Ordinance (2001) 6 ZC 498
Effective: 5-15-01

Z-33-01 **Edwards Mill Road**, north side, opposite Glen Eden Drive. Approximately 12.27 acres, to be rezoned from Residential-4 to Residential-6 Conditional Use.

Conditions: 04/27/01

1. Development of the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission.

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

3. There shall be no direct beaming of light from the Property into any adjoining parcel containing one or more dwellings.

4. Dwelling units upon the Property shall consist only of detached dwellings, townhouse development, or unit ownership (condominium) development (or a combination thereof) and related amenities and accessory uses.

5. The facades of buildings constructed upon the Property shall consist of brick, hardiplank (or equivalent) and/or vinyl material (other than vinyl siding).

6. Buildings constructed upon the Property shall not exceed thirty-nine (39) feet in height.

7. The portion of the Property within 50 feet (measured perpendicularly) of tax parcels (PINS) 0785.08-89-8212 (Phelps), 0785.08-99-0312 (Warden), 0785.08-99-1400 (Nesbitt), 0785.08-99-3372 (Bunn) and 0785.08-99-4271 (Wilson) shall not be graded and shall consist of a tree preservation area wherein all trees having a caliper of 4 inches or more shall be retained. Except in areas where prohibited by the Neuse River Riparian Buffer Rules, supplemental landscaping shall be provided within such areas in accordance with the plan attached hereto as Exhibit C-1. Not withstanding the foregoing:

   a. Utility lines, including water and sewer, may cross the tree Preservation area.

   b. New vegetation, as well as the fence referred to in the following condition, may be included within the tree preservation area.

   c. Treatment or removal of unsafe, dead, dying, or diseased trees shall be allowed.

   d. With respect to the portion of the Property within 50 feet (measured perpendicularly) of tax parcel (PIN) 0785.08-99-4271 (Wilson), a landscaped berm shall be installed therein which shall be constructed as shown on Exhibit C-3 attached hereto. It is provided, however, that the berm shall be installed so as to preserve existing trees with a caliper of four inches d.b.h. Thus, the berm may meander and have gaps as appropriate to preserve such trees.

8. A landscaped berm shall be installed in the area of the Property within 25 feet (measured perpendicularly) of tax parcels (PINS) 0785.08-99-6055 (Hammond), 0785.08-98-5995 (Hammond), 0785.08-98-6818 (Hammond), and 0785.08-98-7706 (Hammond). The landscaped berm shall be constructed as shown on Exhibit C-2 attached hereto.

9. Upon development of the subject property, a closed fence six (6) feet in height will be constructed and maintained along the boundary line of the Property with PINS 0785.08-89-8212 (Phelps), 0785.08-99-0312 (Warden), 0785.08-99-1400 (Nesbitt), 0785.08-99-3372(Bunn), 0785.08-99-4271(Wilson), 0785.08-99-6055 (Hammond), 0785.08-98-5995 (Hammond), 0785.08-98-6818 (Hammond), and 0785.08-98-7706 (Hammond). The fence may meander along the property line in order to avoid removal or disturbance of existing trees.

10. Refuse containers shall be maintained within enclosures constructed of materials comparable to those used in the principle buildings. Air conditioning, heating, and other mechanical units shall be similarly screened from direct view from adjacent residentially zoned lots.

11. No permanent curbcut serving the Property shall be located on Edwards Mill Road. Following completion of development, the Property shall be served only by curbcuts located on Glen Eden Drive.

12. Assuming the portion of the Property adjoining the right of way of Edwards Mill Road is the front of the Property, the rear and side transition yards upon the Property shall be a minimum of 20 feet in width, with 50% of all trees in such yards greater than 12 inches d.b.h. to be preserved and actively protected.

13. Within those areas of the Property within 50 feet of the right of way of Edwards Mill Road established upon site plan approval, 75% of the trees 20 inches d.b.h. or greater shall be preserved and actively protected. It is provided, however, that this condition shall not apply to the removal of trees by NCDOT or its contractors (or their subcontractors) incident to the widening of Edwards Mill Road.

14. No closed fence (other than a brick or masonry wall) greater than 4 feet in height shall be installed within 20 feet of the right of way of Edwards Mill Road. Within those areas of the Property between 20 and 50 feet of the right of way of Edwards Mill Road, any fence greater than 4 feet in height will be 50% screened by plantings.

