

COMMUNITY MEETING REPORT
Petitioner: PIRHL Developers, LLC
Rezoning Petition No. 2012-088

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to the provisions of the City of Charlotte Zoning Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:

A representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on Exhibit A attached hereto by depositing such notice in the U.S. mail on August 24, 2012. A copy of the written notice is attached hereto as Exhibit B.

DATE, TIME AND LOCATION OF MEETING:

The Community Meeting was held on Thursday, September 6, 2012 at 6:00 p.m. at St Stephen United Methodist Church located at 6800 Sardis Road, Charlotte, North Carolina.

PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):

The Community Meeting was attended by those individuals identified on the sign-in sheet attached hereto as Exhibit C. The Petitioner was represented at the Community Meeting by Dustin Mills of PIRHL Developers, LLC (“PIRHL”). The Petitioner’s agent, Peter Tatge and Judianna Price with ESP Associates PA (“ESP”), also attended on behalf of the Petitioner.

SUMMARY OF PRESENTATION/DISCUSSION:

Attendees were welcomed by members of the team at the door as they arrived and signed in. Various display boards for the project were located on easels in the foyer room area (outside the main Chapel) allowing attendees to view as others continued to arrive. After about 10-15 minutes (6:15) attendees were asked to move into the Chapel room area for a more structured presentation about the project. Peter Tatge and Dustin Mills welcomed the attendees as the Petitioner’s team was more formally introduced to the entire group.

Mr. Tatge explained that the purpose of the meeting was to discuss the “Site Plan Amendment” (SPA) rezoning request and revised conditional site plan, for Tract “C” which is a smaller parcel (5.0 acres +/-) within the overall Commons at Monroe and Sardis mixed use development along with providing information about the proposed Senior Living project in order to respond to questions from nearby residents and property owners. Mr. Tatge reviewed key dates related to the upcoming SPA/rezoning process and handed out a copy of the City’s rezoning calendar. Mr. Tatge also referred to the City’s notice that was mailed to surrounding residents also with the dates, times and explanations about the various meetings that will be taking place throughout the plan review process. A Public Hearing is scheduled, October 5, 2012 at 6:00 p.m.

Mr. Tatge and Mr. Dustin Mills utilized a number of display boards as visuals to support the discussion and help convey various facets about PIRHL's proposed senior housing "apartment" project. The Boards consisted of copies of the site plan that was submitted to the City of Charlotte back in July, the Technical Data Sheet with amended conditional notes, copies of the originally approved Site Plan (Pet #2004-022) along with a rendered site plan and a perspective rendering of the project prepared by the team Architect, Ross Deckard and Associates. Reduced copies of each of these boards/ plans and renderings are attached to this meeting report.

Mr. Tatge utilized a rendered copy of the Site Plan and an aerial photograph of the Site to explain the orientation of the site to surrounding neighborhoods and how the project is accessed from Sardis Road North. Mr. Tatge then explained the site's existing NS zoning and showed copies of the approved site plan and conditions related to the previously approved existing zoning under Petition #2004-022. He explained how the proposed Multi-Family type use was an allowed use under the previous zoning (no rental) and how PIRHL was requesting a Site Plan Amendment (SPA) to the 2004 zoning to allow certain changes to what was previously approved by the City. One of these changes was to allow senior/ independent living units that were "rental" on the property, something that the prior zoning did not allow. On the topic of Senior living and how it would operate, Mr. Tatge deferred to Mr. Mills.

Mr. Mills introduced his company (PIRHL) and went on to explain various facets of the Senior living use that they are interested in developing on the property along with explaining PIRHL's business model which is to develop, build, own and operate its senior housing communities.

Mr. Mills explained other aspects of PIRHL's management and operation plan for the project once it was developed. He discussed the number and types of units they were interested in developing (between 72 up to 80 max), the timing for this development, management philosophy as well as other facets of how the project would be operated. Mr. Mills touched on other projects that they have developed in other cities as well as projects that were recently completed or currently under construction at this time.

In addition to these points Mr. Mills highlighted the following additional aspects relating to PIRHL's senior living program:

- Clarified that this is "independent living" – not "assisted living". No nursing care or medical care would be on-site or apart of the project.
- 80% of their projects are "Senior Housing" type developments. The others are family type projects usually located on sites much larger than this one.
- PIRHL is 100% privately owned. We are proposing to provide affordable housing for people of lower incomes.
- The objective of the developer tax credit program is to provide "affordable housing" that is not construed to be "low income" housing.

- The Senior living project will be professionally managed by a site management company.
 - We use Excel Property management. However we are interviewing and considering other companies right now for projects. PIRHL does not always use the same company. If they do not work out (live up to PIRHL's expectations,) they are always open to hiring another one.
- Most of the units are 1 bdrm's, with at least up to 10% of the units being designed as being handicapped accessible. The building is equipped with an elevator.
- Senior project will age be restricted /will file deed restrictions allowing residents that are only 55 or older.
- Residents are thoroughly checked out through a background investigation process during the application & leasing stage. They have minimum income requirements of \$18K.
- Advantages to 55+ older – longer leases, more stability. Greater demand, easier to lease than traditional MF project. The Rental “classification” is needed to support their business model. This is why we are petitioning the city to remove the restriction on rental type units.
- Buildings have large interior common areas for residents, rooms for activities on each floor, a library, outdoor amenities, gazebo, benches, and the project is well landscaped. Rooms are each accessed via the interior of the building. Buildings are connected with a central front desk and covered drop off area utilized to monitor access and provide security for the residents. Every project has a management and leasing office.

Mr. Tatge utilized the aerial photograph of the property to identify areas of the project that were already developed (within the overall “Commons at Monroe and Sardis”) as part of the initial 2004-022 zoning. Mr. Tatge explained that the site plan was a conditional plan and if approved any changes to the Tract “C” layout that PIRHL is proposing would have to go back through this process, with a public hearing and review by the City Council.

If approved by City Council this site plan (Petition #2012-088) will a part of the revised zoning/ that runs with the property for Tract C. Other examples of uses that could be built “by right” today without having to go through a public hearing and SPA process would be traditional Multi-family that are “owned” - not developed as rental units. The applicant or owners of the property could build multi-story condo's or townhomes (pull a permit without a public hearing) however no apartments could be built unless the zoning notes are modified through this type of SPA process / public hearing.

Referring to the Technical Data Sheet (TDS) / conditional notes sheet, Mr. Tatge outlined (showing the bubbled notes in the context of the revised updated TDS for Pet #2004-022) other provisions (in addition to the rental vs. non-rental requirement) of the original zoning that were being requested to be modified by PIRHL as part of this proposal, Pet #2012-088. These items included an increase in building height, allowing an increase up to 45' feet from the previously stipulated 40' foot requirement along with allowing an increase from, 2 to 3 stories.

Architecturally, PIRHL has requested to reduce the total percentage of brick that would be a part of the building façade, from 75% to approximately 50-55% percent.

All information regarding these changes is available online at the City of Charlotte's website under Petition #2012-088 at the following link:

<http://charmeck.org/city/charlotte/planning/Rezoning/RezoningPetitions/Pages/home.aspx>

Site aspects

Mr. Tatge and Mr. Mills discussed how the site functions with a central access point to the south, with a primary circulation drive, centrally located circular turn around drive that accesses a central drop off area. The site has up to 10% handicapped spaces (far greater than the minimum amount required by ADA codes and sidewalks through the property.

The developer will be required to install and complete the remaining portions of Nolley Court out to Sardis Road North, which was identified on the previous zoning approval (Pet #2004-022).

Nolley Court ROW will be built and dedicated as a public street, donated to be a part of the City's public street system. New entrance to the overall project at Sardis Road North will serve as PIRHL's main entrance allowing us to place a sign and better identify the project. Stub road to the adjacent property is required as part of this design and to satisfy requirements from the original rezoning.

Developer will be utilizing and verifying the design of the existing detention pond located to the NE of the property

Questions and issues raised by the meeting participants

Can you install Speed bumps?

The Petitioner agreed to investigate this request and include notes in the resubmitted site plan package indicating that they would be glad to do this if they were allowed by the city to implement such a request. Notes have been included in the latest site plan package submitted to the City indicating a commitment to investigate this request as part of the upcoming permitting process.

Can you lower the speed limit?

The Petitioner indicated that that this is not a part of their proposal and if the residents wanted to pursue such a request they would need to do this independent of the Petitioner. Charlotte Department of Transportation (CDOT) has a process for these types of requests.

Why do you need to connect to Sardis Rd N?

This is a requirement of the originally approved zoning Plan – Petition # 2004-022.

Why access the property down in the back, near the southern edge vs. coming right in from the north? The access requirement was set as part of the originally approved zoning Plan – Petition # 2004-022.

Why is the dumpster located where it is at, can you move it?

The dumpster is located as far away from existing residences as possible. Petitioner agreed to look at this idea to see if they were able to find another more suitable location. Other locations have not proven to be feasible in terms of being located out to the ROW (access- wise) or being any further from existing residences. We have not relocated the dumpster facility.

Why aren't the outdoor amenities you mentioned on the Site Plan?

We are sensitive to having to locate them if they are specifically show in a certain location as we are very early on in the design process and may need to move them around based on grading and final design. The Petitioner agreed to include notes on the site plan regarding proposes outdoor amenities that will be made available to residents living on the property.

Why all the parking? How much is there?

We are planning on providing 1 space per resident/unit which is the requirement under the existing zoning. We general always have additional spaces and the lot rarely fills up.

How do you keep project as a Senior project 10-15 yrs from now?

We are agreeing to "deed restrict" the project. PIRHL is the developer, owner and operator of the project and has no plans on selling the project once it is approved. The zoning will require this as it is specified in the revised notes.

Will the Trees be cut down?

The site has been previously cleared, possibly in connection with the site development that took place as part of the original developers work to construct the ROW, detention area and create the boundaries for Tract "C". The smaller pine saplings that have been replanted on the property since it was previously cleared will be cut down to allow for the proposed site development of the Senior housing. We are required to maintain a 20 foot landscape area along the property line. This requirement is shown on the site plan.

Why don't you buy my land? (Neighbors to the North)

We already have enough site area to accommodate the number of units we are planning on building at this location in Charlotte.

Access drive to Food Lion is too steep, can you fix that aspect?

These improvements are outside of the areas we are planning on purchasing. As such we do not control this area and are unable to modify this already constructed driveway areas to the Food Lion.

An attendee asked about on-site security and maintenance.

As mentioned earlier, PIRHL's Senior living projects are professionally managed by a site management company. Currently we utilize a company called Excel Property Management.

How do you keep this from having 5-6 people in one apartment?

Limitations on the number of occupants that can stay within a unit will be a lease requirement. We have on site management that will help police this type of situation from occurring.

Generally Residents are pretty good at self-policing these kinds of activities from occurring and report this to the management agent

What about kids, visitors if they want to stay?

This will also be a lease requirement. Visitors will be allowed to stay for a few nights with residents. Our on site management company representative will also monitor this situation.

The meeting concluded around 7:15 p.m. once questions were each answered. As participants began to leave others approached the front of the room to obtain business cards as additional handouts and contact information was exchanged. Others moved to the foyer to look at the boards that had been displayed there as well. Copies of the various boards that were displayed at the meeting were resubmitted as part of the applicants revised site plan provided to the City on September 14. Boards and plans that were on display throughout the meeting are also attached to this report.

Mr. Mills and Mr. Tatge thanked attendees for their time and invited them to contact him if they had additional questions. Following the formal question and answer session, the Petitioner's representatives continued conversations with attendees individually.

Respectfully submitted, this 5th day of October, 2012.

cc: Ms. Tammie Keplinger, Charlotte-Mecklenburg Planning Department
Ms. Claire Lyte- Graham, AICP, Charlotte-Mecklenburg Planning Department
The Honorable Andy Dulin, Charlotte City Council
Clerk to Charlotte City Council



August 24, 2012

RE: Neighborhood Meeting

Sardis Senior Apartments - SPA Petition #: 2012-088
St. Stephen United Methodist Church - Chapel
Thursday, September 6, 2012
6:00-7:00 PM

Dear Neighbor:

PIRHL, a leader in the field of Senior Living Communities, invites you to a Neighborhood Meeting to share their future plans for developing Sardis Senior Apartments; a new senior living community in Charlotte located on Nolley Court, within The Commons at Monroe & Sardis development, Tract C.

