

**Z-2-15 – Litchford Road:** east side, east of its intersection with Falls of Neuse Road, being Wake County PINs 1718737158, 1718735330, and 1718733402. Approximately 6.95 acres rezoned to Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use (NX-3-PL-CU).

Conditions dated: June 26, 2015

1. The hours of operation for service of the trash and recycle facilities shall be limited to between 7:00AM-7:00PM, Monday-Saturday.
2. All outdoor pole-mounted lighting fixtures shall be cut-off design and the light source directed away from adjacent residential properties. Light Level at the perimeter property line adjacent to a residential use property shall be no more than four-tenths (4/10's) of a foot candle. Pole-Mounted site lighting for parking areas shall not exceed twenty feet (20') in height.
3. Unless a greater standard is required by the UDO, a Protective Yard, in accordance with Type B2 of UDO Section 7.2.4, with a thirty-two and one-half foot (32.5') minimum width, shall be provided adjacent to any adjacent property that contains a single-family dwelling. For Retail Sales located on the rezoned properties, the above-referenced Protective Yard shall be increased to a fifty foot (50') minimum, with a fence or wall (see condition #12).
4. Stormwater management for the subject property shall provide additional detention for the twenty-five year storm event for net increase to impervious area. Offsite stormwater run-off entering the site shall not be included under this provision.
5. If Vehicle Surface Area is located within fifty feet (50') of any parcel containing a single-family dwelling, an evergreen hedge shall be provided between the Vehicle Surface Area and the perimeter property line so as to provide buffering and screening to the adjacent property. The plantings shall be installed per the following standard: Install one (1) Evergreen Shrub a minimum of every four feet (4') on center (O.C.); plant shall be three feet (3') in height at time of installation; plantings shall achieve a mature height and spread of no less than five feet (5') within three years of initial certificate of occupancy. If the shrubs are located within a Protective Yard (PY), they may be credited toward the requirement of the PY, or the Neighborhood Transition (NT) if in accord with City of Raleigh Code requirements.
6. The following uses shall be prohibited: Boardinghouse; Dormitory; Fraternity; Sorority; Outdoor Sports or Entertainment Facility of all types; Animal Care; Vehicle Sales/Rental; Vehicle Repair; Vehicular Fuel Sales, but not to exclude electric vehicle charging station(s); Electric Sub-Station; Telecommunication Towers of all types; Special Care Facility; Multi-Unit Living; Daycare; Bar; Night Club; Tavern; Lounge.
7. If additional trees are required in Protective Yards to supplement existing vegetation, no less than eighty-five percent (85%) of the installed trees shall be an evergreen species. Supplemental plantings shall not be composed of a single tree or shrub species, and shall be arranged as informal groups or clusters. Tree species shall be selected to provide screening benefit, and include but not limited to Red Cedar, Magnolia, Cryptomeria, and plants with similar characteristics.

8. Retail Sales shall be limited so that a single retail space shall not exceed a gross floor area of thirty thousand square feet (30,000SF). Building(s) containing either Eating Establishment or Retail Sales shall be limited in height as follows:
  - a. With exception of the main façade entry elevation, the building height shall be no greater than thirty-five feet (35').
  - b. The front façade entry element shall not exceed forty-five feet (45').
9. Dedicated facilities for loading area and/or loading dock for Retail Sales shall be screened from view by means of a solid wall that is no less than twelve feet (12'-0") in height. The hours of delivery vehicle arrival and departure for Retail Sales loading and dock facilities shall be limited to between 7:00 AM - 9:00 PM Monday through Friday and 8:00 AM to 6:00 PM Saturday and Sunday. The unloading of cargo from a previously parked delivery vehicle shall not be prohibited outside of the hours of arrival and departure. A parked delivery vehicle in loading dock shall not run engine or refrigeration equipment outside of the hours stated above for arrival and departure.
10. Bank ATM, drive-thru order station and/or drive-thru pickup window shall not be located within two hundred feet (200') of a property line shared with any of the eight (8) adjoining single family lots in the Woodstone Subdivision: Paliga (DB7207/PG0034); Curtis (DB9097/PG103); Deighton (DB15056/PG0938); Bell (DB9836/PG1161); Navarro (DB13134/PG2057); Hess (DB3254/PG0572); Johnson (DB3279/PG0645); Havis-Kizzie (DB15448/PG2449).
11. Total gross floor area for Eating Establishment and Retail Sales on the rezoned properties shall not exceed sixty-five thousand square feet (65,000 SF).
12. For any lot on the rezoned properties that contains a building(s) with either Eating Establishment or Retail Sales a fence, retaining wall, or a combination of fence and wall, with a minimum height of six and one-half feet (6'-6") shall be provided where adjacent to a property line shared with the eight (8) adjoining single family lots in the Woodstone Subdivision: Paliga (DB7207/PG0034); Curtis (DB9097/PG103); Deighton (DB15056/PG0938); Bell (DB9836/PG1161); Navarro (DB13134/PG2057); Hess (DB3254/PG0572); Johnson (DB3279/PG0645); Havis-Kizzie (DB15448/PG2449). The fence, wall, or combination fence/wall shall be located between development features (i.e. parking lot, building, stormwater facility) and the shared property line. The fence/wall shall be in addition to the 50' buffer described in condition #3 (for retail use) and the fence/wall shall not be located within a Tree Conservation Area. The height of the fence shall be in accord with the provisions of UDO Section 3.5.3.
13. Prior to issuance of certificate of occupancy for new development on the subject properties, the additional left-turn lane on Litchford Road at its intersection with Falls of Neuse Road (as described in the Z-2-15 Traffic Impact Analysis) shall be built and accepted by the City of Raleigh and/or the North Carolina Department of Transportation.
14. If requested by the Public Works Department, a transit shelter with a minimum dimension of no less than 4' x 8' shall be provided by the owner along Litchford Road prior to issuance of certificate of occupancy for any new development on the rezoned properties. The shelter may be located in the existing transit easement, or in a new easement location that is no greater than 15' x 20' and in a location approved by the City of Raleigh. In addition to the shelter, a paved access area (location to be

- approved by the City of Raleigh) shall be provided between the back of curb and the public sidewalk to facilitate passenger loading.
15. The cumulative parking count on the rezoned properties shall be no greater than 125% than the parking rate established for minimum code requirement.
  16. Trash facilities located outside of a building (dumpster, compactor, and similar) and serving a restaurant, grocery store or any business selling or processing perishable items shall be serviced no less than three (3) times per week.
  17. Prior to recordation of a subdivision plat for the property or issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates the allowable parking (described in condition #15) and the allowable Eating Establishment/Retail Sales floor area gross (described in condition# 11) upon the property to all lots of record comprising the property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant, and such restrictive covenant shall be recorded within 45 days following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.