

Ordinance: 576 ZC 636

Effective: 5/5/09

Z-8-09 - Blue Ridge Road, south side, opposite Homewood Banks Drive intersection, Conditional Use - rezone approximately 9.58 acres to Office & Institution-2 with Special Highway Overlay District-1 (Big Branch).

Conditions dated: April 30, 2009

- a. Prohibited uses. The following uses will be prohibited upon the property:
 1. Sank (of all types)
 2. Cemetery
 3. All residential institutions except day care (child or adult)
 4. Funeral Home
 5. Hospital
 6. Library or museum, governmental or nongovernmental
 7. Radio and television studio
 8. Utility services and substation
 9. Dance, recording, music studio
 10. Telecommunication tower (of all types)
 11. Heliport
 12. All special uses in code section 10-2036(b) (3)

- b. Unless otherwise required or authorized by the City of Raleigh or the State of North Carolina, vehicular ingress and egress to the property from public streets shall be limited to no more than one full movement driveway and one right in, right out driveway on Blue Ridge Road.

- c. Record offers of cross access to the following adjacent parcels:
 1. PIN 0795-06-47-3524 to the west of the site (Jeutter tract DB 12524, PG 372).
 2. PIN 0795-07-58-6153 to the east of the site (SM 2006, PG 1808, Lot 1).
 3. PIN 0795-06-47-5963 to the west of the site (continuing care facility, SM 1987, PG 28).

- d. Upon development of the property, the developer is to provide a minimum of one direct pedestrian access from the development to the House Creek greenway. The access is to be ten (10') foot wide and constructed of asphalt and/or wood if elevated.

- e. Prior to the issuance of any building permit or the subdivision of the subject property, whichever event first occurs, the owner of the property shall deed to the City a transit easement deed measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services along Blue Ridge Road. A bus shelter will be installed at the time of building permit issuance, if requested by City.

- f. Development of the site exceeding a residential density of twenty (20) units per acre, an office development exceeding one hundred thousand square feet (100,000) of floor area gross or a hotel exceeding two hundred (200) rooms will utilize structured parking for 70% of the minimum provided parking.
- g. Building Height shall not exceed seventy-five feet (75') as set forth in Section 10-2076.
- h. Except in sanitary sewer easements and driveway at minimum, a Type "C" transitional protective yard, Section 10-2082.9, no less than twenty feet (20') in width shall be provided along the western property line adjacent to parcels Book of Maps 1987, page 28 (continuing care Facility) and Book of Maps 1960 page 46, lot I (Schautteet tract).
- i. Along the western property line adjacent to parcels Book of Maps 1987 page 28 (continuing care facility), Book of Maps 1980, page 46 lot I (Schautteet tract) and Deed Book 12524, page 372, (Jeutter tract), the minimum building setback shall be no less than forty feet (40'). If the 0.42 acre tract (Brandle tract), Book of Maps 1980 page 46 lot 2, Is not recombined with the primary 9.16 acre parcel, Book of Maps 2008 page 1808, lot 3, of this rezoning then the 40' building setback would be measured from the eastern property line of the Brandle tract.
- j. No building, portion of a building or vehicular parking shall be located in the area south of the sewer easement described by Book Maps 1983, page 362, see exhibit #1.
- k. Limit office development to no more than two hundred and twenty-five (225,000) square feet of floor area gross. Limit hotel development to a maximum of three hundred (300) rooms.
- m. Within sixty (60) days after the adoption of the rezoning ordinance by the Raleigh City Council, restrictive covenants allocating office square footage and hotel rooms shall be recorded in the Wake County registry. No covenant allocating office square footage and hotel rooms shall be recorded, amended or terminated without the prior written consent of the Raleigh City Attorney or his/her deputy which shall be evidence by his/her signature on the document prior to its recordation.
- n. Development on the subject property shall be limited so that no more than 330 total trips will be generated by the proposed development in the PM Peak Hour. The developer may still provide a mix of uses on the property so long as the cumulative traffic load does not exceed what is stated above. The developer shall provide a trip assessment summary based In the ITE Trip Generation Manual version 6, signed and sealed by a North Carolina professional engineer with each building permit application. In the event that the two parcels comprising the

rezoning case are developed separately, this condition shall not apply to the 0.42 acre tract (Brandle tract), Book of Maps 1960 page 46 lot 2.

- o. The major erosion control measures shall be designed to accommodate a 25 year storm event; but interim sediment devices used for redundancy and/or for brief amounts of the construction period time, or as required by the phasing of construction and public mad improvements shall be designed to comply with all City of Raleigh sedimentation control regulations. All permanent stormwater control measures shall be installed prior to completion of grading activities.
- p. Preliminary Site Plan Approval request(s) shall require review by the City of Raleigh Planning Commission, and as part of that review the developer will explore methods to limit the amount of potable water to be used for irrigation.

