



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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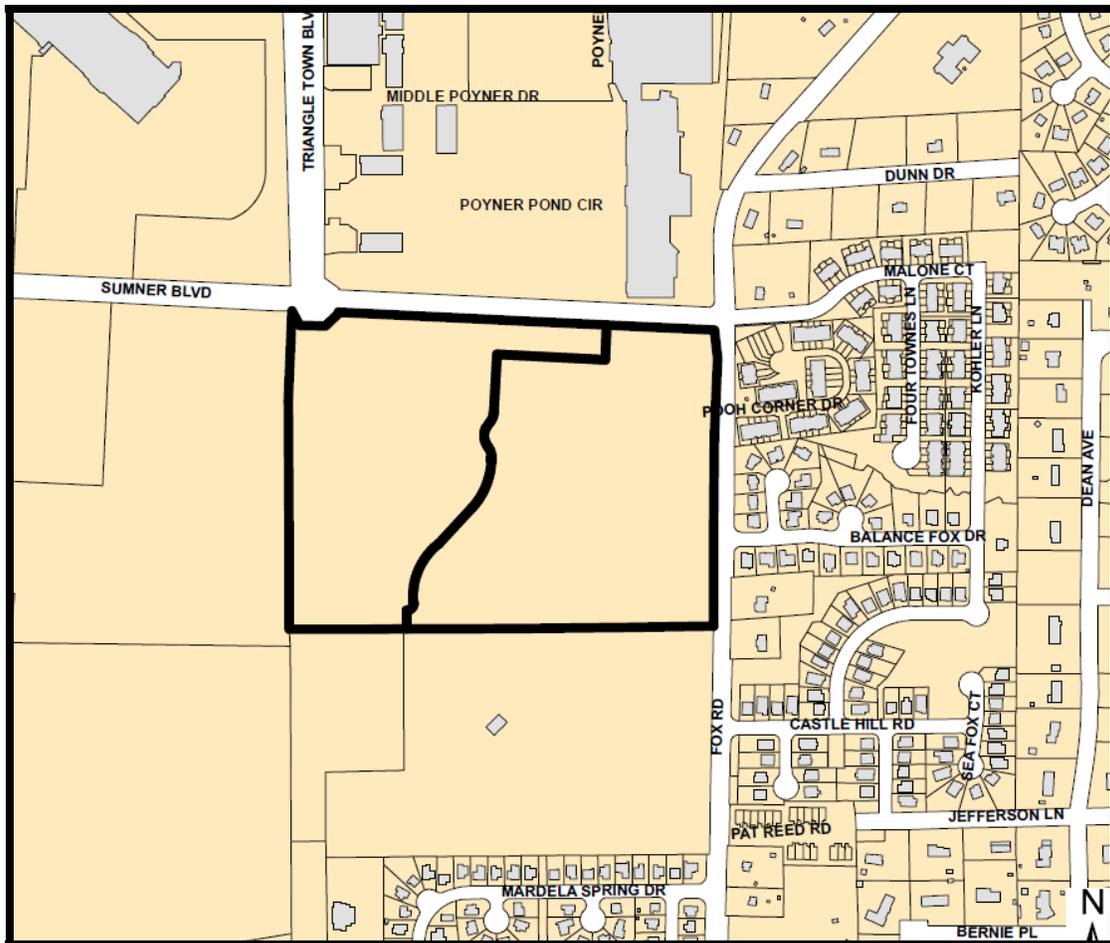
Case File / Name: S-17-11/The Village at Town Center

General Location: The Southwest quadrant of the intersection of Fox Road and Sumner Boulevard

CAC: Northeast

Nature of Case: The subdivision of 37.06 acres of property comprised of two existing lots zoned Shopping Center Conditional Use District into a total of 4 lots.

Contact: Ben Williams – Priest, Craven and Associates, Inc.



S-17-11 The Village at Town Center – Site Location Map

SUBJECT:
**CROSS-
REFERENCE:** Z-5-01

LOCATION: This site is located on the east side of Fox Road, south of its intersection with Sumner Boulevard, outside the City Limits.

REQUEST: The subdivision of 37.06 acres of property comprised of two existing lots zoned Shopping Center Conditional Use District into a total of 4 lots. A phasing plan for lot recording, public improvements and stormwater is not part of this approval and will be approved at the time of construction drawing review.

OFFICIAL ACTION: **Approval with conditions**

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a land disturbing permit for the site:

- (1) That the nitrogen offset payment must be made to a qualifying mitigation bank;
- (2) That the final tree conservation plan be approved by the Forestry Specialist in the Inspections Department. The plan must show metes and bounds descriptions of all tree conservation areas, and tree protection fence around all tree conservation areas. Tree protection fence must be located in the field and inspected by the Inspections Department. A copy of the approved plan is to be placed on file in the Planning Department;
- (3) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10 Chapter 9, including the designation of buffer areas and open space areas for stormwater purposes;
- (4) That a revised preliminary plan is submitted with the following revisions: a) removal of driveway locations on the west side of Triangle Town Blvd; b) removal of phase lines; c) density allocations for lots 1 and 2; d) additional right of way dedication for Triangle Town Blvd to meet greenway requirements, and e) removal of lot 5.

Prior to approval of construction drawings or site review, whichever comes first:

- (5) That a phasing plan for public improvements, lot recording and stormwater is approved by the Public Works Department;
- (6) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10 Chapter 9, including the designation of buffer areas and open space areas for stormwater purposes
- (7) That construction plans for any shared stormwater device(s) be submitted and approved by the Public Works Department;

- (8) That construction plans for public improvements and private streets be approved by the Public Works Department;

Prior to Planning Department authorization to record lots:

