

**General Provisions**  
 These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by LAT PURSER & ASSOCIATES, INC & FIRST COLONY CORPORATION to accommodate development of a mixed use, pedestrian-friendly community on an approximately 24.0 acre site located on Mallard Creek Church Road (the "Site"). Development of the Site will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD), subject to the Optional provisions provided below, shall govern all development taking place on these parcels, referred hereto as Tract A. The Technical Data Sheet is accompanied by a Schematic Site Plan and three alternate development schematic site plans, which together depict six separate potential development scenarios for Tract A of the Site.

- Permitted Uses**  
 Tract A of the Site may be devoted to retail, office, day care, bank, hotel, commercial and restaurant uses (including any accessory uses) as permitted in the MUDD Zoning Classification and subject to the maximum development provisions set forth below under Paragraph A of Section 2 and the MUDD-Optional Provisions set forth below under Paragraph C of Section 3. However, in no event shall any restaurants with drive through facilities be permitted on the Site.
- Maximum Development**  
 A. Tract A may be developed with up to 200,000 square feet of office uses and up to 78,700 square feet of commercial/retail uses, subject to the following provisions:  
 • Areas devoted to outdoor dining, courtyards and plazas are not included in the square footage noted above.  
 • Any floor area associated with a hotel, bank, day care center or other uses allowed under an office zoning classification will be counted as a part of the office uses noted in Section 2.A above.  
 • Up to 40,000 square feet of the 78,700 square feet permitted in Section 2.A above for commercial/retail uses may be converted to additional office square footage at a conversion rate of one square foot of office space for every one square foot of commercial/retail space used to a maximum of 240,000 square feet of office uses, and  
 • In the event Tract A is developed with a hotel use (generally depicted by Schematic Site Plan Alternate B), no more than 53,700 square feet of principal commercial/retail uses will be permitted.  
 B. The MUDD-Optional plan allows parking in front of buildings generally in the manner indicated on the Schematic Site Plans.  
 C. The MUDD-Optional plan includes limited drive-through facility provisions. In the event banks or other types of financial institutions are developed on the Site, they may include accessory drive through facilities.
- Setbacks, Side Yards and Rear Yards**  
 All buildings constructed within Tract A of the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the MUDD District. Buildings and parking areas may be located within the development area boundaries.

- Tract A Design and Performance Standards**
  - Architectural Controls**
    - Surface level parking shall not be located between the buildings and Mallard Creek Church Road, except as provided for in Section 3(B) above.
    - Buildings constructed along Mallard Creek Church Road will contain windows which face this street and large expanses of solid walls for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements in conformance with Section 9.8506 of the Ordinance and as generally depicted on the perspective on Sheet 3.
    - Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
    - The design treatment shall include, at a minimum, the following amenities as generally indicated on the perspective on Sheet 3:
      - a courtyard/plaza area and
      - seating area(s)
    - In the event Tract A is developed in the manner depicted by the Schematic Site Plan and with loading areas or service docks located to the rear of buildings facing north, a brick screen wall will be provided along the loading area and/or service dock area, whichever is applicable, of Tract A. The brick screen wall will be a minimum of 10 feet in height. The screen wall will not be required in the event Tract A is developed in the manner depicted by Alternate Development Schematic Site Plan A or B.
  - Landscaping and Screening**
    - Internal areas of the Site shall be landscaped in accordance with the requirements of the City Code.
    - All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
    - All other screening and landscaping shall conform to the standards of the Ordinance.
  - Streetscape Treatment**
    - The streetscape treatment along Mallard Creek Church Road will conform to the Ordinance and include large maturing trees, supplemental shrubbery, sidewalks of at least six feet in width and planting strips of at least 8 feet in width. In the event there is surface level parking located in between building(s) and any portion of Mallard Creek Church Road (see Schematic Site Plans), the streetscape treatment along those portions of Mallard Creek Church Road shall also include a two and one-half to three feet in height solid masonry wall in order to screen such parking.
    - Outdoor dining and courtyard areas may be located within the established, but outside of the required, setback along Mallard Creek Church Road as generally indicated on the perspective on Sheet 3.
  - Lighting**
    - All parking lot lighting shall be designed such that direct illumination does not extend past any exterior project edge property line.
    - The parking lot lighting shall not exceed 30 feet in height.
    - Any lighting attached to a rear exterior building wall facing the residential area to the North shall be capped and downwardly directed.
    - Wall-mounted decorative light fixtures such as sconces are permitted.
  - Parking**  
 Off street parking and loading will meet the standards established under the Ordinance. At least one bicycle rack shall be provided at each building. Except as shown on this plan, buildings may not be further separated for the purpose of adding parking (e.g. 2 buildings separated only by landscaping may not be moved apart to insert parking in between).
  - Any building(s) used principally for hotel or office uses will not exceed 60 feet in height. Other building(s) will not exceed 40 feet in height.**

