



Certified Action

of the City of Raleigh Planning Commission
Group Housing Development

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 516-2626
www.raleighnc.gov

Case File / Name: GH-4-12 / Jones Grant Apartments

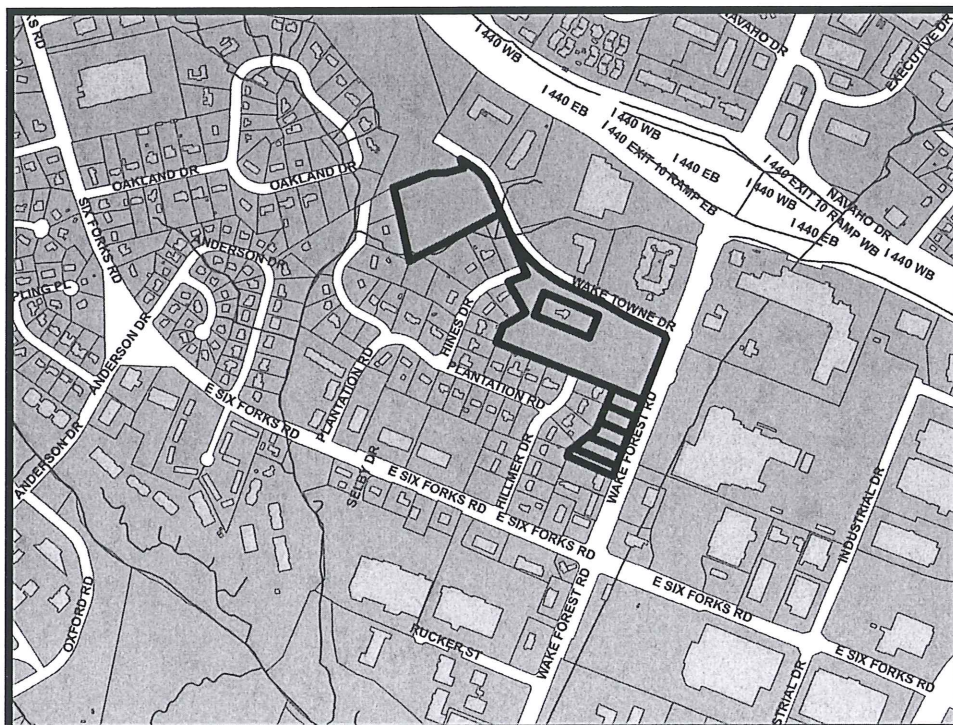
General Location: West side of Wake Forest Road, just inside the Beltline

