

RZ2.0

STEELE TROJAN DEVELOPMENT, LLC
DEVELOPMENT STANDARDS
04/10/2017
REZONING PETITION NO. 2017-019

1. General Provisions:

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Steele Trojan Development LLC ("Petitioner") to accommodate the development of the Site with up to 35,000 square feet of gross floor area of retail, EDEE, and general and medical office uses as allowed in the NS zoning district, and a hotel with 180 rooms or 50,000 square feet of gross floor area of general or medical office uses as allowed in the O-2 zoning district on approximately 15.481 acre site located on Steele Creek Road between I-485 and Outlets Boulevard (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by 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 Ordinance for the NS and O-2 zoning classification shall govern.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- minor and don't materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

- d. **Number of Buildings Principal and Accessory.** The total number of principal buildings to be developed on the Site shall not exceed nine (9). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on the Site.

2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 35,000 square feet of gross floor area of retail, EDEE, a limited service restaurant (EDEE) as defined below, and general or medical office uses on the portion of the Site zoned NS, as allowed in the NS zoning district, together with accessory uses as allowed in the NS zoning district.
- b. On the portion of the Site zoned O-2(CD) a hotel with up to 180 hotel rooms or up to 50,000 square feet of gross floor area of general or medical office uses as allowed in O-2 zoning district, together with accessory uses as allowed in the O-2 zoning district.
- c. One Limited Service Restaurant (EDEE) with an accessory drive-through window will be allowed on the Site. A Limited Service Restaurant (EDEE) shall be defined as a restaurant with no more than 4,800 square feet of gross floor area serving primarily items such as coffee, ice cream, yogurt, juices, bagels, muffins, pastries, sandwiches and similar foods that do not require on premise cooking of food (other than heating and the baking of premixed dough). The Petitioner will submit to the Planning Staff for review and approval the proposed site plan for the Limited Service EDEE prior to the issuance of the building permit. The Planning Staff will review the proposed site plan to verify that the layout of the EDEE with an accessory drive-through window balances pedestrian access to the building with vehicular access.
- d. A possible location for the proposed Limited Service Restaurant have been indicated on the Conceptual Site Plan (Sheet RZ2.0), however, the allowed Limited Service Restaurant may be located on any portion of the Site zoned NS subject to the standards of the Rezoning Plan.
- e. The following uses will not be allowed on the Site, automobile service stations with or without a convenience store, and uses with an accessory drive-through window other than a limited service EDEE as defined above. .

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the following items will not be counted as part of the allowed gross floor area (floor area as defined by the Ordinance) for the Site: surface or structured parking facilities, 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 or these development standards).

3. Access and Transportation:

- a. Access to the Site will be from NC 160 Steele Creek Road and from Outlets Boulevard in the manner generally depicted on the Rezoning Plan. Access and connections to the Site from the internal public street will also be allowed as generally depicted on the Rezoning Plan, more or fewer connections to the internal public street will be allowed subject to CDOT approval.
- b. The Petitioner will construct a new public street on the Site from Steele Creek Road to Outlets Boulevard as generally depicted on the Rezoning Plan.
- c. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by CDOT and NCDOT in accordance with applicable published standards. The Development Areas may be interconnected by means of driveways or parking areas as generally depicted on the Rezoning Plan.
- d. Any right-of-way to be dedicated for the required roadway improvements will be dedicated via fee simple conveyance before the Site's first certificate of occupancy is issued.
- e. 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 CDOT in accordance with published standards.

4. Transportation Improvements and Access:

I. Proposed Improvements:

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:

The following Transportation Improvements are also illustrated on figure 11 located on Sheet RZ-3 of the Rezoning Plan. Figure 11 on Sheet RZ-3 is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number when describing an improvement corresponds to the number found on Figure 11 on Sheet RZ-3 for the proposed improvement).

The following roadway improvements, and/or fee in lieu contributions will be made by the Petitioner as part of the development of the Site as proposed by the Rezoning Plan. The Petitioner will be allowed to obtain a certificate of occupancy for any one or all of the buildings located on the Site upon the substantial completion of the following improvements as reasonably determined by CDOT and NCDOT as applicable:

- a. **Intersection of Steele Creek Road and the Right-In Only Access into the Site:**
- Construct a southbound right-turn lane from Steele Creek Road into the Site with 150 feet of storage and appropriate taper.
 - Construction of a public street through the Site to connect from Steele Creek Road to Outlets Boulevard.
 - These improvements to be completed prior to the issuance of the first certificate of occupancy for Site.
- b. **Intersection of Steele Creek Road and I-485 Outer on-ramp:**
- Extend the existing northbound right-turn lane from Steel Creek Road onto the I-485 outer on-ramp by 500 feet with an appropriate taper. As approved by CDOT and subject to approval of NCDOT the Petitioner will contribute a fee in lieu of this improvement equal to \$250,000.
 - The fee in lieu must be deposited with CDOT, prior to the issuance of a building permit for any buildings beyond the development of either 35,000 gross square feet of allowed restaurant/retail square footage or the proposed hotel or the allowed office square footage/uses in lieu of the hotel.

