

VAN MATRE AND HARRISON, P.C.
Mayor Hindman, City Council Members,
Lowell Patterson, Roy Dudark, and
Members of the City Planning & Zoning Commission
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the area as completed by Crawford, Bunte, and Brammeier, traffic engineers. Said study reflects that the infrastructure in the area is or will be adequate for the commercial purposes intended for Grindstone Plaza once the roadway improvements described in the Plan are complete.

h. Also intended as an exhibit ("Exhibit K") to this letter is a Storm Water Management Plan which provides for erosion control during the construction of the proposed development. Said Storm Water Plan also was delivered to your offices separately by Engineering Surveys and Services.

i. Attached hereto as a separate exhibit ("Exhibit L") is a description of the "Design Parameters" which will be applicable to this proposed development.

All of the foregoing exhibits should be considered as a part of this application for approval of rezoning and Development Plan.

10. Requested Allowable Uses of Property to be Placed in Planned Zoning Classifications: In accordance with the requirements of Section 29-17 of the City's Zoning Ordinance (Zoning District C-P), the Applicant requests that the allowable uses of Tracts 1 and 2 be as follows:

a. Tract 1 - 44.24 acres to be placed in Zoning District C-P: Applicant requests that the allowable uses for Tract 1 as depicted on the above-referenced Exhibits be all uses allowed in Zoning Districts C-1, C-2, and C-3 under the City's Zoning Ordinances (including a pyramiding of such uses as are specified in said zoning ordinances, i.e., the inclusion of all allowed uses in each of said categories); excluding, however, each of the following uses:

- (1) Movie theaters;
- (2) bowling alleys;
- (3) billiard or pool parlors;
- (4) gun clubs;
- (5) machine shops;

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- (6) Travel trailer parks;
- (7) Temporary shelters;
- (8) Self-storage facilities;
- (9) Halfway houses;
- (10) Publishing and newspaper printing establishments; and
- (11) As a storage lot for disabled vehicles, machinery under repair, or the like.

b. Tract 2 - (6.09 acres) to be placed in Zoning District C-P: Applicant requests that the allowable uses for Tract 2 as depicted on the above-referenced exhibits be all uses allowed in Zoning District C-1 under the City's Zoning Ordinances (including a pyramiding of such uses as are specified in said Zoning Ordinance, i.e., the inclusion of all allowed uses in all inferior zoning categories); excluding, however, movie theaters and drive-in movie theaters. The following uses (which are permitted upon the issuance of a Conditional Use Permit under the City's Zoning District C-1 Ordinances) will be permitted in Tract 2, to-wit: bakeries, car washes, hospitals for small animals, automobile service stations, and assembly or lodge halls.

c. Tract 3 - (2.11 acres): Applicant requests that Tract 3 be zoned C-P and be considered as a part of the Development Plan, but that its uses be restricted to green space area and for an architectural feature such as fountain, statute, or park. No commercial utilization of Tract 3 will be permitted; however, the area of Tract 3 will be countered by the Applicant toward meeting the City's green space and landscaping requirements.

d. Tract 4 - (1.6 acres) roadway: Applicant does not request that Tract 4 be rezoned. However, it will be included as a part of the final Plat of the development and its uses will be restricted to serving as a location for a dedicated street and City right-of-way for the extension of Gray Oak Drive.

e. Tract 5 - (3.0 acres) Climax Forest Preservation Area: In order for the Applicant to meet the requirements of the City's Ordinances (12A-49(b)), Applicant has included Tract 5 in this Application. A substitute legal description for the one which is attached hereto for Tract 5 will be furnished prior to action by the City Council. A survey of Tract 5 will be necessary in order to determine the correct legal description thereof at a later date. Although a portion of Tract 5 will be contiguous with a portion of the north boundary of the Red Oak Tract, this tract will generally follow the existing ravines, draws, and ditches in that area, so that the Climax Forest in those areas can be preserved. Applicant does not request that said tract be rezoned. However, it will be considered as a "Climax Forest Preservation Area," no development thereof be permitted, and it will be included in the final Plat of the development.

11. Building Heights: Applicant requests that building heights throughout the proposed development be specified as not exceeding the following:

- a. Commercial/retail structures will not exceed 65 feet in height;
- b. Hotel/motel structures will not exceed 90 feet in height; and
- c. Office/commercial/mixed use (residential) structures will not exceed 65 feet in height.

12. Dedication of Public Roadways: Shown and depicted on the above-referenced exhibits are two (2) new public roads which have tentatively been labeled "Gray Oak Drive" and "Hindman Drive." The existing Gray Oak Drive is proposed to be extended in an easterly direction behind the new proposed Wal*Mart, along the north boundary of the Red Oak Tract, and then intersect with new proposed "Hindman Drive." Hindman Drive is the proposed roadway which will connect Grindstone Parkway on the south to Gray Oak Drive (extended) north and bisect the shopping center development proposed by Applicant as shown on the Plans. Hindman Drive and Gray Oak Drive will be public roads which will be dedicated by the Applicant to the City once the zoning of the property and the Development Plan have been approved and said roads have been constructed in accordance with the City's road standards.

13. Transportation Development District: The Applicant intends to apply for permission to a Transportation Development District to fund certain interior and off-site traffic related improvements in connection with the development of this property (including Hindman Drive

EXHIBIT J

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PLANNING DEPT.

Design Parameters

- The maximum gross square footage of building floor area on the site shall be 350,000 square feet.
- The minimum distance between any building and any adjacent property line or street right-of-way shall be 20 feet.
- The building heights throughout the proposed development will not exceed the following:
 - a. Commercial/retail and office/commercial/mixed use (residential) structures will not exceed 65 feet in height; and
 - b. Commercial/hotel structures will not exceed 90 feet in height.
- The minimum distance between the edge of any driveway, parking area, loading area, trash storage area, and any adjacent property line or street right-of-way shall be 6 feet.
- The minimum percentage of the site to be maintained in open space shall be 30%.
- The maximum number of freestanding signs on the site is eleven (11). The signs consist of one (2) plaza pylon sign, six (6) retail monument signs, and three (3) plaza directional signs. The maximum size of the plaza pylon sign is 288 square feet with a maximum height of 30 feet. The maximum size of each retail monument sign is 46 square feet with a maximum height of 7'8". The maximum size of each plaza directional sign is 26 square feet with a maximum height of 12 feet.
- The minimum percentage of the site to be maintained in landscaping shall be 30%.

SUBJECT TRACTS

