Ordinance (2021) 251 ZC 823

Adopted: 6/15/2021 Effective: 6/20/2021

**Z-22-20 – East End Market PD,** seventeen parcels at the northeastern corner of the intersection of Whitaker Mill Road and Wake Forest Road, being Wake County PINs 1714190977, 1714191970, 1714192865, 1714191797, 1714194824, 1714193767, 1714196735, 1714192553, 1714193587, 1714192468, 1714192453, 1714192379, 1714193363, 1714194255, 1714196409, 1714197266, and 1714198573. Approximately 11.16 acres rezoned to Planned Development (PD) with a Commercial Mixed Use (CX) base district.

Conditions dated: See attached Master Plan

# EAST END MARKET PLANNED DEVELOPMENT (PD) DISTRICT MASTER PLAN

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#### EAST END MARKET

#### MASTER PLAN NARRATIVE

#### 1. INTRODUCTION

This document and the associated plan sheets submitted herewith (collectively, the Master Plan) are provided pursuant to the Unified Development Ordinance for the Planned Development district for the East End Market development (the Project). This project concerns the 11.16 acres located in the northeast quadrant of the Wake Forest Road and E. Whitaker Mill Road intersection. The property is located within a City Growth Center between Downtown Raleigh and North Hills, immediately west of the CSX railroad tracks and east of the Hi-Mount neighborhood. The Master Plan proposes a mixed-use development of residential, office, retail and restaurant land uses with building heights that transition from the tallest buildings at the Wake Forest Road and E. Whitaker Mill Road intersection to shorter buildings on the northern portion of property, closer to the moderate-density residential neighborhoods.

## 2. STATEMENT OF INTENT

The proposed development meets the intent of the PD District set forth in UDO Section 4.1.1.F. in several ways. First, the PD District allows the applicant to address block perimeter for a site that is bounded by public right-of-way to the south and west, a railroad corridor to the east, and single-family homes to the north. Second, the PD District allows the applicant to provide greater transparency and certainty to the public and surrounding residents regarding the location of building height and non-residential land uses, which is particularly important given the location of this property within a City Growth Center as it transitions to lower density neighborhoods. Third, the PD District allows the applicant to modify various UDO standards that better enable the applicant to develop a more compact, pedestrian-friendly, mixed-use project than would otherwise be possible without the modifications.

The increase in development intensity and height is justified by the property's proximity to both Downtown and Midtown Raleigh. The property lies between the two areas, both of which are designated as growth center on the City's Urban Form Map, with Capital Boulevard providing efficient transportation to either growth center. Additionally, the Wake BRT: Northern Corridor will likely provide increased transit opportunities near the site. Along with other projects in the immediate vicinity, the Project would serve as an intermediary between Downtown and Midtown.

## 3. COMPREHENSIVE PLAN CONFORMANCE

The Future Land Use Map identifies the property as split between Neighborhood Mixed Use on the western and southern portions of the property and Moderate Density Residential on the eastern and northern portions of the property. Neighborhood Mixed Use applies to neighborhood shopping centers and pedestrian-oriented retail districts, as well as Medium Density residential uses that complement those commercial uses. Moderate Density Residential recommends a mix of single-family detached homes, townhomes and multifamily dwellings with overall gross density not exceeding fourteen (14) units per acre. Additionally, much of the property is located in a City

Growth Center, which identifies areas in the City for significant infill development and refill development with an urban or hybrid frontage. The property fronts along a Transit Emphasis Corridor, where higher levels of bus service are planned and hybrid frontage are also recommended. The Project is consistent with this policy guidance given the proposed mix of retail, restaurant, office and residential land uses. The more intense uses and building heights are located near the existing intersection, and then transition to residential land uses closer to the neighborhoods. The Project would increase the property's development intensity, which supports the City's investment in higher levels of bus service along Wake Forest Road.

## 4. DESIGN GUIDELINE CONFORMANCE

The Project complies with many of the Urban Design Guidelines and Downtown Design Guidelines, as more specifically addressed in the responses to these guidelines included with the rezoning petition. Generally, the Project complies with these guidelines by requiring the buildings to be closer to the street, prohibiting parking between the streets (Wake Forest Road and E. Whitaker Mill Road) and the building, and by providing effective pedestrian circulation throughout the property. Specific responses to the General Design Principles of UDO Section 4.7.5. are attached to this Master Plan Narrative.

