

Plan prepared by Council 11/15/04



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**LEVINE PROPERTIES**  
 P.O. Box 2439  
 Matthews  
 North Carolina

**THE McALPINES**

**TECHNICAL DATA SHEET**

Project No. 3019

Issued 02/23/04

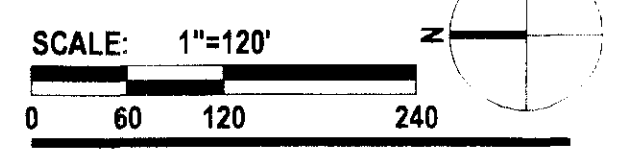
REZONING PETITION # 2004-55

**Revised**  
 04/15/04 REVISED PER CMPC CDOT, MUEBS COMMENTS  
 05/13/04 REVISED PER CMPC COMMENTS  
 05/15/04 REVISED PER OWNER'S COMMENTS  
 08/27/04 CMPC RESUBMITTAL  
 10/06/04 REVISED PER CMPC COMMENTS  
 10/12/04 REVISED PER CMPC COMMENTS  
 10/14/04 REVISED PER REVISIONS TO DEV. STD'S  
 10/18/04 CLARIFY THERMAL RD CONNECTION  
 10/25/04 SET SCHEMATIC SITE PLANS  
 11/12/04 REVISIONS POST PUBLIC HEARING  
 11/12/04 ADD'L REVISIONS POST PUBLIC HEARING

APPROVED BY CITY COUNCIL  
 DATE 11/15/04

**SITE D.T.A**

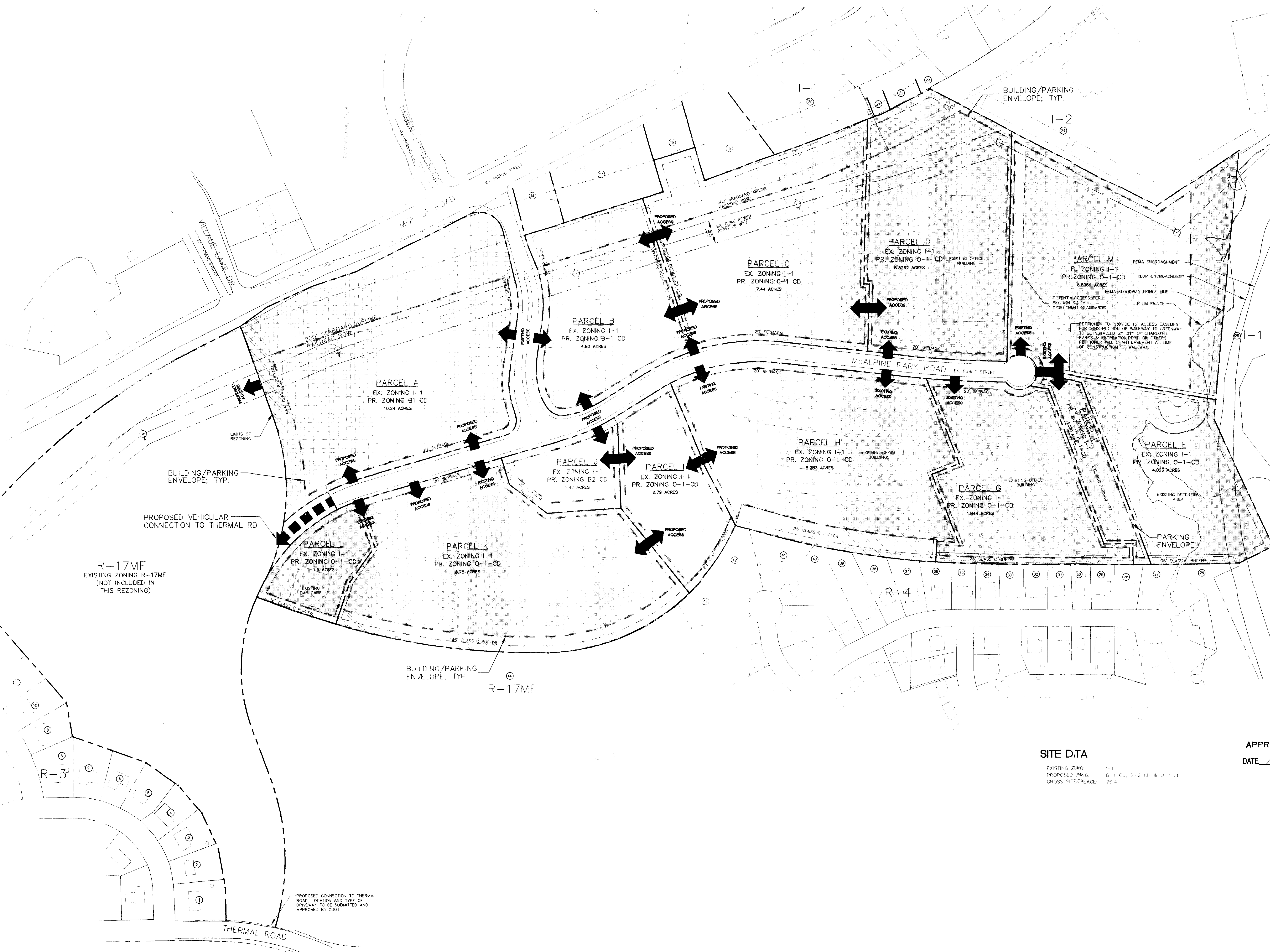
EXISTING ZONING: I-1  
 PROPOSED ZONING: B-1 CD, B-2 CD & O-1 CD  
 GROSS SITE AREA: 76.4



