

Z-89-99 Durant Road, north side, east of Falls River Avenue, being Wake County PIN 1728.13 24 3494. Approximately 1.58 acres rezoned to Neighborhood Business Conditional Use.

Conditions (11/3/99):

1. Buildings constructed upon this property shall not exceed two (2) stories with a maximum height of thirty-eight (38') feet, measured as per the City Code.
2. Reimbursement values for additional right-of-way required for Durant Road (if applicable) shall remain at the existing R-15 PUD values.
3. General uses as specified in Code Section 10-2042(b)(1) are prohibited upon this property as follows: automotive service and repair facility; bar, nightclub, tavern, lounge; eating establishment all kinds; food store - retail; hotel/motel; movie theater - indoor; as principal use: parking lot, parking deck, parking garage including motor pool; recreational use - restricted to membership - profit and not for profit; recreational indoor use; single-family detached dwelling unit; schools except private or parochial school (elementary, middle and high); utility substation. Also, all Conditional and Special Uses otherwise permitted in the NB District as specified in Code Sec. 10-2042(b)(2) and (3) are prohibited upon this property.
4. Stormwater run-off controls will comply with CR-7107 for R-15 development.
5. There shall be no direct driveway connection between the subject property and Durant Road except as provided by the joint driveway cross access easement specified by agreement recorded in Book 8199, page 645, Wake County Registry, as shown on map recorded in Map book 1998, page 2135, Wake County Registry.
6. All exterior lighting and exterior light standards located upon the subject property shall be designed, located, aimed and/or shielded so that there is no view of the light source from adjacent property, in accordance with the provisions of the Raleigh City Code.
7. Exterior HVAC facilities located upon the subject property shall be ground mounted and screened by wood enclosures, parapets, walls, berms and/or plantings of sufficient height to screen from view the HVAC facilities from Durant Road and from any adjacent properties which are residentially zoned or used for residential purposes.
8. A buffer yard twenty-five (25') feet in width is imposed upon the frontage of this property adjacent to Durant Road wherein street trees, including for example but not limited to, Pin Oaks, of the caliper and spacing required by the City Code shall be installed. Additionally, shrubs, including for example but not limited to, Nellie Stevens Holly, Ligustrum and Kwanzan Cherry shrubs shall be placed in this buffer area in order to provide a unity of

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landscaping and plant materials with those proposed upon the lot adjacent to the subject property's west line, provided that these species and their locations are approved by the City of Raleigh as not in conflict with its sewer utility line easement twenty (20') feet in width located within a portion of this buffer yard area.

9. No buildings constructed upon this property shall be located closer than one hundred (100') feet to the cemetery located in part on this property as shown on map recorded in Map Book 1998, page 2135, Wake County Registry, and said cemetery will be screened by fencing and/or plantings of sufficient height to screen said cemetery from view from the building(s) constructed upon this property.