

DEVELOPMENT DATA

- Acreage: 11.0
- Tax Parcel #: 219-061-05 and 219-061-09
- Existing Zoning: R-17MF(CD) and CC by Rezoning Petition No. 1992-14(C)
- Proposed Zoning: CC and CC SPA
- 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 restricted in the development standards).
- Maximum Gross Square feet of Development: Up to 100,000 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 OWNERS

- |   |   |
|---|---|
| 1 CC<br>21906121<br>HAWTHORNE CO<br>PO BOX 32064<br>CHARLOTTE, NC 28232   | 9 CC<br>19955125<br>STEELECROFT OFFICE LLC 521<br>EAST MOREHEAD ST #400<br>CHARLOTTE, NC 28202  |
| 2 CC<br>21906128<br>SUNTRUST BANK<br>919 E MAIN ST 14TH FL<br>RICHMOND, VA 23219  | 10 B-2 (CD)<br>21912303<br>RCR PROPERTIES LLC<br>16026 KIKI CT<br>TEGA CAY, SC 29715  |
| 3 CC<br>21906127<br>CK RIVERGATE LLC<br>301 SOUTH COLLEGE ST #2800<br>CHARLOTTE, NC 28202   | 11 R-3<br>21912302<br>CARLTON & LYERLY INVESTMENTS<br>1215 MCDOWELL FARMS DR<br>CHARLOTTE, NC 28217   |
| 4 CC<br>21906112<br>LLC % CHILDRESS KLEIN PRO<br>CK RIVERGATE SHOPPING CENTER<br>%CHILDRESS KLEIN PROPERTIES<br>301 SOUTH COLLEGE ST #2800<br>CHARLOTTE, NC 28202 | 12 O-2 (CD)<br>21912202<br>HOSPITAL AUTHORITY THE<br>CHARLOTTE-MECKLENBURG<br>PO BOX 32861<br>CHARLOTTE, NC 28232   |
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| 8 CC<br>19955109<br>WFC STEEECROFT FUND I LLC<br>11440 SAN VICENTE BV #200<br>LOS ANGELES, CA 90049   |   |

LEGEND

- OFFICE/RETAIL SITE BOUNDARY
- INTERIOR PRIVATE STREET
- SETBACK / REAR YARD
- EXISTING TREES

**LandDesign**

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CHILDRESS KLEIN PROPERTIES

**RIVERGATE - OFFICE**  
Technical Data Sheet

Childress Klein; Steele Creek 1997 Limited Partnership; Mecklenburg Co., NC

REZONING PETITION NO. 2011-082

REVISIONS:

DATE: September 26, 2011

DESIGNED BY: BMRC

DRAWN BY: KLC

CHECKED BY: BMRC

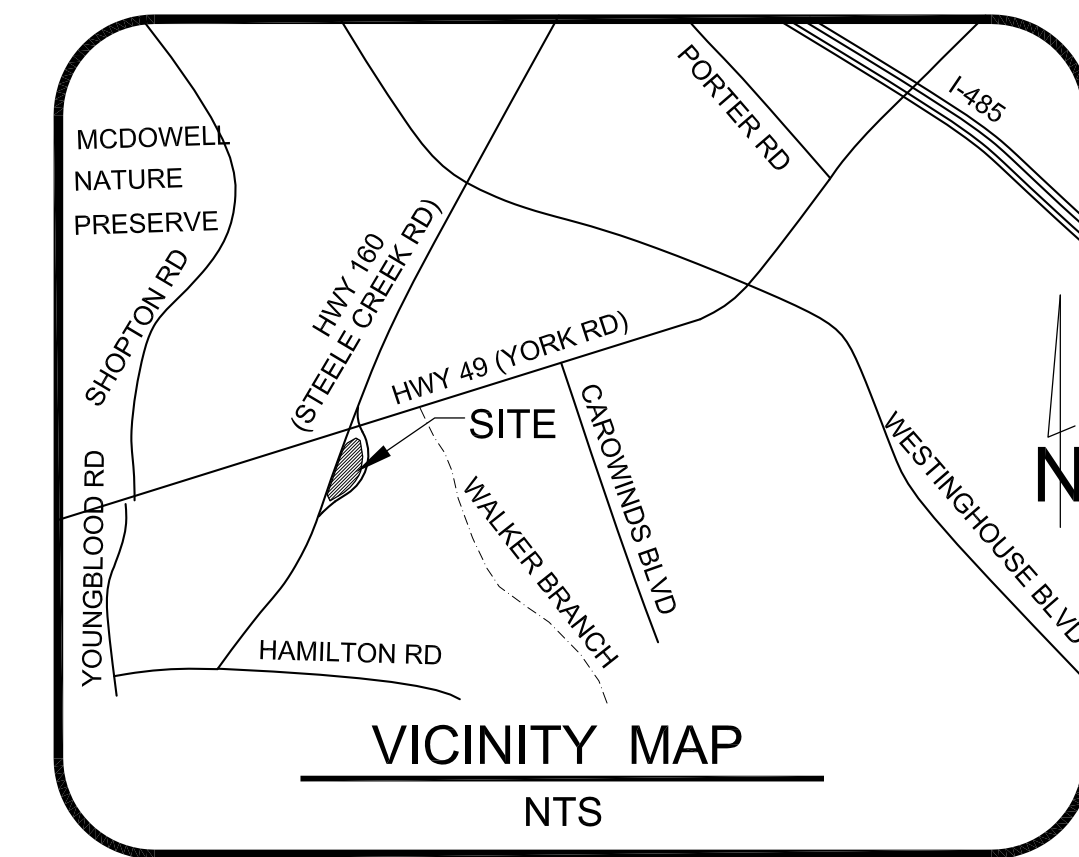
SCALE: 1"=100'

