

April 5, 2011

Z-20-10/MP-1-10 Conditional Use – Louisburg Road - located on the east side of Louisburg Road, on the north of its intersection with I-540 being Wake County PINs, 1736-49-6568, 1736-59-5586, 1736-59-9905, 1736-58-8374, 1736-87-4744, and 1736-89-2214. Approximately 402 acres rezoned from Residential-4, Residential-6 Conditional Use, Thoroughfare District Conditional Use with Planned Development District and Residential-6 Conditional Use with Special Highway Overlay District-1 to Residential-4, Residential-6 Conditional Use with Planned Development District.

Conditions Dated: 9/30/10

- 1) **Conditional Use Zone Requested:** Thoroughfare District – Conditional Use District, and removing the existing Planned Conditional Use Development District

2) Narrative of conditions being requested:

For purposes of the following conditions, “Property shall refer to those parcels with Wake County Parcel Identification Numbers: 1736-89-6928 and that portion of 1737-60-5747 currently zoned Residential-4 with Planned Development Conditional Use Overlay District.

- (a) Permitted uses on the Property are limited to those allowed in the Residential-10 zoning district and a technical and vocational institution use.
- (b) If the Property is developed as a technical and vocational institution, Petitioners agree to submit a master plan of proposed site development for approval by their City Council prior to issuance of any building permits for construction on the Property.

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Certified Recommendation
of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
218 Fayetteville Street
Raleigh, NC 27601
(919) 510-2628

Case File / Name: MP-1-10 / 5401 North (revised)

General Location: This site is located on the east side of Louisburg Road, on the northeast quadrant of its intersection with I-540.

CAC: Northeast

Nature of Case: Master plan associated with the petition to rezone approximately 402 acres by adding the Planned Development Conditional Use Overlay District. This plan proposes a mix of land uses allocated among three tracts with a maximum of 2,250 residential units and 1,606,000 square feet total of non-residential space. Among the three tracts are six primary zones ("transects") ranging from the highest mix of uses and residential density closer to Louisburg Road to the lowest intensity of use closer to the Neuse River. Each transect has unique character defined by street cross sections, building height and placement as well as allowable mixed land uses. The applicant proposes that this master plan will create a pedestrian-oriented mixed-use development of urban character.

Owner: 5401 North LLC

Contact: K&L Gates LLP

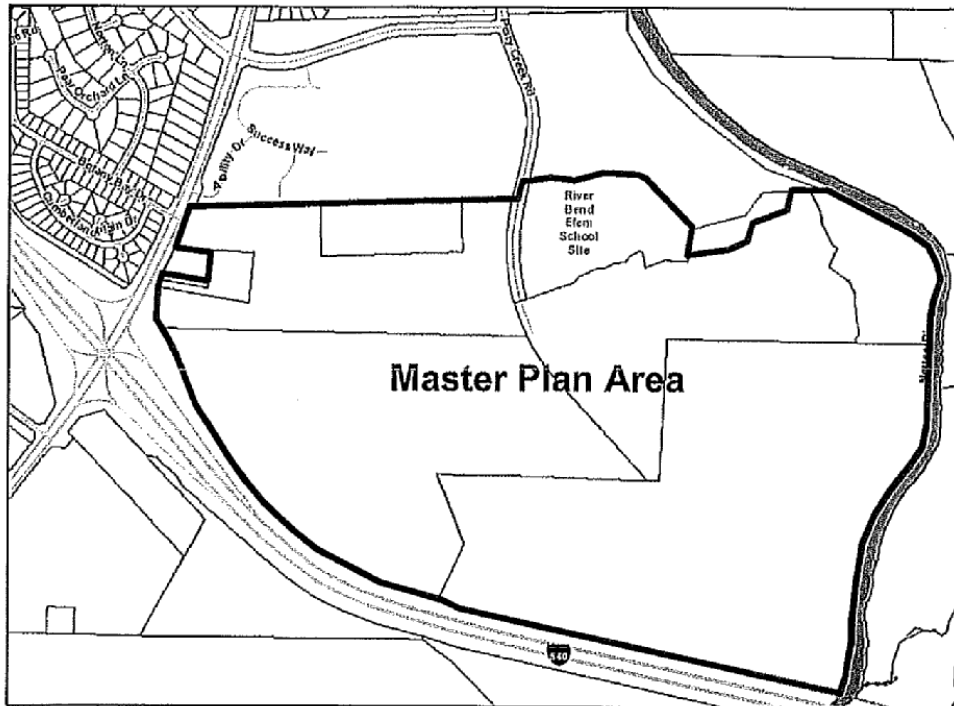
Key Issues:

- Establishment of unique building setback, height, lot size, and lot dimension standards within the development.
- Establishment of special building setbacks along the site's perimeter adjacent Louisburg Road and I-540, the Neuse River, Wake Technical Community College, and the current Anderson Property occupied with the historic Alpheus Jones House. Tree preservation and landscape buffer standards are also included for the area adjacent the Anderson Property.
- Allowance of additional retail space over 10% of gross land area. The proposal includes a request to allow up to 20% of the site to be dedicated to retail uses.
- Creation of 18 varying-width design standards for public and private streets.
- Proposed alternate landscape street protective yard designs associated with the various unique street cross-sections.
- Proposed alternate to landscaped transitional protective yard buffer width and planting requirements between differing land uses within the master plan area. In lieu of providing buffers within the planned development the developer will install street trees within landscaped street medians. In addition the plan limits the proximity of car wash facilities and bars from low density residential housing.
- Alternate screening of vehicular surface areas located within 50' of public streets
- Alternate off-street parking requirements with allowable reduction of 45% within certain zones.

