

Site Development Data:

--Acreage = 64.33 acres
--Tax Parcel #s: 041-141-01, 041-156-02 and 041-156-04
--Existing Zoning: B-2(CD) and R-4
--Proposed Zoning: UR-2(CD) with five (5) year vested rights
--Existing Uses: Vacant residential uses and a cell tower.
--Proposed Uses: Residential uses permitted by right and under prescribed conditions together with accessory uses as allowed in the UR-2 zoning district, and a cell tower as more specifically described and restricted below in Section 3).
--Maximum Development: Up to (i) 270 multi-family residential dwellings and (ii) 480 single family detached dwelling units (duplexes, triplexes, and quadruplexes) subject to the limitations and conversion rights described below. (The proposed residential density is 11.66 du/acre.)
--Maximum Building Height: Building height on the Site will be limited to four (4) stories unless indicated otherwise on Sheet RZ-01 of the Rezoning Plan. Building height will be measured as defined by the Ordinance.
--Parking: As required by the Ordinance for the UR-2 zoning district.

1. General Provisions:
- a. Site Location. These Development Standards, the Technical Data Sheet and Schematic Site Plan, and related graphics from the Rezoning Plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Charlotte-Mecklenburg Development Corporation ("Petitioner") to accommodate development of multi-use residential community (e.g. a mix of single-family, duplex, triplex, quadruplex and multi-family dwelling units) and an existing wireless communication tower (i.e. "cell tower") on an approximately 64.33 acre site located off Cindy Lane and near Statesville Road in Charlotte (the "Site").
- b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the UR-2 zoning classification shall govern all development taking place on the Site.
- c. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where

CH1AR21679991-8

minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

i. expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or

ii. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or

iii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks, rear yards or buffer areas) indicated on Sheet RZ-01.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

d. Number of Buildings Principal and Accessory; Accessory Building Design. Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site shall not exceed 550. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures associated with multi-family residential dwellings developed on the Site will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

e. Planned/Unified Development. The Site shall be viewed as a planned/unified development of site to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owners of the Site reserve the right to subdivide the portions or all of the Site and create lots, but not including lots for single-family detached homes, within the interior of the Site without regard to any such internal separation standards, public street frontage requirements and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 3 below as to the Site as a whole and not individual portions or lots located therein.

f. Five Year Vested Rights. Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period, but such provisions shall not be deemed a limitation on any other vested rights whether at common law or otherwise.

2. Permitted Uses, Development Area Limitations, and Transfer & Conversion Rights:

a. For ease of reference, the Rezoning Plan sets forth 9 development areas as generally depicted on the Technical Data Sheet as Development Areas A, B, B.1, C, D, E, F, G, H, and I (each a "Development Area" and collectively the "Development Areas"). The Development Areas may be

CH1AR21679991-8

2

developed with a variety of residential dwelling types as allowed in the UR-2 zoning district and further restricted below.

c. Up to 750 residential dwelling units may be constructed on the Site. The following restrictions will apply to the allowed residential dwelling units:

i. Subject to the restrictions, limitations, and conversion rights listed herein up to 270 of the allowed residential units may be constructed as multi-family residential dwellings units. Of the allowed 270 multi-family residential dwelling units, 120 of the allowed multi-family residential dwelling units may only be developed as aged restricted units (as defined by the department of HUD). Generally these units are designed and restricted to persons of age 55 or over.

ii. Subject to the restrictions, limitations and conversion rights listed herein a maximum of 200 of the allowed residential dwelling units may be developed as attached dwellings, duplexes, triplexes or quadruplexes.

iii. Subject to the restrictions, limitations and conversion rights listed herein the remaining 280 residential dwelling units may be developed as single-family detached dwelling units (a single-family detached dwelling unit will not include a duplex type dwelling unit).

iv. Subject to the restrictions, limitations and conversion rights listed herein, up to 50 of the allowed multi-family residential dwelling units may be converted into either attached dwellings, duplexes, triplexes or quadruplexes as permitted by the Rezoning Plan as long as the total number of residential dwelling units on the Site does not exceed 750 units and the total number of attached dwellings, duplexes, triplexes or quadruplexes does not exceed 250 residential dwelling units.

v. Subject to the restrictions, limitations and conversion rights listed herein the Petitioner reserves the right to convert on a one (1) for one (1) basis the allowed attached dwellings, duplex, triplex, quadruplex and multi-family residential dwelling units into additional single-family detached residential dwelling units, as long as the total number of units constructed on the Site does not exceed 750 residential dwellings units.

