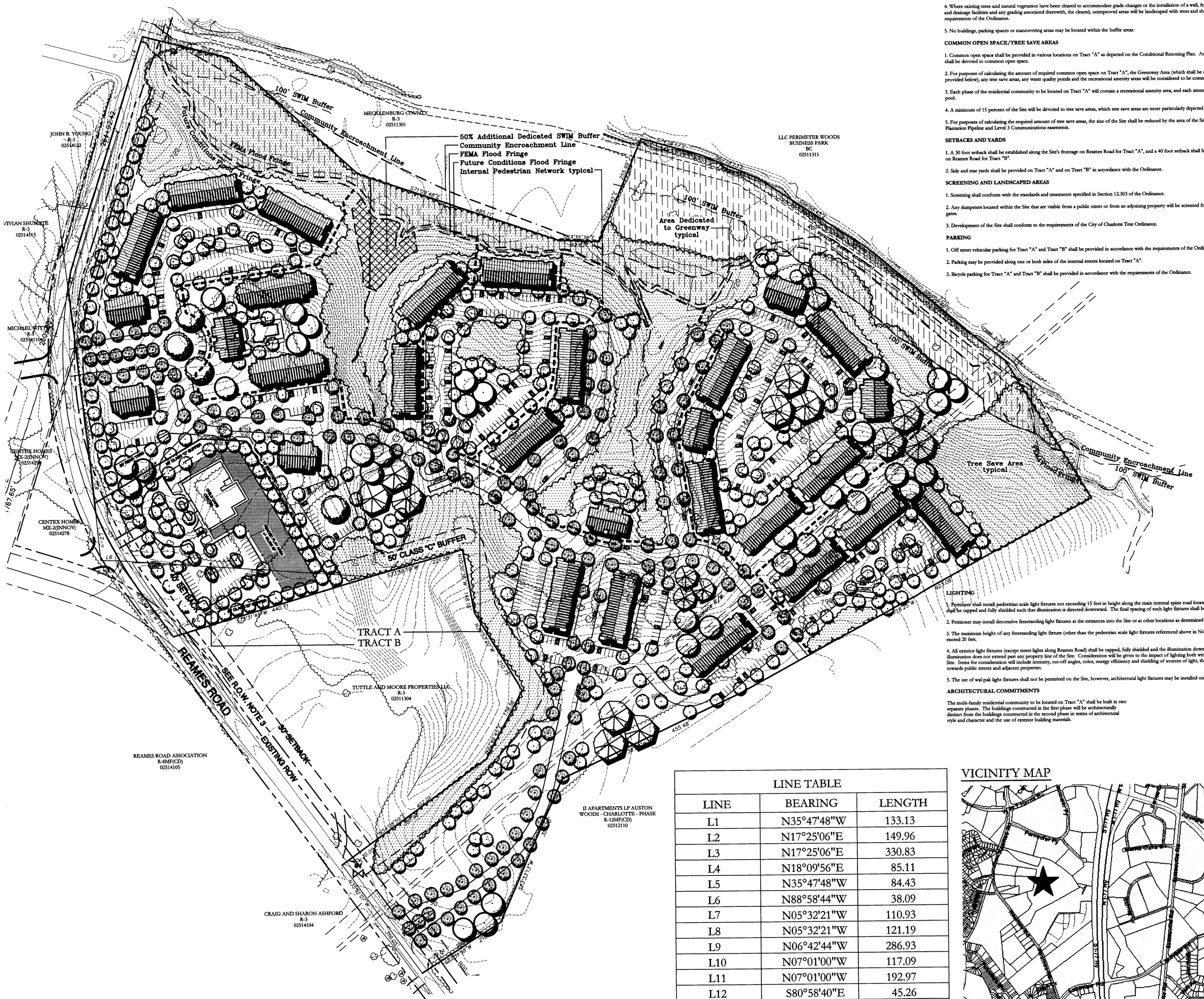

CHARTER PROPERTIES DEVELOPMENT STANDARDS

GENERAL PROVISIONS

Unless more stringent standards are established by the Conditional Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the R-12MF zoning district classification shall be followed in connection with development taking place on that portion of the Site designated as Tract "A", and all development standards established under the Ordinance for the Institutional zoning district classification shall be followed in connection with development taking place on that portion of the Site designated as Tract "B". Street layouts may be modified to accommodate final building locations. Building locations may be modified subject to final engineering plans.

