

Live Oaks DEVELOPMENT STANDARDS
(April 3, 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 4.72 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 200 Multi-Family Residential Units, and a maximum total of 12,000 sq ft of Retail together with associated surface parking, parking structures and other ancillary facilities such as marketing and leasing offices, and fitness centers to serve the development occurring on the Site and future development that may be permitted during the approval process for pending Petition 2006-42.
- b. The 12,000 sq ft of Retail permitted on the Site may be increased up to a maximum of 18,000 sq ft of Retail, provided however that such an increase shall be offset by an appropriate decrease in the Retail square footage as may be permitted during the approval process for pending Petition 2006-42 (the balance of the unfilled development). The shifting of additional Retail square footage to the Site may take place at any time in the development process. The maximum Retail square footage permitted for the entire unfilled development will be equal to the sum of the 12,000 sq ft permitted for this Site, plus the additional Retail square footage permitted in the approval process for pending Petition 2006-42. The areas of development within the Site will be depicted on the Technical Data Sheet, and described as Development Area "A", Development Area "B", and Development Area "C" with the following allowed uses:
- Development Area A: Up to 155 Multi-Family Residential Units, Surface Parking, Parking Structure, and ancillary service and access areas.
- Development Area B: Up to 45 Multi-Family Residential Units, Retail Uses (subject to the provisions as stated in 2.b above), Surface Parking, Parking Structure, and ancillary service and access areas.
- Development Area C: Up to 50 Multi-Family Residential Units, 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 areas as described for the Site.
- e. The building and parking components occurring in Development Area B will be located within the limits of the development envelopes as depicted on the Technical Data Sheet.
- f. Up to 100 independent, disconnected buildings may be developed on the Site, however the primary use of any building developed on the Site will be as a retail use.
- g. Retail Uses will be located primarily along the ground floor street or drive frontage of the development.
- h. The Petitioner reserves the right, without further approvals, to convert approved Retail square footage to additional residential units, in excess of 200 units, at a conversion rate of 1 additional residential unit for each 500 sq ft reduction of allowable Retail space.

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 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 boundary "A" and property boundary "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 boundary "B" will be 10' as depicted on the Technical Data Sheet.

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 unfilled development and abutting public or private 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 10 feet from the nearest face of building to either the back of curb or edge of tree grate or planting area.
 - Use of a hammerhead turn-around design (as 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 signage provisions so as to permit the location of off-premises project identification 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 or residential 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 six feet in width.
- d. The Petitioner shall provide a minimum width six foot sidewalk extending from Development Area "C" to the existing Savings Place (as depicted on the 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 drives 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 65 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 building immediately adjacent to property boundary "A" 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 roofline and exclusive of the parapet, architectural features, mechanical or service structures. The maximum height of the multi-family building 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 sheets 13-1 through 13-4.
- i. Structured Parking within Development Area B adjacent to property boundaries A, B, and C will not exceed 14 feet in height as measured from the average elevation along the perimeter of the structure to the elevation of the parking surface of the Parking Structure. Opaque walls or other architectural treatments for screening parking from adjacent properties may exceed this height.
- j. Balconies may occur within the Development. However balconies within Development Area B and Development Area C will only be allowed to face east and west within the Site, and will not be allowed to directly face property boundaries A and C.
- k. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
- l. The Buildings occurring in Development Zones as depicted on the technical data sheet may have either a flat roof treatment or a pitched roof treatment.
- m. All freestanding lighting fixtures, except street lights erected along public or private streets, will be uniform in design.
- n. The maximum height of any freestanding lighting fixture, including its base, may not exceed 30 feet.
- o. 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 lighting shall be used, however, Wall-mounted decorative light fixtures such as sconces are permitted.
- p. Service areas will be screened from public view.
- q. 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.
- r. Existing trees within the site as depicted on the technical data sheet will be preserved during the development of the project. Clearing of underbrush, supplemental landscaping (as described in 5.3 below, and utilities) will be allowed within the tree preservation areas as depicted on the technical data sheet along the property line abutting the existing Park Phillips development to the south, and the Tate property to the north and will include (as a minimum) four large mature trees and 20 evergreen shrubs per 100 lineal feet as generally depicted on the Schematic Site Plan.
- t. 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.
- u. The Petitioner will provide a 4 foot wide gravel (or similar surface) walking path along the entire edge of the property in the general area as depicted on the Technical Data Sheet.

