

SITE DATA

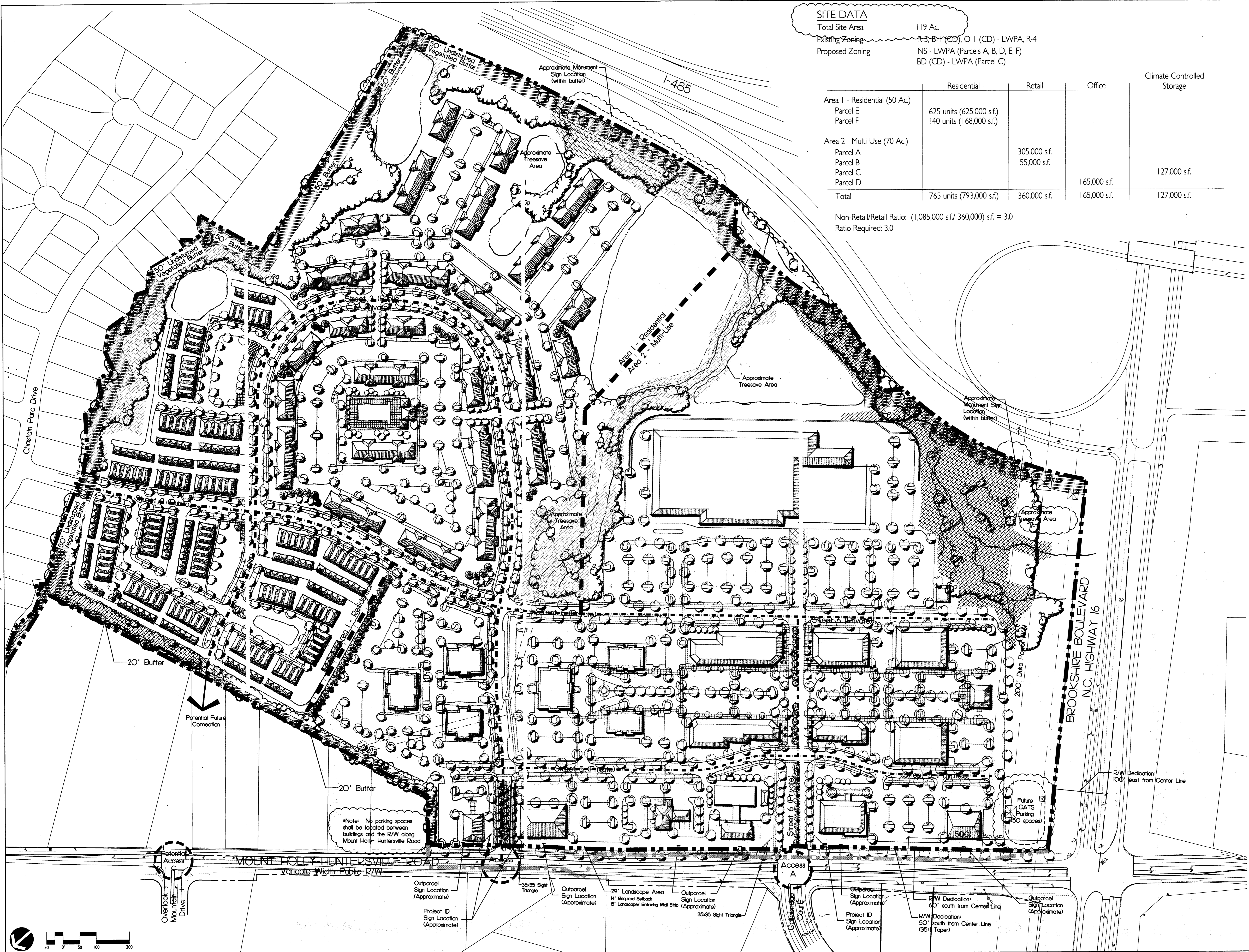
Total Site Area	119 Ac.
Area 1 - Residential	56 Ac.
Area 2 - Multi-Use	63 Ac.
Proposed Treesave	11.9 Ac. (10.0%)
Area 1	6.11 Ac.
Area 2	5.79 Ac.
Proposed Open Space	29.75 Ac. (25%)

