

SITE SUMMARY

SITE ACREAGE:

PARCEL I: 23.80 AC
PARCEL II: 8.80 AC
32.60 ACRES TOTAL

EXISTING ZONING: CC, R-3, R-12MF (CD), R-43MF

PROPOSED ZONING: CC SITE PLAN AMENDMENT, CC

PROPOSED USE: RETAIL = 75,000 SQUARE FEET
OFFICE = 255,000 SQUARE FEET

REQUIRED YARDS:

PARCEL I
MALLARD CREEK CHURCH ROAD SETBACK: 35.0'
SETBACK ADJACENT TO COMMERCIAL COLLECTOR: 14.0'
SIDE YARD: 25.0'
REAR YARD: 25.0'

PARCEL II
MALLARD CREEK CHURCH ROAD SETBACK: 35.0'
SETBACK ADJACENT TO COMMERCIAL COLLECTOR: 14.0'
SIDE YARD: 25.0'
REAR YARD: 25.0'

DEVELOPMENT STANDARDS

PART I

COMMITMENT:

UNLESS MORE STRINGENT STANDARDS ARE ESTABLISHED BY THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS, ALL DEVELOPMENT STANDARDS ESTABLISHED UNDER THE CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE") FOR THE CC ZONING DISTRICT CLASSIFICATION SHALL BE FOLLOWED IN CONNECTION WITH DEVELOPMENT TAKING PLACE ON THE SITE.

THE BUILDING CONFIGURATIONS, PLACEMENTS AND SIZES, AND THE LOCATIONS OF ALL OTHER DEVELOPMENT SHOWN ON THE SCHEMATIC SITE PLAN ARE SCHEMATIC IN NATURE AND MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES WITHIN THE MAXIMUM DEVELOPMENT LINES ESTABLISHED ON THE TECHNICAL DATA SHEET, AS PROVIDED FOR UNDER SECTION 6 OF THE ZONING ORDINANCE.

PART II

PERMITTED DEVELOPMENT WITHIN THE SITE:

MIXED USE COMMERCIAL CENTER

UP TO 330,000 SQUARE FEET OF GENERAL RETAIL AND OFFICE USES PERMITTED UNDER THE ORDINANCE IN A CC ZONING DISTRICT MAY BE DEVELOPED THE MAXIMUM RETAIL SQUARE FOOTAGE SHALL BE 75,000 SQUARE FEET

III

VEHICULAR ACCESS POINT AND CONNECTIVITY:

(A) DIRECT VEHICULAR ACCESS TO THE SITE FROM MALLARD CREEK CHURCH ROAD WILL BE LIMITED TO THE GENERAL AREA DEPICTED ON THE SCHEMATIC SITE PLAN.

(B) THE PETITIONER AGREES TO FUND ONE HALF OF THE COST OF INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF THE COMMERCIAL COLLECTOR AND MALLARD CREEK CHURCH ROAD.

(C) AT LEAST THREE EXITING LANES, TWO FOR LEFT TURNS AND ONE FOR RIGHT TURNS, WILL BE CONSTRUCTED AT THE ACCESS TO MALLARD CREEK CHURCH ROAD.

(D) THE CONFIGURATIONS AND ULTIMATE LOCATIONS OF MALLARD CREEK CHURCH ROAD ACCESS, AS WELL AS EACH POINT OF ACCESS PROVIDING CONNECTIVITY TO ABUTTING PROPERTIES, ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND ARCHITECTURAL PLANS AND DESIGN.

PART IV

DESIGN GUIDELINES:

SECTION 1. YARD RESTRICTIONS

ALL BUILDINGS CONSTRUCTED WITHIN THE SITE SHALL SATISFY OR EXCEED THE APPLICABLE SETBACK, REAR YARD, AND SIDE YARD REQUIREMENTS ESTABLISHED UNDER THE ORDINANCE. IN ADDITION, CONNECTIVITY WILL BE PROVIDED TO ABUTTING PROPERTIES IN THE GENERAL AREAS DEPICTED ON THE SCHEMATIC SITE PLAN.

SECTION 2. OFF STREET PARKING

(A) THE PARKING SPACES DEPICTED ON THE SCHEMATIC SITE PLAN MAY VARY IN LAYOUT AND LOCATION, BUT, IN ALL EVENTS, WILL BE SUFFICIENT TO SATISFY THE MINIMUM OFF STREET PARKING STANDARDS ESTABLISHED UNDER THE ORDINANCE.

(B) NO PARKING WILL BE PERMITTED WITHIN BUFFER OR SETBACK AREAS.

(C) NO PARKING WILL BE PERMITTED BETWEEN THE BUILDINGS AND THE STREET.

SECTION 3. INTERNAL STREETS

(A) THE INTERNAL STREET PATTERN SHOWN ON THE SCHEMATIC SITE PLAN IS SCHEMATIC IN NATURE AND MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES. HOWEVER, FINAL STREET DESIGN SHALL PROVIDE FOR CONNECTIVITY TO THE PARCELS ADJOINING AS SHOWN.

