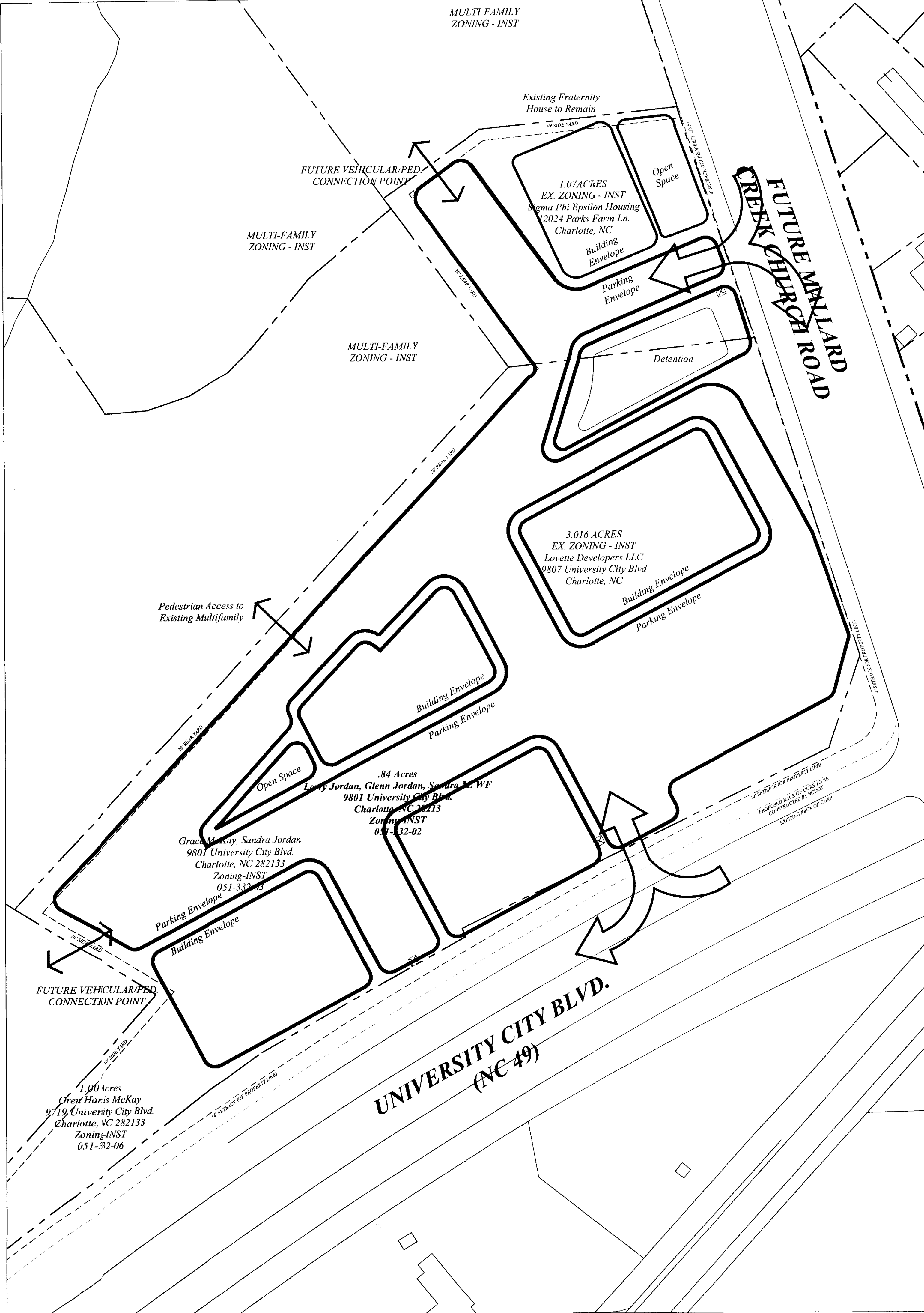
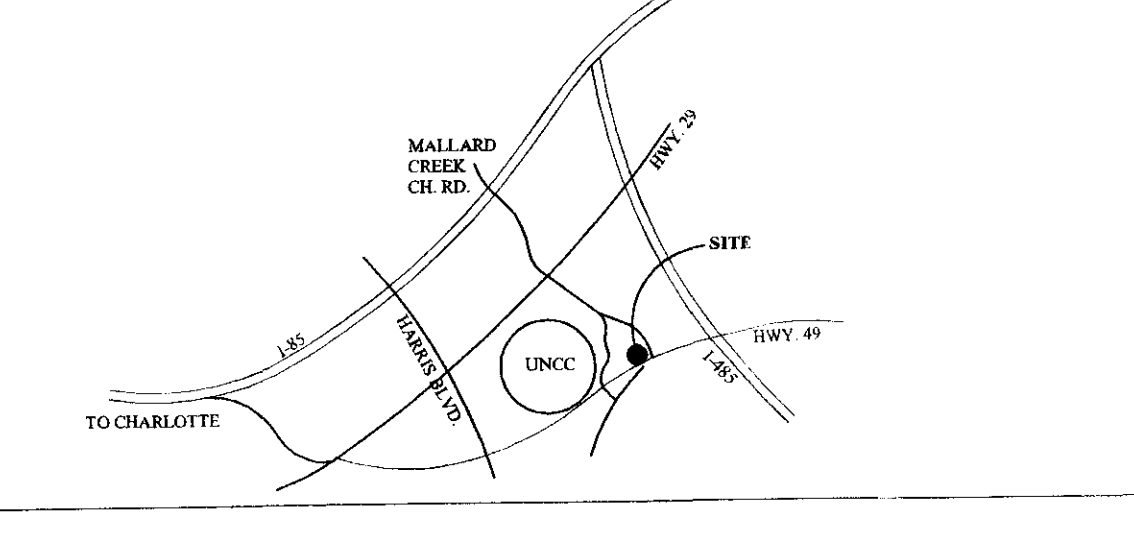