Please join us to hear more about this proposal:

Meeting Location:

St. Stephen United Methodist Church
Chapel
6800 Sardis Road
Charlotte, NC 28270

Date & Time:

Thursday, September 6, 2012
Meeting begins promptly at 6:00 PM-7:00 PM

Please find the enclosed map and directions to the meeting. Thank you in advance for your interest and participation; we look forward to meeting you and answering any questions you may have about this exciting new project. Should you have any questions or need additional information, please do not hesitate to contact Dustin Mills or Peter Tatge (803) 835-0911.

Cordially,

A handwritten signature in black ink, appearing to read "D. Mills".

Dustin T. Mills, Vice President, Development

PIRHL Southeast, LLC
3107 Evans Street, Suite G
Greenville, NC 27858

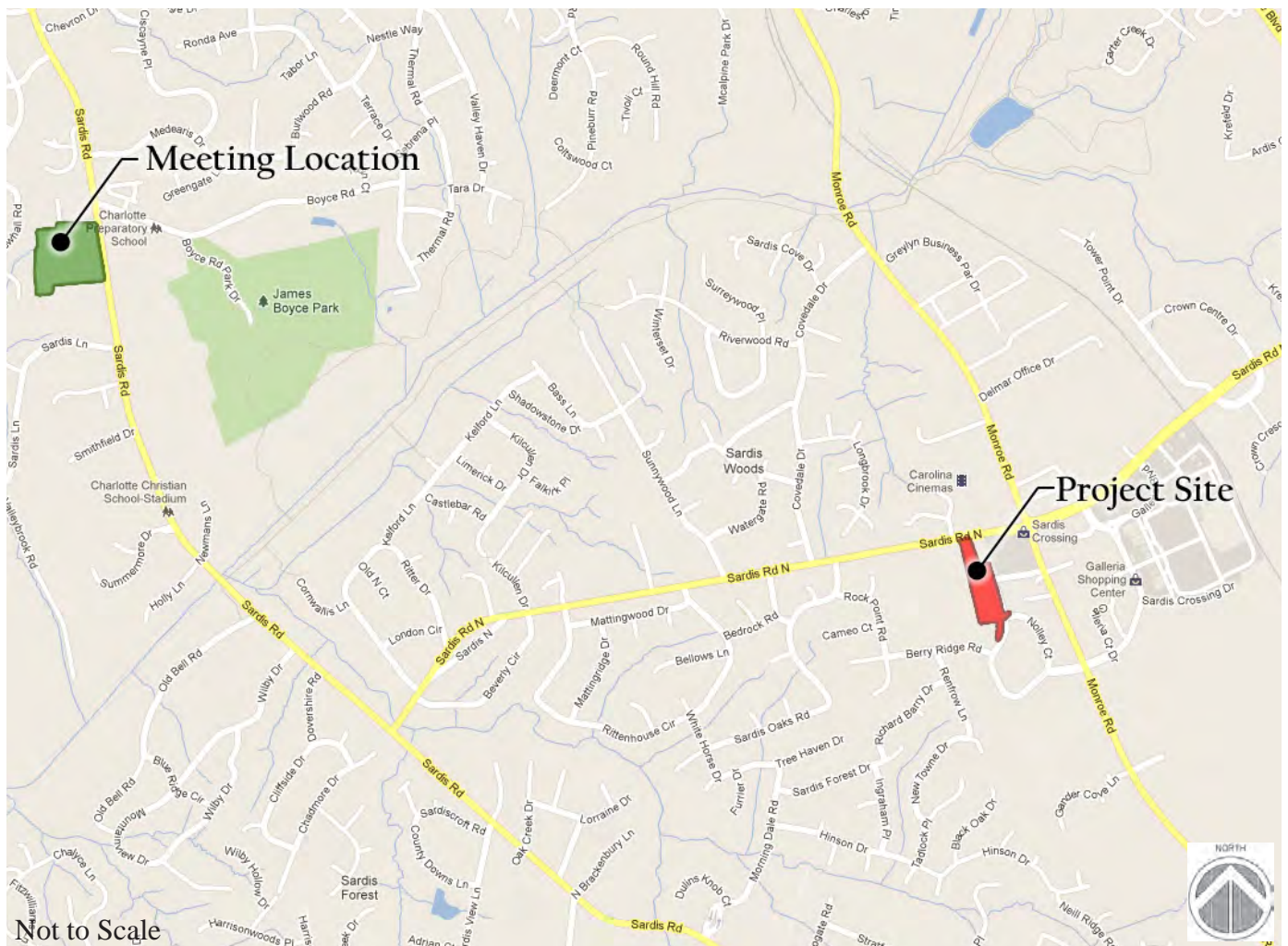
Location of St. Stephen United Methodist Church

From Monroe Road:

Turn onto Sardis Road North traveling West approximately 1.5 miles. Turn Right onto Sardis Road and travel approximately 1.2 miles, destination will be on the Left. Arrive at 6800 Sardis Road.

Our meeting will be held in the Chapel of St. Stephen United Methodist Church and will begin promptly at 6:00 PM.

Please look for wayfinding signage directing you to the meeting once you arrive on-site.



Sardis Senior Apartments
NEIGHBORHOOD MEETING
Thursday September 6, 2012
6:00-7:00 PM
SIGN-IN SHEET

EXHIBIT C

★ Name: Florence Stanley
Address: 9104-F Nalley Ct.
Charlotte, NC 28270
Phone: 704-841-1731
Email: f100910@carolina.rr.com

★ Name: Wilson Goalsby
Address: 9108-F Nalley Ct
Phone: 704-847-8056
Email: WilsonGoalsby@AOL.com

Name: Chelsi Smith
Address: 1442 Sardis Rd
Phone: 704 849 8772
Email: Chelsi.smith@yahoo.com

Name: Lil Roberts
Address: 1333 Maple Shade
Phone: 704-847-4031
Email: lroberts2009@carolina.rr.com

Name: Stoney Susan Sperry
Address: 9139 Nalley Ct Unit F
Phone: 704-246-8458
Email: SSperry1@carolina.rr.com

Name: Beckie Helms
Address: 8101-F Nalley Ct
Phone: 704 847-7973
Email: beckiehelms@windstream.net

Name: Betty Mena
Address: 9004 H Nalley Ct.
Phone: 704-708-6564
Email: _____

Name: Robert & Cindy Waters
Address: 9106 Sardis Forest Drive
Phone: 704-201-6887
Email: la labaster@AOL.com

Name: Rebbie Harker
Address: 1301 Laurel Rd
Phone: 704-847-6733
Email: RebbieHarker@hotmail.com

Name: Rodney Harker
Address: 1235 Rock Point Ct
Phone: 704.582.2282
Email: Rodneyharker@gmail.com

Name: Charlotte Pettit
Address: 9112-F Nalley Ct
Phone: 704-847-1408
Email: _____

Name: George Nock
Address: 1309 Beech Ridge
Phone: 704 562 5543
Email: GeorgeNock@aol.com

Name: Jane Kye
Address: _____
Phone: _____
Email: _____

Name: Tamara Eberhardt
Address: _____
Phone: _____
Email: _____

Sardis Senior Apartments
NEIGHBORHOOD MEETING
Thursday September 6, 2012
6:00-7:00 PM
SIGN-IN SHEET

Name: Rita Banks
Address: _____
Phone: _____
Email: Bankfarm1409@Frontier.com

Name: Cindy & Steven Shugrue
Address: 9101-1C Nolley Ct.
Phone: 704-246-6364
Email: Cindy28105@aol.com

Name: Reid Harkey
Address: 1340 Sardis Rd N.
Phone: 704-708-4097
Email: reidcharkeytileandstone.com

Name: _____
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Sardis Senior Apartments
NEIGHBORHOOD MEETING
Thursday September 6, 2012
6:00-7:00 PM
SIGN-IN SHEET

Name: Carolyn W Robinson
Address: 9104-A Nolley Ct.
Phone: 704-708-8900
Email: c¹²⁸robinson@carolwrr.com

Name: _____
Address: _____
Phone: _____
Email: _____

Name: Betty Stein
Address: 9104 H Nolley Ct.
Phone: 704-844-0786
Email: _____

Name: _____
Address: _____
Phone: _____
Email: _____

Name: Irene Suchoza
Address: 309 Morning Dale Rd.
Phone: _____
Email: isuchoza@ganthuberman.com

Name: _____
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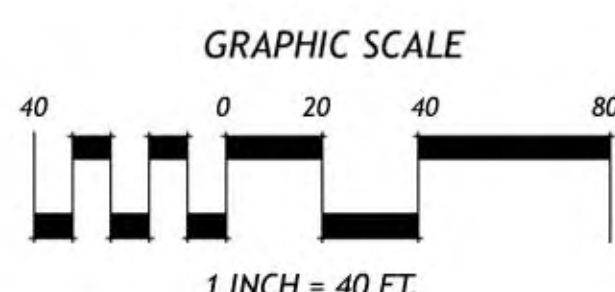
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ESP Associates, P.A.
P.O. Box 7030 3475 Lakemont Blvd.
Charlotte, NC 28241 Fort Mill, SC 29708
NC - 704.583.4949 SC - 803.802.2440
www.espassociates.com



Sardis Senior Apartments

Illustrative Master Plan

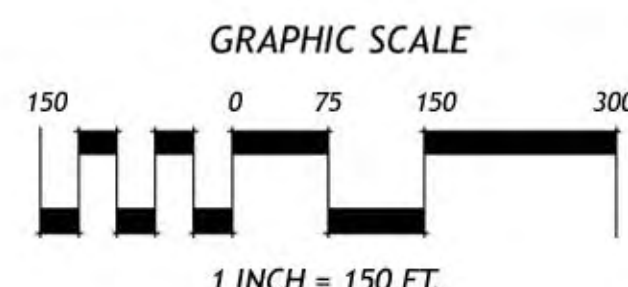
September 6, 2012

Plan is for illustrative purposes only - Artist interpretation and is subject to change





ESP Associates, P.A.
P.O. Box 7030 3475 Lakemont Blvd.
Charlotte, NC 28241 Fort Mill, SC 29708
NC - 704.583.4949 SC - 803.802.2440
www.espassociates.com



Sardis Senior Apartments

Aerial Map

September 6, 2012

Aerial image is obtained from Mecklenburg County & regional GIS data. ESP Associates is not responsible for incorrect, outdated, or missing information.



3107 Evans Street, Suite G
Greenville, NC 27858
(252) 558-0207





Sardis Senior Apartments

Charlotte, North Carolina

Sardis Senior, LLC



CONSULTANTS

PROJECT
Sardis Senior
LLC
**Sardis Senior
Apartments**
Charlotte,
North Carolina

13-401.00

REVISIONS

DATE
DATE: September 7, 2012
ISSUED FOR: Site Review

SET #

SHEET
Rendered View

TS 1

SHEET OF
TOTAL SHEETS IN SET
DRAWN BY: TTB
CHECKED BY: JML

DEVELOPMENT STANDARDS

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Lat Purser and Associates and the William Trotter Company to accommodate development of a multi-use, pedestrian-friendly community on an approximately 17.38 acre site located near the southwestern corner of the intersection of Monroe Road and Sardis Road North. (the "Site"). Development of the Site will be governed by the Technical Data Sheet, the Schematic Site Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Neighborhood Services (NS) zoning classification shall govern all development taking place on the Site.

The development depicted on the Schematic Site Plan 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 outlined on the Schematic Site Plan are schematic in nature, and subject to the provisions set forth below under Design and Performance Standards, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Technical Data Sheet. Street and 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.

1. Permitted Uses

A. Tract A of the Site may be devoted to office, retail, bank, commercial and/or restaurant uses, together with any incidental or accessory uses associated therewith which are permitted by right or under prescribed conditions in the NS Zoning Classification, subject to the maximum development provisions set forth below under Paragraph A and Paragraph B of Section 2 and the following limitations:

- i. No hotel, convenience store or gasoline sales facility will be permitted on Tract A.
- ii. No drive through facilities will be permitted except in association with a financial institution.

