

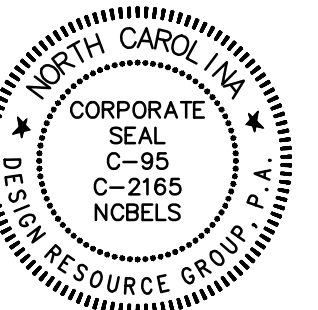
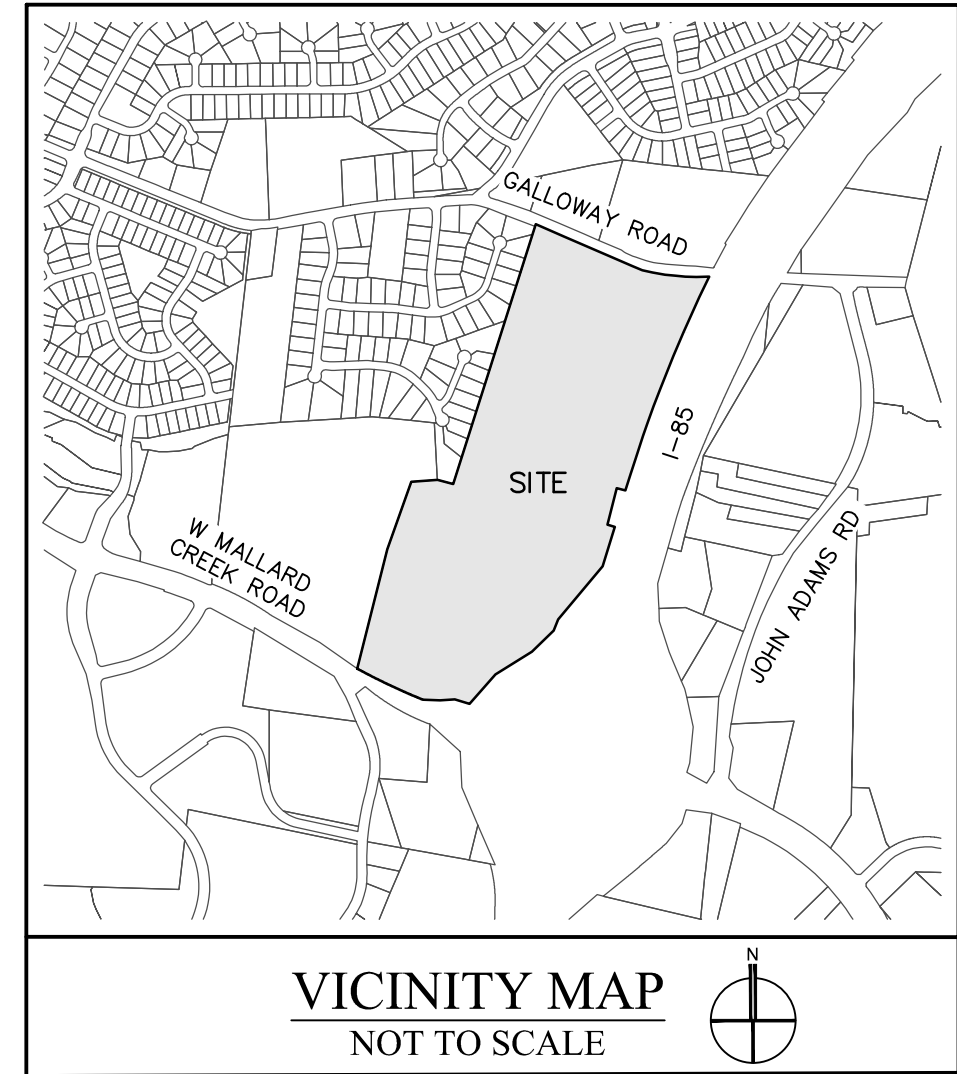
KEY TO ADJACENT PROPERTY OWNERS

1. MALLARD CREEK PRESBYTERIAN CHURCH	DB: 03717 P.: 709 PID#: 02902101 ZONING:R-3 USE: GOVT/INST.
2. PETER AND KATIOA 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:	NS (AREA D) 5 YEARS VESTED RIGHTS CC (AREA A,B AND C) 5 YEARS VESTED RIGHTS
EXISTING USE:	VACANT - OPEN FIELD SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	•MULTI-FAMILY APARTMENTS: 395 UNITS (AREA A) 11.84 UNITS PER ACRE (33.35 ACRES) •BUSINESS RETAIL: 160,000 SF OF GROSS FLOOR AREA (AREAS B, C AND OUTPARCELS 1, 2 & 3)
BUILDING HEIGHT:	60' MAXIMUM (3 STORIES)
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

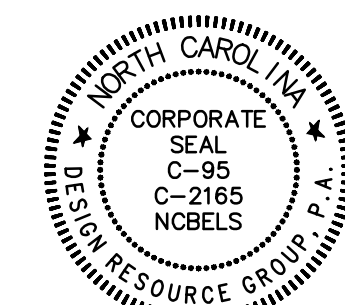
TECHNICAL
DATA SHEET

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



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'

