

LOWE'S- CENTRAL CHARLOTTE REZONING PETITION

PETITION NO: 2005-89

SOUTH BOULEVARD
CHARLOTTE, NORTH CAROLINA

DEVELOPER
Lowe's Companies, Inc.
P.O. Box 1111
North Wilkesboro, NC
800.445.6937

DEVELOPER
The Conformity Corporation
530 Oakland Ave.
Charlotte, NC 28204
704.334.5516

LANDSCAPE ARCHITECT
LandDesign, Inc.
223 North Graham St.
Charlotte, NC 28202
704.333.0325

CIVIL ENGINEER
Freeland-Kauffman
209 West Stone Ave.
Greenville, SC 29609
864.233.5497

ARCHITECT
Scott & Goble Architects
1437 S. Boulder Ave.
Suite 800
Tulsa, OK 74119-3609
918.587.8600

APPROVED BY CITY COUNCIL
DATE 10/19/05

SHEET INDEX:

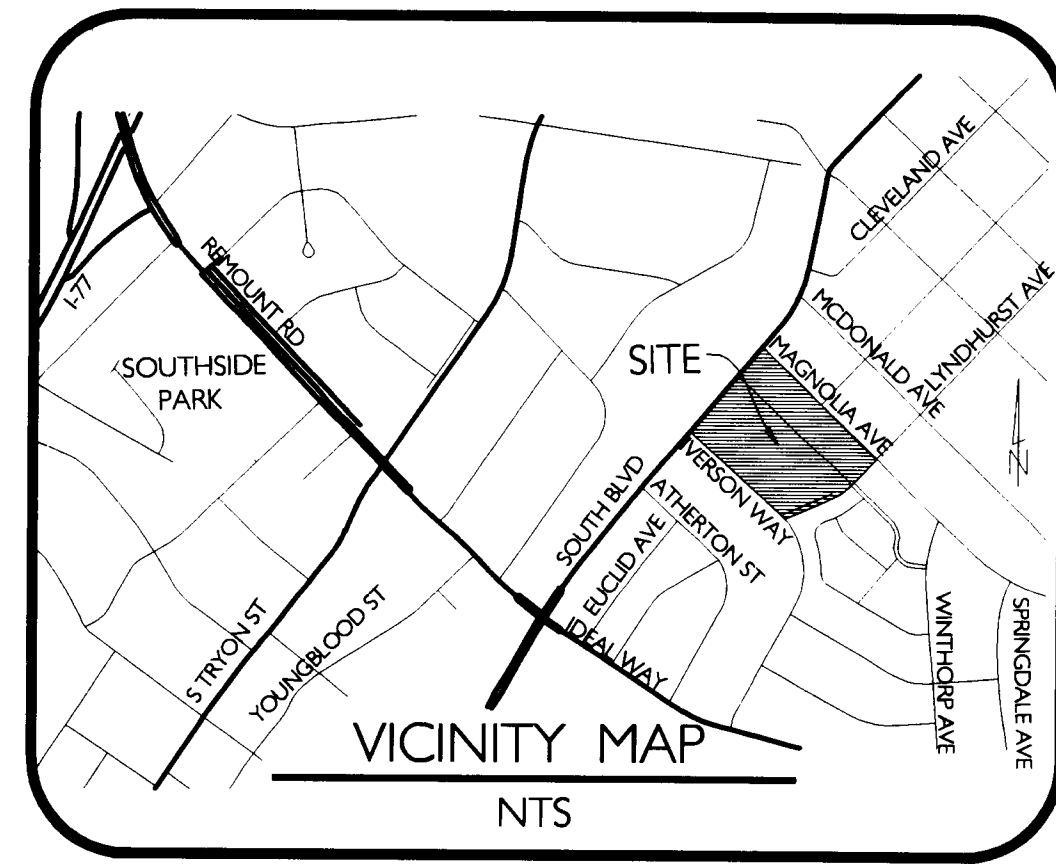
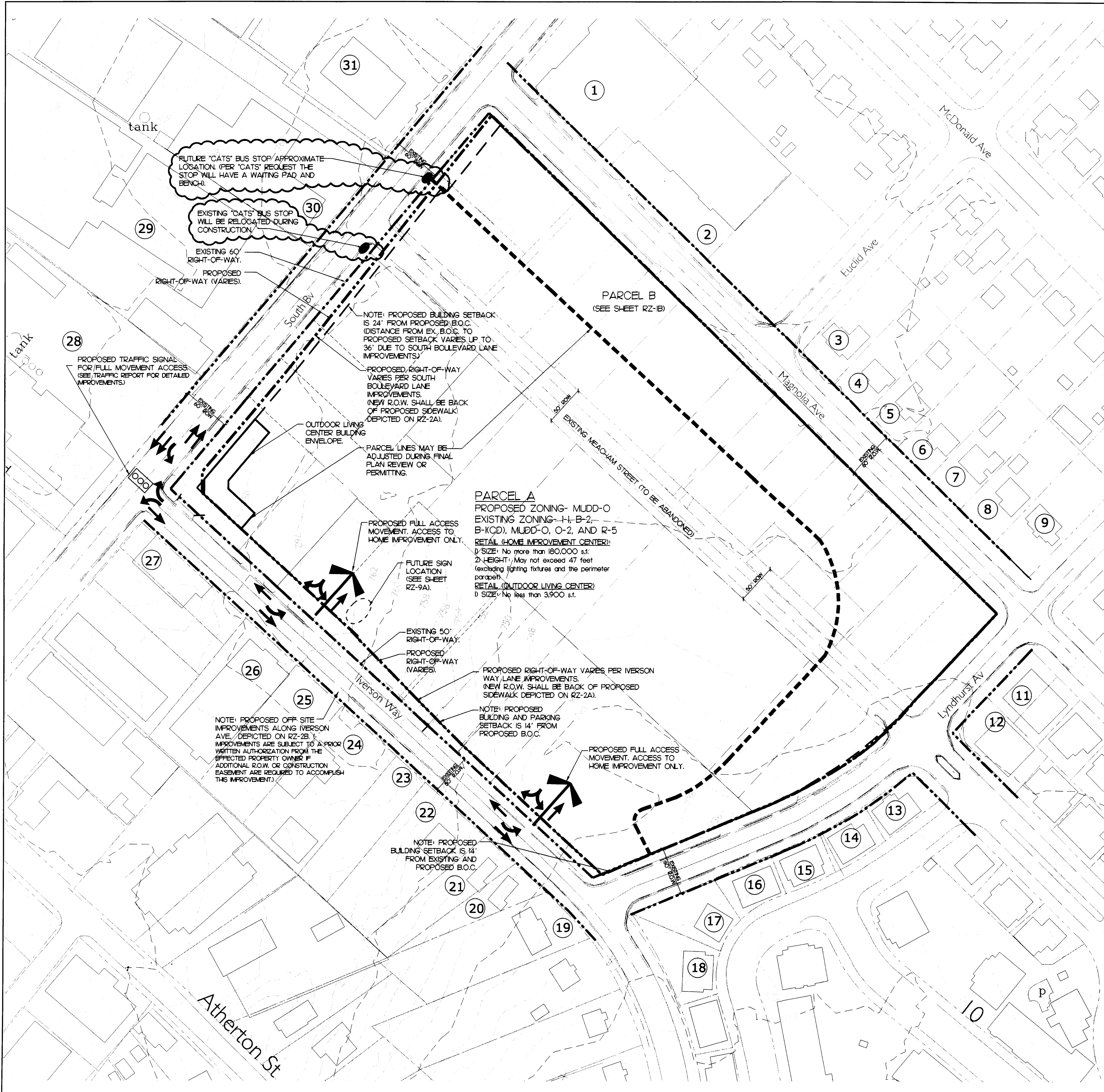
| | SUBMITTED | RESUBMITTED | RESUBMITTED | RESUBMITTED | RESUBMITTED |
|--|-----------|-------------|-------------|-------------|-------------|
| RZ-1A Home Improvement Center Component Parcel A Technical Data Sheet | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-1B Mixed Use Component Parcel B Technical Data Sheet | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-2A Home Improvement Center Component Parcel A Schematic Master Plan | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-2B Mixed Use Component Parcel B Schematic Master Plan | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-3 Development Standards | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-4 Bike and Pedestrian Plan | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-5 Rooftop Lighting and Photometrics Plan for Parcel A | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-6 Site Lighting and Photometrics Plan Parcel A | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-7 Street Sections and Details | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-8 Street Sections and Details | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-9 Sections through the Site | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-9A Elevations for Home Improvement Center Building on Parcel A | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-9B Conceptual Elevations for the Outdoor Living Center Building on Parcel A | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-9C Architectural Materials Board for Parcel A (Foam Board Attached) | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-10 Conceptual Rendering for the Mixed-Use Building on Parcel B | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-11 Conceptual Rendering for the Residential Buildings on Parcel B located on Lyndhurst Ave. and Magnolia Ave. east of Euclid Ave. | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-12 Conceptual Rendering for the Pedestrian Amenity on Parcel A at Iverson Way and Lyndurst Ave. | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |
| RZ-13 Conceptual Rendering for the Pedestrian Amenity on Parcel A at Iverson Way and Lyndurst Ave. | 05/10/05 | 06/17/05 | 08/19/05 | 09/19/05 | 10/13/05 |

ARCHITECT
Fulcrum Architecture
2108 South Blvd.
Suite 109
Charlotte, NC 28203
704.334.1716

TRANSPORTATION
Kubilins Transportation Grp.
800 West Hill Street
Suite 202
Charlotte, NC 28208
980.321.0202

TRANSPORTATION
Kimley-Horn and Associates
4601 Charlotte Park Dr.
Suite 300
Charlotte, NC 28217
704.333.5131

ZONING CONSULTANT
Kennedy, Covington, Lodbell,
and Hickman, LLP
Hearst Tower, 47th Floor
214 N. Tryon St.
Charlotte, NC 28202
704.331.7400



SITE TABULATION

TOTAL SITE ACREAGE: +/- 11.385 AC
 PROPOSED ZONING: MUDD-(O)

PARCEL A:

EXISTING ZONING: I-1, B-2, B-1 (CD),
 MUDD-O, O-2, AND R-5.
 PROPOSED ZONING: MUDD-(O)

PROPOSED USES:

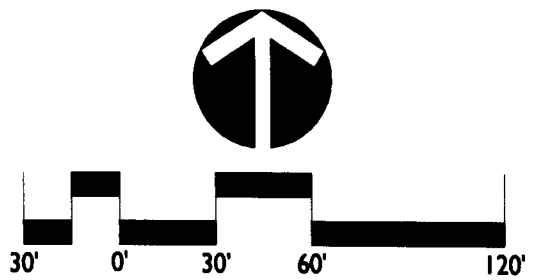
- A) RETAIL: HOME IMPROVEMENT CENTER
 - 1) SIZE: No more than 180,000 s.f.
 - 2) HEIGHT: May not exceed 47' as calculated from average grade.
- B) RETAIL: OUTDOOR LIVING CENTER
 - 1) SIZE: No less than 3,900 s.f.

REQUIRED PARKING: 220 SPACES
 PROVIDED PARKING: 501 SPACES

ADJACENT PROPERTY OWNERS

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--|---|--|---|--|---|--|--|---|---|---|---|--|--|---|---|--|---|--|---|---|---|--|---|--|--|---|---|---|---|---|
| 1) # 12106411 VILLAGE LLC CROSLAND- SOUTHEND AND CROSLAND COMMERCIAL 125 SCALEYBARK RD CHARLOTTE, NC 28209 DEED: 15392 PG 146 | 2) # 12106401 SOUTHEND PARTNERS LLC 700 GALLERIA PY #500 ATLANTA, GA 30339 DEED: 15549 PG 200 | 3) # 12106301 KENNY HUNT & IRENE HUNT & IRENE JACOBS 2219 WAWAHAW MARVIN RD WAXHAW, NC 28173 DEED: 15549 PG 275 | 4) # 12106302 JITENDRA JAIN & CHAULAJAIN 835 KNIGHTSBRIDGE FORT MILL, SC 29708 DEED: 16945 PG 367 | 5) # 12106303 ELEANOR D CORLEY 309 MAGNOLIA AVE CHARLOTTE, NC 28203 DEED: 04883 PG 303 | 6) # 12106304 ASH CORPORATION 290 MEACHAM ST STE 201 CHARLOTTE, NC 28203 DEED: 06447 PG 205 | 7) # 12106305 JOHN CALDWELL & STEGALL & WIFE BEATRICE B 317 MAGNOLIA AVE CHARLOTTE, NC 28203 DEED: 01654 PG 237 | 8) # 12106306 BETTY D SAWYER & ROBERT G 321 MAGNOLIA AVE CHARLOTTE, NC 28203 DEED: 08543 PG 515 | 9) # 12106307 CARTER NICOLE LAJUNT & (ET AL) ASH CORPORATION 290 MEACHAM ST STE #201 CHARLOTTE, NC 28203 DEED: 08699 PG 463 | 10) # 12107450 DEBORAH A FOSTER 2201 LYNHURST AVE CHARLOTTE, NC 28203 DEED: 07156 PG 253 | 11) # 12107451 RICHARD A THOMPSON & ROSE E THOMPSON 3321 CORNISH PL CHARLOTTE, NC 28210 DEED: 09329 PG 626 | 12) # 12107452 RICHARD A THOMPSON & ROSE E THOMPSON 3321 CORNISH PL CHARLOTTE, NC 28210 DEED: 08904 PG 597 | 13) # 12107453 RICHARD A THOMPSON & ROSE E THOMPSON 3321 CORNISH PL CHARLOTTE, NC 28210 DEED: 08904 PG 597 | 14) # 12107454 PHILIP A REFFANO & MARY REFFANO 404 OLNSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 10115 PG 804 | 15) # 12107455 STEPHEN DEUTSCH 400 OLNSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 17430 PG 905 | 16) # 12107456 ELIE M RUGGIE 216 MERSON WAY CHARLOTTE, NC 28203 DEED: 06665 PG 806 | 17) # 12107457 JOHN R HOLMVEYER 410 OLNSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 15904 PG 506 | 18) # 12107458 ADAM K CLINE 414 OLNSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 15544 PG 719 | 19) # 12107459 ADAM J HOWARD & SHAWN D HOWARD 418 OLNSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 16974 PG 791 | 20) # 12107460 MICHAEL MASCIA & STEPHANIE MASCIA 422 OLNSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 17409 PG 731 | 21) # 12107461 VALERIE V STRICKLAND & (ET AL) ASH CORPORATION 1118 CARTERSBROOK LN CHARLOTTE, NC 28217 DEED: 07099 PG 140 | 22) # 12107462 SOUTH BLVD PROPERTIES INC 1800 CAMDEN RD #109 CHARLOTTE, NC 28203 DEED: 03929 PG 626 | 23) # 12107463 RICHARD A THOMPSON & ROSE E THOMPSON 3321 CORNISH PL CHARLOTTE, NC 28210 DEED: 08904 PG 597 | 24) # 12107464 RICHARD A THOMPSON & ROSE E THOMPSON 3321 CORNISH PL CHARLOTTE, NC 28210 DEED: 08904 PG 597 | 25) # 12107465 MARVIN R KNIGHT & ELEANOR M KNIGHT 216 MERSON WAY CHARLOTTE, NC 28203 DEED: 06107 PG 766 | 26) # 12107466 NENY & GRADYS LLC & PAULA STATHAKIS 2005 ASHLAND AVE CHARLOTTE, NC 28205 DEED: 15565 PG 336 | 27) # 12107467 HALLYO LEASING LLC 2300 SOUTH BLVD CHARLOTTE, NC 28203 DEED: 16104 PG 140 | 28) # 12107468 SOUTHBLVD INVEST, LLC & FIRST AMERICAS PARTNERS LLC & ATTN COGUL CAPITAL PARTNERS 1775 BROADWAY ST #604 NEW YORK, NY 10019 DEED: 08564 PG 687 | 29) # 12107469 SOUTHBLVD INVEST, LLC & FIRST AMERICAS PARTNERS LLC & 1775 BROADWAY ST #604 NEW YORK, NY 10019 DEED: 08564 PG 687 | 30) # 12107470 SOUTH BLVD PROPERTIES INC 1800 CAMDEN RD #109 CHARLOTTE, NC 28203 DEED: 03929 PG 626 | 31) # 12107471 SOUTH BLVD PROPERTIES INC 1800 CAMDEN RD #109 CHARLOTTE, NC 28203 DEED: 03929 PG 626 | 32) # 12107472 SOUTH BLVD PROPERTIES INC 1800 CAMDEN RD #109 CHARLOTTE, NC 28203 DEED: 03929 PG 626 | 33) # 12107473 SOUTH BLVD PROPERTIES INC 1800 CAMDEN RD #109 CHARLOTTE, NC 28203 DEED: 03929 PG 626 |
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Home Improvement Center
 Component Parcel A
 Technical Data Sheet
 RZ-1A
 FOR PUBLIC HEARING
 PETITION NUMBER: 2005-89

