



1. 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 shall be followed. The development contemplated by this petition consists of three (3) Development Areas generally depicted on the Technical Data Sheet as (i) Development Area 1, "Development Area 2", "Development Area 3", "Development Area 4" and "Development Area 5" (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 Area 1 (the "Development Area 1 Schematic Site Plan") and by a conceptual land use plan showing conceptual building orientations and illustrative alternatives for Development Area 2, Development Area 3, Development Area 4 and Development Area 5 (collectively with the Development Area 1 Site Plan referred to as the "Site Plan"). Detailed site planning and building design for the Site, however, has not been finalized. 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 and 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, points of access, the numbers, the size, configuration and placements of buildings, the size, configuration and placements of parking areas, and the heights and masses of buildings have not been finally determined, and depictions of such elements on the Site Plan and any schematic building elevations are not intended to be specific site development plans but rather 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 and 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 locations and ancillary facilities 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 5. No buildings are contemplated for Development Area 4.

2. 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 areas 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.

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 residential units; and
- (b) Associated surface and structured parking spaces and accessory uses and uses permitted under prescribed conditions under the Ordinance for the NS district, including without limitation clubhouse facilities.

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 residential 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 building(s) located within Development Area 2; and
- (c) Associated surface and structured parking spaces and accessory uses and uses permitted under prescribed conditions under the Ordinance.

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 residential dwelling units;
- (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 and uses permitted under prescribed conditions as permitted under the Ordinance.

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 and uses permitted under prescribed conditions as permitted under the Ordinance.

2.6 Development Area 5 as generally depicted on the Technical Data Sheet may be devoted to any of the following uses:

- (a) Up to 72 residential dwelling units;
- (b) Associated surface and structured parking spaces and accessory uses and uses permitted under prescribed conditions as permitted under the Ordinance.

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

- (a) The total amount of commercial uses on the Site 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.

2.8 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 and 3 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.

2.9 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.

2.10 Notwithstanding the foregoing, Petitioner shall not develop greater than 80 residential dwelling units nor greater than 10,000 square feet of gross floor area for commercial uses located within Development Areas 1, 2 and 3, without delivery and approval by CDOT, said approval not to be unreasonably withheld or delayed, of a transportation impact study and accompanying transportation commitments from Petitioner for on-site or adjacent to on-site road improvements resulting from such additional development, said traffic impact study and improvements to be undertaken in accordance with customary CDOT guidelines; provided, however, CDOT may waive this requirement or alter the same upon a finding by CDOT that

such additional permitted development shall have a minor impact on the surrounding thoroughfare system or will be accommodated by certain transportation improvements. The approval or waiver by CDOT set forth herein may be implemented administratively.

3. 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 CDOT and, where applicable, NCDOT.

Access from the Site to Statesville Avenue will be provided by way of internal streets as generally depicted on the Rezoning Plan.

Prior to issuance of the final certificate of occupancy for the first building located on Development Area 3, access to development taking place on Development Area 1 and Development Area 2 may be provided by way of Street A as generally depicted on the Rezoning Plan.

4. 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 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 and to 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 Class C buffer shall be provided along the northerly boundary of Development Area 1 and Development Area as generally depicted on the Technical Data Sheet; provided, however, the required buffer may be reduced with the use of a wall or fence as provided in the Ordinance and if abutting properties should be rezoned or used in a manner so as to not required 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 Vehicle circulation and off-street parking spaces will not be located in between buildings on the Site and Statesville Avenue and buildings on the Site and Street A

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.

4.5 The height of buildings located on the Site shall comply with the Ordinance for the NS zoning district provided, however, buildings on Development Area 1 and Development Area 2 located within 25 feet of the northerly boundary line of such Development Areas shall not exceed 50 feet in height.

5. 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

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 Irrigation systems will be maintained by Petitioner or its successors and assigns in all landscaped setback areas 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.

6. 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.

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

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

6.4 On street parking may be provided along public streets subject to the approval of CDOT.

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

6.6 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 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.

7. LIGHTING

7.1 Freestanding streetscape lighting fixtures installed within the Site will be uniform in design and fully shielded. Pedestrian scale lighting will be installed along internal streets and driveways on the Site as development occurs on the Site.

7.2 No cobra style lighting fixtures may be used on the Site.

7.3 The maximum height of any freestanding lighting fixture, including its base, shall not exceed 28 feet in height.

7.4 No wall "pak" type lighting will be allowed facing public streets. Any wall "pak" type lighting will be downwardly directed.

8. SIGNS

All signs placed on the Site will be erected in accordance with the requirements of the Ordinance. In addition to directional signage, up to four (4) detached signs shall be allowed, each of which shall not exceed 5 feet in height or 50 square feet in size. 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.

9. SIDEWALKS/STREETSCAPE

Sidewalks six (6) feet in width along with planting strips eight (8) feet in width will be installed along interior public streets within the Site and sidewalks eight (8) feet in width along with planting strips eight (8) feet in width will be installed along Statesville Road as generally depicted on the Rezoning Plan.

10. STORM WATER MANAGEMENT/WETLANDS

10.1 Storm water runoff will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte Ordinances and the Charlotte Mecklenburg Storm Water Design Manual. Surface level storm water detention, if provided, shall not be located in the setback required by the Ordinance.

10.2 The detention shall tie-in to the existing abutting storm water system(s). The Petitioner shall have the receiving drainage system abutting the Site analyzed to ensure that it will not be taken out of standard due to this development. If it is found that the development will cause the receiving storm drainage system to be taken out of standard, the Petitioner shall provide adequate detention to prevent this from occurring. Should the existing, receiving drainage system be deemed to be out of standard prior to development of its Site, the Petitioner agrees to provide adequate detention to ensure that the system will not be additionally overburdened.

