

ORDINANCE NO. (2020) 141 ZC 802

Z-47-19 – 4800 Duraleigh Road, on the east side of the road, south of Crabtree Creek, consisting of Wake County PIN 0786512559. Approximately 26.4 acres rezoned to Residential Mixed Use-Five Stories-Conditional Use (RX- 5-CU).

Conditions dated: October 2, 2020

1. Uses shall be limited to residential and accessory uses. Building types shall be limited to townhouses and apartments.
2. Residential density shall not exceed 14 units per acre.
3. Apartment building types shall not be placed within 150 ft of the southern and eastern property lines.
4. Buildings shall be no more than 68 ft in height, and shall be a maximum of 4 stories or a 4/4 split. A 4/4 split is a building that, for purposes of measuring height, may classify as 5 stories under the UDO but is a maximum 4 occupiable floors above finished grad on the uphill façade of the building, and four occupiable floors above finished grade on the downhill façade of the building.
5. Along the eastern and southern property lines, the protective yard within Zone A of the Neighborhood transition will meet the planting requirements of the Type 3 (Wide) yard.
6. A public pedestrian access easement shall be provided from a public street to the property line shared with Lot 2 shown on Book of Maps 2016, page 1713 (the "City of Oaks Parcel").
7. No retaining walls will be placed within 50 feet of an adjacent containing a Detached house, more specifically Lots 26, 28, and 29 shown on Book of Maps 1991 page 1302, and Lots 90, 91, 92, and 93 and 95 shown on Book of Maps 1963, page 202 in the Wake County Registry (the "Adjacent Residential Parcels").
8. Along the Adjacent Residential Parcels, the neighborhood transition yard shall include a natural buffer or Tree Conservation Area, in a width of twenty-five (25) feet, averaged, and a minimum width of fifteen (15) feet. For the portion of the site that is adjacent to the City of Oaks Parcel and where residential buildings are adjacent to the City of Oaks Parcel, and in no event fewer than 500' from the intersection of the southwest corner of the City of Oaks Parcel with the site, the neighborhood transition yard shall include a natural buffer or Tree Conservation Area, in a width of twenty-five (25) feet, averaged.
9. Along the Adjacent Residential Parcels, new planting materials within the neighborhood transition yard shall not include Leyland Cypress or Arborvitae. New planting materials shall include one or more of: Japanese Cedar (*Cryptomeria japonica*), Nelly Stevens Holly (*Ilex x "Nellie R. Stevens"*), American Holly (*Ilex opaca*), Eastern Red Cedar (*Juniperus virginiana*), Brackens Brown Beauty Magnolia (*Magnolia grandifolia* 'Bracken's Brown Beauty'), Native Oak Trees, Chinese Fringe Flower (*Loropetalum chinense* 'Ruby'), Chindo Viburnum (*Viburnum awabuki* 'Chindo'), Virginia Sweetspire (*Ilea virginia*), and Winterberry (*Ilex verticillate*).

10. No building shall be placed closer than 55 feet from the Adjacent Residential Parcels.
11. Developer will construct a pedestrian connection from Duraleigh Road to the City of Raleigh Greenway Easement recorded in Deed Book 15580, page 938 of the Wake County Registry, as long as such connection is not required by the City of Raleigh or by federal law to be ADA-accessible.
12. All stormwater drainage from the newly developed impervious surfaces onsite will be directed away from the Adjacent Residential Parcels to proposed storm water control facilities and released to Crabtree Creek.