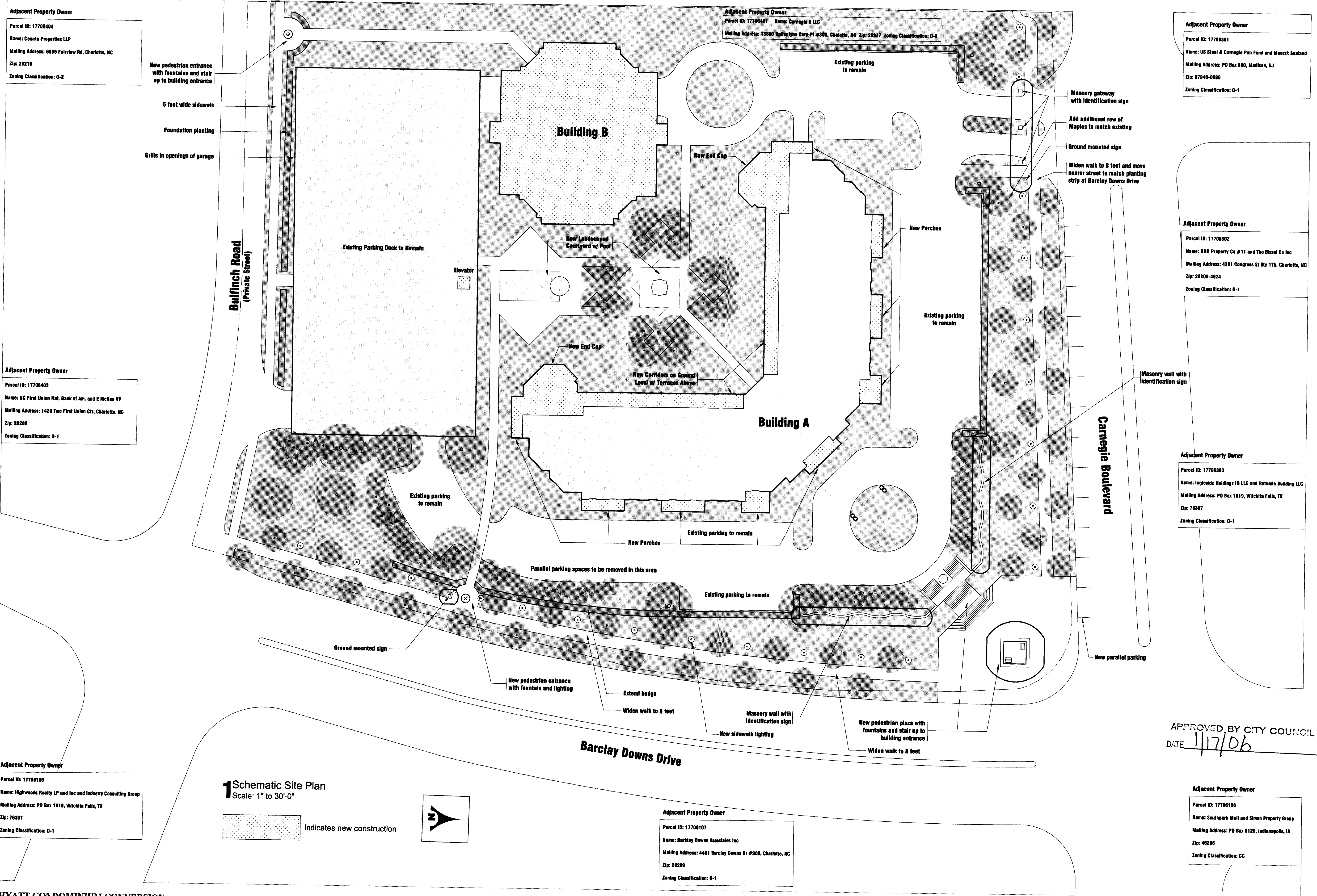




**HYATT CONDOMINIUM CONVERSION
MUDD - OPTIONAL
DEVELOPMENT NOTES**

1. GENERAL PROVISIONS

1.1 This rezoning petition relates to that certain 5.01 acre parcel lying within Mecklenburg County, located at 5501 Carnegie Boulevard, hereinafter referred to as the "Site".

1.2 Development of the Site will be controlled by the standards depicted on this Rezoning Plan and by the standards of the Charlotte Zoning Ordinance (the "Ordinance"). The development depicted on the Rezoning Plan is intended to reflect the arrangements of proposed buildings, features and uses on the Site, but the exact configurations, placements and sizes of individual elements may be altered or modified within the limits prescribed by the Ordinance during the design development and construction phases.

2. STATEMENTS WITH RESPECT TO THE GRAPHICS WHICH ARE SET FORTH ON EXHIBITS ACCOMPANYING THE REZONING PLAN

2.1 Any Exhibits accompanying the Rezoning Plan are conceptual images of portions of the Site. They are not to be considered as development plans but rather as preliminary representations of the types and quality of development proposed for the Site.

2.2 The Rezoning Plan identifies buildings A and B. These building footprints reflect their approximate size. However, the exact location and footprint of the buildings are subject to change.

3. PERMITTED USES AND MAXIMUM DEVELOPMENT

3.1 The Site may be devoted to office, retail, restaurant, health club facilities and residential use along with associated accessory uses and parking and service areas allowed under the Ordinance in a MUDD District, subject however to the following development restrictions:

a. No more than 130 residential units may be developed on the Site;

b. No more than 10,000 square feet of commercial uses may be developed on the Site.

