

**Z-35-04 – Shady Grove Road**, east side, being Durham County PIN 0779-03-00-6178 and 0779-03-00-7759. Approximately 36.132 acres rezoned to Office and Institution-1 Conditional Use (24.632 acres) and Office and Institution -1 Conditional Use with Airport Overlay District (11.5 acres).

Conditions dated: (8/24/04)

- A. Reimbursement for any public right-of-way dedication will be based on Rural Residential zoning.
- B. Any office development shall be limited to a maximum floor area gross of 200,000 square feet.
- C. Outside dumpsters shall have plastic lids and shall only be emptied between the hours of 7:00 a.m. and 7:00 p.m.
- D. Any recorded subdivision or recombination map of the subject property shall include a notation that the property lies within the Raleigh Durham International Airport "composite 65 DNL noise exposure contour" projected in the RDU Airport's long range facility plans.
- E. Any new residential dwelling[s] on the subject property shall be constructed with material and in a manner sufficient to assure a 25 dB reduction of A-weighted aircraft sound levels reaching the interior of the dwelling resulting in interior sound levels not exceeding 42 dB. A written certification for the Director of the Inspections Department of the City of Raleigh by an architectural acoustician accredited by the Acoustical Society of America, or state Licensed Engineer or Architect shall be deemed to satisfy this condition.
- F. Any site plan or subdivision submitted on this property shall provide for a deed of transit easement to the City of Raleigh for a future bus stop (20' adjoining right-of-way, by 15' deep) along Mt. Herman Road right-of-way, the location of which is subject to the Transit Division.
- G. All hardwood trees within the grove located along Mr. Herman Road measuring five (5) inches or greater d.b.h. as shown on attachment A, shall be preserved and protected.
- H. A natural protective yard, a minimum of thirty-five (35) feet in width shall be provided along the collector street, Mt. Herman Road.
- I. A protective yard a minimum of one hundred (100) feet in width shall be provided above either bank of Sycamore Creek on the property. The seventy-five (75) feet closest to the bank shall be a natural protective yard. The remaining twenty-five feet may be disturbed and replanted; however, no structures of any kind shall be permitted.

- J. Within forty-five (45) days following the adoption of this zoning ordinance a survey of all trees measuring greater than fifteen (15) inches d.b.h. shall be given to the Zoning Inspection Supervisor, and at minimum fifty (50) percent of all trees measuring fifteen (15) inches or greater d.b.h. shall be subject to active tree preservation and protected.
- K. Before grading commences, the tree preservation plan for the site shall be reviewed by the Landscape and Design Committee of the Appearance Commission.
- L. All outdoor area and parking lot lighting fixtures located within two hundred (200) feet of residentially-zoned properties shall be of full cut-off (shielded) design.
- M. At the time of subdivision or site plan approval whichever first occurs, the owner shall dedicate as much of a 75-foot wide greenway easement on each side of Sycamore Creek as is on the property. Reimbursement shall be limited to Rural Residential values.
- N. Any residential development of this property shall be limited to 200 dwelling units.
- O. Vehicular and pedestrian cross-access shall be provided between the office and residential uses for the rezoned property. The pedestrian cross-access may include the proposed greenway along Sycamore Creek.