

**Z-34-96 Interstate 40**, east side, generally between US 64 West and Western Blvd Extension, at the end of Myra Road, being Map 0774.18 41 0795, approximately 15.4 acres rezoned to Office & Institution-2 Conditional Use and Conservation Management (with the SHOD-1 to remain).

CONDITIONS (10/28/96):

- a. Upon development, stormwater discharge from the rezoned area will be controlled in accordance with CR 7107. In addition to compliance with CR 7107, stormwater runoff from all impervious surfaces (with the exception of Myra Road improvements), shall be directed, channeled or otherwise piped so as to not be discharged across nor into the "Glosson Estates Subdivision" as recorded in BOM 1963 Page 196 in the Wake County Registry.
- b. The property being rezoned to O&I-2 CUD shall not be used for the following purposes:
  1. Emergency Shelter Type B
  2. Dance, recording or music studio
  3. Group Housing Developments, cluster unit developments, multifamily dwelling, townhouse development, congregate care facility, fraternity or sorority houses, residential condominiums, single family dwelling, life care facility or any other dwelling or equivalent dwelling unit.
  4. All recreational uses (except for a recreation club as an accessory use in an office building)
  5. Temporary Events
  6. Residential related services
  7. Manufacturing facilities
  8. Correctional/Penal facilities - governmental or non-governmental
  9. Outdoor stadium, outdoor theater, outdoor race track, outdoor movie theater
  10. Telecommunication Tower
  11. Utility services and substations
  12. Commercial, including retail uses, except for nonresidential related services located within office buildings
  13. Hotel/Motel
- c. The cumulative floor area gross of the rezoned property shall not exceed 230,000 sf.
- d. If a five (5) story building is constructed on the property there shall be no more than a total of two (2) buildings on the rezoned property.
- e. Subject to approval by the City, no access shall be available to the rezoned property via Myra Drive. This condition is only applicable if alternative access is approved by the City of Raleigh for Lots 1, 2 and 3 as shown on "Exhibit A", attached hereto and incorporated by reference as if fully set forth herein.

f. No building, including any attached transmission devices, mechanical equipment and screens, stair enclosures, or elevator shafts shall exceed the elevation of 540.0 feet above mean sea level (MSL).

g. A building setback of 75 feet shall be maintained parallel to the current eastern boundary of the rezoned property adjoining PIN #'s 0774.19 51 3966, 0774.19 51 1558, 0774.19 51 3472, 0774.19 51 1155, 0774.19 51 1053, 0774.19 50 1943, 0774.19 50 1773, 0774.19 50 1452 and 0774.19 50 1143. In addition, no building exceeding two stories (thirty feet) in height shall be built closer than 100 feet to this boundary.

h. The 50-foot wide strip of land running parallel to the common property line between the subject property and the "Glosson Estate Subdivision" as recorded in Book of Maps 1963 page 196, herein after referred to as a "buffer", shall be rezoned to Conservation Management District CUD and shall be subject to the following additional restrictions:

1. Said "buffer" shall become a permanently vegetative buffer as described in condition h.7 below, between the single family residential uses in the "Glosson Estates Subdivision" as recorded in BOM 1963 page 196 and the nonresidential uses to be developed on the subject property.

2. The buffer shall remain undisturbed except for:

- a. The first thirteen (13) feet closest to the O&I zoned property which shall be used for the installation of 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 located underground all subject to approval of the appropriate local government authority and for the planting of new vegetation, construction of fences, walls, berms, pedestrian trails and for or similar construction which tends to enhance the area's visual appeal or provide sight or noise screening characteristics. Any such construction shall be 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. Private utility easements and services serving the "Glosson Estates Subdivision" as recorded in BOM 1963 page 196.

- c. Public utility easements and mains as may be required to serve the "Glosson Estates Subdivision" as recorded in BOM 1963 page 196 or the subject property.

- d. The installation of a chain link fence as described in condition h5 below.

- e. The installation of a wood fence as described in condition h6 below.

3. Prior to the issuance of any construction permits, the developer shall prepare a tree survey for all existing 5" caliper (15 5/8 inches in circumference) and larger trees as measured 4 1/2 feet above grade that are located within the undisturbed portions of

the buffer. For that portion of the buffer extending south from Myra Drive, all 3" caliper (9.42 inches in circumference) and larger trees as measured 4 1/2 feet above grade shall be surveyed.

4. In the event existing 5" caliper (15 5/8 inches in circumference) or larger trees as measured 4 1/2 feet above grade [3" caliper (9.42 inches in circumference) and larger trees as measured 4 1/2 feet above grade for that portion of the buffer extending south from Myra Drive] located within the undisturbed portion of the "buffer" are lost during the construction process because of damage from the construction of utility or storm drainage facilities, the property owner shall replace lost trees within the next planting season with a quantity of evergreen shade trees whose sum of diameters equal the diameter of the lost trees as defined by the City Code. The replacement trees shall be a minimum of 2" caliper (6.28 inches in circumference) as measured 1/2 foot above grade and 6' tall at time of planting. These replacement trees shall be planted in the (13) foot portion of the "buffer".

