

Z-67-97 St. Albans Drive, north side, west of Benson Drive (extended), being Tax Map 1715.05 18 (portion of) 2788, approximately 8 acres rezoned to Office & Institution-1 Conditional Use, according to map on file in the City of Raleigh Planning Department.

CONDITIONS: (10/14/97)

A. Development of this property shall comply with Planning Commission Certified Recommendation 7107. In addition thereto, a stormwater facility shall be installed, prior to issuance of any certificate of occupancy, and maintained thereafter which shall detain and divert stormwater such that the developed rate of runoff from the 2-year and 10-year storm events from the developed portion of this site into the tributary of Big Branch being the northern boundary line of a portion of the subject property shall not increase from current conditions. Stormwater from the developed portion of the property shall be collected and diverted by underground pipe to a detention pond/facility to be located in the northeastern quadrant of the intersection of the Big Branch and Saint Albans Drive. Said pipe shall not be located closer than fifty (50') feet from the southern lines of properties identified with Wake County PIN # 1715.05 18 9780 (Cuddy), 1715.05 18 8791 (Horne), 1715.05 18 8704 (Wheeler), 1715.05 18 7729 (Zucker), 1715.05 18 6912 (Blake), 1715.05 18 5846 (Silverman) and 1715.05 1888 3907 (Larson). The owner of the property shall obtain all easements necessary to insure the proper installation and permanent maintenance of said stormwater facilities. If the property develops for residential uses, said detention may be located on the subject property. Said easements shall be recorded within sixty (60) days of City Council approval of this rezoning request.

B. Only one office building shall be constructed on the property and it shall be located more than three hundred fifty (350) feet of the residential lot identified with Wake County PIN# 1715.05 18 9780 (Cuddy). Parking facilities shall not be subject to said building setback.

C. The following uses otherwise permitted in the Office & Institution-1 District shall not be permitted on this property:

1. Church, synagogue or religious education building
2. Cemetery, funeral home
3. Group housing development, multifamily dwelling development, townhouse development, residential unit ownership (condominium) development
4. Recreational uses of any kind
5. Schools of any kind
6. Airfields, landing strips
7. Bed and breakfast inn, guest house facility
8. Correctional/penal facility
9. Outdoor stadium, outdoor theater, outdoor racetrack, outdoor movie theater
10. Freestanding telecommunications towers

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D. Any residential development of this property shall be limited to single family detached dwellings of not more than four (4) dwellings per acre.

E. The channel of the tributary of Big Branch which makes up a portion of the site's northern boundary line shall remain undisturbed, i.e. not relocated or piped.

F. All refuse containers, mechanical/maintenance facilities, and HVAC units shall be screened such that they are not visible from any public streets rights of way or residential zoning district.

G. The office development of this property shall be limited to a maximum floor area ratio (FAR) of .50.

H. Outside transition yards, freestanding exterior lighting located on the subject property shall not exceed twenty (20) feet in height. No exposed bulbs shall be utilized and there shall be no direct beaming of light into any residential zoning district.

I. The quantity of street yard landscape plantings along both Saint Albans Drive and Benson Drive shall be increased by 50% of the requirements described in Code Section 10-2082.5.

J. The owner of the property shall notify, by certified mail, return receipt requested, owners of property as listed by the Wake County tax office, being PIN # 1715.05 09 6205 (Stefureac), 1715.05 6941 (Ward), 1715.05 09 6070 (Sun), 1715.05 09 6069 (Rigano), 1715.05 09 7217 (Gillette) 1715.05 09 8289 (Parker), 1715.05 09 8198 (Farantatos), 1715.05 19 1036 (Allen), 1715.05 19 1156 (Shelton), 1715.05 18 9780 (Cuddy), 1715.05 18 8791 (Horne), 1715.05 18 87004 (wheeler)' 1715.05 1888 7729 (Zucker), 1715.05 18 6912 (Blake), 1715.05 18 5846V (Silverman), 1715.05 18 3907 (Larson), and 1715.05 19 308884 (Mull), of site plan approval requests filed with the City of Raleigh. A similar notice shall also be provided by the property owner to the then chairman of the Palls of Neuse Citizens Advisory Council at his or her residence address listed with the City of Raleigh,

