

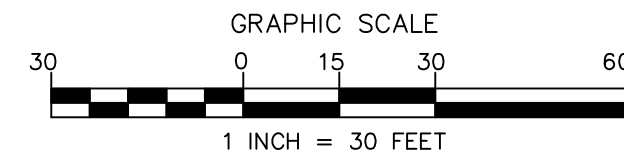
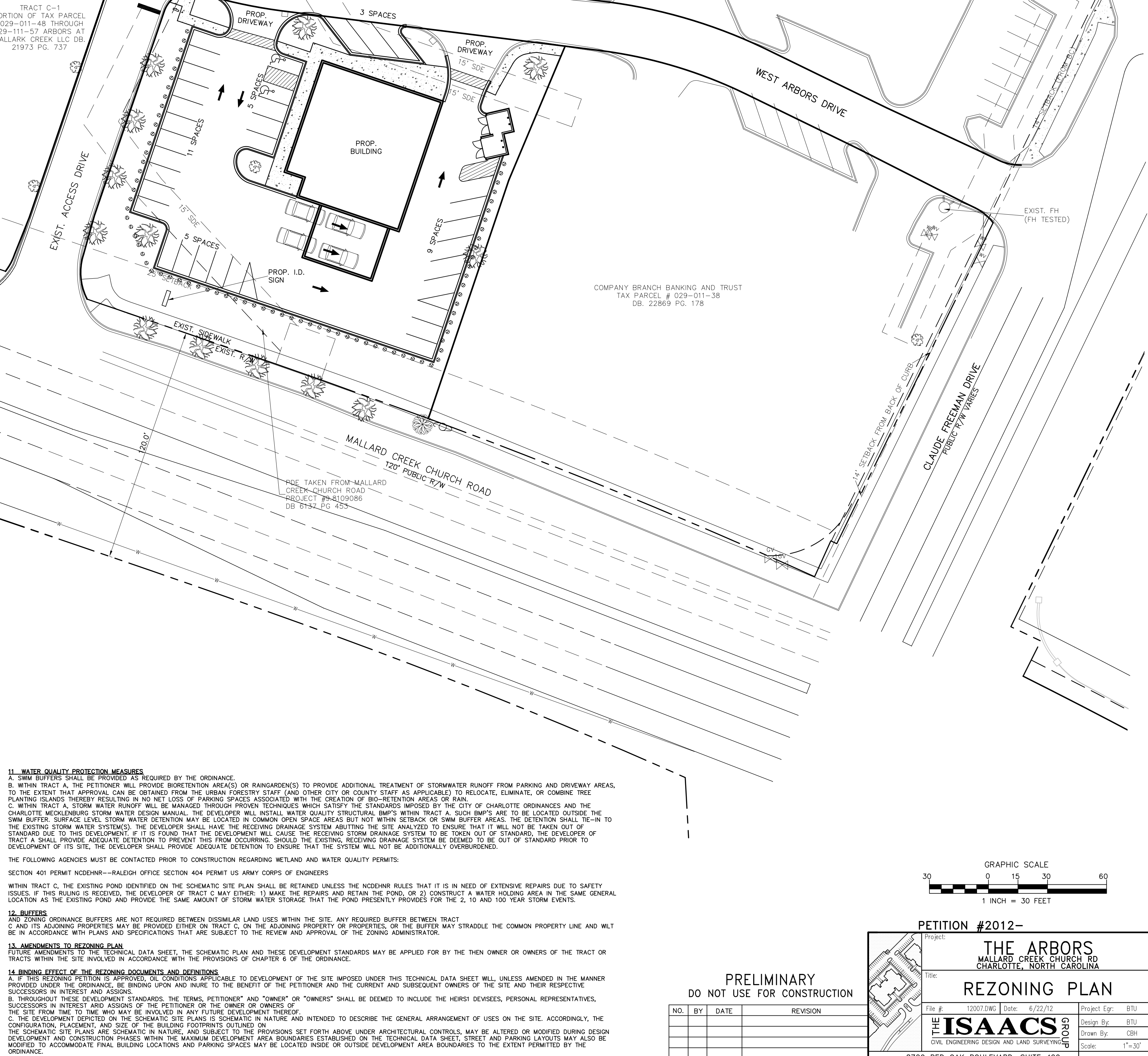
DEVELOPMENT DATA:
TAX PARCEL: 22504505
EXISTING ZONING: MUDD-O
PROPOSED ZONING: MUDD-O-C
TOTAL SITE AREA: 0.859 ACRES
LOT SETBACK:

EXISTING TREE NOTE:
NO EXISTING TREES ARE LOCATED ON SUBJECT PROPERTY.

RECEIVED
By Michael Cataldo at 10:06 am, Jun 26, 2012

DEVELOPMENT STANDARDS (FROM PETITION #2012-142)

GENERAL PROVISIONS
THESE DEVELOPMENT STANDARDS FORM A PART OF THE TECHNICAL DATA SHEET ASSOCIATED WITH THE REZONING PETITION FILED BY FIRST COLONY TO ACCOMMODATE DEVELOPMENT OF A MIXED USE, PEDESTRIAN-FRIENDLY COMMUNITY ON APPROXIMATELY 144.5 ACRE SITE LOCATED ON MALLARD CREEK CHURCH ROAD (THE SITE).
2. PERMITTED USES
A. TRACT A OF THE SITE MAY BE DEVOTED TO RETAIL, OFFICE, DAY CARE, BANK, HOTEL, COMMERCIAL AND RESTAURANT USES...
3. MAXIMUM DEVELOPMENT
A. TRACT A MAY BE DEVELOPED WITH UP TO 200,000 SQUARE FEET OF OFFICE USES AND UP TO 100,000 SQUARE FEET OF COMMERCIAL/RETAIL USES...
4. MUDD-OPTIONAL PROVISIONS
A. THE MUDD-OPTIONAL SIGNAGE PLAN INCLUDES AN ENTRY MONUMENT SIGN ON MALLARD CREEK CHURCH ROAD...
5. TRACT A DESIGN AND PERFORMANCE STANDARDS
A. ARCHITECTURAL CONTROLS
1. SURFACE LEVEL PARKING SHALL NOT BE LOCATED BETWEEN THE BUILDINGS AND MALLARD CREEK CHURCH ROAD...
2. BUILDINGS CONSTRUCTED ALONG MALLARD CREEK CHURCH ROAD WILL CONTAIN WINDOWS WHICH FACE THIS STREET...
3. DUMPSTER AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY OPAQUE WALL WITH ONE SIDE BEING A HINGED OPAQUE GATE...
4. THE DESIGN TREATMENT SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING AMENITIES AS GENERALLY INDICATED ON THE PERSPECTIVE ON SHEET 3:
A. A COURTYARD/PLAZA AREA AND
B. SEATING AREA(S)
5. IN THE EVENT TRACT A IS DEVELOPED IN THE MANNER DEPICTED BY THE SCHEMATIC SITE PLAN AND WITH LOADING AREAS OR SERVICE DOCKS LOCATED TO THE REAR OF BUILDINGS...
B. LANDSCAPING AND SCREENING
1. INTERNAL AREAS OF THE SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY CODE.
2. ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHT-OF-WAY AND ADJOINING PROPERTIES AS VIEWED FROM GRADE.
3. ALL OTHER SCREENING AND LANDSCAPING SHALL CONFORM TO THE STANDARDS OF THE ORDINANCE.
C. STREETScape TREATMENT
1. THE STREETScape TREATMENT ALONG MALLARD CREEK CHURCH ROAD WILL CONFORM TO THE ORDINANCE AND INCLUDE LARGE MATURING TREES...
2. IN WIDTH, IN THE EVENT THERE IS SURFACE LEVEL PARKING LOCATED BETWEEN BUILDINGS(S) AND ANY PORTION OF MALLARD CREEK CHURCH ROAD...
3. OUTDOOR DINING AND COURTYARD AREAS MAY BE LOCATED WITHIN THE ESTABLISHED BUT OUTSIDE OF THE REQUIRED, SETBACK ALONG MALLARD CREEK CHURCH ROAD AS GENERALLY INDICATED ON THE PERSPECTIVE ON SHEET 3.
