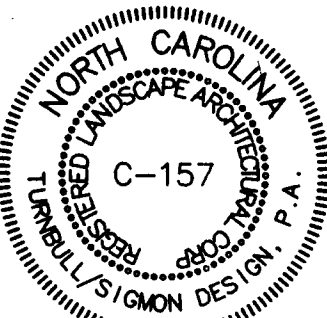
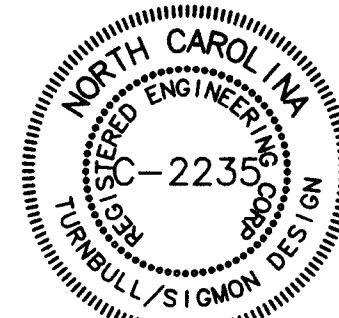




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LAND DEVELOPMENT DESIGN SERVICES



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Charter Properties Inc.

1520 SOUTH BLVD.
CHARLOTTE, NC 28203
704-377-4172

For Public Hearing

Pavilion Pointe

Petition # 07-079

CITY OF CHARLOTTE

Rezoning Plan

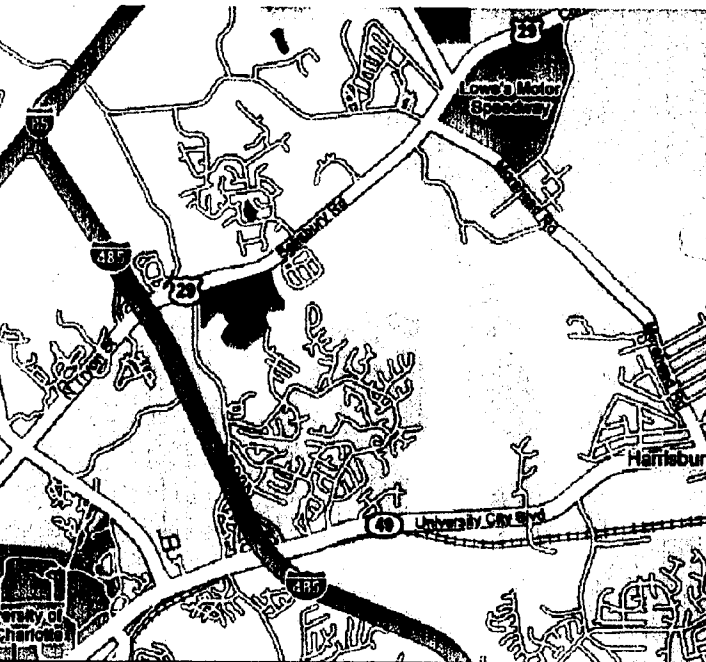
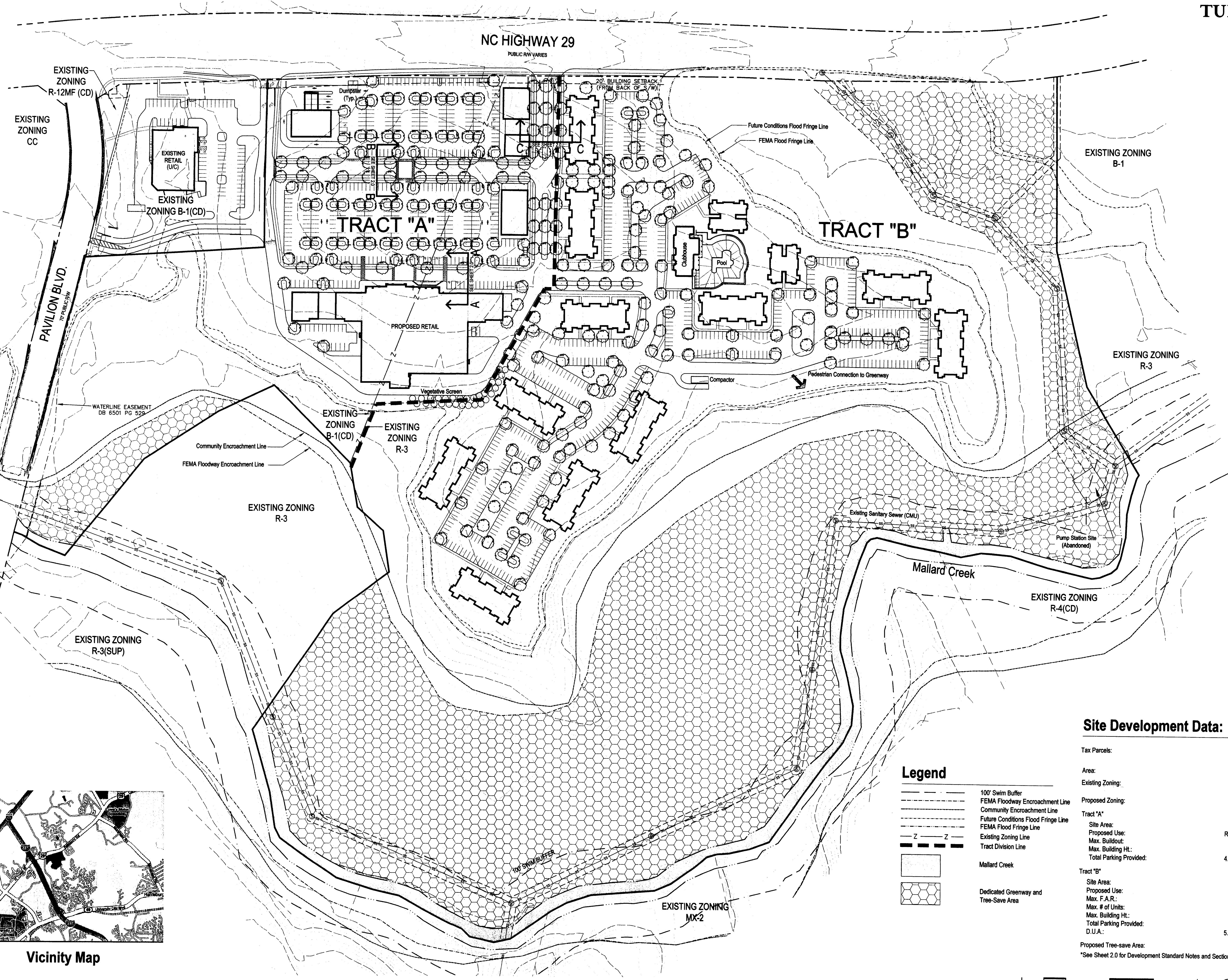
PROJECT NUMBER: 06-099

