

Live Oaks DEVELOPMENT STANDARDS
February 24, 2006

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Live Oak Development Partnership, LLC, representing the Housing Authority of the City of Charlotte (the "Petitioner"). This rezoning Petition and accompanying plan seeks to accommodate the development of a mixed use center on the approximately 4.7-acre site bounded and accessed by way of Savings Place via Fairview Road from the north (the "Site"). Development of the site will be governed by the Technical Data Sheet, these Development Standards, and the applicable provisions of the Zoning Ordinance of the City of Charlotte (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District - Optional (MUDD-O) zoning district classification, together with the optional provisions provided herein, shall govern all development taking place on the Site.

The Technical Data Sheet is accompanied by a development scheme which depicts potential development scenarios for the Site. This plan is referred to as the Schematic Site Plan. Detailed site planning and building design for the Site has not been finalized. The development scenario depicted on the Schematic Site Plan is intended to reflect a potential arrangement of proposed uses and elements on the Site. The exact placement, configuration, and size of the uses and elements may be altered during the design development and construction document phases of the project without further zoning approvals provided such altered design is within the limits described by this Technical Data Sheet, accompanying Development Standards, and the provisions of the Ordinance.

1. Permitted Uses

The Site may be devoted to any uses which are permitted by right or under prescribed conditions (together with any incidental or accessory uses and structures associated therewith) which are permitted under the Ordinance in the MUDD-O zoning district classification, together with the optional provisions provided herein. These uses may include residential and retail uses to the densities and limitations as described and set forth within these Development Standards.

2. Maximum Building Areas and Limitations:

- a. The Site may include up to (25) Multi-Family Residential Units, and a maximum total of (20,000) sq ft of retail together with associated surface parking, parking structures and other ancillary facilities such as marketing and leasing offices to serve the development occurring on the Site.
- b. The maximum 18,000 sq ft of retail may be reduced to a maximum of 12,000 sq ft of retail as a part of the total retail square footage allowed between this Petition, and pending Petition 42-2006 as a part of the unified development. The total square footage of retail allowed within the unified development will be determined as a part of the approval process for pending Petition 42-2006. The Site will include as a minimum, 12,000 sq ft of retail.
- c. The areas of development within the Site will be depicted on the Technical Data Sheet, and described as Development Zone "A" and Development Zone "B", with the following uses:

Development Zone A: Up to 50 Multi-Family Residential Units, Surface Parking, Parking Structure, and ancillary service and access areas

Development Zone B: Up to 100 Multi-Family Residential Units, Up to 18,000 sq ft of Retail, Surface Parking, Parking Structure, and ancillary service and access areas

- d. The Petitioner reserves the right to modify maximum square footage and residential units indicated within the respective Development Zones through administrative approval of Planning Staff, however will not exceed the maximum Multi Family Units and Retail development area as described for the total Site.
- e. Up to three independent, disconnected buildings may be developed on the Site, however the primary use of any building developed on the Site will be Residential.
- f. Retail Uses will be located primarily along the ground floor street or drive frontage of the development.

3. Setbacks and Yards

- a. All buildings constructed within the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the MUDD-O zoning district; provided, that the Site may be viewed as a unified development plan so that yards will not be required between buildings (or any other improvements) on the site. The developer(s) reserve the right to subdivide the Site and create lots interior to the development with no public street frontage or side and/or rear yards as part of a unified development plan. In addition, the Site may also be viewed as a unified development plan in conjunction with the adjoining property to the west currently controlled by the Charlotte Housing Authority, and the property to the north west currently controlled by others subject to such adjoining tracts being rezoned to the MUDD-O zoning classification (all such adjoining property being more particularly described in pending rezoning Petition 2006-42), or other applicable future zoning classifications. As such, yards will not be required between buildings (or any other improvements) located on the Site or with respect to buildings (or any other improvements) located on the adjoining tracts as described.
- b. The building setback from property line "A" and property line "C" abutting the existing Park Phillips development will be a minimum of 35' as indicated on the technical data sheet. Utilities, storm water management structures, retaining walls, building foundation walls, landscaping, and other elements may be located within the 35' setback.

