



SITE DEVELOPMENT DATA:
 --ACREAGE: 15.52 ACRES
 --TAX PARCEL # 0296828, 0296829, & 0296830
 --EXISTING ZONING: R-3
 --PROPOSED ZONING: UR-2(CD)
 --EXISTING USES: SINGLE FAMILY RESIDENTIAL
 --PROPOSED USES: UP TO ONE HUNDRED EIGHTY-SIX (186) MULTI-FAMILY ATTACHED DWELLING UNITS, TOGETHER WITH ACCESSORY USES, AS ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE UR-2 ZONING DISTRICT.
 --MAXIMUM F.A.R.: 1.0
 --MAXIMUM BUILDING HEIGHT: 40' WITH ADDITIONAL HEIGHT PER TABLE 9.406(2)(A)
 --PARKING: WILL BE PROVIDED AS REQUIRED BY ORDINANCE

1. GENERAL PROVISIONS:

A. SITE LOCATION: THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN AND OTHER SITE PLAN SHEETS FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY APPALOOSA REAL ESTATE PARTNERS ("PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 15.52-ACRE SITE LOCATED AT THE CORNER OF GALLOWAY ROAD AND MALLARD CREEK 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 IN EFFECT ON THE DATE OF FILING THE REZONING PLAN (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.

C. GRAPHICS AND ALTERATIONS: THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS, BUILDING AND PARKING ENVELOPES, OPEN SPACE AREAS, 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 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:

- MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.

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. HOWEVER, SUCH DETERMINATIONS SHALL BE SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

D. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY: THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE WILL BE LIMITED TO FORTY-THREE (43). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS, AND DESIGNS AS THE PRINCIPAL BUILDING(S) LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING.

2. PERMITTED USES & DEVELOPMENT AREA LIMITATIONS:

A. THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE MAY BE DEVELOPED WITH UP TO ONE HUNDRED EIGHTY-SIX (186) MULTI-FAMILY ATTACHED DWELLING UNITS, AS PERMITTED BY RIGHT, AND UNDER PRESCRIBED CONDITIONS, TOGETHER WITH ACCESSORY USES, ALL AS ALLOWED IN THE UR-2 ZONING DISTRICT. THE UNITS SHALL BE FOR SALE.

3. ACCESS AND TRANSPORTATION IMPROVEMENTS:

A. ACCESS TO THE SITE: WILL BE FROM MALLARD CREEK ROAD AND GALLOWAY ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

B. 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 AND/OR NCDOT IN ACCORDANCE WITH PUBLISHED STANDARDS.

C. THE PETITIONER SHALL LOCATE THE CURB AND GUTTER ON MALLARD CREEK ROAD THIRTY-SIX (36) FEET FROM THE ROADWAY CENTERLINE.

D. THE PETITIONER SHALL PROVIDE A RIGHT-TURN LANE INTO THE SITE ON MALLARD CREEK ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

E. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT IS SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE DEVELOPMENT AND CONSTRUCTION PLANS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

F. REQUIRED ROADWAY IMPROVEMENTS, IF ANY, WILL BE APPROVED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING ON THE SITE. SUBJECT TO THE PETITIONER'S ABILITY TO POST A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME OF THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

G. THE 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. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS THAT ARE LOCATED ALONG THE PUBLIC STREETS AND OUTSIDE OF THE RIGHT-OF-WAY. THE PERMANENT SIDEWALK EASEMENT WILL BE LOCATED A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK WHERE FEASIBLE.

H. 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 THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE BROAD NORTH EASTERN MECKLENBURG AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

I. IT IS UNDERSTOOD, A RIGHT-OF-WAY ENCROACHMENT 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 BY A PRIVATE INDIVIDUAL, GROUP, BUSINESS, OR HOMEOWNER'S/BUSINESS ASSOCIATION. AN ENCROACHMENT AGREEMENT MUST BE APPROVED BY CDOT PRIOR TO CONSTRUCTION/INSTALLATION.

STREETSCAPE, BUFFERS, YARDS, OPEN SPACE, AND LANDSCAPING:

A. 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.

B. A THIRTY (30) FOOT SETBACK FROM THE FUTURE BACK OF CURB WILL BE PROVIDED ALONG MALLARD CREEK ROAD AND GALLOWAY ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN. AN EIGHT (8) FOOT SIDEWALK AND AN EIGHT (8) FOOT PLANTING STRIP SHALL BE PROVIDED ALONG GALLOWAY ROAD. A TWELVE (12) FOOT MULTI-USE PATH AND AN EIGHT (8) FOOT PLANTING STRIP SHALL BE PROVIDED ALONG MALLARD CREEK ROAD. THE MULTI-USE PATH SHALL BE EXTENDED TO LEXINGTON UPON AVAILABILITY OF EXISTING RIGHT-OF-WAY AND SHALL NOT REQUIRE THE RELOCATION OF UTILITIES OR OTHER OBSTRUCTIONS IN THE RIGHT-OF-WAY.

