

CHARLOTTE, NORTH CAROLINA

APPROVED BY CITY COUNCIL

DATE 9/19/0S

A. General Provisions

These Development Standards form a part of the Technical Data sheet associated with the rezoning petition filed by Crosland, Inc. to accommodate development of a mixed use, master planned community on an approximately 642.2 +/- acre site located south of Mount Holly Road along Belmeade Drive in northwest Mecklenburg County (the "Site"). Development of the Site will be governed by the Technical Data Sheet (Sheet 1), these Development Standards and the applicable provisions of the Zoning Ordinance of the City of Charlotte in existence as of the date of approval of this petition (the "Ordinance").

Unless more stringent standards are established by the Technical Data Sheet or these Development Standards, all development standards established under the Ordinance for the MX-3 zoning district shall be followed in connection with development taking place on Parcel 1 of the Site. The MX-3 portion of the Site may utilize the Innovative Development provisions of the Ordinance as outlined on the Technical Data Sheet and in Section C of these Development Standards and this plan will constitute the approved MX-3 (Innovative) Site Plan. No subsequent (Innovative) site plan approval will be required for the items outlined in Section C, provided, that, implementation of the details associated with the Green Streams innovative standards shall be subject to review during the subdivision and engineering review process in accordance with the provisions in Section C.3. below, and provided, further, that modifications to such MX-3 (Innovative) Site Plan may be requested in accordance with applicable procedures.

Unless more stringent standards are established by the Technical Data Sheet or these Development Standards, all development standards established under the Ordinance for the NS zoning district shall be followed in connection with development taking place on Parcel 2 of the Site.

The development generally depicted on the Technical Data Sheet (Sheet 1) and the Conceptual Land Use Plan (Sheet 2) is intended to reflect the arrangement of proposed uses on the Site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the Ordinance during the design development and construction phases. This allowance applies to all site elements, including building areas, parking areas, open space areas, recreation areas, and roads and streets. This proposal is intended to enable the development of a master planned community composed of retail and service uses, employment and office uses, multifamily housing, single family attached housing, and single family detached housing interconnected with open space, pedestrian, bicycle, and/or vehicular linkages. Due to the size of the proposed development and the anticipated build out over a number of years, the petition includes the vesting of the approved rezoning plan for the Site for five (5) years.

The Conceptual Schematic Site Plans for Parcel 2 (Sheet 3) depict several potential development scenarios for Parcel 2 (the "Parcel 2 Schematic Site Plans). Accordingly, the configuration, placement, and size of the building footprints as well as the locations of the public or private streets outlined on the Parcel 2 Schematic Site Plans are schematic in nature, and subject to the provisions set forth below under Section D - Design and Performance Standards, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Technical Data Sheet for Parcel 2. Subject to the Design and Performance Standards outlined below, the street and parking layouts may also be modified to accommodate final building locations and ancillary facilities and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance. Without limiting the generality of the foregoing, buildings generally depicted on the Parcel 2 Schematic Site Plans may be combined or separated within the maximum development area boundaries provided that the maximum number of buildings may not be increased above the number of buildings depicted on the Parcel 2 Schematic Site Plans.

The Green Streams/LID concept presented in Section C of these Development Standards describes a potential development scenario for the incorporation of alternative street section into the Whitewater Development integrated with a Low Impact Development (LID) approach to stormwater management. Nothing in Section C shall be construed as requiring the mandatory use of LID outside Green Streams sections of the Site.

## Permitted Uses

Development of the Site will take place in accordance with the following:

Parcel I shall be developed for residential and institutional uses allowed by right or under prescribed conditions in the MX-3 District.

Those portions of Parcel 1 devoted to residential uses may be developed with single family detached dwellings, single family attached dwellings and multi-family attached dwellings or any combination thereof up to a maximum of 2,046 dwelling units and a maximum of 3.3 dwelling units per gross acre in accordance with the standards outlined in the Ordinance for the MX-3 District, the Innovative Development provisions set forth in Section C below and subject to the conversion formula set forth in Section B.1.d below.

Development of the portion of Parcel I located north of the CSX/Norfolk Southern Railroad may also include up to 30,000 square feet of general, professional and/or medical office uses along with permitted accessory uses and structures. Any such office uses shall not exceed two (2) stories in height.

d. The right is reserved to increase the number of authorized residential units on Parcel 1 by converting authorized office floor area to residential units at the rate of one unit for each 500 square feet of office area so converted.

2. Parcel 2

a. Parcel 2 may be developed for any use allowed by right or under prescribed conditions under the NS (Neighborhood Services) District together with permitted accessory uses and structures except for (i) bus and train terminals, (ii) laboratories, (iii) beneficial fill sites, (iv) boarding houses, (v) commercial rooming houses, (vi) dormitories, (vii) family childcare homes, (viii) jails and prisons, and (ix) marinas commercial.

Retail, restaurant and/or offices uses on Parcel 2 shall be limited to no more than 110,000 square feet of floor area subject to the following provisions: Retail uses shall not exceed 90,000 square feet of the total floor area, Office uses shall not exceed 20,000 square feet of the total floor area,

Single retail tenants shall not exceed 55,000 square feet of floor area each, Outdoor dining, courtyards and plazas are not included in the square footage noted above and any off street parking required by the Ordinance will be provided for

unit for each 150 square feet of retail/restaurant area so converted.

c. Residential uses on Parcel 2 may be single family detached, single family attached or multi-family attached but shall not exceed a maximum of 60 dwelling units and a

maximum average gross density of 8 units per gross acre. Any single family lots developed on Parcel 2 shall conform to the R-6 development standards. d. The right is reserved to increase the number of authorized residential units on Parcel 2 by up to 30 additional units by converting authorized office floor area to residential units, at a rate of one unit for each 500 square feet of office area so converted and authorized retail/restaurant floor area to residential units at the rate of one

Parcel 2 may include freestanding buildings with either single tenants or "co-branded" uses as generally depicted on the Schematic Site Plan. Other development scenarios are permitted subject to the provisions of these Development Standards. Up to three of these buildings may include drive-through facilities. (Any gasoline pump station associated with a convenience store/gasoline sales facility shall not be considered a drive through facility.) The locations of the buildings containing the drive-through facilities and the placement of the drive-through facilities in relation to these buildings can be altered from that depicted on the Schematic Site Plan subject to the Design and Performance Standards outlined below. However, no more than one of the three buildings with drive-through facilities may be an "independent" building and no more than one "independent" building, with or without a drive-through facility, may be permitted on the Parcel 2. For the purposes of this provision, an "independent" building shall mean a building that is disconnected from the adjacent development by drive through lanes, parking areas, alleys and/or driveways without well-defined pedestrian cross-walk(s). The remaining buildings with drive-through facilities shall be "interconnected" as defined by having a well-defined pedestrian connection to the abutting street and/or the closest building within Parcel 2 without having to cross drive through lanes or driveways except by way of well-defined pedestrian cross-walk(s). In addition, in order to promote greater pedestrian interconnectedness among certain uses on Parcel 2, certain site amenities such as outdoor seating areas, courtyards and/or larger

Site Amenities

Accessory Uses

Amenities such as, but not limited to, public or private parks, pedestrian trails, boardwalks, community clubhouses/swimming pools and community recreational facilities may be provided within each Parcel.

sidewalk areas with landscape planters will be installed for those restaurant uses located on Parcel 2 that customanly provide outdoor dining opportunities.

