Ordinance: 616 ZC 640
Effective: 7-7-09

Z-43-08 Conditional Use – Creedmoor Road and W. Millbrook Road - located east of Creedmoor Road southeast of its intersection with Millbrook Road, being Wake County PINs 0796478165 and 0796477549. Approximately 7.27 acres rezoned to Shopping Center Conditional Use.

Conditions Dated: 06/26/09

Narrative of conditions being-requested:

a) Subject to obtaining all required governmental approvals, the number and location of access points to public rights-of-way and permitted turning movements shall be in general accordance with the Concept Plan attached hereto as Exhibit C-1 (the "Concept Plan").

b) The orientation and massing of all buildings on the subject property after the adoption of this rezoning ordinance shall be consistent with the general character shown on the Concept Plan. The building facades of buildings constructed on the subject property after the adoption of this rezoning ordinance shall be developed in general accordance with the Building Façade Narrative attached hereto as Exhibit C-2.

c) Development occurring after the adoption of the rezoning ordinance shall be in general accordance with the Applicants Proposals included in the narrative regarding the Urban Design Guidelines Key Elements Summary attached hereto as Exhibit C-3.

d) If there is any conflict between the standards referenced in above conditions 2(a), 2(b) and 2(c), the more stringent standard shall control.

e) The following uses shall be prohibited:

i) Automotive service and repair facility,
ii) Hotel/motel;
iii) Movie (theater - indoor and outdoor;
iv) Schools (elementary, middle, and high, public, private or parochial);
v) Carwash facility - all types
vi) Emergency shelter type B;
vii) Landfill (debris from on-site);
viii) Manufacturing-custom;
ix) Manufacturing-specialized;
x) Mini-warehouse, storage facility;
xi) All Special Uses required to be approved by the Board of Adjustment as specified in City Code Section 10-2144 (provided that yard

encroachments and yard reductions which are permitted by Board of Adjustment approval shall be permitted with such Board of Adjustment approval), and special uses required to be approved by the Raleigh City Council, as specified in City Code Section 10-2145

f) Upon development, reimbursement for any required right-of-way dedication for Creedmoor Road or West Millbrook Road shall be calculated at the applicable O&l-l rate.

g) Natural protective yards shall be maintained along the South and East property lines in the areas shown on the Concept Plan (adjacent to Hunt, PIN 0796562637 [Deed Book 2454, Page 368] and Schoonover, PIN 0796561425 [Deed Book 5279, Page 306] all Wake County Registry, or the same as may be hereinafter identified). No sidewalks or pedestrian walkways will be located in the natural protective yards established along the South and East property lines as shown on the Concept Plan. Sidewalks and pedestrian walkways may be located in cross-access areas outside of the natural protective yards. The natural protective yards shall be maintained at a width of at least fifty (50) feet except where tapering is required to accommodate vehicular or pedestrian access or cross-access ways. No parking, driveway (unless required by the City of Raleigh for cross access), storage, loading areas, or buildings will be permitted within these natural protective yards. Any utility, water, sewer, storm drainage or other improvements as may be authorized by any governmental authority or conditional use zoning condition shall be located within the areas used for cross-access. In any event, grading within the natural protective yards shall not exceed thirty percent (30%) of the natural protective yards. Diseased or dead trees shall be removed from this buffer area, with prior authorization of the City of Raleigh Forestry Specialist or his designee. Notwithstanding the foregoing, in order for the natural protective yards to qualify as tree conservation areas under Raleigh City Code section 10-2082.14(b), the natural protective yards must comply with the requirements of Raleigh City Code section 10-2082.14(c).

h) Unless otherwise required or authorized by the City of Raleigh or State of North Carolina, vehicular ingress and egress to the property from public streets shall be limited to no more than (1) a right-in only access from Creedmoor Road; (2) a full service access on West Millbrook Road directly across from Bennettwood Court; and (3) such cross accesses over adjoining properties which may exist from time to time.

i) Prior to subdivision approval or the issuance of any building permit for new construction on the property, whichever shall first occur, the owner of the property shall deed to the City: (i) a transit easement measuring twenty

(20) feet adjacent to Creedmoor Road by fifteen (15) feet wide; and (ii) a transit easement measuring twenty (20) feet adjacent to West Millbrook Road by fifteen (15) feet wide to support a bus stops for current and/or future transit services in the area. The location of the easements shall be approved by the Transit Division of the City and the City Attorney shall approve the transit easements deed prior to recordation.

j) The northernmost tip of the subject property bounded by West Millbrook Road and Creedmoor Road, as shown on the Concept Plan, shall be reserved for use by the City of Raleigh for installation and maintenance of public art. The area to be reserved shall be that land north of a line created by connecting two points, each fifty (50) feet from their respective property corners, south along Creedmoor Road and east along West Millbrook Road, and representing approximately 3,000 square feet. The owner or developer of the subject property shall not be permitted to install any ground signs or vertical structures on this portion of the subject property; however the City of Raleigh or its designee may install public art on this portion of the subject property. Any public art installed on this portion of the subject property shall be maintained by the City of Raleigh. The owner of the subject property shall retain the right to maintain this portion of the property in a safe condition and shall be permitted to use this portion of the subject property as open space. Upon receiving thirty (30) days notice from the City of Raleigh of its intent to install public art pursuant to this Condition (i), the owner of the subject property shall contribute $2,500 to the City of Raleigh for the public art display.

