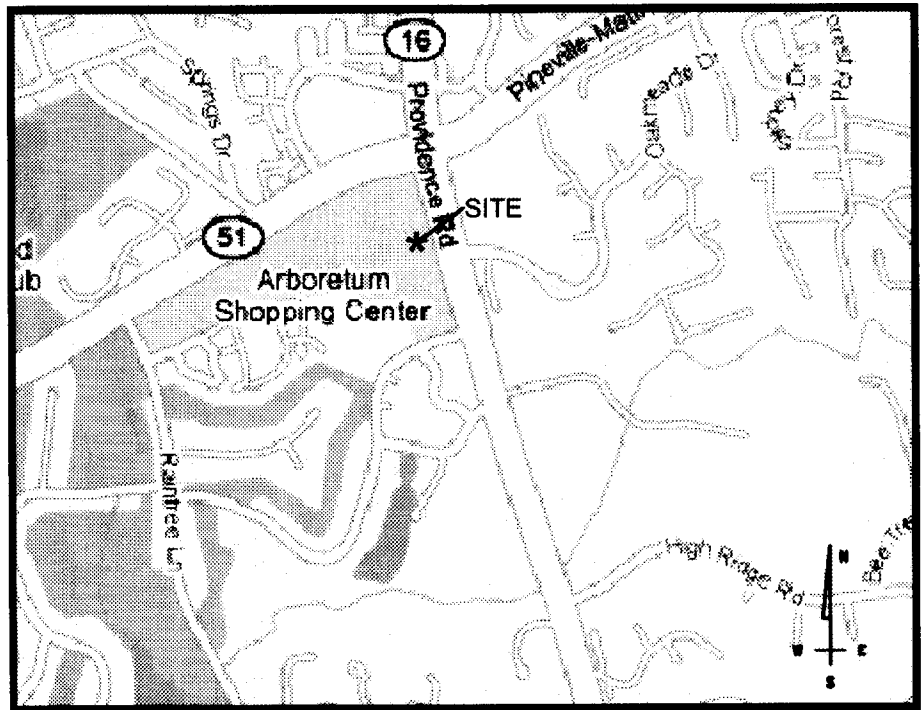
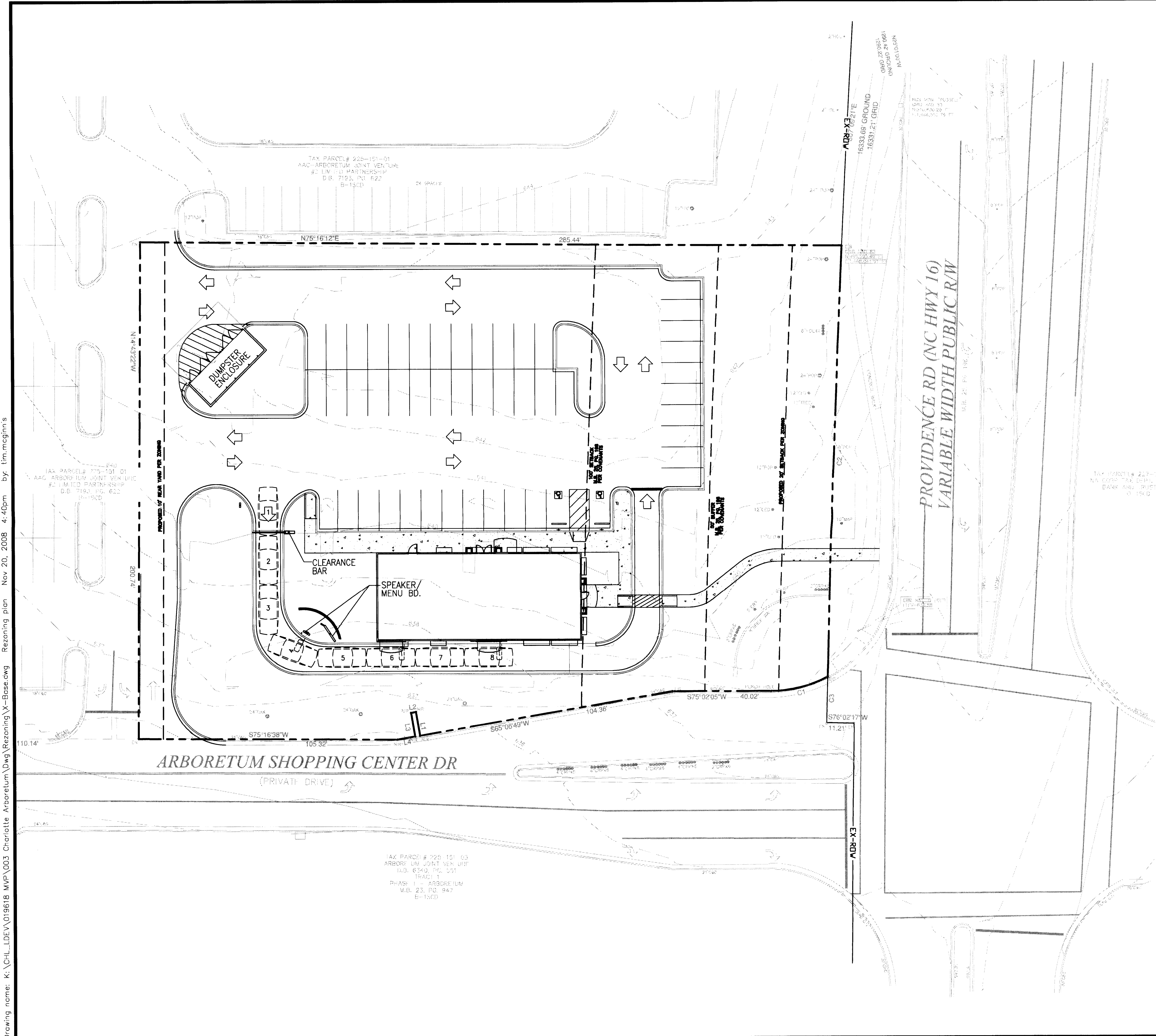


