

Ordinance: 778ZC754

Effective: 12-5-17

Z-21-14 – Brier Creek Parkway, northeast of Brier Creek Parkway and Lumley Road Intersection, being Wake County PIN 0768440719, approximately 35.89 acres rezoned to Commercial Mixed-Use – 5 Stories – Parking Limited – Conditional Use with Airport Overlay district and Special Highway Overlay District-2 (CX-5-PL-CU w/ AOD & SHOD-2).

Conditions dated: October 12, 2017

1. The following principal uses, as listed In Section 6.1.4 "Allowed Principal Use Table", shall be prohibited on the property:
 - a) Adult establishment.
2. Building height for new development on the Property within fifty feet (50') of the Brier Creek Parkway right-of-way shall not exceed fifty feet (50') or three (3) stories.
3. If, prior to the earlier of the recordation of a subdivision plat or issuance of a building permit for new development on the Property within 50 feet (50') of the Brier Creek Parkway right-of-way, the Transportation Department requests, a transit easement along the frontage of the property 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 approved by the Transportation Department and the easement document approved by the City Attorney's Office. If, prior to issuance of the first building permit for new development, the Transportation Department requests one or more of the following improvements to be constructed within the transit easement, then such shall be constructed prior to the first certificate of occupancy, with construction plans approved by the Transportation Department: (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) a sleeve for installation of a 2"x2' post, and (iv) an ADA-accessible shelter and litter container.
4. For any new building constructed after the approval date of this ordinance and located within 50 feet of the Brier Creek Parkway right-of-way, no parking shall be allowed between the Brier Creek Parkway right-of-way and the building façade.
5. No new building on the subject property may be closer than 25 feet from the Brier Creek Parkway right-of-way.
6. For any new building located within fifty feet (50') of the Brier Creek Parkway right-of-way, a Type C2 street protective yard shall be required along the Brier Creek Parkway right-of-way.