

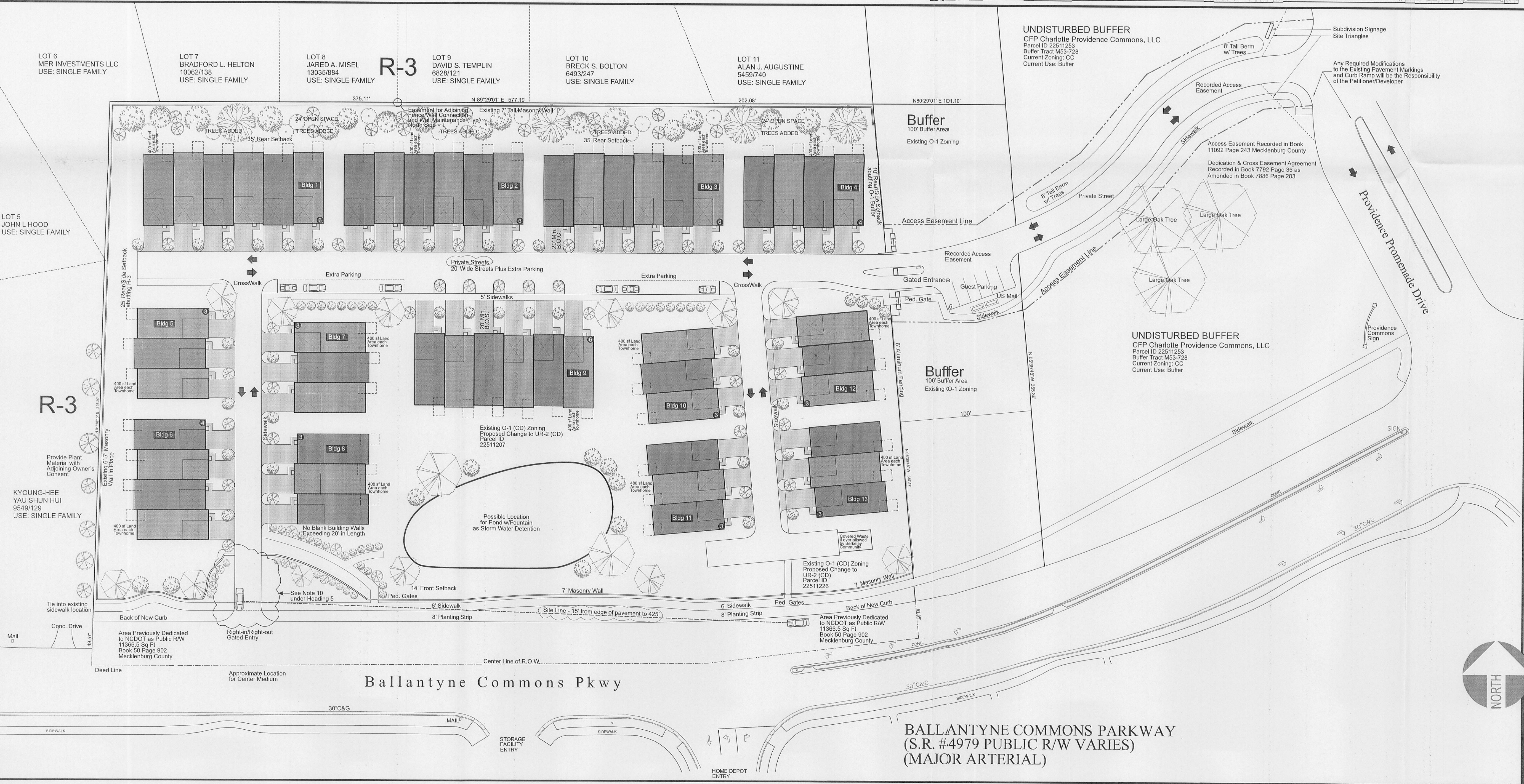
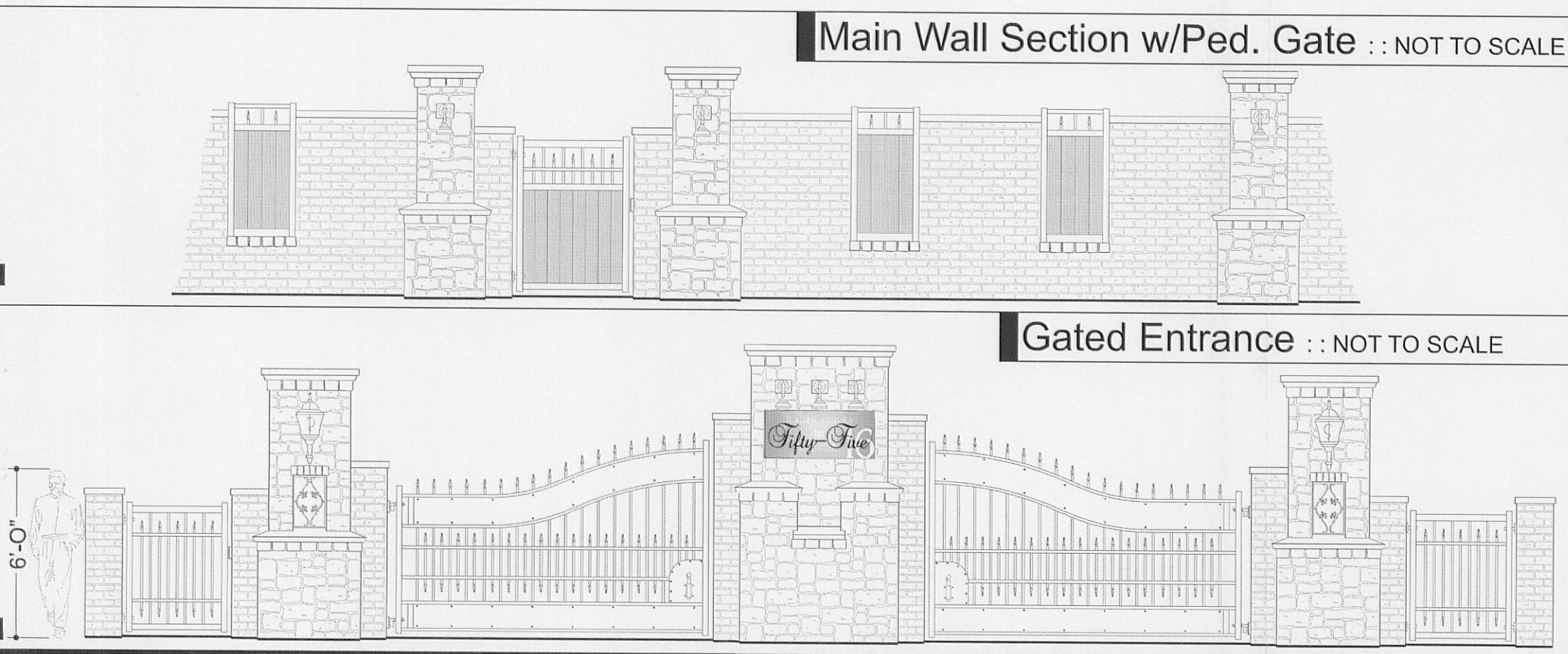
- 1. DEVELOPMENT DATA TABLE** (See table to right of this plan)
- 2. GENERAL PROVISIONS**  
Unless more stringent standards are established by the Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the UR-2 zoning district shall be followed in connection with development taking place on the Site. The development depicted on the Rezoning Plan is intended to reflect the arrangement of proposed uses on the Site, but the final configuration, placement and size of individual Site elements may be altered or modified within the limits prescribed by Section 6.207 of the Ordinance and the standards established by the Rezoning Plan and these Development Standards during design development and construction phases. Street layouts may be modified to accommodate final building locations.
- 3. OPTIONAL PROVISIONS** (Not applicable)
- 4. PERMITTED USES**  
The Site may be developed to a maximum of 53 for sale single family attached townhome dwelling units and to any incidental or accessory use in connection therewith which is permitted by right or under prescribed conditions in the UR-2 zoning district.
- 5. TRANSPORTATION**  
1. Vehicular access to the Site is limited to that depicted on the Rezoning Plan/Streets are private (streets not built to public road standards).  
2. The placement and configuration of the access point is 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 and/or the North Carolina Department of Transportation.  
3. Petitioner has dedicated and conveyed (by quitclaim deed and subject to a reservation for any necessary utility easements) those portions of the Site immediately adjacent to Ballantyne Commons Parkway as required to provide right of way measuring 50 feet from the existing centerline of Ballantyne Commons Parkway. Recorded in Mecklenburg County Register of Deeds, Book 50, Page 902.  
