

the Sanctuary at Lake Wylie

Sketch Plan Submission - Parcel B
Rezoning Petition #2003-24 Request For Innovative Conditions

- Mecklenburg County

139 Lots Proposed 1"=200' 11.04.2004



CHARLOTTE-MECKLENBURG PLANNING COMMISSION

INTER - OFFICE COMMUNICATION

DATE: January 20, 2005

TO: Katrina Young
Interim Zoning Administrator

FROM: D

Debra Campbell

SUBJECT: Innovative Site Plan Approval for Petition No. 2003-24, Crescent Resources, LLC., Petitioner.

Attached is an innovative site plan for Sanctuary Parcel B, Petition No. 2003-24). This plan proposes the following innovative standards:

1. The main entry road is proposed to be a boulevard section with one-way roads on either side of a central median, which will serve as a means to collect, filter, and absorb storm-water runoff.

2. A fifty-foot buffer area of existing vegetation and enhanced with new plantings will occur along the property boundary bordering Shopton Road.

3. A hard surfaced trail 5 feet n width will be placed along one side of Shopton Road for the length of the property as shown on the attached plan. This trail may meander within and out of the road right of way to such as wooden or metal pedestrian bridges to cross drainage culverts and ditches.

4. Traymore Lane is proposed to not be improved until development of lots 118-123 begins and then only on the lot 118-123 side of Traymore Lane.

5. Rights-of-way for Limehurst and Traymore lanes will be adjusted to match the proposed new or existing roadbeds respectively. The old rights-of-way will be abandoned.

The Zoning Committee of the Charlotte-Mecklenburg Planning Commission approved this innovative site plan on December 29, 2004. Please use this plan when evaluating requests for building permits and certificates of occupancy.

Modified as of November 28, 2005

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

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

Subject to the provisions of the next succeeding paragraph, development of Parcel A of the Site shall be restricted to no more than 200 detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-1 District.

Such permitted incidental or accessory uses may include, but are not limited us, then y and district nousing guarantee and employee quarters are community as common use piets in accordance with the standards of the Ordinance. The priminary residence and or

ccessory uses, may include two (2) or more kitchens for the occupants of each preserve. Any community or common use piers shall also intiafy all other applicable local, state or federal regulations.

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

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

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

All residential lots within Parcel B shall equal or exceed one half (b) acre in size.

Likewise since the petitioner has devoted a site for an elementary school and/or public park and chosen not to develop a "core" golf course in accordance to these standards the petitioner has chosen to exercise its rights to develop detached single family homes within the remainder of Parcel C; subject, however, to a limitation of the total number of homes not to exceed 300 homes in accordance to these provisions which produce a density of no more than one detached single family home per acre along with any

incidental or accessory uses related thereto.

The number of residential lots within Parcels B & C shall not exceed one (1) dwelling until per acre with respect to the total acreage of each purcel. All residential lots within Purcel B and Parcel C shall equal or exceed one-third(1/3) acre in size

Farcel C

The Petitioner has devoted a site for an elementary school and/or public park to the Charlotte-Mecklenburg Board of Education ("School Board"). See Addendion 2 The Petitioner is hopeful that it will be able to identify a qualified developer who is willing to develop on Parcel C a private "core". golf course and country club facility which may biclude up to 25 detached single family golf villus. Accordingly, Parcel C may be

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

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

Amenities such as, but not limited to, country club facility(iest, pro-shop(s) and family activity center(s) may be provided within each Incidental and Accessory Uses

Lots throughout the Site may include any number and/or combination of accessory and incidental uses. All accessory uses shall comply with Chapter 12, Part 4 of the Ordinance. Easements to Accommodate the Possible Extension of Sewer Service to Adjacent Lots

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

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

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

signage will be permitted within the additional shoreline buffer. Hard and soft surface trails and accessories to the trails, including accessory structures and benches, trash receptacles, shelters,

lighting and signage will be permitted within the Restricted Zone. Limbing up of trees and temoval of smaller or dead trees within the shoreline buffer, the additional shoreline buffer and the Restricted