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 or private drive frontages.

7. Storm Water Management

- a. Storm Water runoff and treatment systems for the Site may be designed, constructed, and function as a unified storm water management system in conjunction with the proposed infrastructure development as described in adjoining Petition number 2006 - 42.
- b. The Petitioner shall control and treat the entire runoff from 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 floodability analysis is not performed, control a minimum of the 10 year and 25 year 6 hour storms. The use of multiple types of storm water treatment systems and devices (wet ponds, extended detention wetlands, bio-retention and sand filter devices and other methods) may be incorporated into the site and/or be designed and located within the site. Properly designed and installed storm water treatment systems may include currently available, proven products such as Stormceptor, Vortechs, or others of equal effectiveness. Water quality systems measured and certified by the City of Charlotte Storm Water Services and City of Charlotte Storm Water Services divisions at the time of final permitting and construction may be utilized on the site. Petitioner agrees to consult with the City of Charlotte Storm Water Services Division during the design phase of the Storm Water Management System. Petitioner will agree to provide a copy of an annual maintenance agreement for the maintenance of the selected storm water treatment by-products in a legal manner in locations acceptable to Storm Water Services and provide documentation of the disposal site.

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. The Petitioner will provide a vehicular access to the eastern property line of the Site in the general area as depicted on the Technical Data Sheet for future potential connection to the adjoining property to the east (Diagonal surface parking, drop off areas, and connections to internal driveways may occur along this access drive. Vehicular connection by way of this access drive to the eastern property will only occur upon the consent of the adjacent property owner.
- h. 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

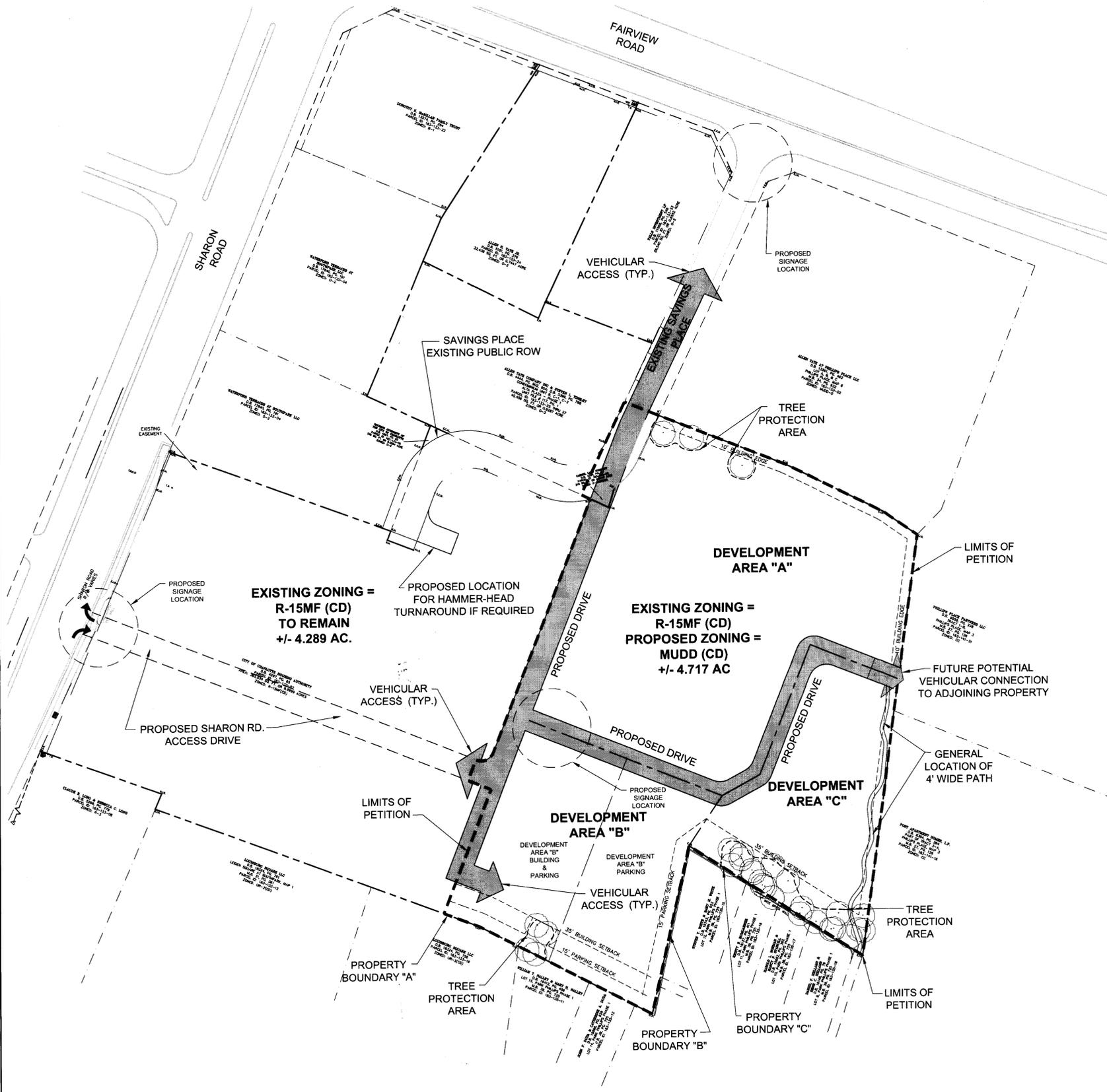
- a. Adequate fire protection will be provided in accordance with the requirements of the office of the Fire Marshal and building code in existence at the time of approval of this Petition.

