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1.	GENERAL	PROVISIONS:

- PEASE PLACE (THE "SITE").
- ORDINANCE.

SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

i. MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE; IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

## 2. PERMITTED USES & DEVELOPMENT AREA LIMITATION:

3. ACCESS, TRANSPORTATION IMPROVEMENTS, BEN CRAIG DRIVE CREEK CROSSING, SIGNAL FUNDING, AND SETBACKS: 

- ~\_\_\_\_ALIGNWENJAWD-DESIGN/OF/BEN/CRAHG/DRIVE. APPROVAL OF THE PETITION.
- 4. ARCHITECTURAL STANDARDS, COURT YARDS/AMENITY AREAS:
  - PRE-CAST CONCRETE.
  - PROPERTIES AT GRADE.

SITE DEVELOPMENT DATA:

- --ACREAGE:  $\pm 26.26$
- --EXISTING ZONING: O-1(CD) AND RE-1
- --PROPOSED ZONING: R-12MF(CD)
- --EXISTING USES: VACANT.

--PROPOSED USES: UP TO 315 MULTI-FAMILY RESIDENTIAL DWELLING UNITS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE R-12MF ZONING DISTRICT. --MAXIMUM BUILDING HEIGHT: NOT TO EXCEED FOUR (4) STORIES OR 60 FEET BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

a. SITE LOCATION. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY BAINBRIDGE COMPANIES. ('PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON APPROXIMATELY 26.26 ACRE SITE GENERALLY LOCATED ON THE EAST SIDE OF JN

**b.** ZONING DISTRICTS/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE R-12MF ZONING CLASSIFICATION SHALL GOVERN.

c. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE

d. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY. THE TOTAL NUMBER OF PRINCIPAL RESIDENTIAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED 15. ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDINGS LOCATED ON THE SITE.

a. THE SITE MAY BE DEVELOPED WITH UP TO 315 MULTI-FAMILY RESIDENTIAL DWELLINGS UNITS TOGETHER WITH ACCESSORY USES ALLOWED IN THE R-12MF ZONING DISTRICT AS GENERALLY DEPICTED ON THE REZONING PLAN. b. SURFACE PARKING AREAS (NOT INCLUDING ON-STREET PARALLEL PARKING) WILL NOT BE ALLOWED BETWEEN MALLARD CREEK ROAD, J.N. PEASE PLACE, AND BEN CRAIG DRIVE (EXTENSION), AND THE PROPOSED BUILDINGS, EXCEPT THAT PARKING AREAS AND MANEUVERING FOR PARKING WILL BE ALLOWED BETWEEN PROPOSED BLDG. # 6 AND J. N. PEASE DRIVE AS GENERALLY DEPICTED ON THE REZONING PLAN. 

ACCESS TO THE SITE WILL BE FROM MALLARD CREEK ROAD, J.N. PEASE PLACE AND BEN CRAIG DRIVE EXTENSION IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN. b. THE PETITIONER WILL AS PART OF THE DEVELOPMENT OF THE SITE CONSTRUCT THE EXTENSION OF BEN CRAIG DRIVE

AS A NEW PUBLIC STREET AS REQUIRED BY THE SUBDIVISION REGULATIONS AND AS GENERALLY DEPICTED ON REZONING PLAN (THIS STREET WILL BE CONSTRUCTED TO MEET THE STANDARDS FOR A "LOCAL COMMERCIAL NARROW STREET"). THE FINAL ALIGNMENT AND CONFIGURATION OF THE EXTENSION OF BEN CRAIG DRIVE MAY CHANGE TO ACCOMMODATE CHANGES TO ACCOMMODATE MODIFICATIONS REQUIRED DUE TO FINAL SITE GRADING, AND UTILITY INSTALLATIONS. THE PETITIONER WILL CONSULT WITH THE ADJOINING PROPERTY OWNER ON THE PROPOSED

THE PETITIONER WILL SET ASIDE A MINIMUM OF 50% OF THE ESTIMATED COST TO EXTEND BEN CRAIG DRIVE OVER THE EXISTING CREEK. THE FUNDS FOR THIS CREEK CROSSING WILL BE MADE AVAILABLE TO THE CITY OR TO A THIRD PARTY THAT PROPOSES TO CONSTRUCT THE EXTENSION OF BEN CRAIG DRIVE OVER THE EXISTING CREEK. THE PETITIONER WILL MAKE THE FUNDS AVAILABLE FOR A MINIMUM OF 10 YEARS FROM THE DATE OF THE

d. THE PETITIONER WILL PROVIDE TO CDOT A MINIMUM OF \$40,000 DOLLARS TO FUND A TRAFFIC SIGNAL AT THE INTERSECTION OF MALLARD CREEK ROAD AND BEN CRAIG DRIVE. SHOULD THE TRAFFIC SIGNAL NOT BE COMPLETELY FUNDED WITHIN SEVEN (7) YEARS OF THE APPROVAL OF THE PETITION THEN THE CITY WILL REIMBURSE

