GRANDE PROMENADE MIXED-USE VILLAGE DEVELOPMENT STANDARDS
June 22, 2001
Revised: September 13, 2001

1. **GENERAL PROVISIONS**

1.1 This rezoning petition relates to (a) that certain approximately 14.6 acre parcel, formerly known as the Mecklenburg County Incinerator property, and shown as Promenade Village Phase II on the Technical Data Sheet (referred to herein as "Promenade Village Phase II" or the "Site") and (b) that certain approximately 5.2080 acre parcel, known as Phase 1 of Grande Promenade Village, located adjacent to the Site and consisting of an existing mixed use retail/office development (hereinafter referred to as the "Phase 1 Site"). The Phase 1 Site is currently zoned B-1(CD) pursuant to Rezoning Petition No. 99-98 submitted by the Ghazi/Comelson Group as "Westwind Corners" (the "Phase 1 Petition No. 99-98"). The Site shall be developed in a manner so as to complement the improvements located on the Phase 1 Site. The Phase 1 Site is included in this Rezoning Petition for the sole purpose of (i) adding 5,000 additional square feet of permitted retail/office building square footage to the gross area for all buildings on the Phase 1 Site and (ii) modifying certain standards and limitations on signage located on the Phase 1 Site, all in the manner set forth in this petition. Except as modified or amended by this Rezoning Petition, the uses, conditions and restrictions set forth in the existing Phase 1 Petition No. 99-98 for the Phase 1 Site shall remain valid and binding in all respects.

1.2 Unless more stringent standards are established by the Technical Data Sheet or these Development Standards, all development standards established under the Zoning Ordinance (the "Ordinance") for the Mixed Use Development District (Optional) "MUDD-O" classification shall be followed with respect to the Site. As stated, except as expressly set forth in this Technical Data Sheet (including these Development Standards), the development standards for the Phase 1 Site shall be as set forth in the existing Phase 1 Petition No. 99-98 regarding the Phase 1 Site.

2. **STATEMENTS WITH RESPECT TO THE GRAPHICS WHICH ARE SET FORTH ON EXHIBITS ACCOMPANYING THE TECHNICAL DATA SHEET**

The ultimate layouts of the development proposed for each component of the Site and the parcels or lots forming parts thereof, the exact alignments of streets, thoroughfares and points of access, the configurations and placements of parking areas and the precise locations, heights and masses of buildings and parking decks to be constructed have not been determined. As a consequence, the graphics which accompany the Technical Data Sheet are schematic in nature and are not to be considered as specific site development plans but rather as preliminary graphic representations of the types and quality of development proposed for each component.

3. **PERMITTED USES AND BUILDING AREA RESTRICTIONS**

3.1 This proposal is intended to accommodate the development of retail/ restaurant, office, hotel and residential uses which will be interconnected with open space, pedestrian and vehicular linkages and will be interconnected to the Phase 1 Site (i.e. the existing Grande Promenade Phase 1).

3.2 The Site may be devoted to any of the following uses:

- Up to 675,000 square feet of retail/restaurant and office space (400,000 square feet of which must be devoted to uses other than retail and restaurants, subject, however, to the conversion rights reserved below;
- Up to 500 residential units, subject, however, to the conversion rights reserved below;
- Up to 200 hotel rooms, subject, however, to the conversion rights reserved below; and
- Associated surface and structured parking spaces.

The right is reserved to convert hotel rooms into additional residential units at the rate of one residential unit for each hotel room so converted.

The right is further reserved to increase the authorized number of residential units by up to 200 additional units if all residential conversion options are exercised) by converting authorized retail/restaurant and office area to residential units at the rate of one residential unit for each 500 square feet of retail/restaurant and office area so converted.

3.3. No single retail tenant on the Site shall occupy more than 50,000 square feet of space per floor.

3.4. The Phase 1 Site may be devoted to any of the uses set forth in the section of the Development Standards for the Phase 1 Petition No. 99-98 entitled "Permitted Uses." Notwithstanding anything to the contrary contained in the Phase 1 Petition No. 99-98 (including without limitation item (b) under "Permitted Uses") the gross floor area of all buildings constructed on the Phase 1 Site cannot exceed 94,500 square feet (e.g. an increase of 5,000 square feet above the original approved square footage of 89,500 square feet).

