

REZONING PETITION

FOR PUBLIC HEARING

2023-029

REZONING DOCUMENT

MILLS NORTHLAKE
CHARLOTTE, NORTH CAROLINA

MAGLC, LLC
803.396.1000

**SCHEMATIC
SITE PLAN**

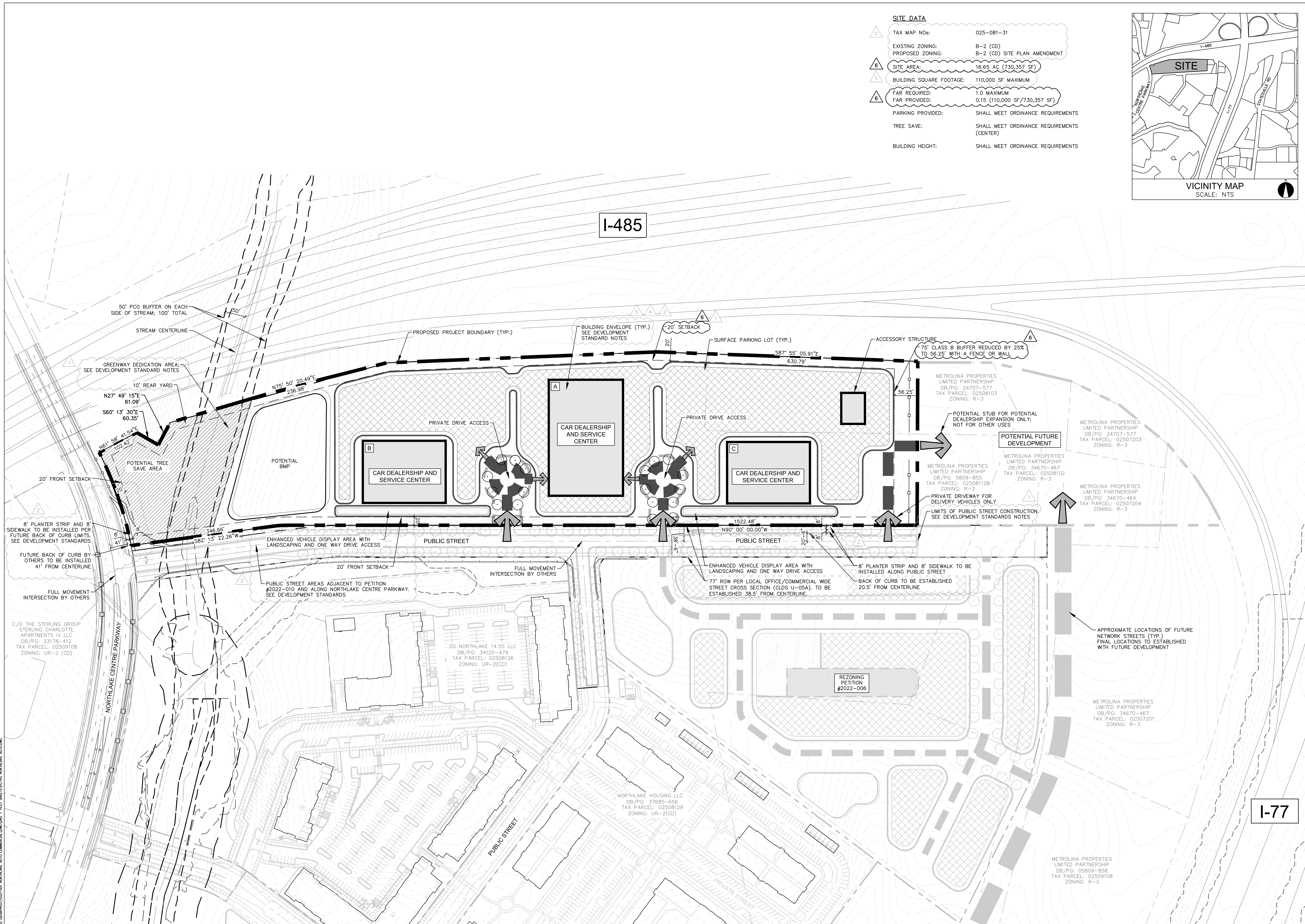
SCALE: 1" = 100'

