

**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 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 04g U6g04 As evidenced by that certain Economic Development Grant and Reimbursement Agreement dated May 13, 2010 (the "K&Sgagp k Development C1 ggo gpa" and related instruments, development of the Site 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 "04f lqspg6") to permit certain improvements on the Site as generally described on the Technical Data Sheet and in these Development Standards (together the 0Tg qppi) Rq304. 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 0F gXgnr o gpr Rq30 Petitioner seeks certain variations 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 variations 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 06pqtqes) o gpr C1g04) and as also generally depicted on Sheet RZ-2 0Rkcg Street - Qr gkpcrR qsktqg %26; v'rhqny uc:**

(a) Encroachment of the proposed private street connection (informally known to date as new 00 crng U6gg04 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), between 7th Street and 9th Street into the 35 foot rail corridor setback will be permitted.

(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; 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, fencing and other crowd control and security features; and temporary signs and banners (see below for other signage aspects). The location of water spigots, electrical outlets and other plumbing items will be integrated into the landscape design.

(c) Petitioner may elect to close, on a temporary basis, the private street and use the Encroachment Areas for public or private events.

(d) Each of the encroachments described in this 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 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 of buildings into the rail corridor setback within the Encroachment Areas as i gpt cml T g' ksf 'lp U g2T) /0E 0'Ncplg Ddrl lp T' Qr gkpcrR qsktqg %26; v'rhqny uc:**

(a) The encroachment of new building canopies, and similar overhanging structures 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) Each of the encroachments described in this Section C.2. 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 0F lqgn Rrctgls) into the 35 foot rail corridor setback within the Encroachment Areas as generally depicted on Sheet T) /40F lqgn Rrctgls p' Uqskg Ccgant' Qr gkpcrR qsktqg %26; v'rhqny uc:**

(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. 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) Dumpsters and recycling containers will not be located within the rail corridor setback but 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) Dumpster and recycling containers must be emptied before 7:00 am or after 7:00 pm.

(d) Each of the encroachments described in this 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 that identify the Site and tenants within the buildings as part of the creation of a special and vibrant retail and pedestrian environment, as generally depicted on Sheet RZ-2 0Rk pcl g Areas - Qr gkpcrR qsktqg %26; v'rhqny uc:**

(a) This optional provision will apply to buildings and uses located along: (i) the private street to be constructed adjacent to the rail corridor between E. 7th Street and E. 9th Street; (ii) that portion of the Site along E. 8th Street between Brevard Street and N. College Street; and (iii) along 9th Street and 7th Street; 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.
- full color outdoor video display.
- message centers including ticker tape type moving messages.
- signs with movable parts.
- movie type projected images from either direct projection or rear screen projection.
- murals and artwork.

The following type of signs will not be permitted:

- billboards

- vinyl signs
- roof signs
- pole/pylon signs in excess of seven (7) feet
- (a) Wall signs may cover up to 15% of a wall or 300 square feet, whichever is less.
- (b) Within the area described above up to five (5) 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.

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%.
- (b) The required urban open space must be visible and accessible to a public street or the sidewalks 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 (cfl gpg cml T g' ksf 'lp U g2T) /4T5- q' U'Agge' Qr gkpcrR qsktqg %26; v'rhqny uc:
- (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 not been completed within 3 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 eliminate a required street tree along E. Ninth Street to allow the installation of a valet drop-off lane.
- (e) The Petitioner may reduce the required 16 foot setback along E. 9th Street by eight (8) feet to accommodate the installation of a valet drop-off lane.
- (f) 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.
- (g) The Petitioner may install decorative pavers within the public rights of ways.

**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, 0Qg g' Development Cngpcgkag04) 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, 0Rkklqg04 and 0xy pgt0 or 0xy pgt00 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.



