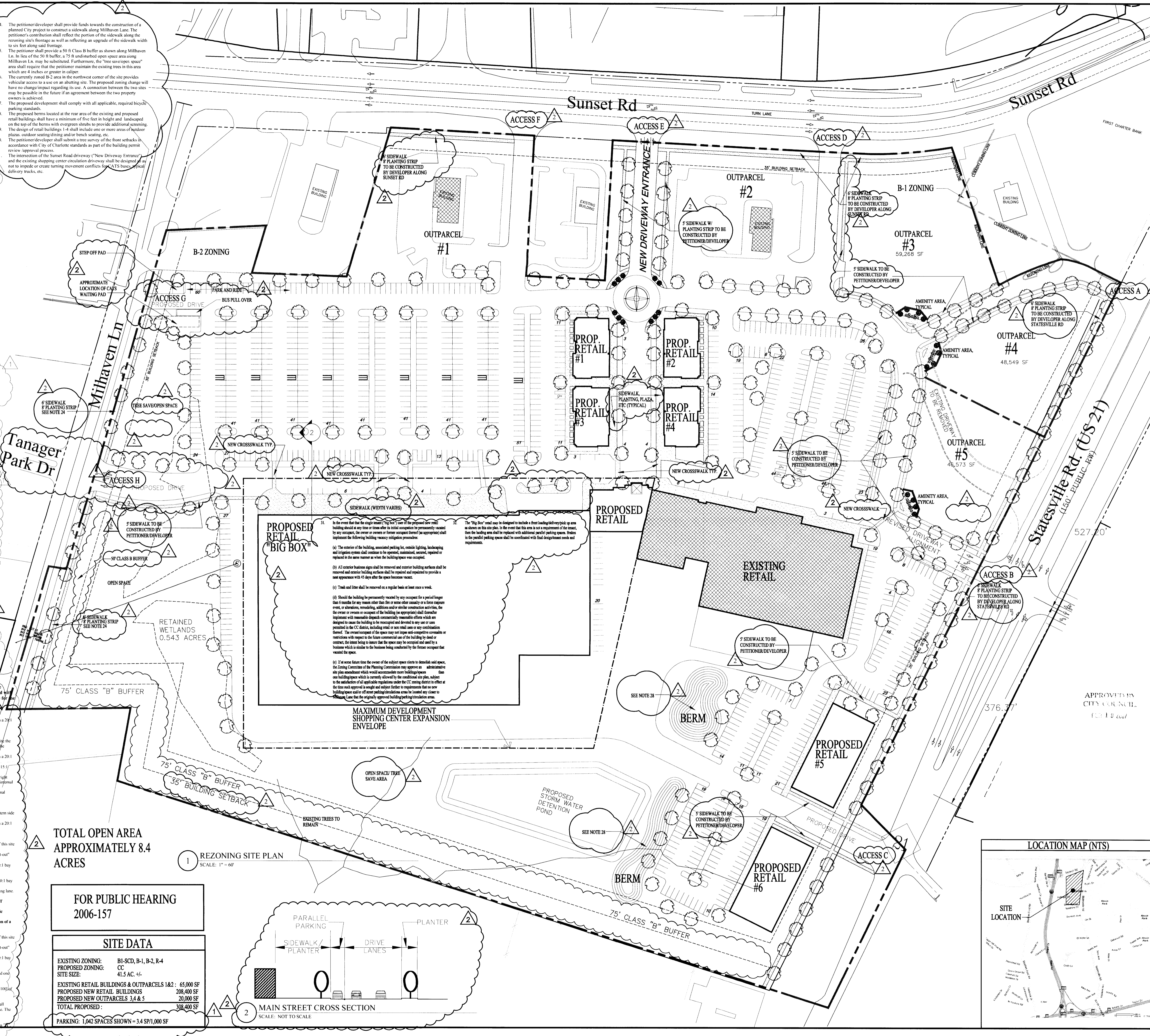


SUNSET CROSSING CONDITIONAL NOTES

- 1. The development of the site will be controlled by the standards depicted on this site plan and by the standards of the City of Charlotte Zoning Ordinance. The development depicted by this plan is intended to reflect the general arrangement of proposed uses on the site, but the exact details of the configuration, placement and size of the individual buildings and/or site elements may be altered or modified within the limits prescribed by the ordinance as specified in Section 6.206(d) during the design development and construction phases.
- 2. All proposed development on the site shall comply with ordinance requirements regarding setbacks and arrangement of off-street parking spaces, signs, yard dimensions, buffers, screening, Charlotte Tree Ordinance, etc.
- 3. The proposed development shall consist of a retail shopping center and associated outparcels. All uses allowed in the CC zoning district shall be permitted. The total shopping center square footage, including outparcel shall be 308,400 square feet.
- 4. As shown on the site plan, required buffers shall be established. In this instance a 75' Class B buffer is required. All buffer areas shall conform to the provisions of the ordinance. The buffer shall remain undisturbed except that any necessary clearing and grading needed to plant new buffer material as required shall be allowed as well as any grading/grading needed to install curbs, easements, etc. which are needed to service the site.
- 5. Storm water detention facilities shall be located within the front setback and required buffer areas. The detention system shall tie into the existing storm water systems. The detention system shall be designed to store storm water until it can be released into the storm water system. The detention system shall be designed to store storm water until it can be released into the storm water system.
- 6. The maximum height of any freestanding light fixture shall not exceed 35 feet including its base. All such lighting will be capped or "fitty" shielded such that direct illumination does not extend past the property. Wall pack lighting shall be prohibited in association with all new buildings.
- 7. Vehicular access points shall be limited to those shown on the site plan. The exact location may vary somewhat from that depicted and shall comply with all applicable design requirements of the Charlotte Dept. of Transportation and the North Carolina Dept. of Transportation.
- 8. Out parcels, both existing and planned, shall be permitted as generally shown. Each out parcel shall be vehicularly accessed by the internal circulation system of the overall shopping center. No direct curb cut access to the abutting public street system shall be allowed in association with each out parcel.
