

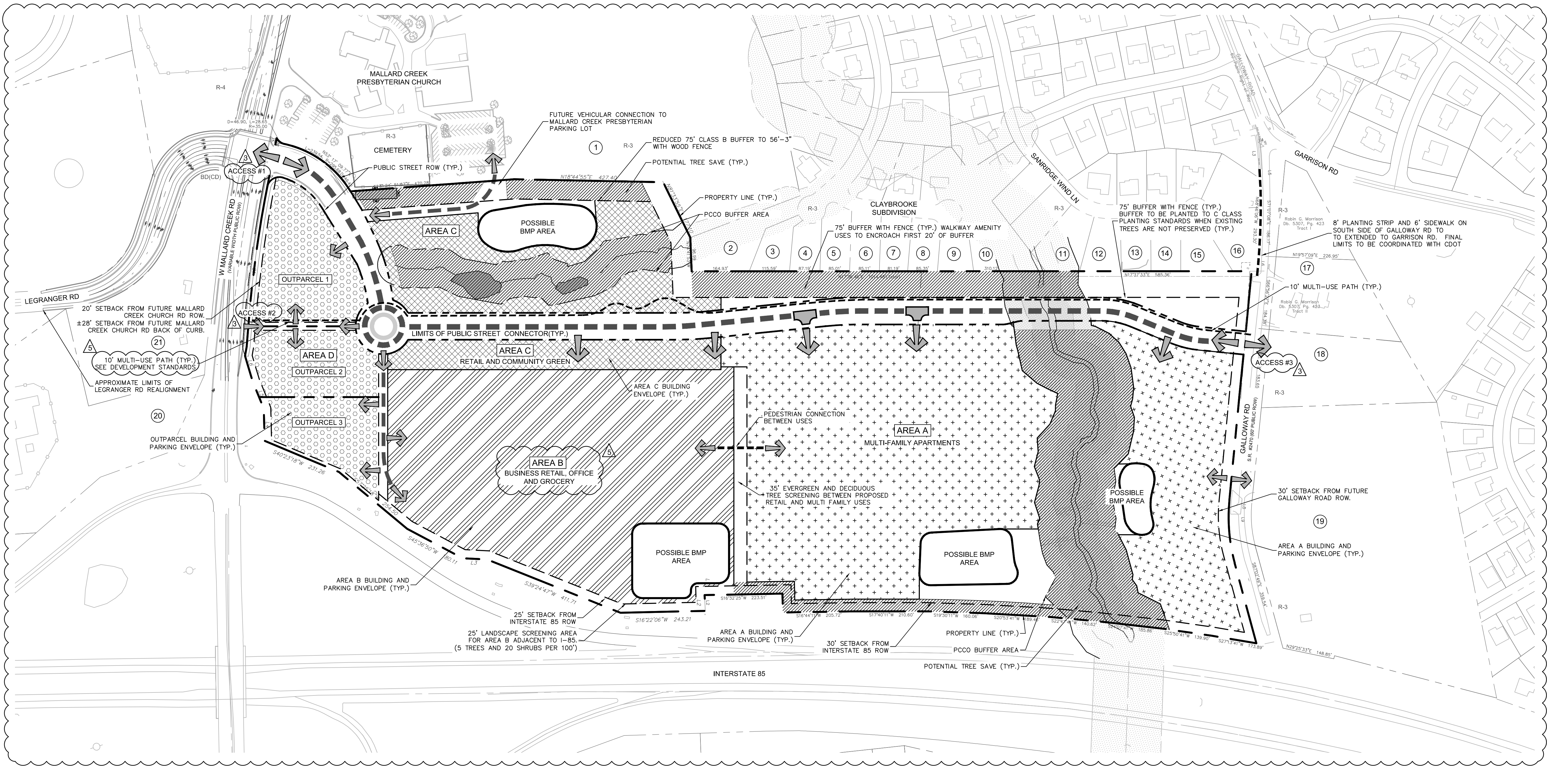
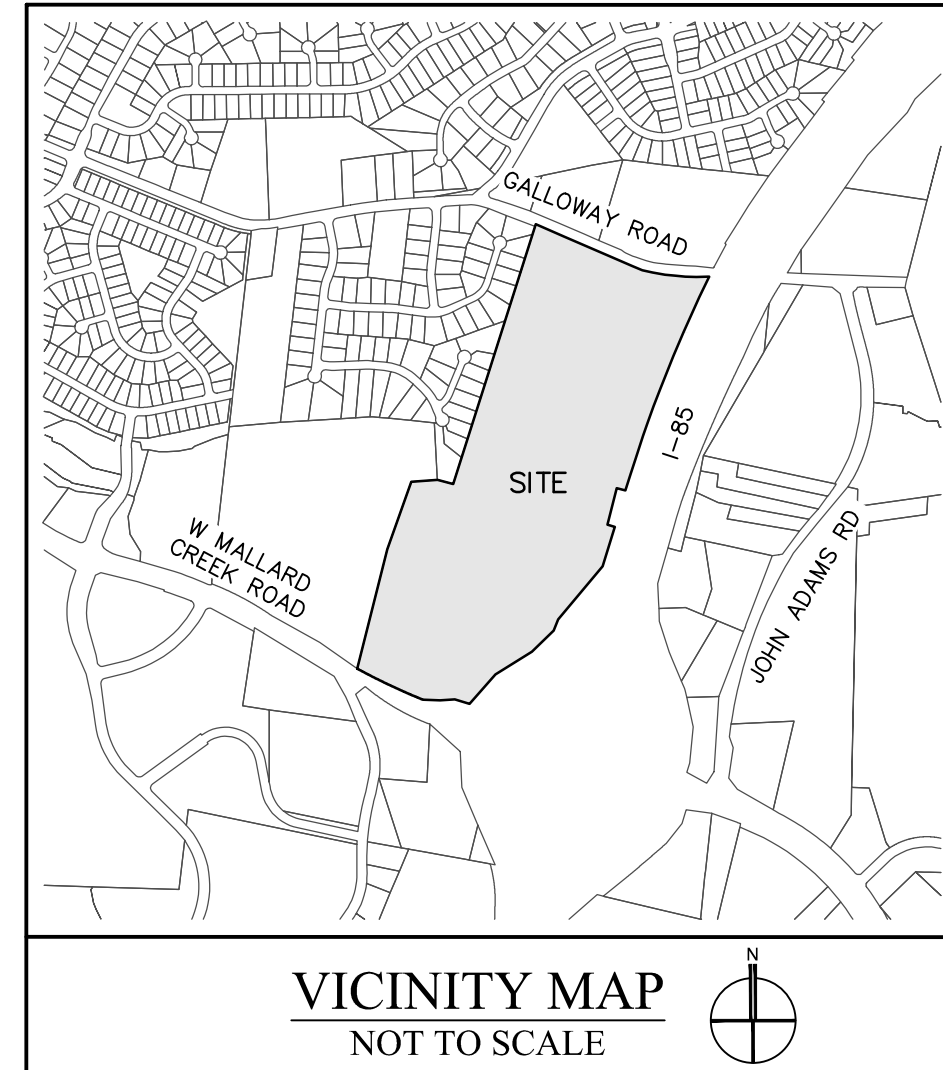
KEY TO ADJACENT PROPERTY OWNERS