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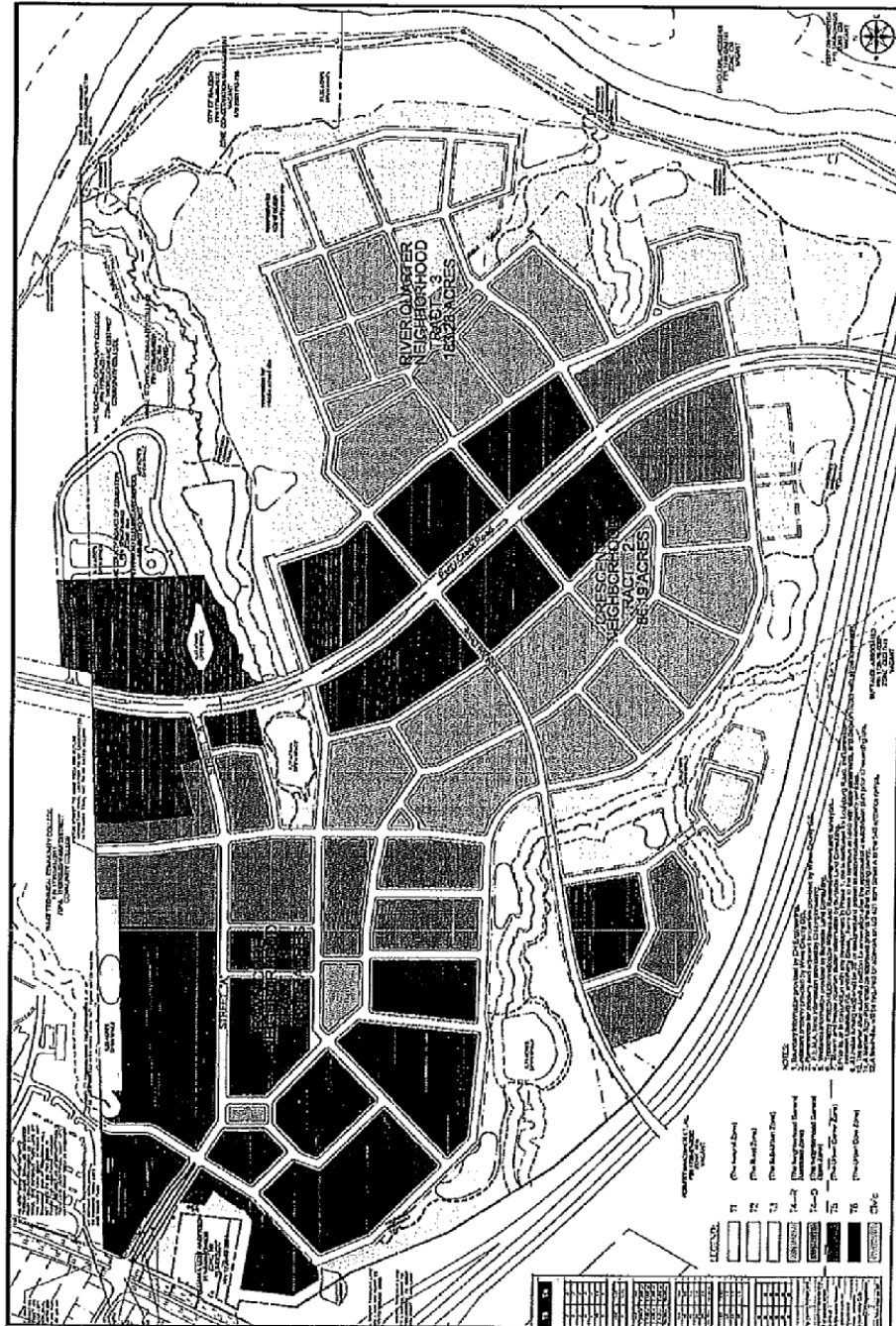
- Adoption of other urban design guidelines including limits on surface parking location and limits on maximum non-residential building size for single use tenants within a certain zone.
- Reservation of two areas for public acquisition and development of a middle school and park for a two year period.
- Creation of single family detached lots with net lot areas less than the underlying zoning districts. The applicant has prepared two exhibits showing how 11 factors contained in 10-2057(f)(1) can be accommodated on the smallest residential lots.
- Provision of 16% open space totaling 65.6 acres (15% required).
- Creation of a master sign plan for the development. If the unified sign criteria utilize custom allowances for the Planned Development Overlay District then City Council approval is proposed.
- Concordance with Comprehensive Plan policies UD 2.6 and UD 7.3(b), relating to structured parking.



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Master Plan Map Showing Transect Zones and Street Layout



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SUMMARY BY DEVELOPMENT TRACT				
	SIZE	DWELLING UNITS MAX	NON-RESIDENTIAL SQ. FT. (FLOOR AREA GROSS)	MAXIMUM GROSS TRACT DENSITY
TRACT 1	133.05 AC	1300 Units	1,500,000 Sq. Ft. max.	N/A
TRACT 2	86.19 AC	600 Units	500,000 Sq. Ft. max.	N/A
TRACT 3	183.28 AC	500 Units	500,000 Sq. Ft. max.	N/A
TOTAL	402 Acres	2250 units	1,605,000 S.F.	5.6 DU/ACRE

Allowable Land Uses Among Transect Zones

USES:	T1	T2	T3	T4-R	T4-O	T5	T6
A. RESIDENTIAL							
All Residential Uses Not Listed Below			•	•	•	•	•
Single Family Detached Dwelling Unit		•	•	•	•	•	
B. OFFICE							
All Office Uses Not Listed Below				•	•	•	•
Office Use As Part of Live/Work			•	•	•	•	•
C. COMMERCIAL							
All Commercial Uses Not Listed Below				•	•	•	•
Commercial Use As Part of Live/Work			•	•	•	•	•
Hotel/Motel					•	•	•
Bed and Breakfast Inn			•	•	•	•	
Carwash Facility					•	•	•
Automotive Service and Repair facility					•	•	•
Parking Facility			•	•	•	•	•
D. INSTITUTION/CIVIC/SERVICES							
All Institution/Civic/Service Uses Not Listed Below			•	•	•	•	•
Kennel	•	•	•	•	•	•	•
School		•	•	•	•	•	•
Civic/Convention Center					•	•	•
Daycare		•	•	•	•	•	•
Fire Station or Police Precinct		•		•	•	•	•
Cemetery		•	•	•	•	•	•
E. RECREATION							
All Recreation Uses	•	•	•	•	•	•	•
F. AGRICULTURE							
All Agriculture Uses	•	•	•	•	•	•	•
G. INDUSTRIAL							
Utilities Power Plant Powered by wind,water,solar (2)		•	•	•	•	•	•
Central Physical Plant (1)		•	•	•	•	•	•

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DEVELOPMENT STANDARDS:	T1	T2	T3	T4-R	T4-O	T5	T6
A. BUILDING SETBACKS TO PUBLIC STREETS							
Primary Street Min.	N/A	12'	12'	4'	0'	0'	0'
Side Min.	N/A	10'	0'	0'	0'	0'	0'
Rear Min.	N/A	10'	5'	5'	5'	0'	0'
Side Street Min.	N/A	8'	6'	4'	0'	0'	0'
Aggregate	N/A	20'	6'	6'	0'	0'	0'
Front Maximum	N/A	*No Max.	20'	15'	15'	15'	25'
Accessory/Garage	N/A	5'	5'	5'	5'	5'	5'
B. MAX. BUILDING HEIGHTS							
All Buildings	20'	40'	50'	60'	80'	115'	115'
Stories	1	2-3	3-4	3-4	3-5	8	8-10
C. MINIMUM LOT AREA							
Single Family Detached	N/A	10,000 sf	2,000 sf	1,600 sf	1,000 sf	N/A	N/A
Attached Townhouse	N/A	N/A	2,000 sf	1,200 sf	1,000 sf	1,200 sf	1,200 sf
Multifamily/Apartment	N/A	N/A	10,000 sf	9,000 sf	7,000 sf	5,000 sf	5,000 sf
Office/Mixed Use	N/A	N/A	N/A	5,000 sf	5,000 sf	2,000 sf	2,000 sf
Commercial/Retail	N/A	N/A	N/A	3,000 sf	2,000 sf	2,000 sf	2,000 sf
Civic	5,000 sf	5,000 sf	No Min.	No Min.	No Min.	No Min.	No Min.
D. MINIMUM LOT WIDTH							
Single Family Detached	N/A	100'	35'	25'	25'	N/A	N/A
Attached Townhouse	N/A	N/A	20'	16'	16'	16'	16'
Multifamily/Apartment	N/A	N/A	65'	55'	55'	55'	55'
Office/Mixed Use	N/A	N/A	N/A	55'	35'	20'	20'
Commercial/Retail	N/A	N/A	N/A	55'	35'	20'	20'
Civic	No Min.	No Min.	No Min.	No Min.	No Min.	No Min.	No Min.
E. MINIMUM SIDEWALK WIDTH							
Single Family Detached	N/A	5'	5'	5'	5'	5'	N/A
Attached Townhouse	N/A	5'	5'	5'	5'	5'	12'
Multifamily/Apartment	N/A	N/A	N/A	5'	5'	12'	12'
Commercial/Office/Mixed	N/A	N/A	N/A	12'	12'	12'	12'
Retail/Restaurants	N/A	N/A	N/A	14'	14'	14'	14'
Civic	5'	5'	5'	5'	5'	5'	5'
F. SPECIAL BUILDING SETBACKS							
Neuse River	N/A	150'	150'	150'	150'	150'	150'
I-540/Louisburg Road	N/A	50'	50'	50'	50'	50'	50'
Anderson Property	N/A	50'	50'	50'	50'	50'	50'
Wake Tech.	N/A	25'	25'	25'	25'	25'	25'
G. ALLOWED BUILDING ELEMENTS							
Porch, Stoop		■	■	■	■	■	■
Balcony		■	■	■	■	■	■
Canopies, Awnings			■	■	■	■	■
Towers, Coupolas, Lanterns	■	■	■	■	■	■	■
Arcades/Galleries				■	■	■	■
Forecourt					■	■	■
<p>NA indicates that the use is not allowed in the Transect Zone</p> <p>1 Non residential uses in T4-R shall be limited to 10,000 sf maximum single use building square footage and shall be located on a block corner facing the primary street.</p> <p>2 Surface parking shall be located to the rear or side of principle structures. Parking located to the side of a principle structure on Street "A" shall be limited to 60' in width. All parking within 50' of a public street shall be screened from view of the street by a continuous 3' evergreen hedge, 3' fence or wall.</p> <p>3 Surface parking as a use on a lot shall be screened from view as described in Note #2 above.</p> <p>4 * Special considerations shall be given to civic uses relationship to the street with structures such as; No Maximum shall refer to Canoe Rental, Horse Stables, Agrarian Buildings, Park Structures, schools (civic uses) that may or may not have the need to address a street frontage requirement.</p> <p>5 0' setback for principle use to private streets with a 5' garage setback to private street (see detail C-3)</p> <p>6 Fences shall be governed at the Developer Restrictive Covenant level and meet or exceed COR regulations.</p>							

