

CHARLOTTE – MECKLENBURG

# Planning Department

INTER - OFFICE COMMUNICATION

**TO:** Mark Fowler  
Zoning Supervisor

**DATE:** December 6, 2011

**FROM:** Debra Campbell <sup>SCS</sup>  
Planning Director

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**SUBJECT: Administrative Approval for Petition 2008-073 (Charlotte Mecklenburg Housing Partnership)**

Attached are revised plans for the above petition. The plans have been revised to make the following minor changes:

- Remove all notes on Sheet SP104 related to “Minimum Building Heights”.
- Re-allocate a portion of the site identified as single family attached to single family detached indicated on Sheet SP102.
- Modification of the phasing of the transportation commitments identified within Section 11.2(iii) on Sheet T101.

Since these changes are minor and do not alter the intent of the development and meet the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, I am administratively approving these plans. Please use these plans when evaluating requests for building permits and certificates of occupancy.

Note all other ordinance requirements still apply.

**SITE DATA (EXISTING):**

Owner: Double Oaks Development, LLC  
 Address: 4601 Charlotte Park Dr., Suite # 350  
 Charlotte, NC 28217  
 Site Address: Unassigned  
 Existing Zoning: NS  
 Tax Parcel Numbers: 075-105-43, 075-105-30, 075-105-37, 079-044-02  
 Existing Zoning: R-22 MF  
 Tax Parcel Numbers: 075-111-01, 075-124-02, 075-123-01, 075-112-01, 075-113-04, 075-113-01  
 Existing Zoning: I-2  
 Tax Parcel Numbers: 079-043-03  
 Existing Zoning: R-8  
 Tax Parcel Numbers: 075-114-23, 075-114-24

**SITE DATA (PROPOSED):**

**Development Area 1**  
 Proposed Zoning: NS (SPA)  
 Proposed Use: Multi-Family & attached Club House uses  
 [See Development Standards]  
 Dwelling Units: 48  
 Area: +/- 2.38 ac.

**Development Area 2**  
 Proposed Zoning: NS (SPA)  
 Proposed Use: Mixed Use (Retail/Office: ≤ 15,000 SF)  
 [See Development Standards]  
 Dwelling Units: Up to 70  
 Area: +/- 1.28 ac.

**Development Area 3**  
 Proposed Zoning: NS (SPA)  
 Proposed Use: Mixed Use (Retail/Office: ≤ 20,000 SF)  
 [See Development Standards]  
 Dwelling Units: Up to 230  
 Area: +/- 3.03 ac.

**Development Area 4/Easement**  
 Proposed Zoning: NS (SPA)  
 Proposed Use: Green Way / Park via Easement  
 [See Development Standards]  
 Area: +/- 2.88 ac.

**Development Area 5**  
 Proposed Zoning: NS (SPA)  
 Proposed Use: Multi-Family  
 [See Development Standards]  
 Dwelling Units: 72  
 Area: +/- 1.44 ac.

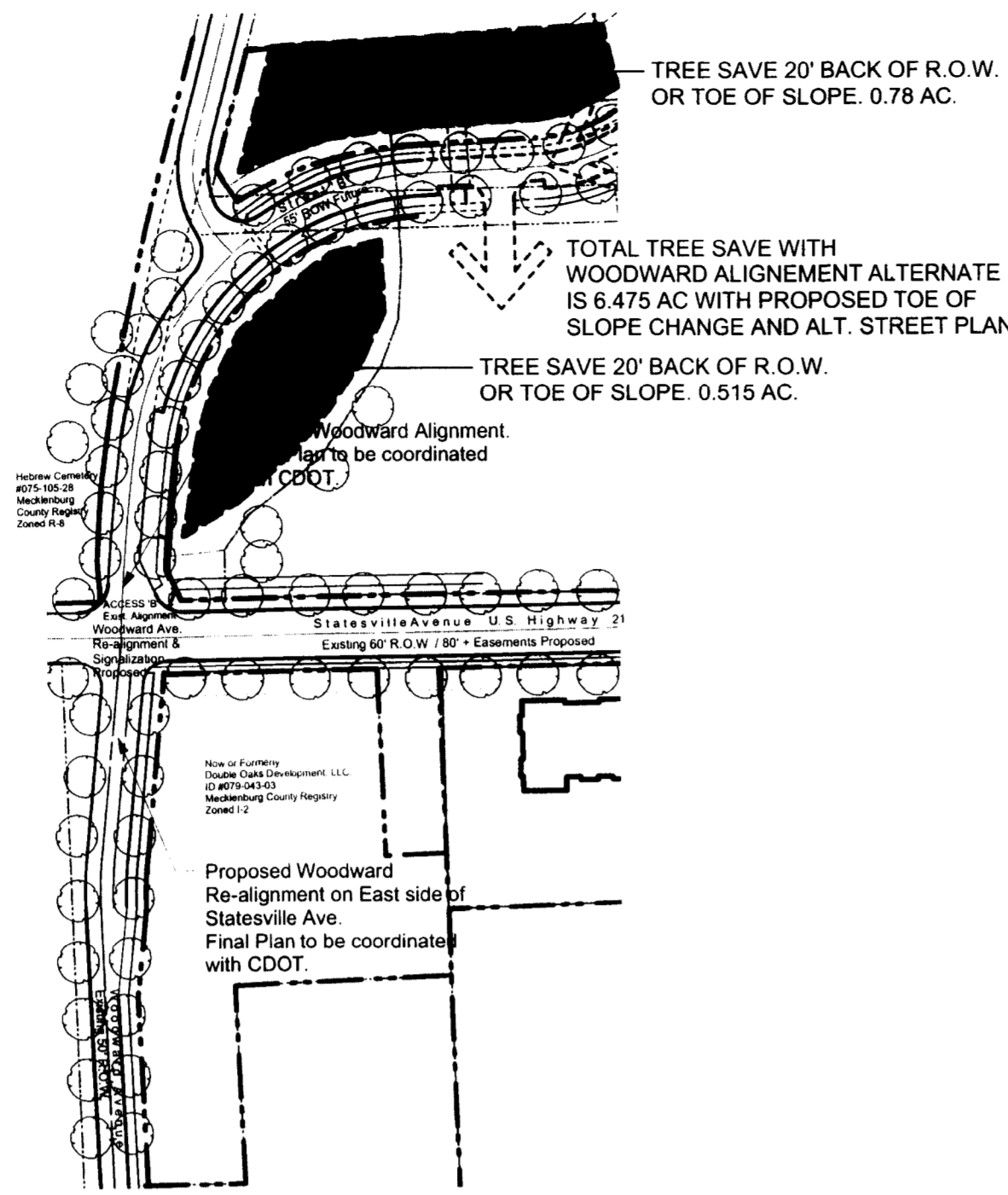
**Development Area 6**  
 Proposed Zoning: NS  
 Proposed Use: Multi-Family and/or Single Family Attached  
 [See Development Standards]  
 Dwelling Units: Up to 72  
 Area: +/- 1.85 ac.

