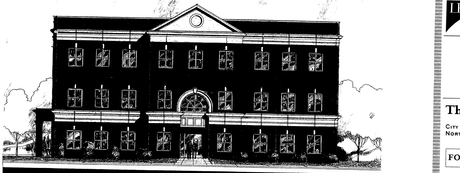
3/3 CROSS SECTION: MALLARD CREEK CHURCH ROAD @ PARKING AREAS
N.T.S.



5/3 FENCE ELEVATION AT GALLOWAY ROAD
N.T.S.



RETAIL / OFFICE VIEW AT
MALLARD CREEK CHURCH & CLAUDE FREEMAN
(ARTIST'S CONCEPTUAL RENDERING)



3-STORY OFFICE BUILDING

2-STORY RETAIL / OFFICE BUILDING

DEVELOPMENT STANDARDS

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by First Colony to accommodate development of a site to be generally known as The Arbors (hereinafter "The Arbors") on the Mallard Creek Church Road and Claude Freeman Drive (the "Site"). Development of the Site will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more restrictive standards, the regulations established under the Ordinance for the Multi-Family Residential District (MUDD) zoning, subject to the Optional provisions provided below, shall govern all development taking place on Tracts A and B of the Site. For purposes of these Development Standards, the term "Tracts A and B" or "Tracts" or "Site" shall mean Tracts A and B of the Site. Tract C shall utilize the innovative provisions of the Ordinance as outlined on the Technical Data Sheet and this Site Plan with the exception of Section 12.1206 of the Ordinance. Tract C will be developed as a single family detached home site. Galloway Road Street is accompanied by a Schematic Site Plan and alternate development scenarios, site plans, which together depict three separate potential development scenarios for Tract A of the Site.

1. Permitted Uses

A. Tract A of the Site may be devoted to retail, office, day care, bank, hotel, commercial and restaurant uses (including any accessory uses as permitted in the MUDD Zoning Classification and subject to the maximum development provisions set forth below under Paragraph 4 of Section 2 and the MUDD-Optional Provisions set forth below under Paragraph C of Section 5. However, in no event shall any adult establishment, as defined by the City of Charlotte Zoning Ordinance, be allowed.

B. Tract A of the Site may be devoted to overnight lodging facilities and other ancillary and accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the MUDD district.

C. Tract B of the Site may be devoted to single family detached residential dwelling units by right or under prescribed conditions together with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the MX-1 district.

2. Maximum Development

A. Tract A may be developed with up to 200,000 square feet of office uses and up to 100,000 square feet of commercial/retail uses, subject to the following provisions:

- Areas devoted to outdoor dining, courtyards and plazas are not included in the square footage noted above.
- Any floor area associated with a hotel, spa, health club or similar amenity shall be included in the calculation of the square footage of office uses noted in Section 2.A above.

- Up to 40,000 square feet of the 100,000 square feet permitted in Section 2.A above for commercial/retail uses may be converted to additional office square footage at a conversion rate of one square foot of office space for every one square foot of commercial/retail space subject to a maximum of 240,000 square feet of office use.
- In the event Tract A is developed with a hotel use generously depicted by Schematic Site Plan Alternate B, no more than 75,000 square feet of commercial/retail square footage shall be developed.

B. Tract A may be developed with up to 400 apartments.

C. Tract C may be developed with up to 295 single family detached homes.

3. MUDD-Optional Provisions

The Petition proposes utilization of the MUDD-O provisions to accommodate the following variations:

A. The MUDD-Optional signage plan includes an entry monument sign on Mallard Creek Church Road at the two entrances to the development as generally indicated on the Technical Data Sheet. The two monument signs shall identify the entrance to the development and may include a tenant panel. The maximum height of the entry monument signs shall be limited to 8' and the maximum gross square footage of signage shall be limited to 48 square feet per sign. Tenant wall signs shall be limited to one wall sign per building oriented to office and/or commercial/retail uses(s) only up to 10% of building wall area to which the sign is attached up to a maximum of 100 square feet per tenant.

B. The MUDD-Optional plan allows parking in front of buildings generally in the manner indicated on the Schematic Site Plans.

