

Ordinance: 926ZC661

Effective: 7/5/11

Z-3-11 – Lead Mine Road located on the west side of Lead Mine Road south of its intersection with Sawmill Road being Wake County PIN 1707061236. Approximately 3.78 acres to be rezoned from Residential-6 Conditional Use District to Residential-20 Conditional Use District.

Conditions Dated: 06/29/2011

Narrative of conditions being requested:

A. Use on the subject property shall be limited to congregate care, congregate living structure or life care community with accessory uses. No more than 118 congregate care or congregate living structure dwelling units and 2 manager dwelling units (total of 120 units) are permitted as described in Raleigh City Code Section 10-2102(g). (“For purposes of residential density calculations, dwelling units or rooming units in a congregate care living structure shall be equivalent to one-half (½) of a dwelling, and shall be calculated in accordance with Section 10-2073(c.)(1)d.: ‘Dwelling units or rooming units contained in a congregate care structure shall be equivalent to one-half (½) a dwelling unit, for instance, in a Residential-10 District, ten (10) dwelling units are permitted on a net acre of land; in a congregate care structure or congregate living structure, twenty (20) dwelling units would be permitted on a net acre of land.’”) Also those uses permitted under R-6 zoning shall be permitted.

B. Upon development the minimum building setbacks shall be as follows and illustrated in Exhibit A.:

East - (fronting Lead Mine Road) 25 foot minimum setback beginning at the northeast corner of the property running south along the street frontage for 120 feet; 60 foot minimum setback along the remaining frontage of approximately 280 feet;

North - 25 foot minimum;

West - 65 foot minimum;

South - 80 foot minimum, beginning from the southeast corner of the property running west along the south property line for 110 feet, then for the next 60 feet along the south property line the setback shall be a minimum of 50 feet, then for the remainder of the property line a minimum setback of 70 feet.

Additionally the site shall adhere to the tree conservation area as reviewed by the subdivision plan for the property, S-28-07, and as may be required to be modified by Raleigh City Code Sections 10-2082.14 (c), (d) and (e).

C. Buildings shall be limited to a height not to exceed 36 feet as measured per Raleigh City Code Section 10-2076(b) Methods of Calculation of Building or Structure Height (“Where a structure or the walls of a building do not abut a street right of way, then the height of shall be measured from the average natural ground elevation adjoining the building at the time of request for the

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City plot plan, site plan, building permit, or zoning permit approval, whichever is earlier and not to the ground elevation after construction.

The average ground elevation shall be determined by the-following formula:

$$\text{AVE.} = (\text{H}-\text{L})/2 + \text{L}$$

AVE. = Average natural ground elevation

H = Highest ground elevation adjoining the structure or building walls

L = Lowest ground elevation adjoining the structure or building walls

Where a structure or the walls of a building abut a street right of way, then the height of a building is measured from the average curb level of the adjoining street, or if no curb exists, the average level of the center of the center crown of the street.

In the case of pitched roofs, the height is measured to the average height level of the roof.

In the case of flat roofs, the height is measured to the highest point of the roof beams. Where no roof beams exist or where there are structures wholly or partially above the roof which is not excepted by subsection 10-2076(c) from the height limits, the height shall be measured to the highest point of the building.”)

All pitched roofs will not exceed a ratio of 5:12.

D. The facility trash and recycling area shall be located a minimum of 100 feet from any adjacent parcel. The trash and recycling area shall be enclosed on all sides and screened from direct view of said residential structures.

E. All outdoor lighting fixtures shall be of cut-off design and directed away from adjacent residential properties.

F. There shall be a 20-foot Type “C” transitional protective yard buffer along the SOUTH and NORTH property lines and the WEST property line where no tree conservation area occurs.

The Type “C” Transitional Protective Yards shall meet the following standards:

(1) Trees.

a. Size.

All trees which are planted to meet the minimum requirements of this section shall be a minimum of eight (8) feet in height and six and one-quarter (6.25) inches in circumference [two (2) inches in diameter] measured one-half foot above ground level when planted and shall have an expected mature height of thirty-five (35) feet or greater unless subject to an overhead power line, in which case the mature height may be less.

b. Evergreen.

One-half (½) of the required trees shall be locally adapted natural evergreen species. Two (2) locally adapted natural evergreen trees, a minimum of four and one-half (4½) feet in height which when planted, may be

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substituted for each required evergreen tree. The height to trunk caliper or spread relationship for any new tree or shrub shall meet the current "American Standards for Nursery Stock" as set forth by the American Association of Nurserymen.

c. Distribution.

Trees shall be distributed throughout the yards, so that there are no horizontal gaps between trees greater than thirty (30) feet as measured along the property line and no required tree is closer than ten (10) feet to any other required tree.

(2) Shrubs.

Evergreen shrubs planted to meet the minimum standards of this section shall be a minimum of one and one-half (1½) feet in height when planted and shall be expected to reach a height of six (6) feet or greater within five (5) years of planting. Evergreen shrubs shall be planted in such a way to form a continuous row, with no shrub being greater than ten (10) feet from another as measured from the property line. Shrubs shall be planted in staggered rows.

(3) Planting schedule.

In the required transitional protective yard, natural shrubs and trees shall be planted in the amount required below. All required planting shall be no further than fifty (50) feet from the property line which is to be screened.

