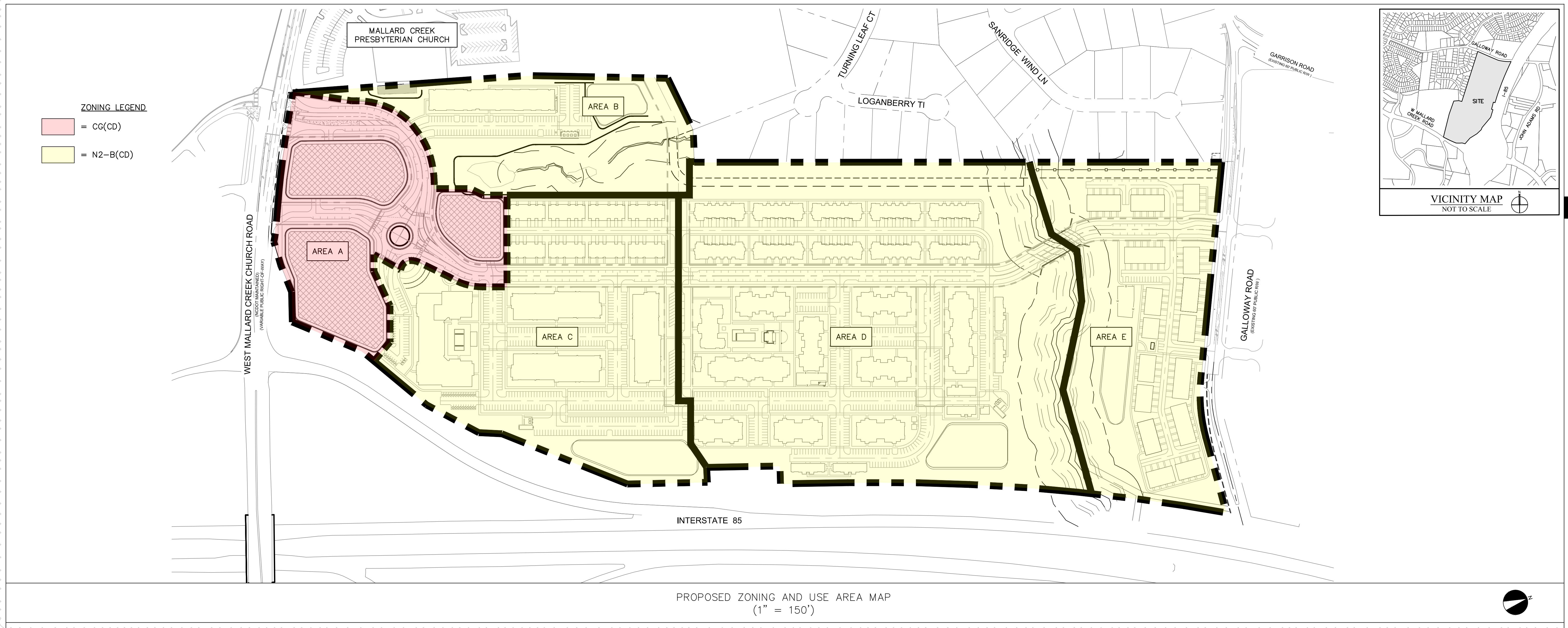


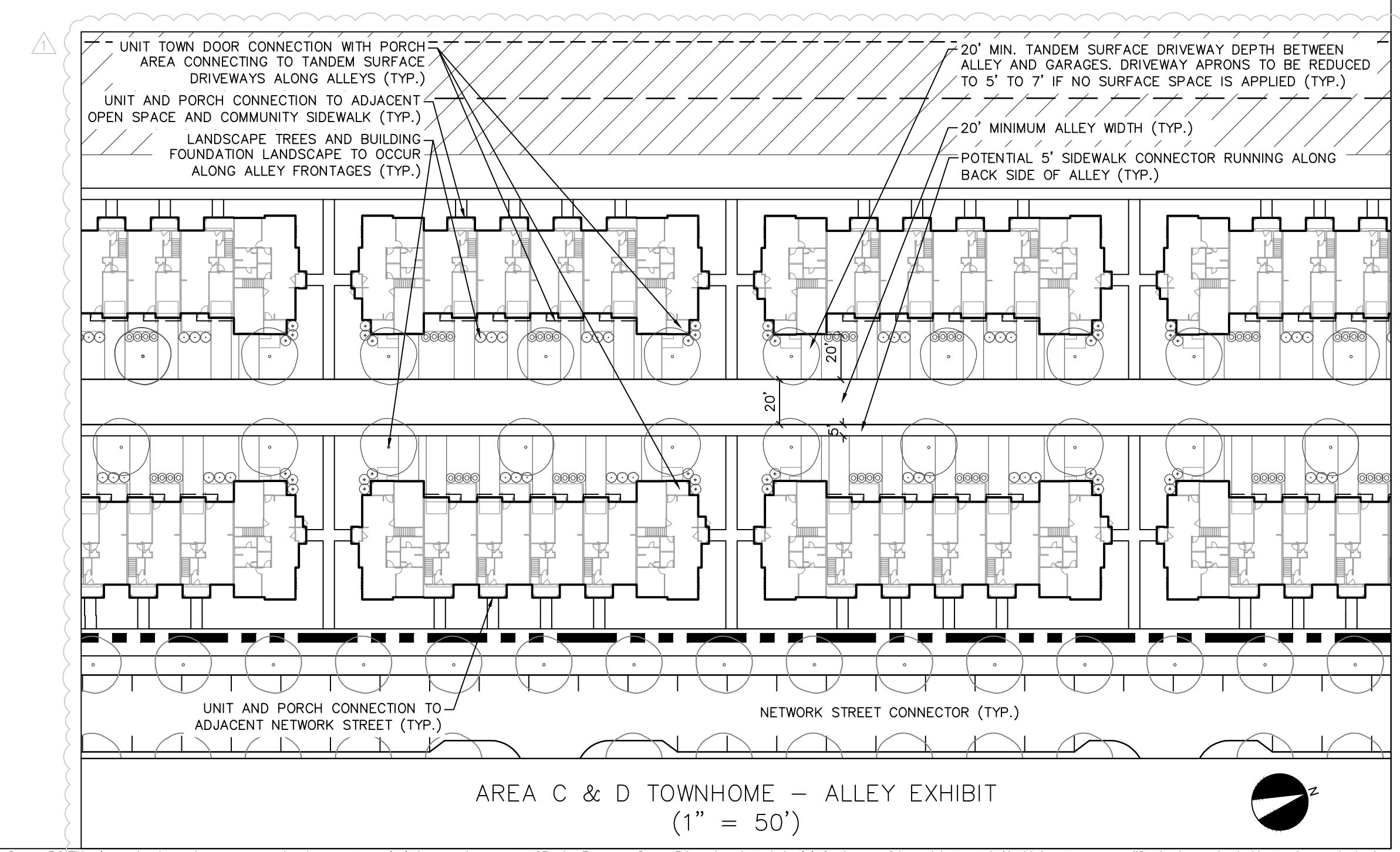
REZONING PETITION  
FOR PUBLIC HEARING  
2024-090  
REZONING PETITION

