

DEVELOPMENT STANDARDS

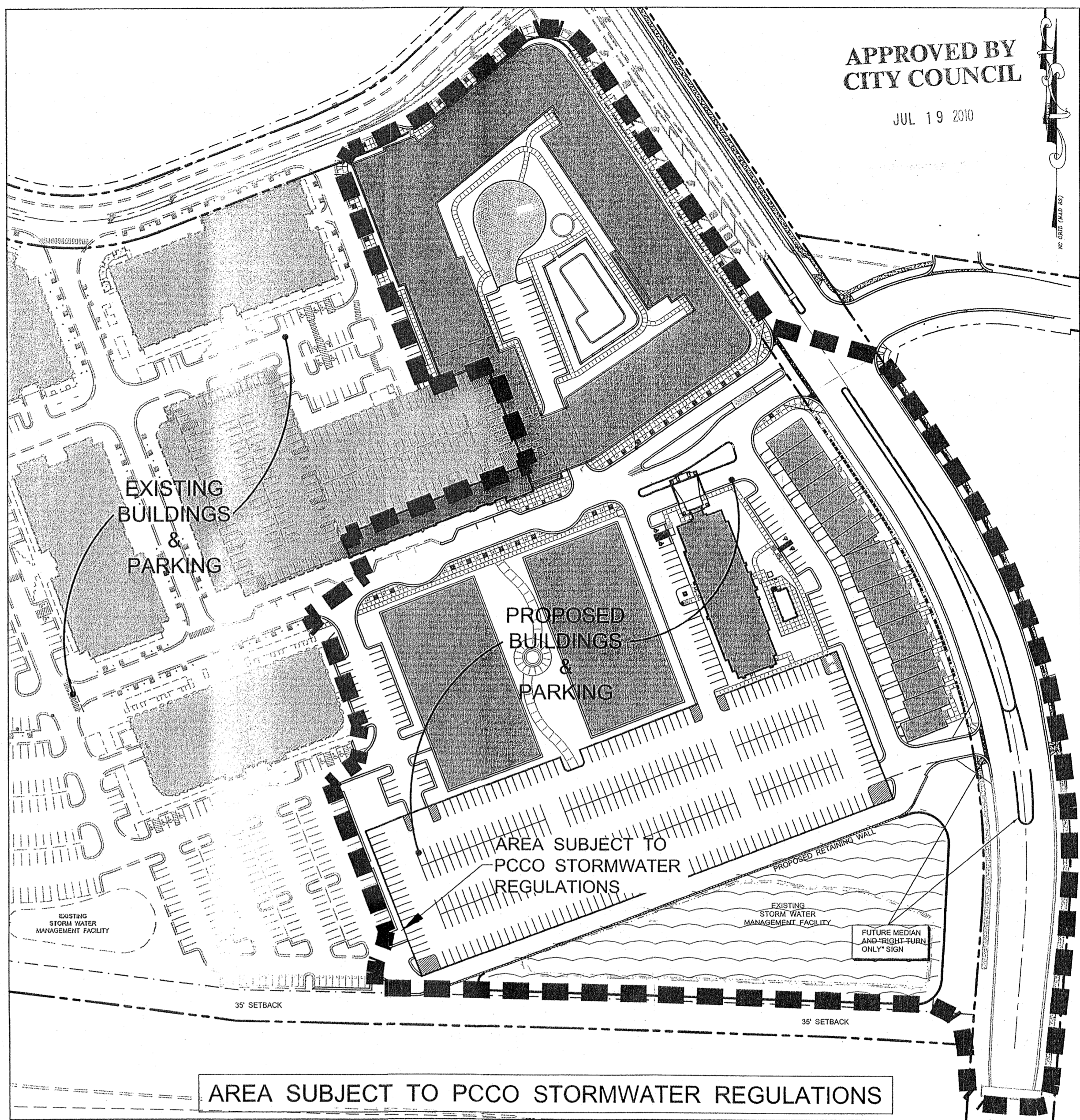


N.C. REGISTRATION # F - 0679

Dewberry & Davis, Inc.
6135 LAKEVIEW ROAD
SUITE 400
CHARLOTTE, NC 28269-2609
PHONE: (704) 509-9918
FAX: (704) 509-9937

