MOUNTAIN ISLAND PROMENADE
REZONING PETITION
CHARLOTTE, NORTH CAROLINA

OWNER/ DEVELOPER	Mountain Island Promenade, LLC 1341 East Morehead St. Suite 201 Charlotte, NC 28204 704.344.1868
DEVELOPER	CAMBRIDGE PROPERTIES INCORPORATED 831 East Morehead Street Suite 245 704/333-2393 Charlotte, North Carolina 28204 Fax: 704/333-2394
LANDSCAPE ARCHITECT CIVIL ENGINEER	LandDesign, Inc. 223 North Graham St. Charlotte, NC 28202 704.333.0325

SHEET INDEX:

		SUBMITTED
RZ-1	Technical Data Sheet	11/21/07
RZ-2a	Schematic Site Plan A	11/21/07
RZ-2b	Schematic Site Plan B	11/21/07
RZ-2c	Schematic Site Plan C	11/21/07
RZ-3	Typical Cross Section (Mount Holly- Huntersville Road)	11/21/07
RZ-4	Pedestrian Circulation Plan	11/21/07
RZ-5	Development Standards	11/21/07
RZ-6	Roadway Improvements	11/21/07

ARCHITECT	One on One Design 2719 Lilly Mill Rd. Charlotte, NC 28210 704.643.8697
TRANSPORTATION	Kubilins Transportation Grp. 800 West Hill Street Suite 202 Charlotte, NC 28208 980.321.0202
ZONING CONSULTANT	Kennedy, Covington, Lodbell, and Hickman, LLP Hearst Tower, 47th Floor 214 N. Tryon St. Charlotte, NC 28202 704.331.7400

APPROVED BY CITY COUNCIL
MAY 19 2008

For Public Hearing
Petition No. 2008-031

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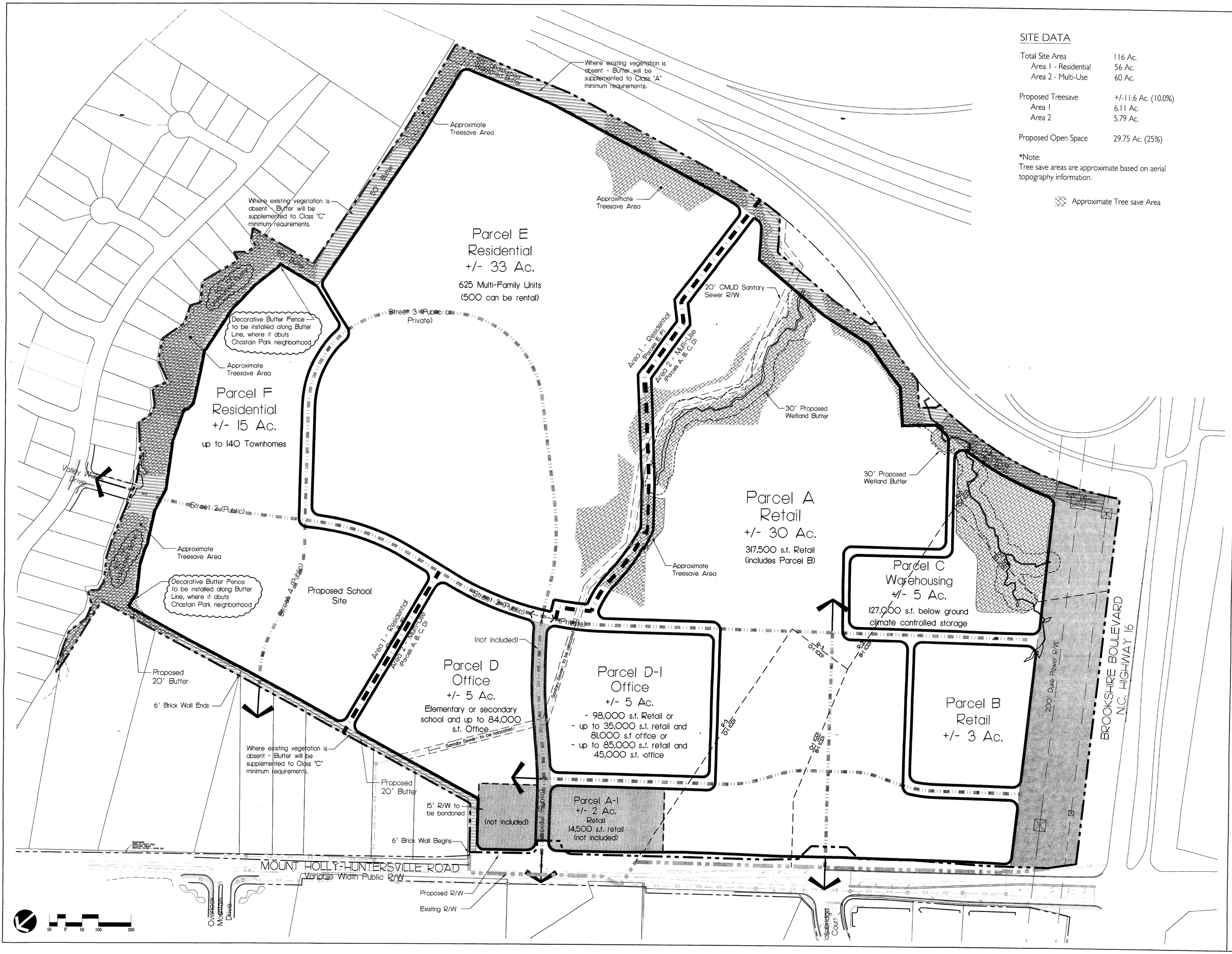
Mountain Island Promenade Rezoning Petition
Charlotte, North Carolina
Withrow Capital, Investments, LLC
COVER SHEET

REVISIONS:
01/18/08 Revise per Staff Comments
02/19/08 Revise per Staff Comments
03/11/08 Revise per Staff Comments
04/23/08 Revise per Staff Comments
05/20/08 Revise per staff Comments

DATE: 11.21.07
DESIGNED BY: MRC
DRAWN BY: MRC
CHECKED BY: MRC
QA/QC BY: MRC
SCALE: N/A
PROJECT #: 1007263

SHEET #:



SITE DATA

Total Site Area	116 Ac.
Area 1 - Residential	56 Ac.
Area 2 - Multi-Use	60 Ac.
Proposed Treesave	+/-11.6 Ac. (10.0%)
Area 1	6.11 Ac.
Area 2	5.79 Ac.
Proposed Open Space	29.75 Ac. (25%)

*Note:
Tree save areas are approximate based on aerial topography information.

Approximate Tree save Area

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Charlotte, North Carolina

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TECHNICAL DATA SHEET

REVISIONS:
01/18/08 Revise per Staff Comments
02/29/08 Revise per Staff Comments
03/14/08 Revise per Staff Comments
04/23/08 Revise per Staff Comments
05/09/08 Revise per Staff Comments

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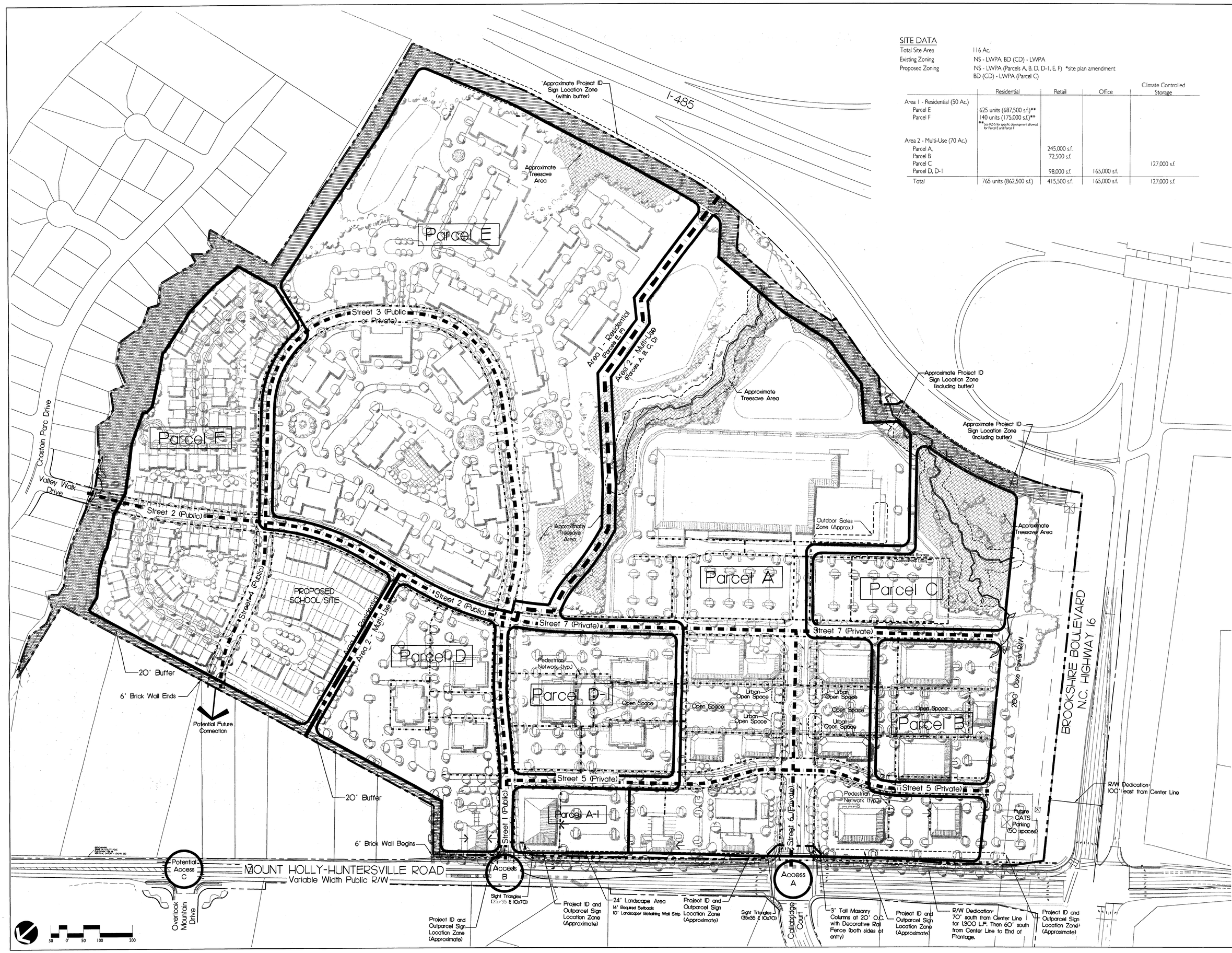
DESIGNED BY: MRC
DRAWN BY: MRC
CHECKED BY: MRC
SCALE: 1"=100'
PROJECT #: 1007263