#### 5. GENERAL DESIGN PRINCIPLES CONFORMANCE

The Project complies with many of the General Design Principles set forth in UDO section 4.7.5. Specifically, the Project includes the opportunity to provide apartment units and dwelling units above first floor commercial space, and it proposes a compact, well-integrated mix of land uses instead of such uses being widely separated and buffered. The Master Plan also ensures compatibility with surrounding land uses by locating the taller buildings farthest from the moderate density neighborhoods, and situating the residential land uses and shorter buildings along a proposed internal street on the northern portion of the property; the internal street facilitates traffic through the property and extends the buffer between buildings and the adjacent neighborhood. The Project anticipates providing a mix of a residential and non-residential uses in a variety of building types.

#### 6. BLOCK PERIMETER

The block perimeter standards shall be satisfied for the development per the Master Plan. The existing railroad right-of-way is a physical barrier to an east-west public street connection, and the single-family neighborhood to the north prevents a connection to Mills Street. In order to move pedestrian and vehicular traffic through the property, the Project proposes an internal street with access along both Wake Forest Road and E. Whitaker Mill Road. Although block perimeter cannot be calculated for Tract A, the Master Plan's proposed street network would facilitate safe and efficient transportation throughout the property. As shown on Plan Sheets C4.01 and C4.02, the Project includes a variety of street types to meet the needs of pedestrian and vehicular traffic. Where bike lanes are not included on certain street sections, the Project compensates by widening the sidewalks.

## 7. PHASING

The Project contains two (2) phases and is shown in detail on Master Plan Sheets C3.10 and C3.11. The initial phase of development may either be within Phase 1 or Phase 2, or a combination of those. At least two (2) building types (which may include the "Open Lot" building type) shall be included in the first phase of development. Project phasing may be by entire Phase or by portions of any Phase, and is not required to be sequential. Final project phasing will be determined at the time of site permitting. Utility infrastructure that serves a particular phase of development, as shown on Master Plan Sheets C3.10 and C3.11, shall be installed during the development of said phase, as provided by the UDO.

## 8. LAND USES & INTENSITY

- A. <u>Base District</u>. The base district for this Planned Development district shall be the Commercial Mixed Use (CX) district. All principal and accessory uses that are Permitted, Limited, or Special Uses in the CX- district shall be allowed on the Property in accordance with the Allowed Principal Use Table in UDO Section 6.1.4., except as prohibited in Section 10 of this Master Plan.
- B. <u>Overall Maximum Development Intensity</u>. The total amount of development on the Property shall not exceed the intensities for each use as set forth below:
  - i. Office and Medical 344,508 SF, which can be located in Mixed-Use, and General, building types
  - ii. Retail Sales 9,120 SF, which can be located in Mixed-Use and General building types
  - iii. Restaurant/Bar 40,777 SF, which can be located in Mixed-Use and General building types
  - iv. Residential Dwelling Units 500 units, which can be located in Apartment and Mixed-Use building types
  - v. Remote Parking During construction, each Tract may be used for Remote Parking to another Tract. If remote parking is necessary, it shall comply with UDO Section 6.4.7.C..

# C. Tract A Maximum Development Intensity.

- i. Uses & Density 44,508 SF Office and Medical; 11,312 SF Restaurant/Bar
- ii. Building Height 7 stories
- iii. Building Types General Building, Mixed Use Building, Open Lot

## D. Tract B Maximum Development Intensity.

- i. Uses & Density 5,520 SF Retail Sales; 7,465 SF Restaurant/Bar
- ii. Building Height 7 stories
- iii. Building Types General Building, Mixed Use Building, Open Lot

## E. Tract C Maximum Development Intensity.

- i. Uses & Density 300,000 SF Office and Medical; 12,000 SF Restaurant/Bar
- ii. Building Height 11 stories. The building(s) in Tract C are also subject to

- thestandards set forth in Section 10. of this Master Plan.
- iii. Building Types General Building, Mixed Use Building, Open Lot

# F. <u>Tract D Maximum Development Intensity</u>.

- i. Uses & Density 397 dwelling units; 3,600 SF Retail Sales; 10,000 SF Restaurant/Bar
- ii. Building Height 6 stories/83' (Building 5) and 7 stories (Building 4). See Sheet C3.00 for allowable height within Tract D. Building 5 is also subject to the height limitation set forth in Section 10.J. of this Master Plan.
- iii. Building Type Apartment Building, General Building, Mixed Use Building, Open Lot

