Ordinance (2000) 819ZC482
Effective: 6/20/00

Z-10-00 Creedmoor Road, and Sawmill Road, northwest intersection, being Wake County PIN Map 0797.10 46 8708. Approximately 6.6 acres are requested to amend the Office & Institution-1 Conditional Use conditions.

Conditions: (06/13/00)

A. Upon development, storm water discharge shall comply with the provisions of City of Raleigh Planning Commission Certified Recommendation 7107.

B. The maximum building height on the rezoned tract shall be two (2) stories (30'). Rooftop structures such as satellite dishes or antennae shall not be visible from the street right-of-way or from PIN 0797.10 47 5057 (Payne) and PIN 0797.10 47 6220 (Rhodes).

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

1. agricultural uses
2. residential dwellings
3. bed and breakfast inn, guest houses, rooming houses, boarding houses.
4. transitional housing
5. cemetery, funeral home, crematory
6. correctional facility, school, church, public library, fire station.
7. veterinary office, kennel or cattery
8. radio and television studio
9. telecommunications or wireless communications tower.
10. dance studio, beauty shop, barber shop
11. eating establishment
12. movie theater
13. retail sales
14. landfill, airfield, taxi cab stand
15. power plant, electric utility substation
16. day care facilities, for profit or nonprofit recreation or athletic club.
17. hospital, nursing home, rest home, or 24-hour emergency medical facility.
18. bank, ATM facility
19. outdoor pay phones or paging systems.

D. A minimum buffer thirty-five feet (35') in width will be maintained east of the existing Halstead Lane right-of-way. A buffer with an average width of twenty-five (25') twenty feet (20') minimum) shall be maintained north of the existing right-of-way of Sawmill Road. Adjacent to PIN 0797.10 47 5057 (Payne) and PIN 0797.10 47 6220 (Rhodes), the buffer shall vary between fifty feet (50') and eighty feet (80'), as more particularly described on the sketch plans prepared by Jerry Turner & Associates dated June 20, 1997 and June 23, 1997, attached hereto and incorporated herein by reference, collectively, as Exhibit I. With the exception of a single drive entrance/exit on Sawmill Road, buffer areas will remain undisturbed except for:

1. 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. Any such construction shall be underground and designed and undertaken so as to create as little disturbance of the buffer as possible while still honoring public service, health and safety requirements. Any area disturbed by water line installations shall be re-forested with a minimum of six (6) Loblolly pines five (5) to six (6) feet in height. Similarly, any areas disturbed by sanitary sewer line installations shall be forested with a minimum of six (6) Loblolly pines five (5) to six (6) feet in height.

2. The planting of new vegetation, construction of fences, walls, berms or similar construction which tends to enhance the area's visual appeal, or sight and noise screening characteristics.

3. Treatment or removal of nuisance (poison ivy, vines, volunteer seedlings, weeds, and the like) or diseased vegetation as certified by the city arborist or other public official designated by the Raleigh City Manager. To illustrate, but not limit, the foregoing: Trees which encroach upon property boundaries or whose limbs hang over the adjacent properties, overhead electric lines, streets or drives may be removed; pine trees infested with or threatened by the pine bark beetles or similar pests may be removed. At least four times a year, the buffer shall be "swept" and all trash, weeds and nuisance vegetation as defined herein shall be removed.

E. To supplement the minimum street protective yards otherwise required by the Raleigh City Code, the buffer along Halstead Lane and Sawmill Road shall provide a semi-opaque screen or barrier between the right-of-way and any vehicular surface area. The screen or barrier may consist of plants, earthen berms, fences, walls or any combination thereof which meets the following requirements:

1. The screen shall occupy the entire length of the vehicular surface area except for sidewalks and driveways which cut through the screen to connect the vehicular surface area to Sawmill Road. At locations designated on the **attached Exhibit I**, specific plant varieties and sizes designated thereon will be required.

2. An elevation change of at least three and a half (3-1/2) feet between the vehicular surface area and the street right-of-way will be maintained. At the locations where the elevation change between the vehicular surface area and the adjacent right-of-way does not alone meet the three and a half feet (3-1/2) feet minimum, a berm and plant materials shall be installed which bring the screen up to these performance standards. Plant material shall be at least two (2) feet tall above the ground at the time of installation, achieve a minimum of four (4) feet within three (3) years, and be permanently maintained thereafter.

