

**4. TCZ-16-23 – Midtown Exchange**, being an assemblage of properties located east of Wake Forest Road, along St. Albans Drive and Benson Drive along St. Albans Drive, Benson Drive, Social Street, Quail Hollow Drive, and Skygarden Way, being Wake County PINS 1715175222, 1715183063, 1715180399, 1715089178, 1715185145, 1715174721, 1715173872, 1715179703, 1715178527, 1715177467, 1715271547, 1715270335, 1715172434, 1715079605, 1715075954, 1715088084, 1715179145.

Original Conditions dated: April 10, 2027 (Z-13-16, Ordinance No. (2017) 706 ZC 747 adopted/effective May 2, 2023)

1. The following principal uses listed in the Allowed Principal Use Table shall be prohibited: cemetery; major utilities – all types; adult establishment; vehicle fuel sales; detention center, jail, prison; light industrial – all types; light manufacturing – all types; car wash; vehicle repair – all types; heliport not serving hospital(s). Also, any bar, nightclub, tavern, lounge, shall be located at least 300 feet from the right-of-way of St. Albans Drive and located in a multi-tenant building. Any eating establishment with a drive-thru window shall be located at least 300 feet from the right-of-way from St. Albans Drive.
2. Prior to recordation of a subdivision plat or issuance of a building permit for new development, whichever event first occurs, a transit easement along St. Albans Drive shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of each transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of the easement shall be approved by the Transportation Department and the easement document approved by the City Attorney’s Office. If, prior to issuance of the first building permit for new development, the Transportation Department requests one or more of the following improvements to be constructed within the transit easement, then such shall be constructed prior to the first certificate of occupancy, with construction plans approved by the Transportation Department: (i) a cement pad measuring no greater than 15’x20’, (ii) a cement landing zone parallel to the street between the sidewalk and back-of-curb measuring no more than 30’, (iii) a sleeve for installation of a 2”x2” post, and (iv) an ADA-accessible shelter and litter container.
3. The full width of right-of-way dedication and improvements for St. Albans Drive required by the City shall be accommodated on the property, such that the curb on the north side of the road shall not be moved in order to provide the required improvements.
4. Electric car charging stations shall be provided with each development at the following rates: (i) two per 100,000 square feet of gross floor area of commercial use, (ii) two per 100 dwelling units of multi-unit living, and (iii) two per 100 hotel rooms.
5. Outdoor construction activity, outdoor building maintenance, outdoor landscaping and trash and recycling facility service shall be allowed only between the hours of 7 AM to 7 PM. Within those areas of the property where building height is restricted to less than 20 stories, commercial pickup or delivery shall be allowed only between the hours of 7 AM and 7 PM. This

- condition does not apply to public roadway or public utility construction activity, or to activities related to special use permits subsequently issued by the City.
6. No later than the issuance of the first building permit for the property subject to this rezoning, the property owner shall request that the City post that portion of St. Albans Drive along the property with signs indicating that no commercial or construction-related parking, or loading or unloading activity serving development on the property shall be permitted along the property's frontage on St. Albans Drive. If permitted by the City, signs shall be posted indicating this prohibition.
  7. Subject to the approval of the appropriate governmental authority, each new crosswalk crossing St. Albans Drive shall have a mid-crossing bollard-protected pedestrian refuge, prominent permanent prismatic reflective crosswalk warning signs, and signs communicating the pedestrian's right-of-way or actuated pedestrian countdown timers. Such crosswalk improvements crossing St. Albans Drive shall be installed prior to issuance of the first certificate of occupancy for development of property at the intersection at which the specific crosswalk is located. Subject to the approval of the appropriate governmental authority, each new crosswalk crossing a public street (including Benson Drive, Quail Hollow extension, and any other public street on the property intersecting with St. Albans Drive) at the intersection with St. Albans Drive shall include prominent permanent prismatic reflective crosswalk warning signs, and signs communicating the pedestrian's right-of-way or actuated pedestrian countdown timers. Such crosswalk improvements crossing each of these streets shall be installed prior to issuance of the first certificate of occupancy for development of property at each intersection identified in this condition.
  8. Subject to the approval of the appropriate governmental or utility authority, all meters, breakers, transformers, switches, junctions, backflows, or other type of wet or dry utility structure which is raised above the ground or constructed surface shall be architecturally screened or not otherwise visible from St. Albans Drive. The screening required by this condition shall be installed prior to the issuance of a certificate of occupancy for the property on which the screened items are located.
  9. Wall signs that (i) front along St. Albans Drive, (ii) are not otherwise screened from view from St. Albans Drive, and (iii) are located higher than fifteen (15) feet as measured from the ground level of the building, shall not be internally illuminated.
  10. This condition shall apply to buildings located within 200 feet from the St. Albans Drive right-of-way: That portion of the ground story of structured parking fronting along St. Albans Drive shall not be open except for points of ingress and egress to the parking structure. Where upper stories of structured parking are located at the perimeter of a building, they must be screened so that cars are not visible from St. Albans Drive, and the maximum light level of parking deck light fixtures shall not exceed 1.0 foot-candle when measured at the St. Albans Drive right-of-way.

