Z-18-05 – New Bern Avenue and Shanta Drive, northwest quadrant, being Wake County PIN 1724221108, 1724221396. Approximately 2.3 acres are rezoned from Neighborhood Business Conditional Use to Neighborhood Business Conditional Use with revised conditions.

Conditions dated: 6/28/05

For purposes of the following conditions, Tax Parcels PIN 1724-22-1108 and 1724-22-1396 are referred to as the "Property."

(1) The following uses shall be prohibited:

- Non-governmental commercial recreational use-indoor
- Non-governmental commercial outdoor stadium/theater/amphitheater/ racetrack
- Riding stable
- Rifle range – indoor
- Fraternity house
- Sorority house
- Civic club
- Civic/convention center and assembly hall
- Correctional/penal facility
- Orphanage
- Schools
- Adult establishments
- Bar, nightclub, tavern, lounge
- Eating establishment with drive-thru, drive-in service, and with or without alcohol sales for on-premise consumption
- Commercial retail sales except a drug store with general merchandise sales
- Kennel/cattery
- Home building supply store
- Any use engaged in the sale of gasoline to the public
- Mini-warehouse storage facility
- Landfill debris from on-site
- Transportation uses allowed in Section 10-2071
- Flea market
- Vehicle sales
- Bailbond office
- Automotive washing and cleaning as a primary use
- Pawn shop
- Check cashing store (excluding banks, credit unions, savings & loans)
- Emergency shelter

- Religious shelter unit
- A shop for automotive body work and painting

(2) Reimbursement values for additional right-of-way on New Bern Avenue and the right-of-way for Shanta Drive shall be at the prevailing rate based upon the Office and Institution-1 Zoning.

(3) No high profile ground signs shall be permitted on the property.

(4) Residential development upon the property shall not exceed seven (7) dwelling units per acre.

(5) Prior to the issuance of any building permits for development of the Property, the two tracts comprising the Property (Tax Parcels PIN 1724-22-1108 and 1724-22-1396) shall be recombined into a single tract and a recombination plat recorded with the Wake County Register of Deeds.

(6) Driveway access to and from the Property to New Bern Avenue shall be limited to right-in, right-out facilities.

(7) Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of the Property shall deed to the City of Raleigh a transit easement measuring twenty (20) feet long adjacent to New Bern Avenue by fifteen (15) feet wide to support a bus stop for current transit services in the area. The location of the transit easement shall be approved by the Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation.

(8) A streetyard shall be provided along New Bern Avenue which will have a minimum width of fifteen (15) feet and possess an area that is equal to the length of the right-of –way multiplied by twenty (20) feet. This streetyard will be planted in accordance with SHOD-4 standards.

(9) Any building or buildings developed upon the Property shall be subject to and in conformity with the Unity of Development Guidelines currently applicable to the Property as approved by the City of Raleigh January, 1999, as the same may be amended from time to time.

(10) Upon development of the Property, an additional twelve (12) feet of right-of-way and a travel lane shall be provided along New Bern Avenue adjacent to the Property.

(11) Building height shall be limited as follows: (i) buildings utilized for retail activity shall not exceed thirty-five (35) feet; (ii) buildings utilized for office uses shall not exceed fifty (50) feet; and (iii) buildings utilized for hotel purposes shall not exceed sixty (60) feet in height. Building heights

above forty (40) feet will comply with Section 10-2076 of the Raleigh City Code.

(12) No more than one (1) double bay of parking shall be permitted between the public right-of-way of New Bern Avenue and any building constructed upon the Property.

(13) All lighting fixtures upon the Property shall be full-cutoff (shielded) design. Lighting for areas of more than twenty-five (25) contiguous parking spaces shall not exceed twenty-five (25) feet in height. All other area lighting upon the Property shall not exceed sixteen (16) feet in height.