

General Provisions
These Development Standards form a part of the Rezoning Site Plan associated with the Rezoning Petition filed by Primax Properties to accommodate redevelopment of that 0.724 acre site located off East Morehead Street and which is more particularly described on the Rezoning Site Plan (the "Site").

Development of the Site will be governed by the Rezoning Site Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Site Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD) Zoning Classification shall govern the development of the Site.

The development depicted on the Rezoning Site Plan is schematic in nature and intended to describe the general arrangement of uses on the Site. Accordingly, the configuration, placement, and size of the building footprints outlined on the Rezoning Site Plan are schematic in nature, and subject to the provisions set forth below under Design and Performance Standards, may be altered or modified during design development and construction phases within the maximum development area boundaries established on the Rezoning Site Plan. Street and parking layouts may also be modified to accommodate final building locations. Ancillary facilities and parking spaces may be located inside or outside development area boundaries to the extent permitted by the Ordinance.

Permitted Uses
The Site may be devoted to office, limited commercial uses and any accessory uses that are permitted in the MUDD Zoning District.

Maximum Building Area/Permitted Uses
The total gross building area that may be developed on the Site is 38,400 square feet, of which no more than 7,500 may be devoted to commercial use. Such commercial use may include the following types of uses: boutique sales including art galleries, apparel, shoes, books, stationary, cards, gifts, office products, computers, consumer electronics, home furnishings, jewelry, luggage, leather goods, optical goods, candy and similar uses. In no event, shall a restaurant be permitted. However, limited and ancillary food sales (such as coffee and muffins) as part of a bookstore or similar use may be permitted.

Of the 38,400 square feet of maximum building area, approximately 3,400 square feet of that total will be below grade, unheated and devoted solely to basement storage purposes rather than used for office or commercial use. Surface and/or structured parking is not a part of and shall not count towards the maximum building area noted above.

Buildings shall not exceed 60 feet in height above average grade along the East Morehead Street front building elevation.

Setbacks, Side Yards and Rear Yards
The new building and parking areas located on the Site shall be setback from the right-of-way line along East Morehead Street a minimum of 14 feet. Canopies, overhangs and/or balcony projections may extend up to four feet into the 14 foot setback. The building shall also satisfy or exceed the rear yard and side yard requirements established under the Ordinance for the MUDD Zoning District. The building and parking areas may be located within the development area boundaries as outlined on the Rezoning Site Plan.

Design and Performance Standards

- New development will conform to Section 9.8506 of the Ordinance. The existing 6 foot sidewalk and 8 foot planting strip along East Morehead Street may remain and fulfill the streetscape requirements outlined in Section 9.8506 (d).
- All trees located within the right-of-way for East Morehead Street and the 14 foot setback will be preserved and will be protected during the grading and construction process.
- All roof mounted mechanical equipment placed on new buildings will be screened from view at grade from adjoining public rights-of-way and abutting properties.
- Any new lighting attached to a building shall be decorative, capped and downwardly directed. Standard, square-squared, "wall-pak" type lighting will not be permitted.
- Wall-mounted decorative light fixtures such as sconces are permitted.
- Buildings shall not exceed 60 feet in height above average grade along the East Morehead Street front building elevation.
- Garbage handling will be provided through individual roll-out containers rather than dumpsters. Garbage removal will be provided by a private hauler.
- Any parking structure located on the Site shall conform to Section 9.8506 (2) (a) of the Ordinance.
- Security lighting shall be installed in the lower level of the parking structure. Low-intensity parking lot lighting shall be installed in the upper level of the parking structure. Lighting in both the lower and upper levels of the parking structure shall be designed and directed so as to avoid direct glare onto adjoining properties.

Parking
All new off street parking and loading facilities will meet the standards established under the Ordinance.

At least one bike rack will be provided on the Site.

