Ordinance (2004) 570 ZC 546
Effective Date: 02/17/04

Z-43-03 – on the northeastern and northwestern quadrants of the intersection of Rock Quarry and New Hope Road. Approximately 601 acres to be rezoned from R-4, R-6 CUD and R-10 to R-6 CUD with Planned Development Conditional Use Overlay District (MP-1-03).

Conditions: 02/04/04

1. Reimbursement values for any required right-of-way dedication(s) shall be based on R-4 values.

2. Unless the Planning Staff, Planning Commission, or City Council revises the following numbers in accordance with Section 13 of the Olde Towne Master Plan (MP-1-03):

   a) Residential dwelling unit shall not exceed 2,405 total units;
   b) Retail uses shall not exceed 365,000 square feet of floor area gross; and
   c) Office uses (in addition to retail areas) shall not exceed 128,000 square feet.

   If office uses exceed 128,000 square feet, the additional square footage shall be subtracted from the maximum retail limitation above.

3. A minimum of twenty-five (25%) percent of the total site shall be used for passive and active open space and greenways shall by provided within the development. Public and semi-public golf courses and the future dedication of greenways along Walnut Creek may be allowed toward this requirement.

4. A minimum +/- 2.5 acre pond shall be provided in the general location of the existing pond located in southwestern corner of the site. This pond may be converted to serve as a stormwater and, or water quality control structure.

5. If no other Transitional Protective Yard is required, a twenty (20') foot wide Transitional Protective Yard (T.P.Y.) shall be provided along all common property lines with Wake County PIN # 1732.17-02-6074 (Wilfong). This 20' Transitional Protective Yard shall contain the following minimum landscape materials:

   a.) 3 evergreen trees (installed at a minimum height of 8' and a maximum of 15' on center) per every fifty (50') linear feet; and
   b.) 15 evergreen shrubs (installed at a minimum of 2 1/2' and a maximum of 5' on center) per every fifty (50') linear feet.

6. Maximum fill of any on-site floodplain areas shall not exceed thirty-five (35%) percent of the total floodplain located within the subject area. Fill

within the floodway is prohibited. Furthermore, residential dwelling structures within the existing 100-year floodplain (as otherwise allowed by code) shall be prohibited. Accessory uses associated with golf course development or greenways shall be permitted. Impervious surfaces within the flood fringe shall be limited to no more than 10% of the total floodplain.

7. Maintenance facilities for golf course facilities shall be contained within an enclosed structure or closed wooden fence with a maximum height of six (6') feet. Fencing associated with this facility shall be screened with evergreen materials in a manner that seventy-five (75%) of the fence area is screened. Long-term maintenance of vehicles and storage of golf carts shall be contained within this facility. Further, stockpiled landscape materials (not including those materials associated with initial installation) placed on-site for longer than thirty (30) days shall be contained within this facility.

8. Hours of operation for the golf course shall be limited to daytime (dawn to dusk). Nighttime activities associated with the golf course are restricted to the indoor clubhouse and the outdoor pavilion areas.

9. No development shall occur on the property except when in general accordance with the adopted Master Plan (MP-1-03), its amendments and accompanying conditions.

10. The developer shall make an offer to the Raleigh Parks and Recreation Department to dedicate +/-9.0 acres for use as either public open space, or a neighborhood park. This offer shall be made in conjunction with either the dedication of the Walnut Creek Greenway, or at the time of plan approval for any residential dwelling units greater than 200 units, whichever occurs first.

11. Subject to credit against the required facility fees, the developer will make a payment of $120,000 (fair market value for 6 acres) to the City for the purchase an additional +/-6.0 acres of either open space, neighborhood parks or their related recreation facilities. The developer will make this payment prior to the 200th building permit. Once received, the City of Raleigh will continue to collect the required Parks and Recreation fees ($300 per unit). At such time that the City has collected Parks and Recreation fees for 400 building permits, the City shall reimburse the developer for the above payment of $120,000.