Ordinance: 432 ZC 623
Effective: July 15, 2008

Z-15-08 Conditional Use – Landmark Road located on the north side of Lake Boone Trail, west and east of its intersection with Landmark Drive, being Wake County PIN 07585932086. Approximately 34.29 acres rezoned to Office & Institution-1 Conditional Use District.

Conditions:07/08/08

1. **Prohibited Uses**. Prohibit the following uses: beauty, nail and manicure, cosmetic art and barber shop; cemetery; radio and television studio; utility substation; research farm; non-governmental commercial outdoor stadium/theater/amphitheatre/racetrack; governmental recreational use; governmental outdoor /stadium/theater/amphitheatre/racetrack; governmental indoor arena/coliseum/theater as a principal use or not part of a public park; rooming house, boarding house, lodging house or tourist house; religious shelter unit; governmental art gallery; Church, synagogue or religious education building; Christmas tree, greens and ornamental outdoor display area sales between Nov. 15 and Dec. 31; Fire station, police precinct, training facility and other emergency service facility; crematory; Special Care Facility; orphanage; veterinary hospital; landfill and utilities (including all subcategories except utility services); governmental indoor rifle range (as part of a law enforcement training facility); parking facility (including surface parking and parking deck/garage) as a principal use only, or as an associated use to a building which is not located on the property subject to these zoning conditions; fraternities and sororities; storage buildings (as a principal use only); wildlife sanctuary; camp; equestrian trails; golf courses driving ranges: tanning facilities (as a principal use only): athletic league fields; campgrounds; above ground storage tanks; horse stall; duplex; transitional housing (emergency shelter type B); transitional housing (religious shelter); civic club; correctional/penal facility; civic/convention center and assembly hall, monastery; convent; family child care home; school (public or private elementary, middle and high, institution of higher education including college and university, technical and vocational and specialty school); plasma center: veterinarian; hair replacement; masseur; bed and breakfast inn; communications (radio and television station) telecommunication towers; telegraph offices; movie theatre (outdoor); reservoir and water control structures (as a principal use only); specialized manufacturing uses; transportation (airfield, landing strip, heliport or railroad freight) or passenger transit station or stop and taxi stand (as a principal use only).

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2. Transitions, Screening and Buffering

i) Upon any development of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, the owner shall install and continue to maintain a thirty (30) foot wide transitional protective yard on the subject property adjacent to the property line of the properties described in the deeds recorded in the Wake County Registry as follows: Book 12676, Page 2328; Book 4681, Page 860; Book 3491, Page 38;. Book 6241, Page 489; and Book 12382, Page 211 (collectively the Single Family Residential Parcels"), consisting of: (a) a closed fence or wall (as defined in Section 10-2002 of the Raleigh City Code) six (6) feet in height along the length of said property line; and (b) planting materials (as defined in Section 10-2082.9(d) of the Raleigh City Code)(which include evergreens), so as to create 75% opacity after three (3) years of growth and full opacity after five (5) years of growth, as depicted in Exhibit 2, attached.

ii) Other than the installation and maintenance of the transitional protective yard stated in 2)i) above, the area on the subject property between the property line of Single Family Residential Parcels and the eastern edge of the right-of-way of Landmark Drive, depicted in Exhibit 2, attached, shall be an undisturbed area (as defined in Section 10-2002 of the Raleigh City Code) with the following exceptions:

a. Utility services as defined in Code Sec. 10-2002 and related easements, which run perpendicular to the transitional protective yard;
b. Storm drainage facilities (pipes, ditches, etc.) and related easements, which run perpendicular to the transitional protective yard:
c. Tree and shrub plantings along with walls or fences to complete any transitional protective yard requirements that may appear;
d. Removal of dead, pest infested, diseased or damaged plant materials that pose safety hazards.

iii) Upon any development of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, no building, and additions thereto, constructed on the subject property shall be located closer than one hundred twenty (120) feet to that portion of the eastern property line abutting the Single Family Residential Parcels.