Parking Deck Design
Sheet TDS-3 of the Rezoning Plan contains two separate design concepts for the elevation of that portion of the parking deck that abuts the eastern boundary line of the Site and Latta Square Condominiums (the "Eastern Elevation"). These separate design concepts are designated as Option C and Option D on Sheet TDS-3 of the Rezoning Plan. The design concept designated as Option C is generally an "open" wall design that includes a combination of decorative fencing and brick veneer on the exterior wall surface and the design concept designated as Option D is generally a "closed" wall design that includes brick veneer on the exterior wall surface.

Option C is the preferred design concept for the Eastern Elevation of the parking deck; however, to be able to construct the Eastern Elevation of the parking deck in accordance with Option C, the Petitioner must resolve certain issues with respect to the State Building Code requirements. In the event that these issues can be satisfactorily resolved, the Petitioner will construct the Eastern Elevation of the parking deck so that it is substantially similar in appearance to the design concept set out in Option C. In the event that the Petitioner cannot satisfactorily resolve these issues with respect to the State Building Code requirements, the Petitioner will construct the Eastern Elevation of the parking deck so that it is substantially similar in appearance to the design concept set out in Option D.

Vehicular Access
Vehicular access shall be as generally depicted on the Rezoning Site Plan. The placement and configuration of these access points are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation.

Transportation and Connectivity
Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements and a reversionary interest in any property not used for right-of-way purposes in the future) any part of the Site required to provide a minimum of 40 feet of right-of-way from the centerline of East Morehead Street, if such right-of-way does not already exist, prior to the issuance of any certificate of occupancy for a new building on the Site.

A pedestrian connection of at least 5 feet in width shall be provided to the abutting Morehead Properties parcel located to the northeast, generally as indicated on the Rezoning Site Plan.

Vehicular access shall be provided to the abutting Morehead Properties parcel located to the northeast subject to the consent of the owner of the parcel and/or a cross access easement.

Vehicular access may be provided to the abutting Mecklenburg County parcel located to the north subject to the consent of the owner of the parcel and/or a cross access easement. Until such time as this vehicular access connection(s) may be made, that portion of the Site may be used as a part of the overall parking area for the Site.

Storm Water Management
Storm water runoff will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte and the Charlotte Mecklenburg Storm Water Design Manual. The Petitioner shall tie-in to the existing storm water system. The Petitioner shall have the receiving drainage system analyzed prior to the development of the Site. If it is determined that the development of this Site will cause the receiving storm drainage system to be taken out of standard, and if the impervious area of the Site is increased as a result of this development, then the Petitioner will implement measures to mitigate the storm water runoff generated only by the increased impervious area. If the impervious area of the Site is not increased by this development, then the Petitioner will not be required to implement any mitigating measures.

The following agencies will be contacted prior to construction regarding wetland and water quality permits, if applicable:

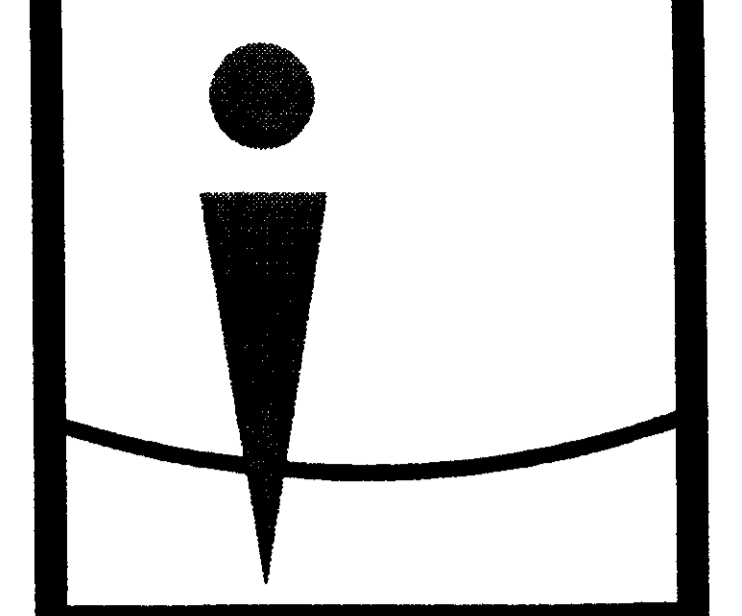
Section 401 Permit	NCDEHNR-Raleigh Office
Section 404 Permit	US Army Corps of Engineers

Fire Protection
Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications.

