

DEVELOPMENT STANDARDS
Park South Development at Sharon and Colony Roads

GENERAL PROVISIONS

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Grubb Properties to accommodate development of a mixed use, pedestrian-friendly village type center to be known as Park South on an approximately 23.07 acre site located on the northeastern corner of the intersection formed by Sharon Road and Colony Road (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 Mixed Use Development District (MUDD) Zoning Classification, subject to the Optional Provision provided below, shall govern all development taking place on this Site.

PERMITTED USES

The Site may be devoted to retail and restaurant uses within the same building as residential uses, residential, and live-work uses (including any accessory uses) as permitted in the MUDD Zoning Classification with the exception of the following disallowed uses:

Convenience stores

Car washes

Automobile service stations

Restaurants with interior dining spaces of greater than 4,000 square feet Retail tenants with over 15,000 square feet of gross floor area per floor of a building.

Note: With respect to the permitted uses, number of allowable residential units, and permitted retail square footage outlined on the Technical Data Sheet, the live-work units shall be considered residential units rather than retail space. The live-work units are not considered a part of the maximum retail square footage permitted in Tract 1. The live-work units will be two- or more story dwelling units with a maximum of 1,000 square feet on the ground floor and a connection to the residential space above. No more than 20 live-work units shall be permitted on the Site and will be located in the area depicted on Sheet 2. The owner or occupant of the live-work unit will occupy both floors of the unit and will not sub-lease any of the space to a third party.

OPTIONAL PROVISION

This petition proposes a unique concept for an outdoor courtyard. The courtyard will adjoin areas devoted to retail shops and/or restaurants that may include outdoor dining facilities and seating along with intensive streetscape and landscaping elements. The courtyard will also include automobile parking to support the restaurants and other nearby uses. As such, the Petitioner is requesting a variation from Section 9.8507 (2) to allow parking within the outdoor courtyard area. (See Sheet 4 for detail of outdoor courtyard treatment).

The Petitioner also requests a variation from the MUDD signage provisions in order to allow detached, ground-mounted signs of up to 65 square feet in size and up to 5 feet in height. (See Signs provision below)

SETBACKS, SIDE YARDS, REAR YARDS AND EDGE TREATMENTS

1. All buildings constructed within the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the Mixed Use Development District (MUDD), and as depicted on the Technical Data Sheet.
2. The edge treatment along the Village of Morrocroft property line (see Technical Data Sheet) shall include the following minimum elements:

A landscape strip of at least 20 feet in width which shall include sufficient planting materials to satisfy the standards of a Class C buffer.

A minimum distance of 45 feet between the Village of Morrocroft property line and any buildings located within Tract 3.

Note: The above referenced 20 foot landscape strip may be included within the 45 foot building separation and the walking trail may meander throughout the 45 foot building separation.

ARCHITECTURAL CONTROLS

1. Buildings constructed on the Site along Sharon Road and Colony Road will utilize four-sided architecture and contain windows and doors which face these streets. Large expanses of solid walls for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements in accordance with the Ordinance.

2. 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. Dumpsters will be screened in accordance with the Ordinance.

3. The design treatment of the proposed development shall include, at a minimum, the following amenities as generally indicated on the Schematic Site Plan;

a. a roundabout at the four-way intersection of the Site's internal street system.

b. a perking courtyard/plaza area, as generally depicted on Sheef 4, near the intersection of Sharon and Colony Roads, featuring paving materials that are different and distinct from the paving materials within the standard parking areas, such as Stamped asphalt or pavers, as well as heavy landscaping and an architectural element on the corner, curtyard/plaza area shall contain heavy landscaping including but not limited to, large and/or small maturing trees and decorative trees, as generally depicted on Sheef 4, and in excess of that required by the City of Charlotte Tree Ordinance, as generally depicted on Sheef 4, and in excess of that required by the City of Charlotte Tree Ordinance, as generally as depicted on the Schematic Site Plan, and

e. a Ownlying brick screen wall of to the following area, as walking trail and bicycle path system extending along the perimeter of the Site generally as depicted on the Schematic Site Plan, and

e. a Ownlying brick screen wall of to the following and an architectural part of the property line of the screen and the county of the property line of the county of the prope 8. The Petitioner shall provide for the burial of the existing overhead utility lines along those portions of Sharon and Colony Roads abutting the site.

