

Morningside

Its Drive and McClintock Road
Charlotte, N.C.

Torti Gallas and Partners, Inc.
1300 Spring Street,
4th Floor
Silver Spring, MD 20910
301.588.4800
www.tortigallaschk.com

Developer
Thomas C. Graham
Graham Development, Inc.
3908 Chaucer Wood
Atlanta, GA 30319
770.451.5953

Contact
Rob A. Pressley
Caldwell Banker Commercial MECA
1800 Camden Road, Suite 108
Charlotte, NC 28203
704.971.6525

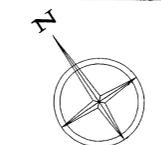
Civil Engineer
Brian D. Smith, P.E.
Urban Design Partners
1318-e6 central avenue
Charlotte, NC 28205
704.334.3303

Traffic Consultant
Amy Massey, P.E.
Kimley-Horn and Associates, Inc.
4651 Charlotte Park Drive, Suite 300
Charlotte, NC 28217
704.333.5131

Key Plan

Revisions

No. Date



Technical Data Sheet

Date
04/05/06

Principal In Charge
Paul Mortensen

Project Planner
E.R.

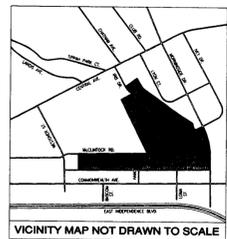
Approved
P.M.

Drawn
E.R.

Job No.
05165.00

Scale
1" = 100'

Drawing No.
A001



DEVELOPMENT SUMMARY

Existing Zoning: R-22MF
Veterans Park Zoning: R-4
Proposed Zoning: MUDD-O

Proposed Uses: 1,000 Units Maximum
Residential: 30,000 SF Maximum
Retail:

Maximum Building Height: 140 Feet

Urban Open Space: 10% of total area minimum: 3.32 Acres

SWIM Buffer Within Site: 3.25 Acres
Public Plazas and Residential Squares: 0.71 Acres
Total Open Space Provided: 3.96 Acres

Private Property Area: 27.87 Acres

Additional public ROW at Ivy Drive and Its Drive: 1.94 Acres

Non dedicated ROW at McClintock, Its Drive and Hanover Street: 2.90 Acres

Triangle Park Site: 0.45 Acres

Total Gross Area: 33.16 Acres

Streets Area: 7.39 Acres

Alley ROW Area: 0.76 Acres

Public Plazas and Residential Squares: 0.71 Acres

SWIM Buffer: 3.25 Acres

Net Developable Area: 21.05 Acres

LEGEND

▨ Retail

▨ Residential

NOTES

- In accordance with the development standards, this schematic site plan that accompanies the technical data sheet is schematic in nature and the exact alignment of streets, access points, the configuration and placements of parking and service areas and the precise location, heights and masses of the buildings and parking areas, service areas and other individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases of the project.
- The rear yard setbacks along the existing 15'-0" public alley between McClintock and Commonwealth Avenue will be a minimum 2'-0" for blocks 1 through 4. The rear yard setback along the existing SWIM Buffer will be a minimum 5'-0" for blocks 8 and 10.
- MUDD - Optional Provisions
 - Modification to the planting strip from 8'-0" to 6'-0"
 - Modification of the front yard setbacks to 16'-0" with a 4'-0" zone for stoops, porches, steps, overhangs, etc. within the setback.
 - Petitioner in not going to comply with Site Triangle restrictions.
 - Allow for 6'-0" minimum separation between detached buildings.
 - 10% of the entire site minimum will be dedicated to open space.
 - 1 parking space per dwelling unit and 1 parking space per 300 sf. of retail will be provided on site.

