



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.

2. That the following circumstance(s) exist(s):

☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.

☒ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

☐ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.

3. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:

- 1) to lessen congestion in the streets;
- 2) to provide adequate light and air;
- 3) to prevent the overcrowding of land;
- 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 5) to regulate in accordance with a comprehensive plan;
- 6) to avoid spot zoning; and
- 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes
where appropriate

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

Signature(s)

Cary Development Partners, LLC

By:

Name: Das Baumgartner

Title: Member/Manager

Date:

June 20, 2008

CITY OF RALEIGH
CITY PLANNING DEPT

2008 JUN 20 AM 11:30

EXHIBIT B. Request for Zoning Change

Office Use Only	2-43-08
Petition No.	
Date Filed:	6/20/08
Filing Fee:	28: 26# 2326
	\$1,000.00

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

See instructions, page 6

Name(s)	Address	Telephone / E-Mail
---------	---------	--------------------

1) Petitioner(s):
Note: Conditional Use District
Petitioner(s) must be owner(s) of
petitioned property.

<u>Cary Development</u>	<u>15009 Lancaster Hwy</u>
<u>Partners, LLC</u>	<u>Charlotte, NC 28277</u>

**2) Property
Owner(s):**

<u>Cary Development</u>	<u>15009 Lancaster Hwy</u>
<u>Partners, LLC</u>	<u>Charlotte, NC 28277</u>

3) Contact Person(s):

Isabel Worthy Mattox

PO Box 946
Raleigh, NC 27602

919-828-7171
Fax: 919-831-1205
isabel@mattoxfirm.com

**4) Property
Description:**

Please provide surveys if proposed
zoning boundary lines do not follow
property lines.

Wake County Property Identification Number(s) (PIN): PIN Nos. 0796478165 and 0796477549

General Street Location (nearest street intersections): South of W. Millbrook Road and east of Creedmoor Road.

**5) Area of Subject
Property (acres):**

PIN No. 0796478165 (6.54 acres ±) and PIN No. 0796477549 (.73 acres ±) for a total of approximately 7.27 acres ±

**6) Current Zoning
District(s)**

Classification:

Include Overlay District(s), if
Applicable

O&I-1 CUD

**7) Proposed Zoning
District**

Classification:

Include Overlay District(s) if
Applicable. If existing Overlay
District is to remain, please state.

SC-CUD

Z-43-08

(Important: Include PIN Numbers with names, addresses and zip codes.) Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

For additional space, photocopy this page.

EXHIBIT C. Request for Zoning Change

Office Use Only
Petition No. Z-43-08
Original Date Filed: _____
Amended Date: 9/16/08

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

pg 1 of 3

1) Conditional Use Zone Requested: SC-CUD

2) Narrative of conditions being requested:

- a) Subject to obtaining all required governmental approvals, the number of access points to public rights-of-way and permitted turning movements shall be in general accordance with the Concept Plan attached hereto as Exhibit C-1 (the "Concept Plan") and the orientation and massing of all buildings on the subject property shall be consistent with the general character shown on the Concept Plan.
- b) The building facades of buildings constructed on the subject property after the adoption of this rezoning ordinance shall be developed in general accordance with the Building Façade Narrative attached hereto as Exhibit C-2.
- c) Development occurring after the adoption of the rezoning ordinance shall be in general accordance with Applicant's Proposals included in the narrative regarding the Urban Design Guidelines Key Elements Summary attached hereto as Exhibit C-3.
- d) The following uses shall be prohibited:
 - (i) Automotive service and repair facility,
 - (ii) Hotel/motel;
 - (iii) Movie theater – indoor;
 - (iv) Schools (elementary, middle, and high, public, private or parochial);
 - (v) Carwash facility
 - (vi) Emergency shelter type B;
 - (vii) Landfill (debris from on-site);
 - (viii) Manufacturing – custom;
 - (ix) Manufacturing – specialized;
 - (x) Mini-warehouse, storage facility;
 - (xi) Special care facility
 - (xii) All Special Uses required to be approved by the Board of Adjustment as specified in City Code Section 10-2144 (provided that yard encroachments and yard reductions which are permitted by Board of Adjustment approval shall be permitted with such Board of Adjustment approval), and special uses required to be approved by the Raleigh City Council, as specified in City Code Section 10-2145

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 7 through 9 of the Zoning Application Instructions.

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

Signature(s)

Cary Development Partners, LLC

By: _____

Name: Donna Thomas

Title: Member/Manager

Date:

September 12, 2008

EXHIBIT C. Request for Zoning Change

Office Use Only

Petition No. Z-43-08

Original Date Filed:

Amended Date: 9/16/08

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

pg 2 of 3

1) Conditional Use Zone Requested: SC-CUD

2) Narrative of conditions being requested:

- e) Subject to the possible location of pedestrian sidewalk(s) and a vehicular driveway(s) to provide vehicular and pedestrian cross access if authorized or required by the City of Raleigh and/or needed to provide cross-access to adjoining property owners, a natural protective yard shall be maintained along the South and East property lines in the area shown on the Concept Plan (adjacent to Hunt, PIN 0796562637 [Deed Book 2454, Page 368] and Schoonover, PIN 0796561425 [Deed Book 5279, Page 306] all Wake County Registry, or the same as may hereafter be identified). The natural protective yard shall be maintained at a width of at least fifty (50) feet except where tapering is required to accommodate vehicular or pedestrian access or cross-access ways. No parking, driveway (unless required by the City of Raleigh for cross access), storage, loading areas, or buildings will be permitted within this buffer area; however, utility, water, sewer, storm drainage or other improvements as may be authorized or required by any governmental authority or conditional use zoning conditions, may be located in the buffer area. Diseased or dead trees shall be removed from this buffer area, with the prior authorization of the City of Raleigh Arborist or his designee.
- f) Upon development, reimbursement for any required right-of-way dedication for Creedmoor Road or Millbrook Road shall be calculated at the applicable O&I-1 rate.
- g) Unless otherwise required or authorized by the City of Raleigh or State of North Carolina, vehicular ingress and egress to the property from public streets shall be limited to (1) a right-in, right-out access from Creedmoor Road; (2) a full service access on Millbrook Road directly across from Bennettwood Court; (3) a right-in only from Creedmoor Road; and (4) such cross accesses over adjoining properties which may exist from time to time.
- h) Prior to subdivision approval or the issuance of any building permit for new construction on the property, whichever shall first occur, the owner of the property shall deed to the City: (i) a transit easement measuring twenty (20) feet adjacent to Creedmoor Road by fifteen (15) feet wide; and (ii) a transit easement measuring twenty (20) feet adjacent to Millbrook Road by fifteen (15) feet wide to support a bus stops for current and/or future transit services in the area. The location of the easements shall be selected by the property owner and approved by the Transit Division of the City and the City Attorney shall approve the transit easements deed prior to recordation.
- i) The northernmost tip of the subject property shall be reserved as open space as shown on the Concept Plan attached. No vertical improvements other than public art and those required or permitted by the City of Raleigh or the State of North Carolina shall be permitted in such area.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 7 through 9 of the Zoning Application Instructions.

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

Signature(s)

Cary Development Partners, LLC

By:

Name:

Title:

Date:

September 12, 2008

EXHIBIT C. Request for Zoning Change

Office Use Only
Petition No. Z-43-08
Original Date Filed: _____
Amended Date: 9/16/08

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

pg 3 of 3

1) Conditional Use Zone Requested: SC-CUD

2) Narrative of conditions being requested:

- j) All ground mounted signage shall be low profile signage.
- k) For all buildings constructed after the adoption of this rezoning ordinance, maximum building height shall not exceed 48 feet for buildings A, B, and C, or buildings located in the general vicinities of the locations of Buildings A, B, and C, as shown on the Concept Plan and no other buildings on the subject property shall exceed a height of 39 feet, such building heights to be as measured in accordance with City Code Section 10-2076.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 7 through 9 of the Zoning Application Instructions.

Signature(s)

Date:

Cary Development Partners, LLC

September 12, 2008

By: 

Name: Rob Baumgartner

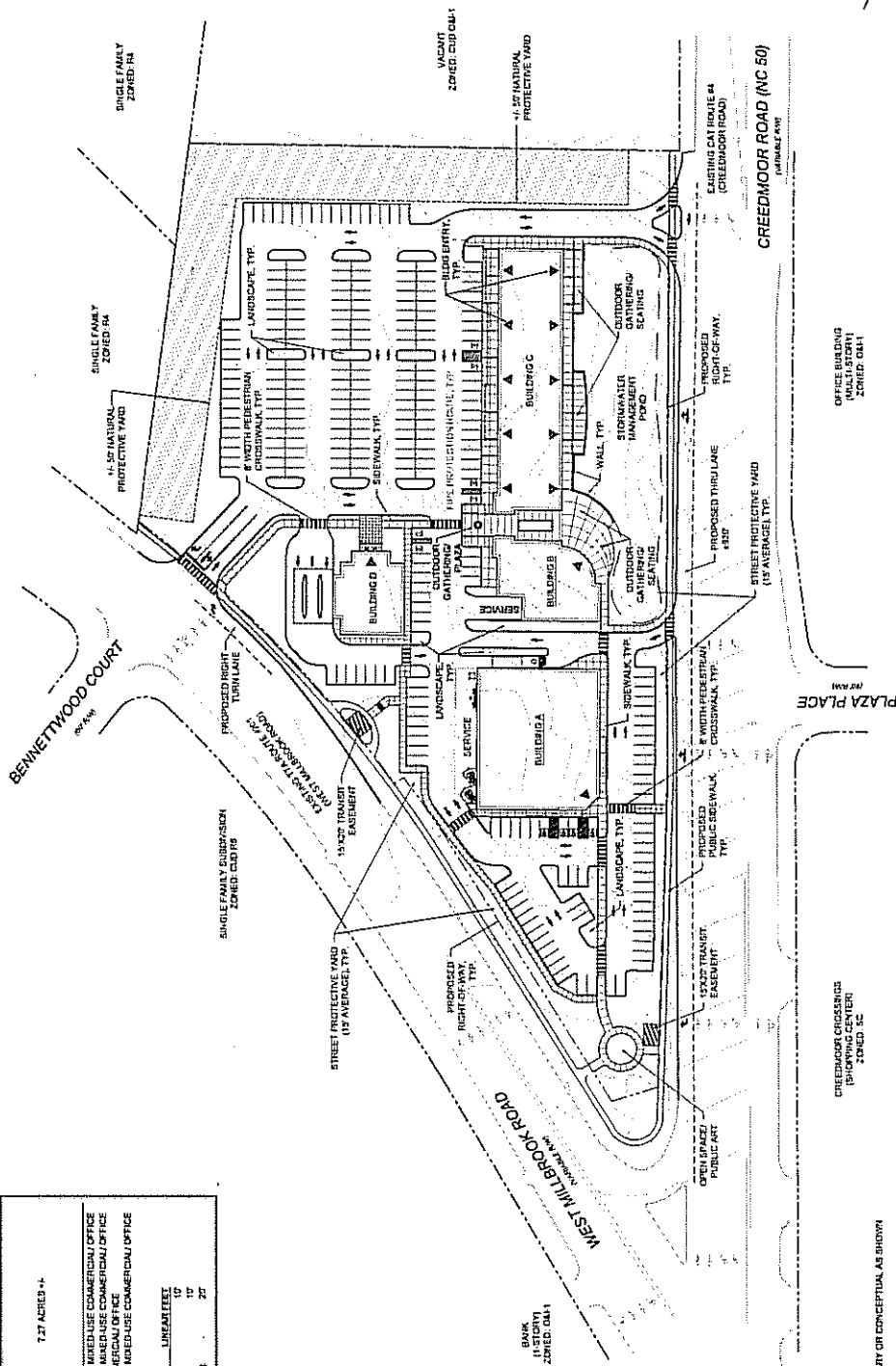
Title: Member/Manager

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

727 ACRES • 4

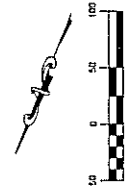
BUILDING SUMMARY:	
BUILDING A	COMMERCIAL OR MIXED-USE COMMERCIAL/ OFFICE
BUILDING B	COMMERCIAL OR MIXED-USE COMMERCIAL/ OFFICE
BUILDING C	MIXED-USE COMMERCIAL/ OFFICE
BUILDING D	COMMERCIAL OR MIXED-USE COMMERCIAL/ OFFICE

ROW DEDICATION	LINEAR FEET
CREEDMOOR ROAD:	10'
WEST MILLBROOK ROAD:	10'
(W/THIN EAST OF CREEDMOOR ROAD)	20'



NOTES:

1. BUILDING FOOTPRINTS ARE PRELIMINARY OR CONCEPTUAL, AS SHOWN AND ARE SUBJECT TO CHANGE.
2. PRELIMINARY STORMWATER MANAGEMENT MAY INCLUDE BOTH ABOVE GROUND AND UNDERGROUND STORAGE AND WATER QUALITY CONTROL MEASURES.
3. PUBLIC BUS ROUTES (CAT #4 AND TTA0201) AS OF JUNE, 2004.
4. NO ENVIRONMENTAL FEATURES (STREAMS AND/OR WETLANDS) ARE LOCATED WITHIN THE PROJECT BOUNDARY.