PROJECT #10010292

SHEET #:

**RZ-1**





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CHILDRESS KLEIN  
P R O P E R T I E S

# RIVERGATE - OFFICE SCHEMATIC SITE PLAN

Childress Klein; Steele Creek 1997 Limited Partnership; Mecklenburg Co., NC

REZONING PETITION NO. 2011-082

DATE: September 26, 2011  
DESIGNED BY: MRC  
DRAWN BY: KLK  
CHECKED BY: MRC  
Q.C. BY: MRC  
SCALE: 1"=100'  
PROJECT #10010292

SHEET #: D7



Steele Creek 1997 Limited Partnership  
Development Standards  
2/2/12/2011  
Rezoning Petition No. 2011-082 (Office Parcel)

Site Development Data:

- Acreage: 11.0  
--Tax Parcel #: 219-061-05 and 09  
--Existing Zoning: R-17MF(CD) and CC by Rezoning Petition No. 1992-14(C)  
--Proposed Zoning: CC and CC SPA  
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--Maximum Gross Square feet of Development: Up to 100,000 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 an office park on an approximately 11.0 acre Site located in the southwest quadrant of the intersection of S. Tryon Street and Steele Creek Road (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 other site elements on the Rezoning Plan as well as and any schematic building elevations are preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during 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, 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 illustrate: (i) a public street connecting Walker Branch Drive to Steelecroft Parkway, (ii) a private street running east to west along the northern portion of the Site, and (iii) a private drive running north to south connecting the street on the southern portion of the Site to the private street on the northern portion of the Site. 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 and the site plan approval process.

2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 100,000 square feet of gross floor area of all uses permitted by right and under prescribed conditions together with accessory uses allowed in the CC zoning district as restricted below in this Section 2, except for the following uses that are prohibited: automotive service stations; residential dwellings; hotels; motels; theaters; motion picture; equipment rental and leasing, within an enclosed building; locksmiths and gunsmiths; nurseries and greenhouses; outdoor recreation; repair or servicing of any articles, the sale of which is permitted in the district; building material sales; donation drop-off facility; and pet services outdoor.  
b. Only one free-standing single story building with a maximum square footage of 20,000 gross square feet devoted to restaurant uses; retail establishments and business; personal and recreation services as allowed in the B-1 district will be allowed on the Site. Additional restaurant uses; retail establishments and businesses; personal and recreational services as allowed in the B-1 district are allowed in buildings that contain at least 10,000 square feet of gross floor area devoted to other uses. Such retail, restaurant, business and personal service and recreational uses will be limited to the ground floor of the building.  
c. Only one financial institution with accessory drive through windows will be allowed on the Site. No other uses with accessory drive-through windows will be allowed. The location of the drive-through window and associated lanes will be allowed as illustrated on Sheet RZ-2 the intent being that the drive-through lanes associated with the financial institution will not be located between the principal structure and Hwy. 49 or Steele Creek Road.

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 Old Steele Creek Road as generally depicted on the Rezoning Plan.  
b. The proposed connection of Old Steele Creek Road to South Tryon Street will be limited to right-in right-out only.  
c. The placements and configurations of vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the CDOT and/or the North Carolina Department of Transportation ("NCDOT").  
d. A public street will be provided through the Site linking Walker Branch Road to Steelecroft Parkway as generally depicted on the Rezoning Plan.  
e. A private street designed to meet the "Local Office/Commercial Narrow" cross-section will be provided along the northern portion of the Site connecting Old Steele Creek Road to Steele Creek Road.  
f. The number and locations of driveways connecting to the interior streets and drives is not limited by what is indicated on the Technical Data Sheet; the location and number will be determined during the land development process.  
g. 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 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. Private Road between Steele Creek Road and Old Steele Creek Road (Project # 1). Up to 25,000 square feet of gross floor area within Building/Parking Envelopes A and C may be constructed on the Site upon the construction of: (i) Private Street A connecting Steele Creek Road to Old Steele Creek Road; (ii) the asphalt pavement connections of Old Steele Creek Road to S. Tryon Street; and (iii) 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.  
b. Steelecroft Parkway Extension (Project # 2). Up to 100,000 square feet of gross floor area may be constructed on the Site upon the construction of: (i) the proposed public street connecting Steelecroft Parkway to Walker Branch Drive (Steelecroft Parkway extension); (ii) a modification of existing Walker Branch Drive by adding a second west bound left turn lane and converting the existing thru lane into a shared thru-right turn lane (both these modifications to be accomplished by repainting the existing intersection); (iii) the extension of a second southbound thru lane on Steele Creek Road starting 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) a 150 foot northbound left turn lane from Steele Creek Road to Steelecroft Parkway Extension; (v) the asphalt pavement connection of Old Steele Creek Road to S. Tryon Street; and (vi) the Private Street A connecting Steele Creek Road to Old Steele Creek Road Drive; and (vii) 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, the commitments referenced in subsections a. and b. above are subject to reimbursement to the Petitioner by the City, as called for by adopted City Policy, for any improvements provided along Old Steele Creek Road, 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. 2011-083].

- c. Illustration. The above referenced improvements and the required lanuage associated with each driveway connection are generally depicted on Sheet RZ-4 of the Rezoning Plan.  
d. Order of Improvements. The roadway improvements referenced in subsections a. and b. above are not required to be completed in any sequence, but rather the level of development is

subject to substantial completion of the applicable roadway improvements set forth for such corresponding development.