3. A solid wood fence ranging in height between five and six feet (5'-6') shall be

installed and thereafter maintained within the Halstead Lane buffer; the fence shall be located parallel to and at least twenty-five feet (25') east of the existing right-of-way of Halstead Lane, and shall extend between the brick wall paralleling the Payne property line (PIN 0797.10 47 5057), substantially as shown on Exhibit 1, southward to a point thirty-five feet (35') north of the existing right-of-way of Sawmill Road. The wood fence shall then continue at a reduced height satisfying City of Raleigh Department of Transportation "sight triangle" restrictions, southward to a point ten feet (10') north of the existing Sawmill Road right-of-way, and thence continuing eastward to the Sawmill Road drive entrance into the rezoned property.

F. To supplement the transitional protective yard requirements adjacent to Wake County PIN 0797.10 47 6220 (Rhodes) and 0797.10 47 5057 (Payne), a solid brick wall (6') in height will be installed and maintained with associated landscaping substantially as shown on the Jerry Turner & Associates **Exhibit 1, attached**.

1. To further supplement the transitional yard adjacent to PIN 0797.10 47 5057 (Payne), the following steps will be implemented within 45 days of City Council approval of this provision and permanently maintained thereafter. Reference is made to the sketch plan entitled "Supplemental Plantings for Payne-Residence-Woodchester Ct., Raleigh, N.C.," dated April 20, 2000, prepared by Jerry Turner and Associates, and **attached** hereto and incorporated herein by reference. If the City of Raleigh determines that the health and vitality of the new plant materials would benefit by deferring installation until fall/winter, the initial landscaping obligation may be extended for a period not to exceed six (6) months upon the posting of the appropriate performance bond or other financial guaranty.

a. Plant twenty-seven (27) leyland cypress trees seven (7) to eight (8) feet in height within the transition yard. Leyland cypress locations shall be staked or flagged prior to installation and notice to Payne, and the City of Raleigh. The sixteen (16) leyland cypress on owner's (office) side of wall shall be planted at the same grade as the base of the wall or shall be taller plants so that the height of the trees shall be a **minimum** of nine (9) inches above the wall.

b. Surplus trees/shrubs within the transition yard (in excess of Raleigh ordinance requirements) may be relocated or removed after notice to Payne, and the City of Raleigh.

c. The transition yard shall be "swept" at least four (4) times a year. All sticks, vines, weeds, and "volunteer" seedlings shall be eradicated or removed.

2. To further supplement the transitional yard adjacent to PIN 0797.10 47 6220 (Rhodes), the following steps will be implemented within 45 days of City Council approval of this provision. The landscape plan shall be substantially in compliance with the attached sketch plan entitled "Rhodes Property-Woodchester Ct., Wake County, N.C.," dated April 20, 2000, and prepared by

Gardens of the Carolinas, Raleigh, NC. The plan is attached hereto and incorporated herein by reference. If the City of Raleigh determines that the health and vitality of the new plant materials would benefit by deferring installation until fall/winter, the initial landscaping obligation may be extended for a period not to exceed six (6) months upon the posting of the appropriate performance bond or other financial guaranty.

a. The following surplus vegetation in the transition yard (exceeding City of Raleigh requirements) shall be removed: four (4) sweet gums (12"-16"), one (1) cherry (10"), five pines (12"-14"), eight (8) miscellaneous small trees and vines.

b. The existing bank shall be re-graded to provide positive drainage into the existing drainage easement, excess soil will be disposed of and new pine straw mulch applied. Decorative stone shall be placed at the end of the swale. Fescue sod will be installed.

c. Subject to City of Raleigh approval, the following plants shall be relocated within the transition yard as shown on the Gardens of the Carolinas sketch plan: ten (10) trees, thirteen (13) Cryptomeria with stakes, seventy (70) miscellaneous plants.

G. There will be no pedestrian or vehicular entrance (driveway) serving the property from Halstead Lane.

H. All refuse containers and heating and air-conditioning units will be maintained within wooden or masonry enclosures or otherwise screened from direct view from adjacent residentially zoned lots.

I. Exterior lighting shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent residential properties along Halstead Lane, Sawmill Road and Woodchester Court. Freestanding light poles within one hundred (100') of the property line of PIN 0797.10 47 5057 (Payne) and PIN 0797.10 47 6220 (Rhodes) or within one hundred feet (100') of the Halstead Drive right-of-way shall not exceed eighteen feet (18') in height.

J. If additional right-of-way (not exceeding ten feet (10') in width) is taken by the government for improvements to adjacent roadways, the property owner will be compensated and/or reimbursed at R-6 land values.

