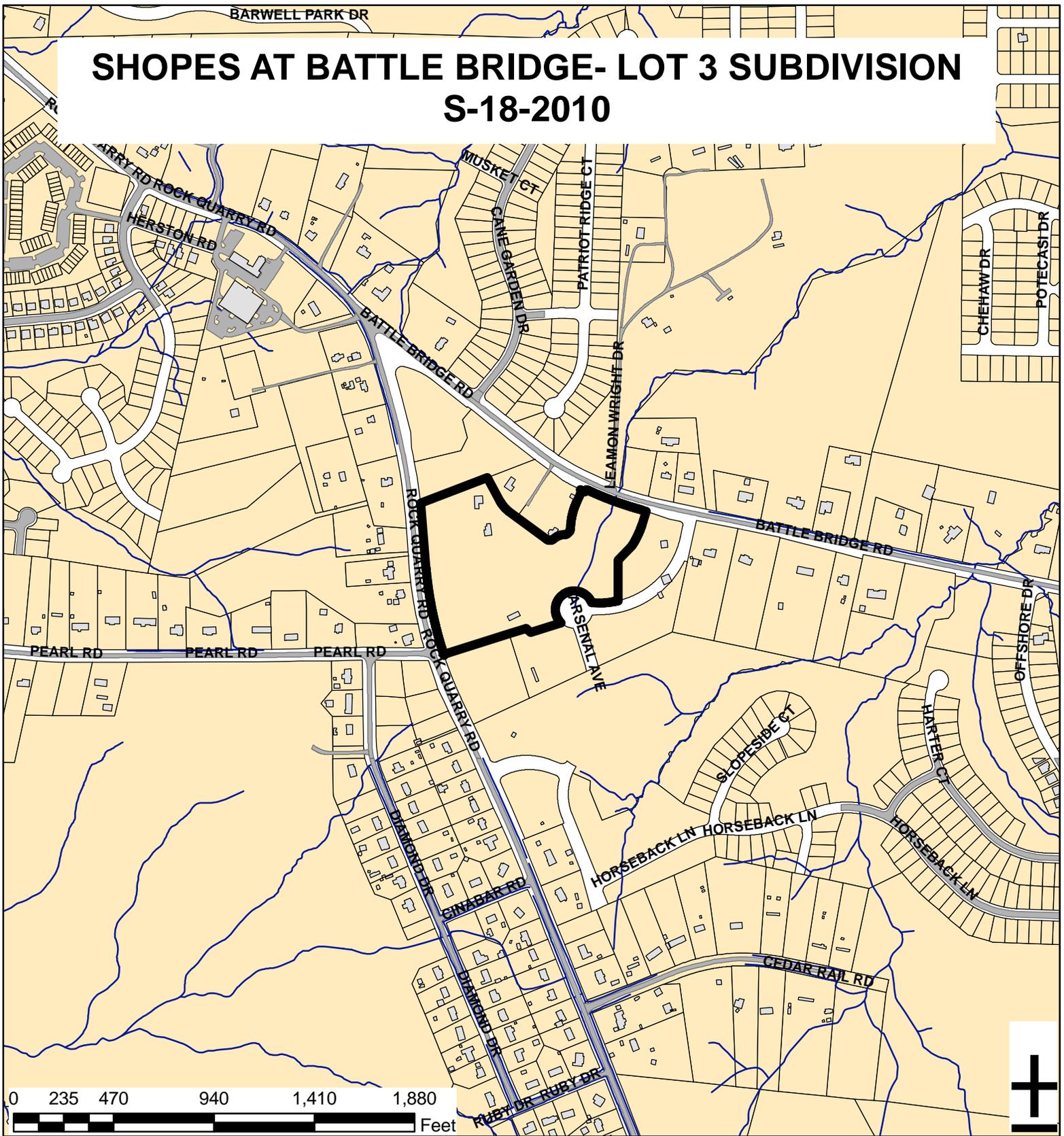


SHOPEs AT BATTLE BRIDGE- LOT 3 SUBDIVISION S-18-2010



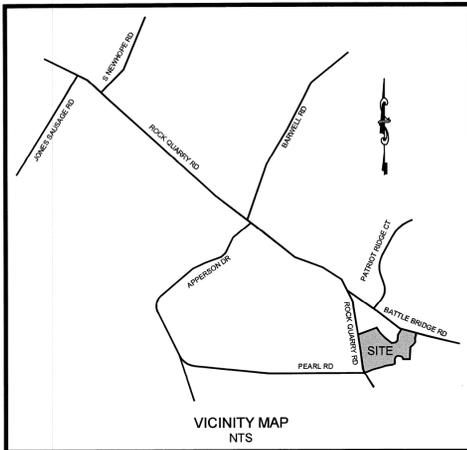
Zoning: **NB CUD**
CAC: **Southeast**
Drainage
Basin: **Neuse River**
Acreage: **12.05**

Number of Lots: **4**
Planner:
Phone:
Applicant Contact:
Phone:

Jacque Baker
(919) 516-2630
John A. Edwards & Co.
(919) 828-4428

SHOPPES AT BATTLE BRIDGE PRELIMINARY SUBDIVISION PLAN SUBDIVISION OF EXISTING LOT 3 RALEIGH, NORTH CAROLINA

MAY 2010
S-XX-10



Check appropriate box, if applicable:

Cluster Unit Development

Infill Subdivision

Also Expedited

City of Raleigh, NC P. O. Box 590, Raleigh, N. C. 27602 Visit us at our web site:
Development Plans Review Center One Exchange Plaza 3rd Floor www.raleighnc.gov/planning/dprc
Telephone: (919) 516-2626 FAX: (919) 516-2684

Section A. SUMMARY INFORMATION
ALL PLANS REQUIRE THE FOLLOWING INFORMATION ON THE FRONT COVER OF DRAWING SETS:

DEVELOPMENT NAME: Shoppes at Battle Bridge
PROPERTY ADDRESS: 6400 Battle Bridge Road
WAKE COUNTY PROPERTY IDENTIFICATION # (13-DIGIT PIN XXXX-XX-XXXX) 1731.01-48-3421