Incidental or accessory uses as permitted by the Ordinance for the applicable zoning district may be developed within each Parcel of the Site.

C. Innovative Development Provisions

The Petitioner hereby seeks in this rezoning petition the following Innovative Development Standards in order to accommodate a variety of setback and yard widths in residential community so as to allow clustering of homes thus preserving more open space than required by the Ordinance: a. Allow subdivision lots to provide a 10-foot setback and 3-foot side yard provided that residential units with front-loaded garages will maintain a setback of 20 feet from the back of the sidewalk.

b. Allow subdivision lots to contain minimum rear yards of 20 feet on interior lots and 45 feet on perimeter lots that are abutting R-3 zoning districts.

Under the Charlotte-Mecklenburg Land Development Standards Manual allow for modification of Standard Detail 11.01 to have a 6' planting strip in lieu of a 4' planting strip and allow reduction of right-of-way to 46'.

Under the Charlotte-Mecklenburg Land Development Standards Manual allow for modification of Standard Detail 11.08 to have a 6' planting strip in lieu of a 4' planting strip; and 5' concrete sidewalk in lieu of a 4' concrete sidewalk.

Under the Charlotte-Mecklenburg Land Development Standards Manual allow for modification of Standard Detail 11.04 to have a 5' planting strip in lieu of a 4'

Green Streams/LID Concept

Due to the location of the Site within the Lake Wylie Watershed District, the Petitioner seeks to develop the Site in a manner that is sensitive to the surrounding environment including water quality. This is accomplished in part by clustering the development and utilizing reduced setbacks and yards thus preserving more open space than required by the Ordinance. Accordingly, in addition to the Environmental Standards set forth in Section E of these Development Standards, the Petitioner proposes the use of an alternative street section in combination with Low Impact Development (LID) stormwater management referred herein as "Green Streams" within Parcel 1 of the Site (and to the extent there are residential uses also in Parcel 2 of the Site). Innovative Standards for Green Streams.

Subject to and in accordance with the provisions of this Section C.3., development within portions of Parcel I (and to the extent there are residential uses also in Parcel 2 of the Site) may use an innovative environmentally sensitive development technique referred to as "Green Streams." Accordingly, the Petitioner sets forth the following Green Streams Innovative Development Standards as part of approval of this MX-3 Innovative rezoning petition.

"Green Streams Description" The Green Streams concept (the "Green Streams") focuses on providing internal open space in an informal, more natural setting. The street and sidewalk would meander through this pedestrian-friendly environment that includes trails rather than sidewalks, tree clusters rather than uniformly planted street trees, localized slower moving traffic rather than cut through traffic, and cumulatively a quieter, more neighborly environment for residents. The Green Streams would be located between residential collectors and will be no longer than 800 linear feet. The concept and related innovative standards propose to integrate stormwater management BMPs into this comidor within and adjacent to the street rights-of-way. The Green Streams innovative standards approved as part of this rezoning petition shall be effective only with respect to alley-fed lots and not front-loaded lots, provided, however, Petitioner reserves the right to seek application of the Green Streams innovation standards to lots that are not alley-fed as part of a subsequent Innovative standards approval process.

As shown on Figure 1 the typical street cross-section for the Green Streams innovative standards includes the following:

and curb improvements within the Green Streams subject to review and approval by such governmental body.

a. A shoulder ditch section (in lieu of curb and gutter) that allows storm water to drain as sheet flow into stormwater treatment facilities placed within and adjacent to the right-of-way (not to exceed an encroachment into the right-of-way in excess of the required ditch section), to meet water quality goals and reduce impervious area, thereby helping to create the park like setting for the corridor, as shown on Figure 1. This provides for stormwater treatment at the source of the runoff from the streets

b. Reduce lane width to 9-foot with parallel parking located on an alternating pattern (normally fits the 45' "Local Traditional Development Street" 11.10, but not the "ET] Local Residential Street 10.01D that requires a 12-foot lane) to slow speed of residential traffic, reduce impervious area and provide more interior open space.

c. Provide an asphaltic sidewalk (5' width) on both sides of the road that meanders in and outside of the road right-of-way on both sides (instead of concrete sidewalks within the right-of-way) to support the installation of water quality devices along Green Streams.

d. Allow subdivision lots to front on the Green Streams right-of-way with a landscape easement on both sides of the 46-foot road right-of-way.

e. Green Streams block length would be limited to no longer than 800 linear feet. The Green Streams streets are not intended to be residential collector roads or to

f. Green Streams roads may compose no more than 35% (percent) of the roads within all submitted and approved subdivision plans, determined on an aggregate basis. g. Where bioswale type BMPs are integrated into the right-of-way, the bioswale shall be designed to convey the design storm event per ordinance.

h. As described below in this Section C.3, the Green Streams Facilities (as defined below) and associated street and curb improvements may be private or public in

Implementation of the details associated with above-referenced Green Streams innovative standards shall be subject to review during the subdivision and engineering review process. Additionally, the Petitioner shall work with applicable governmental authorities regarding certain maintenance and public safety aspects associated with implementation of the Green Streams innovative standards. Currently, it is contemplated that the maintenance of all water quality facilities, all sidewalks, and all landscape elements located within the right-of-way associated with the Green Streams streets (the "Green Streams Facilities") shall be the sole responsibility of the applicable homeowners association created in connection with development of such property pursuant to an encroachment/easement agreement between such association and the applicable governmental body subject to further review as described herein. It is also currently contemplated that such encroachment/easement agreement shall grant to such association access for maintenance and repair of the "Green Streams Facilities" and shall obligate such association to indemnify and hold harmless the governmental body from claims, loss or damage arising from such maintenance and repair by the association and to provide for appropriate liability insurance coverage regarding such maintenance and repair obligations. Furthermore, it is currently contemplated that the Petitioner shall seek to have the applicable governmental body maintain the street

The Green Streams Facilities and the associated street and curb improvements as described herein may and shall remain private in nature pursuant to the Innovative approval granted by this rezoning petition until: (i) such time that the applicable government agency or officials approve the details associated with implementation of the Green Streams innovative standards during the subdivision and engineering review process and maintenance and public safety aspects associated with such implementation are resolved to the satisfaction of the applicable government agency or officials: and (ii) a government agency has accepted an offer of dedication or other means of conveyance and has assumed maintenance responsibilities.

