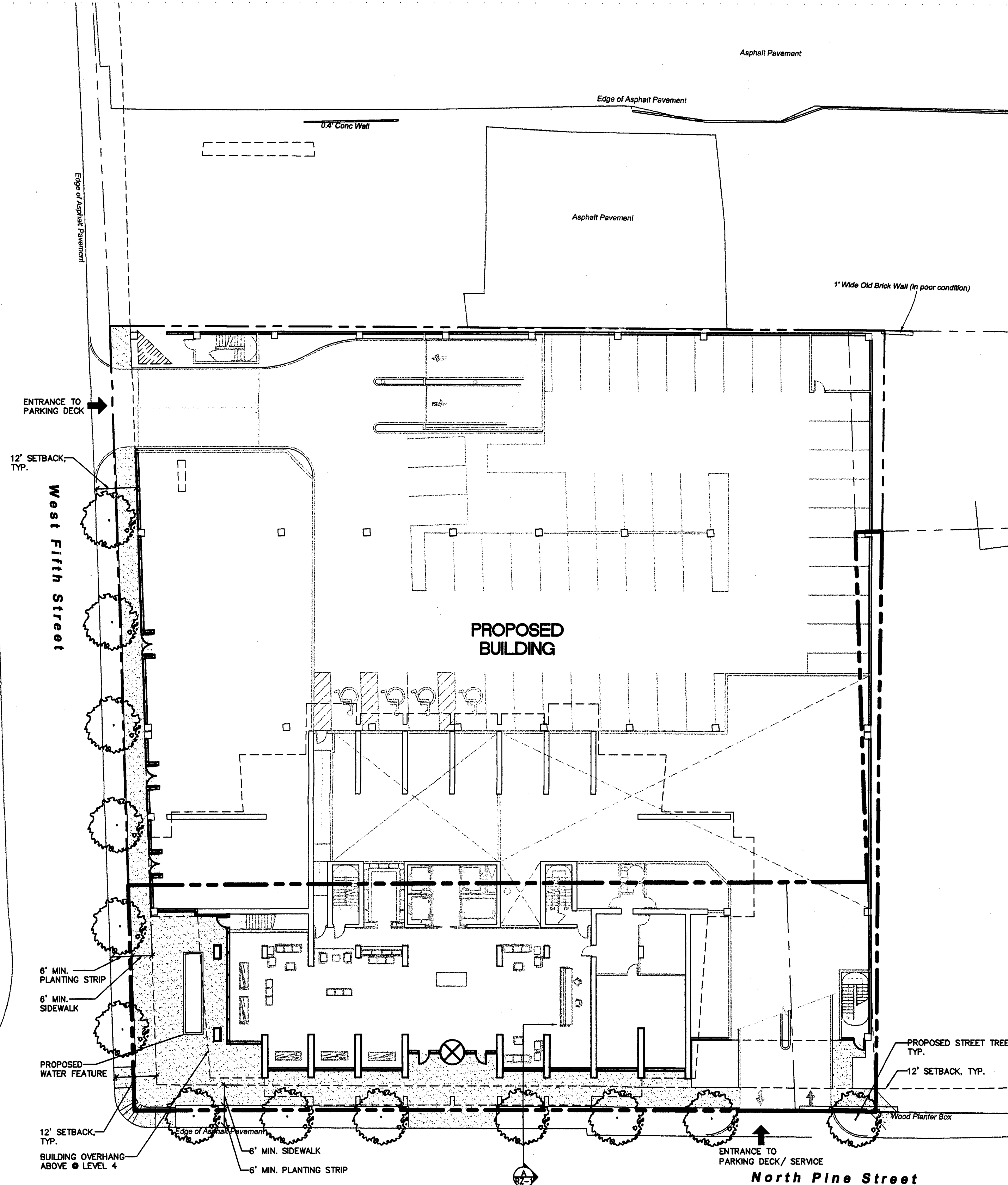
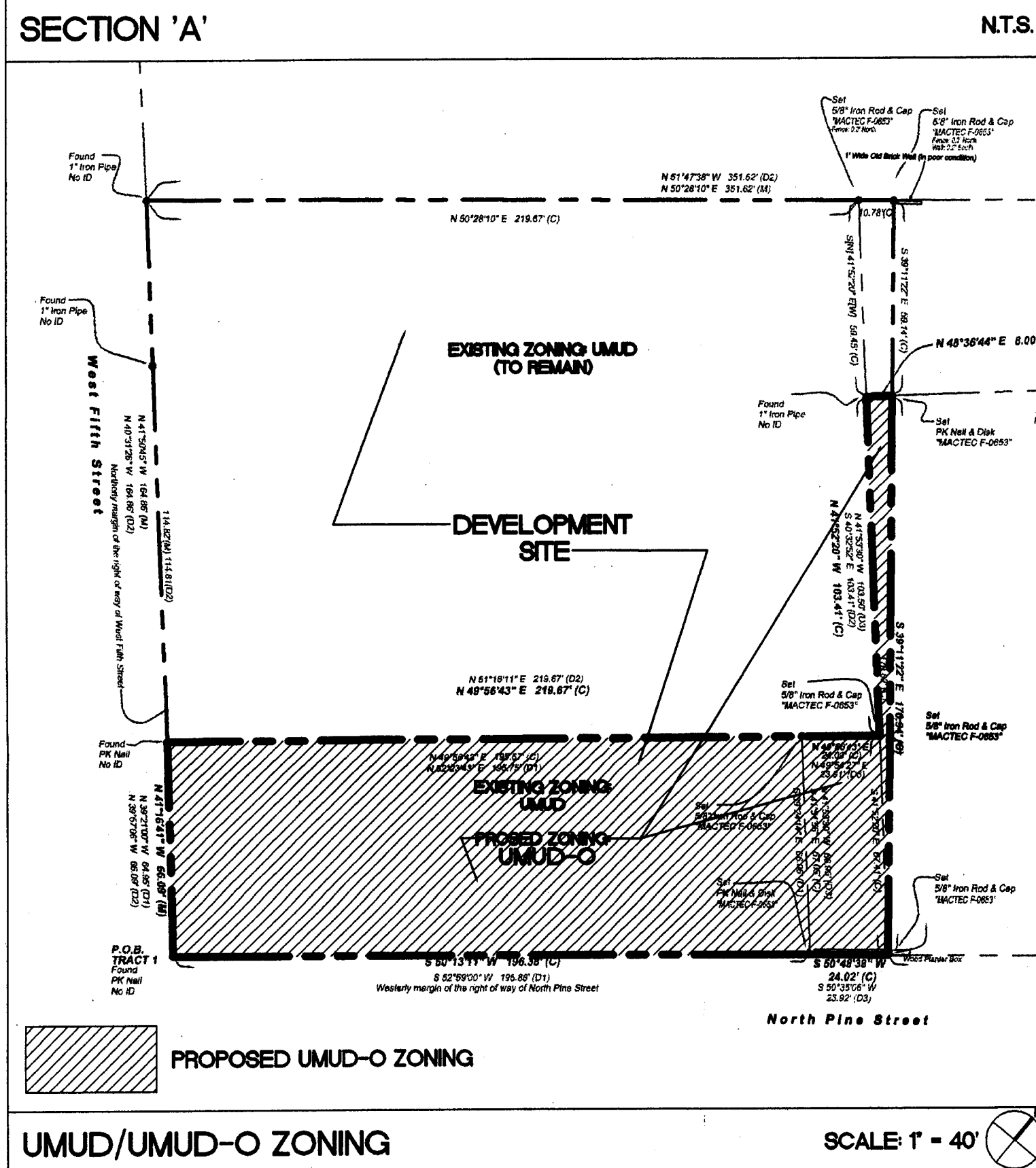
