

Z-82-98 Ebenezer Church Road and Westgate Road, southeast intersection, being Wake County Tax Parcel 0778.04 72 8310. Approximately 17 acres rezoned to Office & Institution-1 Conditional Use.

Conditions: 2/2/99

1. Development of the property will comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission.
2. Reimbursement for right-of-way needed for Ebenezer Church Road and Westgate Road shall be at the prevailing rate for R-4.
3. Residential development shall be capped at a density of 10 dwelling units per acre.
4. Development of the zoned area shall meet the following standards:
 - a. A 30-foot uniform street yard shall be installed along all street frontages (measured from the future public rights-of-way). Within said yards, the first twenty-five feet shall be undisturbed except for driveways and utility services. (Westgate Road and Ebenezer).
 - b. Internal cross access shall be provided within the zoned area per condition (5) below.
 - c. Buildings or any portion of a building positioned within 150' of the future right-of-way on Westgate Road or that is within 150 feet of the boundary line with parcels pin #0778.04 82 4041 and # 0778.04 82 5563 shall have a maximum height of 36 feet and not more than 2 occupied stories. For the purpose of enforcement of this condition building heights within the prescribed 150-foot area shall be measured from the top of curb of the future Westgate Road widening.
5. If the subject zoned area is a subdivided, internal cross access between the newly created lots shall be provided. Cross access, or shared, driveway facilities shall be shown on each individual site plan to serve adjacent lots. Such driveway facilities shall be installed incrementally as each lot develops. Stubs to adjacent parcels shall be installed prior to the issuance of a certificate of occupancy to each individual building. Installation of public streets between lots will void this requirement between those respective lots.

All of the above access agreements will be submitted in writing for approval by the City Attorney. These cross access shall be also recorded with Wake County Register of Deeds in conjunction with the recording of any subdivision plat involving this property.

6. A traffic impact evaluation study shall be provided at the time of either subdivision or site plan approval for the zoned area. This study shall evaluate the proposed points of

Ordinance 513 ZC 450
Effective 2/16/99

ingress egress to the zoned area and the impacts to the abutting public streets for their frontage along the zoned area.

7. The following land uses as set forth in Code Section 10-2071 Schedule of Permitted Land Uses In Zoning Districts shall be prohibited within the zoned area.

1. Recreation use restricted to membership-Commercial of all type.
2. Recreation use - Non-governmental (outdoor, stadium, theater, amphitheater and racetracks) of all types;
3. Recreation-Governmental (indoor, outdoor, and rifle ranges) of all types:
4. Fraternity House:
5. Home occupation:
6. Sorority House:
7. Rooming House, boarding house, lodging house, tourist home:
8. Transitional housing: Emergency Shelter A, Emergency B, and Religious Shelter unit;
9. Civic Club;
10. Cemetery;
11. Correctional/penal facility
12. Schools of all types;
13. Fire station, police precinct, training facility and other emergency service facility;
14. Funeral Home:
15. Bank;
16. Radio and television studio;
17. Telecommunication towers less than 250 feet in height;
18. Telecommunications tower (all others);
19. Dance, recording, music studio;
20. Parking facility-principal use;
21. Manufacturing-specialized
22. Landfill - debris from on-site
23. Transportation-including air fields, landing strips, heliports, and taxicab stands;
24. Power plant utilities;
25. Utility substations -governmental;
26. Water or sanitary sewer treatment plant (i.e. facilities other than septic tanks, pumping stations, wells and package treatments designed to handle water and waste water generated by on site activities):
27. Outdoor Automatic Teller Machines shall be prohibited;
28. Rest Home
29. Copy Centers

8. If the zoned area is developed with multiple office buildings those office buildings shall be unified in their appearance through the use of similar exterior finishes. Those finishes shall consist of brick, reflective glass, stucco E.I.F.S., precast concrete ornamentation (window sills, door trim, quoins, etc.) and stone either singularly or in combinations thereof. Specific types of materials and colors shall be provided to the City of Raleigh with the initial building plan. Residential buildings shall not be limited to this listing of materials, however they shall not use stucco or EIFS as an exterior material.

