

## ORDINANCE NO. (2020) 141 ZC 802

**Z-53-19 - 5512 & 5514 Thornton Road**, on its south side, located one quarter-mile east of Wild Wood Forest Drive, being portions of Wake County PINs 1738513332 and 1738419889. Approximately 15.29 acres rezoned to Residential-10-Conditional Use (R-10-CU)

Conditions dated: September 29, 2020

1. The maximum density shall be 7.5 dwelling units per acre not to exceed a total of 114 dwelling units.
2. No individual building shall contain more than six (6) dwelling units.
3. A construction entrance shall be provided from Thornton Road for all construction traffic. No construction traffic shall be permitted to use the private driveways or the street stubs at Neuse Forest Road, Neuse Farm Road or Brambleberry Way.
4. The following uses shall be prohibited:
  - Residential: Boardinghouse, Congregate Care, Bed and Breakfast, Hospitality House, Rest Home, Continuing Care Retirement Community, Homestay and Special Care Facility.
  - Non-Residential: Telecommunication Tower, Day Care, Cemetery, Outdoor Sports or Entertainment Facility ( $\leq 250$  seats and/or  $\geq 250$  seats).
5. The apartment building type shall be prohibited.
6. Runoff limitation for development on the property as defined by UDO Sec. 9.2.2.E.1 shall be met for the 25-year storm in addition to the two-year and ten-year storms. Total volume of post-development site runoff toward existing Park at Perry Creek and Castlebury Subdivisions shall be reduced from the pre-developed condition.
7. A twenty (20) foot wide landscape buffer yard shall be provided along the common property line between the subject property and the following properties: 5500 Thornton Road, PIN 1738-42-3077 (DB 13736, PG 1711 ); 5505 Neuse Forest Road, PIN 1738-41-4899 (DB 12518, PG 1328); 8812 Neuse Town Dr, PIN 1738-41-5724 (DB 10506, PG 283); and the entire portion of 8808 Neuse Town Drive, PIN 1738-41-5648 (DB 10143, PG 992) that adjoins the subject property.
  - The landscape buffer yard shall exclude areas required for proposed street right-of ways, access easements, slope easements and/or utility easements and shall not contain areas that are designated as Tree Conservation Areas (TCA).
  - A six (6) foot tall solid privacy fence, constructed of wood or vinyl, shall be provided along the common property line adjacent to the parcels noted above.
  - The buffer yard shall provide a minimum of four (4) shade trees and four (4) understory trees per each 100 linear feet of landscape buffer. Existing healthy trees located within the buffer yard may be used to meet the landscape requirements subject to approval of the City of Raleigh Planning and Development staff.

- Along the common property line with the property located at 5500 Thornton Road, PIN 1738-42-3077 (DB 13736, PG 1711), the landscape buffer shall also include forty (40) evergreen shrubs (min. mature height of 3') per 100 linear feet of common property line. Existing healthy shrubs (min. height of 3') located within the buffer yard may be used to meet the shrub planting requirement subject to approval of Planning and Development staff.
8. A five (5) foot-wide maintenance easement shall be provided along the common property line, exclusive of areas required for street right-of-way, slope easements and utility easements, between the subject property and the following properties: 5910 Brambleberry Way, PIN 1738-50-4974 (DB 17195, PG 1708); 5919 Brambleberry Way, PIN 1738-51-6007 (DB 16027, PG 2210); 8505 Boysenberry Ln, PIN 1738-51-6121 (DB 17271, PG 2075); 8509 Boysenberry Ln, PIN 1738-51-6136 (DB 15553, PG 626); 8513 Boysenberry Ln, PIN 1738-51-6261 (DB 11555, PG 1115); 8517 Boysenberry Ln, PIN 1738-51-6285 (DB 17428, PG 1930); 8521 Boysenberry Ln, PIN 1738-51-7300 (DB 17397, PG 158); 8525 Boysenberry Ln, PIN 1738-51-7324 (DB 14560, PG 279); 8529 Boysenberry Ln, PIN 1738-51-7348 (DB 11678, PG 447); 8533 Boysenberry Ln, PIN 1738-51-7462 (DB 15505, PG 451); 8537 Boysenberry Ln, PIN 1738-51-7486, (DB 11611, PG 1906); 8541 Boysenberry Ln, PIN 1738-51-8500, (DB 16959, PG 2085); 8545 Boysenberry Ln, PIN 1738-51-8515 (DB 16949, PG 28); and 8549 Boysenberry Ln, PIN 1738-51-8641 (DB 11691, PG 2216). A six (6) foot tall solid privacy fence, constructed of wood or vinyl, shall be placed along the common property line with the above listed properties. The easement and fence shall be maintained by the Homeowners Association. In addition, a minimum 32-foot-wide secondary tree conservation area (TCA), meeting the requirements of the UDO Chapter 9, Article 9.1, shall be established inward from the five (5) foot maintenance easement, maintained by the Thornton Road Homeowners Association. A minimum twenty-five (25) foot wide landscaped buffer yard shall be provided in lieu of the TCA area if the existing vegetation does not meet the requirements of Article 9.1. Existing healthy trees located within the buffer yard may be used to meet the landscape requirements for the buffer yard subject to approval of the City of Raleigh Planning and Development staff. If staff deems the existing trees do not meet the intent of the buffer yard then four (4) shade trees and four (4) understory trees per each 100 linear feet of landscape buffer yard shall be provided.
  9. A bicycle and pedestrian connection from Neuse Forest Road to the internal street and sidewalk network shall be provided in lieu of full vehicular street connection. Approval of any subdivision or site plan which abuts the existing stub of Neuse Forest Road shall require a public utilities easement and adequate right-of-way to be dedicated to allow public utilities and proposed sidewalk/bike path improvements to be extended to connect with the street network of the proposed development.
  10. Townhome units shall be limited to 35' in height as measured from finish floor elevation to peak of roof. The height shall not exceed the height allowed under the height measurement method in Section 1.5.7 and the R-10 District.
  11. A minimum of 15% of the site area shall be designated as Open Space as defined by Article 2.5 of the City of Raleigh UDO which may include passive and active

open space areas, perimeter buffer areas, tree conservation areas, and stormwater control measures.