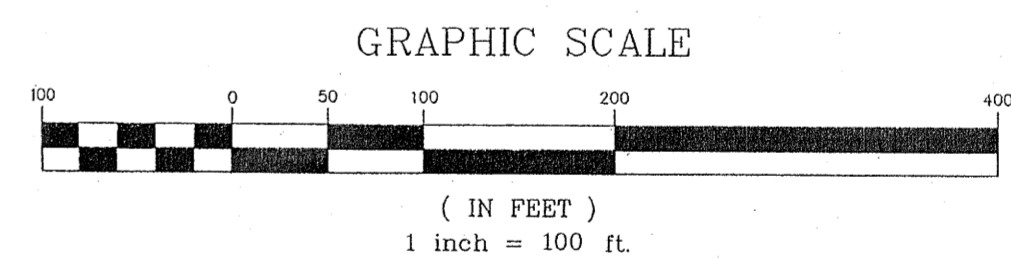
OWNER: LIGHTIN CORPORATION
3110 EDWARDS MILL ROAD
SUITE 200
RALEIGH, NORTH CAROLINA 27612
PHONE: (919) 783-6000

2010 REZONING PETITION PLANS



TORINGDON DEVELOPMENT PARKING SUMMARY FOR REQUIRED PARKING, SHARED PARKING & PARKING REDUCTION PER SECTIONS 12.203 & 12.209

	Area	Required Parking	Shared Parking	Credit for Existing Bike Spaces in Excess of Five Spaces	Credit for New Bike Spaces Provided in Excess of Five Spaces	NET Required Parking (Less Shared Spaces and Bike Space Credits)	Notes
Existing							
Toringdon I	94,100 SF	313	0	0	14	299	New Bike Spaces Proposed
Toringdon II	74,000 SF	247	0	14	0	233	
Toringdon III	84,000 SF	280	0	0	14	266	New Bike Spaces Proposed
Toringdon V	75,000 SF	250	0	0	14	236	New Bike Spaces Proposed
Toringdon VI	100,000 SF	334	0	0	5	329	New Bike Spaces Proposed
Toringdon VIII	108,000 SF	360	0	24	0	336	
Accessory Retail 1	5,500 SF	0	0	0	0	0	No Parking Required as Accessory Retail
Deck	NA	NA	NA	10	20	-30	New Covered Bike Spaces Proposed
Proposed							
MF1	240 Units	360	120	0	0	240	1 Sp/Unit Dedicated in Garages; 0.5 Sp/Unit Guest Parking in Deck & Surface Areas
MF2	17 Units	26	0	0	0	26	
Accessory Retail 2	6,000 SF	0	0	0	0	0	No Parking Required as Accessory Retail
Toringdon VII	94,000 SF	313	0	0	14	299	New Bike Spaces Proposed
Toringdon IX	94,000 SF	313	0	0	14	299	New Bike Spaces Proposed
Hotel	120 Rooms	120	0	0	0	120	
Deck	NA	NA	NA	0	14	-14	New Bike Spaces Proposed
Spaces						Total Parking Required	2639

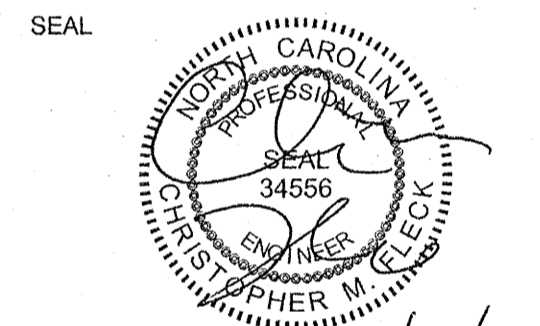


EXISTING AND PROPOSED PARKING

Existing Surface Parking	1255
Deck 1 & 2	537
Proposed Surface Parking	94
Deck	743
MF2 Garages	17
Total Parking Provided	2616
Parking Surplus	9

(A) Net Existing spaces displaced by proposed parking deck. Note: The Petitioner may substitute medical use at a rate of 1 space per 200 sq ft for general office at a rate of 1 space per 300 sq ft up to available/proposed parking such that all parking requirements outlined herein will be maintained.

