

**Z-15-97 Creedmoor Road** & Sawmill Road, northwest intersection, and east side of Halstead Lane, being Map 0797.10 46 8708. Approximately 6.6 acres rezoned to Office & Institution-1 Conditional Use.

Conditions: 6/24/97

1. Upon development, storm water discharge shall comply with the provisions of City of Raleigh Planning Commission Certified Recommendation No. 7107.

2. The maximum building height on the rezoned tract shall be two (2) stories (30'). Roof-top structures such as satellite dishes or antennae shall not be visible from the street right-of-way or from PIN 0797.10 47 5057 (Payne) and PIN 0797.10 47 6220 (Rhodes).

3. The following uses, otherwise permissible within the O&I-1 zoning classification, will not be allowed on this property:

- a. agricultural uses;
- b. residential dwellings;
- c. bed & breakfast inn, guest houses, rooming houses, boarding houses;
- d. transitional housing;
- e. cemetery, funeral home, crematory;
- f. correctional facility, school, church, public library, fire station;
- g. veterinary office, kennel or cattery;
- h. radio & television studio;
- i. telecommunications or wireless communications tower;
- j. dance studio, beauty shop, barber shop
- k. eating establishment;
- l. movie theater;
- m. retail sales;
- n. landfill, airfield, taxi cab stand;
- o. power plant, electric utility substation;
- p. day care facilities, for-profit or nonprofit recreation or athletic club;
- q. hospital, nursing home, rest home, or 24-hour emergency medical facility;
- r. bank, ATM facility; or
- s. outdoor pay phones or paging systems.

4. A minimum buffer thirty-five feet (35') in width will be maintained east of the existing Halstead Lane right-of-way. A buffer with an average width of twenty-five feet (25') (twenty feet (20') minimum) shall be maintained north of the existing right-of-way of Sawmill Road. Adjacent to PIN 0797.10 47 5057 (Payne) and PIN 0797.10 47 6220 (Rhodes), the buffer shall vary between fifty feet (50') and eighty feet (80'), as more particularly described on the sketch plans prepared by Jerry Turner & Associates dated June 20, 1997 and June 23, 1997, attached hereto and incorporated herein by reference, collectively, as Exhibit I. With

the exception of a single drive entrance/exit on Sawmill Road, buffer areas will remain undisturbed except for:

- a. Storm drainage facilities, erosion control devices, 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 underground and designed and undertaken so as to create as little disturbance of the buffer as possible while still honoring public service, health and safety requirements.
- b. 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.
- c. 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 invested with or threatened by pine bark beetles or similar pests may be removed.

5. To supplement the minimum street protective yards otherwise required by the Raleigh City Code, the buffer along Halstead Lane and Sawmill Road shall provide a semi-opaque screen or barrier between the right-of-way and any vehicular surface area. The screen or barrier may consist of plants, earthen berms, fences, walls or any combination thereof which meets the following requirements:

- a. The screen shall occupy the entire length of the vehicular surface area except for sidewalks and driveways which cut through the screen to connect the vehicular surface area to Sawmill Road. At locations I designated on the attached Exhibit I, specific plant varieties and sizes designated thereon will be required.
- b. An elevation change of at least three and a half feet (3 1/2') between the vehicular surface area and the street right-of-way will be maintained. At the locations where the elevation change between the vehicular surface area and the adjacent right-of-way does not alone meet the 3 1/2' minimum, a berm and plant materials shall be installed which bring the screen up to these performance standards. Plant material shall be at least two feet (2') tall above the ground at the time of installation, achieve a minimum of four feet (4') within three years, and be permanently maintained thereafter.
- c. A solid wood fence ranging in height between five and six feet (5'-6') shall be installed and thereafter maintained within the Halstead Lane buffer; the fence shall be located parallel to and at least twenty-five feet (25') east of the existing right-of-way of Halstead Lane, and shall extend between the brick wall paralleling the Payne property line (PIN 0797.10 47 5057), hereinafter described, southward to a point thirty-five feet

(35') north of the existing right-of-way of Sawmill Road. The wood fence shall then continue at a reduced height satisfying City of Raleigh Department of Transportation "sight triangle" restrictions, southward to a point ten feet (10') north of the existing Sawmill Road right-of-way, and thence continue eastward to the Sawmill Road drive entrance into the rezoned property.

6. To supplement the transitional protective yard requirements adjacent to Wake County PIN 0797.10 47 6220 (Rhodes) and 0797.10 47 5057 (Payne), a solid brick wall six feet (6') in height will be installed and maintained with associated landscaping according to the specifications shown on the Jerry Turner Associates Exhibit I, attached. The location of the wall shall be at least forty-five feet (45') south and east of the property line shared with Rhodes and Payne

7. There will be no pedestrian or vehicular entrance (driveway) serving the property from Halstead Lane.

8. All refuse containers and heating and air-conditioning units will be maintained within wooden or masonry enclosures or otherwise screened from direct view from adjacent residentially zones lots.

9. Exterior lighting shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent residential properties along Halstead Lane, Sawmill Road and Woodchester Court. Freestanding light poles within one hundred feet (100') of the property line of PIN 0797.10 47 5057 (Payne) and PIN 0797.10 47 6220 (Rhodes) or within one hundred feet (100') of the Halstead Drive right-of-way shall not exceed eighteen feet (18') in height.

10. If additional right-of-way (not exceeding ten feet (10') in width) is taken by the government for improvements to adjacent roadways, the property owner will be compensated and/or reimbursed at R-6 land values.

11. At the time of site plan approval, the unity-of-development plan, as that term is defined in the City of Raleigh zoning ordinance, will be formulated for all buildings on the site assuring complementary architectural style, construction materials and cross-access ways. The style and material shall complement the existing Stonehenge-Park West, being Wake County PIN 0797.06 47 6967.

12. Copies of all site plan and subdivision plan applications shall be mailed first class to adjacent owners (PIN No.'s 0797.10 47 5057 and 6220), owners on the west side of Halstead Lane (PIN No.'s 0797.10 46 5513, 5631, 5720, 4798, and 4845), and owners on the south side of Sawmill Road (0797.10 46 9335, 7385, 7325, 6385, 6335, 5335 and 5375) concurrent with filing with the City of Raleigh. The names and addresses used shall be those listed with the Wake County tax office as current owners.

**ORDINANCE (1997) 163 ZC 417 CORRECTED COPY**

**Effective: July 15, 1997**

13. Any exterior signs shall be installed on and/or face the Creedmoor and/or Sawmill Road frontages. The street protective yard along Creedmoor Road shall average twenty feet (20') in width.

14. The fence, wall, and associated landscaping required along Halstead Lane and adjacent to the Payne and Rhodes properties shall be installed within ninety (90) days of the issuance of a grading permit for the rezoned property.

**\*\*(Exhibits can be found in case file located in the Planning Department)\*\***