Z-36-02 Falls of Neuse Road and Honeycutt Road, northeast intersection, being various Wake County PIN's. Approximately 5.36 acres rezoned to Neighborhood Business Conditional Use District.

Conditions dated: 9/11/02

For purposes of the following conditions, the portions of Tax Parcel PINs 1718.17-10-9669, 1718.17-21-2033, and 1718.18-21-6656 proposed for rezoning shall be referred to as the "Property."

1) Reimbursement for future right-of-way dedication shall be valued on the basis of the existing zoning, Office and Institution District-1 or Rural Residential, of the area dedicated.

2) Upon development of the Property, sidewalks shall be provided along the Property's frontage with Honeycutt and Falls of the Neuse Road and Walton Commons Drive.

3) The following uses shall be prohibited upon the Property: automotive service and repair facility; bar; nightclub, tavern, lounge (other than as part of a restaurant having a state ABC license); civic/convention center; daycare facility; hotel/motel; movie theater; school; utility service and substation; emergency shelter Type A or Type B; landfill; manufacturing-custom; manufacturing-specialized; mini-warehouse storage facility; telecommunication tower; adult establishment; airfield, landing strip or heliport; kennel/cattery; riding stable; correctional/penal facility; and outdoor stadium, outdoor theater or outdoor racetrack.

4) No drive through facilities shall be located upon the Property.

5) No outparcel lot may exist upon the Property.

6) There shall be no curb cut access to the Property from Falls of the Neuse Road.

7) Vehicular access to the Property from Honeycutt Road shall be limited to no more than one (1) curb cut.

8) No single establishment upon the Property shall exceed 7,500 square feet in size.

9) All facades of buildings constructed upon the Property shall consist of real stucco or masonry. Such limitation shall not apply to doors, windows, and trim. The roofs of buildings constructed upon the Property shall consist of synthetic shingles or metal material.

10) Upon development, sidewalk pedestrian access through the Property shall be provided to the portions of Tax Parcel PINs 1718.18-21-6656 and 1718.17-21-2033 not included within this request for rezoning.

11) Any building or buildings upon the Property shall be connected by sidewalk or sidewalks (or other paved means of pedestrian access) to sidewalks upon the Property along Falls of the Neuse and Honeycutt Roads, and Walton Commons Drive. If more than one (1) building is constructed upon the Property, all buildings upon the Property will be connected by sidewalks or by means of pedestrian access which shall be paved or constructed of an all-weather material.

12) Any building or buildings constructed upon the Property shall have a pitched roof with a pitch to run of at least 4:12.

13) Any fence or wall located less than twenty (20) feet from the thoroughfare right-of-way shall either be less than forty-two (42) inches in height, or situated at least fifteen (15) feet from the thoroughfare right-of-way and screened with evergreen planting materials so that no more than one-fourth (1/4) of its surface area will be visible from the thoroughfare within three (3) years of erection of the fence or wall; and any fence or wall that is more than forty-two (42) inches in height and located between twenty (20) and forty (40) feet from the thoroughfare right-of-way shall be installed with planting materials so that no more than one-third (1/3) of its surface area will be visible from the thoroughfare within three (3) years of erection of the fence or wall; forty percent (40%) of this plant material may be deciduous.

14) Upon submission to the City of a site plan or subdivision with respect to the Property, whichever shall first occur, the owner of the Property shall provide the City an easement no greater than fifteen (15) feet in width and twenty (20) feet in length for a transit stop and shelter on either Honeycutt or Falls of the Neuse Road.

15) No neon lighting shall be allowed upon the Property.

16) Any building or buildings constructed upon the Property shall be of French Eclectic or French Country architectural design. Buildings of such architectural style are characterized by tall, steeply pitched, hipped roofs, occasionally gabled, in towered sub-type without dominant front facing cross gable; with eaves commonly flared upward at roof-wall junction; and with brick, stone, or stucco wall cladding, sometimes with decorative half-timbering.

17) All ground signs upon the Property shall be non-internally lit, low-profile ground signs.

18) The portion of any building or buildings within one hundred seventy-five (175) feet of the right-of-way (as determined at the time of site plan approval) of Falls of the Neuse or Honeycutt Road will be no more than one (1) story or twenty-six (26) feet in height. No building or portion of a building upon the Property shall exceed two (2) stories or thirty-eight feet in height.

19) The trees designated on Exhibit C-1 attached hereto shall be preserved with active tree protection during construction activity. The landscaping credit under the City Code otherwise available for the preservation of such trees shall be waived.

20) A stormwater plan shall be implemented with respect to the Property which detains stormwater from the twenty-five (25-year) storm to the predevelopment rate.