9. Vehicular surface areas occurring parallel to Westgate Road occurring between the building and the right-of-way shall be limited to a maximum total width of two standard double bays of ninety (90) degree parking spaces serviced by a center driveway aisle (maximum vehicular surface area width for parking and driveways to be 124 feet not including any landscape separation between bays and related driveway connector between bays).

10. Illuminated signage, wall or ground signs, shall be limited to either internally illuminated cabinet fixtures, solid letters with back lighting to create a silhouette effect or detached light sources that illuminates the sign lettering from the front with up lighting.

11. Neon lighting shall not be used on any sign or building exterior or interior of a building where it can be viewed from outside of the building through a window or door.

12. Illuminated wall signs may not face any residential lot in either the:

Wyngate Community:

1. 0778.04 82 2993;
2. 0778.04 82 2904;
3. 0778.04 82 1904;
4. 0778.04 82 0904; and
5. 0778.04 72 8995.

Westwind Phase III Community:

1. 0778.04 82 4041; and
2. 0778.04 82 5563

13. A 100 foot wide buffer shall be maintained along the perimeter boundary adjacent to the Westwind Phase III Community 0778.04 82 4041; and 0778.04 82 5563. This area shall remain undisturbed except for the following activities:

1. Storm drainage facilities, erosion control devices, storm water detention devices, electric, telephone, cable television, and similar repair and installations, telecommunications exchange systems, vehicular drives, gas, and or water, sanitary sewer installations and other similar utility services and utility service areas approved by the appropriate government authority.

2. The planting of new vegetation, construction of fences, walls, berms, or similar construction that tends to enhance the area's visual appearance.

3. The treatment or removal of nuisance vegetation as a part of a wooded area clean-up vegetation. Unsafe trees infested with beetles or other similar destructive insects and pests may be removed. Wooded area clean-up and tree removal shall only occur according to the provisions of Code Section 10-2082.12 (C) (3).

4. At the time of development of the zoned area a (6) foot high closed wooden fence shall be installed for the entire length of this buffer. This fence shall be positioned ten (10) feet off the property line inside the zoned area.

5. The storage pool area for any stormwater detention device to satisfy the

requirements of condition (1) above shall not encroach into the buffer.

6. Disturbed area within the buffer to accommodate a stormwater detention facility shall be re-vegetated with loblolly pines at a rate of 1 tree for every 400 square feet of disturbed area and one evergreen shrub for every 500 square feet of disturbed area. Trees shall be 6.25 inches in circumference measured six (6) inches above ground (2" caliper). Shrubs shall attain a height of 30 inches in 3 years and be a minimum height of 18 inches at installation.

14. Outdoor pay telephones shall not be installed within the zoned area.

15. No land use within the zoned area shall utilize an outdoor paging system.

16. Site area lighting fixtures consists of fixtures and poles with a maximum height of 18 feet. Fixtures shall create down-lighting only and the light source shall not be visible when viewed from the side. Metal halide light bulbs shall be prohibited.

17. Site plans for development of the zoned area when submitted to the City of Raleigh for approval shall simultaneously be mailed to the current owners of the following Wake County Parcels:

0778.04 73 3758;	0778.04 82 5563
0778.04 72 8995;	0778.04 82 0904:
0778.04 82 1904; and	0778.04 82 2904

18. All refuse containers within the zoned area shall be maintained within enclosures made of similar materials as used for the principal building to screen them from direct view from adjacent residentially zoned lots and from the public right-of-way. Such enclosures shall not be placed within 150 feet of the future rights-of-ways of Westgate and Ebenezer Church Roads.

19. Medical Urgent or Emergency care clinics open to the public and doctor's offices with patient appointment hours after 6:00 p.m. shall be restricted to the portion of the zoned area that is 900 feet south of the future right-of-way of Westgate Road and that is 300 feet west of and parallel to the common boundary with parcels pin #'s 0778.04 82 4041 and 0778.04 82 5563. On the balance of the zoned area: 1.) Medical Urgent or Emergency Care clinics open to the public shall be prohibited; and, 2.) doctor's offices hours for patient appointments shall be limited to the time period of 8:00am and 6:00pm.