

Ordinance: 387 ZC 619
Effective: April 15, 2008

- 1. Z-33-07 – Buffalo Road**, located north of Buffalo Road, on the Northern Wake Expressway (I 540) and west of Neuse River. Future Spring Forest/Bufaloe Road and Perry Creek Road extensions are projected to intersect within the tract, being Wake County PIN 1736764233. Approximately 117.32 acres rezoned to Shopping Center Conditional Use District, Office and Institution-2 Conditional Use District and Residential-15 Conditional Use District with Special Highway Overlay District (SHOD)-1.

Conditions: April 2, 2008

A. Residential-15 CUD. (19.5 acre +/- zoning district):

- (i.) The uses permitted in this Residential-15 District (Sec. 10-2022) shall be limited to the following: Single Family detached dwelling units, townhouse development and unit ownership (condominium), which may be included within a cluster unit development, together with residential accessory structures and uses including decks, fences, walls and storage buildings. Also fire station, police substation, public and private schools (elementary and middle) and park(s) with or without play fields, playgrounds and/or play courts, shall be permitted.
- (ii.) There will be a minimum 30-foot wide Type .G Transitional Protective Yard running parallel to the portion of the southernmost property line of the zoning district within a 50-foot wide Neuse Buffer Riparian Area ("NBRA"), adjacent to properties with PIN Nos. as follow: 1736546552 and 1736641559 (Stone Ridge Owners Assn., Inc., Deed Book 12419, Page 1609); 1736646735 (Stone Ridge Owners Assn., Inc., Deed Book 11903, Page 451) and 1736741830 (Stone Ridge Owners Assn, Inc., Deed Book 11253, Page 964), all Wake Registry.

Single-family detached dwelling developments constructed to the R-4 density, schools (Public and Private) and park(s) with or without play fields, playgrounds and/or play courts may be located adjacent to the Neuse Buffer Riparian Area (NBRA); single-family detached dwelling units, townhouse developments and unit ownership (condominiums) developments constructed to the R-6 density shall be located no closer than sixty-five (65) feet to the NBRA; and all other developments, including without limitation, fire stations, police sub-stations and their parking areas, shall be located no closer than one hundred (100) feet to the NBRA.

Ordinance: 387 ZC 619

Effective: April 15, 2008

(iii) Residential density within this 19.5 acre +/- zoning district shall be limited to a maximum of six dwelling units per acre capped at one hundred seventeen (117) dwelling units (19.5 acres x 6 = 117 dwelling units) and no transfer of density shall be permitted which could increase this density cap.

(iv) The development of this zoning district for any use other than single family detached dwelling units, townhouse and/or unit ownership at a density of R-6 shall not be permitted until the right-of-way of Spring Forest Road adjacent thereto has been dedicated and improved to the extent required by the City of Raleigh's Public Works Department (Transportation Division).

(v) All free standing outdoor area and parking lot lighting fixtures, other than those serving single family detached dwellings, shall be full cut-off (shielded) design.

B. Office and Institution-2 CUD.

(i) (2.7 acre +/- zoning district):

(a) The uses permitted in the Office and Institution-2 District (Sec. 10- 2036) shall be limited to the following: Single family detached dwelling units, townhouse development, unit ownership (condominium), together with residential accessory structures and uses including decks, fences, walls, and storage buildings. Also bank, daycare and offices as provided in Code Sec. 10-2071 shall be permitted.

(b) No building shall exceed thirty-five feet in height measured as permitted in the City Code and not more than two stories may be occupied.

(c) There will be a minimum twenty-five foot wide Type C Transitional Protective Yard running parallel to a portion of the southwest corner of the zoning district adjacent to properties with PIN Nos. as follow: 1736741830 (Stone Ridge Owners Assn. Inc., Deed Book 11253, Page 964); 1736741715 (Thaddius B. Dukes. Deed Book 12108, Page 1769); 1736741607 (Chris George Georgoulis, Deed Book 11548, Page 172); 1736741611 (Amelia H. Johnson, Deed Book 11493, Page 2609); 1736741523 (Dennis E. Vincent and Jane M. Vincent, Deed Book 11512, Page 317); 1736741425 (Robert Allen King and Cynthia Lee King, Deed Book 11645, Page 1260); 1736741337 (Viviané G. Adjo, Deed Book 11483, Page 1800); 1736741320 (Giovanni Carrassi and Angela Viola, Deed Book 11654, Page 242); 1736741223 John C. Medina and Francisca Medina, Deed Book 11718, Page 2117); 1736741125 (Ennio M. and Adriana L Ciccirello, Deed Book 11899, Page 1400). Within this twenty- five foot wide Transitional Protective Yard set not closer than five feet to this

Ordinance: 387 ZC 619
Effective: April 15, 2008

zoning district's west line, a closed fence six feet in height shall be constructed. The side of this fence facing the above identified properties must be finished.

