

## Cashel Rock Investors Orchard Park Apartments Charlotte, North Carolina



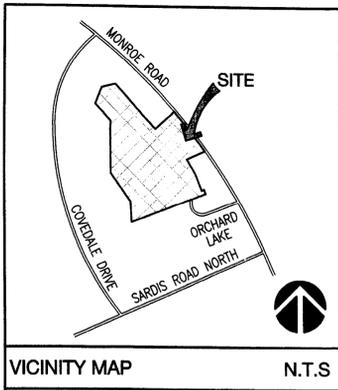
Rezoning Petition  
#09-023

PROJECT: 08128  
DATE: 12.22.2008

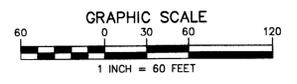
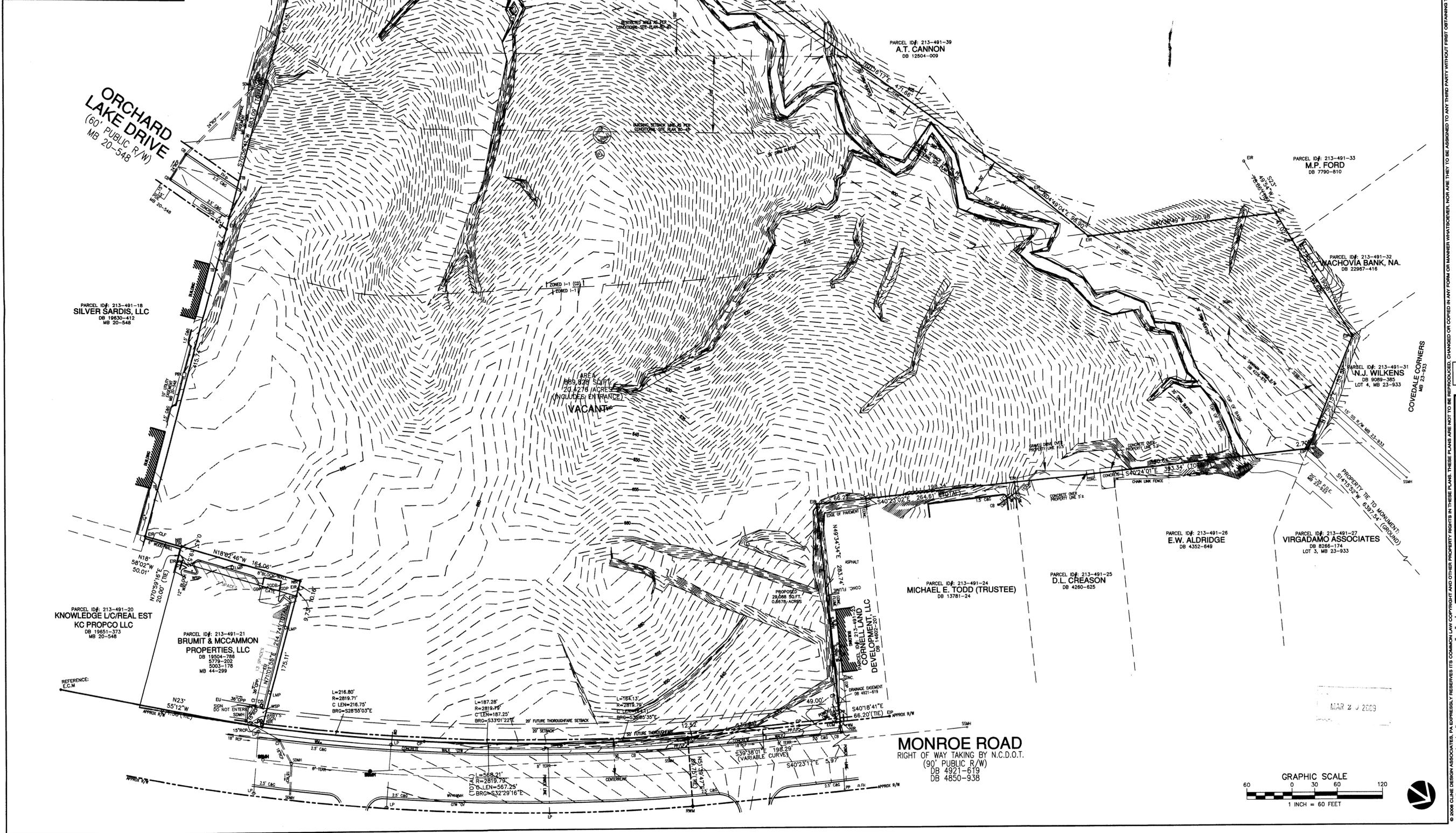
REVISIONS: DATE

