

REZONING
PETITION NO.
RZP-2022-008

KEY MAP

SEAL

**PRELIMINARY
-FOR REVIEW ONLY-**

THESE DOCUMENTS ARE FOR DESIGN
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CONSTRUCTION, BIDDING, OR PERMIT
PURPOSE. THEY ARE PREPARED BY, OR
UNDER THE SUPERVISION OF:

XXXXX XXXXXXXX ##### 1/14/23
ENGINEER REG. # DATE

NOT FOR CONSTRUCTION

PROJECT

**RAM STEELE
CREEK**

RAM REALTY ACQUISITIONS V, LLC

2100 S. Tryon Street, Ste 203

Charlotte, NC 28203

LANDDESIGN PROJ.#
1021322

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	INITIAL SUBMITTAL	01.17.2022
2	RESUBMITTAL	08.15.2022
3	RESUBMITTAL	12.12.2022
4	RESUBMITTAL	01.19.2023

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE NORTH

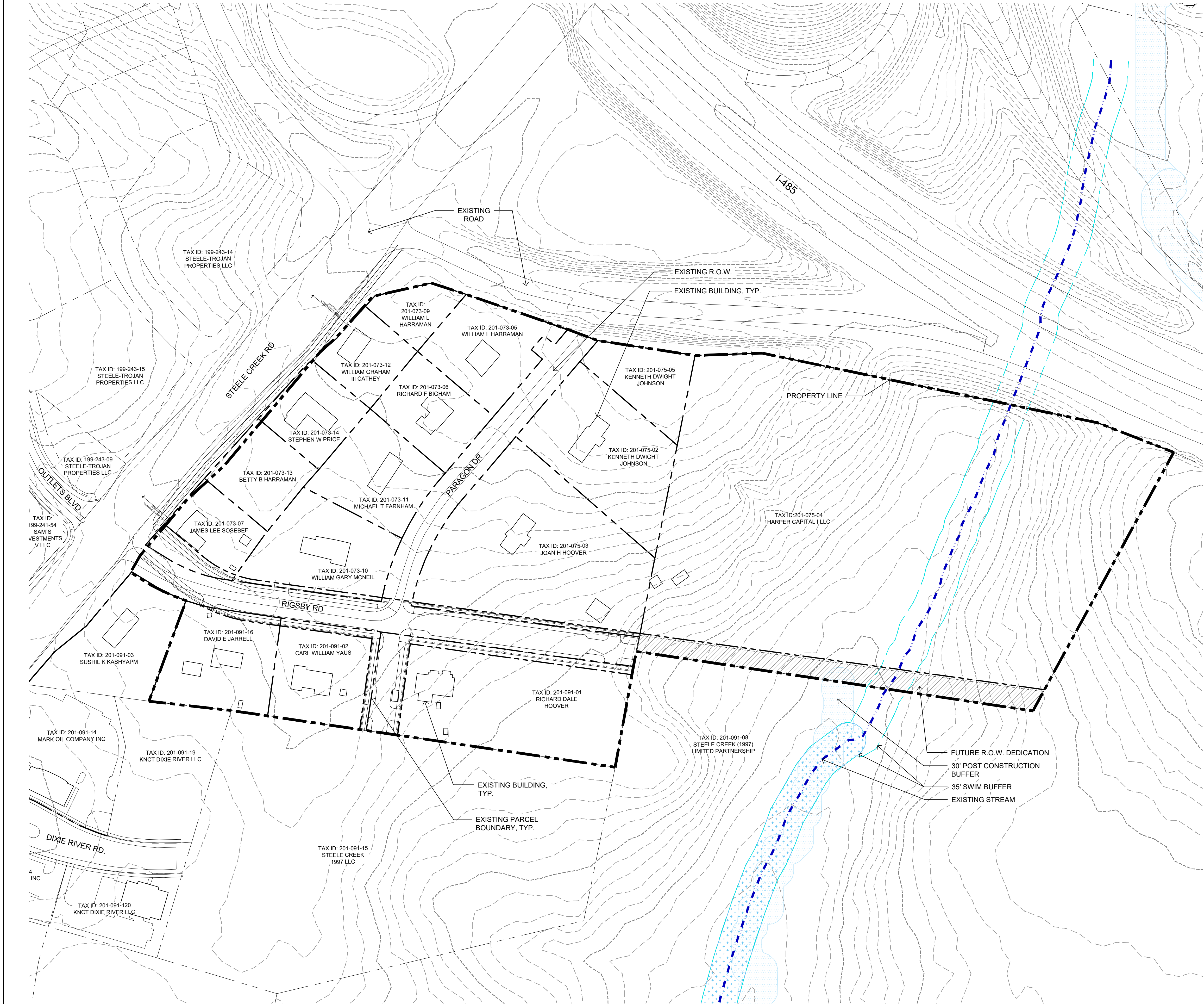
VERT: N/A
HORZ: 1"=100'
0 50' 100' 200'

SHEET TITLE

EXISTING CONDITIONS

SHEET NUMBER

RZ1-00



VICINITY MAP
SCALE = 1" = 1000'

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VERT: N/A

HORZ: 1"=100'

0 50' 100' 200'

SHEET TITLE

TECHNICAL DATA SHEET

SHEET NUMBER

RZ2-00

SITE DEVELOPMENT DATA:

Acreage: ±26.9 ACRES

Tax Parcel #s: 201-091-02, 201-091-01, 201-091-16,
201-073-05, 201-073-06, 201-073-07,
201-073-09, 201-073-10, 201-073-11,
201-073-12, 201-073-13, 201-073-14,
201-075-02, 201-075-03, 201-075-04,
201-075-05

Existing Zoning: R-3

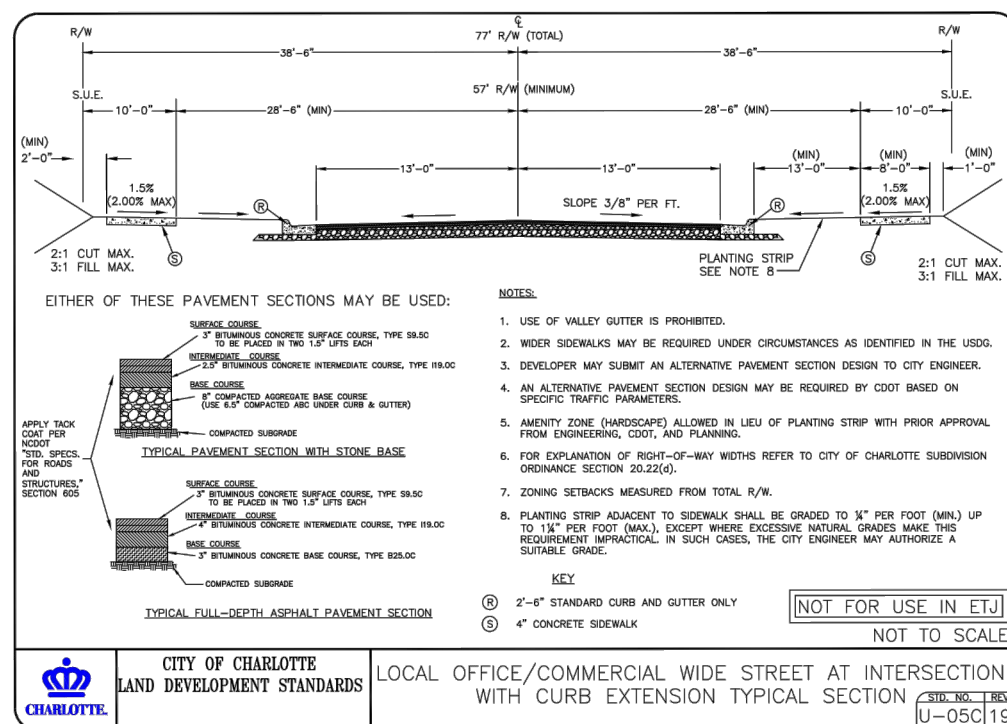
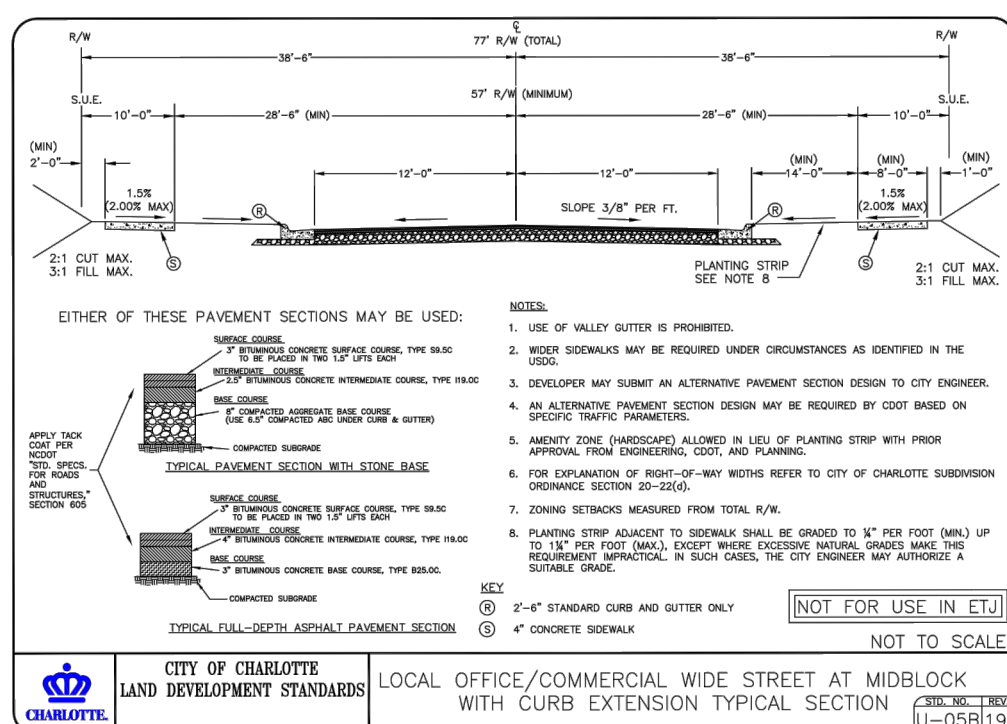