- (9) That a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;
- (10) That any map prepared for right of way dedication indicate density transfer for lots 1 and 2 in accordance with Code section 10-2074;
- (11) That upon the dedication of right of way for Triangle Towne Boulevard, the resulting spite strip between the Broughton property to the west and the public right of way be dedicated as a portion of a wider right of way for Triangle Town Boulevard, prior to, or in conjunction with the recording of a map in any phase affected by the greenway. This area shall not prohibit access from the Broughton property and shall be for the purpose of a greenway connection. If this portion of right of way is in excess of 60', the amount in excess is eligible for reimbursement.
- (12) That cross access easements are among all lots and shown on the preliminary plat. A note shall be placed on the plat between lot 1 and 3 indicating a cross access will be located in the general proximity east west from the future public street round about to Fox Road upon the development of lot 1. Recorded easement documents shall be required within 14 days of recording at the county register of deeds.
- (13) That all stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures shall be shown on all plats for recording as private drainage easements and the plats shall contain the following note: "All private storm drainage easements & stormwater measures will be maintained by the homeowner association."
- (14) That street names for this development be approved by the Raleigh City Planning Department, and Wake County and recorded by Wake County;
- (15) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the lots into the lot configuration shown on the preliminary subdivision plan;
- (16) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14;
- (17) That the City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat and a copy of the recorded documents be provided to the Planning Department within the 14-day period, further recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department;
- (18) That the developer shall pay to the City a stormwater facility replacement

fund payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans;

- (19) That the owner of the Property shall deed to the City a transit easement measuring twenty (20) feet in length and fifteen (15) feet in width along both Sumner Boulevard and Fox Road. The location of the transit easement shall be approved by the Transit Division of the City and the City Attorney or his associate shall approve the transit easement deed prior to recordation;

Prior to issuance of building permits or issuance of certificates of occupancy in the Inspections Department:

- (20) That all zoning conditions associated with Z-5-01 are met.
- (21) For any lots developed as residential, a letter of credit shall be provided when 75% of the permits have been issued and the existing and proposed infrastructure does not meet city standards.
- (22) For any lots developed as commercial, a letter of credit shall be provided prior to the issuance of the first certificate of occupancy.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Lih (C. Hodge) Date: 3-20-12

Staff Coordinator: Eric Hodge, AICP

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2041 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 1/10/12, owned by Fox Road CIP, LLC, submitted by Priest, Craven & Associates, Inc.

ZONING:

ZONING DISTRICTS: Shopping Center Conditional Use District Ordinance (2001) 66 ZC 502 Effective 8/7/01.

Z-5-01 Fox Road/Old Wake Forest Road, west side, Old Wake Forest Road, south side, being Wake County PIN 1726.79 9401. Approximately 100 acres rezoned to Shopping Center Conditional Use.

Conditions Dated: (08/01/01)

I. OVERALL CONDITIONS

- A. Upon development, the rate of stormwater run-off will comply with the CR 7107 based on a coefficient of runoff equivalent to R-10 density.
- B. Reimbursement for future right-of-way dedications for Old Wake Forest Extension (if applicable) and Fox Road (if applicable) shall be based on R-10 reimbursement rates.
- C. Stormwater shall be managed not less than by three (3) facilities positioned within the subject property to receive and detain the quantity of stormwater described in condition I-A above. One of these devices shall consist of an enlargement of the existing pond located generally in the corner of Triangle Town Boulevard and Sumner Boulevard.

Where architectural building elements are more than fifteen (15') feet from the waters edge, the perimeter of the enlarged existing pond at Triangle Boulevard and Sumner Boulevard shall be landscaped with one (1) evergreen shrub per eight (8') linear feet of the exposed waters edge. Said shrubs shall be evergreen and shall be installed at a minimum height of eighteen (18") inches. Said shrubs shall also be of a species that attains a minimum height of three (3') feet in three (3) growing seasons.

- D. Development of the subject property shall be generally consistent with Exhibit 1, The Triangle Town Commons Amendment to the Triangle Town Center Small Area Plan Land Use Development Concept Map.
- E. The transitional protective yard (T.P.Y.) required between any retail use and the Dunn properties parcel PIN #'s 1727.20-80-6335, 1727.20-80-5111, and 1726.08-89-4943 shall be developed as follows:
 - 1. Within the first twenty feet inside the subject site the developer shall cause to be erected a closed wall of a minimum height of six (6') feet;
 - 2. The portion of the TPY on the Dunn's side of said wall is to be planted with a minimum of fifty-five (55%) percent of the required trees and shrubs for the total TPY; and
 - 3. The maximum reduction of the TPY for use of the wall and a berm (if used) shall be ten (10') feet.
- F. In accordance with the criteria of the Triangle Town Center Small Area Plan, retail uses within the subject property shall be limited to 675,000 square feet of the floor area gross. A minimum of 75,000 square feet of retail shall occur in mixed-use areas as shown on Exhibit 1. Retail uses shall include those land uses as set forth and defined as either commercial uses in the Schedule of Permitted Land Uses in Zoning Districts in Code Section 10-2071, or as defined in City Code Section 10-8002 (not including hotels/ motels, Bed and Breakfast inn, or any Telecommunications towers). A recorded allocation of these allowable square footages shall be made contemporaneously with the recording of any plat and an initial allocation shall be made for the existing lots within sixty (60) days following the adoption of this zoning ordinance.

The terms "office" or "office land uses" as used herein refers to all land uses customarily permitted in the O&I Zoning Districts as set forth in the Schedule of Permitted Land Uses in Zoning Districts in Code Section 10-2071 including, without limitation, banks and hotel/motel.

- G. A pedestrian access shall be provided between the subject property and the northeast quadrant area (Murray Parcel Wake County PIN# 1727.20-81-6589) as described in condition H below. It shall be positioned generally as depicted on Exhibit 3 approximately mid-way between Triangle Town Boulevard and Fox Road on Old Wake Forest Road. It may occur in conjunction with a vehicular access to and from Old Wake Forest Road.

- H. Exhibit 4 illustrates the applicant's commitment to assure good connectivity. The applicant shall propose for approval by the City of Raleigh Department of Transportation not more than the following private points of access (ingress/egress) from perimeter public rights-of-way:
1. Four (4) accesses from Old Wake Forest Road;
 2. Six (6) accesses from Triangle Town Boulevard;
 3. Four (4) accesses from Fox Road; and
 4. Five (5) accesses from Oak Forest Road extension if applicable.

A minimum of ten (10) of these points of access shall provide a means for connecting through the project.

The solid arrows on Exhibit 4 depict possible points of ingress/egress from public streets to secondary accessways. Secondary accessways do not necessarily commit that through access across the site via a direct route can be obtained from that facility.

