

Z-20-14 – Six Forks Road: east side, at its intersection with Northwood Road, approximately 1.58 acres rezoned to Office Mixed Use-3 stories-Parking Limited-Conditional Use, and Residential Mixed Use-3 stores-Conditional Use (OX-3-PL-CU & RX-3-CU), being Wake County PINs 1706535376, 1706535466, and 1706537432.

Conditions dated: November 5, 2015

1. For the portion of the property zoned OX-3-PL-CU, the following principal uses, as listed in Section 6.1.4 “Allowed Principal Uses Table”, shall be prohibited on the property: (i) Outdoor recreation – all types; (ii) Overnight lodging – all types; (iii) Eating Establishment; (iv) Food Truck; (v) Retail Sales – all types; and (vi) Detention center, jail, prison.
2. In the event text change TC-8-15 is adopted, there shall be no driveway access point along the properties' frontage along the Six Forks Road public right-of-way.
3. Prior to recordation of a subdivision plat or issuance of a building permit for new development on any of those two parcels fronting along Six Forks Road (Lots 38 and 39 on plat in Book of Maps 1954, Page 043), as may be recombined, 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 or 20 feet in width) and location of the easement along Six Forks Road shall be approved by the Public Works Department and the easement document approved by the City Attorney's Office. This transit easement shall be coordinated with any public sidewalk access easement if such access easement is required. Prior to issuance of a certificate of occupancy for new development on these properties, a transit shelter (free-standing or incorporated into a building facade), with construction plans approved by the Public Works Department, shall be constructed by the property owner.
4. Trash and recycling facility service will be only allowed between the hours of 7:00 AM to 7:00 PM.
5. Upon the filing of the first site review application for a use other than single-unit living, the site review applicant shall request from City Council prioritization of a traffic calming project on Northwood Drive as a top ranked project and initiation of the process outlined in Section 3.6 of the “City of Raleigh Neighborhood Traffic Management Program,” contingent upon planned site access to Northwood Drive. Only after (i) completion of a successful petition of support and (ii) approval of the first site review application for a use other than single-unit living with access from Northwood Drive, the site review applicant shall post a security instrument in an amount of \$20,000.00 for the construction of traffic calming devices and with surety and conditions satisfactory to the City, providing for and securing to the City the actual construction and installation of improvements. This security instrument shall be posted prior to construction drawing approval by the City related to the first approved site review application for a use other than single-unit living. The traffic calming improvements shall be installed by the site review applicant within six (6) months of City Council approval of the design of the traffic calming improvements, but in no event prior to the issuance of the first certificate of occupancy for a use other than single-unit

- living. The surety shall be released by the City upon the completion and the City's acceptance of the traffic calming improvements or City Council's denial or withdrawal of the traffic calming project.
6. Any trash and recycling dumpsters not located within a building shall be located at least seventy-five (75) feet from the Northwood Drive public right-of-way.
 7. All lights in the parking lot areas will have fixtures of full cutoff (shielded) design, on poles a maximum height of twenty (20) feet, unless a more restrictive standard is required by the UDO.
 8. In the event a portion of the property subject to this rezoning is developed for a use other than single-unit living, and so long as the UDO does not require a higher standard or a more restrictive street protective yard under UDO chapters 6 or 7 or both, this condition shall apply to that portion of the property developed for a use other than single-unit living. A landscaped area averaging fifteen (15) feet in width and with a minimum width of five (5) feet shall be provided along the property's frontage on Northwood Drive, except for those portions of the frontage used for driveway access points to and from Northwood Drive. This street protective yard shall be planted at the following rates: four (4) shade trees, four (4) understory trees and fifteen (15) shrubs per one hundred (100) linear feet, exclusive of areas used for driveway access points. The landscaping required by this condition shall comply with UDO section 7.2.7, except that 100% of the plant material required by this condition shall be evergreen species.
 9. For any building containing a use other than single-unit living, the following standard shall apply to (i) the building elevation facing Northwood Drive and the (ii) east-facing building elevation: building fenestration (windows and doors) shall represent no greater than 60% of the total elevation area on each side.
 10. No ground-mounted flood lamps aimed at the building for the purpose of illuminating the building shall be permitted.
 11. A maximum of 30,000 square feet gross floor area of non-residential uses shall be permitted on the property.
 12. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the non-residential gross floor area permitted by Condition 11 of this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. 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.
 13. That portion of the property Zoned RX-3-CU shall be limited to single-unit living. Unless a more stringent standard is required by the UDO, the following landscaping standard shall apply along the common property line of the portion of the property containing a use other than single-unit living and the portion of the property limited to single-unit living. Within an area measuring at least ten (10) feet in width as measured along the common property line referenced above, (i) a 6.5-foot high fence shall be provided for the length of the common property line from the rear property line to at least a point perpendicular to the front wall of the

to-be-constructed single-family detached dwelling, (ii) at least four (4) shade trees and at least four (4) understory trees per one-hundred (100) linear feet shall be provided along the common property line, and (iii) all fencing and landscaping shall be located on the portion of the property containing a use other than single-unit living.

14. Notwithstanding UDO section 1.5.7., for any building containing a use other than single-unit living, that portion of the east-facing building elevation within one-hundred and seventy (170) feet of the common property line with that parcel described in deed recorded in Book 1650, Page 65, Wake County Registry, shall be a maximum three (stories) in height and fifty (50) feet in height.
15. Prior to issuance of a building permit for development on the property zoned OX-3-PL-CU for a use other than single-unit living, the owner of such portion of the property shall record an offer of cross-access in favor of that parcel identified as Lot 1 on plat recorded in Book of Maps 1999, Page 1890 (North Forks Professional Center) and that parcel identified as Tract 1 on plat recorded in Book of Maps 1992, Page 1396 (Capital Towers), and such offer of cross-access shall conform with UDO section 8.3.5.D.5. Additionally, this offer of cross-access shall include a provision that obligates the owner of the portion of the property zoned OX-3-PL-CU and being developed for a use other than single-unit living to contribute a minimum of \$5,000.00 total toward improvements related to cross-access on those lots identified as Lot 1 on plat recorded in Book of Maps 1999, Page 1890 (North Forks Professional Center) and Tract 1 on plat recorded in Book of Maps 1992, Page 1396 (Capital Towers).
16. Subject to the other provisions of UDO section 9.2.2., the peak stormwater leaving the site for the 2-year, 10-year and 25-year storms shall be no greater at every point of discharge for post development conditions than pre-development conditions.
17. During site development and building construction on the property, no vehicles associated with such site development and building construction shall (i) access the property from that portion of Northwood Drive located east of the property, and (ii) egress the property by heading east-bound on Northwood Drive.