

REZONING PETITION

FOR PUBLIC HEARING

2024-XXX

REZONING PETITION

**CHARTER - WEST MALLARD
CREEK CHURCH RD SITE**
CHARLOTTE, NORTH CAROLINA

CHARTER PROPERTIES
1520 SOUTH BOULEVARD, SUITE 215
CHARLOTTE, NC 28203

SCHEMATIC SITE
PLAN

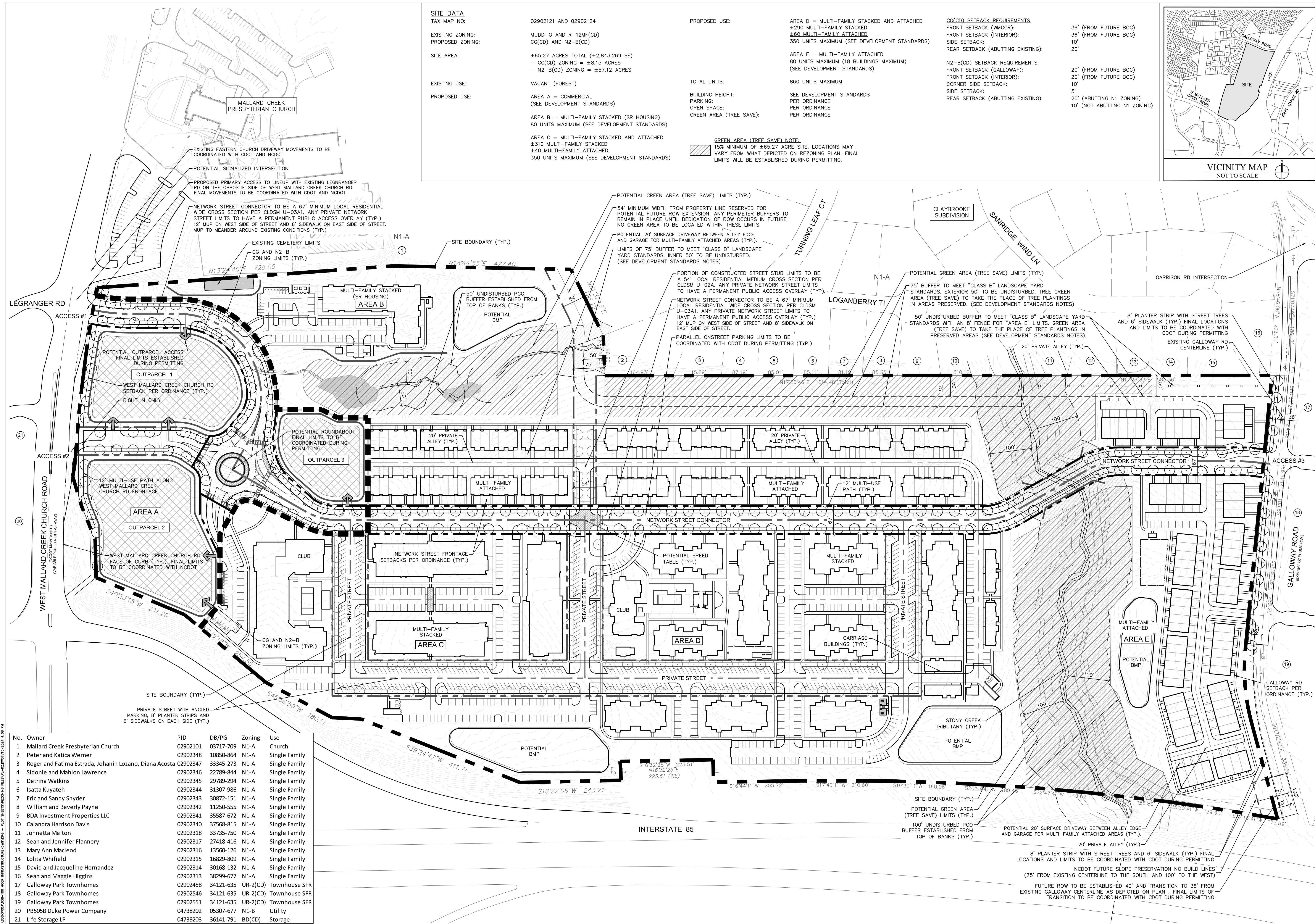
50 0 50 100
SCALE: 1" = 100'