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 in 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

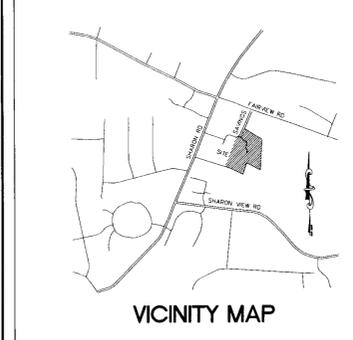
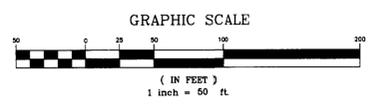
EXISTING ZONING: R-15MF (CD)
PROPOSED ZONING: MUDD-O
SITE AREA: +/- 4.717 AC (GROSS)

NOTE:
THIS TECHNICAL DATA SHEET (4-03-06) WILL REPLACE THE PREVIOUSLY SUBMITTED TECHNICAL DATA SHEET (3-14-06)

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PETITIONER:
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(704) 372-4601



PROJECT NAME
Live Oaks Property Rezoning

PROJECT TEAM
PRINCIPAL IN CHARGE: J. Gambic, ASLA
PROJECT MANAGER: C. Chastain, RLA
DRAWN BY: C. Chastain, RLA

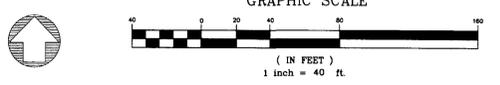
