

**Z-6-13 – Charles Drive** located on the south side, northwest of its intersection with Leadmine Road being Wake County PIN 0796509976. Approximately 10.84 acres are to be rezoned from R-10, R-15 Conditional Use District and O&I Conditional Use District to SC Conditional Use District.

**Conditions Dated: 5/1/13**

**Narrative of conditions being requested:**

1. The following uses shall be prohibited;
  - (a) Automotive service and repair facilities;
  - (b) Landfills of all types;
  - (c) Manufacturing of all types;
  - (d) Mini-warehouse storage facility;
  - (e) Cemetery;
  - (f) Civic club;
  - (g) Funeral home;
  - (h) Hospital;
  - (i) Radio and television studio;
  - (j) Utility substation;
  - (k) Dance, recording, music studio;
  - (l) Emergency shelter;
  - (m) Telecommunications towers;
  - (n) Adult establishment;
  - (o) An orphanage; or
  - (p) A correctional/penal facility
  
2. Prior to obtaining a building permit for the redevelopment of any property which is part of this rezoning (PIN 0796509976) (also referenced herein as “Property”), the property owner requesting the permit shall make offers of cross access to the adjoining properties to the north, PIN 0796-51-8795, Crabtree Apartments Assoc., LLC, Deed Book 14280, Page 2657 and PIN 0796-51-5804, Chief Raleigh Hotel, LLC Deed Book 12420, Page 2647; and east PIN 0796-61-3190, Generation Suites of Raleigh Crabtree LLC, Deed Book 8471, Page 744; and/or accept previously extended offers from such adjoining owners, if any.
  
3. Prior to obtaining a building permit for the redevelopment of any of the Property which is part of this rezoning (PIN 0796509976), the property owner shall execute and record a pedestrian transit easement measuring no more than 15 x 15 feet to accommodate the north side of a pedestrian bridge from the subject Property to either (a) the public right-of-way on the south side of Glenwood Avenue; or (b) the property of Crabtree Valley Mall. The exact location of this easement shall be approved by the City Public Works Director and the form of the easement shall be approved by the City Attorney. In addition, a certificate of occupancy for any retail uses on the

Property shall be issued only after a pedestrian bridge has been constructed connecting the property to the south side of Glenwood Avenue, according to specifications approved by the City of Raleigh and NC Department of Transportation (“NCDOT”). The bridge shall be a bow truss design, subject to NCDOT and City of Raleigh approval; except that, if such approval cannot be obtained, the approved bridge shall contain ornamental details which will ensure that the bridge will be a gateway feature, at a cost of at least 10% of the cost of the bridge, subject to the approval of the Planning Director or his designee. Prior to the granting of any certificate of occupancy for any retail use on the Property, the Property owner will grant the public the right of pedestrian and bicycle access over the Property and the right to cross the pedestrian bridge. Prior to the issuance of a building permit for any retail use, the Property owner will obtain approval of an encroachment agreement for the pedestrian bridge from NCDOT.

4. Prior to obtaining a building permit for the redevelopment of any Property which is part of this rezoning (PIN 0796509976), the property owner shall execute and record a pedestrian easement measuring no more than 20’ wide to the following properties: Chief Raleigh Hotel, LLC (PIN 0794-51-5804), Deed Book 12420, Page 2647; Crabtree Apartments Associates, LLC (PIN 0796-51-8795), Deed Book 14280, Page 2657; RBC Bank USA (PIN 0796604474); anti Generation Suites of Raleigh Crabtree LLC, Deed Book 8471, Page 744. The exact location of this easement shall be approved by the City Public Works Director and the form of the easement shall be approved by the City Attorney.

5. Prior to the issuance of a building permit for the redevelopment of any Property which is part of this rezoning (PIN 0796509976), the property owner will dedicate to the City of Raleigh a right-of-way of a width agreeable to the City of Raleigh, not to exceed 60 feet for the purpose of roadway construction along the 173 foot western property line of the subject Property and adjacent to the eastern property line property of Chief Raleigh Hotel, LLC (PIN 0794-51-5804), Deed Book 12420 Page 2657 or at a similar location approved by the City and the property owner, which will connect Charles Drive to the Glenwood Avenue right-of-way. At the City’s request and if needed, the property owner will also convey a slope easement to the City of a width of no more than 20 feet at the same location. In addition, a certificate of occupancy for any retail uses on the Property shall be issued only after the road has been constructed connecting Charles Drive to Glenwood Avenue right-of-way, according to specifications approved by the City of Raleigh and NC Department of Transportation.

