ORDINANCE (2002) 153 ZC 511
Effective: 02/05/02

Z-75-01 Old Poole Road, south side, east of New Hope Road, being Wake County PIN 1733.17-11-5999 and 1733.17-11-5313. Approximately 38.96 acres rezoned to Residential-10 Conditional Use.

Conditions dated: (01/22/02)

For purposes of the following condition or conditions, Tax Parcels PIN 1733.17-11-5999 and 1733.17-11-5313 are referred to as the "Property."

1. Any development of the Property shall comply with Certified Recommendation 7101 of the Planning Commission, which deals with the control of stormwater.

2. Along the boundary of the Property with a parcel in the Cannon Ridge Townhouses Subdivision, which parcel constitutes the common property for the subdivision and has Tax Parcel PIN 1733.17-21-0709 (the "Cannon Ridge Tax Parcel"), there shall be a tree preservation area twenty (20) feet in width. All trees shall be preserved within this area; provided, however, the tree preservation area may be disturbed for the installation of utilities and storm water pipes and for the removal of dead, dying, or diseased trees. Supplemental plantings shall be allowed within the tree preservation area.

3. Along the boundary of the Property with Tax Parcels PIN 1733.17-11-7055; 1733.17-11-8045; 1733.17-11-9040; 1733.17-21-0033; 1733.17-21-1005; 1733.17-21-1095; 1733.17-21-2083; and 1733.17-21-3063 (the "Meadows at Eagle Chase Tax Parcels"), there shall be a tree preservation area twenty (20) feet in width. All trees shall be preserved within this area; provided, however, the tree preservation area may be disturbed for the installation of utilities and storm water pipes and for the removal of dead, dying, or diseased trees. Supplemental plantings shall be allowed with the tree preservation area.

4. No building (except single-family detached dwelling units), swimming pool, tennis court or basketball court shall be located closer than one hundred fifty (150) feet to the boundary of the Property with the Meadows at Eagle Chase Tax Parcels. No single-family detached dwelling units shall be located closer than seventy-five (75) feet to the boundary of the Property with the Meadows at Eagle Chase Tax Parcels.

5. At least twenty (20) feet into the Property and extending parallel to the boundary with the Meadows at Eagle Chase Tax Parcels, a closed fence six (6) feet in height shall be constructed prior to the issuance of a building permit for improvements on the Property and maintained thereafter; provided, however, said fence shall not be required to be constructed within any area subject to a public or private easement.

6. No more than one (1) curb cut shall be permitted from Old Poole Road. All trees that are within that area of the Property within twenty (20) feet of the right-of-way of Poole Road (as established upon site plan approval) having a diameter at breast height of three (3) inches or greater shall be preserved; provided, however, thirty per cent (30%)

of the area designated for tree preservation may be disturbed for the installation of an entrance feature, the aforementioned curb cut, and utilities. Supplemental plantings shall be allowed within the tree preservation area.

7. No fence greater than four (4) feet in height shall be installed within twenty (20) feet of the right-of-way of Old Poole Road. Within those areas of the Property between twenty (20) feet and fifty (50) feet of the right-of-way of Old Poole Road, any fence greater than four (4) feet in height will be seventy five per cent (75%) screened by plantings.

8. Reimbursement for future right-of-way dedication shall be based upon Residential-4 values.

9. All mechanical equipment upon the Property shall be at least seventy five per cent (75%) screened from public view at ground level from Poole Road Extension and Old Poole Road and from the following parcels adjacent to the Property: 1733.17-21-0709 (Jordan's Construction; 1733.17-21-3552 (Cannon's Ridge Homeowners Association); 1733.17-21-3063 (Hodakowski); 1733.17-21-2083 (Epps); 1733.17-21-1095 (Boehm); 1733.17-21-1005 (Hayes); 1733.17-21-0033 (Certo); 1733.17-11-9040 (Williams); 1733.17-11-8045 (Cannady); 1733.17-11-7055 (Lentz); 1733.17-10-5936 (Oak Ridge Realty & Construction); and 1723.20-91-9490 (~~Gower Group, LLC~~), (Oak Ridge Realty & Construction). Screening shall consist of plantings or be of a design and material compatible with those of the associated building.

10. Residential development of the property shall be limited to no more than three hundred (300) dwelling units and associated amenities.

11. Prior to the issuance of any grading permit with respect to the Property, a tree survey shall be submitted to the City's Zoning Enforcement Supervisor which shows the trees to be preserved pursuant to the foregoing conditions (6).

12. Upon development of the Property, a public street upon the Property will be extended to connect to existing Cannon Ridge Drive. In addition, upon development of the Property, a public street upon the Property will be extended to intersect with a public street upon Tax Parcel 1723.20-91-9490 (Oak Ridge Realty & Construction, Inc.) shown on an approved subdivision plan and built or to be built to the boundary of such Tax Parcel with the Property. Construction of the streets required under this condition shall be subject to site plan approval by the City of Raleigh and any approval required of a state and/or federal agency or authority.