

Ordinance (2012) 149 ZC 682
February 5, 2013

Z-2-13 - Wake Forest Road & Wake Towne Road Conditional Use - located on Wake Towne Drive, southwest quadrant of its intersection with Wake Forest Road being Wake County PIN 1715056463. Approximately 11.57 acres to amend conditions to property zoned Office & Institution-2 Conditional Use District with Special Highway Overlay District-2 (SHOD-2).

Conditions Dated: 01/22/13

1. Buffer A. The owners of the Property (the “Owners”) and their grantees, successors, and assigns shall keep and maintain that portion of the Property identified and depicted as “Buffer A” on the map attached hereto as Exhibit E, and hereby incorporated herein by reference, in a natural state and will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns reserve the right, however, to remove dead, diseased, dangerous, or leaning trees from such buffer area and install sewer and drainage lines and utilities therein. The Owners and their grantees, successors, and assigns reserve the right to construct a temporary path across Buffer A on PIN 1715056463 (DB 13820 PG 0401) from PIN 1715143802 (DB 13820 PG 0401) to PIN 1715144451 (DB 05-E PG 496) for the purpose of relocating the Crabtree Jones House, a designated Raleigh Historic Landmark, to the latter property to prevent its demolition. The temporary path will be located approximately as indicated Exhibit E. The maximum width of the temporary path shall not exceed 65 feet with the maximum width of the area cleared of vegetation for the construction not to exceed 75 feet. Upon relocation of the house, the Owners agree to close the path, remove any stone, gravel or other materials installed in making the temporary path to accommodate the movement of the house, re-grade the slope to its previous contours, evenly re-apply any topsoil removed with appropriate erosion control measures, and replant the area to the equivalent of SHOD-2 standards using only native species.

2. Buffer B. The Owners and their grantees, successors and assigns shall keep and maintain that portion of the Property identified and depicted as “Buffer B” on the map attached hereto as Exhibit E in a natural state and will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns may landscape portions of the Property included within such buffer area and install sewer and drainage lines and utilities therein, provided, that any person or persons owning residential property immediately adjacent to the area to be landscaped has been afforded a period of thirty (30) days within which to review the landscaping plan (the same having been mailed to each such person via certified mail, return receipt requested, at his or her mailing address as shown on the records of the Wake County Revenue Collector).

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3. Buffer C. The Owners and their grantees, successors, and assigns shall keep and maintain that portion of the Property identified and depicted as “Buffer C” on the map attached hereto as Exhibit E in a natural state and will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns may use and landscape as a construction buffer for purposes of road construction only portions of the Property included within such area, provided, that (i) any person or persons owning residential property immediately adjacent to the area to be landscaped has been afforded a period of thirty (30) days within which to review the use and landscaping plans (the same having been mailed to each such person via certified mail, return receipt requested, at his or her mailing address as shown on the records of the Wake County Revenue Collector) and (ii) all existing trees six (6) inches in diameter and larger located within such area are preserved.

4. Buffer D. The Owners and their grantees, successors, and assigns shall not build, construct or erect a building or other structure upon that portion of the Property identified as “Buffer D” on the map attached hereto as Exhibit E which exceeds more than three (3) stories in height (45 feet) above the highest natural grade adjacent to such building.

5. Buffer E. The Owners and their grantees, successors, and assigns shall not build, construct, or erect a building or other structure upon that portion of the Property identified and depicted as “Buffer E” on the map attached hereto as Exhibit E which exceeds more than six (6) stories in height (90 feet) above the highest natural grade adjacent to such building.

6. Motel or Hotel. The Owners and their grantees, successors, and assigns shall not operate as a hotel or motel any building or other structure situated upon that portion of the Property south of Wake Towne Drive. For purposes of this Agreement, the terms “hotel” and “motel” shall refer only to lodging facilities utilized primarily on an overnight basis by transient individuals.

7. Swimming Pool. The Owners and their grantees, successors, and assigns shall not build or construct a swimming pool within two hundred (200) feet of any residential parcel adjoining the Property to the south (Tax Parcels 1715.13-14-6344, 4451, 2435, 1439, 0532; 1715.13-04-9546, 8627, 8756, 8895, 9963; 1715.09-05-5010, 9271, 8177, 7123, 3101, 3238, 3403). In addition, any swimming pool constructed in the area more than two hundred (200) feet, but less than three hundred (300) feet from such parcels shall be screened therefrom by a building.

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REZONING CASE Z-2-13

PRESERVATION NC

EXHIBIT E

Project No.	
Date	
Scale	
Author	
Checker	
Project Manager	
Client	
Site No.	
Sheet No.	
Total Sheets	