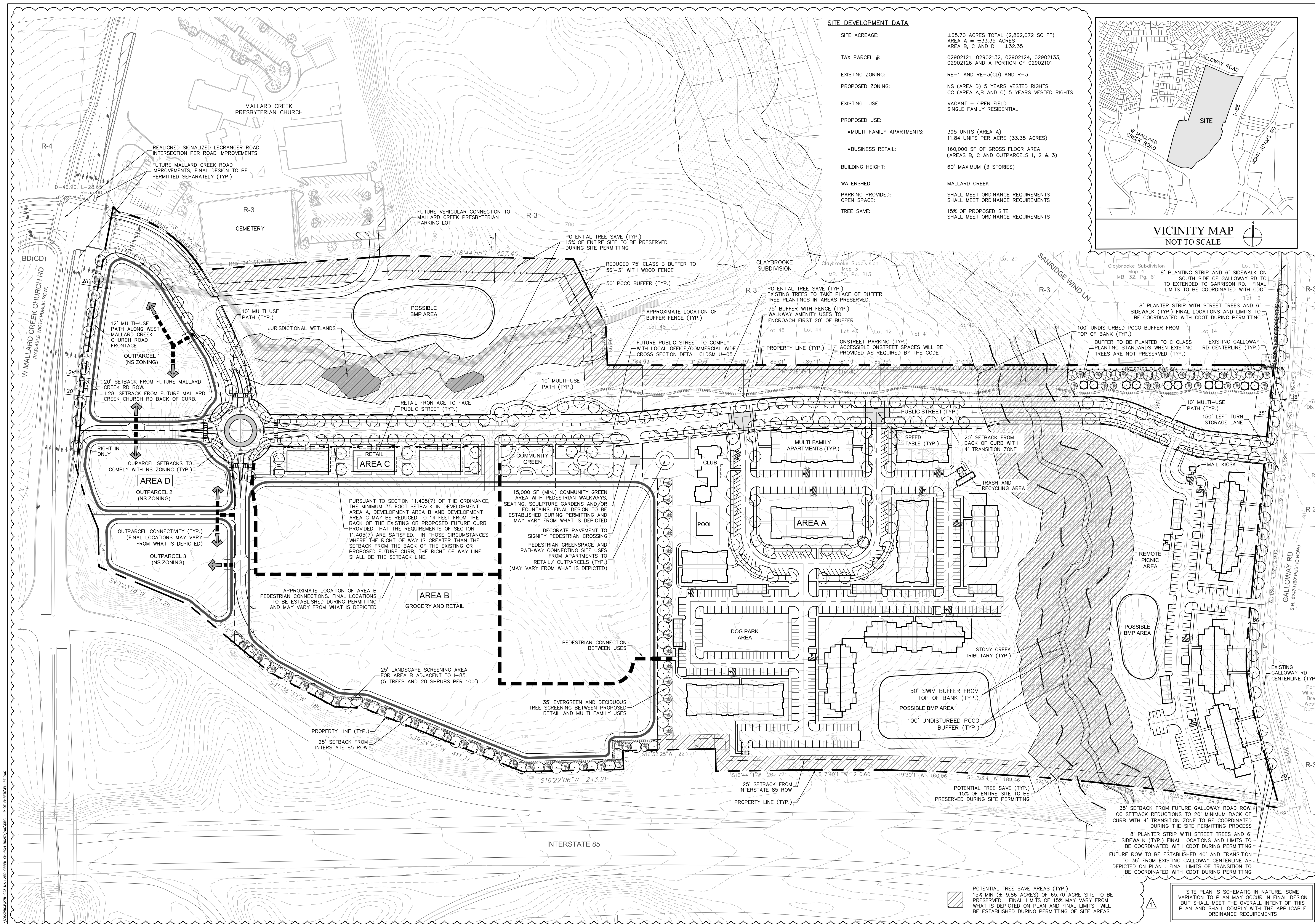
PROJECT #: 278-023
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CHECKED BY: JG

AUGUST 22, 2016

REVISIONS:

1. 01/23/17 - PER CMPC COMMENTS

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, 02902124, 02902133, 02902126 AND A PORTION OF 02902101
EXISTING ZONING:	RE-1 AND RE-3(CD) AND R-3
PROPOSED ZONING:	NS (AREA D) 5 YEARS VESTED RIGHTS CC (AREA A,B AND C) 5 YEARS VESTED RIGHTS
EXISTING USE:	VACANT – OPEN FIELD SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	
•MULTI--FAMILY APARTMENTS:	395 UNITS (AREA A) 11.84 UNITS PER ACRE (33.35 ACRES)
•BUSINESS RETAIL:	160,000 SF OF GROSS FLOOR AREA (AREAS B, C AND OUTPARCELS 1, 2 & 3)
BUILDING HEIGHT:	60' MAXIMUM (3 STORIES)
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