II. Standards, Phasing and Other Provisions.

- a. **CDOT/NCDOT Standards.** All of the foregoing public 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.

- b. **Substantial Completion.** Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.I. above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.II.a above provided, however, in the event all roadway improvements are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

- c. **Right-of-way Availability.** It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, 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, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

- d. **Alternative Improvements.** Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT and NCDOT, and the Planning Director as applicable, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

5. Architectural Standards:

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), stucco, EIFS, decorative block, architectural metal panels and/or wood. Vinyl as a building material may only be used on windows, soffits, and on handrails/railings.
- b. Architectural and Design Controls
- i. Buildings fronting on the existing and proposed public streets will be articulated such that expanses of solid walls exceeding 20 linear feet will be avoided with either horizontal and vertical variations in wall planes, materials and/or building color. A blank wall is a facade that does not add to the character of the streetscape and does not contain transparent windows or door or sufficient ornamentation, decoration or articulation. When this approach is not feasible architectural elements must be used on the building facade at street level. Elements may include, but are not limited to: molding; string courses; belt courses; changes in material or color; architectural lighting; works of art; display areas, porches, or stoops
- ii. Building elevations facing the adjoining public streets may be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
- iii. The primary facade of the EDEE fronting on public streets shall include a minimum of 20% transparent glass between two feet (2') and ten feet (10') on the first floor. Shadow boxes or window graphics may be utilized behind transparent glass to screen bathrooms, back of house, kitchens, or other building elements; shadow boxes or window graphics may not be utilized for more than 10% of the required transparency requirement.
- iv. The primary facade of the hotel fronting on a public street shall include a minimum of 40% transparent glass between two feet (2') and ten feet (10') on the first floor. Shadow boxes or window graphics may be utilized behind transparent glass to screen bathrooms, back of house, kitchens, or other building elements; shadow boxes or window graphics may not be utilized for more than 10% of the required transparency requirement.

- v. The primary facade of buildings, other than the EDEE or the hotel, fronting on public streets shall include a minimum of 60% transparent glass between two feet (2') and ten feet (10') on the first floor. Shadow boxes or window graphics may be utilized behind transparent glass to screen bathrooms, back of house, kitchens, or other building elements; shadow boxes or window graphics may not be utilized for more than 10% of the required transparency requirement.
- vi. All buildings must be sited maintaining pedestrian interconnectivity between buildings and through parking areas. This will be done by providing a minimum of a six (6) feet sidewalk between buildings and through parking areas (pedestrian walkways in parking areas will be striped), and connecting each building to the sidewalk network that will be provided throughout the Site.
- vii. All buildings located within the Site will be architecturally integrated to complement one another by using similar or compatible architectural styles, building materials, landscape elements, plants and signage treatments to create a unified and cohesive development. In addition, buildings located on the Site must be designed using a similar: (i) architectural style, (ii) building materials, (iii) colors and (iv) signage so that development on these Parcels creates a cohesive whole and not a series of buildings with unrelated and wholly dissimilar architectural styles, building materials, colors and signage.

- viii. The buildings constructed on the Site will utilize four side architecture. Four sided architecture shall mean that all four sides of the building will utilize similar materials and colors.

- ix. Doors, other than emergency doors, on buildings located adjacent to sidewalk of a public street will be designed so that they do not swing out into the sidewalk.

- c. Meter banks will be screened from view from each of the abutting public streets. HVAC and related mechanical equipment will be screened from public view and from view of each of the abutting public streets at grade.

- d. The service side of the buildings may not be oriented towards Steele Creek Road. The service side of the proposed buildings will be screened. Because the Site has multiple street frontages it may not be possible to orient the service side of the proposed buildings way from all the public streets, however, the Petitioner will make reasonable efforts to locate the service side of the proposed buildings away from all the adjoining public streets when possible. The service side of the buildings if visible from a public street will be screened.

- e. A retaining wall is proposed along the I-485 off-ramp. The proposed retaining wall will vary in height and portions of the Site will be below I-485 off-ramp. The proposed retaining wall will be constructed of masonry type materials that complement the proposed buildings.

