

**REZONING SUMMARY**

REZONING SITE AREA: 10.90 AC

EXISTING ZONING: UMUD

PROPOSED ZONING: UMUD-O

PETITIONER: Levine Properties, LLC.  
9709 Northeast Parkway  
Suite 300  
Mathews, NC 28105

OWNERS: 7th Street Investors, LLC  
PO Box 2439  
Mathews, NC 28106

9th Street Investors, LLC  
PO Box 2439  
Mathews, 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, LLC, 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") as 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 siting circumstances.

The Petitioner seeks general variations from the minimum standards of the UMD 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 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 variations(s) from the minimum standards of UMD for the Site in connection with the Development Plan. Other development plans or alternatives for the Site that do not seek variations from the minimum UMD standards are permitted.

**B. Permitted Uses**

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

**C. UMD-Optional Provisions**

The Petitioner is requesting the following variations from the UMUD minimum standards as part of this UMD-Optional (UMD-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 ("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 improvements) along 7th Street and 9th Street along 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, 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 30 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 of heights not to exceed 20 feet and light fixtures. The installation of any temporary structures and utility connections on the private street will be subject to the applicable codes.

(c) Petitioner may seek to close off a portion of the Site for more than 30 consecutive days. "Market Street" shall be the Encroachment Area for special events or 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 encroachment activities in this Section C.1 shall be situated 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 vehicles 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-2 "35' Rail Corridor Setback - Optional Provision # 2", as follows:

(a) The encroachment of new building canopies and similar overhanging structures and building improvements into the 35-foot rail corridor setback will be permitted and may include the associated door swings of any buildings. If door swings do encroach into the rail corridor setback the width of the rail corridor sidewalk will be increased to allow for 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 Parcel 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 Iron 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 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 wall shall be constructed of the same materials used in the existing building on the Dixie's Parcel or any such replacement building.

(c) The Petitioner shall be responsible for the maintenance and repair of 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 UMD to allow the creation of unique signs located in the areas described below that identify and promote the Site, tenants within the buildings and events within the First Ward Project Area as well as signs promoting events 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. These signs shall be subject to the approval of the Planning Director, CATS and CDOT.

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

- computer programmable LED systems with full-color, full-frame 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 may 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.

The following type of signs will not be permitted:

- utility signs
- 0-60 signs
- pole-top 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-O district, provided that such signs will not exceed 20 feet in height.

(d) Signs shall be subject to the approval of the Planning Director, CATS and CDOT. Signs shall be subject to the approval of the Planning Director, CATS and 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 required urban open space may be reduced to a minimum of 10% of the site area, provided that the site area is not less than 10,000 square feet.

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 chain link fence will be replaced with a fabric screen but thereafter and if the underground 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 Iron Street Blend in the rail corridor setback between 7th Street and 9th Street, subject to the Planning Director's approval.

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

(e) The Petitioner seeks the optional provision to allow the creation of parking spaces located between 7th Street and 9th Street and phases of the development that are located underground. A 22-foot setback from the back of curb will be provided along Brevard Street for structures located above ground.

(f) The Petitioner seeks the optional provision to allow the creation of a 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 confirming their respective obligations for the ultimate streetscape improvements and the responsibilities for any interim improvements that may be agreed upon with the City of Charlotte. In the event circumstances arise changes to the ultimate streetscape design along the rail corridor may be agreed upon by the Petitioner and the Planning Director.

(g) 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, drop off and loading, 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 transit 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. This area will be subject to the review and approval of CDOT for operational purposes.

D. Other Development Alternatives Under UMD Without Optional Variations.

It is understood that the variations from the UMD 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 provisions, in accordance with UMD 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 provisions set forth in this Petition provided that Other Development Alternatives are in accordance with UMD requirements and minimum standards.

