Z-40-06 – Edwards Mill and Parklake Drive on the north side and south side of Parklake Drive, east of its intersection with Edwards Mill Road being Wake County PINs 079505199134, 079505197505, 079505291760, 079505295502, 079506285948 and a portion of 079505185414. Approximately 44.04 acres rezoned to Neighborhood Business Conditional Use with PBOD (33.25 acres) and Residential-l0 Conditional Use with PBOD (10.79 acres).

Conditions: 09/20/06

A. As used herein, the following definitions shall apply:

1. "Property" shall mean and refer to those certain tracts or parcels consisting of approximately 44.04 acres of land and identified by the following Wake County PINs: 0795.05-19-9134; 0795.05-19-7505; 0795.05-29-1760; 0795.05-29-5502; 0795.06-28-5948 and a portion of 0795.05-18-5414 (as shown on the attached Exhibit ZN.1).

2. "Tract A" shall mean and refer to that portion of the Property Identified as "Tract A" on the attached Exhibit ZN.1. Tract A is the area proposed In this case for NB CUD.

3. "Tract B" shall mean and refer to that portion of the Property identified as "Tract B" on the attached Exhibit ZN.1. Tract B is the area proposed in this case for R-10 CUD.

B. Conditions of Zoning

1. Control of Stormwater. Incident to the development of the Property, a stormwater management system will be implemented, and thereafter maintained, which directs no less than ninety percent (90%) of the stormwater upon the Property to the lake near the northern boundary of the Property which will be expanded in size. Incident to the development of the Property, a new dam shall be constructed for the lake which will increase the size of the lake sufficiently to provide retention of stormwater to maintain existing (pre-development) discharge rates from the pond for the two (2) and ten (10) year storms. Stormwater upon the Property which does not flow into the pond will be detained in accordance with Part 10, Chapter 9 of the Raleigh City Code. This condition has been performed. The stormwater management system referenced herein will be hereafter maintained after its installation.

2. Right-of-Way Reimbursement for future right of way dedication affecting the Property shall be based on Residential-4 District values.

3. Landscaped Streetyard. A streetyard a minimum of fifty (50) feet in width and landscaped in accordance with the SHOD-3 standards of the Raleigh City Code shall be maintained along the boundary of the Property with the right-of-way of Edwards Mill Road. Utility lines, curb cuts and signage authorized by the Raleigh City Code may be located within such streetyard.

4. Protective Yards (Buffers) — Martinique, Arckelton and Carnegie Park Neighborhoods Protective yards entirely without buildings or parking structures shall be maintained within those portions of the Property within seventy-five (75) feet of the

boundary of the Property with any tax parcel zoned for residential use (excepting the portion of tax parcel 0795.05-18-5414 [Highwoods Realty Limited Partnership] not proposed for rezoning in this case, tax parcel 0795.05-19-3132 [Stough Elementary School]), and tax parcel 0795.05-07-3889 [Lexington Farms Apartments, Inc.]. The protective yards shall be vegetated and improved with berms as shown in the attached Exhibit C-1. The map submitted herewith as Exhibit C-lA shows the protective yards and designates areas which have existing vegetation and will remain natural and areas to be revegetated. Fallen trees and hurricane debris shall be removed from the protective yards. Such protective yards and the landscaped streetyard referenced in the foregoing condition 3 are referred to hereinafter as "Zone 1." The respective protective yards required by these conditions (other than condition number 6) will be installed as adjacent areas of the Property are developed.

5. Uses Within Tract B. No parking structures shall be allowed within Tract B. Only residential dwelling units no greater than forty (40) feet in height shall be allowed within Tract B. Residential dwelling units allowed within Tract B shall consist only of single family detached dwelling units and or townhomes. Tract B shall be developed at a density not to exceed eight (8) units per acre.

6. Additional Protective Yard — Martinique Neighborhood. The owner of the Property shall continue to maintain the landscaping upon the Property within the former right-of-way of Edwards Mill Road (Street Closing Resolution STC-17-2000; recorded at Book 2002, Page 215 of the Wake County Registry).

7. Protective Yards — Stough Elementary School. Along the boundary of the Property with tax parcel 0795.05-19-3132 (Stough Elementary School), there shall be maintained a protective yard entirely without buildings or parking structures thirty (30) feet in width. This protective yard is referenced to hereafter as "Zone 1-A." The protective yards provided in this condition 7 shall be vegetated as provided in Exhibit C-3.

