

DEVELOPMENT STANDARDS

General Provisions
These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by First Colony to accommodate development of a mixed use, pedestrian-friendly community on an approximately 144.5 acre site located on Mallard Creek Church Road (the "Site").

1. Permitted Uses
A. 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.

2. Maximum Development
A. Tract A may be developed with up to 200,000 square feet of office uses and up to 100,000 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.

3. MUDD-Optional Provisions
This Petition proposes utilization of the MUDD-Optional provisions to accommodate the following variations:
A. The MUDD-Optional signage plan includes an entry monument sign on Mallard Creek Church Road at the two entrances to the development as generally indicated on the Technical Data Sheet. The two monument signs shall blend with the architecture of the buildings and not exceed 4 feet in height and 45 square feet (per side of each sign) in size.

4. Setbacks, Side Yards and Rear Yards
A. All buildings constructed within Tract A and B 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.

5. Tract A Design and Performance Standards
A. Architectural Controls
1. Surface level parking shall not be located between the buildings and Mallard Creek Church Road, except as provided for in Section 3(B) above.

D. Except as otherwise provided under Paragraph E below, no building/driveway permit may be issued for development taking place within Tract A or Tract B until after the design/construction plans for the following roadway/intersection improvements have been approved by CDOT and NCDOT. Except as otherwise provided under Paragraph E, no certificate of occupancy may be issued for development taking place within Tract A or Tract B until after the following road improvements have been completed:

- Intersection of Mallard Creek Church Road and Senator Royal 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-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.

E. 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:

- Intersection of Mallard Creek Church Road and Senator Royal 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-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.

F. No final plats for residential development taking place within Tract C may be recorded until after the following road improvements have either been completed or bonded in the manner established under the subdivision process:

- 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-right turn combination lane.

Intersection of Mallard Creek Road and Galloway Road:
- construction of a northbound right turn lane with 150 feet of storage and a 20:1 bay taper.

If off-site right-of-way is required to accommodate this improvement, the developer of Tract C will make a good faith effort (which shall include the use of an independent appraiser to assess property values) to secure the necessary off-site right-of-way. If the developer of Tract C successfully acquires the necessary off-site right-of-way, the developer of Tract C will cause the improvement to be completed.

If right-of-way not owned by the developer of Tract C is required to complete this work and the developer of Tract C fails in its good faith attempt to acquire the right-of-way, the developer may request the City to condemn the property and agree to pay for all costs and expenses associated therewith.

Design/construction plans for these proposed road improvements must be submitted as a part of the preliminary plans for development taking place within Tract C.

Building permits for residential development covered by the particular plat involved may be applied for after the final plat has been recorded.

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.

G. The developer of Tract C shall provide standard collector street improvements along that portion of the southern half of the right-of-way for Galloway Road abutting Tract C in accordance with the Charlotte Mecklenburg Land Development Standards Manual.

H. The developer of Tract C shall contribute \$50,000.00 toward the costs of installation of a traffic signal at the intersection of Galloway Road and Mallard Creek Road to CDOT or NCDOT, whichever may be applicable. If the traffic signal is installed within five years of the date of approval of this Rezoning Petition, such contribution shall be made within 60 days of a written request to the developer of Tract C by the appropriate agency.

I. The traffic circle indicated on the Schematic Site Plan shall conform to the standards for an urban compact or mini-roundabout as defined in the Federal Highway Administration's manual entitled Roundabouts: An Informational Guide. In the event the developer of Tract C determines that the design of the traffic circle cannot comply with these standards, the traffic circle may be eliminated.

J. At least one of the access points to Mallard Creek Church Road will be constructed during the initial construction phase of Tract C and connected to Tract C. In addition, signage at each of Tract C's Galloway Road entrances stating that no construction traffic is permitted to access the Site from Galloway Road must be posted at the time access to Mallard Creek Church Road becomes available. Temporary access will not be permitted at either of the signalized intersection locations on Mallard Creek Church Road without necessary traffic signal modifications.

K. The developer of Tract C will contribute to the City funds for the cost of installing two speed humps on Galloway Road should the City determine through the processing of a speed hump request and the standard evaluation procedures that such speed humps should be installed, and such determination is made within five years of the date of approval of this Rezoning Petition.

L. 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 between buildings 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.

M. Landscaping and Screening
1. Internal areas of the Site shall be landscaped in accordance with the requirements of the City Code.

N. Landscaping and Screening
2. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

O. Landscaping and Screening
3. All other screening and landscaping shall conform to the standards of the Ordinance.

P. Landscaping and Screening
4. The streetscape treatment 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 9.8505 of the Ordinance and as generally depicted on the perspective on Sheet 3.

