

**Z-34-20 – 8601 and 8705 Louisburg Road**, located at the northeast corner of its intersection with Forestville Road, being Wake County PINs 1748612519 & 1748733146. Approximately 82.18 acres rezoned to Commercial Mixed Use-3 Stories-Conditional Use (CX-3-CU), Residential Mixed Use-4 Stories-Parkway Frontage-Conditional Use (RX-4-PK-CU), and Residential-10-Conditional Use (R-10-CU).

Conditions dated: March 5, 2021

1. For that portion of the Property west of Forestville Road zoned R-10-CU:
  - a. Only the Detached House and Open Lot building types shall be permitted.
  - b. The minimum lot area shall be 5,500 square feet.
  - c. Beginning at point measuring 150 feet north of the southwest corner of the subject property adjacent to Lot 1205 Common Area on Book of Maps 2007, Pages 153-154, and extending north 540 feet along the shared property line with Lot 1205 Common Area on Book of Maps 2007, Pages 153-154, the property owner shall provide a minimum twenty-foot (20') wide buffer area. No building or private vehicular surface area may be located within this buffer area. Exhibit A, attached, illustrates the buffer area.
  - d. No more than twenty-six (26) dwelling units shall be permitted, and no more than eighteen (18) of these dwelling units may be located south of the stream.
2. For that portion of the Property zoned CX-3-CU:
  - a. The following principal uses shall be prohibited: (i) adult establishment; (ii) bar, nightclub, tavern, lounge; (iii) vehicle sales/rental; (iv) detention center, jail, prison; (v) light manufacturing; (vi) research & development; (vii) vehicle repair (minor); (viii) vehicle repair (major); (ix) overnight lodging; (x) self-service storage.
  - b. The maximum gross floor area shall be 50,000 square feet.
3. For that portion of the Property east of Forestville Road zoned R-10-CU:
  - a. The maximum number of dwelling units shall be 160 dwelling units.
  - b. The Apartment building type shall be prohibited.
  - c. Property owner shall provide a minimum sixty-feet (60') wide buffer along the shared boundary line with that parcel identified as Lot 8 on that plat recorded in Book of Maps 1982, Page 925 (the "McGee Property"), for a distance of 380 feet as measured from the corner of the McGee Property at the Forestville Road right-of-way. For the balance of the shared property line, property owner shall provide a minimum thirty-feet (30') wide buffer. No building or private vehicular surface area may be located within these buffer areas. When five (5) feet or more of the width of these buffer areas are impacted by tree removal (except for tree removal associated with any existing or proposed public rights-of-way, access easements, slope easements, utility easements, or any other easements required by a

governmental entity), those disturbed portions of the buffer area shall be replanted at a rate of at least four (4) shade trees and three (3) understory trees per 100 linear feet. Exhibit B, attached, illustrates these buffer areas.

- d. The minimum building setback shall be eighty-five feet (85') as measured from that portion of the shared boundary line with the McGee Property beginning at the corner of the McGee Property and the Forestville Road right-of-way for a distance of 380 feet. For the balance of the shared property line with the McGee Property, the minimum building setback shall be sixty feet (60'). Exhibit B, attached, illustrates these building setback lines.
- e. Within that area between (i) the 60-foot wide and 30-foot wide buffer areas described in above Condition 3.c. and (ii) any building or parking area, but outside of areas associated with any existing or proposed public rights-of-way, access easements, slope easements, utility easements, easements required by a governmental entity, and tree conservation areas, Leyland Cypress trees shall be planted at a rate of 4 per 100 linear feet of shared property line with the McGee Property. Based on an approximate shared property line length of 476 feet, approximately 19 trees are required by this condition. These new trees may be clustered so long as the total number of trees required by the ratio are planted. These new trees may not be used to satisfy the replanting requirement in Condition 3.c. Exhibit B, attached, illustrates this planting area.
- f. Property owner shall provide a minimum thirty-feet (30') wide buffer along the shared boundary line with that parcel identified as Lot 1 on that plat recorded in Book of Maps 2015, Page 1903 (the "Morrison Property"). However, as measured from that point of the Morrison Property identified as Point 1 on Exhibit B, property owner shall provide a minimum sixty-foot (60') wide buffer. No building or private vehicular surface area may be located within this buffer area. If five (5) feet or more of the width of the buffer area is impacted by tree removal (except for tree removal associated with installation of a fence required by these conditions, and any existing or proposed public rights-of-way, access easements, slope easements, utility easements, or any easements required by a governmental entity), those disturbed portions of the buffer area shall be replanted at a rate of at least four (4) shade trees and three (3) understory trees per 100 linear feet. Exhibit B, attached, illustrates this buffer area.
- g. The minimum building setback from the shared boundary line with the Morrison Property shall be fifty (50) feet. However, as measured from that point of the Morrison Property identified as Point 1 on Exhibit B, the minimum building setback from Point 1 shall be 110 feet.
- h. This Condition 3.h. sets forth required plantings that may be located within that area between (i) the shared property line with the Morrison Property and (ii) any building or parking area, but exclusive of areas associated with any existing or proposed public rights-of-way, access easements, slope easements, utility easements, any easements required by a governmental entity, and tree conservation areas (the "Planting Area"), unless otherwise noted in this condition. Within the Planting Areas parallel to Segment B and

