

Case REZ2023-00027
~~October 24~~November 7, 2023

1. **Concept Plan.** The Property will be developed in general conformance with the plan entitled “WOODMAN AND MOUNTAIN ROAD CONCEPT LAYOUT PLAN”, prepared by Kimley-Horn and dated ~~October 24~~November 7, 2023 (the “Concept Plan”), which is conceptual in nature and may vary in massing, height, elevations, design, layout, final density, and other details shown therein. The access to and from Mountain Road may be relocated on Mountain Road as approved at the time of Plan of Development review. The specific design, general layout, elevations and other details may vary from the Concept Plan as required for final plan approval, engineering reasons, design or compliance with governmental regulations, or as approved during any Plan of Development review.

2. **Uses Permitted.** Uses on the Property shall be limited to the following uses:

- a. Those uses as are permitted in the B-1 District, provided, however, in no instance shall vape stores or lounges be permitted.

- b. Drive throughs, provided drive through service shall be limited to one such drive through service and may only be located in a building with multiple tenants, as generally shown on the Concept Plan.
- c. Microbrewery.
- d. Specialty eating establishment.

e. Self-service storage facility upon approval of a provisional use permit.

f. Any other use requiring and approved with a provisional use permit or conditional use permit as permitted in the B-2 District.

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3. **Self-Service Storage Facility Development Standards.** Any building to be constructed on the Property and to be used primarily for self-service storage ~~warehouse~~ facility purposes (“Self-Storage”) will be subject to the following:

- a. Any Self-Storage will be located on the western portion of the Property on an area no greater than 5.425 acres~~;~~.
- b. Any Self-Storage will have an architectural style and use design elements similar to the conceptual perspective and conceptual elevation plans attached as Exhibit A and dated July 19, 2023 (2 pages), provided:
 - i. The exterior portions of the wall surfaces that can be seen from any public rights-of-way of any such building, excluding windows, doors, gables and architectural design features, will consist of 70% of masonry material (brick, stone, hardi-board or brick veneer); ~~and~~
 - ii. Any such building will be limited to three (3) stories in height (and a maximum of thirty-eight (38) feet in height) and a maximum of 105,000 square feet in area; and
 - iii. Unless required by the applicable building code, windows will not be permitted on the southern facing wall surface (facing the existing Townes at Woodman), although emergency exit doors, faux windows and other architectural features may be used on such southern

elevation as approved at the time of Plan of Development review.

c. Any Self-Storage will be limited to access during the hours of 6 am to 9 pm.

4. **Exterior Elevations.** Any buildings constructed on the Property (other than Self-Storage) will be similar to the style and design and generally in conformance with the renderings marked as Exhibit B and dated October 20, 2023, and attached hereto and by this reference made a part hereof (“Renderings”), unless otherwise approved at the time of Plan of Development review. The determination of compatibility will be based on scale, materials, form, architectural features, and/or colors. Users will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space. Any other building on the Property other than a Self-Storage will be generally compatible with the Renderings with respect to building materials and treatment, lighting and design.

5. **Exterior Materials.**

- a. Any building other than a Self-Storage will have exposed exterior walls (above finished grade and exclusive of trim, windows and doors), of brick, glass, EIFS, stone, stone veneer (including artificial stone), split-face block, wood, fiber-cement siding, or architectural-grade metal panels, precast concrete panels, or a combination of the foregoing, using a complementary color palette of materials, unless different architectural treatment and/or materials are specifically approved at the time of Plan of Development.
- b. No building will be covered with or have exposed to view any painted or unfinished plain concrete block, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically approved at the time of Plan of Development review. The exposed portion of each exterior wall surface (front, rear and sides) of each building (excluding rooftop screening materials for mechanical equipment) will be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any visible sloped roof will be constructed of slate, simulated slate, standing seam metal, textured fiberglass shingles or shakes, or concrete or composition shingles.

6. **Loudspeakers.** Outside loudspeakers that can be heard beyond the Property line will be prohibited. The use of intercom-type systems commonly associated with banks and restaurants will be permitted.

7. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and any utility lines crossing wetlands or otherwise required to be above ground by the utility company, all new utility lines must be underground.

8. **Trash Receptacles and Dumpsters.** In addition to the requirements of the County Zoning Ordinance, dumpsters and trash receptacles, not including convenience containers, will be screened from public view at ground level at the perimeter of the Property, with brick on three (3) sides complementary to the building it serves. The fourth (4th) side will have a gate or door that is of a substantial and durable material as determined at the time of Plan of Development review. Support posts, gate frames, hinges and latches will be of a sufficient size and strength to allow the gates to function without sagging or becoming a nuisance.

9. **Loading Docks/Doors.** Loading docks and loading doors (doors used exclusively for loading and deliveries) on the Property will be screened from view from any public street and the southern boundary line, at ground level, with use of buildings or structures, fencing, wall, landscaping, or such other method as may be approved at the time of Plan of Development.

10. **Preservation Area.** The area of the Property shown on the Concept Plan as ~~“75’ WOODED 50.0’ UNDISTURBED BUFFER (EXISTING VEGETATION TO REMAIN)”~~ (the “Preservation Area”) ~~will~~ adjoining the southern boundary of the Property, must be retained a minimum of fifty (50) feet in width, left in its natural state, and with no development will be permitted therein. The, other than as set forth below and as otherwise approved at the time of Plan of Development review. In addition, the area of the Property shown on the Concept Plan as “25.0’ LANDSCAPED BUFFER”, adjoining the Preservation Area (the “25’ Landscaped Buffer”), if disturbed, shall have be landscaped and planted at a minimum depth to the level of 75 feet in width other than as needed for the a transitional buffer 25. The access to and from Woodman Road, as shown on the Concept Plan, and underground utilities lines located generally shown on the Concept Plan perpendicular through the Preservation Area and the 25’ Landscaped Buffer, shall be permitted within the Preservation Area and the 25’ Landscaped Buffer.

11. **Detached Signage.** Permanent detached signage along Woodman Road and Mountain Road must be monument style and landscaped. The height of any such detached sign

will be limited to ten (10) feet and landscaped. The base of any such monument sign must be constructed of material consistent with the buildings on the Property.

12. **Parking Lot Lighting**. Parking lot lighting fixtures located in the parking lots must not exceed 25 feet in height above grade level. Such parking lot lighting must be produced from concealed sources of light (i.e., shoebox type) and must be reduced to no more than a security level following the close of business operations.

13. **No Burning**. There must be no on-site open burning of stumps, limbs, trees or other debris during site work or the construction of any buildings on the Property.

14. **HVAC**. Heating and air conditioning equipment must be screened from public view at ground level at Mountain Road, Woodman Road, and the southern boundary of the Property.

15. **BMPs/Retention Ponds**. Any retention pond or BMP facilities on the Property must be maintained in accordance with all applicable laws, rules, and regulations and any wet pond must be aerated.

16. **Hours of Construction**. The hours of any land disturbance activities, including operation of bulldozers and other earthmoving equipment and exterior building construction, will be 7:00 a.m. and 7:00 p.m. Monday through Friday, 8:00 a.m. and 6:00 p.m. on Saturdays, and none on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to properly complete such work, such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above referenced provisions will be posted and maintained at all construction entrances to the Property prior to any land disturbances activities thereon.

17. **Shelter**. Upon the request and approval of the County at the time of the first Plan of Development review for the Property, a hardscaped area, with a bench and shelter; (not enclosed), as shown in Exhibit B dated November 6, 2023 shall be constructed within the public right-of-way for a simple school bus stop shelter area south of the entrance to the Property along Woodman Road, with such location and design to be approved by the County at the time of such Plan of Development review, and such improvements dedicated to the County.

18. **Dumpster Pickup and Parking Lot Cleaning.** Dumpster pickup and unloading and parking lot cleaning (not including individuals sweeping and picking up trash) on the Property shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday.

~~18.~~19. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, will not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

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