4. The Petitioner will construct new curb along the Site's immediate frontage along the northerly side of Ballantyne Commons Parkway as approved on previous construction plans of "The Villas at Alexander Place".  
5. The Petitioner will provide an 8-foot planting strip and a 6-foot sidewalk along the Site's immediate frontage on the northerly side of Ballantyne Commons Parkway as measured from the back of the new curb.  
6. The Petitioner will provide a 5 foot sidewalk along one side of the access driveway located to the east of the Site.  
7. A continuous safe pedestrian connection will be provided between the sidewalks on the Site and the existing sidewalk to the east and west along Ballantyne Commons Parkway.  
8. Any required modifications to the existing pavement markings and curb ramp on the Lowe's driveway will be the responsibility of the petitioner/developer.  
9. The Subdivision Ordinance allows the existing access that traverses tax parcel 22511253 to be constructed as a private street. CDOT requests this connection be made by converting the existing westernmost private drive into a private street and extending it to Ballantyne Commons Parkway. This new access to Ballantyne Commons Parkway will be restricted to "right-in/right-out" via the installation of a raised concrete median at the petitioner's cost. In addition, the driveway will be configured so that maneuvering associated with the gated entry is prevented in the setback and right-of-way.  
10. The Driveway and gate design will be determined and approved by NCDOT/CDOT during the construction permit process.