The outlined arrows depict possible points of ingress and egress whereby a vehicle can enter into a primary vehicular pedestrian way that shall provide either a direct route through the site to an opposing public street or connect to other primary vehicular pedestrian ways that connect directly to perimeter public streets.

Nothing in these statements shall be construed as requiring any solid arrow access point to not provide connectivity across the site though the resulting route may be circuitous and may require going through a parking lot where the secondary accessway becomes a parking lot site.

Nothing in this condition shall prohibit the substitution of a public street for either a primary or secondary accessway arrow as depicted on Exhibit 4.

Where these illustrated points of ingress/egress occur (as depicted on Exhibit 4) at a primary or secondary accessway that is not a dedicated public street, then the following shall apply to the primary or secondary accessway:

- i. There shall be at least one travel lane in each direction 12 feet in width with two and one-half (2 ½') foot wide curb and gutter along the outside of each lane;
 - ii. There may be on-street parking along the accessway provided appropriate additional pavement is added to accommodate the desired parking, said parking shall be either parallel or angled at a maximum angle of sixty (60) degrees to the travel lane;
 - iii. If the accessway is categorized as a primary vehicular/pedestrian way on Exhibit 3, then the accessway shall not be intersected by driveway aisles for ninety (90) degree parking bays more frequently than one aisle ("T" type intersection or crossing type intersection) every one hundred and fifty (150') linear feet along the centerline of the accessway. In such instances, said parking bays shall run perpendicular to the primary accessway; and
 - iv. Where these accessways intersect or connect to public streets additional lanes shall be added to accommodate turning movements as required by the City Department of Transportation.
 - v. If the accessway is categorized as a secondary accessway on Exhibit 3, then the frequency by which it may be intersected with ninety (90) degree parking aisles or parking stalls shall not be limited.
- I. Upon subdivision of the subject tract into smaller parcels for development, all resulting parcels shall be cross-connected to a minimum of one other adjacent parcel via either a shared or a cross-access facility and related easement. A shared access facility would be a single driveway straddling a common parcel boundary line. A cross-access facility would be located entirely on one parcel and

continue onto the adjacent parcel. All shared access and cross-access facilities shall connect through to both public streets and the internal private primary vehicular pedestrian ways.

J. Pedestrian crosswalks shall be provided within the project and on the perimeter public streets. At a minimum the following such crosswalks shall be requested to be approved by the City of Raleigh Department of Transportation:

1. One on Old Wake Forest Road;
2. Two on Sumner Boulevard;
3. One on Fox Road; and
4. One on Oak Forest Road extension (if applicable).

K. Sidewalks or pedestrian pathways shall be provided to create direct pedestrian interconnectivity between all resulting developments within each land use bubble and from bubble to bubble, said land use bubbles being illustrated on Exhibit 1.

Pedestrian pathways shall consist of either sidewalks (concrete, asphalt or other acceptable pavements) that run along either streets, accessways, or cross-country as trail-like facilities.

L. Exhibits 1,2,3,4 are provided as “filter” maps to illustrate respective conditions. As “filter” maps they shall be considered as being separate layers that when placed one atop the other combine to form a package that provides a total vision for the development of this project

M. Full movement driveway accesses on Triangle Town Boulevard shall not be within three hundred (300') feet of the centerlines of Sumner Boulevard and Old Wake Forest Road.

N. Roof HVAC units shall be screened from view from residential units fronting along Fox Road.

O. Building and area lighting along Fox Road shall have lighting (freestanding and wall mounted) that shields the view of the light source from residential units along Fox Road.

P. On-street parking on public streets shall occur in conformance with City Code.

Q. All private accessways (Primary, Secondary, Alleys etc.) shall be governed by cross-access and maintenance covenants to assure their continued availability for use by the motoring public, and to provide for the right of public maintenance as may be necessary. Similarly, private maintenance for certain public street elements may be provided to the developer where approved by the City Council.

R. Mixed-use includes provisions for ground floor retail and services with either upper story office or residential uses, or both; or a mix of land uses in separate buildings within convenient walking distance of each other and developed in conjunction with one another.

S. Signage Controls

If the signs cited herein are permissible within the designated areas according to City of Raleigh Code Section 10-2083.2, then they shall be limited as follows:

1. Ground High Profile Signs
 - a. Said signs shall be prohibited anywhere within the zoned area.
2. Ground Medium Profile Signs
 - a. Limited to a total of two (2) signs in the Pedestrian Friendly Village Core Area (see Exhibit 2).
 - b. Limited to a total of three (3) signs in the Mixed Use Neighborhood Center Retail and/or Mixed Use Retail, Office, Residential, Civic Areas (see Exhibit 1).

- c. Said signs shall be prohibited anywhere within the zoned area within one hundred (100') feet of the right-of-way of Fox Road.

T. Limitations on Drive-thru Facilities:

Land uses with drive-thru (including pick up, or drive-up) facilities shall be limited as set forth herein within the denominated areas:

1. A total of two (2) drive-thru facilities shall be permitted in the "Pedestrian Friendly Village Core Area" (see Exhibit 2). Land uses within said drive-thru facilities shall be sited no more than (50') feet from the right-of-way of either Triangle Town Boulevard or Sumner Boulevard.
2. A total of three (3) drive-thru facilities shall be permitted in "Mixed-use Neighborhood Center Retail and/or Mixed-use retail, Office, Residential, Civic Areas (see Exhibit 1).
3. In the Old Wake Forest Road Mixed Use Area (see Exhibit 2), drive-thru windows shall be prohibited within one hundred and fifty (150') feet of the right-of-way of Fox Road. In the remainder of the zoned area, drive-thru windows shall be prohibited within one hundred (100') feet of the right-of-way of Fox Road.