CAC: Midtown

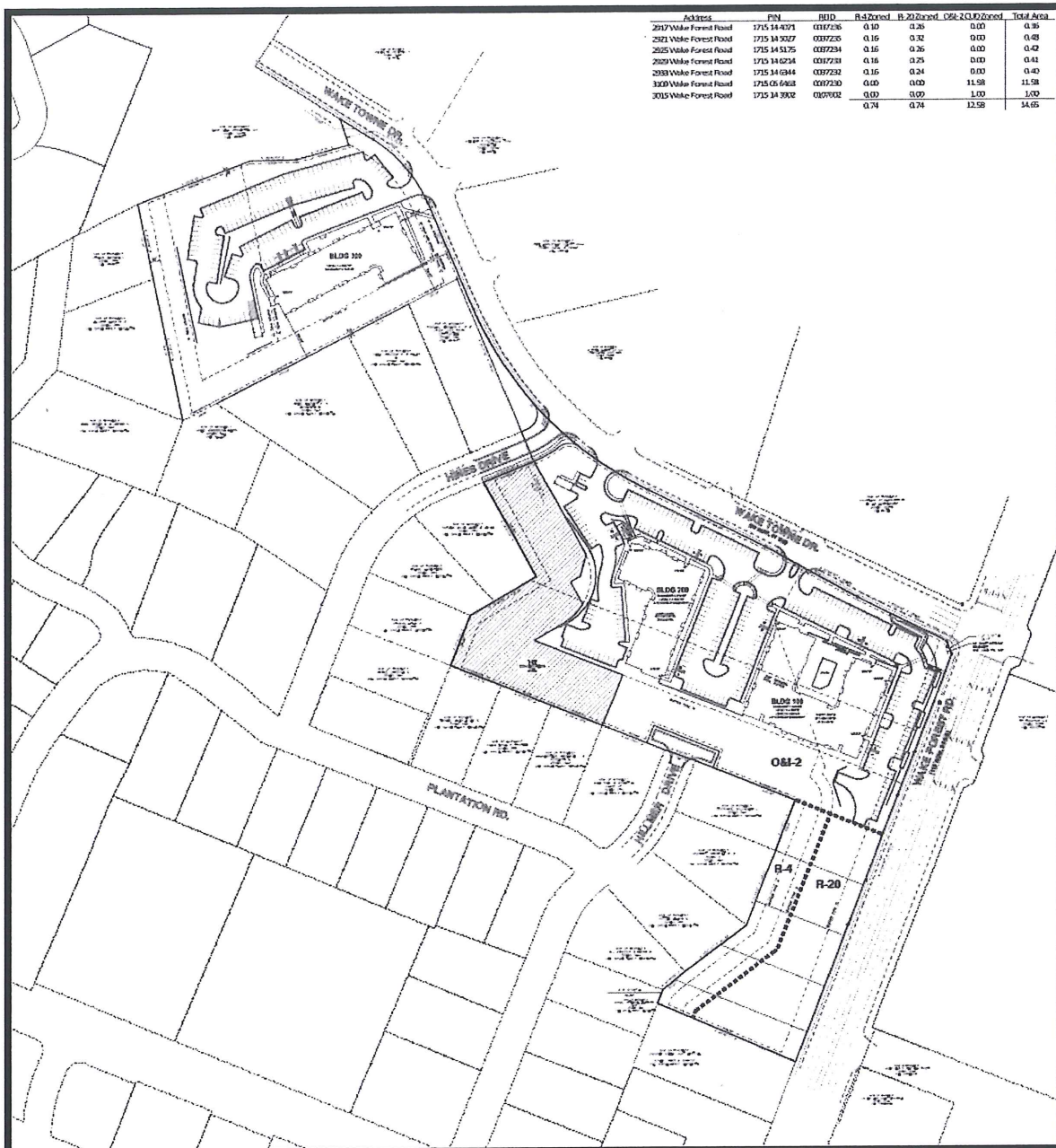
Nature of Case: An apartment complex comprised of three buildings on a 14.65 acre site. The subject property is comprised of two parcels zoned Office and Institutional-2 Conditional Use District totaling 12.58 acres and five split-zoned parcels containing 1.31 acres of Residential-20 and .76 acres of Residential-4. A portion of the site also contains the Special Highway Overlay District -2 (SHOD-2). The developed area of the site lies completely within the Office and Institutional-2 Conditional Use District portion of the site. The development contains a total of 243 dwelling units, which equates to an overall density of 16.5 dwelling units per acre when utilizing the overall site's acreage. The development contains an overall density of 19.3 units per acre when calculating density solely on the Office and Institutional-2 Conditional Use District's acreage. Residential developments in the Office and Institutional-2 district that exceed fifteen dwelling units per acre require Planning Commission approval.

Key Issues: As presented, staff finds that this plan conforms to Code standards and adopted land use policies.

Contact: K. Robert Bell, Jr., PE



GH-4-12 / Jones Grant Apartments – Site Location Map



GH-4-12 / Jones Grant Apartments – Preliminary Site Plan

SUBJECT: GH-4-12 / Jones Grant Apartments

CROSS-REFERENCE: Z-51-95, Z-2-13 (Pending)

LOCATION: This site is located on the west side of Wake Forest Road, south of its intersection with Wake Towne Drive, inside the City Limits.

REQUEST: This request is to approve a group housing development consisting of 243 units in three buildings on a 14.65 acre tract, zoned Office and Institution-2 Conditional Use District, Residential-20, Residential-4 and SHOD-2. The overall residential density is 16.5 units per acre. There are six existing lots. After recombination and extension of Hines Drive, there would be two resulting lots.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL: As noted on the Staff Report, attached

FINDINGS: The Planning Commission finds that this request, with the conditions of approval below being met, conforms to Chapter 2, Part 10, Sections 10-2103, 10-2017, 10-2023, 10-2036 and 10-2103, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 12/20/12, owned by Davis Property Group, LLC, submitted by Bass, Nixon & Kennedy, Inc.

ADDITIONAL NOTES: This site is currently pending rezoning, case Z-2-13, which proposes to modify one zoning condition (current condition B of Z-51-95). The proposed site plan conforms to both existing and proposed zoning conditions applicable to the site.

VARIANCES / ALTERNATES: None requested.

To PC: 1/22/13

Case History: xxxxx

Staff Coordinator: Eric Hodge, AICP

Motion: Schuster
Second: Haq
In Favor: Butler, Fleming, Fluhrer, Haq, Mattox, Sterling-Lewis, Schuster and Terando
Opposed: Buxton, Harris Edmisten

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)