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SUBJECT: MP-1-10 / 5401 North (revised)

CROSS-REFERENCE: Z-20-10

LOCATION: This site is located on the east side of Louisburg Road, on the northeast quadrant of its intersection with I-540, outside the city limits.

REQUEST: This request is to approve a master plan associated with the petition to rezone (Z-20-10) approximately 402 acres by adding the Planned Development Conditional Use Overlay District. This plan proposes a mix of land uses allocated among three tracts with a maximum of 2,250 residential units and 1,805,000 square feet total of non-residential space. Among the three tracts are six primary zones ("transects") ranging from the highest mix of uses and residential density closer to Louisburg Road to the lowest intensity of use closer to the Neuse River. Each transect has unique character defined by street cross sections, building height and placement as well as allowable mixed land uses. The applicant proposes that this master plan will create a pedestrian-oriented mixed-use development of urban character applying many standards of the *Urban Design Guidelines for Mixed-Use Neighborhood and Village Centers*. In addition two tracts are to be reserved for a public park and a public school for a two year period. A minimum of 16% (65.6 acres) of the site is committed as open space.

PROPOSED ALTERNATE STANDARDS:

The following is a list of the proposed alternate design standards for this plan:

Alternate off-street parking requirements [Code Section 10-2057(f)(4)h]
A forty-five percent (45%) reduction in off-street parking requirements of code section 10-2081 is requested within certain zones in the development because of the urban mixed-use nature of the proposal. The design of the Development will utilize shared parking, trip reductions, and foster pedestrian circulation that will reduce the need for parking when combined with the mixed-use aspects of the Development.

Alternate yard setbacks [Code Section 10-2057(d)(2)]
The plan proposes a range of building setbacks from property lines within the development with as little as zero setback allowed. Perimeter setbacks adjacent the Neuse River, Louisburg Road, I-540, Wake Technical Community College, and the Anderson property on Louisburg Road on the west side will range from 25' to 150'.

Note in addition to the proposed alternate minimum building setbacks the plan proposes *maximum* front building setbacks of 15' to 25' from the street right-of-way in certain transect zones.

Alternate height limitations [Code Section 10-2057(d)(3)]
Proposed maximum allowable building heights range from 20' to 115'.

Alternate lot sizes and dimension standards [Code Section 10-2057(f)(2)l]
Minimum lot sizes for single family detached dwellings may be reduced to 1,500 square feet; multi-family lots minimum 5,000 square feet; non-residential lots minimum of 2,000 square feet. Minimum lot width and depth dimensions vary by location in accordance with minimum allowable lot sizes.

Alternate public street and sidewalk standards [Code Section 10-2057(f)(4)] and Streets Sidewalks and Driveway Handbook, section 4]

The plan includes 18 varying-width design standards for public and private streets. Proposed alternate design standards allow for landscaping within the right-of-way on all public streets and on-street parking within the right-of-way on many streets. Thoroughfares will include landscaped medians as well as street tree plantings between the curb and sidewalk.

Alternate private street and pedestrian standards (Code Section 10-2057(f)(4) J and Streets Sidewalks and Driveway Handbook, section 4)]

Proposed design for two-way private streets without on-street parking maintaining 20' clearance for emergency vehicle access within public access easements.

Alternate means of compliance for street protective yard requirements (Code Sections 10-2082.4 and 10-2082.5)

Proposed alternate spacing and size requirements for street protective yard trees (trees of 4" caliper spaced 40' on center) in transect zones T6, T5, and T4-0 for streets other than Lousburg Road (Highway 401) and I-540. Street protective yard plantings may be located within varying width planting areas within the public street right-of-way as depicted in the alternate street cross section drawings included in the plan document. Within other transect zones street tree plantings of minimum 2.5" caliper size are proposed within the street right-of-way.

Alternate means of compliance for transitional protective yard requirements (Code Sections 10-2082.4 and 10-2082.9)

The plan proposes elimination of the width requirement of transitional protective yards within the internal portions of the master plan area to 0' between land uses of different intensities and in lieu thereof the plan substitutes tree plantings within planted medians on Perry Creek Road and Beckom Drive at the rate of one 4" caliper shade tree per 40' spacing within the right-of-way. The Master Plan also limits the proximity of car wash facilities and bars from low density residential housing.

Alternate means of compliance for vehicular surface areas located with 50 feet of a street [Code Section 10-2082.6(b) and 10-2082.4]

The plan proposes that all parking within 50 feet of a public street be screened from view of the street by a continuous three foot tall evergreen hedge, fence or wall.

Additional retail above 10% of gross land area (Code Section 10-2057 (f)(4) b. 4)

The plan proposes a maximum allowance of 20% of the gross land area be devoted to retail uses. This is proposed to better achieve the purposes of the Planned Development Overlay District set forth in Section 10-2011(b)(3)g (i.e. promote transit usage, more usable open space, affordable housing, facilitate the more economic arrangement of buildings, preserve roadway corridors from strip development, contain innovative architectural elements and design, provide for community-wide public services and amenities).

Signage Criteria [Code Section 10-2083.1(b)(6)]

Proposed unified sign criteria to be approved separately at a later time by either City Administration or the City Council. The applicant proposes to create a

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master sign plan for the entire development. If the sign plan is designed to utilize allowances of Code Section 10-2083.1(b)(6) available to Planned Development Overlay Districts then separate City Council approval of the sign criteria will be required prior to building permit issuance or subdivision plat recordation, whichever event first occurs.

OFFICIAL ACTION: **Approval with conditions**

**CONDITIONS OF
APPROVAL:** **As noted on the Staff Report, attached**

FINDINGS: The Planning Commission finds that with the conditions of approval below being met, this request conforms to Chapter 2, Part 10, Sections 10-2017, 10-2019, 10-2045, 10-2057, 10-2082.4, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 3/9/11, owned by Commercial Properties Development Corporation, submitted by K&L Gates LLP and by Tony M. Tate Landscape Architecture, P.A.

