

Z-72-02 French Drive, north and south sides, east of its intersection with Litchfield Downs Lane, being various Wake County PINs. Approximately 6.74 acres rezoned to Residential-6 Conditional Use

Conditions dated: 2/23/03

For purposes of the following conditions, the portions of Tax Parcel PINs 0796.16-83-9792, 0796.16-84-9070, 0796.16-83-8792, 0796.16-83-5791, 0796.16-83-7979, 0796.16-83-4928, 0796.16-83-5979, 0796.16-83-6791, 0796.16-83-6979, 0796.16-83-7791, 0796.16-84-8080, 0796.16-93-0792, and 0796.16-94-0080 proposed for rezoning shall be referred to as the "Property."

- (1) Residences constructed upon the Property shall be either detached dwellings, townhouse dwellings or dwellings with individual units owned as condominiums (unit ownership). The portion of the Property comprising Tax Parcel PIN 0796.16-83-4928 shall be developed only as a detached single family residence or residences. This condition shall not preclude subdivision of the lot or re-combination to allow multiple single family lots to be created pursuant to the City's subdivision ordinances.
- (2) Residential density upon the property shall not exceed four (4) units per acre.
- (3) A tree preservation area shall be maintained along the boundary of the Property with Tax Parcels PINs 0796.16-84-3195 (Carothers), 0796.16-84-6125 (Black), 0796.16-84-8168 (Kane), and 0796.16-94-0107 (Heatwole). As shown on Exhibit C-1, such tree preservation shall be seventy-five (75) feet in width commencing at the western boundary of the Property and shall taper to a width of 50 feet at the eastern boundary of the Property. A tree preservation area fifty (50) feet in width shall be maintained along the boundary of the Property with Tax Parcels PINs 0796.16-83-5522 (Gell, Inc.), 0796.16-83-6512 (Gell, Inc.), 0796.16-83-7512 (Gell, Inc.), 0796.16-83-8513 (Gell, Inc.), 0796.16-83-9523 (Carriage House Construction, Inc.), and 0796.16-93-1463 (Inman Park Community Association, Inc.). Up to thirty percent (30%) of the tree preservation areas dealt with in this condition may be disturbed for the installation of utilities and stormwater pipes and measures. A tree survey of the area dealt with in this condition shall be provided to the Zoning Enforcement Supervisor within sixty (60) days of the approval of this case. This condition shall have no effect upon the rights-of-way of French Drive or Carter Street unless such rights-of-way are closed by the City.
- (4) A tree preservation area shall be maintained upon that portion of the Property shown as Exhibit C-1 attached hereto. Up to thirty percent (30%) of such area may be disturbed for the installation of utilities and stormwater pipes and measures. In addition, undergrowth and trees having a caliper of five (5) inches or less (measured four and one-half (4½) feet above the ground) may be

removed from such area. A tree survey of the area dealt with in this condition shall be provided to the Zoning Enforcement Supervisor within sixty (60) days of the approval of this case. This condition shall have no effect upon the rights-of-way of French Drive or Carter Street unless such rights-of-way are closed by the City.

- (5) Prior to any land-disturbing activity upon the Property, there shall be undertaken such measures as are required to prevent soil erosion, sedimentation, or stormwater runoff in the area where the right-of-way for the unconstructed portion of Carter Streets meet existing Carter Street to the north of the Property. No stormwater from the Property shall flow to existing Carter Street.
- (6) The Property will be developed with an on-site detention pond. Stormwater from the Property shall be diverted to such detention pond. The detention pond will:
(a) be of sufficient size to detain the one hundred-year storm and release stormwater from such storm in accordance with R-4 rates of discharge; (b) discharge at the boundaries of the Property for the ten-year and two-hour storms at the pre-development rate; and (c) collect all stormwater from the Property and release such stormwater ultimately to enter Leadmine Creek. The City Staff shall approve drainage easements upon the Property and the design of the aforementioned detention pond. The detention pond and all underground storm drain pipes shall be maintained in accordance with applicable provisions of the City Code.
- (7) Prior to any other land-disturbing activity upon the Property, the following shall be installed: (a) the aforementioned detention pond; and (b) soil erosion control measures required by the City of Raleigh (including, but not limited to, stormwater devices such as sediment basins, silt fences, and ditches).
- (8) Prior to any land-disturbing activity upon the Property, the developer shall obtain a bond in the amount of \$30,000.00 for the benefit of adjoining land owners. The bond shall be held by the Zoning Enforcement Supervisor of the City of Raleigh. The bond shall contain a provision that allows it to be called whenever any soil erosion, sedimentation, or stormwater from the Property damages any of the adjoining residential lots. The proceeds of such bond shall be distributed pro-rata to adjoining landowners with damage claims (to the extent of their claims) determined by the Zoning Enforcement Supervisor to be caused by the Property. If damages because of any soil erosion, sedimentation or stormwater runoff from the property exceed \$30,000.00, all construction activities on the Property shall cease until the bond is replaced with another bond in like amount. The bond shall further contain a provision that allows it to be called in the event of damage to or destruction of any portion of the tree preservation area, and in such event, the bond proceeds shall be used by the owner of the Property to replace the damaged or destroyed trees. The bond shall remain in place until one (1) year after the Property is fully developed, all construction activities have been completed and certificates of occupancy issued for all residences upon the

Property. The City Attorney shall approve the terms of the bond prior to its issuance.

- (9) If dumpsters are used for on-site trash storage and pickup, the dumpsters will be situated at least 100 feet from the property line of any adjacent landowner and shall be screened in compliance with applicable City Code provisions.
- (10) All exterior lighting upon the Property shall be directed downward and shielded to prevent direct view of the light sources from adjacent properties, and shall be limited to not more than sixteen feet in height. All exterior lighting on the rear of the residences upon the Property shall be attached to the units and shall be no more than 100 watts.
- (11) All noise generated on the Property from site development activities shall not exceed any city ordinance regulating noise levels and times. Development activities on holidays and weekends will not begin before 8:00 a.m. and shall cease by 5:00 p.m.
- (12) At such time as the developer shall submit a subdivision plan or a site plan to the City of Raleigh, whichever shall first occur, copies shall be provided to the adjacent land owners by first class mail. The site plan submitted shall specify the landscaping plans and requirements for the tree preservation areas and shall include showing the location, species, height and size at 4½ feet above grade of all existing trees, and shall provide for preservation and replacement of trees and other landscaping plants and shrubs as required by applicable provisions of the City Code. In the event of changes to the subdivision plat or site plan, adjacent land owners shall be notified by first class mail. Final site plans must be reviewed by the Appearance Commission and Planning Department, with copies provided to adjacent land owners, prior to issuance of permits by first class mail.
- (13) Construction debris shall be regularly policed and contained so that no debris is allowed to enter the stormwater systems or adjacent property, including property owned by the City of Raleigh.