

DEVELOPMENT STANDARDS April 7, 2004

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Crosland, Inc. to accommodate development of a commercial center on an approximately 58 acre site located on Ardrey Kell Road at Rea Road (the "Site"). Development of the Site will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the Zoning Ordinance of the City of Charlotte as of the date of the approval of this rezoning plan, to the extent approved by Charlotte City Council (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Commercial Center- CC zoning classification shall govern all development taking place on the Site.

The development depicted on the attached Conceptual Schematic Site Plan is schematic in nature, not to be considered as specific development plans but rather as preliminary graphic representations of the types of development and alignments proposed for the Site, and intended to describe the general arrangement of uses on the Site. Accordingly, subject to the provisions set forth below under Design and Performance Standards, the configuration, placement, and size of the building footprints as well as the locations of the private streets and driveways outlined on the Schematic Site Plan are conceptual in nature, and, subject to the provisions set forth below under Design and Performance Standards, may be altered or modified during design development and construction phases within the Building/Parking Envelopes established on the Technical Data Sheet. Without limiting the generality of the foregoing, buildings generally depicted on the Conceptual Schematic Site Plan may be combined or separated within the Building/Parking Envelopes provided that the maximum number of buildings may not be increased above the number of buildings depicted on the Conceptual Schematic Site Plan (it being understood that structures such as ATMs, kiosks, car-washes and the like shall not be considered in connection with the limitation on the number of buildings).

Parking layouts may be modified to accommodate final building locations and ancillary facilities, and subject to the provisions set forth below under Design and Performance Standards, parking spaces may be located inside or outside the Building/Parking Envelopes or Parking Envelopes generally depicted on the Technical Data Sheet to the extent permitted by the Ordinance. Sidewalks generally depicted on the Pedscape Plan attached hereto are intended to reflect the general pedestrian circulation for the development on the Site but the specific locations of such sidewalks may be subject to minor variations that do not materially depicted on the Conceptual Schematic Site Plan and the Pedscape Plan. The dimensions and specific locations of the Building/Parking Envelopes and Parking Envelopes generally depicted on the Technical Data Sheet may be subject to minor variations that do not materially change the design intent generally depicted on the Conceptual Schematic Site Plan.

1. Permitted Uses

The Site may be devoted to any uses which are permitted by right or under prescribed conditions (together with any incidental or accessory uses associated therewith) which are permitted under the Ordinance in the Commercial Center-CC Zoning District except that hotel and motel uses shall not be permitted on the Site.

2. Maximum Building Areas and Development Limitations

(a) No more than 495,000 square feet of floor area for commercial uses may be constructed on the Site, subject to the expansion provisions set forth in Section 2(e) below. Residential dwelling units may be substituted for commercial uses at a rate of one (1) residential dwelling unit for 1,000 square feet of floor area for retail/restaurant and office uses, up to a maximum of 400 residential dwelling units.

(b) Residential uses on the Site may be constructed only within the Village Area generally depicted on the Technical Data Sheet. Residential uses within the Village Area shall be limited to multi-family residential dwelling units in accordance to Section 11.405 of the Ordinance.

(c) Only one (1) gas station or convenience store with gasoline sales may be constructed on the Site. No more than three (3) restaurants with drive-through facilities may be constructed on the Site.

(d) No one single tenant or single fee ownership user may occupy more than 185,000 square feet of floor area on the ground floor. No more than two (2) single tenants or single fee ownership users may occupy more than 90,000 square feet of floor area on the ground floor.

(e) Tenants or single fee ownership users may expand their respective floor areas by up to 20 % of the initial floor area for such space provided that the maximum aggregate floor area for all such expansions shall not exceed 10,000 square feet. The maximum floor area limitation for commercial uses described in Section 2 (a) above shall be increased by the floor area of any such expansions.

(f) Areas devoted specifically to outdoor dining shall not be included in the calculation of the square footage limitations noted above.

