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**Steele Creek (1997), LLC
Development Standards
224/2022
Rezoning Petition No. 2021-093 (Steele Creek Road & I-485)**

Site Development Data:

- Acres:** ± 184.90 acres
- Tax Parcel #s:** #201-091-15 and #201-091-08
- Existing Zoning:** R-3
- Proposed Zoning:** (i) O-2 (CD); (ii) MUDD-O; (iii) and UR-2(CD), with five (5) year vested rights
- Existing Uses:** Vacant
- Proposed Uses:** Uses permitted by right and under prescribed conditions together with accessory uses as allowed in (i) the O-2(CD) zoning district for the portion of the Site shown as zoned O-2(CD) (as generally depicted on the Rezoning Plan); (ii) the MUDD-O zoning district for the portion of the Site shown as zoned MUDD-O (as generally depicted on the Rezoning Plan); and (iii) UR-2(CD) zoning district for the portion of the Site shown as zoned UR-2(CD) (as generally depicted on the Rezoning Plan), each as more specifically described below in Section 3 (which shall control).
- Maximum Gross Square feet of Development (See Section 3 for more details which shall control):**

- A. With respect to the O-2(CD) zoning district:
 - (i) within Development Areas A-1 and A-2, in the aggregate up to 320,000 s.f. of gross floor area of office and/or medical office uses, and medical/healthcare uses; and a health institution (including without limitation, a community hospital) of up to 150 beds (estimated at 340,000 sq ft); together with other uses, including without limitation accessory uses, permitted within the O-2 zoning district; provided that certain permitted uses such as retail/Eating Drinking Entertainment Establishments (EDEE) are subject to the limitations set forth within the O-2 zoning district and when developed shall reduce the amount of the s.f. of floor area of permitted uses set out in item (i) above; and
 - (ii) within Development Areas D-1 and D-2, in the aggregate up to 910,000 s.f. of gross floor area of office and/or medical office uses (provided medical office uses within Development Areas D-1 and D-2 are limited to 200,000 square feet of gross floor area in connection with conversion (reduction) of general office uses as described in Section 3 below), medical/healthcare uses; together with other uses, including without limitation accessory uses, permitted within the O-2 zoning district; provided that certain permitted uses such as retail/EDEE are subject to the limitations set forth within the O-2 zoning district and when developed shall reduce the amount of the s.f. of floor area of permitted uses set out in item (i) above; and

- B. With respect to the MUDD-O zoning district (i.e. Development Area B), with up to 104,200 square feet of gross floor area of general and medical office uses (see limitation in amount of medical office uses below), medical/healthcare uses, banks/financial institutions, retail, EDEE, breweries, indoor recreation, convenience/gasoline sales uses, Personal Services and other commercial uses (all such uses, excluding general and medical office uses and banks/financial institutions uses, being referred to as "retail/EDEE/Personal Service uses" or "non-office commercial uses"); together with other uses, including without limitation, accessory uses as permitted in the MUDD-O zoning district; provided, however, no more than 80,000 square feet of gross floor area of the uses set out in item (i) above shall be retail/EDEE/Personal Services uses (subject to increases pursuant to the transfer and conversion rights described below), and no more than 25,200 square feet of gross floor area of medical office uses shall be permitted within Development Area B; and

- C. With respect to UR-2 (CD) zoning district, (i) within Development Area C-1, up to 275 multi-family residential dwelling units, as further described below; (ii) within Development Area C-2, up to 200 senior living facility units comprised of independent and/or dependent care living units and continuing care/retirement; and (iii) within Development Areas E-1 and E-2 in the aggregate up to 50 single family detached or attached residential dwelling units; and such other uses as described in Section 3;

Each of items A, B and C above being more particularly described in Section 3 below which shall control, including the conversions and transfer rights described below in Section 3.

--**Maximum Building Height:** Height will be as set forth in the Ordinance for the applicable zoning district except that the building height in the Development Areas B and C-2 shall be limited as further described in Section 3. Building height will be measured as defined by the Ordinance.