Tract 1 of the Site shall be constructed as all or a part of the initial phase of the Development. Tracts 2 and 3 may either be constructed subsequently to or simultaneously with Tract 1.

1. The streetscape treatment along Sharon Road and Colony Road will conform to Section 9.8506 of the Ordinance and include either existing or proposed large or small maturing trees and supplemental shrubbery.

2. The Petitioner shall make every reasonable effort to preserve all existing trees six inches in caliper and larger located within the thirty foot setbacks along Sharon Road and Colony Road, as indicated on Sheet 5, with the exception of trees which may be removed in order to install driveways across the setbacks. The Petitioner will utilize tree protection measures such as barricades during the construction process and tree maintenance measures such as automatic irrigation in an effort to preserve such trees.

3. The Petitioner shall cause to be installed on the Site six-foot wide sidewalks and eight-foot wide planting strips along its frontage on Sharon Road and Colony Road as new development occurs adjacent to the streets.

4. Sidewalks of at least 5 feet in width shall be provided along both sides of all internal streets and extending from the interior of the Site out to the sidewalk system along Sharon Road and Colony Road, as generally depicted on the Schematic Site Plan.

5. Large maturing trees, spaced approximately 40 feet on center, shall be provided along both sides of all internal streets.

SCREENING AND LANDSCAPING AREAS

1. The Petitioner shall cause to be installed within the setback areas along Sharon Road and Colony Road trees and other materials in accordance with the City of Charlotte Tree Ordinance and Sheet 3 and shall thereafter maintain or cause to be maintained all such materials (including replacement of all dead or dying plants).

2. Internal areas of the Site shall be landscaped in accordance with the requirements of the City Code and the Schematic Plan.

3. The landscape area along the rear project edge shall conform to the standards and treatments delineated in the Schematic Site Plan and on Sheet 3 and will include large or small maturing trees and a walking trail.

4. The height of any screening materials located at the corner of Sharon Road and Colony Road shall comply with the provisions of Section 12.109 of the Ordinance to maintain clear sight triangles.

5. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

6. All other screening and landscaping shall meet or exceed to the standards of the Ordinance.

PARKING AND LOADING

1. Off street parking and loading will meet the standards established under the Ordinance.
2. Parking areas may include surface parking and/or structured parking. Surface parking areas will be screened are parking will be treated architecturally in order to avoid large expanses of blank walls. 3. Angled, parallel or perpendicular parking may be provided along internal streets within the Site.

1. The petitioner shall provide pedestrian-scale lighting along Sharon and Colony Roads, along the internal streets, at vehicular entrances to the Site from Sharon and Colony Roads and along the walking trail. The petitioner shall thereafter maintain or cause to be maintained all such lighting. All pedestrian-scale lighting will be capped to direct lighting downward.

2. The maximum height of any freestanding lighting fixture erected on the Site (other than streetlights on public rights-of-way) including its base, shall not exceed 20 feet. All parking lot lighting shall be designed such that direct illumination does not extend past any property line.

3. No wall pack light fixtures will be allowed on any structures constructed on the Site. However, wall-mounted decorative light fixtures such as sconces are permitted.

SIGNS (SEE OPTIONAL PROVISION)

1. A master signage and graphics system will be implemented throughout the Site.
2. Any detached signage shall be ground-mounted or monument-style. Detached signage will be no more than 5 feet in height as measured from the final grade and no more than 65 square feet in size. The area of the copy on any detached signage shall not exceed a size of 50 square feet per sign.
3. The total number of detached signs and their location shall conform to the requirements of Chapter 13 of the Ordinance.