4. Optional Development Provisions

The Petitioner hereby seeks the right through the MUDD-O process to obtain deviations from the strict application of the Ordinance as follows:

- a. In the event public streets or portions of public streets are located within the interior of the Site, or if the portions of the existing public streets are abandoned through the appropriate process and converted to private streets, and/or the proposed streets are developed as private streets, the Petitioner seeks the following Optional Provisions:

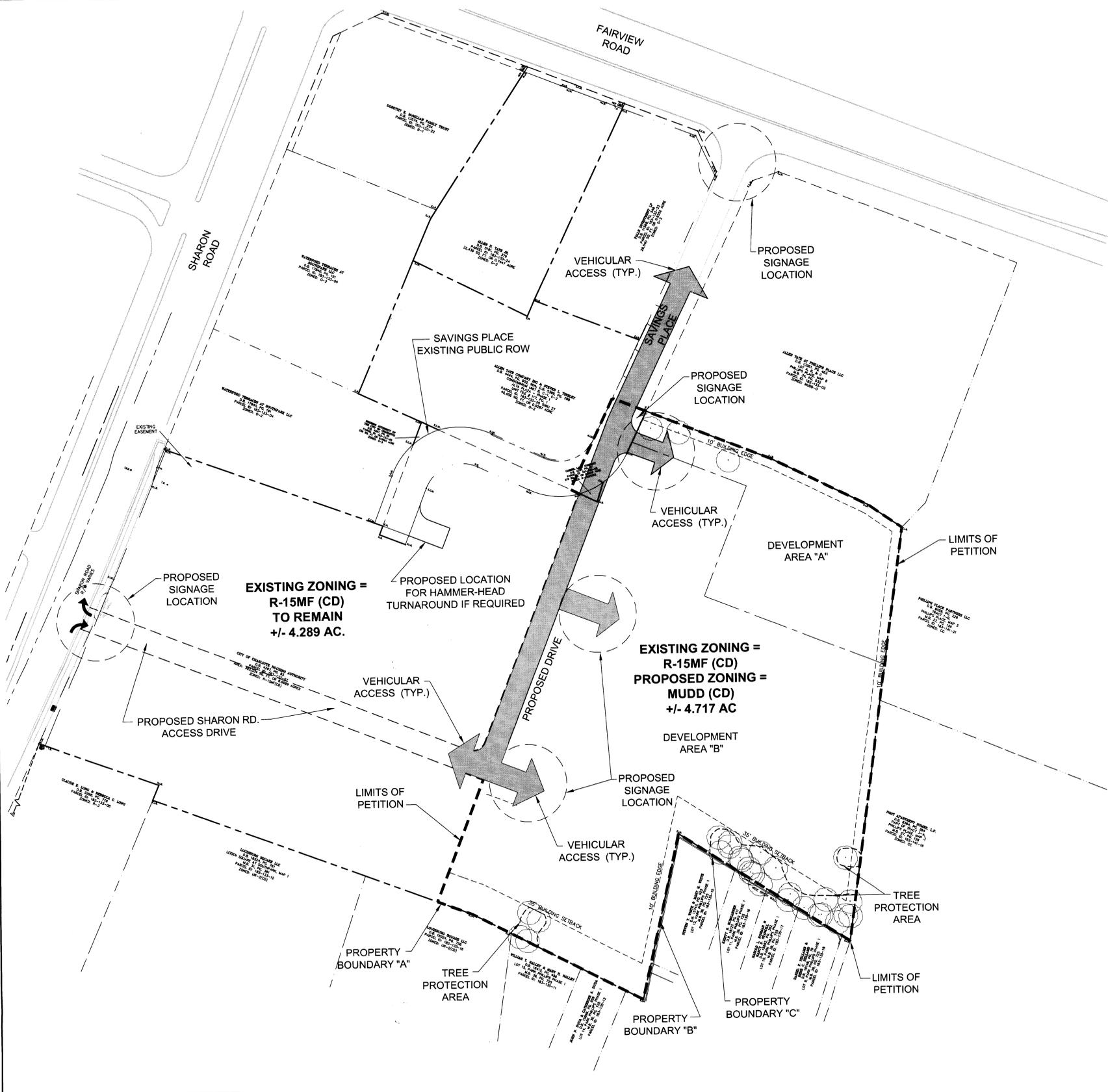
- △ Allowance of diagonal parking and maneuvering between buildings within the unified development and abutting public streets as generally depicted on the accompanying Schematic Site Plan.
- △ A reduction in the width of the required setback along the interior street (whether public or private) from fourteen feet, to a minimum setback of (5) feet which shall include height of the sidewalk and a five foot planting strip to accommodate the planting of street trees (A 5 foot tree well with tree grate covering in lieu of a continuous 5 foot planting strip along the street edge will be allowed).
- △ Use of a hammer-head turnaround design generally depicted on the Schematic Site Plan in lieu of a cul-de-sac to satisfy the transition requirements from a public street to a private street along the existing Savings Place alignment (if required, will be allowed).