3. Design and Performance Standards

(a) No parking or vehicular maneuvering (except within service areas) shall be permitted between the Ardrey Kell Road or Rea Road right-of-way line and the buildings fronting on Ardrey Kell Road or Rea Road. Parking and vehicular maneuvering may be located to the side of such buildings and any such parking and vehicular maneuvering to the side of such buildings may be located closer to the Ardrey Kell Road right-of-way line and Rea Road than such buildings.

(b) Buildings located within the Village Area will be connected to a sidewalk in substantially the same manner set forth on the Pedscape Plan attached hereto, subject to the General Provisions set forth above.

(c) Petitioner may develop areas designated as Building/Parking Envelopes on the Technical Data Sheet for parking or building uses, provided, however, no parking (other than parallel and diagonal parking) may be located between the internal streets shown on the Technical Data Sheet and those building edges of any such buildings constructed within the Building/Parking Envelopes generally depicted on the Technical Data Sheet. In addition to parallel and diagonal parking, parking may be located to the side and/or rear of such buildings and any such parking to the side of such buildings may be located closer to the internal streets than such buildings. Additionally, one of the two areas designated as Alternative Building/Parking Areas in Building/Parking Envelope 2-B on the Technical Data Sheet may be used for parking uses.

(d) The Site may include freestanding buildings with either single tenants, "co-branded" uses or single fee ownership uses (each a "freestanding building" and collectively "freestanding buildings"). Buildings located within Building/Parking Envelope 2-E are not freestanding buildings for purposes of these Development Standards.

Up to five of these freestanding buildings may include drive-through facilities. Any gasoline pump station and/or single loaded car wash facility associated with a gas station or convenience store with gasoline sales facility shall not be considered a drive-through facility. A drive-through facility associated with a restaurant that is part of any such gas station or convenience store with gasoline sales shall count as one of the five free-standing buildings with drive-through facilities.

No more than three independent freestanding buildings (or independent clusters of interconnected buildings as described below in this Section 3 (d)), with or without drive-through facilities, may be constructed on the area of land represented by the Site and Tract I-D (as defined in Section 10(f) below). For the purposes of these Development Standards, an "independent" freestanding building shall mean a building that is disconnected from the adjacent development by drive-through lanes, parking areas, alleys and/or driveways without well-defined pedestrian cross-walk(s). The remaining freestanding buildings, with or without drive-through facilities, shall be interconnected. For the purposes of these Development Standards, an "interconnected" freestanding building shall mean a building which has a pedestrian connection to the abutting public street or abutting internal private streets generally depicted on the Vehicular Circulation Plan attached hereto, and the closest building within the Site that does not crossover drive-through lanes or driveways except by way of well-defined pedestrian cross-walk(s). More than one freestanding building may be part of an independent cluster of freestanding buildings that are collectively treated as a single independent freestanding building for the purpose of the limitation set forth above, to the extent that the buildings within such cluster are interconnected by a pedestrian sidewalk/cross-walk and a plaza, fountain area, seating area or other similar site amenity.

In order to promote greater pedestrian interconnectedness among uses within the Village Area generally depicted on the Technical Data Sheet, certain site amenities such as outdoor seating areas, courtyards and/or larger sidewalk areas with landscape planters will be installed for those restaurant uses located within the Village Area that customarily provide outdoor dining opportunities.

Site elements (including, without limitation, buildings, streets, driveways, sidewalks, cross-walks and planting strips) associated with freestanding buildings on the Site, as generally depicted on the Conceptual Schematic Site Plan and the Pedscape Plan attached hereto, satisfy the requirements for interconnected freestanding buildings (including interconnected buildings located within an independent cluster of freestanding buildings) described in this Section 3(d), except for those building(s) or cluster(s) of buildings designated as independent by the letters "INDEP" on the Conceptual Schematic Site Plan.

