

## **ORDINANCE NO. (2020) 105 ZC 790**

- 1. Z-41-19 Millbrook and North Hills**, located at the northwest quadrant of the Millbrook Road and North Hills Drive intersection and includes a parcel at in the southwest quadrant of that intersection, being Wake County PINS 1706173253, 1706-173349, 1706171294, 1706163731, and 1706175188, approximately 7.51 acres are rezoned to Residential Mixed Use-4 stories-Parking Limited-Conditional Use (RX-4-PL-CU) and Residential Mixed Use-3 stories-Parking Limited-Conditional Use (RX-3-PL-CU).

Conditions dated:      June 12, 2020

1. The maximum number of dwelling units permitted on the property subject to this rezoning ordinance shall be 112 dwelling units.
2. The following principal uses as defined in UDO Section 6.1.4 Allowed Principal Use Table shall be prohibited: Dormitory, fraternity, sorority; school, public or private (K-12); day care; office: medical; outdoor recreation; bed and breakfast; hospitality house; remote parking lot; personal service; eating establishment; retail sales.
3. The portion of the property located on the south side of West Millbrook Road shall be subject to active tree preservation, except for those areas encumbered by easements in favor of a governmental entity.
4. No building developed on the property shall contain more than three stories of habitable space.
5. A building may have four stories only if (i) at least one story is used exclusively for non-habitable space, including but not limited to parking, storage, mechanical equipment, or waste collection, and (ii) the ground floor elevation of the lowest story is below the average grade as measured along North Hills Drive.
6. This condition applies to that portion of the property measuring at least 20 feet in width as measured along the property's common boundary line with that parcel identified as "Common Area" on the plat recorded in Book of Maps 1974, Page 474 (PIN 1706-17-6717) (the "Northern Transition Area"). For those portions of the Northern Transition Area where land disturbing activity occurs, such areas shall be replanted at the following rate: five (5) shade trees, four (4) understory trees and twenty (20) shrubs per 100 linear feet.
7. One of the following planting schedules shall apply to the property's frontage along the North Hills Drive right-of-way:
  - a. In the event the power line is located below ground: 4 shade trees, 2 understory trees and 15 shrubs per 100 linear feet, within an area measuring an average of 15 feet from the right-of-way of North Hills Drive (but in no event less than 10 feet wide). Any street trees required along North Hills Drive, even if planted within the right-of-way, shall count toward the required number of shade trees.
  - b. In the event the power line is located above ground: 6 understory trees and 15 shrubs per 100 linear feet, within an area measuring an average of 15 feet from the right-of-way of North Hills Drive (but in no event less than 10 feet wide). Any street trees required along North Hills Drive, even if

planted within the right-of-way, shall count toward the required number of understory trees.

8. For those properties identified as Lot 3E, Lot 3F and Lot 3G, there shall be no principal building located within 215 feet of the Shelly Lake property (PIN 1706-08-7302).
9. As part of the first development plan for the property, the developer shall propose to provide left turn lanes on North Hills Drive to serve Mill Greens Court and the site access for the development on the subject property. Subject to approval by the City of Raleigh, the developer shall provide these left turn lanes prior to the issuance of the first certificate of occupancy.