Ordinance (2009) 607 ZC 639
Effective: June 16, 2009

Z-47-08 Conditional Use – Louisburg Road and Spring Forest Road - located on the northwest quadrant of Louisburg Road and Spring Forest Road, being Wake County PINs 1736-27-1553 and 1736-17-4171. Approximately 24.59 acres rezoned to Thoroughfare CUD w/ SHOD-3 and SHOD-4.

Conditions Dated: 06/04/09

2) Narrative of conditions being-requested: -

As used herein, the "Property" refers to all of those certain tracts or parcels of land containing an aggregate of approximately 24.59 acres located at the northwestern quadrant of the intersection of Louisburg Road and Spring Forest Road, and having Wake County PINs 1736-27-1553 and 1736-17-4171.

(a) The following uses shall be prohibited upon the Property:

- Hotel/motel;
- Manufacturing - all types;
- Landfill-all types;
- Airfield landing strip and heliport;
- Manufacturing;
- Telecommunication tower;
- Adult establishment;
- Kennel and cattery;
- Riding stable;
- Industrial uses involving the processing of materials, fabricating, mixing, printing, assembling, cutting or repairing of articles and products for handling, storing and distribution of materials, articles, or products;
- Above ground bulk storage of flammable and combustible liquids if a public water supply is available for fire fighting purposes; and
- Indoor operation of solid waste reclamation.

(b) Upon development, all exterior flood, display and parking lot lighting shall be of full cut-off (shielded) design and directed away from the adjacent residential uses.

(c) The Property fronting along Louisburg Road shall be landscaped pursuant to Special Highway Overlay District-3 standards, except for those areas used for access to and from the Property.

(d) For the purpose of calculating the amount of residential density allowed on the Property, no more than three hundred and two (302) dwelling units, equivalent dwelling units or combination thereof shall be constructed.

(e) Vinyl siding shall be prohibited on any building containing any residential use, as set forth in the Schedule of Permitted Land Uses in Zoning Districts, Section 10-2071 (hereinafter "Residential Use"), constructed on the Property.

(f) Upon development, there shall be maintained upon the Property a buffer of at least one hundred (100) feet in width adjacent to those parcels with Wake County PINs 1736-28-1038 (lot 122 as shown in Book of Maps 1973, Vol. 2, Page 208), 1736-27-0957 (lot 121, BM 1973, Vol. 2, PG 208), 176-17-9877 (lot 120, BM 1973 Vol. 2, PG 208), 1736-17-8787 (lot 119, BM 1973, Vol. 2, PG 208), 1736-17-8616 (lot 118, BM 1973, Vol. 2, PG 208), 1736-17-7536 (lot 117, BM 1973, Vol. 2, PG 208), 1736-17-6433 (lot 116, BM 1973, Vol. 2, PG 208), 1736-17-1528 (lot 65 as shown in Book of Maps 1971, Vol. 3, Page 262), 1736-07-9400 (lot 67, BM 1971, Vol. 3, PG 262), 1736-07-9218 (lot 12; BM 1971, Vol. 3, PG 262), 1736-07-9102 (lot 11, BM 1971, Vol. 3, PG 262), 1736-06-9921 (lot 10, BM 1971, Vol. 3, PG 262) (collectively "Adjacent Owners"). The buffer established pursuant to this condition (f) shall remain undisturbed except as reasonably necessary for the installation of landscaping, fences, walls, berms, utilities and stormwater control facilities pursuant to applicable City Code provisions and State statutes and regulations, and the treatment or removal of nuisance or diseased vegetation. Without limiting the uses permitted within this buffer as described herein, the first 20' of the buffer, as measured from the common boundary of the property with the adjacent owners, shall be planted to at least the Type C transitional protective yard standards as embodied in Section 10-2082.9 of the City Code (as it exists on the date hereof). Existing vegetation may be taken into consideration in satisfying the foregoing Type C protective yard standards. Except for safety fencing, any walls or fences established pursuant to this condition (f) shall be solid, except for gates to access and maintain utilities, stormwater control facilities and vegetation located in the buffer, and may consist of a mix of materials, including but not limited to brick, metal, PVC pipe and wood. Any gate located in a wall or fence established pursuant to this condition (f) shall include a lock. Except for safety fencing, any walls or fences established pursuant to this condition (f) shall be located at least eighty (80) feet from the property line of the Adjacent Owners. Except for safety fencing, any walls or 'fences established pursuant to this condition (f) shall be at least six (6) feet in height.

(g) Notwithstanding any extra height allowance allowed for additional yard width, the maximum height for any building containing any Residential Use shall be the lesser of sixty-five (65) feet or four (4) stories in height, as determined pursuant to Section 10-2076 of the Raleigh City Code as it exists at the time of approval of this rezoning petition.

(h) Any building containing any Residential Use shall have a minimum roof pitch of at least 4:12.

(i) The exterior of any building containing any Residential Use shall consist of a mix of brick/masonry, cementitous material, and miratek or hardee material. The facades of any building containing any Residential Use that face the Adjacent Owners or public rights-of-way shall consist of at least twenty (20) percent masonry materials, excluding the area of windows and porch openings.

(j) The maximum height for any building containing retail uses shall be the lesser of thirty (30) feet or two (2) stories in height, as determined pursuant to Section 10-2076 of the Raleigh City Code as it exists at the time of approval at this rezoning petition.

(k) All dumpsters and HVAC equipment located on the Property shall be screened from view from public rights-of-way.

(l) Recreational uses accessory to a residential use and the Property shall be shielded by a residential structure so as to reduce visibility from the Adjacent Owners.

(m) Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the Property shall deed to the City a transit easement measuring twenty feet (20') long and fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

(n) There shall be no access, vehicular or pedestrian, to the Property from Holly Drive or Old Elizabeth Road.

(o) Any building containing any retail use with hours of operation after 11:00 p.m. or before 6:00 a.m. shall be located within three hundred (300) feet of the public right-of-way along Louisburg Road or Spring Forest Road.

(p) The average square footage of all residential dwelling units or equivalent dwelling units located on the Property shall be at least one thousand (1,000) square feet, including balconies.

(q) Prior to subdivision approval or issuance of a building permit, whichever shall first occur, the owner of the Property shall cause to be recorded in the Wake County Register of Deeds an offer of cross-access

establishing vehicular and pedestrian access over and upon the Property in favor of the owner(s) of all or any portion of the property abutting the northern boundary of the Property, which has Wake County PIN 1736 28-6158 and is described by deed recorded at Book 12917 Page 1915 of the Wake County Registry.

(r) Subject to the conditions set forth above, all uses permitted in the Thoroughfare District are permitted on the Property.

(s) The total volume of trips generated by development on the subject property shall not exceed the PM peak thresholds shown on Table 4.0 of the Traffic Impact Analysis, dated April 2009, prepared by Kimley-Horn & Associates and on file with the City of Raleigh. The PM peak trip generation shall be determined using the most current Institute of Transportation Engineers trip generation manual. City staff shall review and certify the PM peak trip volume prior to issuance of any building permit.