k) All ground mounted signage shall be low profile signage.

l) For Buildings A, B, and C, as shown on the Concept Plan, Exhibit C-1, constructed on the subject property after the adoption of this rezoning ordinance, the minimum building height shall be twenty-six feet (26) and the maximum building height shall be forty feet (40’), measured in accordance with City Code section 10- 2076. For Building D, as shown on the Concept Plan, Exhibit C-1, constructed on the subject property after the adoption of this rezoning ordinance, the minimum building height shall be twenty-six feet (26’) and the maximum building height shall be thirty-nine feet (39’), measured in accordance with City Code section 10- 2076. Entry features or towers may exceed forty feet (40’) but will not be allowed to exceed forty-two feet (42’).

m) The minimum floor area of any second story of Building A, as shown on the Concept Plan, Exhibit C-1, shall be 4,900 square feet.

n) Subject to Condition L and Condition K above, Buildings A, B, C, and D shall conform to the following:

Building A: Two stories in height. The following uses shall be permitted within Building A: commercial, and at least one of the following additional uses: office, institutional, and/or residential;

Building B: Maximum two stories in height. The following uses shall be permitted within Building B: commercial, office, institutional, and/or residential.

Building C: Minimum two stories in height, maximum three stories in height The following uses shall be permitted within Building C: commercial, and at least one of the following additional uses: office, institutional. and/or residential;

Building D: Two stories in height. The following uses shall be permitted within Building D: commercial, office, institutional, and/or residential.

Commercial uses shall be restricted to the ground floor in all buildings, except for Building B, as shown on the Concept Plan, Exhibit C-1. For the purposes of this rezoning ordinance, the term 'commercial use" means those uses listed under the Commercial land use classification of the Schedule of Permitted Land Uses in Zoning Districts contained in Raleigh City Code section 10-2071, and which are not otherwise prohibited by these zoning conditions.

o) All dumpsters on the property shall be screened from view from West Millbrook Road with a solid closed wall or fence which is at least eight (8) feet in height and is the same or compatible in terms of texture and quality with the material and color of the principal buildings, and the emptying of dumpsters shall not occur before 7:00 am or after 7:00 pm.

p) Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, offers of cross access shall be extended to the property along the South property line, specifically that parcel described in Deed Book 12939, Page 2468.

q) If requested by the City at the time of site plan review, the owner of the subject property shall construct a bench and shelter in association with each transit easement described in above Condition H.

r) Only one drive-thru establishment serving a full service pharmacy shall be allowed on the subject property.

s) Within ninety (90) days after the adoption of this rezoning ordinance and every two years thereafter, the property owner shall request the North Carolina Department of Transportation (NCDOT) to install a traffic signal at the intersection of West Millbrook Road, Bennettwood Court, and the

access to the subject property. The owner of the subject property shall provide written notice of this request to all owners of property located within the Bennett Place - Phase Two neighborhood, as platted on Book of Maps 1998, Page 2253 in the Wake County Registry. Within five (5) years of the date of the first site plan approval for any portion of the subject property or upon 100% occupancy, whichever is later, and after receiving written notice from NCDOT regarding its decision to permit the installation of the traffic signal at the intersection of West Millbrook Road, Bennettwood Court, and the access to the subject property, the then owner(s) of the subject property shall pay up to $100,000 toward the cost of the installation of the traffic signal. If there are multiple owners of the subject property at the time the obligation to pay toward the cost of the installation of the traffic signal arises, then each owner of the subject property shall be jointly and severally responsible for the $100,000, with a right of contribution from the other owners of the subject property on a pro rata share of the acreage owned divided by the total acreage of the subject property (7.27 acres).

t) The primary stormwater BMP located between Building C and Creedmoor Road, as shown on the Concept Plan, Exhibit C-1, shall be developed as a site amenity that includes a permanent pool of water as a portion of the BMP, in combination with vegetated bio-retention or constructed wetland features as may be required to meet City of Raleigh stormwater regulations.

u) The amount of floor area gross for commercial uses located on the subject property shall not exceed 40,000 square feet. The owner of the subject property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable commercial square footage upon the subject property to all existing lots of record comprising the subject property. Such restrictive covenant shall be submitted to the City Attorney within 30 days following approval of this rezoning case by the City Council and shall be approved by the City Attorney or his designee prior to recordation. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.

v) The amount of floor area gross shelled out for office and institutional uses shall constitute a minimum of 35% of the total floor area gross developed on the subject property.