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 SHEET) 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 NOS. 029--021--21, 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 DENOTED AS OUTPARCEL 1, OUTPARCEL 2 AND OUTPARCEL 3. OUTPARCEL 1 MAY BE SUBDIVIDED INTO TWO OUTPARCELS AT THE OPTION OF PETITIONER, AND OUTPARCELS MAY BE RECOMBINED INTO ONE OR MORE LOTS 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.
- C. THE DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THE 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 COMMERCIAL CENTER ("CC") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF DEVELOPMENT AREA A, DEVELOPMENT AREA B AND DEVELOPMENT AREA C, AND THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE NEIGHBORHOOD SERVICES ("NS") ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF 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 ULTIMATE LAYOUT, LOCATIONS AND SIZES OF THE DEVELOPMENT AND SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE PROPOSED DEVELOPMENT AND SITE ELEMENTS, AND THEY MAY BE ALTERED OR MODIFIED BY PETITIONER UNDER THE REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, HOWEVER, THAT ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.
- E. THE DEVELOPMENT OF THE SITE PROPOSED UNDER THIS REZONING PLAN SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. THEREFORE, SIDE 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 AND PRIVATE STREET FRONTAGE REQUIREMENTS. 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 THE OTHER DEVELOPMENT AREAS 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. PERMITTED USES

A. DEVELOPMENT AREA A

- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA A ON THE REZONING PLAN MAY ONLY BE DEVOTED TO MULTI-FAMILY DWELLING UNITS AND/OR SINGLE FAMILY ATTACHED DWELLING UNITS, AND TO ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE CC 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.

B. DEVELOPMENT AREA B AND DEVELOPMENT AREA C

- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT BELOW, THOSE PORTIONS OF THE SITE DESIGNATED AS DEVELOPMENT AREA B AND DEVELOPMENT AREA C ON THE REZONING PLAN MAY ONLY BE DEVOTED TO A NON-RESIDENTIAL USE OR NON-RESIDENTIAL USES ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE CC ZONING DISTRICT (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE CC ZONING DISTRICT, INCLUDING, WITHOUT LIMITATION, OUTDOOR DINING AREAS.

C. DEVELOPMENT AREA D

- (1) SUBJECT TO THE DEVELOPMENT LIMITATIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA D ON THE REZONING PLAN MAY ONLY BE DEVOTED TO A NON-RESIDENTIAL USE OR NON-RESIDENTIAL USES ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE NS ZONING DISTRICT (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE NS ZONING DISTRICT, INCLUDING, WITHOUT LIMITATION, OUTDOOR DINING AREAS.

3. DEVELOPMENT LIMITATIONS

- A. A MAXIMUM OF 395 DWELLING UNITS MAY BE DEVELOPED IN DEVELOPMENT AREA A.

- B. A TOTAL MAXIMUM OF 160,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO THE NON-RESIDENTIAL USES PERMITTED UNDER THESE DEVELOPMENT STANDARDS MAY BE DEVELOPED IN DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D.

- C. AT LEAST TWO BUILDINGS SHALL ULTIMATELY BE DEVELOPED IN DEVELOPMENT AREA C THAT SHALL EACH CONTAIN A MINIMUM OF 5,000 SQUARE FEET OF GROSS FLOOR AREA. THE TIMING OF THE DEVELOPMENT OF THESE BUILDINGS SHALL BE DETERMINED BY PETITIONER IN ITS DISCRETION, AND NO PERMITS, APPROVALS OR CERTIFICATES OF OCCUPANCY FOR BUILDINGS AND USES LOCATED IN OTHER DEVELOPMENT AREAS SHALL BE TIED TO THE CONSTRUCTION OF THE BUILDINGS IN DEVELOPMENT AREA C.

- D. USES LOCATED IN DEVELOPMENT AREA B OR DEVELOPMENT AREA C MAY NOT HAVE DRIVE-THROUGH SERVICE LANES/WINDOWS AS AN ACCESSORY USE.

- E. A CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES MAY NOT BE LOCATED IN DEVELOPMENT AREA B OR DEVELOPMENT AREA C.

- F. AN AUTOMOTIVE SERVICE STATION MAY NOT BE LOCATED IN DEVELOPMENT AREA B OR DEVELOPMENT AREA C.

- G. USES LOCATED IN DEVELOPMENT AREA D MAY HAVE DRIVE-THROUGH SERVICE LANES/WINDOWS AS AN ACCESSORY USE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 12.413 OF THE ORDINANCE.

- H. A MAXIMUM OF ONE CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES MAY BE LOCATED IN DEVELOPMENT AREA D.

- I. A MAXIMUM OF ONE AUTOMOTIVE SERVICE STATION MAY BE LOCATED IN DEVELOPMENT AREA D.

- J. IN THE EVENT THAT A CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES IS LOCATED IN DEVELOPMENT AREA D, A MAXIMUM OF 2 USES LOCATED IN DEVELOPMENT AREA D MAY HAVE ACCESSORY DRIVE-THROUGH SERVICE LANES/WINDOWS.

- K. IN THE EVENT THAT A CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES IS NOT LOCATED IN DEVELOPMENT AREA D, A MAXIMUM OF 3 USES LOCATED IN DEVELOPMENT AREA D MAY HAVE ACCESSORY DRIVE-THROUGH SERVICE LANES/WINDOWS.