# G. Tract E Maximum Development Intensity.

- i. Uses & Density 103 dwelling units
- ii. Building Height 6 stories
- iii. Building Type Townhouse, Apartment Building, Open Lot

# H. General Notes.

- i. Within each tract, an Apartment or Mixed-Use building type can have all, none ora portion of the amount of permitted residential dwelling units.
- ii. References to land uses in this Section 8 shall have the meaning as ascribed in the Allowed Principal Use Table (UDO section 6.1.4). This Section 8 shall not act as a prohibition on specific land uses otherwise allowed as a permitted, limited or special use in UDO Section 6.1.4. and not listed in Section 10.A. of the Master Plan. Additionally, the floor area for any land use permitted by this Master Plan that is not expressly listed in Section 10.A. shall be counted against the amount offloor area assigned for the Office and Medical land uses.

## 9. MODIFICATIONS

- A. <u>Building Setbacks</u> In order to have the buildings define the streetscape and promote walkability, the primary and side street minimum setback requirements of UDO Sections 3.2.4., 3.2.5. and 3.2.6. shall not apply to any internal street or railroad right-of-way.
- B. <u>Building Massing</u> Due to the Tract's odd shape and the need to place the most-intense development at street intersections, the building massing standards of UDO Section 3.3.3. shall not apply to buildings in Tract C. No other Tracts beside Tract C have an allowable maximum building height above seven (7) stories; thus, the building massing standards shall not apply to any Tract.
- C. <u>Building Separation</u> No building separation that may be required by the UDO shall be applicable. Instead, building separation shall be governed by the North Carolina Building Code.
- D. Ground Floor Elevation The minimum ground floor elevation requirements of UDO

- Sections 3.2.4., 3.2.5. and 3.2.6. shall not apply to any building type in any tract.
- E. New Streets To create a street network that meets the needs of both vehicular and pedestrian traffic, new streets shall adhere to the standards of Master Plan Sheets C4.01 and C4.02.
- F. <u>Parking Standards</u> The Project shall be exempt from the parking standards set forth in UDO Section 7.1.2. and shall following the parking ratios set forth below:
  - i. Parking Standard The Project shall provide a minimum 0.5 parking spaces per dwelling unit, but no vehicle parking shall be required for the first 16 dwelling units. The Project shall provide a minimum 1 vehicle parking space per 500 square feet of Office uses, but shall not be required to provide vehicle parking for any other Commercial uses. Additionally, the minimum number of parking spaces required by this paragraph shall be reduced by an additional 10 spaces.
  - ii. <u>Structured Parking</u> The standard in UDO section 7.1.6.B.2. shall be modified to delete the limitation that no more than two compact parking spaces may abut each other. Instead, the limit shall be a maximum of 10 compact parking spaces adjoining each other in a continuous row. The other standards of UDO section 7.1.6.B.2. are not being modified.
- G. Outdoor Amenity Area The outdoor amenity standards shall not apply.
- H. <u>Build-To</u> Table 1 of Plan Sheet C3.00 shows the Project's build-to standards. For each building type, the build-to standards of UDO Section 3.2.4.D. shall only apply to Wake Forest Road and E. Whitaker Mill Road. Build-to standards shall not apply to any other street.
- I. <u>Driveway Spacing</u> The minimum driveway spacing requirement of UDO Section 8.3.5.C.3. shall be reduced to fifty feet (50') in order to provide efficient access to each of the Tracts.
- J. <u>Intersection Spacing</u> The minimum driveway spacing from intersections requirement found in Raleigh Street Design Manual Article 9.5 shall be reduced to fifty feet (50') in order to provide efficient access to each of the Tracts.
- K. <u>Neighborhood Transitions</u> Due to the limited space between the proposed internal street and the adjacent residential properties on Mills Street, coupled with the need for street trees, the Neighborhood Transition standards found in UDO Article 3.5 shall not apply to Tract A.
- L. <u>Cross-Access</u> Due to the existing building on the adjacent parcel, the cross-access requirement (in UDO Section 8.3.5.D.) to that parcel with PIN 1714-19-3211 (Deed Book 17630, Page 1575, Wake County Registry; the "2000 Wake Forest Road Parcel") shall not apply. However, this shall not preclude cross access between the Project and

the 2000 Wake Forest Road parcel in the event the developer of the Project and the owner of the 2000 Wake Forest Road Parcel mutually agree to a cross access easement.

