

**Z-17-12 – Six Forks Road, Conditional Use** - northeast quadrant of the intersection of Six Forks Road and Colonnade Center Drive, being Wake County PIN(s), 1708-32-5278. Approximately 6.08 acre(s) amend conditions associated with a property zoned Shopping Center Conditional Use District.

**Conditions Dated: 04/26/12**

Narrative of conditions being requested:

(a) Concept Plan. Development of the subject property shall be consistent with the Concept Plan attached hereto as Exhibit C-1 and incorporated by this reference and with the following zoning conditions.

(b) Prohibited Uses. The following uses shall be prohibited on the property: automotive service and repair facility; church, synagogue or religious education building; civic/convention center and assembly hall-governmental and non-governmental; day care facility (child or adult); carwash facility; governmental buildings and grounds; group housing development, congregate care structure or congregate living structure; home occupation; landfill; manufacturing-custom; manufacturing-specialized; special care facility; adult establishment; airfield, landing strip and heliport; limited home business; riding stable; and correctional/penal facility.

(c) Food Store Use in Building A. The primary use of Building A (as shown on the attached Concept Plan) shall be as a “food store-retail”, as that term is defined in the Code.

(d) Maximum Height. The maximum height for buildings constructed upon the subject property shall be two (2) stories or forty (40) feet.

(e) Tree Protection Areas. The areas designated as “Tree Protection Area/Tree Conservation Area” on the attached Concept Plan shall constitute conditional use zoning tree protection areas as that term is used in Section 10-2082.14(b)(1)a. Within such areas, the owner of the Property shall engage in active tree preservation as consistent with the provisions applicable to primary tree conservation areas in the City Code.

(f) LEED Certification for Building B. Building B (as depicted on the attached Concept Plan) shall be “Leadership in Energy and Environmental Design (“LEED”)-certifiable.” LEED-certifiable” means that the building is planned, designed and constructed to meet or exceed a certified rating using the LEED NC, version 2.2, or LEED Core and Shell, version 2.0, or LEED Commercial Interiors, version 2.2, rating system promulgated by the United States Green Building Council. The following documentation (the “Documentation”) shall provide evidence that the building as planned, designed and constructed is LEED certifiable:

- (i) The LEED checklist, which demonstrates that the building is eligible to obtain certification under the applicable LEED rating system at the “Certified” level or higher;
  - (ii) A signed declaration from the LEED Accredited Professional (“AP”), who is a member of the project team, stating that the plans and plan details have been reviewed and that the building, as planned and designed, meets the intent and criteria for certification under the applicable LEED rating system at the “Certified” level or higher; and
  - (iii) A complete set of plans stamped and signed by an architect or professional engineer, duly licensed in the State of North Carolina, that includes a copy of the checklist and signed declaration identified in subparagraphs (1) and (iii) of this Condition (g) and that identifies the measures being provided for LEED-certifiability. Each plan sheet shall also be signed by the LEED AP verifying that the plans are consistent with the submitted LEED checklist.
- (g) Urban Design of Buildings. Building A and Building B (each as shown on the attached concept plan) shall be a minimum of twenty six (26) feet in height.
- (h) Stormwater Cisterns. The permanent stormwater management plan shall incorporate two rainwater harvesting cisterns to collect rooftop runoff from Buildings A and B. The two cisterns shall have a combined capacity of 15,000 gallons.
- (i) Maximum Amount of Floor Area Gross for All Uses. The maximum amount of floor area gross for all uses to be located on the Property shall be 59,850 square feet. Prior to subdivision of the Property, the owner shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable square footage upon the subject property to all proposed lots of record. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation, and it 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.
- (j) No Drive Thru Windows. Uses including a drive thru window are prohibited; provided however this condition shall not be interpreted as excluding drive up services associated with commercial uses, including without limitation stand alone automated teller machines (detached).