Drawing name: K:\CHL\DEV\019618 MVP\003 Charlotte Arboretum\DWG\Rezoning X-Base.dwg Rezoning plan Nov 20, 2008 4:40pm by: tim.mcginis



VICINITY MAP
NOT TO SCALE

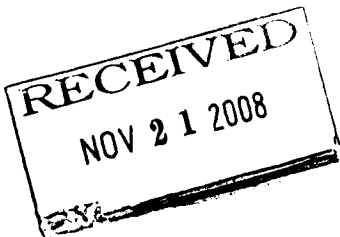
ARBORETUM SHOPPING CENTER DRIVE SITE DATA TABLE

Tax Parcel: 2251512
Total Site Area: 1.24 +/- acres
Existing Zoning: B-1 SCD
Proposed Zoning: B-1 (CD)
Proposed Building Area: 2,900 +/- square feet
Proposed Building Height: Not to exceed 40'
Proposed Use: Restaurant along with associated parking and service areas
Area and Yard Regulations:
Setback: 20'
Side Yard - None
Rear Yard - 10'

- Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases within the building envelope line as shown on the plan per Section 6.2 of the Zoning Ordinance.
- This site is located within the Arboretum Shopping Center which was developed under the B-1 SCD classification as provided for in rezoning 86-112 and approved on August 23rd, 1987. The purpose of this rezoning is to allow for an increase in floor area from 2,500 +/- square feet to 2,900 +/- square feet on this site. All other conditions, covenants and restrictions from case 86-112 are still applicable to this site.
- Access to the site will be provided by existing driveway connections to Arboretum Shopping Center Drive as generally depicted on this site plan.
- The proposed use of the property will be for the development of the site to accommodate restaurant along with associated parking and service areas.
- All dumpsters will be screened with solid enclosures and gates.
- The proposed development will comply with all applicable Ordinance requirements for signage, screening, open space and landscaping.
- Parking will be provided which meets or exceeds the requirements of the Ordinance.
- The development of the site will comply with the Post Construction Controls Ordinance as it is applicable to this site.
- The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, trees, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, are not administered by the Zoning Administrator, and are not separate zoning conditions imposed by this site plan. Unless specifically noted in the conditions for this site plan, these other standard development requirements will be applied to the development of this site as defined by those other city ordinances.
- Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