- Not Used
- Not Used
- Vehicular Access
  - Vehicular access to Mallard Creek Church Road shall be as generally depicted on the Technical Data Sheet.
- The placement and configuration of these access points are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.
  - Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements and a reversionary interest in any property not used for right-of-way purposes in the future) right-of-way along Mallard Creek Church Road required to provide for a minimum of 50 feet of right-of-way from the centerline, if such right-of-way does not exist already, prior to the issuance of any certificate of occupancy for Tract A or B.
  - Except as otherwise provided under Paragraph E, no certificate of occupancy may be issued for development taking place in excess of 18,000 square feet within Tract A until after the following road improvements have been completed. Certificates of occupancy for development up to 18,000 square feet on these Tracts may be issued prior to the completion of the following road improvements, only if the road improvements are significantly under construction (storm drainage work is complete). Petitioner agrees that such stated improvements below shall be completed no later than October 30, 2005.
 

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

    - construction of a westbound right turn lane with 150 feet of storage and a 20:1 bay taper, and
    - construction of the southbound approach to include dual left turn lanes with 150 feet of storage in each lane and a through-and-right turn combination lane.

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

    - construction of a westbound right turn lane with 150 feet of storage and a 20:1 bay taper, and
    - construction of a northbound left turn lane within the existing median with 200 feet of storage and a 15:1 bay taper, and
    - construction of the southbound approach to include dual left turn lanes with 150 feet of storage in each lane and a through-and-right turn combination lane.

**Scope of Intersection Improvements:**  
 The Developer will be responsible for the costs associated with the design and construction of these improvements, and all other associated intersection and roadway modifications necessary as a result of these improvements as determined by CDOT and NCDOT, to include but not be limited to: lane realignments, median modifications, utility relocations, traffic signal modifications, pavement markings, and right-of-way acquisition dedication. The design of the southbound approach to these intersections illustrated on the Site Plan are conceptual and precise locations of lanes, median design and associated elements will be finalized in conjunction with the intersection design process.
- Notwithstanding anything to the contrary provided under Paragraph D above, the developer of Tract A may apply for building/driveway permits for up to 25,000 square feet of space to be developed within Parcels A-1, A-2 and/or A-3 of Tract A at any time after the design/construction plans for the following roadway/intersection improvements have been approved by CDOT and NCDOT and may apply for certificates of occupancy for such development after the following road improvements have been completed:
 

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  - construction of the southbound approach to include dual left turn lanes with 150 feet of storage in each lane and a through-and-right turn combination lane.

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 The Developer will be responsible for the costs associated with the design and construction of these improvements, and all other associated intersection and roadway modifications necessary as a result of these improvements as determined by CDOT and NCDOT, to include but not be limited to: lane realignments, median modifications, utility relocations, traffic signal modifications, pavement markings, and right-of-way acquisition dedication. The design of the southbound approach to this intersection illustrated on the Site Plan are conceptual and precise locations of lanes, median design and associated elements will be finalized in conjunction with the intersection design process.