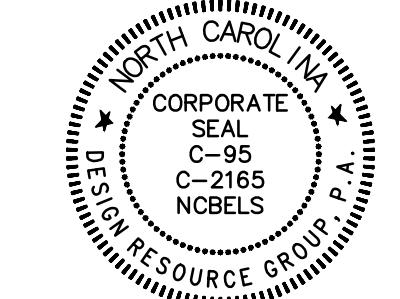
**CHARTER PROPERTIES**  
CHARLOTTE, NORTH CAROLINA  
1520 SOUTH BOULEVARD, SUITE 215  
CHARLOTTE, NORTH CAROLINA



Plan Submittal Date: 07/15/2024	Development Area A	Development Area B	Development Area C	Development Area D	Development Area E
Current Zoning	MUDD-O	MUDD-O	MUDD-O and R-12MF(CD)	MUDD-O and R-12MF(CD)	R-12MF(CD)
Proposed Zoning and Additional Vested Rights if Applicable	CG(CD) with 5-years vested rights	N2-B(CD) with 5-years vested rights	N2-B(CD) with 5-years vested rights	N2-B(CD) with 5-years vested rights	N2-B(CD) with 5-years vested rights
Acresage					
Parcels	029-021-21	029-021-21	029-021-21 and 029-021-24	029-021-21 and 029-021-24	029-021-24
Maximum Height	Per Ordinance	65 feet	Multi-family stacked dwelling unit building: 65 feet; multi-family attached dwelling unit building: 50 feet	Multi-family stacked dwelling unit building: 50 feet; multi-family attached dwelling unit building: 40 feet	Multi-family attached dwelling unit building located west of the Connector Road: 40 feet and 2 stories; multi-family attached dwelling unit building located east of the Connector Road: 50 feet
Baseline Maximum Entitlement	30,000 square feet of the enumerated non-residential uses and 130 hotel rooms	100 multi-family stacked dwelling units	310 multi-family stacked dwelling units and 40 multi-family attached dwelling units for a total maximum of 350 dwelling units	290 multi-family stacked dwelling units and 60 multi-family attached dwelling units for a total maximum of 350 dwelling units	80 multi-family attached dwelling units
Conversion Rights	None	None	If less than 310 multi-family stacked dwelling units are developed, the undeveloped multi-family stacked dwelling units may be developed as multi-family attached dwelling units provided that the total number of dwelling units does not exceed 350 dwelling units		None
Maximum Entitlement with Transfers and/or Conversions	N/A	N/A	350 dwelling units	350 dwelling units	N/A

**MASTER DEVELOPMENT DATA TABLE**




 REZONING PETITION  
FOR PUBLIC HEARING  
2024-090

REZONING PETITION

 CHARTER PROPERTIES  
CHARLOTTE, NORTH CAROLINA  
1520 SOUTH BOULEVARD, SUITE 215  
1520 South Boulevard, NC 28203

 CHARTER PROPERTIES  
CHARLOTTE, NORTH CAROLINA  
1520 SOUTH BOULEVARD, SUITE 215  
1520 South Boulevard, NC 28203

 TECHNICAL DATA  
SHEET

SCALE: 0

 PROJECT #: 638-100  
DRAWN BY: NB  
CHECKED BY: NB

JULY 15, 2024

 REVISIONS:  
1. 10.13.25 - PER SITE UPDATES  
2. 12.18.25 - PER SITE UPDATES  
3. 01.09.26 - PER SITE UPDATES  
4. 01.15.26 - PER SITE UPDATES

**DEVELOPMENT STANDARDS:**

**1. GENERAL PROVISIONS**

A. SITE. THESE DEVELOPMENT STANDARDS, THE SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON SHEETS RZ-1.0 THROUGH RZ-2.1 FORM THE REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY CHARTER PROPERTIES, INC. (THE "PETITIONER") FOR AN APPROXIMATELY 65.27 ACRE SITE THAT IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NOS. 029-021-21 AND 029-021-24.

B. DEVELOPMENT AREAS. FOR ENTITLEMENT PURPOSES, THE SITE IS DIVIDED INTO FIVE SEPARATE DEVELOPMENT AREAS THAT ARE DESIGNATED ON THE REZONING PLAN AS DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C, DEVELOPMENT AREA D AND DEVELOPMENT AREA E, AND OUTPARCELS DESIGNATED ON THE REZONING PLAN AS OUTPARCEL 1, OUTPARCEL 2 AND OUTPARCEL 3. 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 ON THE SITE. THE DEVELOPMENT AREAS ARE DESIGNATED ON THE SITE AS BEING DEVELOPED AS DEVELOPMENT AREA B, DEVELOPMENT AREA C, DEVELOPMENT AREA D AND DEVELOPMENT AREA E, UNLESS OTHERWISE NOTED. THE BOUNDARIES OF THE DEVELOPMENT AREAS SET OUT ON SHEET RZ2.0 OF THE REZONING PLAN ARE SUBJECT TO MINOR ADJUSTMENTS DURING THE PERMITTING PROCESS.

C. ZONING ORDINANCE. 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 UNIFIED DEVELOPMENT ORDINANCE ("ORDINANCE") UNLESS THE REZONING PLAN, OR THESE DEVELOPMENT STANDARDS, ESTABLISH MORE STRINGENT STANDARDS. THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE CG (COMMERCIAL GENERAL) ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA A. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE N2-B (NEIGHBORHOOD 2) ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THOSE PORTIONS OF THE SITE DESIGNATED ON THE REZONING PLAN AS DEVELOPMENT AREA B, DEVELOPMENT AREA C, DEVELOPMENT AREA D AND DEVELOPMENT AREA E.

D. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, BUILDINGS, SIDEWALKS, DRIVEWAYS, STREETS, DEVELOPMENT AREA BOUNDARIES AND OTHER DEVELOPMENT ELEMENTS SET OUT IN THE DEVELOPMENT SITE ELEMENTS, AS 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 ARTICLE 37 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 MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION ARTICLE 37 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

(1) MINOR AND DO NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PURSUANT TO THIS AMENDMENT PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PURSUANT TO ARTICLE 37 OF THE ORDINANCE IN EACH INSTANCE, HOWEVER, SUBJECT TO PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

E. UNIFIED DEVELOPMENT. THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. THEREFORE, SIDE AND REAR YARDS, LANDSCAPE YARDS, BUILDING HEIGHT SEPARATION REQUIREMENTS AND OTHER SIMILAR ZONING STANDARDS SHALL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS, AND OTHERS ELEMENTS DEPICTED ON THE REZONING PLAN RESERVES THE RIGHT TO REQUIRE INTERNAL SEPARATION PORTIONS OF ALL OF THE SITE AND TO CREATELOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY INTERNAL SEPARATION STANDARDS AND PUBLIC/PRIVATE STREET FRONTOFR REQUIREMENTS PROVIDED, HOWEVER, THAT THE DEVELOPMENT OF THE SITE SHALL BE REQUIRED TO MEET ANY APPLICABLE SETBACK, SIDE YARD, REAR YARD AND LANDSCAPE YARD REQUIREMENTS WITH RESPECT TO THE EXTERIOR BOUNDARIES OF THE SITE.

F. VESTED RIGHTS. PURSUANT TO SECTION 37.6 OF THE ORDINANCE AND SECTION 160D-108.1 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. AMENDMENTS. 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 ARTICLE 37 OF THE ORDINANCE.

**2. PERMITTED USES/DEVELOPMENT LIMITATIONS**

A. DEVELOPMENT AREA A

(1) SUBJECT TO THE LIMITATIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA A MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES) TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE CG ZONING DISTRICT.

(a) ART GALLERY.

(b) ARTS OR FITNESS STUDIO.

(c) COMMERCIAL FITNESS CENTER.

(d) COMMERCIAL KITCHEN.

(e) FINANCIAL INSTITUTION.

(f) HOTEL.

(g) MEDICAL/DENTAL OFFICE.

(h) OFFICE.

(i) PERSONAL SERVICE ESTABLISHMENT.

(j) RESTAURANT/BAR.

(k) RETAIL GOODS ESTABLISHMENT.

(l) RETAIL GOODS: SHOWROOM.

(m) VEHICLE FUELING FACILITY.

(2) A TOTAL MAXIMUM OF 30,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO THE USES SET OUT ABOVE (EXCLUDING A HOTEL USE) MAY BE DEVELOPED ON DEVELOPMENT AREA A. NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, THE GROSS FLOOR AREA OF A HOTEL AND ANY ACCESSORY USES RELATING THERETO SHALL NOT COUNT TOWARDS THE TOTAL MAXIMUM 30,000 SQUARE FEET OF GROSS FLOOR AREA THAT MAY BE DEVELOPED ON DEVELOPMENT AREA A.

(3) A MAXIMUM OF ONE VEHICLE FUELING FACILITY MAY BE LOCATED ON DEVELOPMENT AREA A.

(4) A MAXIMUM OF ONE HOTEL MAY BE LOCATED ON DEVELOPMENT AREA A, AND SUCH HOTEL MAY CONTAIN A MAXIMUM OF 130 HOTEL ROOMS AND ACCESSORY USES RELATING THERETO.

(5) A MAXIMUM OF ONE USE LOCATED ON DEVELOPMENT AREA A MAY HAVE ACCESSORY DRIVE-IN AND DRIVE-THROUGH SERVICE LANES/WINDOWS, AND ACCESSORY DRIVE-IN AND DRIVE-THROUGH SERVICE LANES/WINDOWS SHALL ONLY BE PERMITTED AS AN ACCESSORY USE TO A FINANCIAL INSTITUTION.

B. DEVELOPMENT AREA B

(1) SUBJECT TO THE LIMITATIONS AND PROVISIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA B MAY ONLY BE DEVOTED TO AN AGE RESTRICTED, AFFORDABLE MULTI-FAMILY STACKED DWELLING UNIT RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 100 MULTI-FAMILY STACKED DWELLING UNITS, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE N2-B ZONING DISTRICT. INCIDENTAL AND ACCESSORY USES MAY INCLUDE, WITHOUT LIMITATION, AMENITIES FOR THE RESIDENTS AND FREESTANDING GARAGES AND/OR CARPORTS.

(2) AN AGE RESTRICTED RESIDENTIAL COMMUNITY SHALL MEAN A COMMUNITY THAT IS INTENDED AND OPERATED FOR OCCUPANCY BY PERSONS 55 YEARS OF AGE OR OLDER; PUBLISHES AND ADHERES TO POLICIES AND PROCEDURES THAT DEMONSTRATE THE INTENT TO PROVIDE HOUSING FOR PERSONS 55 YEARS OF AGE OR OLDER; COMPLIES WITH HUD'S REGULATORY REQUIREMENTS FOR VERIFICATION OF OCCUPANCY; AND OTHERWISE MEETS THE APPLICABLE REQUIREMENTS OF THE STATE AND FEDERAL FAIR HOUSING ACTS TO QUALIFY AS "HOUSING FOR OLDER PERSONS."

(3) SUBJECT TO THE TERMS OF PARAGRAPH 2.B.(4) BELOW, THE MULTI-FAMILY STACKED DWELLING UNITS LOCATED ON DEVELOPMENT AREA B SHALL MAINTAIN MONTHLY RENTS THAT ARE INCOME RESTRICTED TO HOUSEHOLDS EARNING ON AVERAGE 80% OR LESS OF THE AREA MEDIAN INCOME FOR A PERIOD OF NOT LESS THAN 15 YEARS FROM THE DATE OF THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE BUILDING TO BE CONSTRUCTED ON DEVELOPMENT AREA B.

(4) PETITIONER SHALL USE DILIGENT GOOD FAITH EFFORTS TO OBTAIN APPLICABLE LOW-INCOME TAX CREDITS DURING THE APPLICABLE APPLICATION PERIODS OVER THE ONE (1) YEAR PERIOD NEXT FOLLOWING THE DATE ON WHICH THIS REZONING PETITION IS APPROVED. IN THE EVENT THAT AFTER THE EXERCISE OF SUCH GOOD FAITH EFFORTS, PETITIONER IS UNABLE TO OBTAIN APPLICABLE LOW-INCOME TAX CREDITS OR OTHER REQUIRED FUNDING WITHIN SUCH ONE (1) YEAR PERIOD, THE MULTI-FAMILY STACKED DWELLING UNIT RESIDENTIAL COMMUNITY LOCATED ON DEVELOPMENT AREA B MAY BE DEVELOPED WITHOUT REGARD TO THE AFFORDABLE HOUSING COMMITMENT SET OUT ABOVE IN PARAGRAPH 2.B.(3) AND THE MULTI-FAMILY STACKED DWELLING UNIT RESIDENTIAL COMMUNITY WILL BE AN AGE RESTRICTED, AFFORDABLE MULTI-FAMILY STACKED DWELLING UNIT RESIDENTIAL COMMUNITY, PROVIDED THAT PETITIONER SUBMITS TO THE PLANNING STAFF PROOF OF PETITIONER OR ITS DESIGNEE HAVING FILED WITH THE CITY OF CHARLOTTE A PROPOSAL FOR AFFORDING HOUSING DEVELOPMENT THROUGH THE CITY'S HOUSING TRUST FUND DURING SAID ONE (1) YEAR PERIOD.