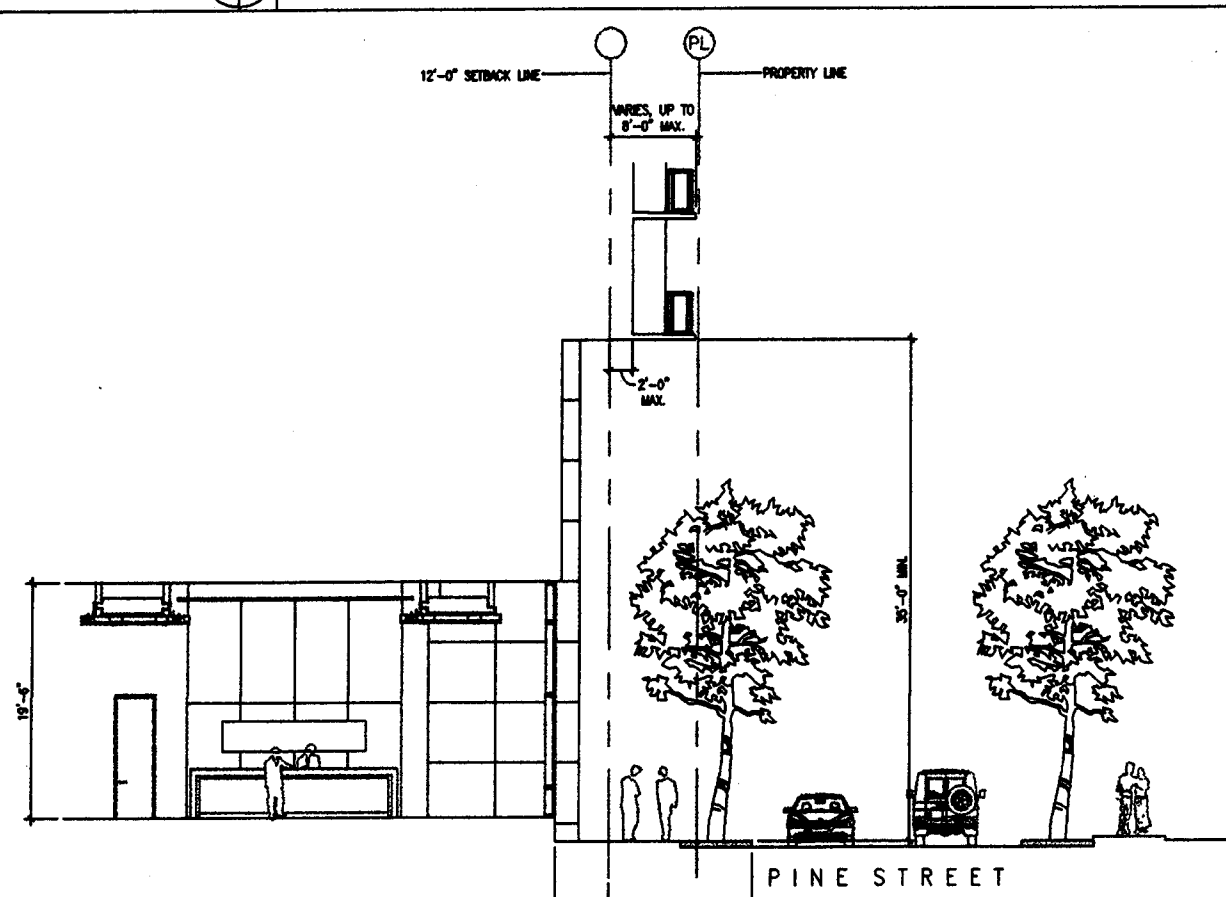


