

APPROVED BY COUNTY COMMISSION

Palisades DATE 12/11/01  
Master Planned Community  
Development Notes

**This Petition proposes the development of a master planned community containing a mixture of residential, office, retail, and open space uses. This concept has been developed to further the objectives of the adopted Westside Strategic Plan. It incorporates the development of needed transportation infrastructure to serve the proposed development as well as other existing and future development in the area. It has been designed taking into account the difficult topography common to this part of the county and has incorporated open space elements to protect environmentally sensitive areas. It contains extensive provisions in direct response to concerns about water quality in Lake Wylie and additional restrictions on development that will significantly reduce the impact of the proposed development over what the present standards would permit. It will provide for a variety of residential types and densities, with higher densities focused in the Town Center and lower densities transitioning to the existing community fabric.**

1. Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Mecklenburg County Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases. This allowance applies to all site elements, including building areas, open space areas, recreation and golf course areas, and the configuration of streets. This proposal is intended to enable the development of a master planned community composed of retail and service uses, employment and office uses, multifamily housing, single family attached, and single family detached housing interconnected with open space, pedestrian, bicycle, equestrian, and/or vehicular linkages. Due to the size of the proposed development, the timing of the availability of water and sewer service, the significant infrastructure commitments, and the anticipated build out over a number of years, the Petition includes the vesting of the approved plan for the property for five years. The Petitioner acknowledges that upon expiration of the vesting period, the site may be required to comply with additional development standards imposed by the City of Charlotte under its extraterritorial jurisdiction.
2. The site may be developed for any use allowed in the MX-2 as allowed by the ordinance in accordance with the standards of that district and the restrictions of this site plan as noted below. In keeping with an intended equestrian focus for a portion of the site, the only MX-3 use that will be allowed in the requested MX-3 district for the site will be a boarding stable and related uses that will be associated with the equestrian areas and trails within the site. The Petitioner will construct a mixed-use development in general conformity with the schematic plan. The Petitioner will provide pedestrian, bicycle, and/or equestrian connections from within the site to other site elements and uses and to public sidewalks, balancing the need for vehicular as well as pedestrian access. The Petitioner may place retail uses within office

buildings on the site as well as within the retail center in order to further the mixed-use nature of the site.

2. Residential densities may vary in different portions of the site in keeping with the various dwelling types. The density of the areas within the site will be controlled by the standards of the MX-3 district. Residential uses may be located within any portion of the site including retail and office areas as a mixed use on the site and within mixed use structures. Retail uses within the Town Center portion of the site may include uses such as supermarket, general merchandise, hardware, business services, banks, civic, dry cleaners, personal services, restaurant, automobile service station, or similar uses designed and intended to serve not only the residents in this mixed-use community, but the residents in the surrounding areas as well. The uses that may locate on an out parcel will be designed as part of the overall development 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. In view of the fact that a portion of the Town Center site is presently zoned B-2, the Town Center may include up to 4 total retail outparcels, only one of which may be used for a restaurant with drive in service and only one of which may be used for an automobile service station.

In accordance with all other provisions of this Petition, the Town Center may include up to 200,000 sq. ft. of retail floor area and up to 100,000 sq. ft. of office floor area. However, the development of the Town Center will be limited by the following provision. The initial development of the Town Center will be limited to a total of 100,000 sq. ft. of retail floor area, 30,000 sq. ft. of office floor area, and two single tenant out parcels, only one of which may be used for a restaurant with drive in service and only one of which may be used for an automobile service station. Thereafter, no additional retail or office floor area or out parcels may be developed unless and until a District Plan Amendment is considered and approved that would allow the additional retail and office floor area and any additional out parcels. Such Plan Amendment may be initiated at any time after the approval of this Petition. If such a Plan Amendment is approved, then the additional floor area and out parcels that may be approved for the site may be constructed in accordance with the conditions and standards of this Petition without the need for any further rezoning of the site. This limitation does not apply to the 10,000 sq. ft. of proposed office and/or retail floor area to be located within the Village Center portion of the plan. The area (in acres) will be limited by the provisions of the MX-2 district based on the number of dwelling units approved for the site.

