

Z-34-98 Jones Franklin Road, east side, between Dillard Drive and I40, being Wake County Tax Map Parcel 0782.05 09 3771, 0783.17 00 3113 and 4544. Approximately 23.4 acres rezoned to Residential-15 Conditional Use. (SHOD-1 remaining)

Conditions: (05/14/98)

A. Additional right-of-way along the frontages of the property for the widening of Jones Franklin Road and Dillard Road, respectively will be reimbursed upon the basis of the Rural Residential (RR) zoning.

B. Storm water run-off controls will comply with CR 7107.

C. Developer shall erect a six foot high closed board fence adjacent to the portions of the southern boundary of the property adjoining the north boundaries of the four lots currently zoned R-4 (Pin Nos. 0772.08 99 9209 (Deluca), 0782.05 09 0246 (Piney Plains Christian Church), 0782.05 09 1250 (Gibson) and 0782.05 09 2165 (Tune) and to the east boundary of 0782.05 09 2165 (Tune). Said fence shall be located within the subject property no closer than ten (10') feet to the above identified north and east boundaries of the R-4 zoned lots and, subject to the City's Sight Triangle Regulations, shall be extended along the southern boundary of the property adjacent to the north right of way line of Dillard Road. An entrance gate for use by emergency vehicles may be installed along the Dillard Road boundary of the property if approved by the City, which gate shall be closed and secured in conformance with the City's requirements except when utilized by emergency vehicles including, without limitation, fire, police and emergency medical service vehicles. In the alternative to the emergency entrance gate an access drive shall be installed if required by the City. All fence surfaces adjacent to the R-4 lots and to the north right of way line of Dillard Road shall be finished so that no horizontal framework of the fence systems is visible from said R-4 lots and from the north right of way line of Dillard Road.

D. Upon completion of construction of the fence required by the provisions of Condition C. Developer shall install within the 10' foot area adjacent to the above identified north and east boundaries of the R-4 zoned lots and along the southern boundary of the property adjacent to the north right of way of Dillard Road (excluding the area in front of the proposed emergency gate if approved by the City or any access drive required by the City) a row of evergreen trees and canopy trees (to the extent any canopy trees are required by the City), all between 4' and 6' in height at the time of planting, spaced not more than 10' apart.

E. Buildings constructed upon this property shall contain not more than two occupied stories and shall not exceed 36 feet in height measured from the top of the slabs to the peak of the roofs of buildings constructed on the property.

F. A street protective yard twenty (20') feet in width shall be located along the west line of the property adjacent to the east right of way of Jones Franklin Road. This street protective yard will be measured from the proposed east right of way line of Jones Franklin Road (proposed width, one hundred ten [110'] feet) and may be crossed by driveways for access

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to and from the property, utility, fence and sign installations, for gate and related security facilities and for street widening, sidewalk installation and such other purposes as permitted by the City of Raleigh.

Within the aforesaid street protective yard area the trees existing therein as of the date of the approval of this case by the Raleigh City Council which are eight (8") inches in caliper and greater measured four (4') foot from ground level (i.e., 25" in circumference similarly measured) shall be protected during the development process. Notwithstanding the preceding protective requirement, said trees may be removed as necessary to accomplish the installation of driveways for access to and from the property, utility, fence and sign installations, for gate and related security facilities and for street widening, sidewalk installation and such other purposes as permitted by the City of Raleigh. Furthermore, subsequent to the issuance of Certificates of Occupancy for the buildings developed upon the property trees which are eight (8") inches in caliper measured as provided herein may be removed in accordance with the provisions of City Code Section 10-2082.12(c)(1)a., b, c, d, e and g. (f. pertaining to single family areas intentionally omitted).

G. Residential development upon the subject property shall not exceed 297 dwelling units.