C. DEVELOPMENT AREA C

(1) SUBJECT TO THE LIMITATIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA C MAY ONLY BE DEVOTED TO MULTI-FAMILY STACKED DWELLING UNITS AND MULTI-FAMILY ATTACHED DWELLING UNITS, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE N2-B ZONING DISTRICT. INCIDENTAL AND ACCESSORY USES MAY INCLUDE, WITHOUT LIMITATION, AMENITIES FOR THE RESIDENTS AND FREESTANDING GARAGES AND/OR CARPORTS.

(2) A TOTAL MAXIMUM OF 310 MULTI-FAMILY STACKED DWELLING UNITS MAY BE DEVELOPED ON DEVELOPMENT AREA C.

(3) SUBJECT TO THE TERMS OF PARAGRAPH 2.C.(4) BELOW, A TOTAL MAXIMUM OF 40 MULTI-FAMILY ATTACHED DWELLING UNITS MAY BE DEVELOPED ON DEVELOPMENT AREA C.

(4) NOTWITHSTANDING THE TERMS OF PARAGRAPH 2.C.(3) ABOVE, IF LESS THAN 310 MULTI-FAMILY STACKED DWELLING UNITS ARE DEVELOPED ON DEVELOPMENT AREA C, THE UNDEVELOPED MULTI-FAMILY STACKED DWELLING UNITS MAY BE DEVELOPED AS MULTI-FAMILY ATTACHED DWELLING UNITS ON DEVELOPMENT AREA C PROVIDED THAT THE TOTAL NUMBER OF DWELLING UNITS DEVELOPED ON DEVELOPMENT AREA C DOES NOT EXCEED 350 DWELLING UNITS.

D. DEVELOPMENT AREA D

(1) SUBJECT TO THE LIMITATIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA D MAY ONLY BE DEVOTED TO MULTI-FAMILY STACKED DWELLING UNITS AND MULTI-FAMILY ATTACHED DWELLING UNITS, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE N2-B ZONING DISTRICT. INCIDENTAL AND ACCESSORY USES MAY INCLUDE, WITHOUT LIMITATION, AMENITIES FOR THE RESIDENTS AND FREESTANDING GARAGES AND/OR CARPORTS.

(2) A TOTAL MAXIMUM OF 290 MULTI-FAMILY STACKED DWELLING UNITS MAY BE DEVELOPED ON DEVELOPMENT AREA D. MULTI-FAMILY STACKED DWELLING UNITS INCLUDE THOSE DWELLING UNITS LOCATED IN THE CARRIAGE BUILDINGS NOTED ON THE REZONING PLAN.

(3) SUBJECT TO THE TERMS OF PARAGRAPH 2.D.(4) BELOW, A TOTAL MAXIMUM OF 60 MULTI-FAMILY ATTACHED DWELLING UNITS MAY BE DEVELOPED ON DEVELOPMENT AREA D.

(4) NOTWITHSTANDING THE TERMS OF PARAGRAPH 2.D.(3) ABOVE, IF LESS THAN 290 MULTI-FAMILY STACKED DWELLING UNITS ARE DEVELOPED ON DEVELOPMENT AREA D, THE UNDEVELOPED MULTI-FAMILY STACKED DWELLING UNITS MAY BE DEVELOPED AS MULTI-FAMILY ATTACHED DWELLING UNITS.

ON DEVELOPMENT AREA D PROVIDED THAT THE TOTAL NUMBER OF DWELLING UNITS DEVELOPED ON DEVELOPMENT AREA D DOES NOT EXCEED 350 DWELLING UNITS.

E. DEVELOPMENT AREA E

(1) SUBJECT TO THE LIMITATIONS SET OUT BELOW, THAT PORTION OF THE SITE DESIGNATED AS DEVELOPMENT AREA E MAY ONLY BE DEVOTED TO MULTI-FAMILY ATTACHED DWELLING UNITS, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE N2-B ZONING DISTRICT. INCIDENTAL AND ACCESSORY USES MAY INCLUDE, WITHOUT LIMITATION, AMENITIES FOR THE RESIDENTS.

(2) A TOTAL MAXIMUM OF 80 MULTI-FAMILY ATTACHED DWELLING UNITS MAY BE DEVELOPED ON DEVELOPMENT AREA E.

(3) PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW MULTI-FAMILY ATTACHED DWELLING UNIT CONSTRUCTED ON DEVELOPMENT AREA E, PETITIONER SHALL RECORD COVENANTS, CONDITIONS AND RESTRICTIONS FOR DEVELOPMENT AREA E THAT CONTAIN A PROVISION THAT PROVIDES THAT NO MORE THAN 20 PERCENT OF THE TOTAL NUMBER OF MULTI-FAMILY ATTACHED DWELLING UNITS ACTUALLY CONSTRUCTED ON DEVELOPMENT AREA E MAY BE LEASED OR RENTED TO THIRD PARTIES AT ANY ONE TIME.

F. TRANSPORTATION

A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. NOTWITHSTANDING THE FOREGOING, THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS MAY BE MODIFIED BY PETITIONER DURING THE PERMITTING PROCESS TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, CHANGES IN BUILDING AND PARKING LAYOUTS AND SITE CONSTRAINTS AND TO ACCOMMODATE ANY MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").

B. THE ALIGNMENTS AND LOCATIONS OF THE INTERNAL PUBLIC OR PRIVATE STREETS, INTERNAL PRIVATE ALLEYS, INTERNAL PRIVATE DRIVES, VEHICULAR CIRCULATION AREAS AND DRIVEWAYS DEPICTED ON THE REZONING PLAN MAY BE MODIFIED BY PETITIONER DURING THE PERMITTING PROCESS TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, CHANGES IN BUILDING AND PARKING LAYOUTS AND SITE CONSTRAINTS AND TO ACCOMMODATE ANY MODIFICATIONS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

C. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE INTERNAL SIDEWALKS MAY MEAN TO SAVE EXISTING TREES.

