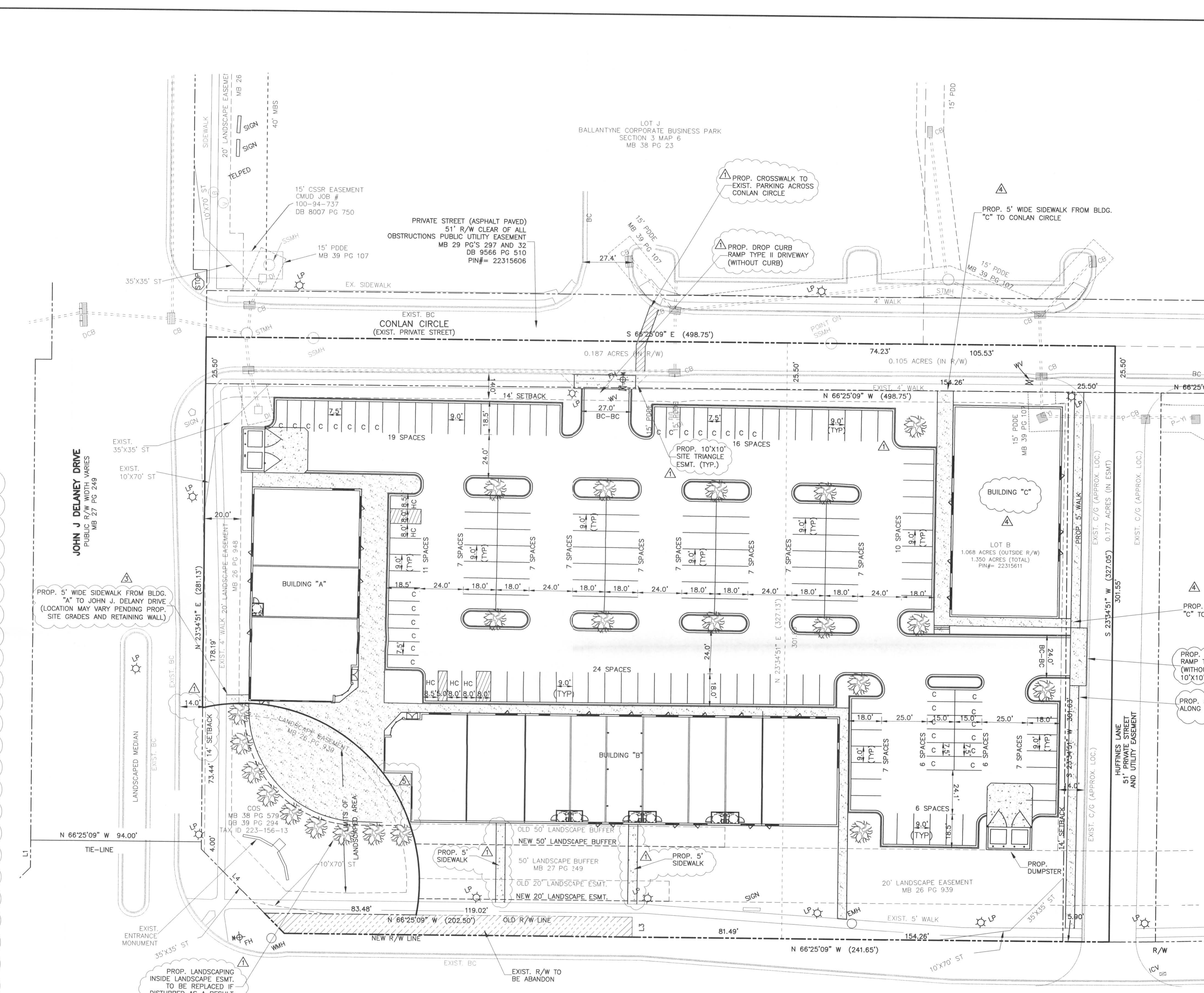


VICINITY MAP (N.T.S.)

