1. **Z-47-05 – New Bern Avenue,** on the south side of New Bern Avenue, on the southeast quadrant of its intersection with Peartree Lane being Wake County PIN 1723192900. Approximately 4.17 acres rezoned to Office and Institution-1 Conditional Use.

Conditions: 08/02/06

A. Reimbursement for any future right-of-way dedication for New Bern Avenue or Peartree Lane (if applicable) shall be based upon the pre-existing zoning, R-4.

B. Only the following uses shall be permitted on the Property:

(1) Residential uses noted below:

a. single family
b. townhouse development
c. unit-ownership/condominium dwelling

(2) Any office, agency, or studio of a professional or business agent, or political, labor or service association as listed in City Code Section 10-2071.

(3) Commercial uses noted below:

a. bank without drive-thru; bank with drive-thru which must be attached to the buildings

b. retail sales related service; retail sales - non-residential related service

C. The height of any new building constructed upon the Property shall .be no greater than three stories in height or forty-two feet (42') whichever is lesser.

D. Outdoor area and parking lot lighting fixtures shall be limited to full-cutoff (shielded) design and decorative pedestrian scale character and shall be a maximum of twenty (20) feet in height and no more than twelve (12) feet in height in protective yards.

E. All development of the Property shall be in conformity with unity of development standards, including signage, architectural style and construction materials.

F. Outside dumpsters, compactors and other waste equipment shall only be emptied between the hours of 7 a.m. and 7 p.m. Monday through

Friday or 10 a.m. through 7 p.m. on Saturday. Access to such dumpsters, compactors and other waste equipment shall be locked during the hours which they may not be emptied.

G. All refuse containers such as dumpsters, compactors and any other waste equipment shall be screened from view from ground level unless prohibited by the City of Raleigh. Such screening, which shall be at least six (6') feet in height, shall conform to the unity of development standards pursuant to Condition (E).

H. The following stormwater measures shall be in effect during construction:

(1) Temporary cover shall be installed on any disturbed area if it is to remain un-worked for more than seven days. No more than 20% of the disturbed area shall remain uncovered for more than one day. This provision may be relaxed if an area poses low risk of erosion due to slope gradient or anticipated weather conditions. Slopes greater than 3:1 ratio shall be covered within 24 hours of grading. Any disturbed area that is to remain unworked for more than 30 days shall be seeded or sodded.

(2) Sediment control ponds at the site shall utilize baffles to increase settling efficiency.
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(3) All disturbed areas must be stabilized within eight (8) calendar days following final grading.

(4) An undisturbed vegetated buffer of at least 30 feet shall be maintained on any intermittent or perennial stream on the site.

I. Any ground-mounted site signage on the Property shall conform to the unity of development standards pursuant to Condition (E).

J. Where there is a conflict in the approval process for any use between the Shopping Center District and the O&l-1 District, the more stringent procedure shall apply.

K. There shall be no direct access from the Property onto New Bern Avenue.

L. Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of the Property shall deed to the City a transit easement measuring twenty (20) feet long adjacent to New Bern Avenue by fifteen (15) feet wide to support a bus stop for transit services in the area. The location of the transit easement shall be

approved by the Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation.

M. Business conducted upon the Property shall be open to the public for routine business transactions as follows:

Monday thru Friday:	8 a.m. to 9 p.m.
Saturday:	8 a.m. to 5 p.m.

N. Any office uses shall require that the existing church structure (18,632 square feet) and gymnasium (12,360 square feet) be retained on the Property; provided that such church structure and gymnasium may be refurbished and/or enlarged by not more than a total of 10,000 square feet, so long as any such refurbishment or addition shall be "residential in character" or conform architecturally to the existing church structure. Notwithstanding the foregoing, in the event the existing church structure or gymnasium is so damaged, by reason of fire, the elements, or any other cause beyond the reasonable control of the owner, that substantial alteration or reconstruction is required, then the building(s) may be altered or reconstructed, provided that any building on the Property shall be "residential in character and the total square footage of building(s) on the Property shall not exceed 40,932 square feet. For purposes of this condition, "residential character" shall mean having a pitched root with a minimum pitch ratio of 3:12, no building wall shall devote less than 15% or greater than 60% to window and door openings, and only brick, stone masonry, or lap siding are permitted. In addition, any building containing office or commercial uses shall possess certain design elements and building materials that complement the architectural style of the area.