

General Provisions

These Development Standards form a part of the Rezoning Site Plan associated with the Rezoning Petition filed by NSP Queens Road, LLC to accommodate the redevelopment of that approximately 0.45 acre site located at the southeastern quadrant of the intersection of East Third Street and Queens Road and which is more particularly depicted on the Rezoning Site Plan (the "Site").

Development of the Site will be governed by the Rezoning Site Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Site Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District ("MUDD") zoning district shall govern the development of the Site.

Permitted Uses

The Site may be devoted to professional business and general office uses such as banks, clinics, medical and dental offices and laboratories, government offices, opticians' offices and similar uses, and to any accessory uses permitted in the MUDD zoning district. Drive-thru windows shall not be permitted on the Site.

Maximum Building Area

The maximum gross building area that may be developed on the Site is 8,500 square feet.

Maximum Building Height

Any building developed on the Site shall not exceed two stories in height.

Setbacks, Side Yards and Rear Yards

The building located on the Site (which shall be deemed to include canopies, overhangs, balconies and other projections, covered porches and enclosed stairwells) shall be setback a minimum of 20 feet from the existing Queens Road right of way line, and a minimum of 14.5 feet from the future curb line along East Third Street as more particularly depicted on the Technical Data Sheet, provided, however, that on grade steps and on grade paved walkway leading from the Queens Road sidewalk to the building's Queens Road entrance may be located within the 20 foot setback along Queens Road (but in no event closer than 5 feet to the existing Queens Road right of way line). The porte cochere shall be setback a minimum of 21 feet from the existing Queens Road right of way line and a minimum of 5 feet from the Site's southern property line. The parking areas shall be setback a minimum of 5 feet from the existing Queens Road right of way line to accommodate the two parking spaces depicted on the Technical Data Sheet, and a minimum of 14.5 feet from the future curb line along East Third Street. The building shall also satisfy or exceed the rear yard and side yard requirements established under the Ordinance for the MUDD zoning district.

Design and Performance Standards

- New development will conform to Section 9.8506 of the Ordinance. The Petitioner shall install a 6 foot sidewalk and a minimum 8 foot planting strip along the Site's frontage on East Third Street and Queens Road.

- Landscaping along the Site's frontage on Queens Road and East Third Street will exceed the minimum standards of the Ordinance.

- The parking spaces adjacent to Queens Road shall be screened from Queens Road by a brick wall.

- Subject to Petitioner's right to request a permit from the City of Charlotte to remove any trees pursuant to the City of Charlotte Tree Ordinance (the "Tree Ordinance"), all trees located within the right-of-way for East Third Street and Queens Road will be preserved and protected during the grading and construction process. All trees located within the setback along Queens Road will be protected and preserved during the grading and construction process, subject to the Petitioner's right to seek a permit from the City of Charlotte under the Tree Ordinance to remove any trees required to accommodate the driveway from Queens Road into the Site. The trees located within the setback along East Third Street will be removed based upon the Petitioner's meeting with Urban Forester, and the Petitioner will request the appropriate permit from the City of Charlotte to allow the removal of these trees.

- All roof mounted mechanical equipment placed on the new building will be screened from view at grade from adjoining public right-of-way and abutting properties.

- Any lighting attached to the new building shall be decorative, capped and down directed. Standard "wall-pak" type lighting will not be permitted.

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

- The elevations attached to the Technical Data Sheet are intended to portray the basic character and quality of the building to be constructed on the Site. Accordingly, the building constructed on the Site shall be designed and constructed so that it is substantially similar in appearance to the attached elevations. Minor adjustments to the building's elevations, such as the location of the building's Queens Road entrance, may be made to the building's elevations by the Petitioner.

- At least 75% of the non-glass and non-door areas of the new building's elevations shall be constructed with brick, stone, synthetic stone or masonry materials.

- Contrasting pavement demarcation will be provided on those portions of the sidewalks along East Third Street and Queens Road that cross the vehicular access driveways into the Site so as to differentiate these portions of the sidewalks from the remainder thereof.

- Trash disposal will be handled through roll-out containers rather than dumpsters. Excluding those days on which the roll out containers are emptied by the City or the relevant hauler or sanitation company, the roll out containers will be stored within the building or within an exterior storage area that is enclosed on all four sides, with three sides being a brick or masonry wall a minimum of five feet in height, and one side being a hinged gate.

Parking

A minimum of 28 parking spaces will be provided on the Site.

Vehicular Access/Transportation

Vehicular access shall be as generally depicted on the Rezoning Site Plan. The placement and configuration of each access point shall be 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.

Storm Water Management

Storm water runoff will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte and the Charlotte Mecklenburg Storm Water Design Manual.

