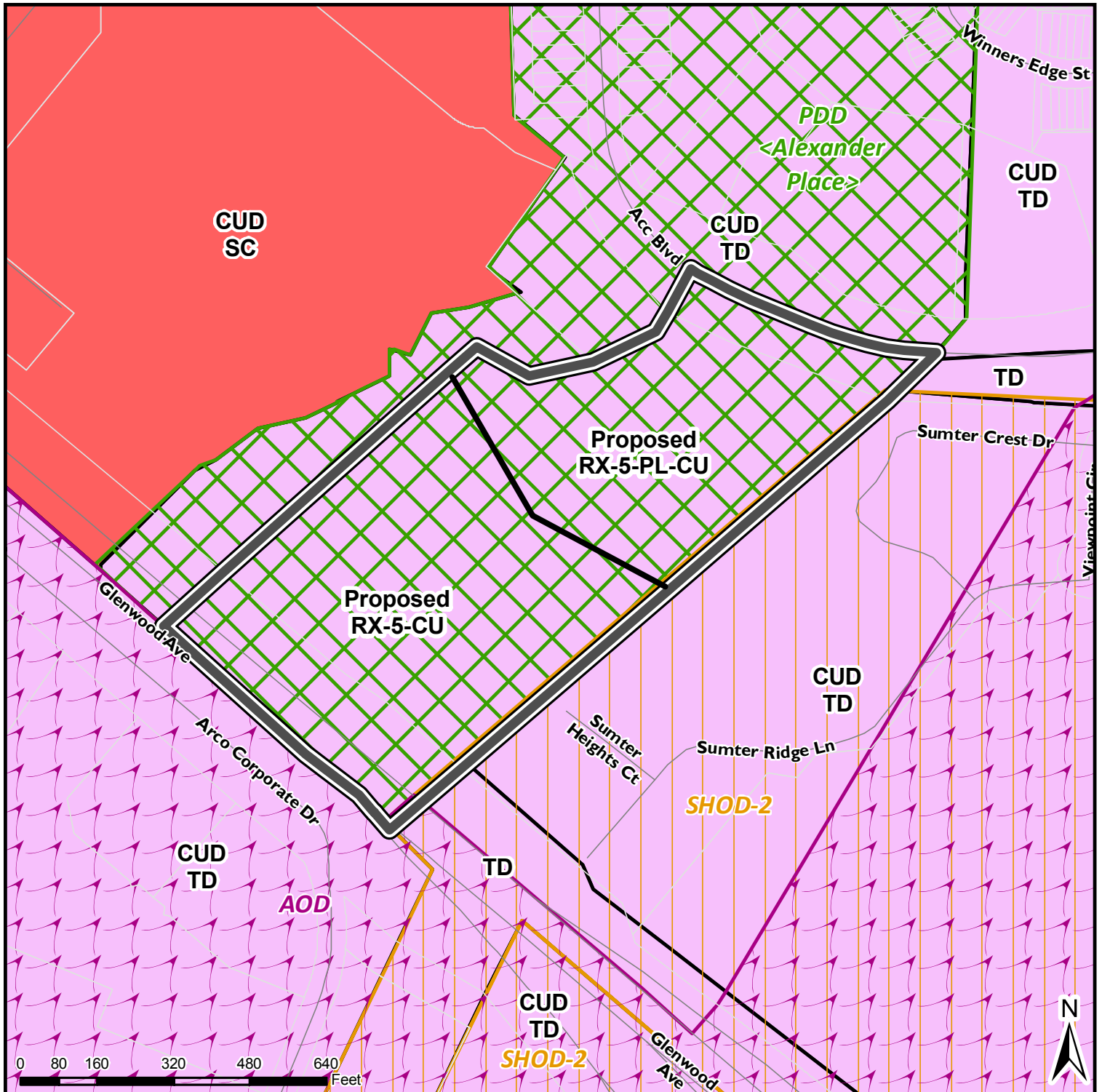


Existing Zoning Map

Z-30-2014

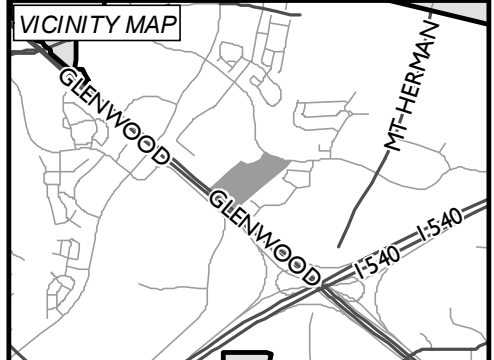


**Submittal
Date**

9/25/2014

Request:

