

Z-106-98 Spring Forest Road, north side, Sandy Forks Road, east side, being Wake County Tax Map Parcels 1706.08 89 1534 and 83 3602. Approximately 6.8 acres rezoned to Residential-10 Conditional Use.

Conditions: (02/22/99)

A. Where applicable, 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. For any building in excess of two stories, exclusive of basements, the following minimum building set backs shall be maintained: ninety feet (90') in width adjacent to the property with PIN 1706.08 89 3759 (Hervey); fifty-five feet (55') in width adjacent to the property with PIN 1706.08 89 4711 (Davids); forty-five (45') in width adjacent to the property with PIN 1706.08 89 5545 (Lewandowski); and sixty feet (60') in width adjacent to the property with PIN 1706.08 89 6387 (Micham); and the buildings shall be oriented such that the end of the buildings, i.e., shortest wall of the buildings shall front the aforementioned lots; except that if Lynn Meadow Drive is connected to Spring Forest Road through the subject property by a public right-of-way, a building may have a set back not less than forty-five feet (45') in width adjacent to the property with PIN 1706.08 89 6387 (Micham) and may face that property lengthwise. Maximum building heights shall be limited to thirty-nine feet (39') in height.

D. A tree protection area of not less than twenty feet (20') in width shall be established adjacent to the properties with PIN's 1706.08 89 2847 (Shaw), 1706.08 89 3759 (Hervey), 1706.08 89 4711 (Davids), 1076.08 89 5609 (Fucito), 1706.08 89 5545 (Lewandowski), 1706.08 89 6387 (Micham), 1706.08 89 8336 (Brown), 1706.08 89 8391 (Kershaw), 1706.08 89 9215 (Goins), 1706.08 89 9149 (Mason), 1706.08 89 9152 (Willson), 1706.08 99 0003 (Troth), 1706.08 99 0091 (Vertefeville), and 1706.08 98 3726 (Growing Child). The area will remain undisturbed except for:

1. Storm drainage facilities except for a stormwater retention basin, erosion control devices, 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 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.

Ordinance 522 ZC 451
Effective 3/2/99

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.

E. A minimum thirty foot (30') street protective yard shall be maintained along Spring Forest Road and Sandy Forks Roads. The area will remain undisturbed except for:

1. Storm drainage facilities except for a stormwater retention basin, streets, driveways, sidewalks, erosion control devices, 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 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.

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 fifty feet (50') of adjacent residentially zoned properties shall not exceed 18 feet in height.

G. 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.

H. Refuse containers and heating and air-conditioning units shall be maintained within enclosures constructed of materials comparable to those used in the principle buildings or otherwise screened from direct view from adjacent residentially zoned lots.

I. Uses on the subject property shall be limited to residential townhouses and/or condominiums and accessory uses thereto.

J. Upon development of the subject property, a closed wood fence six feet in height will

Ordinance 522 ZC 451
Effective 3/2/99

be established and maintained along the boundary line with Wake County PIN numbers: 1706.08 89 3759 (Hervey) for approximately 170 linear feet, 1706.08 89 4711 (Davids) for approximately 170 linear feet, 1706.08 89 5545 (Lewandowski) for approximately 170 linear feet, and 1706.08 89 6387 (Micham) for approximately 120 linear feet. The fence shall be constructed of pressure treated lumber. The fence may stagger or meander along the boundary line in order to avoid removal or disturbance of existing trees.

K. Plant materials shall be installed within the twenty foot (20') tree protection area referenced in paragraph D. Said plant materials shall be installed at a six to seven foot height (6-7'), spaced at an average of seven feet (7') on center and placed to avoid existing trees. Plant materials shall include the following:

1. Forty-two (42) Cupressocyparis leylandii, a/k/a/ Leyland Cypress or similar variety.
2. Twenty-six (26) Ilex attenuata `Fosteri,' a/k/a/ Foster Holly or similar variety.
3. Twenty-six (26) Juniperus virginiana, a/k/a/ Eastern Red Cedar or similar variety.

L. The primary building materials for the residences shall be brick and hardiplank siding.

M. Concurrently with the initial site plan or subdivision application, and offer of a reciprocal storm drainage easement will be tendered to the owners of Wake County PIN 1706.08 99 0003 (Toth). The terms of said easement will provide for the design, installation and maintenance of an underground pipe or pipes from the stormwater detention facility to be located on Wake County PIN's 1706.08 89 1534 and/or 1706.08 83 3602 in an easterly direction to connect with the City of Raleigh storm drainage system within the right of way of Ashebrook Drive. The terms of the easement and the design of the installation shall be subject to the approval of the Raleigh City Manager or his designee.