

DEVELOPMENT STANDARDS

A. General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Lincoln Harris, LLC (the "Petitioner" or "Developer") to accommodate development of a mixed-use development located at the intersection of the intersection of W. Mallard Creek Church Road and North Carolina Highway 29, also known as N. Tryon Street, (the "Site"). Development of the Site will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the provisions established under the Ordinance for the Mixed Use Development District (MUD-D) Zoning Classification, subject to the Optional Provision provided below, shall govern development taking place on the Site.

The ultimate layout of the development proposed for the Site and the parcels or lots forming parts thereof, the exact alignments and locations of points of access, the configurations and placements of parking areas, and the precise locations of buildings, parking decks and other individual site elements to be constructed have not been finalized. As a consequence, the graphics which accompany this Rezoning Plan are schematic in nature and are not to be considered as the final development plan but rather as preliminary graphic representations of the types of development proposed and the general locations of the proposed buildings, parking areas and other site elements on the Site. They may, therefore, be altered or modified during the design development and construction phases within the maximum building/parking/envelope lines established on the Technical Data Sheet, subject to the accompanying Development Standards and the applicable provisions of the Ordinance. The intent and specific locations of building/parking envelopes and streets generally depicted on the Rezoning Plan may be subject to variations that do not materially change the design intent. Furthermore, the depiction of the uses, structures and building elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards.

B. Permitted Uses, Maximum Gross Floor Area, and Phases

1. The Site may be developed with general and medical office uses, professional business uses, and support services such as retail, restaurants, children centers subject to the requirements of Section 12.502, personal service uses such as beauty shops, hair salons, spas, indoor recreation, and similar uses as allowed by the MUD-D zoning district. Accessory uses associated with the permitted principal uses, and within the principal structures, as allowed within the MUD-D zoning districts, shall be permitted on the Site.

2. The gross floor area (as described below) of the buildings constructed on the Site may not exceed, in the aggregate, 1,000,000 square feet of gross floor area. Of the allowed 1,000,000 square feet no more than 75,000 square feet may be developed with retail, restaurants, children centers, and personal services and similar "non-office" uses as described above.

For purposes of the development limitations set forth in this Section B, the term "gross floor area" or "GFA" 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 to the outside of the exterior walls or from the center line of party walls, provided, however, such term shall exclude any surface or structural parking facilities, or related access areas, areas used for building and equipment access such as stairs, elevators and mechanical shafts, including without limitation patios, are not included in the calculation of gross floor area.

3. Development on the Site may take place in phases. The Rezoning Plan contemplates initial development with the primary building to be located within Development Area 1 and surface parking permitted in Development Areas 2, 3, and 4, as generally depicted on Sheets 1 and 2 of the Technical Data Sheet. Development Area 1 shall be developed first, followed by Development Areas 2, 3, and 4. Development may take place in any order in the remaining Development Areas (the "Additional Development"), provided, that the development within the Additional Development shall take place within structural parking facilities located on Development Area 4 (except for limited private parking along the internal private streets on the Site). Nothing contained herein shall prevent the Petitioner from proceeding with multiple phases simultaneously.

C. Setbacks, Yards and Buffers, Unfilled Development

1. All buildings and parking areas constructed on the Site shall be set back at least:

- (a) 20 feet from the existing right-of-way of W. Mallard Creek Church Road and N. Tryon Street as generally depicted on the Technical Data Sheet; and
- (b) 10 feet from the back of the proposed curb along the proposed interior public and private streets as generally depicted on the Technical Data Sheet.

2. The Petitioner reserves the right to subdivide the MUD-D portion of the Site and create lots within the interior of the development with no side and/or rear yards, interior buffer requirements or any other separation standards as part of a unified development.