**DEVELOPMENT DATA:**  
 TAX PARCELS: 223-156-12, 223-156-11 & A PORTION OF 223-156-13  
 EXISTING ZONING: BP  
 PROPOSED ZONING: NS  
 PROPOSED USE: OFFICE, RETAIL, AND RESTAURANT  
 TOTAL SITE ACREAGE: 3.133 ACRES  
 MAX. PROPOSED BLDG. AREA = 29,500 S.F.  
**PARKING:** RESTAURANT = 1 SPACE PER 200 S.F.,  
 RETAIL = 1 SPACES PER 250 S.F.  
**PROVIDED:** 168 COMPACT: 34 HANDICAP: 5

**DEVELOPMENT STANDARDS:**

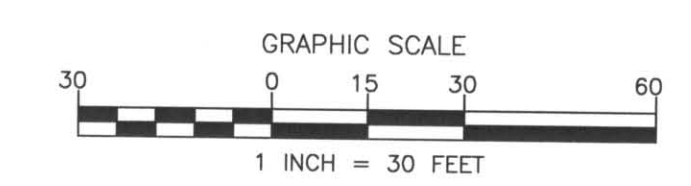
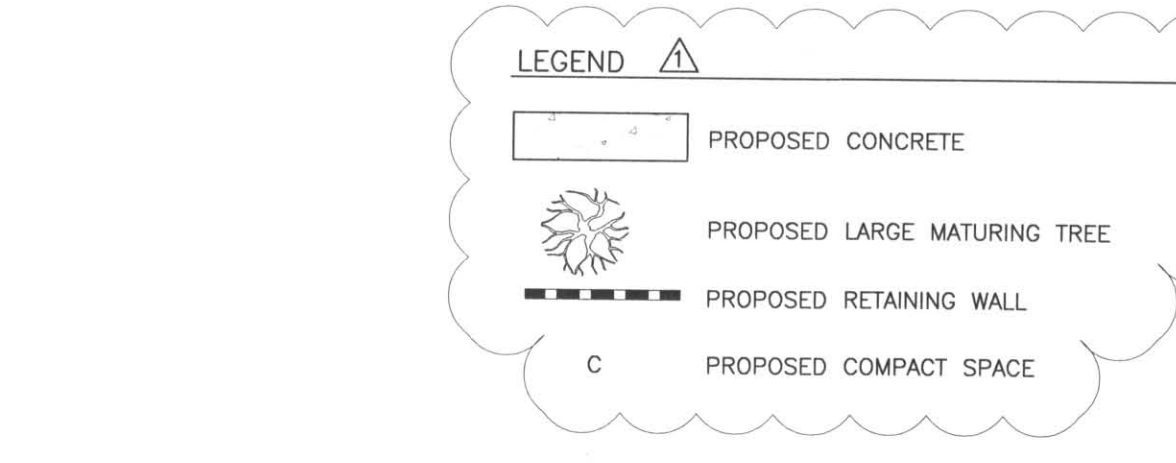
- THE DEVELOPMENT FOR THIS SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THIS SITE PLAN AND BY THE STANDARDS THE CITY OF CHARLOTTE ZONING ORDINANCE. THE DEVELOPMENT DEPICTED BY THIS PLAN IS INTENDED TO REFLECT THE GENERAL ARRANGEMENT OF PROPOSED USES ON THE SITE, BUT THE EXACT DETAILS OF THE CONFIGURATION, PLACEMENT, AND SIZE OF THE INDIVIDUAL BUILDINGS AND OR SITE ELEMENTS MAY BE ALTERED AND MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE AS SPECIFIED IN SECTION 6.026(2) DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES.
- ALL PROPOSED DEVELOPMENT ON THE SITE SHALL COMPLY WITH ORDINANCE REQUIREMENTS REGARDING THE NUMBER AND ARRANGEMENT OF OFF-STREET PARKING SPACES, SIGNAGE, YARD DIMENSIONS, BUFFERS, SCREENING, LANDSCAPING, ETC.
- THE PROPOSED DEVELOPMENT SHALL CONSIST OF A RETAIL CENTER. THE MAXIMUM ALLOWABLE SQUARE FOOTAGE SHALL BE (29,500).
- DUMPSTER AREAS SHALL BE ENCLOSED ON ALL FOUR SIDES BY A SOLID FENCE OR WALL WITH ONE SIDE BEING A HINGED GATE.
- ALL DIRECT LIGHTING WITHIN THE SITE SHALL BE DESIGNED WHERE DIRECT ILLUMINATION IS SHIELDED AWAY FROM RESIDENTIAL AREAS. LIGHTING SHOULD BE CAPPED AND A MAXIMUM OF 30' IN HEIGHT.
- WALL PACK LIGHTING SHALL BE PROHIBITED.
- VEHICULAR ACCESS POINTS SHALL BE LIMITED TO THOSE SHOWN ON THE SITE PLAN. THE EXACT LOCATION MAY VARY SLIGHTLY FROM THAT DEPICTED, BUT SHALL COMPLY WITH ALL APPLICABLE DESIGN REQUIREMENTS OF THE CHARLOTTE DEPARTMENT OF TRANSPORTATION AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
- ALL BUILDING ON THE SITE SHALL BE CONSTRUCTED OF BRICK, STUCCO, STONE, AND OR A COMBINATION OF THOSE OR OTHER MASONRY FINISHING MATERIALS. ALTHOUGH SOME INDIVIDUAL TENANTS BRANDING OR THE ARCHITECTURAL/DETAIL DIVERSITY IS ALLOWED, THERE WILL BE AN OVERALL ARCHITECTURAL THEME COMPATIBILITY OF BUILDING DESIGN FOR THE SITE. STAFF TO REVIEW PROPOSED BUILDING ELEVATIONS PRIOR TO BUILDING PERMIT SUBMITTAL. THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION STAFF SHALL REVIEW THE PROPOSED BUILDING ELEVATIONS PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT TO INSURE COMPLIANCE WITH THE ARCHITECTURAL/BUILDING MATERIAL REQUIREMENTS. PETITIONER WILL PROVIDE TO THE CHARLOTTE PLANNING COUNCIL BUILDING ELEVATIONS PRIOR TO HEARING OF PLAN BY CITY COUNCIL.