- b. The Petitioner seeks the optional provision to provide a variation from the MUDD-O signage provisions so as to permit the location of off-premises signage at the intersection of the existing Savings Place and Fairview Road with the consent of the adjoining property owner. The Petitioner further seeks the optional provision to allow for a project identification sign to be located at the intersection of Sharon Road and the proposed access driveway running from the site to Sharon Road, and also for a maximum of two detached project identification signs within the interior of the Site. These signs will be located as generally depicted on the accompanying technical data sheet. These signs and other signs within the Site will conform to the standards as set forth in Section 13.108a, and Sections 13.108b, and Section 13.109 of the Ordinance.
- c. The Petitioner seeks the Optional Provision to allow blank building walls on those portions of buildings abutting structured parking.
- d. The Petitioner may subdivide the Site and create lots within the interior of the development with no public street frontage or internal side or rear yards.

5. Design and Performance Standards:

- a. All street walls will, at a minimum, conform to the requirements of Section 9.8506 part 2, paragraph a. The architectural treatment of the street level frontage of the any Parking Structure(s) that front a street will be compatible with the architectural treatments of the street level frontage of the commercial uses fronting the same street(s).
- b. All primary streets within the site will be open and accessible to the public.
- c. All sidewalks within the site will be a minimum of 6 feet in width.
- △ The Petitioner shall provide a minimum width of 6 foot sidewalk extending from Development area "A" (as depicted on the accompanying Technical Data Sheet) to the primary street currently depicted as Savings Place.
- e. The Multi-Family components of the Petition will meet all requirements as stated in Chapters 9 and 12 of the Charlotte City Code regarding solid waste dumpster, compactor, and recycling areas.
- f. Dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear of the building may be substituted for the wall.
- g. Detached pedestrian scale light poles and fixtures will be located along the primary streets and pedestrian sidewalks, will be consistent in design and will not exceed 15 feet in height. This excludes street lighting.
- h. The maximum height of any portion of any Building developed on the Site will not exceed 55 feet in height as measured from the average grade to the roofline and exclusive of the parapet, architectural features, mechanical or service structures located above the roofline. The maximum height of the multi-family units immediately adjacent to property boundary "A" and property "B" as depicted on the Technical Data Sheet shall not exceed three floors of occupied space, or forty feet in height as measured from the average grade to the roofline and exclusive of parapet, architectural features, mechanical or service structures. The maximum height of the multi-family units immediately adjacent to property boundary "C" as depicted on the Technical Data Sheet shall not exceed four floors of occupied space, or 55 feet in height as measured from the average grade to the top of the roofline exclusive of parapet, architectural features, service or mechanical structures. Each of these relationships is generally depicted in the section diagrams on sheet RZ-3.
- i. Along property boundaries "A", "B" and "C", as depicted on the Technical Data Sheet, the elevations of the Multi-Family Building, full balconies will only be allowed on the first and second floors. Juliette balconies and architectural features that extend a maximum of 18" from the face of the wall of the building will be allowed on the third and fourth floors of the Building.
- j. All roof mounted mechanical units will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
- k. The Buildings occurring in Development Zone A as depicted on the technical data sheet may have either a flat roof treatment or a pitched roof treatment.
- l. All freestanding lighting fixtures, except street lights erected along public or private streets, will be uniform in design.
- m. The maximum height of any freestanding lighting fixture, including its base, may not exceed 30 feet.
- n. All parking lot and roadway/driveway area lighting shall be capped and designed such that direct illumination does not extend past any exterior property line. No Wall-Pak type fixtures shall be used; however, Wall-mounted decorative light fixtures such as sconces are permitted.
- o. Service areas will be screened from public view.
- p. Signage will be designed and erected in accordance with the applicable requirements of the Ordinance subject to the optional provisions described herein. On-premises directional and instructional signage will be permitted in accordance with Section 13.106 of the Ordinance.
- q. Existing trees within the site as defined on the technical data sheet will be preserved during the development of the project. Clearing of underbrush and new supplemental landscaping will be allowed within the tree preservation areas.
- r. Supplemental landscaping will be provided along the property line abutting the existing Park Phillips development to the south, and the Tale property to the north and will include four large maturing trees and 20 evergreen shrubs per 100 linear feet as generally depicted on the Schematic Site Plan.
- s. The development occurring on the Site will conform to the open space requirements as described in Section 9.8506 part 4. These Open Spaces may include plazas, courtyards, second floor terraces, with up to 30 percent of the required open spaces located within an enclosed ground floor level.

