

VICINITY MAP N.T.S.

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

- a. Unless more stringent standards are established by the Rezoning Plan or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the NS zoning district classification shall be followed in connection with development taking place on the Site.
- b. The configuration, placement and size of the buildings, parking areas, and other site elements depicted on the Rezoning Plan are schematic in nature and may be altered or modified within the constraints defined by the Ordinance and by the development areas set forth on the Technical data sheet, during design development and construction document phases.
- c. The exact configuration and size of Parcel A and Parcel B are schematic in nature and may be altered or modified during design development and construction document phases.
- d. Any or all portions of the development permitted may be constructed in separate phases or in a single phase at the discretion of the Petitioner.
- e. As illustrated on the schematic site plan the petitioner may split building One Two and Three to create six separate buildings. If these buildings are split as indicated on the schematic site plan the area between the buildings will be used for either pedestrian plazas or landscape areas. Parking will not be allowed in the area created between these buildings.
- f. The Petitioner reserves the right to subdivide the Site and create lots within the interior of the development with no side and/or rear yards as part of the unified development plan.

2. PERMITTED USES

- a. The Site may be developed with the following uses: retail uses, including without limitation restaurants and personal services uses; indoor recreational uses; general and medical office uses; and a child care center use as prescribed in the NS district. Accessory uses that are incidental and related to the other uses on site will also be allowed.
- b. Restaurants with drive-through windows and gas station convenience stores will not be allowed.
- c. Maximum allowed gross floor area will be 112,000 square feet, subject to the maximum limits set forth in items d, e, f, and g below. For purposes of the development limitations set forth the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building, and any accessory buildings or structures on the site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface and structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces); furthermore, areas devoted to outdoor dining are not intended to be included in the calculation of gross floor area but shall be included in parking requirements as described below.
- d. Subject to the maximum area limitations described above in item "c" retail and restaurant uses will be limited to 81,000 square feet, with the option to convert 35,640 square feet of such uses into office and/or indoor recreational uses.
- e. Subject to the maximum area limitations described above in item "c" indoor recreational uses will be limited to 18,000 square feet.
- f. Subject to the maximum area limitations described above in item "c" office uses shall be limited to 57,000 square feet.
- g. Subject to the maximum area limitations described above in item "c" child care center uses shall be limited to 12,500 square feet and 165 children.
- h. Parcel B will be developed as either a child care center or as office use(s).
- i. Uses with accessory drive-through windows will be limited to one, either associated with a drug store or a bank, and must be located on Parcel A.
- j. Outdoor dining will be allowed and shall not count towards the maximum development area calculations set out above but will be considered in connection with parking requirements as described below.

3. SETBACKS, SIDE YARDS, AND REAR YARDS

- a. Development of the Site shall comply with the greater of the setback, rear yard, and side yard requirements established under the Ordinance for the NS zoning district or the setbacks, rear yards, side yards, buffers or landscape areas established on the rezoning plan.
- b. No buildings, parking spaces, or maneuvering areas may be located within the setbacks, buffers or landscape area.
- c. Parking and maneuvering for parking or vehicular circulation areas will not be allowed between Buildings One and Two and Highland Creek Parkway, nor will parking or maneuvering for parking or vehicular circulation areas be allowed between the building(s) constructed on Parcel B and Eastfield Road; provided that such parking and maneuvering and vehicular circulation may be allowed to the side and rear of such buildings.

4. BUILDING HEIGHTS

- a. Except for Building Three all other buildings will be one-story.
- b. Building Three can either be one-story or two stories.
- c. Buildings will not exceed 40 feet in height.

5. PARKING/INTERNAL VEHICULAR CIRCULATION

- a. Off-street parking will be provided at a minimum ratio of one space per 275 gross square feet.
- b. For the purposes of meeting this parking ratio the parking spaces provided along the new internal public street may be used.
- c. Parking for outdoor dining will be provided at a ratio of one space per 600 square feet.
- d. The alignment of internal vehicular circulation and driveways is preliminary and as a result has not been finalized and is subject to final design and engineering plans. Minor modification or alteration of these alignments may therefore take place during design development and construction phases.
- e. Bicycle parking will be provided on the Site as required by the City of Charlotte parking requirements and standards.
- f. Petitioner reserves the right to provide either a bank or a drug store with drive-through windows as accessory use on Parcel A. Exact configuration of such drive-in windows may be altered or modified within the constraints defined by the Ordinance and this Rezoning Plan during design development and construction document phases.