In the event the details of implementation of the Green Streams innovative standards cannot be resolved between the Petitioner and the applicable governmental body so as to allow such Green Streams Facilities and associated street and curb improvements to become public in nature, the Petitioner may seek a subsequent Innovative standards approval before the Planning Commission with respect to any such innovative standards. It is acknowledged, however, that acceptance of such Green Streams Facilities and associated street and curb improvements shall also be subject to resolution of the maintenance and safety issues described herein.

Design and Performance Standards.

Areas Devoted to Non-Residential Development\*

Building walls facing public streets will contain windows at least every 20 linear feet and avoid large expanses of uninterrupted spaces through the introduction of articulated facades, doors and/or other specially designed architectural elements. No spandrel windows shall be permitted but this does not prevent the use of other non-transparent windows. The design treatment for those areas devoted to retail and/or restaurant uses shall include the following amenities: outdoor seating area(s), courtyards and/or larger sidewalk areas with landscape planters/potted plants will be installed for those restaurants that customarily provide out-door dining opportunities; and

outdoor seating areas and/or courtyards will be installed in other areas. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.

Outdoor dining and courtyard areas may be located within the established setback along public streets but outside of the required setback.

The maximum height of any freestanding lighting fixture erected on the Site (other than street lights on public rights-of-way) including its base, shall not exceed 25 feet. All parking lot lighting shall be capped and designed such that direct illumination does not extend past the Site. Any lighting attached to a building shall be capped and downwardly directed. No wall pack light fixtures will be allowed on any structures constructed on the Site. However, wall-mounted decorative light fixtures such as

f. Bicycle parking spaces (bike racks) shall be provided in accordance with the Ordinance.

Utilities located within the interior of the development shall be placed underground.

These provisions shall not apply to those portions of the Site devoted to public school(s). Areas Devoted to Attached Residential Homes

Buildings shall not exceed four stories and 70 feet in height.

With respect to residential uses developed on Parcel 1, no single family residential attached units and no multi-family residential units shall be located within 300 feet of the exterior boundary line of that portion of Parcel 1 located south of the CSX/Norfolk Southern Railroad, with the exception of the existing exterior boundary abutting Belmeade Drive, Mt. Holly Road, the Duke Power easement on the western boundary of the property, the CSX/Norfolk Southern Railroad and the Catawba Land Conservancy conservation easement.

c. Utilities located along local neighborhood streets within the interior of the development shall be placed underground.

The Site shall conform to the applicable provisions of the City of Charlotte Tree C. Jinance.

4. Open Space

Open space areas depicted on the Technical Data Sheet represent the approximate location and extent of the areas that will be maintained as open space. The exact location and extent of the open space areas will be determined through the detailed design and subsequent administrative review of development plans.

A landscape easement of at least 30 feet in width shall be provided along the westerly boundary of the Site generally as depicted on the Technical Data Sheet.

All signs placed on the Site will be erected in accordance with the requirements of the Ordinance. The Petitioner reserves the right to pursue the Planned Development Flexibility Option outlined in Section 13.110(2) of the Ordinance.

Off-street parking and loading areas will satisfy the standards established under the Ordinance.

Buffers/Project Edges

Buffers exclusive of SWIM or other environmental buffers and project edges will be created in accordance with the Ordinance. Required buffers and project edges on the Site may be eliminated or reduced if the adjoining parcels are rezoned or developed such that buffers or project edges are no longer required.

b. Utility installations may only cross buffer areas at interior angles measured at property lines which are not less than 75 degrees. Without limiting the generality of the foregoing, a 50 foot wide natural area shall be established along the Site's southern boundary line in those locations identified on the Technical Data Sheet. Except as provided in subparagraphs (i) through (vi), and except with respect to utility lines and street connections as described below, the 50 foot wide natural area shall remain undisturbed and existing vegetation shall be preserved. The following activities are specifically permitted within the natural area:

Plant material, which may be removed, shall be cut flush with the ground. No limb removal, with the exception of dead or diseased limbs.

Weeds and vines may be removed.

Trees less than 2 inches in caliper at the base that are clearly within the drip line of a tree that is 2 inches in caliper or greater may be removed. Drip line is defined as an imaginary line on the ground that would form the penr er of the tree's canopy.

Dead or diseased trees and materials may be removed. Mulch may be applied to the natural area. Mulch must be kept 2 to 3 inches away from the bark of trees.

Notwithstanding the foregoing, the natural area may be disturbed and vegetation may be removed as necessary to locate, install, maintain, repair and replace utility lines, and to install street connections required by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation. Utility lines and facilities may only cross the 50 foot wide natural area at interior angles measured at the property line which are not less than 75 degrees. 

Design Review Committee Prior to submission for the first building permit in connection with construction to take place on Parcel 2 or other construction for commercial uses on the Site, the Petitioner shall establish a Design Review Committee for Parcel 2 and other portions of the Site developed for commercial uses (the "Design Review Committee"). The Design Review Committee shall have the responsibility for reviewing all development taking place within such portions of Site to ensure compliance with this Petition, including without limitation these Development Standards, and the Ordinance. The Design Review Committee shall consist of at least three members, one member of which includes a member of the Charlotte-Mecklenburg Planning Commission Staff. The Petitioner on behalf of his successors and assigns, agrees to work in good faith with all members of the Design Review Committee to obtain their input in connection with the review described herein.

**Environmental Standards** 

Watershed Protection-General Requirements

a. All development occurring on the Site shall conform to the applicable requirements of the Lake Wylie Watershed District Protected Area for those portions of the

b. All development will adhere to the provisions of the SWIM Buffer Ordinance.

C. In addition to meeting the requirements of the Tree Ordinance in Parcel I, the Petitioner agrees to increase the total tree save area by 5% to a total of 15%. The additional tree save area will generally be within stream corridors and/or areas of steep slopes (>20%) as an additional means of protection of water quality. The Petitioner further agrees to provide a minimum of total open space, including the 15% tree save area, of 25% of Parcel 1.

d. The Petitioner agrees to avoid development activities including building or gracing in all regulated floodplain areas exclusive of utility installations, roadway crossings as required to serve the development, and pedestrian trails. Any pathways proposed within a watershed or swim buffer shall comply with the Mecklenburg County Watershed Protection Pathway guidelines.

Station and to convey necessary site and access easements for the purpose of monitoring stream water quality. f. The Petitioner agrees to employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements as well as the requirements specified in these Development Standards. The enforcement office shall be empowered to take the actions necessary to ensure the prompt correction as problems are detected. The Enforcement Officer must attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and must satisfactorily pass the

e. The Petitioner agrees to provide funding of actual cost not to exceed \$10,000.00, for the provision and installation of a Continuous Monitoring and Alert Network

g. 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 in the built out community.

h. The Petitioner will require all building and grading contractors to attend the Charlotte-Mecklenburg Certified Site Inspector (CMSI) training program and all superintendents must satisfactorily pass the certification test.

All development shall be provided water and sewer service via connection to the Charlotte Mecklenburg Utilities systems.

