



Applicant Information

Name: Lowe's Home Centers, Inc Derek Melton
Address: 1605 Curtis Bridge Road
City: Wilkesboro State: NC Zip: 28697
Phone (Work): 336 658 3002 FAX: 336 658 3601 E-Mail: derek.s.melton@lowes.com

Property Owner Information (included as attachment if more than one owner)

Name: TRI City Investments, Inc Joe Mendel Phone 910-997-2544 x 8#
Address: 36 Richmond Plaza
City: Rockingham State: NC Zip: 28379

Development Information

Name of Development: Lowe's Home Centers, Inc Outside Display Addition
Tax Map: 7 Block: 27 Lot(s): B, 1 Parcel ID #: 9799693408
Address/Location: 1801 U.S Hwy 15-501 N
Existing Zoning: CC-Commercial / New Zoning District if Rezoning Proposed N/A
Proposed Size of Development (Acres / Square Feet): Existing 19.777 AC Existing 861,573.24 SF
Permitted / Proposed Floor Area (Square Feet): 239,415.31 SF | Existing 152,231 SF
Minimum # Parking Spaces Required: 609 #Proposed 577
Proposed Number of Dwelling Units: N/A # Units per Acre N/A
Existing / Proposed Impervious Surface Area (Square Feet): 509,652 SF | 509,652 SF
Is this Concept Plan subject to additional review by Town Council? Yes

The undersigned applicant hereby certifies that: a) the property owner authorizes the filing of this proposal b) authorizes on-site review by authorized staff; and c) to the best of his/her knowledge and belief, all information supplied with this proposal is true and accurate.

Signature: Derek Melton Date: 9/19/06

Please submit 20 sets of all materials, or 35 sets of all materials including reduced (8 1/2" by 11") copies of all plans if the Concept Plan is subject to additional review by the Town Council, no later than the first day of the month. Materials must be collated and folded to fit into a 12" x 15" envelope.

The Community Design Commission meets regularly on the third Wednesday of each month. Meetings with the Town Council will be scheduled after the Community Design Commission meeting. For confirmation of meeting dates and the placement of your request on the agenda, please call the Planning Department at (919) 968-2728.

Statement of Compliance

Lowe's of Chapel Hill, North Carolina

The Lowe's Home Improvement Warehouse located on Fordham Boulevard in Chapel Hill was developed as a build-to-suit leased facility. The Developer / Landlord, Tri-City Properties, unfortunately did not secure planning and zoning approvals that permit staging and display of merchandise outside of the building or the fenced staging areas. Lowe's officers and managers working at the store are often unaware of municipal land use codes with respect to the day-to-day operation of a retail home improvement center. Now Lowe's store operations are no longer in compliance with the Special Use Permit (the "SUP").

The first Chapel Hill Lowe's store facility entered the market in June of 1977; the present Home Improvement Warehouse opened in August of 1997. The adjacent Borders Book Store opened shortly after Lowe's opened to the public and the unified shopping center provides a premier specialty retail destination for the Chapel Hill community; Lowe's did not project that this location would generate the level of sales volume that our managers in store operations presently deal with. This, combined with a shift in product mix, presents a unique challenge as we attempt to operate a very busy store facility within the parameters of the SUP issued in December of 1995. Steadily increasing sales to meet customer demands in Chapel Hill have resulted in numerous code enforcement matters that complicate Lowe's efforts to serve the needs of the community and remain a responsible corporate citizen respecting applicable land use controls.

Following here is a description of proposed outdoor store operational items that would enable the Chapel Hill store to be merchandised and to operate as a prototypical Lowe's Home Improvement Center. The items addressed are much the same as have been historically staged since the store opened in 1997. A Modification to the SUP that incorporates these critical operational items will enable the store to function in accordance with Lowe's standard operating procedures while, at the same time, operating in compliance with applicable planning and zoning ordinances.

