

MOUNTAIN ISLAND PROMENADE
REZONING PETITION
CHARLOTTE, NORTH CAROLINA

OWNER
Withrow Capital, Investments, LLC
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704/333-2394

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-2 | Schematic Site Plan | 03/01/06 |
| RZ-3 | Development Standards | 03/01/06 |
| RZ-4 | Typical Cross Section - Mount Holly-Huntersville Road | 03/01/06 |

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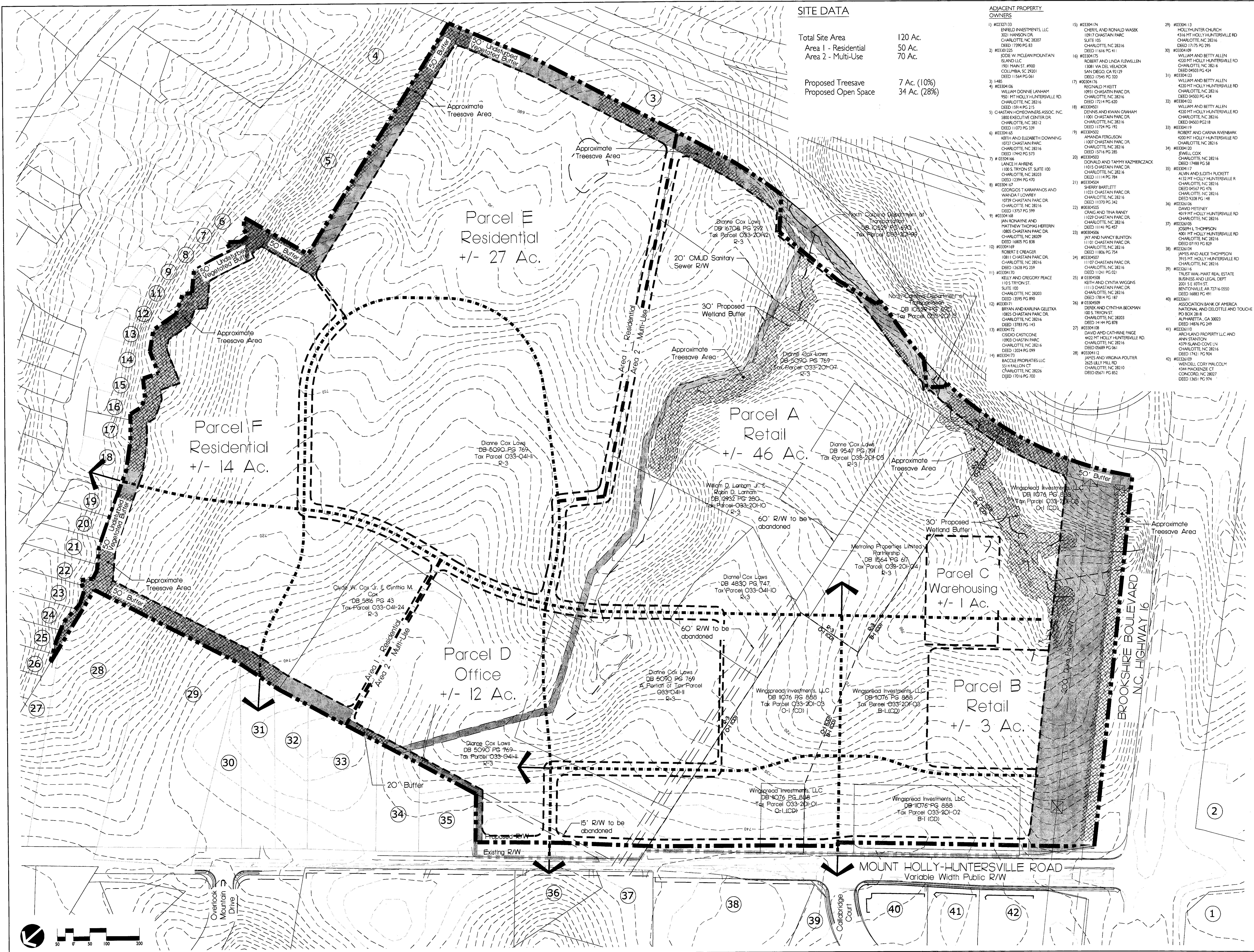
06-60

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

REVISIONS:

DATE: 03/01/06
DRAWN BY: MRC
CHECKED BY: MRC
SCALE: AS SHOWN
PROJECT #: 1005094
SHEET #:

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SITE DATA

| | |
|----------------------|--------------|
| Total Site Area | 120 Ac. |
| Area 1 - Residential | 50 Ac. |
| Area 2 - Multi-Use | 70 Ac. |
| Proposed Treesave | 7 Ac. (10%) |
| Proposed Open Space | 34 Ac. (28%) |