B. Tract B of the Site may be devoted to bank, general office and/or medical office uses, together with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the NS Zoning Classification, subject to the maximum development provisions set forth below under Paragraph B of Section 2 and the following limitations:

- i. No hotel will be permitted on Tract B.
- ii. No drive through facilities will be permitted.
- iii. No roll up doors or loading docks which are typically associated with industrial or flex-type buildings will be allowed.

C. Tract C of the Site may be devoted to any use permitted in the R-17MF zoning classification (that is also permitted in the NS zoning classification) together with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the R-17MF zoning classification. A rental apartment community may be constructed on the Site. The Site may be developed with independent senior living apartments.

D. Tract D of the Site may be devoted to office, retail, bank, commercial and/or restaurant uses, together with any incidental or accessory uses associated therewith which are permitted by right or under prescribed conditions in the NS Zoning Classification, subject to the maximum development provisions set forth below under Paragraph A and Paragraph B of Section 2 and the following limitations:

- i. Only those uses permitted in an office zoning classification shall be permitted within 100 feet of the westerly property line of Tract D. No retail or restaurant use may be located within this 100 foot distance. In addition, any drive through window associated with a financial institution will not be located within the 100 foot distance.
- ii. No hotel, convenience store or gasoline sales facility will be permitted on Tract D.
- iii. No drive through facilities shall be permitted except in association with a financial institution.

2. Maximum Development

A. Tract A and Tract D may be developed with a total of up to 30,000 square feet of commercial floor area. Areas devoted to outdoor dining, courtyards and plazas are not included in the square footage limitations but shall be counted toward the required parking calculation.

B. Tract A, Tract B and Tract D may be developed with a total of up to 54,000 square feet of office floor area.

Up to 5,000 square feet of the 30,000 square feet permitted above for commercial/retail uses within Tract A and/or Tract D may be converted to additional office square footage at a conversion rate of one square foot of office space for every one square foot of commercial/retail space subject to a maximum of 59,000 square feet of office floor area. This additional office square footage may be located within Tract A, Tract B and/or Tract D.

C. Tract C may be developed in accordance with the density and development standards permitted under the Ordinance for the R-17MF Zoning Classification with following exceptions:

- i. The setback along the internal public street and the side and rear yards shall conform to the regulations established under the ordinance for Neighborhood Service (NS) zoning classification.
- ii. The treatment of the project edge shall be as generally depicted on the Technical Data Sheet.
- iii. The setback along the internal public street "Nolley Court" for Tract C shall be as follows: Building & Parking setback 12' from back of curb or 5' from R/W (whichever is greater)

3. Setbacks, Side Yards and Rear Yards

A. All buildings constructed within the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS District. The setback along Monroe Road shall be a minimum of 10 feet from the back of the future westerly right-of-way line along Monroe Road or 14 feet from the back of the curb of Monroe Road, whichever is greater, as depicted on the Technical Data Sheet.

B. Buildings and parking areas may be located within the development area boundaries depicted on the Technical Data Sheet.

C. The right is reserved for the developer to subdivide the Site and create lots within the interior of the development with no side and/or rear yards as part of a unified development plan.

D. In the event the adjoining parcel located to the west and abutting Tract C is rezoned to a zoning classification permitting attached residential homes, Tract C may be developed in conjunction with that abutting parcel subject to review and approval through the administrative approval process established under Section 6.207 of the Ordinance.

4. Design and Performance Standards

A. Architectural Controls

i. Surface level parking shall not be located within areas between the building(s) and the internal public street with the exception of those buildings which abut Green Gardens Place. Buildings which abut Green Gardens Place may have accessory parking areas located between the internal public street and/or Green Gardens Place and the buildings. In the event there is surface level parking located between buildings and Green Gardens Place and/or the internal public street, the streetscape treatment along that portion of the internal public street will include a two and one-half to three feet in height solid masonry wall in order to screen such parking.

ii. Buildings throughout the Site, with the exception of tract C, will be constructed of at least 75 % brick materials, not including doors and windows. Buildings within Tract C will be constructed of at least 50 % brick materials, not including doors and windows. Architectural accent features may be composed of materials other than brick.

iii. All buildings throughout the Site will contain windows or faux window treatments as a replacement for windows which face the internal public street and any large expanses of uninterrupted walls for these buildings will be avoided through the introduction of articulated facades and/or other specially designed architectural elements. The major building materials on all sides of the buildings will be the same.

iv. The elevations included on Sheet 3 are examples of the architectural concept for the Site and intended to portray the basic character of the front, rear and side elevations of the buildings to be located within Tract A, Tract B and Tract D. Although it is not possible to dictate the exact design of each building, the character will be generally consistent with that shown in the elevations. Elevations on sheet A-3, 4 are examples of the buildings to be located within Tract C.

v. Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.

vi. No building located on Tract A or Tract C of the Site shall exceed 45 feet in height or contain more than two stories.

vii. No building located on Tract B or Tract D of the Site and within 100 feet of any exterior property line which abuts residential zoning, as generally depicted on the Technical Data Sheet, shall exceed 30 feet in height or contain more than one story. No other building located on Tract B or Tract D shall exceed 45 feet in height or contain more than two stories.

- viii. The height of any building located on Tract C of the Site shall conform to the development standards of the R-17MF zoning classification, but in no event exceed 45 feet in height. The height of any building located on Tract C within 40 feet of the exterior property line shall not exceed 30 feet in height or contain more than one story. For the purposes of this provision, building height shall be measured from average grade to the median height of a sloping roof or from average grade to the top of a parapet on a non-sloping roof.
- ix. Detached signage throughout the Site shall be limited to monument or ground-mounted signage of no more than 8 feet in height.
- x. All buildings located on the Site will have a doorway oriented to the respective abutting proposed public street.

B. Landscaping and Screening

i. Landscape areas shall be provided along the exterior project edges of Tract B, Tract C and Tract D where they abut residential zoning, as generally depicted on the Technical Data Sheet. These landscape areas shall meet the following criteria:

Tract B: A 20 foot landscape area shall be provided along the exterior western property lines. Within this landscape area, existing trees 3 inch or larger in diameter shall be preserved, and a minimum of 4 trees and 20 shrubs per 100 linear feet shall be provided. Where the number of existing trees and shrubs does not meet this standard, new trees and shrubs will be planted to meet the standard. New planted trees shall be 2 inch caliper minimum at planting. New planted trees will be large maturing trees, except where overhead electric lines occur, small maturing trees will be planted. Shrubs shall be evergreen and at least 2 1/2 feet tall when planted. The specified landscape area may be disturbed to accommodate grading to construct any improvements required to existing Nolley Court. That portion of the Site located between the westerly edge of Proposed Public Street B and the easterly property line of the adjoining swim club, as depicted on the Technical Data Sheet, shall be established as a landscape area. The width of this landscape area will vary depending upon the exact alignment of Proposed Public Street B and will exceed 20 feet in width along the majority of its length as depicted on the Technical Data Sheet

Tract C: A 20 foot landscape area shall be provided along the exterior western property lines. Within this landscape area, existing trees 3 inch or larger in diameter shall be preserved (except as noted below), and a minimum of 4 trees and 20 shrubs per 100 linear feet shall be provided. Where the number of existing trees and shrubs does not meet this standard, additional trees and shrubs will be planted to meet the standard. New planted trees shall be 2 inch caliper minimum at planting. New planted trees will be large maturing trees, except where overhead electric lines occur, small maturing trees will be planted. Shrubs shall be evergreen and at least 2 1/2 feet tall when planted. The specified landscape area may be disturbed as required to accommodate grading to construct the proposed public streets shown on the Technical Data Sheet. The specified landscape area along the west side of Tract C may be eliminated if the adjacent property is rezoned for multi-family or single family attached residential use.

Tract D: At the western edge of Tract D, a 20 foot landscape area shall be provided along the exterior property line. Within this landscape area, existing trees 3 inch or larger in diameter shall be preserved, and a minimum of 4 trees and 20 shrubs per 100 linear feet shall be provided. Where the number of existing trees and shrubs does not meet this standard, additional trees and shrubs will be planted to meet the standard. New planted trees shall be 2 inch caliper minimum at planting. New planted trees will be large maturing trees, except where overhead electric lines occur, small maturing trees will be planted. Shrubs shall be evergreen and at least 2 1/2 feet tall when planted. At the southern edge of Tract D, a 15 foot landscape area shall be provided along the exterior property line. A minimum of five feet of this 15 foot landscape area must be located on the northerly side of the Duke Power electric right-of-way. The remaining 10 feet may be located within the Duke Power electric right-of-way. Within the 15 foot landscape area, a minimum of 4 trees and 20 shrubs per 100 linear feet shall be planted. New trees will be small maturing species that are approved by Duke Power Company for installation under electric right-of-ways, and at least 50% of trees will be evergreen species. Shrubs shall be evergreen and at least 2 1/2 feet tall when planted. In addition to the landscaping described above, evergreen shrubs shall be installed on five foot centers within that portion of the landscape area that lies outside of the Duke Power right-of-way as depicted on the Technical Data Sheet. The landscape area along the southerly property line may be eliminated in the event the abutting parcel further to the south is rezoned to a non-residential zoning classification or to allow for development of non-residential use(s).

- ii. Selective Clearing of Undergrowth: Within the specified exterior landscape areas, existing vines, undergrowth, small trees less than 3 inches in diameter, and dead vegetation may be removed using hand held tools.
- iii. Where existing trees do not exist within exterior landscape areas, earth borms may be installed, with maximum height not exceeding 4 feet, and maximum slopes not exceeding 3 horizontal to 1 vertical. A minimum of 4 trees per 100 linear feet shall be provided upon the berm. Trees shall be 2 inch caliper minimum at planting. Trees will be large maturing trees, except where overhead electric lines occur, small maturing trees will be planted.
- iv. Where existing earth borms occur within exterior landscape areas in Tract B, they will be retained (location is shown on the Technical Data Sheet).
- v. Internal areas of the Site shall be landscaped in accordance with the requirements of the City Code.
- vi. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

C. Streetscape Treatment

- i. The streetscape treatment along Monroe Road and the internal public street will conform to the Ordinance and include large maturing trees, sidewalks of at least six feet in width and planting strips of at least 8 feet in width.
- ii. Outdoor dining and courtyard areas may be located within the established, but outside of the required, setbacks.
- D. Lighting
 - i. All parking lot lighting shall be designed such that direct illumination does not extend past any exterior property line along the abutting residential areas.
 - ii. The parking lot lighting shall be capped and not exceed 20 feet in height as measured from grade within Tract B, Tract C and Tract D. The parking lot lighting shall be capped and not exceed 25 feet in height as measured from grade within Tract A.
 - iii. Any lighting attached to an exterior building wall shall be capped and downwardly directed.
 - iv. Wall-mounted decorative light fixtures such as sconces are permitted.
 - v. Light poles shall not be planted within the tree planting islands in the parking areas.

E. Parking

- i. Off street parking and loading will meet the standards established under the Ordinance.
- ii. On street parking may be provided along the interior public street subject to the approval of CDOT.
- iii. Bicycle parking spaces shall be provided such that one bicycle parking space is provided for each 25 vehicle parking spaces. The bicycle parking spaces shall be provided in bike racks.
- iv. Within in Tract C on-site parking requirement is one parking space per dwelling unit according to NS Zoning Ordinance.

F. Pedestrian Connections

Pedestrian connections shall be provided between the buildings as generally depicted on the Schematic Site Plan.

Vehicular Access and Parking

- A. Vehicular access to Monroe Road, Sardis Road North and the internal public street shall be as generally depicted on the Technical Data Sheet.
- B. The placement and configuration of each of these access points are subject to any modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.
- C. Vehicular Access #1 shall be established to the southerly property line at a point within the area depicted on the Technical Data Sheet. The Petitioner shall stub the private street system to the southerly project edge as indicated on the Rezoning Site Plan to allow for future vehicular connectivity between the subject Site and the abutting parcel. Vehicular Access #1 shall be constructed concurrently with the development of Tract D. The roadway section shall include two 11-foot travel lanes with two-foot curb and gutter. In addition, a sidewalk of six feet in width and a planting strip of eight feet in width shall be constructed along the eastern margin of the roadway. The owner of the abutting property to the south shall be allowed to extend Vehicular Access #1 onto his property so as to allow the general public to gain access to and from that parcel to Monroe Road by way of this private drive and Green Gardens Place.

