Z-37-01 Forestville Road, east side, being Wake County PIN's 1747-69-0482, 1747-77-3317 and 1747-57-3988. Approximately 53 acres rezoned Residential-6 Conditional Use.

Conditions dated: (07/09/01)

1. Reimbursement values for additional right-of-way shall be at R-4 values.

2. Development shall comply with the provisions of CR-7107.

3. A 50' natural protective yard shall be provided and maintained on both sides of the north and south creek generally located within the center of the property. This 50' natural protective yard shall be measured from the top of bank on either side of the stream. All trees within this protective yard shall be saved except for the following circumstances:

   A. Removal of diseased, dead, dying or infested vegetation;
   B. Installation of water, waste water, utility lines and services, storm sewer, and associated easements;
   C. Installation of public and private streets (crossing the creek only see Condition #13 below); and
   D. Installation of pedestrian paths, trails easements and bridges.

4. An average 50' wide greenway easement shall be provided in conjunction with development of this site. This easement shall be generally located within the 50' natural protective yard area described condition #3 above. The easement shall extend from the southern property (Wake County PIN# 1747.02-18-2835 (Lee) to the eastern property (Wake County PIN# 1747.02-79-2688 Blackley), or northern property (Wake County PIN# 1748.04-60-1626 Blinson). The exact location of the easement shall be provided at the time of plan submittal to the City of Raleigh. This greenway easement shall be recorded at the time of permit approval.

5. The following uses shall not be permitted to be developed on this property:

   A. Congregate care structure and congregate living structure;
   B. Life care community;
   C. Rest home;
   D. Transitional housing including Emergency shelters type A and B, except for support residence housing and support multi-unit religious shelters; &
   E. Nursing home.

6. A twenty (20') foot wide pedestrian access easement shall be provided within the (60') foot wide private drive known as "Hidden Creek Drive" from the existing right-of-way line on Forestville Road to the greenway easement provided in condition #3 above. This pedestrian access easement shall be recorded at the time of permit

approval. This development shall not seek a vehicular crossing of the north south creek generally located within the center of the property to Hidden Creek Drive at the western end of Hidden Creek Drive. At the time this pedestrian access easement is recorded the remaining portions of the Hidden Creek Drive shall be recombined with the adjacent lots in order to maintain access to Wake County PIN#s: 1747-58-6785 (Lee) and 1747-58-8713 (Lee).

7. Wooden privacy fences shall be prohibited within twenty (20') feet of the future Forestville Road right-of-way. Wooden privacy fences between twenty (20') feet and fifty (50') feet of the right-of-way shall limited a maximum of four (4') feet in height and shall will be screened with evergreen plant material. These evergreen plantings shall be located in a manner that screens seventy-five (75%) percent of the fence area.

   New evergreen materials shall be installed at a minimum height of twenty (20") inches, and be of a species that shall achieve a height of three (3') feet within three (3) growing seasons.

8. Any mechanical equipment associated with non-residential uses (including on-site amenities) shall be fully screened from adjacent residential properties and all public rights-of-way. Materials for screening this mechanical equipment may consist of evergreen planting materials and, or building materials that are compatible with the associated building.

9. All site lighting and wall packs fixtures (other than street light fixtures and city street lights within public rights-of-way) shall be directed downward and shielded in such a way that no light source will be visible from neighboring properties. All freestanding site lighting (excluding street lighting described above) shall be limited to a maximum height of twenty (20') feet.

10. No Trespassing signs shall be posted every 100 feet along the common property lines with Wake County PIN #s 1747.02-18-2835 (Lee); 1747.02-79-2688 (Blackley); 1748-04-60-1626 (Blinson); and 1747.02-78-2681 (Stell). These signs shall be posted for the benefit of the cited adjacent property owners above. These signs shall be posted prior to the issuance of any building permit(s) for dwelling units within the subject area.

11. The outer 15' (side closest to adjacent properties) of the required 30' perimeter yards shall remain undisturbed along the common property lines with Wake County PIN #s 1747.02-18-2835 (Lee); 1747.02-79-2688 (Blackley); 1748.04-60-1626 (Blinson); and 1747.02-78-2681 (Stell).

12. Vehicular points of ingress and egress to Forestville Road shall be limited two (2) public street entrances.

13. The proposed development shall be limited to no more that two (2) public/private street crossings of the north south creek generally located within the center of the property. These stream crossings will be aligned to cross the creek at as close to ninety (90) degree angles as possible, and to cause minimal land disturbance. Headwalls/flared end sections shall also be provided in conjunction with any culverts to cause minimal disturbance of the stream and slopes.

14. A fifteen (15') wide street shall be provided along the frontage of Forestville Road. This yard shall be measured from the new right-of-way (generally located 15' from the existing line). Said street yard shall be landscaped to meet the following rates per 100 linear feet of public street frontage :

    - 3 shade trees;
    - 4 understory trees; and
    - 25 shrubs

15. A street stub shall be provided to either of the following common property lines 1747-59-5088 (Lee), or 1747-59-8002 (Lee).

16. Two street stubs shall be provided along the common property lines with Wake County PIN #s: 1747.02-79-2688 (Blackley); 1746-88-7909 (Hagwood); 1748.04-60-1626 (Blinson); and 1747.02-78-2681 (Stell). The location of the street stubs will be designed in general conformance with the adopted Neuse East Small Area Plan.

17. Two 9'x6' mass transit easements shall be provided to the City along the Frontage of Forestville Road. Prior to plan approval the Transit Division shall review and approve the locations of these easements.