DRAWN BY: JKG

DESIGNED BY: BCS

ISSUE DATE: 03-26-2007

5-23-2007 JKG/EJL Revisions Per City Staff Comments
NO. DATE: BY: REVISIONS:



Vicinity Map

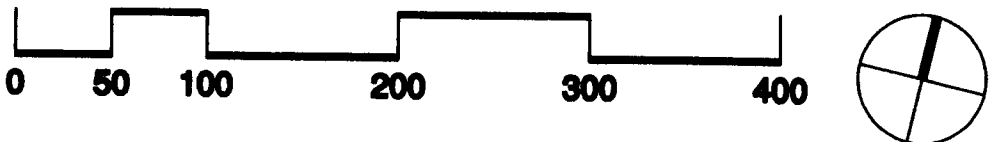
Legend

- 100' Swim Buffer
- FEMA Floodway Encroachment Line
- Community Encroachment Line
- Future Conditions Flood Fringe Line
- FEMA Flood Fringe Line
- Existing Zoning Line
- Tract Division Line
- Mallard Creek
- Dedicated Greenway and Tree-Save Area

Site Development Data:

Tax Parcels:	#051-41-103 #051-41-104
Area:	74.40 +/- Ac.
Existing Zoning:	R-3 B-1(CD)
Proposed Zoning:	NS
Tract "A"	
Site Area:	15.68 ac.
Proposed Use:	Retail/Service
Max. Buildout:	100,000 sf
Max. Building Ht.:	60'
Total Parking Provided:	4,011,000 Min.
Tract "B"	
Site Area:	58.72 Ac.
Proposed Use:	Multi-Family
Max. F.A.R.:	2.0
Max. # of Units:	304
Max. Building Ht.:	60'
Total Parking Provided:	540
D.U.A.:	5.54 Units/Ac.
Proposed Tree-Save Area:	15% Min.