- L. THE NUMBER OF PRINCIPAL BUILDINGS AND ACCESSORY STRUCTURES THAT MAY BE LOCATED ON DEVELOPMENT AREA B, DEVELOPMENT AREA C AND DEVELOPMENT AREA D 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, DEVELOPMENT AREA C AND DEVELOPMENT AREA D.

- M. FOR PURPOSES OF THESE DEVELOPMENT LIMITATIONS AND THE DEVELOPMENT STANDARDS IN GENERAL, THE TERM "GROSS FLOOR AREA" SHALL MEAN AND REFER TO THE SUM OF THE GROSS HORIZONTAL AREAS OF EACH FLOOR OF A PRINCIPAL BUILDING ON THE SITE MEASURED FROM THE OUTSIDE OF THE EXTERIOR WALLS OR FROM THE CENTER LINE OF PARTY WALLS; PROVIDED, HOWEVER, SUCH TERM SHALL EXCLUDE ANY SURFACE PARKING AREAS, AREAS USED FOR BUILDING AND EQUIPMENT ACCESS (SUCH AS STAIRS, ELEVATOR SHAFTS, VESTIBULES, ROOF TOP EQUIPMENT ROOMS AND MAINTENANCE CRAWL SPACES), ALL LOADING DOCK AREAS (OPEN OR ENCLOSED), OUTDOOR COOLERS AND OUTDOOR DINING AREAS. PARKING FOR OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE.

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. AS GENERALLY DEPICTED ON THE REZONING PLAN, A NEW PUBLIC STREET SHALL BE CONSTRUCTED WITHIN THE SITE THAT WILL PROVIDE A VEHICULAR CONNECTION FROM WEST MALLARD CREEK CHURCH ROAD TO GALLOWAY ROAD.

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

- D. 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.

- E. USES LOCATED IN 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.

5. ARCHITECTURAL STANDARDS

- A. THE MAXIMUM HEIGHT OF ANY BUILDING LOCATED IN DEVELOPMENT AREA A SHALL BE 60 FEET.

- B. THE MAXIMUM HEIGHT OF ANY BUILDING LOCATED IN DEVELOPMENT AREA B SHALL BE 60 FEET.

- C. THE MAXIMUM HEIGHT OF ANY BUILDING LOCATED IN DEVELOPMENT AREA C SHALL BE 40 FEET.

- D. THE MAXIMUM HEIGHT OF ANY BUILDING LOCATED IN DEVELOPMENT AREA D SHALL BE 40 FEET.

- E. THE ARCHITECTURAL AND DESIGN STANDARDS SET OUT BELOW SHALL APPLY TO DEVELOPMENT AREA A.

- (1) PREFERRED EXTERIOR BUILDING MATERIALS: WITH RESPECT TO EACH PRINCIPAL AND ACCESSORY BUILDING THAT ABUTS A NETWORK REQUIRED PUBLIC OR PRIVATE STREET, THE FACADE OF SUCH BUILDING THAT FACES SUCH NETWORK STREET SHALL CONTAIN A MINIMUM OF 20% BRICK, NATURAL STONE (OR ITS SYNTHETIC EQUIVALENT), STUCCO OR OTHER MATERIAL APPROVED BY THE PLANNING DIRECTOR.

- (2) PROHIBITED EXTERIOR BUILDING MATERIALS:

- (a) VINYL SIDING (BUT NOT VINYL HAND RAILS, WINDOWS, SOFFITS OR DOOR TRIM).

- (b) CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED.

- (3) BUILDING PLACEMENT AND SITE DESIGN SHALL FOCUS ON AND ENHANCE THE PEDESTRIAN ENVIRONMENT THROUGH THE FOLLOWING:

- (a) BUILDINGS SHALL BE PLACED SO AS TO PRESENT A FRONT OR SIDE FACADE TO ALL NETWORK REQUIRED STREETS (PUBLIC OR PRIVATE).

- (b) BUILDINGS SHALL FRONT A MINIMUM OF 50% OF THE TOTAL NETWORK REQUIRED STREET FRONTAGE ON THE SITE (EXCLUSIVE OF DRIVEWAYS, PEDESTRIAN ACCESS POINTS, ACCESSIBLE OPEN SPACE, TREE SAVE OR NATURAL AREAS, TREE REPLANTING AREAS AND STORM WATER FACILITIES).

- (c) PARKING LOTS SHALL NOT BE LOCATED BETWEEN ANY NETWORK REQUIRED PUBLIC OR PRIVATE STREET AND A BUILDING.

- (4) DRIVEWAYS INTENDED TO SERVE SINGLE UNITS SHALL BE PROHIBITED ON ALL NETWORK REQUIRED STREETS.

- (4) BUILDING MASSING AND HEIGHT SHALL BE DESIGNED TO BREAK UP LONG MONOLITHIC BUILDING FORMS AS FOLLOWS:

- (a) BUILDINGS EXCEEDING 120 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FACADE PLANE (SUCH AS RECESSES, PROJECTIONS, AND ARCHITECTURAL DETAILS). MODULATIONS SHALL BE A MINIMUM OF 10 FEET WIDE AND SHALL PROJECT OR RECESS A MINIMUM OF 2 FEET EXTENDING THROUGH AT LEAST A FULL FLOOR.