Zone are permissible to the extent authorized in the watershed regulations applicable to the shoreline buffer and will be regulated by Innovative Development Provisions

Pursuant to Section 11.208 of the Ordinance, Petitioner seeks to obtain approval of the following Innovative Development Standards in connection with development of the Site concurrently with the approval of this Rezoning Petition:

Streets: Ditch type public streets (no curb and gutter) in accordance with the cross sections depicted on Sheet 3 which accompanies Pedestrian Trails: Hard surface trails constructed of concrete will be located on one side of all streets throughout the Site. The hard surface trails will be 8 feet in width on portions of Island Pointe Road and Wildlife Road, as depicted on the Technical Data Sheet, and 5 feet in width on all other public streets throughout the Site.

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

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

Gated Community: The site will be developed as a gated community with gated entrances located on private streets. Gated entrances will be located off proposed public streets and off Shopton Road West in accordance to the City of Charlotte and

Roadway Improvements and Sidewalks/Ivalls: For connectivity with abutting existing properties, a proposed road that will have a "collector" type function connecting Traymore Lane and Limehurst Place will be constructed as a public street within public ROW. A portion of Limehurst Place shall be constructed as a local residential street within public right-of-way. All proposed public roadways to be improved by the developer within these Parcels will be designed and constructed to NCDOT standards for acceptance by the NCDOT for maintenance. Private roadways constructed within Parcels B and C may utilize innovative provisions and shall be maintained by the Homeowners Association. The hard surface trail network shall be extended along existing Withers Cove Road SR#1335 and Traymore Lane SR # 1501 where it borders the proposed development. The trail network may meander in and out of public right of way and shall be 5

Pedestrian trails within Parcel A, Parcel B, and Parcel C will be developed on a phase by phase basis in accordance with

normal subdivision standards. Stormwater Management / Erosion Control

A. The Site is located within the Critical Area, as defined in the Mecklenburg County Lower Lake Wylie Watershed Protection Ordinance, and accordingly its development will adhere to or exceed the requirements of this ordinance.

Impervious cover on individual lots for the site will be managed throughout the development and will be limited as follows: All development occurring in the site shall conform to the Lower lake Wylle watershed District Critical Area. The point of interest for impervious area calculation is determined as the point of discharge where stormwater leaves the site for each drainage basic and not individual lots, impervious calculations will not be required at intermediary eterminator outlets or for individual lots.

AREA

MAXIMUM TOTAL SITE PERCENT IMPERVIOUS

(Total Site impervious area may exceed 24% in 1. Internal Recreation Amenity Areas within Amenity areas with applicable stormwater management facilities being provided in those areas to meet the current PCCO regulations) 2. Other areas within the Parcels

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

C. In Parcel A the Petitioner will establish and control on-lot stormwater through management and crosion control measures which 1. Set specific los maximum allowable imperviousness of area at 12%. 2. Provide a menu of acceptable stormwater management options to homebuilders/owners, which is based on source control/lov impact elements. 3. Require specific on-lot crossion control in accordance with guidance and typical details to be developed and approved by coordinated with both City and County Water Quality staff during final design.

4. Create an architectural review board with approval authority over all final building/site/stormwater/erosion control plans.

D. The Petitloner will utilize the inhovative development standards, established above under the Section entitled Innovative Development Provisions in order to reduce overall impervious cover associated with streets and podestrian access within Percel A. Preatment of impervious streets and pedestrian areas shall be limited to practices which comply to NCDOT Design Standards. These practices may include: stabilized grass shoulders, zingle stabilized swales, undisturbed natural slopes and drainageways. Bio-retention facilities may be incorporated as an innovative practice outside of NCDOT Right-of-Way as duemed necessary to achieve 85% TSS removal.

