

**Z-35-99 Rogers Lane**, east side, extending to the Neuse River, south of US 64 East, being Wake County Tax Map Parcels 1734.04 62 1287 and 1734.18 41 6942. Approximately 84 acres rezoned to Residential-6 Conditional Use.

Conditions: (04/21/99)

1. All development shall comply with CR 7107
2. Reimbursement rates for right-of-way conveyance shall be based on Agricultural Productive Zoning rates.
3. Only those uses permitted in Conservation Management District shall be permitted in the area of the 100 year floodplain.
4. Construction of improvements to Rogers Lane and the collector street giving access to US 64 will be coordinated with efforts of both the developers of the Shopping Center at Rogers Farm and the developers of the project associated with Z-35-99. No building permits in excess of one dwelling unit per acre shall be issued for any structure within the project boundaries of Z-35-99 until construction of the collector street A with its associated traffic signalization, and the portion of Rogers Lane which begins at the collector street A, and extends to the southernmost portion of the parcel(s) associated with Z-35-99, are complete and ready for public use. (see Exhibit A).
5. An independent, third party engineering firm shall be contacted by the applicant to verify monthly that adequate sedimentation and erosion control measures, as approved by the City of Raleigh, remain in place and in their most effective state of repair until the site is declared stabilized by the City of Raleigh Conservation Engineer. A letter of credit in the amount of \$20,000, payment will be made payable to Waterford Landing Homeowners Associated, shall be retained to repair any damage caused as the result of construction of the project(s) associated with Z-35-99. A liability insurance policy shall be in the amount of \$500,000 retained to cover incidental damage not included in the scope of the letter of credit. The above documents shall be reviewed by the office of the City Attorney prior to permit issuance.
6. That portion of Rogers Lane which adjoins the parcel(s) associated with Z-35-99 shall be landscaped in a manner consistent with the Rogers Farm Master Plan streetscape.
7. No multi-family dwelling units shall directly adjoin the Waterford Landing subdivision. A double row of single family homes shall be placed on those parcels which directly adjoin the Waterford Landing subdivision. Protective covenants will also be required to ensure continuity. A minimum 10 foot natural boundary will remain where no grading or plant removal is permitted in place along the southern boundary adjacent to Waterford Landing. This boundary will begin 350 feet off Rogers Lane continuing for 1,200 feet. Grading or plant removal shall be permitted to install public improvements required by the City, including streets and utilities drainage, and to remove dead, diseased foliage.

8. A town house or condominium development in accordance with Part 10, Chapter 3 of City code shall be constructed with asphalt roofing material, and have a pitch of no less than 6:12. Exterior building facades, which face the public right-of-way, shall be constructed with a minimum of 25% brick. The remainder of the structure facade shall be constructed of siding.

9. In addition to any other City requirement, all street protective yards planted along rights-of-way which adjoin multi-family dwelling units shall be planted at a minimum rate of 8 caliper inches of evergreen shade trees per 50 linear feet of frontage. Minimum tree size at planting shall be 4 inches in caliper and no required tree should be placed any closer than 15 feet from another required tree. In addition, 36 inch tall, evergreen balled and burlapped shrubs shall be planted 5 feet on center along this same right-of-way.

10. All parking areas used as common parking for any dwelling units associated with the projects related to Z-35-99 shall be landscaped with plant material twice the size specified in Raleigh City Code Section 10-2082.6.

11. Recreational amenities, which may include swimming facilities, tennis and playgrounds, open space access of other facilities, shall be provided for any apartment community constructed as part of Z-35-99. Minimum dimension of the pool for the complex shall be 40 feet.