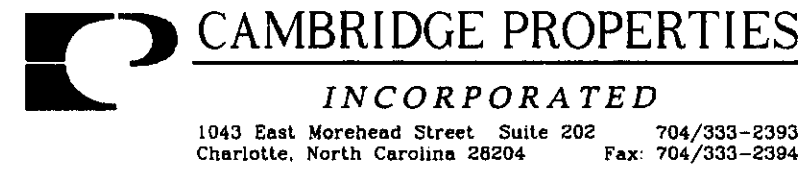


MOUNTAIN ISLAND PROMENADE  
REZONING PETITION  
CHARLOTTE, NORTH CAROLINA

OWNER/  
DEVELOPER

Withrow Capital, Investments, LLC  
1341 East Morehead St. Suite 201  
Charlotte, NC 28204  
704.344.1868

DEVELOPER



LANDSCAPE ARCHITECT  
CIVIL ENGINEER

LandDesign, Inc.  
223 North Graham St.  
Charlotte, NC 28202  
704.333.0325

SHEET INDEX:

		SUBMITTED
RZ-1	Technical Data Sheet	03/01/06
RZ-2a	Schematic Site Plan A	03/01/06
RZ-2b	Schematic Site Plan B	05/19/06
RZ-3	Typical Cross Section (Mount Holly- Huntersville Road)	03/01/06
RZ-4	Pedestrian Circulation Plan	04/21/06
RZ-5	Development Standards	03/01/06
RZ-6	Roadway Improvements	07/12/06

ARCHITECT

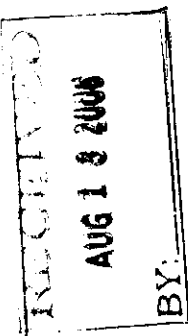
One on One Design  
2719 Lilly Mill Rd.  
Charlotte, NC 28210  
704.643.8697

TRANSPORTATION

Kubilins Transportation Grp.  
800 West Hill Street  
Suite 202  
Charlotte, NC 28208  
980.321.0202

ZONING CONSULTANT

Kennedy, Covington, Lodbell,  
and Hickman, LLP  
Hearst Tower, 47th Floor  
214 N. Tryon St.  
Charlotte, NC 28202  
704.331.7400



Mountain Island Promenade Rezone Petition  
Charlotte, North Carolina  
Withrow Capital, Investments, LLC  
COVER SHEET

DATE: 08/18/06  
DRAWN BY: MRC  
CHECKED BY: MRC  
SCALE: N/A  
PROJECT #: 100594  
SHEET #:

REVISIONS:  
01 11/06 Review per staff comments  
02 11/06 Review per staff comments  
03 11/06 Review per staff comments  
04 11/06 Review per staff comments  
05 11/06 Review per staff comments  
06 11/06 Review per staff comments  
07 12/06 Review per staff comments  
08 12/06 Review per staff comments

LandDesign  
223 N Graham Street Charlotte, NC 28202  
P: 704.333.0325 F: 704.332.2246  
www.landdesign.com

2006-10



# SITE DATA

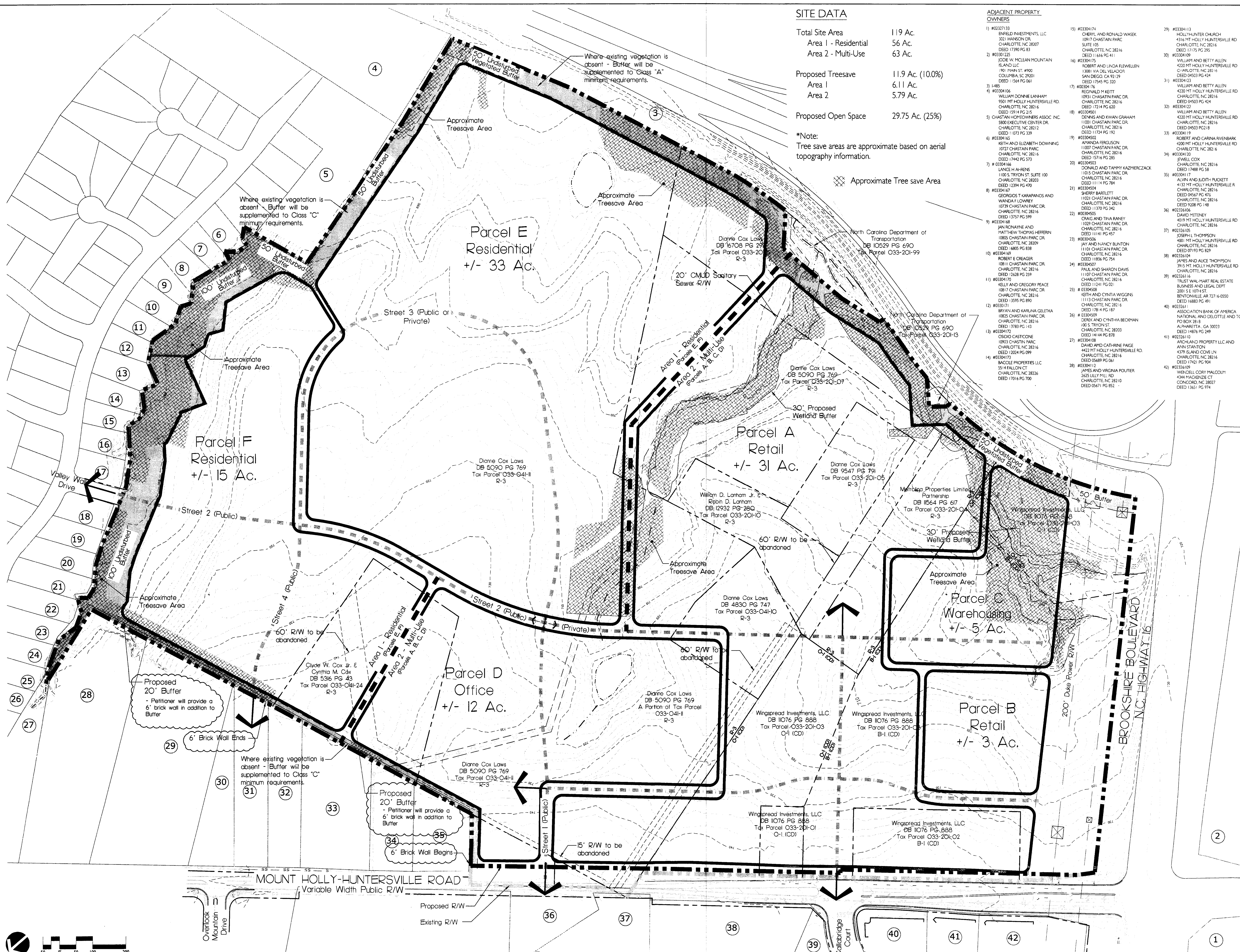
Total Site Area	119 Ac.
Area 1 - Residential	56 Ac.
Area 2 - Multi-Use	63 Ac.
Proposed Treesave	11.9 Ac. (10.0%)
Area 1	6.11 Ac.
Area 2	5.79 Ac.
Proposed Open Space	29.75 Ac. (25%)

\*Note:  
Tree save areas are approximate based on aerial topography information.

