

Z-44-15 – ACC Boulevard, south side, west of the its intersection with Brier Creek Parkway, being Wake County PIN #0768488788, approximately 2.32 acres rezoned Commercial Mixed Use – 7 stories – with Parking Limited Frontage and Conditions (CX-7-PL-CU).

Conditions dated: January 27, 2016

1. The following uses shall be prohibited on the property:
 - (1) Single Unit Living
 - (2) Outdoor recreation
 - (3) Bar, nightclub, tavern, lounge
 - (4) Pawnshop
 - (5) Vehicle sales
 - (6) Car wash
 - (7) Vehicle repair
 - (8) Jail, detention center, prison
 - (9) Adult establishment

2. Prior to approval of any building permit, the City staff shall confirm that the projected trip generation based on the latest edition of ITE Trip General Manual from all proposed uses on the rezoned property [including any proposed new use plus the continuation of existing use(s)] shall not exceed (a) 4,398 total Daily trips, (b) 191 AM Peak Hour Trips or (c) 242 PM Peak Hour Trips. Prior to recordation of a subdivision plat, the owner of the rezoned land shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates trips among the various lots of the subdivision. Such restrictive covenant shall be approved by the City Attorney or his/her designee prior to the recording of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior consent of the City Attorney or his/her designee.