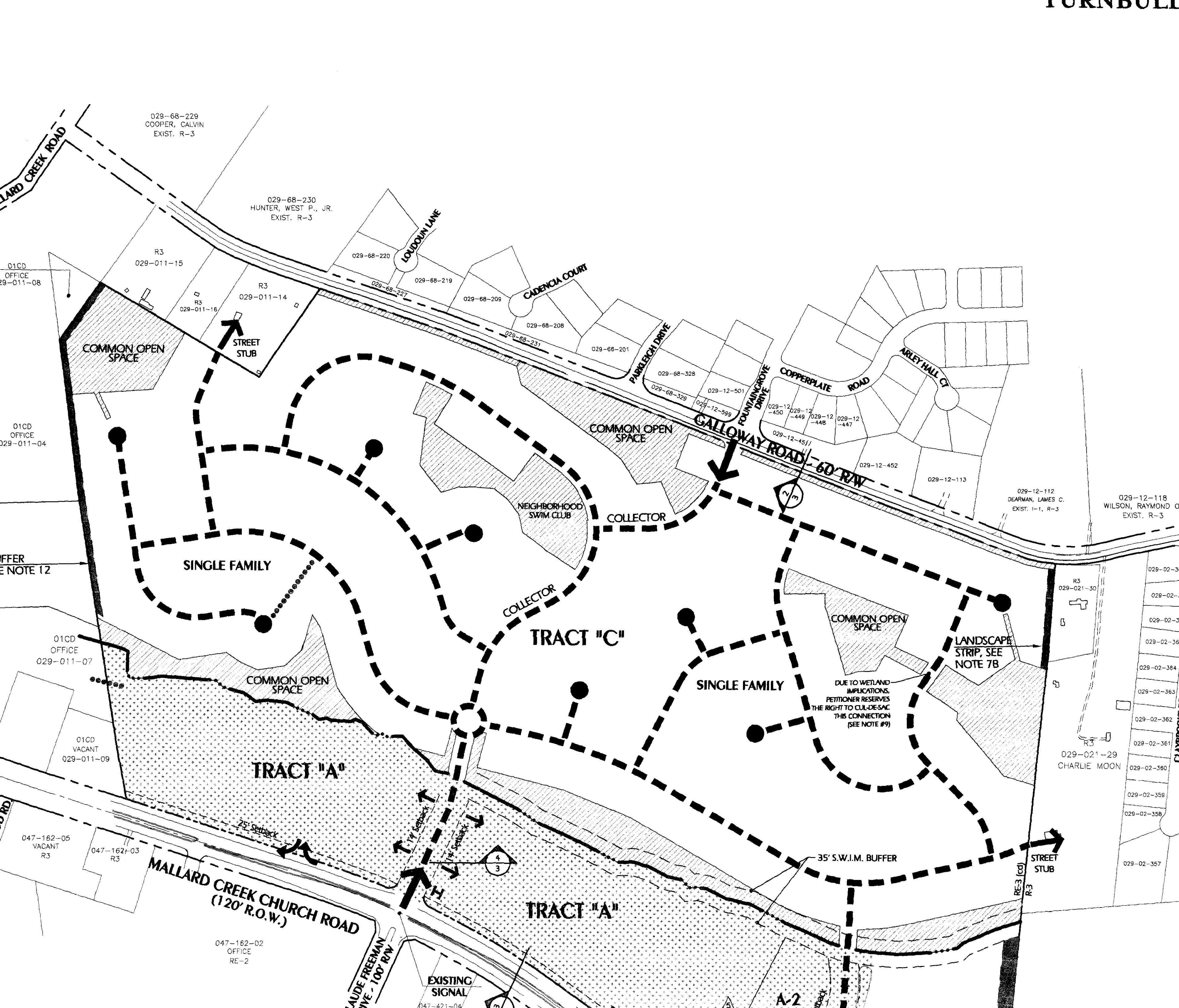
Q. Landscaping and Screening
5. In the event Tract A is developed in the manner depicted by the Schematic Site Plan and with loading areas or service docks located to the rear of buildings facing Tract A, a brick screen wall will be provided along the loading area and/or service dock areas, whichever is applicable. 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.

R. Landscaping and Screening
6. Landscaping and Screening
1. Internal areas of the Site shall be landscaped in accordance with the requirements of the City Code.

S. Landscaping and Screening
2. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

T. Landscaping and Screening
3. All other screening and landscaping shall conform to the standards of the Ordinance.

U. Landscaping and Screening
4. The streetscape treatment along Mallard Creek Church Road will contain windows and shutters which face Mallard Creek Church Road 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 9.8505 of the Ordinance.



INNOVATIVE DEVELOPMENT STANDARDS

Pursuant to Section 11.206 of the Ordinance, the Petitioner seeks to obtain the approval of its use of the following Innovative Development Standards in conjunction with the developers of the Site concurrently with the approval of its Rezoning Petition:

SINGLE FAMILY DETACHED HOMES
MINIMUM LOT SIZE 5,500 SF
MINIMUM LOT WIDTH 50' & 60' (AS DESIGNATED)

MIN. SIDE YARD 3'
MIN. REAR YARD (INTERNAL) 10'
MIN. REAR YARD (EXTERNAL) 45' (MAY INCLUDE ANY BUFFER)

INTERNAL BUFFER 0'
SWIM CLUB PARKING 1 SPACE/200 SF (SF OF POOL WATER SURFACE)

TOWNHOMES
MIN. FRONT SETBACK 10' (FROM R/W OR BACK OF CURB)
MIN. REAR YARD 10'
INTERNAL BUFFER 0'

SYMBOL LEGEND
- - - - - PROPOSED PUBLIC STREET
[Pattern] COMMON OPEN SPACE/AMENITY AREA

[Pattern] COMMERCIAL/OFFICE
[Pattern] BUFFER

[Arrow] PUBLIC STREET ACCESS POINT
[Arrow] INTERNAL ACCESS POINT

[Symbol] RIGHT TURN IN/RIGHT TURN OUT
[Symbol] MONUMENT SIGN

[Symbol] PEDESTRIAN ACCESS
[Symbol] CENTERLINE EXISTING CREEK

DEVELOPMENT DATA

Site Area: 144.5 Ac.
Existing Zoning: RE-3 (cd)

Tax Parcel Number: 029-011-17

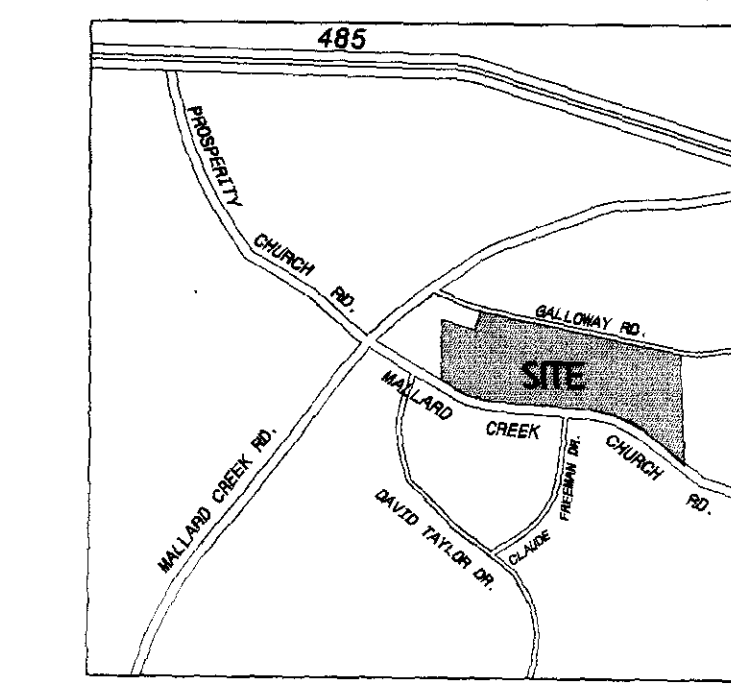
Tract "A"
Area: ±29.33 Ac.
Proposed Zoning: MUDD-O
Maximum Retail & Office: 300,000 sf

