

ORDINANCE NO. (2019) 38 ZC 786
Effective 12/3/19

Z-21-19 – 2211, 2221 and 2231 South New Hope Road, being Wake County PINs 1732041995, 1722945976, and 1722848717. Approximately 58.65 acres located at the eastern corner of the intersection of New Hope Road and Rock Quarry Road are rezoned to Commercial Mixed Use-5 Stories-Conditional Use (CX-5-CU).

Conditions dated: November 15, 2019

1. The following uses shall be prohibited in this CX zoning district: office; medical; boardinghouse; dormitory, fraternity, sorority; adult establishment; outdoor sports or entertainment facility of any size, passenger terminal; vehicular sales; detention center, jail, prison; light manufacturing; bed and breakfast; research and development; light industrial; golf course; rest home; cemetery.
2. Residential development shall be limited to 450 units and limited to the apartment building type. Units will have no more than 2 bedrooms/unit.
3. Non-residential uses shall be limited to 360,000 square feet.
4. The total gross floor area of buildings containing exclusively non-residential uses shall be no greater than 285,000 square feet on 2221 South New Hope Rd (Wake County PIN 1722945976; "New Lot 3" in Wake County Registry Book of Maps 2019 Page 1046). Once a total of 100,000 square feet of non-residential uses has been constructed on this same lot, no other new non-residential construction will be permitted on the lot until the property owner submits and receives approval for a site plan that contains a grocery store on the lot.
5. There shall be no more than 9 buildings totaling no more than 75,000 SF that exclusively contain restaurant uses on 2231 North Hope Rd (Wake County PIN 1722848717; "Open Space New Lot 5017" in Wake County Registry Book of Maps 2019 Page 1046).
6. Allowing for step-backs, any portion of a perimeter building height shall be limited to 4 stories when it is less than 150 ft from a structure on tracts 1732073161, 1732150043, 1732040116 and 172284611. Otherwise, maximum height within this proposal shall be 5 stories.
7. All required Canopy trees within this proposal will be planted with a minimum caliper of 3.5".
8. Buildings that contain a bar/nightclub/tavern/lounge as the primary use shall be located no closer than 100 ft from a residential structure on tracts 1732073161 ("Open Space Area 4"), 1732150043 ("Lot 5003"), 172284611 ("Lot 5008"), and 1732040116 ("Lot 5006"), being the lots as identified above in Wake County Registry Book of Maps 2008 Page 280.
9. If the existing pedestrian tunnel cannot be used as a pedestrian connection, there shall be a minimum 10-foot wide path directly connected, at grade, to the sidewalks that will be constructed as part of the main project entrance east of S. New Hope Road.