

GALLERIA EXPANSION

TECHNICAL DATA SHEET

FEBRUARY 25, 2002
(REVISED AUGUST 16, 2002)
(REVISED SEPTEMBER 17, 2002)
(REVISED OCTOBER 4, 2002)

SHEET RZ-1

FOR PUBLIC HEARING
PETITION NO. 2002-58

DEVELOPMENT SUMMARY

TOTAL AREA TO BE REZONED: 55.76 ACRES
EXISTING ZONING: I-1
PROPOSED ZONING: CC

MAXIMUM BUILDING AREA (RETAIL/OFFICE): 382,800 Square Feet
AREA 1: 22,000 SQFT OF RETAIL/RESTAURANT; AND 150 MULTI-FAMILY UNITS.
AREA 2: 93,000 SQFT OF RETAIL/RESTAURANT; AND 20,000 SQFT OF OFFICE.
AREA 3: 9,000 SQFT OF RETAIL/RESTAURANT.
AREA 4: 18,000 SQFT OF RETAIL/RESTAURANT.
AREA 5: 220,800 SQFT OF RETAIL/RESTAURANT (INCLUDING GASOLINE SALES TO MOTORISTS WITHIN AREA DEPICTED ON SHEET RZ-2).
(FOR OPTIONAL USES IN CERTAIN EVENTS, SEE NOTE 2 OF THE DEVELOPMENT STANDARDS.)

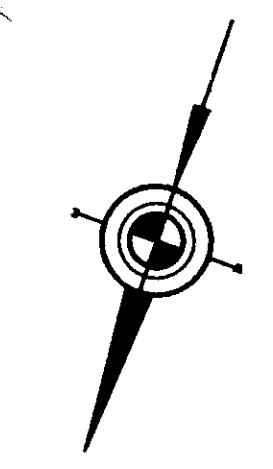
BOUNDARY OF LANDS TO BE REZONED: - - - - -

NOTES:
1. REFER TO SHEET RZ-3 FOR PEDESTRIAN CIRCULATION ELEMENTS AND PEDESTRIAN AMENITIES.
2. REFER TO SHEET RZ-4 FOR SECTIONS A-A THROUGH E-E.
3. REFER TO SHEET RZ-4A FOR SECTION F-F.

PETITIONERS
LEVINE PROPERTIES
PROGRESSIVE DEVELOPMENT PARTNERS, LLC

APPROVED BY CITY COUNCIL
DATE 10/27/02

Kimley-Horn
and Associates, Inc.
SUITE 350, 4601 CHARLOTTE PARK DRIVE
CHARLOTTE, NORTH CAROLINA 28217
PHONE 704-333-5131 FAX 704-333-0845



GALLERIA EXPANSION

SCHEMATIC SITE PLAN

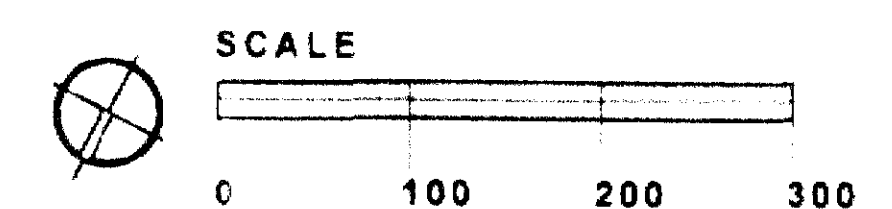
04 OCTOBER 2002

RZ-2

PROGRESSIVE
DEVELOPMENT

APPROVED BY CITY COUNCIL
10/23/02

*SEE SHEET RZ-4A FOR BENCH PLACEMENT DIAGRAM



1. General

Development taking place on the Site is subject to these Development Standards, the notes and details shown on the Technical Data Sheet (Sheet RZ-1), Schematic Site Plan (Sheet RZ-2), accompanying 6 additional Exhibits (Sheets RZ-3, 4, 4A, 5, 6 and 6A) and all development regulations established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the Commercial Center (CC) Zoning District Classification.

2. Permitted Uses

The Site may be developed with up to 362,800 square feet of gross floor area for retail establishments, shops, restaurants and services (including a gasoline sales facility within Area 5 in the general location depicted on the Schematic Site Plan), up to 20,000 square feet of gross floor area for general office use and a minimum of 150 residential units. The Petitioners reserve the right to develop the residential units as a part of a larger residential or mixed use community involving adjoining off-site property by way of the Administrative Site Plan Amendment process established under the Ordinance. However, no more than two restaurants with drive-through facilities shall be permitted on the Site.