Tract "B"
Area: ±10.6 Ac.
Proposed Zoning: MUDD-O
Density: 63

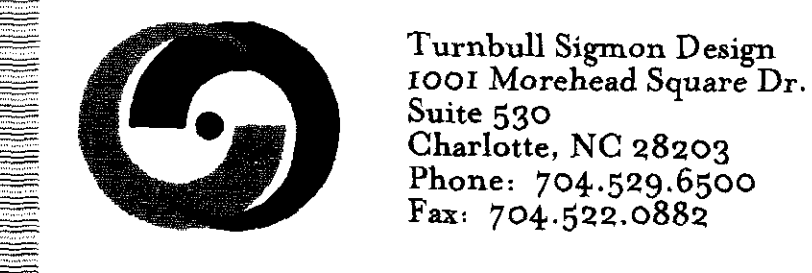
Tract "C"
Area: ±104.6 Ac.
Proposed Zoning: MX-1 (INNOVATIVE)
Density: 3.77 DUA

Common Open Space: ±12.55 ac. (1.2%)

VICINITY MAP



TURNBULL • SIGMON DESIGN



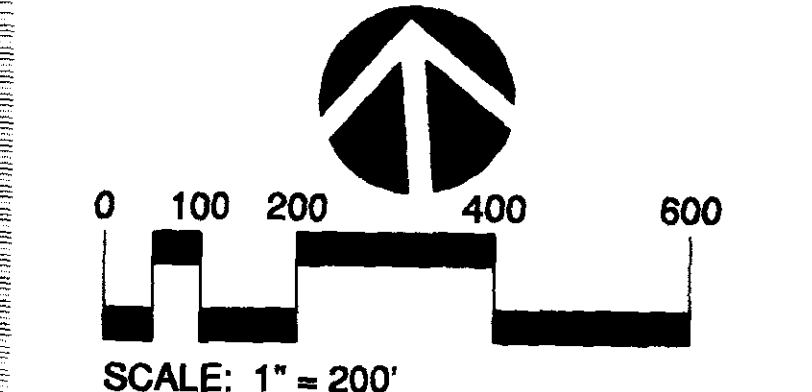
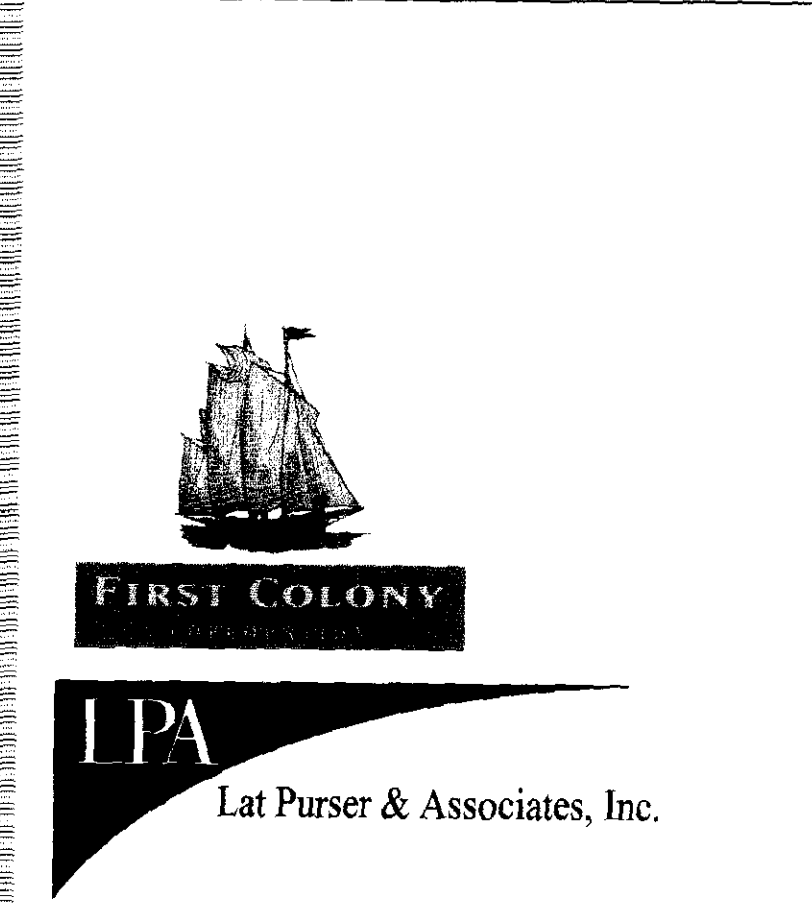
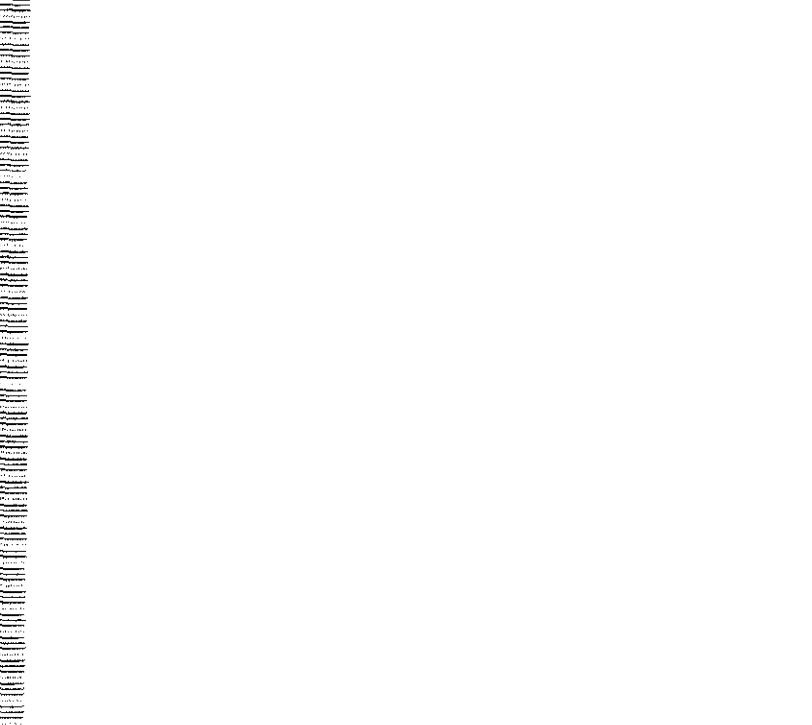
LAND DEVELOPMENT DESIGN SERVICES



