

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.tortigallaschk.com

Developer Thomas C. Graham Graham Development, Inc 3908 Chaucer Wood Atlanta, GA 30319 770 . 451 . 5953

Rob A. Pressley Coldwell 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

3.32 Acres

27.87 Acres

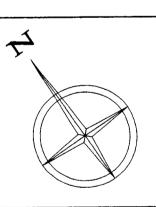
1.94 Acres

2.90 Acres 0.45 Acres 33.16 Acres 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

d. Allow for 6'-0" minimum separation between detached buildings. e. 10% of the entire site minimum will be f.1 parking space per dwelling unit and 1 parking space per 300 sf. of retail will be provided on site.



Technical Data Sheet

04/05/06

Principal In Charge Paul Mortensen

Project Planner E.R.

Approved

Job No. 05165.00

Drawing No.

1" = 100'

Morningside

Iris Drive and McClintock Road

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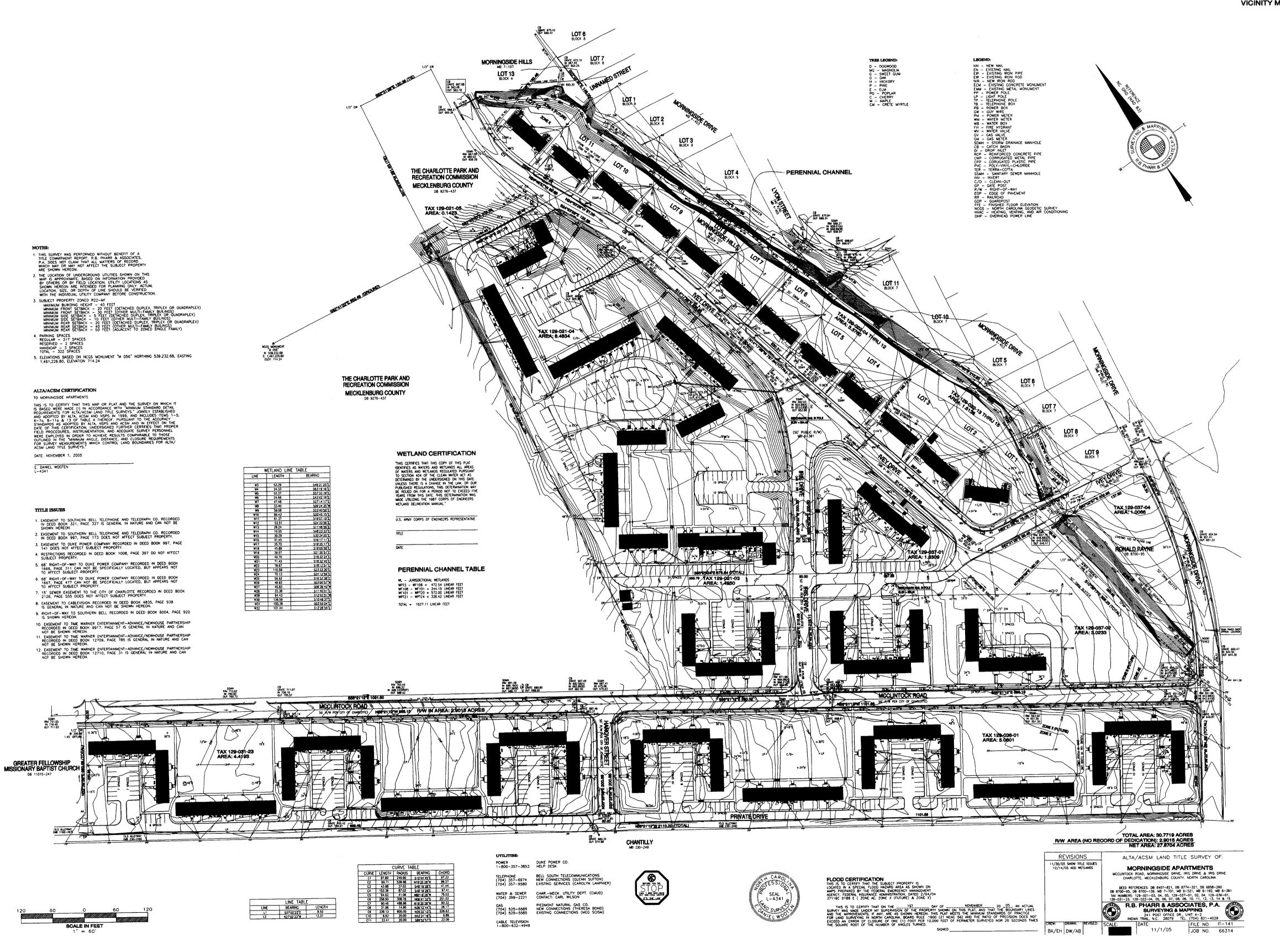
Revisions

Kimley - Horn and Associates, Inc. 4651 Charlotte Park Drive, Suite 300

Civil Engineer Brian D. Smith, P.E.

