

Z-49-99 Louisburg Road, east side, extending to the Neuse River, being (a portion of) Wake County Tax Map parcel 1737.04 61 2813. Approximately 20 acres rezoned to Office & Institution-1 Conditional Use.

Conditions: 5/26/99

1. Stormwater runoff control measures shall meet or exceed the standards of Planning Commission Certified Recommendation 7101, where applicable.
2. Any right-of-way required to be dedicated for future improvements to adjacent roadways shall qualify for reimbursement at R-4, R-6, R-10 and R-15 values.
3. A minimum building setback of seventy-five feet (75') in width, including therein a minimum tree protective area of fifty feet (50') in width, shall be maintained along the rezoned property's common border with Wake County PIN's 1737.04 62 2177 (Marra), 1737.04 62 3250 (Reiss), 1737.04 62 7332 (Sklodowski), 1737.04 62 5205 (Henley), 1737.04 62 6259 (Clark), 1737.04 62 4222 (Shannon,Douglas), 1737.04 62 5277 (Myrick Construction), and 1737.04 51 3701 (Myrick Construction). 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.
 - 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 sign 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.
4. Buildings on the rezoned properties shall be limited to three (3) stories and not more than forty-five (45') in height. Total gross floor area to be constructed on the rezoned property shall not exceed a ratio of .50.
5. Exterior lighting shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent single-family residential detached properties.
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 signage, architectural style, construction materials, and cross-access ways.

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

8. 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 provided by the property owners to the then chairman of the area Citizens Advisory Council at his or her residence address listed with the City of Raleigh.

9. Construction traffic shall not be permitted to access the subject property via Virgilia Court or Professor Street.

10. Development to the west of the proposed extension of Southall Road shall be limited to residential development not to exceed four units per acre prior to June 1, 2004. The future right of way being more particularly described as beginning at a point in the south easternmost corner of Lot 57 (Sklodowski), Phase 2, North College Park Subdivision as shown on Book of Maps 1997, Page 682, Wake County Registry, running in a southerly direction to a point in the common boundary of the tracts with Wake County PIN's 1737.04 61 2813 (the subject property) and 1737.04 51 9081 (Wake Technical Community College), said point lying approximately 1,050 feet east of the Neuse River's western bank, i.e., the westernmost point of the right of way of Southall Road as shown on SP-190-98. After June 1, 2004, development shall be permitted in accordance with O&I-1 zoning classification as limited by conditions 1-9 above.

11. Portions of the subject property within the 100 year flood plain shall be a "tree protective area" and remain undisturbed except as set forth in Section 3a., 3b., and 3c of these conditions.

12. Public greenway easements along the Neuse River will be conveyed to the City of Raleigh concurrently with the recording of any subdivision, recombination map or upon building permit issuance whichever first occurs. The easement terms shall be negotiated in good faith by the property owner and the City manager or his designee. For reimbursement purposes, the greenway shall be valued at the current residential zoning.

13. A private pedestrian path will be provided on the interior of the tract accessing both the Neuse River greenway system and the Wake Technical College property to the South (PIN# 1737610011). An offer of reciprocal pedestrian cross access subject to the reasonable approval of the Raleigh City Attorney shall be recorded in the office of the Register of Deeds of Wake County, at the time of plat recordation or building permit issuance, whichever first occurs.