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'

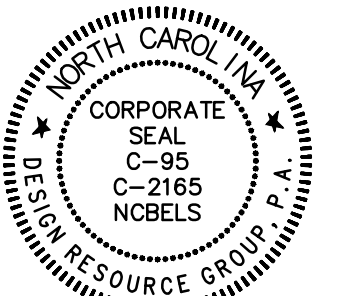
PROJECT #: 278-023  
DRAWN BY: NB  
CHECKED BY: JG

AUGUST 22, 2016

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

RZ 1.0





REZONING PETITION  
FOR PUBLIC HEARING  
2016-139

REZONING PETITION

WEST MALLARD CREEK CHURCH ROAD  
CHARLOTTE, NORTH CAROLINA  
CHARTER PROPERTIES, INC &  
BROWDER GROUP

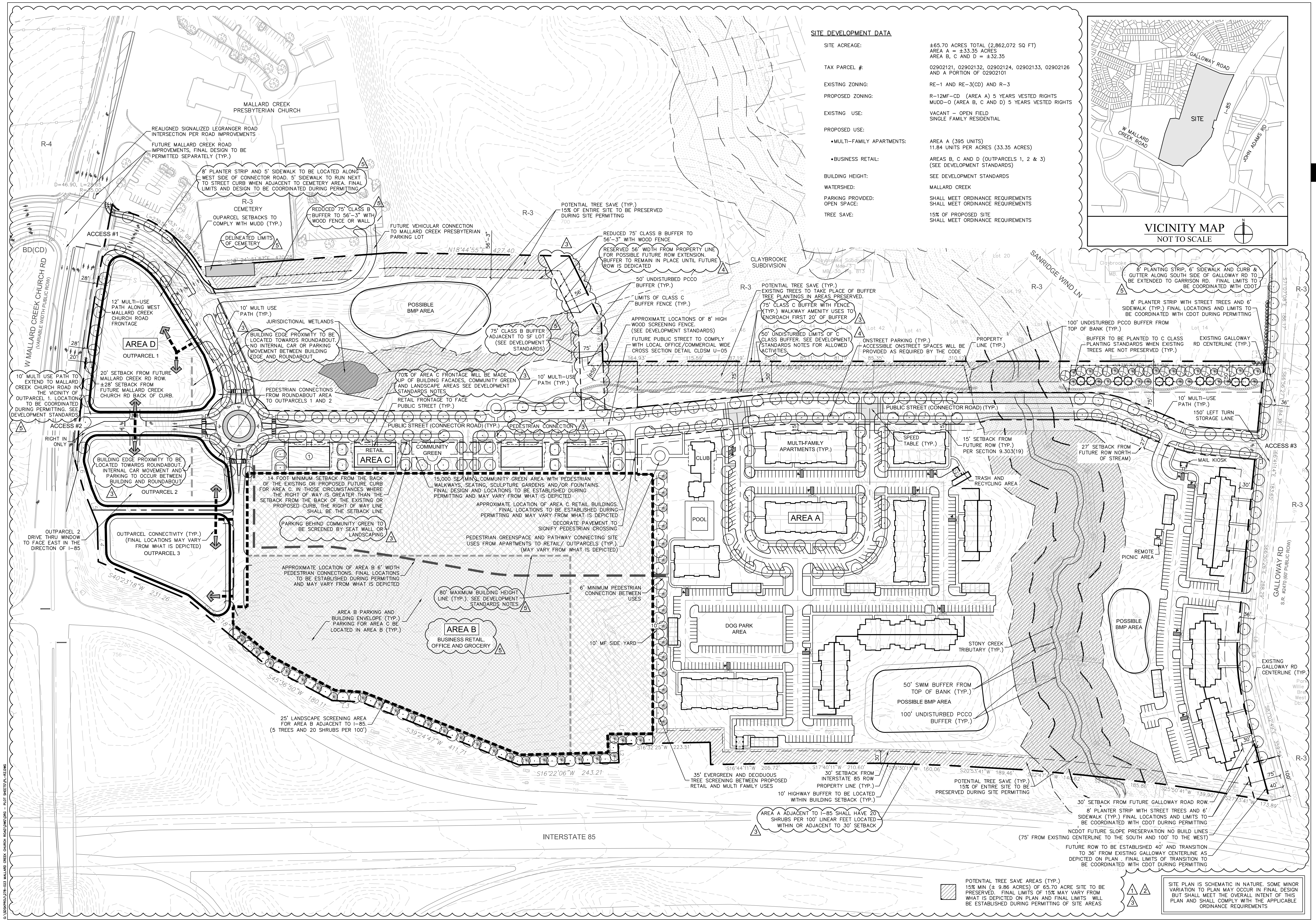
SCHEMATIC  
SITE PLAN

50 0 50 100  
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  
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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



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•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

A. 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 PARCELS 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.

B. FOR ENTITLEMENT PURPOSES, THE SITE IS DIVIDED INTO FOUR SEPARATE DEVELOPMENT AREAS THAT ARE DESIGNATED ON THE REZONING PLAN AS DEVELOPMENT AREA A, 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. THE 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.

C. 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.

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 STREETS, DRIVES 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.

E. 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. PROVIDED, HOWEVER, THAT 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.

F. 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.

G. 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

(1) 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

(1) 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 GENERALLY DEPICTED ON THE REZONING PLAN TO AVOID ANY CONFLICTS WITH THE CEMETERY.

(2) 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

(1) DRIVE-IN AND DRIVE-THROUGH SERVICE LANES/WINDOWS SHALL BE PERMITTED AS AN ACCESSORY USE ON DEVELOPMENT AREA D.

(2) 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.

(3) 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.

(4) 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.

(5) 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

(1) 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 395 MULTI-FAMILY DWELLING UNITS AND TO ANY INCIDENTAL OR ACCESSORY 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.

