Rezoning 2025-041 Site Plan Amendment for Parking Optional Provision related to parcel 08004213, no other changes to approved rezoning plan 2010-065 incorporated herein

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

Rezoning 2025-041:
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.

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 Ninth 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 are 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 section of the City of Charlotte 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 enliven 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:

1. **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) as generally depicted on the Rezoning Plan;

(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 restrooms, 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 not 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, the proposed pedestrian bridge connecting the Site to the First Ward Park on the opposite side of the Parkwood Rail Corridor, and other improvements that are customarily associated with 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;

(c) Encroachment of signage as described in the Section C.4 below;

(d) Each of the encroachments described in the Section C.1 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.

(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 grates. 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 s ensides using Market Street. Backflow preventers may be placed on the interior of buildings.

2. **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 "Lex ine 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 swings 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 catenary poles and overhead wires located within the CATS right-of-way. This and other reductions 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.

3. **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 these 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 such replacement building.

(c) Handicap and loading/unloading areas are not permitted in the rail corridor setback.

(d) Each of the encroachments described in the Section C.3 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.

4. **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 buildings and activities and events within the First Ward Project Area as well as signs promoting events 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 intersections with Market Street and the rail corridor, all as generally depicted on the Rezoning Plan.

(b) Allowable signage types include all detached and attached signs permitted under Chapter 13. In addition, permitted signage may include the following:

- computer programmable L.E.D. systems with full-color, full-matrix 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.
- [illegible]

(c) The following type of signs will not be permitted:

- billboards
- vinyl signs
- pool signs
- pole pylon signs in excess of seven (7) feet

(d) 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.

(e) One detached identification sign may be erected at the intersection of the 9th Street and the intersection with Brevard Street, subject to the encroachment agreements and the approval of CDOT.

5. **In light of the proximity of the Site to the proposed First Ward Park, the Petitioner seeks the optional provision to modify the urban open space requirements for office uses constructed on the Site 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 Optional provision open space may be limited and inaccessible to a private tenant of the redeveloper associated with the transit corridor or the proposed First Ward Park.

6. **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 undergroun parking structure has not 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 Engineering.

(d) The Petitioner may reduce the required 16 foot setback along E. 9th Street for the installation of building columns/blades as generally depicted on Sheet RZ-3.0.

(e) The Petitioner may reduce the required 14 foot setback along public right-of-way on the north side of E. 8th Street to allow for the installation of building columns/blades as generally depicted on Sheet RZ-3.0. The 14 foot setback from the back of curb will be provided along Brevard Street for structures located above grade.

(f) The Petitioner may reduce the required 14 foot setback along public right-of-way on the north side of E. 8th Street to allow for the installation of the existing transit line and the development on the Site are likely not to coincide resulting in the Petitioner's inability to complete its portion of the ultimate streetscape improvements and the existing conditions possibly remaining in place. The City (on behalf on CATS) and the Petitioner have agreed to enter into a separate written agreement confirming their respective obligations for the ultimate streetscape improvements and the responsibilities for any interim improvements that may be agreed upon with the understanding that the Petitioner will only be responsible for any costs in an amount related to the ultimate streetscape improvements for which it is responsible. It is further understood that if unforeseen circumstances arise changes to the ultimate streetscape design along the rail corridor may be agreed upon by the Petitioner and the Planning Director, CATS and CDOT.

Off Peak Valet drop off and loading and unloading area along E. 9th Street. In order for the proposed office building along E 9th Street to have an area for valet parking and/or loading and unloading, the Petitioner has included on Sheet CV.1 a conceptual four lane cross-section for a portion E. 9th Street between N. Brevard Street and the rail corridor. Once E. 9th Street is so widened the Petitioner may request that the curb lane along E. 9th Street be utilized for off peak valet parking and/or loading and unloading, subject to the review and approval of CDOT for operational purposes.

D. Other Development Alternatives Under UMUD Without Optional Variations.

It is understood that the variation(s) from the UMUD minimum standards requested by this Petition are optional in nature and relate solely to development contemplated in connection with the Development Plan. This Petition also contemplates development of the Site, and/or portions thereof, without the benefit of the Optional provision(s), in accordance with UMUD requirements and minimum standards. In other words, the Petitioner, its successors and assigns, reserves the right to develop the Site, and/or portions thereof, in a manner wholly different from the development depicted on the Technical Data Sheet (collectively, "Other Development Alternatives") without the benefit of the Optional provision(s) set forth in this Petition provided that Other Development Alternatives are in accordance with UMUD requirements and minimum standards.