Segment C of the Morrison Property boundary line, Leyland Cypress trees shall be planted at a rate of 10 trees per 100 linear feet. The trees required by this condition within the Planting Area parallel to Segment B shall be planted on the northern side of the fence described in Condition 3.j. Within the Planting Area parallel to Segment D of the Morrison Property boundary line and south of the stream buffer, Leyland Cypress trees shall be planted at a rate of 5 per 100 linear feet. Segment B is approximately 273 linear feet, which would result in about 27 trees. Segment C is approximately 112 linear feet, which would result in about 11 trees. Segment D, south of the buffer, is approximately 320 linear feet, which would result in about 16 trees. These new trees may be clustered so long as the total number of trees required by the ratio are planted. These new trees may not be used to satisfy the replanting requirement in Condition 3.f. Exhibit B, attached, illustrates this planting area.

- i. Property owner shall provide a thirty-feet (30') wide buffer along the shared boundary line with those parcels described in Deed Book 15168, Page 626 (Ortega), Deed Book 13321, Page 700 (Jones) and Deed Book 2999, Page 333 (Jones). No building or private vehicular surface area may be located within this buffer area. When five (5) feet or more of the width of the buffer area is impacted by tree removal (except for tree removal associated with installation of a fence required by these conditions, and any existing or proposed public rights-of-way, access easements, slope easements, utility easements, or any other easements required by a governmental entity), those portions of the buffer area shall be replanted at a rate of at least four (4) shade trees and three (3) understory trees per 100 linear feet. Exhibit B, attached, illustrates this buffer area.
- j. Property owner shall construct a continuous and opaque privacy fence at least 6.5 feet in height in that area described in this Condition 3.j. Generally, this fence shall be located outside of the buffer areas described in Condition 3.c., Condition 3.f., and Condition 3.i., except for as expressly noted herein, but before any building or vehicular surface area. The fence may not be installed in areas designated as tree conservation areas. The rails of the fence shall be on the side of the fence facing the perimeter boundary line of the property. A retaining wall or wall that is at least 6.5 feet in height may be used to satisfy this condition so long as it is opaque and continuous with the privacy fence. Notwithstanding anything in this condition, in no event may a fence be located in any existing or proposed public rights-of-way, access easements, slope easements, utility easements, or any easements required by a governmental entity that do not permit a fence.

Fence Location Description: Beginning on the west side of the property, the fence shall start outside of the eastern edge of the stream buffer located near Forestville Road (the "Point of Beginning"), the fence shall run easterly and northeasterly, generally parallel to the McGee Property and Morrison Property, until it reaches the south side of the stream buffer in the northeast portion of the property ("Northeast Point"). From the Northeast Point, the

fence shall run westerly along the southside of the stream buffer, within the buffer described in Condition 3.f., to the property line of the Morrison Property. From the Northeast Point, the fence shall run easterly along the south side of the stream buffer until reaching the property line of the Ortega property (Deed Book 15168, Page 626), including within the buffer area described in Condition 3.i. Additionally, from the Point of Beginning, the fence shall run in a southerly direction, outside the east side of the stream buffer, for at least 150 feet. Exhibit B, attached, illustrates the location of this fence.

