

**Z-112-98 Falls of Neuse** and Durant Roads, southeast side, being Wake County Tax Map Parcel 1718.16 84 2925. Approximately 24 acres rezoned to amend the existing Shopping Center Conditional Use conditions, as follows:

Conditions: (11/16/98)

A. Development shall comply with the provisions of CR-7107 of the Raleigh Planning Commission.

B. Reimbursement values, for additional right-of-way required by the City's Development Regulations on Falls of Neuse and Durant Roads, shall be at the then prevailing rate based upon the Rural Residential and Residential-4 zoning that existed prior to the approval of Z-109-96.

C. Primary full service (full movement) access to Falls of Neuse and Durant Roads shall not exceed those illustrated on the attached Exhibit, entitled Concept Master Plan, prepared by Charles Elam and Associates, and dated July 14, 1997 which is incorporated herein by reference. This plan illustrates the following elements:

1. A proposed full movement entrance from Falls of the Neuse Road a minimum of 800 feet south of the center of the intersection of Falls of the Neuse and Durant Road;
2. A proposed full movement access from Durant Road a minimum of 575 feet east of the center of the intersection of Falls of the Neuse and Durant Roads;
3. A proposed full movement access (either private or public street) at the southwest corner of the zoned area but positioned on the adjacent R-10 CUD zoned area;
4. The schematic outline of the street yard and focal areas described in condition K below;
5. The location of the berm referenced in Condition N below to be placed along the R-4 CUD zoned area from Z-110-96; and,
6. The area south of the entrance from Falls of the Neuse Road within which eating establishments with drive-thru or walk-up services are prohibited.

D. No building shall exceed two-story construction (thirty-five (35) feet).

E. All refuse containers and heating and air conditioning units within the commercial areas will be maintained within enclosures made of compatible material as the principal building to screen them from direct view from adjacent residentially zoned lots or from the public street right-of-way.

F. Exterior lighting within the Shopping Center CUD zoned area shall not exceed eighteen (18) feet in height and shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent residential properties. Perimeter pole mounted area lights shall not be positioned inside of the transitional protective yards.

G. No Falls of Neuse Road outparcel south of the primary entrance to the shopping center located on Falls of Neuse as illustrated on the attached Concept Master Plan prepared by Charles Elam and Associates and dated July 14, 1997 shall contain a restaurant providing curbside, walk-up or drive-thru service.

H. No convenience store or establishment offering sale of gasoline or dispensing petroleum products into motor vehicles shall be permitted.

I. Thirty days prior to its filing with local government review agencies, a copy of any site plan or subdivision plan for the subject property shall be forwarded by first class mail to the parties listed by the Wake County tax office as owners of PIN numbers 1718.16 94 1335, 1718.16 94 1520, 1718.16 94 2327, 1718.16 94 1538, 1718.16 94 2784, 1718.16 94 2892, 1718.16 94 1822, 1718.16 94 3913, 1718.16 94 1901, 1718.02 95 1050, 1718.02 95 2050, 1718.15 74 4326, 1718.15 75 6401, and 1718.15 64 8247.

J. The following uses, otherwise permissible with the Shopping Center zoning classification, will not be allowed on this property, any;

1. Agricultural uses, except nursery or garden supply store;
2. Transitional housing, except supportive housing residence;
3. Cemetery, crematory;
4. Correctional facility;
5. Outdoor kennel or cattery;
6. Radio and television studio;
7. Telecommunications tower;
8. Landfill, airfield, taxi cab stand;
9. Power plant, electric utility substation;
10. Home building supply store (except for hardware);
11. Vehicle sales, rental, auto body; auto painting, auto repair;
12. Adult establishment, nightclub, lounge, bar, tavern;
13. Department stores with: lawn and garden shops; home building supplies (lumber, sheetrock, doors, windows, roofing material, etc.); tires; automotive parts; automotive servicing or repairs; or in excess of 70,000 square feet unless those stores meet the following additional criteria.