- Connectivity**  
 Pedestrian and vehicular connections to adjoining parcels will be provided generally as shown on the Technical Data Sheet. The establishment of the pedestrian connections to the adjoining office park(s) to the west and to the adjoining church to the east is contingent upon the approval of the owners of those respective adjoining properties to which the connections would be made.
- Fire Protection**  
 Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.
- Water Quality Protection Measures**
  - SWIM buffers shall be provided as required by the Ordinance.
    - Within Tract A, the Petitioner will provide bioretention area(s) or raingarden(s) to provide additional treatment of stormwater runoff from parking and driveway areas, to the extent that approval can be obtained from the Urban Forestry Staff (and other City or County staff as applicable) to relocate, eliminate, or combine tree planting islands, thereby resulting in no net loss of parking spaces associated with the creation of bio-retention areas or raingardens.
    - Within Tract A, storm water runoff will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte Ordinances and the Charlotte Mecklenburg Storm Water Design Manual. The developer will install water quality structural BMP's within Tract A. Such BMP's are to be located outside the SWIM buffer. Surface level storm water detention may be located in common open space areas but not within setback or SWIM buffer areas. The detention shall tie-in to the existing storm water system(s). The developer shall have the receiving drainage system abutting the Site analyzed to ensure that it will not be taken out of standard due to this development. If it is found that the development will cause the receiving storm drainage system to be taken out of standard, the developer of Tract A shall provide adequate detention to prevent this from occurring. Should the existing receiving drainage system be deemed to be out of standard prior to development of the Site, the developer shall provide adequate detention to ensure that the system will not be additionally overburdened.
  - Exception: Parcel # 02901131, located east of Senator Royall Drive, shall comply with 11(B) above and the storm water detention requirements of 11(C), but shall be exempt from routing storm water runoff through a water quality structural BMP, as described in 11(C).

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

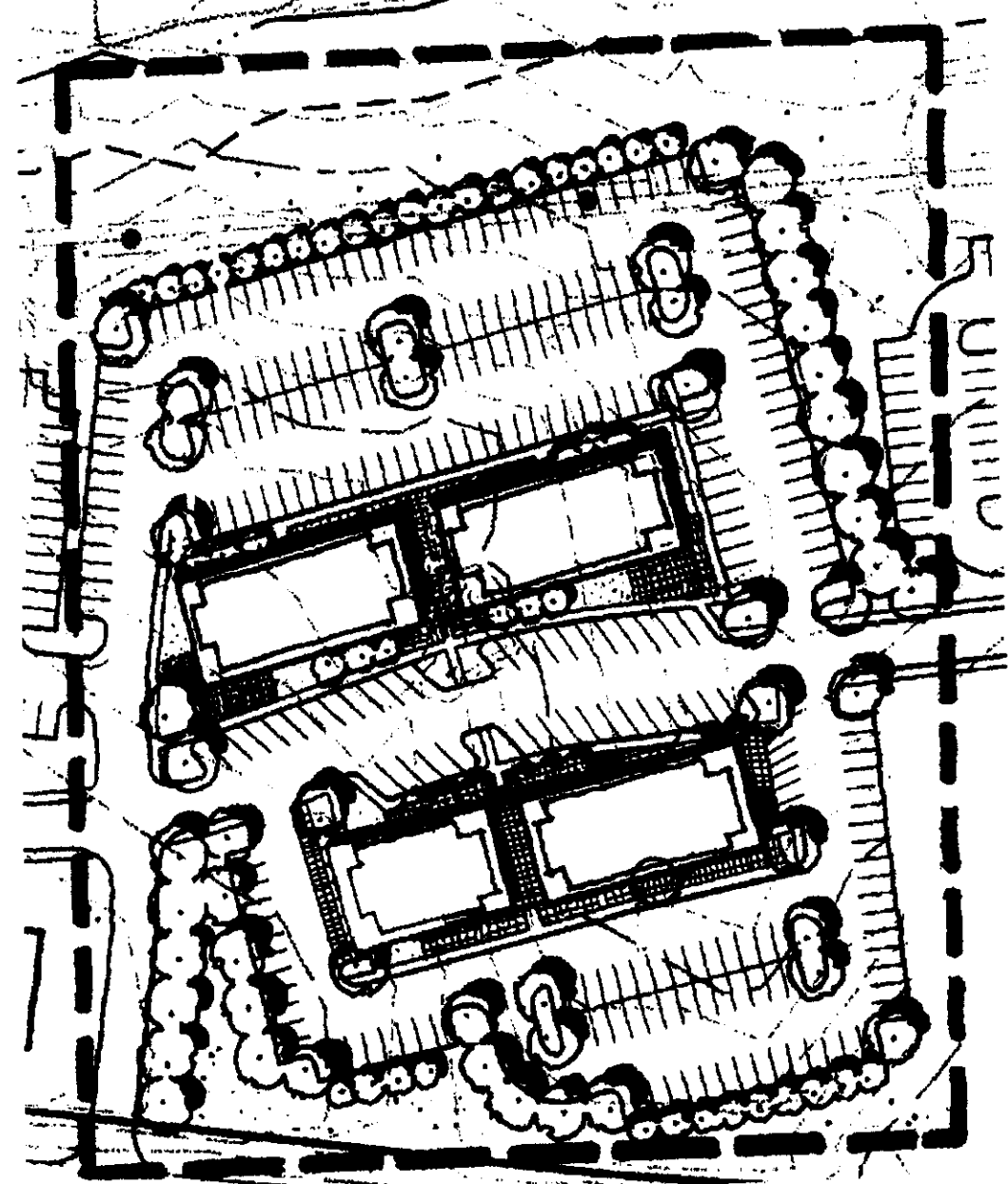
Section 401 Permit NCDENR-Raleigh Office  
 Section 404 Permit US Army Corps of Engineers

