

MX COMMUNITY

MUDD VILLAGE

MONUMENT SIGN

**H**

**STORMWATER MASTER PLAN**

WATER QUALITY BMP/VOLUME  
PEAK CONTROL

WATER QUALITY BMP

WETLAND ENHANCEMENT  
/PRESERVATION /RESTORATION

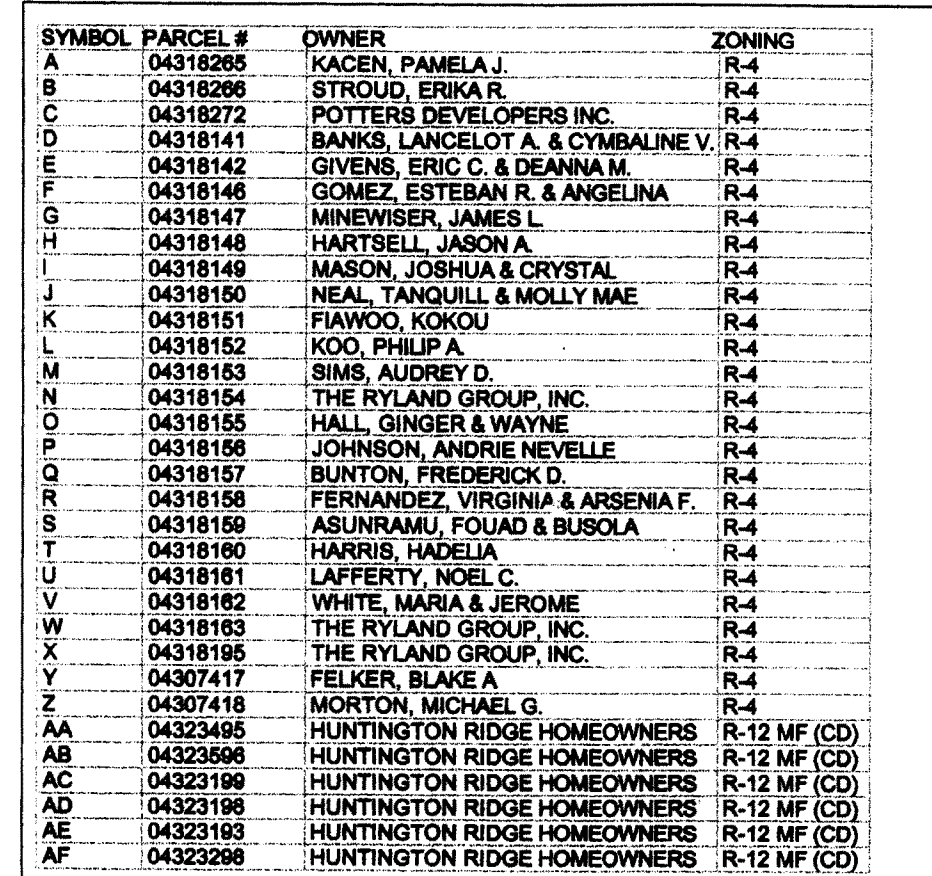
STREAM RESTORATION

100-YR FLOOD PLAIN

SWIM BUFFER

STORMWATER IN THIS AREA IS  
COLLECTED DIRECTLY INTO  
THE FLOODPLAIN OF MALLARD  
CREEK

TREE SAVE AREA



SYMBOL	PARCEL #	OWNER	ZONING
AH	04324130	STONE FAMILY ENT. INC.	I-1
AI	04324291	STONE, ANGELO W. JR.	R-4
AK	04324213	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AL	04324255	FRYE, DELVECCHIO A & BREVARD, LAQUANTA L	R-4
AN	04324275	LEONARD, KRISTY L.	R-4
AM	04324276	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AO	04324277	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AO	04324278	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AP	04324279	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AP	04324280	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AS	04324281	CARRAWAY, PENNY	R-4
AS	04324282	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AT	04324283	RETH, ROBERT E.	R-4
AV	04324286	OKBROOKS INC DEVELOPERS LLC &	R-4
AV	04324306	REED ENTERPRISES OF CHARLOTTE, INC.	R-4

NOTE:

- ANY JURISDICTIONAL WETLANDS OR STREAMS, IF PRESENT, NEED TO BE PROTECTED OR PROPER ENVIRONMENTAL PERMITS OBTAINED PRIOR TO THEIR DISTURBANCE. FOR 401 PERMITS CONTACT DEHNR. FOR 404 PERMITS CONTACT THE ARMY CORPS OF ENGINEERS

**TITLE:**

**TECHNICAL  
DATA SHEET**

**L1.0**



# Griffith Lakes

Charlotte  
Mecklenburg  
County,  
North Carolina

PETITIONER:  
**GRIFFITH EQUITIES, LLC**

1944 BRUNSWICK AVE.  
CHARLOTTE, N. C. 28207  
704-332-7173

PREPARED BY:  
**HadenStanziale**  
planning  
landscape architecture

421 Penman Street  
Suite 300  
Charlotte, NC 28203

704.373.0534  
704.342.0251 fax  
www.hadenstanziale.com

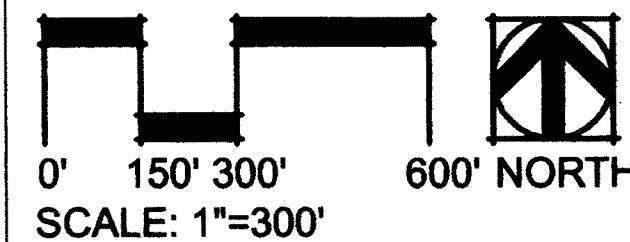
PETITIONER'S AGENT:  
**KING & SPALDING, LLP**  
ATTORNEYS AT LAW  
301 McCULLOUGH DRIVE, 4TH FLOOR  
CHARLOTTE, NC 28262  
PH (704) 503-2564

ISSUE:  
**REZONING PETITION**

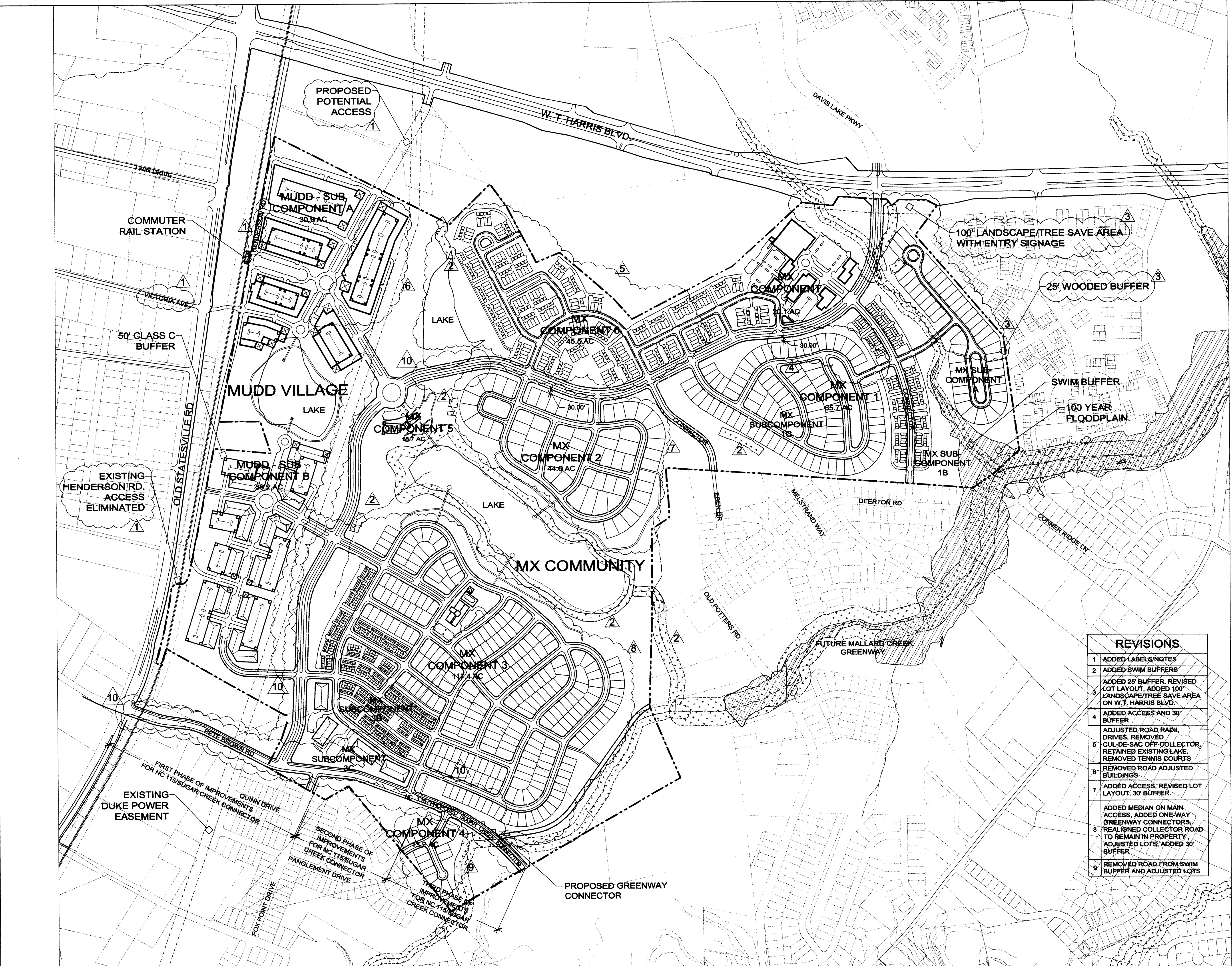
REVISIONS:		
1-9	6/18/07	SEE CHART
10	8/20/07	T15 CONNECTOR ALIGNMENT, ACCESS TO MX 3, REMOVED GREENWAY ALONG DUKE R.O.W. COLLECTOR ROAD @ DAM

No.	Date	Work Done
-----	------	-----------

Date: 03/26/07  
Project No.: 06334  
Checked By: KWC  
Drawn By: CAT, JAG



TITLE:  
**SCHEMATIC  
PLAN  
L1.1**





# Griffith Lakes

Charlotte  
Mecklenburg  
County,  
North Carolina

PETITIONER:  
  
Griffith Equities, LLC  
  
1944 Brunswick Ave.  
Charlotte, N.C. 28207  
704-332-7173

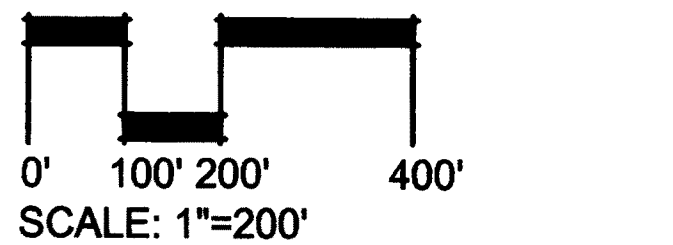
PREPARED BY:  
  
HadenStanziale  
planning  
landscape architecture  
  
421 Penman Street Suite 300  
Charlotte, NC 28203  
704.373.0534  
704.342.0251 fax  
www.hadenstanziale.com

PETITIONER'S AGENT:  
  
KING & SPALDING, LLP  
ATTORNEYS AT LAW  
301 McCULLOUGH DRIVE, 4TH FLOOR  
CHARLOTTE, NC 28262  
PH (704) 503-2564

ISSUE:  
  
REZONING PETITION

REVISIONS:		
1.	6/18/07	ADDED BMP NOTES
2.	6/18/07	REVISED LAYOUT OF BANK AND ADDED STACKING NOTES

No.	Date	Work Done
Date: 3/26/07		
Project No.: 06334		
Checked By: KWC		
Drawn By: CAT		

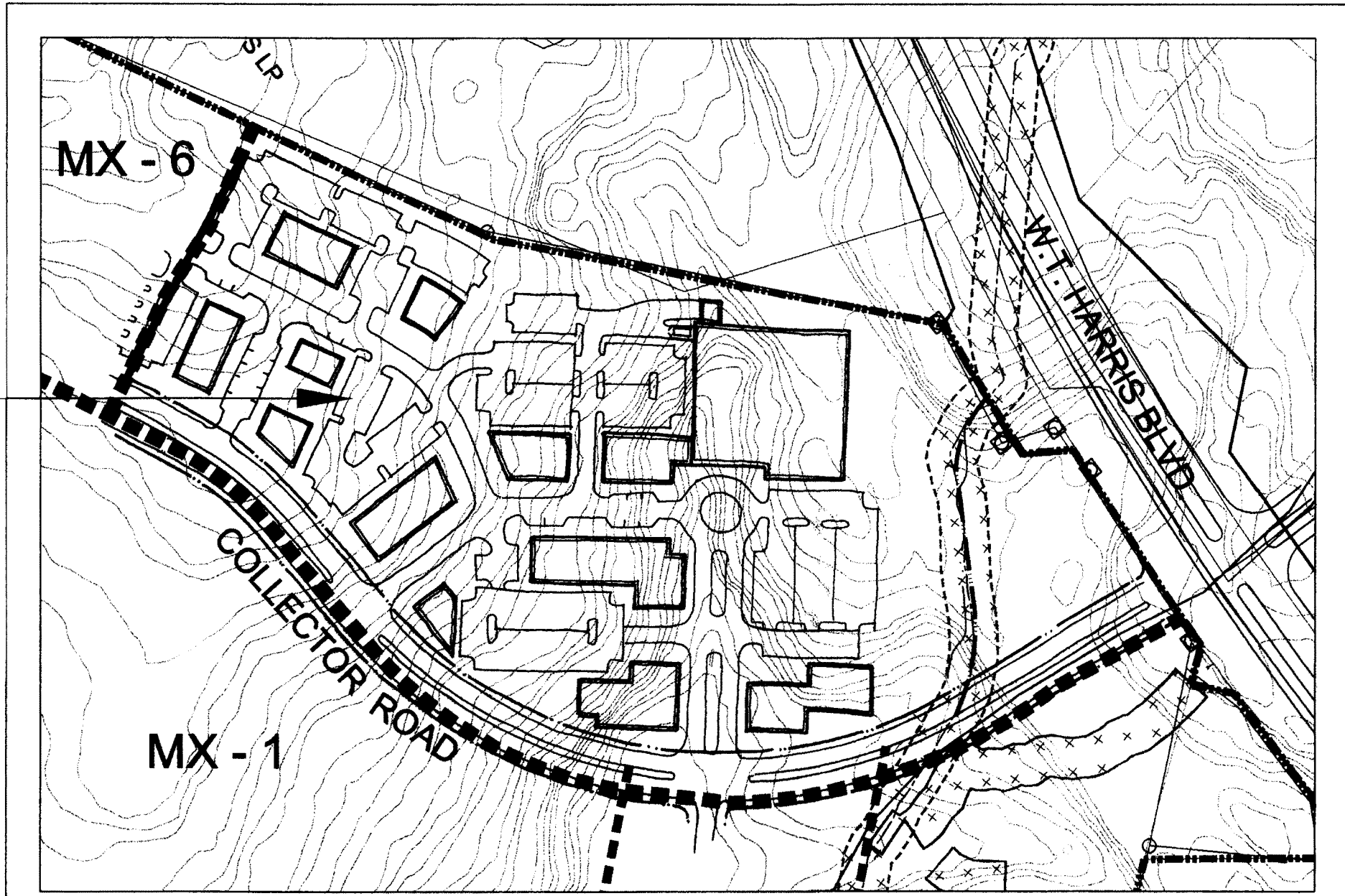


TITLE:  
  
