Ordinance No. (2023) 541 ZC 863 Page 1
Adopted: 07/05/2023 Effective: 07/10/2023

2. Z-80-22 – 1101 Corporate Center Drive; 6931 Play Golf Way, located between I-40 and Corporate Center Drive, south of Trinity Road, being Wake County PINs 0774870206 and 0774766870. Approximately 25.16 acres rezoned to Office & Residential Mixed-Use 5 stories, Conditional Use (OX-5-CU).

Conditions dated: June 2, 2023

- 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) cemetery.
- 2. Residential development shall not exceed 715 dwelling units.
- 3. "Office" uses as defined by UDO Section 6.4.4 shall not exceed 100,000 square feet of gross floor area.
- 4. "Retail Sales" uses as defined by UDO Section 6.4.11 shall not exceed 50,000 square feet of gross floor area.
- 5. The property owner shall pay to the City a total of \$40,000.00 for one percent (1%) of all site plan approved dwelling units. Total site plan approved dwelling units multiplied by 1% shall be measured to the hundredth decimal point. The payment shall be placed in the fund designated for the City's Affordable Housing Program. Upon determination of the payment amount, the amount may be payable in five annual installments, with the first payment being due prior to the issuance of the first certificate of occupancy and with each other annual installment due on or before the same day of the successive years, although the property owner has a right to prepay any amounts due. Prior to the issuance of any building permit, this payment obligation shall be evidenced by a promissory note to the City. If a sale of the project or the property (or a portion thereof), including a sale of controlling interests of an ownership entity within the project, occurs subsequent to the issuance of the first building permit and prior to the payment in full of the sum described within this condition, any outstanding amount shall be paid prior to the change of ownership.
- 6. West of Richlands Creek, as shown on FEMA Map Number 3720077400K dated July 19, 2022 (exhibit A), the Apartment building type shall be prohibited.
- 7. Within fifty feet (50') of the Interstate-40 right-of-way, any eligible portion of the Property shall be dedicated as tree conservation area in accordance with UDO Article 9.1. Tree Conservation. Notwithstanding this condition, no portion of the Property encumbered by that easement recorded in Wake County Registry Book 13313, Page 1894 shall be dedicated as tree conservation area.
- 8. If a Tier 3 Site Plan proposes new buildings on the Property with PIN 0774-87-0206 (Deed Book 14084, Page 770, Wake County Registry) west of Richlands Creek, Developer shall install a Type B1 protective yard (as defined in UDO Section 7.2) along the shared boundary lines with the following properties: PIN 0774-77-4984 (Deed Book 19073, Page 2395, Wake County Registry), PIN 0774-77-5990 (Deed Book 19073, Page 2395, Wake County Registry), and PIN 0774-77-7716 (Deed Book 19073, Page 2395, Wake County Registry). Any existing shade trees, understory trees or shrubs within the Type B1 buffer that meet the criteria shall be counted towards the planting schedule.

Ordinance No. (2023) 541 ZC 863 Page 2
Adopted: 07/05/2023 Effective: 07/10/2023

9. West of Richlands Creek, as shown on FEMA Map Number 3720077400K dated July 19, 2022 (exhibit A), building height shall not exceed three (3) stories and fifty feet (50'). This condition shall not prohibit those height encroachments permitted by UDO Section 1.5.7.D.

For any new principal buildings located east of Richlands Creek, as shown on FEMA Map Number 3720077400K dated July 19, 2022 (exhibit A), the following conditions shall apply:

- 10. The maximum building setback shall be twenty feet (20') from Corporate Center Drive.
- 11. Each principal building shall have a primary street-facing entrance.
- 12. Vehicular surface parking between a building and Corporate Center Drive shall be prohibited.
- 13. In addition to the UDO prohibition of development in the 100-year floodplain and future condition floodplain, no principal structure shall be constructed within seventy-five feet (75') of the Richlands Creek floodway, as shown on flood maps effective at the time of site plan review or preliminary review.

Ordinance No. (2023) 541 ZC 863 Adopted: 07/05/2023 Page 3 Effective: 07/10/2023



