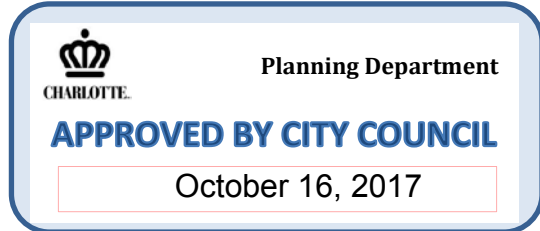


KEY TO ADJACENT PROPERTY OWNERS

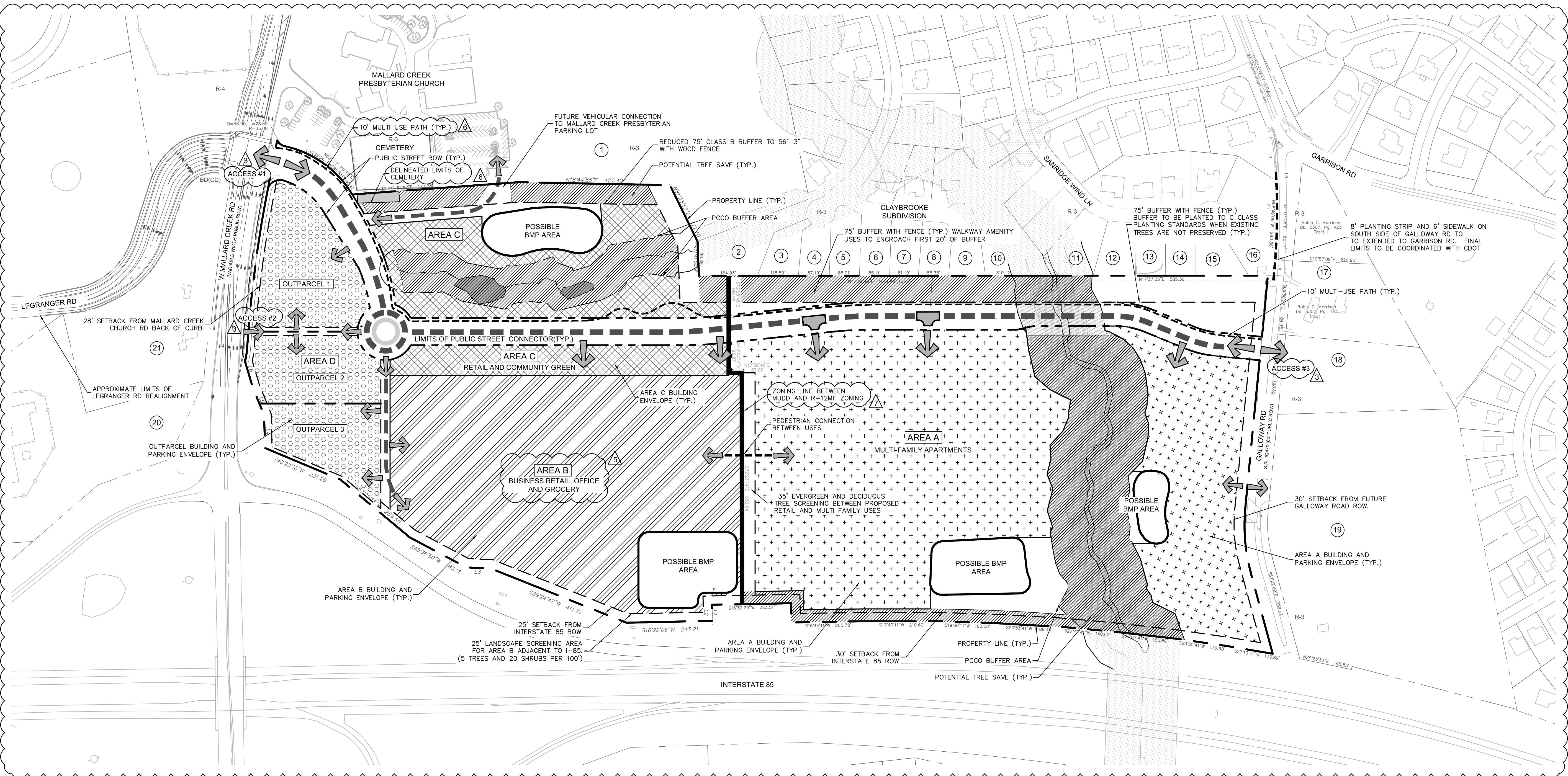
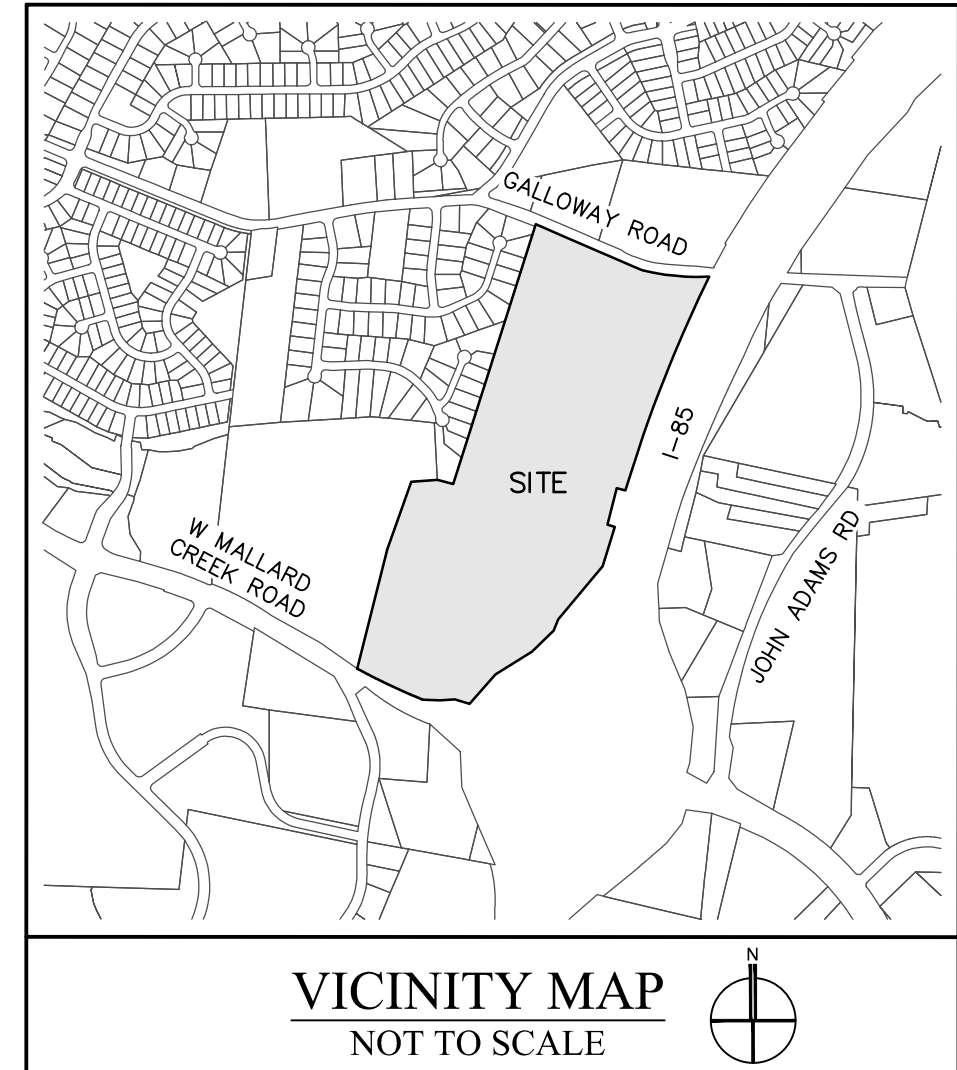
1. MALLARD CREEK PRESBYTERIAN CHURCH	DB: 03717 P.: 709 PID#: 02902101 ZONING:R-3 USE: GOVT/INST.
2. PETER AND KATCIA WERNER	DB: 10850 P.: 864 PID#: 02902348 ZONING:R-3 USE: SINGLE FAMILY
3. CLINTON AND LORRAINE WOUNG	DB: 10867 P.: 143 PID#: 02902347 ZONING:R-3 USE: SINGLE FAMILY
4. SIDONIE AND MAHLON LAWRENCE	DB: 22789 P.: 844 PID#: 02902346 ZONING:R-3 USE: SINGLE FAMILY
5. DETRINA WATKINS	DB: 29789 P.: 294 PID#: 02902345 ZONING:R-3 USE: SINGLE FAMILY
6. SHAWN O KENNEDY	DB: 23743 P.: 519 PID#: 02902344 ZONING:R-3 USE: SINGLE FAMILY
7. ERIC AND SANDY SNYDER	DB: 30872 P.: 151 PID#: 02902343 ZONING:R-3 USE: SINGLE FAMILY
8. WILLIAM AND BEVERLY PAYNE	DB: 11250 P.: 555 PID#: 02902342 ZONING:R-3 USE: SINGLE FAMILY
9. ROGER AND JULIANE MOORE	DB: 13752 P.: 664 PID#: 02902341 ZONING:R-3 USE: SINGLE FAMILY
10. AMIT AND KRISHNA PATEL	DB: 12017 P.: 404 PID#: 02902340 ZONING:R-3 USE: SINGLE FAMILY
11. PAUL MASSEY	DB: 25211 P.: 407 PID#: 02902318 ZONING:R-3 USE: SINGLE FAMILY
12. SEAN AND JENNIFER FLANNERY	DB: 27418 P.: 416 PID#: 02902317 ZONING:R-3 USE: SINGLE FAMILY
13. MARY ANN MACLEOD	DB: 13560 P.: 126 PID#: 02902316 ZONING:R-3 USE: SINGLE FAMILY
14. LOUITA WHITEFIELD	DB: 16829 P.: 809 PID#: 02902315 ZONING:R-3 USE: SINGLE FAMILY
15. DAVID AND JACQUELINE HERNANDEZ	DB: 30168 P.: 132 PID#: 02902314 ZONING:R-3 USE: SINGLE FAMILY
16. PAUL AND LINDA VAICKUS	DB: 18723 P.: 331 PID#: 02902313 ZONING:R-3 USE: SINGLE FAMILY
17. ROBERT AND CARLENE GARRISON	DB: 05307 P.: 423 PID#: 02912107 ZONING:R-3 USE: SINGLE FAMILY
18. ROBERT AND CARLENE GARRISON	DB: 05307 P.: 423 PID#: 02912107 ZONING:R-3 USE: SINGLE FAMILY
19. JAMES PARKER II LUMPKIN	DB: 09756 P.: 691 PID#: 02912108 ZONING:R-3 USE: SINGLE FAMILY
20. PBS05B DUKE POWER COMPANY	DB: 05307 P.: 677 PID#: 04738202 ZONING:R-4 USE: SINGLE FAMILY
21. ASSOC IN HERLOCKER LESTER	DB: 04415 P.: 212 PID#: 04738203 ZONING:R-4 USE: SINGLE FAMILY