SCHEMATIC  
OPTIONS  
  
L1.2

MX COMPONENT 7

MX COMPONENT 7  
CONCEPTUAL SCHEMATIC ALTERNATIVE A

BMP IN MX COMMUNITY TO BE  
INTEGRATED INTO THE DESIGN OF THIS  
COMPONENT

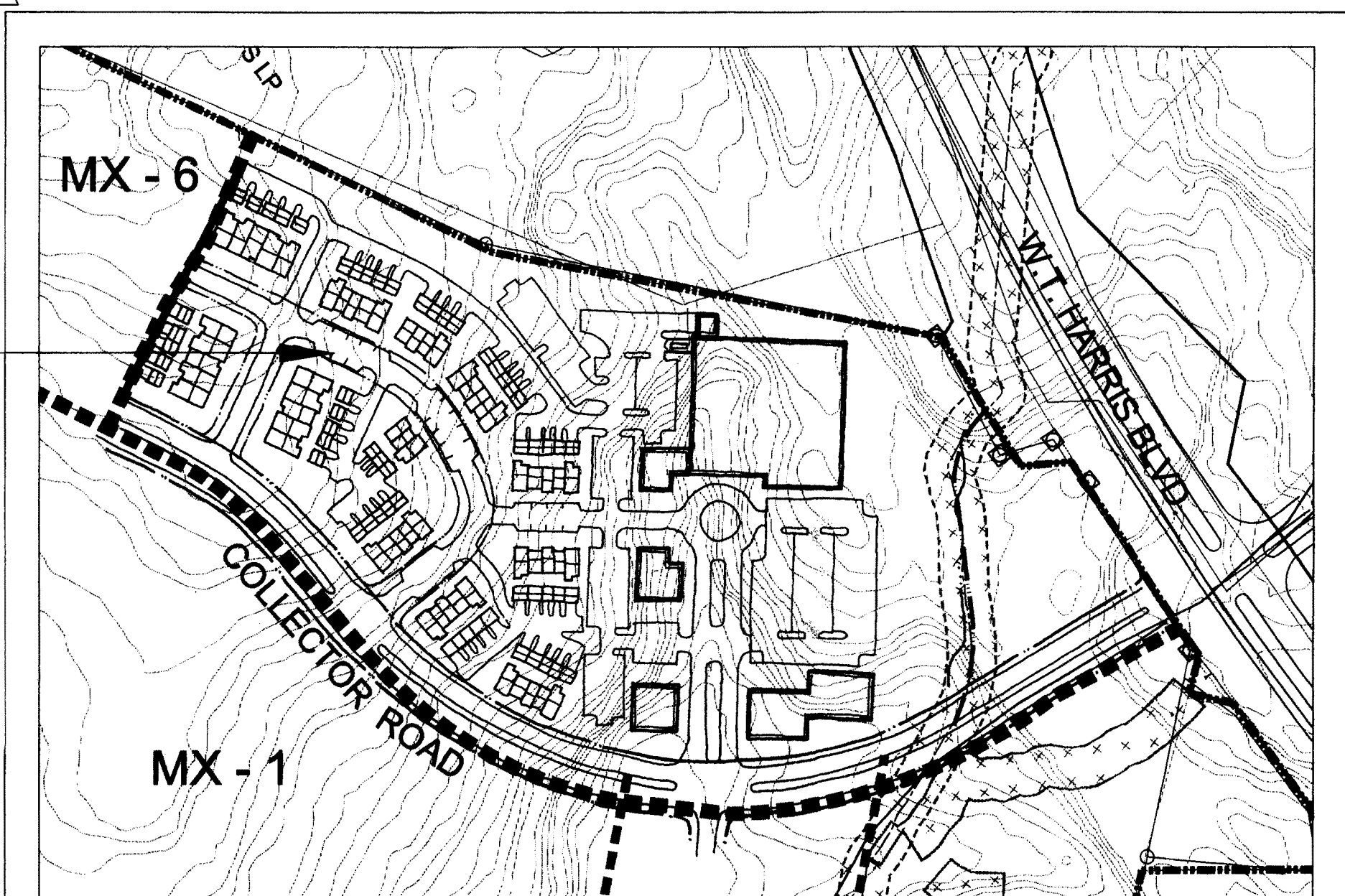


SCALE: 1" = 200'

MX COMPONENT 7

MX COMPONENT 7  
CONCEPTUAL SCHEMATIC ALTERNATIVE B

BMP IN MX COMMUNITY TO BE  
INTEGRATED INTO THE DESIGN OF THIS  
COMPONENT

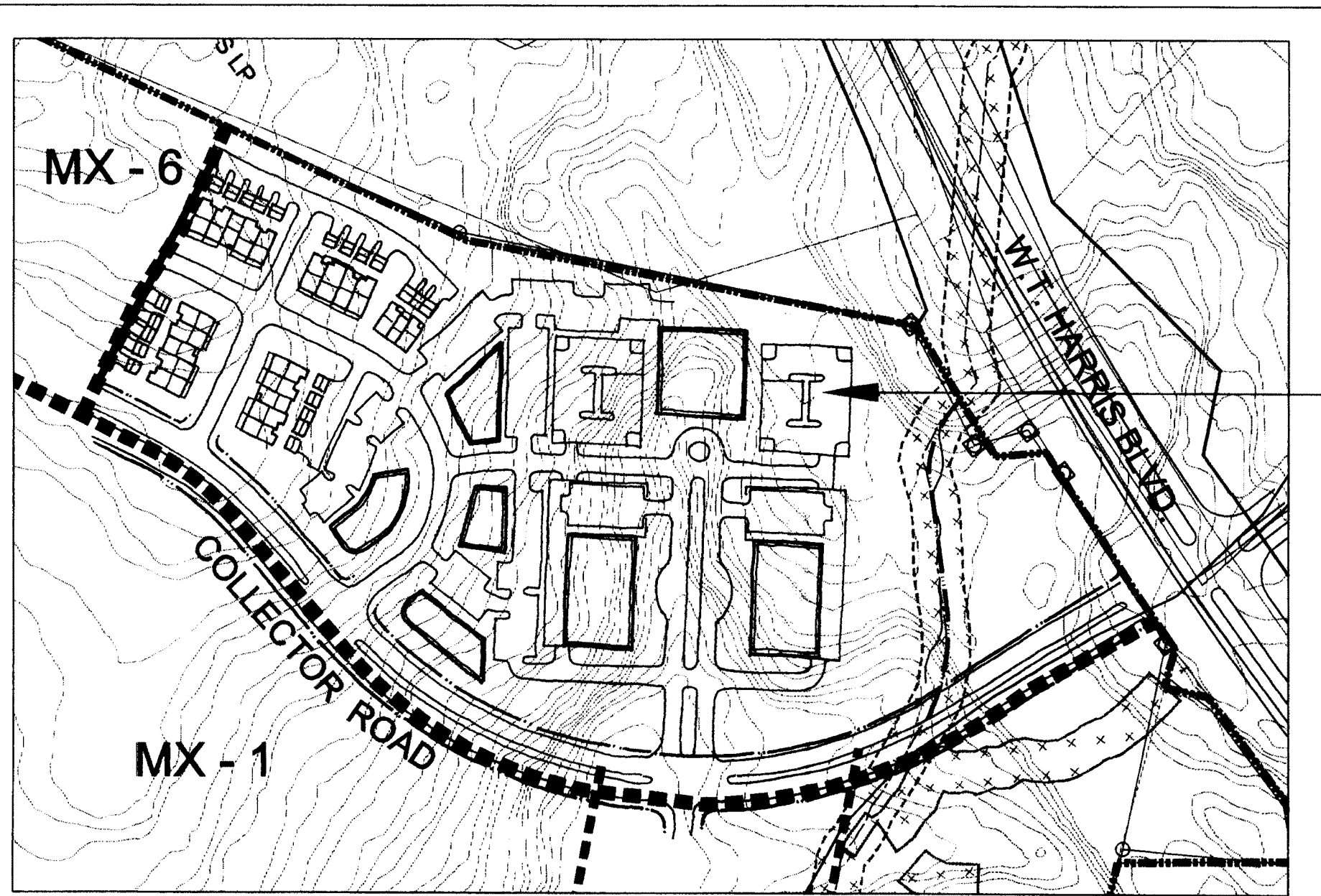


SCALE: 1" = 200'

MX COMPONENT 7

MX COMPONENT 7  
CONCEPTUAL SCHEMATIC ALTERNATIVE C

BMP IN MX COMMUNITY TO BE  
INTEGRATED INTO THE DESIGN OF THIS  
COMPONENT

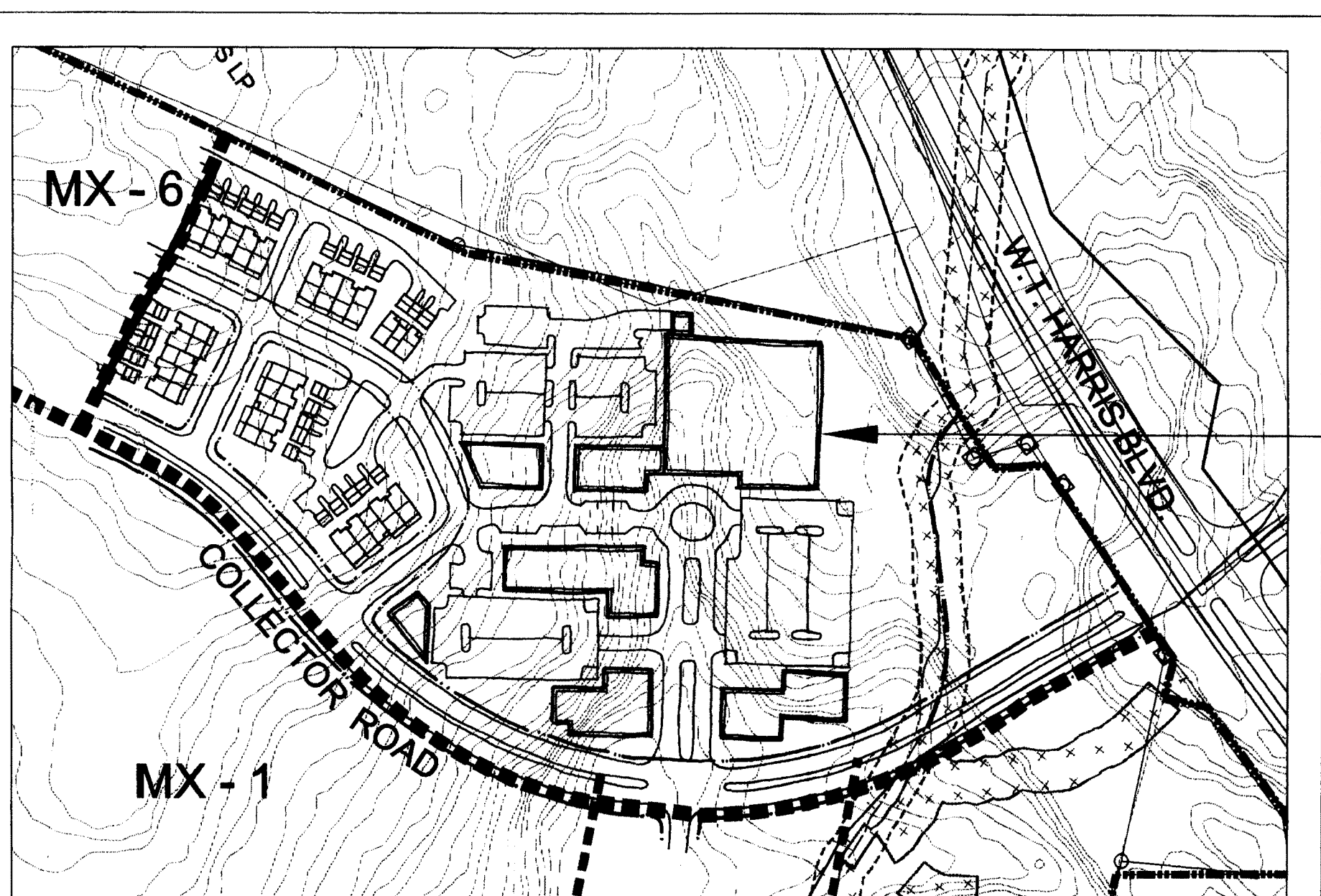


SCALE: 1" = 200'