(B) STREETS WILL BE CONSTRUCTED IN PHASES AND IN SEQUENCES WITH DEVELOPMENT TAKING PLACE ON THE SITE.

(C) ALL NON-STANDARD STREET CROSS SECTIONS WILL BE APPROVED BY NCDOT.

SECTION 4. LANDSCAPING AND SCREENING

(A) SCREENING SHALL CONFORM WITH THE STANDARDS AND TREATMENTS SPECIFIED IN SECTION 12.303 OF THE ORDINANCE.

(B) STREET TREES WILL BE PROVIDED IN THE MEDIAN AND ON BOTH SIDES OF THE COMMERCIAL COLLECTOR AT THE RATE OF ONE LARGE MATURING TREE FOR EVERY 40 LINEAR FEET.

SECTION 5 SIGNAGE

(A) A UNIFORM SIGNAGE AND GRAPHIC SYSTEM WILL BE EMPLOYED WITHIN THE SITE.

(B) ALL SIGNS PLACED ON THE SITE WILL BE ERECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

SECTION 6. STORM WATER MANAGEMENT

(A) STORM WATER RUNOFF FROM THE SITE WILL BE MANAGED THROUGH PROVEN TECHNIQUES WHICH SATISFY THE STANDARDS IMPOSED BY THE CITY OF CHARLOTTE STORM WATER SERVICES DEPARTMENT.

(B) A DETENTION FACILITY MAY BE SHARED BETWEEN DIFFERENT USES AND ZONING CLASSIFICATIONS. WHERE A DETENTION FACILITY CROSSES BOUNDARIES OF DIFFERENT USES REQUIRING A BUFFER, THE BUFFER MAY BE PROVIDED BY GOING AROUND THE DETENTION FACILITY OR BY OTHER ALTERNATIVE METHODS WHICH PROVIDE THE SEPARATION INTENDED BY THE ORDINANCE, ALL AS INTERPRETED BY THE ZONING ADMINISTRATOR.

(C) THE FOLLOWING AGENCIES MUST BE CONTACTED PRIOR TO CONSTRUCTION REGARDING WETLAND AND WATER QUALITY PERMITS:

401 / 404 PERMIT NCDEHNR - RALEIGH OFFICE (919) 733-1786
401 / 404 PERMIT U.S. ARMY CORPS OF ENGINEERS (919) 271-4854

(D) THE EASTERNMOST WETLAND AREA SHALL BE REGULATED AS INDICATED BY THE PREVIOUSLY APPROVED PERMITS AND OTHERS AS NOTED ON THE SITE PLAN.

(A) THE BUFFER AREAS ESTABLISHED ON THE SCHEMATIC SITE PLAN SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE; SUBJECT, HOWEVER, TO THE PROVISIONS OF SECTION 12.304 THEREOF.

(B) THE BUFFER AREAS SHALL REMAIN AS OPEN SPACE AND, SUBJECT TO THE PROVISIONS OF PARAGRAPH (C) AND (D) BELOW, WILL REMAIN UNDISTURBED.

(C) WHERE THERE ARE EXISTING TREES, THE PETITIONER RESERVES THE RIGHT TO CLEAR, GRADE, AND FILL WITHIN THE FIRST 30.0' ON THE INTERIOR SIDE OF THE BUFFER AREA AND, WHERE A BUFFER AREA CONTAINS A SPARSE AMOUNT OF VEGETATION, THE PETITIONER RESERVES THE RIGHT TO GRADE AND CREATE BERMS WITHIN THAT AREA.

(D) THE PETITIONER RESERVES THE RIGHT, WITHIN ALL PORTIONS OF BUFFER AREAS, TO INSTALL UTILITIES AND PEDESTRIAN PATHS. HOWEVER, UTILITY INSTALLATIONS MAY ONLY CROSS BUFFER AREAS AT INTERIOR ANGLES MEASURED AT THE PROPERTY LINE WHICH ARE NOT LESS THAN 75 DEGREES.

(E) NO BUILDINGS, PARKING SPACES, OR MANEUVERING AREAS MAY BE PLACED WITHIN THE BUFFER AREAS.

(F) WHERE EXISTING TREES AND NATURAL VEGETATION WITHIN THE BUFFER AREAS HAVE BEEN CLEARED TO ACCOMMODATE PEDESTRIAN SIDEWALK OR PATHS, CONNECTIVE ROADWAYS OR THE INSTALLATION OF UTILITIES, ANY CLEARED, UNIMPROVED PORTION OF THE BUFFER AREA SHALL BE LANDSCAPED WITH TREES AND SHRUBS IN A MANNER WHICH COMPLIES WITH SECTION 12.302 OF THE ORDINANCE.

(G) IN THE EVENT THE ZONING FOR OR THE USES ON ANY ADJACENT PROPERTY SHOULD CHANGE AT SOME POINT IN THE FUTURE SO THAT THE BUFFER REQUIREMENTS UNDER THE ORDINANCE CHANGE OR ARE ELIMINATED, THEN THE BUFFER REQUIREMENTS MAY BE CHANGED ACCORDINGLY.