21) Any building or buildings upon the Property shall comprise no more than 58,000 square feet floor area gross of commercial land uses as set forth in the schedule of permitted uses in the City Code and a maximum of 15,000 square feet floor area gross of residential land uses. Such residential land uses shall be located on the second floor of a building or buildings also used for commercial uses. Within forty-five (45) days following adoption of this rezoning ordinance, a restrictive covenant approved by the City Attorney shall be recorded with the Wake County Register of Deeds allocating commercial and residential land uses among lots comprising the Property. Such restrictive covenant shall terminate in the event the Property is recombined into a single lot.

22) In the event that upon development the Property shall consist of more than one (1) lot, cross access shall be provided among all lots comprising the Property.

23) A minimum of twenty-two percent (22%) of the oaks upon the Property that are twenty-four (24) inches or greater in caliper shall be actively preserved and protected. Trees to be preserved are shown on Exhibit C-1.

24) Prior to submittal to the Planning Department, a copy of any site plan dealing with the Property shall be mailed by first class mail to the Chair of the North CAC and to all of the owners of the parcels adjoining the Property and listed in Exhibit B of this petition. The developer of the Property shall also offer to attend a meeting of the North CAC to discuss the plan prior to its submittal to the Planning Department.

25) With respect to commercial establishments constructed upon the Property, at least seventy-five percent (75%) of the primary storefront entrances shall be oriented to a central courtyard or pedestrian access way.

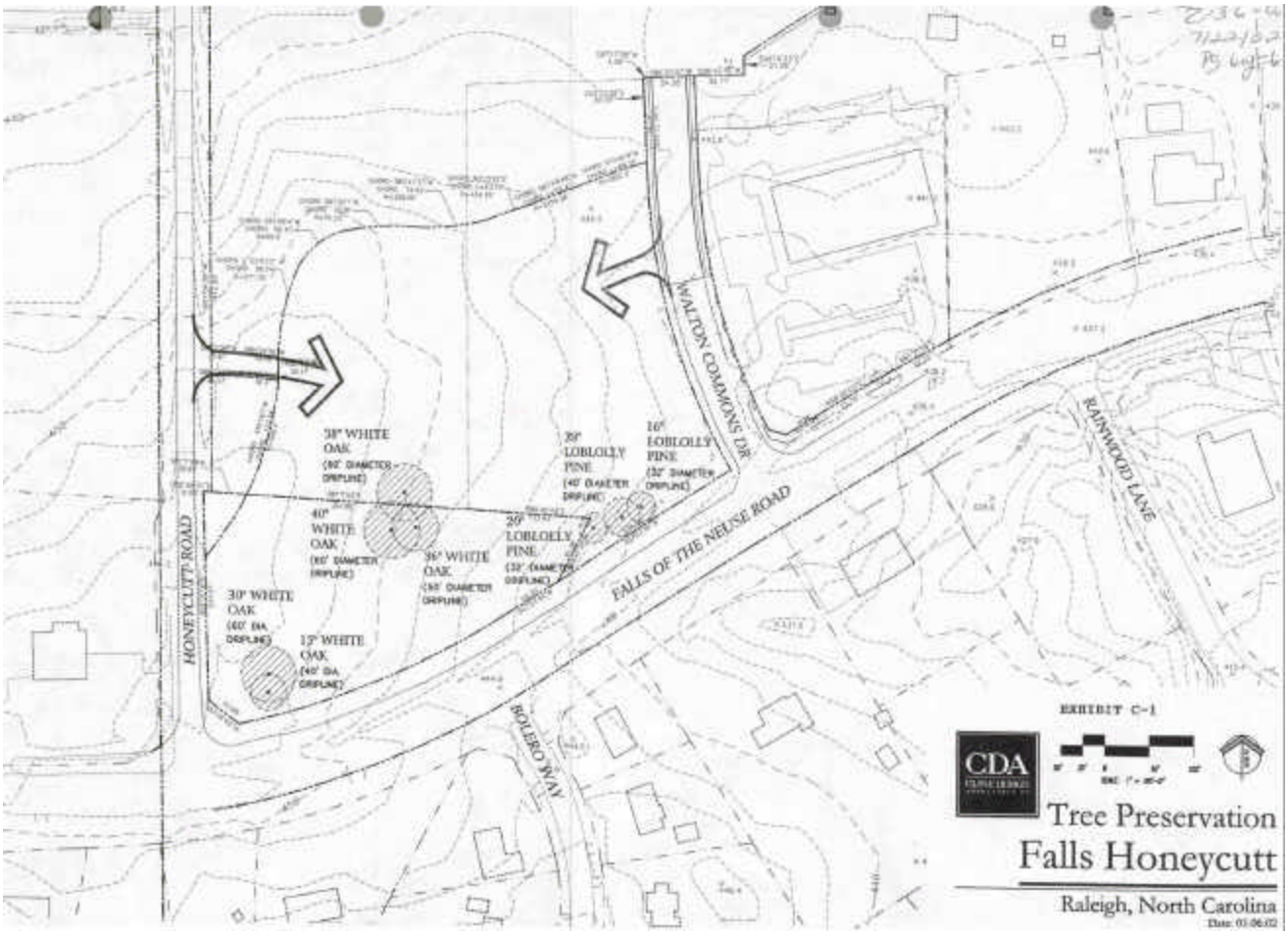
26) Exhibit C-2 attached hereto illustrates the architectural style, massing, and layout of improvements to be constructed upon the Property.