6. Streetscape, Buffers, Building Edges, Open Space, Yards and Landscaping:

- a. Along the Site's frontage on Steele Creek Road, Outlets Boulevard, and the new internal public street the Petitioner will provide an eight (8) foot planting strip and an eight (8) foot sidewalk as generally depicted on the Rezoning Plan.
- b. A 16 foot setback as measured from the future back of curb (new public street) or existing back of curb (Outlets Boulevard) will be provided. Along Steele Creek Road a 20 foot setback as measured from the right-of-way line will be established. Along I-485 a 50 foot setback will be established as measured from the existing right-of-way line.
- c. The 50 foot setback along I-485 will be landscaped with a variety of evergreen and deciduous shrubs to create an attractively landscape area that screens the proposed parking areas from the I-485 on ramp. The existing Piedmont Natural Gas easement allows the planting of low growing landscape materials (not to exceed four (4) feet) within the easement.
- d. Along Steele Creek Road a landscape area with an average width of 25 feet will be provided between the back of the proposed sidewalk and the edge of the proposed parking areas. The landscaping associated with the landscape area will be located outside of the right-of-way.
- e. "Building Edges" have been provided within portions of Development Areas 1, 3 and 5 as generally depicted on the Technical Data Sheet. The building constructed within Development Areas 1, 3, and 5 must adhere to the Building Edges generally depicted on the Technical Data Sheet (plaza/outdoor dining areas will be considered part of the building for the purposes of compliance with this provision). Vehicular parking and maneuvering may not be located between the proposed building and such Building Edge. The schematic representations of the design treatment for the development within the Development Areas generally depicted on Sheet RZ2.0 are merely schematic in nature and may be altered, subject to the Building Edge restriction applicable to Development Area 1, 3 and 5. In addition, the provisions of this Section may be altered to permit greater flexibility in development as allowed by the Administrative Amendment provisions of the Ordinance.
- f. Building Envelopes have been indicated on the Rezoning Plan. The principle buildings constructed on the Site will be located within the indicated Building Envelopes. Parking and maneuvering areas for the proposed uses may also be located within the Building Envelopes subject to the Building Edge restrictions indicated above. The proposed buildings located within Development Area 4 and 6 will not have more than one bay of parking (defined as a row of parking on either of a two way a drive (s) of parking between the proposed building and the new internal public street.

- g. The proposed drive-through window area and the associated circulation area will be screened with a low knee wall (three (3) feet tall) and/or landscaping. The Planning Department Staff will review and approve the specific plans for the allowed use with an accessory drive-through window prior to the issuance of a building permit. If the Planning Department Staff determines it would be a more effective screen and streetscape treatment to provide a combination of a low knee wall and landscaping, based on the Planning Departments review of the specific design and location of the accessory drive-through window and its associated circulation areas as well as the review and design of the proposed landscaping and other site elements such as berms or retaining walls, then the Petitioner will provide a combination of a low knee wall and landscaping to screen the drive-through window and associated circulation areas from the abutting public streets.
- h. The Petitioner will provide a sidewalk network that links each building on the Site to the sidewalks along the street or streets that each site abuts in the manner generally depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.
- i. An Open Space area as generally depicted on the Rezoning Petition will be provided. The open space area will be improved with landscaping including lawn panels, walkways, seating areas, pedestrian scale lighting, and other amenities appropriate to the open space area may also be provided.
- j. Above-ground backflow preventers will be screened from public view and will be located outside of the required setbacks.
- k. 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 principal building.

7. Environmental Features:

- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance.
- b. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are 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. Above ground water quality and detention areas will be enhanced through the use of grass and landscaping.
- d. The Site will comply with the Tree Ordinance.

8. Signage:

- a. Reserved.

9. Lighting:

- a. All new detached and attached 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 26 feet in height.