M. <u>Transitional Protective Yard</u> – For that Type B1 Transitional Protective Yard within Tract D, the Project shall have the option to construct an opaque fence at least 6.5' in height, in lieu of the required wall as specified in UDO Section 7.2.4.

## 10. ADDITIONAL DEVELOPMENT STANDARDS

- A. The following principal uses as listed in UDO section 6.1.4. shall be prohibited throughout the Project:
  - i. Vehicle Fuel Sales
  - ii. Vehicle Sales/Rental
  - iii. Detention Center, Jail, Prison
  - iv. Vehicle Repair (Major)
  - v. Vehicle Repair (Minor)
  - vi. Self-Service Storage
  - vii. Research & Development
  - viii. Adult Establishment
    - ix. Car Wash
- B. The following principal uses as listed in UDO Section 6.1.4. shall be prohibited onlyin Tract E:
  - i. Overnight Lodging
  - ii. Restaurant/Bar
  - iii. Light Manufacturing
- C. The Project shall make an offer of cross-access to the parcel with PIN 1714-19-8961 (Deed Book 17646, Page 2682, Wake County Registry) (referred to herein as the "Mills Street Apartments").
- D. The Project shall permit the owner of that parcel with PIN 1714-19-5944 (Deed Book 7123, Page 88, Wake County Registry; the "Mann Parcel") to directly access the Project from the Mann Parcel as shown on Plan Sheet C3.00.
- E. The Project shall make an offer of cross-access to the parcel with PIN 1714-19-2655 (Deed Book 9370, Page 1726, Wake County Registry) (referred herein as "Cotton Exchange"). In order to prevent unauthorized parking within Cotton Exchange, the Project shall also fund and construct a vehicular gate between the Project and Cotton Exchange, in the general way as shown on Plan Sheet C3.00. Additionally, subject to approval of the City of Raleigh and North Carolina Department of Transportation (if applicable), and subject to the granting of all necessary easements, licenses and rights by the Olde Towne Village Townhomes Homeowners Association, Inc., the Project shall fund and construct a vehicular gate between the Wake Forest Road right-of-way and Cotton Exchange. If an applicable governmental entity does not provide the

requisite approvals, or if the Olde Towne Village Townhomes Homeowners Association does not grant the necessary rights, then the requirement for the vehicular gate at the Wake Forest Road entrance to Cotton Exchange shall be extinguished. The Project shall construct a separate pedestrian gate, as illustrated on Plan Sheet C3.00. These vehicular gates and pedestrian gate shall be installed prior to the first certificate of occupancy issued for new development on Tract C, Tract D or Tract E.