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

JULY 15, 2024

REVISIONS:

RZ1.0



SITE DATA

TAX MAP NO: 02902121 AND 02902124
EXISTING ZONING: MUDD-O AND R-12MF(CD)
CG(CD) AND N2-B(CD)
PROPOSED ZONING: CG(CD) AND N2-B(CD)
SITE AREA: ±65.27 ACRES TOTAL (±2,843,269 SF)
- CG(CD) ZONING = ±8.15 ACRES
- N2-B(CD) ZONING = ±57.12 ACRES
EXISTING USE: VACANT (FOREST)
PROPOSED USE: AREA A = COMMERCIAL (SEE DEVELOPMENT STANDARDS)
AREA B = MULTI-FAMILY STACKED (SR HOUSING) 80 UNITS MAXIMUM (SEE DEVELOPMENT STANDARDS)
AREA C = MULTI-FAMILY STACKED AND ATTACHED ±310 MULTI-FAMILY STACKED ±40 MULTI-FAMILY ATTACHED 350 UNITS MAXIMUM (SEE DEVELOPMENT STANDARDS)

PROPOSED USE: AREA D = MULTI-FAMILY STACKED AND ATTACHED ±290 MULTI-FAMILY STACKED ±60 MULTI-FAMILY ATTACHED 350 UNITS MAXIMUM (SEE DEVELOPMENT STANDARDS)
AREA E = MULTI-FAMILY ATTACHED 80 UNITS MAXIMUM (18 BUILDINGS MAXIMUM) (SEE DEVELOPMENT STANDARDS)
TOTAL UNITS: 860 UNITS MAXIMUM
BUILDING HEIGHT: SEE DEVELOPMENT STANDARDS
PARKING: PER ORDINANCE
OPEN SPACE: PER ORDINANCE
GREEN AREA (TREE SAVE): PER ORDINANCE

CG(CD) SETBACK REQUIREMENTS
FRONT SETBACK (W/MC/R): 36' (FROM FUTURE BOC)
FRONT SETBACK (INTERIOR): 36' (FROM FUTURE BOC)
SIDE SETBACK: 10'
REAR SETBACK (ABUTTING EXISTING): 20'
N2-B(CD) SETBACK REQUIREMENTS
FRONT SETBACK (GALLOWAY): 20' (FROM FUTURE BOC)
FRONT SETBACK (INTERIOR): 20' (FROM FUTURE BOC)
CORNER SIDE SETBACK: 10'
SIDE SETBACK: 5'
REAR SETBACK (ABUTTING EXISTING): 20' (ABUTTING N1 ZONING)
10' (NOT ABUTTING N1 ZONING)

GREEN AREA (TREE SAVE) NOTE:
15% MINIMUM OF ±65.27 ACRE SITE. LOCATIONS MAY VARY FROM WHAT DEPICTED ON REZONING PLAN. FINAL LIMITS WILL BE ESTABLISHED DURING PERMITTING.

No.	Owner	PID	DB/PG	Zoning	Use
1	Mallard Creek Presbyterian Church	02902101	03717-709	N1-A	Church
2	Peter and Katia Werner	02902348	10850-864	N1-A	Single Family
3	Roger and Fatima Estrada, Johani Lozano, Diana Acosta	02902347	33345-273	N1-A	Single Family
4	Sidonie and Mahlon Lawrence	02902346	22789-844	N1-A	Single Family
5	Detrina Watkins	02902345	29789-294	N1-A	Single Family
6	Isatta Kuyateh	02902344	31307-986	N1-A	Single Family
7	Eric and Sandy Snyder	02902343	30872-151	N1-A	Single Family
8	William and Beverly Payne	02902342	11250-555	N1-A	Single Family
9	BDA Investment Properties LLC	02902341	35587-672	N1-A	Single Family
10	Calandra Harrison Davis	02902340	37568-815	N1-A	Single Family
11	Johnetta Melton	02902318	33735-750	N1-A	Single Family
12	Sean and Jennifer Flannery	02902317	27418-416	N1-A	Single Family
13	Mary Ann Macleod	02902316	13560-126	N1-A	Single Family
14	Lolita Whiffiel	02902315	16829-809	N1-A	Single Family
15	David and Jacqueline Hernandez	02902314	30168-132	N1-A	Single Family
16	Sean and Maggie Higgins	02902313	38299-677	N1-A	Single Family
17	Galloway Park Townhomes	02902458	34121-635	UR-2(CD)	Townhouse SFR
18	Galloway Park Townhomes	02902546	34121-635	UR-2(CD)	Townhouse SFR
19	Galloway Park Townhomes	02902551	34121-635	UR-2(CD)	Townhouse SFR
20	PB505B Duke Power Company	04738202	05307-677	N1-B	Utility
21	Life Storage LP	04738203	36141-791	BD(CD)	Storage