E. Amendments to Rezoning Plan: UMD 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.

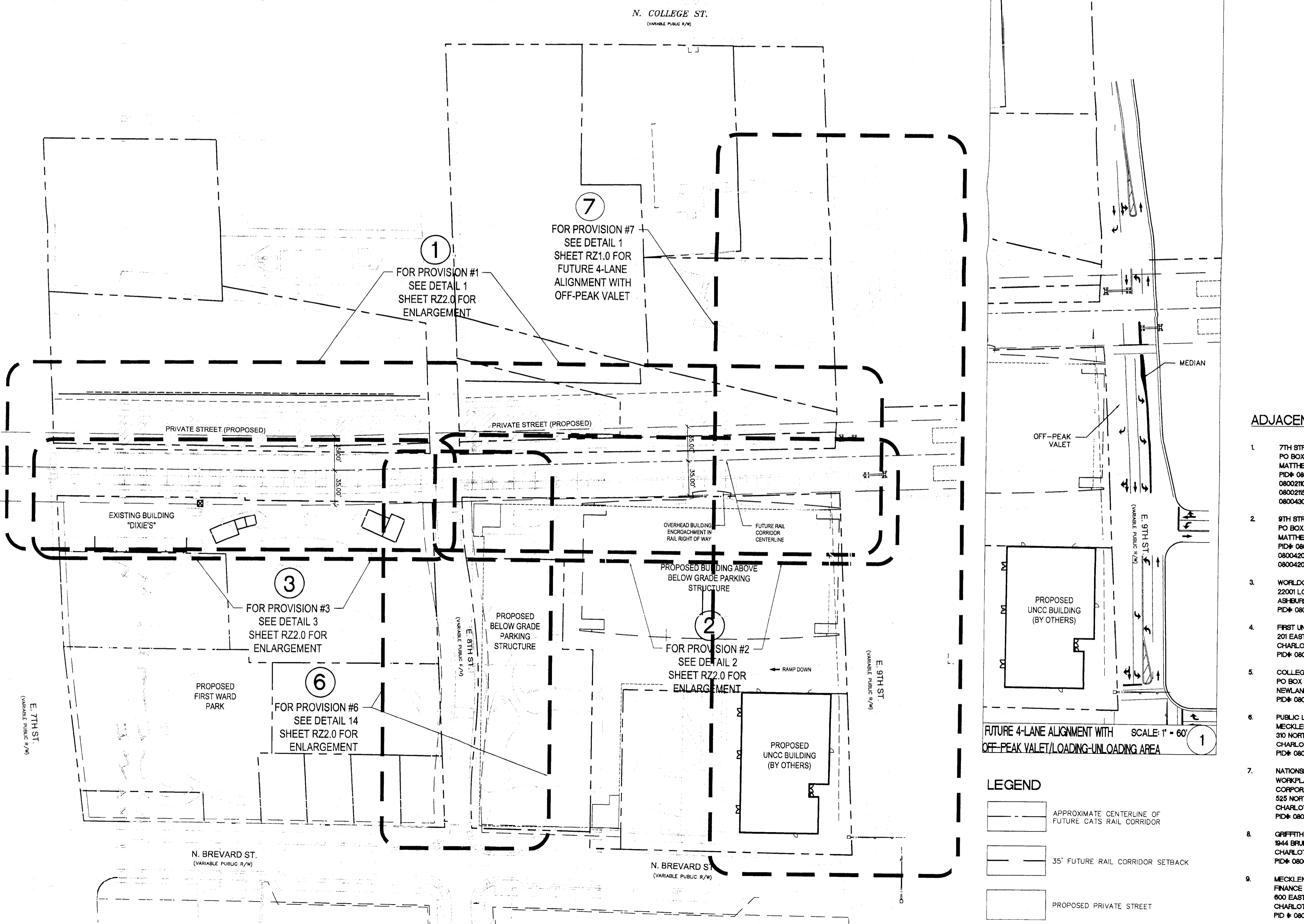
F. Binding Effect of the Rezoning Documents and Definitions.

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.