- ADJACENT PROPERTY OWNERS**
- 420 WEST 5TH STREET
PREFERRED PARKING SERVICE, INC.
P.D.#07805305
- 401 WEST 6TH STREET
PREFERRED PARKING SERVICE, INC.
P.D.#07805306
- 420 WEST 5TH STREET
BANK OF AMERICA CORPORATE
P.D.#07805307
- 214 NORTH GRAHAM STREET
PREFERRED PARKING SERVICE, INC.
P.D.#07805301
- WEST 5TH STREET
CITY OF CHARLOTTE
P.D.#07805302
- 425 WEST 5TH STREET
PO BOX CHARLOTTE, WV, LLC
P.D.#07805404
- 401 WEST 5TH STREET
TRUSTEES OF THE FIRST PRESBYTERIAN CHURCH
P.D.#07801612
- 300 WEST 5TH STREET UNIT #10
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805609
- 300 WEST 5TH STREET UNIT #11
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805610
- 300 WEST 5TH STREET UNIT #12
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805611
- 300 WEST 5TH STREET UNIT #13
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805612
- 300 WEST 5TH STREET UNIT #15
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805613
- 300 WEST 5TH STREET UNIT #16
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805614
- 300 WEST 5TH STREET UNIT #18
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805615
- 300 WEST 5TH STREET UNIT #22
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805616
- 300 WEST 5TH STREET UNIT #1
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805701
- 300 WEST 5TH STREET UNIT #2
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805702
- 300 WEST 5TH STREET UNIT #3
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805703
- 300 WEST 5TH STREET UNIT #01
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805704
- 300 WEST 5TH STREET UNIT #102
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805705
- 300 WEST 5TH STREET UNIT #103
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805706
- 300 WEST 5TH STREET UNIT #104
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07805707
- 300 WEST 5TH STREET UNIT #1
FIFTH AND POPLAR ASSOCIATES LLC
P.D.#07801741