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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

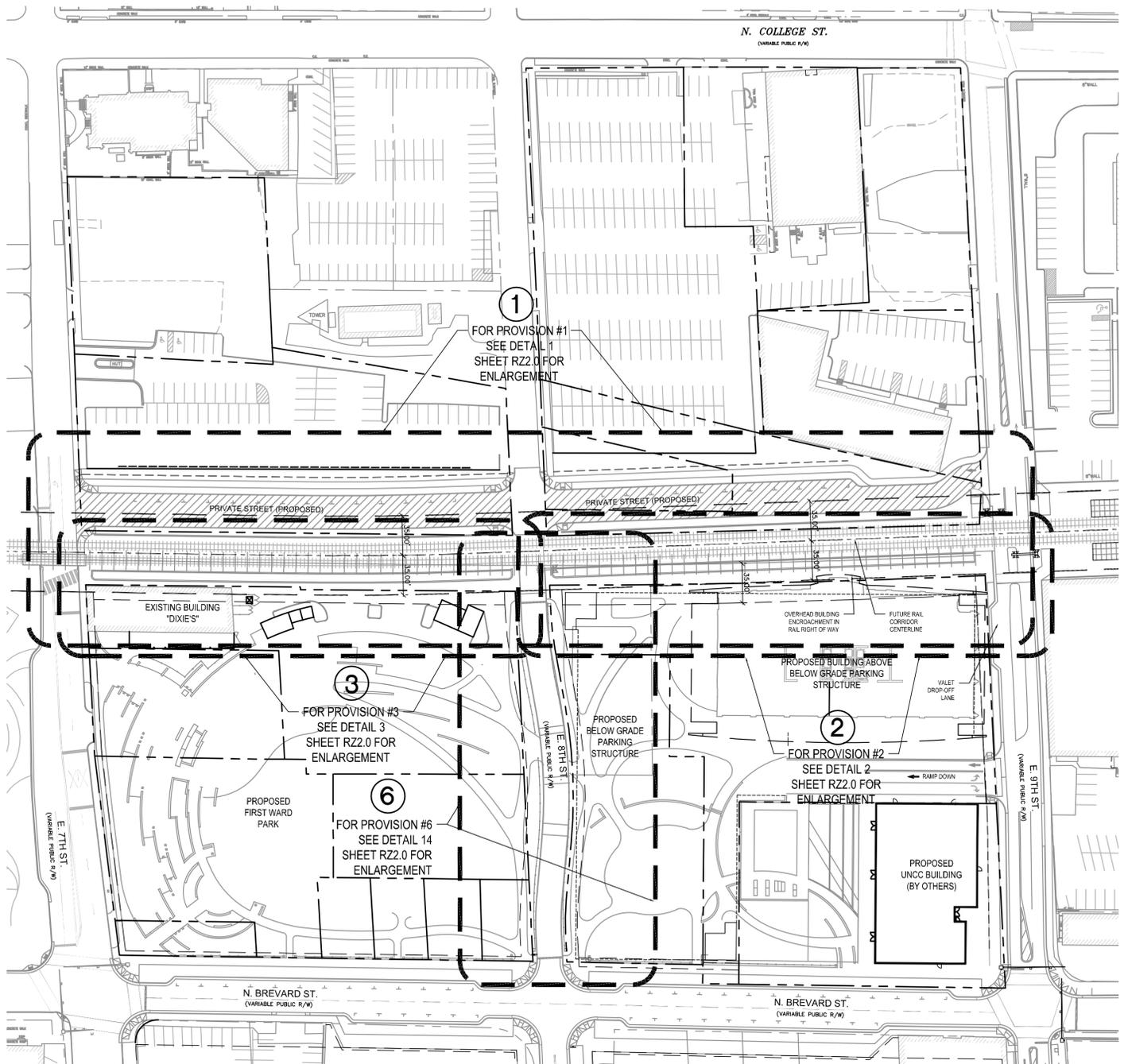
Issued

07/28/10

Revised

08/19/10 - PER PETITIONER COMMENTS

09/17/10 - PER CITY COMMENTS - RESUBMITTAL



**LEGEND**

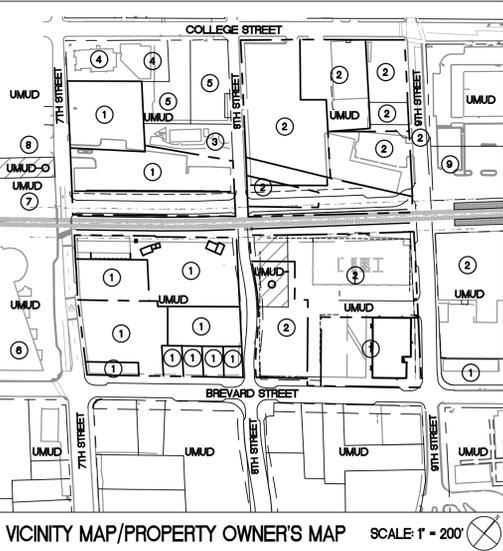
- APPROXIMATE CENTERLINE OF FUTURE CATS RAIL CORRIDOR
- 35' FUTURE RAIL CORRIDOR SETBACK
- ▨ PROPOSED PRIVATE STREET