w) The total volume of trips generated by development on the subject property shall not exceed the PM peak thresholds shown on Table 4.0 of the Traffic Impact Analysis, dated March 2009, prepared by Kimley-Horn & Associates and on file with the City of Raleigh. The PM peak trip

generation shall be determined using the most current Institute of Transportation Engineers trip generation manual. City staff shall review and certify the PM peak trip volume prior to issuance of any building permit.

x) At least one functioning elevator shall be installed in each of the following three buildings, as shown on the Concept Plan: Building A, Building C and Building D. Each elevator shall be operational prior to the issuance of the certificate of occupancy for the building in which the elevator is located.

y) Building A and either Building C or Building D, as shown on the Concept Plan, shall be constructed concurrently, such that the building permits for either Building C or Building D shall be applied for within two (2) months of the issuance of building permits for Building A. A certificate of occupancy for the second building on the subject property shall be applied for within one (1) year of the issuance of the certificate of occupancy for the first building, and be issued within six (6) months after application for the certificate of occupancy.

z) The construction of the second floor, and third floor if applicable of Building A, Building C and Building D shall meet the applicable State Building Code requirements for future occupancy, and this space shall be habitable space and not mezzanine as defined by the State Building Code.

aa) To provide additional screening from the public right-of-way of the vehicular parking area located between Building A and both Creedmoor Road and West Millbrook Road, landscape screening material shall be installed to meet the standard applicable to Special Highway Overlay Districts outlined in Raleigh City Code section 10-2082.6(b)(1).

bb) At the time of site plan review, all pedestrian crosswalks crossing or immediately parallel to the north/south drive between Buildings A, B, C and Building D shall be identified using one or more of the following: (a) specialty paving techniques (such as modular pavers or stamped paving). (b) raised crosswalks, and (c) landscape treatments. At the drive-thru exit location, in addition to pavement treatments, traffic control signage measures shall be installed as enhanced warning measures.

cc) Upon development, all exterior flood, display and parking lot lighting shall be full cut-off (shielded) design and directed away from the adjacent residential uses.

dd) No drive-through service shall be permitted for eating establishments on the subject property.

Ordinance: 616 ZC 640
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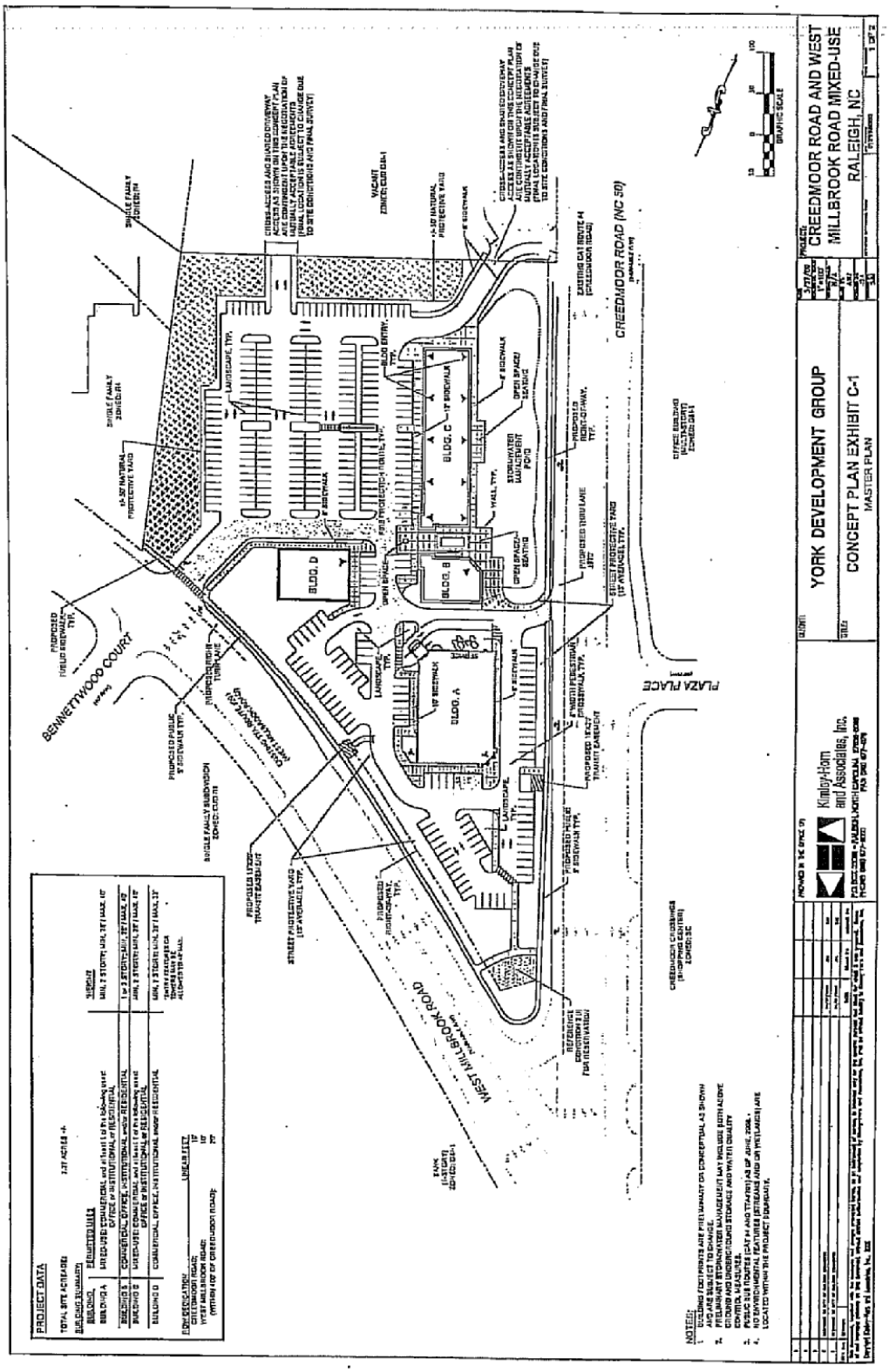

