Ordinance: (2009) 684 ZC 644
Effective: January 5, 2010

Z-29-09 Conditional Use – Buffaloe Road - located on the south side of Buffaloe Road, southwest of its intersection with Old Milburnie, being various Wake County PINs. Approximately 127.24 acres rezoned to Redsidential-6 Conditional Use (Amended Conditions)

Conditions Dated: 12/01/09

Narrative of conditions being requested:

As used herein, the "Property" refers to those certain tracts or parcels of land containing approximately 127.24 acres located near the southeastern quadrant of the intersection of Buffaloe Road and Forestville Road in Raleigh, North Carolina, having Wake County PIN 1746-50-8750 (Bk 2568, Pg 506, Wake County Registry). 1746-51-4293 (Bk 11787, Pg 1460), 1746-60-5368 (Bk 11787, Pg 1460), 1746-70-1874 (Bk 11787, Pg 1480), 1746-70-4410 (Bk 11787, Pg 1460), 1746-30-5575 (Bk 12183, Pg 304), 1746-40-1439 (Bk 12183, Pg 304), 1746-40-7433 (Bk 12183, Pg 304), and 1745-49-5797 (Bk 12183 Pg 304).

a. There shall be no more than: (i) two (2) public street accesses onto Buffaloe Road from the Property; (ii) one (1) public street access onto Forestville Road from the Property and (iii) one (1) public street access onto Old Milburnie Road from the Property.

b. Development of the Property shall consist of only single family detached dwelling units and/or townhomes. Residential density for the Property shall not exceed 600 dwelling units or an average of 4.7 dwelling units per acre, whichever is less. There shall be a maximum of 120 townhouse dwelling units located on the Property. Except as provided in Condition c. below, all dwelling units located on the Property shall be served by at least a one (1) car garage.

c. Development of those portions of the Property adjacent to and abutting the properties identified by Wake County PINs 1745-79-4962 (Bk 2439, Pg 184), 1745-79-1688 (Bk 11703, Pg 1035), 1745-69-9704 (Bk 4805, Pg 345), 1745-69-6723 (Bk 4427, Pg 936), 1745-69-4713 (Bk 3461, Pg 131), 1745-69-1792 (Bk 3461, Pg 129), 1745-59-8732 (Bk 3125, Pg 80), 1745-59-4689 (Bk 3125, Pg 78), 1745-49-5347 (Bk 7222, Pg 867), 1746-41-6877 (Bk 9050, Pg 759), 1746-41-7778 (Bk 12248, Pg 1509), 1746-41-9800 (Bk 6318, Pg 944), 1746-51-0859 (Bk 6383, Pg 277), and 1746-51-2873 (Bk 6962, Pg 219) (collectively, the "Adjacent Properties") shall consist only of: (i) single family dwelling unit lots with a minimum depth of 110 feet and a minimum width of 75 feet or (ii) open space lots with a minimum depth of 50 feet; or (iii) public rights-of-way. Dwelling units constructed on those portions of the Property adjacent to and abutting the Adjacent Properties shall include at least a two (2) car garage and shall be a minimum of 2,500 square feet floor area gross.

d. Except for open space adjacent to and abutting Wake County PIN 1745-49-5347 (Bk 7222, Pg 867) and prior to the issuance of any certificate of occupancy for the Property, the owner of the Property shall construct and install a six (6') foot high solid wood, scalloped fence within five (5') feet of the common property lines along those portions of the Property adjacent to and abutting the Adjacent Properties (as defined in Condition c. above). Any declaration of restrictive covenants recorded for these portions of the Property shall provide that the fence required by this condition shall be maintained by the declarant or the homeowners association, as the case may be.

e. Any townhouse structures located upon the Property shall be located no closer than 400 feet from the common property lines of the Property and the Adjacent Properties.

f. The front exterior wall of dwelling units, exclusive of foundations, constructed upon the Property shall include a mix of brick and/or stone, and hardiplank siding or vinyl siding. The gable ends of all single family detached dwelling units constructed upon the Property shall have a minimum overhang of 12".

g. Buildings constructed upon the Property shall not exceed forty (40) feet in height or three (3) stories, whichever is lesser.

h. Prior to the issuance of a certificate of occupancy for the three hundredth single family dwelling unit constructed upon the Property, development upon the Property shall include the following completed amenities: a clubhouse not less than 1200 square feet in size, a swimming pool; and three (3) tot lots not less than 900 square feet each in size.

i. Single family detached dwelling units constructed on lots abutting the Adjacent Properties (as defined in above Condition (c.) shall include crawl space foundations. For all other single family detached dwellings, the visible foundations may either be (i) traditional crawl space foundations or (ii) filled crawl spaces (i.e., raised slab foundations) that are covered with brick, stone or stucco no less than the height equivalent of three courses of brick (or eight(8) inches in height all the way around the building).

J. Where there are no mature tress meeting the basal standards of Section 10-2082.14(c) of the City landscape ordinance and within twenty feet (20') of Buffaloe Road, an earthen berm at least four feet (4') in height measured from the edge of right of way of Buffaloe Road shall be constructed and installed along the northern boundary of the Property that abuts Buffaloe Road. Further, the berm shall include the following landscaping: 7 trees per 100 linear feet and 55 shrubs per 100 linear feet and supplemented with a staggered row of evergreen trees with an average spacing of 10' on center (10 trees per 100 linear feet), said evergreen trees to be installed at 8' in height and consist of Leyland Cyprus, Eastern Red Cedar, Arborvitae, Holly, Cryptomeria or similar locally adapted species that will attain an

ultimate height of 30'. Notwithstanding anything to the contrary contained herein, the area including the berm may include lighting, fence/walls, entry features, signs and street crossings.

k. Stormwater control devices shall be constructed to provide retention of stormwater to maintain existing peak discharge rates for the two (2) ten (10) and twenty-five (25) year storms.

l. All structures containing dwelling units two (2) stories or greater in height shall have a minimum 9:12 front elevation roof pitch. All other structures containing dwelling units shall have a minimum 6:12 front elevation roof pitch.

m. Except as provided in condition c. above, single family detached dwellings shall be subject to the following minimum square footage as measured by the City Code effective as of the date hereof:

(1) Dwellings two (2) stories or greater 1,800 square feet
(2) All other Dwellings: 1,500 square feet