If following construction of the building proposed for Building Area 5 and its occupation, the building should become vacant, the owner or owners agree to devote their efforts to establish a new use or uses within the building in the manner detailed under Section 11 below. In any such case, reuse of the building for either retail or non-retail uses or any combination thereof, including office uses, which are permitted under the Ordinance in a CC District will be allowed.

No outside storage or seasonal sales will be allowed within Building Area 5.

3. Setback, Side and Rear Yards

All buildings constructed on the Site shall satisfy or exceed the setback, side and rear yard dimensions established under the Ordinance for the CC District. The Petitioners reserve the right to reduce the setback from 35 feet to 14 feet in accordance with Section 11.405(7) of the Ordinance. The Site represents an additional phase of the existing Galleria Village and therefore will be viewed as a unified development plan in conjunction with the adjoining development which has already taken place within the Galleria Village. As such, yards will not be required between the Site and the adjoining development which has already taken place within the Galleria Village. The Petitioners reserve the right to subdivide the Site and create lots within the interior of the Galleria Village development with no side and/or rear yards as part of the unified development plan.

The Petitioners, however, reserve the right to seek from the Charlotte Zoning Board of Adjustment variances from the 35 foot setback areas along Galleria Boulevard and Sardis Crossing Drive within general areas of Building Areas 1 and 2 depicted on the Technical Data Sheet. The Petitioners also reserve the right to seek from the Charlotte Zoning Board of Adjustment variances from the 35 foot setback areas along Galleria Boulevard and Sardis Road North within the general areas of Building Area 3 depicted on the Technical Data Sheet provided the rear lines of the setback variances requested are no closer to Galleria Boulevard than 15 feet and no closer to Sardis Road North than 25 feet.

4. Traffic and Circulation Plans

(a) Parking shall be provided in accordance with the Ordinance.

(b) Access to the Site shall be as generally depicted on the Technical Data Sheet.

(c) Petitioners propose to relocate portions of Galleria Boulevard and Sardis Crossing Drive between Monroe Road and Sardis Road North along the alignments generally depicted on the Technical Data Sheet (Sheet RZ-1). Petitioners will seek abandonment of those portions of the rights-of-way for Galleria Boulevard and Sardis Crossing Drive, which fall outside of the new alignments. Petitioners also commit to the dedication and conveyance (by quitclaim deed and subject to appropriate reservations for utilities and a reversionary interest in any property not used for right-of-way purposes in the future) of 60 foot wide rights-of-way for those portions of the new alignments which do not fall within the existing rights-of-way. Such right-of-way conveyances shall occur prior to the issuance of any certificate of occupancy for new development taking place on the Site. Any utilities located within the rights-of-way for Galleria Boulevard and Sardis Crossing Drive will be abandoned or relocated in a manner which maintains continuous service. Improvements to these roads will be made by the Petitioners or their successors in interest and are subject to the approval of the City of Charlotte.

(d) Petitioners, for themselves and their successors in interest, agree to cause traffic signals with appropriate controls (if approved by the CDOT and NCDOT) to be installed at their expense at the intersections of Galleria Boulevard and Monroe Road and Galleria Boulevard and Sardis Road North. Each traffic signal will utilize steel post and mast arms.

(e) Petitioners, for themselves and their successors in interest, agree to cause to be installed left turn lanes leading into the Site from Monroe Road and Sardis Road North at their intersections with Galleria Boulevard. The engineering, design and construction of these left turn lanes will be the responsibility of the Petitioners and will be designed by a registered professional engineer with roadway design experience to CDOT standards.

(f) Petitioners, for themselves and their successors in interest, and upon receipt of any necessary approvals by CDOT and NCDOT, agree to cause to be constructed/installed those capacity improvements at the intersections of Monroe Road and Sardis Road North and Independence Boulevard and Sardis Road North which are specifically detailed and identified as the Petitioners' responsibility in the Traffic Impact Analysis dated September, 2002 which has been prepared and filed by Kimley-Horn and Associates, Inc. with CDOT. The design and engineering work associated with the improvements will be handled by a registered professional engineer with roadway design experience.

(g) All of the foregoing roadway improvements will be made in accordance with regulations established by the City of Charlotte and the cost of these improvements, including any additional right-of-way needed to be acquired, will be the responsibility of the Petitioners. If required, the Petitioners reserve the right to request the City to exercise its power of eminent domain to acquire any such right of way subject to their agreement to bear all costs associated therewith.

(h) No certificate of occupancy for any building constructed within the Site may be issued until after all these improvements have been completed.