E. In Parcel B and Parcel C the Petitioner will implement the following: Where the impervious area for individual drainage basin at the site discharge point exceeds 20%: The Petitioner will install alternative BMP's that meet the pollutant removal design standard of 85 % removal of total suspended solids (TSS) from the first one inch of rainfall. The appropriate volume of runuff to be controlled and the corresponding basin size and configuration shall be designed to meet NCDENR standards. Where impervious area for an individual drainage basin is less than 20%, Petitioner reserves the right to install BMP's for stormwater treatment,

but is not required to do so. Application of source control/low impact elements to facilitate treatment of stormwaters within the developed area including can be used alone or in combination to achieve the required pollutant removal. These may include innovative measures/concepts, bioretention areas, water gardens, grass swales, or other landscaped areas followed by preserved Implement an innovative erosion control plan to use all reasonable efforts to limit the size of denuded areas in phases of to sequential phases of 20 acres or less.

In the event that site constraints or topography dictate denuded areas in excess of 20 acres, the following auditional erosion

control measures shall be implemented: . Two-stage controls where sediment basins or rock check dains are utilized Outlet weirs for crossion control measures sized for the 50-year storm event . Inlet protection provided during construction and continued until home construction is completed and site is stabilized within

Where silt sences are utilized as an erosion control measure, double row sences shall be installed where disturbed areas exceed 4. Stormwater outfalls shall include energy dissipation devices such as riprop aprons and level spreaders located above the

requiredbuffers to reduce concentrated stormwater flows. Install stormwater treatment systems to achieve average annual 82 % Total Suspended Solids (185) removal applicable to the volume of post construction ranoff resulting from the first 1-inch of rainfall. Retention time for this treated volume of rainoff will be a minimum of 2 days. The additional stormwater rainoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 2-year frequency, 24-hour duration storm event will be captured and retained for a minimum of 24 hows. F. Initiate and complete an aggressive natural buffer protection program exceeding that as required by the Lower Lake Wylie Watershed Ordinance on the lakestoot and manufactured by the Lower Lake Wylie

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

The Petitioner agrees not to construct a golf course on the slit. In the front Parcel C to utilized for a golf course, a naintenance plan shall be developed which minimizes the use of herbicides and fortilizers in order to reduce negative impasts to swface waters. The maintenance plan skall be provided to MCWQP prior to operation of the golf course. The maintenance plan rhall-include the following: Buffer Zones 1. The proposed golf course within the development shall matinain a 100 joot undisturbed buffer from the take in

ult locations and shall comply with all Watershed and SWIM Stream Buffer requirements: 2. No fertilizers or pesticides are to be applied in any of the buffer somes. 3. The golf course storm drainage shall be designed such that there are no direct discharges of storm water into the Take or SWIM/Watershed streams. Irrigation Management Plans

4. An irrigation plun shall be developed to ensure that irrigation runoff from managed tarf grass to surface waters is prevented and to reduce subsurface losses of natrients and posticides. This plan shall be based on a mater budget, weather conditions und soil moisture data obtained from onsite instrumentation. 5. Water Quality Management Zones shall be established for the golf course based on parf; plant type and soils, with specific strategies developed for each some

6. A nutrient management plan must be developed to limit nutrient applications to levels equal to or less than turf grass and vegetation uptake in order to minimize natrient transportation via surface ranoff; substoface interflow;

7. Slow release fartilizers are to be used predominately to reduce nitrogen loss below the root zone. Occasional spot application of liquid fertilizers shall be allowed. 8: Fertilizer applications are to be commensurate with turf grass growth requirements based on species and cultivar, climate, soil conditions, and chemical formulation. · Water Quality Management Zones shall be established by the golf course based on soils, naf and plant cover—

goals, and level of use in order to plan fartilizer and irrigation applications. 0. Nutrient applications are not to exceed turf and plant uptake requirements during any growing season. 11. Chemical applications are not to occur on bare soils, except during establishment of turf grass on the golf course. 12. Pertilizers are to be incorporated into the soil prior to surf installation wherever possible to reduce exposure to

13. Nutrient uptake shall be maximized through the selection of realistic very grass goods, selection of on rates to meet goals, and the use of soil and tissue tasts to direct application rates.

15. An IPM Plan shall be developed to minimize texts chemical transport via surface water ranoff, -subsurface interflow, or deep percolation. 16. The IPM Pian shall be integrated with irrigation and natrient management plans.