PROJECT #: 1022-001
DRAWN BY: JG
CHECKED BY: NB

JANUARY 24, 2022

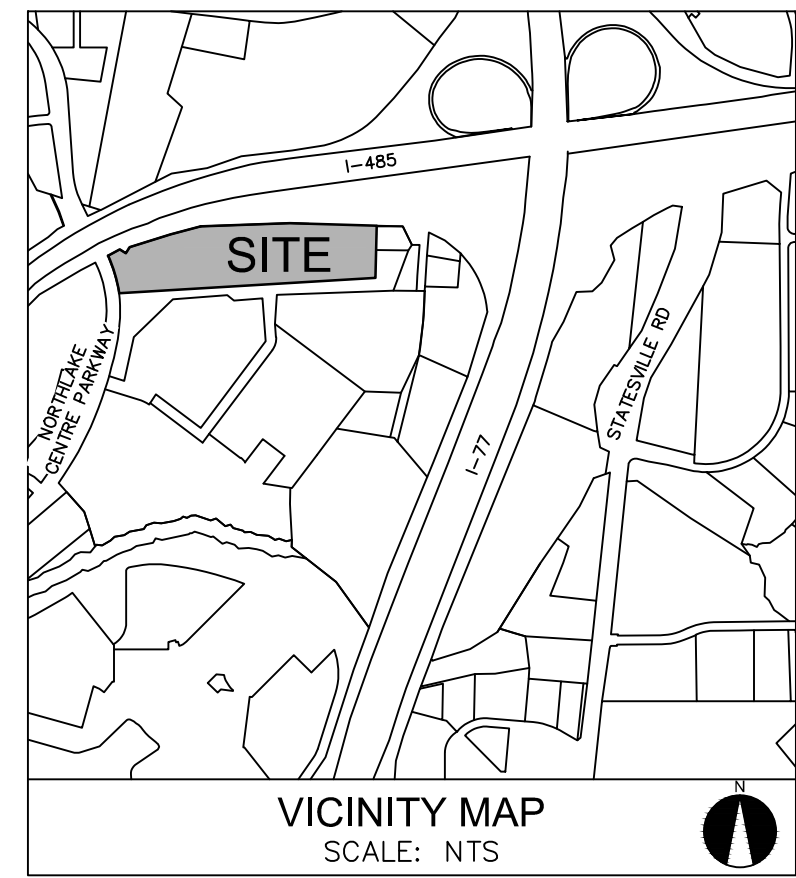
REVISIONS:
1. 7/11/22 - PER REVIEW COMMENTS
2. 8/18/22 - PER REVIEW COMMENTS
3. 9/1/22 - PER REVIEW COMMENTS
4. 10/10/22 - PER SITE UPDATE
5. 1/31/23 - PER SPA
6. 7/17/23 - PER SPA REVIEW COMMENTS

RZ1.0



SITE DATA

TAX MAP NOS:	025-081-31
EXISTING ZONING:	B-2 (CD)
PROPOSED ZONING:	B-2 (CD) SITE PLAN AMENDMENT
SITE AREA:	16.65 AC (730,357 SF)
BUILDING SQUARE FOOTAGE:	110,000 SF MAXIMUM
FAR REQUIRED:	1.0 MAXIMUM
FAR PROVIDED:	0.15 (110,000 SF/730,357 SF)
PARKING PROVIDED:	SHALL MEET ORDINANCE REQUIREMENTS
TREE SAVE:	SHALL MEET ORDINANCE REQUIREMENTS (CENTER)
BUILDING HEIGHT:	SHALL MEET ORDINANCE REQUIREMENTS