5. Pedestrian and Bicycle Amenities and Architectural Description and Commitments

(a) Walkways and pedestrian crossings will be installed throughout the Site in the areas generally depicted on the Pedestrian Circulation Plan (Sheet RZ-3) and in the manner generally depicted on the Cross-Sections (Sheets RZ-4 and RZ-4A). These improvements will be installed in phases keyed to development taking place on the Site. The Petitioners reserve the option to install walkways within the Site and behind public right-of-ways so long as appropriate permanent easements are granted to the City of Charlotte to insure access for the general public.

(b) Pedestrian amenities, will be installed throughout the Site at locations generally depicted on the Pedestrian Circulation Plan. These improvements will be installed in phases keyed to development taking place on the Site.

(c) The perspectives included on Sheet RZ-5 are intended to portray the basic character of the building elevations for the small shops and service areas located along realigned Galleria Boulevard and Sardis Road North. The scale, massing and forms of these buildings and the use of materials will be designed to address the pedestrian scale. The exterior finish of all buildings located within Building Areas 1 through 4 shall consist of at least 50 percent brick materials. These buildings shall adhere to four-sided architecture to ensure that the materials and architectural designs for the front elevations are carried to the sides and rear of such buildings. The building located within Building Area 5 shall use the same material palette as the other buildings on all three visible sides. Except as otherwise depicted in Sheet RZ-6, the rear of this building shall be painted to match the other sides. Sheet RZ-6 is intended to portray the basic characters of the front, rear and side elevations of the building to be constructed within Building Area 5.

(d) The perspectives included on Sheet RZ-5 are examples of architectural intent for the Site. Although it is not possible to dictate the exact design of each building, the character and materials will be consistent with that shown in the perspectives. This usage of materials and architectural elements will help to promote a pleasant shopping experience and avoid a "strip mall" character.

(e) Buildings shall be located within the Building and Parking Areas indicated on the Technical Data Sheet.

(f) Petitioners shall provide for the installation of bicycle rack(s) within the general locations depicted on the Pedestrian Circulation Plan (Sheet RZ-3). Petitioners shall also provide a bus shelter along relocated Galleria Boulevard if approved by CATS. The location and design of the shelter will be subject to approval by CATS.

(g) Up to two restaurants with drive-through facilities may be located on the Site. The restaurants with drive-through facilities will be located within Building Area 4 and will be inwardly oriented, so as to not face out to Sardis Road North.

(h) Except as otherwise provided under Note 11 below, the number of buildings on the Site shall be as generally depicted on the Schematic Site Plan.

(i) Buildings within Areas 3 and 4 will be architecturally compatible with buildings within Areas 2 and 5 through the use of similar architectural features, styles, materials and colors. If the owners are able to attract one or more major branded retail establishments to Building Area 4, the elevations of these buildings may incorporate accent features which include the company's logos and colors. However, each such building must satisfy the standards established under the first sentence of this paragraph.

6. Service Zones and Mechanical Areas

(a) Building service areas, including trash and loading zones, will be located with due regard for visibility and adjacent uses. Such areas will be appropriately screened from public view through the use of walls, fences, plant materials, grade changes, retaining walls or other elements. At a minimum, each dumpster area will be enclosed by a brick wall with one side being a solid wooden hinged gate. If one or more sides of any dumpster area adjoin a rear or side wall of a building, then the wall may be substituted for the brick wall along each such side. Six foot masonry/brick screen walls will be constructed along Galleria Boulevard within Building Area 2 in the locations generally depicted on the Pedestrian Circulation Plan (Sheet RZ-3).

(b) Mechanical equipment or other utility hardware on the roofs of buildings will be screened from abutting property and from public view from a public street. When located on the ground, such equipment will be screened through the use of walls, fences, plant materials, grade changes, retaining walls or other elements.

(c) All screening techniques will be effective during all seasons of the year.

(d) Screening shall meet or exceed the standards of the Ordinance.

7. Tree Ordinance

Petitioners shall comply with the provisions of the Charlotte Tree Ordinance.

8. Signs and Lighting

(a) A master signage and graphics system will be adopted and implemented throughout the Site.

(b) All signs placed on the Site shall be erected in accordance with the requirements of the Ordinance.

(c) Uniform street and pedestrian lighting systems will be designed and employed throughout the Site.

(d) The maximum height of light poles, (including their bases) within parking areas may not exceed 42 feet. All outdoor light fixtures will be capped so as to reduce illumination of the night sky.

(e) Pedestrian scale lighting fixtures having the character generally depicted on Sheet RZ-5 will be installed along sidewalks within the areas generally depicted on the Pedestrian Circulation Plan.