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

ADJACENT PROPERTY OWNERS

1) #03327133 ENFIELD INVESTMENTS, LLC 3021 HANSON DR. CHARLOTTE, NC 28207 DEED 17390 PG 83	15) #03304174 CHERYL AND RONALD WASEK 10917 CHASTAIN PARK SUITE 200 CHARLOTTE, NC 28216 DEED 17175 PG 295	29) #03304113 HOLLYHUNTER CHURCH 416 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 17175 PG 295
2) #03301225 JODEE W. MCLEAN MOUNTAIN ISLAND LLC 1901 MAIN ST. #900 COLUMBIA, SC 29201 DEED 1564 PG 061	16) #03304174 ROBERT AND LINDA FLEWELLEN 13081 VIA DEL VELADOR SAN DIEGO, CA 92129 DEED 17545 PG 320	30) #03304109 WILLIAM AND BETTY ALLEN 4220 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 04503 PG 424
3) 1485 #03304106 WILLIAM DONNIE LANHAM 9501 MT HOLLY HUNTERSVILLE RD. CHARLOTTE, NC 28216 DEED 15914 PG 215	17) #03304174 REGINALD M. KETT 09931 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 17214 PG 620	31) #03304123 WILLIAM AND BETTY ALLEN 4220 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 04503 PG 424
4) 1485 #03304106 WILLIAM DONNIE LANHAM 9501 MT HOLLY HUNTERSVILLE RD. CHARLOTTE, NC 28216 DEED 15914 PG 215	18) #03304501 DORIS AND KWAN GRAHAM 11001 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 11724 PG 192	32) #03304123 WILLIAM AND BETTY ALLEN 4220 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 04503 PG 424
5) CHASTAIN HOMEOWNERS ASSOC. INC. 580 EXECUTIVE CENTER DR. CHARLOTTE, NC 28212 DEED 11073 PG 339	19) #03304165 KETH AND ELIZABETH DOWNING 10727 CHASTAIN PARK CHARLOTTE, NC 28216 DEED 17492 PG 573	33) #03304119 ROBERT AND CARINA RYENBARK 4200 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 17488 PG 58
6) #03304165 KETH AND ELIZABETH DOWNING 10727 CHASTAIN PARK CHARLOTTE, NC 28216 DEED 17492 PG 573	20) #03304503 DONALD AND TAMMY KAZMERZACK 11015 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 11141 PG 457	34) #03304120 EWELL COX CHARLOTTE, NC 28216 DEED 17488 PG 58
7) #03304166 LANCE H. ARENS 1100 S. TRYON ST. SUITE 100 CHARLOTTE, NC 28203 DEED 12394 PG 470	21) #03304504 SHERRY BARTLETT 11021 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 11730 PG 342	35) #03304117 ALVIN AND LUDY PUCKETT 4132 MT HOLLY HUNTERSVILLE R. CHARLOTTE, NC 28216 DEED 04567 PG 476
8) #03304167 GEORGIOS T. KARAPANOS AND WANDA I. LOVREY 10729 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 13757 PG 599	22) #03304505 CRAIG AND TINA RANEY 11027 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 11141 PG 457	36) #03304106 DAVID KETENEY 4015 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 07193 PG 829
9) #03304168 JAN ROMANEY AND MATTHEW THOMAS HEFFERIN 0805 CHASTAIN PARK DR. CHARLOTTE, NC 28209 DEED 16805 PG 838	23) #03304509 KEITH AND CYNTHIA WIGGINS 11113 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 17814 PG 197	37) #03304105 JAMES AND ALICE THOMPSON 3915 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 16883 PG 491
10) #03304169 ROBERT E. CREAGER 08011 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 16228 PG 359	24) #03304507 DORIS AND CYNTHIA WIGGINS 11113 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 17814 PG 197	38) #03304104 JAMES AND ALICE THOMPSON 3915 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 16883 PG 491
11) #03304170 KELLY AND GREGORY PEACE 110 S. TRYON ST. SUITE 100 CHARLOTTE, NC 28203 DEED 13295 PG 290	25) #03304509 KEITH AND CYNTHIA WIGGINS 11113 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 17814 PG 197	39) #03304116 TRUST WAL-MART REAL ESTATE BUSINESS AND LEGAL DEPT 3001 S.E. 10TH ST. BENTONVILLE, AR 72716-0550 DEED 16883 PG 491
12) #03304171 BRYAN AND KARUNA GELETKA 08025 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 13783 PG 143	26) #03304509 KEITH AND CYNTHIA WIGGINS 11113 CHASTAIN PARK DR. CHARLOTTE, NC 28216 DEED 17814 PG 197	40) #03304117 ASSOCIATION BANK OF AMERICA NATIONAL AND DELOTTLE AND TOUCHE PO BOX 2818 ALPHARETTA, GA 30003 DEED 14876 PG 249
13) #03304172 CISDIO CASTICONE 09003 CHASTAIN PARK CHARLOTTE, NC 28216 DEED 12024 PG 099	27) #03304108 DAVID AND CATHARINE PAIGE 4122 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 05689 PG 061	41) #03304110 ARCH-LAND PROPERTY LLC AND ANN STANTON 4379 ISLAND COVE LN CHARLOTTE, NC 28216 DEED 17421 PG 904
14) #03304173 BACOLE PROPERTIES LLC 5514 FALLON CT CHARLOTTE, NC 28226 DEED 17016 PG 700	28) #03304112 JAMES AND VIRGINIA POUTIER 2625 LULLY MILL RD CHARLOTTE, NC 28210 DEED 05671 PG 852	42) #03304109 WENDELL CORY MALCOLM 4344 MACKENZIE CT CONCORD, NC 28027 DEED 13651 PG 974





SITE DATA

Total Site Area 119 Ac.
Existing Zoning R-3, B-1 (CD), O-1 (CD) - LWPA, R-4
Proposed Zoning NS - LWPA (Parcels A, B, D, E, F)
BD (CD) - LWPA (Parcel C)

	Residential	Retail	Office	Climate Controlled Storage
Area 1 - Residential (50 Ac.)				
Parcel E	625 units (625,000 s.f.)			
Parcel F	140 units (168,000 s.f.)			
Area 2 - Multi-Use (70 Ac.)				
Parcel A		305,000 s.f.		
Parcel B		55,000 s.f.		
Parcel C			165,000 s.f.	127,000 s.f.
Parcel D			165,000 s.f.	
Total	765 units (793,000 s.f.)	360,000 s.f.	165,000 s.f.	127,000 s.f.

Non-Retail/Retail Ratio: (1,085,000 s.f./ 360,000) s.f. = 3.0
Ratio Required: 3.0

