Ordinance (2002) 349 ZC 528
Effective: December 18, 2002

Z-52-02 Tryon Road, north side, being Wake County PIN's 0792.10-35-1611, 0792.10-35-0812 and 0792.10-35-2528. Approximately 3.37 acres rezoned to Office and Institution-1 Conditional Use District.

Conditions Dated: (12/4/02)

1. Reimbursement for future right-of-way dedication affecting the Property shall be based on current zoning Residential-10 District.

2. With the exception of an access to Tryon Road, a streetyard an average of twenty-five (25) feet in width shall be provided along the right-of-way of Tryon Road (as widened to a 90 foot right-of-way) which shall be landscaped in accordance with SHOD-2 quantity and size standards of the Raleigh City Code. The minimum yard width shall be ten (10 feet and maximum yard width shall be forty (40) feet. There shall also be an average of twenty (20) feet natural protective yard located within this street yard to provide tree preservation.

3. This site shall be developed with residential character. With the exception of doors and window trim, building facades facing Tryon Road shall be at least seventy-five percent (75%) brick. Also no more than 60% or less then 15% of any one building side shall be devoted to window openings and a pitched roof (minimum 4:12) shall be used to ensure this site is developed with residential character.

4. Any building constructed upon the Property shall be limited in height to two (2) stories or thirty-five (35) feet.

5. Upon development of each parcel, cross access easements will be made to the owner of the adjacent parcels (PIN #'s 0792.10-35-6539 and 0792.10-25-9801) at a location designated by the developer and subject to approval by Raleigh Department of Transportation.

6. The site shall make available one 20' x 15' transit easement (adjoining the future sidewalk), along Tryon Road to support a bus stop and shelter for future transit services in the area. During site plan approval or subdivision approval of the property, whichever comes first, the Transit Division will review and approve the easement location. This easement shall be allowed to encroach into the streetyard area.

7. If the property is developed as multifamily residential, density will be limited to the number of units permitted under the current R-10 zoning district.

8. In the event the properties are not recombined into 1 lot, access to Tryon Road for the subject properties shall be limited, upon development of the parcels, to no more than two shared access points, the location of which shall be approved by the City of Raleigh Department of Transportation and NCDOT via site plan approval and driveway

permits, respectively. Joint access agreements will be in place between each parcel prior to issuance of the first building permit for the site.

9. There will be a 10' natural protective yard provided along the Northeastern property line directly adjacent to the Camden Crossing Owners Association Property.

10. Parking lots and building structures shall be prohibited in the northern part of parcel 0792-35-0812 from its northern property line to a distance of 150' along the eastern property line and 130' along the western property line of the parcel if developed as an office use.