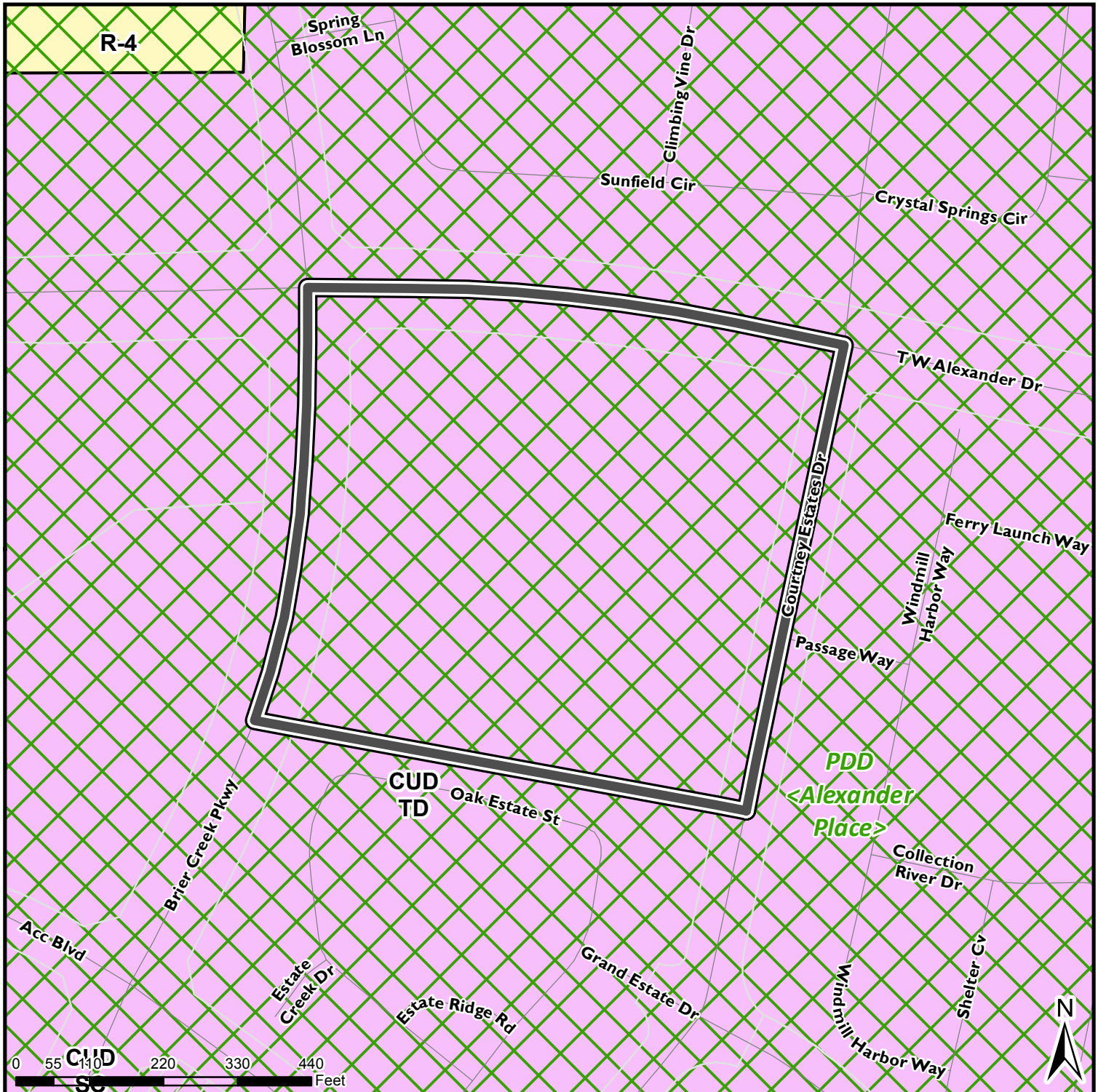


Existing Zoning Map

Z-22-2015



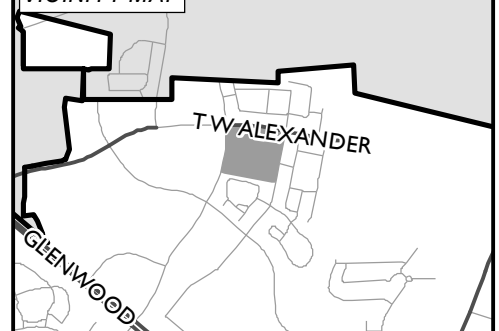
**Submittal
Date**

6/11/2015

Request:

**9.48 acres from
CUD TD w/PDD
to OX-5-CU**

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11667

Case Information: Z-22-15 - 7751 Brier Creek Parkway

<i>Location</i>	Brier Creek Parkway, SE quadrant of its intersection with TW Alexander Drive Address: 7751 Brier Creek Parkway PIN: 0768-69-1387
<i>Request</i>	Rezone property from Thoroughfare District Conditional Use District with Planned Development District (TD CUD w/PDD) to Office Mixed Use-5 stories-Conditional Use (OX-5-CU)
<i>Area of Request</i>	9.48 acres
<i>Property Owner</i>	SLF Ruby Jones, LLC/ c/o Ryan, LLC/ PO Box 56607/ Atlanta, GA 30343
<i>Applicant</i>	Chad W. Essick, Poyner Spruill LLP: 919-783-2896; cessick@poynerspruill.com
<i>Citizens Advisory Council (CAC)</i>	Northwest-- Jay Gudeman, Chair: (919) 789-9884; jay@kilpatrickguteman.com
<i>PC Recommendation Deadline</i>	December 21, 2015

