

**Z-6-16 – Leesville Road**, east side, south of its intersection with Strickland Road, and extending east to Old Leesville Road, being Wake County PINs 0788047444, 0788048627, 0788048872, and a portion of 0788045738 east of Leesville Road, approximately 7.72 acres rezoned to Neighborhood Mixed Use-3 Stories-Conditional Use (NX-3-CU)

Conditions dated: July 5, 2016

1. The following principal uses shall be prohibited: bed and breakfast; retail sales - fuel (including gasoline and diesel fuel); vehicle sales/rental - all types; detention center, jail, prison; vehicle repair (minor).
2. The maximum amount of gross floor area of nonresidential uses shall be 63,000 square feet. The maximum amount of residential dwelling units shall be 36 dwelling units. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lot(s) of record comprising the property the nonresidential gross floor area and number of dwelling units permitted by this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restricted covenant. 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. No building permit shall be issued for any use until an allocation covenant approved by the City Attorney or his designee is recorded with the Wake County Register of Deeds Office. For the purposes of this rezoning ordinance, the term "nonresidential uses" shall mean all those land uses except those listed under the "Residential" use category in the Allowed Principal Use Table in UDO section 6.1.4.
3. The maximum amount of gross floor area for a single nonresidential tenant space shall be 50,000 square feet.
4. The maximum building height for any building on the property shall be two stories and forty (40) feet, except for those height encroachments as allowed by UDO section 1.5.7.D.
5. The hours of operation for any Retail Sales use shall be between the hours of 6:00 a.m. and 11:00 p.m. Truck deliveries shall occur only between the hours of 7:00 a.m. and 9:00 p.m., and shall be limited to Monday through Saturday, inclusive. Additionally, there shall be no idling of delivery trucks between 11:00 p.m. and 7:00 a.m. No complaint of a violation of this condition shall be made to the 911 emergency number.
6. Any pole-mounted lighting fixtures shall be of full cut-off design, and pole-mounted site lighting for parking areas shall not exceed twenty (20) feet in height.

**Ordinance (2016) 622 ZC 735**  
**Effective: 7/19/2016**

7. No commercial use shall have its front elevation facing Old Leesville Road. Additionally, no building entrance open and available to the general public shall be located on a building elevation facing Old Leesville Road.
8. This condition is being made pursuant to text change TC-8-15 and UDO section 10.2.4.E.2.c. There shall not be a driveway cut along the property's frontage on Old Leesville Road. However, this condition shall not prohibit vehicular, bicycle and pedestrian access to and from the property to and from Old Leesville Road by way of cross access. The property shall not be subject to UDO section 8.3.2. or any other provision of UDO Article 8 that would (i) require a public street connection within the property that would provide a public street connection between Leesville Road and Old Leesville Road, or (ii) require the extension of Old Leesville Road. The length of Old Leesville Road shall not exceed 725 feet. A sidewalk, measuring at least ten (10) feet in width, shall be provided from the sidewalk parallel to Leesville Road in the public right-of-way to a point of cross-access offered in that Offer of Cross Access Easement in Book 15988, Page 2204, Wake County Registry, as may be amended, with a possible location of such sidewalk shown on Exhibit A. An easement, measuring twenty (20) feet in width, permitting public access and preventing buildings within the easement area, shall be provided over the sidewalk required by this condition, but such sidewalk shall not be required to be centered within the easement area. This easement shall be recorded prior to issuance of the first building permit. Site development will comply with UDO section 8.3.1.E.
9. No service areas used for trash collection, trash compaction or recycling collection shall be located within fifty (50) feet of the eastern property line adjacent to the Old Leesville Road public right-of-way or that parcel identified as Closed R/W-B on that plat recorded in Book of Maps 2004, Page 1396, Wake County Registry.
10. Prior to the issuance of the first building permit, an acceptance of that Offer of Cross Access Easement recorded in Book 15988, Page 2204, Wake County Registry shall be recorded, and such acceptance shall contain the following statement: "No delivery truck shall use that portion of the Access Easement area between Old Leesville Road and that point within the Access Easement area measuring two hundred (200) feet from where the Access Easement area abuts the Old Leesville Road public right-of-way." For the purpose of this condition and Condition 5, "delivery truck" shall mean a truck having three or more axles or a two-axle truck with dual rear wheels pulling a trailer, which accesses the property for the purpose of discharging or collecting cargo.
11. Subject to tree conservation areas and prior to the issuance of a certificate of occupancy for the first building on the property, a closed wall measuring at least ten (10) feet in height but no taller than twelve (12) feet in height, as measured at all points along the wall, shall be installed along the property's frontage along Old Leesville Road. The northern-most point of this wall shall be 150 feet from the intersection of Strickland Road and Old Leesville Road, but in no event within any required sight triangle or sight distance easement. The wall required by this condition shall be a wythe wall with mortar. The wall shall be constructed of high quality

