

**ORDINANCE NO. (2020) 44 ZC 787**

**Z-29-19 – 5706 Rock Quarry Road, 3801 and 3831 Pearl Road**, being Wake County PINs 1732108597, 1732105490, and 1732104220. Approximately 8.02 acres located at the intersection of Rock Quarry Road and Pearl Road are rezoned to Residential Mixed Use-Three Stories-Parking Limited-Conditional Use (RX-3-PL-CU).

Conditions dated: November 14, 2019

1. The use of the property shall be limited to an age-restricted residential community which meets the federal definition of elderly housing, having at least eighty (80) percent of the occupied units occupied by at least one person fifty five (55) years of age or older per unit.
2. Residential density shall not exceed eleven (11) dwelling units per acre.
3. Subject to City Council approval, the maximum block perimeter standards in UDO Section 8.3.2 and the stub street requirements in UDO Section 8.3.5 shall be modified such that a maximum block perimeter of 5,000 linear feet shall be allowed and that the stub street requirements in UDO Sec 8.3.5.C be modified so that streets within the subject property are not required to be connected to any abutting properties and that stub streets on abutting properties are not required to be connected to the development on the subject property.
4. Retail and restaurant uses shall not be permitted on the property.
5. Office uses, other than as an accessory use to an apartment development, shall not be permitted on the property.
6. A pedestrian path of at least ten (10) feet in width within an easement of at least twenty (20) feet in width, which connects the southwest boundary of the property at Apperson Drive to Rock Quarry Road. The path shall be constructed and the easement shall be recorded prior to obtaining a certificate of occupancy for any building on the property.
7. A Type 2 Protective Yard shall be maintained along the south and east boundaries, adjacent to the following properties: Dickson [PIN 1732103112, Deed Book 009503 pg. 01119]; Savage and Bethel [PIN 1732103083, Deed Book 015783 pg.02588]; Sanders [PIN 173210420, Deed Book 013151 pg. 1258]; Taylor [PIN 1731194955, Deed Book 012318 pg. 01370]; Wiemert [PIN 1731194993]; AMH-2014-2 Borrower LLC [PIN 1731195839, Deed Book 015793 pg. 02277]; Harkless [PIN 1731195876, Deed Book 010579 pg. 02491]; Pope [PIN 1731196802, Deed Book 017453 pg. 02692]; AMH-2014-2 Borrower LLC [PIN 1731196738, Deed Book 016604 pg. 00429]; Valdez [PIN 1731196775, Deed Book 013159 pg. 01973]; AMH-2014-2 Borrower LLC [ PIN 1731197702, Deed Book 016162 pg. 00535]; Abbington Ridge Townhome Assn Inc [ PIN 1731291743, Deed Book 015024 pg. 01858], provided that such Protective Yard may be encroached for vehicular or pedestrian access and/or utilities.