

Z-18-15 – Donald Ross Drive: in the southeast quadrant of its intersection with New Bern Avenue, being Wake County PIN 1723192900. Approximately 4.17 acres rezoned to Office Mixed Use-3 stories-Conditional Use (OX-3-CU).

Conditions dated: June 25, 2015

1. The following uses shall be prohibited upon the Property: multi-unit living; group living; boardinghouse; dormitory; fraternity; sorority; life care community; rest home; Emergency Shelter A; Emergency Shelter B; cemetery; college, community college, university; telecommunication tower (< 250 feet); telecommunication tower (\geq 250 feet); overnight lodging; bed and breakfast; hospitality house; heliport, serving hospitals; heliport, all others; beauty/hair salon; copy center; optometrist; eating establishment; detention center, jail, prison; animal care; catering establishment; drycleaner; funeral home; locksmith; palmist; post office; appliance repair; tailor; tattoo parlor; taxidermist.
2. Light fixtures within parking and vehicular areas can be no higher than 20 feet and will be full cutoff in design. Light fixtures within protective yards can be no higher than 12 feet and will be full cutoff in design.
3. Outside dumpsters, compactors and other waste equipment shall only be emptied between the hours of 7 a.m. and 7 p.m. Monday through Friday or 10 a.m. through 7 p.m. on Saturday.
4. Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of the Property shall deed to the City a transit easement measuring 20 feet long adjacent to New Bern Avenue by 15 feet wide to support a bus stop for transit services in the area. The location of the transit easement shall be approved by the Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation.
5. Any business establishment upon the Property shall be closed to the public between the hours of 11:00 p.m. and 8:00a.m. The term "business establishment" shall not include churches and places of worship and their related uses.
6. Buildings upon the Property shall not exceed a total size of 40,932 square feet floor area gross. Any new building constructed upon the Property shall have a pitched roof with a minimum pitch ratio of 3:12. With the exception of windows, doors, soffits, and trim, exterior building façades will be clad only with brick, stone masonry, or lap siding.
7. Prior to recordation of a subdivision plat or recombination 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 the allowable floor area and residential dwelling units permitted upon the Property to all lots of record comprising the Property. Such restrictive covenants shall be approved by the City Attorney or his designee prior to recordation of the restrictive 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.