

**Z-118-99 Leesville Road**, east side, between Omni Place and Starboard Court, being Wake County PIN 0787.11 66 3463. Approximately 1.8 acres rezoned to Residential-6 Conditional Use.

Conditions: (11/22/99)

1. Stormwater runoff control measures shall meet or exceed the standards of Planning Commission Certified Resolution 7107, where applicable.
2. A building setback of not less than (50') feet shall be maintained along existing 60 Leesville Road right of way. Within this (50') tree protection area an average width of thirty feet (30') shall be maintained. Existing vegetation within the tree protection area shall 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, driveways, pedestrian paths and similar improvements approved by the appropriate local government authority. Any such construction shall be underground and/or designed and undertaken so as to create as little disturbance of the area as possible while still honoring public service, health and safety requirements. Any such construction shall also be designed and implemented in such a way that the associated land disturbance does not result in an obstructed view across the tree protection area.
  - b. The construction of entrance features, fences, berms, walls, associated passive recreation features and the planting of new vegetation which tends to enhance the area's visual appeal, or sight and noise screening characteristics.
  - c. Treatment or removal of nuisance or diseased vegetations. 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.
3. The minimum yard area otherwise required by Raleigh City Code Section 10-2075 shall be forty-five (45') in width.
4. Building shall be limited to a maximum height of three (3) stories and 45 feet in height. Building height will be measured from finished ground elevation to top of fascia or roof parapet. Sloping roofs will not be included in building height.
5. At the time of initial site plan or subdivision approval, whichever shall occur first, a unity-of-development plan approved by the City of Raleigh will be formulated for all buildings on the site assuring complementary architectural style, construction materials and cross-access ways.

6. Refuse containers and heating and air conditioning units shall be maintained within wooden or masonry enclosures or otherwise screened from direct view from adjacent residentially zoned lots, in accordance with the approved unity of development plan.

7. The applicant for a subdivision or site plan shall notify, by certified mail, return receipt requested, owners of property as listed by the Wake County Tax Office, adjacent to or within 100 feet of the rezoned property of said subdivision or site plan approval requests filed with the City of Raleigh. A similar notice shall also be sent to the then Chairman of the Northwest Citizens Advisory Council at his or her residence address as listed with the City of Raleigh.

8. The property owner shall, prior to receiving a building permit for new construction on the subject property, deed to a homeowners' association, all common area including but not limited to all tree protection area (buffers) shown on an approved site plan. Concurrently, the property owner shall record a maintenance covenant for such areas, including assurance of 1) access, 2) protection measures against erosion and/or sedimentation, and 3) permanent maintenance and apportionment of cost thereof.

9. Development of the property shall be a townhome and/or condominium community and accessory uses as defined in City Code Section 10-2002, as the same may be from time to time amended.

10. Consistent with the provisions of City of Raleigh Ordinance (1999) 513 ZC 450 (Z-102-98), effective 02/16/99, in the event the property designated as Wake County Pin 0787.11 66 7447 (presently Leesville Townhome Partners LLC) is under common ownership with the property subject to this zoning case (Pin 0787.11 66 3463), the property that is the subject of this zoning case shall be developed to conformity with section 12 of City of Raleigh Ordinance 513 ZC 450.

11. Reimbursement for right of way shall be at R-4 values.