

GENERAL PROVISIONS
 Unless more stringent standards are established by the Technical Data Sheet or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the MX-1 zoning district classification, subject to the innovative development standards set out below, shall be followed in connection with development taking place on the Site.

The development depicted on the Schematic Site Plan is intended to reflect the arrangement of proposed uses on the Site, but the final configuration, placement and size of individual Site elements may be altered or modified within the limits prescribed by the Ordinance and the standards established by the Technical Data Sheet and these Development Standards during design development and construction phases. Street layouts may be modified to accommodate final building and lot locations.

PERMITTED USES/MINIMUM LOT WIDTHS
 Subject to the requirements set out below, a maximum of 1,191 dwelling units may be constructed on the Site, of which no more than 334 dwelling units may be for sale single family attached dwelling units.

Tract 1
 Tract 1 may be devoted only to for sale single family detached dwelling units constructed on lots having a minimum width of 50 feet and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the MX-1 zoning district.

Tract 2
 Tract 2 may be devoted to a maximum of 501 for sale single family detached dwelling units constructed on lots having a minimum width of 65 feet, and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the MX-1 zoning district.

Tract 3
 Tract 3 may be devoted to a maximum of 230 for sale single family detached dwelling units constructed on lots having a minimum width of 52 feet, and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the MX-1 zoning district.

Tract 4
 Tract 4 may be devoted only to for sale single family detached dwelling units constructed on lots having a minimum width of 92 feet, and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the MX-1 zoning district.

Tract 5
 Tract 5 may be devoted only to for sale single family detached dwelling units constructed on lots having a minimum width of 45 feet, and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the MX-1 zoning district.

Tract 6
 Tract 6 may be devoted to a maximum of 334 for sale single family attached dwelling units and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the MX-1 zoning district. Notwithstanding the foregoing, the developer of Tract 6 reserves the right to construct on Tract 6 no sale single family detached dwelling units on lots having a minimum width of 35 feet in lieu of for sale single family attached dwelling units.

Subject to the requirements set out above with respect to permitted uses, minimum lot size within each Tract, maximum number of dwelling units that may be constructed on the entire Site, maximum number of dwelling units that may be constructed within Tract 2 and Tract 3, and maximum number of for sale single family attached dwelling units that may be constructed within Tract 6, density (or dwelling units) may be transferred between the various Tracts set out on the Schematic Site Plan. Notwithstanding the foregoing, changes in density on other Tracts shall not reduce the maximum density allowed on Tract 3 or Tract 5, and density allowed on Tract 2 and Tract 3 will not be transferred without the prior written consent of the owners of those Tracts.

BUFFER AREA

- The 50 foot Class C buffer area established on the Technical Data Sheet within Tract 6 shall conform to the standards of Section 12.302 of the Ordinance, subject, however, to the provisions of Section 12.304 thereof. In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, then the Petitioner or the developer of Tract 6 may reduce or eliminate, as the case may be, the buffer area set out on the Technical Data Sheet accordingly.
- The developer of Tract 6 reserves the right to grade and to install pedestrian sidewalks or pathways, walls, berms, fences and utility lines and facilities within the 50 foot Class C buffer area, provided, however, that utility lines and facilities may only cross the 50 foot Class C buffer area at interior angles measured at the property line which are not less than 75 degrees.
- Where existing trees and natural vegetation have been cleared within the 50 foot Class C buffer area to accommodate the installation of pedestrian sidewalks or pathways, walls, berms, fences or utility lines and facilities, the cleared, unimproved areas will be landscaped with trees and shrubs in accordance with the requirements of the Ordinance.
- No buildings, parking spaces or maneuvering areas may be located within the 50 foot Class C buffer area.
- Internal buffers shall not be required between any attached and detached dwelling units constructed within the Site. Buffers shall not be required between single family detached dwelling units constructed within the Site and adjacent single family uses or single family zoning districts.

SETBACKS, SIDE YARDS AND REAR YARDS
 All principal structures constructed on the Site shall satisfy or exceed the setback, side yard and rear yard requirements set out below under the Innovative Development Standards.

COMMON OPEN SPACE AND AMENITY AREAS

- A minimum of 70 acres of common open space will be provided on the Site in various locations as generally depicted on the Technical Data Sheet and the Schematic Site Plan.
- That portion of the common open space designated on the Technical Data Sheet as the Amenity shall, at a minimum, be improved with a swimming pool, cabana and lot. Notwithstanding the foregoing, Petitioner reserves the right to convert this Amenity area to single family lots and to construct within Tract 6 an amenity area containing, at a minimum, a swimming pool, cabana and lot.
- The common open space areas shall be maintained by a to be formed homeowners association.

SCREENING AND LANDSCAPE AREAS

- Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.
- Any dumpsters located within the Site that are visible from a public street or from an external adjoining parcel of land will be screened from view by a solid enclosure with gates.
- A 25 foot wide landscape area shall be established along each Tract's frontage on Tom Short Road (or portions thereof) in those locations depicted on the Technical Data Sheet. This 25 foot wide landscape area shall be established along the relevant portions of each Tract as each Tract is developed, and it shall be improved and landscaped in accordance with the section set out on Sheet RZ-5. The developer(s) of each Tract, may, however, substitute a different type of tree or plant for the specified tree or plant on the section provided that the substitute tree or plant is of an equal size and has similar characteristics. This 25 foot wide landscape area shall be located within and considered to be a part of the Site's 45 foot rear building setback from Tom Short Road.
- A 50 foot wide landscape area shall be established along the Site's frontage on Interstate 485 as generally depicted on the Technical Data Sheet. The developer(s) of the relevant Tracts shall not be required to install landscape plantings or materials within those portions of this 50 foot wide landscape area that currently contain vegetation, wetlands or mature hardwoods, and no additional plantings shall be required in these areas. The developer(s) of the relevant Tracts shall, however, install 9 large maturing trees and 9 evergreen trees per 100 lineal feet in those portions of the 50 foot wide landscape area that do not currently contain vegetation, wetlands or mature hardwoods. The building setback along Interstate 485 shall be located within this 50 foot wide landscape area, so that the build to line along Interstate 485 shall be the inner or southern boundary line of the landscape area. The developer(s) of the relevant Tracts reserve the right to grade and to install pedestrian sidewalks or pathways, walls, berms, fences and utility lines and facilities within the 50 foot wide landscape area provided, however, that the landscape area shall meet the landscaping requirements set out above after the completion of any such work.