**ADDITIONAL
NOTES:** Approximately 259 acres of this development on the north side of the site was rezoned in 2007 to add the Planned Development Conditional Use Overlay District and associated master plan- cases Z-62-06 / MP-3-06. Following approval the developer constructed a portion of Perry Creek Road extension from the north into this development to provide access to a public elementary school site reserved with the prior rezoning. Subsequently the elementary school was constructed by Wake County Public Schools in accordance with the adopted master plan. To date that is the only construction within the previously approved master plan. However the developer has set aside several areas for tree conservation and dedicated open space including the transfer of one tract of over 51 acres along the Neuse River to the City of Raleigh. The currently proposed rezoning and master plan will replace the prior plan. Approximately seven acres owned by Wake Tech is being removed from the previous PDD, and approximately 150 acres is being added to the area zoned PDD.

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Case History:

**Public Hearing for
Rezoning (Z-20-10):** 1/18/11

To PC: 2/22/11, 3/22/11

To CC: 4/5/11

City Council Status: _____

Staff Coordinator: Stacy Barbour

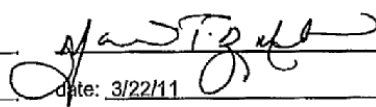
Motion: Haq
Second: Fleming
In Favor: Anderson, Batchelor, Bartholomew, Butler, Fleming, Harris Edmisten, Haq,
Mattox, Schuster, Sterling Lewis
Opposed:
Excused:

This document is a true and accurate statement of the findings and
recommendations of the Planning Commission. Approval of this document
incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)

date: _____


date: 3/22/11

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Staff Report

RECOMMENDED
ACTION: Approval with Conditions

CONDITIONS OF
APPROVAL: City Council Actions:

- (1) That the City Council make a finding that the allowance of up to an additional 10% of the site devoted to retail use (maximum 20% of the development) allows the development to better achieve the purposes of the Planned Development District set forth in Section 10-2011(b)(3)g (i.e. promote transit usage, more usable open space, affordable housing, facilitate the more economic arrangement of buildings, preserve roadway corridors from strip development, contain innovative architectural elements and design, provide for community-wide public services and amenities);
- (2) That the City Council finds that the proposed landscape alternative design standards noted in this request are for the purposes intended at least equivalent to the City Code prescribed standards in terms of effectiveness, quality durability hardness and performance;
- (3) That pursuant to City Code section 10-2057(f)(4) h, the City Council approves the proposed alternate standards for off-street parking requirements of Code Section 10-2081 as detailed in the master plan;
- (4) That pursuant to City Code section 10-2057(f)(4) j, the City Council approves the alternate street and pedestrian design standards as detailed in the master plan;
- (5) That as proposed by the applicant, a master sign plan shall be submitted for approval by either City Administration or the City Council prior to issuance of building permits or lot recordation, whichever event first occurs. If the sign plan includes alternative unified sign criteria standards in conformance with Code section 10-2083.1(b)(6) then the sign plan shall be approved by the City Council by a separate action;
- (6) That prior to issuance of building permits the Council approves any encroachments related to the project(s) by separate action. Encroachments may be, but are not limited to signage, landscaping, alternative paving, and utilities within the public right-of-way;

Administrative Actions:

Prior to City authorization to record lots, or issuance of building permits, or issuance of a grading permit whichever event first occurs:

- (7) That for two years following adoption of this rezoning ordinance, no land disturbance or tree disturbing activity shall take place within the public park and public school reservation areas shown on the master plan. However, this prohibition shall not apply to Wake County or to the City of Raleigh following its acquisition of the reserved area;

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- (8) That the final tree conservation plan must be approved by the Forestry Specialist in the Inspections Department. The plan must show metes and bounds descriptions of all tree conservation areas, and tree protection fence around all tree conservation areas. Tree protection fence must be located in the field and inspected by the Inspections Department. A copy of the approved plan is placed on file in the Planning Department;
- (9) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10 Chapter 9, including the designation of buffer areas and open space areas for stormwater purposes prior to grading or the approval of construction drawings, whichever event comes first;

Prior to City authorization to record lots or issuance of building permits, whichever event first occurs:

- (10) That preliminary subdivision plans and site plans be in accordance with the approved phasing plan of the master plan, the provisions of the adopted master plan and City Code standards of development, Part 10 chapters 2 thru 9, not otherwise lawfully altered by the approved master plan. The preliminary subdivision plans and site plans shall show right-of-way dedication as shown on the master plan, and shall show open space areas for conveyance in accordance with the master plan and Code Section 10-2057(f)(4)c as well as tree conservation areas in accordance with code section 10-2082.14;
- (11) That infrastructure construction plans in accordance with the approved phasing plan be approved by the Public Works Department (and for city utilities by the Public Utilities Departments) for all public infrastructure associated with subdivision plans or building construction within the master plan area;
- (12) That the City form document entitled Declaration of Maintenance Covenant and Protection Easements for Stormwater Control Facilities be recorded with the local county register of deeds office prior to any recordation of a subdivision plat or issuance of a building permit whichever event first occurs. A recorded copy of these legal documents must be provided to the Planning Department within 14-days from authorization of lot recording or prior to issuance of any building permits, whichever event first occurs;
- (13) That the City form document entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses shall be recorded with the local county register of deeds office prior to any recordation of a subdivision plat or issuance of a building permit whichever event first occurs.

Article X of the City Code Covenant shall contain provisions that: (a) grants easements to the general public to use any private sidewalk, private pedestrian way and private greenway shown on any recorded plat of the master plan PDD property, (b) prohibits all residential garages used to satisfy City Code off-street parking standards from being converted to any other use, and (c) enforce no parking restrictions on private streets with no parking signs, fines and towing of vehicles. A recorded copy of these legal documents must be provided to the Planning Department within 14-days

from authorization of lot recording or prior to issuance of any building permits, whichever event first occurs;

- (14) That the final location of the proposed 15'x20' transit stop easements along the public streets within the master plan area is approved by the City's Transit Division, and that the City Attorney approves these transit easement deeds either prior to lot recording or issuance of building permits on the respective blocks, whichever shall come first. The transit easement deed shall be recorded with the local county register of deeds office, and a recorded copy of the transit easements shall be provided to the Planning Department within 14-days from authorization of lot recording or prior to issuance of any building permits on the respective blocks;
- (15) That property owners' association declaration of covenants and restrictions for required stormwater control measures and the required open space shall be prepared for the entire development in conformance with Raleigh City Code sections 10-9027(b)(9) and 10-2057(f)(4)c, and it shall be recorded with the local county register of deeds office subsequent to the recordation of both the Declaration of Maintenance Covenant and Protection Easements for Stormwater Control Facilities and the Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses, but prior to any recordation of a subdivision plat or issuance of a building permit whichever event first occurs. A recorded copy of these legal documents must be provided to the Planning Department within 14-days from authorization of lot recording or prior to issuance of any building permits, whichever event first occurs;
- (16) That a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;
- (17) Unity of development plans shall be submitted for the primarily mixed use and non-residential tracts in transect zones T4-R, T4-O, T5, and T6, and the unity of development plan shall be approved by the Planning Department. No building permit will be issued that is inconsistent with the approved unity of development plan. A note shall be added to all plats for recording stating that unity of development is required and that a copy of the unity of development plan is on file with the City of Raleigh Planning Department;
- (18) That prior to abandonment of the existing 20' sanitary sewer easement along Outfall B a separate petition shall be made to the Public Utilities Department and approved by the City Council;
- (19) That pursuant to Part 6 of the Master Plan across access easement from the PDD development to the southern and eastern portions of the adjacent Anderson Property (DB 2979 Page 37 be recorded with the local county register deeds office prior to any lot recordation of issuance of any building permit on the PDD land; however, the southern access easement is conditioned on the Anderson Property not being used for residential purposes. A recorded copy of the access easement must be provided to the Planning Department within 14-days from authorization of lot recordation or permit issuance, whichever event first occurs;

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Prior to Issuance of building permits:

- (20) That final building elevations shall be approved showing conformance with both the approved unity of development guidelines and the master plan;
- (21) That at least 25 acres of the planned development has been constructed before building permits for any retail uses are issued, except for retail uses allowed in 10-2057(f)(4) subsections b 1, 2 and 3.

