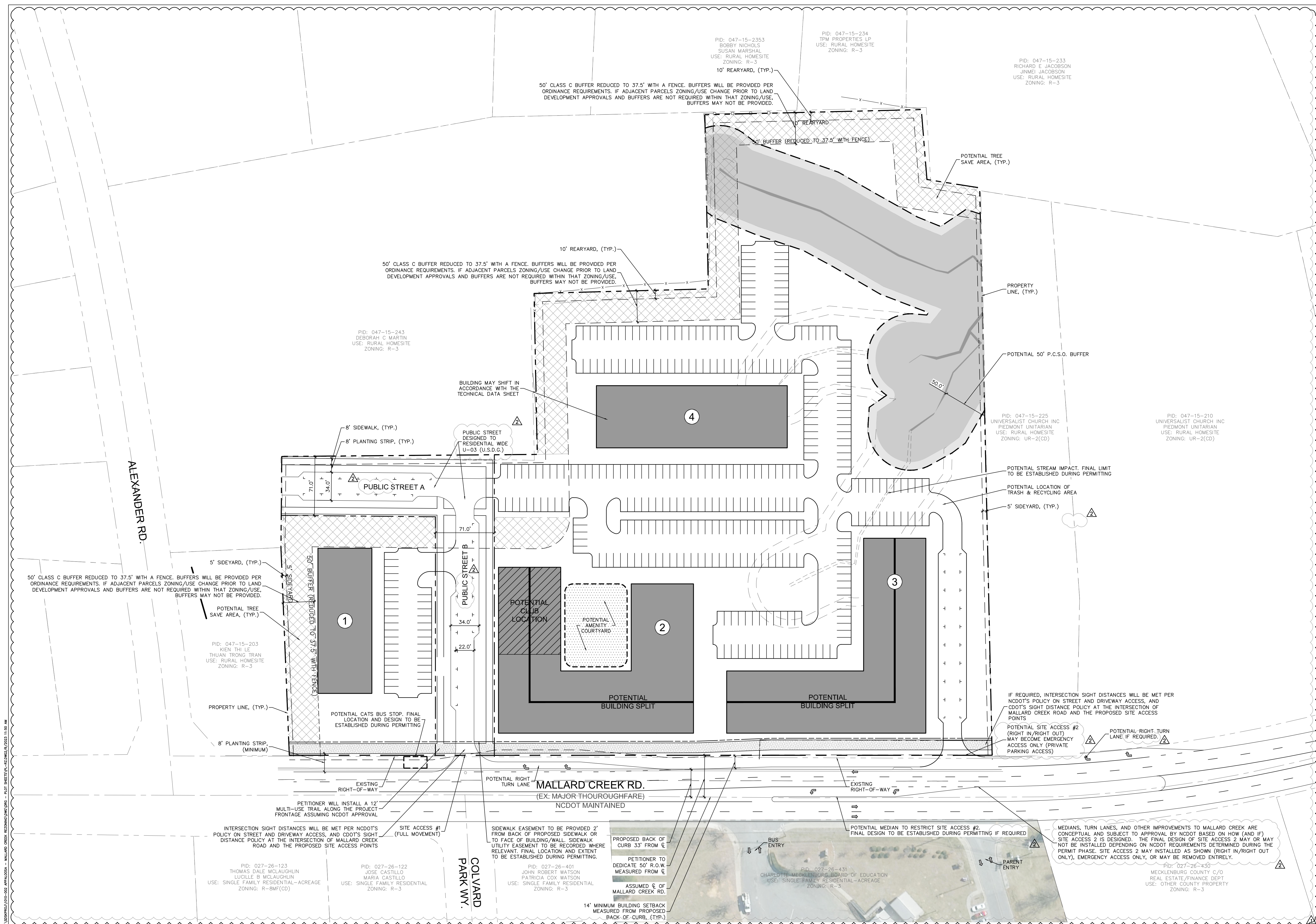




SITE DEVELOPMENT DATA:
--ACREAGE: ± 11.65
--TAX PARCEL #: 047-152-04, 047-152-05, 047-152-06, 047-152-08
--EXISTING ZONING: R-3
--PROPOSED ZONING: UR-2(CD)
--EXISTING USES: RESIDENTIAL
--PROPOSED USES: UP TO 283 MULTI-FAMILY RESIDENTIAL DWELLING UNITS AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE UR-2 ZONING DISTRICT TOGETHER WITH ACCESSORY USES AS MORE SPECIFICALLY RESTRICTED BELOW IN SECTION 2.
--MAXIMUM BUILDING HEIGHT: THE MAXIMUM ALLOWED BUILDING HEIGHT WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE.
--PARKING: WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE.
--MAXIMUM FLOOR AREA RATIO: WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE.

- 1. GENERAL PROVISIONS:**
A. SITE LOCATION: THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON ATTACHED SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY APPALOOSA REAL ESTATE PARTNERS TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON AN APPROXIMATELY ±11.65-ACRE SITE LOCATED ON EAST SIDE OF MALLARD CREEK ROAD, SOUTH OF ALEXANDER ROAD (THE "SITE").
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. (I) THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 ZONING CLASSIFICATION FOR THE PORTION OF THE SITE SO DESIGNATED ON THE REZONING PLAN SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.
C. GRAPHICS AND ALTERATIONS: THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREET AREAS 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 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 GENERALLY 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:**
A. THE SITE MAY BE DEVELOPED WITH UP TO TWO HUNDRED EIGHTY-THREE (283) MULTI-FAMILY RESIDENTIAL DWELLING UNITS AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE UR-2 ZONING DISTRICT TOGETHER WITH ACCESSORY USES.