MX COMPONENT 7

MX COMPONENT 7  
CONCEPTUAL SCHEMATIC ALTERNATIVE C

BMP IN MX COMMUNITY TO BE  
INTEGRATED INTO THE DESIGN OF THIS  
COMPONENT



SCALE: 1" = 200'

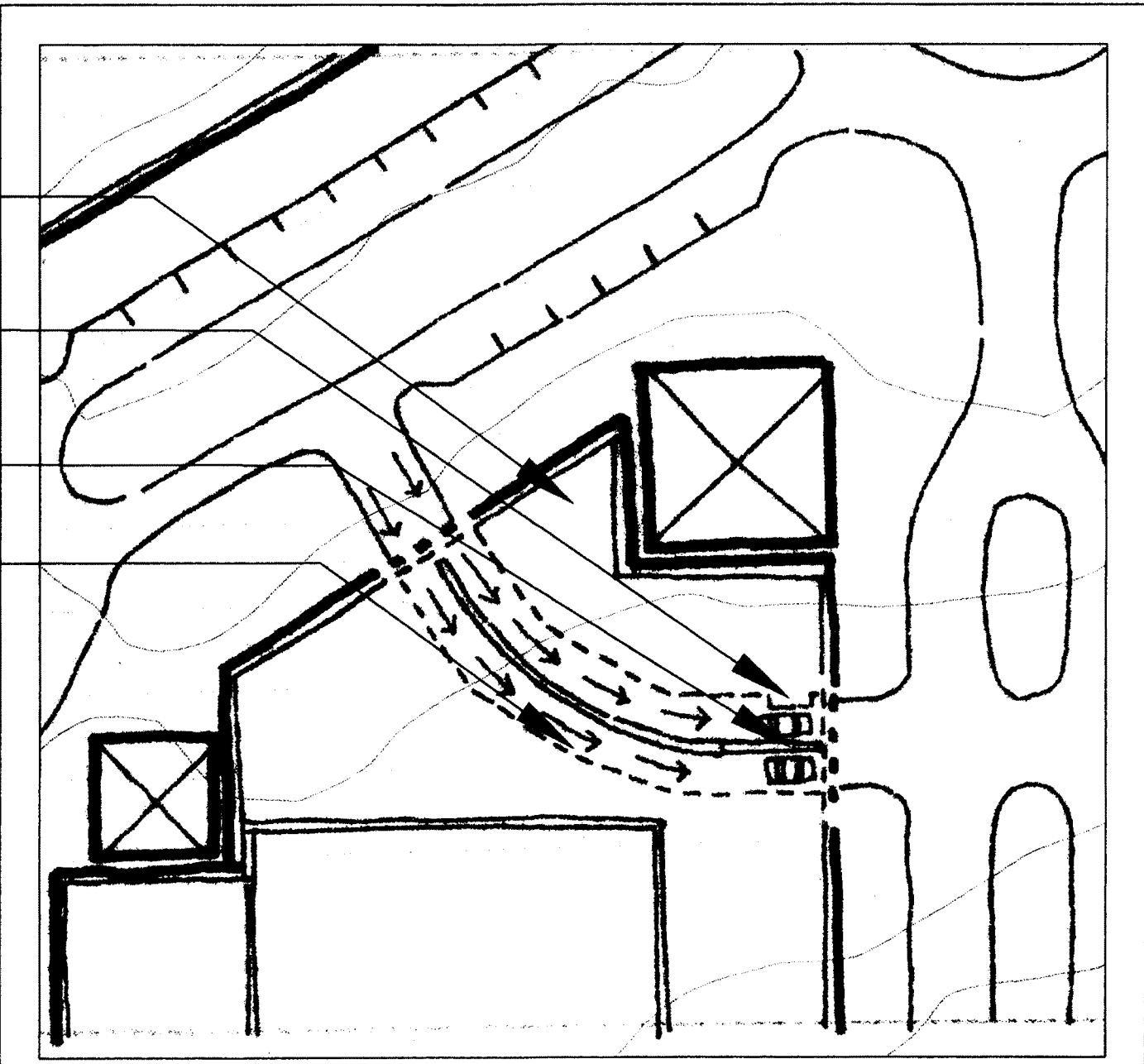
BANK

DRIVE-UP

ATM

STACKING FOR 6 CARS  
PER WINDOW

MUDD OPTIONAL  
PROVISIONS  
3.F. BANK DRIVE-THRU



DRAWING NOT TO SCALE

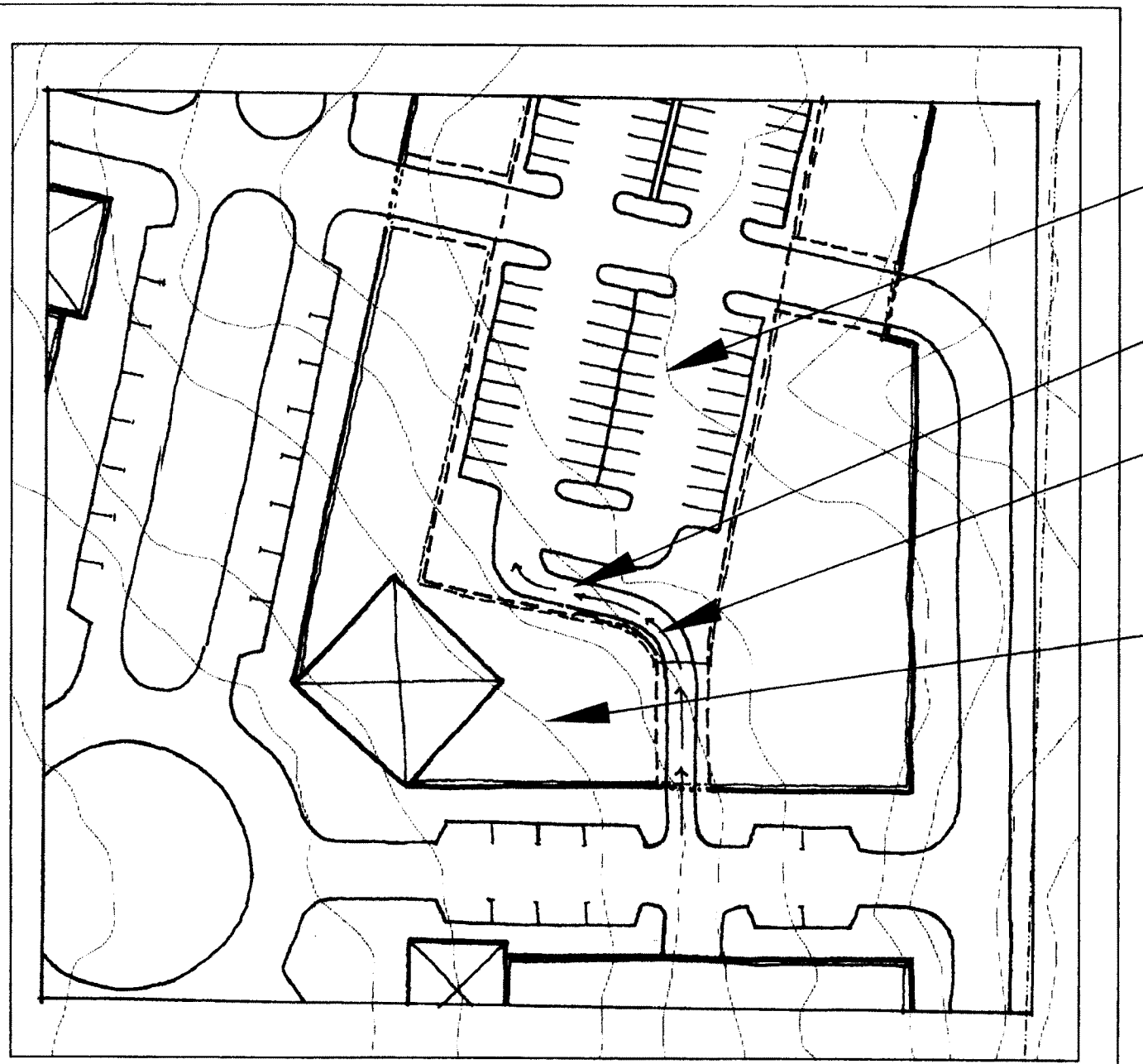
GROUND FLOOR OF  
PARKING DECK

DRIVE THRU

STACKING FOR 5 CARS  
PER WINDOW

DRUG STORE/PHARMACY

MUDD OPTIONAL  
PROVISIONS  
3.G. DRUG STORE/PHARMACY  
DRIVE THRU WINDOW



DRAWING NOT TO SCALE



GRIFFITH  
 LAKES

Charlotte  
 Mecklenburg  
 County,  
 North Carolina

PETITIONER:  
 GRIFFITH EQUITIES, LLC

1944 BRUNSWICK AVE.  
 CHARLOTTE, N. C. 28207  
 704-333-7179

PREPARED BY:  
 HadenStanziale  
 planning  
 landscape architecture  
 421 Penman Street Suite 300 Charlotte, NC 28203 704.373.0534 704.342.0251 fax www.hadenstanziale.com

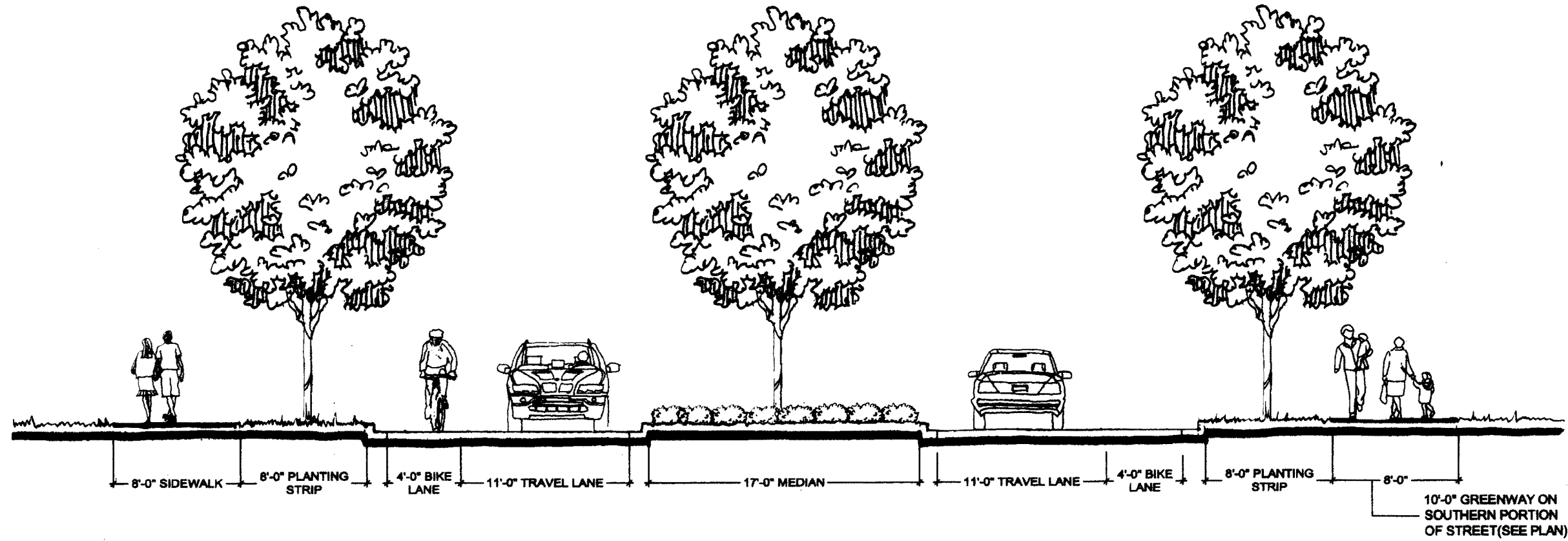
PETITIONER'S AGENT:  
 KING & SPALDING, LLP  
 ATTORNEYS AT LAW  
 301 McCULLOUGH DRIVE, 4TH FLOOR  
 CHARLOTTE, NC 28262  
 PH (704) 503-2564

ISSUE:  
 REZONING PETITION

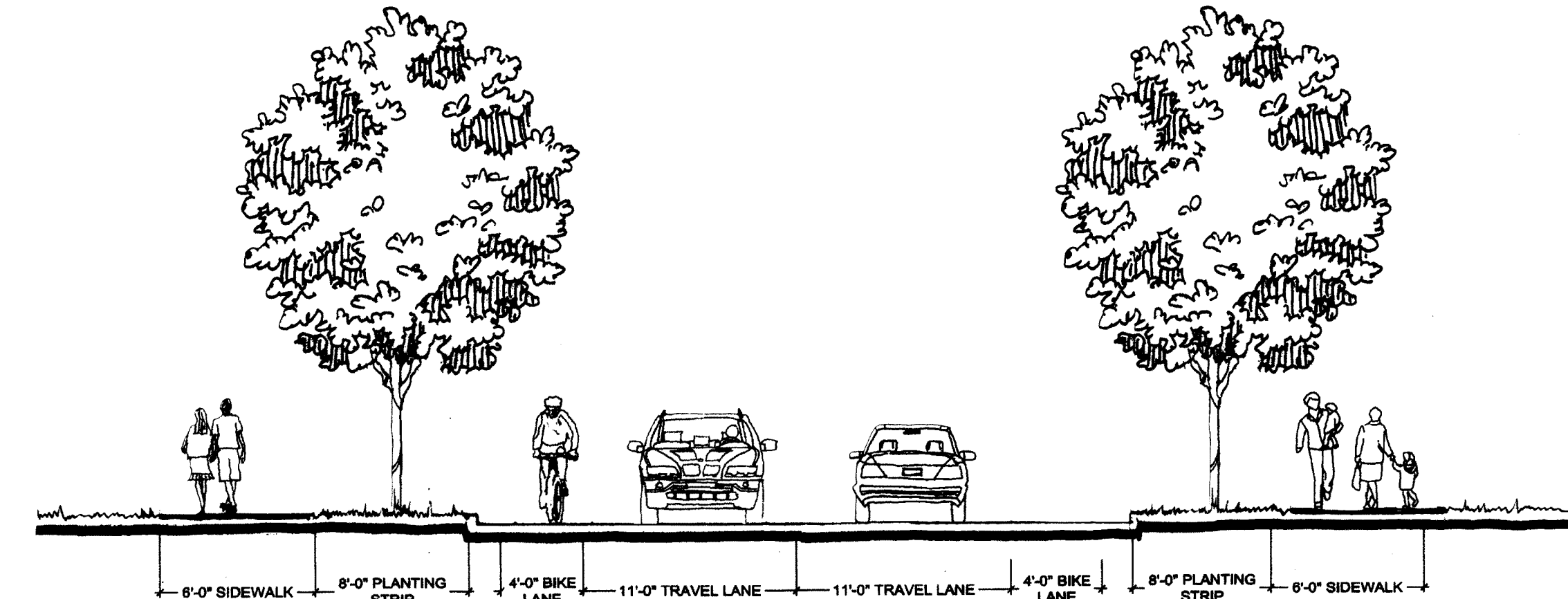
REVISIONS:		
1	6/18/07	MODIFIED/ADDED STREET SECTIONS
2	8/21/07	MODIFIED/ADDED STREET SECTION NOTES

