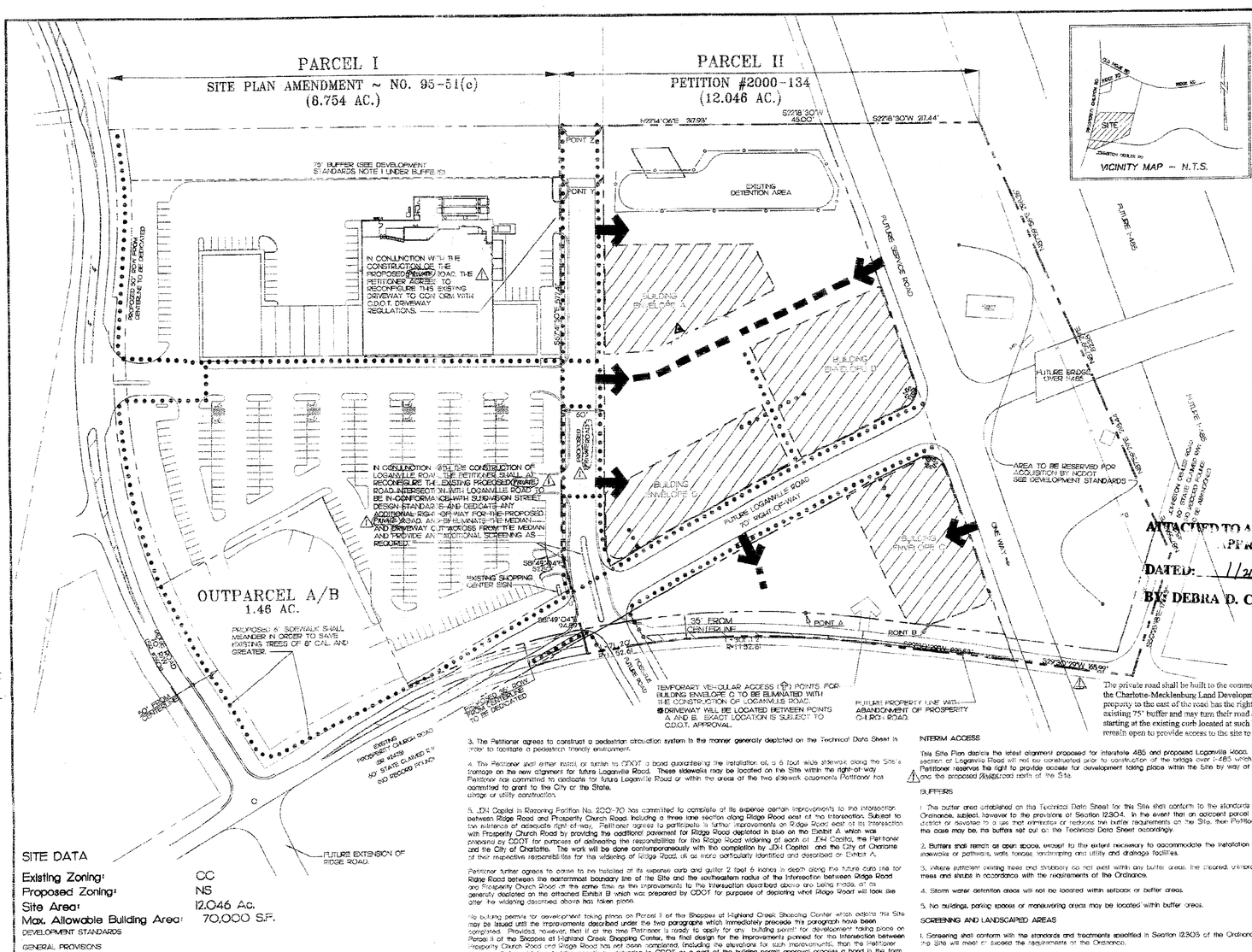

ATTACHED TO ADMINISTRATIVE APPROVAL
DATED: 11/21/11
BY: DEBRA D. CAMPBELL

ATTACHED TO ADMINISTRATIVE APPROVAL
DATED: June 16, 2004
BY: DEBRA D. CAMPBELL

THE SHOPPES AT HIGHLAND CREEK
CHARLOTTE, NORTH CAROLINA
A PROJECT PROPOSED BY:
THE CROSLAND GROUP, INC.
227 WEST TRADE STREET SUITE 800
CHARLOTTE, NORTH CAROLINA 28202
AND
CHILDRESS KLEIN PROPERTIES
2800 ONE FIRST UNION CENTER
301 SOUTH COLLEGE STREET
CHARLOTTE, NORTH CAROLINA 28202