Subject to the provisions of Sections 3(a) and (c) above, the locations of freestanding buildings and the placement of any drive-through facilities in relation to these buildings may be altered from that generally depicted on the Conceptual Schematic Site Plan and the Pedscape Plan attached hereto; in such event any such freestanding building shall be interconnected as long as the relationship and orientation of the site elements (including, without limitation, buildings, driveways, sidewalks, cross-walks and planting strips) for such freestanding building are substantially similar to those set forth on the Conceptual Schematic Site Plan and the Pedscape Plan attached hereto, albeit in different locations on the Site.

(e) The boundaries and dimensions of the Open Space Area located within the Village Area as generally depicted on the Technical Data Sheet may be altered, provided that the Open Space Area shall contain a minimum of 1.5 acres. This Open Space Area shall include sidewalks, seating areas/benches and landscape areas and may include plazas, outdoor dining areas, grading, slopes, kiosks, walls, fences, signs and graphics, monuments, lighting, drainage and utilities, recreation facilities, water features and other similar common area amenities.

(f) 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 of that building may be substituted for a side. Trash pick-up from dumpsters on the Site will not occur between the hours of 11:30 PM and 6:30 AM.

(g) Any outdoor dining and courtyard area may be located outside of the required setbacks and buffers generally depicted on the Technical Data Sheet.

(h) All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade from the boundary of the Site.

(i) All freestanding lighting fixtures, except street lights erected along public streets, will be uniform in design, allowing for customary parking lot style lighting fixtures and separate pedestrian scale lighting fixtures. Pedestrian scale lighting shall be logated along those internal private streets designated on the Technical Data Sheet attached hereto in locations acceptable to the Petitioner.

(i) The maximum height of any freestanding lighting fixture, including its base, may not exceed 35 feet.

(k) All parking lot lighting shall be capped and designed such that direct illumination does not extend past any exterior property line. Parking lot lighting may not exceed 10 foot-candles at any location provided that lighting at gas station or gas station/convenience store facilities shall not exceed 20 foot candles.

(1) Wall-mounted decorative light fixtures such as sconces are permitted.

(m) No wall pak type lighting shall be permitted on the Site except for the rear walls of buildings located within Building/Parking Envelope 2-E that do not abut Blakeney Heath Road.

(n) Buildings abutting Rea Road, Ardrey Kell Road or Blakeney Heath Road (see Technical Data Sheet as to distance extent for Blakeney Heath commitment) will feature four-sided architecture that will avoid large expanses of blank, unarticulated walls through the introduction of articulated facades, reveals, blending of colors and materials and/or other specifically designed architectural elements.

(0) The building materials and colors associated with the building elevations and roofs and canopies of the gas station or convenience store with gasoline sales facility will be generally compatible with other buildings located on the Site.

(p) Service areas associated with buildings abutting Rea Road or Ardrey Kell Road shall be screened with a wall. The wall will consist of brick or stucco materials generally compatible with the materials of the buildings to which the wall relates. The service areas associated with buildings located within Building/Parking Envelope I-H shall be screened with plantings, berms or a wall consisting of brick or stucco materials generally compatible with the materials of the buildings to which any such walls relate.

4. Setbacks, Yards and Landscaping

(a) All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the CC Zoning District.

(b) A landscape strip of at least 35 feet shall be established along Ardrey Kell Road and Rea Road. The landscape strip will exceed 35 feet in width along some portions of the frontage of Ardrey Kell Road and Rea Road and contain a combination of large maturing trees, shrubs, grass and ground cover as generally depicted on the Streetscape Plan attached hereto and incorporated herein by reference.

(c) A landscape strip of at least 35 feet shall be established along Blakeney Heath Road and will contain a combination of trees, shrubs, grass and ground cover as generally depicted on the Streetscape Plan.

(d) The Site may be developed with "Zero Lot Line" standards whereby buildings and structures may be located on the lot line provided that the required building separation standards are satisfied.

(e) All screening, landscaping and tree save areas shall conform to the standards of the Zoning Ordinance and Tree Ordinance.

(f) Storm water detention facilities, if any, on the Site shall not be located in the setback or buffers.

