Ordinance 779 ZC 565
Effective 2-15-05

Z-4-05 – Mellow Field Drive, east side, south of Strickland Road intersection, being approximately 1.18 acres, rezoned to Shopping Center Conditional Use.

Conditions dated: 2/8/05

(a) Reimbursement for any future right-of-way dedications shall be based on O&I-2 values.

(b) A 40-foot wide landscaped buffer will be provided between the subject property and the western boundary of the Atlantic Place II Condominium, (PIN 1715427335). The width of this buffer may not be reduced by the use of earthen berms, closed fences or walls or changes in grade. Prior to receipt of a Certificate of Occupancy for any improvements on the subject property, a wrought iron style aluminum fence with brick columns which is similar in height and appearance to the other fencing within Atlantic Place II Condominium shall be installed within the buffer on a line which is located approximately 5 feet east of and parallel to the east line of the subject property and the west line of the Atlantic Place II Condominium property.

(c) The maximum height of any building located on the subject property shall not exceed the height of the Atlantic Place II Condominium building which is the closest to the property line between the subject property and the Atlantic Place II Condominium property.

(d) No light poles in excess of twelve (12) feet shall be placed within the landscape buffer described in Condition (b) above. All exterior lighting fixtures on the subject property adjacent to the Atlantic Place II Condominium shall be of full cut-off (shielded) design, and be a maximum of twenty-five (25) feet in height.

(e) The following uses are prohibited on the subject property:

1. eating establishments with drive-thru or drive-in service;
2. automotive service and repair facilities;
3. facilities dedicated primarily to the recycling of recyclable materials as defined in the City Code;
4. mini-warehouse storage facilities;
5. indoor and outdoor movie theatres;
6. night clubs and lounges; and
7. bars and taverns unless included in a Restaurant as defined under N.C.G.S. 18(b)-1000(6).

(f) Any ground-mounted site signage on the subject property be of low profile design.

(g) Permanent stormwater management facilities shall be designed and installed such that the peak stormwater run-off leaving the subject property for the 2 and 10-year storms shall be no greater for post development conditions than pre-development conditions.

(h) All garbage dumpsters visible from ground level within the Atlantic Place II Condominium shall be screened from view by wooden, brick or masonry enclosures which are at least eight feet (8') in height.

areas will not exceed 18 feet in height.