

**Z-44-94 U. S. 70 West**, north side, and Ebenezer Church Road, east side, being Parcel 8759, Block 77, Tax Map 0777.02 to be rezoned to Thoroughfare Conditional Use.

Conditions:

1. Maximum of 509 living units.
2. Property to be divided into four (4) parcels, as shown upon that illustrative map entitled "70 West Center" dated March 8, 1994, last revised December 21, 1994 (the "illustrative map"), each of which shall be restricted as follows:

Parcel	Acres	Maximum Units	Maximum Building Height	Allowed Uses***
A	18.69	0	As Allowed in TD	Retail/Commercial
B	6.4		0	52' O&I-1 and a Conservation Area of at least 2.6 acres (including a pond of approximately 1 acre)
C	2.6		52	52' R-20 and/or O&I-1
D	<u>30.51</u> 58.2	457	39'	R-15

\*Does not include acreage shown in the right-of-way of those roads shown on the illustrative map.

\*\*Defined when applicable as those uses allowed for parcels so zoned under the Zoning Code of the City of Raleigh.

3. Parcels A-D are shown upon the illustrative map. Parcel A may not exceed 18.69 acres and Parcel B may not exceed 6.4 acres (including a "Conservation Area" of at least 2.6 acres [including a pond of approximately one acre to be used for storm water management purposes as further described in Paragraph 8]). The areas of and number of units of Parcels C and D may not increase by more than five (5%) percent and may not contain in the aggregate more than 509 living units.

4. Vehicular access onto U.S. 70 shall be limited to no more than one right in-right out curb cut only, the location of which is shown on the illustrative map.

5. Vehicular access onto Ebenezer Church Road shall be limited to no more than two public streets, the general location of which is shown on the illustrative map.

6. The interior streets, as shown on the illustrative map, shall be caused to be constructed by the Petitioner or their successors in interest unless otherwise approved by the City of

Raleigh. Their final alignment may vary so long as the resultant change does not alter the area of adjacent parcels beyond that described in Paragraph 3 above.

7. Vehicular access to Parcel A shall be limited to not more than four (4) location as generally shown on the illustrative map.

8. Parcel B shall contain a "Conservation Area" of at least 2.6 acres [including a pond of approximately one acre to be used for storm water management purposes]. Said point and its required sedimentation and erosion control measures shall be installed prior to any other land disturbing activities on the property and be subject to City approval. Water shall not be released from the entire property at a rate exceeding that established by Certified Recommendation 7107 of the Raleigh Planning Commission.

9. Along the entire U.S. Highway 70 frontage a 50' deep landscaped buffer shall be planted according to the following standards. In those portions of such buffer where vegetation presently does not exist or where, development requires its removal, the same shall be revegetated according to these standards. For 50 linear feet of revegetated area there shall be:

<u>Type of Material</u>	<u>Quantity</u>	<u>Size Minimums</u>
Canopy Tree	8	3" caliper, 16' height
Understory Tree	8	7.5' height
Shrubs	36	One gallon container

It shall be the purpose of the revegetation scheme to achieve a natural Piedmont woodland appearance by using native plant species and trees.

10. The southernmost interior public street providing vehicular access onto Ebenezer Church Road shall abut the southern line of the lot identified as "Fellows" upon the illustrative map, shall have a right of way width of 80 feet for the portion thereof abutting the "Fellows" lot (a distance of approximately 585.17 feet) and one location for vehicular access into the Fellows lot shall be provided therefrom, opposite a vehicular access point from said interior public street into Parcel A, generally as shown upon the illustrative map, but not less than 200 feet from the east right of way line of Ebenezer Church Road.

11. There will be a 30-foot width transitional protective yard along the southeast property line of Parcel B contiguous to the Bell property (PIN #0777 02-86-1245), except said yard shall not extend along the portion of said property line within the Conservation Area identified in Condition 8. Notwithstanding any provision in this condition 11 to the contrary, if all or a portion of Parcel B is combined with all or a portion of the adjacent Bell property, the requirements of this condition for a transitional protective yard shall not apply to the portions of Parcel B so combined, nor shall the transitional protective yard requirements herein apply to the extent that low-impact uses as defined in Code Section 10-2082.9(e)(3) are developed upon the Bell property or portions thereof adjacent to Parcel B.