Coldwell Banker Commercial MECA 1800 Camden Road, Suite 108

301.588.4800



Approved Drawn

04/05/06

Principal In Charge Paul Mortensen

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1" = 100'

Scale

(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 phase.

2. Section 6.204 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 n these regulations that are applicable to the proposed

b. In approving a petition for the reclassification of property to a Conditional Use 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 street 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 courts, town homes, two over two town homes,

artments, and condominiums. b.Up to 30,000 square feet of retail/restaurant and or 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 allowed in the MUDD-O zoning district with respect to Blocks 1 through

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

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; and

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. 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. 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.tn 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

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 eve. (See building height diagram, Page 8 of the zoning application book)

viiAll roof mounted mechanical equipment will be screened from view from adjoining public right of way and abutting properties as viewed from grade. viiAll buildings greater than 42 feet shall be composed with a base, middle and top.

ix Architectural appurtenances such as chimneys, spires, copulas 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

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

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

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

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, dooryard frontages, forecourt frontages and stoop frontages are preferred types and may encroach into courtyard. For retail uses a shop front frontage shall be use

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, which 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

xii. Where expanses of blank wall are necessary, they may not exceed 20 feet in length. xiii. An amenity area 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 façade along setback lines. xv. Buildings shall be located at block

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 areas 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

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.

i. In order to facilitate vehicular and pedestrian connections, an Agreement in Principle by the Parks Department has been endorsed to include 0.45 acres of Veterans Park.

k. Per letter from Wayne Weston dated 1/19/06, Mecklenburg County Parks and Recreation Department fully supports a trade of the .45 acre portion of Veterans Park to Graham Development, Inc. centered on a potential land swap. Petitioner will include provision for compensation of land prior to City Council vote. I. The petitioner will reestablish tree plantings in the S.W.I.M. buffer based on the Parks and Recreation

standard stream restoration guidelines. All of the

internal blocks will provide at minimum open space in

the form of plaza's courtyards or grass areas. Specific

sizes, locations and design will be determined during the

permitting phases.

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 located 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

H.Transportation

additional sidewalk.

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 Lorna 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 owners on Commonwealth Avenue in an attempt to reconnect Bascom Street through to Commonwealth Avenue.

I. Parking 1. Parking Decks

a. All 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 10. A 3 level 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 building constraints this may not be achievable in every case and will be determined during the permitting

2. Other Parking

a. Private Parking for single family, courtyard housing, town homes and duplexes should be accommodated in integral garages, surface parking, detached garages, parking courts and small lots as generally depicted on the Schematic Site Plan and the Parking Diagram. b. Where an alley is present, services, including parking

and all utility access and above ground equipment and trash container areas shall be located on the allev. c. Where an alley is not present, parking and services for single family, courtyard housing, town homes and duplexes shall be accessed by a driveway 10 to 12 feet

facade of the building. d. On-street parking is provided throughout the project to accommodate visitor parking and a percentage shall be counted towards unit count and retail requirements. (See Parking Diagram in the zoning application book,

wide which shall be set back from the primary front

e. Off Street parking will meet or exceed the minimum standards established under 9.8507 of the Zoning

f. All surface parking areas shall be screened from public streets with a 4 foot minimum hedge per Section 12.303. g. All dumpsters, loading areas and service areas will be screened in accordance with Section 12.303

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 due to the grading. 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. c. The petitioner will generate a preservation plan for trees over 24 inches in caliper with an arborist and will follow that plan during the permitting process. The petitioner can not commit to saving any trees until the permitting phase of the project.

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.

MWetland Protection

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

QBinding 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

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 silt 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, (for example those 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.

c. The petitioner shall tie-in to the existing storm water system(s). The petitioner shall have the receiving 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 and less than 300 acres shall have 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 (MCDEP).

