



REZONING PETITION
 FOR PUBLIC HEARING
 2024-090

REZONING PETITION

**CHARTER - WEST MALLARD
 CREEK CHURCH RD SITE**
 CHARTER PROPERTIES
 1520 SOUTH BOULEVARD, SUITE 215
 CHARLOTTE, NORTH CAROLINA
 1520 SOUTHBULEVARD, SUITE 215
 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

RZ2.2

(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 5 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: HARSCAPE, 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 LOCATION WHEREVER DEPICTED IN THE REZONING PLAN. THE CONFIGURATIONS OF THESE USABLE COMMON OPEN SPACES ARE TO BE ADJUSTED DURING THE PERMITTING PROCESS. DETAILS RELATED TO IMPROVEMENTS TO BE INSTALLED IN EACH USABLE COMMON OPEN SPACE AREA WILL 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/UNPLANNED DEVELOPMENT. ACCORDINGLY, THE TREE SAVE REQUIREMENTS OF THE 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.

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 SWIM/PCSR WO 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. NOTWITHSTANDING THE FOREGOING, 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 E, PETITIONER SHALL CONSTRUCT AND INSTALL A MINIMUM 5 FOOT ALL MASONRY WALL, WITH A BRICK VENEER FINISH, GENERALLY ALONG THE NORTHERN PROPERTY LINES OF THOSE PARCELS OF LAND LISTED IN THE TAX PARCEL NUMBER 029-023-12. THE PETITIONER SHALL NOT BE REQUIRED TO MAKE ANY PAYMENT TO THE OWNERS OF PROPERTY LINE OF TAX PARCEL NO. 029-023-12. PETITIONER'S OBLIGATION TO CONSTRUCT AND INSTALL THIS WALL SHALL BE SUBJECT TO (i) PETITIONER'S ABILITY TO OBTAIN ALL 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.

B. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES ON THE SITE, PETITIONER SHALL PLACE A TEMPORARY CONSTRUCTION BARRIER AROUND THOSE PORTIONS OF THE PERIMETER OF THE CEMETERY THAT ARE LOCATED ON THE SITE TO ENSURE THAT THE CONSTRUCTION ACTIVITIES DO NOT ENCRAGE INTO THE CEMETERY. THE TEMPORARY CONSTRUCTION BARRIER SHALL REMAIN IN PLACE UNTIL SUCH TIME THAT THE PORTION OF THE CONNECTOR ROAD STREAM CROSSING IS DEVELOPED AND THE MULTI-FAMILY STACKED DWELLING UNIT BUILDING AND THE ASSOCIATED PARKING LOT LOCATED ON DEVELOPMENT AREA B ARE COMPLETED.

C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR 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 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.