D. Vehicular Access #2 shall be established to the westerly property line generally as depicted on the Technical Data Sheet. Vehicular Access #2 shall be constructed concurrently with the development of Tract C.

E. Vehicular and Pedestrian Accesses #4 and #5 shall be established to the easterly property line of the Site in the areas generally as depicted on the Technical Data Sheet. Vehicular Accesses #4 and #5 are contingent upon the execution of cross access easements with the respective abutting property owners. Vehicular and Pedestrian Access #4 will be constructed concurrently with the development of Tract C but only if Petitioners are able to obtain the necessary cross access easement from the abutting property owner. Vehicular and Pedestrian Access #5 will be constructed concurrently with the development of Tract A but only if Petitioners are able to obtain the necessary cross access easement from the abutting property owner. In the event the cross access easement cannot be obtained, the Petitioners shall construct Vehicular and Pedestrian Access #5 to the property line along with the construction of Proposed Public Street A. Each such access easement shall be permanent and a minimum of 30 feet in width.

- F. Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) right-of-way along Monroe Road required to provide for a minimum of 50 feet of right-of-way from the centerline along the Site's frontage, if such right-of-way does not exist already, prior to the issuance of any building permit.
- G. Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) right-of-way along Sardis Road North required to provide for a minimum of 35 feet of right-of-way from the centerline along the Site's frontage, if such right-of-way does not exist already, prior to the issuance of any building permit.
- H. Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) right-of-way along that portion of Green Gardens Place that lies within the Site required to provide for a total of 60 feet of right-of-way, if such right-of-way does not exist already, prior to the issuance of any building permit.
- I. The design and construction standards for the internal public and private streets shall be in accordance with the regulations in effect at the time of the associated site plan review and approval process.
- J. Certificates of occupancy for development taking place on the various tracts within the Site shall not be issued unless and until the following roadway improvements associated with the Tract or Tracts involved have been made:

With respect to Tract A and Tract B

- Construction of Public Street A with installation of stop control at Public Street B.
- Construction of Public Street B from Berry Ridge Drive to the Food Lion Shopping Center access.
- Construction of Vehicular/Pedestrian Access #3 to the Food Lion Shopping Center parcel.

In addition to the above improvements, the following roadway improvements must have been made to the intersection of Monroe Road and Green Gardens Place/Galleria Boulevard, with one exception as noted below:

- Provide dual exclusive left-turn lanes with 180 feet of storage and a shared through/right-turn lane on the eastbound (Green Gardens Place) approach.
- Restripe the Galleria Boulevard approach to include dual exclusive left-turn lanes with 180 feet of storage and a shared through/right turn lane.
- Install a median on Green Gardens Place from Monroe Road to Nolley Court.
- Construct the traffic signal modifications to accommodate the intersection widening and laneage changes, including removal of the split phasing, installation of protected-only phasing on the eastbound (Green Gardens Place) and westbound (Galleria Boulevard) left-turn movements, and installation of protected/permissive phasing on the northbound (Monroe Road) left-turn movement.

The exception to the above is that the improvements on Green Gardens Place and Monroe Road will not be required for the construction of up to 15,000 square feet on the northern half of Tract A, provided that the driveway to Monroe Road is constructed.

In addition to the above improvements, no certificates of occupancy shall be issued for commercial development taking place on Tract A and/or Tract B in excess of 40,000 square feet unless and until Public Street B is completed to Sardis Road North.

With respect to Tract C

Construction of Public Street B from Sardis Road North to Berry Ridge Drive, with an exclusive right-turn lane on Public Street B at Sardis Road North consisting of 150 feet of storage. If residential development on this tract is to be for individual ownership, building permits shall not be issued until this road construction is completed or bonded.

With respect to Tract D

Tract D may not have direct vehicular access to Green Gardens Place unless and until a median has been installed on Green Gardens Place from Monroe Road to Nolley Court and the southern curb line of Green Gardens Place has been constructed in its future location with accompanying pavement widening.

K. If at any time within two years of the date of the approval of this Rezoning Petition, CDOT authorizes the installation of speed humps within the Sardis Forest neighborhood, the Petitioners agree to contribute \$4,000.00 to the Sardis Forest Homeowner's Association and \$2,000.00 to the Sardis Forest Patio Homes Homeowner's Association toward the costs of such speed humps. The Petitioners shall provide such contribution within 60 days of written notification by either CDOT or the appropriate Sardis Forest neighborhood representative that CDOT has approved the installation of speed humps within the Sardis Forest neighborhood.

6. Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences. A fire hydrant shall be located within 750 feet of each building on the Site as the truck travels.

7. Storm Water Management

Storm water runoff will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte Ordinances and the Charlotte Mecklenburg Storm Water Design Manual. Surface level storm water detention may be located in common open space areas but not within the required setbacks, as established under the NS zoning classification. The Petitioner shall have the receiving drainage system abutting the Site analyzed to ensure that it will not be taken out of standard due to this development. If it is found that the development will cause the receiving storm drainage system abutting the Site to be taken out of standard, the Petitioner shall provide adequate detention to prevent this from occurring. Should the existing receiving drainage system be deemed to be out of standard prior to development of its Site, the Petitioner agrees to provide adequate detention to ensure that the system will not be additionally overburdened.

The following agencies must be contacted prior to construction regarding wetland and water quality permits, if applicable:

- Section 401 Permit NCDENR-Raleigh Office
- Section 404 Permit US Army Corps of Engineers

8. Buffers

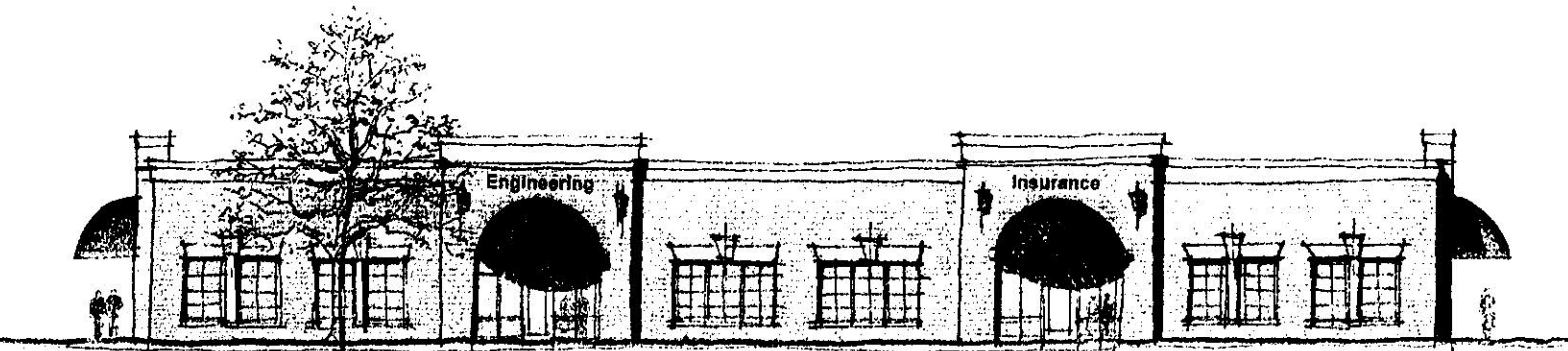
Zoning Ordinance buffers are not required between dissimilar land uses within the Site.

9. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, the Schematic Plan and these Development Standards may be applied for by the then Owner or Owners of the Tract or Tracts within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

10. Binding Effect of the Rezoning Documents and Definitions

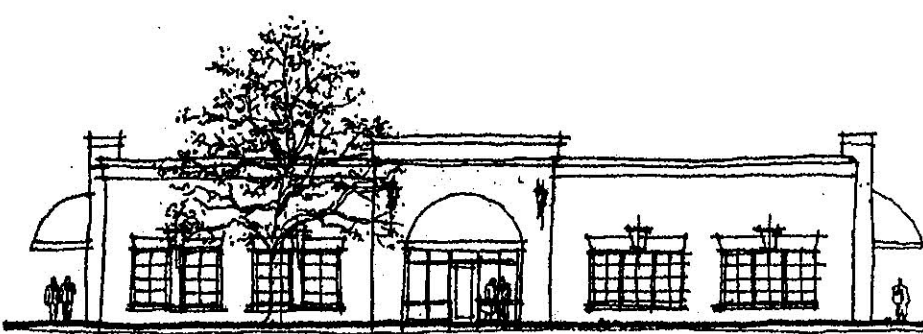
- A. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under this Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- B. Throughout these Development Standards, the terms, "Petitioners", "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest, assigns or agents of the Petitioners or the owner or owners of the Site from time to time who may be involved in any future development thereof.



Multi Use Development
Charlotte, North Carolina

Proposed Office Building
FRONT & REAR

Lat Purser & Associates
Overcash-Demmitt Architects
11 Nov 03



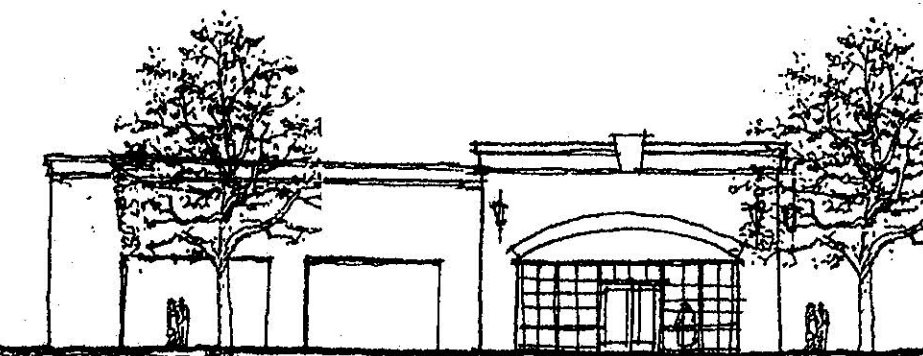
Office Building - Side Elevation



Multi Use Development
Charlotte, North Carolina

Proposed Retail Building
FRONT & REAR

Lat Purser & Associates
Overcash-Demmitt Architects
11 Nov 03



Retail Building - Side Elevation

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

| NO. | BY | DATE | REVISION |
|-----|-----|---------|------------------------|
| 1 | MAO | 2/10/05 | REV. PER CDOT COMMENTS |
| 2 | BTU | 5/10/05 | REV. PER COMMENTS |
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Project: THE COMMONS AT MONROE & SARDIS
MONROE ROAD
CHARLOTTE, NORTH CAROLINA

Title: DEV. STANDARDS & DETAILS

File #: 04070.dwg Date: 6/15/04 Project Egr: BTU

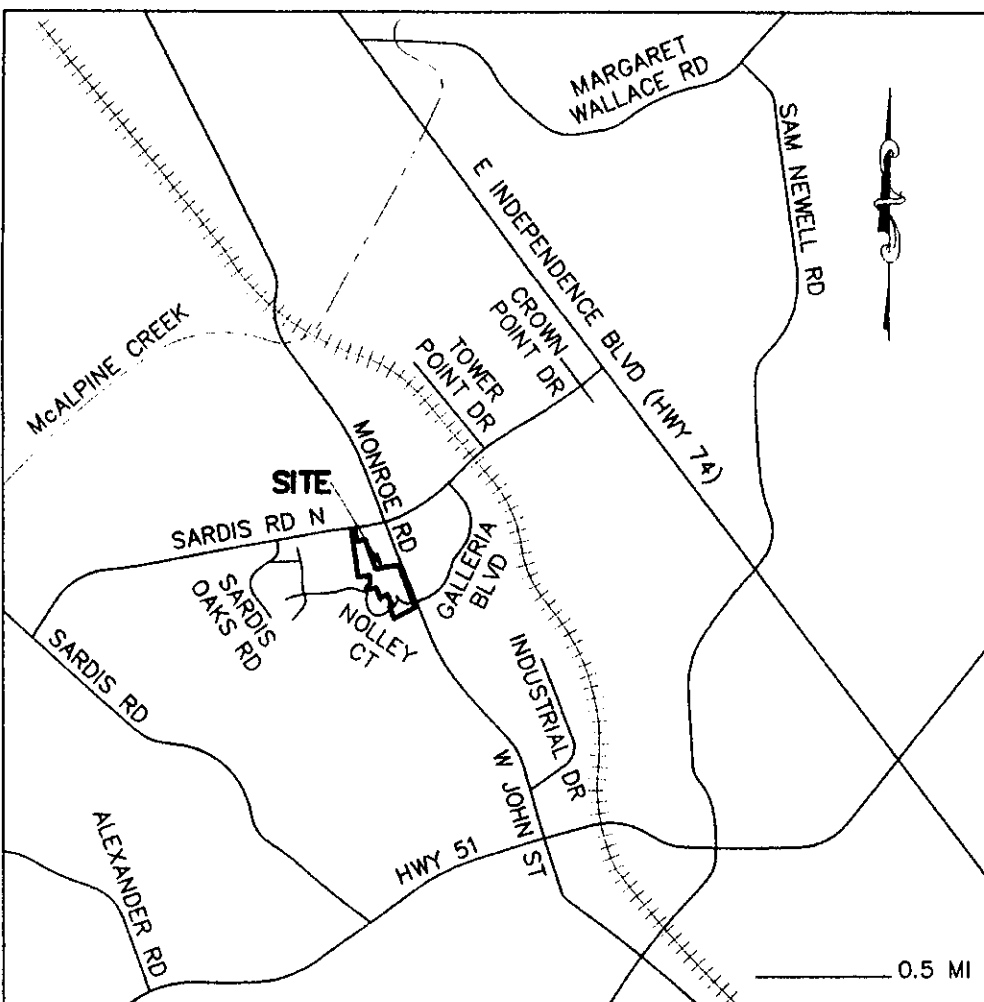
Design By: BTU
Drawn By: MAO
CIVIL ENGINEERING DESIGN AND LAND SURVEYING