K. At the time of site plan approval, a unity-of-development plan, as that term is defined in the City of Raleigh zoning ordinance, will be formulated for all buildings on the site assuring complementary architectural style, construction materials and cross-access ways. The style and material shall complement the existing Stonehenge-Park West, being Wake County PIN 0797.06 47 6967.

L. Copies of all site plan and subdivision plan applications shall be mailed first class to adjacent owners (PIN No's 0797.10 47 5057 and 6220), owners on the west side of Halstead Lane (PIN No's 0797.10 46 5513, 5631, 5720, 4798 and 4845), and owners on the south side of Sawmill Road (0797.10 46 9335, 7385, 7325, 6385, 6335, 5335, and 5375) concurrent with filing with the City of Raleigh. The names and addresses used shall be those listed with the Wake County tax office as current owners.

M. Any exterior signs shall be installed on and/or face the Creedmoor and/or Sawmill Road frontages. The street protective yard along Creedmoor Road shall average twenty-feet (20') in width.

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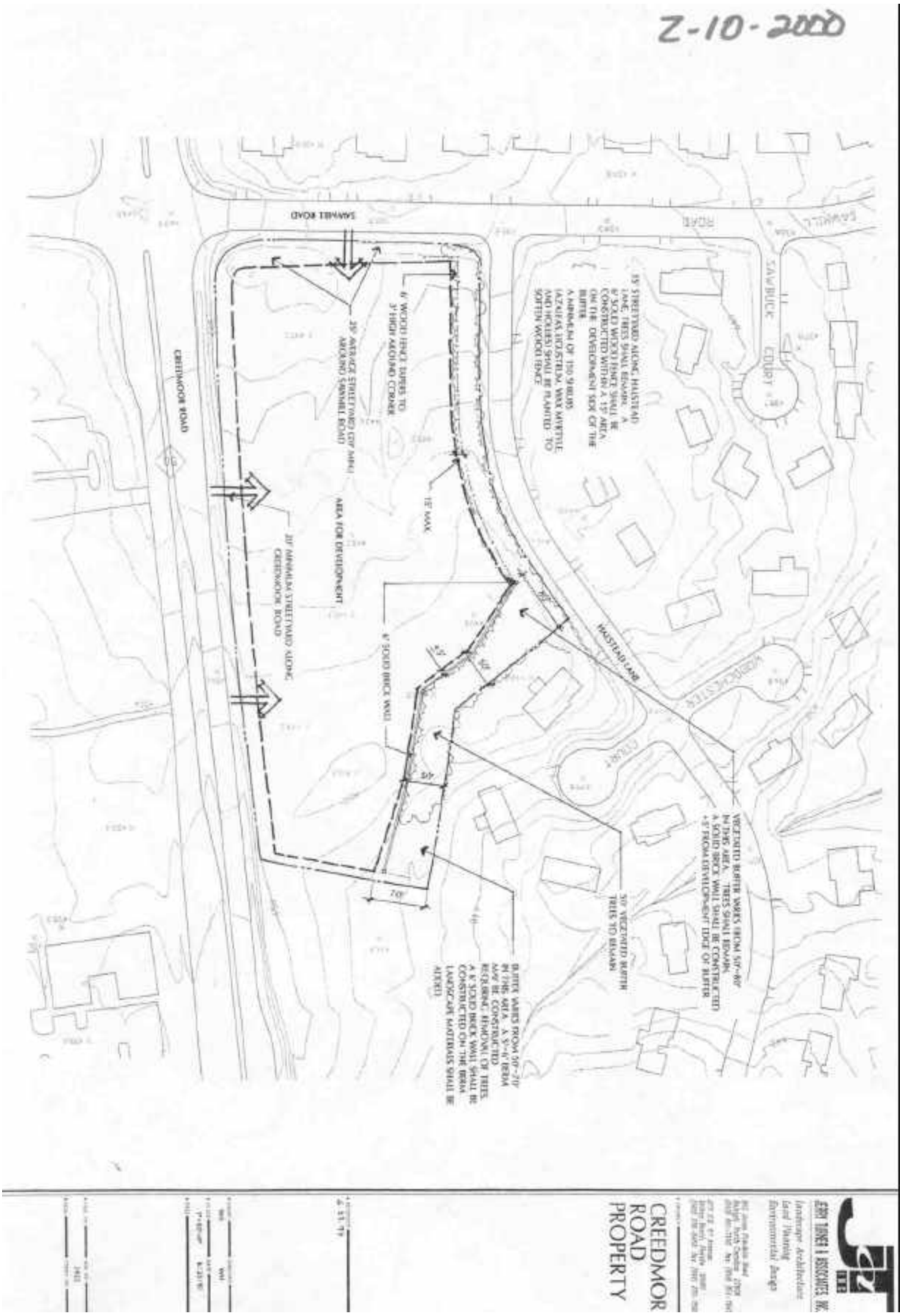