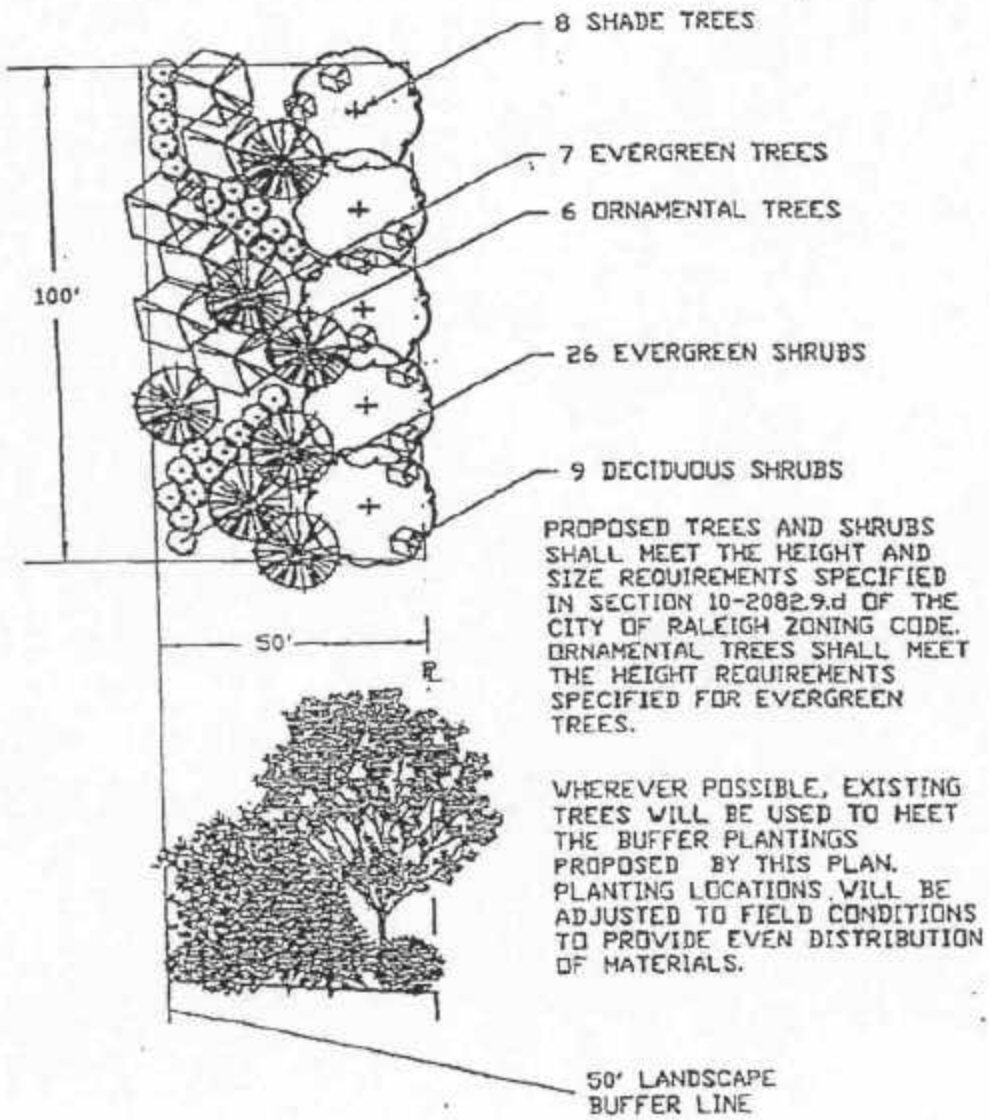
15. With regard to the boundary of the Property with tax parcel (PIN) 0785.08-99-4271 (Wilson), within 30 days following the issuance of a grading permit with respect to the Property, the owner of the Property shall install upon such tax parcel along its boundary with the Property leyland cyprus trees a minimum of 4 inches d.b.h. on 8-10 foot centers.

16. A tree survey showing all trees which are to be preserved upon the Property pursuant to these conditions shall be submitted to the city's Chief Zoning Inspector within 120 days following the rezoning of the Property.