ZONING:

ZONING DISTRICTS:

The site is currently zoned Residential-4, Residential-6 Conditional Use, Thoroughfare District Conditional Use with Planned Development Conditional Use Overlay District and Residential-6 Conditional Use with Special Highway Overlay District-1. The proposal is to rezone the site to Residential-4, Residential-6 Conditional Use and Thoroughfare District Conditional Use with Planned Development Conditional Use Overlay District.

SETBACKS / HEIGHT:

The plan proposes a range of building setbacks from property lines with as little as zero allowed. The following are proposed minimum setbacks for buildings referenced in the plan:

DEVELOPMENT STANDARDS:	T1	T2	T3	T4-R	T4-O	T5	T6
A. BUILDING SETBACKS TO PUBLIC STREETS							
Primary Street Min.	N/A	12'	12'	4'	0'	0'	0'
Side Min.	N/A	10'	0'	0'	0'	0'	0'
Rear Min.	N/A	10'	5'	5'	5'	0'	0'
Side Street Min.	N/A	8'	6'	4'	0'	0'	0'
Aggregate	N/A	20'	6'	6'	0'	0'	0'
Front Maximum	N/A	No Max(4)	20'	15'	15'	15'	25'
Accessory/Garage	N/A	5'	5'	5'	5'	5'	5'

The following are proposed setbacks for perimeter property lines:

E. SPECIAL BUILDING SETBACKS							
Neuse River	N/A	150'	150'	150'	150'	150'	150'
I-540/Louisburg Road	N/A	50'	50'	50'	50'	50'	50'
Anderson Property	N/A	50'	50'	50'	50'	50'	50'
Wake Tech	N/A	25'	25'	25'	25'	25'	25'

Note in addition to the proposed alternate minimum building setbacks the plan proposes *maximum* front building setbacks of 15' to 25' from the street right of way in certain transect zones.

Proposed maximum allowable building heights range from 20' to 115'.

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DEVELOPMENT STANDARDS:		T1	T2	T3	T4-R	T4-O	T5	T6
MAX. BUILDING HEIGHTS								
All Buildings (8)	20'	40'	50'	60'	80'	115'	115'	
Stories	1	2-3	3-4	3-4	3-5	8	8-10	

PARKING: Off-street parking shall be provided in accordance with the City Code Section 10-2081 or in accordance with requested alternate requirements.

Pursuant to Code section 10-2057(f)(4) h, a forty-five percent (45%) reduction in off-street parking requirements of code section 10-2081 is requested within Transect Zones T4-O, T4-R, T5, and T6 in the development because of the urban mixed-use nature of the proposal, access to transit, shared parking among different land uses, availability of on-street parking, and pedestrian connections.

Section 10-2057(f)(4) h reads as follows:

h. The off-street parking requirements in §10-2081 are either met or if reduced for projects within the Planned Development Conditional Use Overlay District, it is determined that:

1. access to permanent transit, carpool or other ridesharing programs, or pedestrian access are shown to reduce the need for off-street parking; and
2. reduction in the number of required parking spaces shall be based on a study, provided by the applicant, that calculates the reduction resulting from alternative access provisions; and
3. provision is made for future monitoring and covenanting the limitations based on a given use or mixture of uses

The applicant has provided an analysis of off-street parking requirements in eight (8) other cities as well as the nationally utilized *Smart Code* to support the proposed reduction. In addition the study and proposed reduction is based upon three primary factors: trip reductions due to alternative modes of travel and trips originating within the development, the sharing of parking spaces to be provided, and parking accumulation rates based on actual field measurements. The analysis concludes that due to shared parking among different uses a 41% reduction from Raleigh's standard code requirement is justified and that further reduction can be accommodated with utilization of on-street spaces as allowed by code in other jurisdictions.

OPEN SPACE: This Planned Development Conditional Use Overlay District requires that a minimum of 15% of the land area, 60.3 acres, be devoted to open space. This open space may utilize the preservation and maintenance of natural features, spaces suitable for active and passive recreation, and should provide an interconnected system within reasonable proximity to all properties which allows the opportunity for alternative pedestrian access and recreation to all parts of the development.

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A minimum of 16% (65.6 acres) of the site is committed as open space. Note that portions of the required open space have already been set aside with 2007 rezoning of the majority of the site to Planned Development Conditional Use Overlay District. This included the transfer of one tract of over 51 acres along the Neuse River to the City of Raleigh.

TREE PRESERVATION:

The Master Plan provides for all required tree conservation as required by code section 10-2082.14. Tree conservation areas totaling 48.055 acres (11.9%) have been identified. Note that 28.8 acres of tree conservation areas have already been set aside on recorded maps in conjunction with the 2007 rezoning of the majority of the site to Planned Development Conditional Use Overlay District. A final tree conservation plan must be approved by the Forestry Specialist in the Planning Department prior to issuance of any grading permit, building permit or recording of any subdivision plat, whichever event first occurs.

LANDSCAPING:

Detailed landscape plans showing conformance with street protective yard, transitional protective yard, and vehicular surface area requirements of Code section 10-2082 and the alternate standards for landscaping included in this master plan shall be reviewed prior to permit issuance.

The plan includes requests for alternate means of compliance for street protective yards and transitional protective yards, Code sections 10-2082.5 and 10-2082.9, respectively.

The master plan proposes alternate spacing and size requirements for street protective yard trees be approved (trees of 4" caliper spaced 40' on center) in transect zones T6, T5, and T4-0. Street protective yard plantings may be located within varying width planting areas within the public street right-of-way as depicted in the alternate street cross section drawings included in the plan document. Within other transect zones street tree plantings of minimum 2.5" caliper size are proposed within the street right-of-way.

Transitional protective yards along the boundaries or perimeter of the development shall comply with City Code or more stringent requirements as specified in the master plan document, particularly adjacent the Anderson property located on Loulsburg Road. However, the plan proposes the width requirement of transitional protective yards within the master plan area be eliminated between land uses of different intensities. In lieu of landscaped TPY buffers with plantings the plan proposes landscaping within planted medians on Perry Creek Road and Beckom Drive at the rate of one 4" caliper shade tree per 40' spacing within the right-of-way.

The master plan proposes alternate means of compliance for vehicular surface areas located with 50 feet of a street. The plan proposes that all parking within 50 feet of a public street be screened from view of the street by a continuous three foot tall evergreen hedge, fence or wall.

All alternates must for the purpose intended be at least equivalent of the standard specifically prescribed by the City Code in quality, effectiveness, durability, hardness and performance.

Separate City Council approval of encroachment agreements for plantings within the public right-of-way shall be required prior to site plan approval within the development.

The master plan also requires specific landscape screening requirements adjacent parking structures.