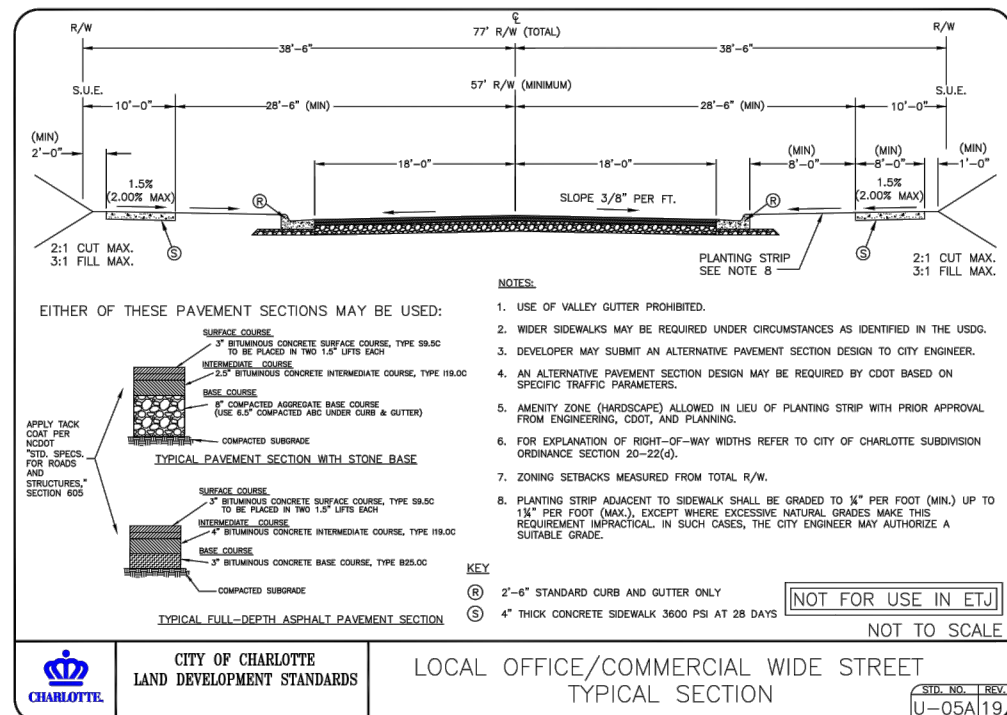
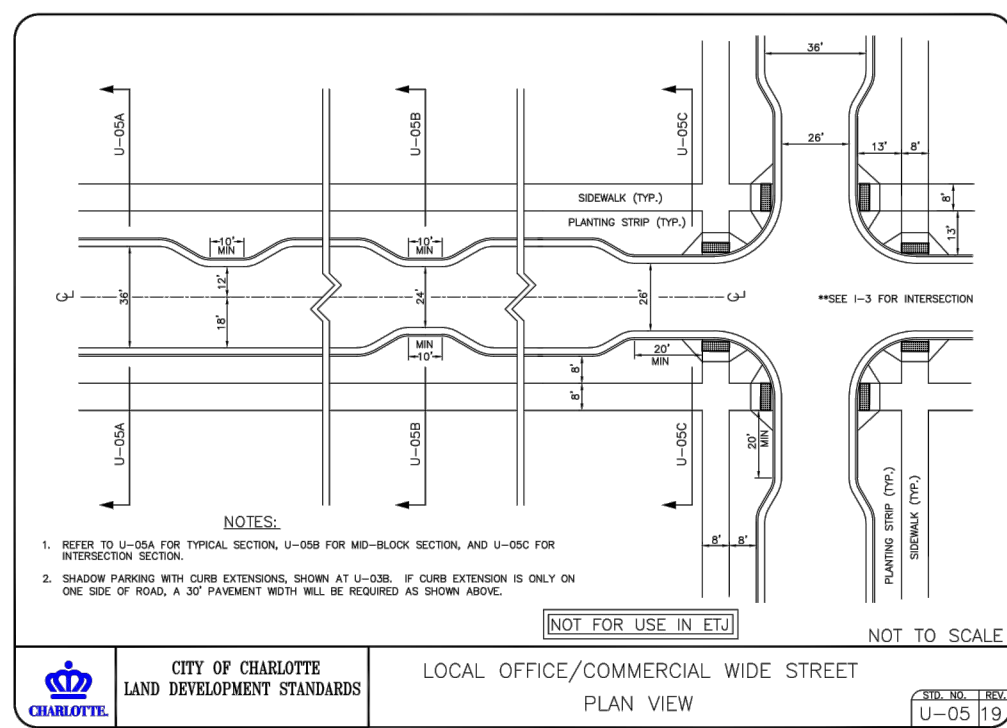
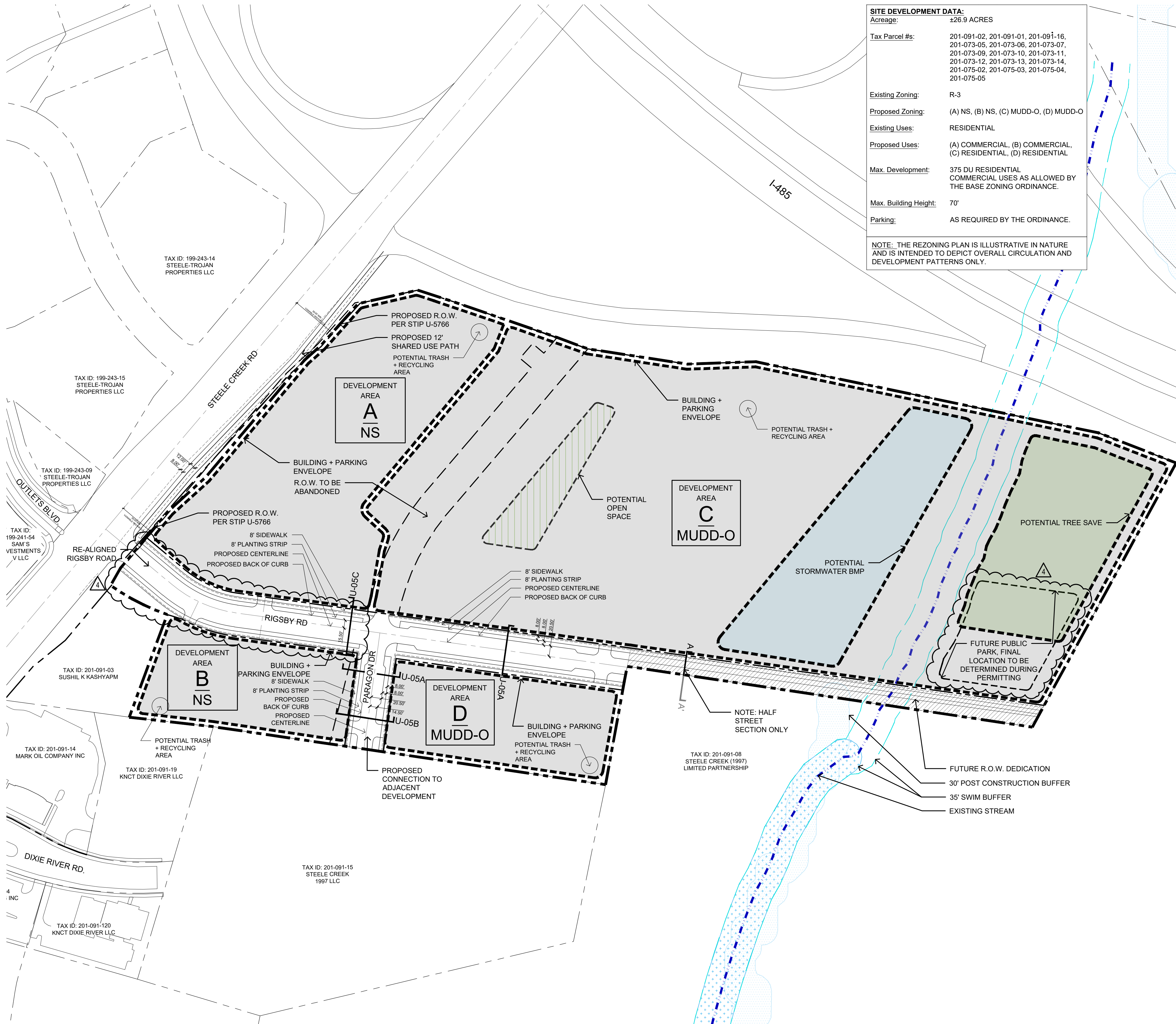
Proposed Zoning: (A) NS, (B) NS, (C) MUDD-O, (D) MUDD-O

