



# Charlotte-Mecklenburg Planning Department

**DATE:** January 21, 2020

**TO:** Sonja Sanders  
Zoning Supervisor

**FROM:** Taiwo Jaiyeoba  
Planning Director

**SUBJECT:** Administrative Approval for Petition No. 2007-080 Griffith Equities, LLC

Attached is the revised site plan for the petition above. This request allows the modification of the proposed site plan as listed below. Since these changes do 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.

- Modification of road cross sections.
- Modification of the site layout.

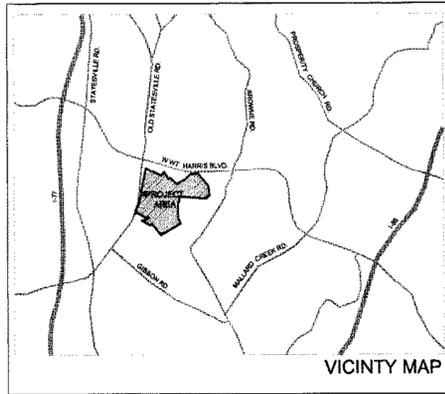
Staff supports of the request because:

- The site plan complies with the conditional notes and still meets the intent of the original approval by the City Council.

**Note:**

**All other Zoning, PCSO, Subdivision, Tree Ordinances and conditional requirements still apply.**

**Signage was not reviewed as part of this request.**

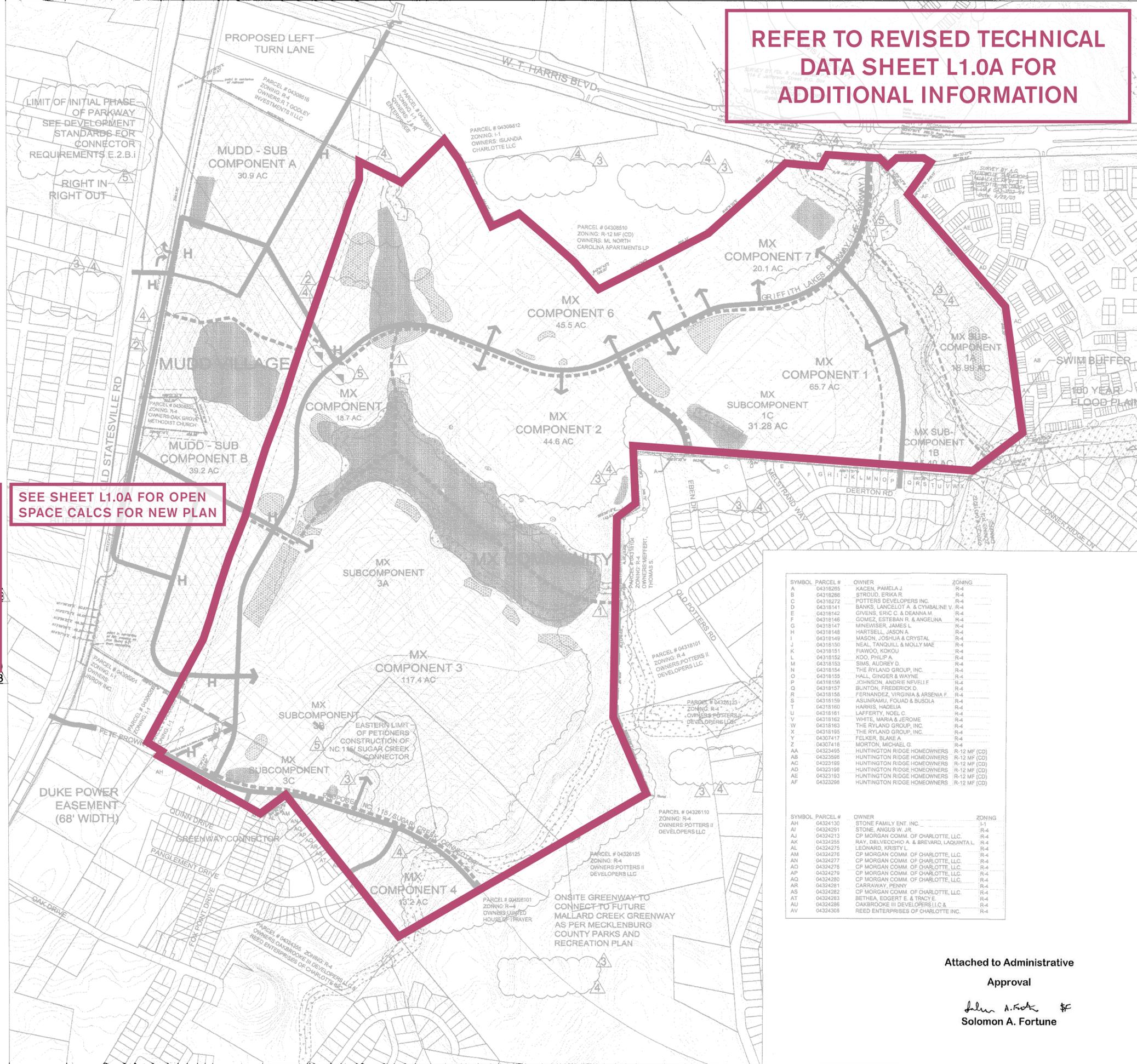


DEVELOPMENT DATA	
PARCELS	04308801, 04308802, 04322524, 04324101
EXISTING ZONING	04308801 - I-1, 04308802 - I-1 R-4, 04322524 - R-4, 04324101 - I-1 (CD)
PROPOSED ZONING	MX COMMUNITY, MUDD VILLAGE, MUDD SUB-COMPONENT A, B, C
TOTAL OPEN SPACE	APPROXIMATELY 152 ACRES (132 AC LAND & 20 AC WATER)
TOTAL ACRES	APPROXIMATELY 395 ACRES
<b>MUDD VILLAGE</b>	
RETAIL	271,500 SF
OFFICE	528,000 SF
RESIDENTIAL	1,788 UNITS*
OPEN SPACE	23.5 ACRES (19 AC LAND & 4.6 AC WATER)
<b>MX COMMUNITY</b>	
MX COMPONENT 1	224 RESIDENTIAL LOTS/UNITS 24.2 ACRE OPEN SPACE
MX COMPONENT 2	66 SINGLE FAMILY DETACHED 75,125 LOTS
MX COMPONENT 3	21.4 ACRE OPEN SPACE (14.8 AC LAND & 6.6 AC WATER) 53 RESIDENTIAL LOTS/UNITS** (WITH OPTIONS AS OBTAINED IN THE DEVELOPMENT STANDARDS)
MX COMPONENT 4	42.3 ACRE OPEN SPACE (37.3 AC LAND & 5.0 AC WATER) 18 RESIDENTIAL LOTS/UNITS**
MX COMPONENT 5	14.3 ACRE OPEN SPACE (12.9 AC LAND & 1.4 AC WATER) NO DWELLING UNITS
MX COMPONENT 6	14.3 ACRE OPEN SPACE (12.9 AC LAND & 1.4 AC WATER) 174 RESIDENTIAL LOTS/UNITS**
MX COMPONENT 7	15.9 ACRE OPEN SPACE (13.1 AC LAND & 2.8 AC WATER) 15 RESIDENTIAL LOTS/UNITS**
TREE SAVE AREA	52.4 ACRES (50% OF 106 ELIGIBLE ACRES)**
**ELIGIBLE ACRES = TOTAL ACRES - EXISTING ROW, EASEMENTS - LANDS	

NOTE: SEE DEVELOPMENT STANDARDS FOR ACTUAL AND COMPLETE BREAKDOWN OF ENTITLEMENTS AND CONVERSION RIGHTS.

**KEY**

- 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 DISCHARGED DIRECTLY INTO THE FLOODPLAIN OF MALLARD CREEK



SEE SHEET L1.0A FOR OPEN SPACE CALCS FOR NEW PLAN

REFER TO REVISED TECHNICAL DATA SHEET L1.0A FOR ADDITIONAL INFORMATION

SYMBOL	PARCEL #	OWNER	ZONING
A	04318265	KACEN, PAMELA J.	R-4
B	04318266	STROUD, ERIKA R.	R-4
C	04318272	POTTERS DEVELOPERS INC.	R-4
D	04318141	BANKS, LANCELOT A. & CYMBALINE V.	R-4
E	04318142	GIVENS, ERIC C. & DEANNA M.	R-4
F	04318146	GOMEZ, ESTEBAN R. & ANGELINA	R-4
G	04318147	MNEWEISER, JAMES L.	R-4
H	04318148	HARTSELL, JASON A.	R-4
I	04318149	MASON, JOSHUA & CRYSTAL	R-4
J	04318150	NEAL, TANQUILL & MOLLY MAE	R-4
K	04318151	FRWOOD, KOKOU	R-4
L	04318152	KOO, PHILIP A.	R-4
M	04318153	SIMS, AUDREY D.	R-4
N	04318154	THE RYLAND GROUP, INC.	R-4
O	04318155	HALL, GINGER & WAYNE	R-4
P	04318156	JOHNSON, ANDRIE NEVELI F.	R-4
Q	04318157	BUNTON, FREDERICK D.	R-4
R	04318158	FERNANDEZ, VIRGINIA & ARSENIA F.	R-4
S	04318159	ASUNRAMU, FOUAD & BUSOLA	R-4
T	04318160	HARRIS, HADELIA	R-4
U	04318161	LAFFERTY, NOEL C.	R-4
V	04318162	WHITE, MARIA A. & JEROME	R-4
W	04318163	THE RYLAND GROUP, INC.	R-4
X	04318165	THE RYLAND GROUP, INC.	R-4
Y	04307417	FELKER, BLAKE A.	R-4
Z	04307418	MORTON, MICHAEL G.	R-4
AA	04323495	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)
AB	04323586	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)
AC	04323198	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)
AD	04323198	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)
AE	04323193	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)
AF	04323288	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)

SYMBOL	PARCEL #	OWNER	ZONING
AH	04324130	STONE FAMILY ENT. INC.	I-1
AJ	04324291	STONE, ANGUS W. JR.	R-4
AK	04324213	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AL	04324255	RAY, DELVECCO A. & BREVARD, LAQUINTAL	R-4
AM	04324275	LEONARD, KRISTY L.	R-4
AN	04324276	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AO	04324277	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AP	04324279	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AQ	04324280	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AR	04324281	CARRAWAY, PENNY	R-4
AS	04324282	CP MORGAN COMM. OF CHARLOTTE, LLC	R-4
AT	04324283	BETHEA, EDGERT E. & TRACY E.	R-4
AU	04324286	CAKIBROOKE III DEVELOPERS LLC &	R-4
AV	04324308	REED ENTERPRISES OF CHARLOTTE, INC.	R-4