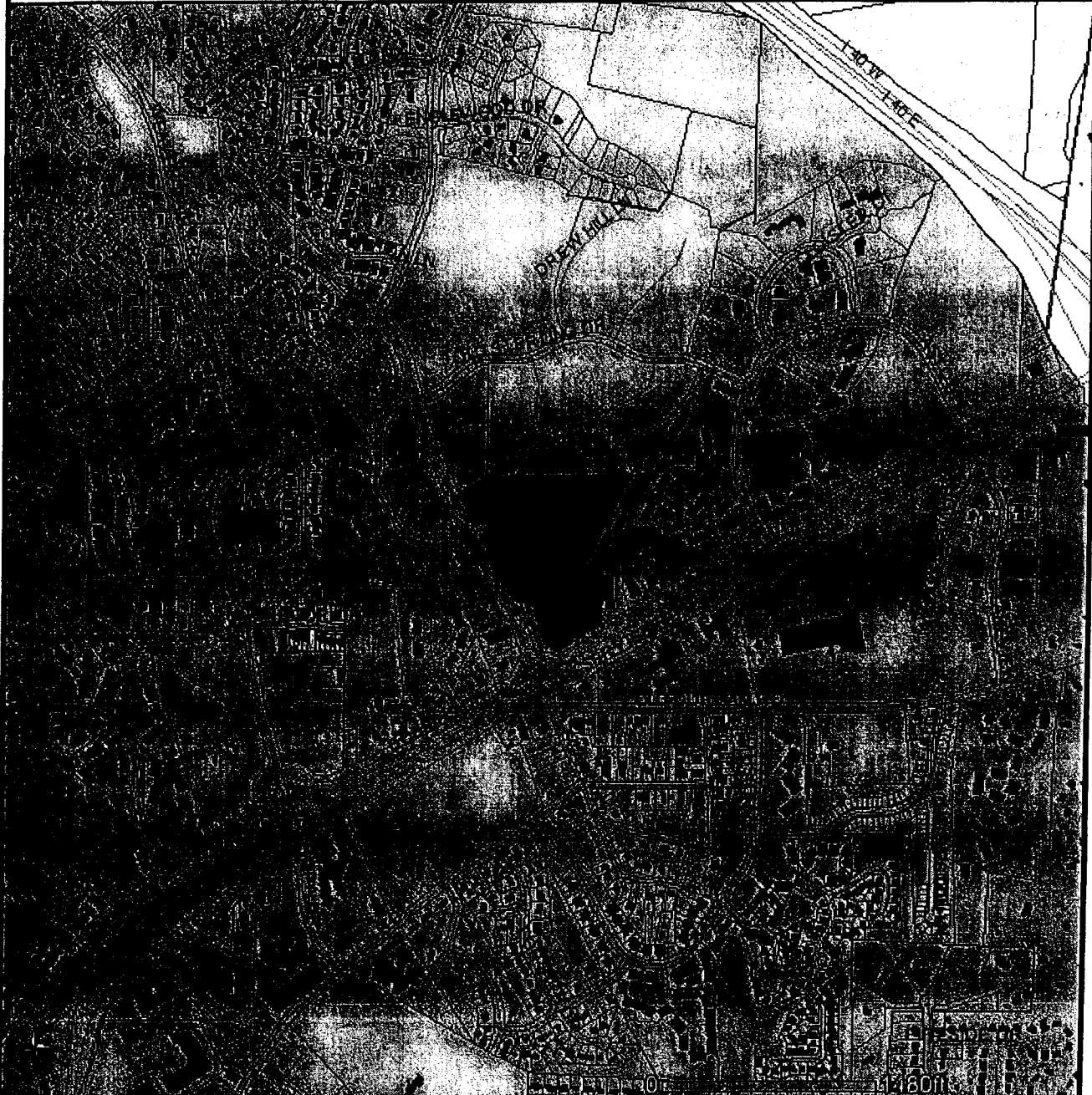
The 'subject area' that is required for outdoor staging and operating is identified as the triangular-shaped parking area located along the northeastern side, and rear, of the property. Lowe's historical non-compliant utilization of this area is the primary reason for present enforcement actions. This area, because of its location in relationship to the entrance, is seldom utilized as customer parking. Lowe's focus and primary component of the Application for Modification to the SUP is to acknowledge that this area, now striped as parking stalls, is not necessary to accommodate parking for Lowe's patrons; the primary parking field in front of the store has been more than adequate to accommodate the flow of customer traffic through the shopping center. The following items, when identified and incorporated into the Modification will assure conditions of compliance.

