



Revisions  
 2) MARCH 19, 1990 - T.O.C. FIRST REVIEW

1. The existing fifty foot (50') resource and conservation buffer will remain in effect.
2. Adjacent to the 50' resource and conservation buffer, an additional 60' landscape buffer will be provided for every 100 lineal feet, the landscaping within the 60' wide buffer will be: 6 canopy trees, 9 understory trees, 36 shrubs, and 18 evergreen/conifers. A minimum 10" high berm will be provided within the additional 60' buffer. An eight foot (8') high wood fence will be provided between the top of the berm and the proposed development. The elevation of the berm shall be measured from the residential side of the property.
  - A. On that portion of the berm defined as "beginning at the projection of the eastern right-of-way line of Lyrerly Lane and continuing in a westward direction for a distance of 350 lineal feet," the developer agrees to install planting as specified below in lieu of the planting as specified in the above paragraph:
 

Leyland Cypress*	57**	6' - 8' Ht.
Canopy Trees	11	2 - 1/2" Cal. Min.
Understory Trees	18	1" Cal. Min.
Shrubs	126	18" - 24" Min. Ht.
Evergreens	83	18" - 24" Min. Ht.

 \* Leyland Cypress trees are to be planted in a staggered two-tiered configuration near the top of the proposed berm approximately 12' O.C.  
 \*\* Quantity indicated for each plant category is the total number of plants proposed within the 350' length of berm.
  - B. Within the 50' wide r-c buffer adjacent to the rear lot lines of 1030 and 1032 Ivy Lane (approximately 300' in length), the screening capability of the existing woodland will be enhanced by the planting of a total of 45 - 1" cal. min. evergreen understory trees. Placement of the trees will be dispersed among the existing mature hardwoods in accordance with the field direction of a Registered Landscape Architect.
  - C. In order to enhance the survivability of the planting proposed on the berm and to ensure rapid early growth, the Developer agrees to assume responsibility for providing irrigation to the berm planting for a period of three years from the date of planting.
3. The Developer shall implement landscape treatment within the southern portion of the right-of-way of Hubbard Lane at locations opposite future drives accessing Hubbard Lane to ensure that the direct glare of headlights from vehicles entering Hubbard Lane from future drives will not be viewed from the residences at 1206 and 1208 Ivy Lane.
  4. All building improvements located on the parcel to be rezoned must be architecturally compatible with the existing Cary Village Mall.
  5. There shall be a two hundred and fifty foot (250') building setback restriction from the Ivy Meadows property line.
  6. Parking lot site lighting system to be designed with cut-off luminaires to prohibit spillage of light onto adjacent properties to the east.
  7. The following traffic improvements will be made to the roadway system prior to occupancy of the mall expansion:
    - A. Development of a multi-lane high capacity entrance from Walnut St. south of the existing supermarket.
    - B. Development of a multi-lane high capacity entrance from the Western Boulevard Extension at the Convention Drive/Western Boulevard Extension intersection.
    - C. Development of a dual left-hand turn lane on the east approach of the Western Boulevard Extension/Convention Drive intersection.
    - D. Developer to provide funding, if necessary, for the installation of a traffic signal at the mall entrance referred to in paragraph 7A above. If said signal installation is permitted by the North Carolina Department of Transportation.
  8. Developer will not request extension of Lyrerly Lane into the expanded Cary Village Mall.
  9. Provisions for the adequate disposition of storm water shall be in accordance with the duly adopted design criteria and standards of the Town of Cary. Developer agrees to extend the mall sewer system to provide an inlet on the south side of the proposed berm designed to intercept flow from the existing 18" pipe which discharges at the rear of 1120 Ivy Lane.
  10. Protection of water quality within the Swift Creek watershed shall be addressed by one of the following methods:
    - A. Limiting the maximum total contributory impervious area (as measured at the discharge point from this site) to that which currently existed as of May 25, 1988 (the date of the original rezoning application), or
    - B. Constructing on site a retention basin fully complying with the provision of the Town of Cary's Reservoir Watershed Protection Ordinance.
  11. Development of the property included within this rezoning petition as a part of Cary Village Mall shall not result in additional curb cuts on Walnut Street.
  12. The existing large oak tree shall remain. In order to enhance the survivability and ultimate vigor of the existing large Southern Red Oak, the owner shall implement the following measures:
    - A. To prevent existing tree roots from being disturbed, preserve an undisturbed parcel equivalent to 1.5 times the horizontal area of the existing canopy. All of the existing canopy area of the existing tree shall be included within the above protected area. Additional area adjacent to the undisturbed parcel shall be set aside for the tree such that the total area (undisturbed and adjacent area) shall equal 2.25 times the horizontal area of the existing canopy of the tree.
    - B. Install an irrigation system.
    - C. Install lightning rod protection.
    - D. Improve the existing soil under the tree and within the proposed area described in (a) above by application of mulch and slow-release fertilizer.
    - E. Utilize details and methods in the design and construction of the retaining wall which will tend to minimize the area of disturbance between the wall and the tree.
    - F. Prune out dead wood.
    - G. Fill cavities to prevent water entrance.
    - H. Cross-brace two main leaders to strengthen crack area.
    - I. Undertake an on-going maintenance program addressing fertilization, irrigation, muck application, inspection for insects and pathogens, and intervention with applications of insecticides or fungicides as may be necessary.
 The above measures shall be developed and implemented with the guidance of a consulting tree biologist.
  13. The gross leasable area of new structures within the subject parcel shall not exceed the building area that can be supported by surface parking in accordance with current or future Town of Cary requirements as may be revised or adjusted by variance.
  14. An eight foot (8') high wood fence will be provided as a continuation of the fence from the east end of the berm extending for a distance of approximately 350' in an easterly direction. Said fence to be constructed on the north line of the resource and conservation buffer.
  15. The average height of the retaining wall surrounding the large red oak tree shall not exceed 10'-0".
  16. Buildings shall be limited to two (2) occupiable floors with no portion of the buildings on site extending above the elevation of highest point of the existing Hudson-Beik Department Store.
  17. The Developer shall be responsible for the perpetual maintenance of the 8-foot fence which is proposed as part of the bufferyard treatment adjacent to Ivy Meadows Subdivision.
  18. The total number of outparcels shall in no case be increased by more than two (2) over the number which is currently on record as of March 8, 1990.
  19. In order to enhance the effective visual screening capacity of that portion of the proposed landscape berm outside the area referred to in Condition 2(A), a staggered two-tiered configuration of 6-foot to 8-foot high leyland cypress (approximately 12 foot on center) shall be implemented along the entire length of the berm within the overall plant requirements specified by Condition 2.

**NOT ISSUED FOR CONSTRUCTION**

Project  
**CARY VILLAGE MALL**  
**SITE PLAN**

Date  
 MARCH 16, 1990

Scale  
 1" = 50'

Sheet  
**S4**