(2) 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 CROSS I-85.

B. DEVELOPMENT AREA B AND DEVELOPMENT AREA C

(1) SUBJECT TO THE LIMITATIONS SET OUT BELOW IN PARAGRAPHS 2 THROUGH 6 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):

(a) 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;

(b) BREWERIES, SUBJECT TO THE REGULATIONS OF SECTION 12.544 OF THE ORDINANCE;

(c) HOTELS;

(d) INDOOR RECREATION;

(e) PET SERVICES INDOOR;

(f) 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;

(g) RETAIL SALES AND SHOPPING CENTER;

(h) SERVICES, INCLUDING, WITHOUT LIMITATION, BEAUTY SHOPS AND BARBERSHOPS, SPAS AND FITNESS CENTERS, AND

(i) STUDIOS FOR ARTISTS, DESIGNERS, PHOTOGRAPHERS, MUSICIANS, SCULPTORS, GYMNASTS, POTTERS, WOOD AND LEATHER CRAFTSMEN, GLASS BLOWERS, WEAVERS, SILVERSMITHS, AND DESIGNERS OF ORNAMENTAL AND PRECIOUS JEWELRY.

(2) 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.

(3) A CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES MAY NOT BE LOCATED ON DEVELOPMENT AREA B OR DEVELOPMENT AREA C.

(4) AN AUTOMOTIVE SERVICE STATION MAY NOT BE LOCATED ON DEVELOPMENT AREA B OR DEVELOPMENT AREA C.

(5) 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.

(6) 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.

C. DEVELOPMENT AREA D

(1) SUBJECT TO THE LIMITATIONS SET OUT BELOW IN PARAGRAPHS 2 THROUGH 9 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):

(a) 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;

(b) AUTOMOTIVE SERVICE STATION, INCLUDING MINOR ADJUSTMENTS, REPAIRS AND LUBRICATION;

(c) BREWERIES, SUBJECT TO THE REGULATIONS OF SECTION 12.544 OF THE ORDINANCE;

(d) A CONVENIENCE STORE, WITH OR WITHOUT GASOLINE SALES;

(e) 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;

(f) RETAIL SALES;

(g) SERVICES, INCLUDING, WITHOUT LIMITATION, BEAUTY SHOPS AND BARBERSHOPS, SPAS AND FITNESS CENTERS; AND

(h) STUDIOS FOR ARTISTS, DESIGNERS, PHOTOGRAPHERS, MUSICIANS, SCULPTORS, GYMNASTS, POTTERS, WOOD AND LEATHER CRAFTSMEN, GLASS BLOWERS, WEAVERS, SILVERSMITHS, AND DESIGNERS OF ORNAMENTAL AND PRECIOUS JEWELRY.

(2) 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.

(3) A MAXIMUM OF ONE CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES MAY BE LOCATED ON DEVELOPMENT AREA D.

