

**REZ-23-05: SCARBORO APARTMENTS
REZONING CONDITIONS
OCTOBER 24, 2024**

1. The Development shall be in general compliance with the Concept Plan dated September 19, 2024, attached as Exhibit A. Approval of this rezoning and Concept Plan shall not preclude the Developer from pursuing any administrative amendments to the Concept Plan as prescribed in LDO Section 3.4.
2. The following Principal Uses shall be prohibited: (i) Dwelling, Single Family, Attached; (ii) College/University; (iii) Public Safety Facility; (iv) Lodging; (v) Commercial Parking; (vi) Retail Sales and Services, Community; (vii) Retail Sales and Services, Shopping Center; (viii) Major Transportation Installation; and (ix) Telecommunication Tower.
3. No more than 240 dwelling units – either “Dwelling, Multiple Family” or “Dwelling, Upper Story Unit” - shall be permitted on the property.
4. The hours of operation for nonresidential uses shall be between 7:00 AM and 9:00 PM.
5. Nonresidential Uses shall be located within 175’ of the new Collector Street and north of the Neuse River stream buffer, as shown on Exhibit A.
6. Nonresidential Uses shall not be less than 10,000 square feet of gross floor area, and shall not exceed 20,000 square feet of gross floor area. A maximum of fifty percent (50%) of the residential units may be permitted until at least 5,000 square feet (gross floor area) of Nonresidential Uses are permitted (issuance of a building permit).
7. At least 3,000 square feet gross floor area of nonresidential uses shall be located in each of the following: (i) the Retail building along S. Main Street, and (ii) the two Mixed Use buildings along the new Collector Street. This Condition shall not permit less Nonresidential Use square footage than what is required in Condition 6.
8. Prior to the submittal of a demolition permit for the removal of the single-family home at 201 S. Main Street (PIN 1758-99-8909), the Development shall document the existing structure through photographs and detailed exterior elevation drawings. The Development shall send the documentation to the Town of Rolesville Planning Department and Board of Commissioners. Prior to the demolition, the Development shall have first priority to relocate or remove any items of historic significance and building materials for reuse.
9. If the Development chooses not to relocate the home, the following Condition shall apply: Prior to the demolition, the Development will allow any non-profit entity, individual or for-profit entity to relocate any of the existing single-family home at no cost to the Development and without payment to the Development so long as the party relocating the single-family home is solely responsible for the relocation, including without limitation, securing all permits and approvals required by law. The Development

will provide general public notice in the News & Observer of the offer for relocation or salvage. Public notice shall occur at least one hundred eighty (180) days prior to the scheduled demolition of the home. Prior to demolition of the single-family home that has not been relocated within thirty (30) days prior to demolition, the Development will allow the Town of Rolesville or any local organization (such as Habitat for Humanity) at least fifteen (15) days to remove items of historic significance and building materials for reuse. This condition shall not require the Development to demolish or remove the single-family home.

10. Vehicular ingress and egress via School Street are prohibited. This condition shall not act as a prohibition on pedestrian access to School Street, nor shall it require pedestrian access to School Street.
11. The Development shall construct a 10' wide sidepath (the "Path") within the new Collector Street right-of-way, beginning at the S. Main Street intersection and terminating at the boundary line with adjacent property with PIN 1768-09-8727, subject to all governmental reviews and approvals, in accordance with the Town of Rolesville Greenway Plan. The Path will be located on the eastern side of the new collector street, as shown on Exhibit A. The Path shall be paved with either asphalt or concrete, at the discretion of Town staff at the time of development approval. A planting strip at least five feet (5') wide shall separate the Path from the back of curb. The Path shall take the place of and serve as the sidewalk along the eastern side of the new Collector Street.
12. Where buildings and active use areas prevent the incorporation of Streetscape Buffers as set forth in LDO Section 6.2.2.2. (i.e., a 30'-wide Street Buffer along S. Main Street and a 15'-wide Street Buffer along the new Collector Street), the Development shall plant one (1) street tree for every forty (40) linear feet of street frontage.
13. The Development shall provide an opaque fence at least eight feet (8') in height along the shared boundary lines with those parcels have Wake County Property Identification Numbers (PINs) 1759-90-4168, 1759-90-5245, 1759-90-6321, 1759-90-7307, and 1759-90-4024. The location of the fence is shown on Exhibit A.
14. Along the shared boundary lines of those parcels described in Condition 13, the Development shall provide two (2) trees per 100 linear feet, on average.
15. In order to buffer those single-family homes along Glenn Circle from the new Collector Street right-of-way, the Development shall provide an opaque fence at least eight feet (8') in height on the eastern side of the new Collector Street, beginning south of the intersection with Perry Street and the new Collector Street and terminating at the parcel with Wake County Property Identification Number 1768-09-8727. The approximate location of the fence is shown on Exhibit A.
16. Between the Path described in Condition 11 and the fence described in Condition 15, the Development shall provide two (2) shade trees per 100 linear feet, on average. This planting schedule shall begin immediately south of the intersection with Perry Street and the new

Collector Street and terminating at the parcel with Wake County Property Identification Number 1768-09-8727. The approximately location of the tree planting area is shown on Exhibit A.