TREE ORDINANCE
 Development of the Site will comply with the applicable provisions of the City of Charlotte Tree Ordinance, and a minimum of 10 % of the existing trees on the Site shall be preserved in accordance with the requirements thereof.

PARKING
 Off street parking will satisfy the minimum standards established under the Ordinance.

LIGHTING

- Pedestrian scale, freestanding lighting fixtures will be installed throughout the Site. The pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by the developer(s) of the Site.
- The maximum height of any freestanding lighting fixture installed on the Site, including its base, shall not exceed 12 feet.

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

ACCESS POINTS/STREETS/SIDEWALKS

- The number of vehicular access points to the Site shall be limited to the number depicted on the Technical Data Sheet. The access point on Tom Short Road located immediately to the north of Flat Branch Creek is subject to the approval of the City of Charlotte Department of Transportation ("CDOT") as noted on the Technical Data Sheet.
- The placement and configuration of each access point are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by CDOT and the North Carolina Department of Transportation ("NCDOT").
- Except for Collector Road # 1, the developer(s) of Tract 6 reserves the right to use public or private streets within any portion of the Site devoted to for sale single family attached dwelling units, and any private streets shall be maintained by a to be formed homeowners association.
- A 60 foot right of way will be provided for the residential collector streets depicted on the Schematic Site Plan subject to the terms of paragraph 3 below.
- The right of way for any street (including a residential collector street), or portion thereof, to be located within a specific Tract designated on the Schematic Site Plan shall be dedicated as and when the subdivision plat for the relevant portions of such Tract are recorded.
- The construction of any street (including a residential collector street), or portion thereof, to be located within a specific Tract designated on the Schematic Site Plan is not required to commence until such time as the development of the relevant Tract has commenced. Accordingly, construction of that portion of the residential collector street designated as Collector Road # 2 on the Schematic Site Plan that is located on Tract 2 is not required to commence until such time as Tract 2 is developed, and construction of that portion of Collector Road # 2 that is located on Tract 3 is not required to commence until such time as Tract 3 is developed. Likewise, construction of the residential collector street designated as Collector Road # 3 on the Schematic Site Plan is not required to commence until such time as Tract 3 is developed.
- Notwithstanding anything contained herein to the contrary, in the event that alley loaded dwelling units are constructed on any residential collector street, then such residential collector street shall be constructed in accordance with the cross section designated as the "Residential Collector Street for Homes/Alleys" set out on Sheet RZ-4. Additionally, in the event that alley loaded dwelling units are constructed on any residential collector street, then the relevant developer(s) reserves the right to install islands delineating the parallel parking spaces within such collector street.
- The standards for all other internal streets are set out below under Innovative Development Standards and are more particularly depicted on the cross sections set out on Sheet RZ-4.
- A 6 foot planting strip and a 5 foot sidewalk will be installed along both sides of the internal residential collector streets to be constructed on the Site in accordance with the cross section(s) set out on Sheet RZ-4.
- A 5 foot sidewalk will be installed along each Tract's frontage on Tom Short Road at the time each such Tract is developed.
- The standards for sidewalks and planting strips along all other internal streets are set out below under Innovative Development Standards and on the cross sections set out on Sheet RZ-4.
- Stub streets shall be provided as generally depicted on the Schematic Site Plan.
- The vehicular bridges crossing Flat Branch Creek that will connect Tract 4 and Tract 3 will be constructed in connection with the development of Tract 3, and these vehicular bridges shall not be required to be constructed until such time as Tract 3 is developed. The two streets located within Tract 4 (which include Collector Road # 2) that will connect to the vehicular bridges connecting Tract 4 and Tract 3 shall be stubbed to the southernmost property lines of the southernmost lots located within Tract 4. In the event two streets in connection with the development of Tract 4, under normal construction practices. Each of these streets will be connected to the relevant vehicular bridge at the time that Tract 3 is developed.
- Any vehicular access driveway into the approximately 3 acre neighborhood park located on Collector Road # 2 within Tract 2 and Tract 3, shall be located in such a manner that it does not turn a 4 way intersection with Collector Road # 2 and the street that intersects Collector Road # 2 from the west.
- Petitioner and/or the developer(s) of the Site reserve the right to request a change to the innovative development standards for the street cross sections in accordance with the terms of the Ordinance.

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

STORM WATER MANAGEMENT/WETLANDS/PERMITS

- Storm water detention shall not be provided for any portion of the Site except for a portion of the Site devoted to for sale single family attached dwelling units that does not discharge its storm water directly to a regulated floodplain.
- Storm water detention shall not be located within required setbacks or the buffer area.
- Temporary or staged seeding shall be implemented within graded areas following the completion of land disturbing activities to minimize the amount of the disturbed area.
- One permanent sign will be installed on any lot developed within the Site that extends into any regulated wetlands. Such sign shall identify the location of the regulated wetlands within the lot.
- The placement of utilities within the regulated wetlands shall be minimized in connection with the development of the Site, however, the placement of utilities within the regulated wetlands shall not be prohibited. In particular, sanitary sewer may be installed and wetland standards for the disturbance of wetlands shall be maintained and all appropriate permits and approvals shall be obtained.
- An arched culvert will be constructed over Flat Branch Creek in connection with the construction of the bridge for Collector Road # 1.
- The following agencies will be contacted prior to construction regarding wetland and water quality permits if determined to be applicable during the design development phase of the project:
 NCDPHNR-Raleigh Office
 Section 404 Permit
 US Army Corps of Engineers
- A provision will be inserted into any restrictive covenants for the Site regarding wetlands protection. The form and content of this provision will be determined by the Petitioner and any other developer(s) of the Site.

5 YEAR VESTED RIGHT
 Pursuant to Section 1.110 of the Ordinance, Petitioner hereby requests a 5 year vested right in the event that the corresponding Rezoning Petition is approved by City Council. Petitioner requests a 5 year vested right due to the size and phasing of the proposed development and the level of Petitioner's investment.

DESIGN STANDARDS
 Petitioner and any other developer(s) of the Site reserve the right to construct alley loaded for sale single family attached dwelling units or front loaded for sale single family attached dwelling units on the Site.