6. Prior to the issuance of a building permit for the redevelopment of any Property which is part of this rezoning (PIN 0796509976), the owner of the Property will provide streetscape elements, including enhanced landscaping, street furnishings and sidewalks, on the northern portion of the subject Property which abuts Charles Drive. These streetscape elements are as follows and are further illustrated at Exhibits 1 through 5, which are attached hereto and incorporated herein by reference:

A. The installation of street trees with a minimum size of 6 1/4" caliper at least every 40 feet along Charles Drive. The following types of trees are permitted, although alternate similar street tree species may be substituted at the time of site plan approval as approved by the City of Raleigh Urban Forester to accommodate the availability of species:

- i. *Zelkova serrata* — Japanese Zelkova
- ii. *Pistacia chinensis* — Chinese Pistache
- iii. *Carpinus betulus fastigiata* — Columnar European Hornbeam
- iv. *Quercus phlos* "Wynstar" — Wynstar Willow Oak
- v. *Lagerstroemia x Tuskegee* — Tuskegee Crape Myrtle;

If such trees are installed in the right-of-way, an encroachment agreement subject to approval by the City Attorney will be required.

B. The installation of a sidewalk eight (8) to fourteen (14) feet wide along the portion of the Property that abuts Charles Drive;

C. The installation of decorative light fixtures and light poles as necessary to satisfy City of Raleigh photometric requirements along Charles Drive. These light fixtures shall be Sternberg Vintage - Home Town Series decorative light fixtures (or an equal approved by the City of Raleigh Staff) mounted on Sternberg Vintage - Dover Series poles (or an equal approved by the City of Raleigh Staff);

D. The installation of 4 Victory Stanley - Classic Series benches (or an equal approved by the City of Raleigh Staff) along Charles Drive;

E, The installation of 2 Victory Stanley - Ironsites Series trash receptacles (or an equal approved by the City of Raleigh Staff) along Charles Drive; and

F. The installation of a minimum of 4 Madrax — Heavy Duty Challenger "U" bike racks (or an equal approved by the City of Raleigh Staff) along Charles Drive.

7. The height of any building on any Property which is a part of this application shall not exceed 115 feet or nine (9) stories.

8. The total residential density on the Property which is the subject to this application shall not exceed 175 units, Prior to the recordation of a subdivision plat for the Property, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable residential density for the Property to all existing lots of record comprising the Property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of a subdivision plat for the Property and prior to recordation of the restrictive covenant, and such restrictive covenant shall be promptly recorded following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.

9. Total retail development on the Property which is the subject of this application will not exceed 125,000 square feet of floor area gross Prior to the recordation of a subdivision plat for the Property, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable retail floor area upon the Property to all existing lots of record comprising the Property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of a subdivision plat for the Property and prior to recordation of the restrictive covenant, and such restrictive covenant shall be promptly recorded following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld. Office uses will not be allowed on the Property except as incidental and accessory to the permitted residential and/or retail uses.

10. Above ground portions of parking decks visible from adjoining properties or the public right-of-way shall be clad in the same materials as the principal buildings on site. Parking decks along Charles Drive; however, will be located behind building facades.

11. No building permit for any retail development shall be issued for the Property until a roadway connection has been constructed by the property owner or the City of Raleigh from the ROW described in Condition 5 above, to the existing Marriott Drive ROW (the "Marriott Connection"). If required at the time of retail development, the property owner will dedicate the ROW for the Marriott Connection to the City of Raleigh of a width agreeable to the City of Raleigh, not to exceed 60 feet, for the purpose of roadway construction and will construct the Marriot Connection.

12. Building surfaces fronting on, and adjacent to and visible from public rights-of-way, shall consist of at least 80% brick, stone or masonry veneer, exclusive of roofs, windows, Storefronts (as defined below), doors, cornices and trim; other exterior building surfaces shall consist of at least 50% brick, stone or masonry veneer, exclusive of roofs, windows, Storefronts (as defined below), doors, cornices and trim. No external building surface shall consist of vinyl, wood fiber, utility grade concrete masonry unit, or synthetic stucco.

