

Z-47-99 Lynn Road and Pleasant Pines Drive, southwest intersection, being Wake County Tax Map Parcel 0787.14 42 8743. Approximately 1.6 acres rezoned to Office & Institution-1 Conditional Use.

Conditions: (7/28/99)

- a. Development of the property will comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission. Storm water facilities shall be located outside of the 25' buffer area in condition (i) below.
- b. Reimbursement for additional right-of-way to accommodate the symmetrical widening of either Lynn Road or Pleasant Pines shall be at the prevailing rate for R-4.
- c. All dwelling units (including congregate care and congregate living structures, group housing, and transitional housing of all types) shall be prohibited on this site.
- d. Any building shall have a maximum height of twenty-five (25') feet from the finished floor elevation as measured by the city code criteria for height. In addition, buildings shall not include more than 1 occupied story. Development shall also be limited to a single primary structure. Any building shall have a minimum roof pitch of 4:12.
- e. Any building shall have a maximum thirty (30') foot setback line from Lynn Road right-of-way. Off street parking shall be prohibited between any building and Lynn road.
- f. Parking shall be set back a minimum of fifteen (15') feet from the right-of-way of Lynn Road.
- g. In order to orient the buildings toward the intersection of Lynn Road and Pleasant Pines, the westernmost side of any building shall not be located more than 225' west of the right-of-way of Pleasant Pines Drive.
- h. Building facades shall utilize a residential transitional architectural style that is consistent with the front facades of the following residential homes: 0787 42 7547 (Henry Fu & Christian Fen Lai); 0787 42 8539 (Joshua Novak); and 0787 42 9547 (Ramzie M. & Leslie K. Zaide).

Exterior building materials shall consist of either brick, or hardiplank siding (or any combination thereof) with either wood, vinyl, stone, pre-cast concrete or Exterior Finished Insulation System (E.F.I.S.) trim (or any combinations thereof). Colors of brick and trim are to be determined at site plan approval and are to be consistent with the existing brick and paint colors used for the homes on Holly Mill Court.

i. Buffers shall be provided as follows along the abutting parcels noted herein.

1. A twenty-five (25') foot wide buffer shall be provided along lots:

<u>Wake Cnty.PIN #</u>	<u>Owner</u>	<u>Address</u>
0787 42 7547	Henry Fu & Christian Fen Lai	6805 Holly Mill Ct.
0787 42 8539	Joshua Novak	6809 Holly Mill Ct.
0787 42 9547	Ramzie M. & Leslie K. Zaide	6812 Holly Mill Ct.

The first twenty (20') feet of this buffer shall remain undisturbed except for the allowances noted herein. Within the undisturbed portions of the buffer areas all existing trees six (6") inches in diameter or greater measured 4.5 feet above ground level shall be retained.

Twenty (20') from the common property line with the above lots, a seventy-two (72") inch closed wooden fence shall be installed. This fence shall extend along the entire length of the common property line. Supplemental plantings within this buffer area shall meet the Transitional Protective Yard standard requirements and shall be evergreen unless deciduous material area required by the City of Raleigh Zoning Enforcement Supervisor. Plantings required for Transitional Protective Yards shall be calculated at the normal rates defined in Section 10-2082.9 Schedule of Transitional Protective Yards. The rate of Plantings for this Transitional Protective Yard shall not be reduced by 50` with the inclusion of the fence described above or as the result of any tree save credits.

At the time plans are submitted for site plan approval, a detailed planting plan shall be provided to the above property owners. The site designer shall make arrangements to meet with these property owners on-site to review areas for new planting materials and review possible planting arrangements that would promote the opportunity to save additional existing vegetation within the 25' buffer area.

2. An average fifteen (15') foot wide buffer shall be provided along lot:

<u>Wake Cnty. PIN#</u>	<u>Owner</u>	<u>Address</u>
0787 42 5677	Stewart Gordon	6304 Lake Land Dr.

This buffer area shall have a minimum area equal to the length of the property line (above) in linear feet times 15. This buffer shall have a minimum width of seven and one-half (7.5') feet. This buffer area shall include a tree save area. This tree area shall be defined by points along the property line that are fifty-six (56') feet and one hundred (100') feet south of the existing right-of-way line of Lynn Road. This area shall be a minimum of thirty-six (36') feet wide. Within this area no earth disturbing activity shall occur in order to save existing trees.

