

**Z-58-99 Edwards Mill Road**, east side, Blue Ridge Road, west side, being a portion of Wake County Tax Map Parcel 0795.05 18 7420. Approximately 49 acres rezoned to Office and Institution-1 Conditional Use (46.5 acres) and Neighborhood Business Conditional Use (2.5 acres).

Conditions (10/19/99):

For purposes of the following conditions, the term "the Property" refers to the portion of tax parcel 0795.05 18 7420 proposed for rezoning.

1. Control of Stormwater. Incident to the development of the Property, a stormwater management system will be implemented which directs no less than ninety percent (90%) of the stormwater upon the Property to the lake near the northern boundary of the Property which will be expanded in size. Incident to the development of the Property, a new dam shall be constructed for the lake which will increase the size of the lake sufficiently to provide retention of stormwater to maintain existing (pre-development) discharge rates from the pond for the two (2) and ten (10) year storms. Stormwater upon the property which does not flow into the pond will be detained to Residential-4 standards.

2. Right-of-way Reimbursement. Reimbursement for future right-of-way dedication affecting the Property shall be based on Residential-4 District values.

3. Landscaped Streetyard. A streetyard a minimum of fifty (50) feet in width and landscaped in accordance with the SHOD-3 standards of the Raleigh City Code shall be maintained along the boundary of the Property with the right-of-way of Edwards Mill Road. Utility lines, curb cuts and signage authorized by the Raleigh City Code may be located within such streetyard.

4. Protective Yards (Buffers) - Martinique, Arckelton and Carnegie Park Neighborhood. Protective yards entirely without buildings or parking structures shall be maintained within those portions of the Property within seventy-five (75) feet of the boundary of the Property with any tax parcel zoned for residential use (excepting the portion of tax parcel 0795.05 18 7420 (Richard C. Day Family Partnership) not proposed for rezoning in this case, tax parcel 0795.05 19 3132 (Stough Elementary School), and tax parcel 0795.05 07 3889 (Lexington Farms Apartments, Inc.). The protective yards shall be vegetated and improved with berms as shown in the attached Exhibit C-1. The map submitted herewith as Exhibit C-1A shows the protective yards and designates area which have existing vegetation and will remain natural and areas to be re-vegetated. Fallen trees and hurricane debris shall be removed from the protective yards. Such protective yards and the landscaped streetyard referenced in the foregoing condition 3 are referred to hereinafter as "Zone 1". The respective protective yards required by these conditions (other than condition number 5) will be installed as adjacent areas of the Property are developed.

5. Additional Protective Yard - Martinique Neighborhood. Upon the rezoning of the Property as requested in this petition, the owner of the Property shall petition for the closing of that portion of the right-of-way of Edwards Mill Road shown on Exhibit C-2. If such right-of-way is closed, the owner of the Property at its sole expense shall remove the

asphalt and landscape the former right-of-way as shown in Exhibit C-2 within six months following such closing.

6. Protective Yards - Stough Elementary School. Along the boundary of the Property with tax parcel 0795.05 19 3132 (Stough Elementary School), there shall be maintained a protective yard entirely without buildings or parking structures thirty (30) feet in width. This protective yard is referenced to hereafter as "Zone 1-A". The protective yards provided in this condition 6 shall be vegetated as provided in Exhibit C-3.

7. Public Street - Stough Elementary School. There shall be dedicated and constructed upon the Property a public street which shall extend from the boundary of tax parcel 0795.05 19 3132 (Stough Elementary School) and provide access to existing Edwards Mill Road and ultimately to Glen Eden Drive. The point at which such public street intersects the boundary of tax parcel 0795.05 19 3132 shall be mutually determined by the owner of the Property and the Wake County Public School System.

8. Protective Yard - Lexington Farms Apartments, Inc. A protective yard entirely without buildings or parking structures shall be maintained within those portions of the Property within fifty (50) feet of the boundary of the Property with tax parcel 0795.05 07 3889 (Lexington Farms Apartments, Inc.). Such protective yard is referred to hereafter as "Zone 1-B".

