

**Z-65-97 Spring Forest Road**, south side, at Atlantic Avenue, west side, being Wake County Tax Parcels 1716.08 88 2504 and 1616. Approximately 2.1 acres rezoned to Neighborhood Business Conditional Use.

Conditions: 3/12/97

1. For reimbursement purposes, to the extent applicable, additional rights-of-way required for Atlantic Avenue and Spring Forest Road shall remain at O&F-1 values.
2. Development of the subject property shall comply with the provisions of CR-7107.
3. Uses for the subject property shall be restricted as follows:
  - a. The following General Uses, otherwise permitted in the Neighborhood Business District will not be allowed upon this property:
    1. Automotive service and repair facility;
    2. Automotive accessories store and apparel/clothing store;
    3. Bar, nightclub, tavern and/or lounge;
    4. Hotel/motel
    5. Movie theater
    6. Convenience store and/or station/store selling gasoline or dispensing petroleum projects into motor vehicles (but not including drug stores and/or pharmacies which are permitted upon the property)
    7. Restaurants of all kinds including without limitation fast food restaurants.
  - b. The following Conditional Uses, otherwise permitted in the Neighborhood Business District will not be allowed upon this property:
    1. Emergency shelters of all types
    2. Landfill
    3. Manufacturing - custom and specialized
    4. Mini-warehouses
    5. Telecommunications Tower
    6. Temporary Event
  - c. All Special Uses specified in Raleigh City Code Section 10-2042 are prohibited including without limitation adult establishments.
4. All exterior lighting and exterior light standards located upon the property shall be designed, located, aimed and/or shielded so that light is not projected directly into adjacent properties, in accordance with the provisions of Raleigh City Code Section 10-2089.

**ORDINANCE (1997) 186 ZC 419**  
**Effective: September 2, 1997**

5. Retail facilities developed on this property will be limited to one (1) occupied level and shall not exceed a height of thirty (30') feet measured as provided in the City Code.

6. Hours of operation of any retail business located upon the property (defined as being those hours between which a business may be open to the public) shall be limited to the hours of 9:00 A.M. to 9:00 P.M. Monday through Sunday, inclusive.

7. All deliveries to any retail business located upon the property shall be made before 7:00 A.M. and after 6:00 P.M., Monday through Saturday. There shall be no Sunday deliveries.

8. No building or vehicular storage area (parking lot) shall be constructed or allowed to remain within forty (40') feet of the south and southwest lines of the property being its common lines with the Pecan Townes Homeowners Association (Tax Parcel PIN #1716.08 88 0238), however, portions of this area may be utilized to provide access to and from Atlantic Avenue, for fencing, trees and shrubs and for necessary public utility and drainage installations and signage permitted by the City of Raleigh.

9. There shall be constructed in the area described in the immediately preceding condition 8 a closed fence constructed of wood unless other materials are required by the City Code, six (6') feet in height, which fence will be finished on both sides so that no portion of its internal horizontal framework is visible from either side. The subject fence shall be located no closer than thirty (30') feet to the south and southwest lines of the property and shall be set off a distance of at least forty (40') feet from the south line for a length of not less than two hundred (200') feet, said south and southwest lines being the common property lines with the Pecan Townes Homeowners Association (Tax Parcel PIN #1716.08 88 0238).

Additionally, the aforesaid fence shall be extended from its western terminus in a northerly direction parallel to the west line of the property (its common line with Tax Parcel PIN #1716.08 785 9798 upon which is presently located the Spring Forest Animal Hospital) a distance of not less than fifty (50') feet and set off not less than ten (10') feet from the east edge of the joint ingress/egress easement recorded in Book of 1995, Page 392, Wake County Registry.

10. A minimum thirty (30') foot transitional protective yard shall be established immediately adjacent to the south and southwest lines of the property along and with its common lines with the Pecan Townes Homeowners Association (Tax Parcel PIN #1716.08 88 0238).

11. Access to and from the property and Spring Forest Road shall be limited to the presently existing joint driveway located upon the west line of the property, its common line with Tax Parcel PIN #1716.08 78 9798 (upon which is presently located the Spring Forest Animal Hospital).

12. A street protective yard not less than fifteen (15') feet in width shall be located along the east and north lines of the property adjacent to the rights-of-way of Atlantic Avenue and Spring Forest Road, respectively. This street protective yard may be crossed and/or

**ORDINANCE (1997) 186 ZC 419**

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reduced for driveways to and from the property, utility and sign installation, street widening and such other purposes as permitted by the City of Raleigh.

Within the aforesaid street protective yard areas, existing Sycamore and/or Crepe Myrtle trees planted by the City of Raleigh as of the date of the approval of this case by the City Council shall be protected during the development process. Notwithstanding the preceding protective requirement, said trees may be removed as necessary to accomplish the installation of driveways to and from the property, utility and sign installation, street widening and such other purposes as permitted by the City of Raleigh.