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

Scale: 1"=60'

RZ-3

THE COMMONS AT MONROE & SARDIS

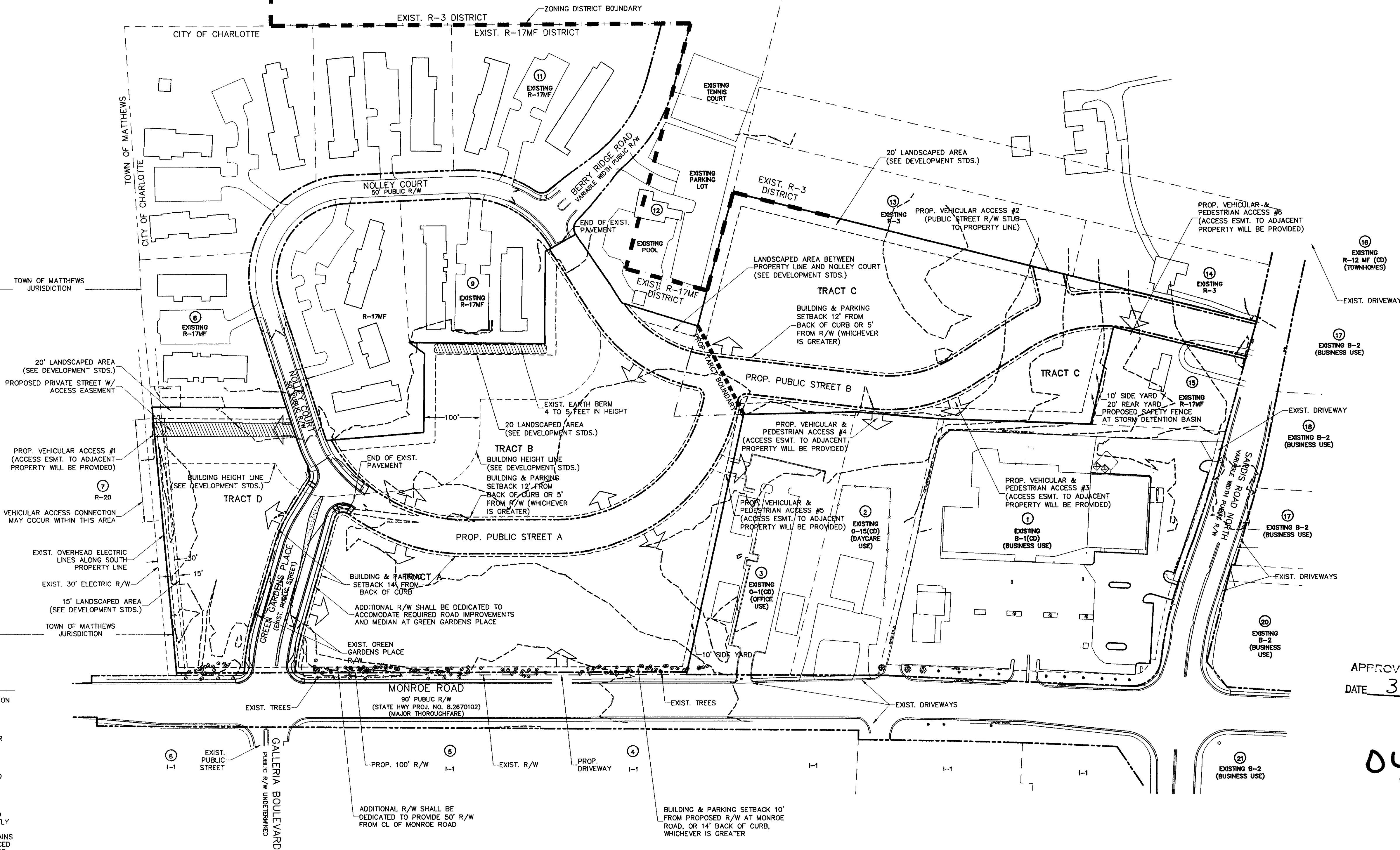


DEVELOPMENT DATA

EXISTING ZONING: R-17MF
PROPOSED ZONING: NS
TOTAL SITE AREA: 17.38 AC. GROSS
(TO EXIST. R/W AT MONROE ROAD & SARDIS RD NORTH, AND EXCLUDING EXISTING GREEN GARDENS PLACE AND EXISTING NOLLEY COURT)
TRACT A: ± 4.2 AC (NET PROPOSED STREET R/W)
TRACT B: ± 3.5 AC (NET PROPOSED STREET R/W)
TRACT C: ± 5.5 AC (GROSS, INCLUDING PROPOSED STREET R/W)
TRACT D: ± 2.2 AC (NET PROPOSED STREET R/W)

DEVELOPMENT STANDARDS

SEE SHEET RZ-3



NOTES:

- THIS MAP IS NOT A CERTIFIED SURVEY. BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY THE ISAACS GROUP.
- THE UTILITIES SHOWN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THIS PLAN; THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONFLICTS BETWEEN EXISTING UTILITIES AND PROPOSED EXCAVATION SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
- PROVIDE MINIMUM OF 48 HOUR NOTICE TO OWNER OR REPRESENTATIVE PRIOR TO INTERRUPTION OF ANY EXISTING UTILITY, IF BEING UTILIZED.
- THE CONTRACTOR IS RESPONSIBLE FOR REPAIR AND/OR REPLACEMENT OF ANY UTILITIES DAMAGED DURING CONSTRUCTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR LOCATION & PROTECTION OF EXISTING ABOVE AND BELOW GROUND UTILITIES AND STRUCTURES. ANY AND ALL MAINS OR INDIVIDUAL SERVICES PRESENTLY IN SERVICE WHICH ARE DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED IMMEDIATELY AT NO ADDITIONAL EXPENSE TO THE UTILITY OWNER. ANY AND ALL MAINS OR INDIVIDUAL SERVICES PRESENTLY NOT IN SERVICE AND WHICH ARE TO BE REPLACED DURING THE COURSE OF CONSTRUCTION MAY BE REMOVED AND LEGALLY DISPOSED OF IF DAMAGED DURING CONSTRUCTION.
- THE CONTRACTOR SHALL USE EXTREME CARE WHEN WORKING NEAR ALL UNDERGROUND AND OVERHEAD UTILITIES.
- HANDICAP SIGNAGE TO BE INSTALLED IN ACCORDANCE WITH A.D.A. STANDARDS AT H/C PARKING SPACES SHOWN.
- ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO CONSTRUCTION. THESE PERMITS AND APPROVALS MAY INCLUDE BUT ARE NOT LIMITED TO GRADING, DEMOLITION, ZONING, BUILDING, DRIVEWAY, DETENTION, SUBDIVISION, SPECIAL USE, SEWER AND WATER.

APPROVED BY CITY COUNCIL
DATE 3/15/05

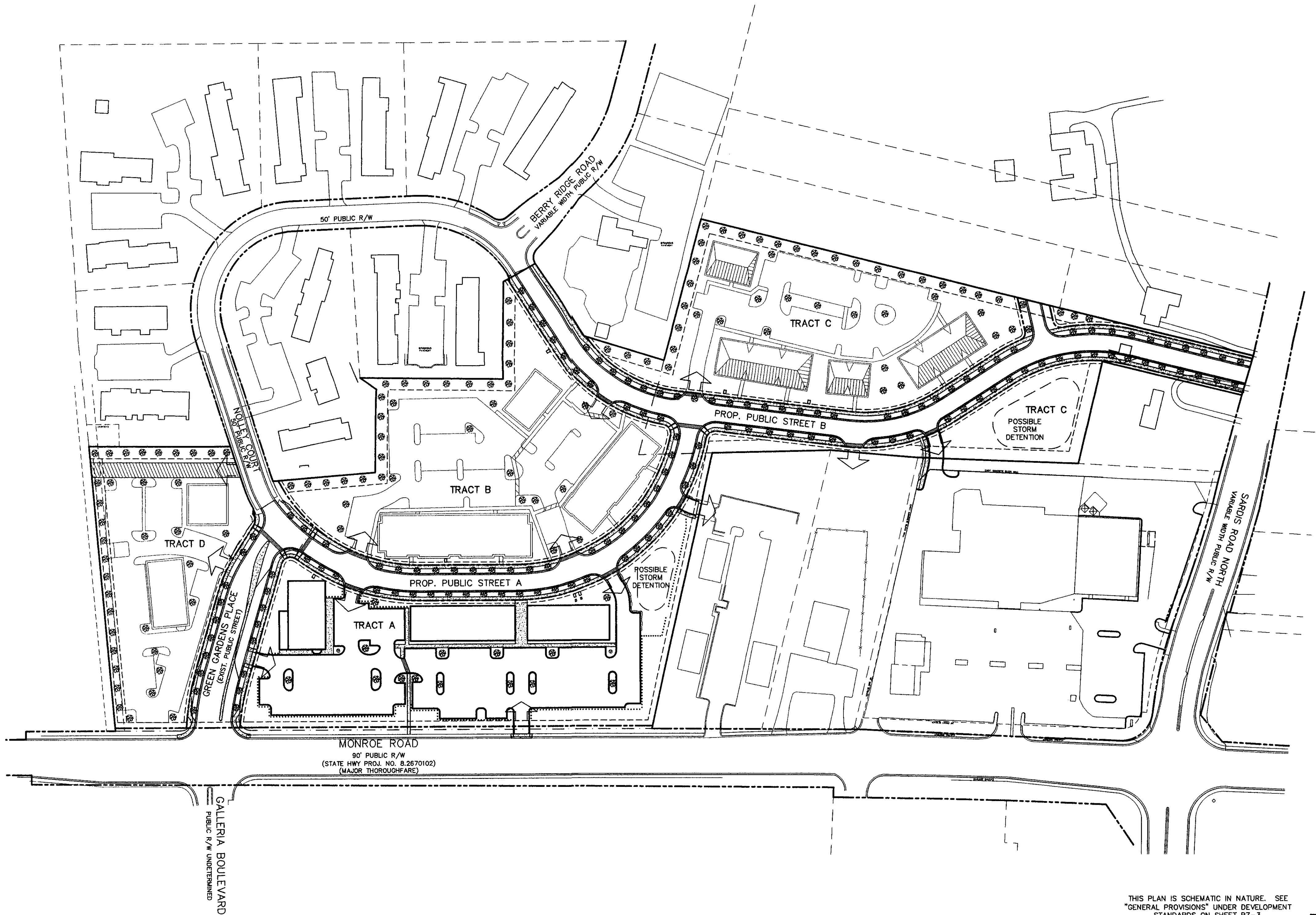
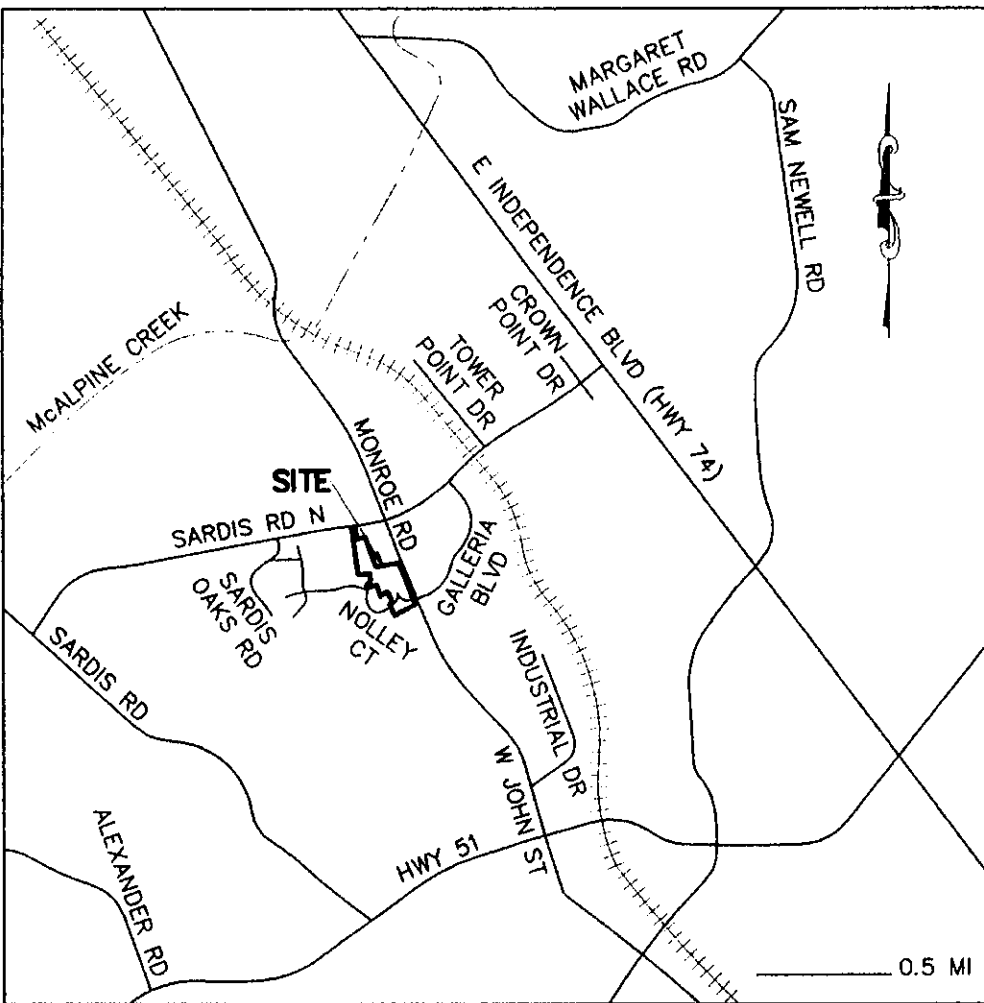
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| Project: THE COMMONS AT MONROE & SARDIS | |
| Title: MONROE ROAD CHARLOTTE, NORTH CAROLINA | |
| TECHNICAL DATA | |
| File # 04070.dwg | Date: 6/15/04 |
| Design By: BTU | Project Egr: BTU |
| Drawn By: MAO | Scale: 1"=100' |
| 8720 RED OAK BOULEVARD, SUITE 420 CHARLOTTE, N.C. 28217 PHONE (704) 527-3440 FAX (704) 527-8335 | |
| RZ-1 | |

