

Z-3-91 Wake Forest Road, west side, at its intersection with the south side of McNeil Street, being Parcels 439 and 440, Tax Map 465, rezoned to Residential-15 Conditional Use and Neighborhood Business Conditional Use Districts.

Conditions:

1. Construction on the Neighborhood Business portion of the property shall not exceed two stories in height, or twenty-five (25) feet measured from the finished ground elevation, whichever is greater.
2. Construction on the R-15 portion of the property shall not exceed three stories in height, or forty (40) feet measured from the finished ground elevation, whichever is greater.
3. There shall be no more than one private driveway access on Wake Forest Road and it shall be located at least 200 feet south of the McNeil Street intersection. There shall be no more than 2 private driveway connections to McNeil Street with the closest to Wake Forest Road being at least 200 feet west of the intersection.
4. As a supplement to other yard spaces and transition screens required in the Neighborhood Business district, the following buffer will be established along the west boundary of the Neighborhood Business portion and shall meet minimum requirements of code and in addition the following shall be added: a berm with vegetation sufficient in height and depth to restrict the view of parked cars from pedestrian standing 50 feet from said boundary at a point 100 feet south of McNeil Street right-of-way looking due east (at minimum meeting the standards set forth in Section 10-2068.5(b)(2)(d). The buffer shall be a minimum of 20 feet in width but no berm shall be required at locations where existing or new vegetation is sufficient to accomplish the stated objective. The berm and landscaping shall comply with NCDOT and City of Raleigh standards regarding driveway sight requirements.
5. Site plans filed for both the residential and business portions of the subject property will include a tree inventory and plan to protect and preserve trees eight (8) inches in caliper and over. The plan will include provisions for substitute plantings elsewhere on the property for trees which can not be preserved due to their condition or location.
6. Adult establishments as defined in City Code Section 10-2002 shall not be allowed anywhere on the subject property. Parking lots, garages, filling stations and restaurants providing curb or drive through service shall not be allowed on the portion of the neighborhood business property hereinafter described:

BEGINNING at a point in the south right-of-way of McNeil Street midway between the northwest corner of Tax Parcel 465-439 and Wake Forest Road, running thence in a southwesterly direction perpendicular to McNeil Street 210 feet to a point; running

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thence north 56° 43' 19" west 200'+/- to a point in the west boundary of Tax Parcel 465-439; thence with the west boundary north 83° 52" east 250'+ to the right-of-way of McNeil Street; thence with McNeil Street south 56° 43' 19" to the point and place of beginning.

7. Upon development, the rate of stormwater runoff will comply with C.R. 7107.
8. Additional right-of-way for Wake Forest Road (1/2 of 110 feet) will remain as presently zoned for reimbursement purposes.
9. A traffic impact study will be filed with the City of Raleigh Department of Transportation concurrently with submittal of subdivision and/or site plan approval applications for the subject property.
10. No dwelling shall be constructed within fifty (50) feet of Wake County Tax Parcel 465-443 (2114 Brewer Street).