Comprehensive Plan Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Office & Residential Mixed Use
<i>URBAN FORM</i>	Center: City Growth Corridor: <i>(None designated)</i>
<i>CONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 6.1 – Composition of Mixed Use Centers Policy LU 6.4 – Bus Stop Dedication Policy LU 8.11 – Development of Vacant Sites Policy EP 2.5 – Protection of Water Features Policy EP 3.12 – Mitigating Stormwater Impacts
<i>INCONSISTENT Policy</i>	Policy UD 1.10 – Frontage

Summary of Proposed Conditions

1. Telecommunication tower > 250' prohibited.
2. Uses limited to equivalent of traffic generated by 168,500 square feet of office uses.
3. Building build-to's and entrance orientation to street on Brier Creek Parkway specified.
4. Building build-to's and entrance orientation to street on TW Alexander Drive specified.
5. Additional buildings allowed elsewhere on site.
6. Covenant for allocation of peak hour trip generation required.
7. Parking prohibited between buildings fronting Brier Creek Parkway and TW Alexander Drive and the respective street rights-of-way.

Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
5/6/15	7/14/15; 8/11/15: Y- 7, N- 0	9/22/15	10/7/15; 11/17/15	10/20/15 (held open); 11/3/15 (closed)

☐ **Valid Statutory Protest Petition**

Attachments

1. Staff report
2. Traffic Study Worksheet

Planning Commission Recommendation

<i>Recommendation</i>	Approve. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings & Reasons</i>	<ul style="list-style-type: none"> • The proposal is consistent with the Future Land Use Map. • The proposed conditional frontage allows for a deeper build-to (160') than what is recommended by the Comprehensive Plan. However, the degree of inconsistency relating to the proposed conditional frontage is not such that the case is inconsistent with the Comprehensive Plan. • The proposed rezoning provides for a higher and more efficient use of the site.
<i>Motion and Vote</i>	Motion: Braun Second: Whitsett In Favor: Braun, Buxton, Fluhrer, Lyle, Schuster, Swink, & Whitsett Opposed: Alcine, Hicks, & Terando

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.

 Planning Director

 Planning Commission Chairperson

 Date

 Date

Staff Coordinator: Doug Hill: (919) 996-2622; Doug.Hill@raleighnc.gov



Zoning Staff Report – Case Z-22-15

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone the site to allow office and potential residential uses, neither of which is permitted under the current zoning, in addition to increasing potential retail development. The site, which comprises approximately 9.48 acres, is situated at the southeast corner of the intersection of Brier Creek Parkway and T.W. Alexander Drive. The property is listed as Tract 14 of the Alexander Place Planned Development District (PDD). The Planning Commission approved a request to begin proceedings for the termination of the PDD zoning of the site on April 28, 2015.

The Master Plan designates Tract 14 for 84,800 square feet of “Village Retail” uses. Maximum height is set at 60 feet. To the south and east, Tracts 63 and 62 are built out as Oakwood, a grouping of twelve 3-story apartment buildings containing 300 units, and the Crossings at Alexander Place, an 11-building, 3-story apartment complex, also with 300 units. To the north, across T.W. Alexander Drive, Master Plan Tract 7 is being built out as the Clairmont at Brier Creek, with twenty 3-story apartment buildings containing an additional 432 units.

The other two corners of the TW Alexander/ Brier Creek intersection are, like the subject site, currently undeveloped. The property to the northwest, Tract 13, is designated for up to 101,000 square feet of office development, of up to 300 feet in height. At the intersection’s southeast corner, directly opposite the site, is Tract 8, earmarked for 73,000 square feet of offices up to 300 feet tall. However, it and the property just west of it, Tract 112, are currently the subject of a separate rezoning request, Z-19-15; that proposal is for offices or a mix of office and residential development, of up to 7 stories in height. The lot to the southwest across Brier Creek Parkway, Tract 9, has been built out with 64,000 square feet of office condominiums, in two buildings 3 and 4 stories in height (the latter built into the grade). The 415,000 square-foot Alexander Promenade shopping center lies 700 feet south, past the intervening apartment complexes.