Initial submission: November 24, 2008

2009-017



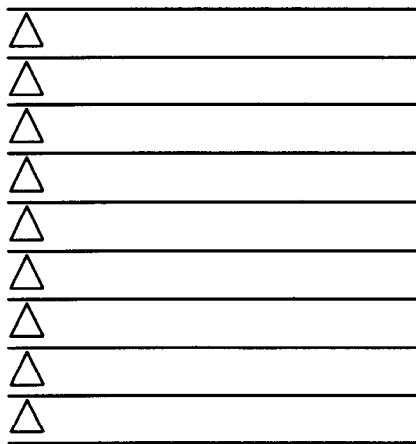
GRAPHIC SCALE



REZONING PETITION
NUMBER 2009-XX

MCCULLUGH VAN SICKLE & PERRY
ARCHITECTS • PLANNERS • LANDSCAPE ARCHITECTS
125 S. WASHINGTON WICHITA, KANSAS 67202
P.O. BOX 948 WICHITA, KANSAS 67201
TEL 36-262-0491 • FAX 36-262-5465
FLORIDA LICENSE NO. AA-000354

**Kimley-Horn
and Associates, Inc.**



CONTRACT DATE: 2008-11-09
BUILDING TYPE: T-Y07
PLAN VERSION: A
SITE NUMBER: 251860
STORE NUMBER: 367004

TACO BELL
CORNER OF ARBORETUM SHOPPING CENTER DR
AND PROVIDENCE ROAD (NC HWY 16)



CONCEPTUAL SITE
PLAN
FOR PUBLIC HEARING

PLOT DATE: 2008-11-18

LEGEND:

BFP - BACK FLOW PREVENTOR
C&G - CURB & GUTTER
CR - CATCH BASIN
CI - CURB INLET
CMP - CORRUGATED METAL PIPE
CP - CALCULATED POINT
CPP - CORRUGATED PLASTIC PIPE
CQ - CLEAN OUT
(D) - DEED
D.B. - DEED BOOK
DI - DROP INLET
DIP - DUCTILE IRON PIPE
ECM - EXISTING CONCRETE MONUMENT
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EMM - EXISTING METAL MONUMENT
EN - EXISTING NAIL
EOG - EDGE OF GRAVEL
EOP - EDGE OF PAVEMENT
EU - END UNKNOWN
FC - FIRE CONNECTION
FH - FIRE HYDRANT
FV - FIRE VALVE
GDP - GUARD POST
GLT - GROUND LIGHT
GM - GASMETER
GP - GATE POST
GR - GRATE
GV - GAS VALVE
GW - GUY WIRE
HVAC - HEATING, VENTILATION, AIR COND
HW - HEADWALL
ICV - IRRIGATION CONTROL VALVE
JBX - JUNCTION BOX
LMP - LAMP POST
LP - LIGHT POLE
MG - MEASURED
MBX - MAIL BOX
MB - MAP BOOK
MW - MONITORING WELL
N.G.S. - NATIONAL GEODETIC SURVEY
NIR - NEW IRON ROD
NN - NEW NAIL
NSR - NATIONAL SPATIAL REFERENCE SYSTEM
O/H - OVERHANG
(P) - PLATTED
PB - POWER BOX
PIN - PARCEL IDENTIFICATION NUMBER
PM - POWER METER
PMH - POWER MANHOLE
PP - POWER POLE
PG - PAGE
PVC - PLASTIC PIPE
(R) - RECORDED
R.W. - RIGHT-OF-WAY
RCP - REINFORCED CONCRETE PIPE
RW - RETAINING WALL
SDB - SILLBOARD
SMP - STORM DRAIN MANHOLE
SMH - MULTI-POST SIGN
SMH - SANITARY SEWERMANHOLE
(T) - TOTAL
TB - TELEPHONE BOX
TRM - TEMPORARY BENCH MARK
TERR - TERRACOTTA PIPE
TMH - TELEPHONE MANHOLE
TSB - TRAFFIC SIGNAL BOX
TVB - CABLE TV BOX
WB - WATER BOX
WM - WATER METER
WSP - WATER SPIGOT
WV - WATER VALVE

LINE LEGEND:

PROPERTY LINE (NOT SURVEYED)
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY (NOT SURVEYED)
EASEMENT
SEWER
CABLE TV LINE
FIBER OPTIC LINE
GAS LINE
POWER LINE
POWER LINE (UNDERGROUND)
SANITARY SEWER PIPE
STORM DRAIN PIPE
TELEPHONE LINE
TELEPHONE LINE (UNDERGROUND)
WATER LINE