- 6. ARCHITECTURAL STANDARDS**  
1. Attached hereto are schematic architectural renderings of the front elevation of the single family attached townhome buildings proposed to be constructed on the Site that are intended to depict the general conceptual architectural style, character and elements of these buildings. Accordingly, the front elevation of any single family attached townhome building constructed on the Site must be substantially similar in appearance to the relevant attached schematic architectural renderings in terms of their architectural style, character and elements. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.  
2. The maximum height of the single family attached townhome buildings proposed to be constructed on the Site shall be 40 feet.  
3. The permitted exterior building materials for the single family attached townhome buildings to be constructed on the Site shall be a combination of brick, stone and similar masonry products, stucco, wood and wood products, shake and hard-plank and fiber cement board. Notwithstanding the foregoing, vinyl may be utilized on the soffits of the single family attached townhome buildings. Except as provided above, vinyl shall not be a permitted exterior building material.  
4. At least 25% of the front elevation (excluding doors, windows, rooftops and trim areas) of each single family attached townhome building constructed on the Site shall have brick, stone or a combination of brick and stone.  
5. The side elevation of each townhome dwelling unit located on an end of a single family attached townhome building to be constructed on the Site shall be substantially similar to the front elevation of such townhome dwelling unit in terms of the exterior building materials.  
6. No more than three (3) consecutive individual townhome units located in the same building may have the same front building elevation in terms of primary exterior building materials.  
7. Flat panel garage doors may not be utilized on the garages.  
8. Decks, porches, covered patios and balconies may encroach up to 8 feet into designated rear yard.  
9. A private contractor will provide waste and recycling pick-up through individual roll-out containers.  
10. Rear elevations of the townhomes along the west and north property boundaries will be 2 storey units with no roof dormers and the exterior finish will be brick veneer.