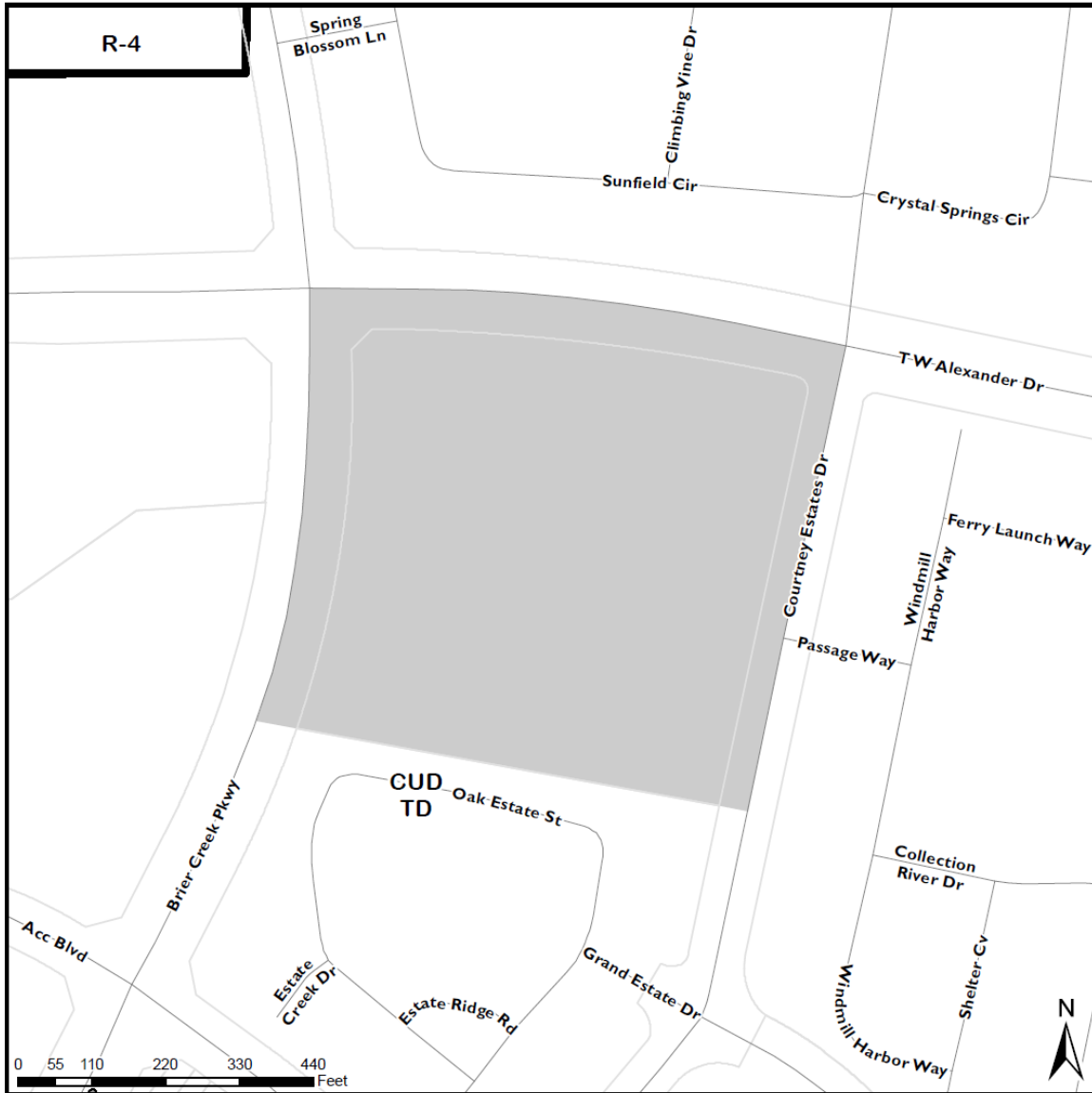
The site is currently heavily wooded. Topography slopes downward east to west, with a swale cutting across the tract from southeast to northwest, reaching Brier Creek Parkway just south of the street intersection. Site grade near Brier Creek Parkway is 4 to 10 feet below the street, with the greatest difference located at the intersection. On the east, the site rises upward 8 to 14 from Courtney Estates Drive. Frontage grade along TW Alexander Drive varies, though, is often close to street level (the same holds true along the south lot line as well, but no street exists there). Existing differences in frontage grades, though, stem from the design of the adjacent roadways; i.e., the cut or fill required for level construction at the time the streets were built.

Outstanding Issues

<i>Outstanding Issues</i>	<ol style="list-style-type: none">1. Absence of Frontage (hybrid or urban recommended).2. Sewer and fire flow matters may need to be addressed upon development.	<i>Suggested Mitigation</i>	<ol style="list-style-type: none">1. Amend to include Frontage, or achieve equivalency by amending conditions.2. Address sewer and fire flow capacities at the site plan stage.
---------------------------	---	-----------------------------	--

Existing Zoning Map

Z-22-2015



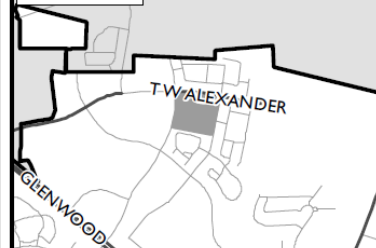
**Submittal
Date**

6/11/2015

Request:

**9.48 acres from
CUD TD w/PDD
to OX-5-CU**

VICINITY MAP



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Thoroughfare District	Thoroughfare District	Thoroughfare District	Thoroughfare District	Thoroughfare District
<i>Additional Overlay</i>	Planned Development	Planned Development	Planned Development	Planned Development	Planned Development
<i>Future Land Use</i>	Office & Residential Mixed Use	Office & Residential Mixed Use	Medium Density Residential	Medium Density Residential	Office & Residential Mixed Use
<i>Current Land Use</i>	Vacant (wooded)	Multi-unit living	Multi-unit living	Multi-unit living	Vacant (wooded)
<i>Urban Form (if applicable)</i>	City Growth Center	City Growth Center	City Growth Center	City Growth Center	City Growth Center

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning (per PDD Master Plan)	Proposed Zoning
<i>Residential Density:</i>	-0-	95.36 DUs/ acre (max. 904 DUs, total)
<i>Setbacks (min.):</i>	<i>If Retail:</i>	<i>TW Alexander: Brier Creek:</i>
<i>Front:</i>	15'	0' 0'
<i>Side:</i>	5'	<i>If Mixed Use Building Type:</i>
<i>Rear:</i>	5'	0' or 6' 0' or 6'
<i>Retail Intensity Permitted:</i>	84,800 square feet	159,000 square feet
<i>Office Intensity Permitted:</i>	-0-	950,000 square feet

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	9.48	9.48
<i>Zoning</i>	TD CUD w/ PDD	OX-5-CU
<i>Max. Gross Building SF</i>	84,800	1,105,000
<i>Max. # of Residential Units</i>	-0-	904
<i>Max. Gross Office SF</i>	-0-	950,000
<i>Max. Gross Retail SF</i>	84,800	159,000
<i>Max. Gross Industrial SF</i>	-0-	-0-
<i>Potential F.A.R</i>	0.21	2.68

**The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.*

The proposed rezoning is:

☒ **Compatible** with the property and surrounding area.

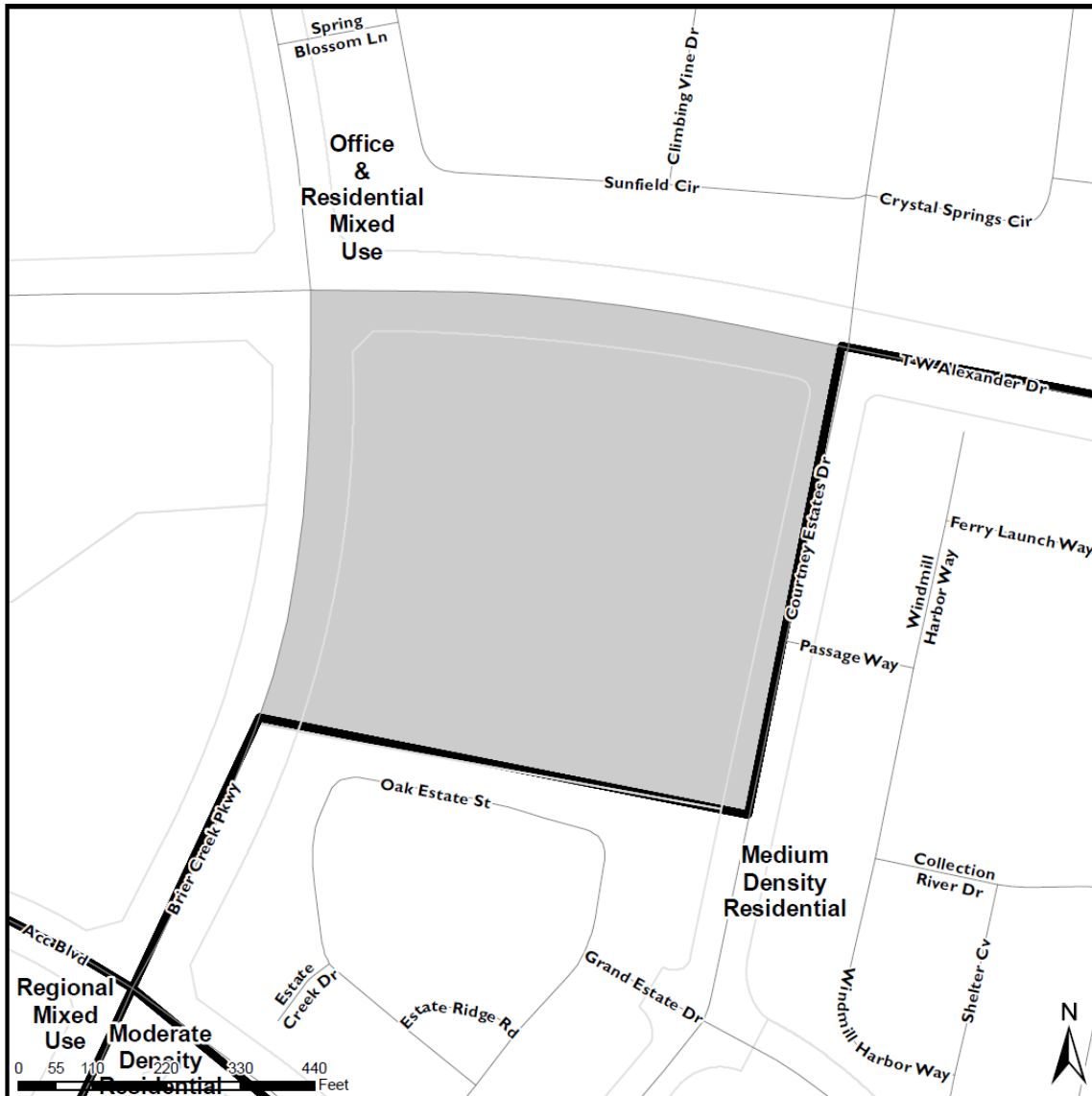
☐ **Incompatible.**

Analysis of Incompatibility:

(N/ A)

Future Land Map

Z-22-2015



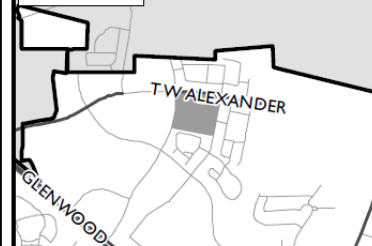
**Submittal
Date**

6/11/2015

Request:

**9.48 acres from
CUD TD w/PDD
to OX-5-CU**

VICINITY MAP



Urban Form Map

Z-22-2015

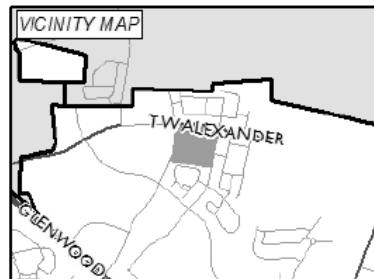


**Submittal
Date**

6/11/2015

Request:

**9.48 acres from
CUD TD w/PDD
to OX-5-CU**



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal is largely consistent with the vision, themes, and policies of the Comprehensive Plan; permitted development would be mostly commensurate with existing build-out and anticipated future build-out/ land uses nearby.

The Future Land Use map places the site within an Office and Residential Mixed Use area, in which the Comprehensive Plan “encourages a mix of residential and office,” adding that “OX is the closest corresponding zoning district.” OX is the zoning requested by the rezoning proposal.

The Urban Form Map of the Comprehensive Plan shows the subject property to be within a City Growth Center. The Comprehensive Plan describes such areas as being “where significant infill development and redevelopment are anticipated in the future.” The subject Growth Center encompasses some 3,000 acres, with the tallest buildings, defining the “Core” of the mixed-use area, located south of Glenwood Avenue. No low- to moderate-density residential areas, which would define the “Edge” of the greater mixed-use area, are located within 150 feet of the subject site. The site can thereby be considered within the “General” range for determining appropriate building height. In Office and Residential Mixed Use areas, a height of 4 stories is the recommended maximum for “General” areas; however, the Plan also provides that “In employment areas, taller buildings may also be contemplated on large sites with adequate buffers from lowscale areas, such as Highwoods.” The rezoning proposal is consistent with that guidance.

Within City Growth Centers, though, Urban Form guidance provides that “an urban and/ or hybrid approach to frontage is recommended.” The request does not include a proposed Frontage. The Comprehensive Plan does acknowledge that “built conditions and site constraints may require alternative approaches.” Case conditions do provide a measure of frontage equivalency: building entrances on TW Alexander Drive are to be oriented to the street; along Brier Creek Parkway, parking is conditioned to a maximum of 2 bays/ one drive aisle, the same as Parking Limited (PL) frontage, and proposed build-to is commensurate with the side-street standards for PL. Less restrictive, however, is the requested build-to and potential depth of parking areas along TW Alexander Drive: potentially half again greater than the PL maximum (160’ vs. 100’ in PL), and with a percentage of less than PL (35% of the building proposed within build-to, vs. PL’s 50%). Conditions also allow an unspecified amount of parking between buildings and TW Alexander Drive. By contrast, existing apartment buildings sharing frontage along TW Alexander Drive are within 20’ to 50’ of the street; those on Brier Creek Parkway are set back only 30’ to 40’. None have parking in front of the respective buildings; similar build-out is exhibited in the office park to the southwest, at the intersection of Brier Creek Parkway and ACC Boulevard. Policy UD 1.10 – Frontage emphasizes providing like frontage along a given street.

The proposal is consistent with Comprehensive Plan Vision Themes “Expanding Housing Choices,” “Managing Our Growth,” and “Coordinating Land Use and Transportation.”

Existing community facilities and streets appear sufficient to accommodate the redevelopment possible under the proposed rezoning.

2.2 Future Land Use

Future Land Use designation: Office & Residential Mixed Use

The rezoning request is:

☒ **Consistent** with the Future Land Use Map

☐ **Inconsistent**

Analysis of Inconsistency:

(N/A)

2.3 Urban Form

Urban Form designation: City Growth Center

☐ **Not applicable** (no Urban Form designation)

The rezoning request is:

☐ **Consistent** with the Urban Form Map.

☒ **Inconsistent**

Analysis of Inconsistency:

While the Comprehensive Plan supports the intensification of development possible under the proposal, it also provides that within a City Growth Center "an urban and/ or hybrid approach to frontage is recommended to encourage walkability." The request does not include a proposed Frontage.

2.4 Policy Guidance

The rezoning request is **inconsistent** with the following policy:

Policy UD 1.10 -- Frontage

Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form.