**RZ1.0 of 4**

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R-17MF  
 EXISTING ZONING R-17MF  
 (NOT INCLUDED IN THIS REZONING)

PROPOSED CONNECTION TO THERMAL ROAD. LOCATION AND TYPE OF DRIVEWAY TO BE SUBMITTED AND APPROVED BY CDOT

PETITIONER TO PROVIDE 15' ACCESS EASEMENT FOR CONSTRUCTION OF WALKWAY TO GREENWAY TO BE INSTALLED BY CITY OF CHARLOTTE PARKS & RECREATION DEPT. OR OTHERS. PETITIONER WILL GRANT EASEMENT AT TIME OF CONSTRUCTION OF WALKWAY.



## DEVELOPMENT STANDARDS

### General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Levine Properties to accommodate development of a mixed use center on an approximately ± 76.4 gross acre site located on McAlpine Park Road west of Monroe Road (the "Site"). Development of the Site will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the Zoning Ordinance of the City of Charlotte (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance in effect at the time of this rezoning for the O-1, B-1 and B-2 zoning classifications shall govern all development taking place on the Site with respect to those portions of the Site designated for such zoning classifications.

The Technical Data Sheet sets forth the areas (Building/Parking Envelopes) within which buildings and parking areas may be located within each of the parcels located on the Site and specifies the general locations of proposed access for such parcels. All such buildings and parking on such parcels shall be located within the Building/Parking Envelopes for the applicable parcel generally depicted on the Technical Data Sheet.

Furthermore, the Technical Data Sheet is accompanied by two separate illustrative schemes for Parcels A and B on the Site which depict two separate potential development scenarios for such Parcels and which together are referred in these Development Standards collectively as the Schematic Site Plan for Parcels A and B. The Technical Data Sheet and the Schematic Site Plan for Parcels A and B and the depictions of the uses, structures, parking areas, and building elements shown thereon should be reviewed in conjunction with the provisions of these Development Standards. The development depicted on the Schematic Site Plan for Parcels A and B is schematic in nature, not to be considered as specific development plans but rather as preliminary graphic representations of the types of development and alignments proposed for Parcels A and B, and intended to describe the general arrangement of uses on Parcels A and B. Accordingly, subject to the Design and Performance Standards specified below, the configuration, placement, and size of the building footprints as well as the locations of the private streets outlined on the Schematic Site Plan for Parcels A and B are conceptual in nature, and, subject to the provisions set forth below under Design and Performance Standards, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Technical Data Sheet, subject to the provisions of Section 6.206(2) of the Ordinance.

Parking layouts may be modified to accommodate final building locations and ancillary facilities and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.

Office development and parking and maneuvering associated with office development within the Site may overlap on, over and between the various Parcel boundary lines.

New development located upon Parcels C, D, E, F, G, H, I, K, L, and M shall conform to the provisions outlined in the Ordinance for the O-1 zoning classification and these development standards. New development located upon Parcel J shall conform to the provisions outlined in the Ordinance for the B-2 zoning classification and these development standards. Any number of new buildings may be located within these Parcels subject to conformance with the relevant provisions in the Ordinance and these development standards.

#### 1. Maximum Building Areas and Development Limitations

The Site may be developed with up to 471,000 square feet of general office and/or medical office floor area (including existing development, new development or redevelopment), up to 55,000 square feet of retail/restaurant floor area, up to 10,000 square feet of day care floor area, a gathering hall of up to 3,200 square feet and a nursing home facility of up to 70,000 square feet subject to the following provisions. The above limitations include existing floor area on Parcel D, Parcel E, Parcel F, Parcel G, Parcel H and Parcel L of the Site, which are currently developed with existing office buildings which include approximately 211,000 square feet of floor area, detention facilities, parking areas and a day care center, all of which may remain and may be redeveloped as described below.