Development Areas C and G may only be developed with single-family detached dwelling units.

The allowed 270 Multi-Family residential units may only be constructed on Development Areas B.1, D, F, and E.

The allowed 200 attached dwellings, duplex, triplex, and quadruplex units (or 250 with conversion rights), may only be constructed on Development Areas A, B, B.1, D, E, F, and H.

The allowed single-family detached dwelling units may be constructed on Development Areas A, B, B.1, C, D, E, F, G, and I.

Along Cochran Drive within Development Area A and the portion of Development Area B directly adjacent Development Area A only single-family detached structures may be constructed as generally depicted on the Rezoning Plan.

Development Area I shall be devoted to park, recreation areas, tree save, natural areas, lake, open space, water quality and detention (a cell tower), amenity buildings/structures and similar uses.

3. Transportation Improvements and Access:

CH1AR21679991-8

3

I. Proposed Improvements.

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

The following Transportation Improvements are also illustrated on Figure INT#1&2 on Sheet RZ-02 of the Rezoning Plan. The figure on Sheet RZ-02 is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds to the number or letter found on figure INT#1&2 for the proposed improvement).

- a. Statesville Road & Cochran Drive/Arvin Drive.
- i. Install a crosswalk on the Cochran Drive leg of the intersection.
- b. Cindy Lane & Hutchinson McDonald Road/Proposed Access "A".
- i. Construct an eastbound left turn lane on Cindy Lane with 150 feet of storage and appropriate bay and thru lane tapers.
- ii. Construct a westbound left turn lane on Cindy Lane with 100 feet of storage and appropriate bay and thru lane tapers (de-facto left turn lane for the eastbound left turn lane).
- iii. Construct a westbound right turn lane on Cindy Lane with 100 feet of storage and an appropriate bay taper.
- iv. Install a five-foot wide bike lane along the property frontage on the north side of Cindy Lane.
- v. Construct proposed Access "A" with one entering lane and two exit lanes (a lane that terminates as a left turn lane and a combined thru-right lane with 100 feet of storage and appropriate bay taper).
- vi. Modify (pavement re-mark) the leg of Hutchinson McDonald Road to include a northbound left turn lane with 100 feet of storage and appropriate bay taper and a combined thru-right turn lane (to mirror the southbound left turn lane on Proposed Access "A"). This improvement should not require any roadway widening (wide pavement throat at Cindy Lane), however, the existing median on Hutchinson McDonald Road at Cindy Lane may need to be removed.
- vii. Install a crosswalk on the proposed Access "A" leg of the intersection.
- c. Beatties Ford Road & Cindy Lane/Griers Grove Road (signalized).
- i. Install a cross walk with pedestrian signal heads and pushbuttons on the north side of the intersection.
- d. Cochran Drive & Proposed Access "B".
- i. Install a pedestrian crosswalk on the Proposed Access "B" leg of the intersection.

CH1AR21679991-8

4

- e. Statesville Road & Proposed Access "C".
- i. Install a pedestrian crosswalk on Proposed Access "C".

II. Standards, Phasing and Other Provisions.

a. CDOT Standards. All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT and/or NCDOT, as applicable (as it relates to the roadway improvements within their applicable road system authority). It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad north Charlotte area, by way of a private/public partnership effort or other public sector project support.

b. Substantial Completion. Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 3.11 above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 3.11, above, provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for buildings on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

c. Right-of-way Availability. It is understood that some of the public roadway improvements referenced in subsection a above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for buildings on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, the Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements, in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

d. Alternative Improvements. Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT and/or NCDOT, as applicable, and the Planning Director, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

III. Access, and Pedestrian Circulation.

CH1AR21679991-8

5

a. Access to the Site will be from Cindy Lane, Oakwood Drive, Cochran Drive, Grasset, Heather Springs Way and by way of public street connection to Statesville Road to the east as generally depicted on the Rezoning Plan.

b. Individual driveway connections to Cindy Lane will not be allowed.

c. The number and location of access points to the internal public streets, other than the access locations indicated above, will be determined during the building permit process and thereafter additional or fewer driveways may be installed or removed with approval from appropriate governmental authorities subject to applicable statutes, ordinances and regulations.

