

**Z-16-16 – 8710 Cypress Club Drive** – south side of Strickland Road, west of Harvest Oaks Drive, north of Forum Drive, and east of Lead Mine Road, being Wake County PINs 1708025721 and 1708121469, approximately 48.057 acres rezoned to Planned Development (PD)

Conditions dated: See attached Master Plan (MP-1-2016) dated October 12, 2016.

**Section 2.** That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** If this ordinance or any application thereof is held invalid as to any person or application thereof, such invalidity shall not affect other provisions or applications of the ordinances which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

**Section 4.** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council following a recommendation of the Planning Commission.

**Section 5.** That this ordinance shall become effective as indicated below.

**Adopted:** November 15, 2016

**Effective:** November 15, 2016

**Distribution:** Planning (3)  
Inspections (5)  
City Attorney  
Transcription Services – Taylor

**MASTER PLAN (MP-1-2016)**

**THE CYPRESS OF RALEIGH**

**PROPOSED PLANNED DEVELOPMENT DISTRICT**

**± 48.057 ACRES**

**OWNER:**

**Cypress of Raleigh Owners' Association, Inc.**

**DEVELOPER/DECLARANT:**

**Cypress of Raleigh, LLC CONSULTANTS:  
Mack Paul Morningstar Law Group, L.L.P.**

**Stuart Jones  
Jones & Cnossen- Land Planning and Civil Engineers**

**Original Submittal Date June 8, 2016  
Resubmittal Date September 9, 2016  
Resubmittal Date October 12, 2016**

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## SUMMARY INFORMATION

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|-----------|--|---|
| <b>A.</b> | <b>Name of Development:</b>            | <b>The Cypress of Raleigh</b>   |
| <b>B.</b> | <b>Name of Owner:</b>                  | <b>Cypress of Raleigh Owners' Association, Inc.<br/>c/o Mark Andrews<br/>7101 Creedmoor Road, Suite 142<br/>Raleigh, NC 27613</b>                           |
| <b>C.</b> | <b>Name of Developer/Declarant:</b>    | <b>Cypress of Raleigh, LLC<br/>8801 Cypress Lakes Drive<br/>Raleigh, NC 27615</b>   |
| <b>C.</b> | <b>Applicant:</b>                      | <b>Joe Whitehouse<br/>6109 Iris Drive<br/>Raleigh, NC 27612<br/>919.870.9007<br/>919.866.1874 (fax)<br/>joe@cueinc.net</b>                                  |
| <b>D.</b> | <b>Attorney: Mack Paul</b>             | <b>Morningstar Law Group, L.L.P.,<br/>630 Davis Drive, Suite 200<br/>Morrisville, NC 27560<br/>Tel: 919.590.0377<br/>mpaul@morningstarlawgroup.com</b>      |
| <b>E.</b> | <b>Land Planner and Civil Engineer</b> | <b>Stuart Jones<br/>Jones &amp; Cnossen Engineering, PLLC<br/>221 N. Salem Street, Suite 200<br/>Apex, North Carolina 27502<br/>stuart@jonescnossen.com</b> |

## **1. INTRODUCTION**

This document and the accompanying exhibits submitted herewith (collectively, the "Master Plan") are provided pursuant to provisions of the Unified Development Ordinance (the "UDO") dealing with the Planned Development ("PD") District for the Cypress of Raleigh (the "Development"). The Development is a life care community, which includes both congregate care and rest home uses, as defined by the UDO developed by Cypress of Raleigh, LLC (the "Developer"). The Development is owned by those record title owners of the units comprising the condominium as reflected in the Wake County Registry (collectively the "Owner"). Cypress of Raleigh Owners' Association, Inc. is the condominium association established pursuant to the NC Condominium Act to serve as agent for the Owner with respect to certain matters (the "Association").