Mountain Island Promenade Rezone Petition

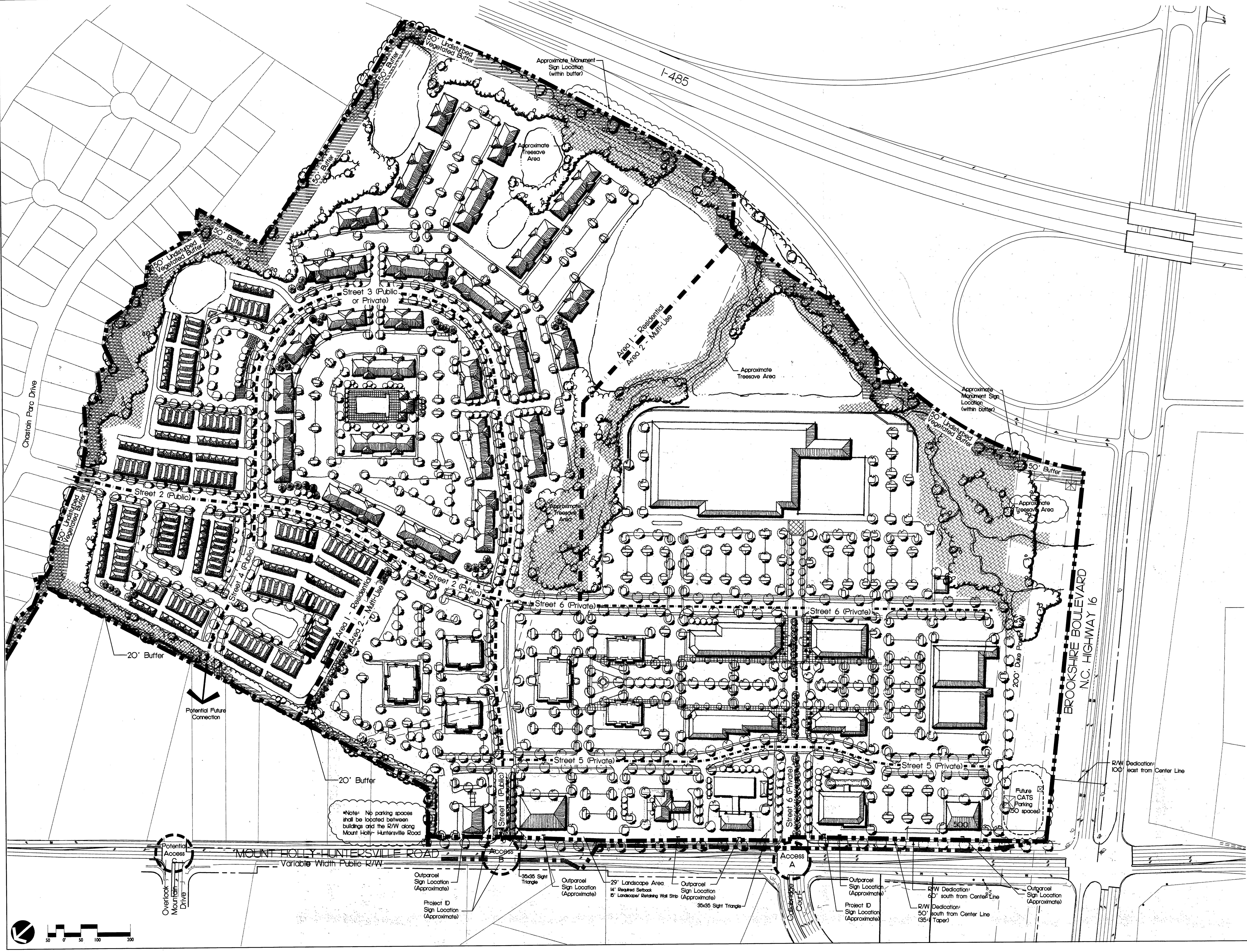
Charlotte, North Carolina

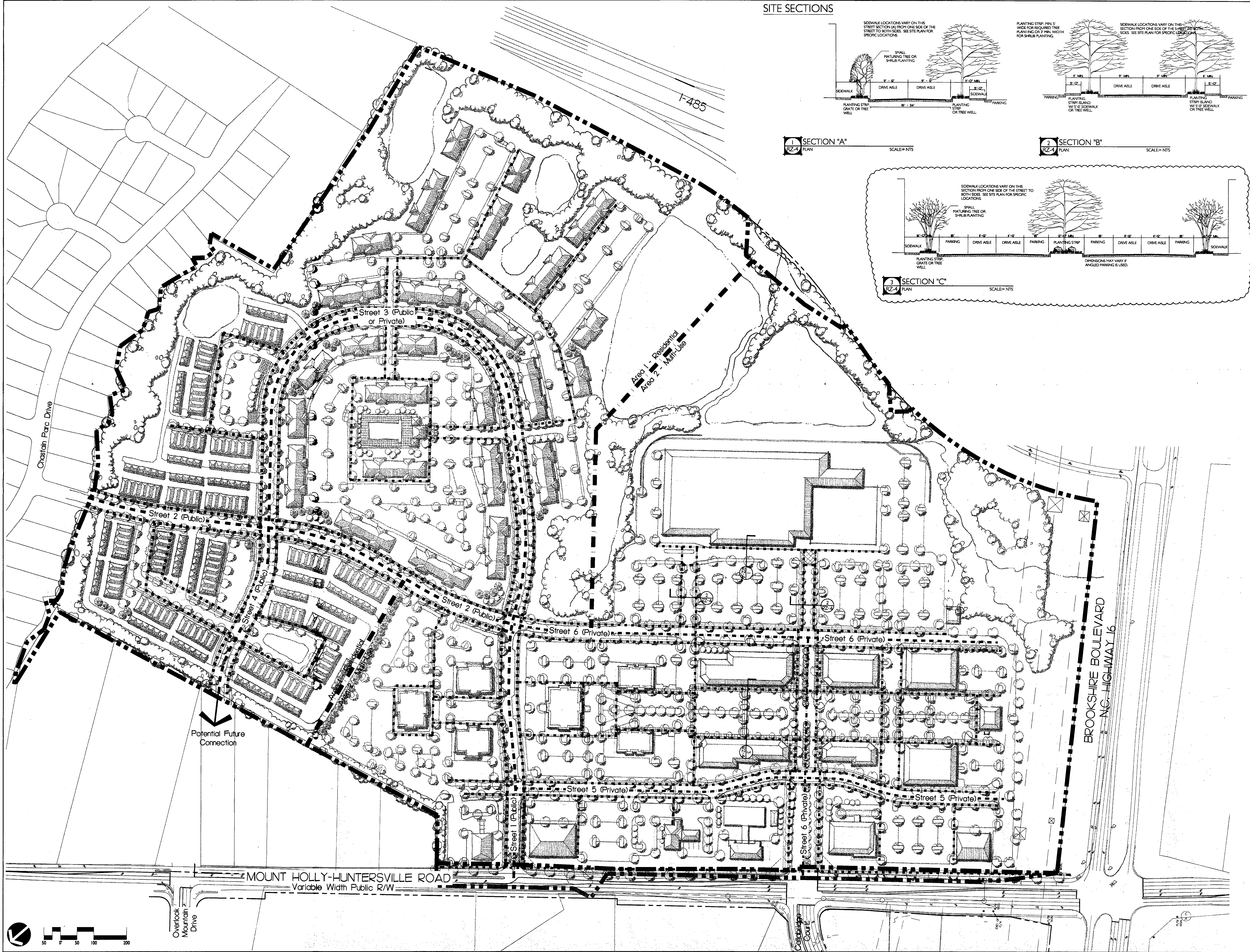
Withrow Capital, Investments, LLC

SCHEMATIC SITE PLAN A