ATTACHED TO ADMINISTRATIVE APPROVAL
DATED: 11-17-10
BY: DEBRA D. CAMPBELL

Design Resource Group
1230 West Morehead Street, Suite 214
Charlotte, NC 28208
704.343.0608 fax 704.358.3093
www.drgrp.com
- Landscape Architecture
- Urban Design
- Civil Engineering
- Land Planning

TECHNICAL DATA SHEET

FOR PUBLIC HEARING
PETITION # 00-134

May 3, 2005

NORTH

Scale: 1" = 80'
Date: 15 MARCH 2002
Project No.: 101-001
Revisions:
03 APRIL 2002
14 MAY 2002
17 JUNE 2002
12 JULY 2002
9 JUNE 2004
2 MAY 2005 △1
1 JAN 2011 △2
Sheet 1 of 2

SITE DATA

Existing Zoning:	CC
Proposed Zoning:	NS
Site Area:	12.046 Ac.
Max. Allowable Building Area:	70,000 S.F.

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

Unless more stringent standards are established by the Technical Data Sheet 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 this approximately 12.046 acre site ("the Site").

PERMITTED USES

1. The Site may be devoted to any use (including any accessory use) which is permitted under the Ordinance by right or under prescribed conditions in the NS District. However, no more than one restaurant with drive-through facilities and no gasoline sales will be permitted on the Site.

2. The Schematic Site Plan (Sheet 2 of 2) outlines several possible land use combinations. Other potential land use combinations may be allowed subject to the review and approval of the Charlotte Mecklenburg Planning Commission staff through the administrative site plan amendment process (Section 6.207 of the Ordinance).

3. The Site may be developed with up to 65,000 square feet of building area subject however to the design elements outlined below and depicted on the Schematic Site Plan and to the following two exceptions:

a. If the width of the right-of-way for I-485 is reduced from the approximately 350 foot total width from the centerline outline in current NCDOT planning documents to the approximately 250 foot width from the centerline currently contemplated as a possible design option which would result in a larger development tract for the Site, the total building area on the Site may be increased by 5,000 square feet for every 50 feet in reduced right-of-way width as measured from the centerline up to a maximum of 100,000 square feet in additional building area. For example, if the I-485 right-of-way width is reduced from 350 feet from the centerline to 250 feet from the centerline, the Site may be developed with up to 70,000 square feet of building area. If the I-485 right-of-way width is reduced to approximately 300 feet from the centerline, the Site may be developed with up to 65,000 square feet of building area.

2. However, the maximum building area accommodated by the above Sections 3 and 3a. shall be reduced by a total of 10,000 square feet in the event one of the tenants on the Site is a restaurant with a drive-through window. For example, if the I-485 right-of-way width as measured from the centerline is 250 feet allowing a maximum of 100,000 square feet of building area on the Site and one of the tenants is a restaurant with a drive-through window, then the maximum allowable building area on the Site shall be reduced to 60,000 square feet. If the I-485 right-of-way width as measured from the centerline remains at 350 feet, and one of the tenants on the Site is a restaurant with a drive-through window, then the maximum allowable building area on the Site shall be reduced to 50,000 square feet.

ADMINISTRATIVE SITE PLAN AMENDMENT FOR ADJOINING SHOPPING CENTER

Prior to the decision on the Rezoning Request, the Petitioner shall submit a request for an administrative site plan amendment in accordance with Section 6.207 of the Ordinance that outlines the following conditions:

1. No more than 78,000 square feet of total building area may be developed on the Shoppes at Highland Creek shopping center parcel exclusive of the gasoline/convenience store outparcel. (The gasoline/convenience store outparcel has previously been allocated up to 12,000 square feet of building area.)

2. No additional building permits may be issued for development taking place on the Site until the Petitioner has installed six (6) foot wide sidewalks and eight (8) foot wide planting strips on this Parcel along Ridge Road and the existing Prosperity Church Road and the abutting gasoline/convenience store parcel. Provided, however, that if at the time Petitioner is ready to apply for another building permit for development taking place on the Site, the final design for the improvements planned for the intersection between Prosperity Church Road and Ridge Road has not been completed, including the elevations for such improvements, then the Petitioner may nevertheless obtain a building permit by delivering to CDOT a bond in the form and in an amount acceptable to the City Attorney for the City of Charlotte and CDOT as a part of the building permit approval process securing the Petitioner's installation of the sidewalks along Ridge Road and Prosperity Church Road described in this paragraph once the final design for the improvements to the intersection has been completed.

3. The Petitioner agrees to construct a pedestrian circulation system in the manner generally depicted on the Technical Data Sheet in order to facilitate a pedestrian friendly environment.

4. The Petitioner shall either install, or similar to CDOT is bond guaranteeing the installation of, a 6 foot wide sidewalk along the Site's frontage on the new alignment for future Loganville Road. These sidewalks may be located on the Site within the right-of-way. Petitioner has committed to dedicate for future Loganville Road or within the areas of the two sidewalk easements Petitioner has committed to grant to the City or the State, usage or utility construction.

5. JDH Capital in Rezoning Petition No. 2001-70 has committed to complete of its expense certain improvements to the intersection between Ridge Road and Prosperity Church Road, including a three lane section along Ridge Road east of the intersection. Subject to the existence of adequate right-of-way, Petitioner agrees to participate in further improvements on Ridge Road east of its intersection with Prosperity Church Road by providing the additional pavement for Ridge Road depicted in blue on the Exhibit A which was prepared by CDOT for purposes of delineating the responsibilities for the Ridge Road widening of each of JDH Capital, the Petitioner and the City of Charlotte. The work will be done contemporaneously with the completion by JDH Capital and the City of Charlotte of their respective responsibilities for the widening of Ridge Road, all as more particularly identified and described on Exhibit A.

Petitioner further agrees to cause to be installed at its expense curb and gutter 2 feet 6 inches in depth along the future curb line for Ridge Road between the easternmost boundary line of the Site and the southeastern radius of the intersection between Ridge Road and Prosperity Church Road at the same time as the improvements to the intersection described above are being made, all as generally depicted on the attached Exhibit B which was prepared by CDOT for purposes of depicting what Ridge Road will look like after the widening described above has taken place.

No building permits for development taking place on Parcel II of the Shoppes of Highland Creek Shopping Center which adjoins this Site may be issued until the improvements described under the two paragraphs which immediately precede this paragraph have been completed. Provided, however, that if at the time Petitioner is ready to apply for any building permit for development taking place on Parcel II of the Shoppes at Highland Creek Shopping Center, the final design for the improvements planned for the intersection between Prosperity Church Road and Ridge Road has not been completed, including the elevations for such improvements, then the Petitioner may nevertheless obtain a building permits by delivering to CDOT as a part of the building permit approval process a bond in the form and in an amount acceptable to the City Attorney for the City of Charlotte and CDOT securing the Petitioner's performance of the work described under the two paragraphs immediately preceding this paragraph once the final design for the improvements to the intersection has been completed.

6. The Petitioner agrees to dedicate and convey to the NCDOT or CDOT (whichever department shall have jurisdiction over this road) that part of the Site which is necessary to increase the width of the public right-of-way for Ridge Road south of its centerline to 50 feet along that part of the frontage of the Site where the right-of-way currently stops at a point 35 feet south of the centerline.

6. Petitioner further agrees that following the final determination of the alignment for future Loganville Road and within thirty days after receipt of a written request to do so from the NCDOT or CDOT (whichever department shall have jurisdiction over the road), to dedicate and convey (without receiving any consideration) that portion of the Site to the NCDOT or CDOT (as the case might be) for right-of-way purposes which is necessary to accommodate a 70 foot wide section for the new alignment for future Loganville Road (all as generally depicted on the Technical Data Sheet) and to grant easements covering two and a half (2 ½) foot wide strips of land along each side of this 70 foot wide section for sidewalk purposes. Provided, however, to the proviso that should the existing project identification sign for Phase I of the Shoppes of Highland Creek Shopping Center located at the northeastern corner of the intersection between existing Prosperity Church Road and the proposed (new road) running through the Site fall within the 35 feet x 35 feet and/or the 10 feet x 70 feet sight distance triangles for the new intersection between Loganville Road and the proposed (new road) then the Petitioner would be entitled to receive as consideration for these dedications and conveyances an amount equal to the cost of relocating and/or replacing the identification sign at a proper place off the right-of-way and out of these two sight distance triangles. Should the Petitioner and NCDOT or CDOT (as the case might be) not be able to reach an agreement concerning the consideration to be paid for the relocation and/or replacement of this project identification sign, then the right-of-way for future Loganville Road and easements for the sidewalks, as described above, would have to be condemned by the State or the City (as the case might be). However, the only consideration the State or City would have to pay for taking this right-of-way and the easements would be an amount equal to the cost of relocating and/or replacing the Petitioner's identification sign for the Shoppes at Highland Creek.

9. The right-of-way dedications and conveyances noted above shall be by quitclaim deed to NCDOT or CDOT (as the case might be) for road right-of-way purposes subject to a reversionary interest in any property not used for right-of-way purposes in the future.

SITE DESIGN AND BUILDING ORIENTATION

The design and arrangement of the buildings contemplated by the Schematic Site Plan have been keyed to a future road system based on three bridges over I-485. The design implements the village concept envisioned by land use plans for the area. Future vehicular access is anticipated to be provided by way of Ridge Road, a proposed new road (Loganville Road), part of existing Prosperity Church Road and the proposed (new road) which lies immediately to the north of the Site.

Until Loganville Road is completed, vehicular access to the Site will be provided by way of Ridge Road, existing Prosperity Church Road and the proposed (new road) north of the Site. As part of the village concept, the Site has been designed to create building edges along proposed Loganville Road. Ultimately, there will be no parking areas located within the setbacks between buildings fronting on this road and the right-of-way line of Loganville Road. In the interim period, however, until Loganville Road has been constructed and access to the Site has been reconfigured, parking areas may be located between buildings and existing Prosperity Church Road generally in the manner depicted on Site Plan D of the Schematic Site Plan.

In the event that NCDOT constructs the I-485 interchange in a different configuration than the three bridge, village-oriented concept described above, modifications to the building locations may be dictated and can be considered through the administrative site plan amendment process (Section 6.207 of the Ordinance). While such changes may impact the ultimate building locations, the basic design premise of an urban village with building edges along Loganville Road wherein buildings fronting on Loganville Road would have no parking located between such buildings and the right-of-way of Loganville Road will be maintained.

INTERIM ACCESS

This Site Plan depicts the latest alignment proposed for Interstate 485 and proposed Loganville Road. However, it is anticipated that this section of Loganville Road will not be constructed prior to construction of the bridge over I-485 which accommodates it. Therefore, this Petitioner reserves the right to provide access for development taking place within the Site by way of existing Prosperity Church Road and the proposed (new) road north of the Site.

BUFFERS

1. The buffer area established on the Technical Data Sheet for this Site shall conform to the standards of Section 12.302 of the Ordinance, subject however to the provisions of Section 12.304. In the event that an adjacent parcel is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, then Petitioner may reduce or eliminate, as the case may be, the buffers set out on the Technical Data Sheet accordingly.

2. Buffers shall remain as open space, except to the extent necessary to accommodate the installation and maintenance of pedestrian sidewalks or pathways, walls, fences, landscaping and utility and drainage facilities.

3. Where sufficient existing trees and shrubbery do not exist within any buffer areas, the cleared, unimproved areas will be landscaped with trees and shrubs in accordance with the requirements of the Ordinance.

4. Storm water detention areas will not be located within setback or buffer areas.

5. No buildings, parking spaces or maneuvering areas may be located within buffer areas.

SCREENING AND LANDSCAPED AREAS

1. Screening shall conform with the standards and treatments specified in Section 12.303 of the Ordinance. All landscaping installed on the Site will meet or exceed the requirements of the Ordinance.

2. All roof mounted mechanical equipment will be screened from view from public streets.

3. Any dumpsters visible from a public street or from an adjoining parcel of land will be screened from view by a solid enclosure with gates. If one or more sides of the dumpster area adjoin a rear wall of a building, the rear wall may be substituted for the fence along each such side.

SETBACKS

1. Building setbacks within the Site will be established at a minimum of 14 feet from the back of the future curb.

2. No storm water detention facilities may be located within the setback.

PARKING

1. The Site has been designed to create building edges along proposed Loganville Road. Ultimately, there will be no parking areas located within the setbacks between buildings fronting on this road and the right-of-way line of Loganville Road. In the interim period, however, until Loganville Road has been constructed and access to the Site has been reconfigured, parking areas may be located between buildings and existing Prosperity Church Road generally in the manner depicted on the Schematic Site Plan.

2. Parking areas may be located inside and outside building envelopes subject to the standard outlined above.

LIGHTING

1. A uniform lighting system will be employed throughout the Site.

2. The maximum height of any free standing lighting fixture (including its base) may not exceed 30 feet in height. All lighting within the Site (except street lights which are erected along public streets shall be designed such that the direct illumination does not extend past any property line of the Site. Consideration will be given to the impact of lighting both within and without the perimeter of the Site. Items for consideration will include intensity, cut-off angles, color, energy efficiency and shielding of sources of light, the intent being to eliminate glare towards public streets and adjacent properties.

ACCESS POINTS (DRIVEWAYS)

1. Permanent and temporary access points serving the Site will be generally as depicted on the Technical Data Sheet.

2. The vehicular access point from Prosperity Church Road into the Site shall be eliminated or modified with the construction of Loganville Road and the abandonment of Prosperity Church Road.

3. The placement and configuration of each vehicular access point are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the City of Charlotte Engineering Department and/or the North Carolina Department of Transportation.

DEDICATION OF RIGHT-OF-WAY

The plans for the Prosperity Church Road/I-485 interchange contemplate the realignment of a portion of Prosperity Church Road and changing the name of that portion of the road to Loganville Road. The proposed alignment for the new road is generally depicted on the Technical Data Sheet. Petitioner agrees that following the final determination of the alignment for future Loganville Road and within thirty days after receipt of a written request to do so from the NCDOT or CDOT (whichever department shall have jurisdiction over this road), to dedicate and convey (without receiving any consideration) that portion of the Site to the NCDOT or CDOT (as the case might be) for right-of-way purposes which is necessary to accommodate a 70 foot wide section for the new alignment for future Loganville Road (all as generally depicted on the Technical Data Sheet) and to grant easements covering two and a half (2 ½) foot wide strips of land along each side of the 70 foot wide section for sidewalk purposes between the northerly margin of Parcel II and the northerly margin of Parcel III, subject, however, to the proviso that should the existing project identification sign for Phase I of the Shoppes of Highland Creek Shopping Center (Parcel I which adjoins this Site) located at the northeastern corner of the intersection between existing Prosperity Church Road and the 40 foot wide proposed (new road) along Parcel II fall within the 35 feet x 35 feet and/or the 10 feet x 70 feet sight distance triangles for the new intersection between Loganville Road and the proposed (new road) then the Petitioner would be entitled to receive as consideration for these dedications and conveyances an amount equal to the cost of relocating and/or replacing this identification sign at a proper place off the right-of-way and out of these two sight distance triangles. Should the Petitioner and NCDOT or CDOT (as the case might be) not be able to reach an agreement concerning the consideration to be paid for the relocation and/or replacement of this project identification sign, then the right-of-way for future Loganville Road and easements for the sidewalks, as described above, would have to be condemned by the State or the City (as the case might be). However, the only consideration the State or City would have to pay for taking this right-of-way and the easements would be an amount equal to the cost of relocating and/or replacing the Petitioner's identification sign for the Shoppes at Highland Creek.

RESERVATION OF FUTURE RIGHT-OF-WAY

The Petitioner makes the following commitments with respect to development of the Site:

1. To reserve the area depicted on the Technical Data Sheet for acquisition by the NCDOT for I-485 and to make no improvements thereon other than optional landscaping and any grading that might be dictated by final engineering and construction plans.

2. To grant to the NCDOT an option to acquire any part of such area that may fall within the final alignment of the right-of-way selected for I-485 for the period commencing upon the approval of the Rezoning Petition and expiring on the fourth anniversary of the date on which the Rezoning petition shall have been approved at a price per acre calculated as follows:

(a) First, determine the quotient arrived at by dividing the sum of (a) Petitioner's initial costs to acquire all of the Site (both Parcels I and II) and (b) the expenses incurred by the Petitioners in connection with rezonings for the Site by the integer 20.5 (the total number of acres within the Site, designated as Parcels I and II).

Next, compute simple interest on such quotient at the rate of 6 percent per annum from the date on which the property was acquired by the Petitioners to the date on which the right-of-way is conveyed to NCDOT and;

Finally, the purchase price per acre shall be equal to the sum of (a) and (b) above.

3. To dedicate and convey by quitclaim deed to NCDOT for road right of way purposes subject to a reversionary interest in any property not used for right-of-way purposes in the future, that part of the 70 foot wide right-of-way for the future Loganville Road which runs through the Site along the alignment generally depicted on the Technical Data Sheet.

