

Z-36-23 – 1230, 1234 South Saunders Street, located 300 feet west of the intersection of South Dawson Street, South Saunders Street, and Prospect Avenue, being Wake County PINs 1703338024 and 1703329817. Approximately 2.01 acres rezoned to Commercial Mixed use-12 stories-Conditional use (CX-12-CU).

Conditions dated: May 3, 2024

1. Prohibited Uses. The following Principal Uses as listed in UDO Section 6.1.4 that are permitted, limited, or special uses in the CX- district shall be prohibited: (i) cemetery prison, jail, detention center, emergency medical office, veterinary clinic, adult establishment, vehicle fuel sales (excluding vehicle charging stations), hospital, shooting range (both indoor and outdoor), batting cage (both indoor and outdoor), water park, commercial car wash, vehicle sales, and drive-thru facilities.
2. Trip Budget. For the purpose of obtaining building permits, the cumulative total AM peak hour and total PM peak hour trips generated on the property shall be no more than the following:
 - AM Peak Hour: 196 total trips.
 - PM Peak Hour: 213 total trips.
3. Height. No building constructed on the property shall be greater than 165 feet.
4. The following conditions shall apply only to development qualifying as a Tier 3 site plan:
 - A. **Hybrid Frontage.**
 - Limited Surface Parking: There shall be no private on-site vehicular parking areas located between the South Saunders Street right-of-way and the building facade.
 - Build-To: There shall be a build-to range along S. Saunders Street, measuring zero feet (0') to twenty feet (20') from the right-of-way of S. Saunders Street. At least fifty percent (50%) of the lot width shall be occupied by building façade within this build-to range. The method of calculating the build-to and the permitted reductions of the build-to percentage set forth in UDO section 1.5.6.C. apply to the build-to standards in this condition.

There shall be a build-to range along Prospect Avenue, measuring zero feet (0') to twenty feet (20') from the right-of-way of Prospect Avenue. At least twenty five percent (25%) of the lot width shall be occupied by building façade within this build-to range. The method of calculating the build-to and the permitted reductions of the build-to percentage set forth in UDO section 1.5.6.C. apply to the build-to standards in this condition.
 - Pedestrian Access: For each building located along S. Saunders Street and within 100 feet of the S. Saunders Street right-of-way, at least one building entrance facing S. Saunders Street shall be provided.

For each building located along Prospect Avenue and within 100 feet of the Prospect Avenue right-of-way, at least one building entrance facing Prospect Avenue shall be provided.

Direct pedestrian access shall be provided from the public sidewalk along S. Saunders Street and Prospect Avenue to the building entrance(s) required by this Condition.

Exception Along Prospect Avenue for Tree Conservation: The build-to and/or pedestrian access requirements along Prospect Avenue set forth in this condition shall not apply if those requirements cannot be satisfied due to the existence of a Tree Conservation Area with qualifying trees under UDO Article 9.1. (Tree Conservation).

- B. **Affordable Housing.** For any approved site plan containing residential units on the subject property, the property owner shall dedicate at least two percent (2%) of all site plan approved dwelling units as affordable for a period of no less than fifteen (15) years for low-income households earning no more than eighty percent (80%) if the Area Median Income (“AMI”) (adjusted by household size, for the Raleigh, N.C. Metropolitan Statistical Area, as determined and published annually by the U.S. Department of Housing and Urban Development).

The total number of affordable units shall be two percent (2%) of the total number of site plan approved dwelling units on the subject property rounded up to the nearest whole number.

Affordability restrictions for the affordable housing unit[s] shall be established at or before the issuance of the first certificate of occupancy (“CO”). The 15-year period applies on a per unit basis and shall commence from the date of initial occupancy for a unit that is dedicated as affordable. This date shall be provided to the City as of the date of initial occupancy for each affordable unit. At or before the time any affordable unit is dedicated, the Property Owner shall execute and record with the Wake County Register of Deeds a restrictive covenant enforceable by the City which memorializes the affordable housing terms set forth in this Condition. The Property Owner shall certify compliance with this Condition to the City on an annual basis.

The Property Owner may choose to pay to the City a contribution in the amount of \$40,000 per unit in lieu of dedicating the affordable units described above. The payment shall be placed in the fund designated for the City’s Affordable Housing Program. The full amount shall be paid prior to the issuance of the first certificate of occupancy. Prior to the issuance of any building permit, this payment obligation shall be evidenced by a promissory note to the City. If a sale of the project or the property (or a portion thereof), including a sale of controlling interests of an ownership entity within the project, occurs subsequent to the issuance of the first building permit and prior to the payment in full of the sum described within this condition, any outstanding amount shall be paid prior to the change of ownership.

- C. **Green Stormwater Infrastructure.** Stormwater control measures for new development on site shall meet the standards set forth in UDO Section 9.2.2.E. A minimum of 10% of stormwater on site that is required to be treated under that section shall be treated using one or more of the following green stormwater

infrastructure measures: bioretention area, permeable pavement system, and/or green roof.

- D. Bikeshare Station.** The site plan for development of the property shall provide for a mutually acceptable location on adjacent public right-of-way to accommodate a City bikeshare station. The property owner shall provide a station of no fewer than 8 docks, electric-assist bikes to accommodate 1 bike per every 1.6 docks, and installation of all necessary equipment for a functional bikeshare station, prior to issuance of a certificate of occupancy for the building closest to the proposed bike share station. The "mutually acceptable location" for the bikeshare station shall be determined by the property owner and the City.