13. Building entrance doors for residential buildings (exclusive of hardware and insulation) facing public rights-of-way or internal courtyards shall consist of all wood or a combination of glass and wood.

14. Garbage dumpsters/compactors shall be screened from view from adjacent properties and public rights-of-way, provided that any enclosures may have gated openings to be opened when dumpsters/compactors are being emptied. All such enclosures shall be constructed from the same materials as the principal buildings they serve and shall include a wood trellis covering at least 50% of the enclosure.

16. "Storefronts," which are defined as the exterior surfaces of retail uses between the foundation and 12 feet above ground, shall consist of at least 50% glass or glazing.

16. At least 6% of the required vehicular parking spaces for residential uses will have electrical charging facilities.

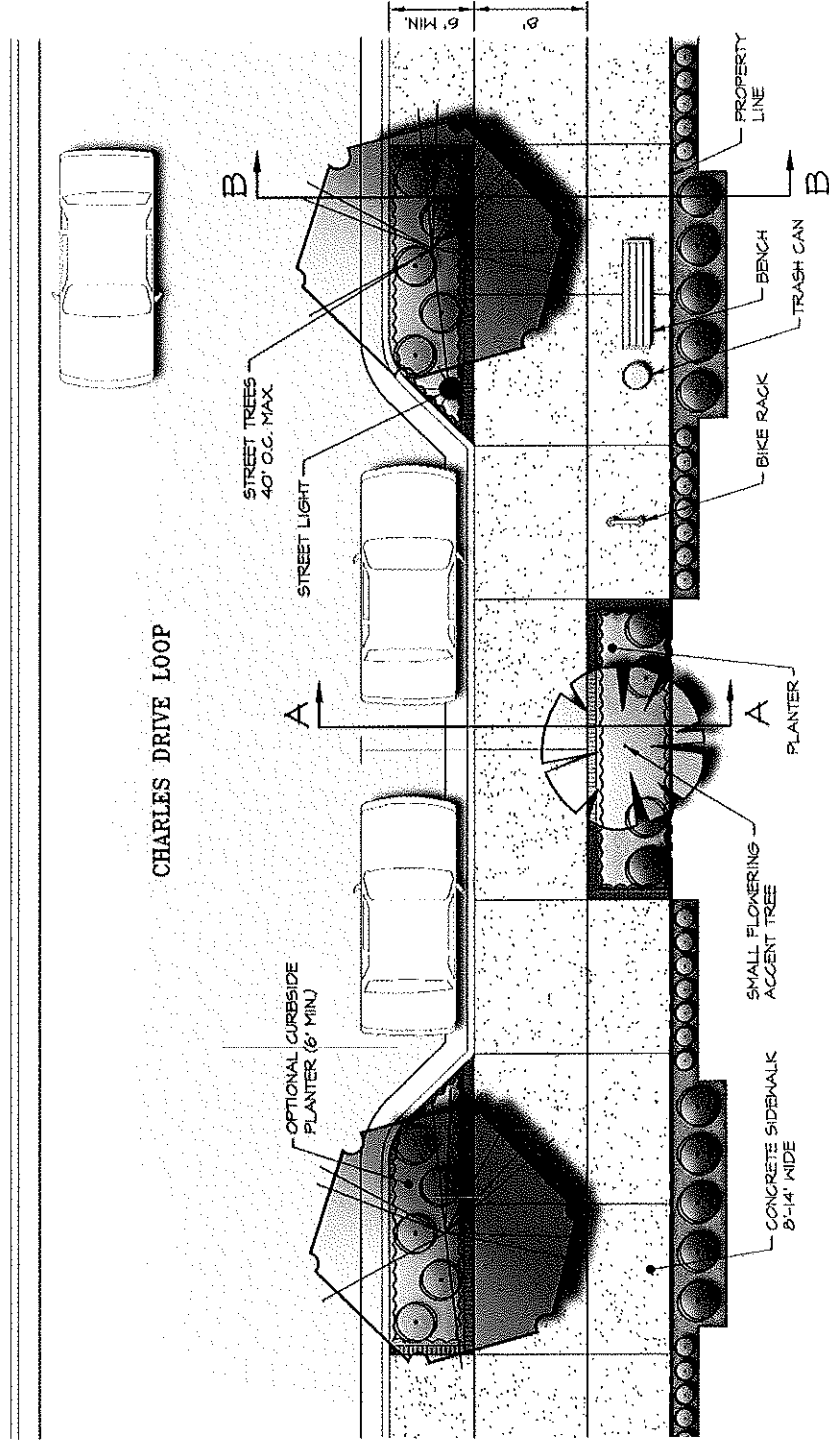
17. The Property owner will install a minimum of one-hundred (100) bicycle parking spaces, at least twenty-five (25) of which will be in an enclosed area.

