

REZONING DOCUMENTS

**REVISIONS:**

1. 12/12/22 REVISED DEV. DATA & SITE PLAN
2. 01/19/23 REVISED DEV. DATA & SITE PLAN
3. 02/03/23 REVISED SITE PLAN
4. 04/17/23 REVISED SITE PLAN



2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208  
704.343.0608  
www.drgroup.com

## REZONING DOCUMENTS

**MALLARD CREEK**  
CHARLOTTE, NORTH CAROLINA

---

**APPALOOSA REAL ESTATE PARTNERS**  
1026 JAY ST.  
CHARLOTTE, NC 28208  
704.910.7703

0

SCALE:

PROJECT #: 1010-002  
DRAWN BY: DK  
CHECKED BY: SVK

MAY 16, 2022

## REVISIONS:

1. 12/12/22 REVISED DEV. DATA & SITE PLAN
2. 01/19/23 REVISED DEV. DATA & SITE PLAN
3. 02/03/23 REVISED SITE PLAN
4. 04/17/23 REVISED SITE PLAN

RZ2.00

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, STREETS, DEVELOPMENT AREAS AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE CONSIDERED 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 ALTERATION OR MODIFICATION 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:

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. THE SITE MAY BE DEVELOPED WITH UP TO ONE HUNDRED THIRTY-TWO (132) TOWNHOME STYLE MULTI-FAMILY RESIDENTIAL DWELLING UNITS AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE UR-2 ZONING DISTRICT TOGETHER WITH ACCESSORY USES. THE RESIDENTIAL USES SHALL BE FOR-SALE; NO MORE THAN 20% OF THE UNITS SHALL BE PERMITTED FOR RENT AT ANY GIVEN TIME SUBJECT TO INCREASE IN RESPONSE TO EXTENUATING CIRCUMSTANCES.

4. 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 AND AGREED 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 SHALL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR THE LOCATION OF CDOT TRAFFIC SIGNALS. IF THE RIGHT-OF-WAY 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. THE PUBLIC RIGHT-OF-WAY SHALL BE SUBJECT TO THE STATE DEPARTMENT OF TRANSPORTATION'S (CDOT) REVIEW OF CDOT PROJECTS ON 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. THE PROPOSED SHARED-USE SIDEWALK SHALL BE STOP TO MEET CATS DEVELOPMENT STANDARD 60.0(A) WITH AN EIGHT (8) FOOT PLANTING STRIP IF REQUIRED DURING LAND DEVELOPMENT PERMITTING.

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 RAIL 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.

5. STREETSCAPE, YARDS, AND LANDSCAPING:

A. A TWENTY (20) FOOT BUILDING AND PARKING SETBACK WILL BE PROVIDED AS MEASURED FROM THE BACK OF EXISTING OR PROPOSED CURB, WHICHEVER IS GREATER OF WALTON 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. THE PETITIONER SHALL CONSTRUCT INTERNAL PUBLIC ROADWAYS TO CLDSM U-03 STANDARDS.

D. 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.

6. 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 BUILDINGS TO BE CONSTRUCTED ON THE SITE:

I. ALL BUILDINGS LOCATED WITHIN THE SITE WILL BE ARCHITECTURALLY INTEGRATED TO COMPLEMENT ONE ANOTHER BY USING SIMILAR OR COMPATIBLE ARCHITECTURAL STYLES, BUILDING MATERIALS, LANDSCAPE ELEMENTS, PLANTS, AND SIGNAGE TREATMENTS TO CREATE A UNIFIED AND COHESIVE DEVELOPMENT. IN ADDITION, BUILDINGS LOCATED WITHIN THE SITE MUST BE DESIGNED USING A SIMILAR: (I) ARCHITECTURAL STYLE, (II) BUILDING MATERIALS, (III) COLORS AND (IV) SIGNAGE SO THAT DEVELOPMENT ON THE SITE CREATES A COHESIVE WHOLE AND NOT A SERIES OF BUILDINGS WITH UNRELATED AND WHOLLY DISSIMILAR ARCHITECTURAL STYLES, BUILDING MATERIALS, COLORS, AND SIGNAGE.

II. BUILDINGS ON THE SITE MAY BE CONSTRUCTED WITH THE FOLLOWING MATERIALS: BRICK, STONE, SYNTHETIC STONE, AND/OR PRECAST STONE. VINYL SHALL NOT BE PERMITTED AS A SIDING MATERIAL.

III. ENTRANCES WILL BE CONSTRUCTED VIA A SIDEWALK TO ADJACENT PUBLIC OR PRIVATE STREET SIDEWALKS.

IV. ROOF FORM AND ARTICULATION: ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS: (I) LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM, TO INCLUDE BUT NOT BE LIMITED TO GABLES, HALFS, DORMER OR PARAPETS; AND (II) FOR PITCHED ROOFS THE MINIMUM ALLOWED IS 4:12 EXCLUDING BUILDINGS WITH A FLAT ROOF AND PARAPET WALLS.

V. UTILITIES SHALL BE SCREENED AND SHALL NOT BE VISIBLE FROM THE PUBLIC STREET. THIS INCLUDES, MECHANICAL AND ELECTRICAL EQUIPMENT, UTILITY METERS, DUMPSTERS, AND BACKFLOW PREVENTERS. NO FENCING SHALL BE LOCATED BETWEEN THE BUILDING AND THE PUBLIC STREET. LANDSCAPING MAY BE USED TO SCREEN UTILITIES.

VI. RESIDENTIAL BUILDING ENTRANCES SHALL BE AT OR SLIGHTLY ABOVE GRADE. 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.

D. METER BANKS WILL BE SCREENED FROM ADJOINING PROPERTIES AND FROM THE ADJUTING PUBLIC STREETS.

7. OPEN SPACE AND AMENITY AREA IMPROVEMENTS:

4. 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: WALKING PATHS, LANDSCAPING, SEATING AREAS, AND STRUCTURES APPROPRIATE TO THE PROPOSED OPEN SPACE AREA.

8. 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.

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.

10. SIGNS:

NOT ( A. RESERVED.

11. 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.

12. 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.