[illegible]

DO NOT WRITE IN THESE SPACES



**Kimley-Horn
and Associates, Inc.**

NEW YORK COUNTY

Department of Health
1001 University Avenue, Suite 1000
San Francisco, CA 94103-1629

CONFERENCES

2011年12月15日

100% 200% 300% 400% 500% 600% 700% 800% 900% 1000% 1100% 1200% 1300% 1400% 1500% 1600% 1700% 1800% 1900% 2000% 2100% 2200% 2300% 2400% 2500% 2600% 2700% 2800% 2900% 3000% 3100% 3200% 3300% 3400% 3500% 3600% 3700% 3800% 3900% 4000% 4100% 4200% 4300% 4400% 4500% 4600% 4700% 4800% 4900% 5000% 5100% 5200% 5300% 5400% 5500% 5600% 5700% 5800% 5900% 6000% 6100% 6200% 6300% 6400% 6500% 6600% 6700% 6800% 6900% 7000% 7100% 7200% 7300% 7400% 7500% 7600% 7700% 7800% 7900% 8000% 8100% 8200% 8300% 8400% 8500% 8600% 8700% 8800% 8900% 9000% 9100% 9200% 9300% 9400% 9500% 9600% 9700% 9800% 9900% 10000% 10100% 10200% 10300% 10400% 10500% 10600% 10700% 10800% 10900% 11000% 11100% 11200% 11300% 11400% 11500% 11600% 11700% 11800% 11900% 12000% 12100% 12200% 12300% 12400% 12500% 12600% 12700% 12800% 12900% 13000% 13100% 13200% 13300% 13400% 13500% 13600% 13700% 13800% 13900% 14000% 14100% 14200% 14300% 14400% 14500% 14600% 14700% 14800% 14900% 15000% 15100% 15200% 15300% 15400% 15500% 15600% 15700% 15800% 15900% 16000% 16100% 16200% 16300% 16400% 16500% 16600% 16700% 16800% 16900% 17000% 17100% 17200% 17300% 17400% 17500% 17600% 17700% 17800% 17900% 18000% 18100% 18200% 18300% 18400% 18500% 18600% 18700% 18800% 18900% 19000% 19100% 19200% 19300% 19400% 19500% 19600% 19700% 19800% 19900% 20000% 20100% 20200% 20300% 20400% 20500% 20600% 20700% 20800% 20900% 21000% 21100% 21200% 21300% 21400% 21500% 21600% 21700% 21800% 21900% 22000% 22100% 22200% 22300% 22400% 22500% 22600% 22700% 22800% 22900% 23000% 23100% 23200% 23300% 23400% 23500% 23600% 23700% 23800% 23900% 24000% 24100% 24200% 24300% 24400% 24500% 24600% 24700% 24800% 24900% 25000% 25100% 25200% 25300% 25400% 25500% 25600% 25700% 25800% 25900% 26000% 26100% 26200% 26300% 26400% 26500% 26600% 26700% 26800% 26900% 27000% 27100% 27200% 27300% 27400% 27500% 27600% 27700% 27800% 27900% 28000% 28100% 28200% 28300% 28400% 28500% 28600% 28700% 28800% 28900% 29000% 29100% 29200% 29300% 29400% 29500% 29600% 29700% 29800% 29900% 30000% 30100% 30200% 30300% 30400% 30500% 30600% 30700% 30800% 30900% 31000% 31100% 31200% 31300% 31400% 31500% 31600% 31700% 31800% 31900% 32000% 32100% 32200% 32300% 32400% 32500% 32600% 32700% 32800% 32900% 33000% 33100% 33200% 33300% 33400% 33500% 33600% 33700% 33800% 33900% 34000% 34100% 34200% 34300% 34400% 34500% 34600% 34700% 34800% 34900% 35000% 35100% 35200% 35300% 35400% 35500% 35600% 35700% 35800% 35900% 36000% 36100% 36200% 36300% 36400% 36500% 36600% 36700% 36800% 36900% 37000% 37100% 37200% 37300% 37400% 37500% 37600% 37700% 37800% 37900% 38000% 38100% 38200% 38300% 38400% 38500% 38600% 38700% 38800% 38900% 39000% 39100% 39200% 39300% 39400% 39500% 39600% 39700% 39800% 39900% 40000% 40100% 40200% 40300% 40400% 40500% 40600% 40700% 40800% 40900% 41000% 41100% 41200% 41300% 41400% 41500% 41600% 41700% 41800% 41900% 42000% 42100% 42200% 42300% 42400% 42500% 42600% 42700% 42800% 42900% 43000% 43100% 43200% 43300% 43400% 43500% 43600% 43700% 43800% 43900% 44000% 44100% 44200% 44300% 44400% 44500% 44600% 44700% 44800% 44900% 45000% 45100% 45200% 45300% 45400% 45500% 45600% 45700% 45800% 45900% 46000% 46100% 46200% 46300% 46400% 46500% 46600% 46700% 46800% 46900% 47000% 47100% 47200% 47300% 47400% 47500% 47600% 47700% 47800% 47900% 48000% 48100% 48200% 48300% 48400% 48500% 48600% 48700% 48800% 48900% 49000% 49100% 49200% 49300% 49400% 49500% 49600% 49700% 49800% 49900% 50000% 50100% 50200% 50300% 50400% 50500% 50600% 50700% 50800% 50900% 51000% 51100% 51200% 51300% 51400% 51500% 51600% 51700% 51800% 51900% 52000% 52100% 52200% 52300% 52400% 52500% 52600% 52700% 52800% 52900% 53000% 53100% 53200% 53300% 53400% 53500% 53600% 53700% 53800% 53900% 54000% 54100% 54200% 54300% 54400% 54500% 54600% 54700% 54800% 54900% 55000% 55100% 55200% 55300% 55400% 55500% 55600% 55700% 55800% 55900% 56000% 56100% 56200% 56300% 56400% 56500% 56600% 56700% 56800% 56900% 57000% 57100% 57200% 57300% 57400% 57500% 57600% 57700% 57800% 57900% 58000% 58100% 58200% 58300% 58400% 58500% 58600% 58700% 58800% 58900% 59000% 59100% 59200% 59300% 59400% 59500% 59600% 59700% 59800% 59900% 60000% 60

CLIENT,

WJ PROPERTIES, LLC

[illegible]

MASTER PLAN

ENLARGEMENT

0 130 100

($\theta = 50^\circ$)

 $\frac{1}{4}A$

VAC

1000

PROJECT:
CREEDMOOR ROAD AND WEST
MILLBROOK ROAD MIXED-USE
RALEIGH, NC

[illegible]

Office Use Only	Z-43-08
Petition No.	
Date Filed:	6/20/08

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

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

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

- A. **Please state which District Plan area the subject property is located within and the recommended land use for this property:** The subject property is located within the Northwest Planning District.
- B. **Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.** The subject property is located within the Creedmoor Road Corridor Plan and the Leadmine/North Hills Small Area Plan. The subject property is located in part within the Creedmoor Millbrook Neighborhood Focus Area. Neighborhood Focus Areas permit neighborhood oriented services and facilities such as drug stores, groceries and low intensity offices.

(continued)

- C. **Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?** The proposed map amendment is consistent with the Comprehensive Plan. The property is located in part within a Neighborhood Focus Area, just north of and on the non-residential side of a policy boundary line. Although Creedmoor Road Corridor Plan map recommends office and institutional uses for the subject property, mixed land uses with high levels of visibility are encouraged in Neighborhood Focus Areas.

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

- A. **Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):** The property is surrounded by single family detached residential uses to the North and East, vacant land to the South recently re-zoned to accommodate the development of an office building and an office building and a shopping center to the West.
- B. **Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):**

Zoning Districts are as follows:

North: O&I-1 CUD, R-6 CUD

East: R-6 CUD and R-4

South: O&I-1 CUD

West: O&I-1 and SC

- C. **Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area.** The proposed map amendment is compatible with the surrounding areas in that the property is surrounded by property which is either developed with retail or office and institutional uses or zoned for office and institutional uses to the North and West and property developed with low density residential to the East. The proposed map amendment will permit development of a mixed use development which will be consistent with the uses and zoning to the South and West and will provide an amenity to the residential properties to the East, with appropriate buffers.

III. Benefits and detriments of the proposed map amendment.

- A. **For the landowner(s):** The proposed map amendment will permit a higher and better use of properties which is appropriate, given its location at the intersection of two major thoroughfares and within a Neighborhood Focus Area.

Office Use Only	
Petition No.	<u>2-43-08</u>
Date Filed:	<u>6/20/08</u>

(continued)

- B. **For the immediate neighbors:** The proposed map amendment will provide a pedestrian oriented amenity to provide goods and services for the many residents and workers in the neighborhood.
- C. **For the surrounding community:** The proposed map amendment will allow for a mixed use development which will maximize tax base for the City and provide conveniently located goods and services in an area designated for higher intensity uses.

- IV. **Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:** It permits the same development opportunities that are available to the properties to the West and more intense development opportunities than are available for other surrounding properties.

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest. The subject property is at the intersection of two major thoroughfares, within a Neighborhood Focus Area, adjacent to a proposed office and existing retail development and is located in close proximity to many residents. Given these characteristics, a pedestrian oriented development providing for retail, restaurant, office, institutional goods and services with appropriate buffering for the adjacent residential uses, is reasonable and in the public interest.

- V. **Recommended items of discussion (where applicable).**

- a. **An error by the City Council in establishing the current zoning classification of the property.** N/A
- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.** In recent years Raleigh has experienced tremendous growth and Creedmoor Road has been elevated to a secondary arterial major thoroughfare. It intersects with West Millbrook, another major thoroughfare, at this site. The property was last zoned to O&I-1 in 1985. Since then a portion of the area has been designated as a Neighborhood Focus Area which permits both retail and office and institutional uses in an effort to provide goods and services to the many members of the public who live, work, and travel in and through this area.

Office Use Only	2-43-08
Petition No.	
Date Filed:	12/20/08

(continued)

- c. **The public need for additional land to be zoned to the classification requested.** The public has a need for more land along major corridors, which were formerly residential in character, to be zoned in a way that permits more conveniently located retail and office uses to serve the public.

- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.** This property will be easily serviced by existing streets and existing public water and sewer lines. Additional right-of-way will be dedicated along Creedmoor and Millbrook Roads to negate the impact of the proposed development on existing streets. Fire and public safety services are located at 5525 Leadmine Road, Raleigh, NC 27612, in close proximity to the site. Given the location on two (2) major thoroughfares and the provision of a buffer on the East and South sides of the property, there is not likely to be any material deprivation of light and air.