Stormwater Management Initiatives

In order to ensure effective mitigation of negative water quality impacts and adequate protection of water quality conditions the Petitioner agrees to the following: · A storm water management plan shall be developed for the site that at a minimum includes analyses of soil types, topography, wetlands, streams, and other critical areas of the project, as well as sub-basin delineations, and tree save/open space areas. The Plan shall identify those Best Management Practices contained in the NCDENR Design Manual proposed to be used on the site. The "BMP Toolbox" will be detailed in the plan noting the above BMPs to be used as well as any innovative BMPs proposed for the development. Charlotte Storm Water Services and the Mecklenburg County Water Quality Program shall approve the storm water management plan, including BMP selections for the tool box, prior to the submission of subdivision or site plans. Storm Management Plan components shall include as a minimum: - Existing conditions survey including wetlands and streams

- Site soils analysis map - Topography/slope analysis map

- Tree save/open space/buffer plan - Drainage sub-basin/impervious tracking plan

- BMP "Tool Box" and proposed innovative BMPs - BMP combinations approved to meet water quality goals of the project

- Minimum widths for buffers used as BMPs to meet water quality goals Runoff generated from the first inch of rainfall shall be captured and treated in accordance with the NC Department of Environment and Natural Resources Best Management Practices Manual, April 1999, Section 4.0, or updated versions of the same sufficient to achieve 85% TSS pollutant removal for the site. Full post-development runoff volume for the 1 year, 24-hour storm shall be detained and released between 2-5 days.

Where the Green Stream / LID Concept is not utilized stormwater runoff will be managed by two or more BMPs in series in accordance with the Stormwater Management Plan (SWMP). Where more than a single BMP is used to manage storm water generated from each sub-basin on the site, the SMWP shall include a description of the proposed BMPs and the combination of BMPs for water quality protection with the removal efficiency calculated using a formula per the SWMP where the sum of the removal efficiencies shall meet or exceed the 85% TSS removal requirement. Stormwater from water quality BMPs shall be released so as to maintain non-erosive velocities and to the maximum extent practicable "sheet flow" to the streams

through vegetated or natural buffers. No stream or watershed monitoring or modeling will be provided by the Petitioner for the Stormwater Management Plan. All bio-retention systems are to be equipped with underdrains that are connected to a storm drainage system to allow for the removal of filtered water that does not infiltrate into surrounding soils. Bio-retention BMPs must also contain a mechanism for safely bypassing excess runoff. Easements covering all BMPs required to

meet pollutant removal efficiencies shall be delineated and recorded on final record plats. The Petitioner will implement a source control program by establishing within the covenants and HOA documents a mandatory plan for lawn care and maintenance for all single family homes by an established lawn care company with the intent of controlling and managing to specific standards the application of nutrients, pesticides, and other lawn care products, in accordance with best industry practices. The detention shall tie-in to the existing abutting storm water system(s). With respect to that portion of Parcel I located north of the CSX railroad line, the Petitioner shall have the receiving drainage system, located directly downstream from the Site at the next receiving channel and pipe, analyzed to ensure that it will not be taken out of standard due to the development contemplated by this rezoning petition. If it is found that the development contemplated by this rezoning petition will cause such receiving storm drainage system to be taken out of standard, the Petitioner shall provide alternate methods to prevent this from occurring.

Should such existing, receiving drainage system, be deemed to be out of standard prior to development of this Site, the Petitioner shall provide adequate detention to ensure that such drainage system will not be additionally overburdened; it is expressly understood, however, that in no event shall the Petitioner be required to

correct any current problems with such existing receiving drainage system. 3. Erosion Control

a. The Petitioner shall limit the size of developed areas denuded within each sub-basin area identified in the Stormwater Management Plan at any one time. Grading and land disturbing activities shall not exceed fifty (50) acres of denuded area within any sub-basin at any one time unless specific documentation and justification is provided to demonstrate earthwork balance is otherwise not possible. Documentation of the total denuded area within each sub basin should be delineated on a site plan and submitted to the MCWQP and City of Charlotte Land Development Services on nonthly basis throughout the project duration. Added measures for controlling erosion

·Whenever feasible phased grading to limit the amount of exposed soil and reduce the potential for erosion problems and off-site sedimentation. Temporary or staged seeding should be performed on parking lots and other graded areas immediately following the completion of land disturbing activities to minimize the amount of disturbed area and reduce the potential for off-site sed mentation. · In the event frequency and intensity of rainfall events are overloading basins or other devices, polymers and other flocculating measures should be employed to

enhance settling capabilities to avoid the discharge of solids from the site. Double high hazard silt fences should be used in critical areas of the site such as at all intermittent and perennial streams, wetlands, at the base of slopes, approved stream crossings, and other locations where the potential for off-site sedimentation is greatest. In the absence of silt fencing, orange construction barrier fence should be installed along stream buffers to delineate and protect buffers during construction.

Two stage sediment basins with outlet weirs sized for a 50-year storm event shall be used to reduce the risk of basin failure. The developer shall develop a weekly inspection program meeting NPDES General Permit requirements for all sediment basins including written documentation of such inspections. This written documentation shall be maintained on-site and available upon request. Sedimentation in perennial or intermittent streams caused by

construction activities shall be mitigated in an unobtrusive manner within one week of identification. 4. Wetlands Protection

The Petitioner shall retain the services of a qualified environmental consultant to delineate all jurisdictional waters on the site.

Petitioner shall minimize wetlands impacts to such a degree that total impacts will not exceed the minimum threshold for Nationwide Permitting by the USCOE.

All development shall fully adhere to all rules and regulations for wetlands protection promulgated by USCOE and NCDENR

Petitioner shall require installation of permanent sod in lieu of seeding in all residential front yards to accelerate stabilization.

Other Environmental Initiatives

a. In addition to the buffers as required by the Lake Wylie Watershed Ordinance, the Swim Buffer Ordinance, and the 30' no build zone required under the Phase II NPDES Rules, the Petitioner agrees to set aside the first 20' of any 30' Phase II buffer as undisturbed exclusive of utility or roadway crossings or trails.

Petitioner shall require planting of trees on residential lots in all mass graded as, exclusive of utility corridors, at a density of 2 trees/single family lot. This requirement shall be in addition to ordinance requirements for street trees.

Petitioner shall replant denuded areas along utility corridors outside of recorded easements at a density of 10 native trees (seedlings/saplings allowed) per 1000 e. Petitioner shall within the builder/homeowner education program encourage a "naturalization" or reforestation of yards where practicable in lieu of turf.

Petitioner shall submit a Solid Waste Management Plan prior to initiating demolition and/or construction activities to include, at a minimum, the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction activities. The Plan shall specify that monthly reporting of all tonnage disposed and recycled will be made to the Mecklenburg County Solid Waste Program. The report shall include the identification and location of facilities receiving disposed or recycled materials. The Plan and the monthly reporting shall be submitted to:

Scott Brown Mecklenburg County Solid Waste Program 700 N Tryon Street

Charlotte, NC 28202 Phone: 704-336-4447

Petitioner shall coordinate with available service provider to implement a homeowner recycling program.