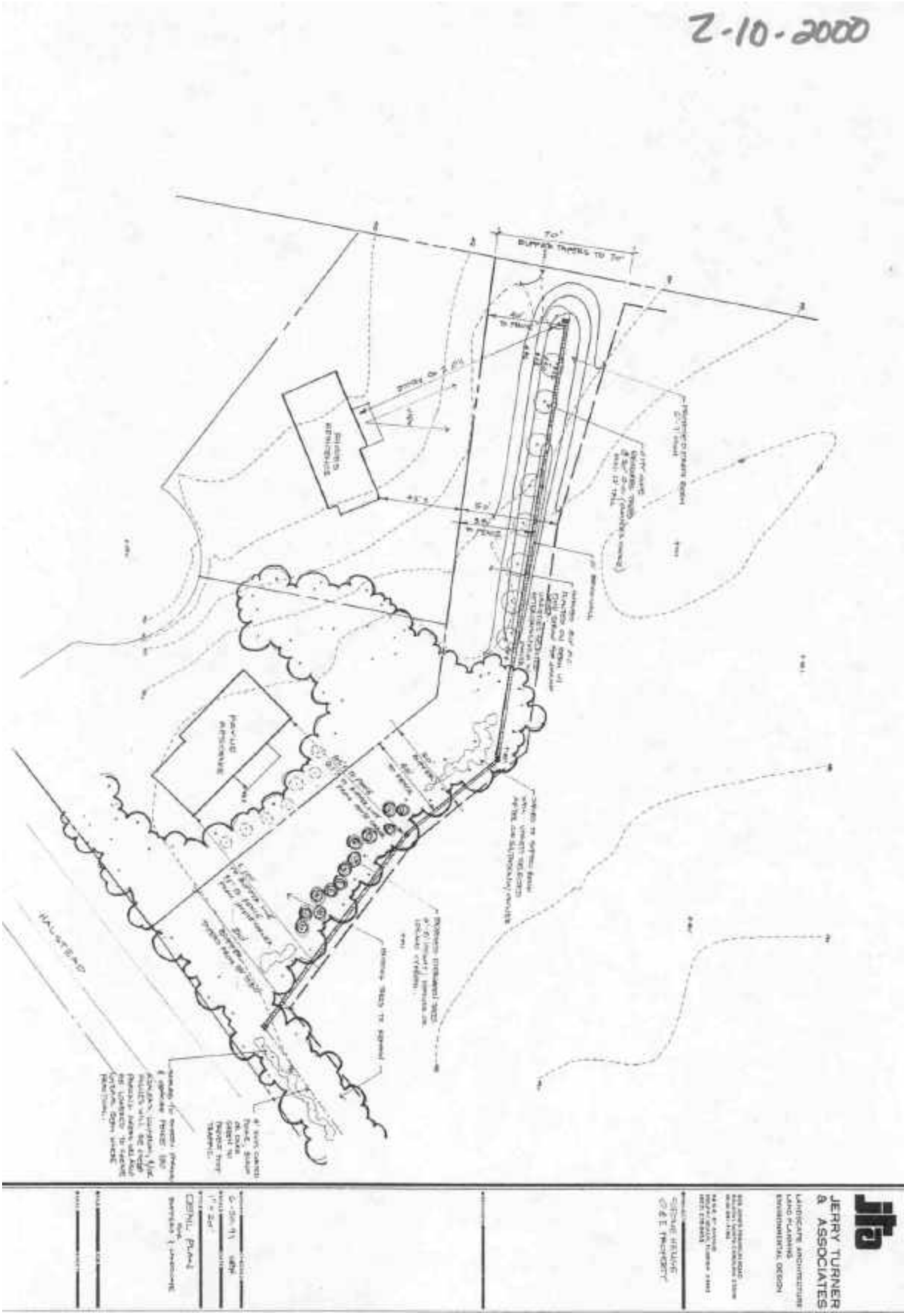
2-10-2000
JERRY TURNER & ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING
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