Z-70-02 Suburban Drive, east side, being various Wake County PIN's. Approximately 4.5 acres rezoned to Residential-10 Conditional Use.

Conditions dated: (3/11/03)

A. The property shall be used for not more than 28 townhome dwellings, customary residential accessory structures and uses, utilities, drive, sidewalks, streets, pedestrian walkways and similar improvements approved by the appropriate local government authority.

B. In order to ensure adequate parking, each townhome shall provide an attached two-car garage and a two-car parking pad as a part of the driveway.

C. Buildings shall not exceed three (3) stories or thirty-five feet (35') in height.

D. Suburban Dive Boundary: There will be no vehicular connection to Suburban Drive unless required by the City of Raleigh. A minimum thirty foot (30') street yard will be maintained from the Suburban Drive right-of-way. In addition to required plantings, the streetyard shall be planted with a mixed variety of evergreen trees and shrubs, approved by the city site review specialist in the Inspections Department, with a minimum height at planting of 6 feet (6'), spaced at an average of seven feet (7') on center and designed with the plants offset from one another to provide maximum screening. No building will be located closer than fifty (50') feet to the Suburban Drive right-of-way.

E. Lake Forest Drive Boundary: A one hundred foot (100') natural buffer yard shall be maintained in the area adjacent to the common boundary line of property designated as Wake County PIN #1717.13 03 4992; 1717.13 03 6910; 1717.13 03 7931; 1717.13 03 0922; 1717.13 03 1942; and 1717.13 03 8981 in accordance with an agreement prepared by the Raleigh City Attorney, entitled Declaration of Buffer and Grant of Easement of Use recorded in the Wake County Registry Book 8770, Page 1544-1560. In the event the agreement is terminated by all parties, the buffer shall no longer be required. A minimum seventy-five foot (75') natural protective yard and a one hundred foot (100') building setback shall be maintained adjacent to Wake County PIN 1717.13 03 3981.

F. All dumpster(s) shall be screened by solid fencing with access gates so as not to be visible from public street right-of-way or from nearby residentially zoned property. Dumpsters shall be located no closer than 50 feet from the boundary of the subject property with adjacent property zoned R-4.

G. In order to encourage pedestrian circulation between the existing North Haven neighborhood, the proposed townhome community and Falls Village Shopping Center, at least one concrete path at least 8 feet (8') in width with low level lighting shall be installed to allow pedestrian access to Falls Village Shopping Center from

Suburban Drive. The path shall be located such that it aligns with existing sidewalk that runs in front of the northernmost strip of shops at Falls Village Shopping Center. The path shall be designed to move between the townhomes rather than around the perimeter of the community. A path that complies with this condition is shown on the attached plan, labeled Exhibit A. Path construction standards shall be approved by the City of Raleigh.

H. Prior to the issuance on buildings permits for townhomes on this site, the property owner shall create a property owners association and file it with the Wake County Register of Deeds including restrictive covenants which provide the following: (1) each townhome shall be a minimum of 2,100 heated square feet; (2) townhomes shall be constructed of brick, hardiplank siding or a combination of brick and hardiplank siding except that at least forty percent (40%) of the area of each exterior wall, excluding windows and doors, shall be brick; and (3) each townhome shall have an attached two-car garage and space to park two cars in the driveway.

I. Any building or buildings constructed on this site shall be designed to provide an architectural transition between the immediately adjacent retail uses and the North Haven neighborhood. Such a transition is characterized by the use of brick similar in color to that used is Falls Village Shopping Center, windows surrounded by hardiplank siding at least three inches (3") in width, window planters at upper story windows, inset patio areas as part of the front façade of some townhomes, and eyebrow or gables windows at the top level of the building. The attached architectural drawing, labeled Exhibit B, is one example of the transitional style described above. In addition, building shall be massed with no more than three (3) units attached in a row. An example of this style massing is shown on the attached site plan labeled Exhibit A.

J. A courtyard at least twenty feet (20') wide and fifty feet (50') long shall be designed at the pedestrian entrance to the townhouse development facing Falls Village Shopping Center. A courtyard that complies with this condition is shown on the attached site plan, labeled Exhibit A.

K. Concurrently with its filing with local government agencies, the property owner shall forward by certified mail return receipt requested a copy of any site plan, subdivision plan, and/or initial building permit application for the subject property to the parties listed by the Wake County Tax Office as owners of PIN's:

1717.13-03-2157	1717.13-03-2236	1717.13-03-2335	1717.13-03-2433
1717.13-03-2732	1717.13-03-3713	1717.13-03-2534	1717.13-03-2971
1717.13-03-3981	1717.13-03-4992	1717.13-03-6910	1717.13-03-7931
1717.13-13-8981	1717.13-13-0922	1717.13-13-1942	1717.13-13-2937
1717.13-13-3988	1717.13-13-3888	1707.16-93-7497	1717.13-03-2079
1717.13-03-3011	1717.13-02-3953	1717.13-02-3895	1717.13-02-4880
1717.13-02-6627	1717.13-02-6596	1717.17-02-6476	1717-17-02-6329
1717.17-02-5370	1717.17-02-3163	1717.17-02-4014	1717.13-02-8660

L. Stormwater facilities shall be designed to meet predevelopment rates for the two and ten year storm. Biotention facilities, artificial wetlands, swales and/or other BMP's shall be used to manage stormwater as required by the Raleigh City Code.