ADJACENT PROPERTY OWNERS

- | | | |
|---|--|---|
| 1) #02327133 ENFIELD INVESTMENTS, LLC 3021 HANSON DR. CHARLOTTE, NC 28207 DEED 17390 PG 83 | 15) #03304174 CHERRY AND RONALD WASEK 10917 CHASTAIN PARC SUITE 105 CHARLOTTE, NC 28216 DEED 17166 PG 411 | 29) #03304133 HOLLY HUNTER CHURCH 4316 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 17375 PG 295 |
| 2) #03301325 JODIE W. MCLEAN MOUNTAIN ISLAND LLC 1801 MAIN ST. #500 COLUMBIA, SC 29201 DEED 11564 PG 061 | 16) #03304175 WILLIAM AND BETTY ALLEN 4220 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 04503 PG 424 | 30) #03304109 WILLIAM AND BETTY ALLEN 4220 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 04503 PG 424 |
| 3) 1-486 #03304106 WILLIAM DONNIE LANHAM 9501 MT HOLLY HUNTERSVILLE RD. CHARLOTTE, NC 28216 DEED 15914 PG 215 | 17) #03304176 REGINALD M KEITT 10911 CHASTAIN PARC 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 |
| 5) CHASTAIN-HOCHOWANES ASSOC. INC. 5800 EXECUTIVE CENTER DR. CHARLOTTE, NC 28212 DEED 11073 PG 339 | 18) #03304150 DIANNE AND KRYAN GRAHAM 11001 CHASTAIN PARC DR. CHARLOTTE, NC 28216 DEED 11724 PG 192 | 32) #03304122 WILLIAM AND BETTY ALLEN 4220 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 04503 PG 424 |
| 6) #03304165 KEITH AND ELIZABETH DOWNING 10727 CHASTAIN PARC CHARLOTTE, NC 28216 DEED 17442 PG 573 | 19) #03304502 ARIANNA FERGUSON 11077 CHASTAIN PARC DR. CHARLOTTE, NC 28216 DEED 15716 PG 285 | 33) #03304119 ROBERT AND CARINA RIVENBARK 4200 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 17488 PG 58 |
| 7) #03304166 LANCE H. AHERNS 1100 S. TRYON ST. SUITE 100 CHARLOTTE, NC 28203 DEED 12394 PG 470 | 20) #03304503 DONALD AND TAMIY KAZMERZACK 11015 CHASTAIN PARC DR. CHARLOTTE, NC 28216 DEED 11114 PG 784 | 34) #03304120 JEWELL COX CHARLOTTE, NC 28216 DEED 17488 PG 58 |
| 8) #03304167 GEORGIOS T. KARAPANOS AND WANDA F. LOWERY 10739 CHASTAIN PARC DR. CHARLOTTE, NC 28216 DEED 13757 PG 399 | 21) #03304504 SHERRY BARKLETT 11021 CHASTAIN PARC DR. CHARLOTTE, NC 28216 DEED 11970 PG 342 | 35) #03304117 ALVIN AND LOTHY RUCKETT 4132 MT HOLLY HUNTERSVILLE R. CHARLOTTE, NC 28216 DEED 04567 PG 476 |
| 9) #03304168 JAN ROYANIE AND MATTHEW THOMAS HEFFERN 1085 CHASTAIN PARC DR. CHARLOTTE, NC 28209 DEED 16805 PG 838 | 22) #03304505 CRAIG AND TINA RANEY 11029 CHASTAIN PARC DR. CHARLOTTE, NC 28216 DEED 11141 PG 457 | 36) #03304106 DAVID KETNEY 4019 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 17488 PG 58 |
| 10) #03304169 ROBERT E. CREAGER 10811 CHASTAIN PARC DR. CHARLOTTE, NC 28216 DEED 12628 PG 329 | 23) #03304506 JAY AND NANCY BLUNTON 11101 CHASTAIN PARC DR. CHARLOTTE, NC 28216 DEED 11854 PG 754 | 37) #03304105 JOSEPH L. THOMPSON 4001 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 07193 PG 829 |
| 11) #03304170 KELLY AND GREGORY PEACE 1105 S. TRYON ST. SUITE 100 CHARLOTTE, NC 28203 DEED 12595 PG 890 | 24) #03304507 KEITH AND CYNTHIA WIGGINS 11113 CHASTAIN PARC DR. CHARLOTTE, NC 28216 DEED 17814 PG 187 | 38) #03304104 JAMES AND ALICE THOMPSON 3915 MT HOLLY HUNTERSVILLE RD CHARLOTTE, NC 28216 DEED 17488 PG 58 |
| 12) #03304171 BRYAN AND KARLINA GELETKA 100 S. TRYON ST. CHARLOTTE, NC 28216 DEED 13783 PG 143 | 25) #03304508 KEITH AND CYNTHIA WIGGINS 11113 CHASTAIN PARC DR. CHARLOTTE, NC 28216 DEED 17814 PG 187 | 39) #03304116 TRUST WAL-MART REAL ESTATE BUSINESS AND LEGAL DEPT 2001 S.E. 10TH ST. BENTONVILLE, AR 72716-0550 DEED 16883 PG 491 |
| 13) #03304172 GORDO CASTICONE 10903 CHASTAIN PARC CHARLOTTE, NC 28216 DEED 11024 PG 099 | 26) #03304509 DEREK AND CYNTHIA BECKMAN 100 S. TRYON ST. CHARLOTTE, NC 28203 DEED 14144 PG 878 | 40) #03304110 ASSOCIATION BANK OF AMERICA NATIONAL AND DELOITTE AND TOUCHE PO BOX 2018 ALPHARETTA, GA 30023 DEED 14876 PG 249 |
| 14) #03304173 BACILE PROPERTIES LLC 5514 FALLON CT CHARLOTTE, NC 28226 DEED 17016 PG 700 | 27) #03304172 DAVID AND CATHARINE PAIGE 4422 MT HOLLY HUNTERSVILLE RD. CHARLOTTE, NC 28216 DEED 05689 PG 061 | 41) #03304110 ARCHLAND PROPERTY LLC AND ANN STANTON 4739 ISLAND COVE LN CHARLOTTE, NC 28216 DEED 17421 PG 904 |
| | 28) #03304173 JAMES AND VIRGINIA ROUTER 2625 LILLY MILL RD CHARLOTTE, NC 28210 DEED 05671 PG 822 | 42) #03304109 WENDELL CORY MALCOLM 4344 MACKENZIE CT CONCORD, NC 28027 DEED 13651 PG 974 |

