

SHOPTON ROAD DEVELOPMENT

DEVELOPMENT STANDARDS

May 15, 2003 MAY 1 6 2003 Rev. 12-02-2002

Rev. 12-23-2002 Original Submission Rev. 02-14-2003 Revised Submission Rev. 04-01-2003 Revised Submission SUSAN L. FOSTER

Rev. 04-17-2003 Revised Submission Phone: 704.382.8314 Rev. 05-15-2003 Revised Submission

DEVELOPMENT STANDARDS

Modified as of May 15, 2003 General Provisions

Permitted Uses

Unless more stringent standards are established by the Technical Data Sheet (Sheet 1) or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the MX -1 zoning district classification shall be followed in connection with development taking place on the Site. The Site shall utilize the Innovative provisions of the Ordinance as outlined on the Technical Data Sheet and the Technical Data Sheet and these Development Standards will constitute the approved MX-1 (Innovative) Site Plan. No subsequent (Innovative) site plan approval will be required.

The lot configurations, placements and sizes, as well as the locations of streets shown on the Conceptual Site Plan (Sheet 3) are schematic in nature and may be altered or modified during design development and construction document phases.

Development of the Site will be restricted to the following uses:

Subject to the provisions of the next-succeeding paragraph, development of Parcel A of the Site shall be restricted to no more than 200 detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-1 District. Such permitted incidental or accessory uses may include, but are not limited to, elderly and disabled housing, guesthouses and employee quarters, and community or common use piers in accordance with the standards of the Ordinance. Any community or common use piers shall also satisfy all other applicable local, state or federal regulations.

No more than 150 certificates of occupancy for homes developed on Parcel A may be issued until the Activities Center proposed for this Parcel has been completed.

Subject to the provisions of the next succeeding paragraphs of this section, development of Parcel B of the Site shall be restricted to that number of detached single family homes which would produce a density of no more than one detached single family home per acre along with any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-1 District. Such permitted incidental or accessory uses may include, but are not limited to, elderly and disabled housing, guesthouses and employee quarters, and community or common use piers in accordance with the standards of the Ordinance. Any community or common use piers shall also satisfy all other applicable local, state or federal regulations.

A portion of Parcel B may be devoted to a fire station if the City of Charlotte elects to locate one on this parcel. If the City of Charlotte, elects to locate a fire station on Parcel B, then notwithstanding anything to the contrary provided in the next preceding paragraph, the permissible residential density for the remaining part of Parcel B (the "Remaining Part") may be increased by the number of homes that could have been developed on that part of Parcel B which is devoted to the fire station had all of Parcel B been developed solely with detached single family homes; subject, however, to a limitation of the total number of homes that could be developed on the Remaining Part of 220 homes. By way of an example, if Parcel B contained 200 acres and if the City elected to develop a fire station on a 2 acre parcel within Parcel B, then a total of 200 detached single family homes could be developed on the remaining 198 acres of Parcel B.

All residential lots within Parcel B shall equal or exceed one-half (1/2) acre in size.

The Petitioner is hopeful that it will be able to identify a qualified developer who is willing to develop on Parcel C a private "core" golf course and country club facility which may include in to 25 detached single family golf villas. Accordingly, Parcel C may be devoted to these

However, should the Petitioner, in its sole discretion, conclude that this type of development is not desirable or feasible, or should it decide to develop detached single family homes as well as a core golf course on Parcel C, then the Petitioner reserves the right to develop that number of detached single family homes on the entire Parcel or on that part thereof which is not devoted to a core golf course that would produce a density of no more than one detached single family home per acre along with any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-1 District.

A portion of Parcel C may also be devoted to an elementary school and/or public park purposes. if the Charlotte-Mecklenburg Board of Education (the "School Board") elects to acquire a part of Parcel C for one or both of these purposes pursuant to the provisions of the section of these Development Standards which deals with the School Site. If the School Board so elects to acquire part of Parcel C, then notwithstanding anything to the contrary provided in the next preceding paragraph, the permissible residential density for the remaining part of Parcel C (the "Remaining Part") may be increased by the number of homes that could have been developed on that part of Parcel C which is devoted to the School Board site had all of Parcel C been developed solely with detached single family homes; subject, however, to a limitation of the total number of homes that could be developed on the Remaining Part of 320 homes. By way of example, if Parcel C contained 300 acres and if the School Board elected to acquire 20 acres within Parcel C for school or public park purposes, and if the owner of Parcel C decided to devote 125 acres to a core golf course and develop detached single family homes on the Remaining Part, then a total of 175 detached single family homes could be developed on the remaining 155 acres of Parcel C.

