Ordinance (2001) 80 ZC 503
Effective: September 18, 2001

Z-42-01 Spring Forest Road, north side, west of Falls of Neuse Road, being Wake County PIN 1717.17-10-6975. Approximately 3.25 acres rezoned to Shopping Center Conditional Use.

Conditions dated: (09/12/01)

1. Future development of the subject property shall comply with Planning Commission Certified Recommendation No. 7101.

2. Permitted uses of the subject property shall be limited those uses allowed in Office and Institution-3, as the same as shown on the Table of Permitted Uses in Code Section 10-2071, plus the following uses:

A. Congregate care structure or congregate living structure, life care community and rest homes;
B. Art Gallery; eating establishment;
C. Food store, hotel/motel with or without lodging units and or dwelling units;
D. Residential related services, nonresidential related service, personal service and convenience sales (excluding traditional convenience stores such as Fast Fare, 7-Eleven, Handy Hugos, etc.), less than 25, 000 square feet;
E. Shopping area and shopping center limited to the aforementioned uses.

3. All refuse containers, mechanical/maintenance facilities, and HVAC units shall be screened such that they are not visible from any public streets rights-of-way or adjacent properties. The screening of such shall be of a design and materials compatible in terms of texture, color and quality with those of the principal buildings(s).

4. Reimbursement for future right-of-way dedications shall be based upon the pre-existing zoning, O&I-3.

5. Vehicular and pedestrian cross-access with the adjoining properties to the east (Wake County PIN# 1717.17 11 8098) and west (Wake County PIN# 1717.17 10 2685) shall be provided and maintained.

6. All site lighting, including wall pack fixtures, shall be directed downward and shielded in such a way that no light source will be visible from neighboring properties.

7. Any required transitional protective yard along the shared property line with The Lakes Apartments, (Wake County PIN# 1717.17 00 3839) shall include a natural protective yard averaging fifteen (15) feet in width having a maximum width of 25 feet and minimum width of 10 feet. In addition thereto, active tree protection shall be observed for trees located in the currently existing parking lot landscape islands.

8. In addition to the uses prohibited in Paragraph 2 above, no retail uses (as defined in Part 10, Chapter 8) with drive-thrus, except for a bank, shall be permitted.

9. Any site plan for a use, not currently permitted under O&I-3, of the property shall provide for the following:

(A) increase streetyard plantings by 50%, accomplished by maintaining a thirty-foot wide streetyard along the existing Spring Forest Road right-of-way, within the said streetyard shall be maintained a twenty-foot wide *natural protective yard.*
(B) CR-7107 with R-4 as base zoning district
(C) offer an area for a public transit easement, and
(D) free standing signage limited to one low-profile sign.

10. Any further development or re-development of the property shall be limited in size as follows:

(A) maximum FAR for office use shall be .33, and
(B) maximum FAR for retail use, other than hotel motel, shall be .18.

11. Any site plan for a use permitted under O&I-3 shall comply with the development processes, guidelines and standards set forth in the Code for the O&I-3 zoning district.