ACCESS POINTS

Each of the proposed vehicular accesses to Sharon Road will be limited to a right-in, right-out driveway, as pereally indicated on the Technical Data Sheet.

Vehicular access to Colony Road shall be limited to two driveways, as generally depicted on the Technical Data Sheet.

3. The placement and configuration of these access points 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.

4. Upon its completion, the walking trail will be open and available for use by the general public.

5 The vehicular connection to the adjoining Morrocroft Apartments will be located no closer than 350 feet to Colony Road.

RIGHT-OF-WAY CONVEYANCE

The Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements and a reversionary interest in any property not used for right-of-way purposes in the future) right-of way measuring 50 feet from the centerline of Sharon Road and 35 feet from the centerline of Colony Road prior to the issuance of any building permits on the Site if such right-of-way does not presently exist.

TRANSIT STOP WAITING PAD

A concrete pad of approximately 5 feet by 5 feet shall be provided as a waiting area for transit riders. The waiting pad shall be located generally in the area noted on the Schematic Site Plan.

FIRE PROTECTION

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.

STORM WATER MANAGEMENT

Storm water runoff from the Site will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte and surface level detention will not be located in the setback. The Petitioner shall have the receiving drainage system, located in the culverts under Sharon Road and Colony Road abutting the Site, analyzed to ensure that it will not be taken out of standard due to this development. If it is found that the development will cause the receiving storm drainage system to be taken out of standard, the Petitioner shall provide adequate detention to prevent this from occurring. Should the existing, receiving drainage system be deemed to be out of standard prior to development of its Site, the Petitioner agrees to provide adequate detention to ensure that the system will not be additionally overburdened.

TRANSPORTATION IMPROVEMENTS

New right in/right out on Sharon closest to Colony.
New right in/right out on Sharon half way toward Colony
New right in/right out intersection on Sharon closest to Morrocroft Lane.
Existing intersection at Cornerwood Lane and Colony.
Existing intersection at Roxborough Road and Colony.

PROPOSED BUILD OUT UNDER NEW ZONING:

Tear down a minimum of 44 multi-family units now standing at the corner of Colony and Sharon on Tract 1 and develop new buildings containing no more than 15,000 square feet of retail space. Redevelopment of additional multi-family residential development may also occur on the Site so long as a maximum residential density of 360 units on the Site is maintained.

Tear down a minimum of 3 existing residential units for every 4 new multi-family units or 3 existing residential units for every 8 new age restricted multi-family units, and redevelop them within Tract 2 as either a multi-family project for up to 120 units or a mid-rise senior facility for up to 240 units.

The Rezoning Plan allows a maximum of 65,000 square feet of retail and a total of 735 residential units if a 240 unit senior facility is built and 615 multi-family residential units if a senior facility is not built. Project Number 3 would involve constructing all or any part of the remaining retail and/or multi-family residential units permitted under the Rezoning Plan.

The Petitioner shall provide for the following transportation improvements:

DESCRIPTION OF ROAD IMPROVEMENTS:

The following road improvements may occur in any sequence as long as they do not conflict with the City's planned Phase XI road improvements to Sharon Road adjacent to the Site (as detailed in the Kubilins Traffic Impact Study dated January 29, 2003 and subject to CDOT approval) and must occur concurrently with the associated Project(s) with which they are associated:

At Petitioner's expense, design for the road improvements needed to accommodate the later Projects which would be served by Access D and also design for the proposed second east bound left turn lane on Colony Road at Sharon Road so as to establish and determine for these portions of Colony Road the proposed curb lines and the new setback lines as measured from the proposed curb lines. Until the design of the roadway/intersection improvements is completed and reviewed/approved by CDOT, no Site Plans may be submitted by the Petitioner/Developer for building/driveway permits.

Dedicate and convey right-of-way along the Site's frontage measuring 50 feet from the centerline along Sharon Road and 35 feet from the centerline along Colony Road, if it is not already present. Grant the City a permanent easement for roadway purposes on any additional land beyond the 50 feet from centerline on Sharon Road that may be necessary to accommodate the City's planned Phase XI improvement on Sharon Road.