Site Amenities for All Parcels Amenities such as, but not limited to, country club facility(ies), pro-shop(s) and family activity

center(s) may be provided within each Parcel. Incidental and Accessory Uses

Essements to Accommodate the Possible Extension of Sewer Service to Adjacent Lots

Lots throughout the Site may include any number and/or combination of accessory and incidental uses. All accessory uses shall comply with Chapter 12, Part 4 of the Ordinance.

The Petitioner agrees to dedicate to the City of Charlotte for the Site easements over portions of the Site covering the minimum required permanent and temporary construction easements necessary to accommodate the future possible extension by the Charlotte-Mecklenburg Utility Department ("CMUD") of sewer service to the existing homes adjoining Parcels A. B and C. all along the generally depicted on the Concept Plan for Future Sewer Service to Adjoining Lots (Sheet 4) which accompanies the Technical Data Sheet prepared by its civil engineer, Land Design, in conjunction with the Staff of CMUD. The easements shall be conveyed at the earlier of either the recording of the subdivision plat through which the sewers are to be extended or the annexation by the City of Charlotte of adjoining properties. In order to facilitate any such extension, the Petitioner further agrees to work closely with CMUD's Staff in the design of these extension projects should CMUD elect at some time in the future to extend its sewer system to these adjoining homes.

All development occurring on the Site shall conform with the requirements of the Lower Lake Wylie Watershed District Critical Area which provides for a shoreline buffer of 50 feet. The Petitioner also agrees to provide an additional 50 foot shoreline buffer so that the width of the Lake Wylie Watershed District Critical Area buffer and the additional provided buffer will total 100 feet. Further, the Petitioner agrees to provide an additional 100 foot wide "Restricted Zone" along the majority of the shoreline within Parcel A, all as generally depicted on the Technical Data Sheet.

No dwelling units may be located within the required shoreline buffer, the additional shoreline buffer or the Restricted Zone. Soft surface trails and accessories to the trails, including accessory structures and benches, trash

receptacles, shelters, lighting and signage will be permitted within the additional shoreline

Hard and soft surface trails and accessories to the trails, including accessory structures and benches, trash receptacles, shelters, lighting and signage will be permitted within the Restricted

Limbing up of trees and removal of smaller or dead trees within the shoreline buffer, the additional shoreline buffer and the Restricted Zone are permissible to the extent authorized in the watershed regulations applicable to the shoreline buffer and will be regulated by restrictive **Innovative Development Provisions**

Pursuant to Section 11,208 of the Ordinance, Petitioner seeks to obtain approval of the following Innovative Development Standards in connection with development of the Site concurrently with the approval of this Rezoning Petition:

Streets: Ditch type public streets (no curb and gutter) in accordance with the cross sections depicted on Sheet 3 which accompanies the Technical Data Sheet.

Pedestrian Trails: Hard surface trails constructed of concrete will be located on one side of all streets throughout the Site. The hard surface trails will be 8 feet in width on portions of Island Pointe Road and Wildlife Road, as depicted on the Technical Data Sheet, and 5 feet in width on all other public streets throughout the Site.

Soft surface trails of varying widths will be located throughout the Site along creek bottoms, along stream corridors, within environmentally sensitive areas, along Duke Power line rights-of-way, and selected alignments within common open space areas, all as generally depicted on the Technical Data Sheet. Soft surface trails may be either natural mulch or primitive trails. Wooden footbridges and catwalks for minor stream crossings and wetland areas will also be included.

The Technical Data Sheet and the Sheets attached thereto, along with these associated Development Standards constitute the approved MX-1 (Innovative) Site Plan. No subsequent (Innovative) site plan approval will be required.

Pedestrian trails within Parcel A will be developed on a phase by phase basis in accordance with normal subdivision standards.

