Ordinance (2000) 898 ZC 489
Effective: November 21, 2000

Z-57-2000 U.S. 70 West, northeast side at ACC Boulevard. Approximately 85.20 acres, to be rezoned to Shopping Center Conditional Use.

1. All development shall comply with C.R. 7107, with R-4 being the base zoning district.

2. The following uses, otherwise permitted, shall be prohibited in the S.C. district:
   i) Emergency Shelter Type A and Emergency Shelter Type B;
   ii) Cemetery;
   iii) Landfill (debris from on-site)
   iv) Adult Establishment
   v) Airfield, landing strip, heliport; and
   vi) Kennel/cattery.

3. On the west side of the future right-of-way for the thoroughfare extension of Briar Creek Parkway (Skyland Parkway) no single use other than a hotel or office facility shall be larger than 40,000 square feet, gross floor area.

4. East of the future right-of-way of the thoroughfare: extension of Briar Creek Parkway (Skyland Parkway), a continuous pedestrian boulevard (as hereinafter defined) shall extend northward from within 100 feet of the right-of-way of U.S. Highway 70 to the new alignment of ACC Boulevard. Said pedestrian boulevard shall connect with a similar pedestrian boulevard extending southward from the future T.W. Alexander Drive right-of-way. This pedestrian boulevard shall generally bisect the eastern portion of the SC CUD zoned property on a generally north-south axis. The standard for such boulevard shall include.
   a. vehicular lanes which may be divided by landscaped medians;
   b. sidewalks on both sides;
   c. articulated pedestrian crosswalk
   d. traffic calming devises to be determined by staff at site plan; and
   e. appropriately scaled pedestrian furnishing (benches, lighting fixtures, etc.)

5. Streetscape landscaping materials, ground signage and pedestrian circulation facilities, other than sidewalks required with public streets, shall be provided in a uniform manner with similar elements in the adjacent PDD zoned area.

6. All refuse containers, mechanical/maintenance facilities, and HVAC units shall be screened such that they are not visible from any public streets rights-of-way and the townhouse development referenced herein below.

7. All uses defined as Retail Sales-Highway in the Raleigh Zoning Code, as well as any use that incorporates a drive thru or drive-up facility, excluding a bank, shall be prohibited within 450 feet from the northern U.S. Highway 70 right-of-way line.

8. At the time of the site plan approval for the SC CUD zoned area east of the thoroughfare extension of Briar Creek Parkway (Skyland Parkway), a landscape plan shall be prepared

that shall identify the plant materials or ornamental screen walls or combination thereof to be installed to screen or filter the view of vehicular surface areas that would otherwise be seen from the travel lanes of U.S. Highway 70. To wit: within 100 feet of the right-of-way of U.S. Highway 70 (east of Skyland Parkway), no more than one standard double bay of parking and related driveway shall be permitted before the parking field is broken by either a building or a minimum 35 foot wide landscaped feature considered equivalent to a six foot high vegetative screen.

9. No parking space shall be located more than 280 feet away from an occupiable building.

10. Any site plan for that portion west of the future right of way of the thoroughfare extension of Briar Creek Parkway (Skyland Parkway) shall provide for the dedication of public right-of-way as shown on MP-1 of the Alexander Master Plan to allow an expressway interchange entering and exiting the property via westbound U.S. Highway 70, as well as providing access to parcels 2 and 3.

11. An average 50-foot, minimum 35-foot natural protective yard shall be maintained along the U.S. Highway 70 right-of-way west of the right-of-way for the thoroughfare extension of Briar Creek Parkway (Skyland Parkway). An average 40-foot, minimum 15-foot street yard shall be maintained along the U.S. Highway 70 right-of-way east of the Skyline Parkway right-of-way.

12. Within the SC CUD zoned property, a town house development, with garages, having a density no less than 6 units per acre (or 40 dwelling unit minimum) shall be constructed along the southern right-of-way line of the ACC Boulevard as shown on MP-1 of the Planned Development Overlay District zoning petition for the applicants adjacent property filed concurrently herewith.

13. Except where in conflict with the conditions stated herein, the development of this property shall conform to the conditions which are a part of the Master Plan incorporated into the Planned Department Overlay District zoning petition for the applicants adjacent property filed concurrently herewith.

14. Building rears which are visible from public rights-of-way will be of similar materials and architectural design and features as the building front.

15. Reimbursement for future right-of-way dedications shall be based upon the pre-existing zoning, TD CUD.

16. In order to allow for construction slope easements during the construction of the grade separated intersection of the thoroughfare extension of Briar Creek Parkway (Skyland Parkway) and Glenwood Avenue planned in the future, building setbacks along such thoroughfare extension within four hundred (400) feet of its intersection with Glenwood Avenue shall be no less than twenty (20) feet.