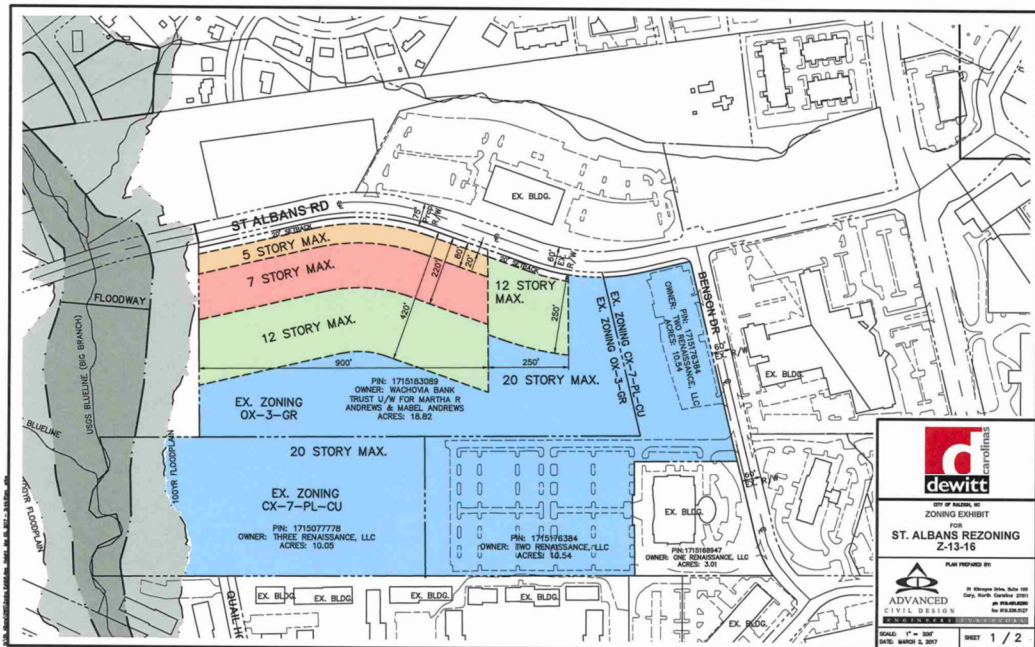
11. There shall be a minimum building and parking setback of 20 feet along St. Albans Drive.
12. In addition to the streetscape required as part of the street cross-section for St. Albans Drive, evergreen trees measuring at least 8 feet tall at the time of planting shall be planted at a rate of at least 6 trees per 100 linear feet and evergreen shrubs measuring at least 3 feet tall and 2 feet wide at the time of planting shall be planted at a rate of at least 36 shrubs per 100 linear feet, all within that area measuring at least 20 feet wide between the St. Albans Drive right-of-way and the adjacent building or vehicular surface area.
13. Maximum building height on the property shall be in accordance with the attached Exhibit A. In order for a building to exceed five stories and 75 feet along that portion of the property permitted for up to 7 stories as shown on Exhibit A, a minimum building setback of at least 80 feet shall be provided front St. Albans Drive right-of-way for such building.
14. This condition shall apply to that portion of the property beginning at the property's western most point where it intersects with the St. Albans Drive right-of-way, and measuring east for 900 feet along the St. Albans Drive right-of-way, and for a depth of 100 feet from the St. Albans Drive right-of-way: retail sales uses and restaurant uses shall be located in a multi-story building.
15. At least one emergency phone shall be located on each level of a parking structure.
16. Pole-mounted lighting located between St. Albans Drive right-of-way and a building shall be limited to a maximum height of 18 feet and shall be of full cut-off design.
17. The maximum development intensities for the property shall be one of the following scenarios, at the election of the property owner:
  1. 125,000 square feet of Commercial (Personal Service, Restaurant/Bar, Retail Sales only) land uses, 300 hotel rooms, 300 assisted living beds, 790,000 square feet of Office and Medical land uses, and 1,275 dwelling units; or
  2. 125,000 square feet of Commercial land uses (Personal Service, Restaurant/Bar, Retail Sales only), 300 hotel rooms, 300 assisted living beds, 990,000 square feet of Office and Medical land uses, and 875 dwelling units.