- 9. All new buildings on the site, including out parcels, shall be primarily constructed of brick, stone and/or a combination of those materials. Although some architectural diversity and individual branding identity will be permitted among the various buildings, there will be a requirement for complementary building materials, colors, etc. such that an overall consistent design theme is achieved for the new buildings for the site.
- 10. The petitioner will re-locate the main Statesville Road ingress/egress driveway as conceptually shown on the plan. The relocated driveway will be designed with the appropriate ingress/egress lanes as a new, corresponding median opening. The present driveway/median opening will be closed in association with this new design.
- 11. A fire hydrant is required within 750 feet of the most remote point of any building as the emergency vehicle track travels. If such hydrant does not exist, the petitioner shall install the required hydrant. However, some buildings may be combined to form fewer buildings than shown as long as the general concept of building parking/pedestrian arrangements remain. Building footprints, shapes and sizes are conceptual and may be modified to conform to final design and tenant needs.
- 12. Steps up to grade, e.g., and 5 shall be designed to be wet-weather proof per the General Development Policies (GDP) guidelines. As depicted on the site plan, three new amenity features shall be designed and constructed in association with these parcels. These features (see plan for locations) shall contain such pedestrian features as a fountain, benches/seating, gazebos or other similar features. Also, in further compliance with GDP design guidelines, sidewalks shall be constructed to interconnect these parcels with each other and the parcels to the existing retail portion of the main shopping center. These GDP design features will be required to be constructed at the time of the development of each of the outparcels and the improvement shall correspond to the area of the abutting outparcel boundary only.
- 13. The petitioner may combine out parcels 4 and 5 into one single "development".
- 14. Throughout the rezoning petition/site plan, the term "petitioner" shall be deemed to include the successors in interest and assigns of the petitioner who may be developed in the development of the site from time to time.
- 15. The petitioner/developer will install left-turn lanes on Millhaven Lane as follows: 100' LTR with 100' of finger Access "G" (northbound access) followed by a T.V.L.T. section to terminate at Access "H" (southbound access).
- 16. The petitioner/developer shall provide 20' non-exclusive Park and Ride spaces for use by CATS. Further, the petitioner/developer will construct a shelter pad per CATS design requirements for use by CATS and will install a ramp from the shelter pad to the existing retail portion of the main shopping center. These GDP design features will be required to be constructed at the time of the development of each of the outparcels and the improvement shall correspond to the area of the abutting outparcel boundary only.