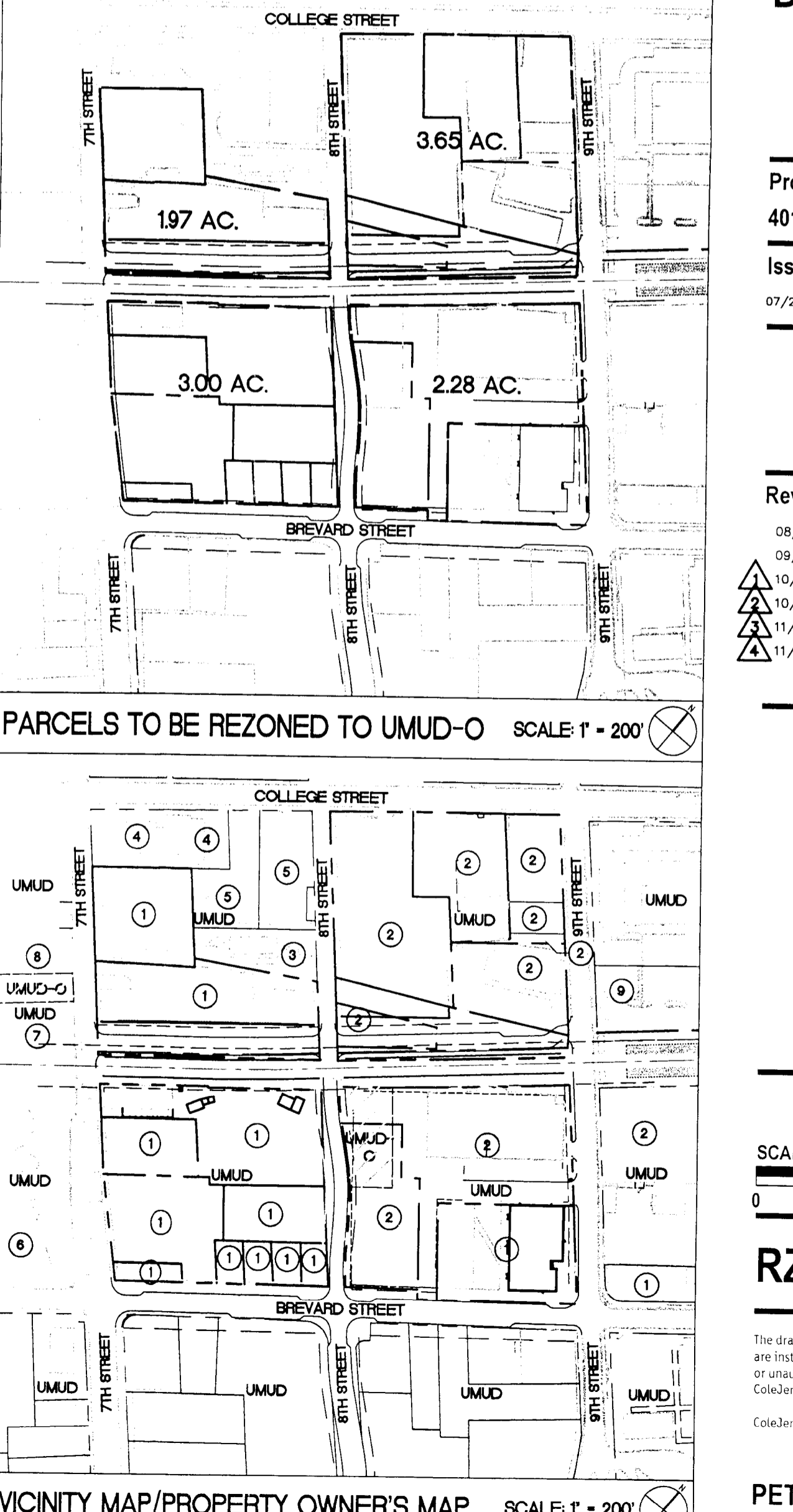
G. Statement with respect to the Graphics set forth on Exhibits accompanying the Technical Data Sheet for the Development Plan.

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.