- Buffers**  
 Zoning Ordinance buffers are not required between dissimilar land uses within the Site.
- Amendments to Rezoning Plan**  
 Future amendments to the Technical Data Sheet, the Schematic Plan and these Development Standards may be applied for by the then Owner or Owners of the Tract or Tracts within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.
- 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 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.
- The development depicted on the Schematic Site Plans is schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, the configuration, placement, and size of the building footprints outlined on the Schematic Site Plans are schematic in nature, and subject to the provisions set forth above under Architectural Controls, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Technical Data Sheet. Street and parking layouts may also be modified to accommodate final building locations and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.

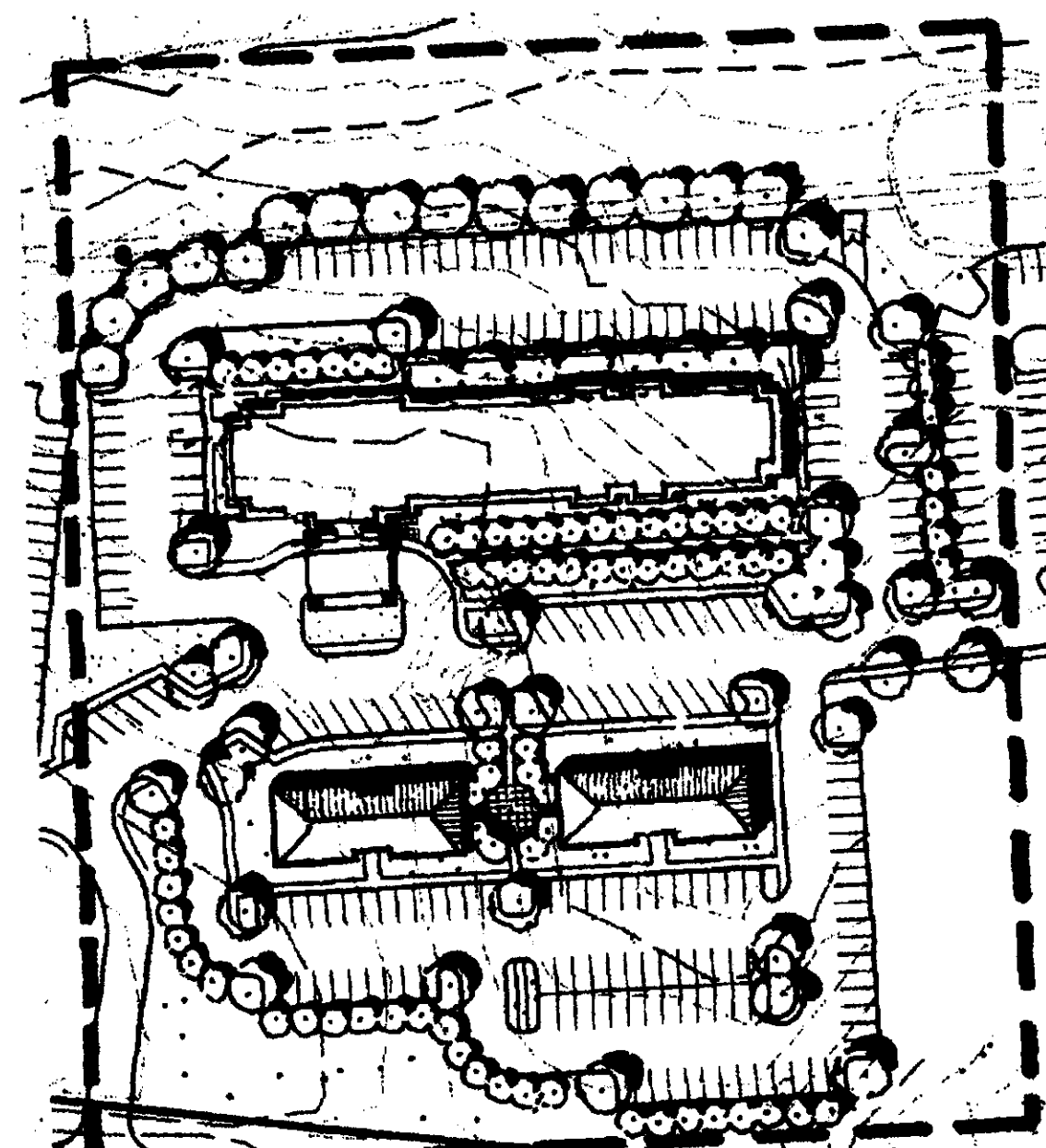
**DEVELOPMENT DATA**

SITE AREA:	+/- 24.0 AC.
ZONING:	MUDD-O
PROPOSED ZONING:	MUDD-O SPA (Site Plan Amendment)
SETBACK:	25 FT. (From Mallard Creek Church Rd)
SITE YARD:	CONFORM TO ORDINANCE
REAR YARD:	CONFORM TO ORDINANCE
# OF BLDGS. PROPOSED:	16
TAX PARCEL NO.:	02901128, 02901129, 02901137, 02901117, 02901131

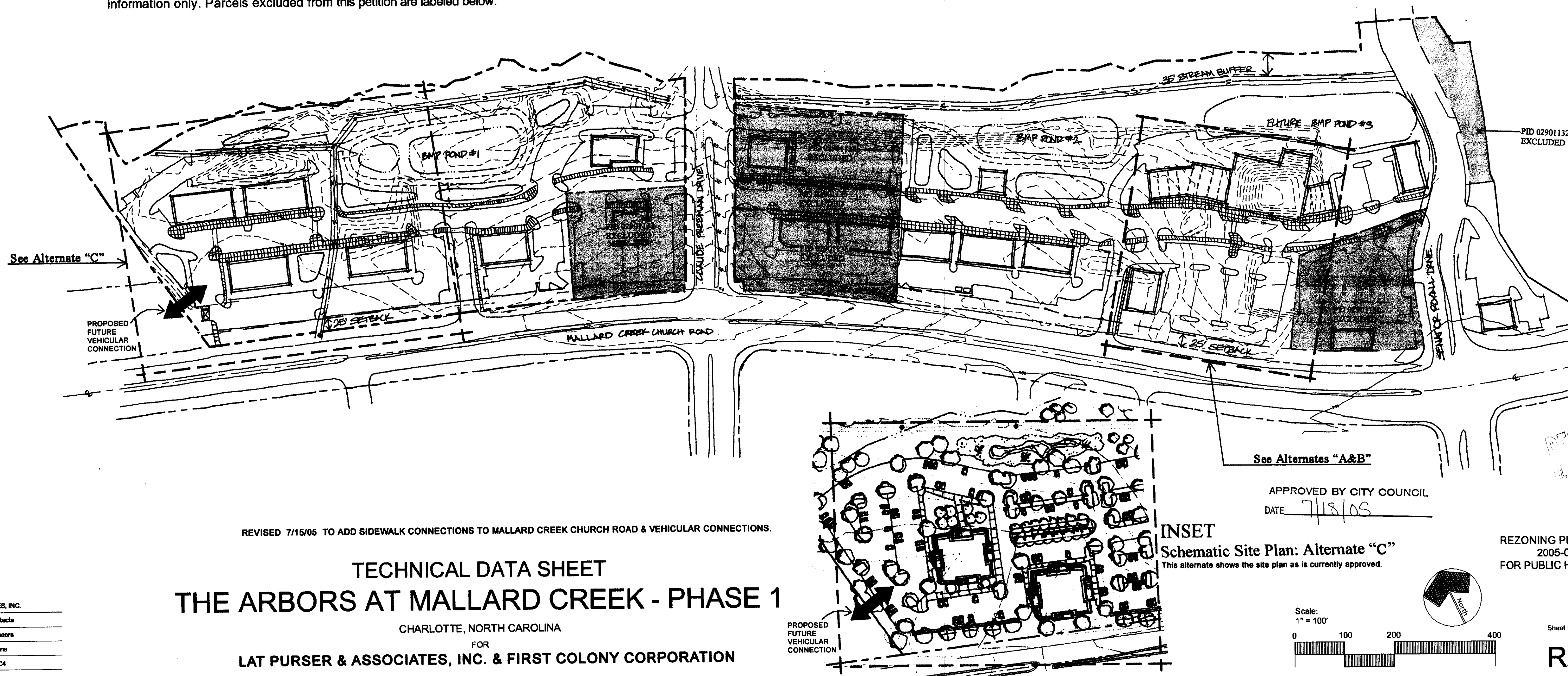
NOTE: This site plan shows proposed buildings on parcels owned by others for information only. Parcels excluded from this petition are labeled below.



