Ordinance (2000) 862 ZC 485
Effective: September 5, 2000

Z-54-00 Strickland Road, south side, extending to Ray Road, east side, being Wake County Tax Maps 0788.16 89 0316 and 0788.16 84 0609. Approximately 5.47 acres rezoned by amending the existing Neighborhood Conditional Use conditions.

Conditions: (08/30/00)

1. Development of the Neighborhood Business CUD zoned area will comply with the provisions of CR 7107 of the Raleigh Commission. However, the volume of stormwater to be detained and released over a 24-hour shall be determined on the basis of the difference in run-off between woodlands and the zoned area and a 25 year frequency storm.

2. Buildings developed within the proposed area shall be limited to a maximum of forty (40') feet in height (as measured by City Code).

3. A traffic analysis/site circulation study shall be included as a part of the submittal for site plan approval for the initial development of the zoned area.

4. Reimbursement values for additional right-of-way shall be at the prevailing values for R-4.

5. Freestanding area lights within the proposed zoning area shall be limited to a maximum of eighteen (18') feet in height. These fixtures shall contain heads that produce down lighting only and possess panels (or similar devices) to shield the light source from being viewed from the sides. All free standing area lights shall be turned-off at midnight. Free standing pedestrian courtesy lights not exceeding five (5') feet in height and wall or ceiling mounted security lights may remain on all night.

6. The following uses otherwise allowed in NB shall be prohibited within the development area:

a. Commercial indoor recreational uses
b. Governmental and non-governmental commercial outdoor stadium, theater, amphitheater, racetrack.
c. Governmental indoor arena/coliseum
d. Governmental riding stable
e. Governmental indoor rifle range
f. Transitional housing, except for supportive housing residence correctional/penal facility.
g. Adult establishment, bar, nightclub, tavern, lounge.
h. Eating establishments with drive-thru windows
i. Hotel/motel
j. Kennel/cattery
k. Commercial parking deck/garage, parking lot, motor pool.
l. Dry cleaners with on premises dry cleaning equipment.

m. Highway retail sales
n. Landfill (debris from on-site)
o. Transportation uses listed in Code 10-2071
p. Any sales or storage of gasoline; or,
q. Underground storage tanks

7. There shall be no outdoor paging system associated with any use within the development. Intercom systems shall not result in more than 55 dB (A) from 7:00AM to 11:00PM and 45 dB (A) 11:00PM to 7:00AM as measured by Chapter 5 of the Raleigh City Code at the property line of adjacent residences on Boars Head Court, Charter House Drive and Strickland Road.

8. Outdoor pay telephones shall be prohibited.

9. A minimum fifteen (15') foot landscaped protective yard shall be provided along the common property line with 0788.16-84-0254 (Holden). Within the said buffer yard, a combination of evergreen trees and shrubs shall be installed to create a year round opaque screen.

10. Buildings housing establishments engaged in the sale of alcohol for on-premise consumption shall be set back a minimum of two hundred (200') feet from the existing door of the adjacent Korean Baptist Church (0788.16-74-6339).

11. Within the development area, non-residential buildings shall utilize matching brick (either singularly or in combination) for the building veneer. These brick choices shall be consistent with the ones employed by development resulting from Z-61-96 if it is approved and generates development prior to development occurring from this request. Brick types shall be identified on the initial submittal for site plan approval.

The developer (or his assigns) shall provide an information review of all non-residential building plans to the adjacent property owners through a review committee. The review committee shall consist of:

a. A Cambridge Neighborhood Resident:
Henceforth designated as Stephen Lye (owner of PIN# 0788-93-4736, 3617 Charterhouse Drive), or an appointed alternate to be designated by the Cambridge Neighborhood Association; and,

b. An Adjacent Strickland or Ray Road Resident:
Henceforth designated as Roger L. Philbeck (owner of PIN# 0788-85-8173, 12116 Strickland Road), or an alternate adjacent property owner designated by Mr. Philbeck, or an adjacent neighborhood association other than Cambridge;

The developer shall submit a notarized statement as part of any site plan submittal package for any non-residential use indicating the date of review, names, addresses and telephone numbers of the review committee members that reviewed the plans.

12. Should the Thompson parcel (Wake County PIN# 0788.16-84-2834) be acquired by the owner(s) of Wake County PIN# 0788.16-84-0609 and integrated as part of this development resulting from this request the parcel shall be submitted for rezoning with conditions of this request applied to it.

13. Commercial use listed in the Schedule of Permitted Land Uses in Zoning Districts (10-2071) shall not exceed a ratio of 10,000 square feet per NB zoned acre and no single user with the exception of a food store and a drug store may exceed 10,000 square feet in size. Further, freestanding commercial uses of less than 2,000 square feet of floor area gross shall be prohibited.

14. Development of the zoned area shall not result in more than .3 foot-candles of light occurring from site area lights (not including street lights located within the public right-of-way) from any non-residential developed use onto any adjacent residential or church use. A site lighting plan illustrating compliance with this condition shall be included as part of any administrative or City Council site plan approval for a non-residential development of the zoned area.

15. Existing wells on the subject property shall be capped upon development of the site and connections for new development shall be made to the existing City of Raleigh water system.

16. All sales to the public within the zoned area shall cease at 12:01AM until 6:00AM.

17. The cumulative area of the street protective yard along Strickland Road and Ray Road for the NB CUD area west of 0789.16-84-2834 (Thompson) shall aggregate to an amount of street protective yard area equal to the existing length of right-of-way multiplied by 20 feet (exclusive of driveways). In no instance may any resulting lot have a street protective yard area less than the length of its Strickland Road right-of-way multiplied by 15 feet. Parking spaces shall not be closer than 20 feet to the right-of-way. Existing deciduous trees eight inches (8") in diameter or larger within thirty (30') feet of the new right-of-way of Strickland Road shall be retained as part of the street protective yard.

18. The resulting development of the NB CUD zoned area shall be interconnected to the remainder of parcel 0788.16-84-3516 and parcel 0788.16-84-9499. However, such an interconnection shall not result in a pattern of connected public streets that creates a direct, unbroken line of travel between Strickland Road and Ray Road. Unbroken shall mean less than two 90 degree turns resulting from the connection of public streets or private driveways; or the use of at least one stop sign generally midway on the route.

19. Existing deciduous trees eight inches (8") in diameter or larger within thirty (30') feet of the common property line with Wake County PIN 0788.16-84-2834 (Thompson property) shall be retained.