1/22/13
Date

1/22/13
date



Staff Report

**RECOMMENDED
ACTION:** **Approval with Conditions**

**CONDITIONS OF
APPROVAL:** **Planning Commission Actions:**

- (1) That as the development exceeds 15 units per acre in the Office and Institution-2, the Planning Commission finds this plan to be in keeping with the requirements and standards of Chapter 2, Part 10 Section 10-2132.2. The 10.03 acre lot containing buildings 100 and 200 would contain 158 dwelling units and carry a density of 15.75 units per acre. The 4.42 acre lot containing building 300 would contain 85 units and carry a density of 19.23 units per acre;
- (2) That in the portion of Hines Drive that is to be extended as part of this preliminary site plan, the developer will install traffic-calming measures that are approved by the City's Public Works Department. Approved traffic-calming measures will be included on construction drawings associated with this site plan. The Hines Drive extension, including approved traffic-calming measures, shall be installed by the developer and accepted for maintenance by the City prior to the issuance of any certificate of occupancy permit;
- (3) That the proposed pedestrian connections through the parking lots be constructed of a material other than asphalt so as to help distinguish them from the vehicular surface areas;

Administrative Actions:

Prior to issuance of a grading permit or site review permit for the site:

- (4) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist. The plan must show metes and bounds descriptions of all tree conservation areas, and tree protection fence around all tree conservation areas and applicable buffer yards. Tree protection fence must be located in the field and inspected by the Inspections Department;
- (5) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (6) That diffused stormwater runoff flow shall be maintained to adjacent properties. In addition to the three (3) underground detention systems shown on the preliminary plan, the developer is also showing underground detention and/or permeable pavement below building 200. In addition to establishing a means to provide diffused flow in a non-erosive fashion, the developer shall maintain the traditional drainage patterns while meeting the attenuation requirements of Part 10, Chapter 9 of the Raleigh City code;

- (7) That a stormwater control plan with a site specific stormwater operations and maintenance manual and budget, shall be approved by the Stormwater Engineer in compliance with Part 10, Chapter 9 prior to grading permit issuance. The operations and maintenance manual is to include all construction costs for the proposed stormwater devices used for compliance with Part 10, Chapter 9;
- (8) That as the developer has submitted for an exemption to the stormwater runoff controls for the discharge point to Hines Drive and while there are stormwater controls on the site itself, runoff controls within the public right of way are not permitted. An analysis has been provided by the design engineer showing the existing stormwater infrastructure within Hines Drive can convey the required design storms. The quoted exemptions fall under 10-9023 b (3) and (4). 10-9023 b (3) states compliance with the runoff limitations in 10-9023 (a) would result in greater adverse downstream impact, such as local flooding, as determined by *City* approved engineering studies. 10-9023 b (4) states compliance with the *ten-year storm* and *twenty-five-year storm* runoff limitations in subsection (a) above results in no benefit to current and future downstream development, as determined by *City*-approved engineering studies. Prior to grading permit approval the owner shall submit engineering analysis showing compliance with the quoted exemptions 10-9023 b (3) and (4). If the City does not agree with the analysis and determines that the exemption requirements of 10-9023(b) (3) or (4) are, the exemption shall be denied and a revised stormwater plan meeting the Code shall be presented to the stormwater division of the City and approved by the City ;

Prior to approval of construction drawings for public or private improvements:

- (9) That construction plans with a phasing plan for public improvements, private streets and approach to stormwater be approved by the Public Works Department;
- (10) That as an off-site public sanitary sewer easement deed on the parcel identified as 901 Wake Towne Drive DB13820 PG0407 will be needed to serve building 300, and it must be recorded, the developer shall contact the City Attorney's office for a template of the deed of easement. The proposed easement shall be approved by the City Attorney's office and recorded in the Wake County Register of Deeds;

Prior to issuance of building permits:

- (11) That a recombination and right of way dedication map for the proposed street extensions and lot reconfigurations be recorded prior to or in conjunction with the recording of lots as shown on the preliminary plan;
- (12) That street names for this development be approved by the City of Raleigh and by Wake County;
- (13) That a 15x20 foot transit easement located on Wake Forest Road be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement deed approved by the City Attorney is recorded with the local

County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of recording;

- (14) That as volunteered by the developer, the developer shall provide the City of Raleigh Public Works Department a \$10,000 donation for construction and installation of a transit shelter amenity for the transit easement listed in the condition number (12) above;
- (15) That a tree conservation map be recorded with metes and bounds descriptions showing the designated Tree Conservation Areas in compliance with Code section 10-2082.14;
- (16) For residential developments with a single structure, as is the case for proposed building 300, financial security equal to 1.5 time the cost of public or private improvements will be provided to the Public works Department for any uncompleted portions of roadway extensions for public and private streets;
- (17) That when 75% of the permits have been issued for residential developments, that the proposed private or public improvements are required to be accepted by the City for maintenance. If this does not occur, then a financial security equal to 1.5 time the cost of public or private improvements will be provided to the Public works Department for the uncompleted portions and roadway extensions. This applies to buildings 100 and 200, which are on one lot;
- (18) That prior to removal of the existing structures on site a demolition permit be issued by the City of Raleigh and this permit number shall be shown on all maps for recording. All information required by the Historic Development Condition shall be submitted as it relates to the demolition/moving of the Crabtree Jones House;
- (19) That all zoning conditions associated with Z-51-95 or Z-2-13 (if approved) are met;
- (20) 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;
- (21) That payment in the amount of 24% of the total construction costs for the stormwater devices is to be paid to the City of Raleigh prior to building permit approval. The operations and maintenance manual is to note the amount of the 24% payment;