Either (1) construct that part of the City's planned Phase XI Sharon Road improvement along the Site's Sharon Road frontage in accordance with City's design, with the Petitioner paying all costs except those associated with paving, which costs will be borne as follows: first \$175,000 by the City and any cost over that by the Petitioner and construct at Petitioner's cost Access A, or (2) construct Access B at Petitioner's cost.

Provide temporary access for Tract 1 to Access E via Tract 2 and Tract 3.

Project Number 2 Road Improvements:

Provide or install Project Number 1 Road improvements and build northbound and southbound left turn lanes on Colony at Access E. Provide permaners access for Tract 1 to Access E via Tract 2 and Tract 3. Project Number 3 Road Improvements

At Petitioner's expense, construct a minimum of two of the three Access points to Sharon Road prior to the issuance of any building permit for Project Number 3, provide or install Project Number 1 and Number 2 Road Improvements, if not already constructed, construct northbound and southbound left turn lanes on Colony at Access D, and construct the second eastbound left turn lane on Colony at Sharon.

If the City or the Petitioner has not constructed the City's planned Phase XI road improvement to Sharon Road and Access A prior to the commencement of construction for Project Number 3, then the Petitioner may, at its option, elect to construct the City's planned Phase XI improvement to Sharon Road along the Site's Sharon Road frontage in accordance with the City's design (in which case the City would cover labor and costs associated with paving for this improvement up to \$175,000) in order to satisfy CDOT's requirements for allowing Petitioner to construct Access A.

Scope of Intersection Improvements:

The Petitioner will be responsible for all costs associated with signal modifications which are directly related to and made necessary by the roadway/intersection improvements described above at the intersection of Colony/Roxborough and the intersection of Colony/Sharon; including, but not limited to, traffic signals, signal poles and steel poles/mast arms, pedestrian signals, loop detectors, any related equipment, signal control or relocation and pavement markings.

TIMING OF IMPROVEMENTS

(a) If Project Number 1 and Project Number 2 are developed sequentially, then no certificate of occupancy with respect to the development of Project Number 1 or Project Number 2 may be issued until after the Road Improvements associated with the particular Project have been completed. (b) If Project Number 3 is not developed until after Project Number 1 and Project Number 2 have been completed, then:

No building permit with respect to the development of Project Number 3 may be issued until after:

The Petitioner has constructed at its expense all Road Improvements associated with Project Number 1 and Project Number 2, and The Petitioner has constructed at its expense a minimum of 2 of the 3 Access Points to Sharon Road, one of which must be Access A;

No certificate of occupancy with respect to the development of Project Number 3 may be issued until after the Petitioner has constructed at its expense the other Road Improvements associated with Project Number 3. (c) If all or any part of both Project Number 1 and Project Number 3 are initiated as a part of the first phase of development taking place on the Site, then:

No building permit with respect to such development may be issued until after:

The design for the roadway/intersection improvements specified under the Project Number 1 Road nents has been completed and reviewed/approved by CDOT, Petitioner has dedicated and conveyed right-of-way along the Site's frontage measuring 50 feet from the centerline along Sharon Road and 35 feet from the centerline along Colony Road, if it is not already present, and granted the City a permanent easement for roadway purposes on any additional land beyond the 50 feet from centerline of Sharon Road that may be necessary to accommodate the City's planned Phase XI improvement on Sharon Road, and

The Petitioner has provided temporary access for Tract 1 to Access E via Tract 2 and Tract 3. No certificate of occupancy with respect to the development of these two projects may be issued until after the Petitioner has constructed at its expense the other Road Improvements associated with Project Number 1, Project Number 2 and Project Number 3.

AMENDMENTS TO REZONING PLAN

Future amendments to the Technical Data Sheet, the Schematic 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.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

1. 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 inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

2. 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.