D. LIGHTING
1. ALL PARKING LOT LIGHTING SHALL BE DESIGNED SUCH THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY EXTERIOR PROJECT EDGE PROPERTY LINE.
2. THE PARKING LOT LIGHTING WITHIN TRACT A SHALL NOT EXCEED 30 FEET IN HEIGHT.
3. THE LIGHTING UNDER THE CANOPY OF ANY CONVENIENCE STORE CONSTRUCTED ON TRACT A SHALL BE OF THE FLAT LENS TYPE (AS OPPOSED TO A DROPPED LENS) AND MAY NOT EXCEED A MAXIMUM OVERAGE OF 46 FOOT CANDLES UNDER THE CANOPY AT GRADE LEVEL.
4. ANY LIGHTING ATTACHED TO A REAR EXTERIOR BUILDING WALL FACING THE RESIDENTIAL COMPONENT IN TRACT C SHALL BE CAPPED AND DOWNWARDLY DIRECTED.
5. WALL-MOUNTED DECORATIVE LIGHT FIXTURES SUCH AS SCONES ARE PERMITTED.
E. PARKING
OFF STREET PARKING AND LOADING WILL MEET THE STANDARDS ESTABLISHED UNDER THE ORDINANCE AT LEAST ONE BICYCLE RACK SHALL BE PROVIDED AT EACH BUILDING WITHIN TRACT A.
F. ANY BUILDINGS USED PRIMARILY FOR HOTEL AND/OR OFFICE USES WILL NOT EXCEED 60 FEET IN HEIGHT. OTHER BUILDINGS ON TRACT A WILL NOT EXCEED 40 FEET IN HEIGHT.
6. TRACT B DESIGN CONTROLS
A. BUILDINGS CONSTRUCTED ALONG MALLARD CREEK CHURCH ROAD WILL CONTAIN WINDOWS AND SHUTTERS WHICH FACE MALLARD CREEK CHURCH ROAD AND LARGE EXPANSES OF SOLID WALLS FOR THESE BUILDINGS WILL BE AVOIDED THROUGH THE INTRODUCTION OF ARTICULATED FACADES AND OTHER SPECIALLY DESIGNED ARCHITECTURAL ELEMENTS IN CONFORMANCE WITH SECTION 9.8505 OF THE ORDINANCE
B. EACH OF THE TOWNHOMES WILL INCLUDE ATTACHED GARAGES.
C. BUILDINGS WILL NOT EXCEED TWO STORES OR 40 FEET IN HEIGHT.
7. TRACT C AMENITIES, LANDSCAPING AND DESIGN
A. TRACT C WILL PROVIDE THE FOLLOWING RECREATIONAL AMENITIES:
-- A CABANA, AND
-- A TOT LOT.
B. A LANDSCAPE STRIP WILL BE PROVIDED ALONG A PORTION OF THE EASTERLY PROJECT EDGE OF TRACT C, AS GENERALLY INDICATED ON THE TECHNICAL DATA SHEET...
8. VEHICULAR ACCESS
A. VEHICULAR ACCESS TO MALLARD CREEK CHURCH ROAD AND GALLOWAY ROAD SHALL BE AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET.
B. THE PLACEMENT AND CONFIGURATION OF THESE ACCESS POINTS 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 CHARLOTTE DEPARTMENT OF TRANSPORTATION.