- (b) BALCONETS SHALL NOT BE USED AT THE STREET LEVEL ALONG NETWORK REQUIRED PUBLIC OR PRIVATE STREETS. PATIOS AND PORCHES, IF ANY, SHALL MAKE A CONNECTION TO THE SIDEWALK.

- (5) ARCHITECTURAL ELEVATION DESIGN - ELEVATIONS SHALL BE DESIGNED TO CREATE VISUAL INTEREST AS FOLLOWS:

- (a) 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, PILASTERS, BANDING AND CHANGE IN MATERIALS OR COLORS.

- (b) 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.

- (c) 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.

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

- (a) 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.

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

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

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

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

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

- (b) 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 BY 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.

- (c) 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.

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

- (e) 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.

- (f) 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.

- G. SURFACE PARKING AND VEHICULAR MANEUVERING AND CIRCULATION AREAS MAY NOT BE LOCATED BETWEEN THE BUILDINGS LOCATED ON DEVELOPMENT AREA C AND THE NEW INTERNAL PUBLIC STREET.

- H. THE BUILDINGS LOCATED IN DEVELOPMENT AREA C SHALL FEATURE FOUR-SIDED ARCHITECTURE AND WINDOWS THAT FRONT THE NEW PUBLIC STREET.

- I. PURSUANT TO SECTION 11.405(7) OF THE ORDINANCE, THE MINIMUM 35 FOOT SETBACK IN DEVELOPMENT AREA A, DEVELOPMENT AREA B AND DEVELOPMENT AREA C MAY BE REDUCED TO 14 FEET FROM THE BACK OF THE EXISTING OR PROPOSED FUTURE CURB PROVIDED THAT THE REQUIREMENTS OF SECTION 11.405(7) ARE SATISFIED. IN THOSE CIRCUMSTANCES WHERE THE RIGHT OF WAY IS GREATER THAN THE SETBACK FROM THE BACK OF THE EXISTING OR PROPOSED FUTURE CURB, THE RIGHT OF WAY LINE SHALL BE THE SETBACK LINE.

6. STREETScape/LANDSCAPING/BUFFERS/OPEN SPACE

- A. THE DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE APPLICABLE LANDSCAPING AND SCREENING REQUIREMENTS OF THE ORDINANCE.

- B. A MINIMUM 56.25 FOOT CLASS B BUFFER SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S WESTERN BOUNDARY LINE 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.

- C. SUBJECT TO PARAGRAPH E, BELOW, A MINIMUM 75 FOOT CLASS C BUFFER SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S WESTERN BOUNDARY LINE THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, WHICH BUFFER SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE.

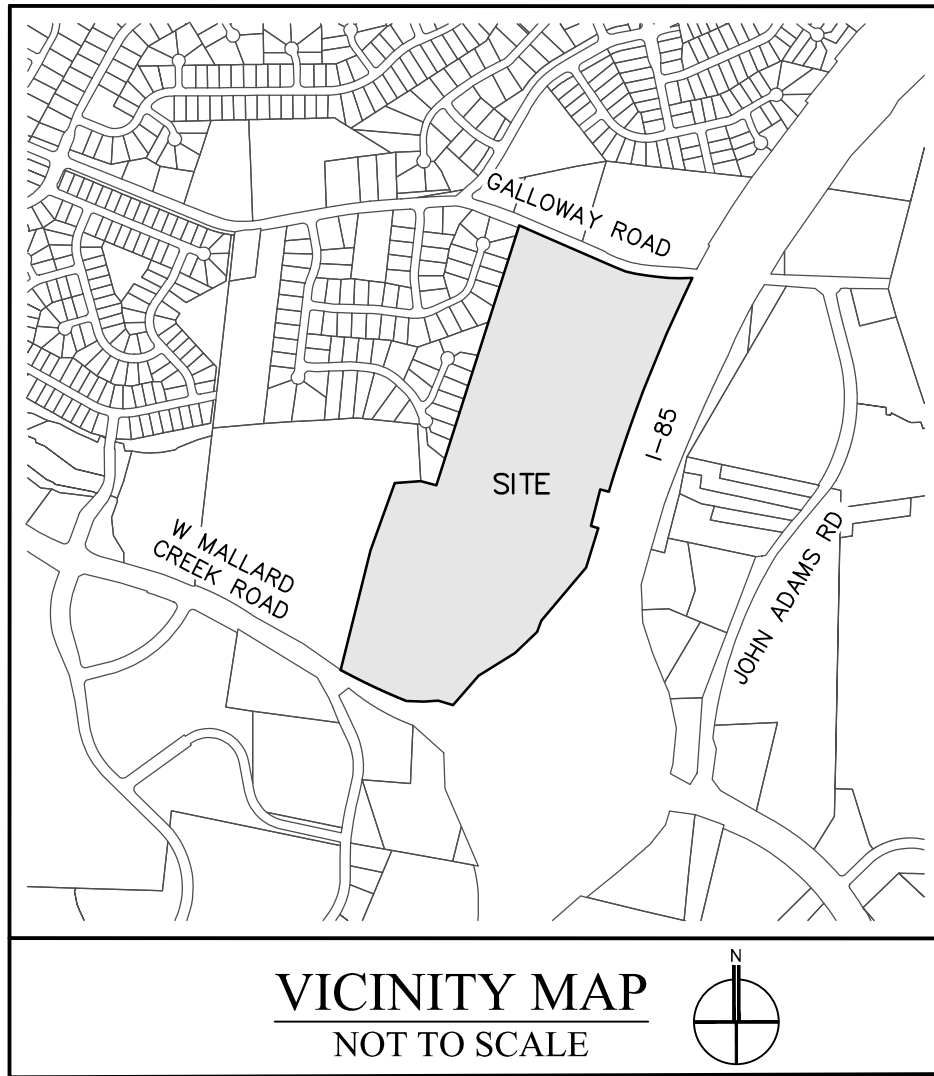
- D. IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR DEVOTED TO A USE THAT ELIMINATES OR REDUCES THE BUFFER REQUIREMENTS ON THE SITE, PETITIONER MAY REDUCE OR ELIMINATE, AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS SET OUT ON THE REZONING PLAN ACCORDINGLY.

