

Z-121-96 Smallwood Drive, at its northwest intersection with (Daniels Street, being Map 1704.13, Block 03, Parcel 3488. Approximately .65 acre rezoned to Shopping Center Conditional Use.

Conditions: 5/13/97

1. Retail Sales uses:

- a. Apparel (including formal wear sales or rentals), shoe (including repair) shops and tailoring (including dry goods) shops.
- b. Antique Shop
- c. Gifts, card and stationery shop.
- d. Flowers/florist shop
- e. Jewelry shop
- f. Hobby, art, art supplies and framing shops
- g. Furniture, draperies and interior decorating supply shop
- h. Camera shop (including film developing and printing)
- i. Utility services as provided in Code Section 10-2002
- j. Accessory structures and uses

NO RETAIL USES SHALL OPERATE ON SUNDAYS.

2. All office uses are permitted as provided in Land Use-Office column of the "Schedule of Permitted Land Uses in Zoning Districts" in Code Section 10-2071, excluding "temporary event" as listed therein, but including accessory structures and uses, and also including utility services as provided in Code Section 10-2002.

3. Residential uses are permitted as follows:

- a. Multi-family dwellings, including without limitation, house and apartment project and group housing development, as defined in Code Section 10-2002.
- b. Unit ownership (condominium) development
- c. Townhouse development
- d. Accessory structures and uses limited to decks, open space, parking areas, patios, fence, wall, dish antenna.
- e. Utility services as provided in Code Section 10-2002.
- f. Supportive housing residence as required by the laws of the State of North Carolina.

All other general, conditional and special uses usually permitted in the shopping center zoning district as set forth in Raleigh City Code Section 10-2041(b)(1), (2) and (3), respectively, which are not specified here in above are prohibited.

4. The upper and lower residential units (Unit Addresses: 607 A, 607 B, 607 C and 607 D Daniels Street) located in the northern building upon the property which units comprise approximately 500 square feet each and are located closest to the adjacent parcel

presently owned by Mr. and Mrs. Michael Mettrey (Mettrey PIN #1704.13 03 4664) shall be limited to residential uses and this condition shall apply to any building erected in replacement of the northern building.

5. The northern building and any building erected in replacement thereof shall comply with the following requirements:

a. Stucco finish shall be applied to the northern building in order to compliment the southern building upon the property, (which building is located at 2102, 2104 Smallwood Drive) which application shall be completed within twelve (12) months after the date of the approval of this rezoning case by the Raleigh City Council.

b. Exterior window openings on the east face of the northern building shall be residential in style and therefore restricted as follows: lower level of the building shall contain not more than ten (10) window openings, which openings shall not exceed a width of 48" and a height of 80"; the upper level of the building shall contain not more than ten (10) window openings which openings shall not exceed a width of 48" and a height of 80".

c. Residential-style entrances shall be located on the lower level of the east face of the northern building, said entrances to be restricted as follows: there shall be not less than forth (40) linear feet of building face for each entrance and each entrance shall contain a single door not to exceed a width of three feet (3') and a height of six feet eight inches (6'8").

d. The off street parking between the east face of the northern building and the west right of way line of Daniels Street shall not exceed ten (10) contiguous parking spaces.

e. The lighting standard of Code Section 10-2089 shall be applied to the northern building located upon the property (and to any building constructed in replacement thereof).

6. Within six (6) months after the date of the approval of this rezoning case by the City of Raleigh, the yard area of the subject property contiguous with the south line of the adjacent parcel presently owned by Mr. and Mrs. Michael Mettrey (Mettrey PIN #1704.13 03 4664) shall be landscaped with trees and plant materials as specified in the Parking Lot Plan filed in Board of Adjustment Case A-103-95 (or with comparable trees and plant materials approved by the City of Raleigh Inspections Department). No building or vehicular surface areas shall be located in this yard area contiguous to the adjacent Mettrey parcel except as shown upon the said Parking Lot Plan.