

2. **Z-17-21 – 501, 513, 521, 615 East Whitaker Mill Road; 1921, 1925, 1929, 1933 Bernard Street**, located on the northwest corner of the intersection of E Whitaker Mill Road and Bernard Street, being Wake County PINs 1704898505, 1704897093, 1704899293, 1704992012, 1704992224, 1704992310, 1704992318, 1704992414. Approximately 17.96 acres rezoned to Residential Mixed Use-Four Stories-Conditional Use; Neighborhood Mixed Use-Five Stories-Conditional Use; Residential Mixed Use-Three Stories-Conditional Use (RX-4-CU, NX-5-CU, RX-3-CU).

Conditions dated: December 16, 2022

The following conditions shall apply to both the NX-5-CU, RX-4-CU and the RX-3-CU properties:

- A. The total amount of development on the Property shall not exceed the intensities for each use as set forth below:
 - i. Non-Residential Uses open to the public -28,500 square feet gross floor area.
 - ii. Residential Uses -470 dwelling units. Except for skilled nursing care units which may service people of any age requiring skilled nursing care, residential uses shall service only persons meeting the housing for Older Persons Exemption to the Fair Housing Act (24 C.F.R. Sections 100.300 through 100.308, as the same may be amended from time to time.) In addition, the following amenity spaces shall be permitted without square footage limitation in support of the residential units: common meeting spaces; common living areas; game rooms; business centers; craft and/or activity areas; dining rooms; coffee shops and/or cafes; kitchens and storage areas; chapels; theaters; spas/salons/barbershops; and gyms/fitness centers but all are limited to use by residents, occupants, employees and their respective guests only. Nothing herein shall prohibit non-residential uses open to the public pursuant to the square footage limit in Paragraph A(i) above.
- B. As a part of the development of the subject property and subject to Raleigh Department of Transportation approval, the property owner shall install three (3) crosswalks with median refuges generally as shown on attached Exhibit A.
- C. All buildings shall have a maximum setback of one hundred and twenty feet (120') from the street right-of-way of E. Whitaker Mill Road and a maximum setback of ninety feet (90') from the street right-of-way of Bernard Street. In addition, no more than two (2) bays of on-site parking with a single drive aisle shall be located between any building and the street right-of-way of E. Whitaker Mill Road, nor shall more than one (1) bay of on-site parking with a single drive aisle be located between any building and the street right-of-way of Bernard Street.
- D. The Block Perimeter shall be increased to 5700 linear feet for the subject property.
- E. A landscape buffer with a minimum width of ten foot (10') wide and an average width of fourteen feet (14') wide shall be provided along the northern property line of that portion of the subject property known as 1933 Bernard Street (being

all of Lot 4 as shown on Book of Maps 1947, Page 74). Landscape plantings within the landscape buffer shall consist of at least six (6) evergreen trees per 100 linear feet.

- F. The post-development stormwater discharge peak flow rate for the property area shall not exceed pre-development peak flow rates for the 2, 10, and 25 year storms calculated for the entire parcel.
- G. Sidewalk meeting Raleigh UDO requirements shall be installed within the right-of-way along the length of the subject property's frontage with Bernard Street and Mills Street.

On the property zoned NX-5-CU only, the following conditions shall apply:

- H. The following principal uses otherwise permitted in the NX zoning district as listed in UDO section 6.1.4 shall be prohibited:
 - i. Vehicle Fuel Sales
 - ii. Vehicle Sales/Rental
 - iii. Detention Center, Jail, Prison
 - iv. Vehicle Repair (Minor)

DocuSign Envelope ID: C163M650-70F7-402B-8667-1BA7B520CCD3

EXHIBIT A



Oaks at Whitaker Glen - Roadway Work



0 110 220 440 ft
1 inch = 200 feet

Disclaimer
Maps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.