d. The public street(s) generally depicted on the Technical Data Sheet will be designed to meet a public street cross-section as defined in City of Charlotte Subdivision Ordinance. The determination of which street cross-section will be used will be determined during the subdivision review process.

e. The new streets constructed on the Site will be Public Streets.

f. The alignment of the proposed internal roadway network may be modified to accommodate wetland areas or other environmentally sensitive areas, and to consolidate Development Areas. The changes to the internal roadway network must comply with the requirements of Subdivision regulations. The alignment of driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

g. The Petitioner will extend a sidewalk along Cindy Lane from the Site to the west to tie into the existing sidewalk located along the frontage of Tax Parcel # 041-131-05 as part of the construction along the Site's frontage as generally depicted on the Rezoning Plan.

4. Architectural Standards and Parking Layout Restrictions:

a. The principal buildings used for multi-family residential uses constructed on the Site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities, if any) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows, soffits and on handrails/railings.

b. Buildings (residential dwellings units of all types) located along Cochran Drive will be designed to either front on Cochran Drive or have the side of the buildings oriented to Cochran Drive (the rear of buildings will not be oriented to Cochran Drive).

c. Buildings along Cindy Lane will be designed to have the front or the side of the buildings oriented toward Cindy Lane.

e. A 22 foot setback as measured from the future back of curb will be provided along Cindy Lane.

f. Within Development Area C and G along the exterior or edge of the Site a 40 foot principle building setback/rear yard will be established. This 40 foot principle building setback/rear yard will be made up

CH1AR21679991-8

6

of a 20 foot alley right-of-way/easement area for the installation of an alley and a 20 foot rear yard as

measured from the 20 foot alley right-of-way/easement as generally depicted on the Rezoning Plan. Detached accessory structure, and extensions of the principle structure as allowed by Section 12.106.(3) may be located in this 20 foot rear yard as measured from the alley.

g. A 20 foot landscape area will be provided along the western boundary of Development Area A as generally depicted on the Rezoning Plan.

h. A 20 foot Class C Buffer will be provided where Development B and B.1 about tax parcel # 041-156-03 as generally depicted on the Rezoning Plan. This buffer may be eliminated if the adjoining parcel is developed with residential uses.

5. Residential Design Guidelines.

a. General Site Considerations

- i. Orient buildings towards Public Streets to reinforce the street scape; exception: attached dwelling units (duplex, triplex, and quadruplex) may front common open space without front orientation towards a Public Street within Develop Area B and H.
- ii. The rear of the proposed single-family units will not be oriented toward the Public Streets, except along Cindy Lane where reverse frontage may be utilized.
- iii. Orient buildings in a way to enclose and define public space, open space and green space.
- iv. Building features such as porches, patios, stoops, front walkways and centralized doorways or breezeways shall front the public streets, except where ends of buildings front these streets. When the ends of buildings front streets, walkways will be provided to clearly connect the building entrances with the street network.
- v. Architectural treatment shall continue on all sides of a building except as specifically noted otherwise.
- vi. Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art work and landscaping. Blank walls cannot be addressed with landscape elements only.
- vii. All building entrances will be connected to the street network subject to grade and ADA standards (private patios will not be considered a building entrance).

b. Facade Composition

- i. The Principal Entrance of a building shall be articulated and expressed in greater architectural detail than other building entrances.
- ii. Windows shall be vertically shaped with a height greater than their width. However, in instances of large, feature windows, fenestrations may be used to provide a similar vertical appearance. Square windows may be used as a secondary design element.

Facades shall incorporate windows and doors as follows:

- i. Windows and doors shall be provided for at least 40% of the total Facade area along the primary and secondary streets, with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height and 20 feet in length.
- ii. The above requirement may be reduced where a Facade is not visible from a public street.
- iii. The Facades of first/ground floor of the buildings along Public Streets shall incorporate a minimum of 25% masonry materials such as brick, stucco or stone.

Facade articulation:

- i. Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of three feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total Facade length for Facades over 75 feet in length. Patios and balconies are acceptable projections.