6. ACCESS POINTS (DRIVEWAYS AND PUBLIC STREET)

- a. The number of vehicular access points to the Site shall be limited to the number depicted on the Rezoning Plan.
- b. The proposed driveway to Eastfield Road will be limited to a Right-in Right-out driveway unless the NCDOT approves the driveway permit with the addition of a left-in access, at which time the driveway may be constructed to allow left turns into the site from Eastfield Road.
- c. The placement and configuration of each access point are subject to modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the City of Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- d. A public street is proposed along the southern property line and will be constructed as part of the development of the site at such time as buildings located along such street are constructed. This street will be design and constructed to meet the recently adopted Urban Street Design Guidelines.
- e. If allowed by the appropriate review agencies construction traffic access will be limited to Eastfield Road.

7. RIGHT-OF-WAY DEDICATION

If this Rezoning Petition is approved, the Petitioner commits to dedicate and convey by plat and quitclaim deed to NCDOT or CDOT (as the case may require) where owned by the Petitioner and where not already existing that portion of such additional right of way along the Site's frontage of Eastfield Road as determined by the final engineering drawings for the intersection improvements not to exceed 60 feet from the existing center line of Eastfield Road but in no case less than 50 feet of right of way from the centerline. This additional right-of-way will be dedicated at completion of the Eastfield roadway improvements.

8. ROAD WAY IMPROVEMENTS

- a. The Petitioner commits to the funding and installation of standard traffic and pedestrian signals at the Eastfield Road/ Highland Creek Parkway intersection when traffic signal warrants (Petitioner is under the understanding that signal warrants have been met at this time) are met and both CDOT/ NCDOT determine that traffic signals need to be installed; provided, however, Petitioner's funding obligation shall not exceed \$125,000. Once the proposed traffic signal is approved by NCDOT and CDOT the Petitioner developer will fund the cost of installation within 45 days of receipt of approval. The funds for such installation to be paid to the City of Charlotte Transportation Department.
- b. The Petitioner will construct a southbound Eastfield Road left turn lane at Highland Creek Parkway. The design of the proposed left turn lane will be subject to the applicable CDOT and NCDOT standards. The widening of Eastfield Road for this left turn lane will occur asymmetrically. It is possible that the Petitioner will have to acquire off-site right-of-way to complete this improvement. If after reasonable efforts by the petitioner to acquire such right-of-way on market rate terms, the Petitioner has not been successful The City of Charlotte will use its power of eminent domain to acquire the needed right-of-way. In such event, the Petitioner will reimburse the City for the all the costs associated with this right-of-way acquisition.
- c. Petitioner will relocate existing Highland Creek Parkway crosswalk closer to the intersection so that it can safely operate under signal control, said relocation to take place as part of the intersection improvements.
- d. Petitioner shall install an eight (8) foot planting strip and a six (6) foot sidewalk along Eastfield Road. The petitioner will provide an eight (8) foot planting strip and a six (6) foot sidewalk along the Highland Creek Parkway frontage.
- e. The Petitioner will investigate with the City the possibility of installing pedestrian cross walks at the intersection of Highland Creek Parkway and the full movement driveway into the site. If permitted by the City the Petitioner shall install pedestrian cross walks at this intersection.

9. INTERNAL SIDEWALKS

The petition shall provide an internal sidewalk system that links the proposed building with each other and with the abutting public streets as required by section 12.529 of the zoning regulations.

10. STORMWATER/WETLANDS

- a. Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance as adopted on November 26th, 2007.
- b. The following agencies must be contacted prior to construction regarding wetland and water quality permits:
 - (i) Section 401 Permit - NCDENR, Raleigh Office (919.733.1786)
 - (ii) Section 404 Permit - US Army Corps of Engineers (704.271.4854)
- c. The proposed detention/water quality pond may be placed below ground and the area on the site plan originally indicated for above ground detention/water quality may be used for parking at the Petitioner's option.
- d. Utilities may cross buffers at interior angles between 75 and 90 degrees; however, the proposed utility and associated easements as shown on the technical data sheet may be located within the inner half of the buffer adjacent to the southern property line and may run longitudinally along the buffer as shown.

11. LIGHTING

- a. Lighting will be provided throughout the Site and shall be full cut-off or semi-cut off type lighting fixtures with the exception of lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Site lighting 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.
- d. Petitioner may provide pedestrian scale lighting along Highland Creek Parkway and on the interior of site.

