

Ordinance: 348ZC702

Effective: 10/7/14

**Z-8-14 – Century Drive** located on the south and north side, at its intersection with Lead Mine Road, being Wake County PIN 0796608257. Approximately 2.69 acres are to be rezoned from Office and Institution-1 (O&I-1) & Neighborhood Business (NB) to Commercial Mixed Use – 5 stories – Conditional Use (CX-5-CU).

**Conditions Dated: 09/26/14**

**Narrative of conditions being requested:**

1. The following principal uses shall be prohibited on the property:
  - (i) Residential – all types;
  - (ii) Day care, home;
  - (iii) Indoor recreation, except health club;
  - (iv) Outdoor recreation – all types;
  - (v) Passenger terminal – all types;
  - (vi) Animal care – all types;
  - (vii) Bar, nightclub, tavern, lounge;
  - (viii) Pawn shop;
  - (ix) Heavy industrial – all types;
  - (x) Self-service storage;
  - (xi) Vehicle service – all types.
  
2. The total amount of floor area gross for personal service, restaurant, and retail sales uses shall not exceed 6,500 square feet.
  
3. Personal service, restaurant/ bar and retail uses shall be located only on the ground floor or first story above parking when parking is located under the building.
  
4. Those trees existing on the property as of the date of this ordinance and located within 50 feet of the Glenwood Avenue and Lead Mine Road public rights-of-way shall not be disturbed by the property owner, except upon application by the owner for, and issuance by the Planning and Development Officer of, a permit allowing such activity. Permits may be issued for allowed activities, and subject to conditions, as follows:
  - a. Tree pruning.
  - b. A certified arborist, registered forester or a licensed landscape architect certifies to the City in writing that the tree is either unsafe or is unhealthy. No certification is required if it can be shown that the tree died of natural causes and the dead tree is replaced.
  - c. Tree removal or grading is being done to remove a visual obstruction from a sight triangle as set forth in the North Carolina Department of Transportation's Policy on Street and Driveway Access to North Carolina Highways Manual and all subsequent amendments.
  - d. The removal or grading is being done to repair existing pavement or to install public improvements made pursuant to the UDO.

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- e. No permit for such removal may be issued until a plan is submitted showing the nature and extent of all tree work, how the work will be undertaken without compacting soils and damaging preserved trees and maintaining minimum applicable requirements.
- f. For trees which are removed pursuant to the applicable permit(s), the property owner must install replacement trees for any tree situated within the limits of the tree disturbing activities, in accordance to UDO Sec. 9.1.6.B.2.

This condition shall not limit the rights of others to remove those trees pursuant to easement rights granted prior to the effective date of this ordinance or acquired through eminent domain.