TRANSPORTATION COMMITMENTS

- The developer(s) of Tract 1 shall dedicate and convey 70 feet of right of way for future Bryant Farms Road in the general location depicted on the Technical Data Sheet. This right of way area shall be dedicated and conveyed by record plat at the time of recordation of the respective phase(s) of the development, or at the earliest request of CDOT if there is a funded project for the construction of Bryant Farms Road.
- The owner or owners of each Tract shall dedicate and convey right of way measuring 35 feet from the centerline of Tom Short Road, such right of way area being more particularly depicted on the Technical Data Sheet. This right of way area shall be dedicated and conveyed by record plat at the time of recordation of the respective phase(s) of the development.
- Subject to the approval of NCDOT and CDOT, the relevant developer or developers of the Site shall construct southbound left turn lanes on Tom Short Road at each access street into the Site (excluding the northernmost minor access street into Tract 4 and future Bryant Farms Road). The southbound left turn lanes on Tom Short Road located north of the culvert for Flat Branch Creek shall be 5 and 6 and described below in paragraph 9. Each left turn lane shall have 150 feet of storage and a taper of 165 feet. The left turn lanes into each Tract shall be constructed as each Tract is developed, and the relevant developer or developers of the Site shall be lane in not approved by NCDOT or CDOT, then the relevant developer or developers of the Site shall not be required to construct such left turn lane.
- Subject to the approval of NCDOT and CDOT, the developer(s) of Tract 1 shall install an eastbound left turn lane on Ardrey Kell Road at the easternmost access street into the Site, which street is designated as Collector Road # 2 on the Schematic Site Plan. This left turn lane shall have 150 feet of storage and a taper of 165 feet. The developer(s) of Tract 1 shall be responsible for all costs and expenses relating to the design and construction of this left turn lane. In the event that this left turn lane is not approved by NCDOT or CDOT, then the developer(s) of Tract 1 shall not be required to construct this left turn lane.
- Subject to the approval of NCDOT and CDOT, the developer(s) of Tracts 4, 5 and 6 will construct an eastbound right turn lane on Ballantyne Commons Parkway at Tom Short Road. This right turn lane shall have 300 feet of storage and a 20:1 bay taper and be responsible for all costs and expenses relating to the design and construction of this right turn lane, including the cost to acquire any right of way and the cost to relocate a control cabinet, a traffic light pole, related hardware, related wiring and signal heads. In the event that this right turn lane is not approved by NCDOT or CDOT, then the developer(s) of Tracts 4, 5 and 6 shall not be required to construct this right turn lane.
- Subject to the approval of NCDOT and CDOT, the street connections from Tract 6 to Allison Lane shall not be open to vehicular traffic until the expiration of the 48 month period next following the date of the approval of this Rezoning Petition. The developer of Tract 6 will erect barricades at the Allison Lane end of each street within Tract 6 that will ultimately connect to Allison Lane to prevent vehicular access from Tract 6 to Allison Lane during this 48 month period. In no event, however, may the street connections from

Tract 6 to Allison Lane be open prior to the completion and opening to vehicular traffic of Collector Road # 1 from Tract 6 to Tom Short Road. In the event that NCDOT/CDOT requires the opening of the street connections from Tract 6 to Allison Lane prior to the expiration of this 48 month period or prior to the opening of Collector Road # 3 to vehicular traffic from Tract 6 to Tom Short Road, then the developer of Tract 6 will be required to open such street connections.

- Notwithstanding the provisions of paragraph 6 above, after the expiration of the 36 month period next following the date of the approval of this Rezoning Petition, a driveway connection from each attached dwelling unit within Tract 6 fronting on Allison Lane to Allison Lane may be completed and opened such that the residents of each of these attached dwelling units may utilize Allison Lane to access their attached dwelling unit.
- Notwithstanding the provisions of paragraphs 6 and 7 above, upon the completion of the improvements to and the widening of Providence Road from Interstate 485 to Ardrey Kell Road by NCDOT, the street connections from Tract 6 to Allison Lane and the driveway connections from the attached dwelling units within Tract 6 fronting on Allison Lane to Allison Lane may be opened whether or not the relevant 48 month or 36 month time periods have expired. Completion shall be defined as the opening of the improved and widened portion of Providence Road from Interstate 485 to Ardrey Kell Road to vehicular traffic.
- Subject to the approval of NCDOT and CDOT, the developer(s) of Tracts 4, 5 and 6 will construct a 3 lane ditch section for Tom Short Road beginning at that point where the 370 foot radius curve described below is tangent to the existing pavement structure for Tom Short Road and terminating north of the culvert for Flat Branch Creek. However, in the event that an access street into the development project is located on Tom Short Road west of the foregoing point of tangency, the developer(s) of Tracts 4, 5 and 6 will extend the 3 lane ditch section on this access street so as to provide a westbound left turn lane on Tom Short Road into this access street. This 3 lane ditch section shall be 36 feet in width (edge of pavement to edge of pavement), it shall contain a new proposed 680 foot radius curve north of Gaitheers Drive and a new proposed 370 foot radius curve immediately south of Interstate 485, it shall have appropriate transition tapers to the 2 lane sections of Tom Short Road and it shall otherwise meet the applicable minimum requirements of NCDOT and CDOT. The developer(s) of Tracts 4, 5 and 6 shall install a 5 foot sidewalk along both sides of this 3 lane ditch section. The developer(s) of Tracts 4, 5 and 6 will be responsible for all costs and expenses relating to the design and construction of this 3 lane ditch section and the sidewalks. In the event that this 3 lane ditch section as described above is not approved by NCDOT or CDOT (including the radius of each new curve), then the developer(s) of Tracts 4, 5 and 6 shall not be obligated to construct this 3 lane ditch section.
- Should CDOT determine to construct bike lanes on or adjacent to the 3 lane ditch section described above in paragraph 9, the developer(s) of Tracts 4, 5 and 6 shall coordinate its construction efforts with CDOT as well as assist in the facilitation of the installation of these bike lanes. In no event, however, will the developer(s) of Tracts 4, 5 and 6 be responsible for any costs or expenses relating to the design or construction of these bike lanes or for increasing the pavement width of the 3 lane ditch section to accommodate these bike lanes.
- In connection with the development of the Site and the construction of the dwelling units thereon, all developers of the Site shall prohibit construction vehicles from utilizing Allison Lane to access the Site. This prohibition shall not apply to any construction vehicles that are accessing Allison Lane for the purpose of improving Allison Lane or installing improvements immediately adjacent to Allison Lane such as sidewalks, curb and gutter.
- The plans for the following transportation improvements will be submitted for approval in connection with the first phase of the development within Tracts 4, 5 or 6:
 (a) The 3 lane ditch section of Tom Short Road that is more particularly described in paragraphs 9 above.
 (b) The eastbound right turn lane on Ballantyne Commons Parkway at Tom Short Road that is more particularly described in paragraph 3 above.
 (c) The southbound left turn lanes on Tom Short Road into Tract 4 that are more particularly described in paragraph 3 above.
- The following transportation improvements must be completed and opened to vehicular traffic prior to the recordation of the final plat for the 250th lot to be developed north of Flat Branch Creek within Tracts 4, 5 or 6:
 (a) The 3 lane ditch section of Tom Short Road that is more particularly described in paragraph 9 above.
 (b) The eastbound right turn lane on Ballantyne Commons Parkway at Tom Short Road that is more particularly described in paragraph 3 above.
 (c) The southbound left turn lanes on Tom Short Road into Tract 4 that are more particularly described in paragraph 3 above.
- Collector Road # 1 connecting Tracts 4, 5 and 6 to Tom Short Road shall be completed and open to vehicular traffic prior to the issuance of a certificate of occupancy for the first dwelling unit to be constructed on Tract 6.

