

REZONING APPLICATION FORM

CITY OF CUMMING, GEORGIA

RECEIVED

MAY 08 2025

CITY OF CUMMING

Rezoning Request No. 2025061

Date Paid _____

Receipt# _____

Amount Paid \$ 750.00

Property Owner:

Name: Matt Highway Land Company, LLC and
Raider Investments II LLC

Address: _____

5665 Atlanta Hwy., Suit 103-205, Alpharetta, GA 30004

Phone: 404-697-0864

Applicant:

Name: Matt Highway Land Company, LLC

(if different from owner)

Address: 5665 Atlanta Hwy., Suite 103-205, Alpharetta, GA 3004

Phone: 404-697-0864

Agent: (if applicable)

Name: Sean Courtney - Lipscomb Johnson LLP Phone: 770-887-7761

Existing Zoning:

HB (Highway Business) and OP (Office Professional)

Proposed Zoning:

CBD (Central Business District)

Existing Use:

Restaurant

Proposed Use:

All permitted uses in CBD (Central Business District)

Acreage of Site:

5.068 acres

Location of Property:

310 Bald Ridge Road

(street address)

Tax Map and Parcel #

C27-014, C27-015 and P/O C27-024

Applicants shall submit (22) sets of application as follows in order; Application 3 pages, letter of intent, legal description with metes and bounds, plat survey, required site plans, developments plans, elevation drawings to the Zoning Administrative Officer for distribution to the applicable bodies and/or review agencies. The Zoning Administrative Officer may require more or less copies depending on the nature and extent of required review.

All 22 sets must be on 8 1/2 x 11 inch paper. Do not staple!

Please be advised of the following:

- 1) The applicant is bound by the submitted site plan and letter of intent if this application is approved.
- 2) It is a legal requirement that the public hearing for this Rezoning, be advertised in the legal County organ in addition to posting a rezoning sign on the subject property.

Complete the following information. (This section may be addressed in the letter of intent.)

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

See Letter of Intent for Items 1-9

2. The extent to which property values are diminished by the particular zoning restrictions.

3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

7. The zoning history of the subject property.

8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

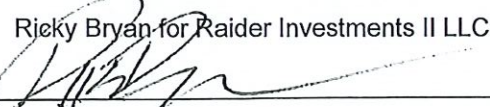
9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

Property Owner's Certification

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed above is authorized to act as the applicant and/or agent in the pursuit of the rezoning of this property. I further certify that, within the past two years, the applicant has not made any campaign contributions or made gifts of \$250 or more to members of the Governing Body or Planning Commission who will consider this application, or that if such contributions or gifts have been made, the amount and recipient of such contributions or gifts will be disclosed within ten (10) days after this application is first filed, as required by Title 36, Chapter 85, Georgia Laws.

Ricky Bryan for Raider Investments II LLC

Signature of Property Owner:



Printed Name of Property Owner:

Ricky Bryan

Date of Signature:

4/30/25

6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

7. The zoning history of the subject property.

8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

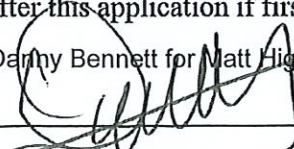
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Danny Bennett for Matt Highway Land Company, LLC

Signature of Property Owner:



Printed Name of Property Owner:

DANNY M. BENNETT

Date of Signature:

24 APRIL 25

LAW OFFICES
LIPSCOMB JOHNSON, LLP

112 NORTH MAIN STREET
CUMMING, GEORGIA 30040
TELEPHONE: 770-887-7761
FAX: 770-889-8123

EMORY LIPSCOMB
PUTNAM CLARK SMITH, P.C.
CHRISTOPHER D. LIGHT
SEAN COURTNEY
ASHLEY B. MASHBURN
ANDERSON LIPSCOMB

COY R. JOHNSON
(RETIRED)

