

Ordinance (2013) 182ZC687

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same if hereby amended as follows:

Z-40-12/MP-3-12 – T.W. Alexander Drive and ACC Boulevard, Conditional Use District - located north of the intersection of T. W. Alexander Drive and ACC Boulevard, being Wake County PIN, 0768-49-8705. Approximately 8.5 acre(s) is rezoned to amend Planned Development District.

Conditions Dated: 3/21/13

Narrative of conditions being requested:

1. If tract is developed as Townhouse residential units, the minimum residential density shall be 6 units per acre and the maximum residential density shall not exceed 14 units per acre.
2. If tract is developed as Retail uses, maximum building square footage shall not exceed 90,000 square feet. Retail Use permitted is defined as all Retail Sales listed in the Schedule of Permitted Land Uses in Zoning Districts (Sec 10-2071), regardless of whether they are shown as a General Use, Conditional Use, Special Use, etc. in that table.
3. The development shall be in accordance with the Master Plan document (MP-3-12) as may be lawfully modified.
4. The property owner(s) shall record with the County Register of Deeds, a covenant allocating retail square footage to each lot, upon the recording of a subdivision plat of the property. The allocation covenant must be approved by the City Attorney prior to its recordation.
5. Each retail building on the site shall have a maximum building setback (or build-to) of 25' from either ACC Boulevard or T.W. Alexander Drive, unless such building is located at the corner of these two rights-of-way, in which case, the maximum building setback (or build-to) shall be 25 feet from both rights-of-way.
6. If developed as retail, there will be a minimum of 3 pedestrian entry points for the site: one (1) from ACC Boulevard, one (1) from T.W. Alexander Drive and one (1) from the adjacent

residential parcel to the North (Brier Creek Townes project, City of Durham PIN 0769-04-40-5459, Durham County Book of Deeds 5082, Page 969).

7. For any retail building that fronts ACC Boulevard and T.W. Alexander Drive, the building side facing such rights-of-way shall contain at least 70% brick, stone, architectural masonry block, glazing (glass) or a combination thereof, with glazing consisting of a minimum of 10% of the building side. Plantings are to be incorporated at the base of each building wall side facing ACC Boulevard and T.W. Alexander Drive. A minimum of 20 shrubs per 100 linear feet of building wall shall be planted.

8. If developed as retail, construct a sidewalk connection from the residential parcel to the North (Brier Creek Townes project, City of Durham PIN 0769-04-40-5459, Durham County Book of Deeds 5082, Page 969) to future ACC Boulevard. The sidewalk to run in an east/west direction. Construction contingent on City of Durham and the off-site property owner's approval.

9. If developed as retail, construct a pedestrian connection mid-block on ACC Blvd., subject to NCDOT approval, and designed to include a center refuge.

10. If developed as retail, construct any above-ground storm water facility located on Tract 122 as an amenity as described in the City of Raleigh zoning code section 10-2083.13. The amenity shall include outdoor seating.

11. If warranted and approved by NCDOT, the developer shall contribute \$100,000 at the time of the first building permit issuance of any retail building on the site for construction of a traffic signal and pedestrian improvements at the intersection of T.W. Alexander Drive and ACC Blvd. The developer may choose to construct the signal in lieu of the \$100,000 payment. If signal warrants are not met at the time of issuance of building permits for retail buildings, the applicant shall contribute \$30,000 to be used towards any future signalization improvements by the City of Raleigh or NCDOT at the T.W. Alexander Drive/ACC Boulevard intersection.

12. Construct a screen wall for any loading areas that face the public right-of-way. Screening to achieve opacity to an 8' height above the loading area and may consist of walls, vegetation and/or berms, or a combination thereof.

13. If developed as retail, construct a 6 foot tall masonry wall that screens any parking located within 30 feet of the public street right-of-way. The masonry wall shall be compatible, in terms of texture, quality, with the material and color of the principal building.

14. If developed as retail, provide a 30' wide buffer landscaped in the same manner as set forth in the City Code between the property to the North (Brier Creek Townes project, City of Durham PIN 0769-04-40-5459, Durham County Book of Deeds 5082, Page 969) and Tract 122. Design details to be determined at the time of Site Plan review. The buffer may, in whole or in part, be

included on the Northern property (Brier Creek Townes project, City of Durham PIN 0769-04-40-5459, Durham County Book of Deeds 5082, Page 969) with the execution of a landscape easement between the two Tracts.

**MASTER PLAN
FOR A
PLANNED DEVELOPMENT DISTRICT
MP-1-00**

CASE #MP-3-12 FOR TRACTS 122 AND 123

**GLENWOOD AVENUE - T.W. ALEXANDER DRIVE
RALEIGH, NORTH CAROLINA**

January 23, 2001

Amended April 8, 2013 for Tracts 122 and 123 Only

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**AMENDMENT TO THE MASTER PLAN FOR A MIXED USE COMMUNITY
GLENWOOD AVENUE - T.W. ALEXANDER DRIVE
RALEIGH, NORTH CAROLINA**

I. INTRODUCTION

There are multiple purposes for this document. The primary purpose is to satisfy the “Master Plan” requirements of the City of Raleigh’s Planned Development Overlay District Master Plan process. We also hope to document the long-term vision for the use of this property and to provide a vehicle by which the unique nature of the project can be conveyed. Further, it is believed that through the dialogue that will be generated by this document a better understanding and acceptance of the goals and objectives of the Glenwood Avenue - T.W. Alexander Drive Master Plan can be established.