**SITE DEVELOPMENT DATA**

ACREAGE	7.64 ACRES
EXISTING ZONING	INST
PROPOSED ZONING	NS
RETAIL	34,000 S.F.
RESIDENTIAL	65,000 S.F. UP TO 90 UNITS
RETAIL PARKING	170 SPACES - \$,00/1000
RESIDENTIAL PARKING	113 SPACES
TOTAL PARKING	283 SPACES

**VICINITY MAP - N.T.S.**



**DEVELOPMENT STANDARDS**  
(March 11, 2003)

**A. General Provisions**

1. These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Mark/Pierce/Pool Properties to accommodate development of an urban-scale, pedestrian-friendly, mixed use development on an approximately 7.64 acre site located on University City Boulevard (Highway 49) at Mallard Creek Church Road (the "Site"). Development of the Site will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Neighborhood Services (NS) Zoning Classification shall govern all development taking place on this Site.

2. The development depicted on the Conceptual Schematic Site Plan attached as Sheet 2 is schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, the configuration, placement, and size of the building footprints, parking areas and other building/site elements outlined on the Schematic Site Plan are schematic in nature, and except as expressly set forth in these Development Standards, are intended only to describe the possible arrangements of the uses and building/site elements on the Site. The schematic depictions of the uses, structures and building/site elements set forth on the Conceptual Schematic Site Plan should be reviewed in conjunction with the provisions of these Development Standards. Consequently, subject to the provisions set forth above under Architectural Controls, the configuration, placement and size of such building footprints, parking areas and other building/site elements may be altered or modified during design development and construction phases within the maximum building/parking envelope lines established on the Technical Data Sheet. Without limiting the generality of the foregoing, parking layouts may also be modified to accommodate final building location and parking spaces may be located inside or outside building envelopes to the extent permitted by the Ordinance. All such changes are subject to approval per Section 6.216(2) of the Ordinance.