##### (a) B-1(CD) Area - Parcel A and Parcel B

- Parcel A may be developed with up to 68,000 square feet of general office, medical office and/or retail/restaurant floor area, of which no more than 40,000 square feet may be devoted to retail/restaurant use. Accessory uses as permitted under the Ordinance for the B-1 district are allowed. However, in no event shall drive-through facilities be permitted.
- Parcel B may be developed with up to 32,000 square feet of general office, medical office and/or retail/restaurant floor area, of which no more than 15,000 square feet may be devoted to retail/restaurant use. Accessory uses as permitted under the Ordinance for the B-1 district are allowed. However, in no event shall drive-through facilities be permitted.
- In no event shall any of the following uses be permitted on Parcel A or on Parcel B:

Automotive services stations, including minor adjustments, repairs and lubrication,  
Bus and train terminals,  
Equipment rental and leasing,  
Convenience stores,  
Car washes,  
Elementary and secondary schools, and  
Nightclubs, bars or lounges.

##### (b) O-1(CD) Area - Parcel C through Parcel I, Parcel K, Parcel L and Parcel M

- Parcel C may be developed with up to 80,000 square feet of general and/or medical office floor area. Accessory uses as permitted under the Ordinance for the O-1 district are allowed. In addition, the existing outdoor recreational use and accessory lighting that is located on Parcel M may be expanded on Parcel C in accordance with the provisions of the Ordinance.
- Parcel D, Parcel E, Parcel F, Parcel G, Parcel H and Parcel L are developed with existing office buildings which include approximately 211,000 square feet of floor area, detention facilities, parking areas and a day care center (on Parcel L), all of which may remain. Accessory uses as permitted under the Ordinance for the O-1 district are allowed. Redevelopment of these Parcels, at the same, greater or smaller floor area amounts than currently exist, may occur, subject to the maximum floor area limitations for the Site set forth in Paragraph 1 above. Building, parking and/or maneuvering areas may be shifted and/or relocated as part of any redevelopment in accordance with the development standards outlined under the Ordinance for the O-1 zoning classification.
- All or a portion of Parcel I may be devoted to expansion of the nursing home/hospice use allowed on Parcel K. In the alternative, Parcel I may be developed with general and/or medical office floor area of up to 25,000 square feet. The amount of floor area set forth in the preceding sentence may be increased subject to the maximum floor area limitations for the Site under Paragraph 1 above. In the event that Parcel I is devoted to expansion of the nursing home allowed on Parcel K, all or a portion of the office floor area permitted throughout the Site may be converted to additional nursing home beds at a conversion rate of 500 square feet of office floor area per nursing home bed. Accessory uses as permitted under the Ordinance for the O-1 district are allowed.
- Parcel K may be developed with up to 15,000 square feet of general and/or medical office floor area and a nursing home/hospice of up to 68 nursing home beds but not to exceed maximum floor area for the nursing home/hospice facility of 70,000 square feet. The number of beds within the nursing home may be increased by converting some or all of the office floor area permitted throughout the Site to additional nursing home beds at a conversion rate of 500 square feet of office floor area per nursing home bed up to a maximum of 114 beds, subject further to the maximum nursing home/hospice floor area amount of 70,000 square feet. In the alternative, Parcel K may be developed with general and/or medical office floor area subject to the maximum floor area permitted on the Site under Paragraph 1 above. Accessory uses as permitted under the Ordinance for the O-1 district are allowed.
- Parcel M may be developed with up to 95,000 square feet of general and/or medical office floor area. Accessory uses as permitted under the Ordinance for the O-1 district are allowed. In addition, the existing outdoor recreational use and accessory lighting may continue and may be expanded in accordance with the provisions of the Ordinance.

##### (c) B-2(CD) Area - Parcel J

- Parcel J may be developed with a gathering hall/meeting facility within the existing approximately 3,200 square foot building. In the alternative, Parcel J may be developed with up to 3,200 square feet of general and/or medical office floor area. The amount of office floor area set forth in the preceding sentence may be increased subject to the maximum floor area limitations for the Site set forth in Paragraph 1 above. Accessory uses as permitted under the Ordinance for the B-2 district are allowed. However, accessory drive-through facilities shall not be permitted. In the event Parcel J is developed with a gathering hall, temporary lighting and/or signage may be used for events.
- In no event shall any of the following uses be permitted on Parcel J:

Automotive services stations, including minor adjustments, repairs and lubrication,  
Bus and train terminals,  
Equipment rental and leasing,  
Convenience stores,  
Car washes,  
Elementary and secondary schools, and  
Nightclubs, bars or lounges.