II. PROJECT LOCATION AND CONTEXT

Map MP-1 illustrates the general location of the site. The Glenwood Avenue - T.W. Alexander Drive tract is located on the north side of U. S. Highway 70 adjacent to its intersection with ACC Boulevard. The property site lies within the Umstead District Planning area and is included in the Triangle Regional Center Planning area. The 232-acre site is currently zoned Thoroughfare District CUD. This area is hereinafter defined as the Master Plan area. Adjacent land uses include La-Z-Boy Showcase Shoppes, Woodlawn Memorial Gardens Cemetery, the Brier Creek residential development (under development), and a mixture of industrial uses. Surrounding zoning includes T.D. and Residential-4.

III. THE DEVELOPMENT CONCEPT

The Glenwood Avenue - T.W. Alexander Drive Master Plan proposes an urban intensity, mixed use community. The planned extensions of T. W. Alexander Drive, ACC Boulevard and Brier Creek Parkway through the Property will provide for internal traffic circulation as well as interconnectivity with U. S. Highway 70, Mt. Herman Road, Westgate Road and Leesville Road. The components of the master Plan include a mixture of office, institutional, retail and residential uses, while providing substantial open space. Where ever practical, land uses will be apportioned throughout the Master Plan so as to ease pedestrian and vehicular traffic between the uses, both by locating single use buildings in close proximity to one another and through the utilization of both vertical and horizontal mixed use buildings as defined in Article V (F) 13 of this document.

IV. SUPPORT FOR REZONING TO PLANNED DEVELOPMENT DISTRICT

A. Changed Circumstances

When the property was first brought into the City of Raleigh's zoning jurisdiction, ten or more years ago, the then owners of the property petitioned the City Council to zone the property TD, conditional use. With the petitioner=s consent, action on the rezoning was delayed until the city's Comprehensive Plan was amended to include the Umstead Planning District. Eventually, in November 1988, the City Council voted to zone the property TD, conditional use (Z-90-86).

The reason for this rezoning is to modify phasing and realignment of the different land uses permitted under that zoning designation. This rezoning request is filed contemporaneous with a Shopping Center CUD request on adjoining parcels. The effect of these dual filings will allow for the development of the property in a unified, yet feasible manner. The code requires that the first 25 acres of a Master Plan be developed

for non-retail uses. Given the Code's broad definition of "retail", only office and residential uses set back farther into the site would qualify as non-retail. The extension of arterial and thoroughfare roads and utilities through and past the Subject Property would be required for phasing in accordance with the master plan code requirements.

B. Developed in Harmony with the Comprehensive Plan

The Glenwood Avenue - T.W. Alexander Drive Master Plan complies with the Comprehensive Plan. The property is located in the Employment Area north of U. S. Highway 70 and Interstate 540. The considerable amount of office development called for in the Glenwood Avenue - T.W. Alexander Drive Master Plan advances the City's vision for this area. Although Employment Areas, as such, are not designated for residential development, the size of the Glenwood Avenue - T.W. Alexander Drive Tract provides the City with a unique opportunity to allow a mixed use development with high intensity uses and high density residential to fulfill the conceptual goals of the Comprehensive Plan. Placing high density residential developments next to high intensity office space and retail centers discourages use of the automobile and encourages use of the pedestrian traffic system called for in this plan.

The development of the Glenwood Avenue - T.W. Alexander Drive Tract will include the extension and intersections of a secondary arterial (T. W. Alexander Drive) a minor thoroughfare (Brier Creek Parkway) and a collector (ACC Boulevard). These roadway improvements will give many commuters alternatives to Interstate 540 and U. S. Highway 70.

C. Benefits to the Community

The community as a whole will benefit from the development of this site. The approval of this rezoning and the accompanying PDD request will allow this uniquely situated property to develop to its fullest potential thereby greatly expanding the City's tax base. The proposed rezoning of the property in question is in accordance with the Comprehensive Plan. The proposed development will provide for the extension of arterial, thoroughfare and collector roads through the property.

V. GLENWOOD AVENUE - T.W. ALEXANDER DRIVE MASTER PLAN

It is the intent of this Master Plan that the Master Plan area be developed with the uses and intensities shown on the Land Use Summary Table attached hereto as Exhibit "A" and incorporated herein by reference. The parcel sizes, land use classifications, square footage numbers, dwelling number and hotel room numbers shown thereon are the target uses and intensities for the individual parcels shown on MP-1. If site plans are submitted to City Staff which do not meet these target uses and intensity numbers, plus or minus ten percent (10%), then those such site plans shall be subject to Planning Commission or City Council site plan approval per Code Section 10-2132.2. Building height limits shown on the Land Use Summary Table are not targets, but maximum height limits as customarily used in the Code, and as such shall not be exceeded without a variance granted by the Board of Adjustment. The standards to which all Master Plan site plans shall be approved are as follows:

A. Office and Institution - Tract 51, 52, 53, 54, 55, 56, 7, 8, 9, 111, 112, 121, and 13

1. Uses. The primary use anticipated for these tracts are customary office uses. Office square footage shall be limited to those prescribed for each

tract on the Land Use Summary Table found on MP-1, plus or minus 10%. As for Parcels 55 and 56, the land use designations on the Land Use Summary Table provide for office and/or day care. Either or both uses shall be approved administratively provided the total square footage is within ten percent (10%) of the target shown on the Land Use Summary Table. As for Parcels 7 and 9, the Land Use Summary Table reflects both office square footage and residential density are shown. Should either tract be developed for solely one such use, the corresponding square-footage or density numbers shall govern, otherwise, such numbers shall be prorated per acre of land for mixed development in such parcel. As for Parcel 121, the Land Use Summary Table reflects both a target office square footage and a target number of hotel rooms. Should this tract be developed for solely one such use, the corresponding square-footage or hotel room numbers shall govern, otherwise, such numbers shall be prorated per acre of land for mixed development in such parcel.