3. 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 outlined on the Schematic Site Plan are schematic in nature, and subject to the provisions set forth above under Architectural Controls, may be altered or modified during design development and construction phases within the maximum Building/Parking Envelope lines established on the Technical Data Sheet. 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 and the Optional provision outlined above. All such changes are subject to approval per Section 6.206(2) of the Ordinance.

APPROVED BY CITY COUNCIL

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Y 2 K M

PARK SOUTH

PROJECT NO. 01057.00

GRUBB PROPERTIES CONCEPTUAL MASTER

SCHEME 10 v. 9

FOR PUBLIC HEARING **PETITION NO**. 2002-129

Date Created: 08 / 21 / 02 Revisions: 10 / 21 / 02 11 / 26 / 02 Revisions: 12/05/02 Revisions: Revisions: 12 / 11 / 02 Revisions: 12 / 16 / 03 Revisions: 03 / 27 / 03 Revisions: 06 / 06 / 03

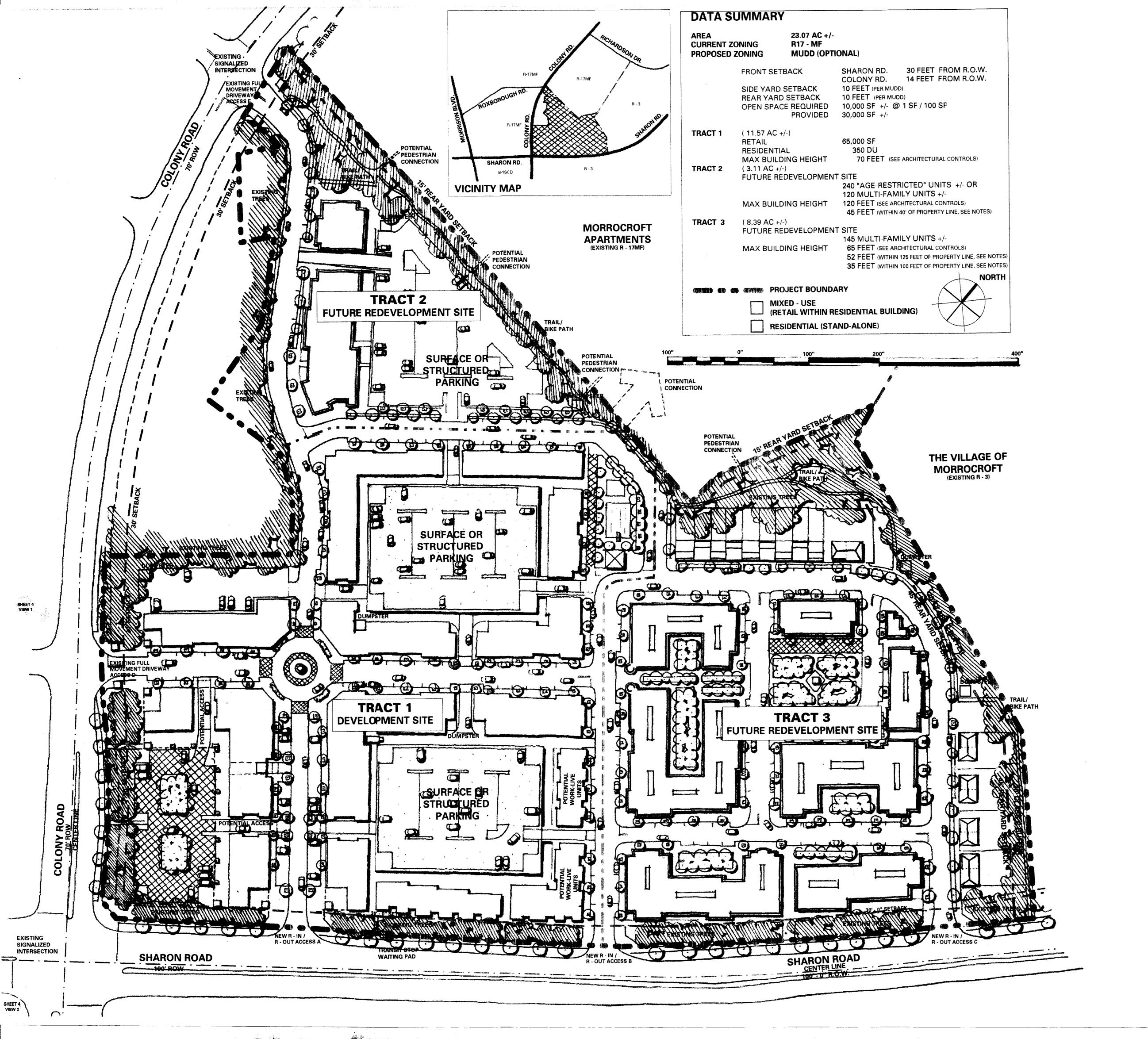
Prepared for:

Grubb Properties

TECHNICAL DATA SHEET

(SHEET 1)

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PARK SOUTH

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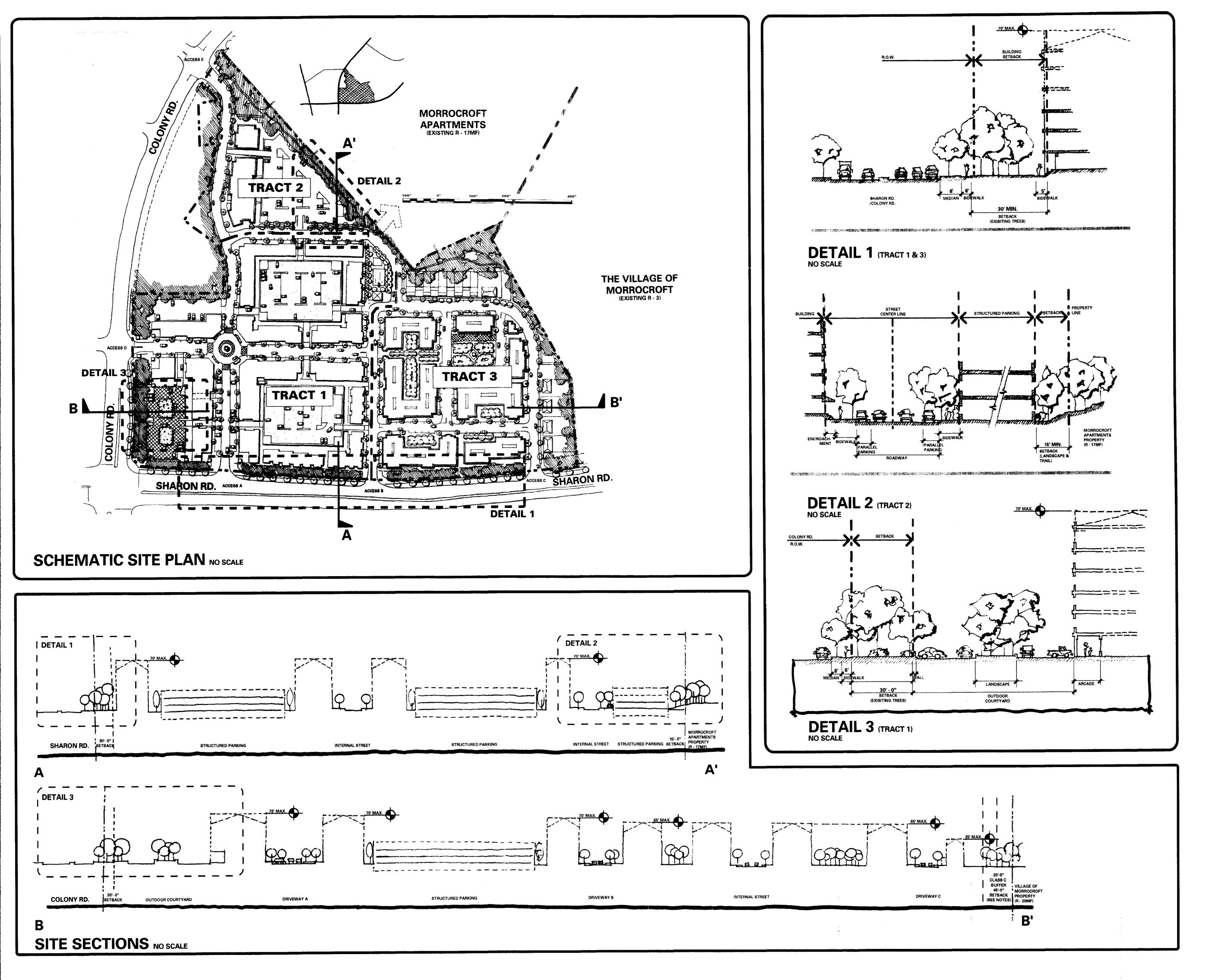
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E /21/03