18. No single retail use on the Property shall exceed 56,000 square feet of floor area gross.

19. Prior to the issuance of a certificate of occupancy for any redevelopment on the Property, the Property owner will install a pedestrian refuge island on Lead Mine Road at a location and with a design, subject to approval by NCDOT and the City of Raleigh.

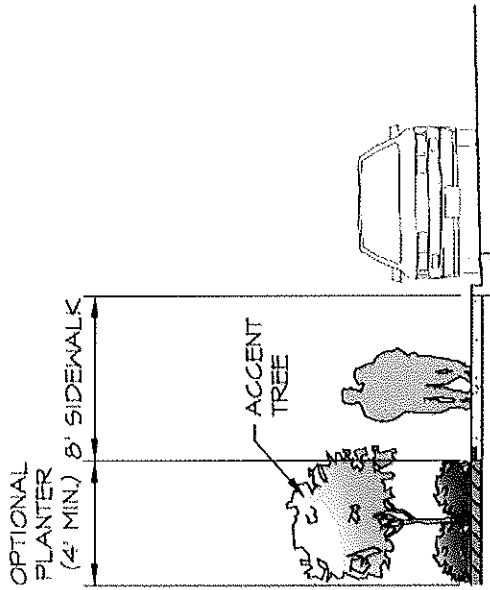
Exhibit 1

Charles Drive Loop Conceptual Plan – Streetscape One Side

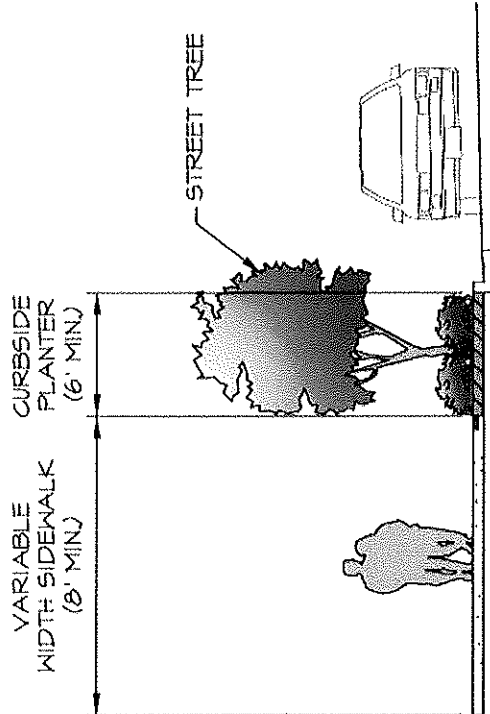


**Exhibit 2**

**Charles Drive Loop Conceptual Section – Streetscape One Side**



SECTION A

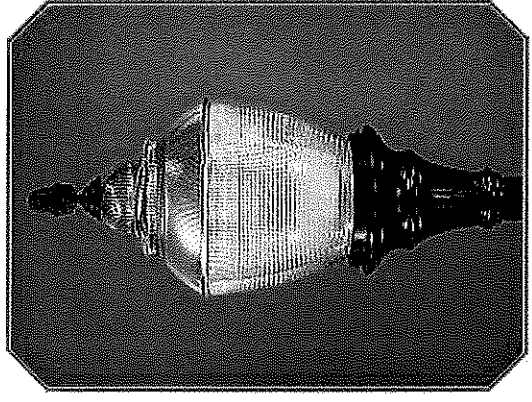


SECTION B

**Exhibit 3**

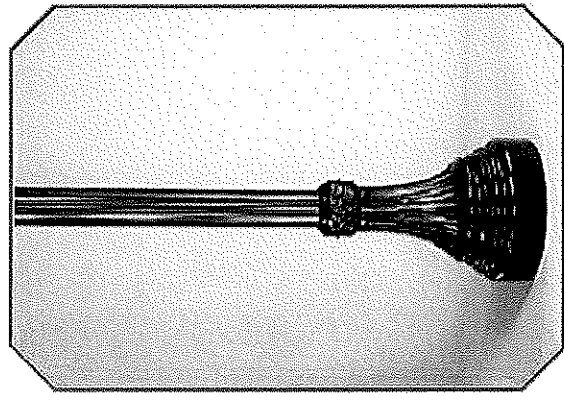
**Fixture**

Manufacturer: Sternberg Vintage Lighting  
Specification: Home Town Series  
(or approved equal)



