



Charlotte-Mecklenburg Planning, Design, & Development

DATE: January 10, 2019

TO: Donald Moore
Zoning Supervisor

FROM: Taiwo Jaiyeoba
Planning Director

SUBJECT: Administrative Approval for Petition No. 2014-081 Provident Land Services

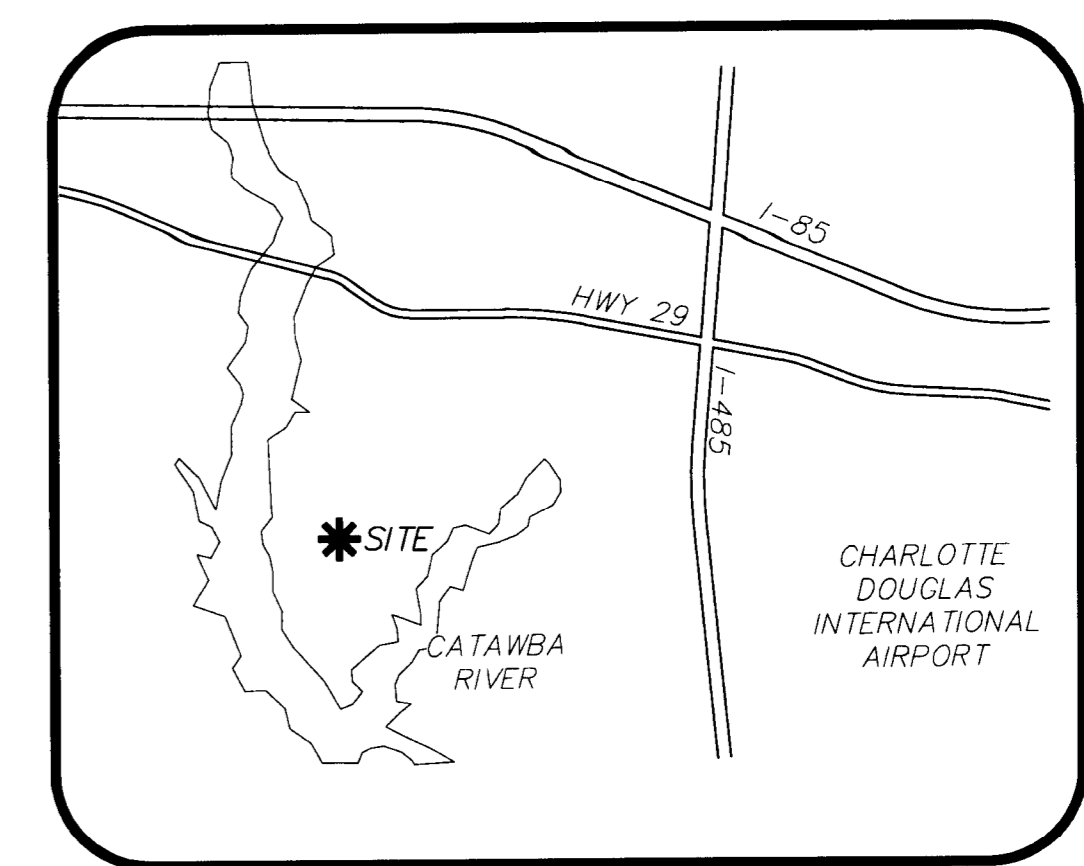
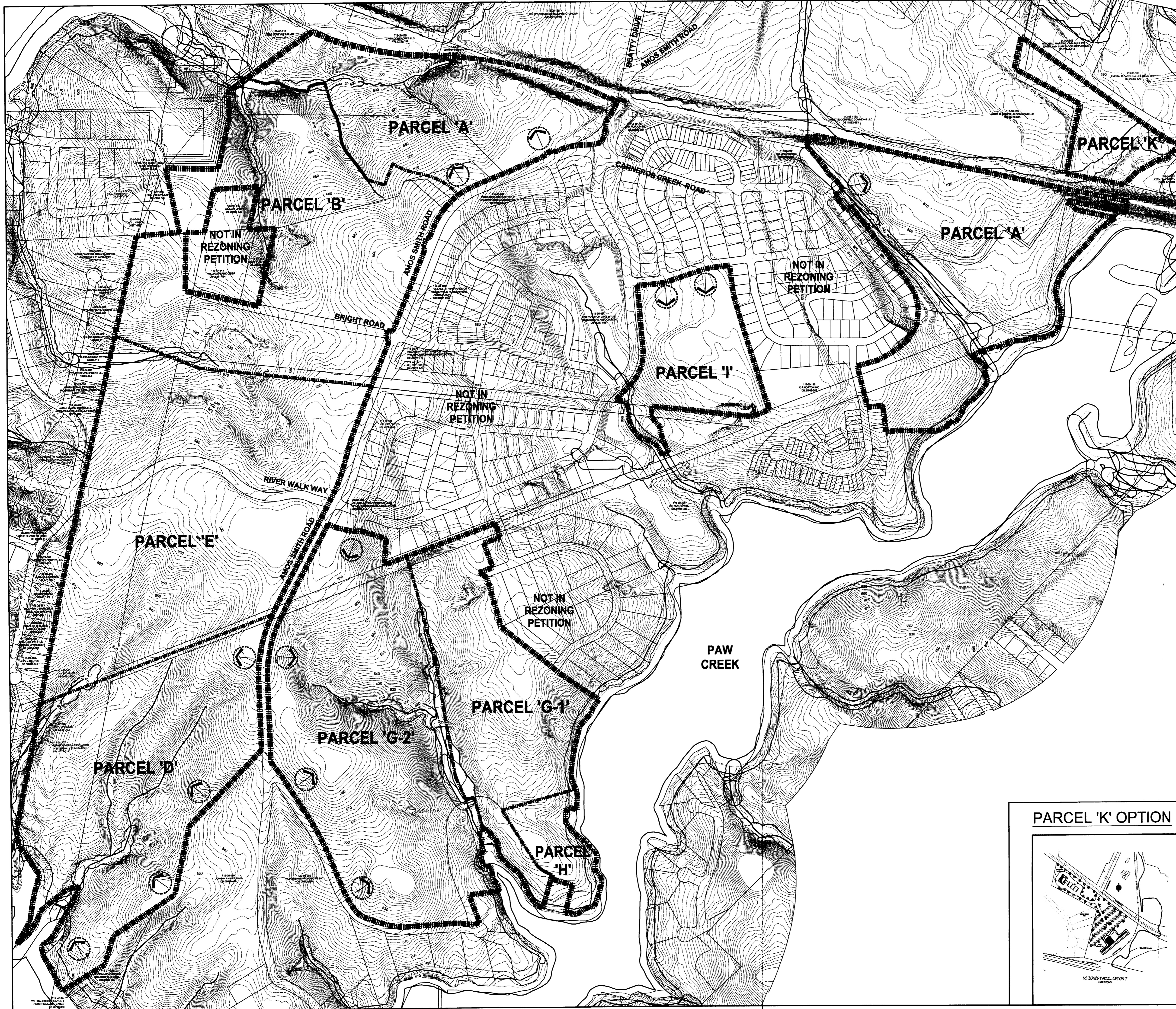
Attached is the revised site plan for the petition above. This request allows the modification of the proposed site plan as listed below. Since these changes do not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

- Allows a modification to the number of units related to required transportation improvements.