C. The MUDD-Optional plan includes limited surface parking between buildings. In the event banks or other types of financial institutions are developed on the Site, they may include ancillary drive through facilities. In conversions some facility may include gasoline pumps but shall not include any other ancillary drive through facilities or service stations.

4. Setbacks, Side Yards and Rear Yards

A. All buildings constructed on the Site shall meet a set of uniform setbacks, side yards and rear yards.

B. In the event Tract A is developed in the manner depicted by the Schematic Site Plan and with loading areas or service docks located to the rear of buildings facing Tract C, a back yard area will be provided along the loading area and/or service dock area, whichever is applicable, of Tract A. The back screen wall will be a minimum of 10 feet in height. The screen wall will not be required in the event Tract A is developed in the manner depicted by Alternate Schematic Site Plan A or B.

5. Tract A Design and Performance Standards

A. Architectural Controls

1. Surface level parking shall not be located between the buildings and Mallard Creek Church Road, except as provided for in Section 3(B) above.

2. Buildings constructed along Mallard Creek Church Road will contain windows which face this street and large expanses of solid walls for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements in conformance with Section 9.8506 of the Ordinance and as generally depicted on the perspective on Sheet 3.

3. Dumpster areas will be enclosed on all four sides by an 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 one side.

4. The design treatment shall include, at a minimum, the following amenities as generally indicated on the perspective on Sheet 3:

a. a courtyard/plaza area
b. a water feature

5. In the event Tract A is developed in the manner depicted by the Schematic Site Plan and with loading areas or service docks located to the rear of buildings facing Tract C, a back screen wall will be provided along the loading area and/or service dock area, whichever is applicable, of Tract A. The back screen wall will be a minimum of 10 feet in height. The screen wall will not be required in the event Tract A is developed in the manner depicted by Alternate Schematic Schematic Site Plan A or B.

B. Landscaping and Screening

1. Internal areas of the Site shall be landscaped in accordance with the requirements of the City Code.

2. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

3. All other screening and landscaping shall conform to the standards of the Ordinance.

C. Greenways Treatment

1. The greenways treatment along Mallard Creek Church Road will conform to the Ordinance and include large maturing trees, supplemental shrubbery, sidewalks of at least six feet in width and planting strips of at least five feet in width. The planting strip will include a combination of ornamental trees and shrubs. The sidewalk will be located one foot from the right of way to provide a buffer from the street. The greenway treatment along the entire portion of Mallard Creek Church Road shall also include a twin and one-half to three feet in height solid masonry wall in order to screen such parking.

2. Outdoor dining and courtyard areas may be located within the established, but outside of the required, setback along Mallard Creek Church Road as generally indicated on the perspective on Sheet 3.

D. Lighting

1. All parking lot lighting shall be designed such that direct illumination does not extend past any exterior project edge property line.

2. The parking lot lighting within Tract A shall not exceed 30 feet in height.

3. The lighting under the canopy of any commercial store constructed on Tract A shall be of the flat lens type (as opposed to a dropped lens) and may not exceed a maximum average of 40 foot candles under the canopy at grade level.

4. Any lighting attached to a rear elevation of a building or accessory component in Tract C shall be capped and downwardly directed.

5. Wall-mounted decorative light fixtures such as sconces are permitted.

E. Parking

Off street parking and loading will meet the standards established under the Ordinance. At least one bicycle rack shall be provided at each building within Tract A.

F. Any buildings used principally for hotel or office uses will not exceed six feet in height. Other buildings on Tract A will not exceed 40 feet in height.

6. Tract B Design Controls

1. Buildings constructed along Mallard Creek Church Road will contain windows and shutters which face Mallard Creek Church Road and large expanses of solid walls for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements in conformance with Section 9.8505 of the Ordinance.

B. Each of the townhomes will include attached garages.

C. Buildings will not exceed two stories (front elevation) or 40 feet in height. Three story conditions shall be permitted on rear elevations in order to accommodate some basement conditions but shall not exceed 50' in height.