**DEVELOPMENT
INTENSITY:**

This plan proposes a mix of land uses allocated among 3 tracts with a maximum of 2,250 residential units and 1,605,000 square feet total of non-residential space dedicated to commercial, office, or institutional uses. Among the three tracts are six primary zones ("transects") ranging from the highest mix of uses and residential density closer to Louisburg Road to the lowest intensity of use closer to the Neuse River. The overall residential density proposed within the development is 5.6 units per acre.

Within a Planned Development District, no more than 10% of the gross land area shall be devoted to retail uses unless evidence is provided upon which the City Council may make a finding that additional retail use allows the development to better achieve the purposes of the Planned Development District (i.e. promote transit usage, more usable open space, affordable housing, facilitate the more economic arrangement of buildings, preserve roadway corridors from strip development, contain innovative architectural elements and design, provide for community-wide public services and amenities).

The Master Plan proposes allowance of up to 20% of the total land area to be devoted to retail use. This equates to approximately 40 additional acres of retail development for a total of 80 acres maximum. Therefore Council must make the finding cited above in order to allow this amount of retail.

The Master Plan contains net lot sizes for single-family detached units which are less than the net lot area required by the underlying zoning districts. The applicant has prepared two exhibits showing how 11 factors contained in 10-2057(f)(1) can be accommodated on the smallest residential lots. The City Code provision reads as follows:

I. Net Lot Area.

If the *Master Plan* establishes a minimum *net lot area* for any *dwelling unit* or *equivalent dwelling unit* that is less than those of the underlying zoning district, the *Master Plan* shall contain standards, in addition to the applicable requirements of this §10-2057(f)(2), for each of the following:

1. Method of *utility service* for all *buildings* and locations of existing and proposed extension of utility lines.
2. Location of solid waste collection and screening.
3. Location of mailboxes or mail kiosks.
4. Emergency access.
5. *Street* and *lot* layout.
6. Size and placement of *street* trees.

Cross reference: §10-2082.5(c)(3).

7. Location of fire hydrants.
8. Method of fire prevention service for all *buildings*.
9. Provision of adequate and useable passive and active open space with pedestrian connectivity.
10. Parking and garage layout.
11. Privacy of the *residences*.

The City staff has evaluated the two exhibits and concludes that they conform to City Code section 10-2057(f)(2).

RETAIL PHASING: Within a Planned Development District, development of retail uses are required to be phased in such a way so that at least 25 acres of the planned development has been constructed before building permits for any retail uses are issued. A condition of plan approval is that at least 25 acres of the planned development has been constructed before building permits for any retail uses are issued except for retail uses allowed in 10-2057(f)(4) subsections b 1 2 and 3. The first development within the site is the 20.68 acre public school (River Bend Elementary School). The master plan shows compliance with Section 10-2057(f)(4)b.4 in regard to retail phasing with no exceptions requested at this time.

UNITY OF DEVELOPMENT: Mechanisms to provide a unified approach to landscaping, signage, parking, driveways, drainage, sedimentation control, and pedestrian circulation are required per code section 10-2057. This master plan includes specific street design and landscape standards to be applied along block faces within the development as well as design standards for the location of off-street surface parking lots. Driveway access points are defined in the proposed circulation plan. The applicant proposes to establish uniform sign criteria for the development. This sign plan may be an administratively approved plan or it may be a plan approved by the City Council if use of alternatives applicable to Planned Development Overlay Districts, Code section 10-2083.1 (b)(6), is made. Unity of development plans shall be submitted for the primarily mixed use and non-residential tracts in transect zones T4-R, T4-O, T5, and T6 and shall be approved by administrative staff.

**COMPREHENSIVE
PLAN:**

POLICY ANALYSIS: As proposed this rezoning request is consistent with the Comprehensive Plan. The Future Land Use Map designates this area as being appropriate for a combination of Community Mixed Use, Public Facilities and Public Parks and Open Space. The tract layout as currently proposed by the amended Master Plan matches up with these designations on the Map, and is therefore consistent. However there are also Comprehensive Plan policies and Urban Design Guidelines that would apply to this development that are not currently met by the proposed Plan.

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The amended Master Plan is consistent and compatible with the surrounding area in terms of land use and zoning. The proposal is also consistent with several applicable Comprehensive Plan policies, and meets several Urban Design Guidelines. The Comprehensive Plan designates this site as a Mixed Use Area on the City's Growth Framework Map making this location an ideal site for a Planned Mixed Use Development.

POLICY GUIDANCE: The following Comprehensive Plan policy guidance applies to this request:

Policy LU 1.3 - Conditional Use District Consistency
All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

All proposed conditions are consistent with the Comprehensive Plan.

Policy LU 2.4 - Large Site Development
Developments on large sites should set aside land for future parks and community facilities to help meet identified needs for public amenities and services and to offset the impacts of the development.

Proposal is consistent with this policy as shown, Master Plan includes the reservation of sites for both a middle school and a community park.

Policy LU 2.5 - Healthy Communities
New development, redevelopment, and infrastructure investment should strive to promote healthy communities and active lifestyles by providing or encouraging enhanced bicycle and pedestrian circulation, access, and safety along roads near areas of employment, schools, libraries, and parks.

Proposal is consistent with this policy. The layout and mixed use nature of this Master Plan meet several standards mentioned in this policy. Bicycle and pedestrian improvements, and a good mix of uses in a compact walkable, urban setting.

Policy LU 4.5 - Connectivity
New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

Proposal is consistent with this policy; Master Plan includes the extension of Perry Creek Road.

Policy LU 4.10 - Development at Freeway Interchanges
Development near freeway interchanges should cluster to create a node or nodes located at a nearby intersection of two streets, preferably classified minor thoroughfare or higher, and preferably including a vertical and/or horizontal mixture of uses. Development should be encouraged to build either frontage or access roads behind businesses to provide visibility to the business from the major thoroughfare while limiting driveway connections to the major thoroughfare.

Proposal is consistent with this policy. This site is ideal for a planned mixed use development, with elements of urban design, primarily based on its location at the intersection of I-540 and US 401 Louisburg Road.

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Policy LU 6.1 – Composition of Mixed Use Centers

Mixed-use centers should be comprised of well-mixed and integrated developments that avoid segregated uses and have well planned public spaces that bring people together and provide opportunities for active living and interaction.

Rezoning request is consistent with this policy, as it is being proposed as a planned mixed use development, and will include additional land that will help to ensure the proper development of this mixed use center.

Policy LU 6.4 – Bus Stop Dedication

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

Proposal is consistent with this policy, stops have been offered within the Urban Core Tract. As part of the site plan review the developer has agreed to provide transit easements approximately every 1500 feet along Perry Creek Rd and Beckom Dr. Transit is requesting additional easements in the Urban Core on the street that is now named US 60-37. We made this request in the 2nd review cycle but it was not addressed and it is currently an unresolved issue in the 3rd review cycle. These stops would be in keeping with TOD and encourage transit use in the Urban Core.

Policy LU 7.6 – Pedestrian Friendly Development

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

Proposal is consistent with this policy. Sidewalks and pedestrian friendly improvements have been included in Master Plan.

Policy LU 8.9 – Open Space in New Development

New residential development should be developed with common and usable open space that preserves the natural landscape.

Proposal is consistent with this policy, as detailed on Master Plan document L-6.

Policy LU 10.6 – Retail Nodes

Retail uses should concentrate in mixed-use centers and should not spread along thoroughfares in a linear "strip" pattern unless ancillary to office or high-density residential use.

Proposal is consistent with this policy, retail uses will be concentrated within the urban core of the mixed use center.