SHEET #:
RZ-1

SITE DATA

Total Site Area	116 Ac.
Existing Zoning	NS - LWPA, BD (CD) - LWPA
Proposed Zoning	NS - LWPA (Parcels A, B, D, D-1, E, F) *site plan amendment BD (CD) - LWPA (Parcel C)

	Residential	Retail	Office	Climate Controlled Storage
Area 1 - Residential (50 Ac.)				
Parcel E	625 units (687,500 s.f.)**			
Parcel F	140 units (175,000 s.f.)**			
	**See RZ-5 for specific development allowed for Parcel E and Parcel F			
Area 2 - Multi-Use (70 Ac.)				
Parcel A,		245,000 s.f.		
Parcel B		72,500 s.f.		
Parcel C				127,000 s.f.
Parcel D, D-1		98,000 s.f.	165,000 s.f.	
Total	765 units (862,500 s.f.)	415,500 s.f.	165,000 s.f.	127,000 s.f.



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Mountain Island Promenade Rezoning Petition

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SCHEMATIC SITE PLAN A

REVISIONS:
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04/23/08 Revise per Staff Comments
06/09/08 Revise per Staff Comments

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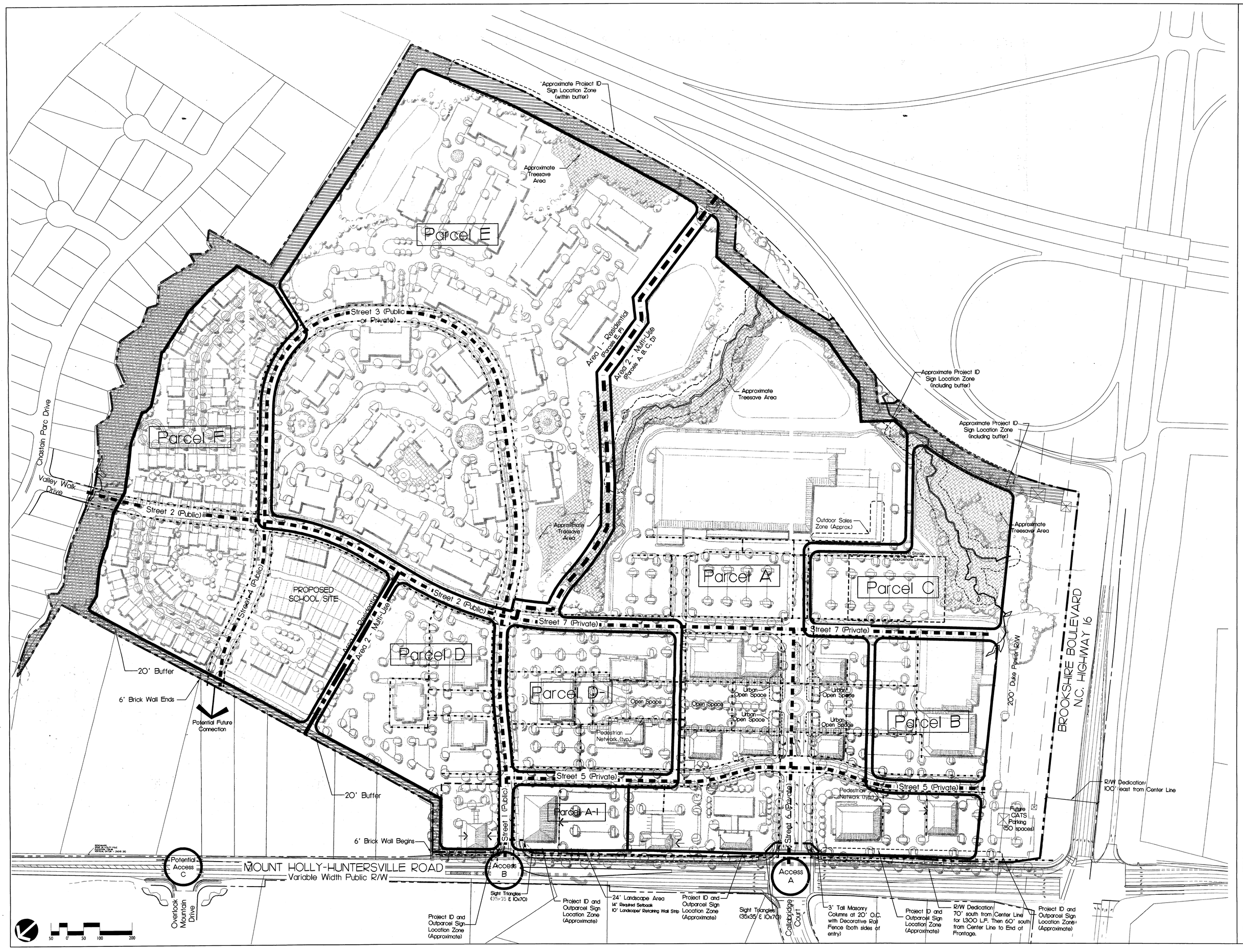
SHEET #:
RZ-2a



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Mountain Island Promenade Rezoning Petition

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SCHEMATIC SITE PLAN B

REVISIONS:
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04/23/08 Revise per Staff Comments
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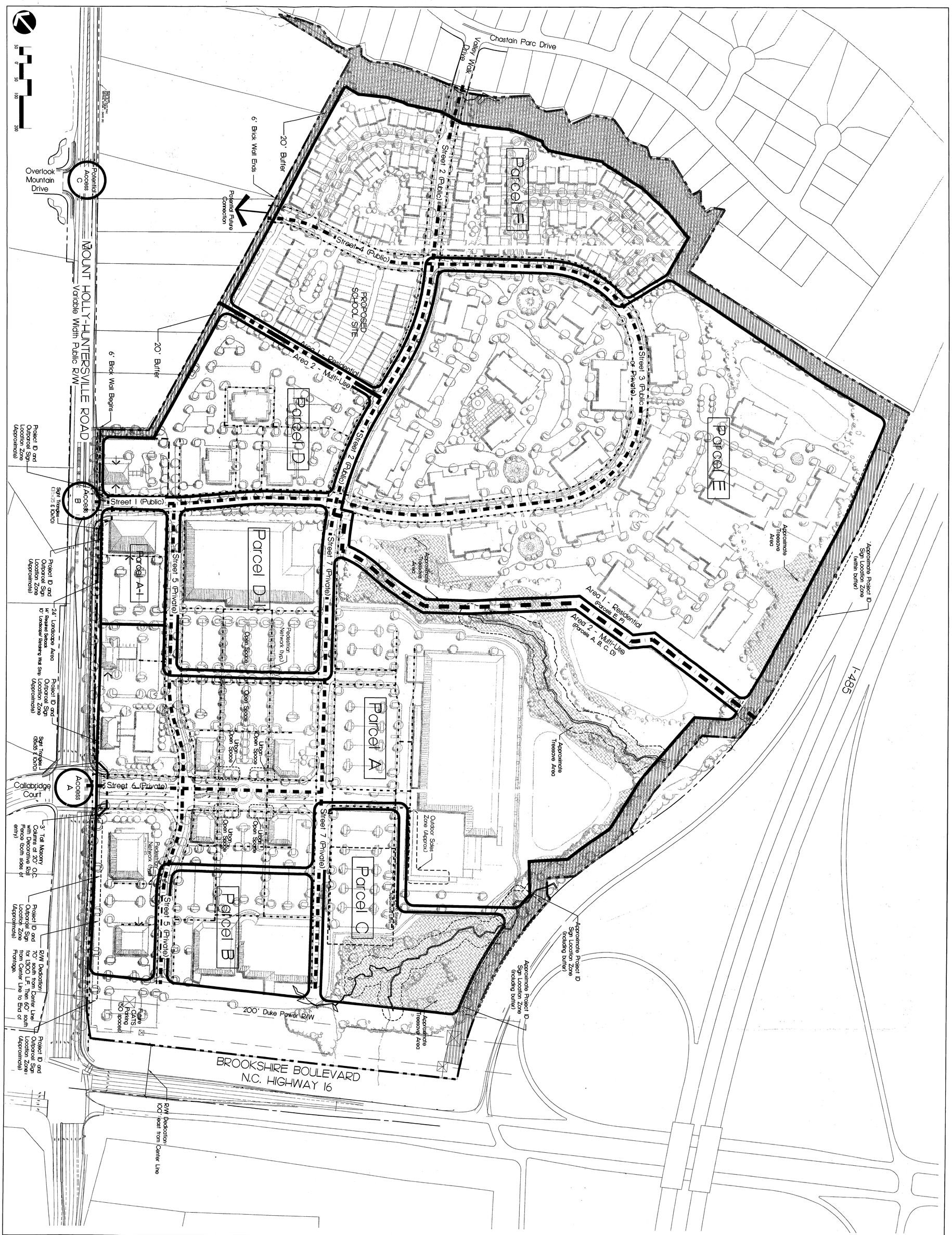
QC BY: MRC
SCALE: 1"=100'
PROJECT #: 1007263