- a. In the event any portion of these tracts designated for Office and Institution uses are developed for residential uses, such development shall achieve a density of no less than 15 units per acre. In the event any portion of these tracts designated for Office and Institution uses are developed for uses other than those shown on the Land Use Summary Table, then all uses allowed within the Raleigh Office and Institution-2 zoning classification shall be permissible except for the following:

- (i) Airfield landing strip
- (ii) Cemetery
- (iii) Emergency shelter type B

b. Hotel/motel uses may be located on these tracts subject to the overall hotel room limit established herein.

2. **Building Height Limits.** Building height maximums shall be those listed in the Land Use Summary Table.
3. **Pedestrian Orientation.** Structures may be located anywhere on the site, but a pedestrian connection must be made to link with the public sidewalk system and with the internal recreational path system outlined on sheet MP-3. It must be linked with each major pedestrian entrance to all buildings on the site, and must be made of a permanent, non-erodible surface at least 5' in width. All public streets to serve this site shall incorporate sidewalks on both sides of the street, however, such sidewalks may be located outside of the public right-of-way within corresponding public easements.
4. **Transit Access.** The provision of the pedestrian link noted above shall be coordinated at the time of approval of each site plan with a transit access system for the site, to be approved by the Transportation Department. If transit stops will be provided elsewhere in the Master Plan area, pedestrian linkages will be provided to allow direct access from any structure to the transit stop utilizing on-site and public walk systems.

5. **Unity of Development.** All structures on these tracts shall conform to unity of development requirements for the overall Master Plan area as defined herein.

B. Hotel - Tract 1, Retail - Tract 10 and Village Retail - Tract 14

Uses. The intended uses for these parcels are commercial. Tract 1 is intended for hotel use with a target of 150 rooms. Tract 10 is intended for approximately 22,000 square feet of retail use(s), subject to the limitation of sub-paragraph (a) below. Tract 14 is intended for approximately 84,800 square feet of retail uses making up a neighborhood scale shopping center, subject to the limitations of sub-paragraph (a) below.

- a. In the event any portion of these three tracts are developed for uses other than those shown on the Land Use Summary Table, then all uses allowed within the Raleigh Neighborhood Business zoning classification shall be permissible except for the following:
- (i) Cemetery.
 - (ii) Dance, recording, music studio.
 - (iii) Free-standing telecommunications tower, not located on the roof of an occupiable building.
 - (iv) Airfield, landing strip or heliport.
 - (v) Correctional/Penal facility.
 - (vi) Outside stadium, outdoor theater, outdoor racetrack, outdoor movie theater.
 - (vii) Power plant, electric utility substation.
 - (vii) Landfill
 - (vii) Emergency Shelter Type A.
- b. On Tract 14, no hotel/motel uses shall be permitted, and no single retail user other than a grocery store shall exceed 20,000 square feet, gross floor area. For purposes of this section, “grocery store”

shall mean a “retail sales – convenience” facility, as the same is defined in the Code, provided no less than fifty-one percent (51%) of its public square footage is devoted to the display and/or sale of food stuffs.

2. **Building Heights.** Building height maximums shall be those listed in the Land Use Summary Table.
3. **Pedestrian Orientation.** Structures may be located anywhere on the site, except as noted in VII.B. herein. A pedestrian connection must be made to link with the public sidewalk system and with the internal recreational path system outlined on sheet MP-3. It must be linked with each major pedestrian entrance to all buildings on the site, and must be made of a permanent, non-erodible surface at least 5’ in width. All public streets to serve this site shall incorporate sidewalks on both sides of the street, however, such sidewalks may be located outside of the public right-of-way with corresponding public easements.
4. **Transit Access.** The provision of the pedestrian link noted above shall be coordinated at the time of approval of each site plan with a transit access system for the site, to be approved by the Transportation Department. If transit stops will be provided elsewhere in the Master Plan area, pedestrian linkages will be provided to allow direct access from any structure to the transit stop utilizing on-site and public walk systems.
5. **Unity of Development.** All structures on these tracts shall conform to unity of development requirements for the overall Master Plan area as

defined herein. Unity of development for Tract 14 shall share at least two (2) common elements with the unity of development for Tracts 62 and 63.

C. Single-Family Attached - Tract 61

1. **Uses.** The primary use anticipated for this tract is approximately 48 single-family attached townhouses. In the event these tracts is not developed as such, all uses allowed within the Raleigh Residential-10 Zoning District shall be permissible except:

- a. Church synagogue or religious education building.
- b. Library, art gallery, or museum- governmental.
- c. Utility service or substation.
- d. Private or parochial school.
- e. Recreational outdoor use- commercial.
- f. Outdoor stadium, outdoor theater, outdoor racetrack.
- g. Parking (lot, deck or garage) as a principal use for a residential institution (off site.)
- h. Free-standing telecommunications tower, not located on the roof of an occupiable building
- i. Guest house (visitor lodging)
- j. Rooming house, boarding house, lodging house, or tourist home
- k. Bed and breakfast.

2. **Townhouse Orientation.** The front entrances to dwellings built on lots abutting the southern right-of-way of ACC Boulevard shall be oriented towards ACC Boulevard or the intersecting street as the same is shown on MP-3, hereinafter referred to as the “pedestrian street.” Such development shall achieve a minimum density of 6 units per acre (or minimum of 40 dwelling units) and shall comply with the *Urban Density Group Housing* standards as the same are defined herein.