(g) All specified plant materials shall meet or exceed the minimum installation sizes as follows and shall meet all minimum requirements of the Zoning Ordinance. Caliper measurements are to be taken 6" above ground.

Canopy hardwood trees - 2½" - 3" caliper, 8' - 10' height

Large evergreen trees - 3' - 4' spread, 6' - 8' height

Small deciduous trees - 11/2" caliper, 7' - 8' height

Small evergreen trees - 2' - 3' spread, 4' - 5' height

Large evergreen shrubs - 3 gallon, 24" spread, 30" height

5. Parking

Off-street parking and loading areas will satisfy the standards established under the Ordinance.

6. Streetscape Treatment (see Streetscape Plan)

The streetscape treatment along the Site's frontage on Ardrey Kell Road, Rea Road and Blakeney Heath Road shall include a combination of large maturing tees, shrubs, grass and ground cover, sidewalks which are at least 5 feet in width (sidewalks of 5 feet in width being currently in existence) and planting strips with an average minimum width of 8 feet to allow for minor variations in width, as generally depicted on the Streetscape Plan.

7. Storm Water Management

Storm water runoff from the Site will be managed off-site through proven techniques which satisfy the standards imposed by the City of Charlotte Ordinances and the Charlotte Mecklenburg Storm Water Design Manual. The off-site storm water runoff management system that will serve this Site is located adjacent to Flat Bridge Creek along the eastern boundary of Tract 1-B of the Blakeney/Landen Master Plan. During the permitting stage of the development, the Petitioner shall have such off-site 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.

8. Vehicular Access and Roadways; Transportation Commitments

(a) Vehicular access to Ardrey Kell Road, Rea Road and Blakeney Heath Road shall be as generally depicted on the Technical Data Sheet.

(b) The placements and configurations of these access points, as currently designed and installed per NCDOT standards, are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.

(c) If this rezoning petition is approved, the Petitioner commits to bear the cost associated with the installation of a traffic signal and all related components upon meeting appropriate warrants and approval by NCDOT (including the cost of the extension of interconnect cable to adjacent signalized intersections) for the Site's full access driveways to Rea Road and Ardrey Kell Road.

(d) It is the Petitioner's understanding that at least 50 feet of right-of-way from the centerline currently exists along the portion of Ardrey Kell Road and Rea Road abutting the Site. However, in the event such right-of-way does not exist, the Petitioner agrees to dedicate and convey to the City of Charlotte for right-of-way purposes (by quitclaim deed and subject to a reservation for any necessary utility easements) any part of the Site required to provide a minimum of 50 feet of right-of-way from the centerline of Ardrey Kell Road and Rea Road prior to the issuance of any building permit for the Site.

9. Sidewalks within Public Right-of-way

Any required or non-required sidewalk and/or planting strips throughout the Site may be located inside or outside of public right-of-way. In the event a required sidewalk is located on private property, an easement in favor of the applicable governmental entity shall be established for such sidewalk.

10. Buffers and Screening

(a) The buffer areas established on this Technical Data Sheet shall conform to the standards of Section 12.302 of the Ordinance.

(b) Buffer areas are to remain as open space. In areas where natural vegetation is insufficient, proper infill planting will be required in order to attain the desired screening relationship between uses. Existing natural vegetation shall be preserved in those parts of all buffer areas which are designated as undisturbed areas on the Technical Data Sheet, except to the extent necessary to accommodate pedestrian pathways, access points, drainage pipes or channels and utility lines. Grading may be performed and slopes and berms may be installed only within those parts of any buffer areas which are not designated as undisturbed buffer areas on the Technical Data Sheet. Utility installations not in existence as of the date of approval of this rezoning plan may only cross buffer zones at interior angles measured at the property lines which are not less than 75 degrees and to the extent possible paths cleared for such utility lines shall be replanted with plant materials which are the same as or similar to the types of materials that are in place within the buffer zone involved. In all buffer areas where existing trees and natural vegetation have been cleared to accommodate pedestrian pathways, berms, walls, fences, drainage pipes or channels, grading and the installation of utility lines and facilities, the cleared, unimproved areas will be landscaped.

