Ordinance 842 ZC 484
Effective 7/18/00

Z-62-99 **Martin Luther King, Jr. Boulevard** and Raleigh Boulevard, southeast quadrant, being Tax Map 1713.10 45 7037. Approximately 8.7 acres to be rezoned to Shopping Center Conditional Use.

Conditions (7/11/00):

1. Will comply with Planning Commission CR-7107 Stormwater Runoff regulations;

2. Right-of-way reimbursement values will remain at R-10 levels.

3. No State of North Carolina Alcoholic Beverage Control Store (ABC) will be allowed to operate on the property;

4. Provide for direct vehicular and pedestrian cross-access with all properties to the south and southeast of the site - those properties being identified as Wake county Tax I.D. #'s: 1713.15 54 1653 & 1713.14 54 8776;

5. Provide an on-site transit stop and easement, as determined by the City Transit Planner, such stop to contain 2 benches and one trash receptacle. Erect any CAT bus signage that may be supplied by the City Transit Department;

6. Provide a TTA transit easement, as determined by the City Transit Planner, along the western property line of and fronting Raleigh Boulevard;

7. Landscape the frontage of MLK and Raleigh Boulevards to meet the requirements of SHOD-4 classifications/standards;

8. Screen and/or shelter/cover, any mechanical equipment from any views of the surrounding residential properties;

9. Screen any and all loading docks, dumpsters and other service equipment/facilities with landscaping materials or similar building materials as those used throughout the shopping center and as approved by the Appearance Commission.

10. Prohibit site lighting from being visible from any and all neighboring residential properties by directing lighting away from the residential properties;

11. All buildings located on the property shall comply with the Unity of Development guidelines as approved by the Planning Commission;

12. The following uses will be restricted/not allowed on the property;
water or sanitary sewer treatment plants, billboard-off premises signs, landfill, parking deck or garage, motor pool, adult establishment, bar, nightclub, tavern, lounge, bed and breakfast inn, telecommunications tower, telegraph office, hotel/motel, kennel/cattery, indoor or outdoor movie theatre, monastery and convent, orphanage, accessory fund

raising activity for residential institutions, cemetery, correctional/penal facility, crematory, funeral home, multi-family dwelling, rooming house, boarding house, lodging house or tourist home, room rental in dwelling unit, single family detached dwelling, sorority house, fraternity house, townhouse development, utility apartment, garage for 4 or more motorized vehicles, cluster unit development, duplex, group house, guest housing, limited home business, outdoor theatre, indoor arena/coliseum, swimming pool, riding stable, rifle range, accessory to single family dwelling, camp, recreational use related to residential development, recreational use restricted to membership, recreational indoor use-commercial, agricultural-general and restricted uses, fish hatchery and fish farm, research farm, wildlife sanctuary, plant stand, vegetable stand, nursery stand, check cashing facility (other than a bank), pawn shop, as defined in Chapter 198A of NC General Statutes.

13. In addition to saving and preserving tree #'s 1 & 2, as shown on attached Exhibit C-1, additional landscaping material to screen the security fencing will surround the west and north face of the retention pond. Such screening material to be as approved by the Appearance Commission;

14. Preserve landscaping, as shown on Exhibit C-1, #'s 1 through 7. No construction will be allowed to take place within twenty (20) feet of trees 1 and 7 and as identified on the attached Exhibit.

15. Any building walls facing MLK and Raleigh Boulevards will be treated with the same building materials as those uses on the front of each building. All other building elevations will have common colors, details and features. The final elevations will be reviewed by the Appearance Commission.