Mountain Island Promenade Rezoning Petition

Charlotte, North Carolina

Withrow Capital Investments, LLC

TECHNICAL DATA SHEET

REVISIONS:

DATE: 03/01/2024

DRAWN BY: HRC

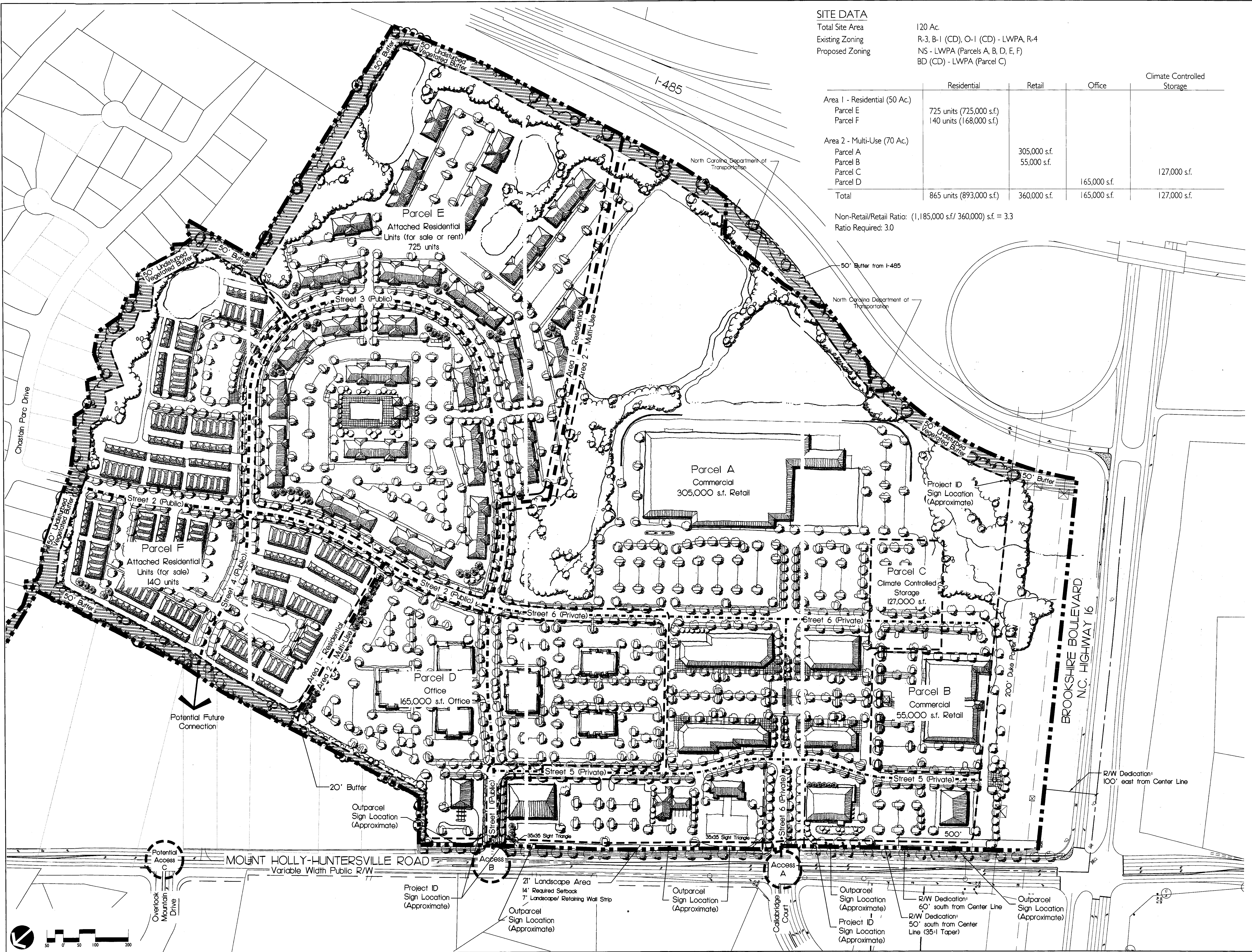
CHECKED BY: HRC

SCALE: 1"=100'

PROJECT #: 1005994

SHEET #

RZ-1



SITE DATA

Total Site Area 120 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 | 725 units (725,000 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 | | | | |
| Total | 865 units (893,000 s.f.) | 360,000 s.f. | 165,000 s.f. | 127,000 s.f. |

Non-Retail/Retail Ratio: (1,185,000 s.f./ 360,000) s.f. = 3.3
Ratio Required: 3.0

DEVELOPMENT STANDARDS
MOUNTAIN ISLAND PROMENADE
REZONING PETITION

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 between Brookshire Boulevard (NC Highway 16) and Mount Holly - Huntersville Road (the "Site").

Unless the Technical Data Sheet, these Development Standards, the Schematic Site Plan (Sheet RZ-2) or the Supplemental Sheets 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 B-D zoning district classification shall govern all development taking place on Parcel C of the Site.

1. Permitted Uses

- Subject to the provisions of Paragraph (a) of Section 2 below, Parcel A and Parcel B of the Site may be devoted to the uses which are permitted under the Ordinance by right or under prescribed conditions in the NS zoning district.
- Parcel C of the Site may be devoted to substantially below grade, climate - controlled storage space, on above-grade office (approximately 2,000 s/f) associated with the storage space, associated accessory uses and above grade, off-street parking for Parcel A, Parcel B and Parcel C.
- 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), professional office, medical, dental and medical clinics along with associated accessory uses.
- Parcel E of the Site may be devoted to all types of attached and detached, for sale and/or for rent residential developments, including but not limited to a nursing home, rest home or home for the aged along with accessory uses.
- Parcel F of the Site may be devoted to all types of attached or detached for sale residential developments along with associated accessory uses.

2. Maximum Building Areas and Development Limitations

- Subject only to the provisions of the next succeeding paragraph, Parcel A and Parcel B may be developed with up to 360,000 square feet of gross floor area devoted to retail, restaurant, office and other commercial uses.
- The site permitted on Parcel A and Parcel B under the preceding paragraph are subject to the following conditions:
 - A minimum of 5,000 square feet of floor area designated for or leased office use under the Ordinance shall be constructed on the Site prior to the issuance of the any certificate of occupancy for more than 150,000 square feet for retail, restaurant or other commercial use.