Petitioner shall apply for endorsement of Audubon International for the site. Connectivity and Access Points

of the City Code. 2. The placement and configuration of each access point to the Site are subject to any modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the North Carolina Department of Transportation or the Charlotte Department of Transportation.

Vehicular connections throughout the Site will be provided in the manner generally depicted on the Technical Data Sheet and in conformance with the provisions

3. The streets within Parcel 2 shall be private streets. However, these streets shall remain open and available to the public. Access to the streets shall not be prevented through barricades or other means. As generally depicted on the Conceptual Schematic Site Plan for Parcel 2 (Sheets 3 and 4), one of the private streets within Parcel 2 shall provide direct vehicular and pedestrian access to the proposed school site located to the west. This street shall be constructed in accordance with the standards outlined in the cross section on Sheet 3.

Right-of-Way Dedication

The Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) those portions of the Site required to provide right of way as follows if such right-of-way does not presently exist:

a. Belmeade Drive

 b. Mount Holly Road 50 feet from centerline

Nothing in this provision shall be deemed a commitment by the Petitioner to provide for dedication of right-of-way of any property located outside the boundaries of this Rezoning Petition except as necessary in order to complete the required right-of-way improvements as outlined below.

H. Transportation Commitments/Phasing Program

Development of the Site shall take place in accordance with the following transportation phasing commitments:

I. Phase I Development. Subject to the transportation conversion formula set forth in Section H.6 below, final plats may be recorded for up to 288 single family detached homes and 52 townhome/condominium units prior to completion of the road improvements described in Section H.2-5 below.

2. Phase 2 Development. Subject to the transportation conversion formula set forth in Section H.6 below, in addition to the development permitted in Phase 1 above, final plats may be recorded for an additional 144 single family detached homes and 26 townhome/condominium units (for a total including Phases 1 and 2 of 432 single family detached homes and 78 townhome/condominium units) upon completion of the following road improvements:

Belmeade Drive and Proposed Whitewater Parkway/Proposed Subdivision Street Construct an exclusive north-westbound left turn lane on Belmeade Drive with 400' of storage and a 15:1 bay taper and a 45:1 through lane taper(s). Construct an exclusive north-eastbound left turn lane on Proposed Whitewater Parkway with 275' of storage and a 15:1 bay taper with 45:1 through lane

Construct new portion of Belmeade Drive as generally depicted on the Technical Data Sheet so as to provide for a "T" intersection from Old Belmeade

Moores Chapel Road and McCorkle Road

Construct an exclusive westbound right turn lane on Moores Chapel Road with 150' of storage and a 20:1 bay taper. Construct an exclusive southbound left turn lane on McCorkle Road with 150' of storage and a 15:1 bay taper.

Construct an exclusive eastbound left turn lane on Moores Chapel Road with 150' of storage and a 15:1 bay taper with 45:1 through lane tapers. Make improvements in that portion of existing McCorkle Road that contains a "hair-pin" turn so as to eliminate such turn in a manner reasonably acceptable to CDOT (to the extent such improvements are not already completed). Install Traffic Signal Control upon meeting the NCDOT and CDOT applicable warrants. In the event the applicable warrants have not been met for traffic signal control by the time this phase of the development is commencing, this roadway improvement shall become a component of the subsequent (below)

Construct south-eastbound left turn lane on Belmeade Drive with 150 feet of storage, 15:1 bay taper and 45:1 through lane tapers at the Proposed

warranted by NCDOT and CDOT. Such costs shall include the traffic signal, pedestrian signals, vehicle detection, signal controller and any necessary Construct four-foot sidewalk on the non-ditch section of McCorkle Road from the point at which the Site connects to McCorkle Road for approximately 900 linear feet. The sidewalk shall be located at a safe offset (minimum 8 feet) from the edge of pavement within the existing right-of-way. Refer to CMLDSM

phasing element. The Petitioner will be responsible for the installation of, and all costs associated with, a traffic signal at the intersection if such signal is

3. Phase 3 Development. Subject to the transportation conversion formula set forth in Section H.6 below, in addition to the development permitted in Phases I and 2 above, final plats may be recorded for an additional 288 single family detached homes and 52 townhome/condominium units (for a total including Phases 1, 2 and 3 of 720 single family detached homes and 130 townhome/condominium units) upon completion of the following road improvements:

Moores Chapel Road and Rhyne Road · Reconstruction of intersection to convert to a single lane roundabout

Construct an eastbound left turn lane on Belmeade Drive with 150 feet of storage, 15:1 bay taper and 45:1 through lane tapers

4. Phase 4 Development. Subject to the transportation conversion formula set forth in Section H.6 below, in addition to the development permitted in Phases 1, 2 and 3 above, final plats may be recorded for an additional 255 single family detached homes, 35 townhome/condominium units, and certificates of occupancy issued for 20,000 square feet of floor area (excluding any structured parking facilities) devoted to office uses and 90,000 square feet of floor area (excluding any structured parking facilities) devoted to retail/commercial uses (for a total including Phases 1, 2, 3 and 4 of 975 single family detached homes, 165 townhome/condominium units, 20,000 square feet of office space and 90,000 square feet of retail/commercial space) upon completion of the following road improvements: Belmeade Drive and Proposed Whitewater Parkway/Proposed Subdivision Street

Install Traffic Signal Control upon meeting the NCDOT and CDOT applicable warrants. In the event the applicable warrants have not been met for traffic

signal control by the time this phase of the development is commencing, this roadway improvement shall become a component of the subsequent (below)

Construct an additional east/westbound thru lane on Belmeade Drive along the property frontage to drop to the southwest at the next proposed major

phasing element. The Petitioner will be responsible for the installation of, and all costs associated with, a traffic signal and pedestrian countdown signals at the intersection if such signal is warranted by NCDOT and CDOT. Such costs shall include, but are not limited to, the traffic signal, steel poles/mast arms. pedestrian signals, loop detectors, signal control or relocation and pavement markings.

commercial driveway as a right turn lane and to the northeast at the next subdivision driveway as a right turn lane. Moores Chapel Road and Sam Wilson Road Install Traffic Signal Control upon meeting the NCDOT and CDOT applicable warrants. In the event the applicable warrants have not been met for traffic signal control by the time this phase of the development is commencing, this roadway improvement shall become a component of the subsequent (below) phasing element. The Petitioner will be responsible for the installation of, and all costs associated with, a traffic signal at the intersection if such signal is warranted by NCDOT and CDOT. Such costs shall include the traffic signal, pedestrian signals, vehicle detection, signal controller and any necessary

Construct an exclusive northbound right turn lane on Sam Wilson Road with 575' of storage and a 20:1 bay taper. 5. Phase 5 Development. In addition to development permitted in Phases 1, 2, 3, and 4 above, final plats may be recorded for the balance of the residential development permitted on the Site and certificates of occupancy issued for the balance of the non-residential development permitted on the Site upon completion of the

Construct a westbound left turn lane on Moores Chapel Road with 200' of storage for each lane and a 15:1 bay taper with a 45:1 through lane taper(s).