**14.47 acres from
CUD TD w/ PDD
to RX-5-PL-CU & RX-5-CU**





Certified Recommendation

Raleigh Planning Commission

CR# 11600

Case Information: Z-30-14 - ACC Boulevard & Glenwood Avenue

<i>Location</i>	ACC Boulevard, south side, west of Alexander Town Boulevard Addresses: 7651 ACC Boulevard & 10020 Glenwood Avenue PINs: 0768665694 & 0768661345
<i>Request</i>	Rezone properties from TD CUD w/ PDD (Thoroughfare District Conditional Use District with Planned Development District) to RX-5-PL-CU (Residential Mixed Use-5 stories-Parking Limited-Conditional Use) [ACC Blvd. tract] and RX-5-CU (Residential Mixed Use-5 stories-Conditional Use) [Glenwood Ave. tract]
<i>Area of Request</i>	14.47 acres
<i>Property Owner</i>	SLF Ruby Jones LLC: (214) 239-2376; BRedwine@staffordland.com
<i>Applicant</i>	Michael Birch: Morningstar Law Group: (919) 590-0388, mbirch@morningstarlawgroup.com
<i>Citizens Advisory Council (CAC)</i>	Northwest – Jay Gudeman, Chairperson: (919) 789-9884; jay@kilpatrickguteman.com
<i>PC Recommendation Deadline</i>	February 10, 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>	Medium Density Residential, Public Parks & Open Space
<i>URBAN FORM</i>	City Growth Center, Parkway Corridor (Glenwood Avenue)
<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 4.5 – Connectivity 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 Policy EP 4.2 – Floodplain Conservation Policy T 4.15 – Enhanced Rider Amenities Policy UD 7.3 – Design Guidelines
<i>INCONSISTENT Policies</i>	(None.)

Summary of Proposed Conditions

1. Maximum density limited.
2. Minimum building setback along Glenwood Avenue specified.
3. Minimum parking setback along Glenwood Avenue specified.
4. Tree disturbing activity limited within 50 feet of Glenwood Avenue.
5. Provisions for construction of transit shelter on ACC Boulevard offered.

Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
8/27/14	10/14/14; 11/12/14 (Y-15, N-1)	11/12/14 (deferred); 11/25/14	12/2/14	1/6/15

☐ **Valid Statutory Protest Petition**

Attachments

1. Staff report
2. Transportation evaluation

Planning Commission Recommendation

<i>Recommendation</i>	Approve with conditions. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map, Urban Form Map, and pertinent policies of the Comprehensive Plan. 2. The proposed rezoning is reasonable and in the public interest. The proposal provides for future transit access on ACC Boulevard, while conditioning a vegetated buffer and setbacks on Glenwood Avenue commensurate with Parkway Corridor designation. 3. The proposal is compatible with the surrounding area. Conditions limit building height and residential density comparable to those of the existing multi-unit living development on the east.
<i>Motion and Vote</i>	Motion: Buxton Second: Fleming In Favor: Braun, Buxton, Fleming, Fluhrer, Lyle, Schuster, Sterling-Lewis and Whitsett Opposed:

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.

Interim Planning Director _____ Date _____
 Planning Commission Chairperson _____ ^{11/25/14} Date _____

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



Zoning Staff Report – Case Z-30-14

Conditional Use District

Case Summary

Overview

The site consists of two contiguous properties, totaling approximately 14½ acres, one of which (Lot 51) fronts Glenwood Avenue, and the other (Lot 53), ACC Boulevard. The proposal seeks to remove the tracts from the Alexander Place Planning Development District (PDD). A request to begin the PDD removal was approved by the Planning Commission on August 12, 2014.

PDD Master Plan provisions call for the site to be developed as an office complex, with development square footage capped at approximately 144,000 square feet. The proposed rezoning would allow the primary use to be multi-family housing, capped at a density of 20 units per acre. Such use is more consistent with the Future Land Use map, which designates the properties for Medium Density Residential development (i.e., density greater than 14 units per acre).

Under the PDD, building height is capped at 100 feet; the proposal would reduce that cap to 5 stories/ 75 feet. While Medium Density Residential designation typically translates to 3 to 4 stories, the site is located in a City Growth Center, which the Urban Form map deems appropriate for “significant” development intensity.

The property immediately to the east, also designated for Medium Density development, is already built out with apartments, as the Crest at Brier Creek (GH-6-07 & GH-5-10). Overall density there is approximately 20 units per acre; site buildings are 3 and 4 stories in height. The Crest site, though, is upland from the proposed rezoning site.

The subject site declines in elevation from southeast to northwest some 60 feet. It is fully wooded. A riparian area parallels the site’s frontage with ACC Boulevard; another separates the northern property from the southern tract, with the current property line roughly following that drainage. A designated blue-line stream forms the site’s western boundary; the adjacent portions of the site lie in the stream’s floodplain. A future City greenway corridor parallels the stream bank, with a side spur leading into the subject site.

