CERTIFICATE OF APPROVAL

PUD [CUD] (Planned Unit Development, Conditional Use District)
Mint Hill, North Carolina

File No. ZC05-2 and CUP05-3

In accordance with the regulations contained in the Zoning Ordinance of the Town of Mint Hill, North Carolina, the Board of Commissioners of the Town of Mint Hill, North Carolina approved, on June 9, 2005, the establishment of a PUD [CUD] (Planned Unit Development, Conditional Use District to allow the re-zoning of 215± acres from R (Residential) and I [CUD] (Institutional, Conditional Use District) to PUD [CUD] (Planned Unit Development, Conditional Use District) located in the northwest quadrant of Lawyers Road and I-485, further identified as 13033, 13441, 13925, 13935, 14031, 14001, 14101, 13901 Lawyers Road and 12801 Sunrise Drive, Tax Parcel Numbers 197-051-10, 197-061-01, 197-061-02, 197-061-03, 197-061-04, 197-061-05, 197-061-06, 197-061-07, 197-061-09, 197-061-10, 197-061-11 and portions of Tax Parcel Numbers 197-051-07 and 197-051-12 with the following three conditions: (1) Road improvements should be required subject to an approved TIA; (2) A six-foot planting strip in the cross sections to be fixed; and, (3) Rain gardens in the parking lot are encouraged and the following Development Standards shown on the submitted site plan and agreed upon by the developer and accepted by the Town as conditions of the Re-zoning/Conditional Use Permit (see attachment).

Approved by: Ted H. Biggers Jr. — Date: 6/21/05
Mayor Ted H. Biggers, Jr.

Accepted by: R Chris Thomas — Date: 6/21/05
(Signature)

R. CHRIS THOMAS
(Please Print Name)

Development Standards
June 3, 2005/ Revised June 9, 2005

General Provisions:

1. This application includes this Technical Data Sheet and a Preliminary Concept Plan. Together this material conforms to all the applicable requirements of the Zoning Ordinance of the Town of Mint Hill. Development of the site shall be governed by the Technical Data Sheet and the Preliminary Concept Plan, these development standards, and the applicable provisions of the Zoning Ordinance of the Town of Mint Hill as of the date of the approval of this rezoning plan.

2. The attached Preliminary Concept Plan indicates a potential concept of development with regard to arrangement of entrance points, parking, circulation, and buildings, and the project shall be designed and built substantially in accordance with the Preliminary Concept Plan. Reasonable variations to the Preliminary Concept Plan may occur based on final specific design layouts and actual site conditions. The number and locations of buildings, parking areas and interior drives may vary from those shown on the Preliminary Concept Plan, and may be modified accordingly in size, orientation, or location during the design/development phases within the building/parking envelopes shown on the Technical Data Sheet. Modifications to the Preliminary Concept Plan that do not alter the overall intent of the plan may be administratively approved by the Planning Director of Mint Hill. Other modifications (as hereinafter described) that are not substantially in accordance with the Preliminary Concept Plan may not be made by the Planning Director and shall require a rezoning of the property for consideration and decision by the Town Board. The Town may require an updated Traffic Impact Analysis as part of any such rezoning. For example, modifications that increase the overall building square footage by more than 10%, decrease the amount of non-buildable/open space area by more than 10%, or modify the width of required buffers <u>would not</u> be considered in substantial accordance with the Preliminary Concept Plan.

3. Parking layouts may be modified to accommodate final building locations and ancillary facilities within the building/parking envelopes shown on the Technical Data Sheet.

4. All development within the site shall comply with the applicable Mint Hill ordinances for subdivision, building standards, signage, parking, buffers, and screening.

5. All development within the site shall comply with other applicable laws, ordinances and regulations and all permits otherwise required for development within the site (e.g. wetlands, stormwater, and driveway permits) shall be obtained.