THE PETITIONER THE \$40,000 DOLLARS PLUS STATUTORY INTEREST. MINIMUM RIGHT-OF-WAY LINE ESTABLISHED FOR LOCAL COMMERCIAL NARROW STREET ON THE REZONING PLAN. f. THE PETITIONER WILL IMPROVE MALLARD CREEK ROAD AND J. N. PEASE PLACE WITH AN EIGHT (8) FOOT PLANTING STRIP AND A SIX (6) FOOT SIDEWALK AS GENERALLY DEPICTED ON THE REZONING PETITION ALL TRANSPORTATION IMPROVEMENTS. EXCLUDING THE EXTENSION OF BEN CRAIG DRIVE. SHALL BE CONSTRUCTED AND APPROVED PRIOR TO THE RELEASE OF A CERTIFICATE OF OCCUPANCY FOR MORE THAN SIX (6) BUILDINGS. THE EXTENSION OF BEN CRAIG DRIVE SHALL BE APPROVED AND CONSTRUCTED PRIOR TO THE RELEASE OF THE FIRST

CERTIFICATE OF OCCUPANCY FOR THE BUILDINGS LABELED 8 AND 10 ON THE REZONING PLAN. THE PETITIONER MAY POST A BOND FOR ANY IMPROVEMENTS NOT COMPLETED AT THE TIME A CERTIFICATE OF OCCUPANCY IS h. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT IS SUBJECT TO MINOR MODIFICATIONS

REQUIRED TO ACCOMMODATE FINAL SITE DEVELOPMENT AND CONSTRUCTION PLANS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CDOT AND NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS. i. THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT IN ACCORDANCE WITH PUBLISHED STANDARDS.

a. THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON SITE WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, CEMENTITIOUS FIBER BOARD, STUCCO, EIFS, DECORATIVE BLOCK AND/OR WOOD. VINYL OR ALUMINUM AS A BUILDING MATERIAL MAY ONLY BE USED ON WINDOWS, SOFFITS AND ON HANDRAILS/RAILINGS. b. THE FOLLOWING ARCHITECTURAL COMMITMENTS SHALL APPLY TO THE PERMANENT BUILDINGS LOCATED ON THE SITE; AT LEAST 40% OF THE EXTERIOR BUILDING FACADES, EXCLUSIVE OF WINDOWS, DOORS, BALCONIES AND ROOFS, OF THE BUILDINGS ORIENTED TOWARD MALLARD CREEK ROAD, J.N. PEASE PLACE AND BEN CRAIG DRIVE EXTENSION AS GENERALLY DEPICTED ON REZONING PLAN SHALL BE CONSTRUCTED OF BRICK, STONE, PRE-CAST STONE OR

c. METER BANKS WILL BE SCREENED FROM ADJOINING PROPERTIES AND FROM THE ABUTTING PUBLIC STREETS. d. HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AND FROM VIEW OF ADJACENT

e. DUMPSTER AND RECYCLING AREA WILL BE ENCLOSED BY A SOLID WALL OR FENCE WITH ONE SIDE BEING A DECORATIVE GATE. THE WALL OR FENCE USED TO ENCLOSE THE DUMPSTER WILL BE ARCHITECTURALLY COMPATIBLE WITH THE BUILDING MATERIALS AND COLORS USED ON THE PRINCIPAL BUILDINGS. THE LOCATION OF THE PROPOSED DUMPSTER AND RECYCLING AREA IS GENERALLY DEPICTED ON THE REZONING PLAN.

5. STREETSCAPE, BUFFERS, YARDS, OPEN SPACE AND LANDSCAPING:

a. A 27 FOOT SETBACK AS MEASURED FROM THE RIGHT-OF-WAY OF J.N. PEASE PLACE AND BEN CRAIG DRIVE EXTENSION WILL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN. A 30 FOOT SETBACK WILL BE PROVIDED AS MEASURED FROM THE EXISTING RIGHT-OF-WAY OF MALLARD CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THE SETBACK ALONG J.N. PEASE PLACE AND BEN CRAIG DRIVE MAY BE REDUCED TO 15 FEET AS ALLOWED BY THE ORDINANCE (SECTION 19.F). b. ALONG THE SITE'S INTERNAL PARKING AREAS THE PETITIONER WILL PROVIDE A SIDEWALK AND CROSS-WALK NETWORK THAT LINKS TO THE BUILDING ON THE SITE AND TO THE SIDEWALKS ALONG THE ABUTTING PUBLIC STREETS IN THE MANNER DEPICTED ON THE REZONING PLAN. THE MINIMUM WIDTH FOR THIS INTERNAL SIDEWALK WILL BE FIVE (5) FEET. THE PETITIONER WILL CONSTRUCT A MINIMUM OF A SIX (6) FOOT SIDEWALK CONNECTION FROM MALLARD CREEK