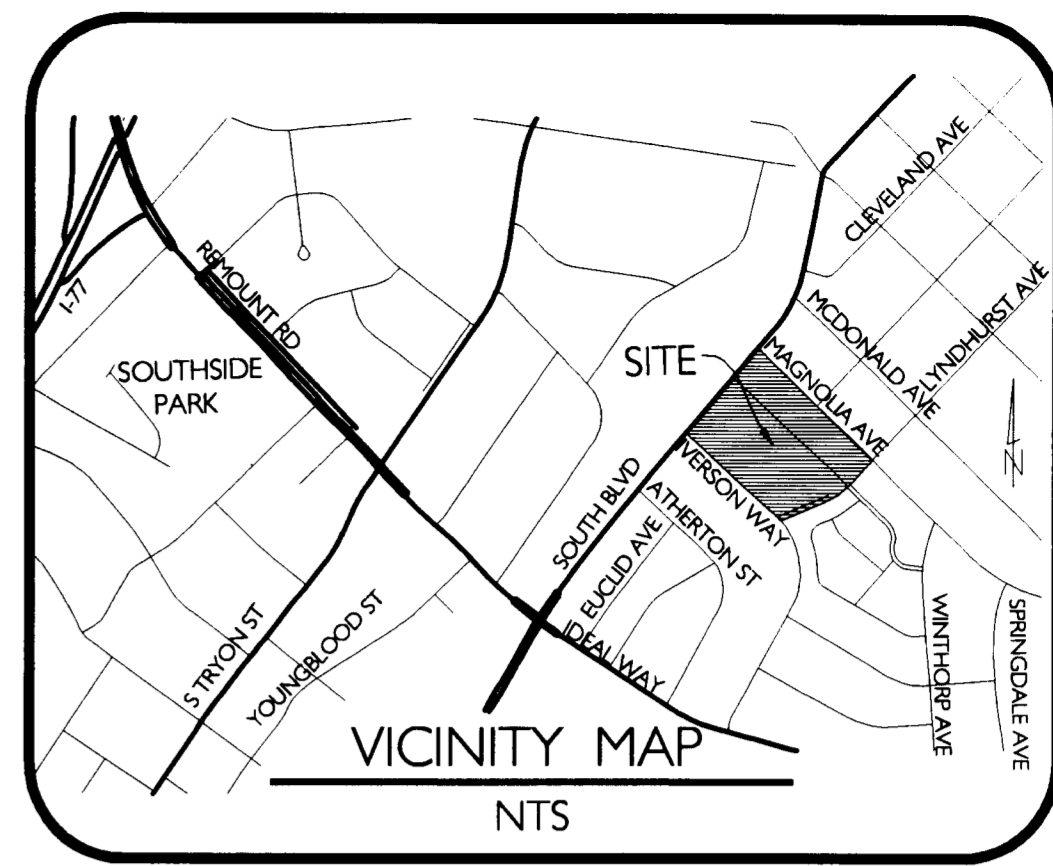
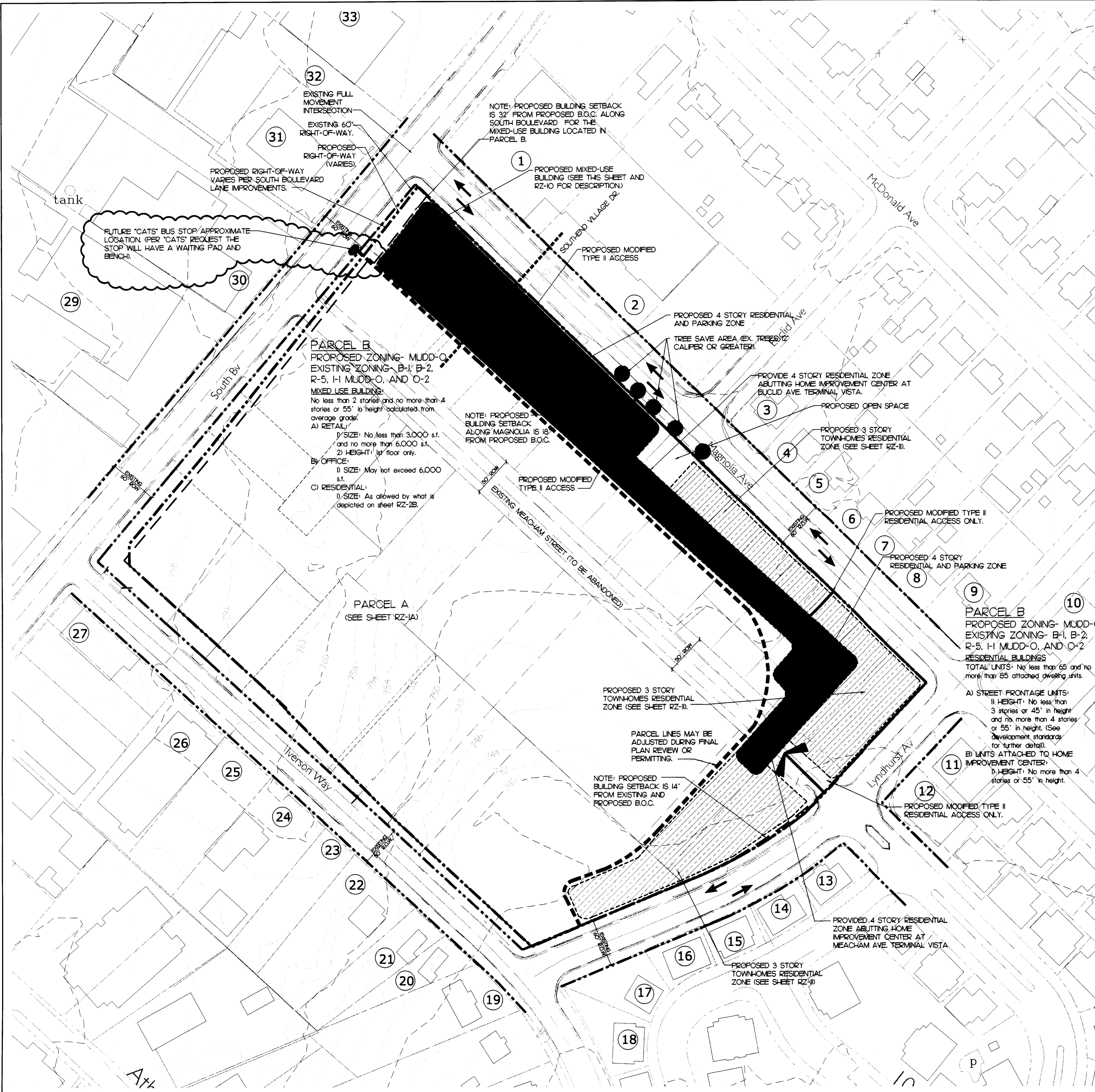


DATE: 03/10/05
 DESIGNED BY: RC
 DRAWN BY: AG
 CHECKED BY: RC
 O.C. BY: RZ/AG
 PROJECT #: 1004146
 SHEET #

LOWE'S- CENTRAL CHARLOTTE
 Charlotte, North Carolina
 Home Improvement Center Component
 Parcel A Technical Data Sheet.

LandDesign
 223 N Graham Street, Charlotte, NC 28202
 V: 704.333.0325 F: 704.332.3246
 www.LandDesign.com





SITE TABULATION

TOTAL SITE ACREAGE: +/- 11.39 AC
 PROPOSED ZONING: MUDD-(O)

PARCEL B:
 EXISTING ZONING: B-1, B-2, I-1 MUDD-O, O-2, AND R-5.
 PROPOSED ZONING: MUDD-O

PROPOSED USES:
 A) MIXED USE BUILDING USES:
 - OVERALL HEIGHT: May not exceed 4 stories or 55' in height as calculated from average grade.

1) RETAIL (FIRST FLOOR ONLY): No less than 3,000 s.f. and no more than 6,000 s.f.

2) OFFICE (2ND - 4TH FLOORS): No more than 6,000 s.f.

3) RESIDENTIAL (2ND - 4TH FLOORS): As allowed by sheet RZ-2B

REQUIRED RETAIL PARKING: No more than and no less than 1 space per 200 s.f.
 PROPOSED RETAIL PARKING: 1 space per 200 s.f.

REQUIRED OFFICE PARKING (If Any): No more than and no less than 1 space per 300 s.f.
 PROPOSED OFFICE PARKING (If Any): 1 space per 300 s.f.

B) RESIDENTIAL UNITS:
 - OVERALL UNITS: No less than 65 and no more than 85 attached dwelling units.

1) STREET FRONTAGE UNITS:
 a) No less than 3 stories or 45' as calculated from average grade and no more than 4 stories or 55' as calculated from average grade. (See Development Standards for further detail).

2) UNITS ABUTTING THE HOME IMPROVEMENT CENTER:
 a) May not exceed 4 stories or 55' in height from average grade.

REQUIRED PARKING: 1.5 spaces per unit
 PROVIDED PARKING: 1.6 space per unit.

ADJACENT PROPERTY OWNERS

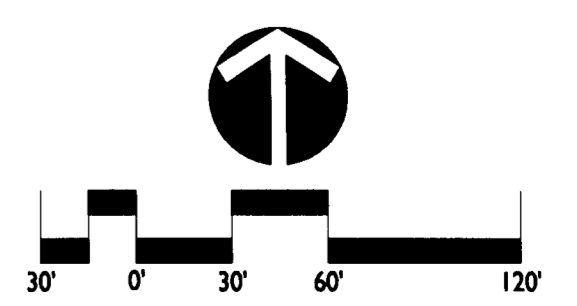
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| 1) # 1210611 VILLAGES CROSSLAND SOUTH END AND CROSLAND COMMERCIAL 125 SCALEYBARK RD CHARLOTTE, NC 28209 DEED: 15392 PG 146 | 2) # 1210640 SOUTH END PARTNERS LLC 700 GALLERIA PY #500 ATLANTA, GA 30339 DEED: 15549 PG 200 | 3) # 1210630 KENNY HUNT & IRENE HUNT & IRENE JACOBS 2219 WAWHAW MARVIN RD WAXHAW, NC 28173 DEED: 05428 PG 275 | 4) # 1210620 JENDRA JAIN & CHALUKA JAIN 835 KNIGHTSBRIDGE FORT MILL, SC 29708 DEED: 16945 PG 367 | 5) # 1210630 ELEANOR D CORLEY 309 MAGNOLIA AVE CHARLOTTE, NC 28203 DEED: 04883 PG 303 | 6) # 1210630 ADAM J HOWARD & SHAWN D HOWARD 418 OLMSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 06447 PG 205 | 7) # 1210630 JOHN CALDWELL & STEGALL & WIFE BEATRICE B 317 MAGNOLIA AVE CHARLOTTE, NC 28203 DEED: 01654 PG 237 | 8) # 1210630 BETTIE D SAWYER & ROBERT G 321 MAGNOLIA AVE CHARLOTTE, NC 28203 DEED: 08543 PG 515 | 9) # 1210630 CARTER NICOLE LALINT & (ET AL) 325 MAGNOLIA AVE CHARLOTTE, NC 28203 DEED: 12176 PG 300 | 10) # 1210950 JO FRANCES TAYLOR DUPONT 401 MAGNOLIA AVE CHARLOTTE, NC 28203 DEED: 09024 PG 875 | 11) # 1210719 DEBORAH A FOSTER 2201 LYNCHBURST AVE CHARLOTTE, NC 28203 DEED: 07156 PG 253 | 12) # 1210717 KEVIN J UNDERWOOD & CHRISTINA L DEBARY 401 MEACHAM ST CHARLOTTE, NC 28203 DEED: 09364 PG 527 | 13) # 1210735 STEPHEN DEUTSCH 400 OLMSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 17430 PG 905 | 14) # 1210734 PHILIP A REFFANO & HARRY REFFANO & ELLE M REFFANT 404 OLMSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 10115 PG 804 | 15) # 1210733 JOHN R HOLMETER 400 OLMSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 15904 PG 506 | 16) # 1210732 ADAM K CLINE 414 OLMSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 11544 PG 719 | 17) # 1210732 ADAM J HOWARD & SHAWN D HOWARD 418 OLMSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 16974 PG 791 | 18) # 1210730 MICHAEL MASCOIA & STEPHANIE MASCOIA 422 OLMSTEAD PARK PL CHARLOTTE, NC 28203 DEED: 17409 PG 731 | 19) # 1210748 VALERIE V STRICKLAND & (ET AL) 1118 CARYSBROOK LN CHARLOTTE, NC 28217 DEED: 07099 PG 160 | 20) # 1210749 JASH CORPORATION 290 MEACHAM ST ST #201 CHARLOTTE, NC 28203 DEED: 08699 PG 463 | 21) # 12107450 RICHARD A THOMPSON & ROSE E THOMPSON 3321 CORNHILL CHARLOTTE, NC 28210 DEED: 08904 PG 597 | 22) # 12107451 RICHARD A THOMPSON & ROSE E THOMPSON 3321 CORNHILL CHARLOTTE, NC 28210 DEED: 08904 PG 597 | 23) # 1210752 RICHARD A THOMPSON & ROSE E THOMPSON 3321 CORNHILL CHARLOTTE, NC 28210 DEED: 08904 PG 597 | 24) # 12107453 RICHARD A THOMPSON & ROSE E THOMPSON 3321 CORNHILL CHARLOTTE, NC 28210 DEED: 08904 PG 597 | 25) # 12107454 MARVIN R KNIGHT & ELEANOR M KNIGHT 216 VERNON WAY CHARLOTTE, NC 28203 DEED: 06665 PG 806 | 26) # 12107455 MARVIN R KNIGHT & ELEANOR M KNIGHT 216 VERNON WAY CHARLOTTE, NC 28203 DEED: 06107 PG 766 | 27) # 12107401 ANDY & GRACE'S LLC & PAULA STATHANIS 2005 ASHLAND AVE CHARLOTTE, NC 28205 DEED: 15565 PG 336 | 28) # 12103103 PALLOU LEASING LLC 2300 SOUTH BLVD CHARLOTTE, NC 28203 DEED: 16104 PG 140 | 29) # 12103104 SOUTHSIDE INVEST, LLC & FIRST AMERICAS PARTNERS LLC & ATTN COGUA CAPITAL PARTNERS 1775 BROADWAY ST #604 NEW YORK, NY 10019 DEED: 08564 PG 687 | 30) # 12103105 SOUTHSIDE INVEST, LLC & FIRST AMERICAS PARTNERS LLC 1775 BROADWAY ST #604 NEW YORK, NY 10019 DEED: 08564 PG 687 | 31) # 12103106 SOUTH BLVD PROPERTIES INC 1800 CAMDEN RD #109 CHARLOTTE, NC 28203 DEED: 03929 PG 626 | 32) # 12103107 SOUTH BLVD PROPERTIES INC 1800 CAMDEN RD #109 CHARLOTTE, NC 28203 DEED: 03929 PG 626 | 33) # 12103118 SOUTH BLVD PROPERTIES INC 1800 CAMDEN RD #109 CHARLOTTE, NC 28203 DEED: 03929 PG 626 |
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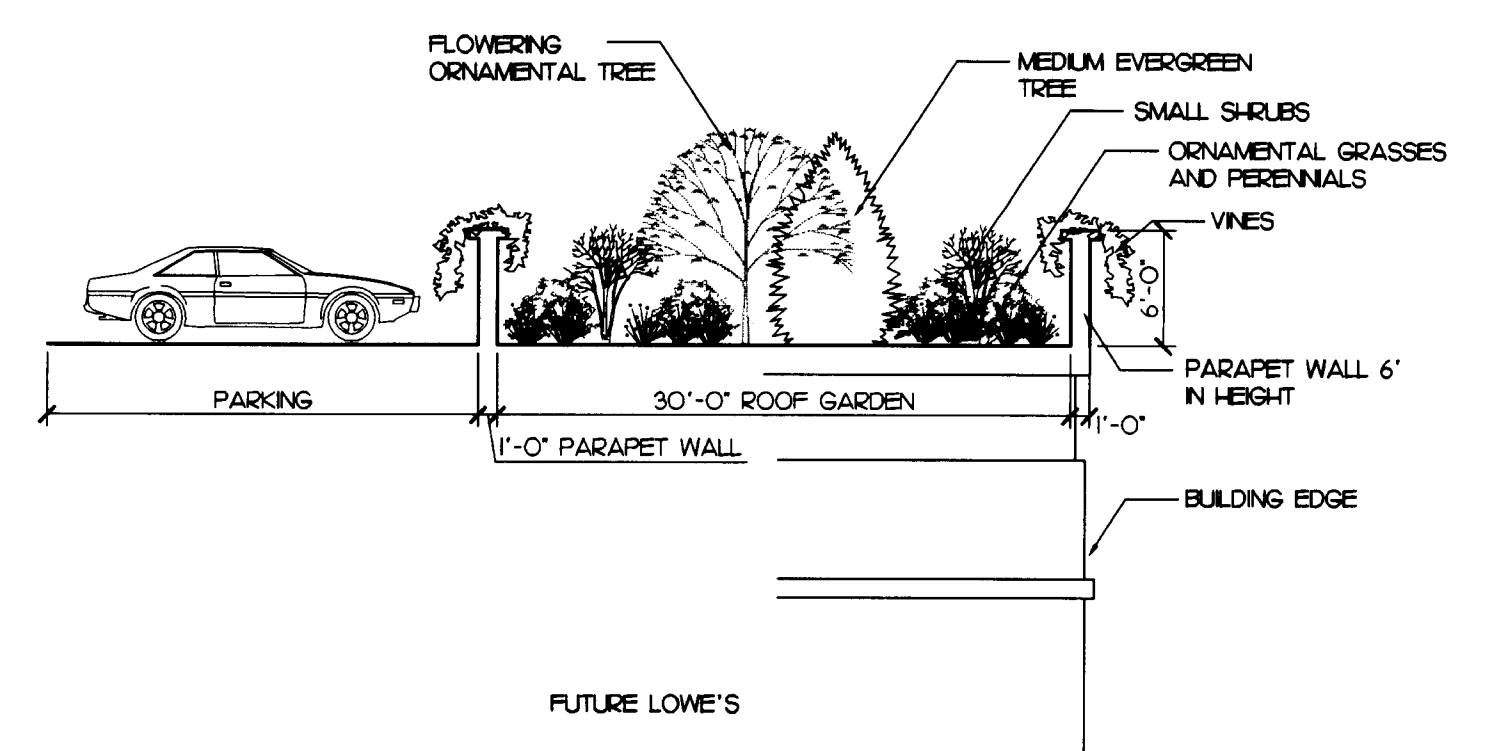
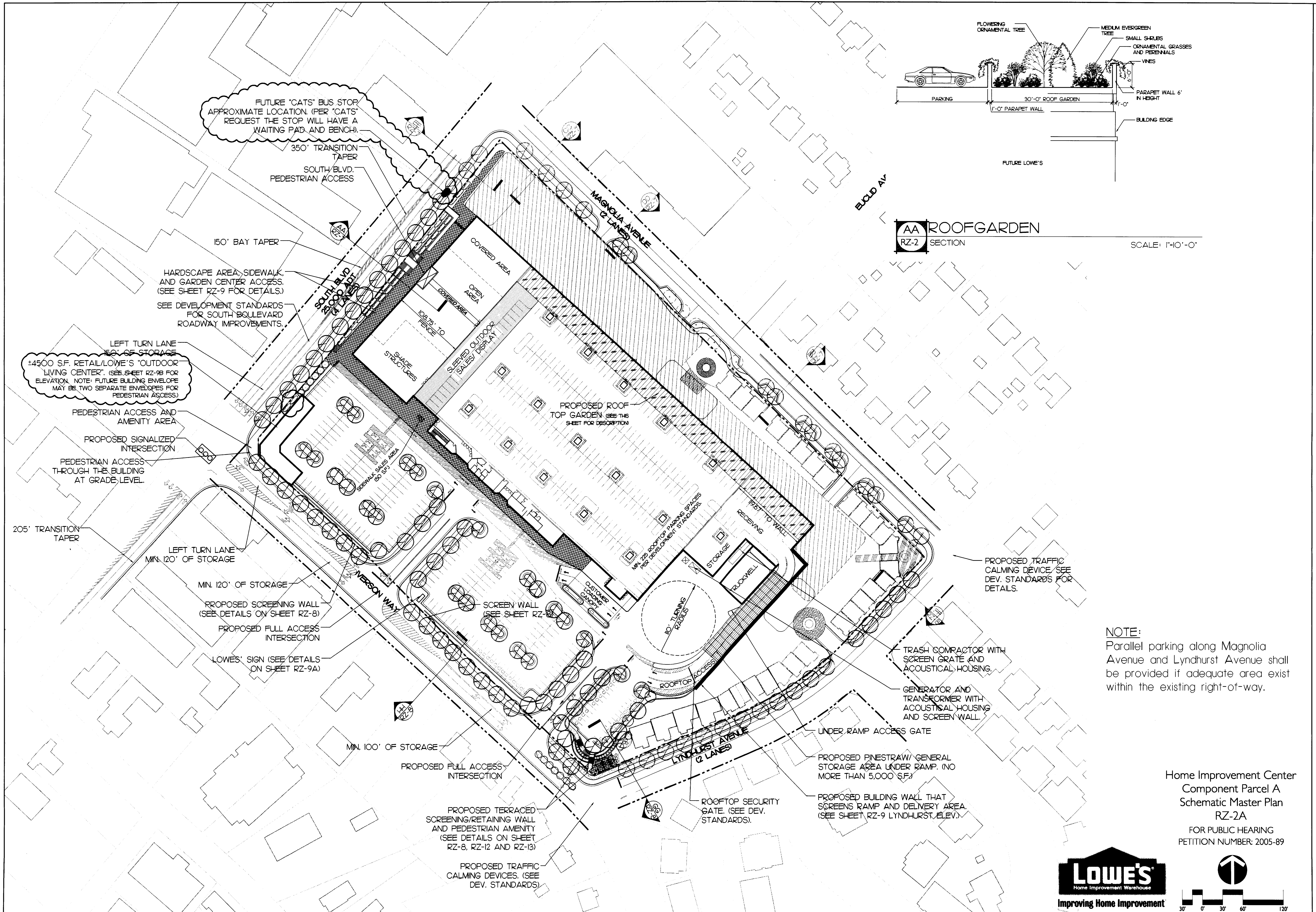