 - No single use may occupy more than 26,500 square feet of space within Parcel A or Parcel B upon the issuance of the first certificate of occupancy 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 may be established on Parcel B which occupies no more than 55,000 square feet.
 - No more than four uses established on these Parcels may include drive-through window facilities, as defined by the Ordinance.
- The substantially below grade climate-controlled storage facility permitted on Parcel C cannot contain over 127,000 square feet.
- Parcel D of the Site may be developed with up to 165,000 square feet of office uses along with associated accessory uses. Uses allowed in an office district zoning classification, including but not limited to banks or other financial institutions, with drive through window facilities, shall be deemed to be office uses within the context of these development standards.
- Parcel E of the Site may be developed with up to 725 for sale and/or for rent attached and/or detached residential units along with associated accessory uses. Parcel E may also be developed with a nursing home, rest home or home for the aged. Notwithstanding the above, in the event all or a portion of Parcel E is developed with a nursing home, rest home or home for the aged then the number of residential units allowed on Parcel E may be increased, provided such increase in number of units does not increase the number of vehicular trips from Parcel E at AM and PM Peak Hours, above the number shown in the Transportation Impact Analysis prepared by Kubit Engineering dated November, 2005.
- Parcel F of the Site may be developed with up to 140 for sale attached and/or detached residential units and associated accessory uses.

3. Setbacks, Side Yards and Rear Yards

- All buildings constructed on Parcels A, B, D, E and F of the Site shall satisfy or exceed the setbacks, rear yard and side yard requirements established under the Ordinance for the NS zoning district, subject to the provisions of Section 3(a) below. However, a landscape strip of at least 2 feet in width shall be provided along Mount Holly-Huntersville Road. This landscape strip shall conform to the specifications outlined on Sheet RZ-4.
 - 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(a) below.
 - 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
- The development depicted on the Schematic Site Plan (Sheet RZ-2) is schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, the configurations, placements and sizes of the building footprints and lots, as well as the locations of streets shown on the Schematic Site Plan are schematic in nature and subject to the provisions set forth below under Architectural Controls, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Technical Data Sheet. Parking layouts may also be 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.