12. SIGNAGE

- a. All signs placed on the Site will be erected in accordance with the requirements of the NS district as described in the City of Charlotte Zoning regulations.
- b. Detached signs will be ground mounted signs (pole signs are not allowed). The design of these signs will be architecturally compatible with buildings on the site through the use of the similar building materials and architectural styles.
- c. The use of neon in any sign is prohibited.

13. SCREENING AND TREE ORDINANCE

- a. Screening will be provided as required in section 12.303 of the Ordinance.
- b. Street trees and internal trees will be provided to fulfill the requirements of the City of Charlotte Tree Ordinance.
- c. All roof mounted mechanical equipment will be screened from view.
- d. Dumpster areas and recycling areas will be enclosed by solid fences or a brick wall with one side being a decorative wooden gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
- e. The parking lot for Parcel A will be screened from Highland Creek Parkway and Eastfield Road by a three (3) foot high decorative masonry wall and evergreen shrubs. The design and materials used to construct the new wall will be similar to and will complement the existing Highland Creek entry wall.

14. LANDSCAPE AREA

- a. A 10 foot minimum landscape area will be provided along the southern property line. This 10 foot landscape area will be landscaped five trees per 100 liner feet. Trees to be 2" caliper trees and 8 to 10 feet tall at installation and shall be large maturing trees. In addition to the trees within the 10 landscape area a four (4) to six (6) foot berm or a six (6) foot decorative masonry wall will also be installed. When a berm is installed, per an agreement with the adjoining property owner, portions of the berm may be located on his property.
- b. One access through this landscape area from the proposed public street to the adjacent parcel will be allowed.
- c. Tree save areas will be provided as indicated on the Rezoning Plan.

15. BUFFERS

- a. A 50 foot class B buffer will be provided along portions of the eastern property line as generally depicted on the Rezoning Plan. The outer 20 feet of this buffer will be undisturbed except that dead and dying vegetation may be removed. In the event that there is no existing vegetation within the 20 foot undisturbed areas, these areas will be re-landscaped with six (6) trees and 40 shrubs per 100 linear feet. The inner 30 feet will be landscaped with 9 trees 100 linear feet. A decorative six (6) foot wooden fence will also be installed within the buffer. The fence to be located approximately 25 feet from the property line except for adjustments due to the topography and large maturing trees.
- b. The buffer adjacent to parcel B will be reduced to 40 feet with the outer 20 feet been an undisturbed except that dead and dying vegetation may be removed. Except as set forth above, the existing vegetation within this outer 20 feet will be preserved. In the event that there is no existing vegetation within the 20 foot undisturbed area, these area will be re-landscaped with six (6) trees and 40 shrubs per 100 linear feet. The inner 20 feet will be landscaped with 9 trees per 100 linear feet. A decorative six (6) foot fence will also be constructed within the buffer for Parcel B. The fence to be located 25 feet from the property line except for adjustments due to the topography and large maturing trees.

16. ARCHITECTURAL CONTROLS

- a. Buildings One and Two shall have clear windows and glass along Highland Creek Parkway. The walls of Buildings One and Two facing Highland Creek Parkway shall be varied with a frequency of windows and other architectural treatments. Long expanses of blank walls with no openings, changes in materials or changes in architectural treatment over 20 feet long will not be allowed.
- b. The attached elevations are included to reflect the architectural style and quality of the buildings that will be constructed on the site (the actual buildings constructed on the site may vary from these illustrations as long the general architectural concepts and intent illustrated is maintained).
- c. All sides of all buildings will be built using four sided architecture.
- d. The principle building materials will be brick or stone including simulated stone and pre-cast stone. At least 80% of each building facade exclusive of windows, doors and roofs will be constructed of brick, stone, simulated stone, or pre-cast stone. Stucco or EFIS accents will be allowed. Vinyl will not be allowed as a building material.
- e. Meter banks will be hidden from public view.
- f. The Dumpsters located on the site will not be emptied between the hours of 11:00 p.m. and 6:30 a.m.