References to land uses in this condition shall have the meaning as ascribed in the Allowed Principal Use Table (UDO section 6.1.4). This condition shall not act as a prohibition on specific land uses not prohibited in Condition 1 of this rezoning ordinance. Additionally, the floor area for any land use permitted by this rezoning ordinance that is not expressly listed above shall be counted against the amount of floor area assigned for Office and Medical land uses.

Prior to issuance of the first building permit for development of the property or the recordation of the first subdivision plat for the property, whichever occurs first, the developer shall elect one of the above scenarios. However, this shall not preclude the subsequent election of another scenario so long as it complies with this condition. The election and any amendment thereto will be in writing

and recorded with the Wake County Register of Deeds. Any amendment to the initial election requires the consent of the Development Services Director, as evidenced by the signature of the Development Services Director on the recorded instrument, and which consent shall be given if the subsequent election complies with this condition. Each subdivision or site plan for development of property subject to this rezoning ordinance shall include a note indicating the specific scenario selected by the developer.

18. The following build-to standards shall apply to property zoned CX-20-CU: (i) there shall be a build-to area along public streets measuring between 0' to 80'; (ii) the building coverage within the build-to area along a primary street is 50%; (iii) the building coverage within the build-to area along a side street is 25%; and (iv) no more than a single loaded bay of parking can be located outside of the public right-of-way, between the building and the adjoining public right-of-way. This condition does not apply to an Open Lot or Civic Building type.



Amended Conditions dated: March 20, 2023

1. The following principal uses listed in the Allowed Principal Use Table shall be prohibited: cemetery; major utilities – all types; adult establishment; vehicle fuel

sales; detention center, jail, prison; light industrial – all types; light manufacturing – all types; car wash; vehicle repair – all types. Any eating establishment with a drive-thru window shall be located at least 300 feet from the right-of-way from St. Albans Drive.

2. For the properties located at 800 St. Albans Drive (PIN: 1715180399) (Deed Book 16847, Page 2029, Wake County Registry) and 3420 Quail Hollow Drive (PIN: 1715185145) (Deed Book 16847, Page 2029, Wake County Registry), there shall be no outdoor seating or primary public entrance associated with a Bar, Nightclub, Tavern, Lounge use located on the ground level along the St. Albans Road right of way. This condition shall not relieve the affected buildings from meeting the relevant frontage requirements or otherwise obtaining a Design Alternate.
3. Prior to recordation of a subdivision plat or issuance of a building permit for new development, whichever event first occurs, a transit easement along St. Albans Drive shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of each transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of the easement shall be approved by the Transportation Department and the easement document approved by the City Attorney's Office. If, prior to issuance of the first building permit for new development, the Transportation Department requests one or more of the following improvements to be constructed within the transit easement, then such shall be constructed prior to the first certificate of occupancy, with construction plans approved by the Transportation Department: (i) a cement pad measuring no greater than 15'x20', (ii) a cement landing zone parallel to the street between the sidewalk and back-of-curb measuring no more than 30', (iii) a sleeve for installation of a 2"x2" post, and (iv) an ADA-accessible shelter and litter container.
4. The full width of right-of-way dedication and improvements for St. Albans Drive required by the City shall be accommodated on the property, such that the curb on the north side of the road shall not be moved in order to provide the required improvements.
5. Electric car charging stations shall be provided with each development at the following rates: (i) two per 100,000 square feet of gross floor area of commercial use, (ii) two per 100 dwelling units of multi-unit living, and (iii) two per 100 hotel rooms.
6. Outdoor construction activity, outdoor building maintenance, outdoor landscaping and trash and recycling facility service shall be allowed only between the hours of 7 AM to 7 PM. Within those areas of the property where building height is restricted to less than 20 stories, commercial pickup or delivery shall be allowed only between the hours of 7 AM and 7 PM. This condition does not apply to public roadway or public utility construction activity, or to activities related to special use permits subsequently issued by the City.
7. No later than the issuance of the first building permit for the property subject to this rezoning, the property owner shall request that the City post that portion of St. Albans Drive along the property with signs indicating that no commercial or construction-related parking, or loading or unloading activity serving development on the property shall be permitted along the property's frontage on St. Albans Drive. If permitted by the City, signs shall be posted indicating this prohibition.

