

Z-75-95 Capital Boulevard, east side, between Old Wake Forest Road Extension and Jacqueline Lane, being Map 1727.16, Block 83, Parcel 4610 rezoned to Thoroughfare District Conditional Use. The SHOD-2 remains unaffected.

Conditions: (3/11/96)

A. Development of the subject property, or subdivided lots thereof, will comply with the provisions of certified recommendation 7107 of the Raleigh City Planning Commission.

B. The following land use criteria will be employed in order to assure that a mixed use development results on the subject property.

1. Non-residential uses will occupy no more than seventy-five (75) percent of the acreage net of right-of-ways.

2. Residential uses will occupy no more than seventy-five (75) percent of the acreage net of right-of-ways.

Non-Residential uses are those uses described under the "Land Use" headings of "Agriculture", "Recreation", "Institution/Civic/Services", "Commercial" and "Industrial" as set forth in Code Section 10-2071 Schedule of Permitted Land Uses in Zoning Districts. Residential uses are those uses found under the "Residential" Land Use heading of the same schedule.

Nothing within this condition would prohibit the development of mixed use buildings on any portion of the subject property. In such instances the dominant use (based on the gross square footage of space allocated to that use within the building) will determine the land use of the building and the land use category (residential or non-residential) to which its lot area will be applied.

C. The portion of the subject property that is within a minimum of three hundred fifty feet (350') measured perpendicularly to the segments of the northern and eastern boundaries that abut developed or recorded parcels in the Smoketree development, shall be developed only for residential purposes not to exceed ten (10) units per acre. The segments of the boundary lines are more specifically described as being the lines beginning at the Southwest corner of parcel 1727.12 76 6024 and extending in a continuous generally Southeastward direction to the South corner of parcel 1727.16 94 7497.

The following adjacent parcels comprise the segments of the boundary lines to which this condition shall apply.

1727.12 76 6024	1727.12 75 7770	1727.12 75 9136	1727.16 94 6605
1727.12 76 6051	1727.12 75 7684	1727.16 84 6932	1727.16 94 6677
1727.12 75 6954	1727.12 75 8509	1727.16 94 1659	1727.16 94 7641
1727.12 75 6867	1727.12 75 8523	1727.16 94 4772	1727.16 94 7544
1727.12 75 7801	1727.12 75 8448	1727.16 94 5606	1727.16 94 7497
1727.12 75 7755			

Within this area in order to promote an improved variety of housing choices and opportunities at least:

1. Twenty percent (20%) of the R10 restricted area will be devoted to detached homes;
2. Twenty percent (20%) of the R10 restricted area will be devoted to duplexes, triplexes and quadraplexes that may or may not employ a zero lot line manner of development; and
3. Twenty percent (20%) of the R-10 restricted area will be devoted to townhouses or multi-family units including if desired, condominiums.

D. The owners will cooperate (including but not limited to donations, easements, sale at reduced value, etc.) with public agencies to effect publicly planned and programmed infrastructure improvements to further enhance the stature of this location as the City's Northeast Regional Center. Such improvements could include but not be limited to:

1. Additional connections (pedestrian, bike, road, transit, etc.) to promote circulation between the quadrants created on this property by the Expressway and the North-South Road;
2. A permanent water body (or bodies) that can function as stormwater management, water quality and recreation facilities; and,
3. Open spaces to accommodate active or passive leisure opportunities, including greenways. To this end, at least 15% of the land area (approximately 6 acres) of the Northwest quadrant (quadrant A) of the property as illustrated on Exhibit A and at least 19% of the land area (approximately 15 acres) of the Northeast quadrant (quadrant B) as illustrated on Exhibit A will be maintained as open space which may also accommodate these types of infrastructure improvements.

Private development may proceed in these quadrants so long as it can be demonstrated that the respective land area to satisfy this requirement in each quadrant remains available or that on a pro-rata basis a portion of the land area being developed will provide an improvement towards the satisfaction of the overall requirement for the respective quadrant in which it is located.

E. Building heights within the portions of quadrant "B" identified on Exhibit A will be limited to:

1. Seventy-five (75) feet in Capital Boulevard height limit area; and
2. Forty (40) feet in the Expressway height limit area.

ORDINANCE (1996) 845 ZC 385

Adopted: March 19, 1996

F. For all public streets not designated as thoroughfares and requiring thoroughfare district street yards, their required street yards will be planted with native species shade trees at a rate of one tree for every forty linear feet of street frontage.

G. For a distance of two hundred (200) linear feet from the point that thoroughfares designated within this property enter, or exit, the zoned property, the thoroughfare street yard required on each side of the thoroughfare shall be enhanced with ornamental shrubs at a rate of sixty (60) shrubs per fifty (50) linear feet of qualifying street frontage. These shrubs shall meet or exceed the minimum shrub standards for protective yards at the time of planting. At least 70% of the shrubs per side of the street shall be evergreen. Nothing within this condition would prohibit the massing of these shrubs in an area, or areas. This condition does not apply to the Northern Wake Expressway.

H. The portion of the subject property that is within three hundred and fifty (350) feet measured perpendicularly to the portions of the Wake County PIN Numbers 1727.12 95 7114 (JVC) and 1737.17 02 3461 (Hendrickson Trustee) shall be developed for either residential purposes not to exceed eighteen (18) units per acre or uses allowed in O&I-1, or combinations thereof. This area shall extend from the southern boundary of the R-10 restricted area set out in Condition C above at parcel 1727.16 94 7497 and extend to the right-of-way of the Northern Wake Expressway.

I. Reimbursement values for qualifying right-of-ways (per Code Section 10-3022) shall be at the prevailing rate based upon the present zonings (RR, R-4, R-6) when said streets are required by the City's development regulations.