C. WALKWAYS SHALL BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS.

5. ARCHITECTURAL STANDARDS:

A. THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE SHALL HAVE BRICK FACADES; SIDE AND REAR ELEVATIONS MAY BE CONSTRUCTED WITH BRICK AND/OR OTHER MATERIALS. VINYL SHALL NOT BE USED AS A SIDING MATERIAL.

B. USABLE PORCHES AND/OR STOOPS SHALL FORM A PREDOMINANT FEATURE OF THE BUILDING DESIGN AND BE LOCATED ON THE FRONT AND/OR SIDE OF THE BUILDING. USABLE FRONT PORCHES, WHEN PROVIDED, SHOULD BE COVERED AND BE AT LEAST FIVE (5) FEET DEEP. STOOPS AND ENTRY-LEVEL PORCHES MAY BE COVERED BUT SHOULD NOT BE ENCLOSED. STOOPS AND ENTRY LEVEL PORCHES SHALL BE A MINIMUM OF THREE (3) FEET DEEP.

C. GARAGE DOORS PROPOSED ALONG PUBLIC OR PRIVATE STREETS SHOULD MINIMIZE THE VISUAL IMPACT BY PROVIDING A SETBACK OF 12 TO 24 INCHES FROM THE FRONT WALL PLANE OR INCLUDE ADDITIONAL ARCHITECTURAL TREATMENTS SUCH AS TRANSLUCENT WINDOWS OR PROJECTING ELEMENTS OVER THE GARAGE DOOR OPENING.

D. BUILDINGS FRONTING PUBLIC OR PRIVATE NETWORK REQUIRED STREETS SHOULD BE LIMITED TO FIVE (5) INDIVIDUAL UNITS OR FEWER. THE NUMBER OF INDIVIDUAL UNITS PER BUILDING SHOULD BE VARIED IN ADJACENT BUILDINGS IF MULTIPLE FIVE (5) UNIT BUILDINGS ARE ADJACENT.

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. METER BANKS WILL BE SCREENED FROM ADJOINING PROPERTIES AND FROM THE PROPOSED PUBLIC STREET.

G. HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AND FROM VIEW OF ADJACENT PROPERTIES AT GRADE.

H. DUMPSTER AND RECYCLING AREA, IF PROVIDED, WILL BE ENCLOSED BY 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.

6. ENVIRONMENTAL FEATURES:

A. THE SITE SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED COMPLY WITH THE POST CONSTRUCTION STORMWATER ORDINANCE. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEM(S) 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 PETITION. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

B. THE SITE WILL COMPLY WITH THE TREE ORDINANCE. THE FINAL LOCATION OF THE REQUIRED TREE SAVE AREAS WILL BE DETERMINED DURING THE LAND DEVELOPMENT APPROVAL PROCESS FOR THE SITE. TREE SAVE AREAS WILL COMPLY WITH THE REQUIREMENTS OF THE TREE ORDINANCE.

7. CATS:

A. THE PETITIONER SHALL PROVIDE AN ADA COMPLIANT BUS PAD DETAIL 60.02A ALONG MALLARD CREEK ROAD. THE FINAL LOCATION WILL BE COORDINATED WITH THE DEVELOPER DURING THE LAND DEVELOPMENT PLAN REVIEW PROCESS.

8. LIGHTING:

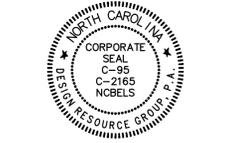
A. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE GREATER THAN TWENTY-ONE (21) FEET IN TOTAL HEIGHT (I.E., EXCLUDING DECORATIVE LIGHTING LESS THAN 21' IN HEIGHT THAT MAY BE INSTALLED ALONG THE DRIVEWAYS AND SIDEWALKS AS PEDESTRIAN/LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED.

9. 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 OR PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

10. 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 HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



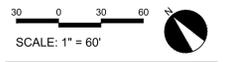
REZONING PETITION FOR PUBLIC HEARING 2022-177

REZONING DOCUMENT

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SCHEMATIC SITE PLAN



PROJECT #: 1010-004
 DRAWN BY: BG
 CHECKED BY: TH

SEPTEMBER 15, 2022

REVISIONS:
 03/13/23 PER STAFF REVIEW COMMENTS
 04/10/23 PER STAFF REVIEW COMMENTS

RZ1.0