

ORDINANCE NO. (2019) 916 ZC 775
Effective 2/5/2019

Z-10-18 – 7741, 7745, and 7751 Brier Creek Parkway, east side, south of T. W. Alexander Drive being Wake County PINs 0768599691, 0768691244, & 0768693503. Approx. 9.33 acres rezoned to Office Mixed Use-5 Stories-Conditional Use (OX-5-CU).

Conditions dated: January 25, 2019

1. The following principal uses shall be prohibited on the Property: Telecommunications Tower (>250 feet).
2. For the purpose of obtaining building permits, the total Dally, total AM peak and total PM peak hour trips generated by development on the property shall be no more than the trip volume equivalent to 276,000 square feet of General Office use as determined by the ITE Trip Generation Manual (latest edition).
3. One building constructed on the Property shall meet the following “build-to” requirements, as that term is defined in Section 1.5.6.A of the UDO, along Brier Creek Parkway: (a) if a detached house, attached house, general, mixed use or civic building type, the minimum build-to along Brier Creek Parkway shall be 10 feet and the maximum build-to along Brier Creek Parkway shall be 50 feet; and (b) the front building façade located in the build-to area along Brier Creek Parkway shall be a minimum of 35% of the lot width. Any building or buildings constructed within the build-to area along Brier Creek Parkway shall have a street facing entrance and shall provide for direct pedestrian access from the public sidewalk along Brier Creek Parkway to the primary street facing entrance of the building or buildings.
4. One building constructed on the Property shall meet the following “build-to” requirements, as defined in Section 1.5.6.A of the UDO along T. W. Alexander Drive: (a) if a detached house, attached house, general, mixed use or civic building type, the minimum build-to along T. W. Alexander Drive shall be 10 feet and the maximum build-to along T.W. Alexander Drive shall be 50 feet, with the build-to commencing fifty (50) feet from the point on the Property adjacent to the intersection of the rights-of-way of T. W. Alexander Drive and Courtney Estates Drive and extending to the western boundary of the Property; and (b) the front building façade located in the build-to area along Brier Creek Parkway shall be a minimum of 25% of the lot width. Any building or buildings constructed within the build-to area along Brier Creek Parkway shall have a street facing entrance and shall provide for direct pedestrian access from the public sidewalk along Brier

Creek Parkway to the primary street facing entrance of the building or buildings.

5. For buildings that front along Brier Creek Parkway and T. W. Alexander Drive, there shall be no parking between the rights-of-way for Brier Creek Parkway and T. W. Alexander Drive and any buildings constructed within the build-to areas along Brier Creek Parkway and T. W. Alexander Drive defined in Conditions #3 and #4.
6. Any new parking structure on the property shall minimize the light emittance on the right-of-way. This shall be accomplished by (a) screening the internal light fixtures so the internal light fixtures shall not be visible from the adjacent public right of way and adjacent property and (b) installing landscaping. Upper stories of the parking structure shall contain architectural measures that block direct light emittance of vehicle headlights. Additionally, any lighting installed within, on or on top of the parking structure shall be shielded so that no direct beam of light is emitted past the property's southern or eastern property lines. The maximum light level of any light fixture installed within, on or on top of a parking structure on the property cannot exceed 0.5 footcandles measured at the property line with the Property with PIN 0768686163 (Owner: Courtney NC LLC; Deed dated 5/6/2005, recorded at Book 16006, Page 2209, Wake County registry) or the right-of-way line of Courtney Estates Dr./Passage Way.

Notwithstanding the foregoing, nothing in this zoning condition shall limit the maximum light level of light fixtures located outside of a parking structure on the property.

Landscape screening shall be required on the eastern elevation of any new parking structure that faces the right-of-way of Courtney Estates Dr./Passage Way. This landscaping shall be planted at the base of the eastern elevation of the parking structure between the façade and the right-of-way, and shall consist of upright evergreen plantings, Installed at least every 8 feet on center. The evergreen plantings must be at least six feet in height when installed and reach a mature height of at least 15 feet.

7. Prior to recordation of a subdivision or a recombination for the Property, whichever shall first occur, the Property owner shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates AM and PM trip generation in peak hours upon the Property to all lots of record comprising the Property.