**Development Area 7**  
 Proposed Zoning: UR-2 (CD)  
 Proposed Use: Residential / Green Way Park via Easement  
 [See Development Standards]  
 Dwelling Units: Up to 400  
 Area: +/- 39.92 ac.  
 Site Area in Easement: +/- 0.32 ac.

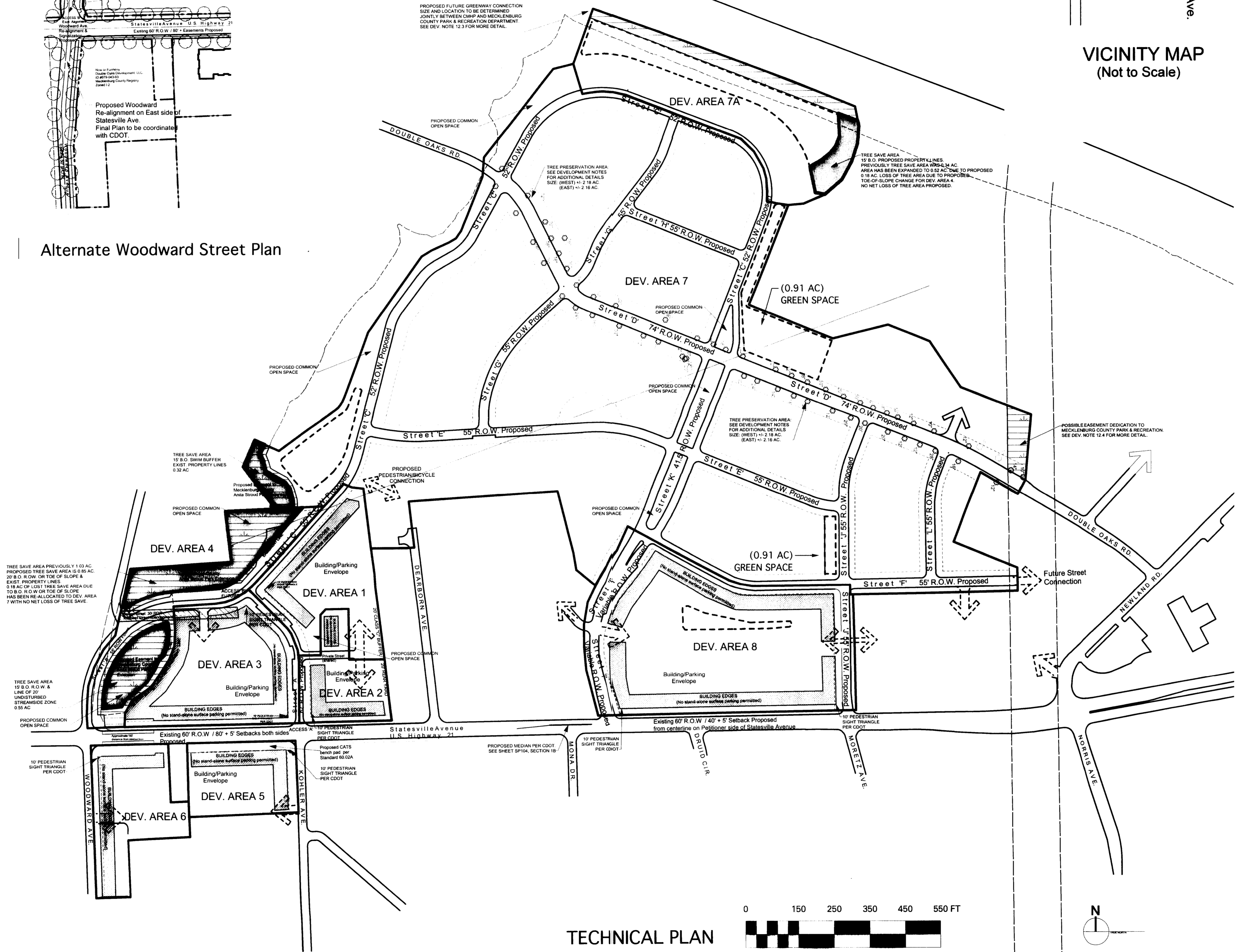
**Development Area 7A**  
 Proposed Zoning: UR-2 (CD)  
 Proposed Use: Residential / Green Way Park via Easement  
 [See Development Standards]  
 Dwelling Units: Up to 40  
 Area: +/- 4.28 ac.

**Development Area 8**  
 Proposed Zoning: UR-2 (CD)  
 Proposed Use: Multi-Family, Single Family Attached, Child Care Center  
 [See Development Standards]  
 Dwelling Units: Up to 150  
 Area: +/- 7.05 ac.