ZONING DISTRICT: CUD-NB TOTAL ACRES: 12.04 TOTAL # OF LOTS/UNITS: x
TOTAL # OF OPEN SPACE LOTS: _____
INSIDE CITY LIMITS? YES LINEAR FT. IN PUBLIC STREETS: NA
SQ. FT./ACRES OF RESIDENTIAL STREET RW: NA
SQ. FT./ACRES OF THOROUGHFARE RW: NA

NOTE: IF IN A CONDITIONAL USE ZONING DISTRICT,
PLACE THE COMPLETE LIST OF ZONING CONDITIONS ON THE PLAN.

FOR SUBDIVISION / CLUSTER / M.H. SUBD.: Minimum Lot Size: 26,482 SF Total # of Phases: 1
FOR CLUSTER: # Detached Lots: _____ # Townhouse Lots: _____ # Group Housing Units: _____
FOR TOWNHOUSE OR GROUP HOUSING: # 1BR Units: _____ 2BR: _____ 3BR: _____
4BR: _____
Proposed Building Height: _____ Off-street parking required: _____ provided: _____
Basis of determination (1 space per (?)):

FOR RIGHT-OF-WAY DEDICATION: Associated City Case File # (S-__-98, SP-__-98, etc.): _____

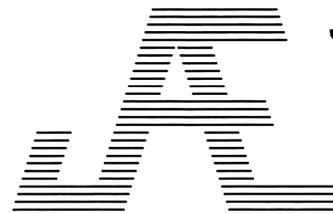
CLIENT (Owner or Developer):
Name(s) Evergreen Battle Bridge LLC
Address: 2700 Boulder Park Ct
Winston Salem, NC ZIP 27101-4776
Telephone: 828-327-4277 FAX: 828-327-2446
E-Mail Address: jdew@evergreendev@charter.net