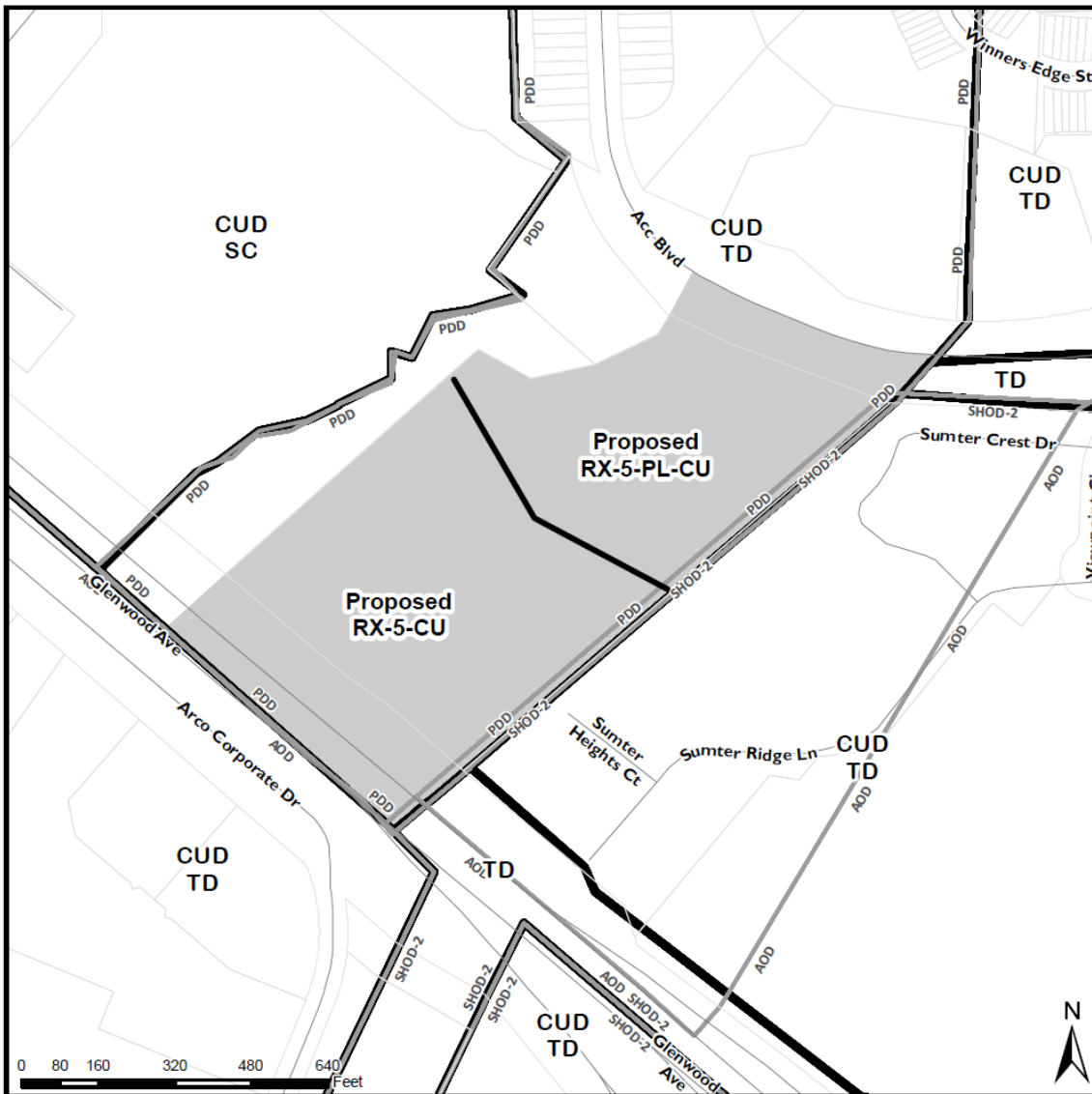
Across the creek, above a steep upward slope, the Alexander Place shopping center extends westward across nearly 50 acres to Brier Creek Parkway. Abutting it on the north is the Charleston Homes at Alexander Place townhouse development, which lines either side of ACC Boulevard. Closing the corner between the shopping center, the townhouses and the subject site is a vacant wooded tract, much of which lies in floodplain.

The Comprehensive Plan designates the adjacent section of Glenwood Avenue a Parkway Corridor, seeking to preserve its tree-lined character. The proposal approximates that designation in providing parking and building setbacks matching Parkway Frontage standards (as specified in the city’s Unified Development Ordinance), and setting aside the first 50 feet adjacent to the right-of-way for tree conservation, allowing only limited encroachment for utilities.

Outstanding Issues

<i>Outstanding Issues</i>	1. Driveway access, and sewer and fire flow matters may need to be addressed upon development.	<i>Suggested Mitigation</i>	1. Address site access, and sewer and fire flow capacities, at the site plan stage.
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Existing Zoning Map Z-30-2014

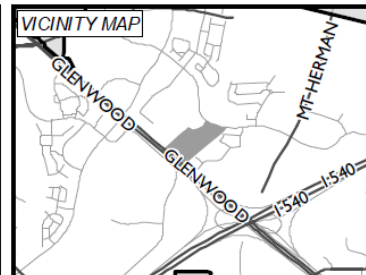


**Submittal
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to RX-5-PL-CU & RX-5-CU**



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
Existing Zoning	Thoroughfare District	Thoroughfare District; Shopping Center	Thoroughfare District	Thoroughfare District	Thoroughfare District
Additional Overlay	Planned Development	Planned Development	Special Highway - 2	Special Highway - 2	Airport
Future Land Use	Medium Density Residential; Public Parks & Open Space	Public Parks & Open Space; Regional Mixed Use; Moderate Density Residential	Medium Density Residential	Medium Density Residential	Office/ Research & Development
Current Land Use	Vacant (wooded)	Vacant (wooded); shopping center; townhouses	Multi-unit living	Multi-unit living	Offices
Urban Form (if applicable)	City Growth Center; Parkway Corridor (Glenwood)	City Growth Center	City Growth Center; Parkway Corridor (Glenwood)	City Growth Center; Parkway Corridor (Glenwood)	City Growth Center; Parkway Corridor (Glenwood)