II PEDESTRIAN FRIENDLY VILLAGE CORE (See Exhibits 1-4 and 6)

Exhibit 2 identifies the area within the project where a Pedestrian Friendly Village Core style of development shall occur. Within this defined area the project shall cause to be developed, at a minimum, 1600 linear feet of the single sides of the block profiles that are consistent with the standards and elements for a Pedestrian Friendly Village Core as set forth herein. As sides of the block profiles develop incrementally in segments, no segment shall have less than fifty (50') feet of frontage along the profile for a mixed use building that is constructed in phases, or one hundred (100) feet of lot frontage if the building is for a free standing single land use. A "block profile" is a length of either public street or private accessway between two (2) intersecting public streets or private accessways (both public, both private, or one public and one private). A block profile has two sides, one on each side of the street, or accessways between the required intersections. The Pedestrian Friendly Village Core shall be a pedestrian-oriented area of development where the following elements occur:

- A. Access shall be provided by either public streets or private primary vehicular/pedestrian ways, or private secondary accessways meeting the criteria of condition I-H;
- B. Pedestrian circulation shall be accommodated with sidewalks on both sides of the street that are a minimum of ten (10') feet wide exclusive of areas where "streetscape" plantings are planted directly into the ground along with the periodic installation of benches and ornamental street furnishings at a rate of one bench and two trash receptacles per block face along with pedestrian scaled lighting;
- C. Buildings shall be set back not more than 20 feet from the back of the curb on private vehicular pedestrian ways or the right-of-way of public streets except in designated pedestrian gathering spots, (outdoor café, galleries, or similar extensions of business or pedestrian plazas, etc), where the gathering spot pavement extends a minimum of twenty-five (25') feet (including any planting strip) from the back of the curb (i.e. sidewalk café areas, sidewalk art gallery areas, pedestrian plaza areas, etc.);
- D. Streetscape plantings shall occur in either:
 1. Street medians and planting cut-outs (i.e. tree wells with grates) in the sidewalks or planting strips located between the sidewalk and the street or on-street parking spaces;
 2. Street buffers between slip roads accommodating parking and the street travel lanes along with planting cutouts in the sidewalks or planting strips located between the sidewalk and the curb of either the street travel lane or the on-street parking spaces. Slip Roads shall consist of a single

travel lane parallel to the through travel lanes by which parking spaces are accessed (See Slip Road Alternative Plan view on Exhibit 7);

3. Parking stall planting spaces (where instead of a parking space one or more stalls are used for planting) where the stall is either angled or perpendicular to the travel lanes and within eight (8) feet or less of the travel lane.
4. Combinations of any of the above.

Streetscape plantings shall, at a minimum, consist of the tree and shrub plantings established for the private primary vehicular pedestrian ways set forth in Condition III-B.

- E. Land uses within the Pedestrian Friendly Village Core shall consist of combinations of retail, office, residential and civic land uses (including public squares, transit facilities, etc). In order to qualify as being part of the required 1600' linear feet of sides of block profiles in the Pedestrian Friendly Village Core, land uses shall occur along the block profiles in one or more of the following ways:
 1. As a series of individual buildings along each side of the block profile with each building containing a different single land use;
 2. All buildings on both sides of the block profile contain the same land uses;
 3. All buildings on one side of the block profile contain the same land uses while all buildings on the opposing side of the block profile contain different land uses;
 4. As mixed use buildings where each building contains more than one land use with each use comprising at least five (5%) percent of the Floor Area Gross of the building; or
 5. Buildings facing any building or parking lot screening area in the Retail Core, Pedestrian Friendly Core, or Sumner Boulevard Environs where said parking lot screening satisfies the requirement of condition II-G or II-H.
 6. Any combination of 1-5 above.

Prior to establishing any block profile that would qualify toward the 1600' linear foot requirement of the pedestrian Friendly Village Core the developer shall provide a statement to City Staff indicating where qualified block profiles shall occur. Said statement shall be amendable. As site plans are submitted within the designated Pedestrian Friendly Village Core, running totals shall be provided comparing the amount of Village Core Area that has been submitted for development to the 1600 linear feet that area required. "Land Use" shall be any use listed on the Schedule of Permitted Land Uses in zoning districts, Raleigh City Code Section 10-Z071 or any retail use defined in Raleigh City Code Section 10-8002.

- F. Unless otherwise required by the N. C. Building Code, buildings along the sides of the block profile in the Pedestrian Friendly Village Core shall not be separated by more than seventy (70') feet as measured along the public street or private accessway frontage, unless to accommodate physical constraints such as storm water detention devices, bio-retention areas, or changes in elevation of more than three (3') feet, or by off-street parking areas where vehicular surface areas of said parking areas occur within thirty-five (35') feet of the outermost edge (edge farthest away from the travel lane of the street or private drive) of the sidewalk. In such instances, not more than fifty (50%) percent of the cumulative length of both sides of the respective block profile can be devoted to such off-street parking areas (i.e. if each side of the block profile is 380' in length from the center of the intersection to the center of the intersection, the cumulative length is 760', the total length of off-street parking allowed would be 380' divided between the two (2) sides of the block profile.)
- G. Either buildings, plant materials, or amenity features will be used to screen any off-street parking areas within a given block face. Screening shall mean creating a visual opaqueness where at least

seventy-five (75) percent of the vertical rectangular plane in conformance with Raleigh City Code Section 10-2082.6 (b) (1) is achieved to a height of five feet above the grade of the sidewalk. A combination of shade trees (evergreen or deciduous), understory trees and evergreen shrubs shall be used to create this screen. Landscape amenity features, if used, shall be items such as public art or sculpture, ornamental walls, fountains, closed fences etc, which combine with plantings to achieve said standard. (see Exhibit 6).

- H. In situations within the Pedestrian Friendly Village Core where gaps of fifty (50') feet or more occur between buildings and off-street parking also occurs within thirty-five (35') feet of the outermost edge of the sidewalk within said gap, (see II-F above) and a landscape amenity feature (as set forth in condition II-G above) is not employed, the gap shall be landscaped with a minimum of one (1) 2.5 inch caliper shade tree every thirty five (35') linear feet, one (1) one inch (1") caliper understory tree every fifty (50') linear feet, or a portion thereof, and one (1) evergreen shrub every five (5') linear feet, or a portion thereof. Said shrubs to be a minimum of eighteen (18") inches high at installation and to be of a species that shall attain a minimum mature height of five (5) feet and a minimum spread of three (3) feet. Where the gap is less than fifty (50') feet in length and, off-street parking is more than thirty-five feet from the outermost edge of the sidewalk, the same rates of shade trees and evergreen shrubs shall apply while still meeting the provisions of Raleigh City Code Section 10-2082.6 (b) (1).