Prior to issuance of an occupancy permit:

- (22) That all public street improvements are accepted by the Public Works Department for maintenance unless phased as shown on the approved Infrastructure Construction Drawings;
- (23) For residential developments, where a security has been posted for public or private improvements equal to 1.5 times the cost, then the last certificate of occupancy shall be withheld until such time the improvements are accepted by the City of Raleigh;

ZONING:

**ZONING
DISTRICTS:**

Office & Institution-1, Residential-20, Residential-4 and SHOD-2, Ordinance N0
(1995) 712 ZC 370 Effective 9/5/95.

Z-51-95 Wake Forest Road, west side, Wake Towne Road, south side, and I-440, south side.
Approximately 20.3 acres to Office & Institution-2 CUD and SHOD-2.

Conditions: (7/28/95)

1. **Stormwater:** Upon development, the rate of stormwater runoff from the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission.
2. **Buffer A.** The owners of the Property (the "Owners") and their grantees, successors, and assigns shall keep and maintain that portion of the Exhibit E, and hereby incorporated herein by reference, in a natural state and will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns reserve the right, however, to remove dead, diseased, dangerous, or leaning trees from such buffer area and install sewer and drainage lines and utilities therein.
3. **Buffer B.** The Owners and their grantees, successors and assigns shall keep and maintain that portion of the Property identified and depicted as "Buffer B" on the map attached hereto as Exhibit E in a natural state and thereon. The Owners and their grantees, successors, and assigns may landscape portions of the Property included within such buffer area and install sewer and drainage lines and utilities therein, provided, that any person or persons owning residential property immediately adjacent to the area to be landscaped has been afforded a period of thirty (30) days within which to review the landscaping plan (the same having been mailed to each such person via certified mail, return receipt requested, at his or her mailing address as shown on the records of the Wake County Revenue Collector).
4. **Buffer C.** The Owners and their grantees, successors, and assigns shall keep and maintain that portion of the Property identified and depicted as "Buffer C" on the map attached hereto as Exhibit E in a natural state and will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns may use and landscape as a construction buffer for purposes of road construction only portions of the Property included within such area, provided, that (i) any person or persons owning residential property immediately adjacent to the area to be landscaped has been afforded a period of thirty (30) days within which to review the use and landscaping plans (the same having been mailed to each such person via certified mail, return receipt requested, at his or her mailing address as shown on the records of the Wake County Revenue Collector) and (ii) all existing trees six (6) inches in diameter and larger located within such area are preserved.
5. **Buffer D.** The Owners and their grantees, successors, and assigns shall not build, construct or erect a building or other structure upon that portion of the Property identified as "Buffer D" on the map attached hereto as Exhibit E which exceeds more than three (3) stories in height (45 feet) above the highest natural grade adjacent to such building.
6. **Buffer E.** The Owners and their grantees, successors, and assigns shall not build, construct, or erect a building or other structure upon that portion of the Property identified and depicted as "Buffer E" on the map attached hereto as Exhibit E which exceeds more than six (6) stories in height (90 feet) above the highest natural grade adjacent to such building.
7. **Motel or Hotel.** The Owners and their grantees, successors, and assigns shall not operate as a hotel or motel any building or other structure situated upon that portion of the Property south of Wake Towne Drive. For purposes of this Agreement, the terms "hotel" and "motel" shall refer only to lodging facilities utilized primarily on an overnight basis by transient individuals.

8. Swimming Pool. The Owners and their grantees, successors, and assigns shall not build or construct a swimming pool within two hundred (200) feet of any residential parcel adjoining the Property to the south (Tax Parcels 1715.13-14-6344, 4451, 2435, 1439, 0532; 1715.13-04-9546, 8627, 8756, 8895, 9963; 1715.09-05-5010, 9271, 8177, 7123, 3101, 3238, 3403). In addition, any swimming pool constructed in the area more than two hundred (200) feet, but less than three hundred (300) feet from such parcels shall be screened therefrom by a building.

9. Right-of-Way. Any additional right-of-way on Wake Forest Road required to be conveyed to the City of Raleigh shall be reimbursable at current R-20 zoning value.

Zoning Case Z-2-13 (Pending) proposes to modify condition 2. above and thereby allow for the removal of a portion of Buffer A to facilitate the moving of the historic Crabtree Jones house and notes that the cleared section is to be replanted to SHOD-2 standards.