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SITE DEVELOPMENT DATA

- ACREAGE: ± 16.65
- TAX PARCEL NOS: 025-081-31
- EXISTING ZONING: B-2 (CD)
- PROPOSED ZONING: B-2 (CD) SITE PLAN AMENDMENT
- EXISTING USE: VACANT
- PROPOSED USE: 110,000 MAXIMUM AUTOMOBILE SALES, REPAIRS, AND RENTALS

1. GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY MAGLC, LLC (THE "PETITIONER") FOR AN APPROXIMATELY 16.65 ACRE SITE LOCATED ON THE EAST SIDE OF NORTHLAKE CENTRE PARKWAY ADJACENT TO INTERSTATE 485, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NO. 025-081-31.
- B. THE SITE IS ZONED B-2 (CD), HAVING BEEN REZONED TO THAT ZONING CLASSIFICATION BY THE CHARLOTTE CITY COUNCIL ON OCTOBER 17, 2022 PURSUANT TO REZONING PETITION NO. 2022-010.
- C. PURSUANT TO THIS REZONING PETITION, THE PETITIONER IS REQUESTING A SITE PLAN AMENDMENT TO THE APPROVED CONDITIONAL REZONING PLAN RELATING TO REZONING PETITION NO. 2022-010 TO INCREASE THE ALLOWED MAXIMUM GROSS FLOOR AREA ON THE SITE FROM 78,000 SQUARE FEET TO 110,000 SQUARE FEET AND TO MAKE MODIFICATIONS TO THE SITE LAYOUT THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN.
- D. 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").
- E. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE B-2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- F. 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 TO BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF PRINCIPAL BUILDINGS 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 SETBACK, YARD AND BUFFER 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. ALTERATIONS AND MODIFICATIONS SHALL BE IN ACCORDANCE WITH SECTION 6.207 OF THE ORDINANCE.
- G. THE DEVELOPMENT AND BUILDINGS DEPICTED ON THE REZONING PLAN MAY BE DEVELOPED IN ONE OR MORE PHASES.
- H. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE 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/DEVELOPMENT LIMITATIONS

- A. SUBJECT TO THE LIMITATIONS SET OUT HEREIN, THE SITE MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE B-2 ZONING DISTRICT.

- (1) AUTOMOTIVE SALES AND REPAIR.
- (2) AUTOMOBILE RENTAL.
- B. NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, THE SALE AND REPAIR OF TRACTOR-TRUCKS SHALL NOT BE PERMITTED ON THE SITE.
- C. THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED FOUR. ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF PRINCIPAL 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. ACCESSORY BUILDINGS AND STRUCTURES MAY INCLUDE, WITHOUT LIMITATION, A CAR WASH.
- D. A TOTAL MAXIMUM OF 110,000 SQUARE FEET OF GROSS FLOOR AREA MAY BE DEVELOPED ON THE SITE.
- E. THERE ARE THREE BUILDING ENVELOPES (DESIGNATED AS BUILDING ENVELOPES A, B AND C) AND AN ACCESSORY STRUCTURE ENVELOPE DEPICTED ON THE REZONING PLAN. EACH PRINCIPAL BUILDING CONSTRUCTED ON THE SITE SHALL BE LOCATED IN ONE OF THE THREE BUILDING ENVELOPES DEPICTED ON THE REZONING PLAN. AN ACCESSORY BUILDING OR STRUCTURE IS NOT REQUIRED TO BE LOCATED IN ONE OF THE THREE BUILDING ENVELOPES DEPICTED ON THE REZONING PLAN.
- F. THE GROSS FLOOR AREA OF EACH BUILDING CONSTRUCTED ON THE SITE SHALL BE DETERMINED BY PETITIONER, PROVIDED, HOWEVER, THAT THE TOTAL GROSS FLOOR AREA OF ALL BUILDINGS CONSTRUCTED ON THE SITE DOES NOT EXCEED 110,000 SQUARE FEET. PETITIONER SHALL NOT BE REQUIRED TO CONSTRUCT A BUILDING IN EACH BUILDING ENVELOPE.
- G. PARKING, VEHICULAR CIRCULATION AND VEHICULAR MANEUVERING SPACE MAY NOT BE LOCATED BETWEEN THE PUBLIC STREET LOCATED ALONG THE SOUTHERN BOUNDARY OF THE SITE AND BUILDING ENVELOPE B AND BUILDING ENVELOPE C. NOTWITHSTANDING THE FOREGOING, AS DEPICTED ON THE REZONING PLAN, AN ENHANCED VEHICLE DISPLAY AREA WITH LANDSCAPING AND ONE-WAY DRIVE ACCESS MAY BE LOCATED BETWEEN THE PUBLIC STREET LOCATED ALONG THE SOUTHERN BOUNDARY OF THE SITE AND BUILDING ENVELOPE B AND BUILDING ENVELOPE C.