Charlie Hipp Road and Moores Chapel Road

Connect to Charlie Hipp Road with a residential collector street

Realign Charlie Hipp Road to intersect with Moores Chapel Road at 90-degrees Construct an eastbound left turn lane on Moores Chapel Road with 150' of storage and a 15:1 bay taper with 45:1 through lane taper(s).

Construct a westbound right turn lane on Moores Chapel Road with 100' of storage and a 20:1 bay taper. Construct a southbound left turn lane on Charlie Hipp Road with 150' of storage and a 15:1 bay taper.

Conversion Factors for Phasing Program. With respect to the phasing program outlined in Sections H.I-8 above: (i) allowable townhome/condominium units may be converted to single family detached homes, and vice-versa, within a particular phase at the rate of one townhome/condominium for 0.7 single family detached home; (ii) allowable office floor area may be converted to retail/commercial square footage, and vice versa, at the rate of one square foot of office floor area per 0.25 square feet of commercial/retail floor area; and (iii) one townhome/condominium unit and/or one single family detached home may be converted to office and retail/restaurant square footage at the rate of one home/unit per 150 square feet of space, square footage, and vice-versa, at the rate of one home/unit per 500 square feet of space. However, in no event shall this provision allow the conversion of non-residential uses allowed to be located on Parcel 2 so as to result in greater than 90 residential units on Parcel 2 (i.e. 60 units allowed on Parcel 2 together with 30 additional units allowed by conversion of non-residential uses).

7. Existence of Right-of-Way Improvements. It is recognized that several of the road improvements referenced above in Sections H.1-5 may not be possible without the acquisition of additional right-of-way. If after the exercise of diligent good faith efforts, the Petitioner is unable to acquire any land necessary to provide for any such additional right-of-way upon commercially reasonable terms and at market prices, and to the extent that the applicable area in which the right-of-way is located is within the City of Charlotte, CDOT, City of Charlotte Engineering/Real Estate Division or other applicable governmental agency or department agree to proceed with condemnation of any such land; in such event, the Petitioner agrees to reimburse the applicable governmental agency or department for the cost of any such condemnation proceedings, including the compensation paid by the applicable governmental agency or department for any such land and the expenses of such proceedings.

Right-of-Way Abandonment

following road improvements:

The Petitioner reserves the right to pursue the abandonment of existing rights-of-way within the Site in accordance with the normal right-of-way abandonment procedures.

The Petitioner has committed to reserve a site within the general area depicted on the Technical Data Sheet for an elementary and/or middle school (together the

K. Fire Protection

"School Site") in accordance with that certain School Site Term Sheet between the Petitioner and the Charlotte Mecklenburg Board of Education (the "School Board") dated as of September 9, 2005, which is incorporated herein by reference as a part of these Development Standards. On an annual basis upon request by City or County officials, the Petitioner shall provide a written statement acknowledging that the terms of the School Site Term Sheet and any subsequent agreement between Petitioner and the School Board regarding the matters contained therein have not been violated.

2. 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.

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications.

Petition includes vesting of the approved rezoning plan and conditional zoning district associated with this Petition for a five (5) year period. M. Amendments to Rezoning Plan

Future amendments to this rezoning plan may be applied for by the then Owner or Owners of the particular parcel on the Site involved in accordance with the provisions

Pursuant to the provisions of Section 1.110 of the Ordinance and N.C.G.S. §160A-385.1, due to the size of the development, the level of investment, the scope and timing

of infrastructure improvements associated with the development, the anticipated long term build-out of its various components, economic cycles and market conditions, this

of Chapter 6 of the Ordinance in effect as of the date of approval of this Petition. N. Binding Effect of the Rezoning Application

successors in interest or assigns.

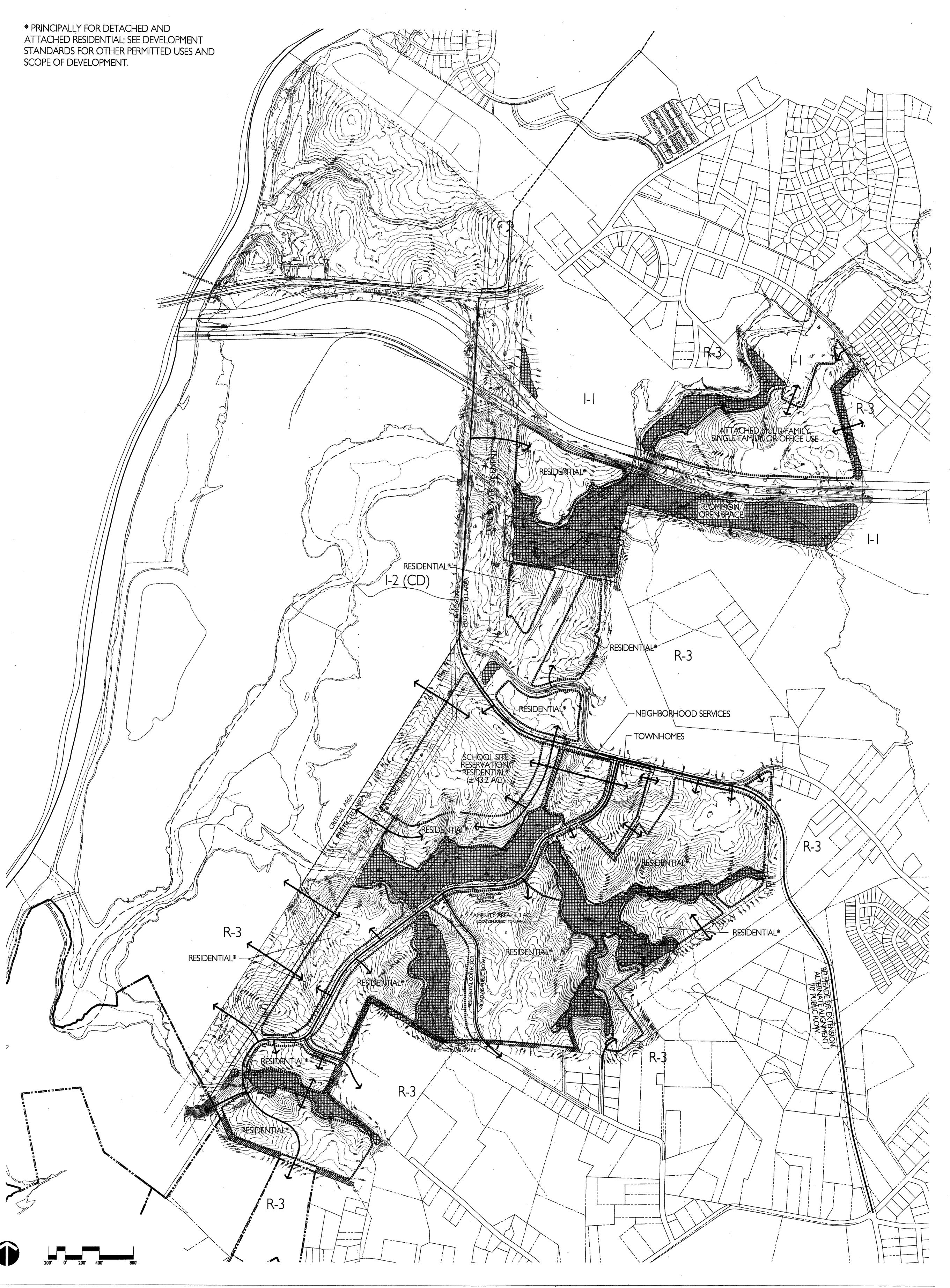
If this Petition is approved, all conditions applicable to development of the Site imposed under this rezoning plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives,