PERMITTED USES

1. That portion of the Site designated as Tract "A" on the Conditional Rezoning Plan may be devoted to a maximum of 588 multi-family dwelling units together with any accessory uses permitted in the R-12MF zoning district under the Ordinance.

2. That portion of the Site designated as Tract "B" on the Conditional Rezoning Plan may be devoted to a large childcare center as defined in Section 12.502 of the Ordinance and to any accessory uses in connection therewith permitted in the Institutional zoning district under the Ordinance. Such large childcare center shall comply with the requirements of Section 12.502(4) of the Ordinance, and it may accommodate a maximum of 199 children.

BUFFERS

1. A Class C buffer shall be provided on the Site as depicted on the Conditional Rezoning Plan, and the Class C buffer shall conform to the standards for a Class C buffer set out in Section 12.302 of the Ordinance, subject, however, to the provisions of Section 12.304 thereof. Pursuant to Section 12.302(8) of the Ordinance, Petitioner may reduce the width of the required buffer by 25% by providing a wall, fence or berm that meets or exceeds the standards of Section 12.302(8) of the Ordinance.

2. In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas set out on the Conditional Rezoning Plan accordingly.

3. The buffer areas shall remain an open space except to the extent necessary to accommodate grade changes and the installation and maintenance of a wall, fence, berm, landscaping and/or utility and drainage facilities and any grading associated therewith.

4. Where existing trees and natural vegetation have been cleared to accommodate grade changes or the installation of a wall, fence, berm, landscaping and/or utility and drainage facilities and any grading associated therewith, the cleared, unimproved areas will be landscaped with trees and shrubs in accordance with the requirements of the Ordinance.

5. No buildings, parking spaces or maneuvering areas may be located within the buffer areas.

COMMON OPEN SPACE/TREE SAVE AREAS

1. Common open space shall be provided in various locations on Tract "A" as depicted on the Conditional Rezoning Plan. At a minimum, 50 percent of Tract "A" shall be devoted to common open space.

2. For purposes of calculating the amount of required common open space on Tract "A", the Greenway Area (which shall be conveyed to Mecklenburg County as provided below), any tree save areas, any water quality ponds and the recreational amenity areas will be considered to be common open space.

3. Each phase of the residential community to be located on Tract "A" will contain a recreational amenity area, and each amenity area shall contain a swimming pool.

4. A minimum of 15 percent of the Site will be devoted to tree save areas, which tree save areas are more particularly depicted on the Conditional Rezoning Plan.

5. For purposes of calculating the required amount of tree save areas, the size of the Site shall be reduced by the area of the Site located within and subject to the Plantation Pipeline and Level 3 Communications easements.

SETBACKS AND YARDS

1. A 30 foot setback shall be established along the Site's frontage on Reames Road for Tract "A", and a 40 foot setback shall be established along the Site's frontage on Reames Road for Tract "B".

2. Side and rear yards shall be provided on Tract "A" and on Tract "B" in accordance with the Ordinance.

SCREENING AND LANDSCAPED AREAS

1. Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance.

2. Any dumpsters located within the Site that are visible from a public street or from an adjoining property will be screened from view by a solid-enclosure with gates.

3. Development of the Site shall conform to the requirements of the City of Charlotte Tree Ordinance.

PARKING

1. Off street vehicular parking for Tract "A" and Tract "B" shall be provided in accordance with the requirements of the Ordinance.

2. Parking may be provided along one or both sides of the internal streets located on Tract "A".

3. Bicycle parking for Tract "A" and Tract "B" shall be provided in accordance with the requirements of the Ordinance.

LIGHTING

1. Petitioner shall install pedestrian scale light fixtures not exceeding 15 feet in height along the main internal spine road located on Tract "A", and such light fixtures shall be capped and fully shielded such that illumination is directed downward. The final spacing of such light fixtures shall be determined by Petitioner.