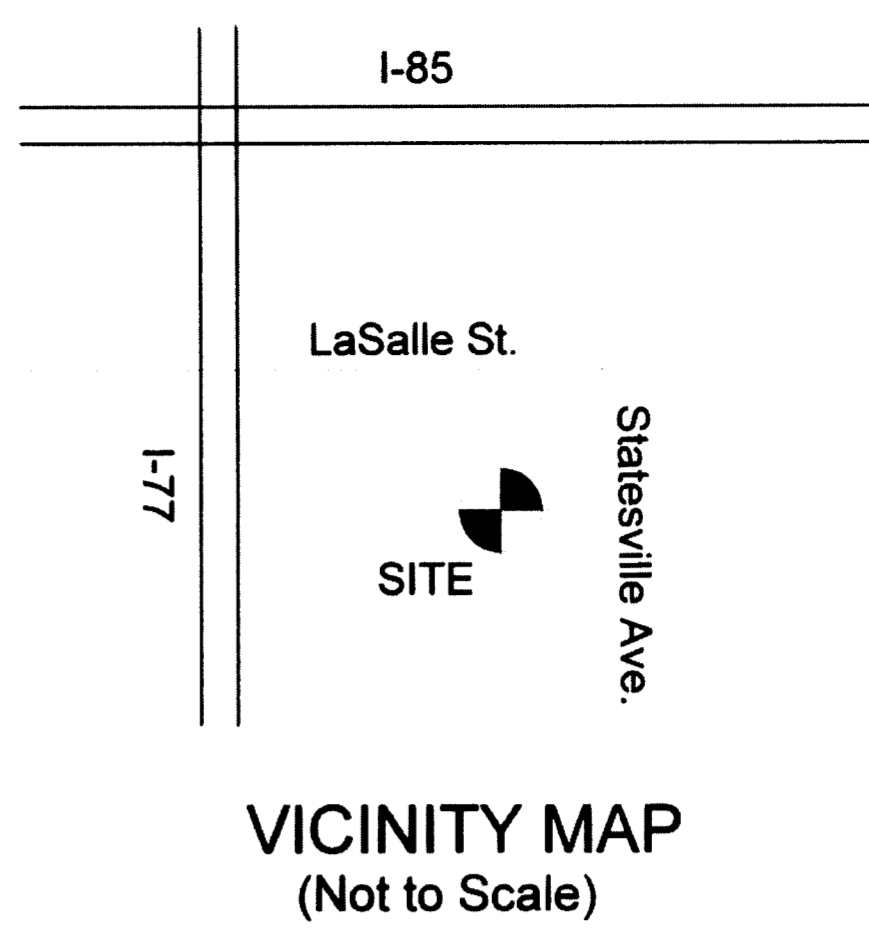
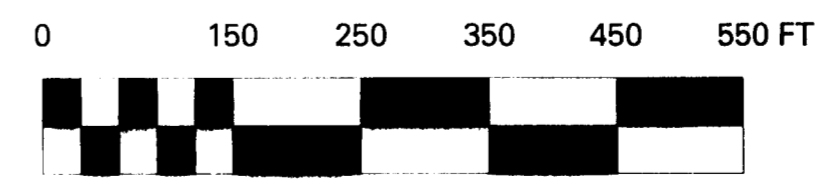
TOTAL SITE AREA: +/- 64.11 ac.  
 EASEMENT AREA DEDICATION: +/- 3.50 ac.  
 NET AREA: +/- 60.61 ac.  
 PROPOSED TREE SAVE AREA: +/- 6.58 ac.  
**PROPOSED MINIMUM PARKING STANDARDS:**  
 1.0/1 dwelling unit (NS zone)  
 1.0/1 dwelling unit (UR-2 zone)  
 1.0/125 sf minimum (restaurants)  
 1.0/450 sf minimum (retail/non-restaurant)  
 1.0/550 sf minimum (office)



Alternate Woodward Street Plan



TECHNICAL PLAN



VICINITY MAP (Not to Scale)



2151 Hawkins Street Suite 400 Charlotte, NC 28203-4927  
 850 South Robertson Blvd. Suite One Los Angeles, CA 90035-1621

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 T 310 659 9482 F 310 659 9528

www.shookkelley.com

NOT FOR CONSTRUCTION

Prepared for: CMHP Charlotte Mecklenburg Housing Partnership David Howard 4601 Charlotte Park Drive Charlotte, NC 28217 704.342.0933 p

**Double Oaks Phase II**

Petition #2008-Charlotte, NC

Key	Date	Description
1	2008_02_15	First Submittal
2	2008_05_15	Second Submittal
3	2008_06_16	Public Hearing
4	2008_06_25	Zoning Committee
5	2008_07_21	City Council
6	2009_01_30	Amendment to Petition
7	2009_03_11	Second Amendment to Petition
8	2010_01_11	Third Amendment to Petition
9	2010_05_05	Fourth Amendment to Petition
10	2011_11_28	Fifth Amendment to Petition

**Technical Plan Petition #2008-73 Fifth Amendment to Petition**

ATTACHED TO ADMINISTRATIVE APPROVAL

DATED: 12/6/11

BY: DEBRA D. CAMPBELL

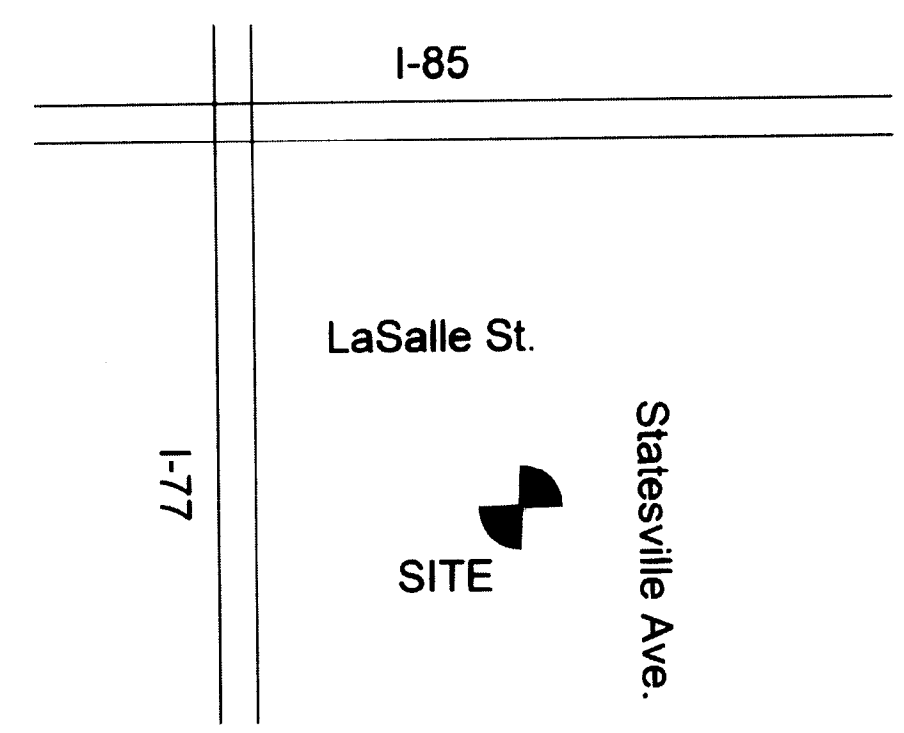
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Project name/#: Project / 07024  
 CAD File Name: 08\_0125\_DO\_ZONING\_PLAN.MCD

