

REZONING SUMMARY

REZONING SITE AREA: 5.6 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 10.5 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 "EDG") and Development Order ("DO") 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 "Zoning Ordinance") to permit certain improvements on the Site as generally described on the Technical Data Sheet and in these Development Standards (together the "Standards"). In this regard, this Petition seeks optional provisions to allow improvements such as buildings, utilities, structures, landscaping, private streets and associated streetscape improvements to encroach into portions of the rail corridor setback between E. Seventh Street and E. Ninth Street. These encroachments also include improvements and activities of a temporary nature associated with events and festivals along with other facilities required to support these improvements and events. Furthermore, this Petition seeks optional provisions to permit signage that will create a unique environment for street festivals, special events, outdoor markets, concerts, exhibits and performances and encourage retail uses along the rail corridor that promote pedestrian activity. Finally, this Petition requests optional provisions regarding the urban open space requirements for office buildings located on the Site as well as other adjustments to the UMUD standards to allow the implementation of certain infrastructure improvements referenced in the Economic Development Agreement for the First Ward project.

The petition contemplated by this Petition generally depicted on the Technical Data Sheet is referenced herein as the "Petition". The 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.

Development of the Site in accordance with the Development Plan will be governed by the Rezoning Plan together with applicable provisions of the City of the Ordinance. Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the UMUD zoning classification shall govern all development taking place on the Site, subject, however, to the Optional provisions provided below with respect to the Development Plan. Development of the Site in accordance with the Other Development Alternatives (as described in Section D below) will be governed by the regulations established under the Ordinance for the UMUD zoning classification without regard to the Optional provisions set forth herein.

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

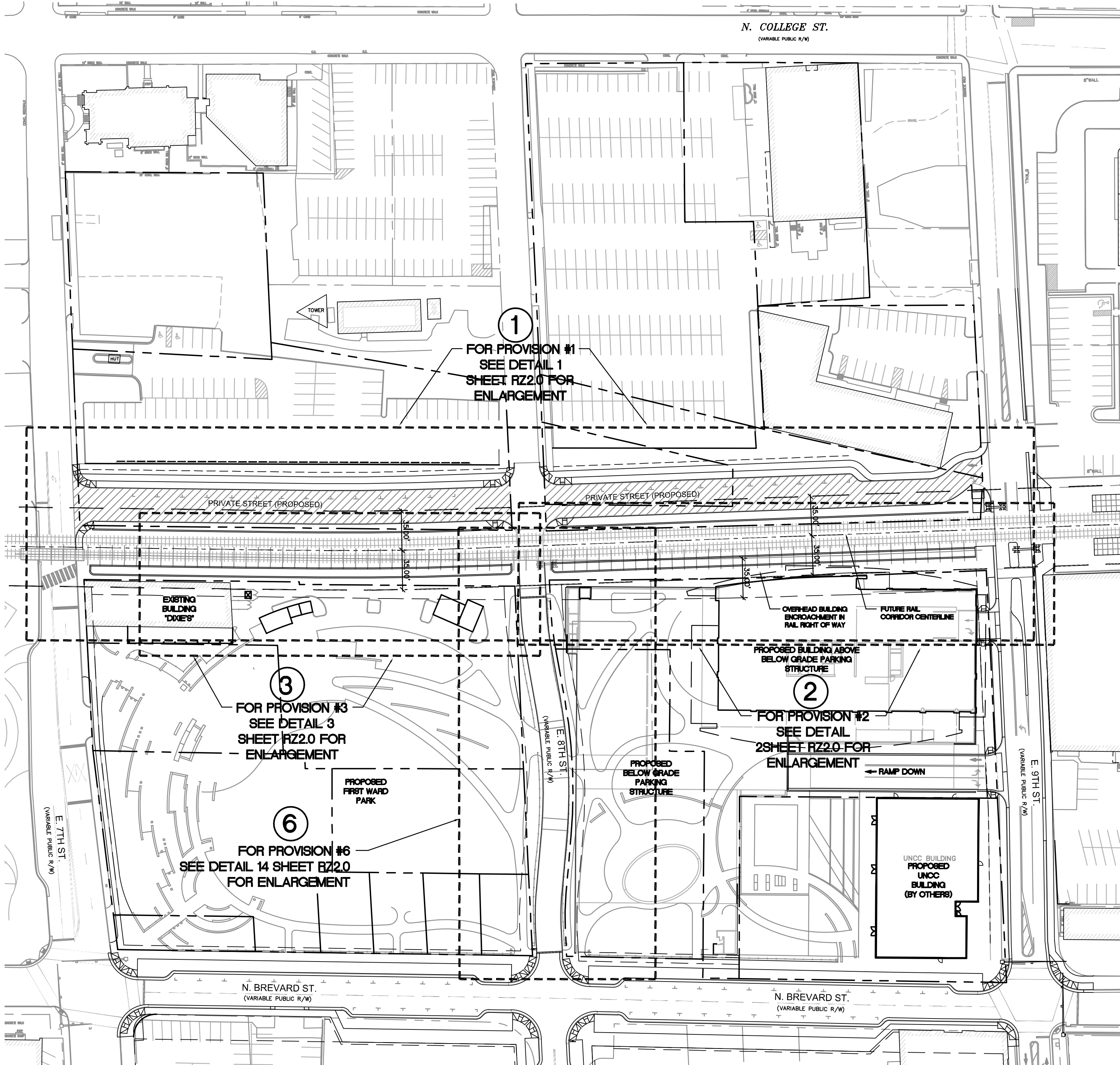
The Petitioner is requesting the following variations from the UMUD minimum standards as part of this UMUD -Optional (UMUD-O) application in connection with development undertaken in accordance with the Development Plan:

- The Petitioner seeks the optional provision to allow encroachment of a private street and certain other improvements and activities into the rail corridor gYUWU k jh jh YUUYUj YbYU nXtYgWwX cb h YF YebjPj D U b th Y19WUcUW a YbS YUgJ zUg z c k g.
 - Encroachment of the proposed private street connection (informally known to date as new "East 8th 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), between 7th Street and 9th Street into the 35 foot rail corridor setback will be permitted.
 - 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).

- Petitioner may elect to close, on a temporary basis, the private street and use the Encroachment Area for public or private events.
 - 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 reasonable approval of the Planning Director, CATS and CDOT.
- The Petitioner seeks an optional provision to allow the encroachment of canopies of buildings into the rail corridor setback within the Encroachment Areas, as follows:
 - The encroachment of new building canopies and similar overhang structures into the 35 foot rail corridor setback will be permitted and may include associated door swings of any building.
 - 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 reasonable approval of the Planning Director, CATS and CDOT.
 - The Petitioner seeks the optional provision to allow service areas and access ways for service vehicles for the existing building located at the intersection cZs cYUj YbY GYUWUk h YUg YF YebjPj b bck b YUg j YUg DUWUj zUg b h Y Y) zcYUg YF YebjPj gYUWU k jh jh Y19WUcUW a YbS YUgJ zUg z c k g.
 - The service areas and drive will be integrated into the overall pedestrian walk pattern and materials so that it is functional yet unobtrusive.
 - 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.
 - 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 reasonable 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 that identify the Site and tenants within the buildings as part of the creation of a special and vibrant retail and pedestrian environment, as follows:
 - 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.
 - [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.]
 - [Wall signs may cover up to [15%] of a wall or 300 square feet, whichever is less.]
 - [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 25 feet in height.]
 - 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:
 - The amount of required urban open space may be reduced by [50%].
 - The required urban open space must be either visible and accessible to a public street or the sidewalks associated with the transit corridor or the proposed First Ward Park.
 - The amount of required seating and landscaping associated with such urban open space may also be reduced by [50%].