- 17. The petitioner/developer shall construct a 6' sidewalk and an 8' ft planting strip along the site's Statesville Road frontage.
- 18. The petitioner/developer shall dedicate land for right-of-way purposes along the site's frontage as follows: Both Sunset Road and Statesville Road are major thoroughfares requiring more than the minimum of 100 feet of right-of-way. The future cross-section for Sunset Road between I-77 and Statesville Road is a 6-lane, median divided roadway with bike lanes and dual left-turn lanes and right-turn lanes at all signalized intersections. For this reason, 120 feet of right-of-way will be needed across the site's frontage (except as identified in the next sentence), measured 65 feet from the centerline. However, for the first 500 feet west of Statesville Road, 130 feet of right-of-way, measured 70 feet from the centerline, will be needed, the right-of-way will then taper to 65 feet at a rate of 20:1. Right-of-way for Statesville Road will be 60 feet from centerline for the first 500 feet south of Sunset Road, then tapering to 50 feet at a rate of 45:1. Accordingly, the petitioner/developer shall dedicate the appropriate site frontage along these two roadways for right-of-way purposes and said dedication shall be conveyed to NCDOT in fee simple. Such dedications shall occur prior to the issuance of any building permit associated with the building expansion of the shopping center.
- 19. All dumpster, service areas or auxiliary storage areas will be designed as not to interfere with the pedestrian circulation. All dumpster/recycling areas shall be fully screened by means of an enclosure with solid gates.
- 20. The proposed new retail buildings 1-6 shall be designed as "architecturally four sided" structures so that all sides receive similar, contemporary, architectural treatments regarding the materials, windows, etc. The buildings shall be designed to be visually compatible with the existing retail buildings located on out parcels 3, 4 and 5. The buildings shall be designed to be visually compatible with the existing retail buildings located on out parcels 3, 4 and 5. The buildings shall be designed to be visually compatible with the existing retail buildings located on out parcels 3, 4 and 5.
- 21. Including existing and proposed out parcels, "existing retail" buildings and "proposed retail" buildings, a grand total of 14 buildings are proposed. The 14 buildings proposed represent the maximum. Buildings may be combined to create fewer than the 14 shown on the plan.
- 22. In accordance with the TIS report prepared by Kublin Transportation Group, Inc., the petitioner/developer shall construct the following transportation improvements by Developer:
Although listed below as by the developer, the relocation of the median and the construction of turn lanes on Statesville Road at Access "B" shown on the plan and the Statesville Road Widening Project (designed to pay the City of Charlotte for the said improvements at Access "B" in association with the city project).



