

**Ordinance: 647ZC642**

**Effective: September 15, 2009**

**Z-23-09 – Lake Boone Trail – (Conditional Use)** – located on the south side, east of Horton Street, being Wake County PIN 0795-21-1105. Approximately 15.34 acres rezoned to Residential – 15 Conditional Use w/ Special Highway Overlay District-1.

**Conditions: 09/10/09**

**Narrative of conditions being requested:**

- a) Residential density developed upon the subject property after the effective date of the adoption of this rezoning ordinance shall not exceed a maximum of fifteen (15) dwelling units per acre [thirty (30) rooming units and/or dwelling units per acre for a congregate care or congregate living structure per City Code Section 10-2102(g) with a cap of two hundred fifty (250) congregate care rooming units and/or congregate care dwelling units], including within this maximum of fifteen (15) dwelling units per acre, the one hundred eighty-eight (188) dwelling units from Cluster Unit Development S-118-2000 now permitted upon the subject property, but in no event shall the total number of dwelling units constructed on the property exceed a maximum of 230 dwelling units.
- b) Prior to recordation of a subdivision plat or the issuance of any building permit, whichever shall first occur, the owner of the subject property shall convey to the City of Raleigh a transit easement measuring twenty (20) feet by fifteen (15) feet along either Horton Street or within the SHOD yard along Lake Boone Trail, subject to applicable Neuse River Buffer rules and regulations. The location of the easement shall be approved by the Public Works Department, Transit Division of the City, and the City Attorney shall approve the transit easement deed prior to recordation.
- c) Upon development, reimbursement for any required right-of-way dedication shall be calculated at the applicable R-6 rate.
- d) No building constructed on the property after adoption of this zoning ordinance shall exceed a height of forty-nine (49) feet, measured in accordance with City Code Section 10-2076 and no such building shall exceed four (4) occupied stories.
- e) A traffic study of the scope determined by the City of Raleigh Public Works Department (Transportation Division) will be submitted for review and approval by the City no later than the approval of this Case by the Planning Commission.

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**Narrative of conditions being requested (Continued)**

f) After the effective date of the adoption of this rezoning ordinance, there shall be no further transfer of density from or to the subject property (designated as Parcel 3 on that plat recorded in Book of Maps 2000, at Page 2301 of the Wake Registry) and Petitioner's property west of the right of way of Horton Street (designated as Parcel 1 upon the above identified recorded plat), containing approximately 23.98 acres, more or less.

g) Prior to the filing with the City of Raleigh of any request for site plan or subdivision approval for the subject property or any part thereof, written notice of said request shall be given to Joyce A. Kekas and Dennis H. Kekas at 3425 Norton Street, Raleigh, NC 27607-3414 (PIN # 0795 20 0106) or to their successor in ownership of the property at 3425 Norton Street. Such notice shall be given at least two (2) weeks prior to filing and a copy of said request shall be sent at the same time to the Chairperson of the Raleigh Planning Commission in care of the Raleigh Planning Department.