REZONING DOCUMENT NOT FOR CONSTRUCTION



SCALE: 1 inch = 60 feet

No.	Date	By	Description
1	06/24/2010	RAM	Released per City Review
1	05/14/2010	FRAM	Released per City Review

REVISIONS

DRAWN BY: CFC
APPROVED BY: ARV
CHECKED BY: CMF
DATE: 03/19/2010

TITLE: DEVELOPMENT STANDARDS FOR PUBLIC HEARING

PROJECT NO. 10001471

C4

SHEET NO.

A. GENERAL PROVISIONS AND SPA INTENT.

- These Development Standards form a part of the Rezoning Site Plan associated with the Rezoning Petition filed by Lightin Corporation (the "Petitioner" or "Developer") to accommodate the further development of a mixed use corporate office park with office, residential, retail, personal service, hotel and restaurant uses in a pedestrian-friendly development pattern known as Toringdon on an approximately 37.3 acre site generally located on the northeast quadrant of I-485 and Johnston Road (the "Site"). The Rezoning Site Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the Ordinance) will govern development of the Site. Unless the Rezoning Site Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Commercial Center (CC) zoning classification shall govern development taking place on the Site.
- Consequently, except as otherwise expressly specified on the Rezoning Site Plan and in these Development Standards, the ultimate layout of the development proposed, the exact alignments of streets and points of access; the numbers, the size, configuration and placements of buildings and parking areas; and the depictions of such elements on the Rezoning Site Plan are preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during design development and construction document phases subject to the accompanying Development Standards and Section 6.206 (2) of the Ordinance. Parking layouts for surface and structured parking may be modified to accommodate final building locations to the extent permitted by the Ordinance. Sidewalks generally depicted on the Rezoning Site Plan are intended to reflect the general pedestrian circulation for development on the Site but the specific locations of such sidewalks may be subject to minor variations that do not materially change the design intent generally depicted on the Rezoning Site Plan.
- Notwithstanding the numbers of buildings shown on the Rezoning Site Plan, up to 16 principal buildings may be constructed on the Site.
- Proposed Changes per this Site Plan Amendment. The modifications to the existing rezoning plan for the Site contemplated by this Site Plan Amendment petition are summarized generally as follows:
 - The construction of a planned multi-family building of up to 240 units at the intersection of Community House Road and Toringdon Way.
 - The construction of a new office building containing up to 94,000 square feet of gross floor area (Building IX as shown on the Rezoning Site Plan) on the interior of the Site.
 - The construction of a townhome style planned multi-family building(s) of up to 17 units along Community House Road.
 - The construction of a Hotel of up to 120 rooms on the interior of the Site.