4. **ACCESS POINTS**

The total number of ingress/egress points to East W. T. Harris Boulevard, McCullough Drive Extension and Ken Hoffman Drive Extension from the Site shall be limited to the number shown on the Technical Data Sheet. The exact locations may vary somewhat from those depicted based upon final design and location requirements as regulated by CDOT and, where applicable, NCDOT.

5. **INFRASTRUCTURE IMPROVEMENTS**

5.1. Petitioner shall provide for the construction of the portion of McCullough Drive Extension that is located within the Site, in the manner generally depicted on the Technical Data Sheet subject to minor modifications.

5.2. Petitioner shall provide for the construction of the portion of Ken Hoffman Drive Extension that is located within the Site in the manner generally depicted on the Technical Data Sheet, subject to minor modifications.

5.3. Petitioner shall provide for the installation of all turn lane improvements to East W. T. Harris Boulevard needed to provide proper ingress and egress to the Site, all as determined by the Petitioner's traffic analysis and as reasonably approved by CDOT. The configurations, ultimate locations and lengths of these improvements are subject to minor modifications required to accommodate final site and architectural construction plans and designs.

5.4. **Petitioner shall provide for the installation of an additional eastbound lane on W.T. Harris Boulevard to extend from the southerly margin of the intersection of W.T. Harris Boulevard with North Tryon Street (Hwy. 29) to the southerly boundary of the Site together with any necessary minor tapering just beyond the site boundary.**

5.5. Petitioner shall dedicate to NCDOT or CDOT (as the case may require) any new right-of-way which falls within the Site that may be needed for the improvements described under subparagraphs 5.1, 5.2, 5.3 and 5.4 above. Such dedications to NCDOT or CDOT (as the case may require) shall take place prior to the issuance of certificates of occupancy with respect to buildings located along such portions of the proposed public rights-of-way on which such buildings will front.

5.6. Petitioner shall release at no cost to the City of Charlotte the access easement that currently exists within the potential route of McCullough Drive Extension if and when McCullough Drive is extended to the border of the Site.

5.7. The intersection of McCullough Drive and Ken Hoffman Extensions will be designed in accordance with CDOT standards. The intersection may be designed as a standard "T" intersection or as a traffic circle and the design shall accommodate transit vehicles.

5.8. Petitioner shall make provisions for a transit stop within the Site if permitted by the Charlotte Area Transit System.

6. **SETBACK, SIDE YARDS AND REAR YARDS**

6.1. All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard dimensions established under the Ordinance for the Mixed Use Development District. However, building setbacks along public streets will exceed the minimum MUDD setback and dimension 14 feet from the curb to accommodate City Tree Ordinance requirements.

6.2. The setback provided along the Site's frontage on East W. T. Harris Boulevard shall be 50 feet in width. Landscaping within the East W. T. Harris Boulevard setback shall conform to the City of Charlotte Tree Ordinances. Landscaping within the East W. T. Harris Boulevard setback for the Site shall include a double row of maturing trees, which may be staggered or grouped. Project design elements may be located within the setback along Harris Boulevard. Such elements may include water features, outdoor dining, dining umbrellas and furniture, architectural monuments, decorative lighting, overhead trellises, sidewalks, landscape pavers, and other such items.

7. **SCREENING, LANDSCAPING, AND OPEN SPACE AREAS**

7.1. Screening will conform to the applicable standards of Section 12.303 of the Ordinance.

7.2. Landscaping along the Site's frontage on East W. T Harris Boulevard shall include a double row of maturing trees, which may be staggered or grouped. Landscaping shall meet or exceed the requirements of the Ordinance and the City of Charlotte Tree Ordinance. Landscaping provided along the rights-of-ways associated with East W. T Harris Boulevard, Ken Hoffman Drive Extension and McCullough Drive Extension on the Site shall also conform to the City of Charlotte Tree Ordinance.

7.3. The urban open space requirements for the Site established and defined under Section 9.8506(4) of the Ordinance will be satisfied or exceeded.

7.4. Any portion of the Storm Water Management Area located on the Site within the setback along East W. T Harris Boulevard shall be maintained as a wet pond area.

8. **SIDEWALK / PEDESTRIAN ACCESS**

Petitioner agrees to construct a walkway/pedestrian promenade including a 6-foot sidewalk and 8-foot planting strip along both sides of all public streets within the Site. In addition, the Petitioner agrees to provide internal and external pedestrian accesses between and among the various building elements on the Site by means of a network of pedestrian pathways and plazas so as to create a pedestrian friendly environment. Pedestrian connection will be made to the Phase 1 Site (i.e. Phase I of Grande Promenade).

