

Z-40-04 – Gorman Street and Sherman Avenue, northwest quadrant, being Wake County PIN 0794-20-7402 and 0794-20-7313. Approximately 0.60 acre rezoned to Shopping Center Conditional Use.

Conditions dated: (8/26/04)

1. Reimbursement for ROW dedication, if applicable, shall be at a rate consistent with the current R-30 zoning.
2. A pedestrian walkway, minimum 4' wide, no treated wood shall be used for walkway, and shall connect the building entrance directly to Gorman Street.
3. Parking shall be located to the side and rear of the building, behind the front wall of the building.
4. No less than fifty percent (50%) of building material siding, exclusive of doors and windows shall be masonry, stucco or pre-cast concrete.
5. No more than seventy percent of any single building elevation shall be composed of doors and/or windows.
6. The Gorman Street elevation of the building shall be two (2) floors, minimum, of conditioned space. Maximum overall height shall be no more than 34' on the Gorman Street elevation. If structured parking is provided under the building, this level shall not count as a floor. The finish floor elevation at the Gorman Street building entrance (1st or main floor level) shall be no higher than four feet (4') above the main elevation of the centerline of Gorman Street in front of the property.
7. Exterior lighting fixture/poles shall be no more than twenty five (25') in height, except within protective yards height shall not exceed twelve (12').
8. Uses shall be limited to:
 - a. Restaurant without a drive-thru window
 - b. All uses allowed in the O&I-1 zoning district, except the following uses shall be prohibited: Tattoo parlor; Communications Uses or Tower; Plasma Collection and/or Abortion Clinic, Above-Ground Storage Tanks; Dish Antenna; Congregate Care Structure; Life Care Community; Rest home; Sorority/Fraternity House; Emergency Shelters; Rooming House; Guest House; Parking Facilities (except as an accessory use to a principal use); Utility Sub-Station, Cab/Taxi Stand.
9. No drive-thru feature serving any use shall be allowed.
10. Prior to subdivision or site plan approval, a transit easement (10' width x 20' length minimum) shall be provided along Gorman Street.

11. Dumpsters shall be located behind front wall of building, and screened from off-site view. Enclosure shall be masonry construction matching the building.
12. Prior to subdivision or site plan approval, an offer of cross-access shall be provided to the parcel (0794-20-7402) north of the subject property.
13. If residential dwelling units are provided, dwelling units shall be located on second or third floor.
14. No ground signs shall be allowed.