

ORDINANCE 2023-19

ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF WAKE FOREST AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF WAKE FOREST TO CHANGE THE ZONING OF APPROXIMATELY 10.46 ACRES LOCATED AT 3133 BURLINGTON MILLS ROAD AND 8993 LIGON MILL ROAD, BEING WAKE COUNTY TAX PINS 1749007207 AND 1749006732 FROM RURAL HOLDING DISTRICT (RD) TO RESIDENTIAL-MIXED USE CONDITIONAL DISTRICT (RMX-CD) AND NEIGHBORHOOD MIXED-USE CONDITIONAL DISTRICT (NMX-CD)

RZ-22-09, BURLINGTON MILLS MIXED-USE

WHEREAS, the application submitted by The Site Group, PLLC for the rezoning of land hereinafter described was duly filed with the Planning Department; and

WHEREAS, the Planning Board held a public comment session on May 9, 2023 and the Board of Commissioners held a public hearing on June 20, 2023; and

WHEREAS, mailed notices, property sign postings, and a newspaper notice publication were carried out for the public comment session and public hearing pursuant to G.S. § 160D-602 and the Unified Development Ordinance; and

WHEREAS, the Planning Board submitted its recommendation to the Board of Commissioners recommending approval of said application that was generally consistent with the Comprehensive Plan for the lands hereinafter described, all in accordance with the requirements of the Town of Wake Forest Unified Development Ordinance and the provisions of Chapter 160D, Article 6, of the North Carolina General Statutes;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Wake Forest, North Carolina:

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Exhibit 1 – Legal Description, which is incorporated herein by reference, and said lands are hereafter referred to as the “Rezoned Lands.”

Section 2: The parcels identified by the Wake County Tax Parcel Identification Numbers 1749007207 and 1749006732, and described in Exhibit 1, are located within the Town’s Extraterritorial Jurisdiction.

Section 3: The Town of Wake Forest Unified Development Ordinance, including the Town of Wake Forest North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Rural Holding District (RD) to Residential-Mixed Use Conditional District (RMX-CD) and Neighborhood Mixed-Use Conditional District (NMX-CD) as shown on Exhibit 1, subject to the conditions stated herein.

Section 4: The “Rezoned Lands” are subject to all of the standards and conditions in Exhibit 3 – Burlington Mills Mixed-Use Master Plan, which are imposed as part of this rezoning.

Section 5: The Administrator is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Wake Forest, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 6: After reviewing all the information presented at the public hearing and the Wake Forest plans, policies and ordinances, the Wake Forest Board of Commissioners find the zoning map amendment request reasonable and consistent with the 2022 Community Plan and is in the interest of the public and adopted a written consistency statement, which is on file with the Wake Forest Planning Department and attached as Exhibit 2.

Section 7: The "Rezoned Lands" are subject to the following conditions, which are imposed as part of this rezoning:

Conditions Common to the Entire Project:

1. Site Master Plan (SP-22-39) is a condition of the rezoning request. Amendments to The master plan shall require a rezoning amendment unless the administrator Finds the modification to be minor and in keeping with the spirit and intent of the Adopted site master plan.
2. Maximum building height shall be limited to 3 stories.
3. Traffic calming measures shall be installed at Thurman Dairy Loop and Slomo Court connections as shown on the master plans. Measures include narrowed pavement, elevated pedestrian crossings and all-way stops as approved by the Town of Wake Forest during construction plan review.
4. A 6' tall wooden screening fence shall be placed at or near the property line to the west between Thurman Dairy Loop and the northern property line. The fence shall be painted black to match the neighborhood to the west. The fence shall be installed prior to building permit issuance.
5. Developer will install additional understory evergreen plantings in areas where space is available within the 20' Type C buffer along the western property line. Any area with a 10 foot diameter radius with no trees greater than 3 inches in diameter Shall be planted with understory evergreen plantings. Minimum separation to existing trees is five feet.
6. Developer will extend sidewalks or multi-use paths beyond property frontage to connect to existing pedestrian infrastructure as shown on the master plans. These connections are proposed within the existing right of way of existing roadways. The extensions are shown along Slomo Court, Thurman Dairy Loop and Burlington Mills Road.
7. An easement will be provided for a future bus shelter on Ligon Mill Road. Final determination of location will be made during construction drawing process.
8. Associated road improvements shall be constructed in accordance with the approved TIA and UDO. The developer shall be responsible for studying if signalization is warranted at the intersection of Burlington Mills Road and Kitchin Farms Way, monitoring shall be done at the time that the Commercial Site Plan is submitted for the subject property. If it is determined that a traffic signal is

warranted, the developer shall provide a proportional fee-in-lieu payment prior to the approval of the Commercial Construction Drawings.

