Z-39-05 – Oberlin Road, west side, northwest of its intersection with Davis Street, being Wake County PINs 1704-29-0279 and 1704-29-0303. Approximately .27 acre rezoned from Office and Institution-1 and Residential-4 to Buffer Commercial Conditional Use.

Conditions dated: September 14, 2005

A. Only the following uses shall be permitted on the subject property:

i. jewelry store, gift shop, china and silver shop;
ii. clothing shop;
iii. antiques shop;
iv. book shop or stationery store;
v. those uses allowed within both the Office and Institution-1 zoning district and the Buffer Commercial district. The more restrictive approval process shall apply.

B. Total building square footage on the subject property will not exceed 5,000 square feet. Of the total building square footage, retain land use on the subject property will not exceed 2,500 square feet and office, residential and/or other permitted land uses will not exceed 2,500 square feet.

C. No building will exceed two stories or a height that is greater than the existing building to the north, 37 feet (Haydon & Company Jewelers, Deed Book 3069, Page 758, Wake County Registry) plus ten percent (10%).

D. Prior to issuance of a building permit, an offer of cross-access and cross-parking will be made to the property to the north of the subject property (Haydon & Company Jewelers, Deed Book 3069, Page 758, Wake County Registry) and between the two parcels that are the subject of this rezoning.

E. Off-street parking will be located to the side and rear of the building, as prescribed in the urban Design Guidelines. There shall be no off-street parking located between any building and Oberlin Road nor any building and Davis Street.

F. All exterior lighting fixtures will employ full cut-off design and be directed away from adjacent properties. Light poles shall not exceed twelve feet (12') in height.

G. A minimum ten foot (10') transition yard shall be provided along the common boundary line of the property to the west (White; Deed Book 3670, Page 697, Wake County Registry) and along the common boundary line of the property to the north (Merriman; Deed Book 8404, Page 1244, Wake County Registry).

H. Reimbursement for future right-of-way dedication shall be at the current R-4 or O&I-1 values.

I. No vehicular access shall be permitted from Oberlin Road.

J. Any new signage shall be wall mounted.

K. Any new construction shall be designed to compliment the existing Haydon & Company building by utilizing similar building materials and colors and shall complement the architectural style of the existing building.

L. The building facade facing Oberlin Road shall include a pedestrian entrance.

M. Subject to site triangle regulations, a screen wall at least three feet (3') in height shall be provided along the common boundary line between the subject property and the right-of-way for Davis Drive. The screen wall shall be designed to complement the existing Haydon & Company building by utilizing similar building materials and colors and shall complement the architectural style of the existing building.