Attached to Administrative Approval  
 Solomon A. Fortune

# 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 704.373.0534  
 Suite 300 704.342.0251 fax  
 Charlotte, NC 28203 www.hadenstanziale.com

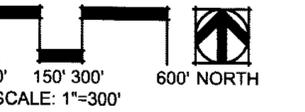
PETITIONER'S AGENT:  
**KING & SPALDING, LLP**  
 ATTORNEYS AT LAW  
 301 McCULLOUGH DRIVE, 4TH FLOOR  
 CHARLOTTE, NC 28262  
 PH (704) 503-2564

ISSUE:  
**REZONING PETITION**  
**PETITION #2007-080**

REVISIONS:

No.	Date	Work Done
1	6/18/07	REVISED BOUNDARIES OF COMPONENTS
2	6/18/07	ADDED TREE SAVE AREA
3	8/21/07	ADDED TREE SAVE AREAS REDUCED MX7 SQ. FOOTAGE
4	9/20/07	MOVED TREE SAVE AREAS TO SHEET L1
5	10/16/07	ADDED NOTES ON SHEET

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



TITLE:  
**TECHNICAL DATA SHEET L1.0**

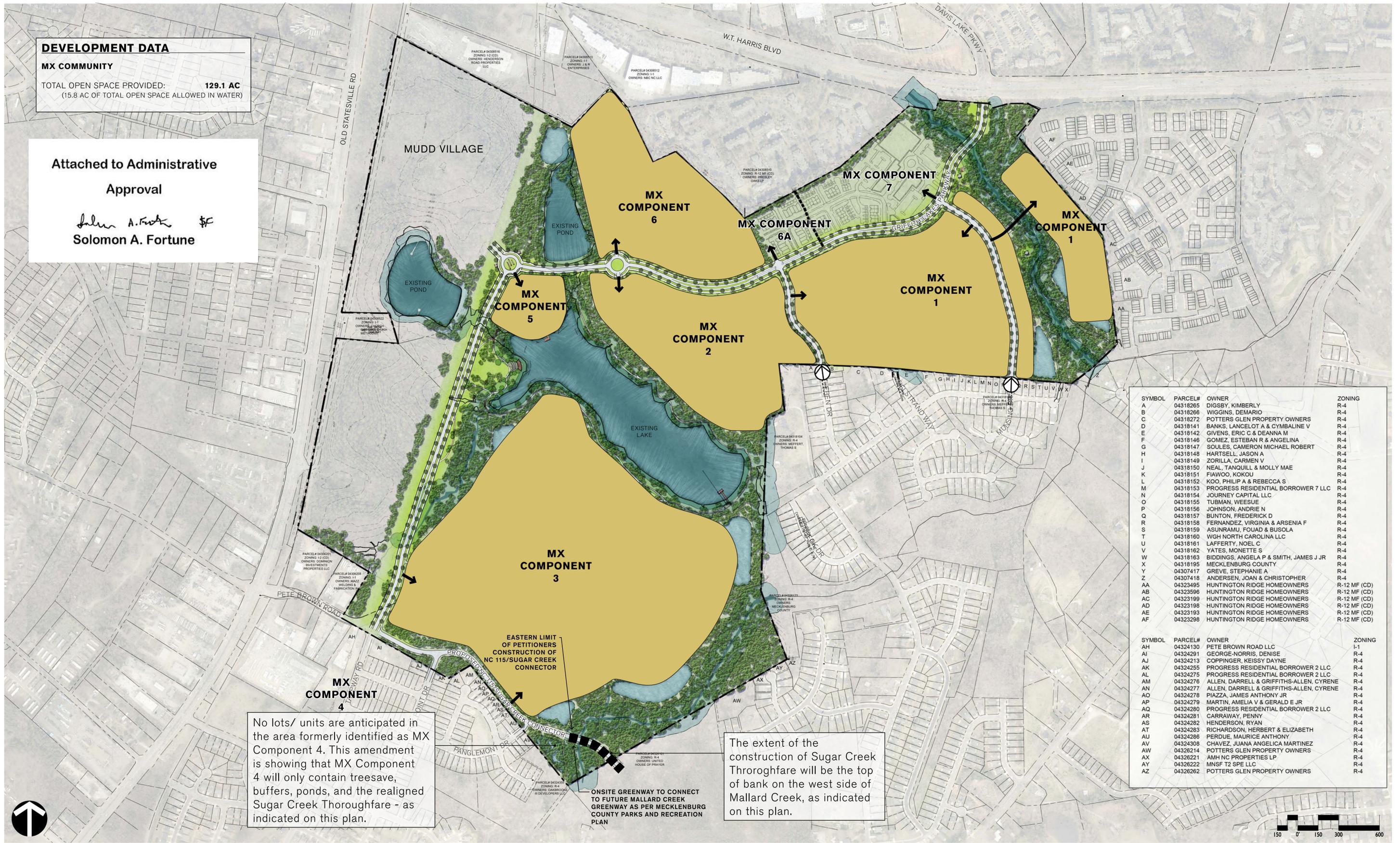
**DEVELOPMENT DATA**

**MX COMMUNITY**

TOTAL OPEN SPACE PROVIDED: **129.1 AC**  
(15.8 AC OF TOTAL OPEN SPACE ALLOWED IN WATER)

Attached to Administrative  
Approval

*Solomon A. Fortune* \$  
**Solomon A. Fortune**



SYMBOL	PARCEL#	OWNER	ZONING
A	04318265	DIGSBY, KIMBERLY	R-4
B	04318266	WIGGINS, DEMARIO	R-4
C	04318272	POTTERS GLEN PROPERTY OWNERS	R-4
D	04318141	BANKS, LANCELOT A & CYMBALINE V	R-4
E	04318142	GIVENS, ERIC C & DEANNA M	R-4
F	04318146	GOMEZ, ESTEBAN R & ANGELINA	R-4
G	04318147	SOULES, CAMERON MICHAEL ROBERT	R-4
H	04318148	HARTSELL, JASON A	R-4
I	04318149	ZORILLA, CARMEN V	R-4
J	04318150	NEAL, TANQUILL & MOLLY MAE	R-4
K	04318151	FIAMOO, KOKOU	R-4
L	04318152	KOO, PHILIP A & REBECCA S	R-4
M	04318153	PROGRESS RESIDENTIAL BORROWER 7 LLC	R-4
N	04318154	JOURNEY CAPITAL LLC	R-4
O	04318155	TUBMAN, WEESUE	R-4
P	04318156	JOHNSON, ANDRIE N	R-4
Q	04318157	BUNTON, FREDERICK D	R-4
R	04318158	FERNANDEZ, VIRGINIA & ARSENIA F	R-4
S	04318159	ASUNRAMU, FOJAD & BUSOLA	R-4
T	04318160	WGH NORTH CAROLINA LLC	R-4
U	04318161	LAFFERTY, NOEL C	R-4
V	04318162	YATES, MONETTE S	R-4
W	04318163	BIDDINGS, ANGELA P & SMITH, JAMES J JR	R-4
X	04318195	MECKLENBURG COUNTY	R-4
Y	04307417	GREVE, STEPHANIE A	R-4
Z	04307418	ANDERSEN, JOAN & CHRISTOPHER	R-4
AA	04323495	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)
AB	04323596	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)
AC	04323199	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)
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AE	04323193	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)
AF	04323298	HUNTINGTON RIDGE HOMEOWNERS	R-12 MF (CD)

SYMBOL	PARCEL#	OWNER	ZONING
AH	04324130	PETE BROWN ROAD LLC	I-1
AI	04324291	GEORGE-NORRIS, DENISE	R-4
AJ	04324213	COPPINGER, KEISSY DAYNE	R-4
AK	04324255	PROGRESS RESIDENTIAL BORROWER 2 LLC	R-4
AL	04324275	PROGRESS RESIDENTIAL BORROWER 2 LLC	R-4
AM	04324276	ALLEN, DARRELL & GRIFFITHS-ALLEN, CYRENE	R-4
AN	04324277	ALLEN, DARRELL & GRIFFITHS-ALLEN, CYRENE	R-4
AO	04324278	PIAZZA, JAMES ANTHONY JR	R-4
AP	04324279	MARTIN, AMELIA V & GERALD E JR	R-4
AQ	04324280	PROGRESS RESIDENTIAL BORROWER 2 LLC	R-4
AR	04324281	CARRAWAY, PENNY	R-4
AS	04324282	HENDERSON, RYAN	R-4
AT	04324283	RICHARDSON, HERBERT & ELIZABETH	R-4
AU	04324286	PERDUE, MAURICE ANTHONY	R-4
AV	04324308	CHAVEZ, JUANA ANGELICA MARTINEZ	R-4
AW	04326214	POTTERS GLEN PROPERTY OWNERS	R-4
AX	04326221	AMH NC PROPERTIES LP	R-4
AY	04326222	MNSF T2 SPE LLC	R-4
AZ	04326262	POTTERS GLEN PROPERTY OWNERS	R-4

No lots/ units are anticipated in the area formerly identified as MX Component 4. This amendment is showing that MX Component 4 will only contain treesave, buffers, ponds, and the realigned Sugar Creek Thoroughfare - as indicated on this plan.

The extent of the construction of Sugar Creek Thoroughfare will be the top of bank on the west side of Mallard Creek, as indicated on this plan.

ONSITE GREENWAY TO CONNECT TO FUTURE MALLARD CREEK GREENWAY AS PER MECKLENBURG COUNTY PARKS AND RECREATION PLAN



Attached to Administrative  
Approval

*Solomon A. Fortune* \$F  
Solomon A. Fortune

**REFER TO REVISED SCHEMATIC  
PLAN L1.1A FOR ADDITIONAL  
INFORMATION**

# GRIFFITH LAKES

Charlotte  
Mecklenburg  
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PETITIONER:  
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1944 BRUNSWICK AVE.  
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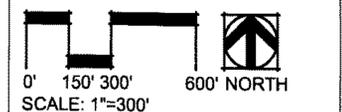
PREPARED BY:  
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landscape architecture  
  