REVISIONS:
 05/10/05 - REVISIONS PER MEETING COMMENTS
 06/17/05 - REV. PER CITY PLANNING COMMENTS
 08/19/05 - REV. PER CITY PLANNING COMMENTS
 10/13/05 - REV. PER 'CATS' REQUEST



Mixed-Use Component
 Parcel B
 Technical Data Sheet
 RZ-1B
 FOR PUBLIC HEARING
 PETITION NUMBER: 2005-89



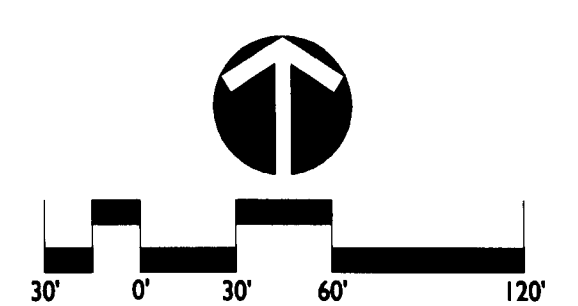


AA ROOFGARDEN
RZ-2 SECTION

SCALE: 1"=10'-0"

NOTE:
Parallel parking along Magnolia Avenue and Lyndhurst Avenue shall be provided if adequate area exist within the existing right-of-way.

Home Improvement Center
Component Parcel A
Schematic Master Plan
RZ-2A
FOR PUBLIC HEARING
PETITION NUMBER: 2005-89



LandDesign
233 N Graham Street, Charlotte, NC 28202
V: 704.333.0325 F: 704.332.3246
www.LandDesign.com

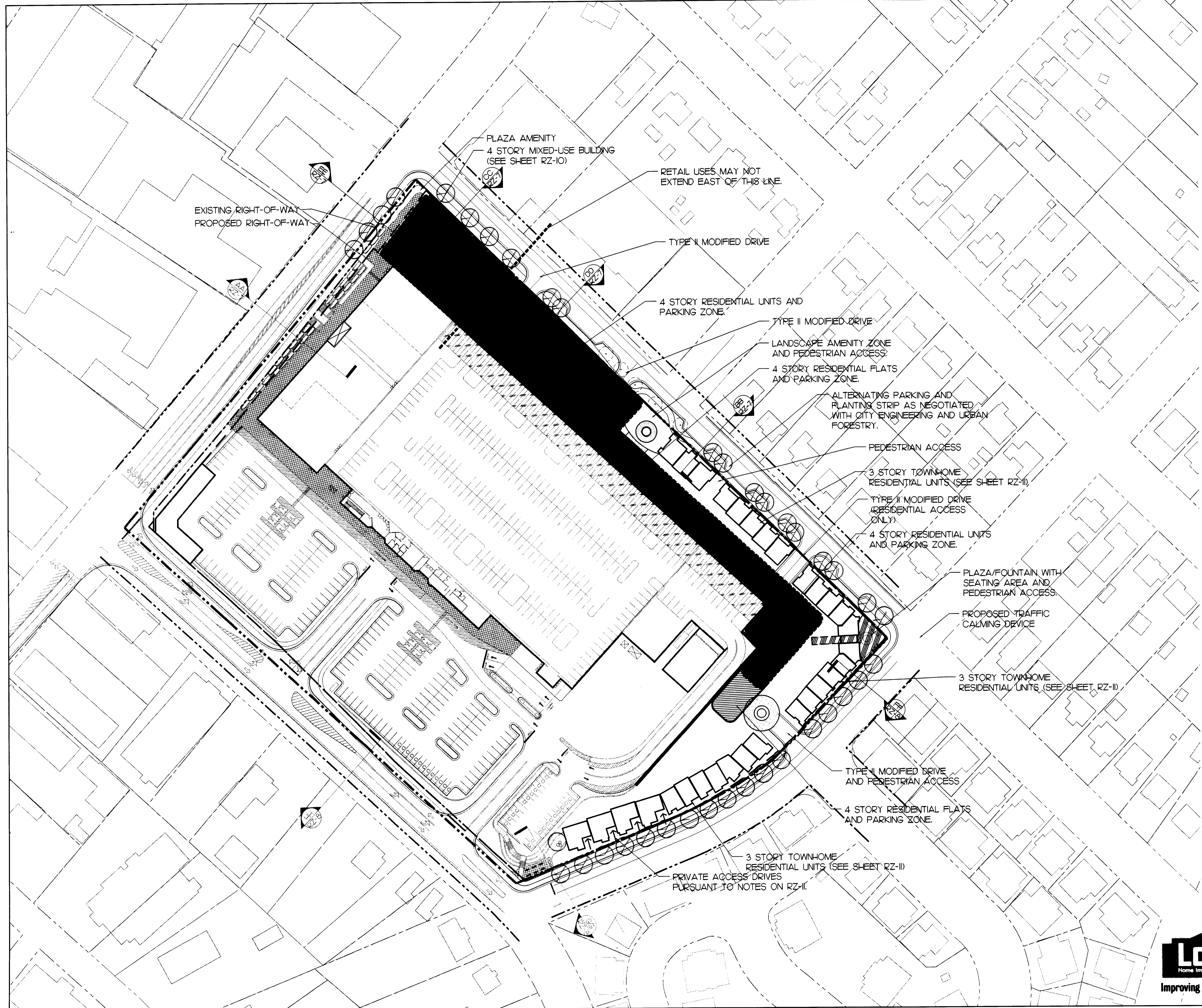
LANDDESIGN, INC.
CORPORATE
SEAL
NORTH CAROLINA

LOWE'S- CENTRAL CHARLOTTE
Charlotte, North Carolina
Home Improvement Center Component
Parcel A Schematic Master Plan

REVISIONS:
05/10/05- REVISIONS PER MEETING COMMENTS
06/17/05- REV. PER CITY PLANNING COMMENTS
08/19/05- LAYOUT REVISIONS
07/30/05- REV. PER CITY PLANNING COMMENTS

DATE: 03/18/05
DESIGNED BY: RC
DRAWN BY: AG
C.C. BY: RC/AG
SCALE: 1"=60'
PROJECT #: 1004246
SHEET #:

RZ-2A



PLAZA AMENITY
4 STORY MIXED-USE BUILDING
(SEE SHEET RZ-10)

RETAIL USES MAY NOT
EXTEND EAST OF THIS LINE.

EXISTING RIGHT-OF-WAY
PROPOSED RIGHT-OF-WAY

TYPE II MODIFIED DRIVE

4 STORY RESIDENTIAL UNITS AND
PARKING ZONE.

TYPE II MODIFIED DRIVE

LANDSCAPE AMENITY ZONE
AND PEDESTRIAN ACCESS

4 STORY RESIDENTIAL FLATS
AND PARKING ZONE.

ALTERNATING PARKING AND
PLANTING STRIP AS NEGOTIATED
WITH CITY ENGINEERING AND URBAN
FORESTRY.

PEDESTRIAN ACCESS

3 STORY TOWNHOME
RESIDENTIAL UNITS (SEE SHEET RZ-11)

TYPE II MODIFIED DRIVE
(RESIDENTIAL ACCESS
ONLY)

4 STORY RESIDENTIAL UNITS
AND PARKING ZONE.

PLAZA/FOUNTAIN WITH
SEATING AREA AND
PEDESTRIAN ACCESS.

PROPOSED TRAFFIC
CALMING DEVICE

3 STORY TOWNHOME
RESIDENTIAL UNITS (SEE SHEET RZ-11)

TYPE II MODIFIED DRIVE
AND PEDESTRIAN ACCESS

4 STORY RESIDENTIAL FLATS
AND PARKING ZONE.

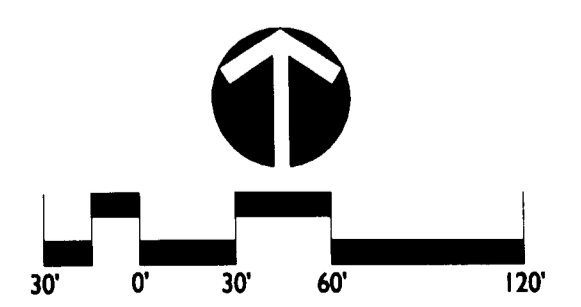
3 STORY TOWNHOME
RESIDENTIAL UNITS (SEE SHEET RZ-11)

PRIVATE ACCESS DRIVES
PURSUANT TO NOTES ON RZ-11.

NOTE:
Parallel parking along Magnolia
Avenue and Lyndhurst Avenue shall
be provided if adequate area exist
within the existing right-of-way.

DISCLAIMER:
This master plan is schematic in nature and is
provided to show the general intent of the
petitioner.

Mixed-Use Component
Parcel B Schematic Master Plan
FOR PUBLIC HEARING
PETITION NUMBER: 2005-89



LOWE'S-CENTRAL CHARLOTTE
Charlotte, North Carolina
Mixed-Use Component Parcel B
Schematic Master Plan

REVISIONS:
05/10/05 - REVISIONS PER MEETING COMMENTS
06/17/05 - REV. PER CITY PLANNING COMMENTS
07/20/05 - REV. PER CITY PLANNING COMMENTS
08/19/05 - REV. PER CITY PLANNING COMMENTS

DATE: 03/18/05
DESIGNED BY: RC
CHECKED BY: RC
O.C. BY: RC/JAG
SCALE: 1"=60'
PROJECT #: 1004246
SHEET #:
RZ-2B

OCTOBER 19, 2005

DEVELOPMENT STANDARDS
PETITION NUMBER: 2005-89

General Provisions

Development of the Site will be governed by the Home Improvement Center Component Parcel A Technical Data Sheet (Sheet RZ-1A), the Mixed-Use Component Parcel B Technical Data Sheet (RZ-1B), the Home Improvement Center Component Parcel A Schematic Master Plan (Sheet RZ-2A), the Mixed-Use Component Parcel B Schematic Master Plan (Sheet RZ-2B), Data Sheet (RZ-1B), the Home Improvement Center Component Parcel A Schematic Master Plan (Sheet RZ-2A), the Mixed-Use Component Parcel B Schematic Master Plan (Sheet RZ-2B), the Development Standards (Sheet RZ-3), the Bike and Pedestrian Plan (Sheet RZ-4), the Parcel A Rooftop Lighting and Photometrics Plan (Sheet RZ-5), the Parcel A Site Lighting and Photometrics Plan (Sheet RZ-6), the Street Sections and Details (Sheet RZ-7), the Sections Through Site (Sheet RZ-9), the Elevations for the Home Improvement Center Building on Parcel A (Sheet RZ-9A), the Elevations for the Outdoor Living Center Building on Parcel A (Sheet RZ-9B), the Architectural Materials Board for Parcel A (Sheet RZ-9C), the Conceptual Rendering for the Mixed-Use Building on Parcel B (Sheet RZ-10), the Conceptual Rendering for the Residential Buildings on Parcel B located along Lyndhurst Avenue and Magnolia Avenue East of Euclid Avenue (Sheet RZ-11), the Conceptual Rendering of the Pedestrian Amenity on Parcel A at Iverson Way and Lyndhurst Avenue (Sheet RZ-12 and Sheet RZ-13), and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet, these Development Standards or the other Sheets and Exhibit RZ-9C which accompany this Petition establish more stringent standards, the regulations established under the Ordinance for the Mixed Use Development District (MUDD) Zoning Classification shall govern development of the Site, subject, however, to the "Optional" provisions set forth under Paragraph 5 below.