DEVELOPMENT

DENSITY:

The number of multi-family units allowed on the property given the zoning districts is 529. The proposed plan contains 243 units. The 10.03 acre lot containing buildings 100 and 200 would contain 158 dwelling units and carry a density of 15.75 units per acre. The 4.42 acre lot containing building 300 would contain 85 units and carry a density of 19.23 units per acre.

SETBACKS /

HEIGHT:

Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be 38'. Private outdoor living areas maintain a min. 40' separation if parallel to each other or oriented at less than a 45-degree angle. Vehicular surface areas other than individual driveways are no less than 5' to a building wall. Building-to-building setbacks are shown in accordance with Sec. 10-2103(b). Buildings greater than 28' in height meet min. 30' setback from perimeter property lines. Buildings 100 and 200 will be 40' in height and building 300 is proposed at 52' height.

PHASING:

There are no phasing plans associated with this preliminary site plan. If the developer proposes to phase the project, a final phasing plan for infrastructure must be approved with the submittal of infrastructure construction drawings.

OPEN SPACE:

Open space conforms to minimum requirements. 16.5 % or 2.43 acres required, 32% or 4.76 acres provided, based on the open space standards of 10-2103(d) which requires 10% of the land area or one-hundredth of an acre per dwelling unit, whichever is greater. Open space areas include all of the undisturbed buffer areas along the southern boundary and along Wake Forest Road and the tree save areas.

PARKING:

Off-street parking conforms to minimum requirements: 399 spaces required, based on 1 parking space per efficiency unit (of which there are 28 units), 1.5 parking spaces per 1-bedroom unit (of which there are 119) and 2 parking spaces per 2-bedroom unit (of which there are 96). 399 spaces are provided. Parking spaces meet minimum standards for size and aisle width.

LANDSCAPING:

Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. Landscape areas for tree planting are a minimum of 350 square feet per tree in area, and have a minimum dimension of 7 feet. The landscape buffer-yard requirements associated with the property's Conditional Use District zoning have also been adhered to. This is a high residential density use under Section 10-2082.9. Transitional protective yards are shown in compliance with City standards in the following locations:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
Adjacent to residential	20' Type C	50'+

Note the landscape plan includes reference to proposed rezoning condition 2 of Z-2-13, which would allow for the removal of a portion of Buffer A to facilitate the moving of the historic Crabtree Jones house and notes that the cleared section is to be replanted to SHOD-2 standards if that occurs.

**TREE
CONSERVATION:**

This project is required 10% or 1.5 acres for tree conservation. This project has dedicated 1.506 acres, all of which are considered secondary under the Tree Conservation Ordinance.

**OTHER GROUP
HOUSING
STANDARDS:**

Private dead-end streets exceeding 150 feet provide turnarounds with a minimum interior curb radius of 30 feet. Fire hydrants, loop water system and fire truck access meet the standards of 10-2103(g). The main circulation route through this site meets private street standards. Sidewalks are shown to be provided from the main entrance of each dwelling unit and from all recreation facilities to the public sidewalk system.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is no greenway on this site.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

No Thoroughfare or Collector Street improvements were required by the Thoroughfare and Collector Street Plan.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: a 15'x20' transit easement along Wake Forest Road. The developer is also committing to pay the City \$10,000 for the construction of a shelter in this location. This site is presently served by the existing transit system. CAT routes 2 Falls of the Neuse, 24c North Crosstown Connector, 29c North Night Connector and 37 North Hills operate along Wake Forest Rd and serve this location. Service along this road will continue as the CAT Short Range Transit Plan and Wake County 2035 Transit Plan both address the Wake Forest/Falls of the Neuse Corridor and identify it for increased levels of transit. The City of Raleigh Short Range Transit Plan calls for increasing service frequency at this location. The Wake County Transit Plan identifies this corridor for premium transit service.

**COMPREHENSIVE
PLAN:**

This site is located within the Midtown CAC, and is designated as Office/ Research & Development on the Future Land Use map. The O/R&D use category is applied to "major employment centers where housing is not considered an appropriate future land use. Principal uses are office parks, free-standing office buildings or corporate headquarters, banks, research and development uses, hotels, and ancillary service businesses and retail uses that support the office economy. This category can also apply in appropriate

locations to office-industrial hybrids such as light fabrication and assembly ancillary to an R&D use, flex parks, and office-distribution combinations.”

Nonetheless, the proposed land use is supported by its Office & Institution-2 zoning, which permits residential density of up to 15 units per acre by right, and up to 40 units per acre with the approval of the Planning Commission.