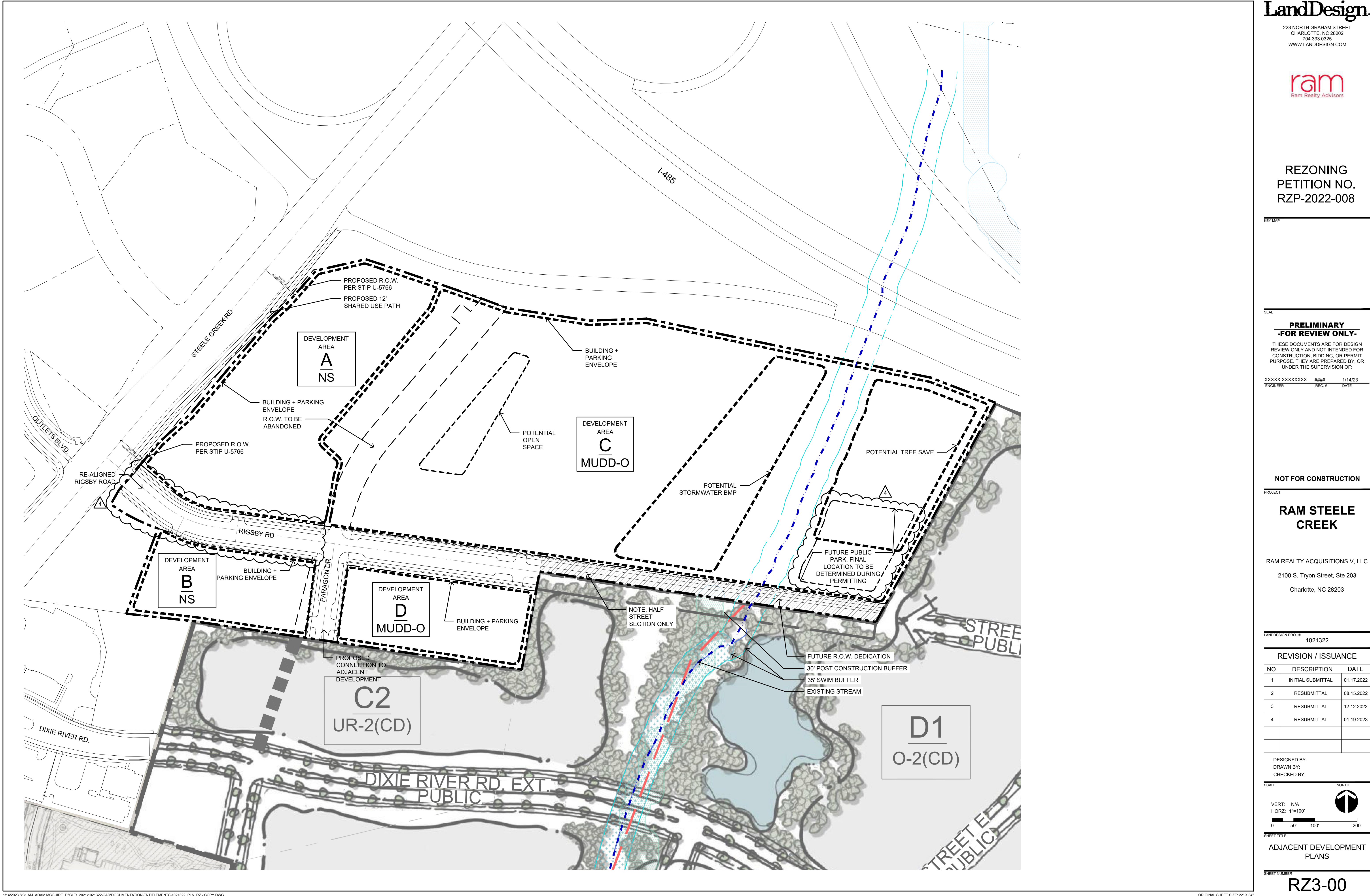
Existing Uses: RESIDENTIAL

Proposed Uses: (A) COMMERCIAL, (B) COMMERCIAL,
(C) RESIDENTIAL, (D) RESIDENTIALMax. Development: 375 DU RESIDENTIAL
COMMERCIAL USES AS ALLOWED BY
THE BASE ZONING ORDINANCE.

Max. Building Height: 70'

Parking: AS REQUIRED BY THE ORDINANCE.

NOTE: THE REZONING PLAN IS ILLUSTRATIVE IN NATURE
AND IS INTENDED TO DEPICT OVERALL CIRCULATION AND
DEVELOPMENT PATTERNS ONLY.**STREET SECTION A-A'**
(CLDSM U-05) N.T.S.Note: Final trash + recycling locations will be
coordinated at time of permitting.



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SCALE NORTH

VERT: N/A
HORZ: 1"=100'

0 50' 100' 200'

SHEET TITLE

ADJACENT DEVELOPMENT
PLANS

SHEET NUMBER

RZ3-00

REZONING
PETITION NO.
RZP-2022-008

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CREEK

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SCALE: NORTH

VERT: N/A
HORZ: N/A

SHEET TITLE

DEVELOPMENT STANDARD
NOTES

SHEET NUMBER

RZ4-00

RAM Steele Creek
Development Standards

01.19.2023

Rezoning Petition No. RZP-2022-008

SITE DEVELOPMENT DATA:

Acreage: ±26.9 ACRES

Tax Parcel #: 201-091-02, 201-091-01, 201-091-16,
201-073-05, 201-073-06, 201-073-07,
201-073-09, 201-073-10, 201-073-11,
201-073-12, 201-073-13, 201-073-14,
201-075-02, 201-075-03, 201-075-04,
201-075-05

Existing Zoning: R-3

Proposed Zoning: (A) NS, (B) NS, (C) MUDD-O, (D) MUDD-O

Existing Uses: RESIDENTIAL

Proposed Uses: (A) COMMERCIAL, (B) COMMERCIAL,
(C) RESIDENTIAL, (D) RESIDENTIAL

Max. Development: 375 DU RESIDENTIAL
COMMERCIAL USES AS ALLOWED BY
THE BASE ZONING ORDINANCE.

Max. Building Height: 70'

Parking: AS REQUIRED BY THE ORDINANCE.

NOTE: THE REZONING PLAN IS ILLUSTRATIVE IN NATURE
AND IS INTENDED TO DEPICT OVERALL CIRCULATION AND
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DEVELOPMENT STANDARDS

January 19, 2023

1. GENERAL PROVISIONS

A. **Site.** These Development Standards, Existing Conditions Sheet, Technical Data Sheet, General Site Plan and Adjacent Developments Exhibit (collectively referred to as the "Re zoning Plan") associated with the Rezoning Petition filed by Ram Realty Acquisitions V LLC (the "Petitioner") for an approximately 26.9 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. 201-073-09, 201-073-12, 201-073-14, 201-073-13, 201-073-07, 201-091-16, 201-073-10, 201-073-11, 201-073-06, 201-073-05, 201-075-05, 201-075-02, 201-075-03, 201-091-02, 201-091-01 and 201-075-04.