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
Residential Density:	31 units/ acre	20 units/ acre (per conditions)
Setbacks (min.):	<u>Per Master Plan:</u>	<u>Glenwood:</u> <u>Prkg Ltd.:</u>
Front:	50' (Glenwood)/ 20' (ACC)	50' 50% w/n 100'
Side:	5'	0 or 6' (Apt.) 25% w/n 100'
Rear:	5'	0 or 6' (Apt.)
Retail Intensity Permitted:	- 0 -	8,000
Office Intensity Permitted:	143,750	8,000

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
Total Acreage	14.47	14.47
Zoning	TD CUD w/ PDD	RX-5-PL-CU/ RX-5-CU
Max. Gross Building SF <i>(if applicable)</i>	587,000 <i>(if residential)</i>	380,000 <i>(if residential w/ office)</i>
Max. # of Residential Units	454	288
Max. Gross Office SF	143,750	8,000
Max. Gross Retail SF	- 0 -	8,000
Max. Gross Industrial SF	- 0 -	- 0 -
Potential F.A.R. (max.)	0.93	0.60

*The development intensities for proposed zoning districts were estimated using the **Envision Tomorrow** impact analysis tool. Reasonable assumptions are factored into the analysis to project the worst case development scenario for the proposed rezoning. The estimates presented in this table are rough estimates intended only to provide guidance for analysis in the absence of F.A.R's and density caps for specific UDO districts.

The proposed rezoning is:

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

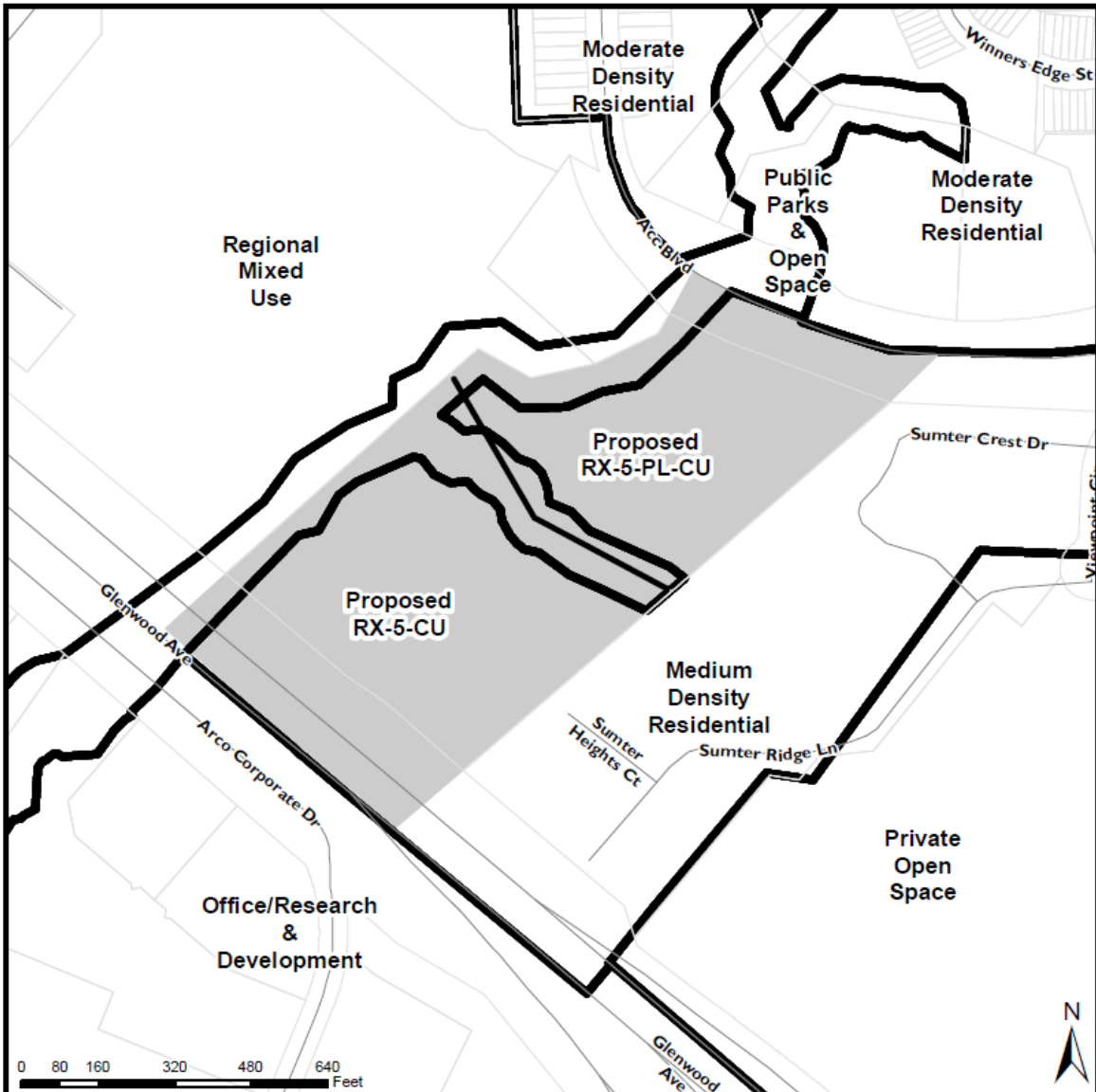
☐ **Incompatible.**

Analysis of Incompatibility:

(n/a)

Future Land Use Map

Z-30-2014

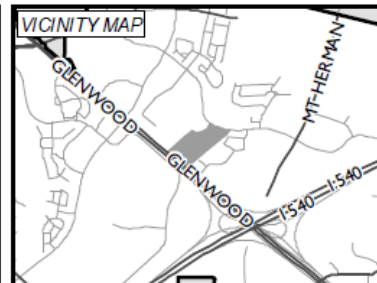


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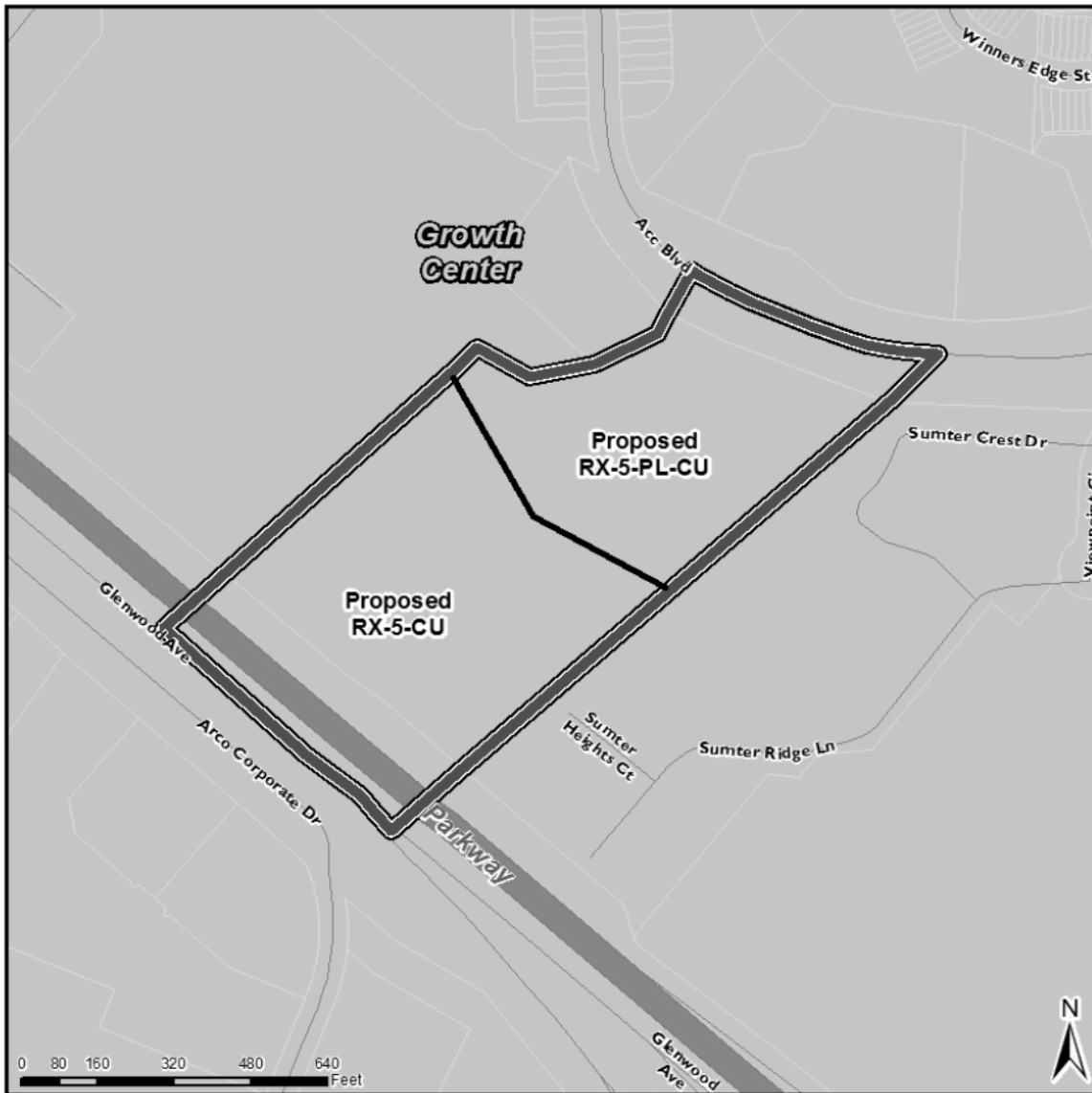
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Urban Form Map

Z-30-2014

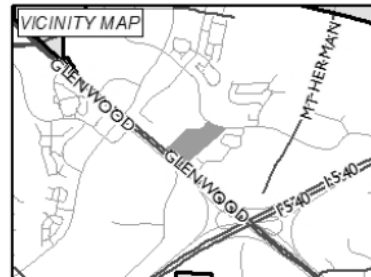


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to RX-5-PL-CU & RX-5-CU



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 Plan provides that for rezonings adjacent to a street with Corridor designation, a zoning Frontage should be provided. Glenwood Avenue is designated a Parkway Corridor. Parkway Frontage, as provided in the UDO, requires a 50-foot wide vegetated buffer along the adjacent public street right-of-way. While the proposal does not request that frontage designation, it reflects the Parkway Frontage form, conditioning 50-foot building and parking setbacks, and a 50-foot wide buffer prohibiting tree disturbing activities, except for limited installation and maintenance of utility lines.