BUILDING FACADE NARRATIVE

The Project Image for this Mixed Use Center project will be derived from the planning concepts that shape it. The Concept Plan illustrates a tightly knit group of 4 modestly scaled buildings interconnected with a network of vehicular and pedestrian access ways, all responding to opportunities for connectivity with the existing surrounding commercial and residential uses. The design approach for this project envisions that the group of buildings and the associated hardscape and landscape components will collectively create an inviting and memorable presence at the intersection of Creedmoor and West Millbrook Road to both vehicular and pedestrian traffic.

This approach is in keeping with the Comprehensive Plan's Urban Design Guidelines for Mixed-Use Neighborhood and Village Centers. The "Urban Design Guidelines - Key Elements Summary" section of this rezoning petition details how this project responds and conforms to these guidelines, including a number of sections that address issues related to the building design: scale, massing, entrance locations, pedestrian-level building detail, overall building facade variety and articulation. This narrative elaborates further on how building-specific design elements will reinforce the planning objectives illustrated in the Concept Plan.

Stylistic Overview

The Concept Plan is rooted in traditional planning approaches. While this does not preclude contemporary approaches to the building designs, the project is envisioned to be more traditional in materials, massing and articulation, Building massing will accentuate corners and major entrances. Building facades will articulate the base, middle, and top. Adjacent buildings will be complementary through responsive massing and alignments, while maintaining individuality through a coordinated palette of materials and details. Variation in details and articulation in individual buildings and between buildings will create an inviting presence and an engaging experience.

Building elevations for those facades specifically listed below will include glazing and corresponding framing for a minimum 15% of those specified facades, including doors as elements of the storefront glazing and framing (Creedmoor Road is the assumed directional North-South point of reference, and is the western boundary of the property):

- Building A: north, east and west facades
- Building B: east and west façade
- Building C: east and west façade
- Building D: east and west facades

Masonry materials will be the dominant building material, but stucco or synthetic stucco is allowed. Masonry will comprise at least 25% of the total building façade for each building, excluding glassed areas. Within that parameter, masonry will comprise at least 35% of the total building façade, excluding glassed areas, for those facades specifically listed below (Creedmoor Road is the assumed directional North-South point of reference, and is the western boundary of the property):

- Building A: north, east and west facades
- Building B: west façade
- Building C: west façade
- Building D: north and east facades

Given the 25% minimum masonry requirement for total building façade for each building, there is no minimum masonry requirement for those facades not specifically listed above. Stucco/EIFs will not be placed under 30” around the exterior of the building. Buildings will be a minimum of 26’ in height and not to exceed 40’. Entry features or towers may exceed 40’ but will not be allowed to exceed 42’.

Building Entranceways

The Concept Plan demands a four-sided design approach to each building. The relative close proximity of the buildings to Creedmoor Road and West Millbrook Road requires front elevation” treatment as does the primary parking side of the buildings. The pedestrian space between buildings is an entrance way from the parking area to the sidewalks and terraces on the Creedmoor face of the buildings and is reinforced by the building massing. The development plan envisions public entrances to retail spaces both along Creedmoor where restaurants may open up to outdoor dining and along the parking faces of the individual buildings. The entrance to the upper floor offices will be articulated to clearly demarcate it as different from retail entrances, visually connecting the upper floors to the pedestrian level. An arcade through the middle of Building B is envisioned for connectivity and to allow vertical circulation in Building B.

Window Openings

Window openings will be located, sized, and articulated in a number of ways. Retail areas may have more expansive openings integrated with entrances to create a connection between vehicular and pedestrian traffic. Pilasters will divide the retail façade areas into a rhythm of large retail window openings. Windows to upper floor offices may be more singular1 creating a rhythm of smaller openings, balanced against the series of larger openings at the retail base. Feature areas of the building such as the corners flanking the pedestrian way between the main parking lot and Creedmoor may utilize taller openings.