-to reduce posticide use-

19. Water Quality Management Zones shall be established by the golf course based on soils, earf and -plant cover goals, and level of use in order to plan petitide applications... Spot specific treatment shall be used wherever possible to avoid broadcast treatmen

— Particides should be incorporated into the soil prior to turf installation wherever possible to reduce - appears to runoff and enhance adversalen. Application of texic chamicals shall be prohibited in sensitive zones such us wetlands. The potential for off site transport of particides shall be assessed prior to application and meas

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

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

 Energy dissipation measures or devices shall be utilized at all storm drainage outfalls discharging at any buffer. K. Water supply throughout the entire development will be by connection to the Charlotte Mecklenburg Utilities (CMU)

. In a further effort to protect Lake Wylie's water quality and to avoid the surface water degradation that might occur should Percel A's weste water disposal be accommodated by way of a public or private sewer collection and/or treatment system, the Petitioner intends to accommodate waste water disposal within Purcel A through an individual on-site septic system. Accordingly, Petitioner commits that every lot in Parcel A will be served by an on-site septic system and agrees to make no representations to prospective purchasers of lots within Parcel A regarding the future availability of municipal sewer service. Petitioner further commits to doud restrict the ability of lot owners within Parcel A to petition for municipal sewer service at any time in the future and to include provisions in the Declaration

of Covenants, Conditions and Restrictions applicable to Parcel A which provide each lot owner within Parcel A the

right to enforce this restriction against any other lot owner in Parcel A. Petitioner also agrees to provide notice to the

general public of this restriction through an appropriate note printed on each of Parcel A's final subdivision plats. Pursuant to both the Declaration of Covenants, Conditions and Restrictions to be imposed with respect to Parcel A and a specific provision to be contained in each deed from the Petitioner to each lot purchaser, Petitioner will impose a uniform coverage, running with the land, applicable to each lot within Parcel A which shall provide the following (or a provision substantially similar):

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

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

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

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

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

The independent contractor(s) for the septic systems and/or grinder pumps shall have a demonstrated ability to provide emergency service within the time period specified by NCDENR regulations.

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

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

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

Swim buffers shall be provided in accordance with the Ordinance and as generally indicated on the Technical Data Shoet. Duke Power Rights-of-Way

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

Community Piers

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

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

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

Carolina Department of Transportation or the Charlotte Department of Transportation.

A. The number of vehicular access points to the Site shall be limited to the number depicted on the Technical Data Sheet. B. The placement and configuration of each access point are subject to any minor modifications required to accommodate

final site and architectural construction plans and designs and to any adjustments required for approval by the North

ESP Associates, P.A.

FOR REVISION #2 ONLY

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

The Petitioner reserves the right to pursue an amendment to the Mecklenburg-Union Thoroughfare Plan requesting a change in the street classification of that portion of Carowinds Boulevard Extension which runs through the Site, from a major thoroughfare to a minor thoroughfare, which would only require right-of-way having a width of 70 feet. The Petitioner also reserves the right to pursue an amendment to the Mecklenburg-Union Thoroughfare Plan requesting an adjustment of the approved alignment for Carowinda Boulevard Extension which runs through the Site.

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 extension of Carowinds Boulevard which runs through the Site, subject however to its right to make any adjustments associated with any future changes in the alignment or classification of the proposed Carowinds Boulevard Extension that may hereafter be approved.

The Petitioner agrees to dedicate and convey in fee simple (by quitclaim deed and subject to a reservation for any necessary utility easements) out of the Site any additional right-of way along Shopton Road West as it runs through the Site necessary to provide for a minimum of 35 feet of right-of-way from each side of the conterline of Shopton Road West, if such right-of-way

C. The Petitioner agrees to make the following transportation contribution and improvements:

Shopton Road West/Steele Creek Road (NC 160) Intersection

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

Shopton Road West/Wildlife Road/Intersection

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

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

Construct the westbound approach to include one entering and one exiting lane.

Shopton Road West/Island Point Road

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

. Construct the eastbound approach to include one entering and one exiting lane.