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PETITION NUMBER: 2005-077 02/25/05 JOB NO. 1004227

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WHITEWATER - REZONING PETITION

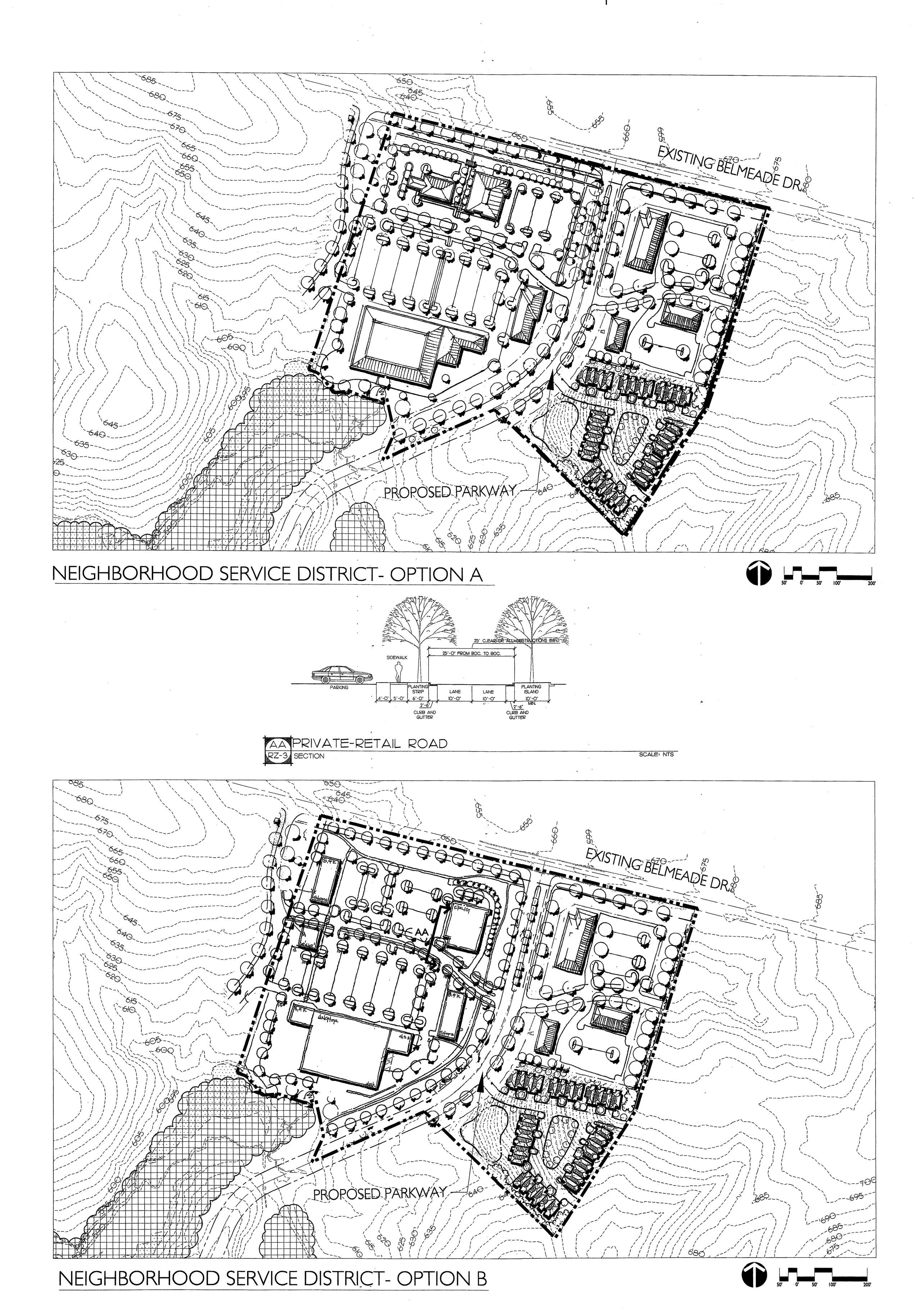




WHITEWATER - REZONING PETITION
CONCEPTUAL LAND USE
CHARLOTTE, NORTH CAROLINA

02/25/05 JOB NO. 1004227

EVISIONS 1: 4-20-05 REVISIONS PER STAFF REVIEW EWISIONS 2: 5-20-05 REVISIONS PER STAFF REVIEW EW





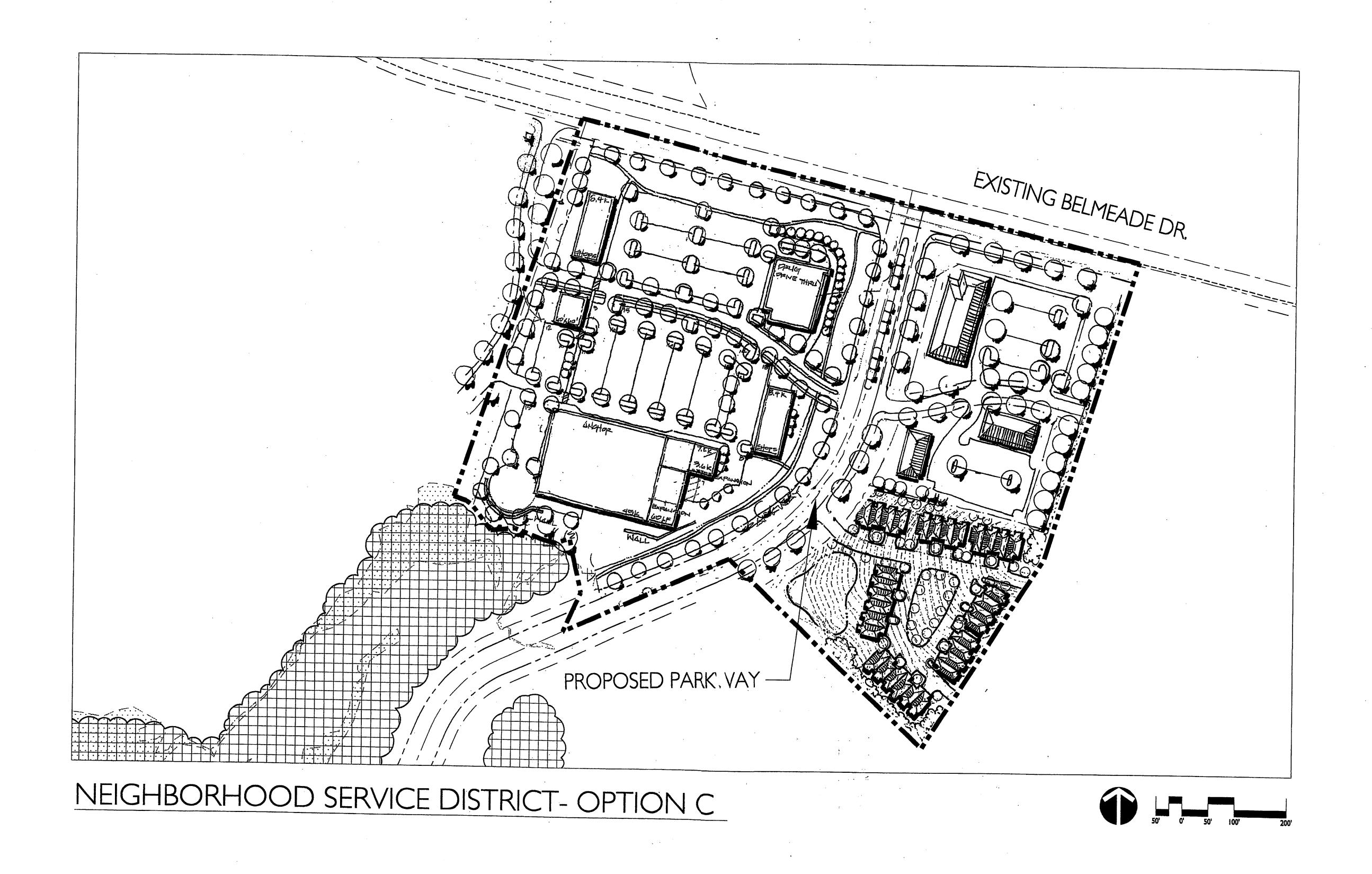
WHITEWATER - REZONING PETITION NEIGHBORHOOD SERVICE SITE PLANS CHARLOTTE, NORTH CAROLINA

