

REZONING SUMMARY

REZONING SITE AREA:	10.90 AC
EXISTING ZONING:	UMUD
PROPOSED ZONING:	UMUD-O
PETITIONER:	Levine Properties, LLC. 9709 Northeast Parkway Suite 300 Matthews, NC 28105
OWNERS:	7th Street Investors, LLC PO Box 2439 Matthews, NC 28106 9th Street Investors, LLC PO Box 2439 Matthews, NC 28106

DEVELOPMENT STANDARDS

A. Background/General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Levine Properties, Inc., as Petitioner, to accommodate certain improvements on approximately 10.9 acres generally located between East 7th Street, East 9th Street, N. College Street and N. Brevard Street in Charlotte North Carolina, all as more particularly described on the Technical Data Sheet (and referred to as "the Site"). As evidenced by that certain Economic Development Grant and Reimbursement Agreement dated May 13, 2010 (the "Economic Development Agreement") and related instruments, development of the Site, and other portions of the First Ward area designated within the Economic Development Agreement (the "First Ward Project Area") is part of an overall public-private venture among the Petitioner, the City of Charlotte, Mecklenburg County, and UNC Charlotte to promote economic development within First Ward and provide for certain public infrastructure improvements such as a public park and public parking facilities, and the development will contain certain innovative design and unique circumstances.

The Petitioner seeks optional variations from the minimum standards of the UMUD Zoning Ordinance (the "Ordinance") to permit certain improvements on the Site as generally described on the Technical Data Sheet and in these Development Standards (together the "Rezoning Plan"). These variations are sought to accommodate specific design aspects that call for certain encroachments into the rail corridor, to permit signage to enhance the project and to address other items that support the implementation of certain infrastructure improvements referenced in the Economic Development Agreement.

The development contemplated by this Petition generally depicted on the Technical Data Sheet is referenced herein as the "Development Plan." Petitioner seeks certain variation(s) from the minimum standards of UMUD for the Site in connection with the Development Plan. Other development plans or alternatives for the Site that do not seek variation(s) from the minimum UMUD standards are permitted.

B. Permitted Uses

The Site may be devoted to any uses (including any accessory uses) permitted in the UMUD Zoning Classification. Development and/or redevelopment may occur in phases over an extended time frame.

C. UMUD-Optional Provisions

The Petitioner is requesting the following variations from the UMUD minimum standards as part of this UMUD-Optional (UMUD-O) application in connection with development undertaken in accordance with the Development Plan:

- The Petitioner seeks the optional provision to allow encroachment of a private street and certain other improvements and activities into the rail corridor setback within the areas generally depicted on the Rezoning Plan (the "Encroachment Areas") and as also generally depicted on Sheet RZ-2 "Private Street - Optional Provision #1", as follows:

(a) Encroachment of the proposed private street connection (informally known to date as new "Market Street") and associated streetscape and development related improvements (such as, but not limited to, decorative concrete, asphalt and/or brick pavers, curbs, gutters and sidewalk improvements, irrigation, sanitary sewer and storm drainage, utility connections and telecommunications facilities, streetscape bollards and benches, street trees, shrubs and landscaping materials, and street lighting systems) between 7th Street and 9th Street into the 35-foot rail corridor setback.

(b) The encroachment into the 35-foot rail corridor setback will be permitted for temporary structures, buildings, and utility connections such as, but not limited to, vendor/sales stands, kiosks, tents and structures for dining, retail sales and pedestrian activity, mobile restaurants, fencing and other crowd control and security features, and temporary signs and banners (see below for other signage aspects); these encroachments will be allowed when "Market Street" is closed temporarily for special events as defined below, but not for more than 20 consecutive days. The following will also be allowed to encroach but will be temporary encroachments: electrical outlets, water spigots and other plumbing items; trees, shrubs and other landscape materials; free-standing street lighting at heights not to exceed 20 feet and light fixtures.