3. **Building Heights.** Building heights shall be limited to those prescribed for each tract on the Land Use Summary Table found on MP-1.
4. **Pedestrian Orientation.** Principal structures must be located within 30' of the right-of-way of ACC Boulevard as noted in VII.B. herein. All pedestrian-level front entrances must be oriented to ACC Boulevard and be linked directly with the public sidewalk system and with the "Thru-Street" outlined on sheet MP-3. A continuous row of street trees will be established along both streets abutting this tract. No direct vehicular access will be allowed from ACC Boulevard. All units will have rear-access drives. All parking areas for these units will be on the side of the building opposite ACC Boulevard. Special pedestrian crossing signalization and/or crosswalk design as approved by the Transportation will be provided at the intersection of the "Pedestrian Street" with ACC Boulevard.
6. **Transit Access.** The provision of the pedestrian link noted above shall be coordinated at the time of approval of each site plan with a transit access system for the site, to be approved by the Transportation Department. If transit stops will be provided elsewhere in the Master Plan area, pedestrian linkages will be provided to allow direct access from any structure to the transit stop utilizing on-site and public walk systems.

7. **Unity of Development.** All structures on these tracts shall conform to unity of development requirements for the overall Master Plan area as defined herein.

D. High Density Residential - Tract 62

1. **Uses.** The intended use for this tract is high density residential consisting of approximately 630 dwelling units. All uses allowed within the Raleigh Residential-30 Zoning District shall be permissible except:
 - a. Church synagogue or religious education building.
 - b. Library, art gallery, or museum- governmental.
 - c. Utility service or substation.
 - d. Private or parochial school.
 - e. Recreational outdoor use- commercial.
 - f. Outdoor stadium, outdoor theater, outdoor racetrack.
 - g. Free-standing telecommunications tower, not located on the roof of an occupiable building
 - h. Guest house (visitor lodging)
 - i. Rooming house, boarding house, lodging house or tourist home
 - j. Bed and breakfast.
2. **Density.** Residential developments in this tract area shall achieve a minimum density of 15 units per acre, and shall comply with the *Urban Density Group Housing* standards as the same are defined herein.
3. **Building Heights.** Building heights shall be limited to those prescribed for each tract on the Land Use Summary Table found on MP-1.
4. **Pedestrian Orientation.** Structures may be located anywhere on the site, except as noted in VII.B. herein. Where abutting the “Pedestrian Street”, ACC Boulevard or Brier Creek Parkway, pedestrian level entrances for structures must be oriented to these streets and be linked directly with the public sidewalk system, the internal pedestrian pathway system and with

the “Thru-Street” as outlined on sheet MP-3. A continuous row of street trees will be established along all streets abutting this tract. No direct vehicular access will be allowed from ACC Boulevard and Brier Creek Parkway, except as approved by the Transportation Department and except as shown on MP-3. All parking areas for these units will be on the side of the building opposite ACC Boulevard, the “Pedestrian Street” and Brier Creek Parkway, except for parking along access drives. (The intent is to limit parking between buildings and public streets.) Special pedestrian crossing signalization and/or crosswalk design as approved by the Transportation will be provided at the intersection of the “Pedestrian Street” with ACC Boulevard. All public streets to serve this site shall incorporate sidewalks on both sides of the street, however, such sidewalks may be located outside the public right-of-way within corresponding public easements.

5. **Transit Access.** The provision of the pedestrian link noted above shall be coordinated at the time of approval of each site plan with a transit access system for the site, to be approved by the Transportation Department. If transit stops will be provided elsewhere in the Master Plan area, pedestrian linkages will be provided to allow direct access from any structure to the transit stop utilizing on-site and public walk systems.

6. **Unity of Development.** All structures on these tracts shall conform to unity of development requirements for the overall Master Plan area as

defined herein. The unity of development scheme for these tracts shall share at least two common elements with the unity of development scheme for adjacent Tract 14.

E. Assisted Living - Tract 63

1. **Uses.** The primary use anticipated on this tract is an Assisted Living Facility consisting of approximately 226 dwelling units. An “Assisted Living Facility” shall contain the open space and facilities of a Congregate Care Facility as defined by the Raleigh City Code. If not developed as an Assisted Living Facility, all uses allowed within the Raleigh O&I-2 District shall be permissible except for the following:

- a. Cemetery.
- b. Dance, recording, music studio.
- c. Free-standing telecommunications tower, not located on the roof of an occupiable building.
- d. Airfield, landing strip or heliport.
- e. Correctional/Penal facility.
- f. Outside stadium, outdoor theater, outdoor racetrack, outdoor movie theater.
- g. Emergency shelters.
- h. Power plant, electric utility substation.
- i. Landfill.

In the event the property is not developed as a Assisted Living Facility, it shall be developed as any use permitted under O&I-2 zoning district, exclusive of the special use permitted therein, and shall meet all of the standards in subsection A above for offices, or subsection D above for residential uses.

2. **Density.** An Assisted Living Facility consisting of cumulative development totals for areas designated Tract 63 shall achieve a minimum

density of 15 dwelling units per acre and shall comply with the *Urban Density Group Housing* standards as the same are defined herein.

3. **Building Heights.** Building heights shall be limited to those prescribed for each tract on the Land Use Summary Table found on MP-1
4. **Pedestrian Orientation.** Structures may be located anywhere on the site, except as noted in VII.B. herein. Where abutting the “Pedestrian Street”, pedestrian level entrances for structures must be oriented to this street and be linked directly with the public sidewalk system, the internal pedestrian pathway system and with the “Thru-Street” as outlined on sheet MP-3. A continuous row of street trees will be established along all streets abutting this tract. No direct vehicular access will be allowed from T.W. Alexander Drive, except as approved by the Transportation Department, and except as shown on MP-3. Special pedestrian crossing signalization and/or crosswalk design as approved by the Transportation will be provided at the intersection of the “Pedestrian Street” with T.W. Alexander Drive. On this site a minimum of 1,000 square feet of pedestrian court area(s) must be provided with landscape amenities and seating areas conducive to pedestrian use and interaction, with appropriate focal points. This pedestrian court is to be linked directly to pedestrian entrances to structures on site and the major pedestrian linkage to the public street system, and should be a prominent feature of the site plan for the development.

