

ORDINANCE NO. (2019) 942 ZC 777
Effective 5/7/19

1. **Z-30-18 – 3219 Poole Road**, being Wake County PIN 1723364186. Approximately 1.61 acres located at the northwest intersection of Poole Road and Sunnybrook Road at 3219 Poole Road are rezoned to Neighborhood Mixed Use-3 stories-Conditional Use (NX-3-CU).

Conditions dated: March 28, 2019

1. The following uses shall be prohibited:
 - a. Boarding House
 - b. Special Care Facility
 - c. Outdoor Sports or Entertainment Facility (<250 seats)
 - d. Outdoor Sports or Entertainment Facility (>250 seats)
 - e. Bar, Nightclub, Tavern, Lounge
 - f. Vehicle Fuel Sales (including gasoline and diesel fuel)
 - g. Vehicle Sales/Rental
 - h. Detention Center, Jail, Prison
 - i. Vehicle Repair (minor)
 - j. Tobacco, e-cigarette, or vapor product shops
 - k. Check cashing, payday loan
 - l. Amusement Center, Game Arcade, Billiard Hall, Pool Hall, Bingo Parlor, Shooting Range
 - m. Telecommunication Towers (< or = or > 250 ft)
 - n. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium
2. The detached house building type shall be prohibited for any redevelopment of the property.
3.
 - a. Maximum Building Height, as described in UDO Sec. 3.3.1.A shall be reduced to 45 feet.
 - b. The maximum height limit requirement for Height and Form, as described in UDO Sec. 3.5.5.B.2, shall be reduced to no more than 36 feet at the Neighborhood Transition Zone C line.
4. The hours of operations of an eating establishment use as described in UDO Sec. 6.4.10.C.1, and the hours of operations of retail sales use as described in UDO Sec. 6.4.11.A, except for any retail use that sells prescription medications, can begin no earlier than 6:00 AM and end no later than 11:00 PM, including all deliveries.
5. For 180 days after the rezoning becomes final and not subject to challenge, the applicant, its successors or assigns, (“Applicant”) shall allow any non-profit entity, individual or for-profit entity to relocate the existing house on the property at no cost to the Applicant and without payment to the Applicant so long as the party relocating the house is solely responsible for the relocation, including without limitation, securing all permits and approvals required by law. Applicant will provide public notice of the offer for relocation or salvage including, but not limited to, Capital Area Preservation, Preservation North Carolina, City of Raleigh Historic Preservation unit, and the State

- Historic Preservation Office within 30 days after the rezoning becomes final and not subject to challenge. Should the house not be relocated within 180 days after the rezoning becomes final and not subject to challenge, prior to demolition or salvage, Applicant shall document the building in its original location through photographs (black and white, and in color) and provide a copy of the documentation to the City of Raleigh Department of Planning, Historic Preservation unit, and the State of North Carolina Historic Preservation Office.
6. Townhouse and Apartment building type (UDO Sec. 1.4.1), and Mixed-Use Building type (UDO Sec. 1.4.1) that includes Multi-Unit Living use (UDO Sec. 6.2.D) shall utilize one of the Urban Frontages as identified in UDO Sec. 3.4.2.A.
 7. The minimum 10-foot Zone A: Type 1 Neighborhood Transition Protective Yard, as described in UDO Sec. 3.5.3.A.1, adjacent to the north property line (Morning Star Missionary Baptist Church parcel, Deed Book 009304, Page 01452) shall be increased to an average width of not less than 12 feet.
 8. The minimum standard maximum Neighborhood Transition blank wall area, as described in UDO Sec. 3.5.5.C (Wall Articulation), shall be decreased to 28 feet.
 9. All Parking and Pedestrian Area lighting, as described in Sec 7.4.5, that are located within the Neighborhood Transition Zone B, shall exceed the minimum standard by only consisting of full cutoff fixtures.
 10. The minimum Landscaping and Screening planting material requirements, as described in Sec. 7.2.5, shall be increased so that no more than 50 percent of the surface area of both loading area and service area screening walls facing an adjacent residential district is visible at the time of maturity of the plants.
 11. Residential density shall not exceed 14 units per acre (22 units).
 12. The minimum 20 feet A Zone A, Type 2 Neighborhood Transition Protective Yard adjacent to the west property line and adjacent to the north property line of the Roberts parcel (Deed Book 014076, Page 01424) shall be increased to an average of not less than 25 feet.