

**Ordinance (2015) 436ZC709**

**Effective: 5-5-15**

**Z-37-14 - Brier Creek**, located on the west side at its intersection with Skyland Ridge Parkway, being Wake County PIN 0768488348. Approximately 8.76 acres to be rezoned from Shopping Center Conditional Use District and Thoroughfare Conditional Use District with Planned Development District (SC CUD & TD CUD w/ PDD) to Commercial Mixed Use-7 stories-Conditional Use (CX-7-CU).

**Conditions Dated: 03/18/15**

**Narrative of conditions being requested:**

1. The following principal uses shall be prohibited on the property: adult establishment.
2. There shall be a build-to area along Brier Creek Parkway, between a minimum of zero (0) feet to a maximum of one-hundred (100) feet, as measured perpendicular to the Brier Creek Parkway public right-of-way. The minimum percentage of building width in this build-to area shall be twenty-five percent (25 %). This minimum percentage of building width in the build-to area shall be counted against the entirety of the property's frontage and not on a lot-by-lot basis in the event of a subdivision of the property. Each building located within the build-to area along Brier Creek Parkway shall have a minimum of one building entrance facing Brier Creek Parkway, and direct pedestrian access shall be provided between this street-facing entrance and the public sidewalk located along Brier Creek Parkway.
3. The maximum development intensities for the property shall be one of the following scenarios, at the election of the property owner:
  1. 54,000 square feet of Commercial land uses, of which no more than 20,000 square feet may be used for Commercial land uses other than Medical and Office land uses; or
  2. 34,000 square feet of Medical and Office land uses and a hotel with up to 150 rooms; or
  3. Any land use or mix of land uses permitted on the property so long as the overall development does not exceed 162 AM peak hour trips and 317 PM peak hour trips.

References to land uses in this condition shall have the meaning as ascribed in the Allowed Principal Use Table (UDO Section 6.1.4). Election of the specific scenario will occur prior to the issuance of the first building permit, or the recording of a subdivision plat, whichever occurs first. However, this shall not preclude the subsequent election of another scenario so long as it complies with this condition. The election and any amendment thereto will be in writing and recorded with the Wake County Register of Deeds. Any amendment to the initial election requires the consent of the City Planning Director, as evidenced by the signature of the City Planning Director on the recorded

instrument, and which consent shall be given if the subsequent election complies with this condition.

4. Prior to the issuance of a building permit for new development or recording of a subdivision plat, whichever occurs first, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of the easement along Brier Creek Parkway shall be approved by the Public Works Department and the easement deed approved by the City Attorney's Office. Prior to the issuance of a certificate of occupancy for new development, the property owner shall pay to the City an amount of \$4,500 as contribution toward the future installation of a bus shelter.