- Maximum Tenant Sizes - All Parcels**  
The maximum tenant size for any retail use is 15,000 square feet and the maximum tenant size for any office use is 120,000 square feet.

- Existing or future development located on Parcel C, Parcel D, Parcel E, Parcel F, Parcel G, Parcel H, Parcel I, Parcel J, Parcel K, Parcel L and/or Parcel M may include support retail or restaurant uses as long as the total amount of retail or restaurant uses located throughout the entire Site does not exceed the maximum retail/restaurant floor area of 55,000 square feet set forth in Paragraph 1 above.

#### 2. Setbacks, Yards and Landscaping

- All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance.

- It is understood that the Site may be developed with "Zero Lot Line" standards whereby buildings and structures may be located on the lot line provided that the required building separation standards are satisfied. Buildings and parking areas may be located within the development area boundaries.

- All screening, landscaping and tree save areas shall conform to the standards of the Zoning Ordinance and Tree Ordinance.

#### 3. Design and Performance Standards

- All parking lot lighting shall be limited to 30 feet in height. All lighting will be capped to prevent night sky light pollution and will be designed such that direct illumination does not extend past any exterior property line.

- No wall pack light fixtures will be allowed on any structures placed on the site except where the building is separated from adjacent properties by a buffer with the exception of wall mounted luminaires with no less than a 30 degree light shield.

- Use of outside loudspeakers is prohibited.

- 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 of that building may be substituted for a side.

- Any buildings located on Parcel A or Parcel B will be constructed principally of brick materials, will not exceed two stories in height, will not contain reflective glass windows, and will otherwise avoid large expanses of uninterrupted walls through the introduction of articulated facades and specially designed architectural elements so that expanses of uninterrupted walls do not exceed 20 feet in length. Buildings located within Parcel A or B shall also employ four-sided architecture. Any new buildings located elsewhere on the Site shall either 1) be consistent architecturally with the existing office buildings located on the Site or 2) shall be constructed principally of brick and/or masonry materials, with no more than two stories in height, and will otherwise avoid large expanses of uninterrupted walls through the introduction of articulated facades and specially designed architectural elements so that expanses of uninterrupted walls do not exceed 50 feet in length.

- The access easement to the greenway shall be at least 15 feet in width and shall be dedicated to Mecklenburg County prior to the issuance of any building permits for new development occurring on the Site.

- On Parcel J, parking spaces will not be constructed between buildings and McAlpine Park Road. However, maneuvering may occur in the area located between buildings and McAlpine Park Road and parking spaces and/or maneuvering may be located to the side of and/or to the rear of buildings within this Parcel. In addition, this provision shall apply to Parcel I if it is developed with office uses. This provision shall not, however, apply to Parcel I if it is developed for hospice/nursing home use.

- Each of Parcels A and B shall contain an outdoor seating area of no less than 300 square feet to include landscaping, benches and other amenities.

#### 4. Parking

- Off-street parking and loading areas will satisfy the standards established under the Ordinance.

- The Petitioner reserves the right to utilize shared parking arrangements throughout the Site subject to the review and approval of the Zoning Administrator.

#### 5. Storm Water Management

- New surface level storm water detention, if required to be provided, may be located in common areas but shall not be located in the required setback or buffer areas. Parcels A-H, L, M and a portion of parcels I, J, and K drain directly to the McAlpine Creek regulated floodway as shown per Exhibit 'A'. Therefore, the Petitioner will not be required to provide stormwater detention for the previously described parcels in their current condition or upon improvements resulting in additional impervious surfaces due to their adjacency to the McAlpine Creek regulated floodway.

For the remaining areas of parcels I, J, and K which are located outside the existing drainage area adjacent to the McAlpine Creek regulated floodway, the petitioner will provide detention for the 2 year storm and 10 year storm as required by the City of Charlotte such that the discharge from the proposed detention system will not exceed the pre-development discharge. The discharge from the proposed detention system will tie-in to the existing low point at the adjacent property line.

- The Petitioner shall abide by the S.W.I.M. Stream Buffer regulations, where applicable.

#### 6. Vehicular Access and Roadways

- Vehicular access shall be as generally depicted on the Technical Data Sheet.

- The placements and configurations of these access points 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 the Charlotte Department of Transportation.