--**Parking:** As required by the Ordinance.

I. General Provisions:

a. Site Location. These Development Standards, the Technical Data Sheet and Schematic Site Plan, and related graphics form the Rezoning Plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Steele Creek (1997), LLC ("Petitioner") to accommodate development on the approximately 184.9 acre site located off of Steele Creek Road and I-485 (the "Site") of a mixed/multi-use commercial and residential community with a community based hospital/health care facility on the Site.

b. Development Areas. For ease of reference, the Rezoning Plan sets forth various development areas as generally depicted on Sheet RZ-1 as Development Areas A-1 and A-2, Development Area B, Development Areas C-1 and C-2, Development Areas D-1 and D-2, and Development Areas E-1 and E-2 (each a "Development Area") and collectively the "Development Areas".

c. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance in effect at the time of the Rezoning approval (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, (i) the regulations established under the Ordinance for the O-2 zoning classification for the portion of the Site so designated on the Rezoning Plan (i.e. consisting of Development Areas A-1, A-2, D-1 and D-2) shall govern all development taking place on such portion of the Site; (ii) the regulations established under the Ordinance for the MUDD-O zoning classification for the portion of the Site so designated on the Rezoning Plan (i.e. consisting of Development Area B) shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below; and (iii) the regulations established under the Ordinance for the UR-2 zoning classification for the portion of the Site so designated on the Rezoning Plan (i.e. consisting of Development Areas C-1, C-2, E-1 and E-2) shall govern all development taking place on such portion of the Site.

d. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Development Areas and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

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

- (i) expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or
 - (ii) minor and not materially change the overall design intent generally depicted on the Rezoning Plan.
- The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

e. Number of Buildings Principal and Accessory; Accessory Building Design. Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed: (i) in the O-2(CD) zoned portion of the Site that consists of Development Areas A-1 and A-2 shall not exceed 6; (ii) in the O-2(CD) zoned portion of the Site that consists of Development Areas D-1 and D-2 shall not exceed 10; (iii) in the MUDD-O zoned portion of the Site shall not exceed 10; (iv) on the portion of the Site zoned UR-2(CD) that consists of Development Areas C-1 and C-2 shall not exceed 10; and (v) in the UR-2(CD) zoned portion of the Site that consists of Development Areas E-1 and E-2 shall not exceed 50 to accommodate single family detached as well as attached units; provided, further, the maximum number of principal buildings may be reduced. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

f. Planned/Unified Development. The Site (including the various Development Areas) shall be viewed as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. Furthermore, the Petitioner and/or owners of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements; provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 3 below as to the Site as a whole

and not individual portions or lots located therein.

g. Five Year Vested Rights. Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. Section 160A-385.1, due to the master planned large scale nature of the development and/or redevelopment, the level of investment, the timing of development and/or redevelopment and certain infrastructure improvements, economic cycles and market conditions, this Petition includes vesting of the approved Rezoning Plan and conditional zoning districts associated with the Petition for a five (5) year period, but such provisions shall not be deemed a limitation on any other vested rights whether at common law or otherwise.

h. Personal Services. Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandised but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, Spa's, Yoga and exercise studios, fitness and wellness facilities, nail salons, martial art training studios, laundries and dry cleaning establishments, locksmiths, limited scale medical services such as optometrists, dental services, and the like.

i. Gross Floor Area. When determining the maximum development levels set forth in this Rezoning Plan, gross floor area as defined in the Ordinance shall exclude any surface or structured parking facilities (including, without limitation, corridors and elevators within such facilities), enclosed loading dock/service areas, balconies, outdoor dining areas and all gathering areas whether on the roof of a building or at street level.

j. Limited Service Restaurant. A "Limited Service Restaurant" or "limited service restaurant" (whether capitalized or not) shall mean a restaurant with no more than 3,000 square feet of gross floor area serving primarily items that do not require on-premise cooking of food (other than heating, micro-waving cooking or similar process) and the baking of premixed dough).

k. Project Phasing. Development taking place on the Site may occur in phases and in such event, except as expressly required in this Rezoning Plan or by the Ordinance, certain streetscape improvements and roadway improvements and the like may take place in connection with the phase of development to which such improvements relate as described herein.