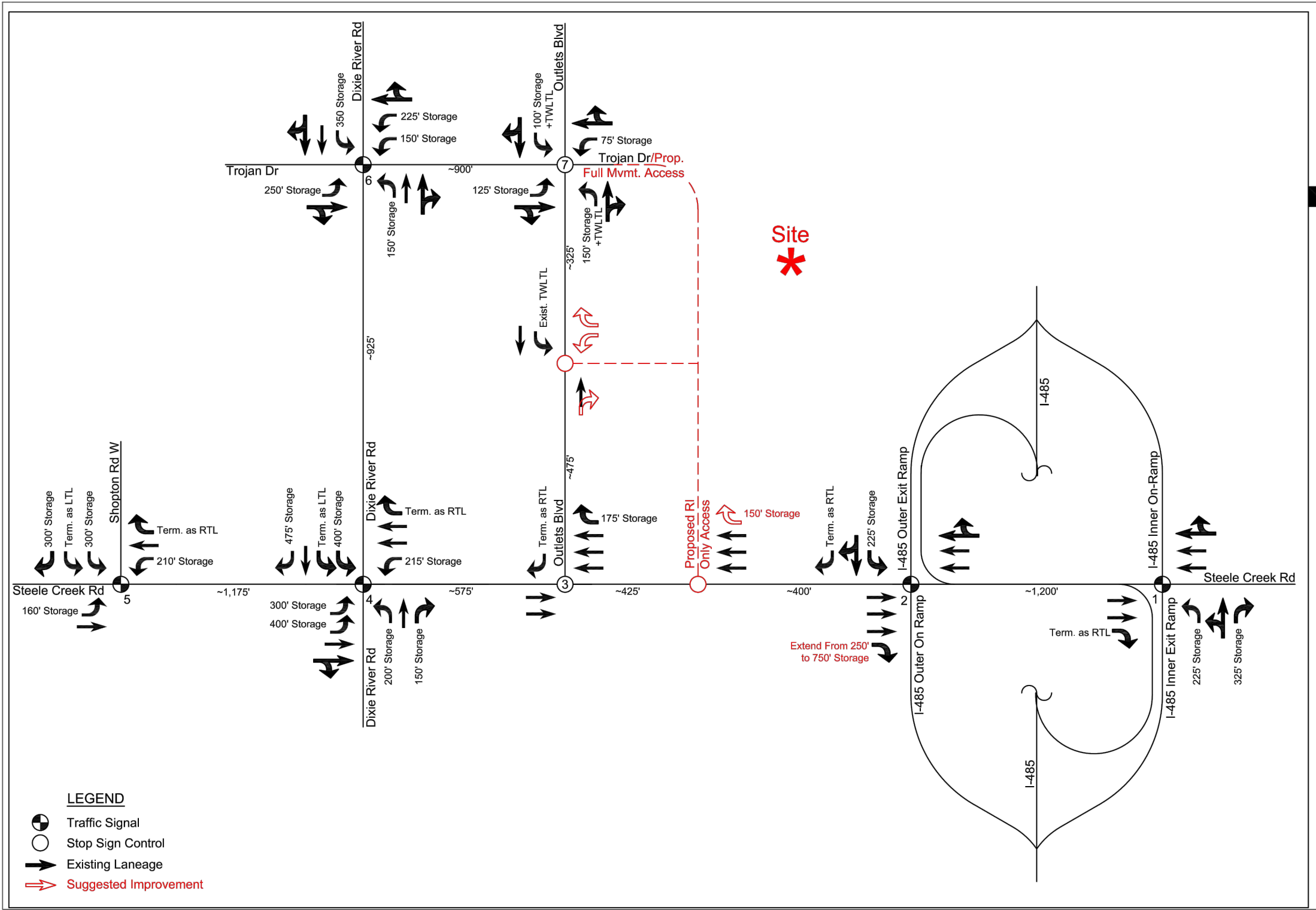
10. Amendments to the Rezoning Plan:

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

11. 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.

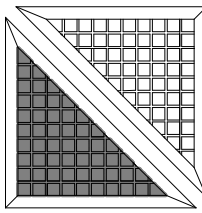
FIGURE 11



THIS DRAWING IS THE
PROPERTY OF BURTON
ENGINEERING ASSOCIATES
AND IS NOT TO BE
REPRODUCED OR COPIED IN
WHOLE OR IN PART. IT IS NOT
TO BE USED ON ANY OTHER
PROJECT AND IS TO BE
RETURNED UPON REQUEST.

Seal

BURTON
ENGINEERING
ASSOCIATES
CIVIL ENGINEERS
LAND PLANNERS



5950 Fairview Rd. • Suite 100 • Charlotte, NC 28210
(704) 553-8881 • Fax (704) 553-8660
Firm License #C-1157

REZONING
PETITION
2017-019

PROJECT STEELE - TROJAN
CITY OF CHARLOTTE, NC

DEVELOPMENT STANDARDS

Project

Sheet
Title

CTB
Engineer
ChB/KT
Drawn By
3/24/17
Date

Revisions

- 1 - 01/23/17 2nd Submittal
3 - 02/20/17 3rd Submittal
4 - 03/27/17 4th Submittal
5 - 04/10/17 5th Submittal

Project Number
574-007

Sheet

RZ3.0