Ordinance: 534 ZC 631
Effective: February 3, 2009

Z-50-08 – Conditional Use, Falstaff Road – located on the southeast quadrant of the intersection of Falstaff Drive and Luther Road, extending south to Kidd Road being, various Wake County PIN(s). Approximately 18.46 acres to be rezoned to Office and Institution -2 Conditional Use District.

Conditions Dated: 01-28-08

Narrative of conditions being requested:

As used herein, the "Property" refers to all of those certain tracts or parcels of land containing an aggregate of approximately 18.46 acres located at the southeastern quadrant of the intersection of Luther Road and Falstaff Road, and having Wake County PINs 1723-19-4205 (lot 2 as shown in Book of Maps 1989, Page 728), 1723-19-6662 (lot 12, BM 1989, PG 728), 1723-19-8650 (lot 100, BM 1989, PG 728), 1723-19-7363 (lot 101, BM 1989, PG 728), 1723-18-9891 (lot 102, BM 1992, PG 34), 1723-29-0362 (lot 103, BM 1989, PG 728), 1723-29-0574 (lot 104, BM 1989, PG 728), 1723-19-5472 (lot 11, BM l989, PG 728).

(a) The following uses shall be prohibited upon the Property:

- Cemetery
- Utility services and substation
- Airfield landing strip and heliport
- Manufacturing — specialized
- Fraternity house
- Sorority house
- Funeral parlor

(b) Reimbursement for any required right-of-way dedication for the three parcels fronting Luther Road, with Wake County PINs 1723-19-6662 (lot 12, BM 1989, PG 728), 1723-19-5472 (lot 11, BM 1989, PG 728), 1723-19-4205 (lot 2, BM 1989, PG 728), shall be at the current R-6 rate. Reimbursement for any required right-of-way dedication for the remaining five parcels, with Wake County PINs 1723-19-8650 (lot 100, BM 1989, PG 728), 1723-29-0574 (lot 104, BM 1989, PG 728), 1723-19-7363 (lot 101, BM 1989, PG 728), 1723-29-0362 (lot 103, BM 1989, PG 728), 1723-18-9891 (lot 102, BM 1992, PG 34), shall be at the current O&l-1 rate.

(c) Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of the Property shall deed to the City two transit easements measuring twenty (20) feet long adjacent to the right-of-way by fifteen (15) feet wide to support bus stops for future bi-directional transit services in the area. The locations of the transit easements shall be approved by the Transit

Division of the City, and the City Attorney or his Associate shall approve the transit easements deed prior to recordation.

(d) The maximum height for any building, including any parking structure, constructed upon the Property shall be the lesser of ninety-five (95) feet or five (5) stories in height, as determined pursuant to Section 10-2076 of the Raleigh City Code.

(e) The existing exterior of the Clarence Poe House shall be maintained using building materials that are compatible with the existing façade treatment, including but not limited to wood and masonry. In the event of the Clarence Poe House is damaged or partially destroyed as a result of: the exercise of eminent domain; man-made acts, such as riot, fire, accident, explosion; or flood, lightning, wind, or other calamity or natural act, the owner shall be obligated to rebuild and/or reconstruct the Clarence Poe House only in the event that the cost of rebuilding, reconstructing or restoring the house is less than fifty (50) per cent of the tax value of the house. No vinyl siding shall be used on the Clarence Poe House, or any addition attached thereto. Any addition attached to the Clarence Poe House shall use building materials that are compatible with the existing façade treatment, including but not limited to wood and masonry. Subject to the foregoing, the existing +/- 5,000 square foot Clarence Poe House shall not be torn down.

(f) Any freestanding addition, to be used in conjunction with the Clarence Poe House or with uses located within the Clarence Poe House, will be compatible in scale and mass, utilizing forms, materials, and fenestration patterns appropriate as part of the Poe House compound.

(g) Except for any freestanding addition to be used in conjunction with the Clarence Poe House or with uses located on the Property within the Clarence Poe House (as described in Condition (f)), there shall be no buildings located within thirty (30) feet of the Clarence Poe House.

(h) Any renovations, additions, or other physical changes to the exterior of the Clarence Poe House, as well as any removal of trees greater than 10 caliper inches and located within 35 feet of the Clarence Poe House shall be presented to the Raleigh Appearance Commission and Raleigh Historic Districts Commission for advisory comments. Further, any site plan or plot plan involving renovations, additions, or other physical changes to the exterior of the Clarence Poe House shall be presented to the Raleigh Planning Commission for approval, unless the City Code requires approval by the Raleigh City Council.

(i) Any building containing an office use constructed on the three (3) parcels of the Property with frontage along Luther Road, with Wake County PINs 1723-19-6662 (lot 12, BM 1989, PG 728), 1723-19-5472 (lot 11, BM 1989, PG 728), 1723-19-4205 (lot 2, SM 1989, PG 728), shall have a minimum roof pitch of 4:12.

(j) The exterior façade of any building containing an office use constructed on the three (3) parcels of the Property with frontage along Luther Road, as described above in condition (h) shall be constructed using a minimum of eighty percent (80%) brick or masonry materials, excluding the area of windows and door openings. The combined area of front windows and doors shall represent no less than fifteen percent (15%) and no greater than sixty percent (60%) of the front façade of any building containing an office use constructed on the three (3) parcels of the Property with frontage along Luther Road, as described above in condition (i).

(k) There shall be a minimum building setback from the existing fifty (50) foot right-of-way of Luther Road of one hundred and twenty (120) feet. The maximum height for any building located within one hundred and fifty (150) feet of the existing fifty (50) foot right-of-way of Luther Road shall be the lesser of thirty-eight (38) feet or two (2) stories, as determined pursuant to Section 10-2076 of the Raleigh City Code.

(l) Any access to the Property from Luther Road shall be limited to serve structures located on the three (3) parcels of the Property with frontage along Luther Road, as described above in condition (i), and vehicular access to or from the balance of the Property shall be prohibited.

(m) Those portions of the Property abutting Luther Road shall exceed the opacity requirements of Section 10-2082.6(b) (1) (street yard vehicular surface plantings, density) by at least five percent (5%).