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

OWNER ADDRESS OWNER PROPERTY ADDRESS PARCEL# Same 129-021-01 1300 Westover Street, Char., NC 28205 US Armory 5841 Brookshire Blvd., Charlotte, NC 28216 129-021-02 2136 Central Avenue, Char., NC 28205 County Park Mecklenbur County Park & Rec.

129-031-01 2300 McClintock Road, Char., NC 28205 Church 8206-1200 Providence Rd.# 332, Char.,NC 28277 129-031-02 2301 Commonwealth Ave, Char., NC 2820 SF Residential Eagle Holdings & Development Inc. 129-031-03 2305 Commonwealth Ave. Char., NC 2820 SF Residential William B. Josephs Same 129-031-04 2309 Commonwealth Ave, Char., NC 2820 SF Residential Penny D. Isenhour 129-031-05 2313 Commonwealth Ave. Char.,NC 2820 SF Residential James J. Schad 129-031-06 2317 Commonwealth Ave, Char., NC 2820 SF Residential Autumn & Garth Sweet 14702 Elmcrest Ct. Huntersville,NC 28078 129-031-07 2321 Commonwealth Ave, Char.,NC 2820 SF Residential Robert P. Rodriquez Jr. 129-031-08 2325 Commonwealth Ave, Char., NC 2820 SF Residential Kelly M. Murphy 1708 Allen St., Charlotte, NC 28205 129-031-09 2329 Commonwealth Ave, Char., NC 2820 SF Residential Panchal Isau 129-031-10 2333 Commonwealth Ave, Char., NC 2820 SF Residential Celinda Mincey 129-031-11 2337 Commonwealth Ave, Char., NC 2820 SF Residential John W. Fortner 2441 Commonwealth Ave, Charlotte, NC 28205 129-031-12 2341 Commonwealth Ave, Char.,NC 2820 SF Residential Richard D. Degraffenreid 129-031-13 2401 Commonwealth Ave, Char.,NC 2820 SF Residential Cassandra M. Allison 129-031-14 2405 Commonwealth Ave, Char., NC 2820 SF Residential Thomas A. Brill P.O. Box 9157, Charlotte, NC 28299 129-031-15 2409 Commonwealth Ave, Char., NC 2820 SF Residential Evelyn Davis 12501 Jim Sossoman Rd., Midland.NC 28107 129-031-16 2417 Commonwealth Ave, Char., NC 2820 SF Residential David Watson 2127 The Plaza, Charlotte, NC 28227 129-031-17 2421 Commonwealth Ave, Char., NC 2820 SF Residential Michael Moulton 129-031-18 2425 Commonwealth Ave, Char., NC 2820 SF Residential Michael A. Davis 5411 Addison Dr. Charlotte, NC 28211 129-031-19 2429 Commonwealth Ave, Char.,NC 2820 SF Residential Maggie J. Salem & Eddie Salem 129-031-20 2433 Commonwealth Ave, Char.,NC 2820 SF Residential Harold T. Cropper & Thomas C. Pop Same 129-031-21 2437 Commonwealth Ave, Char., NC 2820 SF Residential James B. Payseru 1924 Lombardy Cir. Charlotte,NC 28203 129-031-22 2441 Commonwealth Ave, Char., NC 2820 SF Residential Richard D. Degraffenreid 129-036-02 2501 Commonwealth Ave, Char., NC 2820 SF Residential Charles R. Dyson 2409 E. 5th St. Charlotte, NC 28204 129-036-03 2505 Commonwealth Ave, Char.,NC 2820 SF Residential Beatrice M. Breitenbach Lennon 129-036-04 2509 Commonwealth Ave, Char., NC 2820 SF Residential Chester A. Sharpe 129-036-05 2513 Commonwealth Ave. Char. NC 2820 SF Residential David Wilson 129-036-06 2517 Commonwealth Ave, Char., NC 2820 SF Residential Cheryl Heldon 129-036-07 2521 Commonwealth Ave, Char., NC 2820 SF Residential James C. Gabriel 129-036-08 2525 Commonwealth Ave. Char. NC 2820 SF Residential Edythe H. Mullis 348 Courtney Ln. Matthews, NC 28105 129-036-12 2529 Commonwealth Ave, Char., NC 2820 SF Residential Jacqueline B. Reid 129-036-09 2531 Commonwealth Ave, Char.,NC 2820 SF Residential J.D. Ward 7016 Sound Dr. Emerald Isle, NC 28594 123-036-10 2537 Commonwealth Ave, Char.,NC 2820 SF Residential John T. Vogler 129-036-11 2541 Commonwealth Ave, Char., NC 2820 SF Residential Daniel A. Allegrucci 129-035-01 2601 Commonwealth Ave, Char.,NC 2820 SF Residential Benjamin R. Cauthen 129-035-02 2605 Commonwealth Ave, Char.,NC 2820 SF Residential Daniel Kempf & Beatrice Breitenbach 2413 E. 5th St. Charlotte,NC 28204 129-035-03 2609 Commonwealth Ave, Char., NC 2820 SF Residential Daniel Kempf & Beatrice Breitenbach 2413 E. 5th St. Charlotte, NC 28204 8000 Grimsby Cir. Harrisburg, NC 28075 129-035-04 2615 Commonwealth Ave, Char., NC 2820 SF Residential John T. Wall 129-035-05 2617 Commonwealth Ave, Char., NC 2820 SF Residential Michael P. Whitner 129-035-06 2621 Commonwealth Ave, Char.,NC 2820 SF Residential Tracy L. Gregg 129-035-07 2625 Commonwealth Ave, Char., NC 2820 SF Residential David L. Wood 2008 Commonwealth Ave, Charlotte, NC 28205 129-035-08 2629 Commonwealth Ave, Char., NC 2820 SF Residential Betty Z. Mims 129-035-09 2633 Commonwealth Ave, Char., NC 2820 SF Residential Douglas R. Robarchek 8121 Bush Mill Ln. Charlotte.NC 28270 129-035-10 2637 Commonwealth Ave, Char., NC 2820 SF Residential Ali Bahmanyar P.O. Box 16324, Charlotte, NC 28297 129-041-55 2711 Morningside Dr., Char., NC 28205 SF Residential Michael K. Howze Morcom, LLC P.O. Box 16324, Charlotte, NC 28297 SF Residential Michael K. Howze Morcom, LLC 129-041-56 2713 Morningside Dr., Char., NC 28205

