

**Z-102-98 Leesville Road**, east side, between Tylerton Drive and Starboard Court, being Wake County Tax Parcel 0787.11 66 7447. Approximately 10 acres are rezoned to Residential-6 Conditional Use.

Conditions: 12/05/98

1. Stormwater runoff control measures shall meet or exceed the standards of Planning Commission Certified Resolution 7107, where applicable.

2. A building set back of not less than (50') feet shall be maintained along existing 60 foot Leesville Road right of way. Within this (50') feet a tree protection area with 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 planning 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 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.

3. The minimum yard area otherwise required by Raleigh City Code Section 10-2075 shall be forty-five (45') in width, including therein a minimum tree protective area of thirty feet (30') in width (same standards as set forth in condition "B" above) adjacent to the properties with PIN 0787.11 66 1703 (Wilson), 0787.11 66 3851 (Bulkowski), 0787.11 66 484 (Ziberna), 0787.11 66 5831 (McCauley), 0787.11 66 6830 (Ellison), 0787.11 66 7825 (Moonam), 0787.11 66 8709 (Kurth), 0787.11 66 9840 (Resnick), 0787.11 66 1801 (Higgins), 0787.11 66 1663 (Porter), 0787.11 66 1552 (Fussel), 0787.11 66 1373 (City of Raleigh), 0787.11 76 0129 (Dang), 0787.11 66 9113 (Baranski), 0787.11 66 8056 (Kelley), 0787.11 66 7090 (Slawson), 0787.11 65 7915 (Jones), and 0787.11 66 4168 (Murphy).

4. Buildings on the rezoned properties shall be limited to three (3) stories and not more than forty-five feet (45') in height. No building exceeding 26' feet in height shall be located within 100 feet of the properties described in "C" above. Building heights will be measured from finished ground elevation to top of fascia or roof parapet. Sloping roofs will not be included in building height.

5. Exterior lighting shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent R-4 properties. Freestanding light poles within (35') thirty-five feet of the R-4 properties cited in condition ("C") above shall not exceed eighteen feet (12') in height.

6. At the time of initial site plan or subdivision approval, 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.

7. 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.

8. In addition to the existing plant material within the tree protective areas, vegetative screens shall be installed and permanently maintained at points parallel to the rezoned property's common boundary with PIN# 0787.11 66 8709, #0787.11 66 1552, #0787.11 66 9113 and #0787.11 76 0129 as illustrated on the attached rezoning plan. Each screen shall consist of 46 evergreen shrubs and/or trees such as Foster holly, Nellie Stevens holly, Cryptomaria Japonica, Leyland Cypress, Scotch pine, and Canadian hemlock, along with eight (8) canopy trees such as Oak, Maple and other native varieties. The vegetative screens shall be planted and installed within 180 days of the issuance of a certificate of occupancy for the first dwelling to be occupied on the subject property and shall contain plant materials with a minimum height of (5') feet for and twelve (12') feet for canopy trees at the time of planting.

9. The applicant 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 subdivision or site plan approval requests filed with the City of Raleigh. A similar notice shall also be the property owner to the then chairman of the Northwest Citizens Advisory Council at his or her residence address listed with the City of Raleigh.

10. The property owner shall, prior to receiving a building permit for new construction on the subject property, deed to a homeowner's association, all common areas including but not limited to all tree protection areas (buffers) designated on the attached rezoning 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 therefor.

11. 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.

12. In the event the properties designated by the Wake County tax office as Pin #'s: 0787.11 66 3463 (Murphy), 0787.11664168 (Murphy), 0787.11665041 (Lasky), and or 0787.11661703 (Wilson) are brought under common ownership with the property subject to this zoning case (Pin # 0787.11 66 7447) they shall be subject to the use restriction set forth section 11 above and shall be subject to the unity of development plan set forth in section 6 above.

13. Concurrently with the initial site plan or subdivision application, an offer of a reciprocal storm drainage easement will be tendered to the owners of Wake County PINs #0787.11761801, #0787.11762800, #0787.11762657, #0787.11761663, #0787.11763653, and #0787.1176398. The terms of said easement will provide for the design, installation and maintenance of an underground pipe or pipes from the Northeast corner of Wake County PIN #0787.11667447 in an easterly direction to connect with the City of Raleigh storm drainage system within the right of way of Glendower Drive. The terms of the easement and design of the installation shall be subject to the approval of the Raleigh City Manager or his designee.