

Z-62-96 Strickland Road, south side, and Ray Road, east side, being Map 0788.16 84 0319 and a portion of 3516, approximately 8.2 acres rezoned to Neighborhood Business Conditional Use and Office and Institution-1 Conditional Use.

Conditions: (10/31/96)

A. Development of the Neighborhood Business CUD Zoned Area and the Office and Institution-1 CUD zoned area will comply with the provisions of CR-7107 of the Raleigh Planning Commission however, the volume of stormwater to be detained and released over a 24 hour time period shall be determined on the basis of the difference in run-off between woodlands and the zoned area and a 25 year frequency storm.

B. Within the NB zoned area building heights will be restricted to a maximum of forty (40) feet. Within the O&I-1 CUD zoned area non-residential building shall not exceed a maximum height of forty (40) feet.

C. A traffic analysis/site circulation study shall be included as a part of the submittal for site plan approval for the initial development in the zoned area.

D. Reimbursement values for additional rights-of-way required by the City's Development Regulations for Ray Road and Strickland Road shall be at the prevailing rate based upon the present Residential-4 zoning.

E. A six foot tall closed wooden fence shall be installed along the entire length of the south property line of parcel 0788.16 84 3516 and the contiguous portions of the adjacent parcels on Boars Head Court and Charterhouse Drive being parcels:

0788.16 84 1083 (Garces)	0788.16 84 6085 (Jewett)
0788.16 84 3045 (Krozser)	0788.16 84 8076 (Watson)
0788.16 84 4958 (Knighten)	

This fence shall be installed a minimum of five (5) feet inside the property line on the subject parcel 0788.16 3516. Ornamental or screening landscape materials, or combination thereof, shall be installed along the residential side of the fence. The fence and landscaping noted above are intended to be installed to qualify for Transitional Protective Yard requirements in accordance with Code Section 10-2082.9(g). This fence shall be placed in the undisturbed yard set out in condition P. below.

F. All freestanding area lights will be limited to a maximum height of eighteen (18) feet in the Neighborhood Business zoned area. The fixture head shall create down lighting only and possess panels to shield the light source from being viewed from the sides. All free standing area lights shall be turned off by midnight. Freestanding pedestrian courtesy lights not exceeding five (5) feet in height and wall or ceiling mounted security lights may remain on all night. The same area lighting will be used with any non-residential use in the O&I-1 CUD zoned area.

G. The following land uses shall be prohibited in the NB CUD zoned area:

- *commercial indoor recreational uses
- *governmental and non-governmental commercial outdoor stadium, theater, amphitheater, racetrack
- *governmental indoor arena/coliseum
- *governmental riding stable
- *governmental indoor rifle range
- *transitional housing, except supportive housing residence
- *correctional/penal facility
- *adult establishment, bar, nightclub, tavern, lounge
- *eating establishment with drive-thru
- *hotel/motel
- *kennel/cattery
- *commercial parking deck/garage, parking lot, motor pool
- *dry cleaners with on-premise dry cleaning equipment
- *highway retail sales (except a convenience store selling gasoline)
- *landfill (debris from on-site)
- *transportation uses listed in Code Section 10-2071
- *any sales or storage of gasoline
- *underground storage tanks

The following land uses shall be prohibited in the O&I-1 CUD

- *governmental and non-governmental commercial outdoor stadium, theater, amphitheater, racetrack
- *governmental indoor arena/coliseum
- *governmental indoor rifle range
- *transitional housing, except for supportive housing residence
- *correctional penal facility
- *landfill (debris from on-site)
- *transportation uses listed in Code Section 10-2071

H. There shall be no outdoor paging system associated with any commercial use allowed in the Neighborhood Business CUD zoned area. Intercom systems shall not result in more than 55 dB (A) from 7:00 A.M. to 11:00 P.M. and 45 dB (A) 11:00 P.M to 7:00 A.M. as measured in Chapter 5 of the Raleigh City Code at the property line of adjacent residences on Boars Head Court, Charterhouse Drive or Strickland Road.