DEVELOPMENT ALTERNATIVE A

REZONING SUMMARY 2006-55

REZONING SITE AREA: 0.3521 AC
(UMUD-O PARCEL - SEE SHADED AREA)

EXISTING ZONING: UMUD

PROPOSED ZONING: UMUD-O
(UMUD-O PARCEL ONLY)

DEVELOPMENT SITE AREA: 1.19 AC (TOTAL)

PETITIONER: **RECEIVED**
MAY 1 6 2006
The Vue - Charlotte, LLC
101 N. Tryon St.
Suite 100
Charlotte, NC
28246

DEVELOPMENT STANDARDS

(May 15, 2006)

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with a UMUD-Optical (UMUD-O) Petition filed by the VUE Charities, LLC (the "Petitioner") to accommodate development of certain property bounded by West Fifth Street, West Sixth Street and North Pine Street in Charlotte, North Carolina. The Petitioner contemplates development of a high rise residential tower together with other possible uses permitted within the UMUD zoning district on that certain approximately 1.2 acre site referenced as the "Proposed Building" on the Technical Data Sheet (the "Technical Data Sheet") and the "Proposed Building" which permits the uses contemplated by the Petitioner. The development contemplated by the Petitioner property depicted on the Technical Data Sheet is referenced herein as "Development Alternative A" and seeks certain variation(s) from the minimum standards of UMUD for that approximately 3251 acre portion of the Development Site shown by "shaded cross-hatch" on the Technical Data Sheet (the "UMUD-O Parcel"). As described below, the Petitioner seeks alternative(s) for the Development Site that do not seek variation(s) from the minimum UMUD standards as depicted.

Accordingly, this Petition seeks to rezone the approximately 321 acre UMUD-D Parcel portion of the Development Site upon "shaded cross-hatch" on the Technical Data Sheet from the UMUD zoning district to the UMUD-D zoning district in order to allow variation (a) from the UMUD minimum standards in connection with the Development Alternative A and (b) from the UMUD-D minimum standards in connection with the Development Alternative A. The balance of the Development Site shall retain its current UMUD zoning classification (the "UMUD" Parcel).

As a result, Development Alternative A shall take place, if at all, on the entire Development Site as a unified development utilizing a combination of UMUD zoning and UMUD-D zoning, provided, however, that the UMUD-D zoning shall be the minimum zoning district permitted to be utilized on the UMUD-D Parcel. Development Alternative A shall relate only to portions of Development Alternative A to be located on the UMUD-D Parcel.

Development of the Development Site in accordance with Development Alternative A will be governed by the Technical Data Sheet, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance. Unless the Technical Data Sheet for the Development Standards establish more stringent standards, the regulations established under the Ordinance for the UMUD zoning classification shall govern all development taking place on the Development Site, subject, however, with respect to the UMUD-D Parcel, to the minimum standards established under the Ordinance for the UMUD-D zoning classification with Development Alternatives (as described below) will be governed by the regulations established under the Ordinance for the UMUD zoning classification without regard to the "Optional" provision(s) provided below with respect to Development Alternative A.