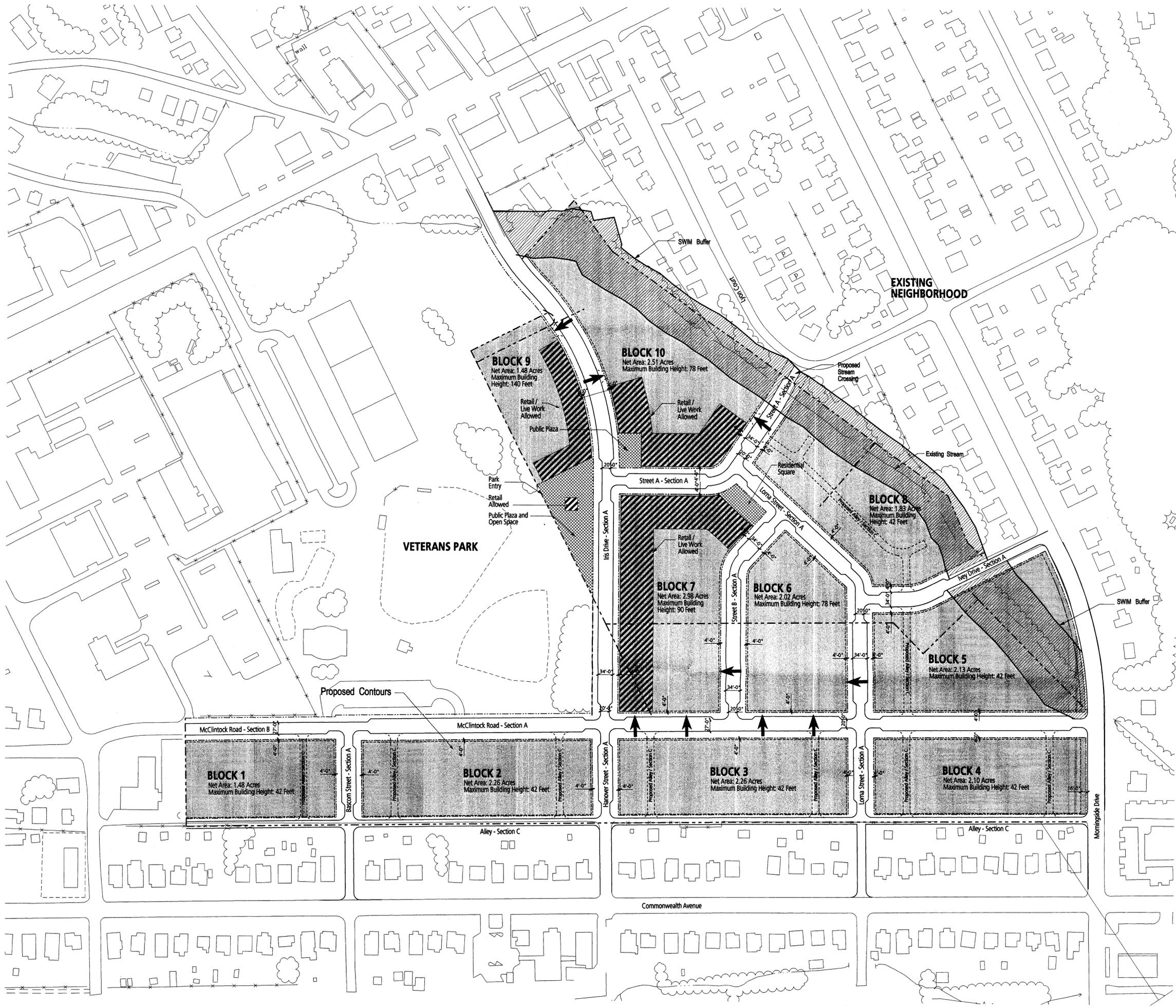
Zoning Petition Number: 2006 - 026

**APPROVED BY
CITY COUNCIL.**

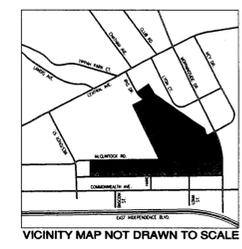
APR 17 2006



NOT FOR CONSTRUCTION

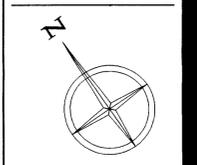


Key Plan



Revisions

No.	Date



Survey Sheet

Date
04/05/06
Principal In Charge
Paul Mortensen

Project Planner
E.R.

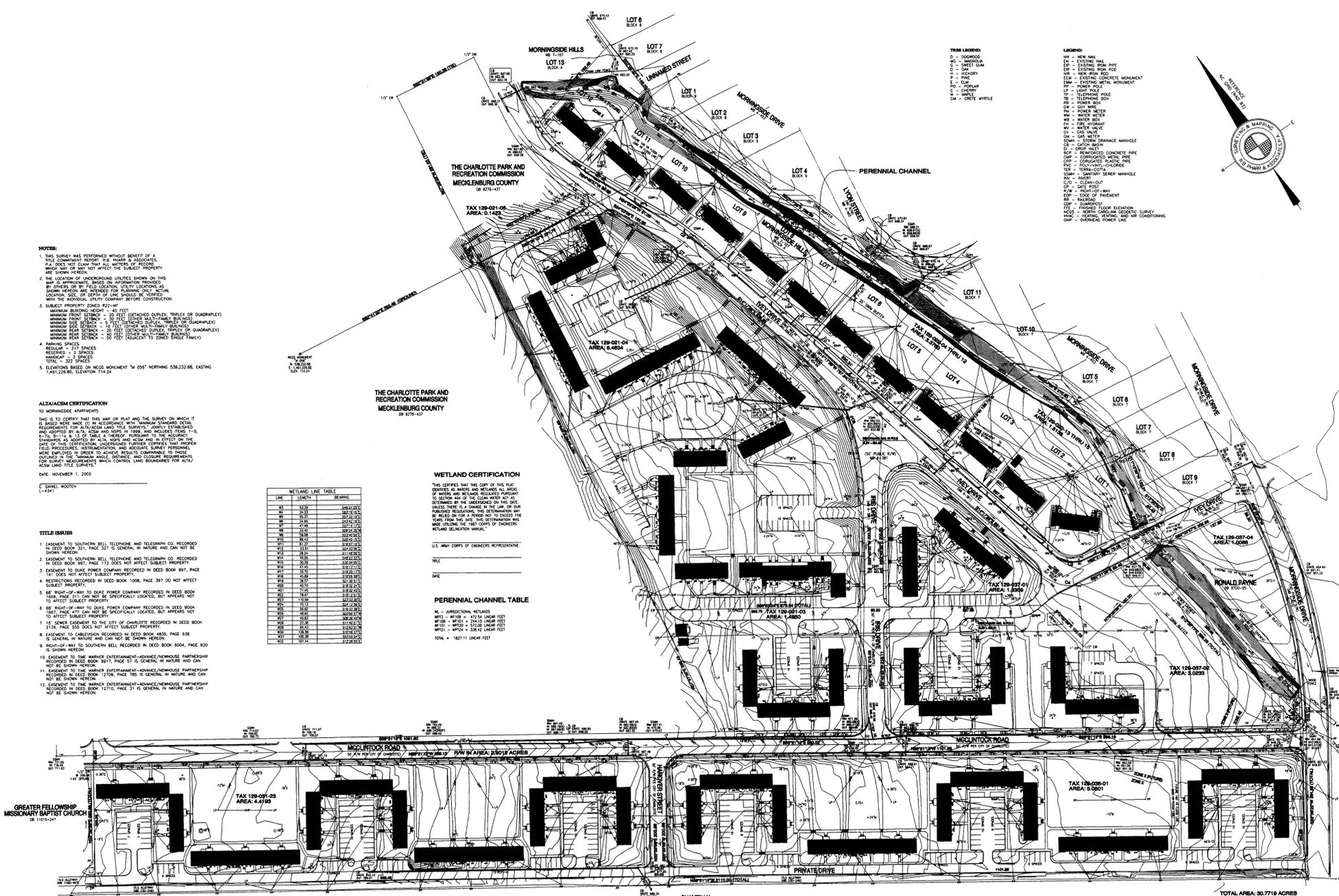
Approved
P.M.