5. **Transit Access.** The provision of the pedestrian link noted above shall be coordinated at the time of approval of each site plan with a transit access system for the site, to be approved by the Transportation Department. If transit stops will be provided elsewhere in the Master Plan area, pedestrian linkages will be provided to allow direct access from any structure to the transit stop utilizing on-site and public walk systems.

6. **Unity of Development.** All structures on these tracts shall conform to unity of development requirements for the overall Master Plan area as defined herein. The unity of development scheme for these tracts shall share at least two common elements with the unity of development scheme for adjacent Tract 14.

F. Retail or Office or Residential - Tracts 122/123

1. **Uses.** The intended uses for this parcel is either Retail or single-family attached townhouse units.

a. In the event any portion of this tract is not developed as retail or townhouse uses, then all uses allowed within the Raleigh Office and Institution-2 zoning classification shall be permissible except for the following:

- (i) Airfield landing strip
- (ii) Cemetery
- (iii) Emergency shelter type B

If Tracts 122/123 are developed for Office uses, a maximum of 340,000 square feet will be allowed.

Furthermore, if Tracts 122/123 are developed for residential uses other than townhomes, the maximum allowable residential yield will be 340 units (40 du/ac.).

- b. Hotel/motel uses may be located on Tracts 122/123 subject to the overall hotel room limit established in section V.B.
- c. If Tracts 122/123 are developed for commercial use, it is intended to provide up to 90,000 square feet of retail use(s) consistent with a neighborhood scale shopping area.
- d. For Tracts 122/123, no single retail user other than a grocery store shall exceed 20,000 square feet, gross floor area. For purposes of this section, “grocery store” shall mean a “retail sales – convenience” facility, as defined by City code, provided no less than fifty-one percent (51%) of its public square footage is devoted to the display and/or sale of food stuffs.
- e. If Tracts 122/123 are developed as single-family attached townhome units, the development shall be restricted to a minimum density of 6 units per acre (51 units) and a maximum density of 14 units per acre (119 units).

- 2. **Townhouse Orientation.** If Tracts 122/123 are developed as a residential use, the front entrances to dwellings shall be oriented towards a public street or private drive (unless prevented by applicable ordinances),

whether internal to the tract or external to proposed Del Webb Arbors Drive.

3. **Building Orientation for Retail Uses.** If Tracts 122/123 are developed as a retail use, the front main entrance to individual retail tenants shall be oriented to and front along any Pedestrian sidewalk system that is a minimum of 14 feet wide within the development. Parking requirements for retail uses, as defined by Raleigh city code, may be located between the building front entrance side and the public street right-of-way unless a UDO frontage is imposed on the property prior to development. Areas designated for parking within the development shall not be located within a 120 foot radius measured from the centerline intersections of T.W. Alexander Drive with either ACC Boulevard or Del Webb Arbors Drive. This land area can be developed as buildings for retail uses, architectural special features/project signage, pedestrian open space/activity areas, landscape plantings and/or storm water facilities.
4. **Building Heights.** Building height maximums shall be those listed in the Land Use Summary Table. If Tracts 122/123 are developed as retail uses adjacent to properties developed as residential uses, the building height shall be transitioned down from a maximum height of 60 feet within the interior of the site to a maximum of 35 feet for any building side within 50 feet of said shared property line.

5. **Building Setbacks for Retail Uses.** If Tracts 122/123 are developed as a retail use, the minimum building setback where fronting public street right-of-ways shall be those listed in Section VII-A.
6. **Pedestrian Orientation.** Structures may be located anywhere on the site, except as noted in VII-B herein. A pedestrian connection must be made to link with the public sidewalk system outlined on sheet MP-3 (Case # MP-1-00). It must be linked with each major pedestrian entrance to all buildings on the site, and must be made of a permanent, non-erodible surface at least 5' in width. All public streets to serve this site shall incorporate sidewalks on at least one side of the street; however, such sidewalks may be located outside of the public right-of-way with corresponding public easements.
7. **Transit Access.** The provision of the pedestrian link noted above shall be coordinated at the time of approval of each site plan with a transit access system for the site, to be approved by the Transportation Department. If transit stops will be provided elsewhere in the Master Plan area, pedestrian linkages will be provided to allow direct access from any structure to the transit stop utilizing on-site and public walk systems.
8. **Unity of Development.** All structures on these tracts shall conform to unity of development requirements for the overall Master Plan area as defined herein.

G. STANDARDS APPLICABLE TO ALL SECTIONS

1. **Unity of Development.** Unity of Development Guidelines approved by the City of Raleigh Planning Director shall be established for the entirety of the Glenwood Avenue - T.W. Alexander Drive Master Plan Area prior to the issuance of building permits for new construction. Separate unity of development criteria may be established for each individual residential section and for non-residential uses, must be related to the overall unity statement. The Guidelines among other things shall establish complementary combination of elements such as wall and roof treatments, roof pitch, window fenestration, building colors, signage, and landscaping.
2. **Transitional Protective Yards.** Transitional Protective Yards will be provided where required by the City of Raleigh's landscape ordinance on the boundaries of the site. Transitional Protective Yards within the site will be provided based on the highest land use specified in the master plan except where the differing land uses are separated by a public street. Staff may approve alternative means of compliance on a case-by-case basis where shared parking, shared access or private streets separate designated land uses on the master plan. Such alternative means may take into account the mixed-use and pedestrian friendly nature of this development project which encourages divergent uses to be located adjacent to one another without transition, but shall achieve, as a minimum, a Type-D transitional protective yard, or its equivalent. Where multiple uses are allowed in the master plan, 1/2 the width and planting requirements of

transitional protective yards on developing tracts must be provided adjacent to vacant tracts anticipating the highest impact land use allowed in the master plan on the vacant tract.

