

**Z-117-96 Ray Road**, west side, opposite Winthrop Drive and Lynn Road, north and south sides, being Map 0797.17, Block 02, Parcel 6130, approximately 12.2 acres rezoned to Residential-10 Conditional Use.

Conditions:

1. Development of the subject property shall be in compliance with City of Raleigh Planning Commission Certified Recommendation No. 7107.
2. Right-of-way needed for the widening of Ray Road and Lynn Road, if any, will remain as presently zoned, Residential-4, for reimbursement values.
3. All refuse container(s) and heating, ventilation and air-conditioning units shall be screened so as not to be visible from the rights-of-way of Ray and Lynn Roads.
4. Building heights shall be limited to three (3) stories (45 feet).
5. A fifty-foot protective yard and a 150-foot building setback shall be permanently maintained along the subject property's Ray Road frontage opposite PIN Nos. 0797.17 12 1277 and 0066, 0797.17 11 0932, 0797.17 01 9872 and 9722. Pursuant to Code SS 10-2082.6(b)(2), the yard shall be planted with evergreens (such as Leyland Cypress) at such intervals as will provide an eight-foot (8') minimum height screen achieving 75% opacity within three years. The eight-foot (8') visual screen shall be measured from the berm surface. These evergreen plantings shall be placed on earthen berms ten to twelve feet in height. A brick wall may supplement vegetative screening to achieve desired opacity. Once installed, the yard shall be undisturbed except for vehicular entrances, storm drainage facilities, erosion control devices, electric, telephone, cable television and similar installations (fiber optic cable, etc.), gas and/or water, sanitary sewer installations, and similar utilities approved by the appropriate local government authority. The building setback shall be measured from the centerline of the Ray Road right-of-way as it exists at the date of adoption of this rezoning ordinance.
6. Freestanding exterior lighting located on the property shall not exceed 20 feet in height. No exposed bulbs shall be utilized and there will be no direct beaming of light into any adjoining residential property.
7. Any outdoor swimming pool or tennis court constructed on the property shall not be located closer than 230 feet from the centerline of the Ray Road right-of-way (as it exists at the date of adoption of this rezoning ordinance) opposite PIN Nos. 0797.17 12 1277 and 0066, 0797.17 11 0932, 0797.17 01 9872 and 9722 and shall have posted hours no earlier than 8:00 a.m. and no later than 10:00 p.m.
8. The applicant shall notify, by certified mail, return receipt requested, owners of property as listed by the Wake County Tax Office, being PIN Nos. 0797.17 12 1277 and

0066, 0797.17 01 9872 and 9722, of subdivision or site plan approval requests filed with the City of Raleigh. A similar notice shall also be provided by the property owner to the then chairman of Citizens Advisory Council at his or her residence address listed with the City of Raleigh.

9. The following uses otherwise allowed in Residential-10 districts shall be prohibited on the property located in the southwestern quadrant of Lynn and Ray Road:

- (i) Barber shops, beauty shops, drug stores, eating establishments, flower and gift shops and food stores.
- (ii) Bed and breakfast inn
- (iii) Guest house
- (iv) Rooming house, lodging house or tourist home
- (v) Outdoor stadium, outdoor theater, outdoor racetrack, outdoor movie theater
- (vi) Parking as a principal use
- (vii) Day care facilities

10. Vehicular access onto Ray Road shall be limited to not more than two (2) access points. The access points to be located (1) north of Winthrop Drive and (2) opposite from the church property identified as Wake County PIN 0797.17 01 5167. There shall be at least one access point onto Lynn Road. There shall be no access point opposite of Winthrop Drive.