## ADJACENT PROPERTY OWNERS

- |  |   |  |
|--|---|--|
| 1) #03304133<br>ENFIELD INVESTMENTS, LLC<br>3021 HANSON DR.<br>CHARLOTTE, NC 28207<br>DEED 1790 PG 83                            | 15) #03304174<br>CHERRY, AND RONALD WASEK<br>4316 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 17175 PG 295                | 29) #03304113<br>HOLLY HUNTER CHURCH<br>4316 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 17175 PG 295                              |
| 2) #03301225<br>JODE W. MCLEAN MOUNTAIN<br>ISLAND LLC<br>1901 MAIN ST. #900<br>COLUMBIA, SC 29201<br>DEED 1754 PG 661            | 16) #03304175<br>SCOTT AND LINDA REWELLEN<br>13081 VA DEL DELAOR<br>SAN DIEGO, CA 92129<br>DEED 1745 PG 320                           | 30) #03304109<br>WILLIAM AND BETTY ALLEN<br>4200 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 04503 PG 424                          |
| 3) 1485<br>#03304106<br>WILLIAM DONNIE LANHAM<br>9501 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 13914 PG 215       | 17) #03304176<br>REGINALD M. KETTT<br>10931 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 17214 PG 620                             | 31) #03304119<br>WILLIAM AND BETTY ALLEN<br>4200 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 04503 PG 424                          |
| 4) #03304106<br>WILLIAM DONNIE LANHAM<br>9501 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 13914 PG 215               | 18) #03304177<br>JENNIFER AND KIM GRAMHAM<br>11001 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 17214 PG 620                      | 32) #03304122<br>WILLIAM AND BETTY ALLEN<br>4200 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 04503 PG 424                          |
| 5) CHASTAIN HICKORY OWNERS ASSOC. INC.<br>5800 EXECUTIVE CENTER DR.<br>CHARLOTTE, NC 28212<br>DEED 1073 PG 339                   | 19) #03304178<br>AMANDA PERGUSON<br>1007 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 15716 PG 285                                | 33) #03304119<br>ROBERT AND CARINA RIVENBARK<br>4200 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 17888 PG 58                       |
| 6) #03304165<br>KEITH AND ELIZABETH DOWNING<br>10727 CHASTAIN PARK<br>CHARLOTTE, NC 28216<br>DEED 17442 PG 573                   | 20) #03304179<br>DONALD AND TAMPY KAZMERZACK<br>1015 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 11114 PG 784                    | 34) #03304120<br>JEWELL COX<br>CHARLOTTE, NC 28216<br>DEED 17888 PG 58   |
| 7) #03304166<br>LANCE H. A. RENS<br>1100 S. TRYON ST. SUITE 100<br>CHARLOTTE, NC 28203<br>DEED 12394 PG 470                      | 21) #03304180<br>GEORGIOS T. KARAPANDOS AND<br>WANDA F. LOWERY<br>10729 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 12373 PG 399 | 35) #03304117<br>ALVIN AND LOETH RUCKETT<br>4173 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 04507 PG 475                          |
| 8) #03304167<br>JAN RONAYNE AND<br>MATTHEW THOMAS HEFFERN<br>10803 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28209<br>DEED 16805 PG 838 | 22) #03304181<br>JAY AND NANCY BUNTON<br>11101 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 11896 PG 754                          | 36) #03304105<br>DAVID JETTERNEY<br>4019 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 07193 PG 829                                  |
| 9) #03304168<br>JAN RONAYNE AND<br>MATTHEW THOMAS HEFFERN<br>10803 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28209<br>DEED 16805 PG 838 | 23) #03304182<br>BRYAN AND KARUNA GELETKA<br>10825 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 12628 PG 259                      | 37) #03304106<br>JOSEPH L. THOMPSON<br>4001 MT HOLLY HUNTERSVILLE RD<br>CHARLOTTE, NC 28216<br>DEED 07193 PG 829                               |
| 10) #03304169<br>ROBERT E. CREAGER<br>10811 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 12628 PG 259                        | 24) #03304183<br>PAUL AND SHARON DAVIS<br>11107 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 12614 PG 321                         | 38) #03304107<br>TRUST WALTER REAL ESTATE<br>BUSINESS AND LEGAL DEPT<br>3001 S.E. 10TH ST.<br>BENTONVILLE, AR 72717-60550<br>DEED 18883 PG 491 |
| 11) #03304170<br>KELLY AND GREGORY PEACE<br>10817 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 15955 PG 890                  | 25) #03304184<br>BRYAN AND KARUNA GELETKA<br>10825 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 12628 PG 259                      | 39) #03304116<br>ASSOCIATION BANK OF AMERICA<br>NATIONAL AND DELOITTE AND TOUCHE<br>PO BOX 2618<br>ALPHARETTA, GA 30023<br>DEED 14876 PG 249   |
| 12) #03304171<br>CINDY CASTICONE<br>10903 CHASTAIN PARK<br>CHARLOTTE, NC 28216<br>DEED 12024 PG 099                              | 26) #03304185<br>WINGSPEED INVESTMENTS, LLC<br>11107 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 14144 PG 878                    | 40) #03304117<br>ARCHLAND PROPERTY LLC AND<br>ANN STANTON<br>4379 ISLAND COVE LN<br>CHARLOTTE, NC 28216<br>DEED 17421 PG 904                   |
| 13) #03304172<br>CINDY CASTICONE<br>10903 CHASTAIN PARK<br>CHARLOTTE, NC 28216<br>DEED 12024 PG 099                              | 27) #03304186<br>WINGSPEED INVESTMENTS, LLC<br>11107 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 14144 PG 878                    | 41) #03304118<br>WENDY L. CORY MALCOLM<br>4344 MACKENZIE CT<br>CONCORD, NC 28027<br>DEED 13651 PG 974  |
| 14) #03304173<br>WINGSPEED INVESTMENTS, LLC<br>551 FALLOUT CT<br>CHARLOTTE, NC 28226<br>DEED 17016 PG 700                        | 28) #03304187<br>WINGSPEED INVESTMENTS, LLC<br>11107 CHASTAIN PARK DR.<br>CHARLOTTE, NC 28216<br>DEED 14144 PG 878                    |  |