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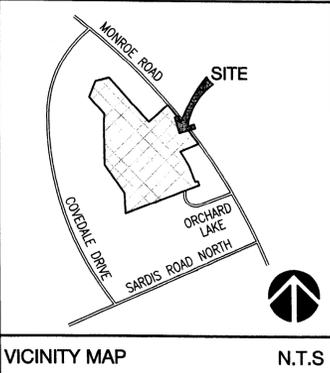
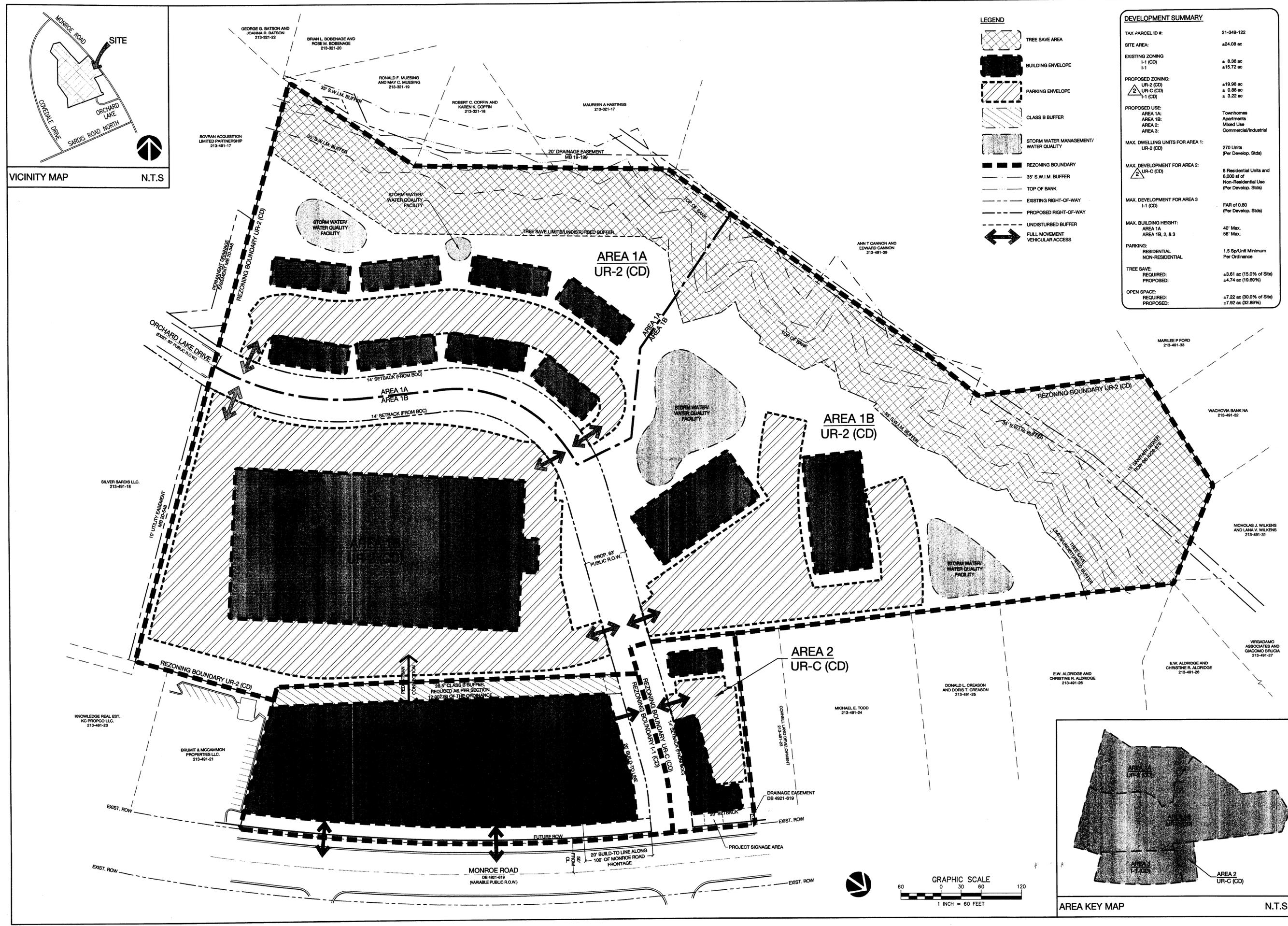
**RZ-1**  
Existing Conditions  
Plan



VICINITY MAP N.T.S.



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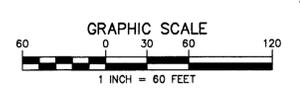
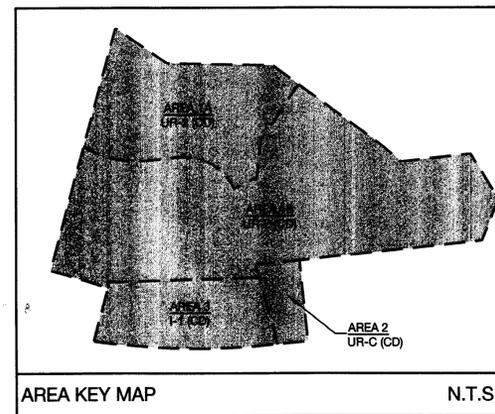