17. The owner of the Property shall make available a transit easement fifteen feet wide by twenty feet in length along the boundary of the Property with Edwards Mill Road to support future transit and pedestrian enhancements in the area. Prior to site plan approval, the Transit Division and the owner of the Property mutually shall agree upon the location of such easement.

18. Upon development, the parcels comprising the Property shall be recombined into a single lot or cross-access agreements with respect to such lots shall be recorded.

EXHIBIT C-1



PROPOSED TREES AND SHRUBS SHALL MEET THE HEIGHT AND SIZE REQUIREMENTS SPECIFIED IN SECTION 10-2082.9.d OF THE CITY OF RALEIGH ZONING CODE. ORNAMENTAL TREES SHALL MEET THE HEIGHT REQUIREMENTS SPECIFIED FOR EVERGREEN TREES.

WHEREVER POSSIBLE, EXISTING TREES WILL BE USED TO MEET THE BUFFER PLANTINGS PROPOSED BY THIS PLAN. PLANTING LOCATIONS WILL BE ADJUSTED TO FIELD CONDITIONS TO PROVIDE EVEN DISTRIBUTION OF MATERIALS.

JDAVISARCHITECTS

Edwards Mill Rd. Tract

50' BUFFER PLAN — PRELIMINARY

Raleigh, North Carolina

30' 15' 0 30'

January 29, 2001 1

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Amended 4-27-01
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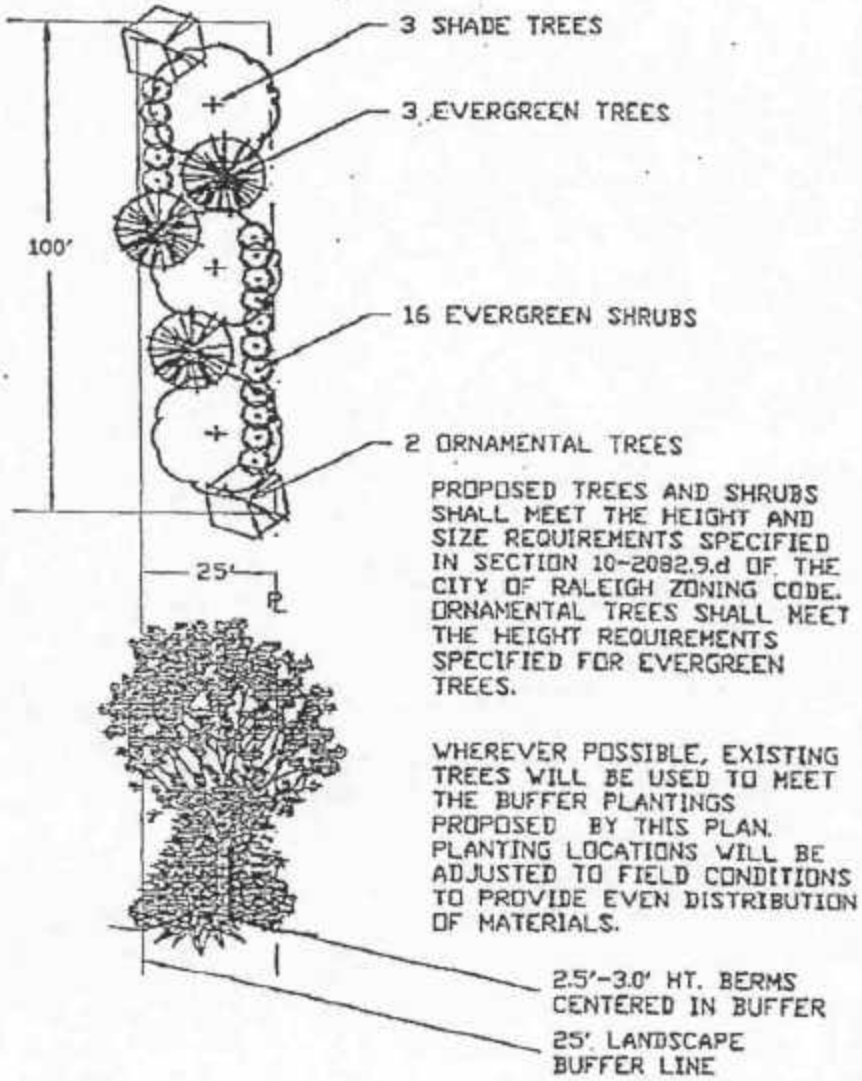
EXHIBIT C-2