- e. 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.  
f. Timing of Completion. Except as to financial contributions referenced in subsection b. above, the roadway improvements referenced in subsections a. and b. above must be substantially completed prior to the issuance of the certificate of occupancy for the first space 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 such first certificate of occupancy is issued to a secure completion of the applicable improvements.  
g. Release of Funds Contributed in Connection with Initial RiverGate Rezoning. The Petitioner's commitments in subsection a. and b. 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 upon 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 No. 2011-083.  
h. Right-of-way Availability. It is understood that some of the roadway improvements referenced in subsection a. and b. 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 buildings 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. Meter banks will be located behind the building and will be screened.  
c. Roof top HVAC and related mechanical equipment will be screened from public view at grade.

d. 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 50 landscape setback will be provided along S. Tryon Street. A 35 foot landscape setback will be provided along Steele Creek Road and a portion of Old Steele Creek Road as generally illustrated on the Rezoning Plan. The setback along the remainder of Old Steele Creek Road and the interior public street may be reduced to 14 feet as allowed by the Ordinance.  
b. The landscape materials including street trees, shrubs and ground covers used within the 50 setback along S. Tryon Street and 35 foot setback along Steele Creek will be coordinated and consistent with the landscape materials used on the other three quadrants of the intersection of S. Tryon Street and Steele Creek Road as described in the "Lower Steele Creek Area Mixed Use Center Plan Design Guidelines" approved as part of Rezoning Petition No. 1992-014(C). At a minimum two rows of trees will be planted along Steele Creek Road and S. Tryon Street. Along the Steele Creek Road and S. Tryon Street the first row will be located in the planting strip between the back of curb and sidewalk. Along Steele Creek Road these trees will be spaced 80 feet on center and 60 feet on center along S. Tryon Street. The second row will be planted within the setback of each of these streets and will be planted at 40 feet on center along Steele Creek Road and 20 feet on center along S. Tryon Street. Due to the presence of over head power lines along S. Tryon Street small maturing trees will be utilized.  
c. The Petitioner will provide eight (8) foot planting strips and six (6) foot sidewalks along the Site's frontage on Steele Creek Road, Old Steele Creek Road, S. Tryon Street and along both sides of the interior public street and the private street located along the northern portion of the Site.  
d. Along the Sites internal private roads, the Petitioner will provide a sidewalk and cross-walk network that links the buildings on the Site with one another and links the buildings to the sidewalks 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.  
e. Screening requirements of the Ordinance will be met.  
f. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

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

The Site will comply with the Tree Ordinance

8. Parks, Greenways and Open Space:

a. Open space areas equaling 15% of the Site area will be provided. The open space areas depicted on the Rezoning Plan may be relocated to other locations on the Site. However, the open space areas identified at the intersections of Hwy. 49 and Steele Creek Road and Steele Creek Road and Old Steele Creek Road shall remain at those locations and be designed as focal points for the overall development. These focal points will be improved with enhanced landscaping, which may include existing vegetation that will buffer parking areas beyond the minimum screening standards. Some of the internal open space area(s) will be improved with seating areas and landscaping. Other open space areas will be left as natural areas with existing trees or improved with additional landscaping. Internal improved open space will be linked to the buildings on the Site via the Site's internal sidewalk and cross-walk network.

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 20 feet in height.  
c. No "wall pak" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted.

11. CATS Passenger Shelter Pad and Preferred Parking for "Clean Commuters":

- a. The Petitioner will install two concrete passenger shelter pads along Old Steele Creek Road in the locations generally indicated on the Rezoning Plan.  
b. 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.