By way of information only, these proposed changes will result in: (i) a reduction in the number of planned multi-family units by three (3) from the current rezoning plan; (ii) a reduction in the amount of allowed retail square footage by ±2,200 square feet of gross floor area; (iii) an increase in the allowed office square footage by ±30,000 ±40,000 square feet of gross floor area; and (iv) the addition of a Hotel of up to 120 rooms.
- This proposed Site Plan Amendment and accompanying Rezoning Plan replace the previously approved conditional plans and will govern development on the Site.
- PRIORITY USES AND BUILDING AREA RESTRICTIONS.**
 - The following uses will be permitted on the Site subject to the following limitations:
 - Office (general and medical): 725,000 square feet of gross floor area (of which ± 534,700 square feet of gross floor area is already built).
 - Planned multi-family development: up to 257 units.
 - Retail uses, including without limitation personal services and restaurants: 11,500 square feet of gross floor area (of which ±5,500 square feet of gross floor area is already built). In addition to the above-referenced retail/personal services/restaurant square footage, additional retail/personal services/restaurant uses may be located within office buildings on the Site, provided that such additional retail/personal services/restaurant space will not occupy more than 25% of the ground floor area.
 - Hotel uses: up to 120 rooms.
 - Accessory uses and structures associated with the allowed principle uses in the CC zoning district will be allowed.
 - Gas station and/or convenience stores are not allowed on the Site.
 - Accessory drive-through windows are not allowed on the Site except that accessory drive-through windows for banks/financial services uses are permitted subject to reasonable approval of design elements by the Planning Director.
 - For purposes of the development limitations set forth, the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building, and any accessory buildings or structures on the site measured from the outside of the exterior walls or from the center line of party walls, provided, however, such term shall exclude any surface or structured parking facilities, or related access areas, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces) areas devoted to outdoor dining are not intended to be included in the calculation of gross floor area (but any such outdoor dining areas shall be considered for parking purposes). Notwithstanding the foregoing, the definition of GFA in the Ordinance will be used to calculate the maximum floor area ratios established by the Ordinance.
- ACCESS POINTS.**
 - The total number of ingress/egress points to the Site from Johnston Road and Community House Road shall be limited to the number shown on the Rezoning Site Plan. The exact locations may vary somewhat from those depicted based upon final design and locational requirements as regulated by CDOT.
 - The total number of ingress/egress points indicated along the internal private drives on the Technical Data Sheet are for illustrative purposes and do not limit the number of access points that may be provided along the internal private drives. Consequently, the Petitioner may modify the number and placement of access points along the Sites internal drives as long as the final design and locational requirements meet the requirements of CDOT.
 - Streets or drives within the Site are private in nature, but those principal private drives specifically designated on the Rezoning Site Plan as being "open/accessible" shall remain open and accessible to the public. This does not preclude, however, the Petitioner from temporarily closing such a designated private drive for, but not limited to, special events, farmers markets, festivals, concerts, block parties or other similar events.
 - Construction traffic to the Site will be limited to access only from Johnston Road and/or Community House Road. Endhaven Lane will not be used for construction traffic access.
 - The southern most driveway on Community House Road will be allowed to operate as a full movement driveway on a temporary basis, until Community House Road is extended over I-485. Once Community House Road is extended over I-485 and the median on Community House Road is extended this driveway will become a right-in/right-out driveway.
- ROADWAY IMPROVEMENTS AND PHASING.**
 - The Petitioner will make the following roadway improvements at the times and in the manner set forth below:
 - The Petitioner will dedicate a minimum 100 feet of right-of-way for the portion of Community House Road which falls on the Site, if any. A portion of this right-of-way has been previously dedicated, and the remainder of this right-of-way which falls on the Site will be dedicated prior to the issuance of a final certificate of occupancy for building VII, IX, the Hotel or the Townhomes which ever first occurs.
 - The Petitioner agrees to construct the remaining portion of Community House Road which falls on the Site. The exact alignment for Community House Road will be determined in concert with the City of Charlotte and the property owners east of Community House Road who may desire access to the road in the future.
 - As part of the issuance of a building permit to the developer of building VII, IX, the Hotel or the Townhomes which ever occurs first agree to construct phase II of Community House Road extension from Endhaven Lane to the southern most driveway along Community House Road as shown on the Rezoning Site Plan. This proposed phase II extension of Community House Road will be completed prior to the issuance of a final certificate of occupancy for building VII, IX, the Hotel or the Townhomes which ever occurs first. The remainder of Community House Road (future Community House Road extension shown on the Rezoning Site Plan) will be built by others as part of the construction of the bridge over I-485.
 - The Petitioner will construct this portion of Community House Road to a cross section that will include a median two through lanes in each direction, turn lanes where required, two five (5) foot bike lanes, an eight (8) foot planting strip and six (6) foot sidewalk on the development side of the road. It is anticipated the portion of the sidewalk adjacent to the bridge approach will be constructed in conjunction with the development of the adjacent parcel.