L. LEE DAILEY
(1939-2013)

May 7, 2025

VIA HAND DELIVERY

City of Cumming Planning and Zoning Department
Attn: Mr. Scott Morgan, Zoning Administrator
100 Main Street
Cumming, Georgia 30040

Re: Letter of Intent as required by Section 113-110 of the Zoning Ordinance of the
City of Cumming, Georgia – Rezoning for Matt Highway Land Company, LLC
Request No. 2025 _____

Dear Mr. Morgan:

This letter of intent is submitted pursuant to 113-110, and by reference section 113-112, of the Zoning Ordinance of the City of Cumming, Georgia, as part of Matt Highway Land Company, LLC's (the "Applicant's") proposed Rezoning Application (the application and all supplemental documents filed contemporaneously therewith are collectively referred to herein as the "Application"). The Applicant is the agent/authorized representative for the current deed record property owners of the property subject to this rezoning application, commonly known as Forsyth County Tax Parcel Number C27-015, C27-014, and P/O C27-024 and consisting of approximately 5.068 acres (the "Subject Property"). The Applicant seeks to rezone the Subject Property from its existing zoning HB (Highway Business) and OP (Office Professional) to CBD (Central Business District). When the proposed development is submitted for permits, it will be subject to review and approval by the Design Review Committee as per the City of Cumming Ordinance.

With regard to the specific rezoning criteria and requested information contained in sections 1 through 9 of the Application, the Applicant hereby addresses them as follows:

The existing zoning of surrounding properties are City of Cumming HB, OP, and PSC. The City of Cumming Future Land Use Map designates the subject property for commercial uses. Based on the surrounding adjacent properties, the proposed rezoning will not adversely

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affect the existing use or usability of nearby properties but rather will complement existing use patterns.

The Applicant anticipates that the approval of the proposed rezoning to the CBD district will raise and not diminish surrounding property values.

Approval of the Applicant's Application would not cause a safety hazard or noxious condition, would not reduce property values in the surrounding area, and therefore would promote the health, safety, morals, and general welfare of the public.

The relative gain to the public is estimated to be significant as the proposed rezoning will mesh well into the existing developing trend of the area.

The Subject Property is physically suitable for development as requested by the Applicant under the CBD zoning district and is not currently suitable for development under its existing zoning designation.

There is a restaurant currently operating on the Subject Property and to the best of the Applicant's knowledge and belief, there are no existing or changed conditions affecting the use or development of the Subject Property which would give supporting grounds for disapproval of the rezoning request.

As far as the Subject Property's zoning history is concerned, to the best of the Applicant's knowledge and belief, the Subject Property has always been zoned HB and OP.

The build-out and transition of the Subject Property from its current use to the Applicant's proposed use will be gradual and in keeping with current and estimated growth patterns in the City, and it is therefore not anticipated that the proposed rezoning/development will result in or cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

The City of Cumming Future Land Use Map designates the subject property for commercial uses. Based on the need to provide for new development or redevelopment with characteristics that would contribute to the pedestrian-friendly, compact form of the existing CBD, the application should meet the policy and intent of the plans adopted by the City of Cumming.

Refusal to grant approval of the requested rezoning as described in the Rezoning Application would impose a disproportionate hardship on the Applicant without accruing any benefits to any surrounding property owners. The provisions of the Zoning Ordinance that require the development of the property to be different from the Applicant's plan are unconstitutional in that they would constitute a taking of the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section 3, Paragraph 1 of the Constitution of the State of Georgia, and the Fifth and Fourteenth Amendments to the Constitution of the United States.

Page 3 of 3

A refusal by the City of Cumming to approve this Application, so as to permit viable economic use of the property, would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and the owners of similarly situated properties in violation of Article I, Section 1, Paragraph 2 of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Furthermore, a decision denying the Application would constitute an arbitrary and irrational abuse of discretion and constitute an unreasonable application of local land use authority bearing no relationship to the public health, safety, morality or general welfare of the public in violation of Article I, Section 1, Paragraph 1 of the Constitution of the State of Georgia and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States. The Applicant maintains that a refusal to approve the Application as requested would be an abuse of discretion under the power granted to local governments by the Georgia Constitution and the Zoning Procedures Law, O.C.G.A. Section 36-66-1, et seq.

