

ORDINANCE NO. (2020) 79 ZC 796

Z-44-19 – 2400 Gresham Lake Road and 7700, 7708, and 7716 Litchford Road, in the triangle created by the intersections of Gresham Lake Road with Litchford Road and Nichols Road, consisting of Wake County PINs 1717972039, 1717865896, 1717875041, and 1717874186, approximately 15.58 acres rezoned to Residential-10-Conditional Use (R-10-CU).

Conditions dated: February 28, 2020

1. No more than 80 dwelling units shall be permitted.
2. The Apartment Building Type shall not be permitted on the subject property.
3. A solid wooden fence at least six feet (6') in height and a minimum of ten foot (10') wide landscape buffer or Tree Conservation Area shall be provided on the subject property adjacent to the following parcels: 7800 Litchford Road (Deed Book 14043, Page 156); 2308 Gresham Lake Road (Deed Book 16024, Page 320); 2312 Gresham Lake Road (Deed Book 1903, Page 199); 2320 Gresham Lake Road (Deed Book 8589, Page 736); 2417 Carruthers Court (Estate File 14-E-3784); 2413 Carruthers Court (Deed Book 13718, Page 135); 2409 Carruthers Court (Deed Book 11499, Page 1402); 2405 Carruthers Court (Deed Book 17235, Page 949); 7600 Litchford Road (Estate File 16-D-2094); 7604 Litchford Road (Deed Book 10975, Page 2275); and 7608 Litchford Road (Deed Book 14129, 284). In the event this buffer is used as a part of a Tree Conservation Area for the site, this buffer shall remain in its natural vegetated state so to count toward the required Tree Conservation Area. In the event a buffer is installed, the plantings shall consist of four (4) Shade Trees per 100 linear feet and four (4) under-story trees per 100 linear feet.
4. In addition to the UDO requirements for Tree Conservation Area (10% of a site) and Amenity Area (10% of a site) as applicable, 10 percent (10%) of the subject property shall be comprised of at least one of the following areas: Tree Conservation Area, Amenity Area, or Open Space, as all capitalized terms are defined or described in the UDO. The additional 10% of land area may be comprised of a single use or a combination of uses. If Open Space is utilized to meet the land area above UDO requirements, the additional Open Space need not comply with the dimensional standards required for Open Space in the UDO and shall not be considered required common space under the UDO. If Amenity Area is utilized to meet the land area above UDO requirements, the dimensional requirements for Amenity Area found in UDO Section 1.5.3.C.3 shall be met. Only the "Allowed Uses" described in UDO Section 2.5.4. will be provided in the additional open area provided.
5. No dwelling unit shall be located within fifty feet (50') of the following properties: 2417 Carruthers Court (Estate File 14-E-3784); 2413 Carruthers Court (Deed Book 13718, Page 135); 2409 Carruthers Court (Deed Book 11499, Page 1402); 2405 Carruthers Court (Deed Book 17235, Page 949);
6. A minimum ten foot (10') wide landscape buffer shall be provided on the subject property directly across Nichols Road from the following properties: 7612 Nichols

Road (Deed Book 13311, Page 1530); 7534 Nichols Road (Deed Book 7576, Page 20) and 7530 Nichols Road (Deed Book 9477, Page 1220). Plantings within the buffer shall consist of at least four (4) Shade Trees per 100 linear feet and four (4) under-story trees per 100 linear feet.

7. In addition to the sidewalk the property owner will be required to install on the subject property along Nichols Road, the property owner shall install sidewalk off-site within the existing right-of-way of Nichols Road south to its intersection with Carruthers Court and shall provide an ADA accessible curb, all subject to North Carolina Department of Transportation and City of Raleigh approval. Nothing herein shall require the property owner to obtain additional off-site right-of-way along Nichols Road.