

Z-31-21 - 0, 3709, 3717, 3724 (portion), 3725, 3733, and 3739 (portion) National Drive and 0 Exchange Glenwood Place, located at the north end of National Drive, being Wake County PINs 795980777, 795887136, 795887501, 795982876 (portion), 795887960, 795990214, 795993108 (portion), and 795980741. Approximately 12 acres rezoned to Commercial Mixed Use-5 Stories-Conditional Use (CX-5-CU) and Commercial Mixed Use-12 Stories-Conditional Use (CX-12-CU).

Conditions dated: November 17, 2021

1. The following principal uses as listed in UDO section 6.1.4. Allowed Use Table shall be prohibited: dormitory, fraternity, sorority; emergency shelter types A and B; adult establishment; passenger terminal; vehicle fuel sales; vehicle sales/rental; detention center, jail, prison; self-service storage; car wash; vehicle repair (minor); vehicle repair (major).
2. The following principal uses must be located in a multi-story building with more than one principal use: personal service; eating establishment; bar, nightclub, tavern, lounge; retail sales.
3. The hours of operation for the following principal uses shall be limited to the hours of 6:00 AM to 11:00 PM: personal service; eating establishment; bar, nightclub, tavern, lounge; retail sales.
4. The total gross floor area for the following principal uses shall be 30,000 square feet: personal service; eating establishment; bar, nightclub, tavern, lounge; retail sales.
5. A principal use “bar, nightclub, tavern, lounge” shall not have live performances or a dance floor.
6. No drive-thru window shall be associated with any eating establishment use.
7. All outdoor pole-mounted lighting shall be full cutoff.
8. The hotel use shall be limited to the CX-12-CU zoning district area.
9. For the purpose of obtaining building permits, the total AM peak hour and total PM Peak hour trips generated on the property within the area subject to this rezoning ordinance shall be no more than the trip volume equivalent to 631 dwelling units of Multifamily Housing (Mid-Rise), 172 rooms of Hotel, 530,000 square feet of General Office Building, and 10,000 square feet of Shopping Center, as determined by the ITE Trip Generation Manual, 10th Edition. This condition shall not be construed to prohibit uses that are otherwise allowed by this rezoning ordinance.
10. If National Drive does not have a protected bike lane within the travel way, then the developer shall provide, at the developer’s sole election, either: (i) a 10’ wide multi-use path located generally along National Drive, within the rezoning area and between the boundary line adjacent to 3800 Glenwood Avenue and the boundary line closest to the City greenway on 3739 National Drive. All or a portion of the multi-use path may be within the National Drive public right-of-way or on private property within a public access easement. Or, (ii) a streetscape that includes a minimum sidewalk width of (a) at least 8 feet in width when tree grates are provided, or (b) at least 10 feet in width when a tree lawn is provided. All or a

portion of the sidewalk may be within the National Drive public right-of-way or on private property within a public access easement.

11. This condition shall apply to the portion of the property located within 800 feet of the northern boundary line of 3800 Glenwood Avenue (Lot 2, Book of Maps 2018, Page 2446). Upon development of property within this area, a landscaped area averaging at least 15 feet in width shall be provided adjacent to the right-of-way line of Glenwood Avenue and I-440, and shall include at least 4 shade trees and 15 shrubs per 100 linear feet. At least two-thirds (2/3) of the shade trees required by this condition shall be evergreen. The width of this landscaped area can vary between 7.5 feet and 25 feet, so long as the average width is at least 15 feet. This landscaped area shall not be considered a protective yard. This condition shall apply only to those areas that are not required to be designated tree conservation area.
12. This condition shall apply to the portion of the property outside of that area described in Condition 11 of this zoning ordinance. Upon development of property within this area, a landscaped area shall be provided adjacent to the right-of-way line of Glenwood Avenue and I-440. This landscaped area shall average at least 25 feet in width, with a minimum width of 15 feet and a maximum width of 100 feet. This landscaped area shall be planted with the mix and rate of plantings set forth in UDO section 5.3.1.F.1. (SHOD-2 Required Plantings). At the developer's election, existing vegetation may be used to satisfy this requirement in compliance with UDO section 5.3.1.G. This landscaped area shall not be considered a protective yard. This condition shall apply only to those area that are not required to be designated tree conservation area.
13. On all levels where parking is provided adjacent to an exterior wall of a parking structure, all such façades of the parking structure shall have exterior opaque walls a minimum height of 42 inches above any finished grade and any finished floor.
14. Where levels of structured parking are located at the perimeter of a building, any exposed concrete on the exterior of the parking structure shall be painted and scored.
15. Lighting shall be designed to reduce light spillage outside the parking structure according to the following:
 - a. Light fixtures directly visible from the exterior of a parking structure shall be directed internally upward or shall contain shielded fixtures to prevent such visibility.
 - b. Internal illumination shall conform to the standards of UDO Section 7.4.7. Vehicular Canopies
 - c. Rooftop lighting shall be located at an elevation height less than the top of the nearest exterior perimeter rooftop wall; or shall be setback a minimum of 15 feet from the exterior perimeter of the rooftop wall at a maximum mounted height of 15 feet above finished floor with cutoff light fixtures that have a maximum 90 degree illumination.
 - d. Lighting levels measured at the property line of parcels adjacent to the structured parking deck shall not be greater than 0.5 footcandles.
16. That portion of Lot 11 (Book of Maps 1974, Page 052) described in this Condition 16 shall be limited to five (5) stories in height: Beginning at the northeast corner of