6. Development of the project may be phased according to market demand.

7. Intentionally omitted.

8. It is anticipated that approximately 1,205,450 square feet, of uses permitted in the PUD-CUP Zoning District, will be built on this site. However, based on final site designs, layout of buildings and parking, and conformance with the Ordinance(s), the development may vary in size by up to 10%.

9. Only (1) gas station or convenience store with gasoline sales may be constructed on this site. Convenience stores will be limited to parcel C, as shown on the Technical Data Sheet.

10. Areas devoted specifically to outdoor dining and ancillary to an enclosed restaurant use shall not be included in the calculations of the square footage limitations above.

Permitted Uses/Zoning Districts: Parcel A, B and C

1. Permitted Uses: Except as otherwise stated in these Development Standards, the site may be devoted to any uses which are permitted by right, or uses under prescribed conditions, or permitted accessory uses under the PUD-CUP Zoning District.

2. If the text of the PUD-CUP Zoning District is modified after this zoning petition is approved, Petitioner reserves the right to modify plans to meet new standards.

Setbacks, Buffers and Landscaping:

1. The Petitioner reserves the right to utilize portions of the open space depicted on the Preliminary Concept Plan for storm water requirements, utility connections or site grading to the extent reasonably necessary for the development of the site and in accordance with applicable ordinances and other laws. To the extent Petitioner does disturb open space/no-build areas, such areas shall be reforested in accordance with Section E, Environmental Development Standards, below.

2. Setbacks shall be provided as shown on the Technical Data Sheet. All planting and setback landscaping shall conform to the requirements of the Ordinance and shall be substantially in accordance with the Preliminary Concept Plan.

3. Parking areas shall be landscaped in accordance with the Ordinance and shall be substantially in accordance with the Preliminary Concept Plan.

4. All buffers on site will satisfy the requirements of the Ordinance and be substantially in accordance with the Preliminary Concept Plan. **[Show Lawyers Road buffer on the site plan]**

5. The Developer will only be required to save trees in the setback areas as required by the **Environmental Development Standards** (Section A.5) provisions of these Development Standards, but the entire area of the setback areas will not be considered tree save areas.

6. No buildings, parking spaces or maneuvering areas may be located within the required setbacks or buffers.

7. Provisions will be made for permanent maintenance of all private spaces and buffers.

Vehicular Access/Connectivity:

1. The Petitioner will make all required off-site road improvements as indicated in the Traffic Impact Analysis by Kubilins Transportation Group and any other improvements required by the North Carolina Department of Transportation. Where required off-site road improvements are adjacent to the Project, the Petitioner will dedicate the necessary Rights of Way for all improvements. The exact amount of right of way will be determined during the subdivision review process. All internal circulation will utilize private driveways as depicted on the sections on sheet RZ-3 of the zoning package. Rights-of-way for public road connections and improvements to Lawyers Road, as shown on the Technical Data Sheet, will be conveyed to the State prior to the issuance of the first Certificate of Occupancy. Off-site rights-of-way acquisition necessary for future connections and

improvements to public roads shall be the responsibility of the Petitioner (and Petitioner understands that the State may assist the Petitioner by initiating condemnation proceedings in securing the necessary off-site right of way provided the Petitioner has made reasonable efforts to acquire the necessary right of way).

2. The throat designs of access driveways connecting to Lawyers Road shall be designed as schematically depicted on the Preliminary Concept Plan with no more than 100' and no less than 50' of storage.

3. Adequate sidewalk connections as shown on the Preliminary Concept Plan will be provided to assure that all uses are adequately accessible to pedestrian movement. Sidewalks will be 5' wide, at a minimum, throughout the site. **[show sidewalk on Lawyers Road on plan]**

4. Parking: Off-street parking and loading will satisfy the requirements of the Ordinance.

5. The decision as to whether traffic signals will be installed in the future at locations shown on the Technical Data Sheet will be determined by NCDOT. Petitioners will fund the cost of installation of such traffic signals and improvements only at Accesses (A), (B) and (D) as shown on the Technical Data Sheet.