TREE LEGEND:

CFD - CEDAR
CRP - CREPE MYRTLE
HK - HICKORY
HOL - HOLLY
MAP - MAPLE
POP - POPLAR

UTILITIES:

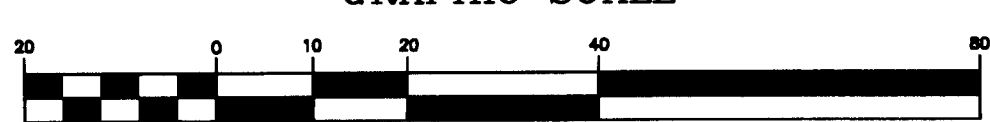
POWER
DUKE POWER ENERGY
1-800-777-9898
TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
1-888-757-6500
WATER & SEWER
CHAR-MECK. UTILITY DEPT. (CMUD)
(704) 336-2564 WATER
(704) 357-6064 SEWER
GAS
PEDEMONT NATURAL GAS CO.
1-800-752-7504
CABLE TELEVISION
TIME WARNER CABLE
1-800-892-2253



| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|----------|------------|--------------|---------------|
| C1 | 40.13' | 24.12' | 23.88' | S89°58'12"W |
| C2 | 7699.44' | 174.69' | 174.69' | S13°06'20"E |
| C3 | 7699.44' | 18.57' | 18.57' | N13°49'29"W |

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L2 | N24°52'05"W | 9.66' |
| L3 | S24°52'05"E | 9.66' |
| L4 | S65°07'55"W | 7.46' |

GRAPHIC SCALE



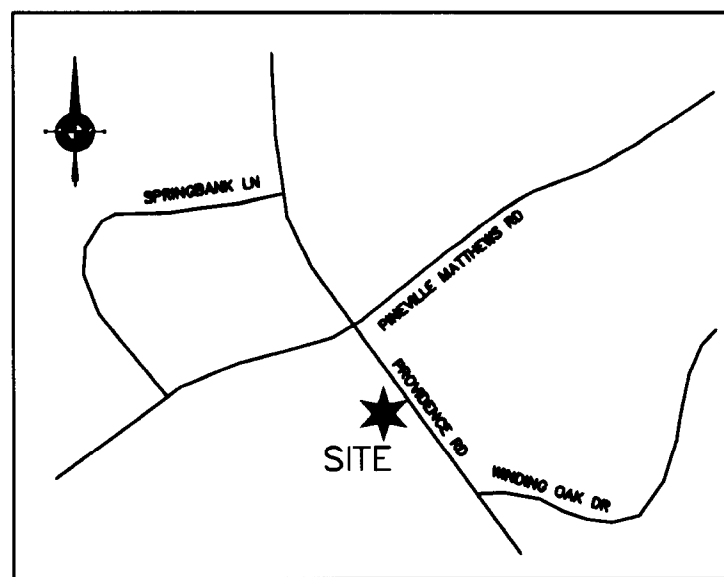
Notes Corresponding to Schedule B Exceptions From Coverage
Chicago Title Insurance Company Owners Form
Policy Number 34 901 60 9201771
Date of Policy: December 2, 1992

1. Taxes cannot be address on survey.
2. Survey matters are shown hereon.
3. Grant of Cross Easements and Declaration of Restrictive Covenants recorded in Deed 6340-559 reserves general access, parking and utility easements, among other restrictions, affecting the subject property. No matters in this deed can be specifically located, but are evidenced by existing improvements. Supplements and amendments recorded in Deeds 6350-846, 6677-157, 6816-94 and 6925-167 contain no matters that can be specifically shown. Supplement recorded in Deed 7127-148 limits building size on the Taco Bell parcel to 2,400 square feet and 40' in height unless written consent from the developer is obtained, among other matters that cannot be specifically shown.
4. Easement to Southern Bell recorded in Deed 6054-553 does not affect the subject property. Easement to Southern Bell recorded in Deed 6054-589 is general in nature and cannot be specifically located.
5. Easements to Duke Power Company recorded in Deeds 5974-751, 6132-109, 6190-228 and 6190-241 are evidenced by existing power lines.
6. Acreage computation is shown hereon.
7. Existing access points are shown hereon.
8. Private entrance roadway is shown hereon (Arboretum Shopping Center Drive).
9. Repurchase Option recorded in Deed 7127-175 contains no matters that can be specifically shown.
10. Right of First Negotiation recorded in Deed 7127-167 contains no matters that can be specifically shown.