8. Additional Set-Back Area. Subject to the total prohibition of parking structures within Tract B, parking structures no greater than twenty-five (25) feet in height shall be erected within those portions of the Property within twenty-five (25) feet of Zone 1, within fifty (50) feet of Zone 1-B, within seventy (70) feet of Zone 1-A. The area described in this condition is referred to hereinafter as "Zone 2." Except as hereafter provided, no other buildings may be constructed in Zone 2. Within that portion of Zone 2 contained entirely within Tract B, there may be constructed single family detached dwelling units and townhomes not to exceed forty (40) feet in height.

9. Height Limits. Subject to the foregoing condition 5, which deals with building height within Tract B, buildings no greater than four (4) stories entirely above grade or sixty (60) feet in height shall be constructed within those portions of the Property within one hundred fifty (150) feet of Zone 2 and within that portion of the Property south of an extension into the Property of the boundary line between tax parcels 0795.05-19-3132 (Stough Elementary School) and 0795.05-19-2729 (Carnegie Park Homeowners Association). The area described in this condition is referred to hereinafter as "Zone 3." Within the remaining portions of the Property (other than Zones 1, 1-A, 1-B, 2, and 3), there shall be constructed no building greater than six (6) stories entirely above grade or

ninety (90) feet in height. Attached as Exhibit D is a map depicting the Zones provided in these Conditions.

10. Limit Unit on Square Footage of Improvements within Tract A; Limit on Non-Office Uses within Tract A. Buildings (other than parking structures) constructed upon Tract A cumulatively shall not exceed 985,000 square feet floor area gross, of which not more than 30,000 square feet floor area gross shall be developed for non-office uses.

11. Prohibited Uses in Tract A. Tract A shall not be utilized for any of the following uses otherwise authorized in the Neighborhood Business District: automotive service and repair facility; bar(other than incidental to an eating establishment), nightclub or lounge; eating establishment with drive-through service; hotel/motel; indoor movie theater; utility service and substation; Emergency Shelter Type A or Emergency Shelter Type B; landfill; manufacturing; mini-warehouse storage facility; adult establishment veterinarian hospital with kennel/cattery; limited home business; riding stable; correctional/penal facility; and outdoor stadium, outdoor theater, or outdoor racetrack.

12. Limited Commercial Uses within Tract A. Only the first floor of any multi-story office building constructed upon Tract A may contain non-office uses permitted in the Neighborhood Business District. No single non-office use shall exceed 10,000 square feet floor area gross.

13. No Extension of Arckelton Drive. Unless required by the City, Arckelton Drive shall not be extended into the Property.

14. Fence. A vinyl clad chain link fence six (6) feet in height shall be installed (as hereinafter provided) and maintained along the boundary of the Property with any tax parcel zoned for residential use other than the right-of-way of Edwards Mills Road and the portion of tax parcel 0795.05-18-5414 [Highwoods Realty Limited Partnership] not proposed for rezoning in this case. Except with respect to the boundary of the Property with tax parcel 0795.05-19-3132 (Stough Elementary School), such fence shall be set back from such boundary at least twenty (20) feet into the Property. The fence contemplated by this condition has been previously constructed and the owner of the Property shall maintain such fence as provided herein.

15. Prohibition of Telecommunication Towers. No telecommunication tower shall be located upon the Property.

16. Limit on Number of Curbcuts. Incident to the development of the Property, there shall be provided not more than one curbcut on Edwards Mill Road, not more than one curbcut on Glen Eden Drive, and not more than one curbcut on Blue Ridge Road. For purposes of this condition, the intersection of a roadway having a median and a public street shall be considered only a single curbcut.

17. Transit Easements. Prior to any subdivision approval or the issuance of any building permit following the approval of this case, whichever shall first occur, the owner of the Property shall deed to the City two transit easements measuring twenty (20) feet long adjacent to the right-of-way by fifteen (15) feet wide. The locations of the transit easements shall be approved by the Transit Division of the City and the City Attorney shall approve the transit easement deeds prior to recordation. The transit easements

provided pursuant to this condition shall not be in addition to any transit easement conveyed to the City pursuant to the Streetscape and Parking Plan (SSP-1-01; approved in association with Zoning Case Z-24-2001) previously approved with respect to the Property.