Department stores meeting both the preceding requirements in this condition and the following additional criteria shall be allowed to be constructed up to a maximum size of 87,000 square feet. These stores shall contain a minimum of the following departments. These departments shall possess the noted minimum floor-space area.

1. Cosmetics/Jewelry/Perfume - 1,500 S.F.

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2. Children's clothes - 5,000 S.F.
3. Ladies clothes - 6,500 S.F.
4. House-wares - 4,500 S.F.

House-wares shall consist of any combination of china, cookware, linens, bedding, furniture, small appliances (i.e. coffee makers, blenders, irons, toaster ovens, etc.) draperies, etc.

14. Pool halls;

15. Establishments selling alcohol for consumption on premises which do not conform to the requirements of Alcoholic Beverage Control Law 18B-1000(6).

K. To supplement the minimum street protective yards otherwise required by the Raleigh City Code, the property owner shall;

1. Provide a street protective yard not less than thirty (30) feet in width.

2. Provide landscaped focal areas at all project corners that are created by intersections of public streets or the intersection of a private driveway with Falls of Neuse or Durant Roads. Within these landscaped areas, in addition to perennial and annual landscaped materials, identification walls or fences at least three and one half (3 1/2) feet in height, gate houses at least (12) feet in height, arbors, artwork, pedestrian walkways and identification signage may be installed. These areas will be designed and constructed to provide an identification of the property, conform to site triangle requirements and a level of uniformity between resulting projects. These are illustrated on the attached Concept Master Plan by Charles Elam and Associates dated July 14, 1997.

A decorative gate house shall be installed at the intersection of Durant and Falls of Neuse Roads. This gate house shall be based upon neo-traditional Italian Piedmont style architecture. Arches and vaults based upon circles and eclipses shall be used as central elements for the gate house. Columns for the gate house shall be square with clearly defined base, shaft and capital and shall use at least two colors of materials to define the column components. The roof of the gate house shall have a minimum pitch of 3 1/2:12.

3. Street protective yards shall be planted according to the following schedule:

	<b>Caliper</b>	<b>Circumference</b>	<b>Height</b>	<b>Rate</b>
Shade Tree	3.5"	10.99"	9.0'**	2 per 40 linear ft.
Understory Trees	2.0"	6.38"	7.0'**	1 per 60 linear ft.
Hedge Evergreen			42"(@ 3yrs.)	3'0" on center
Shrubs				
Non-Hedge Evergreen			42"(@ 3yrs.)	1 per 50 linear ft.
Shrubs				
Flowering Shrubs			24"***	1 per 30 linear ft.

\*\* at installation

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4. An evergreen hedge to screen the view of cars shall be placed within the street protective yard when the yard is adjacent to parking spaces. The hedge shall run the entire length of all parking spaces, except when the hedge reaches the intersections of public streets or the intersection of a private driveway with a public street. Such intersections shall be constructed and landscaped in accordance with condition K.2 above and Raleigh City Code 10-2082.6(b).

5. Street protective yards may contain berms, walls, fences, sidewalks, driveway crossings, utility services and utility service areas.

L. At the time of site plan approval, a unity of development plan will be formulated for all buildings on the site assuring complementary architectural style construction materials and cross-access ways.

M. Deliveries from trucks with a G.V.W. rating greater than 26,000 pounds shall not be accepted on the site between the hours of 11:00 p.m. and 7:00 a.m.

N. On or within ten feet of Shopping Center CUD property boundaries contiguous with areas zoned R-4 or R-4 CUD, a berm four feet in height shall be constructed. On top of the berm, evergreen species with a minimum height of 48" at planting shall be planted on six foot centers.

O. Any restaurant which utilizes an open flame for cooking shall have an air filtration system designed to minimize or eliminate food odors. At a minimum this system shall employ disposable pleated panel filters for both particulate and odor absorption for food preparation.

P. Development of the Shopping Center CUD zoned area shall be limited to two (2) outparcels positioned in the southwest corner of the zoned area between the primary full movement access to Falls of the Neuse Road referenced in Condition C above and the south boundary of the zoned area.