(f) Any lighting fixture attached to a building shall be downwardly directed.

(g) All outdoor lighting fixtures erected within the Site (except street lights which may be erected along realigned Galleria Boulevard, Sardis Road North or Sardis Crossing Drive) will be designed such that direct illumination does not extend beyond the outermost boundary of the Galleria Village development as a whole. Consideration will be given to the impact of lighting both within and without the perimeter of the Site. Items for consideration will include intensity, cutoff angles, color, energy efficiency and shielding of sources of light, the intent being to eliminate glare towards adjacent streets and properties.

(h) If a gasoline dispensing facility is placed on Building Area 5, the foot candles of the outside lighting fixtures may not exceed 10.

The Petitioners reserve the right to develop the residential units as a part of a larger residential or mixed use community involving adjoining off-site property by way of the Administrative Site Plan Amendment process established under the Ordinance

9. Storm Water Management

Petitioners will cause to be designed and implemented a drainage and storm water management plan for the Site. Storm water management will be in accordance with City of Charlotte Engineering Standards. Surface level storm water detention shall not be located in the building setbacks. Based on the preliminary review of the Site and contemplated development by Storm Water Services, no significant downstream impacts due to increased drainage are foreseen due to the rezoning suppg of this parcel. Petitioner agrees, however, if requested by Storm Water Services during the permitting stage of the development, to provide an engineering review, completed by a professional engineer licensed in North Carolina, of the drainage system located directly downstream (the Alltel and Family Dollar properties) from the Site to ensure that such system is not taken out of standard due to the development contemplated by this rezoning as submitted at the permitting stage of the development. If such review indicates that the proposed development will cause such drainage system located directly downstream to be taken out of standard, the Petitioner shall provide adequate detention on Site or otherwise take such reasonable steps as may be needed to avoid this from occurring.

10. Fire Protection

Adequate fire protection in the form of fire hydrants will be provided to the Fire Marshall's specifications. Plans for each building will be submitted in the Fire Marshall's office for approval before the construction of that building commences.

11. Vacancy Mitigation Procedures for Building Area 5

In the event the building to be constructed in Building Area 5 should at any time or times after its initial occupation, be vacated by any occupant, the Owner thereof shall implement the following building vacancy mitigation procedures:

(a) The exterior of the building, associated parking lot, outside lighting, landscaping and irrigation system shall continue to be operated, maintained, secured, repaired or replaced in the same manner as when the building was occupied.

(b) All exterior business signs shall be removed and exterior building surfaces shall be repaired and repainted to provide a neat appearance within 30 days after the property becomes vacant.

(c) Trash and litter shall be removed on a regular basis at least once a week.

(d) Should the building be vacated by any occupant for a period longer than 6 months for any reason other than fire or some other casualty, then the owner or occupant of the building shall thereafter implement with reasonable dispatch commercially reasonable efforts which are designed to cause the building to be reoccupied and devoted to any uses permitted in the CC District, including retail or non-retail uses or any combination thereof. The owner/occupant of the building may not impose anti-competitive covenants or restrictions with respect to the future commercial use of the building by deed or contract, the intent being to insure that the building could be occupied and used by a business which was similar to the business being conducted by the former occupant that vacated the building.

(e) If at some future time the owner of Building Area 5 elects to demolish the building(s) within that area, the Planning Commission's Staff may approve an amendment to the Technical Data Sheet which would accommodate more buildings than the present Technical Data Sheet allows within that building area through an Administrative Site Plan amendment, subject, however, to the square footage limitations and use limitations set forth under Note 2 above.

12. Phasing

The retail shops within Building Area 2 must be constructed contemporaneously with the construction of the building to be constructed within Building Area 5.

13. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then owner or owners of the particular building area or areas within the Site involved in accordance with Chapter 6 of the Ordinance.

14. Binding Effect of the Rezoning Documents and Definitions

(a) If the Petitioners' Rezoning Petition is approved, the development program established under these Development Standards, the Technical Data Sheet and other supportive documents shall, unless amended in thier suppe manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest and assigns.

(b) Throughout these Development Standards, the terms, "Petitioners" and "Owners," shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners or the current owner or owners of the particular Building Area within the Site which may be involved in any future use or development.

GALLERIA EXPANSION

**DEVELOPMENT
STANDARDS**

**FEBRUARY 25, 2002
(REVISED AUGUST 16, 2002)
(REVISED OCTOBER 17, 2002)**

SHEET RZ-7

FOR PUBLIC HEARING

PETTION NO. 2002-58

APPROVED BY CITY COUNCIL

10/27/02



**Kimley-Horn
and Associates, Inc.**

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