

SITE DEVELOPMENT DATA

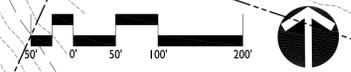
Site Development Data:
 --Acreage: 22.0
 --Tax Parcel #: 219-061-10
 --Existing Zoning: R-17MF(CD) by Rezoning Petition No. 1992-14(C)
 --Proposed Zoning: CC
 --Existing Uses: Vacant
 --Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the CC zoning district (as more specifically described in the development standards).
 --Maximum Gross Square Feet of Development: Up to 155,000 square feet of gross floor area.
 --Maximum Building Height: As allowed by the Ordinance, but not to exceed four (4) stories.
 --Parking: As required by the Ordinance.
 --Open Space: A minimum of 15% of the Site will be established as open space as defined by the Ordinance.

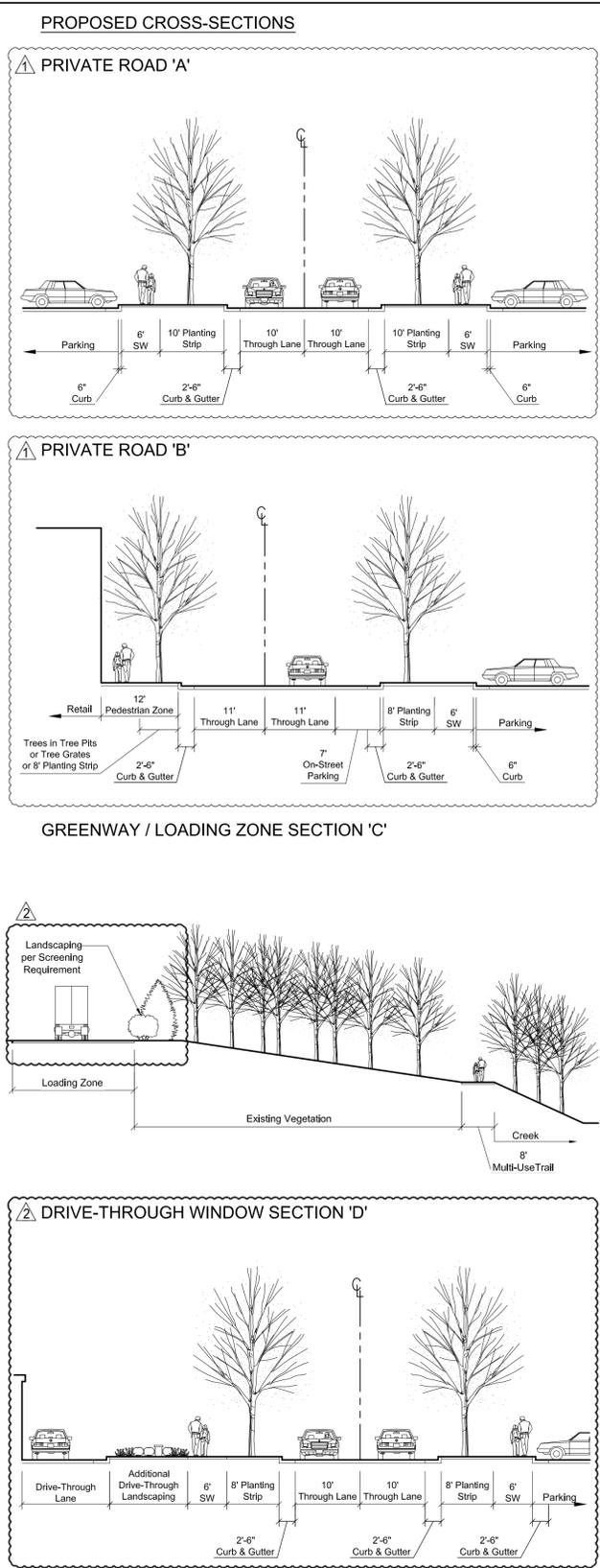
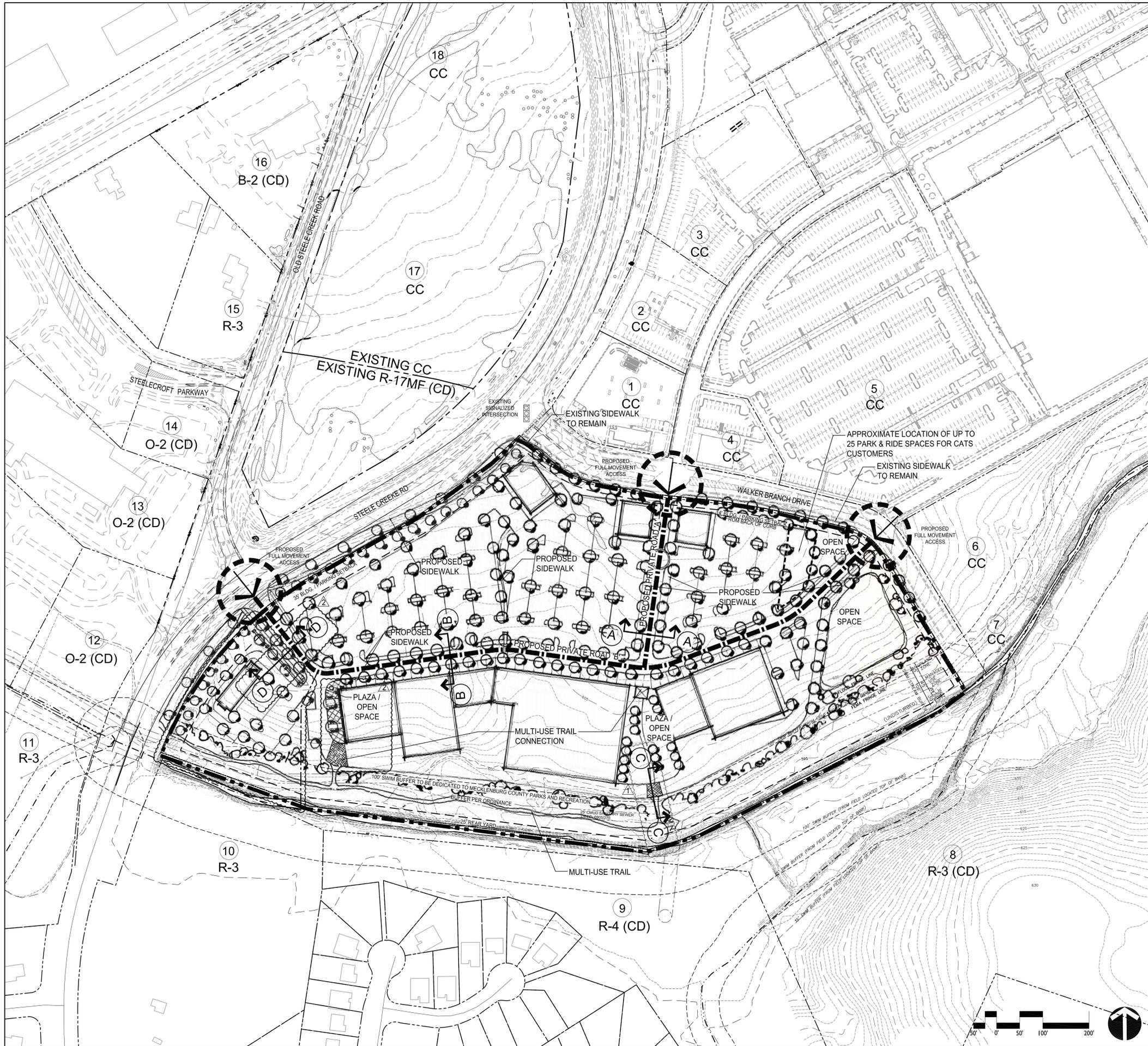
ADJACENT PROPERTY OWNER