B. **Development Areas/Building and Parking Envelopes.** For entitlement purposes, the Site is divided into four development areas that are designated on the Rezoning Plan as Development Area A, Development Area B, Development Area C and Development Area D. The boundaries of each development area are the building and parking envelopes for each development area.

All principal buildings, accessory structures, structured parking facilities and surface parking areas developed on the Site shall be located within one or more building and parking envelopes. The number of principal buildings, accessory structures, structured parking facilities and surface parking areas that may be located on the Site or within one or more building and parking envelopes shall be governed by the applicable provisions of the Ordinance. Additionally, public streets, private streets and private drives may be located within one or more building and parking envelopes. Any reference herein to the Site shall be deemed to include Development Area A, Development Area B, Development Area C and Development Area D unless otherwise noted herein.

C. **Zoning District/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 Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Neighborhood Services ("NS") zoning district shall govern the development and use of those portions of the Site designated as Development Area A and Development Area B on the Rezoning Plan. Unless the Rezoning Plan or these Development Standards establish more stringent standards and subject to the optional provision set out below, the regulations established under the Ordinance for the Mixed Use Development District ("MUDD") zoning district shall govern the development and use of those portions of the Site designated as Development Area C and Development Area D on the Rezoning Plan.

D. **Graphics and Alterations.** The schematic depictions of the uses, sidewalks, driveways, streets, development area boundaries 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 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:

(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 Section 6.207 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, building height separation requirements and other similar zoning standards shall not be required internally between improvements, uses and other site elements located on the Site. Furthermore, Petitioner reserves the right to subdivide portions or all of the Site and to create lots within the interior of the Site without regard to any such internal separation standards and public/private street frontage requirements, provided, however, that the development of the Site shall be required to meet any applicable setback, side yard and rear yard and landscape area requirements with respect to the exterior boundaries of the Site.

F. **Vested Rights.** Pursuant to Section 1.110 of the Ordinance and Section 1600-108.1 of the North Carolina General Statutes, the Rezoning Plan, if approved, shall be vested for a period of 3 years due to the size and phasing of the development, the level of investment, economic cycles and market conditions.

G. **Phasing.** The development of the Site may occur in one or more phases at the option of Petitioner.

H. **Gross Floor Area.** For purposes of these development standards, the term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude structured parking facilities, surface parking facilities, areas used for building and equipment spaces (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level.

I. **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 Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

2. OPTIONAL PROVISION

The optional provision set out below shall apply to the development and use of Development Area C.

A. Parking, vehicular circulation and vehicular maneuvering space may be located between any buildings and structures located on Development Area C and the required setback from I-485.

3. PERMITTED USES/DEVELOPMENT LIMITATIONS

A. Development Area A and Development Area B

(1) Subject to the limitations set out herein, those portions of the Site designated as Development Area A and Development Area B may be devoted to any use or uses permitted by right or under prescribed conditions in the NS zoning district, together with any incidental or accessory uses permitted by right or under prescribed conditions in the NS zoning district, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the NS zoning district.

(2) Subject to the limitations set out below in paragraphs 3.A.(2)(i) through 3.A.(2)(iii), a total of three uses may have accessory drive-in and drive-through service lanes/windows.

(a) A maximum of one use may have accessory drive-in and drive-through service lanes/windows with menu boards and/or speaker boxes.

(b) A maximum of one use may have an accessory drive-in drive through pick up only window without menu boards and/or speaker boxes for the placement of orders. This accessory drive-in drive through pick up only window is in addition to the accessory drive-in and drive-through service lanes/windows with menu boards and/or speaker boxes referenced above in paragraph 3.A.(2)(i).

(c) A maximum of one bank, credit union and similar financial service may have an accessory ATM with an associated drive lane. An ATM with a drive lane is in addition to the accessory drive-in and drive-through service lanes/windows with menu boards and/or speaker boxes referenced above in paragraph 3.A.(2)(i).

(d) A maximum of one use may have an accessory drive-in drive through pick up only window without menu boards and/or speaker boxes for the placement of orders. This accessory drive-in drive through pick up only window is in addition to the accessory drive-in and drive-through service lanes/windows with menu boards and/or speaker boxes referenced above in paragraph 3.A.(2)(i).

(3) A total maximum of 56,000 square feet of gross floor area devoted to permitted non-residential uses may be developed on Development Area A and Development Area B.

(4) Up to a total maximum of 56 dwelling units (that may be comprised of multi-family dwelling units, single family attached dwelling units or a combination thereof) may be developed by reducing the amount of the permitted non-residential gross floor area at the rate of 1,000 square feet of gross floor area per dwelling unit.

(5) As a unified development, parking to serve the uses located on Development Area C and/or Development Area B may be located on Development Area A and/or Development Area B.

B. Development Area C and Development Area D

(1) Subject to the limitations set out herein, those portions of the Site designated as Development Area C and Development Area D may only be devoted to a residential community that could contain multi-family dwelling units, single family attached dwelling units or a combination thereof, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the MUDD zoning district.

(2) A total maximum of 375 dwelling units may be developed on Development Area C and Development Area D.

(3) Notwithstanding the terms of paragraphs 3.B.(1) and 3.B.(2) above and as a unified development, parking to serve any uses, including any non-residential uses, located on Development Area A and/or Development Area B may be located on Development Area C and/or Development Area D.