The site is identified as being within a City Growth Center, in which an urban or 'hybrid' frontage is recommended. The proposal does not provide a designated Frontage. Consistency might be achieved by more closely approximating Parking Limited standards: max. 100' build-to along TW Alexander (vs. 160' proposed); min. 50% of building within that build-to (rather than 35% proposed); max. of two bays of parking and a single drive aisle between building and the TW Alexander right-of-way; street-facing primary entrances required of all site buildings (not just on TW Alexander), with direct pedestrian connections provided to the respective public sidewalks.

2.5 Area Plan Policy Guidance

The rezoning request is not within a portion of the City subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Permits uses of greater consistency with the site's Future Land Use designation (Office & Residential Mixed Use), as opposed to current use limitations (retail).
- More than 400,000 square feet of existing retail uses lie in close proximity to the site, and nearby residences.

3.2 Detriments of the Proposed Rezoning

- Conditioned build-to on TW Alexander Drive could reduce buildings' relationship to streets.

4. Impact Analysis

4.1 Transportation

The site is located in the southwest quadrant of Brier Creek Parkway and T.W. Alexander Drive. Brier Creek Parkway is classified as Avenue, 6-lane, divided on the UDO Street Plan Map. The existing cross section has two lanes northbound and two lanes southbound, divided by a median. T.W. Alexander Drive is classified as Avenue, 4-lane, divided and has a similar cross section as Brier Creek Parkway. Courtney Estates Drive is a local, 2-lane street. The existing medians will restrict access from Brier Creek Parkway and T.W. Alexander drive to Right-In/Right-Out only. Full movement access will be allowed onto Courtney Estates Drive at a point opposite the private street known as Passage Way.

There are no street or sidewalk improvement projects slated for this area in the City's 2015 Capital Improvement Program. In accordance with UDO section 8.3.2, the maximum block perimeter for OX-5 zoning is 2,500 feet. The measured block perimeter for case Z-22-2015 is 3650 feet. A new public street may be required. The applicant has provided amended conditions that limit the expected volume of trips. The expected change in AM peak hour trips is 150 veh/hr. The expected change in PM peak hour trips and daily trips is less than zero. A traffic impact analysis report is not required for Z-22-2015.

Impact Identified: None. A Traffic Impact study is not required for Z-22-2015.

4.2 Transit

GoRaleigh Route 70x operates on Brier Creek Parkway south of ACC Blvd, approximately 0.10 miles from this parcel. However, it does not extend past ACC Blvd and neither the City of Raleigh Short Range Transit Plan nor the Wake County 2040 Transit Study suggests serving it.

Impact Identified: None. Increasing development will place additional demands on the transit system; however, it is not expected to exceed the current capacity.

4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Little Briar Creek
<i>Stormwater Management</i>	UDO Article 9.2
<i>Overlay District</i>	None

Impact Identified: No impacts identified.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	118,500 gpd	565,000 gpd
<i>Waste Water</i>	118,500 gpd	565,000 gpd

The proposed rezoning would add approximately 446,500 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the properties.

Impact Identified: The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

Verification of available capacity for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

No existing or proposed greenway trail, connector or corridor is within the project site. The nearest greenway is Hare Snipe Trail, 6.7 miles away. Recreation services are provided by Strickland Park, 4.6 miles away, and Brier Creek Park, 2.3 miles.

Impact Identified: None.

4.6 Urban Forestry

All planned unit developments approved prior to January 4, 2005 which contain tree conservation requirements that total at least ten (10) per cent of the entire planned unit development are exempted from this ordinance until May 1, 2009. The exemption period has passed for MP-1-2000 & S-44-2003. Site is greater than 2 acres and will have to comply with UDO Article 9.1 Tree Conservation.

Impact Identified: None.

4.7 Designated Historic Resources

The site is not located within or adjacent to a National Register Historic District and/or Raleigh Historic Overlay District. It does not include or is adjacent to any individually-listed National Register properties and/or Raleigh Historic Landmarks.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Impacts Summary

- Sewer and fire flow matters may need to be addressed upon redevelopment.

4.10 Mitigation of Impacts

- Address sewer and fire flow capacities at the site plan stage.

5. Conclusions

The proposed rezoning would permit greater flexibility in site development. Potential build-out would be of a scale and intensity consistent with the Comprehensive Plan and the surrounding area. However, lack of a designated Frontage is inconsistent with Urban Form guidance as well setbacks in the adjacent blocks, and leads to a final conclusion that that proposal is inconsistent with the Comprehensive Plan. While several conditioned provisions emulate aspects of hybrid Frontage design, further amendment is recommended to provide greater consistency.