- Any future development on Parcel M shall not preclude the installation of a vehicular connection using public collector street standards in order to allow a vehicular connection extending from the common boundary of Parcel M and the adjoining Carolina Builders tract and leading from the Site to Monroe Road across this adjacent property if any such connection becomes available in the future. However, nothing in this paragraph shall require the Petitioner to provide off-site improvements or to acquire off-site right-of-way. The location, alignment and/or configuration of this street may be altered from that which is generally depicted on the Technical Data Sheet. With respect to this provision, future development plans for Parcel M created for the purpose of seeking one or more building permits for development on Parcel M shall reserve a right-of-way of 60 feet in width for this potential street in a location acceptable to the Petitioner and CDOT. However, this right-of-way will be dedicated to the City of Charlotte only after a vehicular connection extending from Monroe Road to Parcel M is established through adjacent property. Until such time as this vehicular connection is established on adjacent property, no required vehicular parking and/or associated maneuvering may occur within the reserved right-of-way. Furthermore, prior to the issuance of the first building permit for development on Parcel M (i) the location and design of the potential street shall be submitted to CDOT for approval based upon applicable design standards for such potential street and (ii) Petitioner, its successors and assigns, shall deliver to CDOT a bond to secure the construction of such street improvements in an amount equal to 1.10 times the estimated cost of the extension of such street from the cul-de-sac of McAlpine Park Drive to the common boundary of Parcel M with said Carolina Builders tract. Such a bond shall be held by CDOT or other acceptable intermediary in escrow until the earlier to occur of (a) a period of ten (10) years after the issuance of the first such building permit for Parcel M without completion of the vehicular connection from Monroe Road to Parcel M or (b) completion of the street improvements on Parcel M by Petitioner.

- The Petitioner reserves the right to undertake subdivision approval, other permitting approvals and construction in connection with an extension of McAlpine Park Road across the adjoining R-17MF parcel upon approval of the rezoning petition; provided, however, Petitioner shall not submit its final plat of such extension of McAlpine Park Road for approval and recordation, and such extension of McAlpine Park Road from the Site on to the adjoining R-17MF parcel shall not become operational and available for vehicular ingress or egress between the Site and the adjoining R-17MF parcel until the later to occur of (i) the date which is eighteen (18) months from the date of approval of this rezoning petition by Charlotte City Council and (ii) the date which is ninety (90) days after completion of the transportation improvements set forth in Section 11(a) below, including installation and operation of the traffic signal referenced therein. Nothing contained herein shall limit Petitioner's right to obtain subdivision and multi-family review approval in connection with development on the adjoining R-17MF parcel provided that any such approvals do not permit vehicular ingress and egress between the Site and the R-17MF parcel until the occurrence of the events described in items (i) and (ii) in the preceding sentence.

- In the event a vehicular connection is established between the Site and Thermal Road by way of either a public or a private street over the adjoining R-17MF parcel, the Petitioner shall provide for a mechanism that will seek to prevent non-emergency services truck traffic from entering or exiting the Site on this street via Thermal Road. Such mechanism could include a height bar, signage or other provision, any of which shall be subject to review and approval by CDOT and applicable public safety/emergency services officials. In addition, in the event such a connection from the Site to Thermal Road is made, Petitioner as the owner of the adjoining R-17MF parcel shall cooperate with CDOT to cause such street to include intersection and street design feature(s) that attempt to discourage traffic from Monroe Road through the Site to Thermal Road across the adjoining R-17MF parcel.

#### 7. Sidewalks within Public Right-of-way

Any required or non-required sidewalk and/or planting strips throughout the Site may be located inside or outside of public right-of-way subject to the reasonable approval of CDOT and the Planning Staff. In the event a required sidewalk is located on private property, an easement in favor of the applicable governmental entity shall be established for such sidewalk.

#### 8. Buffers

- The buffer areas established on this Technical Data Sheet shall conform to the standards of Section 12.302 of the Ordinance. All required buffers can be reduced with the use of a wall or fence per section 12.302 (8) of the Ordinance. Any buffers required by the Ordinance within the interior of the Site may be reduced or eliminated subject to the relevant provisions and standard review and approval processes outlined in the Ordinance. In the event the abutting residentially zoned properties should be rezoned, the required buffer for this property may be adjusted accordingly to meet the minimum requirements for buffering and screening per the Ordinance.

- Existing structures and/or parking areas that are being rezoned were constructed prior to the current zoning regulations. These structures and/or parking spaces may encroach into areas that the current zoning regulations require for buffer purposes. In this event, the existing structure and/or parking areas may remain in legal non-conformance until such time as the lot upon which the non-conforming structure and/or parking areas are redeveloped with new structure(s) and/or new parking areas, at which time the property must meet the applicable buffer requirement of the Ordinance.

