

Z-15-21 (TCZ-1-21) – 800, 802, 804, 806, 808, 820 North Blount Street, and 206 Delway Street, being Wake County PINs 1704820794, 1704821800, 1704821806, 1704821902, 1704821928, 1704831043, and 1704822908. Approximately 1.31 acres rezoned to Commercial Mixed Use - 3 Stories - Conditional Use (CX-3-CU), amended conditions.

Conditions dated: August 1, 2011 (Z-11-11)

A. The following uses shall be prohibited:

- Forestry
- Wildlife Sanctuary
- Commercial Indoor Recreation Use
- Riding Stable
- Outdoor Stadium, Theater, Amphitheater, or Racetrack
- Residential Institutions
- Guest House
- Rest Home
- Emergency Shelters
- Cemetery
- Correctional or Penal Facility
- Crematory
- Funeral Home
- Government Building
- Hospital
- Monastery or Convent
- Orphanage
- Veterinary Hospital
- Adult Establishment
- Bank
- Bar, Nightclub, Tavern, Lounge
- Beauty, Nail and Manicure, Cosmetic Art, Barber Shop
- Radio and Television Studio
- Dish Antenna (except antennas one meter (39.37 inches) or less in diameter)
- Telecommunications Tower
- Telegraph Office
- Dance, Recording, Music Studio
- Eating Establishments — All Kinds
- Exterminating Service
- Retail Food Store
- Hotel and Motel
- Kennel and Cattery
- Movie Theater
- Post Office
- Retail Sales — All Kinds
- Shopping Area and Shopping Center
- Manufacturing — All Kinds

Mini Warehouse Storage Facility
Reservoir and Water Control Structures
Landfill
Airfield, Landing Strip, and Heliport
Transit Station (except bus stops)
Taxicab Stand and Dispatch Stand
Power Plant
Utility Services (except roads, sidewalks, meters, pipes, hydrants, traffic control, cablevision, and telephone and their appurtenances as well as any existing railroad tracks, transmission lines, transformers, and distribution lines)
Automotive Service and Repair Facilities
Car Washes

- B. The following conditions shall be applicable to all permitted uses and development, except for (i) General Agriculture, (ii) Restricted Agriculture, (iii) Fish Hatchery and Fish Farm, (iv) Research Farm, (v) Camp, (vi) Christmas Tree, Greens, Ornamental Outdoor Display Area Sales, and (vii) Plant Nursery, Fruit and Vegetable Stand:
1. Prior to final site plan approval or recording of a subdivision plat, whichever occurs first, a Unity of Development Plan approved by the City of Raleigh will be submitted to assure complementary signage, architectural style, and construction materials.
 2. Number of Dwelling Units shall not exceed 26.
 3. Buildings will be limited to a maximum height of 50 feet.
 4. Free Standing Exterior light fixtures shall be uniform and not exceed 18 feet. Any new street or area lighting shall have uniform poles and fixtures.
 5. Buildings shall be located within twenty-five (25) feet of the back-of-curb.
 6. All surface parking and loading for the site shall be located to the side or rear of the buildings.
 7. Street level structured parking shall be screened by a combination of planters, plantings, decorative features and building elements. Minimum height of combined screening elements shall be 4 feet.
 8. Development shall include a publicly accessible plaza of at least 300 square feet.
 9. Public Plaza shall include a minimum of one bike rack, one bench (minimum length of sixty (60) inches), one trash receptacle, and two 2.5-inch caliper trees.
 10. Public Plaza shall be located within 10 feet of buildings and connected to adjacent sidewalks.
 11. Public Plazas shall be wrapped on at least 2 sides by a building facade.
 12. A minimum of 2 points of pedestrian access and a minimum 5 foot wide sidewalk shall be provided along both Blount St. and Franklin St. prior to issuance of Certificate of Occupancy. Pedestrian accesses shall be constructed with a material comparable to either the sidewalk or Public Plaza.

13. Cross-access will be provided to the 7 parcels in this petition in the event that they are recombined into a single parcel prior to site plan approval or subdivisions, or lot recordation, or issuance of building permit, which ever shall incur first.