E. Amendments to Rezoning Plan; UMUD Review

(a) Subject to the provisions of Section D above, future amendments to the Technical Data Sheet and these Development Standards in accordance with the Development Plan may be applied for by the then Owner or Owners of the tract or tracts within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

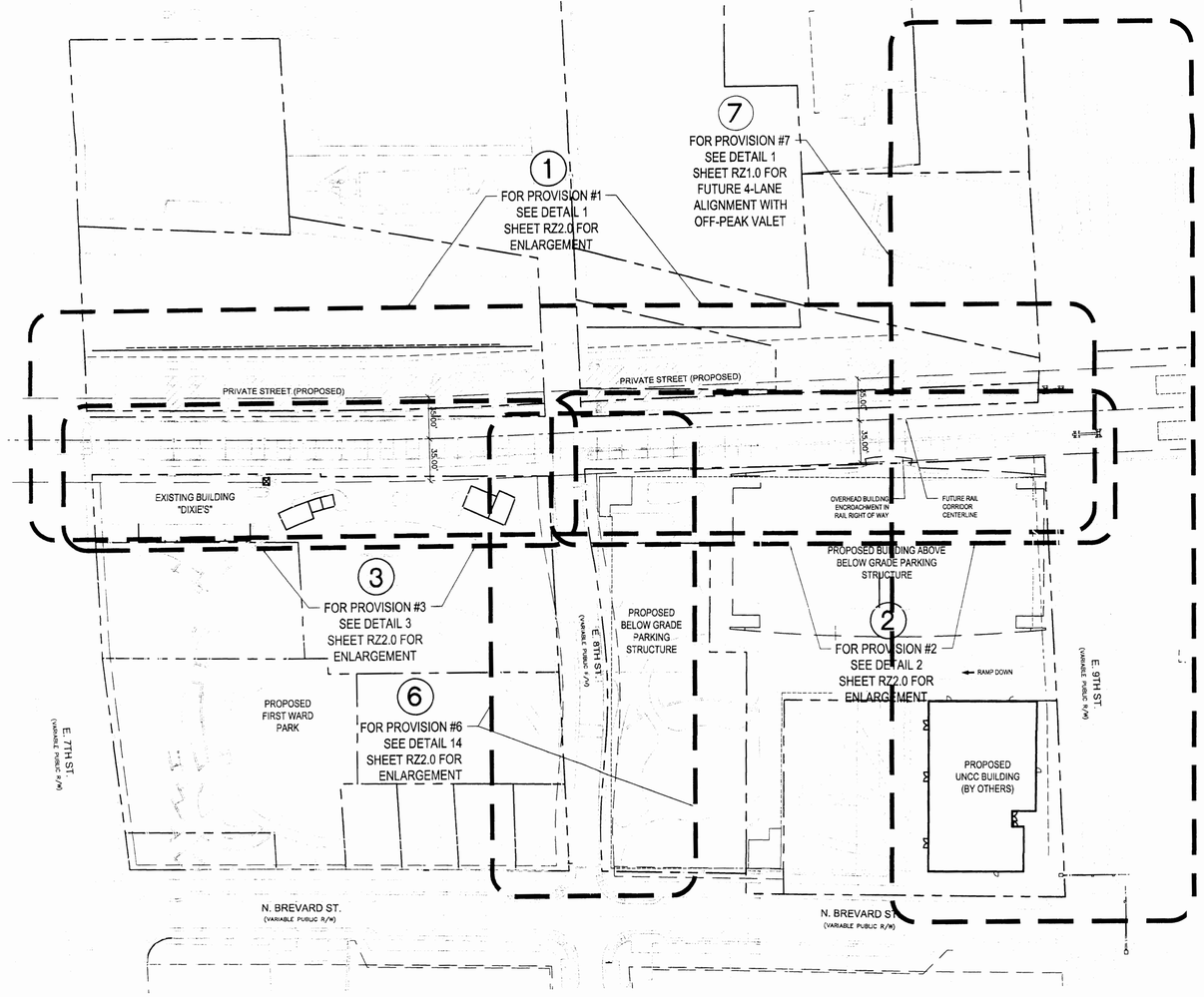
F. Binding Effect of the Rezoning Documents and Definitions

