

**Z-49-97 West Millbrook Road**, north side, between Hedgemoor Drive and Creedmoor Road, being Tax Map Parcel 0796.07 57 0871. Approximately 7.8 acres rezoned to Residential-6 Conditional Use.

Conditions: 8/14/97

For purposes of these conditions tax map parcel 0796.07 57 0871 is referred to as the "Property".

1. The Property shall be developed and utilized only for detached dwelling unit, related amenities and accessory uses, and the Property shall be subdivided into no more than thirty-five lots. Nor more than ten of such lots shall adjoin the boundary of the Property with the Hedgemoor Drive residences (as such term is hereafter defined).

2. Any development of the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission, which deals with the control of stormwater. In addition, upon any development of the Property, there shall be implemented a stormwater control system (the "Stormwater Control System") for the Property which, subject to approval of the City engineering staff, addresses the control of stormwater runoff from the Property onto tax map parcels 0796.07 57 4955, 0796.07 57 4854, 0796.07 57 4762, 0796.07 57 4674, 0796.07 57 4576, 0796.11 57 4477, 0796.11 57 4450, 0796.11 57 4342, 0796.11 57 4224 and 0796.11 57 4136 (hereinafter referred to as the "Hedgemoor Drive Residences"). Subject to the approval of the City engineering staff, this shall be accomplished by (i) the construction and maintenance of on-site detention facilities or stormwater control measures upon the Property or (ii) the installation and maintenance of an underground pipe (the "Underground Pipe") along the drainageway which exists between tax map parcels 0796.07 57 4854 and 0796.07 57 4955 to connect with drainage facilities in Hedgemoor Drive, or a combination of items (i) and (ii). The installation of the Underground Pipe shall be subject to approval by the owner(s) of the parcel or parcels upon which it would be installed. Following its installation, the Stormwater Control System shall be maintained by the owner or owners of the Property or an association of such owners. The Underground Pipe shall have a diameter of at least thirty-six inches and will be installed at a sufficient depth to increase efficiency at the upstream inlet side. The connection point of the Underground Pipe with the existing forty-eight inch pipe in the right-of-way of Hedgemoor Drive will be an enclosed structure with a concrete top with six inch openings around all sides. All areas disturbed in installing the Underground Pipe will be repaired in accordance with the City of Raleigh standards for seeding and seed bed preparation. The Stormwater Control System upon the Property shall have at least three inlets which shall each have a concrete top with six inch openings around all sides. These inlets will be depressed into the ground with berms around them to capture surface runoff. The final design of the Stormwater Control System and the Underground Pipe will be prepared in consultation with Dr. Rodney Malcolm or such other engineer as designated by the owners of tax parcels 0796.07 57 4854 and 0796.07 57 4955. All stormwater improvements within public rights-of-way will meet City of Raleigh standards.

3. No buildings shall be constructed upon that portion of the Property within thirty (30) feet of the boundary of the Property with the Hedgemoor Drive Residences. A closed wood fence no less than six (6) feet in height shall be installed and maintained along the boundary of the Property with the Hedgemoor Drive Residences. With the exception of (i) the installation of such fence, any utilities, and storm drainage pipes or facilities, and (ii) the removal of dead, diseased or dying trees, that portion of the Property within twenty (2) feet of the boundary of the Property with the Hedgemoor Drive Residences shall remain undisturbed. Additional plants may be planted within such areas.

4. No building upon the Property shall exceed forty (40) feet in height measured from the ground level to the peak of the roof.

5. With the exception of trim, windows, and doors, at least as of the facade of no less than one-half of the detached dwelling units constructed upon the property shall consist of brick. Each dwelling unit upon the Property shall have a pitched roof with a minimum pitch to run of eight (8) inches to one (1) foot.

6. There shall be no disturbance (with active protection during constructions periods) of the street trees planted by the City of Raleigh along Millbrook Road. All trees within thirty (30) feet of the existing curb of Millbrook Road having a caliper of five (5) inches or more (15 5/8 inches in circumference measured four and one-half (4 1/2) feet above the ground) shall be preserved (with active protection during construction periods). Such trees may, however, be removed for the installation of utility services, stormwater control facilities and pipes, driveways (and tapers) and a wall or fence.

7. At least fifteen (15) days prior to the filing of an application for subdivision or site plan approval with respect to the Property, written notice thereof shall be mailed to the owners of the Hedgemoor Drive residences at their mailing addresses shown on the records of the Wake County Tax Collector.