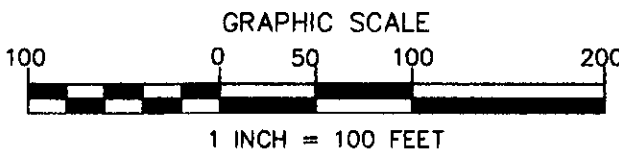
THE COMMONS AT MONROE & SARDIS



- NOTES:
1. THIS MAP IS NOT A CERTIFIED SURVEY. BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY THE ISSACS GROUP.
 2. THE UTILITIES SHOWN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THIS PLAN; THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONFLICTS BETWEEN EXISTING UTILITIES AND PROPOSED EXCAVATION SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
 3. PROVIDE MINIMUM OF 48 HOUR NOTICE TO OWNER OR REPRESENTATIVE PRIOR TO INTERRUPTION OF ANY EXISTING UTILITY, IF BEING UTILIZED.
 4. THE CONTRACTOR IS RESPONSIBLE FOR REPAIR AND/OR REPLACEMENT OF ANY UTILITIES DAMAGED DURING CONSTRUCTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR LOCATION & PROTECTION OF EXISTING ABOVE AND BELOW GROUND UTILITIES AND STRUCTURES. ANY AND ALL MAINS OR INDIVIDUAL SERVICES PRESENTLY IN SERVICE WHICH ARE DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED IMMEDIATELY AT NO ADDITIONAL EXPENSE TO THE UTILITY OWNER. ANY AND ALL MAINS OR INDIVIDUAL SERVICES PRESENTLY NOT IN SERVICE AND WHICH ARE TO BE REPLACED DURING THE COURSE OF CONSTRUCTION MAY BE REMOVED AND LEGALLY DISPOSED OF IF DAMAGED DURING CONSTRUCTION.
 5. THE CONTRACTOR SHALL USE EXTREME CARE WHEN WORKING NEAR ALL UNDERGROUND AND OVERHEAD UTILITIES.
 6. HANDICAP SIGNAGE TO BE INSTALLED IN ACCORDANCE WITH A.D.A STANDARDS AT H/C PARKING SPACES SHOWN.
 7. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
 8. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO CONSTRUCTION. THESE PERMITS AND APPROVALS MAY INCLUDE BUT ARE NOT LIMITED TO GRADING, DEMOLITION, ZONING, BUILDING, DRIVEWAY, DETENTION, SUBDIVISION, SPECIAL USE, SEWER AND WATER.

THIS PLAN IS SCHEMATIC IN NATURE. SEE "GENERAL PROVISIONS" UNDER DEVELOPMENT STANDARDS ON SHEET RZ-3.

PRELIMINARY
DO NOT USE FOR CONSTRUCTION



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| | Project: THE COMMONS AT MONROE & SARDIS | | |
| | MONROE ROAD CHARLOTTE, NORTH CAROLINA | | |
| | Title: SCHEMATIC SITE PLAN | | |
| | File # 04070.dwg | Date 6/15/04 | Project Egr. BTU |
| | Design By: BTU | | |
| | Drawn By: MAO | | |
| CIVIL ENGINEERING DESIGN AND LAND SURVEYING | | Scale: 1"=100' | |
| 8720 RED OAK BOULEVARD, SUITE 420 CHARLOTTE, N.C. 28217 | | | |
| PHONE (704) 527-3440 FAX (704) 527-8335 | | | |

RZ-2

DEVELOPMENT STANDARDS

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Lat Purser and Associates and the William Trotter Company to accommodate development of a multi-use, pedestrian-friendly community on an approximately 17.38 acre site located near the southwesterly corner of the intersection of Monroe Road and Sardis Road North. (the "Site"). Development of the Site will be governed by the Technical Data Sheet, the Schematic Site Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Neighborhood Services (NS) zoning classification shall govern all development taking place on the Site.

The development depicted on the Schematic Site Plan 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 outlined on the Schematic Site Plan are schematic in nature, and subject to the provisions set forth below under Design and Performance Standards, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Technical Data Sheet. Street and 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.

1. Permitted Uses

- A. Tract A of the Site may be devoted to office, retail, bank, commercial and/or restaurant uses, together with any incidental or accessory uses associated therewith which are permitted by right or under prescribed conditions in the NS Zoning Classification, subject to the maximum development provisions set forth below under Paragraph A and Paragraph B of Section 2 and the following limitations:
- i. No hotel, convenience store or gasoline sales facility will be permitted on Tract A.
 - ii. No drive through facilities will be permitted except in association with a financial institution.
- B. Tract B of the Site may be devoted to bank, general office and/or medical office uses, together with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the NS Zoning Classification, subject to the maximum development provisions set forth below under Paragraph B of Section 2 and the following limitations:
- i. No hotel will be permitted on Tract B.
 - ii. No drive through facilities will be permitted.
 - iii. No roll up doors or loading docks which are typically associated with industrial or flex-type buildings will be allowed.
- C. Tract C of the Site may be devoted to any use permitted in the R-17MF zoning classification (that is also permitted in the NS zoning classification) together with any incidental or accessory uses associated therewith which are permitted under the Ordinance by right or under prescribed conditions in the R-17MF zoning classification. A rental apartment community may not be constructed on the Site.
- D. Tract D of the Site may be devoted to office, retail, bank, commercial and/or restaurant uses, together with any incidental or accessory uses associated therewith which are permitted by right or under prescribed conditions in the NS Zoning Classification, subject to the maximum development provisions set forth below under Paragraph A and Paragraph B of Section 2 and the following limitations:
- i. Only those uses permitted in an office zoning classification shall be permitted within 100 feet of the westerly property line of Tract D. No retail or restaurant use may be located within this 100 foot distance. In addition, any drive through window associated with a financial institution will not be located within the 100 foot distance.
 - ii. No hotel, convenience store or gasoline sales facility will be permitted on Tract D.
 - iii. No drive through facilities shall be permitted except in association with a financial institution.

2. Maximum Development

- A. Tract A and Tract D may be developed with a total of up to 30,000 square feet of commercial floor area. Areas devoted to outdoor dining, courtyards and plazas are not included in the square footage limitations but shall be counted toward the required parking calculation.
- B. Tract A, Tract B and Tract D may be developed with a total of up to 54,000 square feet of office floor area.
- Up to 5,000 square feet of the 30,000 square feet permitted above for commercial/retail uses within Tract A and/or Tract D may be converted to additional office square footage at a conversion rate of one square foot of office space for every one square foot of commercial/retail space subject to a maximum of 59,000 square feet of office floor area. This additional office square footage may be located within Tract A, Tract B and/or Tract D.
- C. Tract C may be developed in accordance with the density and development standards permitted under the Ordinance for the R-17MF Zoning Classification with following exceptions:
- i. The setback along the internal public street and the side and rear yards shall conform to the regulations established under the ordinance for Neighborhood Service (NS) zoning classification
 - ii. The treatment of the project edge shall be as generally depicted on the Technical Data Sheet.

3. Setbacks, Side Yards and Rear Yards

- A. All buildings constructed within the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS District. The setback along Monroe Road shall be a minimum of 10 feet from the back of the future westerly right-of-way line along Monroe Road or 14 feet from the back of the curb of Monroe Road, whichever is greater, as depicted on the Technical Data Sheet.
- B. Buildings and parking areas may be located within the development area boundaries depicted on the Technical Data Sheet.
- C. The right is reserved for the developer to subdivide the Site and create lots within the interior of the development with no side and/or rear yards as part of a unified development plan.
- D. In the event the adjoining parcel located to the west and abutting Tract C is rezoned to a zoning classification permitting attached residential homes, Tract C may be developed in conjunction with that abutting parcel subject to review and approval through the administrative approval process established under Section 6.207 of the Ordinance.

4. Design and Performance Standards

A. Architectural Controls

- i. Surface level parking shall not be located within areas between the building(s) and the internal public street with the exception of those buildings which abut Green Gardens Place. Buildings which abut Green Gardens Place may have accessory parking areas located between the internal public street and/or Green Gardens Place and the buildings. In the event there is surface level parking located between buildings and Green Gardens Place and/or the internal public street, the streetscape treatment along that portion of the internal public street will include a two and one-half to three feet in height solid masonry wall in order to screen such parking.
- ii. All buildings throughout the Site will be constructed of at least 75 % brick materials, not including doors and windows. Architectural accent features may be composed of materials other than brick.
- iii. All buildings throughout the Site will contain windows which face the internal public street and any large expanses of uninterrupted walls for these buildings will be avoided through the introduction of articulated facades and/or other specially designed architectural elements. The major building materials on all sides of the buildings will be the same.
- iv. The elevations included on Sheet 3 are examples of the architectural concept for the Site and intended to portray the basic character of the front, rear and side elevations of the buildings to be located within Tract A, Tract B and Tract D. Although it is not possible to dictate the exact design of each building, the character will be generally consistent with that shown in the elevations.
- v. Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
- vi. No building located on Tract A of the Site shall exceed 45 feet in height or contain more than two stories.
- vii. No building located on Tract B or Tract D of the Site and within 100 feet of any exterior property line which abuts residential zoning, as generally depicted on the Technical Data Sheet, shall exceed 30 feet in height or contain more than one story. No other building located on Tract B or Tract D shall exceed 45 feet in height or contain more than two stories.