iv) Upon any development of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, no building, and additions thereto, constructed on me subject property shall be located closer than thirty (30) feet to that portion of the western property line abutting the property described in Exhibit A to the Declaration recorded in Book 8283, Page 2082 of the Wake County Registry (the "Ridgecroft Condominiums").

v) Upon any development of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, the use density within the area adjacent to the Single Family Residential Parcels, identified as Area B on Exhibit 1 attached, shall be no greater than 14 units per acre.

vi) Subject to sight triangles for public safety as set forth in Section 10-2086 of the City Code, and excluding entrances and areas adjacent to entrances, street yards along Lake Boone Trail and Landmark Drive shall be planted with shade trees having a minimum caliper of three and one-half inches (3.5" measured at one-half foot above grade) at the time of planting, spaced no more than forty (40) feet on center.

vii) Except for satellite dishes for the personal use of residents of the subject property, all HVAC or mechanical equipment, including dish antennae, located on the roof of any building constructed after

the adoption of this rezoning ordinance shall be screened by a solid wall or fence, or other opaque roof or building structure, which is at least twenty-four inches higher than the equipment being screened and shall be of a similar quality building material as the principal building, and the height of the screening shall not be considered in the calculation of building heights.

viii) The playground and outdoor play areas of any day care facility, nursery school or kindergarten shall be screened from view from the right-of-way of Lake Boone Trail.

3. Building Heights.

i) All new buildings constructed, and additions to existing buildings after the effective date of this rezoning ordinance, that are located within the area identified as Area B on Exhibit 1, attached, shall be no taller than forty-five (45) feet. For purposes of this condition, building heights shall be calculated according to Section 10-2076 of the Raleigh City Code.

ii) All new buildings constructed, and additions to existing buildings after the effective date of this rezoning ordinance, that are located within the area west of Landmark Drive, south of the creek, immediately adjacent to Rex Hospital to the west and bordered to the south by Lake Boone Trail, identified as Area A on Exhibit 1, attached, shall be no taller than seventy (70) feet. For purposes of this condition, building heights shall be calculated according to Section 10-2076 of the Raleigh City Code.

iii) All new buildings constructed, and additions to existing buildings after the effective date of this rezoning ordinance, not within Area A or Area B shall not exceed sixty (60) feet. For purposes of this condition, building heights shall be calculated according to Section 10-2076 of the Raleigh City Code.

4. Mixture of Uses and Density

i) Upon any development of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, the area designated as Area B on Exhibit 1, attached, shall be limited to residential uses only and shall not include fraternities and sororities.

ii) Upon any development of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, the area designated as Area C on Exhibit 1, attached, shall be limited to residential uses, including residential related services (as defined in Section 10-2002 of the Raleigh City Code).

iii) Upon any development of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, the total maximum redevelopment of the property shall be 811 residential dwelling units and 60,000 square feet of non-residential building use (excluding parking facilities). To the extent the subject property is not redeveloped with 60,000 square feet of non-residential use, for each 1300 square feet less than 60,000, an additional residential dwelling unit can be added in addition to 811 units. For example, if the property is redeveloped with 57,000 square feet of non-residential use, then 811 residential units plus two (2) additional residential units could be located on the subject property.

iv) Any division of the subject property where the 60,000 square feet of non-residential use is permitted shall be accompanied with an allocation covenant approved by the City Attorney which shall allocate the 60,000 square feet of non-residential use among the lots of the areas designated as Area A and Area D on Exhibit 1.

5. Parking. In addition to the prohibition against parking facilities as a principal use in Condition 1:

i) No surface parking wider than one (1) row of ninety-degree (90°) double-loaded, head-in parking, and no parking deck/garage shall be located between Lake Boone Trail and the first line of principal buildings.

ii) Any accessory parking structure located on the subject property shall be visually screened. Screening material shall consist of planting materials (as defined in Section 10-2082.9(d) of the Raleigh City Code) or by a building located between the parking structure and Lake Boone Trail and shall screen fifty (50) percent of the Lake Boone linear parking structure frontage.