SHEET #:
RZ-2b



DATE: 11-21-07
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DRAWN BY: MRC
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SCALE: 1"=100'
PROJECT #: 1007263

SHEET #:
RZ-2c

REVISIONS:
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Mountain Island Promenade Rezoning Petition

Charlotte, North Carolina

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SCHEMATIC SITE PLAN C

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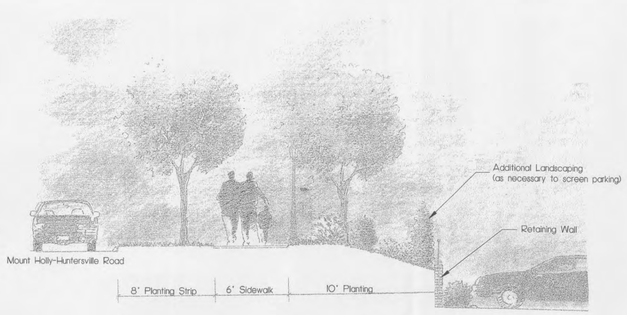
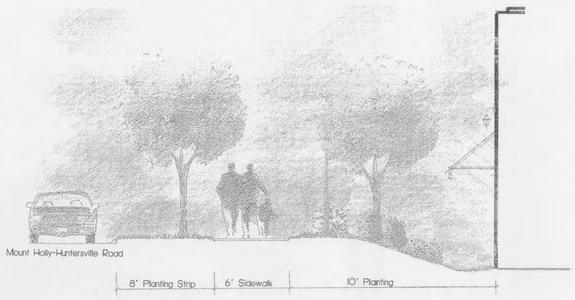
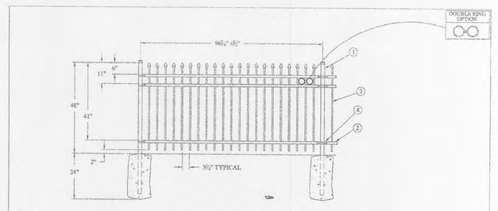


1 SECTION "A"
RZ-3 SECTION SCALE= NTS



2 SECTION "B"
RZ-3 SECTION SCALE= NTS



PANEL BRACKET OPTIONS		POST TO POST
	RX104 LINE BRACKET	*96½" x 3½"
	RX105 FLAT MOUNT BRACKET	*96½" x 3½"
	RX106 SWIVEL BRACKET**	*96½" x 3½"

PANELS: Vinyl with UV inhibitors to assure no fade or yellow of panels and accessories, and are ready for installation upon receipt of order. Panels are delivered in a protective film and are applied to vinyl. Dry vinyl is ready installing on site, with the exception of the panel edges.

LATCH OPTIONS: Available: a gravity latch, or a manual latch, or a gravity latch and a manual latch. Gravity latch is standard on all single gate installations, and on one gate in double gate installations. Manual latch is standard on the other gate in double gate installations. Gravity latch is not available on double gate installations with a manual latch.

PRODUCTION: Panels made, shaded to color and accessories delivered. Vinyl can expand and contract due to heating/cooling, and this is not considered a defect.

TERMS AND PRICING: Pricing is valid for 30 days. Price is based on the current quantity and current discount schedule. Any change in quantity or discount schedule will result in a revised price. Prices are FOB Lindsay, Oklahoma unless otherwise noted, and are subject to change without notice.

1. 2"×2" x 16ga. POST
2. RIBBED CHANNEL RAIL 15/16" x 15/8" x 14ga.
3. 3/4" ZT x 18ga PICKET
4. RX102 END BRACKET

MONTAGE PANEL CLASSIC RESIDENTIAL 3R EXT 4 IN GAP 4 FT H 8 FT W

Drawing Number	Part Number/Name		
10-100-0019	RCX346		
DR: DJH	SH . 1 of 1	SCALE: Do Not Scale	
CK: RTM	Date 02/16/07	REV: a	

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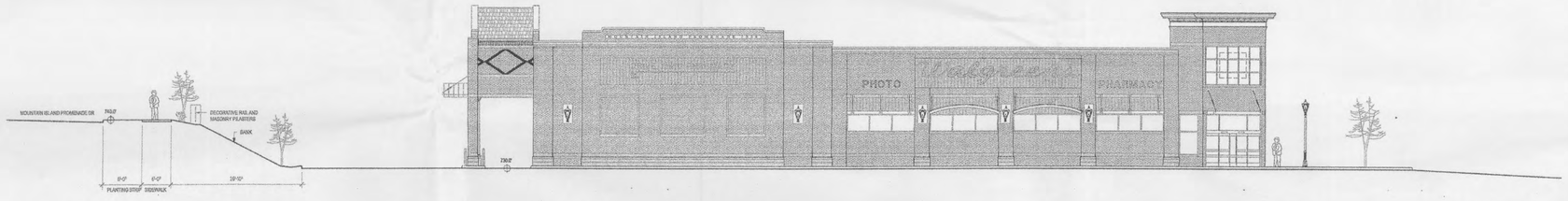
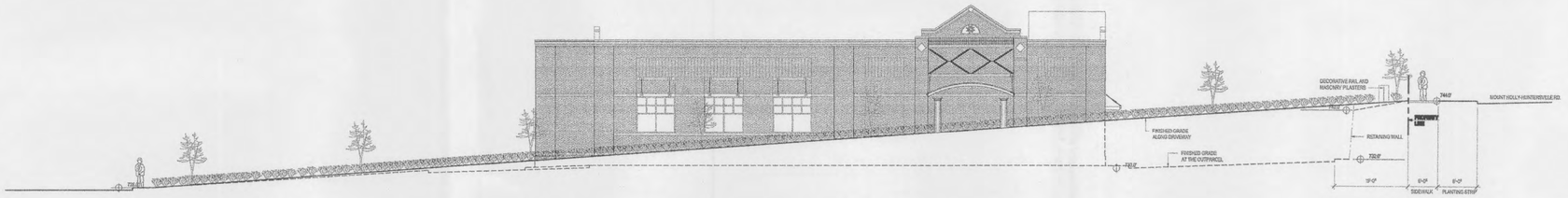
3 BUFFER FENCE DETAIL
RZ-3 SECTION SCALE= NTS



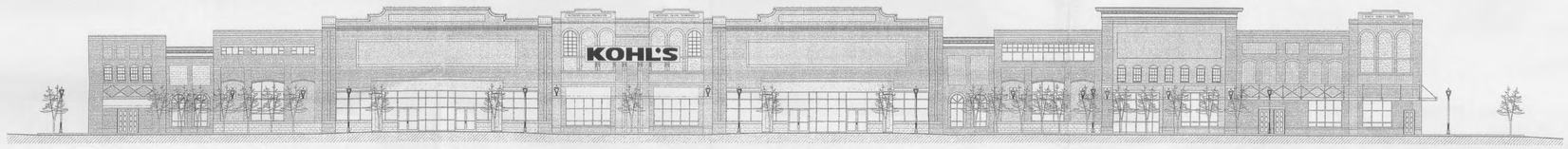
1 WALGREENS NORTH ELEVATION AT PARKING LOT GRADE



2 WALGREENS EAST ELEVATION FROM MAIN ENTRANCE DRIVEWAY GRADE

4 WALGREENS SECTION
RZ-3 SECTION SCALE= NTS

This information is Conceptual in nature and is used for illustrative purposes only. For Architectural standards, refer to the Development Standards.



