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MLP Real Estate

607 SOUTH LINDBERGH BLVD.
FRONTENAC, MO 63131

Northlake Property

CITY OF CHARLOTTE, NC

Rezoning Plan
Petition # 08-024
ATTACHED TO ADMINISTRATIVE APPROVAL

DATE: July 21, 2008

BY: DEBRA D. CAMPBELL

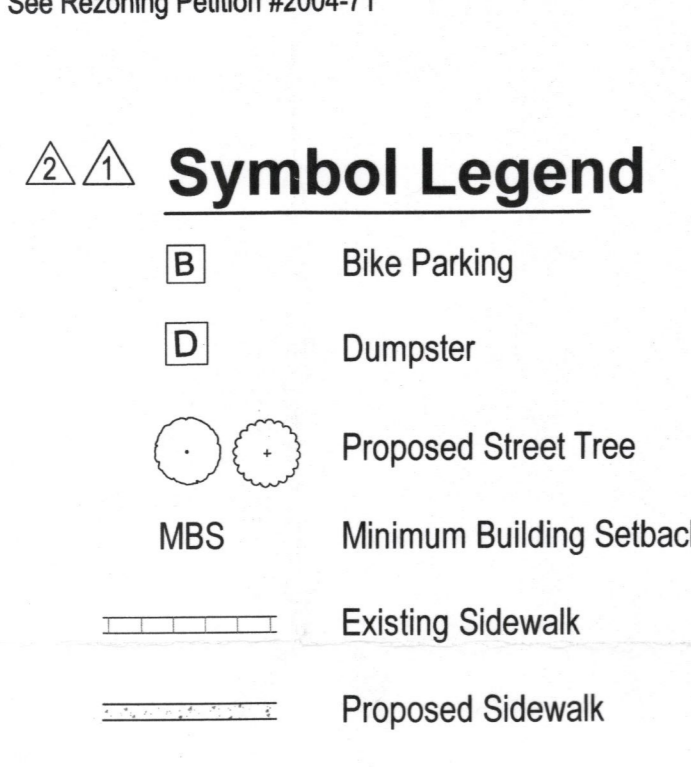
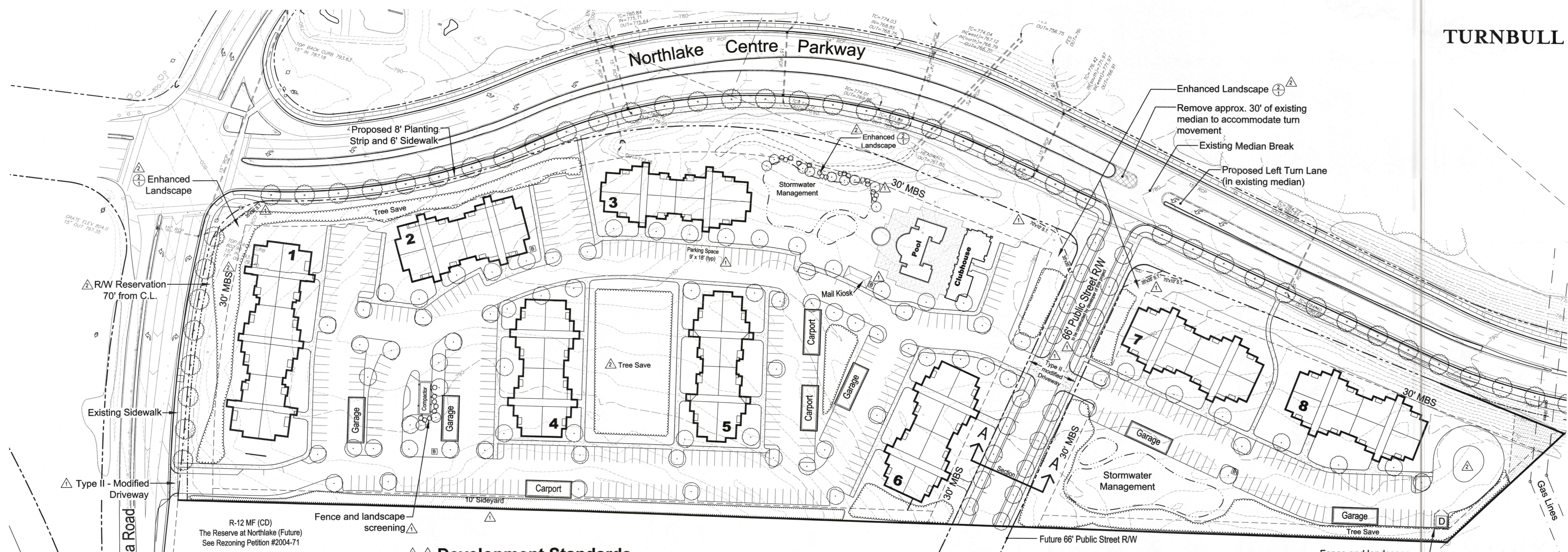
PROJECT NUMBER: 07-060