**ADJACENT PROPERTY OWNERS**

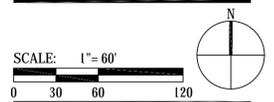
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PO BOX 2439  
MATTHEWS, NC  
PID# 08002104, 08002105, 08002107, 08002108, 08002110, 08002111, 08002112, 08002113, 08002114, 08002115, 08002121, 08004301, 08004302, 08004303, 08004315, 08004316
- 9TH STREET INVESTORS, LLC.  
PO BOX 2439  
MATTHEWS, NC  
PID# 08004209, 08004301, 08004302, 08004203, 08004304, 08004305, 08004206, 08004207, 08004299
- WORLDCOM NETWORK SERVICES,  
2200 LENOX COUNTY PARKWAY  
ASHEBURG, VA  
PID# 08002119
- FIRST UNITED PRESBYTERIAN OF CHARLOTTE  
201 EAST SEVENTH STREET  
CHARLOTTE, NC  
PID# 08002202, 08002203
- COLLEGE + 8TH STREET LIMITED PARTNERSHIP  
PO BOX 917  
NEW LANS, NC  
PID# 08002101, 08002122
- PUBLIC LIBRARY OF CHARLOTTE + MECKLENBURG COUNTY  
300 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.G. COMPANY  
1944 BRANSWICK AVENUE  
CHARLOTTE, NC  
PID# 08002415A
- MECKLENBURG COUNTY REAL ESTATE AND FINANCE DEPARTMENT  
600 EAST FOURTH STREET  
CHARLOTTE, NC  
PID # 08004001



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



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



**RZ1.0**

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**FIRST WARD  
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**TECHNICAL  
DATA SHEET 2**

Project No.  
4017

Issued  
07/28/10

Revised

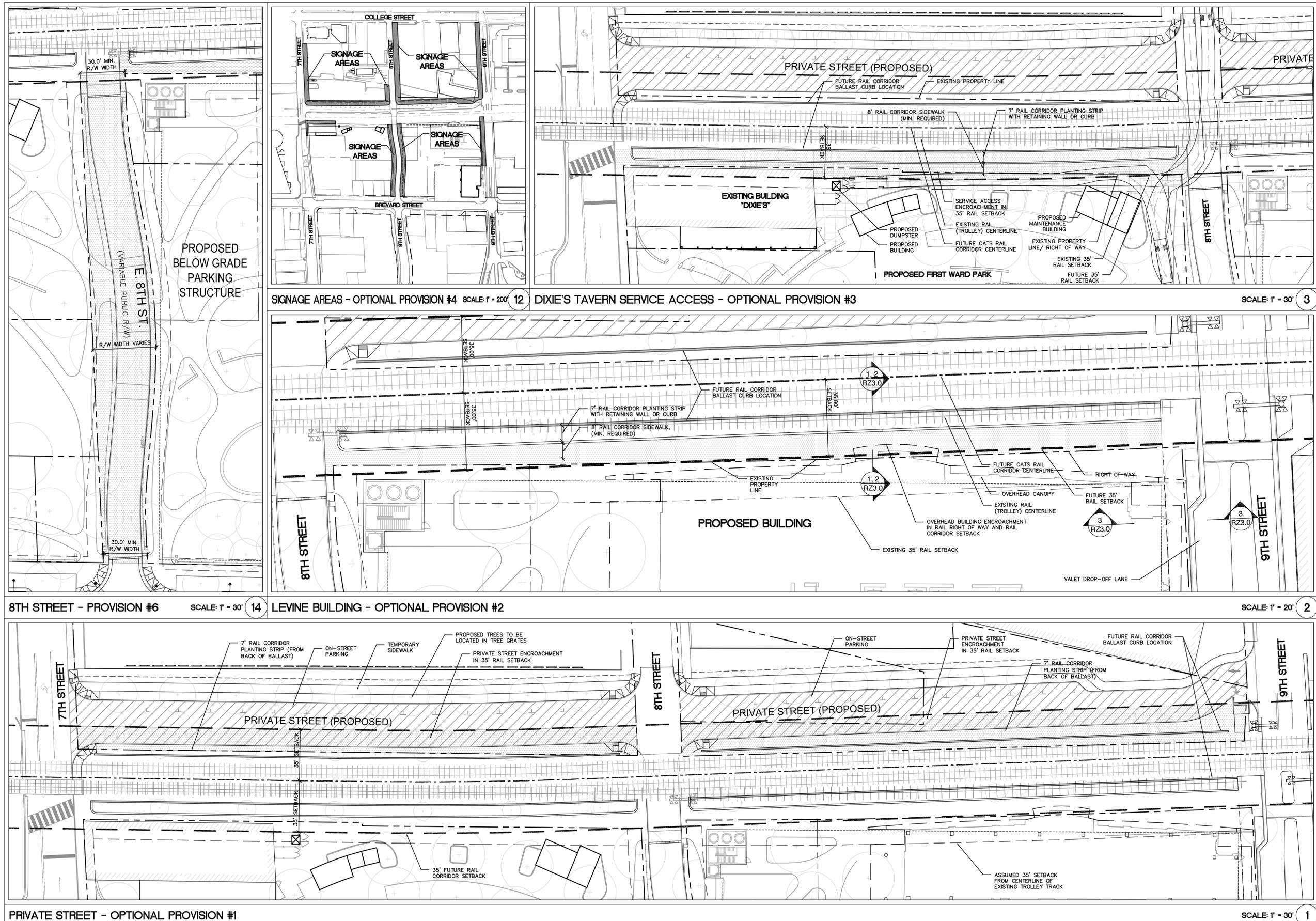
08/19/10 - PER PETITIONER COMMENTS  
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**RZ2.0**

