

Z-45-16 – Triangle Town Boulevard and Old Wake Forest Road, northeast corner of the intersection, being Wake County PINs 1727712276, 1727714596, and 1727715160, approximately 12.35 acres rezoned to Commercial Mixed Use-Four Stories-Conditional Use with partial Special Highway Overlay District-1 (CX-4-CU w/partial SHOD-1).

Conditions dated: March 17, 2017

1. The following uses shall be prohibited on the subject property:
 - Dormitory, fraternity, sorority
 - Emergency shelter type A
 - Emergency shelter type B
 - Special care facility
 - College, community college, university
 - School, public or private (K-12)
 - Major Utilities
 - Adult Establishment
 - Heliport, serving hospitals
 - Heliport, all others
 - Vehicle Fuel Sales (Including Gasoline and Diesel Fuel)
 - Vehicle Sales/Rental
 - Detention center, jail, prison
 - Vehicle repair (minor)
 - Vehicle repair (major)

2. Prior to the recordation of a of a subdivision plat or issuance of a building permit for new development, whichever event first occurs, a transit easement along Triangle Town Boulevard and Old Wake Forest Road shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of any transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of the easement shall be approved by the Transportation Department and the easement document approved by the City Attorney's Office. If, prior to issuance of the first building permit for new development, the Transportation Department requests one or more of the following improvements to be constructed within the transit easement, then such shall be constructed prior to the first certificate of occupancy, with construction plans approved by the Transportation Department: (i) a cement pad measuring no greater than 15'x20', (ii) a cement landing zone parallel to the street between the sidewalk and back-of-curb measuring no more than 30', (iii) a sleeve for installation of a 2"x2' post, and (iv) an ADA-accessible shelter and litter container.

3. There shall be a build-to range along Triangle Town Boulevard measuring between zero feet (0') and thirty feet (30'). The minimum building coverage within this build-to range along Triangle Town Boulevard shall be fifty percent (50%), exclusive of those items listed in UDO Section 1.5.6.C.4 and any required Section 7.2.4.A. transitional protective yard or Article 3.5 protective yard.

4. No on-site parking or vehicular surface area shall be permitted between the Triangle Town Boulevard right-of-way and the front façade of a principal building constructed within the build-to area.
5. Each building within the build-to range along Triangle Town Boulevard shall have at least one (1) pedestrian building entrance accessible from the sidewalk along Triangle Town Boulevard.
6. The maximum amount of gross floor area of nonresidential uses shall be 30,000 square feet. The maximum amount of residential dwelling units shall be 400 dwelling units. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lot(s) of record comprising the property the nonresidential gross floor area and number of dwelling units permitted by this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restricted covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee. No building permit shall be issued for any use until an allocation covenant approved by the City Attorney or his designee is recorded with the Wake County Register of Deeds Office. For the purposes of this rezoning ordinance, the term "nonresidential uses" shall mean all those land uses except those listed under the "Residential" use category in the Allowed Principal Use Table in UDO Section 6.1.4.
7. A direct pedestrian connection from the subject property shall be provided to the sidewalk on the east side of Triangle Town Boulevard within seventy feet (70') of the intersection of Triangle Town Boulevard and Old Wake Forest Road.