I. Within the NB CUD and O&I-1 CUD zoned areas outdoor public pay telephones shall be prohibited.

J. Along the common boundary of parcels 0788.17 84 0319 and 0788.16 84 0224, a fifteen foot landscaped protective yard shall be provided on parcel 0788.16 84 0224. Within said yard a combination of evergreen trees and shrubs shall be installed to create a

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year round opaque screen. This yard shall be designed to qualify as an off-site easement for Transitional Protective yard purposes.

K. Non-residential uses allowed in the O&I-1 CUD zoned area shall be limited to occurring within an area that extends east of the eastern boundaries of parcels 0788.16 84 0319, 0788.16 84 2834 and the NB CUD zoned portion of the subject parcel and is 500 feet south of an parallel to the right-of-way of Strickland Road. This area is illustrated on Exhibit 8 attached.

L. Buildings housing establishments engaged in the sale of alcohol for on-premise consumption shall be set back a minimum of 200 feet from the existing front door of the Korean Baptist Church facing Ray Road (PIN #0788.16 74 6339).

M. Within the NB CUD zoned area and the portion of the O&I-1 CUD zoned area restricted for non-residential uses, non-residential buildings shall utilize matching brick (either singularly or in combinations) for the building veneer. These brick choices shall be consistent with the ones employed by development resulting from Z-61-96 if it is approved and generate development prior to development occurring from this request. Brick types shall be identified on the initial submittal for site plan approval. The developer, or his assigns, shall provide and information review of all non-residential building plans to the adjacent property owners through a review committee. The committee shall consist of a Cambridge resident, to be designated by the Cambridge Neighborhood Association, and an adjacent property owner residing on either Strickland or Ray Roads. The developer shall submit a notarized statement as a part of any site plan approval submittal for any non-residential use indicating the date of the review and the names, addresses and telephone numbers of the neighbors with whom the plans were reviewed.

N. Should the Thompson parcel (Wake County PIN # 0788.16 84 2834) be acquired and integrated by recombination into an office development resulting from this rezoning request prior to any construction permit approval by the City for said development, the "Thompson" parcel shall be submitted for rezoning to apply the conditions of this case to it.

O. An undisturbed yard area and a transitional protective yard area will be provided on each parcel, as described below. The term "Undisturbed Yard Area" shall mean: no grading or removal of vegetation and no use of the yards for parking or structures except as follows:

1. Utility services as defined in Code Section 10-2002 and related easements;
2. Storm drainage facilities (pipes, ditches, etc.) including detention devices required to meet Condition A Above and related easements;
3. Tree and shrub plantings along with walls or fences to complete any transitional protective yard requirements that may apply;

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4. Removal of dead, pest infested, diseased or damaged plant materials that pose safety hazards;
5. Thinning of underbrush and seedlings under 8 inches in diameter (25.12 inches in circumference, measured at breast height (4 1/2 feet above ground level) approved or as otherwise directed by the City's Site Review Specialist or other City Inspections Staff to create a well kept woodland, or natural area, appearance; and,
6. Greenways, pedestrian walkways or bikeways.

Nothing in condition is intended to prohibit the area in the undisturbed yard from also serving as applicable transitional protective yards including closed fences.

Description for the Undisturbed Yard Areas

The yard shall be fifty (50) feet wide measured perpendicular to the co G on boundary of the subject parcel and parcels:

0788.16 84 1083 (Garces)	0788.16 84 6085 (Jewett)
0788.16 84 3045 (Krozser)	0788.16 84 8076 (Watson)
0788.16 83 4958 (Knighten)	

At the time of site plan approval, a survey shall be submitted that indicates all trees eight (8) inches in diameter (dbh) or larger that exist within the portion of this buffer for which plan approval is being sought. Any of the surveyed trees that are removed except for diseased or storm damaged materials; those removed in conjunction with the installation of the fence (three (3) feet wither side of the fence); or those removed for the stormwater detention facilities, shall be replaced on a one for one basis with a similar species of a minimum size of 6.25 inches in circumference (2 inches in diameter) measured 6 inches above ground level.