Approximate Tree Save Area



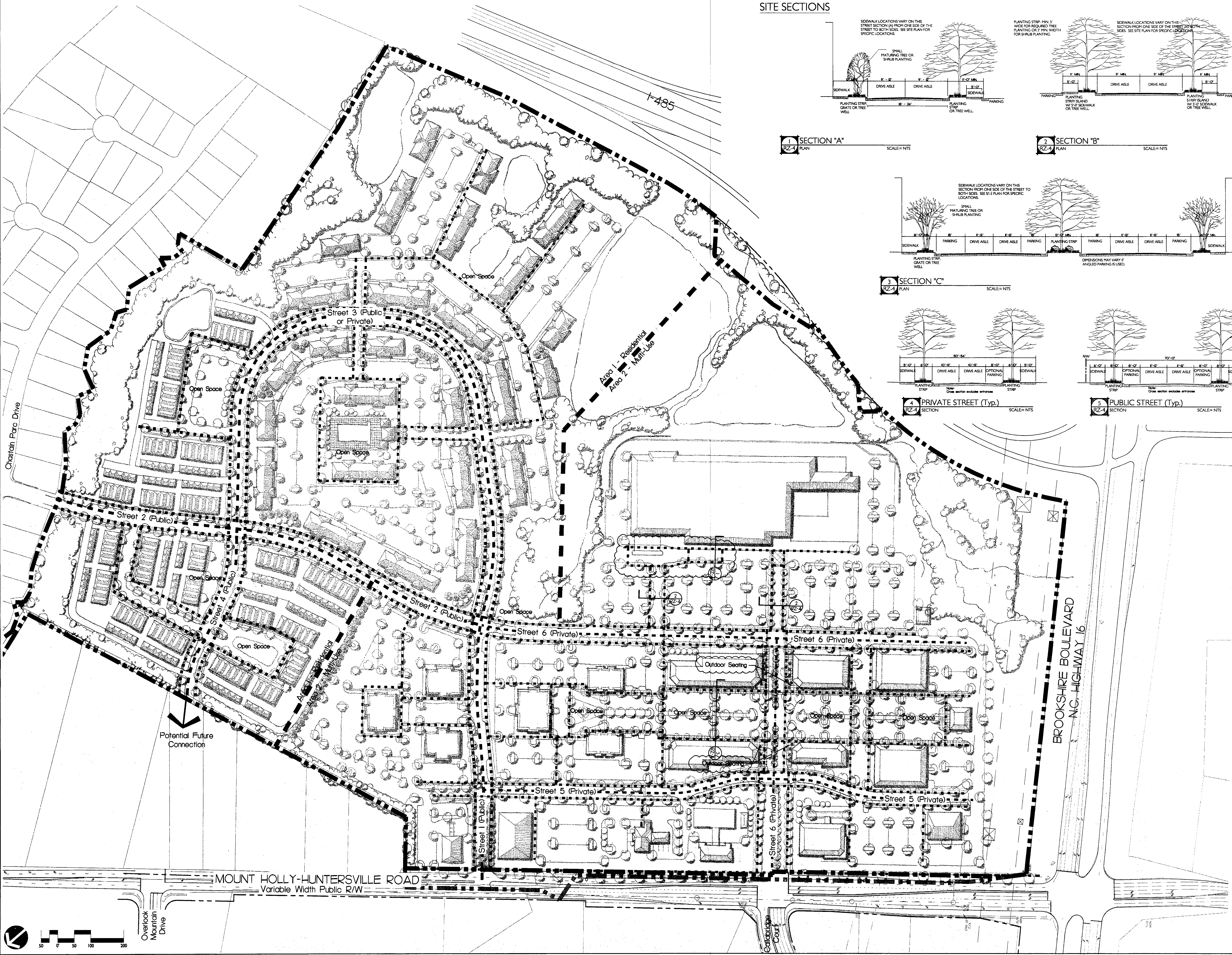




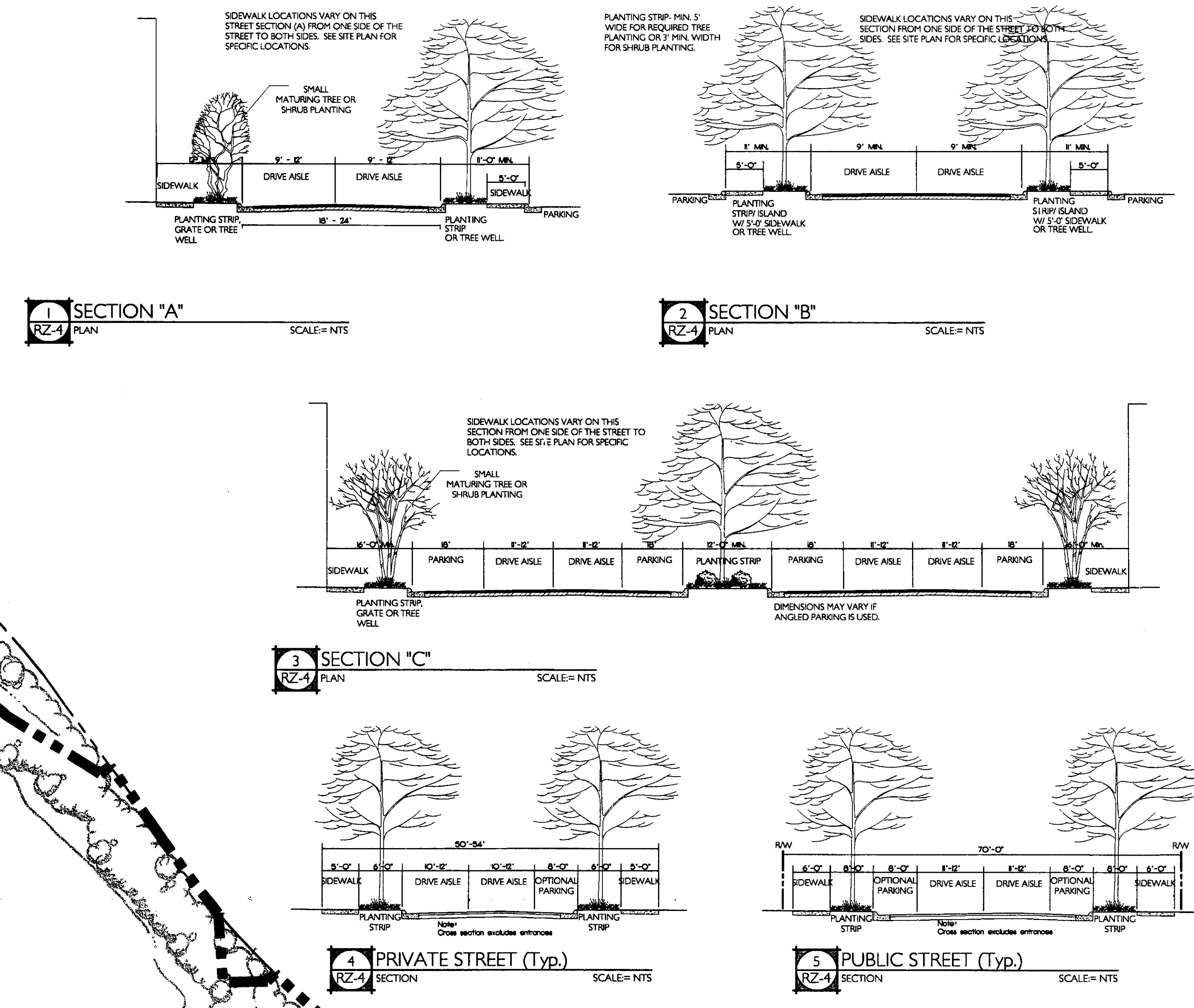








SITE SECTIONS



Mountain Island Promenade Rezoning Petition  
Charlotte, North Carolina

Withrow Capital, Investments, LLC  
PEDESTRIAN CIRCULATION PLAN

DATE: 03.01.06  
DRAWN BY: JRC  
CHECKED BY: JRC  
SCALE: 1"=100'  
PROJECT #: 100594  
SHEET #  
RZ-4



General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by the Petitioners to accommodate development of a pedestrian-friendly multi-use development on an approximately 100 + acre Site located on the southeasterly quadrant of the intersection between Brookshire Boulevard (NC Highway 16) and Mt. Holly - Huntersville Road (the "Site").

Unless the Technical Data Sheet (Sheet RZ-1), the Schematic Site Plan A (Sheet RZ-2a), the Schematic Site Plan B (Sheet RZ-2b), the Supplemental Sheets (Sheets RZ-1 and RZ-4), these Development Standards (Sheet RZ-5) or the Conceptual Rendering (Sheet RZ-6) establish more stringent standards, the regulations established under the Charlotte Zoning Ordinance (the "Ordinance") for the NS zoning district classification shall govern all development taking place on Parcel A, Parcel B, Parcel D, Parcel E and Parcel F of the Site and the regulations established under the Ordinance for the BD zoning district classification shall govern all development taking place on Parcel C of the Site.

1. Permitted Uses

- (a) Subject to the provisions of Paragraph (a) of Section 2 below, Parcel A and Parcel B of the Site may be devoted to a home improvement center, retail sales, p, social and recreational services, day labor services agency, automotive service station and associated car wash, outdoor seasonal sales, donation drop-off facility, equipment rental and leasing within an enclosed building, post office, financial institutions, drug store, medical, child care center, schools, general and medical offices, restaurants and medical, dental and optical clinics which are permitted under the Ordinance by right or under prescribed conditions in the NS zoning district.
- (b) Subject to the provisions of Paragraph (a) of Section 2 below, Parcel C of the Site may be devoted to a substantially below ground, climate-controlled storage building that is associated with the storage building, associated accessory uses (including any outdoor storage) and above ground off-street parking for Parcel A, Parcel B and Parcel C.
- (c) Subject to the provisions of Paragraph (a) of Section 2 below, Parcel D of the Site may be devoted to those uses allowed in an office district zoning classification, including but not limited to, banks or other financial institutions, (with or without drive through lanes), general and medical offices, optical, dental and medical clinics and elementary and secondary schools, along with associated accessory uses.
- (d) Subject to the provisions of Paragraph (a) of Section 2 below, Parcel E of the Site may be devoted to all types of attached for sale and/or for rent residential developments including but not limited to a nursing home, rest home, home for the aged and assisted living center along with associated accessory uses.
- (e) Parcel F of the Site may be devoted to all types of attached for sale residential developments along with associated accessory uses. Additionally, that portion of Parcel F lying west of Public Street 4 and adjacent to Parcel D may be used for an elementary and secondary school along with associated accessory uses.

2. Maximum Building Areas and Development Limitations