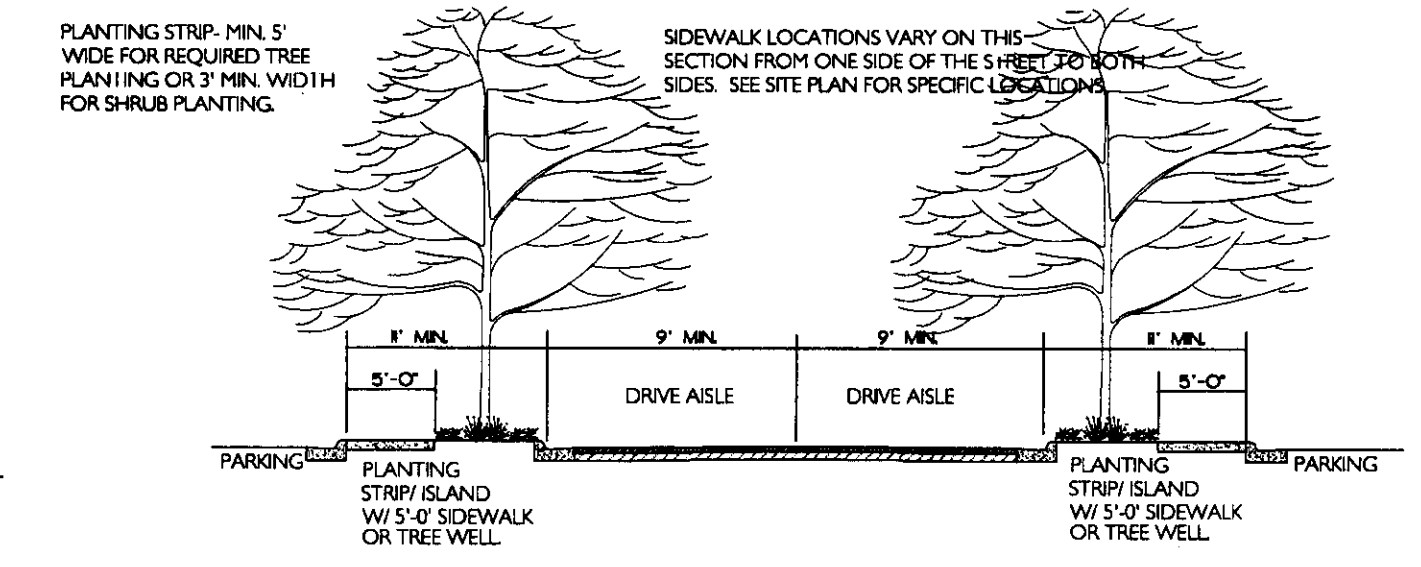
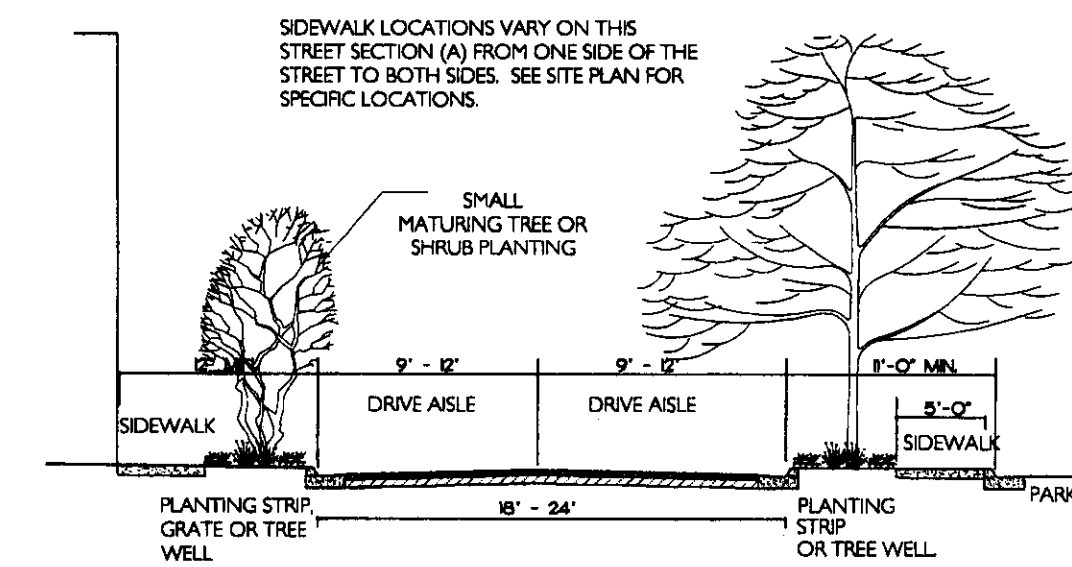
REVISIONS
DATE 03.01.24
BY J.L.O. Revise per staff comments
DRAWN BY: MRC
CHECKED BY: MRC
SCALE 1"=100'
PROJECT # 000094
SHEET #

