

Z-27-20 - Industrial Drive on its east side and Front Street on its north and south sides, in the southwest quadrant of the crossing of I-440 and Atlantic Avenue, being Wake County PINs 1715341783, 1715344640, 1715345469, 1715347434, 1715348395, 1715441205, 1715444127, 1715435946, 1715432894, 1715338947, 1715334749, & 1715332585. Approximately 34.6 acres rezoned to Commercial Mixed Use-20 Stories-Conditional Use w/Special Highway Overlay District 2 (CX-20-CU w/SHOD-2) and Commercial Mixed Use-20 Stories-Conditional Use (CX-20-CU).

Conditions dated: April 1, 2021

1. The following uses shall be prohibited as principal uses on the property: cemeteries; adult establishments; heliports; detention center, jail, prison; self-service storage; and car wash. Vehicle repair shall be a prohibited principal use on the property except that the existing vehicle repair use located on the parcel having PIN 1715441205 shall be a permitted use; upon discontinuance of such existing use, vehicle repair shall be a prohibited principal use on the entire property. In addition, drive-thrus shall not be permitted on the property.
2. Any site plan for new construction reflecting three or more stories on any lot situated south of Front Street on the subject properties shall meet the standards of Urban Limited frontage as if such properties were mapped with the UL frontage, and the owner shall have the obligations, rights and options available in the UDO to owners of properties mapped with the UL frontage.
3. Except as provided below, any site plan for new construction three or more stories on any lot situated north of Front Street on the subject properties shall meet the standards of Urban Limited frontage as if such properties were mapped with the UL frontage, and the owner shall have the obligations, rights and options available in the UDO to owners of properties mapped with the UL frontage:

Where no active use is provided on the first floor of a parking structure, then an open area at least 20' feet in depth shall be provided along the Front Street right of way, which shall include open space that shall be usable, publicly accessible, and ADA compliant except where stormwater detention or retention facilities are located within the open space, and shall not be parked or driven upon except for emergency access, maintenance and repair, or permitted temporary events.

4. The following limits on development intensity shall apply on the property: 1,500,000 gross square feet of office use, 75,000 gross square feet of retail use and 2,000 residential units. For any site plan within the rezoning area that proposes a use not listed in the above maximums, the applicant may apply square footage or dwelling units from one or more of the listed maximums to an unlisted use. In the event the Average Daily Trip ("ADT") generation associated with any proposed unlisted use is different from that of a listed use, as determined by a trip generation analysis accepted by the RDOT, the applicant may convert the square footage or unit count of the unlisted use to the equivalent amount of square footage or unit count of the corresponding listed use such that trip generation created by the

unlisted use is equal to or less than the trip generation created by the listed use or uses for which the unlisted use is substituting square footage or dwelling units. In no event shall the total development within the site exceed the ADT calculated for the listed maximums based on the latest edition of the ITE Trip Generation Manual.

5. Prior to submittal to the City of any site plan for property having frontage on 1-440 within 720 feet of the northeast corner of that parcel having PIN 1715245830 and most recently conveyed by deed recorded at Book 15548, Book 2469 of the Wake County Registry, the applicant will offer a minimum of 100 square feet of site area as a non-exclusive, permanent easement area to be dedicated to the City for construction, maintenance, and repair of footings for a future pedestrian bridge over 1-440, together with such temporary construction easements as are necessary for completion of such work. If accepted by the City Transportation Director, such easement area shall be shown on the site plan and granted to the City pursuant to a recorded Deed of Easement, and the City shall execute such document in acceptance of the obligation to construct, maintain, and remove such footings according the property owners' commercially reasonable terms for such access. Such Deed of Easement shall include a statement that the Deed of Easement is a requirement of the City and that it may not be terminated or amended without the written consent of the Transportation Director and such amendments and terminations that are in violation of the Raleigh City Code are void ab initio. If the City shall accept any such offered easement area, this condition shall not apply to future site plans submitted for City approval.