#### 9. Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications.

#### 10. Signs

All signage shall conform to the Ordinance. Internal directional signage may be utilized as permitted by the Ordinance. Detached signs will be ground mounted and shall not exceed 7 feet in height.

#### 11. Transportation and Offsite Sidewalk Commitments

- Subject to rezoning approval, receipt of preliminary plan approval regarding the Thermal Road connection and approvals of CDOT, NCDOT and CSX railroad regarding the following transportation improvements, the Petitioner shall provide the following transportation improvements to the intersection of Monroe Road, McAlpine Station Drive and Timber Springs Drive prior to the issuance of building permits for new development on the Site in excess of (i) 70,000 square feet (114-bed) nursing home/hospice facility, (ii) 40,000 square feet of retail space and (iii) 130,000 square feet of new office space (i.e. space not in existence as of the date of approval of this Petition), or 150,000 square feet of new office space if the nursing home/hospice facility is not constructed on the Site;

Until a traffic signal is in place, provide a police officer during the afternoon peak traffic period to allow vehicles to exit the site.

Realign McAlpine Station Drive and Timber Springs Drive to eliminate the offset between the intersections so that the intersection can be signalized.

Install a traffic signal upon meeting applicable warrants as determined by CDOT and NCDOT. All costs associated with the installation of the traffic signal and related equipment, including the cost of interconnect cable to the existing Monroe Road/Village Lake Drive signalized intersection, shall be borne by Petitioner.

Construct dual eastbound left-turn lanes on McAlpine Station Drive with each lane having 225 feet of storage and a 15:1 bay taper.

Construct an eastbound right-turn lane on McAlpine Station Drive with a minimum of 150 feet of storage and a 15:1 bay taper.

Construct a westbound right-turn lane on Timber Springs Drive with a minimum of 150 feet of storage and a 15:1 bay taper.

Extend the existing northbound right-turn lane on Monroe Road near Village Lake Drive south to Timber Springs Drive.

A preliminary conceptual design for the above-referenced improvements has been reviewed and approved by CDOT and NCDOT. It is understood that the final design for such improvements must meet applicable CDOT and NCDOT standards and is subject to the reasonable approval of CDOT and NCDOT prior to the issuance of the first building permit for development to be located within Parcels A and B. Furthermore, in the event that any off-site property may be needed for additional right-of-way in order to accomplish the above-referenced improvements, Petitioner, its successors and assigns, shall use diligent good faith efforts to acquire any such required additional right-of-way from applicable property owners at market values and market terms. In the event that Petitioner, its successors and assigns, is unable, after the exercise of good faith efforts, to acquire any such additional right-of-way CDOT will cooperate with Petitioner in seeking to obtain approval of Charlotte City Council and/or NCDOT, as applicable, for the use of eminent domain proceedings to acquire any such additional right-of-way for the public road improvements contemplated herein. The cost of any out of pocket expenses incurred by CDOT and/or NCDOT in connection with any such eminent domain proceedings shall be borne by the Petitioner, its successors and assigns.

- In the event the Site is connected to Thermal Road, the following improvements shall be made to McAlpine Park Drive as part of any such extension:

Extend McAlpine Park Drive to Thermal Road north of Pineburr Road in conformance with applicable subdivision street standards.

Use design standards to minimize vehicle speed and driver convenience.

The alignment should be designed to where it is not directly obvious to the drivers of Monroe Road that it connects to Thermal Road.

- Petitioner agrees to pay to CDOT or the City of Charlotte Engineering Department the sum of \$50,000 in certified funds to be used for the installation of the sidewalk improvements within the Stonehaven Meaderine neighborhoods. Payment shall be made within thirty (30) days of receipt by Petitioner of written notice that contracts has been let for the installations of such sidewalk improvements for an amount in excess of the \$50,000.

#### 12. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, the Conceptual Master Plan, the elevation and these Development Standards may be applied for by the then Owner or Owners of the Parcel or Parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance in existence as of the date of the approval of this Rezoning Petition.

#### 13. Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and 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.

- 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 Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.



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**LEVINE  
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**THE McALPINES**

**DEVELOPMENT  
STANDARDS**

Project No.

