

Z-7-96 U.S. 70 West and Ebenezer Church Road, northeast quadrant, being map 0777.02, Block 77, Parcel 2115. Approximately 14.2 acres to be rezoned to Thoroughfare District Conditional Use.

Conditions: (2/6/96 and attached conditions from Z-64-88 attached)

1. Except only as provided in Exhibit C, all conditions of Zoning Case Z-64-88 (Ord. No. (1989) 298ZC244) applicable to this property shall remain so applicable. A copy of such ordinance and the conditions applicable thereto is attached to this petition.

2. In addition to uses authorized in Zoning Case Z-64-88, the property may be utilized for the wholesale sale of used motor vehicles acquired as trade-ins in the operation of a retail automobile dealership on the property. Only vehicles acquired as trade-ins from customers of the retail automobile dealership operated upon the property may be sold at wholesale upon the property. All such sales shall be conducted within buildings currently existing upon the property not more than one (1) time per week and only at times the retail automobile dealership upon the property is open for business for sales to members of the public. In connection with such sales no equipment for the amplification of sound shall be used outside the building(s), nor shall amplified sound associated with the wholesale sale of motor vehicles upon the property be audible by the human ear at any point upon tax parcel 0777.02-77-8759, which is currently owned by Almo Properties. Vehicles sold at wholesale upon the property shall be loaded and transported from the property only at times when the retail automobile dealership upon the property is open for business for sales to members of the public.

3. The property will have no more than two access points to Ebenezer Church Road in locations substantially as shown in PA-4-94.

****Attachment to Z-7-96 (conditions for Z-64-88)****

1. Maximum of 1195 living units.

2. Property to be divided into six (6) parcels, as shown upon Exhibit B, dated 8-30-88 and revised 12-19-88, each of which shall be restricted as follows:

<u>Parcel</u>	<u>Acres*</u>	<u>Maximum Units</u>	<u>Maximum Building Height</u>	<u>Allowed Uses**</u>
A	21.3	0	As Allowed in T.D.	Shopping Center
B	12.77	255	52'	R-20
C	19.37	290	39'	R-15
D	19.30	386	52'	R-20, Office & Institution-1
E	14.34	143	26'	R-10
F	12.18	121	26'	R-10

*Does not include acreage shown in the right-of-way of those roads shown on Exhibit B.

**Defined as those uses allowed for parcels so zoned under the Zoning Code of the City of Raleigh.

3. Parcels A-F are shown upon the attached Exhibit B. Parcel A may not exceed 21.3 acres, however, the areas of and number of units of parcels B-F may not increase by more than 5% and may not contain in the aggregate more than 1195 living units.

4. Vehicular access onto U.S. 70 shall be limited to no more than one right in-right out curb cut only, the general location of which is shown on Exhibit B however, in no case shall it be less than 400' from the Easterly edge of pavement of Ebenezer Church Road.

5. Vehicular access onto Ebenezer Church Road shall be limited to no more than one private drive from Parcel A and two public streets, the general location of which is shown on Exhibit B, however, in no case shall the private drive be closer than 400' from the North edge of pavement of US Highway 70.

6. Interior streets, as shown on Exhibit B shall be caused to be constructed by the Petitioner or their successors in interest. Their final alignment may vary so long as the resultant change does not alter the area of adjacent parcels beyond that described in #3 above.

7. Vehicular access to parcel A shall be limited to not more than five locations as generally shown on Exhibit B.

8. Parcel B shall contain a "Conservation Area" of at least 2.6 acres including a pond of approximately one acre to be used for stormwater management purposed. Said pond and its required sedimentation and erosion control measures shall be installed prior to any other land disturbing activities on the property and be subject to City approval. Water shall not be released from the entire property at a rate exceeding that from the property if developed as R-4 residential.

9. A minimum of 100' wide Greenway easement shall be dedicated without reimbursement over Parcel F in the location of the present natural drainage-way as recommended in the adopted Umstead District Plan.

10. Along the entire U.S. Highway 70 frontage a 50' deep landscaped buffer shall be planted according to the following standards. In those portions of such buffer where vegetation presently does not exist or where development requires its removal, the same shall be revegetated according to these standards. For each 50 linear feet of revegetated areas there shall be:

<u>Type of Material</u>	<u>Quantity</u>	<u>Size Minimums</u>
Canopy Tree	8	3" caliper, 16' height
Understory Tree	8	7.5' height
Shrubs	36	one gallon container

It shall be the purpose of this revegetation scheme to achieve a natural Piedmont woodland appearance by using native plant species and trees.

ORDINANCE (1996) 827 ZC 383 CORRECTED COPY
Effective: February 20, 1996

11. A minimum 150' protective yard shall be required adjacent to the Eastern boundary of Parcel F as shown upon Exhibit B.

12. A Mixed Use Development Master Plan (See. 10-2092 of the Raleigh City Code) shall be approved by the City Council prior to the issuance of a building permit on the site.

13. The Westerly edge of said natural buffer described in #11 above will contain a continuous 3' high earth berm. Along the top of the berm a continuous row of evergreen shrubs of approximately 42" in height will be installed. Such shrubs will be maintained in a living condition and replaced as necessary.

14. All storm drainage installed upon Tract F shall be directed in a Westerly direction away from the buffer area established in d11 above.

15. Parking lot lighting installed upon Tract F, and potentially visible to residents to the East, shall be directed away from the Eastern property line and be of a maximum height of 12' and a maximum illumination as set forth in Sec. 10-2045.2(3)a of the Raleigh City Code.