- 6. Parking:
 - a. The parking and loading areas within the site will, as a minimum, satisfy the requirements of the Ordinance through a combination of on-street, surface lot, and structured parking facilities.
 - b. The Petitioner reserves the right to construct and maintain interim surface parking within the site to accommodate the parking requirements of the initial phases of the project either inside or outside the described development zones associated with the defined initial phase of development.
 - c. The Petitioner reserves the right to incorporate diagonal on-street parking along the Site's primary street frontage.
- 7. Storm Water Management
 - a. Storm Water runoff from the site will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte Ordinance and the Charlotte Mecklenburg Storm Water Design Manual, and LUESA in existence as of approval of this Petition.
 - b. The Petitioner shall control and treat the entire runoff volume for the post development 1 year 24 hour storm. Run off 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 and 10 year 6 hour storm events. The Petitioner will perform a downstream flood analysis of the immediately adjacent properties 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 as a maximum, the 10 year and 25 year six hour storms. The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, and/or proprietary methods) 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 the specifications in the NC Department of Environment and Natural Resources Best Management Practices Manual, April, 1999. Water quality systems measures and methods not approved or included within NCDENR BMP Manual shall be approved by the City of Charlotte Land Development and City of Charlotte Storm Water Services divisions.
- 8. Vehicular Access and Roadways
 - a. Vehicular access to the Site shall be as generally depicted on the Technical Data Sheet.
 - b. The placement, configurations and locations of these access points are subject to any minor modifications required to accommodate actual site and building design, and any adjustments that may be required by CDOT.
 - c. The City of Charlotte Department of Transportation, along with Charlotte Mecklenburg Planning Commission Staff shall inform the Petitioner of the locations of the transitional Rights of Ways along the surrounding street frontage, the allowable curbsides surrounding the Site, and the corresponding building setbacks.
 - d. The Petitioner reserves the right to seek abandonment of existing portions of Savings Place, easements, alleyways, or other encumbrances within the site through quit claim procedure or other methods in order to create a compatible and integrated development.
 - e. The Petitioner reserves the right, upon abandonment, to reconstruct all or portions of Savings Place as a private drive.
 - f. The Petitioner will provide, through the adjoining property, a private driveway and pedestrian access to Sharon Road as a part of this Petition and will acquire the required driveway permits to provide such. In the event that the adjoining property is rezoned as a part of the proposed unified development as described in Section 3, Setbacks and Yards, the Petitioner waives responsibility to provide driveway and pedestrian access to Sharon Road with the understanding that such access will be provided by others as a part of the development of the adjoining property.
 - g. As described in (f) above, the Petitioner will provide pedestrian access to the existing CATS stop on Sharon Road by providing access to the existing sidewalk along Sharon Road.
- 9. Fire Protection
 - a. Adequate fire protection will be provided in accordance with the requirements of the office of the Fire Marshal and building code in existence at the time of approval of this Petition.
- 10. Amendments to the Rezoning Plan:
 - a. Future amendments to the Petition or portions thereof may be applied for by the then Owner of the Parcel or Parcels within the site in accordance with provisions of Chapter 6 of the Ordinance.
- 11. Binding Effect of the Rezoning Documents and Definitions:
 - a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and the Technical Data Sheet will, 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. Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "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 with any future development thereof.



SITE DATA: TOTAL AREA = +/- 4.717 AC.
TAX PARCEL #: 183-133-07 + 183-133-06

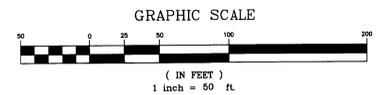
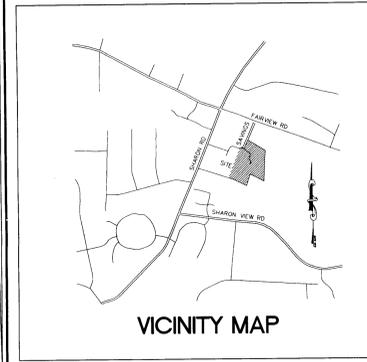
EXISTING ZONING: R-15 MF (CD)
PROPOSED ZONING: MUDD-O
SITE AREA: +/- 4.717 AC (GROSS)

NOTE:
THIS TECHNICAL DATA SHEET (2-24-06) WILL REPLACE THE PREVIOUSLY SUBMITTED TECHNICAL DATA SHEET (1-20-06)