10.3 Development on the Site shall otherwise adhere to the requirements of the Post Construction Control Ordinance in the form adopted by Charlotte City Council on November 26, 2007.

10.4 Any jurisdictional wetlands or streams, if present, need to be protected or proper environmental permits obtained prior to their disturbance. For 401 permits contact DENR. For 404 permits contact the Army Corps of Engineers.

11. RIGHT OF WAY DEDICATION, ABANDONMENT AND TRANSPORTATION COMMITMENTS

11.1 If this Rezoning Petition is approved, the Petitioner commits to dedicate and convey by plat or quitclaim deed to NCDOT or CDOT (as the case may require) where owned by the Petitioner and where not already existing that portion of such additional right of way along the Site's frontage of Statesville Avenue to result in a 60 foot right of way; additionally the Petitioner agrees to convey to NCDOT or CDOT (as the case may require) where owned by the Petitioner a nonexclusive easement to an area up to 16 feet in width along each side of the right of way of Statesville Avenue as described above to permit the installation of a eight (8) foot sidewalk and eight (8) foot planting strip, to the extent but only to the extent such planting strip and sidewalk cannot be installed within the above referenced right of way. Any such easement instrument shall be in form mutually acceptable to the

Petitioner and NCDOT/CDOT, as applicable, and shall permit the installation of Petitioner's project signage and lighting and the encroachment of the same within the easement so conveyed. The dedication and conveyance described herein shall occur on or before the issuance of the final certificate of occupancy for the first building located on the Site.]

11.2 The Petitioner reserves the right to abandon portions or all of Benson Street.

11.3 The Petitioner shall install or cause to be installed the eight (8) foot planting strip and eight (8) foot sidewalk referenced in Section 11.1 above on or before the issuance of the final certificate of occupancy for (i) the first building within Development Area 3 that is located along Statesville Avenue with respect to the planting strip and sidewalk improvements along Development Area 3; (ii) the first building within Development Area 2 that is located along Statesville Avenue with respect to the planting strip and sidewalk improvements along Development Area 2; and (iii) the first building within Development Area 5 that is located along Statesville Avenue with respect to the planting strip and sidewalk improvements along Development Area 5.

11.4 Petitioner may elect to realign that portion of Woodward Road from its intersection with Statesville Avenue extending to the west and then north in the manner generally depicted on the Rezoning Plan, subject to the reasonable review and approval of CDOT. In such event, Petitioner shall be responsible for conveyance of any required additional right-of-way and for construction of the improvements associated with such realignment.

12. CONVEYANCE OF EASEMENT FOR GREENWAY PURPOSES

Petitioner shall convey a permanent easement to Mecklenburg County for that portion of the Site located within Development Area 4 to the north and west of the proposed realigned Woodward Road as generally depicted on the Technical Data Sheet and a permanent easement to Mecklenburg County for that other portion of the Development Area 4 shown as "Greenway" on the Technical Data Sheet. Such easements shall be for greenway and open space purposes (including open space associated with this Petition) and shall be conveyed prior to the issuance of the first certificate of occupancy for the first unit located within Development Area 3. Furthermore, the above-referenced easements shall be conveyed pursuant to a Declaration of Covenants, Conditions and Restrictions between the Petitioner (or its successors and assigns) and Mecklenburg County which shall include provisions relating to: (i) Petitioner's ability to grade within the easement areas for

certain purposes such as installation of roads (and their dedication), utilities, storm water management facilities/bmps and the like; (ii) the installation of project and directional signage within that portion of the easement located along Statesville Road; (iii) restrictions on the use of the easement area for greenway purposes and related uses acceptable to Petitioner; (iv) commitments by Mecklenburg County to maintain the easement area in a well-kept manner free of debris and other unsightly conditions and other maintenance responsibilities of the parties; and (v) other matters mutually acceptable to the Petitioner and Mecklenburg County;]

13. TRANSIT COMMITMENTS

13.1 Petitioner shall preserve the existing sidewalk, waiting pad, bus shelter and but stop currently located on Statesville Avenue to the extent such improvements can be preserved in a manner reasonably consistent with the development, and such improvements may be relocated on a temporary basis as needed.

13.2 Petitioner shall construct a bench pad within the right-of-way of Statesville Avenue adjacent to Development Area 5 in the approximate location shown on the Technical Data Sheet, said bench pad to be constructed in accordance with CATS Development Standards 60.02A and only if they can be reasonably located within said right-of-way.

14. AMENDMENTS TO REZONING PLAN

Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then owner or owners of the applicable parcel or parcels affected by such amendment in accordance with Section 6 of the Ordinance.

15. BINDING EFFECT

15.1 If this Rezoning Petition is approved, the development program established under these Development Standards and the Technical Data Sheet shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the owners (from time to time) and their respective heirs, devisees, personal representatives, successors in interest and assigns.

15.2 Throughout this Rezoning Petition, the terms "Petitioner", "Owner" or "Owners," shall, with respect to each parcel within the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

15.3 Upon approval, this Rezoning shall super-cede and replace any prior conditional zoning petitions applicable to the Site, including without limitation Rezoning Petition No. 2004-087.

NOT FOR CONSTRUCTION

Double Oaks Re-Zoning

Statesville Avenue Charlotte, NC

Key	Date	Description
	2008_01_18	Re-Zoning Submittal



