

2. **Z-60-23 – 4020 Tryon Road**, located approximately 400 feet from the intersection of Tryon Road and Lake Dam Road, having frontage on both roads, being Wake County PIN 0782782208. Approximately 6.61 acres rezoned to Commercial Mixed Use-5 stories-Conditional Use (CX-5-CU) with SRPOD.

Conditions dated: March 22, 2024

1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the CX- district shall be prohibited: Outdoor sports or entertainment facility; and detention center, jail, prison.
2. The total number of residential units shall not exceed 250.
3. The total area of non-residential uses shall not exceed 15,000 square feet.
4. The development standards for the Parking Limited Frontage (UDO Section 3.4.5) shall apply along the property's frontage on Lake Dam Road.
5. A variable width landscaped perimeter buffer shall be provided along the property's northern boundary adjacent to 1-40. The buffer shall have an average width of at least ten feet (10'). Where the buffer is not established as Tree Conservation Area according to UDO Chapter 9.1 (Tree Conservation), the buffer shall be landscaped according to the following standards: five (5) shade trees per 100 lineal feet, three (3) understory trees per 100 lineal feet, and forty (40) shrubs per 100 lineal feet.
6. A landscaped buffer shall be provided along the property's Lake Dam Road frontage between the street and any structure. In addition to street tree requirements, the buffer shall be landscaped according to the following standards: two (2) shade trees per 100 lineal feet, one (1) understory tree per 100 lineal feet, ten (10) shrubs per 100 lineal feet, and twenty (20) small decorative shrubs/grasses. Subject to approval by the North Carolina Department of Transportation, the planting requirements shall include an additional three (3) understory trees (total of 4) within the Lake Dam Road right of way.
7. The rental fees for thirteen (13) dwelling units constructed on the property shall be affordable for households earning an average of eighty percent (80%) or less of the area median income 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 shall 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 issuance of the first certificate of occupancy for a residential unit on the property.