

# DEVELOPMENT NOTES

## GENERAL PROVISIONS

Except as otherwise provided in this Rezoning Plan, all development standards established under the Mecklenburg County Zoning Ordinance (the "Ordinance") for the R-17MF CD Zoning District, Classification shall be followed in connection with development taking place. The building configurations, placements, and sizes shown on the Zoning Plan are schematic in nature and may be altered or modified during design development and construction document phases. Parking layouts may also be modified to accommodate final building locations. Parking and vehicular circulation may occur within building envelope areas.

This property may be devoted to any multifamily residential use (including accessory use) which is permitted by right or under prescribed conditions in a R-17MF Zoning District under the Ordinance.

The total number of multifamily dwelling units, which may be constructed on this property, cannot exceed 284 units.

## ALEXANDER SLAVE CEMETERY

The Petitioner agrees to (i) maintain the physical and aesthetic character of the area noted on the site plan as the Alexander Family Slave Cemetery ("Cemetery") so that its historic features shall be preserved, (ii) allow the public reasonable access to the Cemetery at reasonable times during daylight hours and otherwise in such manner as Petitioner may determine to be appropriate and consistent with use of the surrounding land and adjacent properties, provided such access may be controlled by Petitioner through the use of gates, fences and other means to inhibit unauthorized entry, may be relocated from time to time as Petitioner reasonably determines it to be necessary or appropriate and may be prohibited at least one day each calendar year (it being agreed that nothing contained herein will grant or create any new easement rights in any person or dedicate any rights of any nature to the general public) and (iii) if the Charlotte-Mecklenburg Landmarks Commission desires to submit a design for a fence to be considered by Petitioner around the Cemetery, Petitioner will consider such proposal, but Petitioner reserves the right not to install any fence or to install any fence that Petitioner determines to be consistent with its obligation to preserve the physical and aesthetic character of the Cemetery and with the nature of the development of the adjoining property as approved.

## STORM WATER MANAGEMENT

1. Storm water will be managed by the use of retention ponds and/or other means allowable under the Ordinance but will not be located within any required buffer area.

## ALEXANDER SLAVE CEMETERY

The Petitioner agrees to incorporate into all deeds, leases or other legal instruments disposing by sale or lease or other means the fee simple or any lesser-included interest in any such property the same responsibilities in perpetuity to all subsequent owners of the Cemetery property.

The Petitioner agrees to cooperate with the Charlotte-Mecklenburg Landmarks Commission in the event that the Commission in the event that the Commission chooses to seek "Landmark" designation for the Cemetery property as shown on the site plan.

The Petitioner agrees to fund the placement of an "historic marker" along the Mallard Creek Road frontage indicating the site of the Cemetery and noting how access could be obtained to the site. The Charlotte-Mecklenburg Landmarks Commission will be consulted on the specific wording and design of the sign.

## LIGHTING

1. A uniform lighting system will be employed throughout the Site.

2. All direct lighting installed within the property will be designed and installed so as to minimize glare towards adjacent streets and properties.

3. Detached lights will be limited to 20' in height, except as may be located on the site.

## TURN LANE

The Petitioner will construct a right turn lane along Mallard Creek Church Road as allowed or required by NCDOT for the northern most entrance to the site.

## SIDEWALK

The Petitioner will construct a 5' wide sidewalk along Mallard Creek Church Road from the northern most driveway to the southern most entrance to the site. Such sidewalk may be constructed within the public right-of-way or within the 40' setback area. The placement of the sidewalk will be determined during the planned multifamily review process, but it will be placed at least 8' away from the pavement edge of Mallard Creek Church Road.

## SETBACK AREAS AND BUFFER AREAS

1. All development within the Site falling within the Setback Areas depicted on this Rezoning Plan will be subject to the restrictions imposed under these Development Standards with respect to Setback Areas.