- (a) No more than 500,000 square feet of gross leasable floor area may be developed on Parcel A and Parcel B. Areas devoted to outdoor dining, gallery areas, outdoor covered walkways and courtyards, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces), service areas, mechanical and electrical rooms and outside sales areas are not included in this maximum square footage provided, however, that any off-street parking associated therewith that may be provided by the Ordinance will be provided for these areas.
- Additionally, no outside sales will be allowed on Parcel A except within the general areas depicted on Sheet RZ-2a and Sheet RZ-2b, and outside sales conducted in connection with other uses on Parcel A and Parcel B, including outdoor dining, must comply with applicable regulations in the Ordinance.

- (b) The uses permitted on Parcel A and Parcel B under Paragraph (a) of Section 1 above are subject to the following conditions:

- (i) A minimum of 5,000 square feet of floor area designated for or leased as office use under the Ordinance shall be constructed on the Site prior to the issuance of any certificate of occupancy for more than 175,000 square feet for retail, restaurant or other commercial use.
- (ii) No single user may occupy more than 26,500 square feet of space within Parcel A or Parcel B, subject to the following two exceptions:
- One retail use may be established on Parcel A which occupies no more than 175,000 square feet.
  - A grocery store or junior department store may be established on Parcel B which occupies no more than 55,000 square feet.
- (iii) No more than three establishments with drive-through window facilities, as defined in the Ordinance, and no more than one automotive service station may be developed on these two Parcels.
- (iv) The number of independent out-parcels shall be limited to no more than two. All other out-parcels must be inter-connected as defined by the General Development Policies.

- (c) The substantially below ground climate-controlled storage facility permitted on Parcel C shall contain no more than 127,000 square feet, which is composed of an approximately 125,000 square foot below ground storage building and an approximately 2,000 square foot above ground off-street building.

- (d) Parcel D of the Site may be developed with up to 165,000 square feet of office and elementary or secondary school uses along with associated accessory uses.

- (e) Parcel E of the Site may be developed with:

- up to 625 attached for sale and/or for rent residential units along with associated accessory uses; provided, however, that no more than 500 of such residential units may be constructed initially for rent, and/or
- a nursing home, rest home, home for the aged and assisted living center by exchanging residential units for independent living units at the rate of 22 independent living units for 18 residential units and for dependent living beds at the rate of 70 dependent living beds for 18 residential units, provided, however, that the independent living units and dependent living beds may be for rent or for sale, or a combination thereof, and any for rent independent living units or dependent living beds shall not be devoted to be attached for rent independent units within the meaning of the 500 unit for rent limitation provided herein.

- (f) Parcel F of the Site may be developed with either:

- Up to 140 for sale attached residential units and/or single-family detached residential units which satisfy the existing regulations under the R-6 zoning district classification; or
- Up to 100 for sale attached residential units and/or single-family detached residential units which satisfy the existing regulations under the R-6 zoning district classification and accessory uses and an elementary or secondary school containing up to 80,000 leasable square feet and accessory uses, on that portion of Parcel F that lies west of Public Street 4 and is adjacent to Parcel D.

