

Z-73-96 Wake Towne Drive, western terminus, south of I-440, being Map 1715.09 06 a portion of 4170. Approximately 8.2 acres rezoned to Office & Institution-2 with Special Highway Overlay District-2.

Conditions: (1/14/97)

1. Stormwater. Upon development, the rate of stormwater runoff from the property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission.
2. Buffer A. The owners of the property (the "Owners") and their grantees, tenants, successors and assigns shall keep that portion of the property identified and depicted as "Buffer A" on the map attached to this petition as Exhibit E, and hereby incorporated herein by reference, in a natural state and, (except as provided in condition (8)) will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns reserve the right, however, to remove dead, diseased, dangerous or leaning trees from such buffer area and install sewer and drainage lines and utilities therein.
3. Buffer D. The Owners and their grantees, tenants, successors, and assigns shall not build, construct, or erect a building or other structure upon that portion of the property identified as "Buffer D" on the map attached to this petition as Exhibit E which exceeds more than three (3) stories in height (45 feet) above the highest natural grade adjacent to such building.
4. Buffer E. The Owners and their grantees, tenants, successors, and assigns shall not build, construct, or erect a building or other structure upon that portion of the property identified and depicted as "Buffer E" on the map attached to this petition as Exhibit E which exceeds more than five (5) stories in height (75 feet) above the highest natural grade adjacent to such building.
5. Swimming Pools: Facilities Serving Alcohol; Rooftop HVAC Equipment. The Owners and their grantees, tenants, successors and assigns shall not build or construct a swimming pool or allow the serving of alcohol within two hundred (200) feet of tax parcels 1705.12-96-8326, 1705.12-96-9152, 1715.09-06-0170, 1715.09-06-1031, 1715.09-05-2900, 1715.09-05-2765, and 1715.09-05-3403, which are the residential parcels on Cheswick Drive and Belvin Road, south of the property. In addition, any swimming pool or facility serving alcohol constructed in the area of the property more than two hundred (200) feet but less than three hundred (300) feet from such residential parcels shall be screened therefrom by a building. Any rooftop heating, ventilating or air conditioning equipment located upon the Property shall be screened from view from the aforementioned tax parcels.
6. Light: There shall be no direct beaming of light from the property into any of the tax parcels listed in Condition (5).

7. Closing of Road Right-of-Way. Within forty-five (45) days following the rezoning of the property as requested in this case, the owner of the property shall petition the City Council to close the rights-of-way of Oakland Drive and Belvin Road south of the property which have never been paved or otherwise improved, with retention of utility easements.

8. Masonry Wall. Upon development of the property, there shall be constructed substantially parallel to the currently existing boundary of tax parcel 1715.09-06-4170 (the parcel which includes the property) with tax parcels 1705.12-96-8326, 1705.12-96-9152, 1715.09-06-0170, 1715.09-06-1031, 1715.09-05-2900 and 1715.09-05-2765, and no closer than twenty-five (25) feet from such boundary (as shown on the map submitted herewith as Exhibit E and in the case of the eastern boundary of parcel 1715.09-05-2765, no closer than twenty-five (25) feet east of the center line of the adjoining unimproved right-of-way of Belvin Road), a masonry wall six (6) feet in height having a closed face on both sides. Along the portion of such wall facing such tax parcels there shall be planted on six (6) foot centers evergreen vegetation of a variety normally found to have a good buffering effect and which will achieve a height of at least six (6) feet and a spread of at least four (4) feet at maturity. It is provided that construction of the wall as aforementioned in certain locations is subject to the approval of the holders of existing easements and is subject to compliance with provisions of the Raleigh City Code.

9. Limitations on Development-Traffic Generation. Until the first to occur of (i) the completion and opening to the public of the extension of Wake Towne Drive from Wake Forest Road to Barrett Drive or (ii) January 1, 2000, there shall be completed and occupied upon the property no more than (i) 126,300 square feet gross of office development or (ii) other development which, as determined using the Trip Generation Guide published by the Institute of Transportation Engineers (Fifth Edition, 1991), will generate 837 vehicle trips into and 837 vehicle trips out of the property each day.

10. Limitations on Development-Land Use. There shall not be allowed upon the property an dance hall, music hall, adult entertainment establishment, or free-standing (i) eating establishment, (ii) bar, (iii) tavern, (iv) lounge, or (v) nightclub.

11. Improvement of Drainageway. Provided that the owners of tax parcels 1715.09-06-1031 and 1715.09-05-2900 grant the necessary easements and properly petition the City of Raleigh, prior to any development of the property, the owner of the property shall bear such parcel owners' share of the costs associated with improvement of the drainageway between such parcels pursuant to the policy of the City of Raleigh whereby drainageways upon private property may be improved with the costs of such improvements shared equally by the City and the respective property owner(s) (with, in this case, the respective property owner(s)' share to be borne by the owner of the property). The owner of the property shall also join the owners of such parcels in requesting that the City replace and enlarge the pipe under Cheswick Drive into which the aforementioned drainageway empties.