6. Garbage. Upon any development of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, no common collection device for garbage, such as a dumpster, compactor or some similar common collection device, shall be located within one hundred (100) feet of (a) the Ridgecroft Condominiums, or (b) the common property line of the property described in the deed recorded in Book

3910, Page 373 of the Wake County Registry. At least one principal building shall be located between the property line of the Single-Family Residential Parcels and any common collection device for garbage on the subject property.

7. Building Materials. The design and construction of all new buildings on the subject property shall utilize a variety of building materials, elevations, roof lines, and design details. All residential buildings shall be constructed with traditional, residential building materials, i.e. brick, stucco, drivit, lap siding, but no vinyl siding. Exterior sides of office buildings constructed on the subject property may, in addition to the residential building materials described above, include pre-cast stone, brick clad, or glass Spandrelite or any similar material with respect to quality and cost.

8. Traffic and Access.

i) Prior to submitting any site plan or subdivision or recombination application to the City of Raleigh in connection with any development of any portion of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, an update of the Traffic Impact Analysis shall be submitted to the City of Raleigh by the applicant if reasonably needed by the City of Raleigh or, if required by the City of Raleigh, a new Traffic Impact Analysis shall be submitted.

ii) Within thirty (30) days of the date of the applicants rezoning request (Z-15-08) becoming final, the applicant, working with the Meredith Woods neighborhood and the owners of the Summit Office Building located on Lake Boone Trail, shall request the City of Raleigh to install a traffic signal at the intersection of Lake Boone Trail and Landmark Drive. If no traffic light is approved by the City, the then property owner, or if there are more than one wner of the largest portion of the property, working with the Meredith Woods neighborhood and the owners of the Summit Office Building located on Lake Boone Trail, shall also make this request (a) at least every two (2) years thereafter and (b)upon submitting any plot plan, subdivision, recombination or site plan application on any portion of the subject property, excluding any application connected with maintenance, repairs or reconstruction of existing buildings or structures.

iii) Within ten (10) years of the date of the applicant's rezoning request (Z-15-08) becoming final and after receipt of written notice from the City of Raleigh of the City's decision to permit the installation of the traffic signal at the intersection of Lake Boone Trail and Landmark Drive, the then owner of the subject property, (or if there are multiple property owners then such owners, jointly and severally) shall

contribute $85,000 to the City of Raleigh for use in connection with the traffic signal's installation either (a) upon submittal of any plot plan, subdivision, recombination or site plan application on any portion of the subject property, excluding any application connected with maintenance, repairs or reconstruction of existing buildings or structures, or; (b) within six (6) months of receipt of the written notice regarding the City's decision to permit a traffic signal, whichever occurs first. Any portion of the contribution not used for the installation of the traffic signal shall be promptly returned to the owner.

iv) Any plot plan, site plan or subdivision application in connection with any portion of the subject property, excluding any application connected with maintenance, repairs or reconstruction of existing buildings or structures, shall include a request to the City of Raleigh to implement traffic calming measures along that portion of Landmark Drive that runs through the subject property.

v) Upon any development of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, and subject to approval by the City of Raleigh, vehicular and pedestrian access points to Rex Hospital and Meredith Village Apartments shall be provided.

vi) Reimbursement for any required right-of-way dedication shall be at R-10 value.

9. Lighting. Any plot plan, site plan, or subdivision in connection with any development of any portion of the subject property, excluding maintenance, repairs or reconstruction of existing buildings or structures, shall include a lighting plan and photometric analysis of the proposed lighting for the subject property. Lighting fixtures shall create downward lighting and, if necessary, will utilize shielding, hoods, or other appropriate measures to achieve full cutoff design (as defined in Section 10-2089 of the Raleigh City Code).

10. Public Participation and Consultation. The applicant for any plot plan, site plan, or subdivision for any portion of the subject property, excluding any application connected with maintenance, repairs or reconstruction of existing buildings or structures, shall provide at least thirty (30) days advance notice to all property owners within one hundred (100) feet of the subject property (determined by the Wake County Revenue Department's ownership and address records (collectively, the "Adjacent Property Owners")) of the applicant's submittal of any plot plan, site plan, or subdivision to the City. Such notice shall include a proposed meeting date, where the applicant will present the plot plan, site plan or subdivision, as well as the traffic impact analysis, lighting plan, a plan for the relocation of existing residents, and photometric analysis prepared in

conjunction with such plot plan, site plan, or subdivision. The applicant shall furnish notice of this meeting to the Adjacent Property Owners at least fourteen (14) days in advance of the applicant's proposed meeting date.

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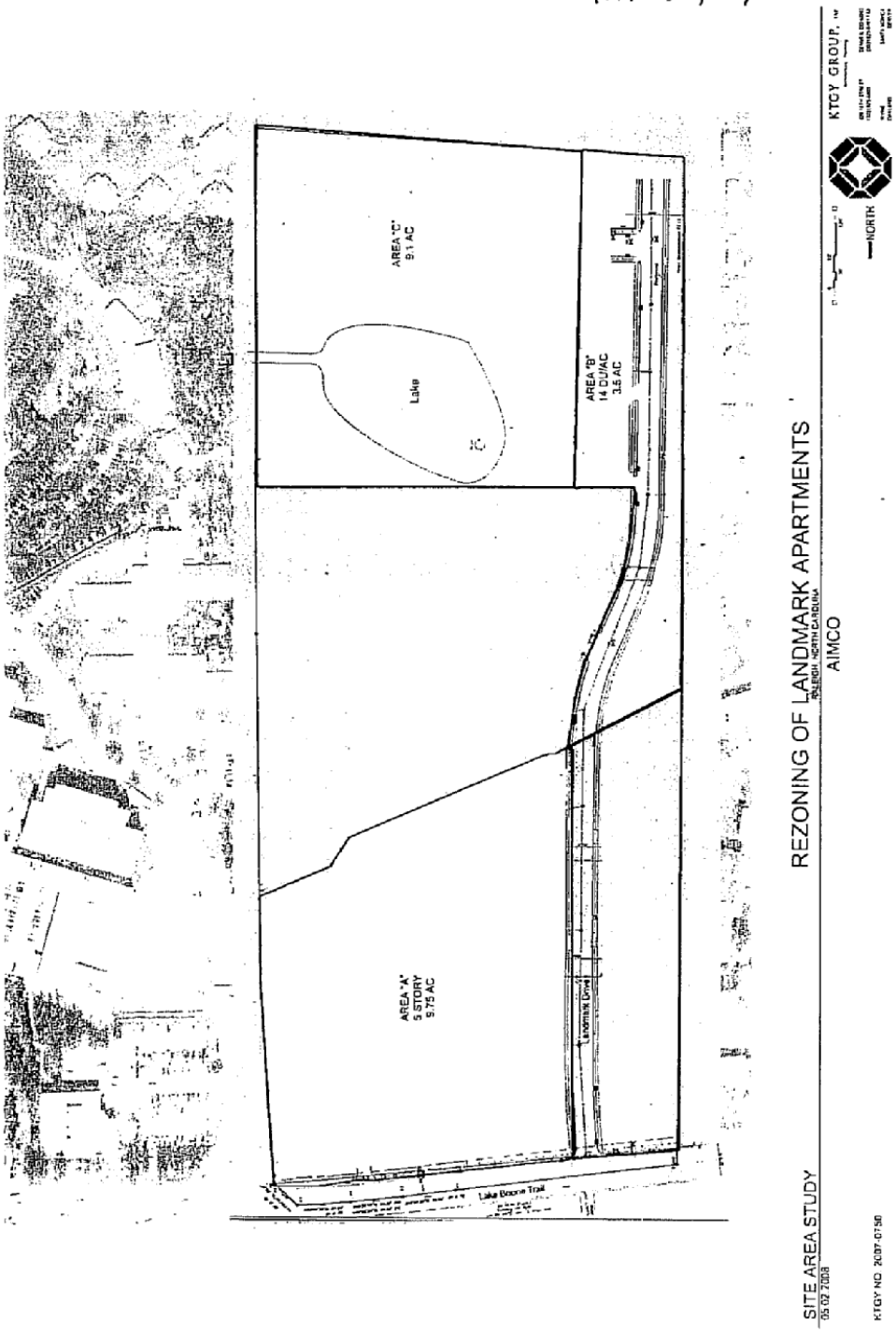
Z-15-08
EXHIBIT 1



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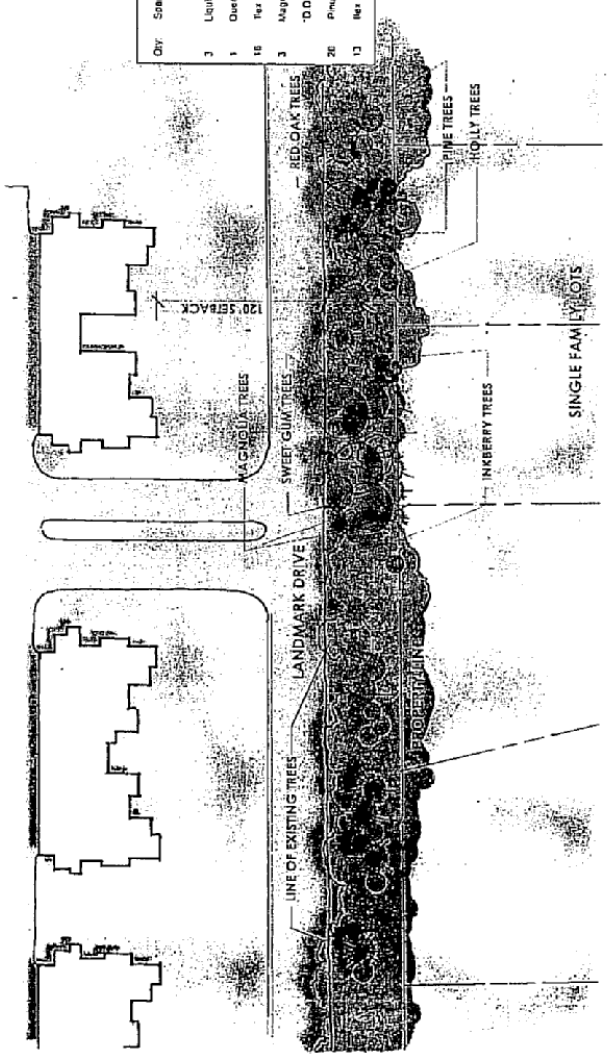
Z-15-08
EXHIBIT 2

Qty	Species	Caliper	Height
3	Liquid Ambar styraciflua	3"	12-14'
1	Quercus rubra	3"	12-14'
16	Ilex opaca "Greenleaf"	B&B	7'
3	Magnolia grandiflora "D.D. Blanchard"	B&B	8'
20	Pinus Virginiana	B&B	7'
13	Ilex glabra "Shamrock"	3 gal	18"-24"



LANDSCAPE CONCEPT
04.07.2008

REZONING OF LANDMARK APARTMENTS
RALEIGH, NORTH CAROLINA
AIMCO

SCALE: 1" = 50'
0 25' 50' 100'

NORTH

KTGY GROUP, INC.

KTGY NO. 2007-0750