ORDINANCE (2002) 264 ZC 521
Effective: 8/6/02

Z-29-02 Avent Ferry Road, east side, being Wake County PIN. Approximately 3.97 acres rezoned to Neighborhood Business Conditional Use with Special Highway Overlay District-2 to remain.

Conditions Dated: 7/16/02

A. The only uses permitted shall be those allowed in the O&I-1 plus a reception hall/banquet facility for the purpose of allowing private special occasion events including wedding receptions, birthday parties, family reunions, retirements parties, anniversary parties, company picnics, christenings, bar/bat mitzvahs, civic and other club meetings and other private special occasion events, and food service for the purpose of allowing on-site catering and the preparation of foods for consumption by the children attending the daycare, staff and parents. There shall be no off-site catering. There shall be no take-out food service except that students, parents and staff may carry food off-site. To prevent the future use of this facility as a restaurant, cafeteria or other eating establishment open to the general public, there shall be no consumption of food on-site except in conjunction with a private special occasion event or in the daycare facility for use by the children attending the daycare, parents and staff. No drive-thru windows shall be permitted. No reception hall/banquet facility shall operate unless a daycare facility occupying no less than 70% of the floor area gross of the existing building is operated Monday through Friday between 7 a.m. and 7 p.m.

B. The reception hall/banquet facility and food service uses described in Condition A above shall take place only in the following areas: in the banquet facility/reception hall which totals 3550+/- square feet, the commercial kitchen which totals 800+/- square feet and the outdoor garden area to the south and east of the existing building which totals 5,000+/- square feet.

C. Private special occasion events shall be limited as follows:

1. One owner or her representative shall be on-site for the duration of every private special occasion event.

2. On Sunday, Monday, Tuesday, Wednesday and Thursday nights:
   a. All outdoor events must end or be fully contained within the building by 10 p.m.; and
   b. All events must end by 11 p.m.

3. On Friday and Saturday nights:

   a. All outdoor events must end or be fully contained within the building by 11 p.m.; and
   b. All events must end by 1 a.m. and all service of food and beverages will stop by 12 a.m.

D. The daycare facility shall not operate while alcoholic beverages are being served anywhere on the premises.

E. Reimbursement for future right-of-way dedication shall be based upon Rural Residential values for that portion of the Property previously zoned Rural Residential and upon Residential-4 values for the portion of the Property previously zoned Residential-4.

F. Upon development of any portion of the Property adjacent to Avent Ferry Road, the developer shall widen Avent Ferry Road where adjacent to such portion of the Property to provide one-half (1/2) of a cross section sixty feet (60') in width (or such other width as shall be established upon site plan approval).

G. Upon development of the Property, the developer will provide and maintain a landscaped street yard twenty-five feet (25') in width along Avent Ferry Road. The landscaped street yard shall include twelve (12) live oak trees and fifty-six (56) ligustrum bushes along the approximately two hundred fifty feet (250') of frontage.

H. The height of buildings constructed upon the Property will be limited to two (2) stories or thirty-five feet (35'). Development of the Property will be limited to a maximum floor area ratio of .5.

I. An offer of cross-access and cross-parking shall be made to the property to the south, known by Wake County PIN 0782 38 9191, within 90 days of approval of this rezoning. A minimum of 270 parking spaces shall be available on this property and by cross-parking agreements with adjacent properties.

J. Parking for reception hall/banquet facility events shall be provided at the rate of 1 space per 50 square feet of public floor area.

K. Occupancy for all areas used for special occasion events shall not exceed that allowed in the reception hall/banquet facility, which totals 3550+/- square feet, as determined by the Fire Marshall, but in no event to exceed 350 persons.

L. All signage shall be limited to low profile ground signs. There shall be no signage advertising the sale of food.