3. Buffer areas and project edges will be developed in accordance with Sect. 12.302 and Sect. 9.805(7)(e) respectively. Required buffers and project edges on the site may be eliminated or reduced if the adjoining parcels are rezoned such that buffers or project edges are no longer required or if the zoning jurisdiction for the property changes so that buffers would not be required by the Ordinance of that jurisdiction. The Petitioner acknowledges the numerous variations of buffers that may be required within and along the boundary of the site depending on the final uses developed on various portions of the site.

4. Stormwater detention facilities, if provided, will be designed to meet the applicable standards of Charlotte/Mecklenburg Stormwater Services. Stormwater detention facilities, if provided, will not be located within zoning buffer or setback areas unless the need for environmental management of stormwater or the topography of the site dictates that such facilities may not be reasonably located elsewhere.
5. Any detached lighting on the site will be limited to 30 feet in height, in the commercial portions of the site. No 'wal pak' lighting will be used and pedestrian lighting limited to 15' in height will be installed in pedestrian areas, except for pedestrian trails in undisturbed or natural areas.
6. Signage will be permitted in accordance with applicable Zoning standards.
7. Parking will be provided which will meet or exceed the standards of the Zoning ordinance.
8. Screening will conform to the applicable standards of Sect. 12.303 of the Zoning ordinance.
9. The Petitioner may designate areas labeled as 'village residential', and such areas denote portions of the site that may be used for single family detached, single family attached, patio, zero lot line, or other types and styles of housing with appropriate buffers if required. The Petitioner reserves the right to relocate such areas within the site, but will not relocate any such area at the outside edge of the overall project unless indicated on the site plan at the time of approval. However, village residential uses may not be located on properties within the site if other properties on at least two sides of the site have already been developed and occupied unless the site was previously indicated on the site plan as available for village residential uses. All village residential development will be "for sale" development and will be limited to a maximum density on any particular site of 8 units per acre. Village residential areas used for attached housing or zero lot line housing will be separated from all existing single-family residential uses by a 100' buffer.

In addition, the Petitioner may designate areas labeled as 'village center', and such areas denote portions of the site that may be used to accommodate small scale retail, office, and service uses limited to the total floor area noted on the site data table. The Petitioner reserves the right to relocate such areas within the site, but will not relocate any such area at the outside edge of the overall project unless indicated on the site plan at the time of approval. However, village center uses may not be located on properties within the site if other properties on at least two sides of the site have already been developed and occupied unless the site was previously indicated on the site plan as available for village center uses.

The Petitioner, as part of the development of a site that borders the Catawba River or its impoundments, may be required by the provisions section 7.200.9 of the Subdivision Ordinance to provide 'water access lots'. In complying with this standard, the Petitioner will not install any community docks, launching ramps, or any facilities for the maintenance, storage, launching or retrieval of watercraft. In

those areas of the site that will be used for single-family development, individual homeowners will be permitted to apply for individual residential piers in the same fashion that existing lakefront property owners may apply for such permits.

In the single family and village residential portions of the site:

1. Street Trees. Street trees will be required.
  - a. Trees will be large maturing shade trees.
  - b. Size of trees at planting will be 2" caliper, 8-10 feet tall.
  - c. Trees planted within 20 ft. of the edge of pavement will be considered street trees and trees may be planted between the sidewalk or trail.
  - d. Spacing will be an average of 40–50 ft apart for large maturing shade trees, and 30-40 feet apart for small maturing shade trees. Where single-family development is directly across the street from multi-family development the spacing will be an average of 40 ft.
  - e. Any existing 2" caliper or greater, large maturing shade tree preserved within 20 ft. of the back of curb may be counted towards the street tree requirement if adequately protected during construction. Staff has the ability to grant a modification for other existing trees on a case-by-case basis.
2. Tree Save Requirement. An area or areas of the existing tree canopy equaling ten percent (10%) of the total property area will be saved during development. Existing and future (reserved) road rights-of-way and utility easements, existing ponds and lakes, will be subtracted from the total site area before calculating the percent of site in tree save area.
3. City of Charlotte Tree Ordinance. The portion of the site with non-residential and multifamily uses shall be subject to the provisions of the Charlotte Tree Ordinance, as they existed on the date of the approval of this petition.