**ADJACENT PROPERTY OWNERS**

- 7TH STREET INVESTORS, LLC  
PO BOX 2439  
MATTHEWS, NC  
PID# 08002104, 08002105, 08002107, 08002108, 08002110, 08002111, 08002112, 08002113, 08002114, 08002115, 08002121, 08004301, 08004302, 08004303, 08004304, 08004310, 08004315
- 9TH STREET INVESTORS, LLC  
PO BOX 2439  
MATTHEWS, NC  
PID# 08004020, 08004021, 08004022, 08004203, 08004304, 08004305, 08004208, 08004207, 08004299
- WORLDCOM NETWORK SERVICES,  
22001 LOUDOUN COUNTY PARKWAY  
ASHLEFURN VA  
PID# 08002119
- FIRST UNITED PRESBYTERIAN OF CHARLOTTE  
201 EAST SEVENTH STREET  
CHARLOTTE, NC  
PID# 08002102, 08002103
- COLLEGE + 8TH STREET LIMITED PARTNERSHIP  
PO BOX 571  
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# 08002443
- GRIFFITH E.C. COMPANY  
1844 BRUNSWICK AVENUE  
CHARLOTTE, NC  
PID# 08002415A
- MECKLENBURG COUNTY REAL ESTATE AND  
FINANCE DEPARTMENT  
600 EAST FOURTH STREET  
CHARLOTTE, NC  
PID # 08004101



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919.754.3765 fax 919.754.3767  
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**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
- 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**

SCALE: 1" = 60'

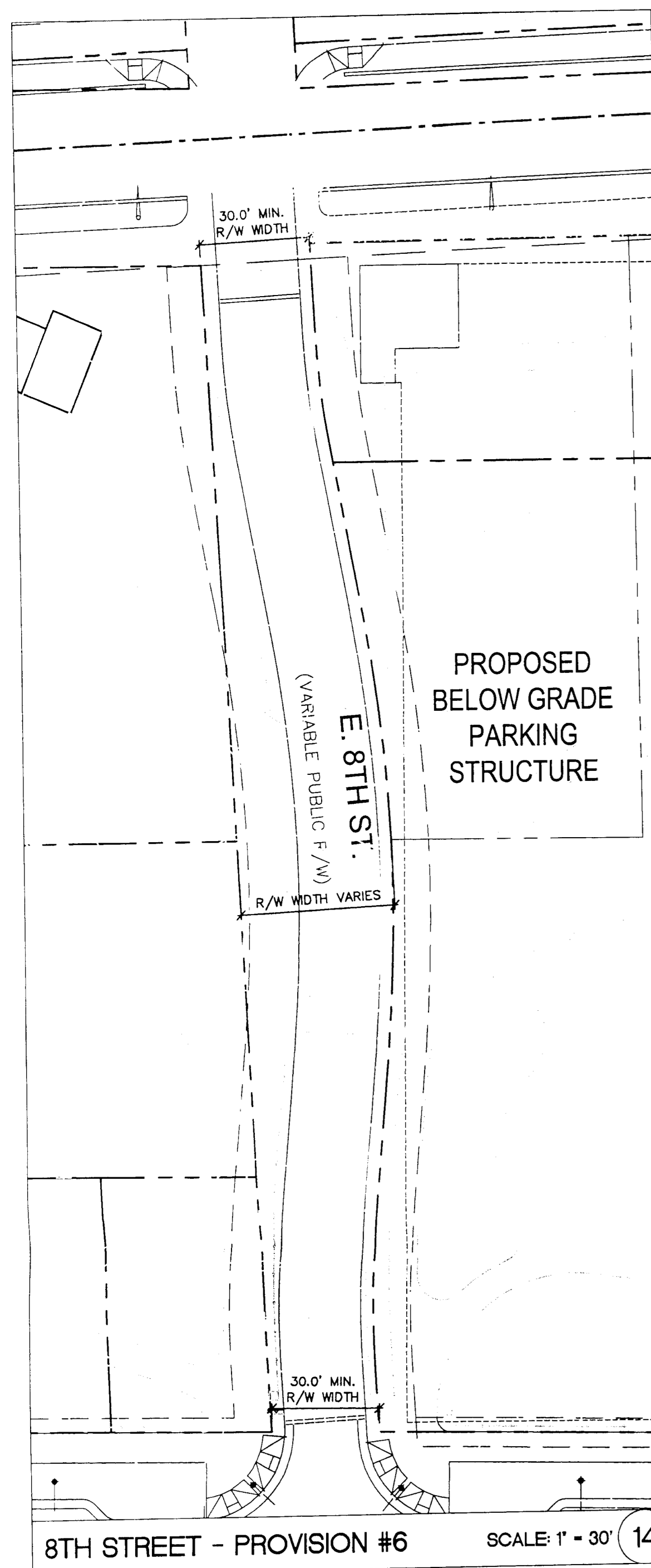
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**RZ1.0**

