

Ordinance: 985ZC665

Effective: 12-6-11

Z-17-11 – Rock Quarry Road located on the west side of Rock Quarry Road, south of its intersection with Battle Bridge Road, being Wake County PINs 1731395471, 1731393410, 1731390382, and 1731298281. Approximately 8.5± acres are to be rezoned from Residential-4 to Neighborhood Business Conditional Use District (3.5± acres) and Residential-10 Conditional Use District (5± acres).

Conditions Dated: 11/22/11

Narrative of conditions being requested:

Conditions applicable to both the NB CUD Property and the R-10 CUD Property:

1. Vehicular access to Rock Quarry Road for the entire property subject to this rezoning case shall be limited to no more than one (1) full movement driveway onto Rock Quarry Road, subject to approval by the City of Raleigh Public Works Department and the North Carolina Department of Transportation.
2. Prior to the issuance of a building permit or approval of a subdivision plat, whichever shall first occur, the property owner shall offer to dedicate to the City of Raleigh right-of-way sixty feet (60') in width, said right-of-way beginning at Rock Quarry Road and extending at least the length of the property zoned NB CUD for eventual use as a public street, subject to site plan approval.
3. The property owner shall offer to dedicate to the City of Raleigh a right of-way through the property zoned R-10 CUD upon the first to occur of: (a) approval of a site plan or subdivision plat, whichever shall first occur, on the property zoned NB CUD or (b) approval of a site plan or subdivision plat, whichever shall first occur, on the property zoned R-10 CUD for eventual use as a public street, subject to City approval.
4. Prior to the issuance of a building permit or approval of a subdivision plat, whichever shall first occur, an offer of vehicular and pedestrian interconnectivity shall be made to the property to the north, known by Wake County PIN 1731 39 3691 and further described in Deed Book Page 10903, Page 1687, Wake County Registry (Pugh), to the property to the south known by Wake County PIN 1731 39 5273 and further described in Deed Book Page 2462, Page 431, Wake County Registry (Jones) and to and among the properties subject to this rezoning. Prior to the issuance of a building permit or approval of a subdivision plat, whichever shall first occur, an offer of pedestrian interconnectivity shall be made to Ebenezer United Methodist Church property, known by Wake County PIN 1731 39 0797, Deed Book 8057, Page 2047.
5. Any ground-mounted sign shall be of low-profile design.
6. All outdoor lighting fixtures shall be of full cut-off (shielded) design and shall not exceed twenty-five feet (25') in height.

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7. If desired by the City of Raleigh, the property owner shall offer to dedicate to the City of Raleigh prior to subdivision or site plan approval, whichever shall first occur, a transit easement along Rock Quarry Road measuring fifteen feet (15') by twenty feet (20'). The location of such easement shall be approved by the Transit Division at the time of such subdivision or site plan approval.

Conditions applicable to the NB CUD Property only:

8. Total building area devoted to non-residential uses shall not exceed 8,000 square feet of gross floor area. A covenant allocating the non-residential square footage among the parcels subject to the NB CUD zoning shall be recorded in the Wake County Register of Deed within forty-five (45) days of zoning approval.

9. All uses within the Neighborhood Business zoning district shall be permitted except the following uses, which shall be prohibited: adult establishment; car wash; pawn shop; bar, nightclub, tavern or lounge; gas station; convenience store; drug store; eating establishment with a drive-through, hotel/motel, mini-warehouse storage facility and vehicle sales/rental. This section shall not be interpreted to prohibit the ancillary service of alcoholic beverages as a part of a restaurant or eating establishment as defined in North Carolina General Statute Section 18B-1000.

10. No building shall exceed two-stories or thirty feet (30') in height as measured by Raleigh City Code.

11. A maximum of two bays of on-site parking with a single drive aisle is permitted between the building and Rock Quarry Road.

Conditions applicable to the R-10 CUD Property only:

12. If the property is developed at residential densities greater than 4 units per acre and property to the south, known by Wake County PIN 1731 28 9737 and further described in Deed Book 11981, Page 386 ("Jones Property") remains zoned R-4, a six foot (6') high solid fence shall be constructed at the time of issuance of a building permit along the common boundary line with the Jones Property.

13. No building shall exceed three (3) stories or thirty-five feet (35') in height as measured by Raleigh City Code.

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14. Upon development of the R-10 CUD property at residential densities greater than 6 units per acre, a thirty foot (30') wide natural protective yard except such disturbance as may be required for the installation of a transitional protective yard along the entire west side of the subject property adjacent to Abbington Ridge subdivision including the following properties: 1731 29 6081 and further described in Book 12672, Page 1769, Wake County Registry (Barker); 1731 29 7007 and further described in Book 12870, Page 72, Wake County Registry (Miller); 1731 29 7113 and further described in Book 14053, Page 1257, Wake County Registry (Davis); 1731 29 7129 and further described in Book 12575, Page 114, Wake County Registry (Thompson); 1731 29 7234 and further described in Book 12475, Page 271, Wake County Registry (Massey); 1731 29 7259 and further described in Book 12817, Page 1020, Wake County Registry (Williams); 1731 29 7365 and further described in Book 12574, Page 2718, Wake County Registry (Jones); 1731 29 7470 and further described in Book 12547, Page 1186, Wake County Registry (Harrington); and 1731 28 6755 and further described in Book 13053, Page 566, Wake County Registry (Denny); 1731 78 6911 and further described in Book 12816, Page 1674, Wake County Registry (Lewis); and 1731 28 6955 and Book 13233, Page 2043, Wake County Registry (Nitia Trust).

15. Multi-family dwellings shall be prohibited.