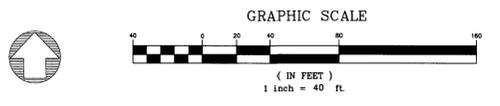
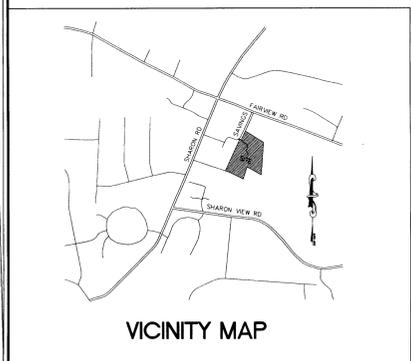
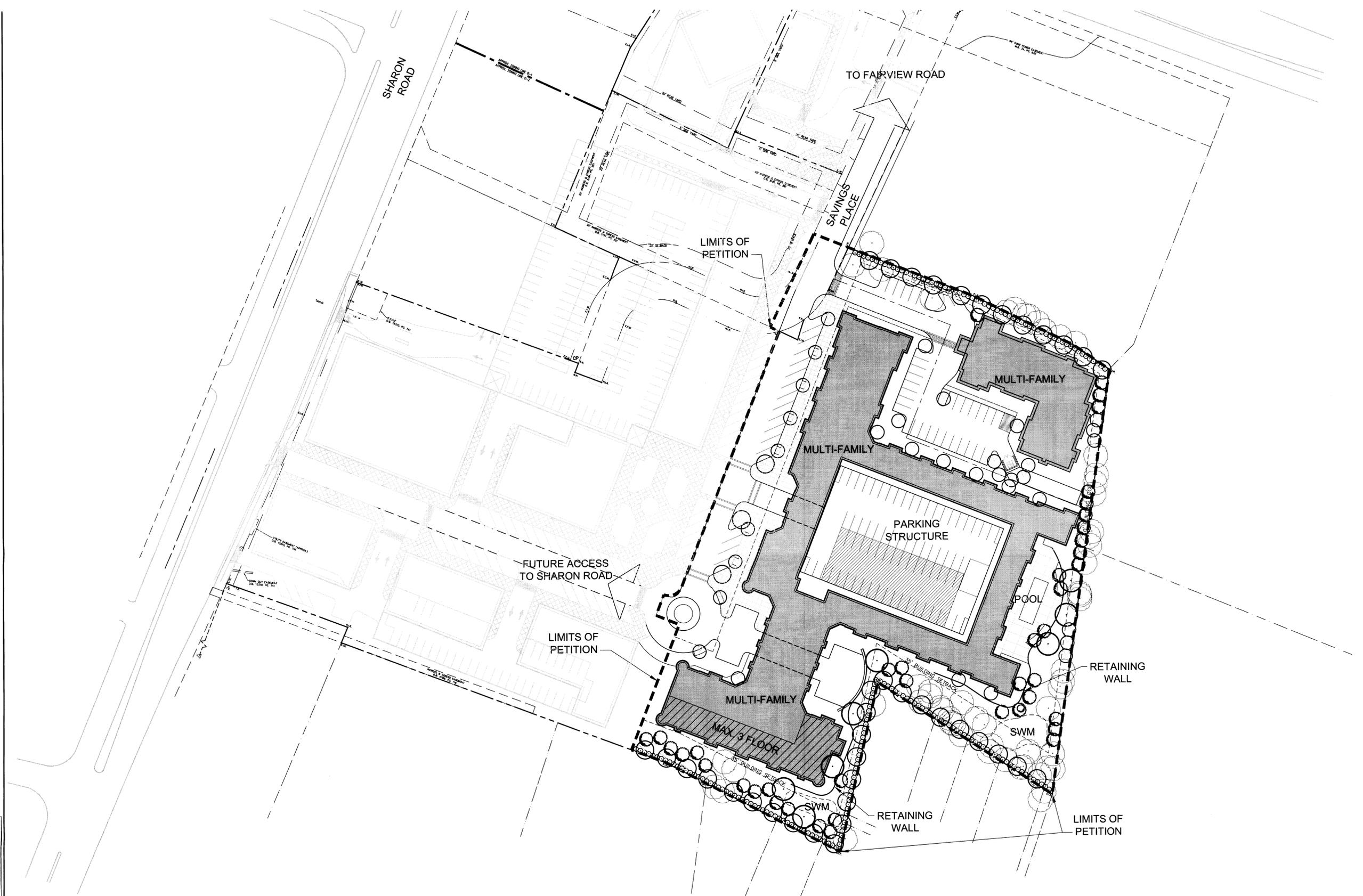
CONSULTANTS:
GUTHRIE, DAVIS, HENDERSON & STATON, P.L.L.C.
719 EAST BOULEVARD
CHARLOTTE, NORTH CAROLINA 28203-5113
(704) 372-5600

