

**CHARLOTTE - MECKLENBURG**  
**PLANNING COMMISSION**

**INTER - OFFICE COMMUNICATION**

**DATE:** August 16, 2006

**TO:** Gary Huss  
Zoning Coordinator

**FROM:** Debra Campbell  
Planning Director

**SUBJECT:** Administrative Approval for Petition No. 2006-22 by Live Oak Development Partnership, LLC.

Attached are revised plans for the above petition. The plans have been revised to allow balconies, within buildings constructed within area "B", on the first and second level facing south toward boundary "A". Since this change is minor, I am administratively approving these revised plans. Please use these plans when evaluating requests for building permits and certificates of occupancy.

**All other ordinance requirements still apply.**

**General Provisions**

The Development Standards from 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 Fairview Road 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 (MU-D-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 MU-D-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 290 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 be developed on the Site, and future development 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 allowed only by a proportionate decrease in the Retail square footage as may be permitted during the approval process for pending Petition 2006-42 (the balance of the unperfected 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 unperfected development will be equal to the sum of the 12,000 sq ft permitted for this Site, plus the Retail square footage permitted in the approval process for pending Petition 2006-42.
- c. 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 195 Multi-Family Residential Units and Retail Uses (subject to the provisions as stated in 2.b above)  
Surface Parking, Parking Structure, and ancillary service and access areas

Development Area B: Up to 45 Multi-Family Residential Units and 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 and Retail Uses (subject to the provisions as stated in 2.b above)  
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. 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 four independent, disconnected buildings may be developed on the Site, however the primary use of any building developed on the Site will be Residential.
- 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 290 units, at a conversion rate of 1 additional residential unit for each 500 sq ft reduction of allowed 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 MU-D-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, including public street frontage or side and 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 currently controlled by others subject to such adjoining tracts being rezoned to the MU-D-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.
- c. The setback for surface or structured parking from property boundary "A" and property boundary "B" will be 15' as depicted on the Technical Data Sheet.

**4. Optional Development Provisions**

The Petitioner hereby seeks the right through the MU-D-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 unperfected 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 MU-D-O 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 turning 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 9.8505 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 streets.
- 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" (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 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 top of the roofline exclusive of 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, mechanical or service structures. Each of these relationships is generally depicted in the section diagrams on sheet RZ-3.

- 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 occur within the Development. Balconies within 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". Balconies within Development Area "B" may occur on all building sides, however those balconies facing property boundary "A" may only occur on the first and second levels.
- k. All roof mounted mechanical equipment will be screened from view from adjoining public right-of-way and abutting properties as viewed from grade.
- l. The Buildings occurring in Development Zone C 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. m. 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 an exterior property line. No Wall-Pak type fixtures 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.s below, and utilities will be allowed within the tree preservation areas. Supplemental landscaping will be provided along the property line abutting the existing Park Phillips development to the south, and the Tarboro development to the north and will include, as a minimum, four large maturing trees and 20 evergreen shrubs per 100 linear 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 9.8505 part 4. These Open Spaces may include piazzas, 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 walking path along the eastern 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. Runoff shall not be redirected from its existing and/or natural flow.
- 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, or 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 multiple types of structural storm water treatment systems and devices (for example wet ponds, extended detention wetlands, bio-retention, sand filter devices, grass swales, rain gardens and proprietary methods including chambered structures) utilizing both approved (per NCCENR BMP Manual) and unapproved methods (proprietary pre-manufactured devices) may be incorporated into the Site. Approved methods will be designed and constructed to achieve an average 85% Total Suspended Solid (TSS) removal to treat the entire post-development runoff volume for the runoff generated from the first inch of rainfall. Unapproved methods shall follow the requirements indicated in "c" below.
- c. As available, the use of proprietary pre-manufactured devices to be used shall be approved and selected by the City of Charlotte Storm Water Services (CSWS) prior to being incorporated into the project design and must be incorporated into the CSWS test pilot BMP study program. CSWS will provide the Petitioner or its representative, a minimum of four choices of proprietary device brands for consideration of use on the project. The Petitioner or its representative reserves the right to request consideration of proprietary device brands not currently provided by CSWS for consideration of use on the project. The Petitioner agrees to purchase, operate and maintain the devices selected by CSWS, and enter a monitoring agreement with CSWS. Some of the study program criteria are, but not limited to:
  - Where multiple storm water treatment devices (BMPs) will be utilized to meet the storm water quality requirements within the project, the design of the project shall utilize no more than two (2) proprietary devices of a particular brand name within the project unless agreed to in advance by CSWS.
  - All proprietary pre-manufactured storm water treatment devices (BMPs) must be appropriately designed and sized to treat the water quality runoff flow rate from the 1-year, 6-hour storm for Charlotte, NC. The runoff flow rate for this design storm shall be derived utilizing a TR-55 based modeling program to create a type II - center weighted storm with the appropriate local rainfall intensities.
  - All proprietary pre-manufactured storm water treatment devices (BMPs) shall be located within the storm water system design upstream of any storm water detention structures to ensure that the opportunity for storm water quality treatment monitoring occurs first prior to detention.
  - All proprietary pre-manufactured storm water treatment devices (BMPs) shall be designed to include monitoring access manholes and sampling conduits within the storm drainage system and project design that are located independently and immediately upstream and downstream of each storm water treatment device (BMP). Access manhole and sampling conduit locations shall be reviewed and approved by CSWS.

