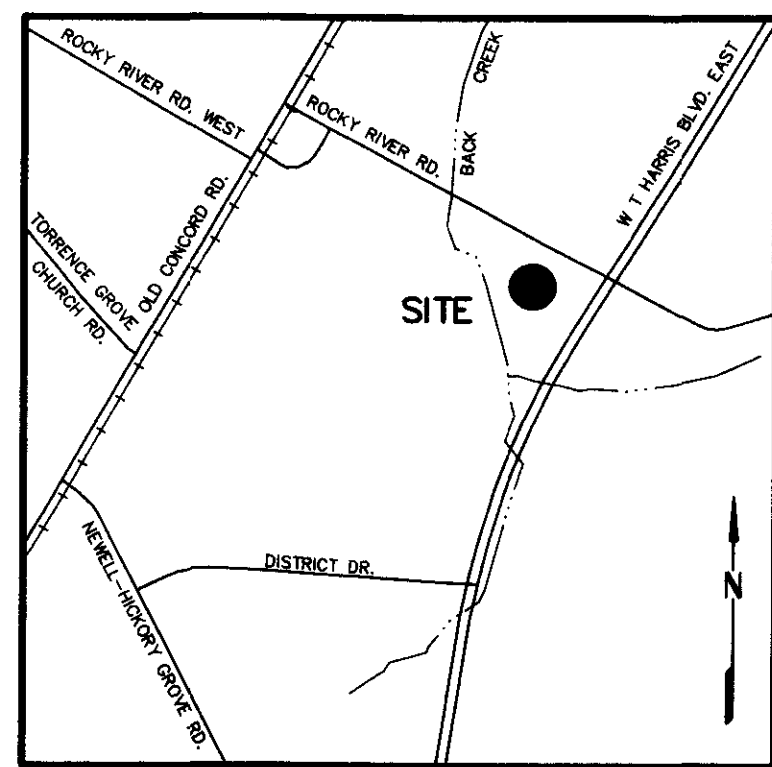
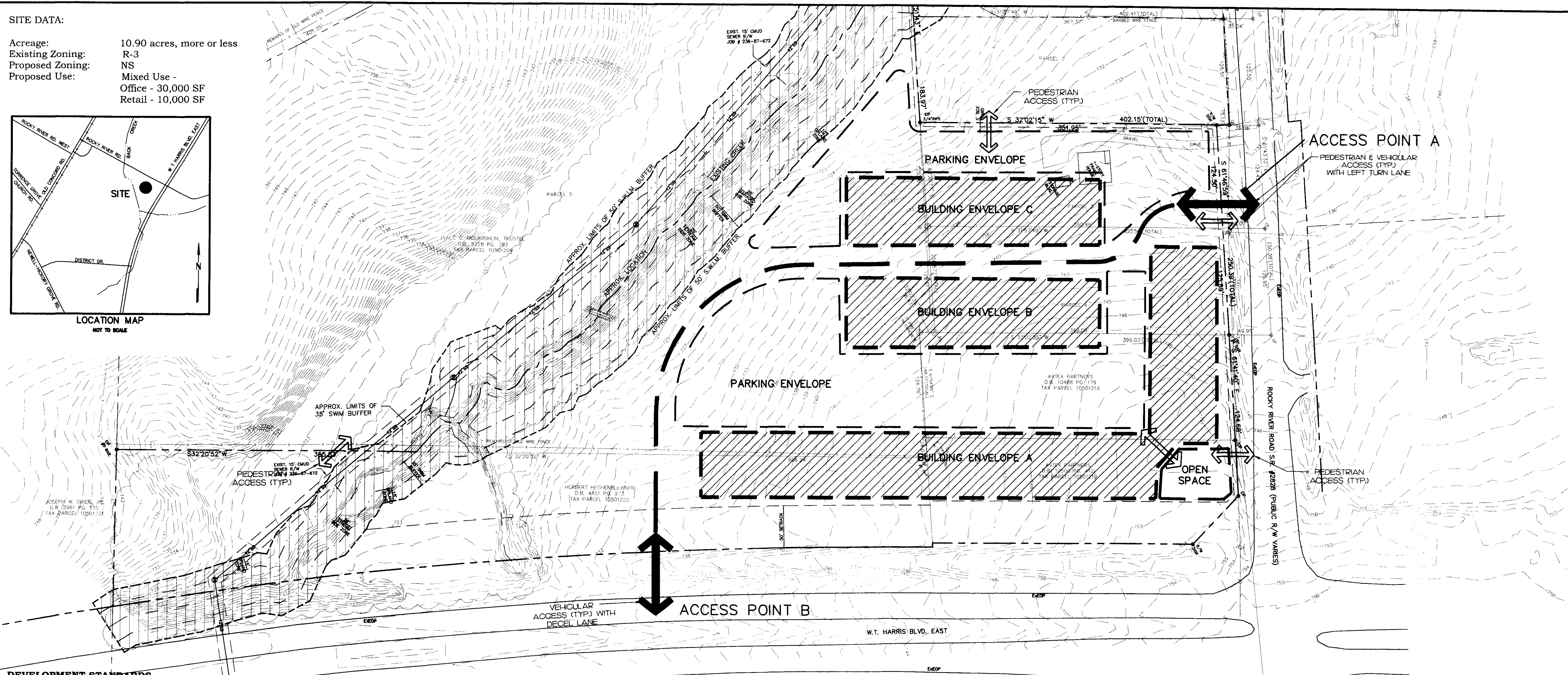