Planning & Development

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan	Transaction Number
Existing Zoning Classification TD CUD with PDD (Z-58-00/MP-1-00) Proposed Zoning Classification Base District: OX Height: 5 Frontage: N/A	427263
If the property has been previously rezoned, provide the rezoning case number. Z-58-00	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 42763	2-22-15

GENERAL INFORMATION		
Property Address: 7751 Brier Creek Parkway (the "Property")		Date: June 2, 2015
Property PIN: 0768-69-1387	Deed Reference (Book/Page) : Book 13123, Page 0898; Lot 14 in Book of Maps 2011, Page 714	
Nearest Intersection: Brier Creek Parkway and T.W. Alexander Drive		Property size (in acres): 9.48 ac
Property Owner/Address : SLF Ruby Jones, LLC c/o Ryan, LLC PO Box 56607 Atlanta, GA 30343	Phone: 404.924.8400	Fax
	Email: dmoore@stratfordland.com	
Project Contact Person/Address: Chad W. Essick, Poyner Spruill LLP 301 Fayetteville Street, Suite 1900 Raleigh, NC 27601	Phone : 919.783.2896	Fax : 919.783.1075
	Email: cessick@poynerspruill.com	
Owner/Agent Signature: SLF Ruby Jones, LLC, a North Carolina limited liability company By: STRATFORD LAND ADVISORS, LP, a Texas Limited Partnership its Manager By: STRATFORD ADVISORS, LLC, a Texas Limited Liability Company/ its General Partner By:  Phillip F. Wiggins, Manager	Email	



Planning & Development


**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-22-15		Transaction Number
Date Submitted: November 3, 2015		
Existing Zoning TD CUD with PDD (Z-58-00/MP-1-00)	Proposed Zoning: OX-5-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED

1.	The following principal uses shall be prohibited on the Property: Telecommunication Tower (>250 feet).
2.	For the purpose of obtaining building permits, the total Daily, total AM peak and total PM peak hour trips generated by the development shall be no more than the trip volume equivalent to 168,500 square feet of General Office use as determined by the ITE <i>Trip Generation Manual</i> (latest edition). The developer shall provide a trip generation letter, signed and sealed by a North Carolina professional engineer, as a condition of obtaining building permits.
3.	The initial building or buildings constructed on the Property shall meet the following "build-to" requirements, as that term is defined in Section 1.5.6.A of the Unified Development Ordinance ("UDO"), along Brier Creek Parkway: (a) If a detached house, attached house, general, mixed use or civic building type, the minimum build-to along Brier Creek Parkway shall be 10 feet and the maximum build-to along Brier Creek Parkway shall be 50 feet; and (b) the minimum building width in the build-to area along Brier Creek Parkway shall be 35%. Any building or buildings constructed within the build-to area along Brier Creek Parkway shall have a primary entrance that faces Brier Creek Parkway and shall provide for direct pedestrian access from the public sidewalk along Brier Creek Parkway to the primary street facing entrance of the building or buildings.
4.	Once the build-to requirements contained in Condition #3 have been satisfied, the developer may choose to construct additional buildings on the Property so long as the additional building or buildings meet the following "build-to" requirements, as that term is defined in Section 1.5.6.A of the UDO, along T.W. Alexander Drive: (a) If a detached house, attached house, general, mixed use or civic building type, the minimum build-to along T.W. Alexander Drive shall be 10 feet and the maximum build-to along T.W. Alexander Drive shall be 50 feet; and (b) the minimum building width in the build-to area along T.W. Alexander Drive shall be 25%. Any building or buildings constructed within the build-to area along T.W. Alexander Drive shall have a street facing entrance and shall provide for direct pedestrian access from the public sidewalk along T.W. Alexander Drive to the street facing entrance of the building or buildings.
5.	Once the build-to requirements set forth in Conditions #3 and #4 have been satisfied, buildings may be constructed anywhere on the Property that complies with the UDO. Nothing contained in these zoning conditions shall be construed to prohibit the simultaneous development of multiple buildings on the Property.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature 	Print Name: SLF Ruby Jones, LLC, a North Carolina limited liability company By: STRATFORD LAND ADVISORS, LP, a Texas Limited Partnership its Manager By: STRATFORD ADVISORS, LLC, a Texas Limited Liability Company/ its General Partner By: Mark Westerburg, Vice President
--	---



Planning & Development


Development Services Customer Service Center

One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-22-15		Transaction Number
Date Submitted: November 3, 2015		
Existing Zoning TD CUD with PDD (Z-58-00/MP-1-00)	Proposed Zoning: OX-5-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
6.	Prior to recordation of a subdivision or a recombination for the property, whichever shall first occur, the property owner shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates AM and PM trip generation in peak hours upon the property to all lots of record comprising the property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such a restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.
7.	For any buildings that front along Brier Creek Parkway and T.W. Alexander Drive, there shall be no parking between said buildings and the right-of-way for Brier Creek Parkway and T.W. Alexander Drive.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

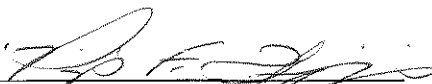
Owner/Agent Signature 	Print Name: SLF Ruby Jones, LLC, a North Carolina limited liability company By: STRATFORD LAND ADVISORS, LP, a Texas Limited Partnership its Manager By: STRATFORD ADVISORS, LLC, a Texas Limited Liability Company/ its General Partner By: Mark Westerburg, Vice President
--	---

By signing below, SLF Ruby Jones, LLC has knowledge of and expressly authorizes the filing of the foregoing rezoning application for the property located at 7751 Brier Creek Parkway having a Property Identification Number of 0768-69-1387.