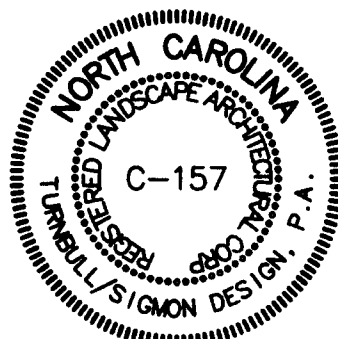
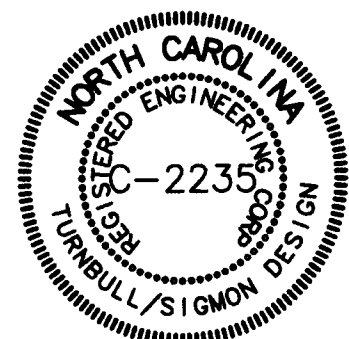
*See Sheet 2.0 for Development Standard Notes and Sections.





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For Public Hearing

Pavilion Pointe

Petition # 07-079

CITY OF CHARLOTTE

Rezoning Notes
& Cross Sections

PROJECT NUMBER: 06-099

DRAWN BY: JKG

DESIGNED BY: BCS

ISSUE DATE: 03-26-2007

NO. DATE: BY: REVISIONS:

2.0

Development Standards

GENERAL PROVISIONS

Unless more stringent standards are established by the Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the Neighborhood Services ("NS") zoning district shall be followed in connection with development taking place on this approximately 74.4 acre site located on N.C. Highway 29 (the "Site"), which Site is more particularly depicted on the Rezoning Plan.

The development depicted on the Rezoning Plan is intended to reflect the arrangement of proposed uses on the Site, but the final configuration, placement and size of the individual Site elements may be altered or modified within the limits prescribed by the Ordinance and the standards established by the Rezoning Plan and these Development Standards during design development and construction phases. Street layouts may be modified to accommodate final building locations.

PERMITTED USES/MAXIMUM GROSS BUILDING AREA/MAXIMUM NUMBER OF DWELLING UNITS

Tract A

- That portion of the Site designated as Tract A on the Rezoning Plan may be devoted to any use (including any accessory use) which is permitted under the Ordinance by right or under prescribed conditions in the NS zoning district, provided, however, that the following uses shall not be permitted on Tract A:

- Active adult retirement communities
- Adult care centers
- Adult care homes
- Bed and breakfasts
- Beneficial fill sites
- Boarding houses
- Bus and train terminals
- Cemeteries
- Childcare centers in a residence
- Civic, social service or fraternal facilities
- Commercial rooming houses
- Construction and demolition land fills
- Dormitories
- Dwellings, detached, duplex, triplex or quadplex
- Dwellings, mixed use, multi-family, planned multi-family residential development and/or attached residential development
- Elementary and secondary schools
- Equestrian oriented subdivisions
- Family childcare homes
- Fences and fence material sales
- Funeral homes, embalming or crematories
- Group homes
- Jails and prisons
- Land clearing and inert debris landfills
- Locksmiths and gunsmiths
- Marinas, commercial
- Nursing homes, rest homes and homes for the aged
- Orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children

- The buildings located on Tract A may have drive-in service lanes/windows as an accessory use in accordance with the requirements of Section 12.413 of the Ordinance.
- A maximum of 100,000 square feet of gross floor area may be developed on Tract A.

For purposes of the development limitations set forth in this Paragraph 3, the term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building, and any accessory buildings or structures on the site, measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface parking facilities or related access areas and areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces), and provided, further, that areas devoted to outdoor dining shall not be included in the calculation of gross floor area.