18. Limitation on Height of Office Building. Notwithstanding condition number 9 above, any office building constructed upon the portion of the Property which is the subject of SP-29-2004 (Building Six, GlenLake, 4130 Parklake Avenue, Raleigh, North Carolina; PIN 0795-28-5948) shall be limited in height to five (5) floors and seventy-five (75) feet. Any parking deck constructed on said property which is the subject of SP-29-2004 shall be limited in height to four (4) levels and thirty-five (35) feet (excluding any stair enclosure).

Z-40-06
EXHIBIT C-1

EXHIBIT C-1

ILLUSTRATIVE PLAN & SECTION
75' REVEGETATED BUFFER / ARCKELTON

DAY TRACT
RALEIGH, NORTH CAROLINA

LANDSCAPE ARCHITECT
JOHN YURICH & ASSOCIATES

NUMBER OF TREES PROVIDED:

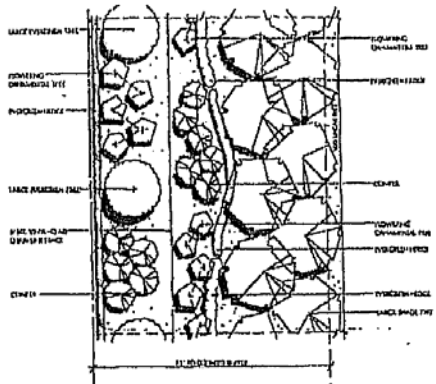
8 SHADE TREES, 13 EVERGREEN TREES & 11 FLOWERING ORNAMENTAL TREES PER 100 LINEAR FEET OF BUFFER

SHADE & EVERGREEN TREES WILL MEET THE HEIGHT & SIZE REQUIREMENTS SPECIFIED IN SECTION 10-2082.9.d OF THE CITY OF RALEIGH PLANNING AND DEVELOPMENT CODES. IN ADDITION, FLOWERING ORNAMENTAL TREES WILL MEET THE HEIGHT REQUIREMENTS SPECIFIED FOR EVERGREEN TREES IN THE SAME SECTION.

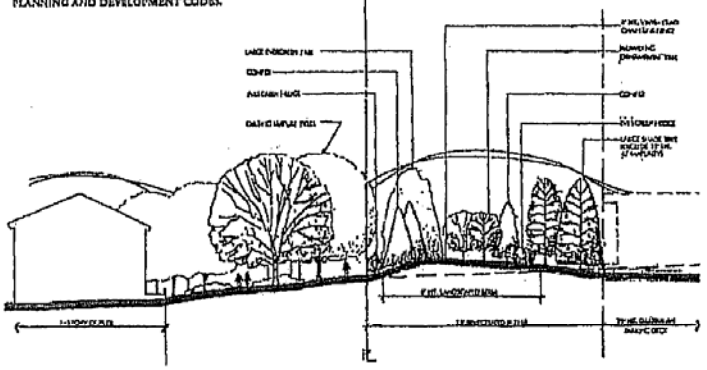
NUMBER OF SHRUBS PROVIDED:

31 EVERGREEN SHRUBS PER 100 LINEAR FEET OF BUFFER

EVERGREEN SHRUBS WILL MEET THE HEIGHT & SIZE REQUIREMENTS SPECIFIED IN SECTION 10-2082.9.d OF THE PLANNING AND DEVELOPMENT CODES.



75' BUFFER / PLAN



75' BUFFER / SECTION

163064.01
LIB: RALEIGH

Z-40-06
EXHIBIT C-1

EXHIBIT C-1

ILLUSTRATIVE PLAN & SECTION

75' BUFFER WITH PRESERVATION AREA / ARCKELTON & CARNEGIE PARK

DAY TRACT

RALEIGH, NORTH CAROLINA

LANDSCAPE ARCHITECT
JERRY TURNER & ASSOCIATES

NUMBER OF TREES PROVIDED:

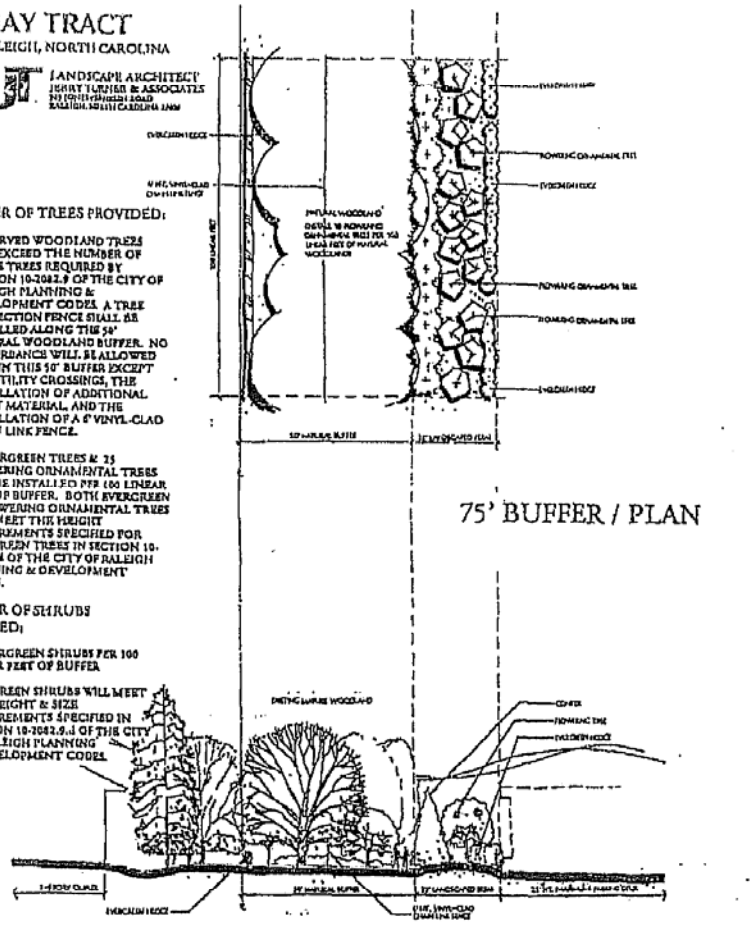
PRESERVED WOODLAND TREES WILL EXCEED THE NUMBER OF SHADE TREES REQUIRED BY SECTION 10-2082.9 OF THE CITY OF RALEIGH PLANNING & DEVELOPMENT CODES. A TREE PROTECTION FENCE SHALL BE INSTALLED ALONG THE 50' NATURAL WOODLAND BUFFER. NO DISTURBANCE WILL BE ALLOWED WITHIN THIS 50' BUFFER EXCEPT FOR UTILITY CROSSINGS, THE INSTALLATION OF ADDITIONAL PLANT MATERIAL, AND THE INSTALLATION OF A 6' VINYL-CLAD CHAIN LINK FENCE.

12 EVERGREEN TREES & 25 FLOWERING ORNAMENTAL TREES WILL BE INSTALLED PER 100 LINEAR FEET OF BUFFER. BOTH EVERGREEN & FLOWERING ORNAMENTAL TREES WILL MEET THE HEIGHT REQUIREMENTS SPECIFIED FOR EVERGREEN TREES IN SECTION 10-2082.9.4 OF THE CITY OF RALEIGH PLANNING & DEVELOPMENT CODES.

NUMBER OF SHRUBS PROVIDED:

53 EVERGREEN SHRUBS PER 100 LINEAR FEET OF BUFFER

EVERGREEN SHRUBS WILL MEET THE HEIGHT & SIZE REQUIREMENTS SPECIFIED IN SECTION 10-2082.9.3 OF THE CITY OF RALEIGH PLANNING & DEVELOPMENT CODES.



75' BUFFER / PLAN

75' BUFFER / SECTION

2

163064.01
LIB: RALEIGH

Z-40-06
EXHIBIT C-1

EXHIBIT C-1

ILLUSTRATIVE PLAN & SECTION
75' REVEGETATED BUFFER / MARTINIQUE

DAY TRACT
RALEIGH, NORTH CAROLINA

LANDSCAPE ARCHITECT
JERRY TURNER & ASSOCIATES
[illegible]

NUMBER OF TREES PROVIDED:

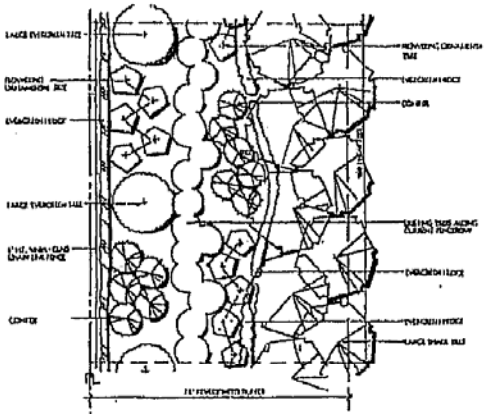
8 SHADE TREES, 13 EVERGREEN TREES & 11 FLOWERING ORNAMENTAL TREES PER 100 LINEAR FEET OF BUFFER.