Items to Modify the Special Use Permit

1. Identification of an area demised to situate two (2) storage trailers to accommodate (a) bales of landscaping pine straw, and (b) baled wheat straw. The safest, and most efficient location for the trailers (as indicated on the attached site plan exhibit) is immediately to the east of the Garden Center to enable customers to enter the triangle parcel and loop around the 'Quick-load Area' such that pine and wheat straw bales can be safely transferred from the storage trailers to the customer's vehicle.
2. Situating a third storage trailer behind the main building to enclose used wooden pallets for transshipment to a recycling facility. These trailers, and the two straw trailers, are routinely swapped-out for empty trailers as needed; usually several times per week.

3. Situating a shipping container at the rear of the property for the safe transfer and containment of old appliances that we are required to pick-up for customers who purchase new 'white goods' (in accordance with a directive from the Fire Department to keep the rear drive aisle clear and to contain old appliances). The used appliances are routinely picked-up to be recycled or disposed of in accordance with applicable environmental guidelines.
4. Placement of a fourth storage trailer behind the store, for storage of mechanically baled cardboard to be recycled. This item combined with the aforementioned storage trailers / containers for used appliances is in accordance with the Solid Waste Management Plan recited in the original SUP.
5. Rolling racks for transshipment of nursery live good and stackable shipping racks for shrubs will be staged along the rear curb near the northeastern corner of the triangular area. These racks are regularly swapped-out as nursery vendors replenish livegoods in the Garden Center.
6. Temporary staging of nursery live goods and bagged goods in a 'Customer Quick-Load Area' located near the front right corner of the Garden Center that enables customer vehicular traffic to make a loop from the front parking area into the parking area beside the Garden Center for safe and efficient loading of lawn and garden items.
7. A bagged goods staging area will be positioned north of the straw trailers to facilitate safe off-loading of bagged goods and building products from flatbed delivery trucks that cannot be unloaded in the sub-level loading bays.
8. An area located at the extreme eastern side of the triangle area is identified for the display of storage sheds and utility trailers.
9. The site plan exhibit also illustrates the addition of twenty-two (22) parking spaces located along the rear and western side of the shopping center to be demised for an employee parking alternative.
10. In accordance with the original SUP, a securable and architecturally sympathetic bicycle rack will be installed on a concrete pad proximate to Borders Books. The Developer overlooked this item, originally required by the SUP, during store construction. Installation of an attractive type of fixture will serve to comply with provisions of the original SUP.
11. The entire triangular area to the east of the Garden Center will be fenced and screened from view, as stated in the SUP, from the neighboring parcels to the east and the residential community to the north of the shopping center.

These items, as illustrated on the site plan exhibit, are identified as critical components of store operations necessary to meet the needs of the Town residents and surrounding communities. The various components of this application were identified and incorporated into the Application utilizing input from the Store Manager, the District Manager, Lowe's southeastern Regional Vice President, Lowe's Design Engineers and a land use consultant. They are presented to enable an environment whereby Lowe's may operate within compliance of zoning codes that govern a typical home improvement center.



This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information contained on this map.

