

CITY OF RALEIGH

Existing Zoning Map

**Z-20-10
MP-1-10**

**R-4,
R-6 CUD,
TD CUD
w/PDD
& R-6 CUD,
w/SHOD-1**

to

**R-4,
R-6 CUD,
TD CUD
w/PDD**

369.41 acres

Public Hearing
January 18, 2011
(April 18, 2011)

540
Feet



Certified Recommendation

Raleigh Planning Commission

CR# 11407

Case Information Z-20-10/MP-2-10 / Louisburg Rd

<i>Location</i>	East side of Louisburg Road, north of its intersection with I-540.
<i>Size</i>	402 acres
<i>Request</i>	Rezone property 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 and Thoroughfare District Conditional Use with Planned Development District.

Comprehensive Plan Consistency

Consistent

Inconsistent

<i>Future Land Use Designation</i>	Community Retail Mixed Use, Public Facilities and Public Parks and Open Space.	
<i>Applicable Policy Statements</i>	Consistent	
	<input checked="" type="checkbox"/>	Policy LU 1.3 Conditional Use District Consistency
	<input checked="" type="checkbox"/>	Policy LU 2.4 Large Site Development
	<input checked="" type="checkbox"/>	Policy LU 2.5 Healthy Communities
	<input checked="" type="checkbox"/>	Policy LU 4.5 Connectivity
	<input checked="" type="checkbox"/>	Policy LU 4.10 Development at Freeway Interchanges
	<input checked="" type="checkbox"/>	Policy LU 6.1 Composition of Mixed Use Centers
	<input checked="" type="checkbox"/>	Policy LU 6.4 Bus Stop Dedication
	<input checked="" type="checkbox"/>	Policy LU 7.6 Pedestrian Friendly Development
	<input checked="" type="checkbox"/>	Policy LU 8.9 Open Space in New Development
	<input checked="" type="checkbox"/>	Policy LU 10.6 Retail Nodes
	<input checked="" type="checkbox"/>	Policy LU 12.3 Reservations for Community Facilities
	<input checked="" type="checkbox"/>	Policy T 2.4 Road Connectivity
	<input checked="" type="checkbox"/>	Policy T 2.5 Multi-modal Grids
	<input checked="" type="checkbox"/>	Policy T 5.1 Enhancing Bike/Pedestrian Circulation
	<input checked="" type="checkbox"/>	Policy T 5.2 Incorporating Bicycle and Ped. Improvements
	<input checked="" type="checkbox"/>	Policy T 5.3 Bicycle and Pedestrian Mobility
	<input checked="" type="checkbox"/>	Policy T 5.5 Sidewalk Requirements
	<input checked="" type="checkbox"/>	Policy T 5.9 Pedestrian Networks
	<input checked="" type="checkbox"/>	Policy EP 2.5 Protection of Water Features
	<input checked="" type="checkbox"/>	Policy EP 4.2 Floodplain Conservation
	<input checked="" type="checkbox"/>	Policy HP 2.7 Mitigating Impacts on Historic Sites
	<input checked="" type="checkbox"/>	Policy UD 2.1 Building Orientation
	<input checked="" type="checkbox"/>	Policy UD 2.2 Multi-modal Design
	<input checked="" type="checkbox"/>	Policy UD 2.3 Activating the Street
	<input checked="" type="checkbox"/>	Policy UD 2.4 Transitions in Building Intensity
	<input type="checkbox"/>	Policy UD 2.6 Parking Location and Design
	<input checked="" type="checkbox"/>	Policy UD 2.7 Public Open Space
	<input checked="" type="checkbox"/>	Policy UD 6.1 Encouraging Pedestrian Oriented Uses
	<input type="checkbox"/>	Policy UD 7.3 Urban Design Guidelines

Summary of Conditions

<i>Submitted Conditions</i>	<ul style="list-style-type: none"> • Will be developed in accordance with associated Master Plan document. • Wake Technical Community College parcel to be removed from Planned Development District, with the following zoning conditions applied: <ul style="list-style-type: none"> ○ Limited to uses allowed in Residential-10, and Technical/Vocational Institutional uses. ○ If developed for above Institutional uses, would require City Council approval.
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Issues and Impacts

<i>Outstanding Issues</i>	1. Inconsistency with the Comprehensive Plan	<i>Suggested Conditions</i>	1. Address Comprehensive Plan policies and Urban Design Guidelines in Master Plan.
<i>Impacts Identified</i>	1. There will be very little additional impact associated with this request.	<i>Proposed Mitigation</i>	1. Applicant has offered several provisions to mitigate potential impacts.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
9/2/10	1/18/11	Date: Action	3/22/11: Approval

Valid Statutory Protest Petition

Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

Planning Commission Recommendation

<i>Recommendation</i>	The Commission finds that this case is consistent with the Comprehensive Plan and recommends that this case be approved in accordance with proposed Master Plan dated
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The request is consistent with the guidelines set forth in the Comprehensive Plan. As proposed, the Master Plan is consistent with the Future Land Use designations on this site. The proposal also meets all applicable Comprehensive Plan policies, including the Urban Design Guidelines with the exception of one. 2. The request is reasonable and in the public interest. Bringing the additional parcel into the amended Master Plan will help to ensure a unified development. The amendment would also increase the potential for higher intensity mixed uses, provide additional pedestrian and bicycle improvements, and increase connectivity by extending Perry Creek Road. The proposal also sets aside reservations for a community park and school.

	<p>3. The proposal is consistent and compatible with surrounding land uses and zoning. The site is bordered on three sides by natural boundary features, and to the North by Wake Technical Community College. It is also located at a major highway intersection, making it ideal for higher intensity mixed use development.</p>
<p><i>Motion and Vote</i></p>	<p>Motion: Haq Second: Fleming</p> <p>In Favor: Anderson, Batchelor, Bartholomew, Butler, Fleming, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis</p>

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 attached Staff Report.

	Date		Date
Planning Director		Planning Commission Chairperson	3/22/11
Staff Coordinator:	Stan Wingo stan.wingo@raleighnc.gov		



Zoning Staff Report – Z-20-10/ MP-1-10

Planned Development District

Request

<i>Location</i>	East side of Louisburg Road, north of its intersection with I-540.
<i>Request</i>	Rezone property 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 and Thoroughfare District Conditional Use with Planned Development District.
<i>Area of Request</i>	402 acres
<i>Property Owner</i>	5401 North, LLC
<i>PC Recommendation Deadline</i>	April 18, 2011

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	R-4, R-6 CUD, TD CUD, and R-6 CUD with SHOD-1	R-4, R-6 CUD and TD CUD
<i>Additional Overlay</i>	Planned Development	Planned Development
<i>Land Use</i>	Undeveloped Land, Elementary School	Mixed Use Development, School Site, Community Park
<i>Residential Density</i>	2100 dwelling units	Maximum of 2250 dwelling units per Master Plan.

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	TD CUD, CM	RR CUD, R-6, O&I-2 CUD and R-15 CUD all with SHOD-1	CM and R-4, SHOD-1	R-4, CM, NB, R-10 and TD CUD, SHOD-1, SHOD-2
<i>Future Land Use</i>	Institutional, Public Parks and Open Space	Office/Research Development, Low Density Residential, Public Parks and Open Space	Public Parks and Open Space	Low Density Residential, Rural Conservation
<i>Current Land Use</i>	Institutional Uses	I-540 Interchange, vacant land	Low density residential uses across Louisburg Rd	Neuse River, vacant land

Comprehensive Plan Guidance

<i>Future Land Use</i>	Community Mixed Use, Public Facilities and Public Parks and Open Space.
<i>Area Plan</i>	N/A
<i>Applicable Policies</i>	There are 29 applicable Comprehensive Plan policies, as well as the Urban Design Guidelines. See section 1.2 for detailed information.

Contact Information

<i>Staff</i>	Stan Wingo – (919)516-2663 stan.wingo@raleighnc.gov
<i>Applicant</i>	Mack Paul – (919)743-7326, Michael Birch – (919)743-7314
<i>Citizens Advisory Council</i>	Northeast – Paul Brant

Case Overview

The site is located in the northeast quadrant of the intersection of US 401 Louisburg Road and Interstate 540. The property is primarily undeveloped, and is a mixture of rolling open pastures and wooded land, adjacent to the Neuse River. River Bend Elementary School is located along the northern edge of the site. The property is bordered by Wake Technical Community College to the North, the Neuse River to the East, single family residential to the West across US 401 Louisburg Road, and Interstate 540 to the South.

The request contains three components: to amend the current Planned Development District, include an additional 140 acres into the Planned Development, and to remove approximately 7 acres of the Planned Development District from land owned by Wake Technical Community College. The land to be removed from the PDD is currently zoned Residential-4 with Planned Development District and would be rezoned to Thoroughfare District Conditional Use with additional zoning conditions. A detailed master plan document provides specific development guidance for the property.

Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use

The proposal is consistent with the Future Land Use designations on this site. The majority of the proposal is within the Community Mixed Use designation. There is a buffer area along the Neuse River that is designated as Public Parks and Open Space which coincides with Conservation Management zoning that would not be amended. The Wake Technical Community College property along the northern edge is designated as Public Facilities, and would also be consistent as proposed.

1.2 Policy Guidance

The following policy guidance is applicable with this request

Policy LU 1.3 - Conditional Use District Consistency
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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.

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.

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 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.

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 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, a few shown on plan exceed 700 feet.
- 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.

2. Compatibility of the proposed rezoning with the property and surrounding area

To the North of the property, the land is zoned Thoroughfare District Conditional Use and developed as Wake Technical Community College. The property is bounded to the East by the Neuse River, and coinciding Conservation Management zoning. The site is bordered to the South by Interstate 540, and to the East by residential zoning, that is currently developed at low density. Based on surrounding uses and zoning, the proposal to encompass additional land into the amended Planned Development District would be compatible. Including this remaining portion of land will help to ensure a unified and integrated development on this site. Due to the sites location being bordered on three sides by natural boundary features and to the North by Wake Technical Community College, a mix of higher intensity uses is ideal.