(4) A MAXIMUM OF ONE AUTOMOTIVE SERVICE STATION MAY BE LOCATED ON DEVELOPMENT AREA D.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

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

(1) A TOTAL MAXIMUM OF 160,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO THE USES DESCRIBED ABOVE MAY BE DEVELOPED ON DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D COMBINED. NOTWITHSTANDING THE FOREGOING AND SUBJECT TO PARAGRAPH 2 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.

(2) 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 (EXCLUDING A HOTEL AND ITS ACCESSORY USES) MAY BE DEVELOPED ON DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D COMBINED.

(3) A MAXIMUM OF 110 HOTEL ROOMS MAY BE DEVELOPED ON DEVELOPMENT AREA B AND DEVELOPMENT AREA C COMBINED.

4. TRANSPORTATION

A. 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").

B. THE EASTERMOST VEHICULAR ACCESS POINT INTO THE SITE FROM WEST MALLARD CREEK CHURCH ROAD SHALL BE REFERRED TO HEREIN AS "SITE ACCESS # 2."

C. 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."

D. THE VEHICULAR ACCESS POINT INTO THE SITE FROM GALLOWAY ROAD SHALL BE REFERRED TO HEREIN AS "SITE ACCESS # 3."

E. SITE ACCESS # 2 SHALL BE RESTRICTED TO RIGHT-IN ONLY MOVEMENTS AS NOTED ON THE REZONING PLAN.

F. 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.

G. 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 OF THE SIDEWALK UTILITY EASEMENT SHALL BE LOCATED APPROXIMATELY 44 FEET FROM THE EXISTING CENTERLINE OF GALLOWAY ROAD.

H. 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.

I. 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 10 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.

J. 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 SUBSTANTIALLY COMPLETE FOR THE PURPOSES OF THE FIRST CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE. HOWEVER, IN THE EVENT THAT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS 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 IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH CERTIFICATES OF OCCUPANCY ARE ISSUED TO SECURE THE COMPLETION OF THE RELEVANT IMPROVEMENTS.

K. 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 (CLDSM 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.

L. 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 GALLOWAY ROAD. THE FUTURE RIGHT OF WAY SHALL BE LOCATED IN THE 56.25 FOOT CLASS B BUFFER DESCRIBED BELOW IN PARAGRAPH 6.A. THE AREA WITHIN THE FUTURE RIGHT OF WAY SHALL NOT BE INCLUDED IN OR BE CONSIDERED TO BE A PART OF THE REQUIRED TREE SAVE AREAS.

M. 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.

N. SUBJECT TO THE APPROVAL OF NCDOT, CDOT AND ANY OTHER GOVERNMENTAL AGENCIES, PETITIONER SHALL 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 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.

O. 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, AS GENERALLY DEPICTED ON THE REZONING PLAN. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO EXTEND AND INSTALL THE MINIMUM 12 FOOT WIDE MULTI-USE PATH, THEN PETITIONER SHALL HAVE NO OBLIGATION TO EXTEND AND INSTALL THE MINIMUM 12 FOOT WIDE MULTI-USE PATH AS DESCRIBED ABOVE.

P. 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, SIDEWALKS AND SIDEWALK UTILITY EASEMENTS SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A BUILDING TO BE CONSTRUCTED ON THE SITE.

Q. 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.

R. 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 RAMPS

(a) 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.

(b) 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) 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

(a) 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.

(b) 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.

(c) 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.

(d) 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 200 FEET OF STORAGE AND AN APPROPRIATE TAPER. THE NORTHERNMOST LEFT TURN LANE IS AN EXISTING LANE AND THIS LEFT TURN LANE SHALL BE RE-STRIPED TO PROVIDE THE REQUIRED 600 FEET OF STORAGE.

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

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

(g) 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:

(i) TWO INGRESS LANES;

(ii) A RIGHT TURN LANE WITH 350 FEET OF STORAGE AND AN APPROPRIATE TAPER;

(iii) A SINGLE THROUGH LANE; AND

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

(h) 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

(a) ON NORTHBOWN MALLARD CREEK ROAD AT ITS INTERSECTION WITH GALLOWAY ROAD, RE-STRIPED THE EXISTING RIGHT TURN LANE TO A THROUGH – RIGHT TURN LANE.

(b) 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 NORTHBOWN 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.

(c) 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

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

(b) PROVIDE A MINIMUM 100 FOOT INTERNAL PROTECTED STEM.

(c) 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

(a) IMPROVE THE RADIUS OF THE INTERSECTION OF GALLOWAY ROAD AND GARRISON ROAD BY INSTALLING ADDITIONAL PAVEMENT AND MAKING 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.

5. 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.

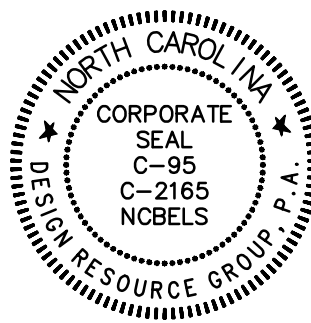
T. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

U. 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.

V. 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 CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO CONSTRUCT THE WAITING PAD OR IF THERE IS NOT EXISTING RIGHT OF WAY TO ACCOMMODATE THIS IMPROVEMENT, THEN PETITIONER SHALL HAVE NO OBLIGATION TO CONSTRUCT THE WAITING PAD. CATS SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF A BENCH OR SHELTER ON THE WAITING PAD.