- viii. The height of any building located on Tract C of the Site shall conform to the development standards of the R-17MF zoning classification, but in no event will exceed 40 feet in height. The height of any building located on Tract C within 40 feet of the exterior property line shall not exceed 30 feet in height or contain more than two stories. For the purposes of this provision, building height shall be measured from average grade to the median height of a sloping roof or from average grade to the top of a parapet on a non-sloping roof.
- ix. Detached signage throughout the Site shall be limited to monument or ground-mounted signage of no more than 8 feet in height.
- x. All buildings located on the Site will have a doorway oriented to the respective abutting proposed public street.

B. Landscaping and Screening

- i. Landscape areas shall be provided along the exterior project edges of Tract B, Tract C and Tract D where they abut residential zoning, as generally depicted on the Technical Data Sheet. These landscape areas shall meet the following criteria:

Tract B: A 20 foot landscape area shall be provided along the exterior western property lines. Within this landscape area, existing trees 3 inch or larger in diameter shall be preserved, and a minimum of 4 trees and 20 shrubs per 100 linear feet shall be provided. Where the number of existing trees and shrubs does not meet this standard, new trees and shrubs will be planted to meet the standard. New planted trees shall be 2 inch caliper minimum at planting. New planted trees will be large maturing trees, except where overhead electric lines occur, small maturing trees will be planted. Shrubs shall be evergreen and at least 2 1/2 feet tall when planted. The specified landscape area may be disturbed to accommodate grading to construct any improvements required to existing Nolley Court. That portion of the Site located between the westerly edge of Proposed Public Street B and the easterly property line of the adjoining swim club, as depicted on the Technical Data Sheet, shall be established as a landscape area. The width of this landscape area will vary depending upon the exact alignment of Proposed Public Street B and will exceed 20 feet in width along the majority of its length as depicted on the Technical Data Sheet

Tract C: A 20 foot landscape area shall be provided along the exterior western property lines. Within this landscape area, existing trees 3 inch or larger in diameter shall be preserved (except as noted below), and a minimum of 4 trees and 20 shrubs per 100 linear feet shall be provided. Where the number of existing trees and shrubs does not meet this standard, additional trees and shrubs will be planted to meet the standard. New planted trees shall be 2 inch caliper minimum at planting. New planted trees will be large maturing trees, except where overhead electric lines occur, small maturing trees will be planted. Shrubs shall be evergreen and at least 2 1/2 feet tall when planted. The specified landscape area may be disturbed as required to accommodate grading to construct the proposed public streets shown on the Technical Data Sheet. The specified landscape area along the west side of Tract C may be eliminated if the adjacent property is rezoned for multi-family or single family attached residential use.

Tract D: At the western edge of Tract D, a 20 foot landscape area shall be provided along the exterior property line. Within this landscape area, existing trees 3 inch or larger in diameter shall be preserved, and a minimum of 4 trees and 20 shrubs per 100 linear feet shall be provided. Where the number of existing trees and shrubs does not meet this standard, additional trees and shrubs will be planted to meet the standard. New planted trees shall be 2 inch caliper minimum at planting. New planted trees will be large maturing trees, except where overhead electric lines occur, small maturing trees will be planted. Shrubs shall be evergreen and at least 2 1/2 feet tall when planted. At the southern edge of Tract D, a 15 foot landscape area shall be provided along the exterior property line. A minimum of five feet of this 15 foot landscape area must be located on the northerly side of the Duke Power electric right-of-way. The remaining 10 feet may be located within the Duke Power electric right-of-way. Within the 15 foot landscape area, a minimum of 4 trees and 20 shrubs per 100 linear feet shall be planted. New trees will be small maturing species that are approved by Duke Power Company for installation under electric right-of-ways, and at least 50% of trees will be evergreen species. Shrubs shall be evergreen and at least 2 1/2 feet tall when planted. In addition to the landscaping described above, evergreen shrubs shall be installed on five foot centers within that portion of the landscape area that lies outside of the Duke Power right-of-way as depicted on the Technical Data Sheet. The landscape area along the southerly property line may be eliminated in the event the abutting parcel further to the south is rezoned to a non-residential zoning classification or to allow for development of non-residential use(s).
 - ii. Selective Clearing of Undergrowth: Within the specified exterior landscape areas, existing vines, undergrowth, small trees less than 3 inches in diameter, and dead vegetation may be removed using hand held tools.
 - iii. Where existing trees do not exist within exterior landscape areas, earth berms may be installed, with maximum height not exceeding 4 feet, and maximum slopes not exceeding 3 horizontal to 1 vertical. A minimum of 4 trees per 100 linear feet shall be provided upon the berm. Trees shall be 2 inch caliper minimum at planting. Trees will be large maturing trees, except where overhead electric lines occur, small maturing trees will be planted.
 - iv. Where existing earth berms occur within exterior landscape areas in Tract B, they will be retained (location is shown on the Technical Data Sheet).
 - v. Internal areas of the Site shall be landscaped in accordance with the requirements of the City Code.
 - vi. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
- C. Streetscape Treatment
- i. The streetscape treatment along Monroe Road and the internal public street will conform to the Ordinance and include large maturing trees, sidewalks of at least six feet in width and planting strips of at least 8 feet in width.
 - ii. Outdoor dining and courtyard areas may be located within the established, but outside of the required, setbacks.
- D. Lighting
- i. All parking lot lighting shall be designed such that direct illumination does not extend past any exterior property line along the abutting residential areas.
 - ii. The parking lot lighting shall be capped and not exceed 20 feet in height as measured from grade within Tract B, Tract C and Tract D. The parking lot lighting shall be capped and not exceed 25 feet in height as measured from grade within Tract A.
 - iii. Any lighting attached to an exterior building wall shall be capped and downwardly directed.
 - iv. Wall-mounted decorative light fixtures such as sconces are permitted.
 - v. Light poles shall not be planted within the tree planting islands in the parking areas.
- E. Parking
- i. Off street parking and loading will meet the standards established under the Ordinance.
 - ii. On street parking may be provided along the interior public street subject to the approval of CDOT.
 - iii. Bicycle parking spaces shall be provided such that one bicycle parking space is provided for each 25 vehicle parking spaces. The bicycle parking spaces shall be provided in bike racks.
- F. Pedestrian Connections
- Pedestrian connections shall be provided between the buildings as generally depicted on the Schematic Site Plan.
5. Vehicular Access and Phasing
- A. Vehicular access to Monroe Road, Sardis Road North and the internal public street shall be as generally depicted on the Technical Data Sheet.
- B. The placement and configuration of each of these access points are subject to any modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.
- C. Vehicular Access #1 shall be established to the southerly property line at a point within the area depicted on the Technical Data Sheet. The Petitioner shall stub the private street system to the southerly project edge as indicated on the Rezoning Site Plan to allow for future vehicular connectivity between the subject Site and the abutting parcel. Vehicular Access #1 shall be constructed concurrently with the development of Tract D. The roadway section shall include two 11-foot travel lanes with two-foot curb and gutter. In addition, a sidewalk of six feet in width and a planting strip of eight feet in width shall be constructed along the eastern margin of the roadway. The owner of the abutting property to the south shall be allowed to extend Vehicular Access #1 onto his property so as to allow the general public to gain access to and from that parcel to Monroe Road by way of this private drive and Green Gardens Place.

- D. Vehicular Access #2 shall be established to the westerly property line generally as depicted on the Technical Data Sheet. Vehicular Access #2 shall be constructed concurrently with the development of Tract C.
- E. Vehicular and Pedestrian Accesses #4 and #5 shall be established to the easterly property line of the Site in the areas generally as depicted on the Technical Data Sheet. Vehicular Accesses #4 and #5 are contingent upon the execution of cross access easements with the respective abutting property owners. Vehicular and Pedestrian Access #4 will be constructed concurrently with the development of Tract C but only if Petitioners are able to obtain the necessary cross access easement from the abutting property owner. Vehicular and Pedestrian Access #5 will be constructed concurrently with the development of Tract A but only if Petitioners are able to obtain the necessary cross access easement from the abutting property owner. In the event the cross access easement cannot be obtained, the Petitioners shall construct Vehicular and Pedestrian Access #5 to the property line along with the construction of Proposed Public Street A. Each such access easement shall be permanent and a minimum of 30 feet in width.
- F. Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) right-of-way along Monroe Road required to provide for a minimum of 50 feet of right-of-way from the centerline along the Site's frontage, if such right-of-way does not exist already, prior to the issuance of any building permit.
- G. Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) right-of-way along Sardis Road North required to provide for a minimum of 35 feet of right-of-way from the centerline along the Site's frontage, if such right-of-way does not exist already, prior to the issuance of any building permit.
- H. Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) right-of-way along that portion of Green Gardens Place that lies within the Site required to provide for a total of 60 feet of right-of-way, if such right-of-way does not exist already, prior to the issuance of any building permit.
- I. The design and construction standards for the internal public and private streets shall be in accordance with the regulations in effect at the time of the associated site plan review and approval process.
- J. Certificates of occupancy for development taking place on the various tracts within the Site shall not be issued unless and until the following roadway improvements associated with the Tract or Tracts involved have been made:

With respect to Tract A and Tract B

- Construction of Public Street A with installation of stop control at Public Street B.
- Construction of Public Street B from Berry Ridge Drive to the Food Lion Shopping Center access.
- Construction of Vehicular/Pedestrian Access #3 to the Food Lion Shopping Center parcel.

- In addition to the above improvements, the following roadway improvements must have been made to the intersection of Monroe Road and Green Gardens Place/Galleria Boulevard, with one exception as noted below:
- Provide dual exclusive left-turn lanes with 180 feet of storage and a shared through/right-turn lane on the eastbound (Green Gardens Place) approach.
 - Restripe the Galleria Boulevard approach to include dual exclusive left-turn lanes with 180 feet of storage and a shared through/right turn lane.
 - Install a median on Green Gardens Place from Monroe Road to Nolley Court.
 - Construct the traffic signal modifications to accommodate the intersection widening and laneage changes, including removal of the split phasing, installation of protected-only phasing on the eastbound (Green Gardens Place) and westbound (Galleria Boulevard) left-turn movements, and installation of protected/permissive phasing on the northbound (Monroe Road) left-turn movement.

The exception to the above is that the improvements on Green Gardens Place and Monroe Road will not be required for the construction of up to 15,000 square feet on the northern half of Tract A, provided that the driveway to Monroe Road is constructed.

In addition to the above improvements, no certificates of occupancy shall be issued for commercial development taking place on Tract A and/or Tract B in excess of 40,000 square feet unless and until Public Street B is completed to Sardis Road North.

With respect to Tract C

Construction of Public Street B from Sardis Road North to Berry Ridge Drive, with an exclusive right-turn lane on Public Street B at Sardis Road North consisting of 150 feet of storage. If residential development on this tract is to be for individual ownership, building permits shall not be issued until this road construction is completed or bonded.

With respect to Tract D

Tract D may not have direct vehicular access to Green Gardens Place unless and until a median has been installed on Green Gardens Place from Monroe Road to Nolley Court and the southern curb line of Green Gardens Place has been constructed in its future location with accompanying pavement widening.

- K. If at any time within two years of the date of the approval of this Rezoning Petition, CDOT authorizes the installation of speed humps within the Sardis Forest neighborhood, the Petitioners agree to contribute \$4,000.00 to the Sardis Forest Homeowner's Association and \$2,000.00 to the Sardis Forest Patio Homes Homeowner's Association toward the costs of such speed humps. The Petitioners shall provide such contribution within 60 days of written notification by either CDOT or the appropriate Sardis Forest neighborhood representative that CDOT has approved the installation of speed humps within the Sardis Forest neighborhood.

6. Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences. A fire hydrant shall be located within 750 feet of each building on the Site as the truck travels.

7. Storm Water Management

Storm water runoff will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte Ordinances and the Charlotte Mecklenburg Storm Water Design Manual. Surface level storm water detention may be located in common open space areas but not within the required setbacks, as established under the NS zoning classification. The Petitioner shall have the receiving drainage system abutting the Site analyzed to ensure that it will not be taken out of standard due to this development. If it is found that the development will cause the receiving storm drainage system abutting the Site to be taken out of standard, the Petitioner shall provide adequate detention to prevent this from occurring. Should the existing receiving drainage system be deemed to be out of standard prior to development of its Site, the Petitioner agrees to provide adequate detention to ensure that the system will not be additionally overburdened.

The following agencies must be contacted prior to construction regarding wetland and water quality permits, if applicable:

- Section 401 Permit NCDENR-Raleigh Office
- Section 404 Permit US Army Corps of Engineers

8. Buffers

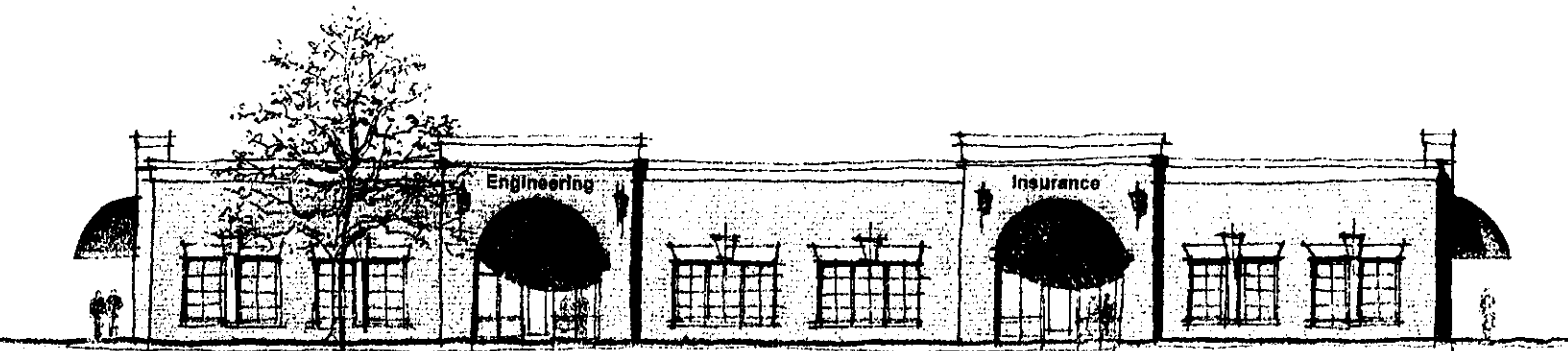
Zoning Ordinance buffers are not required between dissimilar land uses within the Site.

9. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, the Schematic Plan and these Development Standards may be applied for by the then Owner or Owners of the Tract or Tracts within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

10. Binding Effect of the Rezoning Documents and Definitions

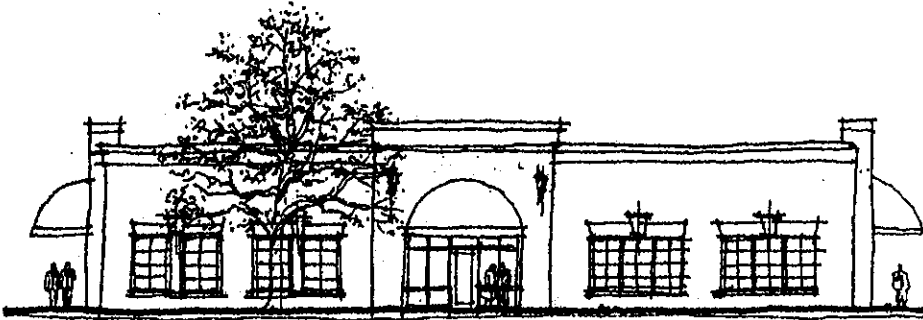
- A. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under this Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- B. Throughout these Development Standards, the terms, "Petitioners", "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest, assigns or agents of the Petitioners or the owner or owners of the Site from time to time who may be involved in any future development thereof.



Multi Use Development
Charlotte, North Carolina

Proposed Office Building
FRONT & REAR

Lat Purser & Associates
Overcash-Demmitt Architects
11 Nov 03



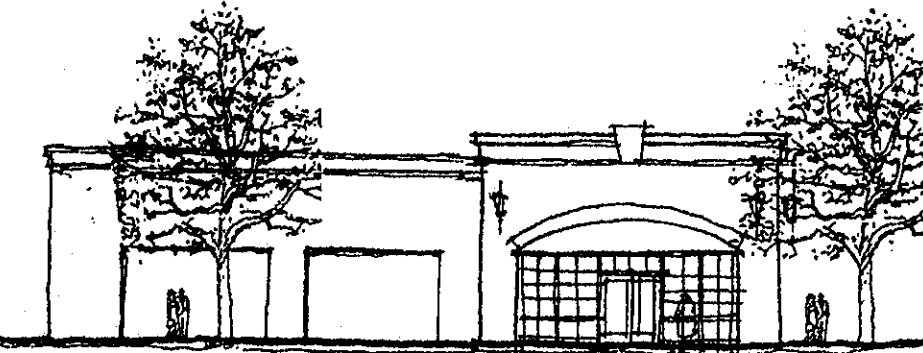
Office Building - Side Elevation



Multi Use Development
Charlotte, North Carolina

Proposed Retail Building
FRONT & REAR

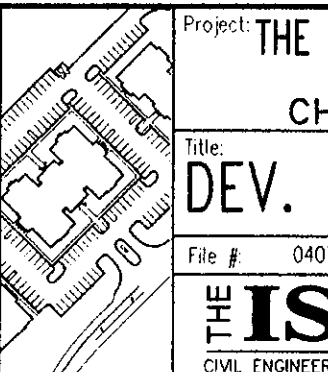
Lat Purser & Associates
Overcash-Demmitt Architects
11 Nov 03



Retail Building - Side Elevation

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

| NO. | BY | DATE | REVISION |
|-----|-----|---------|------------------------|
| 1 | MAO | 2/10/05 | REV. PER CDOT COMMENTS |
| 2 | BTU | 5/10/05 | REV. PER COMMENTS |
| | | | |
| | | | |
| | | | |

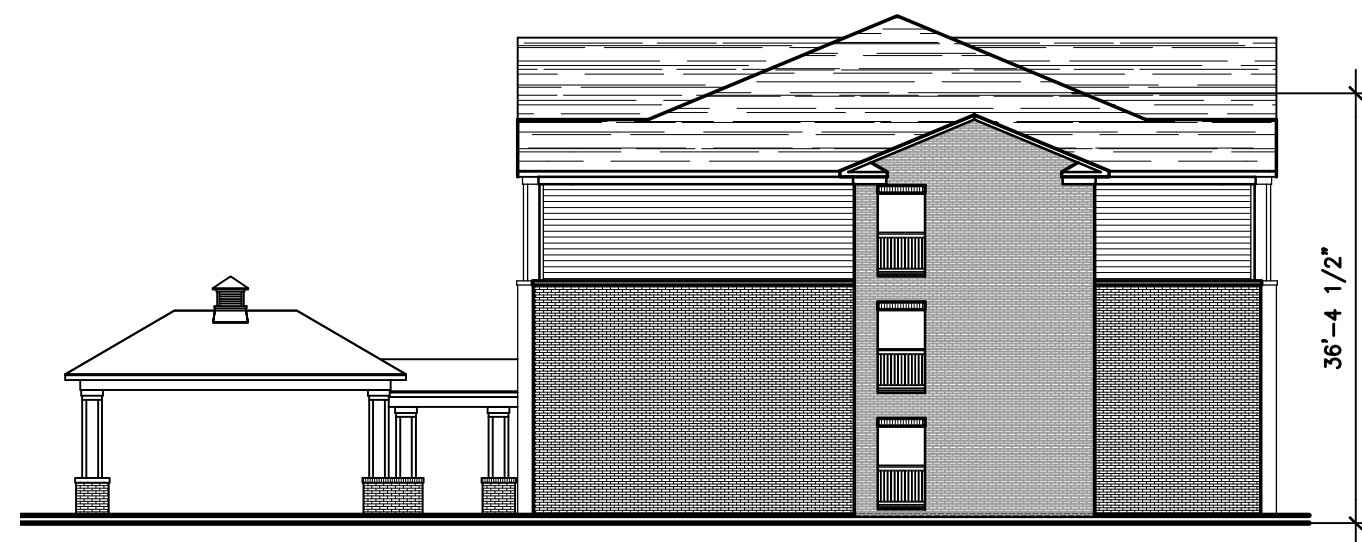
| | | | |
|---|---|--------------|------------------|
|  | Project: THE COMMONS AT MONROE & SARDIS MONROE ROAD CHARLOTTE, NORTH CAROLINA | | |
| | Title: DEV. STANDARDS & DETAILS | | |
| | File # 04070.dwg | Date 6/15/04 | Project Egr. BTU |
| | Design By: BTU | | Scale: 1"=60' |
| | Drawn By: MAO | | |
| 8720 RED OAK BOULEVARD, SUITE 420 CHARLOTTE, N.C. 28217 PHONE (704) 527-3440 FAX (704) 527-8335 | | | |
| RZ-3 | | | |



1 Front Elevation
Scale: 1/16" = 1'-0"



2 Rear Elevation
Scale: 1/16" = 1'-0"

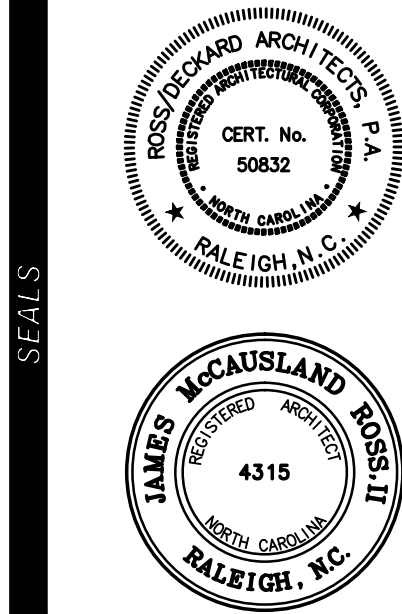


3 Right Side Elevation
Scale: 1/16" = 1'-0"



3 Left Side Elevation
Scale: 1/16" = 1'-0"

| ELEVATION KEY | |
|---------------|--|
| | MARK ① ROOF OC WEATHERED WOOD COLOR (OR SIMILAR) 25 YEAR ARCHITECTURAL DIMENSIONAL ANTI-FUNGAL ASPHALT SHINGLES, ON ONE LAYER OF 15# BUILDING FELT ON 1/2" OSB TYP. |
| | MARK ② VINYL SIDING - MIN. .044MM HEAVY GAUGE BOARD AND BATTEN STYLE |
| | MARK ③ VINYL SIDING - MIN. .044MM HEAVY GAUGE DOUBLE 5 EXPOSURE |
| | MARK ④ VINYL SIDING - MIN. .044MM HEAVY GAUGE TRIPLE 3 EXPOSURE |
| | MARK ⑤ BRICK/ROWLOCK COURSE WIRECUT COMMON RED BRICK BRICK VENEER W/ MASONRY TIES Ø1'-4" O.C. BOTH DIRECTIONS |



| SEALS |
|---------------------------|
| |
| PROJECT |
| Sardis Senior LLC |
| Sardis Senior Apartments |
| Charlotte, North Carolina |
| # |
| 11-404.00 |

| REVISIONS |
|-------------------------------|
| |
| DATE |
| DATE: June 18, 2012 |
| ISSUED FOR: NCHFA Application |

| SET # |
|-------|
| |

| SHEET |
|---------------------|
| Exterior Elevations |

| # |
|------------------------------|
| A 3.1 |
| SHEET OF TOTAL SHEETS IN SET |
| DRAWN BY: TJB |
| CHECKED BY: JML |