(H) THE INTERIOR SIDE OF THE BUFFER ADJACENT TO THE "DETENTION POND" SHALL BE GRADED IN ORDER TO PROVIDE FOR THE ESTABLISHMENT AND PROPER ENGINEERING STANDARDS FOR SAID POND. REQUIRED LANDSCAPING IN THIS AREA TO COMPLY WITH BUFFER REGULATIONS SHALL BE PLACED WITHIN OTHER IMMEDIATE PORTIONS OF THIS SO THAT THIS GRADED AREA IS CLEAR OF LANDSCAPING WHICH WOULD BE DIFFICULT TO MAINTAIN AND MIGHT IMPEDE THE DESIGN OF THE POND.

SECTION 8. SIDEWALKS

(A) A 6.0' SIDEWALK WITH A 6.0' PLANTING STRIP WILL BE PROVIDED ALONG THE COMMERCIAL COLLECTOR (PRESENTLY UNDER CONSTRUCTION).

(B) A PEDISTRIAN CONNECTION SHALL BE PROVIDED FROM THE WESTERNMOST PRIVATE STREET TO THE ADJOINING MULTI-FAMILY ARE TO THE WEST. THE LOCATION OF THIS CONNECTION WILL BE COORDINATED WITH THE ADJOINING DEVELOPER. FURTHERMORE, THE PRECISE LOCATION OF THIS CONNECTION WILL BE DETERMINED BY THE LOCATION OF AN EXISTING WETLAND AREA TO REMAIN WHICH STADDLES THE TWO DEVELOPMENTS AND IS SUBJECT TO THE PREVIOUSLY PERMITTED RESTRICTIONS AND CONDITIONS. SUCH RESTRICTIONS MAY ALTER THE LOCATION OF THIS PEDESTRIAN CONNECTION ACCORDINGLY.

SECTION 9. LIGHTING

(A) ALL FREESTANDING LIGHTING FIXTURES INSTALLED WILL BE UNIFORM IN DESIGN.

(B) EXCEPT FOR PUBLIC STREET LIGHTS, THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE, INCLUDING ITS BASE, SHALL NOT EXCEED 30.0' IN HEIGHT. LIGHTING FIXTURES ALONG THE ALONG THE COMMERCIAL COLLECTOR STREET SHALL BE A MAXIMUM OF 20.0' IN HEIGHT. MAXIMUM LIGHTING ILLUMINATION LEVELS SHALL BE EIGHT FOOTCANDLES (8.0 fc) FOR THE 30.0' HEIGHT FIXTURES AND SIX FOOTCANDLES (6.0 fc) FOR THE 20.0' HEIGHT FIXTURES

(C) ALL DIRECT LIGHTING INSTALLED WITHIN THE SITE SHALL BE DESIGNED SUCH THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE. CONSIDERATION WILL BE GIVEN TO THE IMPACT OF LIGHTING BOTH WITHIN AND WITHOUT THE PERIMETER OF THE SITE. ITEMS FOR CONSIDERATION WILL INCLUDE INTENSITY, CUTOFF ANGLES, COLOR, ENERGY EFFICIENCY AND SHIELDING OF SOURCES OF LIGHT, THE INTENT BEING TO ELIMINATE GLARE TOWARDS MALLARD CREEK CHURCH ROAD AND ADJACENT PROPERTIES. STREET LIGHTS AND PEDESTRIAN SCALE LIGHTS SHALL BE CAPPED TO PREVENT UPWARD LIGHTING OF THE NIGHT SKY.

SECTION 10. FIRE PROTECTION

ADEQUATE FIRE PROTECTION IN THE FORM OF FIRE HYDRANTS WILL BE PROVIDED ACCORDING TO THE CITY OF CHARLOTTE FIRE MARSHAL'S SPECIFICATIONS.

SECTION 11. DESIGN STANDARDS

(A) THE SITE WILL COMPLY WITH SECTION 11.405 (7) OF THE CHARLOTTE ZONING ORDINANCE REGARDING REDUCTION OF THE SETBACK TO 14.0'.

(B) DUMPSTER AREAS, WHERE PROVIDED, WILL BE SCREENED IN ACCORDANCE WITH THE ORDINANCE. EACH DUMPSTER AREA WILL BE ENCLOSED ON ALL FOUR SIDES BY A WOODEN FENCE OR BRICK WALL WITH ONE SIDE BEING A HINGED GATE.

(C) ARCHITECTURAL COMPATIBILITY OF BUILDINGS WITHIN PARCEL I AND PARCEL II SHALL BE ASSURED BY THE ESTABLISHMENT OF AN ARCHITECTURAL REVIEW COMMITTEE WITH JURISDICTION OVER THE ACCEPTABLE MATERIALS AND

OFFICES ABOVE, EXCEPT AS NOTED IN NOTE 'H' BELOW.

(E) THE DESIGN OF THE TRANSIT STOPS WITHIN THE DEVELOPMENT WILL BE COORDINATED AND APPROVED BY CHARLOTTE AREA TRANSIT SYSTEM ('CATS').