3. Public benefits of the proposed rezoning

There are several public benefits associated with this case. Bringing the additional parcel into the amended Master Plan will help to ensure unified development on the overall tract of undeveloped land. This amended plan will also increase the potential for higher intensity mixed use development in an area that is appropriate.

The amended Master Plan also includes many provisions that would provide additional public benefit. Development as proposed would extend Perry Creek Road and provide pedestrian and bicycle improvements. If developed in adherence with the Urban Design Guidelines, this proposal would create a mix of residential, retail and office in a walkable community. The proposal also includes site reservations for a public school and community park site, as well as integrated open space throughout the development.

4. Detriments of the proposed rezoning

As currently proposed, the Master Plan would be inconsistent with the Urban Design Guidelines. The applicable policies associated with the Urban Design Guidelines ensure

the development of mixed uses, appropriate transitions, appropriate densities, and several other key elements of Urban Design. If property is developed inconsistent with these guidelines, the result could be detrimental to the overall development pattern in this area, and would not be in harmony with what the Comprehensive Plan has envisioned for this area.

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

There will be very little additional impact generated by this request. The amended Master Plan does not propose a significant number of units or density being added to the current approved Master Plan for this site.

5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2009 Volume (ADT)</u>	<u>2035 Forecasted Volume (ADT)</u>		
Louisburg Road (US 401)	Principal Arterial	38,000	62,290		
Perry Creek Road (Ext)	Major Thoroughfare	N/A	N/A		
I-540 Interstate	Principal Arterial	53,000	117,059		
Street Conditions					
<u>Louisburg Road (US 401)</u>	<u>Lanes</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	6	Back-to-back curb and gutter section	120'	5' sidewalks on east side of the street	None
City Standard	8	Back-to-back curb and gutter section	130' (+)	minimum 5' sidewalks on both sides	Wide Outside Lane
Meets City Standard?	NO	YES	NO	NO	NO
<u>Perry Creek Road (Ext)</u>	<u>Lanes</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Proposed	4	YES	100'	minimum 5' sidewalks on both sides	5' striped bicycle lanes on both sides
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>		
AM PEAK	N/A	N/A			
PM PEAK	N/A	N/A			
Suggested Conditions/Impact Mitigation:	Staff reviewed the amended "5401 North" 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. Each building or group of buildings constructed on the site will have some impact on trip generation on the site and				

	<p>as such the applicant may wish to consider adding a condition stating that a trip generation report sealed by a professional engineer will accompany each building permit application. The above mentioned off-site improvements must be made when the 55% and 80% build-out thresholds are realized.</p> <p>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. The applicant may wish to provide a condition stating that 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 applicant may also wish to add a condition stating that the street cross-sections for planned public streets on the subject property will be approved by the Transportation Department prior to pursuant of building permits.</p>
Additional Information:	Perry Creek Road currently exists and an unimproved 100' right-of-way. The subject property is boarded by I-540 to the south. Neither NCDOT nor the City of Raleigh have any projects scheduled in the vicinity of this case

5.2 Transit

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. Applicant has also provided additional easements in the Urban Core on the street that is now named US 60-37. These stops would be in keeping with TOD and encourage transit use in the Urban Core.

Impact Identified: None

5.3 Hydrology

<i>Floodplain</i>	FEMA Floodplain present along eastern edge of site
<i>Drainage Basin</i>	Neuse
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9; numerous buffered ponds and streams throughout site
<i>Overlay District</i>	none

Impact Identified: None

5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	4.617 MGD	4.617 MGD
<i>Waste Water</i>	4.617 MGD	4.617 MGD

There is an existing sixteen (16") inch water main along the frontage of Louisburg (US 401) Road and an existing twelve (12") inch water main in Perry Creek Road terminating at the northern end of the property where the road ends. There is an existing forty-eight (48") in sanitary sewer interceptor along the eastern end of the property at the Neuse River. The developer/petitioner would be required to install the

sanitary sewer and water mains needed for the internal wastewater collection and water distribution systems of the entire rezoning area.

Impact Identified: The proposed rezoning would not impact the wastewater collection or water distribution systems of the City.

5.5 Parks and Recreation

The property is located adjacent to a previously acquired greenway along the Neuse River.

The property is located within a neighborhood park search area. The proponent has identified a location for a neighborhood park in conjunction with a Wake County Middle School. The general location is acceptable to the Parks and Recreation Department. The specific size and configuration are not ideal. It is recommended that the proponent negotiate a mutually acceptable park site to be approved by the Director of the Parks and Recreation Department. The elements of the neighborhood park will be determined via a public process.

Impact Identified: The proposed development does not impact the proposed level of service in the area. A neighborhood park is recommended in the Comprehensive Plan and MP-1-2010 has included a facility.

5.6 Urban Forestry

Applicable code sections – All Primary Tree Conservation Area located within this new section will have to be identified and Tree Conservation Areas must equal at least 10% of the total development property per City Code section 10-2082.14.

Impact Identified: The proposed development does not impact the ability of this site to meet Tree Conservation Ordinance requirements.

5.7 Wake County Public Schools

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Fox Road	855	91.0%	876	93.2%
W.F.-Rolesville	1,145	100.7%	1,157	101.8%
Wakefield	2,626	93.4%	2,635	93.7%

Impact Identified: There would be very little impact associated with this request. Amended Master Plan would increase allowable residential dwellings by 150 units.

5.8 Designated Historic Resources

The Alpheus Jones house, a historic landmark, is surrounded on three sides by the proposed development. Applicant has offered additional plantings, buffering and reduced building heights in proximity to the landmark.

Impact Identified: Applicants additional conditions have helped to mitigate impacts on the historic structure.

5.9 Impacts Summary

- There will be very little additional impact associated with this request. There is currently an approved Planned Development on the majority of this site, and the applicant has offered several provisions to mitigate any additional impacts.

6. Appearance Commission

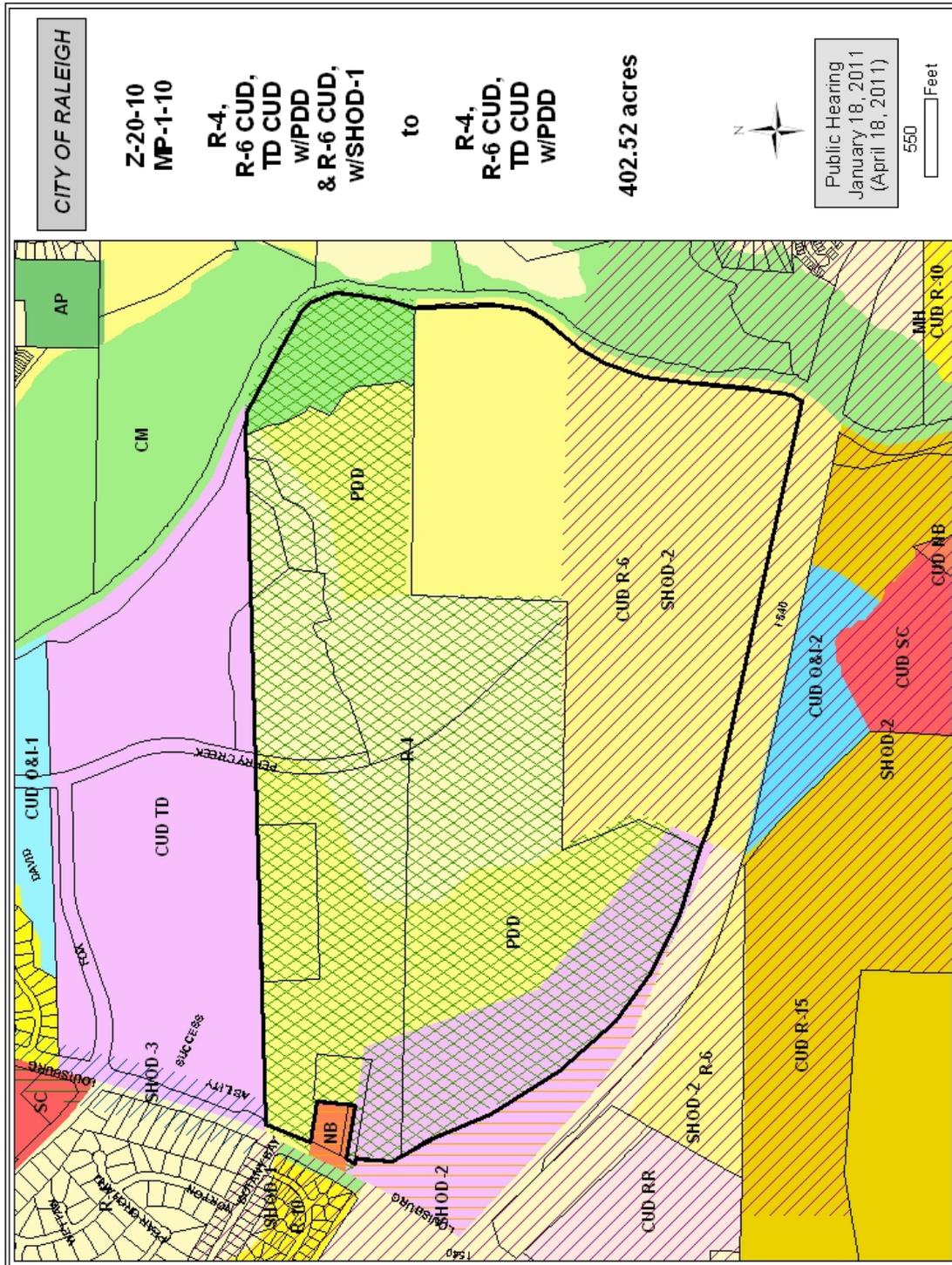
The proposal was discussed at the Appearance Commissions Development Review Committee on January 4th, 2011 and then reviewed by the full Commission at their meeting on January 18th, 2011. The Commission had several outstanding issues in their report, and requested more information from the applicants in regards to the Urban Design Guidelines.