Amendments to Rezoning Plan
Future amendments to the Rezoning Site Plan and these Development Standards 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.

Binding Effect of the Rezoning Documents and Definitions
If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under this Rezoning Site 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.

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.



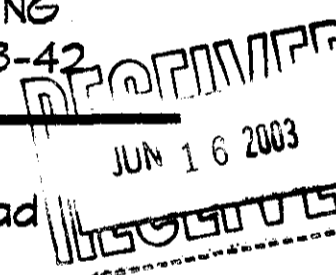
**Overcash • Demmitt
Architects**

1520 south boulevard suite 200
charlotte north carolina 28203
voice • 704.332.1615
fax • 704.332.0117
web • www.odarch.com

**PRIMAX
Properties, LLC**

FOR PUBLIC HEARING
PETITION NO. 2003-42

1065 East Morehead



Charlotte, NC

date:
FEB. 24, 2003
status:
REZONING SUBMITTAL
revisions:
4-21-03 PLANNING COMMENTS
6-10-03 PLANNING COMMENTS

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APPROVED BY CITY COUNCIL
DATE 6/16/03

TDS-1

ODA No. 051003 CADD File:



Overcash • Demmitt
Architects

1520 south boulevard suite 200
charlotte north carolina 28203
voice • 704 . 332 . 1615
fax • 704 . 332 . 0117
web • www . odarch . com

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Properties, LLC

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1065 East Morehead

Charlotte, NC

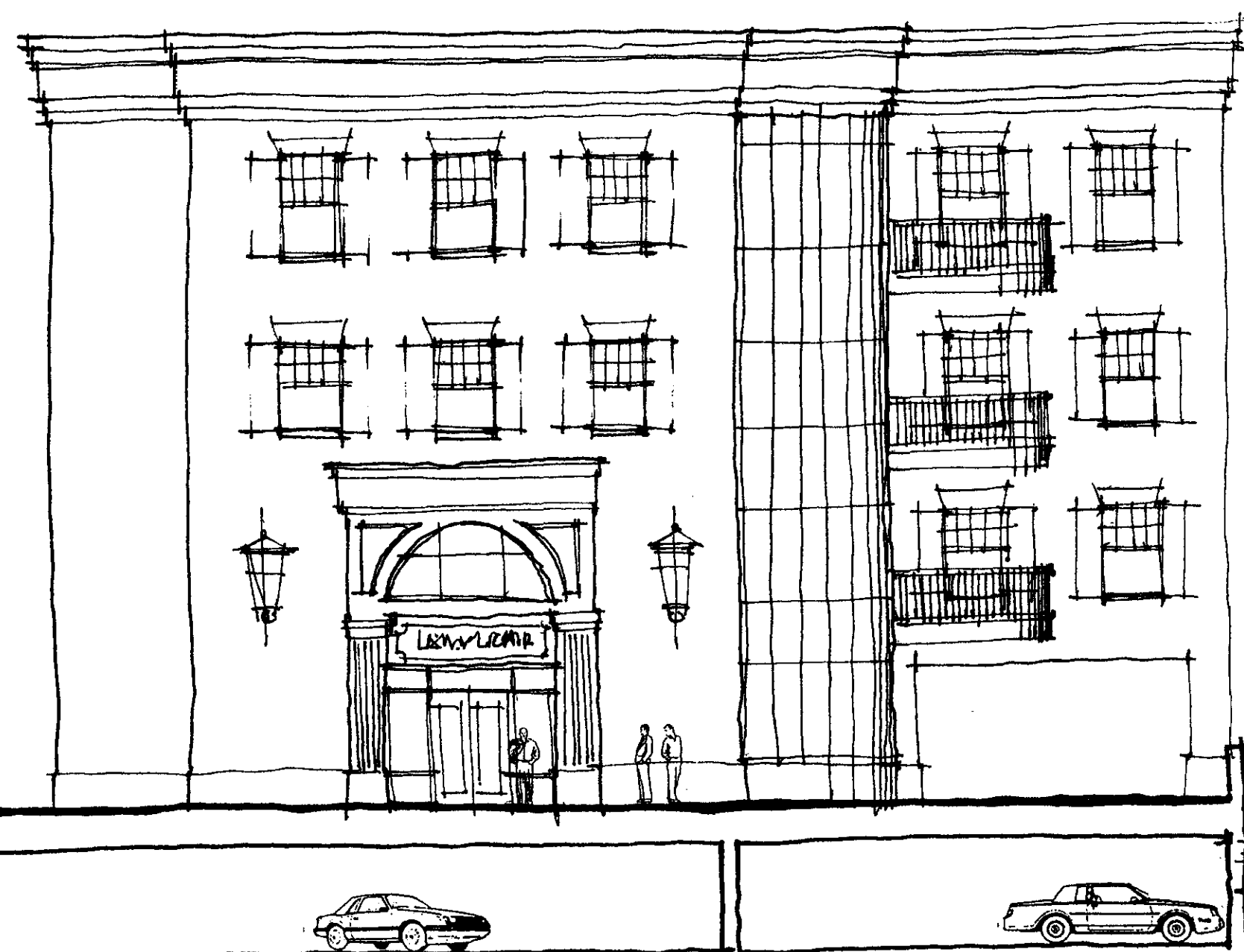
date: FEB. 24, 2003
status: REZONING SUBMITTAL
revisions:
4-21-03 PLANNING COMMENTS
6-10-03 Planning Comments

