

Z-28-96 Creedmoor Road, west side, opposite Sherborne Road, being Map 0796.10 45 4918 and 46 0978. Approximately 12 acres rezoned to Residential-10 Conditional Use and O&I-1 Conditional Use.

Conditions: (4/13/96)

1. Development of the R-10 CUD property shall be a congregate care facility and accessory uses, as defined in City Code 10-2102.
2. Stormwater runoff control measures shall meet or exceed the standards of Raleigh Planning Commission Certified Resolution #7107.
3. The property owner shall, prior to receiving a grading permit and no later than six (6) months after rezoning for PIN 0796.10 45 0978, deed to the City of Raleigh for addition to the city park (PIN 0796.10 25 9888), that portion of the pond presently on the owner's property, together with the 75-foot greenway surrounding that portion of the pond. Concurrently, the property owner shall offer to enter a joint maintenance agreement with the City of Raleigh for the pond, including assurance of 1) access, 2) protection measures against sedimentation, and 3) permanent maintenance and apportionment of cost therefore.
4. A "mean" building setback of 150 feet shall be maintained along the current boundary with the city park (PIN 0796.10 25 9888). The setback line shall run generally parallel with Creedmoor Road and shall be no closer than 225 feet the Hirschy corner (PIN 0796.10 36 6239). A 125-foot mean buffer, subject to use restrictions described hereinafter, shall be maintained within the setback. The buffer shall extend at least 200 feet from the Hirschy corner. The building setback and buffer are illustrated on the attached rezoning plan entitled "Stratford Court", prepared by Edwards & Associates, Architects, and incorporated herein by reference.
5. The minimum building setback from PIN 0796.10 46 0652 (Temple Beth Or), for as long as the property is zoned R-4 or used for synagogue purposes, shall be 50 feet. Of this 50 feet, 25 feet shall remain buffer subject to the restrictions set forth herein.
6. The building setback from PIN 0796.10 45 5573 (Moore) and 0796.10 45 2483 (Wilson), for so long as the property is zoned R4 or used for single-family detached residential purposes, shall be as follows:
 - a. From the existing Creedmoor Road right-of-way westward for a distance of 100 feet normal to the right-of-way, the building setback shall be 100 feet.

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b. From that point running westward for a distance of 300 feet normal to the right-of-way, the building setback shall be an average of 100 feet with a minimum dimension of 80 feet.

c. From that point running westward to the city park property, the building setback will be a minimum of 70 feet.

An illustration of the building setback lines is set forth on the attached rezoning plan entitled "Stratford Court", prepared by Edwards & Associates, Architects, and incorporated herein by reference. Twenty-five (25) feet of the minimum setback shall remain buffer subject to the restrictions set forth herein.

7. A 50-foot building setback shall be maintained along the existing 90-foot Creedmoor Road right-of-way. Of this 50 feet, 25 feet shall remain buffer subject to the restrictions set forth herein. Any additional right-of-way needed for Creedmoor Road shall remain at current R-4 value for reimbursement purposes.

8. Existing vegetation and ground cover in buffers shall remain undisturbed except for:

a. Construction of signage and vehicular entrance(s) accessing the property from Creedmoor Road and construction of cross access or Beth Or described herein. The construction of a vehicle "turn-around" serving PIN 0796.10 45 5373 (Moore) as illustrated on the attached rezoning plan entitled "Stratford Court", prepared by Edwards & Associates, Architects, and incorporated herein by reference.

b. Storm drainage facilities, erosion control devices, electric, telephone, cable television and similar installations (fiber optic cable, etc.), gas and/or water, sanitary sewer installations, and similar utilities approved by the appropriate local government authority. Any such construction shall be underground and designed and undertaken so as to create as little disturbance of the buffer as possible while still honoring public service, health and safety requirements.

c. The planting of new vegetation, construction of fences, walls, berms, entrance features, pedestrian trails, associated passive recreational amenities, or similar construction which tends to enhance the area's visual appeal, or sight and noise screening characteristics.

d. Treatment or removal of nuisance or diseased vegetation. To illustrate, but not limit, the foregoing: Trees which encroach upon property boundaries or whose limbs hang over adjacent properties, overhead electric lines, streets or drives may be removed. Pine trees infested with or threatened by pine bark beetles or similar pests may be removed.