9. Additional Set-Back Area. Only parking structures no greater than twenty-five (25) feet in height shall be erected within those portions of the Property within twenty-five (25) feet of Zone 1, within fifty (50) feet of Zone 1-B, and within seventy (70) feet of Zone 1-A. The area described in this condition is referred to hereafter as "Zone 2". No other buildings may be erected in Zone 2.

10. Height Limits. Buildings no greater than four (4) stories entirely above grade or sixty (60) feet in height shall be constructed within those portions of the Property within one hundred fifty (150) feet of Zone 2 and within that portion of the Property south of an extension into the Property of the boundary line between tax parcels 0795.05 19 3132 (Stough Elementary School) and 0795.05 19 2729 (Carnegie Park Homeowners Association). The area described in this condition is referred to hereinafter as "Zone 3". Within the remaining portions of the Property (other than Zones 1, 1-A, 1-B, 2 and 3), there shall be constructed no building greater than six (6) stories entirely above grade or ninety (90) feet in height. Attached as Exhibit D is a map depicting the Zones provided in these Conditions.

11. Floor Area Limit. Buildings (other than parking structures) constructed upon the Property cumulatively shall not exceed 875,000 square feet of floor area gross. Accordingly, the floor area ratio of buildings (other than parking structures and without excluding new rights of way to be dedicated) upon the property shall not exceed .48.

12. Limited Mixed Use Area. Within that area of the Property zoned Neighborhood Business Conditional Use District, only within multi-storied office buildings, the first floor of each such building may be utilized for uses authorized in the Neighborhood Business District, but not otherwise authorized in the Office and Institution District-1. The remaining

portion of each such building shall be utilized only for uses authorized in the Neighborhood Business District and the Office and Institution District-1. Uses within that portion of the Property zoned Neighborhood Business Conditional Use District authorized in the Neighborhood District, but not otherwise authorized in the Office and Institution District-1, cumulatively shall be limited to 20,000 square feet floor area gross.

13. Uses Prohibited in Mixed Use Area. That portion of the Property zoned Neighborhood Business Conditional Use District shall not be utilized for any of the following uses otherwise authorized in the Neighborhood Business District; automotive service and repair facility; bar (other than incidental to an eating establishment), nightclub or lounge; eating establishment with drive-through service; hotel/motel; indoor movie theater; utility service and substation; Emergency Shelter Type A or Emergency Shelter Type B; landfill; manufacturing; mini-warehouse storage facility; adult establishment; veterinarian hospital with kennel/cattery; limited home business; riding stable; correctional/penal facility; and outdoor stadium; outdoor theater, or outdoor racetrack.

14. No Extension of Arckelton Drive. Unless required by the City, Arckelton Drive shall not be extended into the Property.

15. Fence. A vinyl clad chain link fence six (6) feet in height shall be installed (as hereinafter provided) and maintained along the boundary of the Property with any tax parcel zoned for residential use other than the right-of-way of Edwards Mill Road and the portion of tax parcel 0795.05 18 7420 (Richard C. Day Family Partnership) not proposed for rezoning in this case. Except with respect to the boundary of the Property with tax parcel 0795.05 19 3132 (Stough Elementary School), such fence shall be set back from such boundary at least twenty (20) feet into the Property.

16. Completion of Roadway. Before a certificate of occupancy is issued with respect to more than 250,000 square feet floor area gross of office building space upon the Property, there shall be completed and opened to the public a public roadway four lanes in width and built to City Standards which shall provide access through the Property from Edwards Mill Road to Glen Eden Drive.

17. Prohibition of Telecommunication Towers. No telecommunication tower shall be located upon the Property.

18. Limit on Number of Curb cuts. Incident to the development of tax parcel 0795.05 18 7420, there shall be provided not more than one curb cut on Edwards Mill Road, not more than one curb cut on Glen Eden Drive, and not more than one curb cut on Blue Ridge Road. For purposes of this condition, the intersection of a roadway having a median and a public street shall be considered only a single curb cut.

19. Unity of Development. The Property shall be developed utilizing unity of development criteria approved in accordance with the City Code.

**(Exhibit pages attached to this Ordinance)**