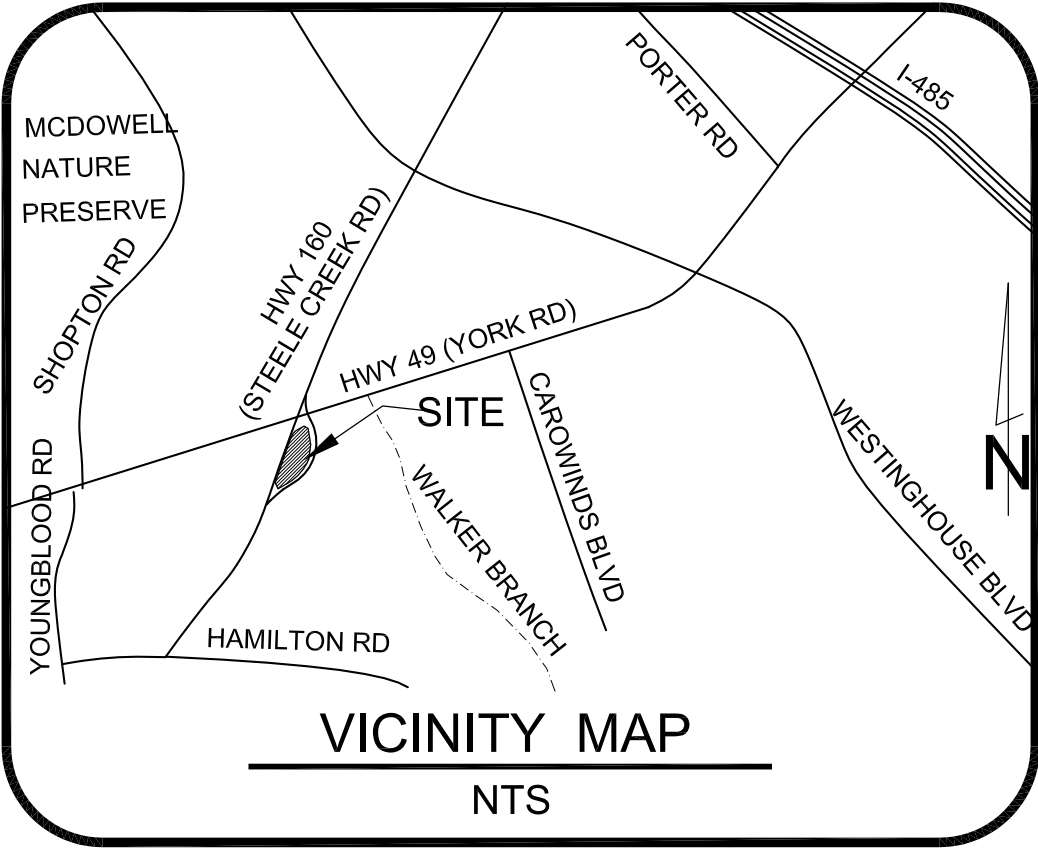
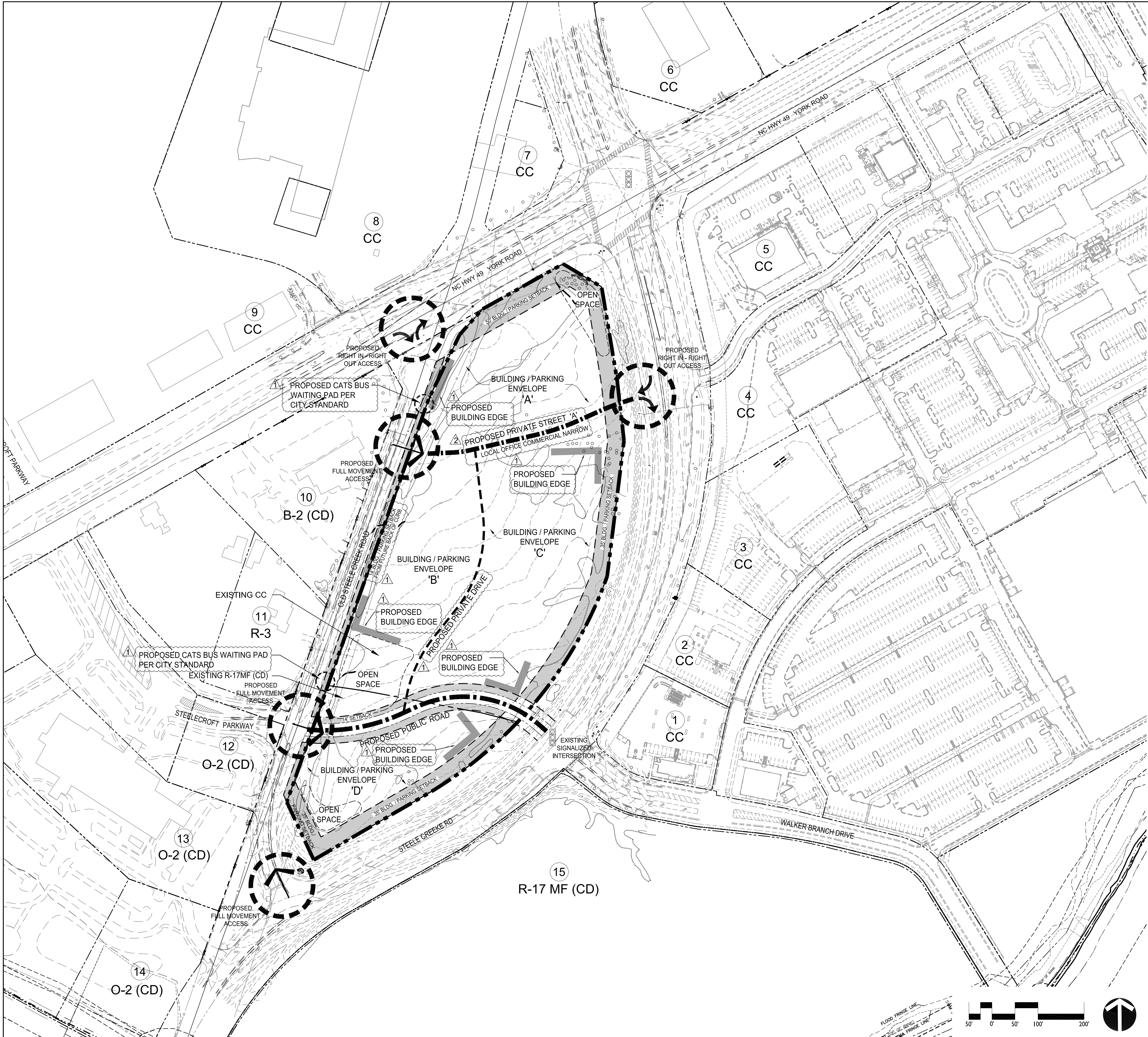
12. Amendments to the Rezoning Plan:

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.





