

Z-22-15 - Brier Creek Parkway: southeast quadrant of the intersection of Brier Creek Parkway and T.W. Alexander Drive, approximately 9.48 acres rezoned to Office Mixed Use-5 stories-Conditional use (OX-5-CU), being Wake County PIN 0768691387.

Conditions dated: October 27, 2015

1. The following principal uses shall be prohibited on the Property: Telecommunications Tower (>250 feet).
2. For the purpose of obtaining building permits, the total Daily, total AM peak and total PM peak hour trips generated by the development shall be no more than the trip volume equivalent to 168,500 square feet of General Office use as determined by the ITE *Trip Generation Manual* (latest edition). The developer shall provide a trip generation letter, signed and sealed by a North Carolina professional engineer, as a condition of obtaining building permits.
3. The initial building or buildings constructed on the Property shall meet the following “build to” requirements, as that term is defined in Section 1.5.6.A of the Unified Development Ordinance (“UDO”), along Brier Creek Parkway: (a) If a detached house, attached house, general, mixed use or civic building type, the minimum build-to along Brier Creek Parkway shall be 10 feet and the maximum build-to area along Brier Creek Parkway shall be 50 feet; and (b) the minimum building width in the build-to area along Brier Creek Parkway shall be 35%. Any building or buildings constructed within the build-to area along Brier Creek Parkway shall have a primary entrance that faces Brier Creek Parkway and shall provide for direct pedestrian access from the public sidewalk along Brier Creek Parkway to the primary street facing entrance of the building or buildings.
4. Once the build-to requirements contained in Condition #3 have been satisfied, the developer may choose to construct additional buildings on the Property so long as the additional building or buildings meet the following “build-to” requirements, as that term is defined in Section 1.5.6.A of the UDO, along T.W. Alexander Drive: (a) If a detached house, attached house, general, mixed use or civic building type, the minimum build-to along T.W. Alexander Drive shall be 10 feet and the maximum build-to along T.W. Alexander Drive shall be 50 feet; and (b) the minimum building width in the build-to area along T.W. Alexander Drive shall be 25%. Any building or buildings constructed within the build-to area along T.W. Alexander Drive shall have a street facing entrance and shall provide for direct pedestrian access from the public sidewalk along T.W. Alexander Drive to the street facing entrance of the building or buildings.
5. Once build-to requirements set forth in Conditions #3 and #4 have been satisfied, buildings may be constructed anywhere on the Property that complies with the UDO. Nothing contained in these zoning conditions shall be construed to prohibit the simultaneous development of multiple buildings on the Property.
6. Prior to recordation of a subdivision or a recombination for the property, whichever shall first occur, the property owner shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates AM and PM trip generation in peak hours upon the property to all lots of record comprising the property. Such restrictive covenant shall be approved by the City Attorney or his

designee prior to recordation of the restrictive covenant. Such a restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.

7. For any buildings that front along Brier Creek Parkway and T.W. Alexander Drive, there shall be no parking between said buildings and the right-of-way for Brier Creek Parkway and T.W. Alexander Drive.