The Development is and will continue to be a mixed use, pedestrian-oriented development with complementary residential, recreation, open space, food service, skilled nursing care, memory care, rehabilitation, assisted living and other personal services (as those terms are utilized in the UDO) for the residents at densities appropriate to the location of the Development, market conditions, the nature of land uses in the vicinity, and the City's investment in existing infrastructure. Accordingly, the Master Plan sets forth density and square footage limitations as well as modifications to the UDO as appropriate to accomplish the development program described herein.

## **2. COMPREHENSIVE PLAN**

The Master Plan for the Development addresses the development and redevelopment of approximately 48.057 acres located in North Raleigh, bounded generally on the east by Harvest Oaks Drive, the north by Strickland Road, the west by Lead Mine Road and the south by Forum Drive (the "Property"). For a graphic depiction of the area to be rezoned, please refer to the existing conditions and phasing plan submitted with this Master Plan as Plan Sheet 2. The Property is currently the site of a life care community developed pursuant to an approved site plan (GH-1-09). The purpose of this rezoning and Master Plan is to bring the Development into conformity with the rules and regulations contained in the UDO as existed prior to the city-wide remapping effective in 2016.

The Future Land Use Map ("FLUM") identifies the Property as medium density residential. This category applies to garden apartments, condominiums and suburban style apartment complexes. Consistent with the FLUM, the proposed density in connection with the Development is medium density residential. In addition, the Development will further a number of policies in the Comprehensive Plan. For example, it will serve as a pedestrian-oriented, congregate care facility, providing senior residents all of the personal services and amenities they need on-site. The Development will help foster an integrated community, linking housing with food service, skilled nursing care, personal services, rehabilitation, memory care, assisted living, open space and other amenities.

## **3. INTENT FOR PD DISTRICTS**

The Cypress of Raleigh meets the intent of the PD District in several ways. In particular, the PD District will help the Development to achieve a high quality project design. It will facilitate the integration of a cohesive development that allows residents access to a range of amenities, including personal services, food, recreation and health care services in a setting that is walkable and medium scale. As a life care community, the Cypress of Raleigh promotes the safety and security of its residents.

The PD District allows the Development to meet this objective while in keeping with the surrounding area and placing minimal impact on the area's infrastructure.

## **4. GENERAL DESIGN PRINCIPLES AND URBAN DESIGN GUIDELINES**

The Development meets the General Design Principles for PD Districts in a number of ways. It contains a range of housing stock, including multifamily and detached housing. It is well integrated by providing a range of services to residents of the Development, including skilled nursing care, rehabilitation services, assisted living, memory care, in-home care, assistance with daily living, recreational activities, food service, social activities and personal services. A substantial buffer and landscaping surround the Development with a gated entrance to promote the safety of the residents. Internal connections provide

convenient pedestrian access throughout the Development. Architecture and landscaping provide a cohesive design to the buildings and surroundings, fitting with the topography, site and climate. The Development includes public art and other clearly identifiable water features unique to this location. Finally, the development pattern has a scale that ensures the residents have ample access to open space and light.

In addition, the Cypress of Raleigh incorporates a number of elements of the Urban Design Guidelines. For example, open spaces provide convenient seating opportunities and are integrated throughout the Development. Internal streets are interconnected throughout, providing ease of circulation and access for residents. The Development contains a mix of uses, serving the needs of the residents who are seniors. The transitions to the surrounding neighborhoods include substantial buffering and landscaping.

## 5. LAND USE DENSITY

Land use intensities for the Development are described in the site data table on Plan Sheet 1 submitted with this Master Plan. Plan Sheet 1 establishes "Equivalent Dwelling Units" based on the density assigned to congregate care facilities when the Development was originally approved by the City of Raleigh. For example, one congregate care unit counts as one-half a dwelling unit. Land Use intensities can be transferred between subdistricts so long as the overall limitation on intensities for the three subdistricts is not exceeded. Subdistrict sizes and general building locations are shown on the Land Use Plan submitted with this Master Plan.

