

**Z-30-97 Thistledown Drive**, south side, between Gorman Street and Trailwood Drive, being Tax Parcels 0792.05 09 0483, and 0782.08 99 Parcels 9897, 4693, and 3395. Approximately 30.2 acres rezoned to Residential-10 Conditional Use (+/-25 acres) and Office and Institution-2 Conditional Use (+/-5 acres) with Special Highway Overlay District-1.

Conditions: (7/7/97)

1. All exterior lighting and exterior light standards located upon the proposed R-10 CUD property and the proposed O&I-2 CUD property shall be designed, aimed and/or shielded so that light is not projected directly into adjacent residentially zoned properties, in accordance with the provisions of Code Section 10-2089.

2. Concurrently with filing a site plan, subdivision or special use permit application with the City of Raleigh or City of Raleigh Board of Adjustment, a copy of said application shall be delivered to Mr. and Mrs. Robert Lamar Rabb or his successor in interest as the owner of the residence located at 1821 Pictou Street, Raleigh, NC, 27606, Wake County Tax Parcel 0783.20 90 8562 (formerly tax parcel 576-36). An additional copy of said application shall be sent concurrently to Thistledown Homeowners Association, Inc., c/o Pindell Wilson Property Management Co., 264 Millbrook Road, Raleigh, NC 27609, or its successor.

**3. Residential-10 Conditional Use District (R-10 CUD)**

a. No building shall exceed forty (40') feet in height measured as provided in the Code of the City of Raleigh, provided however, that for the area of the R-10 CUD property adjacent to the south right-of-way line of Thistledown Drive measured eighty (80') feet from said south right-of-way line of Thistledown Drive, commencing at a point two hundred (200') feet west of the intersection of said south right-of-way line of Thistledown Drive and the west right-of-way line of Trailwood Drive and running along the said right-of-way line of Thistledown Drive in a westerly direction to the northeast corner of that certain flood storage easement dedicated to the City of Raleigh as shown on those maps recorded in Books of Maps 1996, Pages 599 and 600, Wake County Registry, no buildings or portions thereof located within said eighty (80') foot width area shall exceed thirty (30') feet in height measured as provided in the City Code. The peak of the roof line of any building, connections thereto or portions thereof located within one hundred (100') feet of the above-described segment of the south right-of-way line of Thistledown Drive shall be no higher than the highest roof line peak located within the eighty (80') foot width area.

b. No building or vehicular storage area (parking lot) shall be constructed or allowed to remain within fifty (50') feet of Thistledown Drive or Trailwood Drive. This area may be used for one or more access drives, necessary public utility installations and signage.

c. A fifty (50') foot transitional protective yard shall be maintained immediately adjacent to the property described as Tax Parcel 0792.05 09 3361 (formerly Tax Parcel 603-197) along the southeastern border of the subject property. In the event a building or vehicular storage area (parking lot) is located within one hundred (100') feet of the west property

line of Tax Parcel 0792.05 09 3361 (formerly Tax Parcel 603-197), an evergreen plant screen shall be installed and maintained within the fifty (50') foot transitional yard paralleling said western property line. At least 70 Leland Cypress or similar scrubs of size, and species capable of achieving six (6') feet in height within three growing seasons shall be utilized. In the event a building or vehicular storage area is located within one hundred (100') feet of the Northern property line of Tax Parcel (0792.05 09 3361) formerly Tax Parcel 603-197) a similar landscape screen shall be maintained in the transitional yard space there, except that a minimum of 75 plants shall be installed.

d. All Residential-10 (R-10) uses shall be permitted in the proposed R-10 CUD District.