- The Rezoning Plan depicts one possible development scheme on Tract A. Other potential development schemes may be allowed subject to the review and approval of the Charlotte-Mecklenburg Planning Commission Staff through the administrative site plan amendment process (Section 6.207 of the Ordinance) and subject to the provisions and standards contained herein.

Tract B

That portion of the Site designated as Tract B on the Rezoning Plan may be devoted to a maximum of 304 multi-family dwelling units together with any accessory uses permitted under the Ordinance in the NS zoning district.

Setbacks, Side yards and Rear Yards

All buildings and parking areas constructed on the Site will satisfy or exceed the setback, side yard and rear yard requirements established under the Ordinance for the NS zoning district as more particularly depicted on the Rezoning Plan, provided, however, that all buildings and parking areas shall be setback a minimum of 20 feet from the back of curb along N.C. Highway 29. The development depicted on the Rezoning Plan shall be viewed as a unified development plan. Therefore, interior yards will not be required between buildings located on the Site. The Petitioners reserve the right to subdivide the Site and to create separate lots within the interior of the development with no public street frontage or side and/or rear yards as part of a unified development plan.

ARCHITECTURAL COMMITMENTS

Tract A

- The maximum height of any building constructed on Tract A shall be 60 feet.
- At least 51 percent of each building elevation below the roofline (excluding areas devoted to doors, windows, and trim) shall be composed of brick, stone, pre-cast concrete or similar masonry products, or a combination thereof.

Tract B

- The maximum height of any building constructed on Tract B shall be 60 feet.
- The portions of the building exteriors located below the roof line (excluding areas devoted to windows, doors, garage doors, architectural accents and signage) shall be composed of a combination of brick, stone and similar masonry products, and hard-plank/fiber cement board. Notwithstanding the foregoing, vinyl and/or wood may be utilized on the soffits and trim areas of the buildings and on any railings. Except as provided above, vinyl shall not be a permitted exterior building material.

SCREENING AND LANDSCAPED AREAS

- Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance. All landscaping installed on the Site will meet or exceed the requirements of the Ordinance.
- Screening will be provided between the southernmost retail building located on Tract A and the multi-family buildings located on Tract B as provided on the Rezoning Plan.
- All roof mounted mechanical equipment will be screened from view at grade from adjacent public rights of way.
- Any dumpsters visible from a public street or from an adjoining parcel of land will be screened from view by a solid-enclosure with gates. If one or more sides of a dumpster area adjoin a rear wall of a building, the rear wall may be substituted for the fence along each such side.

COMMON OPEN SPACE/TREE SAVE AREAS/ TREE ORDINANCE

- Common open space shall be provided in various locations on the Site as depicted on the Rezoning Plan.
- A recreational amenity area shall be provided on Tract B, and it shall contain, at a minimum, a swimming pool and a clubhouse.
- A minimum of 15 percent of the Site will be devoted to tree save areas. For the purpose of calculating the required amount of tree save areas, any portions of the Site to be dedicated and conveyed to Mecklenburg County for greenway purposes shall be considered in making this calculation.
- Development of the Site shall comply with the City of Charlotte Tree Ordinance.

GREENWAY

- Petitioners agree to dedicate and convey those areas depicted on the Rezoning Plan as the "Greenway Area" to Mecklenburg County for greenway purposes. Petitioners shall dedicate and convey the Greenway Area to Mecklenburg County prior to the issuance of a Certificate of Occupancy for the last multi-family building constructed on the Site. Prior to the conveyance of the Greenway Area to Mecklenburg County, Petitioners shall have the right to install and locate utility lines through the Greenway Area and to reserve such easements over the Greenway Area that are necessary to maintain, repair and replace such utility lines, and to reserve such other easements as may be reasonably necessary in connection with the development of the Site. Prior to the conveyance of the Greenway Area to Mecklenburg County, Petitioners shall also have the right to preserve, restore and/or to create wetlands areas within the Greenway Area.
- At least one pedestrian connection from Tract B to the Greenway Area will be provided. The pedestrian connection from Tract B to the Greenway Area shall be installed within 180 days after the greenway trail has been constructed within the Greenway Area by the Mecklenburg County Park and Recreation Department. The precise location of this pedestrian connection will be determined in conjunction with the Mecklenburg County Park and Recreation Department.