SCHOOL COMMITMENTS
 Mecklenburg County is the owner of those certain parcels of land located to the south and west of the Site on Tom Short Road in Mecklenburg County, North Carolina that are designated as Parcel Nos. 229-111-10A and 229-111-10B on the Mecklenburg County Tax Maps (hereinafter collectively referred to as the "County Parcel"). Mecklenburg County acquired the County Parcel from Loughead Limited Partnership by a North Carolina General Warranty Deed dated June 19, 2003 and recorded in Book 12953 at Page 827 of the Mecklenburg County Public Registry (the "Loughead Deed").

Pursuant to the terms of the Loughead Deed, Loughead reserved certain easements, restrictive covenants and negative easements over and upon the County Parcel, which easements, restrictive covenants and negative easements are more particularly described in subparagraphs (a) through (d) in Exhibit A to the Loughead Deed. The covenant, restriction and negative easement set out in subparagraph (d) in Exhibit (f) (10) years from the date of the Loughead Deed. The foregoing covenant, restriction and negative easement is hereinafter referred to as the "Restriction".

The Charlotte-Mecklenburg Board of Education (the "Board") has determined that a new elementary school is needed in the vicinity of the Site to serve the residential growth in this area, and the Board desires to have the right to construct and operate an elementary school on the County Parcel prior to the expiration of the Restriction. Subject to the approval of this Rezoning Petition and in an effort to assist the Board in this endeavor, the Petitioner and the owners of the Site agree as follows:

- To assist with the funding of the cost to design or construct an elementary school on the County Parcel, the developer or developers of the Site will voluntarily contribute to the Board a sum equal to the product of \$500 and the number of dwelling units ultimately developed on the Site in accordance with the schedule set out below. For purposes of this section of the development standards only, Tract 1, Tract 2, Tract 3 and Tract 6 are hereinafter collectively referred to as "Development Area 1", and Tract 4 and Tract 5 are hereinafter collectively referred to as "Development Area 2". A maximum of 860 dwelling units may be constructed on Development Area 1, and a maximum of 331 dwelling units may be constructed on Development Area 2.
 Development Area 1 of the Site
 (i) Contemporaneously with the Planning Commission's approval of the first preliminary subdivision plan for the development of any portion of Development Area 1 of the Site is preliminary subdivision plan being a required submission in the subdivision approval process pursuant to Section 6.400 of the Subdivision Ordinance, the developer of the relevant portion of Development Area 1 shall pay to the Board the sum of \$50,000. This \$50,000 payment shall satisfy the contribution commitment for the first 100 dwelling units to be constructed in Development Area 1.
 (ii) Prior to the issuance of a certificate of occupancy for the 101st dwelling unit to be constructed in Development Area 1 of the Site, the developer shall pay the sum of \$100,000 to the Board. This \$100,000 payment shall satisfy the contribution commitment for the 101st through 300th dwelling unit to be constructed in Development Area 1.
 (iii) Prior to the issuance of a certificate of occupancy for the 301st dwelling unit to be constructed in Development Area 1 of the Site, the developer shall pay the sum of \$100,000 to the Board. This \$100,000 payment shall satisfy the contribution commitment for the 301st through 500th dwelling unit to be constructed in Development Area 1.
 (iv) Prior to the issuance of a certificate of occupancy for the 501st dwelling unit to be constructed in Development Area 1 of the Site, the developer shall pay the sum of \$100,000 to the Board. This \$100,000 payment shall satisfy the contribution commitment for the 501st through 700th dwelling unit to be constructed in Development Area 1.
 (v) Prior to the issuance of a certificate of occupancy for the 701st dwelling unit to be constructed in Development Area 1 of the Site, the developer shall pay the sum of \$30,000 to the Board. This \$30,000 payment shall satisfy the contribution commitment for the 701st through 800th dwelling unit to be constructed in Development Area 1.
 (vi) Prior to the issuance of a certificate of occupancy for the 801st dwelling unit to be constructed in Development Area 1 of the Site, the developer shall pay the sum of \$30,000 to the Board. This \$30,000 payment shall satisfy the contribution commitment for the 801st through 860th dwelling unit to be constructed in Development Area 1. Notwithstanding the foregoing, in the event that the developer or developers of Development Area 1 determine to construct less than 860 allowed dwelling units to a number less than 860, then the amount of the final contribution relating to Development Area 1 shall be the product of \$500 and the number of allowed dwelling units in excess of 800.
 Development Area 2 of the Site
 (i) Prior to the issuance of a certificate of occupancy for the first dwelling unit to be constructed in Development Area 2 of the Site, the developer shall pay the sum of \$50,000 to the Board. This \$50,000 payment shall satisfy the contribution commitment for the first through 100th dwelling unit to be constructed in Development Area 2.
 (ii) Prior to the issuance of a certificate of occupancy for the 101st dwelling unit to be constructed in Development Area 2 of the Site, the developer shall pay the sum of \$50,000 to the Board. This \$50,000 payment shall satisfy the contribution commitment for the 101st through 200th dwelling unit to be constructed in Development Area 2.
 (iii) Prior to the issuance of a certificate of occupancy for the 201st dwelling unit to be constructed in Development Area 2 of the Site, the developer shall pay the sum of \$65,500 to the Board. This \$65,500 payment shall satisfy the contribution commitment for the 201st through 331st dwelling unit to be constructed in Development Area 2. Notwithstanding the foregoing, in the event that the developer or developers of Development Area 2 determine to construct less than 331 dwelling units to Development Area 2 and the approved subdivision plans for Development Area 2 limit the number of allowed dwelling units to a number less than 331, then the amount of the final contribution relating to Development Area 2 shall be the product of \$500 and the number of allowed dwelling units in excess of 200.