**LEGEND**

- TREE SAVE AREA
- BUILDING ENVELOPE
- PARKING ENVELOPE
- CLASS B BUFFER
- STORM WATER MANAGEMENT/ WATER QUALITY
- REZONING BOUNDARY
- 35' S.W.I.M. BUFFER
- TOP OF BANK
- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- UNDISTURBED BUFFER
- FULL MOVEMENT VEHICULAR ACCESS

**DEVELOPMENT SUMMARY**

TAX PARCEL ID #:	21-349-122
SITE AREA:	±24.08 ac
EXISTING ZONING I-1 (CD)	± 8.36 ac
I-1	±15.72 ac
PROPOSED ZONING:	
UR-2 (CD)	±19.98 ac
UR-C (CD)	± 0.88 ac
I-1 (CD)	± 3.22 ac
PROPOSED USE:	
AREA 1A:	Townhomes
AREA 1B:	Apartments
AREA 2:	Mixed Use
AREA 3:	Commercial/Industrial
MAX. DWELLING UNITS FOR AREA 1: UR-2 (CD)	270 Units (Per Develop. Stds)
MAX. DEVELOPMENT FOR AREA 2: UR-C (CD)	8 Residential Units and 6,000 sq ft of Non-Residential Use (Per Develop. Stds)
MAX. DEVELOPMENT FOR AREA 3 I-1 (CD)	FAR of 0.80 (Per Develop. Stds)
MAX. BUILDING HEIGHT:	
AREA 1A	40' Max.
AREA 1B, 2, & 3	58' Max.
PARKING:	
RESIDENTIAL	1.5 Sp/Unit Minimum Per Ordinance
NON-RESIDENTIAL	
TREE SAVE:	
REQUIRED:	±3.61 ac (15.0% of Site)
PROPOSED:	±4.74 ac (19.66%)
OPEN SPACE:	
REQUIRED:	±7.22 ac (30.0% of Site)
PROPOSED:	±7.92 ac (32.89%)



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## Cashel Rock Investors Orchard Park Apartments Charlotte, North Carolina



Rezoning Petition  
#09-023

PROJECT: 08128

DATE: 12.22.2008

REVISIONS:	DATE
1 PER CITY COMMENTS	02.13.09
2 PER CITY COMMENTS	03.20.09

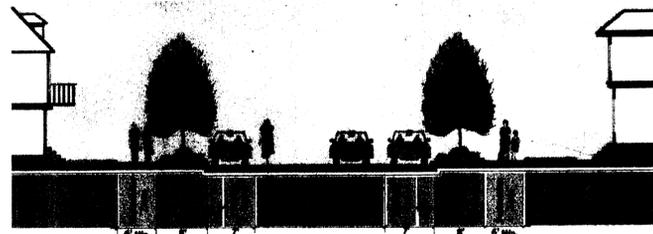
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### RZ-3