(c) Temporary structures, buildings, and utility connections shall not be used for more than 30 consecutive days. The Petitioner seeks the optional provision to permit private events associated with the First Ward Project Area and public events sponsored or supported by Charlotte Center City Partners, Charlotte Chamber of Commerce, the City of Charlotte or Mecklenburg County. In addition "Market Street" may be closed and used for construction and construction related activities that occur on the First Ward Project Area without regard to the above time limitation. Prior to a planned closure of "Market Street" the Petitioner will notify CDOT so that notice of the street closure can be communicated to interested parties.

(d) Each of the encroachments described in this Section C, and located within the Encroachment Areas provided, however, the specific dimensions of the Encroachment Areas may be altered with the approval of the Planning Director, CATS and CDOT.

(e) The Petitioner will utilize concrete pavers as the principal paving material for Market Street.

(f) Since development along Market Street will occur over time and in phases the Petitioner will initially construct a seven (7) foot planting strip and eight (8) foot sidewalk

along the west side of Market Street. As buildings and uses are established along the west side of Market Street the seven foot planting strip will be replaced with trees in tree grades. A seven (7) foot planting strip will be established along the eastern side of the street.

(g) Backflow preventers will not be visible to pedestrians or from vantage points along Market Street. Backflow preventers may be placed on the interior of buildings.

The Petitioner seeks an optional provision to allow the encroachment of canopies and similar building improvements into the rail corridor setback within the Encroachment Areas as generally depicted on Sheet RZ-3.0 "Leve Building - Optional Provision # 2", as follows:

(a) The encroachment of new building canopies, and similar overhang structures and building improvements into the 35 foot rail corridor setback will be permitted and may include associated door swings of any buildings. If doors swing do encroach into the rail corridor setback the width of the rail corridor sidewalk will be increased to maintain an eight (8) foot area that is clear of the door swing. In addition, for pedestrian safety, architectural and/or site elements will be provided to direct pedestrians away from swinging doors.

(b) Any building encroachments into the rail corridor setback will maintain a 10-foot clearance from existing century poles and overhead wires located within the CATS right-of-way. This and other reflections of the 10 foot clearance may be approved by CATS.

(c) The Petitioner and CATS will work in good faith for an encroachment agreement for project related improvements located within the existing or proposed CATS right-of-way as generally depicted on the Rezoning Plan.

(d) The encroachments described in this Section C.2, and other similar encroachments shall be located within the Encroachment Areas; provided, however, the specific dimensions of the Encroachment Areas may be altered with the approval of the Planning Director, CATS and CDOT.

The Petitioner seeks the optional provision to allow an access way for service vehicles for the existing building located at the intersection of E. Seventh Street and the rail corridor (known as the "Dixie's Parcel"), into the 35 foot rail corridor setback within the Encroachment Areas as generally depicted on Sheet RZ-2 "Dixie's Tavern Service Access - Optional Provision # 3", as follows:

(a) The service area access drive will be integrated into the overall pedestrian area so that it is functional yet unobtrusive. The materials used for the portion of service area access drive located within the rail corridor setback will be the Tryon Street Blend concrete paver. The portions of the access drive outside of the rail corridor setback will be constructed of the same materials used in the First Ward Park and will either be stained concrete, stamped and colored asphalt, concrete pavers or any combination of those materials. The color used for the materials within the service vehicle maneuvering area will be a color that minimizes staining caused by service vehicles and their cargo. The Petitioner may propose to use other paving materials within the rail corridor setback. The use of paving materials other than the Tryon Street Blend concrete paver in the rail corridor setback requires the approval of the Planning Department and CATS.

(b) Dumpster and recycling enclosures and containers may encroach up to five (5) feet into the rail corridor setback. These proposed encroachments will not extend beyond the existing building into the rail corridor setback. Dumpster and recycling containers will be screened with a masonry wall with a decorative steel gate. The masonry materials will be similar to the building materials used on the existing building on the Dixie's Parcel or any solid replacement building.

(c) Dumpster and recycling enclosures and containers shall be located within the Encroachment Areas; provided, however, the specific dimensions of the Encroachment Areas may be altered with the approval of the Planning Director, CATS and CDOT.