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APPROVED BY CITY COUNCIL
DATE 6/16/03

TDS-2

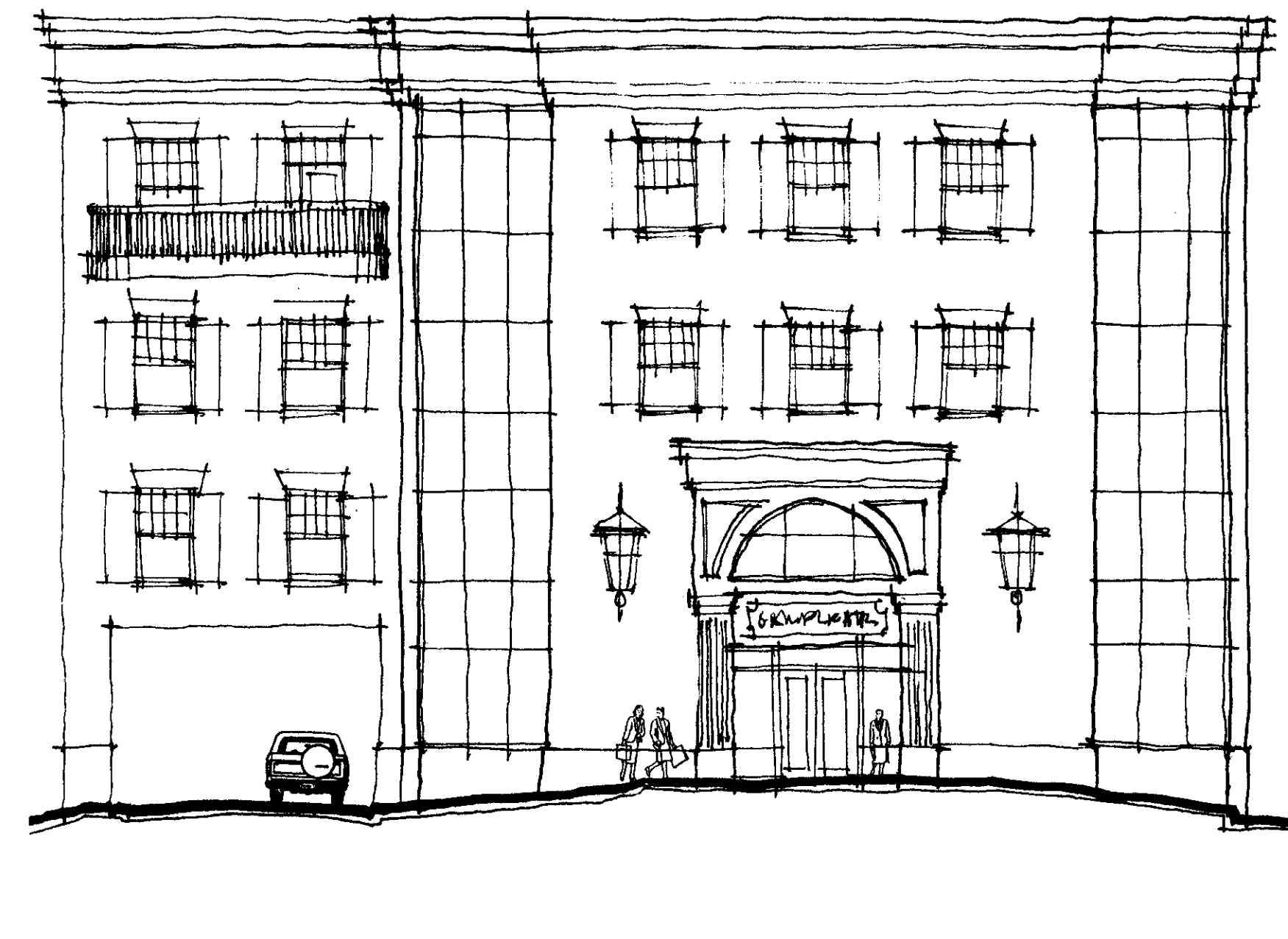