No.	Date	Work Done
Date:	03/26/07	
Project No.:	06334	
Checked By:	KWC	
Drawn By:	CAT, TB, JAG	

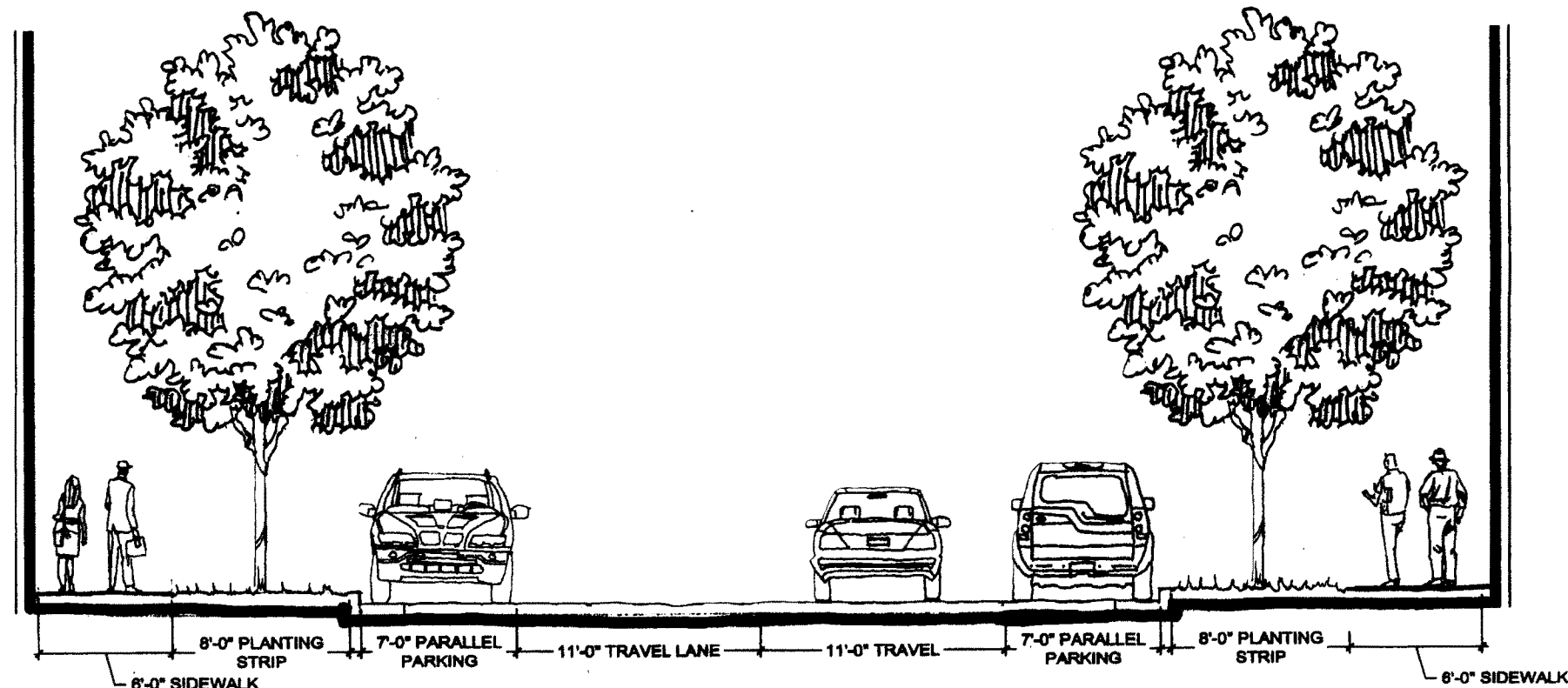
TITLE:  
 ROADWAY  
 SECTIONS  
 L1.3



1 COLLECTOR  
 NTS

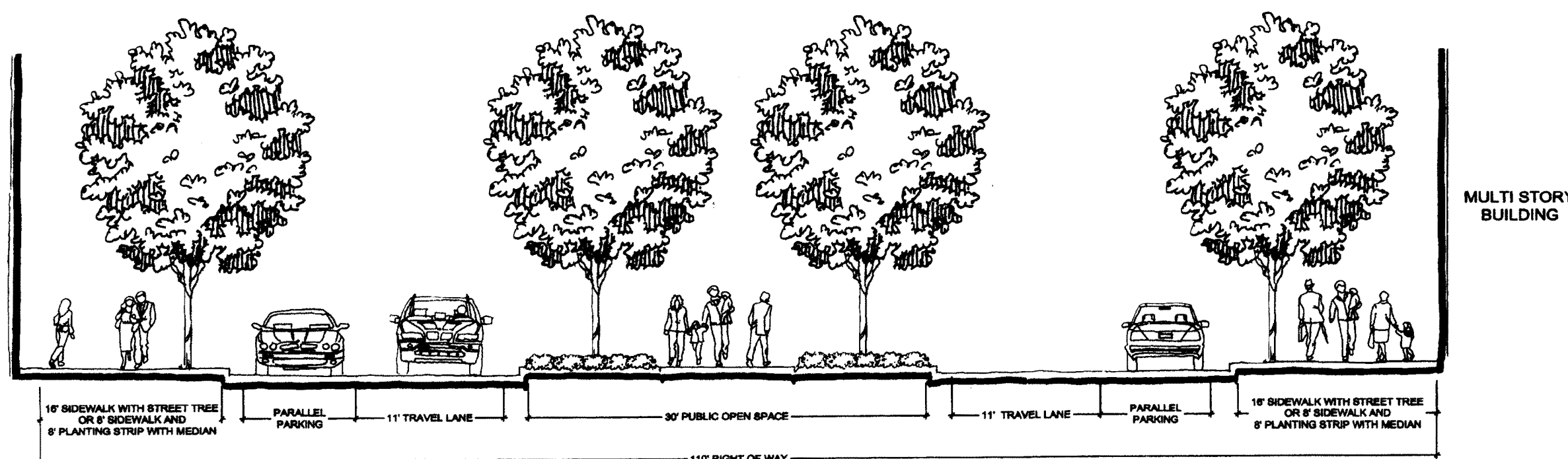


3 CONNECTOR STREET  
 NTS



NOTE:  
 DIAGONAL PARKING MAY BE SUBSTITUTED FOR PARALLEL PARKING ON MUDD STREETS. SIZE OF DIAGONAL PARKING TO MEET CITY STANDARDS

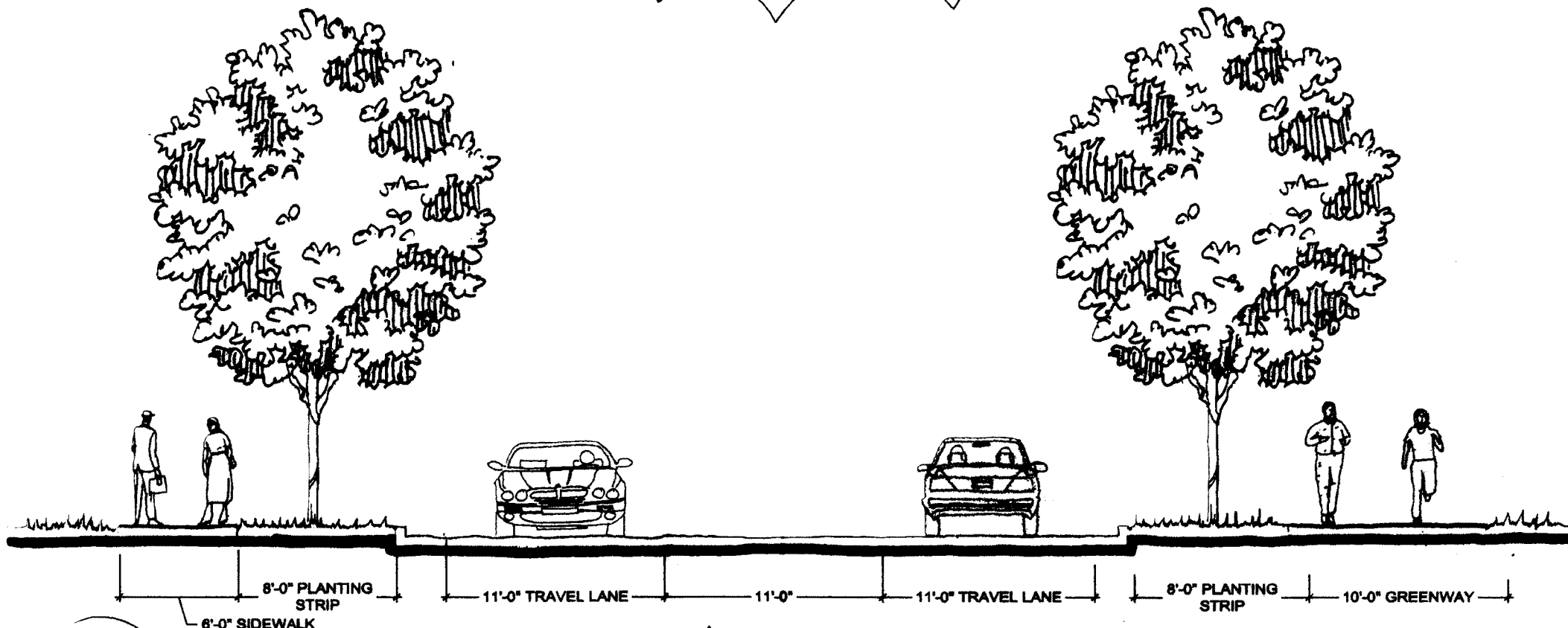
5 MUDD PRIVATE STREET  
 NTS



NOTE:  
 DIAGONAL PARKING MAY BE SUBSTITUTED FOR PARALLEL PARKING ON MUDD STREETS. SIZE OF DIAGONAL PARKING TO MEET CITY STANDARDS

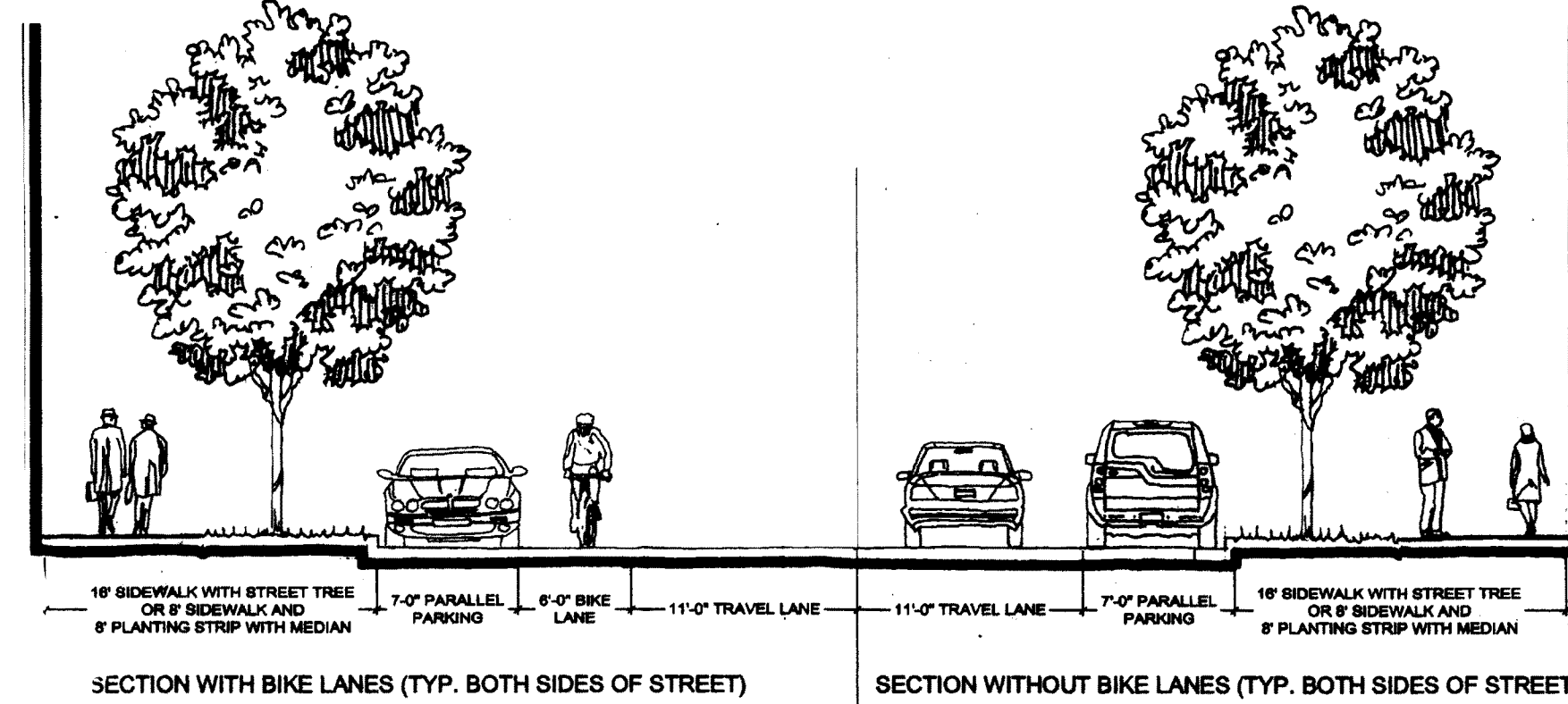
7 MUDD STREET SECTION WITH MEDIAN (114' R.O.W.)  
 NTS