W. IN THE EVENT THAT THERE IS NOT EXISTING RIGHT OF WAY TO ACCOMMODATE ANY OF THE TRANSPORTATION IMPROVEMENTS SET OUT ABOVE IN THIS SECTION 4 (WHICH IMPROVEMENTS SHALL INCLUDE, WITHOUT LIMITATION, TURN LANES, PLANTING STRIPS, SIDEWALKS AND MULTI-USE PATHS), PETITIONER SHALL EXERT REASONABLE AND GOOD FAITH EFF





REZONING PETITION  
FOR PUBLIC HEARING  
2016-139

REZONING PETITION

WEST MALLARD CREEK CHURCH ROAD  
CHARLOTTE, NORTH CAROLINA

CHARTER PROPERTIES, INC &  
BROWDER GROUP

CONDITIONAL  
NOTES

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SCALE:

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

AUGUST 22, 2016

REVISIONS:

- 01/23/17 - PER CMPC COMMENTS
- 04/10/17 - PER SITE UPDATES
- 05/22/17 - PER SITE UPDATES
- 06/06/17 - PER SITE UPDATES
- 08/07/17 - PER SITE UPDATES

RZ 3.1

- (i) BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FACADE FEATURES WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, A COMBINATION OF EXTERIOR WALL OFFSETS, PROJECTIONS, RECESSES, PLASTERS, BANDING AND CHANGE IN MATERIALS OR COLORS.
- (ii) BUILDINGS SHALL BE DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE ON ALL FACADES FACING NETWORK REQUIRED PUBLIC OR PRIVATE STREETS. SUCH BASE MAY BE EXECUTED THROUGH USE OF THE PREFERRED EXTERIOR BUILDING MATERIALS OR ARTICULATED ARCHITECTURAL FACADE FEATURES AND COLOR CHANGES.
- (iii) BUILDING ELEVATIONS FACING NETWORK REQUIRED PUBLIC OR PRIVATE STREETS SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN 20 FEET IN ALL DIRECTIONS AND ARCHITECTURAL FEATURES SUCH AS, BUT TO LIMITED TO, BANDING, MEDALLIONS OR DESIGN FEATURES OR MATERIALS WILL BE PROVIDED TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS.

- (f) ROOF FORM AND ARTICULATION – ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:

- (i) LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM, TO INCLUDE, BUT NOT BE LIMITED TO, GABLES, HIPs, DORMERS OR PARAPETS.

- (ii) FOR PITCHED ROOFS, THE MINIMUM ALLOWED IS 4:12 EXCLUDING BUILDINGS WITH A FLAT ROOF AND PARAPET WALLS.

- (iii) ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE FROM THE NEAREST STREET.

B. DEVELOPMENT AREA B

- (1) THE MAXIMUM HEIGHT OF ANY BUILDING LOCATED ON DEVELOPMENT AREA B SHALL BE 60 FEET.

- (2) NOTWITHSTANDING THE FOREGOING, ANY BUILDING LOCATED WITHIN THAT PORTION OF DEVELOPMENT AREA B THAT IS SHADED ON THE REZONING PLAN MAY HAVE A MAXIMUM HEIGHT OF 80 FEET.

C. DEVELOPMENT AREA C

- (1) THE MAXIMUM HEIGHT OF ANY BUILDING LOCATED ON DEVELOPMENT AREA C SHALL BE 40 FEET. NOTWITHSTANDING THE FOREGOING, THE MAXIMUM HEIGHT OF THAT BUILDING LOCATED ON DEVELOPMENT AREA C THAT IS DESIGNATED AS BUILDING 1 ON THE REZONING PLAN SHALL BE 60 FEET.

- (2) THE ARCHITECTURAL AND DESIGN STANDARDS SET OUT BELOW SHALL APPLY TO DEVELOPMENT AREA C.

- (a) BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT ON PUBLIC OR PRIVATE NETWORK REQUIRED STREETS THROUGH THE FOLLOWING:

- (i) BUILDINGS SHALL BE PLACED SO AS TO PRESENT A FRONT OR SIDE FACADE TO ALL STREETS.

- (ii) FACADES FRONTING STREETS SHALL INCLUDE A COMBINATION OF WINDOWS AND OPERABLE DOORS FOR A MINIMUM OF 60% OF EACH FRONTAGE ELEVATION WITH TRANSPARENT GLASS BETWEEN 2' AND 10' ON THE FIRST FLOOR. UP TO 20% OF THIS REQUIREMENT MAY BE COMPRISED OF DISPLAY WINDOWS. THESE DISPLAY WINDOWS MUST MAINTAIN A MINIMUM OF 3'-0" CLEAR DEPTH BETWEEN WINDOW AND REAR WALL. WINDOWS WITHIN THIS ZONE SHALL NOT BE SCREENED WITH FILM, DECALS, AND OTHER OPAQUE MATERIAL. GLAZING FINISHES OR WINDOW TREATMENTS. THE MAXIMUM SILL HEIGHT FOR REQUIRED TRANSPARENCY SHALL NOT EXCEED 4'-0" ABOVE ADJACENT STREET SIDEWALK.

- (iii) THE FACADES OF THE FIRST/GROUND FLOOR OF THE BUILDINGS ALONG STREETS SHALL INCORPORATE A MINIMUM OF 30% MASONRY MATERIALS SUCH AS BRICK OR STONE.

- (iv) A DIRECT PEDESTRIAN CONNECTION SHOULD BE PROVIDED BETWEEN STREET FACING DOORS AND CORNER ENTRANCE FEATURES TO SIDEWALKS ON ADJACENT STREETS.

