

Development Data

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| Tax Parcel Number | 225-044-35 |
| Existing Zoning | R-3 |
| Proposed Zoning | O-2 (CD) |
| Site Area | 3.86 Ac. |
| Maximum Total Building Area | 45,000 SF |
| Max. Medical Bldg. Area | 25,000 SF (See note 3.2 below) |
| Parking Spaces | 175 Spaces (See notes 7.1 & 7.2 below) |
| Max. Building Height | 40 Ft. (2 stories) (See note 6.5 below) |

Development Notes

1. GENERAL PROVISIONS

- 1.1 This rezoning petition relates to that certain 3.86 acre parcel lying within Mecklenburg County, now or formerly known as Andrew F. Young property, hereinafter referred to as the "Site".
- 1.2 Development of the Site will be controlled by the standards depicted on this Rezoning Plan and by the standards of the Ordinance. The development depicted on the Rezoning Plan is intended to reflect the arrangements of proposed buildings and uses on the Site, but the exact configurations, placements and sizes of individual elements may be altered or modified within the limits prescribed by the Ordinance during the design development and construction phases.
- 1.3 Unless more stringent standards are established by these Development Standards, all development standards established under the Charlotte Zoning Ordinance (the "Ordinance") for the O-1 District shall be followed with respect to the Site.
- 1.4 Prior to the demolition of the existing structures on the Site the Petitioner shall contact LUESA in order to evaluate potential issue related to asbestos, abandoned wells, septic tanks and underground storage, which may or may not be present on the Site.

2. STATEMENTS WITH RESPECT TO THE GRAPHICS WHICH ARE SET FORTH ON EXHIBITS ACCOMPANYING THE REZONING PLAN

- 2.1 Any Exhibits accompanying the Rezoning Plan are conceptual images of portions of the Site. They are not to be considered as development plans but rather as preliminary representations of the types and quality of development proposed for the Site.
- 2.2 The Rezoning Plan identifies building envelopes. Buildings shown on the Concept Site Plan shall be located within the building envelopes. However, the exact location, size and number of buildings within the specific envelop is subject to change.

3. PERMITTED USES AND MAXIMUM DEVELOPMENT

- 3.1 The Site may be devoted to office uses as well as associated accessory uses and parking and service areas permitted by the Ordinance in an O-1 District. However, the following uses are specifically prohibited:
 - a. Banks
 - b. Barber and Beauty Shops
 - c. Hotels and Motels
- 3.2 No more than 45,000 square feet of office uses may be developed on the Site.
- 3.3 Medical uses allowed by the Ordinance shall be permitted. However, in the event that the total square footage of medical uses on the Site exceeds 25,000 square feet, the maximum overall building area shall be reduced by 1.5 feet for every foot of medical use space over 25,000.

4. ACCESS POINTS

- 4.1 The total number of ingress/egress points to and from the Site shall be limited to one entrance on Ballantyne Commons Parkway and one on Williams Pond Lane. The exact locations may vary somewhat from those depicted based upon final design and location requirements as regulated by the transportation engineer and, where applicable, NCDOT.
- 4.2 The Developer shall request a median cut to allow left turn movement from westbound traffic along Ballantyne Commons Parkway into the Site. This median cut shall not allow left turn movement from the project onto westbound Ballantyne Commons Parkway.
- 4.3 Williams Pond Lane is a collector street. Pavement along the property fronting Williams Pond Lane shall be widened to collector street standards. The Developer shall install 2.5 foot curb and gutter along Williams Pond Lane.

5. SETBACK, SIDE YARDS AND REAR YARDS

- 5.1 All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard dimensions established under the Ordinance for the O-1 District.
- 5.2 No buildings or parking areas shall be allowed in the 30 foot landscaped setbacks along Ballantyne Commons Parkway and Williams Pond Lane.