- E. THE BUFFER AREAS SHALL NOT BE DISTURBED EXCEPT FOR REQUIRED DRIVEWAYS, SIDEWALKS, OR OTHER PEDESTRIAN PATHS, WALLS, FENCES, OR REQUIRED LANDSCAPING, LANDSCAPING MAINTENANCE AND REPLACEMENT OR THE INSTALLATION AND MAINTENANCE OF UTILITY LINES IN ACCORDANCE WITH SECTION 12.302(12) OF THE ORDINANCE. ADDITIONALLY, IN DEVELOPMENT AREA A, WALKWAY AMENITY USES MAY BE INSTALLED IN THE INTERIOR (SITE SIDE) 20 FEET OF THE MINIMUM 75 FOOT CLASS C BUFFER SINCE ONLY A 50 FOOT CLASS C BUFFER IS REQUIRED UNDER THE ORDINANCE.

- F. WHERE EXISTING TREES AND NATURAL VEGETATION HAVE BEEN CLEARED TO ACCOMMODATE THOSE ITEMS SET OUT ABOVE IN PARAGRAPH E, THE CLEARED UNIMPROVED AREAS WILL BE LANDSCAPED WITH TREES AND SHRUBS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

- G. PETITIONER SHALL INSTALL A FENCE WITHIN THE MINIMUM 75 FOOT CLASS C BUFFER DESCRIBED ABOVE IN PARAGRAPH 6.C.

- H. 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 MAINTAINED



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.

- 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 IN DEVELOPMENT AREA A.

- L. A COMMUNITY GREEN FEATURING LANDSCAPING AND HARDSCAPE SHALL BE INSTALLED IN DEVELOPMENT AREA C. ADDITIONALLY, PETITIONER MAY INSTALL SEATING, SCULPTURES AND/OR WATER FEATURES IN THE COMMUNITY GREEN.

7. 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/UNIFIED 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. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE POST CONSTRUCTION CONTROLS ORDINANCE.

- D. 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. 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 IN DEVELOPMENT AREA A SHALL BE 21 FEET.

- C. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED IN DEVELOPMENT AREA B, DEVELOPMENT AREA C OR DEVELOPMENT AREA D SHALL BE 30 FEET.

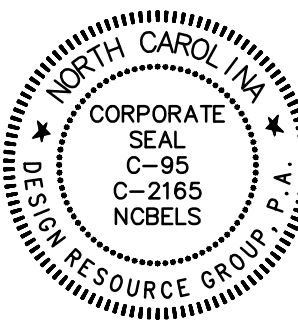
- D. ANY LIGHTING FIXTURES ATTACHED TO THE STRUCTURES TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

9. 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.



REZONING PETITION

FOR PUBLIC HEARING

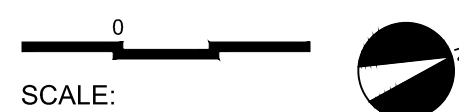
2016-139

REZONING PETITION

WEST MALLARD CREEK CHURCH ROAD
CHARLOTTE, NORTH CAROLINA

CHARTER PROPERTIES, INC &
BROWDER GROUP

CONDITIONAL
NOTES



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

AUGUST 22, 2016

REVISIONS:

1. 01/23/17 - PER CMPC COMMENTS

DEVELOPMENT STANDARDS

~~August 22, 2016~~

January 23, 2017

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 Sheet) 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 Nos. 029-021-21, 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 ~~Outparcels 1, 2 and 3 on the Rezoning Plan~~ 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. Outparcel 1 may be subdivided into two outparcels at the option of Petitioner, and outparcels may be recombined into one or more lots 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 ~~Outparcels 1, 2 and 3 as applicable~~ Development Area D unless otherwise noted herein.
- C. The development 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 Commercial Center (“CC”) zoning district shall govern the development and use of ~~the Site~~ Development Area A, Development Area B and Development Area C, and the regulations established under the Ordinance for the Neighborhood Services (“NS”) zoning district shall govern the development and use of 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 ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the requirements set forth on this Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.

