

Z-67-20 - 3249 Blue Ridge Road (portion of), located approximately one third of a mile north of its intersection with Duraleigh Road, being Wake County PIN 0785859551. Approximately 3.95 acres rezoned to Office Mixed Use - 3 stories - Parking Limited - Conditional Use (OX-3-PL-CU).

Conditions dated: October 22, 2021

1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the OX- district shall be prohibited: (i) Multi-unit supportive housing residence; (ii) Supportive housing residence; (iii) Boardinghouse; (iv) Dormitory, fraternity, sorority; (v) Emergency shelter Type A; (vi) Emergency shelter Type B; (vii) Special care facility; (viii) Cemetery; (ix) College, community college, university; (x) School, public or private (K-12); (xi) Minor Utilities; (xii) Major Utilities; (xiii) Telecommunications tower (<250 ft); (xiv) Telecommunications tower (>250 ft); (xv) Day care, home; (xvi) Day care center; (xvii) Dance, martial arts, music studio or classroom; (xviii) Health club; (xix) Sports academy; (xx) Outdoor sports or entertainment facility (<250 seats); (xxi) Outdoor sports or entertainment facility (>250); (xxii) Overnight Lodging; (xxiii) Commercial parking facility; (xxiv) Remote parking facility; (xxv) Heliport, serving hospital; (xxvi) Heliport, all others; (xxvii) Veterinary Clinic/Hospital; (xxviii) Beauty/hair salon; (xxix) Copy center; (xxx) Detention center, jail, prison; (xxxi) Research & Development (xxxii) Congregate care; (xxxiii) Continuing care retirement community; (xxxiv) Rest home; (xxxv) Homestay; (xxxvi) Bed and breakfast; and (xxxvii) Hospitality house.
2. There shall be no more than 60,000 square feet of gross floor area for all nonresidential uses combined.
3. There shall be a minimum 100' building setback from the shared property line with PIN 0785-85-0576 (Book of Maps 2004, Page 407, Wake County Registry).
4. Hours of operation for any nonresidential use shall be permitted between 7:00 AM and 8:00 PM Monday through Friday, and between 9:00 AM and 3:00 PM Saturday and Sunday. Overnight, in-patient medical care is prohibited.
5. Pole-mounted light fixtures shall be of full cut-off design. Pole-mounted light fixtures shall be directed away from PIN 0785-85-0576 (Book of Maps 2004, Page 406, Wake County Registry), PIN 0785-85-7031 (Blue Ridge Commons Office Condominium, Exhibit A to declaration recorded in Book 8255, Page 0026, Wake County Registry), and Blue Ridge Road.
6. If the portion of the Property hereinafter referenced is not designated as tree conservation area, the following condition shall apply: Starting at the Control Corner on that plat recorded in Book of Maps 2004, Page 406, Wake County Registry, then extending N 01 °38'48" E for 188' to a point (the "Boundary Point), there shall be a minimum fifty-foot (50') wide buffer area (the "Buffer Area"), starting no less than twenty feet (20') and no more than forty feet (40') from the Boundary Point (the "Buffer Range"), extending northwest 225'. An illustration of the Buffer Area and Buffer Range is attached hereto as Exhibit A. The planting schedule for the Buffer Area is as follows: (i) four (4) shade trees; and (ii) fifteen (15) shrubs per 100 lineal feet. At the time of planting, said shrubs shall be at least

three feet (3') in height, with a minimum mature height of eight feet (8'). Any existing trees or shrubs within the minimum Buffer Area shall be counted towards the planting schedule.

7. Within one hundred feet (100') of the Blue Ridge Road right-of-way existing as of the date of this zoning ordinance, building height shall be limited to two (2) stories.
8. The minimum building setback from the existing Blue Ridge Road public right-of-way shall be no less than twenty feet (20').
9. Exterior building lighting (light fixtures mounted on the building or light fixtures directed at the building) shall be turned off between 11 :00 PM and 5:00 AM. This condition does not limit parking lot lighting or lights required for safety.
10. Trash dumpster service and collection shall be limited to between the hours of 7:00 AM to 8:00 PM, Monday through Saturday.
11. Prior to the issuance of the Certificate of Occupancy for the first building, at least one (1) bench and one (1) bike repair station shall be installed within the public right-of-way of Blue Ridge Road. This obligation is subject to approval of an encroachment agreement by the City of Raleigh and the City of Raleigh's acceptance (following installation) of said bench and bike repair station.
12. A minimum of six (6) understory trees and forty-five (45) shrubs (the "landscaping") shall be planted within the area described as follows: an area measuring no more than twenty feet (20') in width (measured perpendicular from the existing Blue Ridge Road right-of-way), beginning from the southernmost corner of the property at Blue Ridge Road, extending one hundred fifty feet (150') along the existing Blue Ridge Road right-of-way, plus any area of the Blue Ridge Road right-of-way behind the back-of-curb of the road adjoining this area. The requirement to plant the landscaping, and the location of the landscaping, are subject to approval of an encroachment agreement by the City of Raleigh and/or the consent of the City of Raleigh.

