

Ordinance: 616 ZC 640

Effective: 7-7-09

Z-12-09 - Conditional Use Marcom Street and Kelford Street - located between Marcom Street and Kelford Street at Stovall Drive, being Wake County PIN(s) 0793282662, 0793281693, 0793282456, 0793281485, and 0793280494. Approximately 1.31 acres rezoned to Residential - 15 Conditional Use District.

Revised Conditions Dated: 06/29/09

Narrative of conditions being requested:

1. The uses on the properties will be limited to single family detached dwellings or a townhouse development.
2. The maximum height of any buildings will be limited to thirty feet, as measured by City Code Section 10-2076(b) and two occupied stories.
3. There will be a minimum roof pitch of 4/12 on all buildings.
4. The front facades of the buildings will be broken up with minimum 4-foot offsets, forward or back, at least every 25 feet, or minimum 10-foot offsets at least every 50 feet.
5. Exterior building materials on all sides of the buildings will be limited to wood, fiber cement siding (such as Hardiplank and GAF WeatherSide™-Fiber-Cement Siding (shingle style)), stone and brick. Vinyl siding and T-111 will not be permitted as building materials for buildings. The primary building materials (comprising more than 50% of the exterior surface area of buildings) will be wood and fiber cement siding. The secondary building material (comprising less than 50% of the exterior surface area of buildings) will be brick.
6. Pursuant to the Tree Survey, attached hereto as Exhibit 1, at least twenty-five percent (25%) of all trees anywhere on the Property measuring 24" diameter at breast height or greater (hereinafter referred to as "preserved site trees") will be preserved by Active Tree Preservation. At least twenty-five percent (25%) of those preserved site trees that are located within the yard setback areas will be preserved by Active Tree Preservation. Pursuant to Active Tree Preservation, pruning of no more than thirty percent (30%) of the Critical Root Zone for each preserved site tree is permitted. That permitted pruning of the Critical Root Zones will be performed under the supervision of a Certified Arborist, certified by the International Society of Arboriculture. During the demolition process, any land-disturbing activity, and construction process on the Property, the Critical Root Zones of the preserved site trees will be protected by surrounding them with protective fences. After the period of Active Tree Preservation has elapsed, no tree disturbing activity is permitted within the Critical Root Zones of any preserved site tree; this provision shall remain in effect in perpetuity.

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7. The applicant must submit an Active Tree Preservation Plan to the City that must be approved by the City's Forestry Specialist. The plan required herein will be submitted prior to the earlier of any land-disturbing activity, demolition or construction.

8. The applicant must obtain a Tree Conservation Permit from the City Forestry Specialist prior to any tree disturbing activity.

9. In the event that a preserved site tree does not survive due to any tree disturbing activity, including those activities regulated by Raleigh City Code § 10-2082.3(d)(4), the preserved site tree shall be replaced with new shade trees which collectively total in diameter at breast height an amount equal to the diameter at breast height of the non-surviving tree, as measured at the time of the Tree Survey (Exhibit 1). In the event that a preserved site tree does not survive for any other reason, that tree will be replaced with new shade trees that collectively total one-half of the preserved site tree's diameter at breast height at the time of the Tree Survey (*i.e.*, a preserved site tree of 24" diameter at breast height will be replaced with new shade trees that have a combined total caliper of 12"). The minimum caliper of each replacement tree shall be 3" measured at six inches above the ground. Any replacement tree shall be planted in a planting area of at least three hundred fifty (350) square feet in an area with minimum dimensions of seven (7) feet. If the subject property fails to contain sufficient land area to replant the required replacement trees and replacement trees can not be planted on adjoining public street rights-of-way, then in lieu of such replacement trees, a fee equal to one hundred dollars (\$100.00) per caliper inch of replacement trees shall be paid to the City. The provisions of this condition shall be effective in perpetuity, and shall be included in the Homeowner's declaration of covenants, conditions, and restrictions recorded with respect to the Property prior to the sale of any dwelling units upon the Property. The Homeowners' Association shall be responsible for the enforcement of the provisions of this condition.

