

Z-59-95 Strickland Road, south side, between Six Forks Road and Old Well Lane, opposite King's Arms Way, being Parcel 6689 and a portion of Parcel 9692, Tax Map 1708.18, rezoned to Office & Institution-1 Conditional Use.

CONDITIONS:

For purposes of the following conditions, Wake County tax Parcel 1708.18 41 6689 and that portion of Wake County tax Parcel 1708.18 31 9692 which is the subject of this zoning petition are referred to collectively as the "Property". For such purposes, Wake County tax parcels 1708.18 41 6689 and 1708.18 41 5265 are referred to collectively as the "Call Parcels," and that portion of Wake County tax parcel 1708.18 31 9692 which is the subject of this zoning petition is referred to individually as the "North-pointe Parcel."

1. Stormwater. Upon development, the rate of stormwater runoff from the property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission.
2. Fence. Upon development of the Northpointe Parcel, as long as the Call Parcels remain undeveloped or are used for residences, there will be constructed and thereafter maintained along the boundary of the Northpointe Parcel with the Call Parcels a closed, treated wood fence six feet in height. The design and decoration of such fence will be determined in consultation with, and taking into account the views of the owners of the Call Parcels at the time of the filing of this case (or their personal representatives).
3. Buffer A. As long as the Call Parcels remain undeveloped or are used for residences, that portion of the Northpointe Parcel within 50 feet of the Call Parcels will remain a protective yard and will be undisturbed except where necessary to install the aforementioned fence, additional landscaping, and utilities, and to remove and/or treat diseased or nuisance vegetation.
4. Buffer B. As long as the Call Parcels remain undeveloped or are used for residences, no building or structure shall be constructed within that portion of the Northpointe Parcel between 50 and 75 feet from its boundary with the Call Parcels. Such area may be utilized for ground level, paved parking.
5. Buffer C. As long as the Call Parcels remain undeveloped or are used for residences, no building greater than 30 feet in height (with two stories allowed for an office building and three levels above grade for a parking deck) will be constructed within that portion of the Northpointe Parcel between 75 and 125 feet from its boundary with the Call Parcels.
6. Buffer D. As long as the Call Parcels remain undeveloped or are used for residences, no building greater than 45 feet in height (with three stories allowed for an office building and four levels above grade for a parking deck) will be constructed within that portion of Northpointe Parcel within 125 and 275 feet from its boundary with the Call Parcels.

7. Height Limit. Under no circumstances will there at any time be constructed upon any portion of the Property a building greater than 60 feet in height (with no more than four stories allowed for an office building and five levels above grade for a parking deck).

8. Freestanding Exterior Lighting. Freestanding exterior lighting located at any point upon the Property will not exceed 20 feet in height and will be shielded or screened from any adjacent residential zoned parcel as well as from any residential zoned parcel located across a street right-of-way from the property so no light will directly beam into the residential zoned parcel.

9. Use Restrictions. No portion of the Property will be utilized for a funeral home, recreational uses other than such uses provided as amenity for office and residential uses, cemetery, crematory, fire station, police station, hospital or health care facility where patients remain overnight, hotel, motel, taxi stand or taxi dispatch stand, utility plant or substation for electric, cable, gas, sewer, water, and other utilities or any use not currently authorized in the Office & Institution District 1 zoning district. The Northpointe Parcel will not be used for residences of any nature.

10. Additional Right-of-Way. Right-of-Way dedication for Strickland Road, if required in site plan/ subdivision approval, shall be reimbursed at values reflecting the current R-4 and R-10 zoning classifications of the Property.

11. Residential Density. The residential density of tax parcel 1708.18-41-6689 (currently owned by Joseph H. and Sara L. Call) shall be limited to ten (10) dwelling units per acre, and any residential development of such parcel shall be for single family detached, townhouses or condominium residences.

12. Strickland Road Building Restrictions. No building greater than 45 feet in height (and no more than three stories) and no parking deck more than 25 feet in height (and no more than two levels above grade) shall be constructed upon any portion of the property within 100 feet of the right-of-way of Strickland Road (as such right-of-way is determined pursuant to the Comprehensive Plan of the City of Raleigh).

13. Street Protective Yard. With respect to all portions of the property utilized for any purpose other than single family detached residences, a landscaped street protective yard at least 25 feet in width from the adjacent right-of-way of Strickland Road (as such right-of-way is determined pursuant to the Comprehensive Plan of the City of Raleigh) shall be maintained along the boundary of the Property with Strickland Road. Such street protective yard shall be landscaped in accordance with the standards imposed by Section 10-2061 of the Raleigh City Code. It is provided, however, that six (6) shade trees, rather than three (3), shall be required for each one hundred (100) linear feet, or fraction thereof on a prorated basis, of such protective yard adjoining Strickland Road.

ORDINANCE (1995) 762 ZC 377

Effective: 11/21/95

14. Policy Boundary Line. In the event that the Property is rezoned as requested in this case (Z-59-95), the owners of the Property, or their representative, shall transmit a written request to the Planning Commission and City Council of the City of Raleigh that the Comprehensive Plan be amended by the designation of a Policy Boundary Line along the boundary of tax parcels 1708.18 41 6689 and 1708.18 41 5265 with tax parcel 1708.18 40 8529 (all three of which are owned by Mr. and Mrs. Joseph H. Call).