DEVELOPMENT STANDARDS:

1. GENERAL PROVISIONS

- A. SITE. THESE DEVELOPMENT STANDARDS, THE SCHEMATIC SITE PLAN AND OTHER GRAPHICS SET FORTH ON SHEETS R2-1.0 THROUGH R2-2.0 FROM 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 BUILDING AND PARKING ENVELOPES ARE LOCATED WITHIN EACH DEVELOPMENT AREA. DEVELOPMENT AREA A IS FURTHER DIVIDED INTO THREE 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 DEVELOPMENT AREA A. ANY REFERENCE HEREIN TO THE SITE SHALL BE DEEMED TO INCLUDE DEVELOPMENT AREA A, DEVELOPMENT AREA B, DEVELOPMENT AREA C, DEVELOPMENT AREA D AND DEVELOPMENT AREA E UNLESS OTHERWISE NOTED.
- C. ZONING DISTRICTS/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 (THE "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 ON THE REZONING PLAN 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 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, LANDSCAPE 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, 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) AN ACCESSORY DRIVE-THROUGH SHALL ONLY BE PERMITTED ON DEVELOPMENT AREA A AS AN ACCESSORY USE TO A FINANCIAL INSTITUTION.

- B. DEVELOPMENT AREA B
- (1) SUBJECT TO THE LIMITATIONS 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 80 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.
- (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 A NEW BUILDING CONSTRUCTED ON THE SITE.
- (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 AFTER APPROVAL OF THIS REZONING. 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-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).

- 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.
- (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.
- (2) A TOTAL MAXIMUM OF 290 MULTI-FAMILY STACKED DWELLING UNITS MAY BE DEVELOPED ON DEVELOPMENT AREA D.
- (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.
- (2) A TOTAL MAXIMUM OF 80 MULTI-FAMILY ATTACHED DWELLING UNITS MAY BE DEVELOPED ON DEVELOPMENT AREA E.

3. 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 MEANDER TO SAVE EXISTING TREES.
- D. THE INTERNAL STREET CONNECTING WEST MALLARD CREEK CHURCH ROAD TO GALLOWAY ROAD AND RUNNING IN A NORTH-SOUTH DIRECTION (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 CREEKMERE LANE LOCATED TO THE WEST OF THE SITE. THAT PORTION OF THE SITE LOCATED WEST OF THE CONNECTOR ROAD AND MEASURING 54 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.