SITE DEVELOPMENT DATA

SITE ACREAGE:	±65.70 ACRES TOTAL (2,862,072 SQ FT) AREA A = ±33.35 ACRES AREA B, C AND D = ±32.35
TAX PARCEL #:	02902121, 02902132, 02902124, 02902133, 02902126 AND A PORTION OF 02902101
EXISTING ZONING:	RE-1 AND RE-3(CD) AND R-3
PROPOSED ZONING:	R-12MF-CD (AREA A) 5 YEARS VESTED RIGHTS MUDD-O (AREA B, C AND D) 5 YEARS VESTED RIGHTS
EXISTING USE:	VACANT - OPEN FIELD SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	•MULTI-FAMILY APARTMENTS: AREA A (395 UNITS) 11.84 UNITS PER ACRES (33.35 ACRES) •BUSINESS RETAIL: AREAS B, C AND D (OUTPARCELS 1, 2 & 3) (SEE DEVELOPMENT STANDARDS)
BUILDING HEIGHT:	SEE DEVELOPMENT STANDARDS
WATERSHED:	MALLARD CREEK
PARKING PROVIDED:	SHALL MEET ORDINANCE REQUIREMENTS
OPEN SPACE:	SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE:	15% OF PROPOSED SITE SHALL MEET ORDINANCE REQUIREMENTS

POTENTIAL TREE SAVE AREAS (TYP.)
15% MIN (± 9.86 ACRES) OF 65.70 ACRE SITE TO BE PRESERVED.
FINAL LIMITS OF 15% MAY VARY FROM WHAT IS DEPICTED ON PLAN AND
FINAL LIMITS WILL BE ESTABLISHED DURING PERMITTING OF SITE AREAS



REZONING PETITION
FOR PUBLIC HEARING
2016-139

REZONING PETITION

WEST MALLARD CREEK CHURCH ROAD
CHARLOTTE, NORTH CAROLINA

CHARTER PROPERTIES, INC &
BROWDER GROUP

TECHNICAL
DATA SHEET

0 150
SCALE: 1" = 150'

PROJECT #: 278-023
DRAWN BY: NB
CHECKED BY: JG

AUGUST 22, 2016

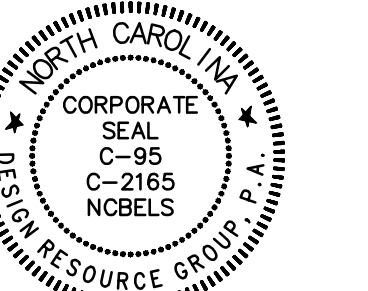
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2. 04/10/17 - PER SITE UPDATES
3. 05/22/17 - PER SITE UPDATES
4. 06/06/17 - PER SITE UPDATES
5. 08/07/17 - PER SITE UPDATES
6. 09/25/17 - PER SITE UPDATES
7. 10/08/17 - PER SITE UPDATES
8. 10/17/17 - PER SITE UPDATES

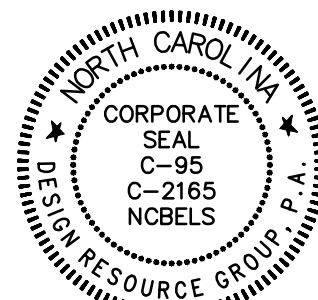
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LANDSCAPE ARCHITECTURE
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REZONING PETITION
FOR PUBLIC HEARING

