

Z-60-99 Blue Ridge and Harden Roads, northeast quadrant, being Wake County Tax Map Parcels 0785.20 71 5157, 6196 and 0785.19 71 4185, 4102, 4222. Approximately 2.4 acres rezoned to Office and Institution-1 Conditional Use.

Conditions: (11/18/99)

For the purposes of these conditions, tax map parcels 0785.20 71 5157, 0785.19 71 4185, 0785.19 71 4102, 0785.20 71 6196 and 0785.19 71 4222 are referred to as the "Property."

1. Any development of the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission which deals with the control of stormwater.
2. Reimbursement for future right-of-way dedication affecting the Property shall be based on current zoning (O&I-2, O&I-1 CUD and R-4).
3. The single building constructed upon the Property shall be limited to two (2) occupied stories in height not exceeding forty-six (46') feet, excluding from this limitation HVAC equipment and a parapet wall mounted upon the roof, which parapet wall shall be no higher than is necessary to screen the HVAC equipment from view from Blue Ridge Road and Harden Road. The building shall contain not more than 46,100 square feet of floor area gross and shall be utilized only for uses authorized in the Office and Institution District-1, excluding however from such uses a bank which may not be operated upon the Property. There shall be no outparcels upon the subject Property.
4. Upon the development of the Property, sidewalks shall be provided along the boundaries of the Property with Blue Ridge Road and Harden Road. Any building constructed upon the Property shall be connected by sidewalks to the sidewalks along the boundaries with such roadways.
5. There shall be no vehicular ingress and/or egress to or from the Property along its frontage on Blue Ridge Road, SAVE AND EXCEPT a vehicular exit from the Property onto Blue Ridge Road which must be located not more than one hundred (100) feet from the northwest corner of the Property.
6. Vehicular ingress and egress to and from the Property shall be limited to not more than two (2) driveways onto Harden Road along the southern line of the Property. Vehicular exits utilizing the easternmost driveway shall be directed from the Property in a Westerly direction along Harden Road by signage and a traffic island constructed to discourage vehicular exits from this driveway in an easterly direction on Harden Road.
7. Upon final approval of a site plan upon this Property, the owner of the Property shall, for a period of two (2) years from and after said final approval, offer to Highwoods Realty Limited Partnership, its successors and assigns, owner of the tax parcel No. 0785.20 71 9311 adjacent to the Property's northeast line, a cross-access drive to be

located at a mutually agreed upon point along the Property's northeast property line within the existing CP&L easement.

8. Street Protective Yards will be provided as follows:

a. Harden Road: Beginning at the east line of the Property there shall be a Street Protective Yard fifty (50) feet in width measured perpendicularly from the north right of way line of Harden Road, which Protective Yard shall run in a westerly direction and parallel to Harden Road to the point where the North right of way line of Harden Road begins to taper into the East right of way line of Blue Ridge Road (the "Fifty-Foot Width Street Protective Yard").

Within the above described Fifty-Foot Width Street Protective Yard, there exists an oak tree approximately thirty-six (36") inches in caliper which shall be protected in accordance with the recommendations of the Arborist of the City of Raleigh. Street trees shall be planted within the street protective yard of Harden Road at a standard of not less than forty (40%) percent in excess of the ten (10) street trees required therein by the City Code. These street trees shall include as examples but are not limited to one or more of the following species: Red Maple, White Ash, Anise Tree, Eastern Red Cedar, Japanese Cryptomeria, Leyland Cypress, Arizona Cypress and Southern Magnolia (scientific names as follows respectively: *Acer rubrum*, *Fraxinus americana*, *Illicium anisatum*, *Juniperus virginiana*, *Cryptomeria japonica*, *Cupressocyparis leylandii*, *Cupressus arizonica* and *Magnolia grandiflora*). Evergreen trees shall not be less than eight (8') feet in height at time of planting. Deciduous trees shall meet the caliper requirement of the City Code's Street Protective Yard requirements at time of planting.

In addition to the street trees to be planted within the Harden Road street protective yard, evergreen shrubs shall be planted therein at the maximum rate of a "D" transitional yard, utilizing as example but not limited to such species as the following: Little Leaf Japanese Holly, Otto Laurel and Variegated Chinese Privet (scientific names as follow respectively: *Ilex crenata* 'Microphylla', *Prunus laurocerasus* 'Otto Luyken' and *Ligustrum sinense* 'Variegatum') together with an evergreen hedgerow shall be planted five (5) feet on center to provide visual screening of interior parking areas within the Property. The shrubs and hedgerow shall be not less than eighteen (18") inches in height at the time of planting.

The two (2) vehicular driveways permitted pursuant to Condition (6) shall be located within this Street Protective Yard.

b. Blue Ridge Road frontage: There shall be a Street Protective Yard twenty (20) feet in width along the Property's Blue Ridge Road frontage wherein the street tree, shrub and hedgerow standards for the Harden Road Fifty Foot Width Street Protective Yard as specified in subparagraph (a) shall be continued, including the requirement of not less than forty (40%) percent more than the four (4) street trees required under the City Code.

The vehicular exit permitted pursuant to Condition (5) shall be located within this Street Protective Yard.

9. Tree Protection Area:

All trees located upon the Property within fifty (50) feet of the east property line of Tax Parcel No. 0785.19 71 4347 as of the date of approval of this rezoning case by the Raleigh City Council which are eight (8") inches in caliper and greater measured four (4) feet from ground level (i.e. twenty-five (25") inches in circumference similarly measured) shall be protected except as follows: unsafe, dying or dead trees may be removed and underground utilities and stormwater management facilities may be installed in this Tree Protection Area. A tree inventory, dated as of the date of approval of this rezoning case, of the trees within this Tree Protection Area, which meet the above established criteria shall be certified to the Arborist of the City of Raleigh, by a Landscape Architect licensed to practice in North Carolina.