3. **Landscape Maintenance and Location.** A property owners association will be established to maintain all common areas, open space and all planting islands located within public street rights-of-way. Required street yard plantings along any zero-setback street may be installed in the right-of-way. Encroachment agreements must be approved by the City Council prior to approval of planting plans for these facilities, where used. Any tree planting requirement under Progress Energy right of way shall be satisfied through alternate means of compliance acceptable to the power company and the city, as per normal City policies.
4. **Internal Pedestrian Pathway.** A sidewalk, bike trail or pedestrian way as shown on MP-3 shall connect to all public and private sidewalks and pedestrian crossings shown in the Master Plan, or in a similar location as authorized by the Raleigh Director of Transportation. Except for the Raleigh Greenway, pathways shall be constructed by the developer of each individual tract and shall be constructed in accordance with the Phasing Plan noted herein.
5. **Stormwater Management.** Except for land that drains directly into a FEMA mapped watercourse, storm water runoff shall not exceed R-4 levels for the 2-year and 10-year storms.

6. **Annexation Phasing.** Property Owners will submit voluntary annexation petitions prior to the issuance of any building permits, based upon the Phasing Plan noted herein.
7. **Right-of-Way Reimbursements.** Notwithstanding the foregoing, there shall be no reimbursement for right-of-way necessary for the relocated ACC Boulevard east of Brier Creek Parkway.
8. **Transit Access.** Property owners will make available to the City and/or TTA sites for transit stops in no less than two (2) locations throughout the PDD area. Locations of such sites to be determined prior to issuance of building permits for the parcels on which they are to be located.
9. **Residential Development in TD Zone.** Any residential development, as permitted herein, may be constructed on tracts smaller than 10-acres.
10. **Street Interconnectivity.** The city's policy of street interconnectivity in residential developments may be achieved with public and/or private through streets, as shown on MP-3.
11. **Visibility from Rights-of-Way.** Building rears which are visible from public rights-of-way will be of similar materials and architectural design and features as the building front.
12. **Mixed-Use Buildings.** Nothing contained herein shall prohibit the development of a mixed use building (vertical or horizontal) wherein residential, office, retail, or other uses are combined. It is the expressed intent of the applicant to incorporate mixed use buildings throughout the Master Plan area wherever practical. It is understood that any vertical

mixed use building will justify exceeding the maximum square footage for such parcel as shown on the Land Use Summary Table. A vertical mixed use building is a building of more than a single occupied floor and containing more than a single land use. A horizontal mixed use building is a single story building containing more than a single land use.

13. **Maximum Number of Hotel Rooms.** Notwithstanding anything herein to the contrary, the maximum number of hotels rooms permitted in the Master Plan area as defined herein shall be six hundred (600).
14. **Public Facility.** A minimum of one (1) site shall be reserved for five (5) years and made available to the City of Raleigh for use as a fire station, police station, or other such similar public need. Such site shall be located in the area of Parcels 5 or Parcel 14. The reservation described herein shall be from the date of administrative approval of the site plan on which such reserved site is identified. The site may be a tract of land no less than 1 acre in size, or may be leased space within a structure incorporating the neo-traditional pedestrian-friendly environment described by this Master Plan. The site would be provided to the City of Raleigh at 90% of its appraised fair market value. In addition to the public safety facility referred to above, should it be determined by the proper authorities that a site along Brier Creek is appropriate for a regional storm water impoundment facility, such a site, not to exceed the boundaries of the designated open space as shown on map MP-1, would be provided to the City of Raleigh at 90% of its appraised fair market value.

15. **Floodplains.** No development shall be permitted in the floodplains as the same are shown on MP-1, except for installation and maintenance of public and private street crossings, pathways, bridges, utilities, storm water management facilities, or pedestrian furnishings. Excluding disturbance for the installation and maintenance of any regional storm water facilities, not more than thirty percent (30%) of the floodplains and open space may be disturbed, without site plan approval pursuant to Code section 10-2132.2.

16. **Group Housing Alternative Designs.** In order to achieve the higher residential densities as shown in the plan in an urban setting, the following alternative designs to the Group Housing Standards (to be approved by the Planning Commission concurrent herewith) are incorporated into the Master Plan.
 - a. **Tree preservation:** Tree conservation areas will be provided in compliance with the requirements of Raleigh City Code Section 10-2082.14 unless tree preservation is otherwise provided under section VI-C, “Streetscapes and Street yards” of the Master Plan document.

 - b. **Building to Building Relationships:** Building to building relationships (distance) may be reduced by 25%, subject to NC Building Code restrictions, and Fire Department access requirements. Front yards may be reduced so that the minimum front yard shall be the same as noted in section VII.A, in order to achieve the City’s Comprehensive Plan objective of urban scale development in the Regional Center area.

VI. GLENWOOD AVENUE - T.W. ALEXANDER DRIVE ALTERNATIVE DESIGNS

A. Streets

Public streets and private streets, if any, within the development shall conform to the current City of Raleigh standards with the following exceptions and clarifications:

1. City administration may approve provisions for traffic calming devices, including traffic circles, on a case by case basis at the subdivision approval stage. Any such variation will be approved only if the public interest is served and provisions for emergency service vehicles are fulfilled, as shown on MP-3 of approved Master Plan case #MP-1-00.
2. The ~~attached~~ Diagrams 1a, 1b, and 1c show alternative street designs which may be employed as noted on MP-3 of MP-1-00, excluding T.W. Alexander Drive, ACC Boulevard, and Brier Creek Parkway.

