

Z-83-98 Westgate Road, and Ebenezer Church Road, northwest intersection, being a portion of Wake County Tax Map Parcel 0778.04 73 3758. Approximately 16.2 acres to be rezoned to Office and Institution-1 Conditional Use.

Conditions: 01/13/99

- a. Development of this property shall comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission.
- b. Reimbursement values for right-of-way needed for the extension of Ebenezer and Westgate Road, shall be at the prevailing rate for R-10 zoned property.
- c. Residential development shall be capped at a density of 10 dwelling units per acre.
- d. Development of the zoned areas shall meet the following standards:
 1. From the future right-of-ways of Westgate, Ebenezer and Strickland Roads, a 30-foot uniform street yard shall be installed.
 2. Internal cross access shall be provided within the zoned area. If the subject zoned area is subdivided, internal cross access between the newly created lots shall be provided. Cross access, or shared driveway facilities shall be shown on each individual site plan to serve adjacent lots. Such driveway facilities shall be installed incrementally as each lot develops. Stubs to adjacent parcels shall be installed prior to the issuance of a certificate of occupancy for each individual building. All cross access easements shall be recorded either at the time of recording or building permit issuance whichever occurs first. Installation of public street between lots will void this requirement between those respective lots. All cross access agreements will be approved by the City Attorney and recorded with the Wake County Register of Deeds in conjunction with the recording of the subdivision plat.
 3. At least one cross connection location will be provided to the adjacent parcel to the west (PIN# 0778.04 63 3996 Martin Marietta).
 4. Buildings or any portion of a building positioned within 150' of the future right-of-way of Ebenezer Church Road shall have a maximum height of 36 feet and not more than 2 occupied stories. For the purpose of this condition building height shall be measured from elevation 484 feet above M.S.L.
 5. Buildings on the remaining portion of the property (outside the 150' area in (d)4 above) shall not exceed a maximum height of seventy (70') feet and not more than 5 occupied stories. For the purpose of this condition building height shall be measured from elevation 460 feet above M.S.L.
- e. A traffic impact evaluation study shall be provided at the time of either subdivision or site plan approval for the zoned area. This study shall evaluate the proposed points of

ingress/egress to the zoned area and the impacts to the abutting public streets for their frontage along the zoned area.

f. The following land uses as set forth in Code section 10-2071 Schedule of Permitted Land Uses in Zoning Districts shall be prohibited within the zoned area:

1. Recreation use restricted to membership - Commercial of all types;
2. Recreation use - Non-governmental (outdoor/ stadium/ theater/ amphitheater/ racetracks) of all types;
3. Recreation - Governmental (indoor, outdoor, and rifle ranges) of all types;
4. Fraternity house;
5. Home occupation;
6. Sorority house;
7. Rooming house, boarding house, lodging house, tourist home;
8. Transitional housing: Emergency Shelter A, Emergency Shelter B, and Religious Shelter unit;
9. Civic club;
10. Cemetery;
11. Correctional/Penal facility;
12. Schools of all types;
13. Fire station, police precinct, training facility and other emergency service facility;
14. Funeral home;
15. Radio and television studio;
16. Telecommunication towers less than 250 feet in height;
17. Telecommunication tower (all others);
18. Dance, recording, music studio;
19. Parking facility - principal use;
20. Manufacturing - specialized;
21. Landfill - debris from on-site;
22. Transportation-including air fields, landing strips, heliports, and taxicab stands;
23. Power plant utilities;
24. Utility substations - governmental;
25. Water or sanitary sewer treatment plant (i.e. facilities other than septic tanks, pumping stations, wells and package treatments designed to handle water and waste water generated by on site activities);
26. Rest home;
27. Hospital;
28. Orphanage;
29. Movie Theater - outdoor;
30. Copy centers; and,
31. Medical urgent or emergency care clinics open to the public not including doctor's offices involved in treating patients under their primary care.

g. If the zoned area is developed with multiple office buildings those office buildings shall be unified in their appearance through the use of similar exterior finishes. Those finishes shall consist of brick, reflective glass, stucco, EIFS, pre-cast concrete ornamentation (window sills, door trim, coins, etc.) and stone either singularly or in combinations thereof.