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LAND DESIGN, INC.  
CORPORATE  
SEAL  
NORTH CAROLINA

CHILDRESS KLEIN  
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**RIVERGATE - OFFICE**  
Technical Data Sheet

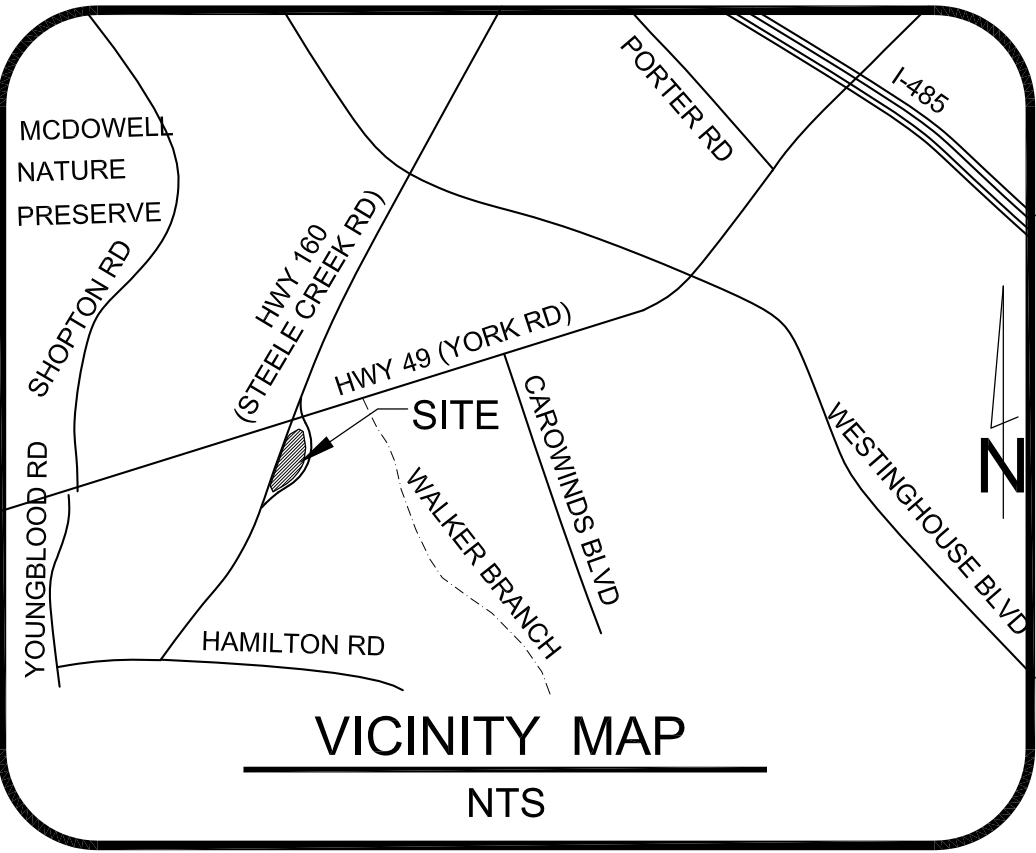
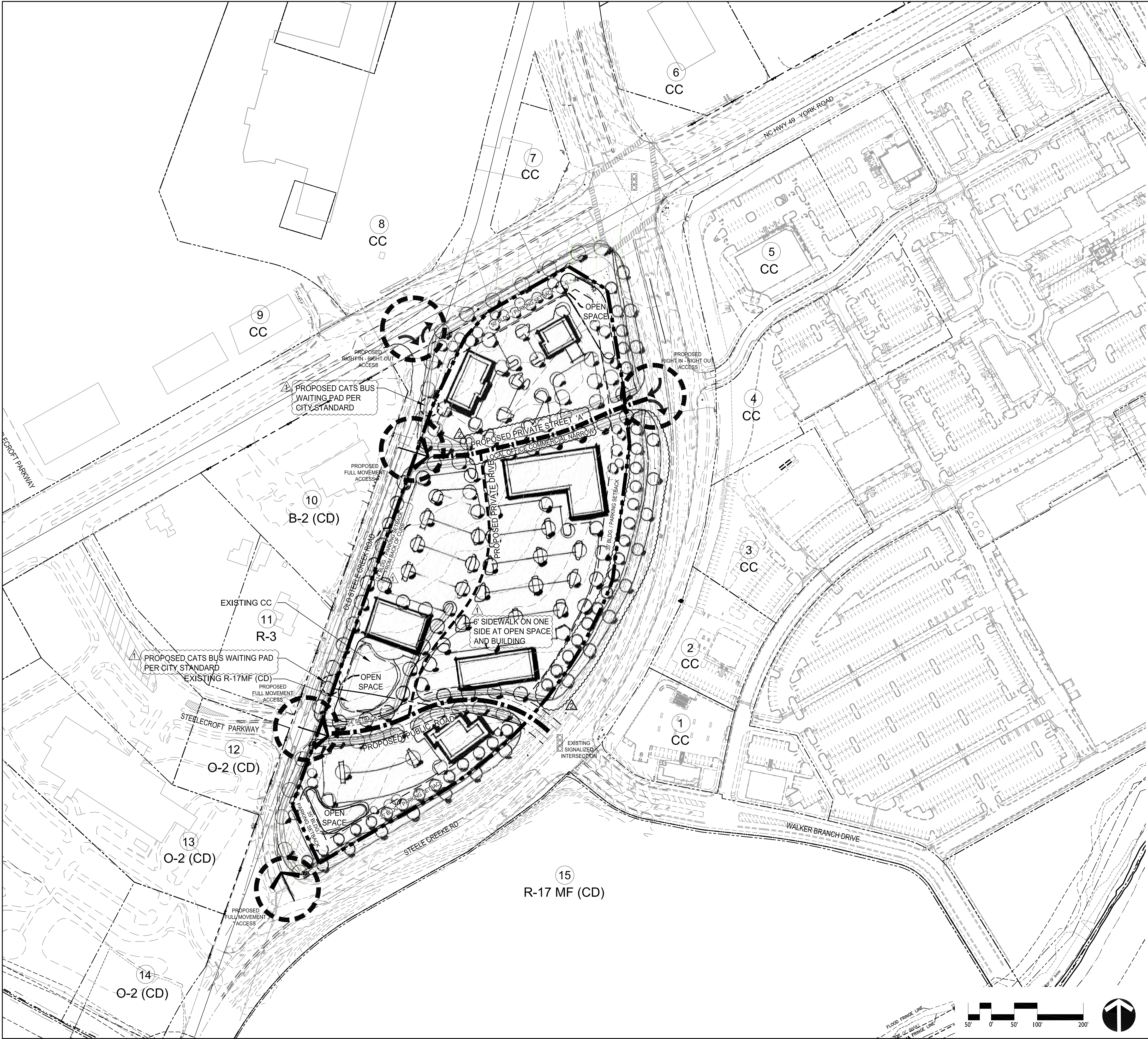
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SCALE: 1"=100'  
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REZONING PETITION NO. 2011-082