B. Pedestrian Circulation

In order to provide a safe and attractive walk-able community, the following alternative designs must be incorporated into the Master Plan:

1. Location of sidewalks within rights-of-way may vary from City of Raleigh standards. Alternatives to City of Raleigh standard sidewalks such as combination bike trail/pedestrian way may be utilized on thoroughfares and may be located outside the right-of-way in a public pedestrian easement, or in the right-of-way subject to a standard City encroachment agreement.
2. Street trees may be located between curbs and sidewalks within the public right-of-way subject to sight distance standards, a vegetative permit and to

a standard City encroachment agreement if located in public rights-of-way.

C. Streetscapes and Street yards

1. **Streetscapes**

The streetscapes for the streets in the master plan area shall conform to the minimum street yard and tree planting and preservation standards set forth in Tables 1 and 2 below. In addition to these tree plantings, streetscapes may include additional vegetation, pedestrian furnishings, and/or other hardscape features subject to standard City encroachment agreements if on public rights-of-way. MP-3 shows alternative designs which may be implemented for the pedestrian street.

Table 1

Street yard Tree Planting & Preservation Standards

Along Streets	Street yard Planting	Median Planting (If Provided)	Tree Preservation
US Highway 70	18" caliper (C) Per 50 linear feet(LF) (Where no trees exist or for replacing)	-	50' average/35' minimum (excluding Shopping Center CUD)
TW Alexander Drive	9" C/50 LF (each side)	3" C/50' LF of plantable area	Tree protection occurs at three open space nodes average 50'
ACC Boulevard	6" C/50 LF *	-	-
Brier Creek Parkway	6" C/50 LF	3" C/50' LF of plantable area	-
Pedestrian Street*	6" C/50 LF *	2" C/50 LF *	-
Other Public Streets	6" C/50 LF *	-	-

* Flowering, understory, or evergreen trees/shrubs may be substituted for shade trees in confined areas.

Note. Parking areas shall be screened/filtered according to conditions herein and city landscape ordinance.

2. **Street yards**

The street yards widths for the Glenwood Avenue - T.W. Alexander Drive

Master Plan shall be as shown on the following Table 2.

From Streets	Street Yard Table (Average/Minimum)			
	Residential	Office/Institutional	Retail	Other
US Highway 70*	50/35	50/35	50/35	50/35
T.W. Alexander Drive	25/15	25/15	25/15	25/15
ACC Boulevard	20/10	20/10	20/10	20/10
Brier Creek Parkway	25/15	25/15	25/15	25/15
Pedestrian Street**	N/A	N/A	N/A	N/A
Other Public Streets	15/7.5	15/7.5	15/7.5	15/7.5
Private Streets	N/A	N/A	N/A	N/A

* Note. Does not apply to Shopping Center CUD.

** Note. See Tree Planting Standards (Table 1) for Pedestrian Street

VII. SETBACKS AND BUILDING ORIENTATION.

A. **Building Setbacks.** Minimum building setbacks shall be as shown in Table 3

below.

From Streets	Building Setback Table Land Use			
	Residential	Office/Institutional	Retail	Other
US Highway 70	50	50	50	50
T.W. Alexander Drive	15	15	15	15
ACC Boulevard	10	10	10	10
Brier Creek Parkway	15	15	15	15
Pedestrian Street	0	0	0	0
Other Public Streets	10	10	10	10
Private Streets	5	5	5	5
From				
Interior Lot Lines	5	5	5	5
Perimeter Lot Lines	Defaults to minimum protective yard width, or 10' if no transitional protective yard is required.			

B. **Building Orientation Along Certain Rights-of-Way.**

1. **ACC Blvd. Eastern Portion**

Seventy (70%) percent of the frontage along the residential portion of ACC Boulevard, east of its intersection with Brier Creek Parkway, shall be fronted by buildings or other similar structures designed to continue the edge created by the other buildings. The closest part of such buildings shall be no more than thirty (30') feet from the right-of-way of ACC Boulevard. Such buildings shall be spaced not more than 60 feet apart, excluding drives and/or rights-of-way. The intent of these standards is to create a pedestrian friendly area which places buildings close to the streets which serve them and locates parking on the side of such buildings opposite of the right-of-way. Because the non-residential portion of ACC Blvd is separated from the residential portion by Brier Creek and related open space, the standards listed above shall not apply to Tracts 52, 53 and 54.

2. **ACC Blvd. Western Portion**

Fifty (50%) percent of the frontage along the residential portion of ACC Boulevard west of Brier Creek Parkway shall be fronted by buildings or other similar structures designed to continue the edge created by the other buildings. The closest part of such buildings shall be no more than forty (40') feet from the said right-of-way. Such buildings shall be spaced not more than 175 feet apart, excluding drives and/or rights-of-way. The intent of these standards is to create a pedestrian friendly area which places buildings close to the streets which serve them and locates parking on the side of such buildings opposite of the right-of-way. This provision shall not apply to Tracts 122/123 if developed as Townhouse

residential uses or residential developments containing buildings of 4 stories or more and which do not utilize the Urban Density Group Housing Standards set forth herein.

3. **Pedestrian Street**

Seventy (70%) percent of the frontage along the high density residential portion of the pedestrian street shall be fronted by buildings or other similar structures designed to continue the edge created by the other buildings. The closest part of such buildings shall be no more than thirty (30') feet from the said right-of-way. Such buildings shall be spaced not more than 60 feet apart, excluding drives and/or rights-of-way. The intent of these standards is to create a pedestrian friendly area similar to that along ACC Boulevard; however, because this boulevard will be designed for a lower speed limit, on-street parking as shown on pedestrian boulevard street cross-sections may be permitted by City Council. Otherwise, parking shall be located on the side of such buildings opposite of the right-of-way.