3. Setbacks, Side Yards and Rear Yards

- (a) All buildings constructed on Parcels A, B, D, E and F of the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS zoning district, subject to the provisions of Section 3(c) below. However, a landscape strip of at least 24 feet in width, as measured from the back of the curb specified on the Technical Data Sheet, shall be provided along Mt. Holly-Huntersville Road. This landscape strip shall conform to the specifications outlined on Sheet RZ-3.
- (b) All buildings constructed on Parcel C of the Site shall satisfy or exceed any required setback, rear yard and side yard requirements established under the Ordinance for the BD zoning district, subject to the provisions of Section 3(c) below.
- (c) The Site may be considered a unified development plan and as such internal side and/or rear yards may be eliminated, subject to the normally required staff review and approval process.

4. Design and Performance Standards

Accompanying the Rezoning Petition are two optional alternative Schematic Site Plans (Sheet RZ-2a and RZ-2b) for the development of Parcel B of the Site, both of which shall be approved without further authorization so long as the ultimate design is consistent with one of the two plans.

The Petitioners reserve the option to combine or not combine buildings depicted on each Schematic Site Plan. However, this option does not include the right to increase the number of buildings shown on either of the Schematic Site Plans.

The developments on Parcels A, B, C, D, E and F as depicted on the Schematic Site Plans (Sheets RZ-2a and RZ-2b) are schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, minor alterations and modifications may be made to the configurations, placements, and sizes of the building footprints and Parcels, as well as the locations of streets serving the Parcels, subject to the provisions set forth below under Architectural and Design Controls, during the design, development, and construction phases within the maximum development area boundaries established on the Technical Data Sheet (Sheet RZ-1). Parking layouts may also be altered and modified to accommodate final building locations and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.

For purposes of the preceding paragraph any alterations or modifications which substantially alter the character of the development or significantly alter the Schematic Site Plans or their conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made by the provisions of Section 6.207(1) or (2) of the Ordinance, as applicable.

The Petitioners agree to submit detailed plans with respect to each phase of development proposed on the Site to the Staff of the Charlotte-Mecklenburg Planning Commission for review prior to the issuance of building permits for construction of the proposed phase of development so that Staff may be assured that such development satisfies the conditions imposed under the Technical Data Sheet, these Development Standards and the other Sheets and Exhibits accompanying the Rezoning Petition. Compliance with the provisions of this paragraph shall not be deemed to be an administrative site plan application or require administrative site plan approval as envisioned by Section 6.207 of the Ordinance.

(a) Architectural and Design Controls

Parcel A and Parcel B (Primarily Retail Uses)

- (i) Buildings located along Mt. Holly-Huntersville Road shall contain translucent glass windows along the elevations which face Mt. Holly-Huntersville Road. Expenses of solid walls exceeding 20 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows planned so as not to inhibit the use of the building by the user. Buildings may contain public roofs, partial gable roofs and/or ramped walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building.
- (ii) Buildings located along NC Highway 16 (Brookshire Boulevard) may be multi-tenant and shall contain translucent windows along the elevations which face the highway. The anchor building or buildings shown on Schematic Plan B (Sheet RZ-2b) may have solid walls not exceeding 40 linear feet. The Highway 16 elevations of all other buildings except the home improvement center facility depicted on Sheet RZ-2a and RZ-2b may have solid walls not exceeding 20 linear feet. Expenses of solid walls beyond the stated maximums for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements.
- (iii) The rear elevation and the Highway 16 elevation of the home improvement center facility depicted on Schematic Site Plan A (Sheet RZ-2a and Schematic Site Plan B (Sheet RZ-2b) shall consist of a finished architectural wall with a full parapet through the use of materials such as jumbo brick. Painted or colored concrete block will not be allowed. These walls should be broken every 60 feet by the use of pilasters or other architectural features.
- (iv) The rear elevations of the buildings facing Private Streets 5 and 7, excluding the home improvement center facility, shall avoid expenses of solid walls exceeding 20 linear feet through the introduction of articulated facades and other specially designed architectural elements, including the use of translucent glass windows planned so as not to inhibit the use of the buildings by the user. Buildings may contain public roofs, partial gable roofs and/or ramped walls so as to screen the rooftop HVAC units. Other architectural treatments such as wall sections containing different but complementary building materials, colors, or textures may be used to enhance the architecture of the building.
- (v) The Conceptual Rendering (Sheet RZ-4) of the front elevation of a typical multi-tenant retail building on Parcel A depicts the general intent of the Petitioner with respect to height, scale, articulation, rhythm, massing, proportions and design elements.
- (vi) Public open spaces containing landscaping, benches, and pedestrian scaled lighting shall be provided on Parcel A and Parcel B in those locations depicted on the Schematic Site Plan. Additionally, outdoor dining and seating areas associated with restaurant tenants shall be provided.
- (vii) All retail buildings must be architecturally integrated to complement one another by using similar exterior materials. Exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.
- (viii) All buildings must be sited with an emphasis on maintaining pedestrian interconnectivity.
- (ix) Parking areas should be located so they minimize the distance for pedestrians across between abutting buildings.
- (x) Buildings shall not exceed 60 feet in height as measured in accordance with the Ordinance.
- (xi) All public building entrances, except those for fire exits and loading, will connect directly to a sidewalk along a public street or to a private street/drive or to an open space.
- (xii) All signage placed on Parcel A and Parcel B shall comply with the standards outlined in the Ordinance for the NS zoning district classification.
- (xiii) All signage attached to buildings located along Mt. Holly-Huntersville Road and NC Highway 16 shall comply with the standards outlined in the Ordinance for the NS zoning classification.
- (xiv) Detached identification signage for buildings located along Mt. Holly-Huntersville Road shall be limited to ground mounted monument type signs located within the ten (10) foot wide second planting strip identified below in Paragraph (c) (i) of this Section 4. These signs may not exceed four (4) feet in height and the actual signage may not exceed thirty-two (32) square feet on each side.
- (v) Wall signs will be permitted in accordance with the Ordinance, up to a maximum of one hundred (100) square feet for each wall or 5 percent of the area of each wall face whichever is less.

Parcel C (Substantially Below Ground Climate Controlled Storage Facility)

- (i) The above ground off-street building component located within Parcel C shall be architecturally integrated with the buildings on Parcel A and Parcel B by using similar exterior materials, and shall not exceed twenty-five (25) feet in height as measured in accordance with the Ordinance. Above ground exterior vertical wall surfaces, exclusive of windows and doors, shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used.
- (ii) The off-street building entrance and all fire escape exits associated with the underground storage building will connect directly to a sidewalk along a public street or an internal street/drive or to an open space.
- (iii) The storage building component shall be screened through the retail/off-street building. Portions of the storage building which are visible from adjoining streets shall not exceed twenty-five (25) feet in height and such portions, exclusive of fire door exits, windows and doors, shall be constructed with 50 percent masonry materials (brick, stone, pre-cast or poured concrete with architectural treatments or other masonry materials), as to be blend in architecturally with the buildings and/or retaining walls on Parcel A and Parcel B.
- (iv) All signage placed on Parcel C including wall signs shall comply with the standards outlined in the Ordinance for the BD zoning district classification, excepting that no free standing signs shall be allowed.
- (v) Wall signs will be permitted in accordance with the Ordinance, up to a maximum of 100 square feet for each wall face or 5 percent of the area of each wall face whichever is less.

