

SITE DATA

EXISTING ZONING: CC-CD
PROPOSED ZONING: CC-CD (with modification) S.P.A.
SITE AREA: 3.43 AC (GROSS)
TOTAL BUILDING AREA: NOT TO EXCEED 27,000 sq.ft.

PETITIONER:

ARK VENTURES, INC.
518 NORTH HIGHWAY 16
DENVER, NORTH CAROLINA 28037
(704) 483-6266

CONSULTANTS:

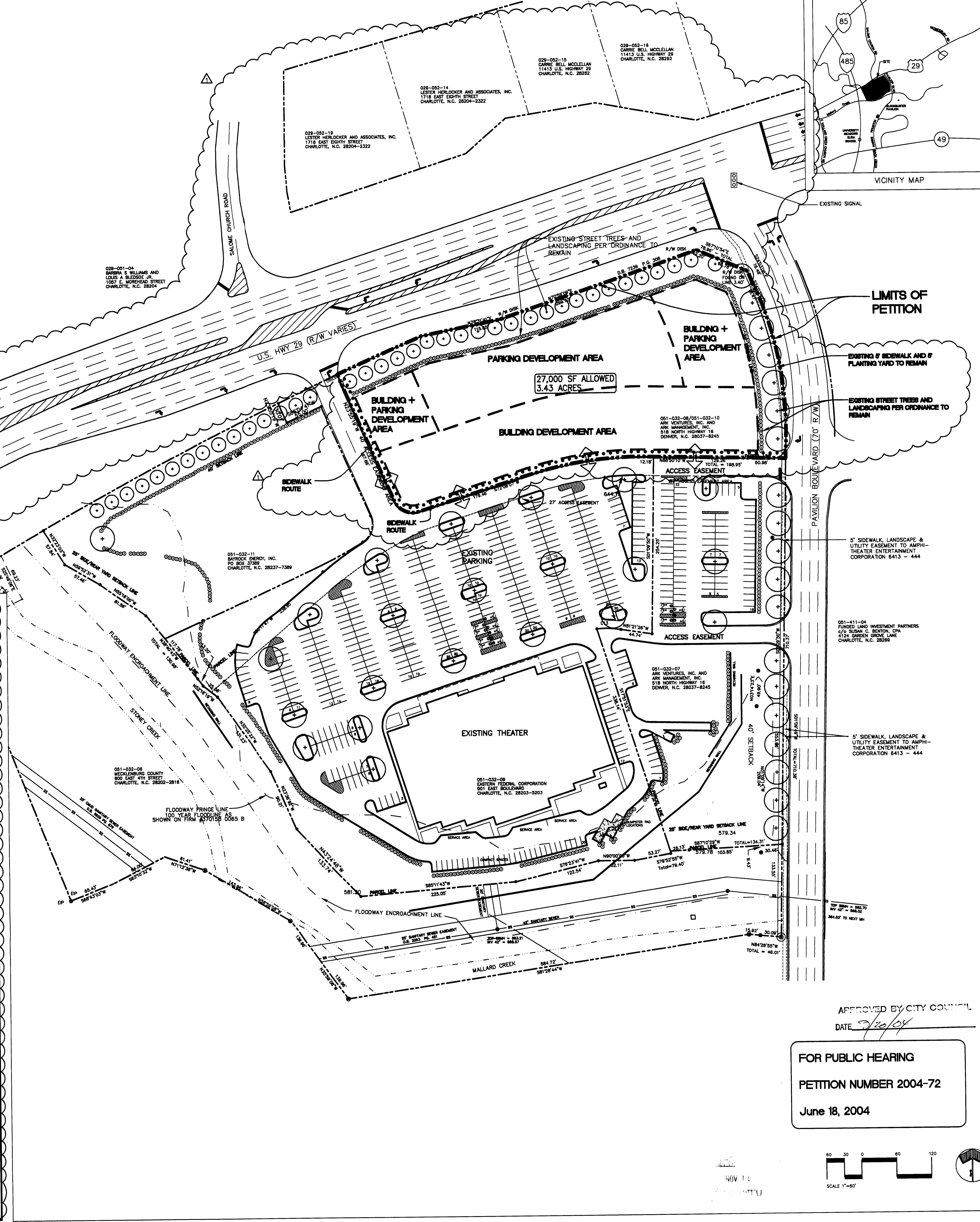
LITTLE DIVERSIFIED ARCHITECTURAL CONSULTING
5815 WESTPARK DRIVE
CHARLOTTE, NORTH CAROLINA 28217
(704) 525-6350
KENNEDY COVINGTON
HEARST TOWER, 47th FLOOR
214 NORTH TRYON STREET
CHARLOTTE, NORTH CAROLINA 28202
(704) 331-7598

