

1. **Z-43-22 – 405 Clover Lane**, located both sides, east of Wake Forest Road, being Wake County PIN 1704947576. Approximately 5.37 acres rezoned to Residential Mixed Use-5 stories-Green-Conditional Use (RX-5-GR-CU) and Residential-6 (R-6) with NCOD (partial).

Conditions dated: March 27, 2023

The following conditions shall apply to the entire Property:

1. The portion of the Property zoned RX-5-GR-CU may only have driveway access to Watauga Street for the exclusive use of utility and emergency vehicles and personnel. Driveway access to Watauga Street reserved exclusively for utility and emergency vehicles and personnel shall be limited by a locked gate or similar device.
2. Developer shall install a multiuse path (“Path”) connecting Wake Forest Road and Watauga Street. The Path shall be a minimum of ten (10) feet wide on the portion of the Property zoned RX-5-GR-CU and a minimum of six (6) feet wide on the portion of the Property zoned R-6-CU. In addition to the Path, Developer shall dedicate a public access easement no less than twelve (12) feet wide on that portion of the Property on which the Path is built. The Path does not need to be physically separated from any drives or parking lots.

The following conditions shall apply to that portion of the Property zoned RX-5-GR-CU:

3. The following Principal Uses as listed in UDO Section 6.1.4 that are permitted, limited, or special uses in the RX- District shall be prohibited: Dormitory, Fraternity, Sorority; Cemetery; Multi-unit Supportive Housing; Supportive housing residence; Boarding House; Congregate Care; Continuing care retirement community; Rest home; Social service Use Category; telecommunications tower (either <250 ft or >250 ft); Outdoor sports or entertainment facility (<250 seats or >250 seats); or Parking facility.
4. There shall be no more than 280 dwelling units on this portion of the Property.
5. The maximum building height within this portion of the Property shall be 55 feet, as measured from average post-development grade along the building elevation most parallel and closest to Wake Forest Road.
6. Buildings on this portion of the Property shall have no more than four stories of conditioned space. Buildings may have five stories if one story is unconditioned space.
7. If a building with height of 4 or more stories is built on this portion of the Property, the following conditions shall apply:
 - a) There shall be a minimum sixty-five foot (65’) primary building setback from the northern, eastern, and southern lot lines shared with the following adjoining properties to the north, east, and south (the “Specified Adjacent Properties”): PIN Nos. 1704947848,

1704948837,1704948887, 1704949847, 1704949887, and 1714041827 (Lots 15-22 and 25-26, Book of Maps 1920, Page 244, Wake County registry); PIN No. 1714040867 (lots 23 and 24, Book of Maps 2015, Page 1677, Wake County registry); PIN Nos. 1714041462, 1714041488, 1714041584, 1714041680, 1714041782, and 1714042707 (Lots 1-6, Book of Maps 1949, Page119); PIN Nos. 1704944396, 1704946315, 1704946375, 1704947345, and 1714041366 (Lots 1-5 and Lot 10, Book of Maps 1938, Page 70, Wake County registry); PIN Nos. 1704948304 and 1704948365 (Lots 6-7, Book of Maps 1985, Page 1448, Wake County registry); PIN Nos. 1704949322 and 17049499382 (Lots 8 and 9, Book of Maps 1985, Page 476, Wake County registry).

- b) A protective yard with a minimum width of 25 feet and an average width of 30 feet shall be located along the northern lot line shared with the following adjoining properties to the north of the Property: PIN Nos. 1704947848, 1704948837,1704948887, 1704949847, 1704949887, and 1714041827 (Lots 15-22 and 25-26, Book of Maps 1920, Page 244, Wake County registry); PIN No. 1714040867 (Lots 23 and 24, Book of Maps 2015, Page 1677, Wake County registry). The protective yard must include (i) a fence between 6.5 and 9 feet in height, (ii) five shade trees per 100 lineal feet, (iii) five understory trees per 100 lineal feet, and (iv) 40 shrubs per 100 lineal feet. Existing vegetation that meets or exceeds the quantity, spacing, and height standards may be used to satisfy the protective yard requirements. No less than fifty percent (50%) of planted shade trees and understory trees shall be evergreen.
- c) A protective yard with a minimum width of 20 feet and an average width of 25 feet shall be located along eastern and southern lot lines shared with the following adjoining properties to the east and south of the Property: PIN Nos. 1714041462, 1714041488, 1714041584, 1714041680, 1714041782,and 1714042707 (Lots 1-6, Book of Maps 1949, Page 119); PIN Nos.1704944396, 1704946315, 1704946375, 1704947345, and 1714041366 (Lots 1-5 and Lot 10, Book of Maps 1938, Page 70, Wake County registry); PIN Nos. 1704948304 and 1704948365 (Lots 6-7, Book of Maps 1985, Page 1448, Wake County registry); PIN Nos. 1704949322 and 17049499382 (Lots 8 and 9, Book of Maps 1985, Page 476, Wake County registry). The protective yard must include (i) a fence between 6.5 and 9 feet in height, (ii) five shade trees per 100 lineal feet, (iii) five understory trees per 100 lineal feet, and (iv) 40 shrubs per 100 lineal feet. Existing vegetation that meets or exceeds the quantity, spacing, and height standards may be used to satisfy the protective yard requirements. No less than fifty percent (50%) of planted shade trees and understory trees shall be evergreen.
- d) Outdoor trash and recycling facilities shall not be located within 65' of the northern, eastern, and southern lot lines shared with the Specified Adjacent Properties. This condition shall not apply to any trash/ recycling facility located inside a building.
- e) In addition to the height limits established by Section 3.5.5 of the UDO

