

Z-84-98 Westgate Road, north side, west of Ebenezer Church Road, being a portion of Wake County Tax Map Parcel 0778.04 63 3996 and 0778.04 73 3758. Approximately 19.3 acres to be rezoned to Neighborhood Business Conditional Use.

Conditions: 01/06/99

- a. Development of this property shall comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission.
- b. Reimbursement for right-of-way needed for the extension of Strickland and Ebenezer Church Roads and the widening and realignment of Westgate Road along, into or through the property subject to the petition shall be at the prevailing values for R-10 and TD.
- c. 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 ingress/egress to the zoned area and the impacts to the abutting public streets for their frontage along the zoned area.
- d. The following land uses as set forth in Code Section 10-2071 Schedule of Permitted Land Uses in Zoning Districts shall be prohibited.
 1. Commercial recreational indoor use (including indoor arenas, coliseums, arcades, billiard parlors, dance halls, and miniature golf courses) of all types;
 2. Commercial riding stable;
 3. Recreational use restricted to membership - Commercial;
 4. Recreational use - Non-governmental (outdoor/stadium/theater/amphitheater/racetracks) of all types;
 5. Recreation - Governmental (indoor, outdoor, and rifle ranges) of all types.
 6. Recreation governmental outdoor of all types (including stadiums, amphitheaters, and racetracks);
 7. Governmental riding stable;
 8. Governmental rifle range;
 9. Fraternity house;
 10. Sorority house;
 11. Transitional housing (Including Emergency Shelter Type A, Emergency Shelter Type B, and Religious shelter units);
 12. Cemetery;
 13. Civic club;
 14. Civic/convention center;
 15. Correctional/penal facility;
 16. Funeral home;
 17. Schools of all types;
 18. Adult establishments;
 19. Radio and television studio;
 20. Kennel/cattery; and,
 21. Commercial Highway - (e.g. equipment sales/repair, vehicle sales/rental, automotive washing and cleaning facility, garages used for repairs of engines or transmissions, a

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shop for body work or painting).

- 22. Bail bond office;
- 23. Mini storage warehouse facility;
- 24. Landfill debris from on-site;
- 25. Transportation - including air fields, landing strips, heliports, and taxicab stands;
- 26. Power plant utilities;
- 27. Utility substations - governmental;
- 28. Orphanages;
- 29. Bars, nightclubs, taverns, lounges;
- 30. Dance, recording, music studio;
- 31. Pawn shop as defined in 91A of NCGS;
- 32. Check cashing store excluding financial institutions (i.e. bank, savings and loan, credit union, etc.);
- 33. Rest home;
- 34. Fire station, police precinct, training facility and other emergency service facility;
- 35. Parking facility - as a principal use;
- 36. Flea markets;
- 37. Recreational outdoor use - Commercial; and,
- 38. Department stores in excess of 100,000 square feet with: lawn and garden shops, greenhouses, home building supplies (lumber, sheet rock, doors, windows, roofing materials, etc.), tires, automotive parts, or automotive servicing or repairs.

e. Site area lighting shall consist of pole mounted fixtures with a maximum height of 18 feet. Light fixtures shall create downlighting only and the light source shall not be visible when viewed from the side. Metal Halide light bulbs shall be prohibited.

f. Outdoor pay phones shall be prohibited within the zoned area.

g. All refuse containers within the zoned area will be maintained within enclosures made of similar building materials as the principal building to screen them from direct view from the public right-of-way.

h. To supplement the minimum street protective otherwise required by the City of Raleigh Code, the property owner shall:

1. Provide a street protective yard not less than thirty (30') feet in width measured from the future right-of-way lines for Strickland and Westgate Roads;

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

	<u>Caliper</u>	<u>Circumference</u>	<u>Height</u>	<u>Rate</u>
Shade tree	3.5"	10.99"	9.0*	2 per 40 linear feet
Understory tree	2.0"	6.38"	7.0*	1 per 80 linear feet
Evergreen shrubs			42" (at 3 years)	1 per 50 linear feet***
Non-Hedge Evergreen shrubs			42" (at 3 years)	1 per 50 linear feet**
Flowering shrubs			24"	1 per 30 linear feet**

* At installation

** May be massed for effect

*** May be used for parking and screening in (h) 3

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3. 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 resulting in cars being parked perpendicular to any public street right-of-way. The hedge shall run the entire length of all parking spaces, except when the hedge reaches required site triangle areas with the intersections of public streets or the intersection of a private driveway with a public street. Hedge shrubs shall be planted three (3') feet on center and shall be of a species that attains a height of forty-two (42") inches in three years. In all other circumstances City Code Section 10-2082.6(b) shall be applicable.
 4. Street protective yards may contain berms, walls, fences, sidewalks, driveway crossings, utility services and utility service areas.
- i. At the time of site plan approval, unity of development criteria will be formulated for all buildings to follow as the zone is developed.
- j. Neon lighting and illuminated wall signs shall not be used on building walls facing the boundary line shared with the subject area of Z-83-98.
- k. Hotel/Motel uses (if developed) shall be limited as follows:
1. A maximum of one (1) such use may occur in the zoned area; and,
 2. Any such use shall be positioned a minimum of five hundred (500) feet west of the boundary of parcel pin #0778.04 73 3756. Measurements shall be made perpendicular to the cited boundary.