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

Exhibit B-1

Elizabeth W. Paddock
5701 Hedgemoor Drive
Raleigh, NC 27612
PIN 0796574136

Dixie E. Bennett
2108 W. Millbrook Road
Raleigh, NC 27612
PIN 0796571366

Dixie E. Bennett
2108 W. Millbrook Road
Raleigh, NC 27612
PIN 0796570533

Dixie E. Bennett
2108 W. Millbrook Road
Raleigh, NC 27612
PIN 0796479718

Lexington Farms Apartments, Inc.
PO Box 450233
Atlanta, GA 31145
PIN 0796481991

Curtis M. Dail
Jacqueline N. Dail
1976 Benson Road
Garner, NC 27529
PIN 0796475401

Congregation Beth Or, Inc.
5315 Creedmoor Road
Raleigh, NC 27612
PIN 0796460652

Cary Development Ptnr, LLC
15009 Lancaster Hwy
Charlotte, NC 28277
PIN 0796478165

Paul Jones
2104 Tulare Court
Raleigh, NC 27612
PIN 0796570780

Katherine L. Baker
5705 Hedgemoor Drive
Raleigh, NC 27612
PIN 0796574224

Dixie E. Bennett
2108 W. Millbrook Road
Raleigh, NC 27612
PIN 0796573204

Deryl R. Smith
Lindsay R. Hicks
2108 W. Millbrook Road
Raleigh, NC 27612
PIN 0796571474

Douglas Saunders
Monica M. Saunders
2112 Tulare Court
Raleigh, NC 27612
PIN 0796479691

NCNB National Bank of NC
Corporate Real Estate Assessment
101 N. Tryon Street
Charlotte, NC 28255
PIN 0796487092

United Energy Incorporated
PO Box 469
Clinton, NC 28329
PIN 0796474892

JME Wake Offices, LLC
GSE Wake Offices, LLC
2620 Louis Stephens Road
Cary, NC 27519
PIN 0796474198

NC Licensing Board for General
Contractors
PO Box 17187
Raleigh, NC 27619
PIN 0796468665

Neal Kemp Hunt
Francis C. Hunt
2608 Sherborne Pl.
Raleigh, NC 27612
PIN 0796562637

Kelli Worley
Scott Worley
5609 Bennettwood Court
Raleigh, NC 27612
PIN 0796571572

James E. Busbee
April D. Anthony
5709 Hedgemoor Drive
Raleigh, NC 27612
PIN 0796574342

Ian P. Snider
Aaron Snider
5604 Bennettwood Ct.
Raleigh, NC 27612
PIN 0796573313

Dixie E. Bennett
2108 W. Millbrook Road
Raleigh, NC 27612
PIN 0796570487

John P. Madden
2108 Tulare Court
Raleigh, NC 27612
PIN 0796570606

J.T. Hobby & Son, inc.
c/o Franklin Holmes
PO Box 18506
Raleigh, NC 27619
PIN 0796472700

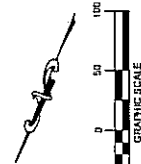
Crosspointe Investments, LLC
1075 Hendersonville Rd, Ste 200
Asheville, NC 28803
PIN 0796463967

Cary Development Ptnr, LLC
c/o York Development Group
14120 Ballantyne Corporate Pl.
Charlotte, NC 28277
PIN 0796477549

Che-Min Chang
2600 Sherborne Pl.
Raleigh, NC 27612
PIN 0796563941


Charles Chong
Helen H S Chong
5608 Bennettwood Court
Raleigh, NC 27612
PIN 0796573411

Sandra C. Faison
William C. Faison
5656 Bennettwood Court
Raleigh, NC 27612
PIN 0796479921



NOTES:

1. BUILDING FOOTPRINTS ARE PRELIMINARY OR CONCEPTUAL AS SHOWN AND ARE SUBJECT TO CHANGE.
2. PRELIMINARY STORMWATER MANAGEMENT MAY INCLUDE BOTH ABOVE GROUND AND UNDERGROUND STORAGE AND WATER QUALITY CONTROL MEASURES.
3. PUBLIC BUS ROUTES (CAT #4 AND TTA-201) AS OF JUNE, 2008.
4. NO ENVIRONMENTAL FEATURES (STREAMS AND/OR WETLANDS) ARE LOCATED WITHIN THE PROJECT BOUNDARY.

PREPARED BY THE OFFICE OF:  Kimley-Horn and Associates, Inc. P.O. BOX 3008 - RALEIGH, NORTH CAROLINA 27602-0008 PHONE (919) 677-5275 FAX (919) 677-5276		PROJECT NAME: WJ PROPERTIES, LLC		PROJECT LOCATION: CREEDMOOR ROAD AND WEST MILLBROOK ROAD MIXED-USE		PROJECT CITY: RALEIGH, NC	
PROJECT NUMBER: 01-000000		PROJECT DATE: 01/01/00		PROJECT TYPE: NEW		PROJECT STATUS: PLANNING	
PROJECT DESCRIPTION: CONCEPT PLAN EXHIBIT C-1		PROJECT LOCATION: PEDESTRIAN CIRCULATION PLAN		PROJECT CITY: RALEIGH, NC		PROJECT COUNTY: WAKE	
PROJECT NUMBER: 01-000000		PROJECT DATE: 01/01/00		PROJECT TYPE: NEW		PROJECT STATUS: PLANNING	

BUILDING FACADE NARRATIVE – Exhibit C-2

The Project Image for this Mixed-Use Center project will be derived from the planning concepts that shape it. The Concept Plan illustrates a tightly knit group of 4 modestly scaled buildings interconnected with a network of vehicular and pedestrian access ways, all responding to opportunities for connectivity with the existing surrounding commercial and residential uses. The design approach for this project envisions that the group of buildings and the associated hardscape and landscape components will collectively create an inviting and memorable presence at the intersection of Creedmoor and West Millbrook Road to both vehicular and pedestrian traffic.

This approach is in keeping with the Comprehensive Plan's Urban Design Guidelines for Mixed-Use Neighborhood and Village Centers. The "Urban Design Guidelines – Key Elements Summary" section of this rezoning petition details how this project responds and conforms to these guidelines, including a number of sections that address issues related to the building design: scale, massing, entrance locations, pedestrian-level building detail, overall building facade variety and articulation. This narrative elaborates further on how building-specific design elements will reinforce the planning objectives illustrated in the Concept Plan.

Stylistic Overview

The Concept Plan is rooted in traditional planning approaches. While this does not preclude contemporary approaches to the building designs, the project is envisioned to be more traditional in materials, massing and articulation. Masonry materials will be the dominant building material. Building massing will accentuate corners and major entrances. Building facades will articulate the base, middle, and top. Adjacent buildings will be complementary through responsive massing and alignments, while maintaining individuality through a coordinated palette of materials and details. Variation in details and articulation in individual buildings and between buildings will create an inviting presence and an engaging experience.

Building Entrancesways

The Concept Plan demands a four-sided design approach to each building. The relative close proximity of the buildings to Creedmoor Road and West Millbrook Road requires “front elevation” treatment as does the primary parking side of the buildings. The pedestrian space between buildings is an entrance way from the parking area to the sidewalks and terraces on the Creedmoor face of the buildings and is reinforced by the building massing. The development plan envisions public entrances to retail spaces both along Creedmoor where restaurants may open up to outdoor dining and along the parking faces of the individual buildings. The entrance to the upper floor offices will be articulated to clearly demarcate it as different from retail entrances, visually connecting the upper floors to the pedestrian level.

Window Openings

Window openings will be located, sized, and articulated in a number of ways. Retail areas may have more expansive openings integrated with entrances to create a connection between vehicular and pedestrian traffic. Pilasters will divide the retail façade areas into a rhythm of large retail window openings. Windows to upper floor offices will be more singular, creating a rhythm of smaller openings, balanced against the series of larger openings at the retail base. Feature areas of the building such as the corners flanking the pedestrian way between the main parking lot and Creedmoor may utilize taller openings.

Pedestrian Interest Areas

The Concept Plan shows a network of pedestrian walkways and expanded terrace areas for outdoor seating and special landscape features. Pedestrian ways between buildings are given significance through the development of key retail entrances immediately adjacent to such passages. Buildings engage the pedestrian through a combination of awnings, entrance canopies, or arcades. The variety of overhead materials will animate the facades and the pedestrian experience, giving individuality to the retail tenants and office entrance components.

URBAN DESIGN GUIDELINES - KEY ELEMENTS SUMMARY – Exhibit C-3

Mixed Use Centers

2.0 Overview of Mixed Use Centers

- Mixed Use Centers traditionally form near the convergence of large, coherent neighborhoods and at the intersection of thoroughfares.
- Buildings in the Mixed Use center are made compatible through similar massing, volume, frontage scale and architectural features.

Applicant Proposal:

This Application is for development of one of the few remaining undeveloped tracts within this Neighborhood Focus Area. It is located at the juncture of two major thoroughfares within a well developed multi-use development pattern including office, retail and residential uses. The proposed uses will provide highly desired neighborhood commercial and office uses within walking distance of existing office and residential uses, and provide pedestrian connectivity to adjacent properties.

Building facades will be designed to be in keeping with the scale and character of the neighborhood and not exceed three stories. Streetscape development where practicable given code required buffers and building setbacks, will be designed to create a pedestrian experience along Creedmoor Road and West Millbrook Road. The proposed development will provide for good transitional uses to connect the residential neighborhood to the east with commercial uses to the west.

2.2 Elements

- All Mixed Use Centers should generally provide retail office and residential uses within close proximity of each other. The core should provide office, convenience and personal service retail complying with maximum sizes for single establishments in the Retail Use Guidelines of the Comp Plan. Village Centers may also provide entertainment uses. Retail uses should be placed at street level. There is a maximum height of 3 stories.

Key Element

Applicant Proposal:

While originally contemplated for office and institutional uses in the Creedmoor Road Corridor Plan, this application proposes a mix of uses more in keeping with Key Element 2.2 above to encourage a true mixed use neighborhood focus area. The project will provide for a mix of office and retail uses within close proximity to existing commercial uses and residential neighborhoods. The proposed plan complies with the maximum size for single tenant establishments in the Retail Use Guidelines of the Comprehensive Plan and will provide personal and convenience type retail within walking distance of permanent residents and a large daytime working population.

Retail uses will be provided at street level along public streets and second story uses will provide for an active vertical mixed use environment. The maximum height for the proposed buildings will not exceed three stories.

**Creedmoor and West Millbrook Road Mixed-Use Development
Rezoning Petition – Urban Design Guideline Compliance Summary**

June 20, 2008

2.3 Transition to Surrounding Neighborhoods

- **Key Element** Building heights are greatest in the core and transition to lower heights outward from the Core to the boundary of the Mixed Use Center. Edge buildings are comparable in height and massing to the adjacent and nearby properties as well as surrounding neighborhoods. In general, housing densities should be highest within Centers, transitioning to progressively lower densities moving outwards from the Core to the Edge.
- Higher intensity buildings should not cast a shadow line on surrounding neighborhoods.
- Undisturbed natural areas that function as opaque screens are preferable to new plantings.

Applicant Proposal:

The Concept Plan associates three-story vertical mixed use buildings along the commercial edge of the focus area at Creedmoor Road and one-story commercial uses along the residential edge of the property along West Millbrook. Buildings are situated on the site such that they will not cast a shadow line on surrounding properties.

A Natural Protective Yard is planned along the east and south property lines in order to provide for an effective buffer adjacent to existing residential uses. This approach benefits residential uses and promotes a more appropriate relationship of commercial uses to the urban edge along Creedmoor Road.

2.4 The Block, the Street and the Corridor

- **Key Element** The Center's Road network connects directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the Center. Trips made from surrounding residential neighborhoods to the Center are possible without requiring travel along a major thoroughfare or arterial.
- **Key Element** Streets should interconnect with 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.
- Streets should interconnect with adjoining development.
- Block faces should have a length generally not exceeding 660 feet.
- Mixed Use Centers should provide transit stops at key nodes with easy access to surrounding thoroughfares....

Applicant Proposal:

The development provides strong vehicular and pedestrian inter-connectivity and cross-access to the adjacent property to the south. No new public streets are required to serve this project. The alignment of driveways and associated sidewalks will create strong interconnectivity to adjacent properties.

Pedestrian sidewalks will be provided along the public street frontages and new internal walks will be developed associated with the new driveways. Walkways to

the public Rights-of-way will be developed and provided connectivity to adjacent property along the cross-access to the south. Transit stop locations will be provided for along both Creedmoor Road and West Millbrook Road and will be further coordinated with the City's Transit Technician.

SITE DESIGN

3.1. Building placements

- Key Element** ➤ 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 lined by buildings rather than parking lots are more interesting to move along, especially for pedestrians and provide a safer environment.
- Key Element** ➤ Locate buildings close to the pedestrian street (within 25 feet of the curb), with off-street parking behind and/or beside buildings.
- Key Element** ➤ If the building is located at a street intersection, place the main building, or part of the building, at the corner. Parking, loading or service should not be located at an intersection.
- To maximize the street frontage of buildings and minimize the street frontage of parking lots, building should be articulated so that the long side fronts of the street.
- Pedestrian circulation should be an integral part of the initial site layout. Organize the site so that the buildings frame and reinforce pedestrian circulation, and so that the pedestrians walk along building fronts rather than along or across parking lots and driveways. Also arrange buildings to create view corridors between pedestrian destinations within and adjacent to the site including building entrances, transit stops, urban open space, and nearby public amenities including parks and greenways.

Applicant Proposal:

The primary building groupings have been oriented to create a strong urban edge along Creedmoor Road and the existing commercial uses within the area and away from adjacent residential to the east. Topography, stormwater requirements and required Street Protective Yards will not permit buildings to be closer to the road than illustrated in the Concept Plan. The Concept Plan illustrates how buildings may be arranged to address the public realm and provide for pedestrian walking zones and public areas facing Creedmoor Road and West Millbrook Road. The proposed amenity area and public open space at the intersection can help delineate the urban edge and announce the project.

The majority of the parking fields are internal to the project, away from public streets and will be effectively screened by a combination of buildings, landscaping, natural tree save areas, and topographic changes.