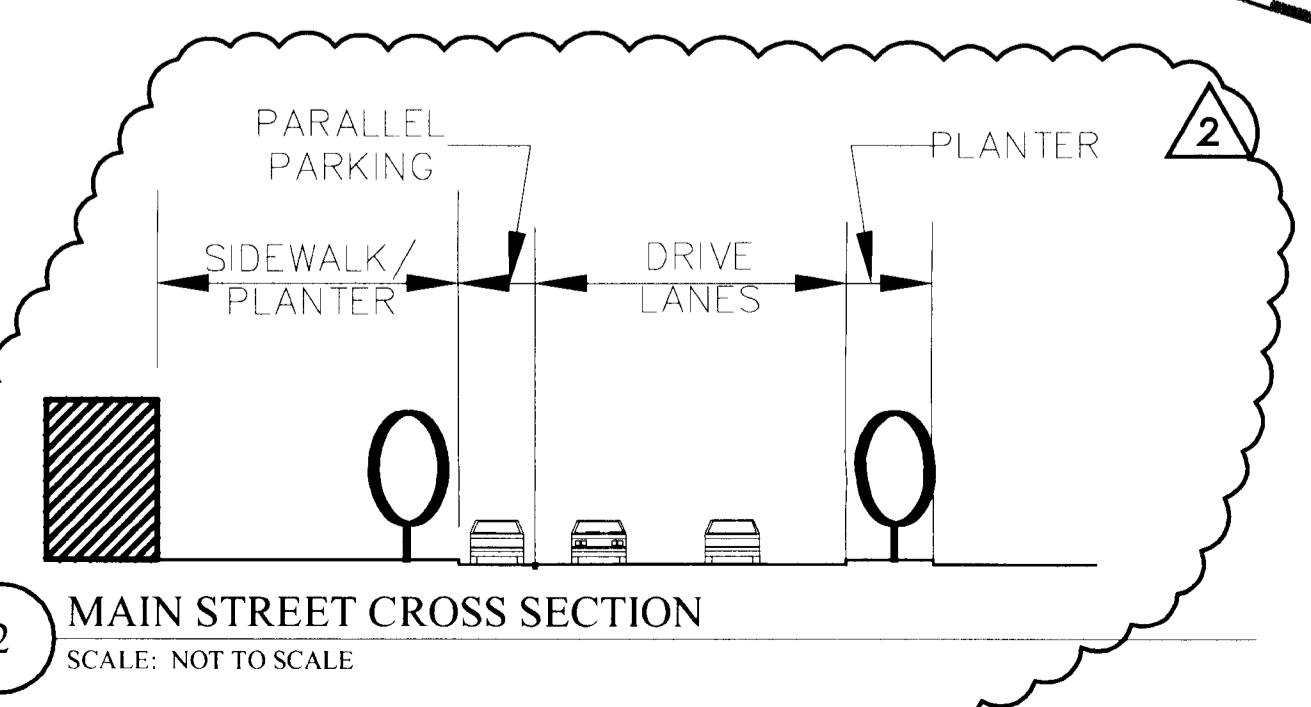
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Although listed below as by the developer, the relocation of the median and the construction of turn lanes on Statesville Road at Access "B" shown on the plan and the Statesville Road Widening Project (designed to pay the City of Charlotte for the said improvements at Access "B" in association with the city project).
- 24. The petitioner/developer shall provide funds towards the construction of a planned City project to construct a sidewalk along Millhaven Lane. The petitioner's contribution shall reflect the portion of the sidewalk along the rezoning site's frontage as well as reflecting an upgrade of the sidewalk width to six feet along said frontage.
- 25. The petitioner shall provide a 50' Class B buffer shown along Millhaven Ln. In lieu of the 50' B buffer, a 75 ft undisturbed open space area along Millhaven Ln. may be substituted. Furthermore, the "tree save/open space" area shall require that the petitioner maintain the existing trees in this area which are 4 inches or greater in caliper.
- 26. The currently zoned B-2 area in the northwest corner of the site provides vehicular access to a use on an abutting site. The proposed zoning change will have no change impact regarding its use. A connection between the two sites may be possible in the future if an agreement between the two property owners is advised.
- 27. The proposed development shall comply with all applicable, required bicycle parking standards.
- 28. The proposed terms located at the rear area of the existing and proposed retail buildings shall have a minimum of five feet in height and landscaped on the top of the berms with evergreen shrubs to provide additional screening. The design of buildings 1-4 shall include one or more areas of outdoor plazas, outdoor seating/dining and/or bench seating, etc.
- 29. The petitioner/developer shall submit a tree survey of the front setback in accordance with City of Charlotte standards as part of the building permit review approval process.
- 30. The intersection of the Sunset Road driveway ("New Driveway Entrance") and the existing shopping center circulation driveway shall be designed as not to impede or create turning movement conflicts for ATIS buses, special delivery trucks, etc.

TOTAL OPEN AREA APPROXIMATELY 8.4 ACRES

FOR PUBLIC HEARING 2006-157

SITE DATA	
EXISTING ZONING:	B1-SCD, B-1, B-2, R-4
PROPOSED ZONING:	CC
SITE SIZE:	41.5 AC +/-
EXISTING RETAIL BUILDINGS & OUTPARCELS 1&2 :	65,000 SF
PROPOSED NEW RETAIL BUILDINGS	208,400 SF
PROPOSED NEW OUTPARCELS 3,4 & 5	20,000 SF
TOTAL PROPOSED :	308,400 SF
PARKING : 1,042 SPACES SHOWN =	3.4 SP/1,000 SF

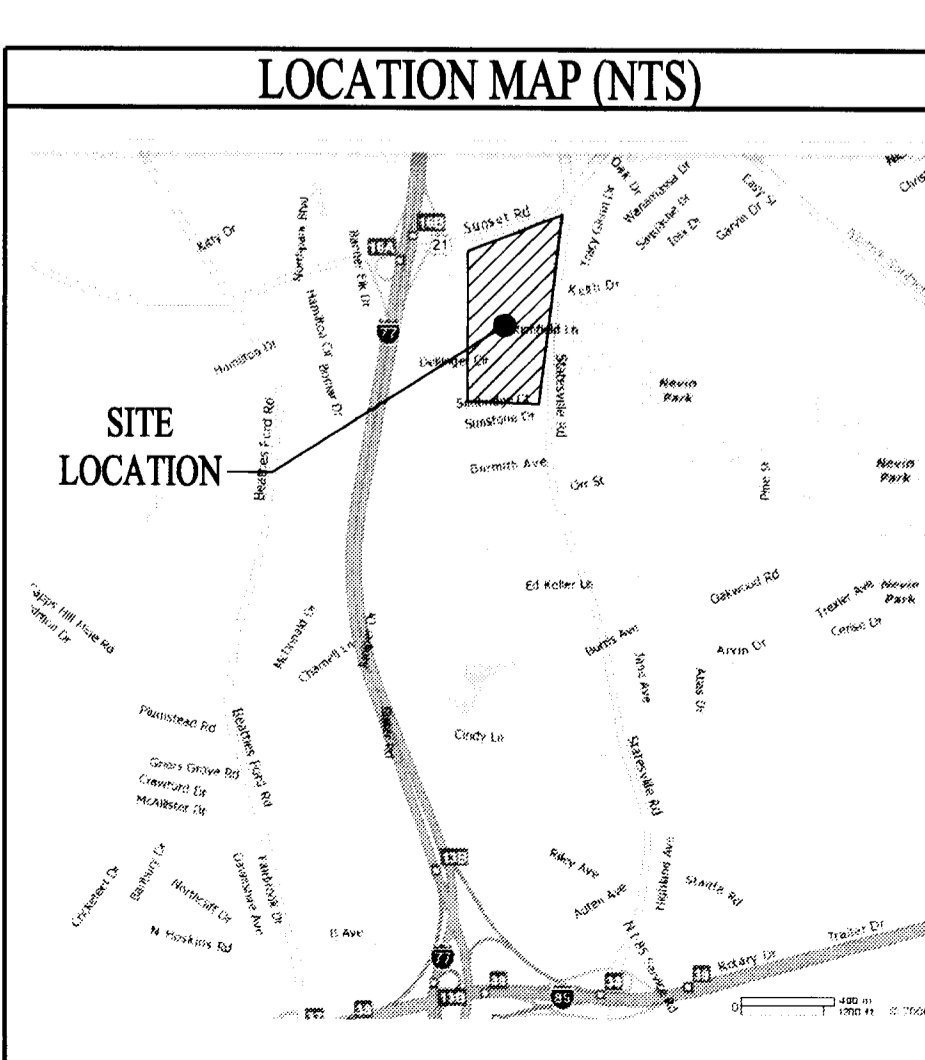
REZONING SITE PLAN
SCALE: 1" = 60'



PROPOSED RETAIL "BIG BOX"

31. In the event that the single tenant ("big box") use of the proposed new retail building would at any time or times after its initial completion be permanently vacated by any occupant, the owner or owners of the building (or appropriate authority) shall implement the following building vacancy mitigation procedures:

- (a) The exterior of the building, associated parking lot, outside lighting, landscaping and irrigation systems shall continue to be operational, maintained, secured, repaired or replaced in the same manner as when the building was occupied.
- (b) All exterior business signs shall be removed and exterior building surfaces shall be removed and exterior building surface shall be treated and repaired to provide a neat appearance with 45 days after the space becomes vacant.
- (c) Trash and litter shall be removed on a regular basis at least once a week.
- (d) Should the building be permanently vacated by any occupant for a period longer than 6 months for any reason other than fire or some other casualty or a force majeure event, or alterations, remodeling, additions and/or similar construction activities, the fire or owner or occupant of the building (or appropriate authority) shall implement with reasonable dispatch constructively reasonable efforts which are designed to ensure the building is to be occupied and available in any use or case permitted in the CC zoning district, including retail or non-retail use or any combination thereof. The owner/occupant of the space may not impose anti-competitive covenants or restrictions with respect to the future commercial use of the building by deed or contract, or enter into any agreement which is similar to the business being conducted by the former occupant that restricts the space.
- (e) If an owner/tenant the owner of the subject space elects to demolish said space, the City Council of the Planning Commission may require an administrative site plan amendment which would accommodate more building space than one building space which is normally allowed in the conditional site plan, subject to the satisfaction of all applicable regulations under the CC zoning district in effect at the time such approval is sought and subject further to requirements that no new building space or other participation in the use of the building may be closer to the subject space than the originally approved building/parking/circulation areas.



SUNSET CROSSING SHOPPING CENTER
CHARLOTTE, NORTH CAROLINA
HARRIS, MURR & VERMILLION, LLC
FOR
CHILDREY, ROBINSON ASSOCIATES
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CHARLOTTE, NORTH CAROLINA 28204
PHONE: 704.376.6000 FAX: 704.376.6000
APPROVED BY CITY COUNCIL
JUN 06 2007
FIRST REV 1-10-07
SECOND REV 2-9-07
12/13/06
ZONING SITE PLAN
Z-1