

**Z-38-16 – Buffaloe Road**, north side, at its intersection with New Hope Road, being Wake County PIN #1725789080, approximately 6.17 acres rezoned to Neighborhood Mixed Use-3 Stories-Conditional Use (NX-3-CU).

Conditions dated: January 26, 2017

1. The following principal uses shall be prohibited: telecommunication towers – all types; outdoor sports or entertainment facilities – all types; vehicle sales/rental; detention center, jail, prison; vehicular repair (minor); any establishment engaged in the sale of fuel (gasoline or diesel fuel); game arcade; tattoo parlor; check cashing establishment; pawn shop; bar, nightclub, tavern or lounge. Restaurant as defined In N.C.G.S. § 18B-1000(6), is permitted. Drive-through windows shall be prohibited.
2. Prior to the issuance of a building permit for new development, if requested in writing by the City of Raleigh, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of the easement shall be agreed to by the Transportation Department and then Property Owner, and the easement deed approved as to form by the City Attorney's Office. If requested by the City of Raleigh in writing, the above referenced transit easement shall be improved with the following prior to issuance of the first certificate of occupancy on the Property:
  - (a) a 15'x 20' cement pad; a 30-foot long cement landing zone between the back of curb and sidewalk;
  - (b) an ADA-accessible transit waiting shelter with bench; and
  - (c) a litter container.
3. The hours of public access to any establishment operating on the property shall be limited to the period from 6:00am until 11:00 pm. There shall be no deliveries to or shipments from establishments upon the Property between 11:00 pm and 6:00 am. Trash shall not be picked up, or dumpsters emptied, upon the Property between 11:00 pm and 6:00 a.m. Vehicles making deliveries to or shipments from establishments upon the Property, or picking up trash or emptying dumpster upon the Property, shall not arrive upon the Property prior to 6:00 am.
4. The height of any building constructed upon the Property shall not exceed one (1) story and 33 feet.
5. The Property shall not be subdivided.
6. Unless prohibited by the UDO or NC DOT, beginning at the right-of-way of New Hope Road as established at the time of site plan approval (or as close thereto as allowed by NCDOT and the City's Department of Transportation) and extending along the northern and eastern boundary lines of the Property (along the common boundary lines of Lots 1-4, and 10-14 and 16-22 of Cobblestone Subdivision as recorded in Book of Maps 1985, Page 1435, Wake County Registry) to the right-of-way of Buffaloe Road as established at the time of site plan approval (or as close thereto as allowed by NCDOT and the

City's Department of Transportation), there shall be constructed and maintained a masonry wall at least seven (7) feet in height. Except where appropriate to save existing vegetation, said wall shall be located no closer than fifteen (15) feet from said northern and eastern boundary lines of the Property. In the event compliance with the tree conservation requirements of the UDO prohibit installation of the masonry wall within the 50-foot buffer the masonry wall may be located outside the buffer.

7. In addition to the masonry wall described in condition 6 above, a 50-foot wide Type 3 (Zone A) Protective Yard shall be installed and maintained along the northern and eastern boundaries of the Property (along the common boundary lines of Lots 1-4, and 10-14 and 16-22 of Cobblestone Subdivision as recorded in Book of Maps 1985, Page 1435, Wake County Registry), except for areas required for tree conservation, the yard shall be planted to at the rate of 7 shade trees, 6 understory trees and 65 shrubs per 100 lineal feet. This development proposes that the following be planted (or preserved in a TCA where required): 3 shade trees and 2 understory trees per 100 lineal feet on the adjacent property side of the proposed masonry wall in the buffer. This development would also plant the other required 4 shade trees and 4 understory trees per 100 lineal feet on the development side of the proposed masonry wall in the buffer. It is also proposed that the applicant plant shrubs at a rate of 65 shrubs per 100 lineal feet, evenly distributed on each side of the masonry wall.
8. Buildings situated on the Property shall not exceed a total of 36,000 square feet of floor area gross.
9. No vehicular surface area shall be located directly between any buildings situated on the Property and the immediately adjacent northern boundary line of the Property (along the common boundary lines of lots 10-14 and 16-22 of Cobblestone Subdivision as recorded in Book of Maps 1985, Page 1435, Wake County Registry). Where the building is within 200' feet of the adjacent eastern property line, no vehicular surface area shall be located directly between any building situated on the Property and the immediately adjacent eastern boundary line of the Property (along the common boundary lines of Lots 1-4 of Cobblestone Subdivision as recorded in Book of Maps 1985, Page 1435, Wake County Registry).
10. If requested in writing to do so by Raleigh Department of Transportation or North Carolina Department of Transportation, signalized pedestrian crosswalks shall be installed across New Hope Road north of its intersection with Buffalo Road and across Buffalo Road west of its intersection with New Hope Road. Such crosswalk installation to occur prior to issuance of any certificate of occupancy for the Property.
11. Unless a more restrictive height is noted within the UDO for specific areas of the site, light fixtures within parking and vehicular display areas may be no higher than 20 feet; and all wall pack fixtures may be no higher than 15 feet. Light fixtures within parking and vehicular display areas and wall pack fixtures will employ LED light source technology; although newer technologies may be employed as they become available.

12. The internal pedestrian circulation shall connect the sidewalks in the adjacent public street rights-of-way to the primary building entrance. At least one such connection shall not require crossing an internal vehicular surface area, and at least one such connection shall have at least one pedestrian bench between the right of way and the primary building entrance.
13. Notwithstanding the provisions of UDO Section 7.1.2.D, parking shall not exceed 150% of the required parking ratio as established in Section 7.1.2.C.