

**Z-59-99 Charles Drive** and Lead Mine Road, opposite Philcrest Road, being various Wake County Tax Map Parcels. Approximately 5.96 acres rezoned to Office & Institution-1 Conditional Use.

Conditions: (09/28/99)

A. The property will be developed in accordance with Planning Commission Certified Requirement 7107.

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

C. No structure or building shall exceed three stories (40 feet in height).

D. Redevelopment of the subject lots shall be pursuant to a common unity of development plan establishing uniform architectural features and cross access, subject to approval by the Planning Commission. The preliminary site plan shall be reviewed in accordance with Raleigh City Code 10-2132.2.

E. Upon development of the subject property, exterior lighting shall be aimed downward and shielded so as to minimize direct view of the light source from adjacent residentially zoned properties. Outside transitional protective yards, free standing light poles shall not exceed eighteen (18) feet in height.

F. The owner of the property with Wake County PIN 0769.19 60 0898 (Northhampton Apartments) shall be notified by certified mail by applicant of any site plan filed with the City of Raleigh.

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

1. Cemetery
2. Telecommunications tower
3. Emergency shelter
4. Airfield, landing strip and heliport
5. Orphanage
6. Correctional/penal facility
7. Outdoor stadium, outdoor theater, outdoor racetrack with more than 250 seats, outdoor movie theater.

H. Upon development of the subject property for nonresidential purposes, a natural protection area with a minimum width of twenty feet (20') shall be maintained along the proposed rights of way of Charles Drive and Lead Mine Road. The area will remain undisturbed except for:

1. Storm drainage facilities, erosion control devices, electric, driveways, telephone, cable television and similar installations (fiber optic cable. etc.), gas

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and/or water, sanitary sewer installations, streets, driveways, and similar utilities approved by the appropriate local government authority. Any such construction shall be underground and designed and undertaken so as to create as little disturbance of the area 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 or 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 whose 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.

Not more than thirty (30%) of the natural protective yard may be disturbed by those exceptions noted in paragraphs 1 -2 of this condition.

I. Use of existing driveways on Lead Mine Road shall be limited to the existing single family residential uses.

J. Buildings on the subject properties shall be oriented to Lead mine Road, such that at least 60% of required off street parking shall be located between the primary building(s) and Charles Drive.