10. Within the Town Center portion of the site, the Petitioner reserves the right to increase the authorized number of residential units by converting authorized retail and/or office area to residential units at the rate of one residential unit for each 100 square feet of retail and/or office area so converted. Up to 100 additional residential units may be added under this provision. In addition, all multifamily development will be separated from all existing single-family residential uses by a 100' buffer.

With regard to the proposed school/park joint use site, the Petitioner proposes to dedicate the site for use as a public school/public park site based on the following schedule of events and commitments.

- If (1) the Charlotte-Mecklenburg School board (CMS) votes to fund, either with bonds or other means, the construction and improvement of an elementary school on the site with such a funding decision to be made by April 1, 2007 for a bond election (if required) to be conducted in November 2007, or any earlier time, and (2) the Mecklenburg County Board of County Commissioners

(Mecklenburg County) votes to fund, either with bonds or other means, the construction and improvement of a public park on the site in conjunction with the construction of a public school with such a funding decision to be made by April 1, 2007 for a bond election (if required) to be conducted in November 2007, or any earlier time, then the Petitioner will dedicate the entire school/park site to CMS and/or Mecklenburg County as instructed by CMS and Mecklenburg County. Such a dedication will be subject to the restriction that the site be used for school and/or park purposes and that construction of the school and park on the site must commence by July 1, 2009.

- By April 1, 2007, if both CMS and Mecklenburg County have not indicated a commitment to fund the development of a public school/public park on the site, with construction to be commenced no later than July 1, 2009, or if, at any time prior to April 1, 2007, either CMS or Mecklenburg County makes a specific decision not to use the site for a joint public school/public park facility, then the Petitioner will be released from any further commitment to dedicate all or any of the proposed site and thereafter will be free to use the site for any other purpose permitted by the approved zoning plan for the site.
- If the November 2007 bonds (if required) are not approved or if, after the approval of the bonds, either CMS or Mecklenburg County makes a decision that would result in either CMS or Mecklenburg County not following through on the funding of either the public school or the public park, construction to commence no later than July 1, 2009, then the Petitioner will be released from any further commitment to dedicate all or any of the proposed site and thereafter will be free to use the site for any other purpose permitted by the approved zoning plan.

Finally, in conjunction with the provisions above, the Petitioner agrees that if the dedication commitment is terminated as outlined under any of the circumstances above, then, prior to the development or sale of the school/park site for any other use, the Petitioner will grant a first right of refusal to Mecklenburg County for the purchase of the site. Thereafter, the Petitioner will be free to use the reserved area for another institutional use or any retail, office, or residential use otherwise permitted in the MX-2 district so long as the total floor area or unit number for any such uses do not exceed the total floor area or unit count established for the Town Center portion of the site and that the area devoted to non-residential uses in the Town Center does not exceed the acreage limit imposed by the standards of the MX-2 district and the conditions of this plan.

11. The Petitioner reserves the right to transfer residential units from the southern portion of the site (below Studman Branch) to the Town Center portion of the site provided that the total number of units does not exceed the cumulative total for the MX-3 district and further provided that the densities of development resulting from any such transfer do not exceed that which is allowed in the MX-3 district.
12. No wall packs will be installed on buildings within the site on any walls that are adjacent to residentially zoned land or public street rights-of-way. All dumpsters on

the site will be screened with a solid enclosure with gates. The golf practice range to be located on the site will not be lighted for night practice and all facilities for the maintenance of equipment for the golf course operations will be located at least 100' away from the property line of any existing residential uses.

13. Access to the site will be provided by numerous connections to existing streets and to the newly constructed streets within the site as generally depicted on the site plan. All driveway and street connections are subject to approval by N.C.DOT, Mecklenburg County, or CDOT depending on the jurisdiction. The number of access points to NC 49 will be limited to five and the configuration of those access points will be consistent with the approved plans for the improvements presently under construction by NCDOT. The Petitioner reserves the right to petition for the abandonment of existing streets and street rights-of-way within the site. However, the Petitioner will assure that access that is presently being provided to other properties in the area by virtue of any of the streets that may be proposed for abandonment will be maintained or improved by streets that the Petitioner will construct as part of this overall project. All new streets will be built to standards approved by the appropriate governmental jurisdiction and existing streets within the site and bordering the site will be improved as required by Mecklenburg County ordinances, subject to the provisions of the innovative development provisions of the Zoning Ordinance. The Petitioner will not connect to or front development onto Rhinehill Rd. unless required by the Charlotte Mecklenburg subdivision administrator to be in compliance with the standards of the Subdivision Ordinance.

