

Z-42-14 – South Wilmington Street/East Lenoir Street: southeast quadrant of the intersection, and extending eastward on the south side of East Lenoir Street, being Wake County PINs 1703763353, 1703764322, and 1703764352. Approximately 0.51 acre rezoned to Downtown Mixed Use-12 stories-Urban General-Conditional Use (DX-12-UG-CU).

Conditions dated: June 25, 2015

1. The following uses shall be prohibited: emergency shelter – all types; adult establishment; outdoor recreation – all types; passenger terminal – all types; food truck; pawn shop; vehicle sales/rental – all types; detention center, jail, prison; light manufacturing – all types; self-service storage – all types; vehicle repair – all types; vehicular fuel sales; vehicle parts/accessories: remote parking facility; any drive-thru or drive-in facilities not including a porte cochere in connection with a hotel.
2. Any building on the property at least eight (8) stories or one hundred feet (100') in height shall incorporate on that eastern most building façade facing that adjoining parcel described in that deed recorded in Book 14479, Page 2287 and with the address of 118 E. Lenoir Street a twelve foot (12') building setback above the second story and below the fifth story.
3. The maximum blank wall area on that eastern most building façade facing that adjoining parcel described in that deed recorded in Book 14479, Page 2287 and with the address of 118 E. Lenoir Street below the setback required in Condition 2 shall be fifteen feet (15') for any building on the property at least eight (8) stories or one hundred feet (100') in height.
4. After the effective date of this rezoning ordinance, any building on the property at least five (5) stories or seventy five feet (75') in height shall provide one or more of the following: a gallery, awning, or cornice along a minimum of 50% of those building faces adjoining S. Wilmington Street and E. Lenoir Street.
5. Any visible portion of an exterior elevation of a parking structure above the ground level shall be clad with the same building materials as the principal building and, except for such exterior treatment as prescribed by the UDO, shall include a solid wall at least forty two inches (42") in height as measured from the top of each parking surface. If the parking structure is above grade, then the open area between the top of the solid wall measuring at least forty two inches (42") in height and the next level of parking shall be screened with a wall, louver or similar screening.
6. Prior to issuance of a building permit for new development, 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 fifteen feet (15') in depth and twenty feet (20') in width) and location of the easement along Wilmington Street shall be approved by the Public Works Department and the easement document approved by the City Attorney's Office. Prior to issuance of a certificate of occupancy and at the request of the Public Works Department, a transit shelter shall be constructed upon the transit easement. In lieu of deeding an easement and construction of a transit shelter, with the consent of the Public Works Department and subject to the approval of the Raleigh City Council or NC Department of Transportation, a transit shelter may be constructed in the public right-of-way at the sole expense of the owner of the rezoned land in satisfaction of this condition.

7. Prior to any excavation on the subject properties, demolition of any building or portion thereof on the subject property, or any activity allowed by subsections g. and h. of UDO Section 10-2.7.A.2, the existing building located at 112 E. Lenoir Street and the two story portion of existing building located at 114 E. Lenoir Street shall be relocated and a subsequent archaeological survey conducted on the rezoned properties in direct consultation with the Raleigh Historic Development Commission.