2. Petitioner may install decorative freestanding light fixtures at the entrances into the Site or at other locations as determined by Petitioner.

3. The maximum height of any freestanding light fixture (other than the pedestrian scale light fixtures referenced above in Note 1), including its base, shall not exceed 20 feet.

4. All exterior light fixtures (except street lights along Reames Road) shall be capped, fully shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site. Consideration will be given to the impact of lighting both within and without the perimeter of the Site. Items for consideration will include intensity, cut-off angles, color, energy efficiency and shielding of sources of light, the intent being to eliminate glare towards public streets and adjacent properties.

5. The use of wal-pak light fixtures shall not be permitted on the Site, however, architectural light fixtures may be installed on building facades.

ARCHITECTURAL COMMITMENTS

The multi-family residential community to be located on Tract "A" shall be built in two separate phases. The buildings constructed in the first phase will be architecturally distinct from the buildings constructed in the second phase in terms of architectural style and character and the use of exterior building materials.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N35°47'48"W	133.13
L2	N17°25'06"E	149.96
L3	N17°25'06"E	330.83
L4	N18°09'56"E	85.11
L5	N35°47'48"W	84.43
L6	N88°58'44"W	38.09
L7	N05°32'21"W	110.93
L8	N05°32'21"W	121.19
L9	N06°42'44"W	286.93
L10	N07°01'00"W	117.09
L11	N07°01'00"W	192.97
L12	S80°58'40"E	45.26
L13	S80°58'40"E	30.97

VICINITY MAP

GREENWAY

1. Petitioner agrees to dedicate and convey those areas depicted on the Conditional Rezoning Plan as the "Greenway Area" to Mecklenburg County for greenway purposes. Petitioner shall dedicate and convey the Greenway Area to Mecklenburg County prior to the issuance of a Certificate of Occupancy for the last multi-family building constructed in phase one of the residential community to be located on Tract "A". Prior to the conveyance of the Greenway Area to Mecklenburg County, Petitioner shall have the right to install and locate utility lines through the Greenway Area and to reserve such easements over the Greenway Area that are necessary to maintain, repair and replace such utility lines, and to reserve such other easements as may be reasonably necessary in connection with the development of the Site.

2. Petitioner agrees, upon the request of the Mecklenburg County Park and Recreation Department ("Park and Rec") after that portion of the Long Creek Greenway to be located immediately adjacent to Tract "A" is designed to dedicate and convey to Mecklenburg County for greenway purposes an additional portion of Tract A located at the northwest corner thereof across from Grier Drive to accommodate a trail leading from the Greenway Area to the sidewalk along Reames Road (the "Additional Greenway Area"). The size of the Additional Greenway Area will be limited to that area that is reasonably required to accommodate the construction, installation, maintenance and use of the trail described above.

3. One pedestrian connection from phase one of the residential community to be located on Tract "A" to the Greenway Area (the "Phase One Connection") shall be provided, and one pedestrian connection from phase two of the residential community to be located on Tract "A" to the Greenway Area (the "Phase Two Connection") shall be provided. The Phase One Connection shall be located in the general location depicted on the Conditional Rezoning Plan and Park and Rec shall be responsible for the design, installation and construction of the Phase One Connection, and it is anticipated that the Phase One Connection will be installed and constructed contemporaneously with the construction of that portion of the Long Creek Greenway to be located immediately adjacent to Tract "A" by Park and Rec.

4. Park and Rec shall be responsible for the maintenance, repair and replacement (as needed from time to time) of the Phase One Connection. Petitioner shall, at no cost to Park and Rec, grant an appropriate easement to Park and Rec to facilitate the installation, construction, maintenance, repair and replacement (as may be needed from time to time) of that portion of the Phase One Connection to be located on Tract "A". The foregoing easement shall contain a self-help provision that will enable the Petitioner to maintain and repair that portion of the Phase One Connection, to be located on Tract "A" in the event that Park and Rec fails to meet its obligation to maintain and repair the Phase One Connection, and this easement shall be granted by Petitioner to Park and Rec, prior to the commencement of the installation and construction of the Phase One Connection.

