

2. **Z-82-22 – 3805 Mitchell Mill Road**, located on its north side approximately 1,000 feet west of Forestville Road, being Wake County PIN 1747379686. Approximately 10.41 acres rezoned to Residential Mixed Use-3 Stories-Parking Limited-Conditional Use (RX-3-PL-CU).

Conditions dated: March 10, 2023

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: (i) cemetery.
2. There shall be no more than twenty-four (24) residential units within any single building that is located within five hundred (500) feet of the northern boundary of the property. There shall be no more than thirty-six (36) residential units within any single building that is located on all other portions of the property.
3. For those buildings fronting along Mitchell Mill Road, there shall be no private, on-site vehicular parking areas located between the Mitchell Mill Road right-of-way and the building facade located closest and most parallel to the Mitchell Mill Road right-of-way.
4. For those buildings fronting along Caliber Woods Drive, there shall be no private, on-site vehicular parking areas located between the Caliber Woods Drive right-of-way and the building façade located closest and most parallel to the Caliber Woods Drive right-of-way. However, this condition shall not prohibit vehicular parking areas located closer to the Caliber Woods Drive right-of-way than the closest and most parallel building facade so long as the vehicular parking areas are located to the sides of each building's facade located closest and most parallel to the Caliber Woods Drive right-of-way.
5. The property owner shall pay to the City a total of \$20,000.00 to be placed in the fund designated for the City's Affordable Housing Program. The \$20,000.00 amount may be payable in four annual installments of \$5,000.00, with the first payment being due prior to the issuance of the first certificate of occupancy and with each other annual installment due on or before the same day of the successive years, although the property owner has a right to prepay any amounts due. Prior to the issuance of any building permit, this payment obligation shall be evidenced by a promissory note to the City. If a sale of the project or the property (or a portion thereof), including a sale of controlling interests of an ownership entity within the project, occurs subsequent to the issuance of the first building permit and prior to the payment in full of the sum described within this condition, any outstanding amount shall be paid prior to the change of ownership.