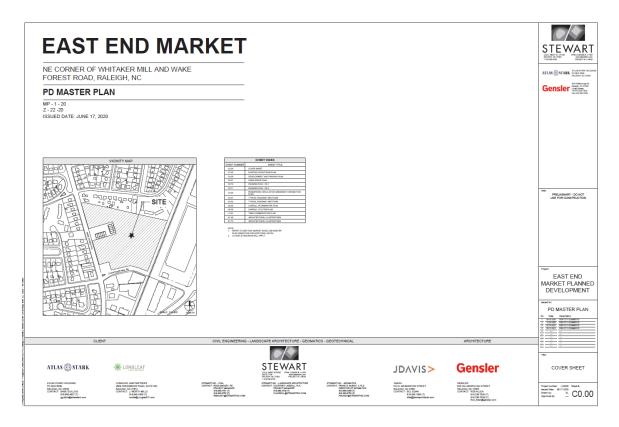
- F. Along Tract D's shared boundary lines with "Lots 1-11" and "Open Space" as shown on that subdivision plat found in Book of Maps 2001, Page 1303, Wake County Registry, the Project shall provide the following within an area measuring at least 20 feet from the aforementioned shared boundary line: (i) an opaque fence at least 8.0 feet in height, (ii) at least 40 shrubs per 100 feet, (iii) at least 5 shade trees per 100 feet, and (iv) at least 5 understory trees per 100 feet. At least 50% of the cumulative number of trees (shade trees plus understory trees) required by this condition shall be evergreen species.
- G. Along the northern boundary line of Tract A, the Project shall provide an opaque fence or wall at least 6.5' in height, except for that forty-feet (40') wide portion necessary for the offer of cross-access to the Mills Street Apartment.
- H. Along the northern boundary line of Tract A, the Project shall plant evergreen shrubs within ten feet (10') of the opaque fence or wall in Section 10.G. The evergreen shrubs shall be Nellie Stevens Holly or similar thereto, and planted at a rate of twelve (12) shrubs per 100 linear feet, except where such plantings conflict with offers of cross-access. Each shrub shall have a minimum height of four feet (4') at the time of planting.
- I. Although Building 4 and Building 5 as illustrated on Plan Sheet C3.00 are shown as connected structures, each building shall be considered separate for the purposes of calculating building height and stories under UDO section 1.5.7.
- J. For that portion of Building 5 that is located both (i) generally parallel to Olde Towne Village Lots 6 through 11 (Book of Maps 2001, Page 1303), and (ii) between the building elevation facing Wake Forest Road and the eastern boundary of Olde Towne Village Lot 6, there shall be no more than five (5) stories entirely above the finished grade as measured on the north-facing elevation. The number of stories as measured on other building elevations may differ due to changes in the grade of the site.
- K. No outdoor dining shall be located between Buildings 4, 5 and 6, and the Cotton Exchange Townhomes.
- L. No outdoor dumpster shall be located within twenty-five feet (25') of the parcels identified as "Lots 1-11" or "Open Space" in that Book of Maps 2001, Page 1303, Wake County Registry.
- M. If a parking structure is constructed on Tract C, the lighting associated with the parking

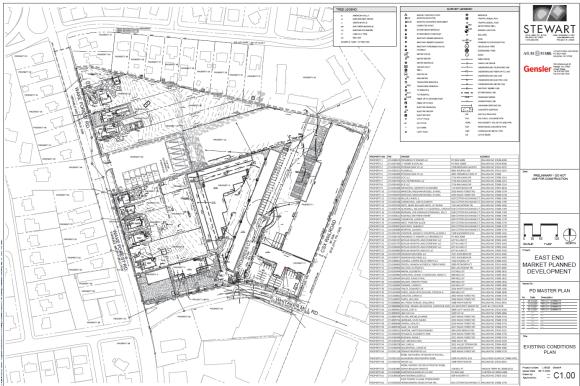
structure shall be designed to reduce light spillage outside the parking structure according to the following:

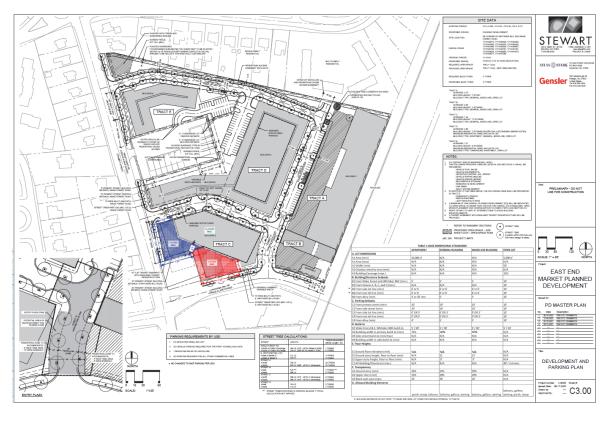
- i. Internal illumination shall be screened so that internal light sources shall not be visible from the adjacent public right-of-way or adjacent parcels. Light fixtures directly visible from the exterior of a parking structure shall be directed internally upward or shall contain shielded fixtures to prevent such visibility.
- ii. Internal illumination shall conform to the standards of UDO section 7.4.7. "Vehicular Canopies."
- iii. Lighting levels measured at the property line of parcels adjacent to the structured parking deck shall not be greater than 0.5 footcandles.
- N. If a parking structure is constructed on Tract C, those parking structure facades located at the perimeter of the building and adjacent to or facing Wake Forest Road, E. Whitaker Mill and "Street C" shall comply with the following:
  - i. Any such facades of the parking structure shall screen openings to prevent views into the structure, except for vehicular ingress/egress and pedestrian access openings.
  - ii. Screening elements shall be designed in a structurally sound manner and have a gap of no more than 18 inches from the frame of the screening to the wall opening. Mesh or decorative panels, louvers, green walls, tinted or sandblasted opaque spandrel glass, or similar screening elements shall be used. Alternative decorative elements which provide an equivalent level of screening may be allowed. Where mesh or other materials containing openings is used in conjunction with the screening frame, no individual opening shall exceed four square inches. Chain link fencing and similar screening elements shall be prohibited as an allowable mesh or similar screening elements.
  - iii. On all levels where parking is provided adjacent to an exterior wall, any such facades shall have exterior opaque walls with a minimum height of 42 inches above any finished grade and any finished floor.
- O. At least 10% of pavers used within the Project but outside of the public right-of-way shall be pervious pavers.
- P. Where common area accessible to and intended for use by residents and/or tenants of a building is located on top of a parking structure (Tract C or Tract D), there shall be vegetation (ie., plantings, landscaping) incorporated as part of that space.
- Q. This condition shall govern how the building(s) on Tract C transition to the property located at the intersection of Wake Forest Road and E Whitaker Mill Road with the address of 2000 Wake Forest Road (the "Adjacent Property"). There shall be a minimum building setback of 10 feet from the northern property line of the Adjacent Property. There shall be a minimum building setback of 20 feet from the eastern property line of the Adjacent Property. The maximum heights of building(s) on Tract C shall be as shown on Plan Sheet C3.00.