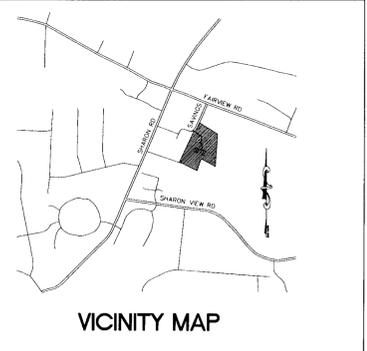
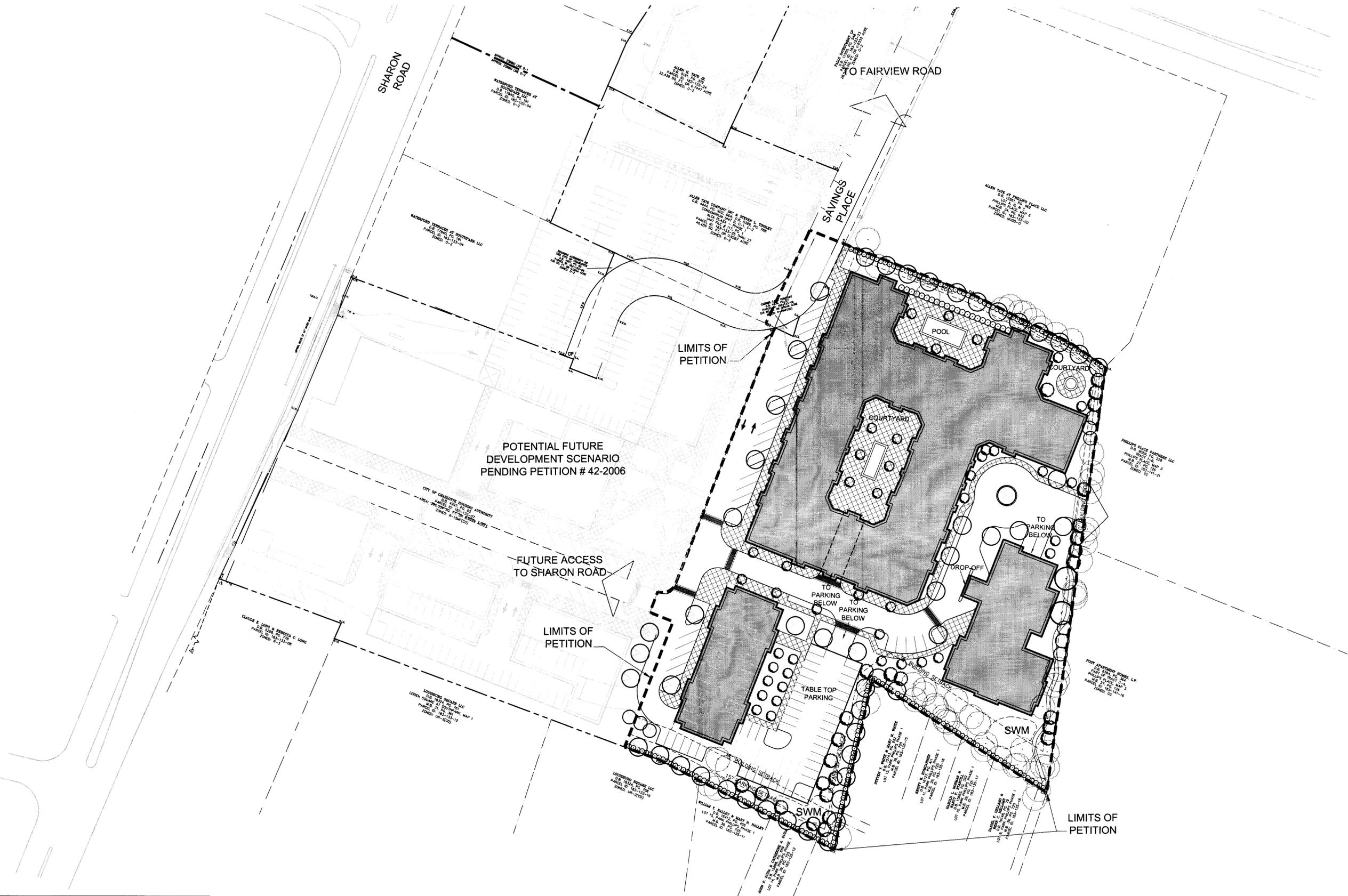
NO.	REVISION	DATE
1	Revised/Revised	1/21/06
2	Revised/Revised	2/24/06
3	Revised/Revised	3/14/06
4	Revised/Revised	4/03/06

Technical Data Sheet

PROJECT NO: 101.1686.00

ISSUE DATE: 4/03/06
SHEET NUMBER: RZ-1

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NOTE:
THIS SCHEMATIC SITE PLAN (4-03-06) WILL REPLACE THE PREVIOUSLY SUBMITTED SCHEMATIC SITE PLAN (3-14-06)

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.

PROJECT NAME
Live Oaks Property Rezoning

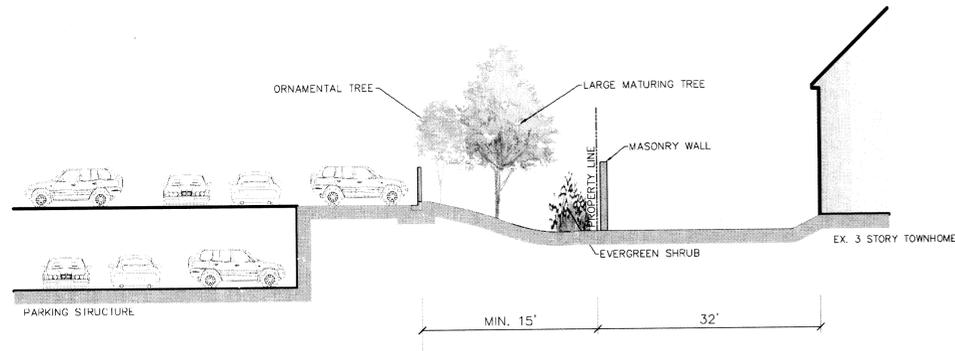
PROJECT TEAM
PRINCIPAL IN CHARGE:
J. Gamble, ASLA
PROJECT MANAGER:
C. Chastain, RLA
DESIGNED BY:
C. Chastain, RLA

