

Ordinance: 797 ZC 760
Effective 2/20/18

Z-24-17 – Clark Avenue, at the southwest corner of its intersection with Enterprise Street, being Wake County PINs 0794925371, 0794925270, and 0794924283, approximately 0.81 acre rezoned to Office Mixed Use-5 Stories-Urban Limited Frontage-Conditional Use with Special Residential Parking Overlay District (OX-5-UL-CU w/SRPOD).

Conditions dated: February 16, 2018

1. If the primary use on the property is not residential, the maximum building height shall be no more than four (4) stories.
2. Building facades shall be constructed from one or more of the following materials: glass, concrete and/or clay brick, masonry, cementitious stucco, native and masonry stone, natural wood, precast concrete, phenolic panel, cement panel, and metal panel and/or trim.
3. The following exterior building materials shall be prohibited: synthetic stucco siding (i.e. EIFS), masonite siding, vinyl siding, and/or cementitious lap siding.
4. Cement panel siding shall be allowed, but joints shall be channel reveal or similar detail. No batten strip joints shall be allowed for cement panel siding. Cement panel siding shall be limited to no more than twenty-five percent (25%) of the building(s) exterior siding, exclusive of fenestration openings (doors, windows, etc.).
5. Prior to issuance of a Certificate of occupancy for new development on the subject property, the owner shall provide a paved, public "Greenway connector" sidewalk along the frontages of Enterprise St. and Clark Ave.
6. Residential dwelling unit count shall be limited to no more than sixty (60) dwelling units (DU) on the subject property.
7. No more than six (6) HVAC Units may be located on the ground, provided that no HVAC unit shall be located between the building facade and a public right of way.
8. The following land uses shall be prohibited on the subject property: parking as a principal use, sports academy, outdoor sports/entertainment facility, telecommunication tower, and/or emergency shelter.
9. Retail use(s) located on the subject property shall be limited to no more than four-thousand square feet (4,000 SF) gross floor area.
10. Office use(s) shall be limited to no more than nine thousand five hundred square feet (9,500 SF) gross floor area.
11. For any dwelling located on the subject property, the maximum bedroom count in a single dwelling shall be no more than three (3) bedrooms.
12. Structured parking shall be screened from offsite view, including adjacent parcels and/or public right-of-way. Screening of structured parking shall be no less than 75% opaque for any opening facing adjacent parcel/public right-of-way other than opening utilized for vehicular access point.
13. Structured parking screening shall include, but is not limited to: pierced-

brick wall, metal louver/screen, and similar architectural elements. Evergreen plantings may also be used to screen structured parking, but such plantings, together with any other screening material, shall meet the 75% opacity requirement at time of initial installation of same.

14. Vehicle access openings to structured parking facing a public right-of-way shall be screened with an architectural element (i.e. – gate, door, roll-down screen) to provide no less than fifty percent (50%) opacity.
15. The average height of the building measured at Enterprise Street (east elevation) and at Clark Avenue (north elevation) shall be no greater than sixty-five feet (65') from finished grade to the top/peak of the roof framing.
16. Non-Residential Uses shall have direct adjacency and primary access to either Enterprise Street and/or Clark Avenue.
17. Non-Residential uses shall not extend more than forty feet (40') along Garden Place, when measured from the southeast property corner located at the intersection of Enterprise Street & Garden Place.
18. Non-Residential uses along Clark Avenue shall not be locate within forty feet (40') of the western property line.
19. Building transparency for residential use where adjacent to Garden Place, Enterprise Street, and Clark Avenue shall be no less than the following: Ground Floor: 35% for “Apartment Building Type; and Upper Story(s) 35% for “Apartment” Building Types.
20. If a five-story building is constructed on the subject property, the trash and recycle collection facilities shall be located within the building or an enclosed service courtyard.
21. At the fifth story of the building, a building step-back of no less than 8 feet from the average façade plane shall be provided on the Garden Place elevation (south elevation). The step-back shall be no less than sixty-five percent (65%) of the overall fifth (5th) story façade.
22. If a five (5) story residential building is constructed on the property, it shall be comprised of structural steel and/or concrete construction (i.e., not structural wood). This condition shall only apply if a five (5) story residential building is constructed on the property.
23. A fifteen foot (15') building setback shall be provided along the western boundary of the subject property, but only where adjacent to the property at 2208 Garden Place, which property is described in Deed Book 14750/Page 1118 (Wake County PIN 0794924214).
24. A building step-back shall be provided along the western boundary of the subject property where adjacent to the property at 2208 Garden Place, which property is described in Deed Book 14750/Page1118 (Wake County PIN 0794924214). The step-back shall be no less than fifty feet (50') as horizontally measured from the common property line of the subject property and the other property referenced in the preceding sentence, and shall occur directly above the third (3rd) story of conditioned space.