NOTE:  
 SEE SHEET L1.6 FOR STREET TYPE LOCATIONS

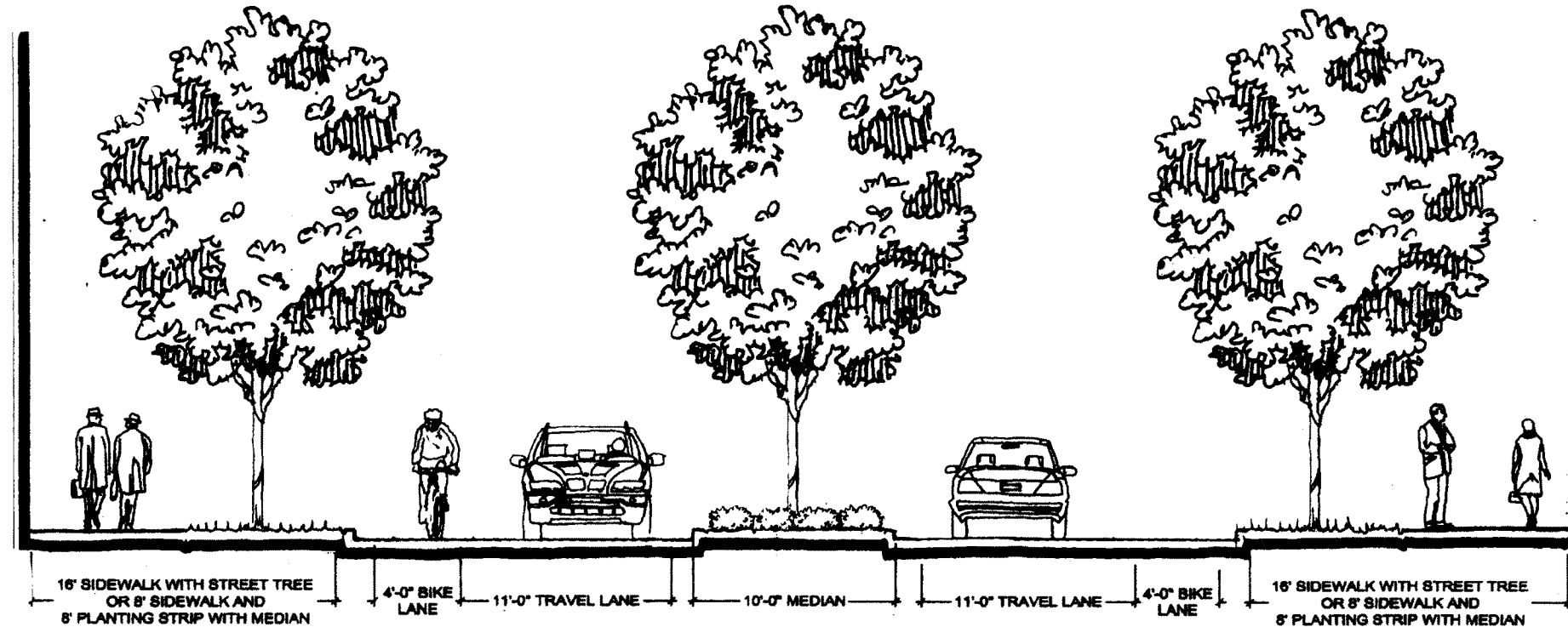


NOTE:  
 - IF A BERM IS LOCATED ON EITHER SIDE OF THE STREET, THE BERM SHALL BE 36" WIDE, 8" HIGH WITH MAXIMUM CROSS SLOPES OF 3:1  
 - TAPERS AND TURN LANES REQUIRED AT OLD STATESVILLE ROAD ARE NOT SHOWN IN THIS SECTION

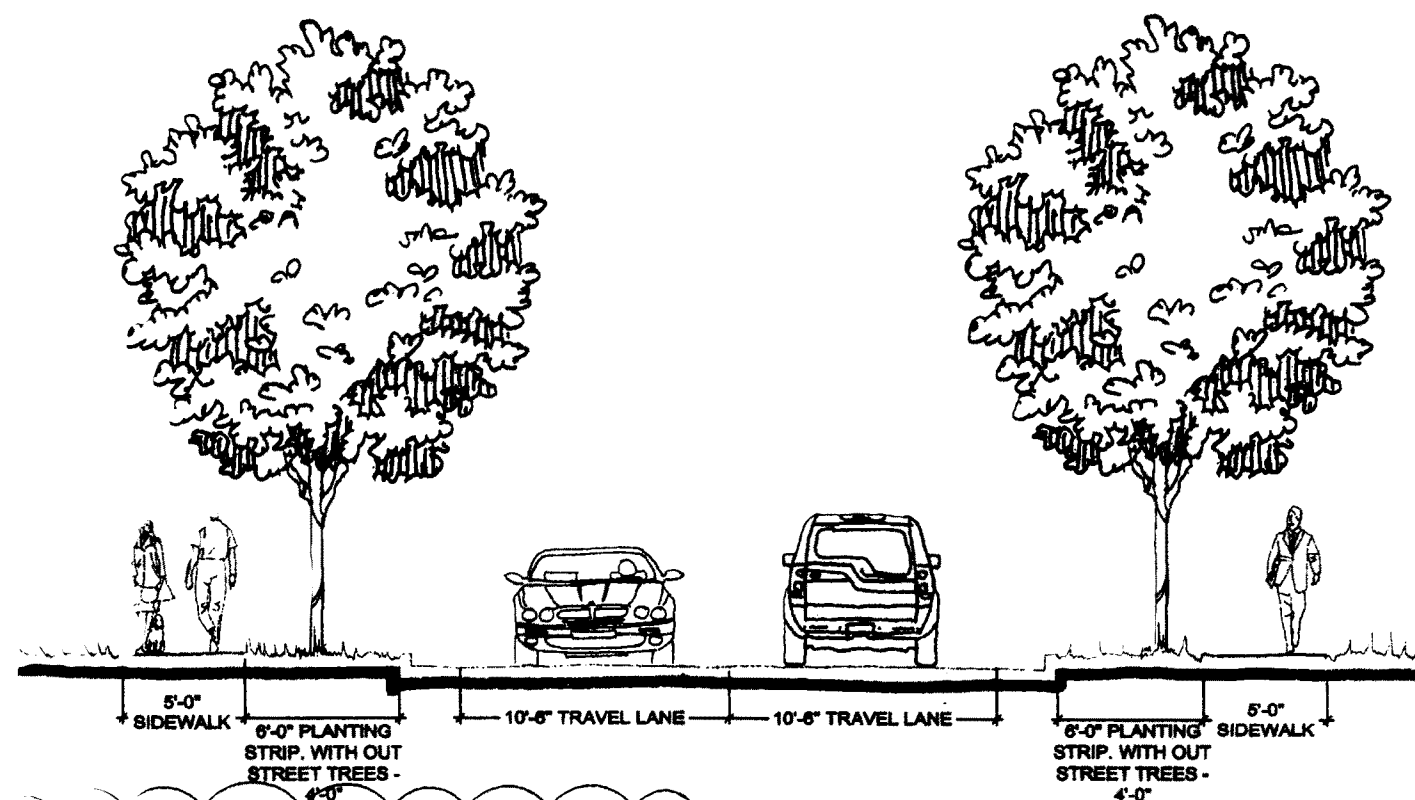
2 SUGAR CREEK / N.C. 115 CONNECTOR  
 NTS



4 MUDD STREET SECTION WITH BIKE LANES / MUDD STREET SECTION WITH OUT BIKE LANES  
 NTS



6 ENTRANCE TO MUDD FROM COLLECTOR  
 NTS



NOTE:  
 - IN AREAS OTHER THAN SINGLE FAMILY PLANTING STRIPS SHALL BE 8' WIDE AND SIDEWALKS SHALL BE 8' WIDE  
 - ON PRIVATE STREETS, STREET TREES SHALL BE 40' O.C. WILL BE PLACED IN SETBACKS IF 4' PLANTING STRIP IS USED

8 PUBLIC AND PRIVATE RESIDENTIAL STREETS  
 NTS

1



A. **OVERVIEW OF MASTER PLANNED COMMUNITY & GENERAL PROVISIONS.**

1. **Technical Data Sheet.** These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Griffith Equities, LLC to accommodate development of a master planned community on an approximately 395 acre site located generally within the southeast quadrant of the intersection formed by Harris Boulevard and Old Statesville Road (the "Site", the "Community", or "Griffith Lakes"). As generally depicted on Technical Data Sheet, the Community consists of two primary development areas known as the "MX Community" and the "MUDD Village", respectively.
2. **Overview of MX Community.** This Rezoning Plan contemplates development of the approximately 325 acre MX Community as a residentially based community of single family detached homes, single family attached homes and multi-family homes, each designed in an environmentally sensitive manner to take advantage of the natural features of the land, most notably the approximately 26.4 acres of lake(s) that form the center piece of the MX Community. The MX Community also contemplates a mixed use commercial/residential component at the entrance to the MX Community along Harris Boulevard (see MX Component 7 described below) and community amenities such as a community clubhouse(s), recreation facilities, including swimming pool(s), tennis courts, hiking/walking trails and nature preserve, all as generally depicted on the Technical Data Sheet.
3. **Overview of MUDD Village.** This Rezoning Plan also contemplates development over time of the approximately 70 acre MUDD Village as an urban mixed use village located adjacent and to the west of the MX Community and adjacent and to the east of the Norfolk Southern Rail Line as generally depicted on the Technical Data Sheet. It is contemplated that the MUDD Village will be connected to the MX Community by several internal streets and the MUDD Village will access Old Statesville Road by way of such internal streets and streets located on property owned by the City of Charlotte located adjacent and to the west of the Norfolk Southern Rail Line as generally depicted on the Technical Data Sheet (the "City Property"). The Charlotte-Mecklenburg Integrated Transportation Land Use Plan contemplates that the City Property will serve as a transit station (the "Transit Station") for the North Corridor Community Rail Line (the "Commuter Rail Line"). This Rezoning Plan contemplates that the MUDD Village will be designed in such a manner as to take advantage of its proximity to the Transit Station in the event that the Commuter Rail Line is completed in accordance with current or future transit plans. The MUDD Village will also be designed to take advantage of its proximity and connectivity to the MX Community and its location in a growing area of the greater Charlotte region.
4. **General Provisions.**
  - (a) Development of the Site will be governed by the Technical Data Sheet, these Development Standards and applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use-3 ("MX-3") District shall govern development taking place on the MX Community. The MX Community shall utilize the Innovative Provisions of the Ordinance as outlined on the Technical Data Sheet and in these Development Standards, as applicable, and this Rezoning Plan constitutes the approved MX-3 (Innovative) Site Plan; no subsequent (Innovative) Site Plan approval will be required. Unless the Technical Data Sheet or these Development Standards established more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District ("MUDD"), subject to the Optional provisions provided below, shall govern development taking place on the MUDD Village.
  - (b) The Conceptual Schematic Site Plans attached to this Rezoning Plan (the "Schematic Site Plans") depict potential developments scenarios for the Site. As such the configuration, placement and size of the site elements such as the lots, the building footprints/areas, parking areas, driveways, roads and streets, open space areas, community amenities and recreational areas generally depicted on the Schematic Site Plans are merely schematic in nature, and subject to specific design and performance standards set forth in these Development 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 each of the MX Community and the MUDD Village. Subject to specific design and performance standards set forth in these Development Standards, the street and parking layouts may also be modified to accommodate final building location 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 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 Schematic Site Plans.
  - (c) The above provisions of this Section A.4 should be read in conjunction with the provisions of Section 6.207 of the Ordinance.
5. **Five Year Vested Rights; Unified Development.** Due to the size of the proposed development and the anticipated build out over a number of years, this petition includes the vesting of the approved Rezoning Plan for each of the MX Community and the MUDD Village for five (5) years. Additionally, components of the overall Community generally depicted on the Schematic Site Plans, including without limitation buildings, streets and other site development elements associated therewith, may be constructed in phases over time and in any sequence as determined by the Petitioner. The development within the MX Community, the MUDD Village and the overall Community as a whole, as generally depicted on the Technical Data Sheet, shall be viewed as a unified development plan in accordance with the provisions of these Development Standards.