SHADE & EVERGREEN TREES WILL MEET THE HEIGHT & SIZE REQUIREMENTS SPECIFIED IN SECTION 10-2082.5.4 OF THE CITY OF RALEIGH PLANNING AND DEVELOPMENT CODES. IN ADDITION, FLOWERING ORNAMENTAL TREES WILL MEET THE HEIGHT REQUIREMENTS SPECIFIED FOR EVERGREEN TREES IN THE SAME SECTION.

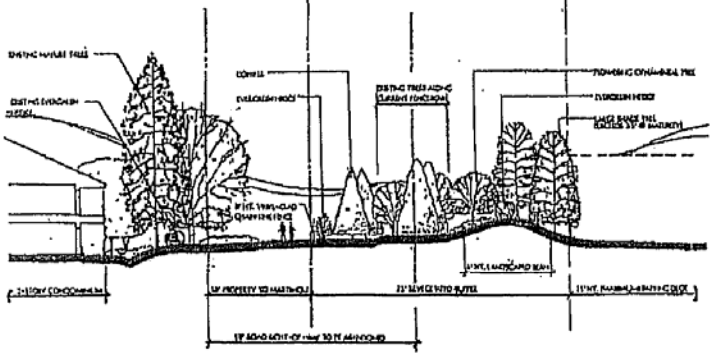
NUMBER OF SHRUBS PROVIDED:

52 EVERGREEN SHRUBS PER 100 LINEAR FEET OF BUFFER.

EVERGREEN SHRUBS WILL MEET THE HEIGHT & SIZE REQUIREMENTS SPECIFIED IN SECTION 10-2082.5.4 OF THE PLANNING AND DEVELOPMENT CODES.