2. All development within the Site falling within the Buffer Areas depicted on this Rezoning Plan will be subject to the restrictions imposed under Section 12.302 of the Zoning Ordinance and with these Development Standards with respect to Buffer Areas.

3. The Buffer Areas extending around the northwestern and southwestern margins of the Site are to remain as open space, except to the extent necessary to accommodate pedestrian pathways, access points, walls, berms, fences, grading, storm water, retention ponds, signs and graphics (as permitted by the Ordinance), drainage or utility construction.

4. Grading may be performed and slopes and berms may be installed within all Setback Areas and Buffer Areas except the 25 foot "undisturbed area" strips, which are established within the Buffer Area along the northwestern and southwestern margins of the Site. Existing trees within any 25 foot undisturbed area strip which die as a result of grading performed outside any such strip will be replaced with large maturing trees satisfying the standards established below under Paragraph 2 of the "Landscaping & Screening" Section.

5. Any utility lines constructed across "undisturbed area" strips will be aligned so as generally to run perpendicular to the 25 foot "undisturbed area" strip affected.

6. No buildings or parking lots may be placed within any Setback Area or Buffer Area specifically designated on this Rezoning Plan.

7. In all Buffer Areas (except retention pond areas) where existing trees and natural vegetation have been cleared to accommodate walls, berms, fences, grading, signs, graphics, and the installation of utility construction, the cleared, unshaded areas will be landscaped with trees and shrubs, and where existing vegetation is not sufficient to provide adequate screening, cover shall be required to provide landscaped earth berms at least 4 feet in height or to provide heavy landscaping consisting of trees and shrubs to screen views, or a combination of both.

## SETBACK AREAS AND BUFFER AREAS

8. No stormwater detention facilities will be located within any required buffer or setback.

## LANDSCAPING AND SCREENING

1. Buffering and/or screening shall, in addition to satisfying the minimum standards established under the Ordinance, substantially conform with the standards and treatments specified on the Illustrative Master Plan and notes 2, 3 and 4 below.

2. All new trees planted within Buffer Areas of Setback Areas shall be a minimum of 2 inches in caliper and 6 feet in height at planting and will be planted at a minimum of 40 feet on center. Specimens will include a mixture of deciduous and evergreen trees such as *Cornus Florida* (Flowering Dogwood), *Pyrus Ocellayana* (Brookford Pear), *Ilex opaca* (American Holly), *Juniperus virginiana* (Eastern Red Cedar), *Pinus strobus* (White Pine), *Quercus posinata* (Pine Oak), *Quercus phellos* (Willow Oak), and *Acer rubrum* (Red Maple). Healthy existing trees within the Buffer Areas shall be deemed to satisfy the requirements of the Landscaping and Screening notes.

3. All shrubs required to be planted will comply with provisions of the Ordinance.

4. All dumpsters and service areas will be heavily screened with walls, fences and gates on all four sides from public streets and from adjacent properties.

## UTILITY DISTRIBUTION LINES

All nonpublic utility distribution lines delivering electrical power to the Site will be placed underground unless the utility involved refuses to give its consent.

## PARKING

1. The parking areas depicted on this Rezoning Plan may vary but in all events off-street parking will meet the minimum standards established under the Ordinance.

2. No parking shall be permitted within designated Setback Areas or Buffer Areas.

## SIGNS

1. All permanent signs erected on the Site will comply with the Ordinance.

2. All detached signs must be fixed and may not move, rotate, or flash, and no sign may be mounted on the roof of any structure.