D. MUD-D Optional Provisions

The Petitioner proposes to utilize MUD-D provisions of the Ordinance in order to accommodate the following:

- 1. A maximum building height of:
 - (a) 200 feet within Development Area 1;
 - (b) 265 feet within Development Area 2; and
 - (c) 160 feet within Development Areas 3 and 4.
- 2. The Petitioner requests the Optional provision to allow walls signs to occupy up to 10% of each building wall up to a maximum of 200 square feet per wall. Wall signs must meet all other requirements of Section 12.108 of the Ordinance.
- 3. The Petitioner requests the Optional provision to allow walls signs to occupy up to 10% of each building wall up to a maximum of 200 square feet per wall. Wall signs must meet all other requirements of Section 12.108 of the Ordinance.
- 4. The Petitioner requests the Optional provision to allow surface parking associated with a building constructed on one of the Initial Development Areas (i.e., Development Areas 1, 2 or 3) to be located within Development Areas 1, 2, 3, and 4, thereby being located to the side and rear of the building constructed in one of the Initial Development Areas and between existing or proposed public streets, structural parking facilities associated with Additional Development may only be located within Development Areas 4 and 6, and surface parking associated with Additional Development may be located between buildings and the internal private streets generally depicted on the Rezoning Plan.

5. In accordance with Section C, above, the Petitioner may subdivide portions of the Site and create lots within the interior of the Site with no public street frontage, side and/or rear yards, buffers or other separation standards, as part of a unified development as described in such provisions.

E. Site and Architectural Design

1. All buildings within the Site will be designed and constructed so that such building complies with the Urban Design and Development Standards of the MUD-D zoning district as described in the Ordinance. Windows, when provided, at street level along W. Mallard Creek Church Road, N. Tryon Street, internal private streets A, B and E, and proposed public street D will utilize clear vision glass.

2. Buildings proposed to be over five stories will comply with the requirements of the Ordinance for the creation of a base or high rise. Buildings constructed over 120 feet in height will be designed utilizing architectural treatments to ensure that the first four floors above grade (the base) are differentiated from the rest of the building so that the building reinforces the streetscape and pedestrian environment.

3. Pedestrian access will be provided from each building constructed along W. Mallard Creek Church Road and N. Tryon Street to such streets, provided, however, that those entrances may include security provisions that control and limit access to the buildings to tenants of the building (i.e., may not be the public entrance to the buildings). These entrances will be connected to such streets by way of an 8 foot wide sidewalk to the sidewalk along W. Mallard Creek Church Road and N. Tryon Street.

4. Parking structures constructed on the Site will be treated architecturally. The architectural treatments will utilize similar architectural styles, building materials and colors as the office buildings constructed on the Site. The architectural treatment of the parking structures will include architectural elements that will screen any portion on or of the levels of the parking structure. Special emphasis will be placed on the portion of the parking structures that front on Private Street A and Private Street B to make sure these portions of the parking structures add to the streetscape and the pedestrian environment with features that create interest at the street level.

F. Streetscape

1. The Petitioner will provide eight (8) foot planting strips and eight (8) foot sidewalks along W. Mallard Creek Church Road, N. Tryon Street and both sides of Public Street D. These streetscape improvements may be constructed in phases.

2. Along both sides of internal Private Street A, Private Street B, and Private Street E, the Petitioner will provide an eight (8) foot planting strip and a six (6) foot sidewalk. A six (6) foot sidewalk and an eight (8) foot planting strip will be constructed on one side of private street C.