7. Conclusions

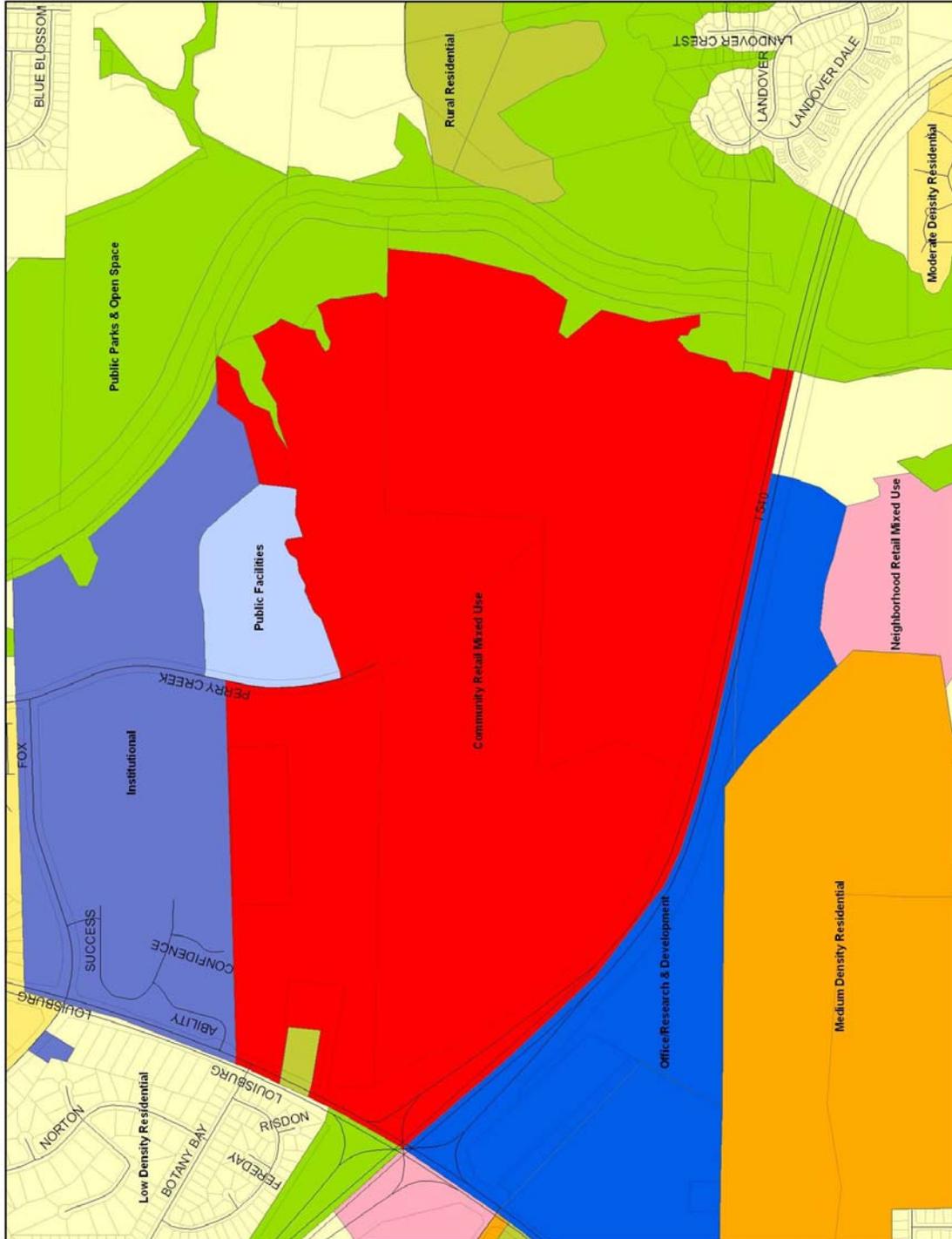
As proposed this rezoning request is consistent with the Comprehensive Plan. The Future Land Use Map designates this area as being appropriate for a combination of Community Mixed Use, Public Facilities and Public Parks and Open Space. The tract layout as currently proposed by the amended Master Plan 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.

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.

Existing Zoning Map



Future Land Use Map



CITY OF RALEIGH
CITY PLANNING DEPT



2010 JUN 18 AM 10:43

Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - 1) to lessen congestion in the streets;
 - 2) to provide adequate light and air;
 - 3) to prevent the overcrowding of land;
 - 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - 5) to regulate in accordance with a comprehensive plan;
 - 6) to avoid spot zoning; and
 - 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes where appropriate

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate.

Signature(s)

Date:

6/18/10

Please type or print name(s) clearly.

Mack Paul and Michael Birch, Attorneys for Petitioner

EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	Z 20-10 / MP-1-10
Date Filed:	6/18/10 Board 9/30/10
Filing Fee:	\$ 2570.00 by check 1507

Please use this form only – form may be photocopied. Please type or print

See instructions, page 9

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>5401 North, LLC</u>	<u>5630 Bankers Avenue</u> <u>Baton Rouge, LA 70808</u>	
	<u>City of Raleigh</u>	<u>PO Box 590</u> <u>Raleigh, NC 27602</u>	
	<u>Wake County Board of Education</u>	<u>c/o Betty L. Parker</u> <u>1551 Rock Quarry Road</u> <u>Raleigh, NC 27610</u>	
	<u>Trustees of Wake Technical Community College</u>	<u>9101 Fayetteville Road</u> <u>Raleigh, NC 27603</u>	
2) Property Owner(s):	<u>Same As Above</u>	<u>Same As Above</u>	
3) Contact Person(s):	<u>Mack Paul</u>	<u>4350 Lassiter at North</u>	<u>(919) 743-7326</u>
	<u>Michael Birch</u> <u>K&L Gates, LLP</u>	<u>Hills Avenue, Suite 300</u> <u>Raleigh, NC 27609</u>	<u>mack.paul@klgates.com</u> <u>(919) 743-7314</u> <u>michael.birch@klgates.com</u>
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN): <u>5401 North, LLC: 1736-49-6568, 1736-59-5586, 1736-59-9905, 1736-58-8374, 1736-87-4744, and 1736-89-2214</u> <u>City of Raleigh: 1736-99-7618</u> <u>Wake County Board of Education: 1736-79-6942</u> <u>Wake Technical Community College: 1736-89-6928 and a portion of 1737-60-5747</u>		
	General Street Location (nearest street intersections): <u>Northeast corner of intersection of Louisburg Road/Highway 401 and Interstate 540</u>		
5) Area of Subject Property (acres):	<u>+/- 402.52</u>		
6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>Residential-4, Residential-6 Conditional Use, and Thoroughfare District Conditional Use, all with Planned Development Conditional Use Overlay District, and Residential-6 Conditional Use with Special Highway Overlay District-1</u>		
	<u>5401 North, LLC Property: Residential-4, Residential-6, Thoroughfare District, all with Planned Development Conditional Use Overlay District and removing all underlying conditional use districts</u>		
7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>Wake County Board of Education Property: Residential-4 General Use, all with a Planned Development Conditional Use Overlay District</u>		
	<u>City of Raleigh Property: Conservation Management General Use with Planned Development Conditional Use Overlay District</u>		
	<u>Wake Technical Community College Property: Thoroughfare District – Conditional Use, all without a Planned Development Conditional Use Overlay District</u>		

Exhibit B-1

List of Adjacent Property Owners

<u>Name and Address</u>	<u>PIN</u>
Sanders Landover LLC P.O. Box 37759 Raleigh, NC 27627-7759	1746-06-5929
David Earl Hodgens 1441 Parkway Drive Panama City, FL 32404-7329	1746-07-2741
Robert M. Terry 4109 Granite Ridge Trail Raleigh, NC 27616-8660	1746-09-5253
Murdock & Gannon Construction Inc. P.O. Box 61370 Raleigh, NC 27661-1370	1747-10-0073
Forestville Partners LLC 5209 Capital Boulevard Raleigh, NC 27616-2925	1737-90-6790
Wake Technical Community College 9101 Fayetteville Road Raleigh, NC 27603-5655	1737-60-5747
Carlton Group of NC LLC c/o Robert Mermelstein 5882 Faringdon Place Suite 200 Raleigh, NC 27609-3932	1737-81-5991
SST LLC 6870 Perry Creek Road Raleigh, NC 27616-8069	1737-71-2907
William E. and Lide C. Anderson 6512 Louisburg Road Raleigh, NC 27616-6326	1736-49-3636
William E. and Lide C. Anderson 6512 Louisburg Road Raleigh, NC 27616-6326	1736-49-3503
Tamara Alston 3400 Central Avenue Charlotte, NC 28205-5525	1737-40-2408
Peyton Properties LLC 6613 Louisburg Road Raleigh, NC 27616-6327	1737-40-1349

2-20-10

<u>Name and Address</u>	<u>PIN</u>
Azucena Quinto Sosa 6609 Louisburg Road Raleigh, NC 27616-6327	1737-40-1310
Lewis E. and Joann U. Grubbs 5521 Botany Bay Drive Raleigh, NC 27616-6363	1737-40-1128
Jerry E. and Pamela Ritter 5517 Botany Bay Drive Raleigh, NC 27616-6363	1737-40-0252
Noris M. Brown 5513 Botany Bay Drive Raleigh, NC 27616-6363	1737-30-9295
Lorena and Juan Leonel Aguilar 5516 Cumberland Plain Drive Raleigh, NC 27616-6371	1737-40-0082
Michael D. and Karen R. Mallett 5517 Cumberland Plain Drive Raleigh, NC 27616-6372	1737-30-9121
Gregory D. and Donna L. Downs 5513 Cumberland Plain Drive Raleigh, NC 27616-6372	1737-30-9006
Housing Authority County of Wake 5512 Cumberland Plain Drive Raleigh, NC 27616-6371	1736-49-0946
Darryl L. Shepard 5509 Cumberland Plain Drive Raleigh, NC 27616-6372	1737-30-8070
John Paul James and Lynn L. Keon 5501 Cumberland Plain Drive Raleigh, NC 27616-6372	1736-39-8935
Dean J. and Leonia E. Allen 5508 Cumberland Plain Drive Raleigh, NC 27616-6371	1736-49-0900
David and Rhiannon Thomas 5504 Cumberland Plain Drive Raleigh, NC 27616-6371	1736-39-9853
David L. and Sharon A. Moll 5405 Cumberland Plain Drive Raleigh, NC 27616-6370	1736-39-7971
James Montgomery 6708 Risdon Court Raleigh, NC 27616-6374	1736-39-8779
Robert G. Cain, Jr. Kimberly B. Cain 106 Martindale Drive Youngsville, NC 27596-9729	1736-39-9730