1. Summary of Request

The Site is currently zoned R-5, O-2, MUDD-O, B-1(CD), B-2 and I-1. This Petition seeks MUDD-O zoning in order to accommodate redevelopment of the Site into a home improvement center (Parcel A), a mixed-use component of retail and residential uses, possibly combined with office uses (Parcel B), pursuant to a master plan designed to provide appropriate transitions between adjoining residential uses and the home improvement center and pedestrian oriented streetscapes along South Boulevard, Magnolia Avenue, Lyndhurst Avenue and Iverson Way. The master plan contemplates closing Meacham Street between South Boulevard and Lyndhurst Avenue.

2. Permissible Development

(a) Parcel A may be devoted to the following uses:

(i) A home improvement center component consisting of the following elements and any permissible accessory uses:

| | No More Than: |
|---|---------------------|
| Main Building | 140,000 square feet |
| Garden Center | 30,000 square feet |
| Sales and storage area under ramp, as Depicted on Sheet RZ-2A | 5,000 square feet |
| Outdoor Living Center Building | 4,200 square feet |
| Total | 179,200 square feet |

No Outside Sales will be allowed on Parcel A except as specifically depicted on Sheet RZ-2A. The square footage designated above is exclusive of areas used for building and equipment access (such as stairs, elevator shafts and maintenance crawl space), service areas, mechanical and electrical rooms and Outside Sales areas.

The outdoor living center building at the corner of South Boulevard and Iverson Way must contain at least 3,900 square feet and may be devoted to retail uses, including retail uses associated with the home improvement center.

(ii) Following construction and occupation of the home improvement center building proposed for Parcel A the building should become vacant, the owner or owners may establish a new use or uses within the building through an Administrative Site Plan Amendment. In any such case, reuse of the building shall be limited to those retail or non-retail uses or any combination thereof (including office uses) permitted under the Ordinance in a MUDD District which are recommended for the Site by the applicable public plans and policies in effect at the time of the filing of any such application and shall further be subject to the "cutback" provision contained in Paragraph (c) of Section 20.

The approval of any such application shall be subject to the applicant's providing written notice at least 30 days in advance of the date on which the applicant files any such application to the Dilworth Community Development Association (or any successor) and to all owners of residences along the eastern margin of Lyndhurst Avenue and the southern margin of Magnolia Avenue across from the Site of its intention to apply for such an Administrative Site Plan Amendment and the new use or uses it will seek to establish so as to provide them fair opportunity to submit comments to the Planning Director on the question of consistency of the proposed use or uses with the applicable public plans and policies then in effect.

(b) Parcel B may be devoted to the following uses:

(i) A mixed-use component at the corner of South Boulevard and Magnolia Avenue consisting of a single building which contains at least 3,000 square feet and no more than 6,000 square feet of retail uses, up to 6,000 square feet of office uses and, in addition, either attached for sale or for rental residential uses as allowed by Sheet RZ-1B.

The first floor of this building must be devoted to retail uses only and the building must contain at least two stories in height. No drive-through facility may be located within this component.

(ii) A for sale residential component fronting on Magnolia Avenue east of the mixed use component and Lyndhurst Avenue as generally depicted on Sheet RZ-1B.

(iii) The total number of residential units constructed on Parcel B (including any units located in the mixed-use building) shall be no less than 65 and no more than 85 attached dwellings.

(iv) Any accessory use permitted within the MUDD Zoning District.

3. Setbacks, Side Yards and Rear Yards

(a) All building and parking areas on Parcel A fronting on South Boulevard shall be located a minimum of 24 feet from the back of the future curb line.

(b) All building and parking areas on Parcel B fronting on South Boulevard shall be located a minimum of 32 feet from the back of the future curb line.

(c) All building and parking areas on the Site abutting on Magnolia Avenue at any point east of the eastern margin of Euclid Avenue (as extended) shall be located a minimum of 18 feet from the back of the future curb line. The developer of Parcel B shall have the right to provide for on street parking along Magnolia Avenue, subject, however, to prior approval from CDOT. On-street parking spaces will be allowed to alternate with the planting strip as shown on Sheet RZ-7. However, the setback will continue to be measured from the northernmost section of the curb which has not been adjusted to accommodate on-street parking spaces.

(d) All building and parking areas abutting on Lyndhurst Avenue shall be located a minimum of 14 feet from the back of the future curb.

(e) All buildings and parking areas abutting on Iverson Way shall be located a minimum of 14 feet from the back of the future curb.

(f) Side and/or rear yards are not required to be provided within the interior portion of the Site.

4. Streetscape Treatment

The streetscape treatments installed along South Boulevard, Magnolia Avenue, Lyndhurst Avenue, and Iverson Way will comply substantially with Sheet RZ-7 and Sheet RZ-8, including a requirement to plant street trees with calipers of at least 3 inches on 30 foot centers, except in those areas where on-street parking is allowed to alternate with the planting strip, in which case street trees shall be on 40 foot centers.

The Petitioner will save, in place, a minimum of 5 trees of 12" caliper or greater currently located on Parcel B.

The Petitioner will relocate a minimum of 15 trees between 4" and 10" in caliper currently located on Parcel B.

5. MUDD-Optional Provisions

The Petitioner proposes to utilize MUDD-O provisions of the Ordinance in order to accommodate the following:

(a) Parking and maneuvering for the home improvement center building and outdoor living center building on Parcel A along Iverson Way to occur in the manner generally depicted on Sheet RZ-2A.

(b) Wall signage will be installed on the South Boulevard and Iverson Way exterior elevations of the home improvement center's building in the manner generally depicted on Sheet RZ-9A and in accordance with the wall sign specifications set forth on that sheet.

(c) Wall signage will be installed on the South Boulevard and Iverson Way exterior elevations of the smaller retail building to be constructed on Parcel A in the manner generally depicted on Sheet RZ-9B and in accordance with the wall sign specifications set forth on that sheet.

(d) One detached, ground-mounted, internally illuminated project identification sign for the home improvement center will be placed on Parcel A within the area generally depicted on Sheet RZ-1A and in accordance with the monument sign specifications set forth on Sheet RZ-9A.

(e) Wall signage will be installed on the South Boulevard and Magnolia Avenue exterior elevations of the mixed-use building to be constructed on Parcel B in the manner generally depicted on Sheet RZ-10.

(f) On street parking along Magnolia Avenue as depicted on Sheet RZ-2B and Sheet RZ-7 and set back measured from the northernmost section of the curb.

(g) The elimination of the 10 foot building separation requirement between the non-residential buildings and the residential buildings.

6. Design and Performance Standards

(a) With respect to Parcel A:

(i) The street oriented building elevations of the home improvement center to be located on Parcel A will be designed and constructed such that they are substantially similar to the elevations depicted on Sheet RZ-9A.

(ii) The street oriented building elevations of the outdoor living center building to be located on Parcel A will be designed and constructed such that they are substantially similar to the elevations depicted on Sheet RZ-9B.

(iii) The garden center of the home improvement center which fronts along South Boulevard will be designed and constructed such that it is substantially similar to the left (South Boulevard) elevation depicted on Sheet RZ-9A.

(iv) All of the surface parking and maneuvering areas serving the home improvement center will consist of concrete paving.

Parcel B

With respect to the for sale attached residential units to be constructed on Parcel B along Magnolia Avenue east of the eastern margin (as extended) of Euclid Avenue and along Lyndhurst Avenue:

(i) The Conceptual Rendering of the street oriented elevation of the attached residential units depicted on Sheet RZ-11 depicts the general intent of the Petitioner with respect to height, scale, articulation, rhythm, massing, proportions and design elements to achieve a bungalow or cottage style feel for these units.

(ii) No more than 6 units at a time may occur at the street face without the Petitioner's providing some relief to the building formwork. This relief will be executed either as a full building separation or as a breezeway or other architectural element so long as it has the effect of allowing for pedestrian movement between the units that are adjacent to the element provided.

(iii) No vinyl or masonry materials will be used on exterior finishes of buildings.

(iv) Hardie Board systems, architect approved alternate or better, will be used in crafting the exterior finishes of buildings.

(v) At a minimum, stone or brick accents will be located at foundation walls and column bases.

(vi) Windows will be double hung where sash-type windows are used. The Petitioner commits to using at least 80 % sash type windows with a simulated divided light mullion configuration in the upper sash. Transom windows, which are by their nature fixed, will not be required to be taken into account in the calculation.

(vii) At least 80% of the units designed in this style will feature porches and of those, the majority will occur on the first level.

(viii) Porches will have a depth of at least 7 feet.

(ix) Eaves will be designed with an open configuration, displaying visible rafter tails and articulated roof decking.

(x) Parking will be rear loaded on all residential units fronting on Lyndhurst Avenue and Magnolia Avenue, except as otherwise provided on Sheet RZ-2B.

(xi) The height to the primary eave fascia of each unit will not exceed 35 feet, as calculated from the average grade.

(xii) The finish floor elevations of the first levels of all buildings which front on Magnolia east of Euclid and on Lyndhurst will be separated from grade as measured from the sidewalk by at least 2 feet.

(xiii) The street oriented elevations for the mixed use building to be constructed on Parcel B will be substantially similar to the Conceptual Rendering depicted on Sheet RZ-10.

7. Screening and Landscaping

(a) Interior screening and landscaping shall meet or exceed the standards of the Ordinance.

(b) Landscaping along the abutting public streets will be installed in substantial compliance with Sheet RZ-7 and Sheet RZ-8.

(c) The generator depicted on the interior section of Parcel A will be enclosed by an acoustic housing.

(d) Mechanical equipment or other utility hardware installed on the roofs of all buildings constructed on the Site will be screened 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.

(e) The treatment of the roof of the home improvement center building will include a roof-top garden within the area generally depicted on Sheet RZ-2A and a parapet around the perimeter of the remaining portion of the roof which is at least six feet in height above the roof floor level in order to provide screening for parked vehicles and any roof mounted mechanical equipment.

(f) All planting and landscape areas, including the roof-top garden to be installed on top of the roof of the home improvement center building, shall be irrigated.

8. Height Restrictions

(a) The home improvement center building to be constructed on Parcel A (excluding lighting fixtures but not excluding the parapet wall) may not exceed 47 feet in height as calculated from average grade.

(b) Subject to a 35 foot maximum height limitation, as calculated from average grade, the outdoor living center building to be constructed on Parcel A at the corner of Iverson Way and South Boulevard will be of such height as may be necessary to create the illusion of a two-story structure.

(c) The mixed-use building to be constructed on Parcel B at the corner of South Boulevard and Magnolia Avenue and any other residential building which fronts on Magnolia Avenue at any point west of the eastern margin of Euclid Avenue (as extended) may not exceed 4 stories or 55 feet in height as calculated from average grade.

(d) No residential unit forming a part of any residential building constructed on Parcel B which fronts on Magnolia Avenue at any point east of the eastern margin of Euclid Avenue (as extended) may exceed 3 stories or 45 feet in height as calculated from the average grade of the unit.

(e) No residential unit forming a part of any building constructed on Parcel B which fronts on Lyndhurst Avenue may exceed 3 stories or 45 feet in height as calculated from the average grade of the unit.

(f) No building constructed on Parcel B which abuts the home improvement center building may exceed 4 stories or 55 feet in height as calculated from the average grade of the building.

9. Lighting

(a) The Petitioner shall provide pedestrian scale lighting along the Site side of Magnolia Avenue, all as generally depicted on Sheet RZ-7 and Sheet RZ-8.

(b) The Petitioner shall provide pedestrian scale lighting along the Site side of Lyndhurst Avenue which is substantially similar to the pedestrian lighting installed along the opposite side of the street as an amenity for Olmstead Park.

(c) The maximum height of each freestanding light fixture (including its base) erected on Parcel A of the Site at ground level (other than streetlights on public rights of way) shall not exceed 20 feet. In addition, the maximum height of any freestanding light fixture installed on the roof-top of the home improvement center shall not exceed 20 feet in height. All parking lot lighting within Parcel A shall be designed such that direct illumination does not extend past any exterior project edge, all as required by Sheet RZ-6.

(d) No wall pak type lighting will be allowed on the northeast or northwest elevations of the home improvement center building and wall pak type lighting shall only be permitted elsewhere on Parcel A in those areas generally depicted on Sheet RZ-5 and Sheet RZ-6, and then only if shielded or downwardly directed.

(e) All parking lot light fixtures will be fully shielded.

10. Utility Lines

Subject to its being able to obtain approvals to do so from the utilities involved, the Petitioner will cause all new utility lines (not including relocations or replacements of existing lines) installed within Parcel A and Parcel B to be buried.

11. Pedestrian and Bicycle Amenities

(a) Internal sidewalks of at least five feet in width shall be provided on the Site so as to provide pedestrian connections between the parking areas and buildings on the Site and to the abutting public sidewalk system in the manner generally depicted on Sheet RZ-4.

(b) A sidewalk shall be provided along the Site side of South Boulevard which will be at least 8 feet in width and have a planted strip between it and the street curb which is at least 8 feet in width, all as generally depicted on Sheet RZ-4.

(c) A sidewalk shall be provided along the Site side of Magnolia Boulevard which will be at least 8 feet in width and have a planted strip between it and the street curb which is at least 8 feet in width.

Parking may be alternated with the planting strip as shown on Sheet RZ-7, subject however to CDOT approval. Notwithstanding the foregoing provisions of this paragraph, the alignments of the sidewalks and related planting strip along Magnolia Avenue may be shifted to accommodate tree save areas, subject to review and approvals by Urban Forestry and City Engineers.

(d) A sidewalk shall be provided along the Site side of Lyndhurst Avenue which is at least 6 feet in width and has a planted strip between the sidewalk and the street curb at least 8 feet in width, all as generally depicted on Sheet RZ-4.

(e) A sidewalk shall be provided along the Site side of Iverson Way which will be at least 6 feet in width and have a planted strip between it and the street curb which is at least 8 feet in width.

(f) A sidewalk of identical design to the one described in Paragraph (d) above may also be provided on the opposite side of Iverson Way if the owners of all property fronting on Iverson Way between South Boulevard and Lyndhurst Avenue are willing by easement or dedication to voluntarily and without consideration provide all additional property lying outside the current right-of-way required to accommodate this type section. If the additional property needed to accommodate this type section is not forthcoming within 30 days following written requests to all such owners by the Petitioner, then the Petitioner shall have no obligation to make any sidewalk improvements along the southern side of Iverson Way.

(g) Bicycle parking spaces (bike racks) shall be provided within the Site in accordance with the Ordinance in the locations generally depicted on Sheet RZ-4.

(h) The Petitioner will provide stamped and colored pedestrian cross-walks at the intersection formed by South Boulevard and Iverson Way.

12. Parking and Loading

(a) Off-street parking and loading will, at a minimum, satisfy the standards established under the Ordinance for the MUDD District.

(b) Parking areas will include surface parking and structured roof-top parking and may, with respect to Parcel B only, also include subgrade or partially subgrade parking. Any partially subgrade parking will be screened or incorporated architecturally into other buildings so as to have limited visual impact when viewed from public streets.

(c) A minimum of 220 of the off-street parking spaces to be provided for the exclusive use of the home improvement center to be developed on Parcel A shall be located on the rooftop of the home improvement center.

(d) Off-street parking spaces provided for the residential component within Parcel B will average at least 1.6 parking spaces for each unit.

(e) Off-street parking spaces provided for the retail element within Parcel B will be provided at the rate of no more and no less than 1 space per 200 square feet of the retail space provided.

(f) Off-street parking spaces for the office element, (if any), within Parcel B will be provided at the rate of no more and no less than 1 space per 300 square feet of office space; subject, however, to an option to share parking spaces with residential units if allowed by the Ordinance.

