

ORDINANCE NO. (2020) 71 ZC 795

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Part 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same if hereby amended as follows:

- 1. TCZ-7-19 – 4251 Parklake Avenue** – amends the conditions associated with zoning case Z-25-17 as approved in Ordinance No. (2018) 836 ZC 765 and effective June 5, 2018.

Conditions dated: April 20, 2018

1. Height Limit. No building constructed on the Property shall be greater than seven (7) stories and one hundred ten (110) feet in height, both as measured and determined from the average grade of the right-of-way of Edwards Mill Road adjacent to the Property.
2. Prohibited Uses. The following uses, if otherwise allowed in the CX district, shall be prohibited on the Property: All uses listed in the Public & Institutional Use Category in the Principal Use Table (the "Table") in Section 6.1.4 of the UDO with the exception of Minor Utilities and Parks, Open Space and Greenways; all uses included within the Indoor Recreation, Use Category in the Table including Adult Establishment, Dance, Martial Arts, Music Studio, Classroom, and Sports Academy; all uses included in the Outdoor Recreation Use Category in the Table including Golf course, Outdoor sports or entertainment facility with any number of seats, and Riding stable; Commercial parking lot; Remote parking lot; Passenger terminal, including Airfield, Heliport serving a hospital and Heliport, all others; Animal care (Indoor); Animal care (outdoor); Bar, nightclub, tavern, lounge; Pawnshop; Vehicle Fuel Sales (including gasoline and diesel fuel); Vehicle Sales/Rental; all uses included in the Industrial Use Category in the Table except Research and Development, which shall be allowed; and all uses included in the Open Category in the Table.
3. Size Limits. Medical, Office, and Research & Development uses on the Property shall be limited to 210,000 square feet. Eating establishment uses and Retail Sales uses on the Property shall be limited to 20,000 square feet. For each square foot of Eating establishment and/or Retail Sales Uses existing on the Property, the maximum allowed number of square feet of Medical, Office, and Research and Development uses shall be reduced by one square foot. All Eating establishment uses and Retail Sales uses on the Property shall be located on the ground floor of a multistory building. With respect to Eating establishment and Retail Sales, no single establishment shall exceed 9,000 square feet.
4. Parking. At least eighty-five percent (85%) of the automotive parking spaces on the Property shall be located in a structure. With respect to any building on the Property

- facing Edwards Mill Road or Parklake Avenue, no automotive parking on the Property, except for temporary parking in a drop-off drive, shall be located closer to the respective street right-of-way than the façade of the building facing such right of way.
5. Protective Yard – Stough Elementary School. Along the boundary of the Property with tax parcel 0795.05-10-3132 (Owner: Wake County Board of Education; Deed dated 7/15/2009, recorded at Book 1362.5, Page 1724 of the Wake County Registry), hereinafter referred to as "Stough," there shall be maintained an area entirely without buildings or parking a minimum of thirty (30) feet in width. Existing landscaping shall be maintained therein, except within fifty (50) feet of Edwards Mill Road. It is provided, however, that drainage pipes and facilities may be located in the protective yard referenced in this condition.
 6. Build-to – Edwards Mill Road. Commencing fifty (50) feet from the point on the Property adjacent to the intersection of the rights of way of Parklake Avenue and Edwards Mill Road and extending to the boundary of the Property with Stough, a build-to with a setback range of from 0 feet to 50 feet shall apply to the portion of the Property bounded by the right-of-way of Edwards Mill Road. A building façade facing Edwards Mill Road shall occupy at least fifty percent (50%) of this build-to, measured based on (a) the width of the building facade divided by (b) the width of the Property's boundary with the right-of-way of Edwards Mill Road reduced by fifty (50) feet. This condition shall not apply to parking structures. There will be no build-to requirement with respect to Parklake Avenue or setback requirement other than that set forth in condition (9), which shall apply.
 7. Block Perimeter Requirements. The provisions of Section 8.3.2 of the Unified Development Ordinance, which is denominated "Blocks," shall have no applicability to the Property.
 8. Vehicular Access – Edwards Mill Road. The Property will not be allowed a curb-cut on Edwards Mill Road.
 9. Parklake Avenue. A portion of a building on the Property, with the exception of a parking structure, shall be within fifty (50) feet from the right-of-way of Parklake Avenue.
 10. Signage. Signage upon the Property will be limited to signage allowed in the OX district, with the exception that in order to maintain unity of design with existing signs in the Glenlake Office Park, a monument type of ground sign up to thirty-five (35) square feet in size and no more than seven (7) feet in height may be located on the Property.
 11. Hours of Operation. The hours of operation of any eating or retail establishment on the Property will be limited to those between 6:00 AM and 12:00 Midnight.

12. Drive-Thru. No drive-thru or drive-in facility will be allowed on the Property except as allowed in the OX district.
13. Screening Parking Deck. With respect to the portion of any parking structure that is within one hundred (100) feet of the right-of-way of Edwards Mill Road or Parklake Avenue and not screened from such right-of-way by a building, there will be established and maintained along the side of such portion of the structure facing the respective road right-of-way an area at least ten (10) feet in depth planted with a minimum of ten (10) trees and thirty (30) shrubs each one hundred (100) feet. The trees will be at least ten (10) feet in height or two (2) inches in caliper at planting and at least fifty percent (50%) shall be evergreen. The planted area will be modified to comply with any applicable provision of the UDO. An entrance driveway up to thirty (30) feet in width may cross the planted area.
14. Building Facing Entrances. A building upon the Property other than a parking structure will have at least one entrance facing Parklake Avenue and at least one entrance facing Edwards Mill Road.

Conditions revised and dated: December 3, 2019

1. Height Limit. No building constructed on the Property shall be greater than seven (7) stories and one hundred ten (110) feet in height, both as measured and determined from the average grade of the right-of-way of Edwards Mill Road adjacent to the Property.
2. Prohibited Uses. The following uses, if otherwise allowed in the CX district, shall be prohibited on the Property: All uses listed in the Public & Institutional Use Category in the Principal Use Table (the "Table") in Section 6.1.4 of the UDO with the exception of Minor Utilities and Parks, Open Space and Greenways; all uses included within the Indoor Recreation Use Category in the Table including Adult Establishment, Dance, Martial Arts, Music Studio, Classroom, and Sports Academy; all uses included in the Outdoor Recreation Use Category in the Table including Golf course, Outdoor sports or entertainment facility with any number of seats, and Riding stable; Commercial parking lot; Remote parking lot; Passenger terminal, including Airfield, Heliport serving a hospital and Heliport, all others; Animal care (Indoor); Animal care (outdoor); Bar, nightclub, tavern, lounge; Pawnshop; Vehicle Fuel Sales (including gasoline and diesel fuel); Vehicle Sales/Rental; all uses included in the Industrial Use Category in the Table except Research and Development, which shall be allowed; and all uses included in the Open Category in the Table.
3. Size Limits. Medical, Office, and Research & Development uses on the Property shall be limited to 210,000 square feet. Eating establishment uses and Retail Sales uses on the Property shall be limited to 20,000 square feet. With respect to Eating establishment and Retail Sales, no single establishment shall exceed 9,000 square feet.
4. Parking. At least eighty-five percent (85%) of the automotive parking spaces on the Property shall be located in a structure. With respect to any building on the Property

- facing Edwards Mill Road, no automotive parking, except for temporary parking in a drop-off drive, shall be located closer to the Edwards Mill Road right-of-way than the façade of the building facing the Edwards Mill Road right of way. With respect to any building on the Property facing Parklake Avenue, no more than one bay of the automotive parking, except for temporary parking in a drop-off drive, shall be located closer to the Parklake Avenue right-of-way than the façade of the building facing the Parklake Avenue right-of-way.
5. Protective Yard – Stough Elementary School. Along the boundary of the Property with tax parcel 0795.05-10-3132 (Owner: Wake County Board of Education; Deed dated 7/15/2009, recorded at Book 1362.5, Page 1724 of the Wake County Registry), hereinafter referred to as "Stough," there shall be maintained an area entirely without buildings or parking a minimum of thirty (30) feet in width. Existing landscaping shall be maintained therein, except within fifty (50) feet of Edwards Mill Road. It is provided, however, that drainage pipes and facilities may be located in the protective yard referenced in this condition.
 6. Build-to – Edwards Mill Road. Commencing fifty (50) feet from the point on the Property adjacent to the intersection of the rights of way of Parklake Avenue and Edwards Mill Road and extending to the boundary of the Property with Stough, a build-to with a setback range of from 0 feet to 50 feet shall apply to the portion of the Property bounded by the right-of-way of Edwards Mill Road. A building façade facing Edwards Mill Road shall occupy at least fifty percent (50%) of this build-to, measured based on (a) the width of the building facade divided by (b) the width of the Property's boundary with the right-of-way of Edwards Mill Road reduced by fifty (50) feet. This condition shall not apply to parking structures. There will be no build-to requirement with respect to Parklake Avenue or setback requirement other than that set forth in condition (9), which shall apply.
 7. Block Perimeter Requirements. The provisions of Section 8.3.2 of the Unified Development Ordinance, which is denominated "Blocks," shall have no applicability to the Property.
 8. Vehicular Access – Edwards Mill Road. The Property will not be allowed a curb-cut on Edwards Mill Road.
 9. Parklake Avenue. A portion of a building on the Property, with the exception of a parking structure, shall be within fifty (50) feet from the right-of-way of Parklake Avenue.
 10. Signage. Signage upon the Property will be limited to signage allowed in the OX district, with the exception that in order to maintain unity of design with existing signs in the Glenlake Office Park, a monument type of ground sign up to thirty-five (35) square feet in size and no more than seven (7) feet in height may be located on the Property. Since the Property has multiple frontages, additional monument type ground signs may be allowed by special use permit issued by the Board of Adjustment pursuant

- to Article 7.3 of the UDO so long as the additional signage does not exceed the aforementioned dimensions or otherwise complies with the signage allowed in the OX district.
11. Hours of Operation. The hours of operation of any eating or retail establishment on the Property will be limited to those between 6:00 AM and 12:00 Midnight.
 12. Drive-Thru. No drive-thru or drive-in facility will be allowed on the Property except as allowed in the OX district.
 13. Screening Parking Deck. With respect to the portion of any parking structure that is within one hundred (100) feet of the right-of-way of Edwards Mill Road or Parklake Avenue and not screened from such right-of-way by a building, there will be established and maintained along the side of such portion of the structure facing the respective road right-of-way an area at least ten (10) feet in depth planted with a minimum of ten (10) trees and thirty (30) shrubs each one hundred (100) feet. The trees will be at least ten (10) feet in height or two (2) inches in caliper at planting and at least fifty percent (50%) shall be evergreen. The planted area will be modified to comply with any applicable provision of the UDO. An entrance driveway up to thirty (30) feet in width may cross the planted area.
 14. Building Facing Entrances. A building upon the Property other than a parking structure will have at least one entrance facing Parklake Avenue and at least one entrance facing Edwards Mill Road.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. If this ordinance or any application thereof is held invalid as to any person or application thereof, such invalidity shall not affect other provisions or applications of the ordinances which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance is being adopted following a recommendation from the Raleigh City Planning Commission and a duly advertised public hearing of the Raleigh City Council.

Section 5. That this ordinance shall become effective as indicated below.

Adopted: March 3, 2020

Effective: March 3, 2020

Distribution: Development Services
City Planning
Inspections
City Attorney

Transcription Services - Taylor