

| PARKING SUMMARY | |
|------------------------------|--------------------------------|
| PARKING STANDARDS: | |
| 0.25 SPACE/1000 SF WAREHOUSE | |
| 1 SPACE/400 SF OFFICE | |
| LONG TERM BICYCLE | 2 OR 1/40,000 SF |
| SHORT TERM BICYCLE | 15 OF AUTO PARKING |
| PARKING REQUIRED: | |
| AUTO | 0.25 SPACE X 2,760/1000 SF = 1 |
| 1 SPACE X 1000/400 SF = 3 | TOTAL = 4 |
| LONG TERM BICYCLE | TOTAL = 2 |
| SHORT TERM BICYCLE | 0.01 X 8 = 1 |
| TOTAL = 1 | |
| PARKING PROVIDED: | |
| AUTO | 6 STANDARD + 1 HC = 8 |
| LONG TERM BICYCLE | 2 |
| SHORT TERM BICYCLE | 1 |

| DEVELOPMENT DATA | |
|---------------------------|-------------------------------|
| TAX PARCEL NUMBER: | 1426107 & 1426108 |
| OVERALL SITE AREA: | 30,730 AC (INCLUDING R/W) |
| DEVELOPABLE SITE AREA: | 10,472 AC |
| CURRENT ZONING: | R-3 |
| PROPOSED ZONING: | H-CDD |
| PROPOSED USE: | LANDSCAPE MATERIAL SALES |
| MAXIMUM FLOOR AREA RATIO: | 0.80 |
| MINIMUM LOT AREA: | 8,000 SF |
| MINIMUM LOT WIDTH: | 50 FT |
| MINIMUM SETBACK: | 50 FT (REQUIRED AS CONDITION) |
| MINIMUM SIDE YARD: | 0 FT |
| MINIMUM REAR YARD: | 10 FT |
| MAXIMUM HEIGHT: | 40 FT |
| BUFFER WIDTH: | 100 FT |
| NET BUFFER WIDTH: | 75 FT (WITH 25% REDUCTION) |

