

1. Z-51-21 – 2114 Atlantic Avenue, located at the intersection of Atlantic Avenue and East Whitaker Mill Road, being Wake County PIN 1714283644. Approximately 6.77 acres rezoned to Commercial Mixed Use-Twenty Stories-Conditional Use (CX-20-CU).

Conditions dated: October 13, 2022

1. 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; (ii) adult establishment; (iii) detention center, jail, prison; (iv) vehicle repair (minor and major); and (v) standalone restaurant uses with drive-thru facilities.
2. The site plan for development of the property shall provide for a mutually acceptable location on the property, adjacent right-of-way and/or along the existing Crabtree Creek Greenway Trail or proposed Pigeon House Greenway Trail, to accommodate a City bikeshare station. The property owner shall provide a station of no fewer than 7 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 any new principal structure on the property. The "mutually acceptable location" for the bikeshare station shall be determined by the property owner and the City.
3. For the purpose of obtaining building permits, the total AM peak hour and total PM peak hour trips generated on the property within the area subject to this rezoning ordinance shall be no more than the trip volume equivalent to 850 dwelling units of Multifamily Housing (High-Rise), 125 rooms of Hotel, 250,000 square feet of General Office Building, and 55,000 square feet of Shopping Center, as determined by the ITE Trip Generation Manual, 11th Edition. This condition shall not be construed to prohibit uses that are otherwise allowed by this rezoning ordinance.
4. The following conditions shall apply only to development qualifying as a Tier 3 site plan:
 - 4.A. Drive-thrus: For any building located within 100 feet of the Atlantic Avenue right-of-way, no drive-thru window or queuing lane can be placed between the associated building and the Atlantic Avenue right-of-way.
 - 4.B. Pedestrian Access: The development must provide for a sidewalk connecting the sidewalk along the E. Whitaker Mill right-of-way to the nearest main entrance of a building on site that allows for public access, and such sidewalk shall be a minimum width of at least eight (8) feet.
 - 4.C. Limited Surface Parking Along Atlantic Avenue Right-of-Way: This condition shall apply to that area measuring fifty (50) feet in depth, as measured from the Atlantic Avenue right-of-way, along the property's common boundary line with the Atlantic Avenue right-of-way (the "Limited Surface Parking Area"). Within the Limited Surface Parking Area, no more than fifteen percent (15%) of this area shall be surface parking.