

Z-75-98 Corberrie Lane, at its northern terminus, between Morgan's Way and Creedmoor Road, being Wake County Tax Map Parcel 0798.18 31 7591. Approximately 5.7 acres rezoned to Office and Institution-1 Conditional Use.

Conditions: 03/31/99

1. Development of the subject property shall comply with CR-7107 relating to stormwater management. The runoff rate for the storm events referenced in CR-7107 after development shall not exceed the predevelopment runoff rate.

2. Office development upon this property must comply with the floor area ratio, building lot coverage and height restrictions of the O&I-3 District. Buildings containing two occupied (heated and cooled) stories shall be residential style construction (i.e. peak roofed) not exceeding twenty-five feet (25') in height measured as provided in the Raleigh City Code; however, any buildings nonresidential in style (i.e. flat roofed) shall not exceed sixteen feet (16') in height measured as provided in the Raleigh City Code. Parking lots shall be located so that there is no parking between the ten (10) foot high fence and berm combination and the rear of building located along the southern and western property lines of the property. All windows, which face to the southern and western property lines of the property and which exceed the residential window sizes of 2' 4" (width) and 4' 6" (height) for second story windows and 2' 4" (width) and 6' 2" (height) for first story windows shall be equipped with room darkening blinds which close automatically between 8:00 pm and 6:00 am. The percentage of window openings in building walls which face the southern and western property lines of the property shall be limited to twenty (20%) percent of the area of the walls in which they are located.

3. If the City of Raleigh permits the termination of Corberrie Lane at or in proximity to the south line of the subject property, no vehicular ingress and egress shall be permitted to utilize Corberrie Lane. If the City of Raleigh requires that provision be made for the future extension of Corberrie Lane across the subject property the right-of-way for such extension shall be accommodated but not opened at the south line of the property until required by the City, however, no buildings may utilize Corberrie Lane for vehicular ingress and egress even if its extension is required by the City. In either instance provision shall be made for the entry by emergency vehicles, perhaps by utilizing a crash gate, if the City required that provision be made for such access in the event of emergencies. Under no circumstances may construction related vehicles use Corberrie Lane for any purpose, including without limitation parking.

4. Uses for the subject property shall be as specified in Raleigh City Code Section 10-2071 for the O&I-1 District provided however, that uses shall be restricted as follows:

1) The following General Uses, otherwise permitted in the O&I-1 district will not be allowed upon this property:

- a. Bank
- b. Cemetery

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- c. Funeral home
- d. Parking deck and parking garage (however parking lots and ground level parking within/under permitted building is allowed)
- e. Utility services and substations
- f. Dwelling units
- g. Radio and television studio and recording studio
- h. Tattoo parlors
- i. Schools

2) The following Conditional Uses, otherwise permitted in the O&I-1 District will not be allowed upon this property:

- a. Emergency shelter type B
- b. Multi-facility or group housing
- c. Telecommunication towers
- d. Temporary events
- e. Veterinary hospital
- f. Private or parochial school

3) All Special Uses specified in Raleigh City Code section 10-2035 are prohibited including, without limitation, adult establishments.

5) If the City of Raleigh permits the termination of Corberrie Lane as provided in Condition 3 there shall be constructed, prior to the issuance of Certificates of Occupancy for any building upon the property, fence and berm combination not less than ten (10') feet in height generally parallel to the southern and western property lines of the property within the protective yard established by Condition 6 with the following characteristics: (a) fence - a closed wooden fence not less than four (4') feet in height and (b) a berm not less than two (2') feet in height. Evergreen shrubs shall be planted upon or within ten (10') feet of the southern and western sides of the fence and berm combination a minimum height of three (3') feet at time of planting spaces and staggered at not more than five (5') foot intervals. The centerline of the ten (10') foot high fence and berm combination shall be located no closer than forty (40') feet to the southern and western property lines of the property provided however that said centerline may be located no closer than thirty-five (35') feet to said southern and western property lines where the berm also serves as a retention/detention facility. The fence and berm combination shall be maintained by the owner of the property upon which it is located.

If the City of Raleigh does not permit the termination of Corberrie Lane as provided in Condition 3 the obligation for the construction of the fence and berm combination provided in the immediately preceding paragraph shall apply subject to the City's right to require the removal of a portion of same to enable the extension of Corberrie lane through the property if such extension is required by the City in the future.

Entry by emergency vehicles as provided in Condition 3 shall be accommodated by the fence and berm combination if required by the City.