17. AMMENDMENTS TO REZONING PLAN

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

18. BINDING AFFECT OF THE REZONING APPLICATION

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



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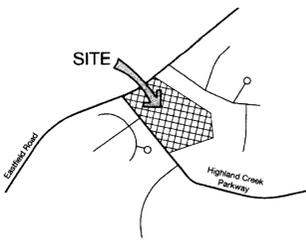
Highland Commons

**Development Summary Notes
 Rezoning Petition #08-068
 Charlotte, NC**

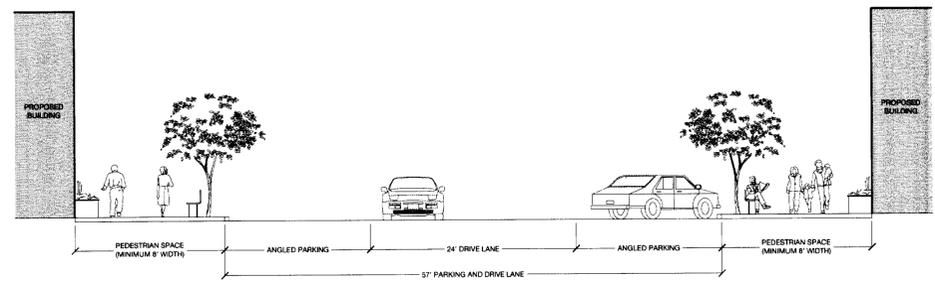
NO.	DATE	BY:	REVISIONS:
1	04.18.08	EV	Per Comments
2	05.23.08	EV	Per Comments

Project No: 08-005
 Date: January 28, 2008
 Designed by: udp
 Drawn By: ev
 Scale: 1" = 50'
 Sheet No:

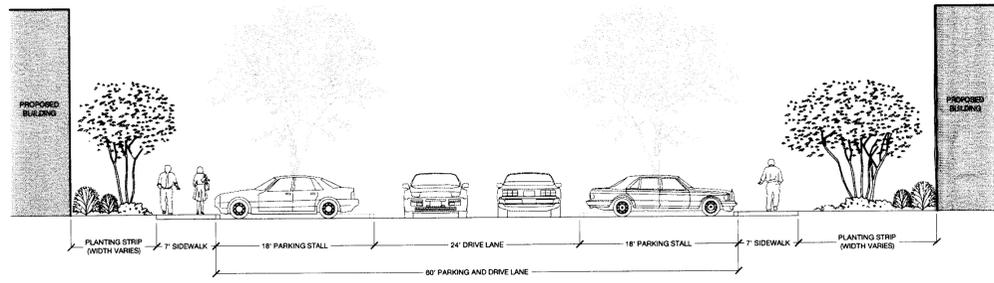
RZ-3



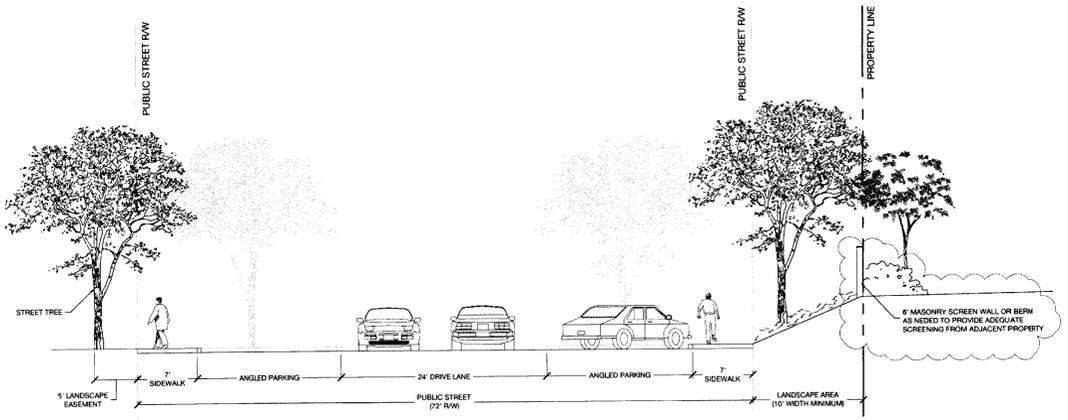
VICINITY MAP N.T.S



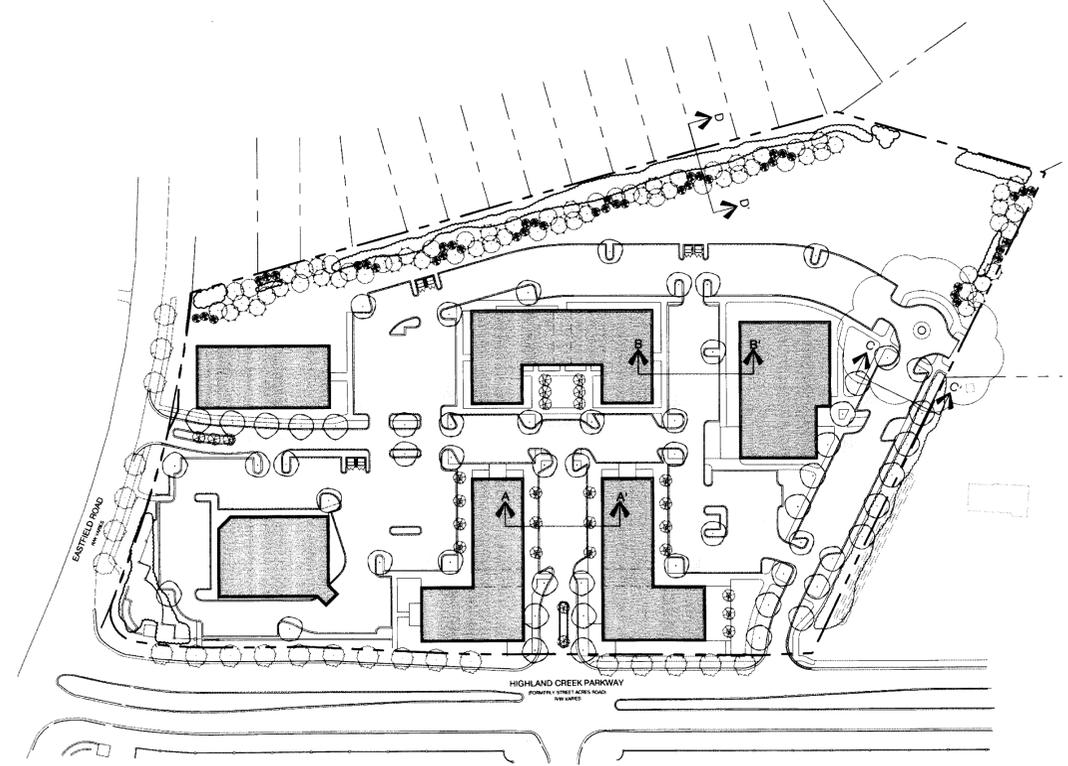
ENTRY DRIVE CROSS SECTION A-A' SCALE: NTS



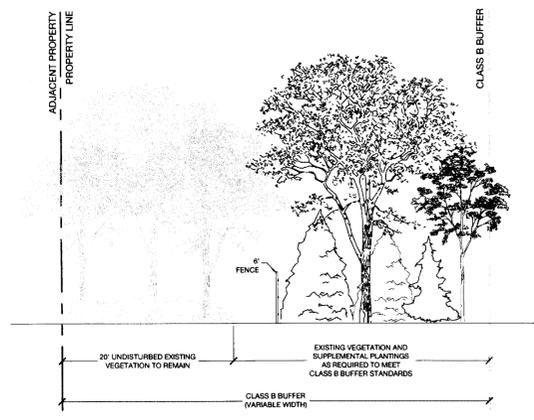
INTERIOR DRIVE CROSS SECTION B-B' SCALE: NTS



PUBLIC STREET CROSS SECTION C-C' SCALE: NTS



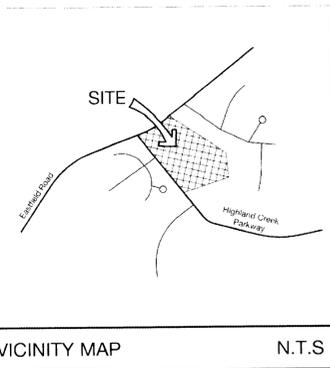
SITE SECTION MAP SCALE: 1" = 100'



BUFFER PLANTING CROSS SECTION D-D' SCALE: NTS

NO.	DATE	BY	REVISIONS:
1	04.18.08	EV	Per Comments
2	05.23.08	EV	Per Comments

NOTE: THESE SECTIONS ARE PRELIMINARY AND ARE SUBJECT TO CHANGE.



ENTRY DRIVE FROM HIGHLAND CREEK PARKWAY

SCALE: NTS



PEDESTRIAN SPACE AT BUILDING 1

SCALE: NTS



PLAZA/OPEN SPACE AT BUILDING 3

SCALE: NTS

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Highland Commons

Site Perspectives
 Rezoning Petition #08-068
 Charlotte, NC

NO.	DATE	BY	REVISIONS:
1	04.18.08	EV	Per Comments
2	05.23.08	EV	Per Comments

Project No: 08-005
 Date: January 28, 2008
 Designed by: udp
 Drawn By: ev
 Scale: nts
 Sheet No:

RZ-5

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HIGHLAND COMMONS