Drawn
E.R.

Job No.
05165.00

Scale
1" = 100'

Drawing No.
A002



NOTES:
1. THIS SURVEY WAS PERFORMED WHOLLY FOR THE BENEFIT OF A TITLE COMPANY REPORT FOR THE PURCHASER AND ASSOCIATES. P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY BE AFFECTED BY THIS SURVEY ARE SHOWN HEREON.
2. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
3. SUBJECT PROPERTY DIMENSIONS:
MAXIMUM BUILDING HEIGHT = 45 FEET
MINIMUM FRONT SETBACK = 20 FEET (DETACHED DUPLEX, TRIPLEX OR QUADPLEX)
MINIMUM FRONT SETBACK = 30 FEET (OTHER MULTI-FAMILY BUILDINGS)
MINIMUM SIDE SETBACK = 5 FEET (DETACHED DUPLEX, TRIPLEX OR QUADPLEX)
MINIMUM SIDE SETBACK = 10 FEET (DETACHED DUPLEX, TRIPLEX OR QUADPLEX)
MINIMUM REAR SETBACK = 30 FEET (DETACHED DUPLEX, TRIPLEX OR QUADPLEX)
MINIMUM REAR SETBACK = 10 FEET (DETACHED DUPLEX, TRIPLEX OR QUADPLEX)
4. PARKING SPACES:
REQUIRED = 312 SPACES
RESERVED = 2 SPACES
TOTAL = 312 SPACES
5. ELEVATIONS BASED ON NGVD MONUMENT 'N 054' NORTHING 538,232.68, EASTING 1,481,226.80, ELEVATION 714.24

ALTA/ACSM CERTIFICATION
TO MORNINGSIDE APARTMENTS
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH MINIMUM STANDARD SURVEYING REQUIREMENTS FOR ALTA/ACSM AND THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE ALTA/ACSM SURVEYING STANDARDS AS ADOPTED BY ALL STATES AND ACTS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSTANDING THEREBY THAT ANY OTHER FIELD PROCEDURES, INSTRUMENTATION, AND ADJUSTMENT TECHNIQUES WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OBTAINED BY THE STANDARD PRACTICE AND ACCURACY REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS.
DATE: NOVEMBER 1, 2005
E. DANIEL WOODEN
L-1341