75' BUFFER / PLAN



75' BUFFER / SECTION

3

163064.01
LIB: RALEIGH

Z-40-06
EXHIBIT C-2

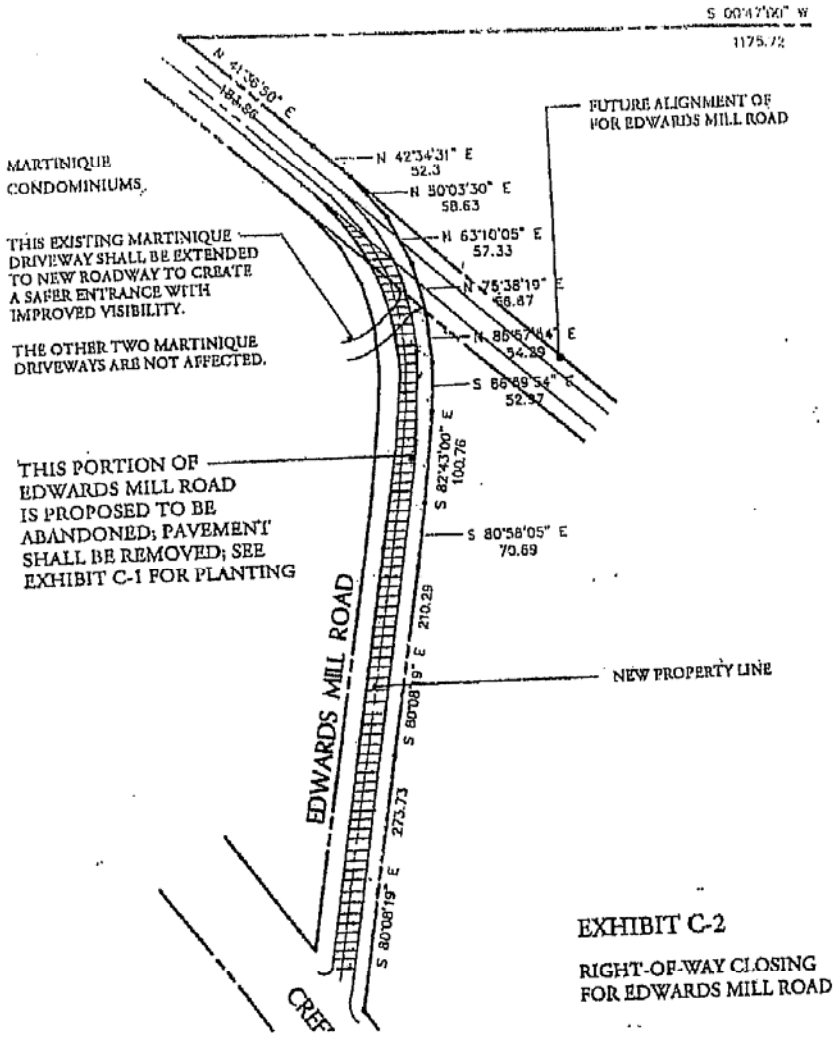


EXHIBIT C-2

RIGHT-OF-WAY CLOSING
FOR EDWARDS MILL ROAD

4

163064.01
LIB: RALEIGH

Z-40-06
EXHIBIT C-1

EXHIBIT C-1

ILLUSTRATIVE PLAN & SECTION
75' REVEGETATED BUFFER / MARTINIQUE

DAY TRACT
RALEIGH, NORTH CAROLINA

LANDSCAPE ARCHITECT
JERRY TURNER & ASSOCIATES
[illegible]
RALEIGH, NORTH CAROLINA [illegible]

NUMBER OF TREES PROVIDED:

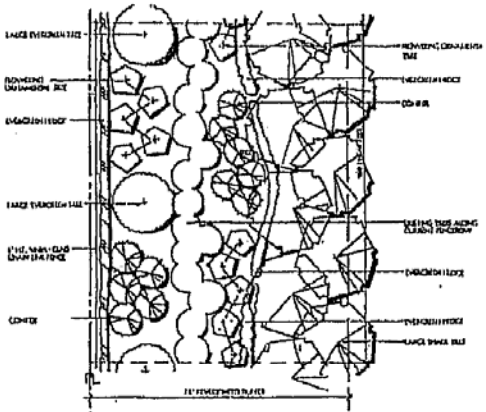
8 SHADE TREES, 13 EVERGREEN TREES & 11 FLOWERING ORNAMENTAL TREES PER 100 LINEAR FEET OF BUFFER.

SHADE & EVERGREEN TREES WILL MEET THE HEIGHT & SIZE REQUIREMENTS SPECIFIED IN SECTION 10-2082.5.4 OF THE CITY OF RALEIGH PLANNING AND DEVELOPMENT CODES. IN ADDITION, FLOWERING ORNAMENTAL TREES WILL MEET THE HEIGHT REQUIREMENTS SPECIFIED FOR EVERGREEN TREES IN THE SAME SECTION.

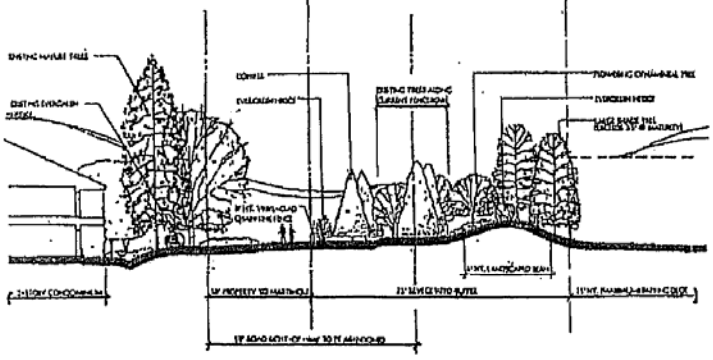
NUMBER OF SHRUBS PROVIDED:

52 EVERGREEN SHRUBS PER 100 LINEAR FEET OF BUFFER

EVERGREEN SHRUBS WILL MEET THE HEIGHT & SIZE REQUIREMENTS SPECIFIED IN SECTION 10-2082.5.4 OF THE PLANNING AND DEVELOPMENT CODES.



75' BUFFER / PLAN



75' BUFFER / SECTION

3

163064.01
LIB: RALEIGH

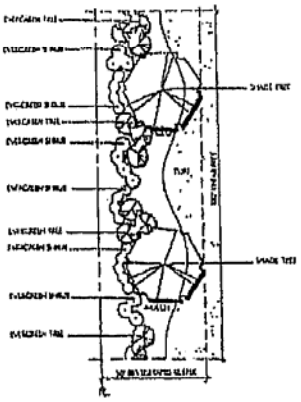
Z·40·06
EXHIBIT C·3

EXHIBIT C-3

ILLUSTRATIVE PLAN
30' REVEGETATED BUFFER / STOUGH ELEMENTARY SCHOOL

DAY TRACT
RALEIGH, NORTH CAROLINA

LANDSCAPE ARCHITECT
JERRY TURNER & ASSOCIATES



NUMBER OF TREES PROVIDED:

2 SHADE TREES & 11 EVERGREEN TREES PER 100 LINEAR FEET OF BUFFER

SHADE & EVERGREEN TREES WILL MEET THE HEIGHT & SIZE REQUIREMENTS SPECIFIED IN SECTION 10-2082.2.d OF THE CITY OF RALEIGH PLANNING & DEVELOPMENT CODES.