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

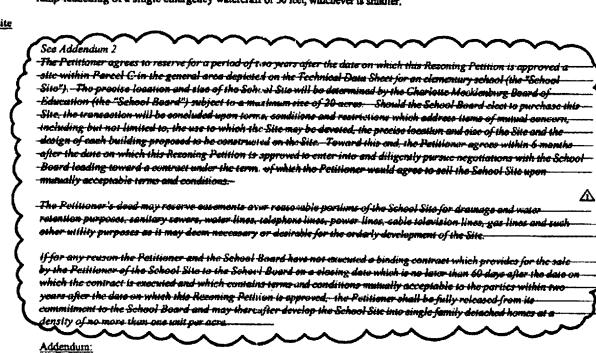
The design of each of the above described improvements will be in accordance with the applicable standards of the City of Charlotte Department of Transportation and the North Carolina Department of Transportation.

A. As an incentive to the Charlotte Fire Department (4) "Fire Department") to locate a fire station within the Site, the Petitioner is willing to donate to the City of Charlotte a parcel of and within Parcel B in the general srea depic ed on the Tochnical Data Sheet (the "Fire Station Parcel") upon terms, conditions and restrictions which address items of mutual concern. including, but not limited to, the uses to which the Fire Station may be devoted, the design of any building proposed to be ructed on the parcel, the size of the parcel (to be limited to an area which adequately provides for the Pira Statio building and parking needs and does not exceed (wo (2) acres) and the reservation of a possibility of reverter in favor of the Petitioner should the parcel cease being used as a fire station. Toward this end, Petitioner agrees within one year after the date on which this Rezoning Petition is approved to enter into and diligently pursue negotiations with representatives of the Charlotte Fire Department leading toward a contract under the terms of which the Petitioner would agree to donate to the City of Charlotte a parcel of land lying within Parcel B upon mutually acceptable terms and conditions.

The Petitioner's deed may reserve easements over reasonable portions of the Fire Station Parcel for drainage and water retention purposes, sanitary sewers, water lines, telephone lines, power lines, cable television lines, gas lines and such other utility purposes as it may deem necessary or desirable for the orderly development of the Site.

If the Petitioner and the City of Charlotte have not executed a binding contract which provides for the donation by the Petitioner of the Fire Station Parcel to the City on a closing date which is not later than 60 days after the date on which the contract is executed and which contains terms and conditions mutually acceptable to the parties within 6 years after the date on which this Rezoning Petition is approved, the Peritioner shall be fully released from its commitment to the City of Charlotte with respect to the Fire Station Parcel and shall thereafter have the right to develop detached single family homes on the parcel at a density of one dwelling unit per acre.

Water access for the Fire Station Parcel shall be limited to a width at the shoreline sufficient for the docking or ramp-launching of a single emergency watercraft or 50 feet, whichever is smaller,



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

Addendum 2: Consistent with the foregoing provisions, the petitioner has extended into an agreement and sold a 20 acre portion of Parcel C in accordance to the aforementioned conditions.

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

Binding Effect of the Rezoning Application

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site, (including, but not limited to, the City of Charlotte if it elects to locate a fire station on the Site and the School Board if it elects to locate an elementary school on the Site), and their respective heirs, devisees, personal representatives,

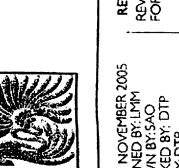




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ATTACHED TO ADMINISTRATIVE APPROVAL

DY DEBMA D. CAMPBILL







Charlotte-Mecklenburg Planning Department

CHARLOTTE

September 19, 2011

Debra Campbell

Planning Director

FROM:

SUBJECT: Administrative Approval for Petition No. 2003-024 by Carolina Centers,

Attached is a revised site plan for the above referenced rezoning petition. The site plan list a change to the conditional note for the stormwater requirements for the amenity area. Since this change does not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

Note all other Zoning Ordinance and conditional requirements still apply.

CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT

TO: Mark Fowler

Zoning Supervisor

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FAX: (704)-336-5123