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, Subdivision, Tree Ordinances and conditional requirements still apply.



VICINITY MAP
NTS

SITE DEVELOPMENT DATA

Site Acreage: +/- 390.75 Ac.

Tax Parcels: Provident Development Group, Inc.
113-073-49

DR Horton, Inc.
113-073-46 113-073-50
113-221-79

REO Funding Solutions III, LLC
113-351-03 113-221-81
113-221-80 113-221-17
113-221-19 113-082-49
113-222-01 113-222-05
113-073-41 113-073-40
113-073-45 113-073-48
113-082-51 113-082-47

Existing Zoning: MX-2 (INNOV) (LWCA & LLWCA)
NS (LWCA & LLWCA)

Proposed Zoning: MX-2 (INNOV) (SPA)(LWCA & LLWCA)
NS (SPA)(LWCA & LLWCA)

Existing Uses: Vacant

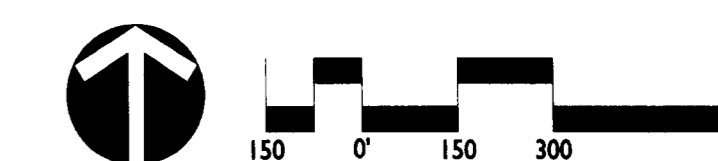
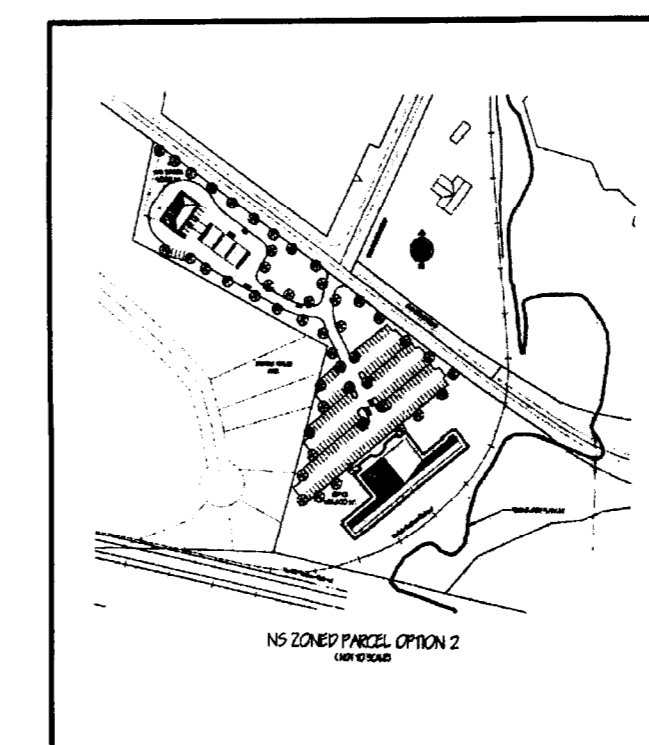
Proposed Uses: Residential/ Commercial

APPROVED BY
CITY COUNCIL
NOV 17 2014

SITE LEGEND

- SITE ACCESS
- PARCEL BOUNDARY

PARCEL 'K' OPTION



THE VINEYARDS
REZONING PETITION No. 2014-081
TURNSTONE GROUP, LLC
TECHNICAL DATA SHEET

REVISIONS:
02.21.14 - REVISE PER STAFF COMMENTS
10.24.14 - REVISE PER STAFF COMMENTS
11.06.14 - REVISE PER STAFF COMMENTS

DATE: 07.21.14
DESIGNED BY: KST
DRAWN BY: MB
CHECKED BY: KST
C.C. BY: KST
PROJECT #: 1014170

SHEET #:
RZ-1

RECEIVED
NOV 06 2014

LandDesign
223 N Graham Street Charlotte, NC 28202
V: 704.333.0325 F: 704.333.3246
www.LandDesign.com



ALLOWABLE DENSITY:
 Currently Entitled Lots: 1,030 lots
 Completed/ Planned Lots: 432 lots
 Remaining Lots from 2005-014: 598 lots

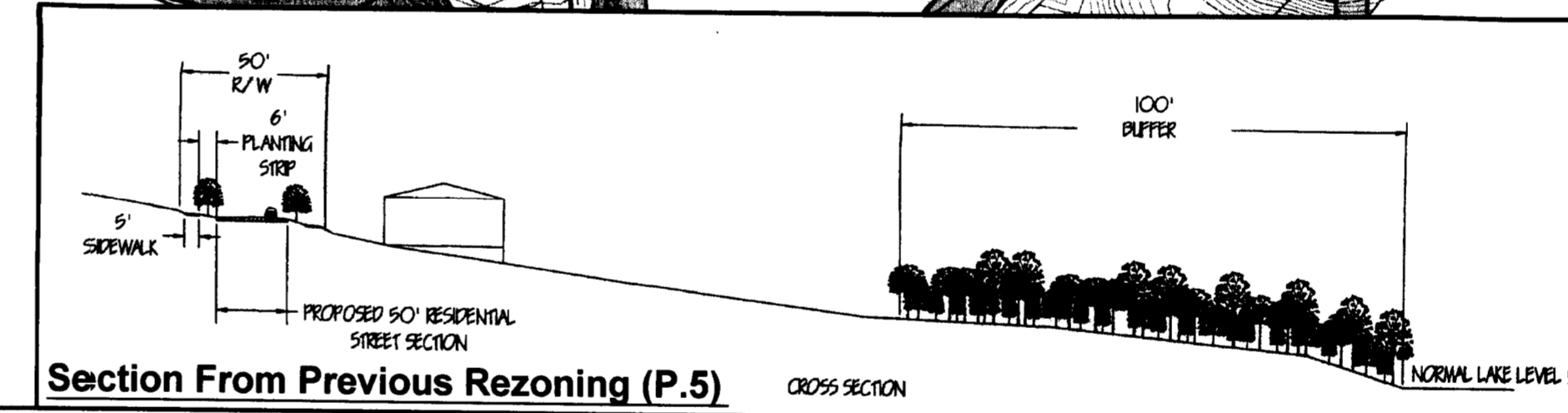
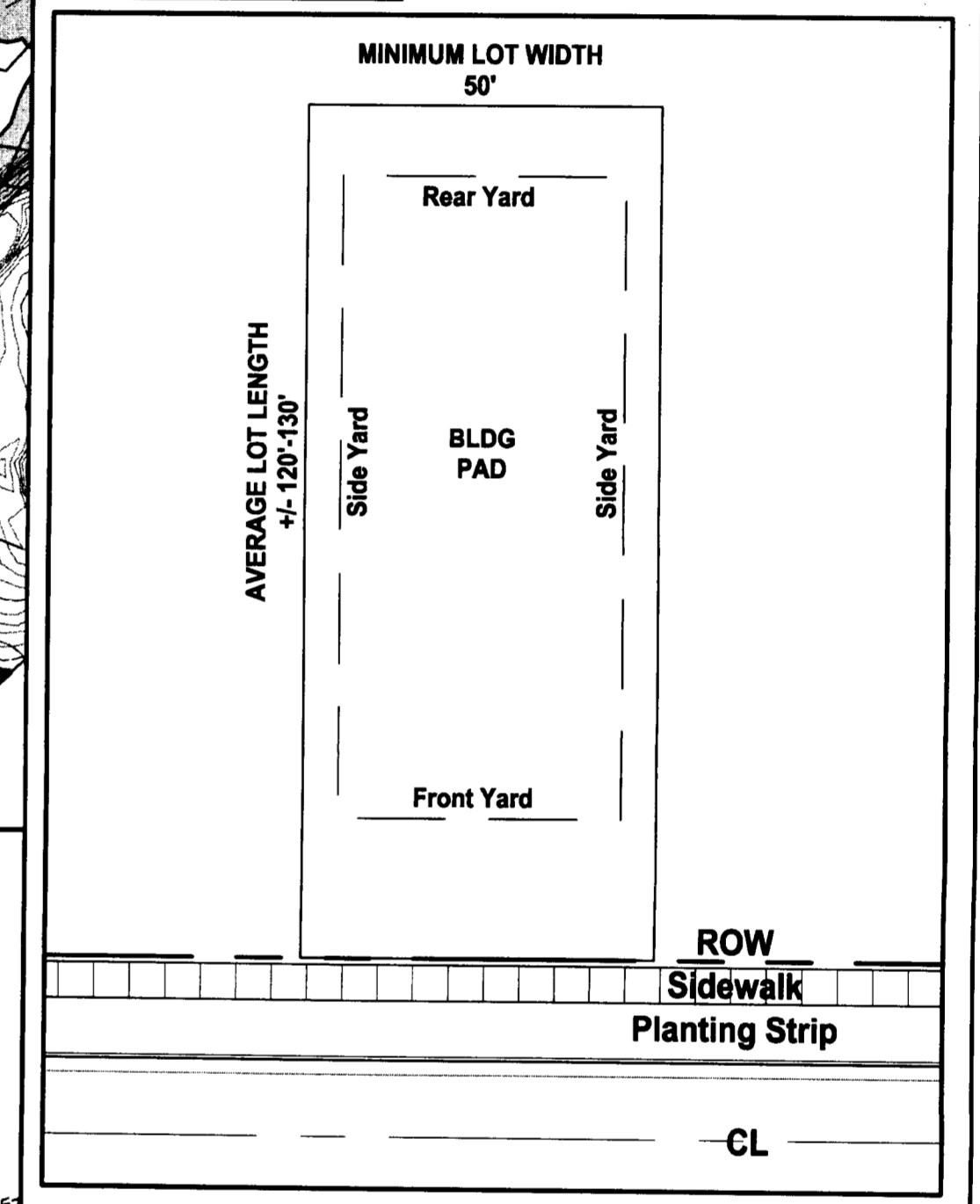
- Pods 'A', 'B', 'E', 'D', 'G-1', 'G-2', and 'H' will be limited to 598 total lots.
 - Pod 'I' will be limited to an additional 60 lots.