**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 CDDOT.
- 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 drive 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 adjacent 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 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.

**LITTLE**  
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APPROVED BY  
CITY COUNCIL

ATTACHED TO ADMINISTRATIVE  
APPROVAL

DATED: August 16, 2006

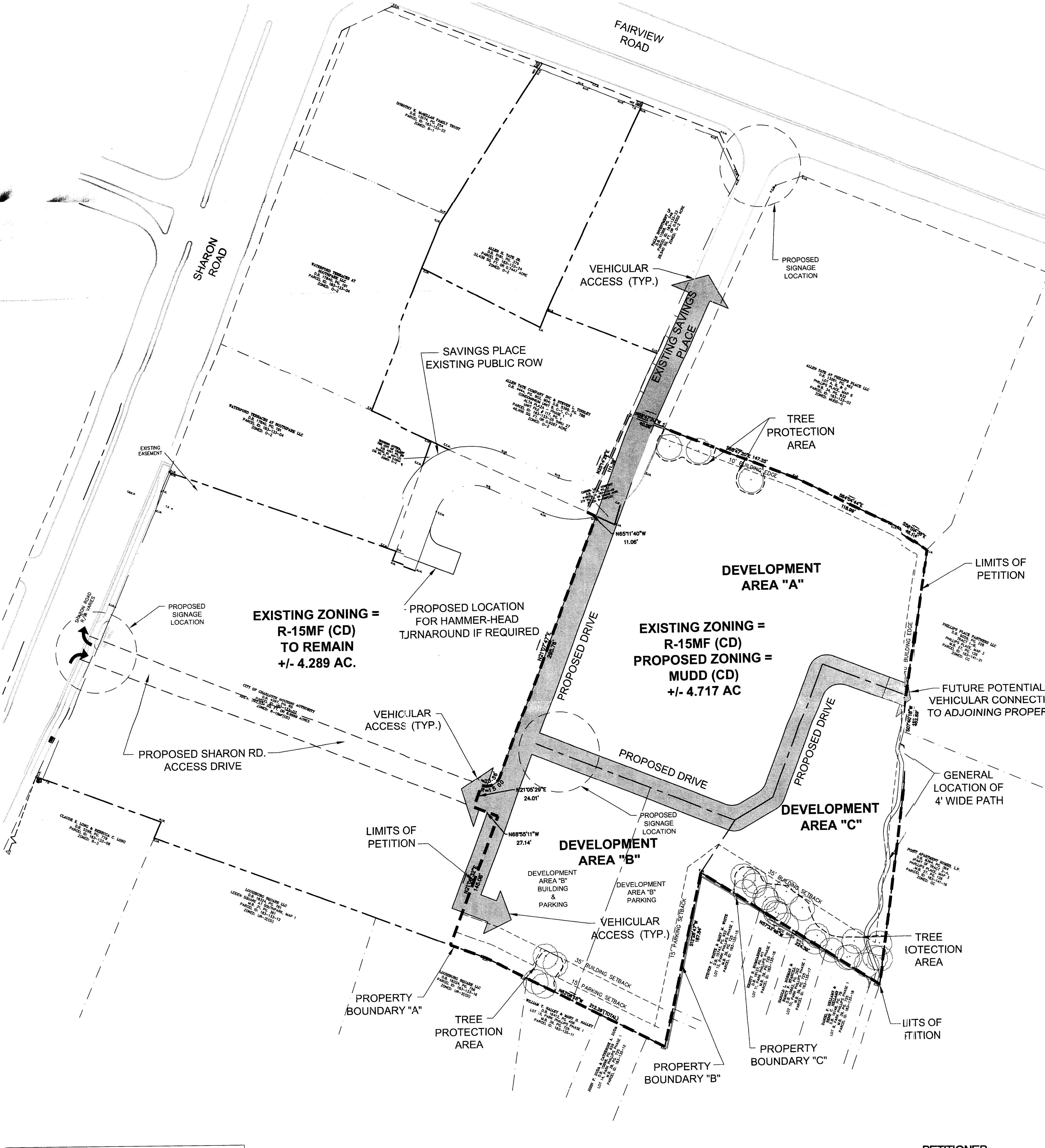
BY: DEBRA D. CAMPBELL  
Live Oaks Property  
Rezoning

NO.	REVISION	DATE
1	Resubmittal Review	1/20/06
2	Resubmittal Review	2/24/06
3	Resubmittal Review	3/14/06
4	Resubmittal Review	4/09/06
5	Final Approval Submitted	4/17/06
6	Site Plan Amendments	7/27/06

PROJECT TITLE  
101.1686.00

SHEET NUMBER  
RZ-1

DATE  
4/17/06



**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 (7-27-06) WILL REPLACE THE PREVIOUSLY SUBMITTED TECHNICAL DATA SHEET (4-17-06)

**CONSULTANTS:**

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