(Neighborhood Transitions), the following additional height limits (the “Rear Height Limits”) shall apply to any portion of a building that is within 115’ of the boundary of any of the following adjoining properties to the east of the Property (the “Eastern Adjacent Properties”): PIN Nos. 1714041462, 1714041488, 1714041584, 1714041680, 1714041782, and 1714042707 (Lots 1-6, Book of Maps 1949, Page 119).

- i. No portion of a building that is within 75’ of the Eastern Adjacent Properties shall exceed 3 stories and 45’ in height.
 - ii. No portion of a building that is within 115’ of the Eastern Adjacent Properties shall exceed 65’ in height.
 - iii. The Rear Height Limits shall be measured from the average post-development grade along the building elevation most parallel and closest to Watauga Street.
8. The maximum building height for the townhouse building type shall be 45 feet and 3 stories.
9. Any site plan will provide sufficient mitigation measures so that the flood level differences between pre- development and post-development conditions for the 25-, 50- and 100-year storm events does not exceed 0.04 feet at the site(s) of documented downstream structural flooding near the intersection of Clifton St. and Frank St.
10. Trash and recycling facility service on this portion of the Property shall be allowed only between the hours of 8AM and 6PM. This condition does not restrict when City-provided trash and recycling services can operate on the Property.
11. Pole-mounted lighting shall be limited to a maximum height of 15’ and shall be of full cut-off design. Pole- mounted lighting shall not be located within 25 feet (25’) of the northern, eastern, and southern lot lines shared with the Specified Adjacent Properties.
12. Prior to, or as part of, any site plan for development of any portion of the property that would result in a Tier 3 level site plan, a location on the property or adjacent right-of-way shall be provided and solidified through a recorded and dedicated easement, to accommodate a City bikeshare station with no fewer than 10 docks, which shall be installed by the property owner. If a bikeshare station with 10 docks is installed, the property owner shall provide six (6) e-bikes with installation of the station. If more than 10 docks are installed, one (1) e-bike for every 1.6 docks shall be provided by the property owner, rounded up to the nearest whole bike, with the installation of the station.
13. At the discretion of the City of Raleigh Department of Transportation, prior to issuance of a building permit and/or recordation of a subdivision plat (whichever is earlier), the property owner shall dedicate a transit easement along Wake Forest Road with a width of 20’ and a depth of 6’. The location and size of the easement shall be established within 50’ of the northern property line shared with PIN No. 1704947848 (Lots 15-16, Book of Maps 1920, Page 244, Wake County registry) during site plan or subdivision review, with the

- final decision made by City transit staff.
14. The following building siding and cladding material shall be prohibited: vinyl siding, synthetic stucco (EIFS). This zoning condition shall not restrict the materials that can be used for window frames, door frames, soffits, or miscellaneous trim.
 15. Residential tenants of buildings that exist on the Property prior to the effective date of these conditions (the “Existing Buildings”) are entitled to 180 days’ written notice before the termination of their leases due to redevelopment of the property. The owner of the Property, or their designee, shall provide the Planning and Development Staff with a sworn affidavit confirming compliance with this condition prior to approval of the site plan. A rent roll and sample copy of the notification letter shall be attached to and referenced in the affidavit.

This condition is not intended to amend any lease or lease term. This condition does not expand the notice period that the Landlord is required by North Carolina law to give such holdover tenants to quit a tenancy from month to month.

16. In the event that Property owner is required by these zoning conditions to provide tenants of the Existing Buildings with 180 days’ written notice of lease termination under Condition 15, the Property owner or its designee also shall provide income-qualifying tenants of the Existing Buildings with \$3,000 in relocation assistance.

An income-qualifying tenant is a household earning no more than eighty percent (80%) of the Area Median Income, adjusted for family size, for the Raleigh, NC Metropolitan Statistical Area, as most recently published by the U.S Department of Housing and Urban Development. For the purposes of these zoning conditions, all occupants of a dwelling unit shall be considered to be part of the same household.

Prior to approval of the site plan, the owner of the Property, or their designee, shall provide to the Planning and Development Staff a sworn affidavit confirming that an eligibility notice was given to the tenant of each residential unit located in the Existing Buildings on the Property. A rent roll shall be attached to and referenced in the affidavit specifying which dwelling units qualified for relocation assistance pursuant to these zoning conditions and the date that such assistance payments were made. If some or all of the assistance payments are not yet due and payable at the time of site plan approval, Planning and Development Staff may approve the site plan with conditions requiring the Property owner or its designee to pay relocation assistance payments to qualified tenants prior to issuance of any building permit.