3019

Issued

02/19/04

**REZONING PETITION #:**

**2004-55**

**Revised**

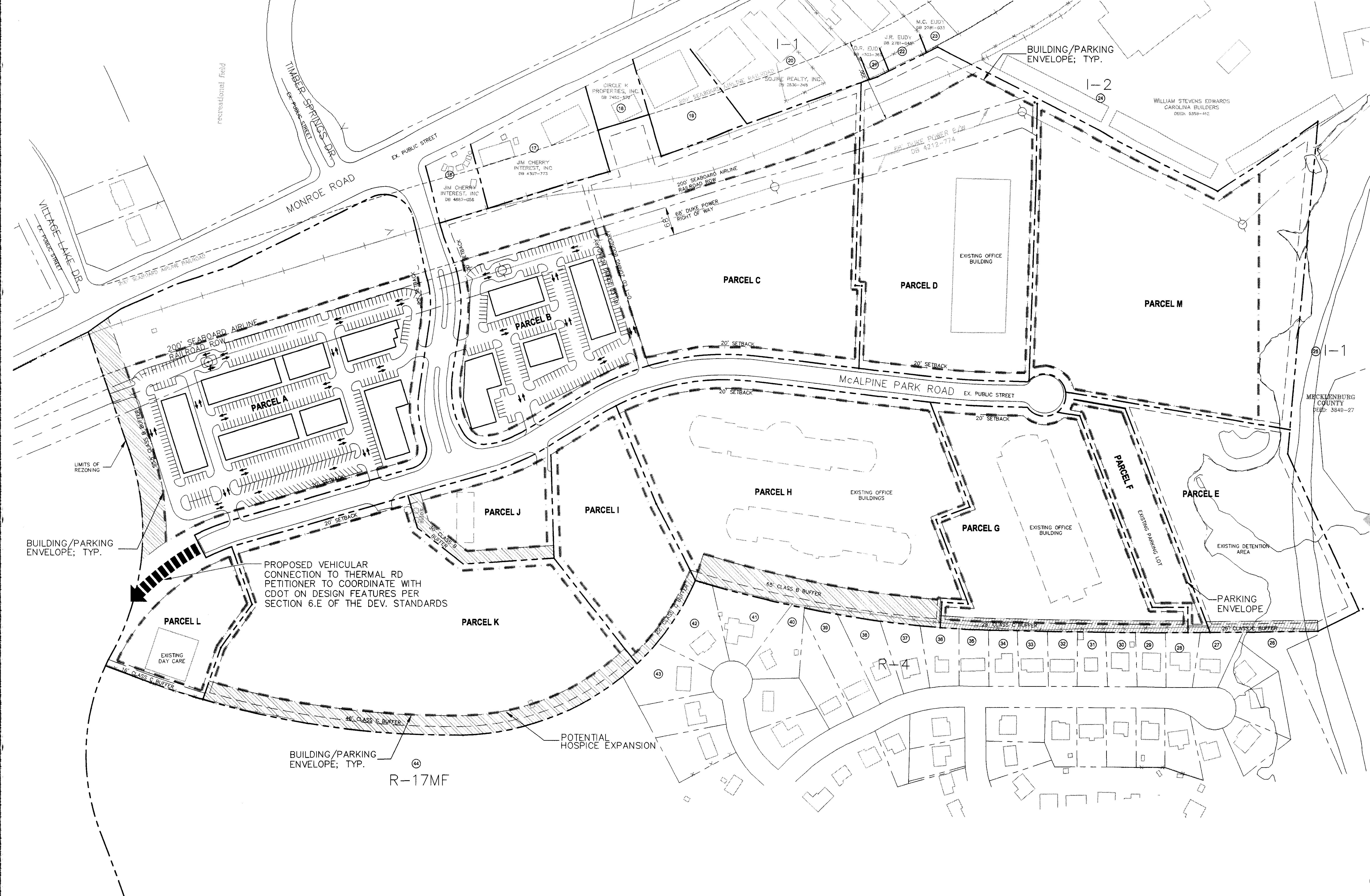
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**RZ2.0 of 4**

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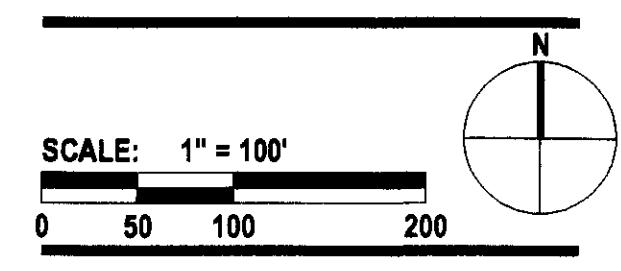
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**SCHEMATIC SITE PLAN A**