2016-139

REZONING PETITION

WEST MALLARD CREEK CHURCH ROAD
CHARLOTTE, NORTH CAROLINA

CHARTER PROPERTIES, INC &
BROWDER GROUP

SCHEMATIC
SITE PLAN

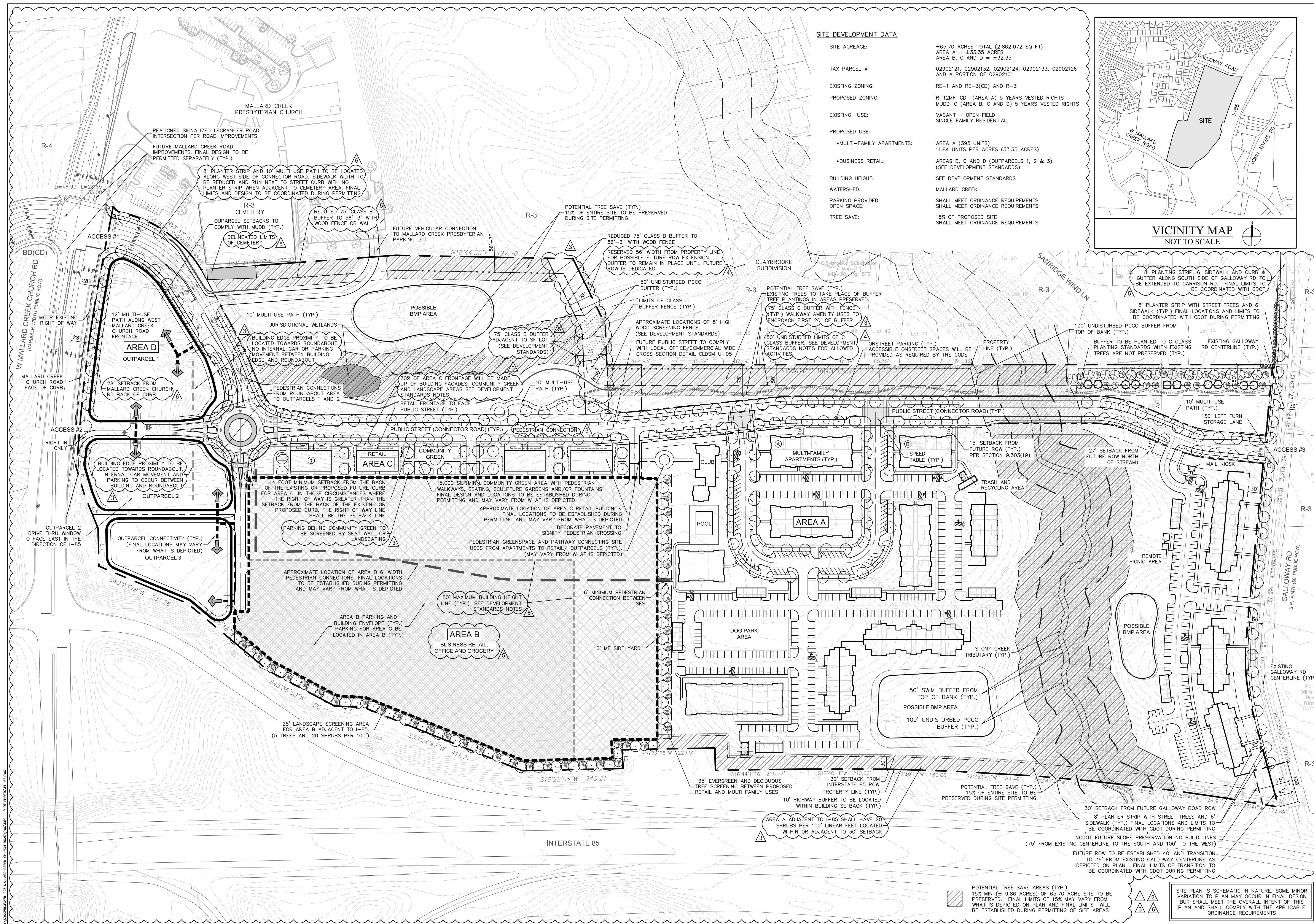
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SCALE: 1" = 100'

PROJECT #: 278-023
DRAWN BY: NB
CHECKED BY: JG

AUGUST 22, 2016

REVISIONS:
1. 01/23/17 - PER CMPC COMMENTS
2. 04/10/17 - PER SITE UPDATES
3. 05/22/17 - PER SITE UPDATES
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5. 08/07/17 - PER SITE UPDATES
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8. 10/17/17 - PER SITE UPDATES

RZ 2.0



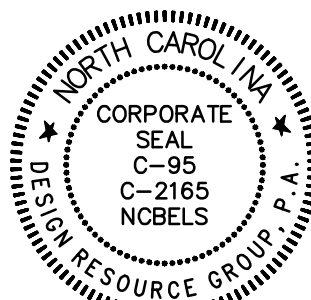
SITE DEVELOPMENT DATA

SITE ACREAGE:	±65.70 ACRES TOTAL (2,862,072 SQ FT) AREA A = ±33.35 ACRES AREA B, C AND D = ±32.35
TAX PARCEL #:	02902121, 02902132, 02902133, 02902126 AND A PORTION OF 02902101
EXISTING ZONING:	RE-1 AND RE-3(CD) AND R-3
PROPOSED ZONING:	R-12MF-CD (AREA A) 5 YEARS VESTED RIGHTS MUDD-O (AREA B, C AND D) 5 YEARS VESTED RIGHTS
EXISTING USE:	VACANT - OPEN FIELD SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	•MULTI-FAMILY APARTMENTS: AREA A (395 UNITS) 11.84 UNITS PER ACRES (33.35 ACRES) •BUSINESS RETAIL: AREAS B, C AND D (OUTPARCELS 1, 2 & 3) (SEE DEVELOPMENT STANDARDS)
BUILDING HEIGHT:	SEE DEVELOPMENT STANDARDS
WATERSHED:	MALLARD CREEK
PARKING PROVIDED:	SHALL MEET ORDINANCE REQUIREMENTS
OPEN SPACE:	SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE:	15% OF PROPOSED SITE SHALL MEET ORDINANCE REQUIREMENTS

VICINITY MAP
NOT TO SCALE

POTENTIAL TREE SAVE AREAS (TYP.)
15% MIN (± 9.86 ACRES) OF 65.70 ACRE SITE TO BE PRESERVED. FINAL LIMITS OF 15% MAY VARY FROM WHAT IS DEPICTED ON PLAN AND FINAL LIMITS WILL BE ESTABLISHED DURING PERMITTING OF SITE AREAS

SITE PLAN IS SCHEMATIC IN NATURE. SOME MINOR VARIATION TO PLAN MAY OCCUR IN FINAL DESIGN BUT SHALL MEET THE OVERALL INTENT OF THIS PLAN AND SHALL COMPLY WITH THE APPLICABLE ORDINANCE REQUIREMENTS



**REZONING PETITION
FOR PUBLIC HEARING**

2016-139

REZONING PETITION

WEST MALLARD CREEK CHURCH ROAD
CHARLOTTE, NORTH CAROLINA

**CHARTER PROPERTIES, INC &
BROWDER GROUP**

**CONDITIONAL
NOTES**

0

SCALE:

PROJECT #: 278-023
DRAWN BY: NB
CHECKED BY: JG

AUGUST 22, 2016

REVISIONS:

1. 01/23/17 - PER CMPC COMMENTS
2. 04/10/17 - PER SITE UPDATES
3. 05/22/17 - PER SITE UPDATES
4. 06/06/17 - PER SITE UPDATES
5. 08/07/17 - PER SITE UPDATES
6. 09/25/17 - PER SITE UPDATES
7. 10/08/17 - PER SITE UPDATES
8. 10/17/17 - PER SITE UPDATES

RZ 3.0

SITE DEVELOPMENT DATA

SITE ACREAGE:	±65.70 ACRES TOTAL (2,862,072 SQ FT) AREA A = ±33.35 ACRES AREA B, C AND D = ±32.35
TAX PARCEL #:	02902121, 02902132, 02902134, 02902133, 02902126 AND A PORTION OF 02902101
EXISTING ZONING:	RE-1 AND RE-3(CD) AND R-3
PROPOSED ZONING:	R-12MF-CD (AREA A) 5 YEARS VESTED RIGHTS MUDD-O (AREA B, C AND D) 5 YEARS VESTED RIGHTS
EXISTING USE:	VACANT - OPEN FIELD SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	•MULTI-FAMILY APARTMENTS: 11.84 UNITS PER ACRES (33.35 ACRES)
	•BUSINESS RETAIL: AREAS B, C AND D (OUTPARCELS 1, 2 & 3) (SEE DEVELOPMENT STANDARDS)
BUILDING HEIGHT:	SEE DEVELOPMENT STANDARDS
WATERSHED:	MALLARD CREEK
PARKING PROVIDED: OPEN SPACE:	SHALL MEET ORDINANCE REQUIREMENTS SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE:	15% OF PROPOSED SITE SHALL MEET ORDINANCE REQUIREMENTS