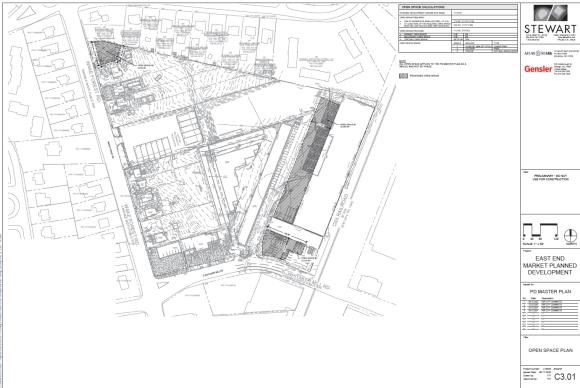
R. There shall be a pedestrian access point from the parking deck on Tract C that provides pedestrian access to at least one of the following, without a pedestrian having to first walk out to the sidewalk along "Street C": (i) the sidewalk in Wake Forest Road, (ii) the sidewalk in E. Whitaker Mill Road, or (iii) the Adjacent Property.

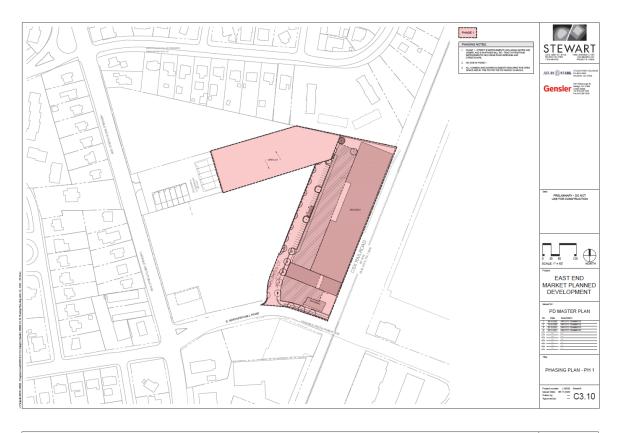
- S. There shall be no common area accessible to and intended for use by residents and/or tenants on the roofs of Building 5 and Building 6.
- T. The building setbacks for Building 5 as measured from the southern boundary line of Cotton Exchange shall be as shown on Plan Sheet C3.00.
- U. The Project shall provide the owner of that property addressed as 2000 Wake Forest Road and described in deed recorded in Book 17630, Page 1575 (the "Adjacent Property") with access to 10 parking spaces within the Project. These 10 parking spaces may be used by the owner of the Adjacent Property to meet the parking requirements for development on the Adjacent Property, at no cost to the owner of the Adjacent Property. These 10 parking spaces contemplated by this section will not be restricted to any location, and do not have to be individually identified, marked or designated within the Project, or located within any particular portion of the Project. On these terms, the owner/developer of the Project shall enter into an agreement with the owner of the Adjacent Parcel evidencing that the Adjacent Parcel has access to 10 parking spaces in a manner so that those 10 spaces can count toward any code-required parking for development on the Adjacent Parcel, and also may be used by the owners, occupants, tenants, visitors or invitees of the Adjacent Property. The agreement required by this condition is for the benefit of the Adjacent Parcel, and this agreement may be transferred or assigned to future owners of the Adjacent Property. The agreement required by this condition shall be effective no later than the issuance of the certificate of occupancy for the first building with associated parking located in Tracts C, D or E.