<u>Name and Address</u>	<u>PIN</u>
Darrell L. and Salla N. Bethea 6700 Risdon Court Raleigh, NC 27616-6374	1736-39-8682
William F. and Shirley Saunders 6701 Risdon Court Raleigh, NC 27616-6374	1736-39-7691
Jonathan Michael Stephens 6705 Risdon Court Raleigh, NC 27616-6374	1736-39-7616
Robin Bronson 5000 Whitestone Lane Apt. 1022 Plano, TX 75024-3037	1736-39-7714
Coventry of Raleigh Homeowners Association Inc. 4101 Lake Boone Trail Suite 503 Raleigh, NC 27607-3075	1736-39-2839
Raleigh Northeast Commercial P.O. Box 19808 Raleigh, NC 27619-9808	1736-28-9965
Christopher R. and Sarah B. Young 5132 Six Point Trail Raleigh, NC 27616-6231	1736-29-9328
Kwang Y. and Po K. Chong 540 Maple Shape Road Middletown, CT 06457	1736-29-8298
Marvin Douglas Harrell 5124 Six Point Trail Raleigh, NC 27616-6231	1736-29-8201
Urban Resources Inc. P.O. Box 99326 Raleigh, NC 27624-9326	1736-28-9416
Doris B. Bradsher Susan B. Liles 6321 Sharon Hills Road Charlotte, NC 28210-7042	1736-57-0060
George E. Rosenberger, Trustee et al. George E. Rosenberger, Trustee 5800 Louisburg Road Raleigh, NC 27616-6210	1736-38-8066
Rosenberger Properties LLC 5800 Louisburg Road Raleigh, NC 27616-6210	1736-37-3864
Frank E. Acierno P.O. Box 7189 Wilmington, DE 19803-0189	1736-36-9440

<u>Name and Address</u>	<u>PIN</u>
Buffaloe Associates TCF Real Estate Foundation Inc. P.O. Box 17102 Raleigh, NC 27619-7102	1736-76-4233
Buffaloe Associates Clifton L. Benson Jr. Family Limited Partnership P.O. Box 17102 Raleigh, NC 27619-7102	1736-84-4773
NC Department of Transportation 815 Stadium Drive Durham, NC 27704-2713	1736-95-8702
5401 North LLC 5630 Bankers Avenue Baton Rouge, LA 70808-2609	1736-49-6568
5401 North LLC 5630 Bankers Avenue Baton Rouge, LA 70808-2609	1736-59-5586
5401 North LLC 5630 Bankers Avenue Baton Rouge, LA 70808-2609	1736-59-9905
Wake County Board of Education Betty L. Parker RE Director 1551 Rock Quarry Road Raleigh, NC 27610-4145	1736-79-6942
5401 North LLC 5630 Bankers Avenue Baton Rouge, LA 70808-2609	1736-89-6928
City of Raleigh P.O. Box 590 Raleigh, NC 27602-0590	1736-99-7618
5401 North LLC 5630 Bankers Avenue Baton Rouge, LA 70808-2609	1736-89-2214
5401 North LLC 5630 Bankers Avenue Baton Rouge, LA 70808-2609	1736-87-4744
5401 North LLC 5630 Bankers Avenue Baton Rouge, LA 70808-2609	1736-58-8374

2-20-10

Office Use Only	
Petition No.	2-20-10
Original Date Filed:	6-18-10
Amended Date:	

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied – please type or print. See instruction, page 8.

1) **Conditional Use Zone Requested:** Planned Development Conditional Use Overlay 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: 1736-49-6568, 1736-59-5586, 1736-59-9905, 1736-58-8374, 1736-87-4744, 1736,89-2214 and 1736-89-6928.

(a) Development of the Property shall be in accordance with the Amended Master Plan associated with this zoning case.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

Note: If additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

5401 North, LLC

By: Carolyn E. Martin

Title: Vice President

Signature: Carolyn E. Martin

Date: 6.16.10

EXHIBIT C. Request for Zoning Change

Office Use Only
Petition No. <u>Z-20-10</u>
Original Date Filed: _____
Amended Date: <u>4/30/10</u>

Please use this form only – form may be photocopied – please type or print. See instruction, page 8.

1) **Conditional Use Zone Requested:** Planned Development Conditional Use Overlay 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: 1736-49-6568, 1736-59-5586, 1736-59-9905, 1736-58-8374, 1736-87-4744, 1736-89-2214, 1736-99-7618 and 1736-79-6942.

(a) Development of the Property shall be in accordance with the Master Plan associated with this zoning case.

Note: If additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

City of Raleigh

By: J. Russell Allen

Title: City Manager

Signature: J. Russell Allen

Date: 8/31/10

Z-20-10

OWNER'S SIGNATURE:

In filing this plan as the property owner(s), I/we do hereby agree and firmly bind ourselves, my/our heirs, executors, administrators, successors and assigns jointly and severally to construct all improvements and make all dedications as shown on this proposed master plan as approved by the City.

I hereby designate J. Russell Allen
to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to represent me in any public meeting regarding this application.

Date: 8/31/10

Signed: J. Russell Allen

Printed
Owner's name J. Russell Allen - City Manager - City of Raleigh, NC

EXHIBIT C. Request for Zoning Change

Office Use Only
Petition No. <u>Z-20-10</u>
Original Date Filed: _____
Amended Date: <u>4/30/10</u>

Please use this form only – form may be photocopied – please type or print. See instruction, page 8.

1) **Conditional Use Zone Requested:** Planned Development Conditional Use Overlay 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: 1736-49-6568, 1736-59-5586, 1736-59-9905, 1736-58-8374, 1736-87-4744, 1736-89-2214, 1736-99-7618 and 1736-79-6942.

(a) Development of the Property shall be in accordance with the Master Plan associated with this zoning case.

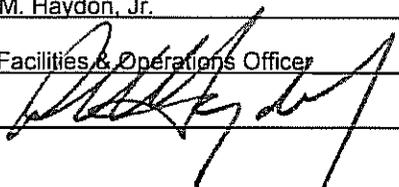
Note: if additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

Wake County Board of Education

By: Donald M. Haydon, Jr.

Title: Chief Facilities & Operations Officer

Signature: 

Date: 24 Sep 10

EXHIBIT C. Request for Zoning Change

Office Use Only	
Petition No.	<u>Z-20-10</u>
Original Date Filed:	_____
Amended Date:	<u>9/30/10</u>

Please use this form only – form may be photocopied – please type or print. See instruction, page 8.

1) **Conditional Use Zone Requested:** Thoroughfare District – Conditional Use District, and removing the existing Planned Development Conditional Use Overlay 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 the City Council prior to issuance of any building permits for construction on the Property.

Note: if additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

Trustees of Wake Technical Community College

By: Dr. Stephen C. Scott

Title: Secretary

Signature: Stephen C Scott

Date: 9/23/10

Office Use Only	
Petition No.	Z-20-10
Date Filed:	

EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

Please use this form only – form may be photocopied – please type or print.

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

The Property is designated Neighborhood Mixed Use, Medium Density Residential, Low Density Residential and Rural Residential. Those areas of the Property designated for the most intense, mixed use development by the Amended Master Plan coincide with those areas of the Property classified Neighborhood Mixed Use, which encourages mixed-use projects. Similarly, as the intensity and residential density transitions away from the more intense area toward the Neuse River to lower density residential uses as provided in the Amended Master Plan, so to does the Future Land Use Map classifications decrease in residential density from Medium Density to Low- and Rural- Density Residential categories. The intensity and land uses provided for the Property by the Amended Master Plan are consistent with the Future Land Use Map classifications for the Property.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

The Property is not located within any Area Plan or other City Council-adopted plans and policies.

- C. **Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").**

The proposed map amendment is consistent with the Comprehensive Plan. Specifically, as noted above, the proposed map amendment is consistent with Policy LU 1.2 "Future Land Use Map and Zoning Consistency." Further, because the development provided by the Amended Master Plan is consistent with the Comprehensive Plan, the condition of the proposed map amendment requiring development in accordance with the Amended Master Plan is consistent with Policy LU 1.3 "Conditional Use District Consistency." The Amended Master Plan sets aside land for future parks and community facilities, and is therefore consistent with Policies LU 2.4 "Large Site Development" and LU 12.3 "Reservation for Community Facilities." The Amended Master Plan transitions from pedestrian-oriented retail with upper-story housing, to institutional and office uses to lower density residential uses, consistent with Policy LU 5.4 "Density Transitions." Policies LU 6.1 "Composition of Mixed Use Centers" and LU 7.6 "Pedestrian Friendly Development" are satisfied by the Amended Master Plan, which provides for a mix of uses, planned public spaces, and sidewalks throughout the Town Core Neighborhood. Finally, the proposed map amendment satisfies many of the urban design guidelines applicable to mixed use centers. Based on the foregoing, the proposed map amendment is consistent with the Comprehensive Plan.