NO.	REVISION	DATE
1	Revised	1/20/06
2	Revised	2/24/06
3	Revised	3/14/06
4	Revised	4/03/06

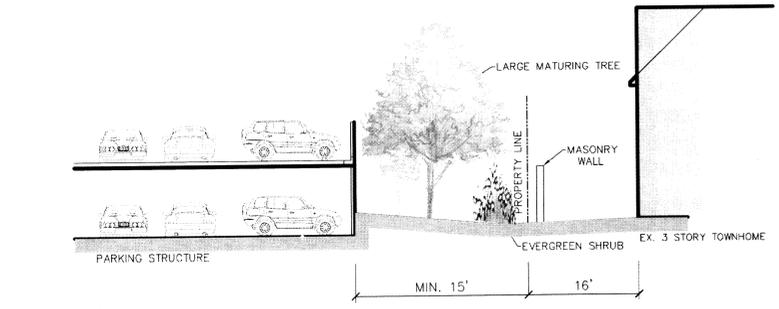
SHEET TITLE
Schematic Site Plan

PROJECT NO.
101.1686.00
DATE
4/03/06
SHEET NUMBER
RZ-2

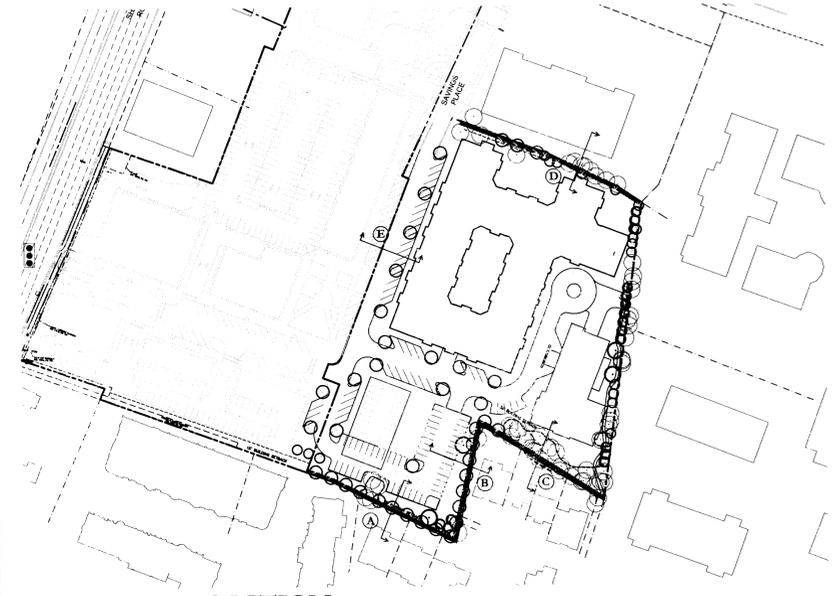
PETITION # = 22-2006



SECTION "A"
1"=10'



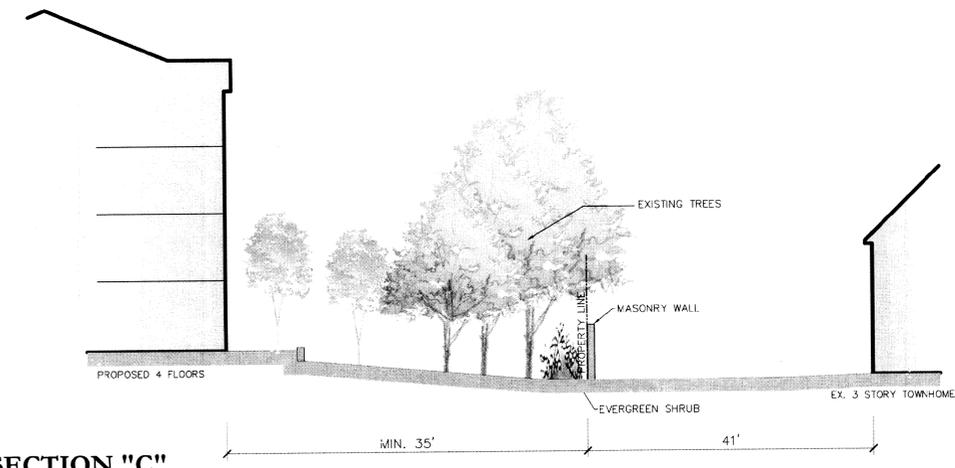
SECTION "B"
1"=10'