All trees and shrubs required to meet this condition may also be counted as required vehicular surface area plantings.

If grade changes occur between the pedestrian way and the parking that is to be screened, then the trees and sixty (60%) percent of the required shrubs shall be planted in the uppermost portion of the common slope (see Exhibit 6).

An exception to these planting requirements shall be permissible if a planting area is to be used for bio-retention purposes.

- I. Sides of block profiles created by the Pedestrian Friendly Village Core style of development shall possess two (2) or more of the following traits:
1. A continuous building for the length of the side of the block profile;
 2. Separate buildings along the block profiles with either intervening pedestrian connectors to facilities behind the buildings; landscape screening for off-street parking areas that open to the block profile (not including driveways and related sight triangles); pedestrian plazas; or pedestrian gathering spots (outdoor cafes, outdoor vending areas, information kiosks, restroom facilities, galleries, or other similar extensions of businesses);
 3. Buildings facing each other (either directly, or by partially overlapping one another) on opposing sides of block profiles;
 4. Buildings on one side of the block profile facing either landscaped areas meeting the standards of condition II-H above or pedestrian gathering spot on the opposing side of the block profile; and
 5. Buildings on one side of the block profile facing parking lot screening areas in either the Retail Core, Pedestrian Friendly Village, or Sumner Boulevard Environs, where said parking lot screening meets, or exceeds, the standards set forth in conditions II-G or II-H and the maximum length of the parking lot area complies with the provisions of condition II-F above.

The Pedestrian Friendly Village Core style of development shall be consistent with the guidelines of the Triangle Town Center Small Area Plan for retail development along thoroughfares, collector or local access streets to the extent permitted by the City Code. In order to achieve those guidelines articulated designs and facilities shall be incorporated to effect more walkable and pedestrian friendly areas. More specific cross-sections, other than those in the guidelines or contained herein, to implement those patterns of development shall be submitted and approved by the City Council as a part of site plan approval.

III INTERNAL CIRCULATION SYSTEM (SEE EXHIBIT 3)

A. The System

A system of public streets, primary vehicular/pedestrian ways and secondary accessways shall be developed thorough the site consistent with the pattern of such ways as generally illustrated on Exhibit 3.

1. The northern component of this system shall be the Northern East-West connector that shall run generally parallel to the south right-of-way of Old Wake Forest Road. This facility shall create a linkage between Triangle Towne Boulevard, North-South Connector component of the vehicular pedestrian system, the pedestrian access point with the Northeast quadrant area as defined in the Triangle Town Commons Small Area Plan (Bobby Murray parcel (Wake County PIN# 1727.20-81-6589) on the north side of Old Wake Forest Road and Old Wake Forest Road. If approved by the City Council it shall continue on to Fox Road as either a vehicular/pedestrian facility. If it is not approved as a vehicular connection to Fox Road, it shall continue as a pedestrian connector to Fox Road.
2. The North-South Connector proposed by the Triangle Town Center Small Area Plan shall run generally parallel to Triangle Town Boulevard at a minimum distance of two hundred (200') feet east of the eastern right-of-way of Triangle Town Boulevard. The North-South connector at its northern beginning point at Old Wake Forest Road and southern ending point within the projected Oak Forest Road shall extend a pedestrian crossing across Old Wake Forest Road and Oak Forest Road, respectively. Space shall be set aside for a minimum of one bus stop with a shelter along the North-South connector. Said bus stop space and access shall be provided in an easement approved by the City Attorney, if located on private property.
3. All primary vehicular/pedestrian ways, and secondary accessways, illustrated on Exhibit 3, shall be fully implemented incrementally as the abutting sites to them develop.
4. In addition to Sumner Boulevard and the northern component generally parallel to Old Wake Forest Road described above, there shall be a southern east-west facility in the area south of Sumner Boulevard that shall extend from Fox Road to Triangle Town Boulevard.
5. There shall also be two north-south facilities south of Sumner Boulevard. One shall be the southern extension of the North-South Connector described above. The other shall run generally parallel to Fox Road from the approximate mid-point of Sumner Boulevard and either connect over to the North-South Connector or connect directly to Oak Forest Road extension.

B. Characteristics (See Exhibit 8)

1. Private Primary Vehicular/Pedestrian Ways shall consist of:
 - a. One travel lane in each direction;
 - b. On-street vehicular parking for at least twenty (20%) percent of the length of a given side of a block profile;
 - c. Oversized sidewalks, with a minimum ten (10') foot width on:
 - i. both sides in locations with retail uses; or
 - ii. at least one side in locations with office uses.
 - d. Sidewalks in residential areas shall be a minimum width of six (6) feet on at least one side of the accessway, or ten (10') feet in combination with bike paths.
 - e. Streetscape plantings with either:
 - i. Street medians;

- ii. Planting strips occurring between the roadway or parking stall curb and the sidewalk;
- iii. Tree planting grates as cut-outs on the sidewalk;
- iv. Parking stall planting spaces (where instead of a parking space one or more stalls are used for planting); where the stalls are either angled or perpendicular to the travel lanes and are within eight (8) feet or less of the travel lane; or
- v. Combination of the above.

Streetscape for the Private Primary Vehicular Pedestrian ways shall consist of two (2) two and one-half inch (2.5") caliper shade trees and six shrubs every forty (40') linear feet. (One (1) tree and three (3) shrubs on each side every forty linear feet). Where a street median is used, the planting rate shall increase to three (3) shade trees, and eight (8) shrubs per forty (40') linear feet with the additional tree and two (2) shrubs located within the median. Said shrubs to be either evergreen or ornamental, a minimum height of twelve (12") inches at installation and of a species that shall attain a minimum mature height of two and one-half (2.5') feet.

2. Private Secondary accessways shall consist of:

- a. One travel lane in each direction;
- b. A standard five (5') foot wide sidewalk on at least one side (The sidewalk on the other side may be larger as prescribed elsewhere in these conditions. See III-B-1 above).
- c. Streetscape plantings in either:
 - i. Planting strips occurring between the roadway or parking stall curb and the sidewalk;
 - ii. Tree planting grates as cut outs on the sidewalk;
 - iii. Parking stall planting space (where instead of a parking space one or more stalls are used for planting); where the stall is either angled or perpendicular to the travel lanes and within eight (8) feet or less of the travel lanes; or
 - iv. A combination of the above.