CONDITIONAL NOTES:

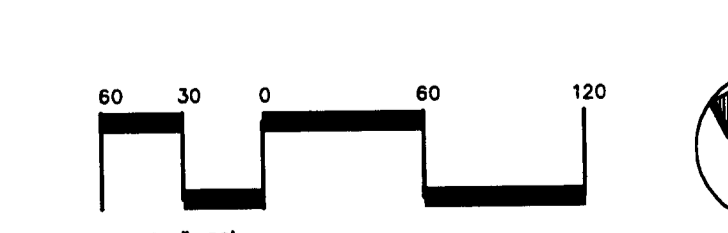
DEVELOPMENT STANDARDS

PART I
Commitment
Development of the real estate identified on the accompanying Technical Data Sheet prepared by Little Diversified Architectural Consulting, consisting of 3.43 acres, more or less (the "Site") and its individual components will be governed by the conditions of these Development Standards, the Technical Data Sheet, and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
PART II
Statement of Intent
It is the intention of the Petitioner to create within the Site a high quality development offering office, retail, restaurant, nightclub and/or other services.
PART III
Permitted Development Within the Site
(a) The site may be devoted to office, personal service, retail, restaurant or nightclub use along with any accessory use as permitted by the Ordinance.
(b) The total gross floor area of all buildings on the site cannot exceed 27,000 square feet. Areas devoted to outdoor dining, courtyards and/or patios are allowed and will not be included in the calculation of the square footage limitation specified herein.
(c) No more than two uses with drive through windows shall be permitted on the Site. Any such drive-through facility must be located in the rear of the building and shall not be oriented to the interior of the center facing the existing theater.
PART IV
Design Guidelines
The development depicted on the illustrative Site Plan (Sheet RZ-2) is schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, the configurations, placements, and sizes of the building footprints and lots, as well as the locations of driveways shown on the illustrative Site Plan are schematic in nature and, subject to the provisions set forth below under General Design Provisions, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Technical Data Sheet. Parking layouts may also be modified to accommodate final building locations.
Section 1. Access Points
(a) The number of vehicular access points into each tract will be limited to those shown on the Technical Data Sheet and each will be located in the general areas depicted except as provided in Section 4 (b) below.
(b) The placement and configuration of each access point and driveway within the site are subject to any modifications required to accommodate the final site and architectural/engineering construction plans and designs and are further subject to approval by CDOT and/or NCDOT.
Section 2. Yard Restrictions
(a) In every instance, the side yard, setback, and rear yard requirements imposed under the Ordinance will be satisfied with respect to development taking place within the site. The Petitioner reserves the right to utilize a reduced setback along Pavilion Boulevard and Highway 29 in accordance with Section 11.4.05 of the Ordinance.
(b) The Site, along with the abutting CC zoned properties, is a unified development plan. Therefore, side and rear yards are not required to be provided within the Site or between the Site and the abutting CC properties.
Section 3. Storm Water Management
Storm water runoff on the Site will be managed in accordance with City of Charlotte Regulations.
Section 4. General Design Provisions
(a) Parking: The parking areas within the building development areas may vary in size and location, but will meet the minimum standards established under the Ordinance. Parking may be constructed inside and/or outside of the building development area envelopes. However, in no event shall parking or maneuvering be located between the building line and the internal drive located to the south of the Site.
(b) Bicycle Parking: Bicycle parking spaces (bike racks) shall be provided near the entrance to each building within the Site. The number of bicycle parking spaces provided shall be at least one bicycle parking space for every 20 vehicle parking spaces provided.
(c) Trash Handling: All dumpster areas will be located in the rear service area behind buildings and will be screened in accordance with the requirements of the Ordinance. Each dumpster area will be enclosed on all four sides by a fence and a hinged gate which are constructed of brick and wood, unless one or more sides of the dumpster area joins the rear of a building. In this case, the rear wall will be substituted for the fence along each such side.