Conditions for Multi-family (RMX):

9. Allowed uses for this conditional zoning include:
 - Multi-family
 - Home occupation
10. Foundation plantings will be provided along the front and side of each apartment building at 4 feet on-center.
11. Where building number three is adjacent to Ligon Mill Road, the developer requests a Street Yard buffer reduction from 20 feet to 16.1 feet in the area shown on Sheet MP2.0. This request is due to a jog in the right-of-way created by the proposed right turn lane.
12. Active recreation amenities shall include a pool, clubhouse with gym, dog park, and outdoor playground.
13. Once complete, the owner shall provide, as part of the project, two Workforce Housing Dwelling Units (A "Workforce Housing Unit"). A Workforce Housing Unit is any dwelling unit at the project designated by the owner, in owner's discretion, to be offered for rent at an effective monthly rental rate equal to or less than the maximum affordable rental rate set forth by Federal Department of Housing and Urban Development ("HUD") ("the rental rate"), for a renter with an income of 80% AMI (Area Median Income) in the Raleigh, NC MSA area. Owner shall update the rental bond on the current updated AMI published by HUD. The Workforce Housing Units shall be offered for rent for a period of 15 years, which period shall commence upon receipt of the first Certificate of Occupancy for the project. In the event that Town of Wake Forest or Wake County establishes a program in the future which provides incentives for Workforce Housing Units, the project shall be eligible to participate in such a program if qualifications of such program are met. Beginning on December 31st of the first full year following owner's receipt of the Final Certificate of Occupancy for the project, the owner of record shall provide an annual Certification of Compliance with this zoning condition to the Town of Wake Forest Planning Department, which lists the 80% rental rate for two Workforce Housing Units, not later than December 31st.

Conditions for Mixed-Use Outparcel (NMX-CD):

14. Allowed uses for this conditional zoning include:
Dwelling-multifamily-above ground floor only; Atm (incorporated into a building only); Dry cleaning; Medical clinic; Personal services; Professional services; Alcoholic beverage sales store; Amusement, indoor; Bar/tavern; General commercial; Outdoor seating (accessory to a primary use); Restaurant; Recreation facility/indoor; Studio-art, dance, martial arts, music
15. The area zoned NMX will be cleared of existing structures in preparation for the sale/development of future commercial uses. Land disturbing activity related to roadway improvements required by the TIA and Town of Wake Forest frontage widening improvements will be installed prior to the 1st residential Certificate of Occupancy. No other land disturbing activities will occur within this area until permits and approvals have been granted by the Town of Wake Forest.

16. Developer will install a public art feature near the corner of Burlington Mills Road and Ligon Mill Road. It may be incorporated with an outdoor patio or gathering space. Public art may be a sculpture, fountain or mural.
17. Vehicular parking for the commercial uses shall be oriented to the side and rear of the buildings.
18. The developer will provide an outdoor seating/gathering area or patio abutting either Burlington Mills Road, Ligon Mill Road, or both. Patio may encroach into streetyard buffer up to 5'.
19. A thirty-foot-wide maximum building setback from the principal front street will be provided with this project. Burlington Mills Road is the primary frontage for this project.
20. . The developer shall provide minimum 30% of the first floor building area as an upper floor usable area. Uses envisioned for upper floor include office, restaurant, rooftop bar, rooftop patio, multi-family, studio, or indoor recreation. Allowed uses for upper stories may include any uses listed under mixed-use outparcel (NMX-CD) Condition #12.
21. The developer shall provide minimum 30% building frontage coverage along a combination of both Burlington Mills Road and Ligon Mill Road.

Section 8: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance.

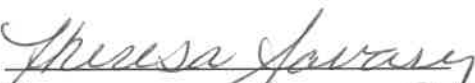
Adopted and effective this the 20th day of June 2023.