7. Tract C Amenities, Landscaping and Design

A. Tract C will provide the following residential amenities:

a. community pool,
b. tot lot, and
c. a tot lot.

B. A landscape strip will be developed along a portion of the easterly project edge of Tract C, as generally indicated on the Technical Data Sheet. The landscape strip will be a landscape strip with minimum 20 foot wide planting strip and a minimum of one row of trees per 100 linear feet and will be installed on Tract C within 15 feet of the property line.

C. Lot widths on Tract C will be a minimum of 50 feet as measured at the setback line. Lots within the portion of Tract C as generally depicted on the Site Plan that are 150 feet in depth shall be at least 55 feet in width.

D. The streetscape treatment along Tract C's frontage on Galloway Road will be in accordance with the cross-section contained on Sheet 4.

E. A common open space landscape strip will be provided along Galloway Road. This common open space strip will be a minimum of 20 feet in width and measured from the right-of-way line along Galloway Road.

8. Vehicular Access

A. Vehicular access to Mallard Creek Church Road and Galloway Road shall be as generally depicted on the Technical Data Sheet.

B. The placement and configuration of these access points are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any requirements imposed by the Charlotte Department of Transportation.

C. Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements and a reservation in any property deed for right-of-way purposes in the future) right-of-way along Mallard Creek Church Road as required to provide for a minimum of 50 feet of right-of-way from the centerline, if such right-of-way does not exist already, prior to the issuance of any certificate of occupancy for Tract A or B.

D. Subject to a determination prior to the conclusion of Rezoning Petition No. 2002-142 by the City of Charlotte Department of Transportation (CDOT) and NCDOT, Except as otherwise provided under Paragraph 1, no certificate of occupancy may be issued for development taking place within Tract A until after the following road improvements have been completed:

- Intersection of Mallard Creek Church Road and Senator Royall Place:

- construction of a westbound right turn lane with 100 feet of storage and a 200:1 taper; and
- construction of the southbound approach to include dual left turn lanes with 150 feet of storage in each lane and a through-and-right turn combination lane.

- Intersection of Mallard Creek Church Road and Claude Freeman Drive:

- construction of a westbound right turn lane with 100 feet of storage and a 200:1 taper; and
- construction of the southbound approach to include dual left turn lanes with 200 feet of storage and a 200:1 taper; and
- construction of the southbound approach to include dual left turn lanes with 150 feet of storage in each lane and a through-and-right turn combination lane.

Scope of Intersection Improvements:

The Developer will be responsible for the costs associated with the design and construction of these improvements, and all other associated intersection and roadway modifications necessary as a result of these improvements as determined by CDOT and NCDOT, to include but not limited to, the relocation of utilities, the acquisition of any rights-of-way or easements, the relocation of any signals and signal equipment, and any right-of-way acquisition associated with the design of the southbound approach to the Mallard Creek Church Road/Claude Freeman Drive intersection. The design of the southbound approach to the Mallard Creek Church Road/Claude Freeman Drive intersection will be coordinated and precise locations of lanes, median design and associated elements will be finalized in conjunction with the intersection design process.

E. Prior to the issuance of the certificate of occupancy for the 300,000 square feet of office and commercial/retail uses described in Section 2.A above, the following road improvements shall be completed:

- Intersection of Mallard Creek Church Road and Claude Freeman Drive:

- construction of a westbound right turn lane with 100 feet of storage and a 200:1 taper; and
- construction of the southbound approach to include dual left turn lanes with 150 feet of storage in each lane and a through-and-right turn combination lane.

- Intersection of Mallard Creek Road and Galloway Road:

- construct a northbound left turn lane with 150 feet of storage and a 200:1 taper.

- Mallard Creek Church Road / Site Driveway:

- construct a northbound left turn lane with 150 feet of storage and a 200:1 taper.
- If the Site driveway is aligned to intersect with Mallard Creek Church Road, then the Petitioner will be responsible for the costs associated with the design and construction of such improvements, and all other associated intersection and roadway modifications necessary as a result of these improvements as determined by CDOT and NCDOT, to include but not limited to, the relocation of utilities, the acquisition of any rights-of-way or easements, the relocation of any signals and signal equipment, and any right-of-way acquisition associated with the design of the southbound approach to the Mallard Creek Church Road/Claude Freeman Drive intersection. The design of the southbound approach to the Mallard Creek Church Road/Claude Freeman Drive intersection will be coordinated and precise locations of lanes, median design and associated elements will be finalized in conjunction with the intersection design process.