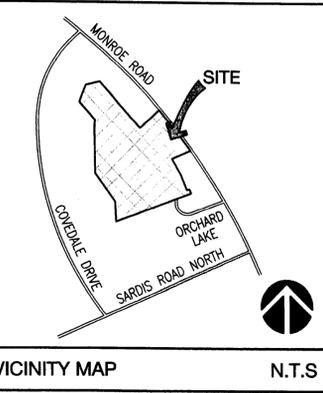
Schematic Site Plan

#### DEVELOPMENT SUMMARY

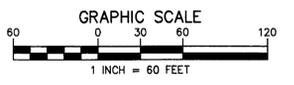
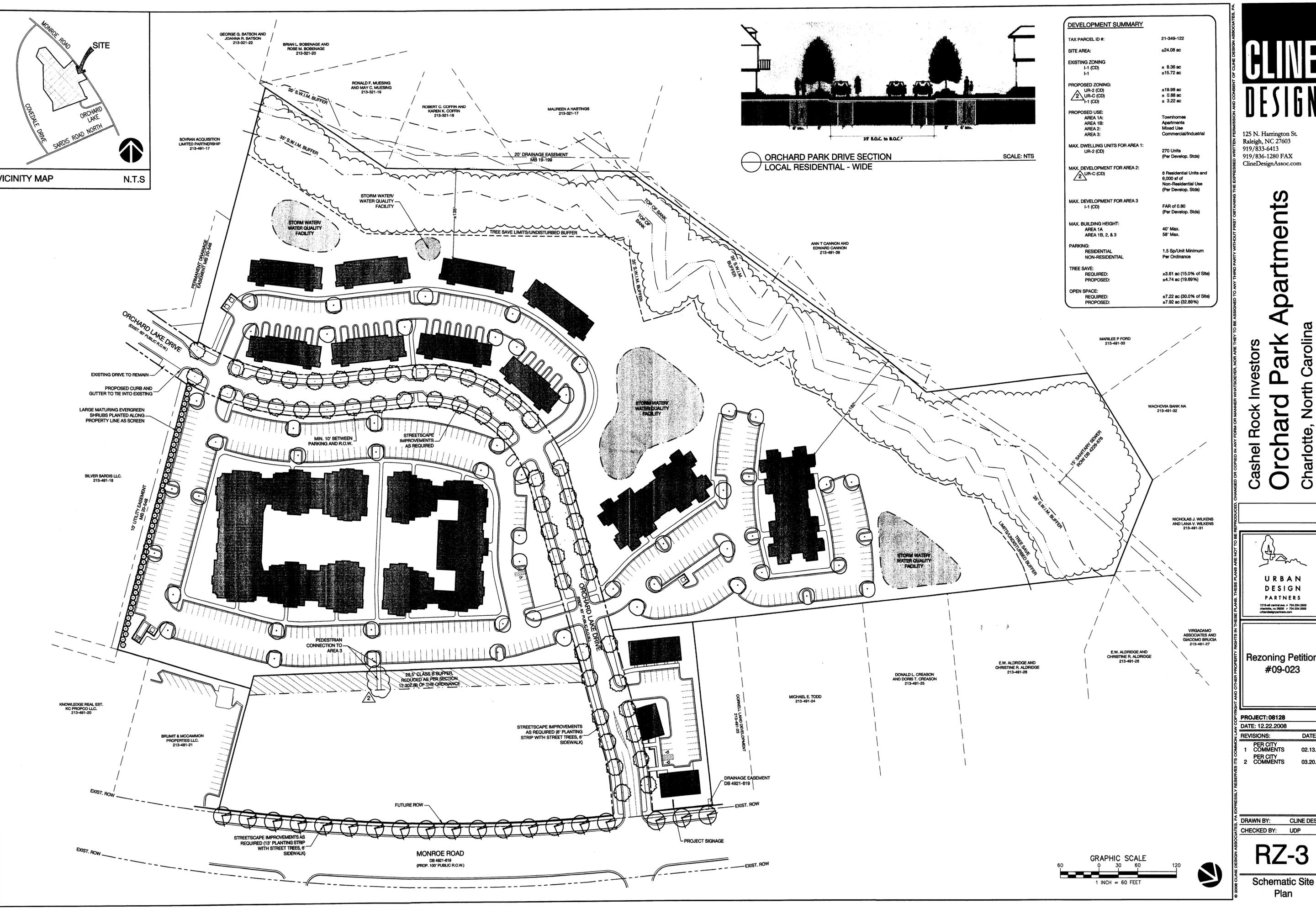
TAX PARCEL ID #:	21-349-122
SITE AREA:	±24.08 ac
EXISTING ZONING:	± 8.36 ac I-1 (CD) ± 15.72 ac
PROPOSED ZONING:	± 19.98 ac UR-2 (CD) ± 0.86 ac I-1 (CD) ± 3.22 ac
PROPOSED USE:	Townhomes Apartments Mixed Use Commercial/Industrial
MAX. DWELLING UNITS FOR AREA 1:	270 Units (Per Develop. Stds)
MAX. DEVELOPMENT FOR AREA 2:	6 Residential Units and 6,000 sq ft of Non-Residential Use (Per Develop. Stds)
MAX. DEVELOPMENT FOR AREA 3:	FAR of 0.80 (Per Develop. Stds)
MAX. BUILDING HEIGHT:	40' Max. 58' Max.
PARKING:	1.5 Sp/Unit Minimum Per Ordinance
TREE SAVE:	±3.61 ac (15.0% of Site) ±4.74 ac (19.69%)
OPEN SPACE:	±7.22 ac (30.0% of Site) ±7.92 ac (32.89%)



ORCHARD PARK DRIVE SECTION  
LOCAL RESIDENTIAL - WIDE  
SCALE: NTS

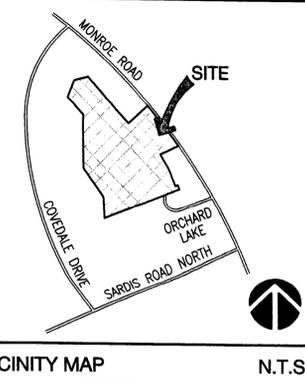


VICINITY MAP  
N.T.S.