Parcel D (Office)

- (i) All office buildings shall be architecturally integrated to complement one another, as well as those retail buildings constructed on Parcel A and Parcel B, by using similar exterior materials.
- (ii) Parking areas should be located so they minimize the distance for pedestrians across between abutting buildings.
- (iii) Buildings shall not exceed 60 feet in height as measured in accordance with the Ordinance.
- (iv) Above grade exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 50 percent masonry materials (brick, stone, pre-cast concrete or other masonry materials). No aluminum or vinyl siding or spandrel glass shall be used on any building.
- (v) All signage placed on Parcel D shall comply with the standards outlined in the Ordinance for the NS zoning classification. In addition, the following standards shall apply:
- Detached identification signage shall be limited to ground mounted monument type signs. Monument sign structure shall be limited to a maximum of four (4) feet in height and actual signage area may not exceed thirty-two (32) square feet on each side.
  - Wall signs will be permitted in accordance with the Ordinance, up to a maximum of one hundred square feet for each wall face or 5 percent of the area of each wall face, whichever is less.
- (vi) Shared parking will be permitted in accordance with Section 12.203 of the Ordinance.
- (vii) Prior to the issuance of a certificate of occupancy for any building constructed on the out-parcel located on that portion of Parcel D that lies east of proposed Access B, the Owner of the out-parcel shall construct a brick wall having a height of at least 6 feet along the eastern property line that separates the out-parcel from the adjacent single family residential lot facing Mt. Holly-Huntersville Road.

- (viii) Subject to the provisions of the next succeeding paragraph, prior to the issuance of a certificate of occupancy for any building constructed on Parcel D other than the out-parcel, Petitioners shall construct a brick wall having a height of at least 6 feet along the northern boundary line for Parcel D and the common rear property lines of certain of the single family residential lots fronting on Mt. Holly-Huntersville Road within the area generally depicted on the Technical Data Sheet.

In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F, all of which are more particularly described in the preceding paragraph and in Subparagraph (vi) of this part of Paragraph (a) of this Section 4 which deal with Parcel E (Residential Attached For Sale), are re-zoned to a multi-family or office zoning district, then the Petitioners may eliminate the brick wall otherwise required by the provisions of the next preceding paragraph, provided the Petitioners are able to obtain the prior written consents to so eliminate the brick wall from all of the then owners of the single family residential lots so re-zoned.

Parcel E (Residential Attached For Sale and/or For Rent)

- (i) Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 30 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum or vinyl siding or spandrel glass shall be used on any building containing attached for rent residential units. No aluminum siding or spandrel glass and no vinyl siding other than architectural vinyl having a textured finish that has been approved in advance by the Staff of the Charlotte-Mecklenburg Planning Commission shall be used on any building containing attached for sale residential units.
- (ii) Buildings shall not exceed the greater of four stories or 60 feet in height as measured in accordance with the Ordinance.
- (iii) All signage placed on Parcel E shall comply with the standards outlined in the Ordinance for the NS zoning classification.

Parcel F (Residential Attached For Sale)

- (i) Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 35 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum siding or spandrel glass and no vinyl siding other than architectural vinyl having a textured finish that has been approved in advance by the Staff of the Charlotte-Mecklenburg Planning Commission shall be used on any building.
- (ii) Buildings shall not exceed the greater of three stories or 50 feet in height as measured in accordance with the Ordinance.
- (iii) All signage placed on Parcel F shall comply with the standards outlined in the Ordinance for the NS zoning classification.
- (iv) Subject to the provisions of the next succeeding paragraph, prior to the issuance of a certificate of occupancy for any building constructed on Parcel F, Petitioners shall construct a brick wall having a height of at least 6 feet in height along a portion of the northern boundary line for Parcel F and the common rear property lines of certain of the single family residential lots fronting on Mt. Holly-Huntersville Road within the area generally depicted on the Technical Data Sheet.

In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F, all of which are more particularly described in the preceding paragraph and in Subparagraph (vi) of this part of Paragraph (a) of this Section 4 which deal with Parcel D (Office) are re-zoned to a multi-family or office zoning district, then the Petitioners may eliminate the brick wall otherwise required by the provisions of the next preceding paragraph, provided the Petitioners are able to obtain the prior written consents to so eliminate the brick wall from all of the then owners of the single family residential lots so re-zoned.

(b) Landscaping and Screening

- (i) The Petitioners shall cause to be installed within the second planting strip along Mt. Holly-Huntersville Road, identified in Paragraph (c) (i) of this Section 4, plants, trees and other materials in accordance with the Ordinance and Sheet RZ-3 which forms a part of the Technical Data Sheet, and shall thereafter maintain or cause to be maintained all such materials (including replacement of all dead or dying plants).
- (ii) Internal areas of the Site shall be landscaped in accordance with the requirements of the City of Charlotte Tree Ordinance.
- (iii) All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties.
- (iv) All screening and landscaping shall meet or exceed the standards of the Ordinance.
- (v) Dumpster areas will be enclosed on all three sides by an opaque wall with the fourth side being a single 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.
- (vi) The Petitioners reserve the right to selectively clear trees with calipers 3 inches or smaller, dead trees and undergrowth on the Site which fall within the Duke Power right-of-way running east of Brookshire Boulevard and within the right-of-way for Brookshire Boulevard and to remove limbs from the remaining trees up to a height of 8 feet above the adjacent ground level.
- (vii) The Technical Data Sheet requires that Public Street 2 be connected to Valley Walk Drive in the Chastain Park Subdivision. In order to provide an attractive entryway, the Petitioners agree to install a breakstone on both sides of Valley Walk Drive between Chastain Park Drive and the Site, provided appropriate consents are granted from the individual property owners of Lots number 17 and 18, as depicted on the Technical Data Sheet, within 30 days after Petitioners have made written offers to do so.
- These trees will be planted on both sides of Valley Walk Drive and be the same species and size as those planted on Public Street 2. The Petitioners agree to meet with each of the property owners involved who shall have returned timely consents to the Petitioners (or their respective representatives) to decide upon the exact locations of the plant materials within 30 days after receipt of the appropriate consent form and to install the plant materials on the Site of each such consenting owner involved prior to the issuance of a permanent certificate of occupancy for any building constructed on Parcel F. If the plant material is installed on any such lot, all watering and maintenance will be the responsibility of the owner of the lot and the Petitioners shall not be responsible for maintaining this plant material or for replacement in the event any of the plant materials dies.