13. Vehicular Access

(a) Except as otherwise provided under Paragraph (b) below, the number of vehicular access points to the Site shall be limited to 6 and they shall be located generally as depicted on Sheet RZ-1A and Sheet RZ-1B. The placements and configurations of these access points are subject to any modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval of these access points by the Charlotte Department of Transportation.

(b) In addition to the accesses referenced under Paragraph (a) above, private driveways for certain residential units fronting on Lyndhurst Avenue may be considered by CDOT for approval, as generally depicted on Sheet RZ-2B.

Explanation:
Leaves driveways for Lyndhurst Avenue subject to CDOT approval.

(c) All vehicular access to Parcel A shall be limited to the two access points along Iverson Way in the areas generally depicted on Sheet RZ-1A.

(d) If approved by CDOT, large truck traffic (i.e. tractor trailers) will be physically restricted from making left turn movements out of the eastern driveway connection to Iverson Way. As generally depicted on Sheet RZ-2A, this physical restriction will be accomplished as follows:

• by the construction of a raised landscaped median within the middle shadowed out portion of the eastbound left turn lane on Iverson Way between the eastern driveway and Lyndhurst Avenue, and

• by providing signage on the nearside right and far side left (opposite the driveway) to enforce the turn restriction by large trucks, with the signage to comply with the latest version of the MUTCD.

(e) "To further restrict the likelihood of truck traffic through the Dilworth Community east of the Site, Petitioner agrees to apply to CDOT for review and approval (See Section 17(b) for approval process), and if approval is forthcoming, to cause to be constructed at its expense a speed table at the intersection of Iverson Way and Lyndhurst Avenue which will not be designed to accommodate the movement of large trucks (i.e., tractor trailers) through that intersection."

Explanation:
Reference to Section 16 was incorrect. Only a speed table contemplated for Iverson Way/Lyndhurst-See Section 17(b). CDOT preferred different "design" language.

14. Right of Way Dedication

The Petitioner agrees to dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) those portions of the Site that may be required to provide the additional right of way for South Boulevard and Iverson Way needed for the improvements described under Section 16 below and generally depicted on Sheet RZ-1A and Sheet RZ-1B prior to the issuance of any certificate of occupancy for the Site.

15. Right-of-Way Abandonment

The Petitioner intends to request the abandonment of that portion of Meacham Street which lies within the interior of the Site.

16. Roadway Improvements

Prior to the issuance of any certificate of occupancy for any building on the Site, the Petitioner shall provide for the following road improvements:

South Boulevard and Iverson Way

• Construct a southbound left-turn lane on South Boulevard with 150 feet of storage, a 15:1 bay taper and 35:1 through lane tapers.

• Widen Iverson Way to provide side eastbound left turn lanes with at least 120 feet of storage per turn lane between South Boulevard and the westernmost access point into Parcel A.

Iverson Way and the Westernmost Access Point

• Construct the southbound approach with two exiting lanes one of which terminates as a left turn lane and the other as a right turn lane.

Iverson Way and the Easternmost Access Point

• Construct an eastbound left turn lane on Iverson Way into the Site with at least 100 feet of storage.

• Construct the southbound approach with an exiting lane that terminates as a left-right turn combination lane.

Magnolia Avenue Access Points

• Construct the northbound approaches to Magnolia Avenue in accordance with Sheet RZ-1B.

Lyndhurst Avenue Access Point

• Construct a residential only eastbound approach to Lyndhurst Avenue in accordance with Sheet RZ-1B.

17. Additional Roadway Improvements

If this Rezoning Petition is approved and if a building permit is issued for construction of a home improvement center on Parcel A, the Petitioner shall provide the following improvements:

(a) Traffic Signal Installation

The Petitioner will be responsible for the installation of, and all costs associated with, a traffic signal and pedestrian countdown signals at the intersection of South Boulevard and Iverson Way if such signal is warranted by CDOT. Such costs shall include, but are not limited to, the traffic signal, steel pole/mast arms, pedestrian signals, loop detectors, cameras, interconnect cables, any related equipment, signal control or relocation and pavement markings. If approved by CDOT, no certificates of occupancy for any buildings on the Site shall be issued prior to the installation of such traffic signal.

(b) Traffic Calming Devices

If this Rezoning Petition is approved, the Petitioner agrees to install at its expense traffic calming devices at the intersections of Iverson Way/Lyndhurst Avenue (a speed table) and Magnolia Avenue/Lyndhurst Avenue (a traffic circle), subject to approval by the Charlotte Department of Transportation (CDOT) and subject also to a maximum outlay on its part of \$150,000 for the design and construction of these projects, including any right-of-way acquisitions, prior to the issuance of a certificate of occupancy for a home improvement store on Parcel A. Construction of the traffic devices at each of these intersections will require compliance with CDOT's Policy for Neighborhood Traffic Calming. This policy requires that an application signed by a minimum of 60% of all property owners within the impact area (as that impact area is designated and determined by CDOT) in support of the traffic calming device to be filed with CDOT. Letters of endorsement must also be obtained from the Dilworth Community Development Association and the Olmstead Park/HCA and filed with CDOT. Upon receiving the requisite applications and endorsements, the Petitioner will enter into an encroachment agreement with the City with respect to each approved traffic calming device under which it will agree to install at its expense each such traffic calming device involved, subject to the maximum outlay set forth above.

If this Rezoning Petition is approved and if thereafter either or both of the traffic calming devices are not approved, then the Petitioner agrees to contribute to the City of Charlotte a sum equal to the deemed cost or costs of the disapproved traffic calming device or devices to the City of Charlotte within sixty (60) days after the day on which the application or applications are disapproved to be used solely for the installation by the City of sidewalks along such portions of Iverson Way (southeast of Lyndhurst Avenue), Magnolia Avenue, Euclid Avenue and Lyndhurst Avenue as CDOT may select. For purposes of this Paragraph the sum to be contributed to the City if both the speed table at Iverson Way/Lyndhurst Avenue and the traffic circle at Magnolia Avenue/Lyndhurst are not approved, shall be \$100,000. If only one of these traffic calming devices is approved, then the sum to be contributed shall be determined as follows:

• If the speed table at the Iverson Way/Lyndhurst Avenue intersection is not approved, the Petitioner shall contribute to the City the greater of the sum of \$40,000 or the difference between \$100,000 and the actual cost of the traffic circle at the Magnolia Avenue/Lyndhurst Avenue intersection solely for the construction of sidewalks as above provided or

• If the traffic circle at the Magnolia Avenue/Lyndhurst Avenue intersection is not approved, the Petitioner shall contribute to the City the greater of the sum of \$60,000 or the difference between \$100,000 and the actual cost of the speed table at the Iverson Way/Lyndhurst Avenue intersection solely for the construction of sidewalks.

The Petitioner will also contribute the sum of \$25,000 to the City of Charlotte prior to the issuance of a building permit for construction of a home improvement center on Parcel A for speed humps or other traffic calming devices as may be necessary and approved by the Charlotte Department of Transportation (CDOT) on residential streets bounded by South Boulevard, Ideal Way, Park Road/Kenilworth Avenue, and Morehead Street. The need for and installation of any traffic calming devices on these streets must first be determined by CDOT based on whether the conditions established in the City's Neighborhood Traffic Calming Program are met.

If CDOT, in its sole discretion, determines that all or any part of such sum is not needed for speed humps or other traffic calming devices, then it may use such amount solely for the installation by the City of sidewalks along such portions of Iverson Way (southeast of Lyndhurst Avenue), Magnolia Avenue, Euclid Avenue and Lyndhurst Avenue as CDOT may select.

(c) Office Sidewalk

The Petitioner will also contribute the sum of \$120,000 to the City of Charlotte within two weeks of a request from CDOT and no later than the date of the issuance of the building permit for construction of a home improvement center on Parcel A. For installation by the City of sidewalks along such portions of Iverson Way (southeast of Lyndhurst Avenue), Magnolia Avenue, Euclid Avenue and Lyndhurst Avenue as CDOT may select.

(d) CATS Waiting Pad

The Petitioner will construct a CATS Waiting Pad and provide a bench along South Boulevard near the northern edge of the Site in the area generally depicted on Sheet RZ-1A.

18. Storm Water Management

(a) The Petitioner shall tie-in to the existing storm water system(s). The Petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the Petitioner shall provide alternate methods to prevent this from occurring.

(b) For Parcel A (proposed Lowe's site):

The Petitioner shall control and treat the difference in storm water runoff volume leaving the project site between the pre and post development runoff conditions for the 1-year 24-hour storm. Runoff draw down time shall be a minimum of 24 hours, but not more than 120 hours. Peak storm water release rates should match pre-development rates for the 2-year and 10-year 6-hour storm events.

The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc.) shall be incorporated into the Site and designed to have an 85% average annual removal for Total Suspended Solids generated from the development according to specifications in the N.C. Department of Environment and Natural Resources Best Management Practices Manual, April 1999. Water quality systems, measures and methods not approved or included within the NCDENR BMP Manual shall be approved by the City of Charlotte Land Development and City of Charlotte Storm Water Services divisions.

(c) For Parcel B (proposed Residential site):

The Petitioner shall control the difference in storm water runoff volume leaving the project site between the pre and post development runoff conditions for the 1-year 24-hour storm. Runoff draw down time shall be a minimum of 24 hours, but not more than 120 hours. Peak storm water release rates should match pre-development rates for the 2-year and 10-year 6-hour storm events.

(d) The following agencies must be contacted prior to construction regarding wetland and water quality permits if determined to be applicable during the design development phase of the project:

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

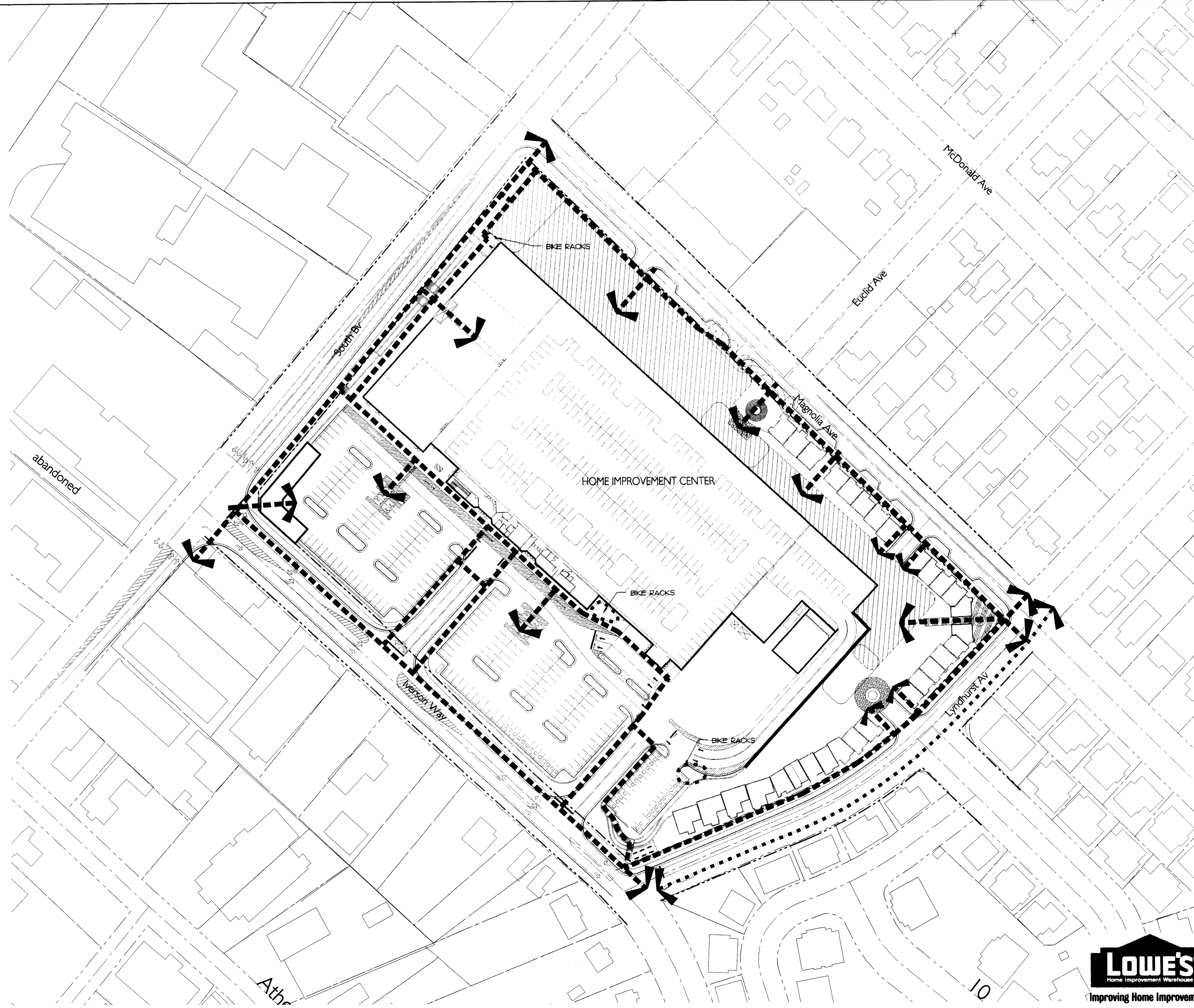
19. Fire Protection


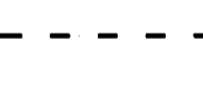

Adequate fire protection in the forms of fire hydrants and other fire protection devices and measures will be provided to the City Fire Marshall's specifications. Plans for each building will be submitted to the City Fire Marshall for approval before the construction of that building commences.

20. Vacancy Mitigation Procedures for Home Improvement Center Building

In the event the home improvement center building to be constructed on Parcel A should at any time or times after its initial occupation be permanently vacated by any occupant, the owner or former occupant thereof (as appropriate) shall implement the following building vacancy mitigation procedures:

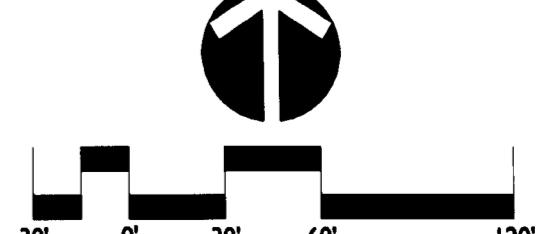
(a) The exterior of the building, associated parking lot, outside lighting, landscaping (including the roof garden) and irrigation system shall continue to be operated, maintained, secured, repaired or replaced in the same manner as when the building was occupied.



- LEGEND**
-  BIKE RACKS
 -  BIKE PATH
 -  PEDESTRIAN CIRCULATION

NOTE:
Bike lanes will be provided if necessary right-of-way exists.