6. All access and roadway improvements must be complete prior to the issuance of the first Certificate of Occupancy for any buildings on site.

7. All streets/drives on site shall be private streets maintained by the owner(s) of the project.

Architectural Controls:

1. All dumpster and loading areas will be adequately screened with either landscaping treatment and/or four-sided solid walls with a hinged gate for access on one side only. All walls constructed to screen loading and dumpster areas will consist of the same materials found in the buildings.

2. Buildings that face public streets shall avoid long expanses of blank unarticulated walls by the use of a blending of colors and materials and will appear to front roadways. No blank walls along internal streets in excess of 20 feet in length shall be permitted. The majority of storefront glass shall be clear or slightly tinted in order to allow visibility into tenant spaces. Accent materials on all facades will be detailed during final design.

3. At least fifty percent (50%) of the total area (excluding storefront glass) of exterior building storefronts within the site shall be brick or masonry.

Design and Performance Standards:

1. Any outdoor dining areas and courtyards must be located outside of the required setbacks and buffers generally depicted on the Technical Data Sheet.

2. All roof-mounted equipment will be screened from view of adjoining public rights of way as viewed from the grade elevations as measured at the boundary of the site and adjacent properties.

3. The maximum height of any freestanding light fixture shall be 40'. All lighting on site will be designed so that direct illumination does not extend beyond the property line. Pedestrian scale lighting will be capped to direct light downward.

4. No wall-pak type lighting will be permitted in the Project other than those fixtures which are designed to focus light downward. Wall mounted decorative lighting is permitted.

5. The site may be developed with the 'Zero Lot Line' standards for internal parcels.

6. Signs. The number and locations of signs will be in accordance with the requirements of the Ordinance.

Environmental Development Standards

A. Watershed Protection-General Requirements

1. All development occurring on the Site shall conform to the requirements of the Mint Hill Draft Water Quality Ordinance.

2. All development will adhere to the provisions of the Mecklenburg County and Mint Hill SWIM Buffer Ordinance.

3. All development will meet the stormwater management and buffer requirements of Phase II Stormwater Management as contained in 15NCAC2H.0126(10).

4. The Petitioner commits to incorporate into the site a minimum of 5% of the site gross acreage as undisturbed tree save area, and a minimum of 25% of the site gross acreage as open space – including the tree save area. The tree save area will be concentrated along Goose Creek and its tributaries.

5. The Petitioner shall avoid development activities including building or grading in all regulated floodplain areas exclusive of utility installations, or roadway crossings as are required to serve the development. Pervious pedestrian trails may be built within the floodplain as long as they comply with the Mecklenburg County Watershed Protection Pathway guidelines.

6. The Petitioner shall provide funding of actual cost not to exceed $10,000.00, for the provision and installation of a Continuous Monitoring and Alert Network Station for Goose Creek and to convey necessary site and access easements for the purpose of monitoring stream water quality.

7. The Petitioner shall employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements as well as the requirements specified in these Development Standards. The enforcement office shall be empowered to take the actions necessary to ensure prompt correction as problems are detected.

8. The Petitioner shall create and implement a Contractor/Builder/Maintenance Staff education and outreach program to foster a commitment to environmental stewardship both during construction and in the built out Project.

9. The Petitioner shall require a representative of all site and building contractors to complete the training program approved by Mecklenburg County Water Quality Program.

10. The Project shall be provided water and sewer service via connection to the Charlotte Mecklenburg Utilities systems.

B. Stormwater Management Initiatives

1. Stormwater management shall be accomplished by the implementation of Best Management Practices (BMP's), designed in accordance with NC Division of Environment and Natural Resources Best Management Practices Manual dated April 1999 and the Draft Mint Hill Water Quality Design Manual.