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Parcels Current Thru 7/26/2006. Owner Information Current Thru 6/30/2006

Parcel Identification Number: 9799693408

Summary Building Land Documents Prior Owners Addresses

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SOILS MAP (12)

Orange County N.C. GIS Map



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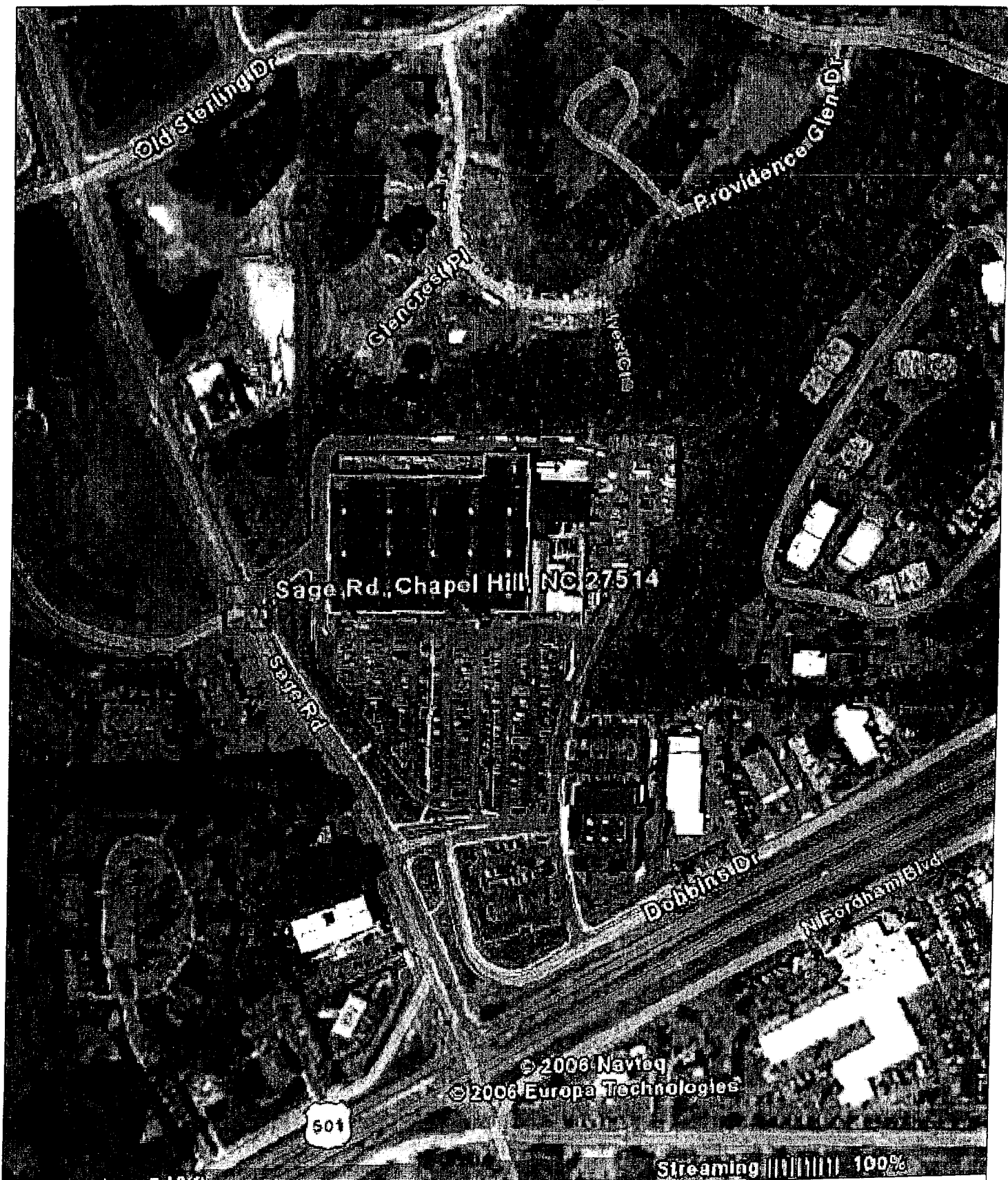
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Parcels Current Thru 7/26/2006. Owner Information Current Thru 6/30/2006

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