P. Commercial uses listed in the Schedule of Permitted Land Uses in Zoning Districts (10-2071) shall not exceed a ratio of 10,000 SF per NB CUD zoned area and no single uses, with the exception of a food store, may exceed 10,000 SF in size. Further, freestanding commercial uses of less than 2000 square feet of floor area gross shall be prohibited.

Q. Development of the O&F-1 CUD zoned are for residential uses (not including congregate care, congregate living life care community or rest home facilities) shall not exceed a maximum density of ten (10) dwelling per acre. The developed residential pattern for the site shall result in not more than the equivalent of 6 dwelling units per acre, with a maximum height of thirty-two feet, being placed within 150 feet of the common boundary with parcels:

0788.16 84 1083 (Garces)	0788.16 84 6085 (Jewett)
0788.16 84 3045 (Krozser)	0788.16 84 8076 (Watson)
0788.16 83 4958 (Knighten)	

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R. The cumulative area of street protective yard along Strickland Road and Ray Road for the NB CUD zoned area on the west side of Parcel 0788.16 84 2834 (Thompson) shall aggregate to an amount of street protective yard area equal to the existing length of right-of-way multiplied by 20'. In no instance may any resulting lot have a street protective yard area less than the length of its Strickland Road right-of-way multiplied by 15'. Parking spaces shall not be closer than twenty (20) feet to the right-of-way.

For the O&I-1 CUD zoned area to the east of parcel 0788.16 84 2834 (Thompson) the aggregate area of street protective yard along Strickland road shall equal the length of right-of-way multiplied by 40 feet. In no instance may any resulting O&I-1 CUD zoned lot have a street yard area less than its length of Strickland Road right-of-way multiplied by 20 feet. Parking spaces shall not be closer than twenty (20) feet to the right-of-way.

S. Development of zoned area shall not result in more than 0.3 foot-candles of light occurring from site area lights (not including street lights on the public right-of-way) from any non-residentially developed use onto the following Wake County parcels, so long as these parcels continue to be used for residentially occupied dwelling units, PIN #'s:

0788.02 85 1415 (Peebles)	0788.16 83 4958 (Knighten)
0788.02 75 9116 (Preddy)	0788.16 84 6085 (Jewett)
0788.02 75 7178 (Pretty)	0788.16 84 8076 (Watson)
0788.16 74 6339 (Korean First Baptist Church)	0788.02 85 8173 (Philbeck)
0788.16 84 1003 (Garces)	0788.16 84 6986 (Bell)
0788.16 84 3045 (Kroaser)	0788.02 85 3541 (Stokes)
	0788.16 74 5895 (McDonalds)

A site lighting plan demonstrating compliance with this condition shall be included as a part of any administrative or City Council site plan approval for a non-residential development of the zoned area.

T. Existing wells on the subject property shall be capped upon redevelopment of the property and the connection of the new development to the City of Raleigh water system.

U. The resulting development of the NB and O&I-1 CUD zoned areas shall be interconnected to the remainder of parcel 0788.16 84 3516 and parcel 0788.16 84 9499. However, such interconnection shall not result in a pattern of connected public streets that creates a direct, unbroken line of travel between Strickland Road and Ray Road (unbroken shall mean less than two (2) ninety degree turns resulting from the connection of public streets or private driveways) or the use of at least one stop sign generally midway on the route.

V. All sales to the public in the NB CUD shall cease at 12:01 A.M. until 6:00 A.M. except for gasoline or food related sales or any company which has a corporate wide policy requiring it to be open to the public during these hours.