Pedestrian Interest Areas

The Concept Plan shows a network of pedestrian walkways and expanded terrace areas for outdoor seating and special landscape features. Pedestrian ways between buildings are given significance through the development of key retail entrances immediately adjacent to such passages. Buildings engage the pedestrian through a combination of awnings, entrance canopies, or arcades. The variety of overhead materials will animate the facades and the pedestrian experience, giving individuality to the retail tenants and office entrance components.

MIXED USE CENTERS

2.0 Overview of Mixed Use Centers

- Mixed Use Centers traditionally form near the convergence of large, coherent neighborhoods and at the intersection of thoroughfares.

- Buildings in the Mixed Use center are made compatible through similar massing, volume, frontage scale and architectural features.

Applicant Response:

Building facades will be designed to be in keeping with the scale and character of the neighborhood. The applicant has conditioned the application to address building height and mixed-use as follows:

Building A: Minimum two stories in height, maximum three stories in height. The following uses shall be permitted within Building A: commercial, and at least one of the following additional uses: office, institutional, and/or residential;

Building B: The following uses shall be permitted within Building B: commercial, office, institutional, and/or residential.

Building C: Minimum two stories in height, maximum three stories in height. The following uses shall be permitted within Building C: commercial, and at least one of the following additional uses: office, institutional, and/or residential;

Building D: Minimum two stories in height, maximum three stories in height. The following uses shall be permitted within Building D: commercial, office, institutional, and/or residential.

Entry features or towers may exceed forty feet (40') but will not be allowed to exceed forty-eight feet (48').

This Application is for development of one of the few remaining undeveloped tracts within this Neighborhood Focus Area. It is located at the convergence of two major thoroughfares within a coherent, well developed multi-use development pattern including office, commercial and residential uses. The proposed uses will provide highly desired neighborhood commercial and office uses within walking distance of existing office and residential uses, and provide pedestrian connectivity to adjacent properties.

The proposed development will provide good transition to the residential uses in the following manner:

- ***Enhanced sidewalk connectivity along Millbrook Rd. including sidewalks along proposed driveway entrance across from the Brentwood subdivision entry.***
- ***Site grading will place buildings along Millbrook Rd. below street level to reduce visual impact of buildings from residential uses.***
- ***Significant tree conservation area between proposed development and existing residential lots abutting the subject property per the concept plan.***
- ***The proposed development would provide convenient access to neighborhood services for residents along Millbrook Rd. via existing public sidewalks and new internal sidewalks.***

Neighborhood access to the site will be accommodated through implementation of new sidewalk connections to the existing sidewalks along the entire property frontage, sidewalk connections from transit stops to the site interior, and a network of interior pedestrian paths.

2.2 Elements

➢ All Mixed Use Centers *should generally* provide retail office and residential uses within close proximity of each other. The core should provide office, convenience and personal service retail complying with maximum sizes for single establishments in the Retail Use Guidelines of the Comp Plan. Village Centers may also provide entertainment uses. Retail uses should be placed at street level.

Key Element

<u>Applicant Response:</u>

This application proposes a mix of uses in keeping with Key Element 2.2 to encourage a true mixed use neighborhood focus area. The project will provide for a mix of office and commercial uses within close proximity to existing commercial uses and residential neighborhoods. The application specifically provides for vertical mixed use in the following manner:

- ***A maximum of 40,000 sf of total commercial uses is provided for***
- ***Buildings A, C and D shall be constructed to accommodate second floor uses including at least one of the following additional uses: office, institutional, and/or residential;***

Commercial uses will be provided on the first level focused along a central, internal drive with on-street parking. Second story uses will provide for an active vertical mixed use environment.

The proposed plan complies with the maximum size for single tenant establishments in the Retail Use Guidelines of the Comprehensive Plan and will provide personal and convenience type commercial within walking distance of permanent residents and a large daytime working population.

2.3 Transition to Surrounding Neighborhoods

- Building heights are greatest in the core and transition to lower heights outward from the Core to the boundary of the Mixed Use Center. Edge buildings are comparable in height and massing to the adjacent and nearby properties as well as surrounding neighborhoods. In general, housing densities should be highest within Centers, transitioning to progressively lower densities moving outwards from the Core to the Edge.

Key Element

- Higher intensity buildings should not cast a shadow line on surrounding neighborhoods.

- Undisturbed natural areas that function as opaque screens are preferable to new plantings.

Applicant Response:

All buildings will be a minimum of two stories (26') and not exceed three stories (40') for buildings A, B and C and a maximum of 39' for building D. The maximum height for the proposed buildings will not exceed three stories per 2.2 of the UDG.

Buildings are organized along a central street pattern with the majority of required parking interior to the site, screened from public streets. Proposed buildings will be comparable in height and massing to the adjacent commercial development.

Buildings are situated on the site such that they will not cast a shadow line on surrounding properties.