Specific types of materials and colors shall be provided to the City of Raleigh with the initial building plan. Residential buildings shall not be limited to this listing of materials herein, however they shall not use Stucco or EIFS as an exterior material.

h. Vehicular surface areas occurring parallel to Ebenezer Church Road between the building and the right-of-way of Ebenezer Church Road shall be limited to a maximum width of two standard double bays of 90 degree parking spaces serviced with center driveway aisles (maximum vehicular surface area for parking of 124 feet wide) not including landscape separation between bays and related driveway connector between bays.

i. Illuminated signage (wall or ground signs) shall be limited to either internally illuminated cabinet fixtures, solid letters with back lighting to create a silhouette effect; or, detached light sources that illuminate the sign lettering with up lighting.

j. Neon lighting may not be used on any sign or building exterior or interior of a building where it can be viewed from outside the building through a window or door.

k. Illuminated wall signs may not face any residential lot in the following Wyngate Community parcels;

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| 1. 0778.04 74 7290; | 6. 0788.04 73 9502; | 11. 0778.04 73 8197; |
| 2. 0778.04 74 8039; | 7. 0778.04 73 9404; | 12. 0778.04 73 8181; |
| 3. 0778.04 74 9004; | 8. 0778.04 73 9317; | 13. 0778.04 73 8064; |
| 4. 0778.04 73 8889; | 9. 0778.04 73 9300; | and, |
| 5. 0778.04 73 9651; | 10. 0778.04 73 8294; | 14. 0778.04 73 8995. |

l. Outdoor pay telephones shall not be installed within the zoned area.

m. No land use within the zoned area other than a bank as allowed in condition (n) below shall utilize an outdoor paging system or a drive-thru or drive-up window.

n. Banks with outdoor Automatic Teller Machines shall be limited to the portion of the zoned area not more than 300 feet south and perpendicular to the proposed southern right-of-way of Strickland Road. Any outdoor Automatic Teller Machine (ATM) occurring with a bank shall not be positioned to provide any view of the front of the ATM when viewed perpendicular from the right-of-way of Ebenezer Church Road.

o. Site area lighting shall consist of pole mounted fixtures with a maximum height of 18 feet. Light fixtures shall create down lighting only and the light source shall not be visible when viewed from the side. Metal Halide light bulbs shall be prohibited.

p. Structured parking shall be prohibited in the portion of the zoned area limited to 2 occupied stories of building height in condition (d)4 above.

q. Subject to approval by RDOT and NCDOT no access shall be taken into the zoned

area from Ebenezer Church Road opposite Wyngate Mill Lane.

r. Subject to approval by RDOT and NCDOT, access from Ebenezer Church Road shall occur not less than 350 feet nor more than 450 feet from the intersections of Westgate Road and Ebenezer Church Road and Ebenezer Church Road and future Strickland Road.

s. The following landscaping provisions shall apply within the thirty (30) foot street-yard fronting along Ebenezer Church Road.

1. The street-yard shall contain for its entire length except for driveway crossings and related sight-triangles a three (3) foot high earthen berm measured from the top of the future curb on the west side of Ebenezer Church Road.

2. A continuous evergreen hedge shall be installed on top of the berm for its entire length. Plant materials for the hedge shall be a species, or mix of species, that shall attain a minimum height of six (6) feet in three years. They shall be a height of thirty (30) inches when installed. Examples of plant species to be use area: Ilex Cornuta 'Burfodii; (Burford Holly); Camellia Sasanqua 'Setsugekka'; Ilex Vomitoria (Yaupon Holly); Ligustrum Lucidum (Tall glossy privet) or equivalent.

3. Street trees shall be a mix of shade and evergreen shade trees that meet city landscape requirements (Section 10-2082.5(c)). They shall be a minimum size of 3.5" caliper (10.99" circumference) measured one-half (1/2') foot above grade with a height of nine (9) feet when installed. They shall be installed at a rate of two (2) trees per forty (40) linear feet.

4. Flowering shrubs shall be installed at a rate of 1 shrub per thirty-five (35) linear feet. These shrubs may be massed for effect.

t. Site plans for development of the zoned property when submitted to the City of Raleigh for approval shall simultaneously be mailed to the current owners of the following Wake County Parcels:

0778.04 73 9651	0778.04 73 9300
0778.04 73 9502	0778.04 73 8294
0778.04 73 9404	0778.04 73 8197; and,
0778.04 73 9317	0778.04 73 8181.

u. All refuse containers within the zoned areas shall be maintained within enclosures made of similar materials as used for the principal building to screen them from direct view from adjacent residentially zoned lots or from the public right-of-way of Ebenezer Church Road.

v. Office hours for regular patient appointments for all health care providers (doctors, dentists, chiropractors, etc.) shall be between the hours of 8:00 a.m. and 6:00 P.M.