Lot 11, where it meets with the northwest corner of Lot 10 (Book of Maps 1974, Page 051) and the right-of-way for I-440 (Point A), and going in a westerly direction along the common boundary line of Lot 11 and the I-440 right-of-way for 200 feet (Point B). Beginning at Point A, and going in a southerly direction along the common boundary line of Lot 11 and Lot 10 for 254 feet as shown on the plat recorded in Book of Maps 1974, Page 051 (Point C), and then going in a westerly direction along the common boundary line of Lot 11 and Lot 10 for 76 feet (Point D), and then going in a southwesterly direction along the common boundary line of Lot 11 and Lot 10 for 25 feet (Point E), and going in a northwesterly direction for approximately 258 feet, connecting Point E to Point B. The maximum height for the rest of Lot 11 (BM 1974, PG 052) shall be limited to no more than 10 stories in height. See Exhibit A attached hereto for an illustration of that portion of Lot 11 limited to five (5) stories in height.

17. That portion of Lot 7 (Book of Maps 1974, Page 008) described in this Condition 17 shall be limited to a maximum of ten (10) stories in height: Beginning in the northwest corner of Lot 7, where it meets with the southwest corner of Lot 11 (BM 1974, PG 052) and the right-of-way of I-440 (Point 1), and going in a southerly direction along the common boundary line of Lot 7 and the I-440 right-of-way for 175 feet (Point 2). Beginning at Point 1, and going in a southeasterly direction along the common boundary line of Lot 7 and Lot 11 for approximately 262 feet until it reaches the right-of-way of National Drive (Point 3), and then going in a southerly direction along the right-of-way of National Drive for 150 feet (Point 4), and then going in an westerly direction for approximately 250 feet, connecting Point 4 and Point 2. See Exhibit B attached hereto for an illustration of that portion of Lot 7 limited to ten (10) stories in height.
18. Within the portion of the property zoned CX-12-CU, but outside of those areas described in Condition 16 and Condition 17, there shall be no more than two (2) buildings with height greater than or equal to ten (10) stories. This condition does not limit the total number of buildings within this portion of the property.

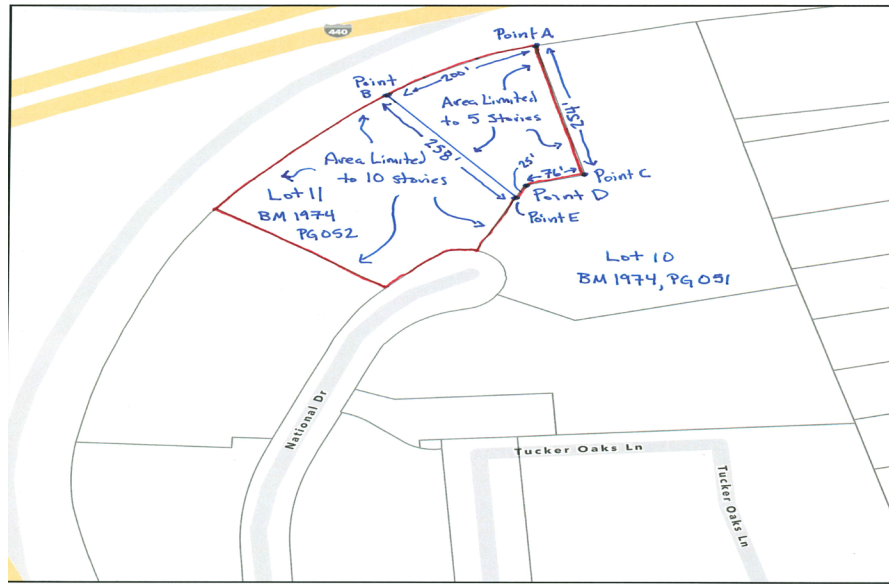
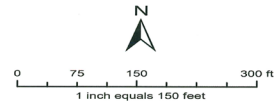


Exhibit A to Z-31-21



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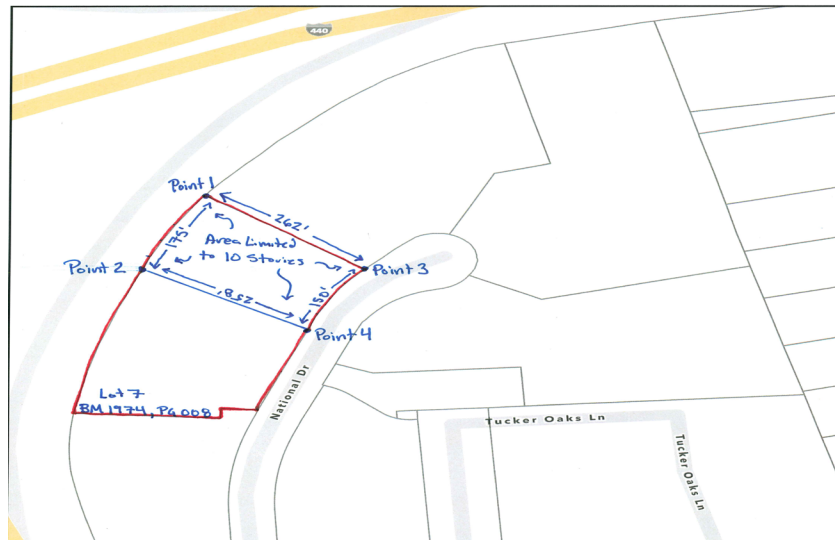
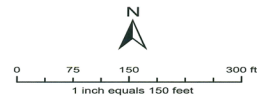


Exhibit B to Z-31-21



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