Primary site access would likely be from ACC Boulevard. No frontage is required there, but Parking Limited frontage is proposed; such designation allows flexibility in building placement, appropriate given the riparian area there, running parallel to the road right-of-way. Transit provisions support multi-modal access.

Overall, the rezoning request would permit development of the multi-unit housing envisioned by the Future Land Use map, close to existing retail and office uses, and adjacent to a future City greenway. Such development would also mirror the existing medium-density development adjacent to the southeast.

City utilities are readily available to serve site development.

2.2 Future Land Use

Future Land Use designation: Medium Density Residential (more than 14 units/ acre)

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; Parkway Corridor (Glenwood Avenue)

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

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

(n/a)

2.4 Policy Guidance

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

(None.)

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

- Provides higher-density housing in proximity to retail and office services, and future greenway.
- Complements existing multi-unit development bordering on the east.
- Includes provision for access by transit.

3.2 Detriments of the Proposed Rezoning

(None identified.)

4. Impact Analysis

4.1 Transportation

The subject parcels are currently vacant. Conditions have been placed on case Z-30-2014 that limit build-out to 20 dwelling units per acre. The result is a net decrease in potential peak period trips compared to maximum build-out under existing zoning.

NCDOT project U-5518 will upgrade US-70 (Glenwood Avenue) between I-540 and TW Alexander Drive to improve capacity; the planned upgrade will include an interchange at Brier Creek Parkway. Transportation staff will not support direct driveway access to US-70. A traffic study is not required provided that all site driveways will connect to ACC Boulevard.

ACC Boulevard is classified as a Mixed-Use Street in the Raleigh Street Plan Map. In accordance with Section 8.3.5.D of the Raleigh UDO, "all lots abutting a street other than a local street shall...be designed and installed to allow for cross-access between abutting lots."

Impact Identified: Driveway access will be determined at site plan review.

4.2 Transit

This area is currently served by Route 70X Brier Creek Express. The closest stop is in the Alexander Promenade Shopping Center beside the Wal-Mart Garden Center. The exact future route is not defined but both the City of Raleigh Short Range Plan and the Wake County 2040 Transit Study envision continued service in the area.

Additional density will create additional demand for transit service. The proximity of housing to retail locations will appeal to individuals who are seeking a more urban experience including the desire for transit services.

Transit accepts the condition of a cement pad behind the sidewalk along ACC Blvd. at a location approved by the Public Works Department to accommodate a transit shelter and the contribution of \$4500 towards the purchase and installation of a shelter.

Impact Identified: The conditions of a cement pad, and contribution to a transit shelter will help mitigate the additional demand and will advance policies LU 6.4 and T 4.15.

4.3 Hydrology

<i>Floodplain</i>	FEMA Floodplain present on site
<i>Drainage Basin</i>	Little Briar
<i>Stormwater Management</i>	UDO Article 9.2
<i>Overlay District</i>	none

Impact Identified: Site is subject to Stormwater regulations under UDO Article 9.2. Neuse River Buffers exist on the site and any impacts to the buffer will require approval from NC DENR. FEMA floodplain is present on the site and it will be subject to floodplain regulations.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	180,875 gpd	72,000 gpd
<i>Waste Water</i>	180,875 gpd	72,000 gpd

The proposed rezoning would not impact the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the property. A sanitary sewer extension will be required from Lot #51 to Lot #53 if the two (2) properties of the rezoning are not recombined.

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

Site is adjacent to a proposed greenway corridor. Park services are provided by Brier Creek Community Center, 2.12 miles away.

Impact Identified: None.

4.6 Urban Forestry

Both parcels proposed for rezoning are larger than two acres and therefore subject to UDO Article 9.1. Tree Conservation Areas will need to be provided when the properties are developed. UDO Sec. 9.1.4.A.8. would require an average 50-foot wide primary tree conservation area on Lot 51 along Glenwood Ave with a minimum width of 20' and a maximum width of 100'.

Impact Identified: None.

4.7 Designated Historic Resources

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Appearance Commission

As the proposal does not involve creation of a Planned Development, it is not subject to Appearance Commission review.

4.10 Impacts Summary

Driveway access, sewer, and fire flow matters may need to be addressed upon development.

4.11 Mitigation of Impacts

Address driveway access, and sewer and fire flow capacities at the site plan stage.