SECTION LOCATOR MAP

NOTE:
THIS SCHEMATIC SECTION PLAN (4-03-06)
WILL REPLACE THE PREVIOUSLY SUBMITTED
SCHEMATIC SECTION PLAN (3-13-06)

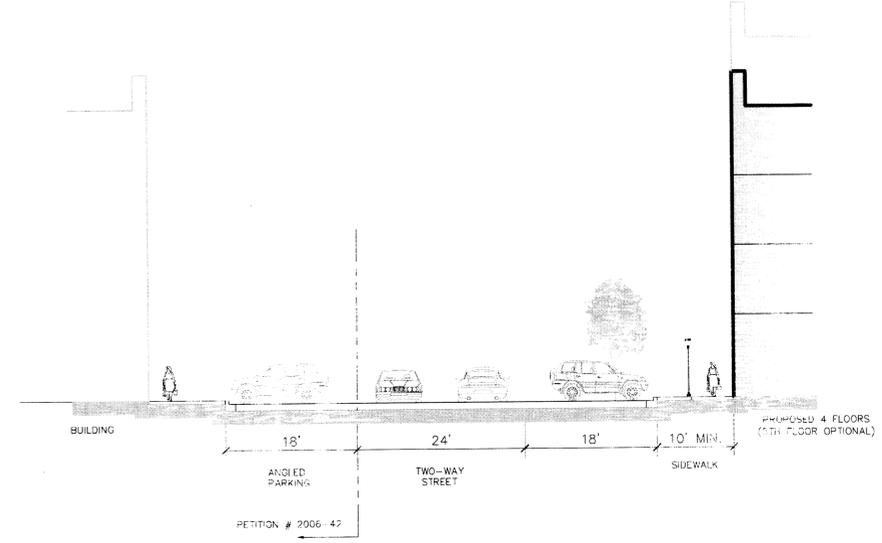
PETITION # = 22-2006



SECTION "C"
1"=10'



SECTION "D"
1"=10'



SECTION "E"
1"=10'

PROJECT NAME
Live Oaks Property
Rezoning

PROJECT TEAM
PRINCIPAL ARCHITECT
J. Gamble, ASLA
PROJECT MANAGER
C. Chastain, RLA
FOR REVIEW
C. Chastain, RLA

NO.	REVISION	DATE
1	Resubmitted Review	2/24/06
2	Resubmitted Review	3/14/06
3	Resubmitted Review	3/15/06

SHEET TITLE
Schematic Sections

PROJECT NO.
101.1686.00

ISSUE DATE
4/03/06

SHEET NUMBER
RZ-3

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NOTE:
 THIS SCHEMATIC ELEVATION PLAN (4-03-06)
 WILL REPLACE THE PREVIOUSLY SUBMITTED
 SCHEMATIC ELEVATION PLAN (3-14-06)

NOTE: THE BUILDING ELEVATIONS PREVIOUSLY ILLUSTRATED WITHIN THIS PETITION ARE CURRENTLY BEING REDESIGNED AS A PART OF THE ARCHITECTURAL TREATMENTS FOR THE UNIFIED DEVELOPMENT ASSOCIATED WITH PENDING PETITION 2006-42. THESE BUILDING ELEVATIONS WILL BE APPROVED BY PLANNING COMMISSION STAFF THROUGH THE STANDARD MUDD APPROVAL PROCESS. 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.

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PROJECT NAME
 Live Oaks Property Rezoning

PROJECT TEAM

PRINCIPAL IN CHARGE:
 J. Gamble, ASLA

PROJECT MANAGER:
 C. Chastain, RLA

DRAWN BY:
 C. Chastain, RLA

NO.	REVISION	DATE
△	Revised/Revised	2/24/06
△	Revised/Revised	3/14/06
△	Revised/Revised	4/03/06

SHEET TITLE
 Schematic Elevations

PROJECT NO.
 101.1686.00

ISSUE DATE **SHEET NUMBER**
 4/03/06 RZ-4