Ordinance (2002) 205 ZC 517
Effective: May 7, 2002

Z-18-02 Forestville Road and Mitchell Mill Road, southeast intersection, being Wake County PIN 1747.02-56-3417. Approximately 4.94 acres rezoned to Shopping Center Conditional Use.

Conditions dated: (04/18/02)

For purposes of the following conditions, Tax Parcel PIN 1747.02-56-3417 shall be referred to as the "Property."

1) Reimbursement for required right-of-way dedication shall remain at the current R-4 value.

2) Uses shall be limited to those allowed within the Neighborhood Business District. It is provided, however, that the following uses shall be prohibited upon the Property: automotive repair facility (provided, however, the sale of gasoline shall be allowed); any car wash other than a single bay, automatic car wash; bar, nightclub, tavern, lounge; civic/convention center; daycare facility; hotel or motel; indoor movie theater; utility service substation; adult establishment; airfield, landing strip, or heliport; kennel or cattery; riding stable; correctional/penal facility; outdoor stadium; landfill (debris from onsite); parking lot, deck; garage including motor pool; emergency shelter Type B; telecommunications tower; business of any kind with a drive-through (other than a bank, pharmacy, dry cleaning establishment, ice cream store, or doughnut store), and outdoor theater or outdoor racetrack.

3) Upon development, an offer of vehicular cross-access shall be made to the owner or owners of Tax Parcel PIN 1747.02-56-7305, which is shown on the tax map attached to these conditions.

4) With respect to Mitchell Mill and Forestville Roads, vehicular access to the Property shall be limited to no more than one full service driveway from Mitchell Mill Road and no more than one full service driveway from Forestville Road.

5) The area within twenty-five (25) feet of the rights-of-way of Mitchell Mill and Forestville Roads, as established at the time of site plan approval, shall be maintained as a natural protective yard within which trees shall be protected to the same standards as in an area with a SHOD-4 overlay. It is provided, however, that up to thirty percent (30%) of the area of such natural protective yard may be disturbed and utilized for driveway curb cuts, pedestrian access ways, utilities, stormwater detention, and stormwater control pipes and facilities.

6) Within twenty (20) feet of the rights-of-way of Forestville and Mitchell Mill Roads, as established at the time of site plan approval, no fence greater than four (4) feet in height shall be installed. Between twenty (20) feet and fifty (50) feet from the rights-of-way of Mitchell Mill and Forestville Roads, as established at the time of site plan approval, any

fence greater than four (4) feet in height shall be installed with planting materials such that seventy-five percent (75%) of its surface area will be screened from the street within three (3) years of the installation of the fence.

7) All refuse containers and mechanical equipment shall be fully screened from public rights-of-way and the adjacent parcels by landscaping or screening of a design and materials compatible with those of the principal building.

8) The front yard setback between any building and Forestville Road or Mitchell Mill Road shall not exceed twenty-five (25) feet. No parking or vehicular surface shall be permitted in this area.

9) Non-residential buildings upon the Property will be residential in scale and character. Required elements of a residential scale and character shall include buildings designed with a main entrance facing a thoroughfare. The pitch of the roofs of buildings shall be a minimum of 6:12, and ever thirty (30) linear feet of the façade of a building facing a thoroughfare shall include a four- (4) foot offset portion of the façade. No building shall be constructed with vinyl, exterior finish insulating system (EFIS) or metal siding. Architectural elements, including building features, freestanding elements, signs, and landscaping shall be incorporated into site design for sites at the intersection of thoroughfares. At the time of initial site plan approval or subdivision, whichever shall first occur, unity of development criteria adopting the above described criteria and assuring complementary architectural styles, addressing construction materials, color schemes, roof materials, and landscaping shall be established for non-residential buildings.

10) Residential density shall not exceed ten (10) units per acre.

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

12) Sidewalks upon the Property shall be a minimum of five (5) feet in width. The area where public sidewalks cross private driveway accesses shall be constructed of the same material as the sidewalk, subject to the approval of the material by the Raleigh Department of Transportation. Sidewalks shall connect main entrances to the public sidewalk located in the right-of-way.

13) In order to encourage vertical and horizontal mixed use in the Wake Crossroads Area, no retail use shall exceed 16,500 square feet, provided 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 (1) square foot for each square foot of non-retail use under common ownership located on the same site at the time of development). For purposes of this condition, “non-retail land uses” are defined to include 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 of

Section 10-2071 of the Raleigh City Code. No more than 25,000 square feet of retail land uses shall be permitted upon the Property.

14) In the event that a collector street is constructed along the southern boundary of the Property, a sidewalk shall be constructed upon the Property along such street. A landscaped streetyard a minimum of twenty-five (25) feet in width shall also be installed and maintained along such street. The Property shall be limited to no more than one driveway providing vehicular ingress and egress to such collector street. In the event of the construction of such street, upon development of any building located within one hundred (100) feet of the street's right-of-way, such building shall front the collector street (or be an "L" shaped building with facades of equal length fronting both Forestville Road and the collector street) and be set back no more than twenty-five (25) feet from the right-of-way of the collector street.

15) Any drive-throughs, gas pumps, canopies and other accessory structures shall be located behind any building constructed at the corner of Mitchell Mill Road and Forestville Road or more than sixty (60) feet from the right-of-way of Mitchell Mill Road and Forestville Road. If any building is constructed at the corner of Mitchell Mill Road and Forestville Road which exceeds 5,000 square feet, the narrow façade shall front Mitchell Mill Road and the long façade shall front Forestville Road; provided, however, that a square-,"L" or triangle-shaped building may have facades of equal length fronting Mitchell Mill and Forestville Roads.

16) At the time of initial site plan or subdivision, the owner of the Property shall offer the City a transit easement along Forestville Road measuring fifteen (15) by twenty (20) feet.

17) Any free-standing signs on the Property will be low-profile designs.