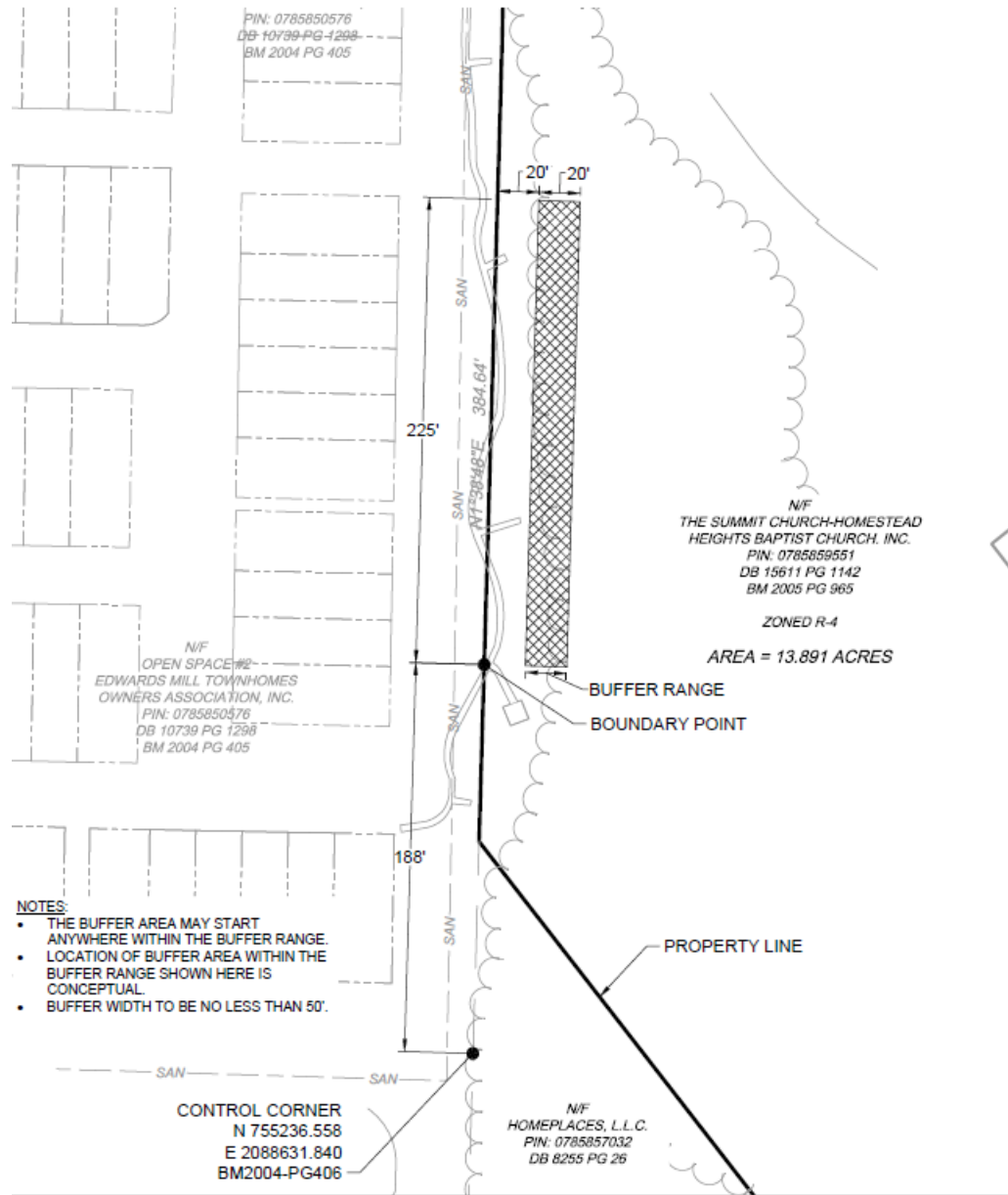


EXHIBIT "A"

3249 BLUE RIDGE RD - JULY 23, 2021
 REVISION - August 31, 2021