5. A standard six foot high chainlink fence shall be installed and maintained within and parallel to the "buffer" for the entire length of the common property line between the subject property and the property locate north of the Glosson Estates Subdivision as recorded in BOM 1963 page 196. Said fence shall be located anywhere within the "buffer" and shall connect to t he fence described in condition h6 below.

6. An eight foot high closed wooden fence shall be installed parallel to the "buffer" from the entire length of the "Glosson Estates Subdivision" as recorded in BOM 1963 page 196 and the subject property and shall be connected to adjacent fencing so as to create a continuous fence separating the adjacent residential properties from the subject property. The fence shall be constructed in a manner which does not require the removal of any trees.

7. In order to supplement the existing vegetation remaining in the buffer and to provide additional screening, the transitional protective yard to be planted in the buffer" between the subject property and the Glosson Estates Subdivision" as recorded in BOM 1963 page 196 shall include a continuous evergreen shrub screen consisting of a single row of evergreen material planted at a minimum of eight feet on center. This material shall be a minimum of 48" in height at the time of planting. The plant material shall be located on the development side of the wood fence.

i. Freestanding exterior lighting fixtures located on the property shall not be placed higher than twenty feet in height. No exposed bulbs shall be utilized and there will be no direct beaming of the light onto the adjoining residential "Glosson Estates Subdivision" properties as recorded in BOM 1963 page 196. Computerized lighting controls or timers shall be installed and designed to regulate lighting patterns so as not to cause illumination in excess of four-tenths (0.4) foot-candle measured at the common property line of the subject property and the "Glosson Estates Subdivision" as recorded in BOM 1963 Page 196.

j. Within 30 days of approval of a preliminary subdivision plan by the City which prohibits access to the property from Myra Drive, the developer shall sign a petition supporting the closure of the adjacent portion of the Myra Drive and join in with the neighborhood in petitioning the appropriate governmental entities for the abandonment of the Myra Drive right of way.

k. Prior to or concurrently with the submission of preliminary subdivision or site plan approval applications to the City of Raleigh, the Owners of the subject property shall notify, by certified mail, return receipt requested, owners of property within the "Glosson Estates Subdivision" as recorded in BOM 1963 page 196 as listed by the Wake County Tax Assessor, adjacent to or within 100 feet of any portion of the rezoned property proposed to be subdivided or developed. A similar notice shall be also provided by the Owners of the property to the chairman of the West Raleigh Citizens Advisory Council at his or her residence address listed with the City of Raleigh. Plans shall be made available at no charge to all persons notified up to a two copy limit.

l. Ground signage shall be limited to low profile ground signs.

m. The Owners of the subject property shall conduct a study of the existing drinking water quality of the adjacent "Glosson Estates Subdivision" properties as recorded in BOM 1963 page 196 prior to any construction on the subject property and at the completion of any phase of the development of the property. If any system(s) are found to be contaminated as a direct result of construction on the rezoned property as defined by the water quality standards of the "Regulations Governing Permitting Construction, Repair, Inspection, Sampling and Abandonment of Private and Semi-public Water Supply Wells in Wake County" last amended on April 11, 1995, the developer shall provide public water along the frontage of the affected property owner(s) at no cost to the affected property owner(s). Bottled water shall be provided at no cost to any affected property owners until said waterline is constructed.

n. Prior to the issuance of the certificate of compliance for the first building constructed on the subject property, the owners of the subject property shall construct a public water line of adequate size to serve the development and "Glosson Estates Subdivision" as recorded in BOM 1963 page 196 as prescribed by the City of Raleigh. Said water shall be located within the right of way of the planned access road as shown on the attached Exhibit "A". If it is determined that a waterline must be extended from Bashford Road via Myra Road in order to adequately serve the subject property, the owners of the subject property shall not damage or destroy the two large oak trees near the northwest corner of Bashford Road and Myra Drive during the waterline construction process.

o. The maximum cumulative total building coverage for the rezoned property shall be no greater than 100,380 square feet.

**ORDINANCE NO. (1996) 7 ZC 399**

**Effective: 11/19/96**

p. The developer shall make every reasonable effort to preserve the existing large oak tree located on the subject property approximately 200' west of the Myra Road stub.

q. Subject to approval by the City of Raleigh and at the written request of the owner of Wake County parcel, PIN #0774.19 50 1143, (Lot 9, "Glosson Estates Subdivision" as recorded in BOM 1963, Page 196 in the Wake County Registry,) the owner/developer of the property shall make available to the respective parcel owner a recordable 10' wide easement through the "buffer" set out hereinabove in condition h for the purpose of installing a private service water line from the respective tax parcel to the public water line to be installed in the access road proposed and described on "Exhibit A" attached hereto.

(Exhibits can be found in the case file located in the Planning Department.)