C. PETITIONER AGREES TO DEDICATE AND CONVEY (BY QUITCLAIM DEED AND SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS AND A REVERSIONARY INTEREST IN ANY PROPERTY NOT USED FOR RIGHT-OF-WAY PURPOSES IN THE FUTURE) RIGHT-OF-WAY ALONG MALLARD CREEK CHURCH ROAD REQUIRED TO PROVIDE FOR A MINIMUM OF 50 FEET RIGHT-OF-WAY FROM THE CENTERLINE, IF SUCH RIGHT-OF-WAY DOES NOT EXIST ALREADY, PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY FOR TRACT A OR B.
D. EXCEPT AS OTHERWISE PROVIDED UNDER PARAGRAPH E BELOW, NO BUILDING/DRIVEWAY PERMIT MAY BE ISSUED FOR DEVELOPMENT TAKING PLACE WITHIN TRACT A OR TRACT B UNTIL AFTER THE DESIGN/CONSTRUCTION PLANS FOR THE FOLLOWING ROADWAY/INTERSECTION IMPROVEMENTS HAVE BEEN APPROVED BY CDOT AND NCDOT, EXCEPT AS OTHERWISE PROVIDED UNDER PARAGRAPH E, NO CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR DEVELOPMENT TAKING PLACE WITHIN TRACT A OR TRACT B UNTIL AFTER THE FOLLOWING ROAD IMPROVEMENTS HAVE BEEN COMPLETED:
INTERSECTION OF MALLARD CREEK CHURCH ROAD AND SENATOR ROYALL PLACE
-- CONSTRUCTION OF A WESTBOUND RIGHT TURN LANE WITH 150 FEET OF STORAGE AND A 20: 1 BAY TAPER, AND
-- CONSTRUCTION OF A WESTBOUND APPROACH TO INCLUDE DUAL LEFT TURN LANES WITH 150 FEET OF STORAGE IN EACH LANE AND A THROUGH-AND-RIGHT TURN COMBINATION LANE AT THE INTERSECTION OF MALLARD CREEK CHURCH ROAD AND CLAUDE FREEMAN DRIVE.
-- CONSTRUCTION OF A WESTBOUND RIGHT TURN LANE WITH 150 FEET OF STORAGE AND A 20: 1 BAY TAPER, AND
-- CONSTRUCTION OF A WESTBOUND LEFT TURN LANE WITH 200 FEET OF STORAGE AND A 15: 1 BAY TAPER, AND
-- CONSTRUCTION OF A SOUTHBOUND APPROACH TO INCLUDE DUAL LEFT TURN LANES WITH 150 FEET OF STORAGE IN EACH LANE AND A THROUGH-AND-RIGHT TURN COMBINATION LANE.
SCOPE OF INTERSECTION IMPROVEMENTS
THE DEVELOPER WILL BE RESPONSIBLE FOR THE COSTS ASSOCIATED WITH THE DESIGN AND CONSTRUCTION OF THESE IMPROVEMENTS, AND ALL OTHER ASSOCIATED INTERSECTION AND ROADWAY MODIFICATIONS NECESSARY AS A RESULT OF THESE IMPROVEMENTS AS DETERMINED BY CDOT AND NCDOT, TO INCLUDE BUT NOT BE LIMITED TO: LANE REALIGNMENTS, MEDIAN MODIFICATIONS, UTILITY RELOCATIONS, TRAFFIC SIGNAL MODIFICATIONS, PAVEMENT MARKINGS, AND RIGHT-OF-WAY ACQUISITION/DEDICATION. THE DESIGN OF THE SOUTHBOUND APPROACHES TO THESE INTERSECTIONS ILLUSTRATED ON THE SITE PLAN ARE CONCEPTUAL AND PRELIMINARY LOCATIONS OF LANES, MEDIAN DESIGN AND ASSOCIATED ELEMENTS WILL BE FINALIZED IN CONJUNCTION WITH THE INTERSECTION DESIGN PROCESS.