F. Prior to the issuance of the certificate of occupancy for the 400 apartments described in Section 2.B above, the following road improvements shall be completed:

- Intersection of Mallard Creek Church Road and Claude Freeman Drive:

- construction of a westbound right turn lane with 100 feet of storage and a 200:1 taper; and
- construction of a northbound left turn lane with 150 feet of storage and a 200:1 taper; and
- construction of the southbound approach to include dual left turn lanes with 150 feet of storage in each lane and a through-and-right turn combination lane.

- Intersection of Mallard Creek Road and Galloway Road:

- construct a northbound left turn lane with 150 feet of storage and a 200:1 taper.

- Mallard Creek Church Road / Site Driveway:

- construct a northbound left turn lane with 150 feet of storage and a 200:1 taper.
- If the Site driveway is aligned to intersect with Mallard Creek Church Road, then the Petitioner will be responsible for the costs associated with the design and construction of such improvements, and all other associated intersection and roadway modifications necessary as a result of these improvements as determined by CDOT and NCDOT, to include but not limited to, the relocation of utilities, the acquisition of any rights-of-way or easements, the relocation of any signals and signal equipment, and any right-of-way acquisition associated with the design of the southbound approach to the Mallard Creek Church Road/Claude Freeman Drive intersection. The design of the southbound approach to the Mallard Creek Church Road/Claude Freeman Drive intersection will be coordinated and precise locations of lanes, median design and associated elements will be finalized in conjunction with the intersection design process.

G. The developer of Tract C and contiguous property shall make improvements along the frontage of the southern half of the right-of-way for Galloway Road abutting Tract C in accordance with the Charlotte Mecklenburg Land Development Standards Manual.

H. If other signatories to Rezoning Petition 2002-142 have contributed to the construction of a traffic signal at the intersection of Galloway Road and Mallard Creek Road to CDOT or NCDOT, while there may be applicable, if the traffic signal is installed within five years of the completion of the last building to be constructed on Tract A, then such contributing party shall be entitled to the reimbursement of Tract C for the appropriate signal.

I. The traffic circle indicated on the Schematic Site Plan shall conform to the standards for an urban compact or mini-roundabout as defined in the Charlotte Department of Transportation's Traffic Calming Guidelines. The Petitioner agrees to work with CDOT to install the appropriate traffic calming measures, whether, on a positive time planning basis, there is a need for traffic calming measures associated with the creation of an intersection where no intersection previously existed.

J. At least one of the access points to Mallard Creek Church Road will be constructed during the initial construction phase of Tract C and, connected to Tract C. In addition, a portion of each of Tract C's frontage on Mallard Creek Church Road will be constructed to a point where the first from Galloway Road must be posted at the time access to Mallard Creek Church Road becomes available. Temporary easements will be permitted at either of the signalized intersection locations on Mallard Creek Church Road without necessary traffic signal modifications.

K. The developer of Tract C will contribute to the City funds for the cost of installing two speed humps on Galloway Road should the City determine through the conclusion of a traffic study that such speed humps should be installed. The developer will be responsible for the cost of such speed humps should the traffic study warrant the placement of the speed humps on Galloway Road.

9. Connectivity

Pedestrian and vehicular connections to adjoining parcels will be provided generally as shown on the Technical Data Sheet. The locations of these connections are subject to minor modifications to the Site Plan to accommodate final site design. The term "connection" means the establishment of the roadway of those stub/future adjoining properties in which the contemplated vehicular or pedestrian connections will be made. The provision of sidewalks may necessitate a curvature on the most easterly northbound street within Tract C (See Technical Data Sheet). This curvature will be in accordance with the City of Charlotte Subdivision Ordinance. The street layout for Tract C's entered layout would vary more than 5.0 feet and 150 feet offset of street impacts if the curvature were made.