5. Conclusions

The proposal would shift the primary development potential of the site from office to residential uses. Such use is consistent with the Comprehensive Plan, and would complement existing build-out, adjacent and nearby. While a Frontage designation is not proposed along Glenwood Avenue, the request is conditioned to approximate Parkway Frontage standards. Driveway access, and sewer and fire flow matters, will need to be addressed at site plan review.




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 Existing Zoning Classification: TD CUD with PDCUOD Proposed Zoning Classification Base District: RX Height: -5 Frontage: none (Lot 51); -PL (Lot 53) If the property has been previously rezoned, provide the rezoning case number: Z-58-00/MP-1-00 Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences: 404490 (Rezoning Pre-Application Conference)	Transaction Number

GENERAL INFORMATION		
Property Address: 7651 ACC Boulevard and 10020 Glenwood Avenue		Date: October 31, 2014
Property PIN: 0768-66-5694 (Lot 53) and 0768-66-1345 (Lot 51)	Deed Reference (Book/Page): Lots 51 and 53, Book of Maps 2002, Page 1290; Deed Book 9526, Page 1888	
Nearest Intersection: ACC Boulevard and Summer Crest Drive		Property size (in acres): 14.47 ac
Property Owner/Address: SLF Ruby Jones LLC c/o Ryan LLC PO BOX 56607 Atlanta, GA 30343	Phone 214-239-2376	Fax
	Email BRedwine@stratfordland.com	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone: 919.590.0388	Fax: 919.882.8890
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature 	Email: mbirch@morningstarlawgroup.com	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.



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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-30-14		Transaction Number
Date Submitted: November 16, 2014		
Existing Zoning: TD CUD w/ PDCUOD	Proposed Zoning: RX-5 CUD and RX-5-PL CUD	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The maximum residential density for the property shall be twenty (20) units per acre.
2.	The minimum building setback from the Glenwood Avenue public right-of-way shall be fifty (50) feet.
3.	The minimum parking setback from the Glenwood Avenue public right-of-way shall be fifty (50) feet.
4.	No tree disturbing activity shall be permitted within that area adjoining the Glenwood Avenue public street right-of-way and measuring fifty (50) feet in width perpendicular to the Glenwood Avenue public street right-of-way, except that tree disturbing activities can occur within up to fifteen percent (15%) of this area for the following limited purposes of installing and maintaining water, sewer and storm drainage facilities and power lines.
5.	Prior to issuance of the first certificate of occupancy for the property, the property owner shall (i) provide a concrete slab at the back of the future sidewalk in the ACC Boulevard public street right-of-way along the property's frontage sufficient to accommodate a standard bus shelter, and (ii) pay to the City an amount of \$4,500 as contribution toward the future installation of a bus shelter.
6.	
7.	
8.	

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



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 2-30-14

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 "Medium Density Residential" on the Future Land Use Map, and this classification encourages residential development with a density greater than fourteen units per acre. The rezoning request is consistent with this guidance because it permits residential density greater than fourteen units per acre.
2. Table LU-2 recommends a maximum of five stories in building height for property designated Medium Density Residential on the Future Land Use Map and within a Core/Transit area. The property is located within the 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. Glenwood Avenue is designated a Parkway Corridor on the Urban Form Map. The rezoning request is consistent with this guidance because it proposes to apply the Parkway frontage type to that parcel with frontage along Glenwood Avenue.
4. The rezoning request is consistent with the following Comprehensive Plan policies: LU 1.2 "Future Land Use Map and Zoning Consistency"; LU 4.4 "Reducing VMT Through Mixed Use"; and LU 4.5 "Connectivity".

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. The rezoning request provides a public benefit by rezoning property consistent with the Future Land Use Map guidance. The Future Land Use Map designates this property for medium density residential uses, but the property is currently zoned for office uses. This rezoning would rezone the property consistent with the Future Land Use Map.
2. The rezoning request provides a public benefit by locating additional housing opportunities in close proximity to a regional retail center (Alexander Place and Brier Creek Commons) and office developments (Brier Creek Corporate Center), which can reduce vehicle miles traveled.

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.

1.	<p><i>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.</i></p> <p>Response: The rezoning request provides housing opportunities in close proximity to retail and office development, consistent with this guideline.</p>
2.	<p><i>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.</i></p> <p>Response: The property is not adjacent to lower density development, so this guideline is not applicable.</p>
3.	<p><i>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.</i></p> <p>Response: The street infrastructure within the larger Alexander Place development is already constructed, and it provides multiple paths for movement through the mixed use center consistent with this guideline.</p>
4.	<p><i>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.</i></p> <p>Response: No new public streets are anticipated as part of this development, but cross access connections to the adjoining apartment development are contemplated, consistent with this guideline.</p>
5.	<p><i>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.</i></p> <p>Response: The proposed development will have access on to ACC Boulevard, and this access point will likely be within 660 feet of the access point to the adjoining apartment development, consistent with this guideline.</p>
6.	<p><i>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.</i></p> <p>Response: The proposed rezoning includes a parking limited frontage type along the ACC Boulevard frontage, which will bring the buildings closer to the public street, consistent with this guideline.</p>
7.	<p><i>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.</i></p> <p>Response: The proposed rezoning includes a parking limited frontage type along the ACC Boulevard frontage, which will bring the buildings closer to the high volume corridor with no on-street parking, consistent with this guideline.</p>
8.	<p><i>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.</i></p> <p>Response: The site is not located at a street intersection, so this guideline is inapplicable.</p>
9.	<p><i>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.</i></p> <p>Response: Outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</p>
10.	<p><i>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.</i></p> <p>Response: Outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</p>
11.	<p><i>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.</i></p> <p>Response: Outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p>Response: Outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response: Outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p>Response: The rezoning request proposes a parking limited frontage type along ACC Boulevard, which limits the amount of parking between the road and the buildings, consistent with this guideline.</p>