421 Perimeter Street Suite 300  
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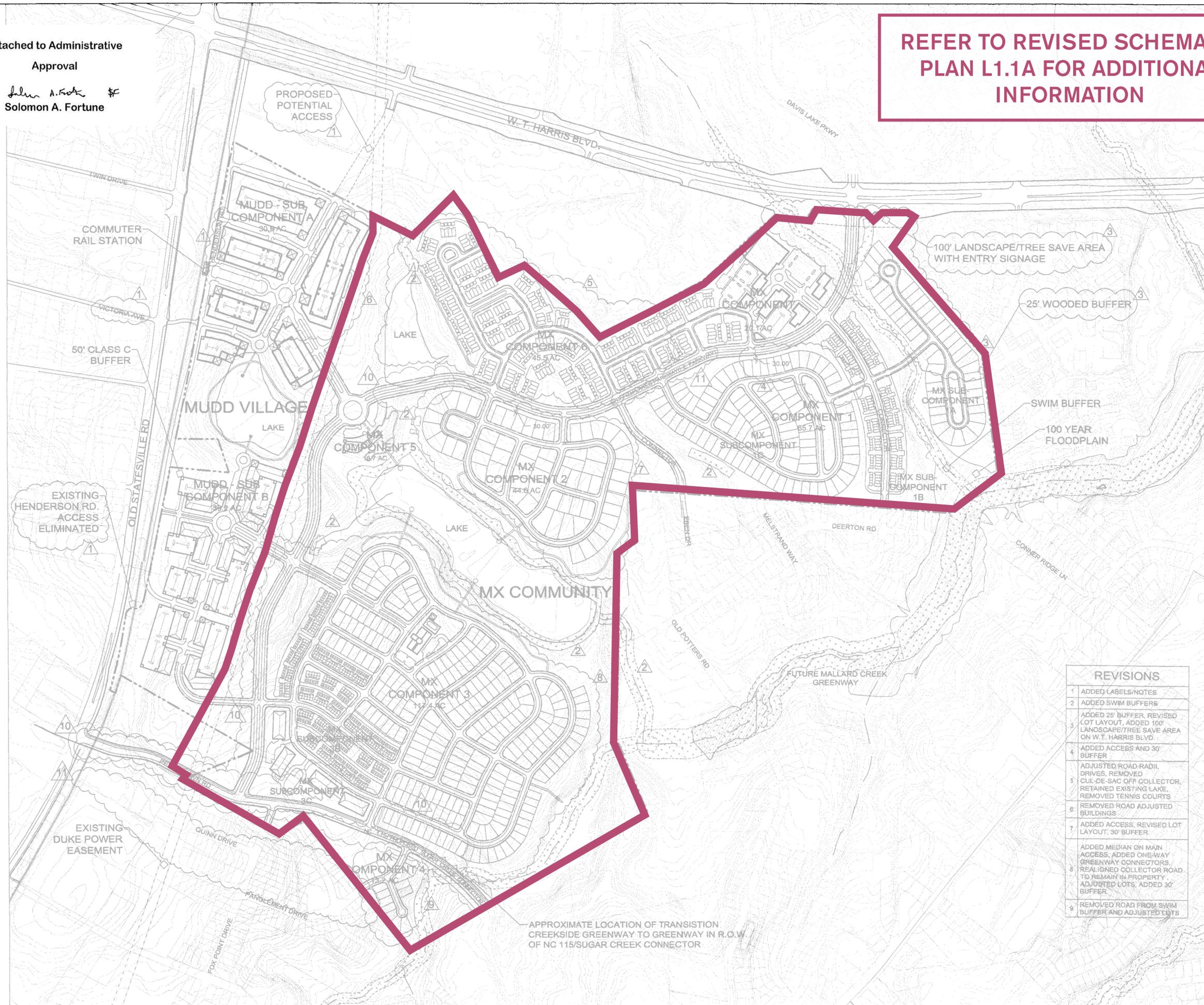
ISSUE:  
**REZONING PETITION**  
**PETITION #2007-080**

REVISIONS:		
No.	Date	Work Done
1-9	6/18/07	SEE CHART
10	8/20/07	115 CONNECTOR ALIGNMENT, ACCESS TO MX 3, REMOVED GREENWAY ALONG DUKE R.O.W. COLLECTOR ROAD @ DAM
11	10/16/07	REMOVED 115 CONNECTOR PHASING NOTES

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



TITLE:  
**SCHEMATIC  
PLAN  
L1.1**



REVISIONS		
No.	Date	Work Done
1		ADDED LABELS/NOTES
2		ADDED SWIM BUFFERS
3		ADDED 25' BUFFER, REVISED LOT LAYOUT, ADDED 100' LANDSCAPE/TREE SAVE AREA ON W.T. HARRIS BLVD.
4		ADDED ACCESS AND 30' BUFFER
5		ADJUSTED ROAD RADII, DRIVES, REMOVED CUL-DE-SAC OFF COLLECTOR, RETAINED EXISTING LAKE, REMOVED TENNIS COURTS
6		REMOVED ROAD ADJUSTED BUILDINGS
7		ADDED ACCESS, REVISED LOT LAYOUT, 30' BUFFER.
8		ADDED MEDIAN ON MAIN ACCESS, ADDED ONE-WAY GREENWAY CONNECTORS, REALIGNED COLLECTOR ROAD TO REMAIN IN PROPERTY, ADJUSTED LOTS, ADDED 30' BUFFER.
9		REMOVED ROAD FROM SWIM BUFFER AND ADJUSTED LOTS

APPROXIMATE LOCATION OF TRANSITION CREEKSIDE GREENWAY TO GREENWAY IN R.O.W. OF NC 115/SUGAR CREEK CONNECTOR

NOTE: MASTER PLAN REPRESENTED IS SCHEMATIC IN NATURE AND IS SUBJECT TO FINAL ENGINEERING.

Attached to Administrative Approval

*Solomon A. Fortune* \$F  
Solomon A. Fortune



**DEVELOPMENT SUMMARY**

	12/20/2019
<b>MX COMPONENT 1</b>	280 LOTS (180 CAN BE ATTACHED)
<b>MX COMPONENT 2</b>	71 LOTS
<b>MX COMPONENT 3</b>	313 LOTS
<b>MX COMPONENT 4</b>	0 LOTS
<b>MX COMPONENT 5</b>	0 LOTS
<b>MX COMPONENT 6</b>	76 LOTS
<b>MX COMPONENTS 6A + 7</b>	364 LOTS/UNITS (250 CAN BE MULTI-FAMILY)
<b>TOTAL LOTS/UNITS</b>	<b>1,104</b>

REFER TO SECTIONS B1. (b) AND B1. (k) IN THE DEVELOPMENT STANDARDS FOR NOTES ON ALTERING THE ALLOCATION OF USES AND DEVELOPMENT AMOUNTS FOR THE ABOVE MX COMPONENTS.

**SEE SHEET L1.5A FOR A CHART THAT WILL BE USED TO TRACK THE DEVELOPMENT AMOUNTS AS EACH OF THE MX COMPONENTS IS APPROVED FOR CONSTRUCTION.**

On-site greenway to connect to future Mallard Creek Greenway as per Mecklenburg County Parks and Recreation plan.

APPROXIMATE LOCATION OF TRANSITION CREEKSIDE GREENWAY TO GREENWAY R.O.W. OF NC 115/SUGAR CREEK CONNECTOR

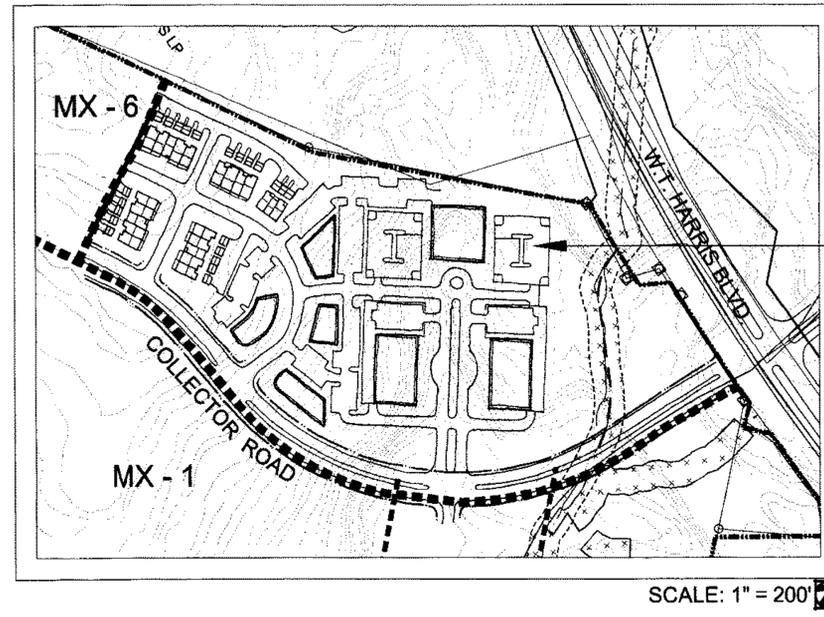
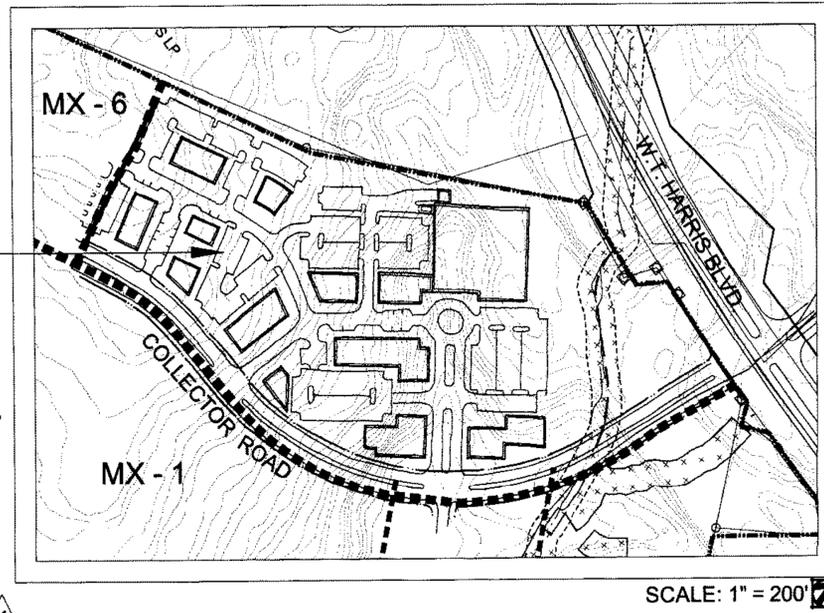
Attached to Administrative  
Approval