The Petitioner seeks the optional provision to modify the signage provisions of UMUD to allow the creation of unique signs located in the areas described below that identify and promote the Site, tenants within the building, and activities and events within the First Ward Project Area as well as signs promoting events that are sponsored or supported by Charlotte Center City Partners, the Charlotte Chamber of Commerce, the City of Charlotte and Mecklenburg County, as part of the creation of a special and vibrant retail and pedestrian environment, as generally depicted on Sheet RZ-2 "Signage Areas - Optional Provision # 4", as follows:

(a) This optional provision will apply to buildings and uses located: (i) along "Market Street"; (ii) adjacent to the rail corridor opposite "Market Street"; (iii) on the portion of the Site along E. 8th Street between Brevard Street and N. College Street; and (iv) within the first 50 feet along 9th Street and 7th Street adjacent to such streets there intersecting with "Market Street" and the rail corridor.

(b) Allowable signage types include all detailed and attached signs permitted under Chapter 15. In addition, the following permitted signage may include the following:

- computer programmable LED systems with full-color, full-motion displays and full-color outdoor video display limited to a total of three signs each with no more than 256 square feet of sign area. These signs must be installed as wall signs.
- message centers including ticker tape type moving messages for up to three (3) buildings that each contain less than 100,000 square feet of space.
- signs with movable parts.
- movie type projected images from either direct projection or rear screen projection during special events. The use of this type of image may not exceed 50 days during a calendar year.

Rezoning 2025-xxx:

Petitioner seeks an optional provision to allow exemption from the typical minimum hotel parking standards under UMUD for Parcel 08004213 (.424 acres at the northeast corner of N College Street and E 8th Street) so that parking shall not be required for hotel uses on this parcel given the Uptown location and proximity to the Blue Line light rail.

N. COLLEGE ST.

(VARIABLE PUBLIC R/W)

7

FOR PROVISION #7
SEE DETAIL 1
SHEET RZ1.0 FOR
FUTURE 4-LANE
ALIGNMENT WITH
OFF-PEAK VALET

1

FOR PROVISION #1
SEE DETAIL 1
SHEET RZ2.0 FOR
ENLARGEMENT

PRIVATE STREET (PROPOSED)

PRIVATE STREET (PROPOSED)

EXISTING BUILDING
"DIXIE'S"

FOR PROVISION #3
SEE DETAIL 3
SHEET RZ2.0 FOR
ENLARGEMENT

3

FOR PROVISION #6
SEE DETAIL 14
SHEET RZ2.0 FOR
ENLARGEMENT

6

PROPOSED
FIRST WARD
PARK

N. BREVARD ST.
(VARIABLE PUBLIC R/W)

PROPOSED BUILDING ABOVE
BELOW GRADE PARKING
STRUCTURE

PROPOSED
BELOW GRADE
PARKING
STRUCTURE

(VARIABLE PUBLIC R/W)

FOR PROVISION #2
SEE DETAIL 2
SHEET RZ2.0 FOR
ENLARGEMENT

2

PROPOSED UNCC BUILDING
(BY OTHERS)

PROPOSED UNCC BUILDING
(BY OTHERS)

(VARIABLE PUBLIC R/W)