**Pole**

Manufacturer: Sternberg Vintage Lighting  
Specification: Dover Series  
(or approved equal)

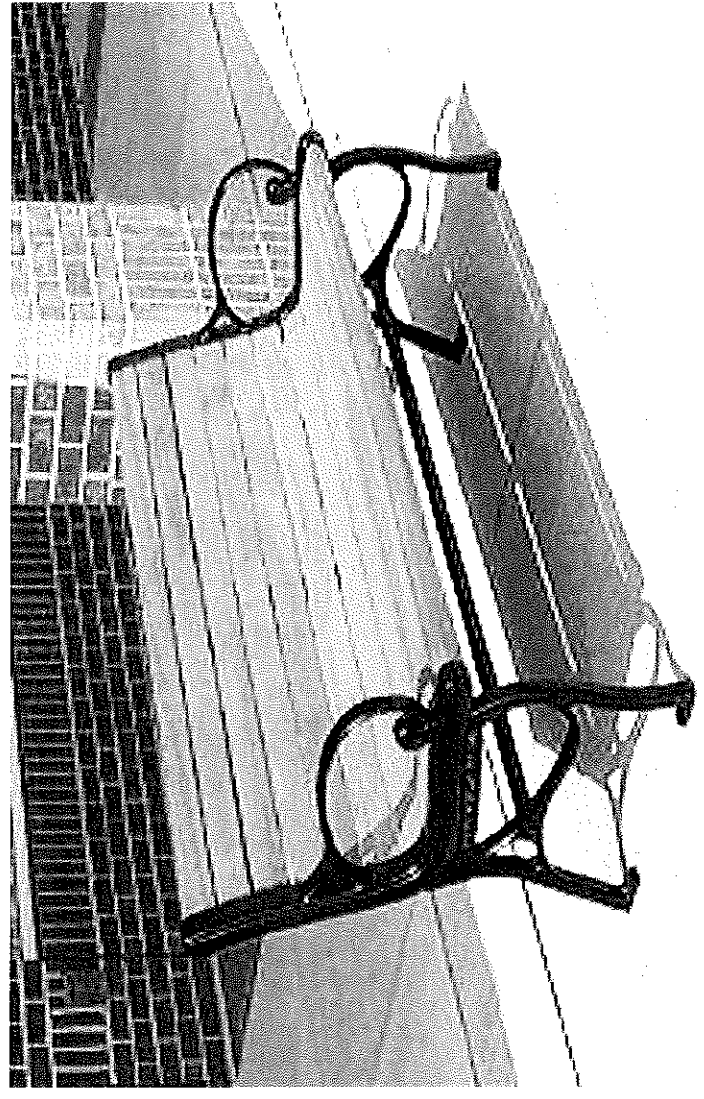




**Exhibit 4**

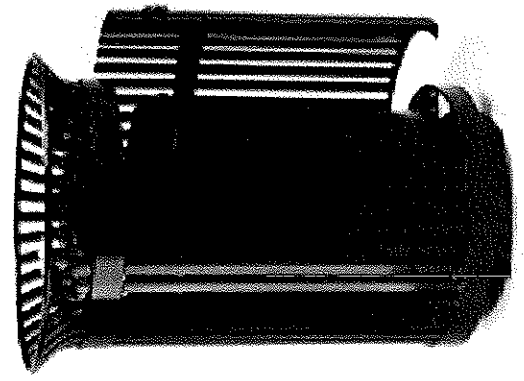
**Benches**

Manufacturer: Victory Stanley  
Specification: Classic Series  
(or approved equal)



**Trash Receptacles**

Manufacturer: Victory Stanley  
Specification: Ironsites Series  
(or approved equal)



**Exhibit 5**

**Bike Racks**

Manufacturer: Madrax  
Specification: Heavy Duty Challenger  
5 Loop and "U" rack  
(or approved equal)