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9. Cross access shall be allowed and limited to PIN 0796.10 46 0652 (Temple Beth Or) at a point within 300 feet of the west right-of-way of Creedmoor Road for so long as the property is used exclusively for synagogue, church or education purposes.

10. Building heights shall not exceed 44 feet in height anywhere on the property. No building exceeding 26 feet in height shall be located within 100 feet of Temple Beth Or (PIN 0796.10 46 0652), of Wilson (PIN 0796.10 45 2483), of Moore (PIN 0796.10 45 5573), or within 200 feet mean from the city park (0796.10 25 9888). Building heights will be measured from mean top of curb along frontage on Creedmoor Road to top of building fascia or roof parapet. Mean top of curb along frontage on Creedmoor Road is defined as elevation 382.5. Mechanical equipment, mechanical equipment screens, stair enclosures, elevator shafts or sloping roofs, will not be included in building height.

11. Freestanding exterior lighting located on the property shall not exceed 20 feet in height. No exposed bulbs shall be utilized and there will be no direct beaming of light onto any adjoining residential property.

12. Any outdoor swimming pool or tennis court constructed on the property shall have posted hours no earlier than 8:00 a.m. and no later than 10:00 p.m.

13. Any bar, cocktail lounge, restaurant, or other facility operated on the premises shall not involve retail sales to members of the public.

14. Refuse containers, dumpsters, compactors, and heating, ventilation and air-conditioning units shall be screened so as not to be visible from adjacent properties and shall be situated at least 50 feet from adjoining residentially zoned property.

15. In addition to the existing vegetation in the buffers, a vegetative screen shall be installed and permanently maintained at a point approximately 150 feet southeast of the common corner with PIN 0796.10 36 6239 (Hirschy). The screen shall consist of fifty (50) evergreen shrubs and/or trees such as Foster holly, Nellie Stevens holly, leyland cypress, scotch pine and Carolina hemlock. The visual screen will be planted or installed within 180 days of the issuance of a certificate of occupancy for the congregate care facility and shall contain plant materials with a minimum height of 4 feet at the time of planting.

16. If approved by the City of Raleigh, and within twelve (12) months of the issuance of a certificate of occupancy for the congregate care facility, a sidewalk shall be constructed abutting PIN 0796.10 46 0652 (Temple Beth Or), within the Creedmoor Road right-of-way, to provide pedestrian circulation between the shopping Center to the north and the rezoned property.

17. The applicant shall notify, by certified mail, return receipt requested, owners of property as listed by the Wake County tax office, adjacent to or within 100 feet of the rezoned property of subdivision or site plan approval requests filed with the City of Raleigh. A similar notice shall also be provided by the property owner to the then chairman of the

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Northwest Citizens Advisory Council at his or her residence address listed with the City of Raleigh.

18. A fence with a minimum height of 60 inches shall be maintained in the vicinity of the property's common boundary with Moore (PIN 0796.10 45 5573) and Wilson (PIN 0796.10 45 2483). The location and construction materials shall be determined at the time of site plan approval for the congregate care facility to be constructed on the property. It is contemplated that concurrently with the fence construction, the common boundary of the Moore and Wilson tracts with the rezoned property may be adjusted with the consent of the parties by exchange of land or otherwise. In and despite that event, the setback and buffer along the common boundary as set forth in this exhibit shall be measured from the property line existing as of the date of adoption of the rezoning ordinance.

19. The location and design of cross access described in sub-section I. shall be determined during the City of Raleigh plan review for the congregate care facility to be constructed on the subject property.

20. The use of buffer areas for recreational purposes shall be confined to the 125-foot buffer adjacent to the city park property (PIN 0796.10 25 9888).