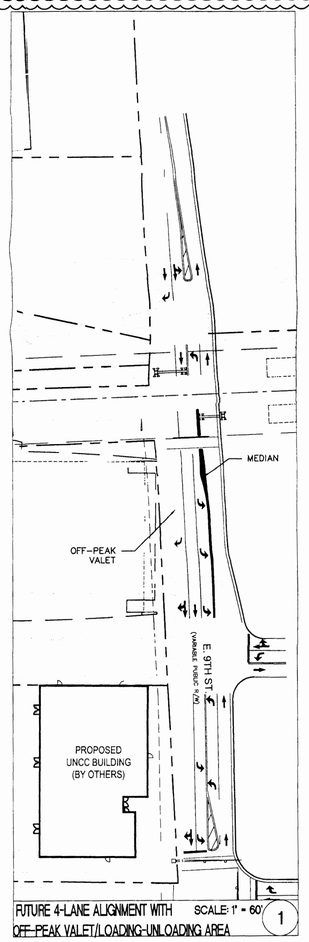
1. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under this Technical Data Sheet in accordance with the Development Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

2. 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 in any future development thereof.

G. Statement with respect to the Graphics set forth on Exhibits accompanying the Technical Data Sheet for the Development Plan.

The graphic representations set forth on this Rezoning Plan are intended to describe the optional provisions contemplated and the conceptual plans proposed for development in accordance with the Development Plan associated with such optional provisions. However, it should be noted that such plans are schematic in nature and relate only to development in accordance with the Development Plan. Accordingly, the concepts may be altered during design development phases for development in accordance with the Development Plan.





FUTURE 4-LANE ALIGNMENT WITH OFF-PEAK VALET/LOADING-UNLOADING AREA SCALE: 1" = 60' 1

LEGEND

- APPROXIMATE CENTERLINE OF FUTURE CATS RAIL CORRIDOR
- 35' FUTURE RAIL CORRIDOR SETBACK
- PROPOSED PRIVATE STREET

ADJACENT PROPERTY OWNERS

1. 7TH STREET INVESTORS, LLC
PO BOX 2439
MATTHEWS, NC
PID# 08002104, 08002105, 08002107, 08002108, 08002110, 08002111, 08002112, 08002113, 08002114, 08002115, 08002121, 08004301, 08004302, 08004303, 08004313, 08004315

2. 9TH STREET INVESTORS, LLC.
PO BOX 2439
MATTHEWS, NC
PID# 08004109, 08004201, 08004202, 08004203, 08004304, 08004305, 08004206, 08004207, 08004299

3. WORLDCOM NETWORK SERVICES,
22001 LOUDOUN COUNTY PARKWAY
ASHBURN, VA
PID# 08002119

4. FIRST UNITED PRESBYTERIAN OF CHARLOTTE
201 EAST SEVENTH STREET
CHARLOTTE, NC
PID# 08002102, 08002103

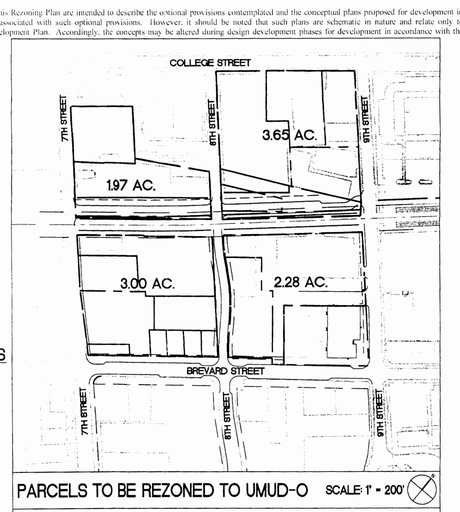
5. COLLEGE + 8TH STREET LIMITED PARTNERSHIP
PO BOX 517
NEWLAND, NC
PID# 08002101, 08002122

6. PUBLIC LIBRARY OF CHARLOTTE +
MECKLENBURG COUNTY
310 NORTH TRYON STREET
CHARLOTTE, NC
PID# 08002412

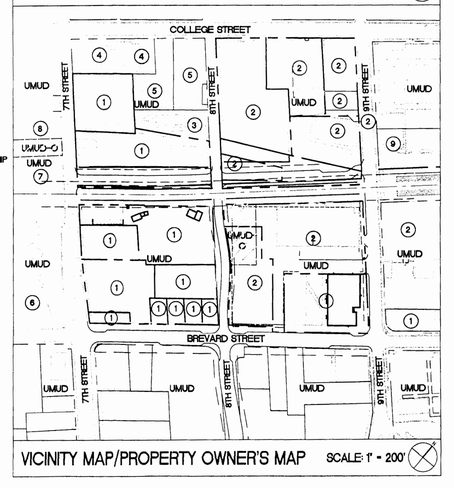
7. NATIONSBANK NATIONAL ASSOCIATION AND
WORKPLACE C/O BANK OF AMERICA
CORPORATE
525 NORTH TRYON STREET
CHARLOTTE, NC
PID# 08002413

