**Z-36-03– Louisburg Road and Forestville Road** intersection being Wake County PINs 1748.03-21-8062 and 1748.03-42-5047. Approximately 42.5 acres rezoned to Thoroughfare District Conditional Use with Special Highway Overlay District-3.

**Conditions: 5/19/04**

A. All Thoroughfare District uses shall be permitted except as follows:

1. bar, nightclub, tavern, lounge
2. riding stable
3. mini-warehouse storage facility
4. emergency shelter type A and B
5. landfill (debris from on-site)
6. adult establishment
7. airfield, landing strip, and heliport
8. correction/penal facility (governmental)
9. manufacturing – custom, general, restricted and sp
10. hotel/motel

B. All free-standing exterior lighting located outside transitional protective yards shall not be more than thirty (30) feet in height, provided however, that all free-standing exterior lighting within the portion of the property described in Condition C shall be not more than twenty (20) feet in height.

C. The southernmost portion of the property which is adjacent to the 120-foot width R-4 strip and as shown upon the attached Concept Plan prepared by Chance & Associates, dated the 29th day of March, 2004 (hereinafter the "Concept Plan"), which is bounded by the east right of way line of Connector Street B, i.e. Caliber Woods Drive (a public street) and the south right of way line of that proposed public street referred to as Connector Street A and the west right of way line of Forestville Road, an area of not less than 9.33 acres, shall be restricted to office uses and/or residential uses to a density not to exceed R-14 (with the majority of this area to be developed for residential uses), together with streets, sidewalks, stormwater facilities and utilities and infrastructure necessary for the development of the Property.

Within the above-described area the maximum building height of buildings constructed within two hundred fifty (250') feet of common property lines of the Brighton Village Subdivision residential lots identified in Condition N shall not exceed two (2) occupied stories, i.e. a maximum of twenty-eight (28') feet in height. Within the remainder of the above-described property no building shall exceed three (3) occupied stories, i.e. thirty-eight (38') feet in height.

(i.) As indicated upon the Concept Plan Connector Street A shall be located within a right of way with a minimum width of sixty (60) feet with sidewalks (minimum width of six [6] feet), located on both sides of Connector Street A, with its location to be determined by the subdivision and/or site plan process subsequent to the rezoning of the Property.

The Secondary Pedestrian Way standards of Figure 14b. of the City's "Streets, Sidewalks and Driveway Access Handbook" as revised May, 2002, shall be applied to both sides of Connector Street A; however, if the 9.33± acre area south of Connector Street A between Connector Street B and Forestville Road is developed entirely for residential uses, the Transition Pedestrian Way Standards of Figure 14a shall apply along its frontage on Connector Street A.

(ii.) As indicated upon the Concept Plan, public sidewalks (minimum width of six [6] feet) shall be located on both sides of Connector Street B, i.e. Caliber Woods Drive stubbed to the south line of the Property extending from said south line, to its intersection with Connector Street A as will be determined by the subdivision and/or site plan process subsequent to the rezoning.

The Transition Pedestrian Way Standards of Figure 14a of the City's "Streets, Sidewalks and Driveway Access Handbook" as revised May, 2002, shall be applied to at least eight (80%) percent of both sides of Connector Street B; however, if any portion of the area adjacent to Connector Street B is developed for non-residential uses, the Secondary Pedestrian Way Standards of Figure 14b shall apply along its frontage on Connector Street B.

D. The site plan(s) for the property shall provide sidewalks to connect any adjacent public sidewalks where stubbed from adjacent public streets; furthermore, these sidewalks will be connected to sidewalks within the development in order to link residential, office, retail and other permitted uses within the development.

Site Plan(s) for the property shall further provide building orientations as follows:

At the intersection of Connector Street A with Forestville Road buildings which frame this entry shall be located not more than seventy-five (75') feet from the curbs forming the corners of this intersection [NOTE: Seventy-five feet (75') includes the fifty foot (50') buffer provided adjacent to Forestville Road as shown upon the Concept Plan]. Buildings located at the four corners forming the intersection of Connector Street A and Connector Street B shall be located not more than twenty-five (25') from the curbs forming the corners of this intersection. Additionally as regards the placement of other buildings adjacent to Connector Streets A and B the guidelines of Subsection 3.1 "Building Placement" of Section 3.0 "Site Design" of the Urban Design Guidelines shall apply.

The Key Elements of the Urban Design Guidelines and those elements specified upon Exhibit A are incorporated by reference into this Condition D and shall be incorporated into Site Plan(s) for the Property. Additionally, Site Plan(s) shall include other Urban Design Guideline elements when practicable.