RZ-2a



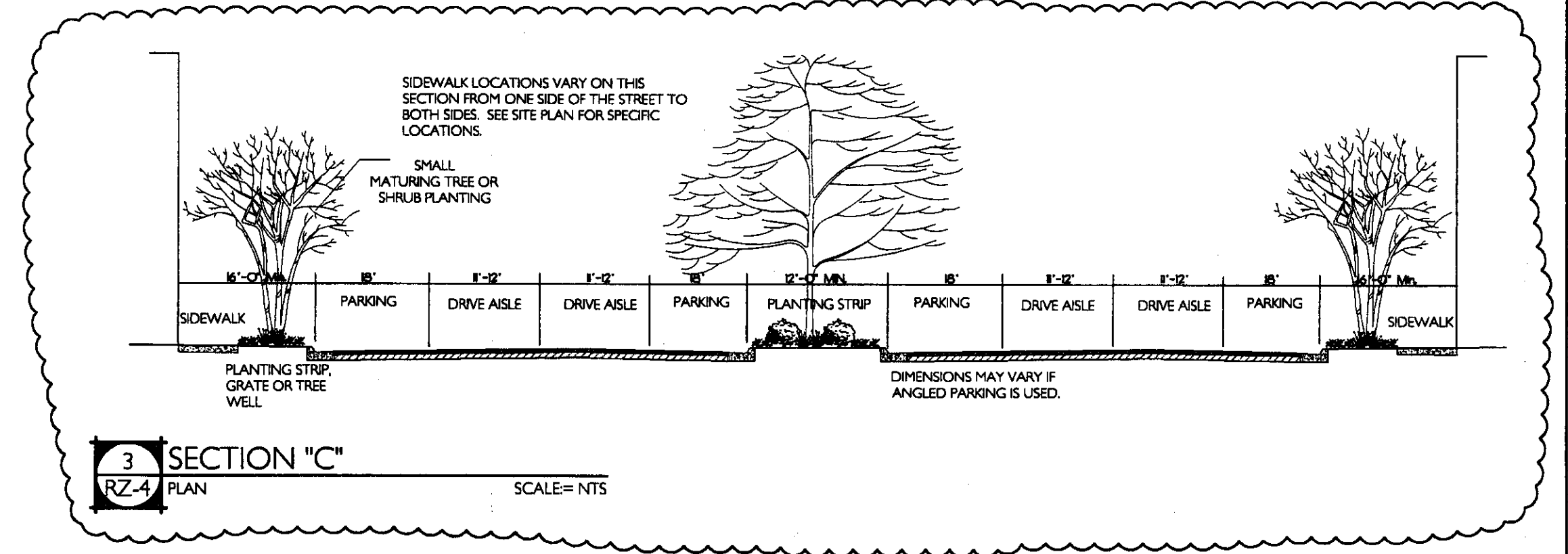


SITE SECTIONS



SECTION "A"
PLAN
SCALE= NTS

SECTION "B"
PLAN
SCALE= NTS



SECTION "C"
PLAN
SCALE= NTS

DEVELOPMENT STANDARDS
DRAFT 5/2006
MOUNTAIN ISLAND PROMENADE
REZONING PETITION NO. 2006-06

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 120+ acre Site located on the intersection of Brookshire Boulevard (NC Highway 16) and Mt. Holly - Huntersville Road (the "Site").

Unless the Technical Data Sheet (Sheet RZ-1), the Schematic Site Plan (Sheet RZ-2A), the Optional Schematic Site Plan (Sheet RZ-2B), the Supplemental Sheets (Sheet RZ-3, 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 the following uses:
- a home improvement store, retail sales, personal 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, studio, childcare center, school, 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 (c) of Section 2 below, Parcel C of the Site may be devoted to a substantially below ground, climate-controlled storage building, as above ground off-office building that is associated with the storage building, associated accessory uses (excluding any outdoor storage) and above ground off-office parking for Parcel A, Parcel B and Parcel C.
- (c) Subject to the provisions of Paragraph (d) 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 (e) 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 360,000 square feet of gross leasable floor area may be developed on Parcel A and Parcel B. Areas devoted to outdoor dining, gallery areas and courtyards are not included in this maximum square footage.
- (b) The uses permitted on Parcel A and Parcel B under Paragraph (a) of Section 1 above are subject to the following conditions:
- 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(s) of occupancy for more than 175,000 square feet of retail, restaurant or other commercial use.
 - 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.
 - 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.
- (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-office retail building.
- (d) Parcel D of the Site may be developed with up to 165,000 square feet of office and elementary and secondary school uses along with associated accessory uses.
- (e) Parcel E of the Site may be developed with up to 425 for sale and/or for rent attached residential units along with associated accessory uses. As an option, all or a portion of Parcel E may be developed with a nursing home, rest home, home for the aged or assisted living center by exchanging residential units for independent living units at the rate of 20 independent living units for 18 residential units and for dependent living beds at the rate of 70 dependent living beds for 18 residential units.
- (f) Parcel F of the Site may be developed with up to 140 for sale attached residential units and associated accessory uses or up to 100 residential units and associated accessory uses and a 60,000 square foot elementary and secondary school 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 20 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 F 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 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. Any other alterations or modifications to the approved Schematic Site Plans must be approved by the Staff of the Charlotte-Mecklenburg Planning Commission.

(a) Architectural and Design Controls

Parcel A and Parcel B (Predominantly Retail Uses)

- (i) Buildings located along Mt. Holly-Huntersville Road shall contain opaque windows along the elevations which face Mt. Holly-Huntersville Road. Exposure of solid walls exceeding 40 linear feet will be avoided through the introduction of articulated facades and other specially designed architectural elements, including the use of opaque windows placed so as to not inhibit the use of the building by the user. Buildings may contain gable roofs, partial, gable roofs and/or parapet 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-story and shall contain opaque windows along the elevations which face the highway. Exposure of solid walls exceeding 20 linear feet for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements. 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.
- (iii) The Conceptual Rendering (Sheet RZ-6) of the front elevation of a typical multi-story retail building on Parcel A depicts the general intent of the Petitioner with respect to height, scale, articulation, rhythm, massing, proportions and design elements.
- (iv) 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.
- (v) All retail buildings must be architecturally integrated to complement one another by using similar exterior materials.
- (vi) Any office buildings must be architecturally integrated to complement one another by using similar exterior materials.
- (vii) All buildings must be sited with an emphasis on maintaining pedestrian interconnectivity.
- (viii) Parking areas should be located so they minimize the distance for pedestrian access between abutting buildings.
- (ix) Buildings shall not exceed 60 feet in height as measured in accordance with the Ordinance.
- (x) 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/driveway or to an open space.
- (xi) 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.
- (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 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 within the fifteen (15) foot wide second planting strip identified below in Paragraph 4 (e) (ii) of this Section 2. These signs may not exceed four (4) feet in height and the actual signage area may not exceed thirty-two (32) square feet on each side.
- (xv) 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-office 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. 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 office/retail building entrance and all fire escape exits associated with the underground storage building will connect directly to a sidewalk along a public street or to an internal street/driveway or to an open space.
- (iii) The storage building component shall be accessed through the retail/office building. Any exposed vertical wall surfaces, exclusive of fire door exits, shall not exceed twenty-five (25) feet in height and shall be constructed with 100 percent masonry materials (brick, stone, pre-cast or poured concrete or other masonry materials), so as to blend architecturally with the buildings and/or exterior 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 pedestrian access 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.

