Ordinance: (2010) 812 ZC 654
Effective: December 7, 2010

Z-13-10 Conditional Use – Dixie Forest Road - located on Dixie Forest Road, south side, from its intersection with Spring Forest Road, to its intersection with Atlantic Avenue being various Wake County PINs. Approximately 6.47 acres rezoned from Office & Institution-1 Conditional Use District to Shopping Center Conditional Use District.

Conditions Dated: 11/12/10

Narrative of conditions being requested:

As used herein, the "Property" refers to-those-certain tracts or parcels of land containing-approximately 6.47 acres located on the south side of Dixie Forest Road, between its intersection with Spring Forest Road and Atlantic Avenue in Raleigh, North Carolina, having Wake County PIN 1716-89-7263 (DB3378, P474), 1716-89-6200 (DB12649, P1722), 1716-89-4290 (DB8551, P628), 1716-89-3280 (DB13238, PG189), 1716-89-2281 (DB13238, PG195), 1716-89-1198 (DB11363, PG2078), 1716-89-0178 (DB2796, PG371) and a portion of 1716-79-6254 (DB 11355, PG2435).

(a) The following uses shall be prohibited upon the Property:

- correctional/penal facility - all types
- adult establishment
- kennel/cattery
- manufacturing - custom and specialized
- mini warehouse storage facility
- airfield or landing strip
- heliport - all types
- riding stable
- telecommunications tower - all types
- outdoor amphitheater - all types
- outdoor racetrack - all types
- outdoor stadium - all types
- outdoor theater -all types
- funeral home
- cemetery
- hospital (medical/psychiatric/veterinary)
- school (public and private; elementary, middle and high)
- utility substation

- emergency shelter - Type B
- special care facility - all types
- landfill - all types
- temporary event
- establishment for tuning and lubricating automobile engines
- garage for repair of tires, mufflers, engines, transmissions and batteries
- shop for body work and painting

(b) Site plans for the development of the properties contiguous to the south right-of--way line of Dixie Forest Road shall feature a public sidewalk a minimum six (6) feet in width and a coordinated streetscape (which must include, at a minimum, standards for the planting of trees and shrubs and the installation of benches) established by the first of these properties to obtain site plan approval.
(c) Prior to issuance of a building permit for any property subject to this rezoning ordinance, the owner of the property shall cause to be recorded in the Wake County Register of Deeds an offer of vehicular cross- access over and upon the property in favor of the owner(s) of all immediately adjacent properties.
(d) At least one bicycle storage rack shall be located within not more than forty (40) feet of the entrance(s) of buildings located upon the Property. Any bicycle storage rack installed to satisfy this condition shall be of the inverted U or similar style. Any bicycle storage rack installed to satisfy this condition shall provide at least one bike space; one additional bike space shall be provided for every forty-five (45) car spaces.
(e) The Traffic Impact Analysis provided to the City's Public Works Department, Transportation Division, an October 14, 2005, and revised per the City's recommendations on October 31, 2005, establishes the general location and type of vehicular ingress/egress driveways for the redevelopment of the Property (and those properties to the south zoned SC CUD via Z-57-05). Upon redevelopment of the Property (and those properties to the south zoned SC CUD via Z-57-05), access shall be limited to no more than one (1) ingress/egress drive on Atlantic Avenue, no more than one (1) ingress/egress drive on Spring Forest Road, and one (1) ingress/egress drive on Dixie Forest Road opposite the ingress/egress drive into the Wake County Board of Education Property (Millbrook High School Campus). Additionally, a second ingress/egress drive upon Dixie Forest Road may be established as

permitted by the North Carolina Department of Transportation and the Raleigh Public Works Department, Transportation Division, in conjunction with future site plan application(s) for the development of those properties with Wake County PINs 1716-89-7263 (DB3378, P474), 1716-89-6200 (DB12649, P1722) and/or 1716-89-4290 (DB8551, P628).

(f) That portion of the internal street network as shown in the "Conceptual Site Plan," attached as Figure 2 to the Traffic Impact Analysis of October 31, 2005 referenced in the above Condition (e), that is located on the Property will be constructed on the Property in the general manner provided in the "Conceptual Site Plan." This "Conceptual Site Plan" is general in nature and shall not limit the number, location or type of ingress/egress drives on the Property. The internal street improvements required by this condition (f) may be phased with development of the Property, and at a minimum, that portion of the internal street network located on a developing parcel shall be shown on a site plan and shall be installed as part of the development of the developing parcel.

(g) There will be no more than one double bay of parking installed between any building adjacent to a public street and the public street right-of-way.

(h) No drive-through window will be located on a side of a building fronting along a public street right-of-way.

(i) The development of all properties which are included within this rezoning case shall require Site Plan approval by the Raleigh Planning Commission (and additionally by the Raleigh City Council, if applicable).

(j) For any principal building constructed on the Property, the side of any principal building facing any public street will be articulated to a minimum six (6) inch depth or relief, a minimum of every forty (40) feet.

(k) A sidewalk a minimum of six (6) feel in width shall connect at least one building entrance of any principal building adjacent to a public street with the sidewalk adjacent to that public street, and benches win be installed on each side of the connecting sidewalk.

(l) No building on the Property shall be taller than two (2) stories or 35 feet as measured by the Raleigh City Code, whichever is less.

(m) Based on the Traffic Impact Analysis referenced in above Condition (e), the cumulative amount of floor area gross for commercial uses (as listed in Raleigh City Code section 10-2071,

Schedule of Permitted Land Uses in Zoning Districts) located on the Property shall not exceed 60,000 square feet. The owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable commercial square footage upon the subject property to all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within 30 days following approval of this rezoning case by the City Council and shall be approved by the City Attorney or his designee prior to recordation, and it shall be promptly recorded following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.

(n) For any principal building developed along the Dixie Forest Road right-of-way, the side (defined as an exterior building wall up to a height of nine (9) feet) of any principal building facing Dixie Forest Road shall have a minimum 20% glazing or transparency (excluding black spandrel glass).

(o) No side (defined as an exterior building wall up to a height of nine (9) feet) of any principal building shall have more than thirty (30) continuous feet in length without intervening transparency or glazing (excluding black spandrel glass) measuring at least ten (10) square feet in area.

(p) For any principal building developed on the Property, such principal building shall have at least one entrance located within eighty (80) feet of the public right-of-way of at least one public street. Such entrance required by this condition (p) shall: (1) consist of at least one set of double doors, (2) have a canopy or vestibule feature, and (3) connect with a sidewalk required by above condition (k).

(q) At least one side (defined as an exterior building wall up to a height of nine (9) feet) of a principal building on which an entrance required by above condition (p) is located shall have a minimum 25% glazing or transparency (excluding black spandrel glass).

(r) Prior to lot recordation or the issuance of any building permit for the property with Wake County PIN 1716-89-4290 (DB8551, PG628), whichever shall first occur, the owner(s) of the properties shall deed to the City one transit easement measuring twenty feet (20’) long by fifteen feet (15’) wide adjacent to the pub1ic right-of-way on Dixie Forest Road to support a bus stop for current and future transit services

in the area. The location of the transit easement shall be reviewed and approved by the Transit Program of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.