2. Optional Provisions for MUDD-O Areas (Development Area B)

The following optional provisions shall apply to the portion of the Site designated MUDD-O on the Rezoning Plan (i.e. Development Area B):

a. Development Area B Circulation. To allow maneuvering and circulation for accessory drive-through windows and for parking and/or valet to occur between buildings within Development Area B and (i) Steele Creek Road; (ii) Shopton Road West Extension; (iii) Public Street A; and (iv) Private Street B (in all instances maneuvering and circulation may be located to the side and/or rear of buildings and parking may be located along such roads except for Steele Creek Road); provided, however, the above referenced maneuvering and circulation located on the corner parcel along Steele Creek Road and Shopton Road West Extension within Development Area B shall be limited to two (2) drive lanes between the building thereon and Shopton Road West Extension and Steele Creek Road.

b. Development Area B Circulation (Cont.). To allow maneuvering and circulation for accessory drive-thru windows and for parking and/or valet to occur between the buildings within Development Area B and: (i) Public Street A, (ii) Private Street B, and (iii) the internal private drives generally depicted within Development Area B; it being understood that such maneuvering and circulation shall not be allowed between the buildings located within Development Area B at the intersection of Public Street A and Private Street B, but on-street parking may be allowed along such Public Roads; (in all instances maneuvering and circulation may be located to the side and/or rear of all buildings).

c. Development Area B Drive-Through Facilities. To allow up to one (1) drive-through use with accessory drive-through window facilities (which may include a fast food restaurant or a bank with such use but not both) to be constructed within Development Area B as part of the development contemplated by the Rezoning Plan.

d. Development Area B Signage. To allow one (1) detached ground mounted sign identifying the uses/tenants located within the MUDD-O zoned area per public road front, such signs being within Development Area B with a maximum height of 20 feet and containing up to 150 square feet of sign area.

e. Doorways. To not require doorways to be recessed into the face of the building(s) when the abutting sidewalk width is greater than 12 feet and to not require doorways to be recessed when the door way is not oriented to a public road (e.g. interior parking areas).

f. Retaining Walls in MUDD-O. To allow retaining walls with a maximum height of 6' along Public Roads. If due to the proposed grades retaining walls over six (6) feet are required along a Public Road the retaining walls will be tiered so no single wall will exceed a height of six (6) feet.

3. Permitted Uses, Development Area Limitations, and Transfer & Conversion Rights:

a. Uses within O-2(CD) District/Developments Area A-1 and A-2. Subject to the restrictions, limitations, benefits and transfer/conversion rights listed below, the principal buildings constructed within Development Areas A-1 and A-2 may be developed with up to: (i) 320,000 s.f. of gross floor area of office and/or medical office uses, medical/healthcare uses, banks/financial institutions, and (ii) a health institution (including without limitation a community hospital) of up to 150 beds (340,000 sq ft); together with other uses, including without limitation accessory uses, permitted within the O-2 zoning district; provided that certain permitted uses such as retail/Eating Drinking Entertainment Establishments (EDEE) are subject to the limitations set forth within the O-2 zoning district and when developed shall reduce the amount of the s.f. of floor area of permitted uses set out in item (i) above.

Building heights within the O-2 (CD) District shall be calculated in accordance with such district and the Ordinance.

b. Uses within O-2(CD) District/Development Areas D-1 and D-2. Subject to the restrictions, limitations, benefits and transfer/conversion rights listed below, the principal buildings constructed within Development Areas D-1 and D-2 may be developed with up to 910,000 s.f. of gross floor area of office and/or medical office uses (provided medical office uses within Development Areas D-1 and D-2 are limited to 200,000 square feet of gross floor area in connection with conversion (reduction) of general office uses as described in Section 3.f below), medical/healthcare uses, banks/financial institutions; together with other uses, including without limitation accessory uses, permitted within the O-2 zoning district; provided that certain permitted uses such as retail/EDEE are subject to the limitations set forth within the O-2 zoning district and when developed shall reduce the amount of the s.f. of floor area of permitted uses set out in item (i) above.

