Z-9-03 Louisburg Road, east side, approximately ½ mile south of its intersection with Forestville Road, being Wake County PIN 1747.01-39-9852. Approximately 13.5 acres rezoned to Thoroughfare District Conditional Use, Special Highway Overlay District-3 (to remain).

Conditions dated: 3/3/03

A. All Thoroughfare District land uses (as listed in the table of permitted uses) shall be permitted with the exception of:

   1. General uses to exclude bars, nightclubs, taverns, lounges, hotels, motels, automotive washing and cleaning facilities (car washes);

   2. Conditional uses to exclude Landfills (debris from on-site); and

   3. Special uses to exclude Adult establishments, airfields, landing strips, and heliports.

B. Sidewalk(s) shall be provided to connect to any adjacent public sidewalk(s) where stubbed from adjacent public streets. Furthermore, these sidewalks shall be connected to sidewalks within the development so that they link any retail or office uses within the development.

C. At the time of site plan approval or subdivision whichever shall first occur, an area sufficient to accommodate a bus stop (via either easement or additional public right-of-way) shall be made available to the City along Highway 401. Furthermore, if a public sidewalk exists (or is planned) along this portion of Highway 401, this area shall be provided adjacent to it.

D. No more than one standard double bay of parking (i.e. 1 parking stall on either side of a standard two-way drive) shall be permitted between the front of any non-residential building and the right-of-way for Highway 401.

E. Total retail square footage shall not exceed 50,000 square feet (floor area gross) with no single retail building being greater than 30,000 square feet (floor area gross).

F. Office uses shall not exceed 180,000 square feet (floor area gross).

G. Prior to the recording of any final plat that creates more than one (1) lot within the subject area of this rezoning, the landowner shall record any declaration for retail and office uses. This statement shall tabulate both existing (if any) and future retail and office allocations for all proposed and existing lots within the entire rezoning area.

H. No dumpster facilities shall be located within fifty (50') feet of the common property line with the existing Brighton Subdivision (as indicated with the corresponding residential lots identified by Wake County PINs below in Condition J, or any subsequent recordings of residential lots or dwelling units adjacent to the common property line).

I. At the time of initial plan submittal, any unity of development criteria shall be established and approved by the City of Raleigh Planning Department. This criteria shall ensure that all buildings are complimentary with regard to architectural style, building materials, signage, color and landscaping.

J. Regardless of use within the subject area of this rezoning, a forty (40') foot type "A" Transitional Protective Yard (TPY) shall be provided between existing public street stubs of Monarda Court and Caliber Woods Drive. This TPY is further defined as being applied along the common property lines with the following:

> Wake County PINs 1747-39-4734; 1747-39-5715; 1747-39-5762; 1747-39-6700; 1747-39-6649; 1747-39-6688; 1747-39-7617; 1747-39-7656; 1747-39-7694; 1747-39-8633; 1747-39-8672; 1747-39-9611; 1747-39-9559; 1747-39-9598; 1747-39-0537; 1747-39-0576; 1747-39-1515; 1747-39-1543; 1747-39-1582; 1747-39-2521; 1747-39-2560; 1747-39-3408; 1747-39-3447; 1747-39-3486; and 1747-39-4425.

This Transitional Protective Yard (TPY) shall be provided without any reduction in width as allowed by City Code with the inclusion of berms, fences, walls, etc. within the yard area. This TPY area shall remain undisturbed until any site plan approval. If approved site plans require the grading of this TPY, only those areas indicated on the approved site plan may be graded. This yard area shall also contain a planted berm with a minimum height of three(3') feet. This berm shall occupy no more than forty-five (45%) percent of the width of the TPY. The outermost fifteen (15') feet (immediately adjacent to the above referenced lots) of the TPY shall be provided as a Natural Protective Yard.

K. Direct access to Highway 401 shall be limited to no more than one point of public or private ingress/egress. This access shall be provided so that it commonly serves all uses within the subject area.

L. Freestanding area lighting shall be limited to no more than twenty (20') feet in height.

M. The minimum dimension for the provided Thoroughfare Yard shall be fifty (50') feet from the future right-of-way of Highway 401 (as stipulated by NCDOT).

N. Reimbursement values for additional right-of-way for Highway 401 shall remain at R-4.

O. Freestanding site signs shall be limited to ground low profile signs.

P. Maximum number of residential units shall not exceed ten (10) dwelling units per acre. Furthermore, total dwelling units within the subject area shall not exceed forty-five units.