5. Park and Rec shall be responsible for the design, installation and construction of the Phase Two Connection, and it is anticipated that the Phase Two Connection will be installed and constructed contemporaneously with the construction of that portion of the Long Creek Greenway to be located immediately adjacent to Tract "A" by Park and Rec. The Phase Two Connection may be designed, installed and constructed by Park and Rec, to be ADA accessible to and from the Greenway Area.

6. Park and Rec shall be responsible for the maintenance, repair and replacement (as needed from time to time) of the Phase Two Connection. Petitioner shall, at no cost to Park and Rec, grant an appropriate easement to Park and Rec, to facilitate the installation, construction, maintenance, repair and replacement (as may be needed from time to time) of that portion of the Phase Two Connection, to be located on Tract "A". The precise location of the Phase Two Connection and the easement to be granted to Park and Rec, shall be mutually determined by Petitioner and Park and Rec, at the time that portion of the Long Creek Greenway to be located immediately adjacent to Tract "A" is designed and platted, whichever is first to occur.

The foregoing easement shall contain a self-help provision that will enable the Petitioner to maintain and repair that portion of the Phase Two Connection to be located on Tract "A" in the event that Park and Rec fails to meet its obligation to maintain and repair the Phase Two Connection, and this easement shall be granted by Petitioner to Park and Rec, prior to the commencement of the installation and construction of the Phase Two Connection.

7. Petitioner shall pay the sum of $188,000 to Partners for Parks, Inc. $140,000 of this payment shall be applied to the cost of constructing that portion of the Long Creek Greenway to be located immediately adjacent to Tract "A", $24,000 of this payment shall be applied to the cost of designing, installing and constructing the Phase One Connection and $24,000 of this payment shall be applied to the cost of designing, installing and constructing the Phase Two Connection. This $188,000 payment shall be paid to Partners for Parks, Inc. prior to the issuance of a Certificate of Occupancy for the last multi-family building constructed in phase one of the residential community to be located on Tract "A"; or upon the commencement of the construction of that portion of the Long Creek Greenway located immediately adjacent to Tract "A", whichever is first to occur.

8. Park and Rec, will be responsible for the design, installation and construction of that portion of the Long Creek Greenway located immediately adjacent to Tract "A" and the design, installation and construction of the Phase One Connection and the Phase Two Connection, and Petitioner's only obligation and commitment with respect to these improvements shall be the $188,000 payment to Partners for Parks, Inc. described above.

9. The locations of the Greenway Area and the easement relating to the Phase One Connection shall be delineated on the final plat(s) for phase one of the residential community to be located on Tract "A". The easement relating to the Phase Two Connection shall be delineated on the final plat(s) for phase two of the residential community to be located on Tract "A".

BUS STOP PAD

Petitioner shall install a concrete bus stop pad on the Site adjacent to Reames Road in a location to be determined by CATS and the Petitioner. Petitioner will grant an appropriate easement to the City of Charlotte to facilitate its use and maintenance of the concrete bus stop pad.

SOLID WASTE

The multi-family community to be located on Tract "A" will meet all requirements as stated in Chapters 9 and 12 of the Charlotte City Code regarding solid waste dumpster, compactor and recycling areas.

SIGNS

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

ACCESS POINTS (DRIVEWAYS)/STREETS/INTERNAL SIDEWALKS/PLANTING STRIPS

1. The number of vehicular access points to Tract "A" and Tract "B" shall be limited to the number depicted on the Conditional Rezoning Plan.

2. The placement and configuration of each access point 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 City of Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").

3. A stub street shall be provided to the parcel of land located to the south of Tract "A" as depicted on the Conditional Rezoning Plan. This stub street shall be a part of the private street system on Tract "A". Petitioner shall open this stub street to vehicular traffic from the adjoining parcel of land provided that an appropriate easement agreement can be negotiated with the owner(s) of the adjoining parcel of land.