8. Subject to the approval of the appropriate governmental authority, each new crosswalk crossing St. Albans Drive shall have a mid-crossing bollard-protected pedestrian refuge, prominent permanent prismatic reflective crosswalk warning signs, and signs communicating the pedestrian's right-of-way or actuated pedestrian countdown timers. Such crosswalk improvements crossing St. Albans Drive shall be installed prior to issuance of the first certificate of occupancy for development of property at the intersection at which the specific crosswalk is located. Subject to the approval of the appropriate governmental authority, each new crosswalk crossing a public street (including Benson Drive, Quail Hollow extension, and any other public street on the property intersecting with St. Albans Drive) at the intersection with St. Albans Drive shall include prominent permanent prismatic reflective crosswalk warning signs, and signs communicating the pedestrian's right-of-way or actuated pedestrian countdown timers. Such crosswalk improvements crossing each of these streets shall be installed prior to issuance of the first certificate of occupancy for development of property at each intersection identified in this condition.
9. Subject to the approval of the appropriate governmental or utility authority, all meters, breakers, transformers, switches, junctions, backflows, or other type of wet or dry utility structure which is raised above the ground or constructed surface shall be architecturally screened or not otherwise visible from St. Albans Drive. The screening required by this condition shall be installed prior to the issuance of a certificate of occupancy for the property on which the screened items are located.
10. Wall signs that (i) front along St. Albans Drive, (ii) are not otherwise screened from view from St. Albans Drive, and (iii) are located higher than fifteen (15) feet as measured from the ground level of the building, shall not be internally illuminated.
11. This condition shall apply to buildings located within 200 feet from the St. Albans Drive right-of-way: That portion of the ground story of structured parking fronting along St. Albans Drive shall not be open except for points of ingress and egress to the parking structure. Where upper stories of structured parking are located at the perimeter of a building, they must be screened so that cars are not visible from St. Albans Drive, and the maximum light level of parking deck light fixtures shall not exceed 1.0 foot-candle when measured at the St. Albans Drive right-of-way.
12. There shall be a minimum building and parking setback of 20 feet along St. Albans Drive for the property located at 800 St. Albans Drive (PIN: 1715180399) (Deed Book 16847, Page 2029, Wake County Registry). There shall be a minimum building and parking setback of 10 feet along St. Albans Drive for the property located at 3420 Quail Hollow Drive (PIN: 1715185145) (Deed Book 16847, Page 2029, Wake County Registry).
13. In addition to the streetscape required as part of the street cross-section for St. Albans Drive, evergreen trees measuring at least 8 feet tall at the time of planting shall be planted at a rate of at least 6 trees per 100 linear feet and evergreen shrubs measuring at least 3 feet tall and 2 feet wide at the time of planting shall be planted at a rate of at least 36 shrubs per 100 linear feet, all within that area measuring at least 20 feet wide between the St. Albans Drive right-of-way and the adjacent building or vehicular surface area.

14. Maximum building height on the property shall be in accordance with the attached Exhibit A. In order for a building to exceed five stories and 75 feet along that portion of the property permitted for up to 7 stories as shown on Exhibit A, a minimum building setback of at least 80 feet shall be provided front St. Albans Drive right-of-way for such building.
15. This condition shall apply to that portion of the property beginning at the property's western most point where it intersects with the St. Albans Drive right-of-way, and measuring east for 900 feet along the St. Albans Drive right-of-way, and for a depth of 100 feet from the St. Albans Drive right-of-way: retail sales uses and restaurant uses shall be located in a multi-story building.
16. At least one emergency phone shall be located on each level of a parking structure.
17. Pole-mounted lighting located between St. Albans Drive right-of-way and a building shall be limited to a maximum height of 18 feet and shall be of full cutoff design.
18. For the purpose of obtaining building permits, the cumulative total AM peak hour and total PM peak hour trips generated on the property shall be no more than the following:
  - AM Peak Hour: 1,686 total trips
  - PM Peak Hour: 1,919 total trips
19. The following build-to standards shall apply to property zoned CX-20-CU: (i) there shall be a build-to area along public streets measuring between 0' to 80'; (ii) the building coverage within the build-to area along a primary street is 50%; (iii) the building coverage within the build-to area along a side street is 25%; and (iv) no more than a single loaded bay of parking can be located outside of the public right-of-way, between the building and the adjoining public right-of-way. This condition does not apply to an Open Lot or Civic Building building type.