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

- THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN (COMPRISED OF THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND DEVELOPMENT STANDARDS SHEETS) ASSOCIATED WITH THE REZONING PETITION FILED BY CHARTER PROPERTIES, INC. AND BROWDER GROUP REAL ESTATE, LLC (HEREINAFTER COLLECTIVELY REFERRED TO AS THE "PETITIONER") TO ACCOMMODATE A MULTI-USE DEVELOPMENT ON AN APPROXIMATELY 65.7 ACRE SITE LOCATED ON THE NORTHWEST QUADRANT OF THE INTERSTATE 85 AND WEST MALLARD CREEK CHURCH ROAD INTERCHANGE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF THOSE PARCELS OF LAND DESIGNATED AS TAX PARCEL NO. 029-021-20, 029-021-32, 029-021-24, 029-021-26 AND 029-021-33 AND A PORTION OF TAX PARCEL NO. 029-021-01.
- FOR ENTITLEMENT PURPOSES, THE SITE IS DIVIDED INTO FOUR SEPARATE DEVELOPMENT AREAS THAT ARE DESIGNATED ON THE REZONING PLAN AS DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D, AND BUILDING AND PARKING ENVELOPES ARE LOCATED WITHIN EACH DEVELOPMENT AREA. DEVELOPMENT AREA D IS FURTHER DIVIDED INTO THREE OUTPARCELS DESIGNATED AS OUTPARCEL 1, OUTPARCEL 2 AND OUTPARCEL 3. LAND MARKING ADJUSTMENTS ARE DEPICTED ON SHEET RZ 3.1. AT THE OPTION OF PETITIONER, AND OUTPARCELS MAY BE RECOMBINED INTO ONE OR MORE OUTPARCELS AT THE OPTION OF PETITIONER. ALL PRINCIPAL BUILDINGS, ACCESSORY STRUCTURES AND PARKING AREAS SHALL BE LOCATED WITHIN A BUILDING AND PARKING ENVELOPE. THIS REZONING PLAN DOES NOT LIMIT THE NUMBER OF PRINCIPAL BUILDINGS AND ACCESSORY STRUCTURES THAT MAY BE LOCATED WITHIN A BUILDING AND PARKING ENVELOPE LOCATED IN DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D. ANY REFERENCE HEREIN TO THE SITE SHALL BE DEEMED TO INCLUDE DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D UNLESS OTHERWISE NOTED HEREIN.
- THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE R-12 MF ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA A. SUBJECT TO THE OPTIONAL PROVISIONS SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THOSE PORTIONS OF THE SITE DESIGNATED AS DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D.
- THE DEVELOPMENT AND USES DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND ARE INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE LAYOUT, LOCATIONS AND SIZES OF THE USES, IMPROVEMENTS AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN AS WELL AS THE INTERNAL DRIVEWAYS AND PARKING AREAS ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
- THE DEVELOPMENT OF THE SITE PROPOSED UNDER THIS REZONING PLAN SHALL BE CONSIDERED TO BE A PLANNED/UNITED DEVELOPMENT. THEREFORE, SITE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION REQUIREMENTS AND OTHER SIMILAR ZONING STANDARDS SHALL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS, USES AND OTHER ELEMENTS LOCATED ON THE SITE. FURTHERMORE, THE PETITIONER AND/OR THE OWNER(S) OF THE SITE RESERVE THE RIGHT TO SUBDIVIDE PORTIONS OR ALL OF THE SITE AND TO CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS. HOWEVER, THE DEVELOPMENT OF THE SITE SHALL BE REQUIRED TO MEET ANY APPLICABLE SETBACK, SIDE YARD, REAR YARD AND BUFFER REQUIREMENTS WITH RESPECT TO THE EXTERIOR BOUNDARIES OF THE SITE.
- PURSUANT TO SECTION 1.110 OF THE ORDINANCE AND SECTION 160A-385.1 OF THE NORTH CAROLINA GENERAL STATUTES, THE REZONING PLAN, IF APPROVED, SHALL BE VESTED FOR A PERIOD OF 5 YEARS DUE TO THE SIZE AND PHASING OF THE DEVELOPMENT, THE LEVEL OF INVESTMENT, ECONOMIC CYCLES AND MARKET CONDITIONS.
- FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF A DEVELOPMENT AREA WITHOUT THE CONSENT OF THE OWNER OR OWNERS OF ANY OTHER DEVELOPMENT AREA IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

2. OPTIONAL PROVISIONS

THE OPTIONAL PROVISIONS SET OUT BELOW SHALL APPLY TO THE DEVELOPMENT OF THE SITE.

A. DEVELOPMENT AREA B

- PARKING, VEHICULAR CIRCULATION AND VEHICULAR MANEUVERING SPACE MAY BE LOCATED BETWEEN THE BUILDING AND STRUCTURES LOCATED ON DEVELOPMENT AREA B AND THE REQUIRED SETBACKS FROM THE ADJACENT PUBLIC AND PRIVATE STREETS.

B. DEVELOPMENT AREA C

- A MINIMUM 5 FOOT WIDE SIDEWALK LOCATED BACK OF CURB (WITHOUT A PLANTING STRIP) MAY BE LOCATED ALONG THE WESTERN OR NORTHERN EDGE OF THE CONNECTOR ROAD (AS DEFINED BELOW) ADJACENT AND IN PROXIMITY TO THE CEMETERY (AS DEFINED BELOW) AS GENERALLY DEPICTED ON THE REZONING PLAN TO AVOID ANY CONFLICTS WITH THE CEMETERY.
- AN 8 FOOT PLANTING STRIP AND A 5 FOOT SIDEWALK MAY BE INSTALLED ALONG THE WESTERN SIDE OF THE CONNECTOR ROAD (AS DEFINED BELOW) GENERALLY FROM THE SOUTHERN EDGE OF THE CEMETERY TO WEST MALLARD CREEK CHURCH ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

C. DEVELOPMENT AREA D

- DRIVE-IN AND DRIVE-THROUGH SERVICE LANES/WINDOWS SHALL BE PERMITTED AS AN ACCESSORY USE ON DEVELOPMENT AREA D.
- PARKING, VEHICULAR CIRCULATION AND VEHICULAR MANEUVERING SPACE MAY BE LOCATED BETWEEN THE BUILDINGS AND STRUCTURES LOCATED ON DEVELOPMENT AREA D AND THE REQUIRED SETBACKS FROM THE ADJACENT PUBLIC AND PRIVATE STREETS.
- THE USE(S) LOCATED ON OUTPARCEL 1 MAY HAVE A GROUND MOUNTED MONUMENT SIGN WITH UP TO 60 SQUARE FEET OF SIGN AREA PER SIDE AND UP TO 6 FEET IN HEIGHT.
- THE USES LOCATED ON OUTPARCEL 2 AND OUTPARCEL 3, MAY EACH HAVE A GROUND MOUNTED MONUMENT SIGN WITH UP TO 36 SQUARE FEET OF SIGN AREA PER SIDE AND UP TO 5 FEET IN HEIGHT.
- WALL SIGNS ON EACH BUILDING LOCATED ON DEVELOPMENT AREA D MAY HAVE UP TO 200 SQUARE FEET OF SIGN SURFACE AREA PER WALL OR 10% OF THE WALL AREA TO WHICH THEY ARE ATTACHED, WHICHEVER IS LESS.