SIDEWALKS/STREETSCAPE

- A 10 foot planting strip and a 6 foot sidewalk shall be installed along the Site's frontage on NC Highway 29 as more particularly depicted on the Rezoning Plan.
- A 6 foot planting strip and a 5 foot sidewalk shall be installed along both sides of all internal private streets.

Lighting

- The maximum height of any freestanding light fixture installed on the Site (other than street lights on public rights-of-way) including its base, shall not exceed 35 feet. All lighting will be capped and fully shielded to direct lighting downward and/or away from adjoining properties.
- The use of wall-pak lighting fixtures shall not be permitted on the Site, however, architectural light fixtures may be installed on building facades.

ACCESS POINTS

- Access points serving the Site will be as generally depicted on the Rezoning Plan.
- The placement and configuration of each vehicular access point are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the City of Charlotte Department of Transportation and/or the North Carolina Department of Transportation.

PARKING

- Off-street vehicular parking spaces shall be provided at the following rates:
 - a minimum of 3.8 parking spaces per 1,000 square feet of gross floor area shall be provided on Tract A; and
 - a minimum of 1 parking space per multi-family residential unit shall be provided on Tract B.
- Although areas devoted to outdoor dining are not included in the calculation of the maximum amount of gross floor area that may be developed on Tract A, areas devoted to outdoor dining shall be considered when determining the required number of off street vehicular parking spaces to be provided on Tract A.
- Bicycle parking will be provided in accordance with the requirements of the Ordinance.

Signs

All signs located on the Site shall comply with the requirements of Chapter 13 and Section 11.509 of the Ordinance.

SOLID WASTE

The multi-family community to be developed on Tract B will meet all requirements as stated in Chapters 9 and 12 of the Charlotte City Code regarding solid waste dumpster, compactor and recycling areas.

STORM WATER MANAGEMENT

Storm water runoff from the Site will be managed through proven techniques which satisfy the standards, if any, imposed by the City of Charlotte Engineering Department.

WETLANDS/SWIM BUFFERS

- Any jurisdictional wetlands or streams, if present, need to be protected or proper environmental permits obtained prior to their disturbance. For 401 permits contact DEHNR. For 404 permits contact the Army Corps of Engineers.
- SWIM buffers shall be provided as required by the Ordinance.

Fire Protection

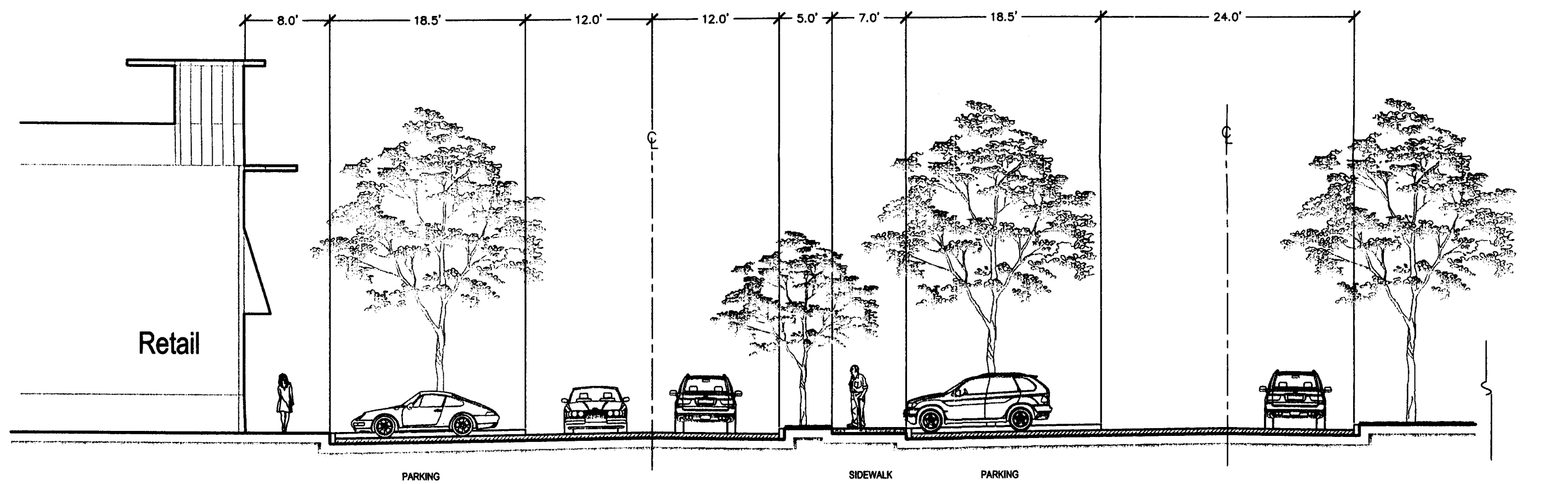
Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.