Staff has reviewed the following Comprehensive Plan policies:

- LU 2.1—Placemaking
- LU 2.2—Compact Development
- LU 4.5—Connectivity
- LU 5.1—Reinforcing the Urban Pattern
- LU 5.4—Density Transitions
- LU 5.6—Buffering Requirements
- T 2.4—Road Connectivity
- T 5.4—Bicycle and Pedestrian Network Connectivity
- EP 5.4—Tree Selection
- EP 8.1—Light Pollution
- EP 8.2—Light Screening
- UD 1.2—Architectural Features
- UD 1.3—Creating Attractive Facades
- UD 2.4—Transitions in Building Intensity
- UD 3.7—Parking Lot Placement
- UD 3.8—Screening of Unsightly Uses
- UD 6.3—Pedestrian Scale Lighting
- UD 6.4—Appropriate Street Tree Selection
- HP 2.7—Mitigating Impacts on Historic Sites

**HISTORIC /
DISTRICTS:**

The circa 1795 Crabtree Jones House is a Raleigh Historic Landmark which is also listed in the National Register of Historic Places. A Certificate of Appropriateness (010-12-CA) for removal of the house was approved by the Raleigh Historic Development Commission on March 5, 2012. The intention is to relocate the building to an adjacent parcel on Hillmer Drive. Zoning case Z-2-13 (pending) proposes to modify previously established buffers on the property to allow for the house move with a SHOD-2 replanting requirement.

**APPEARANCE
COMMISSION:**

The Appearance Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

Comment	Response
1. The Appearance Commission recommends the addition of detail and fenestration to the southwest corner of the 200 building to better address the street	Additional windows and details have been added to the SW elevation of Building 200. These include a sprinkler room and brick water table along with stucco joints to break up the façade of this side elevation. Please see sheet 2/A3.05. Please also note that we added storefront glazing and canopy at building 100 for Leasing Entry on sheet 2/A3.01.
2. The Appearance Commission recommends the alteration to the	The retaining walls have been revised to provide breaks both vertically and

retaining wall adjacent to the Wake Forest Road entrance including terracing and use of materials consistent with the architectural palette.

horizontally, and terraces have been added to create planted areas along the wall. Additional plantings have been added to soften the wall. Elements from the building will be incorporated into the final wall design, including, but not limited to brick materials and rails that match the building in material and color

**SUBDIVISION
STANDARDS:**

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, Sidewalks and Driveway Access handbook. 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: The location and design of refuse collection facilities is shown in accordance with the Solid Waste Collection Design Manual.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. Section 3.6 of the City's Streets, Sidewalks and Driveway Access Handbook states that the roadway layout of any development should be in conformity with a plan for the most advantageous development of the entire community. It further states that public streets shall be constructed to the boundary lines of the development submitted for approval when required to provide for efficient circulation of traffic within the community. There are two neighboring streets, Hines Drive and Hillmer Drive that have platted street stubs connecting into the subject property. Section 3.6 of the Streets, Sidewalks and Driveway Access Handbook calls for existing adjoining public streets, public platted streets, and publicly planned streets to be continued, terminated or extended as public streets as part of the development. The Handbook also notes that streets that are not to be extended shall be terminated in a cul-de-sac in conformance with Section 4.2 (Dead-end Street Design) of the Streets, Sidewalks and Driveway Access Handbook. Section 3.6 of the Streets, Sidewalks and Driveway Access Handbook calls for collector streets, of which Wake Towne Drive is one, to shall be intersected by at least one connective street within every fifteen hundred (1,500) -foot length of the street. The fifteen hundred-foot length shall be measured from the origination point, if established, of the collector, commercial, residential or minor residential street. If an intersection is located to interrupt a dominant traffic flow along two (2) or more streets, then both streets are included in the calculation of the fifteen hundred-foot length. Wake Towne Drive currently exceeds 1,700' in length without any intersecting street.

The proposed development shows the termination of Hillmer Drive through the construction of a hammer-head turnaround and the connection of Hines Drive to Wake Towne Drive. In evaluating which street to extend, it was determined that extending Hillmer Drive would bisect the applicant's property when compared to Hines Drive, which is also physically much easier to extend given the close

proximity that exists between Hines Drive and Wake Towne Drive. Additional traffic on Hillmer would also have a more direct route to Six Forks Road, and would introduce additional traffic closer to the intersection of Six Forks and Wake Forest. The connection utilizing Hines is broken up midway with a stop-controlled intersection at Plantation Road. Hines Drive is also midway between the proposed development and would better serve the entirety of the project. Lastly, there are more topographical challenges involved with the extension of Hillmer Drive. Neither street is subject to the three exemptions for street extension included in Section 3.6 of the SSDAH.

Please see the attached Section 3.6 of the City's Streets, Sidewalks and Driveway Access Handbook in its entirety for more details.

Relevant Circulation/Transportation Policies from the Raleigh 2030 Comprehensive Plan

Policy T 1.3 - Multi-modal Transportation Design

Offer residents safe and attractive choices among modes including pedestrian walkways, bikeways, public transportation, roadways, railways, and aviation. The street patterns of newly developed areas should provide multi-modal transportation alternatives for access to and circulation between adjacent neighborhoods, parks, shopping centers, and employment areas.