SHEET #  
**RZ-2**



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--Proposed Zoning: CC and CC SPA  
--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 restricted below).  
--Maximum Gross Square feet of Development: Up to 100,000 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 an office park on an approximately 11.0 acre Site located in the southwest quadrant of the intersection of S. Tryon Street and Steele Creek Road (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 other site elements on the Rezoning Plan as well as and any schematic building elevations are preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during 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

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development generally depicted on the Schematic Site, 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 illustrate: (i) a public street connecting Walker Branch Drive to Steelecroft Parkway, (ii) a private street running east to west along the northern portion of the Site, and (iii) a private drive running north to south connecting the street on the southern portion of the Site to the private street on the northern portion of the Site. 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 and the site plan approval process.

2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 100,000 square feet of gross floor area of all uses permitted by right and under prescribed conditions together with accessory uses allowed in the CC zoning district as restricted below in this Section 2, except for the following uses that are prohibited: automotive service stations; residential dwellings; hotels; motels; theaters; motion picture; equipment rental and leasing, within an enclosed building; locksmiths and gunsmiths; nurseries and greenhouses; outdoor recreation; repair or servicing of any articles, the sale of which is permitted in the district; building material sales; donation drop-off facility; and pet services outdoor.  
b. Only one free-standing single story building with a maximum square footage of 20,000 gross square feet devoted to restaurant uses; retail establishments and business; personal and recreation services as allowed in the B-1 district will be allowed on the Site. Additional restaurant uses; retail establishments and businesses; personal and recreational services as allowed in the B-1 district are allowed in buildings that contain at least 10,000 square feet of gross floor area devoted to other uses. Such retail, restaurant, business and personal service and recreational uses will be limited to the ground floor of the building.  
c. Only one financial institution with accessory drive through windows will be allowed on the Site. No other uses with accessory drive-through windows will be allowed. The location of the drive-through window and associated lanes will be allowed as illustrated on Sheet RZ-2 the intent being that the drive-through lanes associated with the financial institution will not be located between the principal structure and Hwy. 49 or Steele Creek Road.

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- d. 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 Old Steele Creek Road as generally depicted on the Rezoning Plan.  
b. The proposed connection of Old Steele Creek Road to South Tryon Street will be limited to right-in right-out only.  
c. The placements and configurations of vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the CDOT and/or the North Carolina Department of Transportation ("NCDOT").  
d. A public street will be provided through the Site linking Walker Branch Road to Steelecroft Parkway as generally depicted on the Rezoning Plan.  
e. A private street designed to meet the "Local Office/Commercial Narrow" cross-section will be provided along the northern portion of the Site connecting Old Steele Creek Road to Steele Creek Road.  
f. The number and locations of driveways connecting to the interior streets and drives is not limited by what is indicated on the Technical Data Sheet; the location and number will be determined during the land development process.  
g. 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.

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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. Private Road between Steele Creek Road and Old Steele Creek Road (Project # 1). Up to 25,000 square feet of gross floor area within Building/Parking Envelopes A and C may be constructed on the Site upon the construction of: (i) Private Street A connecting Steele Creek Road to Old Steele Creek Road; (ii) the asphalt pavement connections of Old Steele Creek Road to S. Tryon Street; and (iii) 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.  
b. Steelecroft Parkway Extension (Project # 2). Up to 100,000 square feet of gross floor area may be constructed on the Site upon the construction of: (i) the proposed public street connecting Steelecroft Parkway to Walker Branch Drive (Steelecroft Parkway extension); (ii) a modification of existing Walker Branch Drive by adding a second west bound left turn lane and converting the existing thru lane into a shared thru-right turn lane (both these modifications to be accomplished by repainting the existing intersection); (iii) the extension of a second southbound thru lane on Steele Creek Road starting 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) a 150 foot northbound left turn lane from Steele Creek Road to Steelecroft Parkway Extension; (v) the asphalt pavement connection of Old Steele Creek Road to S. Tryon Street; (vi) the Private Street A connecting Steele Creek Road to Old Steele Creek Road Drive; and (vii) 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, the commitments referenced in subsections a. and b. above are subject to reimbursement to the Petitioner by the City, as called for by adopted City Policy, for any improvements provided along Old Steele Creek Road, Steel 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. 2011-083].

- c. Illustration. The above referenced improvements and the required lanage associated with each driveway connection are generally depicted on Sheet RZ-4 of the Rezoning Plan.  
d. Order of Improvements. The roadway improvements referenced in subsections a. and b. above are not required to be completed in any sequence, but rather the level of development is

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- subject to substantial completion of the applicable roadway improvements set forth for such corresponding development.

- e. 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.

- f. Timing of Completion. Except as to financial contributions referenced in subsection b. above, the roadway improvements referenced in subsections a. and b. above must be substantially completed prior to the issuance of the certificate of occupancy for the first space 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 such first certificate of occupancy is issued to a secure completion of the applicable improvements.

- g. Release of Funds Contributed in Connection with Initial RiverGate Rezoning. The Petitioner's commitments in subsection a. and b. 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 upon 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 No. 2011-083.