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### DEVELOPMENT STANDARDS

#### A. 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 UR-2, UR-C and I-1 zoning districts shall be followed in connection with development taking place on the Site. The Rezoning Plan is subject to modifications during the design development stages as provided below.
- The ultimate layouts of the development proposed for the Site and the parcels or lots forming parts thereof, the exact alignments and location of points of access, the configurations and placements of parking areas and the precise locations of buildings and other individual site elements to be constructed on the Site have not been finalized. As a consequence, the graphics which accompany the Schematic Site Plan are schematic in nature and are not to be considered as the final development plans but rather as preliminary graphic representations of the types and quality of development proposed and the general locations of the proposed buildings on the Site. They may, therefore, be altered or modified during the design development and construction document phases subject to the accompanying Development Standards and as specifically described in Sections A. 3 and A. 4.
- Without limiting the generality of the foregoing, buildings generally depicted on the Schematic Site Plan may only be increased in number as allowed by section A.4 below and within the building envelopes generally depicted on the Technical Data Sheet (it being understood that structures such as detached garages, utility buildings, mail kiosks and the like shall not be considered in connection with the number of buildings). Buildings depicted on the Schematic Site Plan may be constructed in phases over time and in any sequence as determined by the Petitioner. The dimensions and specific locations of building/parking envelopes generally depicted on the Technical Data Sheet may be subject to minor variations that do not materially change the design intent generally depicted.
- The total number of buildings to be developed on the site shall not exceed six (6) as to Development Area 1B, 12 as to Development Area 1A, three (3) as to Development Area 2. A schematic site plan has not been provided for Development Area 3 therefore there is no limit on the total number of buildings allowed within the building envelope indicated on the Technical Data Sheet.
- The Petitioner reserves the right to combine buildings indicated on the Schematic Site Plan to allow fewer buildings than indicated. As a consequence the combination of buildings indicated on the Schematic Site Plan will not be considered a Significant change (a change to massing) as described in Section 6.207.(2)(b) of the Ordinance as long as the proposed buildings are located within the building envelopes generally depicted on the Technical Data Sheet.

#### B. Area 1 -- Planned Multi-Family Provisions

- Permitted Uses and Maximum Development in Area 1, UR-2(CD)
  - The portion of the Site designated as Areas 1A and 1B on the Rezoning Plan (together "Area 1") may be developed with up to 270 planned multi-family dwelling units, along with any amenity area and accessory uses and structures associated with the allowed principal use as allowed in the UR-2 district. Non-residential principle uses will not be allowed.
  - Area 1 has two components 1A and 1B. Units within component 1A must be units designed and constructed as town home style units which will be offered as rental units initially but may later be subdivided from the larger parcel and sold individually as either one-family attached for sale units or condominiums. If sold as one-family attached units a subplot of a size sufficient to accommodate the dwelling unit and 400 square feet of private open space will be provided.
  - Area 1 may be developed in phases.

#### C. Area 2 -- Mixed Use Buildings

- Permitted Uses and Maximum Development in Area 2 Mixed Use Buildings, UR-C (CD)
  - The portion of the Site designated as Area 2 on the Rezoning Plan may be developed with up to 6,000 square feet of retail, office and personal service uses and up to eight (8) dwelling units. The non-residential uses must be located on the ground floor of the proposed buildings as part of a vertical mixed use building. The Petitioner reserves the right to convert the 6,000 square feet of non-residential square footage into additional residential units at the rate of one residential unit per 1,000 square feet of allowed non-residential uses.
  - No more than 1.5 of the allowed 3.0 floor area ratio may be devoted to nonresidential and/or institutional purposes in mixed use structures.

#### D. Area 3 -- Monroe Road Commercial and/or Industrial Uses

- Permitted Uses and Maximum Development in Area 3 Commercial and Industrial Buildings, I-1(CD)
  - The portion of the Site designated as Area 3 on the Rezoning Plan may be developed with a FAR of .8 as allowed by the I-1 zoning district.
  - Allowed uses for Area 3 are those uses allowed by right and under prescribed conditions in the I-1 zoning district with the following restrictions: Manufactured home sales, nail and prisons, tire recycling and uses industrial or manufacturing uses that occupy 100% of the proposed building area within Area 3 are prohibited; but manufacturing or distribution uses that occupy a maximum of 75% of the proposed building area within Area 3 with the other 25% of the building area being office uses, will be allowed. Furthermore, a maximum of 70,000 square feet of the allowed FAR within Area 3 may be developed as retail establishments, shopping centers and business, personal and recreational services.
- Design Standards and Performance Standards for Area 3; I-1(CD)
  - The first 100 linear feet of Area 3, as measured along Monroe Road starting at the intersection with Orchard Lake Drive, will be developed with a building or buildings fronting on Orchard Lake Drive and Monroe Road substantially similar to the buildings illustrated across Orchard Lake Drive in Area 2. Parking or maneuvering for parking and service will not be allowed between any building constructed on this portion of the Site and Orchard Lake Drive or Monroe Road (but parking and maneuvering can be located to the side or behind such buildings).
  - To ensure a uniform buffer between Development Area 3 and Development Area 1B, at a minimum a 38 foot Class B Buffer, reduced by the use of either a berm, fence or wall to 28.5 feet, as indicated on the Rezoning Plan, will be provided at the rear of Area 3. The Class B Buffer is to be installed as development occurs within Area 3. If Development Area 3 is subdivided then each individual parcel within Area 3 will be responsible for its portion of the 28.5 foot Class B Buffer as part of development of that parcel. If an industrial use is developed on Area 3 then the size and planting standards of the buffer will be increased per the zoning regulation for the parcel on which the industrial use is located. If the industrial use is located on all of Area 3 then the entire buffer will be increased in size.

