Z-27-07 – Bashford Road, located north of Bashford Road, east of Oak Run Drive, being Wake County PIN 0773888111. Approximately 5.7 acres rezoned to Residential -15 Conditional Use.

Conditions 10/25/07

(a) Right-of-way reimbursement shall be paid at R-10 levels.

(b) A Type "C" Transitional Protective Yard having a width of at least thirty (30) feet shall be maintained along the northern property line along the common boundary between the subject property and the Oak Run Townhouses Homeowners Association (PIN 0773887744, Deed Book 3589, Page 725). At least fifty percent of the required TPY shall be undisturbed, except to the extent tree disturbance activities are permitted in secondary tree conservation areas, If additional shrub plantings are required, they shall be evergreens (which may include but shall not be limited to, Osmanthus, Gardenia and/or Camelia) and all new shrubs shall be a minimum height of at least twenty-four (24) inches at the time of planting. Deciduous plantings shall not be counted towards landscape ordinance requirements.

(c) The minimum building setback from the northern property line along the common boundary between the subject property and Oak Run Townhouses Homeowners Association (PIN 0773887744, Deed Book 3589, Page 725) shall be thirty (30) feet.
(d) All dumpsters on the property shall be screened from view from Oak Run Townhome property (PIN 0773887744, Deed Book 3589, Page 725) with a solid wall or fence which is at least eight (8) feet in height and emptying of dumpsters shall not occur before 8:00 am or after 7:00 pm.

(e) Light fixtures installed on the property after the adoption of this rezoning case shall not exceed twenty-five (25) feet in height or such lower height as is otherwise required by City Code.

(f) Prior to the earlier of (i.) the issuance of a building permit for an additional habitable building or (ii) the date which is eighteen (18) months after the date of the adoption of this rezoning ordinance, the existing parking lot adjacent to Bashford Road shall be screened from the right-of-way of Bashford Road by a landscaped buffer yard planted with evergreens which are a minimum of two (2) feet high at

the time of planting and are spaced no more than four (4) feet on center.

(g) The existing pond on the property shall be retained and shall cover substantially the same area, or a greater area, as the existing pond, subject to changes caused or required by weather conditions or governmental requirements.

(h) Prior to the earlier of (i) the issuance of building permit for any additional habitable building (not to include accessory structures, such as a mail kiosk) or (ii) the date which is eighteen (18) months after the date of the adoption of this rezoning ordinance, the capacity of the existing pond shall be measured and that information supplied to the City of Raleigh as part of the building permit application and/or a stormwater management plan. Following the issuance of a building permit, the total storage capacity of the pond (including existing storage and future storage) shall remain substantially the same, or shall increase, subject to changes caused or required by weather conditions or governmental requirements.

(i) As to habitable buildings constructed on the property after the adoption of this rezoning ordinance:

(i) At least ninety percent (90%) of each side of each building (exclusive of doors, windows, trim, and vents) shall be lap siding; siding shall be composite cementitious/wood product or wood; no vinyl siding shall be allowed. Vinyl trim including roof eaves and soffits shall be permitted.

(ii) Building elevations shall provide articulation in the footprint or the addition of projecting bays; no portion of the building elevation shall extend more than twenty linear feet (20') without a projection forward or backward from the principal wall of at least one foot (1'); no portion of the building elevation shall extend more than thirty-five linear feet (35') without an additional projection forward or backward from the principal wall of at least two feet (2').

(iii) Balconies, decks, patios designated for use exclusively by individual dwellings (not to include common areas) shall be no greater than one-hundred (100) square feet in area;

(iv) Intentionally deleted.

(v) The height of any new building shall be a maximum of thirty-two (32) feet, measured based upon distance between (A) the average of the finished grades of the corners of the building; and (B) the average height level of the roof.

(vi) All such building(s) shall have a roof overhang which is a minimum of twelve inches (12”) on all sides of the building(s).

(vii) All such building(s) shall include either an entry feature which shall be either a porch or covered entry containing at least eighty (80) square feet. Such entry feature shall project or be recessed at least three (3) feet from the front principal building wall.

(viii) All outdoor wood railings, banisters and trim shall be painted, stained or varnished.

j. Prior to obtaining a Certificate of Occupancy for any habitable building constructed on the property after the adoption of this rezoning ordinance, a roofed kiosk for mailboxes shall be provided for existing and newly installed mailboxes.

k. Prior to obtaining a Certificate of Occupancy for any habitable building constructed on the Property after the adoption of this rezoning ordinance, the missing portions of sidewalk along the east side of Oak Run Drive right of way shall be installed so that there is a continuous sidewalk from the northern margin of the right-of-way of Bashford Road to the southernmost point of the cul-de-sac of Oak Run Drive.

l. Prior to subdivision approval or the issuance of any building permit for new construction on the property, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty (20) feet adjacent to Bashford Road by fifteen (15) feet wide to support a bus stop for current and/or future transit services in the area. The location of the easement shall be selected by the property owner and approved by the Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation.

m. Residential density on the property shall not exceed fourteen (14) dwelling units per acre.

n. No dwelling units which are constructed, created, reconfigured or redeveloped after the passage of this rezoning ordinance shall contain bedrooms in excess of two (2) bedrooms.