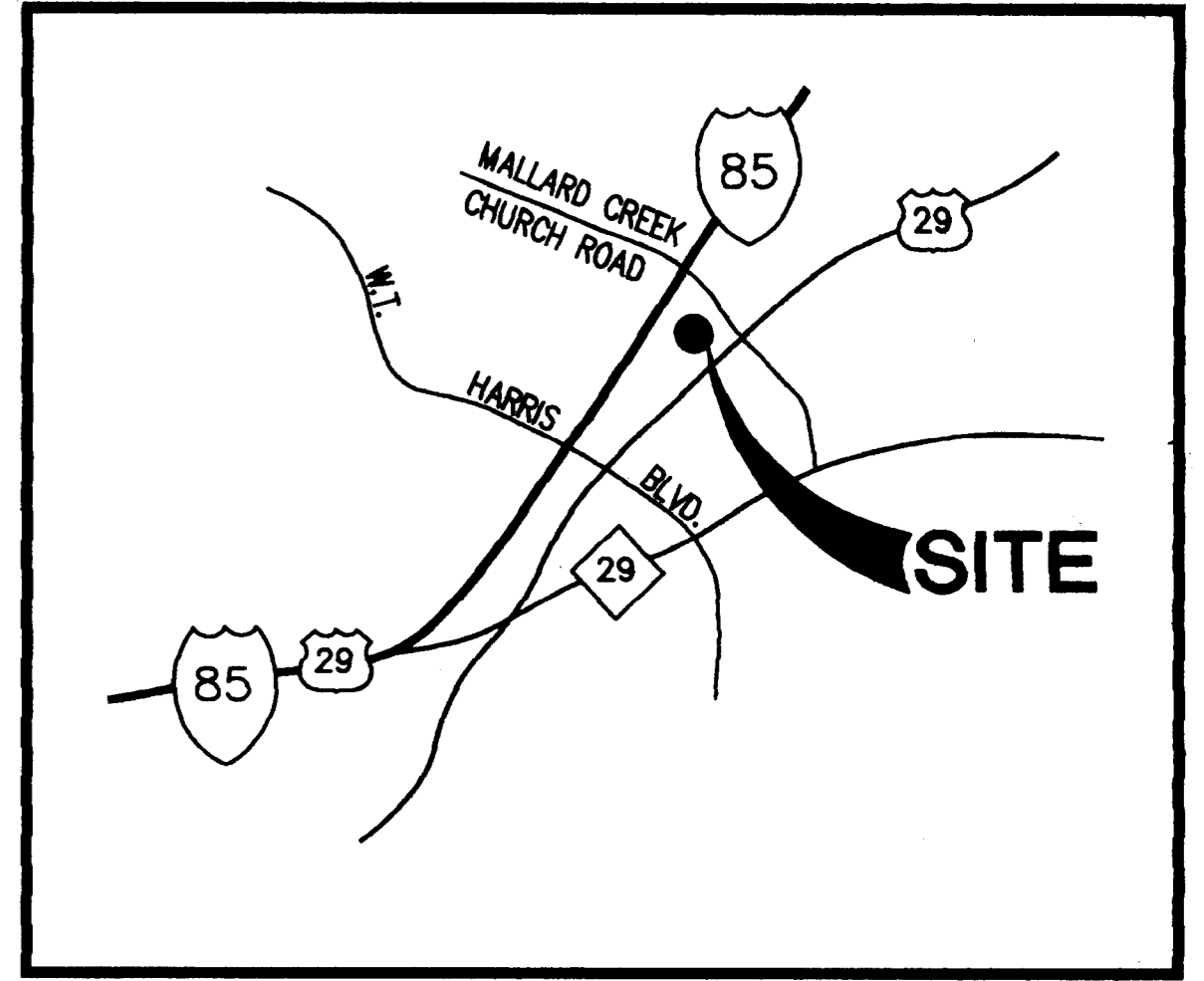
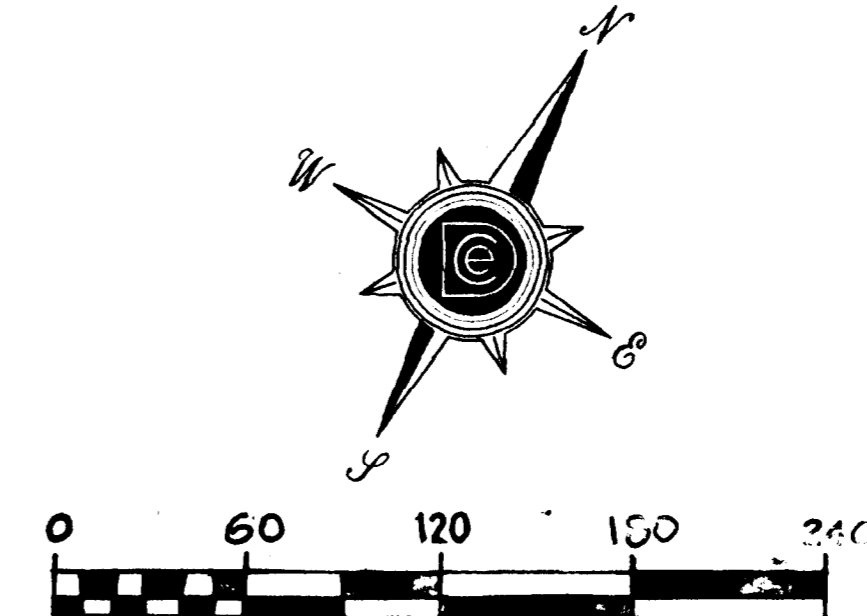
## ACCESS POINTS