materials including one or a combination of the following: decorative blocks, brick, stone, cast-stone, or architectural block; but the wall shall not include split-faced block. Additionally, the wall shall be compatible with the principal building in terms of texture, quality, material and color. The wall required by this condition shall be installed within that area measuring twenty (20) feet from the future right-of-way of Old Leesville Road and outside the required district yard setback, but parallel to an adjoining sidewalk, if any. If the wall is along a sidewalk on the west side of Old Leesville Road, then the portion of this closed wall along the sidewalk shall incorporate wall pack lighting located no higher than five (5) feet from the ground to illuminate the sidewalk. Additionally, this closed wall shall extend from its southern terminus along Old Leesville Road toward Leesville Road at least as far as (i) twenty (20) feet west the eastern-most elevation of the building, or (ii) west of the loading area and trash/recycling service area associated with the largest commercial building, whichever is farthest from Old Leesville Road. The maintenance of this wall shall be the obligation of the owner of the property. There shall be one gated opening in this wall to provide pedestrian and bicycle access to and from the property, and such gate shall be open and unlocked during the hours of operation for Retail Sales uses specified in Condition 5. On the east side of the wall required by this condition, for that portion of the wall parallel to Old Leesville Road, shrubs shall be planted at a rate of eighteen (18) per 100 linear feet of the wall parallel to Old Leesville Road, and understory trees shall be planted at a rate of three (3) per 100 linear feet of the wall parallel to Old Leesville Road, with such shrubs being a minimum three (3) feet in height at time of planting with an expected height of five (5) feet within five (5) years of planting, and such understory trees a minimum six (6) feet at the time of planting, and with such shrubs and understory trees being installed prior to issuance of the first certificate of occupancy.

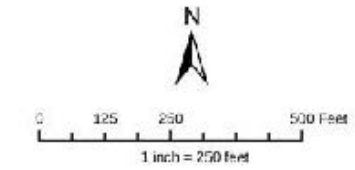
12. There shall be no drive-in or drive-through facility permitted on the property.
13. The hours of operation for service of trash and recycling facilities shall be between 7:00 AM and 7:00 PM, and shall be limited to Monday through Saturday, inclusive.
14. No building shall be located within that area south of the straight line connecting (i) the point where the areas designated "Closed R/W-A" and "Closed R/W-B" join at the Old Leesville Road right-of-way as shown on plat recorded in Book of Maps 2004, Page 1396, and (ii) the point along the property's frontage on Leesville Road that is five hundred (500) feet south of the property's northern-most point of frontage along Leesville Road, measured along Leesville Road, as shown on attached Exhibit A.
15. The portion of the property immediately adjacent to that parcel identified as "Closed R/W-B" on that plat recorded in Book of Maps 2004, Page 1396, Wake County Registry, measuring at least thirty-two (32) feet in depth from the common boundary line, shall be maintained as a tree conservation area to the extent that this area (or a portion thereof) qualifies as a tree conservation area under UDO section 9.1. If this area (or a portion thereof) does not qualify as a tree conservation area, then such area shall remain undisturbed except for that disturbance required for any sewer, water,

storm drainage, utility, or right-of-way easements or improvements required by the UDO, and new tree or shrub planting.

16. The primary building material shall be brick, stone, masonry or similar high quality material, or a combination thereof.
17. The two-story structure identified as the Leesville Teacherage, having an address of 9513 Old Leesville Road (Lot 30-A in Book of Maps 1985, Page 882, shall be relocated. This structure shall be removed from the property prior to issuance of a building permit for the property on which the structure is located, howsoever recombined or subdivided.
18. Unless a more restrictive standard is imposed by a building type standard, the following condition shall apply. There shall be a build-to measuring between 0' to 100' along that portion of the property's frontage on Leesville Road from the property's northern-most point of frontage on Leesville Road to a point measuring 500' from the property's northern-most point on Leesville Road, as shown on attached Exhibit A. Within this build-to area, the minimum building setback shall be 30 feet. Within this build-to area, the maximum parking depth is a single double-loaded bay of parking between Leesville Road and the portion of the building closest to Leesville Road. The building coverage within this build-to area shall be a minimum of 25%. Trees within the build-to area may, at the election of the developer, be designated as tree conservation area if such areas otherwise meet the standards of UDO Article 9.1 and UDO Section 10.2.4.E.2.i. There shall be a minimum of four (4) public building entrances facing Leesville Road. The building side facing Leesville Road (that building side primarily facing west) shall be subject to a transparency standard of a minimum of 35% on the ground story and upper story (if any), subject to the provisions of UDO section 1.5.9, and shall be subject to a minimum blank wall standard of twenty (20) feet, subject to the terms of UDO section 1.5.10. Between the parking area within the build-to area and the parking area beyond the build-to area, there shall be planted a minimum of six (6) shade trees, five (5) understory trees, and two hundred (200) shrubs. The shade trees required by this condition shall comply with UDO section 7.2.7.C.2.; the understory trees required by this condition shall comply with UDO section 7.2.7.C.3.; shrubs required by this condition shall be a minimum of one (1) feet in height at the time of planting, with an expected height of two (2) feet within three (3) years of planting.



Z-6-16- EXHIBIT A (07/01/2016)



**Disclaimer**  
Plans make every effort to produce and publish the most current and accurate information possible. However, the maps are prepared for information purposes and are NOT surveys. No warranties, expressed or implied, are provided for the data herein, its use or its interpretation.