(F) THE MAXIMUM RETAIL TENANT SIZE SHALL BE 25,000 SQUARE FEET. THE BUILDINGS SHOWN ON THE SCHEMATIC SITE PLAN REPRESENT THE MAXIMUM NUMBER OF BUILDINGS ALLOWED. SOME BUILDINGS MAY BE COMBINED TO CREATE FEWER BUILDINGS, BUT IN NO EVENT SHALL THE MAXIMUM TENANT SIZE BE INCREASED AS INDICATED.

(G) ON-STREET PARKING MAY BE PERMITTED ALONG THE COMMERCIAL COLLECTOR STREET IN ACCORDANCE WITH CITY OF CHARLOTTE STANDARDS.

(H) DUE TO EXISTING TOPOGRAPHIC/GRADING CONDITIONS, BUILDINGS 'O' AND 'P' SHOWN ON THE SCHEMATIC SITE PLAN MAY HAVE RETAIL USES ON THE SECOND FLOOR. IN THIS EVENT, THE RETAIL AREA FOR BUILDINGS 'O' AND 'P' MAY NOT EXCEED 50% OF THE TOTAL BUILDING SQUARE FOOTAGE. SEE INSERT 'A' ON THE SCHEMATIC SITE PLAN.

(I) THE ATTACHED ARCHITECTURAL ELEVATIONS DEPICT BUILDINGS O, P, Q, AND R AND ARE HEREBY PROVIDED AS PART OF THE TECHNICAL DATA SHEET CONDITIONS. THESE ELEVATIONS ARE INTENDED TO ILLUSTRATE THE OVERALL GENERAL ARCHITECTURAL THEME AND STYLE OF THESE BUILDINGS, BUT MODIFICATIONS OF THESE BUILDINGS ARE PERMITTED SO LONG AS THE BASIC DESIGN THEME IS NOT ALTERED. THE COLORS SHOWN FOR THESE BUILDINGS AS ILLUSTRATIVE ONLY AND MAY BE CHANGED DEPENDING UPON FINAL DESIGNS. THROUGHOUT THE PROJECT AREA, THERE WILL BE A COMPATIBILITY OF DESIGN STYLE, THEMES, ARCHITECTURAL DETAILS, COLORS, MATERIALS, ETC. FOR ALL BUILDINGS, ALTHOUGH SOME UNIQUE FEATURES WILL BE ALLOWED AS NEEDED FOR INDIVIDUAL BUILDINGS BASED ON FINAL DESIGNS, TENANT NEEDS / IDENTIFICATION, LOCATION AND THE LIKE.

TECHNICAL DATA SHEET

FOR

PINNACLE POINT COMMERCIAL CENTER

MECKLENBURG COUNTY, NORTH CAROLINA

August 7, 2002
Revised - October 23, 2002

Revised - December 3, 2002

Prepared for:
PINNACLE
PROPERTIES, LLC
A full-service Real Estate Company

Prepared by:
LITTLE AND ASSOCIATES ARCHITECTS, INC.
Charlotte, North Carolina

(J) THE PETITIONER / DEVELOPER SHALL CONTACT 'CATS' PRIOR TO THE DEVELOPMENT OF THE PRIVATE STREETS WITHIN THE PROPOSED DEVELOPMENT. THE PETITIONER / DEVELOPER SHALL RECEIVE INFORMATION, IF ANY, FROM 'CATS' CONCERNING THE DESIGN AND CONSTRUCTION OF SAID PRIVATE STREETS, ESPECIALLY PERTAINING TO ENHANCING THE PAVEMENT WIDTHS BEYOND NORMAL REQUIREMENTS. THE PETITIONER / DEVELOPER SHALL DETERMINE AS HIS SOLE DISCRETION AS TO ANY CHANGES REGARDING THE PAVEMENT WIDTH OF SAID STREETS.

PART V

AMENDMENTS TO REZONING PLAN

FUTURE AMENDMENTS TO THE TECHNICAL DATA SHEET AND THE PROPOSED ILLUSTRATIVE ZONING PLAN MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PARCEL OR PARCELS INVOLVED IN ACCORDANCE WITH CHAPTER 6 OF THE ORDINANCE.

PART VI

BINDING EFFECT OF THE REZONING APPLICATION

(A) IF THE PETITIONER'S REZONING PETITION IS APPROVED, THE DEVELOPMENT PROGRAM ESTABLISHED UNDER THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET AND OTHER SUPPORTIVE DOCUMENTS SHALL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INSURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE, AND THEIR RESPECTIVE HEIRS, DEVISES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS.

(B) THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "PETITIONER," AND "OWNERS" SHALL BE DEEMED TO INCLUDE HEIRS, DEVISES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE WHO,

APPROVED BY CITY COUNCIL

DATE 12/16/02



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NOT:
THIS SCHEMATIC SITE PLAN WAS PRODUCED WITHOUT THE BENEFIT OF A SITE SURVEY AND IS COMPRISED OF ELECTRONIC DATA FROM VARIOUS SOURCES. THE SIZE, SHAPE, AND LOCATION OF BUILDINGS, PARKING LOTS, CURB, CURB CUTS, LANDSCAPING, ETC., AS DEPICTED ON THE SCHEMATIC SITE PLAN ARE CONCEPTUAL IN NATURE. THE ITEMS LISTED ABOVE MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASE WITHOUT NOTICE.

