

**Z-118-96 Fairhill Drive**, west side, south side of U.S. 70 West (Glenwood Avenue), and east of Glen Forest Drive, being Map 0786.16 Block 94, Parcel 6585, and 5625, and Map 0786.12, Block 95, Parcel 6104. Approximately 6.7 acres rezoned to O&I-1 Conditional Use.

Conditions: (1/30/97)

For purposes of the following conditions, parcels 0786.12 95 6104, 0786.16 94 5625 and 0786.16 94 6585 are collectively referred to as the "Property."

1. Stormwater. Upon development, the rate of stormwater runoff from the Property will comply with CR 7107 of the Raleigh Planning Commission.
2. Lighting. At no time will lighting upon the Property create maintained illumination in excess of four-tenths (0.4) foot candles at any point along the common boundary of the Property and Wake County Tax Parcels 0786.16 94 6254, 4157, 3285, 3336, 3426, 3536, 3627, 3810, 2972, 0786.12 95 2016, 2174, 3227 and 4411.
3. Loading and Service Areas. Upon development of the Property, all dumpster facilities will be located within enclosures with exterior finishes that are compatible in terms of texture and quality with the exterior finishes of the principle buildings. Dumpster enclosures shall be constructed to a height of seven (7) feet and shall be screened on the three enclosed sides with evergreen plantings that will grow to obscure sixty six percent (66%) of the wall area within three years of planting.
4. Transitional Protective Yard. A transitional protective yard a minimum of thirty (30) feet in width shall be maintained along the boundary of the Property with tax parcels 0786.12 95 3227 (Patel), 2174 (Grimes), 2016 (Murray), 0786.16 94 2972 (Maness), 3810 (Fowler), 3627 (Parramore), 6254 (Jenkins), 4157 (Runkle), 3285 (Reynolds), 3336 (Saleh), 3426 (Bluestone), and 3436 (Bierwirth). Except as specifically provided in this condition 4, the transitional protective yard shall remain undisturbed. Dead, dying, unsafe and diseased plants and trees may be removed from the transitional protective yard and at any time additional plants and trees may be planted therein. In addition, utilities (including storm drainage lines and connections and stormwater control measures) may be installed therein, provided that no such utility shall be installed in a manner creating a direct sight view through the protective yard which would not otherwise exist.
5. Tree Survey. Within three (3) months following the rezoning of the Property, a tree survey shall be prepared showing the locations of all trees eight (8) inches in diameter (25.12 inches in circumference) or larger, measured four and one-half (4 1/2) feet above the ground, within one hundred seventy-five (175) feet of the right-of-way of Glenwood Avenue. If upon development of the property less than fifty percent (50%) of the surveyed trees are to be retained, then the numerical difference between (i) fifty percent (50%) of the surveyed trees and (ii) the trees being retained shall be replaced on a one

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for one basis with equal species or suitable substitutions approved by the City's Landscape Inspector, with such replacements to be a minimum of four (4) inches in caliper measured six (6) inches above the ground.

6. Glenwood Avenue Access. Access to Glenwood Avenue from the Property shall be limited to no more than a single, shared, right-in/right-out driveway. Access to Fairhill Drive from the Property shall be limited to no more than two (2) driveways. Offers of cross-access shall be extended to both the front and rear of tax parcel 0786.12 95 7:23 (Gordon). Such points of cross-access shall be delineated on any site plan submitted to be City of Raleigh of approval.

7. Height Limit. No building upon the Property shall exceed in height the lesser of four (4) occupied floors entirely above ground or sixty (60) feet.

8. Site Plan Approval Notification of Adjoining Property Owners. The property shall be developed only in accordance with a site plan approved by the Raleigh City Council. At the time of the filing with the City of Raleigh of any application for site plan approval with respect to development of all or any portion of the Property, all adjoining property owners (i.e. those individuals or entities owning property within one hundred (100) feet of any boundary of the Property or across any public right-of-way adjoining the Property), shall be mailed a written notice of such filing via certified mail, return receipt requested, at their respective addresses as shown upon the tax records of Wake County, North Carolina. Such notice shall also be provided in a similar manner to the current Chair of the Northwestern/Umstead Citizens Advisory Council at his or her residence address listed with the City of Raleigh.