- E. The development of the Site proposed under this Rezoning Plan shall be considered to be a planned/unified development. Therefore, side 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 and public/private street frontage requirements, 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 ~~the Site~~ Development Area without the consent of the owner or owners of the other Development Areas 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. PERMITTED USES

A. Development Area A

- (1) Subject to the development limitations set out below, that portion of the Site designated as Development Area A on the Rezoning Plan may only be devoted to multi-family dwelling units, ~~together with~~ and/or single family attached dwelling units, and to any incidental or accessory uses associated therewith that are permitted under the Ordinance in the CC 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.

B. Development Area B and Development Area C

- (1) Subject to the development limitations set out below, ~~that portion~~ those portions of the Site designated as Development Area B and Development Area C on the Rezoning Plan may only be devoted to a non-residential use or non-residential uses allowed by right or

under prescribed conditions in the CC zoning district (including any combination of such uses), together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the CC zoning district, including, without limitation, outdoor dining areas.

C. Development Area ~~CD~~

- (1) Subject to the development limitations set out below, that portion of the Site designated as Development Area ~~C on the Rezoning Plan may only be devoted to a non-residential use or uses allowed by right or under prescribed conditions in the CC zoning district (including any combination of such uses), together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the CC zoning district.~~ ~~D: Outparcels 1, 2 and 3(1) Subject to the development limitations set out below, that portion of the Site designated as Outparcels 1, 2 and 3~~ on the Rezoning Plan may only be devoted to a non-residential use or non-residential uses allowed by right or under prescribed conditions in the ~~CCNS~~ zoning district (including any combination of such uses), together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the ~~CCNS~~ zoning district, including, without limitation, outdoor dining areas.

3. DEVELOPMENT LIMITATIONS

- A. A maximum of 395 ~~multi-family~~ dwelling units may be developed ~~on~~in Development Area A.
- B. A total maximum of 160,000 square feet of gross floor area devoted to the non-residential uses permitted under these Development Standards may be developed ~~on~~in Development Area B, Development Area C and ~~Outparcels 1, 2 and 3.~~Development Area D.
- C. At least two buildings shall ultimately be developed ~~on~~in Development Area C that shall each contain a minimum of 5,000 square feet of gross floor area. The timing of the development of these buildings shall be determined by Petitioner in its discretion, and no permits, approvals or certificates of occupancy for buildings and uses located in other Development Areas shall be tied to the construction of the buildings in Development Area C.
- D. ~~The buildings~~Uses located ~~on~~in Development Area B ~~and/or~~ Development Area C may not have drive-through service lanes/windows as an accessory use.
- E. ~~The buildings located on Outparcels 1, 2 and 3~~A convenience store with or without gasoline sales may not be located in Development Area B or Development Area C.
- F. An automotive service station may not be located in Development Area B or Development Area C.

G. Uses located in Development Area D may have drive-through service lanes/windows as an accessory use in accordance with the requirements of Section 12.413 of the Ordinance.

H. A maximum of one convenience store with or without gasoline sales may be located in Development Area D.

I. A maximum of one automotive service station may be located in Development Area D.

J. In the event that a convenience store with or without gasoline sales is located in Development Area D, a maximum of 2 uses located in Development Area D may have accessory drive-through service lanes/windows.

K. In the event that a convenience store with or without gasoline sales is not located in Development Area D, a maximum of 3 uses located in Development Area D may have accessory drive-through service lanes/windows.

~~F.~~ L. The number of principal buildings and accessory structures that may be located on Development Area ~~A, Development Area-B~~, Development Area C and ~~Outparcels 1, 2 and 3~~ Development Area D 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~~ and parking envelopes on Development Area ~~A, Development Area-B~~, Development Area C and ~~Outparcels 1, 2 and 3~~ Development Area D.

~~G.M.~~ For purposes of these development limitations and the Development Standards in general, the term “gross floor area” shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface parking areas, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas. Parking for outdoor dining areas will be provided as required by the Ordinance.

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. As generally depicted on the Rezoning Plan, a new public street shall be constructed within the Site that will provide a vehicular connection from West Mallard Creek Church Road to Galloway Road.

C. Internal sidewalks and pedestrian connections shall be provided on the Site as generally depicted on the Rezoning Plan.

- D. 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.

E. Uses located in 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.

5. ARCHITECTURAL STANDARDS

- A. The maximum height of any building located ~~on the Site~~in Development Area A shall be 60 feet.

- B. ~~The permitted primary exterior building materials for the buildings containing multi-family dwelling units shall be brick veneer, stone, manufactured stone and cementitious siding. Vinyl and aluminum shall not be a permitted exterior building material provided, however, that vinyl and/or aluminum may be utilized on the soffits and trim, and vinyl windows, shutters, doors, garage doors and railings may be installed on the buildings.~~maximum height of any building located in Development Area B shall be 60 feet.