9. **PARKING**

9.1. Off street parking for the Site will meet or exceed the minimum standards established under the Ordinance.

9.2. Petitioner shall provide bicycle racks within the shopping center on the Site.

9.3. On-street parking for the Site may be provided along McCullough Drive and Ken Hoffman Drive Extensions subject to approval by CDOT.

10. **LIGHTING**

All freestanding streetscape lighting fixtures installed within the Site will be uniform in design. The maximum height of any freestanding lighting fixture, including its base, shall not exceed 30 feet in height. No wall-pak lighting will be permitted on site.

11. **ARCHITECTURAL CONTROLS**

11.1. The intersection of McCullough Drive and Ken Hoffman Extensions will receive special design consideration. The intersection may be designed as a standard "T" or as a traffic circle, subject to the reasonable approval of CDOT based upon appropriate engineering standards that recognize the urban project design for the Site. (See Note 5.6 above).

11.2. The area surrounding the intersection of McCullough Drive and Ken Hoffman Extensions will be designed in a manner that supports pedestrian movement. Parking on the Site shall be located behind the portions of the building edges that encircle the intersection of McCullough Drive and Ken Hoffman Drive Extensions in a manner substantially similar to that depicted on Sheet RZ 2 of the Technical Data Sheet.

11.3. There shall be no parking in the area within the Site located between the right-of-way of East W. T. Harris Boulevard and the buildings located along East W. T Harris Boulevard.

11.4. Buildings located within the Site will be designed in a manner substantially similar to the building/elevations depicted on Conceptual Imagery RZ-2 or similar to Phase I of Grande Promenade. Buildings shall be constructed of stucco, synthetic stucco, stone, brick, concrete block with stucco veneer or any other architectural materials. No aluminum siding will be used on any buildings located within the Site.

12. **OPTIONAL PROVISIONS**

The Petitioner is requesting a variation from certain MUDD standards as a part of this MUDD (Optional) application for the Site. Those Optional variations are as follows:

12.1. Building Height. In order to accommodate a development with a variety of uses and at a scale that is supportive of goals for transit in the area, building heights for buildings on the Site may exceed the 120 foot maximum outlined in the MUDD ordinance **up to a maximum height of 140 feet** upon a determination by the Metropolitan Transit Commission (or successor body, the "MTC") or the Director of the Charlotte Area Transit System ("CATS") (to the extent that the MTC does not so determine) that either one of the primary transit lines associated with the Northeast Transit Corridor or one of the transit stations associated with the Northeast Transit Corridor will be located within one-fourth (¼) of a mile of the Site. It is understood that the determination by the MTC or the Director of the CATS, as applicable, shall take place after completion of the ongoing Major Investment Study of the Northeast Transit Corridor and with respect to the location of the transit station completion of applicable project engineering associated with the Major Investment Study. Until the applicable determinations by the MTC or the Director of CATS, as described above, buildings on the Site shall be limited to a height of up to 120 feet.

12.2. Street Walls. A heavily landscaped 50 foot building and parking setback is being provided along the Site's frontage on East W. T. Harris Boulevard. The large setback continues the parkway atmosphere being created on East W. T. Harris Boulevard. As a result of the large setback and the interior orientation of the buildings to be located on the Site along East W. T. Harris Boulevard, building walls to be located on the Site along the East W. T. Harris Boulevard frontage will not strictly conform to the MUDD provisions regarding street walls. In some locations, expanses of solid walls may exceed 20 feet in length. However, walls along public street frontages on the Site will incorporate some of the following features including doors, windows, design elements, architecturally articulated facades, street furniture or other items designed to create visual interest. There shall also be a pedestrian connection into the shopping center from East W. T. Harris Boulevard.