3. PERMITTED USES/DEVELOPMENT LIMITATIONS

A. DEVELOPMENT AREA A

- SUBJECT TO THE LIMITATIONS SET OUT BELOW IN PARAGRAPH 2, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA A ON THE REZONING PLAN MAY ONLY BE DEVOTED TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF TWO (2) MULTI-FAMILY DWELLING UNITS AND NO OTHER RESIDENTIAL USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE R-12 MF ZONING DISTRICT. INCIDENTAL AND ACCESSORY USES MAY INCLUDE, WITHOUT LIMITATION, A LEASING AND MANAGEMENT OFFICE AND AMENITIES SUCH AS A FITNESS CENTER, CLUBHOUSE, SWIMMING POOL, DOG PARK, PLAYGROUND, POCKET PARK AND OUTDOOR GRILLING AND GATHERING AREAS.

- ALL BUILDINGS LOCATED ON DEVELOPMENT AREA A SHALL BE SETBACK A MINIMUM OF 30 FEET FROM THE FUTURE RIGHT OF WAY LINE ALONG GALLOWAY ROAD AS DEPICTED ON THE REZONING PLAN. ADDITIONALLY, A NO BUILD LINE SHALL BE ESTABLISHED AT THE NORTHEAST CORNER OF DEVELOPMENT AREA A AS DEPICTED ON THE REZONING PLAN TO ACCOMMODATE A FUTURE BRIDGE ACROSS I-85.

B. DEVELOPMENT AREA B AND DEVELOPMENT AREA C

- SUBJECT TO THE LIMITATIONS SET OUT BELOW IN PARAGRAPHS 2 THROUGH 7 AND PARAGRAPH 3.D, THOSE PORTIONS OF THE SITE DESIGNATED AS DEVELOPMENT AREA B AND DEVELOPMENT AREA C ON THE REZONING PLAN MAY BE DEVOTED ONLY TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT (INCLUDING, WITHOUT LIMITATION, OUTDOOR DINING):
 - EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1), AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 2) SUBJECT TO THE APPLICABLE REGULATIONS OF SECTION 12.546 OF THE ORDINANCE;
 - BREWERIES, SUBJECT TO THE REGULATIONS OF SECTION 12.544 OF THE ORDINANCE;
 - HOTELS;
 - INDOOR RECREATION;
 - PET SERVICES INDOOR;
 - PROFESSIONAL BUSINESS AND GENERAL OFFICES SUCH AS BANKS, CLINICS, MEDICAL, DENTAL AND DOCTOR'S OFFICES, VETERINARY CLINICS, GOVERNMENT, POST OFFICES, OPTICIAN'S OFFICES AND SIMILAR USES;
 - RETAIL SALES AND SHOPPING CENTER;
 - SERVICES, INCLUDING, WITHOUT LIMITATION, BEAUTY SHOPS AND BARBERSHOPS, SPAS AND FITNESS CENTERS; AND
 - STUDIOS FOR ARTISTS, DESIGNERS, PHOTOGRAPHERS, MUSICIANS, SCULPTORS, GYMNASTS, POTTERS, WOOD AND LEATHER CRAFTSMEN, GLASS BLOWERS, WEAVERS, SILVERSMITHS, AND DESIGNERS OF ORNAMENTAL AND PRECIOUS JEWELRY.
- USES LOCATED ON DEVELOPMENT AREA B OR DEVELOPMENT AREA C MAY NOT HAVE DRIVE-IN AND DRIVE-THROUGH SERVICE LANES/WINDOWS AS AN ACCESSORY USE.
- A CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES MAY NOT BE LOCATED ON DEVELOPMENT AREA B OR DEVELOPMENT AREA C.
- AN AUTOMOTIVE SERVICE STATION MAY NOT BE LOCATED ON DEVELOPMENT AREA B OR DEVELOPMENT AREA C.

- THE NUMBER OF PRINCIPAL BUILDINGS AND ACCESSORY STRUCTURES THAT MAY BE LOCATED ON DEVELOPMENT AREA B AND DEVELOPMENT AREA C SHALL BE GOVERNED BY THE APPLICABLE PROVISIONS OF THE ORDINANCE. PROVIDED, HOWEVER, THAT ANY SUCH BUILDINGS AND ACCESSORY STRUCTURES MUST BE LOCATED WITHIN THE BUILDING AND PARKING ENVELOPES ON DEVELOPMENT AREA B AND DEVELOPMENT AREA C. ALTHOUGH BUILDINGS ARE DEPICTED ON DEVELOPMENT AREA C ON SHEET RZ 2.0 OF THE REZONING PLAN, PETITIONER MAY BUILD LESS THAN 4 BUILDINGS AS A RESULT OF COMBINING ONE OR MORE BUILDINGS.

- UPON THE COMPLETION OF THE BUILDINGS PROPOSED TO BE CONSTRUCTED ON DEVELOPMENT AREA C, A MINIMUM OF 70 PERCENT OF DEVELOPMENT AREA C'S FRONTAGE ALONG THE EASTERN EDGE OF THE CONNECTOR ROAD (AS DEFINED BELOW) SHALL BE COMPRISED OF BUILDING FACADES, THE COMMUNITY GREEN, OUTDOOR DINING AREAS AND/OR LANDSCAPED AREAS.

- A TOPGOLF OR A SIMILAR FACILITY (I.E., AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT WITH AN ASSOCIATED GOLFING OUTDOOR ENTERTAINMENT USE) SHALL NOT BE PERMITTED ON DEVELOPMENT AREA B OR DEVELOPMENT AREA C.

C. DEVELOPMENT AREA D

- SUBJECT TO THE LIMITATIONS SET OUT BELOW IN PARAGRAPHS 2 THROUGH 10 AND PARAGRAPH 3.D, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA D ON THE REZONING PLAN MAY BE DEVOTED ONLY TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE MUDD ZONING DISTRICT (INCLUDING, WITHOUT LIMITATION, OUTDOOR DINING):
 - EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 1), AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS (TYPE 2) SUBJECT TO THE APPLICABLE REGULATIONS OF SECTION 12.546 OF THE ORDINANCE;
 - AUTOMOTIVE SERVICE STATION, INCLUDING MINOR ADJUSTMENTS, REPAIRS AND LUBRICATION;
 - BREWERIES, SUBJECT TO THE REGULATIONS OF SECTION 12.544 OF THE ORDINANCE;
 - A CONVENIENCE STORE, WITH OR WITHOUT GASOLINE SALES;
 - PROFESSIONAL BUSINESS AND GENERAL OFFICES SUCH AS BANKS, CLINICS, MEDICAL, DENTAL AND DOCTOR'S OFFICES, VETERINARY CLINICS, GOVERNMENT, POST OFFICES, OPTICIAN'S OFFICES AND SIMILAR USES;
 - RETAIL SALES;
 - SERVICES, INCLUDING, WITHOUT LIMITATION, BEAUTY SHOPS AND BARBERSHOPS, SPAS AND FITNESS CENTERS; AND
 - STUDIOS FOR ARTISTS, DESIGNERS, PHOTOGRAPHERS, MUSICIANS, SCULPTORS, GYMNASTS, POTTERS, WOOD AND LEATHER CRAFTSMEN, GLASS BLOWERS, WEAVERS, SILVERSMITHS, AND DESIGNERS OF ORNAMENTAL AND PRECIOUS JEWELRY.
- USES LOCATED ON DEVELOPMENT AREA D MAY HAVE DRIVE-IN AND DRIVE-THROUGH SERVICE LANES/WINDOWS AS AN ACCESSORY USE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 12.413 OF THE ORDINANCE.
- A MAXIMUM OF ONE CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES MAY BE LOCATED ON DEVELOPMENT AREA D.
- A MAXIMUM OF ONE AUTOMOTIVE SERVICE STATION MAY BE LOCATED ON DEVELOPMENT AREA D.
- IN THE EVENT THAT A CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES IS LOCATED ON DEVELOPMENT AREA D, A MAXIMUM OF 2 USES LOCATED ON DEVELOPMENT AREA D MAY HAVE ACCESSORY DRIVE-IN AND DRIVE-THROUGH SERVICE LANES/WINDOWS.
- IN THE EVENT THAT A CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES IS NOT LOCATED ON DEVELOPMENT AREA D, A MAXIMUM OF 3 USES LOCATED ON DEVELOPMENT AREA D MAY HAVE ACCESSORY DRIVE-IN AND DRIVE-THROUGH SERVICE LANES/WINDOWS.