Additional Street Fronting Facade requirements on Public Streets:

- i. Street fronting Facades and End fronting Facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets.
- ii. Corner lots: the architectural treatment of a building's intersecting Street Fronting Facades shall be substantially similar, except that said building may emphasize the corner location by incorporating additional height at the corner, varying the roof form at the corner, or providing other architectural embellishments at the corner.
- iii. First Story Facades of all buildings along primary and secondary streets shall incorporate columns, awnings, arcades, porches, stoops, windows, doors, or other architectural elements.
- iv. Facades shall provide visual divisions between the first and second stories, when the building height is more than two stories, through architectural means such as courses, awnings, or a change in primary facade materials or colors.
- v. Facades shall first Story shall incorporate windows, arches, balconies, or other architectural details.
- vi. No more than four different materials, textures, colors, or combinations thereof may be used on a single building. This requirement shall not include materials used on windows, doors, porches, balconies, foundations, awnings or architectural details.
- vii. Materials may be combined horizontally or vertically, with the heavier below the lighter when horizontal.
- viii. Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, prefabricated metal, exposed plywood, and exposed pressboard are prohibited, except when used as a decorative feature or accent.
- ix. Exterior materials of buildings along the Public Streets shall be limited to brick, stone, pre-cast concrete, wood, stucco, cementitious siding, glass, manufactured stone or granite.
- x. Accessory Structures shall be consistent with the Principal Building in material, texture, and color.
- (a) Foundations, where provided, shall be constructed as a distinct building element that contrasts with Facade materials. Exposed above-ground foundations shall be coated or faced in cement, stucco, brick, manufactured stone, or natural stone to contrast with facade materials.

c. Roofs

- i. Pitched or flat roofs are acceptable. The pitch of the building's primary roof shall have a minimum slope of 4:12. Flat roofs shall be screened from the view of Public Streets by a parapet.

CH1AR21679991-8

8

- ii. Accessory features on a roof shall be screened from the view of the Public Streets by a parapet or other architectural feature.
- iii. Permitted sloped roof materials are asphalt shingles, composition shingles, wood shingles, tin, standing seam metal, and wood shakes.
- iv. Vents, stacks, and roof fans are to be painted to blend with the roof color and hidden from Public Street view to the greatest extent possible.

d. Additional Design Standards

- i. No parking or maneuvering for parking will be allowed between the proposed buildings located on the Site and the abutting public streets (except along Cindy Lane if reverse frontage is utilized). Parking areas may be located adjacent and between the allowed residential buildings or behind the allowed residential buildings. This standard does not apply to parking that may occur on driveways for detached, duplex, triplex and quadruplex dwelling units.
- ii. If garages are constructed on the Site they may not be oriented toward the existing or proposed public streets, except when the garage is located behind the principal structure or for a small percentage of buildings located within Development Area C & G, in which case they may face the public street.
- iii. The rear of the proposed single-family detached dwelling units may not be oriented toward the proposed or existing public streets.

6. Sidewalks, Streetscape & Buffers:

a. Along Cindy Lane and Cochran Drive an eight (8) foot planting strip and a six (6) foot sidewalk will be provided. The streetscape treatments along the Site's interior streets will be in accordance with the Subdivision Regulations.

b. The Petitioner reserves the right to request the elimination of the sidewalk that abuts the proposed Open Space located within Development Area I and replace the required sidewalk with a path/sidewalk located within the open space.

7. Environmental Features:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

b. Trees located in the City of Charlotte public street right-of-way are protected by the Tree Ordinance; Landscape Management must be contacted before any disturbance or removal of trees in the public street right-of-way occurs.

CH1AR21679991-8

9

8. Open Space:

a. The Petitioner will provide a minimum of 12 acres of useable "Open Space" including the existing lake within Development Area I. The Open Space area will be designed as amenities for the Site and may be passive or active Open Space. The Open Space areas will be improved, at a minimum, with landscaping, seating areas, pathways, lake area, art work and/or other similar elements. Storm water and water quality structures may be located within the Open Space areas. However, if water quality and storm water detention structures are located within the Open Space areas the water

quality and storm water detention structures will be designed and treated as an amenity that is usable and accessible.

9. Lighting:

a. Detached lighting on the Site, except street lights located along public streets, will be limited to 20 feet in height.

10. Parent Parcel Development Assignment:

a. The Site is made up of three individual parcels (tax parcel # 041-141-01 ("Dillon" Parcel); 041-156-02 ("Church" Parcel); and 041-156-04 ("Cochrane" Parcel) the "Parent Parcels". It is the intent of this rezoning petition that the entire Site be developed as unified planned development and the Parent Parcels be subdivided into individual development parcels/lots. However, if for some unforeseen reason the three Parent Parcels are not developed as a unified development but are developed as individual parcels each Parent Parcel will be assigned the following number of residential units: (i) the Dillon Parcel/404 (ii) the Church Parcel 253, and (iii) the Cochrane Parcel 93. The type of units allowed on each of these Parent Parcels will be governed by the development restrictions outlined in Section 2 above.