12.3. Signage for the Site. A coordinated and well-designed signage system will be developed for the Site. Detached project and tenant identification signage may be installed on those architectural monuments located throughout the Site generally as depicted on Sheet RZ-2 of the Technical Data Sheet. The size and number of attached and detached signs shall be limited to that allowed for a shopping center as per Section 13.109(4) (b) and as modified by the Planned Development Flexibility Option in Section 13.110(2). In this regard, the size of the attached signage may cover 5% of the square footage for each building wall per tenant with space within such wall up to a maximum of 100 square feet. Detached signs shall not exceed 16 feet in height. The Petitioner reserves the right to pursue a variance from the City of Charlotte Zoning Board of Adjustment to allow for architectural monument sign #9 as generally depicted on Sheet RZ-2 of the Technical Data Sheet. The design of the Architectural Monument Signs shall be substantially similar to the elevations and plans set forth on RZ-2.

13. **SIGNAGE AMENDMENT TO PHASE I PETITION NO. 99-98**

Petitioner desires to install detached project and tenant identification signage on that certain architectural monument located on the Phase I Site in the area identified as architectural monument #2 on Sheet RZ-2 on the Technical Data Sheet, such signage to support the development to be located on the Site and the existing development located on the Phase I Site, as applicable and to be in addition to the signage permitted for the Phase I Site under the existing Phase I Petition No. 99-98. Accordingly, Petitioner hereby seeks either (i) the right to pursue a variance from the City of Charlotte Zoning Board of Adjustment to allow for the architectural monument sign #2 as generally depicted on Sheet RZ-2 of the Technical Data Sheet or (ii) a site plan amendment to the Phase I Petition No. 99-98 to permit said architectural monument sign #2, in addition to the existing detached sign currently permitted under the Phase I Petition No. 99-98, provided that any such signage shall not exceed a maximum size of 150 square feet nor a maximum height of 16 feet. It is understood that this Petition shall serve as a site plan amendment to the Phase I Petition No. 99-98 with respect to the signage limitations set forth therein.

14. **PLAN REVIEW**

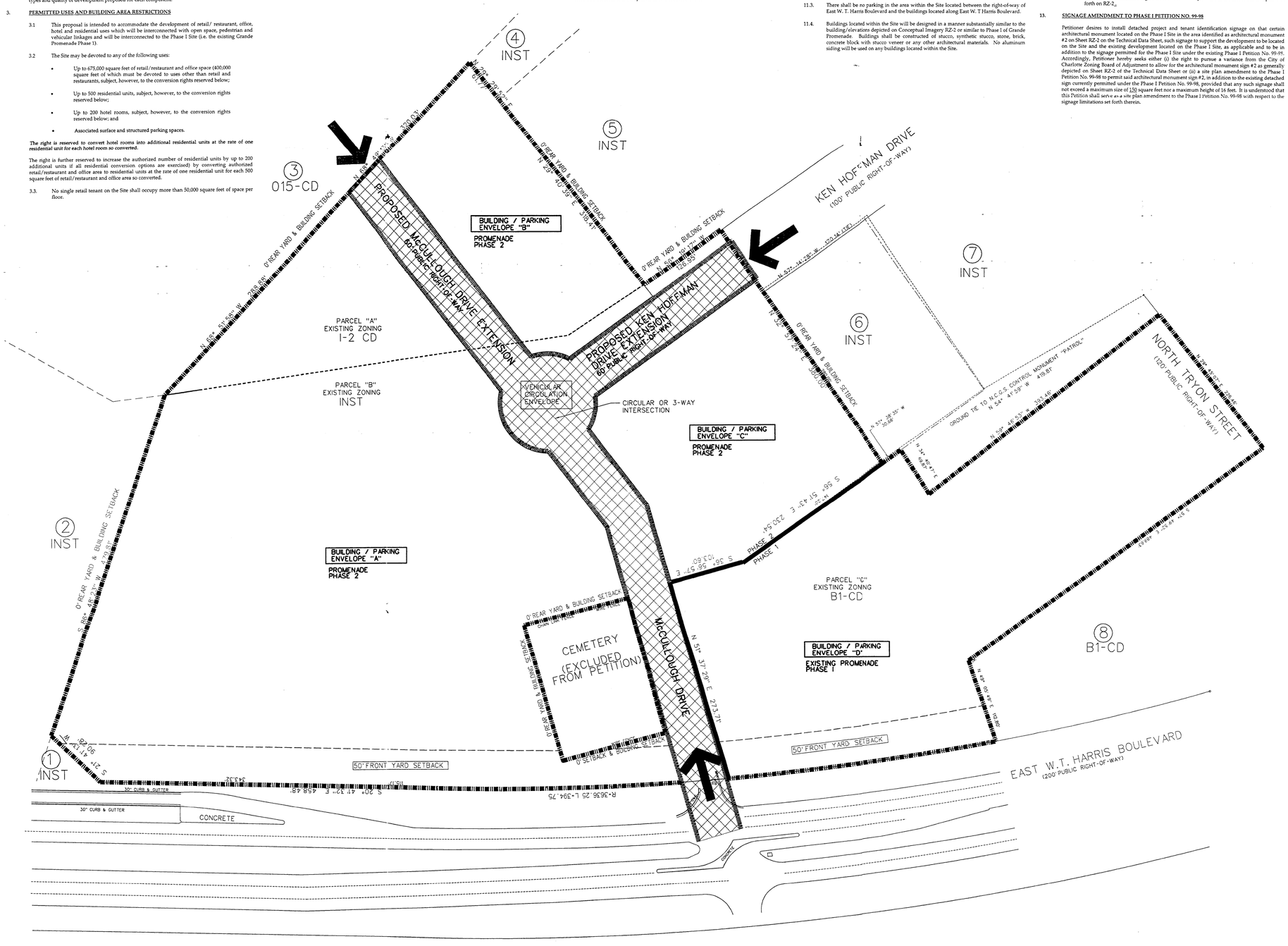
All development shall satisfy the requirements for plan review imposed by Section 9.8506(5) of the Ordinance.