1 CC 21906121 HAWTHORNE CO PO BOX 32064 CHARLOTTE, NC 28232	11 R-3 21912104 CLYDE DOUGLAS JR ARMSTRONG MARY ARMSTRONG 7297 DENMARK DR DENVER, NC 28037
2 CC 21906128 SUNTRUST BANK 919 E MAIN ST 14TH FL RICHMOND, VA 23219	12 O-2 (CD) 21912105 HOSPITAL AUTHORITY THE CHARLOTTE-MECKLENBURG PO BOX 32861 CHARLOTTE, NC 28232
3 CC 21906127 CK RIVERGATE LLC 301 SOUTH COLLEGE ST #2800 CHARLOTTE, NC 28202	13 O-2 (CD) 21912201 HOSPITAL AUTHORITY THE CHARLOTTE-MECKLENBURG PO BOX 32861 CHARLOTTE, NC 28232
4 CC 21906112 LLC CHILDRESS KLEIN PRO CK RIVERGATE SHOPPING CENTER 301 SOUTH COLLEGE ST #2800 CHARLOTTE, NC 28202	14 O-2 (CD) 21912202 HOSPITAL AUTHORITY THE CHARLOTTE-MECKLENBURG PO BOX 32861 CHARLOTTE, NC 28232
5 CC 21906111 TARGET CORPORATION ATTN: PROPERTY TAX DEPT - 2182 PO BOX 9456 MINNEAPOLIS, MN 55440-9456	15 R-3 21912302 CARLTON & LYERLY INVESTMENTS 1215 MCDOWELL FARMS DR CHARLOTTE, NC 28217
6 CC 21906118 LLC CHILDRESS KLEIN PRO CK RIVERGATE SHOPPING CENTER 301 SOUTH COLLEGE ST #2800 CHARLOTTE, NC 28202	16 B-2 (CD) 21912303 RCR PROPERTIES LLC 16026 KIKI CT TEGA CAY, SC 29715
7 CC 21906125 MECKLENBURG COUNTY 600 E 4TH ST CHARLOTTE, NC 28202	17 CC / R-17MF (CD) 21906109 PARTNERSHIP STEELE CREEK (1997) LIMITED 6100 FAIRVIEW RD, SUITE 640 CHARLOTTE, NC 28210-4258
8 R-3 (CD) 21906117 PARTNERSHIP STEELE CREEK (1997) LIMITED 6100 FAIRVIEW RD STE 640 CHARLOTTE, NC 28210-4258	18 CC 21906105 PARTNERSHIP STEELE CREEK (1997) LIMITED 6100 FAIRVIEW RD, SUITE 640 CHARLOTTE, NC 28210-4258
9 R-4 (CD) 21907399 COUNTY MECKLENBURG 600 E 4TH ST CHARLOTTE, NC 28202-2816	
10 R-3 21907101 JOHN K JR HOOVER 14701 STEELE CREEK RD CHARLOTTE, NC 28273	

LEGEND

- COMMERCIAL SITE BOUNDARY
- INTERIOR PRIVATE STREET
- SETBACK / REAR YARD
- REQUIRED BUFFER
- SWIM BUFFER
- EXISTING 100 YR FLOODPLAIN
- FUTURE 100 YR FLOODPLAIN
- EXISTING TREES





LEGEND

	COMMERCIAL SITE BOUNDARY
	INTERIOR PRIVATE STREET
	SETBACK / REAR YARD
	SWIM BUFFER
	EXISTING 100 YR FLOODPLAIN
	FUTURE 100 YR FLOODPLAIN
	EXISTING TREES

REVISIONS:
 (1) 11.14.11 - CMPD COMMENTS
 (2) 12.20.11 - CMPD COMMENTS

DATE: September 26, 2011
 DESIGNED BY: MRC
 DRAWN BY: KJK
 CHECKED BY: MRC
 SCALE: 1"=100'
 PROJECT #10010291
 SHEET #:

RZ-2

LAND DESIGN
 223 N Graham Street, Charlotte, NC 28202
 V: 704.333.0325 F: 704.333.3246
 www.LandDesign.com
 NC License# C-0658

LAND DESIGN, INC.
 CORPORATE
SEAL
 NORTH CAROLINA

CHILDRESS KLEIN
 PROPERTIES

RIVERGATE - RETAIL
SCHEMATIC SITE PLAN
 Childress Klein; Steele Creek 1997 Limited Partnership; Mecklenburg Co., NC

REZONING PETITION NO. 2011-083

**Steele Creek 1997 Limited Partnership
Development Standards**

12/20/11

Rezoning Petition No. 2011-083(Retail Parcel)

Site Development Data:

- Acreage: 22.0
- Tax Parcel #: 219-061-10
- Existing Zoning: R-17MF(CD) by Rezoning Petition No. 1992-14(C)
- Proposed Zoning: CC
- Existing Uses: Vacant
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the CC zoning district (as more specifically described below)
- Maximum Gross Square Feet of Development: Up to 155,000 square feet of gross floor area
- Maximum Building Height: As allowed by the Ordinance, but not to exceed four (4) stories.
- Parking: As required by the Ordinance
- Open Space: A minimum of 15% of the Site will be established as open space as defined by the Ordinance.

1. General Provisions:

a. These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Steele Creek 1997 Limited Partnership to accommodate development of a pedestrian-friendly shopping center on an approximately 22.0 acre Site located at the intersection of Steele Creek Road and Walker Branch Drive (the "Site").

Development of the Site will be governed by the attached Technical Data Sheet and Schematic Site Plan and these Development Standards (together with the site plan referred to as the "Rezoning Plan") as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Charlotte Zoning Ordinance (the "Ordinance") for the CC zoning district classification shall govern all development taking place on the Site.

The development depicted on the Rezoning Plan is schematic in nature, and except as otherwise specified in these Development Standards, is intended to describe the possible arrangements of uses and site elements. The schematic depictions of the uses, parking areas, structures and buildings, and other site elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. Consequently, except as otherwise expressly specified on the Technical Data Sheet and in these Development Standards, the ultimate layout of the development proposed; the exact alignments of streets and points of access; the numbers, the size, configuration and placements of buildings and parking areas; and the depictions of other site elements on the Rezoning Plan as well as any schematic building elevations are preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during design development and construction document phases within the maximum building/parking envelope lines (while adhering to the standards for building edges established on the Technical Data Sheet, as long as the changes maintain the general building and parking orientation and character of the

DMSLIBRARY01-17287948.6

development generally depicted on the Schematic Site Plan, subject as well to the accompanying Development Standards. Changes to the Rezoning Plan will be reviewed and approved as allowed by Section 6.207.(2).

Parking layouts for surface and structured parking may be modified to accommodate final building locations and parking spaces may be located within the development area boundaries to the extent permitted by the Ordinance. Sidewalks generally depicted on the Rezoning Plan are intended to reflect the general pedestrian circulation for development on the Site, but the specific locations of such sidewalks may be subject to variations that do not materially change the design intent generally depicted on the Rezoning Plan.

Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site shall not exceed eight (8). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site.

Proposed circulation and street network/connectivity is generally shown on the Rezoning Plan. To allow for the future market demand and the accompanying flexibility in the specific design of the Site, the final location and alignment of these proposed connections will be determined at the time of development.

2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 155,000 square feet of gross floor area of uses permitted by right and under prescribed conditions together with accessory uses in the Commercial Center (CC) zoning district.
- b. One of the proposed free standing buildings must be developed or reserved for development primarily for either medical or general office uses.
- c. Only one use with an accessory drive-through window will be allowed on the Site.
- d. If the use with the accessory drive-through window is located in a building located at the intersection Walker Branch Road and Private Road A the accessory drive through window may not be located between the building and Walker Branch Road or Private Road A as generally illustrated on the Rezoning Plan.
- e. If a use with the accessory drive-through window is located within Building/Parking Envelope D as generally depicted on the Rezoning Plan, the drive-through window and its associated drive lane may be located between the building and Steele Creek Road or between the building and Private Street B. In such event, the Petitioner will provide a low wall (1.5' to 2' feet high) and low accent planting between the drive lane and Steele Creek Road and Private Street B; such wall will be constructed of building materials compatible with the buildings on the Site. Parking spaces may not be located between the building located within Building/Parking Envelope D and Steele Creek Road or Private Street B. If the building located within Building/Parking Envelope D does not include a drive-through window, then no pavement will be constructed between the building edge and either Steele Creek Road or Private Street B.

DMSLIBRARY01-17287948.6

2

f. The following uses will be prohibited: residential dwellings; hotels; motels; and theaters, motion picture uses.

g. A "Building Edge" has been provided within portions of the proposed building/parking envelopes generally depicted on the Technical Data Sheet. When a building is constructed within a building/parking envelope that contains such a "Building Edge", the building must be constructed along the "Building Edge" depicted. If a building/parking envelope contains more than one "Building Edge" location, the building constructed within such envelope must be placed along one of the "Building Edge" locations depicted but not all of such locations. Parking and vehicular maneuvering may not be located between the proposed building and the "Building Edge" that applies to such building/parking envelope. The provisions of this Section may be altered to permit greater flexibility in development with the prior written consent of the Planning Director.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), 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 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 or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces), all loading dock areas (open or enclosed), and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance).

3. Access:

a. Access to the Site will be from Steele Creek Road and Walker Branch Road as generally depicted on the Rezoning Plan.

b. Private Streets A and B will be designed to meet the Office/Commercial Narrow street cross-section with the following modifications: (i) Private Street B will include on-street parking on one side (side abutting parking field), (ii) the street trees adjacent to the proposed buildings may be planted in planters or tree pits, and (iii) Private Street A will include 10 foot planting strips on both sides. These proposed cross-sections are depicted on Sheet RZ-2 of the Rezoning Plan.

c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards.