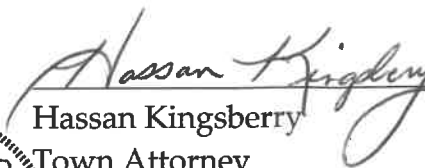
Vivian A. Jones
Mayor

ATTEST:

APPROVED AS TO FORM:



Theresa Savary
Town Clerk



Hassan Kingsberry
Town Attorney





Bateman Civil Survey Company, PC
2524 Reliance Ave
Apex, NC 27539

Phone: (919) 577-1080
Fax: (919) 577-1081
info@batemancivilsurvey.com

Legal Description for Zone NMX at PINs 1749006732 & 1749007207

BEGINNING AT A COMPUTED POINT AT THE NORTH-EAST BOUNDARY CORNER OF EUNICE M. ROGERS HEIRS, HAVING A PARCEL ID NUMBER OF 1749007207), SAID POINT ALSO BEING ON THE WESTERN RIGHT OF WAY OF LIGON MILL ROAD, SAID POINT BEING THE POINT OF BEGINNING AND MAKING THE FOLLOWING CALLS TO BE DESIGNATED AS ZONE NMX WITHIN THE CORPORATE LIMITS OF WAKE FOREST:

NORTH 80°59'49.32" EAST A DISTANCE OF 44.0' TO A COMPUTED POINT ON THE CENTERLINE OF LIGON MILL ROAD,
THENCE, ALONG SAID CENTERLINE, SOUTH 09°00'10.68" EAST A DISTANCE OF 160.6' TO A COMPUTED POINT ON THE CENTERLINE OF LIGON MILL ROAD,
THENCE, ALONG THE CENTERLINE OF LIGON MILL ROAD, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 300.0', A DISTANCE OF 136.4', SAID CURVE HAVING CHORD BEARING SOUTH 04°01'35.46" WEST AND CHORD DISTANCE OF 135.3' TO A COMPUTED POINT, SAID POINT BEING THE INTERSECTION OF THE CENTERLINES OF LIGON MILL ROAD AND BURLINGTON MILLS ROAD,
THENCE, ALONG THE CENTERLINE OF BURLINGTON MILLS ROAD, NORTH 88°34'42.04" WEST A DISTANCE OF 433.9' TO A COMPUTED POINT IN THE CENTERLINE OF BURLINGTON MILLS ROAD,
THENCE, LEAVING SAID CENTERLINE, NORTH 01°25'17.96" EAST A DISTANCE OF 52.0' TO A COMPUTED POINT ON THE NORTHERN RIGHT OF WAY OF BURLINGTON MILLS ROAD,
THENCE, LEAVING SAID RIGHT OF WAY, NORTH 01°20'06.30" EAST A DISTANCE OF 93.4' TO A COMPUTED POINT;
THENCE, ALONG A CURVE TO THE LEFT WITH RADIUS OF 276.5', A DISTANCE OF 29.7', SAID CURVE HAVING CHORD BEARING NORTH 01°44'27.17" WEST AND CHORD DISTANCE OF 29.7' TO A COMPUTED POINT;
THENCE, NORTH 04°49'00.63" WEST A DISTANCE OF 42.6' TO A COMPUTED POINT,
THENCE, NORTH 81°09'13.16" EAST A DISTANCE OF 380.2' TO A COMPUTED POINT, SAID COMPUTED POINT BEING THE POINT AND PLACE OF BEGINNING, CONTAINING 2.57 ACRES, MORE OR LESS.

2.57 ACRES TOTAL ZONED NMX-CD



Bateman Civil Survey Company, PC
2524 Reliance Ave
Apex, NC 27539

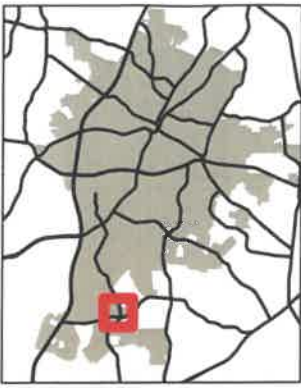
Phone: (919) 577-1080
Fax: (919) 577-1081
info@batemancivilsurvey.com