- (v) BUILDING ELEVATIONS SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN 20 FEET IN ALL DIRECTIONS AND ARCHITECTURAL FEATURES SUCH AS, BUT TO LIMITED TO, BANDING, MEDALLIONS OR DESIGN FEATURES OR MATERIALS WILL BE PROVIDED TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS.

- (vi) BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FEATURES WHICH SHALL INCLUDE A COMBINATION OF AT LEAST THREE OF THE FOLLOWING: A COMBINATION OF EXTERIOR WALL OFFSETS (PROJECTIONS AND RECESSES), COLUMNS, PILASTERS, CHANGE IN MATERIALS OR COLORS, AWNINGS, ARCADES OR OTHER ARCHITECTURAL ELEMENTS.

- (3) SURFACE PARKING AND VEHICULAR MANEUVERING AND CIRCULATION AREAS MAY NOT BE LOCATED BETWEEN THE BUILDINGS LOCATED ON DEVELOPMENT AREA C AND THE CONNECTOR ROAD.

B. DEVELOPMENT AREA D

- (1) THE MAXIMUM HEIGHT OF ANY BUILDING LOCATED ON DEVELOPMENT AREA D SHALL BE 40 FEET.

6. STREETScape/LANDSCAPING/BUFFERS/OPEN SPACE

- A. A MINIMUM 56.25 FOOT CLASS B BUFFER SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S WESTERN AND NORTHERN BOUNDARY LINES THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN. WHICH BUFFER SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. PURSUANT TO SECTION 12.302(8) OF THE ORDINANCE, THIS CLASS B BUFFER HAS BEEN REDUCED IN WIDTH BY 25% FROM 75 FEET TO 56.25 FEET AS A RESULT OF PETITIONER'S COMMITMENT TO INSTALL A FENCE THAT MEETS THE REQUIREMENTS OF SECTION 12.302(8) OF THE ORDINANCE IN THE CLASS B BUFFER. NOTWITHSTANDING THE FOREGOING, AT SUCH TIME, IF EVER, THAT THE FUTURE RIGHT OF WAY IS DEDICATED TO THE CITY FOR A NEW PUBLIC STREET TO BE CONSTRUCTED BY OTHERS, THE PORTION OF THIS CLASS B BUFFER IN WHICH THE FUTURE RIGHT OF WAY IS LOCATED SHALL BE ELIMINATED.

- B. SUBJECT TO PARAGRAPHS C, E AND F BELOW, A MINIMUM 75 FOOT CLASS C BUFFER SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S WESTERN AND NORTHERN BOUNDARY LINES THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, WHICH BUFFER SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. THE WIDTH OF THE 75 FOOT CLASS C BUFFER SHALL NOT BE REDUCED. NOTWITHSTANDING THE FOREGOING, AT SUCH TIME, IF EVER, THAT THE FUTURE RIGHT OF WAY IS DEDICATED TO THE CITY FOR A NEW PUBLIC STREET TO BE CONSTRUCTED BY OTHERS, THE PORTION OF THIS CLASS C BUFFER IN WHICH THE FUTURE RIGHT OF WAY IS LOCATED SHALL BE ELIMINATED.

- C. THE EXTERIOR 50 FEET OF THAT PORTION OF THE 75 FOOT CLASS C BUFFER LOCATED ALONG THE WESTERN BOUNDARY OF THE SITE THAT IS MORE PARTICULARLY DEPICTED ON SHEET RZ 2.0 OF THE REZONING PLAN SHALL REMAIN UNDISTURBED EXCEPT FOR THE FOLLOWING PERMITTED ACTIVITIES:

- (1) THE PLANTING OF SUPPLEMENTAL TREE AND SHRUBS.

- (2) THE INSTALLATION OF THE MINIMUM 8 FOOT TALL FENCE DESCRIBED BELOW IN PARAGRAPH 6.F, WHICH FENCE MAY MEANDER TO SAVE EXISTING TREES.

- (3) THE DEMOLITION OF THE EXISTING BUILT CONDITIONS, SUCH AS THE EXISTING DRIVES, HOMES AND CROSSINGS.

- (4) THE CONSTRUCTION OF THE CONNECTOR ROAD STREAM CROSSING.

IN ALL EVENTS, THE 75 FOOT CLASS C BUFFER SHALL MEET THE TREE AND SHRUB REQUIREMENTS OF A CLASS C BUFFER.

- D. IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR DEVOTED TO A USE THAT ELIMINATES OR REDUCES THE BUFFER REQUIREMENTS ON THE SITE, PETITIONER MAY REDUCE OR ELIMINATE, AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS SET OUT ON THE REZONING PLAN ACCORDINGLY.

