Ordinance: 805ZC654
Effective: November 16, 2010

Z-21-10 Conditional Use – Lake Wheeler Road - located on the east side of Lake Wheeler Road south of its intersection with Kirkland Road, being Wake County PINs 0792-08-99-3630 and PIN 0792-08-99-0504. Approximately 4.27 acres rezoned from Residential-4 with Special Highway Overlay District-2 to Shopping Center Conditional Use District with Special Highway Overlay District-2.

Conditions Dated: 11/27/10

Narrative of conditions being requested:

1. The following uses shall be prohibited:
a. Automotive service and repair facilities and carwashes
b. All retail sales including but not limited to, food stores and shops
c. Banks
d. Bars, nightclubs, taverns, lounges or adult establishments
e. Day care facility (child or adult)
f. Indoor/Outdoor movie theatres
g. Parking decks and garages
h. Office
i. Schools (public or private)
j. Congregate care facilities and special care facilities
k. Heliports
l. Landfills
m. Manufacturing—custom and manufacturing-specialized
n. Telecommunication towers
o. Kennel/cattery
p. Correctional facilities (governmental and non-governmental)
2. Residential density shall be limited to 14 units per acre.
3. All structures limited to a maximum building height of 50'.
4. Any ground mounted signs shall be of low profile design.
5. A 50' transitional protective yard shall be provided adjacent to any residential zoned properties.
6. Exterior of building along Lake Wheeler Rd. to be brick, glass or combination thereof.
7. No chain link fence to be installed along Lake Wheeler Road or Kirkland Road right of way.
8. Building setback line a minimum of 90', measured from the new Lake Wheeler Rd. right-of-way.
9. Parking areas along Lake Wheeler Road to be screened with landscaping consistent with a Type D Transitional Protective Yard Buffer with a minimum of 60 evergreen shrubs and 6 trees per 100 feet. This buffer win begin 185' south of the Kirkland Rd. right-of-way line and continue to the side yard buffer along the southern property line adjoining Wake PIN 0792-99-0462, Deed Book 7653 Page 693.
10. The subject property shall be limited to one vehicular access point onto Kirkland Road. Direct vehicular access to Lake Wheeler Road shall be prohibited.

11. Prior to lot recordation or issuance of any building permit, whichever shall first occur, an offer of cross-access shall be provided to the property to the south (Deed Book7853 Page893) of this site.
12. Prior to lot recordation or Issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way of Lake Wheeler Road to support a bus stop for future transit services in the area. The location of the transit easement shall be reviewed and approved by the Transit Division, and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.