4. Transportation Improvements and Phasing:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

a. **Description of Improvements.** Up to 155,000 square feet of gross floor area may be constructed on the Site upon the construction of: (i) dual 350 foot southbound left turn

DMSLIBRARY01-17287948.6

3

lanes from S. Tryon Street to Rivergate Parkway including the modification of Rivergate Parkway to receive the dual left turn lanes in the manner shown on Sheet RZ-4; (ii) the extension of the two westbound left turn lanes from S. Tryon Street to Steele Creek Road from 275 feet to approximately 350 feet for a total of approximately 700 feet of storage; (iii) the extension of a second southbound thru lane on Steele Creek Road starting approximately 600 feet in advance of the intersection of Steelcroft Parkway extension with Steele Creek Road and terminating into the existing southbound right turn lane on Steele Creek Road at Old Steele Creek Road; (iv) improvements to the intersection of Old Steele Creek Road and Steele Creek Road and Private Street B into a directional cross-over with 150 feet of southbound storage in the left turn lane provided along Steele Creek Road; and (v) curb and gutter, six (6) foot sidewalks and eight (8) foot planting strips along the portion of the Site's public street frontage under development as may be required by City Ordinances, such curb and gutter to accommodate a five (5) foot bike lane along Steele Creek Road; provided, however, these commitments are subject to reimbursement to Petitioner by the City as called for by adopted City Policy, for any improvements provided along Steele Creek Road and/or S. Tryon Street not directly referenced above.

[In addition the Petitioner will contribute to CDOT or NCDOT, as applicable, \$65,000 toward the conversion of the intersection of S. Tryon Street and Steelcroft Parkway from a directional crossover to a full-movement, signal-controlled intersection upon evidence of project funding by CDOT/NCDOT (with or without the support of third parties). This contribution shall not be required if it is funded pursuant to Rezoning Petition No. 2011-082].

b. **Illustration.** The above referenced improvements and the required laneage associated with each driveway connection are generally depicted on Sheet RZ-4 of the Rezoning Plan.

c. **CDOT/NCDOT Standards.** All of the foregoing roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad southwest Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

d. **Timing of Completion.** Except as to the financial contribution referenced in subsection a. above, the roadway improvements referenced in subsection a. must be substantially completed prior to the issuance of the certificate of occupancy for the first space/unit located on the Site, subject to the ability of the Petitioner to post a letter of credit or a bond for any improvements not in place at the time the first certificate of occupancy is issued to secure completion of the applicable improvements.

e. **Release of Funds Contributed in Connection with Initial RiverGate Rezoning.** The Petitioner's commitments in subsection a. above are conditioned upon the release by the City from escrow or otherwise of the \$150,000 deposit made as part of the initial RiverGate development under Petition No. 2004-064 for the extension of Rivergate Parkway to the south over Hoover creek. This \$150,000 sum must be used by the Petitioner to fund and implement the proposed roadway improvements under this Petition or Petition 2011-082.

f. **Right-of-way Availability.** It is understood that some of the roadway improvements referenced subsection a. above may not be possible without the acquisition of additional right of

DMSLIBRARY01-17287948.6

4

way. If after the exercise of diligent good faith efforts, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, and to the extent that the applicable area in which the right of way is located is within the City of Charlotte, then CDOT, the City of Charlotte Engineering Division or other applicable agency or department agree to proceed with condemnation of any such land. In such event, the Petitioner shall reimburse the applicable agency or department for the cost of any such condemnation proceedings including compensation paid by the applicable agency or department for any such land and the expenses of such proceedings.

5. Architectural Standards:

a. The building(s) constructed on the Site will use a variety of building materials. The building materials used will be a combination of the following: brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, EIFS or wood.

b. The proposed principal and accessory buildings will utilize similar building materials, colors and architectural styles as the existing buildings constructed at the RiverGate shopping center.

c. Meter banks will be located behind the building and will be screened.

d. Roof top HVAC and related mechanical equipment will be screened from public view at grade.

e. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the building. 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.

6. Streetscape and Landscaping:

a. A 35 foot landscape setback will be provided along Steele Creek Road. The setback along Walker Branch Road may be reduced to 14 feet as allowed by the Ordinance. The 35 foot landscape setback along Steele Creek Road will be landscaped to be consistent with the existing landscape treatment provided along Steele Creek Road by the existing RiverGate shopping center. Two rows of trees will be planted along Steele Creek Road. The first row will be located in the planting strip between the back of curb and sidewalk and will be spaced at 80 feet on center. The second row will be planted within the 35 foot setback and will be planted 40 feet on center. The tree species will be consistent with the existing trees planted along Steele Creek Road in the first phase of the RiverGate Shopping Center.

b. The Petitioner will provide eight (8) foot planting strips and six (6) foot sidewalks along the Site's frontage on Steele Creek Road. The existing sidewalk and planting strip along Walker Branch Road will be maintained.

c. Along the Site's internal private roads, the Petitioner will provide a sidewalk and cross-walk network that links all the buildings on the Site with one another and links the buildings to

DMSLIBRARY01-17287948.6

5

the sidewalk along the abutting public streets. The minimum width for this internal sidewalk will be six (6) feet. Street trees will also be provided along the Site's internal private roads.

d. A buffer as required by the Ordinance will be provided along the Site's southern property boundary. The required buffer may be dedicated to County Parks and Recreation as allowed by the Ordinance.

e. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

f. Screening requirements of the Ordinance will be met.

g. A row of evergreen shrubs five feet on center plus five (5) trees per 100 linear feet (at a minimum 60 percent of such trees will be evergreen trees) will be planted along the service drive located along the southern property boundary to help screen the loading dock areas from the multi-use trail. Any existing trees that are preserved between the multi-use trail and the service area may be used to meet this standard. In areas where the multi-use trail is more than five (5) feet below the grade of the service area the trees and shrubs may be omitted.

7. Environmental Features:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The location, size and type of storm water management systems depicted on the Rezoning Plan is subject to review and approval as part of the full development plan submitted 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.

c. The Site will comply with the Tree Ordinance

8. Parks, Greenways and Open Space:

a. The Petitioner will construct an eight (8) foot multi-use trail along a portion of the southern property boundary. The multi-use trail will extend from sidewalk along Steele Creek Road to the internal plaza/open space as generally depicted on the Rezoning Plan. This multi-use trail will be an asphalt trail.

b. The Petitioner will initiate the procedure to dedicate, to County Parks and Recreation the portion of the 100 foot SWIM buffer for Hoover Creek located along southern property boundary of the Site as generally depicted on the Rezoning Plan, prior to the issuance of the final certificate of occupancy for the buildings located adjacent to the 100 foot SWIM buffer.

c. Two improved plaza/open space areas as generally depicted on the Rezoning Plan will be provided. The plaza/open space areas will be improved with seating areas and landscaping. A portion of the plaza/open space area may be used for outdoor dining associated with restaurants. Each of the plaza/open space areas will be connected to the multi-use trail constructed along the southern property boundary as generally depicted on Sheet RZ-2. The connection to the multi-

DMSLIBRARY01-17287948.6

6

use trail from the plaza/open open space areas will utilize stamped and colored asphalt as it crosses the service drive located at the rear of the building.

9. Signage:

a. Signage as allowed by the Ordinance will be provided.

10. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site will be limited to 30 feet in height.

c. No "wall pak" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted and in loading dock areas or at the rear of the buildings where "wall pak" lighting that is designed as down lighting will be allowed.

11. Preferred Parking for "Clean Commuters" and Park and Ride Spaces:

a. The Petitioner will provide "Preferred" (attractive, conveniently located) parking spaces for "Clean Commuters" (carpool, vanpool, hybrid vehicles or electric vehicles) equal to 5% of the total number of required parking spaces. Any Park and Ride spaces provided by the Petitioner may be used to meet this requirement.

b. The Petitioner will make available on the Site to Charlotte Area Transit System (CATS) 25 non-exclusive parking spaces for use by transit customers. The 25 parking spaces will be located within Building/Parking Envelope B near the intersection of Walker Branch Drive and Private Street B as generally depicted on Sheet RZ-2. The Petitioner reserves the right to terminate this commitment to provide 25 park and ride spaces should CATS discontinue Express Bus service to the Site.