Policy T 2.1 - Integration of Travel Modes

Promote and develop an integrated, multi-modal transportation system that offers safe and attractive choices among modes including pedestrian walkways, bikeways, public transportation, roadways, railways, and aviation.

Policy T 2.3 - Eliminating Gaps

Eliminate "gaps" in the roadway system and provide a higher roadway grid density that will increase mobility options and promote the accessibility of nearby land uses.

Policy T 2.4 - Road Connectivity

The use of cul-de-sacs and dead-end streets should be minimized. (3, 5)

Policy T 2.5 - Multi-modal Grids

All new residential, commercial, or mixed-use developments that construct or extend roadways should include a multi-modal network (including non-motorized modes) that provides for a well-connected, walkable community, preferably as a grid or modified grid. (4, 6, 5)

Policy T 2.6 - Preserving the Grid

Existing street grid networks should be preserved and extended where feasible and appropriate to increase overall connectivity.

Policy T 5.4 - Pedestrian and Bicycle Network Connectivity

Continuous pedestrian and bicycle networks should be provided within and between existing and new developments to facilitate safe and convenient pedestrian and bicycle travel free of major barriers and impediments such as cul-de-sacs and large parking lots. (5, 6)

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. Sidewalk exists on the north side of Wake Towne Drive.

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. The developer is proposing compliance through the use of underground pipe detention systems and potentially permeable pavement in locations. A one time buy down payment to NCEEP will also be required;

EXEMPTIONS

That as the developer is requesting an exemption from the stormwater runoff control provisions under 10-9023(b), detailed engineering studies shall be submitted to the Conservation Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first) that shows that compliance with the runoff impacts from stormwater runoff results in greater adverse downstream impacts, such as local flooding and that compliance with the 10-year storm and 25-year storm runoff limitations in subsection 10-9023(a) results in no benefit to current and future downstream development, as determined by City-approved engineering studies.

WETLANDS / RIPARIAN BUFFERS:

No wetland areas or Neuse River riparian buffers are required on this site.

STREET NAMES:

New street names are required for this development. All internal streets are private.

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.

Section 3.6 of the Streets, Sidewalks, and Driveway Access Handbook

ROADWAY LAYOUT

The roadway layout of any development should be in conformity with a plan for the most Advantageous development of the entire community. Public streets shall be constructed to the boundary lines of the development submitted for approval when required to provide for efficient circulation of traffic within the community.

Each side of a commercial street located within a Community or Neighborhood Focus Area as designated by the Comprehensive Plan, or a collector, residential or minor residential street shall be intersected by at least one connective street within every fifteen hundred (1,500) -foot length of the street. The fifteen hundred-foot length shall be measured from the origination point, if established, of the collector, commercial, residential or minor residential street. If an intersection is located to interrupt a dominant traffic flow along two (2) or more streets, then both streets are included in the calculation of the fifteen hundred-foot length.

A development may be approved which contains a street(s) which does not meet the above layout or creates a violation of this layout if:

- 1) Existing surrounding development prevents extending a street to any adjoining developments to meet this regulation; or,
- 2) The adjoining existing street pattern or a planned "stub" street provides for an appropriate intersecting street beyond the fifteen hundred-foot point, that would provide equivalent benefits as an intersecting street within fifteen hundred (1,500) feet; or,
- 3) Severe topography or other physical features warrant making a connection of an intersecting street at another location either inside or outside the development to provide equivalent benefits as an intersecting street within a distance of fifteen hundred (1,500) feet, and this other alternate specific location is provided for at the time the development making the request for an alternate location is approved.

Where a proposed development embraces a thoroughfare system roadway, it should be planned so that lots fronting on the roadway gain their access from collector system roadways or local access system streets.

Existing adjoining public streets, public platted streets, and publicly planned streets shall be continued and extended as public streets as part of the development. Streets that are not to be extended shall be terminated in a cul-de-sac in conformance with Section 4.2 of this manual. Wherever there exists a dedicated or platted half street adjacent to the tract to be developed, the other half shall be platted and constructed.

Where a proposed development will extend a public street that is already stubbed out to the property line, such extension shall be a public street.

Where a through street or a series of streets establishes a connection between two (2) public streets and such connection is greater than twelve hundred (1,200) feet in length or such connection may encourage through traffic not generated by the development, such street shall be a public street, except in instances where the approving authority determines that requiring such connection to be a public street will serve no purpose due to the existing or proposed street pattern, traffic flow or traffic volumes.

Where a proposed development utilizing private streets has an area of twenty (20) or more acres, at least one public through street must be provided in a location determined by the City to assure

continuity of the public street system, except in instances where the approving authority determines that such public through street will serve no purpose due to the existing or proposed street pattern, traffic flow or traffic volume. The City may also require additional public through streets for the provision of emergency services such as police and fire protection, or to provide alternate circulation at congested or critical intersections.