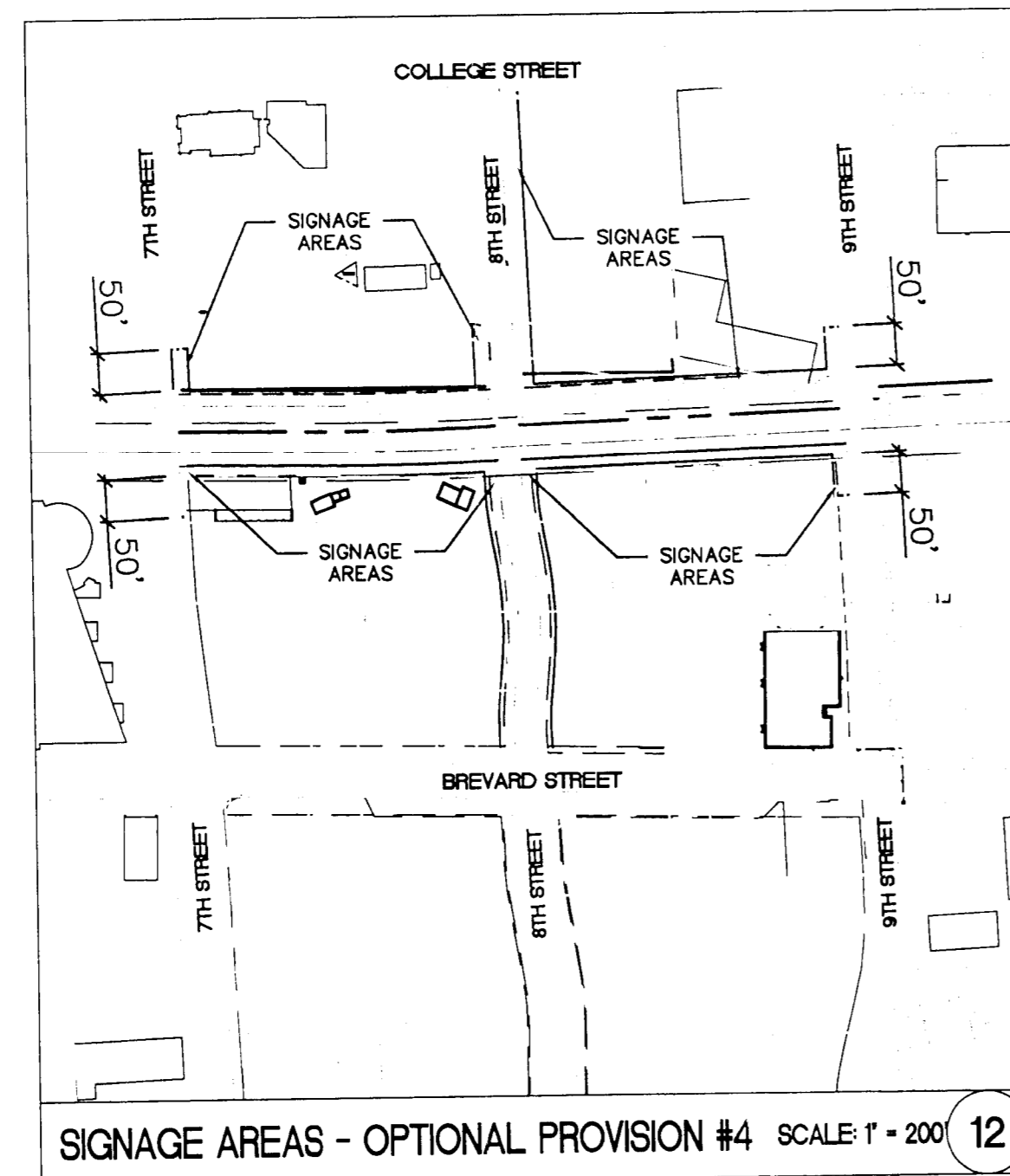
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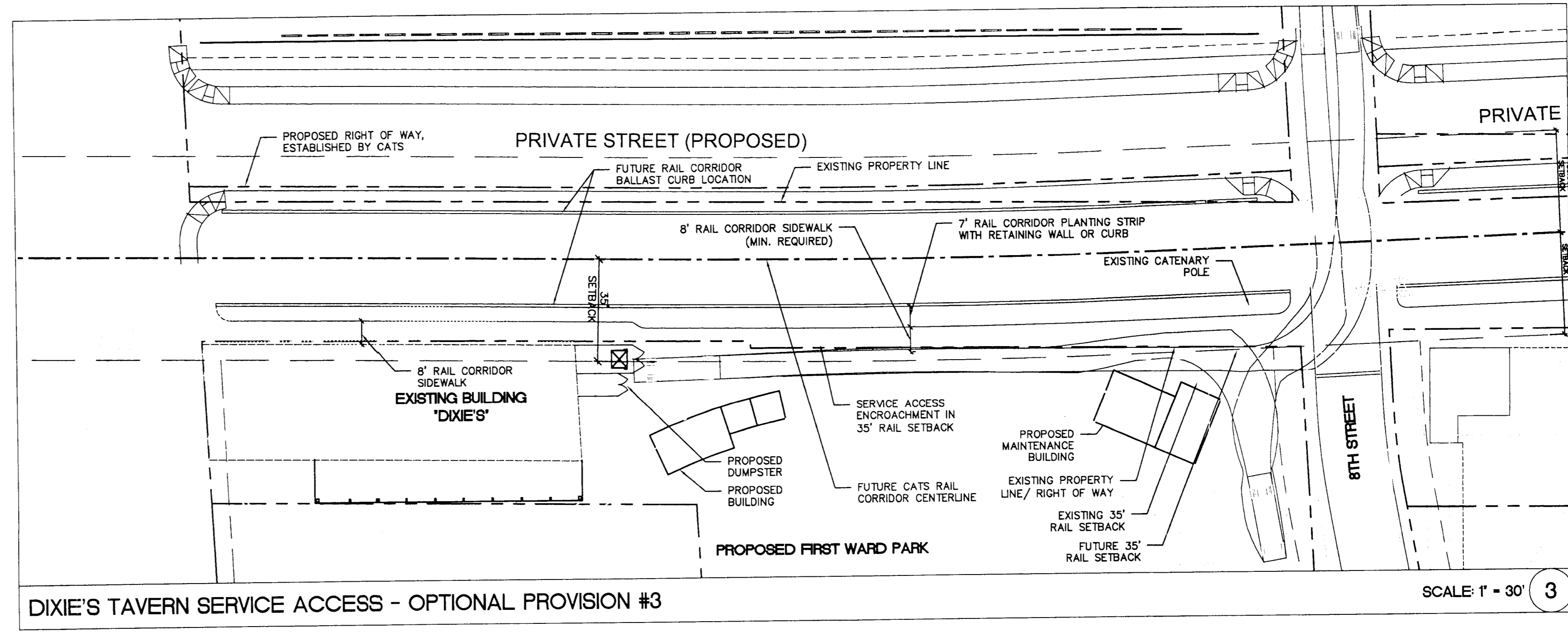
PETITION # 2010 - 065