The Applicant reserves all other rights and privileges under the Constitutions of the United States and the State of Georgia, and available at law and in equity, in the event that the City of Cumming refuses to approve this Application as requested by the Applicant. The Applicant respectfully asks that the Application be approved as requested and reserves the right to amend this Letter of Intent and the Application by supplementing additional responses and documents.

Thank you very sincerely and respectfully for your consideration of this request.

Sean Courtney
Lipscomb Johnson, LLP
Attorney for Matt Highway Land Company, LLC

Exhibit "A"

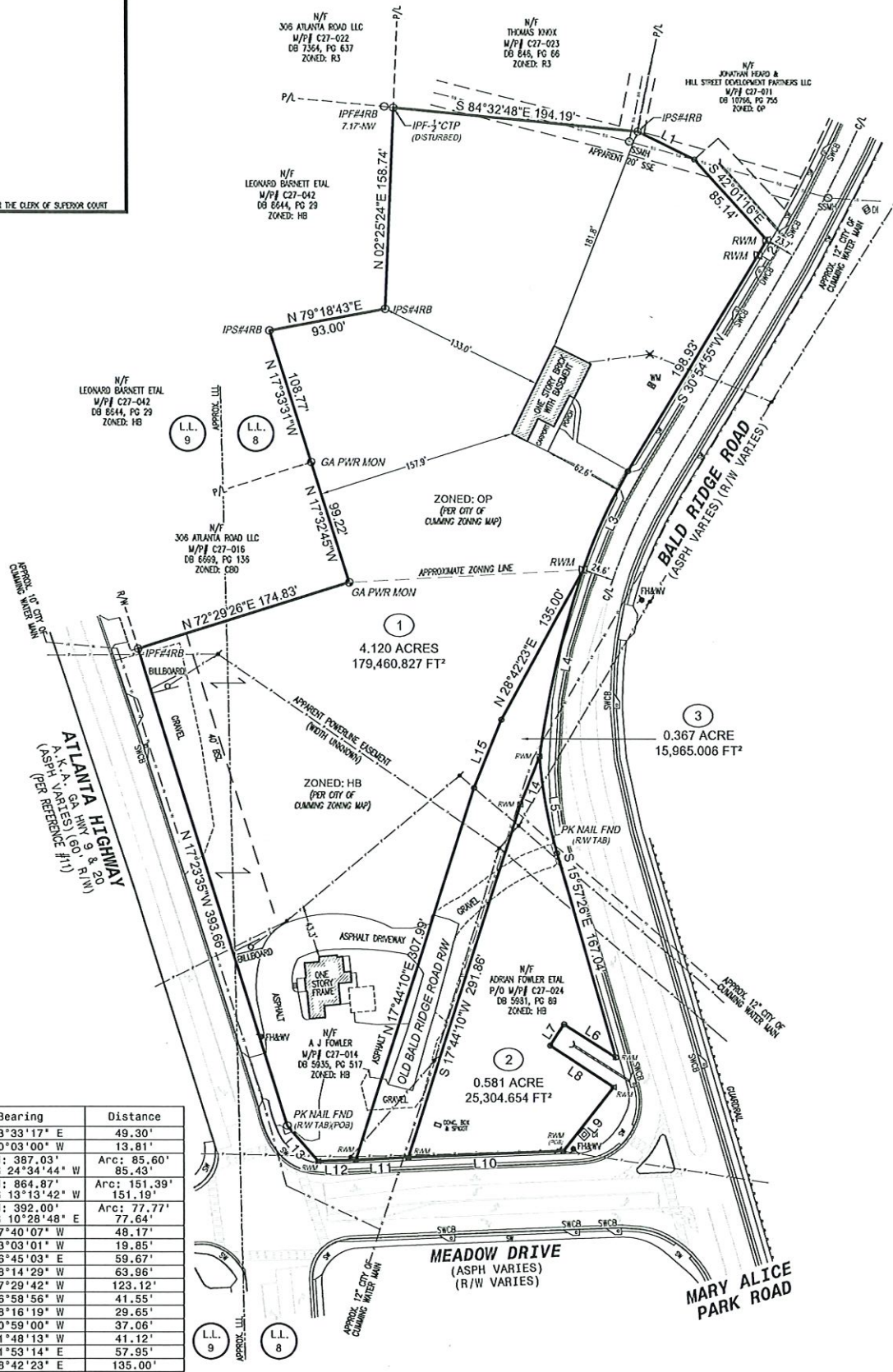
Legal Description of the Property

All that tract or parcel of land lying and being in Land Lots 8 and 9 of the 2nd District, 1st Section of Forsyth County, Georgia, in the City of Cumming, and being 5.068 acres depicted as Tract 1, containing 4.120 acres, Tract 2, containing 0.581 acres, and Tract 3, containing 0.367 acres, on a survey prepared for Matt Hwy Land Company LLC & Raider Investments LLC & Chicago Title Insurance Company, dated January 28, 2025, by McClure Surveying, Inc., bearing the seal and certification of Nathan M. McClure, Georgia Registered Land Surveyor No. 3086, which survey is incorporated herein by reference for a more complete description of the Property, and said Property being more particularly described according to said survey as follows:

BEGINNING at a Right of Way Monument located at the southernmost point of the mitered intersection of the Northerly right of way line of Meadow Drive (variable right of way) and the Northeasterly right of way line of Atlanta Highway a.k.a. Georgia Highway 9 & 20 (60-foot right of way); thence proceed along the mitered intersection of the Northerly right of way line of Meadow Drive and the Northeasterly right of way line of Atlanta Highway a.k.a. Georgia Highway 9 & 20 North 40 degrees 59 minutes 00 seconds West a distance of 37.06 feet to a PK Nail Found at the northernmost point of the mitered intersection of Meadow Drive and Atlanta Highway a.k.a. Georgia Highway 9 & 20; thence proceed along the Northeasterly right of way line of Atlanta Highway a.k.a. Georgia Highway 9 & 20 North 17 degrees 23 minutes 35 seconds West a distance of 393.66 feet to an Iron Pin Found (#4 Rebar); thence leave the Northeasterly right of way line of Atlanta Highway a.k.a. Georgia Highway 9 & 20 and proceed North 72 degrees 29 minutes 