D. THE INTERNAL STREET CONNECTING WEST MALLARD CREEK CHURCH ROAD TO GALLOWAY ROAD AND RUNNING IN A NORTH-SOUTH DIRECTION THAT IS DESIGNATED AS THE NETWORK STREET CONNECTOR ON THE REZONING PLAN (HEREAFTER REFERRED TO AS THE "CONNECTOR ROAD") SHALL AT THE OPTION OF PETITIONER BE A PUBLIC STREET OR A PRIVATE STREET WITH A PUBLIC ACCESS EASEMENT. THE CONSTRUCTION OF THIS STREET MAY BE PHASED BY PETITIONER.

E. PETITIONER SHALL RESERVE FOR FUTURE RIGHT OF WAY FOR A POTENTIAL NEW PUBLIC STREET TO BE CONSTRUCTED BY OTHERS (AND NOT PETITIONER) THAT MAY ULTIMATELY CONNECT THE CONNECTOR ROAD TO CREEKMORE LANE LOCATED TO THE WEST OF THE SITE THAT PORTION OF THE SITE LOCATED WEST OF THE CONNECTOR ROAD AND MEASURING 67 FEET IN WIDTH THAT IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "FUTURE RIGHT OF WAY"). THE FUTURE RIGHT OF WAY SHALL BE DEDICATED AND CONVEYED TO THE CITY BY PETITIONER UPON THE REQUEST OF THE CITY WHEN THE NEW PUBLIC STREET IS TO BE CONSTRUCTED BY OTHERS. THE FUTURE RIGHT OF WAY IS LOCATED IN A PORTION OF THE MINIMUM 75-FOOT-WIDE LANDSCAPE YARD DESCRIBED BELOW IN PARAGRAPH 8.A.

F. A MINIMUM OF 100 FEET OF INTERNAL PROTECTED STEM SHALL BE PROVIDED FOR ACCESS A AND ACCESS B AS DEPICTED ON THE REZONING PLAN.

G. ACCESS A SHALL BE A RIGHT-IN ONLY VEHICULAR ACCESS POINT WITH 100 FEET OF STORAGE AND AN APPROPRIATE DECELERATION LANE AND 250 FEET OF PEDESTRIAN.

H. SUBJECT TO THE APPROVAL OF THE CHARLOTTE FIRE DEPARTMENT, NCDOT, CDOT AND OTHER APPLICABLE GOVERNMENTAL AUTHORITIES, ACCESS A SHALL BE SKewed 65 DEGREES, AND IT SHALL BE 17 FEET IN WIDTH BACK OF CURB TO BACK OF CURB THROUGH INTERNAL PROTECTED STEM.

I. ALL INTERNAL NETWORK REQUIRED STREETS SHALL BE CONSTRUCTED TO THE STANDARDS OF A RESIDENTIAL WIDE STREET (U-03).

J. INTERNAL ALLEYS SHALL BE PRIVATELY MAINTAINED AND SHALL MEET THE APPLICABLE REQUIREMENTS OF THE CHARLOTTE LAND DEVELOPMENT STANDARDS MANUAL.

K. A RIGHT-OF-WAY ENROACHMENT AGREEMENT IS REQUIRED FOR THE INSTALLATION OF ANY NON-STANDARD ITEM(S) (IRRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVERS, ETC.) WITHIN A PROPOSED/EXISTING CITY-MAINTAINED STREET RIGHT-OF-WAY AS A PRIVATE INDIVIDUAL GROUP, BUSINESS, OR HOMEOWNER'S/BUSINESS ASSOCIATION. AN ENROACHMENT AGREEMENT MUST BE APPROVED BY CDOT PRIOR TO CONSTRUCTION/INSTALLATION. CONTACT CDOT FOR ADDITIONAL INFORMATION CONCERNING COST, SUBMITTAL, AND LIABILITY INSURANCE COVERAGE REQUIREMENTS.

L. PETITIONER WILL DEDICATE VIA SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY AS INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DELETED AS AN ADDITIONAL RIGHT-OF-WAY AS INDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON THE SITE. PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS/MULTI-USE PATHS 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 SIDEWALKS/MULTI-USE PATHS WHERE FEASIBLE.

M. 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/STREET SYSTEM. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE BROAD NORTHEASTERN MECKLENBURG AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

N. ANY REFERENCE TO THE TERM "SUBSTANTIALLY COMPLETE" IN THIS SECTION 3 OF THE DEVELOPMENT STANDARDS SHALL MEAN A DETERMINATION BY CDOT AND/OR NCDOT THAT THE APPLICABLE ROADWAY IMPROVEMENTS ARE DEEMED "SUBSTANTIALLY COMPLETE" FOR THE PURPOSE OF THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR BUILDINGS(S) ON THE SITE. HOWEVER, IN THE EVENT THAT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT) ARE NOT COMPLETED AT THE TIME THAT PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE, THEN CDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND SUCH EVENT PETITIONER MAY BE REQUIRED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH CERTIFICATES OF OCCUPANCY ARE ISSUED TO SECURE THE COMPLETION OF THE RELEVANT IMPROVEMENTS.

O. THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW SHALL BE SUBSTANTIALLY COMPLETE PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR NEW BUILDING LOCATED IN DEVELOPMENT AREA A OR DEVELOPMENT B.

(1) WEST MALLARD CREEK CHURCH ROAD & SENATOR ROYALL DRIVE (SIGNALIZED)

(2) IMPLEMENT A SIGNALIZED THRU CUT ACCESS CONFIGURATION AT LEGRANGER ROAD/ACCESS "B" TO ELIMINATE WESTBOUND U-TURN SITE TRIPS.

(3) WEST MALLARD CREEK CHURCH ROAD & LEGRANGER ROAD/ACCESS "B" (UN SIGNALIZED)

(4) ONE INGRESS LANE AND THREE EGRESS LANES (A SOUTHBOUND TERMINATING RIGHT TURN LANE AND DUAL LEFT TURN LANES WITH 150 FEET OF STORAGE EACH) ON ACCESS "B".

(5) CONSTRUCT A NORTHBOUND LEFT TURN LANE WITH 150 FEET OF STORAGE ON LEGRANGER ROAD.

(6) RE-MARK THE EXISTING TWO-WAY LEFT-TURN LANE MEDIAN TO INCLUDE AN EASTBOUND LEFT TURN LANE WITH 500 FEET OF STORAGE ON WEST MALLARD CREEK CHURCH ROAD.

