

**ORDINANCE NO. (2019) 26 ZC 785**  
**Effective 11/19/19**

**Z-25-18 - 4315 Lead Mine Road**, located on the west side of Lead Mine Road at its intersection with North Hills Drive, consisting of Wake County PIN 0796600994, approximately 10.93 acres rezoned to Commercial Mixed Use-Seven Stories-Parking Limited-Conditional Use (CX-7-PL-CU).

Conditions dated: November 7, 2019

1. The following uses, otherwise permitted in the CX zoning district, shall be prohibited on the subject property: Adult establishment; Cemetery; Telecommunication lower (less than 250 feet); Telecommunication tower (greater than or equal to 250 feet); Vehicle Fuel Sales (including gasoline and diesel fuel); Detention Center, jail, prison; Light Manufacturing; Research and Development; Self-service storage; and Vehicle Service uses, including Car wash, vehicle repair (minor), vehicle repair (major) and vehicle repair (commercial vehicle); and drive-thru facilities.
2. Residential uses or Overnight lodging uses shall be permitted as follows: (i) up to 275 dwelling units; or (ii) Overnight Lodging uses, provided that the total number of rooms for overnight guests (a “lodging unit”) does not exceed 275. The total number of dwelling units or lodging units permitted on the subject property shall be reduced by one (1) dwelling or lodging unit for every five hundred (500) square feet of Office or Medical uses constructed on the subject property.
3. Non-residential uses shall not exceed a total of 55,000 square feet except for Overnight Lodging uses which shall be permitted as described in paragraph 2 above.
  - (a) Office and Medical uses shall not exceed 45,000 square feet or the allowable 55,000 square foot of non-residential uses permitted on the subject property.
  - (b) The following Commercial uses shall be permitted provided that (i) they do not exceed a total of 10,000 square feet of the allowable 55,000 square feet of non-residential uses permitted on the subject property; and (ii) they are located within the Mixed Use building type: Day care center; Dance, martial arts, music studio or classroom; Health club; Sport Academy; Hospitality house; Parking; Personal Services except for tattoo parlor, body piercing which are prohibited; Animal care (indoor); beauty/hair salon; copy center; Optometrist; Restaurant/Bar; Bar, nightclub, tavern, lounge; Eating Establishment; and Retail Sales except as prohibited in condition 1 above.
4. Building façades shall be constructed of one or more of the following materials: brick, stone, manufactured stone, simulated stone, fiber cement, and/or wood. Trim may be wood, fiber cement. or vinyl. Synthetic stucco shall be prohibited as a building material and its use limited to accent materials for cornices only,
5. Parking structures, if any, shall be designed such that (i) at least seventy percent

- (70%) of the exterior walls are finished with the same materials as the primary building; (ii) the parking structure is located such that it is not visible from Glenwood Avenue and Lead Mine Road; or (iii) an opaque landscape screen obstructs view of the parking structure from Glenwood Avenue and Lead Mine Road. Lighting fixtures on any parking structure shall be installed to prevent light from being directed onto adjacent properties zoned for residential use.
6. Marriott/Charles Drive shall include a build-to requirement of a minimum of zero feet (0') and a maximum of fifty feet (50') for fifty percent (50%) of the frontage.
  7. A Tree Conservation Area (TCA) having a minimum area of 18,000 square feet shall be designated within fifty feet (50') of the common boundary line with Glenwood Avenue meeting the requirements of the City of Raleigh UDO Article 9.1 (Tree Conservation) provided that any land area dedicated to the City of Raleigh or NCDOT along the Glenwood Avenue shall be subtracted from the required 18,000 square feet of tree conservation area. Such TCA will be specifically delineated during subdivision or site plan approval, whichever shall first occur, and may be interrupted by proposed or existing cross access easements or rights, utility easements and rights, and pedestrian access connections required by those conditions and the UDO.
  8. The proposed development shall not directly access Lead Mine Road except for an emergency (fire, police, ems, etc.) entrance. Access to the development shall be through Marriott/Charles Drive. The existing cross-access site drives at the intersection with Lead Mine Road and associated parking on the subject property, however reconfigured, shall remain open for use by parcels of property described in Deed Book 6693, Page 89, Wake County Registry (Triangle Bank/PNC Bank) and in Deed Book 16560, Page 1033, Wake County Registry (Generation SRE Raleigh, LLC) pursuant to recorded easement agreements.
  9. Given the site constraints and the City Council's desire to limit access from the development to Lead Mine Road using the existing driveway across from North Hills Drive, the provisions of Section 8.3.2 of the Unified Development Ordinance, which is denominated Blocks, shall be modified to 9,000 linear feet given the unique site constraints, including access restrictions and steep slopes. In support of this modification, prior to the issuance of the first certificate of occupancy, the properly owner shall install a multi-use path as follows: (a) property owner shall cause to be recorded in the Wake County Registry an easement for a multi-use path measuring at least twenty feet (20') wide generally as shown on the attached Exhibit B, provided that all governmental permission to connect to Glenwood Avenue and Charles Drive/Marriot Drive are granted (the "Multi-use Path Easement"); (b) Within the Multi-use Path Easement, the properly owner shall construct an at least ten foot (10') wide paved path with "switch back style" handicapped access meeting the requirements of Pedestrian Passage pursuant to Section 8.4.8(B) of the City of Raleigh UDO (the "Multi-use Path").

10. The post-development stormwater discharge peak flow rate for the property area shall not exceed pre-development peak flow rates for the 2, 10, 25, 50 and 100 year storms calculated for the entire parcel. Site must be designed such that downstream stormwater infrastructure will function as it does during pre-development conditions for the 2, 10, 25, 50 and 100 year storms. Direct Discharge to the west shall not be allowed.