12. Amendments to the Rezoning Plan:

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

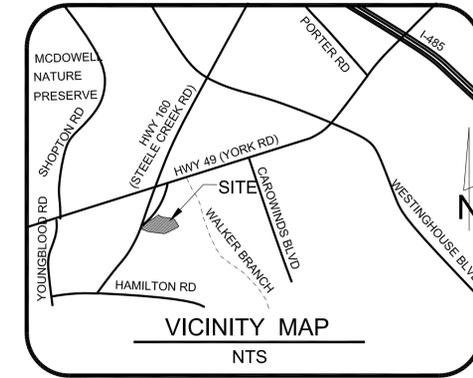
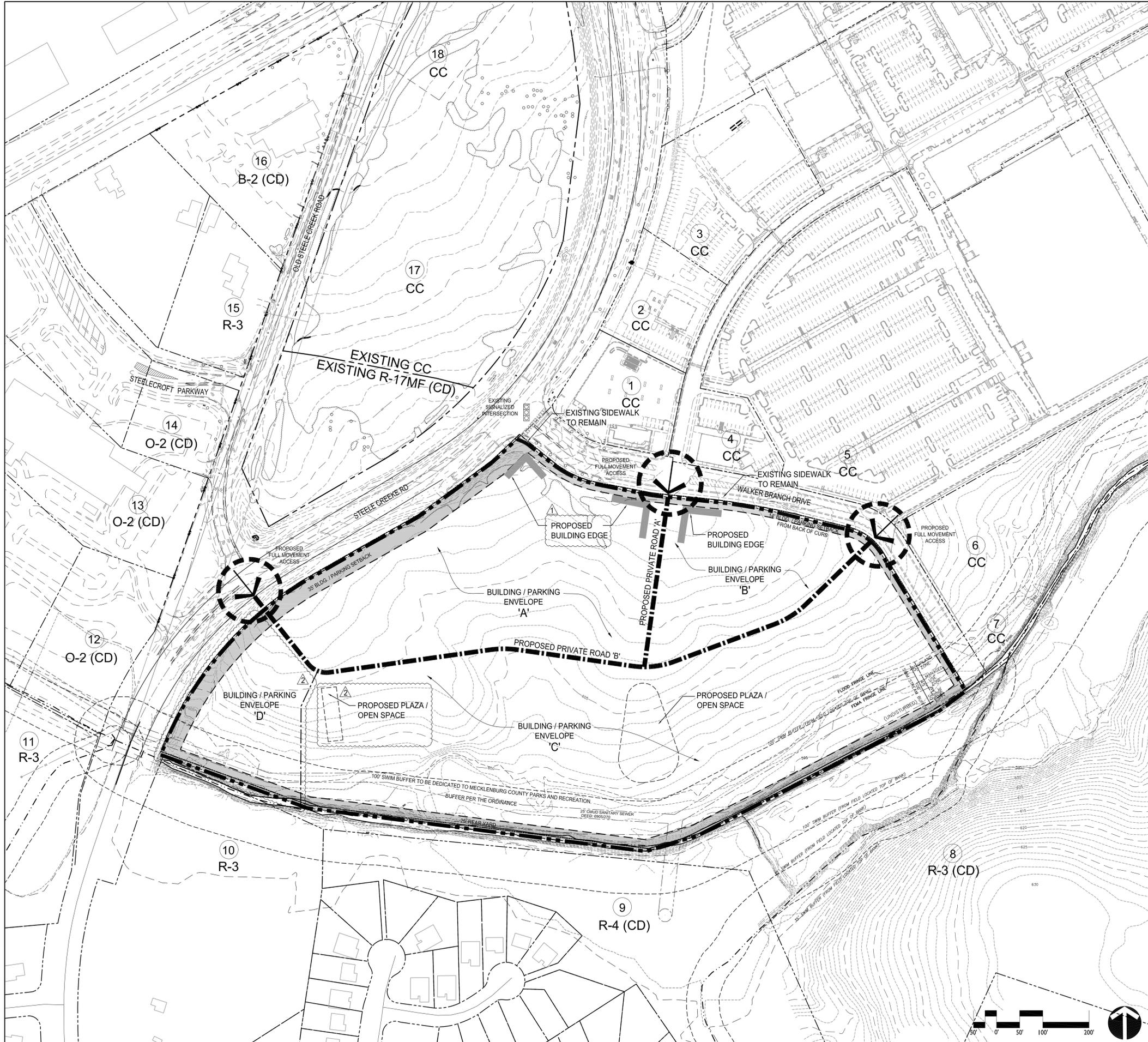
13. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under 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.

DMSLIBRARY01-17287948.6

7





SITE DEVELOPMENT DATA

Site Development Data:
 --Acreage: 22.0
 --Tax Parcel #: 219-061-10
 --Existing Zoning: R-17MF(CD) by Rezoning Petition No. 1992-14(C)
 --Proposed Zoning: CC
 --Existing Uses: Vacant
 --Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the CC zoning district (as more specifically described in the development standards).
 --Maximum Gross Square Feet of Development: Up to 155,000 square feet of gross floor area.
 --Maximum Building Height: As allowed by the Ordinance, but not to exceed four (4) stories.
 --Parking: As required by the Ordinance.
 --Open Space: A minimum of 15% of the Site will be established as open space as defined by the Ordinance.

ADJACENT PROPERTY OWNER

1	CC 21906121 HAWTHORNE CO PO BOX 32064 CHARLOTTE, NC 28232	11	R-3 21912104 CLYDE DOUGLAS JR ARMSTRONG MARY ARMSTRONG 7297 DENMARK DR DENVER, NC 28037
2	CC 21906128 SUNTRUST BANK 919 E MAIN ST 14TH FL RICHMOND, VA 23219	12	O-2 (CD) 21912105 HOSPITAL AUTHORITY THE CHARLOTTE-MECKLENBURG PO BOX 32861 CHARLOTTE, NC 28232
3	CC 21906127 CK RIVERGATE LLC 301 SOUTH COLLEGE ST #2800 CHARLOTTE, NC 28202	13	O-2 (CD) 21912201 HOSPITAL AUTHORITY THE CHARLOTTE-MECKLENBURG PO BOX 32861 CHARLOTTE, NC 28232
4	CC 21906112 LLC CHILDRESS KLEIN PRO CK RIVERGATE SHOPPING CENTER 301 SOUTH COLLEGE ST #2800 CHARLOTTE, NC 28202	14	O-2 (CD) 21912202 HOSPITAL AUTHORITY THE CHARLOTTE-MECKLENBURG PO BOX 32861 CHARLOTTE, NC 28232
5	CC 21906111 TARGET CORPORATION ATTN: PROPERTY TAX DEPT - 2182 PO BOX 9456 MINNEAPOLIS, MN 55440-9456	15	R-3 21912302 CARLTON & LYERLY INVESTMENTS 1215 MCDOWELL FARMS DR CHARLOTTE, NC 28217
6	CC 21906118 LLC CHILDRESS KLEIN PRO CK RIVERGATE SHOPPING CENTER 301 SOUTH COLLEGE ST #2800 CHARLOTTE, NC 28202	16	B-2 (CD) 21912303 RCR PROPERTIES LLC 16026 KIKI CT TEGA CAY, SC 29715
7	CC 21906125 MECKLENBURG COUNTY 600 E 4TH ST CHARLOTTE, NC 28202	17	CC / R-17MF (CD) 21906109 PARTNERSHIP STEELE CREEK (1997) LIMITED 6100 FAIRVIEW RD, SUITE 640 CHARLOTTE, NC 28210-4258
8	R-3 (CD) 21906117 PARTNERSHIP STEELE CREEK (1997) LIMITED 6100 FAIRVIEW RD STE 640 CHARLOTTE, NC 28210-4258	18	CC 21906105 PARTNERSHIP STEELE CREEK (1997) LIMITED 6100 FAIRVIEW RD, SUITE 640 CHARLOTTE, NC 28210-4258
9	R-4 (CD) 21907399 COUNTY MECKLENBURG 600 E 4TH ST CHARLOTTE, NC 28202-2816		
10	R-3 21907101 JOHN K JR HOOVER 14701 STEELE CREEK RD CHARLOTTE, NC 28273		

LEGEND

	COMMERCIAL SITE BOUNDARY
	INTERIOR PRIVATE STREET
	SETBACK / REAR YARD
	REQUIRED BUFFER
	SWIM BUFFER
	EXISTING 100 YR FLOODPLAIN
	FUTURE 100 YR FLOODPLAIN
	EXISTING TREES