TITLE ISSUES:
1. EASEMENT TO SOUTHERN BELL TELEPHONE AND TELEGRAPH CO. RECORDED IN DEED BOOK 321, PAGE 327 IS GENERAL IN NATURE AND CAN NOT BE SHOWN HEREON.
2. EASEMENT TO SOUTHERN BELL TELEPHONE AND TELEGRAPH CO. RECORDED IN DEED BOOK 397, PAGE 173 DOES NOT AFFECT SUBJECT PROPERTY.
3. EASEMENT TO DUNE POWER COMPANY RECORDED IN DEED BOOK 397, PAGE 144 DOES NOT AFFECT SUBJECT PROPERTY.
4. RESTRICTIONS RECORDED IN DEED BOOK 1008, PAGE 397 DO NOT AFFECT SUBJECT PROPERTY.
5. 66' RIGHT-OF-WAY TO DUNE POWER COMPANY RECORDED IN DEED BOOK 1008, PAGE 397 DOES NOT AFFECT SUBJECT PROPERTY.
6. 66' RIGHT-OF-WAY TO DUNE POWER COMPANY RECORDED IN DEED BOOK 1008, PAGE 397 DOES NOT AFFECT SUBJECT PROPERTY.
7. 15' GROUND EASEMENT TO THE CITY OF CHARLOTTE RECORDED IN DEED BOOK 2176, PAGE 558 DOES NOT AFFECT SUBJECT PROPERTY.
8. EASEMENT TO AMERICAN RECREATION RECORDED IN DEED BOOK 558 IS GENERAL IN NATURE AND CAN NOT BE SHOWN HEREON.
9. RIGHT-OF-WAY TO SOUTHERN BELL TELEPHONE RECORDED IN DEED BOOK 920 IS SHOWN HEREON.
10. EASEMENT TO THE HARBOR ENTERTAINMENT-ADVANCE/AMW/HOUSE PARTNERSHIP RECORDED IN DEED BOOK 921, PAGE 57 IS GENERAL IN NATURE AND CAN NOT BE SHOWN HEREON.
11. EASEMENT TO THE HARBOR ENTERTAINMENT-ADVANCE/AMW/HOUSE PARTNERSHIP RECORDED IN DEED BOOK 1270, PAGE 70 IS GENERAL IN NATURE AND CAN NOT BE SHOWN HEREON.
12. EASEMENT TO THE HARBOR ENTERTAINMENT-ADVANCE/AMW/HOUSE PARTNERSHIP RECORDED IN DEED BOOK 1270, PAGE 31 IS GENERAL IN NATURE AND CAN NOT BE SHOWN HEREON.

WETLAND LINE TABLE

LINE	LENGTH	BEARING
1	13.22	188.23/23
2	13.21	188.23/23
3	13.21	188.23/23
4	13.21	188.23/23
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97	13.21	188.23/23
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99	13.21	188.23/23
100	13.21	188.23/23

WETLAND CERTIFICATION
THIS CERTIFIES THAT THIS COPY OF THIS PLAN, DIMENSIONS, AND NOTES, INCLUDING ALL NOTES OF WATERS AND WETLANDS REGULATED PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT AS AMENDED, IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SHOWN TO THE ENGINEER REPRESENTATIVE. UNLESS THERE IS A CHANGE IN THE LAW OR OUR FURNISHED INFORMATION, THIS CERTIFICATION WILL BE VALID FOR A PERIOD NOT TO EXCEED FIVE (5) YEARS FROM THE DATE OF THE ENGINEER'S WETLAND DELINEATION MANUAL.
U.S. ARMY CORPS OF ENGINEERS REPRESENTATIVE
DATE: _____
SITE: _____

PERENNIAL CHANNEL TABLE

LINE	LENGTH	BEARING
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100	13.21	188.23/23

LINE TABLE

LINE	BEARING	LENGTH
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56	188.23/23	13.21
57	188.23/23	13.21
58	188.23/23	13.21
59	188.23/23	13.21
60		

Development Notes

A. General Provisions

1. Unless more stringent standards by the Technical Data Sheet or these Development Standards, all development standards established under the Charlotte Zoning Ordinance (the Ordinance) for the Mixed Use Development District - Optional (MUDD-O) classification shall be followed with respect to development occurring on Blocks 1 through 10 (all as described below) of the site.

B. Statements with respect to the graphics which are set forth on exhibits accompanying the Technical Data Sheet

1. The ultimate layouts of the development proposed for each block of the Site and the parcels or lots forming parts thereof, the exact alignments of streets, thoroughfares and points of access, the configurations and placements of parking areas and the precise locations, heights and masses of buildings and parking decks and other individual site elements to be constructed have not been determined. As a consequence, the graphics which accompany the Technical Data Sheet are schematic in nature and are not to be considered as specific site development plans but rather as preliminary graphic representations of the types and quality of development proposed for each block. The exact configurations, placements and sizes of individual site elements may be altered or modified within the limits prescribed by the Ordinance during the design development and construction phases.

2. Section 8.204 conditions to approval of petition.

a. The City Council may approve the reclassification of property to a Conditional Use District or Parallel Conditional Use District only upon determining that the proposed use will meet all standards and requirements in these regulations that are applicable to the proposed use.

b. In approving a petition for the reclassification of property to a Conditional Use District or Parallel Conditional Use District, the Planning Commission may recommend and the City Council may request that reasonable and appropriate conditions be attached to approval of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development of streets and right-of-way, improvements, water and sewer improvements, storm water drainage, the provision of open space, and other matters that the City Council may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the City, County or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. Such conditions shall not include architectural review or controls unless proposed by the petitioner. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the City Council.

C. Permitted uses and building area restrictions

1. This proposal is intended to accommodate a mixed-use development principally residential with retail/restaurant and office uses, which will be interconnected with open space, pedestrian and vehicular linkages.

2. The site may be devoted to any of the following uses: a. Up to 1,000 residential units including but not limited to detached single family homes and duplexes, bungalow houses, two over two town homes, apartments, and condominiums.

b. Up to 30,000 square feet of retail/restaurant and office square footage located in the general vicinity indicated on the Technical Data Sheet.

c. The square footage for outdoor dining is included in the required parking calculations or in the allowed square footage, however, courtyards and plazas are not. d. Additional accessory uses and structures are allowed in the MUDD-O zoning district with respect to Blocks 1 through 10.