KOHL'S SOUTH ELEVATION 1/8"=1'-0"

KOHL'S NORTH ELEVATION 1/8"=1'-0"

MOUNTAIN ISLAND PROMENADE
A WINGSPREAD INVESTMENTS, LLC DEVELOPMENT

ONE ON ONE DESIGN

5 KOHL'S ELEVATION
RZ-3 ELEVATION SCALE= NTS

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Mountain Island Promenade Rezoning Petition
Charlotte, North Carolina
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SECTIONS AND ELEVATIONS

REVISIONS:
01/18/08 Revise per Staff Comments
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03/11/08 Revise per Staff Comments
04/23/08 Revise per Staff Comments
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SCALE: N/A
PROJECT #: 1007263

SHEET #:
RZ-3

Mountain Island Promenade Rezoning Petition

Charlotte, North Carolina

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PEDESTRIAN CIRCULATION PLAN

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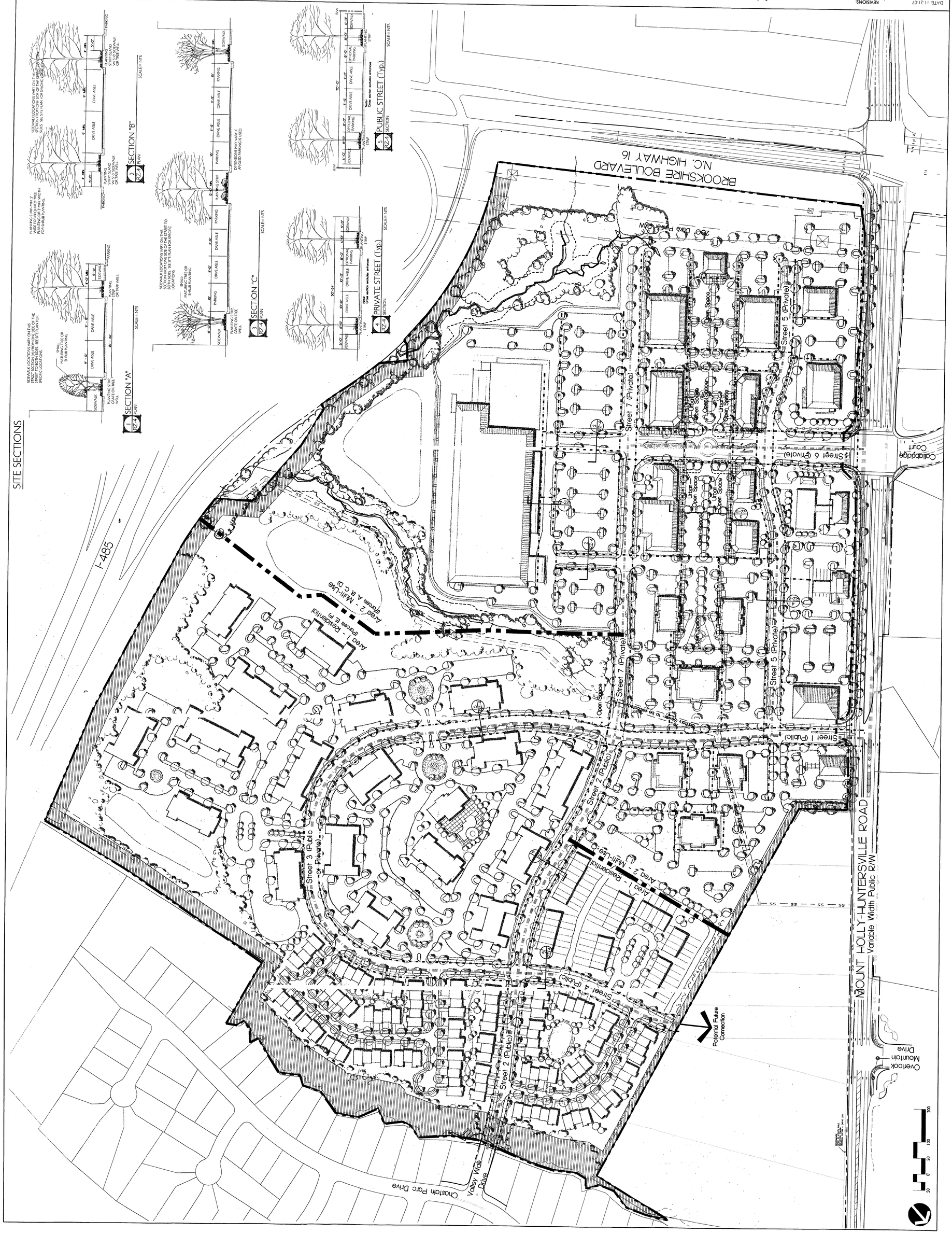
DATE 11-21-07
DESIGNED BY MRC
DRAWN BY MRC
CHECKED BY MRC
QC BY MRC
SCALE 1"=100'
PROJECT #: 1007263

REVISIONS:
01/18/08 Revise per Staff Comments
02/11/08 Revise per Staff Comments
02/29/08 Revise per Staff Comments
04/23/08 Revise per Staff Comments
05/09/08 Revise per Staff Comments

SHEET #
RZ-4



DEVELOPMENT STANDARDS
MOUNTAIN ISLAND PROMENADE
PETITION NO. 2008-031

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by the Petitioners to accommodate development of a pedestrian-friendly multi-use development that maintains the vision of the Brookshire Boulevard/I-485 Area Plan to develop a pedestrian-oriented, walkable, well integrated community on an approximately 116.3 ± acre Site located on the southeasterly quadrant of the intersection between Brookshire Boulevard (NC Highway 16) and Mt. Holly - Huntersville Road (the "Site")

Unless the Technical Data Sheet (Sheet RZ-1), the Schematic Site Plan A (Sheet RZ-2a), the Schematic Site Plan B (Sheet RZ-2b), and the Schematic Site Plan C, (Sheet RZ-2c), , the Supplemental Sheets (Sheets RZ-3, and RZ-4), or these Development Standards (Sheet RZ-5) establish more stringent standards, the regulations established under the Charlotte Zoning Ordinance (the "Ordinance") for the NS zoning district classification shall govern all development taking place on Parcel A, Parcel B, Parcel D, Parcel D-1, Parcel E and Parcel F of the Site and the regulations established under the Ordinance for the BD zoning district classification shall govern all development taking place on Parcel C of the Site.

1. Permitted Uses

(a) Subject to the provisions of Paragraph (a) of Section 2 below, Parcel A and Parcel B of the Site may be devoted to a home improvement center, retail sales, personal and recreational services, day labor services agency, automotive service station and associated car wash, outdoor seasonal sales, donation drop-off facility, equipment rental and leasing within an enclosed building, post office, financial institutions, drug store, studios, childcare center, schools, general and medical offices, restaurants and medical, dental and optical clinics which are permitted under the Ordinance by right or under prescribed conditions in the NS zoning district.

(b) Subject to the provisions of Paragraph (c) of Section 2 below, Parcel C of the Site may be devoted to a substantially below ground, climate-controlled storage building, an above ground office/retail building that is associated with the storage building, associated accessory uses (excluding any outdoor storage) and above ground off-street parking for Parcel A, Parcel B and Parcel C.

(c) Subject to the provisions of Paragraph (d) of Section 2 below, Parcel D of the Site may be devoted to those uses allowed in an office district zoning classification, including but not limited to, banks or other financial institutions, (with or without drive through lanes), general and medical offices, optical, dental and medical clinics and elementary and secondary schools, along with associated accessory uses. Additionally, Parcel D-1 of the Site may be devoted to retail, restaurant or commercial uses as permitted in the NS district zoning classification and/or those uses allowed in an office district zoning classification.

(d) Subject to the provisions of Paragraph (f) of Section 2 below, Parcel E of the Site may be devoted to all types of attached for sale and/or for rent residential developments including but not limited to a nursing home, rest home, home for the aged and assisted living center along with associated accessory uses.

(e) Parcel F of the Site may be devoted to all types of attached for sale residential developments along with associated accessory uses. Additionally, that portion of Parcel F lying west of Public Street 4 and adjacent to Parcel D may be used for an elementary and secondary school along with associated accessory uses.

2. Maximum Building Areas and Development Limitations

(a) No more than 317,500 square feet of gross leasable floor area may be developed on Parcel A and Parcel B. Areas devoted to outdoor dining, gallery areas, outdoor covered walkways and courtyards, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), service areas, mechanical and electrical rooms and outside sales areas are not included in this maximum square footage; provided, however, that any off-street parking associated therewith that may be required by the Ordinance will be provided for these areas.
Additionally, no outside sales will be allowed on Parcel A except within the general areas depicted on Sheet RZ-2a, Sheet RZ-2b, or Sheet RZ-2c and outside sales conducted in connection with other uses on Parcel A and Parcel B, including outdoor dining, must comply with applicable regulations in the Ordinance.

(b) The uses permitted on Parcel A and Parcel B under Paragraph (a) of Section 1 above are subject to the following conditions:
(i) A minimum of 5,000 square feet of floor area designated for or leased as office use under the Ordinance shall be constructed on the Site prior to the issuance of any certificate(s) of occupancy for more than 175,000 square feet for retail, restaurant or other commercial use.
(ii) No single user may occupy more than 26,500 square feet of space within Parcel A or Parcel B, subject to the following two exceptions:
- One retail use may be established on Parcel A which occupies no more than 175,000 square feet.
- A grocery store and/or junior anchor may be established on Parcel B provided no single building shall exceed 55,000 square feet.

(iii) No more than three establishments with drive-through window facilities, as defined in the Ordinance, and no more than one automotive service station may be developed on these Parcels.
(iv) The number of independent out-parcels shall be limited to no more than two. All other out-parcels must be inter-connected as defined by the General Development Policies.

(c) The substantially below ground climate-controlled storage facility permitted on Parcel C shall contain no more than 127,000 square feet, which is composed of an approximately 125,000 square foot below ground storage building and an approximately 2,000 square foot above ground office/retail building.

(d) Parcel D of the Site may be developed with:
- Elementary or secondary school uses along with associated accessory uses, and/or
- Up to 84,000 square feet of office uses along with associated accessory uses.