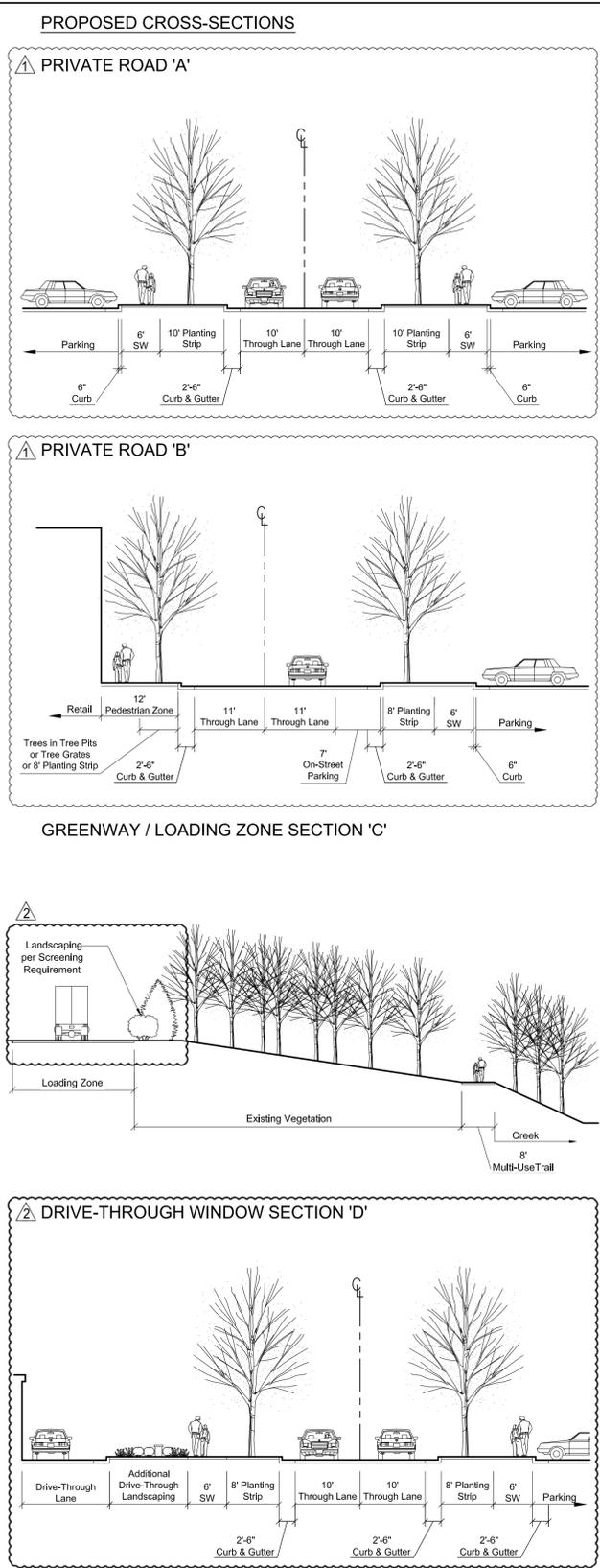
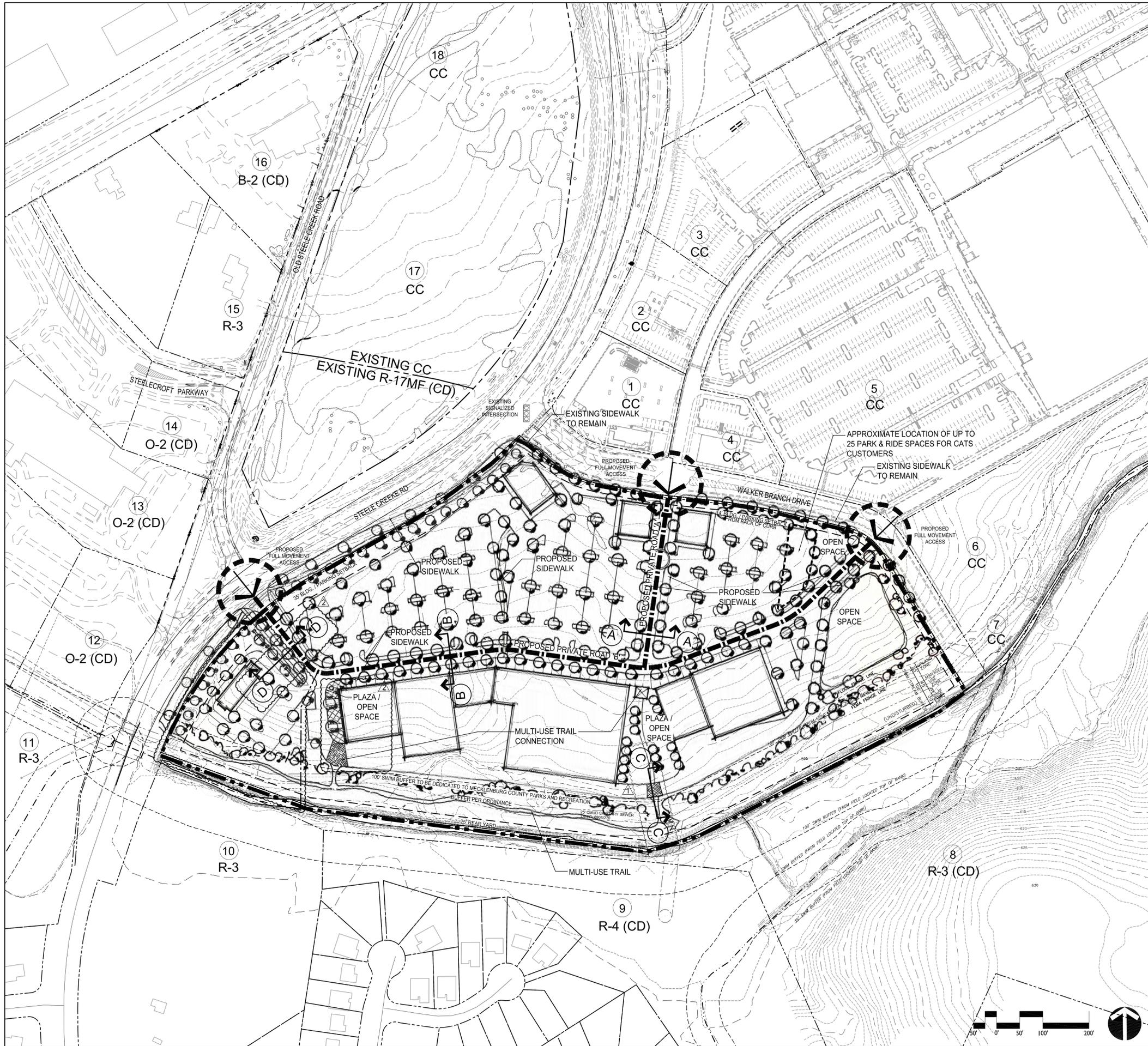
REVISIONS:
 DATE: September 26, 2011
 DESIGNED BY: MRC
 DRAWN BY: KJK
 CHECKED BY: MRC
 SCALE: 1"=100'
 PROJECT #10010291
 SHEET #:

RIVERGATE - RETAIL
 Technical Data Sheet
 Childress Klein; Steele Creek 1997 Limited Partnership; Mecklenburg Co., NC
 REZONING PETITION NO. 2011-083

CHILDRESS KLEIN
 PROPERTIES



LandDesign
 223 N Graham Street Charlotte, NC 28202
 V: 704.333.0325 F: 704.333.3246
 www.LandDesign.com
 NC License# C-0658



LEGEND

- COMMERCIAL SITE BOUNDARY
- INTERIOR PRIVATE STREET
- SETBACK / REAR YARD
- SWIM BUFFER
- EXISTING 100 YR FLOODPLAIN
- FUTURE 100 YR FLOODPLAIN
- EXISTING TREES

LandDesign
 223 N Graham Street, Charlotte, NC 28202
 V: 704.333.0325 F: 704.333.3246
 www.LandDesign.com
 NC License# C-0658

LAND DESIGN, INC.
 CORPORATE SEAL
 NORTH CAROLINA

CHILDRESS KLEIN
 PROPERTIES

RIVERGATE - RETAIL
SCHEMATIC SITE PLAN
 Childress Klein; Steele Creek 1997 Limited Partnership; Mecklenburg Co., NC

REZONING PETITION NO. 2011-083

REVISIONS:
 (1) 11.14.11 - CMPD COMMENTS
 (2) 12.20.11 - CMPD COMMENTS

DATE: September 26, 2011
 DESIGNED BY: MRC
 DRAWN BY: KJK
 CHECKED BY: MRC
 SCALE: 1"=100'
 PROJECT #10010291
 SHEET #:

RZ-2

**Steele Creek 1997 Limited Partnership
Development Standards**

12/20/11

Rezoning Petition No. 2011-083(Retail Parcel)

Site Development Data:

- Acreage: 22.0
- Tax Parcel #: 219-061-10
- Existing Zoning: R-17MF(CD) by Rezoning Petition No. 1992-14(C)
- Proposed Zoning: CC
- Existing Uses: Vacant
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the CC zoning district (as more specifically described below)
- Maximum Gross Square Feet of Development: Up to 155,000 square feet of gross floor area
- Maximum Building Height: As allowed by the Ordinance, but not to exceed four (4) stories.
- Parking: As required by the Ordinance
- Open Space: A minimum of 15% of the Site will be established as open space as defined by the Ordinance.

1. General Provisions:

a. These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Steele Creek 1997 Limited Partnership to accommodate development of a pedestrian-friendly shopping center on an approximately 22.0 acre Site located at the intersection of Steele Creek Road and Walker Branch Drive (the "Site").