6) There is hereby established a protective yard fifty (50') feet in width upon the southern and western lines of the property which protective yard area will be preserved in its existing condition except as follows:

a) The removal of dying or dead vegetation and trees from this area as and when needed will be permitted if approved by the City Arborist.

b) The installation of fencing, berms, plantings and underground utility lines such as water, sewer, electric, cable or telephone lines in and across the protective yard area as required for the development of the subject property (and as required to make such utilities accessible to residentially zoned properties to the south and west of this property) is permitted, as is any turnaround required by the City to accomplish the termination of Corberrie Lane at the southern line of the property (provided however, that the protective yard contiguous to any turnaround shall not be less than ten (10') feet in width).

c) The installation of any drainage facilities including without limitation retention/detention facilities necessary for stormwater management in connection with the development of the property is permitted, however, the toe of the southern and western slopes of the retention/detention facilities may be located no closer than thirty (30') feet to the southern or western property lines.

d) The filling of the pond located upon the property in proximity to its southern line. The fill-in portion of the pond located within the fifty (50') foot width protective yard shall be replanted with pine seedlings prior to the issuance of Certificate of Occupancy for any buildings upon the property. These seedlings to be planted in an 8' x 10' grid and be not less than thirty (30") inches in height at the time of planting.

e) Installation of an emergency vehicle access from Corberrie Lane if same is required by the City.

f) There shall be planted within the protective yard area such evergreen shrubs and trees and canopy trees (to the extent any canopy trees are required by the City) all between four (4') feet and six (6') feet in height at the time of planting spaces not more than ten (10') feet apart as necessary to comply with the applicable landscape ordinance of the City of Raleigh in supplementing existing trees and fences, berms or fence/berm combinations. At least one-half of any required trees and shrubs shall be located between any fencing and/or berms and the southern and western lines of the property and all such required trees and shrubs shall be maintained by the property owner. The trees and shrubs required under this paragraph are in addition to the shrubs required under Condition 5.

7) Day care facilities (adult only) constructed upon this property shall contain not more than one occupied (heated and cooled) story and shall not exceed sixteen (16') feet in height measured as provided in the Raleigh City Code. Time of use of day care facilities

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shall be limited to 7 a.m. to 8 p.m. Monday through Saturday.

8) All exterior lighting and exterior light standards located upon the property shall be designed, located, aimed and/or shielded so that light is not projected directly into adjacent properties, in accordance with the provisions of the Raleigh City Code, shall be limited to a maximum height of fifteen (15') feet and shall not exceed one-half (1/2) foot candle of illumination when measured at any point in the southern or western property lines of the property.

9) Exterior HVAC facilities located upon the property shall be ground mounted and shall be screened on three sides by walls, berms, plantings and/or wood enclosures of sufficient height to screen the HVAC facilities away from adjacent residential properties.

10) Dumpster(s) may only be located in the northeast portion of the property adjacent to Tax Parcel PIN No. 0798-41-3655 and elsewhere along the northern line of the property but no closer than one hundred (100') feet to Tax Parcel PIN No. 0798-31-3649. Time(s) of pickup shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday. Dumpster(s) shall be screened on three sides by walls, berms, plantings and/or wood enclosures of sufficient height to screen them from view from residential properties to the south and west. No dumpster(s) shall be serviced from the south or west and no dumpster screening shall open to the south or west.

11) Exterior signs on building constructed upon the property will have no exposed neon elements and will consist of self-illuminated letters or words that appear white, mounted on the building walls and/or illuminated by means of indirect lighting placed either behind the sign or from lights mounted in front of the sign and directed to shine upon the sign, all in accordance with the provisions of the Raleigh City Code. The source lights will be turned off by 9:00 pm for all signs visible from residences adjacent to the southern and western lines of the property in Tax Parcel PIN Nos. 0798 31 3649, 0798 31 3428, 0798 31 4362, 0798 31 6279, 0798 31 7380, 0798 31 9247 and 0798 41 1200.

12) The owners of the residences adjacent to the southern and western lines of the property identified by those Tax Parcel PIN numbers specified in Condition 11 shall receive written notice at or prior to the filing of site plan approval request for this property with the City of Raleigh, same to be accomplished by deposit in the United States mail by the owner of the property by which is the subject of the site plan approval request.

13) All grading and exterior construction of building upon the property shall be limited to the hours of 7:00 a.m. - 9:00 p.m., Monday through Saturday.