

2. **Z-1-17 – Falls of Neuse Road**, east side, at its intersection with Strickland Road, being Wake County PIN 1171098851. Approximately 5.91 acres rezoned to Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use (NX-3-PL-CU) with revised conditions.

Conditions dated: August 24, 2017

1. Along the entirety of the eastern property line shared with Lots 1, 2, 3, 4, 8, and 9 in Block A of that certain plat recorded in the Wake County Register of Deeds at Book of Maps 1969, Page 260, there shall be provided a sixty foot (60') wide protective yard, the eastern fifty foot (50') of which shall remain undisturbed. In the remaining ten feet (10'), grading shall be limited to a ratio no greater than 3:1, and if graded, the area shall be replanted with thirty (30) shrubs for every 100 linear feet and one (1) shade tree every fifty (50) feet.
2. Any site plan submitted for new development on the subject property shall incorporate full cutoff lighting for all exterior and outdoor lighting and lighting fixtures. Maximum pole height for all on site exterior light fixtures shall be twenty feet (20') unless a more restrictive standard is required by the UDO.
3. Prior to recordation of a subdivision plat or issuance of a building permit for new development, whichever event first occurs, a transit easement along Falls of Neuse Road shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of any transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of the easement shall be established during site plan or subdivision review, and the easement document approved as to form by the City Attorney's Office. If transit service has been implemented or is planned to be implemented within 180 days of the issuance of a building permit for new development, and if requested by the City of Raleigh in writing, the above referenced transit easement shall be improved with the following, prior to the issuance of the first certificate of occupancy on the Property: (i) a cement pad measuring no greater than 15'x20'; (ii) a cement landing zone parallel to the street between the sidewalk and back-of-curb measuring no more than 30'; (iii) an ADA-accessible transit waiting shelter with bench; and (iv) a litter container.
4. Commercial uses shall be limited to no more than 60,000 square feet in area.
5. The following uses shall be prohibited on the subject property: Outdoor sports or entertainment facility (\leq 250 seats); Outdoor sports or entertainment facility ($>$ 250 seats); Bar, nightclub, tavern, lounge; Grocer, and Detention center, jail, prison.
6. Contingent upon NCDOT approval, the site shall have no more than 2 vehicular points of access along Falls of Neuse Road.
7. Hours of operation for an eating establishment use are prohibited between 11:00 PM through 7:00 AM.
8. No ingress or egress to the subject property from Fiesta Way, Bolero Court or Madera Court.*

*This condition is retained from a previous rezoning case (Z-29-94).