15. **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 parcel or parcels involved in accordance with the Ordinance.

16. **BINDING EFFECT.**

- If this Rezoning Petition is approved, the development program established under these Development Standards and the Technical Data Sheet (and with respect to the Phase 1 Site those set forth in the Phase 1 Petition No. 99-98) shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the owners (from time to time) and their respective heirs, devisees, personal representatives, successors in interest and assigns.
- Throughout this Rezoning Petition, the terms "Petitioner", "Owner" or "Owners," shall, with respect to each parcel within the Site, be deemed to include the heirs, devises, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.



SITE PLAN | 1" = 60' | 01

SITE DATA: AMENDED JUNE 22, 2001

REZONING PETITION NUMBER: **01-079**

GRANDE PROMENADE MIXED-USE VILLAGE
PARCELS "A" & "B"

REZONING SITE DATA:

ACREAGE	PARCEL "A" 2.97 ACRES PARCEL "B" 11.63 ACRES
TOTAL ACREAGE	14.6 ACRES
EXISTING ZONING	PARCEL "A" -I-2(CD) PARCEL "B" -INST
PROPOSED ZONING	MUDD-O
PROPOSED USES	MIXED-USE RETAIL/RESTAURANTS OFFICE/HOTEL RESIDENTIAL
BUILDING LIMITATIONS	675,000 SF

SITE PLAN AMENDMENT (PHASE 1)
PARCEL "C"

SITE DATA:	
TOTAL ACREAGE	5 ACRES
EXISTING ZONING	B-1(CD)
PROPOSED ZONING	B-1(CD) Site Plan Amendment
PROPOSED USES	MIXED-USE RETAIL/RESTAURANTS OFFICE/HOTEL RESIDENTIAL
BUILDING LIMITATIONS	89,500 SF approved by RP# 99-98 5,000 SF addition requested

ADJACENT PROPERTY OWNERS

1. A. UNIVERSITY OF NORTH CAROLINA
B. CAROLINA AT CHARLOTTE
UNCC STATION
CHARLOTTE, NC 28213
PARCEL ID- 04933603

2. STATE OF NORTH CAROLINA
PO BOX 629
RALEIGH, NC 27602
PARCEL ID- 04930123A

3. A. CHARLOTTE - LAKESIDE HOTEL
B. LTD PARTNERSHIP
1407 UNION AVENUE, SUITE 400
MEMPHIS, TN 38104.3616
PARCEL ID- 04933102

4. A. GYMNASIUM ASSOCIATES, LLC
B. DIANE BRACKETT CO, INC.
130 S. SHARON AMITY RD., SUITE 210
CHARLOTTE, NC 282112842
PARCEL ID- 04933130