Policy LU 12.3 – Reservations for Community Facilities

Plans for large sites should identify park and community facility needs and reserve appropriate portions of the site for schools, parks, public safety buildings, and other facilities.

Proposal is consistent with this policy as shown, Master Plan includes the reservation of sites for both a middle school and a community park.

Policy T 2.4 – Road Connectivity

The use of cul-de-sacs and dead-end streets should be minimized.

Proposal is consistent with this policy. Master Plan as shown will be built with an interconnected pattern of grid streets, and will not utilize cul-de-sacs or dead end streets.

Policy EP 4.2 – Floodplain Conservation
Development should be directed away from the 100-year floodplain.

Proposal is consistent with this policy. Development as shown is situated away from the floodplain, and sets this area aside as conservation.

Policy HP 2.7 – Mitigating Impacts on Historic Sites
Development proposals adjacent to or including historic sites should identify and minimize or mitigate any negative development impacts on those sites.

Proposal is consistent with this policy. This development will surround the Alpheus Jones House on three sides, and the applicant has offered increased plantings, buffering, and reduced building heights to help mitigate the impact on this historic landmark.

Policy UD 2.1 – Building Orientation
Buildings in mixed-use developments should be oriented along streets, plazas and pedestrian ways. Their facades should create an active and engaging public realm.

Proposal is consistent with this policy. Master Plan requires buildings to be located along the street, and suggests active pedestrian friendly facades.

Policy UD 2.2 – Multi-modal Design
Mixed-use developments should accommodate all modes of transportation to the greatest extent possible.

Proposal is consistent with this policy, as it provides a four-foot bike lane along Perry Creek Road as well as transit stops within the Urban Core Tract.

Policy UD 2.3 – Activating the Street
New retail and mixed-use centers should activate the pedestrian environment of the street frontage in addition to internal pedestrian networks and connections.

Proposal is consistent with this policy, however more details should be provided as to where and when ground floor retail uses will be constructed.

Policy UD 2.4 – Transitions in Building Intensity
Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

Proposal is consistent with this policy, tract uses and breakdowns provide detail on transitioning building heights. The revised tract layout helps to define building transitions and location of uses within the development.

Policy UD 2.6 – Parking Location and Design
New surface parking lots should be avoided within mixed-use centers. Instead, shared parking garages with active ground floor uses and architectural treatments for all facades visible from a public right-of-way should be used.

Proposal is inconsistent with this policy. Master Plan mentions structured parking, but does not commit to the inclusion of structured parking within this development. Parking structures

Policy T 2.5 – Multi-modal Grids

All new residential, commercial, or mixed-use developments that construct or extend roadways should include a multi-modal network (including non-motorized modes) that provides for a well-connected walkable community, preferably as a grid or modified grid.

Proposal is consistent with this policy. Master Plan as shown will be built with an interconnected pattern of grid streets, and includes provisions for a four foot bike lane along Perry Creek Road.

Policy T 5.1 – Enhancing Bike/Pedestrian Circulation

Enhance pedestrian and bicycle circulation, access, and safety along corridors, downtown, in activity and employment centers, at densely developed areas and transit stations, and near schools, libraries, and parks.

Proposal is consistent with this policy. The Master Plan provides a four-foot bike lane along Perry Creek Road.

Policy T 5.2 – Incorporating Bicycle and Pedestrian Improvements

All new developments, roadway construction projects, and roadway resurfacing projects in the City of Raleigh's jurisdiction should include appropriate bicycle facilities as indicated in the Recommended Bicycle Network of the 2008 City of Raleigh Bicycle Transportation Plan.

Proposal is consistent with this policy, as noted above.

Policy T 5.3 – Bicycle and Pedestrian Mobility

Maintain and construct safe and convenient pedestrian and bicycle facilities that are universally accessible, adequately illuminated, and properly designed to reduce conflicts among motor vehicles, bicycles, and pedestrians.

Proposal is consistent with this policy. The Master Plan provides a four-foot bike lane along Perry Creek Road; sidewalks and pedestrian friendly improvements have been included in the Plan document as well.

Policy T 5.5 – Sidewalk Requirements

New subdivisions and developments should provide sidewalks on both sides of the street.

Proposal is consistent with this policy. Sidewalks and pedestrian friendly improvements have been included in Master Plan.

Policy T 5.9 – Pedestrian Networks

New subdivisions and large-scale developments should include safe pedestrian walkways or multi-use paths that provide direct links between roadways and major destinations such as transit stops, schools, parks, and shopping centers.

Proposal is consistent with this policy. Sidewalks and pedestrian friendly improvements have been included in Master Plan.

Policy EP 2.5 – Protection of Water Features

Lakes, ponds, rivers, streams, and wetlands should be protected and preserved. These water bodies provide valuable stormwater management, ecological, visual, and recreational benefits.

Proposal is consistent with this policy. Development as shown includes adequate buffering to the Neuse River, and sets aside the adjacent land as conservation.

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should be considered within the Town Core Tract. The provisions for screening and additional landscaping are consistent with this policy.

Policy UD 2.7 – Public Open Space

Usable and well appointed urban public open space should be provided within mixed-use centers to serve as focal points and community gathering spots.

Proposal is consistent with this policy, as detailed on Master Plan document L-6.

Policy UD 6.1 – Encouraging Pedestrian-Oriented Uses

New development, streetscape, and building improvements in Downtown and mixed-use corridors and centers should promote high intensity, pedestrian-oriented use and discourage automobile-oriented uses and drive-through uses.

Proposal is consistent with this policy. Meeting the Urban Design Guidelines will help to ensure consistency with this policy. As shown, the Plan envisions parking behind buildings, and not facing directly onto streets, buildings pulled up to the corners of intersections, active ground floor retail, and a network of wide sidewalks.

Policy UD 7.3 – Urban Design Guidelines

Proposal would be subject to the Urban Design Guidelines as referenced in Table UD-1

- a. #5 – Block Faces: Block faces should not exceed 660 feet. Street A on the plan exceeds 700 feet, but the streams and the Wake Tech development to the north warrant a longer street length.
- b. #16 – Structured Parking: Screening and additional landscaping is consistent with this guideline, however plan should commit to structured parking within the Urban Center tract.
- c. #21 – Sidewalks: Sidewalks in commercial areas should be a minimum of 14-18 feet wide. The master plan was revised to conform to the Streets, Sidewalks and Driveway Access Handbook.

GREENWAY/PARKS: This site is located along the Neuse River and a greenway easement already exists along the river in conformance with the Comprehensive Plan. This proposal includes future connections from development to the greenway. This property is located within a neighborhood park search area and the proposal includes a two year reservation for acquisition of a tract for a neighborhood park.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

This site has frontage on Louisburg Road (US-401) which is classified as a principal arterial major thoroughfare and is constructed to City standards, with the exception of sidewalks, as a six-lane median-divided curb and gutter section. The City's Comprehensive Plan calls for the extension of Perry Creek Road through the site as a major thoroughfare. The Comprehensive Plan also includes a provision for a proposed minor thoroughfare between the future Spring Forest Road Extension and the proposed Perry Creek Road Extension. This proposal conforms to the Comprehensive Plan guidelines.

