

Ordinance No. (2012) 995 ZC 666

Adopted: 1/3/12 Effective: 1/3/12

Z-18-11 – 8110 Six Forks Road located on Six Forks Road, east side, south of Strickland Road, being Wake County PINs 1707495136. Approximately 10.65 acres are to be rezoned from Residential-4 to Office and Institution -1 Conditional Use District.

Conditions Dated: 12/21/11

Narrative of conditions being requested:

1. Building height shall not exceed a maximum of 4 occupied stories or fifty-five (55) feet, measured in accordance with the City Code provided, however, no building located within one hundred fifty feet (150') of the property line of any of the following properties shall exceed 3 occupied stories or forty-seven feet (47') in height. Provided further, a portion (up to 50% of gross floor area) of building(s) within 300' of the eastern line of the subject property (adjoining the property of Riverwoods Raleigh Apartments, LLC [Pin 1707-58-2462] listed under Deed Book 14134 Page 1036 Wake Registry) and within 150 feet of the properties listed below may be a maximum of 4 occupied stories or fifty-five (55') feet.

PIN1707-49-2571 - Cheng, Deed Book 12069, Page 2430
PIN1707-49-3562 - Forsberg, Deed Book 12555, Page 2718
PIN1707-49-4542 - Miller, Deed Book 11322, Page 1751
PIN1707-49-5429 - Shiring, Deed Book 3434, Page 238
PIN1707-49-5485 - Barton, Deed Book 13931, Page 1465
PIN1707-49-6453 - Stephens, Deed Book 11654, Page 1482
PIN1707-49-7329 - Schmidt, Deed Book 10775, Page 2498
PIN1707-49-7396 - Handford, Deed Book 14349, Page 2417
PIN1707-49-8382 - Dewan, Deed Book 14325, Page 1127.

2. An undisturbed buffer a minimum of thirty (30') feet in width shall be maintained along the property's northern boundary adjacent to the following properties:

PIN 1707-49-2571 - Cheng, Deed Book 12069, Page 2430
PIN 1707-49-3562 - Forsberg, Deed Book 12555, Page 2718
PIN 1707-49-4542 - Miller, Deed Book 11322, Page 1751
PIN 1707-49-5429 - Shiring, Deed Book 3434, Page 238
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In addition to the thirty (30') foot width undisturbed buffer a ten (10') foot width buffer shall be provided adjacent to the undisturbed buffer containing at least 40 shrubs per 100 linear feet, which shall be a minimum of 24" in height at planting and

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expected to reach a minimum height of 6' within 5 years. The ten foot buffer may also contain new trees.

Provided however, that such plantings shall not conflict with the critical root zones of trees located in a Tree Conservation Area ("TCA") or in a required transitional protective yard ("TPY") or other requirements of the tree conservation ordinance. In the event of any conflict with TCAs or critical root zones of TCAs or TPYs, no plantings within such areas shall be required.

Provided further, that in the event of any conflict between the proposed buffers and the City required street yard or utility easements, the City required street yard and/or utility easements shall control, and provided further that the buffer may be crossed by utility lines and easements and other matters approved by the City of Raleigh.

3. No principal building shall be located any closer than 50 feet to the property line of any immediately adjacent single family detached dwelling identified hereinafter or any closer than 100 feet to any immediately adjacent single family detached dwelling as it exists as of the date of approval of this rezoning petition, located upon the following properties:

PIN 1707-49-2571 - Cheng, Deed Book 12069, Page 2430
PIN 1707-49-3562 - Forsberg, Deed Book 12555, Page 2718
PIN 1707-49-4542 - Miller, Deed Book 11322, Page 1751
PIN 1707-49-5429 - Shiring, Deed Book 3434, Page 238
PIN 1707-49-5485 - Barton, Deed Book 13931, Page 1465
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PIN 1707-49-7396 - Handford, Deed Book 14349, Page 2417
PIN 1707-49-8382 - Dewan, Deed Book 14325, Page 1127.