CONSULTANT (Person to contact regarding questions or revisions to the plan):
Name(s) John A Edwards & Company
Address: 333 Wade Avenue
Raleigh, NC ZIP 27605
Telephone: 919-828-4428 FAX: 919-828-4711
E-Mail Address: info@jaeco.com

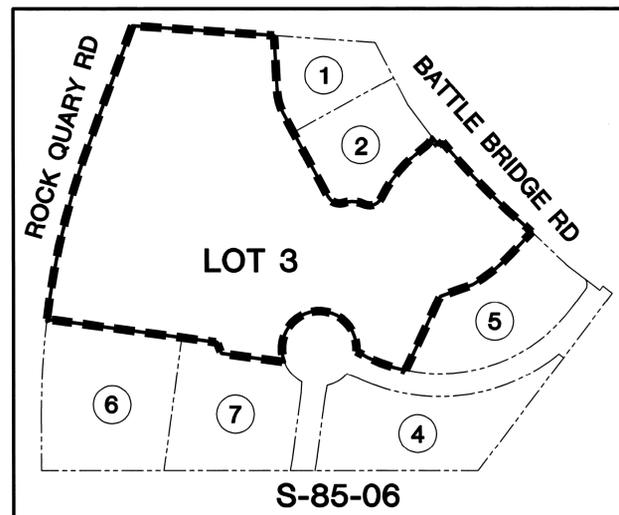
ZONING CONDITIONS Z-14-04

- 1) Vehicular access to abutting roads shall be limited to no more than two (2) full-movement driveways on Battle Bridge Road, and no more than two (2) full-movement driveways on Rock Quarry Road. One of the two full-movement driveways on Rock Quarry Road shall be located so as to align with the intersection of existing Pearl Road and Rock Quarry Road. All driveway accesses are subject to review and approval by the City of Raleigh and NCDOT.
- 2) A maximum of 100,000 square feet of gross building floor area shall be devoted to retail uses. Prior to any subdivision or division of the property, and in no event more than 45 days following the adoption of this zoning ordinance, the owner will record a restrictive covenant approved by the City Attorney or his deputy allocating this square footage of gross floor area of retail uses as defined in Raleigh City Code section 10-8002 to each lot or tract then in existence.
- 3) No single tenant building space shall exceed 50,000 square feet of gross building floor area.
- 4) Reimbursement for any required right-of-way dedication shall remain at the current R-4 value.
- 5) A minimum of 10% of the area of the site shall remain wooded.
- 6) A natural protective yard of 50' in width (as measured outward from the stream bank) will be provided adjacent to all streams on the property that are deemed to be subject to the Neuse River Basin Rules riparian buffer requirements.
- 7) A transitional protective yard of 25' (minimum) in width shall be provided adjacent to all adjoining residential properties other than those properties comprising Zoning Petition #Z-15-04.
- 8) All outdoor lighting fixtures shall be of full cut-off design and directed away from residential properties.
- 9) All structures on the property shall be limited to a height of 35', or two (2) stories.
- 10) All roofs shall be designed and constructed to present a pitched appearance with a minimum slope of 3V:12H.
- 11) Open-air stormwater facilities shall be designed as site amenities, and shall incorporate edge treatments and perimeter landscaping sufficient to avoid the need for fencing.
- 12) Any ground-mounted signs shall be of low-profile design.
- 13) The site shall be designed to provide vehicular and pedestrian interconnectivity with the properties immediately to the south (those properties comprising Zoning Petition Z-15-04).
- 14) The development of this site shall be in compliance with the key elements of the City of Raleigh Urban Design Guidelines as depicted on the Neighborhood Center Core Area Plan as recommended by the Comprehensive Plan.
- 15) Upon development of any portion of the property, the land owner will deed to the City of Raleigh at least two transit easements approved by the City Attorney or his deputy at locations approved by the City Transportation Division.