- 7. STREETScape AND LANDSCAPING**  
Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.  
1. A six foot masonry wall has been constructed along the Site's westerly and northerly edges approximately two feet from the respective property lines. A six to seven foot masonry wall will be built along Ballantyne Commons Pkwy with access and pedestrian gates and connecting sidewalks. The wall will have planting along the side of Ballantyne Commons Pkwy consisting of evergreen pencil plants and evergreen fig vine to provide future wall covering.  
2. The Petitioner shall provide evergreen tree planting on parcel 22535248 in areas located along the Petitioner's masonry wall. The plant material will be placed in areas along the wall agreeable both to the owner of parcel 22535248 and the petitioner. Transplanting/relocating/removing existing trees along the masonry wall side of parcel 22535248 may be sought to properly place new planting. The plant material shall be between 10'-12' in height at the time of planting.  
3. The Petitioner shall establish a 24 foot buffer along the Site's northern boundary line as more particularly depicted on the Rezoning Plan. Trees located within such buffer will be preserved except to the extent necessary to install additional evergreen trees by removing the undergrowth and dead vegetation from the buffer. Trees planted in the buffer will be of the evergreen species with a height of 10'-12' and placed horizontally to fill voids in between the existing trees.  
4. The Petitioner reserves the right to grade and to install a wall and utility lines within the above noted buffer areas located along the Site's western and northern boundary lines, provided, however, that utility lines and facilities may only cross the buffer areas at interior angles measured at the property line which are not less than 75 degrees.  
5. No buildings, parking spaces or maneuvering areas may be located within the buffer areas.  
6. No above ground detention facilities or water quality facilities may be located within the 24 foot buffer area outlined in Paragraph 3 above.
- 8. ENVIRONMENTAL FEATURES**  
1. Development of the Site will comply with the applicable provisions of the City of Charlotte Tree Ordinance as of the date of the approval of this Rezoning Petition and of petition 2008-027.  
2. The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- 9. PARKS, GREENWAYS AND OPEN SPACE**  
Common open space on the Site shall be maintained by a homeowners association.
- 10. FIRE PROTECTION**  
Adequate fire protection in the form of fire hydrants will be provided to the City of Charlotte Fire Code's specifications. Plans for each townhome building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.
- 11. SIGNAGE**  
All signs placed on the Site will be erected in accordance with the requirements of the Ordinance.

- 12. LIGHTING**  
1. Decorative, pedestrian scale, freestanding lighting fixtures will be installed throughout the Site. The decorative, pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by the Petitioner.  
2. The maximum height of the decorative, pedestrian scale, freestanding lighting fixture installed on the Site, including its base, shall not exceed 15 feet.  
3. All exterior light fixtures (except street lights along public or private streets) shall be capped, full cut-off fixtures.
- 13. PHASING**  
Site will be developed in 3 phases.
- 14. OTHER**  
1. A variance request will/has been submitted to allow for one single access off Providence Promenade Drive at the red light intersection of Ballantyne Commons Parkway and Providence Promenade Drive as shown on submitted site plan.  
2. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and this Rezoning Plan, 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.  
3. Future amendments to this 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.