6. GENERAL DESIGN GUIDELINES:

a. BUILDINGS SHALL FRONT (THE SIDE OF A BUILDING THAT HAS WINDOWS WILL ALSO BE CONSIDERED A FRONT) A MINIMUM OF 65% OF THE TOTAL STREET FRONTAGE ON THE SITE (EXCLUSIVE OF DRIVEWAYS, PEDESTRIAN ACCESS POINTS, USABLE OPEN SPACE, TREE SAVE AREAS, NATURAL AREAS, AND/OR TREE RE-PLANTING AREAS). b. BUILDING MASSING - BUILDINGS EXCEEDING 120 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FAÇADE PLANE (RECESS, PROJECTION, ARCHITECTURAL TREATMENT, ETC.). MODULATIONS SHALL BE A MINIMUM OF 10 FEET WIDE AND SHALL EXTEND OR RECESS A MINIMUM OF 5 FEET, EXTENDING THROUGH ALL

- FLOORS.
- CHANGE IN MATERIALS.

- STRUCTURE THROUGH THE FOLLOWING STANDARDS:
- BUILDINGS OF THE SUBJECT PROPERTY.

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## 8. ENVIRONMENTAL FEATURES:

9. LIGHTING:

a. ALL NEW LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, PARKING AREAS AND COURTYARDS. DETACHED LIGHTING ON THE SITE WILL BE LIMITED TO 26 FEET IN HEIGHT.

10. MECKLENBURG COUNTY PARK AND RECREATION GREENWAY:

a. THE PETITIONER WILL WORK WITH MECKLENBURG COUNTY PARK AND RECREATION ON A PROPOSED LOCATION FOR A PEDESTRIAN ACCESS PATH TO THE MALLARD CREEK GREENWAY. THE PETITIONER WILL BUILD A MINIMUM OF A 10 FOOT WIDE ACCESS PATH FROM J. N. PEASE DRIVE THROUGH THE SITE TO THE EXISTING GREENWAY TRAIL. THE PETITIONER WILL ALSO CONSTRUCT A BRIDGE OVER MALLARD CREEK TO ALLOW A CONNECTION FROM THE SITE TO THE EXISTING GREENWAY TRAIL. THE EXISTING GREENWAY ACCESS EASEMENT WILL BE RELOCATED TO COINCIDE WITH THE LOCATION OF THE NEW ACCESS PATH. THE MINIMUM WIDTH OF THE ACCESS EASEMENT WILL BE 30 FEET. THE PETITIONER WILL ALSO WORK MECKLENBURG COUNTY PART AND RECREATION ON THE POSSIBLE DEDICATION OF THE 100 FOOT SWIM BUFFER ASSOCIATED WITH MALLARD CREEK LOCATED ON THE SITE, THIS AREA IS GENERALLY DEPICTED ON THE REZONING PLAN.

11. CATS RELOCATED PASSENGER WAITING PAD:

a. THE PETITIONER WILL CONSTRUCT A NEW WAITING PAD FOR A RELOCATED BUS STOP ON MALLARD CREEK ROAD ALONG THE SITE'S FRONTAGE. THE WAITING PAD STANDARD TO BE UTILIZED IS 60.01B. IF THE WAITING PAD DIMENSIONS EXCEED THE EXISTING OR PROPOSED RIGHT-OF-WAY LIMITS THE PETITIONER WILL PROVIDE A PERMANENT EASEMENT FOR ANY PROPOSED ENCROACHMENTS. LOCATION OF THE WAITING PAD TO BE DETERMINED DURING THE BUILDING PERMIT PROCESS FOR THE SITE. 

# 12. AMENDMENTS TO THE REZONING PLAN:

a. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE.

13. BINDING EFFECT OF THE REZONING APPLICATION

a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.