(e) At petitioners option Parcel D-1 of the Site may be developed with:
- Up to 98,000 square feet of upscale retail use(s) which may be located within one or more buildings and may be devoted to one anchor tenant or to multiple smaller tenants along with associated accessory uses or
- Up to 81,000 square feet of office uses along with associated accessory uses and up to 35,000 square feet of upscale retail uses which may be located within one or more buildings and may be devoted to one tenant or multiple tenants; or
- Up to 45,000 square feet of office uses along with associated accessory uses and up to 85,000 square feet of upscale retail uses which may be located within two or more buildings and may be devoted to one tenant or multiple tenants.

The uses permitted on Parcel D-1 under Paragraph (c) of Section 1 above are subject to the following condition:
(i) No more than one establishment with drive-through window facilities, as defined in the Ordinance, and no automotive service station may be developed on this Parcel.
(ii) All buildings must be architecturally integrated to compliment one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.
(iii) All buildings must be sited with an emphasis on maintaining pedestrian interconnectivity.
(iv) Parking areas should be located so they minimize the distance for pedestrian access to the parking areas.
(v) Office buildings shall not exceed 60 feet in height and retail buildings shall not exceed 40 feet in height as measured in accordance with the Ordinance
(vi) Any building(s) located within Parcel D-1 used for retail purposes shall be constructed with four-sided architecture and shall avoid expanses of solid unarticulated walls exceeding 20 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building. The building elevation depicted on Sheet RZ-3 is schematic in nature and is not to be considered as the final architectural or engineered plan but rather as a graphic representation of the type and quality of the architecture proposed. Accordingly, minor alterations and modifications may be made to the configuration and placement of individual building materials and elements during the design, development and construction phases within the limits prescribed by these Development Standards, the submitted conceptual building elevations and Section 6.207 of the Ordinance._

(f) Parcel E of the Site may be developed with:
- up to 625 attached for sale and/or for rent residential units along with associated accessory uses; provided, however, that no more than 500 of such residential units may be constructed for rent, and/or
- a nursing home, rest home, home for the aged and assisted living center by exchanging residential units for independent living units at the rate of 22 independent living units for 18 residential units and for dependent living beds at the rate of 70 dependent living beds for 18 residential units, provided, however, that the independent living units and dependent living beds may be for rent or for sale, or a combination thereof, and any for rent independent living units or dependent living beds shall not be deemed to be attached for rent residential units within the meaning of the 500 unit for rent limitation provided above.

(g) Parcel F of the Site may be developed with either:
- Up to 140 for sale attached residential units and/or single-family detached residential units which satisfy the existing regulations under the R-6 zoning district classification; or
- Up to 125 for sale attached residential units and/or single-family detached residential units which satisfy the existing regulations under the R-6 zoning district classification and accessory uses and an elementary or secondary school containing up to 80,000 heated square feet and accessory uses, on that portion of Parcel F that lies west of Public Street 4 and is adjacent to Parcel D.
- Petitioner will keep that portion of Parcel F labeled as the Proposed School Site on the Technical Data Sheet off the market and out of development until the expiration of the Bond Order Date as defined by Charlotte-Mecklenburg Schools and the Board of Education.

3. Setbacks, Side Yards and Rear Yards

(a) All buildings constructed on Parcels A, B, D, D-1, E and F of the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS zoning district, subject to the provisions of Section 3(c) below. However, a landscape strip of at least 24 feet in width, as measured from the back of the curb specified on the Technical Data Sheet, shall be provided along Mt. Holly-Huntersville Road. This landscape strip shall conform to the specifications outlined on Sheet RZ-3.
(b) All buildings constructed on Parcel C of the Site shall satisfy or exceed any required setback, rear yard and side yard requirements established under the Ordinance for the BD zoning district, subject to the provisions of Section 3(c) below.
(c) The Site may be considered a unified development plan and as such internal side and/or rear yards may be eliminated, subject to the normally required staff review and approval process.

4. Design and Performance Standards

Accompanying the Rezoning Petition are four optional alternative Schematic Site Plans (Sheets RZ-2a, RZ-2b, and RZ-2c) for the development of Parcel A, B, D and D-1 of the Site, all of which shall be approved without further authorization so long as the ultimate design is consistent with one of the four plans.

The Petitioners reserve the option to combine or not combine buildings depicted on each Schematic Site Plan. However, this option does not include the right to increase the number of buildings shown on any of the Schematic Site Plans.

The developments on Parcels A, B, C, D, D-1, E and F as depicted on the Schematic Site Plans (Sheets RZ-2a, RZ-2b, and RZ-2c) are schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, minor alterations and modifications may be made to the configurations, placements, and sizes of the building footprints and Parcels, as well as the locations of streets serving the Parcels, subject to the provisions set forth below under Architectural and Design Controls, during the design, development, and construction phases within the maximum development area boundaries established on the Technical Data Sheet (Sheet RZ-1). Parking layouts may also be altered and modified to accommodate final building locations and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.

For purposes of the preceding paragraph any alterations or modifications which substantially alter the character of the development or significantly alter the Schematic Site Plans or their conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Section 6.207(1) or (2) of the Ordinance, as applicable.

The Petitioners agree to submit detailed plans with respect to each phase of development proposed on the Site to the Staff of the Charlotte-Mecklenburg Planning Commission for review prior to the issuance of building permits for construction of the proposed phase of development so that Staff may be assured that such development satisfies the conditions imposed under the Technical Data Sheet, these Development Standards and the other Sheets and Exhibits accompanying the Rezoning Petition. Compliance with the provisions of this paragraph shall not be deemed to be an administrative site plan application or require administrative site plan approval as envisioned by Section 6.207 of the Ordinance.

(a) Architectural and Design Controls

Parcel A and Parcel B (Predominantly Retail Uses)

(i) Buildings located along Mt. Holly-Huntersville Road shall contain translucent glass windows along the elevations which face Mt. Holly-Huntersville Road. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building.

(ii) Buildings located along NC Highway 16 (Brookshire Boulevard) may be multi-tenant and shall contain translucent windows along the elevations which face the highway. The anchor building or buildings shown on Schematic Site Plan B and Schematic Site Plan C (Sheets RZ-2b and RZ-2c) may have solid walls not exceeding 40 linear feet. The Highway 16 elevations of all other buildings except the home improvement center facility depicted on Sheets RZ-2a, RZ-2b, and RZ-2c may have solid walls not exceeding 20 linear feet. Expanses of solid walls beyond the stated maximums for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements.

(iii) The rear elevation and the Highway 16 elevation of the home improvement center facility depicted on Site Plan A, Schematic Site Plan B, Schematic and Site Plan C (Sheets RZ-2a, RZ-2b, and RZ-2c) shall consist of a finished architectural wall with a full parapet through the use of materials such as jumbo brick. Painted or colored concrete block will not be allowed. These walls should be broken every 60 feet through the use of pilasters or other architectural features.

(iv) The rear elevations of those interior buildings facing Private Streets 5 and 7, excluding the home improvement center facility, shall avoid expanses of solid walls exceeding 20 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the buildings by the users. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building.

(v) The building located between Mt. Holly-Huntersville Road, Private Street #6 and Private Street #5, on the west side of the entrance drive shall contain translucent glass windows along the elevation which faces the main entrance drive. Expanses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building.

(vi) Public open spaces containing landscaping, benches, and pedestrian scaled lighting shall be provided on Parcel A and Parcel B in those locations depicted on the Schematic Site Plans. Additionally, outdoor dining and seating areas associated with restaurant tenants shall be provided.

(vii) All retail buildings must be architecturally integrated to compliment one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.

(viii) All buildings must be sited with an emphasis on maintaining pedestrian interconnectivity.

(ix) Parking areas should be located so they minimize the distance for pedestrian access between abutting buildings.

(x) Buildings shall not exceed 40 feet in height as measured in accordance with the Ordinance.

(xi) All public building entrances, except those for fire exits and loading, will connect directly to a sidewalk along a public street or to a private street/drive or to an open space.

(xii) All signage placed on Parcel A and Parcel B shall comply with the standards outlined in the Ordinance for the NS zoning district classification.

(xiii) All signage attached to buildings located along Mt. Holly-Huntersville Road and NC Highway 16 shall comply with the standards outlined in the Ordinance for the NS zoning classification.

(xiv) Detached identification signage for buildings located along Mt. Holly-Huntersville Road shall be limited to ground mounted monument type signs located within the ten (10) foot wide second planting strip identified below in Paragraph (c) (ii) of this Section 4. These signs may not exceed four (4) feet in height and the actual signage area may not exceed thirty-two (32) square feet on each side.

(xv) Wall signs will be permitted in accordance with the Ordinance, up to a maximum of one hundred (100) square feet for each wall or 5 percent of the area of each wall face whichever is less.

Parcel C (Substantially Below Ground Climate Controlled Storage Facility)

(i) The above ground office/retail building component located within Parcel C shall be architecturally integrated with the buildings on Parcel A and Parcel B by using similar exterior materials, and shall not exceed twenty-five (25) feet in height as measured in accordance with the Ordinance. Above ground exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.
(ii) The office/retail building entrance and all fire escape exits associated with the underground storage building will connect directly to a sidewalk along a public street or an internal street/drive or to an open space.
(iii) The storage building component shall be accessed through the retail/office building. Portions of the storage building which are visible from adjoining streets shall not exceed twenty-five (25) feet in height and such portions, exclusive of fire door exits, windows and doors, shall be constructed with 50 percent masonry materials (brick, stone, pre-cast or poured concrete with architectural treatments or other masonry materials), so as to blend in architecturally with the buildings and/or retaining walls on Parcel A and Parcel B.
(iv) All signage placed on Parcel C including wall signs shall comply with the standards outlined in the Ordinance for the BD zoning district classification, excepting that no free standing signs shall be allowed.
(v) Wall signs will be permitted in accordance with the Ordinance, up to a maximum of 100 square feet for each wall face or 5 percent of the area of each wall face whichever is less.