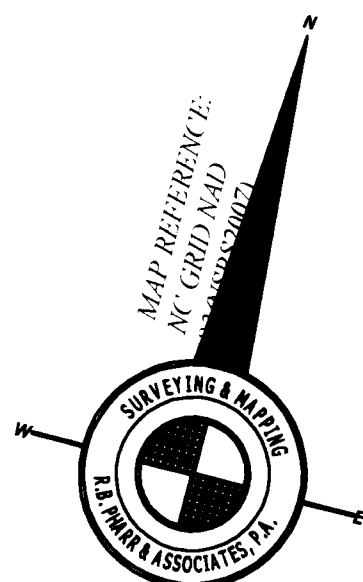
LEGAL DESCRIPTION
8000 Providence Road
Charlotte, North Carolina

Being a parcel or tract of land in the City of Charlotte, Mecklenburg County, North Carolina, and being more particularly described as follows:

BEING all of Lot 2 as shown on the plat titled "Final Plat of Arboretum Southside Phase II, Tract II, Map 2" as recorded in Map Book 25, Page 196 of the Mecklenburg County Public Registry, and as shown on the survey prepared by R. B. Pharr and Associates, P.A., dated November 4, 2008 (Map File W-3725).



VICINITY MAP
NOT TO SCALE



NOTES:

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. NO RECOVERABLE NGSMONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
4. 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.
5. ELEVATIONS BASED ON N.G.S. MONUMENT "LANDOWNE 2". ELEVATION 643.02 FEET NAVD 88.
6. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
7. PROVIDENCE ROAD IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 50' FROM CENTERLINE.
8. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT-OF-WAY WIDTH OF ANY ADJACENT PROPERTIES.

ZONING:

ZONING RESTRICTIONS AS PER ZONING ORDINANCE:
SUBJECT PROPERTY ZONED: B-1(CD)

FOR FURTHER INFORMATION CONTACT THE
CHARLOTTE-MECKLENBURG ZONING DEPARTMENT
AT 704-336-3569.

PARKING:

REGULAR PARKING SPACES 58
HANDICAPPED PARKING SPACES 3
TOTAL PARKING SPACES 61

ALTA CERTIFICATION:

TO: KIMLEY-HORN AND ASSOCIATES, INC., AND TACO BELL OF AMERICA, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE (a) IN ACCORDANCE WITH "MINIMUM STANDARD" DETAIL REQUIREMENTS FOR ALTA (ACSM) LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7b, 9, 10, 11c, 12, AND 13 OF TABLE A, THOROUGHFARE, PURSUANT TO THE ACCURACY STANDARDS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTRED IN THE STATE OF NORTH CAROLINA, THE RELATIVE POSITIONAL ACCURACY OF THE SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

635.81 JAMES P. CAMERON N.C.PLS (L-3665)

REVISIONS

ALTA/ACSM LAND TITLE SURVEY PREPARED FOR:
KIMLEY-HORN AND ASSOCIATES, INC.

RE: TACO BELL ARBORETUM SITE
8000 PROVIDENCE RD
CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA
DEED REFERENCE: 9932-414
MAP REFERENCE: 25-196
TAX PARCEL #: 225-151-12

R.B. PHARR & ASSOCIATES, P.A.

SURVEYING & MAPPING

420 HAWTHORNE LANE, CHARLOTTE, N.C. 28204 TEL: (704) 376-2186

DRAWN: CEB

REVISD:

SCALE:

1"=20'

DATE:

NOVEMBER 4, 2008

FILE NO. W-3725

JOB NO. 74491

PLOTTED: 11/7/2008

C:\DOCUMENTS AND SETTINGS\MICHAEL.WESTFALL\LOCAL

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 4, 2004, COMMUNITY PANEL NO: 370158028E

THIS IS TO CERTIFY THAT ON THE 4 DAY OF NOVEMBER 20 08 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARD PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.