(a) Architectural and Design Controls

- Parcel A and Parcel B (Primarily Retail Uses)
- Buildings fronting onto Mt. Holly-Huntersville Road may be multi-level and shall contain non-opaque windows along the elevations which face Street 5. Eaves of solid walls exceeding 40 feet high for these buildings will be avoided through the introduction of articulated facades and other specially designed architectural elements.
 - The design treatment within Parcel A shall include outdoor dining and seating areas.
 - All retail buildings must be architecturally integrated to complement one another by using similar exterior materials.
 - Any office building must be architecturally integrated to complement one another by using similar exterior materials.
 - All buildings must be sited with a reasonable emphasis on maintaining pedestrian interconnectivity.
 - Parking areas should be located so they minimize the distance for pedestrian access between abutting buildings.
 - Buildings shall not exceed 60 feet in height as measured from the first above ground finished floor elevation.
 - All 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.
 - Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 25 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.
 - All signage placed on Parcel A and Parcel B shall comply with the standards outlined in the Ordinance for the NS zoning district classification.
 - All signage attached to the buildings fronting onto Mt. Holly-Huntersville Road 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 located within the seven (7) foot second planting strip identified in 4(c)(3) below.
 - Monument sign structure shall be limited to a maximum of five (5) feet in height and actual signage area shall not exceed thirty-two (32) square feet for each side.
 - Wall signs will be permitted in accordance with Section 15.09 of the Ordinance, up to a maximum of one hundred (100) square feet for each wall.

Parcel C (Substantially Below Grade Climate Controlled Storage)

- Any above-grade building located within Parcel C shall be architecturally integrated with the other buildings on Parcel A and Parcel B by using similar exterior materials.
 - Any above-grade building located within Parcel C shall not exceed twenty five (25) feet in height as measured from the first above ground finished floor elevation.
 - All building entrances will connect directly to a sidewalk along a public street or an internal street/drive or to an open space.
 - Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 25 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 on any building.
 - All signage placed on Parcel C shall comply with the standards outlined in the Ordinance for the NS zoning district classification.
- Parcel D (Office)
- 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.
 - Parking areas should be located so they minimize the distance for pedestrian access between abutting buildings.
 - Buildings shall not exceed 60 feet in height as measured from the first above ground finished floor elevation.
 - Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 25 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.
 - 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 seven (7) feet in height and actual signage area shall not exceed thirty-two square feet for each side.
 - Wall signs will be permitted in accordance with Section 15.09 of the Ordinance, up to a maximum of one hundred square feet for each wall.
 - Shared parking will be permitted in accordance with section 12.03 of the ordinance.

Note: A minimum of 10% of the total area of Parcels A,B,C and D will be maintained as open space, exclusive of streets and parking areas.

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

- Exterior vertical wall surfaces, exclusive of windows and doors shall be constructed with a minimum of 20 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.
- Buildings shall not exceed the greater of four stories or 60 feet in height as measured from the first above ground finished floor elevation.
- All signage placed on Parcel E shall comply with the standards outlined in the Ordinance for the NS zoning classification.

Parcel F (Residential Attached and/or Detached For Sale)

- 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 vinyl siding or spandrel glass shall be used on any building.
- Buildings shall not exceed the greater of three stories or 50 feet in height as measured from the first above ground finished floor elevation.
- All signage placed on Parcel F shall comply with the standards outlined in the Ordinance for the NS zoning classification.

(b) Landscaping and Screening

- The Petitioners shall cause to be installed within the second planting strip along Mount Holly-Huntersville Road, identified in 4(c)(3) below, plants, trees and other materials in accordance with the Ordinance and Sheet RZ-4 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.
- Internal areas of the Site shall be landscaped in accordance with the requirements of the City of Charlotte Tree Ordinance.
- All roof mounted mechanical equipment will be screened from view from adjoining public right-of-way and abutting properties.
- All screening and landscaping shall meet or exceed the standards of the Ordinance.
- 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.
- The Petitioners reserve the right to selectively clear trees under 6 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.

(c) Streetscape Treatment

- The streetscape treatment along Mount Holly-Huntersville Road will conform to the Ordinance and include trees with a 2" minimum caliper and supplemental shrubbery.
- The first fourteen (4) 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 seven (7) foot wide second planting strip shall be located adjacent to the Site side of the sidewalk.
- Lighting
 - The maximum height of any freestanding lighting fixture, including its base, erected in the parking area 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.
 - The maximum height of any freestanding lighting fixture, including its base, erected in the parking area 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.
 - The maximum height of any freestanding lighting fixture, including its base, erected in the parking area 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.
 - The maximum height of any freestanding lighting fixture, including its base, erected in the parking area 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.
 - All freestanding lighting fixtures over 15 feet in height shall be fully-shielded and downwardly directed.
 - Any lighting fixture oriented to a building shall be capped and downwardly directed.
 - These provisions shall not apply to street lights erected on public right-of-way or to decorative pole lights along sidewalks, open space and the private streets/drives or to wall mounted decorative scene type lighting.