15.	<p><i>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.</i></p> <p>Response: The rezoning request proposes a parking limited frontage type, which limits the amount of parking between the road and the building, consistent with the surrounding context and this guideline.</p>
16.	<p><i>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.</i></p> <p>Response: No parking structures are contemplated as part of this development.</p>
17.	<p><i>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.</i></p> <p>Response: The proposed development is within walking distance to the transit stops within the Alexander Promenade Shopping Center development for the CAT Route 70X/Brier Creek Express service.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p>Response: Sidewalks will be provided from the buildings to the sidewalk within the right-of-way, which will connect with other pedestrian connections to the transit stops, consistent with this guideline.</p>
19.	<p><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></p> <p>Response: Environmentally sensitive areas on the property will be protected in accordance with the UDO, consistent with this guideline.</p>
20.	<p><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></p> <p>Response: No new public streets are contemplated as part of this development, and ACC Boulevard is already constructed, so this guideline is not applicable.</p>
21.	<p><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></p> <p>Response: Sidewalks will be provided in accordance with the UDO and in context with the sidewalk immediately east of the site, consistent with this guideline.</p>
22.	<p><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></p> <p>Response: Street trees will be provided in accordance with the UDO, consistent with this guideline.</p>
23.	<p><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></p> <p>Response: The rezoning request proposes a parking limited frontage type along the primary street, which will spatially define the street consistent with this guideline.</p>
24.	<p><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></p> <p>Response: The rezoning request proposes a parking limited frontage along ACC Boulevard, which requires building entrances facing the primary street consistent with this guideline.</p>
25.	<p><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></p> <p>Response: The apartment building type in a mixed use district requires a minimum amount of transparency that will provide pedestrian interest consistent with this guideline.</p>
26.	<p><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></p> <p>Response: Sidewalks will be provided consistent with the UDO and in context to the sidewalk existing to the immediate east.</p>

2-30-14

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON AUGUST 27, 2014

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Wednesday, August 27, 2014, at 6:00 p.m. The two properties considered for rezoning total approximately 14.47 acres, and have the addresses of 10020 Glenwood Avenue and 7651 ACC Boulevard, with Wake County Parcel Identification Numbers 0768-66-5694 and 0768-66-1345. This meeting was held at the office of Morningstar Law Group, located at 630 Davis Drive, Suite 200, Morrisville, NC 27560. All owners of property within 100 feet of the subject properties were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A

NEIGHBORHOOD MEETING NOTICE



R. Michael Birch, Jr. | Attorney
630 Davis Drive, Suite 200
Morrisville, NC 27560

919-590-0388
mbirch@morningstarlawgroup.com
www.morningstarlawgroup.com

To: Neighboring Property Owner

From: Michael Birch

Date: August 15, 2014

Re: Notice of meeting to discuss potential rezoning of two parcels located on the south side of ACC Boulevard, containing approximately 14.47 acres, with the addresses of 10020 Glenwood Avenue and 7651 ACC Boulevard, and having Wake County Parcel Identification Numbers 0768-66-5694 and 0768-66-1345 (the "Property").

We are counsel for Davis Development, Inc. ("DDI"), a developer that is considering rezoning the above-captioned Property. The Property is currently zoned Thoroughfare District with a Planned Development Conditional Use Overlay District, and the proposed zoning district is Residential Mixed Use (RX) Conditional Use, which permits residential uses.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Wednesday, August 27, 2014 at 6:00 p.m. This meeting will be held at our office, located at 630 Davis Drive, Suite 200, Morrisville, NC 27560.

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 owners 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) 590-0388 or mbirch@morningstarlawgroup.com.

EXHIBIT B

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

G&I VIII BRIER CREEK LLC
DRA ADVISORS LLC
220 E 42ND ST
NEW YORK NY 10017-5806
0768668274

SLF RUBY JONES LLC
RYAN LLC
PO BOX 56607
ATLANTA GA 30343-0607
0768661345

SLF RUBY JONES LLC
RYAN LLC
PO BOX 56607
ATLANTA GA 30343-0607
0768664919

SLF RUBY JONES LLC
RYAN LLC
PO BOX 56607
ATLANTA GA 30343-0607
0768665694

WAL-MART REAL ESTATE BUSINESS TRUST
MS 0555
PO BOX 8050
BENTONVILLE AR 72712-8055
0768577062

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

On Wednesday, August 27, 2014, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. Below is a list of items discussed at the meeting:

1. Access to Glenwood Avenue and ACC Boulevard
2. Cross-access with adjoining apartment development
3. Density
4. Building height
5. Size of dwelling units

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDEES

1. Kellie Bossert