**SITE DATA:**

Acreage: 10.90 acres, more or less  
 Existing Zoning: R-3  
 Proposed Zoning: NS  
 Proposed Use: Mixed Use -  
 Office - 30,000 SF  
 Retail - 10,000 SF



LOCATION MAP  
NOT TO SCALE



**DEVELOPMENT STANDARDS**  
**(Council Decision: July 21, 2003)**

**A. General Provisions**

- These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Avtex Commercial Properties to accommodate development of an urban-scale, pedestrian-friendly, mixed use development on an approximately 10.9 acre site located on the southwestern corner of the intersection of Rocky River Road at W. T. Harris Boulevard (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.
- The development depicted on the 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 6.206(2) of the Ordinance.

**B. Permitted Uses**

The Site may be devoted to retail, restaurant and office uses (including any accessory uses) as permitted in the NS Zoning Classification. Drive-in window service shall be permitted as an accessory use and shall be designed in accordance with the requirements of the Ordinance. No fast-food restaurants with drive-through windows and only one (1) gas station/convenience store shall be permitted 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 and Site Design Controls**

- An Architectural Review Committee shall be created to ensure quality construction of improvements on the Site and oversee the maintenance of landscaping and other amenities.
- Buildings constructed on the Site along Rocky River Road and W. T. Harris Boulevard 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.
- All buildings shall be constructed primarily of brick materials and will include standing seam metal roofs. All buildings are limited to no more than two stories in height. Any architectural treatments and/or embellishments shall not be considered an additional story or any part thereof. future development thereof.

- Buildings constructed along the internal street that accesses Rocky River Road as generally depicted on the Technical Data Sheet shall contain windows that face this internal street and face the easterly boundary line of the Site in common with the adjoining parcel (labeled as "Parcel 2" on the Technical Data Sheet) and large expanses of solid walls for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements. Parking shall not be located between buildings and the internal street or between buildings and abutting public streets, provided, however, nothing contained herein shall limit the location of parking to the side or rear of any such building.
- 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 connections within the Site and to the boundary lines of adjacent properties as generally indicated on the Technical Data Sheet and Schematic Site Plan. The placement of these connections is subject to modifications required to accommodate final site construction plans and designs.
- The streetscape treatment along Rocky River Road shall include a sidewalk of at least six feet in width and a planting strip of at least eight feet in width.
- Sidewalks and planting strips within the Site shall be provided as generally depicted on the Technical Data Sheet and Schematic Site Plan. Sidewalks within the Site shall be a minimum of five feet in width. Planting strips located within the Site shall be a minimum of six feet in width.
- Two or more of the buildings depicted on the Schematic Site Plan can be combined into one building as long as the overall design concept for the development to take place on the Site is maintained.