Streetscapes on private secondary accessways shall consist of two (2) two (2") inch caliper shade trees every fifty (50') linear feet (one tree per side every fifty (50') linear feet).

3. Where landscaped strips are used along the back of curbs for on-street parking stalls (angled or parallel) on either the primary or secondary accessways described herein, a two (2') foot wide footpath shall be provided adjacent to the back of the curb with periodic two (2') foot wide pathway connections to the sidewalk. Where parking stalls are designated for handicapped parking, plantings shall either not occur, or they shall be set back at least four (4') feet from the curb and the pathway connection to the main sidewalk shall be three (3') feet wide.

C. Roadway Standards (See Exhibit 7)

- 1. Travel lanes for non-median divided accessways (primary and secondary) set forth herein shall be twelve (12') feet in width with two and one-half (2 ½') feet curb and gutter on each side. For median divided accessways the lanes shall be a minimum of ten (10') feet in width. In both instances, lane widths are intended to be of a dimension that is acceptable to the City Department of Transportation as alternate laneage than what would otherwise be required on Fox Road, Sumner Boulevard, Triangle Town Boulevard, Oak Forest Road, or Old Wake Forest Road. Where on-street parking is employed, the pavement shall be widened to accommodate said spaces as follows in accordance with the City Code, as amended:

- a. For parallel parking an eight and one half (8 ½') feet wide pavement strip shall be added. At the time of development, if the City Code has been amended to permit on-street parking on public streets and parallel parking is added to a public street an additional four (4') foot wide pavement buffer shall be added between the edge of the travel lane and the side of the space (See Exhibit 7).
- b. For angled parking less than ninety (90) degrees appropriate paving per the City of Raleigh Street, Sidewalks and Driveway Access Handbook shall be added to accommodate the respective angled spaces that are used. At the time of development, if the City Code has been amended to permit on-street parking on public streets and when angled parking is added to a public street, in addition to the pavement required for the parking stall a pavement buffer zone of not less than six (6') feet wide shall be included between the outside edge of the travel lane and the end of the parking stall as a maneuvering area and safety feature (See Exhibit 7).
- c. Ninety (90) degree parking stalls shall not be used on the primary vehicular pedestrian ways.
- d. Where a median is provided it shall be a minimum width of eight (8') feet from back of curb to back of curb. Plantings within any minimum eight (8') feet wide median shall consist of either shrubs or ground cover or a combination thereof where the mature height of said materials does not exceed two (2) feet.

IV SUMNER BOULEVARD ENVIRONS (See Exhibit 2)

Sumner Boulevard shall be an integral linkage between the Pedestrian Friendly Community Area, the Pedestrian Friendly Village Core Areas and the Retail Core. In this capacity, Sumner Boulevard shall possess a variety of characteristics.

A. Characteristics

1. Sumner Boulevard shall be a public street within a dedicated street right-of-way.
2. Sumner Boulevard shall provide a minimum of one travel lane in each direction. It shall provide additional lanes for turning movements at intersections as may be required by the City of Raleigh Department of Transportation.
3. If permissible by City Code at the time of site plan submittal, on-street parking in the form of either parallel or angled spaces not exceeding sixty (60) degrees shall be added to the width of Sumner Boulevard. Where such parking is added, a buffer zone of pavement shall be added between the end, or side, of the parking stall and the outside edge of the travel lane. For angled parking, this buffer shall be six (6') feet in width. For parallel spaces it shall be four (4') feet in width.
4. Where mid-block pedestrian crossings occur the closest point of any adjacent on-street parking as permitted by City Code shall be fifteen (15') feet from either side of the crosswalk. Landscaping provided on either side of the crosswalk shall not screen pedestrian visibility more than two feet (2') above the pavement within ten (10') feet of the edge of the travel lane.
5. Buildings shall not be setback more than twenty (20') feet from the right-of-way of Sumner Boulevard unless to accommodate a pedestrian gathering spot as set forth in Condition II-C.
6. A site for a bus stop with shelters shall be provided adjacent to Sumner Boulevard, other than any such site provided in conjunction with the intersection of the North-South Connector and Sumner Boulevard as may result from condition III-A-2 above. Said bus stop shall be

located either in additional public street right-of-way or within an easement approved by the City Attorney.

B. Circulation

1. If permissible by City Code, at the time of site plan submittal, on-street parking shall be incorporated along Sumner Boulevard. At a minimum, the types of on-street parking to be considered shall be parallel or angled parking stalls. Where the on-street parking is incorporated, additional pavement shall be provided to accommodate the spaces. Design guidelines to be followed for incorporating on-street parking on Sumner Boulevard are provided on Exhibit 7.
2. To provide continuity of North-South access across the site the applicant shall propose for approval by the City of Raleigh Department of Transportation a minimum of two (2) full service (four-legged) intersections on Sumner Boulevard as generally depicted on Exhibit 4. Other "T" types of driveway connections shall also be proposed along Sumner Boulevard.

C. Land use

1. For the portion of the property south of Sumner Boulevard to Oak Forest Road building setbacks shall not exceed a twenty (20') foot front setback from either a public street right-of-way or the back of the curb on any private accessway unless to accommodate a pedestrian gathering spot as set forth in condition II-C. Further, a minimum of ten (10%) percent of the linear footage of the sides of the block profiles as measured along the centerline of any private or public street creating the sides of the block profiles shall be developed with mixed uses in the manner prescribed in condition II-E (1) (3) (4) (5) or combinations thereof (with retail occurring only in the locations prescribed in Exhibit 1).
2. Along the portion of Sumner Boulevard not designated for Pedestrian Friendly Village Core style of development on Exhibit 2, buildings shall not be setback more than twenty (20') feet from the right-of-way unless a larger setback is required to accommodate an enlarged public/pedestrian space.

D. Landscape

1. Where vehicular surface areas occur more than fifty (50) feet from the right-of-way of and otherwise are visible from Sumner Boulevard, said vehicular surface areas shall be screened along their perimeter with landscaping or landscaping amenity features as set forth in either condition II-G and II-H.

