PSTREET SECTION 'A N.T.S. SECTION 'A' found 1" from Pipe No ID N 50°28'10" E 219.67' (C) Found 1" Iron Pipe No ID \_N 48°36'44" E 8.00' EXISTING ZONING: UV (TO REMAIN) Found 1" iron Pipe No IO PK Neil & Diek "MACTEC F-0653" -DEVELOPMEN SITE-N 51°16'11" E 219.67' (D2) N 49°56'43" E 219.67' (C) 5/8" Iron Rod & Cap "MACTEC F-0653" /vydy/bydyf y fisifisi (C) xyscysysy y fisifiy (Cr) **EXECTING ZONDAG** 

\$ 52\*59\*00" W 195.86" (D1) Vesterly mergin of the right of way of North Pine Stree

0.4' Conc Wall \_\_\_\_\_\_ <u>\_\_\_\_\_\_</u> 1' Wide Old Brick Wall (in poor condition) ENTRANCE TO PARKING DECK 12' SETBACK, ----PROPOSED BUILDING RECEIVED OCT 0 6 2006 PLANTING STRIP SIDEWALK -PROPOSED STREET TREE,

Edge of Asphalt Pavement

**DEVELOPMENT ALTERNATIVE A** 

## **REZONING SUMMARY**

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

0.3521 AC

**EXISTING ZONING:** 

**UMUD** 

PROPOSED ZONING: (UMUD-O PARCEL ONLY)

UMUD-O

DEVELOPMENT SITE AREA: 1.19 AC (TOTAL)

PETITIONER:

The Vue - Charlotte, LLC 101 N. Tryon St. Suite 100 Charlotte, NC

APPROVED BY CITY COUNCIL. 111 17 2006

## DEVELOPMENT STANDARDS

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with a UMUD-Optional (UMUD-O) Petition filed by The VUE Charlotte, 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 "Development Site"). The Development Site is currently zoned UMUD, which permits the uses contemplated by the Petitioner. The development contemplated by the Petitioner generally 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 .3521 acre portion of the Development Site shown by "shaded cross-hatch" on the Technical Data Sheet (the "UMUD-O Parcel"). As described below, other development alternatives for the Development Site that do not seek variation(s) from the minimum UMUD

Accordingly, this Petition seeks to rezone the approximately .3521 acre UMUD-O Parcel portion of the Development Site shown by "shaded cross-hatch" on the Technical Data Sheet from the UMUD zoning district to the UMUD-O zoning district in order to allow variation(s) from the UMUD minimum standards in connection with Development Alternative A described below. 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-O zoning, provided, however, that the variation(s) from the UMUD minimum standards requested herein in connection with Development Alternative A shall relate only to portions of Development Alternative A to be located on the UMUD-O 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 (the "Ordinance"). Unless the Technical Data Sheet or these 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-O Parcel to the "Optional" provision(s) provided below. Development of the Development Site in accordance with the Other 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"):

Setback along North Pine Street (Section 9.905(2))

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

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. <u>Center City Transportation Study</u>:

Reference is made to the Center City Transportation Study and related documentation (collectively the "Transportation Study") that seeks to 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 setback and streetscape standards contemplated by this Technical Data Sheet without regard to any policies, guidelines, ordinances or regulations 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) from the UMUD minimum standards requested 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 UMUD requirements and minimum standards. In other words, the Petitioner, its successors and assigns, reserves - the right to development 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 accordance with UMUD requirements and minimum standards.

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

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"



WEST 5TH STREET

PID #07805302

PID #07805404

PID #07801612

PID #07805611

PID #07805612

PID #07805613

PID #07805614

PID #07805615

PID #07805702

PID #07805703

PID #07805704

PID #07805705

PID #07805706

PID #07805707

PID #07801141

ORI

CITY OF CHARLOTTE

425 WEST 5TH STREET

401 WEST 5TH STREET

300 WEST 5TH STREET UNIT #810

300 WEST 5TH STREET UNIT #811 FIFTH AND POPLAR ASSOCIATES LLC

300 WEST 5TH STREET UNIT #812 FIFTH AND POPLAR ASSOCIATES LLC

300 WEST 5TH STREET UNIT #813

FIFTH AND POPLAR ASSOCIATES LLC

300 WEST 5TH STREET UNIT #815

300 WEST 5TH STREET UNIT #816

300 WEST 5TH STREET UNIT #818

300 WEST 5TH STREET UNIT #822

300 WEST 5TH STREET UNIT #1

300 WEST 5TH STREET UNIT #2

300 WEST 5TH STREET UNIT #3

FIFTH AND POPLAR ASSOCIATES LLC

300 WEST 5TH STREET UNIT #101

FIFTH AND POPLAR ASSOCIATES LLC

300 WEST 5TH STREET UNIT #102

300 WEST 5TH STREET UNIT #103 FIFTH AND POPLAR ASSOCIATES LLC

300 WEST 5TH STREET UNIT #104

300 WEST 5TH STREET UNIT#1

FIFTH AND POPLAR ASSOCIATES LLC

TRUSTEES OF THE FIRST PRESBYTERIAN CHURCH

EOP CHARLOTTE JW, LLC

THE ART & SCIENCE OF BUILDING

PROPOSED UMUD-O ZONING

UMUD/UMUD-O ZONING

200 South Tryon Street, Suite 1400 Charlotte, NC 28202 Urban Design 376 7851 f+ 704 376 7851 url+ www.colejeneststone.com

North Pine Street

SCALE: 1" = 40'



-6' MIN. PLANTING STRIP

PROPOSED-WATER FEATURE

12' SETBACK,— TYP.

Asphall Pavement

BUILDING OVERHANG-

ABOVE • LEVEL 4



-12' SETBACK, TYP.

ENTRANCE TO

PARKING DECK/ SERVICE

North Pine Street

WESTMINSTER PARTNERS LLC

**Sheet Number:**