In accordance with the recommendations of the Draft Evergreen (Palisades) Traffic Impact Analysis (TIA) prepared by Kubilins Transportation Group, Inc. dated September 1999, the Petitioner will make the following specific transportation improvements.

- As outlined in the TIA, the Petitioner shall participate in the roadway improvements indicated under Scenario 3 for year 2004.
- Scenario 3 is in accordance with the current plans by NCDOT for the widening of NC 49 that will include median openings at Shaherila Road and RiverPointe Drive.
- Subject to applicable engineering approvals, Petitioner agrees to the following to provide adequate access to the development. Signalization (where noted) shall be approved by NCDOT and participated in by the Petitioner:
  - NC 49 and Shaherila Road
    - Signalization of the intersection
    - Eastbound NC 49 right turn lane with 150 feet of storage and applicable bay taper
  - NC 49 and RiverPointe Drive –Palisades Parkway
    - Signalization of the intersection

- Eastbound NC 49 right turn lane with 180 feet of storage and applicable bay taper
- Westbound NC 49 dual left turn lanes with a total of 800 feet of storage and applicable bay taper and 45:1 through lane taper
- Construction of Palisades Parkway in accordance with NCDOT's Traditional Neighborhood Development Street Design Guidelines following the Parkway standard in the area of its intersection with NC 49

In addition to the specific improvements noted above, the Petitioner commits to participate in other improvements as follows:

- The Petitioner will contribute \$37,500.00 to NCDOT for improvements to Youngblood Rd. at the time that those improvements are scheduled for construction.
- The Petitioner will provide funding for 50% of the cost of a traffic signal to be installed when warranted by the appropriate transportation authority at the intersection of NC 49 and Shaherlia Rd. In addition, the Petitioner will construct a second left turn lane at that intersection at the time that the signal is installed. If no signal is to be installed, then the Petitioner will be relieved of the funding commitment, but will still be required to construct a southbound left turn lane at a location to be determined in the future by the appropriate transportation authority between the Buster Boyd Bridge and NC 160.
- The Petitioner will contribute to NCDOT a total of \$35,000.00 toward the cost of traffic signals, when warranted, at the intersections of Youngblood Rd. and Zoar Rd. and Youngblood Rd. and Hamilton Rd. at the time that those traffic signals are scheduled for installation.
- The Petitioner will reserve for dedication to NCDOT, additional right-of-way along the south side of NC 49 so as to provide for a total right-of-way width of 75' from the centerline established by the current widening plan for NC 49, such dedication to occur at such time as NCDOT funds a project to widen NC 49 along the Petitioner's site to a 6 lane (exclusive of turn lanes) highway.
- The Petitioner will construct a collector street to serve the site from NC 49 to Youngblood Rd. The street network for the site beyond that point will provide equal or improved access to all existing properties that adjoin the Petitioner's site that currently have access across the Petitioner's site and will connect to other existing streets in the area consistent with current land development policies and ordinances.

It is recognized that the exact development timetable for the site and the various uses on the site, as well as transportation improvements on and off of the site, are dependent on numerous factors, some of which are beyond the control of the Petitioner. Therefore, transportation improvements will be tied to the development of the site based on trip generation as set forth below. Trip generation will be determined based on the ITE Trip Generation Manual, Edition 6 for all types of trips except residential and the Charlotte-Mecklenburg Residential Trip Generation Table for residential uses.

- Development may occur on the site that would generate up to 15,000 daily trips based on the completion of the infrastructure improvements listed above, regardless of the actual date that the development might occur.
- Additional development may occur on the site after the completion of the improvements noted above that would generate an additional 15,000 daily trips with no additional improvements required to be installed by the Petitioner other than those normally installed on the site as part of the normal development process.
- Prior to any development on the site that would increase daily trip generation over 30,000 daily trips, one of the following conditions must be met:
  - The off site improvements listed on Attachment A which is included with these notes, must be installed by the Petitioner or have been installed by others, or
  - The Petitioner, at the Petitioner's option, may provide an updated traffic analysis that more accurately reflects conditions and proportional impacts for the additional development on the Petitioner's site vis-à-vis the area-wide conditions, other development, transportation plans, and transportation network that exist at that time.