Building heights within the O-2 (CD) District shall be calculated in accordance with such district and the Ordinance.

c. Uses within MUDD-O District/Development Area B. Subject to the restrictions, limitations, benefits and transfer/conversion rights listed below, the principal buildings constructed within Development Area B on the Site may be developed with up to 104,200 square feet of gross floor area of general and medical office uses (see limitation in amount of medical office uses below), medical/healthcare uses, banks/financial institutions, retail, EDEE, breweries, indoor recreation, convenience/gasoline sales uses, Personal Services and other commercial uses (all such uses excluding general and medical office uses and banks/financial institutions uses, being referred to as "retail/EDEE/personal service uses"); together with other uses, including without limitation, accessory uses as permitted in the MUDD-O zoning district; provided however no more than 80,000 square feet of gross floor area of the uses set out above shall be retail/EDEE/Personal Service uses (subject to increases pursuant to the transfer and conversion rights described below), and no more than 25,200 square feet of gross floor area of medical office uses shall be permitted within Development Area B.

Building heights within the MUDD-O district shall be up to ninety-five (95) feet for hotel uses; all other buildings shall be up to sixty-five (65) feet in height; and all shall be calculated in accordance with the Ordinance.

d. Uses within the UR-2(CD) District/Development Areas C-1 and C-2. Subject to the restrictions, limitations, benefits and transfer/conversion rights listed below, the principal buildings constructed within Development Area C-1 may be developed with up to 275 residential dwelling units of all types and within Development Area C-2 may be developed with up to 200 senior living facility units with independent and/or dependent living units including without limitation continuing care/retirement uses; each together with other uses, including without limitation accessory uses, permitted within the UR-2(CD) zoning district, such accessory uses may include, without limitation, community clubhouse, recreation, open space and related uses (e.g. improved passive and active open spaces, picnic/gathering shelters, gazebos, ball fields, maintenance buildings, outdoor recreational uses, and other uses typically associated with residential communities etc.).

Building heights within Development Area C-1 shall be calculated in accordance with the UR-2 district and the Ordinance.

Building heights within Development Area C-2 shall be up to sixty (60') feet subject to adherence to a thirty foot (30') rear yard along the northerly boundary of Development Area C-2; provided, however, such height may be increased to eighty (80') with maintenance of such rear yard in the event the property located to the north and adjacent to Development Area C-2 is no-longer zoned or developed for single family residential uses. Height of buildings shall be calculated in the manner set forth in the Ordinance.

e. Uses within the UR-2(CD) District/Development Areas E-1 and E-2. Subject to the restrictions, limitations, benefits and transfer/conversion rights listed below, the principal buildings constructed within Development Areas E-1 and E-2 may be developed with up to 50 single family detached or attached residential dwelling units, together with other uses, including without limitation accessory uses, permitted within the UR-2(CD) zoning district, such accessory uses may include, without limitation, community clubhouse, recreation, open space and related uses (e.g. improved passive and active open spaces, picnic/gathering shelters, gazebos, ball fields, maintenance buildings, outdoor recreational uses, and other uses typically associated with residential communities etc.).

