

**Z-49-94 Newton Road**, south side, being Parcel 3972, Block 74, Tax Map 1707.16 (Parcel A), and Parcel 5774, Block 74, Tax Map 1707.16 (Parcel B) rezoned to Residential-15 Conditional Use with conditions dated July 25, 1994

1. The residential density of the property shall be limited to twelve (12) dwelling or equivalent dwelling units per acre.
2. The property will be utilized only as a long-term care facilities (with related amenities) with at least one person fifty-five (55) years of age or older or handicapped residing in each occupied dwelling unit. Parcel A shall be occupied by no more than seventy-one (71) residents and Parcel B shall be occupied by no more than fifty six (56) residents. Improvements constructed upon Parcel B shall not contain a kitchen.
3. No building upon the property shall consist of more than two stories; nor shall any building be greater than thirty five (35) feet in height measured from the average ground elevation of the building footprint after grading to the highest point of the roof. Such height limitation shall not apply to any fire wall upon the property as same may extend to a maximum height of thirty six (36) feet to the highest point, measured from the average ground elevation as described in this paragraph.
4. The building to be constructed upon Parcel B shall not exceed a footprint area of 14,000 square feet.
5. No dumpster or exterior trash receptacles of any kind shall be located upon Parcel B.
6. There will be no direct beaming of light from the Property on to any adjoining residential property. The bottom of any light fixture on a pole located on Parcel B shall be no higher than eight (8) feet above the surface upon which it is erected. No more than six (6) light sources upon poles shall be located upon Parcel B and such poles shall be located as shown on the landscaping plan dated July 5, 1994 submitted herewith. The design of the fixtures for such light sources shall be substantially as shown on Exhibit 1.
7. Upon development, the rate of stormwater runoff from the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission.
8. A landscaped area, a minimum of thirty (30) feet in width, shall be constructed and maintained along the east boundary of the Property with tax parcels 1707.16 74 7913 and 1707.16 74 8708 (except where improvements now exist on Parcel A). Such landscaped area will be planted and maintained as shown in the landscape plan submitted herewith and dated July 5, 1994. A closed fence six (6) feet in height shall be constructed and maintained along the east boundary of the property with tax parcels 1707.16 74 7913 and 1707.16 74 8708 from the point at which the existing fence terminates. The design of such fence will be substantially as shown on Exhibit 2 and the fence will be constructed prior to the initiation of

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any construction activity on Parcel B other than grading. The Petitioner will also maintain the existing fence along the boundary of Parcel B with tax parcel 1707.16 74 8708.

9. A landscaped area, a minimum of ten (10) feet in width, will be constructed and maintained along the southern boundary of Parcel B which adjoins Willow Ridge Townhomes. Such landscaped area shall be planted and maintained substantially as shown in the landscape plan submitted dated July 5, 1994. In addition, plants will be installed on adjoining areas of Willow Ridge Townhomes substantially as shown on the supplement to such landscape plan. After planting, plants installed on adjoining areas of Willow Ridge Townhomes will be maintained by the residents of Willow Ridge Townhomes. A closed fence a maximum of six (6) feet in height shall be constructed and maintained along the boundary of the property with Willow Ridge Townhomes. The design of such fence will be substantially as shown on Exhibit 2 and the fence will be constructed prior to the initiation of any construction activity on Parcel B other than grading.

10. Any building constructed upon Parcel B shall have a brick facade and a pitched roof and will be substantially similar architecturally to the adjoining Northridge Retirement Village. The elevations of the improvements constructed on Parcel B will be substantially similar to those shown on Exhibit 3 and in compliance with the conditions herein.

11. No air-conditioning or heating unit (other than built-in wall units) will be placed within one hundred fifty (150) feet on the boundary of Parcel B with Tax Parcel 1707.16 78 8708. All such units on Parcel B (other than built-in wall units) will be located on the west side of the structure connecting the building on Parcels A and B. All air conditioning or heating units on Parcel B (other than built in wall units) will be screened from view from tax parcel 1707.16 74 7913, 1707.16 74 8708, and 1707.16 74 8674 and from Van Thomas Drive. There will be no roof mounted air-conditioning or heating units upon Parcel B.

12. For reimbursement purposes future right-of-way for Newton Road will remain at R-6 value.

13. Prior to the initiation of any construction activity upon Parcel B, the petitioner will lower the elevation of the existing drainage pipe (or pipes) located on the east side of such parcel as shall be required to cure the problem of water standing from time to time along the eastern boundary of Parcel B and adjoining areas of tax parcels 1707.16 74 7913 and 1707.16 74 8708. If this effort fails to cure permanently the aforesaid problem, the petitioner shall at its sole expense undertake forthwith, such other efforts as are necessary to cure permanently this problem.