

ADJACENT PROPERTY OWNERS

- 1. 193-043-24 SAMUEL W. & FRANCES W. LILLY 4313 MARGARET WALLACE ROAD MATTHEWS, NORTH CAROLINA 28105
2. 193-043-28 AIM OF CHARLOTTE, LLC 4313 MARGARET WALLACE ROAD MATTHEWS, NORTH CAROLINA 28236
3. 193-043-33 WILLIAM & SYBIL PARSON 9412 IDLEWILD ROAD CHARLOTTE, NORTH CAROLINA 28227
4. 193-043-28 AIM OF CHARLOTTE, LLC PO BOX 36469 CHARLOTTE, NC 28236
5. 135-163-13 WILLIAM GILL III, HOLLIS 9531 IDLEWILD ROAD CHARLOTTE, NORTH CAROLINA 28227
6. 135-162-03 GARY S. KOCHMAN 9539 IDLEWILD ROAD CHARLOTTE, NORTH CAROLINA 28227
7. 135-162-02 SHERLEY B. TARLTON 10006 ELBREN LANE MATTHEWS, NORTH CAROLINA 28105
8. 135-162-07 SHERLEY B. TARLTON 9607 IDLEWILD ROAD CHARLOTTE, NORTH CAROLINA 28227
9. 135-162-04 CHARLETTE B. GORDON 9731 IDLEWILD ROAD CHARLOTTE, NORTH CAROLINA 28227
10. 135-162-08 GCG INVESTMENTS 301 E INDEPENDENCE BOULEVARD CHARLOTTE, NORTH CAROLINA 28205
11. 193-043-09 JAMES E. HENDERSON 9744 IDLEWILD ROAD CHARLOTTE, NORTH CAROLINA 28227
12. 193-043-08 CRAIG R. HIPKINS 4541 MARGARET WALLACE ROAD CHARLOTTE, NORTH CAROLINA 28227
13. 193-051-19 ELIZABETH COFFEY R/T OUTEN 4512 MARGARET WALLACE ROAD MATTHEWS, NORTH CAROLINA 28105
14. 193-051-20 JO ANNE & KATERINE LILLY 4420 MARGARET WALLACE ROAD MATTHEWS, NORTH CAROLINA 28105
15. 193-511-01 MECKLENBURG COUNTY 600 EAST FOURTH STREET, 11TH FLOOR CHARLOTTE, NORTH CAROLINA 28202
16. 193-043-28 AIM OF CHARLOTTE, LLC PO BOX 36469 CHARLOTTE, NC 28236
17. 193-032-34 RAQUEL D. HILL 4310 WILLS WAY CHARLOTTE, NC 28227

DEVELOPMENT STANDARDS

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Lincoln Harris to accommodate development of a mixed use, pedestrian-friendly village type center on an approximately 46.5 ± acre site located on Margaret Wallace Road at Idlewild Road (the "Site").

1. Permitted Uses

(a) Parcel A of the Site may be devoted to retail, office and restaurant uses together with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the NS Zoning District, with the exception of the following disallowed uses:

- convenience stores,
• car washes,
• automobile service stations, and
• restaurants with drive-through facilities with the exception that one Chick-Fil-A restaurant with a drive-through facility may be located on the Site.

Freestanding Drive-Through Building Limitations

The number of freestanding buildings with drive-through facilities is limited to no more than three and the following usage limitations apply to those outparcels:

- 1. One of the three freestanding buildings with drive-through facilities may be a bank.
2. One of the three freestanding buildings with drive-through facilities may be a Chick Fil A restaurant.
3. One of the three freestanding buildings with drive-through facilities may be any other retail or office use.

(c) Parcel B of the Site may be devoted to single family detached homes together with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the R-8 Zoning District.

2. Maximum Building Areas and Development Limitations

(a) Parcel A may be developed with up to 120,000 square feet of gross floor area of which no more than 90,000 square feet may be devoted to retail or restaurant uses. While areas devoted to outdoor dining, courtyards and plazas are not included in the square footage noted above, any off street parking required by the Ordinance will be provided for these areas.

(c) Parcel B of the Site may be developed with up to 136 detached single family homes and related accessory uses.

3. Setbacks, Side Yards and Rear Yards

All buildings constructed on each Parcel of the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the zoning district to which they are assigned. Buildings and parking areas may be located within the development area boundaries.

