

2. **Z-52-24 – 1604, 1610 Tryon Road**, located on the north side of Tryon Road between its intersection with Par Drive and Fairway Drive, being Wake County PINs 1702058722, 0792940241, and 0792945214. Approximately 43.83 acres rezoned to Residential Mixed- Use-4 stories-Conditional Use with Special Residential Parking Overlay District (RX-4- CU w/ SRPOD).

Conditions dated: October 3, 2025

1. The following Principal Uses as listed in UDO Section 6.1.4 that are permitted, limited, or special uses in the RX- District shall be prohibited: Boardinghouse; Dormitory, fraternity, sorority; Emergency Shelter type B.
2. There shall be no more than 400 primary dwelling units on the Property.
3. Any portion of a building that is within 100' of any of the following properties on Bruce Circle shall not exceed three stories and 50' in height: 1605 Bruce Circle (PIN 0792941592, Book 18077, Page 1390 Wake County registry); 1607 and 1609 Bruce Circle (PINs 0792942578 and 0792943651, Lots 14A and 14B, Book of Maps 1971, Page 409, Wake County registry); 1613 and 1621 Bruce Circle (PINs 0792944664 and 0792944801; Lots 12 and 13, Book of Maps 1945, Page 20, Wake County registry).
4. If more than 100 primary dwelling units are developed on the Property, the developer of the Property shall install a traffic signal at the intersection of Tryon Road and Fairway Drive if the traffic signal is permitted by the North Carolina Department of Transportation.
5. A stub for future cross-access shall be provided as close as possible to the common property line with the property located at 1526 Tryon Road (PIN 0792937871, Book 2248, Page 227, Wake County registry) ("1526 Tryon").
6. The Rental fees for two percent (2%) of the dwelling units on the Property shall be affordable for households earning sixty percent (60%) of the area median income or less for a period of no less than thirty (30) years from the date of issuance of a certificate of occupancy on the property. Affordable housing units will be subject to rent and income limits determined annually by the US Department of Housing and Urban Development. A declaration of restrictive covenants for affordable housing in a form approved by the North Carolina Housing Finance Agency shall be filed and recorded in the property's chain of title by the property owner in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy.
7. A protective yard with an average width of at least 10 feet shall be located adjacent to that portion of the eastern property line shared with the 1526 Tryon property (PIN 0792937871, Book 2248, Page 227, Wake County registry) that is within 650 feet of the 1526 Tryon Road property's right-of-way line with Tryon Road. The protective yard must include (i) four shade trees per 100 lineal feet, (ii) three understory trees per 100 lineal feet, and (iii) 40 shrubs per 100 lineal feet. Existing vegetation that meets or exceeds quantity, spacing and height standards may be used to satisfy the protective yard requirements. A tree conservation area meeting the requirements of UDO Section 9.1.4 may be used to satisfy the protective yard requirements. No less than fifty

percent (50%) of planted shade trees and understory trees shall be evergreen, except that evergreens shall not be required in areas established as tree conservation areas. For the avoidance of doubt, no protective yard shall be required where the stub for future cross- access to 1526 Tryon is located.