B. **MX COMMUNITY PROVISIONS**

The provisions set forth in this Section B shall govern development of the MX Community:

1. **Permitted Uses and Development Limitations - MX Community.**
  - (a) Development of the MX Community is intended to accommodate a mixed use master plan community composed principally of residential uses, including single family attached housing, single family detached housing along with a limited amount of retail and/or restaurant uses and office uses within the applicable Components described below. Each of these development Components will be interconnected with open space, pedestrian, bicycle, golf cart, and/or vehicular linkages. Accordingly, the MX Community may be devoted to any of the following uses:
    - (i) In addition to other development permitted in this Section B.1., up to 1,095 single family detached lots, single family attached units/lots and/or multi-family dwelling units, may be located within the MX Community, subject, however, to the conversion rights reserved for the benefit of MX Component 7 in Section B.1. (i) below; provided, however, no more than 250 multi-family for rent dwelling units may be located within the MX Community; and
    - (ii) In addition to other development permitted in this Section B.1., up to 140,000 square feet of gross floor area (as defined in this Section B.1.(b) devoted to office (including, without limitation, medical office), retail and/or restaurant uses shall be allowed within the MX Component 7 of the MX Community, subject, however, to the conversion rights reserved for the benefit of MX Component 7 in Section B.1 (i) below;
    - (iii) In addition to other development permitted in this Section B.1., certain community amenities including clubhouses, recreation facilities (such as swimming pool(s), tennis courts, walking/hiking trails, community pavilions) and the like shall be allowed within the MX Community;
    - (iv) In addition to other development permitted in this Section B.1., associated surface and structured parking facilities shall be allowed within the MX Community; and
    - (v) Accessory uses and structures allowed in the MX-3 zoning district shall be allowed within the MX Community.
  - (b) For the purposes of the development limitations set forth in these development standards, the term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of each floor of the principal building, measured from the outside of the exterior walls or from the centerline of party walls; provided, however, such term shall be exclusive of surface and structured parking facilities and related access areas, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), service areas, mechanical and electrical rooms, and areas devoted to uses and structures accessory to residential uses on the Site such as laundry rooms, leasing offices, property management offices, pools, clubhouses, fitness areas, concierge areas, trash recycling areas and the like, it being understood residential uses shall be governed by the number of lots and/or dwelling units, not square footage. Areas devoted to outdoor dining are not intended to be included in the calculation of the square footage limitations set forth in these Development Standards, provided that any off street parking required by the Ordinance will be provided for these areas.
  - (c) The MX Community will consist of seven (7) components as generally depicted on the Technical Data Sheet (each being referred to as a "MX Component" and collectively referred to as the "MX Components"). It is understood that the common boundaries between each of the Components and the rights and restrictions pertaining to all such Components, may be adjusted upon the agreement of the Owners of such Components subject, however, to the reasonable approval of the Planning Director.
  - (d) The following uses shall be permitted on and allocated to MX Component 1:
    - (i) up to 224 single detached lots and/or single family attached units/lots shall be permitted within MX Component 1; provided, however, no more than 84 single family attached units/lots shall be permitted within MX Component 1; and
    - (ii) accessory uses and structures permitted in the MX-3 zoning district.
- MX Component 1 includes three (3) "Sub-Components", namely MX Sub-Component 1A, MX Sub-Component 1B and MX Sub-Component 1C, all as generally depicted on the Technical Data Sheet.
- (d) The following uses will be permitted on and allocated to MX Component 2:
  - (i) up to 66 single family detached lots shall be permitted within MX Component 2; and
  - (ii) accessory uses and structures permitted in the MX-3 zoning district.
- (e) The following uses shall be permitted on and allocated to MX Component 3:
  - (i) up to 523 single family detached lots, single family attached units or lots and/or multi-family dwelling units shall be permitted within MX Component 3; provided, however, no more than 200 multi-family for rent dwelling units shall be allowed in MX Component 3 and no more than 250 multi-family for rent units may be allowed within the MX Community; and
  - (ii) accessory uses and structures permitted in the MX-3 zoning district.
- MX Component 3 includes three (3) "Sub-Components", namely MX Sub-Component 3A, MX Sub-Component 3B, and MX Sub-Component 3C, all as generally depicted on the Technical Data Sheet.
- (f) The following uses shall be permitted on and allocated to MX Component 4:
  - (i) up to 18 single family detached lots shall be permitted within MX Component 4; and
  - (ii) accessory uses and structures permitted in the MX-3 zoning district.
- (g) The following uses shall be permitted on and allocated to MX Component 5:

- (i) community amenities facilities including without limitation, clubhouses, recreational facilities such as swimming pool(s), tennis courts, hiking/biking trails, picnic areas, playgrounds, pavilions and related park facilities, dams, gazebos, and the like; and
  - (ii) accessory uses and structures permitted in the MX-3 zoning district.
  - (h) The following uses shall be permitted on and allocated to MX Component 6:
    - (i) up to 164 single family detached lots and/or single family attached lots or units shall be permitted within MX Component 6; and
    - (ii) accessory uses and structures in the MX zoning district.
  - (i) The following uses shall be permitted on and allocated to MX Component 7:
    - (i) in addition to other development permitted in this Section B.1.(i), up to 100 single family detached lots, single family attached lots or units and/or multi-family dwelling units shall be permitted within MX Component 7, subject, however, to the conversion rights set forth in this Section B.1.(i) below; provided, however, no more than 50 multi-family dwelling units shall be permitted within MX Component 7;
    - (ii) in addition to other development permitted in this Section B.1.(i), up to 140,000 square feet of gross floor area may be devoted to office (including, without limitation, medical office), and retail and/or restaurant uses, subject, however, to the conversion rights set forth in this Section B.1.(i) below; provided, however, no more than 110,000 square feet of gross floor area may be devoted to retail and/or restaurant uses within MX Component 7; and
    - (iii) accessory uses and structures permitted in the MX zoning district.
- The right is reserved to increase the number of multi-family dwelling units and/or single family detached or attached lots located within MX Component 7 by up to 50 additional units/lots by converting authorized office, retail and/or restaurant area to multi-family residential units and/or single family detached or attached lots at the rate of one multi-family residential dwelling unit and/or single family detached or attached lot for each 500 square feet of office, retail, and/or restaurant area so converted, up to a maximum of 100,000 square feet so converted; provided, however, no more than a total of 250 multi-family for rent units may be built within the MX Community.
- (i) **Reference is made to certain alternative Schematic Site Plans for development within MX Component 7 (see Schematic Options Sheet L1.2). It is acknowledged that the potential development scenarios depicted on such Schematic Site Plans are merely examples of how development may take place within MX Component 7 and the configuration, placement and size of the site elements may be altered or modified as described in Section A.4 above. In addition, uses and related structures set forth in one development scenario may be developed as part of other development scenarios.**
  - (k) The owners of each of the Components within the MX Community, from time to time, shall be entitled, by mutual agreement of each such owner to alter the allocation of uses and development amounts for the Components set forth above in this Section B.1 interchangeably with respect to such Components; provided, however, the Owner of MX Component 7 by itself shall be entitled to exercise the conversion options set forth in Section B.1.(i) and allocate the resulting uses with respect to the Component so owned by such Owner.
- (l) The following additional provisions shall govern uses within the MX Community:
    - (i) no gasoline sales facilities nor automobile service stations shall be permitted;
    - (ii) no car washes shall be permitted; and
    - (iii) no fast food restaurants with drive-through facilities shall be permitted; provided, however, this provision shall not be construed to prohibit drive-through facilities associated with coffee houses or restaurants that have walk up pick-up windows.

2. **Innovative Development Provisions - MX Community.**

The Petitioner hereby seeks in this Rezoning Petition the following Innovative Development Standards in connection with development taking place within the MX Community to accommodate a variety of setback and yard widths and other development elements so as to allow clustering of homes, thus preserving more open space than required by the Ordinance and promoting a diverse blend of residential housing:

- (a) A minimum lot size for single-family detached lots within the MX Community may be 4,000 s.f., provided that no more than 5% of the single-family detached lots so developed shall allow for this innovative standard.
- (b) A minimum front setback for single-family detached lots located within the MX Components 1 and 3 may be reduced to 10 feet, provided, however, no more than 35% of the single-family detached lots within such Components shall provide this reduced front setback.
- (c) Minimum side yards within the MX Community may be reduced to zero lot line for up to 20% of the single-family detached lots located within the MX Community.
- (d) Minimum rear yards may be reduced to 20 feet for the single-family detached lots located within the MX Community but not for lots that are reverse frontage lots nor lots that abut property outside the MX Community.
- (e) Except with respect to those streets contained within the MX Community specifically identified as public on the Technical Data Sheet, streets within the MX Community may be public or private, and residential development taking place within MX Sub-Component 1A, MX Sub-Component 1C, MX Component 2 and MX Component 3 may be developed as "secured/gated" residential communities, with respect to such communities, the following deviations from street standards set forth in the Charlotte-Mecklenburg Design Manual may apply: (i) streets may be designed to allow golf cart usage and (ii) radius restrictions for identified non-collector streets within the MX Components 2 and 3 may be less than 150 feet centerline radius.

3. **Design and Performance Standards for MX Community**

The following design and performance standards shall govern development within the MX Community:

- (a) **Areas Devoted to Non-Residential Development.**
  - (i) All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
  - (ii) 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.
  - (iii) Outdoor dining and courtyard areas may be located within the established setback along public streets but outside of the required setback.
  - (iv) The maximum height of any freestanding lighting fixture erected on the MX Community (other than street lights on public rights-of-way) including its base, shall not exceed 25 feet. All lighting will be capped and fully shielded to direct lighting downward and/or away from adjoining residential properties and designed such that direct illumination does not extend past boundaries of commercial uses into residential uses. 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 MX Community. However, wall-mounted decorative light fixtures such as sconces are permitted.
  - (v) Bicycle parking spaces (bike racks) shall be provided in accordance with the Ordinance.
  - (vi) Utilities located within the interior of the development shall be placed underground.
  - (vii) Drive through window facilities for certain permitted accessory uses within the MX Community shall be designed substantially in the manner depicted on Sheet L1.2 and otherwise in compliance with the Ordinance; provided, however, the specific locations of such accessory uses may be shifted within the MX Community during the design, development and review process.
- (b) **Areas Devoted to Multi-Family Units and Attached Residential Homes within the MX Community**
  - (i) Buildings shall not exceed four stories and 60 feet in height at grade.
  - (ii) Utilities located along local neighborhood streets within the interior of the development shall be placed underground.
- (c) **Landscaping.**
  - (i) The Site shall conform to the applicable provisions of the City of Charlotte Tree Ordinance.
- (d) **Open Space.**
  - (i) 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.
  - (e) **Signs.**
    - (i) All signs placed on the Site will be erected in accordance with the requirements of the Ordinance for the MX-3 zoning district. The Petitioner reserves the right to pursue the Planned Development Flexibility Option outlined in Section 13.110(2) of the Ordinance.
  - (f) **Parking.**
    - (i) Off-street parking and loading areas will satisfy the standards established under the Ordinance.
  - (g) **Buffers/Project Edges.**
    - (i) 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.
    - (ii) Utility installations may only cross buffer areas at interior angles measured at property lines which are not less than 75 degrees.
    - (iii) A 100 foot landscape/tree save area will run parallel to W.T. Harris Boulevard within the MX Community. Subject to and in accordance with the following standards, trees located within this landscape area shall be preserved and such area maintained as follows: (a) trees and shrubs may be hand pruned only and no heavy equipment or vehicles shall be allowed within the areas located a distance of greater than forty-five (45) feet from either side of the right-of-way of the entrance road from W.T. Harris Boulevard (it being understood that grading and the installation of signage and utilities can occur within such 45 foot-wide areas), (b) any plant material removed, shall be cut flush with the ground and no disturbance of the soil shall be permitted, except that the soil may be disturbed in connection with the installation of additional trees and shrubs and in conjunction with any utility installations or repair; (c) no tree limb removal, with the exception of dead or diseased limbs and in

connection with utility installations or repair; (d) weeds and vines may be removed; (e) dead or diseased trees and materials may be removed; (f) much may be applied to these areas; (g) utilities may be installed and repaired throughout said 100 foot landscape/tree save area; and (h) grading and the installation of signage can occur within such 45 foot-wide areas described in (a) above.

(iv) A 25 foot landscape/tree save area will extend along the easterly boundary of MX Sub-component 1A as shown on Sheet L1.1. This 25 foot landscape/tree save area will be maintained in accordance with the standards set forth in the preceding subparagraph (g)(iii) (without regard to the reference to the 45 foot area in such subparagraph).

4. **Design Review Committee for MX Component 7**

Prior to submission for the first building permit in connection with construction to take place on MX Component 7, the Petitioner shall establish a Design Review Committee for MX Component 7 (the "Design Review Committee"). The Design Review Committee shall have the responsibility for reviewing all development taking place within such portions of MX Component 7 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.

5. **Storm Water Management and Water Quality - MX Community**

- (a) [The Petitioner shall tie-in to the existing storm water system(s). The Petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the Petitioner shall provide alternate methods to prevent this from occurring.]
- (b) [The S.W.I.M. Stream Buffer requirements shall be applied as described in the City of Charlotte Zoning Ordinance, Chapter 12. All perennial and intermittent streams draining less than 40 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be re-vegetated and disturbance of the 10-foot zone adjacent to the bank shall require bank stabilization using bioengineering techniques as specified in the Design Manual. All streams draining greater than or equal to 50 acres and less than 300 acres shall have a 35-foot buffer with two (2) zones, including stream side and upland. Streams draining greater than or equal to 300 acres and less than 640 acres shall have a 50-foot buffer with three (3) zones, including stream side, managed use and upland. Streams draining greater than or equal to 640 acres shall have a 100-foot buffer, plus 50% of the area of the flood fringe beyond 100 feet. This buffer shall consist of three (3) zones, including stream side, managed use and upland. All buffers shall be measured from the top of the bank on both sides of the stream. The uses allowed in the different buffer zones as described in the S.W.I.M. Stream Buffer requirements in the Zoning Ordinance, Chapter 12, as well as the other provisions of the S.W.I.M. ordinance shall apply (except buffer widths).]
- (c) [Impacts to the S.W.I.M. Buffers within the project will be allowed in accordance with the buffer ordinance. Impacts to any S.W.I.M. Buffer shall require approval from the Mecklenburg County Department of Environmental Protection (MCDEP).]
- (d) [The Petitioner shall control the entire runoff volume for the post-development 1-year 24-yr storm for the single-family portion of the development that drains to Griffith Lake and for all multi-family, mixed use and commercial areas. Runoff draw down time shall be a minimum of 24 hours, but no more than 120 hours.]
- (e) [For residential areas with greater than 24% BUA, the Petitioner shall control the peak to match the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency.]
- (f) [For commercial areas with greater than 24% BUA, the Petitioner shall control the peak to match the predevelopment runoff rates for the 10-year, 6-hour storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency; or if a downstream analysis is not performed, the Petitioner shall control the peak for the 10-year and 25-year, 6-hour storms.]
- (g) [The use of structural water quality best management practices (BMPs) shall be incorporated into the portion of the single family development that drains to Griffith Lake and for all multi-family, mixed use and commercial areas and designed to achieve 85% Total Suspended Solids (TSS) removal for the entire post-development runoff volume generated from the first 1-inch of rainfall. BMPs shall be designed and constructed in accordance with the most recent version of the N.C. Department of Environment and Natural Resources (NCDENR) Best Management Practices Manual (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available).]