3. 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 ALIGNMENTS OF THE INTERNAL DRIVEWAYS AND THE 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.
- C. A TECHNICAL TRAFFIC MEMORANDUM ("TM") IS REQUIRED TO BE COMPLETED BY PETITIONER AND APPROVED BY CDOT PRIOR TO THE PERMITTING OF THE PROPOSED FULL ACCESS STREET CONNECTION TO NORTHLAKE CENTRE PARKWAY. A CONCEPTUAL DRAWING WILL ALSO BE REQUIRED TO BE COMPLETED BY PETITIONER SHOWING THE FEASIBILITY OF THE NECESSARY TURN LANE IMPROVEMENTS FOR THE FULL ACCESS STREET CONNECTION TO NORTHLAKE CENTRE PARKWAY. IF THE FULL ACCESS STREET CONNECTION TO NORTHLAKE CENTRE PARKWAY IS APPROVED, PETITIONER WILL BE REQUIRED TO PERMIT AND INSTALL ALL ROADWAY IMPROVEMENTS RECOMMENDED IN THE CDOT APPROVED TM PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE. THE ACCESS LOCATION ON NORTHLAKE CENTRE PARKWAY WILL BE RESTRICTED TO RIGHT-IN, RIGHT-OUT MOVEMENTS IF THE REQUIRED IMPROVEMENTS FOR A FULL ACCESS CANNOT BE INSTALLED.
- D. THE EXISTING CURB AND GUTTER ON NORTHLAKE CENTRE PARKWAY WILL NOT BE REQUIRED TO BE RELOCATED IN CONNECTION WITH THE DEVELOPMENT OF THE SITE.
- E. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE, THE PUBLIC STREET LOCATED ALONG THE SOUTHERN BOUNDARY OF THE SITE SHALL BE CONSTRUCTED AND COMPLETED FROM NORTHLAKE CENTRE PARKWAY TO THE EASTERN BOUNDARY OF THE SITE. THIS PUBLIC STREET MAY BE PERMITTED AND CONSTRUCTED BY PETITIONER OR BY OTHERS.
- F. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE, THAT PORTION OF THE PUBLIC STREET THAT RUNS IN A NORTH - SOUTH DIRECTION AND INTERSECTS WITH THE PUBLIC STREET LOCATED ALONG THE SOUTHERN BOUNDARY OF THE SITE THAT IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN SHALL BE CONSTRUCTED AND COMPLETED. THE RELEVANT PORTION OF THIS PUBLIC STREET MAY BE PERMITTED AND CONSTRUCTED BY PETITIONER OR BY OTHERS.
- G. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 8 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SITE'S FRONTAGE ON NORTHLAKE CENTRE PARKWAY. NOTWITHSTANDING THE FOREGOING, PETITIONER MAY SEEK THE APPROVAL OF A MINOR AMENDMENT FROM CDOT TO REDUCE THE WIDTH OF THE PLANTING STRIP AND THE WIDTH OF THE SIDEWALK DUE TO THE BRIDGE OVER I-485. THE SIDEWALK, OR PORTIONS THEREOF, MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT.
- H. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 8 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SITE'S FRONTAGE ON THE NEW PUBLIC STREET LOCATED ALONG THE SOUTHERN BOUNDARY OF THE SITE.
- I. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE OR TO NCDOT AS APPLICABLE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE LOCATED IMMEDIATELY ADJACENT TO THE NEW PUBLIC STREET LOCATED ALONG THE SOUTHERN BOUNDARY OF THE SITE AS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 38.5 FEET FROM THE CENTERLINE OF SUCH NEW PUBLIC STREET, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST.
- J. PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED, AND THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE. 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.
- K. PETITIONER SHALL INSTALL STREET LIGHTS ALONG THE SITE'S ENTIRE FRONTAGE ALONG THE NEW PUBLIC STREET LOCATED ON THE SOUTHERN BOUNDARY OF THE SITE (INCLUDING TO THE EASTERN TERMINUS OF THE SITE). THE FINAL LOCATIONS AND THE NUMBER OF STREET LIGHT FIXTURES INSTALLED SHALL MEET THE LIGHTING STANDARDS OF CDOT AND DUKE ENERGY.
- L. ALL TRANSPORTATION IMPROVEMENTS SET OUT IN THIS SECTION 3 OF THE DEVELOPMENT STANDARDS SHALL BE CONSTRUCTED AND APPROVED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE.
- M. THE RIGHT OF WAY FOR THE PUBLIC STREET LOCATED ALONG THE SOUTHERN BOUNDARY OF THE SITE WAS ANNEXED INTO THE CITY OF CHARLOTTE ON JUNE 26, 2023 BY THE CHARLOTTE CITY COUNCIL.

