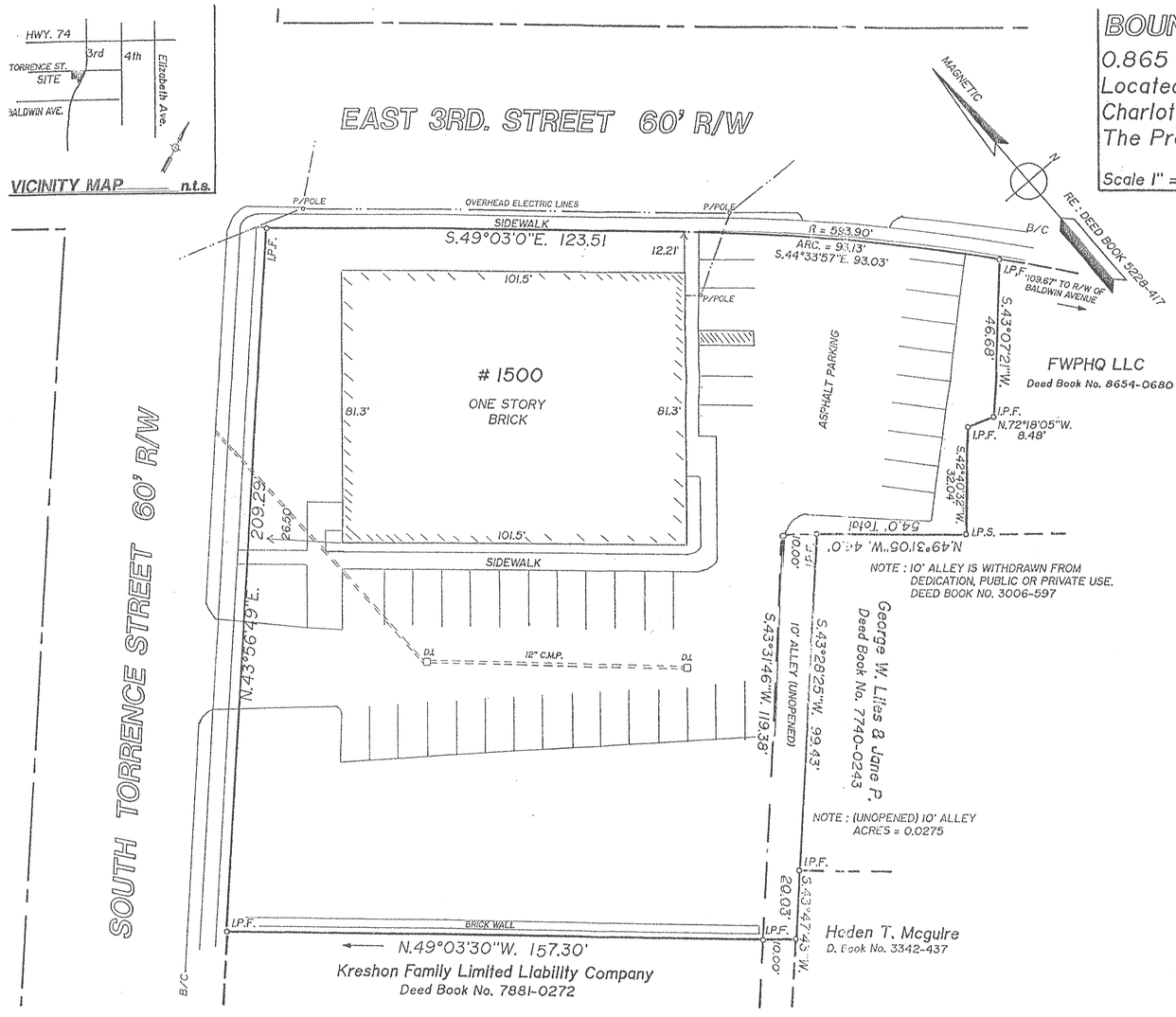

BOUNDARY & PHYSICAL SURVEY OF

0.865 Acre Tract, Tax Parcel No. 125-113-10
Located on 1500 E. 3rd. Street
Charlotte, Mecklenburg County, N.C.
The Property of : Thomas J. & Melissa H. Vandiver