26 seconds East a distance of 174.83 feet to a Georgia Power Monument; thence proceed North 17 degrees 32 minutes 45 seconds West a distance of 99.22 feet to a Georgia Power Monument; thence proceed North 17 degrees 33 minutes 31 seconds West a distance of 108.77 feet to an Iron Pin Set (#4 Rebar); thence proceed North 79 degrees 18 minutes 43 seconds East a distance of 93.00 feet to an Iron Pin Set (#4 Rebar); thence proceed North 02 degrees 25 minutes 24 seconds East a distance of 158.74 feet to an Iron Pin Found (½" Crimp Top Pipe – Disturbed); thence proceed South 84 degrees 32 minutes 48 seconds East a distance of 194.19 feet to an Iron Pin Set (#4 Rebar); thence proceed South 63 degrees 33 minutes 17 seconds East a distance of 49.30 feet to a point; thence proceed South 42 degrees 01 minutes 16 seconds East a distance of 85.14 feet to a Right of Way Monument located on the Northwesterly right of way line of Bald Ridge Drive (variable right of way); thence proceed along the Northwesterly, Westerly, and Southwesterly right of way line of Bald Ridge Drive the following courses and distances: South 30 degrees 03 minutes 00 seconds West a distance of 13.81 feet to a Right of Way Monument; South 30 degrees 54 minutes 55 seconds West a distance of 198.93 feet to a point; along the arc of a 387.03-foot radius curve to the left, an arc distance of 85.60 feet to a Right of Way Monument (said arc being subtended by a chord bearing South 24 degrees 34 minutes 44 seconds West, a chord distance of 85.43 feet); along the arc of a 864.87-foot radius curve to the left, an arc distance of 151.39 feet to a Right of Way Monument (said arc being subtended by a chord bearing South 13 degrees 13 minutes 42 seconds West, a chord distance of 151.19 feet); along the arc of a 392.00-foot radius curve to the left, an arc distance of 77.77 feet to a PK Nail Found (said arc being subtended by a chord bearing South 10 degrees 28 minutes 48 seconds East, a chord distance of 77.64 feet); and, South 15 degrees 57 minutes 26 seconds East a distance of 167.04 feet to a Right of Way Monument located at the northernmost point of the mitered intersection of the Northerly right of way line of Meadow Drive and the Southwesterly right of way line of Bald Ridge Drive; thence proceed along the mitered intersection of the Northerly right of way line of Meadow Drive and the Southwesterly right of way line of Bald Ridge Drive the following courses and distances: North 57 degrees 40 minutes 07

