Ordinance: 802 ZC 653
Effective: November 2, 2010

Z-23-10 Conditional Use – Falls of Neuse Road - located on the south quadrant, of Falls of Neuse Road and Litchford Road being Wake County PIN 1718733580. Approximately 3.96 rezoned to Office & Institution-1 Conditional Use District.

Conditions Dated: 10/27/10

Narrative of conditions being requested:

a. The following uses shall be prohibited:

1. Residential Uses, except for Congregate Care Living Structure, Congregate Care Structure, Life Care Community, and the existing single family home shall be permitted. (Refer to Conditions "f." and "r." related to these uses.)
2. Camp
3. Coliseum/Theatre
4. Stadium Track
5. Hotel/Motel
6. Fraternity House/Sorority House
7. Kennel/Cattery
8. Electrical Sub-Station
9. Manufacturing
10. Taxi Stand
11. Guesthouse
12. Rifle Range
13. Transitional Housing:
    - Emergency Shelter A
    - Emergency Shelter B
    - Religious Shelter

b. Trash receptacles/dumpsters shall be enclosed in a masonry structure, with the siding material to be compatible with the building material(s) used on the principal building(s); opaque doors shall screen the opening. The dumpster enclosure shall be screened from view of off-site neighbors with evergreen shrubs that shall be no less than four foot (4') height, and no greater than four foot (4') on-center spacing at time of installation.

c. A bicycle rack containing at least four (4) spaces shall be provided for every building(s) on the subject property, and the rack(s) shall be located no less than one-hundred feet (100') from a building entrance. Bicycle parking shall be provided at a rate of no less than provide one (1) bicycle parking space for every twenty (20) vehicular parking spaces (5% of vehicular parking).

d. All outdoor pole-mounted lighting fixtures shall be cut-off design and the light source directed away from residential properties. Light Level at the perimeter property line adjacent to a residential use property shall be no more than four-tenths (4/10's) of a foot candle.

e. An undisturbed landscape buffer, COR Type "C", thirty foot (30') minimum width, shall be provided adjacent to the following properties so long as they are utilized as single family residential uses:

8904 CREEKSTONE COURT; Wake PIN: 1718-72-4726; DB09097, Page0103
8900 CREEKSTONE COURT; Wake PIN: 1718-73-3071; DB07207, Page0034

If additional plantings are required to meet the landscape ordinance, and the buffer is to be counted toward tree conservation, those plantings shall be installed either outside of the minimum buffer, or in areas where they do not encroach critical root zone of trees contributing to tree conservation. The buffer shall not be provided where crossings are needed to gain access to sanitary sewer, storm drain and other utility easements.

f. The use of the existing single family home shall be permitted until redevelopment or subdivision of the rezoned property. No additional single family dwellings shall be located on the subject property.

g. Upon redevelopment or subdivision of the rezoned property, an offer of vehicular and pedestrian cross-access shall be made to the following parcels:

1. 9380 Falls of Neuse Road (Wake PIN: 1718-73-1350; Deed Book 12611; Page 0688)
2. 9201 Litchford Road (Wake PIN: 1718-73-6388; Deed Book 12081; Page 204l)

h. Future buildings shall be limited to no more than two (2) floors of conditioned space. Maximum building height shall not exceed thirty-five (35'). Parking located under the building shall not be counted toward the limit specified for number of floors.

i. Site lighting for parking areas shall not exceed sixteen feet (16') feet in height, unless located in a Natural Protective Yard, where height of lighting fixtures shall not exceed twelve feet (12') in height.

j. Guidelines for the building design shall include the following:

1. The dominant (60% of building siding material exclusive of doors and windows) building materials shall be masonry (brick, pre-cast concrete, stone, and stucco, or similar).
2. Building fenestration (doors, windows) shall be no less than 15% and no more than 50% in area for all building elevations.
3. A minimum of 75% of a given building footprint shall be covered by a pitched roof; and the minimum roof pitch shall be no less than 5:12.

k. If vehicle surface area is located within fifty feet (50') of the parcels identified as

1. 8904 CREEKSTONE COURT; Wake PIN: 1718-72-4726; DB 09097, Page 0103

2. 8900 CREEKSTONE COURT; Wake PIN: 1718-73-3071; DB 07207, Page 0034

an evergreen hedge shall be provided between the vehicle surface area and the perimeter property line so as to provide buffering and screening to the adjacent property. The plantings shall be installed per the following standard: Install one (1) Evergreen Shrub at 4' on center (O.C.); plant shall be three feet (3') in height at time of installation; plantings shall meet all requirements of the City of Raleigh Landscape Ordinance. If the shrubs are located within a Transitional Protective Yard (TPY), they may be credited toward the requirement of the TPY, if in accord with City of Raleigh Code requirements.

l. All sidewalks connecting a building(s) to the public right-of-way shall be five foot (5') width minimum.

m. If additional trees are required in Transitional Protective Yards to supplement existing vegetation, the trees shall be an evergreen species to the extent allowed by the provisions of the City of Raleigh Landscape Ordinance.

n. Prior to any redevelopment or lot recordation, the site shall make available a twenty foot (20'), where adjoining right of way, by fifteen foot (15') transit easement along Litchford Road. Prior to any development or lot recordation, the City Attorney shall review and approve the easement document, and the Transit Manager shall review and approve the location.

o. No more than one (1) driveway shall be permitted onto Litchford Road. If the property is developed in conjunction with other adjoining parcels, the driveway location may be adjusted in context with the overall project. If the property is developed as multiple lots, cross access among all lots shall be provided to all lots.

p. Subject to the requirements of the Raleigh city code, the Street Protective Yard plantings shall utilize trees specified in Suggested Trees for the City of Raleigh, a list prepared by the City of Raleigh Urban Forester. The street yard shall have a minimum of three (3) separate tree species, and at least one of the three (3) selections shall be an evergreen tree. Street Protective Yard plantings along Falls of Neuse Road shall not be composed of a single species, and shall be planted using informal groups or clusters.

q. Bank ATM and/or drive-thru window shall not be located within two hundred feet (200') of the parcels identified as:

1.8904 CREEKSTONE COURT; Wake PIN: 1718-72-4726; DB 09097, Page 0103

2. 8900 CREEKSTONE COURT; Wake PIN: 171 8-73-3071; DB 07207, Page 0034

This restriction shall not include the principal building, sidewalk, driveway, parking area, or other supporting features.

r. Building(s) containing Congregate Care Living Structure, Congregate Care Structure, or Life Care Community shall be located at least two hundred feet (200') from the right of way line for Falls of Neuse Road.

s. Prior to submittal of any site plan request that includes a drive-thru window, the developer shall conduct a traffic scoping meeting with City of Raleigh Transportation Services Division. A Traffic Impact Analysis shall accompany the request for any site plan that includes a drive-thru window.