3. The site will generally consist of ten (10) Blocks as depicted on the Technical Data Sheet. The exact configuration and location of the streets and blocks can be altered prior to final plat.

4. The project will be completed as a single phase.

D. Setback, Side-yards and Rear Yards

1. All buildings constructed on Blocks 1 through 10 shall observe a 16 foot minimum setback from back of the curb and shall satisfy or exceed the rear yard and side yard requirements established under the Ordinance for the MUDD-O.

2. Rear yard setback shall be a minimum of 10 feet.

E. Design and Performance Standards

1. Architectural Controls

a. All buildings constructed on the Site shall be architecturally compatible in appearance through the use of similar, as well as complementary building materials, colors and design, (given the consideration of use, height and mass of each building). The petitioner agrees to record restrictive covenants governing the use and development of the Site prior to the issuance of any building permits for improvements to the Site. The restrictive covenants will be enforced by the Property Owners Association and will provide for the establishment of:

i. A Property Owners Association
ii. Use restrictions on the property no less restrictive and in keeping with the use restrictions set forth in these Development Standards
iii. Common area maintenance;
iv. An Architectural Design Review Committee

b. The Architectural Review Committee, which shall include one member of the Planning Commission, shall have responsibility for implementing guidelines for all development taking place within the Site. In addition to the foregoing, all development will be subject to the following provisions:

i. Dumpsters 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. Where buildings are served by an alley, dumpsters shall be located off of the alley.

ii. All building elevations for Blocks 1, 2, 3, 4, 5, 8 and the portion of block 10 adjacent to the SWIM buffer shall not exceed 42 feet. (Tuck under parking will be permitted in addition to the 42 foot height on the back side of these blocks)

iii. In order to add interest and character, 30% maximum of the 42 foot tall buildings shall be permitted to extend up to 56 feet in blocks 1, 2, 3, 4, 5, 8 and 10.

iv. All building elevations for Block 6 and buildings at the corner of Iris Drive and "Street A" in block 10 shall not exceed 78 feet.

v. All building elevations for Block 7 shall not exceed 140 feet.

vi. Building elevations for Block 9 shall not exceed 140 feet using the City's code to measure buildings and in no case shall any building exceed 120 feet from the highest level of adjacent ground to the building eye. (See building height diagram, Page 8 of the zoning application book)

vii. All roof mounted mechanical equipment will be screened from view from adjoining public right of way and abutting properties as viewed from grade.

viii. Buildings greater than 42 feet shall be composed with a base, middle and top.

ix. Architectural appurtenances such as chimneys, spires, cupolas and/or roof deck trellises not more than 25% of the building's roof area are allowed to extend above the building height.

x. Where adjacent buildings are of differing heights, the taller building shall employ string courses to match adjacent buildings and a three or four story delineation to establish a pedestrian realm.

xi. Buildings above 80 feet shall deploy tapering mechanisms at the top to allow the building to meet the sky with grace.

e. Specific architectural elevations will be provided during permitting and should meet the following minimal standards:

i. Exterior walls shall not have a reflective value in excess of 36%.

ii. Doorways should provide a sense of entry and add variety to the streetscape.

iii. All building entrances shall be from the building front, front yard or front courtyard.

iv. Where an alley is present, parking and services shall be accessed through the alley.

v. First floors of buildings should be designed to encourage and compliment pedestrian scale activity with attention to adjacent public or private open spaces and existing streetscape improvements.

vi. Buildings shall be designed so that ground level living areas (e.g. dining room, family room, etc.) rather than sleeping and service rooms are oriented toward the fronting street and / or to the courtyard.

vii. For office/retail uses on the first floor, windows and doors should be arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor street frontage.

viii. For residential uses on the first floor, building should provide a sense of entry and have articulated facades that are visible from any public right of way.

ix. Frontage types that provide a transition from public to private, indoor to outdoor at the main entrance to each building or dwelling, are required.

x. Porch frontages, doorway frontages, forecourt frontages and stoop frontages are preferred types and may encroach into courtyard. For retail uses a shop front frontage shall be used.

xi. Canopies and other building entrances are permitted at the entrances of buildings and can only extend into 1/2 of the setback or nine feet, whichever ever is greatest and may not be closer than 2 feet to the back of curb. Porches, stoops, steps, and extensions above the first story can extend four feet into the 16 foot setback but can not extend into the 6 feet sidewalk as noted on page 11 of the booklet.

xii. Where expanses of blank wall are necessary, they may not exceed 20 feet in length.

xiii. An amenity such as, but not limited to, public or private parks/plazas, pedestrian trails, community clubhouse/swimming pools and community recreational facilities may be provided on the Site and is not included in the non-residential square footage calculations.

xiv. Buildings shall be located with primary facade along setback lines.

xv. Buildings shall be located at block corners.

xvi. Buildings shall have two primary facades that are oriented to the two streets when located at block corner.