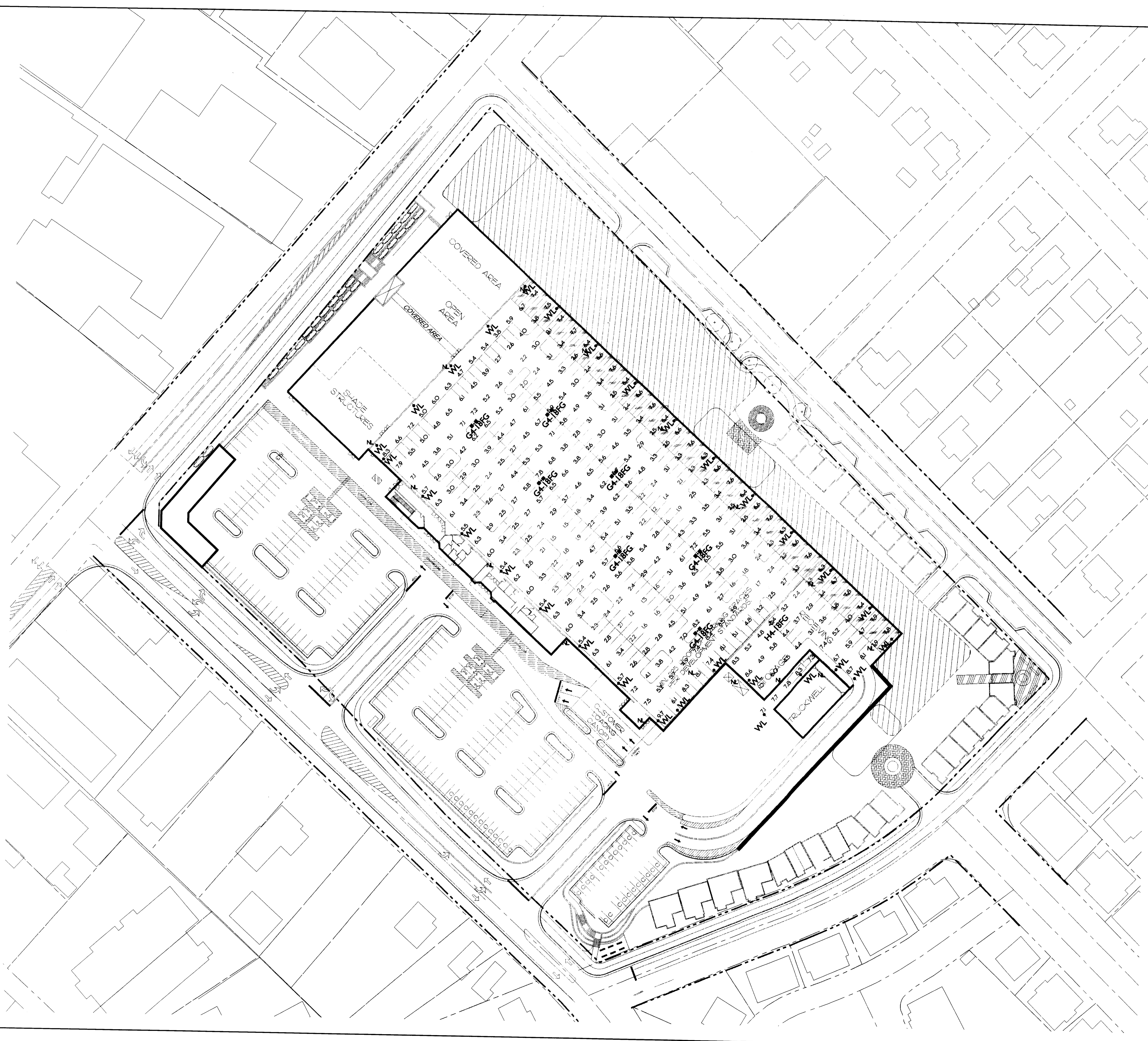
Bike and Pedestrian Plan
RZ-4
FOR PUBLIC HEARING
PETITION NUMBER: 2005-89



LOWE'S- CENTRAL CHARLOTTE
Charlotte, North Carolina
Bike and Pedestrian Plan

REVISIONS:
05/10/05 - REVISIONS PER MEETING COMMENTS
06/17/05 - REV. PER CITY PLANNING COMMENTS
07/14/05 - REV. PER CITY PLANNING COMMENTS
09/19/05 - REV. PER CITY PLANNING COMMENTS

DATE: 03/18/05
DESIGNED BY: RC
CHECKED BY: RC
O.D. BY: RC/AG
SCALE: 1"=60'
PROJECT #: 1004246
SHEET #:
RZ-4



BY FREELAND-KAUFFMAN, P.E.

H4-18FG LITHONIA LIGHTING KVF 400M SYMFL
 lamp(s): MH400/U
 candela file 'Ld9432.ies'
 1 lamp(s) per luminaire, 36000 initial lumens per lamp
 Light Loss Factor = 0.750, watts per luminaire = 462
 Outreach (from mounting axis to photometric center) = 21 in
 mounting height = 20 ft
 number locations = 1, number luminaires = 1
 kw all locations = 0.5

G4-18FG LITHONIA LIGHTING KVF 400M SYMFL
 lamp(s): MH400/U
 2 luminaires per location, candela file 'Ld9432.ies'
 1 lamp(s) per luminaire, 36000 initial lumens per lamp
 Light Loss Factor = 0.750, watts per luminaire = 462
 Outreach (from mounting axis to photometric center) = 21 in
 mounting height = 20 ft
 number locations = 7, number luminaires = 14
 kw all locations = 6.5

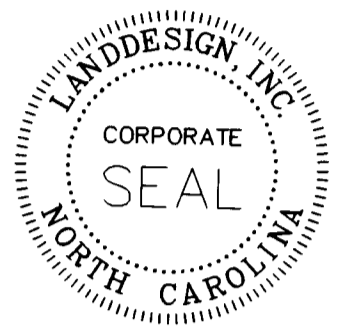
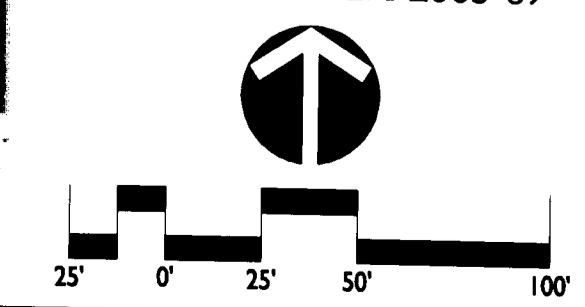
WL LITHONIA LIGHTING KVF 400M SR4WFL
 lamp(s): MH400/UE28
 candela file 'Ld11262.ies'
 1 lamp(s) per luminaire, 32000 initial lumens per lamp
 Light Loss Factor = 0.750, watts per luminaire = 462
 Outreach (from mounting axis to photometric center) = 18 in
 number locations = 30, number luminaires = 30
 kw all locations = 13.9
 Occurrences:

Target Point Set
 327 points at z=0, spacing 20ft by 20ft
 HORIZONTAL FOOTCANDLES

| | |
|----------|------|
| Average | 4.5 |
| Maximum | 10.1 |
| Minimum | 1.2 |
| Avg/Min | 3.77 |
| Max/Min | 8.42 |
| Coef Var | 0.44 |
| UnifGrad | 3.00 |

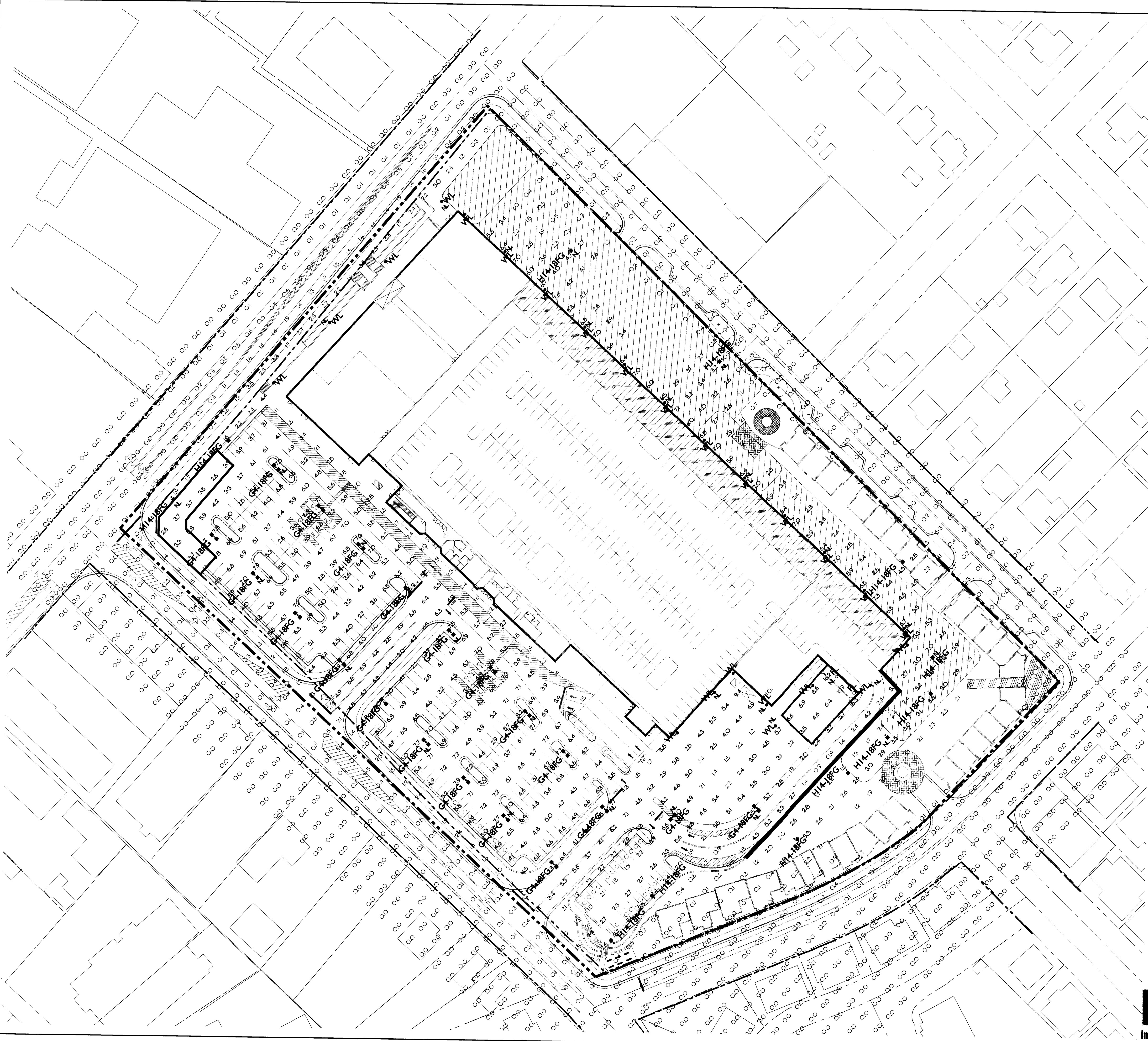
NOTE: "NL" MEANS LIGHT WILL REMAIN ON AT NIGHT

Parcel A Rooftop Lighting and
 Photometrics Plan
 RZ-5
 FOR PUBLIC HEARING
 PETITION NUMBER: 2005-89



LOWE'S - CENTRAL CHARLOTTE
 Charlotte, North Carolina
 Parcel A Rooftop Lighting
 and Photometrics Plan

REVISIONS:
 05/10/05 - REVISIONS PER MEETING COMMENTS
 06/17/05 - REV. PER CITY PLANNING COMMENTS
 07/01/05 - REV. PER CITY PLANNING COMMENTS
 09/19/05 - REV. PER CITY PLANNING COMMENTS



BY FREELAND-KAUFFMAN, P.E.

H14-23FG ■ LITHONIA LIGHTING KVF 400M ASYFL EHS
 lamp(s): MH400/U
 candela file 'Ld9434.ies'
 1 lamp(s) per luminaire, 36000 initial lumens per lamp
 Light Loss Factor = 0.750, watts per luminaire = 462
 Outreach (from mounting axis to photometric center)= 21 in
 mounting height= 25 ft
 number locations= 10, number luminaires= 10
 kw all locations= 4.6

G4-23FG ■ LITHONIA LIGHTING KVF 400M SYMFL
 lamp(s): MH400/U
 2 luminaires per location, candela file 'Ld9432.ies'
 1 lamp(s) per luminaire, 36000 initial lumens per lamp
 Light Loss Factor = 0.750, watts per luminaire = 462
 Outreach (from mounting axis to photometric center)= 21 in
 mounting height= 25 ft
 number locations= 8, number luminaires= 16
 kw all locations= 7.4

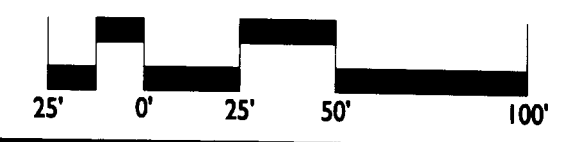
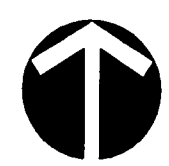
WL LITHONIA LIGHTING KVF 400M SR4WFL
 lamp(s): MH400/U/ED28
 candela file 'Ld11262.ies'
 1 lamp(s) per luminaire, 32000 initial lumens per lamp
 Light Loss Factor = 0.750, watts per luminaire = 462
 Outreach (from mounting axis to photometric center)= 18 in
 number locations= 24, number luminaires= 24
 kw all locations= 11.1
 Occurrences: 24 at mounting height: 20 ft

FL-O LITHONIA LIGHTING TFA 400M TA
 lamp(s): M400/U
 candela file '97121602.ies'
 1 lamp(s) per luminaire, 32000 initial lumens per lamp
 Light Loss Factor = 0.750, watts per luminaire = 462
 Outreach (from mounting axis to photometric center)= 18 in
 dlt angle= 50 deg
 number locations= 2, number luminaires= 2
 kw all locations= 0.9
 Occurrences: 2 at mounting height: 20 ft

Target Point Set
 1538 points at z=0, spacing 20ft by 20ft
 HORIZONTAL FOOTCANDLES

| | |
|----------|---------|
| Average | 1.3 |
| Maximum | 19.3 |
| Minimum | 0.0 |
| Avg:Min | 9999.00 |
| Max:Min | 9999.00 |
| Coef Var | 1.63 |
| UnifGrad | 9999.00 |

NOTE: "NL" MEANS LIGHT WILL REMAIN ON AT NIGHT



Parcel A Site Lighting and
 Photometrics Plan
 RZ-6
 FOR PUBLIC HEARING
 PETITION NUMBER: 2005-89

LandDesign
 232 N. Graham Street, Charlotte, NC 28202
 V: 704.335.0323 F: 704.332.3246
 www.LandDesign.com

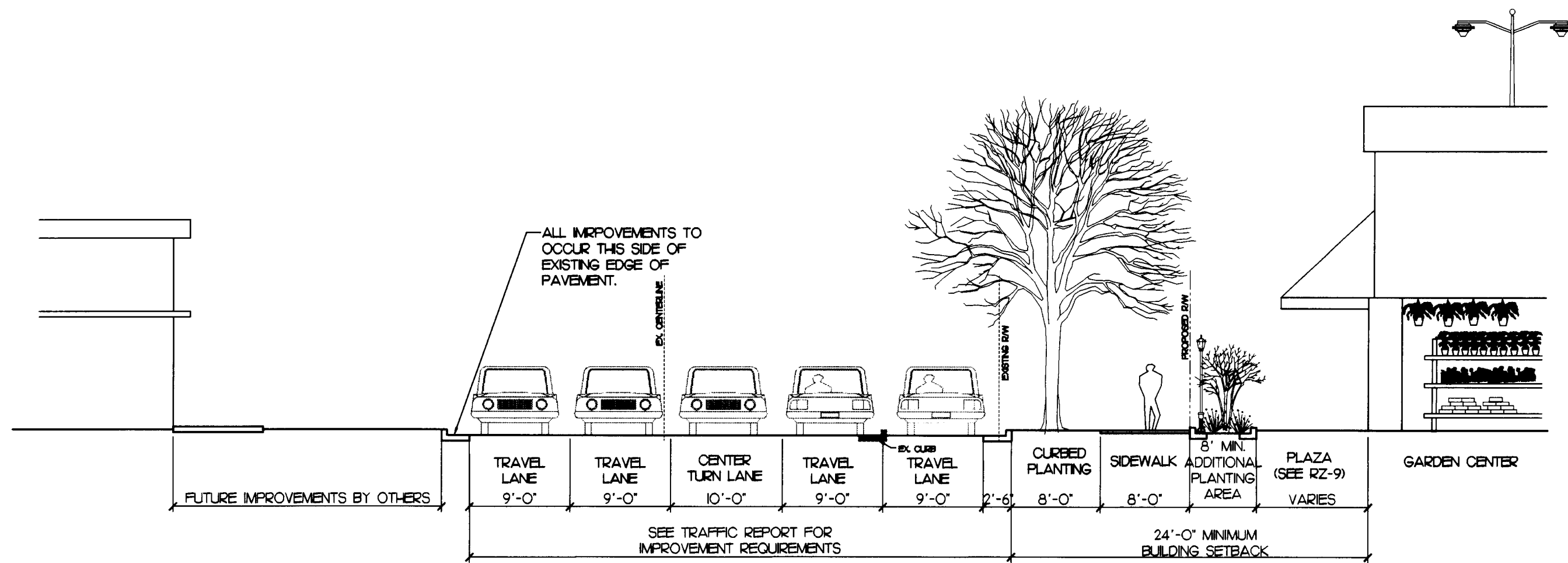


LOWE'S- CENTRAL CHARLOTTE
 Charlotte, North Carolina
 Parcel A Site Lighting and
 Photometrics Plan