Scale 1" = 30' May 27, 1997

CERTIFICATION STATEMENT

The undersigned surveyor, being duly sworn, deposes and states that this plat was prepared in accordance with G.S. 47-30 as amended and is in all ways correct to the best of my knowledge and was prepared from an actual survey performed this, the 27th day of May 1997 with a maximum linear error closure of 1' : 10,000', and a maximum error of angular closure of 3 seconds.

Anthony E. Manes

Anthony E. Manes
NCRLS # L3290
4543 Charlotte Highway
II Plantation Square
Lake Wylie, S.C. 29710
(803)-831-6800

NORTH CAROLINA REGISTERED SEAL L-3290 LAND SURVEYOR ANTHONY E. MANES

FLOOD STATEMENT

This is to certify that the location of the subject property has been checked against area Hud/Firm Maps and that to the best of my knowledge and belief it is not located in a Special Flood Area A or B.

LEGEND

I.P.F. = Iron Pin Found
I.P.S. = Iron Pin Set
R/W = Right Of Way
Property Line
Bordering Property

30' 15' 0' 30' 60' 90'
GRAPHIC SCALE

This survey is of an exsiting parcel.
Tax Parcel No. 125-113-10.
Deed Book No. 4150-0867
Deed Book No. 4095-238
Deed Book No. 5228-417
Deed Book No. 5127-037
M 202-622

2128

Overcash Demmitt Architects
1520 south boulevard suite 200
charlotte north carolina 28203
voice • 704.332.1615
fax • 704.332.0117
web • www.odarch.com

TMV Partners, LLC

1500 East Third Street
Charlotte, North Carolina

FOR PUBLIC HEARING

PETITION NO.
2005-101

REVIEW	:	03/14/05
REVISIONS	:	06/24/05

EXISTING SURVEY

APPROVED BY CITY COUNCIL
DATE 9/19/05

S-1

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ODA No. 051935.01 CADD File: drawings/S-1.dwg

Development Standards

General Provisions

These Development Standards form a part of the Rezoning Site Plan associated with the Rezoning Petition filed by TMV Partners On Third Street, LLC to accommodate the continued use and re-development of that approximately 0.855 acre parcel of land located on the southwestern corner of the intersection of East Third Street and South Torrence Street, which parcel is more particularly depicted on the Rezoning Site Plan (hereinafter referred to as the "Site").

The continued use and re-development of the Site will be governed by the Rezoning Site Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Site Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District ("MUDD") shall govern the continued use and re-development of the Site.

The existing building and other improvements located on the Site may remain and be utilized until such time as the Site is re-developed. To the extent that the existing building and other improvements located on the Site do not conform to any requirement of the MUDD zoning district, the Petitioner shall not be required to bring the building or any other improvements or any non-conforming portions thereof into compliance with the requirements of the MUDD zoning district pursuant to Section 9.8506(3) of the Ordinance. However, any expansion of the existing building or the re-development of the Site must conform to the requirements of the MUDD zoning district and the requirements of this Rezoning Site Plan, and as more particularly described herein, a change of use will require that the Site be brought into compliance with Sections 9.8506(2)(b)[Screening], 9.8506(2)(c)[Signage], 9.8506(2)(d)[Streetscape] and 9.8507(4)[Location of Required Parking] of the Ordinance.

Sheet RZ-1 of the Rezoning Site Plan sets forth the existing, built out condition of the Site. Sheet RZ-2 of the Rezoning Site Plan shall govern any re-development of the Site, and it sets forth the areas (Building and Parking Envelopes) within which a new building and parking areas must be located in connection with the re-development of the Site.