RAMP DOWN

E. 9TH ST.
(VARIABLE PUBLIC R/W)

OFF-PEAK VALET

LEGEND

APPROXIMATE CENTERLINE OF
FUTURE CATS RAIL CORRIDOR

35' FUTURE RAIL CORRIDOR SETBACK

PROPOSED PRIVATE STREET

ADJACENT PROPERTY OWNERS

- 7TH STREET INVESTORS, LLC
PO BOX 2439
MATTHEWS, NC
PID# 08002204, 08002205, 08002207, 08002208,
08002210, 08002211, 08002212, 08002213, 08002214,
08002215, 08002221, 08004301, 08004302,
08004303, 08004313, 08004315
- 9TH STREET INVESTORS, LLC.
PO BOX 2439
MATTHEWS, NC
PID# 08004109, 08004201, 08004202,
08004203, 08004304, 08004305, 08004206,
08004207, 08004299
- WORLDWIDE NETWORK SERVICES
22001 LOUDOUN COUNTY PARKWAY
ASHBURN, VA
PID# 08002219
- FIRST UNITED PRESBYTERIAN OF CHARLOTTE
201 EAST SEVENTH STREET
CHARLOTTE, NC
PID# 08002202, 08002203
- COLLEGE + 8TH STREET LIMITED PARTNERSHIP
PO BOX 517
NEWLAND, NC
PID# 08002101, 08002122
- PUBLIC LIBRARY OF CHARLOTTE +
MECKLENBURG COUNTY
310 NORTH TRYON STREET
CHARLOTTE, NC
PID# 08002412
- NATIONSBANK NATIONAL ASSOCIATION AND
WORKPLACE C/O BANK OF AMERICA
CORPORATE
525 NORTH TRYON STREET
CHARLOTTE, NC
PID# 08002413
- GRIFFITH E.C. COMPANY
1644 BRUNSWICK AVENUE
CHARLOTTE, NC
PID# 08002415A
- MECKLENBURG COUNTY REAL ESTATE AND
FINANCE DEPARTMENT
600 EAST FOURTH STREET
CHARLOTTE, NC
PID # 08004001

The following type of signs will not be permitted:
• billboards
• freestanding signs
• roof signs
• mobile signs in excess of seven (7) feet

(c) Within the area described above up to two (2) detached signs may be erected that exceed the allowed height for detached signs in the UMUD district, provided that such signs will not exceed 20 feet in height.

(d) The Petitioner seeks the optional provision to allow the encroachment of canopies and similar building improvements into the rail corridor setback within the Encroachment Areas as generally depicted on Sheet RZ-3.0 "Leve Building - Optional Provision # 2", as follows:

(a) The amount of required urban open space may be reduced by 50%. This reduction may only be utilized after First Ward Park has received a certificate of occupancy.

(b) The required urban open space must be visible and accessible to a public street or the sidewalk associated with the urban corridor of the proposed First Ward Park.

The Petitioner seeks the following additional optional provisions to help facilitate the development of the Site, as follows:

(a) The realignment and reconstruction of 8th Street through the proposed First Ward Park from Brevard Street to the rail transit corridor to allow for a minimum 30 foot right-of-way will be permitted as generally depicted on Sheet RZ-2 "8th Street - Optional Provision #6").

(b) Petitioner may screen with fencing and other materials the unfinished portion of the underground parking structure located near the intersection of the rail transit line and 9th Street; in this regard, during construction of the parking structure and for the first 12 months after issuance of the certificate of occupancy for the parking structure, the fence may be chain link with a fabric screen but thereafter and if the underground parking structure has been completed within 5 years of approval of this Petition, the chain link fence will be replaced with a decorative aluminum fence.

(c) Petitioner may utilize a blend of concrete pavers other than the Tryon Street Blend in the rail corridor setback between 7th Street and 9th Street, subject to the Planning Department and CATS approval.

(d) The Petitioner may reduce the required 10-foot setback along E. 9th Street for the installation of building columns/blades as generally depicted on Sheet RZ-3.0.

(e) The Petitioner seeks the optional provision to allow an underground parking deck located between E. 8th Street and E. 9th Street along Brevard Street to provide a 14 foot setback from the back of curb. This proposed 14 foot setback will apply to the portions of the parking deck that are located underground. A 22 foot setback from the back curb will be provided along Brevard Street for structures located above ground.

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**ColeJenest
& Stone**

*Shaping the Environment
Realizing the Possibilities*

Land Planning
+
Landscape Architecture
+
Civil Engineering
+
Urban Design

200 South Tryon Street, Suite 1400
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LEVINE PROPERTIES, LLC

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FIRST WARD REZONING

Charlotte
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PETITION # 2010 - 065

TECHNICAL DATA SHEET 3

Project No.