OVERVIEW

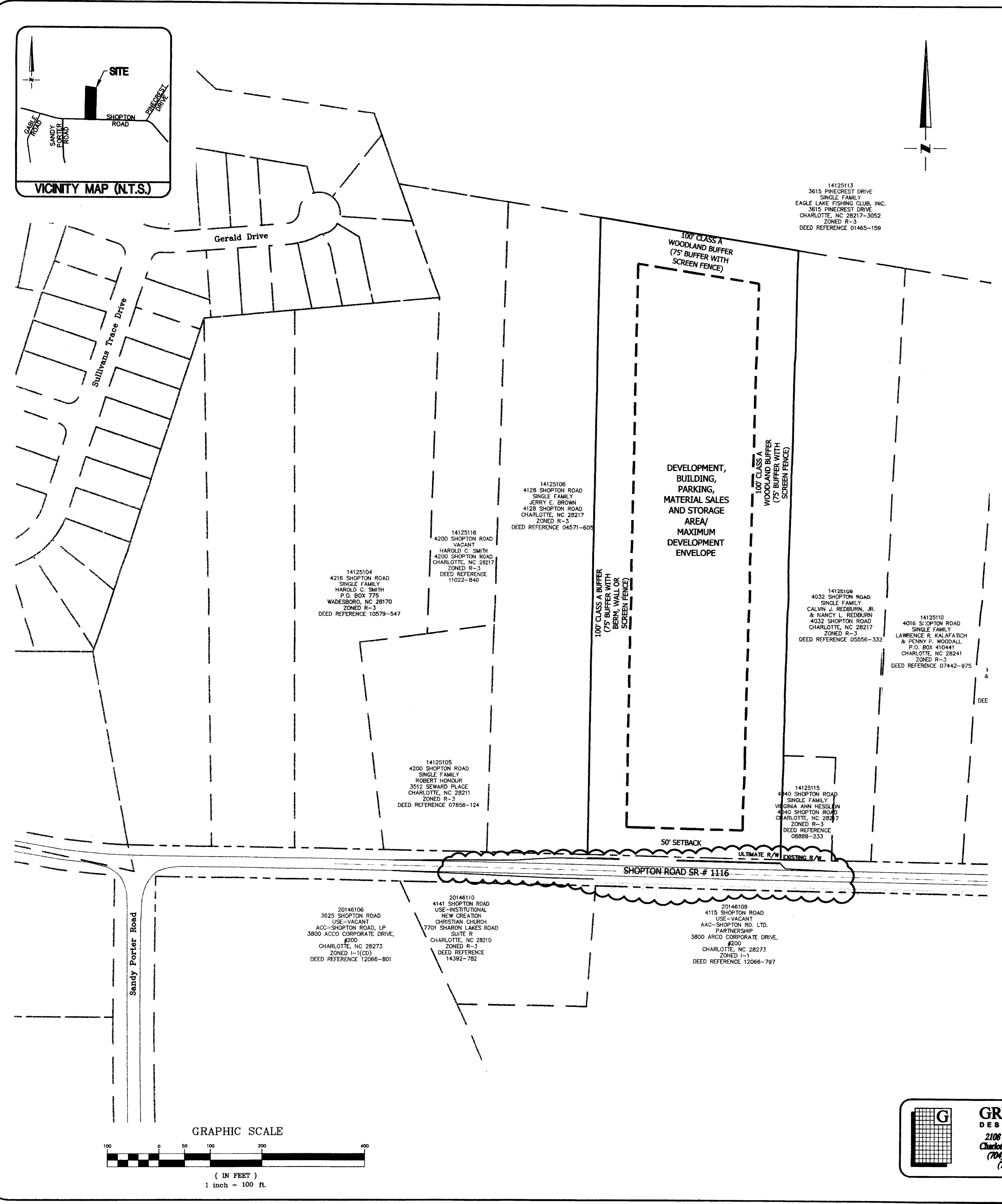
THE DEVELOPMENT DEPICTED ON THIS REZONING SCHEMATIC SITE PLAN IS MERELY SCHEMATIC IN NATURE AND INTENDED ONLY TO ILLUSTRATE THE POSSIBLE ARRANGEMENT OF USES AND DEVELOPMENT ON THE SITE. THE EXACT DETAILS OF THE CONFIGURATION, PLACEMENT AND SIZE OF THE INDIVIDUAL SITE ELEMENTS, INCLUDING THE BUILDINGS, SHALL BE ESTABLISHED DURING THE DESIGN PHASE AND SHALL BE GOVERNED BY THE REQUIREMENTS OF THE ZONING ORDINANCE, APPLICABLE CODE REQUIREMENTS AND THE DEVELOPMENT STANDARDS CALLED OUT ON THE TECHNICAL DATA SHEET OF THESE REZONING PLANS. LINES ESTABLISHED OR MODIFIED DURING DESIGN DEVELOPMENT WITHIN THE MAXIMUM BUILDING ENVELOPE LINES ESTABLISHED ON THE TECHNICAL DATA SHEET. IT IS UNDERSTOOD THAT MODIFICATIONS ARE ALLOWED PER SECTION 6.206(2) OF THE ZONING ORDINANCE.

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 DEVELOPED BY:
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SCHEMATIC SITE PLAN
 SHEET SSP 1
 ORIGINAL SUBMITTAL 07/05
 REVISION 07/06
 REVISION 07/06
 REVISION 07/06
 REVISION 07/07

FOR PUBLIC HEARING
REZONING PETITION
NUMBER 2006-004



DEVELOPMENT STANDARDS

General Provisions:

- Unless more stringent standards are established by the Technical Data Sheet, or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Zoning Ordinance") for the R-3 zoning district classification shall be followed in connection with development taking place on the Site. For the purpose of this Section, the "Site" shall mean and refer to the parcel with Tax ID Number 1426107 & 1426108, consisting of 10,472 Acres (10.472 Acres excluding Shopton Road R/W) as shown on the Technical Data Sheet and the Schematic Site Plan.
- The development depicted on these Rezoning Plans, including the Technical Data Sheet and the Schematic Site Plan, is schematic in nature and intended only to illustrate the possible arrangement of the improvements and development of the Site. The exact details of the configuration, placement and size of the individual site elements shall be established during the design phase of the project, and shall be governed by the Zoning Ordinance, all applicable codes, as well as these Development Standards from the approved Rezoning Plans. The building layout as well as other site facilities may be modified as allowed per 6.206(2) of the Zoning Ordinance.
- The petitioner acknowledges that other standard development requirements imposed by other City ordinances, standards, policies, and appropriate design manuals will exist. Those criteria, for example those that regulate streets, sidewalks, trees, storm water and site development, etc.) will apply to the development site. Conditions set forth in this section are supplementary requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approved in evidence as the time of formal engineering plan review, submission the stricter condition or existing requirements shall apply.