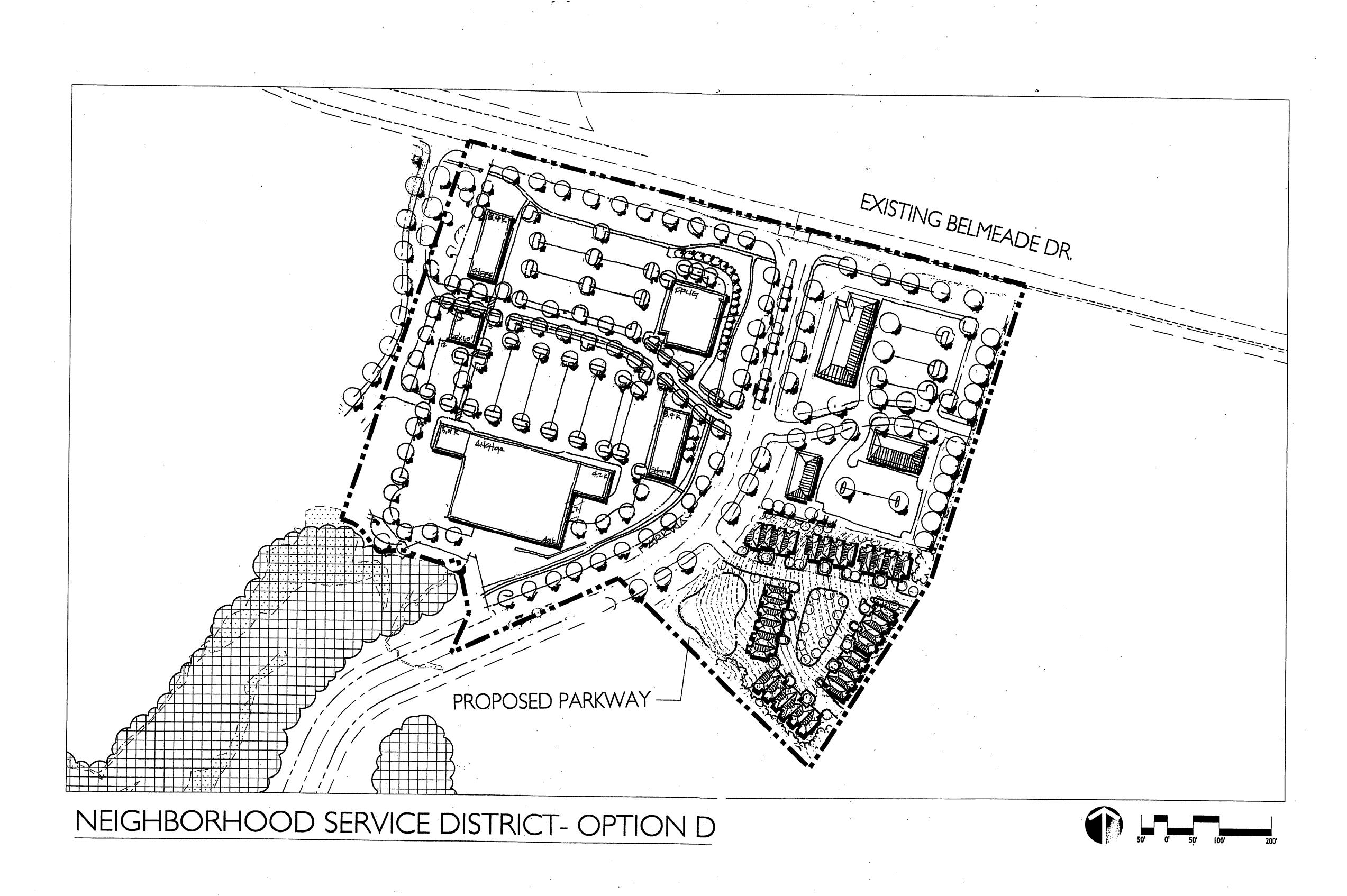
O2/25/05 JOB NO. 1004227

REVISIONS 1: 4-20-05 REVISIONS PER STAFF REVIEW REVISIONS 2: 5-20-05 REVISIONS PER STAFF REVIEW REVISIONS 3: 06-20-05 PUBLIC MEETING REVISIONS 4: 07-05-05 REMOVED STREET SECTIONS REVISIONS 5: 08-04-05 REVISIONS TO LAYOUT REVISIONS 6: 09-09-05 REVISIONS TO LAYOUT REVISIONS 7: 09-16-05 REVISIONS TO LAYOUT

REVISIONS 8: 02-20-06 REVISIONS TO LAYOUT

PETITION NUMBER: 2005-077







WHITEWATER - REZONING PETITION NEIGHBORHOOD SERVICE SITE PLANS CHARLOTTE, NORTH CAROLINA PETITION NUMBER: 2005-077 02/25/05 JOB NO. 1004227