- (d) Residential density within this 2.7 acre +/- zoning district shall be limited to a maximum of six (6) dwelling units per acre and no transfer of density shall be permitted which could increase this density.
- (e) The development of this zoning district shall not be permitted until the right-of-way of Spring Forest Road adjacent thereto or the right- of-way of Buffaloe Road (Perry Creek Road) adjacent thereto has been dedicated and improved to the extent required by the City of Raleigh's Public Works Department (Transportation Division).
- (f) All free standing outdoor area and parking lot lighting fixtures, other than those serving single family detached dwellings, shall be full cut-off (shielded) design.

(ii) (2.1 acre +/- zoning district):

- (a) The uses permitted in the Office and Institution-2 District (Sec. 10-2036) shall be limited to the following: Single family detached dwelling units, townhouse development, unit ownership (condominium), multi-family dwellings, together with residential accessory structures and uses including decks, fences, walls, and storage buildings. Also bank, daycare, and offices as provided in Code Sec. 10-2071 shall be permitted.
- (b) No building shall exceed forty-five (45) feet in height measured as permitted in the City Code and not more than three (3) stories may be occupied.
- (c) Residential density within this 2.1-acre +/- zoning district shall be limited to a maximum of ten (10) dwelling units per acre and no transfer of density shall be permitted which could increase this density.
- (d) The development of this zoning district shall not be permitted until the right of way of Spring Forest Road adjacent thereto or the right of way of Buffaloe Road (Perry Creek Road) adjacent thereto has been dedicated and improved to the extent required by the City of Raleigh's Public Works Department (Transportation Division).
- (e) All free standing outdoor area and parking lot lighting fixtures, other than those serving single family detached dwellings, shall be full cutoff (shielded) design.

(iii) (13.9 acre +/- zoning district):

- I. All uses permitted in the Office and Institution-2 District (Sec. 10-2036) are permitted except the following which are prohibited:
 - (a.) Cemetery, crematory
 - (b.) Orphanage
 - (c.) Airfield landing strip and heliport

Ordinance: 387 ZC 619
Effective: April 15, 2008

- (d.) Manufacturing (specialized)
- (e.) Correction/penal facility
- (f.) Outdoor stadium, outdoor theater, outdoor racetrack, outdoor movie theater
- (g.) Hotels, motels and motor courts
- (h.) Recreational indoor/outdoor use (with the exception of HOA approved amenities)
- (i.) Abortion clinic or plasma collection facility
- (j.) Rifle ranges
- (k.) Fireworks sales

II. Residential density shall be limited to a maximum of fourteen (14) dwelling units per acre and no transfer of density shall be permitted which could increase this density.

III. The development of this zoning district shall not be permitted until the right of way of Spring Forest Road adjacent thereto or the right of way of Buffaloe Road (Perry Creek Road) adjacent thereto has been dedicated and improved to the extent required by the City of Raleigh's Public Works Department (Transportation Division).

IV. No building shall exceed fifty-five (55) feet in height measured as permitted in the City Code and not more four (4) stories may be occupied.

(iv) (7.8 acre +/- zoning district):

I. All uses permitted in the Office and Institution-2 District (Sec. 10-2036).

II. Residential density shall be limited to a maximum of twenty-five (25) dwelling units per acre and no transfer of density shall be permitted which could increase this density.

III. The development of this zoning district shall not be permitted until the right of way of Buffaloe Road (Perry Creek Road) adjacent thereto has been dedicated and improved to the extent required by the City of Raleigh's Public Works Department (Transportation Division).

IV. No building shall exceed sixty-five (65) feet in height measured as permitted in the City Code and not more five (5) stories may be occupied.

(v) (10.6 acre +/- zoning district):

I. All uses permitted in the Office and Institution-2 District (Sec. 10-2036).

II. Residential density shall be limited to a maximum of twenty-five (25) dwelling units per acre and no transfer of density shall be permitted which could increase this density.

