

**1. Z-12-04** – on the east side of Garner Road, north of its intersection with Tryon Road. Approximately 6.26 acres rezoned to Shopping Center Conditional Use.

**Conditions: 08/24/04**

1. Shopping Center Conditional use, with all uses allowed under Shopping Center Zoning District, except Adult Establishment, Kennel/Cattery, and riding Stable.
2. Reimbursement for any required R/W dedication for Old Garner Road shall be at the current R-10 value, instead of the proposed zoning district.
3. Prior to subdivision or site plan approval, an offer of vehicular and pedestrian cross access shall be provided to the property to the south. In the event that this property develops simultaneously with or subsequent to the adjacent property to the south, similar species of trees and shrubs shall be utilized in order to help unify the separate developments.
4. Open-air stormwater facilities shall be designed as site amenities and landscaped with site appropriate vegetation to SHOD- 4 standards, minimum 18" height at time of planting.
5. A minimum 5' wide paved pedestrian connection from the adjacent residential subdivision on the eastern property line shall be offered at the time of subdivision of the western subject tract from the eastern half.
6. General layout, development, and amenities shall incorporate the key elements of the Urban Design Guidelines for a Mixed-Use Development, based on a concept plan (including elevations of the residential and commercial uses) approved by the Planning Commission prior to approval of preliminary subdivision or

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individual site plans. This concept plan shall incorporate the comprehensive plan recommendation for the development.

7. A minimum of ten percent (10%) of the site shall be retained as a natural area with trees and shrubs.
8. A natural protective yard a minimum of thirty (30) feet wide shall be provided adjacent to existing residential development, along the northern and eastern property lines of subject parcel, being the rezoned (approximate western half) portion of parent parcel DB 2861, pg. 262.
9. A natural protective yard a minimum of fifty (50) feet wide shall be provided above each stream bank, or, should any streams be altered due to grading, a minimum of one and one-half (1/2) acre of trees remain elsewhere on the site, distributed in no more than three groves of approximately one-half (1/2) acre each.
10. That stream crossings be limited to a maximum of one per stream segment.
11. Light poles shall be no taller than twenty-five (25) feet in height, and that no area lighting fixtures be located within fifty (50) feet of a residential property line.
12. Residential density shall not exceed ten dwelling units per acre (10-DU/Ac.)