Pedestrian circulation will be encouraged between buildings and to adjacent properties with a system of sidewalks internal to the site and proposed public sidewalks around the site perimeter. Café seating areas and a significant public plaza at the intersection will enhance and activate pedestrian zones.

3.2. Urban Open Space

- **Key Element** 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.
- **Key Element** New urban open 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.
- **Key Element** The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic and uses for the space including retail, cafes and restaurants and higher-density residential.
- **Key Element** A properly defined urban open space is visually enclosed by the fronting building to create an outdoor room that is comfortable to its users.

Applicant Proposal:

Urban open spaces will be developed throughout the project including those associated with building fronts, café seating areas, and a feature amenity area at the intersection of Creedmoor Road and West Millbrook Road. Public spaces between the mixed use building and Creedmoor Road as well and the amenity area will be highly visible and connected to the public right-of-way by walkways. Second story offices will overlook public spaces and have easy access to ground-level sitting areas and café seating.

The amenity feature at the intersection will be highly visible, accessible and activate the corner which is too small to otherwise accommodate buildings. Public art will be included as feature of this area to enhance the pedestrian experience

3.3 Public Seating 6. Transit

- **Key Element** New public spaces should provide as many seating opportunities as possible.

Applicant Proposal:

Both fixed seating and movable seating opportunities will be provided within the development. Public space in front of the retail shops will be designed to provide fixed seating in the form of benches and/or seat-walls around planters. The amenity area will also provide highly accessible sitting opportunities. Details for design of and location of seating will be provided with building permit plans.

3.7 Pedestrian, bicycle amenities

- **Key Element** Provide a complete network of paths that interconnect building entrances, parking, transit stops, public sidewalks and crossings, adjacent properties, adjoining off-street paths, and other key destinations on or adjacent to the site.

Applicant Proposal:

Pedestrian pathways have been provided from the public streets to the parking area between buildings to ensure safe and convenient access to building entrances and off street parking. Sidewalks interconnect the buildings.

Bicycle racks will be provided in convenient locations associated with each building. Two transit stops will be centrally located to the project along the two public streets and provide access into the project via the public sidewalk network.

3.8 Interface with Adjacent Properties

- Avoid erecting walls, fences, or berms that act as barriers to adjacent properties.
- Try to match the grade of abutting properties.

Applicant Proposal:

The majority of the site is bounded by public streets and grading will be designed to tie to those grades with minimal differential to maintain visibility into the site.

Grades within natural tree buffers to the south and east will be undisturbed. No fences, walls or berms are planned for.

3.9 Vehicular Circulation

- The vehicular circulation network should maximize both on-street and off-street opportunities for the local transportation system so that some local trips are not forced on to the thoroughfares.

Applicant Proposal:

The project will be served by the existing public street network and cross access to an adjacent property. The location in proximity to existing office, commercial and residential uses will help reduce some local trips as will the provision for public transit.

3.10 Automobile Parking

- Parking lots do not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.
Key Element
- Parking lots are located behind buildings or in the interior of a block. Parking lots do not occupy more than 1/3 of the frontage of adjacent building or no more than 64 feet, whichever is less.
- Parking lots should be located behind buildings 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 no more than 64 feet, whichever is less.
Key Element

**Creedmoor and West Millbrook Road Mixed-Use Development
Rezoning Petition – Urban Design Guideline Compliance Summary**

June 20, 2008

Applicant Proposal:

The majority of the parking (approx. 70%) for the proposed project is located behind buildings, away from views from the public streets, and screened by a combination of buildings and/or vegetation. Parking adjacent to public streets will be appropriately screened with landscaping.

3.11 Parking Structures

- Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can have 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.

Key Element

Applicant Proposal:

Structured parking is not a component of this petition.

3.12 Transit Stops

- Appropriate building densities and land uses are within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile. Transit stops are a basic element in any mixed-use development and is integrated functionally and architecturally.

Key Element

- Convenient, comfortable pedestrian access between transit stops and the building entrances should be planned as part of the overall pedestrian network.

Key Element

Applicant Proposal:

The Concept Plan provides for two transit stops adjacent to the site. The final location will be coordinated with the City Transit Technician and will be located to provide access to all establishments and connected to both public and internal sidewalks.

3.13 Environmental Protection

- The development respects natural resources. Sensitive areas, such as areas with slopes in excess of 15% for watercourses, floodplains are acknowledged and development in these areas is minimized. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical these features are conserved as open space amenities and incorporated into the overall site design.

Key Element

Applicant Proposal:

The site is not located within a floodplain and there are no documented sensitive environmental features, regulated wetlands or stream buffers on site. There are no significant areas with naturally occurring slopes greater than 15%.

STREET DESIGN

4.1 Street Design Principles

- **Key Element** Streets are designed to be pedestrian oriented, as integral parts of the designed community. A network of streets is provided dispersing traffic and providing connectivity. A network of sidewalks and bicycle lanes are located within the right of way and provide an attractive and safe mode of travel for cyclists and pedestrians. These apply to all streets up to an including thoroughfares, particularly those that enter the Mixed Use Center.
- **Key Element** Sidewalks should be 5-8 feet wide and located on both sides of the street. Sidewalks in commercial areas should be a minimum of 12-16 feet wide to accommodate sidewalk uses such as vendors, merchandising, and outdoor seating.
- **Key Element** Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street tree landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from heaving the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City landscaping, lighting and street sight distance requirements.
- Sidewalks should be 5 to 8 feet wide and located on both sides of the street. Sidewalks in retail areas should be a minimum of 12-16' wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.
- Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets are designed with street trees that compliment the face of the buildings and provide a shade canopy for the pedestrian.

Applicant Proposal:

The project will be served by an existing public street network and associated sidewalks along two sides of the property. The existing sidewalk network will be interconnected with the internal project pedestrian system with wide sidewalks (minimum 12') in front of the mixed-use building and public plazas and seating areas.

Street trees will be provided in Street Protective Yards meeting Code section requirement 10-2082.9. Internal sidewalks will be shaded by properly spaced tree plantings.

4.2 Spatial Definition

- **Key Element** Buildings establish spatial definition. This is achieved with architectural elements with an appropriate height to width ratio. A 1:6 height to width ratio is the minimum for this definition with an average ration of 1:3.

Applicant Proposal:

Where opposing buildings are shown on the Concept Plan, the spatial definition guidelines are met. The spatial definition criteria will be addressed in other areas with tree plantings to define scale.

BUILDING DESIGN

5.1 Façade Treatment

- Adjacent buildings should relate in similarity of scale, height, and configuration.
- Larger buildings should be broken down in scale by means of the articulation of separate volumes.

Applicant Proposal:

Buildings will be in scale with each other and with adjacent development and incorporate a compatible architectural vocabulary. The overall architecture will exhibit variety within a palette of similar materials and forms. Longer building facades will include a delineated façade with both vertical and horizontal movement to visually break up the volume. The mixed use buildings will be four sided architecture to present visual interest and pedestrian friendly facades to the project interior and the public streetscape.

5.4 Façade Treatment

- **Key Element** Primary building entrance is architecturally and functionally designed on the front façade of the building facing the primary public street. The entrance is designed to convey prominence on the fronting façade.
- **Key Element** The ground level of the building offers pedestrian interests along the sidewalks and paths, including windows, entrances and architectural detail. Signage, awnings and ornamentation are encouraged.
- Building facades should be varied and articulated to provide visual interest to pedestrians.

Applicant Proposal:

The mixed use buildings will be four-sided architecture and present visual interest and pedestrian friendly facades to both the project interior and to the public streetscape.

5.5 Street Level Activity

- **Key Element** The sidewalks remain the principal place of pedestrian movement and casual social interaction. Designs and uses are complementary of that function.
- The sidewalks remain the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary of that function.

Applicant Proposal:

The Concept Plan offers active pedestrian zones directly adjacent to all buildings providing opportunity for outdoor dining or informal gathering. Open space will consist of wide sidewalks, the amenity area, and café seating areas adjacent to buildings. All of these spaces will be connected by a network of sidewalks to the public rights-of-way.

5.7 Service and Utilities

***Creedmoor and West Millbrook Road Mixed-Use Development
Rezoning Petition – Urban Design Guideline Compliance Summary***

June 20, 2008

- Utilities and Services.... should be screened or otherwise hidden from the view of the pedestrian.

Applicant Proposal:

Detailed plans will provide for appropriate levels of screening of all utility and service areas.



Certified Recommendation of the City of Raleigh Planning Commission

Case File: **Z-43-08 Conditional Use; Creedmoor Rd. & W. Millbrook Rd.**

General Location: East of Creedmoor Road, southeast of its intersection with Millbrook Road

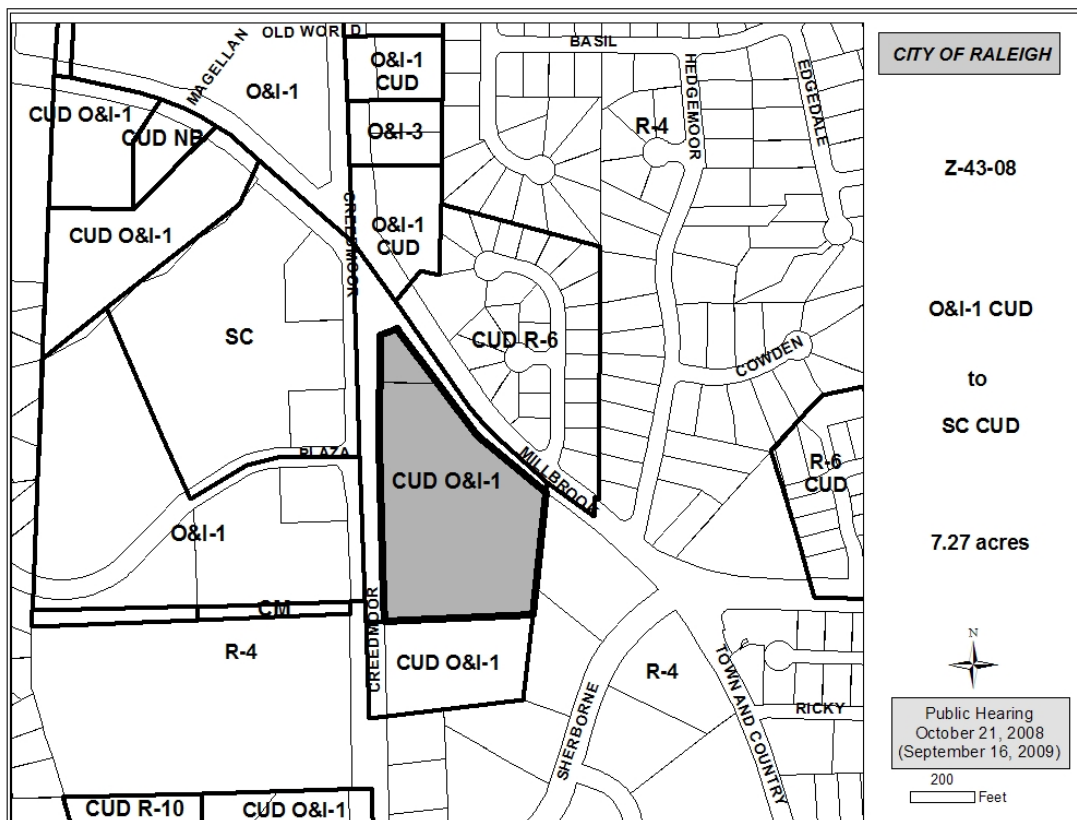
**Planning District
/ CAC:** Northwest / Northwest- Umstead

Request: Petition for Rezoning from **Office & Institution -1 CUD** to **Shopping Center CUD**.

**Comprehensive Plan
Consistency:** This request is inconsistent with the Comprehensive Plan

**Valid Protest
Petition (VSPP):** NO.

Recommendation: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with conditions dated June 3, 2009.



CASE FILE: Z-43-08 Conditional Use

LOCATION: This site is located on the east side of Creedmoor Road, southeast of its intersection with Millbrook Road.

REQUEST: This request is to rezone approximately 7.27 acres, currently zoned Office & Institution-1 CUD. The proposal is to rezone the property to Shopping Center CUD.

COMPREHENSIVE PLAN CONSISTENCY: This request is inconsistent with the Comprehensive Plan

RECOMMENDATION: The Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with conditions dated June 3, 2009.

