

Ordinance: 258 ZC 694
Effective: January 7, 2014

Z-30 -13 – Poole and Old Poole Road Conditional Use - located east of their intersection with New Hope Church Road, being Wake County PIN(s), 1733130231, 1733133022, and 1733029848,. Approximately 7.23 acres to be rezoned from O&I-1 and TD to CX-3-CU.

Conditions Dated: 12/19/2013

Narrative of conditions being requested:

The following uses shall be prohibited upon the Property;

1. Per the purposes of the following conditions. “Property” shall refer to tax parcels (PINs) 1733-13-0231, 1733-13-3022, and 1733-02-9848,

Dormitory, Fraternity, Sorority; Emergency Shelter Type A; Emergency Shelter Type B; Telecommunication Tower (less than 250 feet); Telecommunication Tower (greater than 250 feet); Adult Establishment; Outdoor Sports or Entertainment Facility (less than 250 seats); Outdoor Sports or Entertainment Facility (more than 250 seats); Commercial Parking Lot; Remote Parking Lot; Heliport; Bar, Nightclub, Tavern, Lounge; Detention Center, Jail Prison; Vehicle Sales; Vehicle Repair (minor and major) and Gasoline Sales.

2. 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 published by the Institute or Transportation Engineers, and appropriately adjusted to account for Pass-By Trips and Internal Capture, will generate no more than 4,170 daily vehicle trips with no more than 293 vehicle trips in the AM peak hour and no more than 387 vehicle trips in the PM peak hour,
3. If requested by the City, the Property owner shall offer to the City prior to recordation of a subdivision plat or issuance of a building permit, whichever shall first occur, a transit easement along Poole Road measuring fifteen feet (15’) by twenty feet (20’). The location of the easement shall be approved by the Transit Division at the time of such subdivision or site plan approval and the City Attorney shall approve the form of the conveyance document. If the Property is served by public transit at that time and the City so requests, the owner shall at its cost construct an ADA accessible, standard City transit shelter on a concrete pad within the transit easement and pour a concrete strip between the sidewalk and curb along the side of the shelter facing the Street.
4. Within fifteen (15) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable development upon the Property as provided in the foregoing condition 2 among all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this zoning case by the City Council and shall be approved by the

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City Attorney or his or her deputy prior to recordation. Such restrictive covenant shall provide that it shall become null and void and of no effect whatsoever in the event that a court enters a final judgment (not subject to appeal) declaring the rezoning resulting from the approval of this case invalid. The restrictive covenant and the allocation of development set forth than in may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the owner(s) or all portions of the Property affected, by the amendment and shall be at the sole discretion of such owners(s). Following recordation a copy of each amendment shall be mailed to the Planning Director at P0 Box 590, Raleigh NC, 27602 with a reference to Zoning Case Z-30 13.