

Z-7-20 – 1200, 1204 East Millbrook Road, being Wake County PINs 1716344505 and 1716346510, approximately 2.9 acres rezoned to Commercial Mixed Use – 3 stories – Parking Limited – Conditional Use (CX-3-PL-CU).

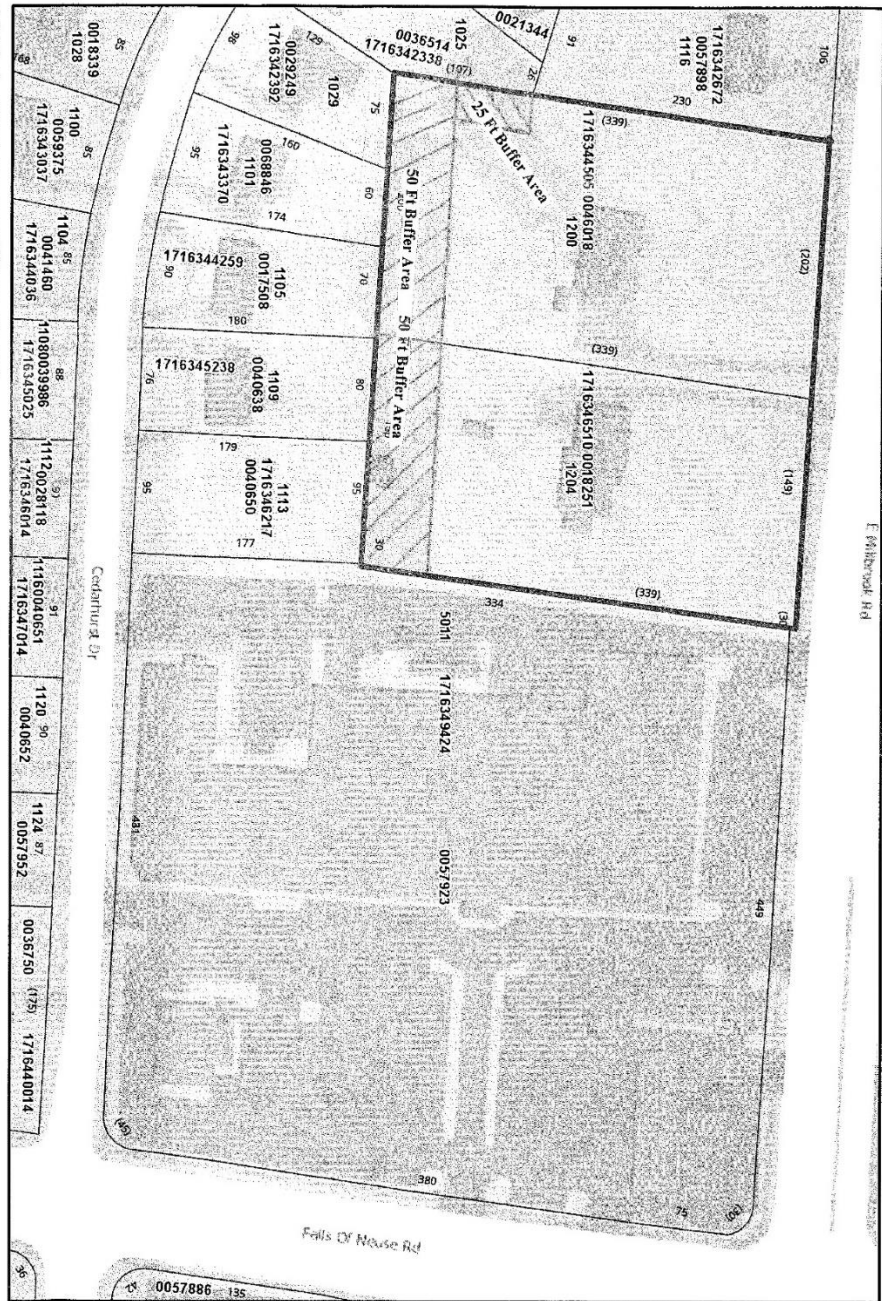
Conditions dated: August 25, 2020

1. Building height shall be limited to two stories.
2. The maximum gross floor area that may be developed on the property is 40,000 square feet, of which no more than 20,000 square feet may be used for retail sales and restaurant/bar uses.
3. Service areas for trash and recycling collection serving the property subject to this rezoning ordinance shall be located on the adjacent property described in Deed Book 7503, Page 235, Wake County Registry (existing Quail Corners Shopping Center).
4. Pole-mounted light fixtures shall be of full cut-off design and limited to 20 feet in height, unless a more restrictive height is required by the UDO, and shall be directed away from the residential uses located west and south of the property.
5. Truck deliveries to the uses on the property shall only occur between the hours of 7:00 a.m. and 9:00 p.m., and shall be limited to Monday through Saturday, inclusive.
6. This condition shall apply to the portion of the property immediately adjacent to the following properties: Lots 23 through 27, inclusive, as shown on the plat recorded in Book of Maps 1968, Page 032 [1029, 1101, 1105, 1109 & 1113 Cedarhurst Road] (the "Adjacent Properties") and measuring at least 50 feet in width as measured from the Adjacent Properties (the "Buffer Area"). This Buffer Area shall consist of two zones, with one zone consisting of the area measuring at least 32 feet in width as measured from the Adjacent Properties ("Zone 1"), and the other zone consisting of the area outside of Zone 1 to a point at least 50 feet from the Adjacent Properties ("Zone 2"). No buildings or vehicular surface area may be located within the Buffer Area. See area labeled "50 Ft Buffer Area" on Exhibit 1 attached hereto for a general location of the Buffer Area.
 - a. This part of the condition applies when those portions of Zone 1 both meet the standards of Article 9.1 for tree conservation and are designated as tree conservation areas. Tree removal can occur in Zone 2. However, when 10 feet or more of the width of Zone 2 is impacted by tree removal, that portion of Zone 2 shall be replanted at a rate of at least four (4) shade trees and three (3) understory trees per 100 linear feet. No buildings or vehicular surface area may be located within the Buffer Area. A masonry wall measuring at least 8 feet in height shall be constructed between the Adjacent Properties and any building or vehicular surface area, but outside of the area measuring 50 feet from the Adjacent Properties.