10. Fire Protection

Adequate fire protection for the benefit of the occupants will be provided to the Charlotte-Fire Marshal's specifications. Plans for such building will be submitted to the Fire Marshal's office for approval before the construction of such building commences.

11. Water Quality Protection Measures

A. Silt/fall buffers shall be provided as required by the Ordinance.

B. Within Tract A, the Petitioner will provide bioretention area(s) or rain gardens(s) to provide additional treatment of stormwater runoff from parking areas. The bioretention area(s) or rain gardens(s) will be designed and constructed in accordance with the City of Charlotte specifications to remove, eliminate, or minimize time planting blends, thereby reducing the amount of parking spaces associated with the creation of bioretention areas or rain gardens.

12. Buffers

Zoning Ordinance buffers are not required between distinctive land uses within the Site. Any required buffer between Tract C and its adjoining properties may be provided either on Tract C, on the adjoining property or jointly, the buffer may straddle the common property line and be constructed on both properties in such a manner that it will not be seen from the adjoining properties.

13. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, the Schematic Plan and these Development Standards may be applied for by the then owner or owners of the Tract or Tracts within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

14. Binding Effect of the Rezoning Documents and Definitions

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet, which includes these Development Standards, will, unless amended in accordance with Paragraph 13 above, be binding upon and inure to the benefit of the Petitioner and the current or subsequent owners of the Site and their respective successors in interest and assigns.

B. Throughout these Development Standards, the terms, "Petitioner" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the owner or owners of the Site who may be involved in any future development thereof.

C. The development depicted on the Schematic Site Plans is schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, the configuration, placement, and size of the individual building footprints depicted on the Schematic Site Plans are schematic in nature, and subject to the provisions set forth above under Architectural Controls, may be altered or modified during design development and construction document phases to the extent that the overall development plan and conditions of Rezoning Petition No. 2002-142 and parking layouts may also be modified to accommodate final building locations and parking spaces may be located inside or outside developable Area boundaries to the extent permitted by the Ordinance.

Turnbull Sigmon Design,
1001 Morehead Square Dr.,
Suite 250
Charlotte, NC 28203
Phone: 704.335.9200
Fax: 704.358.0886

LAND DEVELOPMENT DESIGN SERVICES

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FIRST COLONY
4500 Cameron Vally Parkway
Charlotte, NC 28211

Lat Purser & Associates, Inc.

SCALE: 1" = 200'

The Arbors
City of Charlotte
North Carolina

FOR PUBLIC HEARING

Technical Data Sheet

Petition # 2002-142

PROJECT NUMBER: 02063
DRAWN BY: TCS
DESIGNED BY: SRT
ISSUE DATE: 11.18.02

NO.	DATE	BY	REVISION
A.	11-18-02	TCS	REVISE DEVELOPMENT STANDARDS
1.	01-20-03	TCS	REVISE TECHNICAL DATA ALLOWED
2.	07-28-03	TCS	REVISE VEHICULAR ACCESS
3.	04-16-04	TCS	REVISE PER CDOT COMMENTS
4.	05-20-04	TCS	REVISE AND TRACT A, B, & C DEVELOPMENT STANDARDS REVISION
5.	06-28-04	TCS	REVISE PER CDOT COMMENTS
6.	07-01-04	TCS	REVISE PER CDPC COMMENTS
7.	07-20-04	TCS	REVISE PER CDPC COMMENTS
8.	08-04-04	TCS	REVISE PER CDPC COMMENTS
NO.	DATE	BY	REVISION

ATTACHED TO ADMINISTRATIVE APPROVAL
DATED: October 12, 2004
BY: DEBRA D. CAMPBELL

INSET
Schematic Site Plan: Alternate "A"

INSET
Schematic Site Plan: Alternate "B"

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Charlotte, NC 28211

Lat Purser & Associates, Inc.