#### PROVISIONS AND STANDARDS THAT APPLY TO ALL AREAS -- AREAS 1, 2, AND 3

#### E. Setbacks, Side Yards, Rear Yards and Maximum Height

- Building setbacks and yards will be established in the manner depicted on the Rezoning Plan.
  - Along Orchard Lake Drive a 14 foot setback from the back of the proposed curb will be established for Area 1 and 2. Area 3 will provide a 20 foot setback from the right-of-way line of Orchard Lake Drive.
  - Along Monroe Road, a 20 foot setback from the future right-of-way for Monroe Road will be provided for Area 2 and 3.
  - Buffers for portions of the Site are set forth in Section H.
  - Parking or maneuvering for parking will not be allowed between the buildings and public streets that such buildings front within Area 1A or Area 2, or as indicated above in Note D.2(a) for a portion of Area 3 (but parking and maneuvering can be located to the side or behind such buildings).
  - All other side and rear yards will be provided as required by the UR-2, UR-C and I-1-1 zoning district.
  - Decks shall not extend into any required rear yards. However, at-grade patios may be located in whole or in part within required rear yards.
- A minimum of a 10 foot building separation will be provided in Development Areas 1A, 1B and Development Area 2.
- The maximum building height for buildings within Area 1B, Area 2 and 3 will be 58 feet, the maximum height of buildings within Area 1A will be: (i) 40 feet for the units abutting the 100 foot undisturbed buffer; and (ii) for the units fronting on Orchard Lake Drive a maximum height of 40 feet along Orchard Lake Drive and a maximum height of 46 feet at the rear of the buildings (the units that front on Orchard Lake Drive will have basements that day light to the parking area). Building height will be measured as defined by the City of Charlotte Zoning Ordinance.

#### F. Landscaping and Screening

- Interior landscaping and screening shall meet or exceed the standards in the Ordinance.
- Screening will be provided as required in section 12.303 of the Ordinance.
- Along the southern boundary of Development Area 1B, adjacent to the existing commercial uses, landscaping screening composed of large evergreen shrubs will be provided.
- Dumpster areas and recycling areas (if any) will be enclosed by walls constructed with materials similar to or identical to the siding materials utilized on the buildings within the Area the dumpster enclosure is located in with one side being a decorative wooden 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.
- All utility meters, electrical connectors and transformers and backflow valves shall be screened from view from public streets. Above ground backflow preventers are not allowed in the setback.
- Storm Water facilities will be screened from view from a public street unless constructed as an amenity or feature (i.e. wet pond or rain garden with plantings).
- Screening will be provided for parking areas with 10 or more parking spaces visible from the public street.
- Petitioner shall show the location of any back flow valves and above grade utilities and screening required by the Ordinance on design development plans submitted as part of the planned multi-family and building permit review process.

#### G. Tree Ordinance

- The Site shall conform to the City of Charlotte Tree Ordinance.
- Within the 20 foot setback along Monroe Road, trees eight (8) inches or greater DBH (Diameter Breast Height) will be preserved. Existing trees within the setback may be removed for the installation of required roadway, utility improvements and proposed streetscape improvements.

#### H. Streetscape Treatment, Lighting, Sidewalks and Utilities

- Along the Site's frontage on Monroe Road, the Petitioner shall replace the existing sidewalk with a new six (6) foot sidewalk behind a 13 foot planting strip. The location of the sidewalk may meander to preserve existing trees within the setback. The Petitioner proposes to transplant the existing Crepe Myrtles along Monroe Road into the newly created 13 foot planting strip. The transplanting or planting of these street trees would occur in the late fall or winter, and will be coordinated with the removal of the existing sidewalk and installation of the new sidewalk. If the existing Crepe Myrtles cannot be transplanted or die new trees or replacement Crepe Myrtles that meet the standards of the City of Charlotte Tree Ordinance shall be installed within such planting strip. The Petitioner shall replace the existing sidewalk along Monroe Road in Area 3 prior to issuance of a final certificate of occupancy for the second building in Area 1B or when development occurs in Development Area 3, which ever occurs first. The existing sidewalk on Monroe Road in front of Area 2 will be replaced when development on that parcel occurs.

If NCDOT does not allow the Petitioner to transplant the existing Crepe Myrtles or to plant new trees in the right-of-way within the planting strip, the Petitioner shall then either plant the Crepe Myrtles or plant new trees in the 20 foot setback for Development Areas 2 and 3 along Monroe Road.

- Along the entire length and on both sides of the extension of Orchard Lake Drive, an eight (8) foot planting strip and six (6) foot sidewalk will be provided.

- A pedestrian connection via a concrete sidewalk will be provided between Development Area 3 and Development Area 1B. The final location of the proposed pedestrian connection will be determined in the field. The pedestrian connection will be installed in phases as part of the development of Area 1B and Area 3. When development occurs in Area 1B the sidewalk will be constructed to its property line when development occurs in Area 3 the sidewalk will be extended through the buffer and will be connected to the sidewalk network to provide a pedestrian connection to Monroe Road.