Stormwater Management / Erosion Control The Site is located within the Critical Area, as defined in the Mecklenburg County

Lower Lake Wylie Watershed Protection Ordinance, and accordingly its development will

adhere to or exceed the requirements of this ordinance. Impervious cover on individual lots will be managed throughout the development and

MAXIMUM PERCENT IMPERVIOUS Internal Recreation Amenity Areas within all Parcels

2. Other areas within the Parcels • Parcel B

The Petitioner agrees to implement source control/low impact stormwater management strategies within Parcel A to achieve average annual 85% Total Suspended Solids (TSS) removal resulting from the first one inch of rainfall. No permanent storm water treatment facilities will be required within Parcel A when the lot total impervious area is equal to or less than 7 % and the total denuded area (including impervious area) is less than or equal to 15% of the total lot area.

C. In Parcel A the Petitioner will establish on-lot stormwater management and erosion

1. Set specific maximum allowable imperviousness. 2. Provide a menu of acceptable stormwater management options to homebuilders/owners,

which is based on source control/low impact elements. 3. Require specific on-lot erosion control in accordance with guidance and typical details to be developed and approved by City and County Water Quality staff during final 4. Create an architectural review board with approval authority over all final building/site/

D. The Petitioner will utilize the innovative development standards, established above under the Section entitled Innovative Development Provisions in order to reduce overall impervious cover associated with streets and pedestrian access within Parcel A.

E. In Parcel B and Parcel C the Petitioner will implement the following:

1. Application of source control/low impact elements to facilitate treatment of stormwaters within the developed area, including bioretention areas, water gardens, grass swales, or other landscaped areas followed by preserved natural buffer areas. 2. Implement an innovative erosion control plan to use all reasonable efforts to limit the size of denuded areas in phases of 20 acres or less.

In the event that site constraints or topography dictate denuded areas in excess of 20 acres. the following additional erosion control measures shall be implemented:

 Two-stage controls where sediment basins or rock check dams are utilized Outlet weirs for erosion control measures sized for the 50-year storm event • Inlet protection provided during construction and continued until home construction is

• Where silt fences are utilized as an erosion control measure, double row fences shall be installed where disturbed areas exceed 1 contiguous acre

3. Install stormwater treatment systems to achieve average annual 85 % Total Suspended Solids (TSS) removal applicable to the volume of post-construction runoff resulting from the first 1-inch of rainfall. Retention time for this treated volume of runoff wil be a minimum of 2 days. The additional stormwater runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 2-year frequency, 24-hour duration storm event will be captured and retained for a minimum of 24 hours.

Initiate and complete an aggressive natural buffer protection program exceeding that as required by the Lower Lake Wylie Watershed Ordinance on the lakefront and natural drainageways as depicted on the Technical Data Sheet. Energy dissipation devices at all stormwater outfalls will be designed so as to prevent erosion within stream and lake buffer areas. For those areas where stormwater runoff from the Site crosses adjoining properties, the Petitioner will evaluate the downstream offsite drainage system and control the stormwater runoff from the Site during and after construction to prevent associated damage to downstream properties.

In the event Parcel C is utilized for a golf course, a maintenance plan shall be developed which minimizes the use of herbicides and fertilizers in order to reduce negative impacts to surface waters. The maintenance plan shall be provided to MCWOP prior to operation of the golf course. The maintenance plan shall include the following:

1. The proposed golf course within the development shall maintain a 100 foot undisturbed buffer from the lake in all locations and shall comply with all Watershed and SWIM Stream Buffer requirements.

2. No fertilizers or pesticides are to be applied in any of the buffer zones. 3. The golf course storm drainage shall be designed such that there are no direct discharges of storm water into the lake or SWIM/Watershed streams.

Irrigation Management Plans

4. An irrigation plan shall be developed to ensure that irrigation runoff from managed turf grass to surface waters is prevented and to reduce subsurface losses of nutrients and pesticides. This plan shall be based on a water budget, weather conditions and soil moisture data obtained from onsite instrumentation. 5. Water Quality Management Zones shall be established for the golf course based

on turf, plant type and soils, with specific strategies developed for each zone.

Nutrient Management Plan 6. A nutrient management plan must be developed to limit nutrient applications to levels equal to or less than turf grass and vegetation uptake in order to minimize nutrient transportation via surface runoff, subsurface interflow, or

deep percolation. 7. Slow release fertilizers are to be used predominately to reduce nitrogen loss below the root zone. Occasional spot application of liquid fertilizers shall be

8. Fertilizer applications are to be commensurate with turf grass growth requirements based on species and cultivar, climate, soil conditions, and chemical formulation. 9. Water Quality Management Zones shall be established by the golf course based

on soils, turf and plant cover goals, and level of use in order to plan fertilizer 10. Nutrient applications are not to exceed turf and plant uptake requirements during any growing season.

