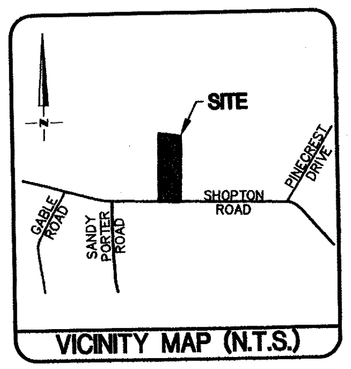


VICINITY MAP (N.T.S.)

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

6890B

DEVELOPMENT STANDARDS

General Provisions:

1. Unless more stringent standards are established by the Technical Data Sheet, or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Zoning Ordinance") for the I-1 zoning district classification shall be followed in connection with development taking place on the Site. For the purposes of this Petition, the "Site" shall mean and refer to the parcels with Tax ID Number 14125107 & 14125108, consisting of 10.730 Acres (10.472 Acres excluding Shopton Road R/W) as shown on the Technical Data Sheet and the Schematic Site Plan.

2. The development depicted on these Rezoning Plans, including the Technical Data Sheet and the Schematic Site Plan, is schematic in nature and intended only to illustrate the possible arrangement of the improvements and development of the Site. The exact details of the configuration, placement and size of the individual site elements shall be established during the design phase of the project, and shall be governed by the Zoning Ordinance, all applicable codes, as well as, these Development Standards from the approved Rezoning Plan. The building layout as well as other site facilities may be modified as allowed per 6.206(2) of the Zoning Regulations.

3. The petitioner acknowledges that other standard development requirements imposed by other City ordinances, standards, policies, and appropriate design manuals will exist. Those criteria, (for example those that regulate streets, sidewalks, trees, storm water and site development, etc.) will apply to the development site. Conditions set forth in this petition are supplementary requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission the stricter condition or existing requirements shall apply.

Permitted Uses:

1. The site may be devoted to the following uses, all of which are permitted by right in the I-1 Light Industrial Zoning District: landscape & hardscape material sales; fence & fence material retail & wholesale; nursery & greenhouses retail & wholesale; showrooms up to 10,000 SF.

Non-Permitted Uses:

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

Product Storage:

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

Building Improvements:

1. Building Improvements consist of a 1,500 SF sales office with potential future expansion of 750 SF and a 4,900 SF warehouse with potential future expansion of 2,800 SF.

2. The sales office will have a brick or stone facade with floor to ceiling commercial windows and be handicap accessible as required by code for commercial buildings.

Setbacks, Side Yards and Rear Yards:

1. The Setback along Shopton Road shall be 50' rather than the 30' Setback required by code and shall be undisturbed or shall be treated as a Woodland Buffer as defined below.

2. All buildings, loading areas, storm water detention facilities, solid waste dumpsters and recyclable containers to be located on the Site shall satisfy or exceed the 50 foot Setback, Side Yard and Rear Yard requirements established under the Zoning Ordinance for the I-1 zoning district.

3. No parking areas shall be located within the 50 foot front yard setback as depicted on the Technical Data Sheet.

Buffers:

1. The Buffer areas established on the Technical Data Sheet for this Site shall conform to the standards of a Class A Buffer as set out in Section 12.302 of the Zoning Ordinance, subject, however to the provisions of Section 12.304 thereof. Pursuant to Section 12.302(8) of the Zoning Ordinance, Petitioner may reduce the width of the required buffer by 25 % by providing a berm, wall or screen fence that meets or exceeds the standards of Section 12.302(8) of the Zoning Ordinance.

2. No building improvements, parking areas, loading zones, solid waste or recycling facilities shall be located within the Buffer as depicted on the Technical Data Sheet.

3. Existing vegetation in buffer areas which qualifies, thereby reduces the buffer planting requirements for the buffer.

4. The northern and eastern buffers shall be considered as Woodland Buffers as defined below and can be reduced by 25 % in width with only an opaque screen fence. Woodland Buffer: A buffer that would allow a limited amount of clearing to take place to promote growth of existing vegetation and/or to enhance the aesthetic appeal of the site. The following would be allowed in a Woodland Buffer:
   a. Hand pruning only. No heavy equipment or vehicles allowed in this buffer (i.e.: bulldozers)
   b. Plant material which may be removed, shall be cut flush with the ground. No disturbance of the soil will be allowed.
   c. No limb removal with the exception of dead or diseased limbs.
   d. Weeds and vines may be removed.
   e. Trees that measure LESS THAN 2" CALIPER at the base that are clearly within the drip line of a tree that is 2" or greater may be removed. Drip line is defined as an imaginary line on the ground that would perform the perimeter of the tree's canopy.
   f. Dead trees and materials may be removed. Diseased trees may be removed at the discretion of the Urban Forester.
   g. Mulch may be applied to the Woodland Buffer. Keep mulch 2-3" away from the bark of trees.