III. No building shall exceed sixty-five (65) feet in height measured as permitted in the City Code and not more (5) stories may be occupied.

C. Shopping Center CUD (22.9 acres +/- zoning district and 12.6 acre +/- zoning district):

Ordinance: 387 ZC 619
Effective: April 15, 2008

- (i) All uses permitted in the Shopping Center District (Sec. 10-2041) are permitted except the following which are prohibited:
 - (a) Riding stable, kennel
 - (b) Cemetery, crematory
 - (c) Correctional penal/facility
 - (d) Orphanage
 - (e) Adult establishment
 - (f) Hotels, motels, motor courts
 - (g) Fireworks sales
 - (h) indoor/outdoor movie theater
 - (i) Manufacturing (custom) and manufacturing (specialized)
 - (j) Landfill (debris from on-site), incinerator
 - (k) Airfield, landing strip and heliport
 - (l) Salvage yards, open dump
 - (m) Agricultural, fish hatchery, fish farms
 - (n) Tattoo parlor
 - (o) Abortion clinic or plasma collection facility

(ii) The total retail square footage for the SC CUD zoning districts shall have a cap of 130,680 square feet of floor area gross and a requirement that a minimum of 80,000 square feet of floor area gross shall be built, the maximum square footage of a single retail establishment shall not be more than 65,000 square feet floor area gross and there shall be at least one retail establishment containing not less than 15,000 square feet floor area gross. Prior to any division of land zoned SC CUD a restrictive covenant allocating all of the retail square footage shall be recorded in the Wake County Registry. This restrictive covenant and any amendments thereto must be approved by the City Attorney or his designee prior to recordation as aforesaid.

(iii) The residential density within the 22.9 acre+/- zoning district shall be limited to a maximum of fourteen (14) dwelling units per acre and no transfer of density shall be permitted which could increase this density. The residential density within the 12.6 acre +/- zoning district shall be limited to a maximum of ten (10) dwelling units per acre and no transfer of density shall be permitted which could increase this density. The total residential density of the 22.9 acre +/- zoning district and the 12.6 acre +/- zoning district shall not exceed a cap of four hundred fifty (450) dwelling units.

(iv) All exterior lighting and exterior light standards located upon the property shall be designed, located, aimed and/or shielded so that light is not projected directly into adjacent residential properties. Additionally, the height of the light fixtures shall be limited to a maximum of twelve

Ordinance: 387 ZC 619

Effective: April 15, 2008

(12) feet for transitional yard areas and shall not exceed sixteen (16) feet in parking/residential areas.

(v) The owner will submit for approval by the Raleigh Planning Commission and Raleigh City Council site plans exhibiting unity of development approved by the Raleigh Planning Commission and Raleigh City Council for the 22.9 acre +/- zoning district and for the 12.6 acre +/- zoning district, respectively. Site plans for any portion of the aforesaid 22.9 acre +/- zoning district and of the 12.6 acre +/- zoning district all incorporate the standards for Concept Plans set forth in Code Section 10-2165(d)(8) (b)-(k) which are incorporated herein by reference.

(vi) No building shall exceed sixty-five (65) feet in height measured as permitted in the City Code and not more than five (5) stories may be occupied.

D. A two hundred fifty (250) foot width Special Highway Overlay District-1 (SHOD-1) is imposed upon the property adjacent to the south right of way of the North Wake-Expressway (I-540).

E Property owner agrees to limit reimbursement rates for extra right-of-way and slope easement needed for thoroughfare improvements to remain at R-4 values rather than the higher rates which would otherwise apply for the proposed Shopping Center CUD and Office and Institution-2 CUD and R-15 CUD portions of the request.

F. A traffic study of the scope determined by the City of Raleigh Public Works Department (Transportation Division) will be submitted for review and approval by the City in conjunction with the submittal of a subdivision or site plan for any portion of the subject property. Offers of

Cross Access shall be made to adjacent properties as recommended by the City of Raleigh Public Works Department (Transportation Division).