**FINDINGS
AND REASONS:**

- (1) That the request is inconsistent with the Comprehensive Plan. However, the proposed mixed uses at the subject location appears to be reasonable and in serving the public interest in that, it will provide added amenities and services, easily accessible and in close proximity to the surrounding residential uses;
- (2) That the odd shape and configuration of the parcels pose site planning challenges and given its adjacency to a major thoroughfare may be considered more appropriate for a mix of uses and a cohesive development that applies key urban design guidelines;
- (3) That conditions associated with this request also address max. commercial square footage & min. office square footage, max. building height & stories, mix of uses, natural protective yards, building facade, compliance with urban design guidelines, and site layout concept that will help achieve compatibility of development with its surroundings; and
- (4) That the development of the subject property, subject to the stated conditions, and upon compliance with the included design standards during the site plan review process, will be compatible and complementary to its surrounding uses.
- (5) That for the above mentioned reasons; the subject request appears to be reasonable and in serving the larger public interest and therefore, the Commission recommends approval of the subject rezoning request.

To PC: 6/9/09

Case History: PC 10/28/08 - referred to COW; applicant requested deferral; 12/2/08 COW deferred case; applicant requested further deferral at COW; 1/23/09 applicant requested a 90-day time extension of the Commission's deadline on this case; time extension approved by CC on 2/17/09; case deferred at COW; 5/5/09 COW deferred case and discussed outstanding issues to be addressed by the applicants; 6/2/09 COW voted approval recommending further revisions to conditions.

To CC: 6/16/09

City Council Status: _____

Staff Coordinator: Dhanya Sandeep

Motion: Bartholomew
Second: Butler
In Favor: Anderson, Bartholomew, Butler, Chambliss, Fleming, Gaylord, Haq, Harris
Edmisten, Holt, Smith, Vance
Opposed: Mullins
Excused:

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 Staff Report attached.

Signatures: (Planning Dir.) (PC Chair)

date: _____ date: 6/10/09



Zoning Staff Report: Z-43-08 Conditional Use

LOCATION: This site is located on the east side of Creedmoor Road, southeast of its intersection with Millbrook Road.

AREA OF REQUEST: 7.27 acres

PROPERTY OWNER: Cary Development Partners, LLC

CONTACT PERSON: Eric Braun, 743-7315

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:** *May 19, 2009*

ZONING: Current Zoning

O&I-1 CUD

Current Overlay District

None

Proposed Zoning

SC CUD

Proposed Overlay District

None

**ALLOWABLE
DWELLING UNITS:**

Current Zoning

w / Staff approval: 109 DU
w / PC approval: 181 DU

Proposed Zoning

w / Staff approval: 109 DU
w / PC approval: 218 DU

**ALLOWABLE OFFICE
SQUARE FOOTAGE:**

Current Zoning

237,510 sq. ft. (0.75 FAR)

Proposed Zoning

35,000 sq.ft. (based on trip generation numbers)

**ALLOWABLE RETAIL
SQUARE FOOTAGE:**

Current Zoning

Limited (max. of 10%) permitted in association with an office building exceeding 30, 000 sq.ft

Proposed Zoning

40,000 sq.ft. max (per conditions)

**ALLOWABLE
GROUND SIGNS:**

Current Zoning

Low Profile (Height = 3 ½ feet, Area = 70 sq.ft.)

Proposed Zoning

Low Profile (per conditions)

ZONING HISTORY: The subject properties have been zoned O&I-1 CUD since 1985. The properties (in combination with the property to the immediate south) were requested to be rezoned with Planned Development Conditional Use Overlay District in 2005 (MP-5-05 Creedmoor Millbrook Master Plan). The master plan proposed to allow 24 multi-family units and 60,800 square feet of mixed use building. The applicant requested denial on July 25, 2006. Subsequently, the property to the immediate south was rezoned to O&I-1 CUD (Z-23-07) in 2007.

Existing zoning conditions (Z-38-05) on subject properties

- 1) No building more than two stories (30') in height will be allowed on Tax Parcel No. 378-48 (deed reference 931-327, Wake County Registry, Tract 2) or as the same may hereafter be identified.
- 2) Property owners will dedicate within three months following the enactment of the zoning ordinance, at no cost to the City the necessary additional right of way up to 15 feet in width for street improvements along Leesville and Creedmoor Roads and will make street improvements pursuant to subdivision regulations and City policies unless completed first by other entities.
- 3) No certificates of occupancy will be issued by the City until street improvements are completed on Creedmoor and Leesville Roads.

Amended Exhibit B, Alternative 2, sign by Janet S. Huste, February 28, 1986, with the following conditions:

- 1) An undisturbed, natural buffer, 50 feet in width shall be maintained along the entire south and east property line (being adjacent to tax parcels Nos. 378-50 97 & 98, (deed references 2606-0182, 2454-0368, and 3364-593, Wake County Registry, respectively) or as the same may hereafter be identified). No parking, driveway, storage, loading areas, or buildings will be permitted within this buffer. However, utility, water, sewer, storm drainage, or other City improvements as may be authorized or required by the City of Raleigh or other governmental authority may be located in the buffer.
- 2) Within the aforesaid 50 ft. natural buffer, any utility extensions will meet standards of utility extensions through the Conservation Buffer zone district.
- 3) The site standards for Office and Institution-3 district contained in Section 10-2037 of the Raleigh City Code shall apply to Tax Parcel 378-137 within 250 ft. of the south property line (adjacent to Tax Parcel No. 378-50, or as the same may hereafter be identified) except that the minimum usable yard space requirement shall not apply adjacent to Creedmoor Road.
- 4) No building more than two stories (30 feet) in height will be allowed on the balance of Tax Parcel No. 378-137, or as the same may be hereafter identified.
- 5) Property owners will dedicate within three months following the enactment of the zoning ordinance, at no cost to the City, the necessary additional right-of-way up to 15 feet in width for street improvements along Leesville and Creedmoor Roads and will make street improvements pursuant to subdivision regulations and City policies unless completed first by other entities.
- 6) No certificates of occupancy will be issued by the City until street improvements are completed on Creedmoor and Leesville Roads.

**SURROUNDING
ZONING:**

NORTH: O&I-1, R-6 CUD (Z-49-97)

SOUTH: O&I-1 CUD (Z-23-07), R-4

Zoning Conditions (Z-23-07)

- i. The property shall be limited to office uses as specified in the Professional/ Services subgroup of Code Section 10-2071, save and except for copy center, hair replacement, masseur, office machine, publicity, secretarial and travel agents, realtor and mail order store, which uses are prohibited. Said uses shall be located within not more than one principal building which shall be limited to 20,000 square feet floor area gross.
- ii. The principal building shall be limited to two stories in height and shall not exceed thirty-seven feet (37') in height measured as provided in the Raleigh City Code.
- iii. A buffer area, 65 feet in width shall be maintained along the entire East and South property lines (adjacent to Hunt, PIN 0796562637 [Deed Book 2454, Page 368], Schoonover, PIN 0796561425 [Deed Book 5279, Page 306], and Highsmith, PIN 0796468403 [Deed Book 2367, Page 468] all Wake County Registry), or the same as may hereafter be identified). No parking, driveway (unless required by the City of Raleigh for cross access), storage, loading areas, or buildings will be permitted within this buffer area; however, utility, water, sewer, storm drainage or other improvements as may be authorized or required by any governmental authority or conditional use zoning conditions, excluding the wall required by Condition H, may be located in the buffer area. Diseased or dead trees shall be removed from this buffer area, with the prior authorization of the City of Raleigh Arborist or his designee; provided, however, no tree six and one-quarter (6.25") inches in circumference or greater in size measured at four and one-half (4.50') feet above ground shall be removed (unless diseased, dead or as necessary to provide a cross access driveway required by the City of Raleigh or to provide access to the utility manhole located adjacent to the south line of the property). Notwithstanding any provision herein to the contrary, tree removal or grading for permitted purposes within the buffer area for any of said purposes which cumulatively exceeds twenty (20%) percent of the buffer area shall not be permitted.
- iv. Upon development direct access from Creedmoor Road would be limited one right in/right-out driveway subject to approval by the City of Raleigh Public Works Department and North Carolina Department of Transportation, as applicable.
- v. Upon development reimbursement for any required right-of-way dedication for Creedmoor Road shall be calculated at the applicable R-4 rate.
- vi. Upon any development of the rezoned land an offer of cross access will be provided to the adjacent property to the north, Cary Development Ptnr LLC, PIN 0796478165 [Deed Book 12324, Page 545] and to the adjacent property to the south, Highsmith, PIN 0796468403 [Deed Book 2367, Page 468]. The owner of the property subject to this Condition shall be responsible for constructing the portions(s) of the cross access drive(s) upon this property if these offers (or either of them) are accepted.
- vii. Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty (20) feet long adjacent to Creedmoor Road by fifteen (15) feet wide to support a bus stop for transit services in the area. The location of the transit easement shall be approved by the Transit Division of the City (said approval not to be unreasonably delayed) and the City Attorney shall approve the transit

easement deed prior to recordation. Notwithstanding the foregoing this Condition shall be a nullity if the City determines not to locate a transit easement upon the property.

- viii. Upon any development of the rezoned land a wall not less than six (6) feet in height above grade, constructed of brick or block with brick veneer shall be constructed in proximity to a parking area in the eastern portion of the subject property opposite the property of Hunt, PIN 0796562637 [Deed Book 2454, Page 368] on the East and Schoonover, PIN 0796561425 [Deed Book 5279, Page 306] on the South. Said wall shall commence fifteen (15) feet from the north line of the subject property and shall extend in a southerly direction and in a westerly direction, as necessary, to encompass the parking area as aforesaid. No portion of this wall may be located within the sixty-five (65) foot width buffer required by Condition C.
- ix. In the event that a dumpster is utilized for the collection of refuse generated by the occupant(s) of the office building, same shall be located within thirty-five (35) feet of the north line of the property and will be screened by the wall provided in the immediately preceding Condition H, extended to the west to the extent necessary to screen this facility in accordance with the City Code. This facility may not be serviced before 6:00.a.m. nor after 6:00 pm during weekdays and may not be serviced on Saturdays, Sundays or holidays observed by the City of Raleigh.
- x. The development of the subject property shall require Site Plan approval by the Raleigh Planning Commission and by the Raleigh City Council.

EAST: R-4
WEST: SC, O&I-1

LAND USE: Undeveloped, heavily wooded site

**SURROUNDING
LAND USE:**

NORTH: Low density residential & office
SOUTH: Vacant & low density residential
EAST: Low density residential
WEST: Shopping Center (Creedmoor Crossings), residential

**DESIGNATED HISTORIC
RESOURCES:** None

EXHIBIT C AND D ANALYSIS:

**COMPREHENSIVE
PLAN SUMMARY**

TABLE: In addition to the various systems plans (i.e. Transportation Plan, Parks and Recreation Plan, etc.) that are part of the City's adopted Comprehensive Plan the following table summarizes the other comprehensive plan elements that have been adopted by the City Council.

Element	Application to case
Planning District	Northwest
Urban Form	Neighborhood Focus Area
Specific Area Plan	Creedmoor Road Corridor Plan, Lead Mine/ North Hills SAP
Guidelines	Retail Use Guidelines

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

This request is inconsistent with the Comprehensive Plan. The subject site is located in the Northwest Planning District, southeast of the intersection of Creedmoor Road and Millbrook Road. It is also located within the core of the Creedmoor/ Millbrook Neighborhood Focus Area, designated by the Creedmoor Road Corridor Plan. The Corridor Plan recommends office and institutional uses for the site. In addition, the Retail Use Guidelines of the Comp Plan recommends retail uses for only one quadrant of a Neighborhood Focus area. The Creedmoor/ Millbrook Neighborhood Focus area is currently developed with retail on the southwest quadrant of the intersection including 10.04 acres developed with 74,138 square feet of retail uses. The proposed rezoning request with the attached conditions and concept plan would allow a mix of office, residential and retail uses on the site, while placing retail uses on a second quadrant of a Neighborhood Focus area. While the proposed office and residential components are consistent with the Comprehensive Plan, the retail uses would be inconsistent with the land use recommendation and Retail Use Guidelines of the Comprehensive Plan. No specific policies of the Lead Mine/ North Hills SAP apply to this site.

The Creedmoor Road Corridor Plan also specifies that adverse impacts on adjacent residential properties should not be created by new development as a result of bulk, scale, mass, fenestration or orientation of structures, storm water run-off, or noise. Most of these elements are being addressed through the concept plan and through application of the urban design guidelines. The Comprehensive Plan encourages sensitive and compatible corridor development of vacant or under used frontage lots along Creedmoor Road. Proposed uses should be compatible, have minimum impact on traffic, and incorporate adequate landscaping, screening, and buffering adjacent to residential uses. The plan encourages requiring the preservation of open space, existing tree stands, and other significant natural features along the roadway as part of public and private development plans that should be adequately addressed through compliance with the Tree Conservation Ordinance.