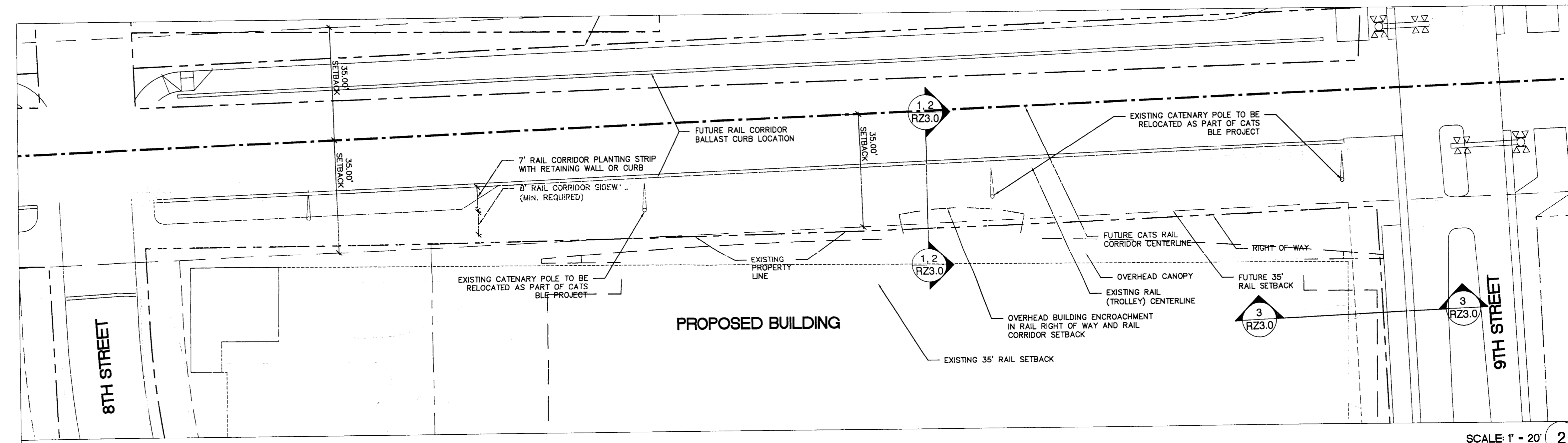
8TH STREET - PROVISION #6 SCALE: 1" = 30' 14