SCHEMATIC SITE PLAN

(SHEET 2)

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SECTIONS & DETAILS

(SHEET 3)

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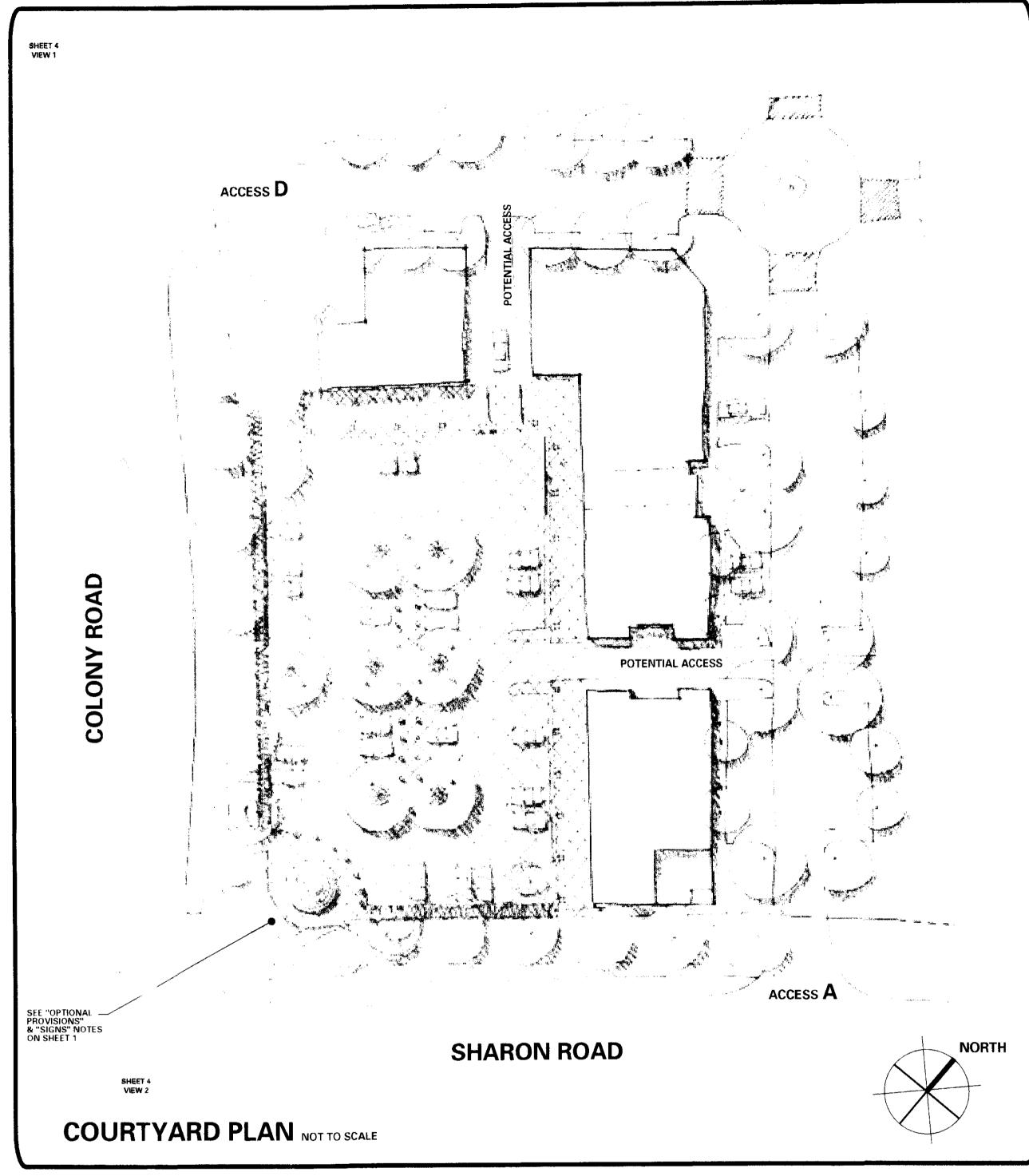