5. SOUTHERN BELL TELEPHONE & TELEGRAPH
PO BOX 2211
ATLANTA, GA 303012211
PARCEL ID- 04933101

6. CITY OF CHARLOTTE
600 E. FOURTH ST.
CHARLOTTE, NC 28202
PARCEL ID- 04933602

7. MECKLENBURG COUNTY
600 E. FOURTH ST. FLOOR II
CHARLOTTE, NC 28202-2816
PARCEL ID 04933601 A

8. EIGHTY SIX HUNDRED ASSOC LP
300 WILMONT RD.
DEERFIELD, IL 60015 4600
PARCEL ID 04933606

APPROVED BY CITY COUNCIL
DATE 9/17/01

120 60 0 60 120
Scale in Feet
1"=60'

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Land Planners
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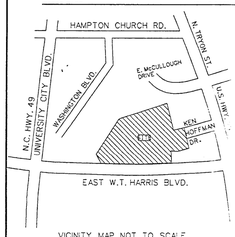

VICINITY MAP NOT TO SCALE

PROMENADE VILLAGE PHASE II

THE GHAZI COMPANY

Project Number: 01011.01
Created By:
Issue Date: 21 MAY 2001
Revisions: 23 MAY 2001
22 JUNE 2001
04 SEPT 2001
13 SEPT 2001

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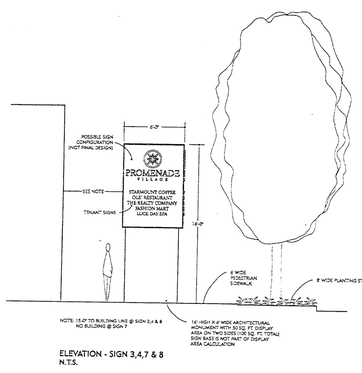
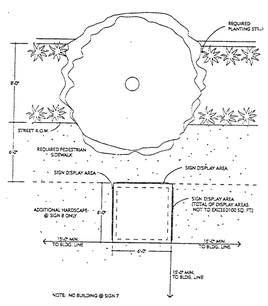
REZONING PETITION
No. 01-079

TECHNICAL DATA SHEET
RZ-1

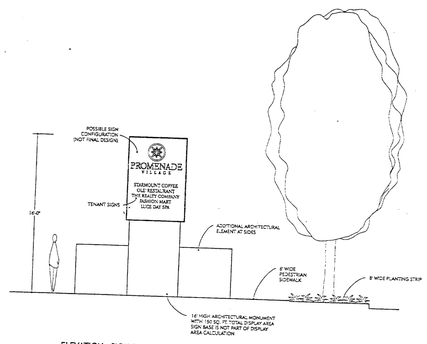
SHEET NUMBER



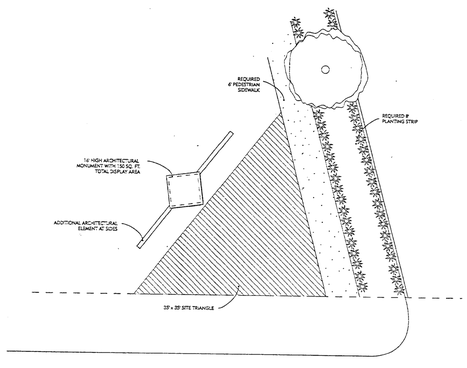
ELEVATION - SIGN 3,4,7 & 8
N.T.S.



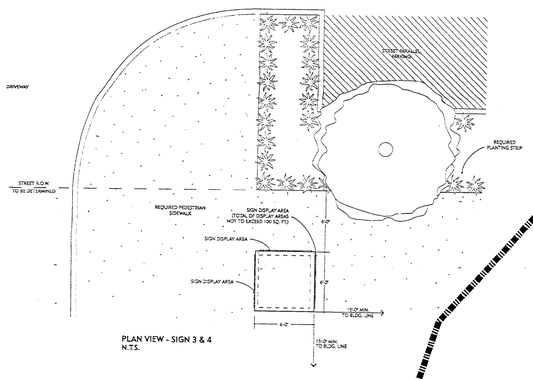
PLAN VIEW - SIGN 7 & 8
N.T.S.



ELEVATION - SIGN 1 & 2
N.T.S.



PLAN VIEW - SIGN 1 & 2
N.T.S.