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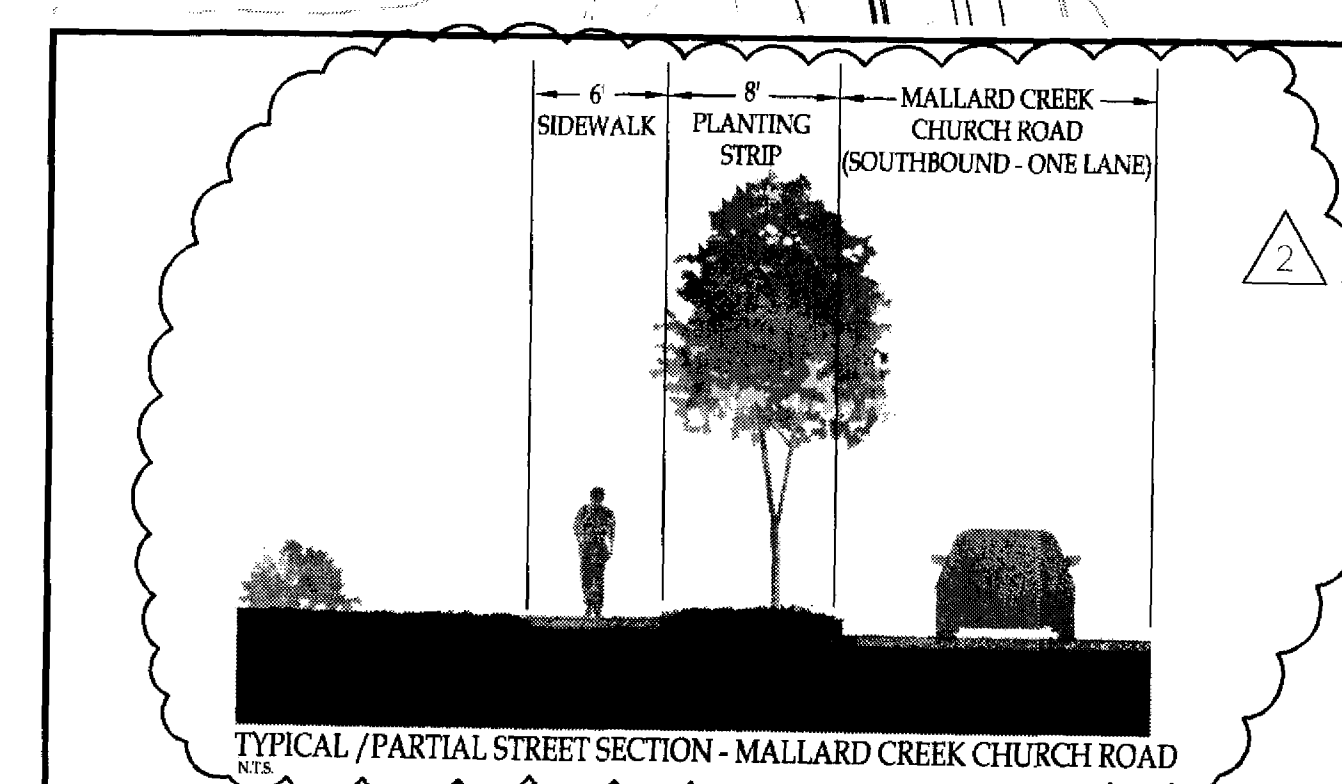
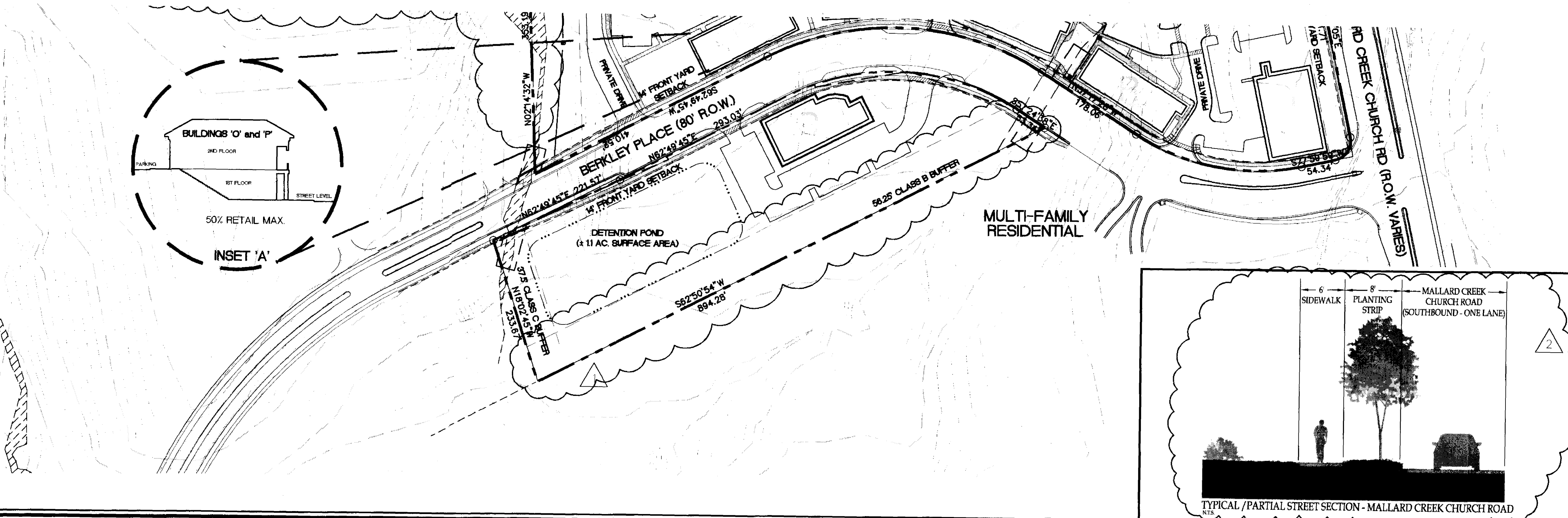