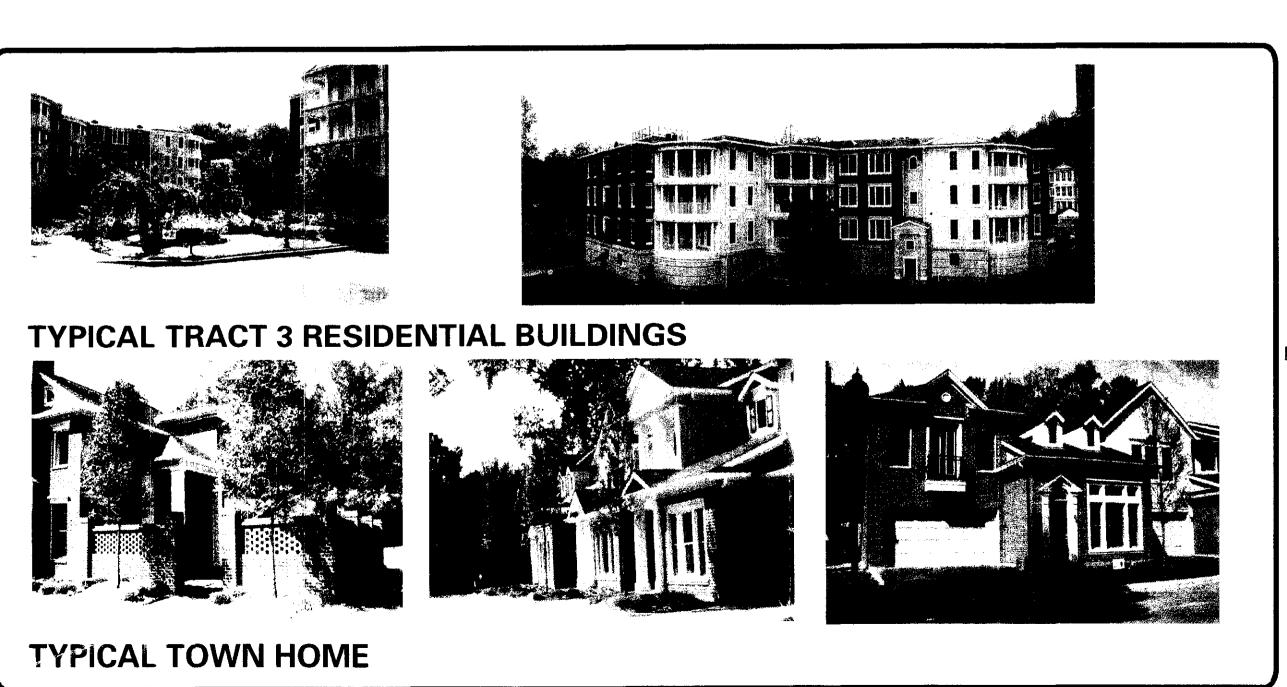
COLONY ROAD ENTRANCE, [VIEW 1]



SHARON & COLONY ROAD CORNER, [VIEW 2]

CONCEPTUAL RENDERINGS





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ELEVATIONS & DETAILS

(SHEET 4)

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