

**Z-25-14 – East Davie Street**, south side, extending along East Davie Street and Chavis Way, approximately 2.02 acres rezoned to Neighborhood Mixed Use-3 Stories-Urban Limited-Conditional Use and Industrial Mixed Use-3 Stories-Urban Limited-Conditional Use (NX-3-UL-CU and IX-3-UL-CU), being Wake County PINs 1703971116, 1703972131, 1703971002.

Conditions dated: August 18, 2015

1. For that portion of the property zoned Industrial Mixed Use (IX), the principal uses permitted on the property are those principal uses permitted in the Neighborhood Mixed Use (NX) zoning district and the following additional principal uses:
  - i. food truck,
  - ii. light industrial uses, limited to bottling, brewery, winery, and food and beverage products (except animal slaughter, stockyards) only,
  - iii. warehouse and distribution,
  - iv. wholesale trade – wholesale sales of food only, and
  - v. bar, nightclub, tavern, lounge, but these only in association with a “bottling, brewery, winery, or food or beverage products (except animal slaughter or stockyards)” use associated on the property. Otherwise, a “bar, nightclub, tavern, lounge” use is a prohibited principal use on the property.

Also, the following uses that otherwise would be permitted in the Neighborhood Mixed Use (NX) zoning district are prohibited:

- a) telecommunications tower – all types;
- b) pawnshop;
- c) vehicle sales/rental;
- d) vehicle repair (minor);
- e) vehicular fuel sales;
- f) vehicle parts and accessories;
- g) drive-thru and drive-in facilities;
- h) commercial parking lot;
- i) remote parking lot;
- j) detention center/jail/prison;
- k) boarding house;
- l) bed and breakfast; and
- m) household living, single-unit living, two-unit living and cottage court.

Except for bar, nightclub, tavern, lounge, in all other instances where there is a conflict between Permitted Uses, Limited Uses, or Special Uses in NX and IX zoning districts, the more stringent regulation is controlling.

2. For that portion of the property zoned Neighborhood Mixed Use (NX), those uses listed above in condition 1 (a) through (j) and the “bar, nightclub, tavern, lounge” use shall be prohibited.
3. Any “warehouse and distribution” or “wholesale trade – wholesale sales of food only” activity shall only occur in association with an “eating establishment,” or retail sales associated with “bottling, brewery, winery, or food or beverage products (except animal slaughter or stockyards).”
4. The maximum floor area gross for any individual non-residential tenant shall be 25,000 square feet. The maximum floor area gross for all non-residential uses, combined, shall be 60,000 square feet.
5. Prior to recordation of a subdivision plat for the property or 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 the allowable floor area gross for non-residential uses 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, and such restrictive covenant shall be recorded within 45 days following its approval by City officials. 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.
6. No outdoor bulk storage shall be permitted on the property.