- THE PETITIONER SHALL TIE INTO THE EXISTING STORM WATER SYSTEM(S). THE PETITIONER SHALL HAVE THE RECEIVING DRAINAGE SYSTEM(S) ANALYZED TO ENSURE THAT IT WILL NOT BE TAKEN OUT OF THE STANDARD DUE TO THE DEVELOPMENT. IF IT IS FOUND THAT DEVELOPMENT WILL CAUSE THE STORM DRAINAGE SYSTEM(S) TO BE TAKEN OUT OF THE STANDARD, THE PETITIONER SHALL PROVIDE ALTERNATE METHODS TO PREVENT THIS FROM OCCURRING.
- ANY FENCE OR WALL CONSTRUCTED ALONG OR ADJACENT TO ANY SIDEWALK OR STREET RIGHT-OF-WAY REQUIRES A CERTIFICATE ISSUED BY CDOT.
- A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS REQUIRED FOR THE INSTALLATION OF ANY NON-STANDARD ITEM(S) (IRRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVERS, ETC.) WITHIN A PROPOSED/EXISTING CITY/STATE MAINTAINED STREET RIGHT-OF-WAY BY A PRIVATE INDIVIDUAL, GROUP, BUSINESS, OR HOMEOWNERS/BUSINESS ASSOCIATION. AN ENCROACHMENT AGREEMENT MUST BE APPROVED BY CDOT/NC DOT PRIOR TO THE CONSTRUCTION/INSTALLATION OF THE NON-STANDARD ITEM(S). CONTACT CDOT/NC DOT FOR ADDITIONAL INFORMATION CONCERNING COST, SUBMITTAL, AND LIABILITY INSURANCE COVERAGE REQUIREMENTS.
- IN ORDER TO ENCOURAGE BICYCLE USAGE IN THE AREA, THE APPLICANT WILL PROVIDE TWO INVERTED-U TYPE BICYCLE RACK, EACH OF WHICH WILL ACCOMMODATE TWO BICYCLES.
- FLOATING SIGNS SHALL BE RESTRICTED TO GROUND MOUNTED 4' HIGH AND 32 S.F. OF AREA MAX. WITH ONE PER STREET FRONT. PETITIONER RESERVES THE RIGHT TO OBTAIN BUILDING MOUNTED SIGNS UNDER REGULATIONS OF THE CHARLOTTE ZONING ORDINANCE.
- PETITIONER RESERVES THE RIGHT TO OBTAIN A CROSS PARKING EASEMENT ON TRACT P.L.D.#=22315606. ALL PARKING WITHIN THIS EASEMENT SHALL COUNT TOWARDS REQUIRED PARKING RATIOS.
- EXISTING SIDEWALKS ALONG BALLANTYNE COMMONS PARKWAY, JOHN J. DELANEY BLVD., AND CONLAN CIRCLE SHALL SERVICE PROPOSED DEVELOPMENT. NO SIDEWALK IMPROVEMENTS ALONG THESE ROADS WILL BE REQUIRED.
- BUILDING HEIGHTS TO BE LIMITED TO 2 STORIES MAXIMUM.
- WHEREVER POSSIBLE, THE PETITIONER WILL PROVIDE ACCESS TO ADJACENT PROPERTY TO THE EAST OF SITE.
- STORM WATER DETENTION TO SERVE THIS PROJECT IS PROVIDED IN AN OFFSITE MASTER DETENTION BASIN ON THE WEST SIDE OF JOHN J. DELANEY BLVD.
- PROPOSED BUILDINGS WILL HAVE FOUR SIDED ARCHITECTURE WITH WINDOWS AND DOORS.
- PROPOSED RETAINING WALLS WILL BE BRICK OR OR OF SIMILAR ELEMENT TO MATCH THE REST OF THE CENTER.
- THE ABANDONMENT OF THE EXISTING LANDSCAPE EASEMENT AREA AND PROPOSED PATIO EASEMENT ARE EXPRESSLY SUBJECT TO PETITIONERS BEING ABLE TO GAIN WRITTEN APPROVAL TO DO SO FROM THE CURRENT OWNER OF THE PROPERTY AND THE BALLANTYNE CORPORATE PARK ASSOCIATION.