LITTLE DIVERSIFIED ARCHITECTURAL CONSULTING
5815 WESTPARK DRIVE
CHARLOTTE, NORTH CAROLINA 28217
(704) 525-6350

PETITIONER:
LIVE OAK DEVELOPMENT PARTNERSHIP, LLC
1301 SOUTH BOULEVARD
CHARLOTTE, NORTH CAROLINA 28203
(704) 372-4601



PROJECT NAME		
Live Oaks Property Rezoning		
PROJECT TEAM		
PRINCIPAL IN CHARGE:	J. Gamble, ASLA	
PROJECT MANAGER:	C. Chastain, RLA	
DRAWN BY:	C. Chastain, RLA	
REVISIONS		
NO.	REASON	DATE
1	Resubmittal Review	1/23/06
2	Resubmittal Review	2/24/06
SHEET TITLE		
Technical Data Sheet		
PROJECT NO.		
101.1686.00		
SUB DATE	SHEET NUMBER	
2/24/06	RZ-1	



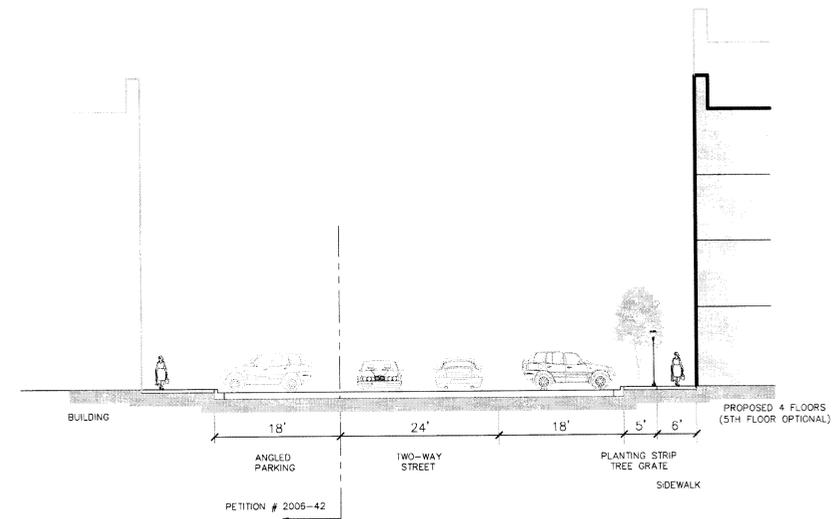
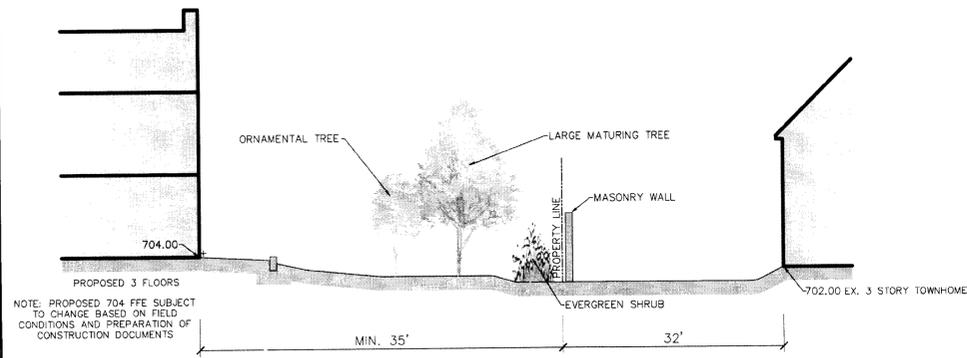
NOTE:
 THIS SCHEMATIC SITE PLAN (2-24-06) WILL REPLACE THE PREVIOUSLY SUBMITTED SCHEMATIC SITE PLAN (1-20-06)

NOTE:
 THIS PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND DEPICTS A POSSIBLE DEVELOPMENT SCHEME. FINAL LAYOUT WILL BE DETERMINED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PREPARATION.