SF Residential Mary W. Donaldson

SF Residential Stephen T. Johnson

SF Residential Jane R. Archer

SF Residential Richard C. Craig

SF Residential Christine Rogers

SF Residential June M. Seay

SF Residential Jesse A. Blocher

SF Residential Christina Y. Harlan

SF Residential Lana F. Laws

SF Residential Agnes Thompson

SF Residential Alinda R. Singletary

SF Residential Minh Phan & David Le

Auto Dealer Minh Phan & David Le

SF Residential Phillip H. Bonardi

Auto Dealer

Auto Dealer

SF Residential Karen N. Griffin

SF Residential Donald K. Thompson

SF Residential Eliza Greer & James M. Morgan

Ussam Jamil

Central Avenue Properties

SF Residential James T. Stainback

SF Residential Michael K. Howze Morcom, LLC

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:

129-041-03 1216 Morningside Dr., Char., NC 28205

129-041-05 1230 Morningside Dr., Char.,NC 28205

129-041-07 1244 Morningside Dr. Char.,NC 28205

129-041-08 1248 Morningside Dr. Char., NC 28205

129-041-09 1250 Morningside Dr., Char., NC 28205

129-041-10 1256 Morningside Dr., Char., NC 28205

129-041-11 1258 Morningside Dr., Char.,NC 28205

129-022-18 1309 Morningside Dr., Char.,NC 28205

129-022-25 1315 Lyon Ct., Char., NC 28205

129-022-26 1319 Lyon Ct., Char.,NC 28205

129-022-27 1415 Lyon Ct., Char., NC 28205

129-022-28 1421 Lyon Ct., Char.,NC 28205

129-022-29 1425 Lyon Ct., Char., NC 28205

129-022-30 1429 Lyon Ct., Char.,NC 28205

129-022-31 1501 Lyon Ct., Char., NC 28205

129-022-32 1505 Lyon Ct., Char.,NC 28205

129-022-33 1509 Lyon Ct., Char.,NC 28205

129-022-38 2408 Central Ave., Char., NC 28205

129-022-01 2400 Central Ave., Char., NC 28205

129-022-16 1301 Morningside Dr., Char., NC 28205 SF Residential Harold Ashley Jr.