(d) Internal Connectivity: Vehicular connectivity between the existing theater parking area to the south and the proposed new development on the Site shall be provided generally as indicated on the Technical Data Sheet. The precise location of the point of connectivity may be modified depending on site constraints and subject to final engineering plans and building configurations.
(e) Architectural Controls: Buildings within the Site shall not exceed two stories or 40 feet in height. All buildings constructed within the Site shall utilize four-sided architecture and avoid large expanses of blank walls through the introduction of articulated facades, specially designed architectural elements, and/or doors or windows spaced so that expanses of uninterrupted wall do not exceed 20 feet in length.
(f) Sidewalks and Planting Strips: The existing planting strip and five-foot sidewalk along Pavilion Boulevard will remain. Sidewalk of at least five feet in width and a planting strip of at least five feet in width shall be installed along the internal drive generally as depicted on the Technical Data Sheet. Sidewalks of at least five feet in width shall be provided from the front of the buildings to the public sidewalk system.
(g) Highway 29 Sidewalk, Planting Strip, Curb and Gutter: The Petitioner agrees to provide curb and gutter (if not already constructed or bonded), planting strip and sidewalk along the adjoining Highway 29 frontage pending review by both the City of Charlotte Department of Transportation and North Carolina Department of Transportation.
Section 5. Interconnected Design Treatment
In the event one or more freestanding single tenant buildings are located on the Site, the following additional design standards will be met:
(a) Any freestanding single tenant building will be interconnected with the remainder of the Site and shall be clustered around a Site amenity area such as a plaza, outdoor dining courtyard or water feature that is connected to the remainder of the Site through a common pedestrian linkage.
(b) Loading docks or dumpsters shall not interfere with or be visible from the Site amenity area or pedestrian circulation areas.
(c) Any drive through window lines shall be designed in a manner that accommodates pedestrian circulation on the Site. This can be achieved by providing for pedestrian circulation outside of any drive-through window lines or by providing for pedestrian crosswalks on differentiated paving materials perpendicularly through any drive through window lines.
Section 6. Landscaping and Screening
(a) Landscaping and screening shall, at a minimum, satisfy the requirements of the Ordinance.
(b) Internal parking and circulation areas shall have tree plantings in accordance with internal requirements as defined in the City of Charlotte Tree Ordinance.
(c) The existing trees and evergreen screening plants within the setbacks along Pavilion Boulevard and Highway 29 will be maintained. A second row of trees will be planted along Highway 29 within the setback. The new trees shall be large maturing trees spaced on 40 foot centers if overhead utility lines are not present and shall be small maturing trees spaced on 30 foot centers if overhead utility lines are present.
Section 7. Right of Way Dedication
The Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) that portion of the Site that may be required to provide right of way as follows if such right-of-way does not exist prior to the issuance of any building permits for the Site:
Highway 29
70 feet from centerline for 500 feet from the intersection with Pavilion Boulevard then tapering down to 50 feet from centerline at a 20:1 taper.
Pavilion Boulevard
55 feet from centerline for 500 feet from the intersection with Highway 29 then tapering down to 35 feet from centerline at a 35:1 taper.
Section 8. Signs
All signs placed on the property will be erected in accordance with the Ordinance.
Section 9. Fire Protection
Plans for each building will be submitted to the Fire Marshall's office for approval before the construction of that building commences. Fire hydrants, if required, will be located within the prescribed locations under the Charlotte-Mecklenburg Building Code.
PART V
Binding Effect of the Rezoning Application
(a) If the Petitioner's Rezoning Petition is approved, the development program established under these Development Standards and the Technical Data Sheet shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the Owner(s) and their respective heirs, devisees, personal representatives, 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.



APPROVED BY CITY COUNCIL
DATE 7/20/04
FOR PUBLIC HEARING
PETITION NUMBER 2004-72
June 18, 2004



Highway 29 /
Starlight Property
PRINCIPAL IN CHARGE: J. Gamble
PROJECT MANAGER: J. Gamble
DRAWN BY: Inw

Table with columns: NO., REASON, DATE. Row 1: 1, Staff Comment, 06/18/04. Row 2: 2, Staff Comment, 11/17/04.

