

**Z-42-98 Newton Road**, south side, between Van Thomas Drive and Six Forks Road, being the former Charter Northridge facility, being Wake County Tax Map Parcel 1707.15 64 1540 and 4536. Approximately 11.6 acres rezoned to Office & Institution-1 Conditional Use (5.7 acres), Shopping Center Condition Use (5.3 acres) and Conservation Management (.7 acre).

Conditions: (09/04/98)

A. Conditions applicable to all zoning districts:

1. Development will comply with C.R. 7107
2. All refuse containers, mechanical/maintenance facilities and HVAC units shall be screened such that they are not visible from public streets or residential zoning districts.
3. Reimbursement for future right-of-way dedication shall be based upon pre-existing zoning O&I3.
4. A tree protection area shall be created within 25 feet along the south line of the property between its common corner with Wake County PIN# 1707.15 54 7019 and its southeastern right-of-way line of Wood Bend Drive, or within 50 feet from the center line of the creek whichever is greater. Trees may be treated or removed when the city arborist or other public official designated by the Raleigh City Manager certifies it diseased or a nuisance to the area.

B. Conditions applicable to O&I1 CUD:

1. The following uses, otherwise permitted in the O&I-1 district, shall be prohibited:
  - a. cemetery, funeral home;
  - b. airfield, landing strip;
  - c. correctional/penal facility;
  - d. outdoor stadium, outdoor movie theater, racetrack.
2. The primary building material of all office development shall be of the same or compatible material of the Charter facility and the architectural features, such as roof treatment, shall be the same or similar to the Charter facility. All office development shall be a maximum height three stories or 50' and shall not exceed a floor area ratio of .50.
3. Two-inch caliper Bradford Pear trees will be planted along Newton Road in such a way as to continue the spacing pattern established along the SC portion of the property.

**C. Conditions applicable to SC CUD:**

1. Retail development within the SC district shall be limited to cafeterias, restaurants and catering services, gymnasium or health care facilities and other establishments which deal in medical or therapeutic services or wares. Specifically, the following uses, otherwise permitted in the SC district, shall be prohibited:
  - a. Restaurant with drive-through window;
  - b. Kennel, cattery;
  - c. Movie theater of any kind;
  - d. Gasoline sales;
  - e. Adult establishments;
  - f. Retail sales-highway
2. Total retail development within SC district shall not exceed twenty-five (25%) percent of the developed office/residential floor space therein, and in no event shall the total retail development exceed 12,500 square feet.
3. If the Charter building currently existing with the SC district is demolished by the property owner, uses within the SC district shall be limited to those uses allowed under O&T1 zoning.
4. Condition 3 shall not apply if the building is substantially destroyed by fire, act of God or other catastrophic or if federal, state or local officials determine that the building is unsafe.
5. The existing Bradford Pear trees located along Newton Road in the front of the existing building will be preserved. Trees may be treated or removed when the city arborist or other public official designated by the Raleigh City Manager certifies if diseased or a nuisance to the area.