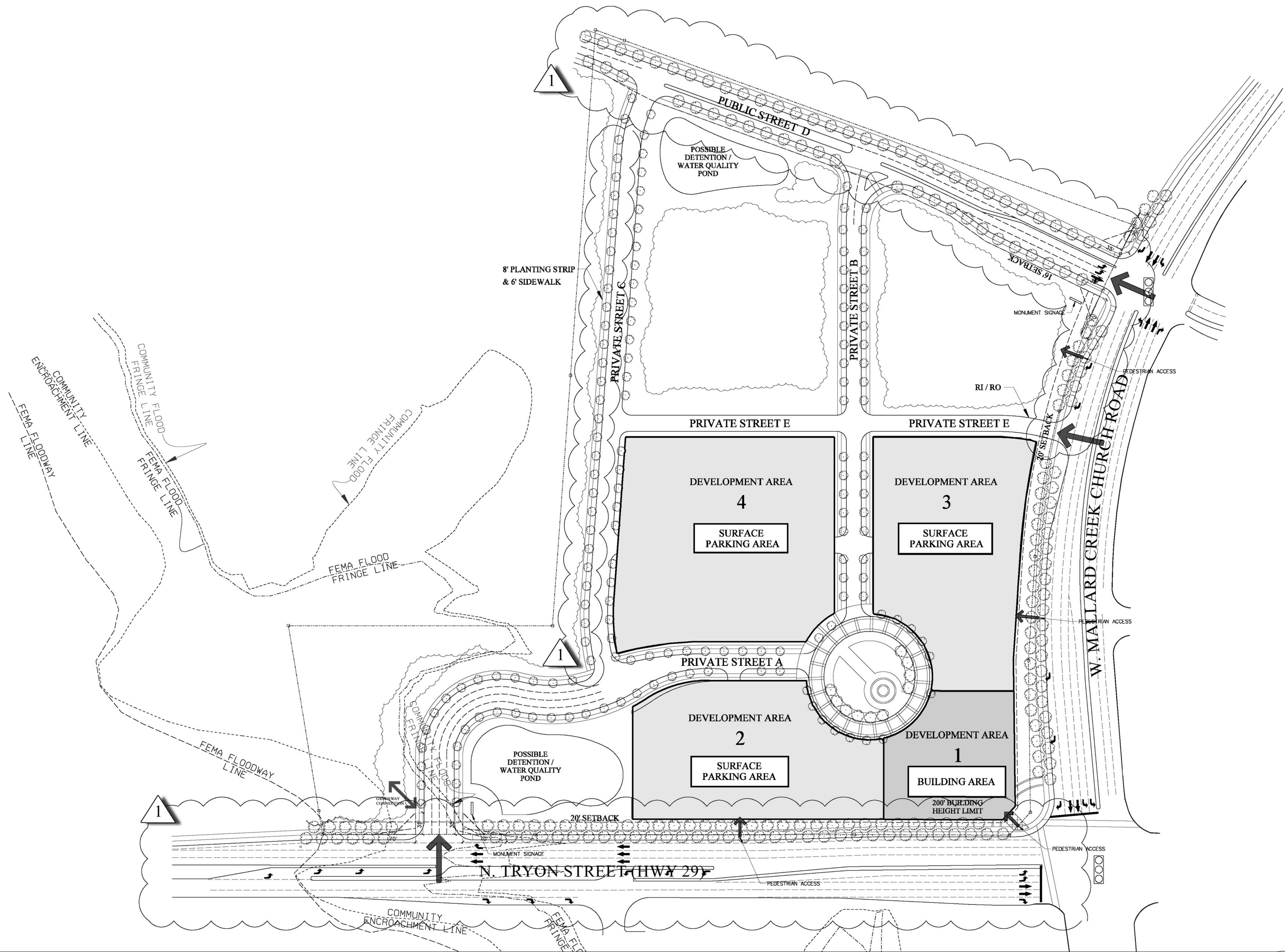
3. Public Street D will be designed and constructed as a median divided public street.

4. Street trees will be provided along all public and private streets. Street Trees will be planted in accordance with the standards of the City of Charlotte Tree Ordinance.

5. The Petitioner will construct a concrete waiting and drop-off N. Tryon Street, as requested by Charlotte Area Transit System (CATS). The location and design of the concrete waiting pad will be coordinated with CATS during the approval process for the first building constructed on the Site. Waiting pad design will be subject to Charlotte-Mecklenburg Land Development Standard 60.02A or 60.02B as determined by CATS.

6. Mallard Creek Greenway

1. A path consistent with existing Greenway Path will be constructed by the Petitioner to connect the Site to the existing Greenway along Mallard Creek. The location of the proposed path will be located adjacent to the sidewalk along the Site frontage on N. Tryon Street so that it can also function as a public access to the Mallard Creek Greenway. This connection will be constructed prior to the issuance of a certificate of occupancy for the second building on the Site.