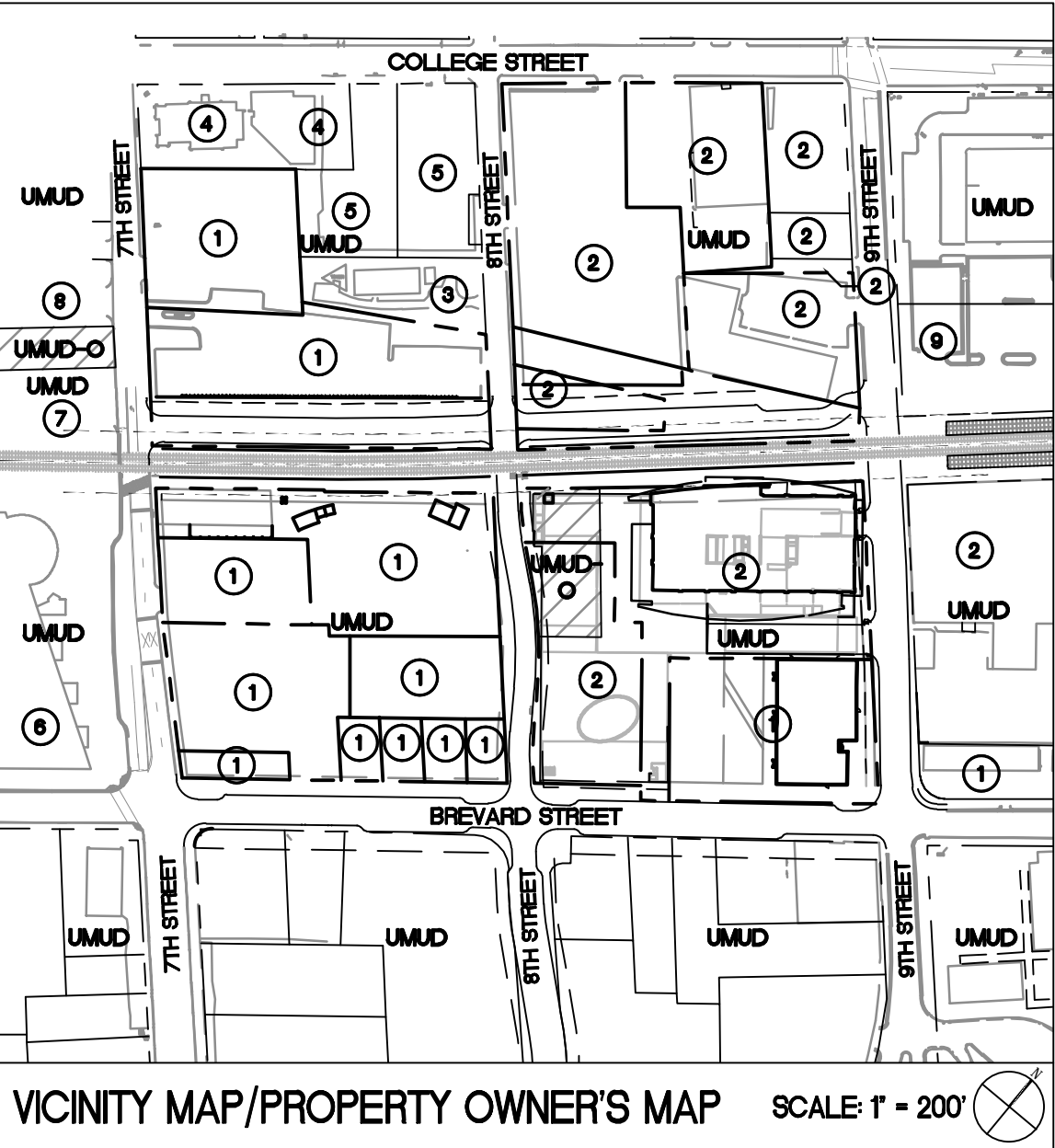
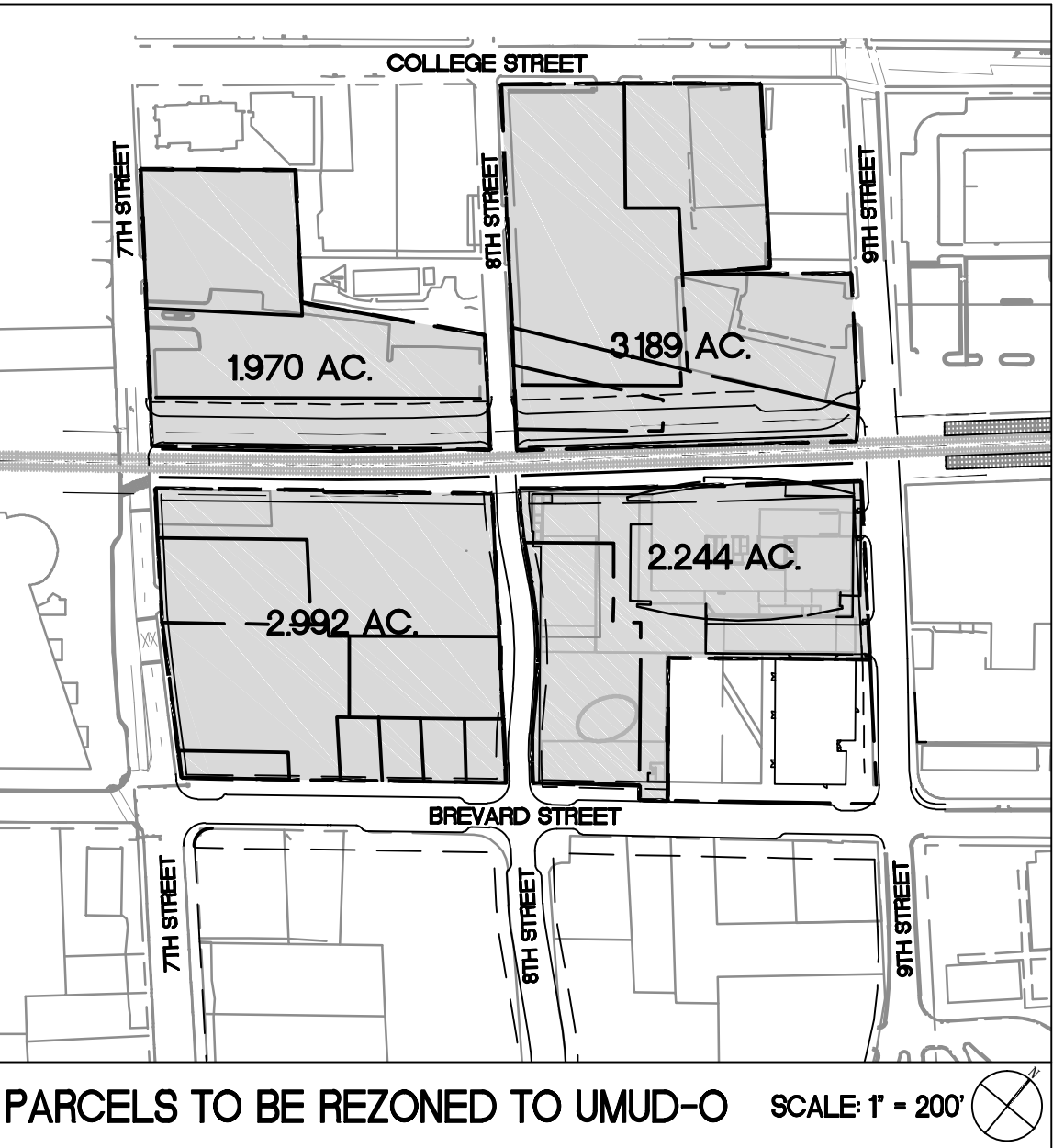
- The Petitioner seeks the following additional optional provisions to help facilitate the development of the Site, as follows:
 - The realignment and reconstruction of 8th Street through the proposed First Ward Park from Brevard Street to the rail transit corridor to allow for a minimum 30 foot right-of-way will be permitted.
 - 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 8th 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 5 years of approval of this Petition, the chain link fence will be replaced with a decorative aluminum fence.
 - 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, "the Development Order") 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.
- Amendments to Rezoning Plan; UMUD Review.
 - 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.
 - 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 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.
 - V[et] "g" cZs cYUj YbY GYUWUk h YUg YF YebjPj b bck b YUg j YUg DUWUj zUg b h Y Y) zcYUg YF YebjPj gYUWU k jh jh Y19WUcUW a YbS YUgJ zUg z c k g 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.
 - 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, 08004315, 08004316
- 9TH STREET INVESTORS, LLC
PO BOX 2439
MATTHEWS, NC
PID# 08004309, 08004301, 08004302, 08004303, 08004304, 08004305, 08004306, 08004307, 08004308
- WORLDCOM NETWORK SERVICES
2200 LOUNDCUN COUNTY PARKWAY
ASHEBURN VA
PID# 08002119
- FIRST UNITED PRESBYTERIAN OF CHARLOTTE
201 EAST SEVENTH STREET
CHARLOTTE, NC
PID# 08002102, 08002103
- COLLEGE + 8TH STREET LIMITED PARTNERSHIP
PO BOX 517
NEW LAND, 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.C. COMPANY
1444 BRUNSWICK AVENUE
CHARLOTTE, NC
PID# 0800245A
- MECKLENBURG COUNTY REAL ESTATE AND FINANCE DEPARTMENT
600 EAST FOURTH STREET
CHARLOTTE, NC
PID # 08004101