4. ARCHITECTURAL STANDARDS

- A. DEVELOPMENT AREA A
- (1) THE MAXIMUM HEIGHT OF ANY BUILDING LOCATED ON DEVELOPMENT AREA A SHALL BE GOVERNED BY THE ORDINANCE.
- B. DEVELOPMENT AREA B
- (1) THE MAXIMUM HEIGHT OF THE MULTI-FAMILY STACKED DWELLING UNIT BUILDING LOCATED ON DEVELOPMENT AREA B SHALL BE GOVERNED BY THE ORDINANCE.
- C. DEVELOPMENT AREA C
- (1) THE MAXIMUM HEIGHT IN FEET OF ANY MULTI-FAMILY STACKED DWELLING UNIT BUILDING LOCATED ON DEVELOPMENT AREA C SHALL BE 65 FEET.
- (2) THE MAXIMUM HEIGHT IN FEET OF ANY MULTI-FAMILY ATTACHED DWELLING UNIT BUILDING LOCATED ON DEVELOPMENT AREA C SHALL BE 50 FEET.
- D. DEVELOPMENT AREA D
- (1) THE MAXIMUM HEIGHT IN FEET OF ANY MULTI-FAMILY STACKED DWELLING UNIT BUILDING LOCATED ON DEVELOPMENT AREA D SHALL BE 50 FEET.
- (2) THE MAXIMUM HEIGHT IN FEET OF ANY MULTI-FAMILY ATTACHED DWELLING UNIT BUILDING LOCATED ON DEVELOPMENT AREA D SHALL BE 40 FEET.
- (3) THE MAXIMUM HEIGHT IN STORIES OF ANY MULTI-FAMILY ATTACHED DWELLING UNIT BUILDING LOCATED ON DEVELOPMENT AREA D SHALL BE 2 STORIES.
- E. DEVELOPMENT AREA E
- (1) THE MAXIMUM HEIGHT IN FEET OF ANY MULTI-FAMILY ATTACHED DWELLING UNIT BUILDING LOCATED WEST OF THE CONNECTOR ROAD ON DEVELOPMENT AREA E SHALL BE 40 FEET.
- (2) THE MAXIMUM HEIGHT IN STORIES OF ANY MULTI-FAMILY ATTACHED DWELLING UNIT BUILDING LOCATED WEST OF THE CONNECTOR ROAD ON DEVELOPMENT AREA E SHALL BE 2 STORIES.
- (3) THE MAXIMUM HEIGHT IN FEET OF ANY MULTI-FAMILY ATTACHED DWELLING UNIT BUILDING LOCATED EAST OF THE CONNECTOR ROAD ON DEVELOPMENT AREA E SHALL BE 50 FEET.
- (4) THE MAXIMUM HEIGHT IN STORIES OF ANY MULTI-FAMILY ATTACHED DWELLING UNIT BUILDING LOCATED EAST OF THE CONNECTOR ROAD ON DEVELOPMENT AREA E SHALL BE 3 STORIES.

5. STREETS/SPACE

- A. PLANTING STRIPS AND SIDEWALKS SHALL BE INSTALLED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
- B. OPEN SPACE/GREEN AREA
- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE OPEN SPACE AND GREEN AREA REQUIREMENTS OF THE ORDINANCE.
- B. 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 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.
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 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 BOUNDARY LINE OF THE SITE TO THE WESTERN 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 INSTALL 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 ENCRUCH 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. 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.

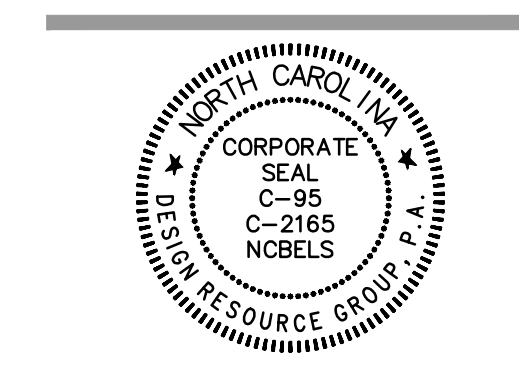
10. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- 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.



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

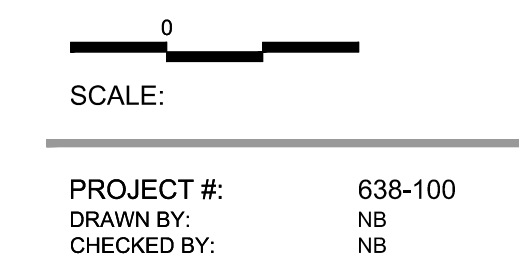
1111 Hawthorne Lane, Charlotte, NC 28205
704.343.0608
www.drgpr.com



REZONING PETITION
FOR PUBLIC HEARING
2024-XXX
REZONING PETITION

CHARTER - WEST MALLARD
CREEK CHURCH RD SITE
CHARLOTTE, NORTH CAROLINA
CHARTER PROPERTIES
1520 SOUTH BOULEVARD, SUITE 215
CHARLOTTE, NC 28203

TECHNICAL DATA
SHEET



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

JULY 15, 2024

REVISIONS: