

Z-27-97 New Bern Avenue, west side, directly across from Sunnybrook Road, and south and east sides of Milburnie Rd, being Map 1724.17 22 0200. Approximately 13.8 acres rezoned to Neighborhood Business Conditional Use and Office & Institution-2 Conditional Use.

Conditions: 4/21/97

1. Development of the Neighborhood Business CUD Zoned Area will comply with the provisions of C.R. 7107 of the Raleigh Planning Commission.
2. 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.
3. Reimbursement values for additional right-of-way on New Bern Avenue and the right-of-way for Crabtree Boulevard shall be at the prevailing rate based upon O&I-1 zoning.
4. With the initial development of the zoned area the entire 110' wide right-of-way and a minimum of one-half of the required 89' pavement cross-section with associated curb, gutter and sidewalk for Crabtree Boulevard shall be installed between New Bern Avenue and Milburnie Road. The ultimate cross-section for the portion of the road to be installed shall be determined with the traffic study to be provided at site plan approval. This portion of the ultimate pavement shall be installed along the eastern side of the centerline of the right-of-way. In conjunction with the installation of this portion of Crabtree Boulevard a left turn lane with 150' of storage and a 180' long taper will be installed in New Bern Avenue to accommodate turns onto Crabtree Boulevard. Prior to issuance of a certificate of occupancy for the initial development, Developer shall pay for appropriate modifications to the existing Sunnybrook Road, New Bern Avenue traffic signal to accommodate the intersection of Crabtree Boulevard and the left turn lane on New Bern Avenue.
5. Private driveway access to and from the zoned area to New Bern Avenue shall be limited to right-in right-out facilities.
6. A master development plan shall be submitted with the initial site plan approval and approved by the City Council for the entire zoned area. This master development plan shall illustrate: lot configurations, points of ingress and egress, internal cross access circulation and general categories of land use for the respective parcels.
7. An additional twelve (12) feet of right-of-way and travel lane shall be provided along New Bern Avenue incrementally as abutting parcels from the zoned area develop.
8. The following land uses shall be prohibited:
 - a. Within the NB CUD zoned area:
 - Non-governmental commercial recreational use-indoor
 - Non-governmental commercial outdoor stadium/theater/amphitheater/ racetrack

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- Governmental outdoor stadium/theater/ amphitheater/racetrack
- Riding Stable
- Rifle range-indoor
- Fraternity House
- Sorority House
- Transitional Housing-except supportive housing residence
- Civic Club
- Civic/convention center and assembly hall
- Correctional/penal facility
- Orphanage
- Schools
- Adult establishments
- Bar, nightclub, tavern, lounge
- Eating establishment with drive-thru, drive-in service, and with or without alcohol sales for on-premise consumption
- Kennel/cattery
- Home building supply store
- Any use engaged in the sale of gasoline to the public
- Mini warehouse storage facility
- Landfill debris from on-site
- Transportation uses allowed in section 10-2071
- Flea market
- Pawn shop as defined in Chapter 91A of the NC General Statutes
- Check cashing store (excluding banks, credit unions, savings & loans)
- Bailbond office
- Vehicle sales
- Automotive washing & cleaning as a primary use
- A shop for automotive body work and painting

b. Within the O&I-2 zoned area:

- Non-governmental commercial outdoor stadium/theater/amphitheater/ racetrack
- Governmental outdoor stadium/theater/amphitheater/ racetrack
- Fraternity House
- Sorority House
- Transitional Housing-except supportive housing residence
- Civic Club
- Civic/convention center and assembly hall-Governmental

9. Streetyards along New Bern Avenue west of Crabtree Boulevard and along Crabtree Boulevard shall be a minimum width of fifteen (15) feet and possess an area that is equal to the length of right-of-way multiplied by twenty (20) feet. Within this street-yard, understory trees shall be installed in addition to the required canopy trees. Understory trees shall be installed at a rate of one (1) tree for every sixty (60) linear feet of right-of-way and they shall be a minimum of: two inches (2") in caliper (6.28 inches in circumference) and seven (7) feet in height when installed.

Evergreen shrubs shall be installed in a continuous hedge to screen the view of parked cars. Said hedge shall consist of evergreen shrubs planted three (3) feet on center that are a minimum height of (30) inches at installation and are a species that will attain a height of forty-two inches (42") at maturity.

Flowering shrubs (evergreen or deciduous) shall be installed at a rate of one shrub for every twenty (20) linear feet of right-of-way. They shall be a minimum height of twenty-four (24) inches when installed. These shrubs may be clustered.

Streetyards along New Bern Avenue east of Crabtree Boulevard shall be a minimum width of fifteen (15) feet and possess an area equal to the length of the right-of-way multiplied by thirty-five (35) feet.

Within this streetyard trees shall be installed at a rate of two shade trees and one understory tree for every forty (40) feet of right-of-way. Shade trees shall be a minimum of three and one-half inches (3.5") in caliper (10.99 inches in circumference) measured one-half foot above ground and nine (9) feet in height. Understory trees shall be a minimum of: two inches (2") in caliper (6.28 inches in circumference) measured one-half foot above ground; and, seven (7) feet in height. Evergreen shrubs shall be installed in a continuous hedge to screen the view of parked cars, said shrubs shall be a minimum of thirty inches (30") in height when installed and shall be a species that shall attain a height of forty-two inches (42") at maturity and be installed three feet (3') on center. Flowering shrubs (evergreen or deciduous) shall be installed at a rate of one shrub for every twenty (20) linear feet of right-of-way. Flowering shrubs shall be a minimum height of twenty-four (24) inches when installed, and may be clustered.

10. Buildings developed within the zoned total area (NB CUD and O&I-2 CUD) shall be unified in appearance by utilizing brick finishes similar to the brick types that are used on Wake Medical Center and the Wake County Health Building and through the use of a slate gray roof color for any visible roof finish.

These characteristics shall be specified in conjunction with the initial request for site plan approval.

11. Within the approximately 1.5 acre NB CUD zoned area on the northwest quadrant of the New Bern Avenue Crabtree Boulevard intersection, the following land uses are allowed:

1. a. No commercial retail sales shall be allowed except a drug store with general merchandise sales use;
- b. office(s);
- c. bank; and
- d. hotel/motel.

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2. Should any part, or all, of this approximately 1.5 acre NB CUD zoned area develop in office; bank; or hotel/motel uses, then prior to receiving a certificate of occupancy for such a use, the owners shall file a petition to rezone that part, or all, of this area to O&I-2 so long as said uses are allowed in the O&I-1 district.

12. Building heights shall be limited as follows:

a. In the O&I-2 CUD zoned area maximum heights shall be:

- Office uses 50 feet
- Hotel uses 60 feet

b. In the NB CUD zoned area maximum building heights shall be:

- Retail uses 35 feet
- Office uses 50 feet
- Hotel uses 60 feet

Building heights above the allowable 40 feet in the O&I-2 CUD area and 40 feet in the NB CUD area shall comply with Code Section 10-2076.