4017

Issued

07/26/10

Revised

08/19/10 - PER PETITIONER COMMENTS
09/17/10 - PER CITY COMMENTS - RESUBMITTAL
10/22/10 - PER CITY COMMENTS - RESUBMITTAL
10/28/10 - PER CITY COMMENTS - RESUBMITTAL
11/12/10 - PER CITY COMMENTS - RESUBMITTAL
11/16/10 - PER CITY COMMENTS - RESUBMITTAL

APPROVED BY
CITY COUNCIL

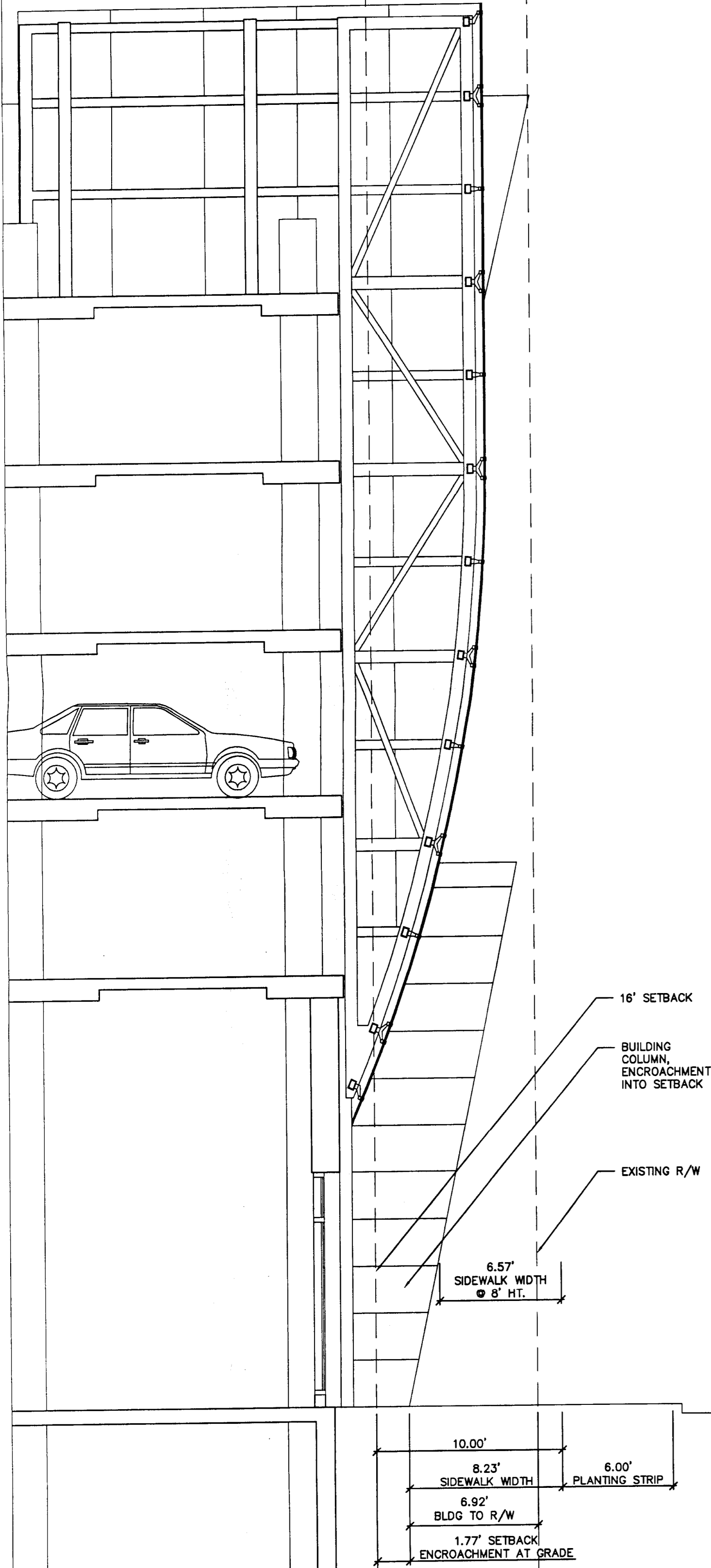
NCV

RZ3.0

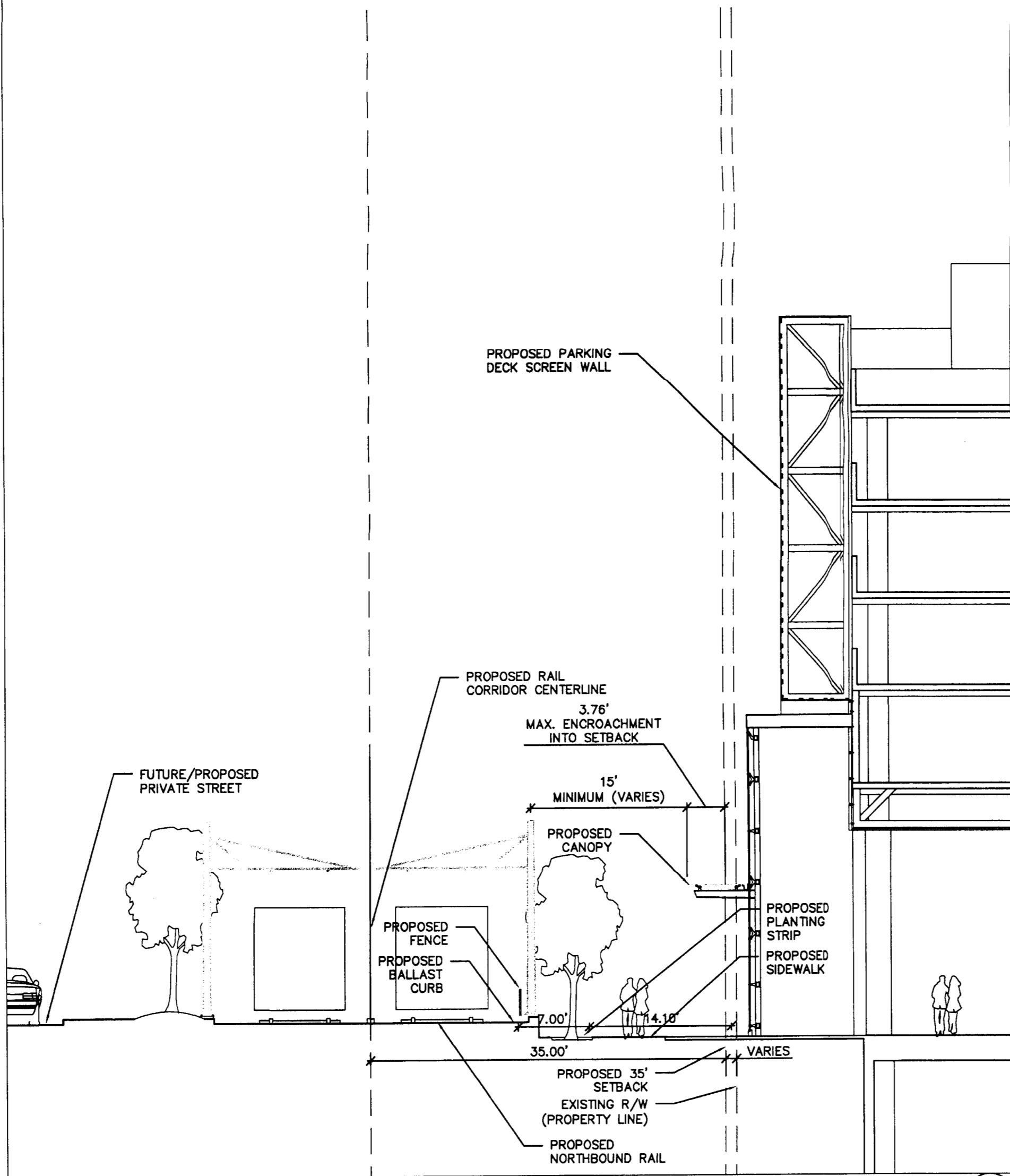
