1. **Z-30-05 – Falls of Neuse Road and Stonegate Drive**, southeast quadrant of the intersection, being Wake County PINs 1718-62-4752, 1718-62-3686 and 1718-62-3538. Approximately 1.31 acres rezoned from Residential-4 to Office and Institution-1 Conditional Use.

Conditions dated: June 14, 2005

a. THE FOLLOWING USES SHALL BE PROHIBITED:

i)	Camp	vii)	Airfield
ii)	Coliseum/theatre	viii)	Sub-station
iii)	Stadium track	ix)	Communication tower
iv)	Rifle range	x)	Manufacturing
v)	Fraternity house/sorority house	xi)	Taxi stand
vi)	Kennel/cattery	xii)	Guest house

b. Reimbursement for ROW dedication for all parcels, if applicable, shall be at a rate consistent with the current R-4 zoning of the parcels.

c. Future buildings shall be limited to no more than three (3) floors of conditioned space with a maximum building height of forty-five (45) feet.

d. Site lighting for parking areas shall not exceed sixteen feet (16') in height, unless located in a Natural Protective Yard, where height of lighting fixtures shall not exceed twelve feet (12') in height.

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

i) The dominant building materials (eighty percent (80%) of building siding material exclusive of doors and windows) shall be masonry (brick, pre-cast concrete, stone, stucco).

ii) The fenestration shall be no less than fifty percent (50%) of the surface of the overall building elevation.

iii) If a pitched roof is utilized, a minimum roof pitch shall be no less than 5:12.

f. Prior to any development, the lots will be combined into a single parcel.

g. An offer of cross-access will be provided to the adjacent Poteat property to the south (Wake PIN: 1718-62-2524).

h. 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 Falls of Neuse Road 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.

i. All trees twenty-four inches (24") DBH or greater and within thirty feet (30') of Falls of Neuse Road shall be retained; two (2) oak trees (thirty inches (30") DHB; thirty-six inches (36") DBH) located along the eastern property line, adjacent to the Emory Tract (Wake PIN: 1718-62-5547) shall be retained. (*SEE* "EXHIBIT A".) The protected root zone prescribed by the City of Raleigh Tree Conservation Ordinance shall not be a committed element of this zoning condition. Retained trees shall be protected during construction with tree protection fencing; application of four inch (4") mulch to root zone; application of nutrients and irrigation per report of certified arborist; pruning per report of certified arborist.

j. No vehicular driveway shall be permitted onto Falls of Neuse Road from the recombined parcel (refer to Condition #6 above).

k. Signage shall be limited to a single, low profile ground sign in Falls of Neuse Street Yard.

l. Prior to any development, legal agreements for shared facilities including dumpster, parking, stormwater facility, and cross-access, shall be reviewed and approved by the City Attorney.

m. Stonegate Drive shall be landscaped as a neighborhood entry point, and the landscaping plan shall be reviewed by the adjacent homeowner's association (HOA) as applicable.

n. All sidewalks shall be five feet (5') width minimum.

o. 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 forty-eight inches (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.

p. All outdoor lighting fixtures shall be full cut-off design and directed away from residential properties.

q. The site shall be developed with only a single building, and the building shall be limited to a maximum of twenty-two thousand square feet (22,000 SF) in gross floor area.

r. No parking, driveway or other vehicular surface area shall be located between Falls of Neuse Road right-of-way and the building(s).

s. No drive-through window shall be allowed.

t. The City of Raleigh Planning commission shall approve any/all site plans prior to receiving building permits.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. If this ordinance or any application thereof is held invalid as to any person or application thereof, such invalidity shall not affect other provisions or applications of the ordinances which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the Raleigh Planning Commission following a recommendation of the Planning Commission.

Section 5. That this ordinance shall become effective as indicated below.

Adopted: June 21, 2005
Effective: June 21, 2005

Distribution: Planning: Dave Betts
Greg Hallam
Stan Wingo
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Willa Brandon