14. The Petitioner will construct a street network with appropriate collector and other streets, all of which will be reviewed as part of the normal subdivision process, and may apply for variations from the standard street standards through the innovative development process, subject to the provisions of the special MCDEP notes below.

15. The Petitioner will, at a minimum, comply with the Lower Lake Wylie Watershed regulations. In accordance with watershed regulations, the Petitioner reserves the right to utilize either or both of the low density and/or the high-density watershed development standards. In that light, the Petitioner reserves the right to utilize individual site or larger area-wide storm water detention and management facilities, ponds, BMP's, extended wetland detention, and related facilities, subject to the provisions of the special MCDEP notes below.

16. A pedestrian, equestrian, and bicycle network to connect the various elements within the site will be developed as the various site elements are constructed. Linkages will be established to connect buildings and uses on the site to this network. In an effort to reduce impervious area in the watershed, the Petitioner may propose the substitution of unpaved pathways in place of paved sidewalks. Subject to approval by NCDOT, the Petitioner will construct a 5' wide sidewalk along the frontage of the site along the south side of NC 49 if sidewalk is not constructed as part of the NCDOT NC 49 project.

Open space areas depicted on the site plan represent the approximate location and extent of the areas set aside to meet the open space requirement of the district. The exact location and extent of the open space areas will be determined through the detailed design and subsequent administrative review of development plans. The open space areas will be developed with a combination of active and passive



recreation areas, trails, pathways, and other amenities consistent with the purpose and provisions of this Petition. Further, the area devoted to open space will not be reduced through the Innovative Review process.

17. The Petitioner, in accordance with the provisions of Section 11.208, “Innovative Development Standards”, may propose modifications to the following standards:

- Street right-of-way widths,
- Street type and construction standards,
- Minimum lot size,
- Setbacks and yards,
- Off street parking, and
- Lot width.

Specifically, in an effort to minimize the amount of impervious area within the watershed area, the Petitioner will propose a network of linkages that may include any combination of sidewalks, trails, bicycle, and equestrian facilities to link various portions of the site. These alternate linkages will be designed to provide necessary connections within the site, even if traditional street-side sidewalks are not installed in certain areas. The Petitioner acknowledges that the Innovative process is a separate process that may be pursued after the rezoning has been approved.

18. In view of the location of this site in the Lake Wylie watershed, it is the Petitioner’s intent that the site will be served with public water and sewer.

19. Any single family lot that has a rear yard relationship with any existing residential use that is located outside of the Petitioner’s site will have a minimum rear yard of at least 35’.

20. The following section contains specific additional standards relating to the development of the site within the Lake Wylie watershed area that have been reviewed and approved by MCDEP on 12/07/01.

1. The Proposed development is within the Critical Area as defined in Mecklenburg County's Lower Lake Wylie Watershed Protection Ordinance.
2. The proposed development shall utilize CMUD pump stations. If pump stations are required in close proximity to the lake, they shall be equipped with the following protection devices: on-site generator with weekly automatic exerciser, audible and visible high water alarms, high water auto dialer, power surge protection and lightning protection and 24-hour storage capacity.
3. The proposed development shall implement the following erosion control measures in addition to those required by current ordinances: inlet protection, double silt fences, two stage sediment basins with outlet weirs sized for a 50-year storm event, single family lot erosion control measures, sediment basins and other sediment reduction devices left in operation until construction activities with the

development are completed and stabilizes (basin storage may be reduced based on the remaining disturbed acreage), development and implementation of an erosion control maintenance plan to be strictly enforced by the project developer.