*Solomon A. Fortune*  
Solomon A. Fortune

MX COMPONENT 7

**MX COMPONENT 7**  
CONCEPTUAL SCHEMATIC ALTERNATIVE A

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



MX COMPONENT 7

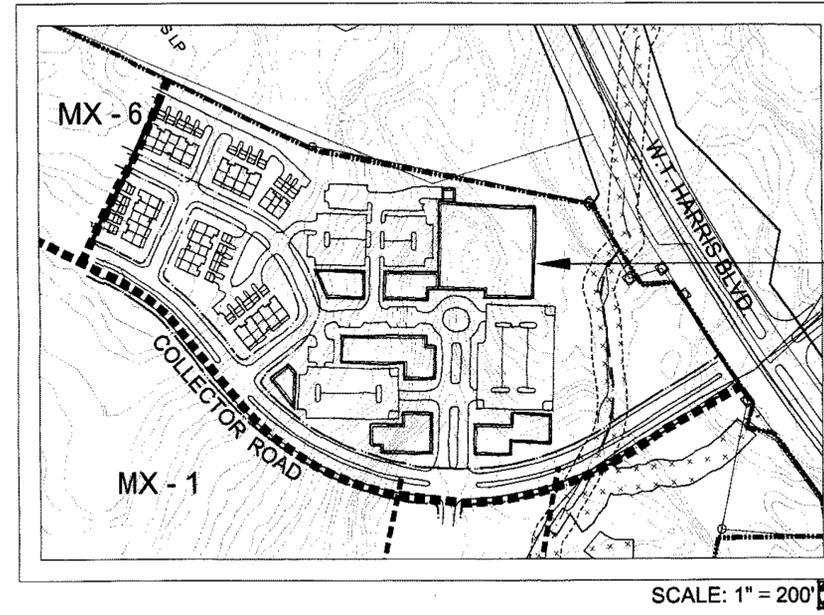
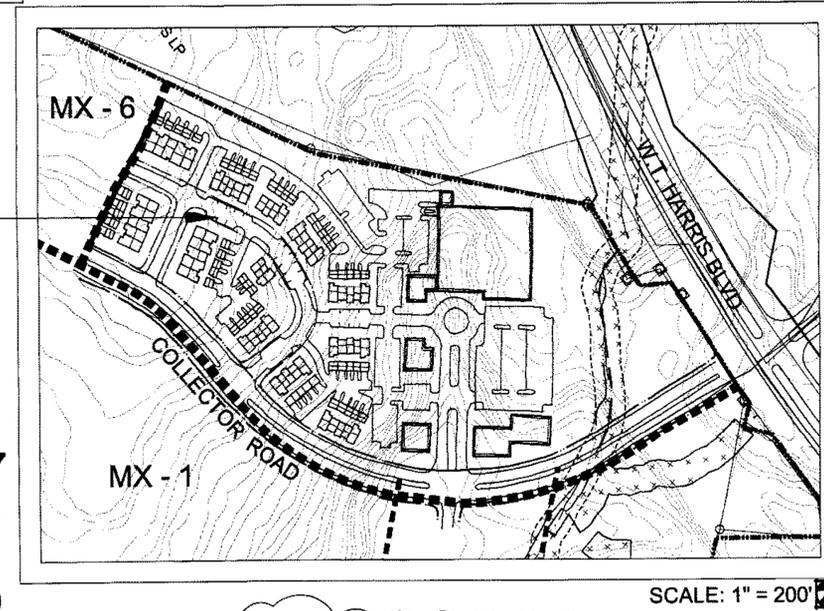
**MX COMPONENT 7**  
CONCEPTUAL SCHEMATIC ALTERNATIVE C

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

MX COMPONENT 7

**MX COMPONENT 7**  
CONCEPTUAL SCHEMATIC ALTERNATIVE B

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

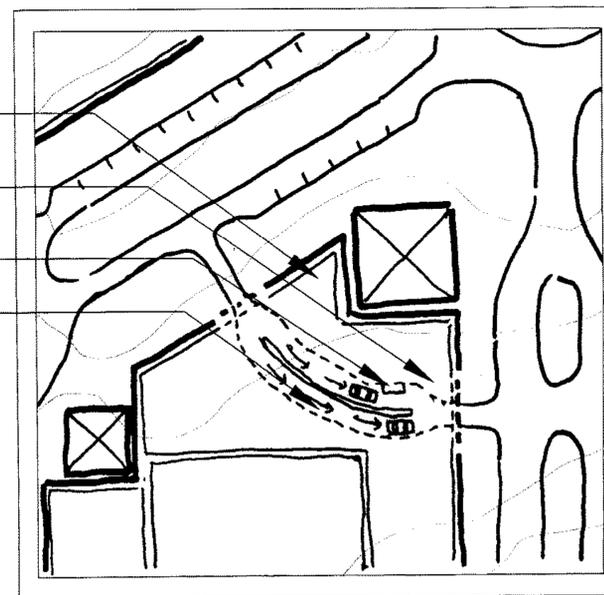


MX COMPONENT 7

**MX COMPONENT 7**  
CONCEPTUAL SCHEMATIC ALTERNATIVE C

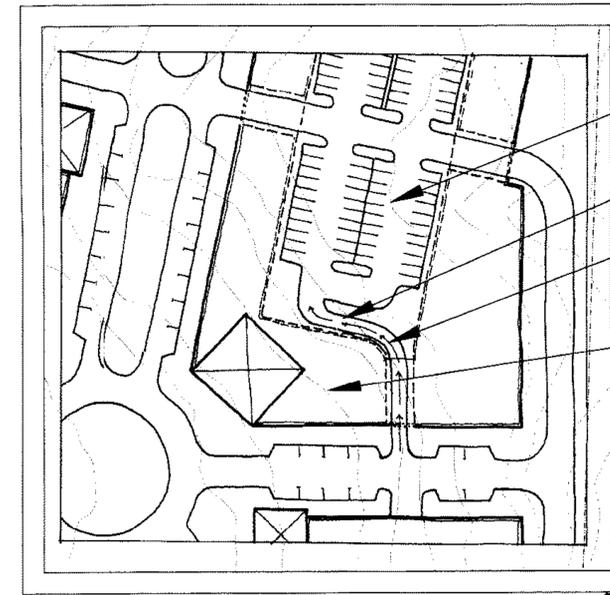
BMP IN MX COMMUNITY TO BE  
INTEGRATED INTO THE DESIGN OF THIS  
COMPONENT

BANK  
DRIVE-UP  
ATM  
STACKING FOR 3 CARS  
PER WINDOW  
**MUDD OPTIONAL  
PROVISIONS**  
3.F. BANK DRIVE-THRU



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



# 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 Fenman Street Suite 300  
Charlotte, NC 28203  
704.372.0534  
704.342.0251 fax  
www.hadenstanziale.com

PETITIONER'S AGENT:  
**KENNEDY COVINGTON**  
ATTORNEYS AT LAW  
HEARST TOWER, 47TH FLOOR  
214 NORTH TRYON STREET  
CHARLOTTE, NC 28202  
PH (704) 331-7471

ISSUE:  
**REZONING PETITION**  
**PETITION #2007-080**

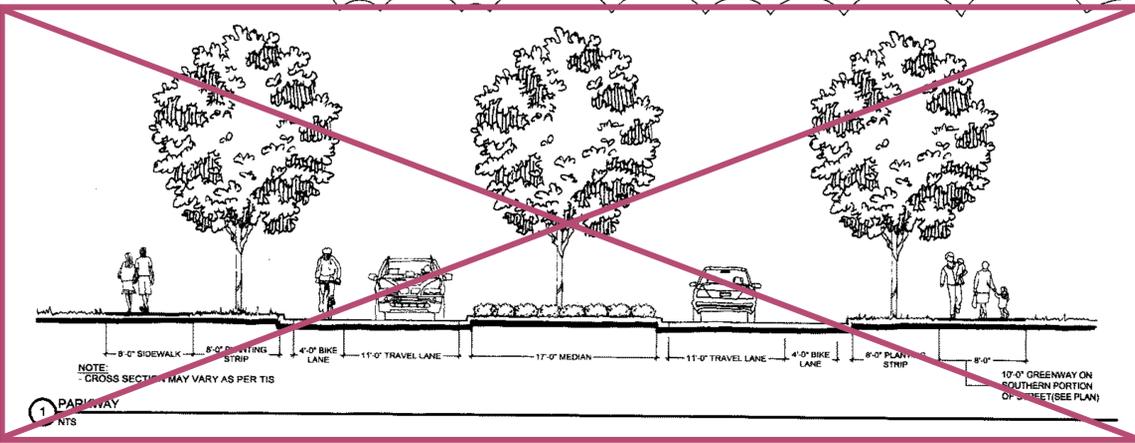
REVISIONS:

1.	6/18/07	ADDED BMP NOTES
2.	6/18/07	REVISED LAYOUT OF BANK AND ADDED STACKING NOTES
3.	10/16/07	REVISED LAYOUT OF BANK AND REVISED STACKING NOTE

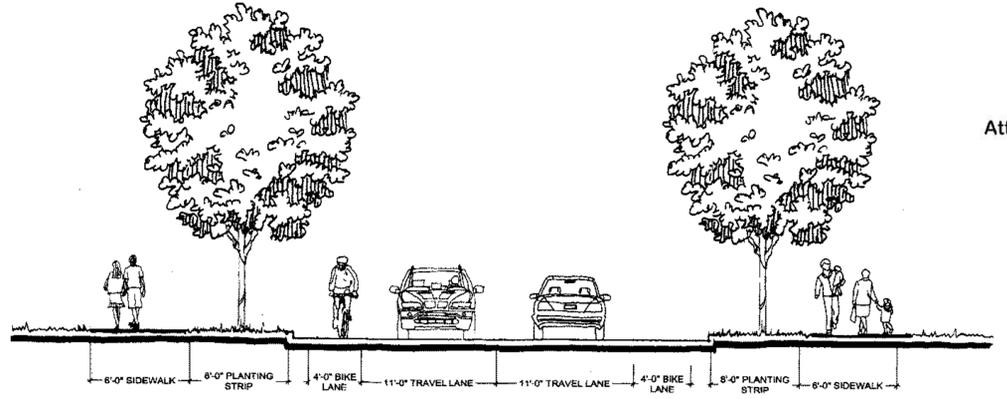
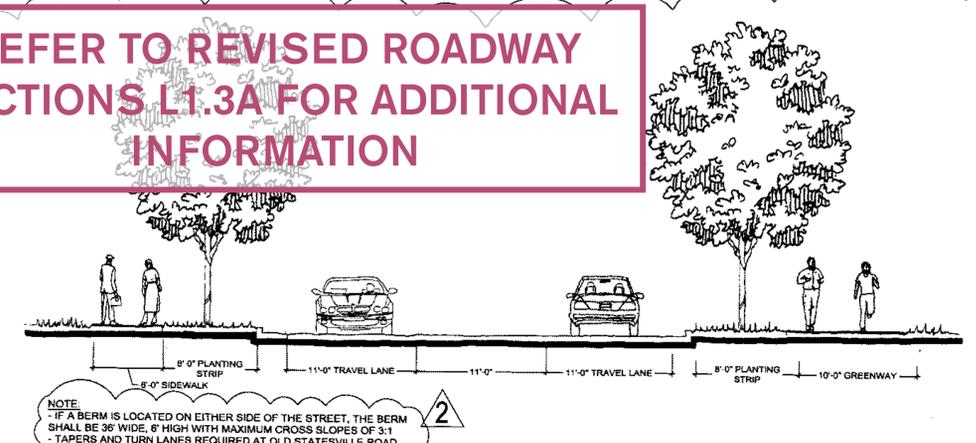
No.	Date	Work Done
Date:	3/26/07	
Project No.:	06334	
Checked By:	KWC	
Drawn By:	CAT	



