

Ordinance: 238 ZC 693

Effective: November 5, 2013

Z-26-13 – Hillsborough Street Conditional Use - located on the 3000 block, south side; 0 block of Concord Street, east side; and 100 block of Friendly Drive, west side, being various Wake County PINs. Approximately 4.281 acres to be rezoned from NB, O&I-2, and IND-2 with PDD and PBOD, and NB CUD with PBOD, all w/SRPOD, to NX-5-UL-CU with SRPOD.

Conditions Dated: 10/08/13

1. For purposes of these conditions, the parcels proposed for rezoning in this case, which are listed by PIN number and deed reference in Exhibit A, are referred to as the “Property”. Upon development or redevelopment, at least ninety-five percent (95%) of the off-street parking spaces provided upon the Property shall be contained in a multi-level parking structure which, with the exception of entrances into the structure, shall be screened by heated building space. Vehicles parked on the highest level of the parking structure shall be screened by a parapet wall that will not exceed twelve (12) feet in height or in some other manner, and no such vehicle shall be visible from ground level on any public right-of-way or public sidewalk easement. There shall be no vehicular entrance to the parking structure on the side of any building upon the Property facing Hillsborough Street.
2. Except for a pedestrian portal or portals, doorways, sidewalks, planting and utility strips where required, and any setback or setbacks, when the Property is developed or redeveloped, the side of a building or buildings upon the Property shall extend along, but shall not necessarily abut, the entire length of the right-of-way of Hillsborough Street.
3. The side of the building or buildings upon the Property which faces Hillsborough Street will step back an average distance of six (6) feet or more at the point at which the first story joins the second story. The step back may vary in width, but shall change a minimum of four (4) feet at least every eighty (80) or fewer horizontal feet in order to provide articulation. The average distance of the step back shall be ten (10) feet or more within 200 feet of the right-of-way of Concord Street.
4. Upon issuance of a building permit for a new or replacement building, if the City’s Transit Division so requests, the owner shall construct at its own expense a transit shelter which shall be located within the public right-of-way along Hillsborough Street or within a transit easement dedicated by the owner at a location approved by the Transit Division and by a deed of easement in a form approved by the City Attorney. If requested by the Transit Division, such shelter shall include a bench, a fifteen (15) foot wide cement foundation with an Americans with Disabilities Act required curb cut, and a six (6) foot high channel post with mounted trash container and shall be built according to the City’s standard specifications. At the owner’s election, it may incorporate design and building elements and materials utilized in the development of the Property, but in such instance, the owner or a property owners’ association shall maintain the shelter.
5. The side of the building or buildings upon the Property which faces Hillsborough Street, as well as at least the first one hundred (100) linear feet of the sides of the building or buildings facing Concord Street and Friendly Drive, measured from the corner of the building closest to

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Hillsborough Street, shall be constructed from one or more of the following materials: glass, concrete and/or clay brick masonry, cementitious stucco, cementitious siding, including lap and panel products, native and manufactured stone, pre-cast concrete, and metal sidings. The following building siding materials shall be prohibited in such areas: vinyl siding, fiber board siding, pressure-treated wood, synthetic stucco (EIFS); however EIFS shall be allowed for trim applications such as a roof cornice. Fifty percent (50%) of the building side facing Hillsborough Street will be constructed with clay brick masonry (with the exception of windows and doors). Window frames, doors, soffits, and trim may be constructed of wood, fiberglass, metal, or vinyl.

6. Signage will be restricted to lettering displayed on the canopies or awnings, under-canopy signs and wall signs. No ground signs will be permitted. Canopies and awning heights shall be a minimum of nine (9) feet above sidewalk grade. Canopies/awnings may or may not be backlit, may be retractable and will be made of canvas, vinyl or translucent materials. The colors will be compatible with the building materials and colors. Under-canopy signs will be permitted for pedestrian identification of individual businesses. Under-canopy signs will be hung a minimum of nine (9) feet, unobstructed, above the grade of the sidewalk, will not exceed a height of twelve (12) inches and not exceed the width of the canopy.

7. Upon issuance of a building permit for a new or replacement building, the owner shall provide benches along Hillsborough Street at locations determined at the time of site plan approval. The benches will be Landscape Forms "Austin" series Flat Bench with two (2) end arms and (1) center arm or similar. The powder coat finish shall contain no heavy metals and shall be a hard, yet flexible, finish that resists rusting, chipping, peeling and fading.

8. Upon issuance of a building permit for a new or replacement building, the owner shall install trash receptacles near seating along Hillsborough Street at locations determined at the time of site plan approval. The receptacles will be Landscape Forms style "Chase Park" receptacles or similar.

9. Where sidewalk pavers are utilized, they will be Pine Hall Brick Field Pavers and will be Pathway Red. If utilized, the owner will install the pavers upon issuance of a building permit for a new or replacement building.

10. The land use or uses developed upon the Property shall be limited to a use or uses which when analyzed using the Trip Generation Manual (the "Manual") published by the Institute of Transportation Engineers (in the manner hereafter provided), and appropriately adjusted to account for pass-by trips and internal capture, will generate no more daily vehicle trips, AM peak hour trips, or PM peak hour trips than would be generated by 660 Mid-Rise Apartments and 50,000 square feet of Specialty Retail uses. Because daily trip generation is not provided by the Manual for Mid-Rise Apartments, it shall be calculated as equivalent to ten (10) times the PM peak hour trips for such use. Because the Manual does not provide trip generation for Specialty Retail uses in the AM peak hour, the AM peak hour trip generation for such use shall be calculated based on the PM peak hour trip generation for Specialty Retail uses, adjusted by the ratio of the AM peak hour trip generation for general retail uses divided by the PM peak hour trip generation for general retail uses.