

Z-22-21 (TCZ-2-21): 5601 and 5621 Atlantic Avenue, located north of the intersection of Spring Forest Road and Atlantic Avenue, being Wake County PINs 1716882877 and 1716884968. Approximately 3.16 acres rezoned to Commercial Mixed Use-3 stories-Conditional Use (CX-3-CU), amended conditions.

Conditions dated: January 25, 2016 (Z-15-15)

1. Development on the property shall be limited to a maximum of 14,900 square feet gross floor area of Commercial and Industrial land uses, as those principal uses are set forth in Table 6.1.4 “Allowed Principal Use Table”, and as subject to the list of prohibited uses in Condition 4 of this zoning ordinance. No other uses shall be permitted on the rezoned land. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the Commercial land use floor area permitted by this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.
2. Prior to recordation of a subdivision plat or issuance of a building permit for new development, two transit easements shall be deeded to the City and recorded in the Wake County Registry – one along Spring Forest Road and one along Atlantic Avenue. Prior to recordation of each transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of each easement shall be approved by the Public Works Department and each easement document approved by the City Attorney’s office. If, prior to issuance of the first building permit for new development, the Public Works Department requests installation of a shelter within one or both of the transit easement areas, an ADA accessible shelter shall be constructed prior to the first certificate of occupancy, with construction plans approved by the Public Works Department.
3. Development on the property shall comply with the Parking Limited frontage standards set forth in UDO section 3.4.5 and any allowable administrative alternates.
4. The following Commercial and Industrial land uses, as set forth in Table 6.1.4 “Allowed Principal Use Table”, are prohibited: adult establishment; outdoor recreation – all types; overnight lodging; heliport – all types; bar, nightclub, tavern, lounge; pawnshop; fuel sales; vehicle sales and rental; vehicle repair (major); detention, jail, prison; light manufacturing – all types; research and development – all types.
5. Low profile ground signs and medium profile ground signs are permitted. The maximum size of a medium profile ground sign is 7 feet in height and 85 square feet in area. High profile ground signs are prohibited.

Amended Conditions dated: June 24, 2021

1. Development on the property shall be limited to a maximum of 20,000 square feet gross floor area of Commercial and Industrial land uses, as those principal uses are set forth in Table 6.1.4 “Allowed Principal Use Table”, and as subject to the list of prohibited uses in Condition 4 of this zoning ordinance. No other uses shall be permitted on the rezoned land. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the Commercial land use floor area permitted by this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.
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3. Parking spaces constructed after the effective date of the ordinance for Zoning Case No. Z-22-21/TCZ-2-21 shall not be located between the buildings and the street along Spring Forest Rd. and Atlantic Ave.
4. The following Commercial and Industrial land uses, as set forth in Table 6.1.4 “Allowed Principal Use Table”, are prohibited: adult establishment; outdoor recreation – all types; overnight lodging; heliport – all types; bar, nightclub, tavern, lounge; pawnshop; fuel sales; vehicle sales and rental; vehicle repair (major); detention, jail, prison; light manufacturing – all types; research and development – all types.
5. Low profile ground signs and medium profile ground signs are permitted. The maximum size of a medium profile ground sign is 7 feet in height and 85 square feet in area. High profile ground signs are prohibited.