4. Design and Performance Standards

The development depicted on the Conceptual Master Plan (Sheet Z-3.0) is schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, the configurations, placements, and sizes of the building footprints and lots, as well as the locations of streets shown on the Conceptual Master Plan (Sheet Z-3.0) 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.

(a) Architectural Controls-Parcel A

(i) Buildings constructed along Margaret Wallace Road and Idlewild Road in Parcel A will contain windows which face these streets. Large expanses of solid walls for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements, all as generally depicted on the elevations which accompany the Technical Data Sheet.

(ii) 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 of that building may be substituted for a side.

(iii) The design treatment within Parcel A shall include, at a minimum, the following amenities:

- outdoor dining and seating area(s)
• outdoor seating areas

(iv) All buildings within Parcel A shall be generally compatible with the conceptual elevations depicted on Sheet Z-5.

(b) Landscaping and Screening

(i) Internal areas of the Site shall be landscaped in accordance with the requirements of the Code of the City of Charlotte.

(ii) All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

(iii) All other screening and landscaping shall conform to the standards of the Ordinance.

(c) Streetscape Treatment

(i) The streetscape treatment along Margaret Wallace Road and Idlewild Road will conform to the Ordinance and include large maturing trees, supplemental shrubbery, sidewalks which are at least 6 feet in width and planting strips which are at least 8 feet in width. Outdoor dining and courtyard areas may be located within the established, setback along Margaret Wallace Road and Idlewild Road, but outside of the required setback.

(ii) The extension of Bathurst Drive as it runs through the Site shall have 5 foot wide sidewalks and 6 foot wide planting strips on both sides.

(d) Lighting

(i) All freestanding lighting fixtures installed within Parcel A will be uniform in design.

(ii) The maximum height of any freestanding lighting fixture in Parcel A, including its base, may not exceed 25 feet.

(iii) All parking lot lighting in Parcel A shall be capped and downwardly directed.

(iv) Any lighting attached to a building in Parcel A shall be capped and downwardly directed.

(iv) Wall-mounted decorative light fixtures such as sconces are permitted.

(e) Parking

(i) Off-street parking and loading areas will satisfy the standards established under the Ordinance.

(ii) Off-street parking in Parcel A shall not be located within areas between buildings fronting public streets and the adjoining public streets.

(iii) Except for on-street parking within the areas in Parcel A generally depicted on the Conceptual Master Plan, there shall be no parking between thorough roads and the retail or office buildings fronting on these roads.

5. Storm Water Management (Parcel A)

(a) Storm water runoff from Parcel A 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. Surface level storm water detention, if provided, may be located in the common open space but shall not be located in the setback.

(b) The detention for Parcel A shall tie-in to the existing abutting storm water system(s). The Petitioner shall have the receiving drainage system abutting Parcel A 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 Petitioner 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 Parcel A, the Petitioner agrees to provide adequate detention to ensure that the system will not be additionally overburdened.

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

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

6. Water Quality Protection Measures

(a) SWIM buffers shall be provided as required by the Ordinance.

(b) The Petitioner will provide bioretention areas to provide additional treatment of storm water runoff for parking and driveway areas within Parcel A.

7. Vehicular Access and Road Improvements

(a) Vehicular access to Margaret Wallace Road and Idlewild Road shall be as generally depicted on the Technical Data Sheet.

(b) The placements and configurations 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. Any internal full movement access to any of the interior roadways leading to Idlewild Road or Margaret Wallace Road shall not be located within 150 feet of the respective rights-of-way for Idlewild Road or Margaret Wallace Road.

(c) The Petitioner agrees to dedicate and convey (by quitclaim deed and subject to reservation for any necessary utility easements) prior to the issuance of any certificate of occupancy for Parcel A or Parcel B those portions of the Site required to provide right of way as follows:

Idlewild Road

65 feet from centerline for 500 feet from the intersection with Margaret Wallace Road then tapering down to 50 feet from centerline at a 20:1 taper.

Margaret Wallace Road

70 feet from centerline for 500 feet from the intersection with Idlewild Road then tapering down to 65 feet from centerline at a 20:1 taper.

Corner Clip

A "corner clip" measuring 20 feet along Margaret Wallace Road and 50 feet along Idlewild Road.

Nothing in the above Note 7(c) shall be deemed as a commitment by the Petitioner to provide for dedication of right-of-way of any property located outside the boundaries of this Rezoning Petition.

(d) The Petitioner shall provide for an appropriate transition from the public street(s) in Parcel B to the private street system in Parcel A in accordance with the requirements of CDOT.