8. GRIFFITH E.C. COMPANY
1944 BRUNSWICK AVENUE
CHARLOTTE, NC
PID# 08002415A

9. MECKLENBURG COUNTY REAL ESTATE AND
FINANCE DEPARTMENT
600 EAST FOURTH STREET
CHARLOTTE, NC
PID # 08004101



PARCELS TO BE REZONED TO UMUD-O SCALE: 1" = 200'



VICINITY MAP/PROPERTY OWNER'S MAP SCALE: 1" = 200'

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url+ www.colejenestone.com

LEVINE PROPERTIES, LLC

Charlotte
North Carolina 28284

FIRST WARD REZONING

Charlotte
North Carolina 28284

PETITION # 2010 - 065

TECHNICAL DATA SHEET 1

Project No.
4017

Issued
07/26/10

Revised
08/19/10 - PER PETITIONER COMMENTS
09/17/10 - PER CITY COMMENTS - RESUBMITTAL
1 10/22/10 - PER CITY COMMENTS - RESUBMITTAL
2 10/28/10 - PER CITY COMMENTS - RESUBMITTAL
3 11/12/10 - PER CITY COMMENTS - RESUBMITTAL
4 11/16/10 - PER CITY COMMENTS - RESUBMITTAL

APPROVED BY CITY COUNCIL

SCALE: 1"= 60'
0 30 60 120

N

RZ1.0

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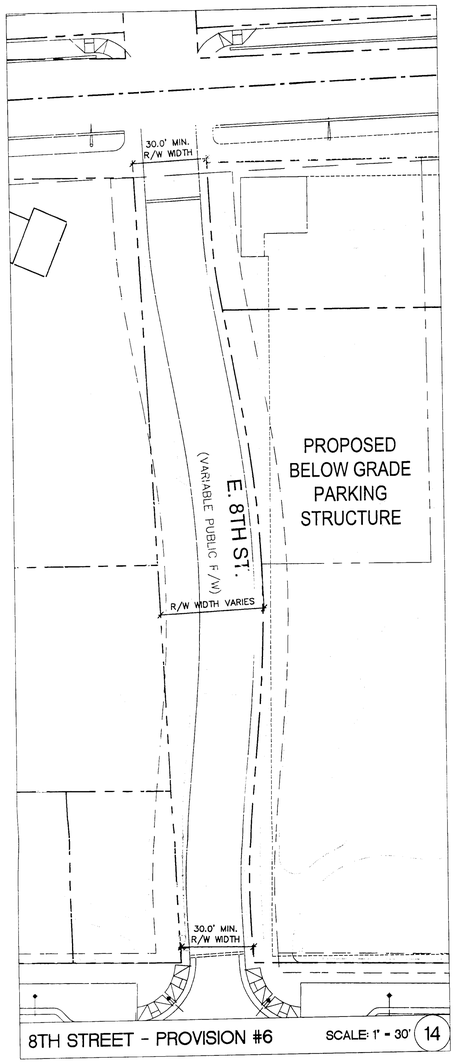
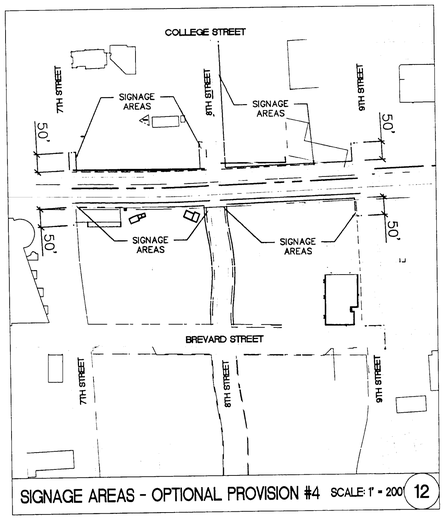
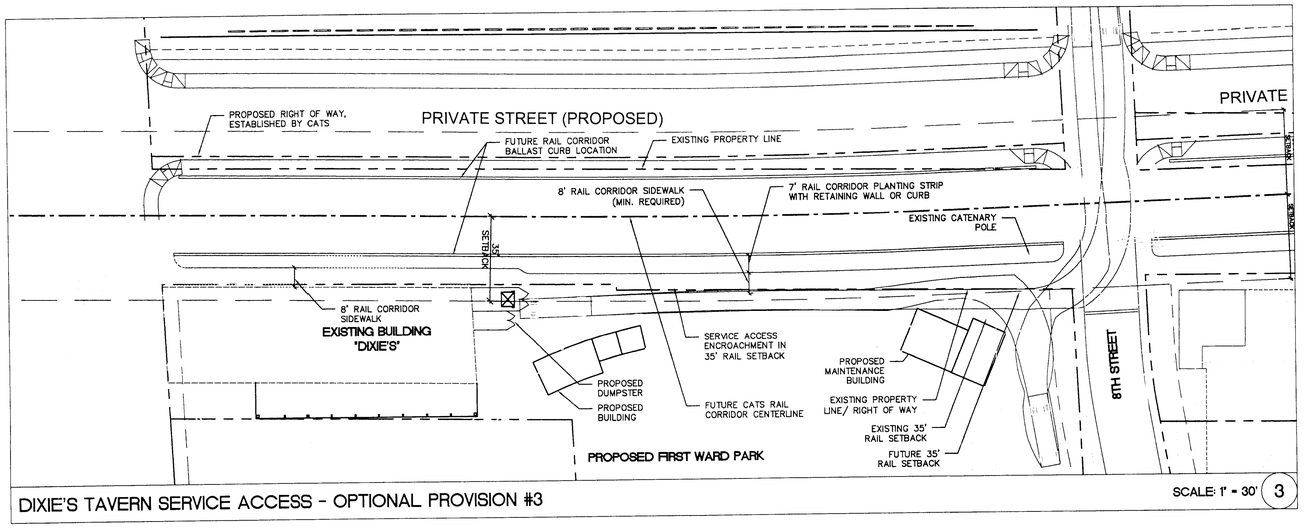