The following agencies shall be contacted prior to construction regarding wetland and water quality permits, if applicable:

- Section 401 Permit NCDEHNR-Raleigh Office
- Section 404 Permit US Army Corps of Engineers

Fire Protection

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

Signs

All signs shall comply with the requirements of Section 9.8506(c) of the Ordinance and the applicable requirements of the City of Charlotte Sign Ordinance.

Root Preservation

- The Petitioner will designate a portion of the Site immediately adjacent to the Site's southern property in close proximity to an approximately 60 inch in diameter willow oak tree (the "Tree") located on the adjoining parcel of land (Tax Parcel No. 155-014-02) (the "Adjoining Parcel") as the "Root Protection Zone". The Root Protection Zone will have an area of approximately 23 feet by approximately 50 feet, with the approximately 23 foot dimension running perpendicular to the Site's southern boundary line in a north direction, and the approximately 50 foot dimension running parallel to the Site's southern property line in an east-west direction. The trunk of the Tree will be generally located at the midpoint of the 50 foot dimension.
- The grade of the Root Protection Zone will remain generally undisturbed to protect the root structure of the Tree in connection with the development of the Site.
- The Petitioner will install a fence around the Root Protection Zone prior to any construction activity occurring on the Site to protect the Root Protection Zone during the construction process. This fence will remain in place until such time as the landscape strip, curb and parking spaces to be located within the Root Protection Zone are installed.
- Prior to installing any improvements within the Root Protection Zone, such as the landscape strip, curb and parking spaces, the Petitioner will fertilize the roots of the Tree located within the Root Protection Zone. Additionally, if the owner of the Adjoining Parcel consents, the Petitioner will fertilize the roots of the Tree located on the Adjoining Parcel.
- In connection with the installation of the parking spaces within the Root Protection Zone, the Petitioner will utilize a "stabilite" material as the sub-base, and pervious asphalt, pervious concrete or pavers as the final surface.
- The Petitioner, with the approval of the owner of the Adjoining Parcel, will provide supplemental watering of the Tree on three separate occasions during the summer after the roots of the Tree located on the Site outside of the Root Protection Zone are cut.
- In connection with the construction of the building, the Tree will be pruned in accordance with ANSI standards.

Bike Rack/Transit Stop

- Petitioner shall provide a single inverted U-type bicycle rack on the Site that can accommodate a minimum of two bicycles.
- Petitioner shall install a concrete pad at the existing transit stop location on Queens Road at Third Street consistent with land development standard 60.02A.
- Petitioner shall protect the existing bus stop sign on or adjacent to the Site from damage during the development process. If the existing bus stop sign needs to be temporarily relocated during the development of the Site, Petitioner shall do so at its expense after obtaining prior approval from CATS.

Construction

During the construction of the improvements on the Site, Petitioner will not permit its contractors and subcontractors to enter upon the parcels of land abutting the Site at its eastern and southern property lines.