- E. A 10 FOOT WIDE MULTI-USE PATH SHALL BE INSTALLED ALONG THE WESTERN SIDE OF THE CONNECTOR ROAD AS GENERALLY DEPICTED ON SHEET RZ 2.0 OF THE REZONING PLAN. NOTWITHSTANDING THE FOREGOING, THE 10 FOOT WIDE MULTI-USE PATH MAY SHIFT TO THE EASTERN OR SOUTHERN SIDE OF THE CONNECTOR ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN IN THE VICINITY OF OUTPARCEL 1 TO AVOID CONFLICTS WITH THE CEMETERY. THE ACTUAL LOCATION OF THIS MULTI-USE PATH SHALL BE DETERMINED DURING THE PERMITTING PROCESS. THE 10 FOOT WIDE MULTI-USE PATH AND AMENITY TYPE USES (SUCH AS EXERCISE EQUIPMENT) MAY BE INSTALLED WITHIN THE INTERIOR (SITE SIDE) 20 FEET OF THE MINIMUM 75 FOOT CLASS C BUFFER LOCATED ALONG THE WESTERN BOUNDARY OF THE SITE SINCE ONLY A 50 FOOT CLASS C BUFFER IS REQUIRED UNDER THE ORDINANCE.

- F. PETITIONER SHALL INSTALL A MINIMUM 8 FOOT TALL, SOLID WOODEN FENCE WITHIN THE MINIMUM 75 FOOT CLASS C BUFFER THAT IS LOCATED PRIMARILY WITHIN DEVELOPMENT AREA A AND IS DESCRIBED ABOVE IN PARAGRAPH 6.B, AND THE FENCE SHALL RUN GENERALLY IN A PARALLEL DIRECTION WITH THE WESTERN BOUNDARY LINE OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. THIS FENCE MAY MEANDER TO SAVE EXISTING TREES AND TO ACCOMMODATE TOPOGRAPHY. NOTWITHSTANDING THE FOREGOING, WHERE THE SOLID WOODEN FENCE APPROACHES THE PCOD BUFFER, THE FENCE SHALL CHANGE COURSES AND RUN IN A GENERALLY PERPENDICULAR DIRECTION WITH THE WESTERN BOUNDARY LINE OF THE SITE TOWARDS THE BRIDGE, AND THE FENCE SHALL CROSS THE PCOD BUFFER OVER THE BRIDGE AND THEN CHANGE COURSES BACK TOWARDS THE WESTERN BOUNDARY LINE OF THE SITE AND THEN CONTINUE IN A GENERALLY PARALLEL DIRECTION WITH THE WESTERN BOUNDARY LINE OF THE SITE. IN THOSE AREAS WHERE THE FENCE IS PERPENDICULAR TO THE WESTERN BOUNDARY LINE OF THE SITE AND WHERE THE FENCE IS LOCATED ON THE BRIDGE, THE FENCE MAY BE A DECORATIVE METAL FENCE RATHER THAN A SOLID WOODEN FENCE. IF AN 8 FOOT TALL FENCE IS NOT PERMITTED UNDER THE ORDINANCE AND ONLY A SHORTER FENCE IS ALLOWED, THEN THE HEIGHT OF THE FENCE SHALL BE THE MAXIMUM HEIGHT ALLOWED UNDER THE ORDINANCE.

- G. A MINIMUM 25 FOOT WIDE LANDSCAPED AREA SHALL BE ESTABLISHED ALONG THE EASTERN BOUNDARY LINE OF DEVELOPMENT AREA B ADJACENT TO DEVELOPMENT AREA B'S FRONTAGE ON THE I-85 RIGHT OF WAY AS

DEPICTED ON THE REZONING PLAN. THIS MINIMUM 25 FOOT WIDE LANDSCAPED AREA SHALL BE MEASURED FROM THE RIGHT OF WAY LINE. TREES AND SHRUBS SHALL BE INSTALLED WITHIN THIS MINIMUM 25 FOOT WIDE LANDSCAPED AREA AT THE RATE OF 5 TREES AND 20 SHRUBS PER 100 LINEAL FEET.

- H. SHRUBS SHALL BE INSTALLED WITHIN THE MINIMUM 30 FOOT SETBACK FROM I-85 LOCATED IN DEVELOPMENT AREA A AT THE RATE OF 20 SHRUBS PER 100 LINEAL FEET.

- I. ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ABUTTING PROPERTIES AS VIEWED FROM GRADE.

- J. DUMPSTER AND RECYCLING AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL OR FENCE WITH ONE SIDE BEING A HINGED OPAQUE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AND RECYCLING AREA ADJOIN A SIDE WALL OR REAR WALL OF A BUILDING, THEN THE SIDE WALL OR REAR WALL OF THE BUILDING MAY BE SUBSTITUTED FOR THE WALL OR FENCE ALONG EACH SUCH SIDE.

- K. AS PROVIDED ABOVE IN PARAGRAPH 1.E., BUFFERS SHALL NOT BE REQUIRED BETWEEN USES LOCATED ON THE SITE. NOTWITHSTANDING THE FOREGOING, A MINIMUM 35 FOOT WIDE LANDSCAPED AREA SHALL BE INSTALLED ON THE SITE BETWEEN DEVELOPMENT AREA B AND THE MULTI-FAMILY USES LOCATED ON DEVELOPMENT AREA A.

- L. A COMMUNITY GREEN FEATURING LANDSCAPING AND HARDSCAPE SHALL BE INSTALLED IN DEVELOPMENT AREA C. PETITIONER SHALL INSTALL AT LEAST 2 OF THE FOLLOWING AMENITIES WITHIN THE COMMUNITY GREEN: SEATING, SCULPTURES/ARTWORK AND A WATER FEATURE. THE FINAL LOCATION OF THE COMMUNITY GREEN MAY VARY FROM THE LOCATION DEPICTED ON THE REZONING PLAN, AND THE FINAL LOCATION SHALL BE DETERMINED DURING THE SITE DESIGN AND PERMITTING PROCESS.