OWNER
EVERGREEN BATTLE BRIDGE LLC
2700 BOULDER PARK CT.
Winston Salem, North Carolina 27101-4776
Phone (828) 327-4277
Fax (828) 327-2446



JOHN A. EDWARDS & COMPANY
Consulting Engineers
NC License F-0289
333 Wade Ave., Raleigh, N.C.
Phone (919) 828-4428
Fax (919) 828-4711



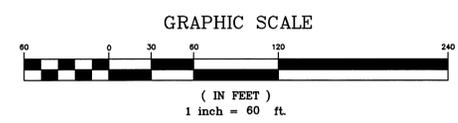
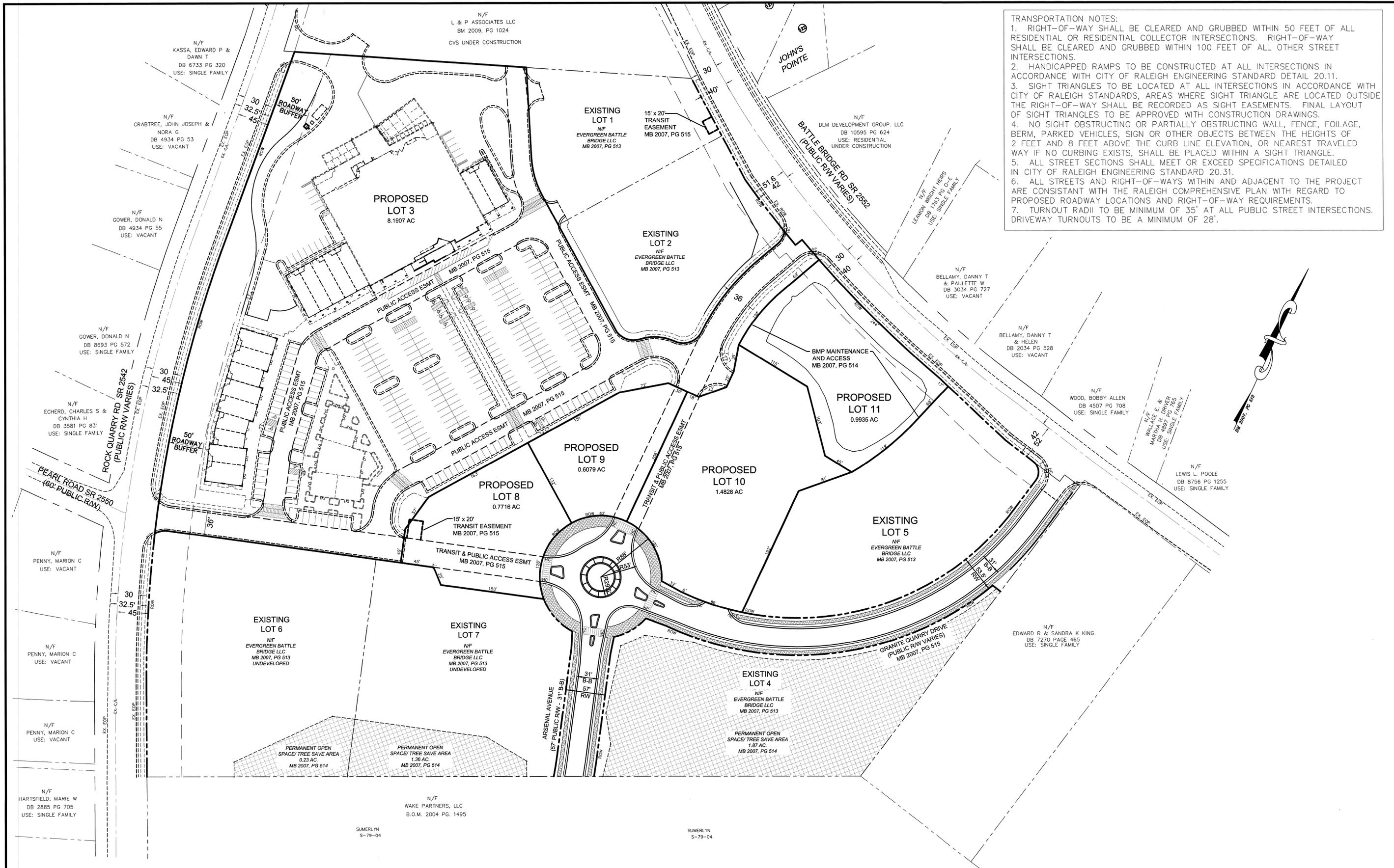
DOCUMENTS	RECORDING DATA
North Carolina General Warranty Deeds	
By George Rose Builder, Inc. to Evergreen-Battle Bridge, LLC (11133/2125).....	1
By George Rose Builder, Inc. to Evergreen-Battle Bridge, LLC (11250/2559).....	2
By RHP Investments, LLC to Evergreen-Battle Bridge, LLC (11888/122).....	3
By RHP Investments, LLC to Evergreen-Battle Bridge, LLC (12179/1363).....	4
Development Documents	
Sanitary Sewer Easement Agreement (10999/1526).....	1
Declaration of Access, Utility and Pond Easement (11133/2116).....	2
Memorandum of Lease (11288/1984).....	3
Declaration of Covenants, Conditions and Restrictions (11288/1991).....	4
Declaration of Retail Use Restriction (11774/1087).....	5
Dedication of Easements and Restrictive Covenants (11888/126).....	6
Easement Agreement (11999/1267).....	7
Easement (12167/859).....	8
Easement (12167/862).....	9
Utility Easement (12184/324).....	10
Declaration of Easements and Restrictive Covenants (12435/1).....	11