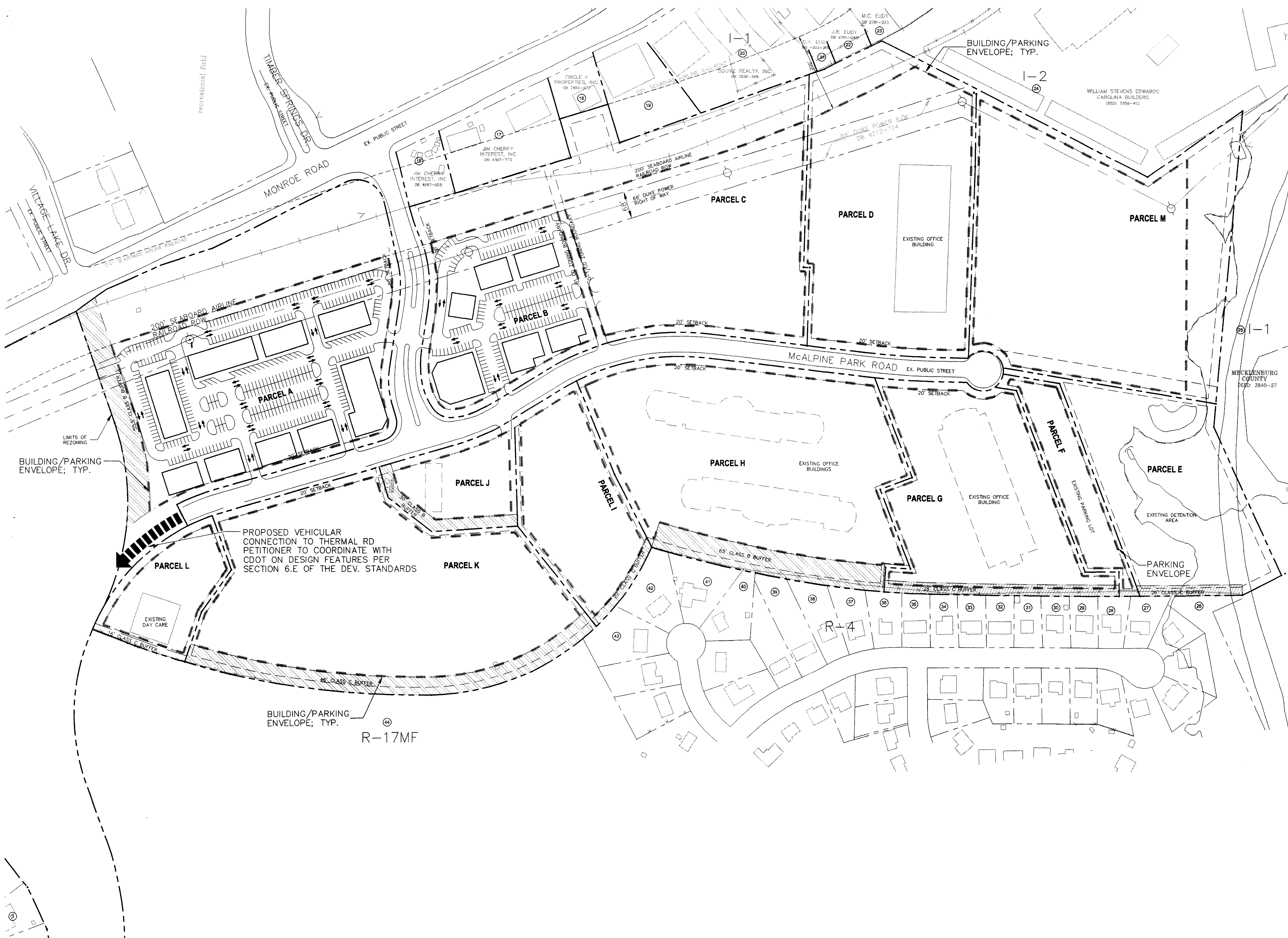
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**RZ3.0 of 4**

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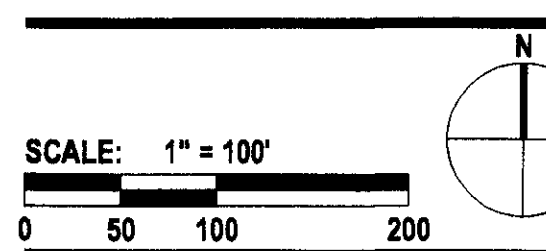
**SCHEMATIC SITE PLAN B**

Project No.  
**3019**

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  - 11/12/04 ADD. REVISIONS POST PUBLIC HEARING



**RZ3.1 of 4**

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