6. DESIGN AND PERFORMANCE STANDARDS

- 6.1 The proposed buildings and development will comply with all Ordinance requirements for signage, buffering, screening and landscaping.
- 6.2 The Site shall comply with all requirements of the Charlotte Tree Ordinance.
- 6.3 The Petitioner shall construct a wooden fence along the western property line abutting the existing institutional use. The fence may be located on outer portion of the western buffer pending the granting of a variance or approval of the zoning administrator according to Section 12.304 of the Ordinance. The Petitioner shall coordinate this construction with the owner of the adjoining parcel. The existing section of the chain link fence running along the eastern portion of the adjoining parcel shall be removed and the Petitioner shall "tie in" the remaining chain link fence to the new wooden fence at its sole expense.
- 6.4 Existing vegetation within the buffer along the western property line may be removed and replaced with shrubs and large maturing trees in compliance with the Ordinance.
- 6.5 Buildings may be located along Ballantyne Commons Parkway and Williams Pond Lane. Parking shall be located in the interior of the Site. Buildings along Williams Pond Lane and along the southwestern property line will be one story only. Buildings along Ballantyne Commons Parkway and the northeastern property may be one or two story, or a combination thereof.
- 6.6 Buildings shall be designed so that design schemes and architectural elements will be consistent on all exterior walls. Building walls facing Ballantyne Commons Parkway and Williams Pond Lane shall contain functional windows oriented toward the street.
- 6.7 All Buildings shall be connected by sidewalk to sidewalks along roadways. All sidewalks shall comply with Ordinance requirements regarding width, material, and other construction specifications.
- 6.8 All sidewalks installed within the Site shall be at least five feet in width.
- 6.9 The Developer shall install a five foot sidewalks and an eight foot planting strip along Williams Pond Lane. The sidewalk may be permitted to meander within the right-of-way and setback to accommodate existing trees. Sidewalk easements will be granted to the City of Charlotte for portions of the sidewalk that encroach upon the subject property.
- 6.10 All healthy trees three inches caliper and greater within the area labeled "Existing Trees to Remain" along Ballantyne Commons Parkway shall be preserved. Healthy trees greater than eight inches caliper within the setback along Williams Pond Lane shall be preserved. Amenities such as walkways, picnic sites, and benches may be located in these areas.

7. PARKING

- 7.1 Off-street vehicular parking for the Site shall meet or exceed the minimum standards established by the Ordinance.
- 7.2 The parking total indicated in the Development Data is an estimate. The final parking count may deviate from that indicated in the Development Data, provided that at the time of building permit submittal the proposed parking meets or exceeds Ordinance requirements.

8. LIGHTING

- 8.1 All freestanding lighting and all exterior lighting will be capped so as to minimize the impact from lights that may be visible from nearby properties. Freestanding lighting shall not exceed 20 feet in height. No wall "pik" type lighting shall be used, but attached decorative lighting fixtures such as sconces may be used.

9. STORMWATER

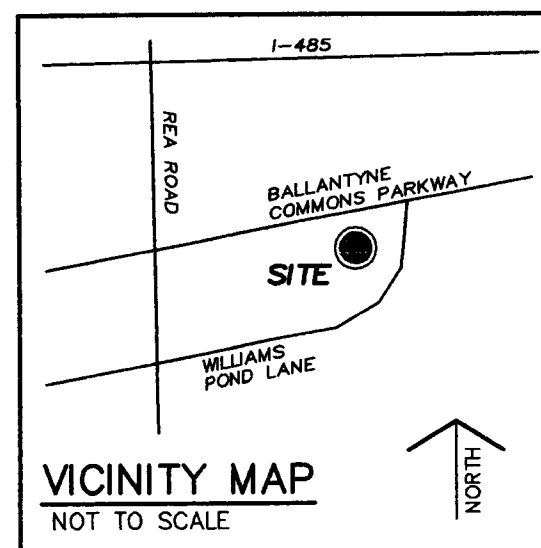
- 9.1 Storm water facilities shall be provided to detain on-site storm water for the two and ten year storm events, as required by code. Any surface detention facilities will not be located between proposed buildings and public streets. In addition, the immediate receiving existing 24" storm drainage culvert under Ballantyne Commons Parkway (near the northeastern corner of the site) shall be analyzed to verify that it is capable of receiving discharge from this site for the twenty-five year storm. If this pipe system cannot adequately receive the twenty-five year discharge, alternate methods shall be employed to satisfy code requirements.

10. ALTERATIONS TO PLAN

- 10.1 Future amendments to the Rezoning Plan and these Development Notes may be applied for by the then owner or owners of the tract or tracts within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

11. BINDING EFFECT

- 11.1 Upon approval, all conditions applicable to development of the Site imposed under the Rezoning Plan and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- 11.2 Throughout these Development Notes, the terms "Developer", "Petitioner", "Owner" or "Owners," shall, with respect to each parcel within the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.



Conditional Zoning Plan Petition

Ballantyne Commons Parkway Office Site

7700 Williams Pond Lane
City of Charlotte, North Carolina

For Brookchase Properties

SITE DESIGN STUDIO
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Suite 115
Charlotte, NC 28212
Phone: 704-566-0706
Fax: 704-567-0980

RZ-1
SHEET 1 OF 1

October 21, 2005

COMM. NO. 0505