Z-7-06 – Avent Ferry Road and Varsity Drive, west side of Avent Ferry Road, south of its intersection with Varsity Drive, being Wake County PIN 0793-47-2384. Approximately 3.00 acres from Residential-10 to Shopping Center Conditional Use.

Conditions dated: February 21, 2006

1. The following uses shall be prohibited:

   - Pharmacy
   - Shopping Center
   - Coliseum / Theater
   - Stadium / Track
   - Manufacturing
   - Fraternity / Sorority House
   - Kennel / Cattery
   - Tattoo Parlor
   - Substation
   - Communication Tower
   - Taxi Stand
   - Guest House
   - Agricultural Uses
   - Rifle Range
   - Cemetery / Crematory / Funeral Home
   - Civic Club
   - Correctional Facility
   - Veterinary Hospital
   - Carwash
   - Hotel / Motel
   - Auto Service / Repair / Sales
   - Gasoline Sales
   - Mini Warehouse / Storage
   - Drive-Thru Window

2. Reimbursement for ROW dedication for all parcels, if applicable, shall be at a rate consistent with the current R-10 zoning of the parcels.

3. That portion of the building fronting along Avent Ferry Road shall be limited to three (3) floors and a maximum height not to exceed fifty feet (50'); that portion of the building not fronting on Avent Ferry Road shall be limited to four (4) floors and a maximum height not to exceed sixty feet (60'). Structured parking below conditioned space that is defined as "basement" per City of Raleigh Code shall not be counted as a floor. Building height shall not exceed three (3) floors within fifty feet (50') of the front wall of that portion of the building facing Avent Ferry Road.

4. The maximum pole height for site lighting fixtures shall not exceed twelve feet (12') in height.

5. Guidelines for the building design shall include the following:

   a. The dominant, at least 80%, of building siding material (exclusive of doors and windows) building materials shall be masonry (brick, pre-cast concrete, stone, stucco);
   b. The fenestration shall be no less than 30% of the surface of the overall building elevation;
   c. If a pitched roof is utilized, a minimum roof pitch shall be no less than 5:12;
   d. Vinyl siding shall not be permitted.
   e. The building shall be divided into a minimum of two (2) distinct volumes; these distinct volumes shall be linked, connected or tied together by an architectural element or device.

6. The building shall be set back a minimum of ten feet (10') from the right-of-way of Avent Ferry Road.

7. Prior to any development, the site shall make available a ten foot (10') (adjoining the right-of-way) x six foot (6') (deep) easement along Avent Ferry Road and along Varsity Drive to support a transit stop for transit services in the area. Prior to any approvals or development, the City Attorney shall review and approve the easement document and the Transit Administrator shall review and approve the location.

8. No vehicular driveway shall be permitted onto Avent Ferry Road.

9. No ground sign shall be permitted.

10. All sidewalks connecting building entrances/exits to rights-of-way shall be 5' width minimum.

11. Trash receptacles/dumpsters shall be enclosed in a masonry structure, with the siding material to be the same or compatible with the building material used on the principal building; opaque doors shall screen the opening. The dumpster enclosure shall be located behind the building; and the enclosure screened from view of off-site neighbors with evergreen shrubs; that shall be 48" height at time of installation. Hours of operation shall only be from 7:00 a.m. to 7:00 p.m., Monday – Friday. Operation hours of dumpster shall be described in a restrictive covenant and recorded on the plat of the property.

12. All outdoor lighting fixtures shall be cut-off (full cut-off) design and directed away from adjacent residential properties.

13. The site shall be developed with a single building.

14. No parking, driveway or other vehicular surface area shall be located between Avent Ferry Road/Varsity Drive rights-of-way and the building.

15. The Willow Oak located at the intersection of Avent Ferry Road and Varsity Drive shall be retained, and actively preserved in accord with the City of Raleigh Tree Conservation Ordinance. See "Exhibit A."