11. Chemical applications are not to occur on bare soils, except during establishment

of turf grass on the golf course. 12. Fertilizers are to be incorporated into the soil prior to turf installation wherever possible to reduce exposure to runoff and enhance adsorption 13. Nutrient uptake shall be maximized through the selection of realistic turf grass goals, selection of application rates to meet goals, and the use of soil and tissue

tests to direct application rates. 14. The potential for off-site transport of nutrients must be assessed prior to application and measures must be taken to prevent negative water quality Integrated Pest Management (IPM)

15. An IPM Plan shall be developed to minimize toxic chemical transport via surface water runoff, subsurface interflow, or deep percolation. 16. The IPM Plan shall be integrated with irrigation and nutrient management plans. 17. Action thresholds shall be developed and implemented below which no applications are

used in order to reduce pesticide use. 18. Pest specific products are to be used which are less toxic, less mobile, and less

19. Water Quality Management Zones shall be established by the golf course based on soils, turf and plant cover goals, and level of use in order to plan pesticide applications. 20. Spot specific treatment shall be used wherever possible to avoid broadcast treatments. 21. Pesticides should be incorporated into the soil prior to turf installation wherever

possible to reduce exposure to runoff and enhance adsorption. 2. Application of toxic chemicals shall be prohibited in sensitive zones such as wetlands. 23. The potential for off-site transport of pesticides shall be assessed prior to application and measures must be taken to prevent negative water quality impacts.

H. The Petitioner shall perform water quality sampling and testing in the seven (7) affected small coves within Withers Cove for the following parameters: temperature, pH, conductivity, secchi depth, total phosphorus, total nitrogen, orthophosphorus, TKN, NH3 NO3. NO2, total suspended solids, turbidity, chlorophyll A, fecal coliform, (pesticides and herbicides in the golf course area), and dissolved oxygen; such tests to begin within 30 days following final zoning approval and run monthly until beginning of construction, and thereafter run quarterly; and shall also provide measurements of sediment levels in these coves 90 days prior to initiation of land disturbing activities and annually thereafter until no later than two years (with respect to Parcel A) and three years (with respect to Parcels B and C), after road construction activities have been completed.

The Petitioner shall employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements as well as the requirements specified as part of the rezoning e approval. The enforcement office shall be empowered to take the actions necessary to ensure the prompt correction of all problems detected.

Energy dissipation measures or devices shall be utilized at all storm drainage outfalls discharging at any buffer.

K. Water supply throughout the entire development will be by connection to the Charlotte Mecklenburg Utilities (CMU) system.

In a further effort to protect Lake Wylie's water quality and to avoid the surface water degradation that might occur should Parcel A's waste water disposal be accommodated by way of a public or private sewer collection and/or treatment system, the Petitioner intends to accommodate waste water disposal within Parcel A through an individual on-site septic system. Accordingly, Petitioner commits that every lot in Parcel A will be served by an on-site septic system and agrees to make no representations to prospective purchasers of lots within Parcel A regarding the future availability of municipal sewer service. Petitioner further commits to deed restrict the ability of lot owners within Parcel A to petition for municipal sewer service at any time in the future and to include provisions in the Declaration of Covenants, Conditions and Restrictions applicable to Parcel A which provide each lot owner within Parcel A the right to enforce this restriction against any other lot owner in Parcel A. Petitioner also agrees to provide notice to the general public of this restriction through an appropriate note printed on each of Parcel A's final subdivision plats.

Pursuant to both the Declaration of Covenants, Conditions and Restrictions to be imposed with respect to Parcel A and a specific provision to be contained in each deed from the Petitioner to each lot purchaser, Petitioner will impose a uniform covenant, running with the land, applicable to each lot within Parcel A which shall provide the following (or a provision substantially similar):

"Sewer Service by Septic Tank System Only". Grantor has subjected Parcel A (of which the aforedescribed property is a part) to those certain Covenants, Conditions and Restrictions of record in Book ____ at Page ____ [insert Book and Page Number] of the Mecklenburg Public Registry which provide, in part, that:

"All residences and improvements to be located upon each lot within Parcel A shall have sewer disposal service and facilities provided exclusively by an individual septic tank system to be installed and operated by the owner of said lot and each owner, by acceptance of a deed to the lot, expressly and permanently waives the right to petition or request sewer service from any governmental authority (including CMUD). Each lot owner, on behalf of itself, its heirs, successors and assigns, shall have the right to enforce this covenant against any other owner of a lot within Parcel A, its heirs, successors and assigns.

