ORDINANCE (2003) 534 ZC 542
EFFECTIVE: 11-5-03

Z-38-03 – Falls of Neuse Road, south side, being Wake County PIN 1718.18-40-1998. Approximately 1.53 acres rezoned to Office and Institution-1 Conditional Use.

Conditions dated: (10/21/03)

A. Reimbursement for any future right-of-way dedication for Falls of Neuse Road shall be based upon the pre-existing zoning, R-4.

B. Outside refuse containers shall have plastic lids and shall only be emptied between the hours of 7:00 a.m. and 7:00 p.m.

C. Building heights shall be limited to twenty-five feet (25') as measured by the code, and shall have a roof pitch of 3:12 or greater. No building within one hundred feet (100') of the property lines of PINs 1718 40 2769 (Moye) and 1718 40 0756 (Kummerle) may have roof dormer windows facing such properties. The building shall have a single story appearance, but may have a mezzanine level behind the roofline. No mansard roofs shall be permitted.

D. Upon development of the subject property, a Type C transition yard as same is defined in Section 2082.9 of the Raleigh City Code shall be established as follows:

1. The transition yard shall be not less than thirty-five feet (35') in width adjacent to the residential properties with Wake County PINs 1718 40 2769 (Moye) and 1718 40 0756 (Kummerle). The planting requirements of the Type C transition yard will be exceeded by twenty percent (20%) which will add approximately 18 shrubs and 3 trees to the planting requirements.

2. Storm drainage facilities, erosion control devices, electric, telephone, cable television and similar installations (fiber optic cable, etc.), gas and/or water, sanitary sewer installations, and similar utilities approved by the appropriate local government authority may exist within the transition yard, but any such construction shall be underground and designed and undertaken so as to create as little disturbance of the transition yard as possible while still honoring public service, health and safety requirements. Notwithstanding the foregoing, utility manholes, junction boxes, and storm drainage inlets shall be allowed above ground, and graded stormwater and nutrient reduction swells may be allowed above ground provided that all retention is below ground and the same comply with condition M below.

E. Floor area ratio shall not exceed thirty-six percent (36%), and a maximum building lot coverage of twenty-five percent (25%).

F. Prior to subdivision recording or building permit issuance, which ever shall first occur, cross access shall be provided to adjacent property fronting on Falls of the Neuse Road, being PIN 1718.18 30 9966, unless prohibited by the Raleigh City Code. .

G. Mechanical equipment located on the property for heating, ventilation and air conditioning shall be either located within the buildings or, if outside, at ground level, and screened and/or enclosed so as not to be visible from PINs 1718 40 2769 (Moye) and 1718 40 0756 (Kummerle).

H. The owner shall send notice of all site plan, subdivision plan, and unity-of-development plan applications via first-class mail to all adjacent property owners at least four (4) days prior to filing with the City of Raleigh. The names and addresses used shall be those listed with the Wake County tax office as current owners.

I. In an effort to increase the width of the buffer described in Condition D, above, along the rear of the property, the property owner shall petition the city to locate the front of any new building, parking bay or cross-access point to as close as possible to the Falls of Neuse right- of-way existing at the time of development and shall add one foot in width to the planned thirty-five foot (35') wide buffer along the rear property line, as described above, for every one foot closer than thirty feet (30') to Falls of the Neuse Road right-of-way (at the time of development) the parking is allowed to locate by the City of Raleigh except that in no event shall the building be located closer than thirty feet (30') to Falls of Neuse Road right-of-way. To supplement the parking lot screening in the event of a street yard of 15 feet or less, the Vehicular Surface Area (VSA) landscaping requirements of Section 10-2082.6 shall be increased by twenty-five percent (25%). All additional landscaping shall be located along the right-of-way line.

J. Any site plan submitted on this property shall provide for the dedication of an easement to the City of Raleigh for a future bus stop (10' by 6') along the Falls of the Neuse Road right-of-way.

K. Buildings shall have predominately brick exteriors on all sides with masonry and/or stucco accents. Specifically, the veneer material for the rear of the building (that facing PINs 1718 40 2769 (Moye) and 1718 40 0756 (Kummerle) shall be brick.

L. In addition to the stormwater measures required by the City Code, the owner shall retain stormwater runoff such that post-development rates do not exceed pre-development rate for ten-year storm events.

M. Any open-air stormwater facility(ies) shall be designed as site amenities and landscaped with site appropriate vegetation to SHOD-4 standards. This condition may be satisfied with such facility(ies) being installed in a transitional protective yard.

N. Streetyard planting shall be consistent with the City's planting plan for this section of the Falls of Neuse Road as referenced in the 1-540/Falls Small Area Plan.

O. All shade trees measuring 6 inches in caliper or greater (at 48 inches above ground) within 30 feet of the eastern property line shall be preserved. A survey of all such trees will be submitted to the chief zoning inspector within 60 days following adoption of this zoning ordinance.