AMENDMENTS TO THE REZONING PLAN

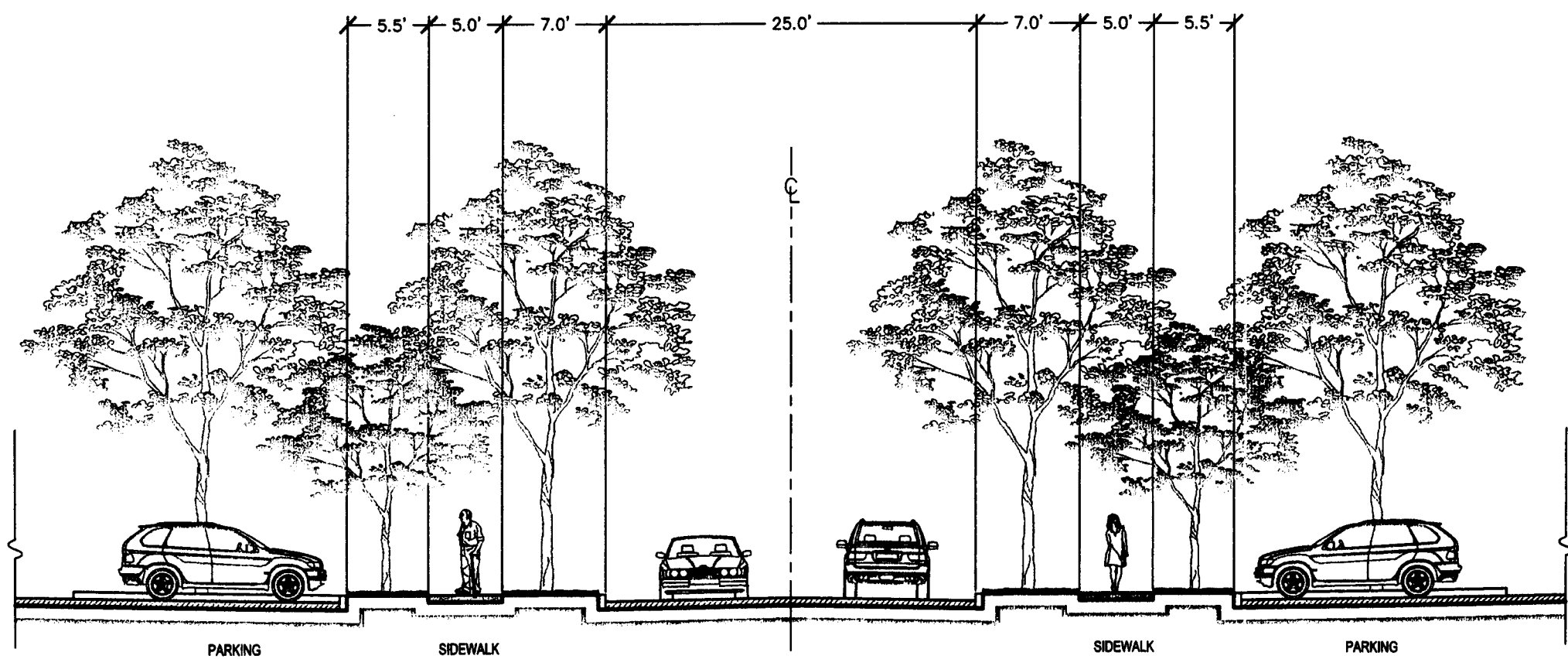
Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