The number of lots/units indicated for each Parcel on Sheet RZ-2 may change as long as the total number of lots/units does not exceed 598 lots/units for Parcels A, B, D, E, G-1, G-2, and H and the total number of lots allowed on Parcel I does not exceed 60. The lots within each Parcel must adhere to the minimum lot width requirements indicated in Section III A of the Development Standards.

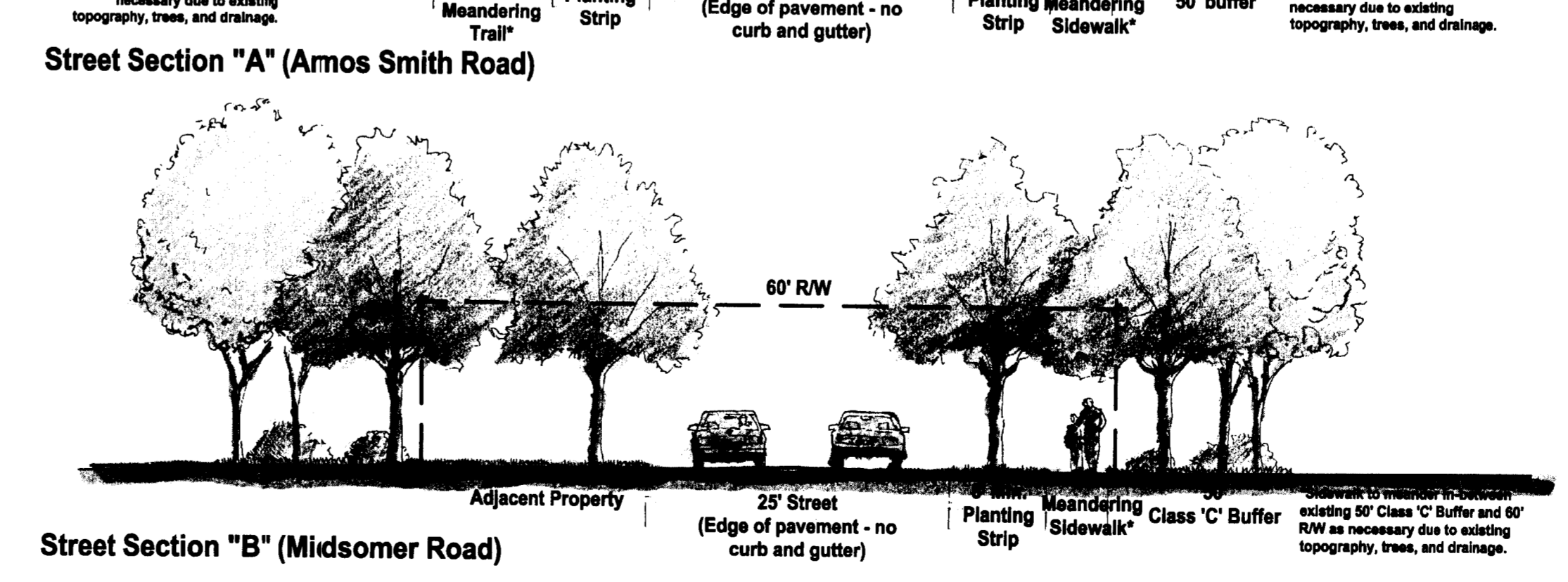
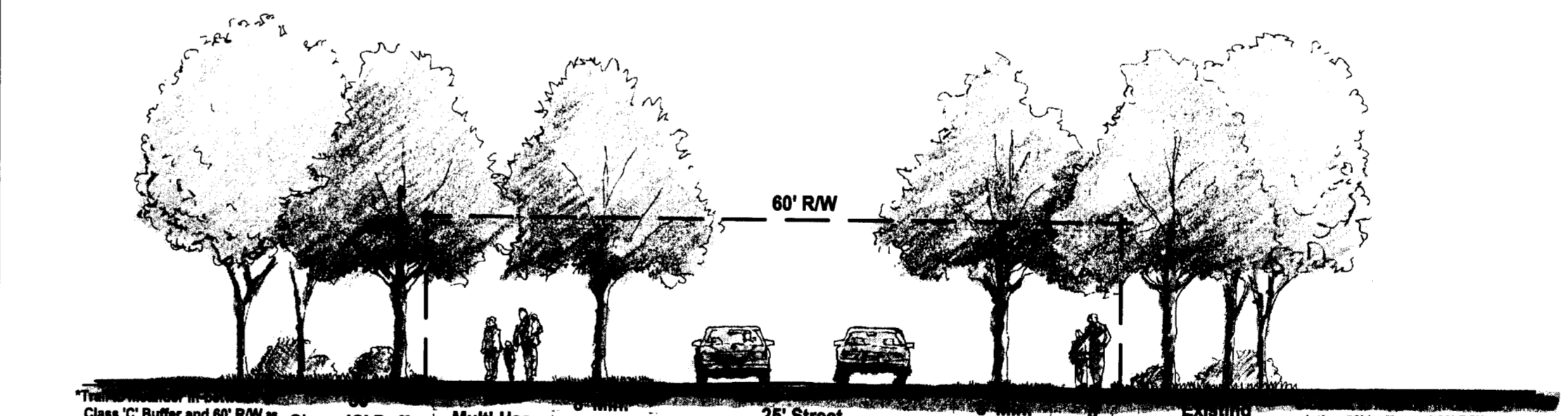
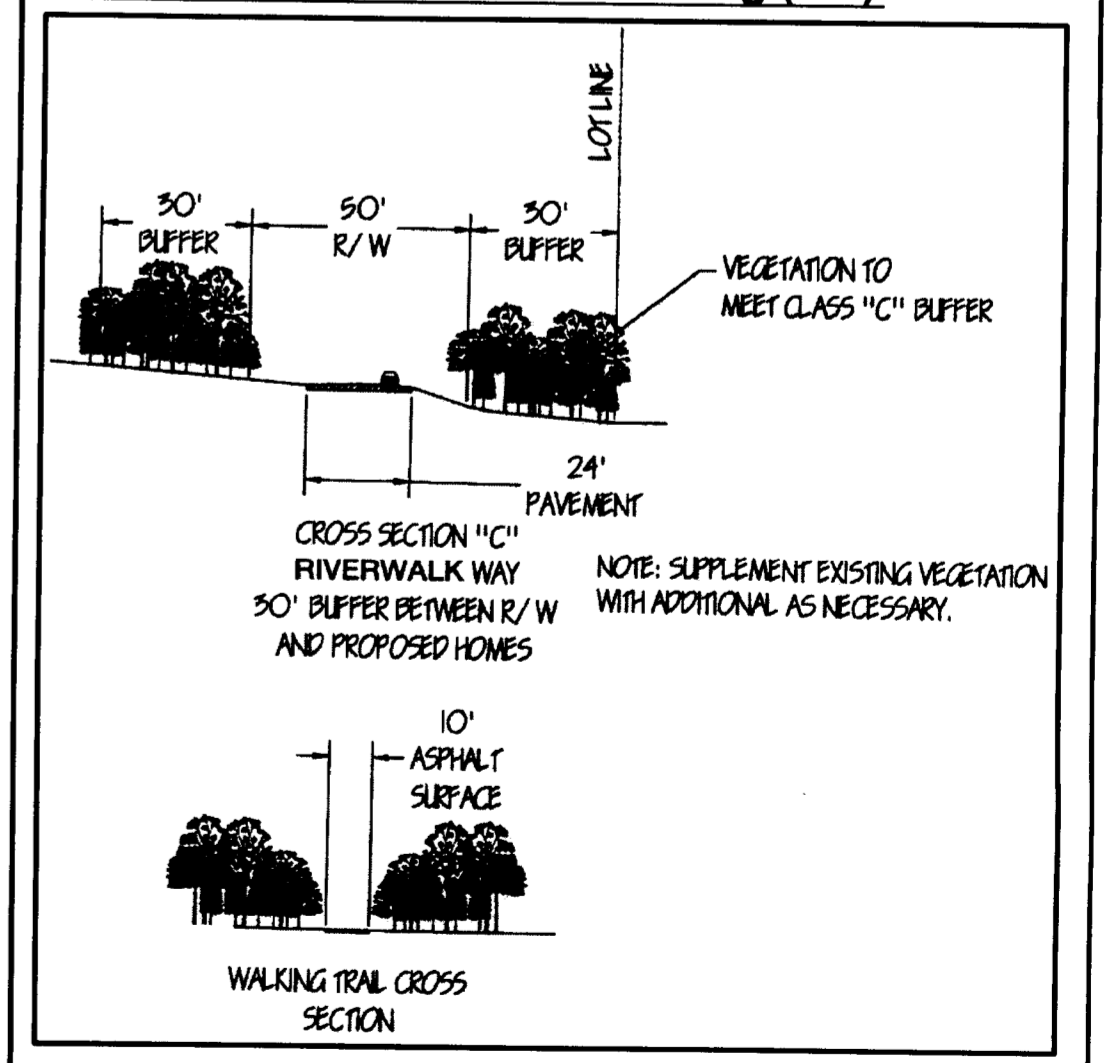
APPROVED BY
 CITY COUNCIL

NOV 17 2014

Typical Lot Layout



Sections From Previous Rezoning (P.5)



N.T.S.

THE VINEYARDS
 REZONING PETITION No. 2014-081
 TURNSTONE GROUP, LLC
 SCHEMATIC SITE

REVISIONS:
 09.19.14 - REVISE PER STAFF COMMENTS
 10.24.14 - REVISE PER STAFF COMMENTS
 11.06.14 - REVISE PER STAFF COMMENTS

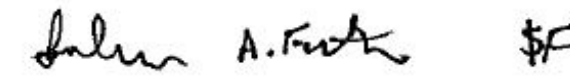
DATE: 07/25/14
 DESIGNED BY: KST
 CHECKED BY: KST
 Q.C. BY: KST
 SCALE: 1"=300'
 PROJECT #: 1014170
 SHEET #:

RZ-2

LandDesign
 233 N. Graham Street, Charlotte, NC 28202
 V: 704.333.4243 F: 704.332.2446
 www.LandDesign.com

Site Acreage: +/- 391 Ac.
Tax Parcels: Multiple
Existing Zoning: MX-2 (INNOV)(LWCA & LLWCA) and NS (LWCA & LLWCA)
Proposed Zoning: MX-2 (INNOV)(SPA)(LWCA & LLWCA) and NS (SPA)(LWCA & LLWCA)
Existing Uses: Vacant land/ Partially developed land from Rezoning Petition 2005-014
Proposed Uses: Residential / Commercial

Attached to Administrative Approval


Solomon A. Fortune

I. GENERAL PROVISIONS

A. The Development of the Site will be governed by the Technical Data Sheet, these Development Standards, the Schematic Site Plan, and the 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 MX-2 District zoning classification shall govern the development of the Parcels included in this petition and the regulations established under the Ordinance for the NS District zoning classification shall govern the development of Parcel K.

B. The development depicted on the Schematic Site Plan is intended to reflect the arrangement of proposed uses on the Site. However, subject only to the provisions of Section III below, the exact configurations, placements, and sizes of individual site elements may be altered or modified during design development and construction document phases. This allowance applies to all site elements, including building areas, open space areas, recreation areas, and the configurations of lots and streets.

II. SUMMARY OF REQUEST

This proposal is intended to accommodate development on the Site of a master planned community composed of a mixture of detached single-family homes, attached single family homes, (town homes for sale) neighborhood services, interconnected with open space, pedestrian, and/or vehicular linkages.