4. Reasonable efforts shall be made to limit the size of developed areas denuded within each sub-basin area at any one time. The project developer shall phase the grading and land disturbing activities within the residential portion of the development in a manner not to exceed fifty (50) acres of denuded area within any sub-basin. The golf course and parkway construction shall be excluded from this requirement. Stabilization shall occur as soon as feasible.
5. The impervious area calculations for determining compliance with the 50% maximum impervious area allowed under the high density option shall be computed utilizing 8 sub-watersheds within the proposed development as approved by MCDEP. BMP's shall be required for all watersheds that exceed 20% impervious cover. However, open space on the property labeled, as "Lake Wylie Baptist Church" on the site plan, will not be used in determining impervious area calculations for any other portion of the site. Impervious area calculations for the Lake Wylie Baptist Church property will be determined solely with respect to the built-upon area and open space located or to be located on the church property.
6. The golf course shall develop a maintenance plan which minimizes the use of herbicides and fertilizers in order to reduce negative impacts to surface waters. The maintenance plan shall be provided to MCDEP prior to operation of the golf course. The maintenance plan shall include the following:

Buffer Zones:

- a) The proposed golf course within the development shall maintain a 100' undisturbed buffer from the lake in all locations and shall comply with all Watershed and S.W.I.M. Stream Buffer requirements.
- b) No fertilizers or pesticides are to be applied in any of the buffer zones.
- c) The golf course storm drainage shall be designed such that there are no direct discharges of storm water into the lake or SWIM/ Watershed streams.

Irrigation Management Plan:

- d) An irrigation plan shall be developed to ensure that irrigation runoff from managed turf grass to surface waters is prevented and to reduce subsurface losses of nutrients and pesticides. This plan shall be based on a water budget, weather conditions and soil moisture data obtained from on-site instrumentation.
- e) Water Quality Management Zones shall be established by the golf course based on turf, plant type and soils, with specific strategies developed for each zone.

Nutrient Management Plan:

- f) A nutrient management plan must be developed to limit nutrient applications to levels equal to or less than turf grass and vegetation nutrient uptake in

order to minimize nutrient transportation via surface runoff, subsurface interflow, or deep percolation.

- g) 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.
- h) Fertilizer applications are to be commensurate with turf grass growth requirements based on species and cultivar, climate, soil conditions, and chemical formulation.
- i) Water Quality Management Zones shall be established by the golf course based on soils, turf and plant cover goals, and level of use in order to plan fertilizer and irrigation applications.
- j) Nutrient applications are not to exceed turf and plant uptake requirements during any growing season.
- k) Chemical applications are not to occur on bare soils, except during establishment of turf grass on the golf course.
- l) Fertilizers are to be incorporated into the soil/turf wherever possible to reduce exposure to runoff and enhance adsorption.
- m) Nutrient uptake shall be maximized through the selection of realistic turf grass goals, selection of application rates to meet goals, and the use of soil and tissue tests to direct application rates.
- n) 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.

#### Integrated Pest Management (IPM)

- o) An IPM Plan shall be developed to minimize toxic chemical transport via surface water runoff, subsurface interflow, or deep percolation.
- p) The IPM Plan shall be integrated with irrigation and nutrient management plans.
- q) Action thresholds shall be developed and implemented below which no applications are used in order to reduce pesticide use.
- r) Pest specific products are to be used which are less toxic, less mobile, and less persistent.
- s) Water Quality Management Zones shall be established by the golf course based on soils, turf and plant cover goals, and level of use in order to plan pesticide applications.
- t) Spot specific treatment shall be used wherever possible to avoid broadcast treatments.
- u) Pesticides should be incorporated into the soil/ turf wherever possible to reduce exposure to runoff and enhance adsorption.
- v) Application of toxic chemicals shall be prohibited in sensitive zones such as wetlands.
- w) 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.

- 7. The project developer shall perform the ambient and storm water quality monitoring necessary to establish base line measurements in the eight (8) affected

coves for the following parameters: temperature, pH, conductivity, secchi depth, total phosphorus, total nitrogen, orthophosphorus, TKN, NH<sub>3</sub>, NO<sub>3</sub>, NO<sub>2</sub>, total suspended solids, turbidity, chlorophyll a, fecal coliform, pesticides, herbicides, and dissolved oxygen. MCDEP must evaluate and approve all monitoring site locations in each sub-basin as well as monitoring protocols. MCDEP will also evaluate hydrologic conditions and channel stability at the site. This base line data will be used in the development of the water quality model discussed in 11 below. Ongoing monitoring will be performed by the developer as discussed in number 11 below to assess and evaluate compliance with water quality targets established by MCDEP.