(7) WIDEN WEST MALLARD CREEK CHURCH ROAD TO ACCOMMODATE MEDIAN REQUIREMENTS PER THE CONCEPT PLAN.

(8) CONSTRUCT A WESTBOUND RIGHT TURN LANE WITH 150 FEET OF STORAGE ON WEST MALLARD CREEK CHURCH ROAD.

(9) CONSTRUCT CHANNELIZING MEDIAN TO RESTRICT NORTHBOUND/SOUTHBOUND THRU MOVEMENTS.

(10) INSTALL A TRAFFIC SIGNAL WITH:

(i) PROTECTED PHASING FOR ALL LEFT TURN MOVEMENTS.

(ii) PERMITTED+OVERLAP PHASING FOR EASTBOUND AND WESTBOUND RIGHT TURN MOVEMENTS.

(iii) OVERLAP PHASING FOR THE NORTHBOUND AND SOUTHBOUND RIGHT TURN MOVEMENTS.

(11) WEST MALLARD CREEK CHURCH ROAD & I-85 SOUTHBOUND RAMPS (SIGNALIZED)

(12) CONSTRUCT A SECOND WESTBOUND LEFT TURN LANE WITH 100 FEET OF STORAGE ON WEST MALLARD CREEK CHURCH ROAD, PROVIDED, HOWEVER, THAT NO STRUCTURAL MODIFICATIONS TO THE EXISTING BRIDGE DECK SHALL BE REQUIRED TO ACCOMMODATE THIS IMPROVEMENT.

(13) THE FEASIBILITY OF THIS IMPROVEMENT SHOULD BE FURTHER EVALUATED CONSIDERING THE RESTRICTION OF THE EXISTING BRIDGE DECK.

(14) CONSTRUCT A SECOND SOUTHBOUND FULL WIDTH RECEIVING LANE ON THE I-85 SOUTHBOUND ON RAMP TO TRANSITION BACK TO THE EXISTING SINGLE LANE AT APPROXIMATELY 800 FEET.

(15) PROVIDE PEDESTRIAN CROSSING ACROSS WEST MALLARD CREEK CHURCH ROAD ON THE WEST SIDE OF THE INTERSECTION.

(16) WEST MALLARD CREEK CHURCH ROAD & I-85 NORTHBOUND RAMPS (SIGNALIZED)

(17) IMPLEMENT A SIGNALIZED THRU CUT ACCESS CONFIGURATION AT LEGRANGER ROAD/ACCESS "B" TO ELIMINATE EASTBOUND U-TURN SITE TRIPS.

(18) CONSTRUCT A SECOND EASTBOUND LEFT TURN LANE WITH 100 FEET OF STORAGE ON WEST MALLARD CREEK CHURCH ROAD, PROVIDED, HOWEVER, THAT NO STRUCTURAL MODIFICATIONS TO THE EXISTING BRIDGE DECK SHALL BE REQUIRED TO ACCOMMODATE THIS IMPROVEMENT.

(19) THE FEASIBILITY OF THIS IMPROVEMENT SHOULD BE FURTHER EVALUATED CONSIDERING THE RESTRICTION OF THE EXISTING BRIDGE DECK.

(20) CONSTRUCT A SECOND NORTHBOUND FULL WIDTH RECEIVING LANE ON THE I-85 NORTHBOUND ON RAMP TO TRANSITION BACK TO THE EXISTING SINGLE LANE AT APPROXIMATELY 800 FEET.

(21) INSTALL APPROPRIATE SIGNAGE TO PROTECT EASTBOUND U-TURNS.

(22) GALLOWAY ROAD & GALLOWAY PARK DRIVE/ACCESS "C" (UN SIGNALIZED)

(23) FULL MOVEMENT ACCESS CONFIGURATION WITH THE FOLLOWING IMPROVEMENT.

(24) ONE INGRESS LANE AND ONE EGRESS LANE ON ACCESS "C".

(25) GALLOWAY ROAD & CORAN CROSS DRIVE/ACCESS "D" (UN SIGNALIZED)

(26) FULL MOVEMENT ACCESS CONFIGURATION WITH THE FOLLOWING IMPROVEMENT.

(27) ONE INGRESS LANE AND ONE EGRESS LANE ON ACCESS "D".

(28) WEST MALLARD CREEK CHURCH ROAD & ACCESS "A" (UN SIGNALIZED)

(29) RIGHT-IN ONLY ACCESS CONFIGURATION WITH THE FOLLOWING IMPROVEMENT.

(30) ONE INGRESS LANE ON ACCESS "A".

(31) CONSTRUCT A WESTBOUND RIGHT TURN LANE WITH 100 FEET OF STORAGE ON WEST MALLARD CREEK CHURCH ROAD.

P. THE TRANSPORTATION IMPROVEMENTS SET OUT BELOW SHALL BE SUBSTANTIALLY COMPLETE PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A BUILDING LOCATED IN DEVELOPMENT AREA D.

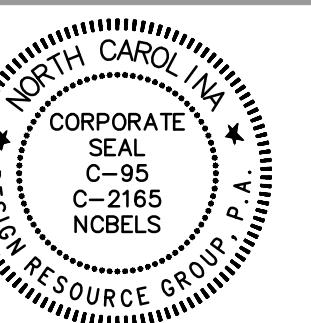
(1) MALLARD CREEK ROAD & GALLOWAY ROAD (SIGNALIZED)

(2) CONSTRUCT A WESTBOUND RIGHT TURN LANE WITH 100 FEET OF STORAGE ON GALLOWAY ROAD.

(3) IMPLEMENT PROTECTED PHASING FOR THE NORTHBOUND AND SOUTHBOUND LEFT TURN MOVEMENTS.

(4) IMPLEMENT PERMITTING AND OVERLAP PHASING FOR THE WESTBOUND RIGHT TURN MOVEMENT.

