

**Z-98-96 Creedmoor Road**, east side, extending through to Valley Estates Drive, between Lynn Road and Tamarack Court, south of Lynwood Collection, being Map 0797.19 51 2919 and 3960, approximately 4.8 acres rezoned to Shopping Center Conditional Use District.

Conditions: (For the purposes of these conditions, tax map parcels 0797.19-51-2919 and 0797.19-51-3960 shall be referred to as the "Property").

1) Control of Stormwater. Any development of the property shall comply with CR 7107 of the Raleigh Planning Commission and with S-17-96 as it relates to the control of stormwater.

2) Natural Area; Building Setback. There shall be maintained along the southern and eastern boundaries of the property (with the right-of-way of Valley Estates Drive and Tax Map parcels 0797.18-41-9637, 0797.19-51-0628, 0797.19-51-1646, 0797.19-51-2619, 0797.19-51-3710, and 0797.19-51-4678 (respectively) a protective yard a minimum of forty (40) feet in width. Such area shall be maintained in a natural state and shall remain undisturbed. It is provided, however, that dead or dying trees may be removed from such area, additional plants may be planted therein, and utilities (including storm drainage lines and connections, irrigation systems and stormwater control measures) may be installed therein. Any building constructed on the property shall have neither functional windows nor doors directly (i.e., without obstruction) facing the natural area provided in this condition. Any building or other structure constructed upon the property shall be no closer than fifty (50) feet to the aforementioned eastern and southern boundaries of the property.

3) Streetyard. With the exception of the curb cut provided in Condition (4) hereafter, there shall be maintained along the boundary of the property with the right-of-way of Creedmoor Road a landscaped streetyard a minimum of thirty (30) feet in width.

4) Limitation on Vehicular Access. Direct vehicular access to the property from a public street shall be limited to a single curb cut on Creedmoor Road as approved in S-11-96.

5) Direct Beaming of Light. There shall be no direct beaming of light from the Property into any adjoining residential parcel.

6) Building Height. With the exception hereafter noted, the height of any building constructed upon the property shall be limited to nineteen (19) feet. The facility constructed upon the property may include an office lighthouse feature which shall not exceed one thousand (1,000) square feet (floor area gross) and thirty-five (35) feet in height.

7) Parking Spaces. There shall be constructed upon the property no more than fifteen (15) parking spaces (or such greater number as shall at any time hereafter be required by the City of Raleigh or other regulatory authority).

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8) Use of the Property. The property may be utilized only for (a) uses authorized in the Office and Institution-III Zoning District and (b) a mini warehouse storage facility and accessory activities associated with such use. Any mini warehouse storage facility involving the rental of vehicles associated with such use shall be limited to an inventory which shall not exceed six (6) vehicles, and no more than one (1) such vehicle shall be parked in position directly visible from Creedmoor Road. Upon development of the property as a mini warehouse storage facility, no renter of any storage unit shall be allowed to conduct any business activity within such unit. In addition, no band or other musical performer or group will be allowed to utilize such a unit for practice or rehearsal.

9) Rooftop HVAC Equipment. There shall not be placed upon the property any rooftop heating, ventilator or air conditioning equipment.

10) Notification of Adjoining Property Owners. At the time of the filing with the City of Raleigh of any application for site plan approval with respect to development of all or any portion of the property for a mini warehouse storage facility, all adjoining property owners (i.e. those individuals or entities owning property within one hundred (100) feet of any boundary of the property or across any public right-of-way adjoining the property) shall be mailed a written notice of such filing via certified mail, return receipt requested, at their respective addresses as shown upon the tax records of Wake County, North Carolina.

11) Fence. Upon development of the property as a mini warehouse storage facility, the developer of such facility, if permitted to do so by the City of Raleigh, shall construct a fence which shall run from the southern side of the southern most building upon the property to the southern boundary of the property with tax parcel 0797.18-41-9637. If allowed to do so by the owner of tax parcel 0797.18-41-9637, such developer will connect the fence to the fence now in existence along the western boundary of tax parcel 0797.18-41-9637, with the effect that pedestrian traffic through the natural area along the southern boundary of the property will be impeded.

12) Hours of Operation. Any mini warehouse storage facility located upon the Property shall be open to its tenants daily for a period no greater than from 6:00 a.m. until 9:00 p.m. No more than 10% of the tenants of the facility may be granted the privilege of entering the facility at other times because of their special needs or circumstances.