

**Z-53-95 New Leesville Boulevard**, north side between Hickory Grove Church Road and Radner Way, being Parcel 0894, Block 60, Tax Map 0779.04 to be rezoned to Shopping Center Conditional Use (approx. 3.1 acres) and Residential-10 Conditional Use (approx. 12.7 acres).

Conditions: (1/26/96)

1. In the event that North Radner Way is required to be built to greater than a collector street standard and additional right-of-way is acquired by the City, the acquired right-of-way will be valued as if zoned R-6.
2. Any development of the Property will comply with the provisions of Certified Recommendation 7107 of the City of Raleigh Planning Commission.
3. With respect to that portion of the Property proposed to be zoned Residential-10 District (the "Residential Parcel"), there will be no individual driveway access from dwelling units to New Leesville Boulevard or North Radner Way.
4. The Residential Parcel shall be developed only for single family detached residences. No such residence shall consist of more than two (2) occupied stories and an attic; nor shall any such residence be greater than forty (40) feet in height.
5. The Residential Parcel shall be developed to a density of no more than seven and one-tenth (7.1) units per acre.
6. A landscaped area ten (10) feet in width shall be maintained along the boundary of the Residential Parcel with the right-of-way of North Radner Way. An open wood fence shall be constructed along such boundary and within such area.
7. A landscaped area ten (10) feet in width shall be maintained along the boundary of the Residential Parcel with Tax Parcels 0779.04 61 1402; 0779.04 61 1356; 0779.04 61 2322; 0779.04 61 2289; 0779.04 61 3246; 0779.04 61 4203; 0779.04 61 4159; and 0779.04 61 5106. Such area may contain a drainage ditch and/or other facilities to provide for the drainage of stormwater. Either within or immediately adjacent to such area and parallel to such boundary, there will be planted a single row of evergreen shrubs having a minimum height of twenty-four (24) inches and spaced no greater than five (5) feet on centers.
8. A landscaped area forty (40) feet in width shall be maintained along the boundary of the Residential Parcel with the right-of-way of New Leesville Boulevard. Ninety percent (90%) of the existing plants within such area shall be maintained. The existing grade of such landscaped area shall not be altered within thirty (30) feet of the right-of-way of New Leesville Boulevard.

9. With respect to that portion of the Property proposed to be zoned Shopping Center District (the "Residential Retail Area"), there will be no more than one full access curb cut and one additional right in, right out curb cut allowed on New Leesville Boulevard. With respect to that portion of the Property, no more than two full access curb cuts will be permitted on Hickory Grove Church Road. No point of access shall be within two hundred (200) feet from the intersection of Hickory Grove Church Road and New Leesville Boulevard measured from centerline of intersection to centerline of intersection.

10. A landscaped area thirty (30) feet in width shall be maintained along the boundary of the Residential Retail Area with the right-of-way of New Leesville Boulevard. A landscaped area fifteen (15) feet in width shall be maintained along the boundary of the Residential Retail Area with the right-of-way of Hickory Grove Church Road. A landscaped area of varying width, substantially as shown on the map submitted with these conditions, shall be maintained at the intersection of New Leesville Boulevard and Hickory Grove Church Road. Existing landscaping improvements and neighborhood identification signage within such areas shall be maintained. The existing grades of the landscaped areas provided in this paragraph (10) shall not be altered except where necessary to accommodate curb cuts otherwise authorized by these conditions and slopes associated with those curb cuts.

11. No freestanding sign within the Residential Retail Area shall be greater than fifteen (15) feet in height.

12. No building within the Residential Retail Area shall be greater than fifteen (25) feet in height nor more than one story in height.

13. Utilities, lighting, driveways (as otherwise permitted in these conditions), drainage facilities, and signage may be allowed within the landscaped areas provided in these conditions.

14. In the event that a site plan is submitted to the City of Raleigh for the construction of any improvement within the Residential Retail Area, prior to such submittal a copy of such site plan shall be mailed via first class certified mail, return receipt requested, to the Harrington Grove Homeowners Association.

15. If this petition for rezoning is approved by the Raleigh City Council, prior to any development of the Residential Retail Area, the owner of the Property will request in writing that the North Carolina Department of Transportation install traffic signal at the intersection of New Leesville Boulevard and Hickory Grove Church Road.

16. The following uses shall not be allowed in the Residential Retail Area: (a) adult establishments and (2) businesses that sell tires, batteries, and automobile accessories and provide automotive repairs. The sale of gasoline and petroleum products shall be allowed upon the Property.

**ORDINANCE (1996) 827 ZC 383 CORRECTED COPY**

**Effective: February 20, 1996**

17. To supplement the minimum street protective yards otherwise required by the Raleigh City Code with respect to the Residential Retail Area and the landscaped areas otherwise required herein with respect thereto, where there is a vehicular use area between the right-of-way and a permanent building, the streetscape shall provide a semi-opaque screen or barrier between the right-of-way and the vehicular use area. The screen or barrier may consist of plants, earthen berms, fences, walls, or any combination thereof which meets the following requirements:

a. The screen shall occupy at least 75% of the length of the vehicular use area except for sidewalks and driveways which cut through the screen to connect the vehicular use area to streets and other properties. Plant material shall be at least two feet tall above the ground at the time of installation.

b. Berms may be used or installed in lieu of or in addition to plantings. If the berms do not meet the performance standards of this paragraph then plant materials shall be installed which meet these performance standards. The installation of additional plant materials will be encouraged so as to enhance the visual and aesthetic qualities of the streetscape.

18. No business establishment within the Residential Retail Area shall operate within the hours of 1:00 a.m. and 5:00 a.m.

19. No building constructed within the Residential Retail Area shall have a floor elevation greater than 524 feet above sea level.