V. PEDESTRIAN FRIENDLY COMMUNITY AREA (See Exhibits 1 and 2)

Exhibit 2 illustrates where within the subject site a Pedestrian Friendly Community shall be developed. The Pedestrian Friendly Community shall possess many of the characteristics of the Pedestrian Friendly Village Core but with more emphasis given to office, residential and open space use.

A. Characteristics of the Pedestrian Friendly Community Area

1. Major vehicular circulation shall be accommodated by the public streets, private primary vehicular/pedestrian ways and secondary private accessways set forth on Exhibit 3. These facilities shall be supplemented with alleyways and connecting parking area driveways to create a finer grid of connectivity within the area.
2. Direct pedestrian connectivity shall be provided by either sidewalks along the primary and secondary accessways or via pathways or trail facilities. The resulting network of pedestrian facilities shall provide direct connectivity within individual site development areas and to adjacent site development areas (within residential sites with connections to adjacent residential, office or mixed use areas). These sidewalks or pathways when fully developed shall provide a variety of options for direct pedestrian connection throughout the Pedestrian Friendly Community and to the Pedestrian Friendly Village Core areas and retail area north of Sumner Boulevard.

3. Streetscapes shall be consistent with the planting and sidewalk standards for primary pedestrian accessways and secondary accesses set forth in condition III-B-1 or III-B-2 herein.

B. Land Use Characteristics (See Exhibit 1)

1. The general pattern of land uses shall be consistent with the pattern shown on Exhibit 1 for the Pedestrian Friendly Community Area.
2. Retail uses shall be confined to the retail and mixed use areas permitting retail and the neighborhood center area as illustrated on Exhibit 1.
3. Within the neighborhood retail center the primary anchor(s) shall be limited to a food store not exceeding 75,000 square feet of floor area gross, and one other retail store as an anchor that does not exceed 50,000 square feet of floor area gross. Additional small retail stores shall also be permitted.
4. Within the Pedestrian Friendly Community, building setbacks shall not exceed a twenty (20') foot front yard setback from either the back of the curb on private accessways or the right-of-way line on public streets unless to accommodate a pedestrian gathering spot as set forth in condition II-C.
5. A minimum of ten (10%) percent of the linear footage of the block profiles within the Pedestrian Friendly Community shall be mixed-use block profiles. The minimum incremental length of mixed use development along a side of a block profile shall be fifty (50') feet for a phased mixed use building or hundred (100') feet of frontage if the building is for a free standing single land use. These mixed use sides of the block profiles shall occur in one or more of the following ways:
 - a. Individual buildings containing different land uses;
 - b. All buildings on one side of the block profile contain the same uses while all buildings on the opposite side of the block profile contain a different use;
 - c. Mixed use buildings along each opposing side of the block profile (mixed-use buildings shall contain more than one land use i.e. residential land use, commercial land use, office land use etc.); Comprising at least five (5) percent of the floor area gross of the building; or
 - d. Any combination of the above.
6. Development along Fox Road south of the intersection of Sumner Boulevard shall consist of the following land uses:
 - a. Within the first six hundred (600') feet south of the Sumner Boulevard-Fox Road intersection land uses shall consist of retail, office, residential and mixed use; with only office, residential, or mixed use (not including retail) occurring within seventy five (75') feet of this portion of the Fox Road right-of-way;
 - b. The remaining frontage on Fox Road south to the property line shall be developed in either a mix of office and residential or all office or all residential uses; and
 - c. For a distance of two hundred (200') feet west of the western right-of-way line of Fox Road between Sumner Boulevard and the southern boundary of the subject parcel, building heights shall be limited to a maximum of three occupied stories / (55') feet with building set backs meeting the requirements of Raleigh City Code Section 10-2041 (d) (3).

VI OLD WAKE FOREST ROAD MIXED USE AREA (See Exhibits 1 and 2)

- A. Within the portion of the subject site located 150 feet west of the Intersection of Old Wake Forest Road and Fox Road as measured, along the south boundary of Old Wake Forest Road, land uses shall be limited to office, residential, or civic uses.
- B. Exhibit 5 depicts the manner by which "T" type and "four-legged" ingress/egress access points and mid-block pedestrian crossing shall be designed along Old Wake Forest Road. This exhibit also generally indicates where these types of facilities shall be requested to be approved, along with the general spacing indicated on the Exhibit along the Old Wake Forest frontage.
- C. Where vehicular surface areas serving parking lots occur more than fifty (50') feet of the right-of-way of Old Wake Forest Road and would otherwise be visible from Old Wake Forest Road, said vehicular surface areas shall be screened along their Old Wake forest Road frontage to satisfy the requirements of either II-G or II-H herein.
- D. The pedestrian connector to the northeast quadrant (Murray Parcel Wake County PIN# 1727.20-81-6589) required by condition III-A-1 herein shall be constructed in one of the following ways:
 - i. If built within ten (10') feet of the back of curb for a private accessway it shall be landscaped with two (2) two and one-half (2 1/2") inch caliper shade trees per forty (40') linear feet (one tree on each side of the sidewalk every forty (40') linear feet;
 - ii. If built more than ten (10') feet from the back of curb for a private accessway it shall be landscaped with two (2) two and one-half (2 1/2") inch caliper shade trees and eight (8) shrubs per forty (40') linear feet. Said shrubs shall be a minimum height of eighteen (18") inches at installation and achieve a mature height of three (3') feet and a spread of two and one-half (2 1/2) feet within five years of planting, (one tree and four (4) shrubs on each side of the sidewalk every forty (40') linear feet); and
 - iii. In either instance above, the walk shall be eight (8') feet in width.

VII. RETAIL CORE (See Exhibits 1 and 2)

- A. Pedestrian connections shall be provided into the main retail area from the North South Connector (Condition III A-2), the Northern East-West Connector (Condition III-A-1) and Sumner Boulevard.
- B. As part of site plan approval, building elevations shall be provided for all sides of buildings illustrating a consistency of architectural design for all sides.
- C. Where vehicular surface areas occur more than fifty (50') feet from the edge of the right-of-way of Sumner Boulevard and would otherwise be visible from the pedestrian Friendly Village Core, Sumner Boulevard environs, or the Pedestrian Friendly Community, said vehicular surface areas shall be screened along the perimeter with landscaping or landscape amenity features as set forth in condition II-G and II-H.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 will be provided upon development of the individual lots within the proposed subdivision.