4. An internal sidewalk system will be provided as generally depicted on the Conditional Rezoning Plan.

5. Petitioner shall install planting strips adjacent to the internal sidewalks located on Tract "A".

6. Petitioner shall install a minimum 4 foot planting strip on the internal spine street located on Tract "A".

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 building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.

STORM WATER MANAGEMENT

1. Storm water runoff from the Site will be managed through proven techniques which satisfy the standards, if any, imposed by the City of Charlotte Engineering Department.

2. Petitioner shall abide by the S.W.I.M. Stream Buffer regulations, where applicable.

3. Petitioner will tie-in to the existing storm water system(s) if any exist in the area. Petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the proposed development. If it is found that the proposed development will cause the storm drainage system(s) to be taken out of standard, Petitioner shall provide alternate methods to prevent this from occurring. If the receiving drainage system(s) is already out of standard, Petitioner's proposed development will be designed so as to not place the downstream system(s) further out of standard.

4. The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc) will be incorporated into the Site so that at least the post-development 85% average annual removal for Total Suspended Solids generated from the development according to specifications in N.C. Department of Environment and Natural Resources Best Management Practices Manual, April 1999. Petitioner shall control the entire runoff volume for the post-development 1 year, 24 hour storm. Runoff draw down time shall be a minimum of 24 hours but not more than 120 hours.

5. The S.W.I.M. Stream Buffer requirements described in the City of Charlotte Zoning Ordinance, Chapter 12 apply to the Site. In addition, intermittent and perennial streams within the project boundary shall be delineated by a certified professional using U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology and shall be shown on the site plan submittal along with all buffer areas. All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed, however, any disturbed area must be re-vegetated and disturbance of the 10-foot zone adjacent to the bank shall require stream bank stabilization techniques. Stormwater bioengineering techniques as specified in the Design Manual. All streams draining greater than or equal to 50 acres and less than 300 acres shall have a 35-foot buffer with two (2) zones, including stream side and upland. Streams draining greater than or equal to 300 acres and less than 640 acres shall have a 50-foot buffer with three (3) zones, including stream side, upland and floodplain. Streams draining greater than or equal to 640 acres shall have a 100-foot buffer, plus 50% of the area of the flood fringe, instead of 100 feet. This buffer shall consist of three (3) zones, including stream side, upland and floodplain. The buffers will be measured from the top of the bank on both sides of the stream. The uses allowed in the different buffer zones as described in the S.W.I.M. Stream Buffer requirements in the Zoning Ordinance, Chapter 12, as well as the other provisions of the S.W.I.M. ordinance shall apply (except buffer width).

CURB/ GUTTER/EXTERNAL SIDEWALKS

1. Petitioner shall install curb and gutter, a 6 foot sidewalk and an 8 foot planting strip along the Site's frontage on Reames Road.

2. Petitioner shall install a 6 foot sidewalk from the Site's northern property line to the southern edge of the Perimeter Woods development (Tax Parcel No. 025-113-16). That portion of this 6 foot sidewalk to be located on the bridge/culvert over Long Creek shall be located behind the guardrail, and Petitioner shall provide adequate provisions for pedestrian safety (i.e., a handrail). The design of this sidewalk shall be subject to the review and approval of CDOT and/or NCDOT.

3. Petitioner shall install curb and gutter, a 6 foot sidewalk and an 8 foot planting strip along the frontage of that parcel of land designated as Tax Parcel No. 025-113-04 on the Mecklenburg County Tax Maps provided that the necessary right of way for such improvements exists, or provided that the owner of this parcel of land donates the necessary right of way or the City of Charlotte acquires the same.

TRANSPORTATION COMMITMENTS

1. Subject to the approval of NCDOT and CDOT, Petitioner shall construct southbound left turn lanes on Reames Road at each access point into Tract "A". These left turn lanes shall each have 150 feet of storage and a 15:1 bay taper with a 45:1 through lane taper(s). Petitioner shall be responsible for all costs and expenses relating to the design and construction of these left turn lanes.