**B. Permitted Uses**

The Site may be devoted to residential, retail, restaurant and office uses (including any accessory uses) as permitted in the NS (Neighborhood Services) Zoning Classification with the exception of restaurants with drive-through facilities, gas stations and convenience stores. Except as expressly provided above, drive-in window service shall be permitted as an accessory use and shall be designed in accordance with the requirements of the Ordinance; any such window drive-in service shall be limited to no more than one tenant on the Site. Areas devoted to outdoor dining courtyards and plazas are permitted on the Site and are not included in any square footage limitations set forth on the Technical Data Sheet.

**C. Setbacks, Side Yards and Rear Yards**

All buildings constructed within the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS Zoning District.

The Site will be viewed as a unified development plan, and, as such, yards will not be required between various development components within the Site. Accordingly, Petitioner reserves the right to subdivide the Site and create lots within the interior of the Site with no side and/or rear yards as part of the unified development.

**D. Architectural Controls**

- Buildings constructed on the Site along University City Boulevard and Mallard Creek Church Road will contain windows which face these streets and large expanses of solid walls for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements. Furthermore, the two buildings proposed to be located along the Site's boundary with University City Boulevard as generally depicted on the Technical Data Sheet will include a building elevation concept and image interior to the Site generally in keeping with the concept and image illustrated in the Conceptual Building Elevations depicted on Exhibit A, which accompanies this Technical Data Sheet.
- Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
- The design treatment of the proposed development shall include, at a minimum, pedestrian oriented sidewalks and seating areas and pedestrian connections to adjacent multi-family properties as generally indicated on the Technical Data Sheet and Conceptual Schematic Site Plan. In addition, the development shall include a decorative driveway intersection, consisting of "stamped" asphalt or concrete in the location and in substantially the same manner generally depicted on the Conceptual Schematic Site Plan.
- Internal sidewalks located adjacent to 90 degree parking areas will include either (i) a minimum width of 5 feet and a 2 foot planting edge or (ii) a sidewalk width of 6 feet.
- Buildings shall not exceed four floors in height as measured from grade to eave line.

**E. Streetscape Treatment**

- The streetscape treatment along University City Boulevard and Mallard Creek Church Road will conform to Section 9.850 of the Ordinance.
- Six-foot wide sidewalks and eight-foot wide planting strips will be installed along the Site's frontage on University City Boulevard and Mallard Creek Church Road, subject to the design standards for Mallard Creek Church Road called for by the NCDOT as part of the right-of-way improvements for Mallard Creek Church Road currently underway.

**F. Screening and Landscaping Areas**

- The Petitioner shall cause to be installed within the setback areas along University City Boulevard and Mallard Creek Church Road trees and other materials in accordance with the City of Charlotte Tree Ordinance and shall thereafter maintain or cause to be maintained all such materials (including replacement of all dead or dying plants).
- Internal areas of the Site shall be landscaped in accordance with the requirements of the City Code.
- All roof mounted mechanical equipment will be screened in all material respects from view from adjoining public rights-of-way and abutting properties as viewed from grade.
- All other screening and landscaping shall conform to the standards of the Ordinance.

**G. Parking and Loading/Bicycle Spaces**

- Off street parking and loading will meet the standards established under the Ordinance.
- Petitioner agrees to (i) provide bicycle racks on the site to provide individual bicycle spaces at a rate of 1 bicycle space for every 20 parking spaces allocated for commercial uses (i.e., retail, restaurant and office uses) and (ii) provide secure storage structure(s) (providing a roof and secure door) sufficient to provide storage of individual bicycles at rate of 1 bicycle for every 4 dwelling units on the Site. The bicycle racks and storage structures described above shall be provided on a phased basis as development occurs on the Site.

