

Ordinance: (2018) 836 ZC 765

Effective: 6/5/2018

Z-25-17 – Parklake Avenue, southwest corner of its intersection with Edwards Mill Road, being Wake County PIN 0795197505, approximately 4.75 acres rezoned to Commercial Mixed Use-12 Stories-Conditional Use (CX-12-CU).

Conditions dated: April 20, 2018

1. Height Limit. No building constructed on the Property shall be greater than seven (7) stories and one hundred ten (110) feet in height, both as measured and determined from the average grade of the right-of-way of Edwards Mill Road adjacent to the Property.
2. Prohibited Uses. The following uses, if otherwise allowed in the CX district, shall be prohibited on the Property: All uses listed in the Public & Institutional Use Category in the Principal Use Table (the "Table") in Section 6.1.4 of the UDO with the exception of Minor Utilities and Parks, Open Space and Greenways; all uses included within the Indoor Recreation, Use Category in the Table including Adult Establishment, Dance, Martial Arts, Music Studio, Classroom, and Sports Academy; all uses included in the Outdoor Recreation Use Category in the Table including Golf course, Outdoor spots or entertainment facility with any number of seats, and Riding stable; Commercial parking lot; Remote parking lot; Passenger terminal, including Airfield, Heliport serving a hospital and Heliport, all others; Animal care (Indoor); Animal care (outdoor); Bar, nightclub, tavern, lounge; Pawnshop; Vehicle Fuel Sales (including gasoline and diesel fuel); Vehicle Sales/Rental; all uses included in the Industrial Use Category in the Table except Research and Development, which shall be allowed; and all uses included in the Open Category in the Table.
3. Size Limits. Medical, Office, and Research & Development uses on the Property shall be limited to 210,000 square feet. Eating establishment uses and Retail Sales uses on the Property shall be limited to 20,000 square feet. For each square foot of Eating establishment and/or Retail Sales Uses existing on the Property, the maximum allowed number of square feet of Medical, Office, and Research and Development uses shall be reduced by one square foot. All Eating establishment uses and Retail Sales uses on the Property shall be located on the ground floor of a multistory building. With respect to Eating establishment and Retail Sales, no single establishment shall exceed 9,000 square feet.
4. Parking. At least eighty-five percent (85%) of the automotive parking spaces on the Property shall be located in a structure. With respect to any building on the Property facing Edwards Mill Road or Parklake Avenue, no automotive parking on the Property, except for temporary parking in a drop-off drive, shall be located closer to the respective street right-of-way than the façade of the building facing such right of way.
5. Protective Yard – Stough Elementary School. Along the boundary of the Property with tax parcel 0795.05-10-3132 (Owner: Wake County Board of Education; Deed dated

7/15/2009, recorded at Book 1362.5, Page 1724 of the Wake County Registry), hereinafter referred to as "Stough," there shall be maintained an area entirely without buildings or parking a minimum of thirty (30) feet in width. Existing landscaping shall be maintained therein, except within fifty (50) feet of Edwards Mill Road. It is provided, however, that drainage pipes and facilities may be located in the protective yard referended in this condition.

6. Build-to – Edwards Mill Road. Commencing fifty (50) feet from the point on the Property adjacent to the intersection of the rights of way of Parklake Avenue and Edwards Mill Road and extending to the boundary of the Property with Stough, a build-to with a setback range of from 0 feet to 50 feet shall apply to the portion of the Property bounded by the right-of-way of Edwards Mill Road. A building façade facing Edwards Mill Road shall occupy at least fifty percent (50%) of this build-to, measured based on (a) the width of the building facade divided by (b) the width of the Property's boundary with the right-of-way of Edwards Mill Road reduced by fifty (50) feet. This condition shall not apply to parking structures. There will be no build-to requirement with respect to Parklake Avenue or setback requirement other than that set forth in condition (9), which shall apply.
7. Block Perimeter Requirements. The provisions of Section 8.3.2 of the Unified Development Ordinance, which is denominated "Blocks," shall have no applicability to the Property.
8. Vehicular Access – Edwards Mill Road. The Property will not be allowed a curb-cut on Edwards Mill Road.
9. Parklake Avenue. A portion of a building on the Property, with the exception of a parking structure, shall be within fifty (50) feet from the right-of-way of Parklake Avenue.
10. Signage. Signage upon the Property will be limited to signage allowed in the OX district, with the exception that in order to maintain unity of design with existing signs in the Glenlake Office Park, a monument type of ground sign up to thirty-five (35) square feet in size and no more than seven (7) feet in height may be located on the Property.
11. Hours of Operation. The hours of operation of any eating or retail establishment on the Property will be limited to those between 6:00 AM and 12:00 Midnight.
12. Drive-Thru. No drive-thru or drive-in facility will be allowed on the Property except as allowed in the OX district.
13. Screening Parking Deck. With respect to the portion of any parking structure that is within one hundred (100) feet of the right-of-way of Edwards Mill Road or Parklake Avenue and not screened from such right-of-way by a building, there will be established and maintained along the side of such portion of the structure facing the

respective road right-of-way an area at least ten (10) feet in depth planted with a minimum of ten (10) trees and thirty (30) shrubs each one hundred (100) feet. The trees will be at least ten (10) feet in height or two (2) inches in caliper at planting and at least fifty percent (50%) shall be evergreen. The planted area will be modified to comply with any applicable provision of the UDO. An entrance driveway up to thirty (30) feet in width may cross the planted area.

14. Building Facing Entrances. A building upon the Property other than a parking structure will have at least one entrance facing Parklake Avenue and at least one entrance facing Edwards Mill Road.