**Patio Easement Legal Description**  
 Lying and being situated in Mecklenburg County, North Carolina, and being a portion of that property conveyed to B.C.I. Property Company No. 21 as recorded in Deed Book 8430 Page 70 in the Mecklenburg County Public Registry, and being more particularly described as follows:  
 Commencing at a concrete right-of-way monument at the intersection of John J. Delaney Drive and Ballantyne Commons Parkway, said monument lying on the Northerly margin of Ballantyne Commons Parkway, thence along the margin of Ballantyne Commons Parkway, along the aforementioned common line, to a point on the Northerly margin of Ballantyne Commons Parkway, said point being located N 66°25'09" W a distance of 119.02' from a concrete right-of-way monument on the Northerly margin of Ballantyne Commons Parkway, said point also being the common corner of Lot A and the Common Open Space as recorded in Map Book 41 Page 587 in the Mecklenburg County Public Registry, thence departing from the margin of Ballantyne Commons Parkway, along the aforementioned common line, along an arc of a circular curve to the left a distance of 49.89', having a radius of 97.57' and a chord bearing N 64°47'35" E a distance of 49.35' to a point, said point being the True Point of Beginning, thence through the lands of the aforementioned Common Open Space N 66°25'09" W a distance of 28.67' to a point, thence along an arc of a circular curve to the right a distance of 95.82', having a radius of 61.00' and a chord bearing N 21°25'02" W a distance of 86.27' to a point, thence N 23°35'05" E a distance of 0.90' to a point on the aforementioned common line, thence with the common line along an arc of a circular curve to the right a distance of 113.61', having a radius of 97.57' and a chord bearing S 31°47'56" E a distance of 108.96' to the Point of Beginning, containing 3207 SF (0.074 Ac.) and constituting a patio easement.

BALLANTYNE CORPORATE BUSINESS PARK SECTION 3 MAP 7  
 LOT C  
 MB 38 PG 579  
 DB 39 PG 294

**BALLANTYNE COMMONS PARKWAY**  
 PUBLIC R/W WIDTH VARIES  
 NCDOT PROJECT NO. 9.8100354  
 DB 7853 PG 213



**HABITANT CAPITAL**  
 14120 BALLANTYNE CORPORATE PLACE, SUITE 160  
 CHARLOTTE, N.C. 28277  
 PHONE: (704) 542-1773  
 FAX (704) 542-5854

FOR PUBLIC HEARING  
 PETITION NO. 2004-126

NO.	BY	DATE	REVISION
1	CBH	10/14/04	PER CMPC COMMENTS
2	ABC	10/29/04	PATIO ESMT. IN TRACT 223-156-13
3	ABC	11/22/04	PER CMPC COMMENTS
4	ABC	11/22/04	INCORPORATED LOT B INTO REZONING
5	RER	01/17/05	REVISED BLDG.-B & REMOVED STREET PARKING
6	RER	1/18/05	REVISED BLDG. AREA DISCREPANCY/NOTE 21

**REZONING PLAN**  
 INTERSECTION OF BALLANTYNE COMMONS PARKWAY & JOHN J. DELANEY BLVD.  
 PREPARED FOR:  
**HABITANT CAPITAL**  
 File # 04238.DWG Date: 11/24/04 Project Egr: ABC  
**ISAACS**  
 CIVIL ENGINEERING DESIGN AND LAND SURVEYING  
 8720 RED OAK BOULEVARD, SUITE 420  
 CHARLOTTE, N.C. 28217  
 PHONE (704) 527-3440 FAX (704) 527-8335  
 Scale: 1"=30'  
**C1.0**

APPROVED BY CITY COUNCIL  
 DATE 1/18/05

2004-126

PRELIMINARY  
 DO NOT USE FOR CONSTRUCTION