4. The following uses shall be prohibited on the property:

- (a) Bank
- (b) Beauty, nail and manicure, cosmetic art, and barber shop
- (c) Cemetery
- (d) Civic club
- (e) Funeral Home
- (f) Hospital
- (g) Radio and television studio
- (h) School, including private and parochial schools
- (i) Utility substation
- (j) Dance, recording, music studio
- (k) Emergency shelter type B
- (l) Heliport
- (m) Telecommunications towers
- (n) All Special Uses required to be approved by the Board of Adjustment or City

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Council except for limited home businesses or yard reductions

- (o) Single family detached housing
- (p) Nonresidential related services

5. Prior to the issuance of any building permit for the property, the owner of the property shall convey to the City of Raleigh a transit easement deed measuring twenty (20) feet along Six Forks Road by fifteen (15) feet. The location of the easement shall be approved by the Public Works Department, Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation. Prior to obtaining a certificate of occupancy for any new building constructed on the subject property, the owner of the subject property shall construct a concrete pad measuring 10 x 20 within such transit easement unless this requirement is waived by the City of Raleigh.

6. Following redevelopment of the subject property, direct access to and from Six Forks Road shall be limited to a maximum of two (2) access points, subject to the approval by the City of Raleigh Public Works Department and the North Carolina Department of Transportation.

7. Prior to obtaining a building permit for any development within the subject property or any subdivision of the subject property, whichever shall first occur, the property owner requesting the permit shall make an offer of cross access to the adjoining property to the south, identified as PIN 1707-48-5597- Caplan Investments, LLC, Deed Book 6750, Page 813 and/or accept a previously extended offer from such adjoining owner, if any.

8. Poles for free standing lighting shall not exceed 35 feet in height, and all pole mounted light fixtures shall be full cutoff type.

9. Petitioner has submitted and the Public Works Department has accepted the Trip Generation Comparison (“TGC”) prepared for the subject property which is attached hereto as Exhibit C-1. The total volume of calculated trips generated by development on the Property shall not exceed 134 AM peak hour trips or 164 PM peak hour trips, based on the most recent edition of the Institute of Transportation Engineers Trip Generation Manual in effect as of the date of approval of the rezoning petition.

10. The street protective yard along the Six Forks Road frontage of the property shall be a minimum of twenty (20) feet in width, and contain the numerical equivalent of at least two (2) shade tree for every fifty (50) linear feet of street frontage with no trees spaced further apart than forty-five (45) feet on center, subject to the location of access drives and utilities therein. Provided further, the shade trees shall be Scarlet Oak species (*Quercus coccinea*), or equivalent as approved by a City Forestry Specialist, with each tree measuring a minimum three (3) inches in caliper and at least fourteen (14) feet tall at time of installation.

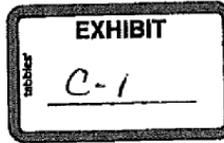
11. Of the nine (9) existing Oak trees near Six Forks Road in the northwest corner of the property, as mapped in Exhibit C-2 (attached), at least three (3) trees will receive

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protection during construction in accordance with City of Raleigh standard details and specifications, commencing prior to issuance of the grading permit.

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2-18-11
 AMENDED 12/21/11
 PG. 4 OF 5



June 7, 2011

Mr. Thomas C. Worth, Jr
 127 West Hargett Street
 Suite 500
 Raleigh, NC 27601

Re: Six Forks Road Rezoning

Dear Mr. Worth:

Kimley-Horn and Associates has prepared a trip generation comparison for the proposed 10.65 acre site in North Raleigh located on the east side of Six Forks Road between Farrington Drive and Featherstone Drive. Based upon discussions with you and the City of Raleigh, the 10.65 acre site is currently zoned R-4 and would permit 42 single family homes. The proposed zoning is O&I -1 CUD, which would allow for approximately 266 apartments. The table below summarizes the comparison of the trip generation of the existing zoning to the proposed zoning.

TRIP GENERATION COMPARISON SUMMARY TABLE

SCENARIO	DAILY		AM PEAK HOUR		PM PEAK HOUR	
	IN	OUT	IN	OUT	IN	OUT
<u>EXISTING ZONING</u> 10.65 ACRES X 4 UNITS/AC= 42 SINGLE FAMILY UNITS	234	234	10	29	30	18
<u>PROPOSED ZONING</u> 10.65 ACRES X 25 UNITS/AC= 266 APARTMENTS	868	868	27	107	107	57

The summary table above indicates the existing zoning would generate approximately 500 daily trips and less than 50 peak hour trips in the morning and afternoon peaks. The proposed zoning would generate approximately 1750 daily trips and less than 165 peak hour trips in the morning and afternoon peaks. We note that the comprehensive plan identifies this area as an office/residential mixed use; utilizing this information, the trip generation of this parcel has the potential to be in line with the proposed zoning or higher.