First Amendment to Declaration of Retail Use Restrictions (12435/48).....	12
First Amendment to Easement Agreement (12435/53).....	13
Deed of Sanitary Sewer Easement (12435/57).....	14
Stormwater Replacement Protection Easement and Access Maintenance Agreement and Installation Replacement Contribution (12435/64).....	15
Access Rights Agreement (12435/94).....	16
Transit Easements Agreement (12435/100).....	17
Master Consent and Subordination for Paragon Commercial Bank (12435/106).....	18
Master Consent and Subordination for Carolina First Bank (12435/110).....	19
Deed of Grading Easement (12570/874).....	20
Amendment to Declaration of Easements and Restrictive Covenants (12723/1737).....	21
Second Amendment to Declaration of Retail Use Restrictions (12723/1742).....	22
Consent and Subordination Agreement for Paragon Commercial Bank (12723/1747).....	23
Consent and Subordination Agreement for Carolina First Bank (12723/1751).....	24
City of Raleigh Inspections Department Land Disturbing Permit.....	25
Zoning Letters from the City of Raleigh.....	26
Plats	
Recombination Survey for George Rose Builder, Inc. (2004/2243).....	1
Correction Plat for George Rose Builder, Inc. (2005/245).....	2
Shoppes at Battle Bridge Subdivision, Recombination, Right-of-Way Dedication and Easement Plat (2007/513-516).....	3