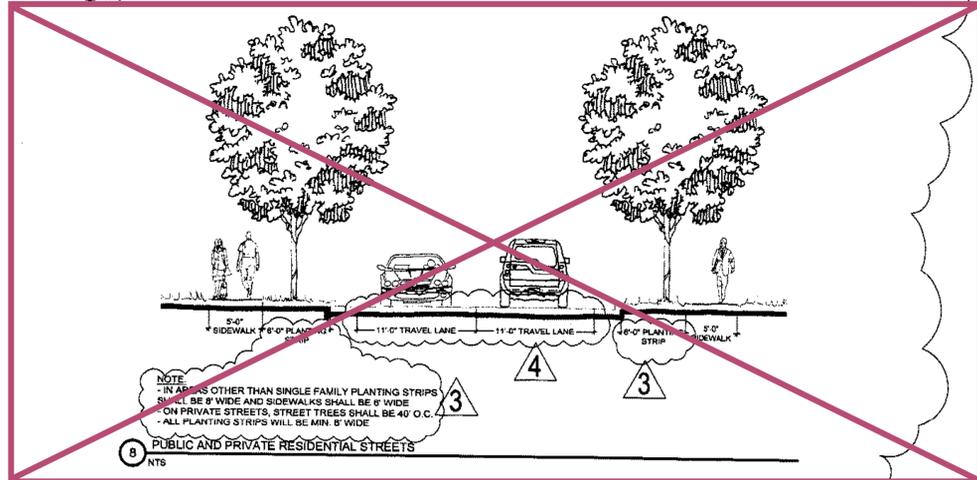
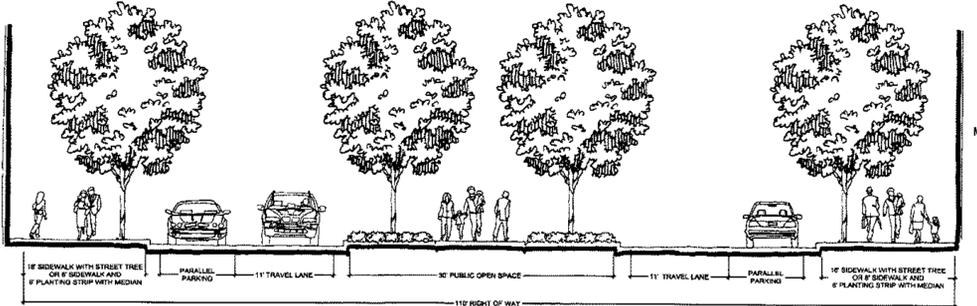
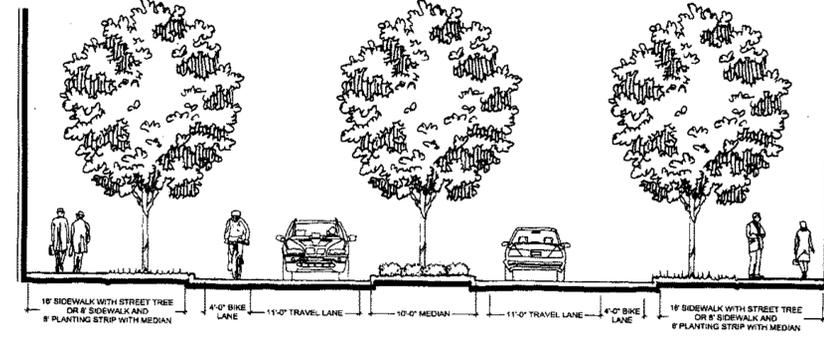
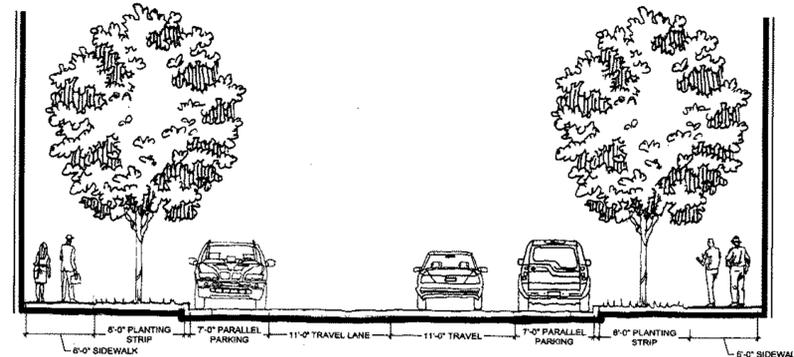
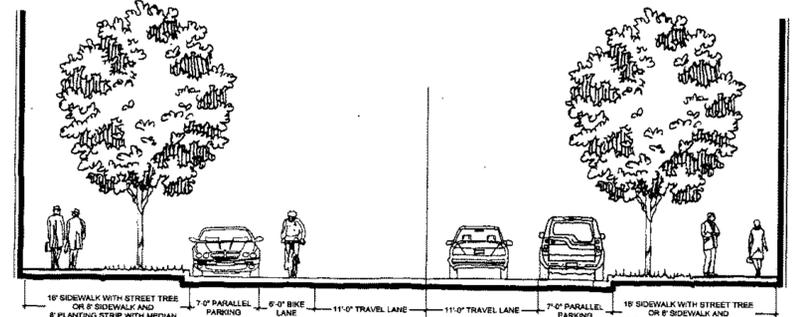
TITLE:  
**SCHEMATIC  
OPTIONS  
L1.2**



**REFER TO REVISED ROADWAY SECTIONS L1.3A FOR ADDITIONAL INFORMATION**



Attached to Administrative Approval  
*Solomon A. Fortune*  
 Solomon A. Fortune



**NOTE:**  
 SEE SHEET L1.6 FOR STREET TYPE LOCATIONS

# GRIFFITH LAKES

Charlotte  
 Mecklenburg  
 County,  
 North Carolina

PETITIONER:  
**GRIFFITH EQUITIES, LLC**  
 1944 BRUNSWICK AVE.  
 CHARLOTTE, N. C. 28207  
 704-332-7173

PREPARED BY:  
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PETITIONER'S AGENT:  
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 CHARLOTTE, NC 28262  
 PH (704) 503-2564

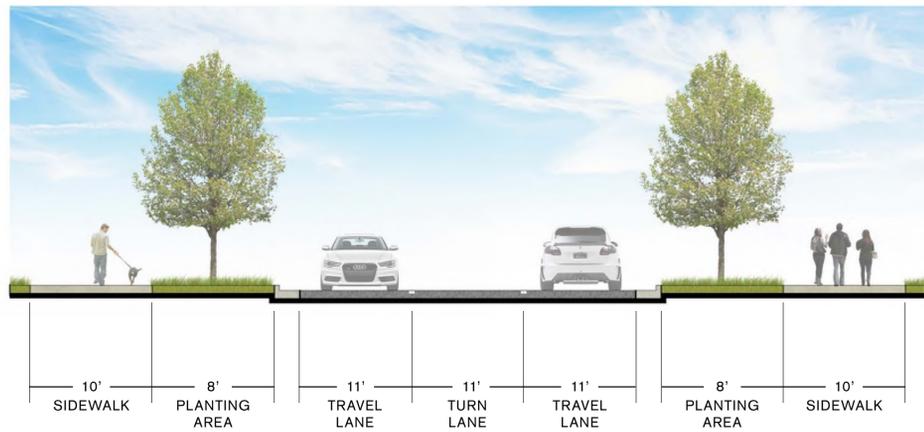
ISSUE:  
**REZONING PETITION**  
**PETITION #2007-080**

No.	Date	Work Done
1	6/18/07	MODIFIED/ADDED STREET SECTIONS
2	8/21/07	MODIFIED/ADDED STREET SECTION NOTES
3	9/21/07	MODIFIED STREET #8 SECTION NOTES
4	10/16/07	REVISE LANE WIDTH NOTES

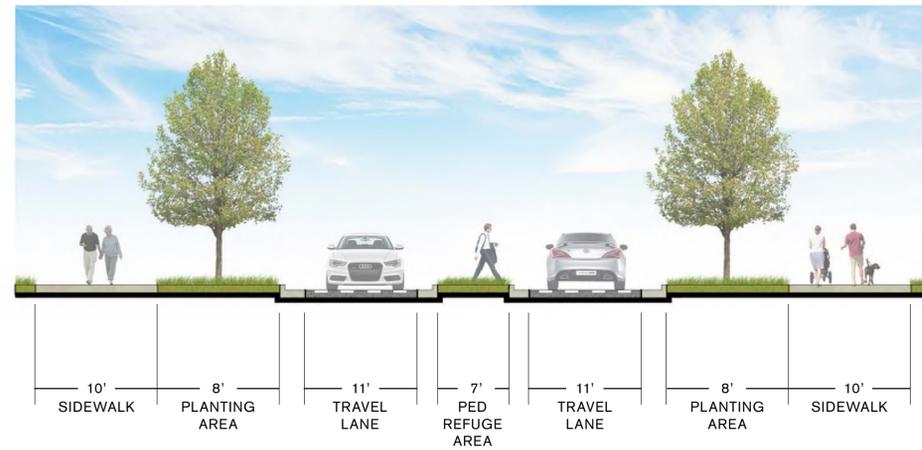
Date: 03/26/07  
 Project No.: 06334  
 Checked By: KWC  
 Drawn By: CAT, TB, JAG, MUM