If you have any questions concerning our analysis, please call me at 919-677-2062.

Sincerely,

R. Michael Horn

R. Michael Horn, P.E.
 Principal
 KIMLEY-HORN AND ASSOCIATES, INC.
 NC License # F-0102



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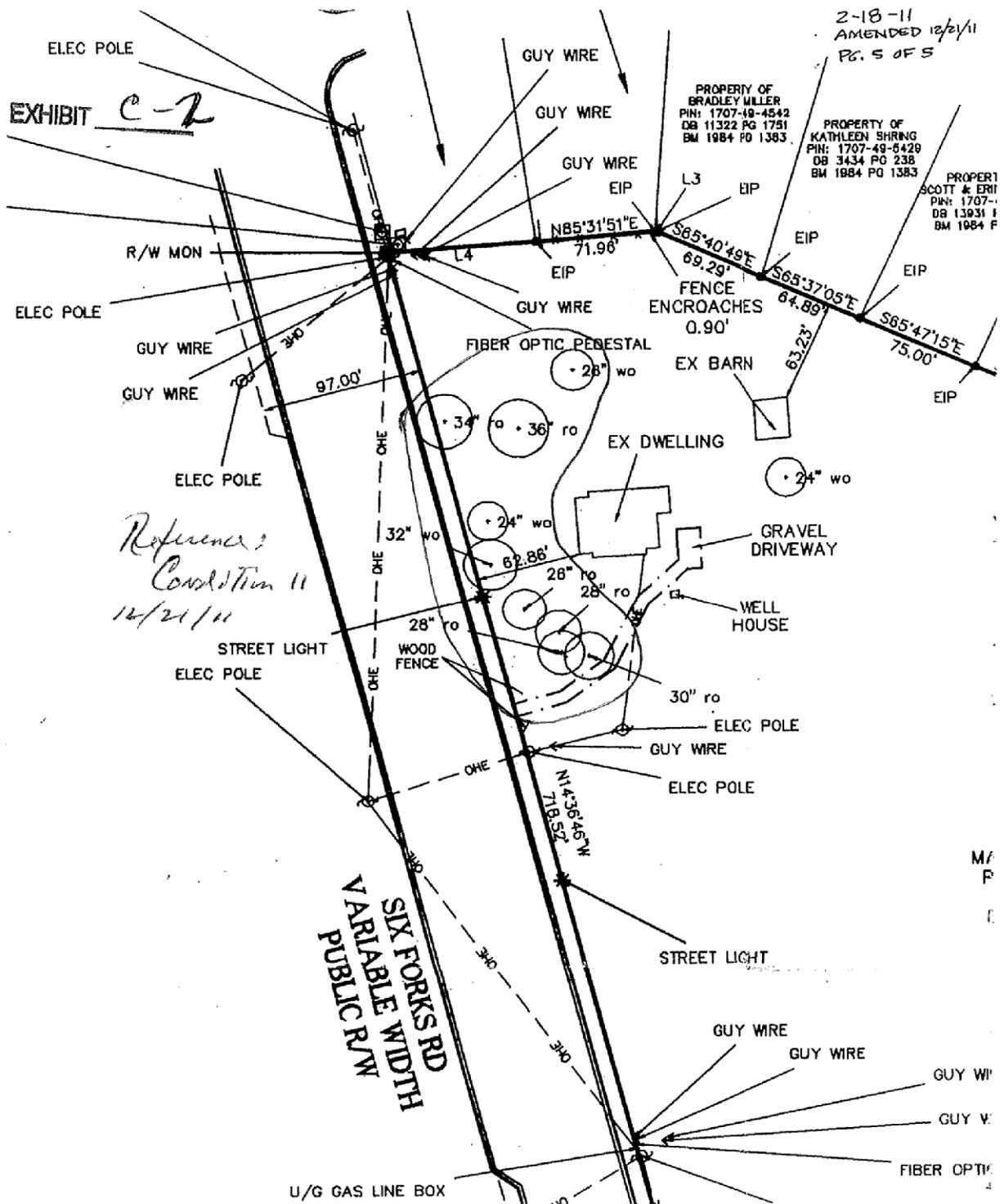


EXHIBIT C-2

*Reference:
Condition 11
12/21/11*

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AMENDED 12/21/11
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**SIX FORKS RD
VARIABLE WIDTH
PUBLIC R/W**