

Z-10-98 Falls of Neuse Road, east side, south of Salem Woods Drive, opposite Weathergreen Townhomes, being Tax Maps 1717.05 08 5797, 7834 and 5808. Approximately 2.2 acres rezoned to Office and Institution-1 Conditional Use.

Conditions: (1/28/98)

A. The height of all structures constructed on the subject property will be limited to 30 feet excluding parapets, air conditioning and heating units which may be located on the roof of any structure.

B. A twenty-five (25) foot wide buffer located along the entire length of the eastern property line (Pin No. 1717.05 08 8771) of petitioners' property will be preserved undisturbed in its existing condition except as follows:

1. Any rubbish such as sheds, buses or scrap metal may be removed.
2. Removal of diseased, dead or dangerous vegetation and trees subject to a tree removal permit issued by the Inspections Department of the City of Raleigh or its successor Department if such a permit is required by the applicable provisions of the City Code.
3. The construction of drainage facilities or underground utility lines such as water, sewer, electric, cable or telephone lines in or across the buffer areas as may be required for the development of the petitioner's property is permitted.
4. The petitioners, their successors and assigns, may plant additional shrubs or trees within the buffer area as required by the applicable landscape ordinance of the City of Raleigh.

C. A one hundred and twenty-five (125') foot wide building setback line along the entire length of the eastern property line of the petitioners' property shall be established for any building other than a building accessory to the petitioner's existing residences.

D. A twenty-five (25') foot wide buffer located from the petitioner Weatherly's southeastern corner to sixty (60') feet beyond the northwest corner of Dr. Chang's property (PIN No. 1717.05 08 7624) will be preserved undisturbed in its existing condition except as follows:

1. Any rubbish such as sheds, buses or scrap metal may be removed.
2. Removal of diseased, dead or dangerous vegetation and trees subject to a tree removal permit issued by the Inspections Department of the City of Raleigh or its successor Department if such a permit is required by the applicable provisions of the City Code.

3. The construction of drainage facilities or underground utility lines such as water, sewer, electric, cable or telephone lines in or across the buffer areas as may be required for the development of the petitioner's property.

4. No later than 180 days after issuance of a building permit permitting the construction of a new building located on the petitioner's property which is not an accessory building to one of the existing residences located on the petitioner's property or which is not an expansion of one of the existing residences, the petitioners, their successors or assigns, shall construct a six foot high solid wooden fence with wooden slats not more than five (5') feet north of Dr. Chang's lot line and parallel to Dr. Chang's northern property beginning seventy-five (75') feet from the petitioner Weatherly's southeastern property corner to the western end of the buffer area described in this condition.

5. The petitioners, their successors and assigns may plant additional shrubs or trees within the buffer area as required by the applicable landscape ordinance of the City of Raleigh.

E. The site plan submitted to the City of Raleigh for development of the petitioners' property shall contain no more than two driveway accesses to Falls of Neuse Road.

F. Development of the subject properties shall comply with CR-7107. Those portions of the property which were zoned O&I-1 CUD previously and remain zoned O&I-1 CUD (PIN # 1717.05 08 5808) will for purposes of CR-7107 stormwater calculations be treated as if said portions of the property were today being rezoned from R-4.

G. A street protective yard averaging twenty-five (25') feet in width shall be located along the west line of the property adjacent to the right-of-way of Falls of Neuse Road. This street protective yard will be measured from the proposed east right-of-way line of Falls of Neuse Road (present width, ninety (90') feet, proposed width, one hundred ten (110') feet) and may be crossed by a driveway for access to and from the property, utility and sign installations and for street widening and such other purposes as permitted by the City of Raleigh.

Within the aforesaid street protective yard area the three Pecan trees existing therein as of the date of the approval of this case by the Raleigh Planning Commission shall be protected during the development process. Notwithstanding the preceding protective requirement, said trees may be removed as necessary to accomplish the installation of a driveway for access to and from the property, utility and sign installations and for street widening and such other purposes as permitted by the City of Raleigh.