Generally, streets should not be allowed in any conservation buffer district or a protective yard. A street in a conservation management district or a protective yard will be permitted when it is determined by the approving authority that a street will not be injurious to the public welfare and a street is necessary for traffic circulation of the entire neighboring area, provided further, that the street is located to minimize the disruption or destruction of the conservation management district or a protective yard.

SETTLEMENT AGREEMENT APPROVING REVISED SITE PLAN

This Settlement Agreement Approving Revised Site Plan is made and entered into this 22 day of April, 2013, by and between: THE CITY OF RALEIGH (the "City"); DAVIS PROPERTY GROUP, LLC (the "Developer"); and MALCOLM WADE GREEN AND HELEN HEATH GREEN, DEREK MICHAEL FOSTER and JENNY JOHNSON MCLEAN FOSTER, HERBERT KENNETH BALES and ELIZABETH HUST BALES, PHILLIP BALLARD KENNEDY and MARGARET BLAIR BYRD KENNEDY, and JOHN S. PROCTOR, JR. and NANCY J. PROCTOR (the "Appellants").

WHEREAS, the Appellants filed an appeal challenging the Raleigh Planning Commission's January 22, 2013 approval of the Jones Grant Apartments Site Plan (GH-4-2012) (the "Site Plan") to the Raleigh City Council pursuant to Raleigh Zoning Code Section 10-2132.2(c)(1)(c) (the "Appeal").

WHEREAS the parties to this Settlement Agreement have agreed to settle all matters and disputes existing between them related to the Appeal, pursuant to the terms set forth below, and the City Council has authorized the City Attorney to resolve the Appeal as provided herein;

NOW THEREFORE, in consideration of the agreements set forth herein, the parties to this Settlement Agreement do hereby agree as follows:

- a. The Developer has submitted documents to the City revising the Site Plan (i) deleting the extension of Hines Drive from its current terminus to Wake Towne Drive, (ii) providing for a payment by the Developer to the City, prior to the issuance of a certificate of occupancy with respect to any improvements shown on the revised Site Plan, of a fee-in-lieu of construction of such extension in the amount of \$65,263.54, and (iii) providing for the dedication of a right-of-way sixty (60) feet in width for the possible future extension of Hines Drive to Wake Towne Drive as originally shown on the Site Plan.
- b. The documents submitted by the Developer in accordance with the foregoing paragraph "a" are acceptable to the City, the Appellants hereby withdraw the Appeal, and the Site Plan, as so revised, is hereby approved subject to the Conditions of Approval set forth in the attached Certified Action Number 1288 (except to the extent inconsistent with the revisions to the Site Plan referenced herein or any other provision hereof). Accordingly, this Settlement Agreement shall serve in lieu of an Administrative Action or Certified Action with respect to the Site Plan. None of the parties to this Settlement Agreement shall file an appeal with respect to approval of the revised Site Plan as provided herein.
- c. The parties agree that neither the provisions of this Settlement Agreement nor the approval of the Site Plan, as revised, shall prevent the City of Raleigh from constructing a connection from Hines Drive to Wake Towne Drive in the future, should the City determine that it is in the best interest of the public health, safety and welfare to do so.

1. Compromise. It is understood and agreed that this Settlement Agreement is a compromise of doubted and disputed claims, and that the promises and payment made hereunder are not to be construed as an admission of liability on the part of any of the parties.

2. Entire Agreement. This Settlement Agreement contains the entire agreement between the parties hereto, and the terms of this Settlement Agreement are contractual and not mere recitals;

3. Benefit. This Settlement Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, legal representatives, successors and assigns;

4. Execution in Counterparts: The Parties understand that this Settlement Agreement may be executed in identical counterparts, each of which shall constitute an original and all of which shall constitute one and the same.

Signed this 22nd day of April, 2013.

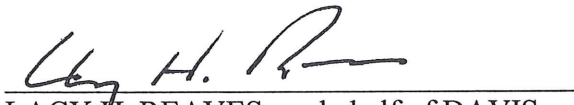
WE AGREE:



THOMAS MCCORMICK, on behalf of the
CITY OF RALEIGH

4/22/13

Date



LACY H. REAVES, on behalf of DAVIS
PROPERTY GROUP, LLC

4/22/13

Date



ROBIN T. CURRIN, on behalf of
APPELLANTS MALCOLM WADE GREEN
and HELEN HEATH GREEN, DEREK
MICHAEL FOSTER and JENNY JOHNSON
MCLEAN FOSTER, HERBERT KENNETH
BALES and ELIZABETH HUST BALES,
PHILLIP BALLARD KENNEDY and
MARGARET BLAIR BYRD KENNEDY,
and JOHN S. PROCTOR, JR. and NANCY
J. PROCTOR

4/22/13

Date