(h) [Pertaining to the storm water requirements: Residential Development is a development containing dwelling units with open yards on at least two sides where land is sold with each dwelling unit.]

6. **Connectivity and Access Points - MX Community.**

- (a) Vehicular connections throughout the MX Community will be provided in the manner generally depicted on the Technical Data Sheet and in conformance with the provisions of the City Code.
- (b) The placement and configuration of each access point to the MX Community 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.

7. **Tree Ordinance and Tree Survey.**

Development within the MX Community shall adhere to the requirements of the Tree Ordinance subject to the right to request and obtain variances from the requirements thereof. Tree survey submittals shall take place at the time of permitting for various portions of the MX Community. Each construction phase will adhere to 10% tree save requirements, subject to the right to request variances.

8. **CATS Access and Road Standards.**

Griffith Lakes Parkway/Davis Lakes Parkway and portions of Highway 115/Sugar Creek Extension located within the MX Community shall be constructed to standards that support use by standard 40 foot long CATS buses.

9. **Wetlands Protection; Water Supply Wells.**

- (a) Any jurisdictional wetlands or streams, if present, need to be protected or proper environmental permits obtained prior to their disturbance.
- (b) All water supply wells will be protected by flagging and fencing during Site development or abandonment per Mecklenburg County Well Regulations prior to any demolition or grading activity.

B. **MUDD VILLAGE PROVISIONS.**

2. **Permitted Uses and Development Limitations - MUDD Village.** The MUDD Village is intended to accommodate a mixed use development principally of residential, retail/restaurant, office and hotel uses which will be interconnected with open space, pedestrian features and vehicular linkages. The following provisions shall govern development within the MUDD Village:

- (a) Any of the following uses shall be allowed in the MUDD Village:
  - (i) In addition to other development permitted in this Section C.1., up to 271,500 square feet of gross floor area as defined in this Section C.1.(a) may be devoted to retail and/or restaurant uses, subject, however, to the conversion rights reserved in Section C.1 (b) below;
  - (ii) In addition to other development permitted in this Section C.1., up to 528,000 square feet of gross floor area may be devoted to office uses, subject, however, to the conversion rights reserved in Section C.1 (b) below;
  - (iii) In addition to other development permitted in this Section C.1., up to 1,788 residential dwelling units may be located within the MUDD Village, subject, however, to the conversion rights reserved in Section C.1 (b) below including without limitation those regarding permitted hotel uses allowed in MUDD Component A;
  - (iv) Associated surface and structured parking facilities, and
  - (v) Accessory uses and structures allowed in the MUDD zoning district.

For the purposes of the development limitations set forth in these Development Standards the term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of each floor of the principal building, measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall be exclusive of surface and structured parking facilities and related access areas, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), service areas, mechanical rooms and areas devoted to uses and structures accessory to the residential uses on the Site such as laundry rooms, leasing offices, property management offices, pools, clubhouses, fitness areas, concierge areas, trash/recycling areas and the like, it being understood that residential uses shall be governed by the number of dwelling units not square footage. Areas devoted to outdoor dining are not intended to be included in the calculation of the square footage limitations set forth in these Development Standards, provided that any off street parking required by the Ordinance will be provided for these areas.

- (b) The following conversion rights are reserved:
  - (i) The right is reserved to increase the authorized amount of office, retail and/or restaurant gross floor area by an amount which does not exceed 50,000 square feet of additional gross floor area by converting authorized residential units into additional office, retail and/or restaurant gross floor area at the rate of 500 square feet of office, retail and/or restaurant gross floor area for each residential unit so converted, up to a maximum of 100 residential units so converted;
  - (ii) The right is reserved to increase the authorized number of residential units by up to 100 additional units (the intent being to limit the total number of authorized residential units on the MUDD Village to no more than 1,888 units if all residential conversion options are exercised) by converting authorized office, retail and/or restaurant area to residential units at the rate of one residential unit for each 500 square feet of retail and/or restaurant and office area so converted;
  - (iii) The right is reserved to increase the authorized amount of retail and/or restaurant area by an amount that does not exceed 50,000 square feet of additional area by converting authorized office area into additional retail/restaurant area at the rate of 500 square feet of retail/restaurant area for 750 square feet of office area so converted.
  - (iv) The right is reserved to increase the authorized amount of office area by an amount that does not exceed 50,000 square of additional area by converting authorized retail and/or restaurant floor area into additional office area at the rate of 750 square feet of office area for 500 square feet of retail/restaurant area so converted; and
  - (v) In addition to other development permitted in this Section C.1., up to 150 hotel rooms may be constructed within the MUDD Village; provided, however, in the event of hotel development on the MUDD Village, the number of permitted residential units for the MUDD Village shall be reduced at the rate of one dwelling unit for two hotel rooms so constructed.
- (c)

# GRIFFITH LAKES

Charlotte  
Mecklenburg  
County,  
North Carolina

PETITIONER:

GRIFFITH EQUITIES, LLC

1944 BRUNSWICK AVE.  
CHARLOTTE, N. C. 28207  
704-332-7173

PREPARED BY:

**HadenStanziale**  
planning  
landscape architecture

421 Penman Street  
Suite 300  
Charlotte, NC 28203

704.373.0534  
704.342.0251 fax  
www.hadenstanziale.com

PETITIONER'S AGENT:

KING & SPALDING, LLP

ATTORNEYS AT LAW  
301 McCULLOUGH DRIVE, 4TH FLOOR  
CHARLOTTE, NC 28262  
PH (704) 503-2564

ISSUE:

REZONING PETITION

REVISIONS:

1	6/18/07	REVISED DEVELOPMENT STANDARDS
2	8/20/07	REVISED DEVELOPMENT STANDARDS

No.	Date	Work Done
-----	------	-----------

Date: 03/26/07

Project No.: 06334

Checked By: KWC

Drawn By: CAT, JAG

TITLE:

# DEVELOPMENT STANDARDS L1.4



- (c) The MUDD Village will consist of two (2) "Sub-Components" - MUDD Sub-Component A and MUDD Sub-Component B as generally depicted on the Technical Data Sheet.
- (d) The following additional provisions shall govern uses on the MUDD Village:
- (i) No gasoline sales facilities nor automobile service stations shall be permitted;
- (ii) No car washes shall be permitted;
- (iii) No fast food restaurants with drive-through window facilities shall be permitted; provided, however, this provision shall not be construed to prohibit drive-through window facilities associated with coffee houses or restaurants that have walk up pick-up windows; and
- (iv) No more than one (1) drug store with drive-through window facilities and no more than one (1) bank/financial institution with drive-through window facilities shall be permitted within the MUDD Village.

2. **Unified Development; Setbacks; Yards; Open Space Areas And Parking - MUDD Village .**

- (a) Except as set forth in Section 2(b), below, setbacks and yards shall be provided in accordance with the Ordinance.
- (b) Each Component of the MUDD Village shall be viewed as a unified development plan as to the other Components of the MUDD Village generally depicted on the Technical Data Sheet. As such, side and rear yards and other separation standards will not be required internally between improvements located on the Site. Furthermore, the Petitioner reserves the right to subdivide the MUDD Village and create lots within the interior of the development of the MUDD Village with no public street frontage or side and/or rear yards or other separation standards as part of a unified development plan; provided, however, all such yard and separation standards along the exterior boundary of the MUDD Village shall be adhered to.
- (c) Parking may be provided by way of surface or structured parking facilities located on the MUDD Village, subject to compliance with the parking ratio requirements for retail and/or restaurant, residential and hotel uses set forth on the Technical Data Sheet. Compliance with the parking ratios set forth on the Technical Data Sheet shall reflect that the number of parking spaces shall decrease proportionately with the decrease in the development based upon the applicable ratios associated with the type of uses so developed. Angled/diagonal, parallel or perpendicular parking may be provided along internal streets within the MUDD Village.
- (d) Since development occurring on the MUDD Village is part of a unified master planned development, the urban open space requirements established and defined under Section 9.8506(4) of the Ordinance will be satisfied with reference to all Components of the MUDD Village taken together. By way of example, open space located on MUDD Sub-Component A that exceeds the urban open space requirements for MUDD Sub-Component B may be used to satisfy the urban open space requirements associated with MUDD Sub-Component A.
- (e) To the extent necessary the provisions of this Section 2 shall constitute a portion of the Optional Provisions under the MUDD-O application set forth in Section 3 below.

3. **Optional Development Provisions - MUDD Village .**

- (a) **Signage Standards.** The Petitioner seeks the Optional provision to allow modifications to the MUDD signage standards to permit an exciting and unique signage system on the MUDD Village. Accordingly, as part of this MUDD-Optional application, the Petitioner requests the following modifications from the MUDD signage provisions:
- (i) In addition to the other signs permitted under this Section C.3.(a), Petitioner shall be entitled to [8] detached, ground-mounted project/tenant identification signs, in the locations generally depicted on the Rezoning Plan. The [four (4)] primary project/tenant identification signs may be up to [25] feet in height and [100] square feet in signage area size, and shall be located in the areas generally depicted on the Rezoning Plan. The other detached project/tenant identification signs shall be limited to [10] feet in height and [80] square feet in signage area size. Project/identification signs may not be located within the public rights-of-way or sight triangles.]
- (ii) In addition to the other signs permitted under this Section C.3.(a), wall mounted signage may contain a maximum sign surface per tenant of up to the lesser of 100 square feet or 5% of the building wall area associated with such tenant space provided, however, wall mounted signage may contain a maximum sign surface per tenant of up to the lesser of 200 square feet or 10% of the building wall area associated with such tenant space for tenants with over 20,000 or more gross floor area of space.]
- (iii) In addition to other signs permitted under this Section C.3.(a), up to [three (3)] commuter rail oriented advertising and/or identification signs may be permitted within the MUDD Village in the event Commuter Rail Transit Service is established adjacent to the MUDD Village, such signs may be up to 10 feet in height and 80 square feet in signage area size.]
- (iv) In addition to the other signs permitted under this Section 3(b), the Petitioner shall be entitled to one monument style building identification sign for each of the buildings proposed for the MUDD Village. These signs must be located along interior streets and may be up to 6 feet in height and 18 square feet in size. In addition, way finding and directional signs may be permitted in accordance with Ordinance requirements for the MUDD district.]
- The sign locations generally depicted on the Rezoning Plan are conceptual in nature. The locations of the signs may be altered. However, in no event will the number of signs outlined on the Rezoning Plan be increased without receipt of an administrative approval from the Planning Staff as provided herein. Administrative approvals of deviations from the standards for signage set forth in this Rezoning Plan may be granted by the Planning Staff, subject to approval of a specific sign design, location and plan, for up to two (2) additional detached signs and/or a 25% increase in allowed square footage or wall space percentage in light of unique, unusual or special circumstances or features as determined by the Planning Staff.

- (b) The Petitioner seeks the Optional provision to allow blank building walls on those portions of buildings abutting or directly oriented to parking structures.
- (c) In accordance with Section C.2. above, the Petitioner may subdivide the Site and create lots within the interior of the MUDD Village with no public street frontage, side and/or rear yards or other separation standards, as part of a unified development as described in such provisions.
- (d) Streetscape treatments along public streets within the interior of the Site shall conform to the Ordinance and include a six foot sidewalk and an eight foot planting strip.
- (e) The provisions of Section C.2 regarding unified master planned development and application of urban open space as part of the unified master planned development shall, to extent necessary, constitute acceptable variations from the MUDD minimum standards.
- (f) A drive-through window facility limited to one drive-through window and ATM may be permitted as an accessory use to a financial institution/bank located in the MUDD Village. Such facility may include drive-through bank teller window(s) and lane(s) and shall be designed in substantially the manner set forth on the Technical Data Sheet and otherwise in compliance with applicable standards of the Ordinance, provided, however, vehicle storage of three (3) vehicles, not six (6) vehicles, shall apply with respect to such facility as part of this Optional request.
- (g) A drive-through window facility associated with a drug store/pharmacy use may be permitted within the MUDD Village, provided, however, such drive-through facility shall be located to the rear of the structure and is not directly visible from public rights of way.

4. **Design And Performance Standards-MUDD Village .**

- (a) The proposed buildings and development on the MUDD Village will comply with all applicable Ordinance requirements except as noted above under **Optional Development Provisions**.
- (b) Streets within the MUDD Village may be either public or private. Regardless of whether the internal streets are public or private, they shall remain open and accessible to the public except as to private access for multi-family units developed on the MUDD Village.
- (c) As the project develops, pedestrian scale lighting will be installed along both interior streets and streets that border the MUDD Village.
- (d) All freestanding lighting and all exterior lighting on buildings will be fully shielded and downwardly directed. No wall "pak" type lighting shall be used, but attached decorative lighting fixtures such as sconces may be used. The maximum height of any freestanding lighting fixtures, including its base, shall not exceed 25 feet.
- (e) All dumpsters, loading areas and service areas will be screened in accordance with Section 12.303 of the Ordinance.
- (f) Off-street vehicular and bicycle parking will be provided which meets or exceeds the ratio requirements of the Ordinance.
- (g) Sidewalk and planting strips along internal streets may be installed in phases in association with nearby development and as the project develops.
- (h) Areas generally depicted on the Technical Data Sheet as "Open Space" will include decorative paving, benches and seating areas, landscaping features and/or other amenities such as fountains or decorative architectural features.

5. **Access Points - MUDD Village .**

- (a) The total number of ingress/egress points to the MUDD Village shall be limited to the number shown on the Technical Data Sheet, subject to approval of additional ingress/egress points by CDOT. The exact locations may vary somewhat from those depicted based upon final design and locational requirements as regulated by CDOT.
- (b) The existing access points to the Site may continue to be used until the new accesses have been completed.