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FIRST COLONY

4500 CAMERON VALLEY PARKWAY
CHARLOTTE, NC 28211



The Arbors

CITY OF CHARLOTTE
NORTH CAROLINA

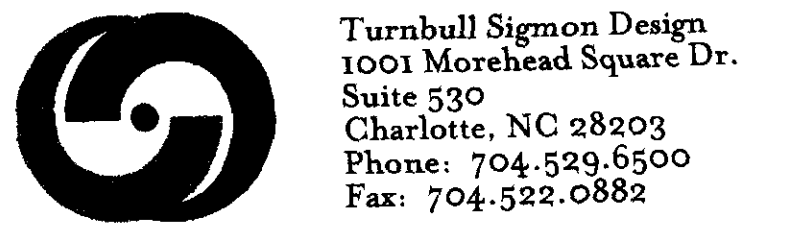
FOR PUBLIC HEARING

Technical Data Sheet

Petition # 2002-142

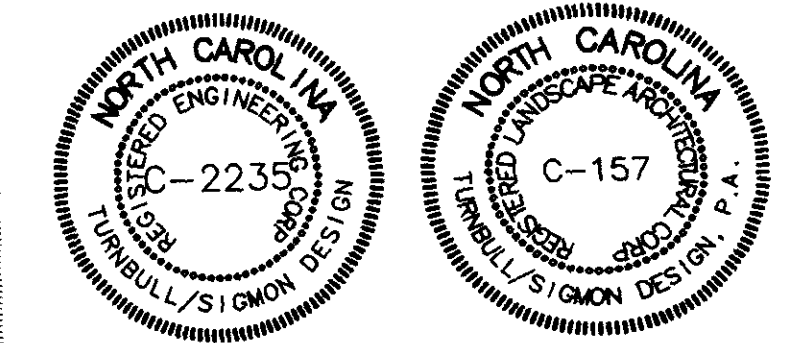
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DRAWN BY: TCS
DESIGNED BY: SRT
ISSUE DATE: 11.18.02
APPROVED BY CITY COUNCIL
DATE: 3/7/03

- 5. 03-14-03 ABS TRACT A-1, A-2, A-3, DEVELOPMENT STANDARDS REVISION
4. 02-21-03 JJK REVISE PER CMP COMMENTS
3. 01-27-03 TCS REVISE PER CMP COMMENTS
2. 01-20-03 TCS REVISE PER CMP COMMENTS
1. 12-20-02 TCS REVISE PER CMP COMMENTS
NO. DATE: BY: REVISIONS:



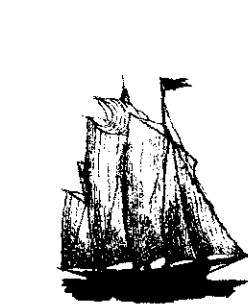
Turnbull Sigmon Design
1001 Morehead Square Dr.
Suite 500
Charlotte, NC 28203
Phone: 704.529.6500
Fax: 704.522.0882

LAND DEVELOPMENT DESIGN SERVICES

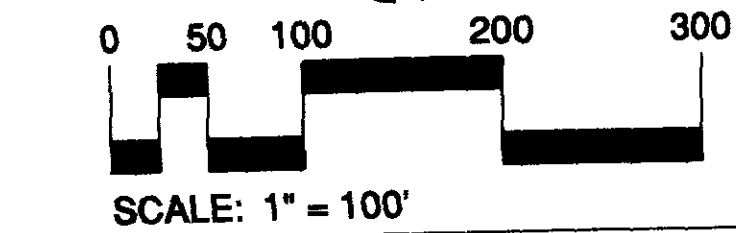
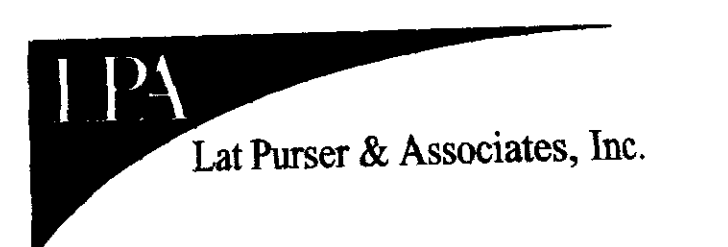