seconds West a distance of 48.17 feet to a point; South 33 degrees 03 minutes 01 seconds West a distance of 19.85 feet to a point; South 56 degrees 45 minutes 03 seconds East a distance of 59.67 feet to a Right of Way Monument; and, South 38 degrees 14 minutes 29 seconds West a distance of 63.96 feet to a Right of Way Monument located at the southernmost point of the mitered intersection of the Northerly right of way line of Meadow Drive and the current Southwesterly right of way line of Bald Ridge Drive; thence proceed along the Northerly right of way line of Meadow Drive the following courses and distances: South 87 degrees 29 minutes 42 seconds West a distance of 123.12 feet to a Right of Way Monument; South 86 degrees 58 minutes 56 seconds West a distance of 41.55 feet to a Right of Way Monument; and, South 88 degrees 16 minutes 19 seconds West a distance of 29.65 feet to a Right of Way Monument located at the southernmost point of the mitered intersection of the Northerly right of way line of Meadow Drive and the Northeasterly right of way line of Atlanta Highway a.k.a. Georgia Highway 9 & 20 and the POINT OF BEGINNING.

THIS BLOCK RESERVED FOR THE CLERK OF SUPERIOR COURT



LEGEND
 B.O.C. = BACK OF CURB
 B.S.L. = BUILDING SETBACK LINE
 P.L. = PROPERTY LINE
 P/W = RIGHT OF WAY
 L.L. = LAND LOT
 L/L = LAND LOT
 W/P = HOW OR FORMERLY
 W/P = TAX MAP / PARCEL NO.
 P.O.B. = POINT OF BEGINNING
 NTS = NOT TO SCALE
 R/F = FROM FINDER
 R/S = FROM FINDER
 C.O.R. = CORNER
 R/B = REBAR
 C/P = CROWN TOP PIPE
 O/P = OPEN TOP PIPE
 S.O. = SQUARE ROD
 A/F = ANGLE FROM FOUND
 C.M.P. = CORRUGATED METAL PIPE
 R.C.P. = REINFORCED CONCRETE PIPE
 W = WATER METER
 W = WATER VALVE
 U/P = LIGHT POLE
 S/P = SERVICE POLE
 P/B = PHONE BOX
 U/G = UNDERGROUND
 C.O. = SEWER CLEAN-OUT
 W = WALKWAY
 S.S. = SANITARY SEWER
 M = MAN HOLE
 F.T.E. = FINISHED FLOOR ELEV.
 F.H. = FIRE HYDRANT
 G = GAS LINE
 P = POWER LINE
 S.S. = SANITARY SEWER LINE
 F.W. = FIRE WATER
 T = TELEPHONE LINE
 W = WATER LINE
 X = FENCE LINE