2. The Petitioner proposes to use a tiered approach to implementation of stormwater management for this site in response to concerns for protection of Goose Creek as follows:

   a. The stormwater management facilities implemented for the site by utilizing design criteria included in the Draft Mint Hill Water Quality Design Manual will exceed the minimum requirements contained in current local and state stormwater regulations.

   b. The stormwater management facilities will address nutrient management by:

      i. As a first tier of stormwater management, utilization of Low Impact Development (LID) and Best Management Practices (BMP's) having the capability for nutrient removal (i.e. bioretention).

      ii. As a second tier, creation of stormwater extended detention wetlands and other BMP's strategically along the length of Goose Creek as a second tier of treatment for enhanced water quality and incorporation of stormwater runoff volume attenuation to replicate the natural hydrograph for the site in accordance with the Draft Mint Hill Water Quality Design Manual.

      iii. Incorporation of level spreaders or other energy dissipation measures for a third tier of stormwater management in concert with the preserved stream buffers.

   c. The implementation, in cooperation with Mecklenburg County Water Quality Program, of a source control program as part of the permanent maintenance for the site with the intent of controlling and managing to specific standards the application of all nutrients, pesticides, or other lawn/landscape products in accordance with Mecklenburg County Water Quality Program Recommendations.

C. Erosion Control

1. The proposed development shall implement erosion control measures that are responsive to site characteristics of slope, soils, wetlands, streams and buffers. Erosion control and sediment reduction devices will be left in operation until construction activities within the contributory area of development are completed and disturbed surfaces are stabilized (basin storage may be reduced based on the remaining disturbed acreage.) Erosion control maintenance shall be strictly enforced by the enforcement officer and as directed by Mecklenburg County representatives.

2. Measures for controlling erosion shall include:

- Integration of grading and erosion control to limit the maximum extent feasible through denuded area draining to any erosion control device to less than 10 acres.
- Installation of super silt fence with orange fabric along the limits of construction upstream of all stream buffers.
- Temporary or staged seeding on parking lots and other graded areas immediately following the completion of land disturbing activities to minimize the amount of disturbed area and reduce the potential for off-site sedimentation.
- No graded area shall remain denuded for more than 10 days without temporary or permanent stabilization.
- All applications calling for silt fence as an erosion control measure shall utilize double high hazard silt fences.
- Two stage sediment basins with outlet weirs sized for a 50-year storm event should be used to minimize the risk of basin failure.
- Floating outlet weirs shall also be utilized to minimize sediment loss from basins.

3. The developer shall develop a weekly inspection program meeting NPDES General Permit requirements for all sediment basins including written documentation of such inspections. This written documentation shall be maintained on-site and available upon request.

D. Wetlands Protection

1. The Petitioner shall retain the services of a qualified environmental consultant to delineate all jurisdictional waters on the site.

2. The Petitioner shall authorize the wetlands consultant to coordinate fully with USCOE in the process of evaluating avoidance, minimization or mitigation of any proposed impact to jurisdictional waters of the US.

3. All development shall fully adhere to all rules and regulations for wetlands protection promulgated by USCOE and NCDENR.

E. Other Environmental Initiatives

1. In addition to the buffers as required by the Swim Buffer Ordinance and the 30' no build zone required under the Phase II NPDES Rules, the Owner agrees to additional buffer area as depicted on the Buffer Concept Plan.

2. Petitioner shall require installation of permanent sod in lieu of seeding in all grassed areas to accelerate stabilization.

3. Petitioner shall implement planting of trees in all un-built upon mass graded areas at a density of 320 stems per acre (minimum 1 ½ "caliper).

4. Petitioner shall replant denuded areas along utility corridors outside of recorded easements at a density of 320 stems per acre (minimum 1 ½ "caliper).

Fire Protection:

1. Adequate fire protection in the form of hydrants will be provided to the Mint Hill Fire Marshals specifications.

Amendments to the Rezoning Plan

1. Future amendments to the Technical Data Sheet, these development standards and accompanying attachments 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 the Ordinance.

2. Approval of all utilities, including water and sewer, will be handled by town staff as a component of the Conditional Use Permit process.