1. UMUD-Optional Provisions for Development Alternative A
The Petitioner is requesting the following variation(s) from the UMUD minimum standards for design and development as part of this UMUD-O application in connection with development of the Development Site in accordance with the Technical Data Sheet and the Schematic Site Plan to which these Development Standards are attached ("Development Alternative A"):

A. Setback along North Pine Street (Section 9.905(2)):

i. New building construction (including without limitation all building improvements and parking structures) located at least 30 feet above grade may encroach into the required setback along Pine Street for a distance up to 2 feet.

ii. Balconies and other building appurtenances located at least 30 feet above grade may encroach into the required setback along North Pine Street for a distance up to 8 feet.

B. Center City Transportation Study:
Reference is made to the Center City Transportation Study and related documentation (collectively the "Center City Study") which establish guiding principles and policy recommendations regarding certain transportation and land use matters for streets and rights-of-way within Charlotte Center City. It is acknowledged that this Petition was submitted in advance of adoption by Charlotte City Council of the policies and guidelines of the Transportation Study and that Ordinance provisions associated with the Transportation Study have not yet been produced nor adopted. Accordingly, it is further understood that Development Alternative A may take place in accordance with the safety and streetway standards contemplated by this Technical Data Sheet without regard to any policies, guidelines, ordinances or resolutions associated with the Transportation Study.

C. Modifications with Authority of Planning Director :
Developer may seek alteration(s) in the standards described in this UMUD-Optional application upon application to the Charlotte-Mecklenburg Planning Director, and the Planning Director may, at her discretion, approve any such alterations upon a determination that the same are substantially in keeping with the Optional provision(s) provided herein and with the overall intent and purposes of the UMUD district.

2. Development Alternative B Under UMUD without Optional Variations
It is understood that the variation(s) on the UMUD minimum standards provided by this Petition for the UMUD-O Parcel portion of the Development Site are optional in nature and relate solely to development contemplated in connection with Development Alternative A. This Petition also contemplates development of the Development Site, and/or portions thereof, without the benefit of the Optional provision(s) in accordance with the UMUD minimum standards. The UMUD minimum standards shall apply to the Development Site, and/or the right to develop the Development Site, and/or portions thereof, in a manner wholly different from the development depicted on the Technical Data Sheet and Schematic Site Plan (collectively, "Other Development Alternatives") without the benefit of the Optional provision(s), provided that Other Development Alternatives are in compliance with the UMUD/LRM/RAI standards.

3. Amendments to Rezoning Plan
Subject to the provisions of Section 1.C. above, upon application of the UMUD-O zoning district to the UMUD-O Parcel in accordance with this Petition, future amendments to the Technical Data Sheet and these Development Standards in accordance with Development Alternative A may be applied for by the then Owner or Owners of the tract or tracts within the UMUD-O Parcel involved in accordance with the provisions of Chapter 6 of the Ordinance.

4. Binding Effect of the Petition Documents and Definitions

A. Upon application of the UMUD-O zoning district to the UMUD-O Parcel in accordance with this Petition, all conditions, if any, applicable to development of the UMUD-O Parcel imposed under this Technical Data Sheet in accordance with Development Alternative A, unless amended in the manner provided under the Ordinance, shall be binding upon and inure to the benefit of the Petitioner and the current and subsequent owners of the UMUD-O Parcel and their respective successors in interest and assigns.

B. Throughout these Development Standards, the terms, "Developer," "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 UMUD-O Parcel from time to time who may be involved in any future development thereof.

