

Z-13-98 Buffalo Road, northeast side, south of Sue Ellen Drive, being Wake County Tax Map Parcel 1725.06 48 (portion of) 8020. Approximately 7 acres rezoned to Office and Institution-1 Conditional Use.

Conditions: (06/03/98)

A. Any development of the subject property shall be in compliance with Raleigh Planning Commission Certified Recommendation No. 7107.

B. The following uses, normally permitted in the O&I-1 District, shall not be permitted:

1. Cemetery
2. Telecommunication tower
3. Utility services and substation
4. emergency shelter
5. Airfield, landing strip and heliport
6. Dance, recording, music studio
7. Bed and breakfast inn
8. Manufacturing -specialized
9. Eating establishments
10. Orphanage
11. Correctional/penal facility
12. Outdoor stadium, outdoor theater, outdoor racetrack with more than 250 seats, outdoor movie theater.
13. Apartment houses, which shall not be construed to include any other multi-family dwelling development, townhouse development, or residential unit ownership (condominium) development).

C. A minimum twenty-five (25) foot Special Highway Overlay District-2 street protective yard shall be established within one growing season after site plan approval for the subject property and shall be maintained along Buffalo Road should the property be developed for other than residential use.

D. Nonresidential site plans for construction on the subject property shall include a transition yard of fifty (50)feet in width along the boundary line with Wake County PIN numbers: 1725.06 48 6256; 1725.06 48 7226; 1725.06 48 7296; 1725.06 48 8267; 1725.06 48 9236; 1725.07 58 0235; 1725.07 58 0294; 1725.07 58 1264; 1725.07 58 2233; 1725.07 58 3213; 1725.07 58 4112; 1725.07 58 4014; 1725.07 57 4916; 1725.07 57 4818; 1725.07 57 4719; 1725.07 57 4666; and 1725.07 57 3650. The transition yard shall include not less than the minimum number of plantings required for Type B transition yard as specified in the Raleigh City Code as of the date this zoning district is approved by the Raleigh City Council.

The transition yard also will remain undisturbed except for:

1. Storm drainage facilities, erosion control devices, fences, berms, 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

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designed and undertaken so as to create as little disturbance of the transition yard as possible while still honoring public service, health and safety requirements.

2. The planting of new vegetation, construction of fences, walls, berms or similar construction which tends to enhance the area's visual appeal, or sight and noise screening characteristics.

3. Treatment or removal of nuisance of diseased vegetation as certified by city arborist or other public official designated by the Raleigh City Manager. To illustrate, but not limit, the foregoing: Trees which encroach upon property boundaries or those 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.

E. Nonresidential site plans for construction on the subject property shall provide for refuse containers and heating and air-conditioning units to be maintained within wooden or masonry enclosures or otherwise screened from direct view from adjacent residentially zoned lots. Refuse containers shall not be located within one hundred (100) feet of adjacent residentially zoned lots.

F. Exterior lighting shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent residential properties. Freestanding light poles within 50 feet of adjacent residential properties shall not exceed 18 feet in height.

G. Notice of subdivision and/or site plan applications for the subject property shall forwarded concurrently with filing with the local government authority to the owners of the properties with Wake County PIN Numbers: 1725.06 48 6256; 1725.06 48 7226; 1725.06 48 7296; 1725.06 48 8267; 1725.06 48 9236; 1725.07 58 0235; 1725.07 58 0294; 1725.07 58 1264; 1725.07 58 2233; 1725.07 58 3213; 1725.07 58 4112; 1725.07 58 4014; 1725.07 57 4916; 1725.07 57 4818; 1725.07 57 4719; 1725.07 57 4666; and 1725.07 57 3650.

H. Nonresidential buildings within one hundred feet of the property line of Wake County PIN Numbers: 1725.06 48 6256; 1725.06 48 7226; 1725.06 48 7296; 1725.06 48 8267; 1725.06 48 9236; 1725.07 58 0235; 1725.07 58 0294; 1725.07 58 1264; 1725.07 58 2233; 1725.07 58 3213; 1725.07 58 4112; 1725.07 58 4014; 1725.07 57 4916; 1725.07 57 4818; 1725.07 57 4719; 1725.07 57 4666; and 1725.07 57 3650 shall not exceed two stories (35 feet in height). No buildings on the property shall exceed three stories (45 feet in height).

I. Residential development on the subject property shall not exceed ten (10) units per acre.

J. At the time of initial site plan or subdivision approval, a unity of development plan will be formulated for all buildings on the site assuring complementary architectural style, construction materials and cross-access ways.

K. Any right-of-way required to be dedicated for future improvements to adjacent roadways shall qualify for reimbursement at R-4 values.