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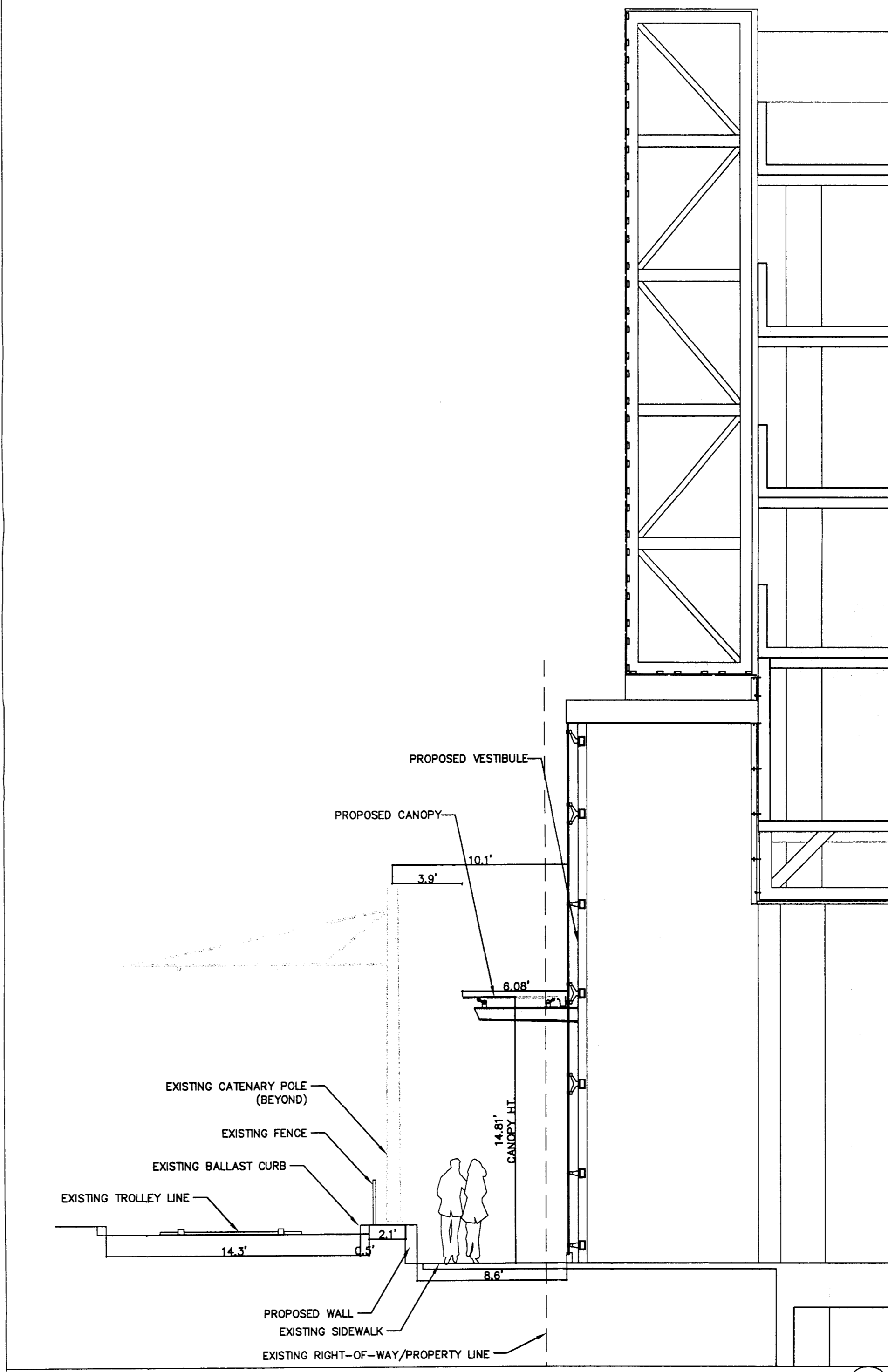
PETITION # 2010 - 065



9TH STREET BUILDING SECTION



PROPOSED RAIL/BUILDING SECTION



EXISTING RAIL/BUILDING SECTION