

**Z-110-96 Durant Road**, south side, east of Falls of Neuse Road, being a portion of Wake County Tax Parcel 1718.02 85 5100. Approximately 16.9 acres rezoned to Residential-4 Conditional Use (12.8 ac) and Office and Institution-1 Conditional Use (4.2 ac).

Conditions: (7/22/97)

**CONDITIONS COMMON TO ALL AREAS REZONED:**

- A. Development shall comply with the provisions of CR-7107 of the Raleigh Planning Commission.
- B. Reimbursement values for additional right-of-way required by the City's Development Regulations on adjacent roadways shall be at the then prevailing rate based upon the Rural Residential and Residential-4 zoning.
- C. Buffered areas referred to in Sections II and III below will remain undisturbed except for:
1. Storm drainage facilities, erosion control devices, electric, telephone, cable television and similar installations (fiber optic, cable, etc.) vehicular drives, pedestrian paths, gas and/or water, sanitary sewer installations, and similar utilities approved by the appropriate local government authority.
  2. The planting of new vegetation, construction of fences, walls, berms or similar construction which tends to enhance the areas visual appeal, or sights and noise screening characteristics.
  3. Treatment or removal of nuisance or diseased vegetation. 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 infested with or threatened by pine bark beetles or similar pests may be removed. Notwithstanding the foregoing, buffer areas shall be disturbed no more than is necessary and shall be restored and subsequently maintained by the property owner in accordance with City Code Section 10-20821.12(f).
- D. Thirty days prior to its filing with local government review agencies, a copy of any site plan or subdivision plan application for the subject property shall be forwarded by first class mail to the parties listed by the Wake county tax office as owners of PIN numbers 1718.16 94 1335, 1718.16 94 1520, 1718/16 94 2327, 1718.16 94 1538m 1718,16 94 2784, 1718.16 94 2892, 1718.16 94 1822, 1718.16 94 3913. 1718.16 94 1901, 1718.02 95 1050 and 1718.02 95 2050. With said plans, the owner will provide a sanitary sewer easement routing plan to the owners of PIN 1718.02 95 2050, 1718.02 95 1050 and 1718.16 94 1901.
- E. Any storm water detention device established on the property shall be secured and screened as follows:
1. "Security fencing" shall be placed around the entire surface area perimeter of the device.

2. "Opaque screening" shall be placed around the exterior perimeter of the security fencing. The maintenance access driveway at the rear of the device, opposite Wake County Tax Parcel PIN Number 1718.02 94 1901 shall not be planted. The plan for planting this opaque screening shall be review with the owners of Wake County Tax Parcel PIN Number 1718.02 94 1901 at the time of site plan approval.

"Security fencing" shall be black vinyl covered chain link fencing ten (10) feet tall.

"Opaque screening" shall consist of a staggered double row of thorn bearing evergreen shrubs planted four (4) feet on center, said shrubs being a minimum of thirty (30) inches tall at planting and to achieve a minimum height of forty-two (42) inches (3 1/2 feet) in height within three growing seasons.

F. Within the area bounded by the existing common lot line of the subject parcel and Wake County Tax Parcels PIN Numbers 1718.02 95 1050 and 1718.02 95 2050 and a line extending perpendicular from the existing north westernmost corner of the property which is the subject of this petition and Wake county Tax Parcel PIN Number 1718.02 95 1050 to the right-of-way of Durant Road, and a line extending perpendicular from the existing north easternmost common corner of the property which is the subject of this petition and Wake county Tax Parcel PIN Number 1718.02 95 2050 to the right-of-way of Durant Road, nonresidential site area lighting will be subject to the following conditions:

1. Only wall mounted and free standing bollard style fixtures may be employed. Bollard style fixtures shall not exceed three and one-half (3.5) in height.
2. Wall mounted fixtures shall have the source of light shielded and create down lighting only; and,
3. Bollard style fixtures within this area shall be screened from the rear lot lines of Wake County Tax Parcels PIN Numbers 1718.02 95 1050 and 1718.02 95 2050 by either buildings or "opaque screening".

## **II. CONDITIONS FOR AREA TO BE REZONED OFFICE AND INSTITUTION**

A. Residential density shall not exceed four (4) dwellings per acre.

B. Non-residential development shall not exceed one (1) occupied story (twenty-six (26) feet), exclusive of basement areas, with the exception that either the Pullen home currently located at 11201 Durant Road, or the J.J. Crowder Lodge currently located at 9920 Falls of Neuse Road may be relocated on the subject property. Residential building heights shall not exceed two (2) stories or thirty-six (36) feet.

C. A buffer fifty feet in width shall be maintained along the boundary shared with Wake County Tax Parcel PIN Numbers 1718.02 95 1050 and 1718.02 94 1901. This buffer shall remain undisturbed except for storm drainage and utility easements.

D. Building setbacks for non-residential uses shall be maintained as follows:

1. A forty (40) foot building setback shall be maintained along the zoning boundary extending from Wake County Tax Parcel PIN Number 1718.02 95 1050 to the right-of-way of Durant Road.
2. Parallel to the rear boundary of Wake County Tax Parcel PIN Number 1718.02 95 1050, a one hundred and fifty (150) foot building setback shall be maintained.