2. Subject to the approval of NCDOT and CDOT, Petitioner shall construct a southbound left turn lane on Reames Road at Fred D. Alexander Boulevard. This left turn lane shall have 150 feet of storage and a 15:1 bay taper with a 45:1 through lane taper(s). Petitioner shall be responsible for all costs and expenses relating to the design and construction of this left turn lane.

3. Prior to the issuance of a certificate of occupancy for the childcare center and subject to the approval of NCDOT and CDOT, Petitioner shall construct a southbound left turn lane on Reames Road at the access point into Tract "B". This left turn lane shall have 150 feet of storage and a 15:1 bay taper with a 45:1 through lane taper(s). Petitioner shall be responsible for all costs and expenses relating to the design and construction of this left turn lane.

4. Petitioner shall dedicate and convey right of way as follows:

Along Fred D. Alexander Boulevard

: 55 feet from the centerline for the first 500 feet north of Bayview Parkway

: 45:1 taper down to existing right of way thereafter

Along Reames Road

: 55 feet from the centerline for the first 300 feet east of Fred D. Alexander Boulevard (as measured along a realigned centerline of Reames Road)

: 20:1 taper down to 35 feet from the centerline over the next 400 feet

5. The streets located within the Site shall not be gated.

6. A vehicular connection will be provided between Tract "A" and Tract "B".

7. Petitioner will contribute the sum of $20,000 towards the cost of installing a traffic signal at the intersection of Lakeview Road and Reames Road, provided that the traffic signal is installed within 3 years of the date of the approval of this Rezoning Petition. If the traffic signal is not installed within this 3 year period, then Petitioner will have no obligation to contribute towards the cost of installing the traffic signal.

AMENDMENTS TO REZONING PLAN

Future amendments to this Conditional 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.

BINDING EFFECT OF THE REZONING APPLICATION

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

TABULATION

TAX PARCEL ID #	025-113-05, 025-113-02, 025-113-06, 025-113-07, 025-113-08, 025-113-09, 025-113-17, 025-113-03
SITE AREA:	55.03 ACRES
EXISTING ZONING:	R-3, R-5(CD), R-8 MF (CD)
TRACT A:	
SITE AREA:	51.52 ACRES
PROPOSED ZONING:	R-12 MF (CD)
DWELLING UNITS:	588
DENSITY:	11.41 DUA
TRACT B:	
SITE AREA:	3.51 ACRES
PROPOSED ZONING:	INSTITUTIONAL(CD)
STUDENTS:	199

TURNBULL ● SIGMON DESIGN

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LAND DEVELOPMENT DESIGN SERVICES

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CHARLOTTE - MECKLENBURG
PLANNING COMMISSION

INTER - OFFICE COMMUNICATION

DATE: May 20, 2009

TO: Mark Fowler
Zoning Supervisor

FROM: Debra Campbell
Planning Director

SUBJECT: Administrative Approval for Petition No. 2005-167 by Charter Properties

Attached are revised plans for the above petition. The plans have been revised to make minor changes to the conditional notes for improvements along the Greenway. 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 these plans. Please use these plans when evaluating requests for building permits and certificates of occupancy.

Note all other ordinance requirements still apply.

ATTACHED TO ADMINISTRATIVE APPROVAL

DATED: May 20, 2009

BY: DEBRA D. CAMPBELL

Charter Property Reames Road

CHARLOTTE, NC

Rezoning Petition

Petition # 2005-167

PROJECT NUMBER:	05098
DRAWN BY:	JAW
DESIGNED BY:	BCS
ISSUE DATE:	09/23/05

NO.	DATE:	BY:	REVISIONS:
6.	05/5/09	JAW	Revised per Comments.
5.	04/12/06	JAW	Revised per Comments.
4.	02/16/06	JAW	Revised per Comments.
3.	12/14/05	JAW	Revised per Comments.
2.	11/28/05	JAW	Revised Development Standards.
1.	11/21/05	JAW	Revised per Comments.