The maximum development intensity for each subdistrict shown on the Land Use Plan shall be:

### A. Subdistrict A

1. **Uses and Density.** Subdistrict A may be developed for up to 45,500 square feet of nonresidential land uses not otherwise prohibited in Paragraph 6.B and 136 equivalent dwelling units for congregate and life care community.
2. **Building Height.** Buildings located in Subdistrict A shall be limited to 6 stories and 82.5 feet in height.
3. **Building Type.** **Apartment, Civic, General and Detached Building Types may be used in Subdistrict A.**

### B. Subdistrict B

1. **Uses and Density.** Subdistrict B may be developed for up to 29 equivalent dwelling units.
2. **Building Height.** Buildings located in Subdistrict B shall be limited to 6 stories and 82.5 feet in height.
3. **Building Type.** Apartment and Detached Building Types may be used in Subdistrict B.

### C. Subdistrict C

1. **Uses and Density.** Subdistrict C may be developed for up to 39 equivalent dwelling units for congregate care and life care community.
2. **Building Height.** Buildings located in Subdistrict C shall be limited to 6 stories and 82.5 feet in height.
3. **Building Type.** Apartment and Detached Building Types may be used in Subdistrict C.

**6. MODIFICATIONS REQUESTED PURSUANT TO UDO SECTION 4.7.2**

This PD District proposes certain modifications to the UDO pursuant to UDO Section 4.7.2. They are as follows:

**A. New Streets and Block Perimeter**

As a life care community that is fully enclosed for the safety and security of its residents, the Development has a private, internal street network. As such, it will not be subject to the new streets requirements contained in Article 8.4. In addition, the Development will not be subject to the minimum block perimeter standards contained in Article 8.3, which will not create any lots without direct street frontage or create safety issues or contribute to congestion. Further, it is reasonable to eliminate block perimeter standards based on the existing site layout of the Development.

Due to the existing infrastructure and development, certain street typologies under Article 8.4 will be modified. Forum Drive and Harvest Oaks Drive are both two lane avenues, undivided according to the City's Street Design Manual. However, the existing streets were built as collector streets under the old City Code as shown in Street and Block Plan. These existing streets will serve as an alternate to UDO Section 8.4.5 given the fact the infrastructure is already in place. Finally, the sidewalk width will be modified to reflect the existing 5' sidewalk width based on the significant landscaping planted on private property along Harvest Oaks Drive and Forum Drive.

Due to the existing infrastructure and development, certain aspects of the internal street network will be exempt from the Street Design Manual. In particular, the width of sidewalks and planting strips along the internal street network shall be exempt from Section 4.6.1 of the Street Design Manual. The Owner shall pay a fee in lieu for one foot of sidewalk along Strickland Road and Lead Mine Road adjacent to the boundary of the Property.

**B. Use Standards**

The Residential Mixed Use (RX) district is appropriate for properties identified as medium density residential on the Future Land Use Map. However, since RX requires a special use permit for a life care community use, this master plan is selecting Office Mixed Use (OX) as its base district. The following uses permitted in the OX District shall be prohibited:

- college, community college, university;
- sports academy;
- commercial parking lot;
- heliport;
- detention center, jail, prison;
- research and development; and
- plant nursery.

**C. Building/Structure Setbacks and Build-To**

As a life care community that is fully enclosed for the safety and security of its residents, the Development has a private, internal street network. As a result, all buildings within the Development will orient to private streets and not the public streets. Therefore, the minimum building/structure setback requirements and build-to requirements applicable to the building types in Article 3.2 shall not apply.

**D. Lot Dimensions**

The minimum lot dimension area and width requirements applicable to the building types in Article 3.2 shall not apply. The Property shall not be subdivided.

**E. Floor Heights**

As a life care community with elderly residents, the buildings within the Development are designed for ease of access. In particular, they are designed so that residents do not have to climb steps to enter buildings. Therefore, the minimum ground floor elevation requirements applicable to the building types in Article 3.2 shall not apply.