Permitted Uses

1. The Site may be devoted to the following uses and to any accessory uses allowed in the MUDD zoning district:

- Art galleries.
- Barber and beauty shops.
- Colleges, universities, commercial schools, schools providing adult training in any of the arts, sciences, trades and professions.
- Equipment sales, rental and leasing within an enclosed building.
- Indoor recreation, such as spas and yoga studios.
- Laboratories, dental, medical and optical.
- Professional business and general offices such as banks, clinics, medical, dental and doctors' offices, veterinary clinics, government offices, post offices, opticians' offices, and similar uses, provided, however, that veterinary clinics with outdoor runs shall not be permitted.
- Repair or servicing of any article within an enclosed building, the sale of which is permitted in the district.
- Restaurants, including open air or sidewalk cafes.
- Retail sales limited to those uses permitted in the B-1 district.
- Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.

2. Notwithstanding the foregoing, barber and beauty shops, restaurants and retail sales may only be located on the ground floor of any building located on the Site. All other uses set out above may be located on any floor of any building located on the Site.

3. Notwithstanding anything contained herein to the contrary, bars, nightclubs, lounges, convenience stores and gasoline stations shall not be permitted on the Site. However, this provision shall not prohibit a restaurant located on the Site from selling and serving alcoholic beverages.

Maximum Building Area

The maximum gross building area that may be developed on the Site is 21,000 square feet. A maximum of 10,500 square feet of the maximum gross building area may be devoted to retail sales and restaurant uses. Outdoor porches and patios and outdoor seating and dining areas shall not be considered to be a part of and counted towards the maximum gross building area.

Maximum Building Height

The maximum height of any building located on the Site shall be 40 feet above average grade.

Setbacks, Side Yards and Rear Yards

As more particularly depicted on Sheet RZ-2, any new building and parking areas developed on the Site shall be setback from the back of the existing curb line along East Third Street a minimum of 19 feet, and from the back of the existing curb line along South Torrence Street a minimum of 14 feet. Balcony projections may extend up to two feet into the setbacks. Any new building developed on the Site shall also satisfy or exceed the rear yard and side yard requirements established under the Ordinance for the current MUDD zoning district. The building and parking areas may be located within the development area boundaries outlined on the Rezoning Site Plan.

Canopies, awnings and similar architectural accents may be constructed of rigid or flexible material designed to complement the streetscape of the area, and they may extend from the building up to one half of the width of the setback area in front of the building, or nine feet, whichever is less, and they may not be closer than two feet to the back of the curb. Ground supports for these features are not permitted in the minimum setback, sidewalk or in the public right of way. In no instance shall such features extend over or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be eight feet. If a canopy, awning, cornice or other appurtenance extends into the public right of way, an encroachment agreement from CDOT or the State shall be required.