4. 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 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. 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 Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad southwestern Mecklenburg area, by way of a private/public partnership effort or other public sector project support.

D. Petitioner shall dedicate to the City of Charlotte right-of-way for and construct that portion of Rigbsy Road located between Steele Creek Road and the eastern boundary line of Development Area D as generally depicted on the Rezoning Plan.

E. Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site, Petitioner shall dedicate to the City of Charlotte a portion of the right-of-way for the extension of Rigbsy Road from the eastern boundary line of Development Area D to the eastern boundary line of the Site ("Rigbsy Road Extension"). The right-of-way to be dedicated by Petitioner for Rigbsy Road Extension is more particularly depicted on the Rezoning Plan and is located entirely on the Site. Petitioner shall have no obligation to construct Rigbsy Road Extension, as it will be constructed by others in the future.

Notwithstanding the foregoing, if that portion of the right of way for Rigbsy Road Extension located on Tax Parcel No. 201-091-22 has been dedicated to the City of Charlotte prior to or at the time that Petitioner obtains a grading permit for the development of the Site, then Petitioner shall construct that portion of Rigbsy Road Extension from the eastern boundary line of Development Area D to that point that is located 100 feet to the east of the eastern boundary of Development Area D.

F. Petitioner shall dedicate to the City of Charlotte right of way for and construct that portion of Paragon Drive to be located between Rigbsy Road and the southern boundary line of the Site (between Development Area B and Development Area D) as generally depicted on the Rezoning Plan.

G. Petitioner shall relocate or shift existing Rigbsy Road to the north (at the intersection of Rigbsy Road and Steele Creek Road) as generally depicted on the Rezoning Plan to provide adequate intersection spacing between the intersection of Rigbsy Road and Steele Creek Road and the intersection of Dixie River Road and Steele Creek Road in anticipation of the widening of Steele Creek Road by NCDOT (STIP U-5766).

H. Tax Parcel No. 201-091-03, which is located at the intersection of Steele Creek Road and existing Rigbsy Road, currently abuts the right of way for existing Rigbsy Road. After the relocation or shifting of existing Rigbsy Road to the north (as described above in paragraph 4.G.), Tax Parcel No. 201-091-03 will continue to abut the right of way for Rigbsy Road as depicted on Sheet RZ2-00 of the Rezoning Plan. Petitioner shall not inhibit or impede a driveway connection from Tax Parcel No. 201-091-03 to relocated Rigbsy Road to be constructed by the owner of Tax Parcel No. 201-091-03.

I. Petitioner will dedicate to the City of Charlotte or to NCDOT as applicable 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 a new building to be constructed on the Site. 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.

J. Petitioner shall submit a Petition to the City of Charlotte requesting the abandonment of existing Paragon Drive located north of Rigbsy Road as generally depicted on the Rezoning Plan.

K. Petitioner may, at its option, provide cross vehicular access from and to the Site to and from Tax Parcel No. 201-091-03.

L. Any reference to the term "substantially complete" in this Section 4 of the Development Standards shall mean a determination by CDOT and/or NCDOT that the applicable transportation improvements are deemed "substantially complete" for the purpose of the issuance of certificates of occupancy for new building(s) on the Site. However, in the event that certain non-essential transportation 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 in 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.

M. Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site, Petitioner shall substantially complete the transportation improvements set out below.

(1) Steele Creek Road & I-485 Outer Ramps (Signalized)

(a) Channelize the northbound right turn lane on Steele Creek Road to operate free from the signal under yield conditions.

(2) Steele Creek Road & Rigbsy Road (Unsignalized)

(a) With Connectivity to Dixie River Road (Right-In/Right-Out/Left-In Access Configuration)

(i) One ingress lane and one egress lane (a terminating westbound right turn lane on Rigbsy Road).

(ii) Construct a northbound right turn lane on Steele Creek Road with 100 feet of storage.

(iii) Construct a southbound left-turn crossover on Steele Creek Road with 200 feet of storage.

(iv) 100-foot internal protected stem.

(b) Without Connectivity to Dixie River Road (Right-In/Right-Out/Left-In Access Configuration)

(i) One ingress lane and one egress lane (a terminating westbound right turn lane on Rigbsy Road).

(ii) Construct a northbound right turn lane on Steele Creek Road with 100 feet of storage.

(iii) Construct a southbound left-turn crossover on Steele Creek Road with 275 feet of storage.

(iv) 100-foot internal protected stem.

N. Prior to the issuance of the first certificate of occupancy for a new building constructed on the Site, Petitioner shall dedicate and convey to the City of Charlotte or to NCDOT as applicable those portions of the Site located immediately adjacent to Steele Creek Road that are more particularly depicted on the Rezoning Plan for right of way for the widening of Steele Creek Road by NCDOT (STIP U-5766).

5. ARCHITECTURAL AND DESIGN STANDARDS

A. The maximum height of any building shall be 70 feet.

B. The architectural and design standards set out below shall apply to office, retail, restaurant and other commercial buildings developed on the Site.

(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 streets. This design standard shall not prohibit accessory drive-in and drive-through service lanes/windows as allowed under the Ordinance. However, accessory drive-in and drive-through service lanes/windows shall be subject to the screening requirements set out below in paragraph 6.C.