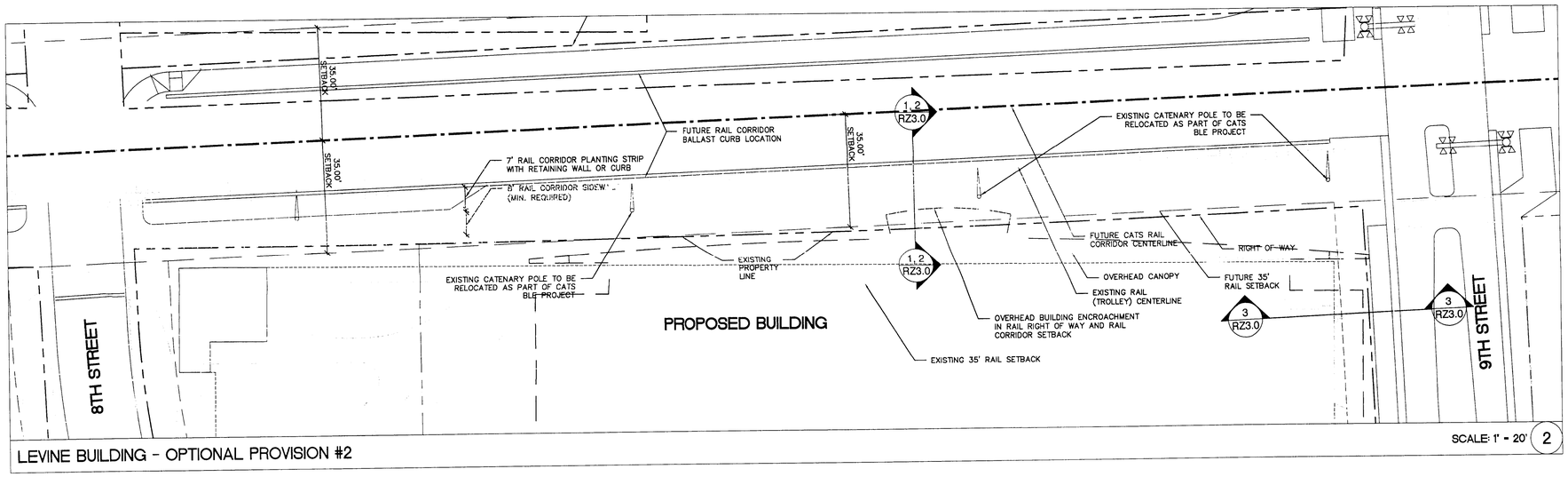
8TH STREET - PROVISION #6 SCALE: 1" = 30' 14