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 25 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum or spandrel glass shall be used on any building.
- (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 25 percent masonry materials (brick, stone, architectural block, or other masonry material). No aluminum or spandrel glass 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) Landscaping and Screening
- (v) The Petitioners shall cause to be installed within the second planting strip along Mt. Holly-Huntersville Road, identified in 4 (c) (ii) below, 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).
- (vi) Internal areas of the Site shall be landscaped in accordance with the requirements of the City of Charlotte Tree Ordinance.
- (vii) All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties.
- (viii) All screening and landscaping shall meet or exceed the standards of the Ordinance.
- (ix) Dumpster areas will be enclosed on all three sides by an opaque wall with the fourth 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.
- (x) The Petitioners reserve the right to selectively cut trees under 4 inches in caliper, 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.
- (xi) 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 fifteen (15) foot wide second planting strip shall be located along the Site side of the sidewalk.
- (iii) 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 25 feet. All freestanding parking lot lighting fixtures within Parcel A, Parcel B and Parcel C 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/driveways or to wall mounted decorative accent type lighting.
- (viii) Wall pack lighting shall be used only in service areas.

(a) 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.

(b) Buffers

(c) Buffer Areas will be provided as required by the Technical Data Sheet and the provisions of Section 12-302 of the Ordinance.

(d) In the event the parcels of residential land fronting Mt. Holly-Huntersville Road that lie adjacent to and north of Parcel D are either re-zoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements as depicted on the Technical Data Sheet for the Site, then Petitioners may reduce or eliminate, as the case may be, the buffer area to that which would have been required after the revised land use. Until such time, Petitioners may reduce the buffer to twenty (20) feet by constructing a brick wall along the common Parcel D and Parcel F property line.

(e) Petitioners reserve the right to reduce the width of any other buffer (excluding any Undisturbed Vegetative Buffer) by 25 percent by installing a wall, fence or berm in accordance with Section 12.302 (f) of the Ordinance.

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 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 will be provided by the Charlotte-Mecklenburg Utilities system.

(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) Storm Water Quality Control

The Petitioners shall tie-in to the existing storm water system(s). The Petitioners shall have the receiving drainage system(s), including Brookshire Blvd. and Mt. Holly-Huntersville Road, analyzed to ensure that it will not be taken out of standard due to 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 occurring.

(ii) Storm Water Quality Treatment

For projects with defined watersheds greater than 24 percent built-up area, construct water quality best management practices (BMPs) to achieve 85 percent Total Suspended Solid (TSS) removal for the entire post-development runoff volume for the runoff generated from the first 1 inch of rainfall. BMPs must be designed and constructed in accordance with the N.C. Department of Environment and Natural Resources (NCDENR) Best Management Practices Manual, April 1999, Section 4.0. Use of Low Impact Development (LID) techniques is optional.

(iii) Volume and Peak Control

For projects with defined watersheds greater than 24 percent built-up area, control the entire volume for the 1 year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.

For commercial projects with greater than one acre of disturbed area, control the peak to match the predevelopment runoff rates for the 2 and 10yr. design storm events.

Storm water from water quality BMPs 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 overwhelming 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 haired all 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 an unobtrusive 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 USACE and NCDENR.

(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, Right-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 ("C-DOT") and/or the North Carolina Department of Transportation ("NC-DOT").

(b) Right-of-Way

The Petitioners agree to dedicate and convey (by quitclaim deed and subject to reservations for any necessary utility easement) prior to the issuance of any certificate of occupancy those portions of the Site required to provide 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

60 feet south of the centerline for 500 feet from the eastern margin of the right-of-way of NC Highway 16 ("NC-16") then tapers down 50 feet from the centerline at a 3:1 slope.

(c) Roadway Improvements

(i) Minimum Roadway Improvements for Stage I Development

For purposes of this Section 6, 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

No certificate of occupancy may be issued for any vertical development on the Site until the earlier of January 2, 2008 or the opening of I-485 between NC 16 and NC 115.

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

Mt. Holly-Huntersville Road and Callabridge Court/Proposed Access "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 existing lanes. A through lane, an exclusive right turn lane with 100 feet of storage and dual left turn lanes with 200 feet of internal storage. This driveway connection must be approved by C-DOT 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 on Mt. Holly-Huntersville Road with 100 feet of storage for the inside lane and 600 feet of storage for the outside lane and a 1:5:1 bay taper.
- Re-stripe the southbound approach on Callabridge Court to provide for dual left turn lanes and a single through lane.
- Re-stripe the eastbound approach on Mt. Holly-Huntersville Road to provide for dual left turn lanes onto Callabridge Court.
- Construct an eastbound right turn lane on Mt. Holly-Huntersville Road between NC 16 and Proposed Access "A" with 200 feet of storage and a 2:0:1 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" approximately 900 feet east of Callabridge Court/Proposed Access "A", as depicted on the Site plan.
- Construct a westbound left-turn on Mt. Holly-Huntersville Road with a minimum 150 of storage and a 1:5:1 bay taper. This driveway connection must be approved by C-DOT 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 existing lanes on 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/Rosselle's Ferry Road

Construct an eastbound right turn lane on Mt. Holly-Huntersville Road with 300 feet of storage and a 2:0:1 bay taper.