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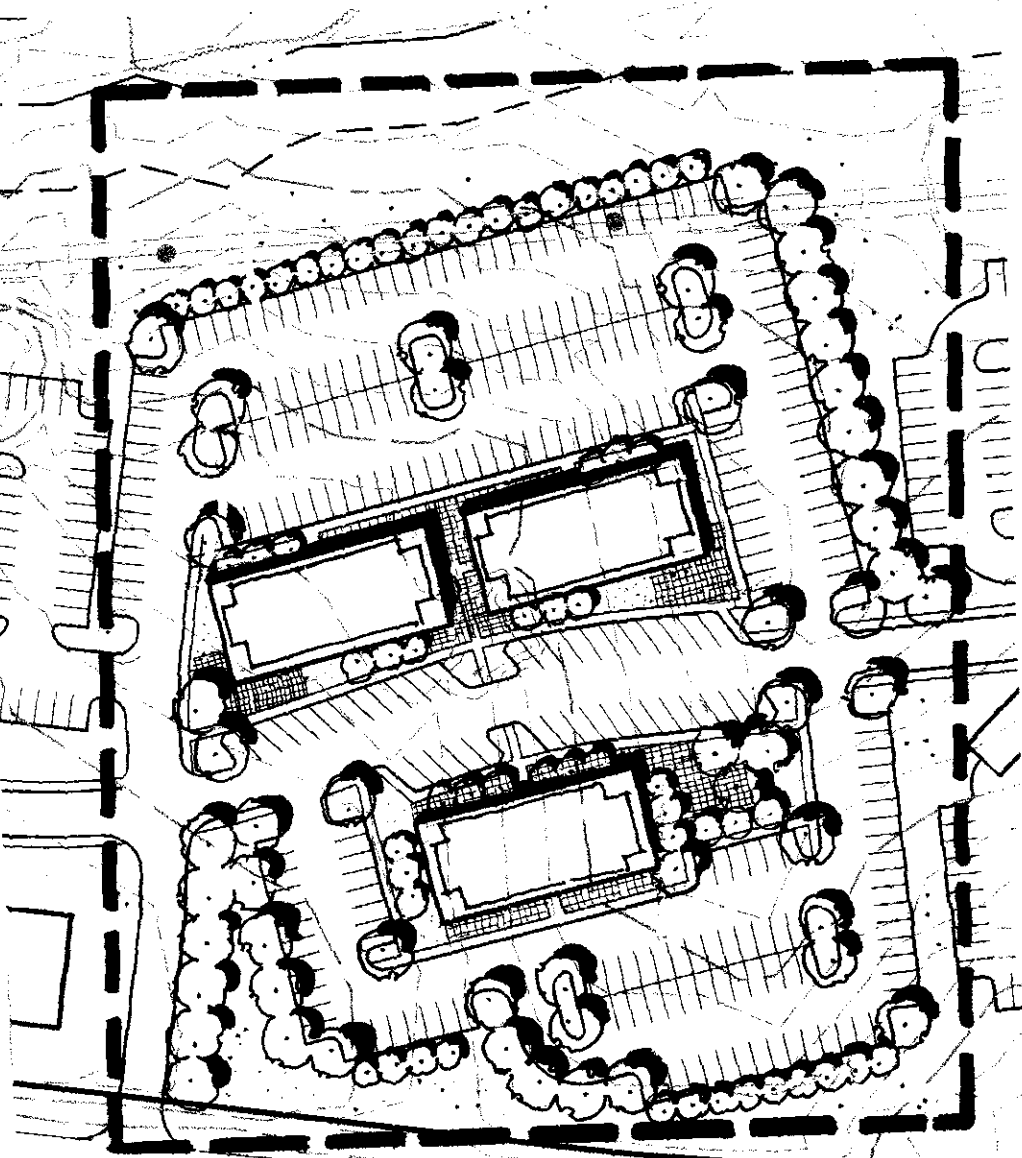
Schematic Site Plan

Petition #2002-142

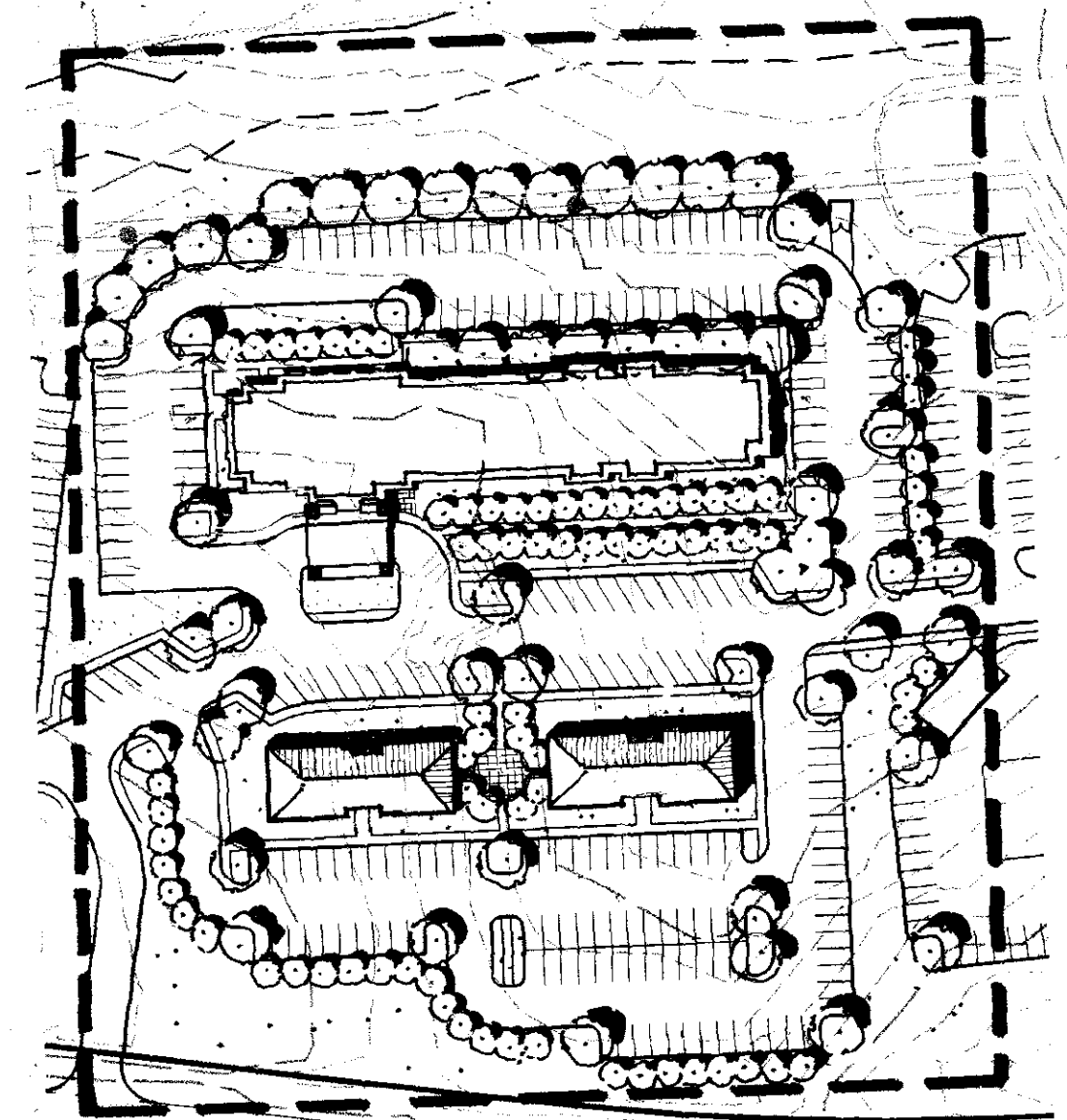
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ISSUE DATE: 1/17/03