(c) Streetscape Treatment

- (i) The streetscape treatment along Mt. Holly-Huntersville Road will conform to the Ordinance and include trees with a 3 inch minimum caliper and supplemental shrubbery.
- (ii) The first fourteen (14) feet of right-of-way extending from the back of the planned curb along Mt. Holly-Huntersville Road shall include an eight (8) foot planting strip, adjoining a six (6) foot wide sidewalk. A minimum ten (10) foot wide second planting strip will be located along the Side of the sidewalk.
- (iii) All internal public streets shall have an eight (8) foot wide planting strip and a six (6) foot wide sidewalk.
- (iv) All internal private streets shall have a six (6) foot wide planting strip and a five (5) foot wide sidewalk.

(d) Lighting

- (i) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel A, Parcel B and Parcel C of the Site, shall not exceed 30 feet. All freestanding parking lot lighting fixtures within Parcel A, Parcel B and Parcel C of the Site will be uniform in design.
- (ii) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel D of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel D will be uniform in design.
- (iii) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel E of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel E will be uniform in design.
- (iv) The maximum height of any freestanding lighting fixture, including its base, erected in the parking areas within Parcel F of the Site shall not exceed 20 feet. All freestanding parking lot lighting fixtures within Parcel F will be uniform in design.
- (v) All freestanding lighting fixtures over 15 feet in height shall be fully-shielded and downwardly directed.
- (vi) Any lighting fixture attached to a building shall be capped and downwardly directed.
- (vii) The height restrictions in (i) through (iv) of this Section 4(d) shall not apply to street lights erected on public rights-of-way or to decorative pole lights along sidewalks, open space and the private streets/drives or on wall mounted decorative scene type lighting.
- (viii) Wall pack lighting shall be used only in service areas.
- (ix) Pedestrian scale lighting will be provided within the Site along Private Streets 5 and 6, Public Streets 1, 2 and 4, Public/Private Street 3 and along Mt. Holly-Huntersville Road.

(e) Buffers

- (i) Buffer Areas will be provided as depicted on the Technical Data Sheet.
- (ii) In the event that all of the single family residential lots fronting on Mt. Holly-Huntersville Road and backing up to the northern boundary line for Parcel D and a portion of Parcel F are re-zoned to a multi-family or office zoning district, then the Petitioners may eliminate the buffer areas along a portion of the northern boundary of the Site abutting these residential lots depicted on the Technical Data Sheet.
- (iii) Petitioners reserve the right to reduce the width of any other buffer (excluding any Undisturbed Vegetative Buffer) by substituting a wall, fence or berm in accordance with Section 12.302 (b) of the Ordinance.
- (iv) The Petitioners will establish a 100 foot undisturbed buffer along that portion of the Site which abuts the Chastain Park Subdivision, as depicted on the Technical Data Sheet.

5. Environmental Standards

(a) Watershed Protection-General Requirements

- (i) All development occurring on the Site shall conform to the applicable requirements of the Lake Wylie Watershed District Protected Area.
- (ii) All development will adhere to the provisions of the SWIM Buffer Ordinance.
- (iii) The Petitioners agree to employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements as well as the requirements specified below under Paragraphs (b), (c), and (d) of this Section 5. The enforcement officer shall be empowered to take the actions necessary to ensure the prompt correction of problems and as when they are detected. The enforcement officer must attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and must satisfactorily pass the certification test.
- (iv) The Petitioners will require supervisors assigned to the Site by all grading contractors to attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and all such supervisors must satisfactorily pass the certification test.
- (v) All domestic water and sewer services shall be provided by the Charlotte-Mecklenburg Utilities systems.

(b) Storm Water Management Initiatives

In order to ensure effective mitigation of negative water quality impacts and adequate protection of water quality conditions the Petitioners agree to satisfy the following requirements:

- (i) The Petitioners shall tie in to the existing storm water systems and shall have the receiving drainage systems, including 1485, installed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the Petitioners shall provide alternate methods to prevent this from happening.
- (ii) Runoff generated from the first inch of rainfall shall be captured and treated in accordance with Section 4.0 of the NC Department of Environment and Natural Resources Best Management Practices Manual, April 1999 Edition, or updated version of the same sufficient to achieve 85 percent TSS pollutant removal for the Site.
- (iii) The full post-development run-off volume generated from the project for the 1 year, 24-hour storm event shall be detained and released between 2-5 days.
- (iv) Peak runoff rates shall be detained and released at pre-developed rates for the 2-year and 10-year design storm events.
- (v) Stormwater from water quality BMP's shall be released so as to maintain non-erosive velocities.

(c) Erosion Control

Measures for controlling erosion shall include:

- (i) In the event frequency and intensity of rainfall events are overloading basins or other devices, polymers and other flocculating measures shall be employed to enhance settling capabilities to avoid the discharge of solids from the Site.
- (ii) Double row high hazard silt fences shall be used in critical areas of the Site, including all intermittent and perennial streams, delineated wetlands, bases of slopes, approved stream crossings and other locations where the potential for off-site sedimentation is greatest.
- (iii) In the absence of silt fencing, orange construction barrier fence shall be installed along undisturbed buffers to delineate and protect undisturbed buffers during construction.
- (iv) Two stage sediment basins with outlet weirs sized for a 50-year storm event shall be used to reduce the risk of basin failure.
- (v) During construction, the developer shall develop a weekly inspection program meeting NPDES General Permit requirements for all sediment basins including written documentation of such inspections. This written documentation shall be maintained on-site and available upon request. Sedimentation in perennial or intermittent streams caused by construction activities shall be mitigated in a non-disruptive manner within two weeks of identification. Turbidity levels shall be monitored and recorded as part of the inspection program at appropriate runoff discharge points on the Site.

(d) Wetlands Protection

- (i) The Petitioners shall retain the services of a qualified environmental consultant to delineate all jurisdictional waters on the Site.
- (ii) All development shall fully adhere to all rules and regulations for wetlands protection promulgated by USAACE and NCEMNR.

(e) Tree Save Areas/Open Space

- (i) The Petitioners agree to provide tree save areas totaling 10 percent of the Site and open space areas (including tree save areas) totaling 25 percent of the Site.

6. Vehicular Access, Rights-of-Way, and Road Improvements (collectively the "Roadway Improvements")

(a) Vehicular Access

- (i) Vehicular Access to Mt. Holly-Huntersville Road shall be as generally depicted on the Technical Data Sheet.
- (ii) The placements and configurations of these Vehicular Access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation ("CDOT") and the North Carolina Department of Transportation ("NCDOT").
- (b) Rights-of-Way

The Petitioners agree to dedicate and convey (by quitclaim deed and subject to reservations for any necessary utility easement) portions of the Site prior to the issuance of any building permits for development taking place on the Site, right-of-way as follows, if such right-of-way does not presently exist:

(i) Brookshire Boulevard (NC 16)

100 feet east of the centerline unless the existing Duke Energy right-of-way and NC Highway 16 right-of-way are contiguous.