(5) ALL OF THE MULTI-FAMILY ATTACHED DWELLING UNITS TO BE DEVELOPED IN DEVELOPMENT AREA E MAY BE COMPLETED AND CERTIFICATES OF OCCUPANCY ISSUED FOR SUCH DWELLING UNITS PRIOR TO THE COMPLETION OF ANY OF THE REQUIRED TRANSPORTATION IMPROVEMENTS SET OUT IN THIS SECTION OF THE DEVELOPMENT STANDARDS PROVIDED THAT DEVELOPMENT AREA E DOES NOT HAVE A VEHICULAR CONNECTION TO WEST M



**REZONING PETITION**

**FOR PUBLIC HEARING**

2024-090

**REZONING PETITION**

**CHARTER PROPERTIES**  
CHARLOTTE, NORTH CAROLINA  
1520 SOUTH BOULEVARD, SUITE 215  
1520 S BOULEVARD, CHARLOTTE, NC 28203

**TECHNICAL DATA  
SHEET**

SCALE: 0

PROJECT #: 638-100  
DRAWN BY: NB  
CHECKED BY: NB

JULY 15, 2024

REVISIONS:  
1. 10.13.25 - PER SITE UPDATES  
2. 12.18.25 - PER SITE UPDATES  
3. 01.09.26 - PER SITE UPDATES  
4. 01.15.26 - PER SITE UPDATES

- (d) THE ACTUAL SIZES OF THE MULTI-FAMILY ATTACHED DWELLING UNITS/LOTS MAY VARY FROM THE SIZES DEPICTED ON THE REZONING PLAN.
- (e) PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 5:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED.
- (f) THE FRONT ELEVATION OF EACH MULTI-FAMILY ATTACHED DWELLING UNIT SHALL HAVE WINDOWS OR OTHER ARCHITECTURAL DETAILS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 10 FEET ON EACH LEVEL OF THE DWELLING UNIT.
- (g) EACH CORNER OR END MULTI-FAMILY ATTACHED DWELLING UNIT SHALL HAVE WINDOWS OR OTHER ARCHITECTURAL DETAILS ON THE SIDE OF THE MULTI-FAMILY ATTACHED DWELLING UNIT THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO 15 FEET ON EACH LEVEL OF THE DWELLING UNIT.
- (h) EACH MULTI-FAMILY ATTACHED DWELLING UNIT SHALL HAVE A COVERED FRONT STOOP WITH A MINIMUM DEPTH OF 4 FEET AND A MINIMUM WIDTH OF 4 FEET. THE FRONT STOOP MAY BE COVERED BY AN AWNING, CANOPY, ROOF EXTENSION OR OTHER ARCHITECTURAL FEATURE CHOSEN BY PETITIONER.
- (i) EACH MULTI-FAMILY ATTACHED DWELLING UNIT CONSTRUCTED ON THE SITE SHALL HAVE A GARAGE.

**1. STREETSCAPE**

- A. PETITIONER SHALL INSTALL A MINIMUM 8-FOOT-WIDE PLANTING STRIP AND A MINIMUM 8-FOOT-WIDE SIDEWALK ALONG THE SITE'S FRONTRAGE ON GALLOWAY ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THE MINIMUM 8-FOOT-WIDE SIDEWALK MAY BE LOCATED IN A SIDEWALK UTILITY EASEMENT.
- B. PETITIONER SHALL INSTALL A MINIMUM 8-FOOT-WIDE PLANTING STRIP AND A MINIMUM 12-FOOT-WIDE MULTI-USE PATH ALONG THE SITE'S FRONTRAGE ON WEST MALLARD CREEK CHURCH ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THE MINIMUM 12-FOOT-WIDE MULTI-USE PATH SHALL BE LOCATED WITHIN A PUBLIC ACCESS EASEMENT AND SHALL BE MAINTAINED BY PETITIONER.
- C. SUBJECT TO THE APPROVAL OF NCDOT, CDOT AND ANY OTHER GOVERNMENTAL AGENCIES, PETITIONER SHALL INSTALL CURB AND GUTTER, A MINIMUM 8-FOOT-WIDE PLANTING STRIP AND A MINIMUM 6-FOOT-WIDE SIDEWALK ALONG THE SOUTH SIDE OF GALLOWAY ROAD FROM THE WESTERN BOUNDARY LINE OF THE SITE TO THE EXISTING SIDEWALK LOCATED GENERALLY AT THE INTERSECTION OF GALLOWAY ROAD AND GARRISON ROAD. IN THE EVENT THAT PETITIONER CANNOT OBTAIN ALL APPROVALS AND PERMITS REQUIRED TO INSTALL THE CURB AND GUTTER, THE MINIMUM 8-FOOT-WIDE PLANTING STRIP AND THE MINIMUM 6-FOOT-WIDE SIDEWALK, THEN PETITIONER SHALL HAVE NO OBLIGATION TO INSTALL SUCH IMPROVEMENTS.

**6. OPEN SPACE/GREEN AREA/PUBLICLY ACCESSIBLE POCKET PARK**

- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE OPEN SPACE AND GREEN AREA REQUIREMENTS OF THE ORDINANCE.
- B. PETITIONER SHALL INSTALL AND MAINTAIN A PUBLICLY ACCESSIBLE POCKET PARK AT THE NORTHEASTERN CORNER OF THE ROUNDABOUT IN DEVELOPMENT AREA A IN THE GENERAL LOCATION DEPICTED ON THE REZONING PLAN (THE "POCKET PARK"). A PUBLIC ACCESS EASEMENT SHALL BE PROVIDED ON THE POCKET PARK SITE TO ALLOW THE PUBLIC TO UTILIZE THE POCKET PARK. THE POCKET PARK SHALL HAVE A MINIMUM SIZE OF 10,000 SQUARE FEET AND IT SHALL CONTAIN, AT A MINIMUM, THE FOLLOWING IMPROVEMENTS: HARDCAPE, LANDSCAPING, SEATING ELEMENTS AND SHADE STRUCTURES.
- C. IN ADDITION TO THE POCKET PARK, A MINIMUM OF SIX (6) USABLE COMMON OPEN SPACES AREAS SHALL BE PROVIDED ON THE SITE IN THE LOCATIONS GENERALLY DEPICTED ON THE REZONING PLAN. THE CONFIGURATIONS AND LOCATIONS OF THESE USABLE COMMON OPEN SPACES AREAS MAY BE ADJUSTED DURING THE PERMITTING PROCESS. DETAILS RELATING TO THE IMPROVEMENTS TO BE INSTALLED IN EACH USABLE COMMON OPEN SPACE AREA SHALL BE INCLUDED DURING THE LAND DEVELOPMENT PROCESS. THE MINIMUM SIZE OF EACH USABLE COMMON OPEN SPACE AREA SHALL BE 2,500 SQUARE FEET.
- D. AS NOTED ABOVE IN PARAGRAPH 1.E., THE DEVELOPMENT OF THE SITE SHALL BE CONSIDERED TO BE A PLANNED/UNIFIED DEVELOPMENT. ACCORDINGLY, THE SAME REQUIREMENTS OF THE ORDINANCE SHALL BE CALCULATED AND SATED OVER THE ENTIRE SITE RATHER THAN WITHIN EACH INDIVIDUAL DEVELOPMENT AREA. AS A RESULT, EACH INDIVIDUAL DEVELOPMENT AREA SHALL NOT BE SUBJECT 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.