(c) No buildings, parking spaces or maneuvering areas may be located within the required buffer areas or setbacks.

(d) Provisions shall be made for permanent maintenance of all private spaces including buffer and landscaped areas.

(e) The buffer widths depicted on the Technical Data Sheet may not be reduced.

(f) Reference is made to that certain parcel of land located to the west of the Site and Blakeney Heath Road and designated at Tract I-D on the Technical Data Sheet. While Tract I-D is not part of this rezoning plan, the Petitioner, as the current owner of Tract I-D, shall comply with the buffer and landscape setback requirements for that portion of Tract I-D located along Blakeney Heath Road in the manner set forth in the Streetscape Plan attached hereto, prior to the earlier of (i) completion construction of the extension of Blakeney Heath Road in a southerly direction from its existing terminus or (ii) issuance of the building constructed within Building/Parking Envelopes 2-E, 2-C or 2-D. Within thirty (30) days of approval of this rezoning petition, Petitioner shall seek an Administrative Site Plan Amendment to Petition No. 97-26(c) for Tract I-D to incorporate the buffer and landscape setback requirements for that portion of Tract I-D located along Blakeney Health Road in the manner set forth in the Streetscape Plan attached hereto.

11. Bicycle Parking

Bicycle parking spaces (bike racks) shall be provided at the front or to the side of buildings in locations to be determined by the Petitioner such that the number of bicycle parking spaces provided is at least three percent (3 %) of the total number of automobile parking spaces required for the entire Site.

12. Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications.

13. Signs

14. Utilities

(a) The number, locations and areas of all signs placed on the Site will be erected in accordance with the requirements of the Ordinance and the uniform signage and graphic system set forth in the Blakeney Signage Plan dated August, 2003 and prepared by LandDesign, Inc., as may be amended with the approval of a member of the Charlotte-Mecklenburg Planning Commission Staff.

(b) Signage is not permitted along the rear elevation of any buildings facing Blakeney Heath Road. The maximum height of signage along Blakeney Heath Road is to be no larger than 5 feet high and 50 square feet in size.

The electrical distribution system for the Site, including all power lines serving buildings constructed on the Site, and other utilities serving such buildings will be installed underground if approved by the various utilities involved.

15. Design Review Committee

The Petitioner has previously established the Blakeney Town Center Owners I Association Design Review Committee. This Committee has responsibility for adopting and implementing guidelines for all development taking place within the Site. The Committee consists of at least three members, one member of which includes a member of the Charlotte-Mecklenburg Planning Commission Staff.

16. Amendments to Rezoning Plan

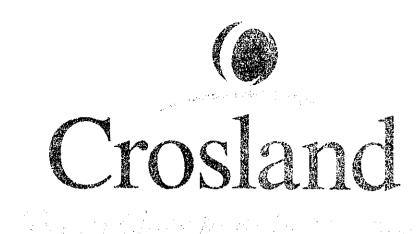
Future amendments to the Technical Data Sheet, these Development Standards and attachments hereto may be applied for by the then Owner or Owners of the Parcel or Parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

17. 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 Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

(b) 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.

(c) The rezoning plan evidenced by this Technical Data Sheet and attachments hereto supercedes in all respects all prior rezoning plans and amendments and design guidelines promulgated as part of the Landen Community Mixed Use Development Plan, now known as Blakeney, (including, without limitation, Petition No. 86-5(c), as amended by Petition Nos. 90-1(c), 94-46(c), 97-26(c), 971(c)VRC, 97(26(c)), 00-73, 03-117 together with any other applicable petitions and administrative approvals) with respect to the Site.