PLAN VIEW - SIGN 3 & 4
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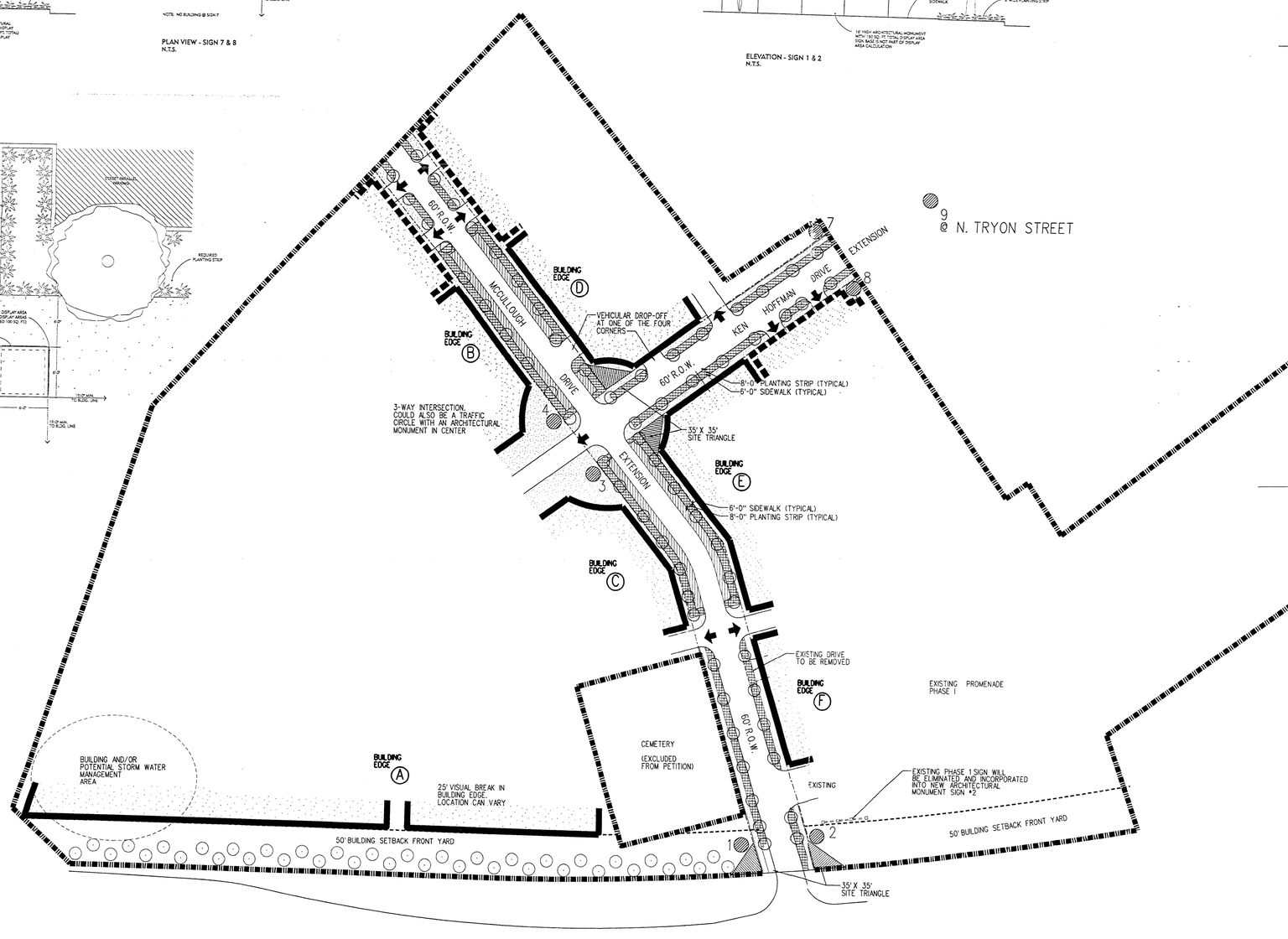

LEGEND:
- BUILDING EDGE
- CURB CUT ENTRY
- ARCHITECTURAL MONUMENT, APPROX. LOCATION
- STREET PARALLEL PARKING
- PARKING DECK EDGE
- REQUIRED STREET TREES
- PEDESTRIAN CIRCULATION
- 8' WIDE PLANTING STRIP

NOTE: NO WALL-PAK LIGHTING WILL BE PERMITTED

120 60 0 60 120
Scale in Feet
1"=60'

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REZONING PETITION
No. 01-079

TECHNICAL DATA SHEET 2
RZ-2

SHEET NUMBER

SITE PLAN | 1" = 60' | 01