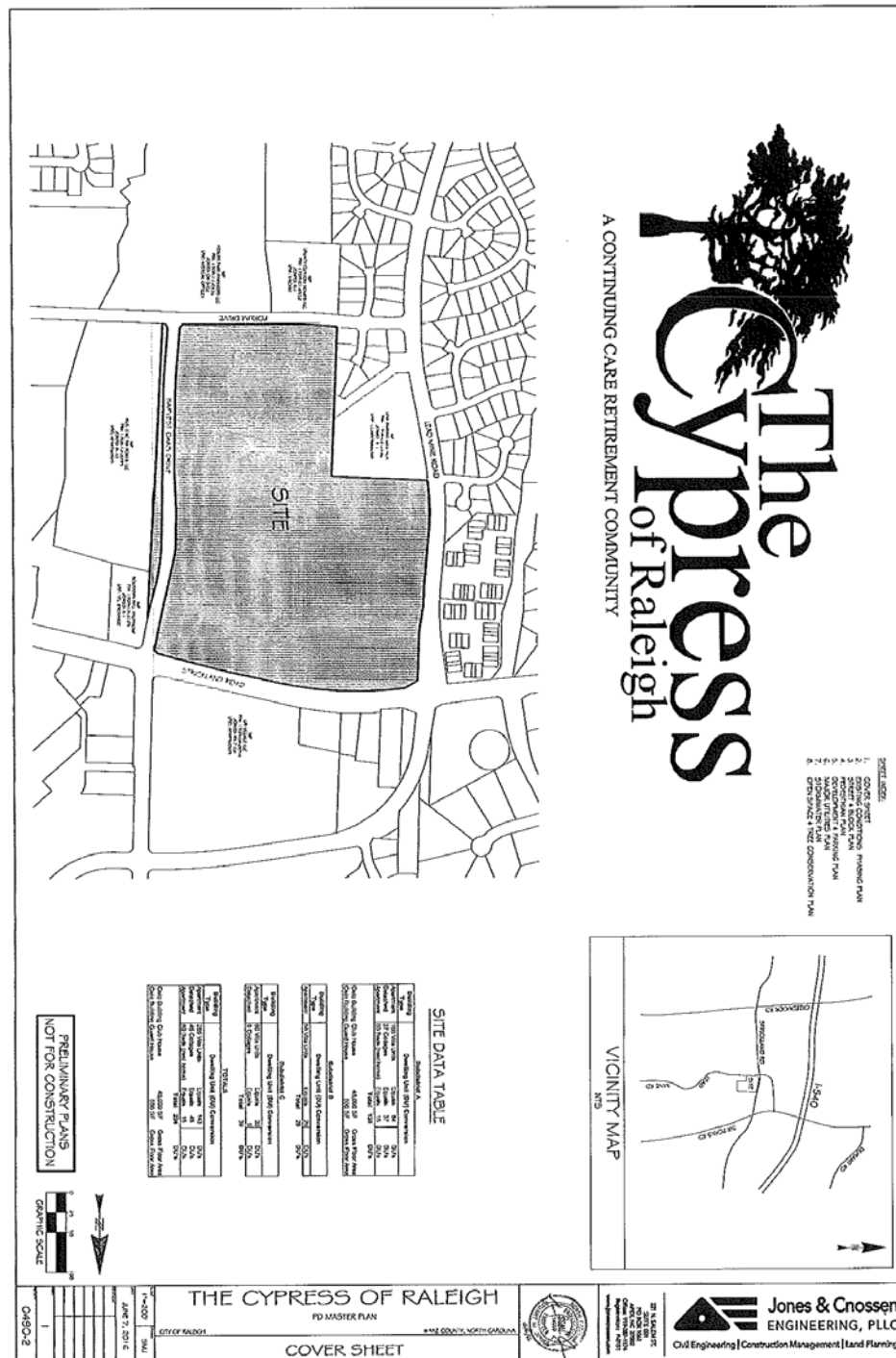
**F. Transparency**

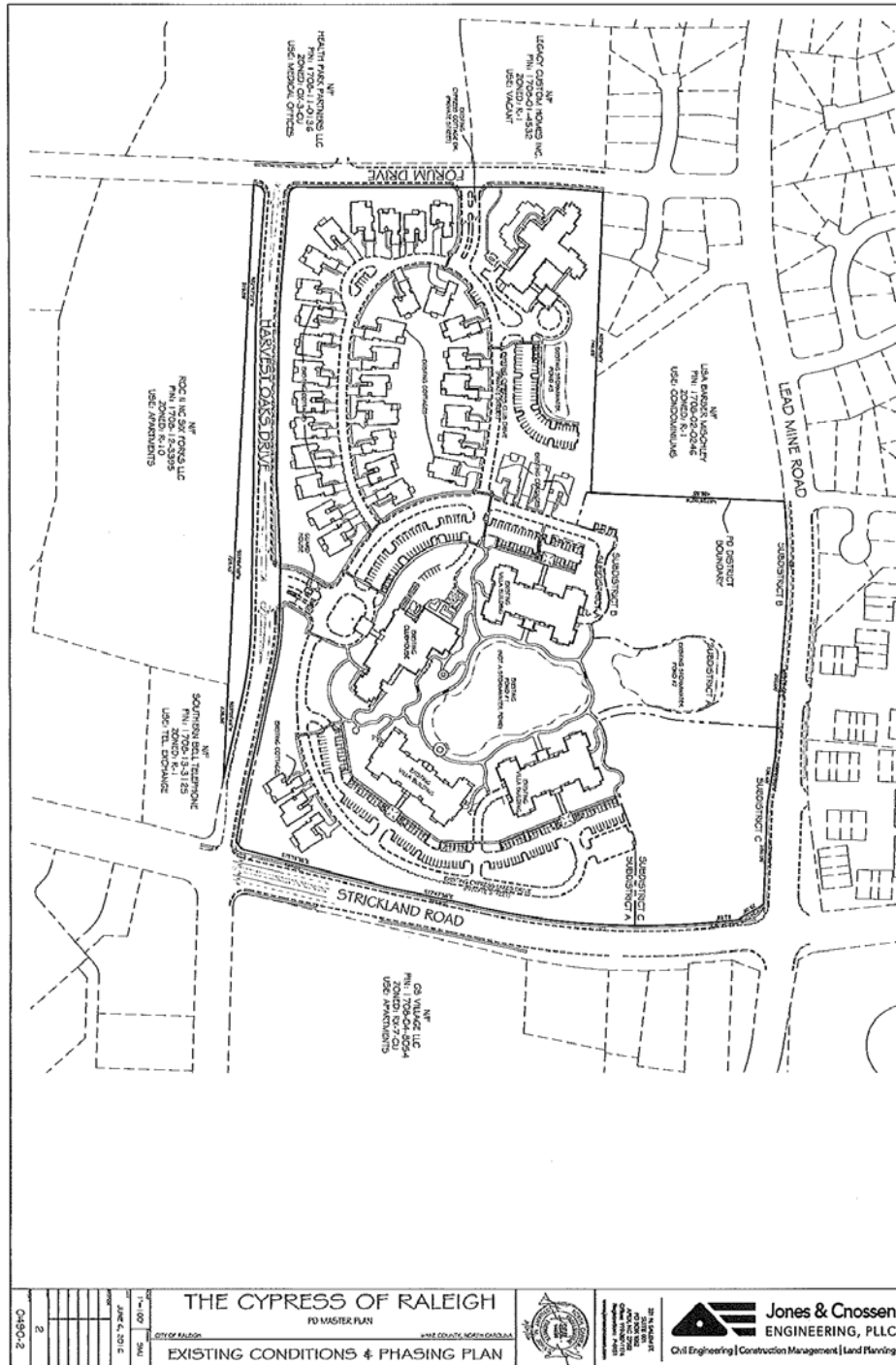
As a life care community, the buildings within the Development are designed for the needs of its residents. All building types shall have no less than 15% transparency on all portions of the Property.