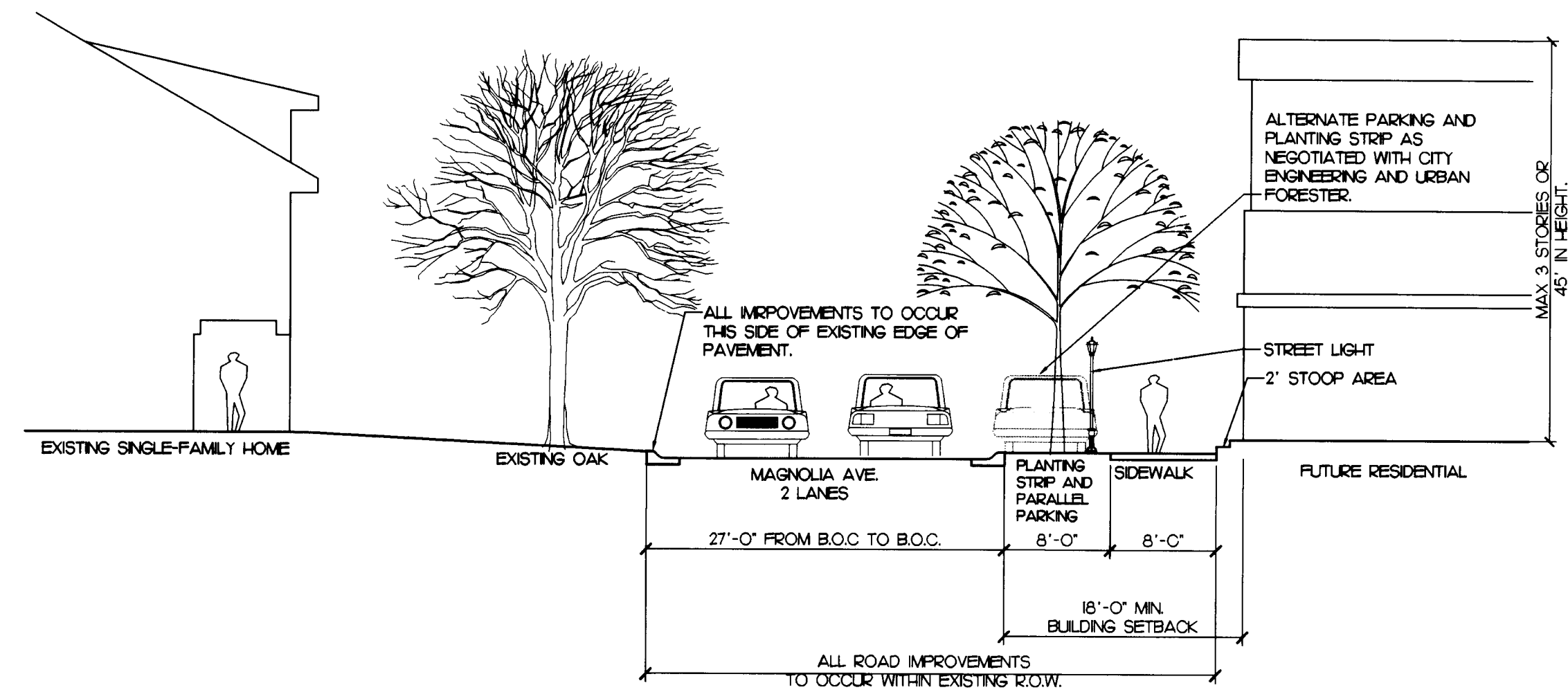
REVISIONS:
 05/10/05 REVISIONS PER MEETING COMMENTS
 06/17/05 REV. PER CITY PLANNING COMMENTS
 08/19/05 LAYOUT REVISIONS
 09/19/05 REV. PER CITY PLANNING

DATE: 03/18/05
 DESIGNED BY: RC
 DRAWN BY: AG
 CHECKED BY: RC
 SCALE: 1"=50'
 PROJECT #: 1004246
 SHEET #:

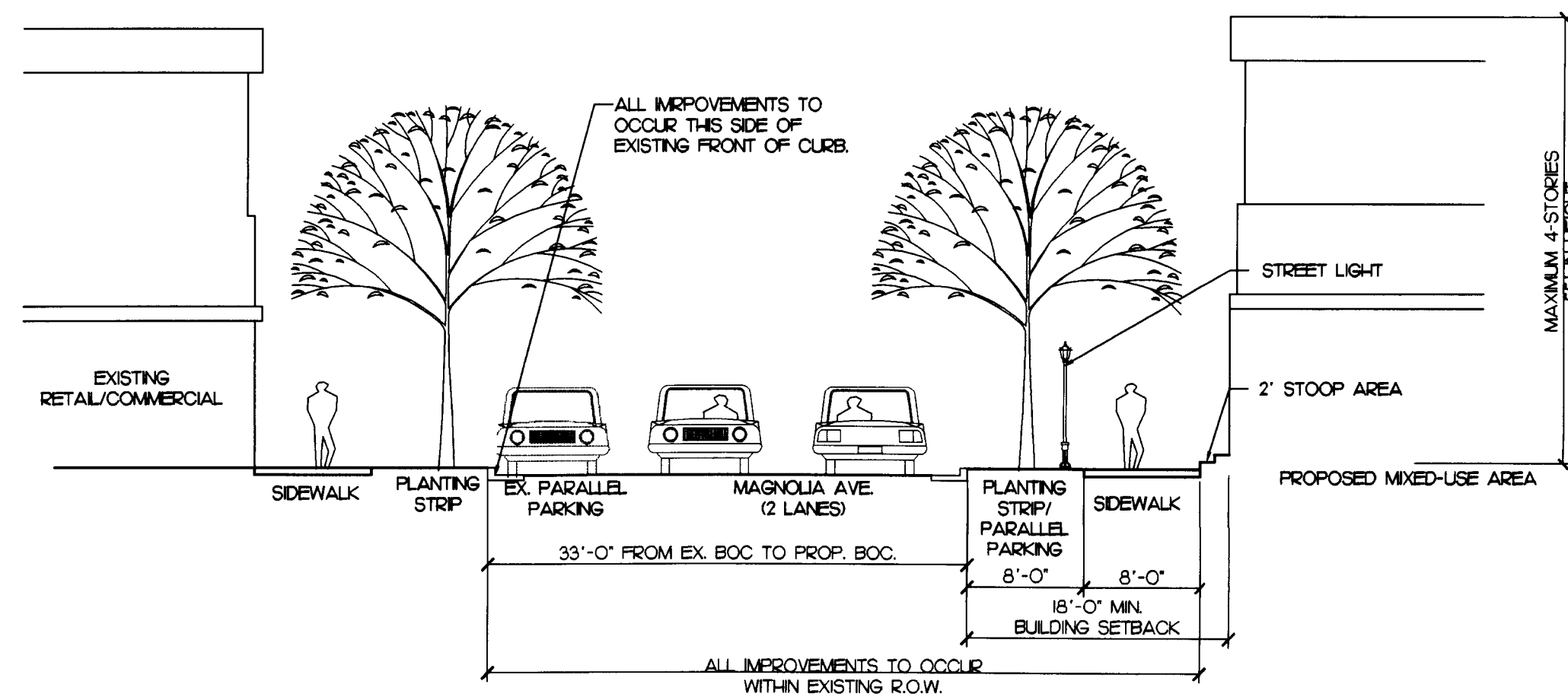
RZ-6



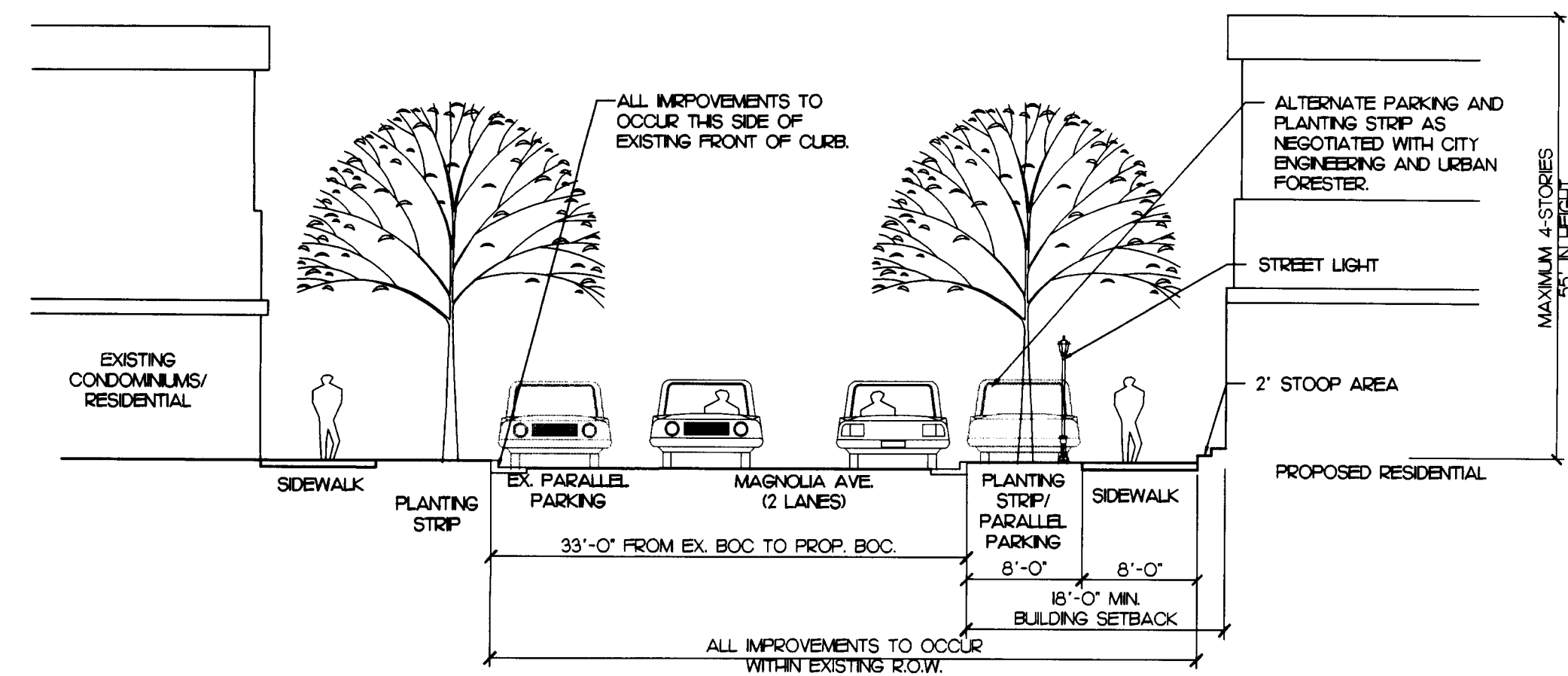
AA SOUTH BLVD. AT HOME IMPROVEMENT CENTER
RZ-2A SECTION



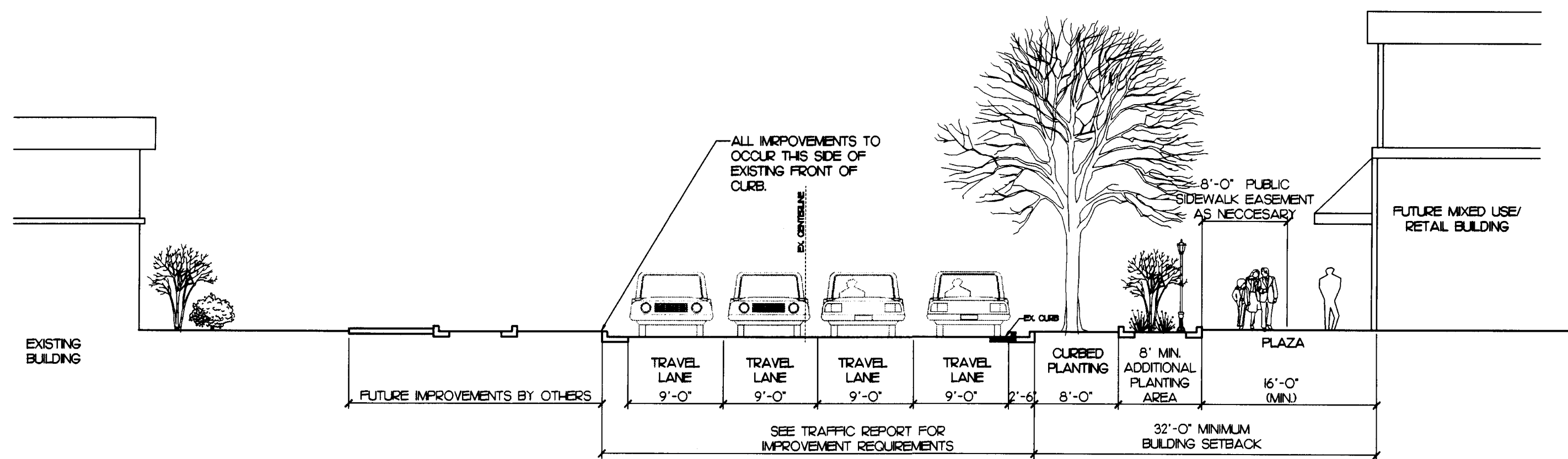
BB MAGNOLIA AVE. AT EXISTING SINGLE-FAMILY
RZ-2B SECTION



CC MAGNOLIA AVE. AT EXISTING RETAIL
RZ-2B SECTION



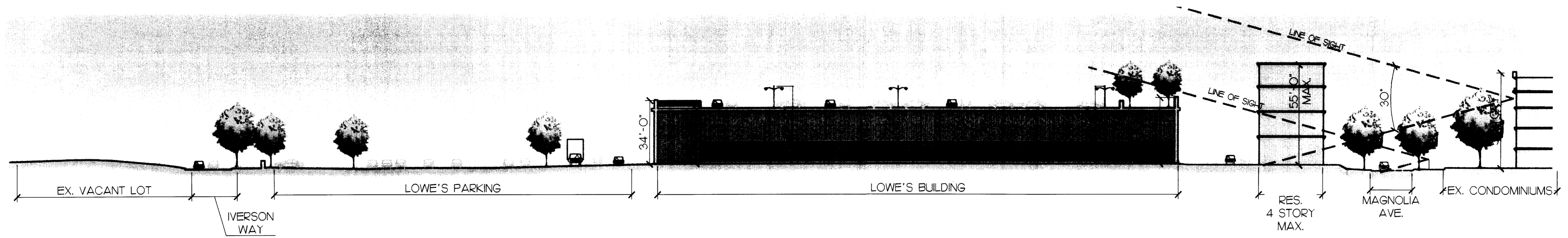
DD MAGNOLIA AVE. AT EXISTING MULTI-FAMILY
RZ-2B SECTION



EE SOUTH BLVD. AT MIXED-USE BUILDINGS
RZ-2B SECTION



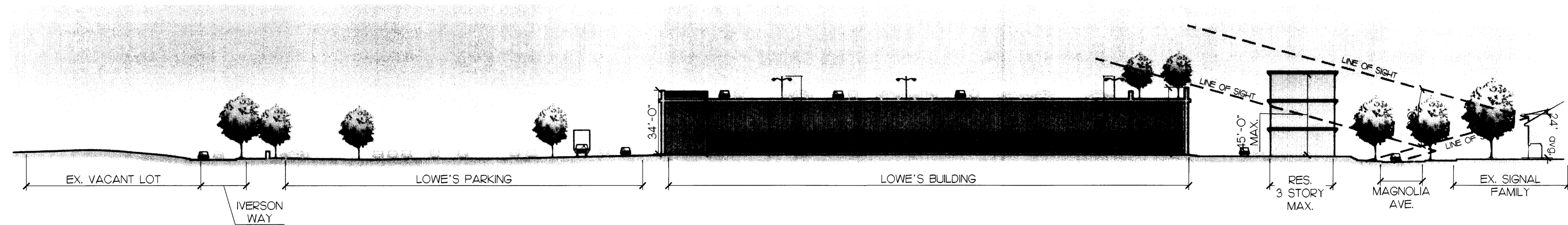
Street Sections and Details
RZ-7
FOR PUBLIC HEARING
PETITION NUMBER: 2005-89



IVERSON WAY TO MAGNOLIA AVE. (ADJACENT TO CONDOMINIUMS)

1"=30'

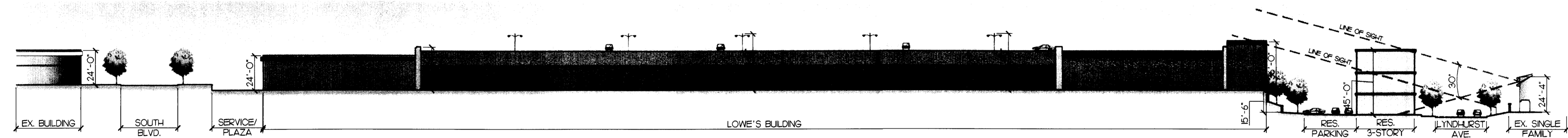
* Provided as a "line of site" study as to heights. Buildings and circulation are schematic.