Legal Description for Zone RMX at PINs 1749006732 & 1749007207

BEGINNING AT A COMPUTED POINT ON THE NORTH-WESTERN BOUNDARY OF EUNICE M. ROGERS HEIRS (AS SHOWN IN BOOK OF MAPS 2018, PAGE 517 AS LOT 2 IN WAKE COUNTY REGISTER OF DEEDS AND HAVING A PARCEL ID NUMBER OF 1749006732), SAID POINT BEING THE POINT OF BEGINNING AND MAKING THE FOLLOWING CALLS TO BE DESIGNATED AS ZONE RMX WITHIN THE CORPORATE LIMITS OF WAKE FOREST:

NORTH 84°43'52.32" EAST A DISTANCE OF 430.7' TO A COMPUTED POINT ON THE WESTERN RIGHT OF WAY OF LIGON MILL ROAD;
THENCE, INTO SAID RIGHT OF WAY, NORTH 80°59'49.32" EAST A DISTANCE OF 28.7' TO A COMPUTED POINT ON THE CENTERLINE OF LIGON MILL ROAD;
THENCE ALONG THE CENTERLINE OF SAID RIGHT OF WAY, SOUTH 09°00'10.68" EAST A DISTANCE OF 660.7' TO A COMPUTED POINT ON THE CENTERLINE OF LIGON MILL ROAD;
THENCE, LEAVING THE CENTERLINE OF SAID RIGHT OF WAY, SOUTH 80°59'49.32" WEST A DISTANCE OF 44.0' TO A COMPUTED POINT ON THE WESTERN RIGHT OF WAY OF LIGON MILL ROAD;
THENCE, SOUTH 81°09'13.16" WEST A DISTANCE OF 380.2' TO A COMPUTED POINT;
THENCE SOUTH 04°49'00.63" EAST A DISTANCE OF 42.6' TO A COMPUTED POINT;
THENCE, ALONG A CURVE TO THE RIGHT WITH RADIUS OF 276.5', A DISTANCE OF 29.7', SAID CURVE HAVING CHORD BEARING SOUTH 01°44'27.17" EAST AND CHORD DISTANCE OF 29.7' TO A COMPUTED POINT;
THENCE SOUTH 01°20'06.30" WEST A DISTANCE OF 93.4' TO A COMPUTED POINT IN THE NORTHERN RIGHT OF WAY OF BURLINGTON MILLS ROAD;
THENCE, INTO SAID RIGHT OF WAY, SOUTH 01°25'17.96" WEST A DISTANCE OF 52.0' TO A COMPUTED POINT IN THE CENTERLINE OF BURLINGTON MILLS ROAD;
THENCE ALONG THE CENTERLINE OF SAID RIGHT OF WAY, NORTH 88°34'42.04" WEST A DISTANCE OF 75.8' TO A COMPUTED POINT ON THE CENTERLINE OF BURLINGTON MILLS ROAD;
THENCE, LEAVING THE CENTERLINE OF SAID RIGHT OF WAY, NORTH 01°25'17.96" EAST A DISTANCE OF 52.0' TO A COMPUTED POINT ON THE NORTHERN RIGHT OF WAY OF BURLINGTON MILLS ROAD, SAID POINT BEING THE SOUTHWEST PROPERTY CORNER OF PARCEL ID NUMBER 1749007207;
THENCE, LEAVING SAID RIGHT OF WAY, NORTH 04°38'53.68" WEST A DISTANCE OF 189.6' TO A COMPUTED POINT;
THENCE NORTH 04°38'53.68" WEST A DISTANCE OF 105.1' TO A COMPUTED POINT;
THENCE NORTH 04°38'53.68" WEST A DISTANCE OF 423.9' TO A COMPUTED POINT;
THENCE NORTH 04°38'53.68" WEST A DISTANCE OF 121.6' TO A COMPUTED POINT, SAID COMPUTED POINT BEING THE POINT AND PLACE OF BEGINNING, CONTAINING 7.89 ACRES, MORE OR LESS.

7.89 ACRES TOTAL ZONED RMX-CD



TOWN of
WAKE FOREST

RZ-22-09

Burlington Mills RD (Mixed Use Rezoning)

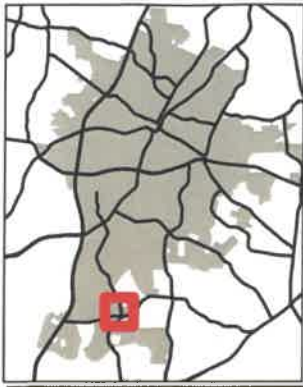
PINS: 1749007207 & 1749006732

4/17/2023



Please note that this map is intended for illustrative purposes only. For specific inquiries regarding zoning boundaries, contact the Town Wake Forest Planning Department at 919-435-9510.