Mt. Holly-Huntersville Road

- Construct an additional westbound three lane from Chastain Park thru NC 16 to terminate into existing lanes at Cooksok Drive. (Note: Portion of Mt. Holly-Huntersville Road from Callabridge Court to Cooksok Drive is a re-stripe of the existing pavement).
- Construct an additional eastbound three lane from Cooksok Drive thru NC 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 Cooksok Drive to the Shopping Center Drive.)

These Roadway Improvements described above shall be tied to the start/completion of the portion required by the Mountain Island Marketplace developer.

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

(ii) Minimum Roadway Improvements for Stage II Development

For purposes of this Section 6, 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
- 625 multi family homes
- 140 town homes

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 Brookshire Boulevard (NC 16)

- Construct an additional northbound right turn lane on Brookshire Boulevard with 400 feet of storage and a 2:0:1 bay taper.
- Extend the existing northbound right turn lane on Brookshire Boulevard 240 feet for a total of 400 feet of storage with a 2:0:1 bay taper.

Mt. Holly-Huntersville Road and Oakdale Drive

- Construct an exclusive eastbound right turn lane on Mt. Holly-Huntersville Road with 150 feet of storage and a 2:0:1 bay taper.

(iii) Roadway Improvements for Stage III Development

At such time as Public Street 4 is connected by any party to Mt. Holly-Huntersville Road at the Overlook Mountain Drive intersection, the improvements listed below shall be completed by such party:

- Install a 4-way traffic signal at the new intersection of Mt. Holly-Huntersville Road and Overlook Mountain Drive.
- Convert the proposed Access "B" intersection into a westbound directional crossover (left-turn into Site) on Mt. Holly-Huntersville Road with a minimum of 150 feet of storage and a 1:5:1 bay taper. This access modification must be approved by C-DOT and NC-DOT and occur with the latest edition of the NC-DOT Policy on Street and Driveway Access to North Carolina Highways.
- Stripe out the left-turn lane on northbound Proposed Access "B" to allow for a single right-turn-only existing lane with 150 feet of internal storage.

Petitioners shall contribute to C-DOT 60 percent of the total cost of the signal and the above improvements to Access "B" within 30 days of receipt of C-DOT's request for each payment and C-DOT shall promptly complete the improvements.

(d) Public Street 1 shall be constructed prior to the issuance of any certificate of occupancy for more than 150,000 square feet of office and/or retail development taking place on the Site.

(e) Public Street 2 shall be constructed prior to the issuance of any certificate of occupancy for any development taking place on Parcel E or Parcel F.

(f) 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.

(g) If off-site right-of-way is required to accommodate any Petitioner improvements described above, 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 certificate of occupancy, they will cause any such improvement to be completed.

If right-of-way is not owned by the Petitioners in order to complete any such improvements and the Petitioners fail in their good faith attempt to acquire the right-of-way, then they may request the City to condemn the property in which case Petitioners agree to pay for all costs and expenses associated therewith.

(h) Notwithstanding any provision in these Development Standards to the contrary, the completion of the minimum Roadway Improvements as required by Petitioner in this Section 6 shall be required only if Petitioner requests certificates of occupancy for more than 75,000 square feet of retail development on Parcel A and/or Parcel B, provided however that no vertical development shall occur on the Site until the earlier of January 2, 2008 or the opening of I-485 between NC 16 and NC 115.

7. Connectivity

Pedestrian and vehicular connections throughout the Site will be provided in the manner generally depicted on the Schematic Site Plan. Where internal sidewalks are located between buildings and parking bays, either a sidewalk at least seven feet in width or wheelpaths shall be provided.

8. Landscape Areas

No buildings, parking spaces, maneuvering areas or stormwater detention may be located within the "undisturbed vegetated landscape areas" or "Buffer" areas depicted on the Technical Data Sheet. Existing vegetation within these landscape areas will remain undisturbed.

Utility installations may only cross such undisturbed vegetated landscape areas depicted on the Technical Data Sheet at interior angles measured at property lines which are not less than 75 degrees.

9. Bicycle Parking

Bicycle parking spaces (bike racks) shall be provided in accordance with the Ordinance.

10. 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 the building commences.

11. Signs

All signs placed on the Site will be erected in accordance with the requirements of the Ordinance for the NS district. All project identification signage will be located on the Site as shown on the Schematic Site Plan.

12. Tree Ordinance

All development will comply with the City of Charlotte Tree Ordinance.

13. Inactive Development Standards

Where permissible pursuant to Section 11.208 of the Ordinance, the Petitioners seek to obtain the approval of the use of Inactive Development Standards for Parcel E and Parcel F, concurrently with the approval of this Rezoning Petition.

14. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, the Schematic Site Plan, other sheets accompanying the Petition 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.

15. Blending Effect of the Rezoning Documents and Definitions

(a) If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.

(b) Throughout these Development Standards, the terms, "Petitioners" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners or the Owner or Owners of the Site from time to time who may be involved in any future development thereof.

