

Z-43-95 Jones Franklin Road, west side, Fort Sumter Road, north and south sides, Dana Drive, east and west sides, and the Beltline, north side, being Parcels 2833, 1325, 6254 and 2085, Tax Map 0783.09, approximately 49 acres rezoned to Office and Institution-2 Conditional Use with Special Highway Overlay District-2.

Conditions:

A. New development on any portion of the subject rezoning area will comply with the provisions of Certified Recommendation 7107.

B. The portions of the site defined as being: West of Dana Drive and South of Fort Sumter Road (approximately 2.51 acres); and North of existing Fort Sumter Drive from Jones Franklin Road to the Western boundary of the site (approximately 15.05 acres) shall be utilized for residential uses as permitted in O&I-2 according to Code Section 10-2071; day care facilities with less than 50 enrollees; and residential related services and residential institutions as defined in Code Section 10-2002 with the following limitations:

1. The maximum residential density from the combined acreage of the described portions of the site (approximately 17.56 acres net of the existing rights-of-ways of Fort Sumter and Dana Drives) may not exceed 9.5 units per acre;
2. The maximum number of residential units to be placed on the portion of the site West of Dana Drive and South of Fort Sumter Road will not exceed 28 dwelling units;
3. The maximum number of residential units to be placed on the portion of the site North of existing Fort Sumter Road will not exceed 136 dwelling units;
4. Religious shelter units will not be permitted;

C. Within twelve months of the effective date of rezoning, provided the cooperation is received from the owners of parcels 0783.09 06 5754 and 0783.09 06 5987 and 0783.09 06 5239, the owners or their successors of the subject parcels of this rezoning will prepare necessary maps and documents and file a petition to close the unopened portion of Fort Sumter Road between Lakeside Drive and the property line of parcel 0783.09 16 1325.

D. Within twelve months of the effective date of rezoning, a protective yard with a land area equivalent to 23 feet in width times its length with a minimum width of 20 feet, will be provided adjacent to Wake County tax parcels;

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| 0783.09 06 5987 (Fisher) | 0783.09 17 0169 (Curtis) |
| 0783.09 07 7199 (Brown) | 0783.09 17 2117 (Okane) |
| 0783.09 07 9212 (Weybrew) | |

This protective yard will contain 8 trees and 85 shrubs per 100 linear feet (prorated to portions thereof).

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All trees and shrubs will be evergreen. Trees will comply with the listing of recommended trees for planting under power lines provided by CP&L and on file in the Zoning Inspections Office.

This protective yard will extend a distance of fifty (50) feet east along the boundary with parcel 0783.09 17 4097 from the common corner of parcels 0783.09 17 4097 and 0783.09 17 2117; and it shall extend a distance of 200 feet south along the boundary in the parcel 0783.09 06 5239 from its corner on the southern right-of-way of Fort Sumter Road. The location and extent of the protective yard is illustrated on Exhibit A.

E. Office uses as defined in Code Section 10-2071 will not access Dana Drive unless Dana Drive is upgraded to a minor thoroughfare designation on the thoroughfare plan.

F. The value of additional right-of-way for Jones Franklin Road will remain at R-6.

G. At the time of Site Plan Approval for any additional residential units (not including replacement units) or for any non-residential use permitted by O&I-2, a traffic impact study will be submitted to the City Department of Transportation.

H. At the time of development for any additional residential units (not replacement units) or non-residential use permitted by this rezoning, Fort Sumter Road will be realigned to tie in with the Jones Franklin Road, Beltline Ramp signal. The existing connection to Jones Franklin Road will either be: 1) closed with curb, gutter and pavement to create a continuous edge for Jones Franklin Road; 2) converted to a private driveway entrance; or 3) converted to a minor public street entrance. The specific approach to be determined by Site Plan Approval and the Traffic Impact Analysis.

I. Building heights, in the areas: North of Fort Sumter Road; and, West of Dana Drive South of Fort Sumter Road, will be limited as follows:

1. Within 100 feet measured perpendicularly to the common boundary with parcels:

0783.09 17 4097 (Wood)	0783.09 07 9212 (Weybrew)
0783.09 06 5987 (Fisher)	0783.09 17 0169 (Curtis)
0783.09 07 7199 (Brown)	0783.09 17 2117 (Okane)

and the first 200 feet of the length of the boundary line South of Fort Sumter Road with Parcel 0783.09 06 5239, building heights will be limited to a maximum of two (2) occupied levels not to exceed a total height of thirty (30) feet; and

2. Within the remaining portions of these defined areas building heights will be limited to a maximum of three (3) occupied levels not to exceed a total height of forty (40) feet.

J. Any new parking spaces that occur within 100 feet of the common boundary of the zoned property and parcels identified with the Wake County PIN Numbers 0783.09 06 5987, 0783.09 07 7199, 0783.09 07 9212, 0783.09 17 0169 and 0783.09 17 2117 that are not

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screened from view from the property line with a building, shall be screened with a minimum six (6) foot high closed wooden fence placed not more than ten (10) feet from the edge of the pavement nearest the property line and extending for the length of the viewed parking area. This condition does not apply to existing parking spaces.

K. A day care facility may be placed on the north side of Ft. Sumter Road provided it is located: not more than six hundred (600) feet off of the existing right-of-way of Jones Franklin Road; and, at least three hundred (300) feet south of the right-of-way of Barringer Drive.

L. The portion of the zoned property between the existing right-of-way of Fort Sumter Road and the adjacent parcels defined by Wake County PIN Numbers:

0783.09 06 5987	0783.09 17 0169
0783.09 07 7199	0783.09 17 2117
0783.09 07 9212	

is to be redeveloped with the same general arrangement of buildings and parking as presently exists. This will assure that buildings will be placed between the parking lots and parcels with Wake County PIN Numbers:

0783.09 07 7199	0783.09 17 0169
0783.09 07 9212	0783.09 17 2117