INSET Schematic Site Plan: Alternate "A"



INSET Schematic Site Plan: Alternate "B"



REVISED 7/15/05 TO ADD SIDEWALK CONNECTIONS TO MALLARD CREEK CHURCH ROAD & VEHICULAR CONNECTIONS.

**TECHNICAL DATA SHEET**  
**THE ARBORS AT MALLARD CREEK - PHASE 1**

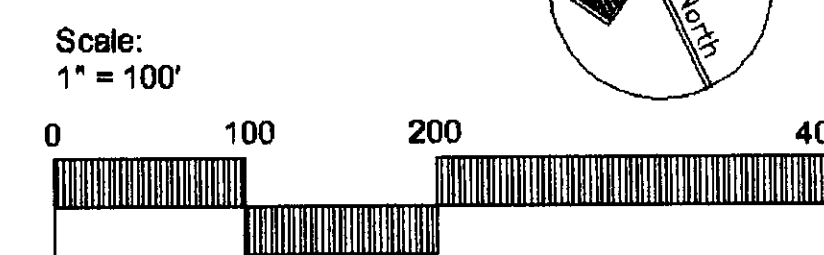
CHARLOTTE, NORTH CAROLINA

FOR  
**LAT PURSER & ASSOCIATES, INC. & FIRST COLONY CORPORATION**

APPROVED BY CITY COUNCIL  
 DATE 7/18/05

INSET Schematic Site Plan: Alternate "C"  
 This alternate shows the site plan as is currently approved.