Due to the unique needs of Assisted Living Facility residents, if this land use is located on Tract 63, buildings may be set back further from the right-of-way, up to an additional 30 feet, and building separations may be increased to 120', exclusive of drives and rights-of-way.

Fifty (50%) percent of the frontage along the village retail portion of the pedestrian boulevard shall be fronted by buildings or other similar structures designed to continue the edge created by the other buildings. The closest part of such buildings shall be no more than thirty (30') feet from the said right-of-way,

except for highway retail sales uses or other uses with drive-through facilities, where the closest part of these such buildings shall be no more than sixty (60) feet from the right-of-way. Such buildings shall be spaced not more than 175 feet apart, excluding drives and/or rights-of-way.

4. **Brier Creek Parkway**

Fifty (50%) percent of the frontage along the high density residential portion of Brier Creek Parkway shall be fronted by buildings or other similar structures designed to continue the edge created by the other buildings. The closest part of such buildings shall be no more than forty (40') feet from the said right-of-way. Such buildings shall be spaced not more than 175 feet apart, excluding drives and/or rights-of-way.

Forty (40%) percent of the frontage along the village retail portion of Brier Creek Parkway shall be fronted by buildings or other similar structures designed to continue the edge created by the other buildings. The closest part of such buildings shall be no more than forty (40') feet from the said right-of-way, except for retail sales - highway uses or other uses with drive-through facilities, where the closest part of these such buildings shall be no more than sixty (60) feet from the right-of-way. Such buildings shall be spaced not more than 175 feet apart, excluding drives and/or rights-of-way.

VIII. PHASING

The Glenwood Avenue - T.W. Alexander Drive Master Plan shall be executed in phases primarily determined by market conditions. The phasing is subject to change based upon market conditions, availability of funding and site characteristics discovered upon field engineering and

surveying. The anticipated phasing sequence is designated on Master Plan Map MP-2 and described further on the Transportation Plan Exhibit E attached hereto and incorporated herein by reference. Notwithstanding the foregoing, the petitioner reserves the right to develop any tract without regard to the Phasing Plan once all necessary infrastructure to serve such tract is in place. Amendments to the Phasing Plan will be subject to review and approval of the Raleigh Planning Director. The “constructed” requirement of City Code section 10-2057(f)(4)b.4, shall be satisfied with the issuance of a building permit pursuant to a site plan approved for the 25-acre minimum of non-retail development.

IX. ANNEXATION

To date annexation petitions for the eastern most portion of the master plan property have been submitted to the city. To facilitate the smooth phase development of the property, the remaining property will be annexed in no more than four additional annexation requests. The next such annexation request shall include as a minimum the remainder of property located east of Brier Creek Parkway. The remaining annexations will follow the phasing sequencing as designated on Master Plan Map MP-2, and will include the entirety of any development tract included therein. Amendments to the Annexation Plan will be subject to review and approval of the Raleigh Planning Director. Notwithstanding the foregoing, upon site plan approval or subdivision approval of any property, such property shall be petitioned to be annexed into the city in accordance with current City policy.

X. ROAD DEPICTIONS

The roads depicted in the Master Plan are illustrations and may be altered by the City and the Applicant in accordance with the City policies.

XI. AMENDMENTS

As long as the parties who have submitted this application own property within the Master Plan area, only these parties shall have the right to petition for changes to the master plans, but only to the extent the plan affects their properties. The owners association created to own and maintain the common open space and landscape amenities must join in all other amendments to the Master Plan. Any amendment to the Master Plan that requires re-hearing must include the signatures of all property owners affected.

- A. **Administrative Changes**. Staff will approve site plans for all uses in this development, as well as unity of development plans and landscape plans for street rights-of-way. Staff may approve minor changes in the acreage and location of development tracts, as determined by the Planning Director. Staff may approve expansions or reductions in square footage or number of units up to a maximum expansion of 10% in any development tract, as long as the overall development intensity throughout the development remains the same and is noted on a revised land use summary, but may not approve any change in land uses from that designated on the land use summary included in the master plan, unless a site plan is first approved by the City Council after a recommendation is made by the Planning Commission. Staff may not approve any expansion of any retail area. Staff may approve changes in public street and collector locations, driveway access points, and minor changes in street or sidewalk construction standards in

accordance with the Streets Sidewalk and Driveway Access Manual that do not affect the traffic-carrying capacity of the facility.

- B. **Planning Commission Changes.** The City Council or Planning Commission (depending on whether the proposed use is designated for City Council or Planning Commission approval in City Code Section 10-2132.2), will approve site plans for development tracts under the procedures in 10-2132.2 where a change in land use or an expansion of greater than 10% is proposed in a development tract. Planning Commission shall approve all group housing alternate designs as per normal City policies. Planning Commission shall resolve any question of interpretation of the Master Plan that may arise in the administrative approval of any site plan within the Master Plan area, if not resolved between City Administration and the applicant.

C. **City Council Changes.** The City Council or Planning Commission (depending on whether the proposed use is designated for City Council or Planning Commission approval in City Code Section 10-2132.2), will approve site plans for development tracts under the procedures in 10-2132.2 where a change in land use or an expansion of greater than 10% is proposed in a development tract. The City Council, after a recommendation by the Planning Commission, shall approve any hotel use that exceeds 600 units, and shall approve any substantial change in location or any expansion or reduction of retail areas as determined by the Planning Director. City Council and the Board of Adjustment will approve all Special Use Permits that may be required for uses within the Master Plan area. City Council, after a recommendation from the Planning Commission, shall approve any change in the Master Plan not addressed above.

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

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

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

Adopted: April 16, 2013

Effective: April 16, 2013

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