SCALE: 1" = 100'

The Arbors
City of Charlotte
North Carolina

FOR PUBLIC HEARING

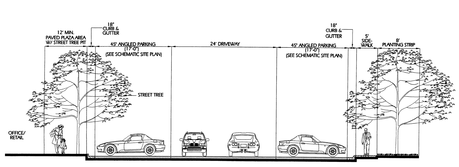
Schematic Site Plan

Petition #2002-142

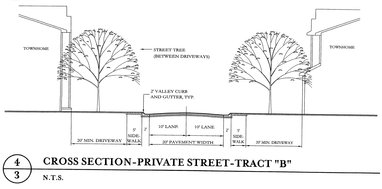
PROJECT NUMBER: 02063
DRAWN BY: JAK, SFC
DESIGNED BY: SRT
ISSUE DATE: 11.18.02

NO.	DATE	BY	REVISION
A.	08-04-04	TCS	REVISE TRACT AREA
1.	01-11-05	TCS	REVISE PER CDPC COMMENTS
2.	03-21-05	TCS	REVISE PER CDPC COMMENTS
NO.	DATE	BY	REVISION

ATTACHED TO ADMINISTRATIVE APPROVAL
DATED: October 12, 2004
BY: DEBRA D. CAMPBELL



1/3 STREET CROSS SECTION: THROUGH COMMERCIAL OR OFFICE
N.T.S.



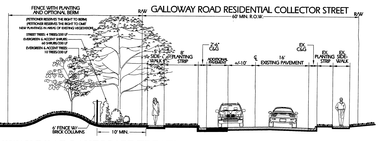
3/3 CROSS SECTION-PRIVATE STREET-TRACT "B"
N.T.S.

Where reverse frontage lots exist, the bottom of the fence will be more than 5' below the curb height of Galloway Road.

The landscape treatment along Galloway Road will consist of a brick entry monument at Fountaingrove Drive, a wood fence with brick column accents, and the landscape plantings listed below. So that the landscape planting can have the maximum aesthetic effect, petitioner may arrange the plant material "en masse" or in a rigid spacing; however, in no instance may the amount of plants for every 100 feet fall short of planting be less than the following:

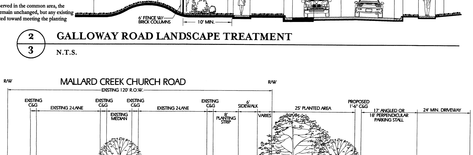
i. Street Trees: Four (4) 3" caliper trees
ii. Evergreen and Accent Trees: Ten (10) 8-6' tall trees
iii. Evergreen and Accent Shrubs: Sixty (60) 24" tall shrubs

Where existing trees are preserved in the common area, the street tree requirement will remain unchanged, but any existing trees or shrubs may be credited toward meeting the planting requirements noted.



2/3 GALLOWAY ROAD LANDSCAPE TREATMENT
N.T.S.

RETAIL / OFFICE VIEW AT
MALLARD CREEK CHURCH & CLAUDE FREEMAN
(ARTIST'S CONCEPTIAL RENDERING)



3/3 CROSS SECTION: MALLARD CREEK CHURCH ROAD @ PARKING AREAS
N.T.S.

3-STORY OFFICE BUILDING

5/3 FENCE ELEVATION AT GALLOWAY ROAD
N.T.S.

2-STORY RETAIL / OFFICE BUILDING

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Charlotte, NC 28211

Overcash-Demmitt Architects

Lat Purser & Associates, Inc.

The Arbors
City of Charlotte
North Carolina

FOR PUBLIC HEARING

Sections and Graphics

Petition #2002-142

PROJECT NUMBER: 02063
DRAWN BY: JAK, SFC
DESIGNED BY: SRT
ISSUE DATE: 11.18.02

NO.	DATE	BY	REVISION
1.	07-20-04	TCS	REVISE PER CLIENT COMMENTS
2.	03-14-05	MEB	REMOVED SECTION 4, 5
3.	03-21-05	TCS	REVISE PER CDPC COMMENTS
4.	05-23-05	TCS	REVISE PER CDPC COMMENTS
NO.	DATE	BY	REVISION

ATTACHED TO ADMINISTRATIVE APPROVAL
DATED: October 12, 2004
BY: DEBRA D. CAMPBELL