

**Ordinance No. (2020) 44 ZC 787**  
**Adopted 1/7/20**  
**Effective: 1/7/20**

**Z-12-19 – 2224 Sunnybrook Road**, being Wake County PIN 1722286206. Approximately 4.1 acres located one-quarter of a mile north of Sunnybrook Road’s intersection with Rock Quarry Road are rezoned to Neighborhood Mixed Use-3 Stories-Conditional Use with Special Highway Overlay District-1 (NX-3-CU w/SHOD-1).

Conditions dated: November 5, 2019

1. The following uses shall be prohibited: Medical; Commercial parking lot; Personal service; Bar; nightclub, tavern, lounge; Vehicle fuel sales; Vehicle sales/rental; Detention center, jail, prison; Vehicle repair (minor). Indoor recreation uses shall be limited to those typically associated with seasonal educational programs for youth.
2. Eating establishments shall be subject to the limited use standards for OX districts as listed in UDO Section 6.4.10, except for the following: 6.4.10.C.2.b.v.
3. Retail sales shall be subject to the limited use standards for OX districts as listed in UDO Section 6.4.11.
4. A minimum of 50% of the site shall be recorded at the time of site plan as a combination of tree conservation area and open space with permitted uses as defined by UDO Section 2.5.4. This area shall be contiguous with the northern and western property boundaries of the site, adjacent to 3570 Eastern Branch Road (Wake County PIN 1722286526), 3566 Eastern Branch Road (Wake County PIN 1722285567), 3562 Eastern Branch Road (Wake County PIN 1722285508), 3558 Eastern Branch Road (Wake County PIN 1722284650), 2009 Muddy Creek Court (Wake County PIN 1722283478), 2013 Muddy Creek Court (Wake County PIN 1722283452), 2017 Muddy Creek Court (Wake County PIN 1722283347), 2021 Muddy Creek Court (Wake County PIN 1722283321), and 3610 Diamond Springs Drive (Wake County PIN 1722283147), being lots 73, 74, 75, 76, 107, 108, 109, 110, and 121 in Wake County Book of Maps 2010, Page 1051. Tree conservation areas shall not be recorded in locations that would obstruct any future right-of-way dedication necessary for a direct extension of Diamond Springs Drive to Sunnybrook Road.
5. Any stormwater control plan submitted to the city must incorporate at least one rain garden or rain barrel among the devices to control the quantity and/or quality of runoff on the site.
6. As permitted by UDO Section 10.2.4.E.2.c., for any development less than 30,000 gross square feet and as long as the subject parcel is not subdivided, the block perimeter standards of UDO Section 8.3.2.A are waived. Under this scenario, an extension of Diamond Springs Drive may be substituted with a public access easement with a minimum width of twenty (20) feet to comply with the Pedestrian Passage defined in UDO Section 8.4.8.B, to be located along the portion of the western property boundary adjacent to 3610 Diamond Springs Drive (Wake County PIN 1722283147; lot 121 in Wake County Book of Maps 2010, Page 1051) and the

- southern property boundary shared with 3425 Rock Quarry Road (Wake County PIN 1722177985; Wake County Book of Deeds 9584 Page 64).
7. Residential density shall be limited to 6 dwelling units per acre.
  8. The gross floor area of non-residential development shall be limited to 30,000 square feet.