(e) Prior to the issuance of any certificates of occupancy for any buildings within Parcel A, the Petitioner shall provide for the following road improvements:

Margaret Wallace Road / Idlewild Road

Construct a southbound right-turn lane on Idlewild Road with 150 feet of storage and a 20:1 bay taper.

Margaret Wallace Road / Access "A"

Construct a northbound left-turn lane on Margaret Wallace Road with 150 feet of storage, a 15:1 bay taper and 45:1 through-lane tapers. Construct the eastbound approach to include one ingress and two egress lanes.

Margaret Wallace Road / Access "B"

Construct a northbound left-turn lane on Margaret Wallace Road with 150 feet of storage, a 15:1 bay taper and 45:1 through-lane tapers. Construct the eastbound approach to include one ingress and two egress lanes.

Idlewild Road / Oak Drive/ Access "C"

Construct a westbound left-turn lane on Idlewild Road with 150 feet of storage and a 15:1 bay taper. Construct an eastbound left-turn lane on Idlewild Road (to oppose the westbound left turn lane) with 150 feet of storage and a 15:1 bay taper. Construct these improvements while providing for 300 feet of storage for the Idlewild Road eastbound left-turn lane to Margaret Wallace Road. Construct the northbound approach to include one ingress and two egress lanes consisting of a left-turn lane with a minimum of 150 feet of storage and a right-turn lane with a minimum of 100 feet of storage.

Scope of Improvements

The Petitioner will be responsible for the costs associated with the design and construction of the above described 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 and dedication. The design of these improvements must meet applicable requirements as determined by and be subject to the review/approval of CDOT and the NCDOT.

8. Connectivity

Pedestrian and vehicular connections to the two Parcels will be provided in the manner generally depicted as shown on the Technical Data Sheet.

9. Landscape Areas

(a) The landscape areas established on this Technical Data Sheet shall contain landscape materials typically associated with a Class B buffer. The landscape areas may be reduced or eliminated if the use of an adjacent parcel changes to a non-residential use.

(b) Storm water detention may not be located within landscape areas or in the setback.

(c) Utility installations may only cross landscape areas at interior angles measured at property lines which are not less than 75 degrees.

(d) No buildings, parking spaces or maneuvering areas may be located within the landscape area.

10. Bicycle Parking

Parcel A

Bicycle parking spaces (bike racks) shall be provided at the front of the commercial buildings in Parcel A. The number of bicycle parking spaces provided shall be at least five percent of the total number of automobile parking spaces provided.

11. 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.

12. Signs

(a) All signs placed on the Site will be erected in accordance with the requirements of the Ordinance, unless more restricted requirements are imposed below.

(b) No more than 2 freestanding monumental type identification signs may be erected on Parcel A of the Site, with one being erected along Idlewild Road and one along Margaret Wallace Road. These freestanding monumental signs may not exceed 15 feet in height.

(c) A uniform signage and graphic system will be employed throughout the Site.

13. Amendments to Rezoning Plan

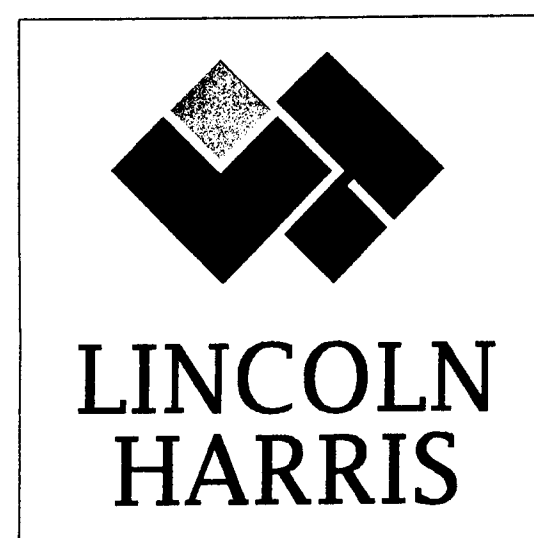
Future amendments to the Technical Data Sheet, the Conceptual Master Plan, the elevation and these Development Standards may be applied for by the then Owner or Owners of the Parcel or Parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

14. Binding Effect of the Rezoning Documents and Definitions

(a) If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the 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.

(b) 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.

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MARGARET WALLACE AT IDLEWILD ROAD TECHNICAL DATA SHEET AUGUST 7, 2003

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