**DOUBLE OAKS PHASE II RE-ZONING PLAN SUBMITTAL FOR ADMINISTRATIVE AMENDMENT 5**

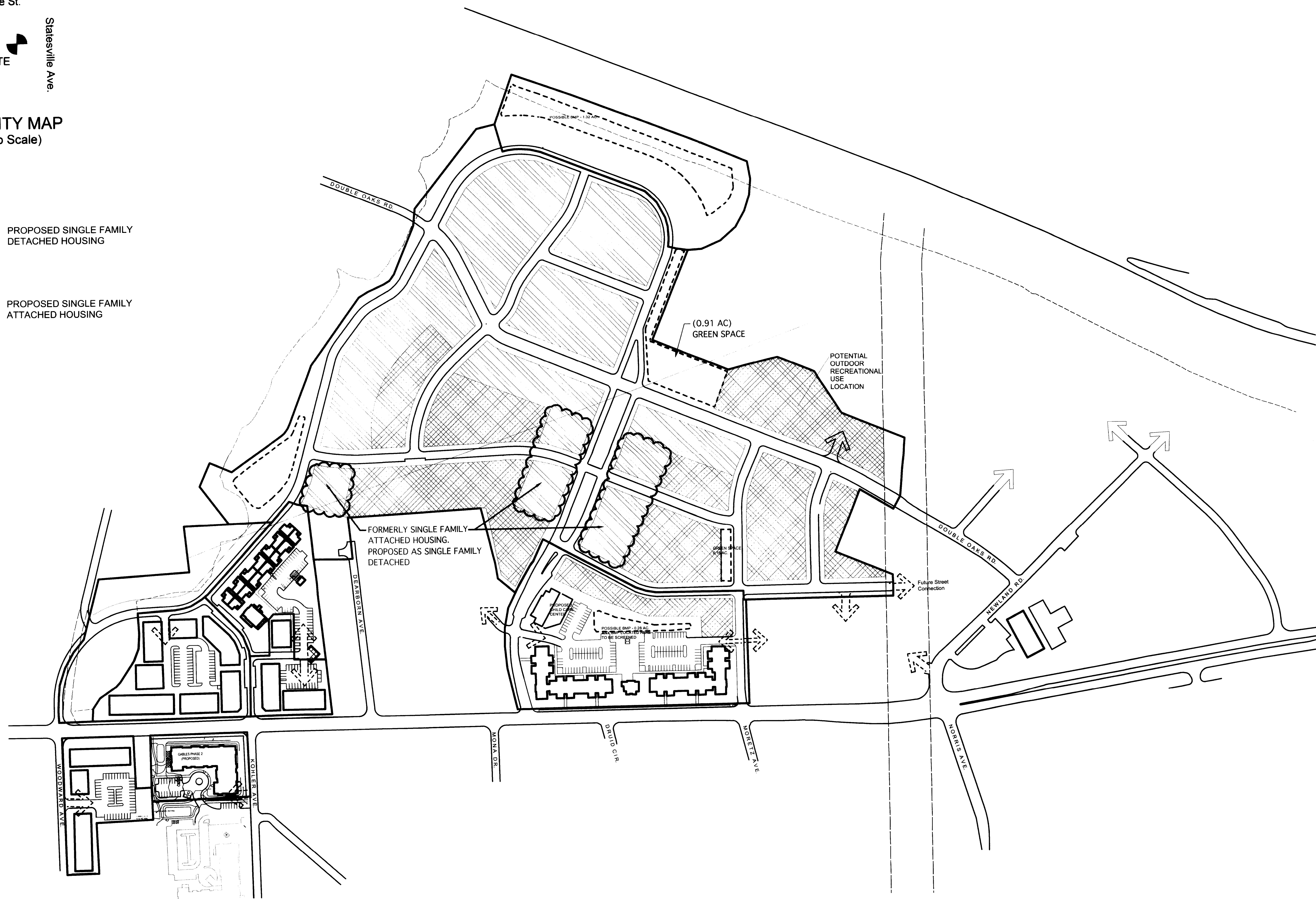
**SP101**

NO CHANGE TO DOCUMENT



VICINITY MAP  
(Not to Scale)

- PROPOSED SINGLE FAMILY DETACHED HOUSING
- PROPOSED SINGLE FAMILY ATTACHED HOUSING



NOT FOR CONSTRUCTION

Prepared for:  
 CMHP  
 Charlotte Mecklenburg Housing Partnership  
 David Howard  
 4601 Charlotte Park Drive  
 Charlotte, NC 28217  
 704.342.0933 p

## Double Oaks Phase II

Petition #2008-Charlotte, NC

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10	2011_11_07	Fifth Amendment to Petition

### Schematic Plan Petition #2008-73 Fifth Amendment to Petition

ATTACHED TO ADMINISTRATIVE APPROVAL  
 DATED: 12/6/11  
 BY: DEBRA D. CAMPBELL

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 Project name#: Project / 07024  
 CAD File Name: Site Plan\_96\_Units\_Schem\_10\_0111

### DOUBLE OAKS PH. II RE-ZONING PLAN SUBMITTAL FOR ADMINISTRATIVE AMENDMENT 5

# SP102

SCHEMATIC PLAN



NOT FOR CONSTRUCTION

Prepared for  
CMHP  
Charlotte Mecklenburg Housing Partnership  
David Howard  
4601 Charlotte Park Drive  
Charlotte, NC 28217  
704.342.0933 p

# Double Oaks Phase II

Petition #2008-  
Charlotte, NC

Key	Date	Description
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2	2008_05_13	Second Submittal
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4	2008_06_25	Zoning Committee
5	2008_07_20	City Council
6	2009_01_30	Amendment to Petition
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8	2010_01_11	Third Amendment to Petition
9	2010_05_05	Fourth Amendment to Petition
10	2011_11_07	Fifth Amendment to Petition

