

Ordinance: 830 ZC 764

Effective: 5/15/18

Z-17-17 – West Peace Street, being Wake County PIN 1704422076, approximately 0.36 acre rezoned to Commercial Mixed Use-4 Stories-Urban General-Conditional Use (CX-4-UG-CU).

Conditions dated: May 1, 2018

1. The following uses shall be prohibited on the subject property: Dormitory, fraternity, sorority; Emergency shelter type A; Emergency shelter type B; College, community college, university; Adult establishment; Outdoor Recreation; Bar, nightclub, tavern, lounge; Passenger Terminal; Heliport, serving hospitals; Heliport, all others; Detention center, jail, prison; Light Manufacturing; Research & Development; Self-Service Storage; Car wash; Vehicle repair (minor); Vehicle fuel sales; and Vehicle repair (major).
2. Prior to recordation of a subdivision plat or issuance of a building permit for new development, whichever event first occurs, a transit easement along either North Boylan Avenue or West Peace Street shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of any transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of the easement shall be established during site plan or subdivision review, and the easement document approved as to form by the City Attorney's Office. If transit service has been implemented or is planned to be implemented within 180 days of the issuance of a building permit for new development, and if requested by the City of Raleigh in writing, the above referenced transit easement shall be improved with the following, prior to the issuance of the first certificate of occupancy on the Property: (i) a cement pad measuring no greater than 15'x20'; (ii) a cement landing zone parallel to the street between the sidewalk and back-of-curb measuring no more than 30'; (iii) an ADA-accessible transit waiting shelter with bench; and (iv) a litter container.
3. If the primary use on the subject property is not overnight lodging or residential, building height shall be no more than three stories and fifty feet (50'). If the primary use on the subject property is overnight lodging or residential, building height shall be no more than four stories and fifty eight feet (58').
4. If the primary use is overnight lodging, mechanical equipment shall be roof mounted and screened from ground level view from adjacent properties and public street rights-of-way.
5. The following shall apply only if the primary use is overnight lodging or residential:
 - a. Building facades shall be constructed from one or more of the following materials: glass; concrete and/or clay brick masonry, cementitious stucco, native and masonry stone, natural wood, precast concrete, and metal panel and/or trim. The following

building siding materials shall be prohibited in such areas: vinyl siding, fiberboard siding, pressure treated wood, and synthetic stucco (EIFS). Window frames, door frames, soffits, or miscellaneous trim may be constructed of wood, fiberglass, or metal.

- b. A minimum 50% of the eastern building façade above the first story along the southern property line shared with Lot 100 of that certain plat recorded in the Wake County Register of Deeds in Book of Maps 2003, at Page 2074, shall be set back no less than fifteen (15) feet from the property line and shall have a minimum of 20% transparency above the second story.
- c. Contingent upon NCDOT and City of Raleigh approval, there shall be no more than one (1) point of access to the subject property from each of Boylan Avenue and Peace Street and any drive aisle from Peace Street shall be no more than 22' wide.
- d. There shall be no more than fifty (50) guest rooms.
- e. Service areas and loading areas shall be fully integrated into the building.
- f. The building setback along the N. Boylan Avenue right-of-way shall be at least an average of ten (10) feet.
- g. No site plan shall be approved without provision for a restaurant or retail use comprising no less than 1500 square feet and with direct pedestrian access from Peace Street.
- h. The ground level of any building shall incorporate architectural features to reinforce the pedestrian realm, including but not limited to awnings, galleries, recesses and recessed glazing. A minimum of 60% of the building façade on Peace Street shall incorporate such architectural features.
- i. If an unenclosed deck, patio, or shade structure is situated on the roof of any building, the following apply to the rooftop area: (i) there shall be no electronic amplification; (ii) there shall be no overhead string (market) lights; (iii) hours shall be limited to 6:30 a.m. to 10:30 p.m. on Sunday through Thursday and 6:30 a.m. to 11:30 p.m. on Friday and Saturday; (iv) the total area of any unenclosed deck and patio on the roof shall not exceed 3,500 square feet; (v) any unenclosed deck or patio on the rooftop shall be situated directly on the roof, not elevated; and (vi) the area of a shade structure on the roof of any building shall not exceed 42.5% of the area of any unenclosed deck and patio on the roof of that building.
- j. The following structures as listed in UDO Section 1.5.7.D. – Height Encroachments – shall be prohibited on the roof of any building: solar panels, wind turbines, rainwater collection or harvesting system, amateur communications tower, skylights, greenhouse, spires, belfries, cupolas, domes, bell towers, monuments, water tanks/towers, and tanks designed to hold liquids.
- k. Rooftop mechanicals on any building must be within 50-ft of the southern building façade of that building, provided; however, that exhaust for restaurant uses on any building must be beyond 20-ft of the southern building façade of that building.
- l. Rooftop screening that is at least six (6) feet in height but not more than eight (8) feet in height shall be provided between any unenclosed deck or patio on the rooftop of any building and Lot 100 of that certain plat recorded in the Wake County Register of Deeds in Book of Maps 2003, at Page 2074.