"All septic systems located on Parcel A will be approved, constructed and maintained in accordance with all applicable governmental regulations requirements, and Grantor must obtain a septic permit for each lot within Parcel A prior to the date on which it conveys the lot. Systems requiring pumping shall be subject to NCDENR regulations requiring bi-annual inspection and equipped with audible and visual alarms. An independent contractor shall be employed for the inspections and for emergency response. The inspections at a minimum shall include: evaluation of solids level in the septic tank, proper operation of pump(s) including controls and alarms, check for leaks in any piping, and inspection of condition of drainfields, especially for effluent surfacing".

All septic systems located will be approved, constructed and maintained in accordance with all applicable governmental regulations requirements, and Petitioner must obtain a septic permit for each lot within Parcel A prior to the date on which it conveys the lot. Systems requiring pumping shall be subject to NCDENR regulations requiring bi-annual inspection and equipped with audible and visual alarms. An independent contractor shall be employed for the inspections and for emergency response. The inspections at a minimum shall include: evaluation of solids level in the septic tank, proper operation of pump(s) including controls and alarms, check for leaks in any piping, and inspection of condition of drainfields, especially for effluent surfacing.

In Parcels B and C, sewage disposal will be by connection to the Charlotte Mecklenburg Utility Department's system. Where CMUD pump stations are required for service, they shall be equipped with: onsite standby power generator with weekly automatic exerciser. audible and visual high water alarms, high water auto dialer, SCADA monitoring system, power and lightning surge protection, and auxiliary onsite emergency storage volume equal to design average daily flow (24 hours). In the event that individual grinder pumps are used on lots, each pump shall be equipped with audible and visual alarms and an independent contractor shall be employed for annual inspection and emergency service.

NCDENR regulations. M. In the Internal Recreation Amenity Area, of Parcel A due to the close proximity to the lake, storm water management and erosion control shall be identical to those for Parcels B and C, as in Paragraph E above. No stormwater treatment BMP will be constructed in the 100 foot shoreline buffer.

The independent contractor(s) for the septic systems and/or grinder pumps shall have a

demonstrated ability to provide emergency service within the time period specified by

N. The Petitioner shall create and implement a Contractor / Builder / Homeowner education and outreach program to foster a commitment to environmental stewardship both during construction, and permanently, in the community.

O. The Petitioner will require all on-site contractors and sub-contractors to complete training programs approved by the Mecklenburg County Water Quality Program (MCWQP) to include information concerning specific on-site water quality concerns and the measures necessary to prevent water quality problems.

Swim buffers shall be provided in accordance with the Ordinance and as generally indicated on the Technical Data Sheet

Duke Power Rights-of-Way Portions of the Site lie within Duke Power rights-of-way. Streets, trails, landscaping, passive park areas, and wildlife/avifauna management areas may be located within the rights-of-way.

Community or common use piers shall conform to the applicable requirements of Section 12.515 of the Ordinance.

Community Piers

All signs placed on the Site will be erected in accordance with the requirements of the

The Site shall conform to the provisions of the City of Charlotte Tree Ordinance.

A. The number of vehicular access points to the Site shall be limited to the number depicted on the Technical Data Sheet.

B. The placement and configuration of each access point are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to eny adjustments required for approval by the North Carolina Department of Transportation or the Charlotte Department of Transportation.

A. The Mecklenburg-Union Thoroughfare Plan designates Carowinds Boulevard Extension as a major thoroughfare which contemplates a right-of-way having a width of 100 feet. A portion of he approved alignment for the proposed extension of Carowinds Boulevard to Shopton Road West runs through the Site.

