

Site Data:

–Acreage: ±2.273  
–Tax Parcel #: 183-177-03  
–Existing Zoning: U-2  
–Proposed Zoning: MUDD-O  
–Existing Uses: Professional business and general medical office uses and branch banks.  
–Proposed Uses: Professional business, general and medical office uses, retail establishments and business, personal services and restaurants, along with any accessory uses and structures associated with the allowed principal uses and as further defined below in Section 3 Permitted Uses.  
–Allowed Square Footage: 105,000 square feet of gross floor area (as defined below).  
–Maximum Height: Building height will not exceed 75 feet as defined by the Ordinance.  
–Parking: See Section 8 below for required parking ratios.

1. General Provisions:

a. These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition and together with other attachments referred to collectively as the “Rezoning Plan” filed by Bissell Porter Two LLC Group (the “Petitioner” or “Developer”) and include optional provisions (the “Optional Provisions”) to accommodate development on approximately 2.273 acres generally located on Sharon Road (the “Site”), the Site being the current location of the Sharon Station development. 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 as of the date of approval of this Petition (the “Ordinance”). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD) Zoning Classification, subject to the Optional Provisions provided below, shall govern development on the Site.

b. Consequently, except as otherwise expressly specified on the Rezoning Plan and in these Development Standards, the ultimate layout of the development proposed, the exact alignments of streets and points of access, the numbers, the size, configuration and placements of buildings and parking areas, and the depictions of such elements on the Rezoning Plan are preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during design development and construction document phases subject to the accompanying Development Standards and Section 6.207 of the Ordinance. Parking layouts for surface and structured parking may be modified to accommodate changes to building locations to the extent permitted by the Ordinance.

c. This Petition contemplates redevelopment of the Site in the manner generally depicted on the Rezoning Plan (the “Redevelopment”), but also use of the existing buildings on the Site in the manner described in Section 3d, below (the “Existing Development/Alterations”).

2. Optional Provisions

a. During the period that the Site remains as currently developed, or expanded by no more than 2,500 square feet of gross floor area, in the manner described by the Existing Development/Alteration (as defined below), the provisions of the MUDD district governing: (i) streetscape requirements; (ii) the location of the existing parking spaces or maneuvering areas for parking located between the existing buildings and Sharon Road; and (iii) the prohibition on the use of accessory drive-through windows, shall not apply, provided, however, upon Redevelopment of the Site (as defined above), the Site shall comply with these provisions and all other applicable provision of the MUDD district.

b. The Petitioner seeks the optional provision to allow the existing wall and detached signs to remain until such time as the existing buildings are demolished and the Redevelopment of the Site (as defined above) occurs. If the tenants in the existing buildings change, the new tenant(s) may replace the existing signs with signs of the same size or with wall signs that comply with the standards of the MUDD district. In addition to the foregoing, the Petitioner may erect two additional detached signs along Sharon Road to identify new retail establishments and business, personal services or restaurant uses. These new detached signs may be located in the setback behind the existing sidewalk. These additional detached signs will comply with size and height requirements of the MUDD district.

c. New and existing detached signs as allowed by the MUDD district and as allowed by these Optional Provisions will be allowed in the 20 foot setback as long as the detached signs are located between the building(s) and the back of the sidewalk.

3. Permitted Uses:

a. The Site may be developed with the following uses: professional business, general and medical office uses, retail establishments and business, personal services and restaurants, along with any accessory uses and structures associated with the allowed principal uses, as allowed in the MUDD district.

b. Maximum allowed “gross floor area” will be 105,000 square feet as part of the Redevelopment (as defined above). Retail establishments and business, restaurants and personal service uses will be limited to the lesser of: (i) 20,000 square feet of gross floor area or (ii) the ground floor of the principle building(s), upon Redevelopment of the Site.

d. Prior to the Redevelopment of the Site (as defined above), the six (6) existing buildings may continue to be used as professional business, general and medical office uses as well as two branch banks with drive-through windows. In addition, up to 11,000 square feet of the existing buildings may under go a change of use and be used for retail establishments and business, personal services and restaurants (any such restaurants will not have a drive-thru window) (the existing development described in this paragraph as may be modified in the manner described above is hereby referred to as the “Existing Development/Alteration”).

e. As part of the Existing Development/Alteration, up to 2,500 square feet of gross floor area may be added to the existing buildings and the building dimensions (horizontal and vertical) may be adjusted accordingly. This additional square footage may be utilized by any of the uses allowed on the Site.