Parcel D and D-1 (Office/Retail)

(i) All buildings shall be architecturally integrated to complement one another, as well as those retail buildings constructed on Parcel A and Parcel B, by using similar exterior materials. Any building(s) located within Parcel D-1 used for retail purposes shall be constructed with four-sided architecture and shall avoid expanses of unarticulated solid walls exceeding 20 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building. Any building(s) located within Parcel D-1 used for office purposes shall be constructed with four-sided architecture and shall avoid expanses of unarticulated solid walls exceeding 40 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows placed so as not to inhibit the use of the building by the user. Buildings may contain gable roofs, partial gable roofs and/or parapet walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complimentary building materials, colors, or textures may be used to enhance the architecture of the building.
(ii) Parking areas should be located so they minimize the distance for pedestrian access between abutting buildings.
(iii) Buildings shall not exceed 60 feet in height as measured in accordance with the Ordinance.
(iv) Above grade exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used on any building.
(v) All signage placed on Parcel D and D-1 shall comply with the standards outlined in the Ordinance for the NS zoning classification. In addition, the following standards shall apply:
- Detached identification signage shall be limited to ground mounted monument type signs. Monument sign structure shall be limited to a maximum of four (4) feet in height and actual signage area may not exceed thirty-two (32) square feet on each side.
- Wall signs will be permitted in accordance with the Ordinance, up to a maximum of one hundred square feet for each wall face or 5 percent of the area of each wall face, whichever is less.

(vi) Shared parking will be permitted in accordance with Section 12.203 of the Ordinance.
(vii) Prior to the issuance of a certificate of occupancy for any building constructed on Parcel D-1, the Owner of Parcel D-1 shall construct a brick wall having a height of at least 6 feet along the eastern property line that separates the out parcel from the adjacent single family residential lot facing Mt. Holly-Huntersville Road.
(viii) Subject to the provisions of the next succeeding paragraph, prior to the issuance of a certificate of occupancy for any building constructed on Parcel D or D-1, Petitioners shall construct a brick wall having a height of at least 6 feet along the northern boundary line for Parcel D and the common rear property lines of certain of the single family residential lots fronting on Mt. Holly-Huntersville Road within the area generally depicted on the Technical Data Sheet.
In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F, all of which are more particularly described in the preceding paragraph and in Subparagraph (iv) of that part of Paragraph (a) of this Section 4 which deals with Parcel E (Residential Attached For Sale), are re-zoned to a multi-family or office zoning district, then the Petitioners may eliminate the brick wall otherwise required by the provisions of the next preceding paragraph, provided the Petitioners are able to obtain the prior written consents to so eliminate the brick wall from all of the then owners of the single family residential lots so rezoned.

Parcel E (Residential Attached For Sale and/or For Rent)

(i) Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 30 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum or vinyl siding or spandrel glass shall be used on any building containing attached for rent residential units. No aluminum siding or spandrel glass and no vinyl siding other than architectural vinyl having a textured finish that has been approved in advance by the Staff of the Charlotte-Mecklenburg Planning Commission shall be used on any building containing attached for sale residential units.

(ii) Buildings shall not exceed the greater of four stories or 60 feet in height as measured in accordance with the Ordinance.

(iii) All signage placed on Parcel E shall comply with the standards outlined in the Ordinance for the NS zoning classification.

Parcel F (Residential Attached For Sale)

(i) Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 35 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum siding or spandrel glass and no vinyl siding other than architectural vinyl having a textured finish that has been approved in advance by the Staff of the Charlotte-Mecklenburg Planning Commission shall be used on any building.

(ii) Buildings shall not exceed the greater of three stories or 50 feet in height as measured in accordance with the Ordinance.

(iii) All signage placed on Parcel F shall comply with the standards outlined in the Ordinance for the NS zoning classification.

(iv) Subject to the provisions of the next succeeding paragraph, prior to the issuance of a certificate of occupancy for any building constructed on Parcel F, Petitioners shall construct a brick wall having a height of at least 6 feet in height along a portion of the northern boundary line for Parcel F and the common rear property lines of certain of the single family residential lots fronting on Mt. Holly-Huntersville Road within the area generally depicted on the Technical Data Sheet.

In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F, all of which are more particularly described in the preceding paragraph and in Subparagraph (viii) of that part of Paragraph (a) of this Section 4 which deals with Parcel D (Office) are re-zoned to a multi-family or office zoning district, then the Petitioners may eliminate the brick wall otherwise required by the provisions of the next preceding paragraph, provided the Petitioners are able to obtain the prior written consents to so eliminate the brick wall from all of the then owners of the single family residential lots so rezoned.

(b) Landscaping and Screening
(i) The Petitioners shall cause to be installed within the second planting strip along Mt. Holly-Huntersville Road, identified in Paragraph (c) (ii) of this Section 4, plants, trees and other materials in accordance with the Ordinance and Sheet RZ-3 which forms a part of the Technical Data Sheet, and shall thereafter maintain or cause to be maintained all such materials (including replacement of all dead or dying plants).

(ii) Internal areas of the Site shall be landscaped in accordance with the requirements of the City of Charlotte Tree Ordinance.

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

(iv) All screening and landscaping shall meet or exceed the standards of the Ordinance.

(v) Dumpster areas will be enclosed on all three sides by an opaque wall with the fourth 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 may be substituted for a side.

(vi) The Petitioners reserve the right to selectively clear trees with calipers of 3 inches or smaller, dead trees and undergrowth on the Site which fall within the Duke Power right-of-way running east of Brookshire Boulevard and within the right-of-way for Brookshire Boulevard and to remove limbs from the remaining trees up to a height of 8 feet above the adjacent ground level.

(vii) The Technical Data Sheet requires that Public Street 2 be connected to Valley Walk Drive in the Chastain Parc Subdivision. In order to provide an attractive entryway, the Petitioners agree to install a treescape on both sides of Valley Walk Drive between Chastain Parc Drive and the Site; provided appropriate consents are granted from the individual property owners of Lots number 17 and 18, as depicted on the Technical Data Sheet, within 30 days after Petitioners have made written offers to do so.

These trees will be planted on both sides of Valley Walk Drive and be the same species and size as those planted on Public Street 2. The Petitioners agree to meet with each of the property owners involved who shall have returned timely consents to the Petitioners (or their respective representatives) to decide upon the exact locations of the plant material within 30 days after receipt of the appropriate consent form and to install the plant materials on the lots of each consenting owner involved prior to the issuance of a permanent certificate of occupancy for any building constructed on Parcel F. If the plant material is installed on any such lot, all watering and maintenance will be the responsibility of the owner of the lot and the Petitioners shall not be responsible for maintaining this plant material or for replacement in the event any of the plant material dies.

(c) Streetscape Treatment
(i) The streetscape treatment along Mt. Holly-Huntersville Road will conform to the Ordinance and include trees with a 3 inch minimum caliper and supplemental shrubbery.

(ii) The first fourteen (14) feet of right-of-way extending from the back of the planned curb along Mt. Holly-Huntersville Road shall include an eight (8) foot planting strip, adjoining a six (6) foot wide sidewalk. A minimum ten (10) foot wide second planting strip shall be located along the Site side of the sidewalk.

(iii) All internal public streets shall have an eight (8) foot wide planting strip and a six (6) foot wide sidewalk.

(iv) All internal private streets shall have a six (6) foot wide planting strip and a five (5) foot wide sidewalk.

(d) Lighting
(i) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel A, Parcel B, Parcel C and Parcel D-1 of the Site, shall not exceed 30 feet. All freestanding parking lot lighting fixtures within Parcel A, Parcel B, Parcel C and Parcel D-1 will be uniform in design.

(ii) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel D of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel D will be uniform in design.

(iii) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel E of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel E will be uniform in design.

(iv) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel F of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel F will be uniform in design.

(v) All freestanding lighting fixtures over 25 feet in height shall be full cut-off light fixtures.

(vi) Any lighting fixture attached to a building shall be capped and downwardly directed.

(vii) The height restrictions in (i) through (iv) of this Section 4(d) shall not apply to street lights erected on public rights-of-way or to decorative pole lights along sidewalks, open space and the private streets/drives or to wall mounted decorative sconce type lighting.

(viii) Wall pack lighting shall be used only in service areas.

(ix) Pedestrian scale lighting will be provided within the Site along Private Streets 5 and 6, Public Streets 1, 2 and 4, Public/Private Street 3 and along Mt. Holly-Huntersville Road.

(e) Buffers
(i) Buffer Areas will be provided as depicted on the Technical Data Sheet.

(ii) In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F are re-zoned to a multi-family or office zoning district, then the Petitioners may eliminate the buffer area along a portion of the northern boundary of the Site abutting these residential lots depicted on the Technical Data Sheet.

(iii) The Petitioners will establish a 90' undisturbed buffer along that portion of the Site which abuts the Chastain Parc Subdivision, as depicted on the Technical Data Sheet and the submitted buffer detail sheet. The Petitioner will install, at its expense, a four foot (4') high black aluminum fence within the 90' buffer as shown on the Technical Data Sheet.