Design and Performance Standards

- New development will conform to Section 9.8506 of the Ordinance.
- Pursuant to Section 9.8506(2)(d) of the Ordinance, upon any expansion of the existing building located on the Site, a change of use or the re-development of the Site, Petitioner shall install a 6 foot sidewalk and an 8 foot planting strip along the Site's frontage on East Third Street and South Torrence Street. If the sidewalk or a portion thereof cannot be located within the relevant right of way area, Petitioner will grant an appropriate sidewalk easement to the City of Charlotte. Notwithstanding the foregoing and pursuant to Section 9.8506(2)(d) of the Ordinance, an expansion of the existing building located on the Site or a change of use will not require the Petitioner to install a 6 foot sidewalk and an 8 foot planting strip along any street frontage if the existing building interferes with the installation of these items. In that event, the streetscape plantings and sidewalk shall be installed where space allows.
- Petitioner shall provide a system of internal sidewalks that connect the building entrances and parking areas to the sidewalks along the adjacent streets.
- Pursuant to Section 9.8506(2)(b) of the Ordinance, any expansion of the existing building located on the Site or a change of use will require the Site to meet the screening requirements of the Ordinance.
- All trees located within the rights-of-way for East Third Street and South Torrence Street and within the setbacks will be preserved and will be protected during the grading and construction process upon any re-development of the Site.
- All roof mounted mechanical equipment placed on any new building developed on the Site will be screened from view at grade from adjoining public rights-of-way and abutting properties.
- Lighting attached to any new building developed on the Site shall be decorative, capped and downwardly directed. Standard "wall-pak" type lighting will not be permitted.
- Wall-mounted decorative light fixtures such as sconces are permitted.
- The maximum height of any freestanding lighting fixture (including its base) installed on the Site may not exceed 20 feet. All free standing lighting fixtures installed on the Site shall be capped and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site. Consideration will be given to the impact of lighting both within and without the perimeter of the Site. Items for consideration will include intensity, cut-off angles, color, energy efficiency and shielding of sources of light, the intent being to eliminate glare towards public streets and adjacent properties. The foregoing requirements shall not apply to existing, freestanding lighting fixtures located on the Site.
- With respect to any new building developed on the Site, at least 75% of the non-glass and non-door areas of the new building's elevations shall be constructed with brick, stone, synthetic stone or masonry materials. Any new building developed on the Site shall have four sided architecture.
- The design and construction of any new building developed on the Site will comply with Section 9.8506(2)(a) of the Ordinance entitled "Street walls". Accordingly, windows and doors shall be arranged so that the uses are visible from and/or accessible to the relevant streets on at least 50% of the length of the first floor street frontage.
- Windows on the ground floor of any new building developed on the Site shall have transparent glass.

Existing Trees Located Along the Site's Southern Boundary Line Adjacent to the Townhome Community

Petitioner shall attempt to preserve the existing trees located along the Site's southern boundary line adjacent to the townhome community after the installation of the retaining wall depicted on the Rezoning Site Plan.

Parking

1. A minimum of 1 parking space per 125 square feet of floor area shall be provided for any restaurant use located on the Site.
2. A minimum of 1 parking space per 600 square feet of floor area shall be provided for all other uses located on the Site.
3. Existing non-conforming parking shall be removed if the existing building is expanded or a change of use occurs pursuant to Section 9.8507(4) of the Ordinance. However, no additional parking is required for the reuse of an existing building, or due to the removal of non-conforming parking.

Vehicular Access

Vehicular access shall be as generally depicted on the Rezoning Site Plan. The placement and configuration of each access point are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation or the North Carolina Department of Transportation.

Storm Water Management

Storm water runoff will be managed through proven techniques which satisfy the standards imposed by the City of Charlotte and the Charlotte Mecklenburg Storm Water Design Manual.

The following agencies shall be contacted prior to construction regarding wetland and water quality permits, if applicable:

Section 401 Permit NCDEHNR-Raleigh Office
Section 404 Permit US Army Corps of Engineers

Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications.

Signs

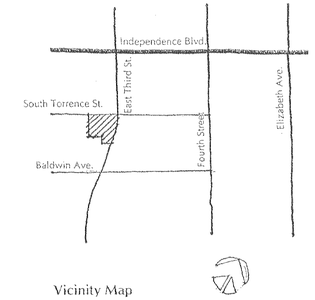
1. Any new signs installed on the Site shall comply with the requirements of Section 9.8506(c) of the Ordinance and the applicable requirements of the City of Charlotte Sign Ordinance.
2. The existing, detached sign on the Site may remain until such time as a building permit or change of use permit is issued.