- Within sixty (60) days after a final, non-appealable decision approving the rezoning of the Site pursuant to the Rezoning Petition and this Technical Data Sheet as they may be modified or amended, Petitioner will cause Loughead to file in the Mecklenburg County Public Registry an amendment that revises the Restriction in the Loughead Deed to add the following new provision to the end of it:
 "... provided, however, notwithstanding the foregoing the Servient Estate may be used for a single elementary school."
 No development may occur on either Development Area 1 or Development Area 2 until such time as the above described amendment is filed in the Mecklenburg County Public Registry.

Tom Short Road Property

Technical Data Sheet

Centex Homes

Mecklenburg County, NC

- All funds paid to the Board pursuant to this Agreement shall be used for and devoted solely to the funding of the design or construction of an elementary school on the County Parcel. In the event that the Board has not commenced the construction of an elementary school on the County Parcel by July 1, 2003, then any funds paid to the Board under this Agreement shall be refunded to the paying party or parties or its or their designees. All funds paid to the Board pursuant to this Agreement will be held by the Board in a separate account until such time as the construction of an elementary school on the County Parcel has commenced or until such time as the funds are refunded to the paying party or parties or its or their designees. In the event that the construction of an elementary school on the County Parcel has commenced or has been completed prior to the development of the Site, or any portion thereof, on or prior to the payment of any funds to the Board pursuant to this Agreement, the developer or developers of the Site will nevertheless be required to pay to the Board the contributions set out above in paragraph 1 in accordance with the schedule set out below.

BINDING EFFECT OF THE REZONING PETITION
 If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and this Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Past, Present and Subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

AMENDMENTS TO REZONING PLAN
 Future amendments to this Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

INNOVATIVE DEVELOPMENT STANDARDS
 Pursuant to Section 11.208 of the Ordinance, Petitioner seeks to obtain the approval of the use of the following Innovative Development Standards concurrently with the approval of this Rezoning Petition:

- Single Family Detached Dwelling Units**
 Public Street Right of Way for Local Residential Streets: 45 feet (in locations to be approved during the subdivision approval process)
- Public Street Right of Way for Limited Local Residential Streets (Cul de Sacs less than 250 feet in length):** 40 feet
- Sidewalks and Planting Strips:** 4 foot sidewalk and 4 foot planting strip along both sides of Local Residential Streets
 4 foot sidewalk and a 4 foot planting strip on one side of Limited Local Residential Streets (Cul de Sacs less than 250 feet in length)

Minimum Lot Width in Tract 6 (if developed with for sale single family detached dwelling units in lieu of attached dwelling units): 35 feet

Minimum Front Building Setback from Public Right of Way: 15 feet

Minimum Rear Building Setback from Public Right of Way (Reverse Frontage Lots on Tom Short Road): 45 feet

Minimum Side Yard: 3 feet/8 foot building separation

Minimum Rear Yard (Internal Lots): 15 feet

Minimum Rear Yard (Perimeter Lots): 45 feet, or 20 feet where at least 25 feet of unobstructed open space is situated immediately to the rear of the lot (the 25 feet of common open space being in addition to the 20 foot rear yard)

Internal Buffers: None

Single Family Attached Dwelling Units

Private Street Right of Way Clear of Obstructions: 30 feet

Public Street Right of Way (Including Residential Collector Street which shall have a 60 foot right of way): 45 feet

Sidewalks and Planting Strips: 4 foot sidewalk and 4 foot planting strip on both sides of all public streets (excluding residential collector street which shall have a 5 foot sidewalk and a 6 foot planting strip) to sidewalk and a 2.5 foot planting strip on one side of private streets

Minimum Front Setback: 15 feet from public right-of-way or back of private street easement

Minimum Rear Yard: 15 feet

Internal Buffers: None

Minimum Building Separation: 16 feet

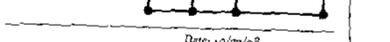
Except for Collector Road # 1, public or private streets may be used in that portion of the Site devoted to for sale single family attached dwelling units. In the event that public streets are utilized, all standards for public street construction shall be met. In the event that private streets are installed, private street shall conform to the Charlotte-Mecklenburg Land Development Standards Manual.

APPROVED BY CITY COUNCIL
 DATE 5/17/04



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 Fax: 704-376-8235

Scale: N.T.S.

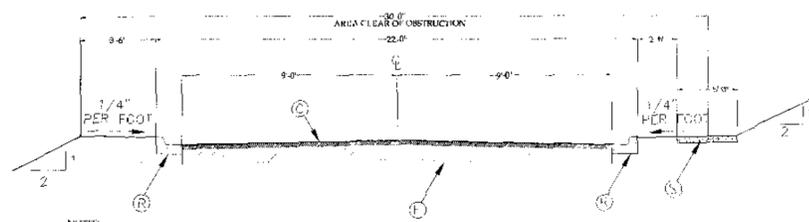


Date: 10/27/03
 Project Number: 1003169
 Revision 1: 10/28/03
 Revision 2: 03/15/04
 Revision 3: 5/27/04
 Revision 4: 6/10/04
 Revision 5: 6/16/04
SHEET 2 OF 5

Tom Short Road Property

TYPICAL ROAD CROSS SECTIONS

Centex Homes
Mecklenburg County, NC

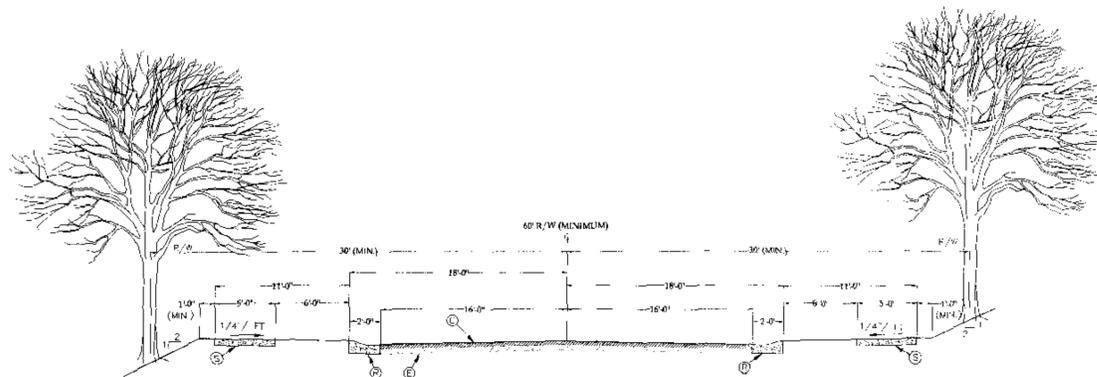


- NOTES:**
1. DETAILS SHOWN SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPROPRIATE CITY/COUNTY STANDARDS.
 2. 2'-0" VALLEY GUTTER MAY BE USED UPON APPROVAL BY APPROPRIATE CITY/COUNTY ENGINEERING DEPT.
 3. DETAIL TYPE STREET REQUIRES APPROVAL OF APPROPRIATE CITY/COUNTY ENGINEERING DEPT.
 4. THE CROWN (TRANSVERSE SLOPE) FOR ALL TYPICAL SECTIONS ON THIS SHEET IS 3/8" PER FT.
 5. MINIMUM CURB RADII ON INTERIOR DRIVES AND PARKING AREAS IS 10'.