- ANY DRIVE-IN AND DRIVE-THROUGH SERVICE LANES/WINDOWS LOCATED ON OUTPARCEL 2 SHALL BE LOCATED ON THE FACADE OF THE BUILDING THAT FACES INTERSTATE 85.
- A BUILDING EDGE PROXIMITY LINE IS DEPICTED ON THE NORTHERN PORTION OF OUTPARCEL 1. NEITHER A DRIVE AISLE NOR VEHICULAR PARKING SHALL BE PERMITTED BETWEEN THE BUILDING EDGE PROXIMITY LINE AND THE ADJACENT CONNECTOR ROAD (AS DEFINED BELOW) AND ROUNDABOUT.

- A BUILDING EDGE PROXIMITY LINE IS DEPICTED ON THE NORTHERN PORTION OF OUTPARCEL 2. A DRIVE AISLE AND VEHICULAR PARKING SHALL BE PERMITTED BETWEEN THE BUILDING EDGE PROXIMITY LINE AND THE ROUNDABOUT.

- A TOPGOLF OR A SIMILAR FACILITY (I.E., AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT WITH AN ASSOCIATED GOLFING OUTDOOR ENTERTAINMENT USE) SHALL NOT BE PERMITTED ON DEVELOPMENT AREA D.

D. MAXIMUM GROSS FLOOR AREA/MAXIMUM DENSITY ON DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D

- A TOTAL MAXIMUM OF 160,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO THE USES DESCRIBED ABOVE IN PARAGRAPHS B AND C MAY BE DEVELOPED ON DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D COMBINED. A MAXIMUM OF 145,000 SQUARE FEET OF THE 160,000 SQUARE FEET OF GROSS FLOOR AREA MAY BE DEVOTED TO RETAIL SALES USES AS DEFINED UNDER THE ORDINANCE. RETAIL SALES SHALL MEAN THE SALE OF GOODS, PRODUCTS OR MERCHANDISE DIRECTLY TO THE CONSUMER. AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT SHALL NOT BE CONSIDERED TO BE A RETAIL SALES USE.
- NOTWITHSTANDING THE FOREGOING AND SUBJECT TO PARAGRAPH 3 BELOW, THE GROSS FLOOR AREA OF A HOTEL (AND ITS ACCESSORY USES) LOCATED ON THE SITE SHALL NOT BE COUNTED TOWARDS THE MAXIMUM ALLOWED GROSS FLOOR AREA OF 160,000 SQUARE FEET.
- NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, IN THE EVENT THAT A HOTEL IS LOCATED ON DEVELOPMENT AREA B OR DEVELOPMENT AREA C, A TOTAL MAXIMUM OF 142,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO THE USES DESCRIBED ABOVE IN PARAGRAPHS B AND C (EXCLUDING A HOTEL AND ITS ACCESSORY USES) MAY BE DEVELOPED ON DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D COMBINED. IN THIS EVENT, A MAXIMUM OF 142,000 SQUARE FEET OF GROSS FLOOR AREA MAY BE DEVOTED TO RETAIL SALES USES.
- A MAXIMUM OF 110 HOTEL ROOMS MAY BE DEVELOPED ON DEVELOPMENT AREA B AND DEVELOPMENT AREA C COMBINED.