BINDING EFFECT OF THE REZONING APPLICATION

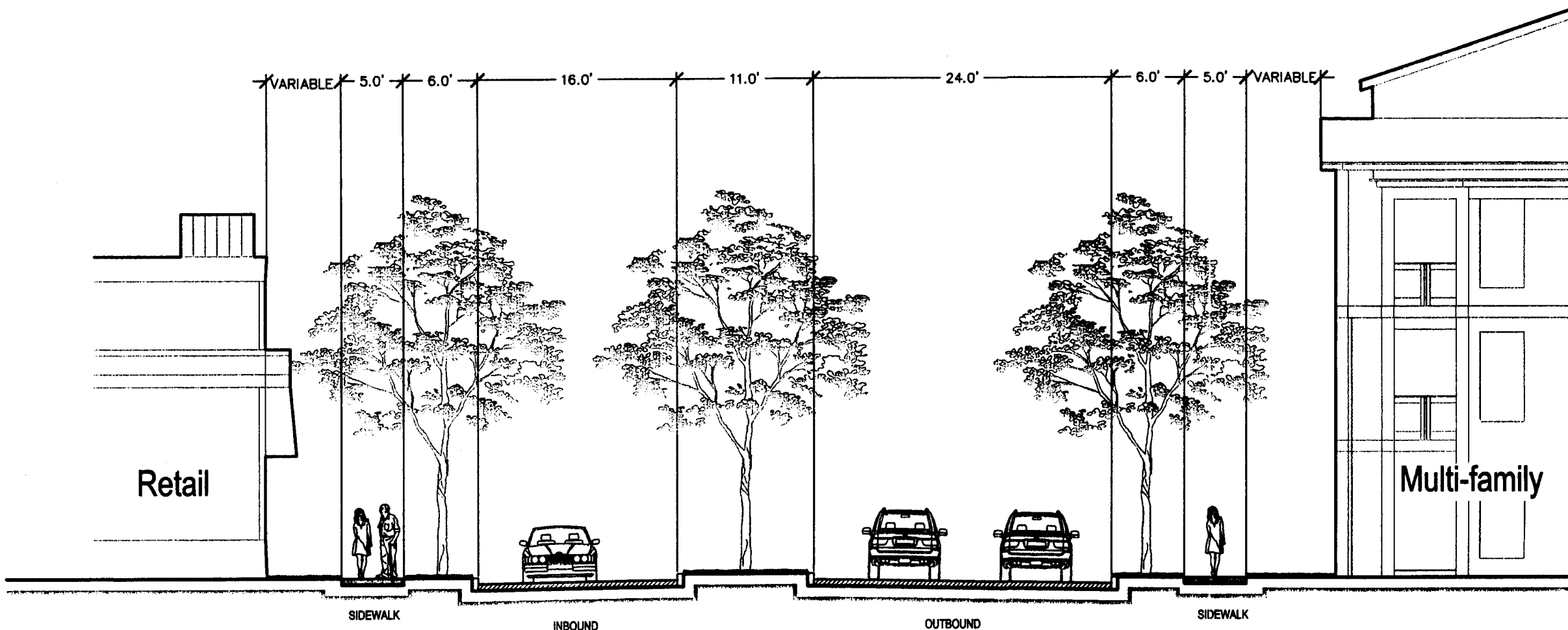
- If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current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



1 Section "A"
2.0 1" = 10' - 0"



2 Section "B"
2.0 1" = 10' - 0"



3 Section "C"
2.0 1" = 10' - 0"