III. PERMISSIBLE DEVELOPMENT

A. Residential Development

This Rezoning Petition requests that the remaining undeveloped pods from the original Rezoning Petition No. 2005-014 be altered to reduce lot width, but not increase the overall density for the originally rezoned Parcels. The following parcels are either partially developed or have not yet been developed and are included with this Rezoning Petition:

- Parcel A
- Parcel B
- Parcel D
- Parcel E
- Parcel G-1
- Parcel G-2
- Parcel H
- Parcel I
- Parcel K

The following is the breakdown of allowable density for the site.
Currently Entitled Lots: 1,030 lots
Completed/ Planned Lots: 432 lots
Remaining Lots: 598 lots; plus 60 lots on Parcel I

The number of lots/units indicated for each Parcel on Sheet RZ-2 may change as long as the total number of lots/units does not exceed 598 lots/units for Parcels A, B, D, E, G-1, G-2, and H and the total number of lots allowed on Parcel I does not exceed 60. The lots within each Parcel must adhere to the minimum lot width requirements indicated in Section III A of the Development Standards

1. Parcel A

- Development of Parcel A of the Site shall be restricted to attached single family homes (town homes for sale/attached dwellings) or detached single-family homes, together with incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. No more than 90 attached single family homes (town homes for sale/attached dwelling) may be constructed within Parcel A.
 - The minimum permitted unit width for any town home until shall be 20 feet.
 - The minimum permitted lot width within this Parcel for detached single family home lots shall be 50 feet.
- Parcel A may contain a private open space area for the residents of the Site.
- A boat storage area may be located within Parcel A.

2. Parcel B

Development of Parcel B of the Site shall be restricted to single family homes, together with any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. Minimum lot width within this Parcel shall be 50 feet.

3. Parcel D

Development of Parcel D of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 70 feet.

4. Parcel E

Development of Parcel E of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 65 feet.

- A boat storage area may be located within Parcel E.

5. Parcel G-1

- Development of Parcel G-1 of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 90 feet.

- The following architectural restrictions apply to Parcel G-1 only:

Minimum dwelling size:

Waterfront Lots Min. total heated area Min. Gross ground floor heated area 1 – Story 2,000 square feet 1 ½ Story, Bi-level, Tri-level 2,250 square feet 1,500 square feet main floor for bi-level, 750 lower level for tri-level (1,500 sq. ft. upper two floors for tri-level) 2 Story, 2 ½ Story 2,600 square feet **Water Access Lots 1 – Story 1,800 square feet 1 ½ Story, Bi-level, Tri-level 2,100 square feet 1,400 square feet for bi-level, upper two floors for tri-level 2 Story, 2 ½ Story 2,400 square feet**

- PRIVATE DOCKS WATER FRONT LOTS Individual homeowners with private lake frontage in Parcel G-1 will be permitted to apply for individual residential boat docks in the same fashion that existing lake front homeowners may apply for such permits.

- Common Docks may also be constructed along "Paw Creek Cove" within Parcel G and/or H. A parking area for these common docks may also be constructed within these Parcels.

6. Parcel G-2

Development of Parcel G-2 of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 80 feet.

7. Parcel H

- Development of Parcel H of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 60 feet.

b. DOCKS

Community or common use boat docks are permitted within this Parcel and shall conform to the applicable requirements of Section 12.515 of the Ordinance. Any community or common use docks shall also satisfy all other applicable local, state, or federal regulations.

Common boat docks may be provided for purchase and rental to the residents of "The Vineyards" only. Proof of home ownership is required to own or rent these boat docks. Additional fees may be charged for the use of these facilities by the homeowner's association.

c. PRIVATE DOCKS WATER FRONT LOTS

Individual homeowners with private lake frontage in Parcel H will be permitted to apply for individual residential boat docks in the same fashion that existing lake front homeowners may apply for such permits.

8. Parcel I

- The proposed use for Parcel I detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 65 feet.
- A 20 foot landscape buffer will be provided along the eastern property line of Parcel I, this buffer will contain seven (7) trees and 25 shrubs per 100 linear feet as generally depicted on Sheet RZ-2 of the Rezoning Plan. Existing vegetation that is preserved along this property boundary may be used to meet the planting requirements of the buffer.

9. General Notes

- All residential development will be "for sale".

b. COMMUNITY BOAT STORAGE, PARCELS B and E :

Community boat storage may be provided in Parcels B and E for use of residents and their guests. Fees may be charged by the homeowners association to members for the use of these facilities. Security for the boat storage areas is part of the offering and will include a six foot security fence and electronic gate access with night light at entrances.

- The boat storage areas located on Parcels B and E will be fenced and screened from Bright Road and River Walk Way.

c. TYPICAL LOT WIDTHS

Typical lot widths are designated for each parcel. The setback for the minimum lot width may be increased to greater than the minimum front setback.

- Within Parcels G-1, G-2, D and H grading and clearing will be limited and regulated by the City of Charlotte & Mecklenburg County Enhanced Erosion Control Policy for Sites located in critical water shed areas, with the additional enhancement that the amount of uncovered area at any one time shall be limited to no more than 12 acres, unless approved by City/County Engineer. Enhanced Erosion Control Policy requirements such as but not limited to the following will be utilized as specified in the Enhanced Erosion Control Policy: (i) surface water draw down devices (risers or skimmers); (ii) Polyacrylamides (PAM) to reduce turbidity; (iii) double silt fences; (iv) the amount of uncovered area at any one time shall be limited to no more than 12 acres (as enhanced by the Petitioner), unless approved by City/County Engineer; and (v) other measures as specified by the Enhanced Erosion Control Policy requirements.
- Within Parcels G-1, G-2, D and H. One representative from the Catawba Colony Community Association will serve in an advisory capacity to the Architectural Review Committee of the Vineyard at Lake Wylie Community Association for Parcels G-1, G-2, D and H.

A. Neighborhood Services – Commercial Development

1. PARCEL K

Parcel K may be devoted to retail convenience sales, including sales of gas, daycare, library, general medical and professional offices and any other commercial use permitted in the NS zone. No fast food windows will be allowed and drive through service windows will be limited to financial institutions.

Buildings constructed on an out parcel will be designed as part of the overall development within this Parcel in terms of consistent landscaping, signage, and architectural style. More than one use or type of use may locate on an out parcel so long as the uses are located within the same structure. No more than one gasoline sales facility will be permitted with Parcel K

Up to 30,000 square feet of space may be developed within Parcel K.

Pedestrian scale lighting if provided will be a maximum height of 20 feet and will be spaced an average of 100 feet on center when provided. Lighting will be designed to prevent spillover of light into residential areas.

Internal sidewalks and vehicular circulation will provide internal connectivity.

Any detached lighting fixture will be limited to 30 feet in height with Parcel K.

Attached and detached lighting will be downwardly directed, and will be a fully shielded and full cut-off fixture.

B. Amenity Areas

- Amenity areas, as depicted with this Petition and with the previous Petition, will or have been provided throughout the Site for common use by the residents for the community, their families and guests. Amenities include community gardens, grape vines/fruit and/or vegetable gardens, public or private parks, pedestrian trails, boardwalks, and community recreational facilities. Common areas are to be maintained by a homeowners association. The common dock facilities and amenity center are restricted in their uses to residents and member of the Vineyards at Lake Wylie Homeowner Association and their guests. Such facilities may not be made available for use by the general public.