For purposes of the development limitations set forth in these Development Standards the term “gross floor area” or “GFA” shall mean and be the sum of the gross horizontal areas of each floor of a principal building, and any accessory buildings or structures on the site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface and structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces) and outdoor dining areas.

4. Access Points (Driveways) Future Connectivity:

a. Access to the Site will be via two driveways from Sharon Road. Access to the Site from Colgate Road via easements with the adjoining property owners is also allowed.

b. As part of the Redevelopment of the Site (as defined above) the Petitioner will reconstruct a portion of the signalized driveway on Sharon Road (from Sharon Road to the first internal intersection) to include sidewalks, planting strips and street trees on both sides of the driveway. The specifics of these elements (location, size, type) to be determined by the Petitioner during the design development process. The number and design of the vehicular access lanes within the driveway to be determined during the driveway permit process.

c. With respect to the Redevelopment of the Site (as defined above) Petitioner shall use good faith efforts to design the structured parking facilities located on the Site so as to allow pedestrian and vehicular circulation through the parking facilities located on the Site to Sharon Road. Efforts to allow for this circulation are intended to provide for possible access to Sharon Road through the parking facilities from the south eastern portion of the property in accordance with the following:

- The proposed design of such parking facility is generally depicted on the Rezoning Plan, but changes may occur based upon changes to building locations and other site elements during the design development and construction document phases subject to the accompanying Development Standards and Section 6.207 of the Ordinance.
- The construction of any private road/driveway across the Site shall not be the responsibility of the Petitioner provided, however, the Petitioner shall not unreasonably withhold their grant of an easement over such property needed to allow such access provided such an easement does not materially impair the proposed Site Plan and development contemplated therein.
- It is acknowledged that the access described above will be by way of a driveway using circulation lanes associated with the then existing parking deck circulation design through the referenced parking facilities and will not contain standards customarily associated with private or public streets.
- The access driveway will also be subject to a nine (9) foot height limitation as well as reasonable vehicle weight and traffic volume restrictions as appropriate for access through a parking deck.

d. Additional connections (driveways and sidewalks) to facilitate connectivity to the adjoining properties may be added after review by the Planning Director and the Charlotte Department of Transportation.

5. Architectural Controls:

a. Any new building(s) fronting on Sharon Road and constructed as part of Redevelopment of the Site (as defined above), will have a door, windows, clear glass and landscaping along the Sharon Road side of such building(s).

b. In connection with new buildings on the Site as part of the Redevelopment (as defined above), the principle building materials of such buildings will be pre-cast, pre-cast stone or stone including simulated stone and brick. At least 80% of each such building facade exclusive of windows, doors and roofs will be constructed of pre-cast, pre-cast stone, stone, simulated stone, or brick. Stucco or EIFS accents will be allowed.

c. If a parking structure is constructed on the Site it will be constructed of the same or similar building materials as the office building constructed on the Site. The parking deck will be architecturally treated so that parking on all levels is screened from adjoining properties by decorative pre-cast panels, brick or stone walls, landscaping materials or a combination of these materials or treatments. Landscaping may also be planted between the parking structure and the property line to supplement and enhance the appearance of the deck and further screen the parking from the adjoining properties and/or the public street.

d. If an above ground parking structure is constructed on the Site, it must be located within the parking/building envelope illustrated on the Rezoning Plan. Surface parking may be located in either the parking/building envelope or the building envelope.

e. Upon the Redevelopment of the Site, parking and maneuvering areas for parking or vehicular circulation areas will not be allowed between the building(s) and Sharon Road, provided that such parking and maneuvering and vehicular circulation may be allowed to the side and rear of such building(s) and between building(s).

f. Up to two principle buildings may be constructed within the building envelope generally depicted on the Rezoning Plan, and up to two principle buildings may also be constructed within the parking/building envelope, as generally depicted on the Rezoning Plan.

g. All sides of all building(s) constructed as part of Redevelopment of the Site (as defined above), will be built using four sided architecture.

h. The attached elevations are included to reflect the architectural style and quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations as long as the general architectural concepts and mass illustrated is maintained) as part of the Redevelopment of the Site (as defined above).