Development of the Site will be governed by the attached Technical Data Sheet and Schematic Site Plan and these Development Standards (together with the site plan referred to as the "Rezoning Plan") as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Charlotte Zoning Ordinance (the "Ordinance") for the CC zoning district classification shall govern all development taking place on the Site.

The development depicted on the Rezoning Plan is schematic in nature, and except as otherwise specified in these Development Standards, is intended to describe the possible arrangements of uses and site elements. The schematic depictions of the uses, parking areas, structures and buildings, and other site elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. Consequently, except as otherwise expressly specified on the Technical Data Sheet and in these Development Standards, the ultimate layout of the development proposed; the exact alignments of streets and points of access; the numbers, the size, configuration and placements of buildings and parking areas; and the depictions of other site elements on the Rezoning Plan as well as any schematic building elevations are preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during design development and construction document phases within the maximum building/parking envelope lines (while adhering to the standards for building edges established on the Technical Data Sheet, as long as the changes maintain the general building and parking orientation and character of the

DMSLIBRARY01-17287948.6

development generally depicted on the Schematic Site Plan, subject as well to the accompanying Development Standards. Changes to the Rezoning Plan will be reviewed and approved as allowed by Section 6.207.(2).

Parking layouts for surface and structured parking may be modified to accommodate final building locations and parking spaces may be located within the development area boundaries to the extent permitted by the Ordinance. Sidewalks generally depicted on the Rezoning Plan are intended to reflect the general pedestrian circulation for development on the Site, but the specific locations of such sidewalks may be subject to variations that do not materially change the design intent generally depicted on the Rezoning Plan.

Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site shall not exceed eight (8). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site.

Proposed circulation and street network/connectivity is generally shown on the Rezoning Plan. To allow for the future market demand and the accompanying flexibility in the specific design of the Site, the final location and alignment of these proposed connections will be determined at the time of development.

2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 155,000 square feet of gross floor area of uses permitted by right and under prescribed conditions together with accessory uses in the Commercial Center (CC) zoning district.
- b. One of the proposed free standing buildings must be developed or reserved for development primarily for either medical or general office uses.
- c. Only one use with an accessory drive-through window will be allowed on the Site.
- d. If the use with the accessory drive-through window is located in a building located at the intersection Walker Branch Road and Private Road A the accessory drive through window may not be located between the building and Walker Branch Road or Private Road A as generally illustrated on the Rezoning Plan.
- e. If a use with the accessory drive-through window is located within Building/Parking Envelope D as generally depicted on the Rezoning Plan, the drive-through window and its associated drive lane may be located between the building and Steele Creek Road or between the building and Private Street B. In such event, the Petitioner will provide a low wall (1.5' to 2' feet high) and low accent planting between the drive lane and Steele Creek Road and Private Street B; such wall will be constructed of building materials compatible with the buildings on the Site. Parking spaces may not be located between the building located within Building/Parking Envelope D and Steele Creek Road or Private Street B. If the building located within Building/Parking Envelope D does not include a drive-through window, then no pavement will be constructed between the building edge and either Steele Creek Road or Private Street B.

DMSLIBRARY01-17287948.6

2

f. The following uses will be prohibited: residential dwellings; hotels; motels; and theaters, motion picture uses.

g. A "Building Edge" has been provided within portions of the proposed building/parking envelopes generally depicted on the Technical Data Sheet. When a building is constructed within a building/parking envelope that contains such a "Building Edge", the building must be constructed along the "Building Edge" depicted. If a building/parking envelope contains more than one "Building Edge" location, the building constructed within such envelope must be placed along one of the "Building Edge" locations depicted but not all of such locations. Parking and vehicular maneuvering may not be located between the proposed building and the "Building Edge" that applies to such building/parking envelope. The provisions of this Section may be altered to permit greater flexibility in development with the prior written consent of the Planning Director.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), 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 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 or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces), all loading dock areas (open or enclosed), and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance).

3. Access:

a. Access to the Site will be from Steele Creek Road and Walker Branch Road as generally depicted on the Rezoning Plan.

b. Private Streets A and B will be designed to meet the Office/Commercial Narrow street cross-section with the following modifications: (i) Private Street B will include on-street parking on one side (side abutting parking field), (ii) the street trees adjacent to the proposed buildings may be planted in planters or tree pits, and (iii) Private Street A will include 10 foot planting strips on both sides. These proposed cross-sections are depicted on Sheet RZ-2 of the Rezoning Plan.

c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards.

4. Transportation Improvements and Phasing:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

a. **Description of Improvements.** Up to 155,000 square feet of gross floor area may be constructed on the Site upon the construction of: (i) dual 350 foot southbound left turn

DMSLIBRARY01-17287948.6

3

lanes from S. Tryon Street to Rivergate Parkway including the modification of Rivergate Parkway to receive the dual left turn lanes in the manner shown on Sheet RZ-4; (ii) the extension of the two westbound left turn lanes from S. Tryon Street to Steele Creek Road from 275 feet to approximately 350 feet for a total of approximately 700 feet of storage; (iii) the extension of a second southbound thru lane on Steele Creek Road starting approximately 600 feet in advance of the intersection of Steelcroft Parkway extension with Steele Creek Road and terminating into the existing southbound right turn lane on Steele Creek Road at Old Steele Creek Road; (iv) improvements to the intersection of Old Steele Creek Road and Steele Creek Road and Private Street B into a directional cross-over with 150 feet of southbound storage in the left turn lane provided along Steele Creek Road; and (v) curb and gutter, six (6) foot sidewalks and eight (8) foot planting strips along the portion of the Site's public street frontage under development as may be required by City Ordinances, such curb and gutter to accommodate a five (5) foot bike lane along Steele Creek Road; provided, however, these commitments are subject to reimbursement to Petitioner by the City as called for by adopted City Policy, for any improvements provided along Steele Creek Road and/or S. Tryon Street not directly referenced above.

[In addition the Petitioner will contribute to CDOT or NCDOT, as applicable, \$65,000 toward the conversion of the intersection of S. Tryon Street and Steelcroft Parkway from a directional crossover to a full-movement, signal-controlled intersection upon evidence of project funding by CDOT/NCDOT (with or without the support of third parties). This contribution shall not be required if it is funded pursuant to Rezoning Petition No. 2011-082].

b. **Illustration.** The above referenced improvements and the required laneage associated with each driveway connection are generally depicted on Sheet RZ-4 of the Rezoning Plan.

c. **CDOT/NCDOT Standards.** All of the foregoing roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad southwest Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

d. **Timing of Completion.** Except as to the financial contribution referenced in subsection a. above, the roadway improvements referenced in subsection a. must be substantially completed prior to the issuance of the certificate of occupancy for the first space/unit located on the Site, subject to the ability of the Petitioner to post a letter of credit or a bond for any improvements not in place at the time the first certificate of occupancy is issued to secure completion of the applicable improvements.

e. **Release of Funds Contributed in Connection with Initial RiverGate Rezoning.** The Petitioner's commitments in subsection a. above are conditioned upon the release by the City from escrow or otherwise of the \$150,000 deposit made as part of the initial RiverGate development under Petition No. 2004-064 for the extension of Rivergate Parkway to the south over Hoover creek. This \$150,000 sum must be used by the Petitioner to fund and implement the proposed roadway improvements under this Petition or Petition 2011-082.

f. **Right-of-way Availability.** It is understood that some of the roadway improvements referenced subsection a. above may not be possible without the acquisition of additional right of

DMSLIBRARY01-17287948.6

4

way. If after the exercise of diligent good faith efforts, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, and to the extent that the applicable area in which the right of way is located is within the City of Charlotte, then CDOT, the City of Charlotte Engineering Division or other applicable agency or department agree to proceed with condemnation of any such land. In such event, the Petitioner shall reimburse the applicable agency or department for the cost of any such condemnation proceedings including compensation paid by the applicable agency or department for any such land and the expenses of such proceedings.

5. Architectural Standards:

a. The building(s) constructed on the Site will use a variety of building materials. The building materials used will be a combination of the following: brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, EIFS or wood.

b. The proposed principal and accessory buildings will utilize similar building materials, colors and architectural styles as the existing buildings constructed at the RiverGate shopping center.

c. Meter banks will be located behind the building and will be screened.

d. Roof top HVAC and related mechanical equipment will be screened from public view at grade.

e. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the building. 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.