5. The buffers required by code as are illustrated on this rezoning plan may be eliminated in the future as allowed by code, should the adjacent properties be rezoned and be used for any use (a use of equal or greater Intensity) that would not require buffering on the subject property.

Screening and Landscaping:

1. All landscaped areas including setbacks and buffers will meet or exceed the requirements of the Zoning Ordinance and Tree Ordinance.

Parking and Loading:

1. Off street parking and loading areas will meet the standards established under the Zoning Ordinance.

2. Parking and loading areas will be landscaped in conformance with the minimum standards of the Zoning Ordinance.

Air Quality:

Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or renovation of an existing structure. A letter of notification and the required forms will be mailed directly to the petitioner by MCAQ.

Ground Water & Wastewater Services:

Data from the Mecklenburg County Well Information System (<http://maps.co.mecklenburg.nc.us/wells/>) indicates that parcel 141-251-08 has a water supply well. A local groundwater ordinance that addresses the installation, repair and abandonment of wells (including monitoring wells) was effective January 2005. The Mecklenburg County Groundwater & wastewater Services Program should be contacted at 704-336-5500 prior to any installation or abandonment of wells on this property to ensure compliance with these regulations. Abandonment of wells discovered during the development process should be done in accordance with the Mecklenburg County Groundwater Well Regulations and North Carolina's 15A NCAC 2C Rule .0133 - "Abandonment of Wells".

Lighting:

1. The maximum height of any freestanding lighting fixture installed on the Site (including its base) may not exceed 30 feet. No wall pack light fixtures will be installed on the Site.

2. All direct lighting within the Site shall be designed such that the direct illumination does not extend past any exterior property line. Consideration will be given to the impact of lighting both within and without the perimeter of the Site. Lighting shall be fully shielded with full cut-off.

Signage:

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

Access Points:

1. The number of vehicular access points into the Site shall be limited to those shown on the Technical Data Sheet.

2. The location and configuration of the vehicular access points into the Site are subject to modification to accommodate final site design for the project with the understanding that all driveways require permits and are subject to the requirements of the Charlotte Department of Transportation (CDOT) and the Charlotte Engineering and Property Management Department Standards, including 35' x 35' sight triangles as required by CDOT.

Fire Protection:

1. Adequate fire protection for the Project will be provided that satisfies the standards of the City of Charlotte.

Right of Way Dedication:

1. The Petitioner will dedicate and convey thirty five feet (35') of right-of-way along the Shopton Road property frontage for a seventy foot (70') right-of-way as required for a minor thoroughfare.

Shopton Road Improvements:

1. An 8' wide planting strip and 6' wide sidewalk shall be provided along Shopton Road.

2. Shopton Road a minor thoroughfare will require curb & gutter, planting strip and sidewalk where the face of curb is 24 FT from the centerline of the roadway along the property frontage.

3. As prescribed by CDOT left turn lane improvements will be provided and designed with a minimum of 150 feet of storage, a 15:1 bay taper and 45:1 through lane tapers. Design of the turn lane improvements will be provided during the final design phase of the project and will be included in the plans submitted for permitting.

Storm Water:

LUESA Requirements:

1. Water Quality

The proposed project will include a substantial amount of impervious area, which will directly affect surface water quality due to storm water runoff from the project. Storm water runoff becomes contaminated with pollutants associated with the impervious area usage, transporting these pollutants to surface waters. In addition, this impervious area acts to increase the volume and velocity of storm water entering surface waters, which affects stream channel stability and negatively impacts water quality and aquatic habitat. In order to mitigate the impacts of these pollutants and to protect water quality condition, the proposed project should incorporate storm water Best Management Practices (BMPs).

2. Stream Buffers

a. A 35-foot protective buffer shall be established on both sides of intermittent and perennial streams draining between 50 acres and 100 acres. Undisturbed forested buffers are preferred. However, the buffer may include two zones, a 20-foot undisturbed Streamside Zone, and a 15-foot limited-use Upland Zone. The allowable uses in these Zones are to be the same as those outlined in the City of Charlotte Zoning Ordinance, Chapter 12, Part 8, S.W.I.M. Stream Buffers, for streams draining greater than 100 acres, but less than 300 acres.

b. Intermittent and perennial streams draining less than 50 acres should be delineated by a certified professional using the U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology. The locations of streams and required buffers should be depicted on site plans.

c. All intermittent and perennial streams draining less than 50 acres should have a minimum 30-foot vegetated buffer including an undisturbed or bioengineered 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area in the 10-foot zone, adjacent to the back shall require stream bank stabilization using bioengineering techniques approved by MCWQP. All buffers shall be measured from the top of the bank on both sides of the stream.