Staff reviewed the amended Master Plan and Traffic Impact Analysis (TIA) associated with development of the subject property. The TIA outlines multiple planned phases of development on the site and provides anticipated trip generation at 67% build-out and complete build-out. According to the NCDOT driveway permit, the applicant must construct an additional southbound left-turn lane on US-401 near Botany Bay Drive at 55% of build-out and one additional

left-turn lane on the eastbound off ramp of I-540/ US-401 at 80% of build-out. Transportation staff has provided trip generation analysis for both 55% and 80% build-out to determine what level of development is permitted at each build-out threshold. The above mentioned off-site improvements must be made when the 55% and 80% build-out thresholds are realized. The "5401 North" Master Plan provides a preliminary circulation plan which includes a proposed public street system, cross-access opportunities, and street cross-section concepts. With future site development the extension of the public street across from Botany Bay Drive will be constructed with the completion of phase I as described in the Traffic Impact Analysis. Any development of the site following the completion of Phase 1 will require the construction of a public street connection between Perry Creek Road to the extension of Botany Bay Drive which runs east and west through the site.

The master plan includes 18 varying-width design standards for public and private streets. Proposed alternate design standards allow for landscaping within the right-of-way on all public streets and on-street parking within the right-of-way on many streets. Thoroughfares will include landscaped medians as well as street tree plantings between the curb and sidewalk. The master plan also contains street designs for two-way private streets without on-street parking maintaining 20' clearance for emergency vehicle access within public access easements.

City Code section 10-2057(f)(4) j allows alternate subdivision designs, the Code provision reads as follows:

j. Except as enumerated in subsections 1 through 3 below, developments in the Planned Development Conditional Use Overlay District *shall* conform with all applicable provisions of Part 10, Chapter 3 of this Code. All alternate design criteria must be identified as part of the approved *Master Plan* and must include submittal and approval of a subdivision plat pursuant to Chapter 3.

1. The width of public *streets*, other than *thoroughfares*, *major access corridors*, or *arterial streets*, may be decreased, provided that:
 - (i) the proposed facility can safely handle anticipated traffic at a level of service "C"; and
 - (ii) the *street* design, allowed uses, and provision of off-street parking is such that little on-street parking is anticipated.
2. Alternative materials for *City*-required curb and gutter on residential, collector, and commercial *streets* may be allowed, provided that the alternatives will provide comparable: storm drainage capabilities, protection for pedestrian walkways and *property* adjoining the road, protection for the edge of the pavement, and maintenance costs by the *City*.
Cross reference: Street, Sidewalk and Driveway Access Handbook, which is on file with the *City* Clerk.

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3. Provision of a pedestrian access plan for the development *may* substitute for the requirements set forth in **Street, Sidewalk and Driveway Access Handbook** [which is on file with the City Clerk], provided that:
 - (i) the pedestrian access plan provides for a comparable level of pedestrian access along *thoroughfares* or arterials, connection of land uses within the development to exterior *streets*, parks, and greenways, interconnections of land uses within the development to provide access from each *dwelling* or nonresidential use to focus areas;
 - (ii) the plan enhances recreational opportunities; and
 - (iii) alternative pedestrian walkways are accessible to the handicapped.

TRANSIT: This site is within close proximity to current CAT Route 25c (Triangle Town Center Connector). This development is adjacent to Wake Tech North, for which transit service has been identified as a future priority with anticipated expansion of service to this development as well as Wake Tech. The master plan addresses future bus transit use with the following provisions: a 15'x20' transit easement shall be provided on average every 1,500 feet on each side of the following streets: (i) Street "A" from Louisa Road to Perry Creek Road; (ii) Perry Creek Road; (iii) Beckom Drive; and (iv) that street labeled US 60-37 connecting Street "A" to Beckom Drive, running along the southern perimeter of the Town Core Neighborhood. Final location of each easement will be determined upon review of the specific subdivision plans by the Public Works Transit Program with transit easement deeds to be approved by the City Attorney.

APPEARANCE COMMISSION: The Appearance Commission reviewed this master plan prior to the public hearing on the rezoning case and provided comments and recommendations on five topics. See the Appearance Commission's memorandum of January 13, 2011 and the applicant's response directed to staff and dated February 14, 2011.

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT: The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire master plan area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalks and Driveway Access Handbook. No dead end street in this development exceeds 800 feet in length. Although Street A exceeds 660 linear feet without a street intersection, section 4.13 of the Streets, Sidewalks and Driveway Access Handbook allows the approval of streets in excess of 660 foot in length when the existing adjoining and surrounding development prevents

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extending a street or severe topography or other physical features warrant a longer street length.

PUBLIC UTILITIES: City water and sewer services are available. The developer is responsible for installation of all lines necessary to provide service to this site. This proposal shows an existing 20' sanitary sewer easement along Outfall B to be abandoned. Abandonment of the existing easement will require separate petition to the Public Utilities Department and approval by the City Council in conjunction with specific subdivision of the site. A final utility plan shall be reviewed upon preliminary subdivision approval on the site.

SOLID WASTE: Refuse collection may be provided by means of a private contractor or as individual lot service provided by the City in accordance with the standards in the Solid Waste Design Manual. Location, design of collection facilities, and service provision shall be determined at the time of subdivision or specific site plan approval.

CIRCULATION: Any proposed street improvements shall conform to standards established within the master plan or normal City construction standards. Stream crossings within the development shall require approval by the NC Division of Water Quality prior to specific construction plan approval. The master plan in Part 6 includes commitment to provide an offer of cross access from the PDD development to the southern and eastern portions of adjacent Anderson Property (DB 2979 Page 37); however the southern access easement is conditioned on the Anderson Property not being used for residential purposes.

PEDESTRIAN: Sidewalks shall be provided on both sides of most public streets as indicated in the master plan document. The street design for drive 47-20 was revised following the Planning Commission meeting of 22 February 2011 to increase the sidewalk width from 5 feet to 6 feet and to reduce the tree lawn from 8 feet to 7 feet. Similarly, the street design for urban streets 60-37 and 60-39 were revised to establish a minimum sidewalk of 14 which can be reduced to 12 feet if the standards in the Streets, Sidewalks and Driveway Access handbook, figure 14b are met. The alternate pedestrian access has been approved in accordance with 10-2057(f)(4) 3., which reads:

Provision of a pedestrian access plan for the development may substitute for the requirements set forth in **Street, Sidewalk and Driveway Access Handbook** [which is on file with the City Clerk], provided that:

- (i) the pedestrian access plan provides for a comparable level of pedestrian access along *thoroughfares* or arterials, connection of land uses within the development to exterior *streets*, parks, and greenways, interconnections of land uses within the development to provide access from each *dwelling* or nonresidential use to focus areas;
- (ii) the plan enhances recreational opportunities; and
- (iii) alternative pedestrian walkways are accessible to the handicapped

FLOOD HAZARD: There are no flood hazard areas on portions of this site to be developed.

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**STORMWATER
MANAGEMENT:**

This site is subject to nitrogen reduction, runoff control, and stormwater management requirements of Part 10 Chapter 9. The plan indicates use of shared detention structures for stormwater quantity control. Stormwater management plans for specific development proposals will be required at the time of subdivision or specific site plan submittal.

**WETLANDS
/ RIPARIAN
BUFFERS:**

50' riparian buffers are required on this site in accordance with State of NC regulations and are shown on the preliminary plan. A public street crossing is shown over one 50' riparian buffer and shall require approval prior to disturbance.

**OTHER
REGULATIONS:**

Developer shall meet all City requirements, including underground utility service (§10-3059), flood protection measures (Part 10, Chapter 4), and the soil erosion ordinance (Part 10, Chapter 5), unless specifically varied by this approval.

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

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

Section 4. That this ordinance shall become effective upon the date of adoption.

Adopted: April 5, 2011

Effective: April 5, 2011

Distribution: Planning Department (3)
City Attorney
Inspections Department (5)
Jackie Taylor