27) Any eating establishment upon the Property comprised of 2,500 square feet or more shall provide outside seating.

28) Sidewalks upon the Property, other than those within public rights-of-way, will be illuminated with low-intensity lighting fixtures that provide an even distribution of light.

29) When viewed from Falls of the Neuse Road, at least fifty percent (50%) of the parking upon the Property shall be to the side and rear of buildings constructed upon the Property.

30) In the event that a commercial building or buildings is/are constructed upon the Property, and if certificates of occupancy for a residential dwelling or dwellings is/are not issued at such time, there shall be constructed a minimum of 10,000 square feet of second floor shell space for residential or office use. Upon the construction of a building or buildings upon the Property, the main source components for electrical, mechanical and plumbing services shall be stubbed-out at a point of entry to such shell space.



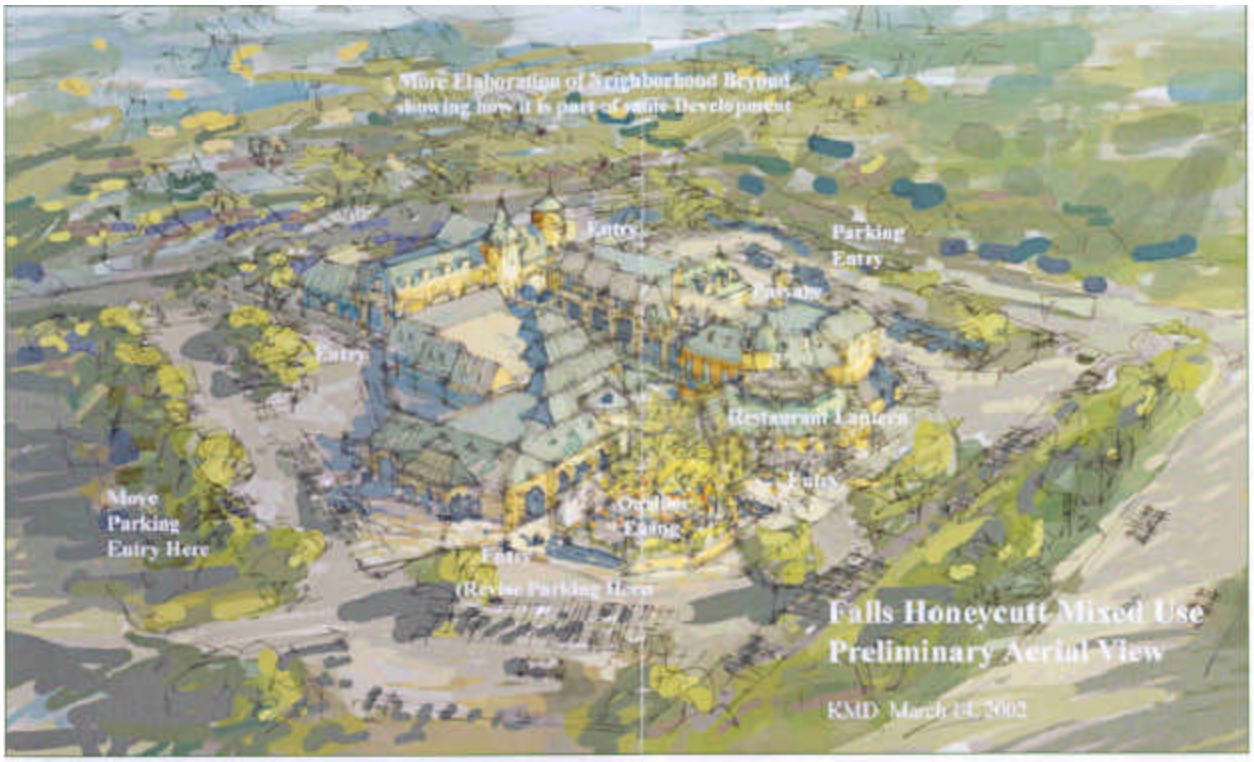


Exhibit C-2
Perspective
Rendering
Falls Honeycutt

Raleigh, North Carolina