Section 10-2082.9 SCHEDULE OF TRANSITIONAL PROTECTIVE YARDS					
ADJOINING USE	PROPOSED USE				
	Medium residential density (equal to or greater than seven (7) but less than fifteen (15) units per acre)	High residential density (greater than or equal to fifteen (15) units)	Low Impact Uses	Medium Impact Uses	High Impact Uses
Low residential density (less than seven (7) units per acre), public parks, including greenways within parks, when none of the impact uses specified in 10-2082.9(c) are located within two hundred (200) feet of the boundary of the park	D*	C	C	B	A
Medium residential density (equal to or greater than seven (7) but less than fifteen (15) units per acre)	none	D*	C	B	A
High residential density (greater than or equal to fifteen (15) units)	none	none	C	B	A
Low impact uses	none	none	none	D*	D*
Medium impact uses	none	none	none	none	D*

* Not required when the developing property and the property to be screened are both located in the Business Zone District

(Ord. No. 1998-370-TC-167, §18, TC-3-98, 7-7-98)

G. There shall be only one (1) driveway or street access to the property and that access shall be only for Lead Mine Road. There shall be no driveway or street access from this property onto Rolling Dale Court.

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H. Storm water discharge from this property shall not exceed the pre-development runoff rate as calculated for the 2-year, 10-year, 25-year, 50-year, and 100-year storms. During construction, the storm water runoff shall not exceed the pre-development rate of runoff for the 2-year, 10-year and 25-year storms to the west. This development shall cause no rise in the 100-year flood elevation of Greystone Lake.

I. Upon development there shall be a 20-foot by 15-foot transit easement offered to the City of Raleigh along Lead Mine Road.

J. Upon development there shall be no vinyl siding used on the exterior of this building.

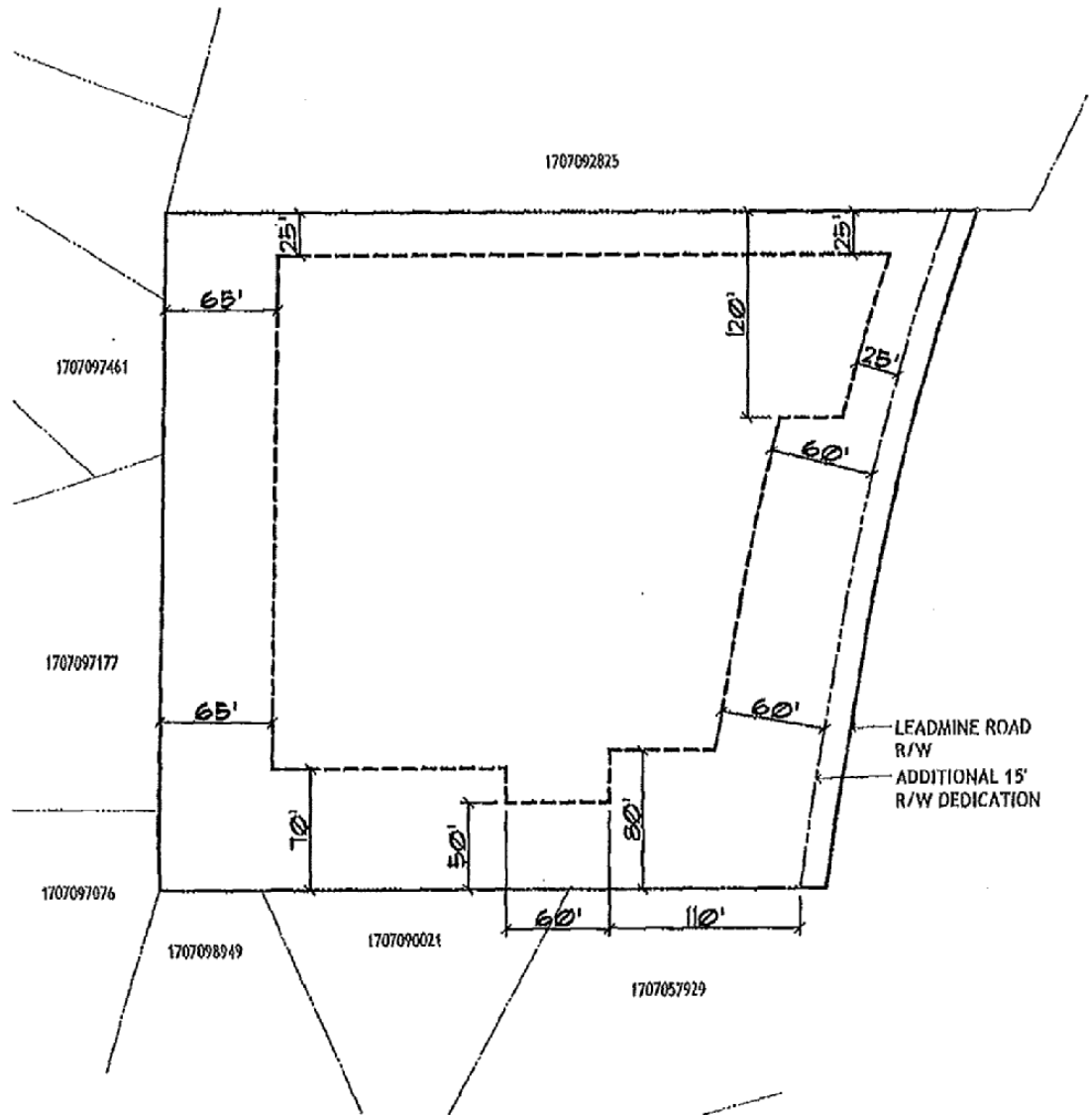
K Upon development the building exterior will be finished with:

1. A minimum of 40% painted "Hardi Plank" siding (or similar product)
2. A minimum of 15% brick accents
3. A minimum of 10% doors and windows

L. Upon development there shall be a cross-access easement offered to the City of Raleigh to the north adjacent property (PIN 1707092825).

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MIN. BUILDING SETBACK
EXHIBIT A - CONDITION B
2-3-2011 MAY 23, 2011



SIGNED BY
OWNERS

[Signature]
JIM WOODY

05/23/2011

[Signature]
JIM WOODY

05/23/2011