- Butter Buffer Areas will be provided as required by the provisions of Section 12-302 of the Ordinance. In the event that a parcel of land adjacent to the Site is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements as depicted in the Rezoning Petition for the Site, then Petitioners may reduce or eliminate, as the case may be, the buffer area to that which would have been required along the revised land use. Petitioners reserve the right to reduce the width of any buffer (excluding any undisturbed buffer) by 25% by installing a wall, fence or berm in accordance with Section 12-302 (b) of the Ordinance.

5. Environmental Standards

- Watershed Protection-General Requirements
 - All development occurring on the Site shall conform to the applicable requirements of the Lake Wylie Watershed District Protected Area.
 - All development will adhere to the provisions of the SWM Buffer Ordinance.
 - The Petitioners agree to provide tree save areas totaling 10 percent of the Site. The Petitioners further agree to provide open space areas (including tree save areas) totaling 15 % of the entire Site.
 - 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 as 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.
 - 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 supervision must satisfactorily pass the certification test.
 - All domestic water and sewer services shall be provided by the Charlotte-Mecklenburg Utilities systems.
- Stormwater 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:
 - 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 versions of the same sufficient to achieve 85 percent TSS pollutant removal for the Site. The full post- development runoff volume for the 1-year, 24-hour storm event shall be detained and released between 2-5 days.
 - Runoff rates shall be detained to pre-developed rates for the 2-year and 10-year design storm events.
 - Stormwater from water quality BMPs shall be released so as to maintain non-erodible velocities.
- Erosion Control
 - Measures for controlling erosion shall include:
 - In the event frequency and intensity of rainfall events are overloading berms or other devices, polymers and other flocculating measures shall be employed to enhance settling capabilities to avoid the discharge of solids from the Site.
 - Double row high hazard stall 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.
 - In the absence of all fencing, orange construction barrier fence shall be installed along undisturbed buffers during construction.
 - Two single sediment basins with outlet weirs sized for a 50-year storm event and be used to reduce the risk of basin failure.
 - The developer shall develop a weekly inspection program meeting NPDES General Permit requirements for all sediment basins including written documentation of such inspections.
 - The 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 additive 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.
- Wetlands Protection
 - The Petitioners shall retain the services of a qualified environmental consultant to delineate all jurisdictional waters on the Site.
 - All development shall fully conform to all rules and regulations for wetlands protection promulgated by USACE and NCDENR.

6. Vehicular Access and Road Improvements

- Vehicular access to Mount Holly-Huntersville Road shall be as generally depicted on the Technical Data Sheet.
- 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/or the North Carolina Department of Transportation (NCDOT).
- The Petitioners agree to dedicate and convey by automatic 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:
 - 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.
 - Mount 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 25:1 taper.
- Roadway Improvements
 - Minimum Roadway Improvements for Stage I Development
 - For purposes of this Section 6, Stage I development shall be deemed to include:
 - 250,000 square feet of retail/commercial floor area
 - 27,000 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 minimum roadway improvements shall be completed:
 - Mount Holly-Huntersville Road and Calabridge Court/Proposed Access "A"
 - Construct Proposed Access "A" with four exiting lanes. A through lane, an exclusive right turn lane and dual left turn lanes with 150 feet of internal storage. This driveway connection must be approved by CDOT and NCDOT and concur with the latest edition of the NCDOT Policy on Street and Driveway Access to North Carolina Highways.
 - Construct westbound dual left turn lanes on Mount Holly-Huntersville Road with 100 feet of storage for the inside lane and 600 feet of storage for the outside lane and a 15:1 bay taper.
 - Re-strip the southbound approach on Calabridge Court to provide for dual left turn lanes and a single through lane.
 - Re-strip the eastbound approach on Mount Holly-Huntersville Road to provide for dual left turn lanes onto Calabridge Court.
 - Construct an eastbound right turn lane on Mount Holly-Huntersville Road from NC 16 to terminate at Proposed Access "A".
 - Modify the existing traffic signal to accommodate a four way intersection.
 - Mount Holly-Huntersville Road and Proposed Access "B"
 - Construct Proposed Access "B" approximately 300 feet east of Calabridge Court/Proposed Access "A", as depicted on the Site plan.
 - Construct a westbound left-turn lane on Mount Holly-Huntersville Road with a minimum 150 ft of storage and a 15:1 bay taper. This driveway connection must be approved by CDOT and NCDOT and concur with the latest edition of the NCDOT Policy on Street and Driveway Access to North Carolina Highways.
 - Construct two exiting lanes on Proposed Access "B" to allow for exclusive left and right turn movements with 150 feet of internal storage.
 - Brookshire Boulevard (NC 16) and Mount Holly-Huntersville Road
 - Construct a concrete island to convert the existing northbound right turn lane on Brookshire Boulevard into a free movement channelized right turn lane.
 - Construct an exclusive northbound right turn lane on Brookshire Boulevard from the I-485 westbound exit ramp to terminate into the proposed channelized northbound right turn lane.