DRAWN BY: SFC, AKK

DESIGNED BY: SRT

ISSUE DATE: 10/19/07

3 5/27/08 E.L. DEVELOPMENT STANDARD REVISIONS
2 9/14/08 SFC, AKK, E.L. ADD NEW SURVEY, SITE PLAN REVISIONS
1 1/18/08 E.L. REVISIONS PER REVIEW COMMENTS
NO. DATE: BY: REVISIONS:



Development Standards

A. General Provisions
Unless more stringent standards are established by the Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the R-17MF (CD) zoning district classification shall be followed in connection with development taking place on the Site. The Rezoning Plan is subject to modifications during the design development stages as provided below.

The development depicted on the Rezoning Plan is schematic in nature, not to be considered as specific development plans but rather as preliminary graphic representations of the types of development and arrangements proposed for the Site, and intended to describe the general arrangement of uses on the Site. Accordingly, the configuration of the streets, parking areas, buildings and/or other site elements outlined on the Rezoning Plan are conceptual in nature, and, subject to the provisions set forth below may be altered or modified during design development and construction phases within the context of these development standards, the setbacks set forth on the Rezoning Plan and Section 5.206 (2) of the Ordinance. Furthermore, it is understood that the locations of buildings, streets, parking areas and other site elements shown on the Rezoning Plan are approximate and subject to modifications but such buildings and parking improvements shall be within the setbacks shown on the Rezoning Plan. Parking layouts may be modified to accommodate final building locations and ancillary facilities and parking spaces may be located inside or outside the development area boundaries to the extent permitted by the Ordinance.

B. Permitted Uses and Maximum Development
The Site may be developed with up to 204 multi-family dwelling units, along with any amenity area and incidental or accessory structures used permitted under the Ordinance in the R-17MF district.

C. Setbacks, Side Yards and Rear Yards
Building setbacks and yards will be established in the manner depicted on the Rezoning Plan. All required yards of lots located along the perimeter of the Site shall be measured from the exterior project boundary rather than from any common open space. Decks shall not extend into any required rear yards. However, at-grade patios may be located in whole or in part within required rear yards.

D. Landscaping and Screening
Interior landscaping and screening shall meet or exceed the standards in the Ordinance. Reference is made to that certain enhanced landscaping detail included as part of this Rezoning Plan. Those areas designated on such enhanced landscaping detail (the "Landscape Detail") for enhanced landscaping shall be maintained in accordance with such plan. An irrigation system will be maintained by Petitioner or its successors and assigns in the planting strip and in the setback areas along Northlake Centre Parkway, at the public street entrance to the Site and within the clubhouse amenity area substantially as shown on the Landscape Detail. Dumpster areas and recycling areas (if any) in view from Northlake Centre Parkway will be enclosed by a brick, stone or stucco wall with one side being a decorative wooden 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. Mechanical equipment or other utility hardware installed at ground level and on the roofs of buildings constructed on the Site will be screened from public view from a public street. All utility meters, electrical connectors and transformers and backflow valves shall be screened from view from public streets. The Site shall conform to the City of Charlotte Tree Ordinance, provided Petitioner reserves the right to seek variances from such Ordinance.