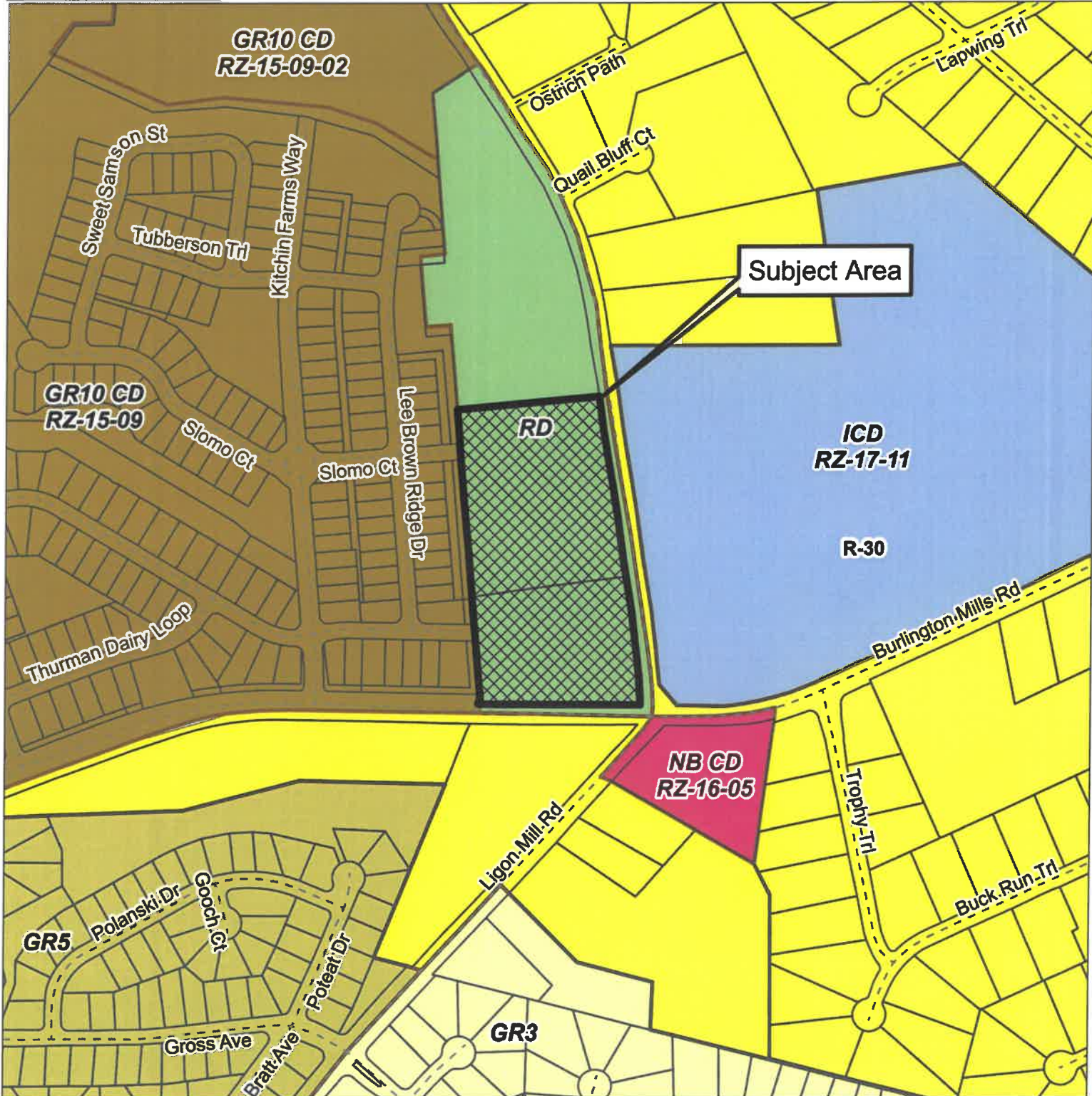
TOWN of
WAKE FOREST

RZ-22-09

Burlington Mills RD (Mixed Use Rezoning)

