Ordinance (2002) 165 ZC 512
Effective: 2/19/2002

Z-54-01 at the southwest corner of the intersection of **Mitchell Mill Road and Forestville Road.** Approximately 3.11 acres to be rezoned from Residential-4 to Shopping Center Conditional Use.

Conditions: 02/06/02

A. Reimbursement for future right-of-way dedications shall be based upon R-4 values.

B. Uses shall be limited to those allowed within the Neighborhood Business zoning district except the following uses, otherwise allowed in the Neighborhood Business zoning district, which shall be prohibited:

1. Auto service and/or repair facility (including car washes);
2. Bar, nightclub, tavern, lounge;
3. Adult establishment;
4. Landfill (debris from onsite);
5. Parking lot, deck, garage including motor pool;
6. Emergency shelter Type B;
7. Telecommunications Tower;
8. Airfield, landing strip and heliport;
9. Single family detached dwelling unit
10. Businesses of any kind with a drive-through (other than a bank, pharmacy, dry cleaning, ice cream store, or doughnut store);
11. Riding stable;
12. Correctional/Penal facility; and
13. Outdoor stadium, outdoor theater or outdoor race track.

C. Finished floor area for all commercial uses on the site shall not exceed an FAR of .33.

D. All refuse containers and mechanical equipment shall be screened such that they are not visible from any public streets, rights-of-way or residential zoning districts.

E. Any free-standing signs on the property will be low profile design.

F. Prior to any land disturbing activity on site, an inventory will be taken of all healthy evergreen trees on the site twenty-four inches (24") in diameter or greater measured at a height of 4 1/2 feet above ground. Fifty percent (50%) of those trees will be preserved. Once preserved, trees may be treated or removed when the Urban Forester or other public official designated by the City Manager certifies it diseased or a nuisance to the area. If locating one or more buildings and accompanying accessory uses, like parking areas, driveway accesses, remote facilities and/or the like, in close proximity to Forestville Road as required by the design conditions contained in this ordinance, does not reasonably allow the preservation of 50% of the healthy evergreen trees twenty-four inches (24") in diameter or greater, the property owner will work with the city zoning

enforcement officer to plant substitute trees elsewhere on the property. Substitute plantings for the loss of any one evergreen tree shall be limited to twelve (12) replacement saplings. A sapling shall be defined as a young tree not to exceed 2 inches in caliper. If substitute trees are planted, said trees will be additional plantings that will not be credited towards the requirements of the "Type A" transitional yard.

G. A forty foot (40') wide "Type A" transitional yard will be established along the western common boundary with property known by Wake County PIN 1747-46 4322 (Beazer Homes), and along the southern common boundary with property known by Wake County PIN's: 1747 56 1201 (Beazer Homes), 1747 56 0230 (Beazer Homes), 1747 46 9179 (LaBelle), 1747 46 9108 (Gontram) and 1747 46 8146 (Dove), with the first twenty feet (20') maintained as a natural protective yard.

H. At the time of initial site plan or subdivision, the property owner shall offer the City without charge a site along Forestville Road as an easement for a transit stop measuring fifteen feet (15') by twenty feet (20').

I. The front yard setback between any building and Forestville Road shall not exceed 25 feet. No parking or vehicular surface shall be permitted in this area.

J. Non-residential buildings in the Wake Crossroads area will be residential in scale and character. Required elements of residential scale and character shall include buildings designed with a main entrance facing a thoroughfare, roof slopes of buildings shall have a minimum of 6:12 slope and every 30 linear feet of the façade of a building facing a thoroughfare shall include a 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, public art and/or 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 complimentary architectural styles, addressing construction materials, color schemes roof materials, and landscaping shall be established for non-residential buildings. Such criteria shall take into account that flexibility in variety of building material and color is desirable in this area.

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

L. Where there is a conflict between the approval processes described in the Shopping Center zoning district and the Neighborhood Business zoning district, the more restrictive approval process shall apply.

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

N. The pedestrian-friendly streetscape in Wake Crossroads area shall include the following elements, upon development: (1) plantings meeting the requirements of a SHOD-4 shall be installed along major thoroughfares for the width of the building setback; (2) sidewalks shall be a minimum of 5 feet in width; (3) the area where public sidewalks cross private driveway accesses shall be constructed of the same material as the sidewalk, subject to approval of the material by Raleigh Department of Transportation; and (4) sidewalks shall connect main entrances to the public sidewalk located in the right-of-way.

O. Upon development, a greenway a maximum of 50 feet in width and located along a stream generally following the northern property line shall be made available to the City of Raleigh in accordance with the Greenway Master Plan.

P. In order to encourage vertical and horizontal mixed use in the Wake Crossroads area, no retail use shall exceed 12,500 square feet except 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 square foot for every square foot of non-retail land use under common ownership or located on the same site at the time of development.) For purposes of this section, “non-retail land uses” are defined as 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, Section 10-2071 of the City of Raleigh zoning code. No more than 20,000 square feet of retail land uses shall be permitted on this site.

Q. Non-residential buildings shall be located a minimum of 75 feet from the intersection of Mitchell Mill and Forestville Roads.