II. Compatibility of the proposed map amendment with the property and the surrounding area.

- A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):**

Land immediately north of the Property is developed as a Wake Technical Community College campus, with multiple institutional buildings, and a Wake County elementary school. Land immediately east of the Property is subject to a conservation easement and will be preserved as open space. The Property is bounded to the south by Interstate 540, a principal arterial. To the west, the Property is bounded by Highway 401, a principal arterial.

- B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):**

Land immediately north of the Property is zoned Thoroughfare District – Conditional Use. Land immediately east of the Property is zoned Conservation Management and Residential-4. Land to the south of the Property, across Interstate 540, was recently rezoned Office & Institution-2 Conditional Use, Shopping Center Conditional Use, Neighborhood Business Conditional Use and Residential-15 Conditional Use all with Special Highway Overlay District-1. Much of the land to the west of the Property, across Highway 401, is zoned Residential-10 and Residential-4.

- C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:**

The proposed zoning map amendment attempts to include a 148.2 acre parcel into an existing Planned Development District, which must be developed in accordance with a master plan. Therefore, this proposed zoning map amendment is compatible with the character of the surrounding area because it facilitates an integrated, planned development throughout the Property. Also, because the Property is bound by the Neuse Rive, Interstate 540 and Highway 401, the Property is separated from surrounding development and is ideal for a planned, mixed-use development. Based on the foregoing, the proposed

zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment benefits the landowner by permitting the landowner to include a portion of the Property within the Planned Development District to facilitate a more integrated development.

B. For the immediate neighbors:

The proposed map amendment benefits the immediate neighbors by ensuring that the parcel not zoned Planned Development District in 2006 will be developed consistent with the property currently subject to the Planned Development District. There are no known detriments of the proposed map amendment for the immediate neighbors.

C. For the surrounding community:

The proposed map amendment benefits the surrounding community by ensuring that the parcel not zoned Planned Development District in 2006 will be developed consistent with the property currently subject to the Planned Development District. There are no known detriments of the proposed map amendment for the surrounding community.

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

No, the rezoning of the Property does not provide a significant benefit which is not available to the surrounding properties. In fact, this rezoning ensures that a surrounding tract will enjoy the same benefit currently enjoyed by much of the Property, as permitted under the Amended Master Plan. Land to the north is zoned Thoroughfare District – Conditional Use, which permits many of the uses permitted by the proposed map amendment. Other surrounding properties are separated by a major natural feature (Neuse River) or infrastructure improvement (Highway 401 and Interstate 540). Even so, the properties to the south were recently rezoned to permit a mixed use development.

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

When much of the Property was initially zoned Planned Development District, the developer did not own the 148.2 acre tract located along Interstate 540 and the Neuse River. The developer now owns that tract, and the main purpose of this proposed map amendment is to include that tract within the Planned Development District. Incorporating this tract into the planned development subject to the Amended Master Plan will ensure that it is developed consistent with the surrounding properties and as part of the larger mixed-use planned development. Given the location of the Property at the intersection of two principal arterials, and the planned step-down in intensity from Highway 401 to the Neuse River, the characteristics of the Property support the proposed map amendment as reasonable and in the public interest.

V. Recommended items of discussion (where applicable).

- a. An error by the City Council in establishing the current zoning classification of the property.

Not applicable.

- b. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

Not applicable.

- c. The public need for additional land to be zoned to the classification requested.

Not applicable.

- d. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

Not applicable.

- e. How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.

The rezoning advances the fundamental purposes of zoning, including lessening congestion, facilitating adequate provisions of public requirements, and regulating land use in accordance with a comprehensive plan. The rezoning and Amended Master Plan will help lessen traffic congestion based on the infrastructure improvements required by Highway 401 and internal to the Property, particularly the extension of the Perry Creek Road thoroughfare. The rezoning and Amended Master Plan provides land for public use, including land for a City park and a public school. Finally, the rezoning and Amended Master Plan permits development in accordance with the Comprehensive Plan, and particularly the Future Land Use Map classifications for the Property.

VI. Other arguments on behalf of the map amendment requested.

There are no other arguments on behalf of the proposed map amendment and this time.

Map List

1	Lewis E. and Joann U. Grubbs 5521 Botany Bay Drive Raleigh, NC 27616-6363	1737-40-1128
2	Jerry E. and Pamela Ritter 5517 Botany Bay Drive Raleigh, NC 27616-6363	1737-40-0252
3	Noris M. Brown 5513 Botany Bay Drive Raleigh, NC 27616-6363	1737-30-9295
4	Lorena and Juan Leonel Aguilar 5516 Cumberland Plain Drive Raleigh, NC 27616-6371	1737-40-0082
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8	Darryl L. Shepard 5509 Cumberland Plain Drive Raleigh, NC 27616-6372	1737-30-8070
9	John Paul James and Lynn L. Keon 5501 Cumberland Plain Drive Raleigh, NC 27616-6372	1736-39-8935
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11	David and Rhiannon Thomas 5504 Cumberland Plain Drive Raleigh, NC 27616-6371	1736-39-9853
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13	James Montgomery 6708 Risdon Court Raleigh, NC 27616-6374	1736-39-8779
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Z-20-10

15	Darrell L. and Salla N. Bethea 6700 Risdon Court Raleigh, NC 27616-6374	1736-39-8682
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21	Kwang Y. and Po K. Chong 540 Maple Shape Road Middletown, CT 06457	1736-29-8298
22	Marvin Douglas Harrell 5124 Six Point Trail Raleigh, NC 27616-6231	1736-29-8201
23	Urban Resources Inc. P.O. Box 99326 Raleigh, NC 27624-9326	1736-28-9416

Z-20-10
MP-1-10

MASTER PLAN
"5401 NORTH"
PLANNED DEVELOPMENT DISTRICT & AMENDED MASTER PLAN
+/- 406.27 ACRES

DEVELOPER: Carolyn Martin
Commercial Properties Development Corporation
5630 Bankers Avenue
Baton Rouge, Louisiana 70808
Cmartin@cpdcbr.com

Project Coordination/Land Planning/Landscape Architect
Tony M. Tate Landscape Architecture, PA
5011 Southpark Drive, Suite 200
Durham, North Carolina 27713
TMT.LA@verizon.net
Landscape Architects

Project Counsel: Mack Paul & Michael Birch
K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Raleigh, North Carolina 27609
mack.paul@klgates.com and michael.birch@klgates.com

Traffic Consultants: Richard Adams & Travis Fluit
Kimley-Horn & Associates, Inc.
3001 Weston Parkway
Cary, North Carolina 27513
richard.adams@kimley-horn.com and travis.fluit@kimley-horn.com

Civil Engineering Consultant: Russell Briggs
B&F Consulting, Inc.
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1. SUMMARY INFORMATION

- A. Name of Development:** 5401 North.
- B. Names of Owners:** 5401 North, LLC
City of Raleigh
Wake Technical Community College
Wake County Board of Education
- C. Applicant:** Carolyn Martin
Commercial Properties Development Corporation
5630 Bankers Avenue
Baton Rouge, Louisiana 70808
Cmartin@cpdcbr.com
- D. Attorney:** Mack Paul
K&L Gates LLP
P.O. Box 17047
Raleigh, NC 27619-7047
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2. PROPERTY INFORMATION

- A. Property To Be Dedicated For Public Use:** See Master Plan (L-6)
- B. Project Acreage:** Approximately 406.27 acres

3. INTRODUCTION

This document and the accompanying attachments and exhibits submitted herewith (collectively, the “Amended Master Plan”) are provided pursuant to provisions of the Raleigh City Code (the “Code”) dealing with the Planned Development Overlay District (“PDD”) for the 5401 North Property, a mixed-use community (the “Development”) proposed by Commercial Properties Development Corporation (the “Developer”), the developer of the properties located at the northeast quadrant of Highway 401 North and Highway I-540 (the “Outer Loop”) in Northeast Raleigh. The Development will be a pedestrian-oriented, urban development with complementary residential, recreation, open space, office, retail and other commercial land uses (as those terms are utilized in Section 10-2071 of the Code) 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.

The Amended Master Plan for the Development addresses the development of approximately 406.27 acres located at the northeastern quadrant of the intersection of Highway 401 North and the Outer Loop, bounded on the east by the Neuse River (the "Property"). For a graphic depiction of the Property, please refer to the existing conditions exhibit submitted with this Amended Master Plan (see Plan Sheet L-2 for existing conditions). The majority of the Property is currently the site of agricultural uses and undeveloped property. A public elementary school was recently completed on the northern-most portion of the River Quarter Neighborhood tract, immediately east of the Perry Creek Road extension.

The Property is designated on the City's Growth Framework Map as a Mixed Use Community Center, which envisions an integrated, walkable, mixed-use development pattern. The City's 2030 Comprehensive Plan attempts to divert a majority of the City's anticipated future growth into these type of urbanized environments. The City's Future Land Use Map classifies the Property as Neighborhood Mixed Use, Institutional, Medium Density Residential, Low Density Residential and Rural Residential. The Neighborhood Mixed Use category encourages pedestrian-oriented retail districts, and supports mixed-use projects, including residential over retail. The highest intensity uses proposed for the 5401 North Property lie between Highway 401 and the Perry Creek Road extension. The intensity steps down to low density residential near the Neuse River as envisioned on the Future Land Use Map. The Project proposes to include public facilities such as a school, a community center, access to the regional greenway system and ball fields to serve Wake Tech's northern campus, all of which is consistent with the Future Land Use Map classification of the Property.

To further the policies of the City's 2030 Comprehensive Plan, the Development will be a pedestrian oriented, mixed-use development providing a true live, work and shop environment. The Development will establish an urban character that will help foster an integrated community, linking urban residential and retail uses with conveniently located employment opportunities. The Development will be served by an internal street network which will disperse traffic both within and around the Property. Parking for the Development may be provided by parking structures to allow for higher intensity land uses on a more compact footprint.