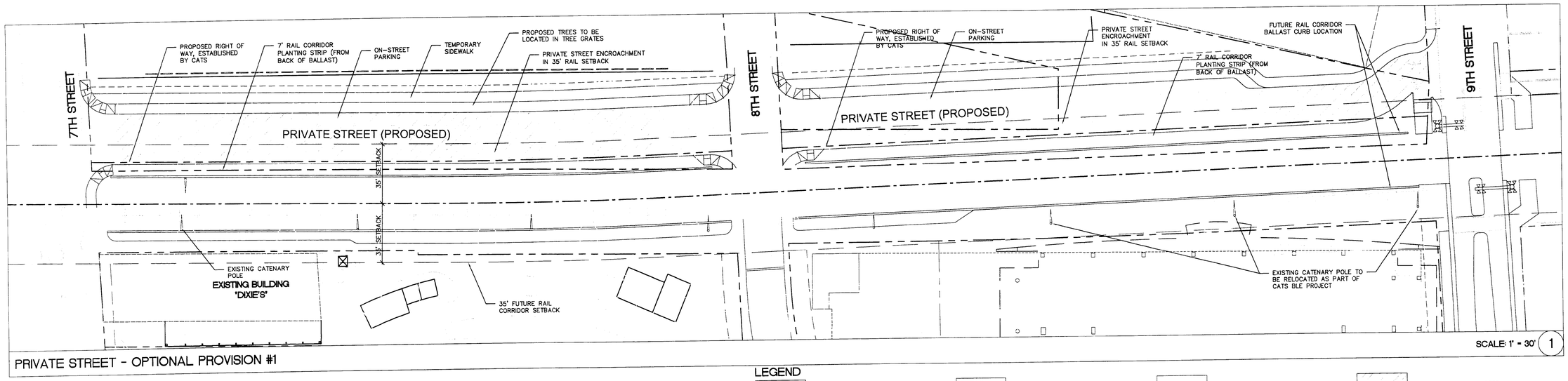
SIGNAGE AREAS - OPTIONAL PROVISION #4 SCALE: 1" = 200' 12



DIXIE'S TAVERN SERVICE ACCESS - OPTIONAL PROVISION #3 SCALE: 1" = 30' 3



LEVINE BUILDING - OPTIONAL PROVISION #2 SCALE: 1" = 20' 2



PRIVATE STREET - OPTIONAL PROVISION #1 SCALE: 1" = 30' 1

LEGEND

APPROXIMATE CENTERLINE OF FUTURE CATS RAIL CORRIDOR

AREA OF ENCROACHMENT

35' FUTURE RAIL CORRIDOR SETBACK

PROPOSED PRIVATE STREET

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url+ www.colejeneststone.com

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North Carolina 28284

FIRST WARD REZONING

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PETITION # 2010 - 065

TECHNICAL DATA SHEET 2

Project No.
4017

Issued
07/26/10

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08/19/10 – PER PETITIONER COMMENTS
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10/28/10 – PER CITY COMMENTS – RESUBMITTAL
11/12/10 – PER CITY COMMENTS – RESUBMITTAL
11/16/10 – PER CITY COMMENTS – RESUBMITTAL