8. The project developer shall provide to MCDEP measurements of sediment levels in the coves identified for each sub-basin at a maximum of 90 days prior to initiation of land disturbing activities and annually thereafter until no later than one year after construction activities have been completed in each of the sub-basins. MCDEP shall work with the developer in the selection of monitoring site locations and the development of required monitoring protocols.
9. The project developer 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.
10. The project developer shall require all on-site contractors and sub-contractors to take approved MCDEP training program, i.e., EnviroSense, to include information concerning specific water quality concerns and the measures necessary to prevent water quality problems.
11. The developer shall complete a watershed management plan for the entire project by sub-basin using a water quality model as the primary tool in the development of the plan. The water quality model to be used for the development must be approved by MCDEP and all water quality targets will be set by MCDEP after baseline data has been collected and the model has been run. The goal of the watershed management plan and MCDEP water quality targets will be to ensure compliance with all applicable water quality standards and MCDEP action levels as well as conformance with designated uses established in the North Carolina Administrative Code. In addition, the plan and targets will ensure that all downstream waters are suitable for aquatic life propagation and maintenance of biological integrity and wildlife. The plan will contain designs for the structural and nonstructural best management practices (BMPs) based on best available technology for use within the development to ensure that all water quality goals are achieved and that concentrations of pollutants do not exceed MCDEP water quality targets. Where practical, the developer will also incorporate into the watershed management plan the development principles for reducing impervious cover contained in the Center for Watershed Protection publication (August 1998) entitled "Better Site Design for Changing Development Practices in Your Community." The watershed management plan and water quality targets must be

approved by MCDEP prior to the developer receiving any grading permits for the project and all site development must be performed in strict accordance with this plan. MCDEP shall have the authority to approve innovative erosion control and BMP devices proposed by the developer in order to meet established water quality targets. The project developer will establish an organization for the common maintenance of all BMPs. The developer will perform water quality monitoring for the parameters specified in #7 above in each sub-basin at a minimum of twice a year throughout project construction and up to three (3) years following completion for the purpose of determining the effectiveness of the watershed management plan and water quality model at protecting water quality. Water quality monitoring reports will be submitted to MCDEP for review and approval within four (4) weeks following the completion of biannual monitoring activities. If monitoring data indicates that watershed management plans are not effective at achieving established water quality targets and goals, then the watershed management plans will be revised as approved by MCDEP to protect water quality conditions in the coves and ensure compliance with all established water quality targets and goals.

12. The project developer shall be required to utilize a NCDOT approved "ditch type" street section through-out the development in areas where street patterns are connecting to existing "ditch type" streets and roadways within the development without residential or commercial driveway access. Sidewalks shall be required on one side of "ditch type" streets with the other side to be utilized for equestrian and hiking trails. All natural trails/paths adjacent to streets will be covered with a stabilizing ground cover to prevent erosion, such as mulch. Any of the foregoing provisions that depart from standard development regulations must be approved under the Innovative Development provisions of the Mecklenburg County Zoning Ordinance. (street cross sections attached)
13. The project developer shall evaluate the downstream offsite drainage system and control the stormwater runoff from the site during and after construction to prevent associated damage to downstream properties.
14. A 100 linear foot Watershed Buffer shall be maintained throughout the development in all locations adjacent to the lake's edge. In those areas where the Watershed Ordinance would require a buffer greater than 100 feet, then the larger buffer requirement will control.
15. The project developer shall re-vegetate the 100 linear foot Watershed Buffer in two locations as indicated on a map per MCDEP recommendations.
16. Energy dissipation devices at all storm water outfalls will be sufficient to prevent erosion within the buffer.
17. The developer proposes the use of low-pressure sewer systems at various locations on the project. These systems require smaller lift stations on individual lots. These individual lift stations shall be maintained under a common written agreement with a contractor who can respond to service calls within twenty-four

(24) hours. Each lift station shall be equipped with audible and visual alarms and the maintenance provider's name and phone number prominently displayed.

Throughout this Rezoning Petition, the terms "Petitioner", "Petitioners," "Project Developer", will 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.

7/23/01 Initial submission

9/21/01 Revisions per Planning Staff Comments

11/08/01 Revisions per Community and Staff Comments

12/11/01 Revisions for BOCC consideration.

02/11/02 Corrections to vesting language, addition of tree notes.