E. NOTWITHSTANDING ANYTHING TO THE CONTRARY PROVIDED UNDER PARAGRAPH D ABOVE, THE DEVELOPER OF TRACT A MAY APPLY FOR BUILDING/DRIVEWAY PERMITS FOR UP TO 25,000 S.F. OF SPACE TO BE DEVELOPED WITHIN PARCELS A-1, A-2, AND/OR PARCEL A-3 OF TRACT A AT ANY TIME AFTER THE DESIGN/CONSTRUCTION PLANS FOR THE FOLLOWING ROADWAY/INTERSECTION IMPROVEMENTS HAVE BEEN APPROVED BY CDOT AND NCDOT AND MAY APPLY FOR CERTIFICATES OF OCCUPANCY FOR SUCH DEVELOPMENT AFTER THE FOLLOWING ROAD IMPROVEMENTS HAVE BEEN COMPLETED:
INTERSECTION OF MALLARD CREEK CHURCH ROAD AND SENATOR ROYALL PLACE
-- CONSTRUCTION OF A WESTBOUND RIGHT TURN LANE WITH 150 FEET OF STORAGE AND A 20: 1 BAY TAPER, AND
-- CONSTRUCTION OF THE SOUTHBOUND APPROACH TO INCLUDE DUAL LEFT TURN LANES WITH 150 FEET OF STORAGE IN EACH LANE AND A THROUGH-AND-RIGHT TURN COMBINATION LANE.
SCOPE OF INTERSECTION IMPROVEMENTS
THE DEVELOPER WILL BE RESPONSIBLE FOR THE COSTS ASSOCIATED WITH THE DESIGN AND CONSTRUCTION OF THESE IMPROVEMENTS, AND ALL OTHER ASSOCIATED INTERSECTION AND ROADWAY MODIFICATIONS NECESSARY AS A RESULT OF THESE IMPROVEMENTS AS DETERMINED BY CDOT AND NCDOT, TO INCLUDE BUT NOT BE LIMITED TO: LANE REALIGNMENTS, MEDIAN MODIFICATIONS, UTILITY RELOCATIONS, TRAFFIC SIGNAL MODIFICATIONS, PAVEMENT MARKINGS, AND RIGHT-OF-WAY ACQUISITION/DEDICATION. THE DESIGN OF THE SOUTHBOUND APPROACH TO THE MALLARD CREEK CHURCH ROAD/CLAUDE FREEMAN DRIVE INTERSECTION ILLUSTRATED ON THE SITE PLAN IS CONCEPTUAL AND PRELIMINARY LOCATIONS OF LANES, MEDIAN DESIGN AND ASSOCIATED ELEMENTS WILL BE FINALIZED IN CONJUNCTION WITH THE INTERSECTION DESIGN PROCESS.
G. THE DEVELOPER OF TRACT C SHALL PROVIDE STANDARD COLLECTOR STREET IMPROVEMENTS ALONG THAT PORTION OF THE SOUTHERN HALF OF THE RIGHT-OF-WAY FOR GALLOWAY ROAD ABUTTING TRACT C IN ACCORDANCE WITH THE CHARLOTTE MECKLENBURG DEVELOPMENT STANDARDS MANUAL.
H. THE DEVELOPER OF TRACT C SHALL CONTRIBUTE \$50,000 TOWARD THE COSTS OF INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF GALLOWAY ROAD AND MALLARD CREEK ROAD TO CDOT OR NCDOT, WHICHEVER MAY BE APPLICABLE, IF THE TRAFFIC SIGNAL IS INSTALLED WITHIN FIVE YEARS OF THE DATE OF APPROVAL OF THIS REZONING PETITION. SUCH CONTRIBUTION SHALL BE MADE WITHIN 60 DAYS OF A WRITTEN REQUEST TO THE DEVELOPER OF TRACT C BY THE APPROPRIATE AGENCY.