Amenities include but are not limited to the following: Amenity Center, Common Dock Facility, Boat Ramp, Picnic areas Walking/Jogging trails, play areas, swimming pool, sports fields and courts.

a. Development of Pedestrian Walk and Trails

- The Petitioner will provide pedestrian connection between various elements of the Site.
- Pedestrian connections within the Site will be developed on a phase by phase basis in accordance with normal subdivision standards. Soft surface trails of varying widths may be located throughout the Site. Along creek bottoms, along stream corridors, within environmentally sensitive areas. Along Duke Power line rights of way, and selected alignments within common open space areas, all as generally depicted on the Technical Data Sheet.
- Soft surface trails may be either natural mulch or primitive trails. Wooden footbridges and catwalks for minor stream crossings and wetlands area will also be provided, where appropriate. The alignment of the trail system depicted on the Schematic Site Plan is for illustrative purposes only and actual locations of these trails will be determined in the field so as to avoid trees worthy or preservation.
- Maintenance of trails and walks in Common Open Space areas will be the responsibility of the Home Owners Association.

b. Picnic Areas

A minimum of two (2) picnic areas for general use by residents and their guests will be provided within the Site. No more than 480 certificates of occupancy for homes built on the Site may be issued unless and until both these areas have been completed.

c. Play Areas

A play area will be provided within the Site with actual play equipment to be determined by buyer profile to assure maximum and appropriate use of apparatus. No more than 480 certificates of occupancy for homes built on the Site may be issued unless and until the Play Area is constructed and completed. The Play Area may be located on any Parcel on the Site including the Parcels previously developed that are part of the Vineyards Community.

d. Open Space Areas

- Petitioner will satisfy or exceed the open space requirements of the Ordinance. Open space areas depicted on the Technical Data Sheet represent approximate locations and the extent of the areas to be set aside to meet the open space requirement of the Ordinance. The exact locations of the open space areas will be determined through detailed designs and subsequent administrative review of developments plans.
- The open space areas will be developed with a combination of active and passive recreation areas, trail, pathways, and other amenities consistent with the purpose and provisions of this Petition.
- Open space areas created within the residential Parcels will either be organized as common open space that is owned and maintained by a property owners association, or be deeded out to individual owners subject to restrictive covenants designed to preserve these open space areas, or be dedicated to the general public.

C. Owners Associations

- Developments taking place within each of the residential parcels will be subject to covenants and restrictions governed by a Master Owners Association. Documents will be prepared to incorporate the conditions of these Development Standards and the Rezoning Plan as approved by the Charlotte City Council and may contain such other covenants, restrictions and by-laws as the Petitioner may deem necessary or advisable for the effective administration of the Master Owners Association or to insure compliance with local, state and federal laws.

Individual Parcels which contain one or more of the following features:

- Specialized amenities;
- Open space uniquely associated with that Parcel,
- Private street and
- Private utilities

May be governed by separate sub-owners associations. Except as otherwise provided in the next succeeding paragraph, each owner of property within the residential Parcels must be a member of the Master Owners Association and may be a member of a sub-owners association.

- Common open space not otherwise owned and maintained by a sub-owners association shall be owned and maintained by the Master Owners Association.
- Any amenity provided for one or more Parcels that may be constructed within a residential element may be privately owned and operated and in such case the operator shall be responsible for the operation, maintenance and preservation of its grounds and facilities.

IV. GENERAL PROVISIONS

A. Architectural Restrictions

- All detached single family homes and town homes constructed on the Site must satisfy the following minimum standards:
 - Building Front Elevations – 25% minimum masonry (including rock and stone), fiber cement siding and/or organic material front elevations. Organic materials may include wood, cedar shakers, cedar siding, etc.
 - Garages – Each detached single family home constructed on the Site will have a garage which accommodates at least two cars and all attached town homes will have one or two car garages.
- Architectural Front Façade materials – Up to 30% of the homes in any Parcel may have vinyl siding if the home includes a usable front porch. A useable porch shall be at least 6 feet deep in depth and 75 square feet in area.
- The minimum width of a single car garage town home unit will be 20 feet. The minimum width of a two-car garage town home will be 28 feet.
- Roofs will be constructed with a minimum roof pitch of 6/12.
- Crawl space foundations will be finished with masonry products. Slap on grade foundations are not required to be finished with masonry products.
- The following architectural restrictions apply to Parcel G-1 only:
 - Minimum dwelling size:** Waterfront Lots Min. total heated area Min. Gross ground floor heated area 1 – Story 2,000 square feet 1 ½ Story, Bi-level, Tri-level 2,250 square feet 1,500 square feet main floor for bi-level, 750 lower level for tri-level (1,500 sq. ft. upper two floors for tri-level) 2 Story, 2 ½ Story 2,600 square feet 1 – Story 1,800 square feet 1 ½ Story, Bi-level, Tri-level 2,100 square feet 1,400 square feet for bi-level, upper two floors for tri-level 2 Story, 2 ½ Story 2,400 square feet
 - PRIVATE DOCKS WATER FRONT LOTS: Individual homeowners with private lake frontage in Parcel G-1 will be permitted to apply for individual residential boat docks in the same fashion that existing lake front homeowners may apply for such permits.
 - Common Docks may also be constructed along "Paw Creek Cove" within Parcel G and/or H. A parking area for these common docks may also be constructed within these Parcels

B. Monumentation and signage

Signing and entry monuments will meet or exceed the requirements of the Ordinance.

C. Parking

- Each town home unit will also have a driveway in front of its garage measuring a distance of 20 feet from the back of the street right-of-way or sidewalk, whichever is greater. A single car garage town home unit will have a maximum drive way width of 10 feet with a minimum planting island between driveways of 10 feet. A two-car garage town home unit driveway width will be a maximum of 20 feet, with a minimum planting island between driveways of 10 feet.
- Two parking spaces will be provided for each residential attached or detached unit.

D. Lighting

- Pedestrian lighting fixtures limited to 15 feet in height may be installed in pedestrian areas, except for pedestrian trails in undisturbed or natural areas.
- Light fixtures along public streets are exempt from the foregoing height limits.

E. Temporary Sales Centers

Temporary sales centers with temporary parking may be provided throughout the Site. The structures may not serve as a temporary or permanent residence.

F. Dumpsters

All non-residential dumpsters on the Site will be screened with a solid enclosure with gates.

G. Site Access

The number of vehicular access points to the Site shall be located as generally depicted on the Technical Data sheet.

The placement and configuration of each access point is subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the North Carolina Department of Transportation or the Charlotte Department of Transportation. Configuration of intersections within the proposed development to be determined in conjunction with the Charlotte Department of Transportation during the subdivision plan review process.