Amended Conditions dated: June 11, 2021

A. The following uses shall be prohibited:

Forestry
Wildlife Sanctuary
Commercial Indoor Recreation Use
Riding Stable
Outdoor Stadium, Theater, Amphitheater, or Racetrack
Residential Institutions
Guest House
Rest Home
Emergency Shelters
Cemetery
Correctional or Penal Facility
Crematory
Funeral Home
Government Building
Hospital
Monastery or Convent
Orphanage
Veterinary Hospital
Adult Establishment
Bank
Beauty, Nail and Manicure, Cosmetic Art, Barber Shop
Radio and Television Studio
Dish Antenna (except antennas one meter (39.37 inches) or less in diameter)
Telecommunications Tower
Telegraph Office
Dance, Recording, Music Studio
Exterminating Service
Retail Food Store
Hotel and Motel
Kennel and Cattery
Movie Theater
Post Office
Manufacturing — All Kinds
Mini Warehouse Storage Facility
Reservoir and Water Control Structures
Landfill
Airfield, Landing Strip, and Heliport

Transit Station (except bus stops)
Taxicab Stand and Dispatch Stand

Power Plant

Utility Services (except roads, sidewalks, meters, pipes, hydrants, traffic control, cablevision, and telephone and their appurtenances as well as any existing railroad tracks, transmission lines, transformers, and distribution lines)

Automotive Service and Repair Facilities

Car Washes

B. The following conditions shall be applicable to all permitted uses and development, except for (i) General Agriculture, (ii) Restricted Agriculture, (iii) Fish Hatchery and Fish Farm, (iv) Research Farm, (v) Camp, (vi) Christmas Tree, Greens, Ornamental Outdoor Display Area Sales, and (vii) Plant Nursery, Fruit and Vegetable Stand:

1. Number of Dwelling Units shall not exceed 26.
2. Buildings will be limited to a maximum height of 50 feet.
3. Free Standing Exterior light fixtures shall be uniform and not exceed 18 feet. Any new street or area lighting shall have uniform poles and fixtures. String lights which shall not exceed twelve (12) feet in height may be used in the Village Green (as hereinafter defined) area.
4. Buildings shall be located within twenty-five (25) feet of the back-of-curb.
5. All surface parking and loading for the site shall be located to the side or rear of the buildings.
6. Street level structured parking shall be screened by a combination of planters, plantings, decorative features and building elements. Minimum height of combined screening elements shall be 4 feet.
7. A minimum of 2 points of pedestrian access and a minimum / foot wide sidewalk shall be provided along both Blount St. and Franklin St. prior to issuance of Certificate of Occupancy. Pedestrian accesses shall be constructed with a material comparable to either the sidewalk or a public plaza.
8. Cross-access will be provided to the 7 parcels in this petition in the event that they are recombined into a single parcel prior to site plan approval or subdivisions, or lot recordation, or issuance of building permit, which ever shall incur first.
9. In the event any or all of (a) Bar, Nightclub, Tavern, Lounge; (b) Eating Establishment; (c) Retail Sales; or (d) Shopping Center uses are undertaken on the property, such uses shall be limited as follows:
 - i. Such uses shall be restricted to an outdoor area of two thousand seven hundred fifty (2,750) aggregate square feet on the southern fifty (50) feet of 206 Delway Street (PIN 1704822908; Deed Book 10860, Page 1473) as shown on Exhibit A (the "Village Green"), and shall be permitted to accommodate the sale, service and consumption of food drink and products from the adjacent Person Street Plaza;

- ii. (ii) Operating hours shall be limited to between 7:00 AM and 10:00 PM each day;
- iii. (iii) A landscape buffer shall be provided along the east property line of the Village Green along the shared property line with the property located at 208 Delway Street (PIN 1704822957; DB7269/Page687), and the following criteria shall apply:
 - a) A landscape buffer yard of no less than seven feet (7') in width shall be provided for a distance of fifty feet (50'), starting at the SW corner of the 208 Delway Street property, extending north toward Delway Street.
 - b) A solid wood fence, averaging seven and one-half feet (7.5') in height, with a maximum height of eight feet (8') shall be constructed in the buffer.
 - c) Six (6) evergreen trees shall be planted in the buffer. The tree(s) shall be or be similar to Nellie Stevens Holly, Japanese Cryptomeria, and similar species. The trees shall be at least ten feet (10') in height at time of installation.
 - d) The existing brick retaining wall located adjacent to or in the buffer may remain. The proposed fence may be constructed on the retaining wall, but the wall shall not count toward meeting the height requirement of the fence in section (b) above.
- iv. A solid wood fence averaging seven and one-half feet (7.5') in height, with a maximum height of eight feet (8') shall be installed along the rear line of the Village Green between the east property line and the west property line of 206 Delway Street. and at least six (6) evergreen trees shall be planted adjacent to such fence. The tree(s) shall be or be similar to Nellie Stevens Holly, Japanese Cryptomeria, and similar species. The trees shall be at least ten feet (10') in height at time of installation.
- v. A solid wood fence averaging seven and one-half feet (7.5') in height, with a maximum height of eight feet (8') shall be installed to extend at least 100 linear feet along the common line of 206 and 208 Delway from the northeast corner of the Village Green to a point which aligns approximately with the front corner of the house located at 208 Delway.,
- vi. No wood burning fires shall be permitted on the Village Green except for fires in the existing masonry fireplace or a similar replacement which has a chimney which extends at least four (4) feet above the firebox and at least ten (10) feet from the ground.