JDAVISARCHITECTS

Edwards Mill Rd. Tract

25' BUFFER PLAN PRELIMINARY

Raleigh, North Carolina

30' 15' 0 30'

January 29, 2001 2

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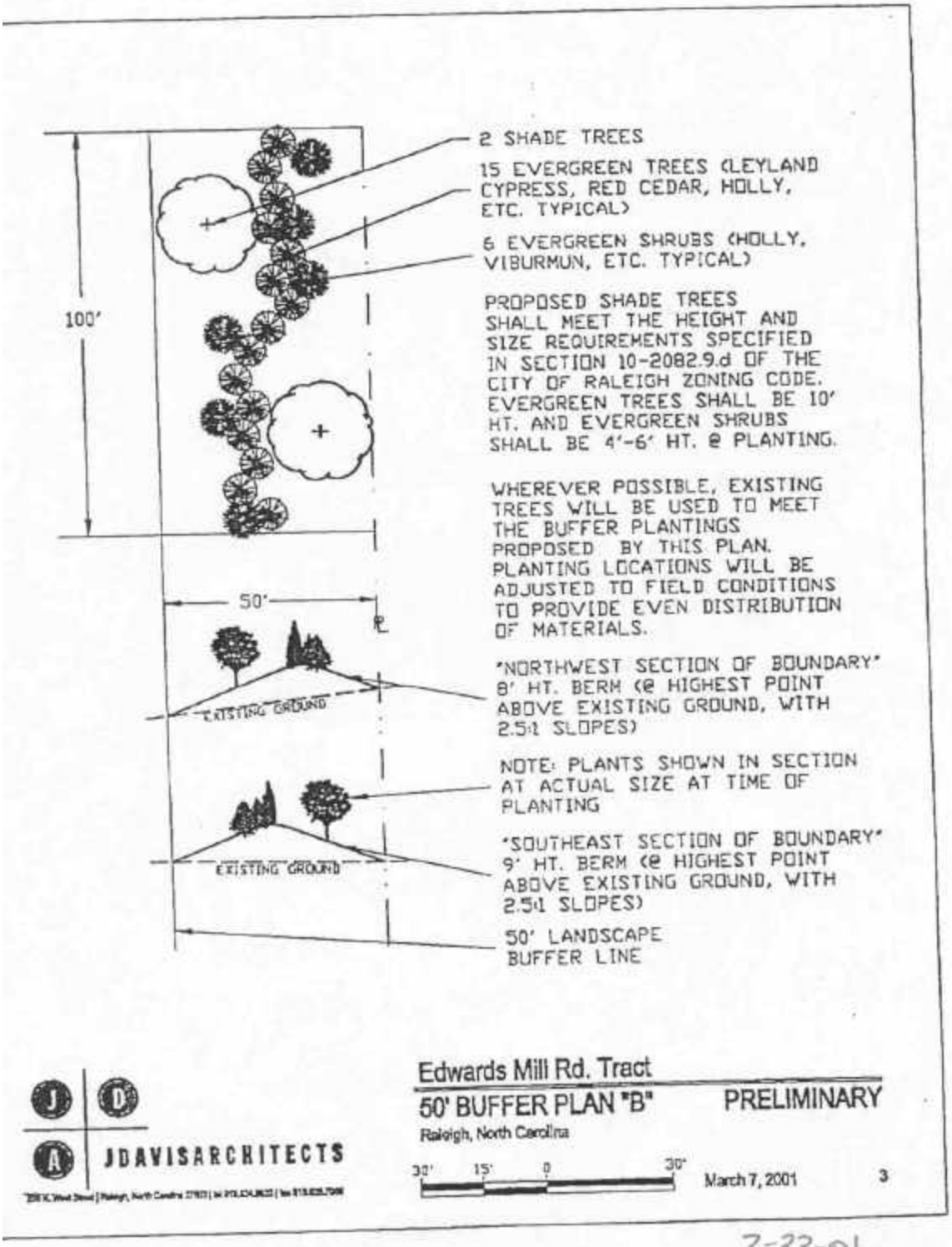
Exhibit C-3



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