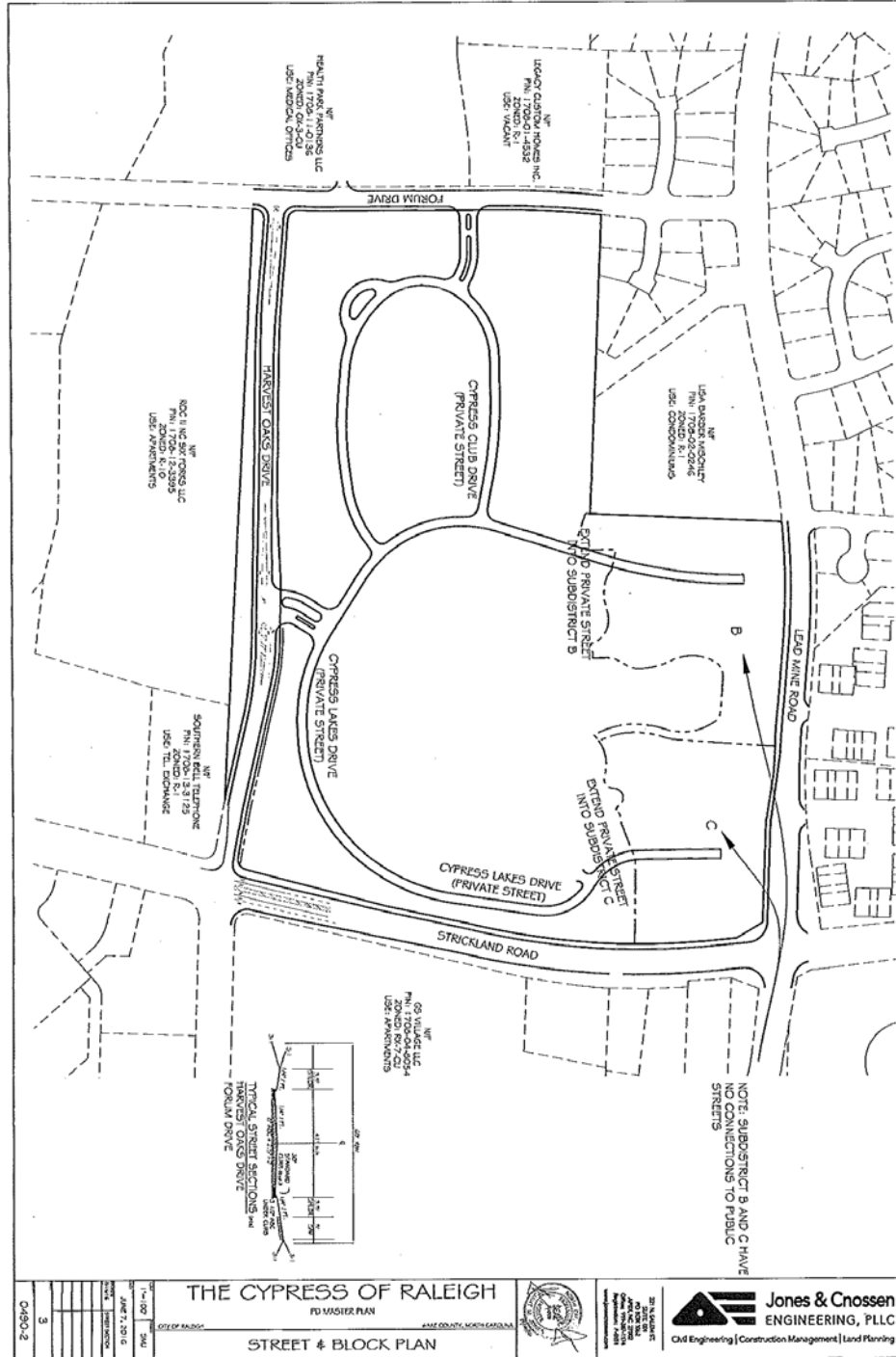
**G. Open Space**

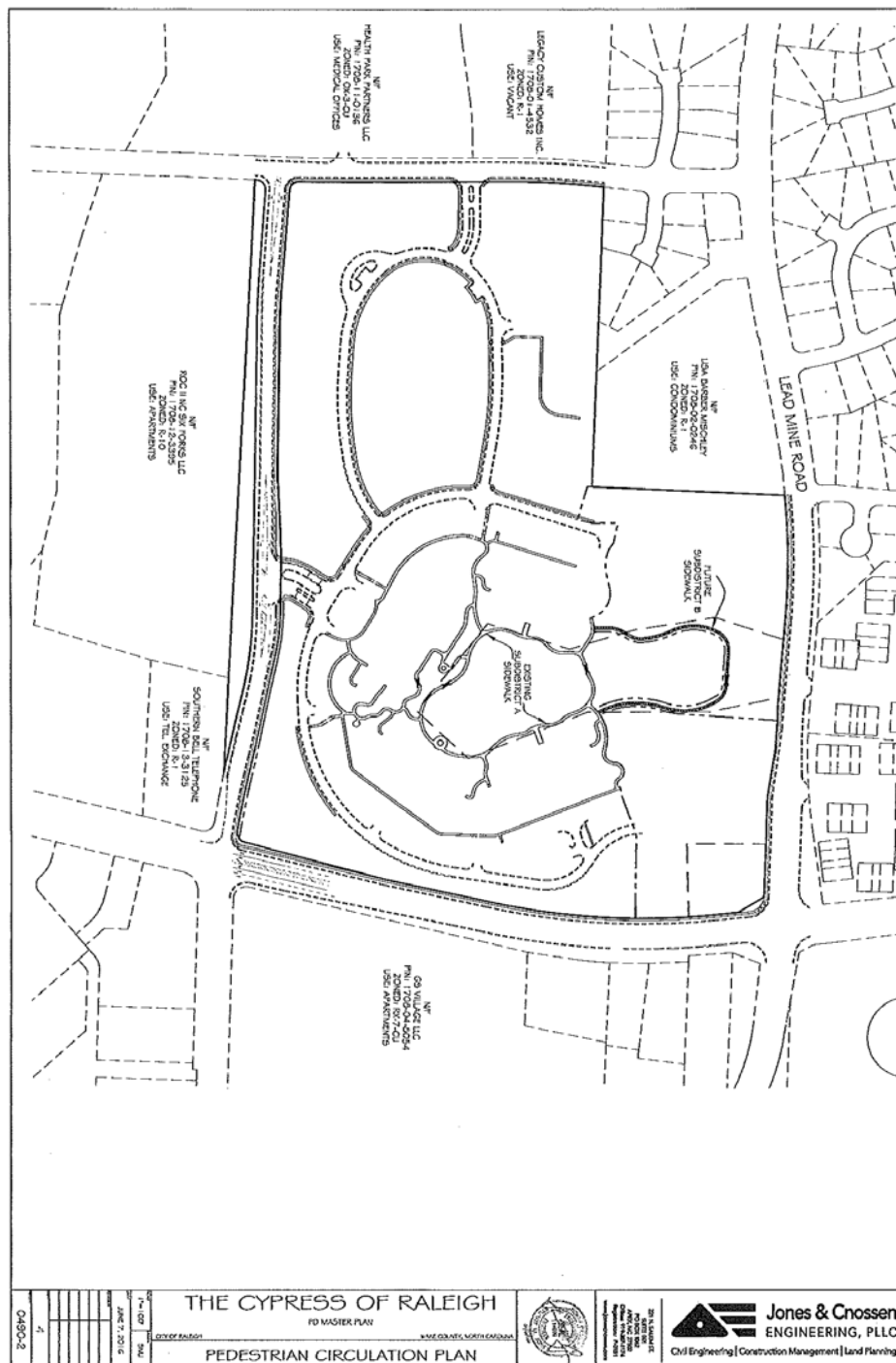
Based on the configuration of open space within the existing life care community, the Development will contain a minimum of 10% open space.