E. Common Open Space Area
Open space areas shall meet the minimum requirements as set forth in the Ordinance.

F. Streetscape Treatment, Lighting, Sidewalks and Utilities
The Petitioner shall install a six foot sidewalk and eight foot planting strip along the internal public street shown on the Rezoning Plan. Large maturing trees of a minimum of 2 1/2 inch caliper shall be installed along such public street forty (40) foot on center within such planting strip. The Petitioner shall install a six foot sidewalk and eight foot planting strip along the rights-of-way of Northlake Centre Parkway and Alexanderana Road in the areas generally depicted on the Rezoning Plan. Large

maturing trees of a minimum of 2 1/2 inch caliper shall be installed along such roads forty (40) feet on center within such planting strip. Such large maturing trees shall consist of Willow Oaks for areas along Northlake Centre Parkway.

The Petitioner shall provide pedestrian scale decorative lighting along Northlake Centre Parkway. Such lighting shall be provided in conjunction with applicable utility company regulations and requirements for such lighting. All parking lot light fixtures will be fully shielded and fully cut off. No wall pole lighting will be allowed.

Sidewalks will connect from the interior of the Site to exterior sidewalks substantially in the manner shown on the Rezoning Plan.

Petitioner shall show the location of any back flow valves and above grade utilities and screening required by the Ordinance on design development plans submitted as part of the planned multi-family review process.

G. Buffer/Landscape Areas (if any)
Any required buffers shall be established in accordance with the standards of Section 12.302 of the Ordinance. Internal buffers shall not be required between uses on the Site. No buildings may be located within buffers. All required buffers, if any, can be reduced with the use of a wall or fence per section 12.302 (8) of the Ordinance. Existing trees located within any required buffer area may be counted toward the planting requirement in accordance with the Ordinance. In the event the abutting properties should be rezoned or used in a manner so as to not require such a buffer, the required buffer for this property may be adjusted accordingly to meet the minimum requirements for buffering and screening per the Ordinance.

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

I. Storm Water Management/Wetlands
The Petitioner shall tie-in to the existing storm water system located at the culvert within Northlake Centre Parkway abutting the Site. The Petitioner shall have the receiving drainage system located at the culvert within Northlake Centre Parkway 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 associated with this Petition (as opposed to existing conditions prior to such development) will cause such receiving storm drainage system to be taken out of standard, the Petitioner shall provide alternate methods to prevent this from occurring or otherwise address such increased drainage from the development associated with this Petition. Development on the Site shall adhere to the applicable requirements of the Post-Construction Ordinance as adopted by Charlotte City Council on November 25, 2007. Storm water runoff from the Site will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte Stormwater Services. Double silt fences shall be utilized in critical areas of the Site at the base of slopes and other locations where the potential for off-site sedimentation is greatest. Any jurisdictional wetlands or streams, if present, shall be protected or proper environmental permits obtained prior to their disturbance. Location, size, and type of any Stormwater Management Systems depicted on the Rezoning Plan is subject to review and approval with final development plan submitted and is not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual stormwater treatment requirements and natural site discharge points consistent with the above standards. If the stormwater management facility located along Northlake Centre Parkway is designed as a "wet" facility, Petitioner shall install and maintain a water movement feature or fountain. If such stormwater management facility is designed as a "dry" facility or later becomes a "dry" facility, Petitioner shall install landscaping to screen such "dry" facility from view from Northlake Centre Parkway.

J. Access Points
The number of vehicular access points to the Site shall be located in the general area depicted on this Rezoning Plan. The configuration and ultimate location of these 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.

K. Right-of-Way Dedication and Transportation Improvements
The Petitioner shall (i) dedicate and convey (by quitclaim deed and subject to a reservation of any necessary utility easements) that portion of the Site located along Alexanderana Road as may be necessary to provide for a right-of-way extending 70 feet from the existing centerline as generally depicted on the Rezoning Plan; said dedication and conveyance to occur prior to issuance of the first certificate of occupancy for the first residential dwelling building constructed on the Site. In the event that NCDOT and/or CDOT require the construction of an additional lane or lanes along the Site's frontage of Northlake Centre Parkway from Alexanderana Road to I-485 and additional right-of-way or permanent drainage easements along the Site is required in connection with such construction based upon there being no change in the current centerline of Northlake Centre Parkway, Petitioner shall dedicate or convey to NCDOT and/or CDOT or other governing body having jurisdiction (by quitclaim deed and subject to reservation of any necessary utility easements) that portion of the Site up to fifteen (15) feet in width along the existing right-of-way of Northlake Centre Parkway, provided that Petitioner shall not be required to provide such dedication or conveyance if it results in any change in the minimum building line or setback, any violations of the Ordinance or other governmental regulations or in the creation of any non-conforming uses. If such dedication or conveyance is required, the Petitioner shall complete the same within six (6) months of the receipt by Petitioner of a written statement by NCDOT or CDOT or such other applicable party certifying that funding has been properly appropriated for the road improvements provided above and a contract for construction of such improvements has been executed by applicable parties. Petitioner's obligations under this paragraph relates only to dedication or conveyance of additional drainage easements and/or right-of-way and not to construction of any improvements described in this paragraph. Petitioner's commitment regarding dedication or conveyance described in this paragraph shall expire as of December 31, 2018. If the Rezoning is approved, Petitioner shall install a northbound left turn lane on Northlake Centre Parkway into the Site with 150 feet of storage provided that such installation can be accomplished within the existing right of way and median of Northlake Centre Parkway, such installation shall be completed prior to the issuance of the first certificate of occupancy for the first building to be located on the Site.