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This buffer area shall be planted with evergreen shrubs at a rate of 35 shrubs per 100 linear feet. Said shrubs shall meet the size requirements for Transitional Protective Yards plantings set forth in the Raleigh City Code. Areas of this 15' buffer space not normally required for Transitional Protective Yards may be used for daycare play space requirements.

3. The following allowances may occur within the undisturbed portion of the prescribed buffers.

(aa) The installation, repair and maintenance of city sanitary sewer facilities.

(bb) The planting of new vegetation to the applicable Transitional Protective Yard Standards of the Raleigh City Code. However, all installed shrub and tree materials to satisfy those requirements shall be evergreen unless deciduous trees are otherwise required by the City of Raleigh Zoning Enforcement Supervisor. The intent of this enhanced buffer is to lessen light, noise, and visual intrusions toward the adjacent residential properties.

(cc) The construction of fences, walls, berms, or similar construction that tend to screen and enhance the area's visual appearance.

(dd) The treatment or removal of nuisance vegetation as a part of a wooded area clean-up. Wooded area clean-up and tree removal shall occur according to the provisions of Code Section 10-2082.12 (c) (3).

(ee) The removal of vegetation that is storm damaged, diseased, or infested with beetles or other similar destructive insects and pests.

j. The variable width street yard resulting from conditions (e) and (f) shall be landscaped as provided herein. The thirty (30') foot building setback areas shall be planted with at least 6 shade trees, 4 understory trees, and twenty shrubs per 100 linear feet of right-of-way frontage or any portion thereof. The fifteen (15') foot parking setback and other street yard areas shall be planted with a minimum of 3 shade trees, 2 understory trees, and 10 shrubs per 100 linear feet or any portion thereof. These yard planting requirements are the prorated equivalent of the 50' planting requirements for Thoroughfare District street yard plantings. The plant materials for this street yard area shall be consistent with the TD street yard plantings on 0787 42 5677 (Gordon).

k. The following land uses as set forth in Code Section 10-2071 Schedule of Permitted Land Uses in Zoning Districts shall be prohibited within the zoned area:

1. Recreation use restricted to membership-Commercial of all types;
2. Recreation use - Non-governmental (outdoor, stadium, theater, amphitheater and racetracks);
3. Recreation-Governmental (indoor, outdoor, and rifle ranges) of all types;
4. Fraternity House;
5. Home occupation;
6. Sorority House;
7. Rooming house, boarding house, lodging house, tourist home;
8. Emergency Shelter A, Emergency Shelter B, and Religious Shelter unit;
9. Civic club;

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10. Cemetery;
11. Correctional/penal facility;
12. Fire station, police precinct, training facility and other emergency service facility;
13. Funeral Home;
14. Radio and television studio;
15. Telecommunication towers less than 250 feet in height;
16. Telecommunication tower (all others);
17. Dance, recording, music studio;
18. Parking facility - principal use;
19. Manufacturing - specialized;
20. Landfill - debris from on-site;
21. Transportation - including air fields, landing strips, heliports, and taxicab stands;
22. Power plant utilities;
23. Utility substations - governmental;
24. Water or sanitary sewer treatment plant (i.e. facilities other than septic tanks, pumping stations, wells and package treatment designed to handle water and waste water generated by on site activities);
25. Rest Home;
26. Copy centers;
27. Eating establishments (as permitted as accessory use in office buildings);
28. Bank;
29. Crematory;
30. Rest home;
31. Hospital;
32. Veterinary hospital;
33. Guest house facility;
34. Research farm;
35. Agricultural uses (general);
36. Camp (recreation); and,
37. Reservoir.

l. Outdoor pay telephones shall not be installed within the zoned area.

m. No land use within the zoned area shall utilize an outdoor paging system with fixed speakers on the site.

n. Site area lighting shall be located to minimize spill over light toward 0787 42 7547 (Fu & Lai); 0787 42 8539 (Novak); 0787 42 9547 (Zaide); and 0787 42 5677 (Gordon). Site area lighting shall consist of fixtures and poles with a maximum height of eighteen (18') feet. Lighting fixtures shall create down lighting only and shield the light source from being visible from the side. Metal halide light bulbs shall be prohibited. Poles and fixtures shall be located outside of the 25' buffers described in condition (i) above.