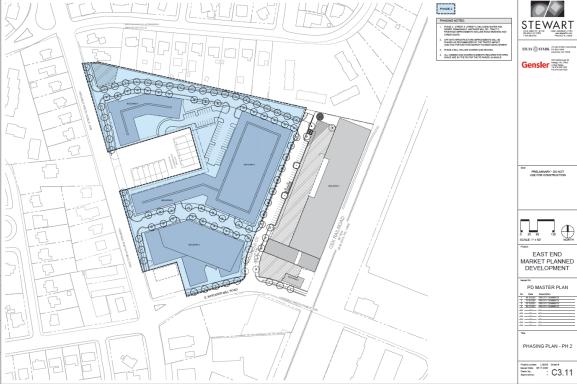


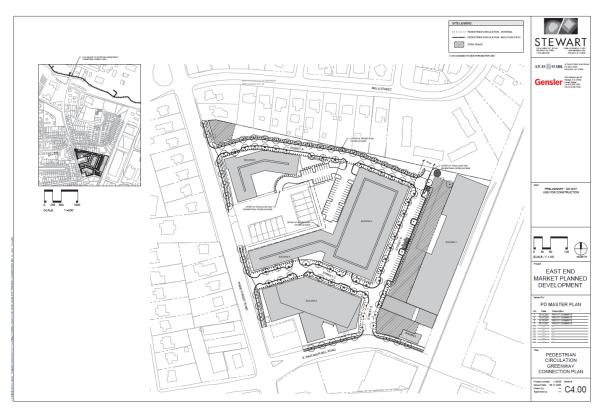


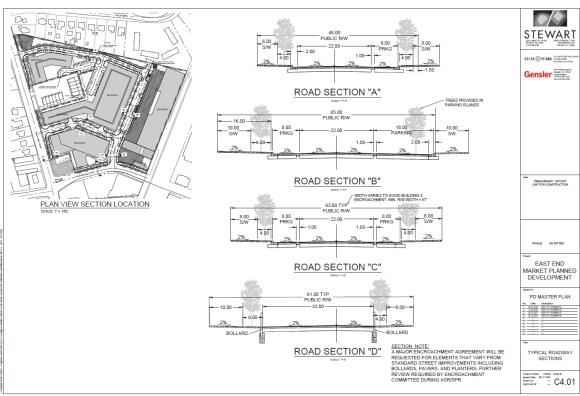




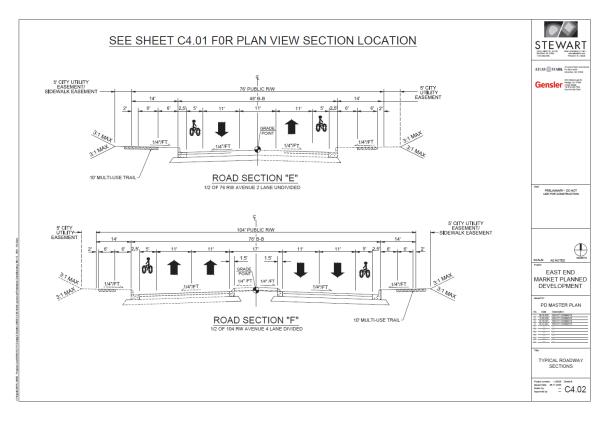


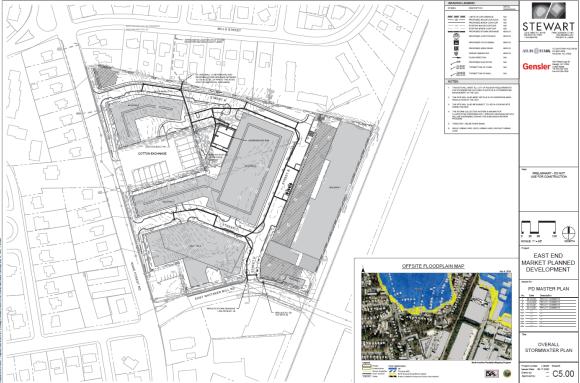






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