TITLE:  
**ROADWAY SECTIONS L1.3**

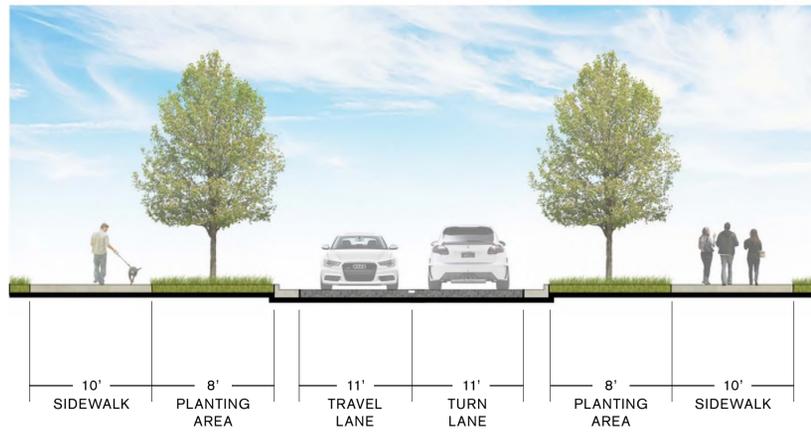
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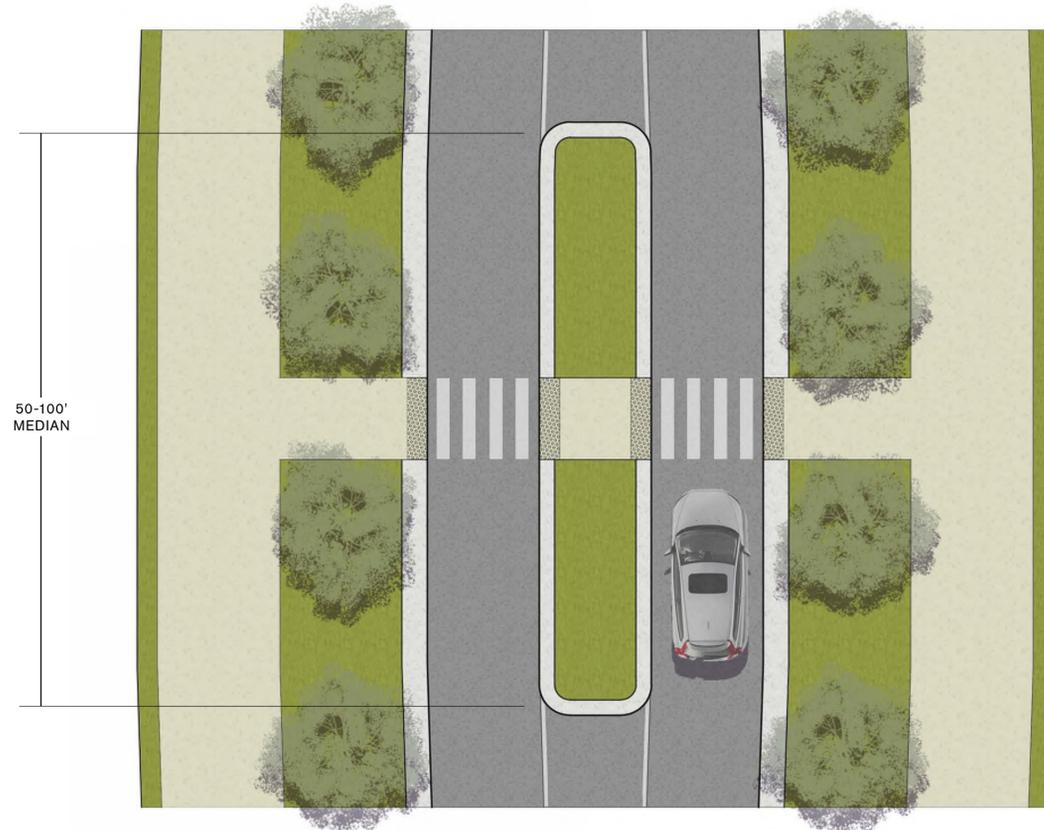
11 PEDESTRIAN REFUGE AREA  
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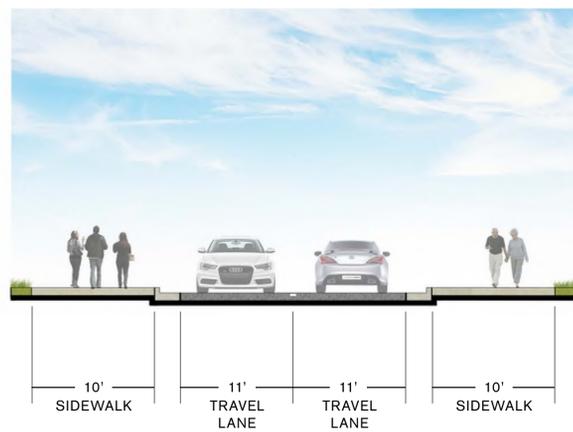
9B PARKWAY CROSS SECTION  
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PEDESTRIAN REFUGE AREA - PLAN ENLARGEMENT  
NTS



10 PARKWAY CROSS SECTION - DAM CROSSING  
NTS



Attached to Administrative  
Approval

*Solomon A. Fortune* \$F  
Solomon A. Fortune

DEVELOPMENT STANDARDS

GRIFFITH LAKES MASTER PLANNED COMMUNITY  
December 20<sup>th</sup>, 2019

Rezoning Petition No. 2007-080

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 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, and multi-family 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 [1,104] 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.
(ii) No more than 250 multi-family for rent units may be allowed within the MX Community
(iii) 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 6A and 7 of the MX Community, subject, however, to the conversion rights reserved for the benefit of MX Component 7 in Section B.1 (j) below; provided, however, (A) no more than 110,000 square feet of such 140,000 square feet of commercial space may be devoted to retail and/or restaurant uses and (B) no more than 65,000 square feet of such 140,000 square feet of commercial space may be devoted to office uses and of such 65,000 square feet of office space no more than 30,000 square feet may be devoted to non-medical office uses.
(iv) 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;
(v) 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
(vi) Accessory uses and structures allowed in the MX-3 zoning district shall be allowed within the MX Community.

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.

- (b) 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.
(c) The following uses shall be permitted on and allocated to MX Component 1:
(i) up to 280 single detached lots and/or single family attached units/lots shall be permitted within MX Component 1; provided, however, no

- more than 180 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.
(d) The following uses will be permitted on and allocated to MX Component 2:
(i) up to 71 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 313 single family detached lots and/or single-family attached units or lots shall be permitted within MX Component 3 and
(ii) accessory uses and structures permitted in the MX-3 zoning district.
(f) The following uses shall be permitted on and allocated to MX Component 4:
(i) No units are proposed within MX Component 4. Component 4 will be devoted to open space 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 76 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 6A and 7:
(i) in addition to other development permitted in this Section B.1.(i), up to 364 single family detached lots, single family attached lots or units and/or multi-family dwelling units shall be permitted within MX Component 6A and 7, subject, however, to the conversion rights set forth in this Section B.1.(i) below; provided, however, no more than 250 multi-family dwelling units shall be permitted within MX Component 6A and 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 8.1.(i) below; provided, however, (A) no more than 110,000 square feet of gross floor area may be devoted to retail and/or restaurant uses within MX Component 6A and 7 and (B) no more than 65,000 square feet of gross floor area may be devoted to office uses and of such 65,000 square feet of office space no more than 30,000 square feet may be devoted to non-medical office uses; 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 (x) one multi-family residential dwelling unit and/or single family detached or attached lot for each 165 square feet of retail and/or restaurant area so converted; and (y) one multi-family residential dwelling unit and/or single family detached or attached lot for each 270 square feet of office 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.

- (j) 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 6A and 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.(j) 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) 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 for 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 as set forth in Section B.2.(f) below and 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 "secure/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.
(f) It is understood and agreed that notwithstanding any provisions in the Ordinance or the Subdivisions Ordinance to the contrary, that certain street referenced as the Parkway on the Technical Data Sheet and Schematic Site Plan (hereinafter referred to as the "Parkway") shall be named "Griffith Lakes Parkway."
(g) In addition to other innovative development standards described in this Section B.2., including without limitation Section B.2.(e) above, Petitioner reserves the right to seek in the future other innovative development standards pursuant to applicable process set forth in the Ordinance.

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-off-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 Olen 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 end 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 1 as shown on Sheet L1.1.A. 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 Site shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance.

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.

Development within the MX Community shall adhere to the requirements of the Tree Ordinance.

8. CATS Access and Road Standards.

The Parkway and portions of Highway 115/Sugar Creek Connector Road (hereinafter the "Connector Road") located within the MX Community as generally depicted on the Technical Data Sheet 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.

C. MUDD VILLAGE PROVISIONS

- 1. 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:

Attached to Administrative

Approval

Solomon A. Fortune



REVISED DEVELOPMENT STANDARDS

L1.4

- (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 walk 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 (x) additional retail and/or restaurant gross floor area at the rate of 450 square feet of retail and/or restaurant gross floor area for each residential unit so converted, and (y) additional office gross floor area at the rate of 1,580 square feet of office 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 (x) retail and/or restaurant area to residential units at the rate of one residential unit for each 450 square feet of retail and/or restaurant area so converted, and (y) office area to residential units at the rate of one residential unit for each 1,580 square feet of 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 10 square feet of retail/restaurant area for 35 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 35 square feet of office area for 10 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) 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-0 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
  - (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 Sheet L1.2 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-0 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 perennial and intermittent 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 (Best 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 submissions 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 and 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) Previously the Mecklenburg-Union Thoroughfare Plan calls for a future NC 115/Sugar Creek Road Connector (i.e. the "Connector") to intersect NC 115 at Henderson Road as a minor thoroughfare. A portion of the prior alignment for the Connector Road ran through the Site. The Petitioner has pursued an amendment to the Mecklenburg-Union Thoroughfare Plan requesting an adjustment of the alignment of the Connector Road through the Site and such an amendment was approved by MUMPO on September 19, 2007. 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 Connector Road which runs through the Site, prior to commencement of construction of the first portion of the Connector Road as described in Section E.2. of these Development Standards.
- (b) The Petitioner agrees to reserve from development the right-of-way necessary for the newly approved alignment of the Connector Road as generally depicted on the Technical Data Sheet
- (c) The Petitioner agrees to construct the Connector in the manner and at such time as described in Section E.2.(c)(iv) of these Development Standards. The engineering, design and construction of the portion of the Connector Road as described on Sheet L1.0A 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 (c) 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.

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

**1. Greenway Easements.**

Petitioner agrees to grant certain easements for greenway purposes to Mecklenburg County in those portions of the Site generally depicted on the Street and Path Types L1.6 and L1.6A on the Technical Data Sheet in accordance with the following:

- (a) Petitioner shall grant to Mecklenburg County an easement approximately 50 feet in width for greenway purposes (including without limitation installation of greenway trails by Mecklenburg County within such easement area) together with applicable construction and slope easements in the approximate location within MX Component 1 generally depicted on the Technical Data Sheet (the "MX Component 1 Greenway Easements"). The MX Component 1 Greenway Easements shall be conveyed within thirty (30) days of completion of construction and operation for vehicular transportation of that portion of the Parkway extending from WT Harris Boulevard to the round-a-bout feature within MX Component 5 as generally depicted on the Technical Data Sheet. Petitioner shall use good faith efforts to provide advance notice to Mecklenburg County of the anticipated completion of that portion of the Parkway.
- (b) Petitioner shall grant to Mecklenburg County an easement approximately 50 feet in width for greenway purposes (including without limitation installation of greenway trails by Mecklenburg County within such easement area) together with applicable construction and slope easements in the approximate location within MX Component 3 generally depicted on the Technical Data Sheet (the "Connector Road Greenway Easements"). The Connector Road Greenway Easements shall be conveyed within thirty (30) days of acceptance for maintenance of the Connector by NCDOT, CDOT or applicable governmental body. Petitioner shall use good faith efforts to provide advance notice to Mecklenburg County of the anticipated date for such acceptance of maintenance of the Connector.