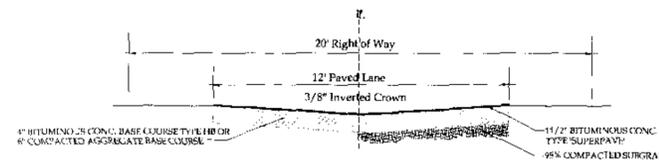
- PAVEMENT SCHEDULE**
- ① 1.25" BITUMINOUS CONCRETE SURFACE COURSE, TYPE SUPERPAVE
 - ② 4" COMPACTED AGGREGATE BASE COURSE OR 4" BITUMINOUS CONCRETE BASE COURSE, TYPE IIB
 - ③ 2'-0" VALLEY GUTTER
 - ④ 4" CONCRETE SIDEWALK

Typical Section of Private Street Roadway #3

Curb and Gutter

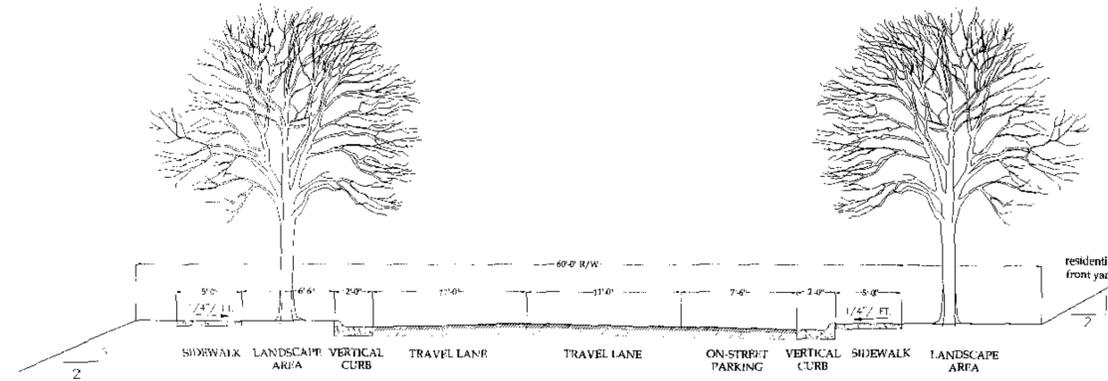


Typical Section of Neighborhood Alley Roadway #6



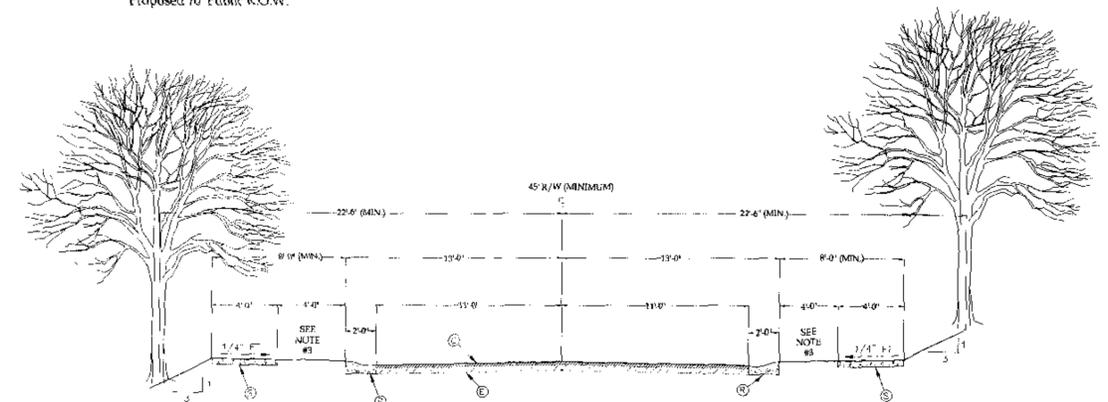
Residential Collector Street for Homes/Alleys Roadway #1a

60' Public R.O.W.



Tom Short Road Improvements Section Roadway #5 (South of New 3 Lane Ditch Section)

Proposed 70' Public R.O.W.



Local Residential Collector Street Section Roadway #1

60' Public R.O.W. with 2'-0" Valley Curb

- NOTES:**
1. SIDEWALK SHALL BE PROVIDED ON BOTH SIDES OF THE STREET A MINIMUM OF 4' FROM THE BACK OF CURB.
 2. THE CROWN (TRANSVERSE SLOPE) FOR THE TYPICAL SECTION ON THIS SHEET IS 3/8" PER FT.

- PAVEMENT SCHEDULE**
- ① 1.25" BITUMINOUS CONCRETE SURFACE COURSE, TYPE SUPERPAVE
 - ② 4" COMPACTED AGGREGATE BASE COURSE OR 4" BITUMINOUS CONCRETE BASE COURSE, TYPE IIB
 - ③ 2'-0" VALLEY GUTTER
 - ④ 4" CONCRETE SIDEWALK

Local Limited Residential Street Section Roadway #4

40' Public R.O.W.

- PAVEMENT SCHEDULE**
- ① 1.25" BITUMINOUS CONCRETE SURFACE COURSE, TYPE SUPERPAVE
 - ② 4" COMPACTED AGGREGATE BASE COURSE OR 4" BITUMINOUS CONCRETE BASE COURSE
 - ③ 2'-0" VALLEY GUTTER

- NOTES:**
1. THE CROWN (TRANSVERSE SLOPE) FOR THE TYPICAL SECTION ON THIS SHEET IS 3/8" PER FOOT.

Local Residential Street Section Roadway #2

45' Public R.O.W.