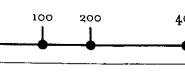
Technical Data Sheet
RZ-2
FOR PUBLIC HEARING
PETITION NUMBER: 2004-37



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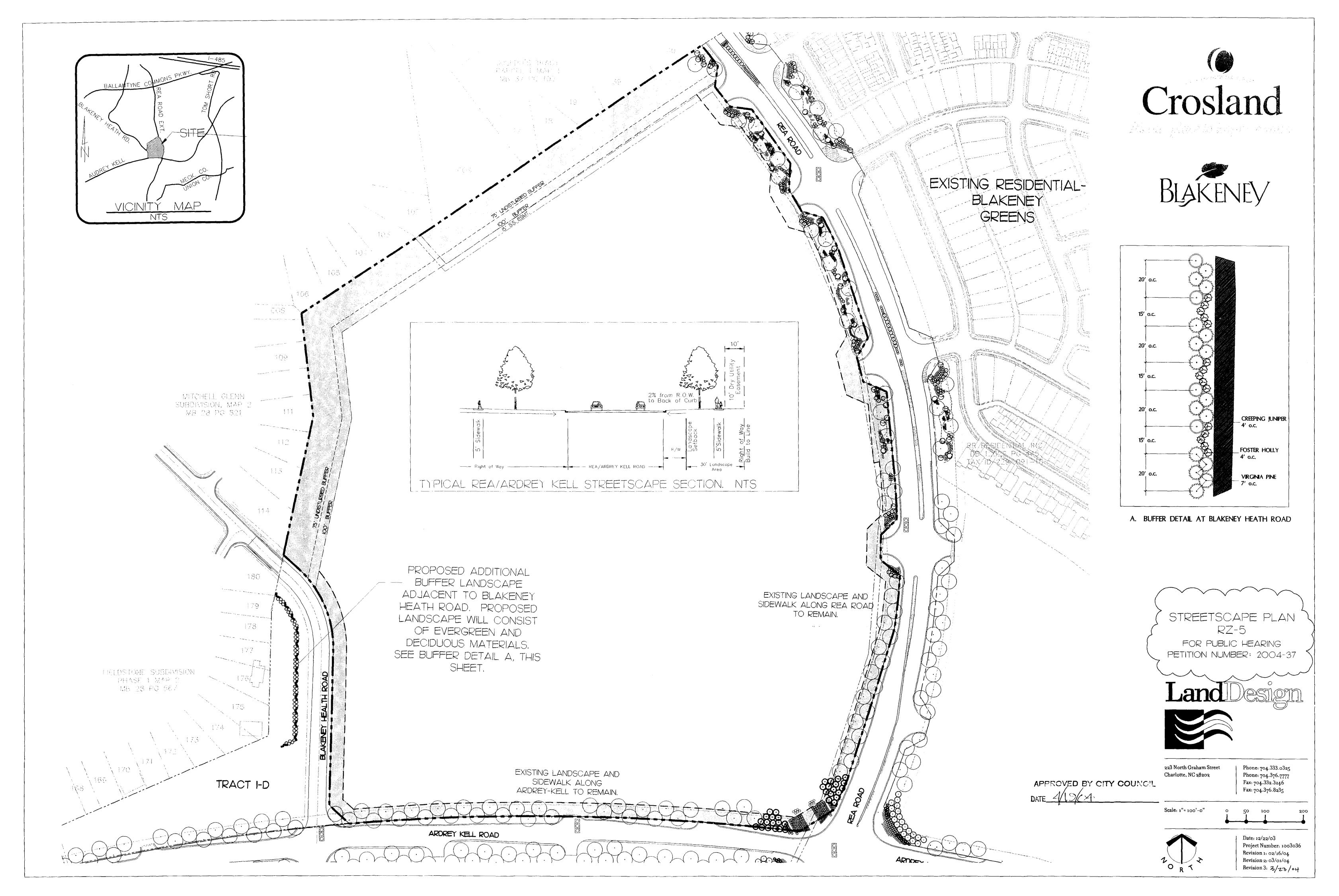
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