6. **Phasing - MUDD Village .**

The MUDD Village may be constructed in multiple phases and the developer reserves the right to provide temporary interim parking for the development on other portions of the MUDD Village, subject to meeting the parking standards of the zoning ordinance.

7. **Screening, Landscaping, And Open Space Areas - MUDD Village .**

- (a) Screening will conform to the applicable standards of the Ordinance.
- (b) Landscaping shall satisfy the requirements of the Ordinance for the MUDD-O zoning district and the City of Charlotte Tree Ordinance.
- (c) All roof-mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

8. **Signs - MUDD Village .**

Except as set forth in Section 3 regarding the Optional Provisions, signage within the Components of the Site shall conform to the standards of the Ordinance.

9. **Storm Water Management And Water Quality - MUDD Village .**

- (a) [The Petitioner shall tie-in to the existing storm water system(s). The Petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the Petitioner shall provide alternate methods to prevent this from occurring.]

- (b) [The S.W.I.M. Stream Buffer requirements shall be applied as described in the City of Charlotte Zoning Ordinance, Chapter 12. . All streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be re-vegetated and disturbance of the 10-foot zone adjacent to the bank shall require bank stabilization using bioengineering techniques as specified in the Design Manual. All streams draining greater than or equal to 50 acres and less than 300 acres shall have a 35-foot buffer with two (2) zones, including stream side and upland. Streams draining greater than or equal to 300 acres and less than 640 acres shall have a 50-foot buffer with three (3) zones, including stream side, managed use and upland. Streams draining greater than or equal to 640 acres shall have a 100-foot buffer, plus 50% of the area of the flood fringe beyond 100 feet. This buffer shall consist of three (3) zones, including stream side, managed use and upland. All buffers shall be measured from the top of the bank on both sides of the stream. The uses allowed in the different buffer zones as described in the S.W.I.M. Stream Buffer requirements in the Zoning Ordinance, Chapter 12, as well as the other provisions of the S.W.I.M. ordinance shall apply (except buffer widths).]

- (c) [Impacts to the S.W.I.M. Buffers within the project will be allowed in accordance with the buffer ordinance. Impacts to any S.W.I.M. Buffer shall require approval from the Mecklenburg County Department of Environmental Protection (MCDEP).]

- (d) [The Petitioner shall control the entire runoff volume for the post-development 1-year 24-yr storm. Runoff draw down time shall be a minimum of 24 hours, but no more than 120 hours.]

- (e) [For residential areas with greater than 24% BUA, the Petitioner shall control the peak to match the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency.]

- (f) [For commercial areas with greater than 24% BUA, the Petitioner shall control the peak to match the predevelopment runoff rates for the 10-yr, 6-hr storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency; or if a downstream analysis is not performed, the Petitioner shall control the peak for the 10-yr and 25-yr, 6-hour storms.]

- (g) [The use of structural water quality best management practices (BMPs) shall be incorporated into the development to achieve 85% Total Suspended Solids (TSS) removal for the entire post-development runoff volume generated from the first 1-inch of rainfall. BMPs shall be designed and constructed in accordance with the most recent version of the N.C. Department of Environment and Natural Resources (NCDENR) Best Management Practices Manual (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available).]

- (h) Pertaining to the storm water requirements: Residential Development is a development containing dwelling units with open yards on at least two sides where land is sold with each dwelling unit.

10. **Plan Review - MUDD Village .**

- (a) All development occurring on the Site shall satisfy the requirements for plan review imposed by Section 9.8506(5) of the Ordinance.

11. **Tree Ordinance and Tree Survey .**

Development within the MUDD Village shall adhere to the requirements of the Tree Ordinance subject to the right to request variances from the requirements thereof. Tree survey submittals shall take place at the time of permitting for various portions of development taking place within the MUDD Village.

12. **Wetlands Protection; Water Supply Wells .**

- (a) Any jurisdictional wetlands or streams, if present, need to be protected or proper environmental permits obtained prior to their disturbance.
- (b) All water supply wells will be protected by flagging and fencing during Site development or abandonment per Mecklenburg County Well Regulations prior to any demolition or grading activity.

13. **CATS Access and Road Standards .**

Those primary public streets to be located within the MUDD Village as reasonably determined by Petitioner a d CATS during design development of the MUDD Village shall be constructed to standards that will support use by standard 40 foot long CATS buses.

D. **Realignment of Sugar Creek Thoroughfare .**

- (a) The Mecklenburg-Union Thoroughfare Plan calls for a future NC 115/Sugar Creek Road Connector to intersect NC 115 at Henderson Road as a minor thoroughfare. A portion of the alignment for the connector road runs through the Site. The Petitioner reserves the right to pursue an amendment to the Mecklenburg-Union Thoroughfare Plan requesting an adjustment of the alignment of the NC 115/Sugar Creek Road connector through the Site. In the event the aforementioned Thoroughfare Plan amendment is approved, the Petitioner 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 NC 115/Sugar Creek Road connector which runs through the Site.
- (b) In the event the aforementioned Thoroughfare Plan amendment is not approved, the Sugar Creek Connector Alternative Development Plan for portions of MX Component 3 and MX Component 4 and portions of the MUDD Village, generally depicted on Sheet L1.7, will govern development taking place in such areas in accordance with the following requirements:
- (i) The following uses shall be permitted on and allocated to Alternative MX Component 3:
- (A) up to 236 single family detached lots and/or single family attached units or lots shall be permitted within Alternative MX Component 3; and
- (B) accessory uses and structures permitted in the MX\_3 zoning district.
- (ii) The following uses shall be permitted on and allocated to Alternative MX Component 4:
- (A) up to 80 single family detached lots and/or single family attached units or lots shall be permitted within Alternative MX Component 4; and
- (B) up to 240 multi-family dwelling units (for sale or for rent) shall be permitted within Alternative MX Component 4; provided, however, no more than 250 multi-family for rent dwelling units shall be allowed in the entire MX Community; and
- (C) accessory uses and structures permitted in the MX-3 zoning district.
- (iii) The uses described for the MUDD Village in Section C.1. above shall be permitted and allocated to the Alternative MUDD Village; provided, however, up to 1,524 residential dwelling units (not 1,788 as set forth in Section C.1.) may be located within Alternative MUDD Village, subject, however, to the conversion rights reserved in Section 6-1.(b) above.

- (c) The Petitioner agrees to reserve from development the right-of-way necessary for the current alignment of Sugar Creek Road Connector as generally depicted on the Technical Data Sheet.

- (d) In the event the aforementioned Thoroughfare Plan amendment is approved, the Petitioner agrees to construct only Phase I and Phase II of the realigned Sugar Creek Road Connector as shown on Sheet L1.1 attached hereto in accordance with the cross-section set forth on Sheet L1.3. Phase II construction shall take place prior to the issuance of any certificates of occupancy for any building located within any portion of MX Sub-component 3 and MX Component 4. The engineering, design and construction of the portion of the roadway for Phase I and Phase II as described on Sheet L1.1 will be the responsibility of the Petitioner and will be designed in accordance with the cross-section described on Sheet L1.3. It is recognized that portions of the road improvements referenced above in this subparagraph (d) 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, 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.

[SPECIFIC TIMING AND COMPONENTS OF SEGMENTS OF THE SUGAR CREEK ROAD CONNECTOR TO BE BORN BY THE DEVELOPER ARE TO BE DETERMINED PRIOR TO CITY COUNCIL ACTION]

E. **PROVISIONS COMMON TO MX COMMUNITY AND MUDD VILLAGE**

1. **Greenway Easements .**

Petitioner agrees to grant an easement for greenway purposes to Mecklenburg County in those portions of the Site generally depicted on the Technical Data Sheet as reserved for greenway purposes. Such dedication may take place in phases as portions of the Site are developed in accordance with this Rezoning Plan.

2. **Road Improvements .**

[TO BE DETERMINED]

3. **Amendments To Rezoning Plan .**

- (a) Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then owner or owners of the Component or Components involved, in accordance with the Ordinance.

4. **Binding Effect .**

- (a) If this Rezoning Petition is approved, the development program established under these Development Standards and the Technical Data Sheet shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the owners (from time to time) and their respective heirs, devisees, personal representatives, successors in interest and assigns.

- (b) Throughout this Rezoning Petition, the terms "Petitioners", "Owner" or "Owners," shall, with respect to each parcel within the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

5. **VESTING - G.S. §160A-385.1; SECTIONS 6.208 And 9.8511 .**

- (a) 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 governmental infrastructure improvements associated with the development, economic cycles and market conditions, this Petition includes vesting of the approved rezoning plan and conditional zoning district associated with this Petition for a five (5) year period.
- (b) It is understood that the provisions of Section 6.208 and Section 9.8511 of the Ordinance regarding a review of approval of a conditional

zoning district are intended to apply only with respect to those Component(s) of the Site upon which no progress has been made toward developing the applicable Component(s) in accordance with the approved Petition.

# Griffith Lakes

Charlotte  
Mecklenburg  
County,  
North Carolina

PETITIONER:

Griffith Equities, LLC

1944 BRUNSWICK AVE.  
CHARLOTTE, N. C. 28207  
704-382-7173

PREPARED BY:

HadenStanziale  
planning  
landscape architecture

421 Penman Street Suite 300  
Charlotte, NC 28203 704.373.0534  
704.342.0261 fax  
www.hadenstanziale.com

PETITIONER'S AGENT:

KING & SPALDING, LLP  
ATTORNEYS AT LAW  
301 MCGULLOUGH DRIVE, 4TH FLOOR  
CHARLOTTE, NC 28262  
PH (704) 503-2564

ISSUE:

REZONING PETITION

REVISIONS:

1	6/18/07	REVISED DEVELOPMENT STANDARDS
2	8/20/07	REVISED DEVELOPMENT STANDARDS

No.	Date	Work Done
-----	------	-----------

Date: 03/26/07  
Project No.: 06334  
Checked By: KWC  
Drawn By: CAT, JAG

TITLE:

DEVELOPMENT  
STANDARDS  
L1.5



Charlotte  
Mecklenburg  
County,  
North Carolina

OWNER:

**GRIFFITH EQUITIES, LLC**

1944 BRUNSWICK AVE.  
CHARLOTTE, N. C. 28207  
704-332-7173

**PREPARED BY:**

## HadenStanziale

planning  
landscape architecture

421 Penman Street  
Suite 300  
Charlotte, NC 28203  
704.373.0534  
704.342.0251 fax  
[www.hadenstanziale.com](http://www.hadenstanziale.com)

**PETITIONER'S AGENT:**

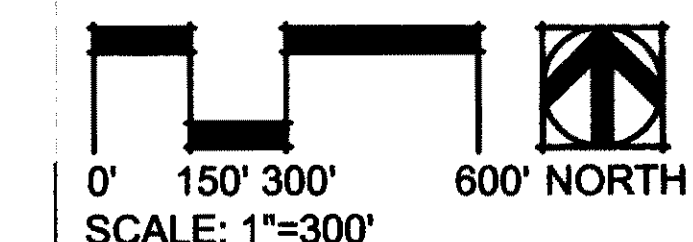
KING & SPALDING, LLP

ATTORNEYS AT LAW  
301 McCULLOUGH DRIVE, 4TH FLOOR  
CHARLOTTE, NC 28262  
PH (704) 503-2564

**ISSUE:**

REVISIONS:		THIS IS AN ENTIRELY NEW SHEET
1	6/18/07	
2	8/20/07	
		GREENWAY EASEMENT NOTES, REMOVED GREENWAY EASEMENT ALONG DUKE R.O.W.

No.	Date	Work Done
Date:	06/18/07	
Project No.:	06334	
Checked By:	KWC	
Drawn By:	CAT, JAG	



	TITLE:
---	--------

## STREET AND PATH TYPES

## L1.6

## LEGEND

AREA WITH IN WHICH A 30'  
EASEMENT FOR FURURE  
GREENWAY WILL BE GRANTED TO  
MECKLENBURG COUNTY.

PRIVATE STREET

## PRIVATE PATH

**NOTE:**

1. PEDESTRIANS WILL BE ACCOMMODATED AT ALL COLLECTOR ROAD INTERSECTIONS
2. ANY COLLECTOR ROAD INTERSECTIONS SHALL BE VISUALLY PLEASING WITH CROSSWALKS, LIGHTING, AND LANDSCAPING
3. TRAFFIC CALMING STRATEGIES FOR COLLECTOR ROAD WILL BE DETERMINED WHEN ROAD DESIGN IS SUBMITTED FOR PERMITTING.



# Griffith Lakes

Charlotte  
Mecklenburg  
County,  
North Carolina

PETITIONER:  
Griffith Equities, LLC

1944 Brunswick Ave.  
Charlotte, N. C. 28207  
704-332-7173

Prepared by:  
**Haden Stanziale**  
planning  
landscape architecture

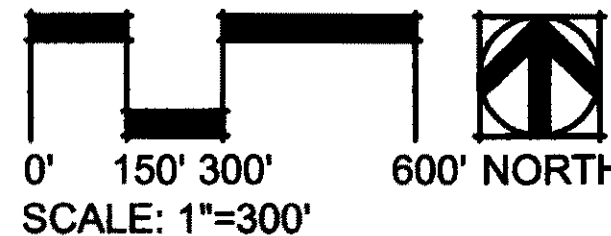
421 Penman Street Suite 300  
Charlotte, NC 28203  
704.373.0534  
704.342.0251 fax  
www.hadenstanziale.com

PETITIONER'S AGENT:  
**KING & SPALDING, LLP**  
ATTORNEYS AT LAW  
301 McCULLOUGH DRIVE, 4TH FLOOR  
CHARLOTTE, NC 28262  
PH (704) 503-2564

ISSUE:  
Rezoning Petition

Revisions:		
1	6/18/07	THIS IS AN ENTIRELY NEW SHEET.

No.	Date	Work Done
Date: 06/18/07		
Project No.: 06334		
Checked By: KWC		
Drawn By: CAT, JAG		



TITLE:  
SUGAR CREEK  
CONNECTOR  
ALTERINATE  
DEVELOPMENT PLAN

L1.7