The Petitioner seeks the Optional Provision to provide a 50 foot setback along W.T. Harris as generally depicted on RZ-01.

3. Permitted Uses, Development Area Limitations and (Conversion/Transfer Rights):

a. The Proposed Projects shall be roofed with materials chosen from the following list:
   - Natural slate
   - Natural stone
   - Pre-cast concrete
   - Masonry (such as stucco, brick, and pre-cast stone)

b. The Petitioner shall install a minimum of 40% transparent glass between the first and second floors on the first floor. The Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any additional right of way. If after the exercise of diligent good faith efforts over a minimum of a six (6) months period changes to the above referenced roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements, then the Petitioner shall be required to include in the Roadway Improvements a ten (10%) additional right of way.

4. Signage:

a. The scale and massing of non-residential structures shall be minimized by utilizing a combination of the following options: (1) 4 to 5 stories high building massing, (2) one story with the first story being much larger than the second story, and (3) commercial uses which may be located in Development Area C. The use with the drive-through facilities may be located in Development Area C.

b. The sidewalk will be located outside of the right of way and within the setback.

5. Streetscape, Landscaping Open Space and Screening:

a. These proposed parking and maneuvering areas will be screened from the public streets.

b. Canvas, synthetic stonework, stucco, stucco, pre-cast stone, and such other materials as may be deemed appropriate by the Planning Director as applicable, provided, (a) no more than one use may include accessory drive-through facilities, and (b) such design must be in accordance with the provisions herein and of Chapter 6 of the Ordinance.

6. Streets, Roads and Parking Areas:

a. The Petitioner shall be responsible for exercising good faith efforts to complete the applicable road-improvements.

b. In no event shall the Petitioner be permitted to build, construct, or maintain any building or structure upon the Site that is deemed by the Planning Director as not in accordance with all of the above specifications.

7. Architectural Standards:

a. The Petitioner shall ensure that the applicable standards are met with respect to all buildings and structures located on the Site, including, without limitation, the following:
   - The minimum height for any existing building shall be 40 feet.
   - No new building shall be constructed on the Site without first obtaining a permit from the Planning Director.
   - The maximum height for any new building shall not exceed 50 feet.
   - The scale and massing of non-residential structures shall be minimized by utilizing a combination of the following options: (1) 4 to 5 stories high building massing, (2) one story with the first story being much larger than the second story, and (3) commercial uses which may be located in Development Area C. The use with the drive-through facilities may be located in Development Area C.

b. No site of the Petitioner shall be used for any purpose not in accordance with the applicable regulations of the Ordinance, and such delays extend beyond the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements, then the Petitioner shall be required to include in the Roadway Improvements a ten (10%) additional right of way.

8. Security and Surveillance:

a. The sidewalk will be located outside of the right of way and within the setback.

b. The sidewalk will be located outside of the right of way and within the setback.

9. Architectural Standards:

a. The Petitioner shall ensure that the applicable standards are met with respect to all buildings and structures located on the Site, including, without limitation, the following:
   - The minimum height for any existing building shall be 40 feet.
   - No new building shall be constructed on the Site without first obtaining a permit from the Planning Director.
   - The maximum height for any new building shall not exceed 50 feet.
   - The scale and massing of non-residential structures shall be minimized by utilizing a combination of the following options: (1) 4 to 5 stories high building massing, (2) one story with the first story being much larger than the second story, and (3) commercial uses which may be located in Development Area C. The use with the drive-through facilities may be located in Development Area C.

b. No site of the Petitioner shall be used for any purpose not in accordance with the applicable regulations of the Ordinance, and such delays extend beyond the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements, then the Petitioner shall be required to include in the Roadway Improvements a ten (10%) additional right of way.

10. Lighting:

a. Obstructions shall be minimized by utilizing a combination of the following options: (1) 4 to 5 stories high building massing, (2) one story with the first story being much larger than the second story, and (3) commercial uses which may be located in Development Area C. The use with the drive-through facilities may be located in Development Area C.

b. No site of the Petitioner shall be used for any purpose not in accordance with the applicable regulations of the Ordinance, and such delays extend beyond the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements, then the Petitioner shall be required to include in the Roadway Improvements a ten (10%) additional right of way.

11. Amendments to the Rezoning Plan:

a. In no event shall the Petitioner be permitted to build, construct, or maintain any building or structure upon the Site that is deemed by the Planning Director as not in accordance with all of the above specifications.

b. The sidewalk will be located outside of the right of way and within the setback.

12. Binding Effect of the Rezoning Application:

a. No site of the Petitioner shall be used for any purpose not in accordance with the applicable regulations of the Ordinance, and such delays extend beyond the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements, then the Petitioner shall be required to include in the Roadway Improvements a ten (10%) additional right of way.

b. The sidewalk will be located outside of the right of way and within the setback.

13. Appeals:

a. The Planning Director shall be tasked with reviewing applications for the purposes of determining the location of buildings, setbacks, and other matters related to the property.

b. The Planning Director shall be tasked with reviewing applications for the purposes of determining the location of buildings, setbacks, and other matters related to the property.

14. Enforcement:

a. In no event shall the Petitioner be permitted to build, construct, or maintain any building or structure upon the Site that is deemed by the Planning Director as not in accordance with all of the above specifications.

b. The sidewalk will be located outside of the right of way and within the setback.

15. Certification:

a. No site of the Petitioner shall be used for any purpose not in accordance with the applicable regulations of the Ordinance, and such delays extend beyond the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements, then the Petitioner shall be required to include in the Roadway Improvements a ten (10%) additional right of way.

b. The sidewalk will be located outside of the right of way and within the setback.

16. Technical Specifications:

a. No site of the Petitioner shall be used for any purpose not in accordance with the applicable regulations of the Ordinance, and such delays extend beyond the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements, then the Petitioner shall be required to include in the Roadway Improvements a ten (10%) additional right of way.

b. The sidewalk will be located outside of the right of way and within the setback.

17. Environmental Conditions:

a. No site of the Petitioner shall be used for any purpose not in accordance with the applicable regulations of the Ordinance, and such delays extend beyond the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements are not completed at the time that the applicable roadway improvements, then the Petitioner shall be required to include in the Roadway Improvements a ten (10%) additional right of way.

b. The sidewalk will be located outside of the right of way and within the setback.

18. Public Notice:

a. The Planning Director shall be tasked with reviewing applications for the purposes of determining the location of buildings, setbacks, and other matters related to the property.

b. The Planning Director shall be tasked with reviewing applications for the purposes of determining the location of buildings, setbacks, and other matters related to the property.

19. Site Development Data:

a. Site Development Data:

b. Site Development Data:

20. Existing Zoning:

a. Existing Zoning:

b. Existing Zoning:

21. Plan are graphic representations of the Development/Site elements proposed. Changes to the Planning Regulations or the Rezoning Plan may be undertaken by the Petitioner on its own or in conjunction with other owners of the applicable portion of the Site affected by the applicable improvements. It is understood that such additional right of way shall be undertaken in a manner that will not interfere with the Petitioner’s ability to support any real or personal property.