Permitted Uses:

- The site may be developed for the following uses, all of which are permitted by right in the R-3 Light Industrial Zoning District: landscape & hardscape material sales, fence & fence material retail, wholesale, nursery's greenhouses retail & wholesale shipments up to 10,000 SF.

Non-Permitted Uses:

- The site may not be used for a stump grinding business as specifically requested by the Charlotte-Mecklenburg Planning Commission staff.

Product Storage:

- Products such as fertilizer that will be sold, shall be stored inside the warehouse and not exposed to weather to minimize the potential for odors generation of products.

Building Improvements:

- Building improvements consist of a 1,500 SF sales office with potential future expansion of 750 SF and a 4,000 SF warehouse with potential future expansion of 2,800 SF.
- The sales office will have a brick or stone facade with floor to ceiling commercial windows and be handicap accessible as required by code for commercial buildings.
- The setback along Shopton Road shall be 50' rather than the 30' Setback required by code and shall be undisturbed or shall be treated as a Woodland Buffer as defined below.
- All buildings, loading areas, storm water detention facilities, solid waste dumpsters and recyclable containers to be located on the Site shall satisfy or exceed the 50 foot Setback, Side Yard and Rear Yard requirements established under the Zoning Ordinance for the R-3 zoning district.
- The Setback along Shopton Road shall be 50' rather than the 30' Setback required by code and shall be undisturbed or shall be treated as a Woodland Buffer as defined below.
- No parking areas shall be located within the 50 foot front yard setback as depicted on the Technical Data Sheet.

Buffers:

- The Buffer areas established on the Technical Data Sheet for this Site shall conform to the standards of Class A Buffer as set out in Section 12.302 of the Zoning Ordinance. Notwithstanding the provisions of Section 12.304 thereof, as pursuant to Section 12.302(b) of the Zoning Ordinance, the petitioner may reduce the width of the required buffer by 20% by planting a berm, wall or screen fence that meets or exceeds the standards of Section 12.302(b) of the Zoning Ordinance.
- No building improvements, parking areas, loading zones, solid waste or recycling facilities shall be located within the Buffer as depicted on the Technical Data Sheet.
- Existing vegetation in Buffer areas which qualifies, thereby reducing the buffer planting requirements for the buffer.
- The northern and eastern buffers shall be considered as Woodland Buffers as defined below and can be reduced by 20% in width with only an opaque screen fence. Woodland Buffer: A buffer that would allow a limited amount of clearing to use plants to promote growth of existing vegetation and/or to enhance the aesthetic appeal of the site. The following would be allowed in a Woodland Buffer:
 - Hand planting only. No heavy equipment or vehicles allowed in this buffer (i.e., bulldozers)
 - Plant material which may be removed, shall be cut flush with the ground. No disturbance of the soil will be allowed.
 - No fire removal with the exception of dead or diseased limbs.
 - Mud and vines may be removed.
 - Trees that measure LESS THAN 2" CALIPER at the base that are clearly within the drip line of a tree that is 2" or greater in diameter shall be removed. Only the drip line on the ground will be disturbed by the tree's canopy.
 - Dead trees and materials may be removed. Downed trees may be removed at the discretion of the Urban Forester.
 - Mudch may be applied to the Woodland Buffer. Keep mudch 2' away from the back of trees.
- The buffers required by code as are illustrated on this rezoning plan shall be eliminated in the future as allowed by code, should the subject property be rezoned and be used for any use of equal or greater intensity that would not require buffering on the subject property.

Screening and Landscaping:

- All landscaped areas including setbacks and buffers will meet or exceed the requirements of the Zoning Ordinance and the Ordinance.
- Off street parking and loading areas will meet the standards established under the Zoning Ordinance.
- Parking and loading areas will be landscaped in conformance with the minimum standards of the Zoning Ordinance.

Air Quality:

- Development of the site may require submission of an ambient Notification of Deviation and Recursion to MCAQ due to possible emission or re-emission of an existing structure. A letter of notification and the required forms will be mailed directly to the petitioner by MCAQ.

Ground Water & Wastewater Services:

- 1426107 has a water supply well. A local groundwater protection that addresses the installation, repair and abandonment of wells (including monitoring wells) was effective January 2005. The Mecklenburg County Groundwater & Wastewater Services Program should be contacted at 704-336-6000 prior to any installation or abandonment of wells on this property to ensure compliance with these regulations. Abandonment of wells discovered during the development process should be done in accordance with the Mecklenburg County Groundwater Well Regulations and North Carolina's 15A NCAC 2C Rule 0153 - Abandonment of Wells.