3.2 Building A may contain ground floor retail or office uses.

4. OPTIONAL DEVELOPMENT PROVISIONS

4.1 The Petitioners reserve the right through the MUDD-Optional process to seek deviations from the strict application of the Ordinance as it applies to building heights, signage, parking areas as follows:

a. The Petitioners propose a building height modification to allow building B to extend up to 170 feet in height as measured from the average grade. This height is exclusive of ornamental roof structures such as spires, mansards, dormers or other architectural features.

b. The Petitioners request a modification from the MUDD signage provisions in order to allow existing detached signage to remain. Additionally, the Petitioner shall be allowed to mount identification signs on masonry walls and the masonry gateway as generally depicted on the Rezoning Plan. Wall mounted signage shall conform to the MUDD District standards of the Ordinance. Signs may not be located within public rights-of-way or site triangles.

c. The Petitioners seek an Optional Provision to allow existing surface parking areas between Building and Barclay Downs Drive and Carnegie Boulevard to remain.

5. ACCESS POINTS

5.1 The total number of vehicular ingress/egress points to and from the Site shall be limited to one entrance on Carnegie Boulevard and one on Bulfinch Road.

6. DESIGN AND PERFORMANCE STANDARDS

6.1 The proposed buildings and development will comply with all Ordinance requirements for signage, buffering, screening and landscaping, except as otherwise noted above under *Optional Development Provisions*.

6.2 The Site shall comply with all requirements of the Charlotte Tree Ordinance.

6.3 All sidewalks installed within the Site shall be at least six feet in width.

6.4 A unified streetscape plan will be implemented along Barclay Downs Drive and Carnegie Boulevard which will include the preservation of existing greenspace. The Petitioner shall also plant additional vegetation as generally depicted on the Rezoning Plan in accordance with the specifications for spacing and planting area approved by the Urban Forester.

6.5 Open spaces including water features will be provided generally as shown on the Rezoning Plan.

6.6 Shade trees, sidewalks and pedestrian scale lighting shall be provided within the open space areas located along Barclay Downs Drive and Carnegie Boulevard as generally depicted on the Rezoning Plan.

6.7 Pedestrian scale lighting will be provided along Barclay Downs Drive and Carnegie Boulevard.

6.8 All dumpsters, loading areas and service areas will be screened in accordance with Section 12.303 of the Ordinance.

6.9 Off-street vehicular parking will be provided which meets or exceeds the requirements of the Ordinance.

6.10 On premises directional and instructional signage will be permitted in accordance with Section 13.106 of the Ordinance.

6.11 The Petitioner shall install a new sidewalk along Bulfinch Road in order to provide increased pedestrian connectivity to Piedmont Row and South Park Mall.

6.12 The Petitioner proposes to expand existing sidewalks along Barclay Downs Drive and Carnegie Boulevard to at least eight feet in width.

6.13 Stormwater detention facilities will be designed to meet the applicable standards of Charlotte/Mecklenburg Stormwater Services. No proposed above-ground storm water detention will be located between the buildings and streets. In addition, no proposed storm water detention will be located in the setbacks.

6.14 Planting strips at least eight feet in width will be maintained along Barclay Downs Drive and Carnegie Boulevard.

6.15 The site shall meet all requirements of the Ordinance regarding solid waste, dumpster, compactor, and recycling areas.

6.16 The Petitioner shall construct a bus waiting pad, standard number 60.01A, on Barclay Downs Drive. The Petitioner will coordinate with CATS to determine a reasonable location for this pad.

7. PARKING

7.1 Off-street vehicular parking for the Site shall meet or exceed the minimum standards established by the Ordinance.

7.2 The Petitioner, in coordination with CDOT shall to-stripe portions of the outer lane of Carnegie Boulevard in order to accommodate on-street parallel parking during off-peak hours.

7.3 The Petitioners seek an Optional Provision to allow existing surface parking areas between Building and Barclay Downs Drive and Carnegie Boulevard to remain.

8. LIGHTING

8.1 Site lighting will be designed to minimize glare onto off-site properties. Free standing lights shall not exceed 20 feet in height. No wall "pak" type lighting shall be used, but attached decorative lighting fixtures such as sconces may be used.

9. ALTERATIONS TO PLAN

9.1 Future amendments to the Rezoning Plan and these Development Notes 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

10.1 Upon approval, all conditions applicable to development of the Site imposed under the Rezoning Plan and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest or assigns.

10.2 Throughout these Development Notes, the terms "Developer", "Petitioner", "Owner" or "Owners", shall, with respect to each parcel within the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

5501 Carnegie Boulevard

Rezoning Plan

Solus Carnegie Charlotte, LLC

Site Development Data

Tax Parcel No.: 177-064-02

Existing Zoning: O-1

Proposed Zoning: MUDD-O

Site Area: 5.01 acres

Proposed Maximum Number of Residential Units: 130

Proposed Maximum Commercial Area: 10,000 S.F.

Harbinson & Associates,
Architects, P. C.

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Winston-Salem, N.C. 27101

336 692 5577
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Vacinity Map

December 20, 2005

For Public Hearing

Petition 2005-165