

Ordinance: (2012) 56ZC673

Effective: June 5, 2012

Z-8-12 – Lynn Road Shopping Center Conditional Use - located on the northwest quadrant of the intersection Lynn Road and Six Forks Road, being Wake County PIN(s), 1707-70-1247. Approximately 2.35 acre(s) is rezoned from Office and Institution-1 Conditional Use to Shopping Center Conditional Use.

Conditions Dated: 05/25/12

2) Narrative of conditions being requested:

As used herein, the ‘Property’ means and refers to that certain tract or parcel of land containing approximately 2.35 acres located at the northwest corner of the intersection of Six Forks Road and Lynn Road, in the City of Raleigh, NC, and having Wake County Parcel Identification Number: 1707-70-1247 (Deed Book 11175, Page 772).

(a) The following uses shall be prohibited on the Property:

- adult establishment
- hotel/motel
- bar, nightclub, tavern, lounge
- car wash
- exterminating service
- movie theater - all types
- parking facility - principal use
- correctional/penal facility - all types
- kennel/cattery
- mini warehouse storage facility
- airfield or landing strip
- heliport - all types
- riding stable
- telecommunications tower - all types
- outdoor amphitheater - all types
- outdoor racetrack - all types outdoor stadium -all types
- outdoor theater-all types
- funeral home
- cemetery
- crematory
- day care - all types
- hospital

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- schools - all types
- utility substation
- emergency shelter - all types
- special care facility - all types
- landfill — all types

(b) Prior to the issuance of a building permit or prior to the recordation of a subdivision plat for the Property, whichever event first occurs, the owner of the Property shall cause to be recorded in the Wake County Registry an offer of cross-access over an upon the Property in favor of the owner of that parcel immediately north of the Property with Wake County PIN 1707-60-6886 (DB 14208, PG 864).

(c) Any building on the Property shall be no taller than the lesser of two stories entirely above grade or 40 feet in height as measured by the Raleigh City Code.

(d) No principal building on the Property shall be located within 30 feet of the common property line with that parcel immediately north of the Property with Wake County PIN 1707-60-6886 (DB 14208, PG 864).

(a) Prior to the issuance of a building permit or prior to the recordation of a subdivision plat for the Property, whichever event first occurs, the owner of the Property shall deed to the City a transit easement measuring 20 feet wide along Six Forks Road by 15 feet deep. The location of the easement shall be approved by the Transit Division of the City, and the City Attorney shall approve the transit easement deed prior to recordation.

(f) The total volume of trips generated by development on the Property shall not exceed 79 net new vehicle trips in the AM or PM peak hour. The AM and PM peak trip generation shall be determined using the most current Institute of Transportation Engineers trip generation manual. Prior to any of the following: preliminary site plan approval, final site plan approval, building permit approval, issuance of a certificate of occupancy for a change in use, or issuance of a zoning compliance permit, whichever approval is first required for a particular use, the applicant shall submit to the Public Works Director or his designee a letter sealed by a registered professional engineer certifying that the number of trips generated by the proposed development according to the most current Institute of Transportation Engineers trip generation manual does not exceed 79 net new vehicle trips in the AM or PM peak hour. A development plan application shall be denied when the sealed trip generation letter required by this condition (f) establishes that the net new vehicle trips will exceed 79 trips in the AM or PM peak hour.

(g) Any site plan for development on the Property shall provide a pedestrian access connection between that area required by above condition (a) to be dedicated for a transit easement and the main entrance of the proposed principal building.

(h) Prior to recordation of a subdivision plat for the Property, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates to all existing lots of record the allowable net new trips in the AM and PM peak hours as limited by above condition (f). Such restrictive covenant shall be approved by the City Attorney or his

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designee prior to recordation, and it shall be promptly recorded following its approval by City officials. 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, which consent shall not be unreasonably withheld.