E. Any required transitional protective yards shall remain undisturbed until site plan(s) are approved, subject to any utility and infrastructure installation(s) approved by the City of Raleigh.

F. A landscaped yard a minimum of fifty (50) feet in width shall be provided along the portion of the property adjacent to Forestville Road (S.R. 2049), subject to the installation of streets/drives, sidewalks and utilities serving the property from Forestville Road and subject to public facilities, if any, such as a bus-stop and shelter and access thereto.

G. Prior to development provision for one (1) transit easement twenty (20) feet in width and fifteen (15) feet in depth for a bus-stop and shelter shall be provided adjoining either the right of way of Louisburg Road (U.S. Highway No. 401) or the right of way of Forestville Road or the Connector Street A. The City's Transit Division shall timely review and approve the location of the transit easement as part of the site plan or subdivision approval process and prior to building permit issuance the transit instrument approved by the City Attorney or his designee shall be recorded in the Wake Registry.

H. Reimbursement values for additional right-of-way for Louisburg Road (U.S. Highway No. 401) and Forestville Road shall remain at R-4.

I. Open-Air Stormwater Facilities will be designed as site amenities and landscaped with appropriate vegetation to SHOD-4 standards, with or without fences.

Stormwater facilities shall be designed to meet predevelopment stormwater runoff rates for the 2 year and 10 year storm events; therefore the peak stormwater runoff leaving the site for the 2-year and 10-year storm events shall be no greater for the post-development conditions than for the pre-development conditions. The same methodologies used to calculate stormwater runoff must be used for both pre-development and post-development conditions.

J. Non-Residential Square Footage Limitations (Floor Area Gross):

(i.) Retail - retail square footage shall not exceed a floor area gross of one hundred fifty thousand (150,000) square feet with no single retail use being greater than sixty thousand (60,000) square feet.

(ii.) Office - office square footage shall not exceed a floor area gross of thirty-eight thousand two hundred (38,200) square feet.

Prior to subdividing or any other division of land of the rezoned Property, there shall be recorded in the Wake Registry a Declaration for Retail and Office Uses, in form approved by the Office of the City Attorney, which Declaration shall initially establish and through future modifications (also approved by the Office of the City Attorney) thereafter track the allocation of retail and office square footage upon the Property.

K. The maximum number of dwelling units within the Property shall not exceed 176 dwelling units, provided, however, that a maximum of fifteen (15) additional dwelling units may be constructed if the maximum office square footage cap of 38,200 square feet is reduced to 27,700 square feet (floor area gross).

L High and medium profile ground signs are prohibited; free-standing signs shall be low profile ground signs, limited as to size and quantity as provided in the City Code.

M. In conjunction with initial subdivision approval for non residential structures upon the Property unity of development criteria shall be established and approved by the Planning Department of the City.

N. No dumpster facilities shall be located within Two Hundred (200') feet of the common property lines with the Brighton Village Subdivision residential lots identified by Wake County Tax PIN Nos. as follows: 1747394425, 1747495422, 1747495470, 1747496309, 1747496348, 1747496387, 1747497325, 1747497364, 1747498303, 1747498342, 1747498381, 1747499229, 1747499268, 1747590207, 1747590246, 1747590284, 1747591223, 1747591271, 1747593161, 1747582999.

The service openings/doors of all dumpster facilities shall be oriented away from the Brighton Village Subdivision.

O. There shall be a maximum of two (2) Access Points on U.S. Highway 401 North, subject to approval by NCDOT and the City of Raleigh Transportation Division.

P. Copies of all subdivision and site plans for the development of the 9.33-acre, more or less, tract described in Condition C or of any portion thereof shall be provided by Certified U.S. Mail to Williams (PIN No. 1747495470) and West (PIN No. 1747591223) or their successors in title simultaneously with their filing for approval with the City of Raleigh.

**EXHIBIT A**

- Street A extends east off US-401 to Forestville Road and forms the Core Area of the development. Application of the site, street, and building design recommendations of the Urban Design Guidelines is appropriate within the Core with the exception of on-street parking within the first block off US-401.

