Ordinance (2016) 610 ZC 733
Effective: 6/21/16

Z-5-16 Rock Quarry Road, south side, south of Jones Sausage Road and South New Hope Road, being Wake County PINs 1722839173 and 1722921638, approximately 11.65 acres rezoned to Neighborhood Mixed Use-3 Stories-Conditional Use (NX-3-CU) and Residential Mixed Use-3 Stories-Parking Limited Frontage-Conditional Use (RX-3-CU-PL).

Conditions dated: June 7, 2016

1. Residential density on the NX Parcel (PIN No. 1722-83-9173 as shown on Book of Maps 1991, Page 514) and the RX Parcel (PIN No. 1722-92-1638 as shown on Book of Maps 1992, Page 1038) shall not exceed fourteen (14) dwelling units per acre.

2. With respect to the NX parcel, the following shall apply:
    a) The building or buildings constructed in the NX Parcel shall have a maximum build-to, as that term is identified in Section 1.5.6.A of the Unified Development Ordinance ("UDO"), of 100 feet along Rock Quarry Road and the minimum building width in the build-to area along Rock Quarry Road shall be 20%.
    b) There shall be no more than two (2) bays of on-site parking with a single drive aisle located between the principal building and the right-of-way for Rock Quarry Road and there shall be a street facing entrance with a direct pedestrian access from the public sidewalk to the street facing entrance of the principal building.

3. The maximum development intensities for the NX Parcel shall be one of the following scenarios, at the election of the property owner:
    a) 55,000 square feet of any use or uses set forth in the Commercial or Public & Institutional land use categories (excluding Retail Sales); or
    b) 15,590 square feet of Retail Sales land uses and 23,000 square feet of Office/Medical land uses; or
    c) 55 residential dwelling units; or
    d) 24 residential dwelling units and 15,000 square feet of any use identified in the Commercial land use category (excluding Retail Sales); or
    e) 24 residential dwelling units and 19,000 square feet of Retail Sales land uses.

    The maximum development intensities for the RX Parcel shall be one of the following scenarios, at the election of the property owner:
    a) 108 residential dwelling units; or
    b) 10,500 square feet of any use identified in the Public & Institutional land use category; or
    c) 6,250 square feet of Daycare land use.

    References to land uses in this condition shall have the meaning as ascribed In the Allowed Principal Use Table (UDO Section 6.1.4). Election of the specific

scenario will occur prior to the issuance of the site plan, plot plan or the recording of a subdivision plat, whichever occurs first. However, this shall not preclude the subsequent election of another scenario so long as it complies with this condition. The election and any amendment thereto will be in writing and recorded with the Wake County Register of Deeds. The election of a scenario does not require the development of the maximum development intensity under the scenario or require the development of both uses in mixed use scenarios. The developer may choose to develop a lesser amount of residential dwelling units and/or square footage depending on the scenario elected. Any amendment to the Initial election requires the consent of the City Planning Director, as evidenced by the signature of the City Planning Director on the recorded instrument, and which consent shall be given if the subsequent election complies with this condition. The owner of the NX Parcel may allocate to the RX Parcel any unused selected maximum development scenario that would otherwise be permitted as a use in the RX zoning district provided that such allocation is in writing and recorded with the Wake County Register of Deeds.

4. Prior to the issuance of a building permit for new development or recording of a subdivision plat, whichever occurs first, if requested by the City of Raleigh, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of the easement along Rock Quarry Road shall be approved by the Public Works Department and then Property Owner, and the easement deed approved as to form by the City Attorney's Office. If, prior to the issuance of the first building permit for new development, transit is available to the NX Parcel or the RX Parcel and the Public Works Department requests installation of a transit pad within the transit easement area, a transit pad shall be constructed prior to the first certificate of occupancy, with plans approved by the Public Works Department.