- Sidewalks will connect from the interior of the Site to exterior sidewalks as required by Section 12.529 of the Ordinance.
- The Petitioner shall provide a concrete waiting pad along Monroe Road adjacent to Development Area 3. The concrete pad will conform to Development Standard 60.03A or 60.04A of the City of Charlotte Land Development Standards Manual. The Petitioner will contact Charlotte Area Transit System to coordinate final location and appropriate standard during the land development approval process for Development Area 1B or Development Area 3, which ever occurs first.

#### I. Buffers/Tree Save Areas and Open Space Improvements

- Any required buffers shall be established in accordance with the standards of Section 12.302 of the Ordinance and as specified in note D.2 (b) above.
- At a minimum a 100 foot undisturbed buffer will be established along the westerly property line of Area 1 as generally depicted on the Rezoning Plan, such buffer being measured from the property line. The entire 100 feet of this buffer will be an undisturbed buffer, except for maintenance of the existing vegetation, the removal of dead and dying vegetation and utility connections that may cross the buffer at angles of no less than 75 degrees. Any areas that are disturbed as a result of utility crossings or the removal of dead and dying vegetation will be re-planted to meet the standards of the Ordinance. This buffer width may not be reduced. If the existing vegetation within the 100 foot buffer does not meet Class C Buffer standards additional vegetation to meet the requirements of a Class C Buffer will be planted.
- No buildings, parking or storm water facilities may be located within buffers. However, storm water facilities will be allowed to enter, cross and drain into the 100 foot buffer in order to improve and maintain the existing drainage in the area.
- Existing trees located and preserved within any required buffer area may be counted toward the buffer planting requirement in accordance with the Ordinance.
- In the event the abutting properties should be rezoned or used in a manner so as to not require such a buffer, the required buffers for this property may be adjusted accordingly to meet the minimum requirements for buffering and screening per the Ordinance.
- Proposed Tree Save areas have been indicated on the Rezoning Plan. Existing vegetation within the identified tree save areas will be preserved and protected during construction, except as otherwise referenced in these Development Standards.
- Utility connections and easement may cross buffers at angles of no less than 75 degrees.
- The open space within Area 1 may be improved with a soft surface trail no less than five (5) feet wide. Final location of trail will be determined in the field during construction after final grades have been established.

- The Petitioner shall install along western property line an eight (8) foot high black chain link fence. The fence will be located no more than 25 feet into the 100 foot undisturbed buffer, exact location to be determined in the field by owner. In order to maintain the undisturbed buffer the proposed fence must be installed by hand. The fence will extend along the western property line from the southern most water quality facility to the northern most water quality facility indicated on the Technical Data Sheet.

#### J. Lighting

- The Petitioner shall provide pedestrian scale lighting within Area 1A, 1B and Area 2 where appropriate. Along Orchard Lake Drive street lighting will be used. Such lighting shall be provided in conjunction with applicable utility company regulations and requirements for such lighting.
- All parking lot light fixtures will be fully shielded and full cut off type fixtures. Light fixtures will be limited to a maximum height of 20 feet within Area 1 and 2, in Area 3 lighting will be limited to 25 feet.
- No wall "pak" lighting will be allowed however decorative down lighting and accents lights will be allowed.

#### K. Signs

- All signs placed on the Site will be erected in accordance with the requirements of the Ordinance.
  - A sign identifying the proposed multi-family community will be allowed to be located on Area 2 at the intersection of Orchard Lake Drive and Monroe Road, as indicated on the Site Plan.

#### K. Signs

- All signs placed on the Site will be erected in accordance with the requirements of the Ordinance.
  - A sign identifying the proposed multi-family community will be allowed to be located on Area 2 at the intersection of Orchard Lake Drive and Monroe Road, as indicated on the Site Plan.

#### L. Storm Water Management/Wetlands and Grading

- Development on the Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance effective as of the date of approval of this Petition.
- Any jurisdictional wetlands or streams, if present, shall be protected or proper environmental permits obtained prior to their disturbance.
- Location, size, and type of any Storm water Management Systems depicted on the Rezoning Plan is subject to review and approval with full development plan submittal and is not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points consistent with the above standards.
- The Petitioner reserves the right to provide regional storm water detention and water quality treatments for the entire site within the storm water and water quality structures indicated in Area 1.
- In order to create a unified development and help minimize excessive cutting and filling on the Site, the Petitioner reserves the right to ask for a clearing and grading permit for the entire site (Areas 1, 2 and 3) as part of the grading and clearing permit associated with the development taking place on Area 1. In order to obtain a grading permit for the entire area the Petitioner must submit a request for grading and land use permit for all the Development Areas including the property for the extension of Orchard Lake Drive.