4. TRANSPORTATION

- VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").
- THE EASTERMOST VEHICULAR ACCESS POINT INTO THE SITE FROM WEST MALLARD CREEK CHURCH ROAD SHALL BE REFERRED TO HEREIN AS "SITE ACCESS # 2".
- THE WESTERMOST VEHICULAR ACCESS POINT INTO THE SITE FROM WEST MALLARD CREEK CHURCH ROAD (LOCATED GENERALLY AT THE INTERSECTION OF LEGRANGER ROAD AND WEST MALLARD CREEK CHURCH ROAD) SHALL BE REFERRED TO HEREIN AS "SITE ACCESS # 1".
- THE VEHICULAR ACCESS POINT INTO THE SITE FROM GALLOWAY ROAD SHALL BE REFERRED TO HEREIN AS "SITE ACCESS # 3".
- SITE ACCESS # 2 SHALL BE RESTRICTED TO RIGHT-IN ONLY MOVEMENTS AS NOTED ON THE REZONING PLAN.
- A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 6 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SITE'S FRONTAGE ON GALLOWAY ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.
- A SIDEWALK UTILITY EASEMENT SHALL BE PROVIDED ALONG THE SITE'S FRONTAGE ON GALLOWAY ROAD TO ACCOMMODATE THE PLANTING STRIP AND SIDEWALK TO BE INSTALLED ALONG THE SITE'S FRONTAGE ON GALLOWAY ROAD. THE BACK OF THE SIDEWALK SHALL BE LOCATED APPROXIMATELY 40 FEET FROM THE EXISTING CENTERLINE OF GALLOWAY ROAD, AND THE BOUNDARY LINE OF THE SIDEWALK UTILITY EASEMENT SHALL BE LOCATED APPROXIMATELY 44 FEET FROM THE EXISTING CENTERLINE OF GALLOWAY ROAD.
- SUBJECT TO THE APPROVAL OF NCDOT, CDOT AND ANY OTHER GOVERNMENTAL AGENCIES, PETITIONER SHALL INSTALL CURB AND GUTTER, A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 6 FOOT WIDE SIDEWALK ALONG THE SOUTH SIDE OF GALLOWAY ROAD FROM THE WESTERN BOUNDARY LINE OF THE SITE TO THE EXISTING SIDEWALK LOCATED GENERALLY AT THE INTERSECTION OF GALLOWAY ROAD AND GARRISON ROAD. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO INSTALL THE CURB AND GUTTER, THE MINIMUM 8 FOOT WIDE PLANTING STRIP AND THE MINIMUM 6 FOOT WIDE SIDEWALK, THEN PETITIONER SHALL HAVE NO OBLIGATION TO INSTALL SUCH IMPROVEMENTS.
- PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE OR TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE LOCATED IMMEDIATELY ADJACENT TO GALLOWAY ROAD AS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 40 FEET FROM THE EXISTING CENTERLINE OF GALLOWAY ROAD, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST. NOTWITHSTANDING THE FOREGOING, THE RIGHT OF WAY TO BE DEDICATED AND CONVEYED BY PETITIONER SHALL TRANSITION FROM 40 FEET TO 36 FEET FROM THE EXISTING CENTERLINE OF GALLOWAY ROAD AS DEPICTED ON THE REZONING PLAN. THE FINAL LIMITS OF THE TRANSITION SHALL BE COORDINATED WITH CDOT DURING THE PERMITTING PROCESS.
- ANY REFERENCE TO THE TERM "SUBSTANTIALLY COMPLETE" IN THIS SECTION 4 OF THE DEVELOPMENT STANDARDS SHALL MEAN A DETERMINATION BY CDOT AND/OR NCDOT THAT THE APPLICABLE ROADWAY IMPROVEMENTS ARE DEEMED "SUBSTANTIALLY COMPLETE" FOR THE PURPOSE OF THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR BUILDING(S) ON THE SITE. HOWEVER, IN THE EVENT THAT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS REASONABLY DETERMINED BY CDOT) ARE NOT COMPLETED AT THE TIME THAT PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE, THEN CDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT PETITIONER MAY BE REQUIRED TO POST A LETTER OF CREDIT OR A BOND FOR ANY DEFICIENCIES NOT IN PLACE AT THE TIME SUCH CERTIFICATES OF OCCUPANCY ARE ISSUED TO SECURE THE COMPLETION OF THE RELEVANT IMPROVEMENTS.
- AS GENERALLY DEPICTED ON THE REZONING PLAN, A NEW PUBLIC STREET (HEREINAFTER REFERRED TO AS THE "CONNECTOR ROAD") SHALL BE CONSTRUCTED WITHIN THE SITE THAT WILL PROVIDE A VEHICULAR CONNECTION FROM WEST MALLARD CREEK CHURCH ROAD (AT SITE ACCESS #1) TO GALLOWAY ROAD (AT SITE ACCESS #3). THE CONNECTOR ROAD SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LOCAL OFFICE/COMMERCIAL WIDE CROSS SECTION (CLOSM U-05), AND THE CONNECTOR ROAD SHALL BE SUBSTANTIALLY COMPLETE PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A BUILDING CONSTRUCTED ON THE SITE.
- PETITIONER SHALL RESERVE FOR FUTURE RIGHT OF WAY FOR A POTENTIAL NEW PUBLIC STREET TO BE CONSTRUCTED BY OTHERS (AND NOT PETITIONER) THAT MAY ULTIMATELY CONNECT THE CONNECTOR ROAD TO CREEKMEER LANE LOCATED TO THE WEST OF THE SITE THAT PORTION OF THE SITE LOCATED WEST OF THE CONNECTOR ROAD AND MEASURING 56 FEET IN WIDTH THAT IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "FUTURE RIGHT OF WAY"). THE FUTURE RIGHT OF WAY SHALL BE DEDICATED AND CONVEYED TO THE CITY BY PETITIONER UPON THE REQUEST OF THE CITY WHEN THE NEW PUBLIC STREET IS TO BE CONSTRUCTED BY OTHERS. THE FUTURE RIGHT OF WAY IS LOCATED IN THE 56.25 FOOT CLASS B BUFFER DESCRIBED BELOW IN PARAGRAPH 6.A. THE FUTURE RIGHT OF WAY SHALL NOT BE INCLUDED IN OR BE CONSIDERED TO BE A PART OF THE REQUIRED TREE SAVE AREAS.
- SUBJECT TO THE APPROVAL OF NCDOT, CDOT AND ANY OTHER GOVERNMENTAL AGENCIES, PETITIONER SHALL INSTALL CURB AND GUTTER, A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 12 FOOT WIDE MULTI-USE PATH ALONG THE SITE'S FRONTAGE ON WEST MALLARD CREEK CHURCH ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.
- SUBJECT TO THE APPROVAL OF NCDOT, CDOT AND ANY OTHER GOVERNMENTAL AGENCIES, PETITIONER SHALL EXTEND AND INSTALL THE MINIMUM 12 FOOT WIDE PLANTING STRIP AND A MINIMUM 12 FOOT WIDE MULTI-USE PATH TO THE I-85 RAMP AS GENERALLY DEPICTED ON THE REZONING PLAN. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO EXTEND AND INSTALL THE CURB AND GUTTER, THE MINIMUM 8 FOOT WIDE PLANTING STRIP AND THE MINIMUM 12 FOOT WIDE MULTI-USE PATH TO THE I-85 RAMP, THEN PETITIONER SHALL HAVE NO OBLIGATION TO EXTEND AND INSTALL SUCH IMPROVEMENTS.
- SUBJECT TO THE APPROVAL OF NCDOT, CDOT AND ANY OTHER GOVERNMENTAL AGENCIES, PETITIONER SHALL EXTEND AND INSTALL THE MINIMUM 12 FOOT WIDE MULTI-USE PATH FROM THE WESTERN BOUNDARY LINE OF THE SITE TO THE EXISTING SIDEWALK, IF ANY, LOCATED ALONG THE NORTH SIDE OF WEST MALLARD CREEK CHURCH ROAD ADJACENT TO TAX PARCEL NO. 029-011-27. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO EXTEND AND INSTALL THE CURB AND GUTTER, THEN PETITIONER SHALL HAVE NO OBLIGATION TO EXTEND AND INSTALL THE MINIMUM 12 FOOT WIDE MULTI-USE PATH AS DESCRIBED ABOVE.
- EXCLUDING THE FUTURE RIGHT OF WAY, ANY RIGHT OF WAY REQUIRED TO BE DEDICATED AND CONVEYED BY PETITIONER TO THE CITY AND/OR NCDOT SHALL BE DEDICATED AND CONVEYED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A BUILDING TO BE CONSTRUCTED ON THE SITE. NOTWITHSTANDING THE FOREGOING, SIDEWALK UTILITY EASEMENTS MAY BE PROVIDED IN LIEU OF RIGHT OF WAY TO ACCOMMODATE THE PLANTING STRIP AND SIDEWALKS AT THE OPTION OF PETITIONER. ANY UTILITY EASEMENTS SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A BUILDING TO BE CONSTRUCTED ON THE SITE.
- ALL TRANSPORTATION IMPROVEMENTS SHALL BE CONSTRUCTED AND APPROVED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A BUILDING TO BE CONSTRUCTED ON THE SITE OR PHASED PER THE SITE'S DEVELOPMENT PLAN.
- THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW SHALL BE SUBSTANTIALLY COMPLETE PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A BUILDING TO BE CONSTRUCTED ON THE SITE.

(1) INTERSECTION OF WEST MALLARD CREEK CHURCH ROAD AND THE I-85 SOUTHBOUND RAMP

- A MINIMUM 550 FOOT RIGHT TURN LANE WITH AN APPROPRIATE TAPER ON THE SOUTHBOUND I-85 OFF-RAMP THIS RIGHT TURN LANE SHALL BE A SECOND RIGHT TURN LANE (THERE IS AN EXISTING RIGHT TURN LANE) AND THE TWO RIGHT TURN LANES SHALL BE CHANNELIZED WITH A PEDESTRIAN ISLAND.

- A MINIMUM 500 FOOT RECEIVING LANE ON THE SOUTHBOUND I-85 ON-RAMP. THIS IMPROVEMENT SHALL INCLUDE A CHANNELIZED ISLAND WITH A PEDESTRIAN CUT-OUT.

(2) INTERSECTION OF WEST MALLARD CREEK CHURCH ROAD AND SITE ACCESS # 2

- A WESTBOUND 300 FOOT CHANNELIZED RIGHT TURN LANE WITH AN APPROPRIATE TAPER ON WEST MALLARD CREEK CHURCH ROAD AT ITS INTERSECTION WITH SITE ACCESS # 2.

(3) INTERSECTION OF WEST MALLARD CREEK CHURCH ROAD AND SITE ACCESS # 1/LEGRANGER ROAD

- AN EASTBOUND RIGHT TURN LANE ON WEST MALLARD CREEK CHURCH ROAD AT ITS INTERSECTION WITH LEGRANGER ROAD WITH 100 FEET OF STORAGE AND AN APPROPRIATE TAPER.

- TWO EASTBOUND LEFT TURN LANES ON WEST MALLARD CREEK CHURCH ROAD AT ITS INTERSECTION WITH SITE ACCESS # 1, EACH WITH 150 FEET OF STORAGE AND AN APPROPRIATE TAPER. THE SOUTHERNMOST TURN LANE IS AN EXISTING LANE AND IT SHALL BE RE-STRIPED TO PROVIDE THE REQUIRED STORAGE.