3. Storm Water Quality Treatment

a. According to the project site plan, the project will have greater than 24 % built-upon area. For this level of built-upon area, water quality BMPs are to be constructed to achieve 85 % Total Suspended Solid (TSS) removal for the entire post-development runoff volume for the 1-year, 24-hour storm. BMPs must be designed and constructed in accordance with the N.C. Department of Environment and Natural Resources (NCDENR) Best Management Practices Manual, April 1999, Section 4.0. Use of Low Impact Development (LID) techniques is optional. ((Note this item LUESA 3. Storm Water Quality Treatment a.) is superseded due to more specific water quality measures as required by Charlotte Storm Water Services as is stated in Charlotte Storm Water Services Requirements Item 3. below, as directed in the 3/15/06 e-mail from Steve Gucciardi.)

b. The use of Low Impact Design (LID) such as bio-retention systems in tree islands, grassed swales, vegetated buffers, level spreaders, and other innovative systems in a "treatment train" is encouraged, where applicable. LID systems can be employed in whole or in part, to meet the 85% TSS treatment standard for storm water runoff. LID must be designed and constructed per the NCDENR Best Management Practices Manual, April 1999, Section 4.0.

4. Storm Water Volume and Peak Controls

a. The entire runoff volume for the 1-year, 24-hour storm is to be controlled. The runoff volume draw down time shall be a minimum of 24 hours, but not more than 120 hours. The peak runoff rates should be controlled to match the predevelopment runoff rates for the 10-year, 6-hour 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, control the peak for the 10-year and 25-year, 6-hour storms. ((Note this item LUESA 4. Storm Water Volume and Peak Controls a.) is superseded due to more specific storm water quality measures as required by Charlotte Storm Water Services as is stated in Charlotte Storm Water Services Requirements Item 2. below, as directed in the 3/15/06 e-mail from Steve Gucciardi.)

b. Storm water runoff from the development shall be transported from the site by vegetated conveyances to the maximum extent practicable.

Charlotte Storm Water Services Requirements:

1. 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.

2. The petitioner shall control and treat the entire runoff volume for the post-development 1-year, 24-hour storm. Runoff draw down time shall be a minimum of 24 hours, but not more than 120 hours. Peak storm water release rates should match pre-development rates for the 2-year, 10-year, and 25-year 6-hour storm events.

3. The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc.) shall be incorporated into the site and designed to have an 85% average annual removal for Total Suspended Solids generated from the development according to specifications in the most recent version of the N.C. Department of Environment and Natural Resources Best Management Practices Manual (Design Standards shall be met according to the City of Charlotte BMP Manual, when available).

Erosion Control:

1. The following erosion control conditions as recommended by Ahmad Sabha the erosion control inspector in his e-mail message of 2/20/06 are agreed to by the petitioner.
   A. The erosion control plan will call for the contractor to immediately alert the erosion control inspector and the design engineer should the permitted erosion control measures be deficient and if additional erosion control measures be needed.

2. The following erosion control conditions as recommended by Steve Gucciardi along with Matthew Anderson (Land Development) and Doug Lozner (City Storm Water Services) in his e-mail message of 3/15/06 are agreed to by the petitioner.
   A. Silt fence to be double rowed..

   B. A top down dewatering device, such as the Faircloth Skimmer, shall be used to dewater the temporary erosion control basin.

   C. A polymer plan shall be incorporated in the erosion control plan to minimize the offsite generation of sediment.

   D. A fore bay shall be included in the erosion control design upstream of the temporary erosion control basin.

   E. Onsite turbidity readings shall be measured after rain events 0.5" or greater and will be taken at the outfall of the temporary erosion control basin and recorded in the erosion control log book.

   F. Depth measurements and turbidity readings shall be taken in the fore bay of Eagle Lake and in Eagle Lake itself at both pre-construction and post-construction milestones.

Amendments to Rezoning Plan:

1. Future Amendments to the Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with Chapter 6 of the Zoning Ordinance.

Binding Effect of the Rezoning Application:

1. If the Petitioner's Rezoning Petition is approved, the development program established under these Development Standards, the Technical Data Sheet and any other supporting documents shall, unless amended in the manner identified under the Zoning Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent Owners of the Site and their respective heirs, devisees, personal representatives, successors in interest and assigns.

2. Throughout this Rezoning Petition, the terms "Petitioner", "Owner" and "Owners", shall be deemed to include the heirs, devisees, personal representatives, 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.

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TECHNICAL DATA SHEET
SHEET TDS 1
ORIGINAL SUBMITTAL 10/7/05
REVISED 12/15/05 REVISED 2/10/06
REVISED 1/12/06 REVISED 2/17/06
REVISED 2/2/06 REVISED 3/20/06
REVISED 3/27/06

FOR PUBLIC HEARING
REZONING PETITION
NUMBER 2006-004