**E. Screening and Landscaping Areas**

- The Petitioner shall cause to be installed within the setback areas along Rocky River Road and W. T. Harris Boulevard 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.

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

Off street parking and loading will meet the standards established under the Ordinance.

Petitioner agrees to install bicycle racks on the Site to provide individual bicycle spaces at the rate of one (1) space for every 20 parking spaces. The bicycle racks shall be provided on a phased basis as development occurs on the Site.

Parking may be located in the parking envelopes and/or the building envelopes.

**G. Lighting**

- All exterior lighting (other than street lights on public rights-of-way) shall not exceed 25 feet in height and shall be designed and directed such that direct illumination does not extend past any property line.
- Any exterior lighting attached to structures on the Site will be downwardly directed.

- In the event one of the uses located on the Site is a convenience store/gasoline sales facility, the lighting under its canopy shall be recessed and may not exceed a maximum average of 35 foot candles under the canopy at grade level.

**H. 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 or monument type and no more than 7 feet in height and 70 square feet in size.

**I. Vehicular Access/Connectivity**

- The number and nature of vehicular access points to Rocky River Road and W. T. Harris Boulevard shall be as generally depicted on the Technical Data Sheet. The placement and configuration of these access points are subject to any minor adjustments required for approval by the Charlotte Department of Transportation and the North Carolina Department of Transportation.
- The Petitioner shall provide for the installation of (a) a pedestrian crossing of 6 to 8 feet in width over the abutting creek to the abutting property line and (b) a pedestrian and bicycle path at least 10 feet in width to connect the Site to the property located to the northwest of the Site (designated as "Parcel 2" on the Technical Data Sheet), all as generally depicted on the Technical Data Sheet and Schematic Site Plan.

**J. 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 setback. During the permitting stage of the development, the Petitioner shall have the receiving 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 the development contemplated by this rezoning petition. 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 over burdened; it is expressly understood, however, that in no event shall the Petitioner be required to correct any current problems with the existing receiving drainage system.

**K. Transportation Commitments**

- The Petitioner shall contribute \$46,250.00 toward the cost of improvement of the area transportation network to the Charlotte Department of Transportation. Such contribution shall be made prior to the issuance of any certificates of occupancy.
- The Petitioner shall construct the following transportation commitments prior to the issuance of any certificates of occupancy:

**Rocky River Road and Access "A"**

- Remark the westbound approach on Rocky River Road to include a 100 foot left turn lane entering the site (68 feet calculated storage requirements). An 8:1 bay taper should connect the new turn lane to the remarked left turn lane on eastbound Rocky River Road at its intersection with W. T. Harris Boulevard.
- Construct the northbound approach with a single right turn/left turn exit lane and one receiving lane.

**W. T. Harris Boulevard and Rocky River Road**

- Remark the eastbound approach on Rocky River Road to include dual left turn lanes with 240 feet of total storage with a bay taper that backs up to the left turn entering the site at Access "A". The curb and gutter along the Rocky River Road frontage shall be set to achieve this ultimate laneway. The second left turn lane shall be painted out until such time that the second through lane is added to accept the dual southbound lefts on W. T. Harris Boulevard.
- Construct a southbound right turn lane on W. T. Harris Boulevard with the CDOT minimum of 375 feet of storage and a 20:1 bay taper.
- Construct the eastbound approach with a single right turn lane and one receiving lane.

**L. SWIM Buffer**

The Petitioner shall dedicate the area depicted on the Technical Data Sheet as "SWIM buffer" to Mecklenburg County Parks and Recreation for greenway purposes prior to the issuance of any building permits. The Petitioner's deed may reserve easements over all or any portion of this SWIM buffer parcel for the pedestrian bridge generally depicted on the Schematic Site Plan, drainage purposes, detention, power lines, sanitary sewers, water lines, telephone lines, power lines, cable television lines, gas lines, and such other utility purposes as it may deem necessary or desirable for the orderly development of the Site.