## Proposed Zoning Boundaries Technical Plan Petition #2008-73 Fifth Amendment to Petition

ATTACHED AS AN EXHIBIT  
TO THE  
DATED: 1/1/11  
BY: DEWILL B. CAMPBELL

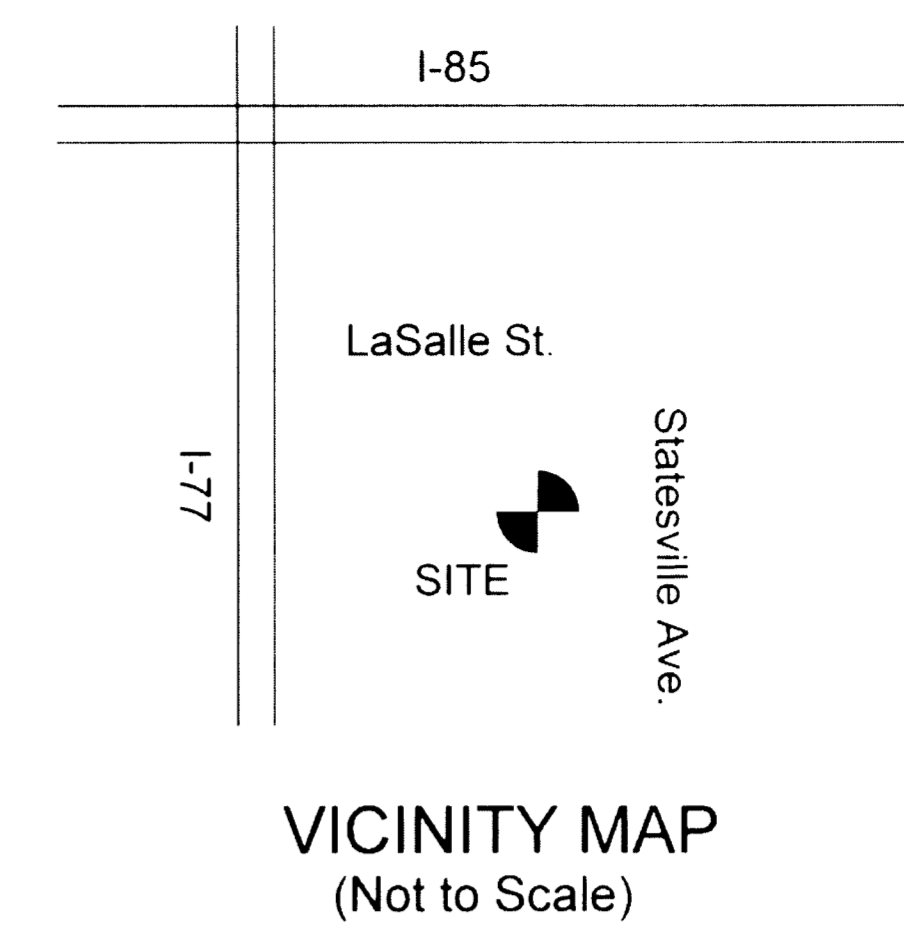
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Project name: Project / 07024  
CAD File Name: Site Ppan\_96\_Units\_Zone\_10\_0111

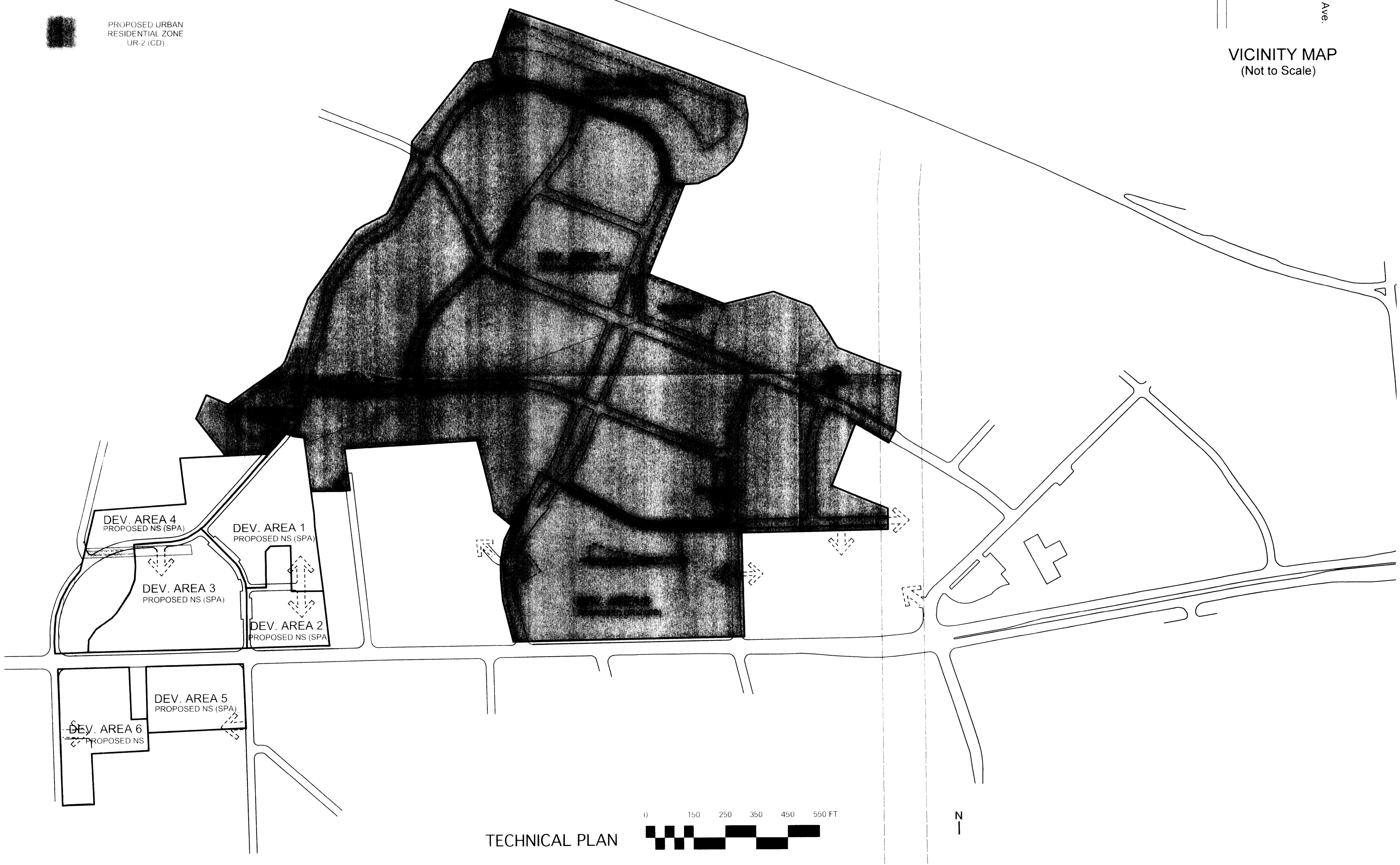
### DOUBLE OAKS PHASE II RE-ZONING PLAN SUBMITTAL FOR ADMINISTRATIVE AMENDMENT 5

# SP103

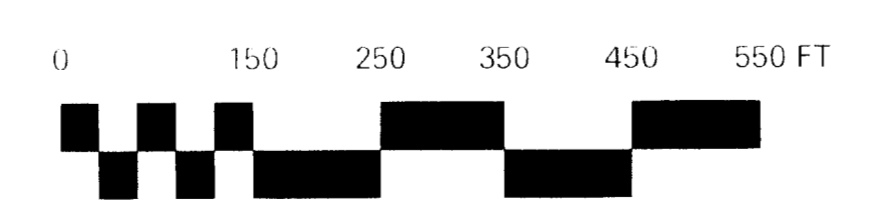


PROPOSED NEIGHBORHOOD SERVICES ZONE NS (SPA)