#### M. Vehicular Access

- Orchard Lake Drive Vehicular Access
  - For Area 1, up to six (6) vehicular access points will be allowed to Orchard Lake Drive.
  - For Area 2, only one vehicular access point will be allowed to Orchard Lake Drive.
  - For Area 3, only one vehicular access point will be allowed to Orchard Lake Drive.
- Monroe Road Vehicular Access.
  - Area 3 will be allowed up to two (2) vehicular access points to Monroe Road as generally depicted on the Rezoning Plan.
  - Area 2 will not be allowed to have any vehicular access to Monroe Road.
- The vehicular access points to the Site shall be located in the general area depicted on this Rezoning Plan. The configuration and ultimate location of these are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any minor adjustments required for approval by the Charlotte Department of Transportation and the North Carolina Department of Transportation.

#### N. Right-of-Way Reservation and Transportation Improvements

- The Petitioner shall reserve that portion of the Site located along Monroe Road as may be necessary to provide for a right-of-way extending 50 feet from the existing centerline as generally depicted on the Rezoning Technical Data Sheet; said reservation to be recorded when a record map for the dedication of Orchard Lake Drive occurs.
- The Petitioner shall restrip the existing two-way-left-turn-lane in Monroe Road to provide a left turn lane at the proposed intersection of the extension of Orchard Lake Drive and Monroe Road. The left-turn lane will have a minimum of 150 feet of storage.
- Parking
  - Off-street parking will satisfy the standards established under the Ordinance for each of the zoning categories requested specifically Sections 9.408 and 12.201. Limitations on the location of parking areas are set forth in Section E.1 above.
  - Off-street parking will be provided at the following minimum ratio for Development Area 2: (i) for each dwelling unit constructed at least 1.5 parking spaces will be provided; and (ii) for every 400 square feet of non-residential square footage 1.0 parking space will be provided.
  - The maximum and minimum off-street parking ratios specified in Section 9.408 of the Ordinance will be followed.

#### P. Design and Architectural Treatment; Entrance Features for Areas 1 and 2

- Reference is made to those certain conceptual elevations for a prototypical building of dwelling units and mixed used building contemplated for Areas 1 and 2 attached to this Rezoning Plan. It is acknowledged that the attached elevations is conceptual only and changes may be made during the design development stage of the project provided, however, the overall design intent shall not undergo material changes and the following design and architectural treatments shall apply to Areas 1 and 2: (i) the primary exterior building materials (excluding windows, window trim, doors and roof faces) to be employed in the construction of buildings housing dwelling units and the clubhouse buildings, if any, shall be brick, stone, stucco or stucco like materials, and/or cement fiber board (i.e. hardi-plank); (ii) no vinyl siding or aluminum siding shall be used in buildings housing dwelling units including but not limited to any garages or carports, with the exception that vinyl may be used on soffits, windows, and the rails of patios and stairs; and (iii) dormers flat and/or pitched roofs shall be incorporated into the building design for buildings housing dwelling units.

#### Q. Solid Waste Management Plan.

The Petitioner shall submit a Solid Waste Management Plan to Mecklenburg County Solid Waste Department prior to initiating demolition and/or construction activities to include, at a minimum that all land clearing and inert debris shall be taken to a property permitted facility. The plan shall also state that monthly reporting of all tonnage disposed and recycled will be made to the Mecklenburg County Solid Waste Program. The report shall include the identification and location of all facilities receiving disposed or recycled materials.

#### R. Energy Star Rated Buildings.

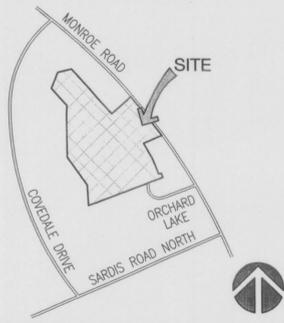
The Petitioner may develop/construct the proposed buildings on the site to qualify for an Energy Star Rating.

#### S. Amendments to 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.

#### T. Binding Effect of the Rezoning

If this Rezoning Petition is approved, all conditions applicable to 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 Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



VICINITY MAP

N.T.S



Club Entry/Apartment Building



Orchard Park

Charlotte, North Carolina

Preliminary Building Elevations

This drawing is for illustrative purposes only. Material use, location and final design subject to change.  
Project No. 08128 02.25.2009



Town Homes Over Retail



Town Homes

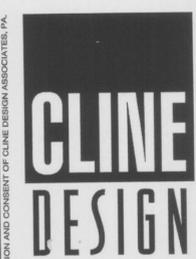


Orchard Park

Charlotte, North Carolina

Preliminary Building Elevations

This drawing is for illustrative purposes only. Material use, location and final design subject to change.  
Project No. 08128 02.25.2009



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Cashel Rock Investors  
**Orchard Park Apartments**  
Charlotte, North Carolina



Rezoning Petition  
#09-023

PROJECT: 08128  
DATE: 03.20.2009  
REVISIONS: DATE

DRAWN BY: CLINE DESIGN  
CHECKED BY: UDP

**RZ-5**  
Building Elevations

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