K. Included in the easements described in condition A above, or by way of separate easements. the owner of the Property shall obtain landscape easements which provide for a minimum one hundred (100) foot vegetative buffer from the southern line of properties identified with Wake County PIN #1715.05 18 9780 (Cuddy) and 1715.05 18 8791 (Horne), and a minimum fifty (50) foot vegetative buffer from the southern lines of properties identified with Wake County PIN# 1715.05 18 8704 (Wheeler), 1715.05 18 7729 (Zucker), 1715.05 18 6912 (Blake), 1715.05 5846 (Silverman), and 1715.05 18 3907 (Larson). Said buffers shall remain undisturbed, except for removal of dead, diseased, or nuisance vegetation, utilities, required improvements to publicly dedicated rights of way, stormwater facilities, utilities, erosion control facility, fill, foot paths and increased plantings. Nothing in this condition shall require the owner of the property to obtain an easement from the owners of tax parcel 1517.05 28 2382. For every 100 square feet of buffer area disturbed for any of the above purposes, nine (9) inches of tree circumference shall be replanted in

the buffer. Said easements shall be recorded within sixty (60) days of City Council approval of this rezoning request.

L. The office building shall be located in the building envelope described as follows: BEGINNING at a point, said point being North 86 degrees 17'26" West 249.63 feet from the easternmost corner of the subject property; thence running North 35 degrees 48'36" West 328.00 feet to a point; thence running South 54 degrees 11'24" West 165.00 feet to a point; thence running South 35 degrees 48'36" East 328.00 feet to a point; thence running North 54 degrees 11'24" East 165.00 feet to the point and place of BEGINNING, being the Office Building Envelope as same is shown on Exhibit A attached hereto.

M. No building shall exceed sixty-four (64) feet in height. Building heights shall be measured from the top of the curb of the Benson Drive-Saint Albans Drive intersection (elevation 308' above M.S.L.) to the top of the roof. Mechanical equipment (HVAC and elevator), mechanical screens/rooms, and parapet wall on the roof and stair enclosures to the roof, if any, will not be included when calculating building height.

N. A buffer shall be provided and maintained along the tributary of Big Branch which is the northern boundary line of a portion of the subject property. Said buffer shall be from the centerline of the channel of said tributary, and extending landward a minimum of fifty (50) feet on the subject property, measured horizontally on a line perpendicular to the tributary. The buffer shall remain undisturbed in the thirty (30) feet closest to the centerline of the tributary; however, said buffer may be disturbed for the following limited purposes:

1. Roads, bridges, stormwater management facilities, ponds, and utilities may be permitted where no practical alternative exists. Said structures, if any, shall be located, designed, constructed and maintained to have minimal disturbance, to provide maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices.
2. Stream restoration projects, scientific studies, stream gauging, water wells, passive recreation facilities such as board walks, trails, pathways, historic preservation and archaeological activities are allowed.
3. Natural regeneration of forest vegetation is allowed and planting vegetation to enhance the buffer area is allowed if disturbance is minimized. Any plantings should consist primarily of locally native trees and shrubs.
4. Horticulture practices may be used to maintain the health of individual trees.
5. Individual trees may be removed which are in danger of causing damage to dwellings, other structures, or the stream.

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From the outer edge of the above 30 ft. nondisturbed buffer and extending landward a minimum of 20 feet of the subject property as measured horizontally on a line perpendicular to the center line of said tributary, there shall be maintained a buffer consisting of dense ground cover composed of herbaceous or woody species which provide for diffusion and infiltration of runoff and filtering of pollutants. The following practices and activities are allowed in this 20 ft. buffer in addition to those permitted above in the 30 ft. buffer. Grading, fill, erosion control, removal of existing vegetation, provided said area is replanted with ground cover composed of herbaceous or woody species.

The following practices and activities are not allowed in this 20 ft. buffer. New permanent structures, including but not limited to buildings and parking spaces, new on site sanitary sewage systems which use ground absorptions, activities that would result in water quality standards violations or disrupt the structural or functional integrity of the buffer area.

O. Any site plan shall provide tree preservation area(s) within a portion of that area along St. Albans Drive located between the building and the right of way. Said tree preservation area(s) shall be a minimum depth of 15 feet, maximum depth of 35 feet and an average depth of 25 feet and run along St. Albans Drive the entire length of the building. Active tree preservation shall be installed in accordance with city standards prior to issuance of a grading permit.