THIS SURVEY AND ITS FINDINGS DOES NOT CONSTITUTE A TITLE SEARCH OR TITLE OPINION BY MCCLURE SURVEYING, INC. AS LAND SURVEYORS. ALL DATA USED FOR THE LOCATION OF PROPERTY LINES, EASEMENTS, ADJOINING OWNERS, ETC. WAS OBTAINED FROM PUBLIC RECORDS, THE CLIENT OR OTHER SOURCES AS REFERENCED. NO ABSTRACT OF TITLE OR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE PROVIDED TO THE SURVEYOR, UNLESS OTHERWISE NOTED. OTHER DOCUMENTS OR SITUATIONS MAY EXIST THAT WOULD AFFECT THIS PROPERTY, AS WITH ANY LAND TRANSACTION, A TITLE SEARCH AND CERTIFICATE IS RECOMMENDED IN CONJUNCTION WITH THIS SURVEY, OR YOU MUST CONSULT A COMPETENT TITLE ATTORNEY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE GEORGIA STANDARDS OF PRACTICE FOR SURVEYING IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN GEORGIA ACT O.C.G.A. 15-6-67, AUTHORITY O.C.G.A. SECS 15-6-67, 43-15-4, 43-15-6, 43-15-10, 43-15-22.

STATE MONUMENTS ARE NOT LOCATED ON THIS PROPERTY.

DATE OF SURVEY: APRIL 27 - MAY 1, 2019

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 43,080 FEET, AN ANGULAR ERROR OF 00 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 161,971 FEET.

BEARINGS SHOWN ARE BASED ON ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION AND ARE SUBJECT TO FIELD CONDITIONS.

THE EQUIPMENT USED FOR ANGULAR AND DISTANCE MEASUREMENTS WAS A LEICA ROBOTTIC TOTAL STATION, TS12.

THIS PROPERTY IS NOT LOCATED WITHIN THE 100-YEAR FLOOD HAZARD AREA AS PER FLOOD INSURANCE RATE MAP NO. 13117C0134E, DATED 3-4-13.

NOTES & REFERENCES

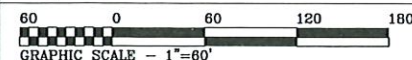
1. TAX MAP/PARCELS MC27-014, C27-015, AND P/O C27-024
2. PARCEL IS ZONED HB & OP
3. PARCEL IS SERVICED BY CITY OF CUMMING WATER AND SEWER SYSTEMS
4. DEED BOOK 5935 PAGE 517
5. DEED BOOK 5935 PAGE 522
6. DEED BOOK 5935 PAGE 533
7. PLAT BOOK 7 PAGE 29
8. PLAT BOOK 17 PAGE 158
9. PLAT BOOK 41 PAGE 186
10. PLAT BOOK 70 PAGE 135
11. PLAT BOOK 178 PAGE 59

Course	Bearing	Distance
L1	S 63°33'17" E	49.30'
L2	S 30°03'00" W	13.81'
L3	Rad: 387.03'	Arc: 85.60'
	Chd: S 24°34'44" W	85.43'
L4	Rad: 864.87'	Arc: 151.39'
	Chd: S 13°13'42" W	151.19'
L5	Rad: 392.00'	Arc: 77.77'
	Chd: S 10°28'48" E	77.64'
L6	N 57°40'07" W	48.17'
L7	S 33°03'01" W	19.85'
L8	S 56°45'03" E	59.67'
L9	S 38°14'29" W	63.96'
L10	S 87°29'42" W	123.12'
L11	S 86°58'56" W	41.55'
L12	S 88°16'19" W	29.65'
L13	N 40°59'00" W	37.06'
L14	S 21°48'13" W	41.12'
L15	N 21°53'14" E	57.95'
L16	N 28°42'23" E	135.00'

**MATT HWY LAND COMPANY LLC
 & RAIDER INVESTMENTS LLC,
 & CHICAGO TITLE INSURANCE
 COMPANY**
 IN THE CITY OF CUMMING
 LAND LOTS 8 & 9
 2ND DISTRICT
 1ST SECTION
 FORSYTH COUNTY, GEORGIA
 PLAT DATE: JANUARY 28, 2025