- h. Right-of-way Availability. It is understood that some of the roadway improvements referenced in subsection a. and b. 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 buildings 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. Meter banks will be located behind the building and will be screened.  
c. Roof top HVAC and related mechanical equipment will be screened from public view at grade.

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- d. 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 50 landscape setback will be provided along S. Tryon Street. A 35 foot landscape setback will be provided along Steele Creek Road and a portion of Old Steele Creek Road as generally illustrated on the Rezoning Plan. The setback along the remainder of Old Steele Creek Road and the interior public street may be reduced to 14 feet as allowed by the Ordinance.  
b. The landscape materials including street trees, shrubs and ground covers used within the 50 setback along S. Tryon Street and 35 foot setback along Steele Creek will be coordinated and consistent with the landscape materials used on the other three quadrants of the intersection of S. Tryon Street and Steele Creek Road as described in the "Lower Steele Creek Area Mixed Use Center Plan Design Guidelines" approved as part of Rezoning Petition No. 1992-014(C). At a minimum two rows of trees will be planted along Steele Creek Road and S. Tryon Street. Along the Steele Creek Road and S. Tryon Street the first row will be located in the planting strip between the back of curb and sidewalk. Along Steele Creek Road these trees will be spaced 80 feet on center and 60 feet on center along S. Tryon Street. The second row will be planted within the setback of each of these streets and will be planted at 40 feet on center along Steele Creek Road and 20 feet on center along S. Tryon Street. Due to the presence of over head power lines along S. Tryon Street small maturing trees will be utilized.

- c. The Petitioner will provide eight (8) foot planting strips and six (6) foot sidewalks along the Site's frontage on Steele Creek Road, Old Steele Creek Road, S. Tryon Street and along both sides of the interior public street and the private street located along the northern portion of the Site.

- d. Along the Sites internal private roads, the Petitioner will provide a sidewalk and cross-walk network that links the buildings on the Site with one another and links the buildings to the sidewalks 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.

- e. Screening requirements of the Ordinance will be met.  
f. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

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

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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. Open space areas equaling 15% of the Site area will be provided. The open space areas depicted on the Rezoning Plan may be relocated to other locations on the Site. However, the open space areas identified at the intersections of Hwy. 49 and Steele Creek Road and Steele Creek Road and Old Steele Creek Road shall remain at those locations and be designed as focal points for the overall development. These focal points will be improved with enhanced landscaping, which may include existing vegetation that will buffer parking areas beyond the minimum screening standards. Some of the internal open space area(s) will be improved with seating areas and landscaping. Other open space areas will be left as natural areas with existing trees or improved with additional landscaping. Internal/improved open space will be linked to the buildings on the Site via the Site's internal sidewalk and cross-walk network.

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 20 feet in height.  
c. No "wall pak" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted.

11. CATS Passenger Shelter Pad and Preferred Parking for "Clean Commuters":

- a. The Petitioner will install two concrete passenger shelter pads along Old Steele Creek Road in the locations generally indicated on the Rezoning Plan.  
b. 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.

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:

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- 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.

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**Steele Creek 1997 Limited Partnership**  
**Development Standards**  
**12/20/11**  
**Rezoning Petition No. 2011-082 (Office Parcel)**

**Site Development Data:**

- Acreage: 11.0
- Tax Parcel #: 219-061-05 and 09
- Existing Zoning: R-17MF(CD) and CC by Rezoning Petition No. 1992-14(C)
- Proposed Zoning: CC and CC SPA
- 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 restricted below).
- Maximum Gross Square feet of Development: Up to 100,000 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 an office park on an approximately 11.0 acre Site located in the southwest quadrant of the intersection of S. Tryon Street and Steele Creek Road (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 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, 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 illustrate; (i) a public street connecting Walker Branch Drive to Steelecroft Parkway, (ii) a private street running east to west along the northern portion of the Site, and (iii) a private drive running north to south connecting the street on the southern portion of the Site to the private street on the northern portion of the Site. 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 and the site plan approval process.

## **2. Permitted Uses & Development Area Limitation:**

a. The Site may be developed with up to 100,000 square feet of gross floor area of all uses permitted by right and under prescribed conditions together with accessory uses allowed in the CC zoning district as restricted below in this Section 2, except for the following uses that are prohibited: automotive service stations; residential dwellings; hotels; motels; theaters, motion picture; equipment rental and leasing, within an enclosed building; locksmiths and gunsmiths; nurseries and greenhouses; outdoor recreation; repair or servicing of any articles, the sale of which is permitted in the district; building material sales; donation drop-off facility; and pet services outdoor

b. Only one free-standing single story building with a maximum square footage of 20,000 gross square feet devoted to restaurant uses; retail establishments and business; personal and recreation services as allowed in the B-1 district will be allowed on the Site. Additional restaurant uses; retail establishments and businesses; personal and recreational services as allowed in the B-1 district are allowed in buildings that contain at least 10,000 square feet of gross floor area devoted to other uses. Such retail, restaurant, business and personal service and recreational uses will be limited to the ground floor of the building.

c. Only one financial institution with accessory drive through windows will be allowed on the Site. No other uses with accessory drive-through windows will be allowed. The location of the drive-through window and associated lanes will be allowed as illustrated on Sheet RZ-2 the intent being that the drive-through lanes associated with the financial institution will not be located between the principal structure and Hwy. 49 or Steele Creek Road.



d. 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 Old Steele Creek Road as generally depicted on the Rezoning Plan.

b. The proposed connection of Old Steele Creek Road to South Tryon Street will be limited to right-in right-out only.