- In the event overlay of existing pavement on NC-16 or Mount Holly-Huntersville Road is required, such cost will be reimbursed by NC-DOT or C-DOT.
- In connection with the improvements to Mount Holly-Huntersville Road, a major thoroughfare, the Petitioners shall be entitled to the maximum reimbursement amount (currently \$75,000,000) permitted under CDOT policy.
- 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
 - 725 multi family homes
 - 140 townhomes
 - Prior to the issuance of any certificates of occupancy for any Stage II Development buildings, the following roadway improvements shall be completed:
 - Mount Holly-Huntersville Road
 - Construct an additional westbound through lane from Chastain Parc to terminate into existing lanes at Coulack Drive. (Note: Portion of Mount Holly-Huntersville Road from Calabridge Court to Coulack Drive is a re-strip of the existing pavement.)
 - Construct an additional eastbound through lane from Coulack Drive through NC 16 to terminate into proposed eastbound right turn lane at Proposed Access "A". (Note: The developer of the Mountain Island Marketplace shall construct the portion from Coulack Drive to the Shopping Center entrance immediately west of NC-16.)
 - These roadway improvements shall be tied to the start/completion of the portion required by the Mountain Island Marketplace Developer.

- Mount Holly - Huntersville Road and Oakdale Drive
 - Construct an exclusive eastbound right turn lane on Mount Holly-Huntersville Road with 100 feet of storage and a 20:1 bay taper.
- Mount Holly-Huntersville Road and Belthoven Boulevard/Rozzelle's Ferry Road
 - Construct an eastbound right-turn lane on Mount Holly-Huntersville Road with 300 feet of storage and a 20:1 bay taper.
- This improvement may be deferred until any necessary Right-of-Way is acquired by CDOT or NCDOT.

In connection with the improvements to Mount Holly-Huntersville Road, a major thoroughfare, the Petitioners shall be entitled to the maximum reimbursement amount (currently \$75,000,000) permitted under CDOT policy.

- Roadway Improvements for Stage III Development
 - Upon completion of the Roadway Improvements for Stage I Development and Stage II Development, if CDOT and/or NCDOT determine that the 3-way intersection of Mount Holly-Huntersville Road and Overlook Mountain Drive is warranted for installation of a 3-way traffic signal, the Petitioners shall contribute to CDOT 50% of the total cost of the traffic signal installation, up to a maximum of \$40,000,000 within 30 days of receipt of C-DOT's request for such payment and C-DOT shall promptly retitle the signal in a timely manner.

- At such time as Public Street 4 is connected by any party to Mt. Holly-Huntersville Road of the Overlook Mountain Drive intersection, the improvements listed below will be completed by such party:
 - Mount Holly-Huntersville Road and Proposed Access "B"
 - Convert the Access "B" intersection into a westbound directional crossover (left turn into site) on Mount Holly-Huntersville Road with a minimum of 150 feet of storage and a 15:1 bay taper. This access modification must be approved by C-DOT and NC-DOT and concur with the latest edition of the NC-DOT Policy on Street and Driveway Access to North Carolina Highways.
 - Strip the out the left turn lane on northbound Proposed Access "B" to allow for a single right-turn-only exiting lane with 150 feet of internal storage.

- Public Street 1 shall be constructed prior to the issuance of any certificates of occupancy for more than 150,000 square feet of office and/or retail development taking place on the Site.
- Public Street 2 shall be constructed prior to the issuance of any certificates of occupancy for any development taking place on Parcel E or Parcel F.
- Public Street 3 and Public Street 4 shall be constructed as warranted in order to provide access to portions Parcel E and Parcel F as they are developed.

- 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 at such time as Petitioner requests a certificate of occupancy for more than 150,000 square feet of office and/or retail development on Parcel A, Parcel B and/or Parcel D and only if any required right of way not owned by Petitioner is acquired by CDOT or NCDOT within three (3) years from and after the date on which the Rezoning Petition is approved. Furthermore, to the extent any or all of such Roadway Improvements are warranted or required of any other party, Petitioner shall be relieved of any responsibility hereunder for that portion of such Roadway Improvements to the extent required of such other party(s).

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 lots, either a sidewalk of least seven feet in width or wheelstops shall be provided.

8. Landscape Areas

No buildings, parking spaces, snowmowing areas or stormwater detention may be located within the "undisturbed vegetated landscape 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 or 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 Marshals specifications. Plans for each building will be submitted to the Fire Marshals office for approval before the construction of that 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 approximately as depicted on the Schematic Site Plan.