10. If either of the two City of Raleigh trees located in the public rights of way adjacent to Stovall Drive and Marcom Street, as shown in Exhibit 1, were to die due to impact from development of the Property, the applicant will provide payment to the City of Raleigh for the appraised landscape value of that tree. During the demolition process and construction process on the Property, the Critical Root Zones of those City of Raleigh trees will be protected by surrounding the Critical Root Zones in unpaved areas with protective fences.

11. The design of the townhouse development will meet the following conditions:

a) All townhouse buildings that are adjacent to a street shall contain a minimum of two townhouse dwelling units with first story porches on the front exteriors and a minimum of two townhouse dwelling units with first and second story

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porches on the front exteriors. The dimensions of those porches shall be a minimum of 5 feet in depth and the full width of the townhouse dwelling unit. In all other townhouse buildings, there will be at least one townhouse dwelling unit in each townhouse building that contains a first floor porch on the front exterior and there will be at least one townhouse dwelling unit in each townhouse building that contains both first and second story porches on the front exterior. The dimensions of those porches shall be a minimum of 6 feet wide and 4 feet deep. There shall be roofs over all of the porches.

b) There will be a minimum of one bay window on an end townhouse dwelling unit in each townhouse building, and there will be a minimum of one bay window on the front facade of each townhouse building in the townhouse development.

c) In the same townhouse building, the roofing materials utilized on bay windows and porch roofs will be different materials than are utilized on the roofs of the townhouse buildings.

d) Architectural style asphalt roofing shingles and/or metal roofing will be used on all townhouse dwelling units.

e) The exterior facades of adjacent townhouse dwelling units will be of different colors or color ranges.

12. Townhouse dwelling units will be a minimum of 16 feet wide, and will have a maximum of three bedrooms and two and one-half bathrooms.

13. The front entrances for all townhouse dwelling units in all perimeter townhouse buildings that are adjacent to a street will face the street.

14. Parking for all townhouse dwelling units shall only be in the interior of the townhouse development. If a parking space is visible from a public right-of-way, the parking space will be screened from the public right-of-way in accordance with the planting standards as outlined in Special Highway Overlay District-3 zoning.

15. In addition to the number of parking spaces required by the Raleigh City Code and without allowing any parking space reduction for the landscaped planting area, ten percent (10%) more parking spaces than required by the Raleigh City Code will be provided for the townhouse development.

16. The townhouse development will contain no more than one curb cut per street.

17. Each townhouse dwelling unit will be constructed over a crawl space, and garages will be constructed on concrete slabs at or below grade.

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18. Stormwater retention devices on the Property will retain the 2-year, 10-year, and 50-year storm events.

19. All retaining walls will be of brick.

20. Reimbursement for additional right-of-way that is dedicated to the City of Raleigh shall be at the current R-10 values.

21. A dumpster and recycling center will be provided and will be located in the interior of the townhouse development. The dumpster pickup will be limited to the Raleigh Solid Waste and Recycling hours, which are currently from 7:00 am, until 7:00 p.m.

22. Upon the development and sale of dwelling units upon the Property, (i) no more than two dwelling units upon the Property shall be sold to any individual or entity, and (ii) no more than one additional dwelling unit upon the Property shall be sold to any individual or entity related by marriage or by more than ten percent (10%) common equity ownership to an owner or contract purchaser of another dwelling unit upon the Property. After the initial sale of all of the dwelling units constructed upon the Property to individual buyers owning no more than two units pursuant to subsection (i) above, such units shall not thereafter be offered for sale or rental in any coordinated, centralized manner. The provisions of this condition shall be included in the Homeowners' Association's declaration of covenants, conditions, and restrictions recorded with respect to the Property prior to the sale of any dwelling units upon the Property, and the Homeowners' Association shall be responsible for the enforcement of the provisions of this condition.

23. An offer of cross-access will be provided to one of the two adjacent properties to the vest (fronting Stovall Drive) at the time of site plan approval.