M. In order to provide a connection between the townhome community and the Shopping center, vehicular access into the townhome community from the Falls Village Shopping Center shall align with the northernmost driveway into Falls Village Shopping Center from Falls of Neuse Road.

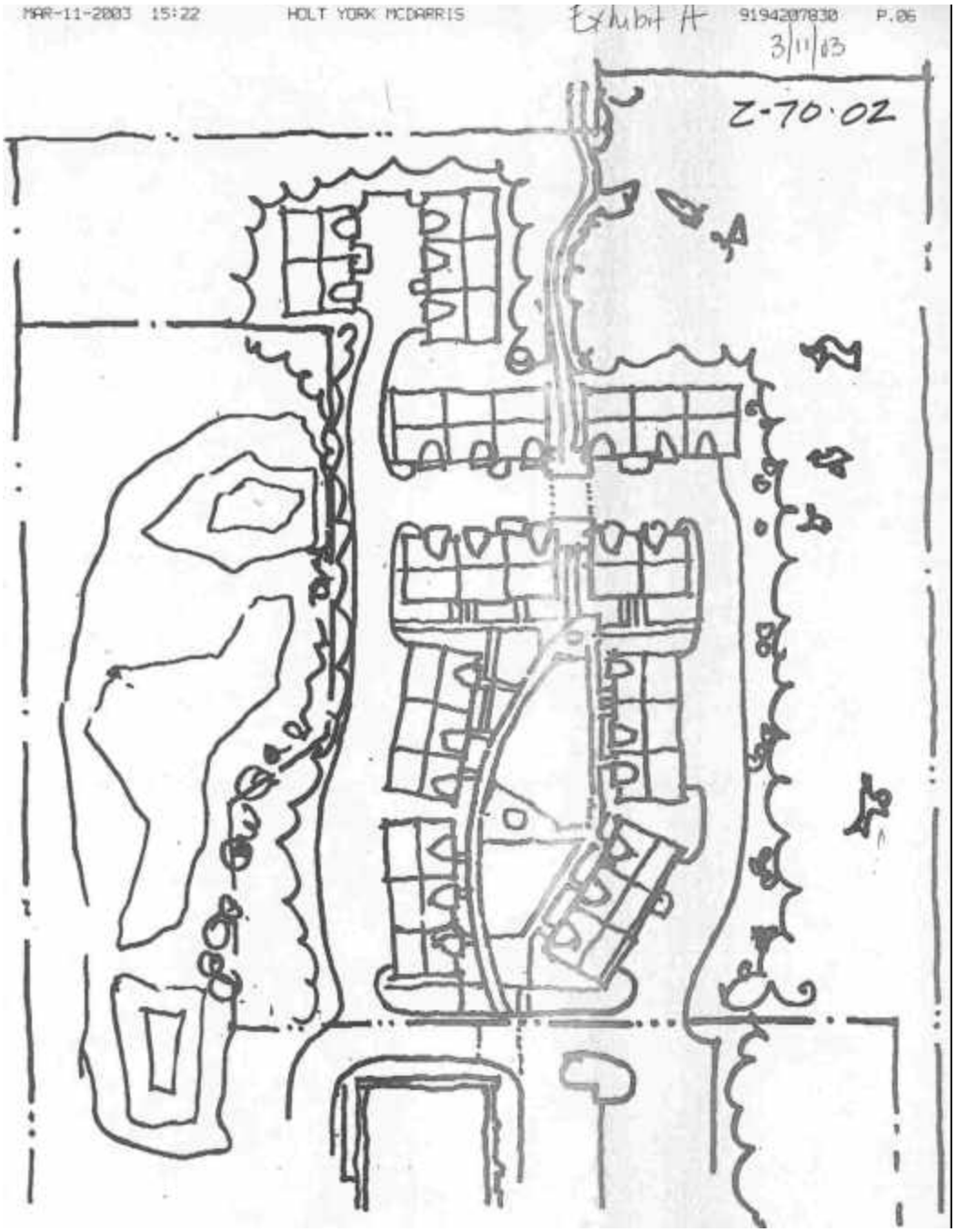

Exhibit B
3/11/2003
Z-70-02