e. The primary entrance to the R-10 CUD property will be located within the portion of the south right-of-way line of Thistledown Drive commencing at the northeast corner of the flood storage easement dedicated to the City of Raleigh by those certain map recorded in Book of Maps 1996, Pages 599 and 600, Wake County Registry running in an easterly direction along and with the south right-of-way line of Thistledown Drive a distance of two hundred twenty five (225') feet. This primary entrance will be designated by appropriate signage in accordance with the Code of the City of Raleigh. The secondary entrance to the R-10 CUD property will be located no closer than four hundred (400') feet to the intersection of the south right-of-way line of Thistledown Drive and the west right-of-way line of Trailwood Drive, and secondary entrance to be designated by signage only to the extent required by the Code of the City of Raleigh.

f. A street protective yard fifty (50') feet in width commencing at the northeast corner of that flood storage easement dedicated to the City of Raleigh by those certain maps recorded in Book of Maps 1996, Pages 599 and 600, Wake County registry and running in an easterly direction along and with the south right-of-way line of Thistledown Road to the point where it intersects with the west right-of-way line of Trailwood Drive and continuing with the west right-of-way line of Trailwood Drive in a southerly direction a distance of approximately one hundred (100') feet to the northeast corner of the property owned now or formerly by the Atwater Heirs (Tax Parcel 0792.05 09 3361) is hereby established. This street protective yard may be crossed and/or reduced for driveway entrances (with permitted signage) into the subject property, utility installation, street widening and such other purposes as permitted by the City of Raleigh. Trees existing within this street protective yard as of the date of the approval of this rezoning by the Raleigh City Council shall be retained other than those removed as a result of the construction of entrances (with permitted signage), utility installation, street widening and such other purposes permitted by the City of Raleigh; provided, however, that damaged, diseased, or dead trees and vegetation may be removed from the protective yard as needed and further provided that trees and vegetation may be removed and/or pruned in this area in accordance with the recommendations of the Arborist of the City of Raleigh or his designee as necessary to promote the growth, health and the vitality of these trees and vegetation in the street protective yard.

The street protective yard shall be supplemented with not less than one hundred ten (110) wax myrtles or equivalent evergreen shrubs which shrubs shall be a minimum of one and one-half (1 1/2') feet in height when planted, capable of achieving six (6') within three growing seasons and spaced in a continuous row with no shrub being located greater than ten (10') feet from another when planted. (For the purpose of this condition three growing seasons is defined as three annual growing seasons.)

**4. Office & Institution-II Conditional Use District (O&II CUD)**

- a. No building shall exceed fifty-five (55') feet in height measured as provided in the Code of the City of Raleigh.
- b. No building or vehicular storage area (parking lot) shall be constructed or allowed to remain within fifty (50') feet of Thistledown Drive. This area may be used for one or more access drives, necessary public utility installations and signage.
- c. All O&II District uses shall be permitted in the proposed O&II District, except for the following, which shall be prohibited: Commercial parking lot, parking deck, parking garage, funeral home and radio and television studio.

**5. Flood Storage Easement Area**

The portion of property which has been dedicated to the City of Raleigh as a flood storage easement by that certain Deed of Easement recorded in Book 7020, page 228, Wake County Registry, as shown on those maps recorded in Book of Maps 1996, pages 599-600, Wake County Registry, shall remain in its natural state subject, however, to exceptions as follows:

- a. All rights of the City in accordance with that certain Deed of Easement recorded in Book 7020, page 228, Wake County Registry, and all rights of the City therein as provided by the Raleigh City Code now or hereafter adopted.
- b. There may be established within the flood storage easement area fitness courses/walking trails, benches and picnic tables to the extent permissible under the Deed of Easement to the City and applicable City policies and provisions of the City Code.
- c. Utilities, including without limitation storm water lines and appurtenances, may be installed within the flood storage easement area in accordance with site plans and/or subdivisions approved by the City of Raleigh.
- d. Damaged, diseased or dead trees and vegetation may be removed from the flood storage easement area as needed and trees and vegetation therein may be removed and/or pruned in this area in accordance with the recommendations of the Arborist of the City of Raleigh or his designee as necessary to promote the growth, healthy and vitality of the trees and vegetation in the flood storage easement area.