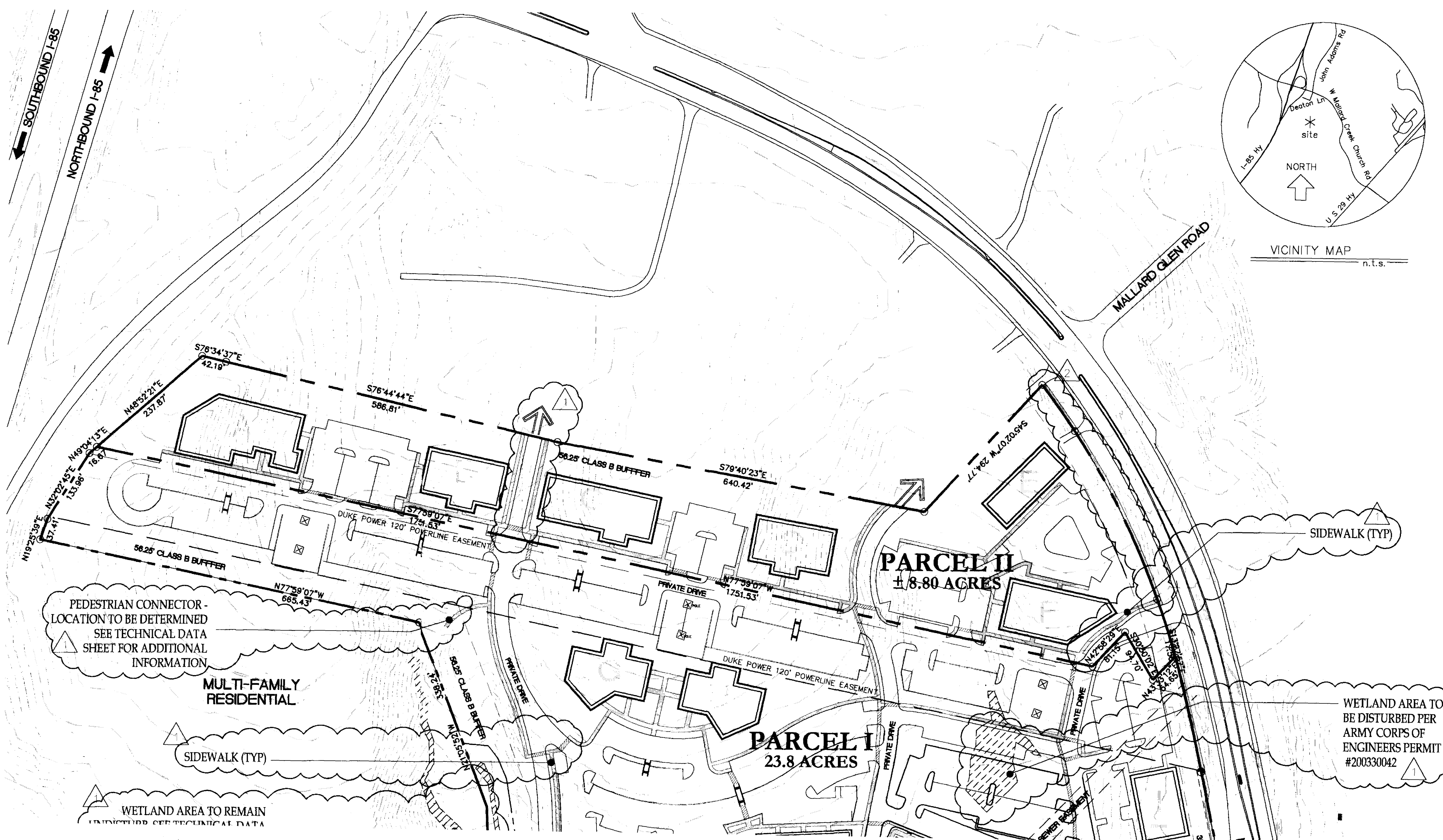
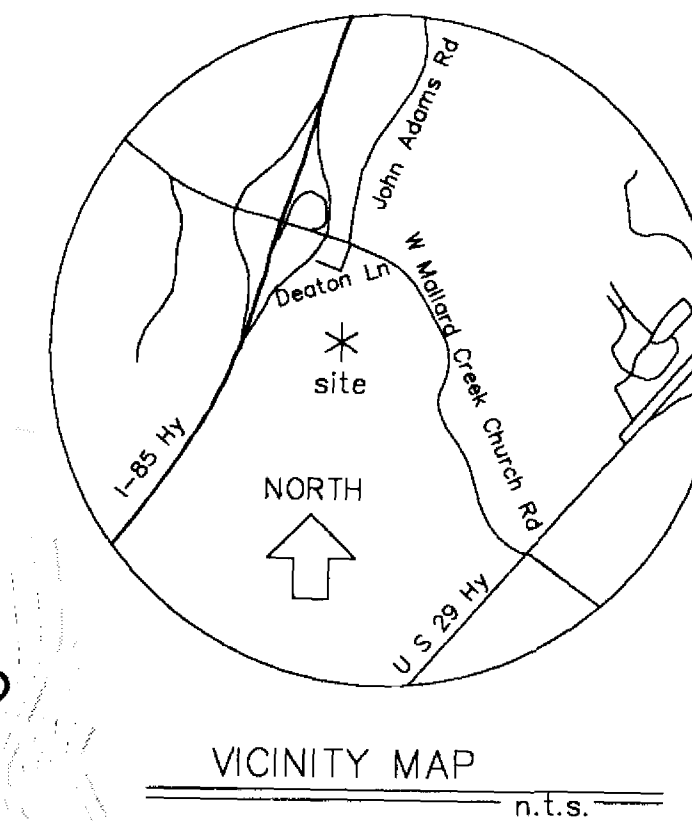
SCHEMATIC SITE PLAN