- (ii) Mt. Holly-Huntersville Road,

70 feet south of the centerline for a distance of 1300 feet running from the eastern margin of the right-of-way for NC Highway 16 to Access A and reduced to 60 feet south of the centerline along the remaining frontage of the Site. Any such additional right-of-way may be released if the entire amount committed is not necessary to accommodate the improvements depicted on the Technical Data Sheet (including a 5 foot wide bike lane, the construction costs of which the City has agreed to bear), with the final width of the additional right-of-way to be determined based on the final design for these roadway improvements approved by CDOT and NCDOT.

(c) Roadway Improvements

- (i) Minimum Roadway Improvements for Stage I Development:

For purposes of this Section 6 (c) (i), Stage I Development shall be deemed to include:

- 350,000 square feet of retail/commercial floor area
- 127,000 square feet of climate controlled storage

Prior to the issuance of a certificate of occupancy for any Stage I Development building constructed on the Site, the following Roadway Improvements shall be completed:

Mt. Holly-Huntersville Road and Brookshire Boulevard (NC 16)

- Construct an additional northbound right turn lane on Brookshire Boulevard with 400 feet of storage and a 20:1 bay taper.
- Extend the existing northbound right turn lane on Brookshire Boulevard 240 feet for a total of 400 feet of storage with a 20:1 bay taper.
- Construct a second northbound left turn lane on Brookshire Boulevard with 275 feet of storage and a 15:1 bay taper.

Mt. Holly-Huntersville Road and Calhoun/Courthouse Drive "A"

- Construct a concrete median at Proposed Access "A" that extends from the existing traffic signal to its terminus at Private Street 5 with four outboard lanes, a through lane, an exclusive right turn lane with 100 feet of storage and dual left turn lanes with 250 feet of internal storage, and with three inboard lanes, a 200 foot left turn lane, a through lane and a combination through-right turn lane. The section of Private Street 6 from Private Street 5 to Private Street 7 shall be constructed as depicted on the Schematic Site Plan A.
- The Access "A" driveway connection must be approved by CDOT and NC-DOT and occur with the latest edition of the NC-DOT Policy on Street and Driveway Access to North Carolina Highways.
- Construct westbound dual left turn lanes, each with a minimum of 250 feet of stacking and a 15:1 bay taper.
- Re-slope the southbound approach on Calhoun/Courthouse Drive to provide for dual left turn lanes and a single through lane.
- Re-slope the northbound approach on Mt. Holly-Huntersville Road to provide for dual left turn lanes onto Calhoun/Courthouse Drive.
- Construct an outboard right turn lane on Mt. Holly-Huntersville Road between NC 16 and Proposed Access "A" with 200 feet of storage and a 20:1 bay taper.
- Modify the existing traffic signal to accommodate a four way intersection.

Mt. Holly-Huntersville Road and Proposed Access "B"

- Construct Proposed Access "B" located approximately 900 feet east of Calhoun/Courthouse Drive/Proposed Access "A", as depicted on the Schematic Site Plan.
- Construct Public Street 1 from Mt. Holly-Huntersville Road to its intersection with Private Street 7 and construct all of Private Street 7.
- Construct Public Street 2 from Private Street 7 to the eastern margin of the Site so that it connects into Valley Walk Drive.
- Construct a westbound left-turn lane on Mt. Holly-Huntersville Road with a minimum of 150 feet of storage and a 15:1 bay taper. This driveway connection must be approved by CDOT and NC-DOT and occur with the latest edition of the NC-DOT Policy on Street and Driveway Access to North Carolina Highways.
- Construct two outboard lanes at Proposed Access "B" to allow for exclusive left and right turn movements with 150 feet of internal storage.

Mt. Holly-Huntersville Road and Bellhaven Boulevard/Kennel's Ferry Road

- Construct an eastbound right turn lane on Mt. Holly-Huntersville Road with 300 feet of storage and a 20:1 bay taper and increase the storage of the eastbound left turn lane on Mt. Holly-Huntersville Road 35 feet for a total of 125 feet of storage.
- Increase the left turn storage of the northbound left turn lane on Bellhaven Boulevard 125 feet for a total of 325 feet of storage.

Mt. Holly-Huntersville Road

- Construct an additional westbound drive from Chastain Park Drive through NC Highway 16 to terminate into existing lanes at Coolok Drive. (Note: Portion of Mt. Holly-Huntersville Road from Calhoun/Courthouse Drive to Coolok Drive is a strip of the existing pavement).
- Construct an additional eastbound drive from Coolok Drive thru NC Highway 16 to terminate into proposed right turn lane at Proposed Access "A." (Note: The developer of the Mountain Island Marketplace is committed to construct the portion from Coolok Drive to the Shopping Center Drive).

In connection with these improvements to Mt. Holly-Huntersville Road, a major thoroughfare, the Petitioners reserve the right to request the maximum reimbursement amount (currently \$175,000.00) permitted under CDOT policy.

(ii) Minimum Roadway Improvements for Stage II Development:

For purposes of this Section 6 (c) (ii), Stage II Development shall be deemed to include:

- 10,000 square feet of retail/commercial floor area
- 165,000 square feet of office floor area
- All development approved for Parcel E;
- All development approved for Parcel F

Prior to the issuance of any certificate of occupancy for any Stage II Development buildings, the following Roadway Improvements shall be completed:

Mt. Holly-Huntersville Road and Calhoun Drive

- Construct an exclusive eastbound right turn lane on Mt. Holly-Huntersville Road with 150 feet of storage and a 20:1 bay taper.

Public/Private Street 3 and Public Street 4

- Public/Private Street 3 and Public Street 4 shall be constructed as warranted in order to provide access to portions of Parcel E and Parcel F as they are developed.

- (d) If off-site right-of-way is required to accommodate any of the Petitioners' improvements described in Paragraph (c) of this Section 6, the Petitioners will make a good faith effort to secure the necessary off-site right-of-way. If the Petitioners successfully acquire the necessary off-site right-of-way prior to issuance of certificates of occupancy, they will cause any such improvement to be completed.

If right-of-way not owned by the Petitioners is required to complete any such improvements and the Petitioners fail in their good faith attempt to acquire the right-of-way, then they may request NCDOT and/or the City of Charlotte to condemn the property in order for the Petitioners to acquire the right-of-way.

- (e) Notwithstanding any provisions set forth in this Section 6, but subject to the provisions of Paragraph (f) of this Section 6, the Petitioners may obtain building permits and request certificates of occupancy for up to 75,000 square feet of retail development on Parcel A and/or Parcel B without making any of the improvements required under the foregoing provisions of this Section 6





DATE: 03/01/06  
 DRAWN BY: JRC  
 CHECKED BY: HRC  
 SCALE: 1"=100'  
 PROJECT #: 100594  
 SHEET #:

**RZ-6**

**Mountain Island Promenade Rezone Petition**  
 Charlotte, North Carolina  
 Withrow Capital, Investments, LLC

ROADWAY IMPROVEMENT PLAN (for NC 16/ MT. Holly Huntersville Rd)