

## OWNER CONCESSIONS

Border Properties (“Owner”) has previously agreed (either on its own initiative or at the request of MAPC) to the following:

1. Despite recommendations from its advisers, Owner chose from the very beginning to pursue a rezoning classification of C-4 LUO rather than the less restrictive C-3 which would have allowed numerous other commercial uses. He did this for the sole benefit of the residential neighbors.
2. By using a C-4 LUO (a “limited use overlay”), the Owner further limited his options so that fewer uses under a C-4 classification would be permitted, rather than the entire list of C-4 permitted uses. The owner voluntarily restricted even the C-4 uses for which the property could be made.
3. Owner agreed that the property, when developed, would include a 20 ft. landscape buffer, including privacy fencing, where the site abuts existing residential uses.
4. Owner agreed to drop “carwash” as a permitted use.
5. Owner agreed that the existing Lot 29 could not be used for a convenience store, and that as to the rest of the property, there must be a setback of 100 ft. between residential neighbors if a convenience store is developed on the remaining property.
6. Before the property can be developed, the owner must go back to the MAPC for the following:
  - a. That all site plans must be approved by the MAPC with access easement management included on individual site plans with cross access easements. No work can commence prior to final site plan review and approval by the MAPC.
  - b. Any development must include a lighting plan and landscaping plan which must be approved by the MAPC.
  - c. Any development must satisfy all requirements of the City Engineer and must satisfy all requirements of the current Stormwater Drainage Design Manual.
  - d. Before anyone can occupy a new development on the property, all requirements stipulated by all city, state and local agencies must be satisfied.