4. ARCHITECTURAL STANDARDS

- A. THE MAXIMUM HEIGHT OF ANY BUILDING CONSTRUCTED ON THE SITE SHALL BE GOVERNED BY THE TERMS OF THE ORDINANCE.
- B. THE FOLLOWING ARCHITECTURAL DESIGN STANDARDS SHALL APPLY TO THE PRINCIPAL BUILDINGS CONSTRUCTED IN BUILDING ENVELOPE A, BUILDING ENVELOPE B AND BUILDING ENVELOPE C. THESE ARCHITECTURAL STANDARDS SHALL NOT APPLY TO ANY ACCESSORY BUILDING.

(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 ADJACENT STREETS (EXCLUDING INTERSTATE 485).
- (b) FACADES FRONTING ADJACENT STREETS (EXCLUDING I-485) SHALL INCLUDE A COMBINATION OF WINDOWS AND OPERABLE DOORS FOR A MINIMUM OF 30% OF EACH FRONTAGE ELEVATION WITH TRANSPARENT GLASS BETWEEN 2' AND 10' ON THE FIRST FLOOR. 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 FRONTING ADJACENT STREETS (EXCLUDING I-485) SHALL INCORPORATE A MINIMUM OF 20% OF ONE OR MORE OF THE FOLLOWING MATERIALS: BRICK, STONE, MANUFACTURED STONE, EIFS AND/OR ARCHITECTURAL BLOCK, GLASS AND METAL PANELING.
- (d) DIRECT PEDESTRIAN CONNECTIONS SHOULD BE PROVIDED BETWEEN STREET FACING DOORS, CORNER ENTRANCE FEATURES TO SIDEWALKS ON ADJACENT STREETS (EXCLUDING I-485).
- (e) BUILDING ELEVATIONS SHALL NOT HAVE EXPANSES OF BLANK WALLS GREATER THAN 30 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. NOTWITHSTANDING THE FOREGOING, ARCHITECTURAL MATERIALS SUCH AS GLASS AND DECORATIVE METAL PANELING CAN EXCEED 30 FEET IN ALL DIRECTIONS.
- (f) BUILDING ELEVATIONS SHALL BE DESIGNED WITH ARTICULATED ARCHITECTURAL FEATURES WHICH SHALL INCLUDE A COMBINATION OF AT LEAST TWO OF THE FOLLOWING: COLUMNS, PILASTERS, CHANGE IN MATERIALS OR COLORS, AWNINGS, ARCADES, OR OTHER ARCHITECTURAL ELEMENTS.
- (g) BUILDINGS SHALL BE A MINIMUM HEIGHT OF 22 FEET.
- (h) MULTI-STORY BUILDINGS SHALL HAVE A MINIMUM OF 20% TRANSPARENCY OR METAL PANELING ON ALL UPPER STORIES.