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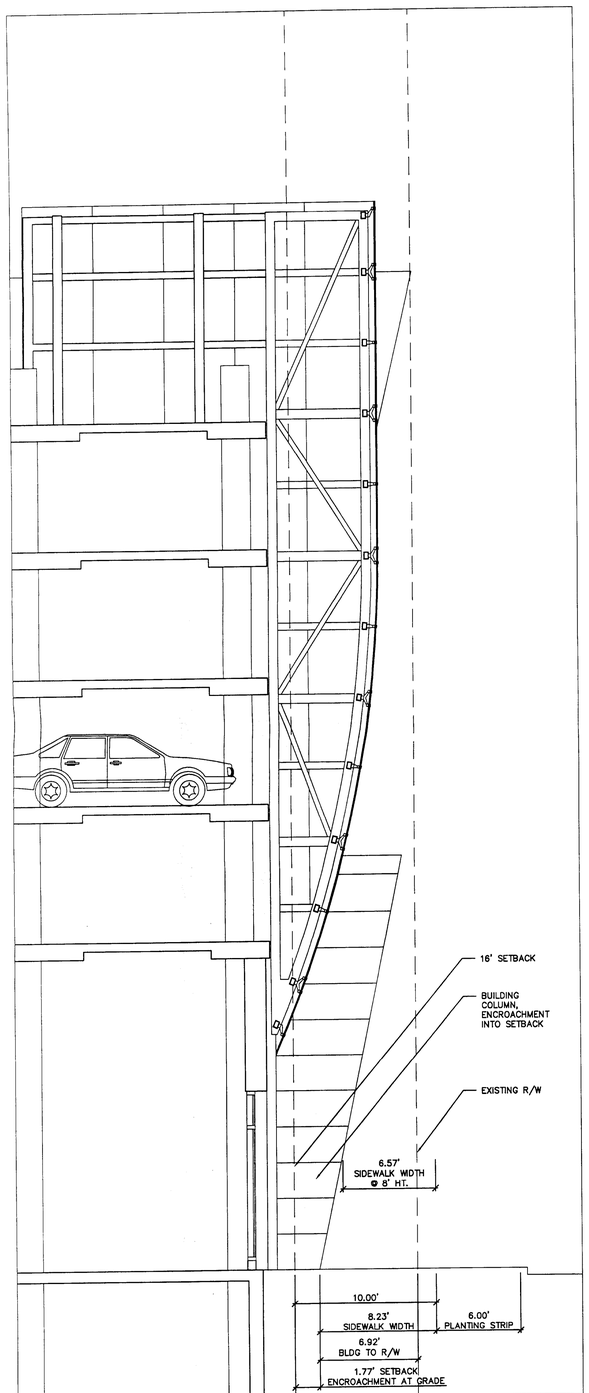
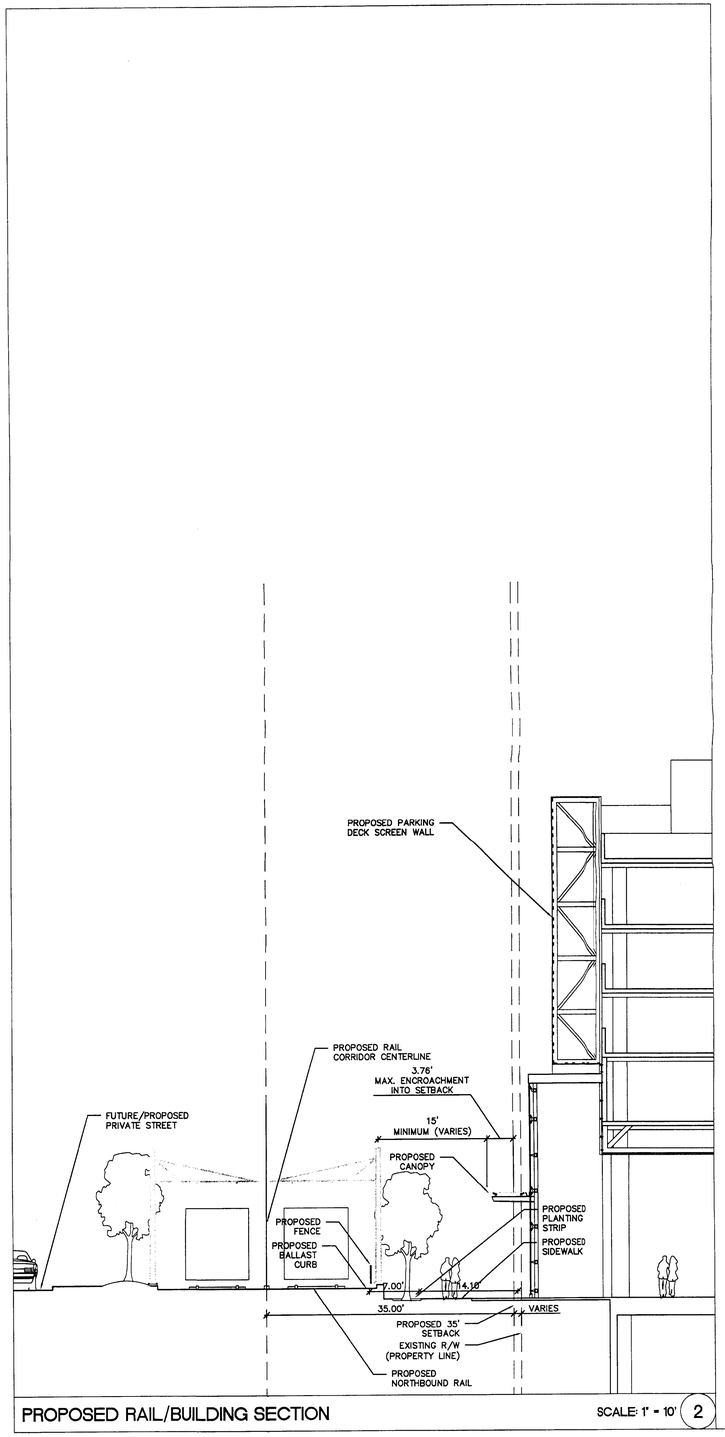
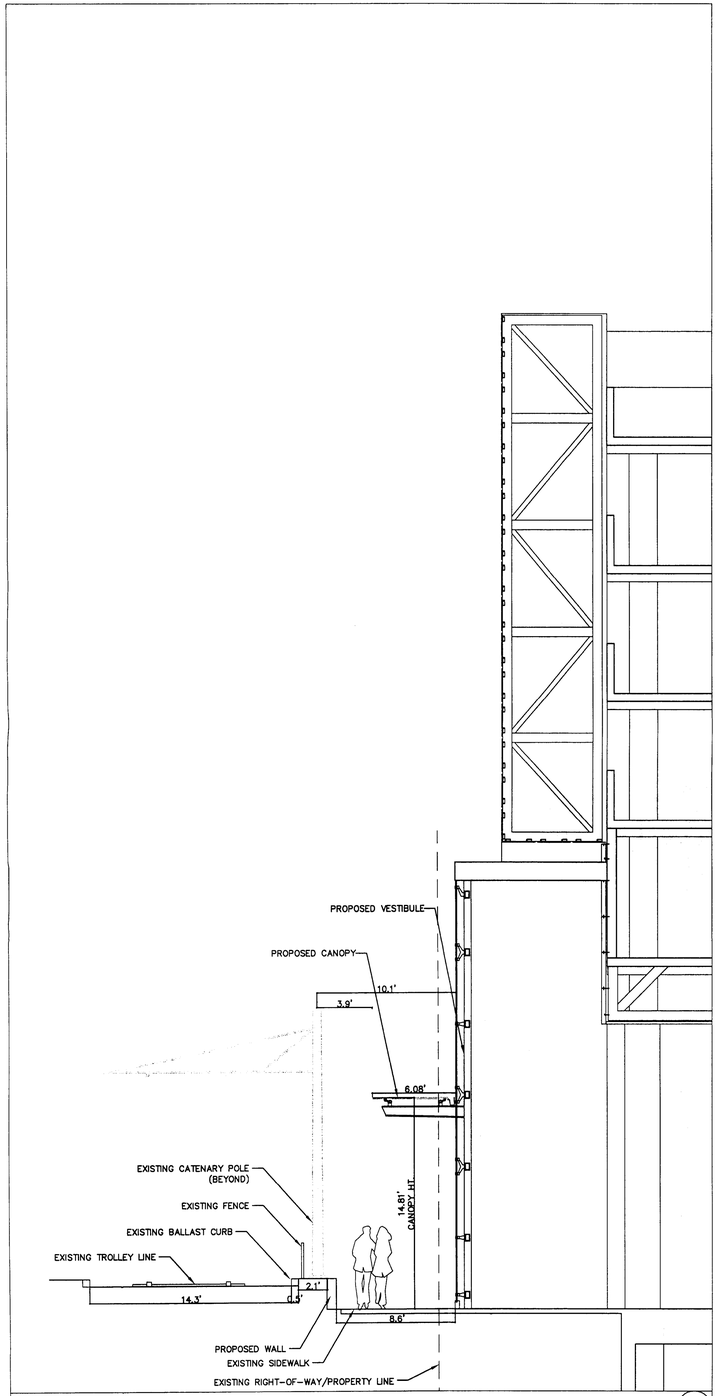


9TH STREET BUILDING SECTION SCALE: 1" = 5' 3



PROPOSED RAIL/BUILDING SECTION SCALE: 1" = 10' 2



EXISTING RAIL/BUILDING SECTION SCALE: 1" = 5' 1

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TECHNICAL DATA SHEET 3

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11/16/10 – PER CITY COMMENTS – RESUBMITTAL

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