TREE CONSERVATION: A preliminary tree conservation plan in accordance with code section 10-2082.14 is included with this proposal and has been approved by the Forestry Specialist in the Inspections Department. 10% or 3.7 acres of tree conservation area is required. 10.1% or 3.74 acres is provided.

UNITY OF DEVELOPMENT: Unity of development criteria is not required in this subdivision.

PHASING: There is no specific phasing plan approved with this subdivision action. A final phasing plan for stormwater, lot recordation and public improvements shall be approved with the submittal of construction drawings for this preliminary subdivision.

COMPREHENSIVE PLAN:

GREENWAY: There is proposed greenway on this site though it is adjacent to an existing greenway easement on the adjacent parcel to the west. Additional right of way for Triangle Town Boulevard is being provided by the applicant for the future location of a greenway connection as this area is contiguous to public right of way.

THOROUGHFARE / COLLECTOR PLAN:

Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Triangle Town Blvd	variable'	41' B-B	N/A
Oak Forest Drive	60'	41 B-B	N/A

Additional right-of-way to be dedicated on Triangle Town Boulevard for a future greenway trail and is reimbursable under the facility fees program.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: One 15'x20' transit easement on Sumner Boulevard and one 15'x20' transit easement on Fox Road.

URBAN FORM: This site is located in the northeast Citizen Advisory Council, in an area designated as a City Growth Center on the Growth framework Map of the Comprehensive Plan. Being located within this designation, the Urban Design Guidelines would apply to this proposal and subsequent site plans. This site is also located within the Triangle Town Center Small Area Plan. a residential area.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 5000 square feet. The minimum lot depth in this zoning district is 70'. The minimum lot width in this zoning district is 45'. Lots in this development conform to these minimum standards with the exception of 3 lots on the east side of Triangle Town Boulevard that result from the extension of Triangle Town Boulevard to connect it with Oak Forest Drive. The resulting lots are substandard non-buildable lots unless recombined with the property to the east.

BLOCK LAYOUT: The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block

length in this development meets the 1500-foot standard as noted in the Streets, Sidewalk and Driveway Access Manual. No dead end street in this development exceeds 800 feet in length.

- PUBLIC UTILITIES:** City water and sewer services are available. The subdivider is responsible for installation of all lines necessary to provide service to this site.
- SOLID WASTE:** Service by shall be provided in accordance with Solid Waste Manual.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. All cross access easements shall be among all lots in accordance with the condition noted above.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Sumner Boulevard, Fox Road, Oak Forest drive Triangle Town Boulevard and proposed "Public Street A" which bisects the subject property. In accordance with zoning conditions, proposed sidewalks range between 6' and 10' in width.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER MANAGEMENT:** This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual.

Lot 1 will have a stormwater BMP (a wet pond) located on Lot 2. By definition this is a shared facility (because it is located off site) but this BMP will only serve lot 1 and Street 'A' (from Sumner Blvd to Oak Forest Dr), Oak Forest Dr. (from Fox Rd to Str 'A') and a portion of the extension of Triangle Town Blvd. A shared facility agreement/legal documents are required for this BMP even though it does not treat lot 2 prior to lot recording.

Lot 2 will have it's own stormwater BMP (a wet pond) to treat lot 2 and a portion of the extension of Triangle Town Blvd and Oak Forest Dr (from Str 'A' to the western boundary of the subdivision). This BMP is not a shared facility.

Lots 3 and 4 will share a stormwater facility which will be located on lot 4. This shared facility will require legal documents only between lots 3 and 4. This BMP will only treat lots 3 and 4 and some minor impervious areas from improvements in the ROW. This facility must be designed with any development in either lot 3 or 4 and the shared facility agreements are required prior to any lot recordation. .

PAYMENT TO NCDENR

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS

Lots less 2 acres - This subdivision plan creates two lots less than one acre in size, stormwater control measures are required to be shared among the all lots and a drainage easement is required. The drainage easement shall include a maintenance covenant prepared and recorded in accordance with section 10-

9027 (b), and the attorney who prepared this legal document shall certify in writing to the Raleigh City Attorney that the maintenance covenant is in accordance with Raleigh City Code requirements.

Replacement - A "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installment or Lump Sum payment version form, as required by Section 10-9027(c), shall be completed between the developer, the property owners' association and the City, recorded, and returned to the Conservation Engineer within 14 days of recording.

**WETLANDS
/ RIPARIAN
BUFFERS:**

Wetland areas are shown on this preliminary subdivision plan.

STREET NAMES:

One new public street name is required for this development. A street name application has not yet been approved. All proposed names must be approved by the City and by Wake County prior to recording.

**OTHER
REGULATIONS:**

Developer shall meet all City requirements, including underground utility service (§10-3059), flood protection measures (Part 10, Chapter 4), and the soil erosion ordinance (Part 10, Chapter 5), unless specifically varied by this approval.

SUNSET DATES: If significant lot recording has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval before permits may be issued. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

3-Year Sunset Date: 3/20/2015
Record at least ½ of the land area approved.

5-Year Sunset Date: 3/20/2017
Record entire subdivision.

WHAT NEXT?:

- MEET ALL CONDITIONS OF APPROVAL.
- COMPLETE CONSTRUCTION DRAWINGS FOR ANY PUBLIC IMPROVEMENTS Streets, Utility lines to be owned and maintained by the City. and submit them to the Development Plans Review Center for approval.
- HAVE A REGISTERED SURVEYOR PREPARE FINAL PLATS FOR RECORDING. These also must be submitted to the Development Plans Review Center for authorization signature prior to recording with the Wake County Register of Deeds.
- MEET THE REQUIREMENTS OF THE SUNSET THRESHOLDS AS NOTED ABOVE.

**FACILITY FEES
REIMBURSEMENT:**

If oversized street construction takes place, or greenway or oversized public street right-of-way is conveyed to the public, the owner is responsible for application to the City for reimbursement allowed by Code. Reimbursement takes place twice a year in January and July; a written request must be filed with the Planning Department for greenway and street right-of-way; and in the Engineering Department for street construction; by the first working day in November and May each year.