- 3. ACCESS AND TRANSPORTATION IMPROVEMENTS:**
A. ACCESS TO THE SITE WILL BE FROM MALLARD CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

- B. THE PETITIONER WILL PROVIDE AN EIGHT (8) FOOT PLANTING STRIP AND A MANDATORY TWELVE (12) FOOT MULTI-USE PATH (MUP) ALONG THE SITE'S FRONTAGE ALONG MALLARD CREEK ROAD PER CHAPTER 19.

- C. ALL TRANSPORTATION IMPROVEMENTS SHALL BE CONSTRUCTED AND APPROVED PRIOR TO THE RELEASE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE. THE PETITIONER MAY PHASE TRANSPORTATION IMPROVEMENTS IF SAID IMPROVEMENTS AND PHASING ARE EXPLICITLY DESCRIBED IN SITE PLAN NOTES OR AGREED TO DURING THE LAND DEVELOPMENT APPROVAL PROCESS FOR THE SITE. THE PETITIONER MAY REQUEST THAT CDOT ALLOW A BOND TO BE POST FOR ANY IMPROVEMENTS NOT COMPLETED AT THE TIME THE FIRST CERTIFICATE OF OCCUPANCY IS REQUESTED AND RELEASED.

- D. 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.

- E. 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 APPLICABLE PUBLISHED STANDARDS.

- F. THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED. THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS LOCATED ALONG THE PUBLIC STREETS LOCATED OUTSIDE OF THE RIGHT-OF-WAY. THE PERMANENT SIDEWALK EASEMENT WILL BE LOCATED A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK WHERE FEASIBLE.

- G. ALL PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AND NCDOT, AS APPLICABLE, TO THE ROADWAY IMPROVEMENTS WITHIN THEIR RESPECTIVE ROAD SYSTEM AUTHORITY. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE BROAD EASTERN MECKLENBURG AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

- H. PETITIONER SHALL PROVIDE AN ADA COMPLIANT BUS STOP TO MEET CATS DEVELOPMENT STANDARD 60.01(A) WITH AN EIGHT (8) FOOT PLANTING STRIP.