**2. Transportation Commitments.**

- (a) **Phase I Improvements.**

Phase I of the development consists of a substantial portion of the MX Community (the "Phase I Development") to include up to 1,104 residential units and up to 100,000 square feet of retail space (subject to the conversion of office uses for retail uses at the rate of 17 square feet of office space for 10 square feet of retail and/or restaurant space so converted). The following improvements (the "Phase I Improvements") shall be completed in conjunction with the Phase I Development such that such Phase I improvements are in place per the phasing requirements in 2(b):

- (i) WT Harris Boulevard and Parkway/Access "A"
  - Construct the fourth leg to the intersection, the Parkway (Access "A").
  - The Parkway (Access "A") at its intersection with WT Harris Boulevard shall consist of two lanes of ingress and three lanes of egress (left, through/right). At its intersection with Pete Brown Road, the extension shall terminate into exclusive left turn lane with 300 feet of internal storage, and a combination through-and-right turn lane with 300' of internal storage. [NOTE: Phasing of portions of the construction of Griffith Lakes Parkway is more particularly described in Section 2.(b) below.]
  - On westbound WT. Harris Boulevard, an additional left turn lane shall be constructed with 400' off storage with appropriate bay and through lane tapers. The existing westbound left turn lane shall be extended an additional 200'.
  - On southbound Davis Lake Parkway, re-stripe the existing right turn lane to a combination through-and-right turn lane.
  - On eastbound WT Harris Boulevard, an exclusive right turn lane shall be constructed with 375' of storage with an appropriate bay taper.
  - Signal modifications will be required at this intersection to accommodate the laneage improvements.
- (ii) **Old Statesville Road and Pete Brown Road:**
  - On northbound Old Statesville Road, an exclusive right turn lane shall be constructed with 150' of storage with an appropriate bay taper.

(b) **Phasing & Construction of the Parkway**

In addition to the transportation improvements contemplated in other portions of this Section E.2., Petitioner shall construct or cause to be constructed the portion of the Parkway that is interior to the Site in accordance with the following phasing schedule and requirements:

- (i) That portion of the Parkway to extend from its intersection with WT Harris Boulevard to its intersection with the extension of Eben Drive located between MX Component 1 and 2 as generally depicted on the Revised Schematic Plan Sheet L1.1A and shall be completed prior to issuance of the first certificate of occupancy for homes/units located within MX Component 1, 6A or 7.
- (ii) That portion of the Parkway to extend from Eben Drive to the first round-a-about feature to be located between MX Component 2 and 6 shall be completed prior to issuance of the first certificate of occupancy for the first home/unit to be located within MX Component 2, or 6;

- (iii) That portion of the Parkway to extend from the first round-a-about to its intersection with existing Pete Brown Road/Sugar Creek Connector Road (i.e. the "Connector") shall be completed prior to issuance of the certificate of occupancy for the first (1) home/unit to be located within MX Component 3 together with the improvements to the Connector Road described in Section E.2.(c)(iii) below;

- (iv) Old Statesville Road and Pete Brown Road (these improvements must be completed prior to the issuance of occupancy for the 125 home/unit located within MX Component 3):
  - On westbound Pete Brown Road, an exclusive left turn lane shall be constructed with 150' of storage with appropriate bay and through lane tapers.
  - On eastbound Henderson Circle, an exclusive left turn lane shall be constructed with 150' of storage with appropriate bay and through lane tapers.
  - Install traffic signal control upon meeting the applicable NCDOT and CDOT traffic signal control warrants; or
- (v) If after the exercise of diligent good faith efforts by the Petitioner (efforts to be documented by the Petitioner with CDOT) to seek permission from Norfolk Southern to improve the crossing of Pete Brown Road over the Norfolk Southern rail road easement as described above (diligent good faith efforts to occur prior to the issuance of the first (1) certificate of occupancy within MX Component 3), the Petitioner is not able to obtain the necessary permissions to improve the rail road crossing, then the Petitioner may make the following alternative improvements to the intersection of Pete Brown Road and Old Statesville prior to the issuance of a certificate of occupancy for the 125 home/unit located within MX Component 3:
 

Pete Brown Road and Old Statesville Rd.:

  - Construction of a left-over median on NC 115 (Old Statesville Road) to restrict left turns (this alternative improvement has been reviewed by CDOT);

WT Harris Boulevard and Davis Lake Parkway/Griffith Lake Parkway:

  - Construction of a northbound left-turn lane on Griffith Lake Parkway with a minimum of 200 feet of storage; and
- (vi) The portions of the Parkway described in this Section E.2.(b) shall be constructed in accordance with the road/street cross-section set forth on Sheet L1.3A.

(c) **Phase IIa. Improvements.**

Phase IIa. of the development consists of the remaining MX Community development and partial development of the MUDD Village (the "Phase IIa. Development") to include all development associated with Phase I Development together with up to up to 30,000 square feet of office space and up to 10,000 square feet of retail space for the MX Community (subject to the conversion of office uses for retail add/or uses at the rate of 17 square feet of office space for 10 square feet of retail and/or restaurant space so converted and vice-versa) and up to 500 condominium dwelling units, up to 80,000 square feet of retail space and up to 50,000 square feet of office space for the MUDD Village (subject to the conversion ratios described in Section C.1. hereof). The following improvements (the "Phase IIa. Improvements") shall be completed in conjunction with the Phase IIa. Development such that the Phase IIa. Improvements are in place prior to issuance of the first certificate of occupancy for Phase IIa. Development that exceeds the Phase I Development

- (i) WT Harris Boulevard and the Parkway/Access "A"
  - On northbound Parkway/Access "A", an additional left turn lane and an additional right turn lane shall be constructed with 300' of storage for each lane with appropriate bay and through lane tapers.
  - On southbound Parkway, an exclusive right turn lane shall be constructed with 150' of storage with appropriate bay and through lane tapers.
  - Signal modifications will be required at this intersection to accommodate the laneage improvements.
- (ii) WT Harris Boulevard and West Sugar Creek Road
  - On northbound West Sugar Creek Road, an additional left turn lane shall be constructed with 300' of storage with appropriate bay and through lane tapers.
  - On northbound West Sugar Creek Road, an exclusive right turn lane shall be constructed with 150' off storage with an appropriate bay taper.
  - Signal modifications will be required at this intersection to accommodate the laneage improvements.

(iii) Pete Brown Road/Sugar Creek Road Extension

The Pete Brown Road/Sugar Creek Connector Road Extension (i.e. the "Connector Road" as described in Section D above) shall be constructed with a three-lane section cross section (one through lane in each direction with a center two-way-left-turn-lane as generally depicted on Sheet L1.1 and L.1.3 attached hereto) in accordance with the following schedule:

- (A) Extension of the proposed three lane cross-section for the Connector Road from Old Statesville Road to the point located on the westerly site of Sugar Creek tributary as generally depicted on the Technical Data Sheet shall take place prior to the earlier of (i) issuance of certificates of occupancy for greater than 125 homes/units within MX Component 3; (ii) development beyond that permitted within Phase IIa. Development or (ii) issuance of the certificate of occupancy for first unit/home located within MX Component 4 (the "Connector Road Link Improvements").

(iv) WT Harris Boulevard and Directional Crossover (Access "B")

Upon approval by NCDOT and CDOT, the following improvement shall be constructed (NOTE: If this access location is not approved there is no additional impact to any of the other intersections that would result in additional mitigation):

- Construct a westbound directional crossover on WT Harris Boulevard approximately 1400' from the intersection with Old Statesville Road. 150' of westbound left turn storage shall be provided with appropriate bay and through lane tapers.
- On eastbound WT Harris Boulevard, an exclusive right turn lane shall be constructed with 375" of storage with an appropriate bay taper. (this is a new improvement related to the construction of the directional crossover, if approved)

(d) **Full Buildout**

The remaining development of the MUDD Village shall consist of up to 1,288 condominium dwelling units, up to 191,500 square feet of retail space and up to 478,000 square feet of office space (subject to the conversion rights set forth in Section C.1. above). The following improvements shall be completed in conjunction with the **full buildout** of the MUDD Village development and all other development contemplated within the Phase I Development and Phase IIa. Development.

- (i) WT Harris Boulevard and Statesville Road
  - On northbound Statesville Road, an additional left turn lane shall be constructed with 175' of storage with appropriate bay and through lane tapers.
  - On northbound Statesville Road, an exclusive right turn lane shall be constructed with 150' of storage with appropriate bay and through lane tapers.
  - On southbound Statesville Road, an additional right turn lane shall be constructed with 175' of storage with an appropriate bay taper.
  - Signal modifications will be required at this intersection to accommodate the laneage improvements.
- (ii) WT Harris Boulevard and Old Statesville Road
  - On eastbound and westbound WT Harris Boulevard, an additional through lane shall be constructed. The additional westbound through lane shall begin at Hackberry Creek Trail (approximately 1000' before the intersection with the Parkway) and terminate: 1000' following the intersection with Old Statesville Road. The additional eastbound through lane shall begin 1000' before the intersection with Old Statesville Road and terminate into the existing right turn lane at Grand Teton Drive (approximately 1000' following the intersection with the Parkway).

(iii) WT Harris Boulevard and West Sugar Creek Road

- On eastbound WT Harris Boulevard, an additional left turn lane shall be constructed with 400' of storage with an appropriate bay taper. The existing eastbound left turn lane shall be extended an additional 175'.
- An additional northbound through lane on north leg (West Sugar Creek Road) will be required to receive the eastbound dual left turn lanes. This additional lane shall terminate into the existing right turn lane north of the gas station driveway.
- On southbound West Sugar Creek Road, an exclusive right turn lane shall be constructed with 300' of storage with an appropriate bay taper.
- Signal modifications will be required at this intersection to accommodate the laneage improvements.

(iv) Old Statesville Road and David Cox Road/Lakeview Road

- On northbound Old Statesville Road, an exclusive right turn lane shall be constructed with 150' of storage with an appropriate bay taper.

(v) Old Statesville Road and Pete Brown Road

On westbound Pete Brown Road, an additional left turn lane shall be constructed with 250' of storage with an appropriate bay taper. The recommended left turn lane in Phase I will need to be extended an additional 100'. (Note: This improvement is only required under Scenarios B & C, when the Victoria Avenue/Access "G" is not constructed.)

(vi) Old Statesville Road and Gibbon Road

- On northbound Old Statesville Road, an exclusive right turn lane shall be constructed with 200' of storage with an appropriate bay taper.

(vii) West Sugar Creek Road and Old Potters Road

- On northbound Old West Sugar Creek Road, an exclusive left turn lane shall be constructed with 150' of storage with appropriate bay and through lane tapers.

(viii) Old Statesville Road and Victoria Avenue/Access "G"

- Construct the fourth leg to the intersection, Access "G". This access shall also serve as the CATS North Transit Line Access. This access shall consist of one lane of ingress and two lanes of egress (left and combination through-right) with 150' of internal storage.
- On eastbound Victoria Avenue, an exclusive left turn lane shall be constructed with 150' of storage with appropriate bay and through lane tapers.
- On northbound Old Statesville Road, an exclusive right turn lane shall be constructed with 150' of storage with an appropriate bay taper.
- Install traffic signal control upon meeting the applicable NCDOT and CDOT traffic signal control warrants.