c. The placements and configurations of vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the CDOT and/or the North Carolina Department of Transportation (“NCDOT”).

d. A public street will be provided through the Site linking Walker Branch Road to Steeecroft Parkway as generally depicted on the Rezoning Plan.

e. A private street designed to meet the “Local Office/Commercial Narrow” cross-section will be provided along the northern portion of the Site connecting Old Steele Creek Road to Steele Creek Road.

f. The number and locations of driveways connecting to the interior streets and drives is not limited by what is indicated on the Technical Data Sheet; the location and number will be determined during the land development process.

g. 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 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. **Private Road between Steele Creek Road and Old Steele Creek Road (Project # 1).** Up to 25,000 square feet of gross floor area within Building/Parking Envelopes A and C may be constructed on the Site upon the construction of: (i) Private Street A connecting Steele Creek Road to Old Steele Creek Road; (ii) the asphalt pavement connections of Old Steele Creek Road to S. Tryon Street; and (iii) 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.
- b. **Steelecroft Parkway Extension (Project # 2).** Up to 100,000 square feet of gross floor area may be constructed on the Site upon the construction of: (i) the proposed public street connecting Steelecroft Parkway to Walker Branch Drive (Steelecroft Parkway extension); (ii) a modification of existing Walker Branch Drive by adding a second west bound left turn lane and converting the existing thru lane into a shared thru-right turn lane (both these modifications to be accomplished by repainting the existing intersection); (iii) the extension of a second southbound thru lane on Steele Creek Road starting 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) a 150 foot northbound left turn lane from Steele Creek Road to Steelecroft Parkway Extension; (v) the asphalt pavement connection of Old Steele Creek Road to S. Tryon Street; (vi) the Private Street A connecting Steele Creek Road to Old Steele Creek Road Drive; and (vii) 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, the commitments referenced in subsections a. and b. above are subject to reimbursement to the Petitioner by the City, as called for by adopted City Policy, for any improvements provided along Old Steele Creek Road, Steel 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. 2011-083].

- c. **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.
- d. **Order of Improvements.** The roadway improvements referenced in subsections a. and b. above are not required to be completed in any sequence, but rather the level of development is



subject to substantial completion of the applicable roadway improvements set forth for such corresponding development.

e. **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.

f. **Timing of Completion.** Except as to financial contributions referenced in subsection b. above, the roadway improvements referenced in subsections a. and b. above must be substantially completed prior to the issuance of the certificate of occupancy for the first space 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 such first certificate of occupancy is issued to a secure completion of the applicable improvements.

g. **Release of Funds Contributed in Connection with Initial RiverGate Rezoning.** The Petitioner's commitments in subsection a. and b. 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 No. 2011-083.

h. **Right-of-way Availability.** It is understood that some of the roadway improvements referenced in subsection a. and b. 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 buildings 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. Meter banks will be located behind the building and will be screened.

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



d. 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 50 landscape setback will be provided along S. Tryon Street. A 35 foot landscape setback will be provided along Steele Creek Road and a portion of Old Steele Creek Road as generally illustrated on the Rezoning Plan. The setback along the remainder of Old Steele Creek Road and the interior public street may be reduced to 14 feet as allowed by the Ordinance.

b. The landscape materials including street trees, shrubs and ground covers used within the 50 setback along S. Tryon Street and 35 foot setback along Steele Creek will be coordinated and consistent with the landscape materials used on the other three quadrants of the intersection of S. Tryon Street and Steele Creek Road as described in the "Lower Steele Creek Area Mixed Use Center Plan Design Guidelines" approved as part of Rezoning Petition No. 1992-014(C). At a minimum two rows of trees will be planted along Steele Creek Road and S. Tryon Street. Along the Steele Creek Road and S. Tryon Street the first row will be located in the planting strip between the back of curb and sidewalk. Along Steele Creek Road these trees will be spaced 80 feet on center and 60 feet on center along S. Tryon Street. The second row will be planted within the setback of each of these streets and will be planted at 40 feet on center along Steele Creek Road and 20 feet on center along S. Tryon Street. Due to the presence of over head power lines along S. Tryon Street small maturing trees will be utilized.

c. The Petitioner will provide eight (8) foot planting strips and six (6) foot sidewalks along the Site's frontage on Steele Creek Road, Old Steele Creek Road, S. Tryon Street and along both sides of the interior public street and the private street located along the northern portion of the Site.

d. Along the Sites internal private roads, the Petitioner will provide a sidewalk and cross-walk network that links the buildings on the Site with one another and links the buildings to the sidewalks 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.

e. Screening requirements of the Ordinance will be met.

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

**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. Open space areas equaling 15% of the Site area will be provided. The open space areas depicted on the Rezoning Plan may be relocated to other locations on the Site. However, the open space areas identified at the intersections of Hwy. 49 and Steele Creek Road and Steele Creek Road and Old Steele Creek Road shall remain at those locations and be designed as focal points for the overall development. These focal points will be improved with enhanced landscaping, which may include existing vegetation that will buffer parking areas beyond the minimum screening standards. Some of the internal open space area(s) will be improved with seating areas and landscaping. Other open space areas will be left as natural areas with existing trees or improved with additional landscaping. Internal improved open space will be linked to the buildings on the Site via the Site's internal sidewalk and cross-walk network.

**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 20 feet in height.
- c. No "wall pak" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted.

**11. CATS Passenger Shelter Pad and Preferred Parking for "Clean Commuters":**

- a. The Petitioner will install two concrete passenger shelter pads along Old Steele Creek Road in the locations generally indicated on the Rezoning Plan.
- b. 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.

**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.