6. Streetscape and Landscaping:

a. A 35 foot landscape setback will be provided along Steele Creek Road. The setback along Walker Branch Road may be reduced to 14 feet as allowed by the Ordinance. The 35 foot landscape setback along Steele Creek Road will be landscaped to be consistent with the existing landscape treatment provided along Steele Creek Road by the existing RiverGate shopping center. Two rows of trees will be planted along Steele Creek Road. The first row will be located in the planting strip between the back of curb and sidewalk and will be spaced at 80 feet on center. The second row will be planted within the 35 foot setback and will be planted 40 feet on center. The tree species will be consistent with the existing trees planted along Steele Creek Road in the first phase of the RiverGate Shopping Center.

b. The Petitioner will provide eight (8) foot planting strips and six (6) foot sidewalks along the Site's frontage on Steele Creek Road. The existing sidewalk and planting strip along Walker Branch Road will be maintained.

c. Along the Site's internal private roads, the Petitioner will provide a sidewalk and cross-walk network that links all the buildings on the Site with one another and links the buildings to

DMSLIBRARY01-17287948.6

5

the sidewalk along the abutting public streets. The minimum width for this internal sidewalk will be six (6) feet. Street trees will also be provided along the Site's internal private roads.

d. A buffer as required by the Ordinance will be provided along the Site's southern property boundary. (The required buffer may be dedicated to County Parks and Recreation as allowed by the Ordinance.)

e. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

f. Screening requirements of the Ordinance will be met.

g. A row of evergreen shrubs five feet on center plus five (5) trees per 100 linear feet (at a minimum 60 percent of such trees will be evergreen trees) will be planted along the service drive located along the southern property boundary to help screen the loading dock areas from the multi-use trail. Any existing trees that are preserved between the multi-use trail and the service area may be used to meet this standard. In areas where the multi-use trail is more than five (5) feet below the grade of the service area the trees and shrubs may be omitted.

7. Environmental Features:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The location, size and type of storm water management systems depicted on the Rezoning Plan is subject to review and approval as part of the 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.

c. The Site will comply with the Tree Ordinance

8. Parks, Greenways and Open Space:

a. The Petitioner will construct an eight (8) foot multi-use trail along a portion of the southern property boundary. The multi-use trail will extend from sidewalk along Steele Creek Road to the internal plaza/open space as generally depicted on the Rezoning Plan. This multi-use trail will be an asphalt trail.

b. The Petitioner will initiate the procedure to dedicate, to County Parks and Recreation the portion of the 100 foot SWIM buffer for Hoover Creek located along southern property boundary of the Site as generally depicted on the Rezoning Plan, prior to the issuance of the final certificate of occupancy for the buildings located adjacent to the 100 foot SWIM buffer.

c. Two improved plaza/open space areas as generally depicted on the Rezoning Plan will be provided. The plaza/open space areas will be improved with seating areas and landscaping. A portion of the plaza/open space area may be used for outdoor dining associated with restaurants. Each of the plaza/open space areas will be connected to the multi-use trail constructed along the southern property boundary as generally depicted on Sheet RZ-2. The connection to the multi-

DMSLIBRARY01-17287948.6

6

use trail from the plaza/open open space areas will utilize stamped and colored asphalt as it crosses the service drive located at the rear of the building.

9. Signage:

a. Signage as allowed by the Ordinance will be provided.

10. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site will be limited to 30 feet in height.

c. No "wall pak" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted and in loading dock areas or at the rear of the buildings where "wall pak" lighting that is designed as down lighting will be allowed.

11. Preferred Parking for "Clean Commuters" and Park and Ride Spaces:

a. The Petitioner will provide "Preferred" (attractive, conveniently located) parking spaces for "Clean Commuters" (carpool, vanpool, hybrid vehicles or electric vehicles) equal to 5% of the total number of required parking spaces. Any Park and Ride spaces provided by the Petitioner may be used to meet this requirement.

b. The Petitioner will make available on the Site to Charlotte Area Transit System (CATS) 25 non-exclusive parking spaces for use by transit customers. The 25 parking spaces will be located within Building/Parking Envelope B near the intersection of Walker Branch Drive and Private Street B as generally depicted on Sheet RZ-2. The Petitioner reserves the right to terminate this commitment to provide 25 park and ride spaces should CATS discontinue Express Bus service to the Site.

12. Amendments to the Rezoning Plan:

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

13. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under 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.

DMSLIBRARY01-17287948.6

7



Steele Creek 1997 Limited Partnership
Development Standards
12/20/11
Rezoning Petition No. 2011-083(Retail Parcel)

Site Development Data:

- Acreage: 22.0
- Tax Parcel #: 219-061-10
- Existing Zoning: R-17MF(CD) by Rezoning Petition No. 1992-14(C)
- Proposed Zoning: CC
- Existing Uses: Vacant
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the CC zoning district (as more specifically described below).
- Maximum Gross Square feet of Development: Up to 155,000 square feet of gross floor area.
- Maximum Building Height: As allowed by the Ordinance, but not to exceed four (4) stories.
- Parking: As required by the Ordinance.
- Open Space: A minimum of 15% of the Site will be established as open space as defined by the Ordinance.

1. General Provisions:

a. These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Steele Creek 1997 Limited Partnership to accommodate development of a pedestrian-friendly shopping center on an approximately 22.0 acre Site located at the intersection of Steele Creek Road and Walker Branch Drive (the "Site").

Development of the Site will be governed by the attached Technical Data Sheet and Schematic Site Plan and these Development Standards (together with the site plan referred to as the "Rezoning Plan") as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Charlotte Zoning Ordinance (the "Ordinance") for the CC zoning district classification shall govern all development taking place on the Site.

The development depicted on the Rezoning Plan is schematic in nature, and except as otherwise specified in these Development Standards, is intended to describe the possible arrangements of uses and site elements. The schematic depictions of the uses, parking areas, structures and buildings, and other site elements set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. Consequently, except as otherwise expressly specified on the Technical Data Sheet and in these Development Standards, the ultimate layout of the development proposed; the exact alignments of streets and points of access; the numbers, the size, configuration and placements of buildings and parking areas; and the depictions of other site elements on the Rezoning Plan as well as any schematic building elevations are preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during design development and construction document phases within the maximum building/parking envelope lines while adhering to the standards for building edges established on the Technical Data Sheet, as long as the changes maintain the general building and parking orientation and character of the

development generally depicted on the Schematic Site Plan, subject as well to the accompanying Development Standards. Changes to the Rezoning Plan will be reviewed and approved as allowed by Section 6.207.(2).

Parking layouts for surface and structured parking may be modified to accommodate final building locations and parking spaces may be located within the development area boundaries to the extent permitted by the Ordinance. Sidewalks generally depicted on the Rezoning Plan are intended to reflect the general pedestrian circulation for development on the Site, but the specific locations of such sidewalks may be subject to variations that do not materially change the design intent generally depicted on the Rezoning Plan.

Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site shall not exceed eight (8). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site.

Proposed circulation and street network/connectivity is generally shown on the Rezoning Plan. To allow for the future market demand and the accompanying flexibility in the specific design of the Site, the final location and alignment of these proposed connections will be determined at the time of development.

2. Permitted Uses & Development Area Limitation:

a. The Site may be developed with up to 155,000 square feet of gross floor area of uses permitted by right and under prescribed conditions together with accessory uses in the Commercial Center (CC) zoning district.

b. One of the proposed free standing buildings must be developed or reserved for development primarily for either medical or general office uses.

c. Only one use with an accessory drive-through window will be allowed on the Site.

d. If the use with the accessory drive-through window is located in a building located at the intersection Walker Branch Road and Private Road A the accessory drive through window may not be located between the building and Walker Branch Road or Private Road A as generally illustrated on the Rezoning Plan.

e. If a use with the accessory drive-through window is located within Building/Parking Envelop D as generally depicted on the Rezoning Plan, the drive-through window and its associated drive lane may be located between the building and Steele Creek Road or between the building and Private Street B. In such event, the Petitioner will provide a low wall (1.5 ' to 2' feet high) and low accent planting between the drive lane and Steele Creek Road and Private Street B; such wall will be constructed of building materials compatible with the buildings on the Site. Parking spaces may not be located between the building located within Building/Parking Envelope D and Steele Creek Road or Private Street B. If the building located within Building/Parking Envelope D does not include a drive-through window, then no pavement will be constructed between the building edge and either Steele Creek Road or Private Street B.

f. The following uses will be prohibited: residential dwellings; hotels; motels; and theaters, motion picture uses.

g. A “Building Edge” has been provided within portions of the proposed building/parking envelopes generally depicted on the Technical Data Sheet. When a building is constructed within a building/parking envelope that contains such a “Building Edge”, the building must be constructed along the “Building Edge” depicted. If a building/parking envelope contains more than one “Building Edge” location, the building constructed within such envelope must be placed along one of the “Building Edge” locations depicted but not all of such locations. Parking and vehicular maneuvering may not be located between the proposed building and the “Building Edge” that applies to such building/parking envelope. The provisions of this Section may be altered to permit greater flexibility in development with the prior written consent of the Planning Director.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), 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 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 or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces), all loading dock areas (open or enclosed), and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance).