129-022-17 1305 Morningside Dr., Char., NC 28205 SF Residential Robert E. McGhee

129-022-19 1313 Morningside Dr., Char., NC 28205 SF Residential Andrew J. Osherow

129-022-20 1317 Morningside Dr., Char., NC 28205 SF Residential Walter H. Padgett

129-041-57 Morningside Dr.

129-041-06 Morningside Dr.

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 runs thence with the westerly margin of Morningside Drive the following five (5) courses and distances:1) South 08-28-05 West 39.50 feet to a point, 2) with the arc of a circular curve to the right having a radius of 805.00 feet an arc length of 339.13 feet (chord: South 20-32-13 West 336.63 feet to a point, 3) with the arc of a circular curve to the right having a radius of 20.00 feet an arc length of 6.92 feet (chord: South 42-31-19 West 6.89 feet to a point, 4) South 10-36-17 East 3.99 feet to a point, 5) South 33-36-22 West 261.58 feet to a point being a northeasterly corner of Chantilly subdivision as shown on Map Book 230, Page 249 recorded in the Mecklenburg County Public Registry said point lying on the northerly line of a 15.5' Alleyway as shown on Map Book 230, Page 249; thence with the northerly of the Chantilly subdivision and 15.5' Alleyway North 56-21-12 West 2110.00 feet to a 1" existing iron pipe being the southeasterly corner of the Greater Fellowship Missionary Baptist Church property as described in Deed Book 11015, Page 247; thence with the Greater Fellowship Missionary Baptist Church property North 33-39-56 East passing the southerly margin of McClintock Road (50' right-of-way) at 200.88 feet for a total distance of 250.88 feet to a point on the northerly margin of McClintock Road; thence with the northerly margin of McClintock Road South 56-21-12 East 1091.80 feet to a 1/2" existing iron rod being the southeasterly corner of the Mecklenburg County property as described in Deed Book 9276, Page 437; thence with the Mecklenburg County property the following four (4) courses and distances: 1) North 07-27-32 East 239.43 feet to a 1" existing iron pipe, 2) North 07-30-32 East 679.69 feet to a ½" existing iron rod. 3) North 07-29-29 East 30.00 feet to a point, 4) South 82-33-20 East passing a 3/4" existing iron pipe at

201.96 feet for a total distance of 202.59 feet to point on the southwesterly margin of aforementioned Ivey Drive; thence crossing Ivey Drive North 65-14-23 East 50.34 feet to a point on the northeasterly margin of Ivey Road; thence with the northeasterly margin of Ivey Road the following two (2) courses and distances: 1) North 24-45-37 West 22.62 feet to a point, 2) with the arc of a circular curve to the right having a radius of 240.90 feet and an arc length of 97.90 feet (chord: North 10-44-45 West 97.22 feet to a 1/2" existing iron rod being the southwesterly corner of Lot 13, Block A. Morningside Hills as shown on Map Book 7, Page 107; thence with Lot 13 North 76-01-08 East 182.48 feet to a point on the westerly line of Lot 6,

Morningside Drive subdivision as shown in Map Book 4, Page 403: thence with the westerly line of Lot 6 and continuing with Lot 7. Block 8, an unnamed street, Lot 1, Lot 2, Lot 3, Lot 4 Block 9, Lyon Street (40' right-of-way), Lot 11, Lot 10, Lot 5, Lot 6. Lot 7. Lot 8 and Lot 9. Block 7 Morningside Drive subdivision 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 758.99 feet to a 1/2" existing iron road; 3) South 20-17-30 East 210.63 feet to a point, 4) South 11-15-39 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).

15824 Pineknoll Ln., Huntersville, NC 28078

5800 Old Providence Rd. Charlotte, NC 28226

16031 North Point Rd. Huntersville.NC 28078

P.O. Box 16324, Charlotte, NC 28297

P.O. Box 78470, Charlotte, NC 28271

Same

Park Property Legal Description

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

BEGINNING at an existing iron rod being a common southerly comer 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 runs thence with the northerly margin of McClintock Road north 56-21-12 West 138.76 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 07-27-32 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.

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

Thomas C. Graham Graham Development, Inc 3908 Chaucer Wood Atlanta, GA 30319 770 . 451 . 5953

www.tortigallaschk.com

Contact Rob A. Pressley Coldwell 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

Development — Notes & Legal Description

04/05/06 Principal In Charge Paul Mortensen

Project Planner Approved

Drawn Job No. 05165.00

E.R.

1" = 100' Drawing No.