Z-15-07 – Buffaloe Road on the north side of Buffaloe Road, east of the intersection with Old Crews Roads, being Wake County PIN's 1756309588 and 1756421227. Approximately 27.41 acres rezoned to Shopping Center Conditional Use.

Conditions: 07/19/07

A. If, at the time of the Property's development (site plan or plat plan), the Comprehensive Plan's designation of the Property is for something less intense than Neighborhood Center, then not more than 70,000 square feet floor area gross of retail uses shall be permitted. Any single retail establishment shall be limited to not more than 50,000 square feet floor area gross. (The term "retail" shall refer to that definition found in Part 10, Chapter 8 of the City Code of Ordinances.) That within ninety (90) days following the adoption of this zoning ordinance, a restrictive covenant allocating the allowed floor area gross of retail uses shall be prepared and recorded with the Wake County Register of Deeds; the City Attorney shall approve this covenant prior to its recordation.

B. Reimbursement for any future right-of-way dedication for Buffaloe Road shall be based upon the pre-existing zoning, Residential-4 CUD.

C. Vehicular access onto Buffaloe Road shall be limited to no more than three (3) access points, of which no more than two (2) shall be full access. Each access point may be median-divided. Notwithstanding the foregoing, any access point onto Buffaloe Road for the benefit of properties dedicated to the City as provided in Paragraph (e) below, shall be in addition to the limitation on access points stated herein.

D. Architectural detailing, including the articulation of building facades (building sides fronting public or private pedestrian streets), use of stone and/or other masonry materials (at least 15%), and incorporation of fenestration, awnings, balconies and or other such details, (at least 15%) into the development of the property to provide high level of interest at street level. Exterior building walls facing internal pedestrian streets (public or private) shall comply with Section 10-2055(e)(7).

E. If requested by the city, during site plan or subdivision approval, which ever first occurs, owner shall dedicate to the city a 2 to 3-acre site, the location of which to be mutually agreed upon for fire/public safety station. This condition (e) shall be read in conjunction with, and not in addition to, the similar condition (e) in Z-45-06 applicable to the parent tract, such that only one such dedication be required of the Rivertowne property.

F. Unless water is already available to the Property at the time of its development, subject to the city's customary joint venture/reimbursement policies, owner will extend water from its closest point then existing in Buffaloe Road to the Property's frontage along Buffaloe Road. Such extension shall be completed

prior to issuance of any certificate of occupancy on the subject Property. Nothing herein shall limit application of the City's utility extension requirements through the Property upon development of the Property.

G. Unless gravity sewer is already available to the Property at the time of its development, the Property will be sewered in accordance with City of Raleigh Public Utilities Department policy, either by a lift station and force main to the ridge line to the north of the property, and then by a gravity sewer extension made by the owner, from the closest point then existing along Harris Creek Tributary to the property, subject to the City's customary joint venture/reimbursement policies; or to the south by a gravity sewer extension made by the owner, from the closest point then existing along Beaverdam Creek to the Property, subject to the City's customary joint venture/reimbursement policies. Either such extension shall be completed prior to the issuance of any certificate of occupancy on the subject property. Nothing herein shall limit application of the City's utility extension requirements through the Property upon development of the Property.

H. Any ground signage will be limited to medium profile or low profile signage.

I. The following uses otherwise allowed in the Shopping Center shall not be permitted:

i. Adult establishments
ii. Bar, nightclub tavern, lounge, not associated with a restaurant (as defined in NCGS § 10B-00(l000(6));
iii. Cemetery
iv. Funeral Home
v. Veterinary hospital, kennel, cattery
vi. Airfield, landing strip
vii. Correctional/penal facility (Governmental)
viii. Outdoor stadium, outdoor theater, outdoor racetrack with more than two hundred and fifty (250) seats; outdoor movie theatre.

J. The streetyard along Buffaloe Road shall be a minimum width of 15 feet.

K. No off-street parking shall be permitted between commercial buildings and any public streets, excepting Buffaloe Road or as may be necessary for a public fire safety facility.

L. If requested by the City, at site plan or subdivision approval (whichever first occurs), offers of cross-access or public street stub outs shall be provided to the following parcels: PIN 1756 20 7225 (Elvin M Puryear DB: 6388, PG: 202) and PIN 1756 50 2687 (David L. Reynolds DB: 9799, PG: 1420).