The Peritioner agrees to dedicate and convey in fee simple (by quitclaim deed and subject to a reservation for any necessary utility easements) all right-of way necessary for that portion of the alignment for the extension of Carowinds Boulevard which runs through the Site, subject however to its right to make any adjustments associated with any future changes in the alignment or classification of the proposed Carowinds Boulevard Extension that may hereafter

B. The Petitioner agrees to dedicate and convey in fee simple (by quitclaim deed and subject to a reservation for any necessary utility easements) out of the Site any additional right-of way along Shopton Road West as it runs through the Site necessary to provide for a minimum of 35 feet of right-of-way from each side of the centerline of Shopton Road West, if such right-of-way does not presently exist.

C. The Petitioner agrees to make the following transportation contribution and improvements: Shopton Road West/Steele Creek Road (NC 160) Intersection

Contribute \$57,000 to the funding of the planned intersection improvement/realignmen project by the City of Charlotte at this intersection which is the amount mutually agreed upon by CDOT and the Petitioner as equaling 60% of the construction cost of a southbound right-turn lane on Steele Creek Road with 250 feet of storage, a 20:1 bay taper and 45:1 through lane transition tapers. This amount shall be paid by the Petitioner prior to the date on which the first final subdivision plat is approved for any development taking place on the Site. This improvement project is associated with the Dixie-Berryhill development by Pappas Properties and will involve the addition of a fourth leg (New Dixie River Road) and multiple turn-lanes at the intersection.

Skopton Road West/Wildlife Road/Intersection

 Construct a northbound left-turn lane on Shopton Road West with 150 feet of storage. 20:1 bay taper and 45:1 through lane transition tapers.

 Construct a southbound left-turn lane on Shopton Road West with 150 feet of storage. 20:1 bay taper and 45:1 through lane transition tapers. This left lane will only be required if the public street connection is constructed through the subdivision process.

Construct the westbound approach to include one entering and one exiting lane Shopton Road West/Island Point Road Intersection

 Construct a northbound left-turn lane on Shopton Road West at Island Point Road with 150 feet of storage, 20:1 bay taper and 45:1 through lane transition tapers.

 Construct the eastbound approach to include one entering and one exiting lane The Petitioner also agrees to provide for the installation of left turn lanes into the Site from Shopton Road West at each other point it intersects with public streets and/or driveways where CDOT deems such turn lanes to be necessary.

The design of each of the above described improvements will be in accordance with the applicable standards of the City of Charlotte Department of Transportation and the North Carolina Department of Transportation.

A. As an incentive to the Charlotte Fire Department (the "Fire Department") to locate a fire station within the Site, the Petitioner is willing to donate to the City of Charlotte a parcel of land within Parcel B in the general area depicted on the Technical Data Sheet (the "Fire Station Parcel") upon terms, conditions and restrictions which address items of mutual concern. including, but not limited to, the uses to which the Fire Station may be devoted, the design of any building proposed to be constructed on the parcel, the size of the parcel (to be limited to an area which adequately provides for the Fire Station's building and parking needs and does not exceed two (2) acres) and the reservation of a possibility of reverter in favor of the Petitioner should the parcel cease being used as a fire station. Toward this end, Petitioner agrees within one year after the date on which this Rezoning Petition is approved to enter into and diligently pursue negotiations with representatives of the Charlotte Fire Department leading toward a contract under the terms of which the Petitioner would agree to donate to the City of Charlotte a parcel of land lying within Parcel B upon mutually acceptable terms and conditions.

The Petitioner's deed may reserve easements over reasonable portions of the Fire Station Parcel for drainage and water retention purposes, sanitary sewers, water lines, telephone lines, power lines, cable television lines, gas lines and such other utility purposes as it may deem necessary or desirable for the orderly development of the Site. If the Petitioner and the City of Charlotte have not executed a binding contract which provides

for the donation by the Petitioner of the Fire Station Parcel to the City on a closing date which is not later than 60 days after the date on which the contract is executed and which contains terms and conditions mutually acceptable to the parties within 6 years after the date on which this Rezoning Petition is approved, the Petitioner shall be fully released from its commitment to the City of Charlotte with respect to the Fire Station Parcel and shall thereafter have the right to develop detached single family homes on the parcel at a density of one dwelling unit per acre. Water access for the Fire Station Parcel shall be limited to a width at the shoreline sufficient for the docking or ramp-launching of a single emergency watercraft or 50 feet, whichever is

