

Z-13-99 Ebenezer Church Road, east side, south of Westgate Road, being Wake County Tax Map Parcels 0778.04 81 4012 and 71 1080. Approximately 38.8 acres rezoned to Office and Institution-2 Conditional Use.

Conditions: (2/13/99)

I. Developments upon the subject property shall comply with the provisions of CR 7107.

II. For reimbursement purposes, additional right-of-way required by Ebenezer Church Road shall remain at R-4 values.

III. Hotels and motels are prohibited upon this property

IV. A street yard thirty (30') feet in width is imposed along the property's frontage on Ebenezer Church Road wherein driveways and streets (with sight triangles as required by the City Code ["Code"]), utilities/stormwater services and signage may be located. The primary driveways and streets providing ingress/egress to the property shall access on Ebenezer Church Road.

V. Exterior lighting upon any portion of the subject property developed for any use, other than dwelling units, shall be designed, located and shielded so that the light source is not directly visible from any adjacent property zoned residential or developed with a dwelling.

VI. Area A of Petitioner's property described as follows - the easternmost portion of the property containing approximately 7.2 acres as measured by a distance of 400 feet +/- from the northeast corner of the property to the southwest corner of that lot identified by PIN No. 0778.04 91 0721 (Jensen), the eastern portion of the property measuring approximately 400 feet by 800 feet, shall remain zoned R-4 and is excluded from this rezoning case.

VII. In addition to Conditions I through V which apply to the westernmost portion of Petitioner's property identified as Area B and C, the portion of the property identified as Area B described as follows - the middle portion of the subject property containing approximately 16.8 acres being approximately 900 feet in length and approximately 800 feet in depth lying south of Westwind Phase III Subdivision beginning at a point which is the southwest corner of that lot identified by PIN No. 0778.04 91 0721 (Jensen) and running in a westerly direction along the north line of the property to a point identified as the southeast corner of that tract containing approximately 16.80 acres identified by PIN No. 0778.04 72 8310 (Martin Marietta), is subject to additional conditions as follows:

a. The following uses otherwise permitted in the O&I-2 zone pursuant to Code Section 10-2071 "Schedule of Permitted Uses in Zoning Districts" are prohibited within Area B of the property as follows:

ORDINANCE (2000) 809 ZC 481
Effective: 6/6/2000

1. Cemetery
2. Civic Club
3. Funeral home
4. Library, art gallery or museum - governmental and non-governmental
5. Parking facility - principal use
6. Radio and television studio
7. Schools of all types
8. Power plant utilities
9. Dance, recording, music studio
10. Telecommunications towers (all)
11. Transitional housing as follows: Emergency shelter A, B and Religious Shelter unit
12. Bank
13. Recreational use - restricted to membership - commercial of all types
14. Recreational use - non-governmental (outdoor stadium, theater, amphitheater and racetracks) of all types
15. Recreational-governmental (indoor, outdoor and rifle ranges of all types)
16. Temporary events
17. Transportation as follows - airfields, landing strips, heliports and taxi cab stands.
18. Manufacturing - specialized
19. Correctional/penal facilities
20. Residential development shall not exceed ten (10) dwelling units per acre provided however that this limitation shall not be applied to Congregate Care Structure/Congregate Living Structure, Rest Home and/or Life Care Community Services located within Area B.

b. In the event that Area B is developed for Congregate Care Structure/Congregate Living Structure, Rest Home and/or Life Care Community facilities, a natural protective yard fifty (50') feet in width is hereby established along the north line of this Area B which buffer shall be undisturbed except as follows: the removal of unsafe, dying or dead trees and vegetation, installation of underground utilities, and/or stormwater facilities, the termination/extension of Stone Mountain Road as directed by the City of Raleigh and the installation of trees/vegetation, fences and/or berms to enhance privacy and/or aesthetics. A six (6') foot closed wooden fence shall be installed along the entire length of this natural protective yard and shall be positioned no less than ten (10') feet from the north line of Area B. In the event that Area B is developed for any uses other than the senior facilities itemized herein, the natural protective yard hereby established along the north line of Area B shall be one hundred (100') feet in width.

c. No residences or buildings of any kind containing more than two occupied stories, with a maximum height of thirty-six (36') feet measured as provided in the Code shall be located closer than one hundred fifty (150') feet to the north line of Area B. All other residences or buildings within Area B shall be limited to four

occupied stories, with a maximum height of forty-eight (48') feet measured as provided in the Code.

d. All dumpsters/refuse containers within Area B shall be screened on three sides by walls, fences, berms and/or plantings of sufficient height to screen them from view from residential properties to the north and east. No dumpsters/refuse containers shall be serviced from the north or east and no dumpsters/refuse container screening shall open to the north or east.

e. Outdoor paging systems and outdoor pay telephones shall not be allowed in Area B.

f. In Area B illuminated signage, wall or ground signs shall be limited to either internally illuminated cabinet fixtures, solid letters with back lighting or detached light sources that illuminate the sign lettering from the front.

h. In Area B illuminated wall signs may not face the Westwind community. Neon lighting shall not be used on any sign or building exterior.

VIII. In addition to Conditions I through V which apply to the westernmost portion of Petitioners property identified as Areas B and C, the portion of the property identified as Area C described as follows - an area containing approximately 21 acres with a north line of approximately 900 feet in length extending along said north line from the southeast corner of PIN No. 0778.04 72 8310 (Martin Marietta) to the east right of way line of Ebenezer Church Road and a south line of approximately 1,220 feet measured in an easterly direction from the east right of way of Ebenezer Church Road along the south line of the property, is subject to additional Conditions as follows:

a. The following uses otherwise permitted in the O&I-2 zone pursuant to Code Section 10-2071 "Schedule of Permitted Uses in Zoning Districts" are prohibited within Area C of the property as follows:

1. Cemetery
2. Parking facility - principal use
3. Power plant utilities
4. Telecommunications towers (all)
5. Transitional housing as follows: Emergency shelter A, B and Religious Shelter unit
6. Transportation as follows: airfields, landing strips, heliports and taxi cab stands
7. Manufacturing - specialized
8. Correctional/penal facilities

b. A natural protective yard fifty (50') feet in width and one hundred (100') feet in length shall be located in the northeast corner of Area C commencing at the point where the east line of property identified by PIN No. 0778.04 72 8310 (Martin Marietta) intersects with said north line and running thence along and with the

ORDINANCE (2000) 809 ZC 481
Effective: 6/6/2000

south line of the Martin Marietta property in a westerly direction a distance of one hundred (100') feet. The provisions of Condition VII (b) pertaining to Area B shall be applied to this natural protective yard, including without limitation the provision for a six (6') foot closed wooden fence and the provision for increasing the natural protective yard to one hundred (100') feet in width if any uses other than senior facilities are developed in Area C.

c. All dumpsters/refuse containers within Area C shall be screened on three sides by walls, fences, berms and/or plantings of sufficient height to screen them from view from residential properties to the north and east. No dumpsters/refuse containers shall be serviced from the north and east and no dumpsters/refuse container screening shall open to the north or east.

IX. Site plans for development of the property when submitted to the City of Raleigh for approval shall at the same time be mailed to the Westwind Homeowners Association, c/o Roger Knight and E. William Kratt at Wyrick Robbins Yates and Ponton.