- A WESTBOUND RIGHT TURN LANE ON WEST MALLARD CREEK CHURCH ROAD AT ITS INTERSECTION WITH SITE ACCESS # 1 WITH 125 FEET OF STORAGE AND AN APPROPRIATE TAPER.

- TWO WESTBOUND LEFT TURN LANES ON WEST MALLARD CREEK CHURCH ROAD AT ITS INTERSECTION WITH LEGRANGER ROAD, THE SOUTHERNMOST LEFT TURN LANE SHALL HAVE A MINIMUM OF 200 FEET OF STORAGE AND AN APPROPRIATE TAPER, AND THE NORTHERNMOST LEFT TURN LANE SHALL HAVE A MINIMUM OF 800 FEET OF STORAGE AND AN APPROPRIATE TAPER. THE SOUTHERNMOST LEFT TURN LANE IS AN EXISTING LANE AND THIS LEFT TURN LANE SHALL BE RE-STRIPED TO PROVIDE THE REQUIRED 600 FEET OF STORAGE.

- TWO CHANNELIZED RIGHT TURN LANES ON NORTHBOUND LEGRANGER ROAD AT ITS INTERSECTION WITH WEST MALLARD CREEK CHURCH ROAD EACH WITH 525 FEET OF STORAGE AND AN APPROPRIATE TAPER.

- A LEFT TURN LANE ON NORTHBOUND LEGRANGER ROAD AT ITS INTERSECTION WITH WEST MALLARD CREEK CHURCH ROAD WITH 150 FEET OF STORAGE AND AN APPROPRIATE TAPER.

- A SIX LANE CROSS SECTION ON THE SOUTHBOUND CONNECTOR ROAD AT ITS INTERSECTION WITH WEST MALLARD CREEK CHURCH ROAD (AT SITE ACCESS # 1) AS FOLLOWS AND AS DEPICTED ON THE REZONING PLAN:

- TWO INGRESS LANES;

- A RIGHT TURN LANE WITH 350 FEET OF STORAGE AND AN APPROPRIATE TAPER;

- A SINGLE THROUGH LANE; AND

- DUAL LEFT TURN LANES, EACH WITH 625 FEET OF STORAGE AND AN APPROPRIATE TAPER.

- CONSTRUCT THE REALIGNMENT OF LEGRANGER ROAD AT THE INTERSECTION OF LEGRANGER ROAD AND WEST MALLARD CREEK CHURCH ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN, WHICH REALIGNMENT SHALL ACCOMMODATE THE INTERSECTION IMPROVEMENTS DESCRIBED ABOVE. THE LIMITS OF THE PETITIONER'S REALIGNMENT IMPROVEMENTS ARE DEPICTED ON THE REZONING PLAN. UPON THE COMPLETION OF THE CONSTRUCTION OF THE REALIGNMENT OF LEGRANGER ROAD, PETITIONER SHALL REMOVE ALL EXISTING PAVEMENT AND DRAINAGE STRUCTURES FOR EXISTING LEGRANGER ROAD THAT ARE NOT NEEDED FOR REALIGNED LEGRANGER ROAD AND PLACE TOP SOIL AND PLANT GRASS IN THOSE AREAS WHERE THE EXISTING PAVEMENT AND DRAINAGE STRUCTURES ARE REMOVED.

(4) INTERSECTION OF MALLARD CREEK ROAD AND GALLOWAY ROAD

- ON NORTHBOUND MALLARD CREEK ROAD AT ITS INTERSECTION WITH GALLOWAY ROAD, RE-STRIPE THE EXISTING RIGHT TURN LANE TO A THROUGH RIGHT TURN LANE.

- SUBJECT TO THE APPROVAL OF NCDOT, CDOT AND ANY OTHER GOVERNMENTAL AGENCIES, CONSTRUCT A DROP - RIGHT TURN LANE WITH A WIDTH OF 10 FEET ON NORTHBOUND MALLARD CREEK ROAD FROM THE INTERSECTION OF MALLARD CREEK ROAD AND GALLOWAY ROAD TO THE INTERSECTION OF MALLARD CREEK ROAD AND LEXINGTON APPROACH DRIVE. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO CONSTRUCT THIS IMPROVEMENT, THEN PETITIONER SHALL HAVE NO OBLIGATION TO CONSTRUCT SUCH IMPROVEMENT.

- THE TRAFFIC SIGNAL SHALL BE MODIFIED TO PROVIDE A LEFT-TURN ARROW (I.E., FLASHING YELLOW) FOR THE SOUTHBOUND APPROACH ON MALLARD CREEK ROAD.

(5) INTERSECTION OF GALLOWAY ROAD AND SITE ACCESS # 3

- PROVIDE A THREE LANE CROSS SECTION ON THE NORTHBOUND CONNECTOR ROAD, WITH ONE INGRESS LANE, ONE LEFT TURN LANE AND ONE RIGHT TURN LANE WITH 100 FEET OF STORAGE AND AN APPROPRIATE TAPER.

- PROVIDE A MINIMUM 100 FOOT INTERNAL PROTECTED STEM.

- A WESTBOUND LEFT TURN LANE ON GALLOWAY ROAD AT ITS INTERSECTION WITH SITE ACCESS # 3 WITH 150 FEET OF STORAGE AND AN APPROPRIATE TAPER WHEN REQUESTED BY CDOT.

(6) INTERSECTION OF GALLOWAY ROAD AND GARRISON ROAD

- IMPROVE THE RADIUS OF THE INTERSECTION OF GALLOWAY ROAD AND GARRISON ROAD BY INSTALLING ADDITIONAL PAVEMENT AND MAKE MINOR ADJUSTMENTS TO THE PAVEMENT MARKINGS AS DEPICTED ON SHEET RZ 3.1. IN THE EVENT THAT THE RELOCATION OF UTILITIES IS REQUIRED TO MAKE THE IMPROVEMENTS DESCRIBED ABOVE, PETITIONER SHALL NOT BE REQUIRED TO MAKE SUCH IMPROVEMENTS UNLESS THE RELOCATION OF THE UTILITIES IS PAID FOR BY OTHERS.

- USES LOCATED ON DEVELOPMENT AREA B, DEVELOPMENT AREA C OR DEVELOPMENT AREA D MAY MEET THEIR OFF-STREET PARKING REQUIREMENTS BY UTILIZING PARKING SPACES LOCATED IN OTHER DEVELOPMENT AREAS, EXCLUDING DEVELOPMENT AREA A, IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

- INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

- THE ALIGNMENTS AND CONFIGURATIONS OF THE INTERNAL PRIVATE DRIVEWAYS, PARKING AREAS AND VEHICULAR CIRCULATION AREAS MAY BE MODIFIED BY PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

- SUBJECT TO THE APPROVAL OF NCDOT, CDOT AND ANY OTHER GOVERNMENTAL AGENCIES AND THE AVAILABILITY OF EXISTING RIGHT OF WAY TO ACCOMMODATE SUCH IMPROVEMENT, PETITIONER SHALL CONSTRUCT A WAITING PAD FOR A NEW BUS STOP ON WEST MALLARD CREEK CHURCH ROAD. THE LOCATION OF THE WAITING PAD SHALL BE DETERMINED DURING THE SITE DESIGN AND PERMITTING PROCESS, AND THE WAITING PAD SHALL BE LOCATED ENTIRELY WITHIN RIGHT OF WAY. THE WAITING PAD SHALL BE CONSTRUCTED TO CATS DEVELOPMENT STANDARD 60.01B. IN THE EVENT THAT PETITIONER

