

Ordinance: 616 ZC 640

Effective: 7-7-09

Z-10-09 - Conditional Use Page Road - located on the east side of Page Road, northeast of its intersection with Longistics Drive, being Wake County PIN(s) 0758425783 (Wake County Side) and 075803422704 (Durham County Side). Approximately 6.07 acres rezoned to Thoroughfare Conditional Use District.

Conditions Dated: 06/22/09

Narrative of conditions being requested:

a) The following uses shall be prohibited:

1. Automotive service and repair facility,
2. Bar, nightclub, tavern or lounge
3. Bed and breakfast inn
- 4 Hotel/motel;
5. Eating establishment with drive-thru or drive-in service
6. Food store-retail
7. Manufacturing, processing and/or fabrication or outdoor storage of any of the materials listed in the list of prohibited materials under the Manufacturing-general heading in Code Section 10-2002,
8. Movie theater - indoor or outdoor.
9. Parking facility as a principal use
10. Outdoor storage of building materials or contractors construction equipment except during construction of improvements upon the subject property
11. Riding stable
12. Utility substation
13. Carwash facility of all types
14. Beverage bottling plant
15. Emergency shelter type B;
16. Residential uses other than one single family detached dwelling
17. Heliport
18. Home occupation
19. Landfill (debris from on-site);
20. The following retail sales-convenience: apparel, art supplies, cameras, card shops, drugs, film developing, gifts and stationery, hat shops, housewares, jewelry, letter shop, music store, newsstand, museum, library, novelties, shoes, sporting goods, toys, variety shops, wholesale or retail laundries, garment pressing, fabric dyeing or dry cleaners (with or without laundry or dry cleaning plants on the premises).
21. The following retail sales general: department stores, discount stores, home building supply stores, pet shops, pet grooming
22. Retail sales-highway
23. The following retail sales-personal services: shoe repair shops, shoe shine parlors and tailor shops.
24. Retail sales-outdoor mobile vending cart

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25. Shopping Center
26. Shopping Area
27. Special Care Facility
28. All Special Uses required to be approved by the Board of Adjustment as specified in City Code Section 10-2144 (provided that yard encroachments and yard reductions which are permitted by Board of Adjustment approval shall be permitted with such Board of Adjustment approval), and special uses required to be approved by the Raleigh City Council, as specified in City Code Section 10-2145.
29. Recreational uses accessory to single family dwelling
30. Camp
31. Recreational use related to residential development
32. Recreational outdoor use - commercial other than walking/jogging/ bike trails or paths, playfields, playcourts, playgrounds, and picnic areas
33. Agriculture-general
34. Agriculture-restricted
35. Fish hatchery and fish farm
36. Crematory
37. Family child care home
38. Funeral home
39. Hospital
40. Monastery and convent
41. Orphanage
42. Veterinary hospital
43. Bed and breakfast inn
44. Dish antenna other than building mounted antenna no more than four feet in diameter
45. Radio and television studio
46. Telegraph office
47. Exterminating service
48. Bulk storage of flammable and combustible liquids
49. Manufacturing involving the packing and processing of agricultural products, mixing, milling, preserving and tanning.
50. Machine shop
51. Solid waste-indoor reclamation
52. Temporary event
53. Transportation (all types as listed in 10-2071)
54. Utility substation
55. Asphalt or concrete plant
56. Leather goods manufacture
57. Manufacture of alcoholic beverages
58. Storage of fuels as a principal use
59. Manufacture of plastics, resins or rubber
60. Processing or slaughter of livestock, swine, poultry, or other animals
61. Drilling for oil or gas
62. Metal product manufacturing including a foundry or blast furnace

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b) No vinyl, untreated concrete or metal siding (excluding doors, windows, flashing, trim and roofs) shall be permitted. "Untreated concrete", as used herein, shall mean concrete without application or integration of texture and/or color.

c) For all buildings constructed on the Subject Property after the adoption of this rezoning ordinance maximum building height shall not exceed 49 feet, such building heights to be as measured in accordance with City Code Section 10-2076.

d) All loading areas and utility service areas within fifty feet of the public right-of-way on the Subject Property shall be screened from view from such public right-of-way with evergreen plantings and/or a solid wall or closed fence which are collectively at least six (6) feet in height within one year following the issuance of a Certificate of Occupancy.