Building heights within Development Areas E-1 and E-2 shall be calculated in accordance with the UR-2 district and the Ordinance.

f. Conversion Rights. Notwithstanding the provisions of Section 3 above, the following adjustments to the development levels may be permitted in order to provide appropriate flexibility in the mix of uses over time while still accounting for considerations associate with traffic adequacy and the nature of the overall master plan:

i. In addition to other conversion/transfer rights described herein, general office uses located within Development Areas D-1 and D-2 may be converted to medical office uses at a rate of ~~2~~^{2.7} square feet of floor area of such uses so converted to one (1) square-foot of medical office uses so created up to a maximum of 20,000 square feet of medical office uses so created.

ii. In addition to other conversion/transfer rights described herein, office uses permitted within Development Areas A-1,

A-2, D-1 and D-2 may be converted to retail, EDEE, Personal Services and other non-office commercial uses within such areas at a rate of one ~~and 1/2~~^(1.5) square foot of gross floor of such office uses so converted to one (1) square-foot of increased non-office commercial uses so created, provided that (x) no more than 86,100 s.f. of gross floor area of permitted office uses (e.g. ±7% of total aggregate office uses of 1,230,000 s.f. within the O-2(CD) portion of the Site as described in the Rezoning Plan) may be converted to such non-office commercial uses, and such non-office commercial uses shall otherwise comply with the requirements of the O-2 zoning district.

iii. In addition to other conversion/transfer rights described herein, office uses permitted within Development Areas A-1, A-2, D-1 and D-2 may be converted to a bank/financial institution use with accessory drive-through window facilities at a rate of ~~ten (10)~~^(ten 10) square feet of gross floor area of office uses to one (1) square-foot of bank/financial institution use with drive-through, provided no more than one such bank/financial institution use with accessory drive-through facilities shall be permitted in the aggregate within Development Areas A-1, A-2, D-1 and D-2.

g. Transfer Rights. In order to provide flexibility in responding to market and other factors, provided that applicable uses are permitted within the designated Development Areas, up to 20% of the development levels set forth for an applicable Development Area or Areas may be transferred to another Development Area or Areas where such use is permitted.

h. Tracking. An entitlement tracking chart shall be provided to Planning, Design, and Development Department with each land development application submittal, which shall provide, if applicable, a written summary of the entitlements so converted or transferred and the resulting modifications to the development levels permitted in this Rezoning Plan.

i. Drive Through Window Uses - Development Area B. One (1) restaurant with accessory drive-through window facilities (including a Limited Service Restaurant), or one (1) bank/financial institution use with accessory drive-through window facilities may be constructed within Development Area B as allowed by the Optional Provisions above, and one convenience store with gasoline sales may be constructed within Development Area B. Furthermore, one (1) bank/financial institution with accessory drive-through window facilities may be located within Development Areas A-1, A-2, D-1 and D-2.

j. Parking Prohibited as a Principal Use. Parking will not be allowed within the MUDD-O zoned area as a principal use. Parking areas constructed within each Development Area will be constructed as part of an allowed non-residential or residential use and shall be allowed on an interim basis as construction takes place.

4. Transportation Improvements and Access/Pedestrian Circulation:

I. Proposed Improvements:

The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following implementation provisions:

a. Phasing. Road improvements shall be completed in phases, or subphases, that align with the permitted uses and development levels described below, subject to the adjustments permitted by Section 3. above such as conversions/transfers of uses and other provisions of Section 3. Prior to the development proceeding in a subsequent phase or subphase of development for transportation purposes, the roadway improvements listed for the given phase (or subphase) shall be substantially completed prior to issuance of the first certificate of occupancy for development to take place in such Phase or subphase, subject to other provisions of this Section 4. The primary phases for transportation purposes and accompanying improvements are set forth below in this subsection.

In addition, Petitioner may seek to adjust the primary phasing set forth herein and the accompanying development levels set forth below to reflect variations in the nature and amount of development from the phasing set forth herein or by way of "sub-phases" within the primary phases, administratively upon the reasonable approval of CDOT, or NCDOT (as applicable) which approval may be based upon appropriate adjustments reflecting ITE daily or peak hour trip generation assessments, or CDOT or NCDOT (as applicable) may require for such approval the completion of traffic impact analysis or technical transportation memorandum, as applicable, following customary standards supporting adjustments to the applicable phases or sub-phases of development and the accompanying transportation improvements.