Clouding represents changes to text 10/28/13



APPROVED BY CITY COUNCIL  
NOV 18 2013

PROJECT NAME  
*Ballantyne Fifty-Five*  
Luxury Townhomes in a Gated Community

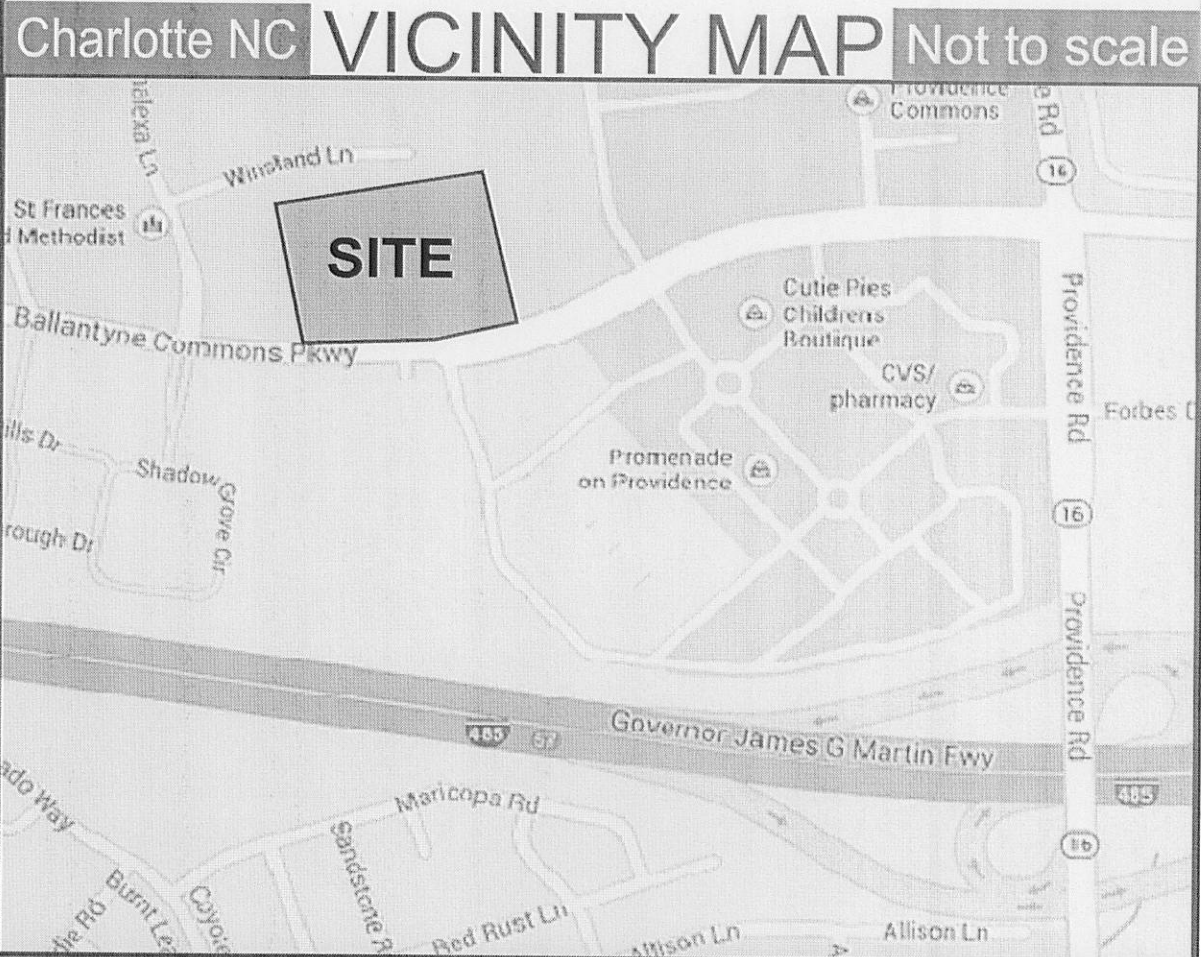
PROPOSED REZONE PETITION 2013 - 080

**DEVELOPMENT DATA TABLE**

|                                     |  |
|-------------------------------------|--|
| Site Area: . . . . .                | 5.70 +/- Gross Acres<br>5.44 +/- Net of R.O.W. |
| Tax Parcel ID: . . . . .            | 22511226 & 22511207                            |
| Jurisdiction: . . . . .             | City of Charlotte, NC                          |
| Current Zoning: . . . . .           | 0-1 (CD)<br>(Petition #010-068)                |
| Proposed Zoning: . . . . .          | UR-2 (CD)                                      |
| Current Use: . . . . .              | Vacant   |
| Proposed Use: . . . . .             | Townhomes for Sale                             |
| Total Proposed Units: . . . . .     | 53 Townhomes                                   |
| Total Proposed Buildings: . . . . . | 13   |
| Height of Buildings: . . . . .      | 40 Feet  |
| Proposed Density: . . . . .         | 9.29 DU/Acre                                   |
| Floor Area Ratio: . . . . .         | 1.0 Maximum                                    |
| Tree Save:<br>Required . . . . .    | 57 +/- Acres (10%)                             |
| Minimum Proposed . . . . .          | 72 +/- Acres (12.7%)                           |

**LWP**

LightWay Properties, LLC  
PO Box 7892  
Charlotte, NC 28277  
704.201.8412



**SITE PLAN S1**

DATE: July 19, 2013  
REVISION DATE: 9/20/13 SUBMITTAL#: 2  
REVISION DATE: 10/17/13 SUBMITTAL#: 3  
REVISION DATE: 10/28/13 SUBMITTAL#: 4

**SITE PLAN SCALE: 1" = 40'-0"**

BALLANTYNE COMMONS PARKWAY  
(S.R. #4979 PUBLIC R/W VARIES)  
(MAJOR ARTERIAL)