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

The property is surrounded by office and institutional uses largely to its north, west, immediate south and by residential uses to its east, southeast and northeast. The subject property is a large undeveloped tract of land that is heavily wooded and zoned O&I-1 Conditional Use (Z-38-85). The existing conditions on the property specifies a building height limit of 30 feet and a 50 feet natural buffer along edges of the property abutting residential uses. To the north, across Millbrook Road is the Bennett Place subdivision built at R-6 density and zoned R-6 CUD. To the immediate east and southeast are predominantly single-family detached homes - the Country Life Estates subdivision built at R-4 density. Across Creedmoor Road to the immediate west is located the Creedmoor Crossings shopping center, zoned SC, along with other office uses. The applicant notes that the rezoning request is compatible with the surrounding areas in that, the property is surrounded by parcels which are either developed with retail, office, and institutional uses or zoned for office and institutional uses (to the north, west, south) and by low density residential uses (to the east and south).

The subject property has frontage along Creedmoor Road (a primarily residential corridor) and Millbrook Road. The roadway improvements to Creedmoor Road and Millbrook Road have dramatically changed the traffic patterns in the immediate area. The reclassification of both roads to Secondary Arterial Major Thoroughfares has generated a heavy traffic pattern in this area. Allowing more intense retail uses at this intersection would be incompatible with the existing predominantly residential, office uses and mark a change in the scale and character intended for this neighborhood oriented focus area. Therefore, the traffic impacts generated by locating additional retail uses in this location should be evaluated by the DOT.

3. Public benefits of the proposed rezoning

The applicant notes that the proposed rezoning will permit a higher and better use of the property, given its location at the intersection of two major thoroughfares and within a Neighborhood Focus area. The applicant further points out that the proposed request will provide a pedestrian oriented

amenity to provide goods and services for many residents and workers in the neighborhood, and is therefore reasonable and in the public interest.

The Creedmoor Road Corridor Plan aims "to provide for the economic use of land abutting the Creedmoor Road right-of-way and to encourage sensitive and compatible development of frontage lots along Creedmoor Road". The office and residential components of the proposed rezoning request are reasonable and in the public interest in that, it would be consistent with the recommendations of the Comprehensive Plan and provide for an appropriate transition to adjacent single family residential uses.

4. Detriments of the proposed rezoning

As noted in the compatibility discussion above, additional retail uses on the subject properties would be inconsistent with the Retail Use Guidelines of the Comprehensive Plan. Allowing retail uses on this quadrant of the intersection would be incompatible with the existing predominantly residential and office uses and mark a change in the scale and character intended for this neighborhood oriented focus area. Additionally, the traffic impacts generated by locating additional retail uses in this location should be evaluated by the DOT.

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

TRANSPORTATION: Creedmoor Road is classified as secondary arterial (2007 ADT- 33,000 vpd) and exists as a 4-lane median divided roadway with a single right turn lane and dual left turning lanes onto Millbrook Road. The roadway is constructed with an 80-foot back-to-back curb and gutter section with sidewalk on one side within a 100-foot right of way. City standards call for Creedmoor Road to be constructed with an 89-foot back-to-back curb and gutter section with sidewalks on both sides within a 110-foot right-of-way. Millbrook Road is also classified as a secondary arterial (2007 ADT - 19,000 vpd) and exists as a 5-lane roadway with signal left and right turn lanes onto Creedmoor Road with a 71-foot curb and gutter cross-section with sidewalk on one side within a 110-foot right-of-way. City standards call for Millbrook Road to be constructed with an 89-foot back-to-back curb and gutter section with sidewalks on both sides within the existing right-of-way. Plaza Place is classified as a collector street as is constructed to city standards as a 41-foot back-to-back curb and gutter section with sidewalk on one side within a 60-foot right-of-way. Due to the size and location of the subject property between two secondary arterial thoroughfares a traffic impact analysis is recommended for this case. The TIA report has been reviewed by staff.

TRANSIT: NA

HYDROLOGY: FLOODPLAIN: None
DRAINAGE BASIN: Crabtree
STORMWATER MANAGEMENT: Compliance with Pt. 10 Ch. 9

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>23,627</u> gpd	Approx. <u>32,715</u> gpd
Waste Water	Approx. <u>23,627</u> gpd	Approx. <u>32,715</u> gpd

The proposed rezoning would add approximately 9,090 gpd to the wastewater and water treatment systems of the City. There are currently sanitary sewer and water mains available at the properties for connection to the City's utilities systems.

**PARKS AND
RECREATION:**

This property is not adjacent to any park and/or greenway areas. The rezoning allows 30 additional DU's with PC approval. The comprehensive plan identifies the need for an additional neighborhood park to serve the area. Current nearest park services for the site are located at Wooten Meadows Park.

**WAKE COUNTY
PUBLIC SCHOOLS:**

The maximum number of dwelling units permitted under the proposed zoning would be 218, while the current zoning permits 181. This would result in the following increase in school enrollment: 5 elementary, 3 middle and 2 high school. Base school assignments would be to the following schools, operating at the capacities indicated:

**Impacts on
School Capacity**

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Leesville Road	844	76.7%	849	77.1%
Daniels	1,162	101.5%	1,165	101.7%
Sanderson	1,876	98.8%	1,878	98.9%

IMPACTS SUMMARY:

The rezoning could increase school enrollment by 10 students. The future capacity at Leesville Road Elementary could increase from 76.7% to 77.1%, the capacity of Daniels Middle School could increase from 101.5% to 101.7%, and the capacity of Sanderson High could increase from 98.8% to 98.9%. The comprehensive plan identifies the need for an additional neighborhood park to serve the area.

OPTIONAL ITEMS OF DISCUSSION

1. **An error by the City Council in establishing the current zoning classification of the property.**

NA

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

The subject property has been zoned O&I-1 CUD since 1985 and has remained undeveloped. It is located at the intersection of two major thoroughfares. Roadway improvements to both Creedmoor Road and Millbrook Road have dramatically changed the traffic patterns in the immediate area. Additional retail uses at this location would be inconsistent with the Comprehensive Plan and with the Retail Use guidelines, which limits retail uses to one quadrant of a Neighborhood Focus area. Allowing more intense retail uses at this intersection would be incompatible with the existing predominantly residential and office uses and mark a change in the scale and character intended for this neighborhood oriented focus area. Additionally, the traffic impacts generated by locating additional retail uses in this location should be evaluated by the DOT.

APPEARANCE

COMMISSION:

This request was reviewed by the Appearance Commission on October 16, 2008 and recommendations noted.

**CITIZEN'S
ADVISORY COUNCIL:** DISTRICT: Northwest- Umstead
CAC CONTACT PERSON: Jay M. Gudeman, 789-9884
Nancy Murray, 845-8845

SUMMARY OF ISSUES:

COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

This request is inconsistent with the Comprehensive Plan with the following outstanding issues:

- Office and institutional uses are recommended by the Creedmoor Road Corridor Plan for this site
- Retail uses are being proposed for a second quadrant of a Neighborhood Focus Area

OUTSTANDING ISSUES:

- No other outstanding issues.

CONCEPT PLAN STANDARDS (as per Code §10-2165(d)8) and the Urban Design Guidelines):

- a. A plan view has been submitted (Exhibit C-1).
- b. Sufficient information has been provided by the applicant to determine compliance with various types of buffers, specifically tree conservation areas.
- c. The vehicular circulation plan indicates access points onto the two existing thoroughfares; however, the vehicular connections within the site do not provide for a hierarchy. The proposal does not provide for a secondary private street or internal access way but rather a system of separated parking areas. For this site, options include providing for internalization of the site or bringing the buildings directly to the thoroughfares with all parking internally located. The recent revisions attempt to identify an internal pedestrian street; however, additional work is needed to achieve this such as trees, parallel parking, alternate pavement and elevated pedestrian crossing.
- d. The pedestrian plan provides wider sidewalks internal to the site of a minimum of 6' wide up to 25' in open space areas. The grading of the site may affect the accessibility of the site from the public street sidewalk, especially on Creedmoor Road where the transit stop is located. An easement has been provided to adjacent office use. Wider sidewalks throughout the development have been provided; however, identification through more detail or raised pedestrian areas across driveways is needed.
- e. The site is heavily wooded with mature hardwoods. The site falls to the south. There are no streams or riparian buffers on the site.
- f. The parking area is surface only; no structured parking is indicated.
- g. The buildings on Creedmoor propose building entrances on Creedmoor; however, one building entrance faces Millbrook. Due to the triangular shape of the property, the layout does not address Millbrook and places priority on Creedmoor Road.
- h. A formal building façade narrative has been submitted (Exhibit C-2).
- i. Open space has been provided internal to the site with adjacent outdoor seating areas and plazas. .
- j. The site is on an existing transit route with direct connection from the public ROW. Two transit easements have been provided.
- k. Phasing plan will be determined during preliminary site plan approval.
- l. A written narrative addressing how the Concept Plan ensures that future development will conform to the Comprehensive Plan's Urban Design Guidelines for mixed-Use Neighborhood and Village Centers has been submitted. That narratives, and staff responses, are provided below:

BUILDING NARRATIVE

The narrative addresses the design approach, location of entrance ways, façade treatment, window openings, and pedestrian areas.

URBAN DESIGN GUIDELINES NARRATIVE

MIXED USE CENTERS

2.0 Overview of Mixed Use Centers

- Mixed Use Centers traditionally form near the convergence of large, coherent neighborhoods and at the intersection of thoroughfares.
- Buildings in the Mixed Use center are made compatible through similar massing, volume, frontage scale and architectural features.

Applicant Response:

Building facades will be designed to be in keeping with the scale and character of the neighborhood. The applicant has conditioned the application to address building height and mixed-use as follows:

Building A: Minimum two stories in height, maximum three stories in height. The following uses shall be permitted within Building A: commercial, and at least one of the following additional uses: office, institutional, and/or residential;

Building B: The following uses shall be permitted within Building B: commercial, office, institutional, and/or residential.

Building C: Minimum two stories in height, maximum three stories in height. The following uses shall be permitted within Building C: commercial, and at least one of the following additional uses: office, institutional, and/or residential;

Building D: Minimum two stories in height, maximum three stories in height. The following uses shall be permitted within Building D: commercial, office, institutional, and/or residential.

Entry features or towers may exceed forty feet (40') but will not be allowed to exceed forty-eight feet (48').

This Application is for development of one of the few remaining undeveloped tracts within this Neighborhood Focus Area. It is located at the convergence of two major thoroughfares within a coherent, well developed multi-use development pattern including office, commercial and residential uses. The proposed uses will provide highly desired neighborhood commercial and office uses within walking distance of existing office and residential uses, and provide pedestrian connectivity to adjacent properties.

The proposed development will provide good transition to the residential uses in the following manner:

- ***Enhanced sidewalk connectivity along Millbrook Rd. including sidewalks along proposed driveway entrance across from the Brentwood subdivision entry.***
- ***Site grading will place buildings along Millbrook Rd. below street level to reduce visual impact of buildings from residential uses.***
- ***Significant tree conservation area between proposed development and existing residential lots abutting the subject property per the concept plan.***
- ***The proposed development would provide convenient access to neighborhood services for residents along Millbrook Rd. via existing public sidewalks and new internal sidewalks.***

Neighborhood access to the site will be accommodated through implementation of new sidewalk connections to the existing sidewalks along the entire property frontage, sidewalk connections from transit stops to the site interior, and a network of interior pedestrian paths.

STAFF RESPONSE:

No additional comment.

2.2 Elements

- **Key Element** All Mixed Use Centers *should generally* provide retail office and residential uses within close proximity of each other. The core should provide office, convenience and personal service retail complying with maximum sizes for single establishments in the Retail Use Guidelines of the Comp Plan. Village Centers may also provide entertainment uses. Retail uses should be placed at street level.

Applicant Response:

This application proposes a mix of uses in keeping with Key Element 2.2 to encourage a true mixed use neighborhood focus area. The project will provide for a mix of office and commercial uses within close proximity to existing commercial uses and residential neighborhoods. The application specifically provides for vertical mixed use in the following manner:

- ***A maximum of 40,000 sf of total commercial uses is provided for***
- ***Buildings A, C and D shall be constructed to accommodate second floor uses including at least one of the following additional uses: office, institutional, and/or residential;***

Commercial uses will be provided on the first level focused along a central, internal drive with on-street parking. Second story uses will provide for an active vertical mixed use environment.

The proposed plan complies with the maximum size for single tenant establishments in the Retail Use Guidelines of the Comprehensive Plan and will provide personal and convenience type commercial within walking distance of permanent residents and a large daytime working population.

STAFF RESPONSE:

No additional comment.