PINS: 1749007207 & 1749006732

4/17/2023



Subject Area

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Land Use Plan



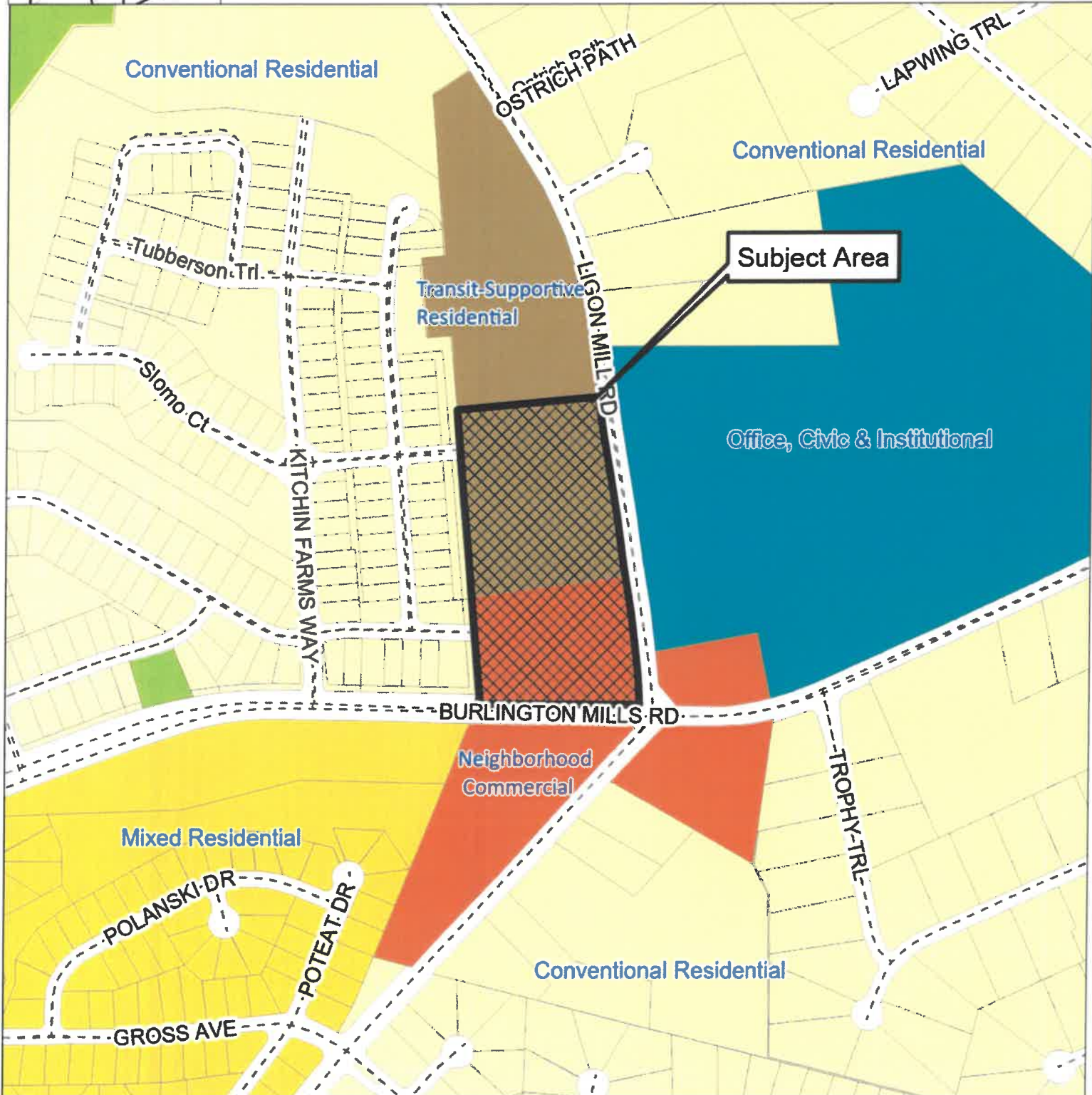
TOWN of
WAKE FOREST

RZ-22-09

Burlington Mills RD (Mixed Use Rezoning)

PINS: 1749007207 & 1749006732

5/2/2023



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0.25
Miles