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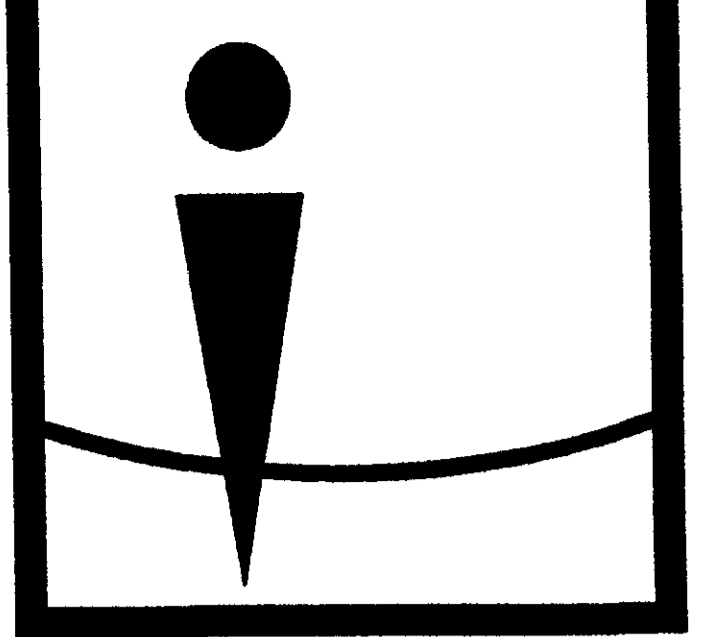
Rear Elevation