2.3 Transition to Surrounding Neighborhoods

- **Key Element** Building heights are greatest in the core and transition to lower heights outward from the Core to the boundary of the Mixed Use Center. Edge buildings are comparable in height and massing to the adjacent and nearby properties as well as surrounding neighborhoods. In general, housing densities should be highest within Centers, transitioning to progressively lower densities moving outwards from the Core to the Edge.
- Higher intensity buildings should not cast a shadow line on surrounding neighborhoods.
- Undisturbed natural areas that function as opaque screens are preferable to new plantings.

Applicant Response:

All buildings will be a minimum of two stories (26') and not exceed three stories (40') for buildings A, B and C and a maximum of 39' for building D. The maximum height for the proposed buildings will not exceed three stories per 2.2 of the UDG.

Buildings are organized along a central street pattern with the majority of required parking interior to the site, screened from public streets. Proposed buildings will be comparable in height and massing to the adjacent commercial development.

Buildings are situated on the site such that they will not cast a shadow line on surrounding properties.

A Natural Protective Yard is planned along the east and south property lines in order to provide for an effective buffer adjacent to existing residential uses. This approach promotes a more appropriate relationship of commercial uses to the urban edge along Creedmoor Road.

STAFF RESPONSE:

No additional comment.

2.4 The Block, the Street and the Corridor

- The Center's Road network connects directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the Center. Trips made from surrounding residential neighborhoods to the Center are possible without requiring travel along a major thoroughfare or arterial.

Key Element

- Streets should interconnect with 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.

Key Element

- Streets should interconnect with adjoining development.
- Block faces should have a length generally not exceeding 660 feet.
- Mixed Use Centers should provide transit stops at key nodes with easy access to surrounding thoroughfares....

Applicant Response:

The Concept Plan has been modified to focus building fronts on an internal drive. The internal drive between buildings D and A/B/C will be enhanced with landscape and hardscape elements that may include raised crosswalks, specialty paving treatments and banding for the on street parking to distinguish the pedestrian and vehicular zone from the balance of the parking field.

The proposed site access locations have been established with direction from NCDOT and City of Raleigh Transpiration Services. There is no need for new public or private streets to serve this project or given the size of the site, for internal secondary streets.

Parking is internalized to the extent practicable given the site configuration and topography. Buildings B, C, and D will have no parking between them and the public streets.

The development provides strong vehicular and pedestrian inter-connectivity and vehicular cross-access to the adjacent property to the south. The alignment of driveways and associated sidewalks will create strong interconnectivity to adjacent properties.

Pedestrian sidewalks will be provided along the public street frontages and new internal walks will be developed associated with the new driveways. Walkways to the public Rights-of-way will be provided and provide connectivity to adjacent property along the cross-access at the southwest corner of the property.

Transit stop locations will be provided for along both Creedmoor Road and West Millbrook Road and will be further coordinated with the City's Transit Technician at the appropriate time.

STAFF RESPONSE:

The site is surrounded by thoroughfares. The plan indicates direct access points onto the two existing thoroughfares; however, the vehicular connections within the site are accomplished through parking lots and do not provide for a secondary street access, allowing transitions to the thoroughfares. For this site, options include providing for internalization of the site or bringing the buildings directly to the thoroughfares with all parking internally located.

SITE DESIGN

3.1. Building placements

- 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 lined by buildings rather than parking lots are more interesting to move along, especially for pedestrians and provide a safer environment.

Key Element

- Locate buildings close to the pedestrian street (within 25 feet of the curb), with off-street parking behind and/or beside buildings.

Key Element

- If the building is located at a street intersection, place the main building, or part of the building, at the corner. Parking, loading or service should not be located at an intersection.

Key Element

- To maximize the street frontage of buildings and minimize the street frontage of parking lots, building should be articulated so that the long side fronts of the street.
- Pedestrian circulation should be an integral part of the initial site layout. Organize the site so that the buildings frame and reinforce pedestrian circulation, and so that the pedestrians walk along building fronts rather than along or across parking lots and driveways. Also arrange buildings to create view corridors between pedestrian destinations within and adjacent to the site including building entrances, transit stops, urban open space, and nearby public amenities including parks and greenways.

Applicant Response:

The Concept Plan has been modified to focus building fronts on an internal drive. To strengthen the fabric of the urban architecture and landscape design, the proposed buildings align an internal drive with on-street parking to establish a physical definition of streets and public spaces. The internal drive between buildings D and A/B/C will be enhanced with landscape and hardscape elements that may include raised crosswalks, specialty paving treatments and banding for the on street parking to distinguish the pedestrian and vehicular zone from the balance of the parking field. Additional parking fields are oriented toward the interior of the site, to the extent possible. Parking, loading and service areas are located internal to the property, away from public streets. The primary parking fields will also be below the site perimeter in elevation and together with

landscaping will meet or exceed requirements for screening and limiting lighting spillover. Site topography, landscaping and proposed grading will effectively screen parking associated with Building A, thus accomplishing the policy goal of limiting visibility of parking areas from public streets.

The primary building groupings have been oriented to create an active urban edge along the internal corridor, away from residential uses. The Concept Plan illustrates how buildings may be arranged to create a strong public realm and provide for pedestrian walking zones and public gathering areas.

A proposed reservation area at the site apex for use by the City as public open space or public art display can help delineate the urban edge and announce the project.

The application has been conditioned to permit only one drive-thru use.

It is not feasible on this site, due to its configuration, to have no rear, or sides of buildings addressing the public streets. However, the concept plan and building narrative will provide for architectural details that properly address all sides visible from public streets. In addition, the service area for building A has been oriented internally to the site.

Urban Open Space: Pedestrian circulation will be developed between buildings and to adjacent properties with a system of sidewalks internal to the site and the public sidewalks around the site perimeter. Café seating areas, a gathering space overlooking the water feature, and internal public plaza space will enhance pedestrian zones.

STAFF RESPONSE:

There are parking areas between the public street and the building for a portion of the Creedmoor frontage. Buildings should directly address both Millbrook Road and Creedmoor Road, with no backs, or sides of buildings addressing the public street.

The plan proposes one building with a potential drive thru use. These type of uses present site design challenges while attempting to meet urban design with emphasis on the pedestrian.

3.2. Urban Open Space

- 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.

Key Element

- New urban open 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.

Key Element

- The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic and uses for the space including retail, cafes and restaurants and higher-density residential.

Key Element

- A properly defined urban open space is visually enclosed by the fronting building to create an outdoor room that is comfortable to its users.

Key Element

Applicant Response:

Open space is comprised of internal plazas, street protective yards and Tree Conservation Areas that are adjacent to public sidewalks and connect the public sidewalks from the buildings. Multiple pedestrian points of entry are provided from the public sidewalks.

Open spaces as shown are easily accessible, framed by active building uses, and functional. They will be associated with building fronts, café seating areas, and the feature amenity area at the intersection of Creedmoor Road and West Millbrook Road. Public spaces will be connected to the public right-of-way by existing and proposed walkways. Second story uses will overlook public spaces and have easy access to ground-level sitting areas and café seating.

The open space previously shown at the intersection of Millbrook and Creedmoor has been removed. A condition to reserve this area for the City's use for a defined period of time has been added to the application.

The application has been conditioned to ensure that the primary stormwater BMP located between Building C and Creedmoor Road, as shown on the Concept Plan, Exhibit C-1, shall be developed as a site amenity that includes a permanent pool of water as a portion of the BMP, in combination with vegetated bio-retention or constructed wetland features as may be required to meet City of Raleigh stormwater regulations.

STAFF RESPONSE:

No additional comment.

3.3 Public Seating 6. Transit

- New public spaces should provide as many seating opportunities as possible.

Key Element

Applicant Response:

Both fixed seating and movable seating opportunities will be provided within the development and can be conditioned as such. Public spaces will be designed to provide a combination of fixed seating in the form of benches and/or seat-walls around planters and accommodate movable seating as well.

Details for seating will be provided with the site plan application as design details for open spaces is developed further.

STAFF RESPONSE:

Seating details shall be evaluated at the time of preliminary site plan approval.

3.7 Pedestrian, bicycle amenities

- Provide a complete network of paths that interconnect building entrances, parking, transit stops, public sidewalks and crossings, adjacent properties, adjoining off-street paths, and other key destinations on or adjacent to the site.

Key Element

Applicant Response:

Sidewalks are labeled on the Concept Plan and will be a minimum 12' width where adjacent to commercial buildings. Sidewalks not adjacent to storefronts shall be 5' to 8' per Key Element 4.1 of the Guidelines.

A network of pedestrian paths interconnects building entrances, parking, transit easements, public sidewalks and crossings, adjacent properties, and adjoining off-street paths. Where pedestrian pathways cross internal drives and curb cuts, a highly-visible crosswalk marked with a contrasting material provides a strong contrast with the vehicular surface.

Pedestrian pathways have been provided from both transit stops and public streets to the site interior to ensure convenient access to building entrances. Two transit stops will be located along the two public streets and provide access into the project via the public sidewalk network.

Bicycle racks will be provided in convenient locations associated with each building. Specific locations and quantities will be determined during Preliminary Site Plan development.

STAFF RESPONSE:

No additional comment.

3.8 Interface with Adjacent Properties

- Avoid erecting walls, fences, or berms that act as barriers to adjacent properties.
- Try to match the grade of abutting properties.

Applicant Response:

The internal vehicular circulation patterns incorporate private cross-access to the adjacent property to the south and shared parking internally.

A proposed public sidewalk connection along the access driveway to the public sidewalk on the east side will provide pedestrian access to the site from the adjacent residential properties. The majority of the site is bounded by public streets and grading will be designed to transition grades with minimal differential to maintain visibility into the site.

Public sidewalks along both public road frontages provide pedestrian and bicycle links to adjacent properties and neighborhoods. Handicap ramps and handicap accessible routes accommodate wheelchairs, bicyclists, and baby strollers.

Grades within tree buffers to the south and east will be undisturbed except as provided for in the approved conditions. No fences or berms are planned for and walls will only be used where necessary to support grading.

STAFF RESPONSE:

No additional comment.

3.9 Vehicular Circulation

- The vehicular circulation network should maximize both on-street and off-street opportunities for the local transportation system so that some local trips are not forced on to the thoroughfares.

Applicant Response:

The project will be served by the existing public street network and cross-access to an adjacent property. The provision for public transit stops (2) and location in proximity to existing office, commercial and residential uses will help reduce some local trips.

STAFF RESPONSE:

No additional comment.

3.10 Automobile Parking

- Parking lots do not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.

Key Element

- Parking lots are located behind buildings or in the interior of a block. Parking lots do not occupy more than 1/3 of the frontage of adjacent building or no more than 64 feet, whichever is less.

- Parking lots should be located behind buildings 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 no more than 64 feet, whichever is less.

Key Element

Applicant Response:

Parking dimensions have been added to the Concept Plan.

Proposed parking is appropriately broken up and does not dominate the frontage along pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments. The majority of the parking (approx. 70%) for the proposed project is located behind buildings, away from views from the public streets, and screened by a combination of grade differential, buildings and/or vegetation. Parking adjacent to public streets will be appropriately screened with landscaping.

STAFF RESPONSE:

The concept plans provide for parking visible from the public view, at the intersection of the thoroughfares. Rear parking is shielded from the right of way with screening; however, the buildings on Creedmoor Road should be pulled up to the right of way and parking on the sides. Given that Building A has a drive-through, contributes to the parking located between the building and Creedmoor Road.

3.11 Parking Structures

- Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can have 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.

Key Element

Applicant Proposal:

Structured parking is not a component of this petition.

The proposed transit easements are conveniently located to the proposed buildings and are functionally integrated into the proposed pedestrian pathway system. The transit easements will have handicap accessible routes into the site.

STAFF RESPONSE:

No additional comment.

3.12 Transit Stops

➤ **Key Element** Appropriate building densities and land uses are within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile. Transit stops are a basic element in any mixed-use development and is integrated functionally and architecturally.

➤ **Key Element** Convenient, comfortable pedestrian access between transit stops and the building entrances should be planned as part of the overall pedestrian network.

Applicant Response:

The Concept Plan provides for two transit stops. The final location will be coordinated with the City Transit Technician. Both transit stops will have an ADA accessible route to the site interior.

STAFF RESPONSE:

The transit locations on Millbrook and Creedmoor Roads should be at a location where an at grade sidewalk connection can be achieved with the grades of the site. This will be evaluated during preliminary site plan approval.

3.13 Environmental Protection

➤ **Key Element** The development respects natural resources. Sensitive areas, such as areas with slopes in excess of 15% for watercourses, floodplains are acknowledged and development in these areas is minimized. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical these features are conserved as open space amenities and incorporated into the overall site design.

Applicant Response:

Natural resource protection includes preservation of trees in the designated areas along two sides of the property. Tree save areas will encompass a minimum of 10% of the total site area.