NUMBER OF SHRUBS PROVIDED:

28 EVERGREEN SHRUBS PER 100 LINEAR FEET OF BUFFER

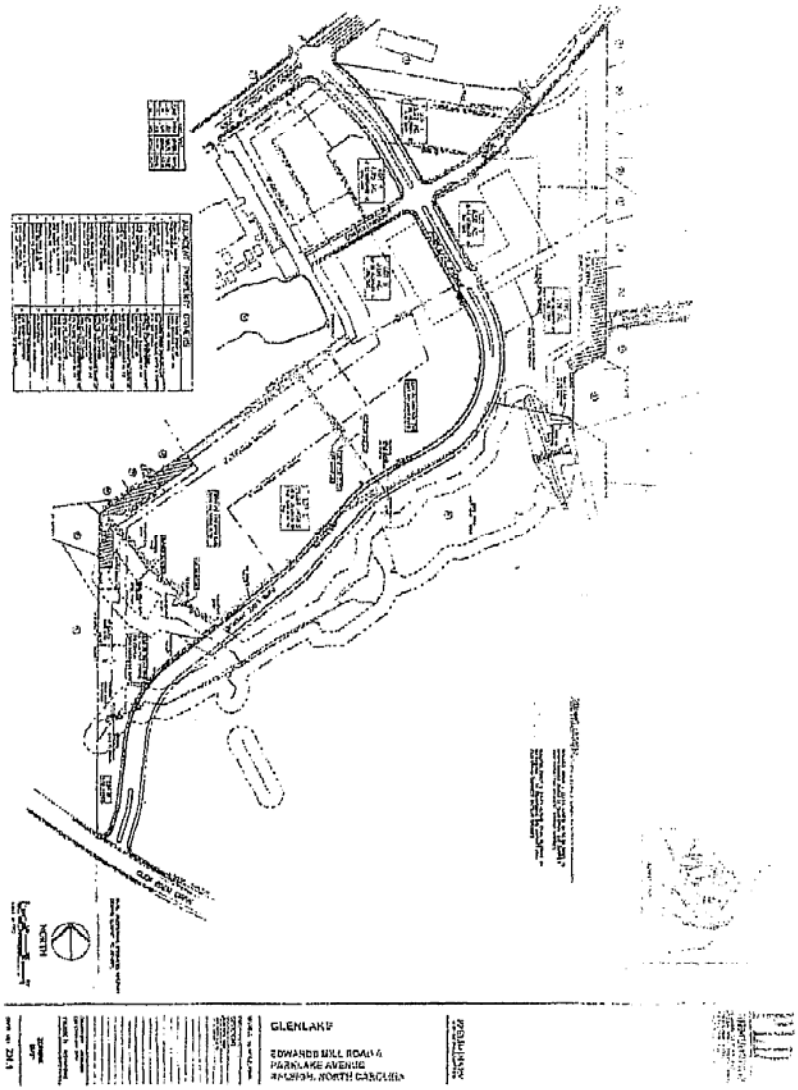
EVERGREEN SHRUBS WILL MEET THE HEIGHT & SIZE REQUIREMENTS SPECIFIED IN SECTION 10-2082.5.d OF THE CITY OF RALEIGH PLANNING & DEVELOPMENT CODES.