L. Parking and Screening
Off-street parking will satisfy the standards established under the Ordinance for the R-17MF (CD) district. No parking shall be located between buildings and the rights-of-way of Northlake Centre Parkway and Alexanderana Road. Except as shown on the Site Plan, no parking shall be located between buildings and right-of-way of the internal public street (parking may be located to the side and rear of such buildings).

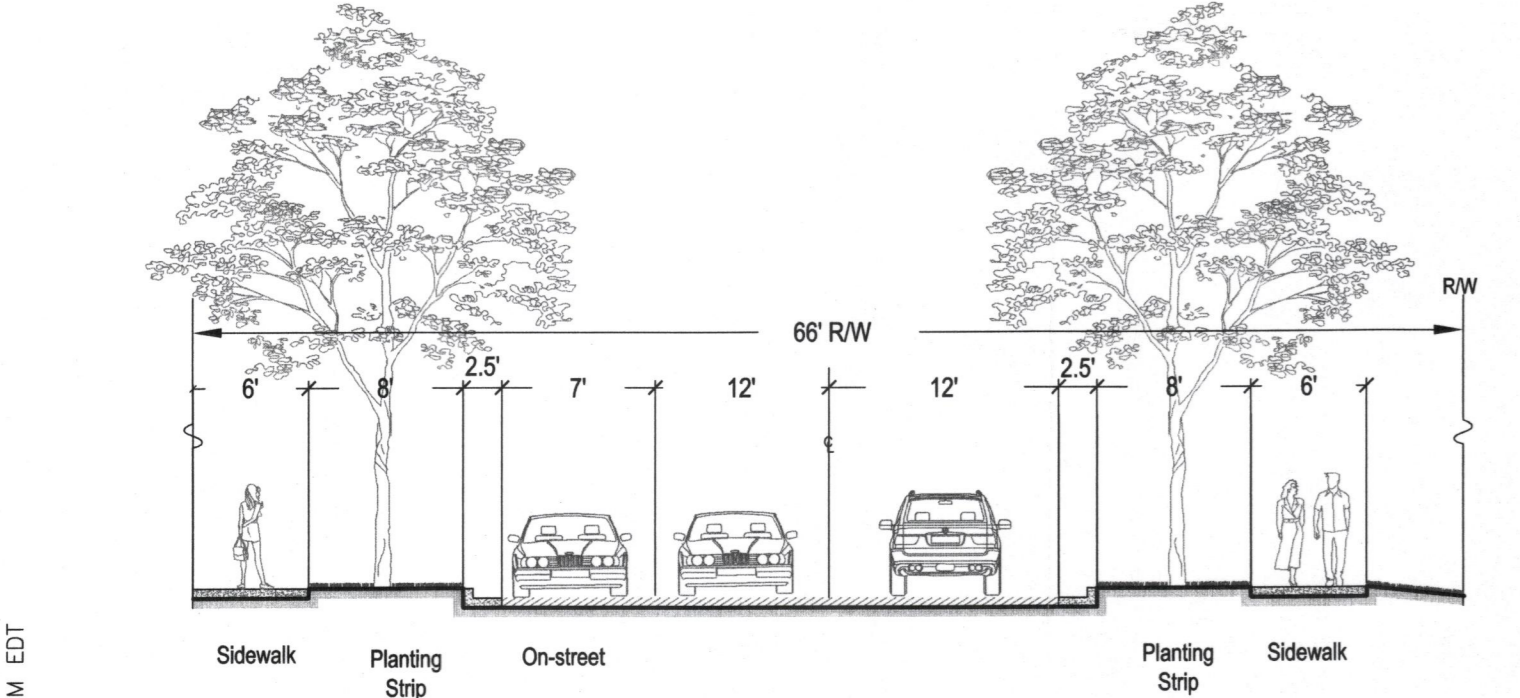
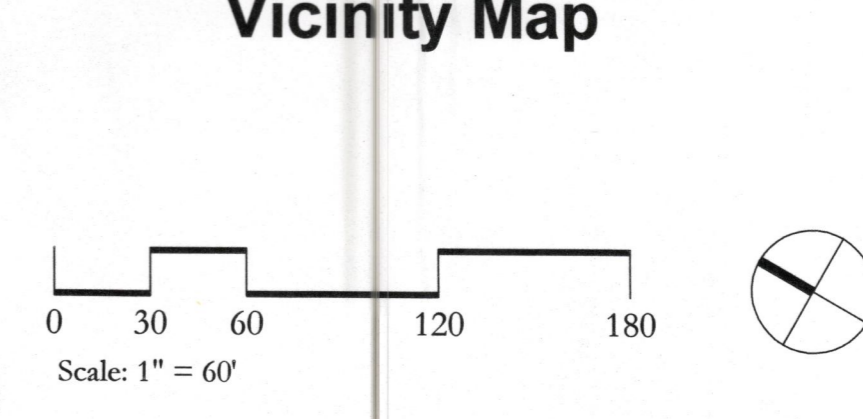
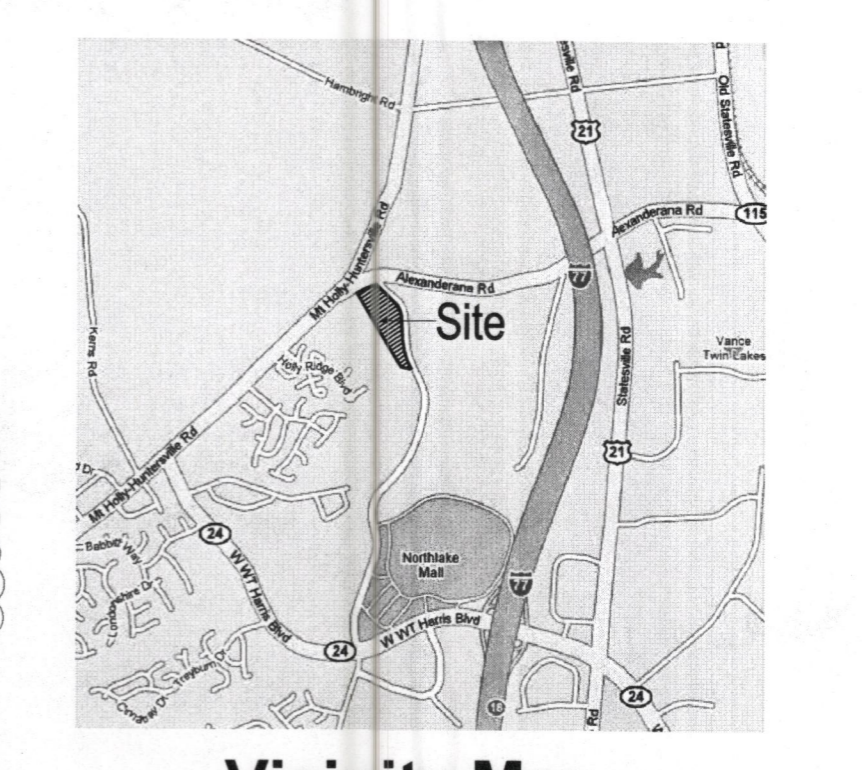
M. Design and Architectural Treatment; Entrance Features
Reference is made to that certain conceptual elevation for a prototypical building of dwelling units contemplated for the Site attached to this Rezoning Plan. It is acknowledged that the attached elevation is conceptual only and changes may be made during the design development stage of the project provided, however, the overall design intent shall not undergo material changes and the following design and architectural treatments shall apply: (i) the primary exterior building materials (excluding windows, window trim, doors and roof faces) to be employed in the construction of buildings housing dwelling units and the clubhouse buildings shall be brick, stone, stucco or stucco like materials, and/or cement fiber board (i.e. hard-plank); (ii) a minimum 30% of the front elevations and elevations facing a public street of buildings housing dwelling units (excluding windows, window trim, doors and roof faces) will consist of brick or stone materials; (iii) no vinyl siding or aluminum siding shall be used in buildings on the Site including but not limited to any garages or carports; (iv) dormers and/or pitched roofs shall be incorporated into the building design for buildings housing dwelling units; and (v) doors, windows and/or decorative elements shall be located at least every 20 feet on every side of such buildings (excluding roof lines) in order to avoid blank walls. The primary entrance to the Site off of North Lake Centre Parkway shall include tiered landscaping treatment including large maturing trees, small ornamental trees, low lying shrubs and ground covers substantially as shown on the attached Landscape Detail.