(iv) The Petitioners reserve the right to reduce the width of any buffer (excluding the undisturbed buffer outlined in Section 4(iii) above) by up to 25 percent by installing a wall, fence or berm in accordance with Section 12.302 (8) of the Ordinance.

5. Environmental Standards

(a) Watershed Protection-General Requirements
(i) All development occurring on the Site shall conform to the applicable requirements of the Lake Wylie Watershed District Protected Area.

(ii) All development will adhere to the provisions of the SWIM Buffer Ordinance.

(iii) The Petitioners agree to employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements as well as the requirements specified below under Paragraphs (b), (c), and (d) of this Section 5. The enforcement officer shall be empowered to take the actions necessary to ensure the prompt correction of problems as and when they are detected. The enforcement officer must attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and must satisfactorily pass the certification test.

(iv) The Petitioners will require supervisors assigned to the Site by all grading contractors to attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and all such supervisors must satisfactorily pass the certification test.

(v) All domestic water and sewer services shall be provided by the Charlotte Mecklenburg Utilities systems.

(b) Storm Water Management Initiatives
In order to ensure effective mitigation of negative water quality impacts and adequate protection of water quality conditions the Petitioners agree to satisfy the following requirements:
(i) The Petitioners shall tie in to the existing storm water systems and shall have the receiving drainage systems, including I-485, analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the Petitioners shall provide alternate methods to prevent this from happening.

(ii) Runoff generated from the first inch of rainfall shall be captured and treated in accordance with Section 4.0 of the NC Department of Environment and Natural Resources Best Management Practices Manual, April 1999 Edition, or updated versions of the same sufficient to achieve 85 percent TSS pollutant removal for the Site.

(iii) The full post-development run-off volume generated from the project for the 1 year, 24-hour storm event shall be detained and released between 2-5 days.

(iv) Peak runoff rates shall be detained and released at pre-developed rates for the 2-year and 10-year design storm events.

(v) Stormwater from water quality BMP's shall be released so as to maintain non-erosive velocities.

(vi) Location, size and type of any Stormwater Management Systems depicted on rezoning site plan is subject to review and approval with full development plan submittal and is not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual stormwater treatment requirements and natural site discharge points.

(c) Erosion Control
Measures for controlling erosion shall include:
(i) In the event frequency and intensity of rainfall events are overloading basins or other devices, polymers and other flocculating measures shall be employed to enhance settling capabilities to avoid the discharge of solids from the Site.

(ii) Double row high hazard silt fences shall be used in critical areas of the Site, including all intermittent and perennial streams, delineated wetlands, bases of slopes, approved stream crossings and other locations where the potential for off-site sedimentation is greatest.

(iii) In the absence of silt fencing, orange construction barrier fence shall be installed along undisturbed buffers to delineate and protect undisturbed buffers during construction.

(iv) Two stage sediment basins with outlet weirs sized for a 50-year storm event shall be used to reduce the risk of basin failure.

(v) During construction, the developer shall develop a weekly inspection program meeting NPDES General Permit requirements for all sediment basins including written documentation of such inspections. This written documentation shall be maintained on-site and available upon request. Sedimentation in perennial or intermittent streams caused by construction activities shall be mitigated in an unobtrusive manner within two weeks of identification. Turbidity levels shall be monitored and recorded as part of the inspection program at appropriate runoff discharge points on the Site.

(d) Wetlands Protection
(i) The Petitioners shall retain the services of a qualified environmental consultant to delineate all jurisdictional waters on the Site.

(ii) All development shall fully adhere to all rules and regulations for wetlands protection promulgated by USACE and NCDENR.

(iii) Any jurisdictional wetlands or streams, if present, need to be protected or proper environmental permits obtained prior to their disturbance. For 401 permits, contact DEHNR. For 404 permits, contact the Army Corps of Engineers.

(e) Tree Save Areas/Open Space
(i) The Petitioners agree to provide tree save areas totaling 10 percent of the Site and open space areas (including tree save areas) totaling 25 percent of the Site.

6. Vehicular Access, Rights-of-Way, and Road Improvements (collectively the "Roadway Improvements")

(a) Vehicular Access
(i) Vehicular Access to Mt. Holly-Huntersville Road shall be as generally depicted on the Technical Data Sheet.

(ii) The placements and configurations of these Vehicular Access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation ("C-DOT") and/or the North Carolina Department of Transportation ("NC-DOT").

(b) Rights-of-Way
The Petitioners agree to dedicate and convey (by quitclaim deed and subject to reservations for any necessary utility easement) portions of the Site prior to the issuance of any building permits for development taking place on the Site, right-of-way as follows, if such right-of-way does not presently exist:
(i) Brookshire Boulevard (NC 16)
100 feet east of the centerline unless the existing Duke Energy right-of-way and NC Highway 16 right-of-way are contiguous.

(ii) Mt. Holly-Huntersville Road
70 feet south of the centerline for a distance of 1300 feet running from the eastern margin of the right-of-way for NC Highway 16 to Access A and reduced to 60 feet south of the centerline along the remaining frontage of the Site. Any such additional right-of-way may be reduced if the entire amount committed is not necessary to accommodate the improvements depicted on the Technical Data Sheet (including a 5 foot wide bike lane, the construction costs of which the City has agreed to bear), with the final width of the additional right-of-way to be determined based on the final design for these roadway improvements approved by CDOT and NCDOT.

(c) Roadway Improvements
(i) Minimum Roadway Improvements for Stage I Development
For purposes of this Section 6 (c) (i), Stage I Development shall be deemed to include:
- 350,000 square feet of retail/commercial floor area
- 127,000 square feet of climate controlled storage

Prior to the issuance of a certificate of occupancy for any Stage I Development building constructed on the Site, the following Roadway Improvements shall be completed:

Mt. Holly-Huntersville Road and Brookshire Boulevard (NC 16)
- Construct an additional northbound right turn lane on Brookshire Boulevard with 400 feet of storage and a 20:1 bay taper.
- Extend the existing northbound right turn lane on Brookshire Boulevard 240 feet for a total of 400 feet of storage with a 20:1 bay taper.
- Construct a second northbound left turn lane on Brookshire Boulevard with 275 feet of storage and a 15:1 bay taper.

Mt. Holly-Huntersville Road and Callabridge Court/Proposed Access "A"
- Construct a concrete median at Proposed Access "A" that extends from the existing traffic signal to its terminus at Private Street 5 with four outbound lanes: a through lane, an exclusive right turn lane with 100 feet of storage and dual left turn lanes with 250 feet of internal storage, and with three inbound lanes: a 200 foot left turn lane, a through lane and a combination through-right turn lane.

The section of Private Street 6 from Private Street 5 to Private Street 7 shall be constructed as depicted on the Schematic Site Plan A.
- The Access "A" driveway connection must be approved by C-DOT and NC-DOT and concur with the latest edition of the NC-DOT Policy on Street and Driveway Access to North Carolina Highways.
- Construct westbound dual left turn lanes, each with a minimum of 250 feet of stacking and a 15:1 bay taper.
- Re-stripe the southbound approach on Callabridge Court to provide for dual left turn lanes and a single through lane.
- Re-stripe the eastbound approach on Mt. Holly-Huntersville Road to provide for dual left turn lanes onto Callabridge Court.
- Construct an eastbound right turn lane on Mt. Holly-Huntersville Road between NC 16 and Proposed Access "A" with 200 feet of storage and a 20:1 bay taper.
- Modify the existing traffic signal to accommodate a four way intersection.

Mt. Holly-Huntersville Road and Proposed Access "B"
- Construct Proposed Access "B" located approximately 900 feet east of Callabridge Court/Proposed Access "A", as depicted on the Schematic Site plan.
- Construct Public Street 1 from Mt. Holly-Huntersville Road to its intersection with Private Street 7 and construct all of Private Street 7.
- Construct Public Street 2 from Private Street 7 to the eastern margin of the Site so that it connects into Valley Walk Drive.

In conjunction with this connection of Public Street 2 to Valley Walk Drive, Petitioner shall contribute the total cost of two (2) speed humps provided the homeowners of Chastain Parc petition CDOT for and such speed humps are warranted pursuant to CDOT procedures and requirements. The placement of such speed humps shall be at the discretion of CDOT.

- Construct a westbound left-turn lane on Mt. Holly-Huntersville Road with a minimum of 150 feet of storage and a 15:1 bay taper. This driveway connection must be approved by C-DOT and NC-DOT and concur with the latest edition of the NC-DOT Policy on Street and Driveway Access to North Carolina Highways.
- Construct two outbound lanes at Proposed Access "B" to allow for exclusive left and right turn movements with 150 feet of internal storage.

Mt. Holly-Huntersville Road and Bellhaven Boulevard/Rozzelle's Ferry Road
- Construct an eastbound right turn lane on Mt. Holly-Huntersville Road with 300 feet of storage and a 20:1 bay taper and increase the storage of the eastbound left turn lane on Mt. Holly-Huntersville Road 35 feet for a total of 125 feet of storage.
- Increase the left turn storage of the northbound left turn lane on Bellhaven Boulevard 125 feet for a total of 325 feet of storage.

Mt. Holly-Huntersville Road
- Construct an additional westbound thru lane from Chastain Park Drive through NC Highway 16 to terminate into existing lanes at Couloak Drive. (Note: Portion of Mt. Holly-Huntersville Road from Callabridge Court to Couloak Drive is a re-stripe of the existing pavement).
- Construct an additional eastbound thru lane from Couloak Drive thru NC Highway 16 to terminate into proposed right turn lane at Proposed Access "A." (Note: The developer of the Mountain Island Marketplace is committed to construct the portion from Couloak Drive to the Shopping Center Drive.)