6. Setbacks, Side Yards, and Rear Yards:

a. Upon the Redevelopment of the Site, the Petitioner will establish a 20 foot landscape setback along Sharon Road. This setback will be measured from the back of the existing curb.

7. Streetscapes, Screening and Tree Ordinance:

a. The Petitioner will as part of the Redevelopment of the Site implement the required MUDD streetscape requirements of an 8 foot planting strip and a 6 foot sidewalk along the Site’s frontage on Sharon Road. In order to save existing trees the 6 foot sidewalk will be allowed to meander.

b. Existing trees within the setback may be removed to comply with the Urban Street Design Guidelines.

c. All roof mounted mechanical equipment will be screened from view from adjoining public streets and abutting properties as viewed from grade.

d. Dumpster areas and recycling areas will be enclosed by a solid pre-cast wall with one side being a decorative gate. The pre-cast used to enclose the dumpster will be same as the pre-cast used on the building. 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.

e. Backflow preventers will be screened from public view and will be located outside of the setback on Sharon Road.

f. Meter banks will be hidden from public view.

8. Parking/Internal Vehicular Circulation:

a. Off street parking spaces for current and future building development will be provided at the following ratios for the Site:

- (i) Professional business and general medical office uses: one space per 300 square feet;
- (ii) Retail uses (non-restaurant): one space per 600 feet;
- (iii) Restaurant uses: one space per 125 square feet; and
- (iv) Other non-residential uses: one space per 600 square feet.

b. Required parking may be provided on the parcel created for the proposed use or by a reciprocal parking easement with the abutting property owners, including without limitation, Tax Parcel # 183-131-06.

c. The alignment of internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns and parking layouts.

9. Internal Sidewalk:

a. Any new building constructed on the Site as part of the Redevelopment of the Site (as defined above), will be connected via a five (5) foot sidewalk to the sidewalk located along Sharon Road.

10. Stormwater:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. Above ground storm water mitigation may be located in the setback, side and rear yards. If above ground storm water mitigation is located in the 20 foot setback along Sharon Road it must be located between the required sidewalk and the building.

11. Signage:

a. All signs (wall and detached) placed on the Site will be erected in accordance with the requirements of the MUDD district and as allowed by the Optional Provisions above.

b. Prior to the Redevelopment of the Site (as defined above), the Rezoning Plan the Petitioner will be allowed to erect up two additional detached signs to identify the new retail or restaurant tenants. These detached signs will comply with the size and height requirements of the MUDD district for detached signs.

12. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures with the exception of lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Site lighting will be limited to 25 feet in height.

c. No “wall pak” lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted.

13. Building Heights:

a. Building height will not exceed 75 feet as defined by the Ordinance.