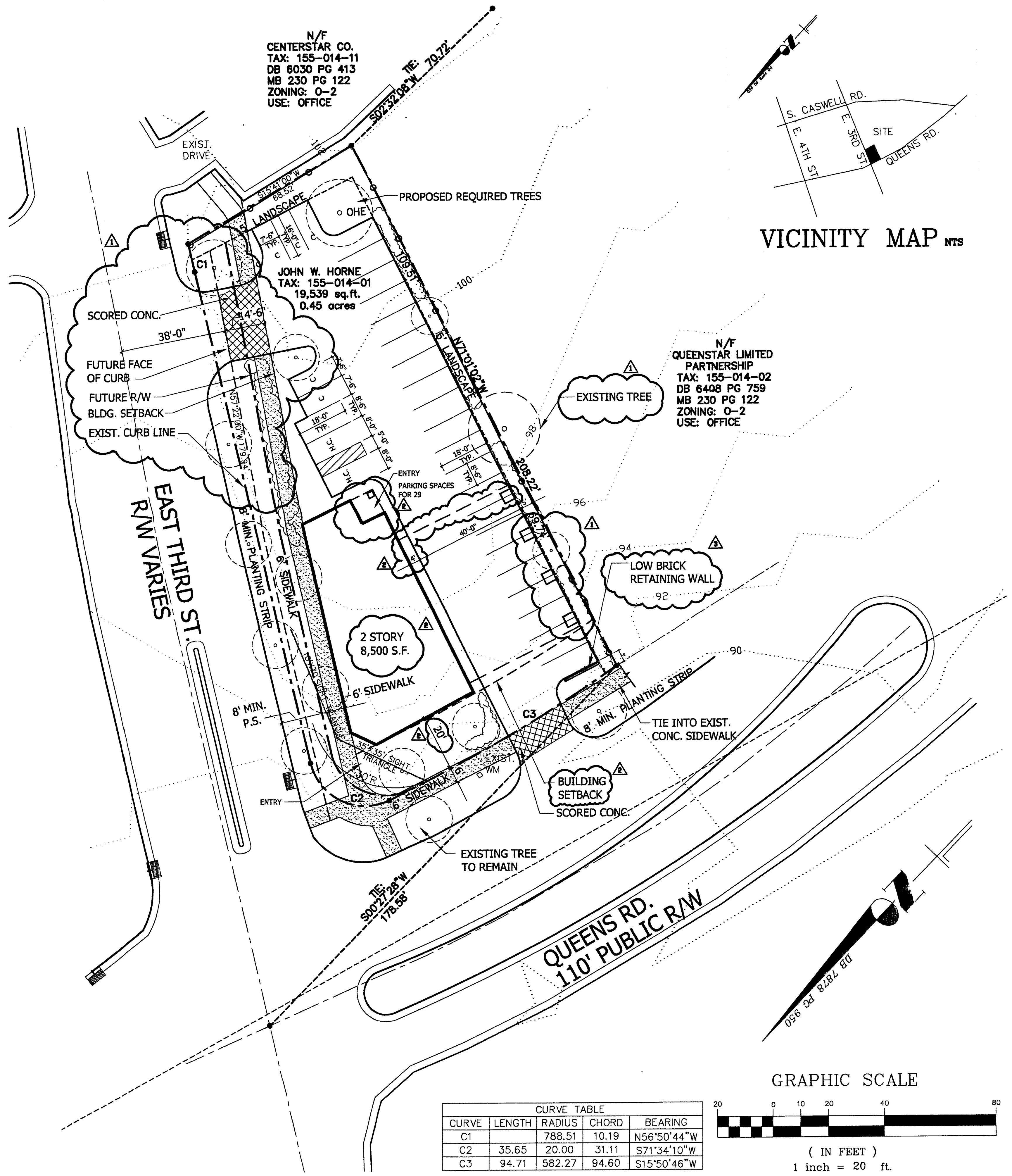
Amendments to Rezoning Plan

Future amendments to the Rezoning Site Plan 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.

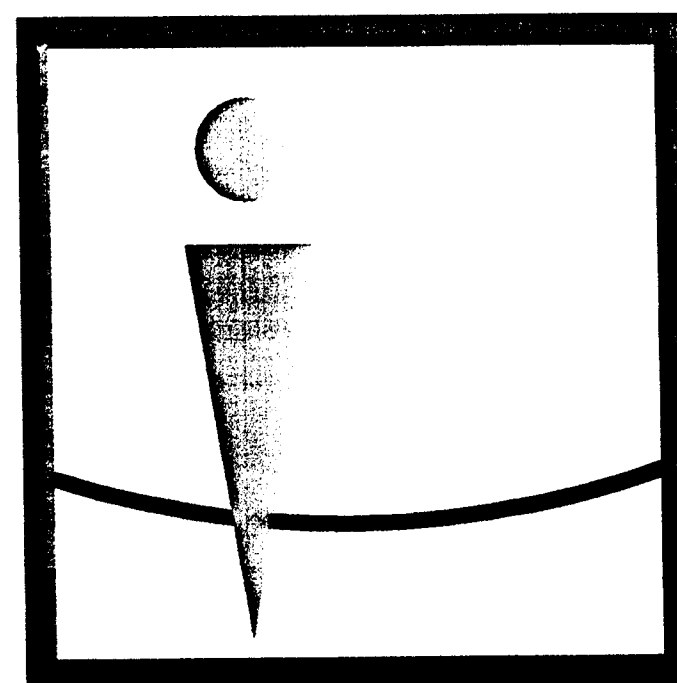
Binding Effect of the Rezoning Documents and Definitions

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under this Rezoning Site Plan 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.



04 REZONING SITE PLAN



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APPROVED BY CITY COUNCIL
DATE 12/20/04

New South
Properties of the
Carolinas, LLC

Third &
Queens

Charlotte, North Carolina

- date: DECEMBER 14, 2004
status: FOR PUBLIC HEARING
PETITION No.: 2004-133
revisions:
 - 10.18.2004 per Charlotte Mecklenburg Planning Commission
 - 11.15.2004
 - 11.18.2004
 - 12.07.2004
 - 12.14.2004

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REZONING
SITE PLAN

RZ.1

ODA No. 041871/01 CADD File: 041871R2.1.dwg



03 THIRD STREET ELEVATION

3/32"=1'-0"



02 CORNER ELEVATION

3/32"=1'-0"



01 QUEENS ROAD ELEVATION

3/32"=1'-0"