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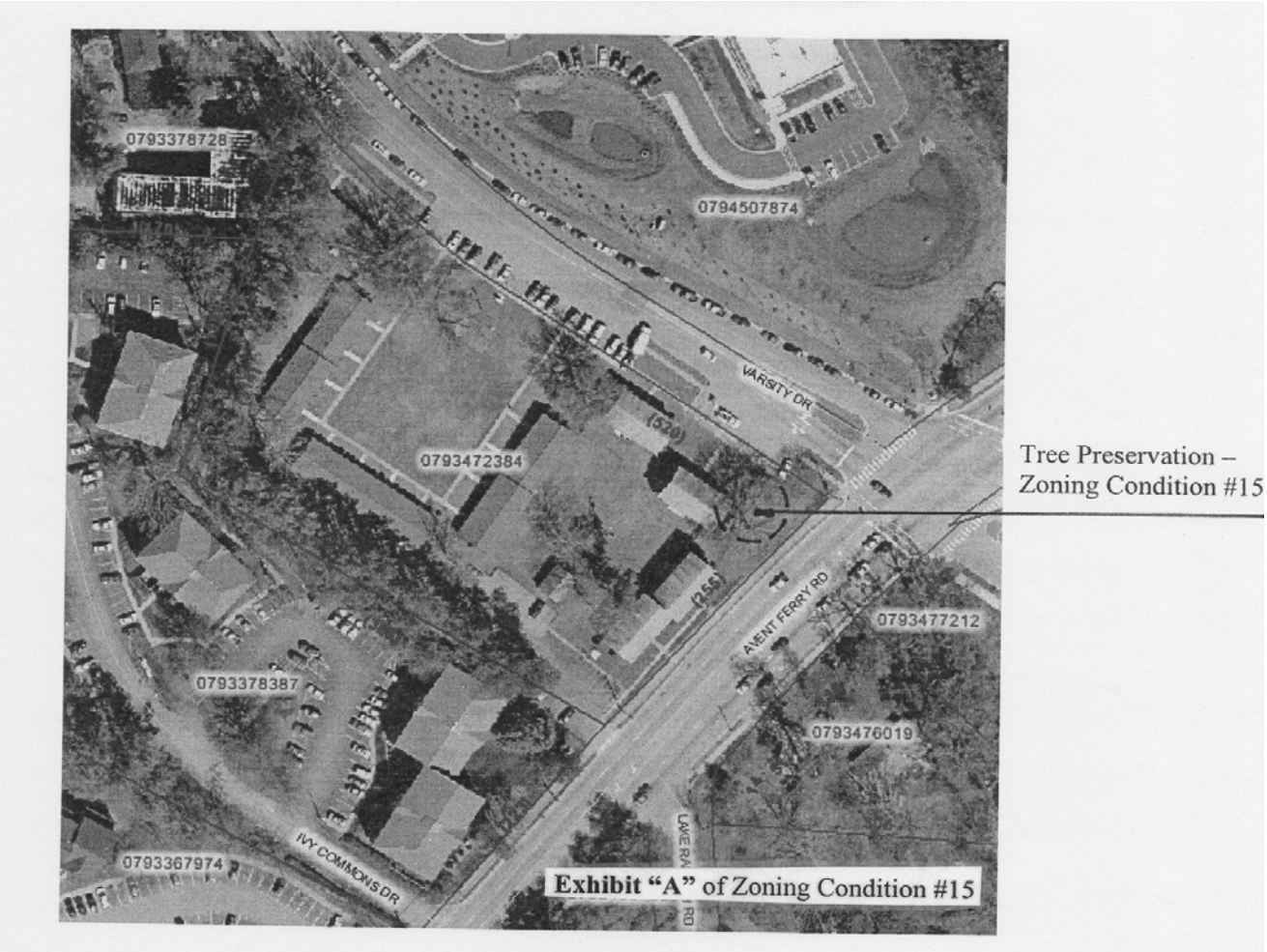

16. The retail portion of the project shall comply with the following criteria:

    a. Retail floor area (gross) shall be limited to ten thousand square feet (10,000 SF).
    b. The retail use shall be incorporated into a building that contains residential uses, and shall be located on the main or ground level floor.
    c. An outdoor patio or plaza shall be provided adjacent to the retail portion of the building, and shall be a minimum of five hundred square feet (500 SF) in area, and shall be located between the front wall of a building and the public right-of-way of Avent Ferry Road and/or Varsity Drive.

17. Prior to issuance of building permits for any new building on the site, the City Council shall review and approve a Preliminary Site Plan.

18. If provided, parking spaces located in structured parking facility shall be screened from off-site view to a height of 42" above finished floor elevation by means of either an architectural screen that is at least 50% opaque; or by an evergreen hedge composed of shrubs planted a minimum of 42" on center, and 30" in height at time of installation.

19. Stormwater management devices/facilities shall either be located underground or treated as a landscape feature(s) in accord with the criteria outlined in City of Raleigh Code Section 10-2082.13(d).

20. Railings and handrails shall not be constructed from Southern Yellow Pine timber pressure-treated for resistance to rot and insect infestation.