INDEX

- 1 COVER
- 2 SUBDIVISION PLAN
- 3 UTILITY PLAN
- 4 STORMWATER MANAGEMENT PLAN
- 5 SITE PLAN - FOR REFERENCE ONLY

TRANSPORTATION NOTES:

1. RIGHT-OF-WAY SHALL BE CLEARED AND GRUBBED WITHIN 50 FEET OF ALL RESIDENTIAL OR RESIDENTIAL COLLECTOR INTERSECTIONS. RIGHT-OF-WAY SHALL BE CLEARED AND GRUBBED WITHIN 100 FEET OF ALL OTHER STREET INTERSECTIONS.
2. HANDICAPPED RAMPS TO BE CONSTRUCTED AT ALL INTERSECTIONS IN ACCORDANCE WITH CITY OF RALEIGH ENGINEERING STANDARD DETAIL 20.11.
3. SIGHT TRIANGLES TO BE LOCATED AT ALL INTERSECTIONS IN ACCORDANCE WITH CITY OF RALEIGH STANDARDS, AREAS WHERE SIGHT TRIANGLE ARE LOCATED OUTSIDE THE RIGHT-OF-WAY SHALL BE RECORDED AS SIGHT EASEMENTS. FINAL LAYOUT OF SIGHT TRIANGLES TO BE APPROVED WITH CONSTRUCTION DRAWINGS.
4. NO SIGHT OBSTRUCTING OR PARTIALLY OBSTRUCTING WALL, FENCE, FOILAGE, BERM, PARKED VEHICLES, SIGN OR OTHER OBJECTS BETWEEN THE HEIGHTS OF 2 FEET AND 8 FEET ABOVE THE CURB LINE ELEVATION, OR NEAREST TRAVELED WAY IF NO CURBING EXISTS, SHALL BE PLACED WITHIN A SIGHT TRIANGLE.
5. ALL STREET SECTIONS SHALL MEET OR EXCEED SPECIFICATIONS DETAILED IN CITY OF RALEIGH ENGINEERING STANDARD 20.31.
6. ALL STREETS AND RIGHT-OF-WAYS WITHIN AND ADJACENT TO THE PROJECT ARE CONSISTANT WITH THE RALEIGH COMPREHENSIVE PLAN WITH REGARD TO PROPOSED ROADWAY LOCATIONS AND RIGHT-OF-WAY REQUIREMENTS.
7. TURNOUT RADII TO BE MINIMUM OF 35' AT ALL PUBLIC STREET INTERSECTIONS. DRIVEWAY TURNOUTS TO BE A MINIMUM OF 28'.



DATE	REVISION	BY



JOHN A. EDWARDS & COMPANY
 Consulting Engineers
 NC License F-0289
 333 Wade Ave., Raleigh, NC 27605
 Phone (919) 828-4428
 FAX (919) 828-4711
 E-mail info@jaeco.com

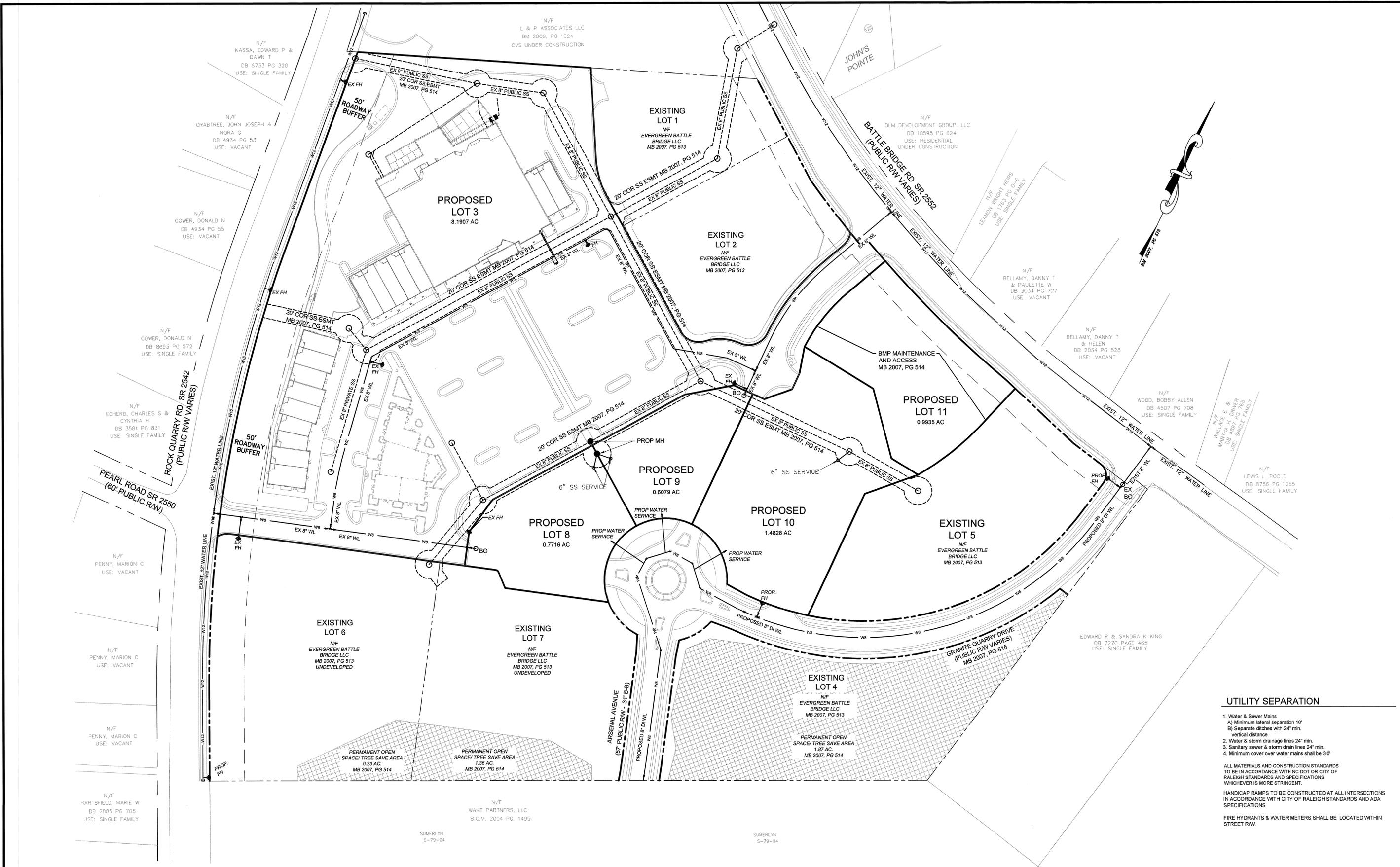
SCALE: 1" = 60'	DATE: 5-27-2010
FILE NO. & PAGE	DRAWN BY:
FILE NO.	CHECKED BY: JAE, JR.

