

1. **Z-5-22 - 707 Semart Drive**, located north of Peace Street between Capital Boulevard and Halifax Street, being Wake County PIN 1704625657. Approximately 2.92 acres rezoned to Downtown Mixed Use-20 stories-Conditional Use (DX-20-CU).

Conditions dated: September 13, 2022

1. The following uses shall be prohibited: boardinghouse, rest home, cemetery, adult establishment, pawnshop.
2. A sidewalk with a minimum width of five (5) feet shall be provided along the eastern boundary of the subject property adjacent to Semart Drive.
3. A plaza shall be provided at the southern portion of the property. A minimum of 50% of the plaza shall be dedicated to the public, and shall include a minimum of two benches or other fixtures for seating.
4. A pedestrian connection shall be provided from Seaboard Avenue to the southern property line.
5. The existing Seaboard Station train station structure consisting of the former ticketing and waiting area shown on Exhibit A (the "Building") shall be evaluated by one or more licensed professionals for preservation or relocation of the Building before submission of the first site plan for the first phase of development that impacts the Building. Before submitting a building permit for any phase of development that impacts the Building, if the option in condition 6 has not been exercised, the owner shall select one of the following options by providing a letter to the Planning Director:
 - a. Preservation in Place. A minimum of 50% of the Building, which must include the eastern façade, shall be preserved in place. If this option is pursued, new construction can be built in connection with, adjacent to, or above the preserved portion of the Building; or
 - b. Relocation by Owner. A minimum of 50% of the Building, which must include the Eastern Façade, is:
 - i. relocated to another portion of the property; or
 - ii. relocated to a location off-site and contiguous to the property; or
 - c. Existing Entitlement and New Documentation. Building height on the property is limited to a maximum of 7 stories, and preservation requirements are limited to those in Condition 8.
6. Relocation by others. Before selection of any option in condition 5, the owner may allow any entity or individual to relocate off-site a minimum of 50% the Building (the "Relocation Offer"). Owner shall provide public notice of the Relocation Offer by posting a sign on the site for 90 days (the "Public Notice"). If the Relocation Offer is not accepted and subject to an executed contract within this timeframe the Relocation Offer shall expire. Relocation of the Building must be completed within 90 days of a date of owner's election (Which date shall be no earlier than 180 days following the initial Public Notice). Notwithstanding this condition, the owner may pursue all entitlements, permits and approvals related to the property at any time up to and including building permit approval during the pendency of this condition 6. This condition shall be exercised and satisfied upon providing the Planning Director a copy of the executed contract specified above.

7. If the Building is relocated on site pursuant to condition 5.b.i, and within its own subdivided lot, owner will pursue local landmark designation of the Building after relocation is complete.
8. Prior to commencing construction, photographs, dimensional measurements, 3-D imaging, or other similar documentation of the Building shall be made and provided to the Raleigh Historic Development Commission and the State Archives of North Carolina, a copy of which will be displayed on site and which may also include additional information on the Building's cultural significance. The display must be provided no later than the final phase of development.
9. Public façades of Structured Parking. When a parking structure façade is adjacent to, or facing Semart Drive or is directly facing the Cotton Mill condominiums, Book of Maps 2008, page 180 in the Wake County Registry, façades shall comply with the following:
 - a. Any such façades of the parking structure shall have openings screened to limit views into the structure except for perpendicular vehicular ingress and egress openings and pedestrian access openings.
 - b. Screening elements shall be designed in a structurally sound manner. Decorative screening elements may be used where such elements are employed to match the architectural character of the main building. Screening elements may include, but are not limited to: mesh or decorative panels, louvers, green walls, tinted or sandblasted opaque spandrel glass, pre-cast panels, artistic grill work, or similar elements. Chain link fencing shall be prohibited as a screening element.
10. Lighting of Structured Parking. Lighting shall be designed to reduce light spillage outside the parking structure according to the following:
 - a. Internal illumination shall be screened so that internal light sources shall not be visible from the adjacent public right-of-way or adjacent parcels. Light fixtures directly visible from the exterior of a parking structure shall be directed internally upward or shall contain shielded fixtures to prevent such visibility.
 - b. Internal illumination shall conform to the standards of UDO Section 7.4.7. Vehicular Canopies.
 - c. Rooftop lighting shall be located at an elevation height less than the top of the nearest exterior perimeter rooftop wall; or shall be setback a minimum of 15 feet from the exterior perimeter of the rooftop wall at a maximum mounted height of 12 feet above finished floor with cutoff light fixtures that have a maximum 90 degree illumination.
 - d. Lighting levels measured at the property line of parcels adjacent to the structured parking deck shall not be greater than 0.5 footcandles.
11. Any building within 450 feet of the southern property line will be a maximum of 16 stories.

Exhibit A