17. Dwelling, Upper Story Units shall be prohibited from having balconies on those facades of the Mixed-Use buildings facing the new Collector Street, as shown on Exhibit A.
18. The Development shall construct a wall (either fully or partially opaque) between the two apartment buildings along School Street, as shown on Exhibit A. The wall shall have a minimum height of four feet (4') and a maximum height of twelve feet (12'), and a minimum length of twenty-five feet (25'). The wall shall incorporate similar materials as the apartment buildings' facades. A portion of the wall may be designated as a Monument Sign as prescribed in LDO Section 6.1. if it meets all applicable requirements.
19. Between the southernmost apartment building along School Street and the existing dirt path, as shown on the survey titled "Boundary & Topographic Survey for Scarboro Property", prepared by Bass Nixon & Kennedy, and dated August 14, 2024 (attached as Exhibit B), the Development shall include a landscaped area at least five feet (5') wide. The landscaped area shall include at least two (2) species of shrubs with mature heights of least four feet (4'). The approximate location of the landscaped area is shown on Exhibit A.
20. The Development shall design and construct the public collector street, as identified on Exhibit A ("Collector Street"), that extends the street network within the development through Wake County PIN 1768-09-8727 (Deed Book 18568, Page 660, Wake County Registry) (the "Campus Site") to the proposed "Young Street Connector" as described in MA22-03 and CID-23-08. The Development shall be responsible for all costs to design and construct to Collector Street connection (the "Costs"). This Condition shall not prohibit the Development from seeking a reimbursement for the Costs. Construction of the Collector Street connection shall commence prior to the issuance of the 140th certificate of occupancy for the Development and shall be completed not later than the issuance of the 190th certificate of occupancy for the Development.

While it is anticipated that the Development will seek reimbursement of Costs through a formal development agreement, reimbursement agreement, or other written agreement between the Development and the Town, the absence of such a subsequent agreement shall not be deemed to invalidate this Condition.

This Condition is subject to the following caveats:

- a. Upon a determination by the Land Development Administrator that the approved alignment with the Young Street Connector, or the inability of the Development to secure necessary right-of-way, easements, or other property rights make satisfaction of this Condition unnecessary or impracticable, this Condition shall be deemed extinguished.

- b. In the event the Town commences design and/or development of any part of the Collector Street connection, the Development's obligations for design and/or development, as appropriate, for those portions of the Collector Street connection shall be deemed extinguished. For purposes of clarity, the Development shall remain entitled to a credit against the Project's Transportation Impact Fees for remaining Costs.
21. In recognition of expected impacts of the Development upon the need for fire protection services in the area, the Development shall make a \$100,000.00 contribution to the Town of Rolesville Fire Department. This contribution shall be made prior to the issuance of the Development's first certificate of occupancy.
22. The Development will market for rent two (2) dwelling units as affordable for U.S. military veterans earning no more than eighty percent (80%) of the Area Median Income ("AMI") adjusted by household size for the Raleigh, NC Metropolitan Statistical Area, as determined and published annually by the U.S. Department of Housing and Urban Development (the "Affordable Units") for a period of no less than ten (10) years (the "Affordability Period"). The maximum rent and income limits will follow the affordable housing standards determined annually by the Wake County Department of Housing (the "Department"). The Affordable Units shall be ADA-accessible. One (1) of the Affordable Units shall be age-restricted and made available only to U.S. military veterans who are fifty-five (55) years old or more.

Affordability restrictive covenants for the Affordable Units shall be filed and recorded with the Wake County Registry before the issuance of the first certificate of occupancy ("CO") for any building which includes residential units. The Affordability Period applies on a per unit basis and shall commence from the date that the Affordable Unit is available for rent. This date shall be provided to the Department and the Town of Rolesville (the "Town") as of the date of this issuance of the CO for each Affordable Unit. The Development shall certify compliance with this Condition to the Department and the Town on an annual basis, in a form acceptable to the Department.
23. The Development shall evaluate the existing and upstream stormwater drainage issues on that parcel with PIN 1769-00-3150 and along the Glenn Circle right-of-way, as shown on the attached Exhibit C. The Development shall then perform any stormwater improvements identified by the aforementioned evaluation, with the cost of these offsite stormwater improvements not to exceed \$75,000.00. The stormwater improvements shall be done in accordance with the Town of Rolesville standards and shall generally consist of subsurface stormwater control improvements to meaningfully improve the current stormwater conditions along Glenn Circle. The stormwater improvements shall be completed in accordance with the approved plans prior to the issuance of the last certificate of occupancy. This Condition shall be contingent upon the Development's receipt of all necessary approvals from the Town of Rolesville, and any necessary easements from affected property owners.

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MATTHEW SHUEY

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Matthew Shuey, Chief Executive Office