3. Access:

a. Access to the Site will be from Steele Creek Road and Walker Branch Road as generally depicted on the Rezoning Plan.

b. Private Streets A and B will be designed to meet the Office/Commercial Narrow street cross-section with the following modifications: (i) Private Street B will include on-street parking on one side (side abutting parking field), (ii) the street trees adjacent to the proposed buildings may be planted in planters or tree pits, and (iii) Private Street A will include 10 foot planting strips on both sides. These proposed cross-sections are depicted on Sheet RZ-2 of the Rezoning Plan.

c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards.

4. Transportation Improvements and Phasing:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

a. **Description of Improvements.** Up to 155,000 square feet of gross floor area may be constructed on the Site upon the construction of: (i) dual 350 foot long southbound left turn

lanes from S. Tryon Street to Rivergate Parkway including the modification of Rivergate Parkway to receive the dual left turn lanes in the manner shown on Sheet RZ-4; (ii) the extension of the two westbound left turn lanes from S. Tryon Street to Steele Creek Road from 275 feet to approximately 350 feet for a total of approximately 700 feet of storage; (iii) the extension of a second southbound thru lane on Steele Creek Road starting approximately 600 feet in advance of the intersection of Steelecroft Parkway extension with Steele Creek Road and terminating into the existing southbound right turn lane on Steele Creek Road at Old Steele Creek Road; (iv) improvements to the intersection of Old Steele Creek Road and Steele Creek Road and Private Street B into a directional cross-over with 150 feet of southbound storage in the left turn lane provided along Steele Creek Road; and (v) curb and gutter, six (6) foot sidewalks and eight (8) foot planting strips along the portion of the Site's public street frontage under development as may be required by City Ordinances, such curb and gutter to accommodate a five (5) foot bike lane along Steele Creek Road; provided, however, these commitments are subject to reimbursement to Petitioner by the City as called for by adopted City Policy, for any improvements provided along Steele Creek Road and/or S. Tryon Street not directly referenced above.

[In addition the Petitioner will contribute to CDOT or NCDOT, as applicable, \$65,000 toward the conversion of the intersection of S. Tryon Street and Steelecroft Parkway from a directional crossover to a full-movement, signal-controlled intersection upon evidence of project funding by CDOT/NCDOT (with or without the support of third parties). This contribution shall not be required if it is funded pursuant to Rezoning Petition No. 2011-082].

b. **Illustration.** The above referenced improvements and the required laneage associated with each driveway connection are generally depicted on Sheet RZ-4 of the Rezoning Plan.

c. **CDOT/NCDOT Standards.** All of the foregoing roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad southwest Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

d. **Timing of Completion.** Except as to the financial contribution referenced in subsection a. above, the roadway improvements referenced in subsection a. must be substantially completed prior to the issuance of the certificate of occupancy for the first space/unit located on the Site, subject to the ability of the Petitioner to post a letter of credit or a bond for any improvements not in place at the time the first certificate of occupancy is issued to secure completion of the applicable improvements.

e. **Release of Funds Contributed in Connection with Initial RiverGate Rezoning.** The Petitioner's commitments in subsection a. above are conditioned upon the release by the City from escrow or otherwise of the \$150,000 deposit made as part of the initial RiverGate development under Petition No. 2004-064 for the extension of Rivergate Parkway to the south over Hoover creek. This \$150,000 sum must be used by the Petitioner to fund and implement the proposed roadway improvements under this Petition or Petition 2011-082.

f. **Right-of-way Availability.** It is understood that some of the roadway improvements referenced subsection a. above may not be possible without the acquisition of additional right of

way. If after the exercise of diligent good faith efforts, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, and to the extent that the applicable area in which the right of way is located is within the City of Charlotte, then CDOT, the City of Charlotte Engineering Division or other applicable agency or department agree to proceed with condemnation of any such land. In such event, the Petitioner shall reimburse the applicable agency or department for the cost of any such condemnation proceedings including compensation paid by the applicable agency or department for any such land and the expenses of such proceedings.

5. Architectural Standards:

- a. The building(s) constructed on the Site will use a variety of building materials. The building materials used will be a combination of the following: brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, EFIS or wood.
- b. The proposed principal and accessory buildings will utilize similar building materials, colors and architectural styles as the existing buildings constructed at the RiverGate shopping center.
- c. Meter banks will be located behind the building and will be screened.
- d. Roof top HVAC and related mechanical equipment will be screened from public view at grade.
- e. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the building. 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.

6. Streetscape and Landscaping:

- a. A 35 foot landscape setback will be provided along Steele Creek Road. The setback along Walker Branch Road may be reduced to 14 feet as allowed by the Ordinance. The 35 foot landscape setback along Steele Creek Road will be landscaped to be consistent with the existing landscape treatment provided along Steele Creek Road by the existing RiverGate shopping center. Two rows of trees will be planted along Steele Creek Road. The first row will be located in the planting strip between the back of curb and sidewalk and will be spaced at 80 feet on center. The second row will be planted within the 35 foot setback and will be planted 40 feet on center. The tree species will be consistent with the existing trees planted along Steele Creek Road in the first phase of the RiverGate Shopping Center.
- b. The Petitioner will provide eight (8) foot planting strips and six (6) foot sidewalks along the Site's frontage on Steele Creek Road. The existing sidewalk and planting strip along Walker Branch Road will be maintained.
- c. Along the Site's internal private roads, the Petitioner will provide a sidewalk and cross-walk network that links all the buildings on the Site with one another and links the buildings to

the sidewalk along the abutting public streets. The minimum width for this internal sidewalk will be six (6) feet. Street trees will also be provided along the Site's internal private roads.

d. A buffer as required by the Ordinance will be provided along the Site's southern property boundary. The required buffer may be dedicated to County Parks and Recreation as allowed by the Ordinance.

e. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

f. Screening requirements of the Ordinance will be met.

g. A row of evergreen shrubs five feet on center plus five (5) trees per 100 linear feet (at a minimum 60 percent of such trees will be evergreen trees) will be planted along the service drive located along the southern property boundary to help screen the loading dock areas from the multi-use trail. Any existing trees that are preserved between the multi-use trail and the service area may be used to meet this standard. In areas where the multi-use trail is more than five (5) feet below the grade of the service area the trees and shrubs may be omitted.

7. Environmental Features:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The location, size and type of storm water management systems depicted on the Rezoning Plan is subject to review and approval as part of the 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.

c. The Site will comply with the Tree Ordinance

8. Parks, Greenways and Open Space:

a. The Petitioner will construct an eight (8) foot multi-use trail along a portion of the southern property boundary. The multi-use trail will extend from sidewalk along Steele Creek Road to the internal plaza/open space as generally depicted on the Rezoning Plan. This multi-use trail will be an asphalt trail.

b. The Petitioner will initiate the procedure to dedicate, to County Parks and Recreation the portion of the 100 foot SWIM buffer for Hoover Creek located along southern property boundary of the Site as generally depicted on the Rezoning Plan, prior to the issuance of the final certificate of occupancy for the buildings located adjacent to the 100 foot SWIM buffer.

c. Two improved plaza/open space areas as generally depicted on the Rezoning Plan will be provided. The plaza/open space areas will be improved with seating areas and landscaping. A portion of the plaza/open space area may be used for outdoor dining associated with restaurants. Each of the plaza/open space areas will be connected to the multi-use trail constructed along the southern property boundary as generally depicted on Sheet RZ-2. The connection to the multi-

use trail from the plaza/open open space areas will utilize stamped and colored asphalt as it crosses the service drive located at the rear of the building.

9. Signage:

- a. Signage as allowed by the Ordinance will be provided.

10. Lighting:

- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting on the Site will be limited to 30 feet in height.
- c. No "wall pak" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted and in loading dock areas or at the rear of the buildings where "wall pak" lighting that is designed as down lighting will be allowed.

11. Preferred Parking for "Clean Commuters" and Park and Ride Spaces:

- a. The Petitioner will provide "Preferred" (attractive, conveniently located) parking spaces for "Clean Commuters" (carpool, vanpool, hybrid vehicles or electric vehicles) equal to 5% of the total number of required parking spaces. Any Park and Ride spaces provide by the Petitioner may be used to meet this requirement.
- b. The Petitioner will make available on the Site to Charlotte Area Transit System (CATS) 25 non-exclusive parking spaces for use by transit customers. The 25 parking spaces will be located within Building/Parking Envelope B near the intersection of Walker Branch Drive and Private Street B as generally depicted on Sheet RZ-2. The Petitioner reserves the right to terminate this commitment to provide 25 park and ride spaces should CATS discontinue Express Bus service to the Site.

12. Amendments to the Rezoning Plan:

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

13. Binding Effect of the Rezoning Application:

- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under 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.