FOR
PINNACLE POINT COMMERCIAL CENTER
MECKLENBURG COUNTY, NORTH CAROLINA

August 7, 2002
Revised - October 23, 2002
Revised - December 3, 2002

Prepared for:
PINNACLE
PROPERTIES, LLC
A full-service Real Estate Company

Prepared by:
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Charlotte, North Carolina



APPROVED BY CITY COUNCIL
DATE 12/16/02



0 100 200 300
1"=100'



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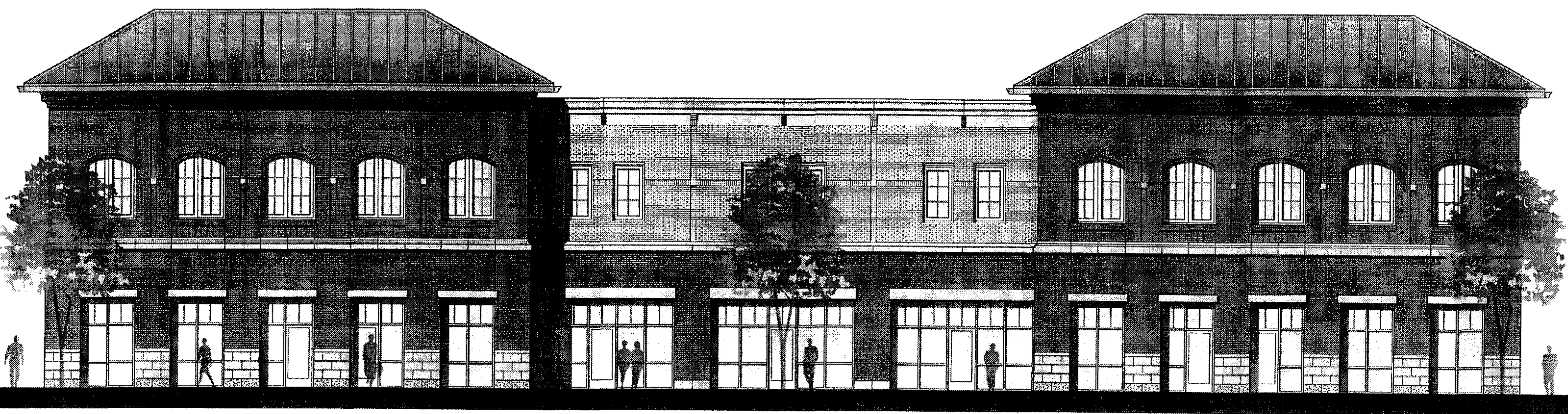