H. Road Improvements

The petitioner agrees to provide for the construction/installation of the following roadway improvements as part of the development project before more than 513 attached/detached lots, including the 33 shown on plat recorded in map book 62 page 789, may be platted and issued certificates of occupancy:

- Wilkinson Boulevard and Sam Wilson Road
 - Widen the Northbound approach to provide an exclusive right turn lane with 250 feet of storage with appropriate tapers;
 - Restripe/Widen the Southbound approach to accommodate the south leg widening and maintain minimal shift through the intersection (the Petitioner will verify that the northbound Sam Wilson Road through lane transition is not more than six (6) feet through the intersection, and if additional right-of-way is needed along Sam Wilson Road to make the proper alignment);
 - Modify the signal to provide permitted/overlap phasing for the northbound right turn movement; and
 - The Petitioner will enter into a Traffic Signal Modification Agreement with CDOT and submit funds to CDOT to modify the existing traffic signal at Wilkinson Boulevard and Sam Wilson Road to provide permitted/overlap phasing for the northbound right turn movement.
- Sam Wilson Road and Old Dowd Road
 - Construct an eastbound left turn lane on Old Dowd Road with 150 foot of storage with appropriate tapers;
 - Construct a southbound right turn lane on Sam Wilson Road with 275 foot of storage with appropriate tapers; and
 - Construct a westbound right turn lane from Old Dowd Road onto Sam Wilson Road with 125 feet of storage with appropriate tapers.

c. Parcel K

The Petitioner as Part of the development Parcel K and prior to the issuance of the first certificate of occupancy for any building constructed on Parcel K will make the following roadway improvements at the intersection of Sam Wilson Road, Old Dowd Road and Parcel K's driveway:

- Construct the fourth northbound approach leg to provide three (3) travel lanes (a 150 foot exclusive right turn lane with appropriate taper, a combination through-left turn lane with 250 feet of internal storage length), and one receiving lane;
- Construct a 150 foot westbound Old Dowd Road left turn lane with appropriate tapers;
- Re-stripe the southbound through movement to terminate as a combination through-left lane;
- Fund the preparation of a traffic signal warrant study by a North Carolina profession engineer to determine the need to install a signal at the intersection (CDOT and NCDOT, at their sole discretion will determine, after the review of the traffic signal warrant study if the traffic signal installation is justified and should be installed);
- If CDOT or NCDOT determine that the traffic signal is needed the Petitioner shall enter into a Traffic Signal Developer Agreement with CDOT to fund up to \$100,000 toward the design, purchase of equipment and implementation of a traffic signal;
- Make the necessary intersection geometric improvements as specified in the TIS (if not already constructed by others) to make the intersection site-ready for the traffic signal construction by CDOT; and
- Insure that the signalized intersection has the proper traffic control in place before the new traffic signal is installed and becomes operational.

Petitioner will install signage along Amos Smith Road informing truck drivers using Amos Smith Road that there is no outlet and will direct them to use the Site's roadways (e.g. roundabout, Riverwalk Way) to return to Old Dowd Road and Wilkinson Boulevard. Sign indicating "no-outlet/dead end" and "no truck" will also be installed if allowed by NCDOT.

The Petitioner will provide and install a Midsomer Road street sign at the intersection of Midsomer Road and Amos Smith Road.

Petitioner will provide a 35 foot private right-of-way from the end of Midsomer Road to Hendrix Property for access as generally depicted on the Rezoning Plan.

The Petitioner has requested from Norfolk Southern the ability to construct an emergency at grade crossing over the existing Norfolk Southern rail road to provide emergency access to Vineyards. The emergency at grade crossing will be constructed adjacent to the existing Amos Smith Bridge over the Norfolk Southern rail road. If Norfolk Southern grants the Petitioner the right to construct an emergency at grade crossing the Petitioner will construct an emergency at grade crossing in the location indicated above and generally depicted on the Rezoning Plan.

I. Water & Sewer:

1. Wastewater Collection and Treatment

- a. In view of the location of this Site in the Lake Wylie Watershed, all development on the Site may only be served with wastewater collection and treatment provided by the Charlotte-Mecklenburg Utilities Department which will utilize pump stations designed to meet Charlotte-Mecklenburg design criteria for pump stations. If these pump stations are required in close proximity to the lake, they will be equipped with the following protection devices:
 - i. On-site generator with weekly automatic exerciser
 - ii. Audible and visible high water alarms, high water auto-dialer
 - iii. Power surge protection and lightning protection and
 - iv. 24-hour storage capacity
- b. The developer proposes the use of low-pressure sewer systems at various locations as necessary on the site. The Site's Master Owner's Association will maintain these individual lift stations under a common written agreement with a contractor who can respond to service calls within twenty-four (24) hours. Each lift station will be equipped with audible and visual alarms and the maintenance provider's name and phone number must be prominently displayed on the lift station.
- c. Pump stations will be provided as required to serve the phasing of the development.

J. Storm Water Management / Erosion Control

- 1. The Site is located within the Critical Area, as defined by the Lower Lake Wylie Watershed and Lake Wylie Watershed overlay districts and corresponding development regulations. The site is also subject to the City of Charlotte's Post Construction Ordinance and is located within the Western Catawba District. As such the project will adhere to said regulations and ordinances. The Petitioner reserves the right to utilize either or both of the low-density and/or high-density development standards as described and allowed for within the respective ordinances and corresponding districts.
- 2. Additionally, the project will adhere to the City of Charlotte Sediment and Erosion Control Ordinance, including Policies and Procedures for development within sensitive watersheds. The Petitioner shall employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements as well as the requirements specified as part of the rezoning approval. The enforcement officer shall be empowered to take the actions necessary to ensure the prompt correction of all problems detected.
- 3. The Petitioner shall create and implement a contractor/builder/homeowner education and outreach program in the community to foster a commitment to environmental stewardship both during construction, and permanently.
- 4. The Petitioner will require all contractors and sub-contractors providing site development work to complete Charlotte-Mecklenburg's Certified Site Inspector Program.
- 5. The location, size, and type of storm water management systems are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural Site discharge points.
- 6. Water supply throughout the entire development will be connection to the Charlotte Mecklenburg Utilities Department (CMUD) system.

K. Utilities Rights of Way

Portions of the Site lie within Duke Power and/or Piedmont Natural Gas rights of way. Subject to proper authorization, streets, trails, landscaping, vines, gardens, parks and similar uses may be located within these rights-of-way. In addition, storage of boats owned by residents within the areas generally depicted on the Schematic Site Plan of the Site may, with proper authorization, occur within the Duke Power and/or Piedmont Natural Gas rights of way.

L. Environmental

1. Watershed

- a. These Development Standards provide extensive provisions in response to concerns about water quality in Lake Wylie. The following restrictions are proposed on development to significantly reduce the impact of the development proposed for the Site on the watershed areas:
- b. This Site includes the separation between the Upper and Lower Lake Wylie Watersheds. A buffer at least 100 feet in width will be provided along the entire lake front property line in these watersheds. With the limited exceptions herein below provided in this Section, the entire buffer width will remain undisturbed.
- c. All development occurring on the Site shall conform to the requirements of the applicable Lake Wylie or Lower Lake Wylie Watershed District Critical Areas regulation. The Petitioner agrees to provide additional buffer land along certain selected portions of the shoreline within the project area generally depicted on the Technical Data Sheet, such that width of the Lake Wylie Watershed District Critical Area buffer and the additional provided buffer will total a minimum of 100 feet.
- d. No dwelling units may be located within the required shoreline buffer or the additional shoreline buffer.
- e. For Parcels G-1 and H, each individual lot with private lake frontage will have a 100-foot undisturbed buffer and the deeds to purchasers of these lots will contain restrictions which require that this buffer remain undisturbed in accordance with the Ordinance's watershed regulations. This 100-foot buffer will be increased in width to 150 feet in those areas where slopes adjacent to the lake are greater than 50%.
- f. Soft surface trails and accessories to the trails, including accessory structures and benches, boardwalks, trash receptacles, shelters, lighting and signage will be permitted within the additional shoreline buffer.
- g. Limbing up of trees and removal of smaller or dead trees within the shoreline buffer and the additional shoreline buffer are permissible to the extent authorized in the watershed regulations applicable to the shoreline buffer and will be regulated by restrictive covenants.