**M. 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.

**N. 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.

APPROVED BY CITY COUNCIL

**W.T. HARRIS SITE**  
 MECKLENBURG COUNTY, NORTH CAROLINA

PROPOSED REZONING FOR  
**AVTEX COMMERCIAL PROPERTIES**

P.O. DRAWER 10287  
 GREENVILLE, SC 29603

**Design RESOURCE GROUP**

1230 West Morehead Street, Suite 214  
 Charlotte, NC 28208  
 704.343.0608 fax 704.358.3093  
 www.drgrp.com

- LANDSCAPE ARCHITECTURE
- URBAN DESIGN
- CIVIL ENGINEERING
- LAND PLANNING

**DRG**

**TECHNICAL DATA PLAN**

FOR PUBLIC HEARING  
 PETITION # 2003-055

Scale: 1"=60'

Date: 24 MARCH 2003

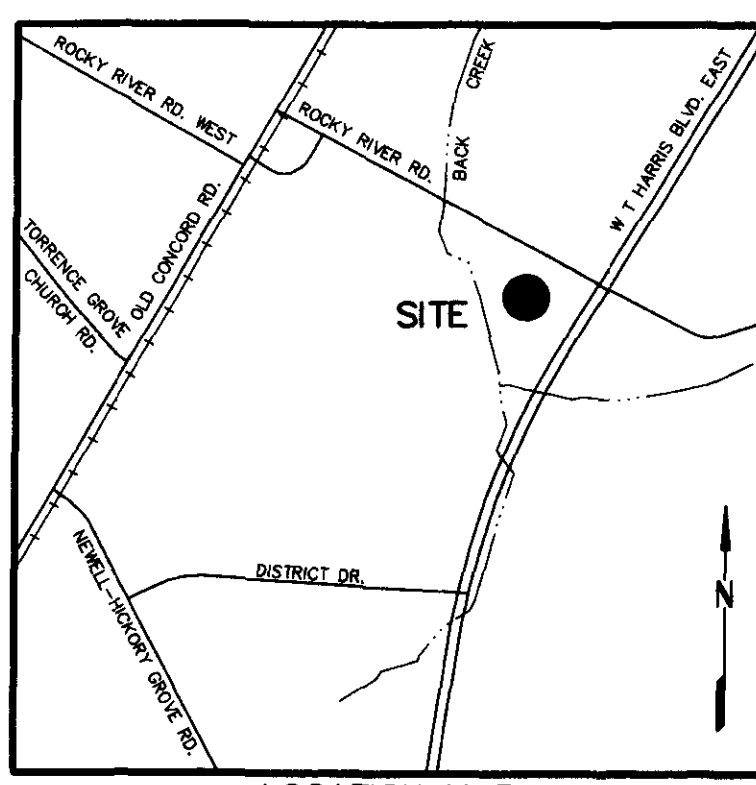