11. Amendments to the Rezoning Plan:

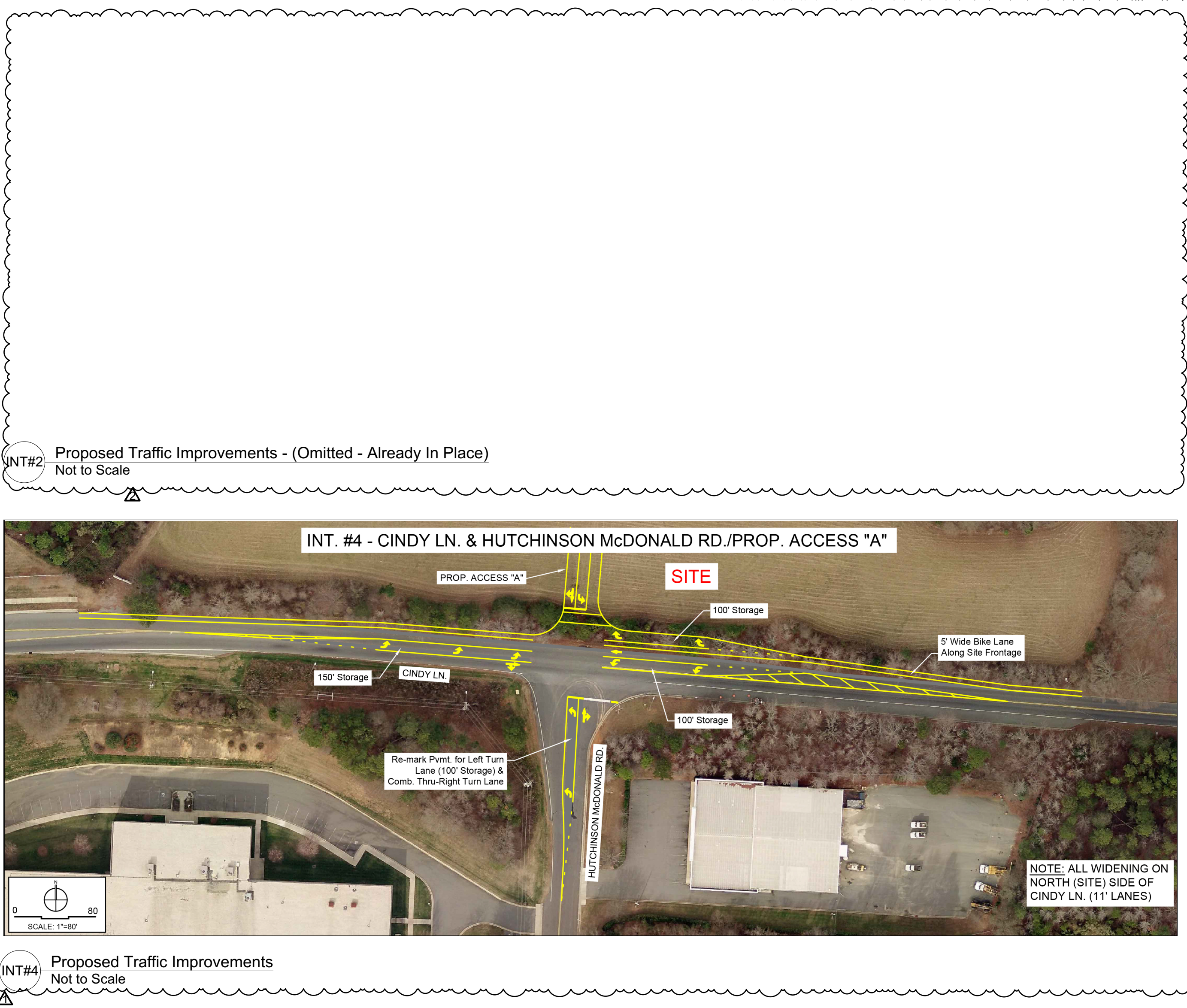
a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

12. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

CH1AR21679991-8

10



O'DILLON LAKE - REZONING TECHNICAL NOTES 2015-82