APPROVED BY CITY COUNCIL
DATE: 3/1/03

2-02-21-03 TCS REVISE PER CMPC COMMENTS
1-01-21-03 TCS REVISE PER CMPC COMMENTS
NO. DATE BY: REVISIONS



INSET
Schematic Site Plan: Alternate "A"

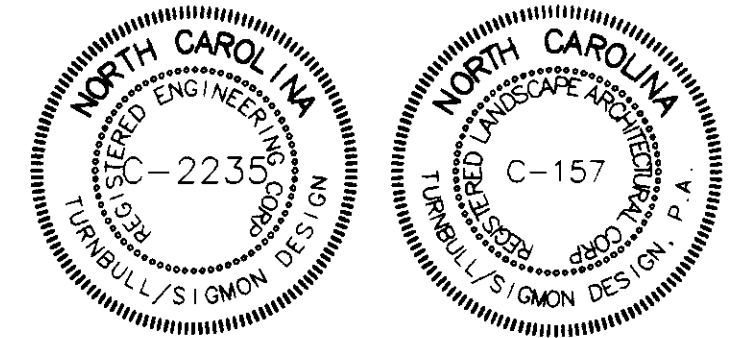


INSET
Schematic Site Plan: Alternate "B"

See Inset Alternates
This Sheet

SENATOR ROYALL
DRIVE
(UNDER CONSTRUCTION)

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4500 CAMERON VALLEY PARKWAY
CHARLOTTE, NC 28211



LPA
Lat Pursner & Associates, Inc.

The Arbors

CITY OF CHARLOTTE
NORTH CAROLINA

FOR PUBLIC HEARING

Sections and Graphics

Petition #2002-142

PROJECT NUMBER: 02063

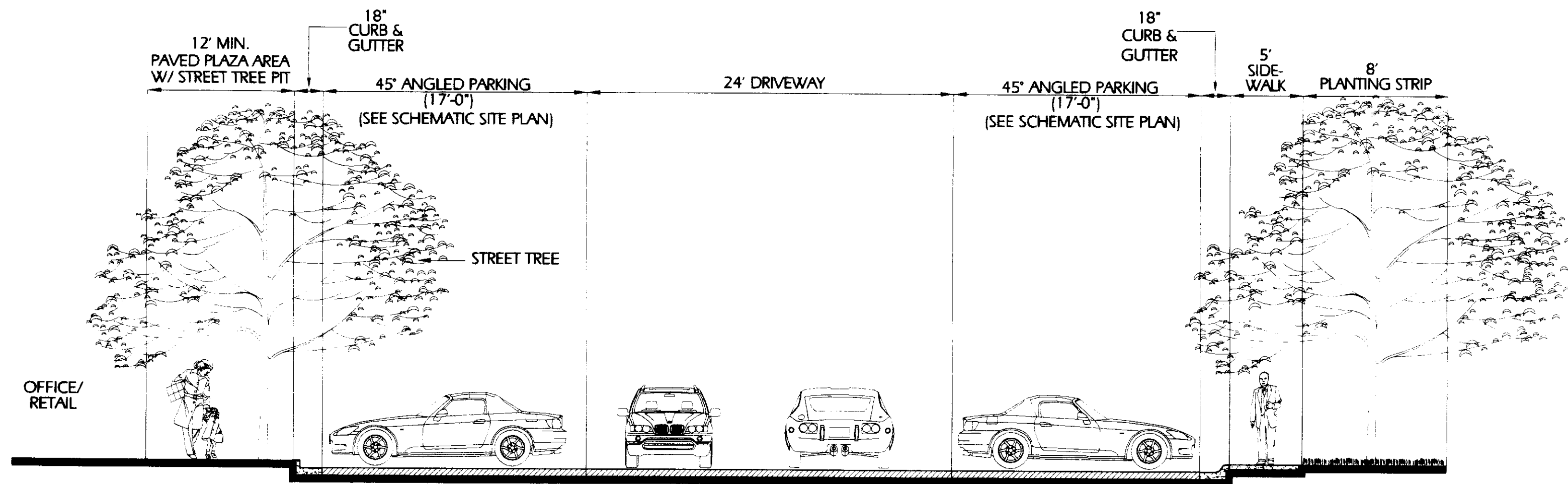
DRAWN BY: JKK, SFC

DESIGNED BY: SRT

ISSUE DATE: 1/17/03

APPROVED BY: [Signature]
DATE: [Signature]

