

Z-93-96 **Dixie Trail**, west side, between Wade Avenue and Barmettler Street, opposite O'Berry Street, being Map 0794.11 56 6103. Approximately 5.3 acres rezoned to Residential-15 Conditional Use.

Conditions: (11/05/96)

1. Development of the property will be in compliance with City of Raleigh Planning Commission Certified Recommendation No. 7107.
2. Existing residential buildings on the property shall remain, subject to the right of the property owner to reconstruct and/or repair the same due to obsolescence, fire, or other casualty. Any construction of new or replacement dwellings shall be limited to the footprint of the existing structures and to the site located in the northwest corner of the rezoned parcel as illustrated on the map entitled Spanish Trace Apartments Building Addition attached hereto.
3. The height of any buildings upon the property will be limited to three (3) stories (40 feet maximum), as measured from the average natural ground elevation as defined by Sec. 10-2076(b) of the City of Raleigh Zoning Code.
4. Any new construction upon the subject property shall utilize the same or similar brick and siding construction materials, as well as asphalt shingles, as used in the original buildings on the property. The roof pitch of any new construction will be a minimum of 12:3 and a maximum of 12:9.
5. Upon receipt of a certificate of occupancy for additional dwellings made possible by this rezoning, the property owner shall establish a vegetative buffer as depicted on the attached illustration. The buffer shall vary between 50 and 75 feet in width, subject to the following conditions and limitations. Vegetation within the vegetative buffer 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, and similar utilities approved by the appropriate local government authority. Any such construction shall be underground and designed and undertaken so as to create as little disturbance of the buffer as possible while still honoring public service, health and safety requirements.
 - b) The planting of new vegetation, construction of fences, walls, berms, and pedestrian trails, associated passive recreational amenities, or similar construction 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.

6. A minimum 20 ft. buffer shall be maintained along the southern boundary of the subject property adjacent to Wake County PIN numbers 0794.11 55 5826, 5896, 6875 and 8910, and along the northern boundary with the Manorhouse congregate care facility (PIN Number 0794.11 56 6103). These buffers will be left undisturbed, subject to the same conditions and limitations stated in paragraph "5" above.

7. A protective yard averaging 20 feet in width (at least 7.5 feet, but no more than 25 feet) shall be maintained along Dixie Trail, subject to the restrictions of paragraph "5" above and as depicted on the attached illustration. Said buffer will be supplemented with additional plantings as permitted by CP&L guidelines for easement access. These plantings will consist of, at a minimum, eight (8) redbud trees (approximately 8 feet), ten (10) yucca plants (3 gallon), eighteen (18) pampas grass (5 gallon), and 400 daylilies (1 gallon).

8. All refuse containers will be screened from public view.

9. A 6 foot high, closed wood fence will be constructed along the southern side-yard buffer beginning at the eastern terminus of the existing brick retaining wall and continuing to a point as close to the western right-of-way line of Dixie Trail as permitted by Raleigh DOT sight-distance regulations.

10. Upon receipt of a certificate of occupancy for additional dwellings made possible by this rezoning, the property owner will provide a minimum of 165 on-site parking spaces for residents of the property.