**H. Lighting**

- Petitioner shall provide pedestrian-scale, capped lighting along internal streets and at vehicular entrances to the Site from University City Boulevard and Mallard Creek Church Road.
- All parking lot lighting shall be designed such that direct illumination does not extend past any property line and shall not exceed 25 feet in height (other than street lights on public rights-of-way).
- No wall pack light fixtures will be allowed on any structures constructed on the Site. However, wall-mounted decorative light fixtures such as scones are permitted.

**I. Signs**

- A master signage and graphics system will be implemented throughout the Site.
- All signage shall conform to the requirements of Chapter 13 of the Ordinance. Furthermore, detached signs (other than driveway and parking identification signs) shall be ground mounted, monument type, no more than 7 feet in height and no more than 75 square feet in size. One such detached monument sign shall be permitted on each of the new Mallard Creek Church Road frontage and the University City Boulevard frontage.

**J. Vehicular Access/Compatibility**

- The number and nature of vehicular access to University City Boulevard and Mallard Creek Church Road shall be as generally depicted on the Technical Data Sheet. The placement and configuration of these access points are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any minor adjustments required for approval by the Charlotte Department of Transportation and the North Carolina Department of Transportation.
- Petitioner agrees to provide for a "sub" internal driveway connection at the end of the internal driveway located along the westerly boundary of the Site as generally depicted on the Technical Data Sheet in order to permit a vehicular and pedestrian connection to the adjoining parcel at the time that the internal driveway located along the westerly side of the Site is installed, provided, however, such connection shall be made only to the extent the such adjoining parcel is developed for residential purposes.
- Petitioner agrees to provide for a vehicular and pedestrian connection along the common boundary with the parcel located to the northeast of the Site (north of the existing 6,000 square foot residence) in the manner generally depicted on the Technical Data Sheet.
- Petitioner agrees to provide for sidewalk connection extending from the sidewalk to be located along University City Boulevard to the common boundary of the Site with the vacant parcel located adjacent to the southwest corner of the Site in the location generally depicted on the Technical Data Sheet at such time that the portion of the sidewalk along the nearby portion of University City Boulevard is installed. During design development of that portion of the Site located along the southerly boundary of the Site, Petitioner shall contact the owner of such adjacent parcel in a good faith effort to cooperate work with such owner regarding the installation of a pedestrian connection from the internal driveway located on such adjacent parcel to the Site to be installed by Petitioner as shown in the following drawing.
- Petitioner agrees to provide for a pedestrian connection to the westerly boundary of the Site in common with the University Terrace property in the location generally depicted on the Technical Data Sheet and to extend such pedestrian connection to the internal driveway area located on the University Terrace property; the pedestrian connection to the internal driveway on the University Terrace Property shall be eight feet wide in order to accommodate the bike path described below and shall be subject to the consent of the Association Board or other applicable ownership authority for University Terrace. The Petitioner agrees to use reasonable, diligent good faith efforts to obtain such consent; if such consent is not forthcoming, the Petitioner shall document its efforts including receipt of a statement from University Terrace objecting to such connection. Petitioner shall install a bicycle path to extend from (i) the above-described westerly boundary of the Site or the internal driveway located on the University Terrace property (depending on receipt of the consent of University Terrace as described above), to (ii) the internal driveway located on the westerly portion of the Site prior to the earlier of (a) issuance of the certificate of occupancy for the second building constructed on the Site or (b) the date which is four years from approval of this rezoning petition. Prior to installation of such bicycle path, Petitioner shall install, subject to the cooperation of University Terrace property owners association (or such other owner of such property), a bicycle rack along the common property boundary adjacent to the pedestrian connection.

**K. Storm Water Management**

Storm water runoff from the Site will be managed through proven techniques which satisfy the standards imposed by the existing City of Charlotte regulations and will not be located in the required zoning setback or buffer. During the period of the development, the Petitioner shall have the responsibility for a drainage system, located directly downstream from the Site at the next receiving channel and pipe abutting the Site, analyzed to insure that it will not be taken out of standard due to this development. If it is found that the development contemplated by this rezoning petition will cause such receiving storm drainage system to be taken out of standard, the Petitioner shall provide adequate detention on Site or otherwise take such reasonable steps as may be needed to prevent this from occurring. Should the existing receiving drainage system be deemed to be out of standard prior to the development of this Site, the Petitioner agrees to provide adequate detention to insure that such drainage system will not be additionally overburdened; it is expressly understood, however, that in no event shall the Petitioner be required to correct current problems with the existing receiving drainage system.