03-14-01 ABS REMOVED DETAIL 4.3
03-24-01 TCS REVISE PER CMPC COMMENTS
10-21-02 TCS REVISE PER CMPC COMMENTS
NO. DATE BY: REVISIONS



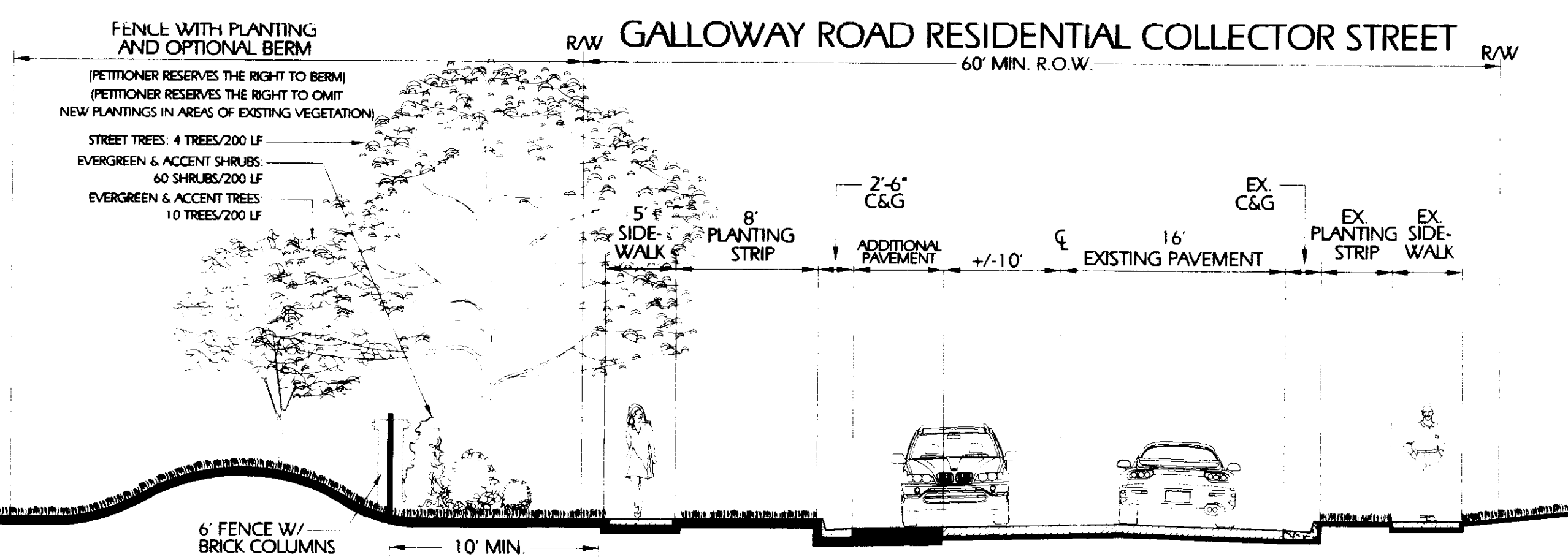
1
3 STREET CROSS SECTION: THROUGH COMMERCIAL OR OFFICE
N.T.S.

Where reverse frontage lots exist, the bottom of the fence will be no more than 1' below the curb height of Galloway Road.

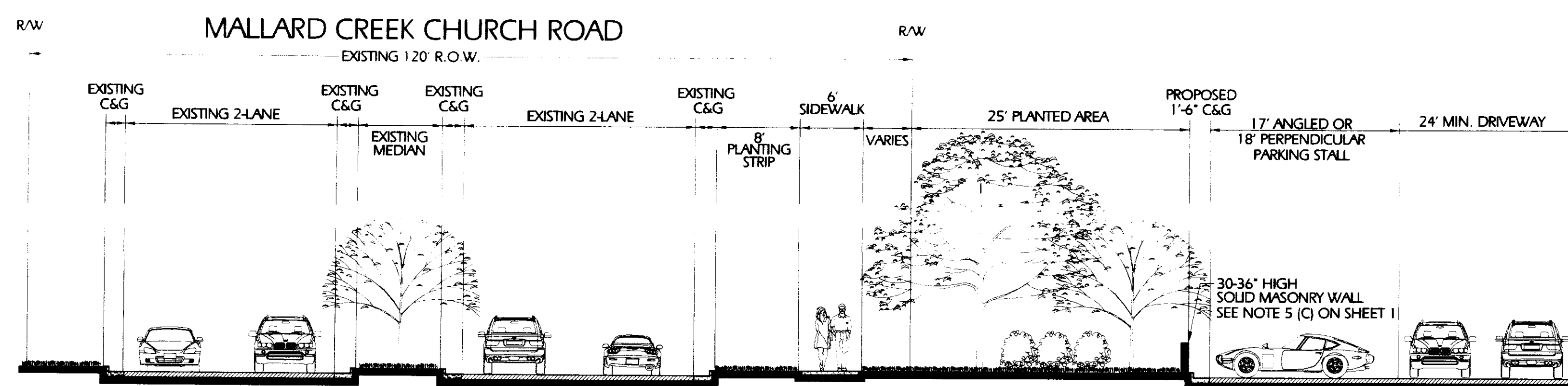
The landscape treatment along Galloway Road will consist of a brick entry monument at Fountaingrove Drive, a wood fence with brick column accents, and the landscape plantings listed below. So that the landscape planting can have the maximum aesthetic effect, petitioner may arrange the plant material "en masse" or in a rigid spacing; however, in no instance may the amount of plants for every 200 lineal feet of planting be less than the following:

- Street Trees: Four (4) 3" caliper trees
- Evergreen and Accent Trees: Ten (10) 5-6' tall trees
- Evergreen and Accent Shrubs: Sixty (60) 24" tall shrubs