**7. ENVIRONMENTAL FEATURES**

- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF ARTICLE 20 OF THE ORDINANCE.
- B. 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.
- C. DEVELOPMENT WITHIN ANY SWM/DSRP WQ BUFFER SHALL BE COORDINATED WITH AND SUBJECT TO APPROVAL BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES AND MITIGATED IF REQUIRED BY CITY ORDINANCE. STREAM DELINEATION REPORTS ARE SUBJECT TO REVIEW AND APPROVAL BY CHARLOTTE STORM WATER SERVICES.
- D. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED UNIFIED DEVELOPMENT ORDINANCE, STORMWATER ARTICLES 23 THROUGH 28.

**8. LANDSCAPE YARDS/SCREENING**

- A. A MINIMUM 75-FOOT-WIDE LANDSCAPE YARD MEETING THE STANDARDS OF A TYPE B LANDSCAPE YARD SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S WESTERN AND NORTHERN BOUNDARY LINES THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN AS THE WESTERN AND NORTHERN BOUNDARY LINES. AT SUCH TIME, IF EVER, THAT THE FUTURE RIGHT OF WAY IS DEDICATED TO THE CITY FOR A NEW PUBLIC STREET TO BE CONSTRUCTED BY OTHERS, THE PORTION OF THIS MINIMUM 75-FOOT-WIDE LANDSCAPE YARD IN WHICH THE FUTURE RIGHT OF WAY IS LOCATED SHALL BE ELIMINATED.
- B. A MINIMUM 50-FOOT-WIDE LANDSCAPE YARD MEETING THE STANDARDS OF A TYPE B LANDSCAPE YARD WITH A MINIMUM 8 FOOT TALL WOOD SCREENING FENCE (OR THE MAXIMUM HEIGHT ALLOWED UNDER THE ORDINANCE IF THE MAXIMUM HEIGHT IS LESS THAN 8 FEET) SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S WESTERN BOUNDARY LINE THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN.
- C. THE EXTERIOR 50 FEET OF THE LANDSCAPE YARDS DESCRIBED ABOVE IN PARAGRAPHS 8.A. AND 8.B. SHALL REMAIN UNDISTURBED EXCEPT FOR THE FOLLOWING PERMITTED ACTIVITIES:

- (1) THE PLANTING OF SUPPLEMENTAL TREE AND SHRUBS.
- (2) THE INSTALLATION OF THE WOOD SCREENING FENCE DESCRIBED ABOVE IN PARAGRAPH 8.B, WHICH FENCE MAY MEANDER TO SAVE EXISTING TREES.
- (3) THE DEMOLITION OF THE EXISTING BUILT CONDITIONS, SUCH AS THE EXISTING DRIVES, HOMES AND CROSSINGS.
- (4) THE CONSTRUCTION OF THE CONNECTOR ROAD STREAM CROSSING.

- D. PRIOR TO THE EARLIER TO OCCUR OF (i) THE CONNECTION OF THE CONNECTOR ROAD TO GALLOWAY ROAD OR (ii) THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR A NEW BUILDING CONSTRUCTED ON DEVELOPMENT AREA A, PETITIONER SHALL CONSTRUCT AND INSTALL A MINIMUM 5 FOOT TALL MASONRY WALL WITH A BRICK VENEER FINISH GENERALLY ALONG THE NORTHERN PROPERTY LINES OF THOSE PARCELS OF LAND DESIGNATED AS TAX PARCEL NOS. 029-023-13 AND 029-023-12 FROM THE WESTERN PROPERTY LINE OF THE SITE TO THE WESTERN PROPERTY LINE OF TAX PARCEL NOS. 029-023-12. PETITIONER'S GATE, DRIVE, AND IN-GROUND SHEDS SHALL NOT BE LOCATED ON THE SITE'S PROPERTY. PETITIONER'S ABILITY TO OBTAIN ANY APPROVALS AND PERMITS REQUIRED TO CONSTRUCT AND INSTALL THE WALL FROM THE RELEVANT GOVERNMENTAL AGENCIES, INCLUDING, WITHOUT LIMITATION, AN ENCROACHMENT AGREEMENT FROM CDOT IF REQUIRED, AND (ii) PETITIONER'S ABILITY TO OBTAIN ANY REQUIRED EASEMENTS FROM THE OWNERS OF TAX PARCEL NOS. 029-023-13 AND 029-023-12. THE EXACT LOCATION OF THE WALL SHALL BE DETERMINED DURING THE PERMITTING PROCESS.

**9. CEMETERY/UNMARKED GRAVES**

- A. A PORTION OF AN EXISTING CEMETERY IS LOCATED ON THE SOUTHWESTERN CORNER OF THE SITE, AND THE BOUNDARIES OF THE CEMETERY ON THE SITE HAVE BEEN ESTABLISHED AND ARE DEPICTED ON THE REZONING PLAN (THE "CEMETERY"). THE CEMETERY SHALL BE PRESERVED ON THE SITE, PROVIDED THAT THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES ON THE SITE, PETITIONER SHALL INSTALL A TEMPORARY CONSTRUCTION BARRIER AROUND THESE ACTIVITIES. PETITIONER SHALL CELEBRATE THE CEMETERY AND MAINTAIN THE CEMETERY AS A PUBLIC PARK. THESE ACTIVITIES DO NOT ENCROACH INTO THE CEMETERY. THE TEMPORARY CONSTRUCTION BARRIER SHALL REMAIN IN PLACE UNTIL SUCH TIME THAT THE PORTION OF THE CONNECTOR ROAD LOCATED ON DEVELOPMENT AREA A AND THE MULTI-FAMILY STACKED DWELLING UNIT BUILDING AND THE ASSOCIATED PARKING LOT LOCATED ON DEVELOPMENT AREA B ARE COMPLETED.
- C. PETITIONER SHALL DONATE THE CEMETERY TO THE FIRST BUILDING TO BE CONSTRUCTED ON THE SITE. PETITIONER SHALL DONATE THE SUM OF \$10,000 TO EITHER MALLARD CREEK PRESBYTERIAN CHURCH OR TO A NON-PROFIT ORGANIZATION THAT IS INVOLVED WITH THE PRESERVATION OF CEMETERIES. THE \$10,000 PAYMENT MAY BE USED BY THE RECEIVING ENTITY TO SECURE THE CEMETERY, MEMORIALIZE THE CEMETERY THROUGH SIGNAGE OR OTHER MEANS, PROVIDE EDUCATIONAL OPPORTUNITIES RELATING TO THE CEMETERY AND/OR OTHER MATTERS THAT WILL BENEFIT THE CEMETERY.

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