

Z-38-91 Neuse River, west side, east of U. S. 401 and north of Buffalo Road, being Parcel 21, Tax Map 383, and Parcel 3, Tax Map 384, rezoned to Residential-6 Conditional Use, Residential-15 Conditional Use, Neighborhood Business Conditional Use and Office and Institution-2 Conditional Use.

CONDITIONS:

A. Residential-6 CUD. All uses permitted in the Residential-6 District (Sec. 10-2026) except for approximately 22 acres required for the right-of-way of the proposed Northern Wake Expressway which shall be restricted to all uses permitted in Residential-4 District. (Sec. 10-2017)

B. Residential-15 CUD. All uses permitted in the Residential-15 District (Sec. 10-2029) There will be a 30-foot wide Transitional Protective Yard running parallel to a portion of the southernmost property line of the tract adjacent to Parcels 411-14, 411-55, 411-45, 411-59, 412-1 and 412-201 (portion of), as per enclosed map submitted October 18, 1991.

C. Neighborhood Business CUD. All uses permitted in the Neighborhood Business District (Sec. 10-2044) save and except those uses specified in Sec. 10-2043(1)(g) i.e. adult establishments or riding stables which are excluded. The owner will submit a site plan exhibiting unity of development on the entire site.

D. Office and Institution-2 CUD. All uses permitted in the Office and Institution-2 District (Sec. 10-2034). There will be a twenty-five foot wide Transitional Protective Yard running parallel to a portion of the southernmost property line of the tract adjacent to Parcel 421-01, as per enclosed map submitted October 18, 1991.

E. Property owner shall reserve a fifty-foot wide Protective Yard adjacent to the proposed North Wake Expressway.

F. Property owner shall reserve a greenway easement to the City of Raleigh along the Neuse River, which easement shall measure 150 feet in width from the west bank of the said Neuse River.

G. Property owner agrees to limit reimbursement rates for extra right-of-way and slope easements needed for thoroughfare improvements to remain at residential values rather than the higher non-residential rates which would otherwise apply for the proposed Neighborhood Business CUD and Office and Institution-2 CUD portions of the request.

H. A traffic study will be submitted for review and approval by the City in conjunction with the submittal of a subdivision or site plan for a portion of the subject property and/or in conjunction with the submittal of a Master Plan or Planned Development Application for part or all of the property.

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I. Property Owner agrees to limit the residential density to seven (7) dwelling units per acre within the tract containing approximately 37.09 acres (gross-including right-of-way) bounded on the south by the center line of Spring Forest Road Extension, on the east by the west line of the 150-foot greenway easement reservation referred to in Condition (F), on the north by the south line of the 50-foot wide Protective Yard referred to in Condition (E) and on the west by the center line of Buffaloe Road Extension, and Owner further agrees that no dwelling units shall be constructed within the aforesaid 37.09 acre tract upon slopes of twenty (20) percent or greater, within the greenway reservation area, or within flood plain areas below the existing 190-foot contour, all as shown upon Exhibit Z-38 attached hereto.

J. Residential dwelling structures located within the area identified in Condition (I) shall be limited to a maximum height of fifty-five (55) feet, measured as provided in Code Sec. 10-2076 (b) and 10-2076(c).

K. Property Owner agrees that no dwelling unit shall be constructed within the portion of the subject property being zoned R-6 north of the proposed Northern Wake Expressway adjacent to the Neuse River upon slopes twenty (20%) percent or greater, within the greenway reservation area, or within flood plain areas below the 190-foot contour, all as shown upon Exhibit Z-33 attached hereto.

L. Uses permitted in these areas described in Paragraphs I and K shown upon attached Exhibit Z-38, hereto shall be limited to those uses permitted in the Conservation Buffer zoning district (Code Sec. 10-2030) and recreational uses associated with residential developments as described in the section of Code Section 10-2002 entitled "Recreational Use Related to Residential Developments"