Ordinance (2003) 455ZC538
Effective: June 3, 2003

Z-22-03 **Gresham Lake Road**, north side of Gresham Lake Road, adjacent to the Northern Wake Expressway being Wake County PIN 1727.09-07-6366. Approximately 5.28 acres rezoned to Office & Institution-1 Conditional Use.

Conditions: 5/28/03

1) Only those residential land uses allowed by the Schedule of Permitted Land Uses in Zoning Districts of Section 10-2071 for the O&I-1 Zoning District shall be permitted within fifty feet (50') of the boundary of the Property with Tax Parcels PIN 1727.05-07-5956 (M.I. Schottenstein Homes, Inc.); 1727.05-07-5879 (M.I. Schottenstein Homes Inc.); 1727-05-07-5862 (Marilyn Y. Bastian); 1727.05-07-5735 (James W. and Sandra K. Veno); 1727.05-07-5617 (Joan F. Dorman); 1727.05-07-4682 (John Robert and Gail Harris Smith); 1727.05-07-4565 (Jesse E. and Deborah J. Faircloth); 1727.09-07-4413 (Gregory Lance & April S. Knish); 1727.09-07-3387 (John J. Miles); 1727.09-07-3361 (Linda Beth and Jose Miquel Rios Rosa); and 1727.09-07-3233 (Joseph E. Butts, III) (collectively, the "Parcels").

2) Reimbursements for any future right-of-way dedication shall remain at current R-6, CM and Industrial-1 rates.

3) One twenty (20) feet wide (adjoining the right-of-way) by fifteen (15) feet deep transit easement along Gresham Lake Road shall be deeded to the City of Raleigh prior to any development of the Property. Prior to site plan approval, or subdivision approval of the Property, whichever shall first occur, the Transit Division of the City of Raleigh shall determine the location of the transit easement.

4) If the Property is developed as an office or offices, or as a multi-family or a group housing development, upon development there shall be constructed along the boundary of the Property with the Parcels a berm a minimum of two and one half (2 1/2) feet in height. Upon development there shall be constructed upon such berm a closed vinyl fence a minimum of six (6) feet in height.

5) If the Property is developed as an office or offices, or as a multi-family or a group housing development, all dumpsters upon the Property visible from the Parcels shall be screened on three (3) sides with brick or vinyl building materials, identical or comparable in terms of texture, quality, and color, to the materials used in the principal building(s) on the Property.

6) If the Property is developed as a multi-family or a group housing development, buildings within fifty (50) feet of the Property's boundary with the Parcels shall not exceed three (3) stories or fifty (50) feet in height from the finished grade. If the Property is developed as a group housing or multi-family development, the buildings within fifty (50) feet of the Property's boundary with the Parcels shall not have balconies that face the Parcels.

7) If the Property is developed as a group housing or a multi-family development, all residential buildings shall have a sloped roof with at least a three and one half to one (3 1/2 to 1) pitch.

8) If the Property is developed as an office or offices, or as a multi-family or a group housing development, buildings upon the Property shall be located no closer than forty (40) feet to the boundary of the Property with the Parcels.