F. Screening Landscape and Open Space Areas

a. Since the development occurring on the Site is part of a unified master planned development, the urban open space requirements established and defined under Section 9.8506(4) of the Ordinance will be satisfied with reference to all Blocks of the site taken together.

b. Screening shall conform to the applicable standards of Section 12.303 of the Ordinance for the applicable zoning district governing portions of the Site.

c. Landscaping shall satisfy the requirements of the Ordinance for the MUDD-O zoning district and the City of Charlotte Tree Ordinance.

d. Buildings located along Residential Streets McClintock Road and Iris Drive facing Veterans Park will front on the park with residential entrances.

e. Existing trees along the park shall be preserved and new entry paths and pedestrian sidewalks will be constructed in coordination with the Parks and Recreation Department.

f. Public plazas shall be located on Block 7, 9 and 10. The size and shape may be altered during final plat. (See Technical Data Sheet for location)

g. Open spaces as depicted on the Technical Data Sheet and Schematic Site Plan represents the approximate location and extent of the areas that will be maintained as open space.

h. Community open spaces will be owned and maintained by a Property Owners Association established by the developer.

i. Existing wooded areas in the open spaces will be preserved where practical, except where clearing may be done as required to accommodate installation of utilities, storm detention basins and erosion control measures, grading from streets, installation of pedestrian walkways and amenities.

G. Sidewalks and Internal Streets

1. The petitioner shall install a 6 foot minimum sidewalk with a 6 foot minimum irrigated and drained landscape planting strip along for all internal streets (MUDD-O)

2. As depicted on the Schematic Site Plan, the petitioner shall install internal sidewalks on the site that will provide pedestrian connections between the various buildings along the existing and proposed streets to existing sidewalks adjacent to the Site.

3. Internal streets shall be designed to have street trees at an average maximum separation of 40 feet on-center with a 6 foot irrigated landscape planting strip.

4. The petitioner has agreed to provide on-street parking on both sides of McClintock adjacent to Veterans Park, provided that the additional ROW required is taken from the northern side of the street adjacent to Veterans Park.

5. The petitioner will provide sidewalk along both sides of Iris Drive to Central Avenue using the typical Street Section A. The City will need to provide ROW in order to complete additional sidewalk.

H. Transportation

1. The petitioner shall construct an extension of "Street A" crossing the existing stream and connecting to the existing Lyon Court and residential neighborhood to the east as generally depicted on the Schematic Site Plan. The vehicular connection to Lyon Court must be approved by various regulatory agencies during construction permitting process. Installation of this vehicular connection shall not be a condition of this rezoning.

2. The petitioner will construct the following connections: a. Construct the Loma Street Connection from McClintock to Commonwealth Avenue using the existing ROW with the proposed typical Street Section A.

b. Reconstruct the Hanover Street connection from McClintock to Commonwealth Avenue with the proposed typical street Section A.

c. Construct Bascom Street to the public alley ROW with the typical Street Section A and work with the land owner on Commonwealth Avenue in an attempt to reconnect Bascom Street through to Commonwealth Avenue.

I. Parking

1. Parking Decks

a. Residential parking spaces shall be located within 500 feet from any given residential structure.

b. All parking structures will be lined with residential / retail / office on the Primary Street edges of the parking deck so that the deck will be screened from pedestrian view on these streets. Parking entrances to parking structures shall be located as close as possible to the side or rear of each lot (see Technical Data sheet and parking diagram in the zoning application book, page 9 for access locations to parking decks)

c. The top level for all of the underground structures where exposed, will have open space / plazas, pedestrian connections to the street and courtyard entrances to units as generally depicted in the Schematic Site Plan.

d. A two level parking deck may be provided on Blocks 6, 7 and 8. A 3 level parking deck may be provided on block 9. Parking decks will be built into the existing grade. The parking decks will be accessed from the sides as depicted in the Parking Plan. (See Technical Data sheet and parking diagram in the zoning application book, page 9 for access locations to parking decks) - (The parking deck will be wrapped with uses on the Main Street / Iris Drive)

e. Parking decks will provide multiple ingress and egress points where possible. Due to topography and other building constraints this may not be achievable in every case and will be determined during the permitting phases.

S. Storm Water Services

b. The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria, standards, policies, and regulations that regulate streets, sidewalks, trees, storm water, and site development, etc.) will apply to the development site. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission the stricter condition or existing requirements shall apply.