1. The number of vehicular access points to Mallard Creek Church Road shall be limited to one, as generally depicted on this Rezoning Plan. However, the configurations of such access point and driveway within the Site are subject to any modifications required to accommodate any architectural construction plans and designs and are further subject to approval by the North Carolina Department of Transportation.

2. The Petitioner reserves the right to connect to the adjoining property to the east with either private driveways or with direct connection to a public street at such time as a street is constructed on the adjoining property.

## ARCHITECTURAL CONTROLS

The Petitioners intend to achieve compatibility of visual aesthetics and architectural design of buildings constructed within the Site through the use of one or a combination of color, material, texture, architectural features, roof lines, building mass, scale, and similar criteria; provided, however, that the Petitioners reserve the right to utilize variant colors, materials, textures, architectural features, roof lines, building masses, and sizes as long as compatibility in aesthetics and design is achieved.



VICINITY MAP

NOT TO SCALE

## DEVELOPMENT DATA

EXISTING ZONING	O-15 CD & R-9 MF CD
PROPOSED ZONING	R-17MF CD
TOTAL AREA	18.52 acres
TOTAL UNIT	284 units
DENSITY	15.33 units/ac.
OPEN SPACE (REQ'D)	8.33 AC.
OPEN SPACE (PROVIDED)	8.67 AC.
(OPEN SPACE (REQ'D) 45% X 18.52 AC. = 8.33 AC.)	

PUBLIC HEARING PLAN  
AS RECOMMENDED BY PLANNING COMMISSION  
PET. NO. 98-08 (C)



LOCATED IN  
TRACT 1 - D.B. 3843 PG. 186 TAX PARCEL 47-19-08  
TRACT 2 - D.B. 3828 PG. 489 TAX PARCEL 47-19-07  
MALLARD CREEK TWP  
MECKLENBURG COUNTY, NORTH CAROLINA

FOR OWNER & DEVELOPER

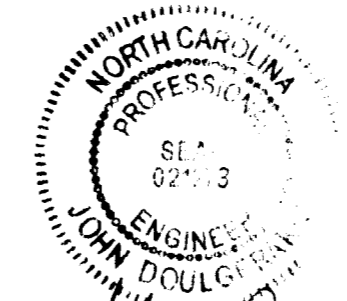
APPROVED BY COUNTY COMMISSION  
DATE March 10, 1998

**AGS**  
**A. G. SPANOS DEVELOPMENT, INC.**  
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PREPARED BY 98-8-C



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John Douglas  
3/2/98

REVISED 3/20/98

REVISED 2-27-98