Transportation Phase I Development Levels:

- Community hospital/health care uses with up to 150 beds (estimated to be approximately 340,000 square feet);
- Up to 120,000 square feet of gross floor area of medical office uses;
- Up to 275 multi-family residential dwelling units;
- Up to 200 senior living facility units comprised of independent and/or dependent care living units and continuing care/retirement uses.

Transportation Phase II Development Levels - Full Build-Out:

- The development associated with Transportation Phase I set forth above; and
- All other allowed development as more particularly described in Section 3 above.

b. Phase I Improvements:

The following roadway improvements constitute the Phase I Improvements associated with the Phase I Development Level set forth above in subsection a.:

i. Steele Creek Road and I-485 Outer Loop On/Off Ramps

- Construct an eastbound right turn lane on the I-485 Off Ramp with 500 feet of storage length and appropriate taper.
- Modify signal as necessary.

ii. Steele Creek Road and Dixie River Road / Access A

- Extend the westbound Access A left turn lane to provide 200 feet of storage length and appropriate taper.
- Construct an additional westbound Access A right turn lane. Provide 250 feet of storage length on each right turn lane along with an appropriate taper.
- Construct a northbound Steele Creek Road right turn lane with 350 feet of storage length and appropriate taper.
- Modify signal as necessary.

iii. Steele Creek Road and Shopton Road / Access B

- Construct an additional westbound Access B left turn lane. Provide 350 feet of storage length on each left turn lane along with an appropriate taper.
- ~~Extend the exclusive westbound Access B right turn lane to provide 425 feet of storage length and appropriate taper. Extend the median on Access B to the end of the right turn lane taper.~~
- Convert the existing southbound Steele Creek Road right turn lane to a through lane. Construct 800 feet of departure lane.
- Construct a southbound Steele Creek Road right turn lane with 225 feet of storage length and appropriate taper.
- Construct an additional southbound Steele Creek Road left turn lane with 250 feet of storage length and appropriate taper.
- Modify signal as necessary.

iv. Steele Creek Road and Brown Grier Road

- Construct an additional southbound Steele Creek Road left turn lane. Provide 350 feet of storage length on each left turn lane along with an appropriate taper.
- Modify signal as necessary.

c. Phase II Improvements - Full Build-Out:

The following roadway improvements constitute the Phase II Improvements associated with the Phase II Development Level (Full-Build-out) set forth above in subsection a.:

i. Steele Creek Road and Dixie River Road / Access A

- Extend the westbound Access A left turn lane to provide 250 feet of storage length and appropriate taper.
- Construct an additional westbound Access A right turn lane. Provide 450 feet of storage length on each right turn lane along with an appropriate taper.
- Extend the northbound Steele Creek Road right turn lane to provide 350 feet of storage length and appropriate taper.
- Extend the southbound Steele Creek Road left turn lanes to provide 350 feet of storage length on each and appropriate taper.
- Modify signal as necessary.

ii. Steele Creek Road and Riverdale Drive / Access C

- Construct Access C as a right-in/right-out intersection.
- Construct a northbound Steele Creek Road right turn lane with 100 feet of storage length and appropriate taper.

iii. Steele Creek Road and Access D

- Construct Access D as a right-in/right-out intersection.
- Construct a northbound Steele Creek Road right turn lane with 100 feet of storage length and appropriate taper.

iv. Brown Grier Road and Cedar Hill Drive / Annabelle Place

- Extend the westbound Brown Grier Road left turn lane to provide 500 feet of storage and appropriate taper.
- Reconfigure the southbound Annabelle Place approach to one left turn lane and one shared through/right lane. Provide 450 feet of storage on the left turn lane along with an appropriate taper.
- Install a traffic signal.

v. Brown Grier Road and Pulte Residential Driveway

- Extend the southbound Pulte Residential Driveway right turn lane to provide 175 feet of storage and the appropriate taper.

vi. Brown Grier Road and Sandy Porter Road

- Construct an additional northbound Sandy Porter Road right turn lane. Provide 250 feet of storage length on each right turn lane along with an appropriate taper.
- Modify signal as necessary.

vii. Arrowood Road and I-485 Outer Loop On/Off Ramps

- Channelize the eastbound Arrowood Road right turn lane. Construct 500 feet of departure lane on the On Ramp to allow the right turn lane to be free-flowing.
- Extend the eastbound Arrowood Road right turn lane to provide 400 feet of storage and the appropriate taper.
- Modify signal as necessary.

viii. Arrowood Road and I-485 Inner Loop On/Off Ramps

- Extend the northbound exit ramp left turn lane to provide 425 feet of storage and the appropriate taper.

II. Standards, Phasing and Other Provisions.

a. CDOT Standards. All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT (as it relates to the roadway improvements within its 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 Steele Creek, by way of any applicable private/public partnership effort or other public sector project support.

b. Phasing & Sub-phasing Adjustments to Required Roadway Improvements. Phasing of the roadway improvements is set forth in subsection Ia. above but as indicated can be altered with the mutual written consent of Petitioner, CDOT and as applicable NCDOT on an administrative basis. Furthermore, as indicated sub-phases of development within the primary Phase I Permitted Development and Phase II Permitted Development may be implemented upon satisfactory review and approval by Petitioner, CDOT and as applicable NCDOT of applicable transportation analysis of the requested sub-phase of development and adjustments to the level of required roadway improvements may be approved and implemented on an administrative basis.

c. Right-of-Way Dedication. Subject to the qualifications set forth herein, right-of-way to be dedicated for the required roadway improvements described in above will be dedicated via fee simple conveyance before the certificate of occupancy is issued for the level of improvements required by the phasing tied to the identified roadway improvements as described above and on this Rezoning Plan. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located at a minimum of two (2) feet behind the sidewalk where feasible.

d. Substantial Completion. Reference to "substantial completion" or "substantially completed" for certain improvements as set forth in the provisions of Section 4.1 above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.1.Ia above provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

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

f. Alternative Improvements; Mitigation in Lieu. In addition to other provisions set forth herein, changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT and the Planning Director; provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition. In addition to the foregoing, in the event the right of way is not available for any reason after the good faith efforts of the Petitioner, the Petitioner may work with the CDOT and/or NCDOT as applicable to either (i) identify alternative improvements to implement traffic mitigation in lieu of the improvements impacted by the lack of right of way as described in subsection f. below; or (ii) contribute to the City and/or NCDOT as applicable, an amount equal to the estimated cost of the road improvements not completed due to the lack of available right of way, such funds to be used to complete such alternative roadway improvements in the general area of the Site in a manner reasonable agreeable to the Petitioner, the CDOT and/or NCDOT as applicable.

g. Street Network. The overall street network is conceptual in nature and may be adjusted during the permitting process so long as the provisions of the Ordinance related to connectivity, block lengths and links are adhered to. It is understood, additional Ordinance required streets may be identified during the land development permitting process.

III. Access, and Pedestrian Circulation.

a. External Access Points. Access to the Site will be in the manner generally depicted on the Rezoning Plan including without limitation Dixie River Road Extension, Shopton Road West Extension and Williams Glenn Road Extension, and (subject to the provisions of subsection III.b. below) from Gable Road Extension.

b. Reservation of Right of Way for Gable Road Extension. In order to support the long-term area transportation network performance, the following provisions relate to reservation of a right of way across a portion of the Site to provide for a possible extension of Gable Road by bridge across I-485 into Development Area D1 to connect to Public Street D as generally depicted on the Rezoning Plan (subject to appropriate adjustments to reflect site conditions) (the "Gable Road Extension"):

i. Petitioner, or assigns, shall reserve a 77' wide right of way across a portion of Development Area D1 as generally depicted on the Rezoning Plan to provide for the possible Gable Road Extension (the contemplated cross-section of such Gable Road Extension is described in Section 6.h. below).

ii. Petitioner, or assigns, shall not be responsible for work nor costs associated with the Gable Road Extension; provided, however, Petitioner, or assigns, may, in its