- k. No land disturbing activity shall occur on the north side of the stream located in the northeast corner of the property. This area is identified on the attached Exhibit B.
  - l. The maximum building height shall be two (2) stories and forty feet (40').
  - m. Development on this portion of the property shall include a private community amenity area with active recreation features, consisting of at least 20,000 square feet of land area.
  - n. A minimum of thirty percent (30%) of the net site area of this portion of the property shall be designated as open area. "Open Area" as used in this Condition 3.n. shall mean land area (i) located outside of public right-of-way; (ii) located outside of a lot developed with a residential dwelling unit; (iii) located outside a parking area; and (iv) owned in accordance with UDO Section 2.5.7.A. Land area associated with any private community amenity area provided in accordance with Condition 3.m. may count toward this open area requirement so long as it complies with the definition of Open Area in this condition.
  - o. Within 100 feet of the McGee property and Morrison Property, any pole-mounted light fixtures shall be of full cut-off design, and shall be directed away from the McGee Property and Morrison Property. This condition shall not apply to any pole-mounted lighting required in public right-of-way.
4. For that portion of the Property zoned RX-4-PK-CU:
- a. Property owner shall maintain a seventy-five-foot (75') building setback along the shared boundary lines with the following parcels: BM 2002, Page 1188; BM 2017, Page 235 (Lot 9A); BM 1996, Page 1364; BM 2017, Page 235 (Lot 9C); BM 1991, Page 534; and Deed Book 15949, Page 447. Exhibit C, attached, illustrates the setback area adjacent to these properties.
  - b. Property owner shall maintain a twenty-foot (20') wide buffer area along those shared boundary lines with the following parcels: BM 2002, Page 1188; BM 2017, Page 235 (Lot 9A); BM 1996, Page 1364; BM 2017, Page 235 (Lot 9C); BM 1991, Page 534; and Deed Book 15949, Page 447. Exhibit C, attached, illustrates the location of this buffer area.
  - c. Outside of the buffer area but before any structure or parking areas, and excluding those areas within a stream buffer, property owner shall construct a fence at least 6.5' tall. Notwithstanding the above, in no event may a fence be located in any existing or proposed public rights-of-way, access

easements, slope easements, utility easements, or any easements required by a governmental entity that do not permit a fence.

- d. Residential land uses as described in UDO Section 6.1.4 shall be the only principal uses permitted on the property.
- e. Along this portion of the property's common boundary line with adjacent properties zoned R-30 (Wake County), the Neighborhood Transition standards of UDO Article 3.5 shall apply.
- f. The maximum number of dwelling units shall be 224 dwelling units.
- g. Development on this portion of the property shall include a private community amenity area with active recreation features, consisting of at least 10,000 square feet of land area.
- h. For portions of this area the property developed with the apartment building type, a minimum of thirty-five percent (35%) of the net site area of this portion of the property shall be designated as open area. "Open Area" as used in this Condition 4.h. for development with the apartment building type shall mean land area (i) located outside of public right-of-way; (ii) located outside any vehicular drive aisle; (iii) located outside a vehicular parking area; and (iv) not covered by a principal building. Land area associated with any private community amenity area provided in accordance with Condition 4.g. may count toward this open area requirement so long as it complies with the definition of Open Area in this condition.
- i. For portions of this area of the property developed with the detached house, attached house or townhome building types, a minimum of thirty percent (30%) of the net site area of this portion of the property shall be designated as open area. "Open Area" as used in this Condition 3.q. shall mean land area (i) located outside of public right-of-way; (ii) located outside of a lot developed with a residential dwelling unit; (iii) located outside a parking area; and (iv) owned in accordance with UDO Section 2.5.7.A. Land area associated with any private community amenity area provided in accordance with Condition 4.g. may count toward this open area requirement so long as it complies with the definition of Open Area in this condition.

Those three zoning areas located east of Forestville Road (portions of the property subject to Conditions 2, 3 & 4) shall be interconnected by a multi-use path measuring at least eight (8') feet wide. This path may be located within the public right-of-way or on private property, and may be in-lieu of a public sidewalk, subject to approval by the City.