PROPOSED URBAN RESIDENTIAL ZONE UR-2 (CD)



TECHNICAL PLAN



NO CHANGE TO DOCUMENT

VICINITY MAP  
(Not to Scale)

**NOT FOR CONSTRUCTION**

Prepared for:  
 CMHP  
 Charlotte Mecklenburg Housing Partnership  
 David Howard  
 4601 Charlotte Park Drive  
 Charlotte, NC 28217  
 704.342.0933 p

# Double Oaks Phase II

Petition #2008-Charlotte, NC

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## Street Sections & Abandonment Technical Plan Petition #2008-73 Fifth Amendment to Petition

ATTACHED TO ADMINISTRATIVE APPROVAL

DATED: 12/6/11  
 BY: DEBRA D. CAMPBELL scs

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Cap Shook Kelley, Inc. All F. red.  
 Project name/#: Project / 07024  
 CAD File Name: 2011\_11\_01\_DO\_Zoning\_Plan.vwx

### DOUBLE OAKS PH. II RE-ZONING PLAN SUBMITTAL FOR ADMINISTRATIVE AMENDMENT 5

# SP104



**1** Statesville Avenue  
 Petitioner Controls Both Sides  
 Statesville Avenue Street Section - NS  
 Three-Lane Two-Way Street  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**1A** Statesville Avenue  
 Petitioner Controls One Side  
 Statesville Avenue Street Section - UR2  
 Three-Lane Two-Way Street  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**1B** Statesville Avenue Section "D"  
 Badger Left Turn Lane Median @ Mona Dr.  
 Statesville Avenue Street Section  
 Three-Lane Two-Way Street  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**2MF** Park Edge - Residential Street  
 Multi Family - Park Edge - NS  
 55' Anita Street & Park Extension Street Section - 5' S.B.  
 Two-Lane Two-Way Residential Street  
 w/ Dedicated On-Street Parking (One Side)  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**2SF** Park Edge - Medium Residential Street  
 Single Family - Attached/Detached - UR2  
 52' Park Edge Road Street Section - 10' S.B.  
 Two-Lane Two-Way Residential Street  
 with Parallel Parking (non-striped) - Either Side  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**3MU** Mixed-Use Street Section  
 Typical Mixed-Use Street Section - NS - Wide - 0' S.B.  
 Two-Lane Two-Way Residential Street  
 with Parallel Parking Both Sides  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**3MU** Mixed-Use Street Section  
 Typical Mixed-Use Street Section - NS - Wide - 0' S.B.  
 Two-Lane Two-Way Residential Street  
 with Parallel Parking Both Sides  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**3.5** Typical - Medium Residential Street  
 Single Family - Attached/Detached - UR2  
 55' Typical Street Section - 5' S.B.  
 Two-Lane Two-Way Residential Street  
 with Non-Striped Parallel Parking - Either Side  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**3.10** Typical - Medium Residential Street  
 Single Family - Attached/Detached - UR2  
 55' Typical Street Section - 10' S.B.  
 Two-Lane Two-Way Residential Street  
 with Non-Striped Parallel Parking - Either Side  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**4** Single Family - Attached / Detached - UR2  
 38' Linear Park Road Street Section - 5' S.B.  
 One-Lane One-Way Residential Street  
 with Parallel Parking & 20' Fire Lane (w/ mountable curb)  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**5A** Residential Section - Badger Court  
 Turn Lanes @ Statesville  
 Proposed Badger Court Street Section - UR2 - 5' S.B.  
 Two-Lane Two-Way Residential Street  
 with Turn Lane  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**5B** Residential Section  
 Two-Sided Parking @ Badger Court  
 Proposed Badger Street Section - UR2 - 5' S.B.  
 Two-Lane Two-Way Residential Street  
 with Parking & Bulb Cuts on Both Sides  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

**6** Double Oaks Road - Residential Wide  
 Single Family - Attached/Detached - UR-2 - 8' S.B.  
 Two-Lane with Parallel Parking on One Side  
 Drawing is for illustrative purposes only and is subject to change.  
 Drawing is subject to review by all reviewing legal jurisdictions.  
 \* 40 Maximum height in the LR District may be increased, provided that rear and side yards are increased 1' for every 10' feet increase over the base 40' height.

Street Section and Abandonment Re-Zoning Plan  
 TECHNICAL DATA SHEET





CONCEPTUAL VIEW "A"  
Woodward Avenue

DOUBLE OAKS · VIEW 2 · 4.21.08



CONCEPTUAL VIEW "B"  
Statesville Avenue

DOUBLE OAKS · VIEW 4 · 4.23.08

NO CHANGE TO DOCUMENT

NOTE: These Conceptual Streetscape Renderings depict the general intent of the Petitioner with respect to scale, articulation, rhythm, massing, proportions and design elements. Modifications or alterations to these renderings may occur.

**shook kelley**

2151 Hawkins Street Suite 400 Charlotte, NC 28203-4927  
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NOT FOR CONSTRUCTION

Prepared for:  
CMHP  
Charlotte Mecklenburg Housing Partnership  
David Howard  
4601 Charlotte Park Drive  
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**Double Oaks Phase II**

Petition #2008-Charlotte, NC

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**Conceptual Streetscapes Schematic Plan**  
**Petition #2008-73**  
Fifth Amendment to Petition

ATTACHED TO ADMINISTRATIVE APPROVAL  
DATED: 12/6/11  
BY: DEBRA D. CAMPBELL SCS

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Project name#: Project / 07024  
CAD File Name: 08\_0125\_DO\_ZONING\_PLAN.MCD

**DOUBLE OAKS PHASE II RE-ZONING PLAN SUBMITTAL FOR ADMINISTRATIVE AMENDMENT 5**

**SP105**

I. GENERAL PROVISIONS

Unless more stringent standards are established by the Technical Data Sheet or these Development Standards, all development standards established under the Zoning Ordinance (the "Ordinance") for the NS zoning classification or the UR-2 zoning classification shall be followed. The development contemplated by this petition consists of eight (8) Development Areas generally depicted on the Technical Data Sheet as "Development Area 1," "Development Area 2," "Development Area 3," "Development Area 4," "Development Area 5," "Development Area 6," "Development Area 7," "Development Area 7A," and "Development Area 8" (each a "Development Area" and collectively the "Development Areas"). The Technical Data Sheet and these Development Standards (together the "Rezoning Plan") supersede in all respects all prior conditional use zoning plans with respect to the property that constitutes the Site.