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

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

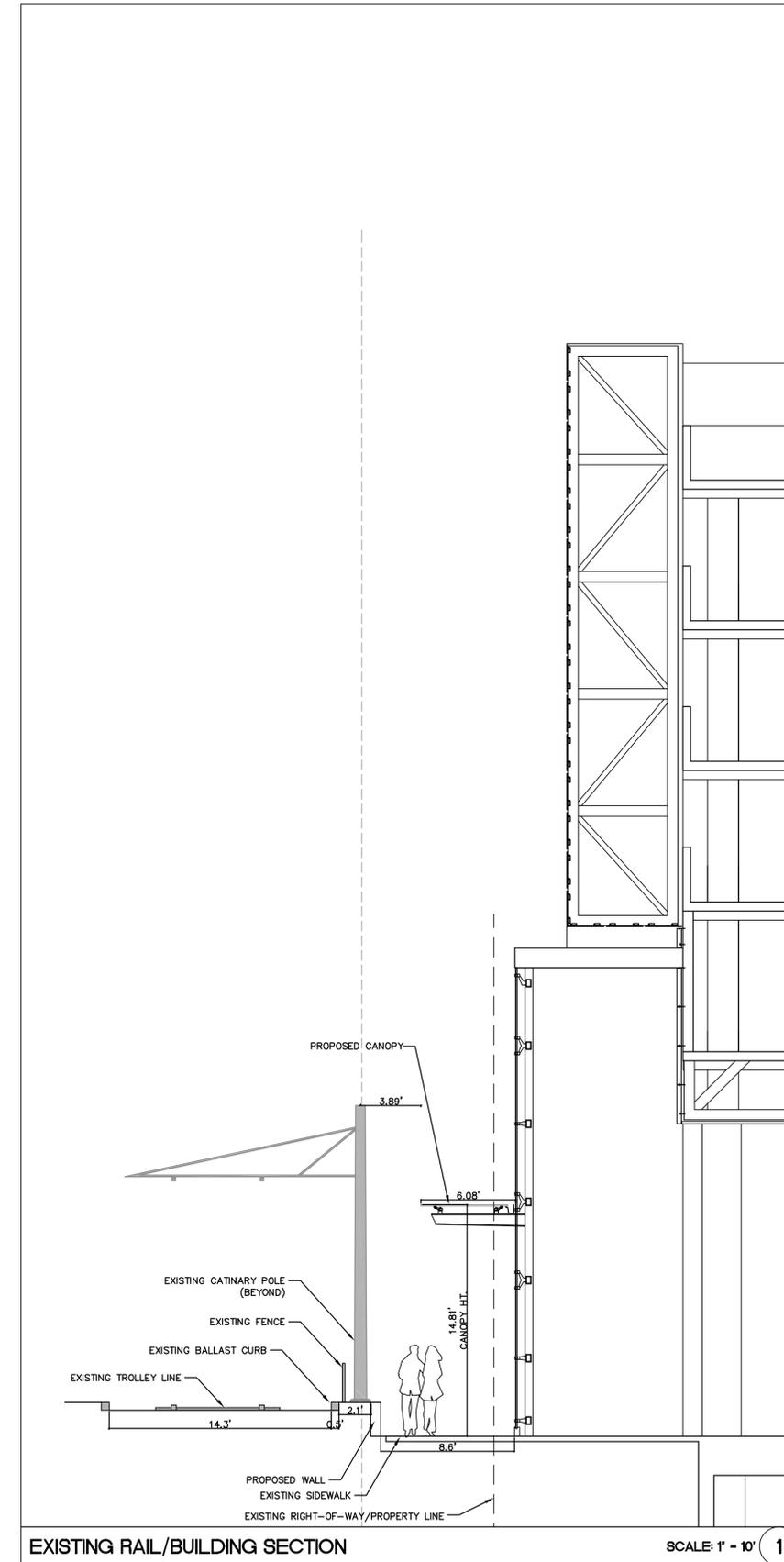
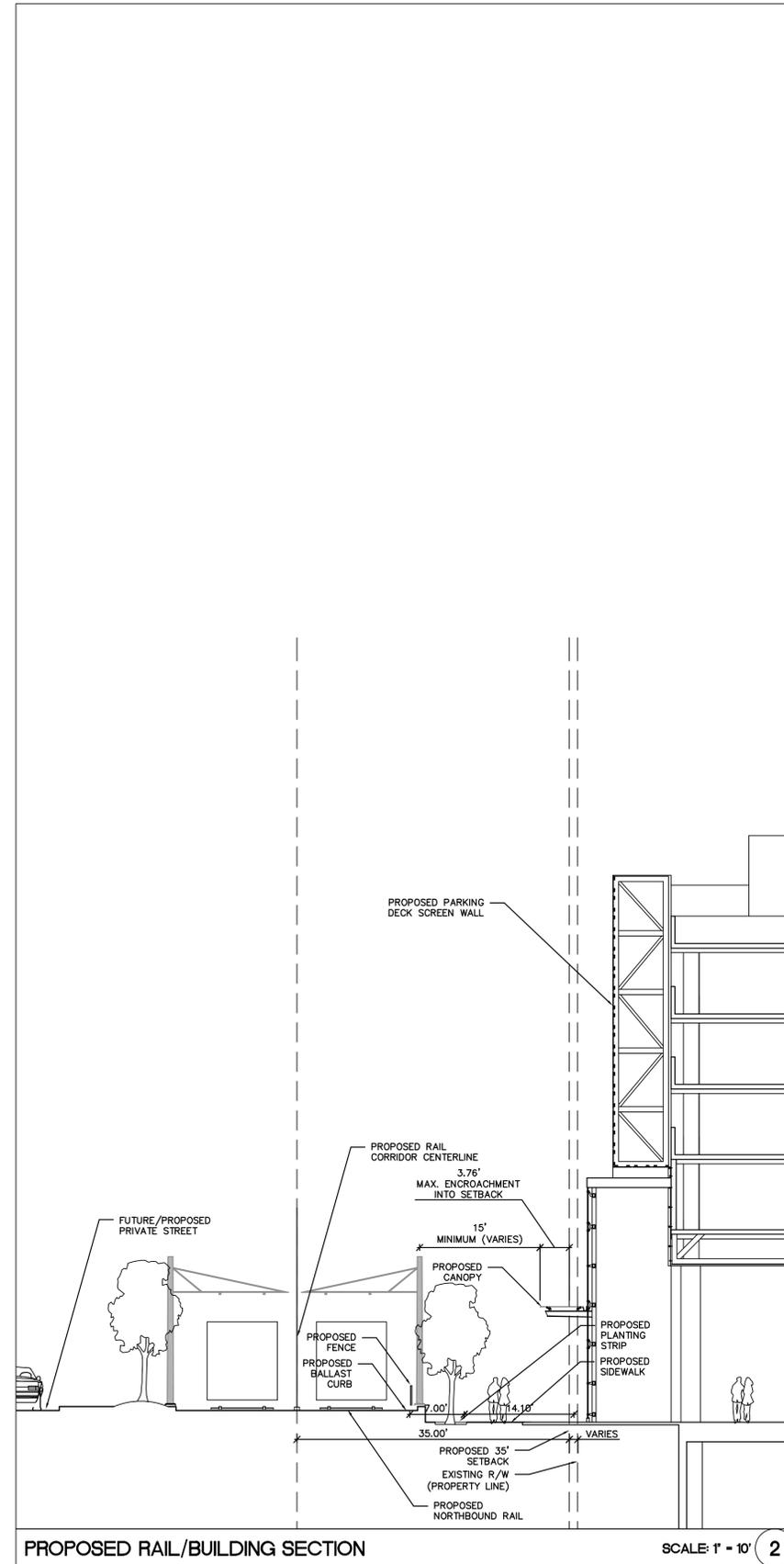
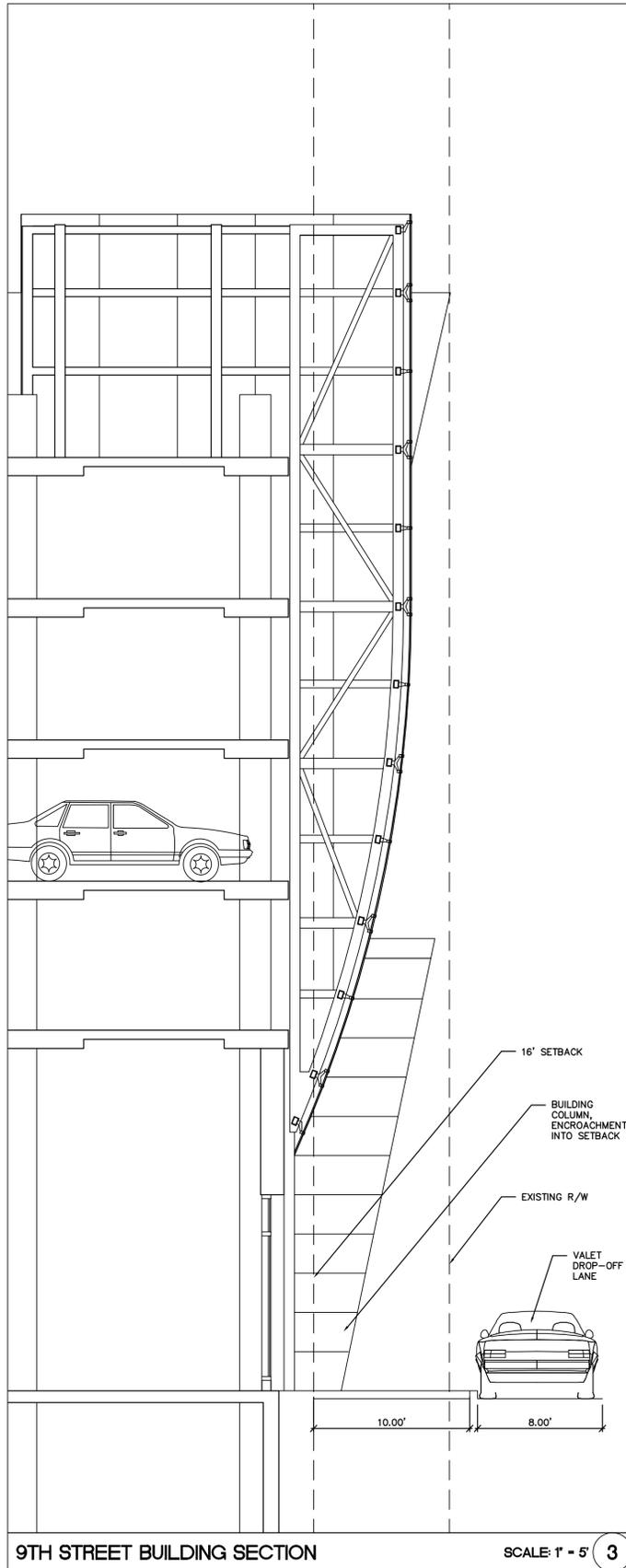
PRIVATE STREET - OPTIONAL PROVISION #1 SCALE: 1" = 30' 1

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

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

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

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



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North Carolina 28284

**FIRST WARD  
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PETITION # 2010 - 065

**TECHNICAL  
DATA SHEET 3**

Project No.  
4017

Issued  
07/28/10

**Revised**

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09/17/10 - PER CITY COMMENTS - RESUBMITTAL

**RZ3.0**

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