G. Residential dwelling units located within the R-15 CUD area containing 22.0 acres +/- bounded on the east, south and southwest by the 15.23-acre zoning district (PIN No. 1736844773) owned by Buffaloe Associates, LLC, et.al. (deed reference Book 12064, page 1908) on the west by the centerline of Buffaloe Road/Perry Creek Road Extension and on the north by the south line of the right-of-way of the North Wake Expressway (I-540) shall be limited to a maximum residential density of seven (7) dwelling units per acre and 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). No dwelling units shall be constructed within this zoning district upon slopes of twenty (20%) percent or greater and that there shall be no transfer of residential density to this zoning district.

H. Uses permitted in the areas described in paragraph G upon slopes of twenty (20%) percent or greater hereto shall be limited to those uses permitted in the Conservation Management (CM) 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" subject to compliance with the requirements of those Deeds of Easement to the City of Raleigh for Greenway

Ordinance: 387 ZC 619

Effective: April 15, 2008

and Conservation purposes recorded in Book 9529, pages 1704-1715 and pages 1716-1729, Wake Registry, to the extent applicable to the zoning district referenced in Paragraph G.

I. The total residential density for the subject property containing 117.32 acres +/- shall not exceed 1350 dwelling units. Prior to any division of any portion of the 117.32 acres +/- a restrictive covenant allocating all residential dwelling units shall be recorded in the Wake County Registry. This restrictive covenant and any amendments thereto must be approved by the City Attorney on his designee prior to recordation as aforesaid.

J. The total office density for the subject O&I-2 CUD zoning districts and the SC CUD zoning districts shall not exceed 450,000 square feet of floor area gross with a requirement that a minimum of 100,000 square feet of floor area gross shall be built. Prior to any division of land zoned O&I-2 CUD zoning district a restrictive covenant allocating all of the office square footage to the portions of the property zoned O&I-2 CUD zoning district (and SC-CUD zoning district, as applicable) shall be recorded in the Wake County Registry. This restrictive covenant and any amendments thereto must be approved by the City Attorney or his designee prior to recordation as aforesaid.

K. The Neuse Buffer Riparian Area ("NBRA") separating the 10.6 acre parcel +/- zoning district (O&I-2 CUD) from the 7.8 acre +/- zoning district (O&I-2 CUD) and separating said 7.8 acre +/- zoning district (O&I-2 CUD) from the 22.9 acre +/- zoning district (SC CUD); and the NBRAs separating the 22.0 acre +/- zoning district (R-15 CUD) and the 13.9 acre zoning district (O&I-2 CUD) from the 12.6 acre +/- zoning district (SC CUD) shall be protected as follows:

- (i.) The outer twenty feet (20') of the required Neuse River Riparian Buffers NBRA (North Carolina DWQ NRRB Zone 2) shall be a natural protective yard.
- (ii.) An additional natural protective yard averaging twenty-five feet (25') in width shall be established on each side of the required NBRA.
- (iii.) The natural protective yards required by Subparagraphs i and ii hereinabove may only be disturbed for approved street crossings and any associated facilities, utility installations, including overhead power lines, storm water facilities and/or pedestrian paths.
- (iv.) Whenever either the North Carolina DWQ NRRB Zone 2 regulations or City of Raleigh Tree Conservation regulations for NRRB are more stringent than the regulations of zoning Condition K the more stringent regulation shall control.

L. A protective yard thirty feet (30') in width shall be established adjacent to the common line of the 22 acre +/- zoning district (R-15 CUD), the 12.6 acre +/- zoning district (SC CUD), and the 13.9 acre +/- zoning district (O&I-2 CUD) with that certain Conservation Easement granted by Buffaloe Associates, et. al to the City of Raleigh by instrument

Ordinance: 387 ZC 619

Effective: April 15, 2008

dated July 18, 2002 and recorded on August 6, 2002 in Book 9529, Pages 1716-1729, Wake County Registry, which Conservation Easement is imposed upon property containing 15.23 acres +/- owned now or formerly by Buffaloe Associates, et. al. (PIN No. 1736844773).

M. All temporary soil erosion and sediment control devices installed in connection with the construction of improvements upon any portion of the 117.32 acre +/- property shall be designed for the ten (10) year storm event.

N. Within eight (8) years following the issuance of the first building permit by the City for development of a retail use within the SC-CUD zoning districts, a minimum of 80,000 square feet of floor area gross of retail shall be built; and within eight (8) years following the issuance of the first building permit by the City for development of an office use within the O&I-2 CUD zoning districts (and the SC-CUD zoning districts) as applicable, a minimum of 100,000 square feet of floor area gross of office shall be built.

2.