Side Entry Elevation



Front (Morehead St.) Elevation



**Overcash • Demmitt
Architects**

1520 south boulevard suite 200
charlotte north carolina 28203
voice • 704.332.1615
fax • 704.332.0117
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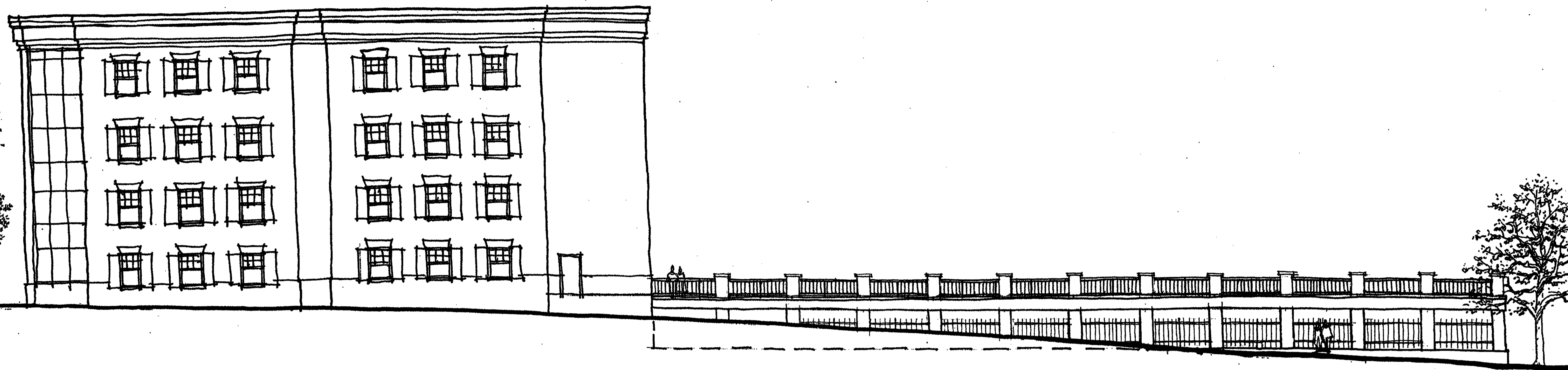
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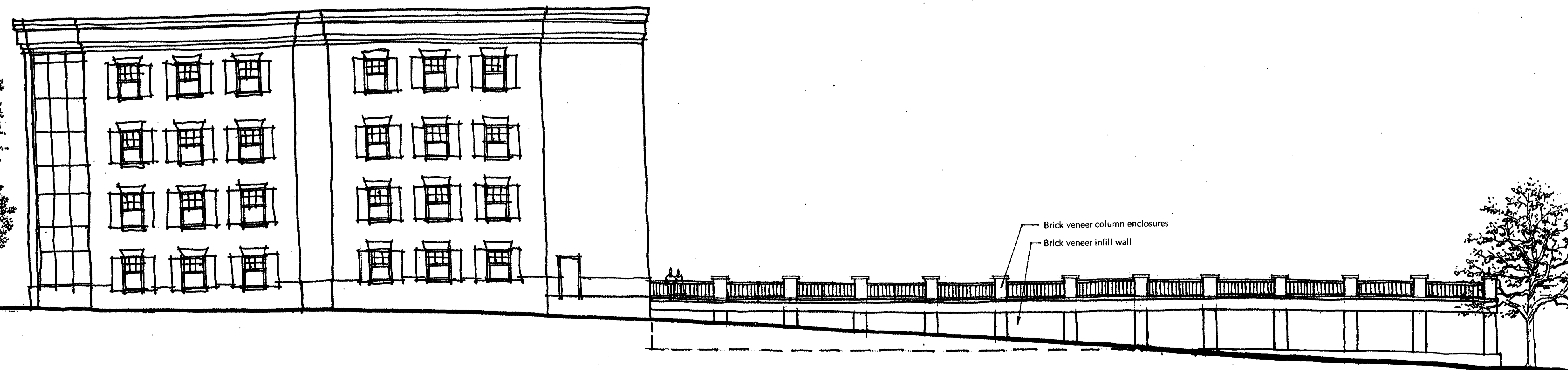
DATE 6/16/03

TDS-3

ODA No. 031103 CADD File:



Side Elevation – Option C



Side Elevation – Option D