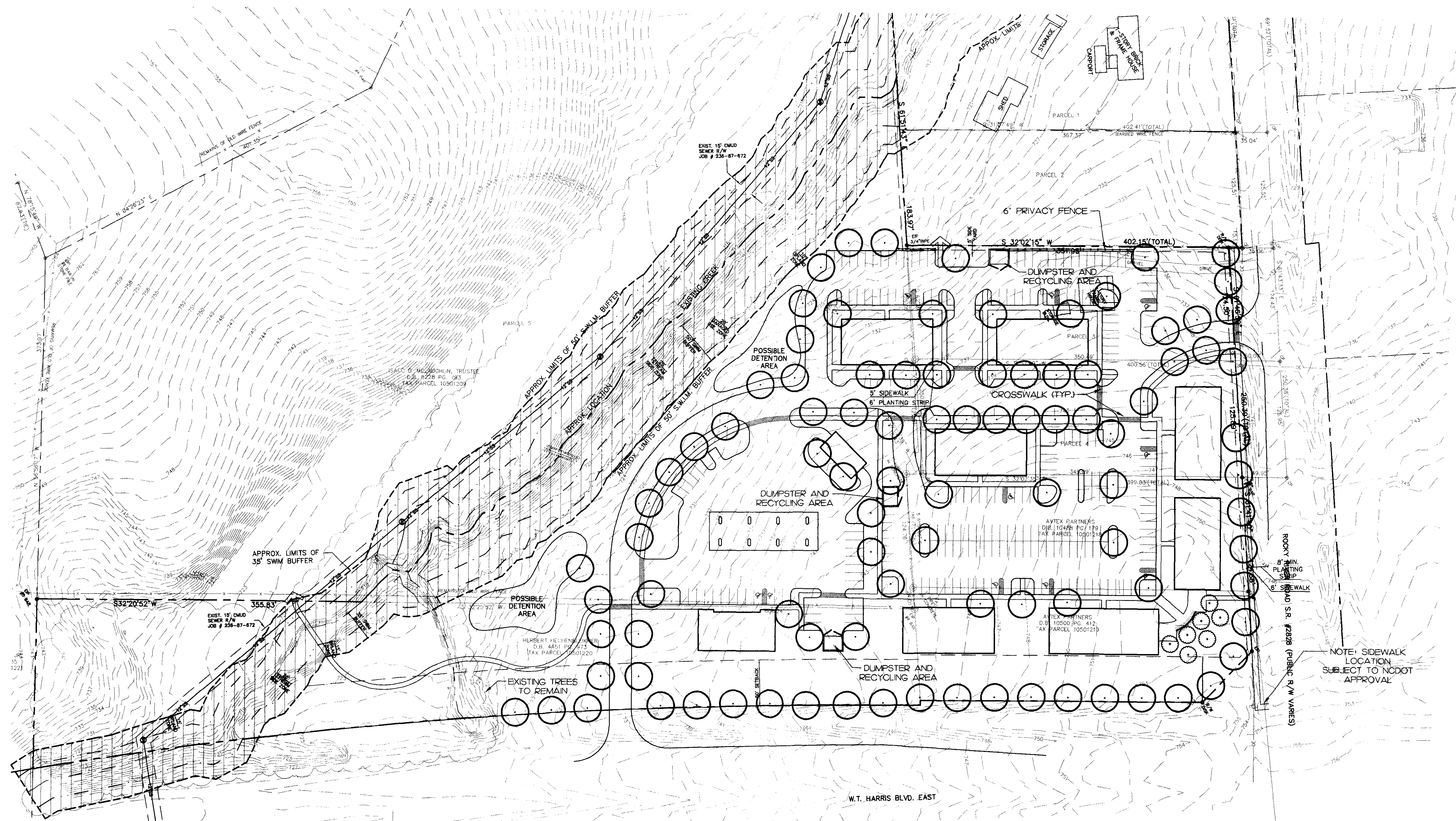
Project No.: 150-003

Revisions:

- 1) 5/19/03 PER CMPC REVIEW
- 2) 6/6/03 PER CDOT & NEIGHBORHOOD COORDINATION
- 3) 6/9/03 PER HEARING STAFF ANALYSIS
- 4) 9/8/03 FINAL CHANGES

Sheet 1 of 2





**W.T. HARRIS SITE**  
 MECKLENBURG COUNTY, NORTH CAROLINA  
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**DRG**

**SCHEMATIC SITE PLAN**  
 FOR PUBLIC HEARING  
 PETITION # 2003-055

**NORTH**

Scale: 1"=60'  
 Date: 24 MARCH 2003

Project No.: 150-003

Revisions:

- 1) 5/19/03 PER CMPC REVIEW
- 2) 6/6/03 PER CDOT & NEIGHBORHOOD COORDINATION
- 3) 6/16/03 PER HEARING STAFF ANALYSIS
- 4) 9/18/03 FINAL CHANGES

APPROVED BY CITY COUNCIL  
 DATE 7/24/03

Sheet 2 of 2