I. THE TRAFFIC CIRCLE INDICATED ON THE SCHEMATIC SITE PLAN SHALL CONFORM TO THE STANDARDS FOR AN URBAN CIRCLE OR MINI-ROUNDBOUT AS DEFINED IN THE FEDERAL HIGHWAY ADMINISTRATION'S MANUAL ENTITLED ROUNDBOUTS: AN INFORMATIONAL GUIDE. IN THE EVENT THE DEVELOPER OF TRACT C DETERMINES THAT THE DESIGN OF THE TRAFFIC CIRCLE CANNOT COMPLY WITH THESE STANDARDS, THE TRAFFIC CIRCLE MAY BE ELIMINATED.
J. AT LEAST ONE OF THE ACCESS POINTS TO MALLARD CREEK CHURCH ROAD WILL BE CONSTRUCTED DURING THE INITIAL CONSTRUCTION PHASE OF TRACT C AND CONNECTED TO TRACT C. IN ADDITION, SIGNS AT EACH OF TRACT C'S GALLOWAY ROAD ENTRANCES STATING THAT NO CONSTRUCTION TRAFFIC IS PERMITTED TO ACCESS THE SITE FROM GALLOWAY ROAD MUST BE POSTED AT THE TIME ACCESS TO MALLARD CREEK CHURCH ROAD TEMPORARILY CANNOT BE PERMITTED AT EITHER OF THE SIGNALIZED INTERSECTION LOCATIONS ON MALLARD CREEK CHURCH ROAD WITHOUT NECESSARY TRAFFIC SIGNAL MODIFICATIONS.
K. THE DEVELOPER OF TRACT C WILL CONTRIBUTE TO THE CITY FUNDS FOR THE COST OF INSTALLING TWO SPEED HUMPS ON GALLOWAY ROAD SHOULD THE CITY DETERMINE THROUGH THE PROCESSING OF A SPEED HUMP REQUEST AND THE STANDARD EVALUATION PROCEDURES THAT SUCH HUMPS SHOULD BE INSTALLED. SUCH DETERMINATION SHALL BE MADE WITHIN FIVE YEARS OF THE DATE OF APPROVAL OF THIS REZONING PETITION.
9. CONNECTIONS AND VEHICULAR CONNECTIONS TO ADJOINING PARCELS WILL BE PROVIDED GENERALLY AS SHOWN ON THE TECHNICAL DATA SHEET. THE ESTABLISHMENT OF THE PEDESTRIAN CONNECTIONS TO THE ADJOINING OFFICE PARK(S) TO THE WEST AND TO THE ADJOINING CHURCH TO THE EAST IS CONTINGENT UPON THE APPROVAL OF THE OWNERS OF THOSE RESPECTIVE ADJOINING PROPERTIES TO WHICH THE CONNECTIONS WOULD BE MADE. THE PRESENCE OF WETLANDS MAY NECESSITATE A CUT-DE-SAC ON THE MOST EASTERLY NORTH/SOUTH STREET WITHIN TRACT C (SEE TECHNICAL DATA SHEET). THE DEVELOPER OF TRACT C WILL NOT INSTALL CUT-DE-SACS IN THIS LOCATION IF THE PERMIT ISSUED FOR TRACT C'S WETLAND IMPACTS WOULD TOTAL MORE THAN 0.09 ACRE AND 1.49 LINEAL FEET OF STREAM IMPACTS IF THIS CONNECTION WERE MADE.
10. FIRE PROTECTION
ADEQUATE FIRE PROTECTION IN THE FORM OF FIRE HYDRANTS WILL BE PROVIDED TO THE CHARLOTTE 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.



PETITION #2012-

THE ARBORS
MALLARD CREEK CHURCH RD
CHARLOTTE, NORTH CAROLINA

REZONING PLAN

File #: 12007.DWG Date: 6/22/12 Project Egr: BTU
Drawn By: CBH
Scale: 1"=30'

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

Revision table with columns: NO., BY, DATE, REVISION

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