SLF Ruby Jones, LLC,
a North Carolina limited liability company

By: Stratford Land Advisors, L.P.,
a Texas limited partnership,
its Manager

By: Stratford Advisors, LLC,
a Texas limited liability company,
its General Partner

By: 

Print Name: Phillip F. Wiggins

Title: Manager



Planning & Development

Development Services Customer Service Center

One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction Number
	Zoning Case Number

STATEMENT OF CONSISTENCY	
Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.	
1.	The property is designated "Office & Residential Mixed Use" on the Future Land Use Map, and this classification encourages a mix of residential and office use with OX being the closest corresponding zoning district. The rezoning request is consistent with this guidance because it proposes OX as the base zoning district which would allow both residential and office uses.
2.	Table LU-2 recommends a minimum of 2 stories and maximum of 7 stories in building height for property designated Office & Residential Mixed Use on the Future Land Use Map and within a Core/Transit area. The property is located within a core of a City Growth Center as shown on the Urban Form Map, and therefore the property is within a Core/Transit area for building height guidance purposes. Based on the foregoing, the rezoning request for a maximum building height of five stories is consistent with the Comprehensive Plan guidance.
3.	The rezoning request is consistent with, among others, the following Comprehensive Plan policies: LU 1.2 "Future Land Use Map and Zoning Consistency"; LU 1.3 "Conditional Use District Consistency"; and LU 3.2 "Location of Growth".

PUBLIC BENEFITS	
Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
1.	The rezoning provides a public benefit by rezoning property consistent with the Future Land Use Map guidance. The Future Land Use Map designates this property for office and residential uses, but the property is currently zoned exclusively for retail uses. This rezoning would rezone the property consistent with the Future Land Use Map.
2.	More than 400,000 square feet of retail already exists within close proximity to the Property. The proposed rezoning would introduce office and residential uses to the Property consistent with the Comprehensive Plan and Future Land Use Map.

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

The property is not shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan.

1.	All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.
2.	Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.
3.	A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.
4.	Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.
5.	New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.
6.	A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.
7.	Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.
8.	If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.
9.	To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.
10.	New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.
11.	The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.
12.	A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.
13.	New public spaces should provide seating opportunities.
14.	Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.
15.	Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.
16.	Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.
17.	Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.

18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i>
19.	<i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i>
20.	<i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i>
21.	<i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i>
22.	<i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i>
23.	<i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i>
24.	<i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i>
25.	<i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i>
26.	<i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i>

PROPOSED REZONING

+/-9.38 Acres – 7751 Brier Creek Parkway

REPORT OF MAY 6, 2015 NEIGHBORHOOD MEETING

In accordance with Section 10.2.4 of the Unified Development Ordinance, a neighborhood meeting was held with respect to this proposed rezoning case at 6:00 p.m. on Wednesday, May 6, 2015 at the office of Poyner Spruill LLP located at 301 Fayetteville Street, Suite 1900, Raleigh, NC. Attached as **Exhibit A** is a list of those persons and organizations contacted about the meeting. Those persons and organizations were mailed a letter of invitation concerning the meeting, a copy of which is attached as **Exhibit B**. The letters were mailed on or about April 23, 2015 via first class U.S. Mail.

Other than the petitioner and its representatives, no one attended the neighborhood meeting and no items were discussed. The neighborhood meeting was held open until 6:45 p.m. and then the meeting was adjourned. There have been no changes to the rezoning petition subsequent to the neighborhood meeting.

Respectfully submitted this the 2nd day of June, 2015.

A handwritten signature in black ink, appearing to read 'Chad W. Essick', written over a horizontal line.

Chad W. Essick
Attorney for Petitioner

EXHIBIT A

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

COURTNEY ESTATES HOLDINGS, LLC
522 5TH AVE FL 9
NEW YORK, NY 10036-7601

COURTNEY ESTATES GRAND LLC
237 S WESTMONTE DR STE 140
ALTAMONTE SPRINGS FL 32714-4263

SLF RUBY JONES, LLC
RYAN LLC
PO BOX 56607
ATLANTA, GA 30343-0607

EXHIBIT B

NEIGHBORHOOD MEETING NOTICE

MEMORANDUM

Poyner Spruill^{LLP}

To: Neighboring Property Owners

From: Chad W. Essick

Date: April 21, 2015

Re: Notice of meeting to discuss potential rezoning of property located at 7751 Brier Creek Parkway, containing approximately 9.48 acres, having a Wake County PIN No. of 0768-69-1387 (the "Property")

We are counsel to Heritage Properties, Inc. ("Heritage"), a developer that is considering rezoning the above-referenced property. The Property is currently zoned Thoroughfare District Conditional Use with a Planned Development Conditional Use Overlay District. The zoning district being considered by Heritage is Office Mixed Use (OX) Conditional Use.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Wednesday, May 6, 2015 at 6:00 p.m. This meeting will be held at the offices of Poyner Spruill LLP, 301 Fayetteville Street, Suite 1900, Raleigh, NC 27601. The office is located in the PNC Plaza building in downtown Raleigh. If you decide to attend, upon arrival, please advise the security desk in the lobby that you are attending the neighborhood meeting at Poyner Spruill.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owner to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 783-2896 or cessick@poynerspruill.com