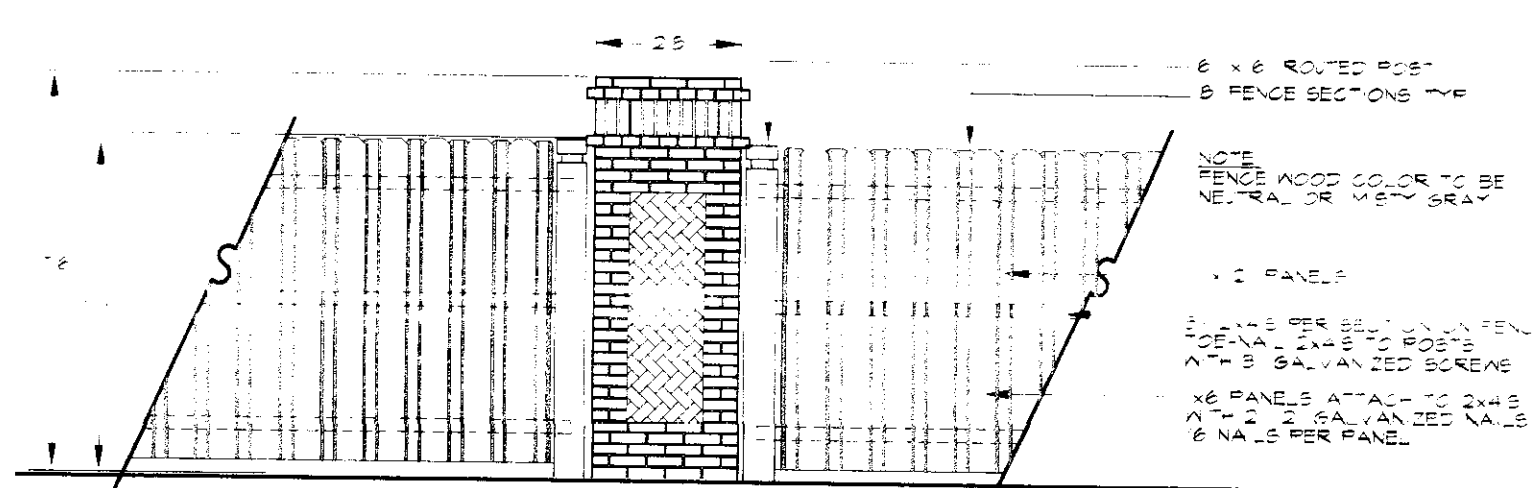
Where existing trees are preserved in the common area, the street tree requirement will remain unchanged, but any existing trees or shrubs may be credited toward meeting the planting requirements noted.



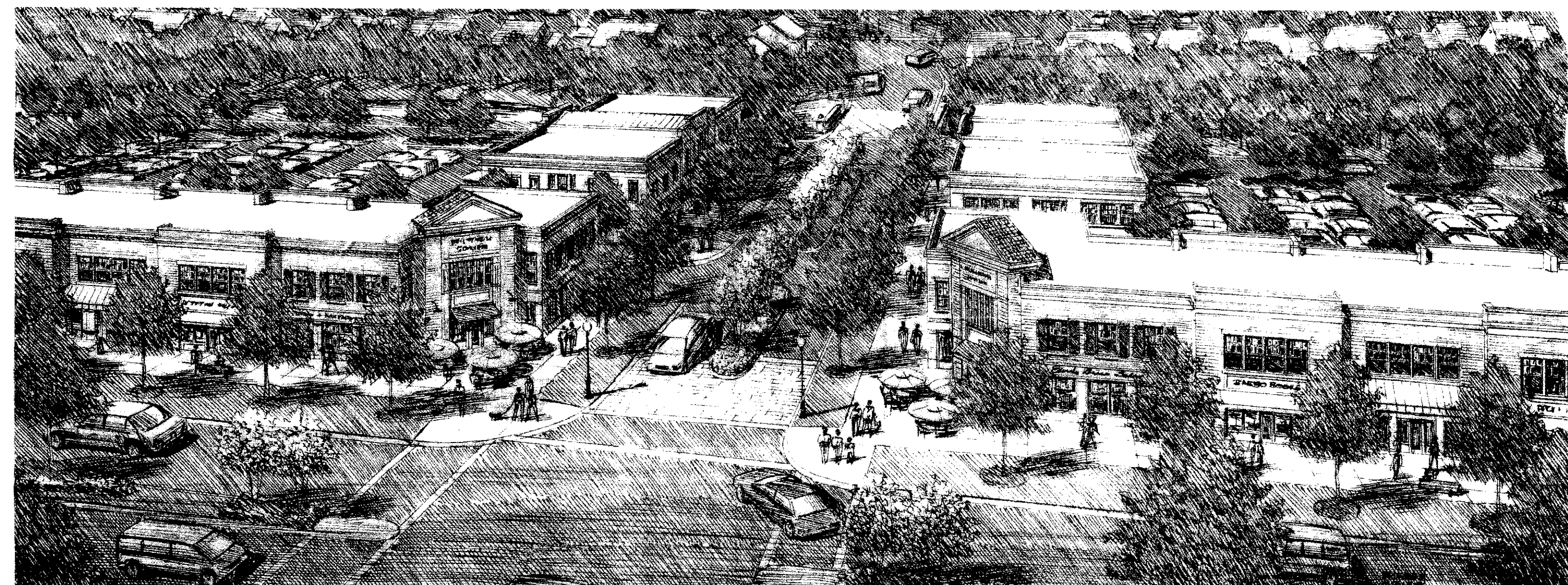
2
3 GALLOWAY ROAD LANDSCAPE TREATMENT
N.T.S.



3
3 CROSS SECTION: MALLARD CREEK CHURCH ROAD @ PARKING AREAS
N.T.S.



5
3 FENCE ELEVATION AT GALLOWAY ROAD
N.T.S.



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



3-STORY OFFICE BUILDING



2-STORY RETAIL / OFFICE BUILDING