(b) Facades facing streets shall include a combination of windows and/or operable doors for a minimum of 60% of each frontage elevation with transparent glass, spandrel glass, window graphics on glass, recessed architectural panels or a combination of such elements 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 any transparent windows shall not exceed 4'-0" above adjacent street sidewalk.

(c) The facades of the first/ground floor of the buildings along streets shall incorporate a minimum of 30% masonry materials such as brick or stone. A facade is defined as the entire exterior surface area of the first/ground floor excluding windows, doors and trim, so that windows, doors and trim are not considered when calculating the minimum percentage of brick or stone that is required.

(d) Building elevations shall not have expanses of blank walls greater than 20 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.

(e) Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades or other architectural elements.

(f) Multi-story buildings shall have a minimum of 20% transparency on all upper stories.

C. The architectural and design standards set out below shall apply to Multi-family Multi-family Buildings developed on the Site.

(1) Prohibited Exterior Building Materials:

(a) Vinyl siding (but not vinyl hand rails, windows, doors, garage doors or door trim).

(b) Concrete Masonry Units not architecturally finished.

(2) Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:

(a) Driveways intended to serve single units shall be prohibited on all network required streets.

(b) Buildings exceeding 120 feet in length shall include one or more modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 2 feet extending through the building.

(3) Architectural Elevation Design - elevations shall be designed to create visual interest as follows:

(a) Building elevations shall be designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

(b) Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Such base may be executed through the use of masonry or stone veneer, changes in material or articulated architectural facade features and color changes.

(c) Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 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.

(4) Service Area Screening – service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures.

6. STREETSCAPE/LANDSCAPING

A. Petitioner shall install a minimum 8 foot wide planting strip and a minimum 12 foot wide multi-use path along the Site's frontage on Steele Creek Road as depicted on the Rezoning Plan.

B. Petitioner shall install a minimum 8 foot wide planting strip and a minimum 8 foot wide sidewalk along the internal public streets located on the Site.

C. In the event that a drive aisle or a drive through window lane is located between a building and Steele Creek Road or a building and Rigbsy Road, then the drive aisle or drive through window lane shall be screened from Steele Creek or Rigbsy Road as applicable by a two to three foot fall

masonry wall and shrubs that meet the requirements of Section 12.303(2)(g) of the Ordinance.

7. ENVIRONMENTAL FEATURES

A. Petitioner shall comply with the Charlotte City Council approved and adopted Post-Construction Stormwater Ordinance.

B. Development within any SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City Ordinance. Petitioner acknowledges intermittent/perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions.

C. Development of the Site shall comply with the applicable requirements of the City of Charlotte Tree Ordinance.

D. As noted above in paragraph 1.E, the development of the Site shall be considered to be a planned/unified development. Accordingly, the tree save requirements of the City of Charlotte Tree Ordinance shall be calculated and satisfied over the entire Site, rather than within each individual Development Area. As a result, each 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.

E. The tree save areas depicted on the Rezoning Plan are conceptual, and the actual locations of the tree save areas on the Site may vary from what is depicted on the Rezoning Plan. The actual locations of the tree save areas shall be determined during the site plan approval and permitting process.

F. Location(s) for dumpster(s)/compactor(s) and recycling shall be provided on the Site.

8. OPEN SPACE/ AMENITY AREAS

A. As noted above in paragraph 1.E, the Site shall be considered to be a planned/unified development. Accordingly, the open space requirements shall be calculated and satisfied over the entire Site, rather than within each individual Development Area or within each individual building site or lot. As a result, each Development Area or each individual building site or lot shall not be required to meet the open space requirements provided that the Site as a whole meets such open space requirements.

B. Urban open space shall be provided on the Site as required by the Ordinance and as depicted on the Rezoning Plan. Modifications to the locations of the urban open space made be made during the permitting process.

9. PARK SITE

A. Prior to the issuance of a certificate of occupancy for the 150th/ dwelling unit constructed on the Site and subject to the approval of Mecklenburg County, Petitioner shall convey a minimum one acre portion of Development Area C that is designated on Sheet RZ2-00 of the Rezoning Plan as the Proposed Public Park (the "Park Site") to Mecklenburg County for a future public park. Prior to the conveyance of the Park Site to Mecklenburg County, Petitioner shall have the right to install and locate a storm water pipe or pipes and underground utilities through the Park Site and to reserve such easements over the Park Site that are necessary to maintain, repair and replace such storm water pipe or pipes and underground utilities.

B. As depicted on Sheet RZ2-00 of the Rezoning Plan, the Park Site is located adjacent to Rigbsy Road Extension. As referenced above in Section 4, a portion of the right of way for this portion of Rigbsy Road Extension shall be dedicated by Petitioner, but Petitioner shall have no obligation to construct this portion of Rigbsy Road Extension, as it will be constructed by others in the future.

C. The one acre Park Site shall count towards the Site's minimum open space requirements.

D. One-half acre of the Park Site shall be a passive park, and the one-half acre passive park shall count towards the Site's minimum tree save requirements.

E. Mecklenburg County shall be responsible for the design, installation and maintenance of any improvements to be located on the Park Site.

F. In the event that Mecklenburg County does not approve and accept the conveyance of the Park Site, then the Park Site shall not be conveyed to Mecklenburg County.

9-10. 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.

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.