A Natural Protective Yard is planned along the east and south property lines in order to provide for an effective buffer adjacent to existing residential uses. This approach promotes a more appropriate relationship of commercial uses to the urban edge along Creedmoor Road.

2.4 The Block, the Street and the Corridor

- The Center's Road network connects directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the Center. Trips made from surrounding residential neighborhoods to the Center are possible without requiring travel along a major thoroughfare or arterial.

Key Element

- Streets should interconnect with a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.

Key Element

- Streets should interconnect with adjoining development.
- Block faces should have a length generally not exceeding 660 feet.
- Mixed Use Centers should provide transit stops at key nodes with easy access to surrounding thoroughfares….

Applicant Response:

The Concept Plan has been modified to focus building fronts on an internal drive. The internal drive between buildings D and A/B/C will be enhanced with landscape and hardscape elements that may include raised crosswalks, specialty paving treatments and banding for the on street parking to distinguish the pedestrian and vehicular zone from the balance of the parking field.

The proposed site access locations have been established with direction from NCDOT and City of Raleigh Transpiration Services. There is no need for new public or private streets to serve this project or given the size of the site, for internal secondary streets.

Parking is internalized to the extent practicable given the site configuration and topography. Buildings B, C, and D will have no parking between them and the public streets.

The development provides strong vehicular and pedestrian inter-connectivity and vehicular cross-access to the adjacent property to the south. The alignment of driveways and associated sidewalks will create strong interconnectivity to adjacent properties.

Pedestrian sidewalks will be provided along the public street frontages and new internal walks will be developed associated with the new driveways. Walkways to the public Rights-of-way will be provided and provide connectivity to adjacent property along the cross-access at the southwest corner of the property.

Transit stop locations will be provided for along both Creedmoor Road and West Millbrook Road and will be further coordinated with the City's Transit Technician at the appropriate time.

SITE DESIGN

3.1. Building placements

- A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets lined by buildings rather than parking lots are more interesting to move along, especially for pedestrians and provide a safer environment.

Key Element

- Locate buildings close to the pedestrian street (within 25 feet of the curb), with off-street parking behind and/or beside buildings.

Key Element

- If the building is located at a street intersection, place the main building, or part of the building, at the corner. Parking, loading or service should not be located at an intersection.

Key Element

- To maximize the street frontage of buildings and minimize the street frontage of parking lots, building should be articulated so that the long side fronts of the street.

- Pedestrian circulation should be an integral part of the initial site layout. Organize the site so that the buildings frame and reinforce pedestrian circulation, and so that the pedestrians walk along building fronts rather than along or across parking lots and driveways. Also arrange buildings to create view corridors between pedestrian destinations within and adjacent to the site including building entrances, transit stops, urban open space, and nearby public amenities including parks and greenways.

Applicant Response:

The Concept Plan has been modified to focus building fronts on an internal drive. To strengthen the fabric of the urban architecture and landscape design, the proposed buildings align an internal drive with on-street parking to establish a physical definition of streets and public spaces. The internal drive between buildings D and A/B/C will be enhanced with landscape and hardscape elements that may include raised crosswalks, specialty paving treatments and banding for the on street parking to distinguish the pedestrian and vehicular zone from the balance of the parking field. Additional parking fields are oriented toward the interior of the site, to the extent possible. Parking, loading and service areas are located internal to the property, away from public streets. The primary parking fields will also be below the site

perimeter in elevation and together with landscaping will meet or exceed requirements for screening and limiting lighting spillover. Site topography, landscaping and proposed grading will effectively screen parking associated with Building A, thus accomplishing the policy goal of limiting visibility of parking areas from public streets.

The primary building groupings have been oriented to create an active urban edge along the internal corridor, away from residential uses. The Concept Plan illustrates how buildings may be arranged to create a strong public realm and provide for pedestrian walking zones and public gathering areas.

A proposed reservation area at the site apex for use by the City as public open space or public art display can help delineate the urban edge and announce the project.

The application has been conditioned to permit only one drive-thru use.

It is not feasible on this site, due to its configuration, to have no rear, or sides of buildings addressing the public streets. However, the concept plan and building narrative will provide for architectural details that properly address all sides visible from public streets. I addition, the service area for building A has been oriented internally to the site.

Urban Open Space: Pedestrian circulation will be developed between buildings and to adjacent properties with a system of sidewalks internal to the site and the public sidewalks around the site perimeter. Café seating areas, a gathering space overlooking the water feature, and internal public plaza space will enhance pedestrian zones.

3.2. Urban Open Space

- To ensure that urban open space is well used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.

Key Element

- New urban open spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.

Key Element

- The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic and uses for the space including retail, cafes and restaurants and higher-density residential.

Key Element

- A properly defined urban open space is visually enclosed by the fronting building to create an outdoor room that is comfortable to its users.

Key Element

<u>Applicant Response:</u>

Open space is comprised of internal plazas, street protective yards and Tree Conservation Areas that are adjacent to public sidewalks and connect the public sidewalks from the buildings. Multiple pedestrian points of entry are provided from the public sidewalks.