N. Amendments to Rezoning Plan
Future amendments to the Rezoning 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.

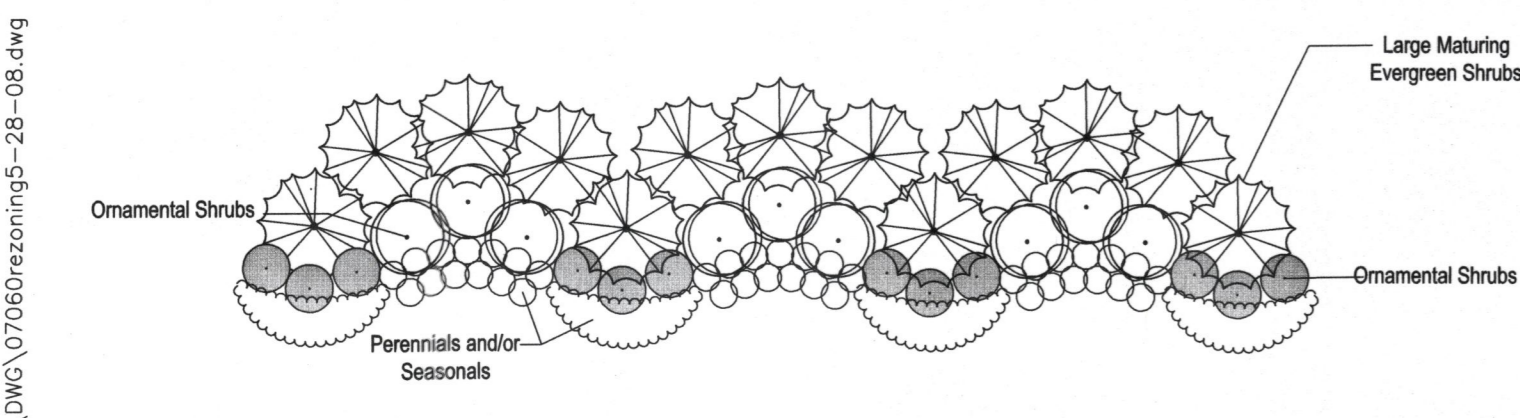
O. Blinding Effect of the Rezoning
If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

Development Data

Site Area:	12.7 acres
Existing Zoning:	R-3
Proposed Zoning:	R-17 MF (CD)
Max. # of Units:	204 d.u.
Min. Tree Save:	10%
Max. Building Ht.:	3 Stories



Section A: Local Residential Collector w/On-Street Parking (one side)
Scale: 1"=10'-0"



Enhanced Landscape Detail
NTS

CHARLOTTE - MECKLENBURG
PLANNING COMMISSION
INTER - OFFICE COMMUNICATION

DATE: July 21, 2008
TO: Gary Huss, Zoning Coordinator
FROM: Debra Campbell, Planning Director

SUBJECT: Administrative Approval for Petition No. 2008-024 by MLP Real Estate Acquisitions

Attached is a revised plan for the above petition. The plan has been revised to clarify the time frame for dedicating additional right-of-way and indicating vinyl siding is not an allowable building material. Since these changes are minor and do not alter the intent of the development and meet the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving this plan. Please use this plan when evaluating requests for building permits and certificates of occupancy.

Note all other ordinance requirements still apply.

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