4. LAND USE INTENSITY

A. Vision Statement

The Development will consist of three (3) development tracts: the Town Core Neighborhood, the Crescent Neighborhood, and the River Quarter Neighborhood. These tracts will be developed in a pedestrian friendly, mixed-use fashion designed to carry out the vision for a Mixed Use Community Center as shown on the Growth Framework Map and the Neighborhood Mixed Use classification as designated on the Future Land Use Map. A “green” corridor along Highway 401 will be protected with appropriate buffering and landscaping. The entrance into the development will include appropriate signage, landscaping and building scale to transition from Highway 401 to the Town Core Neighborhood. The Town Core Neighborhood contains the most intense development with vertically mixed use, two-to-eight story buildings. Buildings may include retail and office uses on the first level and residential uses above with structured parking within the blocks to enhance the pedestrian experience. Retail and commercial uses may include a small scale grocer, pharmacy, coffee shops, restaurants and related uses such as offices for attorneys, real estate and insurance agents. Offices are envisioned to be situated next to the exit from the Outer Loop, consistent with the Growth Framework Map’s designation of this area as a Mixed Use Community Center and the Future Land Use Map’s designation of this area for Neighborhood Mixed Use. Adjacent to the offices, within the Town Core, may be an entertainment district with a movie theater, restaurants and plazas. Other amenities in this vicinity may include a hotel and higher-end condominiums.

Moderate density residential uses will be situated to the east of the Town Center, in the Crescent Neighborhood. Housing options will likely include brownstones, Charleston-style homes and townhomes. Some residences may front greens with parking in the rear to respect the urban sensibility.

To the east of the Perry Creek Road extension, adjacent to the Wake Tech campus, an area is planned for a City of Raleigh park. The development may include a community center in or nearby the park. There may be several other small parks and open space throughout the development, utilizing existing ponds and the Neuse River buffer. An open space plan will provide pedestrian connections

throughout the Development. In addition, there will be an opportunity for a connection to the City of Raleigh Greenway System. In addition to a City Park, this area of the development will transition to larger lot, single family homes. The largest lots will back up to the parcel owned by the City of Raleigh zoned Conservation Management, containing a Black Walnut Forest and the Neuse River buffer.

An elementary school is developed to the east of the Perry Creek Road extension adjacent to the Wake Tech campus, and another school may be sited further south along Perry Creek Road extension. This area of the City has been designated as a high priority for a school site by Wake County Public Schools due to the substantial residential development in the Northeast.

B. TRACT Descriptions

In order to implement this Amended Master Plan, all residential, recreational, institution/civic/services, office, and commercial land uses (as those terms are utilized in Section 10-2071 of the Code) will be permitted within the Development at densities appropriate to the location of the Development, the nature of adjoining and nearby land uses, and the City and State's investment in infrastructure. All references in this Amended Master Plan to "office" uses shall include institution/civic/services uses and recreational and commercial uses permitted in the Office and Institution-1 District by the zoning code. Further, all references to "retail" uses shall include all commercial uses (as that term is used in Section 10-2071 of the Code), excluding office and hotel uses, which shall be treated separately for purposes of this Amended Master Plan.

A proposed Land Use Plan ("Land Use Plan") has been submitted with this Amended Master Plan (see Plan Sheet L-3). The Land Use Plan is intended to provide a general idea as to the development concept proposed by the Amended Master Plan, but shall not be considered a literal depiction of the Development. After approval by City Administration, building dimensions (excluding maximum heights) and orientation of structures to be built in the Development may vary from those depicted on the Land Use Plan. Architectural design will be governed by a Unity of Development Plan submitted to the City with the exception of single family homes, townhomes and the school sites. A unified sign plan and landscaping plan will be submitted in conjunction with the Unity of Development Plan. Tract sizes,

general building locations, along with maximum permitted building heights are shown on the Land Use Plan submitted with this Amended Master Plan.

The maximum development intensity for each Tract shown on the Land Use Plan shall be governed by the Summary by Development Tract Chart on Plan Sheet L-3 as follows:

TRACT 1:

Tract 1, the Town Core Neighborhood, is located at the entry to the development at Louisburg Road and bound by Wake Tech on the north side, Perry Creek Road on the east, the proposed Beckom Drive on the south and Interstate 540 and Highway 401 toward the west. This neighborhood may provide a diverse mix of retail, office, entertainment, service, and recreation uses, and residential living of all types. Housing options include lofts, condominiums, apartment buildings, townhomes and single family detached residences of varying sizes. The pedestrian scaled relationship of the buildings to the framework of the streets will fit the mixed uses comfortably into the development and maintain a small town feeling. Civic uses and open spaces may be scattered throughout Tract 1, providing pockets of green.

The Town Core Neighborhood will contain the highest intensity of mixed use buildings, with the tallest buildings ranging from two to eight stories tall. This tract is immediately adjacent to Wake Tech and will provide students and faculty with access to the daily services and conveniences along with opportunities for housing close to campus.

Refer to the Summary by Development Tract Chart on Plan Sheet L-3 for proposed areas, intensities, and permitted uses within the tract.

TRACT 2:

Tract 2, the Crescent Neighborhood, is located southeast of the Town Core Neighborhood and is bound by Perry Creek Road on the east, Beckom Road on the north and Interstate 540 on the south. This neighborhood may also provide a diverse mix of uses, but at a lower intensity than the Town Core Neighborhood. Pockets of convenience uses are strategically placed so that the neighborhood will be conveniently walkable for the residents. Neighborhoods within Tract 2 are designed to be no more than a quarter mile from center to edge.

The Crescent Neighborhood will be predominantly residential with a mix of housing types and sizes. All of the streets will be pedestrian friendly with on street parking, street trees in tree lawns, and sidewalks varying with context of their surroundings.

Refer to the Summary by Development Tract Chart on Plan Sheet L-3 for proposed areas, intensities, and permitted uses within the tract.

TRACT 3:

Tract 3, the River Quarter Neighborhood, is located on the eastern side of the development, east of Perry Creek Road and adjacent to the Neuse River. It includes the newly constructed Riverbend Elementary School, which was the initial development of this project. This neighborhood will also be dominated by residential development, but like the Crescent Neighborhood, it will also have conveniences located within walking distance.

5401 North continues to work with Wake County Public Schools to bring a neighborhood middle school to this tract. 5401 North is also looking to team with City of Raleigh Parks to place the City's Community Park adjacent to the proposed middle school to share ball fields and parking. This location for the City Park will enable it to be close to the Neuse River and the greenway trail system.

This tract also contains the Black Walnut Forest which has already been deeded to the City of Raleigh. The 15 acre parcel was zoned Conservation management to protect the status of this unique preserve.

Refer to the Summary by Development Tract Chart on Plan Sheet L-3 for proposed areas, intensities, and permitted uses within the tract.

5. TRANSPORTATION INFORMATION

The final development intensity for this Amended Master Plan shall not result in traffic generation that exceeds the total number of net new external P.M. peak hour vehicle trips for the overall Development as reflected in the Trip Generation Table located within the Traffic Impact Analysis (TIA) prepared by Kimley-Horn & Associates, submitted with this Amended Master Plan. Changes to the overall development intensity for this Amended Master Plan shall be subject to the Amendment and Approval provisions of Section 15 below. For purposes of planning for future off-site transportation improvements, both by the Developer and by others, the TIA contemplates multiple phases of development defined by percent of total trip generation. The first phase represents the development level that would be expected for the near future, while subsequent phases represent the potential long-term development levels. The thresholds of trip generation that define these phases, however, shall not be construed to represent specific caps on development beyond which the Development cannot proceed without completion of off-site transportation improvements by others.

Please refer to the TIA submitted with this Amended Master Plan and incorporated herein.

6. CIRCULATION PLAN

Please refer to the circulation plan submitted with this Amended Master Plan (the "Preliminary Circulation Plan"). Subject to approval by city staff, the Applicant reserves the right to relocate and/or redesignate all public and private rights-of-way and access points shown on the Preliminary Circulation Plan, subject to the approval of the Raleigh Transportation Services Division of the Department of Public

Works (“RDOT”) and the Development Plan Review Group (“DPRG”). Subject to the approval of the RDOT, the Applicant also reserves the right to decrease the number of access points to the public street system shown on the Preliminary Circulation Plan. With the exception of US Highway 401 and the Perry Creek Road extension, Planning Commission approval is required to increase the number of access points to the public street system. Construction of any and all transportation improvements shown on the Preliminary Circulation Plan are expressly contingent upon the Applicant receiving all necessary approvals from any governing body having jurisdiction thereof. The number of access points to the public street system may be increased with Planning Commission approval as provided in Section 15 below with the exception of access to US Highway 401 and the Perry Creek Road extension, which shall require City Council approval.

The Preliminary Circulation Plan also provides a phasing schedule for the Development. Refer to the Preliminary Circulation Plan for the proposed phasing of improvements.

Prior to issuance of any building permit or recordation of any tract, the Developer shall offer cross access from the Development to the Alpheus Jones House located on the Anderson Property (Described in deed recorded in Wake County Registry having Book 2979, Page 37) on the eastern and southern boundaries of the Alpheus Jones House located on the Anderson Property. However, access to the Alpheus Jones House located on Anderson Property on the southern boundary of the Alpheus Jones House located on the Anderson Property shall only become available in the event that the Alpheus Jones House located on Anderson Property is no longer used for residential purposes.

7. UTILITY/STORMWATER INFORMATION

A. Utility Plan

The existing utility service for this project were obtained from the City of Raleigh Public Utilities, field surveys of the site, and plans which were prepared for Wake Technical College located to the north of the site. Both water and sewer service is available on-site or in proximity to the site.

(i) Water Service:

Existing waterlines as depicted on plans obtained from the City of Raleigh are as follow:

16" waterline along west side of US 401 (Louisburg Rd.)

12" waterline connecting to the 16" in US 401 and extending along Botany Bay Dr.

12" waterline stubbed out on Perry Creek Road immediately south of the Wake County Elementary School Campus.