(e) **Existence of Right-of-Way Improvements.**

It is recognized that several of the road improvements referenced above in this Section E.2. above may not be possible without the acquisition of additional right-of-way. If after the exercise of diligent good faith efforts, the Petitioner is unable to acquire any land necessary to provide for any such additional right-of-way upon commercially reasonable terms and at market prices, and to the extent that the applicable area in which the right-of-way is located is within the City of Charlotte, CDOT, City of Charlotte Engineering/Real Estate Division or other applicable governmental agency or department agree to proceed with condemnation of any such land; in such event, the Petitioner agrees to reimburse the applicable governmental agency or department for the cost of any such condemnation proceedings, including the compensation paid by the applicable governmental agency or department for any such land and the expenses of such proceedings.

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 Components(s) of the Site upon which no progress has been made toward developing the applicable Component(s) in accordance with the approved Petition.

DEVELOPMENT SUMMARY				
	LOTS/UNITS PER MX COMPONENT	UNITS APPROVED FOR CONSTRUCTION	UNITS RE-ALLOCATED	UNITS REMAINING
	12/20/2019	DATE	DATE	DATE
<b>MX COMPONENT 1</b>	280 LOTS (180 CAN BE ATTACHED)			
<b>MX COMPONENT 2</b>	71 LOTS			
<b>MX COMPONENT 3</b>	313 LOTS			
<b>MX COMPONENT 4</b>	0 LOTS			
<b>MX COMPONENT 5</b>	0 LOTS			
<b>MX COMPONENT 6</b>	76 LOTS			
<b>MX COMPONENT 6A + 7</b>	364 LOTS/UNITS (250 CAN BE MULTI-FAMILY)			
<b>TOTAL LOTS/UNITS</b>	<b>1104</b>			

Chart will be updated and will track approvals gained and units re-allocated as part of the subdivision approval process.

## Attached to Administrative Approval

 \$F  
Solomon A. Fortune

**REFER TO REVISED STREET AND PATH TYPES L1.6A FOR ADDITIONAL INFORMATION**

# GRIFFITH LAKES

Charlotte  
Mecklenburg  
County,  
North Carolina

Attached to Administrative  
Approval

*Solomon A. Fortune* \$  
**Solomon A. Fortune**

OWNER:  
**GRIFFITH EQUITIES, LLC**  
  
1944 BRUNSWICK AVE.  
CHARLOTTE, N. C. 28207  
704-332-7173

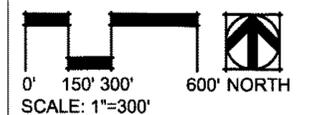
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PETITIONER'S AGENT:  
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ATTORNEYS AT LAW  
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CHARLOTTE, NC 28262  
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ISSUE:  
**PETITION #2007-080**

REVISIONS:		THIS IS AN ENTIRELY NEW SHEET
1	6/18/07	GREENWAY EASEMENT NOTES REMOVED GREENWAY ALONG DUKE R.O.W.
2	8/20/07	REVISED GREENWAY EASEMENT AND NOTES
3	9/17/07	REVISED LEGEND AND NOTES
4	10/16/07	

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 IN WHICH A MECKLENBURG COUNTY GREENWAY WILL BE CONSTRUCTED BY THE MECKLENBURG COUNTY PARKS AND RECREATION DEPARTMENT. WITHIN THIS AREA A 50' EASEMENT WILL BE ESTABLISHED FOR THE GREENWAY. SEE DEVELOPMENT STANDARDS E.1.

PRIVATE STREET

PRIVATE PATH

- ONE-WAY ACCESS TO GREENWAY
- 11' WIDE ABC STONE BASE AT 6" THICK (MAY VARY DEPENDING ON SOIL TYPE)
  - 11' GEOTECHNICAL FIBER ON TOP OF THE STONE BASE (MAY VARY DEPENDING ON SOIL TYPE)
  - 8' WIDE ASPHALT TRAIL AT 2" THICK
  - 2' SHOULDERS (NON-PAVVED) ON BOTH SIDES
  - GRADES TO MEET NEW ADA STANDARDS OF 8% OR LESS
  - CURB CUTS WITH DOME MATS TO MEET ADA STANDARDS
  - TRAIL CLEARANCES AND CURVE RADII TO MEET AASHTO BICYCLE STANDARDS

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

ALL PUBLIC STREETS IN MUDD NOT LABELED WITH A SECTION NUMBER COMPLY WITH SECTION NUMBER 4 SHEET L1.3 WITHOUT BIKE LANES.

ALL PRIVATE STREETS IN MUDD REFERENCE SECTION 5 SHEET L1.3

PETITIONER WILL WORK WITH MECKLENBURG COUNTY PARKS AND RECREATION DEPARTMENT TO DETERMINE THE LOCATION OF THE GREENWAY AS IT MEETS HARRIS BOULEVARD AND ALSO AS IT CONNECTS TO THE PARKWAY AT THE DRIVEWAY FOR MX COMPONENT 6 WHICH COULD REQUIRE ADDITIONAL EASEMENTS TO BUILD AN ADA ACCESSIBLE GREENWAY.

GREENWAY ACCESS TO STATESVILLE AVE.



# GRIFFITH LAKES

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  
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PETITIONER'S AGENT:  
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ATTORNEYS AT LAW  
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CHARLOTTE, NC 28262  
PH (704) 503-2564

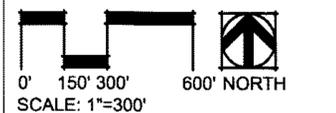
Attached to Administrative  
Approval

*Solomon A. Fortune* &  
**Solomon A. Fortune**

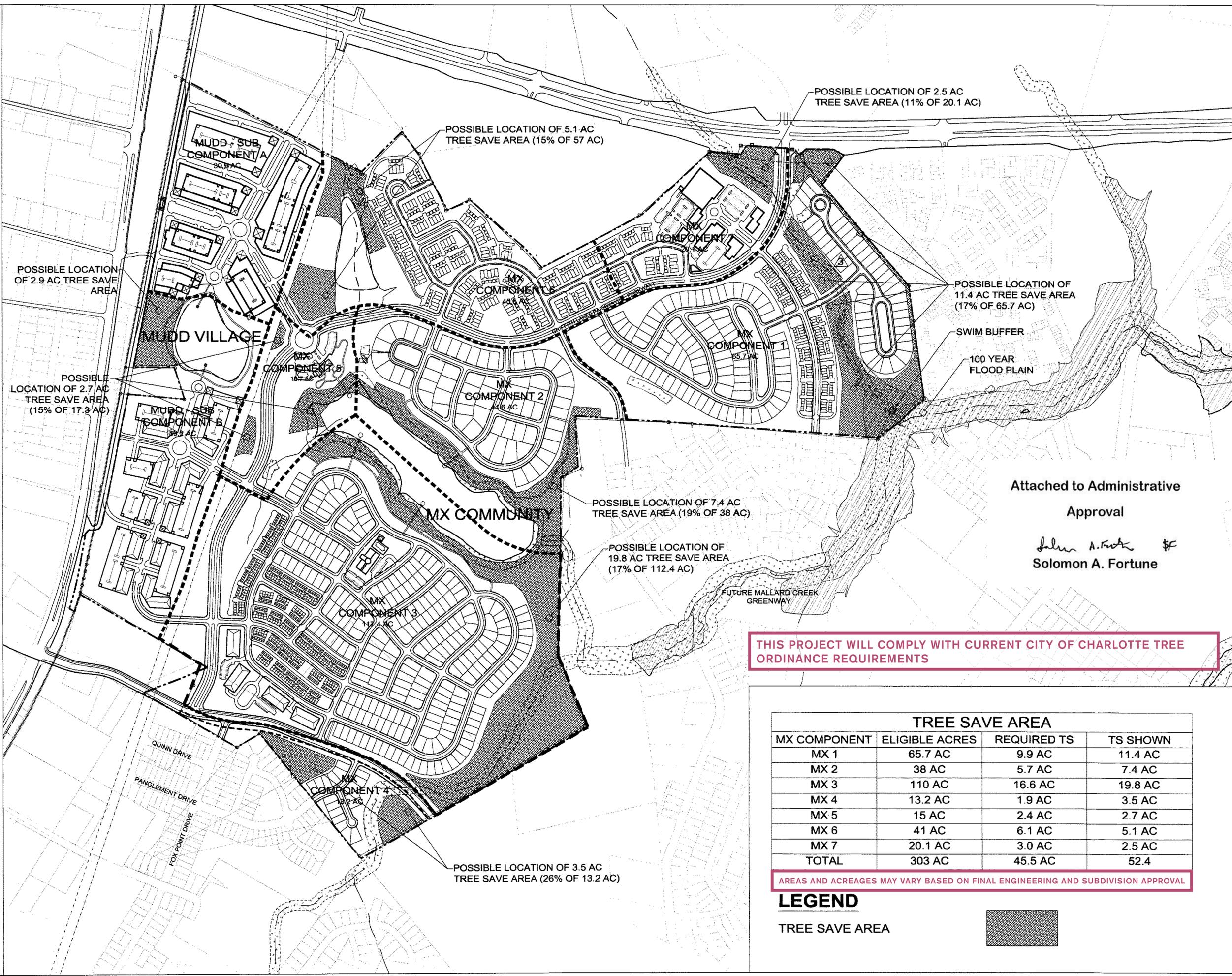
ISSUE:  
**PETITION #2007-080**

REVISIONS:  
1 9/20/07 THIS IS A ENTIRELY NEW SHEET

No.	Date	Work Done
Date:	9/20/07	
Project No.:	06334	
Checked By:	KWC	
Drawn By:	JAG	



TITLE:  
**TREE SAVE  
AREAS  
L1.7**



**THIS PROJECT WILL COMPLY WITH CURRENT CITY OF CHARLOTTE TREE ORDINANCE REQUIREMENTS**

TREE SAVE AREA			
MX COMPONENT	ELIGIBLE ACRES	REQUIRED TS	TS SHOWN
MX 1	65.7 AC	9.9 AC	11.4 AC
MX 2	38 AC	5.7 AC	7.4 AC
MX 3	110 AC	16.6 AC	19.8 AC
MX 4	13.2 AC	1.9 AC	3.5 AC
MX 5	15 AC	2.4 AC	2.7 AC
MX 6	41 AC	6.1 AC	5.1 AC
MX 7	20.1 AC	3.0 AC	2.5 AC
TOTAL	303 AC	45.5 AC	52.4

AREAS AND ACREAGES MAY VARY BASED ON FINAL ENGINEERING AND SUBDIVISION APPROVAL