12. Tree Ordinance

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

13. Innovative Development Standards

Pursuant to Section 12.08 of the Ordinance, Petitioners seek to obtain the approval of the use of Innovative 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. Binding Effect of the Rezoning Documents and Decisions

- If the Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet will, unless entered 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.
- 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.
- 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 for 5-Year Vesting

Pursuant to Sections 11.0 of the Ordinance, Petitioner hereby requests a 5-year vesting of these Development Standards and other related rezoning documents commencing upon approval of this Rezoning Petition by Charlotte City Council. Petitioners request a 5-year vesting right due to the size and phasing of the proposed development and the level of Petitioner's investment.

Mountain Island Promenade Rezone Petition

Charlotte, North Carolina

Whitlow Capital Investments, LLC

DEVELOPMENT STANDARDS

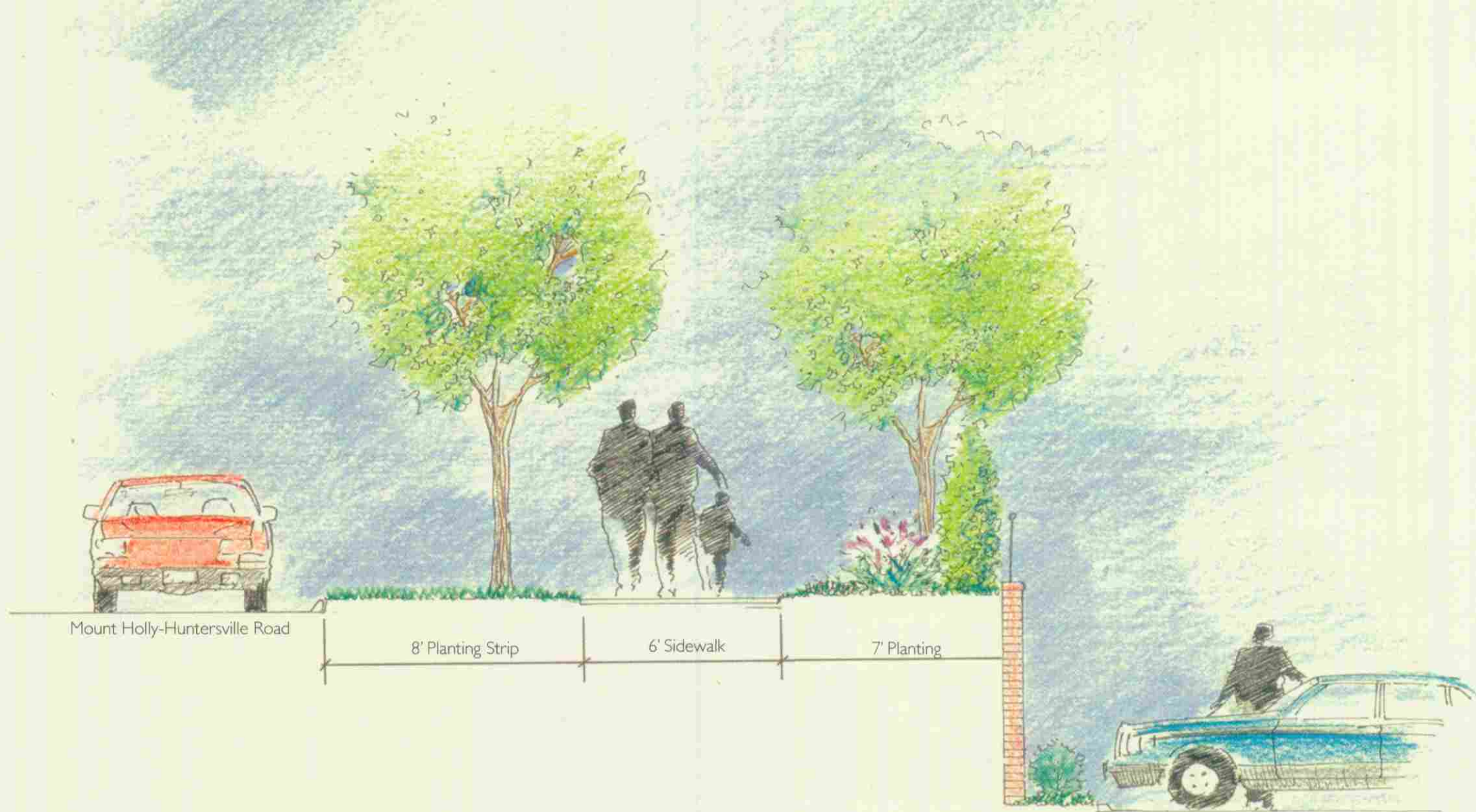
REVISIONS:

DATE: 03/01/06
DRAWN BY: RRC
CHECKED BY: RRC
SCALE: N/A
PROJECT #: 100594

SHEET #:
RZ-3

LandDesign

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Mountain Island Promenade

Charlotte, North Carolina

Sheet RZ-4 Typical Cross Section

03.01.06

LandDesign.