5. Statement With Respect To The Graphics Which Are Set Forth On Exhibits Accompanying The Technical Data Sheet for Development Alternative A

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

Rezoning Site Plan

SCALE: 1" = 20'-0"

5-15-2006

Sheet Number:

RZ-1

VICINITY MAP
(Not to Scale)

PROJECT LOCATION

LEGEND

(C) = CALCULATED
CLF = CONCRETE
(D) = DESCRIPTION
D.B. = DEED BOOK
ID = IDENTIFICATION
Inv = INVERT
ELEV = ELEVATION
LP = LIGHT POLE
LB = LICENSED BUSINESS
(M) = MEASURED
PP = POWER POLE
PVC = POLYCARBON VINYL
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
RCP = REINFORCED CONCRETE PIPE
STRD. BW = STRAND BARB WIRE
SWK = SIDEWALK
WM = WATER METER
WV = WATER VALVE
HYD = FIRE HYDRANT

BE = BURIED ELECTRIC LINE
FO = FIBER OPTIC LINE
CATV = CABLE TV LINE
GAS = GAS LINE
SS = SANITARY LINE
W = WATER LINE
OE = OVERHEAD ELECTRIC LINE
723 = CONTOUR LINE
(D1) = DESCRIPTION, TRACT 1
(D2) = DESCRIPTION, TRACT 2
(D3) = DESCRIPTION, TRACT 3

GRAPHIC SCALE

(IN FEET)

1 inch = 20 ft.

UMUD-O PARCEL DESCRIPTION (prepared by surveyor):

Tract 1 (also known as tax parcel number 078-053-05) as described in Deed Book 5368, Page 320, as recorded in the public records of Mecklenburg County, North Carolina; Together with a portion of Tract 3 (also known as tax parcel number 078-053-06) as described in Deed Book 14818, Page 70, of said public records, all being more particularly described as follows:

BEGINNING at a point located at the intersection of the westerly margin of North Pine Street and the northeasterly margin of West Fifth Street, thence with and along the northerly margin of West Fifth Street N. 41-16-41 W., 66.09 feet to the westerly line of the property of Preferred Parking Service, Inc. (now or formerly) as described in Deed Book 5368 at Page 320 and in Deed Book 14818 at Page 70 in the Registry, thence with and along the boundary of the said Preferred Parking Service, Inc. property, the following three (3) courses and distances: (1) N. 49-56-43 E., 219.67 feet to a point; (2) N. 41-35-20 W., 103.41 feet to the northerly boundary of said Preferred Parking Service, Inc. property; and (3) N. 48-36-44 E., along said northerly boundary, 8.00 feet; thence departing said northerly boundary, S. 39-11-22 E., 170.94 feet to a point located in the westerly margin of the right-of-way of North Pine Street; thence with the westerly margin of North Pine Street the following two (2) courses and distances: (1) S. 50-48-38 W., 24.02 feet to a set pk nail; and (2) S. 50-13-11 W., 196.38 feet to the POINT OF PLACE OF BEGINNING. Containing 0.3521 Acres (15,339 square feet), more or less.

TABULATION OF UMUD-O PARCEL AREA:

Tract 1	13,043 square feet ±
Portion of Tract 3	2,296 square feet ±
TOTAL AREA:	15,339 square feet ±

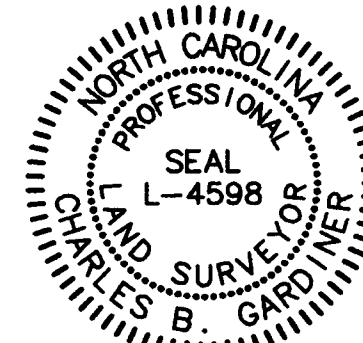
NOTES:

- This Map of Survey is not valid without the signature and seal of a North Carolina Licensed Land Surveyor.
 - The lands described herein were not abstracted for ownership, easements, rights-of-way or other matters of title by this firm. Any title matters shown or noted herein are based upon a review of Chicago Title Insurance Company Title Insurance Commitment Number CH05-0016873, effective date of April 28, 2005, at 8:00 a.m., Revision # 3 (August 17, 2005). Description was prepared by surveyor, based upon Title Insurance Commitment, as directed by client.
 - Bearings shown herein are based on the North Carolina State Plane Coordinate System, North American Datum of 1983, based upon ties to the following Mecklenburg County control points:
Station 567, Northing: 164748.171 m, Easting: 440261.349 m
Station 649, Northing: 164765.662 m, Easting: 441563.048 m
 - Elevations shown herein are relative to the City of Charlotte Vertical Datum based upon ties to benchmarks and elevations shown on boundary and topographic survey entitled "BOUNDARY AND TOPOGRAPHIC SURVEY 408-418 WEST FIFTH STREET, CHARLOTTE, MECKLENBURG COUNTY, N.C. FOR THE BOULEVARD COMPANY" prepared by Andrew G. Zoutewelle, NC PL, S, and dated May 12, 2004.
 - Underground Improvements such as foundations and utilities were not located. The location of underground utilities shown on this map is approximate, based upon surface markings by N.C. One Call utility locating services and information provided by others. There may be additional utilities not shown. Actual location, size, or depth of line should be verified with the individual utility company prior to excavation or construction. Call 1-800-832-4949 before you dig.
 - Date of Field Survey: April 08, 2006.
 - Field survey documented in field books 842, pages 02 - 21 and 867, pages 69 - 71.
 - Zoning restrictions per zoning ordinance:
Subject property zoned UMUD (Uptown Mixed Use District)
Minimum Setback: 12' from back of curb to building
Minimum Side Yard: None required
Minimum Rear Yard: None required
Maximum Height: None, But 60' if abutting residential
9. This plat is not for recordation as per G.S. 47-30 as amended.

To Churchill Development Group and Chicago Title Insurance Company:
This is to certify that this map and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA, ACSM and NSPS in 1989 and includes items 2, 3, 4, 8, 10, and 11(e) of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

This is to certify that the subject property is not located in a special flood hazard area as shown on maps prepared by the Federal Emergency Management Agency, Federal Insurance Administration, Dated 2/4/04, Community panel number 370159 0186 E, ZONE X.

5/12/2006
DATE



REVISIONS			MAP OF ALTA/ACSM LAND TITLE SURVEY		
May 11, 2006	Revised description per client request		Churchill Development Group		
May 11, 2006	Additional labels, revised description		400 W. 5TH STREET, (D.B. 5368, Pg 320) TAX #: 078-053-05;		
			406-418 W. 5TH STREET, (D.B. 5, Pg 448) TAX #: 078-053-03 & TAX #: 078-053-06		
			and		
			401 W. 6TH STREET, (D.B. 14818, Pg 70) TAX #: 078-053-06		
			CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA		
PREPARED BY:			MACTEC Engineering & Consulting, Inc.		
			2801 Vermont Road, Suite 100, Charlotte, NC 28208		
			Phone: 704.357.8800 Fax: 704.357.8838		
			CERTIFICATE OF AUTHORIZATION: F-0653		
CREW:	DRAWN:	REVIEWED:	SCALE:	DATE:	FILE NO.
C.V.H.	M.R.	C.B.G.	1" = 20'	APRIL 24, 2006	JOB NO.

UTILITIES:

POWER
DUKE POWER CO.
1800-357-3953

TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
(704) 357-6874 NEW CONNECTIONS
(704) 357-9580 EXISTING SERVICES

WATER & SEWER

CHAR-MECK. UTILITY DEPT. (CMUD)
(704) 399-2221

GAS
PIEDMONT NATURAL GAS CO.
(704) 525-5585 NEW CONNECTIONS
(704) 525-5585 EXISTING CONNECTIONS

CABLE TELEVISION

1-800-632-4948

Catch Basin
Top Elev. = 735.94
W. Inv. Elev. = 733.11'

Set
PK Nail & Disk
"MACTEC F-0653"

Catch Basin
Top Elev. = 726.42'
N. Inv. Elev. = 723.83'
W. Inv. Elev. = 721.42'

Storm Manhole
Top Elev. = 723.80'
NW Inv. Elev. = 716.28' (30" RCP)
SE Inv. Elev. = 716.08' (30" RCP)
SW Inv. Elev. = 717.12' (30" RCP)

Storm Manhole
Top Elev. = 724.07'
NW Inv. Elev. = 724.07' (30" RCP)
NE Inv. Elev. = 724.07' (30" RCP)
SE Inv. Elev. = 724.07' (30" RCP)

Storm Manhole
Top Elev. = 724.07'
NW Inv. Elev. = 724.07' (30" RCP)
NE Inv. Elev. = 724.07' (30" RCP)
SE Inv. Elev. = 724.07' (30" RCP)

ORIGINAL