

Z-3-16 – Forestville Road, east side, south of its intersection with Louisburg Road, being Wake County PINs 1748603845 and 1748601626. Approx. 9.41 acres are requested by Anthony and Jeanna Blinson to be rezoned from Residential-4 (R-4) to Residential Mixed Use-3 Stories-Conditional Use (RX-3-CU).

Conditions dated: April 29, 2016

- 1) The following principal uses as set forth in the Allowed Principal Use Table (UDO section 6.1.4) shall be prohibited: (i) medical – all types; (ii) office – all types; (iii) overnight lodging – all types; (iv) personal service – all types; (v) eating establishment; and (vi) retail sales – all types.
- 2) The maximum density on the property shall be 100 dwelling units. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lot(s) of record comprising the property the dwelling units permitting by this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restricted covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.
- 3) All pole-mounted lighting in parking areas shall be limited to a maximum height of twenty (20) feet and shall have full cut-off fixtures, unless a more restrictive standard is required by the UDO.
- 4) Prior to the issuance of a building permit for new development or the recordation of any subdivided lot, which event first occurs, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of easement along Forestville Road shall be approved by the Public Works Department and the easement document approved by the City Attorney's Office. If, prior to the issuance of the first building permit for new development, transit is available to the property and the Public Works Department requests installation of a shelter within the transit easement area, an ADA accessible shelter shall be constructed prior to the first certificate of occupancy, with construction plans approved by the Public Works Department.
- 5) Upon the recording of a subdivision plan or construction of a site plan, whichever event first occurs, the site developer shall provide the necessary site arrangement and pedestrian accommodations for the installation of a future signalized pedestrian crossing of Forestville Road, subject to NCDOT approval.
- 6) Construction activity shall occur only between the hours of 7 am to 5 pm Monday to Friday, and shall be prohibited on Saturday, Sunday, and Federal holidays.
- 7) For the purpose of this zoning condition, the following thirteen properties shall be defined as "Adjacent Properties":

1. PIN 1748508492 (DB: 15886/Page 1553)
2. PIN 1748509349 (DB: 14479/Page 1812)
3. PIN 1748509396 (DB: 14928/Page 966)

4. PIN 1748600334 (DB: 13759/Page 1587)
5. PIN 1748600382 (DB: 13559/Page 1621)
6. PIN 1748601239 (DB: 11926/Page 2487)
7. PIN 1748601277 (DB: 12122/Page 1896)
8. PIN 1748602224 (DB: 13933/Page 2612)
9. PIN 1748602262 (DB: 12876/Page 2185)
10. PIN 1748603168 (DB: 11410/Page 2226)
11. PIN 1748603210 (DB: 14987/Page 167)
12. PIN 1748604146 (DB: 11626/Page 1672)
13. PIN 1748605087 (DB: 15620/Page 1634)

- a. During construction, all dumpsters related to construction on the property shall be set back at least two hundred (200) feet from the Adjacent Properties.
 - b. During construction, all portable toilets shall be set back at least two hundred (200) feet from the Adjacent Properties.
 - c. During construction, a temporary screening fence at least six (6) feet in height shall be erected between the property's common boundary line with the Adjacent Properties and the area under construction.
 - d. Service areas, including all trash collection, trash compaction, recycling collection and other similar service areas shall be located at least three hundred (300) feet from the Adjacent Properties.
 - e. No principal or accessory buildings shall be located within fifty (50) feet of the Adjacent Properties.
 - f. In those areas along the Adjacent Properties where a Neighborhood Transition under UDO section 3.5 is required (not including those areas to be dedicated for public street right-of-way and any related easements), all those understory and shade trees required within Zone A shall be evergreen and a vinyl fence at least six and a half (6.5) feet in height shall be installed; however, no such fence shall be required within any transition area adjacent to that property with PIN 1748605087 (DB: 15620/Page: 1634).
- 8) In the event public right-of-way is required to be dedicated to extend Oak Marsh Drive only to that parcel to the property's eastern boundary line adjacent to that property identified in that deed recorded in Book 16070, Page 262, Wake County Registry, then the fence required in above Condition 7.f. shall be extended along the property's frontage of the future right-of-way of the extension of Oak Marsh Drive to the property's eastern boundary line adjacent to that property identified in that deed recorded in Book 16070, Page 262, Wake County Registry, but outside any front or side street setback area or Zone A neighborhood transition area. However, in the alternative event public right-of-way for the extension of Oak Marsh Drive is required to be dedicated along the property's eastern boundary line (providing a north/south street), then this fence shall be extended north along this future public right-of-way for a distance of at least 100 feet from the eastern terminus of the fence, but in any case past any portion of an above-

ground stormwater detention facility located within 100 feet from the Adjacent Properties or the future public right-of-way in the southeast portion of the property.

- 9) Subject to the other provisions of UDO section 9.2.2., the peak stormwater leaving the site for the 2-year, 10-year and 25-year storms shall be no greater at every point of discharge for post development conditions than pre-development conditions.
- 10) For any development in excess of four units per acre or for any development that includes an apartment building type, such development must provide the following amenities: (i) a community building at least 1,200 square feet in floor area, (ii) a playground area at least 900 square feet in area that includes playground equipment, and (iii) a covered pavilion or shelter measuring at least 375 square feet in area. These amenities shall be constructed and installed prior to issuance of a certificate of occupancy for a residential building.