Water service must initially come from the line on US 401 and require a bore and jack under the roadway to tie to the existing line. The waterline size under US 401 and into the property for approximately 550' is proposed as a 12" line. Immediately after the tees to the north and to the south, the waterline forms a robust grid, and the sizes in this grid are proposed as eight and six inches in diameter. The grid of six and eight inch lines ties to 12" waterlines that are located in Perry Creek Road and in a minor thoroughfare (Beckom Drive). If Perry Creek Road is extended across I-540 in the future, it will tie to an existing 16" line in Buffaloe Road. Likewise, Beckom Drive may eventually be extended across I-540 to tie to a line in the Spring Forest Road extension. These ties will create a system of loops which will provide more adequate service while minimizing service interruptions. On the east side of Perry Creek Road, once again a robust grid of eight and six inch lines are proposed. Flow tests conducted for the design phase will determine the actual size of the lines needed for the phased development.

(ii) Sewer Service:

A conceptual sewer plan is illustrated in the Exhibit labeled Utilities Plan (Sheet C-1). An existing 48" Sanitary Sewer interceptor line parallels the Neuse River on the eastern edge of the project. The project sewer system is proposed to tie to this interceptor either directly or indirectly. Investigations revealed that no accommodations for sewer to cross under I-540 were implemented with the construction of this new roadway facility, therefore the most probable sewer solution for the southwest portion of the development will be a gravity system which ties to the Neuse River interceptor. There are a total of seven manholes along this line which fall within the Property bounds and offer potential tie points. The proposed utility plan shows the three manholes which are proposed as access points for the sewer outfalls for the project.

B. Storm Water Management Plan

The project site consists of 406.27 acres of previously-active farmland/pasture/wooded area. Approximately 20.68 acres was recently developed for a public elementary school. The site is bordered on the west by US Highway 401 North. To the north, the first phase of Wake Tech is complete and the property is bounded to the south by I-540. Bordering the east side is the Neuse River. A deeded conservation easement exists on the eastern side of the site which borders the Neuse River.

Two riparian stream systems pass through the site before intercepting the Neuse River. The northern stream is contained by the site and also has two ponds located on it within the property boundary. These ponds are approximately 1.5 acres in size and are jurisdictional. The riparian character of the stream extends to the dam of the second upstream pond and thus this western pond on the stream does not have buffers. The eastern pond does have a 50-foot wide buffer. The southern stream contains riparian buffers along its length which both enters and exits the site from I-540. The southern stream also contains a 1.5 acre pond, which is jurisdictional, and also has a 50' buffer from the water's edge. Jurisdictional wetlands also exist at the headwaters of this stream. A fourth pond is located on the north of the site. This is a farm pond which does not fall on a jurisdictional stream.

In the development of this project, measures will be designed and implemented in accordance with the City of Raleigh's policies and procedures for storm water management in conformance with NCDENR's storm water management policies. In particular, the City of Raleigh's recently-adopted text change, TC-11-09, is applicable to the release points which flow off-site through the Wake Tech campus to the north and through I-540 to the south. These points are defined as A through E in Exhibit C-2, which describes a conceptual stormwater management plan. The balance of the site flows to a FEMA-defined floodplain (Neuse River). For this remaining portion of the site, stormwater detention up to the 15-year event will be provided if City of Raleigh staff determines that it is beneficial. However, typically the City of Raleigh forgoes quantity abatement when adjacent to a FEMA-regulated floodplain.

Best Management Practices (BMPs) will be used to meet the quality objectives for stormwater. BMP measures which may be employed include, but are not limited to, rainwater harvesting for non-potable uses, wet and dry detention ponds, bio-retention basins, grass filters, level spreaders, and sand filters. These BMPs will be selected based on drainage area, type of stormwater (i.e. rooftop drainage), and location. A conceptual stormwater management plan is illustrated in Sheet C-2.

8. OPEN SPACE INFORMATION/GREENWAY/TREE PRESERVATION

A. Open Space

A minimum of fifteen percent (15%) of the Development will be reserved as open space, which will include greenways, city parks, green spaces, tree conservation areas and plazas. These areas will be commonly or publicly owned and will meet the requirements of Code Section 10-2057. Open space totals may be shifted or reallocated between the three tracts within the Development so that in any event, the Development will conserve a minimum of 15% of open space. All open space other than city parks and common areas will be controlled by the 5401 North Homeowners Association through master declarations and restrictive covenants. The remainder of open space is in plazas, recreational areas, greenways and other public space.

B. Greenway

As reflected in the Amended Master Plan, the Development will provide connections to the greenway along the Neuse River. Also, the Development will have greenways, providing pedestrian connections throughout. Note that Plan Sheet L-5 reflects those greenways within the City greenway easements and those that are not.

C. Tree Conservation

As shown on Plan Sheet L-7, a minimum of ten percent (10%) tree conservation areas will be provided. All of the tree conservation will be in primary tree conservation areas. The standards of Code Section 10-2084.14 shall be applied to the Property as a whole rather than on a tract by tract or lot by lot

basis. All shifting of tree conservation areas among tracts will be shown on recorded subdivision plats.

Tree conservation areas shall be defined with metes and bounds legal descriptions.

9. LOCATION OF EXISTING AND PROPOSED PUBLIC WATER AND SEWER MAINS

Please refer to the sewer and water plan submitted with this Master Plan contained in Section 7 and incorporated herein.

10. BUILDINGS

See the Summary by Development Tract Chart, attached as Plan Sheet L-4.

11. HEIGHTS

See the Summary by Development Tract Plan Sheet L-4 attached for a table of building heights. The building heights shown in the table are reasonable and justified because much of this area is designated a Mixed Use Community Center on the Growth Framework Map and classified as Neighborhood Mixed Use on the Future Land Use Map. Building heights shall be measured in accordance with City Code section 10-2076. In addition, to achieve true urban densities, while providing adequate open space and a pedestrian-friendly environment, maximizing verticality is essential. Moreover, the proposed verticality will be compatible with existing development and provide an effective sound barrier for workers in the proposed office buildings, as well as residents in and around the Development by reducing the impact of traffic noise emanating from I-540 and Highway 401. Specifically, maximum building heights have been located such that there is a clear transition from the taller buildings at the urban core and next to I-540 to the shorter buildings on the eastern edge of urban core.

12. LANDSCAPING

Parking structures, if not screened from view of adjacent rights of way by buildings, shall be screened by evergreen and deciduous plant materials. Trees shall be planted at the rate of one (1) deciduous canopy tree, three (3) evergreen trees, and two (2) ornamental flowering understory trees and twenty (20) large evergreen shrubs for every 100 linear feet of structure perimeter visible from the adjacent right of way. The plantings shall be located in a planting strip ten (10) minimum feet in width

and within fifteen (15) feet of the structure wall. Plant sizes at installation shall be: canopy trees- 2 ½” minimum caliper, evergreen trees- 10’ minimum height, ornamental flowering understory trees- 8’ minimum height, large evergreen shrubs- 36” minimum height.

The area adjacent and parallel to Highway 401 right of way and the Alpheus Jones House located on the Anderson Property shall be landscaped and preserved in a manner to maintain the existing rural character of the area. The Developer will preserve one-half of those trees within 200 feet of the Alpheus Jones House located on the Anderson Property with a caliper greater than 24” utilizing active tree preservation practices as defined in Code Section 10-2002. The landscaped area shall be planted with five (5) canopy trees, three (3) large evergreen trees, three (3) ornamental flowering understory trees and twenty (20) small shrubs for every 100 linear feet of right of way or Alpheus Jones House located on Anderson Property frontage. Existing vegetation may be used for credit for canopy and large evergreen tree requirements. Plant sizes at installation shall be: canopy trees- 3 ½” minimum caliper, large evergreen trees- 10” minimum height, ornamental flowering understory trees- 8’ minimum height and small shrubs- 18” minimum height. The planting area may contain undulating earthen berms 1-3’ in height in areas devoid of existing vegetation. In the event that the Alpheus Jones House located on the Anderson Property is no longer used for residential purposes, the landscaping requirement contained in this Section as it applies to the perimeter of the Alpheus Jones House located on the Anderson Property shall terminate and the applicable City Code requirements shall apply.

The area adjacent to the Highway 401 right of way is designated and regulated as tree conservation area per 10-2082.14 of the City Code. All plantings within this area are subject to the regulations of City Code Section 10-2082.14(f) for all other areas for proposed plantings within Primary Tree Conservation Areas.

13. URBAN DESIGN GUIDELINES/INCENTIVES

Please refer to the Urban Design Compliance Chart submitted with this Amended Master Plan addressing the City’s Urban Design Guidelines.

14. ALTERNATE DESIGNS PROPOSED

The elements of this Amended Master Plan proposed as alternative means of compliance with respect to the provisions of Code Section 10-2057, are as follows:

A. Street Section Designs

Due to the pedestrian oriented, urban mixed use character of the Development, the applicant is seeking to utilize street sections as shown on the Street Section Plans submitted with this Amended Master Plan. These street sections will require the placement of plantings within the public rights of way subject to entering in to appropriate encroachment agreements with the City. These sections show a proposed alternate section in order to support the urban character of the neighborhood core. These sections will show an alternate for private streets that do not include parking on both sides of the street. A minimum 20' clear aisle width for emergency vehicle access shall be provided continuously along two-way private streets. All streets within the Development, except the Perry Creek Road extension and Beckom Drive southwest of the Perry Creek Road extension, shall provide a horizontal and vertical alignment consistent with a 25 mph design speed.

B. Off-Street Parking Requirements

Off-street parking shall be as provided for in the Amended Master Plan. Reduced parking is justified under this Amended Master Plan per Code Section 10-2057(f)(4)(h), including access to transit, pedestrian connections and the urban mixed-use nature of the Development. The design of the Development will foster pedestrian circulation that will reduce the need for parking when combined with the mixed-use aspects of the Development. A reduction of between twenty percent (20%) and thirty-five percent (35%) to the parking required by City Code for the targeted intensities is justified. The exact parking reduction amount will be determined by the mix of uses and intensity, and based on the Shared Parking Factor as provided in the model SmartCode, version 9.2.