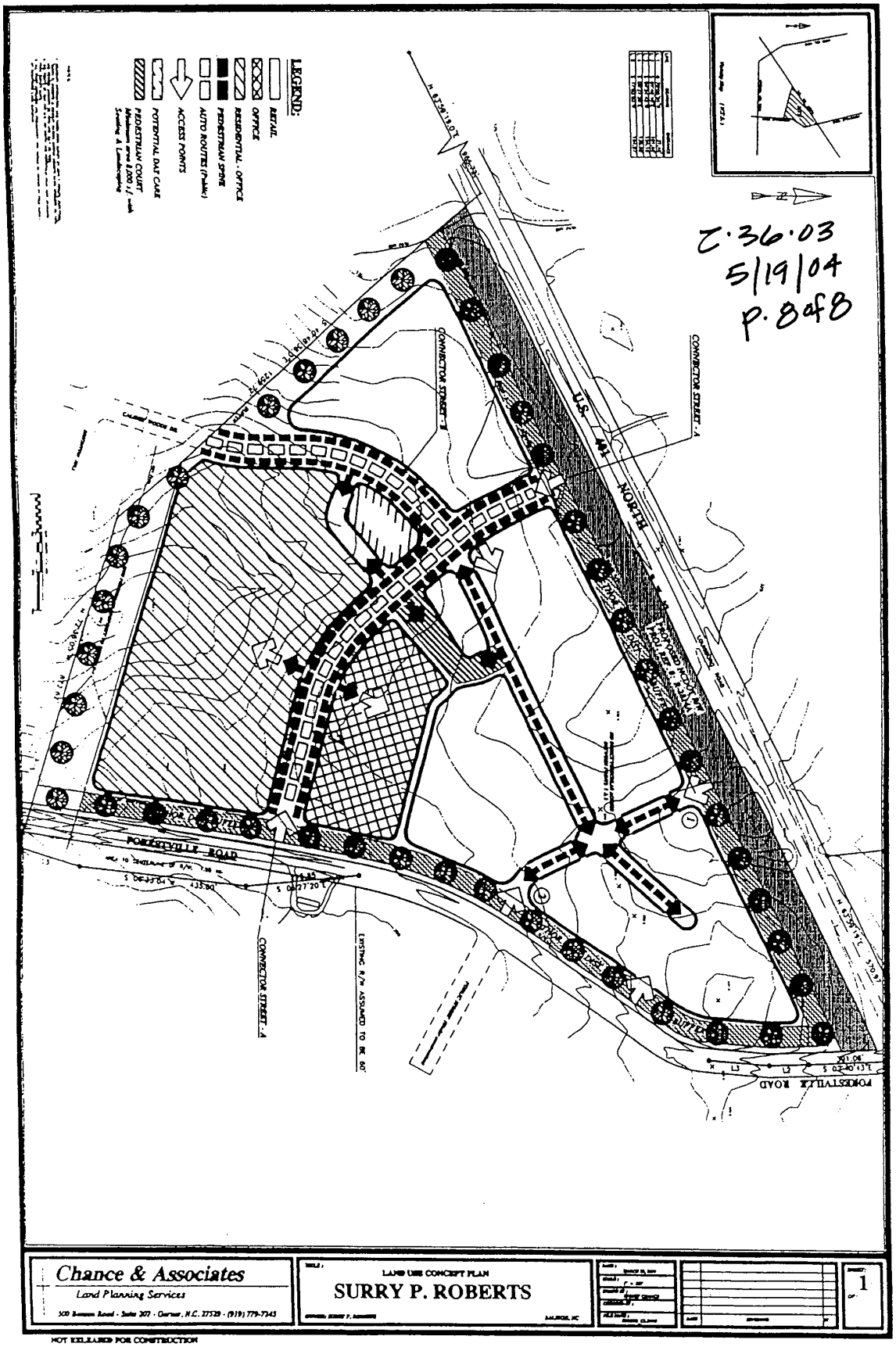
- Street B extends south from Street A and serves as a transitional street to the adjacent residential neighborhood. While maintaining a strong pedestrian orientation through streetscape design and building placement; a development transition using architectural design, height, and massing should be incorporated as proximity to the neighborhood increases. Housing should also transition in density with the highest in the Core.

- The Urban Design Guidelines do not apply to the frontage of the property on US-401. This area should include thoroughfare yard landscape buffers.

- While Forestville Road is also a major thoroughfare with landscape buffers and minimized building orientation onto the street; application of the Urban Design Guidelines is appropriate in relation to streetscape design, sidewalks, and pedestrian crossings especially at street and driveway intersections leading into the development to provide connectivity to the residential areas east of the street. Buildings should frame the Forestville Road Entry onto street.

- A median is recommended at entry #2 and Street A access points onto Forestville Road as shown on the Concept Plan dated **3/29/04** to provide a safe pedestrian haven in crossing the thoroughfare. Additional right-of-way may be necessary at these locations to provide the median.

**Ordinance (2004) 648ZC550**
**Effective: June 1, 2004**




NOT EXCLUDED FOR CONSTRUCTION
NOT TO BE USED FOR [illegible]