

Ordinance: 310ZC698
Effective: May 20, 2014

Z-4-14 – Hillsborough Street Conditional Use – located at the west end of Myra Road. Approximately 15.37 acres is to be rezoned from O&I-2 CUD w/ SHOD-1 & CM CUD to RX-4-CU w/ SHOD-1.

Conditions Amended 4/10/14

Narrative of conditions being requested:

1. The maximum number of dwelling units on the subject property shall not exceed two hundred (200) dwelling units.
2. A building setback of sixty-five (65) feet shall be maintained parallel to the current eastern boundary of the rezoned property adjoining PIN #'s 0774.19 51 1558 (DB 3107-342), 0774.19 51 3472 (DB 3511-428), 0774.19 51 1155 (DB 4313-385), 0774.19 51 1053 (DB 2046-442), 0774.19 50 1943 (DB 2406-442), 0774.19 50 1773 (DB 2697-378), 0774.19 50 1452 (DB 6243-103) and 0774.19 50 1143 (DB 4584-428) (the "Setback Boundary"). The setback described in this condition may include any transition zones, protective yards or buffers as required by the City of Raleigh Unified Development Code.
3. The maximum height of any building constructed on the subject property shall not exceed four stories/ fifty-nine (59) feet.
4. Prior to obtaining any Certificate of Occupancy for any building on the subject property, the property owner shall cause a public water line at least twelve (12) inches in diameter to serve the development on the subject property and "Glosson Estates Subdivision" as recorded in BOM 1963, Page 196 to be constructed within the public right-of-way accessing the subject property, as prescribed by the City of Raleigh.
5. The 50-foot wide strip of land running parallel to the common property line between the subject property and the "Glosson Estates Subdivision" as recorded in Book of Maps 1963, Page 196, hereinafter referred to as a "Buffer," shall include no buildings or paving or other improvements (except fencing, landscaping, stormwater facilities and utilities) and shall serve as a buffer, between the single family residential uses in the "Glosson Estates Subdivision" as recorded in BOM 1963, Page 196 and the multi-family uses to be developed on the subject property, subject to the provisions set forth herein.

a. The westernmost twenty (20) foot wide strip of property within the Buffer may be used for the installation of storm drainage facilities, erosion control devices, electric, telephone, cable television and similar installations (fiber optic cable, etc.), gas and/or water, sanitary sewer installations and similar utilities located underground, all subject to approval of the appropriate local government authority and utility providers and, if allowed, for the planting of new vegetation, construction of fences, walls, berms, pedestrian, bicycle or greenway trails, and for similar construction which tends to enhance the area's visual appeal or provide sight or noise screening characteristics. Any such construction shall be designed and undertaken so as to create as little disturbance of the Buffer as possible while still honoring utility service, health and safety requirements.

b. Private utility easements and services serving the subject property, adjacent properties and/or the "Glosson Estates Subdivision" as recorded in BOM 1963, Page 196 may be granted, constructed and maintained in the Buffer if not in conflict with public utility providers.

c. Public utility easements, services and mains as may be required to serve the subject property, adjacent properties and/or the "Glosson Estates Subdivision" as recorded in BOM 1963, Page 196 may be granted, constructed and maintained in the Buffer.

d. A six and one-half (6.5) foot high chain link, wrought iron, vinyl or wooden fence or masonry wall shall be installed and maintained within and parallel to the Buffer for the entire length of the common property line between the subject property and the property located north of the "Glosson Estates Subdivision" as recorded in BOM 1963, Page 196, and continuing parallel to the Buffer along the entire length of the "Glosson Estates Subdivision" as recorded in BOM 1963, Page 196 and the subject property except for breaks to accommodate the connection and access to Myra Road. The fence or masonry wall shall be constructed in a manner which minimizes the removal of trees.

e. Plantings, landscaping, berms, walls and/or fences not in conflict with public utility providers shall be installed in the Buffer as may be required or permitted in Transition Zones as per the Raleigh UDO, provided that trees or vegetation in the easternmost thirty (30) feet shall not be disturbed unless required to do so to comply with the UDO Transition Zone or other City requirements or to extend City utilities.

f. Notwithstanding any provision of Condition 5, a connection between a road within the subject property may be made across the Buffer to the public right-of-way of Myra Road.