The Technical Data Sheet is accompanied by a conceptual site plan for development within Development Areas 1, 2, 3, 5, 6 and 8 (the "Schematic Site Plan") and by a conceptual land use plan for Development Areas 4, 7 and 7A (collectively with the Schematic Site Plan referred to as the "Site Plan"). The development depicted on the Site Plan is schematic in nature, and except as otherwise specified in these Development Standards, is intended only to describe the possible arrangements of uses and building elements. The schematic depictions of the uses, structures and building elements set forth on the Site Plan should be reviewed in conjunction with the provisions of these Development Standards.

Consequently, except as otherwise expressly specified on the Technical Data Sheet and in these Development Standards, the ultimate layout of the development proposed, the exact alignments of streets and points of access; the numbers, the size, configuration and placements of buildings and parking areas; and the depictions of such elements on the Site Plan and any schematic building elevations are preliminary graphic representations of the types and quality of development proposed. They may, therefore, be altered or modified during design development and construction document phases within the maximum building/parking envelope lines established on the Technical Data Sheet, subject to the accompanying Development Standards and Section 6.206 (2) of the Ordinance. Parking layouts for surface and structured parking may be modified to accommodate final building footprints and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance. Sidewalks generally depicted on the Site Plan are intended to reflect the general pedestrian circulation for development on the Site but the specific locations of such sidewalks may be subject to minor variations that do not materially change the design intent generally depicted on the Site Plan. The dimensions and specific locations of building/parking envelopes and parking envelopes generally depicted on the Technical Data Sheet may be subject to minor variations that do not materially change the design intent generally depicted on the Schematic Site Plans.

As described in Section 4.1 and Section 6.6 below, the Site and portions thereof shall be viewed as a unified development plan in accordance with the provisions set forth therein.

The total number of buildings to be developed on the Site shall not exceed four (4) as to Development Area 1, three (3) as to Development Area 2, nine (9) as to Development Area 3 and two (2) as to Development Area 4. Due to the type of uses allowed within Development Areas 7 and 7A (attached and detached dwelling units) the maximum number of buildings is limited by the total number of allowed units for these two Development Areas. No buildings are contemplated for Development Area 4.

II. PERMITTED USES AND BUILDING AREA RESTRICTIONS

2.1 This proposal is intended to accommodate the development of retail, restaurant, office and residential uses, which will be interconnected with open space, pedestrian and vehicular linkages.

For purposes of the development limitations set forth in this Section 2, the term "gross floor area" or "GFA," shall mean and refer to the sum of the gross horizontal area of each floor of a principal building, and any accessory buildings or structures on the site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, or related access areas, areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl spaces), or areas devoted to uses or structures accessory to residential uses on the site (limitations on the scope of residential uses being determined on a per unit, rather than floor area basis); provided, further, areas devoted to outdoor dining are not intended to be included in the calculation of gross floor area but any off-street parking required by the Ordinance for the NS district will be required for outdoor dining areas.

2.2 Development Area 1 as generally depicted on the Technical Data Sheet may be devoted to any of the following uses:

- (a) Up to 48 multi-family residential dwelling units; and
(b) Associated surface and structured parking spaces and accessory uses associated with the allowed principal uses as allowed in the NS district, including without limitation clubhouse facilities.
(c) Drive-thru windows will not be allowed as an accessory use.

2.3 Development Area 2 as generally depicted on the Technical Data Sheet may be devoted to any of the following uses:

- (a) Up to 70 multi-family residential dwelling units; and
(b) Up to 15,000 square feet of gross floor area of retail and/or restaurant space and/or office space developed as part of mixed use residential/retail/restaurant/office buildings located within Development Area 2; and
(c) Associated surface and structured parking spaces and accessory uses associated with the allowed principal uses as permitted under the Ordinance for the NS district.
(d) Drive-thru windows will not be allowed as an accessory use.

2.4 Development Area 3 as generally depicted on the Technical Data Sheet may be devoted to any of the following uses:

- (a) Up to 230 multi-family residential dwelling units; and
(b) Up to 20,000 square feet of retail and/or restaurant space and/or office space developed as part of mixed use residential/retail/restaurant/office buildings located within Development Area 3; and
(c) Associated surface and structured parking spaces and accessory uses associated with the allowed principal uses as permitted under the Ordinance for the NS district.
(d) Drive-thru windows will not be allowed as an accessory use.

2.5 Development Area 4 as generally depicted on the Technical Data Sheet may be devoted to any of the following uses:

- (a) Greenway and open space related uses together with accessory uses associated with the allowed principal uses as permitted under the Ordinance for the NS district.
(b) Associated surface and structured parking spaces and accessory uses associated with the allowed principal uses as permitted under the Ordinance for the NS district.
(c) Drive-thru windows will not be allowed as an accessory use.

2.8 Development Area 7 as generally depicted on the Technical Data Sheet may be devoted to any of the following uses:

- (a) Up to 400 attached or detached dwelling units/homes and an outdoor recreation use; and
(b) Associated surface parking spaces and accessory uses associated with the allowed principal uses as permitted under the Ordinance for the UR-2 district.

2.9 Development Area 7A as generally depicted on the Technical Data Sheet may be devoted to any of the following uses:

- (a) Up to 40 multi-family, attached or detached dwelling units/home; and
(b) Associated surface parking spaces and accessory uses associated with the allowed principal uses as permitted under the Ordinance for the UR-2 district.

2.10 Development Area 8 as generally depicted on the Technical Data Sheet may be devoted to any of the following uses:

- (a) Up to 150 residential attached dwelling or multi-family units;
(b) Child Care uses for up to 79 children in the area generally depicted on the Technical Data Sheet; and
(c) Associated surface and structural parking spaces and accessory uses associated with the allowed principal uses as permitted under the UR-2 district.

2.11 The permitted uses described in Sections 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9 and 2.10 above shall be subject to the following limitations and restrictions:

- (a) The total amount of commercial uses on the Site (excluding child care and elementary school uses) shall not exceed 35,000 square feet of gross floor area.
(b) No fast food restaurants with drive through window facilities or gas stations/convenience stores with gasoline sales shall be allowed; and
(c) No area devoted to retail and/or restaurants shall be permitted on the Site unless such uses are located within mixed use residential/retail/restaurant buildings or retail/restaurant/office buildings.