E. "Security fencing" and "opaque screening" shall be installed to screen non-residential uses as follows:

1. Within the building setback area, parallel to the boundary line extending from Wake County Tax Parcel PIN Number 1718.02 95 1050 to the right-of-way of Durant Road.
2. Within the area between the buffer and building setback established in Conditions C and D above for Wake County Tax Parcel PIN Number 1718.02 95 1050.
3. Parallel and adjacent to the one hundred twenty-five (125) foot and seventy-five (75) foot buffers around the existing common corner of the subject area and Wake County Tax Parcel PIN Numbers 1718.02 95 1050 and 1718.02 94 1901 terminating at either the R-4 CUD and the O&I-1 CUD zoning line extending westward from the existing common boundary of the subject area and parcel 1718.02 94 1901 or connecting to similar fencing and screening surrounding any stormwater control device placed within the zoned area.

"Security *fencing*" shall be black vinyl coated ten (10) foot high chain link fencing.

"Opaque screening" shall consist of a staggered double row of evergreen shrubs planted four (g) feet on center with a minimum height of thirty (30) inches at the time of planting and to achieve a minimum height of forty-two (42) inches within three growing seasons.

The fencing and screening shall connect to substantially similar fencing and screening to surround any storm water detention device established on the property.

F. Vehicular surface areas shall be screened from view from the rear lot line of Wake County Tax Parcel PIN number 1718.02 95 1050 by either the buildings themselves or the opaque screening described in Condition II E above. Parking spaces shall be separated from Wake county Tax Parcel PIN Number 1718.02 95 1050 by buildings. There shall be no loading or vehicular surface area located behind Wake County Tax Parcel PIN Number 1718.02 95 1050.

G. Site area lighting within the O&I zoned area for nonresidential uses shall be limited as follows:

1. Outside transitional protective yards poles and fixtures shall not exceed sixteen (16) feet in height.

2. Light fixtures shall shield the source of light and create down lighting only.

H. Buildings erected in the O&I-1 CUD zoned area shall have pitched roofs with a minimum pitch of 3:12.

I. To supplement the minimum street protective yards otherwise required by the Raleigh City Code, the property owner shall:

1. Provide a street protective yard fronting Durant Road at thirty (30') feet in width.

2. Provide landscaped focal areas at all project corners that are created by intersections of public streets or the intersection of a private driveway with a public street. Within these landscaped areas, in addition to perennial and annual landscape materials, these area may contain identification walls or fences with a minimum height of three and one-half (3 1/2) feet, gate houses with a minimum height of twelve (12) feet, arbors, artwork, pedestrian walkways and identification signage may be installed. These areas will be designed and constructed to provide an identification of the property, conform to site triangle requirements, and provide a level of uniformity between resulting projects. These areas are illustrated on the attached Concept Master Plan prepared by Charles Elam and Associates and dated July 14, 1997.

3. Street protective yards shall be planted according to the following schedule:

	<b>Caliper</b>	<b>Circumference</b>	<b>Height</b>	<b>Rate</b>
Canopy Trees	3.5"	10.99"	9.0'**	1 per 40 linear feet
Understory Trees	2.0"	6.28"	7.0'**	1 per 70 linear feet
Hedge Evergreen Shrubs			42"(at 3 yrs)	3'0" on center
Non-Hedge Evergreen Shrubs			42"(at 3 yrs)	1 per 60 linear feet
Flowering Shrubs			24"***	1 per 40 linear feet

\*\* at installation

4. An evergreen hedge to screen the view of cars shall be placed within the street protective yard when the yard is adjacent to parking spaces. The hedge shall run the entire length of all parking spaces, except when the hedge reaches the intersections of public streets or the intersection of a private driveway with a public street. Such intersections shall be constructed and landscaped in accordance with conditions C.1 above and Raleigh City Code Section 10-2082.6(b).

5. Street protective yards may contain berms, walls, fences, sidewalks, driveway crossings, utility services and utility service areas.

E. At the time of site plan approval, a unity of development plan will be formulated for all landscaping on the site assuring complementary landscaping style, materials and cross-access ways.

**III. CONDITIONS FOR THE AREA TO BE REZONED RESIDENTIAL:**

A. Residential structure shall be not less than 1900 heated square feet and shall have a two car garage, except that the Pullen house, currently located at 11202 Durant Road, which may be relocated on this property shall not be required to conform to these requirements.

B. An undisturbed buffer one hundred twenty-five (125) feet in width shall be maintained along the existing boundary of the subject parcel shared with Wake County Tax Parcel PIN Numbers 1718.02 95 1050 and 1718.02 95 2050.

C. Within an area bounded by the:

1. Right-of-way of Durant Road,

2. Lines extending perpendicular from the existing north westernmost common corner of the subject parcel and Wake County Tax Parcel PIN Number 1718.02 95 1050 to the right-of-way of Durant Road and the existing north easternmost common corner of the subject parcel and Wake County Tax Parcel Number 1718.02 95 2050 to the right-of-way of Durant Road. and,

3. Along the existing common line shared between the subject parcel and Wake County Tax Parcels PIN Numbers 1718.02 95 1050 and 1718.02 95 2050, only bollard style lights not exceeding four (4) feet in height and wall mounted lights with shielded light source and downward directed lighting may be used. No freestanding bollard style area lights may be placed between any buildings in the subject area and the common boundary line with Wake County Tax Parcels PIN Numbers 1718.02 95 1050 and 1718.02 95 2050.

D. A wedge shaped building setback area shall be maintained along the zoning line dividing the R-4 CUD area from the O&I-1 CUD portion of this request. The wedge will be bordered by a line extending from the point where the O&I-1 CUD and R-4 zoning line intersects the right-of-way of Durant Road to the one hundred and fifty (150) foot building setback point established perpendicular to the existing easternmost common corner of the subject parcel and Wake County Tax Parcel PIN Number 1718.02 95 2050. Within this area, no building, parking or loading area may be constructed.