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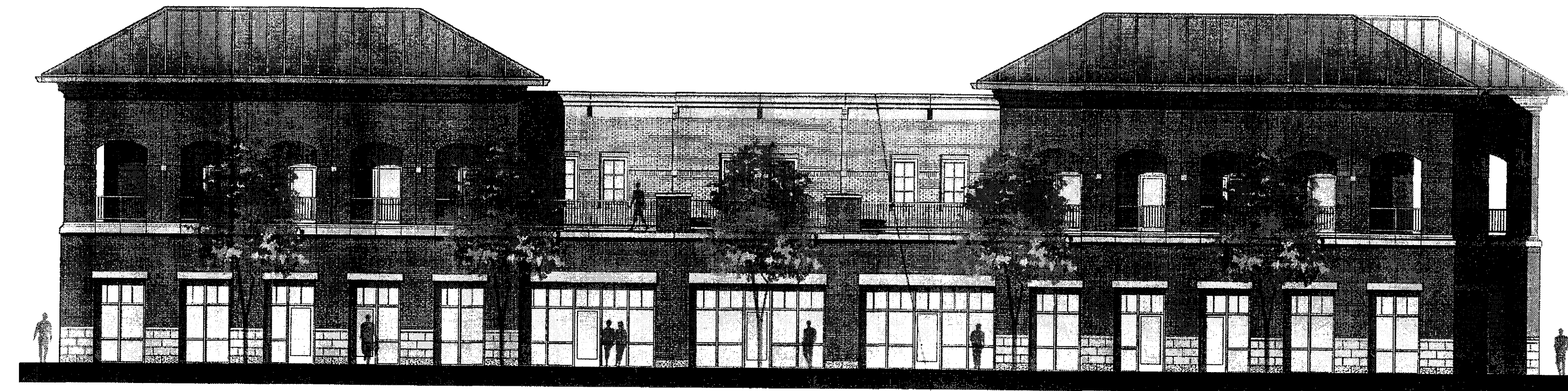
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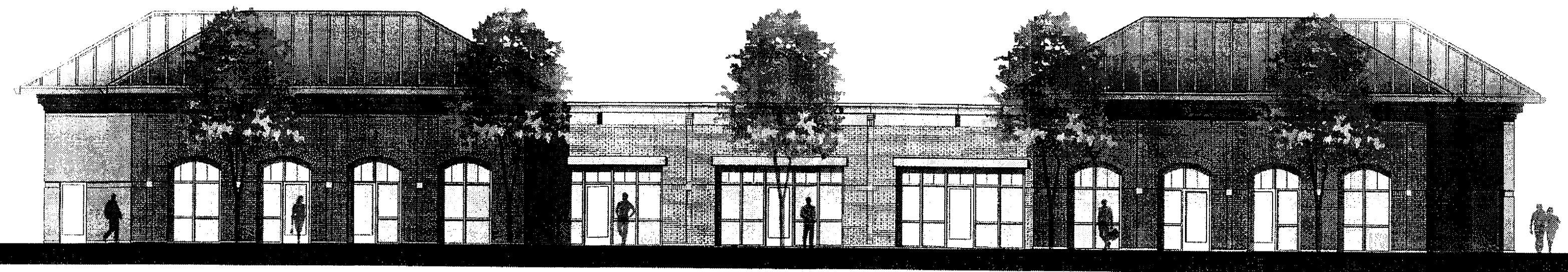
MECKLENBURG COUNTY NORTH CAROLINA



ENTRY ELEVATION

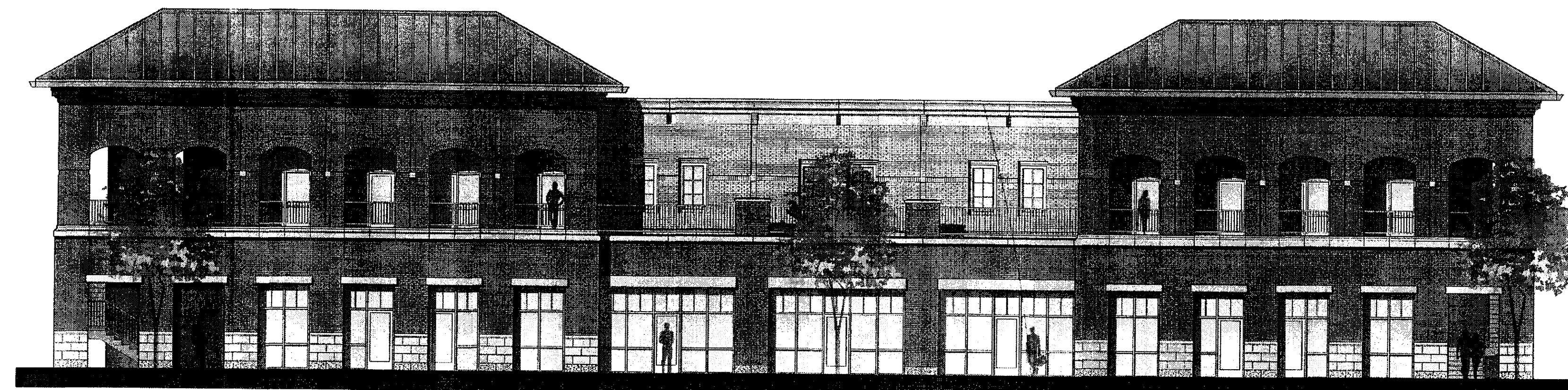


STREET ELEVATION



STREET ELEVATION

ELEVATION BUILDING: O AND P



ENTRY ELEVATION

ELEVATION BUILDING: Q AND R



APPROVED BY CITY OF
DATE 12/16/02