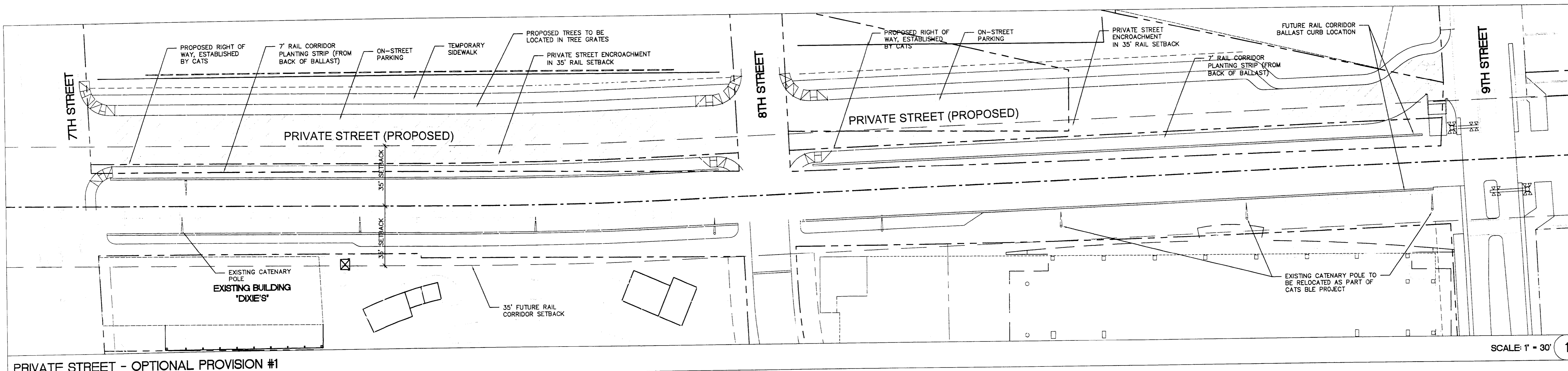
SIGNAGE AREAS - OPTIONAL PROVISION #4 SCALE: 1" = 200' 12



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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**LEVINE PROPERTIES, LLC**

Charlotte  
North Carolina 28284

**FIRST WARD REZONING**

Charlotte  
North Carolina 28284

PETITION # 2010 - 065

**TECHNICAL DATA SHEET 2**

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**

**RZ2.0**

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