TOTAL = 5.068 ACRES
 220,730.488 SQUARE FEET
 (INCLUDES TRACT 3)

OWNER INFO:
 CELIA M. FOWLER
 1150 PARK SHORE DR
 CUMMING, GA 30041



MCCLURE
 SURVEYING, INC.
 2505 JOHNSON DRIVE - SUITE D
 CUMMING, GA 30040
 O: (470) 297-5592 O: (770) 889-0281
 CERTIFICATE OF AUTHORIZATION: LSF001203
 NATHAN@MCCLURESURVEYING.COM
 WWW.MCCLURESURVEYING.COM

GEORGIA
 PROFESSIONAL
 LAND SURVEYOR
 NATHAN M. MCCLURE
 No. 3086
 PROFESSIONAL

Surveyor's Certificate
 "I am hereby certified that all monuments and improvements shown herein actually exist, except as otherwise indicated, and that their locations, area, size, and material are correctly shown."
 By: *Nathan M. McClure*
 Registered Georgia Land Surveyor No. 3086
JOB NO. 19110

CONCEPTUAL MASTER PLAN

ARCHITECT: NELSON WM
5200 Avalon Boulevard,
Alpharetta, GA, 30009
770-209-9393

PROPERTY OWNER
DANNY BENNETT
5665 ATLANTA HWY, STE 103-205
Alpharetta, GA, 30004
678-773-1535



Development Summary

LAND USE	SIZE
Retail	60 K
Parking	298 Spaces
SETBACKS: NONE	

NELSON



BALD RIDGE CENTER
CUMMING, GEORGIA

16 JUNE 2025

CP 1

Matt Highway Land Company, LLC
5.068 acres Located at 310 Bald Ridge Road
(Parcels C27-014, C27-015 and P/O C27-024)
Rezoning from HB and OP to CBD

Conditions:

1. The site plan must be approved by the Design Review Committee, prior to any plan submission for land disturbance or building construction, **which shall include a landscape plan. The landscape plan shall include the buffer and parking lot details.**
2. The building entrances shall utilize architectural details such as canopies, overhangs, awnings, recesses, projections, display windows, moldings, integral planters, or wing walls that incorporate landscaped or sitting areas.
3. **All project signage shall comply with the Cumming Sign Ordinance.** Animated, automated or flashing signs are prohibited.
4. Retaining walls, if present, shall be faced with brick, natural or synthetic stone if seen from the street, **to match or enhance the architectural design.**
5. The following uses shall not be permitted on the subject property:
 - a. Convenience stores, with or without gasoline pumps;
 - b. 24-hour businesses;
 - c. bars, lounges or night clubs not to preclude restaurants such as but not limited to Applebee's from serving alcohol.
 - d. hotels or motels
 - e. theaters
 - f. electronic game playing centers
 - g. adult entertainment centers
 - h. adult novelty stores
 - i. pawn shops;
 - j. pool halls;
 - k. tattoo parlors;
 - l. car dealerships;
 - m. motorized vehicle businesses.
6. Dumpsters shall be enclosed with architectural features that complement the building **and comply with the design requirements of the Department of Utilities Ordinance.**
7. The architectural design of the building shall be approved by the Design Review Committee as required by **the Design Review Ordinance. The building shall be designed to be architecturally similar on all three (3) street frontages.**
8. **The entire development shall be connected to City water and sanitary sewer.**
9. **There shall be a twenty-foot (20') planted buffer between the development and all adjoining properties.**
10. **There shall be a fifteen-foot (15') landscape strip on all street frontages, which includes a five-foot (5') sidewalk.**
11. **Development exterior and parking lot lighting shall be of a decorative nature and shall be designed not to spill onto adjoining properties.**

12. Parking space numbers for the development shall comply with the City off-street parking regulations, plus or minus twenty percent (20%).
13. Final uses, including the percentage of uses, shall be approved by the City Council.