2. Irrigation Management Plan (Community Garden):

- a. An irrigation plan shall be developed to ensure that irrigation runoff from managed crops to surface waters is prevented and to reduce subsurface losses of nutrients and pesticides. This irrigation plan shall be based on a water budget, weather conditions and soil moisture data obtained from on-site instrumentation. Use of any existing wells or construction of new wells for irrigation purposed shall comply with the Mecklenburg County Groundwater well regulations. Abandonment of any existing wells within the project site shall also comply with these same rules and regulations.
- b. Water Quality Management Zones shall be established by the Vineyard's plant type and soils, with specific strategies developed for each zone.

3. Nutrient Management Plan (Community Garden):

- A nutrient management plan must be developed to limit nutrient applications to levels equal to or less than crops and vegetation nutrient uptake in order to minimize nutrient transportation via surface runoff, subsurface interflow, or deep percolation.
- a. Slow release fertilizers are to be used predominately to reduce nitrogen loss below the root zone. Occasional spot application of liquid fertilizers shall be allowed.
 - b. Fertilizer applications are to be commensurate with turf grass growth requirements based on species and cultivar, climate, soil conditions, and chemical formulation.
 - c. Nutrient applications are not to exceed turf and plant uptake requirements during any growing season.
 - d. Fertilizers are to be incorporated into the soil/turf wherever possible to reduce exposure to runoff and enhance absorption.
 - e. The potential for off-site transport of nutrients must be assessed prior to application and measures must be taken to prevent negative water quality impacts.

4. Integrated Pest Management (IMP) (Community Garden):

- a. An IMP Plan shall be developed to minimize toxic chemical transport via surface water runoff, subsurface interflow, or deep percolation.
- b. The IMP Plan shall be integrated with irrigation and nutrient management plans.
- c. Action thresholds shall be developed and implemented below which no applications are used in order to reduce pesticide use.
- d. Pest specific products are to be used which are less toxic, less mobile, and less persistent.
- e. Spot specific treatment shall be used wherever possible to avoid broadcast treatments.
- f. Pesticides should be incorporated into the soil/turf wherever possible to reduce exposure to runoff and enhance absorption.
- g. Application of toxic chemicals shall be prohibited to sensitive zones such as wetlands.
- h. The potential for off-site transport of pesticides shall be assessed prior to application and measures must be taken to prevent negative water quality impacts.

5. Swim Buffers

- a. All swim buffers shall be provided and development adjacent and within said buffers shall be in accordance with the SWLM Ordinance.

6. Tree Save

- a. The petitioner shall comply with the City of Charlotte adopted Tree Ordinance, as it may apply to required Treesave areas on site. The developer will provide a tree save plan with details with the erosion control plans submitted for approvals during the preparation of construction documents for the development of the individual parcels within the project.

- 7. The area east of the existing gas main easement to Paw Creek will not be developed, including trails, picnic tables, or other structural elements, except for storm water management BMPs. The area will become a blue heron rookery preserve.

V. INNOVATIVE STANDARDS

A. The Petitioner acknowledges that the Innovative Process is a separate process that may only be pursued after its Rezoning Petition has been approved and that subsequent (innovative) site plan approval by the Zoning Committee of the Charlotte Mecklenburg Planning Commission will be required. The Petitioner, in accordance with the provisions of the Section 11.208 of the Ordinance, "Innovative Development Standards," may propose modifications to only the following standards:

- 1. Street type and construction standards, including private streets
- 2. Front, side and rear yards
- 3. Sidewalk types

B. The innovative provisions of the MX-2 zoning district regulations of the Ordinance shall apply to Parcels A through J to the extent provided on the Technical Data Sheet and these Development Standards.

C. The following is a list of possible request for innovative standards:

- 1. Street type and construction standards, including private streets:
 - a. The Petitioner proposes to improve the existing section of Amos Smith Road from Midsomer Road up to the intersection of Elyse Manor Court to a residential street standard road section, with ditches (25 feet wide from edge of pavement to edge of pavement with a 60 foot right of way). A five foot wide concrete sidewalk will be constructed on the eastern side of the road, and a 10 foot wide trial/bikeway (asphalt or concrete) will be constructed on the western side of the road, with the trail being located to meander so as to save as many of the existing trees as possible. The sidewalk and trail will be separated from the edge of pavement by an eight (8) foot planting strip. The width of the planting strip may be reduced to allow the sidewalk or trail to meander to save existing trees. The width of the planting strip may not be less than five (5) feet. (The 10' trail to be maintained by the HOA.) These improvements are to occur on a phased basis as the development progresses. Methods of construction will be determined at the site plan/construction document phase.
 - b. Midsomer Road – The Petitioner proposes to improve the existing section of Midsomer Road from its terminus at the southern end to the intersection with Amos Smith Road along the northern side of the existing road up to City standards for a residential street section, with ditches (25 feet wide from edge of pavement to edge of pavement with a 50' right of way). A five (5) foot wide concrete sidewalk with an eight (8) foot planting strip will be constructed on the northern side of the road. These improvements are to occur on a phased basis as the development progresses. Methods of construction will be determined at the site plan/construction document phase.
 - c. Gated Neighborhoods – Areas within Parcels G-1 and/or G-2 designated as Gated may be gated communities. If gated, these areas will be served by private roads. If un-gated they may be public roads. Trash removal on these private roads will be through private contractors and consist of curb-side roll-out containers. Private gated streets will meet public street design standards.
 - d. A 50 foot wide landscape screen will be established along both sides of Amos Smith Road which abut the Site to preserve the rural characteristics of the road. Existing trees will be used toward creating a 'Class C' buffer. This landscape screen will continue along the northeast side of Midsomer Road, all as generally depicted on the Schematic Site Plan.
- 2. Rear yards: Petitioner proposes a minimum interior rear yard for detached single family of 15 feet. Zero lot line units will have a minimum of 7 feet between buildings.
- 3. Setback lines
- 4. Sidewalk types:
 - a. The Petitioner will propose a network of linkages that may include any combination of sidewalks, and/or trails to connect various portions of the site.
 - b. Sidewalks will be provided on both sides of all streets.
- 5. Lot widths:
 - a. Minimum lot width may be measured at a setback greater than the minimum 20' setback on street curves, cul-de-sacs and lots with a shared private drive.
 - b. In Parcel G-1 the minimum street frontage may be 15 feet in areas where there is a shared private drive.
 - c. Minimum Street Frontage:
 - D. Should this Rezoning Petition be approved, the listing of these requests above will in no way constitute approvals of any of them.

Minimum lot width may be measured at a setback greater than the minimum 20' setback on street curves, cul-de-sacs and lots with a shared private drive.

In Parcel G-1 the minimum street frontage may be 15 feet in areas where there is a shared private drive.

VI. AMENDMENTS TO REZONING PLAN

Future amendments to the Technical Data Sheet, the Schematic Plan and these Development Standards may be applied for by the then Owner or Owners of the Parcel or Parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

VII. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS.

- A. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet and these Development Standards, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- B. At the time of submittal of each site plan, developments will be subject to current standards, ordinances, and development requirements in place at the time, unless modified by an approved innovative standards plan.
- C. Throughout these Development Standards, the terms, "Petitioner", "Developer", and "Owner" or "Owners" shall be deemed to include the successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

APPROVED BY
CITY COUNCIL

NOV 17 2014