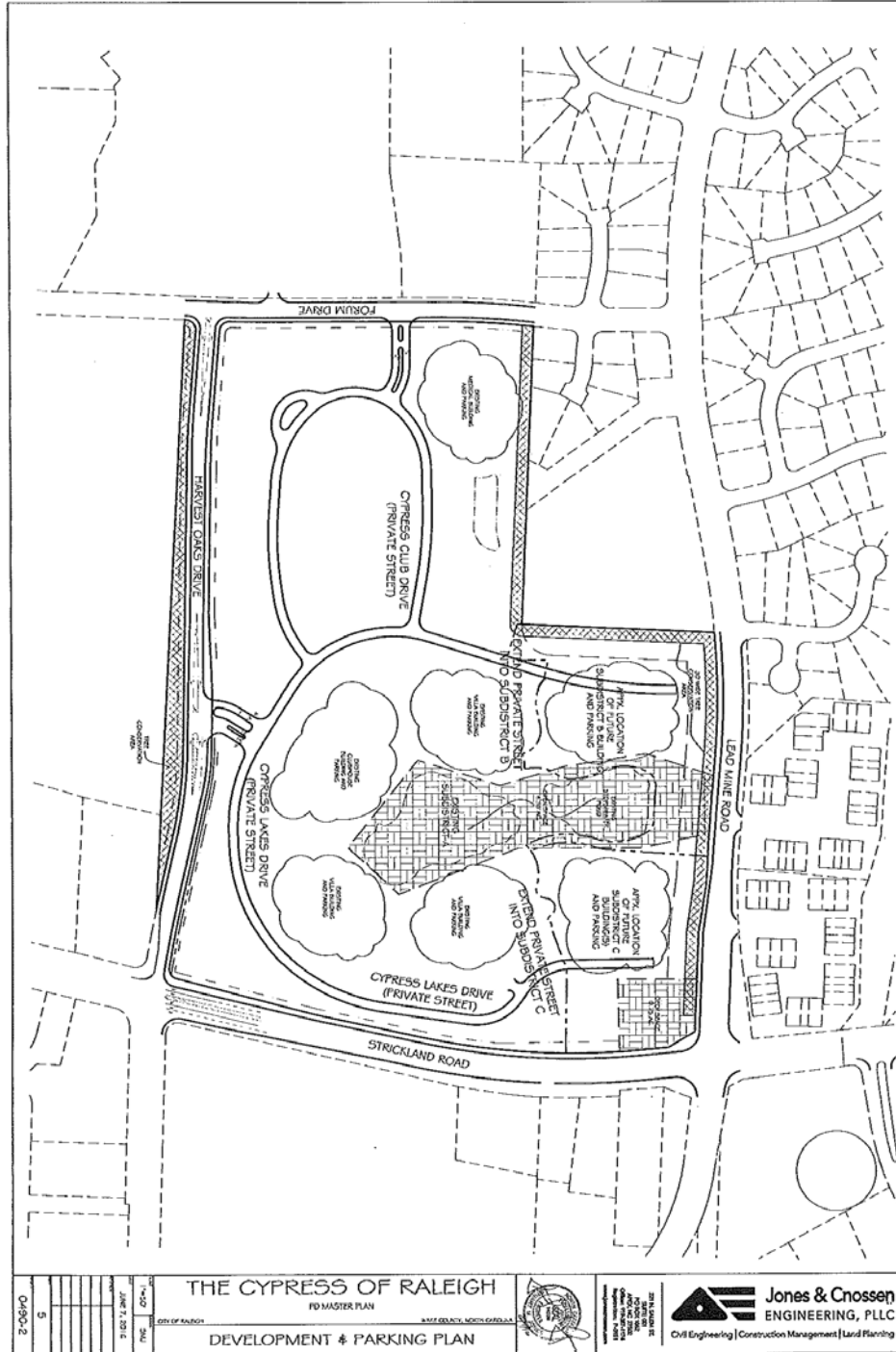












<p>04900.2</p> <p>5</p> <p>DATE: JAN 1, 2016</p> <p>BY: [Signature]</p>	<p><b>Jones &amp; Cossen</b>              ENGINEERING, PLLC              Civil Engineering   Construction Management   Land Planning</p>
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