Amendments to Rezoning Plan

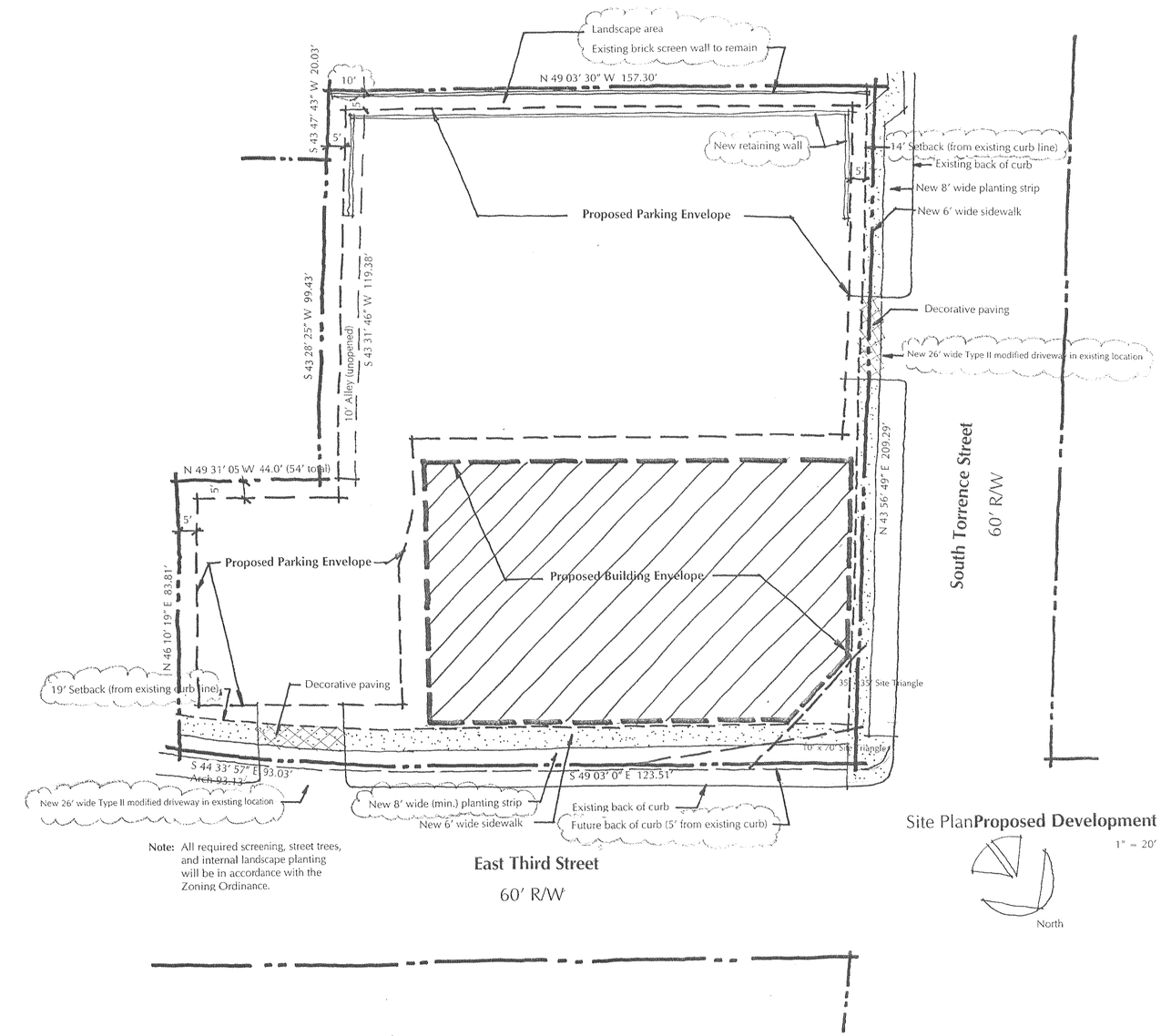
Future amendments to the Rezoning Site Plan and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

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 Rezoning Site 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.
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.



Vicinity Map



Note: All required screening, street trees, and internal landscape planting will be in accordance with the Zoning Ordinance.

Site Plan**Proposed Development**

1" = 20'

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1500 East Third Street
Charlotte, North Carolina

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REZONING SITE PLAN

RZ-1

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ODA No. 051935.01 CADD File: drawings/RZ-1.dwg