ORDINANCE (2001) 101 ZC 506
Effective: 10/17/01

Z-66-01 Durant Road, north side, east of Falls of Neuse Road, being a portion of Wake County PIN 1728.01-05-3430. Approximately 5.4 acres rezoned to Office and Institution-1 Conditional Use.

Conditions Dated: (10/9/01)

1. Development shall comply with the provisions of CR 7107 of the Raleigh Planning Commission.

2. Reimbursement values for additional right-of-way shall be determined by the then prevailing rate based upon the existing zoning, R-4.

3. The property subject to this zoning shall be developed under a common development plan with the remainder of the tract already zoned O&I-CUD and known by Wake County PIN 1728.01 05 3430. Such a common development plan shall include common unity of development criteria, common sign criteria, a common landscaping plan, common internal drives, and common parking. One common entrance shall be established on Durant Road to provide access to this site and the remainder of the tract already zoned O&I-1 CUD and known by Wake County PIN 1728.01 05 3430.

4. All refuse containers and HVAC units will be maintained within enclosures made of similar material as the principal building to screen them from direct view of nearby residential development and from view of the public street right-of-way.

5. Exterior lighting shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent properties. Outside transitional protective yards, free standing light poles shall not exceed eighteen (18) feet in height.

6. Thirty days prior to its filing with local governmental review agencies, a copy of the site plan or subdivision plan for the subject property will be forwarded by first class mail to the parties listed by the Wake County tax office as owners of property known by Wake County PIN Numbers: 1718.02 95 8172 (Taylor); 1718.02 95 9034 (Taylor); 1718.02 95 9060 (Sodagar); 1728.13 04 0937 (Godwin); 1728.13 04 2980 (High); and 1727.13 04 2843 (Red).

7. At the time of initial site plan or subdivision approval, the property subject to this rezoning shall join the unity of development criteria already in place for the remainder of the tract already zoned O&I-1 CUD and known by the Wake County PIN Number 1728.01 05 3430.

8. The following uses, otherwise permissible within the O&I-1 zoning classification will not be allowed on this property:

a. Cemetery;
b. Rooming house, boarding house, lodging house or tourist home;
c. Orphanage;
d. Correctional/Penal facility.

9. To supplement the minimum street protective yards otherwise required by the Raleigh City Code, the Property owner shall:

a. Provide landscaped focal areas at all project corners that are created by intersections of public streets or the intersection of a private driveway with Durant Road. Within these landscaped areas, in addition to perennial and annual landscape materials, identification walls and fences at least 3 ½ feet in height, gate houses at least twelve (12) feet in height, arbors, artwork, pedestrian walkways and identification signage may be installed. These areas will be designed and constructed to provide an identification of the property, conform to all site triangle requirements and provide level of uniformity between resulting projects.

b. An evergreen hedge which shall reach forty-two inches (42") in height at three (3) years to screen the view of cars shall be placed within the street protective yard when the yard is within fifty (50') feet of parking spaces. The hedge shall run the entire length of all parking spaces, except when the hedge reaches the intersections of public streets or the intersection of a private driveway and a public street. Such intersections shall be constructed and landscaped in accordance with the Raleigh City Code.

10. No building located within 100 feet of the future right-of-way of Durant Road shall exceed two (2) stories or thirty-five (35) feet in height; no building located within 200 feet of the future right-of-way of Durant Road shall exceed three (3) stories or forty-five (45) feet; no building located within 300 feet of the future right-of-way line of Durant Road shall exceed four (4) stories or fifty-five (55) feet in height, unless said building is a church or place of worship, in which case construction for the sanctuary or primary place of worship or religious ornamentation such as a steeple or minaret shall not be limited in height by these conditions and shall be subject to the height limits of Raleigh City Code Section 10-2076.

11. No fence greater than four (4) feet in height may be installed within twenty (20) feet of the future Durant Road right-of-way. Any fence installed between twenty (20) and fifty (50) feet of the future Durant Road right-of-way shall be screened seventy-five percent (75%) by plantings.

12. Prior to any land disturbing activity by the property owner on the site, an inventory will be taken of all healthy trees on the site, excluding all trees within the large power easement traversing the site and including all trees within the buffer areas, greater than fifteen (15) inches in diameter at breast height. At least twenty percent (20%) of those trees will be preserved. Once preserved, trees may be treated or removed when the city arborist or other public official designated by the Raleigh city manager certifies it diseased or a nuisance to the area. Nothing in this condition shall preclude the removal of any and all trees deemed necessary by the owner of the large power easement traversing the site.

13. At the time of site plan approval or subdivision whichever comes first, a greenway connection, 40 feet in width, will be provided along the full length of the southern property line of the site to the common boundary with Falls River Properties Group, LLC then turning north and running along the western property line ending at the southern right-of-way line for Shadow Lane Road (the east-west street providing access to this site from raven Ridge Road).

14. Vehicular and pedestrian cross-access will be provided to the property to the southeast, owned by Falls River Properties Group, LLC and known by Wake County PIN number 1728.13 04 8957 at the time of site plan or subdivision approval whichever comes first.