**L. Amendments to Rezoning Plan**

Future amendments to the Technical Data Sheet, the Conceptual Schematic Site Plan 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.

**M. Binding Effect of the Rezoning Documents and Definitions**

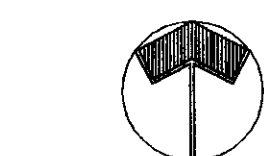
- If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under this Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the terms "Petitioner" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

**RZ-1**

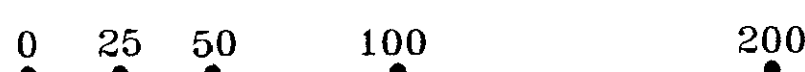
PETITION NUMBER 2002-146  
FOR PUBLIC HEARING

**UNIVERSITY MIXED USE**  
CONDITIONAL REZONING REQUEST

PETITIONER:  
**MARK PIERCE POOLE**



17 JANUARY 2003 REVISED - 10 MARCH 2003  
SCALE: 1" = 50'



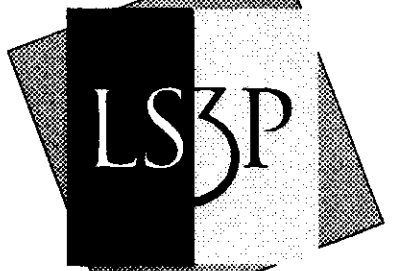
TECHNICAL DATA SHEET  
MALLARD CREEK CHURCH ROAD MIXED USE RETAIL  
& COMMERCIAL DEVELOPMENT