30' BUFFER / PLAN

6

163064.01
LIB: RALEIGH

Z-40-06
EXHIBIT D



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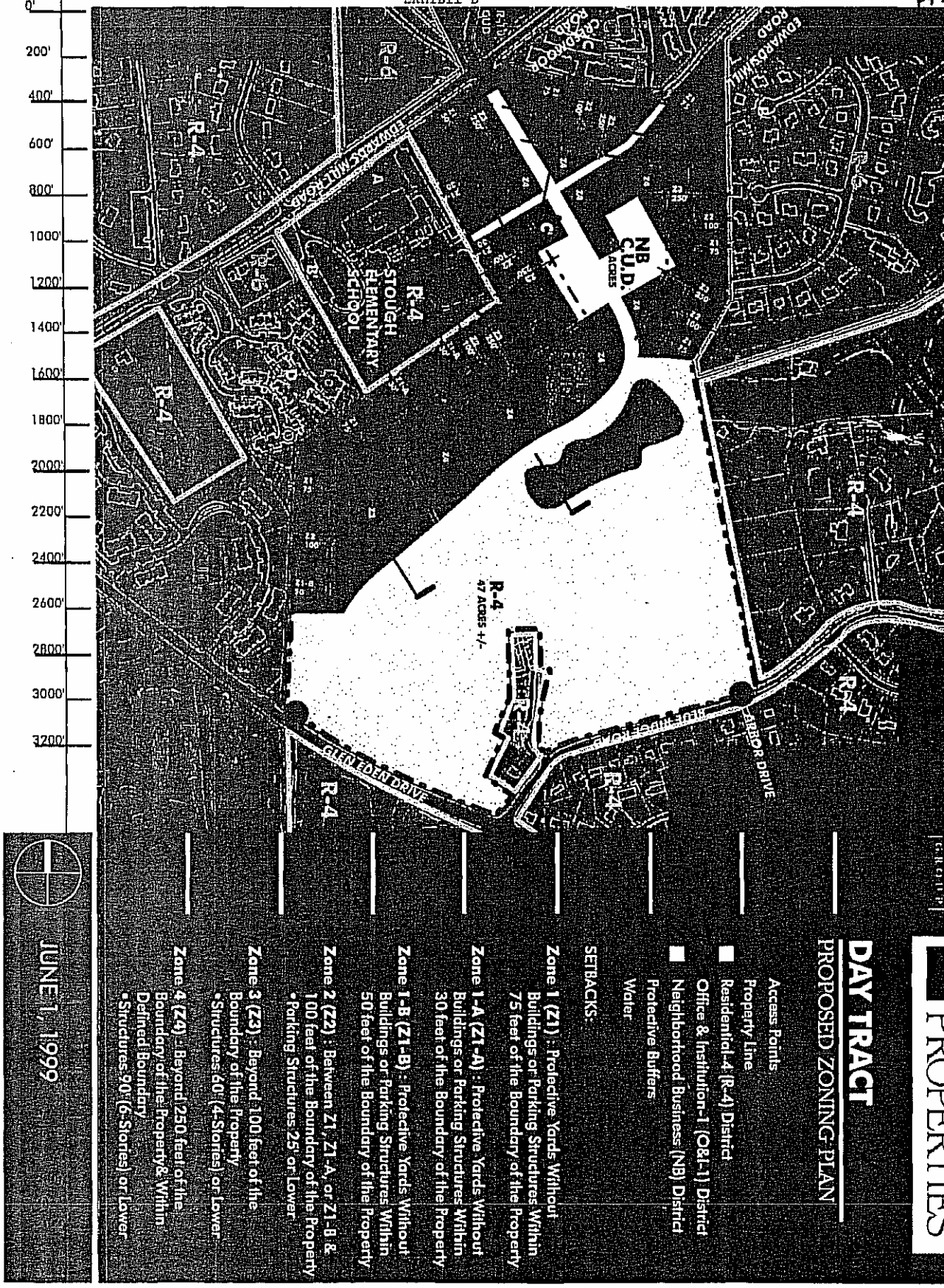
163064.01
LIB: RALEIGH

EXHIBIT D



DAY TRACT

PROPOSED ZONING PLAN

Access Points

Property Line

Residential-4 (R-4) District

Office & Institution-1 (O&I-1) District

Neighborhood Business (NB) District

Protective Buffers

Water

SETBACKS:

Zone 1 (Z1) : Protective Yards Without Buildings or Parking Structures Within 75 feet of the Boundary of the Property

Zone 1-A (Z1-A) : Protective Yards Without Buildings or Parking Structures Within 30 feet of the Boundary of the Property

Zone 1-B (Z1-B) : Protective Yards Without Buildings or Parking Structures Within 50 feet of the Boundary of the Property

Zone 2 (Z2) : Between Z1, Z1-A, or Z1-B & 100 feet of the Boundary of the Property
- Parking Structures 25' or Lower

Zone 3 (Z3) : Beyond 100 feet of the Boundary of the Property
- Structures 60' (4-Stories) or Lower

Zone 4 (Z4) : Beyond 250 feet of the Boundary of the Property & Within Defined Boundary
- Structures 90' (6-Stories) or Lower