

Z-55-98 Sunnybrook Road, west side, north side of 1440, being a portion of Wake County Tax Map Parcel 1723.18 20 8277. Approximately 7.8 acres rezoned to Neighborhood Business Conditional use.

Conditions: (07/24/98)

A. Development of the zoned area shall comply with the provisions of CR-7107.

B. Land uses within the zoned area shall be limited to the following types as set forth in section 10-2071 Schedule of Permitted Land Uses in Zoning Districts.

1. All residential uses but no including; sorority and fraternity house, rooming house, boarding house, lodging house, or tourist home and type A and B emergency shelters, and religious shelter units;

2. Institutional/Civic/Services limited to church synagogue or religious educational building, day care facilities of any size, schools, and veterinarian hospital - without a kennel/cattery;

3. All office uses;

4. Commercial, limited to:

* Banks of any type;

* Eating establishments of all types. However, drive-thru or drive-in service may only occur when the eating establishment is developed as part of a co-branded convenience food store with gasoline sales and the square footage of the co-branded facility, not including a car wash or canopy, is limited to 4500 square feet of floor area gross;

* Retail sales - Convenience, including a food store - retail as listed in the City Code Section 10-2002, but not including; Laundromats, on-premise dry cleaning, Check Cashing Store (not including bank or Savings & Loan), pawnshop as defined in NCG.S. Chapter 91A;

* Retail Sales - Personal services as listed in the City Code Section 10-2022; and

* Retail sales - Highway, limited to fuel lubricants and parts sales only in conjunction with the food convenience food store - retail sales, any stand alone automotive fueling, lubricant or repair facility is prohibited.

5. Industrial - limited to mini warehouse storage facility.

ORDINANCE 382 ZC 438
EFFECTIVE 8/4/98

Land use acreage shall include all accessory uses, including parking both to meet the City standards and in excess of the City standards which is intended for a particular use, and associated drives and landscaping.

C. A covenant approved by the City Attorney shall be recorded allocating land uses on the zoned property; this covenant shall be recorded contemporaneously with the recording of any subdivision plat or recombination plat.

D. The following land area limitations shall apply to the respective allowable uses within the zoned area.

1. Residential uses may occupy the entire zoned area.
2. Institutional/Civic/Services other than a church or school may occupy a maximum of 2.25 acres of the zoned area. A church may occupy the entire zoned area. A school may occupy up to 5.00 acres.
3. Office uses may occupy not more than 5.00 acres of the zoned area.
4. Commercial uses shall be limited to 2.5 acres of the zoned area.
5. A mini storage warehouse shall be limited to 4.75 acre of the zoned area.

E. Along the Sunnybrook Road right-of-way fronting of the zoned area a street protective yard shall be provided with an area equal to the length of the right-of-way multiplied by 20 feet.

F. Within the zoned area unity of appearance shall be assured by having all uses employ the following basic elements:

1. Standing seam metal or shingle roofing in a uniform color.
2. The use of the same exterior siding treatment for 50% of the non-door or window portion of an exterior building wall visible from the right-of-way of Sunnybrook Road or the internal access road.
3. Use of similar plant materials for street protective yards, transitional protective yards and building foundation plantings where foundation plantings are used.

Specific unity of development criteria shall be developed prior to the issuance of the first building permit in the zoned area.

G. Reimbursement values for additional right-of-way on Sunnybrook Road shall be based on the prevailing rate for R-6 zoned land.

ORDINANCE 382 ZC 438
EFFECTIVE 8/4/98

H. Free standing ground signs for individual users with the zoned area shall be limited to a three and one-half (3-1/2) foot high monument type sign. This condition does not apply to tract identification signage for the development.

I. Mini storage warehouse (self-storage) if developed on the subject site shall meet the following criteria:

1. Mini storage unit roll-up or garage type doors shall be screened from view from Sunnybrook Road, any adjacent residential uses and Woodmeadow Parkway.

2. The facility may not exceed 70,000 square feet of floor area in storage units (caretaker facility not included).

3. The facility shall be accessed by shared cross access driveways through the other non-residential users within the zoned area. It may not take a direct access to either Sunnybrook Road or Woodmeadow Parkway.

4. The facility shall be open to its tenants between the hours of 7:00am and 9:00pm.

5. Site area lighting shall be limited to free standing fixtures not exceeding 16 feet in height and wall mounted fixtures mounted not more than ten feet above grade elevation at the base of the wall. All such fixtures shall provide down lighting only with the light source screened from view. Between the rear of any storage unit building and the property line of any adjacent residential use only wall mounted area light fixtures may be used.

6. Storage units shall not be used for any business activity; trucks, trailers or vehicles shall not be leased from the property.

J. Sidewalks shall be installed incrementally along the Sunnybrook Road and Woodmeadow Parkway frontages for the zoned area as the abutting uses are developed.