

Z-104-99 Tryon Road, north side, west of Lake Wheeler Road, being various Wake County PINS and portions thereof. Approximately 4.4 acres west of the proposed street extension to Office and Institution-1 Conditional Use and approximately 2 acres east of the proposed street to Neighborhood Business Conditional Use.

Conditions: (1/10/2000)

For the purpose of the following conditions, Tax Map Parcels 0792.10-35-5639, 0792.10-36-6304, 0792.10-46-1071, 0792.10-45-1696, 0792.10-45-0606, and 0792.10-35-8588 are referred to as the "Property".

1. Any development of the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission applied as if the Property was zoned R-4 prior to rezoning in this case.
2. Reimbursement for future right-of-way dedication affecting the Property shall be based on current zoning (Residential-10 District).
3. The portion of the Property zoned Neighborhood Business CUD shall not be utilized for any of the following uses otherwise authorized in the Neighborhood Business District; automotive service and repair facility; bar, nightclub, tavern or lounge; eating establishment; hotel/motel; indoor movie theater; dry-cleaning establishment, utility service and substation; Emergency Shelter Type A or Emergency Shelter Type B; landfill; manufacturing; mini-warehouse facility; adult establishment; kennel/cattery; limited home business; riding stables; correctional/penal facility; outdoor stadium, outdoor theater, or outdoor racetrack; retail food store; video rental or sales facility; department store; discount store; home building supply store; retail sales-highway; retail sales-personal services; and retail sales-convenience.
4. Access to the Property from Tryon Road will be provided by a single public street curb cut (the extension of Trailwood Hills Drive) and by no more than one additional curb cut. In the event that the City elects to place a median in Tryon Road at the location of such additional curb cut, it shall be right in, right out only. Otherwise, it shall be a full service curb cut. Incident to the development of the Property, an additional left turn lane shall be constructed on the north side of Tryon Road west of the intersection of Tryon Road and the extension of Trailwood Hills Drive in accordance with standards of the North Carolina Department of Transportation.
5. With the exception of the public street and curb cut referenced in the foregoing paragraph (4), a streetyard an average of twenty-five (25) feet in width shall be provided along the right-of-way of Tryon Road (as widened to 90 feet) which shall be landscaped in accordance with SHOD-2 standards of the Raleigh City Code.
6. With the exception of doors and window trim, building facades facing Tryon Road shall be at least seventy-five percent (75%) brick.

Ordinance (1999) 717 ZC 471
Effective: 1/18/00

7. A closed wooden fence six (6) feet in height shall be maintained along the boundary of the Property with Tax Parcel 0792.10-45-3866.
8. The light source of any exterior lighting upon the Property shall be shielded so that such light source is shielded from direct view from any adjoining parcel zoned for residential use.
9. Any building constructed upon the Property shall be limited in height to two (2) stories or thirty-five (35) feet.
10. The floor area ratio of building constructed upon the Property shall not exceed .40.
11. Signage upon the portion of the Property zoned Neighborhood Business CUD shall comply with provisions of the City Code regulating signage upon parcels zoned Office and Institution-1 District.
12. The trees designated on Exhibit C-1 submitted herewith shall be preserved and shall be subject to active tree protection during any construction activity.
13. Upon the redevelopment of tax parcel 0792.10-45-3866 an offer of cross access will be made to the owner of such parcel allowing access across adjoining areas of the Property (in a location designated by the owner of such portion of the Property) to the extension of Trailwood Hills Drive.