

Z-68-99 Kidd Road, south side, between Sunnybrook and Peartree Lane, being Wake County Tax Map Parcel 1723 28 4247. Approximately .93 acre rezoned to Office & Institution-1 Conditional Use.

Conditions: (8/11/99)

A. The property will be developed in accordance with Planning Commission Certified Requirement 7107.

B. Any right-of-way required to be dedicated for future improvements to adjacent roadways shall qualify for reimbursement at R-4 values.

C. Buildings on the subject properties shall not exceed three stories (forty-five feet (45')) in height.

D. Exterior lighting shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent residential properties. Freestanding light poles within twenty feet of transition yards adjacent to residentially zoned properties shall not exceed 18 feet in height.

E. Refuse containers and heating and air-conditioning units shall be maintained within wooden or masonry enclosures or otherwise screened from direct view from adjacent residentially zoned lots.

F. The following uses otherwise permitted in the O&I-1 zoning district shall not be allowed:

1. Cemetery
2. Dance, recording, music studio
3. Telecommunications tower
4. Airfield, landing strip, and heliport
5. Correctional/penal facility
6. Outdoor stadium, outdoor theater, outdoor racetrack, outdoor movie theater.
7. Emergency Shelter Type B

G. Dwellings, as the same are defined by Raleigh City Code 10-2002, shall not be permitted on the subject property, unless in conjunction with a congregate care, rest home, nursing home, hospital or similar medical care facility.

H. A tree protection area averaging twenty feet (20') in width, but not greater than forty feet (40') in width, shall be established adjacent to the right-of-way fronting Kidd Road. A tree protection area not less than twenty feet (20') in width shall be established adjacent to property with PIN 1723276803 (Dew). The area will remain undisturbed except for:

1. Storm drainage facilities, erosion control devices, private driveways, 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 designed and undertaken so as to create as little disturbance of the area as possible while still honoring public service, health and safety requirements.

2. The planting of new vegetation, construction of fences, walls, berms or similar construction which tends to enhance the area's visual appeal, or sight and noise screening characteristics.

3. Treatment or removal of nuisance or diseased vegetation as certified by city arborist or other public official designated by the Raleigh City Manager. 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.

Not more than thirty percent (30%) of the tree protective yard may be disturbed by those exceptions noted in paragraphs 1-2 of this condition.