The Petitioner agrees to reserve for a period of two years after the date on which this Rezoning Petition is approved a site within Parcel C in the general area depicted on the Technical Data Sheet for an elementary school (the "School Site"). The precise location and size of the School Site will be determined by the Charlotte Mecklenburg Board of Education (the "School Board") subject to a maximum size of 20 acres. Should the School Board elect to purchase this Site. the transaction will be concluded upon terms, conditions and restrictions which address items of mutual concern, including but not limited to, the use to which the Site may be devoted, the precise location and size of the Site and the design of each building proposed to be constructed on the Site. Toward this end, the Petitioner agrees within 6 months after the date on which this Rezoning Petition is approved to enter into and diligently pursue negotiations with the School Board leading toward a contract under the terms of which the Petitioner would agree to sell the School Site upon mutually acceptable terms and conditions.

The Petitioner's deed may reserve easements over reasonable portions of the School Site for drainage and water retention purposes, sanitary sewers, water lines, telephone lines, power lines, cable television lines, gas lines and such other utility purposes as it may deem necessary or desirable for the orderly development of the Site. If for any reason the Petitioner and the School Board have not executed a binding contract

which provides for the sale by the Petitioner of the School Site to the School Board on a closing date which is no later than 60 days after the date on which the contract is executed and which contains terms and conditions mutually acceptable to the parties within two years after the date on which this Rezoning Petition is approved, the Petitioner shall be fully released from its commitment to the School Board and may thereafter develop the School Site into single family detached homes at a density of no more than one unit per acre.

Consistent with the foregoing provisions, the Petitioner has entered into negotiations with the School Board for the sale of a 20 acre \pm part of Parcel C which adjoins Winget Park for the consideration and upon the terms and subject to the conditions set forth in its Letter of Intent dated May 8, 2003 addressed to the Charlotte-Mecklenburg Schools c/o Mr. Harold Jenkins, a copy of which has been delivered to the Charlotte Mecklenburg Planning Commission's Office for insertion in the file maintained for this Rezoning Petition.

Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, Schematic Site Plan and these Development Standards may be applied for by the then Owner or Owners of the particular parcel on the Site involved in accordance with the provisions of Chapter 6 of the Ordinance. Binding Effect of the Rezoning Application

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet 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, (including, but not limited to, the City of Charlotte if it elects to locate a fire station on the Site and the School Board if it elects to locate an elementary school on the Site), and their respective heirs, devisees, personal representatives, successors in interest or

RIGHT-OF-WAY 1/4":1" 5' SIDEWALKS (ONE SIDE) MAY MEANDER IN AND OUT OF PUBLIC R.O.W. 1. 8' HARD SURFACE CONCRETE TRAIL TO BE PLACED ALONG ONE SIDE OF EXISTING ROADS. ----NO IMPROVEMENTS TO THIS SIDE -ASSYMETRICAL WIDENING TO TOTAL IMPROVEMENTS SHALL BE KEPT TO THE PAVEMENT WIDTH OF 22' 2. TRAIL WILL BE FIELD LOCATED TO PRESERVE EXISTING TREES AND MAY ALTERNATE ON EACH SIDE OF STREET DEPENDING ON FIELD CONDITIONS. 3. TRAIL MAY MEANDER AND BE LOCATED OUTSIDE OF RIGHT-OF-WAY WITHIN AN EASEMENT. -ASSYMETRICAL WIDENING TO TOTAL PAVEMENT WIDTH OF 20' EXISTING ROADWAY ---EXISTING ROADWAY PAVEMENT SCHEDULE:

STREET CROSS SECTIONS

1/4"=1'-0"

(A) 1.5" BITUMINOUS CONCRETE SURFACE COURSE, S9.5A

(B) 5" COMPACTED AGGREGATE BASE COURSE



1. 5' HARD SURFACE CONCRETE TRAIL TO BE PLACED ALONG ONE SIDE OF EXISTING ROADS.

2. TRAIL WILL BE FIELD LOCATED TO PRESERVE EXISTING TREES AND MAY ALTERNATE ON EACH SIDE

3. TRAIL MAY MEANDER AND BE LOCATED OUTSIDE OF RIGHT-OF-WAY WITHIN AN EASEMENT.

OF STREET DEPENDING ON FIELD CONDITIONS.

MIN. 50' COMMON OPEN SPACE

MAY BE RE-VEGETATED AND CONTAIN BERMS FOR SCREENING OF YARDS