PEDESTRIAN CIRCULATION

1. The Petitioner agrees to construct a pedestrian circulation system that shall be generally as depicted on the Technical Data Sheet in order to facilitate a pedestrian friendly environment. In general, each building or major entry point within the interior of the Site shall be connected by a sidewalk with a minimum width of 5 feet to a sidewalk with a minimum width of 6 feet located within public right-of-way. Sidewalks shall be provided between the various buildings on the Site as well as from the parking areas to the entrances to each building. All portions of the pedestrian circulation system shall be constructed or bonded prior to the issuance of the certificates of occupancy.

2. Petitioner will install or establish a bond guaranteeing the installation of a 6 foot sidewalk along the Site's frontage on future Loganville Road. Such sidewalk may be located within the right-of-way for future Loganville Road or within the site on areas covered by easements.

PROPOSED 60 FOOT RIGHT-OF-WAY WITHIN THE SITE

1. The Petitioner agrees to reserve a 60 foot right-of way for the proposed (new road) which lies to the north of the Site and has partially been built as a roadway which met public street standards between Prosperity Church Road and the point at the rear of the Site which is depicted on the Technical Data Sheet as Point Y.

2. The Petitioner agrees to extend the 60 foot wide right of way and construct thereon a roadway of the same width and standards from Point Y to the rear (east) of the Site and to offer the improved right-of-way for dedication to the City at such time as the abutting property owner to the east or the City of Charlotte continues to extend this proposed (new road) beyond the property line of the Site. If a development plan for the property to the rear (east) of the Site is approved and implemented which does not include a connection to this proposed (new road) then the Petitioner shall be relieved from these commitments.

SIGNS

1. Any new detached signs shall be limited to ground mounted or monument style signage that does not exceed 6 feet in height.

2. Attached and detached signage within the Site shall be coordinated and consistent in design. In the event the Owner is able to attract a major brand establishment to the Site, the signage for such establishment may, however, incorporate the company's standard design, logo, materials and colors.

3. The existing project identification sign located at the Prosperity Church Road entrance may be relocated or reconstructed at the discretion of the Petitioner if the current location is determined to be in conflict with future road improvements.

ARCHITECTURAL CONTROLS

1. Except as otherwise provided under Paragraph 4 below, the Petitioner agrees that the elevations of new buildings will be constructed in a design style and with exterior materials such that they will be similar in design, quality and appearance to the front elevation of the existing shopping center located to the north of the Site. If the Owner is able to attract a major brand establishment to the Site, the establishment may, however, incorporate the company's standard logo within building elevations.

2. The first floor of all buildings shall include transparent windows and doors arranged so that the uses are visible from and/or accessible to the public street on which it fronts on at least 50 percent of the first floor building elevation along the street frontage. Expanses of blank walls may not exceed 20 feet in length. This note does not apply to the Bank if it is developed under scenarios A or D on sheet 2.

3. No building constructed within the Site may exceed 40 feet in height. 3 JUNE 2004 ADMINISTRATIVE APPROVAL

4. A minimum of 50 percent of the materials used for the front, side and rear elevations of all buildings will be brick or stucco like materials.

STORM WATER MANAGEMENT

Storm water runoff from the Site will be managed through proven techniques which satisfy the standards, if any, imposed by the City of Charlotte Engineering Department.

FIRE PROTECTION

1. Adequate fire protection in the form of fire hydrants will be provided to the Mecklenburg County Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.

2. Fire hydrants will be located within 500 feet of any building constructed on the Site.

AMENDMENTS TO REZONING PLAN

Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

BINDING EFFECT OF THE REZONING APPLICATION

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

CHARLOTTE - MECKLENBURG
PLANNING COMMISSION
INTER - OFFICE COMMUNICATION

DATE: January 21, 2011

TO: Mark Fowler
Zoning Supervisor

FROM: Debra Campbell
Planning Director

SUBJECT: Administrative Approval for Petition No. 2000-134 by Highland Creek Retail.

Attached are revised plans for the above petition. The plans have been revised to make minor changes to the sidewalk for building envelope A, parcel 02931134. The sidewalk in front of the proposed building along the private drive is being removed. A painted pedestrian crosswalk to the sidewalk on the adjacent property is being added. All other sidewalks associate with building envelope A will remain. Since these changes are minor and do not alter the intent of the development and meet the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving these plans. Please use these plans when evaluating request for building permits and certificates of occupancy.

Note all other ordinance requirements and conditional notes still apply.