(c) Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

16. Request



BUILDING 1 EAST ELEVATION



BUILDING 1 SOUTH ELEVATION

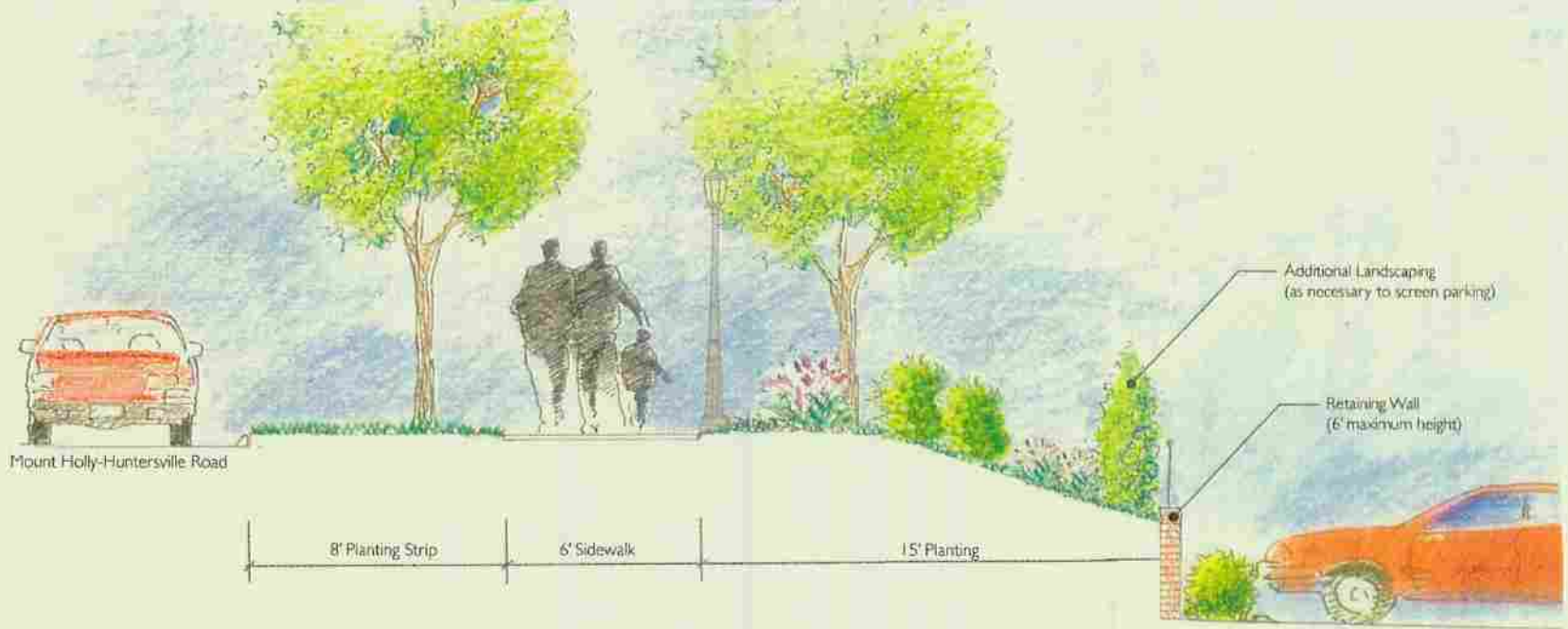
2006-60



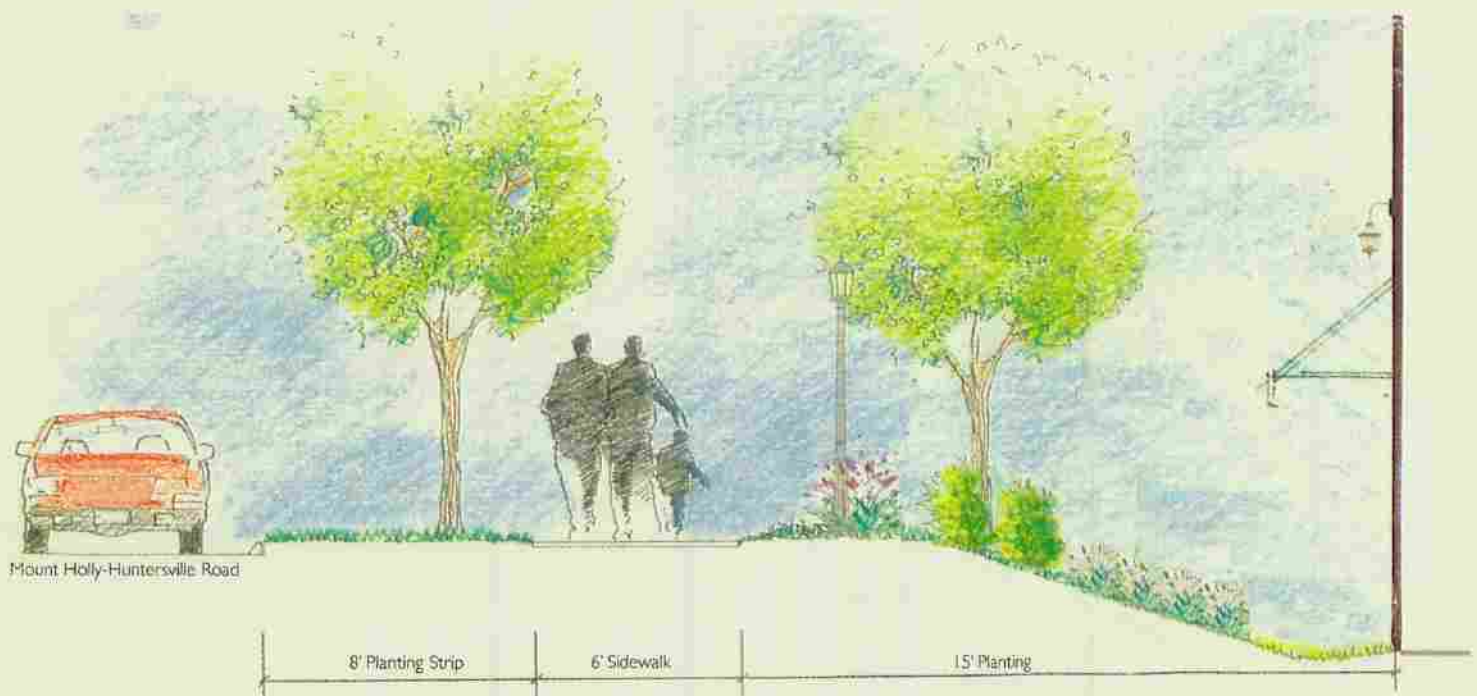
MOUNTAIN ISLAND PROMENADE

A WINGSPREAD INVESTMENTS, LLC DEVELOPMENT

ONE ON ONE DESIGN



SECTION A



SECTION B

Mountain Island Promenade

Charlotte, North Carolina

Sheet RZ-3 Typical Cross Sections

03.01.06

Revised 05.17.06

LandDesign.