C. The maximum height of any building located in Development Area C shall be 40 feet.

D. The maximum height of any building located in Development Area D shall be 40 feet.

E. The architectural and design standards set out below shall apply to Development Area A.

(1) Preferred Exterior Building Materials: With respect to each principal and accessory building that abuts a network required public or private street, the facade of such building that faces such network street shall contain a minimum of 20% brick, natural stone (or its synthetic equivalent), stucco or other material approved by the Planning Director.

(2) Prohibited Exterior Building Materials:

(a) Vinyl siding (but not vinyl hand rails, windows, soffits or door trim).

(b) Concrete Masonry Units not architecturally finished.

(3) Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:

(a) Buildings shall be placed so as to present a front or side facade to all network required streets (public or private).

- (b) Buildings shall front a minimum of 50% of the total network required street frontage on the Site (exclusive of driveways, pedestrian access points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).
- (c) Parking lots shall not be located between any network required public or private street and a building.
- (d) Driveways intended to serve single units shall be prohibited on all network required streets.
- (4) Building Massing and Height shall be designed to break up long monolithic building forms as follows:
 - (a) Buildings exceeding 120 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 2 feet extending through at least a full floor.
 - (b) Balconets shall not be used at the street level along network required public or private streets. Patios and porches, if any, shall make a connection to the sidewalk.
- (5) Architectural Elevation Design – elevations shall be designed to create visual interest as follows:
 - (a) 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, pilasters, banding and change in materials or colors.
 - (b) 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.
 - (c) 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.
- (6) Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
 - (a) 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.

(b) For pitched roofs, the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls.

(c) Roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

F. The architectural and design standards set out below shall apply to Development Area C.

(1) Building Placement and Site Design shall focus on and enhance the pedestrian environment on public or private network required streets through the following:

(a) Buildings shall be placed so as to present a front or side facade to all streets.

(b) 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 by 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.

(c) 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.

(d) A direct pedestrian connection should be provided between street facing doors and corner entrance features to sidewalks on adjacent streets.

(e) Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as, but not limited to, banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

(f) 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.

~~E.-G.~~ G. Surface parking and vehicular maneuvering and circulation areas may not be located between the buildings located on Development Area C and the new internal public street.

~~D.-H.~~ H. The buildings located ~~on~~in Development Area C shall feature four-sided architecture and windows that front the new public street.

~~E.-I.~~ I. Pursuant to Section 11.405(7) of the Ordinance, the minimum 35 foot setback in Development Area A, Development Area B and Development Area C may be reduced to 14 feet from the back of the existing or proposed future curb provided that the

requirements of Section 11.405(7) are satisfied. In those circumstances where the right of way is greater than the setback from the back of the existing or proposed future curb, the right of way line shall be the setback line.

6. STREETSCAPE/LANDSCAPING/BUFFERS/OPEN SPACE

- A. The development of the Site shall comply with the applicable landscaping and screening requirements of the Ordinance.
- B. A minimum 56.25 foot Class B buffer shall be established along those portions of the Site's western boundary line 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.
- C. ~~A~~ Subject to paragraph E, below, a minimum ~~50~~75 foot Class C buffer shall be established along those portions of the Site's western boundary line that are more particularly depicted on the Rezoning Plan, which buffer shall conform to the standards of Section 12.302 of the Ordinance.
- 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. The buffer areas shall not be disturbed except for required driveways, sidewalks, or other pedestrian paths, walls, fences, or required landscaping, landscaping maintenance and replacement or the installation and maintenance of utility lines in accordance with Section 12.302(12) of the Ordinance. ~~Pursuant to Section 12.302(12)~~ Additionally, in Development Area A, walkway amenity uses may be installed in the interior (Site side) 20 feet of the ~~Ordinance, the minimum 10 foot wide multi-use path described below in paragraph G may be located in the minimum~~ minimum 75 foot Class C buffer since only a 50 foot Class C buffer is required under the Ordinance.
- F. Where existing trees and natural vegetation have been cleared to accommodate those items set out above in paragraph E, the cleared unimproved areas will be landscaped with trees and shrubs in accordance with the requirements of the Ordinance.
- G. Petitioner shall install a fence within the minimum 75 foot Class C buffer described above in paragraph 6.C.
- H. A minimum 10~~25~~ foot wide ~~multi-use path~~landscaped area shall be ~~installed along the western edge of the new public street as generally~~ 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 ~~10 foot wide multi-use path may meander~~

~~to protect existing trees and natural features~~ 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.~~ I. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

~~I.~~ 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.

~~J.~~ 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~~ in Development Area A.

~~K.~~ L. A community green featuring landscaping and hardscape shall be installed ~~on~~ in Development Area C. Additionally, Petitioner may install seating, sculptures and/or water features in the community green.

7. 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/unified 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. Development of the Site shall comply with the requirements of the Post Construction Controls Ordinance.

D. 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. 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 in Development Area A shall be 21 feet.

C. The maximum height of any freestanding lighting fixture installed in Development Area B, Development Area C or Development Area D shall be 30 feet.

D. Any lighting fixtures attached to the structures to be constructed on the Site shall be decorative, capped and downwardly directed.

9. 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.

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Description	#8967365v2<WSACTIVE> - Charter - Browder Development Standards
Rendering set	Standard

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