Land Planning
Landscape Architecture
Civil Engineering
Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
p+ 704.376.1555 f+ 704.376.7851
url+ www.colejeneststone.com

LEVINE
PROPERTIES, LLC

Charlotte
North Carolina 28284

FIRST WARD
REZONING

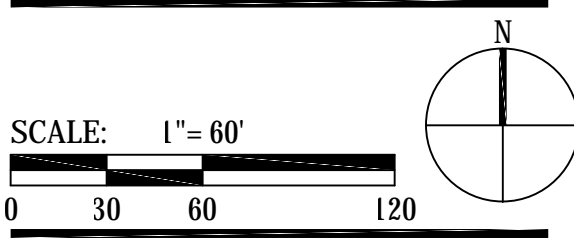
Charlotte
North Carolina 28284

TECHNICAL
DATA SHEET 1

Project No.
4017

Issued
07/26/10

Revised

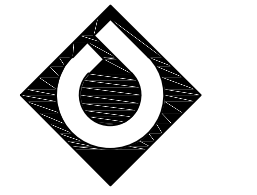
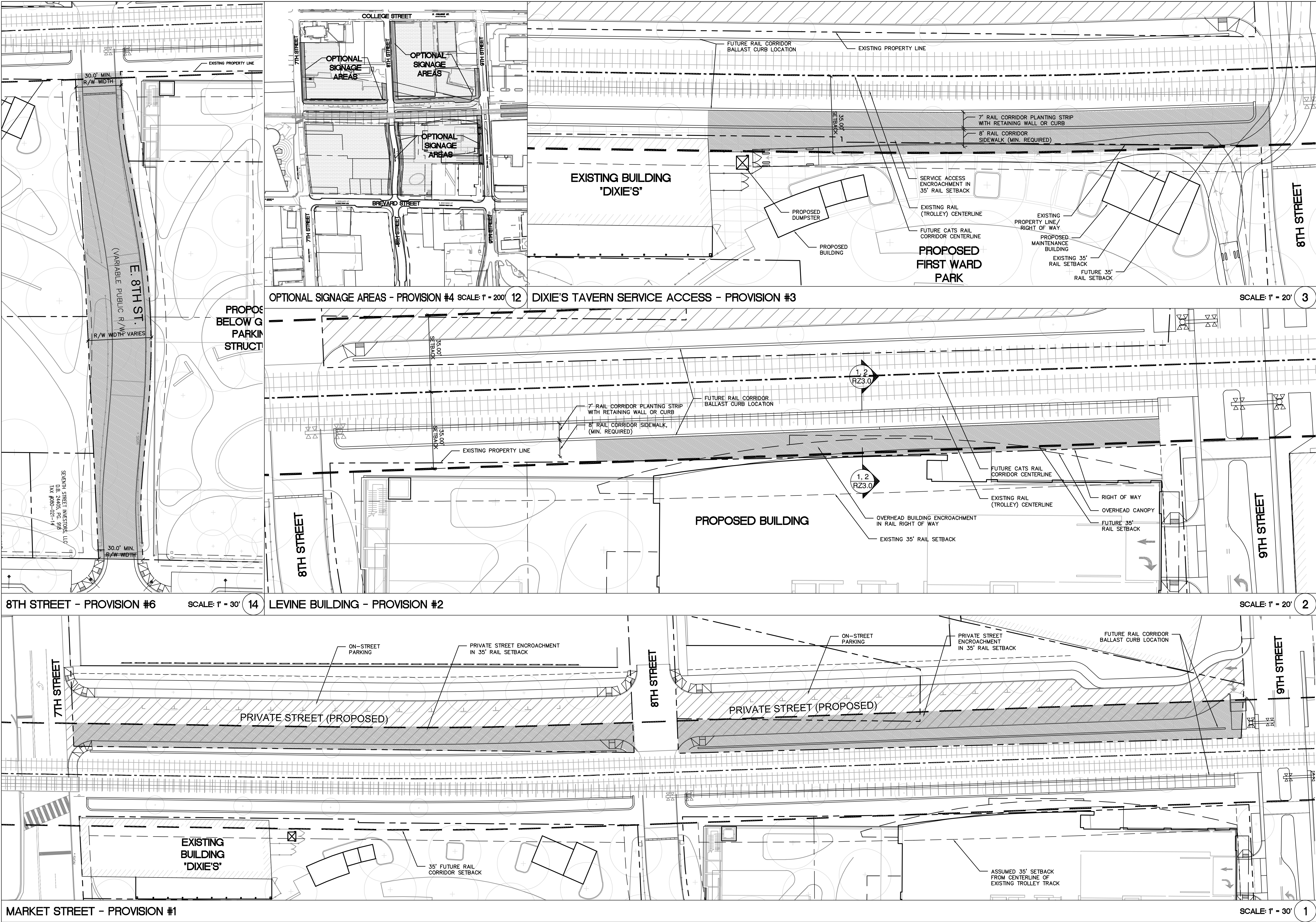


RZ1.0

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200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
p+ 704.376.1555 f+ 704.376.7861
url+ www.colejeneststone.com

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PROPERTIES, LLC**

Charlotte
North Carolina 28284

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**TECHNICAL
DATA SHEET 2**

Project No.
4017

Issued
07/26/10

Revised

RZ2.0

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200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
p+ 704 376 1555 f+ 704 376 7851
url+ www.colejeneststone.com

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North Carolina 28284

FIRST WARD REZONING

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PETITION # 2010 -

TECHNICAL DATA SHEET 3

Project No.
4017

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07/26/10

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RZ3.0

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PETITION # 2010 -



SCALE: 1" = 5' (2)



SCALE: 1" = 5' (1)

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