- I. THE PETITIONER SHALL DEDICATE FIFTY (50) FEET OF RIGHT-OF-WAY FROM THE CENTERLINE OF MALLARD CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

- J. ACCESS TO THE SOUTHERN PORTION OF THE SITE SHALL BE RIGHT IN OR RIGHT IN/RIGHT OUT ONLY AND ACCESS TO THE NORTHERN PORTION OF THE SITE AT COLVARD PARK WAY WILL BE CONSTRUCTED AS FULL MOVEMENT.

- K. THE FINAL DESIGN AND LOCATION OF SOUTHERN DRIVEWAY ACCESS WILL REQUIRE ADDITIONAL COORDINATION DURING THE PERMITTING PROCESS AND MAY REQUIRE INFRASTRUCTURE CHANGES, SUCH AS RE-STRIPING AND/OR CONCRETE MEDIANS.

- L. THE PETITIONER RESERVES THE RIGHT TO MAKE ADDITIONAL ADJUSTMENTS THAT MAY BE NECESSARY TO ACCOMMODATE CHANGES THROUGHOUT THE CONSTRUCTION PROCESS AS APPROVED BY NCDOT/CDOT.

- M. THE PETITIONER SHALL CONTRIBUTE \$50,000 TO THE CITY FOR TRANSPORTATION AND MULTI-MODAL IMPROVEMENTS AT THE INTERSECTION OF MALLARD CREEK CHURCH ROAD AND DAVID TAYLOR DRIVE OR OTHER TRANSPORTATION IMPROVEMENTS IN THE MALLARD CREEK ROAD AREA.

4. STREETSCAPE, BUFFERS, YARDS, AND LANDSCAPING:

- A. A FOURTEEN (14) FOOT BUILDING AND PARKING SETBACK WILL BE PROVIDED AS MEASURED FROM THE BACK OF EXISTING OR PROPOSED CURB, WHICHEVER IS GREATER OF MALLARD CREEK ROAD, AS GENERALLY DEPICTED ON THE REZONING PLAN.

- B. SIDE AND REAR YARDS WILL BE PROVIDED AS REQUIRED BY ORDINANCE. IT IS UNDERSTOOD HEIGHT MAY BE INCREASED WITH INCREASED YARDS AS PERMITTED BY ORDINANCE.

- C. TRASH COLLECTION FROM THE SITE WILL BE FROM DUMPSTERS OR A TRASH COMPACTOR.

- D. THE PETITIONER SHALL CONSTRUCT INTERNAL PUBLIC ROADWAYS TO CLDSM U-03 STANDARDS.

- E. AN EIGHT (8) FOOT PLANTING STRIP AND AN EIGHT (8) FOOT SIDEWALK WILL BE PROVIDED ALONG THE INTERNAL PUBLIC STREETS AS GENERALLY DEPICTED ON THE REZONING PLAN.

- F. A FIFTY (50) FOOT CLASS C BUFFER, REDUCED TO THIRTY-SEVEN AND A HALF (37.5) WITH A FENCE, WILL BE PROVIDED AS GENERALLY DEPICTED ON THE REZONING PLAN. BUFFERS WILL BE PROVIDED PER ORDINANCE REQUIREMENTS. IF ADJACENT PARCELS ZONING AND/OR USE CHANGE PRIOR TO LAND DEVELOPMENT APPROVALS AND BUFFERS ARE NOT REQUIRED WITH THAT ZONING AND/OR USE, BUFFERS MAY NOT BE PROVIDED.

5. GENERAL DESIGN GUIDELINES:

- 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 STANDARDS SHALL APPLY TO THE MULTI-FAMILY BUILDINGS TO BE CONSTRUCTED ON THE SITE:
(i) BUILDINGS SHALL FRONT (THE SIDE OF A BUILDING THAT HAS WINDOWS WILL ALSO BE CONSIDERED A FRONT) A MINIMUM OF 50% OF THE TOTAL EXISTING STREET FRONTAGE (MEASURED ALONG EACH SIDE OF EACH STREET AT THE SETBACK LINE) ALONG MALLARD CREEK ROAD (EXCLUSIVE OF DRIVEWAYS, PEDESTRIAN ACCESS POINTS, USABLE OPEN SPACE, TREE SAVE AREAS, NATURAL AREAS, BMP AREAS, AND/OR TREE RE-PLANTING AREAS).