Open spaces as shown are easily accessible, framed by active building uses, and functional. They will be associated with building fronts, café seating areas, and the feature amenity area at the intersection of Creedmoor Road and West Millbrook Road. Public spaces will be connected

to the public right-of-way by existing and proposed walkways. Second story uses will overlook public spaces and have easy access to ground-level sitting areas and café seating.

The open space previously shown at the intersection of Millbrook and Creedmoor has been removed. A condition to reserve this area for the City's use for a defined period of time has been added to the application.

The application has been conditioned to ensure that the primary stormwater BMP located between Building C and Creedmoor Road, as shown on the Concept Plan, Exhibit C-1, shall be developed as a site amenity that includes a permanent pool of water as a portion of the BMP, in combination with vegetated bio-retention or constructed wetland features as may be required to meet City of Raleigh stormwater regulations.

3.3 Public Seating 6. Transit

- New public spaces should provide as many seating opportunities as possible.

Key Element

Applicant Response:

Both fixed seating and movable seating opportunities will be provided within the development and can be conditioned as such. Public spaces will be designed to provide a combination of fixed seating in the form of benches and/or seat-walls around planters and accommodate movable seating as well.

Details for seating will be provided with the site plan application as design details for open spaces is developed further.

3.7 Pedestrian, bicycle amenities

- Provide a complete network of paths that interconnect building entrances, parking, transit stops, public sidewalks and crossings, adjacent properties, adjoining off-street paths, and other key destinations on or adjacent to the site.

Key Element

Applicant Response:

Sidewalks are labeled on the Concept Plan and will be a minimum 12' width where adjacent to commercial buildings. Sidewalks not adjacent to storefronts shall be 5' to 8' per Key Element 4.1 of the Guidelines.

A network of pedestrian paths interconnects building entrances, parking, transit easements, public sidewalks and crossings, adjacent properties, and adjoining off-street paths. Where pedestrian pathways cross internal drives and curb cuts, a highly-visible crosswalk marked with a contrasting material provides a strong contrast with the vehicular surface.

Pedestrian pathways have been provided from both transit stops and public streets to the site interior to ensure convenient access to building entrances. Two transit stops will be located along the two public streets and provide access into the project via the public sidewalk network.

Bicycle racks will be provided in convenient locations associated with each building. Specific locations and quantities will be determined during Preliminary Site Plan development.

3.8 Interface with Adjacent Properties

- Avoid erecting walls, fences, or berms that act as barriers to adjacent properties.
- Try to match the grade of abutting properties.

Applicant Response:

The internal vehicular circulation patterns incorporate private cross-access to the adjacent property to the south and shared parking internally.

A proposed public sidewalk connection along the access driveway to the public sidewalk on the east side will provide pedestrian access to the site from the adjacent residential properties. The majority of the site is bounded by public streets and grading will be designed to transition grades with minimal differential to maintain visibility into the site.

Public sidewalks along both public road frontages provide pedestrian and bicycle links to adjacent properties and neighborhoods. Handicap ramps and handicap accessible routes accommodate wheelchairs, bicyclists, and baby strollers.

Grades within tree buffers to the south and east will be undisturbed except as provided for in the approved conditions. No fences or berms are planned for and walls will only be used where necessary to support grading.

3.9 Vehicular Circulation

- The vehicular circulation network should maximize both on-street and off-street opportunities for the local transportation system so that some local trips are not forced on to the thoroughfares.

Applicant Response:

The project will be served by the existing public street network and cross-access to an adjacent property. The provision for public transit stops (2) and location in proximity to existing office, commercial and residential uses will help reduce some local trips.

3.10 Automobile Parking

- Parking lots do not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.

Key Element

- Parking lots are located behind buildings or in the interior of a block. Parking lots do not occupy more than 1/3 of the frontage of adjacent building or no more than 64 feet, whichever is less.

- Parking lots should be located behind buildings or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or no more than 64 feet, whichever is less.

Key Element

Applicant Response:

Parking dimensions have been added to the Concept Plan.

Proposed parking is appropriately broken up and does not dominate the frontage along pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments. The majority of the parking (approx. 70%) for the proposed project is located behind buildings, away from views from the public streets, and screened by a combination of grade differential, buildings and/or vegetation. Parking adjacent to public streets will be appropriately screened with landscaping.

3.11 Parking Structures

- Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can have serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.

Key Element

Applicant Proposal:

Structured parking is not a component of this petition.

The proposed transit easements are conveniently located to the proposed buildings and are functionally integrated into the proposed pedestrian pathway system. The transit easements will have handicap accessible routes into the site.

3.12 Transit Stops

- Appropriate building densities and land uses are within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile. Transit stops are a basic element in any mixed-use development and is integrated functionally and architecturally.

Key Element

- Convenient, comfortable pedestrian access between transit stops and the building entrances should be planned as part of the overall pedestrian network.

