ORDINANCE (2002) 188 ZC 516
Effective: 04/16/02

Z-74(A)-01 Edwards Mill Road, east side, north of Duraleigh Road. Approximately 15.26 acres rezoned to Residential-15 Conditional Use (10.05 acres) and rezoned to Neighborhood Business Conditional Use (5.21 acres).

Conditions dated: (4/9/02)

A. Reimbursement for any required right-of-way dedication shall be based on R-4 values.

B. On the property classified Neighborhood Business Conditional Use District, all uses permitted in Section 10-2042 shall be allowed except:

1) Utility service and substation.
2) Landfill.
3) Manufacturing (custom and specialized).
4) Mini-warehouse.
5) Telecommunications tower.
6) None of the "special uses" provided for in Section 10-2042(b)(3).
7) No automotive service or repair facilities, gas dispensing facility or carwash.
8) Only low-profile ground signs will be permitted.

C. Sidewalks, having a minimum width of eight feet (8'), shall be provided on both sides of Ed Drive within the Neighborhood Business Conditional Use District. Sidewalks of city standard width shall be provided along both sides of Ed Drive within the R-4 Conditional Use District.

D. Maximum thirty foot (30') building setbacks from the Ed Drive right-of-way shall be enforced within the Neighborhood Business Conditional Use District. Each parcel shall provide pedestrian cross access with each adjacent parcel. Said Pedestrian Cross Access System shall connect, ultimately, with sidewalks on either side of Ed Drive. The Pedestrian Cross Access System shall be approved by the City of Raleigh at the earlier of subdivision of the property of issuance of building permits. The terms and conditions of this provision shall not prohibit the applicant from seeking a "recombination" of the existing five (5) parcels that are part of the existing "Booker Tract" into five (5) or fewer newly configured parcels, provided pedestrian access is provided to all reconfigured lots.

E. Within the Neighborhood Business Conditional Use District, no parking shall be provided in the area between buildings and Ed Drive.

F. All HVAC equipment and dumpsters shall be screened from adjoining properties and from public street view. Screening and plant material shall be of compatible with those of the principal building.

G. At the time of development of the first lot, unity of development guidelines and unified sign criteria shall be required for all structures located within the Neighborhood Business Conditional Use District. Unity of development on all parcels shall provide for:

1) Minimum roof pitch of 5:12 for all buildings.
2) Uniformity of building materials including siding, brick (one or more of General Shale Corp's Georgetown, Phoenix or Providence brick types) and stone fascia shall be consistent with those previously used at Bentley Ridge.
3) Building facades shall have an appearance consistent with the existing residential character of Bentley Ridge and shall provide that not less than fifteen percent (15%) nor more than sixty percent (60%) of the building for any one side be devoted to window openings.

H. Subject to the approval of the City's Engineering and Transportation Departments and in accordance with any required encroachment and/or maintenance agreements, pedestrian crossings in Ed Drive will be visually differentiated by brick pavers.

I. That no fence or wall greater than four feet (4') in height be installed within twenty feet (20') of the Edwards Mill right-of-way, and that between twenty (20) and fifty (50) feet of the right-of-way, any fence or wall greater than four (4) feet in height be seventy-five percent (75%) screened by plantings.

J. Property within the R-15 Conditional Use District shall be developed with a maximum of 14 units per acre.

K. Any development of property with the Neighborhood Business Conditional Use District shall require the phased dedication and construction of Ed Drive (including sidewalks) at a location approved by the City of Raleigh Transportation Department. No non-residential use may be made of the Neighborhood Business Conditional Use Property until the aforementioned Ed Drive (including sidewalks) has been constructed and dedicated across Pin #0785.12 755652 (Dillard Heirs Property) to connect to Edwards Mill Road with Blue Ridge Road.

L. The applicant shall provide a transit easement to the City of Raleigh on the Edwards Mill frontage at a location to be determined by City Staff prior to issuance of any building permits for any non-residential use.

M. Retail uses on the Neighborhood Business CUD property shall be limited to not more than 28,991 square feet of finished floor area gross at a floor area ratio not to exceed .25. The property owner(s) shall record with the County Register of Deeds a covenant allocating retail square footage to each lot, prior to the issuance of building permits with the Neighborhood Business Conditional Use District and within ten (10) days following recordation of any subdivision or recombination map. The City shall receive a copy of the recorded allocation immediately following its recordation.

N. That a minimum twenty-five foot (25') natural protective yard be provided along the new right-of-way of the rezoned property's frontage along Edwards Mill Road.