The petitioner shall tie-in to the existing storm water system(s). The petitioner shall have the existing storm drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.

d. When applicable, the S.W.I.M. Stream Buffer requirements shall be applied as described in the City of Charlotte Zoning Ordinance, Chapter 12. All streams draining greater than or equal to 100 acres shall have a 300 foot buffer with a 35-foot buffer with two (2) zones, including stream side and upland. Streams draining greater than or equal to 300 acres and less than 640 acres shall have a 50-foot buffer with three (3) zones, including stream side, managed use and upland. Streams draining greater than or equal to 640 acres shall have a 100-foot buffer, plus 50% of the area of the flood fringe beyond 100 feet. This buffer shall consist of three (3) zones, including stream side, managed use and upland. All buffers shall be measured from the top of the bank on both sides of the stream. The uses allowed in the different buffer zones as described in the S.W.I.M. Stream Buffer requirements in the Zoning Ordinance, Chapter 12, as well as the other provisions of the S.W.I.M. ordinance shall apply (except buffer widths).

e. The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc) shall be incorporated into the site and designed to have an 85% average annual removal for Total Suspended Solids generated from the development of Blocks 1-10 according to specifications in the most recent version of the N.C. Department of Environment and Natural Resources Best Management Practices Manual (Design Standards shall be met according to the City of Charlotte BMP Manual, when available).

f. Impacts to the S.W.I.M. Buffers within the project will be allowed in accordance with the buffer ordinance. Impacts to any S.W.I.M. Buffer shall require approval from the Mecklenburg County Department of Environmental Protection (MDEP).

g. The petitioner will work with LUESA to develop a recycling plan for the demolition of the existing structures during the permitting phase of the project.

h. The Petitioner shall control and treat the entire runoff volume for the post-development 1-year 24-hour storm. Runoff draw down time shall be a minimum of 24 hours, but not more than 120 hours.

J. Lighting

a. The maximum height of any freestanding lighting fixture, including its base, shall not exceed 20 feet in height. Preferred pedestrian oriented lighting shall be 12 feet to 14 feet in height.

b. All street lighting shall be composed of ornamental poles and fixtures.

c. All street lights shall be metal halide. High pressure sodium shall be allowed in parking lots behind buildings.

d. All freestanding lighting shall be capped and fully shielded to reduce night sky light pollution.

e. No wall pack type lighting shall be permitted on buildings located on the site.

f. All parking lot lighting shall be designed such that direct illumination does not extend past any exterior project edge property line.

g. Wall mounted decorative light fixtures such as sconces are permitted.

h. The petitioner will provide street lights and pedestrian lighting along existing and proposed public streets.

K. Tree Ordinance

a. The site shall conform to the applicable provisions of the Tree Ordinance.

b. The redevelopment of this site will likely remove the majority of trees on the site. Where possible the petitioner will preserve existing trees. The removal of heritage trees as defined by the Tree Ordinance will be mitigated per Section 21-93 at 18 trees per acre.

L. Buffers

a. Buffers and project edges will be created in accordance with the Zoning Ordinance. Required buffers and project edges on the Site maybe eliminated or reduced if the adjoining parcels are rezoned or developed such that buffers or project edges are no longer required.

M. Wetland Protection

a. The Petitioner shall retain the services of a qualified environmental consultant to delineate all jurisdictional wetlands on the Site.

b. All development shall fully adhere to all rules and regulations for wetlands protection set forth by USCOE and NCDENR.

N. Solid Waste

a. Multi-family complexes must meet all requirements as stated in Chapters 9 and 12 of the Charlotte City Code regarding solid waste dumpster, compactor and recycling areas.

b. All utility easements will be established and delineated at the time of the final plat. Where possible, utility easements, meter and transformer pads will be located behind buildings along alleys. The open space and tree save areas will be delineated at the time of the final plat and will be the minimum requirements stated in the Zoning Ordinance.

O. Fire Protection

a. Adequate fire protection in the form of fire hydrants and other fire protection devices and measures as required by code will be provided to the Charlotte Fire Marshall's specifications.

P. Amendments to Rezoning

a. Future amendments to this Technical Data Sheet and schematic site plan, bound project book and similar documents, may be applied for by the Petitioner in accordance with the provisions set for by the Ordinance.

Q. Binding effects 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 and schematic site plan, zoning application book and similar documents will, unless amended in the manner provided under the Ordinance, be binding upon and insure 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, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or of the owner of the Site from time to time who may be involved in any future development thereof.

R. Sedimentation and erosion control

a. Temporary or staged seeding shall be performed on graded areas immediately following the completion of land disturbing activities to minimize the potential for off-site sedimentation.

b. Two rows of wire-reinforced slit fences shall be used in critical areas of the site such as at all intermittent and perennial streams, wetlands, at the base of slopes, and other locations where the potential for off-site sedimentation is greatest.

c. Two-stage sediment basins with outlet weirs sized for a 50-year, 24-hour storm event shall be employed to lessen the risk of basin failure.

S. Storm Water Services

b. The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria, standards, policies, and regulations that regulate streets, sidewalks, trees, storm water, and site development, etc.) will apply to the development site. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission the stricter condition or existing requirements shall apply.