Key Element

Applicant Response:

The Concept Plan provides for two transit stops. The final location will be coordinated with the City Transit Technician. Both transit stops will have and ADA accessible route to the site interior.

3.13 Environmental Protection

- The development respects natural resources. Sensitive areas, such as areas with slopes in excess of 15% for watercourses, floodplains are acknowledged and development in these areas is minimized. Any development in these areas should minimize intervention and maintain the

Key Element

natural condition except under extreme circumstances. Where practical these features are conserved as open space amenities and incorporated into the overall site design.

Applicant Response:

Natural resource protection includes preservation of trees in the designated areas along two sides of the property. Tree save areas will encompass a minimum of 10% of the total site area.

The site is not located within a floodplain and there are no documented sensitive environmental features, regulated wetlands or stream buffers on site. There are no significant areas with naturally occurring slopes greater than 15%.

STREET DESIGN

4.1 Street Design Principles

- Key Element Streets are designed to be pedestrian oriented, as integral parts of the designed community. A network of streets is provided dispersing traffic and providing connectivity. A network of sidewalks and bicycle lanes are located within the right of way and provide an attractive and safe mode of travel for cyclists and pedestrians. These apply to all streets up to an including thoroughfares, particularly those that enter the Mixed Use Center.
- Key Element Sidewalks should be 5-8 feet wide in some areas wide and located on both sides of the street. Sidewalks in commercial areas should be a minimum of 12-16 feet wide to accommodate sidewalk uses such and vendors, merchandising, and outdoor seating.
- Key Element Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street tree landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from heaving the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City landscaping, lighting and street sight distance requirements.
- Sidewalks should be 5 to 8 feet wide and located on both sides of the street. Sidewalks in retail areas should be a minimum of 12-16' wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.
- Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets are designed with street trees that compliment the face of the buildings and provide a shade canopy for the pedestrian.

Applicant Response:

Sidewalks, where proposed within the development, are a minimum of 12' wide where adjacent to commercial buildings. All other pedestrian pathways including handicap accessible routes connecting with the adjacent development and public sidewalks are a minimum of 5' wide per Key Element 4.1. Public sidewalks along proposed public road improvements are 5' wide.

Bike racks will be provided and located appropriately with respect to building locations. Conceptual locations are shown on the Concept Plan. The project will be served by an existing public street network and associated sidewalks along two sides of the property. The existing sidewalk network will be interconnected with the internal project pedestrian system with wide in front of the mixed-use building and public plazas and seating areas.

Street trees will be provided in Street Protective Yards meeting Code section requirement 10-2082.9. Internal sidewalks will be shaded by properly spaced tree plantings.

4.2 Spatial Definition

- Buildings establish spatial definition. This is achieved with architectural elements with an appropriate height to width ratio. A 1:6 height to width ratio is the minimum for this definition with an average ration of 1:3.

Key Element

Applicant Response:

All buildings will be a minimum of two stories (26') and not exceed three stories (40') for buildings A, B and C and a maximum of 39' for building D.

BUILDING DESIGN

5.1 Façade Treatment

- Adjacent buildings should relate in similarity of scale, height, and configuration.
- Larger buildings should be broken down in scale by means of the articulation of separate volumes.

Applicant Response: (Please refer to revised Building Façade Narrative)

The ***mixed use buildings will exhibit four-sided architectural interest to present visual interest and pedestrian friendly facades to the project interior and the public streetscape. Buildings will be in scale with each other and with adjacent development and incorporate a compatible architectural vocabulary. The overall architecture will exhibit variety within a palette of similar materials and forms. Longer building facades will include a delineated façade with both vertical and horizontal movement to visually break up the volume.***

5.4 Façade Treatment

- Primary building entrance is architecturally and functionally designed on the front façade of the building facing the primary public street. The entrance is designed to convey prominence on the fronting façade.

Key Element

- The ground level of the building offers pedestrian interests along the sidewalks and paths, including windows, entrances and architectural detail. Signage, awnings and ornamentation are encouraged.

Key Element

- Building facades should be varied and articulated to provide visual interest to pedestrians.

<u>Applicant Response:</u> (Please refer to revised Building Façade Narrative)

5.5 Street Level Activity

Key Element

- The sidewalks remain the principal place of pedestrian movement and casual social interaction. Designs and uses are complementary of that function.

- The sidewalks remain the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary of that function.

<u>Applicant Response:</u>

The Concept Plan offers active pedestrian zones directly adjacent to all buildings providing opportunity for outdoor dining or informal gathering. Open space will consist of wide sidewalks, gathering areas, and café seating areas adjacent to buildings. These spaces will be connected by a network of sidewalks to the public rights-of-way.

5.7 Service and Utilities

- Utilities and Services…. should be screened or otherwise hidden from the view of the pedestrian.

<u>Applicant Proposal:</u>

Loading areas have been modified to face internal to the site, away from public streets.

Detailed plans will provide for appropriate levels of screening of all utility and service areas at site plan applications.