In connection with these improvements to Mt. Holly-Huntersville Road, a major thoroughfare, the Petitioners reserve the right to request the maximum reimbursement amount (currently $175,000.00) permitted under C-DOT policy.

(ii) Minimum Roadway Improvements for Stage II Development.
For purposes of this Section 6 (c) (ii), Stage II Development shall be deemed to include:
- 10,000 square feet of retail/commercial floor area
- 165,000 square feet of office floor area
- All development approved for Parcel E;
- All development approved for Parcel F

Prior to the issuance of any certificates of occupancy for any Stage II Development buildings, the following Roadway Improvements shall be completed:

Mt. Holly-Huntersville Road and Oakdale Drive
- Construct an exclusive eastbound right turn lane on Mt. Holly-Huntersville Road with 150 feet of storage and a 20:1 bay taper.

Public/Private Street 3 and Public Street 4
- Public/Private Street 3 and Public Street 4 shall be constructed as warranted in order to provide access to portions of Parcel E and Parcel F as they are developed.

Brookshire Boulevard (NC 16) and I-485 SB Exit Ramp
- Extend the 30 foot left turn lane 120 feet for a total of 150 foot left turn lane with a 15:1 bay taper on the I-485 southbound exit ramp.

(d) If off-site right-of-way is required to accommodate any of Petitioners' improvements described in Paragraph (c) of this Section 6, the Petitioners will make a good faith effort to secure the necessary off-site right-of-way. If the Petitioners successfully acquire the necessary off-site right-of-way prior to issuance of certificates of occupancy, they will cause any such improvement to be completed.

If right-of-way not owned by the Petitioners is required to complete any such improvements and the Petitioners fail in their good faith attempt to acquire the right-of-way, then they may request NCDOT and/or the City of Charlotte to condemn the property in which case Petitioners agree to pay for all costs and expenses associated therewith.

(e) Notwithstanding any provisions set forth in this Section 6, but subject to the provisions of Paragraph (f) of this Section 6, the Petitioners may obtain building permits and request certificates of occupancy for up to 75,000 square feet of retail development on Parcel A and/or Parcel B without making any of the improvements required under the foregoing provisions of this Section 6 except the construction of Access A and all of the improvements along Mt. Holly-Huntersville Road associated with Access A (other than Access B), it being understood that no other roadway improvements (including, but not limited to, commitments associated with the NC Highway 16/ Mt. Holly-Huntersville Road intersection and Access B) will be required for the initial 75,000 square feet of development taking place on Parcel A and/or Parcel B.

(f) No certificates of occupancy for any of the remaining development rights on the Site may be issued until the earlier of January 2, 2008 or the opening of I-485 between NC 16 and NC 115.

(iii) Roadway Improvements for Stage III Development
At such time as Public Street 4 is connected by any party to Mt. Holly-Huntersville Road at the Overlook Mountain Drive intersection, the improvements listed below shall be completed by such party:
- If and when warranted by CDOT and/or NCDOT (as appropriate), install a 4-way traffic signal at the new intersection of Mt. Holly-Huntersville Road and Overlook Mountain Drive.
- Convert the proposed Access "B" intersection into a westbound directional crossover (left-turn into Site) on Mt. Holly-Huntersville Road with a minimum of 150 feet of storage and a 15:1 bay taper. This access modification must be approved by C-DOT and NC-DOT and concur with the latest edition of the NC-DOT Policy on Street and Driveway Access to North Carolina Highways.
- Stripe out the left-turn outbound lane at Proposed Access "B" to allow for a single right-turn-only outbound lane with 150 feet of internal storage.

Petitioners shall contribute to CDOT 50% of the total costs of the Public Street 4/Overlook Mountain Drive traffic signal and 100% of the total costs of the modifications to Access "B" described above within 30 days after receipt of CDOT's request for such payments.

7. Connectivity
Internal sidewalks shall be provided throughout the Site in accordance with the Ordinance. Where internal sidewalks are located between buildings and parking bays, either a sidewalk at least seven feet in width or wheelstops shall be provided.

8. Landscape Areas
No buildings, parking spaces, maneuvering areas or stormwater detention may be located within the "undisturbed vegetated landscape areas" or "Buffer" areas depicted on the Technical Data Sheet. Existing vegetation within these landscape areas will remain undisturbed.
Utility installations may only cross such undisturbed vegetated landscape areas depicted on the Technical Data Sheet at interior angles measured at property lines which are not less than 75 degrees.

9. Bicycle Parking
Regardless of which Schematic Site Plan is implemented on the Site, bicycle parking spaces (bike racks) shall be provided in accordance with Chapter 12 of the Ordinance.

10. Fire Protection
Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshals specifications. Plans for each building will be submitted to the Fire Marshals office for approval before the construction of that building commences.

11. Project Identification Signs
(i) All project identification signage will be erected in accordance with the requirements of the Ordinance for the NS District and will be placed on the Site within the areas generally depicted on the Schematic Site Plans.
(ii) The Petitioners reserve the right to vary the standards of the sign regulations under the Ordinance for the purpose of providing flexibility and incentives for coordinated, well designed signs systems for this Site in accordance with the special provisions set forth under Section 13.110(2) of the Ordinance (the Planned Development Flexibility Option).

12. Tree Ordinance
All development will comply with the City of Charlotte Tree Ordinance.

13. Vacancy Mitigation Procedures for Home Improvement Center Building
In the event the home improvement center building to be constructed on Parcel A should at any time or times after its initial occupation be permanently vacated by any tenant, then the tenant or the owner or owners thereof, in the event the lease is terminated, shall implement the following building vacancy mitigation procedures:
(a) The exterior of the building, associated parking lot, outside lighting, landscaping and irrigation system shall continue to be operated, maintained, secured, repaired or replaced in the same manner as when the building was occupied.
(b) All exterior business signs shall be removed and exterior building surfaces shall be repaired and repainted to provide a neat appearance within 45 days after the property becomes vacant.
(c) Trash and litter shall be removed on a regular basis at least once a week.
(d) Should the building be permanently vacated by any tenant for a period longer than 6 months for any reason other than fire or some other casualty or a force majeur event, or alterations, remodeling, additions and/or similar construction activities, then the tenant of the building shall thereafter implement with reasonable dispatch commercially reasonable efforts which are designed to cause the building to be reoccupied and devoted to any use or uses permitted in the NS District, including retail or non-retail uses or any combination thereof.
(e) If at some future time the owner of the home improvement center to be constructed on Parcel A elects to demolish this building, the Zoning Committee of the Planning Commission may approve an amendment to the Schematic Site Plans which would accommodate more buildings than the one building which the Technical Data Sheet currently allows within that building area through an Administrative Site Plan amendment; subject, however, to the square footage limitations set forth above under Paragraphs (a) and (b) of Section 2, and the satisfaction of all applicable regulations under the NS Zoning District in effect at the time such approval is sought.

14. Other Standard Development Requirements
The Petitioner acknowledges that other standard development requirements imposed by other City ordinances such as those that regulate streets, sidewalks, trees, storm water and site development may apply to this Site. These are not zoning regulations and are not administered by the Zoning Administrator and are not separate zoning conditions imposed by this Site Plan. Unless specifically noted in the conditions for this site plan those other standard development requirements will be applied to the development of this site as defined by those other city ordinances.

15. Amendments to Rezoning Plan
Future amendments to the Technical Data Sheet, the Schematic Site Plans, other sheets accompanying the Petition 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.

16. 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 Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.
(b) Throughout these Development Standards, the terms, "Petitioners" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners or the Owner or Owners of the Site from time to time who may be involved in any future development thereof.
(c) Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

17. Request for 5-Year Vesting
Pursuant to Sections 1.110 of the Ordinance, Petitioners hereby request a 5-year vesting of these Development Standards and other related rezoning documents commencing upon approval of this Rezoning Petition by the Charlotte City Council. Petitioners request a 5-year vesting right due to the size and phasing of the proposed development and the level of Petitioner's investment.

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Mountain Island Promenade Rezoning Petition
Charlotte, North Carolina
Withrow Capital, Investments, LLC
DEVELOPMENT STANDARDS

REVISIONS:
01/18/08 Revise per Staff Comments
02/29/08 Revise per Staff Comments
03/11/08 Revise per Staff Comments
04/23/08 Revise per Staff Comments
05/09/08 Revise per Staff Comments

DATE: 11-21-07
DESIGNED BY: MRC
DRAWN BY: MRC
CHECKED BY: MRC
Q.C. BY: MRC
SCALE: N/A
PROJECT #: 1007263

SHEET #:
RZ-5

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Mountain Island Promenade Rezoning Petition

Charlotte, North Carolina

Withrow Capital, Investments, LLC

ROADWAY IMPROVEMENTS PLAN (for NC 16/ Mt. Holly Huntersville Rd)

REVISIONS:
01/18/08 Revise per Staff Comments
02/18/08 Revise per Staff Comments
03/11/08 Revise per Staff Comments
04/23/08 Revise per Staff Comments
05/07/08 Revise per Staff Comments

DATE: 11.21.07
DESIGNED BY: MRC
DRAWN BY: MRC
CHECKED BY: MRC
QC BY: TPC
SCALE: 1"=100'
PROJECT #: 1007263

SHEET #:
RZ-6