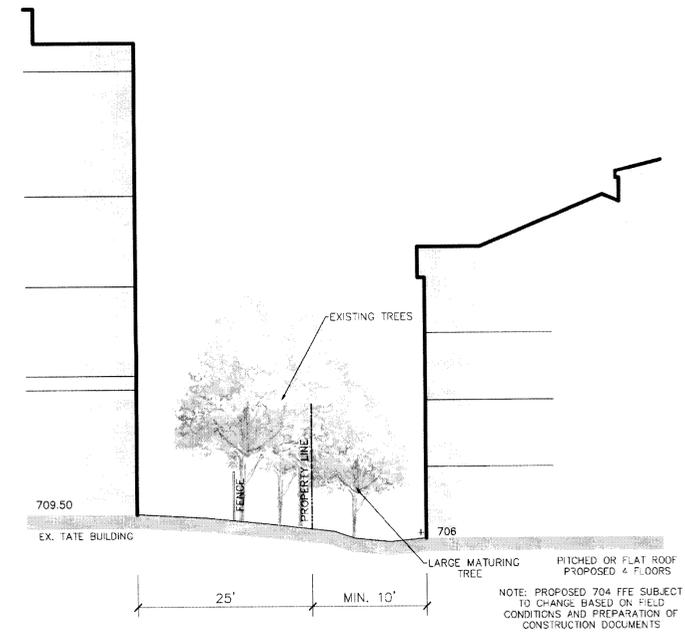
PETITION # = 22-2006

PROJECT NAME	
Live Oaks Property Rezoning	
PROJECT TEAM	
PROJECTED IN CHARGE: J. Gamble, ASLA	
PROJECT MANAGER: C. Chastain, RLA	
DRAWN BY: C. Chastain, RLA	
REVISIONS	
NO.	DATE
1	1/20/06
2	2/24/06
SHEET TITLE	
Schematic Site Plan	
PROJECT NO.	
101.1686.00	
ISSUE DATE	SHEET NUMBER
12/07/05	RZ-2

..F_SDS_SITE/CIVIL_101_1686_00 CHA PAGE 1 - 2/24/2006 1:31:56 PM

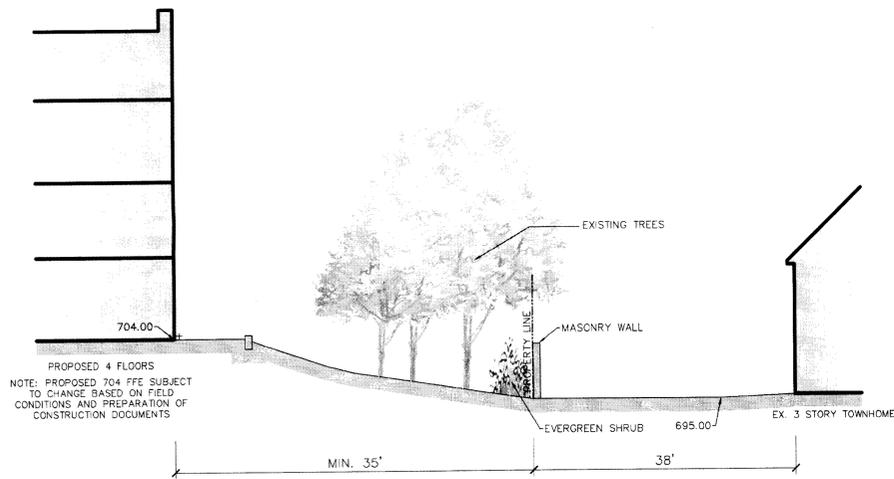


SECTION "C"
1"=10'

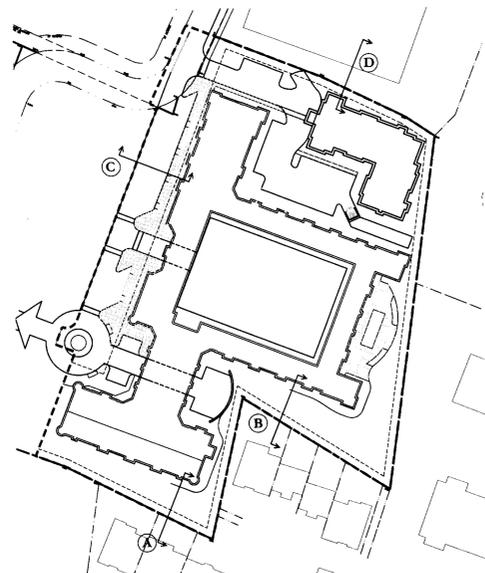


SECTION "D"
1"=10'

