Z-62-06 – Six Forks Road on the west side of Six Forks Road, northwest of the intersection with Monument Lane, being Wake County PIN 1708307369. Approximately 3.0 acres rezoned to Office & Institution-1 Conditional Use.

Conditions: 07/02/07

As used herein, the "Property" refers to that certain tract or parcel of land containing approximately three acres located at the northwestern quadrant of the intersection of Six Forks and Monument Lane, and having Wake County PIN 1708-30-7329.

(a) Prohibited Uses. The following uses shall be prohibited upon the Property:

- Cemetery
- Church. synagogue or religious education building
- Hospital (medical/psychiatric/veterinary)
- Utility services and substation
- Dance, recording, music studio
- Emergency shelter type B
- Governmental building and grounds
- Private or parochial school (elementary, middle and high)
- Recreational use — restricted to membership profit and not for profit
- Telecommunication towers complying with designated height and setback standards, otherwise, a special use approved by City Council
- Airfield landing strip and heliport
- Manufacturing — specialized
- Guest house
- Fraternity house
- Sorority house
- Life care or congregate care living structures
- Multifamily housing
- Funeral parlor
- Emergency shelter—Type A. Emergency shelter Type-B, and Religious shelter units
- Rooming house
- Group housing
- Barber and beauty shops

(b) Height Limits. Subject to Condition (m) hereof: (i) only buildings, including parking decks, no greater than three (3) stories in height entirely above grade or forty-eight (48) feet in height may be located within seventy-five (75) feet of Monument Lane; and (ii) only buildings, including parking decks, no greater than four (4) stories entirely above grade or sixty (60) feet in height may be located within one hundred (100) feet of Six Forks Road or within one hundred (100) feet of Monument Lane. No buildings, including parking decks, constructed on the Property shall be greater than six (6) stories entirely above grade or ninety (90) feet in height.

(c) Access. There shall be no more than one (1) street access onto Monument Lane from the Property. There shall be no street access onto Six Forks Road from the Property.

(d) Structured Parking. A minimum of 70% of all parking for uses located on the Property shall be included in a structured parking facility. Any parking deck/garage located on the Property shall be separated from any public right of way by a 30-foot wide, Type B vegetative buffer. Any parking deck/garage shall not be adjacent to or abutting Monument Lane. Further, any parking deck shall be setback at least 150' from Monument Lane and shall be separated from Monument Lane by at least one (1) office building.

(e) Reimbursement Values. Reimbursement for any required right-of-way dedication shall be at the current R-4 rate.

(f) Transit Easement. 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 twenty (20) feet long adjacent to Six Forks Road by fifteen (15) feet wide to support a bus stop for current 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.

(g) Stormwater Retention. Stormwater control devices shall be constructed to provide retention of stormwater to maintain existing (pre-development) peak discharge rates for the two (2) year, ten (10) year and twenty-five (25) year storms.

(h) Six Forks Road Street Protective Yard. An average of 50'-feet in width street protective yard, with a minimum width of 25-feet and a maximum width of 100 feet, shall be established along the eastern boundary of the Property abutting Six Forks Road to serve as the tree conservation area for the Property. The buffer along Six Forks Road shall take into account existing trees and the owner of the Property shall take all reasonable precaution for protection of the existing trees.

(i) Monument Lane Street Protective Yard. An average of 25'-feet in width streetyard shall be established along the southern boundary of the Property abutting Monument Lane, which streetyard shall be planted to include at least 50% more plant material than otherwise required by City Code standards. In addition, a combination of evergreen and deciduous trees (excluding pines) of at least 4 inch (4") caliper (measured at three (3) feet above planted grade) shall be planted at twenty (20) foot centers along the Monument Lane boundary.

(j) Offer of Cross Access. Prior to subdivision approval or issuance of a building permit, whichever shall first occur, the owner of the Property shall cause to be recorded in the Wake County Register of Deeds an offer of cross access establishing vehicular and pedestrian access over and upon the Property in favor of the owner(s) of all or any portion of the property abutting the western boundary of the Property, which property Is described by deed recorded at Book 8967, Page 1474 of the Wake County Registry.

(k) Construction Traffic Prohibited on Private Drives. Any construction contracts for improvements to be located on the Property shall include a clause requiring contractors, their employees and subcontractors to use only public rights-of-ways to access the Property and shall further provide a penalty for violation of the same.

(l) No Dry Detention Facilities. With regard to stormwater detention for the Property, dry pond detention facilities shall not be permitted.

(m) Landscaping of Property in Excess of Code Requirements. Except as otherwise provided herein, including without limitation Condition (i) hereof, all landscaping for the Property shall be planted to include 15% more plant material than otherwise required by the Code. The requirements of this condition are in addition to and above the requirements of Condition (i) related to the Monument Lane Street Protective Yard.

(n) Site Lighting. All outdoor area and parking lot fixtures shall be of full cutoff (shielded) design. Outside of required transitional protective yards where the maximum height shall be twelve (12) feet, freestanding on-site lighting fixtures shall not be more than twenty (20) feet in height.

(o) Building Materials. Buildings shall be pre-cast, stone, brick clad or glass/Spandrelite or like high quality material.

(p) Open Space. A minimum of thirty percent (30%) of the Property shall be maintained in open space. Open space, as used in this Condition (p), shall be defined as any area of the Property not covered by buildings, parking decks, vehicular service and/or parking areas, and streets.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extend of such conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Section 4. That this ordinance shall become effective upon the date of adoption.

Adopted: July 24, 2007
Effective: July 24, 2007

Distribution: Planning Department (3)
City Attorney
Inspections Department (5)
Transcription Services – Taylor