Z-16-10 Conditional Use – Wade Avenue - located on the north side, at its intersection with Faircloth Street, being Wake County PIN 0794-36-6962, 0794-36-7848 and 0794-36-8823. Approximately 0.9 acre rezoned to Shopping Center Conditional Use District.

Conditions Dated: 09/16/10
Narrative of conditions being requested:

As used herein, the "Property" refers to those certain tracts or parcels of land containing approximately 0.9 acres located on the north side of Wade Avenue at its intersection with Faircloth Street in Raleigh, North Carolina, having Wake County PIN 0794-36-6962 (Bk 1879, Pg 30, Wake County Registry), 0794-36-7848(Bk 10178, Pg 1190) and 0794-36-8823 (Bk 12166, Pg 2138).

(a) Unless otherwise indicated, terms used herein shall have the meaning proscribed for them in City Code Section 10-2002.

(b) Permitted Uses. Only the following uses shall be permitted upon the Property:

- all uses permitted in the Residential-4 district;
- parking facility - principal use - parking lot (not including any parking decks);
- access drives and associated features, including sidewalks, curb and gutter, utility lines, and related improvements

(c) Site Lighting. All outdoor pole-mounted light fixtures shall be "Full Cut-Off" design and directed away from residential properties. Light level at the perimeter property line adjacent to residential-use property shall be no more than four-tenths (4/10's) of a foot candle.

(d) Trash. No trash or recycling storage facility (dumpster, roll-out carts, etc.) shall be permitted on the Property. Notwithstanding the foregoing, convenience or courtesy trash receptacles with a maximum capacity of 20 gallons shall be allowed.

(e) Sidewalk. Prior to the recordation of a subdivision plat or issuance of certificate of occupancy for any zoning or building permit, whichever event shall first occur, the owner shall construct and install a minimum five feet (5') wide sidewalk which will connect Ridgewood Shopping Center (Wake County Deed Book 10806, Page 1802, Wake County Registry) to the Wade Avenue right-of-way.

(f) Transitional Protective Yard (TPY) Buffer. As used in this condition, "Adjacent Residential Properties" shall mean and refer to the tracts of land located at 3439 Redbud Lane (having Wake County Parcel Identification Number 0794-37-7004; and described in Deed Book 6465, Page 542 of the Wake County Registry), 3431 Redbud Lane PIN 0794-37-7090; DB 10322, PG 1330) and 3429 Redbud Lane (PIN 0794-36-8997; DB 9232, PG 679). At the common boundary of the Property and the Adjacent Residential Properties, there shall be installed and maintained a Transitional Protective Yard including the following minimum elements:

1. At least fifty percent (50%) of all City Code required TPY trees shall be increased at time of installation from 2" caliper /8' height (minimum) to 3.5" caliper/14' height. If multi-stem trees are utilized, the minimum caliper shall be waived, and only the 14' height standard provided.
2. At least fifty percent (50%) of all City Code required TPY shrubs shall be increased size at time of installation from 18" height (minimum) to 30" height.
3. The composition of trees located in this Transitional Protective Yard(s) shall be no less than fifty percent (50%) evergreen species.
4. No more than thirty percent (30%) of City Code required TPY trees may be multi-stem trees, and no City Code required TPY trees may be crape myrtles.

(g) Access to Wade Avenue. Upon redevelopment, access to the Property from Wade Avenue shall be limited to a single curb cut.

(h) Building Height. The maximum height for any structures built upon the Property shall be as provided in the Residential-4 district, except if a more restrictive standard is required by the Shopping Center district.

(i) Residential Density. No more than four (4) dwelling units per acre shall be permitted upon the Property,

(j) Fence Along Northern Boundary. Prior to the issuance of any certificate of occupancy or zoning compliance for the Property, the owner shall construct and install on the Property a six (6') foot high solid wood or vinyl fence within five (5') feet of the common property lines along those portions of the Property adjacent to and abutting the following parcels: (1) 3429 Redbud Lane; (2) 3431 Redbud Lane and (3) 3439 Redbud Lane.
(k) Site Signage.

1. *Ground high profile signs* (as defined by Section 10-2002 of the City Code) shall be prohibited upon the Property.

2. Subject to the provisions of subsection (k)1. hereof; any sign permitted upon the Property shall only identify the shopping center (with no tenant names, unless the shopping center bears a tenant name). It is not the intent of this condition that only tract identification signs (as described in Section 10- 2083.2) be permitted upon the Property,

(l) Site Plan Approval by Planning Commission. Any site plan for nonresidential use(s) or use(s) accessory to a nonresidential use shall be reviewed by the Planning Commission in accordance with the provisions of Section 10-2132.2(c) of the City Code (unless the City Code requires approval by the City Council, in which case the City Council shall review in accordance with the provisions of Section 10-2132.2 (b)).