SECTION "A"
1"=10'



SECTION "B"
1"=10'



NOTE:
THIS SCHEMATIC SECTION PLAN (2-24-06) WILL REPLACE THE PREVIOUSLY SUBMITTED SCHEMATIC SECTION PLAN (1-20-06)

PROJECT NAME
Live Oaks Property Rezoning

PROJECT TEAM
PRINCIPAL ARCHITECT
J. Gamble, ASLA
PROJECT MANAGER
C. Chastain, RLA
DRAWN BY
C. Chastain, RLA

REVISIONS

NO.	REVISION	DATE
1	Resubmittal Version	2/24/06

SHEET TITLE
Schematic Sections

PROJECT NO.
101.1686.00

ISSUE DATE
2/24/06

SHEET NUMBER
RZ-3

PETITION # = 22-2006



1 TYPICAL FRONT ELEVATION



2 TYPICAL LEFT-SIDE ELEVATION

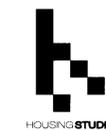
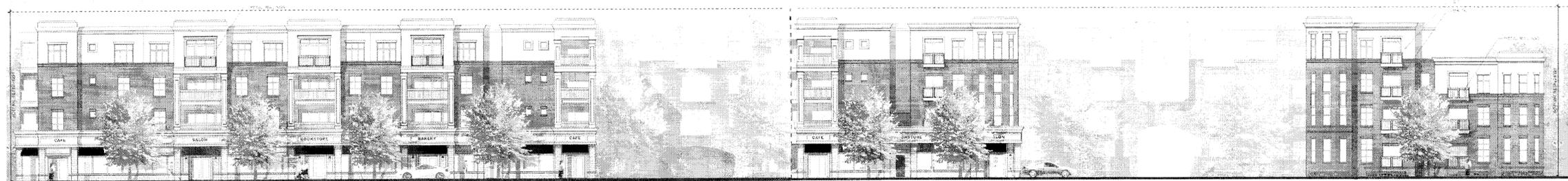


NOTE:
THIS SCHEMATIC ELEVATION PLAN (2-24-06)
WILL REPLACE THE PREVIOUSLY SUBMITTED
SCHEMATIC ELEVATION PLAN (1-20-06)

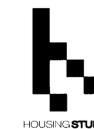
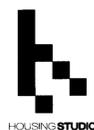
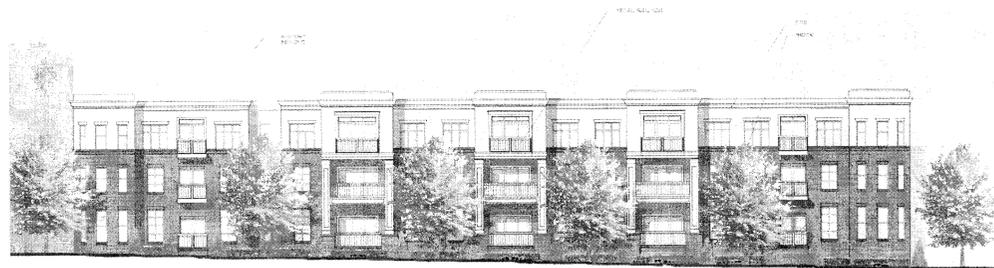
NOTE: THE BUILDING ELEVATIONS ILLUSTRATED ON THIS SHEET ARE SCHEMATIC IN NATURE AND THEY ARE INTENDED TO REFLECT QUALITY AND GENERAL CHARACTER OF ARCHITECTURAL DESIGN. PETITIONER RESERVES THE RIGHT TO MODIFY THE ARCHITECTURAL TREATMENT AND BUILDING ELEVATION DESIGN TO COMPLIMENT THE FUTURE ARCHITECTURAL TREATMENT AND DESIGN PROPOSED WITHIN REZONING PETITION 42-2006 AS A PART OF THE PROPOSED UNIFIED DEVELOPMENT.

SENIOR LIVING ELEVATIONS (DEVELOPMENT AREA "A")

* ROOF STRUCTURE MAY BE EITHER PITCHED OR FLAT



MULTI-FAMILY WEST ELEVATION (DEVELOPMENT AREA "B")



MULTI-FAMILY SOUTH ELEVATION 1 (DEVELOPMENT AREA "B")

MULTI-FAMILY SOUTH ELEVATION 2 (DEVELOPMENT AREA "B")

PETITION # = 22-2006