 - The Petitioner reserves the right to provide on-street parallel parking on the portion of Community House Road in front of the proposed townhome buildings until Community House Road is extended over I-485 by others. The use of this portion of Community House Road for parallel parking is subject to the Charlotte Department of Transportation approval. Once the street is accepted for maintenance by CDOT it may restrict the use of this portion of Community House Road for parallel parking when it deems necessary.
 - The Petitioner will re-align and correct Endhaven Lane to the new section of Community House Road in accordance with the requirements of the subdivision regulations and per appropriate engineering and CDOT standards. This connection and re-alignment will be made prior to the issuance of the final certificate of occupancy for the next building to be issued a building permit on the Site.
 - It is possible that the Petitioner will have to acquire off-site right-of-way to complete the connection and re-alignment of Endhaven Lane to Community House Road. If after three (3) reasonable efforts have been made by the Petitioner to acquire such right-of-way on market rate terms, such efforts to be expended over a period of 90 days, the Petitioner has not been successful, the City of Charlotte will assist in the acquisition of right-of-way in accordance with its standard policies. In such event, the Petitioner will reimburse the City for the all the costs associated with this right-of-way acquisition.
 - The Petitioner will install certain turning lane improvements at the Endhaven Lane/Elm Lane West Intersection. The improvements will result in the creation of two distinct turn lanes for traffic leaving Endhaven Lane and be built in accordance with applicable CDOT design and engineering standards subject to the availability of required right-of-way. This improvement will be completed prior to the issuance of a final certificate of occupancy for the next building issued a building permit on the Site.
 - The Petitioner will contribute ½ of the cost, not to exceed \$75,000 dollars, of a traffic signal at the Endhaven Lane/Elm Lane Intersection. This contribution will be made when Endhaven Lane is re-aligned and connected to Community House Road as outlined above. The timing of the signal installation and its operation will be determined by CDOT.
- ARCHITECTURAL STANDARDS.**
 - The Rezoning Site Plan and architectural design will emphasize architectural massing as a "street wall", especially along principal public streets and private drives within the development. The street wall will provide for building elevations to be the dominant component of the street frontage and will provide pedestrian scale elements of the ground floor level such as windows, awnings, canopies, etc.
 - In order to continue the quality and architectural theme established for Toringdon by the existing buildings, the Petitioner will provide that new buildings constructed on the Site will be architecturally compatible to the existing buildings. This may be accomplished by the use of similar building materials and colors as well as similar or complementary architectural styles.
 - The exposed portions of the structured parking decks will be finished to match architecturally to the adjoining buildings.
 - Maximum building height will be as allowed by the Zoning regulations and as indicated on the Rezoning Site Plan for the proposed MF-1 building and the proposed Townhome building(s).
 - All dumpster and recycling areas will be enclosed by a solid wall with one side being a decorative metal gate. The solid wall will utilize building materials similar to or identical to the building materials used on the adjoining principle use buildings. 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.
- LANDSCAPING, BUFFERING, OPEN SPACE AND SCREENING REQUIREMENTS.**
 - The Petitioner will not provide a buffer between the proposed residential uses on the Site and the office and hotel uses. The required buffers will be waived as allowed by Section 11.405.(5) of the CC zoning district.
 - Open Space areas will be provided as indicated on the site plan. The open space areas will be improved with appropriate landscaping and hardscape treatments including but not limited to walking paths. Seating will be provided in the open space areas located adjacent to or in between buildings.
 - All roof-mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
- SETRACKS/REQUIRED YARDS AND STREETSCAPES.**
 - The Site and portions of the Site shall be viewed as a unified development plan. As such, yards will not be required between buildings located on the Site. The Petitioner reserves the right to subdivide the Site and create lots within the interior of the development with no public street frontage or side and/or rear yards or other separation standards as part of a unified development plan.
 - A 35 foot minimum setback will be established along I-485 measured from the existing right-of-way.
 - Along Johnston Road the Petitioner has established a linear park within a 60 setback. This 60 foot setback will be measured from the existing right-of-way of Johnston Road.
 - Along Community House Road, the Petitioner will provide a 20 foot setback from the back of the curb. This setback represents a reduction of the required CC setback as allowed by the Ordinance. The buildings along this setback will comply with Section 11.405.(7)(a) of the Ordinance.
 - Surface parking between the buildings and Community House Road will be prohibited. This does not preclude the Petitioner from providing on-street parallel parking along Community House Road.
 - The Petitioner will provide a minimum setback of 16 feet as measured from the back of curb along the new internal private drives as specifically designated and depicted on the Rezoning Site Plan. The first floor of buildings placed along these new internal private drives will be designed to encourage and complement pedestrian-scale interest and activity. Blank walls will not be allowed. The buildings along the new private drives will comply with Section 11.405.(7)(a) of the ordinance.