5. STREETScape/BUFFERS

- A. PETITIONER SHALL INSTALL A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 8 FOOT WIDE SIDEWALK ALONG THE SITE'S FRONTAGE ON THE NEW PUBLIC STREET LOCATED ALONG THE SITE'S SOUTHERN BOUNDARY LINE.
- B. BUFFERS SHALL BE ESTABLISHED ON THE SITE AS REQUIRED BY THE ORDINANCE AND AS DEPICTED ON THE REZONING PLAN, AND SUCH BUFFERS SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. PURSUANT TO THE ORDINANCE, PETITIONER MAY REDUCE THE REQUIRED WIDTH OF ANY BUFFER BY 25% BY INSTALLING A FENCE OR WALL THAT MEETS THE STANDARDS OF SECTION 12.302(B) OF THE ORDINANCE.
- C. 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 ACCORDINGLY.

6. ENVIRONMENTAL FEATURES

- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE.
- B. THE GREENWAY AREA (DEFINED AND DESCRIBED BELOW IN PARAGRAPH 7.A) SHALL COUNT TOWARDS THE SITE'S MINIMUM TREE SAVE REQUIREMENTS.
- C. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST-CONSTRUCTION STORMWATER ORDINANCE.
- D. THE LOCATION, SIZE AND TYPE OF ANY STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL WITH 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.
- E. DEVELOPMENT WITHIN THE SWM/PCSO BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE.

7. GREENWAY

- A. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE, PETITIONER SHALL CONVEY TO MECKLENBURG COUNTY FOR FUTURE GREENWAY PURPOSES A PERPETUAL GREENWAY AND STORM WATER EASEMENT OVER THAT PORTION OF THE 100 FOOT TOTAL SWM BUFFER OF DIXON BRANCH LOCATED ON THE SITE THAT IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "GREENWAY AREA"). PRIOR TO THE CONVEYANCE OF THE PERPETUAL GREENWAY AND STORM WATER EASEMENT TO MECKLENBURG COUNTY, PETITIONER SHALL HAVE THE RIGHT TO INSTALL AND LOCATE PUBLIC STREETS AND UTILITY LINES THROUGH SUCH GREENWAY AREA AND TO RESERVE SUCH EASEMENTS OVER SUCH GREENWAY AREA THAT ARE NECESSARY TO MAINTAIN, REPAIR AND REPLACE SUCH PUBLIC STREETS AND UTILITY LINES, AND TO RESERVE SUCH OTHER EASEMENTS AS MAY BE REASONABLY NECESSARY IN CONNECTION WITH THE DEVELOPMENT OF THE SITE AS LONG AS THESE EASEMENTS AND UTILITY LINES DO NOT INTERFERE WITH THE CONSTRUCTION AND MAINTENANCE OF THE GREENWAY.

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.

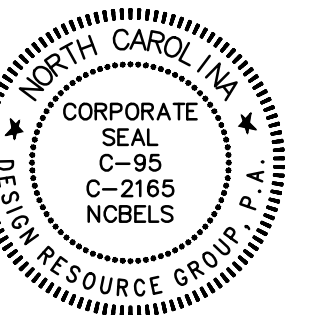
9. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- 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.



LANDSCAPE ARCHITECTURE
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TECHNICAL
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