e) All parking spaces located within fifty (50) feet of any boundary of the Subject Property shall be visually screened according to the same requirements as required for street yard vehicular surface areas within fifty (50) feet of a street right-of-way under City Code Section 10-2082.6(b), provided that, although plantings satisfying this condition may be counted towards other landscaping requirements, this requirement shall not reduce or negate any transitional protective yard or other landscaping requirement.

f) A comprehensive tree conservation plan shall be established for the Subject Property in accordance with City Code Section 10-2082.14 without regard to internal boundaries or the size of individual lots within the Subject Property.

g) Prior to lot recordation or the issuance of any building permit, whichever shall first occur, offers of cross access shall be extended to (i) the Stewart property along the North property line [DB 939, Page 37, DCR and PIN:0758432170 (Durham), PIN 0758426939 (Wake)]; (ii) the World Trade Properties, LLC property to the east [(DB8219, Page 648, WCR and PIN 07584381 05(Wake)] at the location of the existing cross access easement); and (iii) to the Chronaki property to the South [(DB4654, Page 352, DCR and PIN 075803420453 DB 11160, Page 2114, WCR and PIN 0758425468 (Wake)].

h) Upon development, reimbursement for any required right-of-way dedication for Page Road shall be calculated at the applicable RR rate.

i) All ground mounted signage shall be low profile signage. No signage shall be internally illuminated.

j) No loading dock shall be located within sixty (60) feet of the right-of-way of Page Road.

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- k) All stormwater detention or retention ponds (each, a “pond”) will be screened in accordance with the following requirements:
- i) If a pond is designed and accepted by the City as a landscape “amenity” in accordance with City Code Section 10-2082.13(d), no screening shall be required. If the pond is not done as an amenity then screening of the pond shall consist of 100% evergreen plants which are at least twenty-four inches in (24’) height at the time of installation with maximum spacing of no more than four feet (4’) on center and the balance of City Code Section 10-2082.13 governing such screening shall be met.
 - ii) To the extent allowed by jurisdictional authorities, and to the extent not in conflict with existing easements and other restrictions of record, stormwater outlet structure(s) such as rip-raps, dissipaters, and level spreaders, shall also be screened from view, in accord with City Code requirements for screening a pond.
 - iii) To the extent allowed by jurisdictional authorities, and to the extent not in conflict with existing easements and other restrictions of record, an area in front of the toe of any dam structure that is part of a stormwater facility (not the top, face or actual base of the dam) shall incorporate evergreen trees including, but not limited, to Red Cedar, Japanese Cryptomeria and Southern Magnolia as part of the screening for the base of a dam; such trees shall be a minimum of eight feet (8’) in height at time of installation, with maximum spacing of no more than fifteen feet (15’) on center. The evergreen trees may be used to meet City Code screening requirements, and are not in addition to the required shrubs. Spacing of plants off of the toe of the dam shall be a minimum of six (6) feet and approved by the City of Raleigh Director of Public Works or his or her designee.
- l) Outside of transitional protective yards, pole-mounted light fixtures shall not exceed thirty feet (30’) in height measured from finished grade.
- m) The following conditions shall be applicable so long as the single family home on the Stewart property along the North property line [DB 939, Page 37, DCR and PIN 0758432170 (Durham) PIN 0758426939 (Wake) (“Stewart Property”) is occupied as a single family residence
- i. The minimum tree height for required trees in the TPY abutting the Stewart Property shall be ten feet (10’) and six and one-quarter (6.25) inches in circumference (two inches in diameter) measured one-half foot above the ground.
 - ii. At least fifty percent (50%) or the required frees in the TPY abutting the Stewart Property shall be locally adapted natural evergreens.

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- iii. No pole mounted lighting shall be installed within the TPY abutting the Stewart Property.
- iv. Within an area extending 100 feet south of the common boundary with Stewart light poles on the subject property shall not exceed twenty-five feet (25') in height
- v. All pole mounted lighting fixtures on the subject property shall be of full cutoff design
- vi. No trash, refuse and/or recycling dumpster shall be located within fifty feet (50') of the Stewart property along the North property line [DB 939, Page 37, DCR and PIN: 0758432170 (Durham), PIN 0758426939 (Wake) and no such dumpster shall be emptied except during the hours between 7:00 am and 7:00 pm Monday through Friday.
- vii. As to any building located within fifty feet (50') of the common boundary line with the Stewart Property, that portion of the building located within fifty feet (50') of said common line shall not exceed thirty feet (30') in height, as measured per Raleigh City Code section 10-2076.