- M. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A BUILDING TO BE CONSTRUCTED ON THE SITE, PETITIONER SHALL CONSTRUCT AND INSTALL A MINIMUM 5 FOOT TALL MASONRY WALL WITH A BRICK VENEER FINISH GENERALLY ALONG THE NORTHERN PROPERTY LINES OF THOSE PARCELS OF LAND DESIGNATED AS TAX PARCEL NOS. 029-023-13 AND 029-023-12 FROM THE WESTERN BOUNDARY LINE OF THE SITE TO THE WESTERN PROPERTY LINE OF TAX PARCEL NO. 029-023-12. PETITIONER'S OBLIGATION TO CONSTRUCT AND INSTALL THIS WALL SHALL BE SUBJECT TO (i) PETITIONER'S ABILITY TO OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO CONSTRUCT AND INSTALL THE WALL FROM THE RELEVANT GOVERNMENTAL AGENCIES, INCLUDING, WITHOUT LIMITATION, AN ENCROACHMENT AGREEMENT FROM CDOT IF REQUIRED, AND (ii) PETITIONER'S ABILITY TO OBTAIN REQUIRED EASEMENTS FROM THE OWNERS OF TAX PARCEL NOS. 029-023-13 AND 029-023-12. THE EXACT LOCATION OF THE WALL SHALL BE DETERMINED DURING THE PERMITTING PROCESS.

1. ENVIRONMENTAL FEATURES

- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE.

- B. AS NOTED ABOVE IN PARAGRAPH 1.E., THE DEVELOPMENT OF THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNITED DEVELOPMENT. ACCORDINGLY, THE TREE SAVE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE SHALL BE CALCULATED AND SATISFIED OVER THE ENTIRE SITE, RATHER THAN WITHIN EACH INDIVIDUAL DEVELOPMENT AREA. AS A RESULT, EACH INDIVIDUAL DEVELOPMENT AREA SHALL NOT BE REQUIRED TO MEET THE TREE SAVE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE PROVIDED THAT THE SITE AS A WHOLE MEETS SUCH TREE SAVE REQUIREMENTS.

- C. THE TREE SAVE AREAS DEPICTED ON THE REZONING PLAN ARE CONCEPTUAL, AND THE ACTUAL LOCATIONS OF THE TREE SAVE AREAS ON THE SITE MAY VARY FROM WHAT IS DEPICTED ON THE REZONING PLAN. THE ACTUAL LOCATIONS OF THE TREE SAVE AREAS SHALL BE DETERMINED DURING THE SITE PLAN APPROVAL AND PERMITTING PROCESS.

- D. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE POST CONSTRUCTION CONTROLS ORDINANCE.

- E. THE LOCATION, SIZE AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

8. SIGNS

- A. SUBJECT TO THE OPTIONAL PROVISIONS SET OUT IN THESE DEVELOPMENT STANDARDS, ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

9. LIGHTING

- A. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING STREET LIGHTS AND LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS AND PARKING AREAS AND IN THE LANDSCAPED AREAS) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.

- B. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON DEVELOPMENT AREA A SHALL BE 21 FEET.

- C. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON DEVELOPMENT AREA B, DEVELOPMENT AREA C OR DEVELOPMENT AREA D SHALL BE 31 FEET.

- D. ANY LIGHTING FIXTURES ATTACHED TO A BUILDING LOCATED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

10. CEMETERY

- A. A PORTION OF AN EXISTING CEMETERY IS LOCATED ON THE SOUTHWESTERN CORNER OF THE SITE, AND THE BOUNDARIES OF THE CEMETERY ON THE SITE HAVE BEEN ESTABLISHED AND ARE DEPICTED ON THE REZONING PLAN. THIS EXISTING CEMETERY SHALL BE PRESERVED ON THE SITE.

- B. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES ON THE SITE, PETITIONER SHALL INSTALL A TEMPORARY CONSTRUCTION BARRIER AROUND THOSE PORTIONS OF THE PERIMETER OF THE CEMETERY THAT ARE LOCATED ON THE SITE TO ENSURE THAT THE CONSTRUCTION ACTIVITIES DO NOT ENCRoACH INTO THE CEMETERY. THE TEMPORARY CONSTRUCTION BARRIER SHALL REMAIN IN PLACE UNTIL SUCH TIME THAT THE CONSTRUCTION OF THE CONNECTOR ROAD AND THE VEHICULAR CONNECTION FROM THE CONNECTOR ROAD TO THE MALLARD CREEK PRESBYTERIAN CHURCH PARKING LOT ARE COMPLETED.

- C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING TO BE CONSTRUCTED ON THE SITE, PETITIONER SHALL DONATE THE SUM OF \$10,000 TO EITHER MALLARD CREEK PRESBYTERIAN CHURCH OR TO A NON-PROFIT ORGANIZATION THAT IS INVOLVED WITH THE PRESERVATION OF CEMETERIES. THE \$10,000 PAYMENT MAY BE USED BY THE RECEIVING ENTITY TO SECURE THE CEMETERY, MEMORIALIZE THE CEMETERY THROUGH SIGNAGE OR OTHER MEANS, PROVIDE EDUCATIONAL OPPORTUNITIES RELATING TO THE CEMETERY AND/OR OTHER MATTERS THAT WILL BENEFIT THE CEMETERY.

11. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

- B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

- C. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.