

**Z-49-20 – 3624 Tryon Road**, located on its north side, 900 feet east of Gorman Street, being Wake County PIN 0782975817. Approximately 6.17 rezoned to Industrial Mixed Use-3 Stories-Parking Limited-Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-1 (IX-3-PL-CU w/ SRPOD & SHOD-1) and Conservation Management-Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-1 (CM-CU w/ SRPOD & SHOD-1).

Conditions dated: May 7, 2021

1. Access to Tryon Road shall be limited to a maximum of one access point.
2. No structure shall be constructed within the CM-CUD zoned portion of the rezoned Property, save and except for stormwater control structures and accessory structures thereto and utility services and accessory structures thereto, as may be allowed by the UDO.
3. No part of the CM-CUD zoned portion of the rezoned Property shall be used for parking.
4. Only the following uses shall be permitted:
  - a. Household Living
  - b. Group Living, except dormitory, fraternity or sorority.
  - c. Civic, except college, community college, university and schools, public or private.
  - d. Medical.
  - e. Office.
  - f. Parking.
  - g. Personal Service, except animal care (outdoor).
  - h. Retail sales (excluding vehicle fuel sales).
  - i. Contractor office and equipment storage and repair.
  - j. Lawn, tree and garden services.
  - k. Trailer storage and drop off lot.
  - l. Vehicle Service.
  - m. Community garden, plant nursery, produce stand, urban farm.
5. The above permitted uses shall be further limited to either:
  - a. Residential uses as listed in items 4(a) and 4(b) above with a maximum density of ten (10) units per acre may be developed; OR
  - b. One or more nonresidential uses as listed in 4(c) through 4(m) above may be developed, subject to the stated maximum building square footages for each type of use as follows:
    - i. Civic, Office and Medical uses listed in 4(c) through 4(e) above shall not exceed 10,000 square feet gross floor area in the aggregate;
    - ii. Uses listed in 4(g) and 4(h) above shall not exceed 4,000 square feet gross floor area in the aggregate; and
    - iii. Uses listed in 4(i) through 4(m) shall not exceed 40,000 square feet gross floor area in the aggregate.
6. An average 50-foot wide Protective Yard shall be installed and maintained along the 8851 property line, as adjacent to residentially zoned properties (properties: PIN 0782975189 BK 15298-500; PIN 0782975281 BK 16634-2222; PIN 0782975283

BK 15264-1104; PIN 0782975295 BK 17145-2075; PIN 0782975299 BK 17559-2239; PIN 0782976301 BK 14898-805; PIN 0782976304 BK 14926-373; PIN 0782976316 BK 16914-1732; PIN 0782976319 BK 17421-1940; PIN 0782976422 BK 17265-2053; PIN 0782976424 BK 14892-2590; PIN 0782976436 BK 16214-2568; and PIN 0782978556 BK 18802-2469). Such buffer shall include (a) 6 evergreen shade trees per 100 lineal feet; (b) 12 evergreen understory trees per 100 lineal feet; (c) 60 evergreen shrubs per 100 lineal feet; (d) a berm measuring an average of 8' tall along its centerline and (e) an 8-foot tall solid wood fence installed at least 12 feet west of the property line. The berm shall be omitted from areas where it would be detrimental to the critical root zone of qualifying existing trees. Existing trees over 3" DBH shall be preserved and supplemented with additional plantings to fulfill buffer requirements. All required plantings shall be located on the subject site but shall be arranged such that at least one-third of the required plantings are on the east side of the fence. This Protective Yard shall not be required in locations where it conflicts with any existing or proposed public rights-of-way, access easements, slope easements, utility easements, or any other easements required by a governmental entity.

7. No business may have drive-through service on the Property.
8. Hours of operation of all businesses on the Property shall be limited to 7:00 a.m. to 8:00 p.m.
9. No buildings on the Property shall exceed forty-five (45) feet in height.
10. No cutting, chipping or stump-grinding shall be permitted on the Property except as needed in connection with clearing for development, landscaping and landscape maintenance of the Property.