C. Exceptions to Group Housing Standards

Exceptions to the Group Housing Standards of the Code shall be approved upon completion of a Site Plan in accordance with § 10-2103(h) of the Code, provided that separate site plan approval by the

Planning Commission shall be required for sites containing group housing for which alternate design standards are sought. Exceptions are justified based on the unique character of the development and the alternate design will provide equivalent privacy, environmental, recreational and safety benefits and comparable utility and accessibility as well as meet the requirements of code section 10-2132.2(d). Excessive building separations and vehicular access points will reduce the pedestrian oriented nature of the Development. Further, due to the nature of the Development and the desire to create a unique mixed-use community, the Developer seeks an exception to the requirement for one access point to the public street system for every 150 dwelling units or increment thereof and seeks an exception to the requirement for parking on both sides of public and private streets and drives within 200' of any dwelling unit. New tree plantings shall be designed to enhance the neotraditional design theme. This will provide for additional design flexibility to achieve the overall purpose of this Amended Master Plan.

D. Signage

The Signage Criteria with this Amended Master Plan will be established for this Development in accordance with City Code section 10.2083.1(b)(6) based on the unique character of the development, including mixture of uses and urban, pedestrian-oriented design. The Master Sign Plan shall be submitted to and approved by the Raleigh City Council prior to the issuance of any sign permits for 5401 North PDD. This document shall include provisions for all signage in residential and non-residential tracts. Tract ID signs are only allowed in residential tracts. Further, signs shall be permitted within the Development pursuant to this Amended Master Plan, provided that all other applicable City Code provisions are met. Approval from the 5401 North Architectural Review Board shall be required for all signage within the Development. The following exceptions shall be further supplemented by Master Sign Plan and section 10.2083.1(b)(6);

General Requirements

- a) The following entity shall be entrusted to review and approve sign permit applications and is to track the allocated square footage of sign area and report when directed by the City of Raleigh Staff Administration at the time of each application:

5401 North Architectural Review Board (5401 N ARB)

c/o Carolyn Martin

Commercial Properties

5630 Banker Ave.

Baton Rouge, LA

- b) 5401 North ARB shall submit a written Unified Sign Criteria for staff approval from the City of Raleigh as required for Multi-establishment developments (b) through (d) before receiving sign permits for 5401 North.
 - i) Tenants/Owner signs may include differing scripts and heights subject to approval by 5401 North ARB.
- c) Sign area calculations
 - i) The amount of ground sign square footage for each Use within the entire 5401 North development shall be based upon 75 square feet for each 200 linear feet of non-residential or mixed use area adjoining public roadway frontage in the project adjoining nonresidential or mixed use area, defined below, and as described in Raleigh code section 10.2083.1(b) *Planned Development Conditional Use Overlay District* subsections (c) and (i)(3).
 - (1) This amount of public right-of-way is 6,944 linear feet, the amount of signage we are allowed for the tract is 2,622 square feet.
- d) Exterior sign colors
 - i) With exception of Federal and Stage registered trademarks colors which shall be approved by the 5401 North ARB, all signs shall be limited to the following colors:
 - (1) Pantone Black 6
 - (2) Pantone White
 - (3) Tan, Pantone 466
 - (4) Green, Pantone 3425
 - ii) Federally registered logos shall not exceed 42"x42".

iii) The 5401 North logo will be registered Federally.

Tenant/Owner signs

- a) All tenants and Owners shall obtain Detailed Sign Criteria guidelines from 5401 North ARB before submitting for approval.
- b) All tenants and Owners shall obtain approval from the 5401 North ARB before applying with the City of Raleigh for sign permits. City of Raleigh permits are required for all exterior signs that are visible from public right-of-way. All signs that encroach into a public right-of-way are required to get an encroachment permit from the City of Raleigh. Tenants are required to submit a permit copy to 5401 North prior to sign installation.
- c) Specific Sign Regulations
 - i) Awning, marquee and canopy signs
 - a. Signs suspended from the underside of an awning, marquee or canopy shall not exceed an overall height of twenty-four (24) inches.
 - ii) Directory Signs
 - a. Maximum area of copy shall not exceed three (3) inches by thirty (30) inches for each identified activity, business, firm or tenant of the premise.
 - b. A ground directory sign visible from the public right-of-way may be located on the premise in addition to other tract identification ground signage.
 - iii) Product & Information Signs
 - a. Product and information signs shall not have any setbacks from the public right-of-way.
 - iv) Projecting Signs
 - a. Projecting signs shall be allowed in pedestrian mall areas.
 - b. Projecting signs may be located no higher than the fourth (4) floor or forty-eight (48) feet whichever is less.
 - v) Tract Identification Signs

- a. Residential Tract Signs
 - i. The area of copy for any tract identification sign shall not exceed thirty-two (32) square feet and five (5) feet in height.
- b. Non-Residential Tract Signs
 - i. The area of copy for any tract identification sign shall not exceed thirty-two (32) square feet and seven (7) feet in height.

vi) Wall Signs

- a. The wall sign may be attached flat to or mounted away from the building wall, but shall not project more than twelve (12) inches from the wall of a building or structure, measured at the bottom of the sign.

E. Building Setbacks

In accordance with code section 10-2057(f)(4)(g) and as shown in this Amended Master Plan, the Developer shall be authorized to use alternative building setbacks. These alternatives are justified based on their enhancement of useable open space, conformity with the 2030 Comprehensive Plan, including Urban Design Guidelines, and compatible environment for the planned development. Alternatives shall include the ability to build structures adjacent to public rights-of-way, rather than complying with the typical setback requirements of the City Code. There shall be no minimum front yard setback required for buildings located on a private street. Further, front rear corner side and aggregate setbacks may be zero (0) feet unless building code requirements are more stringent. Buildings shall not encroach within sight triangles.

F. Thoroughfare Zoning District as Default

To the extent this Amended Master Plan does not specifically address a design standard or other regulated matter, then the standards and requirements for the City's Thoroughfare Zoning District shall control.

G. Vehicular Parking

Given the urban mixed-use, pedestrian friendly concepts of the Development, the parking requirements applicable to this Master Plan shall be reduced at least 20% and up to 35% of required parking as set forth in Section 10-2081 of the Code, depending on the location and mix of uses. This reduction is justified in part because there will be public transportation available within the Development. Additionally, horizontal and vertical mixing of uses reduces the demand for parking in such developments. The exact parking reduction amount will be determined by the mix of uses and intensity, and based on the Shared Parking Factor as provided in the model SmartCode, version 9.2.

H. Transitional Protective Yards

Because of the Development's compliance with the City's Urban Design Guidelines and the pedestrian-orientated nature of the Development, a reduction is sought for the Transitional Protective Yards for the Development. Rather than providing Transitional Protective Yards on the interior of the Development, including adjacent to the parcel currently owned by and developed for Wake Technical Community College, the Developer shall provide enhanced landscaping by installing street trees upsized from 3 inch caliper to 4 inch caliper adjacent to those areas where a Transitional Protective Yard would have been required.

I. Street Protective Yards

Because of the Development's compliance with the City's Urban Design Guidelines and the pedestrian-orientation of the Development, a reduction is sought for the Street Protective Yards for the Development. As an alternative means of compliance, the Developer shall provide a planting area of variable width and install street trees of 4 inch caliper spaced 40 feet on center located within the public rights-of-way as shown on the Street Sections contained on Sheets C-3 and C-4 of the plans submitted with this Amended Master Plan, provided that all necessary encroachment agreements are secured. Street trees shall be planted within the public rights-of-way in accordance with City of Raleigh Urban Design Guidelines. Street trees shall be canopy over story trees.

15. MODIFICATIONS

A. By Property Owners Only

Only the parties owning the 5401 North Property shall have the right to request modification of this Amended Master Plan and the exhibits hereto, but only to the extent any such modification applies to individual properties owned by such parties. Any property owners' association owning and/or maintaining common open space and/or landscape amenities must join in all amendments to this Amended Master Plan.

B. Administrative Modifications

1. City Administration may approve changes in the dimensions (but not increases in height) and orientation of structures to be built in the Development.

2. City Administration may approve reallocation of residential density and non-residential floor area between the three tracts, provided that the total reallocation of density or floor area to a particular tract does not exceed 120% of the original density or floor area approved for that tract.

3. City Administration may approve changes to public and private street locations, typical street sections; stormwater facilities, landscaping, decreases in the number of driveways, driveway access locations, utilities and changes in street or sidewalk construction standards that do not affect the traffic-carrying capacity of the respective streets or sidewalks.

4. Subject to the provisions of Section 4 of this Amended Master Plan and other applicable City Code provisions, City Administration may approve increases in the intensity of any uses proposed within the Development provided that the overall maximum development densities: (a) do not conflict with the Development's Maximum Height and Use Chart; and (b) do not result in any increase in the total net new external P.M. peak hour vehicle trips set forth in the Traffic Impact Analysis submitted with this Amended Master Plan as prepared by Kimley-Horn & Associates.

C. Planning Commission Modifications

The Planning Commission shall resolve any question of interpretation of this Amended Master Plan and its exhibits that may arise in the administrative approval of any site plan upon the Development,

and that is not resolved between City Administration and the owner. Either the Planning Director or the applicant may appeal the judgment of the Planning Commission to the City Council.

The Planning Commission may approve changes in this Amended Master Plan or its Exhibits if such changes do not result in an overall maximum development density increase of more than ten percent (10%) of residential dwelling units, or floor area gross for non-residential uses for the Development. Any modifications shall be subject to the applicable requirements of code section 10-2132.2.

D. City Council Changes

The City Council, after a recommendation of the Planning Commission, shall approve any changes in this Amended Master Plan or its Exhibits if such changes result in an increase of maximum development density of more than ten percent (10%) of residential dwelling units, or floor area gross for non-residential uses for the Development. Any modifications shall be subject to the applicable requirements of code section 10-2132.2.