

Z-19-15 – TW Alexander Drive, south side, from Brier Creek Parkway to ACC Boulevard, approximately 12.56 acres rezoned Office Mixed Use-7 Stories-Parking Limited-Conditional Use (OX-7-PL-CU), being Wake County PINs 0768497410 and 0768593520.

Conditions dated: August 19, 2015

1. The following uses shall be prohibited: detention center, jail, prison.
2. Prior to the issuance of a building permit for new development or recording of a subdivision plot, whichever occurs first, if requested by the City of Raleigh, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of the easement shall be agreed to by the Public Works Department and then Property Owner, and the easement deed approved as to form by the City Attorney's Office.
3. The maximum development intensities for the property shall be one of the following scenarios, at the election of the property owner:
 1. 201,300 square feet of office and medical land uses; or
 2. 28,000 square feet of office and medical land uses and a Congregate Care Facility with up to 316 units and 43,000 square feet of health club land uses and 14,000 square feet of retail sales land uses (retail sales is a limited use pursuant to UDO Section 6.4.11.C.2); or
 3. Any land use or mix of land uses permitted on the property so long as the overall development does not exceed 335 AM peak hour trips and 304 PM peak hour trips.

References to land uses in this condition shall have the meaning as ascribed in the Allowed Principal Use Table (UDO Section 6.1.4). Election of the specific scenario will occur prior to the issuance of the first building permit, or the recording of a subdivision plot, whichever occurs first. However, this shall not preclude the subsequent election of another scenario so long as it complies with this condition. The election and any amendment thereto will be in writing and recorded with the Wake County Register of Deeds. Any amendment to the initial election requires the consent of the City Planning Director, as evidenced by the signature of the City Planning Director on the recorded instrument, and which consent shall be given if the subsequent election complies with this condition.

4. Within thirty (30) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates the allowable development upon the Property as provided in foregoing Zoning Condition 3 among all existing lots comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this rezoning case by the

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City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the City Attorney or his or her deputy and the owners of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation, a copy of each amendment shall be mailed to the Planning Director at P. O. Box 590, Raleigh, NC 27602 with a reference to zoning case Z-19-15.