REZONING PETITION #:  
 2005-084  
 FOR PUBLIC HEARING

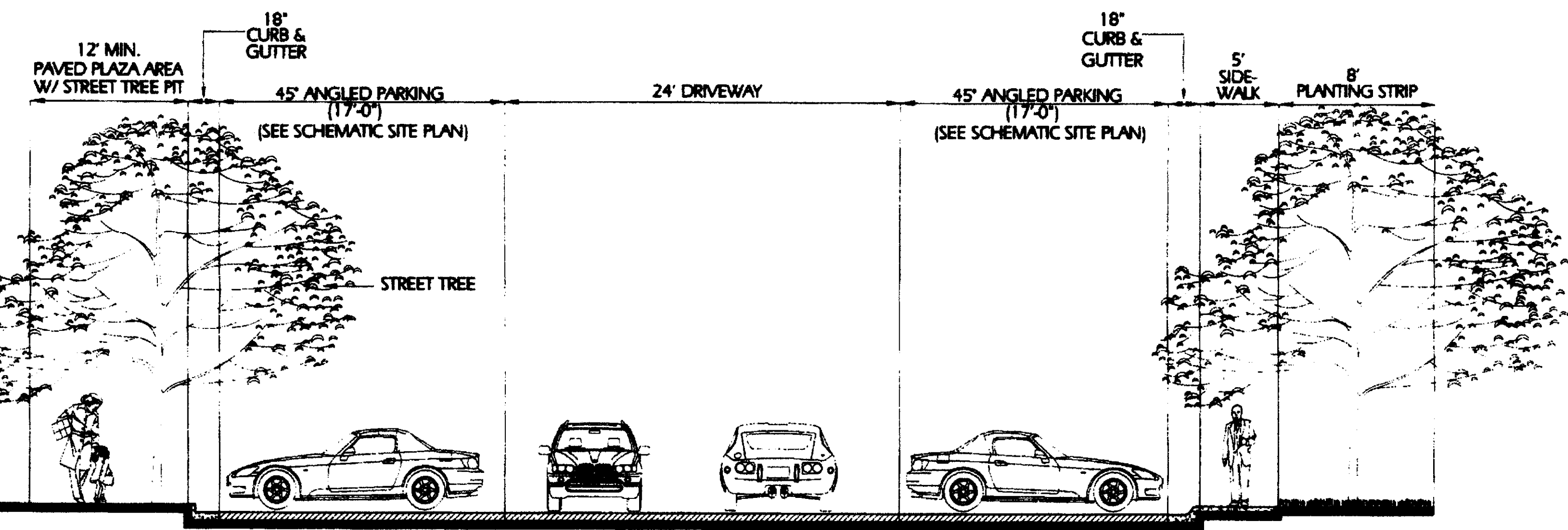


Sheet Number

**RZ-1**

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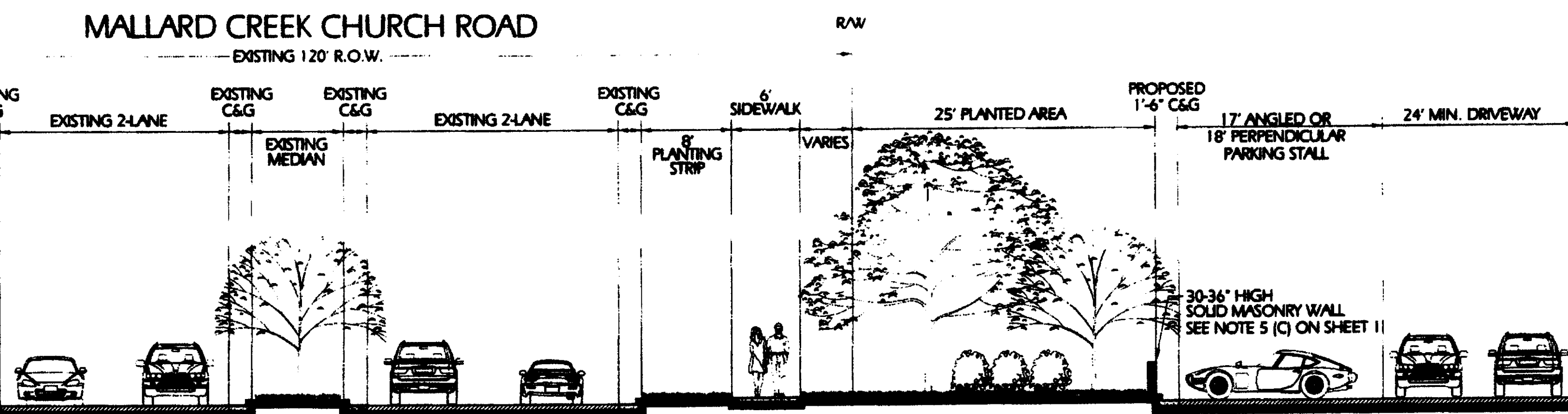


**STREET CROSS SECTION: THROUGH COMMERCIAL OR OFFICE**

N.T.S.



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



**CROSS SECTION: MALLARD CREEK CHURCH ROAD @ PARKING AREAS**

N.T.S.



**3-STORY OFFICE BUILDING**



**2-STORY RETAIL / OFFICE BUILDING**

**TECHNICAL DATA SHEET**  
**THE ARBORS AT MALLARD CREEK - PHASE 1**

CHARLOTTE, NORTH CAROLINA  
FOR

LAT PURSER & ASSOCIATES, INC. & FIRST COLONY CORPORATION



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Landscape Architects  
Planners & Engineers  
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704/332-1204

Sheet Number

**RZ-2**