- (ii) ALL RESIDENTIAL GROUND FLOOR UNITS WILL HAVE ENTRANCES FACING AND CONNECTING TO THE ABUTTING STREET, AND WHEN WITHIN FIFTEEN (15) FEET OF THE SIDEWALK LOCATED ALONG THE MALLARD CREEK ROAD SHALL BE RAISED A MINIMUM OF 12'-24". IF INDIVIDUAL ENTRANCES AND CONNECTIONS TO THE ABUTTING STREET ARE NOT FEASIBLE AT LEAST ONE COMMON ENTRANCE WILL BE PROVIDED WITH A CONNECTION TO THE ADJOINING PUBLIC STREET. INDIVIDUAL OR COMMON ENTRANCES AND CONNECTIONS WILL NOT BE REQUIRED IF THE BUILDING IS THREE (3) OR MORE FEET ABOVE OR BELOW THE GRADE OF THE ADJOINING PUBLIC STREET.

- (iii) BUILDING MASSING - BUILDINGS EXCEEDING 120 FEET IN LENGTH ALONG MALLARD CREEK ROAD SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FACADE 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.

- (iv) VERTICAL MODULATION AND RHYTHM - BUILDING ELEVATIONS ALONG MALLARD CREEK 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 CHANGE IN MATERIALS.

- (v) BUILDING BASE - BUILDINGS ALONG MALLARD CREEK ROAD SHALL BE DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE. A MINIMUM OF THREE ELEVATIONS OF THE PROPOSED BUILDING WILL BE ARTICULATED WITH A WATER TABLE A MINIMUM OF THREE (3) FEET IN HEIGHT.

- (vi) BUILDING ELEVATIONS FACING EXISTING PUBLIC STREETS STREET SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN TWENTY (20) FEET.

- (vii) 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 ALONG MALLARD CREEK ROAD.

- (viii) ROOF FORM AND ROOFLINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE THROUGH THE UTILIZATION OF VARIATION INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM (E.G. DORMERS, GABLES, ETC.). WHEN APPLICABLE, THE ALLOWED MINIMUM PITCH FOR PITCHED ROOFS 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.

- C. GROUND MOUNTED UTILITY STRUCTURES, SUCH AS HVAC UNITS, SHALL BE SCREENED FROM PUBLIC VIEW AND FROM VIEW OF ADJACENT PROPERTIES AT GRADE ARCHITECTURALLY OR WITH EVERGREEN PLANT MATERIAL.

- D. 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.

- E. METER BANKS WILL BE SCREENED FROM ADJOINING PROPERTIES AND FROM THE ABUTTING PUBLIC STREETS.

6. OPEN SPACE AND AMENITY AREA IMPROVEMENTS:

- A. OPEN SPACE AND AN AMENITY AREA(S) WILL BE PROVIDED ON THE SITE. THE PETITIONER SHALL PROVIDE A MINIMUM OF 5,000 SQUARE FEET OF IMPROVED OPEN SPACE AT A LOCATION CENTRAL TO THE DEVELOPMENT AND CONVENIENT TO THE FUTURE RESIDENTS OF THE COMMUNITY. THE PROPOSED OPEN SPACE AREAS WILL BE IMPROVED WITH AT LEAST THREE OF THE FOLLOWING ELEMENTS: POOL AREA, WALKING PATHS, LANDSCAPING, SEATING AREAS, AND STRUCTURES APPROPRIATE TO THE PROPOSED OPEN SPACE AREA.

7. ENVIRONMENTAL FEATURES:

- 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 TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

- B. THE SITE WILL COMPLY WITH THE TREE ORDINANCE. A SURVEY OF TREES IN THE EXISTING STREET RIGHT-OF-WAY WILL BE PROVIDED AT THE LAND DEVELOPMENT APPROVAL PROCESS FOR THE SITE.

- C. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

8. 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.

9. SIGNS:

- A. RESERVED.

10. 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.

11. 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.

