

Z-49-21 – 5604 Kyle Drive, and 0 and 6515 Buffalo Road, located on the north side of Buffalo Road, west of the Neuse River and south of I-540, being Wake County PINs 1736453588, 1736844773, and 1736764233. Approximately 209.44 acres rezoned to CX-3-CU w/ SHOD-1 (partial), RX-4-CU w/ SHOD-1 (partial), and R-10-CU.

Conditions dated: October 30, 2021

1. The following conditions shall apply to the portion of the property zoned R-10·CU:
 - a. The maximum number of dwelling units permitted within this portion of the property shall be 450.
 - b. There shall be provided one or more private community amenity area(s), with at least one including active recreation features, consisting of a total of at least 75,000 square feet of land area.
 - c. A minimum of thirty percent (30%) of the net site area of the portion of the property zoned R-10...CU shall be designated as open area. “Open Area” as used in this Condition 1.c. for development with the detached house, attached house or townhome building types 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. “Open Area” as used in this Condition 1.c. 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 1.b. may count toward this open area requirement so long as it complies with the definition of Open Area in this condition.
2. The following conditions shall apply to the portion of the property zoned RX-4-CU:
 - a. The maximum number of dwelling units permitted within this portion of the property shall be 650.
 - b. There shall be provided one or more private community amenity area(s), with at least one including active recreation features, consisting of a total of at least 60,000 square feet of land area.
 - c. A minimum of thirty percent (30%) of the net site area of the portion of the property zoned RX-4-CU shall be designated as open area. “Open Area” as used in this Condition 2.c. 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. “Open Area” as used in this Condition 2.c. for development with the detached house, attached house or townhome building types 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 2.b. may count toward this open area requirement so long as it complies with the definition of Open Area in this condition,

3. The following conditions shall apply to the portion of the property zoned CX-3-CU:
 - a. The following principal uses as listed in UDO section 6.1.4. shall be prohibited: (i) adult establishment, (ii) detention center, jail, prison; (iii) vehicle repair - all types; (iv) car wash; (v) hotel, motel, inn; (vi) light manufacturing; (vii) bar, nightclub, tavern, lounge; (viii) vehicle fuel sales.
4. The Apartment and Townhouse building types shall not be permitted within 200 feet of the property's common boundary line with the following lots: Lots 25-28 on Book of Maps 1997, Page 1907; lots 29-35 on Book of Maps 1997, Page 1908; Lots 1-4 on Book of Maps 1993, Page 282; Lot shown on Book of Maps 1993, Page 548; Property described in Book 2547, Page 575; Lots 136 & 137 on Book of Maps 2001, Page 2119; and Lot 47 on Book of Maps 2005, 1299 and Book of Maps 2001, Page 2114. However, this condition does not apply to the portion of the property located to the east of the lots identified as "Common Open Space" and Lots 65-68 on Book of Maps 2004, Page 887.
5. The developer shall construct a paved multi-use path at least ten (10) feet in width, from the to-be-dedicated public right-of-way for future Buffalo Road, to the existing Neuse River Trail. The portion of the multi-use path located outside the City's right-of-way and existing or future greenway easement will be privately owned and maintained, but shall be within a 15' wide recorded public access easement. The portions of the multi-use path within City right-of-way or existing or future greenway easement shall be constructed to City of Raleigh design standards. The requirement to construct this multi-use path is subject to the City granting access for construction of the multi-use path within City right-of-way and existing or future greenway easement. The construction of this multi-use path shall be completed prior to the earlier of (i) the issuance of a building permit for the 500th dwelling unit located within the R-10-CU and RX-4-CU areas, or (ii) prior to the issuance of the 100th certificate of occupancy for units located within that portion of the property zoned RX-4-CU, on the east side of the to-be-dedicated right-of-way for future Buffalo Road, and within 700 feet of the 1-540 right-of-way.
6. A fence measuring at least 6 feet in height shall be provided as part of a development plan for a Commercial use on property zoned CX-3-CU and located adjacent to those lots designated "Open Space D" and "Open Space E" on these plats recorded in Book of Maps 2021, Pages 466-467, Wake County Registry (each, an "Open Space Lot"), in accordance with the terms of this condition. Such fence shall be located parallel to the property's common boundary line with an Open Space lot, and located between such common boundary line and any building or vehicular surface area on the property. Notwithstanding this condition, a fence required by this condition shall not be located within any tree conservation area, existing or proposed right-of-way, access easements, slope easements, utility easements, drainage easements, or any easements required by a governmental entity that does not permit a fence. Additionally, a fence required by this condition can

be located within a protective yard, to the extent not otherwise prohibited by the UDO.

7. Floor area occupied by an eating establishment use shall be located at least 50 feet from any of Lots 50 through 54, inclusive, and Lot 70, as identified on the plats recorded in Book of Maps 2021, Pages 466-467, Wake County Registry.