The site is not located within a floodplain and there are no documented sensitive environmental features, regulated wetlands or stream buffers on site. There are no significant areas with naturally occurring slopes greater than 15%.

STAFF RESPONSE:

There are mature hardwoods on the site; however, there are no grades greater than 15% or significant features such as streams or wetlands.

STREET DESIGN

4.1 Street Design Principles

- Streets are designed to be pedestrian oriented, as integral parts of the designed community. A network of streets is provided dispersing traffic and providing connectivity. A network of sidewalks and bicycle lanes are located within the right of way and provide an attractive and safe mode of travel for cyclists and pedestrians. These apply to all streets up to an including thoroughfares, particularly those that enter the Mixed Use Center.

Key Element

- Sidewalks should be 5-8 feet wide in some areas wide and located on both sides of the street. Sidewalks in commercial areas should be a minimum of 12-16 feet wide to accommodate sidewalk uses such and vendors, merchandising, and outdoor seating.

Key Element

- Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street tree landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from heaving the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City landscaping, lighting and street sight distance requirements.

Key Element

- Sidewalks should be 5 to 8 feet wide and located on both sides of the street. Sidewalks in retail areas should be a minimum of 12-16' wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.
- Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets are designed with street trees that compliment the face of the buildings and provide a shade canopy for the pedestrian.

Applicant Response:

Sidewalks, where proposed within the development, are a minimum of 12' wide where adjacent to commercial buildings. All other pedestrian pathways including handicap accessible routes connecting with the adjacent development and public sidewalks are a minimum of 5' wide per Key Element 4.1. Public sidewalks along proposed public road improvements are 5' wide.

Bike racks will be provided and located appropriately with respect to building locations. Conceptual locations are shown on the Concept Plan. The project will be served by an existing public street network and associated sidewalks along two sides of the property. The existing sidewalk network will be interconnected with the internal project pedestrian system with wide in front of the mixed-use building and public plazas and seating areas.

Street trees will be provided in Street Protective Yards meeting Code section requirement 10-2082.9. Internal sidewalks will be shaded by properly spaced tree plantings.

STAFF RESPONSE:

Sidewalks are provided within the 5-25' wide ranges. Bicycle amenities shall be provided at site plan approval. However, internal bicycle racks should be provided at each building. Landscaping and tree placement should keep in mind visibility and framing of buildings, providing compliment to the building placement and design.

4.2 Spatial Definition

- Buildings establish spatial definition. This is achieved with architectural elements with an appropriate height to width ratio. A 1:6 height to width ratio is the minimum for this definition with an average ratio of 1:3.

Key Element

Applicant Response:

All buildings will be a minimum of two stories (26') and not exceed three stories (40') for buildings A, B and C and a maximum of 39' for building D.

STAFF RESPONSE:

No additional comment.

BUILDING DESIGN

5.1 Façade Treatment

- Adjacent buildings should relate in similarity of scale, height, and configuration.
- Larger buildings should be broken down in scale by means of the articulation of separate volumes.

Applicant Response: (Please refer to revised Building Façade Narrative)

The mixed use buildings will exhibit four-sided architectural interest to present visual interest and pedestrian friendly facades to the project interior and the public streetscape. Buildings will be in scale with each other and with adjacent development and incorporate a compatible architectural vocabulary. The overall architecture will exhibit variety within a palette of similar materials and forms. Longer building facades will include a delineated façade with both vertical and horizontal movement to visually break up the volume.

STAFF RESPONSE:

No additional comment.

5.4 Façade Treatment

- Primary building entrance is architecturally and functionally designed on the front façade of the building facing the primary public street. The entrance is designed to convey prominence on the fronting façade.
- The ground level of the building offers pedestrian interests along the sidewalks and paths, including windows, entrances and architectural detail. Signage, awnings and ornamentation are encouraged.
- Building facades should be varied and articulated to provide visual interest to pedestrians.

Key Element

Key Element

Applicant Response: (Please refer to revised Building Façade Narrative)

STAFF RESPONSE:

No additional comment.

5.5 Street Level Activity

➤ The sidewalks remain the principal place of pedestrian movement and casual social interaction.
Key Element Designs and uses are complementary of that function.

- The sidewalks remain the principal place of pedestrian movement and casual social interaction.
Designs and uses should be complementary of that function.

Applicant Response:

The Concept Plan offers active pedestrian zones directly adjacent to all buildings providing opportunity for outdoor dining or informal gathering. Open space will consist of wide sidewalks, gathering areas, and café seating areas adjacent to buildings. These spaces will be connected by a network of sidewalks to the public rights-of-way.

STAFF RESPONSE:

No additional comment.

5.7 Service and Utilities

- Utilities and Services.... should be screened or otherwise hidden from the view of the pedestrian.

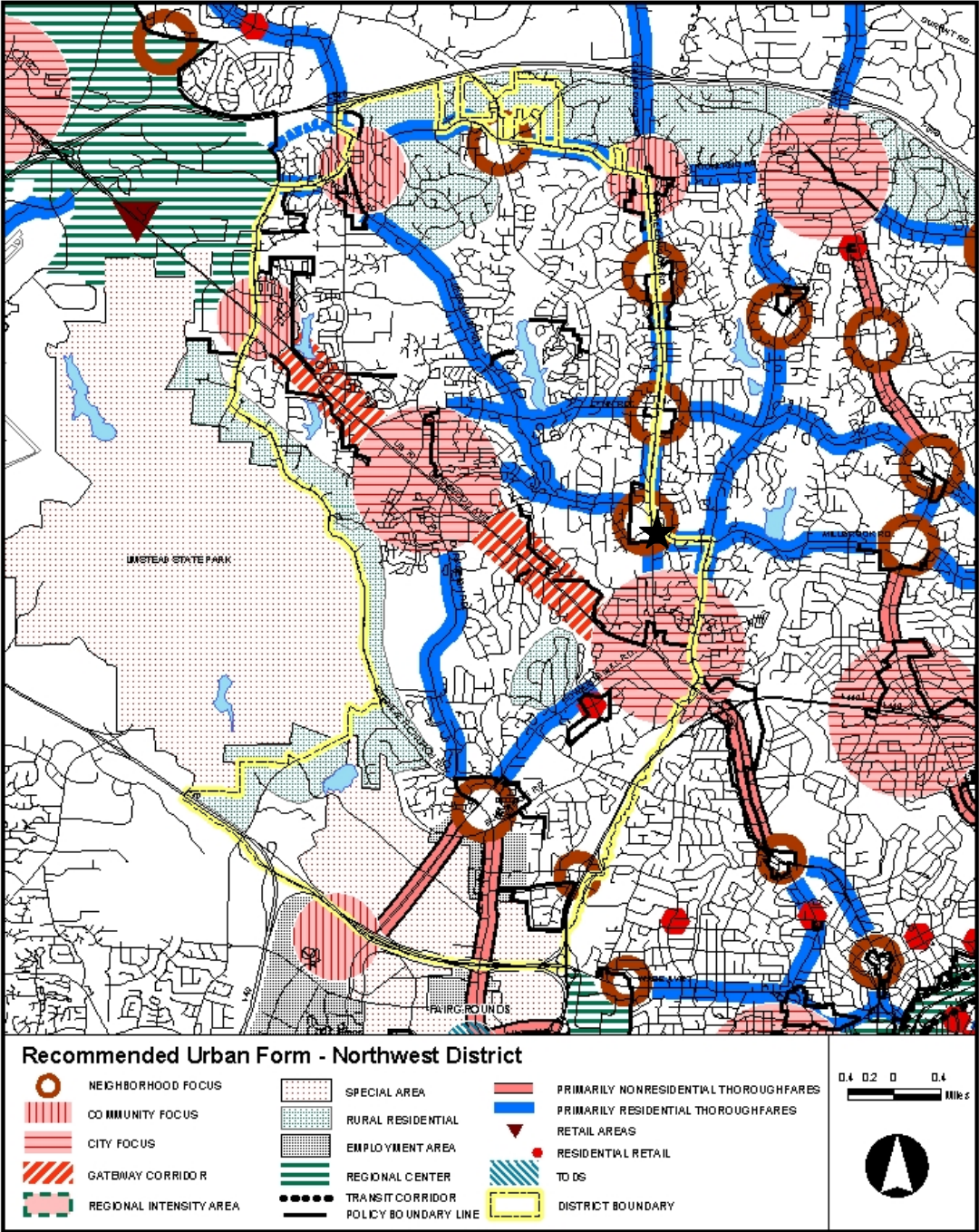
Applicant Proposal:

Loading areas have been modified to face internal to the site, away from public streets.

Detailed plans will provide for appropriate levels of screening of all utility and service areas at site plan applications.

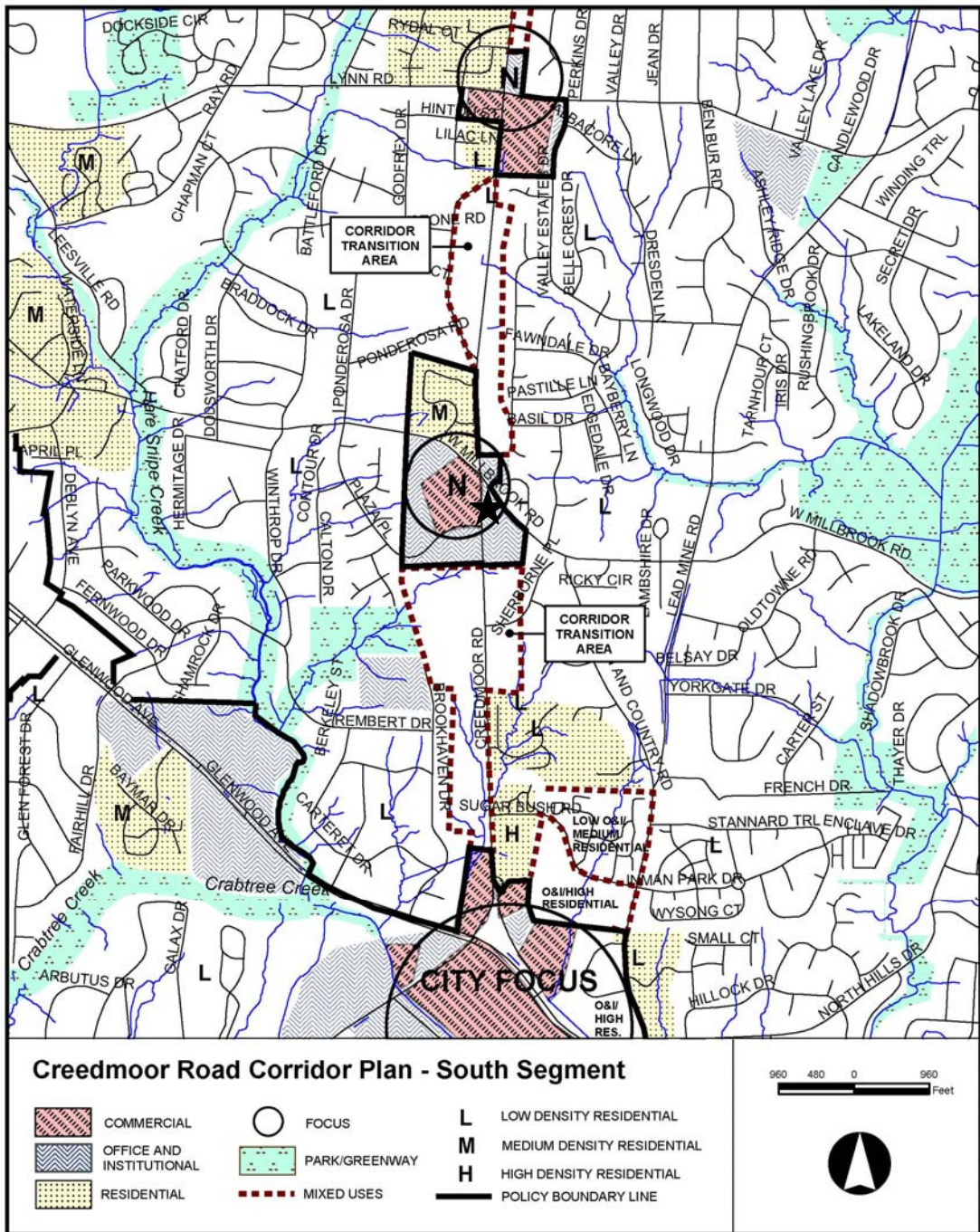
STAFF RESPONSE:

No additional comment.



10/02 Raleigh Comprehensive Plan

Northwest District 5-5.F



12/06 Raleigh Comprehensive Plan

Creedmoor Road Corridor Plan 7-3.5