

Z-22-95 Spring Forest Road, south side, between Falls of Neuse Road and Falls of Commons Drive and on Springfield Commons Drive, being Parcels 9685 and 0767, Tax Maps 1717.17 rezoned to Shopping Center Conditional Use:

CONDITIONS:

1. Except only to the extent modified herein, all of the conditions of zoning case Z-43-90, a copy of which is attached hereto, shall remain applicable to the property subject to this petition.
2. In addition to the two eating establishments allowed on the property subject to zoning case Z-43-90, and in addition to or together with other uses allowed pursuant to such case, there shall be allowed on the parcels subject to this case (tax parcels 1717.17 10 9865 and 1717.17 20 0767) an establishment or establishments which offer the sale of coffee and other nonalcoholic beverages, pastries, breads and other baked goods for consumption on-site as well as off of the premises. No establishment which serves food at a drive-through window shall be located upon the property subject to this petition.

Conditions for Z-43-90

1. Upon development, the rate of stormwater runoff will comply with Certified Recommendation 7107 of the Raleigh Planning Commission.
2. No certificate of occupancy shall be issued until there shall be constructed a street or drive which shall extend from Falls of Neuse Road to Ridgefield Drive.
3. The maximum floor area ratio for the property shall not exceed two-tenths (.20).
4. No building permit (other than for repair and replacement of existing improvements) shall be issued until the property shall be subdivided into no fewer than six (6), nor more than nine (9) lots (the "Lots"). At least two (2) of the Lots shall abut Falls of Neuse Road. All of the Lots shall have vehicular access to the street or drive constructed pursuant to the foregoing paragraph (2).
5. No more than two (2) eating establishments, each providing table service, shall be located upon the property. No eating establishment which serves food at a drive-through window shall be located upon the property.
6. At least three (3) of the Lots will be used for uses permitted in the Office and Institution-1 District. Except as hereafter provided, all lots that are adjacent to or contiguous to Ridgefield Drive, including the lot on the corner of Falls of the Neuse Road and Ridgefield Drive, will be used for uses permitted in the Office and Institution-1 District. The portion of the property adjacent to or contiguous to Ridgefield Drive, which lies between the intersection of Spring Forest Road and Ridgefield Drive and the intersection of the street

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or drive constructed pursuant to the foregoing condition number (2) and Ridgefield Drive, may be used for uses authorized in the Shopping center District (other than those uses prohibited in condition number (8) hereafter). The distance between the property iron marking the boundary of the property at the intersection of Spring Forest Road and Ridgefield Drive and the centerline of the street or drive constructed pursuant to the foregoing condition number (2) at the point at which it intersects Ridgefield Drive shall not exceed 375 feet.

7. Excluding the lots used for Office and Institution-1 permitted uses, the remaining lots may each contain no more than three (3) establishments.

8. The following uses will be prohibited on any of the Lots: automotive service and repair facilities; convenience stores; auto parts stores; commercial parking deck operated as an independent business; individual mini-warehouses; multifamily dwelling units of any kind; video sales/rental facilities; supermarkets; or stores with a pharmacist.

9. Portions of the property adjacent to or contiguous to the street or drive constructed pursuant to the foregoing condition number (2) shall be landscaped in accordance with the requirements of the Raleigh City Code applicable to public streets.

10. Sidewalks shall be constructed along all roads and along both sides of the street or drive constructed pursuant to the foregoing condition number (2).

11. Any building constructed upon the property shall not exceed two (2) occupied stories or thirty-five (35) feet in height, excluding mechanical equipment and elevator penthouses.

12. Any building constructed upon the property primarily shall have a brick exterior and shall have (or when viewed from the ground level of adjoining properties shall appear to have) a pitched roof.

13. Upon the request of the City of Raleigh, the owner will construct a bus turn-out lane on Falls of the Neuse Road at a location on the eastern boundary of the property mutually agreeable to the City and the property owner. The owner shall also construct a standard shelter and/or benches for bus passengers upon the request of the city of Raleigh. Upon the development of the property, the owner will provide racks or other facilities for the parking of bicycles.