APPROVED BY CITY COUNCIL

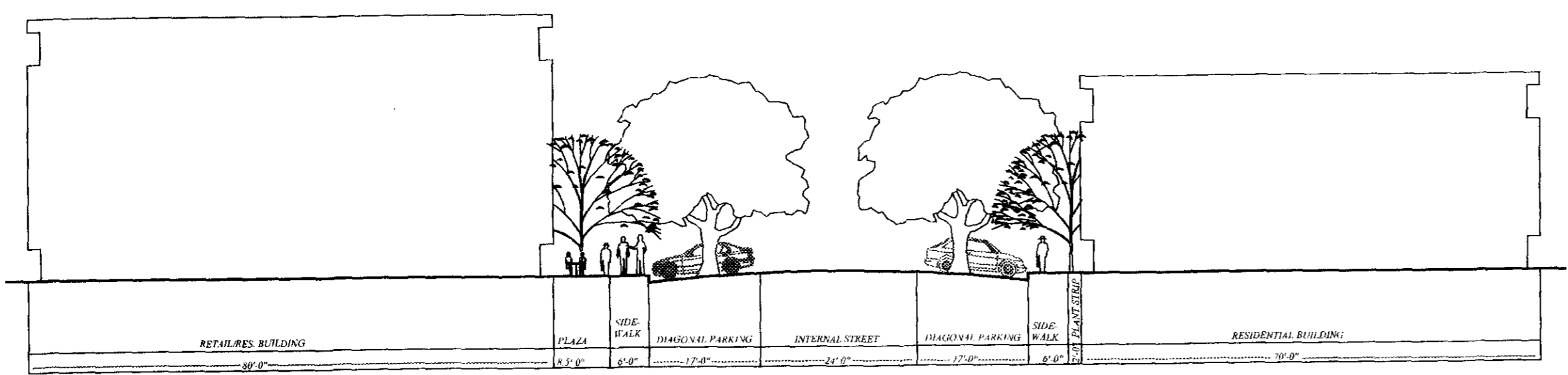
DATE 3/17/03

CHARLOTTE • CHARLOTTE

112 SOUTH TRYON STREET  
SUITE 200  
CHARLOTTE, NC 28214  
(704) 333-6886

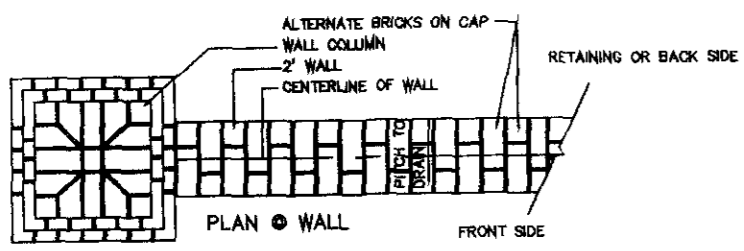




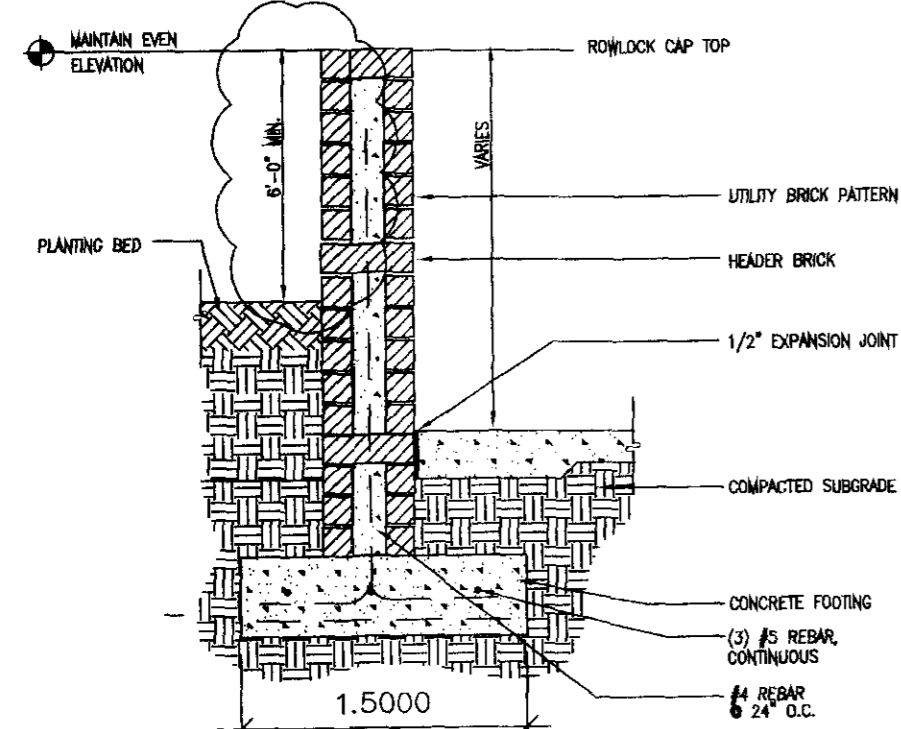


CROSS SECTION OF INTERNAL SIDEWALK STREET SYSTEM - NOT TO SCALE

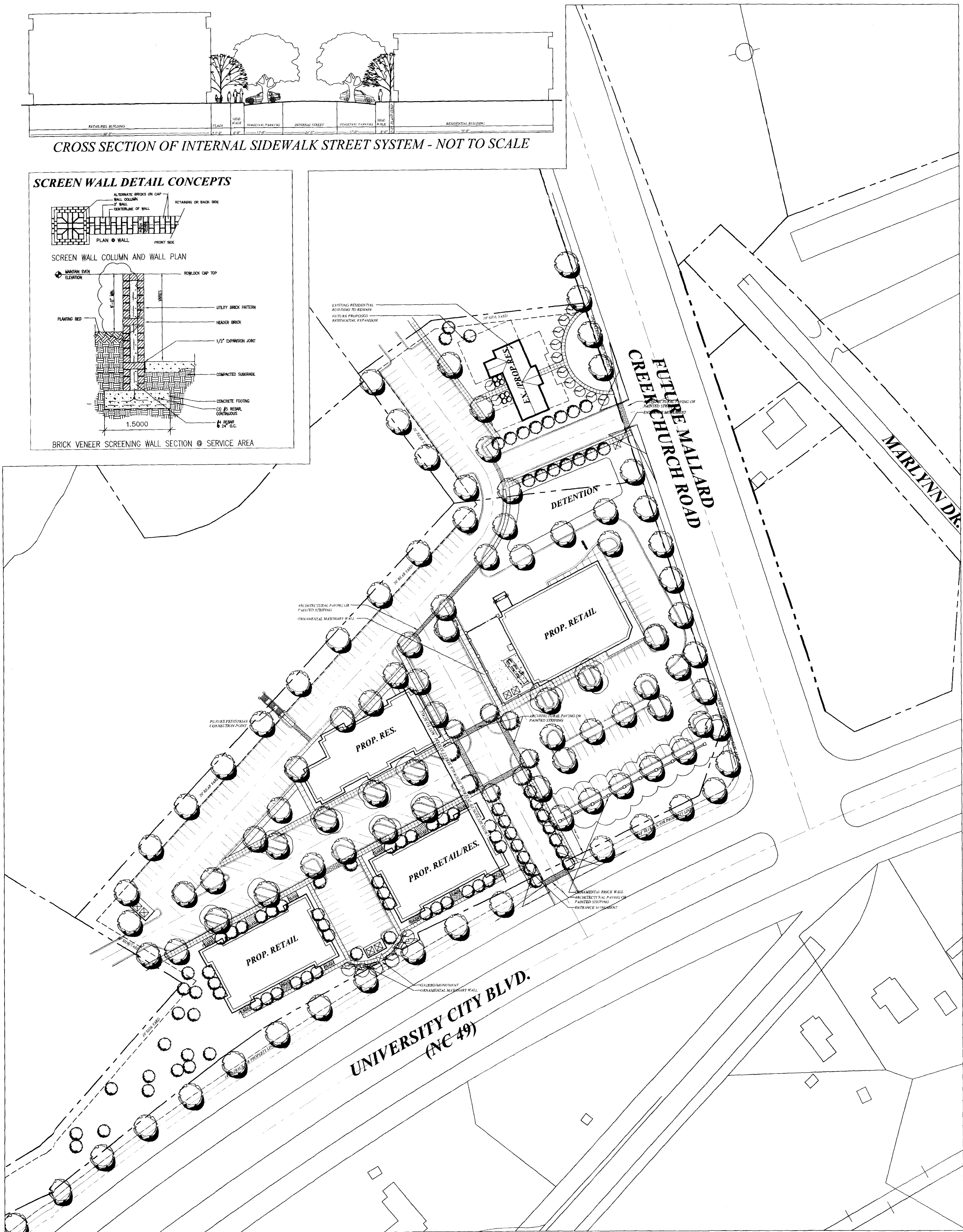
SCREEN WALL DETAIL CONCEPTS



SCREEN WALL COLUMN AND WALL PLAN



BRICK VENEER SCREENING WALL SECTION @ SERVICE AREA



**RZ-2**

PETITION NUMBER 2002-146  
FOR PUBLIC HEARING

**UNIVERSITY MIXED USE**  
CONDITIONAL REZONING REQUEST

PETITIONER:

**MARK PIERCE**  
**POOLE**



03 JANUARY 17 REVISED - 10 MARCH 2003  
SCALE: 1" = 50'

0 25 50 100 200

CONCEPTUAL SCHEMATIC SITE PLAN  
MALLARD CREEK CHURCH ROAD MIXED USE RETAIL  
& COMMERCIAL DEVELOPMENT

APPROVED BY CITY COUNCIL  
DATE 3/1/03