- NOTES:**
1. SIDEWALK SHALL BE PROVIDED ON ONE SIDE OF THE STREET A MINIMUM OF 4' FROM THE BACK OF CURB.
 2. THE CROWN (TRANSVERSE SLOPE) FOR THE TYPICAL SECTION ON THIS SHEET IS 3/8" PER FT.
 3. FOR LANTING STRIP SLOPE SEE GENERAL NOTE #1.2.

- PAVEMENT SCHEDULE**
- ① 1.25" BITUMINOUS CONCRETE SURFACE COURSE, TYPE SUPERPAVE
 - ② 4" COMPACTED AGGREGATE BASE COURSE OR 4" BITUMINOUS CONCRETE BASE COURSE, TYPE IIB
 - ③ 2'-0" VALLEY GUTTER
 - ④ 4" CONCRETE SIDEWALK

APPROVED BY CITY COUNCIL

5/17/04

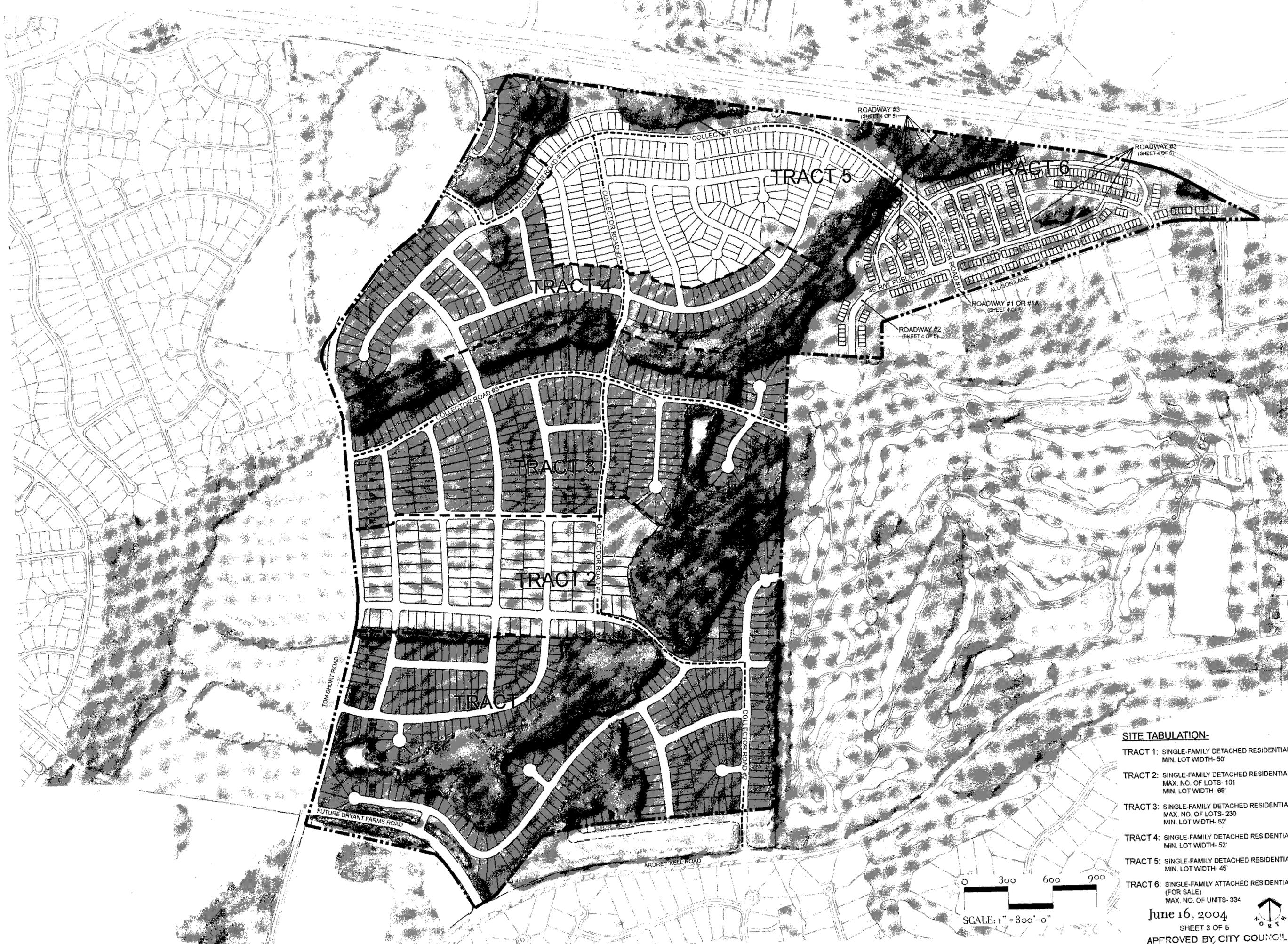
LandDesign



223 North Graham Street
Charlotte, NC 28202
Phone: 704.333.0325
Phone: 704.376.7777
Fax: 704.332.3246
Fax: 704.376.8235

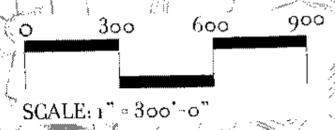
Scale: N.T.S.

Date: 10/27/03
Project Number: 1003169
Revision 1: 10/28/03
Revision 2: 03/15/04
Revision 3: 5/17/04
Revision 4: 6/01/04
Revision 5: 6/16/04
SHEET 4 OF 5



SITE TABULATION:

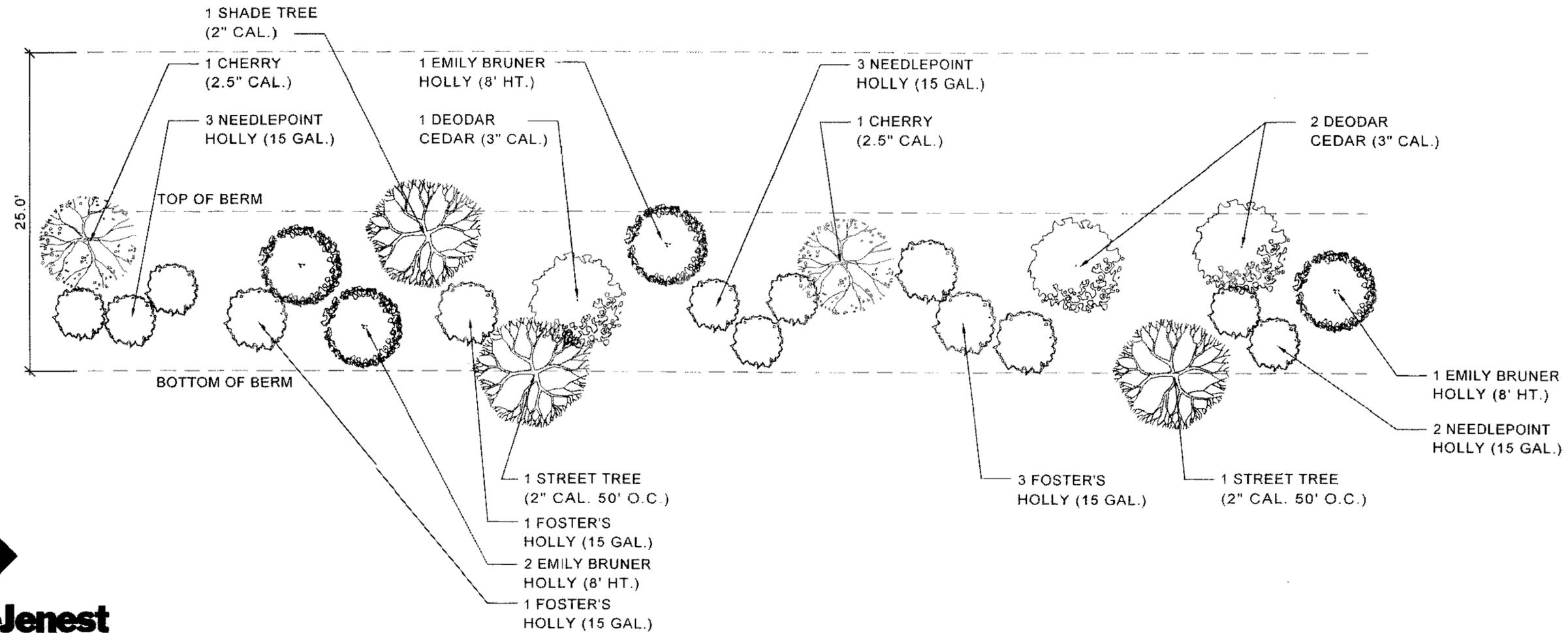
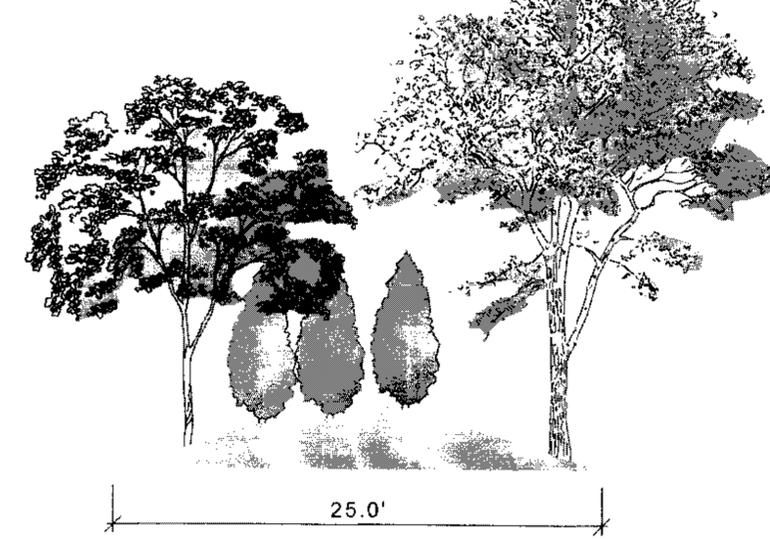
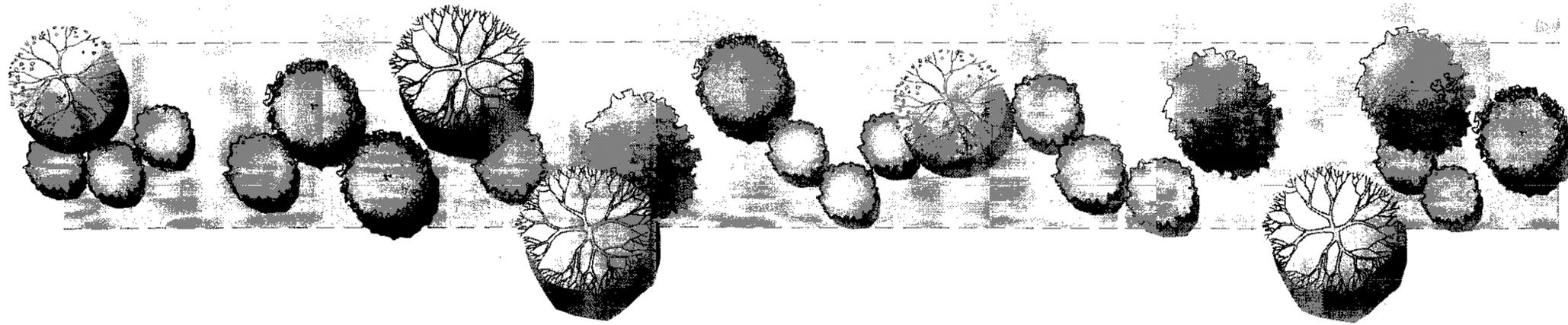
- TRACT 1: SINGLE-FAMILY DETACHED RESIDENTIAL
MIN. LOT WIDTH- 50'
- TRACT 2: SINGLE-FAMILY DETACHED RESIDENTIAL
MAX. NO. OF LOTS- 101
MIN. LOT WIDTH- 65'
- TRACT 3: SINGLE-FAMILY DETACHED RESIDENTIAL
MAX. NO. OF LOTS- 230
MIN. LOT WIDTH- 52'
- TRACT 4: SINGLE-FAMILY DETACHED RESIDENTIAL
MIN. LOT WIDTH- 52'
- TRACT 5: SINGLE-FAMILY DETACHED RESIDENTIAL
MIN. LOT WIDTH- 45'
- TRACT 6: SINGLE-FAMILY ATTACHED RESIDENTIAL
(FOR SALE)
MAX. NO. OF UNITS- 334



June 16, 2004
SHEET 3 OF 5
APPROVED BY CITY COUNCIL



DATE 5/17/04
Land



Land Planning
 Landscape Architecture
 Civil Engineering
 Urban Design

Tom Short Road Property - Petition 2004-014
Centex Homes

APPROVED BY CITY COUNCIL
 DATE 5/17/04

Proposed 100' Berm Section

Project No. 3040 Issued 04.15.04 SCALE: 1"= 5'