 - A unified streetscape treatment will be implemented throughout the Site along existing and proposed public streets and private drives as generally depicted on the Rezoning Site Plan. The streetscape treatments will include at a minimum: (i) an eight (8) foot planting strip or tree grates, (ii) a six (6) foot sidewalk, (iii) pedestrian scale decorative lighting and (iv) street trees. These proposed Streetscape treatments are more specifically shown on sheet C-3 of the site plan documents, subject, however, to any conflicts with existing utility easements.
 - Trees to planting strips and in tree grates will be provided with automatic irrigation. The Petitioner will provide pedestrian connections from within the Site to other site elements and uses and to arrange the uses to balance the need for vehicular use as well as pedestrian access.
 - Sidewalk and planting strips along internal streets may be installed in phases in association with nearby development and as the project develops.
- STORM WATER DETENTION AND PCCO.**
 - The existing storm water management facilities were constructed prior to the adoption of the Post Construction Control Ordinance, as a result they are not designed to meet the requirements of the PCCO. As part of the development of the use of the Site indicated on sheet C-4 the Petitioner will work with the City Storm Water Surface Department to perform the required design and construction of required storm water detention and water quality treatment facilities on the Site and to ensure that the Petitioner's PCCO shall only relate to the area of the Site indicated on sheet C-4; storm water management, detention and water quality aspects for the remainder of the Site will not be required to comply with PCCO requirements.
- PARKING.**
 - Parking may be provided by way of surface or structured parking facilities as generally indicated on the site plan. Parallel and angled parking may be provided along internal private drives and along Community House Road as long as the road is not open for traffic across I-485.
 - The Petitioner will be utilizing Section 12.203 Shared Parking and Section 12.209 Allowable Reductions and Restrictions of Parking of the Zoning regulations to reduce the total number of required parking spaces on the Site.
 - Section 12.203 will be utilized to allow 33% of the required parking spaces for 240 multi-family units to be shared with the office uses on the site. This will result in the multi-family building (MF-1) sharing 120 spaces and providing 240 spaces to meet its required 1.5 spaces per unit (each of the 240 multi-family units will have one dedicated parking space that will not be shared).
 - The Petitioner has provided a letter by the Zoning administrator dated March 17th 2010 approving the sharing of the required planned multi-family parking spaces with the office uses on the Site.
 - Section 12.209 will be utilized to reduce the total number of required parking spaces for the entire Site by 167 units will be accomplished by the Petitioner by providing a total of 162 short term bicycle parking spaces throughout the Site as indicated on the Rezoning Site Plan.
 - These short term bicycle spaces will be installed along the existing buildings prior to the issuance of a final certificate of occupancy for the MF-1 building. The short term bicycle spaces that are to be installed in front of buildings that have not yet been constructed will be provided when those buildings are constructed prior to the issuance of a final certificate of occupancy for the corresponding buildings.
 - The Petitioner will construct along Johnston Road a bus waiting pad. The bus waiting pad will be located at the existing bus stop on Johnston Road. The bus waiting pad will be constructed per specifications of the City of Charlotte Land Development Standards. The construction and exact location to be coordinated with Charlotte Area Transit System (CATS). This pad will be installed before a final certificate of occupancy is issued on the next building issued a building permit.
 - The Petitioner will make available to CATS for its patron use 50 of the Site's parking spaces on a first come, first served (non-exclusive) basis. These 50 parking spaces to be generally located along Johnston Road in the southwest corner of the Site. The exact location to be coordinated with CATS. The Petitioner will provide these 50 parking spaces to CATS on a first come, first served basis. If the required parking spaces for the Site cannot be met by a result of the 50 parking spaces provided to CATS, the Petitioner may terminate the parking agreement with CATS. The 50 parking spaces will be made available to CATS prior to the issuance of a final certificate of occupancy for the next building issued a building permit.
- LIGHTING.**
 - As the project develops, pedestrian scale lighting will be installed along both interior streets and streets that border the Site.
 - The maximum height of any freestanding lighting fixtures, including its base, shall not exceed 30 feet. Pole mounted lighting on the top level of decks shall be capped and directed downward. No wall "pole" type lighting shall be used, but attached decorative lighting fixtures such as sconces may be used.
- SIGNS.**
 - Signage will be permitted in accordance with applicable zoning standards. Detached signs will be limited to ground mounted signs.
 - The Petitioner will develop a master signage plan for the Site to coordinate identification and directional information for the structures, streets, and pedestrian areas of the Site.
- MISCELLANEOUS.**
 - All new utility lines will be placed underground as required by the Ordinance (Section 12.509).
- 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 Parcel or Parcels involved, in accordance with Chapter Six of the Ordinance.
- BINDING EFFECT.**
 - If this Rezoning Petition is approved, the development program established under these Development Standards and the Rezoning Site Plan shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and owners of portions of the Site (from time to time) and their respective heirs, devisees, personal representatives, successors in interest and assigns.
- Throughout this Rezoning Petition, the terms "Petitioners", "Owner" or "Owners", shall, with respect to each parcel within the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site, or portions thereof, who may be involved in its development from time to time.