14. Unified Development:

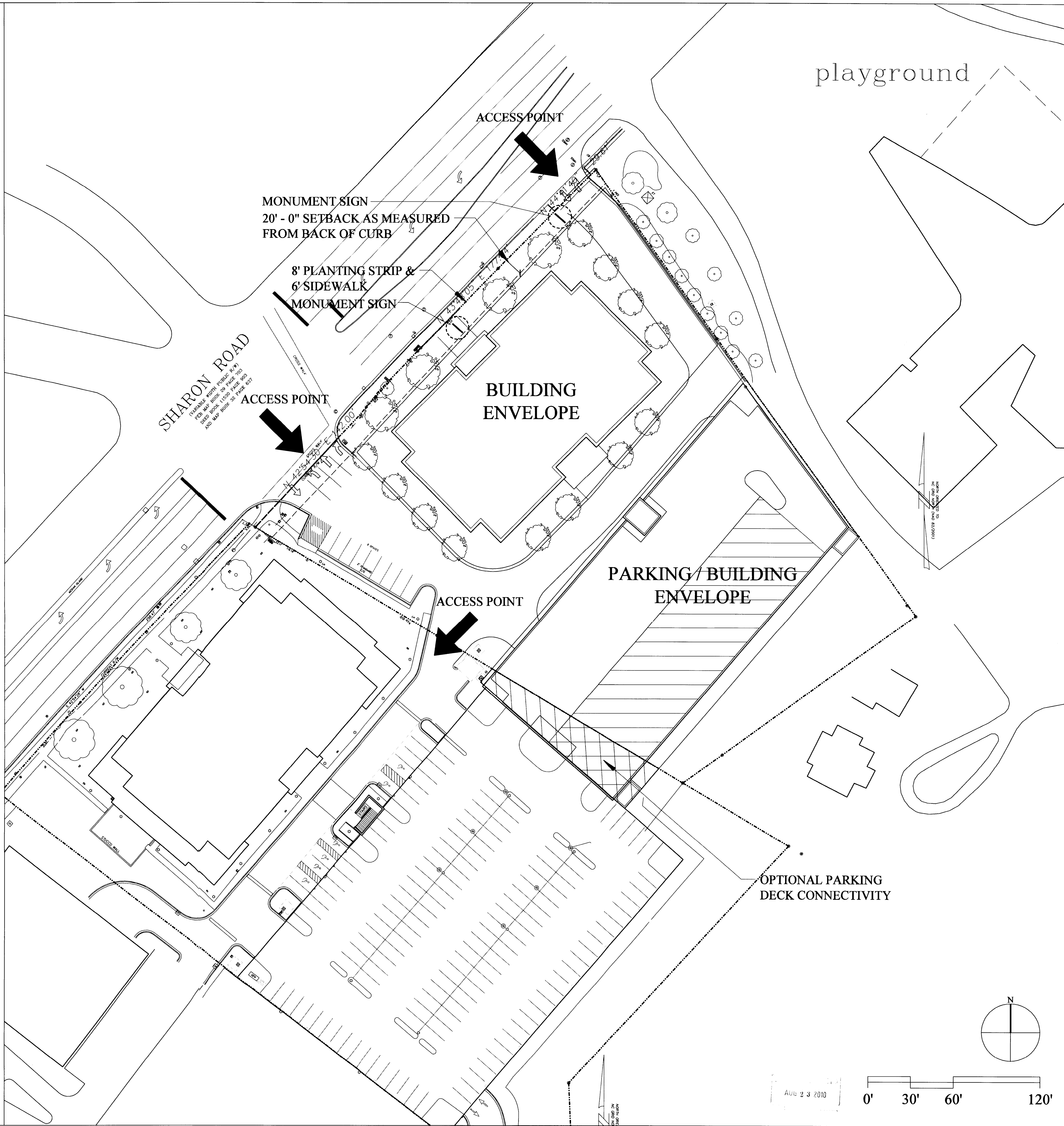
a. The Site shall be viewed as a unified development plan as to the components and development elements of the Site generally depicted on the Rezoning Plan and as to current and future improvements located within adjacent parcel known as Tax Parcel # 183-131-06 located to the southwest of the Site as generally depicted on the Rezoning Plan. As such, side and rear yards and other separation standards will not be required internally between improvements located on the Site and Tax Parcel # 183-131-06. Furthermore, the Petitioner reserves the right to subdivide the Site and create lots within the interior of the development of the Site and Tax Parcel # 183-131-09 with no public street frontage or side and/or rear yards or other separation standards as part of a unified development plan; provided, however, all such yards and separation standards along the exterior boundary of the Site shall be adhered to.

15. Amendments to the Rezoning Plan:

Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

16. Binding Effect of the Rezoning Application:

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under this Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