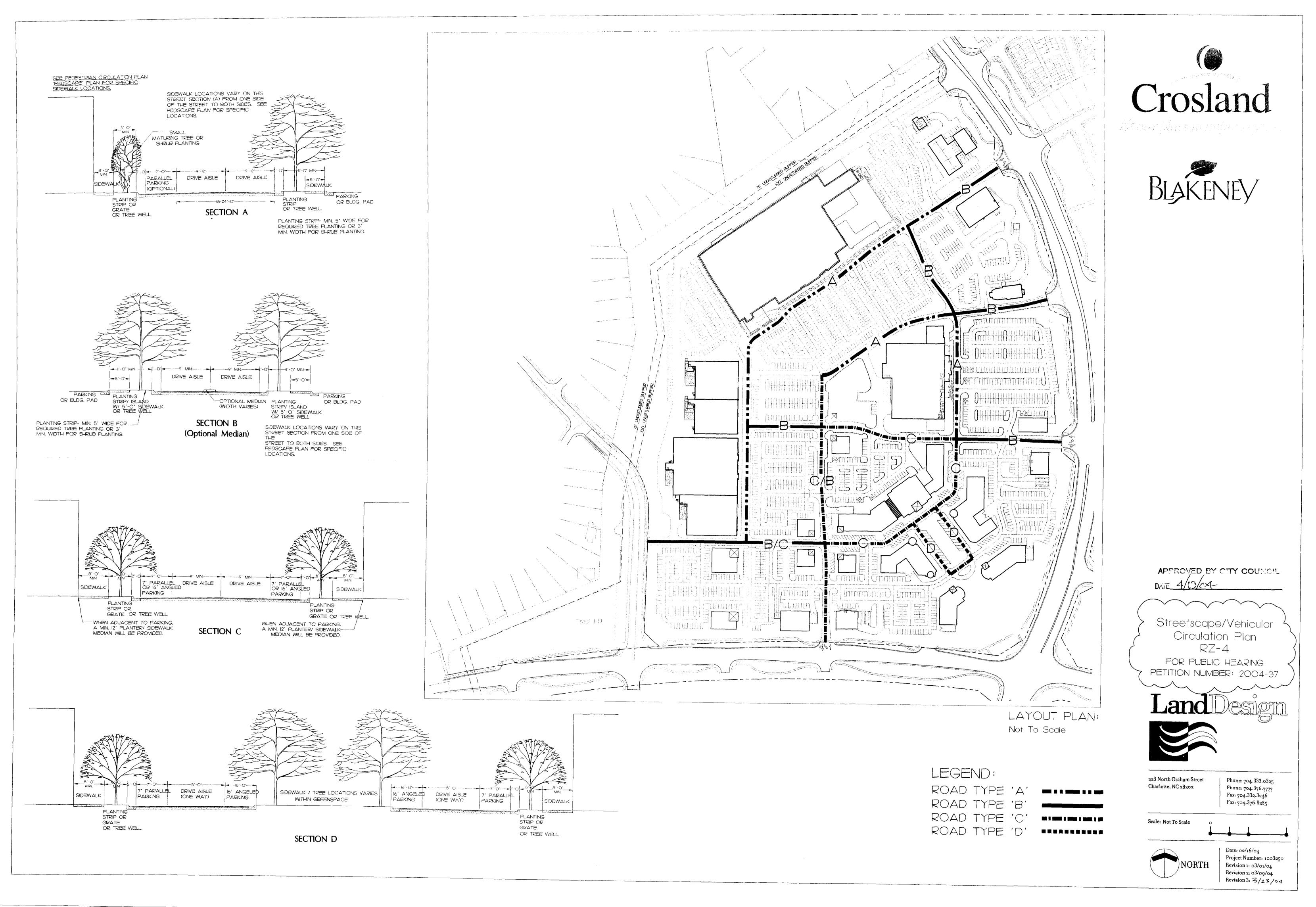


Date: 02/12/04



Project Number: 1003250 Revision 1: 02/16/04 Revision 2: 03/01/04 Revision 3: 04/07/04











SCHEMATIC SITE PLAN

PETITION NUMBER: 2004-37



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