Lighting:

- The maximum height of any freestanding lighting fixture installed on the Site (including its base) may not exceed 30 feet. No wall spot light fixtures will be installed on the Site.
- All street lighting within the Site shall be designed such that the direct illumination does not extend past any exterior property line. Consideration will be given to the impact of lighting both within and without the bounds of the Site. Lighting shall be fully shielded with full cut-off.

Signage:

- All signs placed on the Site will be erected in accordance with the requirements of the Ordinance. Signs shall be limited to 4' in height with a maximum area of 32 SF each.

Access Points:

- The number of vehicular access points into the Site shall be limited to those shown on the Technical Data Sheet.
- The location and configuration of the vehicular access points into the Site shall be modified to accommodate full site design for the benefit of the project with the understanding that all off-street access points are subject to the requirements of the Charlotte Department of Transportation (CDOT) and the Charlotte Engineering and Property Management Department Standards, including 30' x 30' right triangles as required by CDOT.

Firm Protection:

- Adequate firm protection for the Project will be provided that satisfies the standards of the City of Charlotte.

Right of Way Dedication:

- The petitioner will dedicate and convey title to the lot 207 of right-of-way along the Shopton Road property for storage for a generally 100' right-of-way as required for a minor thoroughfare.

Shopton Road Improvements:

- An 8' wide planting strip and 6' wide sidewalk shall be provided along Shopton Road.
- Shopton Road a minor thoroughfare will require curb & gutter, planting strip and sidewalk where the face of curb is 24 FT from the centerline of the roadway along the property frontage.
- As prescribed by CDOT full turn lane improvements will be provided and designed with a minimum of 150 feet of straight, a 15:1 lay taper and 45:1 through line tapers. Design of the turn lane improvements will be provided during the final design phase of the project and will be included in the plans submitted for permitting.

Storm Water:

LUEISA Requirements:

- Water Quality:**
The proposed project will include a substantial amount of impervious area, which will directly affect surface water quality due to storm water runoff from the project. Storm water runoff will contain pollutants associated with the impervious area usage, transporting these pollutants to surface waters. In addition, this impervious area will increase the volume and velocity of storm water entering surface waters, which affects stream channel stability and negatively impacts water quality and aquatic habitat. In order to mitigate the impacts of these pollutants and to protect water quality, the proposed project shall incorporate storm water Best Management Practices (BMPs).
- Stream Buffers:**
a. A 30-foot protective buffer shall be established on both sides of intermittent and perennial streams draining between 50 acres and 100 acres. Undisturbed forested buffers are preferred. However, the buffer may include two zones, a 20-foot undisturbed Streamside Zone, and a 10-foot limited-use Upland Zone. The allowable uses in these zones are to be the same as those outlined in the City of Charlotte Zoning Ordinance, Chapter 12, Part 5, 3.W.M. Stream Buffers, for streams draining greater than 100 acres, but less than 100 acres.
- Intermittent and perennial streams draining less than 50 acres should be delineated by a certified professional using the U.S. Army Corps of Engineers and N.C. Division of Water Quality Methods. The locations of streams and required buffers shall be shown on the site plan.
- All intermittent and perennial streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including an undisturbed or bioengineered 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbance in the 10-foot zone adjacent to the bank shall require storm water stabilization using bioengineering techniques approved by MCGIRT. All buffers shall be measured from the top of the bank on both sides of the stream.
- Storm Water Quality Treatment:**
a. According to the project site plan, the project will have greater than 24% impervious area. For this level of impervious area, water quality BMPs are to be constructed to reduce 80% Total Suspended Solids (TSS) runoff for the entire post-development runoff volume for the 1-year, 24-hour storm. BMPs must be designed and constructed in accordance with the N.C. Department of Environment and Natural Resources INCDDM Storm Water Management Manual, April 1998, Section 4.0. Use of Low Impact Development (LID) techniques is optional. (Note the item LUEISA 3. Storm Water Quality Treatment is superseded due to more specific water quality measures as required by Charlotte Storm Water Services as is stated in Charlotte Storm Water Services Requirements Item 3, below, as directed in the 3/15/06 e-mail from Steve Goodrich.)
- The use of Low Impact Design (LID) such as bio-retention systems in tree islands, grassed swales, vegetated buffers, level spreaders and other innovative practices in "Treatment Train" is encouraged, where applicable. LID systems can be employed in whole or in part, to meet the 85% TSS treatment standard for storm water runoff. LID must be designed and constructed per the NCDM Storm Water Management Practices Manual, April 1998, Section 4.0.
- Storm Water Volume and Peak Control:**
a. The entire runoff volume for the 1-year, 24-hour storm is to be controlled. The runoff volume draw down time shall be a minimum of 24 hours, but not more than 120 hours. The peak runoff rates shall be controlled to maintain the predevelopment runoff rates for the 15-year, 6-hour storm and perform a downstream flood analysis to determine whether additional peak control is needed and so, to what level of storm water frequency, or if a downstream analysis is not performed, control the peak for the 10-year and 25-year, 6-hour storms. (Note the item LUEISA 4. Storm Water Volume and Peak Control is superseded due to more specific storm water quality measures as required by Charlotte Storm Water Services as is stated in Charlotte Storm Water Services Requirements Item 2, below, as directed in the 3/15/06 e-mail from Steve Goodrich.)
- Storm water runoff from the development shall be transported from the site by vegetated conveyances to the maximum extent practicable.