 - b. This part of the condition applies when those portions of Zone 1 are not designated as tree conservation areas. These portions of Zone 1 shall be undisturbed except for the planting of new vegetation. Tree removal can occur in Zone 2. However, this portion of the Buffer Area (Zones 1 & 2) shall be planted in compliance with a Type 2 or Type 3 Zone A protective yard (UDO sec. 3.5.3). A masonry wall measuring at least 8 feet in height shall be constructed between the Adjacent

Properties and any building or vehicular surface area, but outside of the area measuring 50 feet from the Adjacent Properties.

7. The following principal uses as listed in UDO section 6.1.4. (Allowed Principal Use Table) shall be prohibited on the property: adult establishment, hotel/motel/inn, vehicle fuel sales, vehicle sales/rental, detention center/jail/prison, light manufacturing, research & development, self-service storage, car wash, vehicle repair (minor & major), telecommunication towers - all types, radio/tv towers, electronic sweepstakes.
8. Residential density shall be limited to four (4) units per acre.
9. Subject to the other provisions of UDO section 9.2.2, stormwater generated by the project on the property shall be collected and discharged to the pre-development rate via standards promulgated by the City of Raleigh for a 2-year, 10-year and 25-year storm event.
10. Outside of the buffer described in Condition 6 of this rezoning ordinance, a buffer shall be established along the property's common boundary line with that property designated as Lot 22 on the plat recorded in Book of Maps 1968, Page 032 (1025 Cedarhurst Drive) measuring at least 25 feet in width. Only tree removal associated with existing or future public or private easements shall be permitted within the buffer area required by this condition. Additionally, new vegetation may be planted within this buffer area. A masonry wall measuring at least 8 feet in height shall be installed on the east side of this buffer between the outside edge of this buffer and any building or vehicular surface area. See area labeled "25 Ft Buffer Area" on Exhibit 1 attached hereto for a general location of the buffer required by this condition.
11. The hours of operation for any personal service, restaurant/bar and retail sales uses permitted on the property shall be no earlier than 6:00 a.m. and no later than 11:00 p.m. Outdoor dining, including the consumption of alcoholic beverages, and outdoor music shall not be permitted between the hours of 11:00 p.m. and 6:00 a.m.
12. There shall be a minimum principal setback of 40 feet as measured from the Millbrook Road right-of-way.
13. Any drive-thru window located on the property shall be located within the portion of the property measuring 200 feet from Millbrook Road right-of-way and within 200 feet from the adjacent property described in Deed Book 7503, Page 235, Wake County Registry (existing Quail Corners Shopping Center).

Exhibit 1



Disclaimer
 Attempts are made every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.