ROAD THROUGH THE SITE TO J. N. PEASE DRIVE AS GENERALLY DEPICTED ON THE REZONING PLAN.

c. VERTICAL MODULATION AND RHYTHM - BUILDING ELEVATIONS SHALL BE DESIGNED WITH RECOGNIZABLE VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FACADE FEATURES. THE BAYS AND FEATURES MAY INCLUDE, BUT NOT LIMITED TO A COMBINATION OF EXTERIOR WALL OFFSETS, PROJECTIONS, AND/OR RECESSES, PILASTERS, AND

d. BUILDING BASE - BUILDINGS SHALL BE DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE. A MINIMUM OF THREE ELEVATIONS OF EACH BUILDING WILL BE ARTICULATED WITH A WATER TABLE OF PREFERRED EXTERIOR BUILDING MATERIALS LISTED ABOVE OF A MINIMUM OF THREE (3) FEET IN HEIGHT. (PREFERRED BUILDING MATERIALS WILL BE DEFINED AS BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, STUCCO, AND DECORATIVE BLOCK). BUILDING ELEVATIONS FACING STREETS SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN 20 FEET. 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. ROOF FORM AND ROOFLINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF

(i). LONG ROOFLINES (PITCHED OR FLAT) SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM (E.G. DORMERS, GABLES, ETC.). (ii). FOR PITCHED ROOFS THE ALLOWED MINIMUM PITCH SHALL BE 4:12 (FOUR FEET IN VERTICAL HEIGHT FOR EVERY TWELVE FEET IN HORIZONTAL LENGTH), EXCLUDING BUILDINGS WITH A FLAT ROOF AND PARAPET WALLS. h. UTILITY STRUCTURES NEED TO BE SCREENED ARCHITECTURALLY OR WITH EVERGREEN PLANT MATERIAL. i. WALLS SHALL BE DESIGNED TO MATCH AND COMPLEMENT THE BUILDING ARCHITECTURE OF THE RESIDENTIAL

7. OPEN SPACE: AS WILL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN. THE ENITY AREAS WILL BE IMPROVED WITH LANDSCAPING, SEATING AREAS, HARDSCAPE CTURES AS APPLICABLE AND APPROPRIATE TO THE PROPOSED AMENITY AREA. THE OPEN SPACE WILL BE CONSTRUCTED AS GENERALLY ILLUSTRATED ON THE REZONING

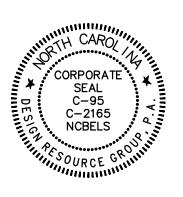
a. THE LOCATION. SIZE AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER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

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LANDSCAPE ARCHITECTURE CIVIL ENGINEERING TRANSPORTATION PLANNING

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**REZONING PETITION** FOR PUBLIC HEARING: 2017-114

REZONI	NG PLANS					
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CONDITIONA NOTES						

PROJECT #:	365-027
DRAWN BY:	SVK
CHECKED BY:	THH
IUNE 23 2017	

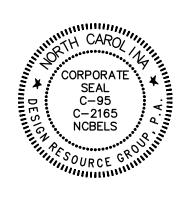
JUNE 23, 2017

REVISIONS:

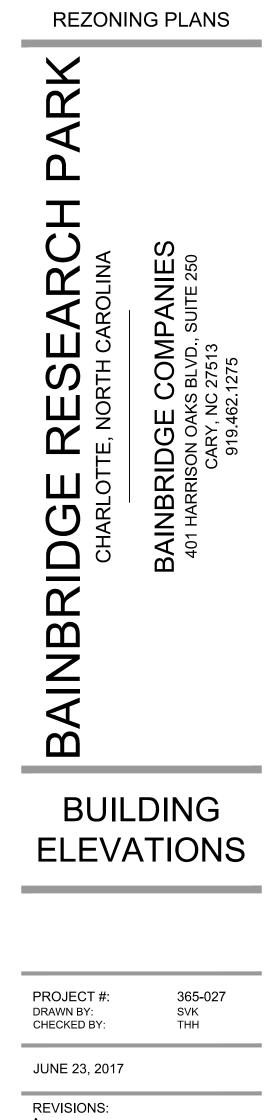
1.09/11/17 - PER STAFF COMMENTS







**REZONING PETITION** FOR PUBLIC HEARING: 2017-114



1.09/11/17 - PER STAFF COMMENTS



<u>Garden Building - Side Elevation</u>



"These elevations are provided to reflect the architectural style and quality of the buildings to be constructed on the Site. The actual buildings constructed on the Site may have minor varia-tions from this elevation that adhere to the general architectural concepts, height restrictions and intent illustrated."



Garden Building - Side Elevation



Garden Building - Front Elevation

"These elevations are provided to reflect the architectural style and quality of the buildings to be constructed on the Site. The actual buildings constructed on the Site may have minor varia-tions from this elevation that adhere to the general architectural concepts, height restrictions and intent illustrated."







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