(d) Drive-thru windows will not be allowed as an accessory use.

2.12 The number of residential dwelling units and the square footage of gross floor area devoted to commercial use set forth above with respect to Development Areas 1, 2, 3 and 4 may be reallocated among such Development Areas provided that the total number of residential dwelling units permitted with such Development Areas shall not exceed 348 units and the total gross floor area devoted to commercial uses within such Development Areas shall not exceed 35,000 square feet.

2.13 While areas devoted to outdoor dining are not intended to be included in the calculation of the square footage limitations noted above, any off street parking required by the Ordinance will be provided for these areas.

III. ACCESS POINTS

The total number of ingress/egress points shall be limited to the number shown on the Technical Data Sheet. The exact locations may vary somewhat from those depicted based upon final design and locational requirements as regulated by CDOOT and, where applicable, NCDOT.

Access from the Site to Statesville Avenue will be provided by way of internal streets or existing streets other than Statesville Avenue as generally depicted on the Rezoning Plan. In addition to directional signage, up to seven (7) detached signs shall be allowed. In Development Areas 1, 2, 3, 5 and 6 the signs shall not exceed 5 feet in height or 50 square feet in size. In the other Development Areas the signs will meet the requirements for the UR-2 district. No pylon type detached signs shall be permitted. Permitted detached signage may be located within building setbacks and other locations throughout the Site in accordance with the Ordinance and as generally depicted on the Rezoning Plan.

IV. SETBACK, SIDE YARDS, REAR YARDS, BUFFERS, VEHICLE CIRCULATION AND HEIGHT

4.1 All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance.

The Site and portions of the Site shall be viewed as a unified development plan. As such, yards will not be required between buildings located on the Site or between Development Areas. The Petitioner reserves the right to subdivide the Site and create lots within the interior of the development with no public street frontage or side and/or rear yards or other separation standards as part of a unified development plan. In addition, the Site can be viewed as a unified development plan in conjunction with the adjacent tracts. Furthermore, as part of the unified development plan, there shall be no separation standards (i.e. no internal yard or buffer requirements) associated with development on Development Area 5 and that certain parcel zoned B-2 and located adjacent to and the east of Development Area 5 currently known as the Gables at Druid Hills Senior Apartments.

4.2 The setback areas extending around the perimeter of the Site are to remain as open space and, except to the extent necessary to accommodate pedestrian pathways, walls, berms, fences, grading, signs, graphics or utility construction and, where indicated, vehicular access, will be restricted from future development.

4.3 A non-required 20 foot Class C buffer shall be provided along the northerly boundary of Development Area 1 and Development Area 4 as generally depicted on the Technical Data Sheet; provided, however, the buffer may be reduced to 15 feet with the use of a wall or fence as provided in the Ordinance. If the abutting properties should be rezoned or used in a manner so as to not require such buffer, the required buffer for the Site may be adjusted accordingly to meet the minimum requirements for any buffers and screening per the Ordinance.

4.4 The height of buildings located on the Site shall comply with the Ordinance for the NS and UR-2 zoning district provided, however, buildings on Development Area 1 shall not exceed 50 feet in height and portions of buildings within Development Area 2 located within 50 feet of the northerly boundary line of such Development Area shall not exceed 40 feet in height. It is understood that the height restrictions that apply to the immediately preceding sentence shall be null and void in the event that property immediately adjacent to the applicable building(s) in question along the common northerly boundary of the Site are either (i) no longer zoned for single family residential purposes (i.e. R-3, R-5, etc.) or (ii) are not used for single family residential purposes for a continuous period of six (6) months from the date of approval of this Petition. Building height for buildings within Development Area 7 and 7A will be limited to 60 feet. Building height for buildings within Development Area 8 will be limited to 60 feet.

V. SCREENING AND LANDSCAPING

- 5.1 Screening will conform to the applicable standards of Section 12.303 of the Ordinance.
5.2 Landscaping shall meet or exceed the requirements of the Ordinance and the City of Charlotte Tree Ordinance. Newly installed landscaping shall be consistent with the existing landscaping treatments.
5.3 NCDOT does not allow irrigation in planting strips along Statesville Avenue.
5.4 All roof mounted mechanical equipment will be screened from view.
5.5 Dumpster areas and recycling areas (if any) will be enclosed by solid fences or a brick wall with one side being a decorative wooden gate. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side.
5.6 As indicated on the Technical Plan sheet SP 10) the existing trees along Double Oaks Road will be preserved. In conjunction with this tree save area the petitioner agrees to provide a tree preservation plan. The tree preservation plan will be submitted to the City's Urban Forestry Staff for review and approval. The approved tree preservation plan will be undertaken and executed during the construction process.

5.7 Tree save areas as identified on the Technical Plan will be preserved.

VI. PARKING

6.1 Off street parking will meet or exceed the minimum standards established under the Ordinance and will not be allowed within the setbacks. Parking for residential uses will be provided at the ratio of one space per unit. In addition, restaurant uses shall be parked at a ratio of 1 space per 125 square feet of gross floor area for such uses; retail (but non-restaurant) uses shall be parked at a ratio of 1 space per 450

square feet of gross floor area of such uses; and office uses shall be parked at a ratio of 1 space per 550 square feet of gross floor area of such uses.

6.2 Parking areas will be broken up with landscaping to avoid massing of paved material.

6.3 Vehicle circulation and off-street parking spaces will not be located in between buildings on the Site and Street B, buildings on the Site and Street A, buildings on the Site and Street C, buildings on the Site and Street D, buildings on the Site and Street E, buildings on the Site and Street F as generally depicted on the Technical Data Sheet; however, circulation and parking spaces may be located to the side of buildings and/or between buildings on the Site.

6.4 Where parking is not located behind buildings, screening shall be provided at the lot line by landscaping or decorative walls or fences. Shared parking may be allowed at the discretion of the Zoning Administrator.

6.5 On street parking may be provided along public streets subject to the approval of CDOOT.

6.6 Bicycle parking shall be provided in accordance with the Ordinance.

6.7 As part of the unified development nature of the development on Development Area 5 and the B-2 zoned parcel adjacent and to the east (currently known as the Gables at Druid Hills Senior Apartments described in Section 4.1 above, parking on such parcels may be shared in common pursuant to a shared parking agreement and/or a Declaration of Covenants, Conditions and Restrictions such that all of the parking needs associated with development on Development Area 5 may be met by the parking provided on the Gables parcel; provided, however, the total number of parking spaces required by the Ordinance for the combined unified development are satisfied with reference to the Gables parcel.

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