Charlotte Storm Water Services Requirements:

- The petitioner shall leave in place existing storm water system(s). The petitioner shall have the existing drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found standard will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.
- The petitioner shall leave the wet area runoff volume for the post-development 1-year, 24-hour storm. Runoff draw pre-development rates for the 2-year, 10-year, and 25-year 6-hour storms.
- The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc.) shall be incorporated into the site and designed to have an 85% annual removal for Total Suspended Solids generated from the development according to specifications in the most current version of N.C. Department of Environment and Natural Resources Best Management Practices Manual (Design Standards shall be met according to the City of Charlotte BMP Manual, when available).

Erosion Control:

- The following erosion control conditions as recommended by Ahmad Sabba the erosion control inspector in his e-mail message of 6/20/06 are agreed to by the petitioner:
 - The erosion control plan will call for the contractor to immediately alert the erosion control inspector and the design engineer should the permitted erosion control measures be disturbed or if additional erosion control measures be needed.
 - The following erosion control conditions as recommended by Steve Goodrich along with Matthew Anderson (Lead Development) and Doug Lutzner (City Storm Water Services) in his e-mail message of 3/15/06 are agreed to by the petitioner:
 - A 58 fence to be double rowed.
 - A top-down dewatering device, such as the Fairchild Sumpster, shall be used to dewater the temporary erosion control basin.
 - A polymer plan shall be incorporated in the erosion control plan to minimize the operation of sediment.
 - A fore bay shall be included in the erosion control design upstream of the temporary erosion control basin.
- Erosion control measures shall be installed and maintained after rain events 0.2" or greater and will be taken out of the buffer of the temporary erosion control basin and recorded in the erosion control log book.
- Depth measurements and turbidity readings shall be taken in the fore bay of Eagle Lake and in Eagle Lake itself at both pre-construction and post-construction releases.

Amendments to Rezoning Plan:

- Future Amendments to the Technical Data Sheet and these Development Standards may be applied for by the Petitioner or Owner of the Site in accordance with Chapter 5 of the Zoning Ordinance.

Binding Effect of the Rezoning Approval:

- If the Petitioner's Rezoning Petition is approved, the development program established under these Development Standards, the Technical Data Sheet and any other supporting documents shall, unless amended in the manner indicated in the Zoning Ordinance, be binding upon and have the force of the Ordinance and the current and subsequent Owners of the Site and their successors, heirs, devisees, personal representatives, executors, administrators and assigns.
- Throughout the Rezoning Process, the terms "Petitioner," "Owner," "Contractor" shall be deemed to include the Petitioner, personal representatives, successors in interest and assigns of the Petitioner and the Owner of the Site from time to time who may be involved in any future development thereof.

CHARLOTTE-MECKLENBURG PLANNING COMMISSION
INTER-OFFICE COMMUNICATION

DATE: July 17, 2007
 FROM: Debra Campbell, Planning Director
 TO: Gary Huss, Zoning Supervisor

SUBJECT: Administrative approval for Petition No. 2006-04 by Terri and Stephan McGirt.

Attached are revised plans for the above petition. The plans have been revised to show a minor change to the site layout. The warehouse will now be part of the office building. Since this is a minor change, I am administratively approving these revised plans. Please use these attached plans when evaluating requests for building permits and certificates of occupancy.
 Note that all other ordinance requirements still apply.

2006-004