The petitioner shall tie-in to the existing storm water system(s). The petitioner shall have the existing storm drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.

d. When applicable, the S.W.I.M. Stream Buffer requirements shall be applied as described in the City of Charlotte Zoning Ordinance, Chapter 12. All streams draining greater than or equal to 100 acres shall have a 300 foot buffer with a 35-foot buffer with two (2) zones, including stream side and upland. Streams draining greater than or equal to 300 acres and less than 640 acres shall have a 50-foot buffer with three (3) zones, including stream side, managed use and upland. Streams draining greater than or equal to 640 acres shall have a 100-foot buffer, plus 50% of the area of the flood fringe beyond 100 feet. This buffer shall consist of three (3) zones, including stream side, managed use and upland. All buffers shall be measured from the top of the bank on both sides of the stream. The uses allowed in the different buffer zones as described in the S.W.I.M. Stream Buffer requirements in the Zoning Ordinance, Chapter 12, as well as the other provisions of the S.W.I.M. ordinance shall apply (except buffer widths).

e. The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc) shall be incorporated into the site and designed to have an 85% average annual removal for Total Suspended Solids generated from the development of Blocks 1-10 according to specifications in the most recent version of the N.C. Department of Environment and Natural Resources Best Management Practices Manual (Design Standards shall be met according to the City of Charlotte BMP Manual, when available).

f. Impacts to the S.W.I.M. Buffers within the project will be allowed in accordance with the buffer ordinance. Impacts to any S.W.I.M. Buffer shall require approval from the Mecklenburg County Department of Environmental Protection (MDEP).

g. The petitioner will work with LUESA to develop a recycling plan for the demolition of the existing structures during the permitting phase of the project.

h. The Petitioner shall control and treat the entire runoff volume for the post-development 1-year 24-hour storm. Runoff draw down time shall be a minimum of 24 hours, but not more than 120 hours.

Adjacent Properties

Table with columns: PARCEL #, PROPERTY ADDRESS, USE, OWNER, OWNER ADDRESS. Lists adjacent properties including US Army, County Park, Church, Residential, and various commercial and residential owners.

Legal Description

That certain tract or parcel of land situated, lying and being in the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at the intersection of the southerly margin of Ivey Drive (50' public right-of-way) and the westerly margin of Morningside Drive (50' public right-of-way) and running thence with the westerly margin of Morningside Drive the following five (5) courses and distances: 1) South 03-02-30 East 148.00 feet to a 1/2" existing iron rod, 2) South 20-17-30 East 758.89 feet to a 1/2" existing iron rod; 3) South 20-17-30 East 210.63 feet to a point, 4) South 15-39 West 120.21 feet to a point, 5) South 13-55-50 East 45.46 feet to a point on the northerly margin of aforementioned Ivey Drive; thence crossing Ivey Drive South 07-57-09 West 49.92 feet to a point on the southerly margin of Ivey Drive; thence with the southerly margin of Ivey Drive South 82-02-57 East 137.92 feet to the point and place of BEGINNING containing 32.706 (27.87 + 1.94+ 2.90) acres of land (includes area in Ivey Drive) as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated November 1, 2005 (Map File IT-141).

Park Property Legal Description

That certain tract or parcel of land situated, lying and being in the City of Charlotte, Mecklenburg County, North Carolina and being more particularly describe as follows:

BEGINNING at an existing iron pipe being a common southerly corner of the Morningside Apartments III, LLC property as described in Deed Book 8407, page 821 recorded in the Mecklenburg County Public Registry and the Charlotte Park and Recreation Commission Mecklenburg County property as described in Deed Book 9276, page 437 and located north 56-21-12 West 250.02 feet from the intersection of the westerly margin of Ivey Drive and the northerly margin of McClintock Road (50' right-of-way) and thence with the northerly margin of McClintock Road north 58-21-12 West 138.78 feet to a new iron rod; thence with a new line through the Charlotte Park and Recreation Commission Mecklenburg County Property North 33-33-58 East 283.10 feet to a new iron rod on the westerly line of the aforementioned Morningside Apartments III, LLC property; thence with the Morningside Apartments III, LLC property the following two (2) courses and distances: 1) South 07-30-32 West 76.03 feet to an existing iron pipe, 2) South 07-32-32 West 239.43 feet to the point and place of BEGINNING, containing 0.4507 acres of land as shown on a survey prepared by R.B. Pharr & Associates, P.A. dated July 20, 2005.

Morningside

Iris Drive and McClintock Road Charlotte, N.C.

Torti Gallas and Partners, Inc. 1300 Spring Street, 4th Floor Silver Spring, MD 20910 301.588.4800 www.tortigallaschck.com

Developer Thomas C. Graham Graham Development, Inc. 3808 Chaucer Wood Atlanta, GA 30319 770. 451. 5953

Contact Rob A. Pressley Coldwell Banker Commercial MECA 1800 Camden Road, Suite 108 Charlotte, NC 28203 704. 971. 6625

Civil Engineer Brian D. Smith, P.E. Urban Design Partners 1318-66 central avenue Charlotte, NC 28205 704. 334. 3303

Traffic Consultant Amy Massey, P.E. Kinley - Horn and Associates, Inc. 4651 Charlotte Park Drive, Suite 300 Charlotte, NC, 28217 704. 333. 5131

Key Plan

Map showing site location relative to surrounding streets and landmarks.

Revisions

Table with columns: No., Date. Lists revision numbers and dates.

Development Notes & Legal Description

Date 04/05/06 Principal In Charge Paul Mortenson Project Planner E.R. Approved P.M. Drawn E.R. Job No. 05165.00 Scale 1" = 100' Drawing No. A003

TORTI GALLAS AND PARTNERS, INC. MORNINGSIDESIDE