IVERSON WAY TO MAGNOLIA AVE. (ADJACENT SINGLE FAMILY)

1"=30'

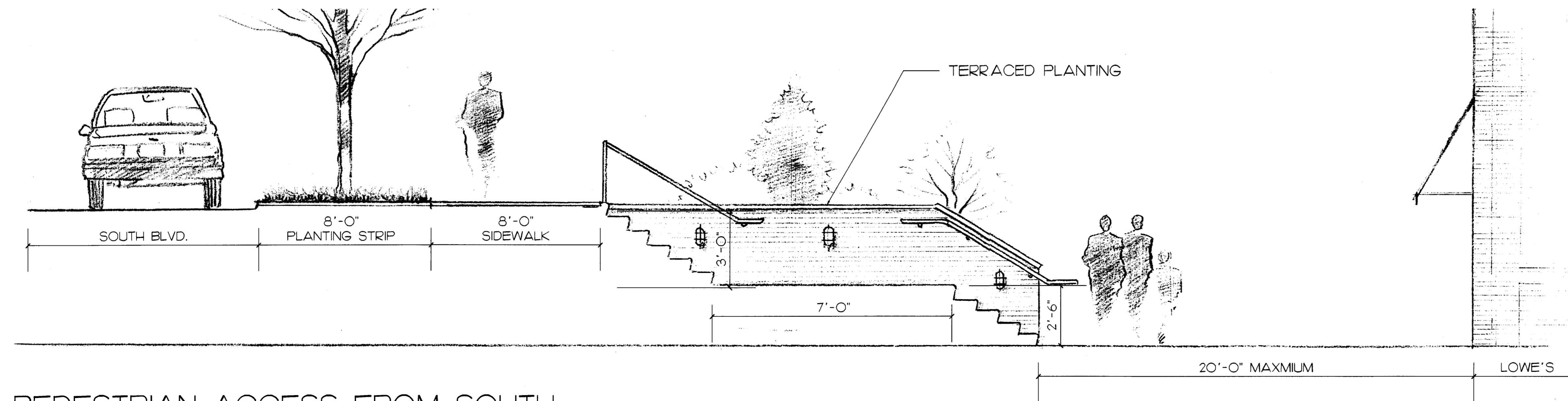
* Provided as a "line of site" study as to heights. Buildings and circulation are schematic.



SOUTH BLVD. TO LYNDHURST AVE.

1"=40'

* Provided as a "line of site" study as to heights. Buildings and circulation are schematic.



PEDESTRIAN ACCESS FROM SOUTH BLVD. TO LOWE'S GARDEN CENTER

NOT TO SCALE

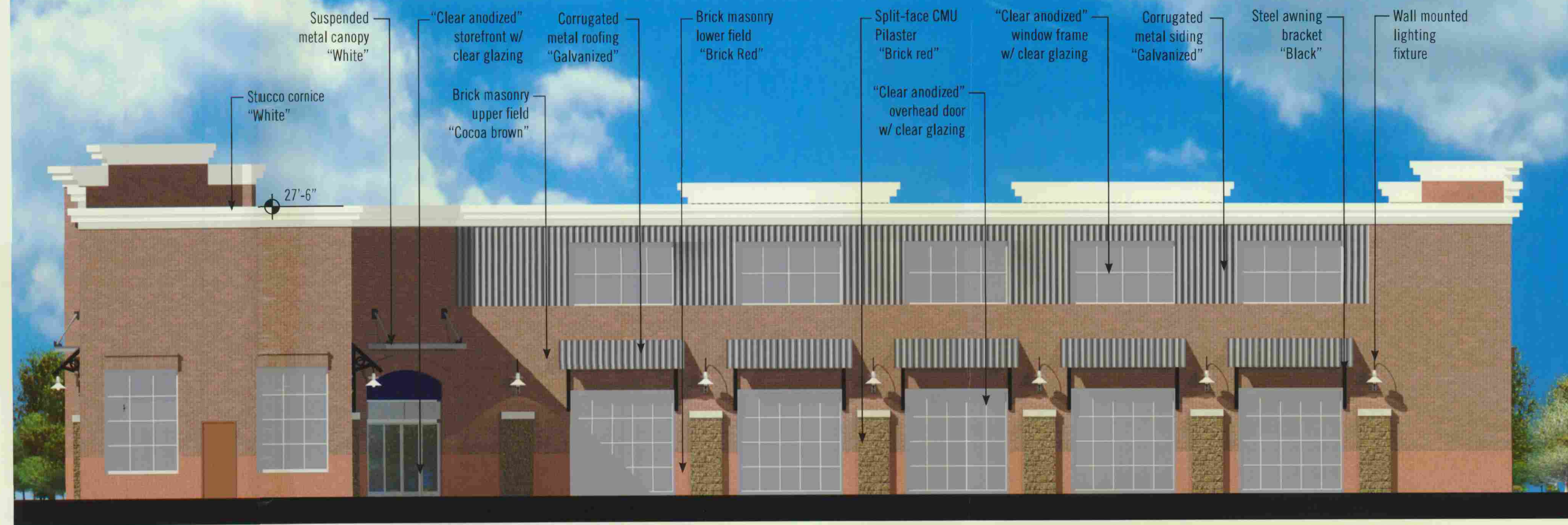


Sections Through Site
RZ-9
FOR PUBLIC HEARING
PETITION NUMBER: 2005-89

REVISIONS:
05/10/05- REVISIONS PER MEETING COMMENTS
06/17/05- REV. PER CITY PLANNING COMMENTS
08/19/05- LAYOUT REVISIONS
09/19/05- REV. PER CITY PLANNING COMMENTS



FRONT (IVERSON WAY) ELEVATION



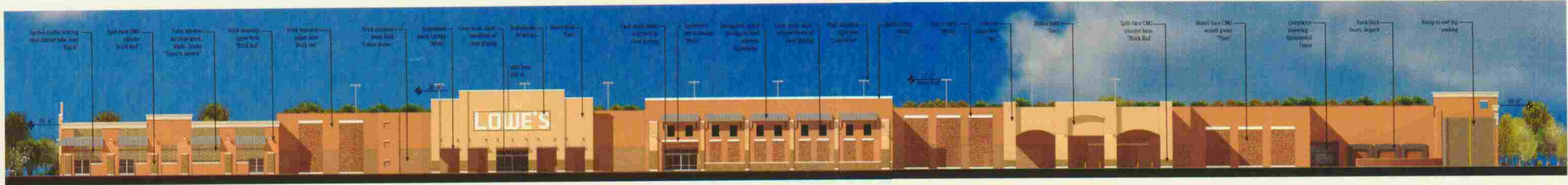
RIGHT (LYNDHURST STREET) ELEVATION



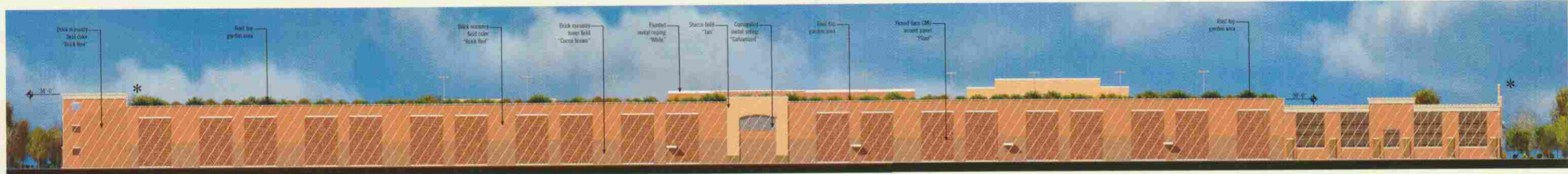
LEFT (SOUTH BOULEVARD) ELEVATION



REAR (MAGNOLIA STREET) ELEVATION



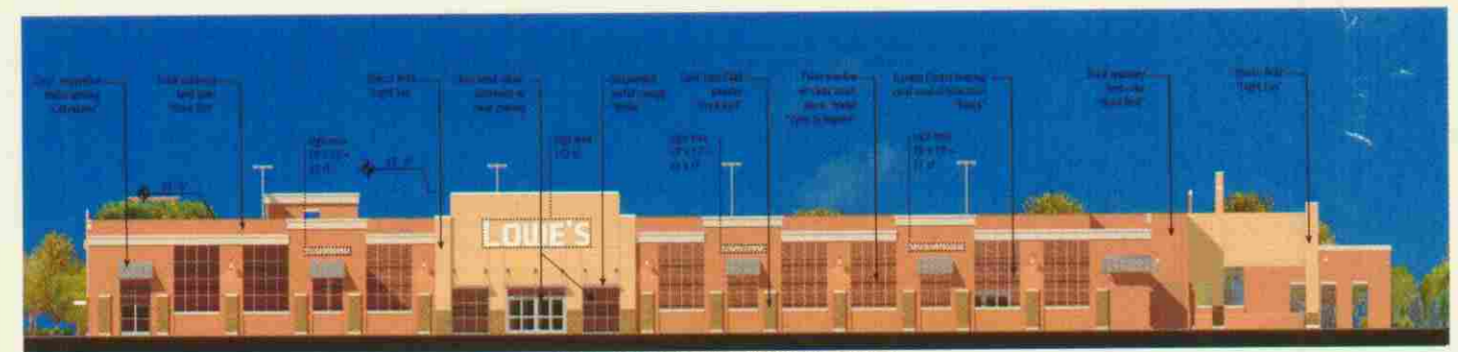
FRONT (IVERSON WAY) ELEVATION



REAR (MAGNOLIA STREET) ELEVATION



RIGHT (LYNDHURST STREET) ELEVATION



LEFT (SOUTH BOULEVARD) ELEVATION

* NOTE! Finishes reflected will not be provided in those areas where residential development is overlaid. (Hatched areas only)



MONUMENT SIGN
Double face, Internally lit (PS-4)
Area of sign face = 31.66 sf

PERMITTED
 OCT 14 2005
 150-150



NOTES:

Notwithstanding the otherwise general nature of this rendering the petitioner makes the following commitments:

- No vinyl or masonite materials will be used on exterior finishes of buildings
- The building's exterior finishes will contain a minimum 50% masonry exclusive of fenestration.



Disclaimer: This rendering is schematic in nature and is provided to show the general intent of the petitioner as it relates to height, scale, articulation, rhythm, massing and proportions.

MAY 10, 2005 | LDR1004246

FOR PUBLIC HEARING
PETITION NO: 2005-089

SHEET:
RZ-10

LOWE'S - CENTRAL CHARLOTTE
Conceptual Rendering for the
Mixed-Use Building on Parcel B
CHARLOTTE, NORTH CAROLINA

LandDesign.

BB+M
ARCHITECTURE



NOTES:

Notwithstanding the otherwise general nature of this rendering the petitioner makes the following commitments:

- No more than 6 units at a time may occur at the street face without Petitioner providing some relief to the building frontage. This relief may be executed either as a full building separation or as a breezeway or other architectural element so long as it has the effect of allowing for pedestrian movement between the units that are adjacent to the element provided.
- No vinyl or masonite materials will be used on exterior finishes of buildings.
- Hardie Board systems, architect approved alternate or better, will be used in crafting the exterior finishes of buildings.
- At a minimum, stone or brick accents will be located at foundation walls and column bases.
- Windows will be double hung where sash-type windows are used. The Petitioner commits to using at least 80% sash type windows. Transoms windows, which are by their nature fixed, will not be required to be taken into account in the calculation.
- At least 80% of the units designed in this style will feature porches and of those, the majority will occur on the first level.
- Porches will have a depth of at least 7 feet.
- Eaves will be designed with an open configuration, displaying visible rafter tails and articulated roof decking.
- Parking will be rear loaded on at least 80% of the units designed in this style, except for those units fronting on Lyndhurst Avenue closest to Iverson Way where space will not accommodate rear loaded parking.
- The height to the primary eave fascia will not exceed 35'.
- The finish floor elevations of the first levels of all buildings which front on Magnolia east of Euclid and on Lyndhurst will be separated from grade as measured at the public right way by at least 2 feet.

Disclaimer: This rendering is schematic in nature and is provided to show the general intent of the petitioner as it relates to height, scale, articulation, rhythm, massing and proportions.



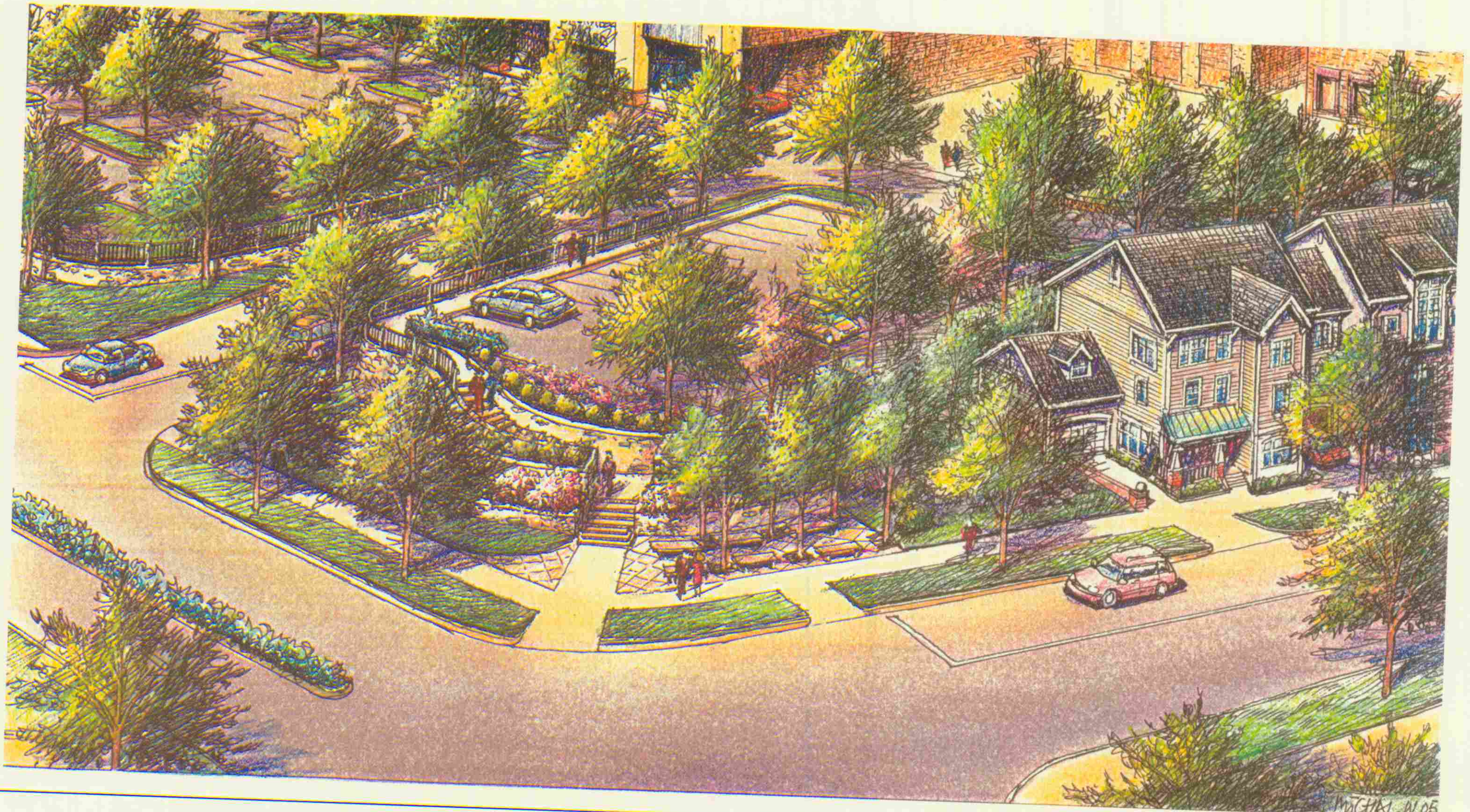
MAY 10, 2005 | LD#1004246

LOWE'S - CENTRAL CHARLOTTE

Conceptual Rendering for the Residential Buildings on Parcel B located along Lyndhurst Ave. and Magnolia Ave. East of Euclid.
CHARLOTTE, NORTH CAROLINA

FOR PUBLIC HEARING
PETITION NO: 2005-089

SHEET:
RZ-11



M. G. H. N. 05

LandDesign.

LOWE'S - CENTRAL CHARLOTTE
Conceptual Rendering for the Pedestrian Amenity on
Parcel A at Iverson Way and Lyndurst Avenue
CHARLOTTE, NORTH CAROLINA

FOR PUBLIC HEARING
PETITION NO: 2005-089

MAY 10, 2005 | LD#1004246

SHEET:
RZ-12

