ORDINANCE (2002) 171 ZC 513
Effective: 03/05/02

Z-47-01 Mitchell Mill Road, south side, east of Forestville Road, being Wake County PIN 1747.66-2190. Approximately 2.7 acres rezoned to Shopping Center Conditional Use.

Conditions dated: (02/27/02)

a. Reimbursement for future right-of-way dedication shall be based on R-2 zoning.

b. Uses shall be limited to those allowed within the Neighborhood Business zoning district, except the following uses, which shall be prohibited::

1. Auto service and/or repair facility,
2. Bar, nightclub, tavern, lounge, adult establishment,
3. Landfill (debris from onsite),
4. Parking lot, deck, garage including motor pool,
5. Emergency shelter Type B,
6. Telecommunications tower,
7. Airfield, landing strip, and heliport,
8. Riding stable,
9. Correctional/penal facility,
10. Outdoor stadium, outdoor theater, or outdoor racetrack,
11. Carwash,
12. Businesses of any kind with a drive-through, except banks, drug stores, dry cleaners, ice cream store, or doughnut store.

c. No buildings will be more than two stories, or 25 feet, in height.

d. At the time of initial site plan approval, recombination, or subdivision approval, an offer of reciprocal pedestrian and vehicular cross-access will be made to the abutting property to the west (PIN 1747 66 0285), currently owned by James E. Shearin, and the property to the south (PIN 1747 54 6698) owned by Crossman Communities of N.C., Inc.

e. A minimum 25-foot streetyard will be provided and maintained along Mitchell Mill Road for new development, planted to SHOD-4 standards.

f. All refuse containers and mechanical equipment will be fully screened from public view and the adjacent properties, and the screening will be of a design and materials compatible with those of the principal building.

g. New buildings will be residential in scale and character, designed with an exterior primarily consisting of wood or wood-like siding, or brick; and have pitched roofs (6:12 minimum), with all elevations displaying the same quality of design and materials. No buildings shall be constructed with vinyl or metal siding. At the time of initial site plan

approval or subdivision, whichever shall first occur, unity of development criteria shall be established assuring complimentary architectural style, addressing construction materials, color scheme, roof materials, and landscaping for buildings.

h. Maximum building lot coverage shall not exceed 20% for one story structures, and 15% for structures of two stories.

i. There will be no more than 10 residential dwelling units per acre on this site.

j. Any free-standing signs on the property will be low-profile designs.

k. At the time of initial site plan approval, the property owners shall make available to the City and easement for a transit stop measuring fifteen (15') feet by twenty (20') feet at a mutually agreeable location along Mitchell Mill Road.

l. The front yard setback between any buildings and Mitchell Mill Road shall not exceed 25 feet and no parking shall be permitted in this area.

m. The facades or any buildings located 25 feet or less from Mitchell Mill Road shall face the street and have at least one entrance on the street side with a sidewalk connection to the public sidewalk in the right-of-way.

n. Where there is a conflict between the approval processes described in the Shopping Center zoning district and the Neighborhood Business zoning district, the more restrictive approval process shall apply.

o. Initial site plans for all non-residential uses shall require review of the Raleigh Planning Commission as in the same manner as set forth in Raleigh City Code Section 10-2132.

p. In order to encourage vertical and horizontal mixed use in the Wake Crossroads area, no retail use shall exceed 16,000 square feet except that any retail use may increase its square footage on a 1:1 ratio with non-retail land uses (i.e. retail land uses may add one square for every square foot on non-retail land use under common ownership or located on the same site at the time of development). For purposes of this section, "non-retail land uses" are defined as office uses, institutional uses, residential uses, personal service retail uses (including personal service and beauty shops, nail/manicure services, and barber shops in addition to the code definition) and all other uses not designated as "retail sales" uses in the Table of Permitted Uses, Section 10-2071 of the City of Raleigh zoning code. No more that 20,000 square feet of retail land uses shall be permitted on this site.

q. The pedestrian-friendly streetscape in the Wake Crossroads area shall include the following elements: (1) upon development, plantings meeting the requirements of a SHOD-4 shall be installed along thoroughfares, (2) sidewalks shall be a minimum of 5 feet in width, (3) the area where public sidewalks cross private driveway accesses shall

be constructed of the same material as the sidewalk (subject to approval of the material by the Raleigh Department of Transportation), and (4) sidewalks shall connect main entrances to the public sidewalk located in the right-of-way.

r. At the time of site plan approval, recombination or subdivision approval, whichever shall occur first, that a north-south pedestrian connection (minimum of 5 feet in width) with streetscape improvements from Mitchell Mill Road south to PIN 1747 54 6698, along property PIN 1747 66 0285, will be provided. A building with public entrance shall front the pedestrian connection.