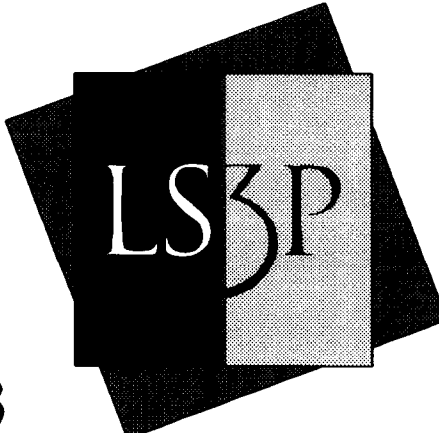


# REZONING SITE PLAN

## SHARON STATION REDEVELOPMENT

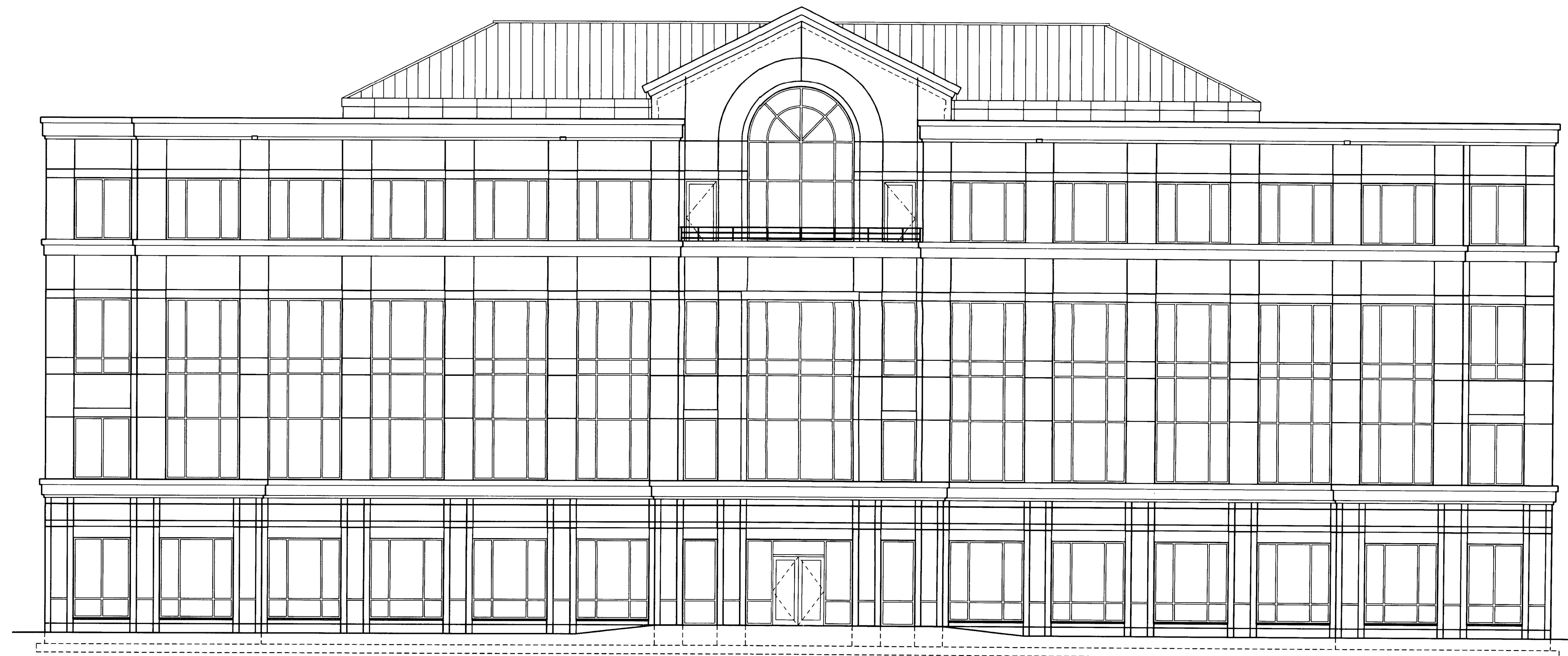
CHARLOTTE, NC 28 JUNE 2010

2010-053  
SHEET 1 OF 3  
REVISED AUGUST 20, 2010  
FOR PUBLIC HEARING  
REZONING PETITION NO. 2010-053









THE PROPOSED ELEVATION IS INCLUDED TO REFLECT  
THE ARCHITECTURAL STYLE AND QUALITY OF THE  
BUILDING THAT MAY BE CONSTRUCTED ON THE SITE.

THE PETITIONER RESERVES THE RIGHT TO MODIFY THE  
BUILDING ELEVATIONS AS PROPOSED IN DEVELOPMENT STANDARDS