1 REVISED MAY 18, 2009

FOR PUBLIC HEARING
PETITION #: 2009-042

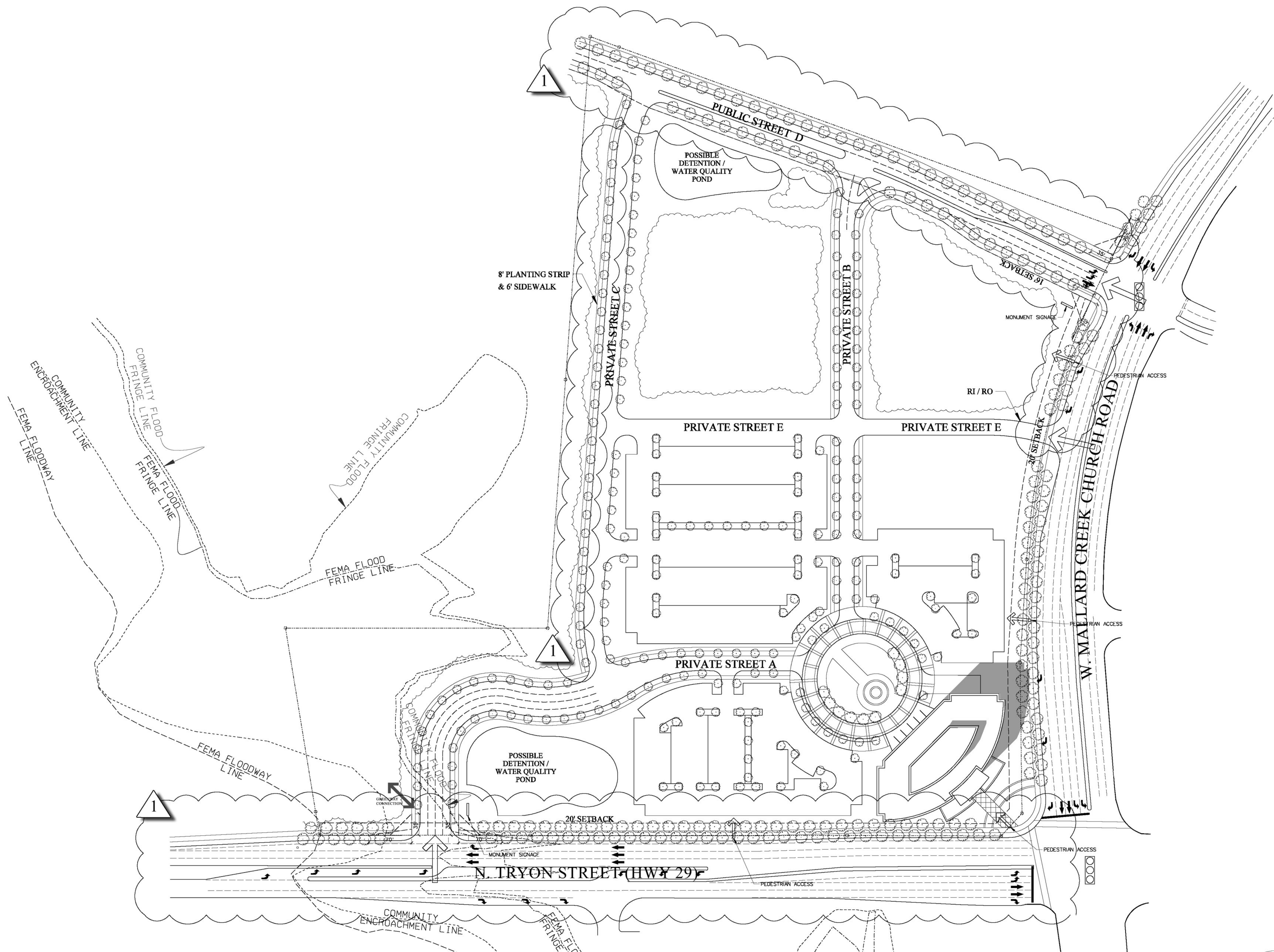
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DEVELOPMENT AREA ONE - TECHNICAL DATA SHEET SHEET 2

CHARLOTTE, NC

18 MAY 2009



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1" = 60"
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DEVELOPMENT AREA ONE - ILLUSTRATIVE MASTER PLAN SHEET 3

CHARLOTTE, NC

18 MAY 2009