SHOPPES AT BATTLE BRIDGE
 6400 BATTLE BRIDGE RD.
 EVERGREEN BATTLE BRIDGE LLC
 2700 Boulder Park Ct, Winston Salem, North Carolina 27101-4776
 WAKE COUNTY NORTH CAROLINA

SUBDIVISION PLAN

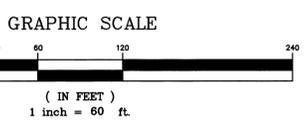
SHEET	2
OF	5

X:\dwg\2007\evergreenbattlebridge\master.dwg, 6/14/2010 9:02:52 AM, Xerox6279.pcl, 1/80



UTILITY SEPARATION

1. Water & Sewer Mains
 - A) Minimum lateral separation 10'
 - B) Separate ditches with 24" min. vertical distance
 2. Water & storm drainage lines 24" min.
 3. Sanitary sewer & storm drain lines 24" min.
 4. Minimum cover over water mains shall be 3.0'
- ALL MATERIALS AND CONSTRUCTION STANDARDS TO BE IN ACCORDANCE WITH NC DOT OR CITY OF RALEIGH STANDARDS AND SPECIFICATIONS WHICHEVER IS MORE STRINGENT.
- HANDICAP RAMPS TO BE CONSTRUCTED AT ALL INTERSECTIONS IN ACCORDANCE WITH CITY OF RALEIGH STANDARDS AND ADA SPECIFICATIONS.
- FIRE HYDRANTS & WATER METERS SHALL BE LOCATED WITHIN STREET R/W.



DATE	REVISION	BY



JOHN A. EDWARDS & COMPANY
 Consulting Engineers
 NC License F-0289
 333 Wade Ave., Raleigh, NC 27605
 Phone (919) 828-4428
 FAX (919) 828-4711
 E-mail info@jaeco.com

SCALE: 1" = 60'	DATE: 5-27-2010
FILE NO.:	CHECKED BY: JAE, JR.

SHOPPES AT BATTLE BRIDGE
 6400 BATTLE BRIDGE RD.
 EVERGREEN BATTLE BRIDGE LLC
 2700 Boulder Park Ct, Winston Salem, North Carolina 27101-4776
 WAKE COUNTY NORTH CAROLINA

SHEET	3
OF	5

UTILITY PLAN

X:\dwg\2010\evergreenbattlebridge\master.dwg, 5/27/2010 10:30:13 AM, X:\nae279.pcd, 1/60

STORMWATER MANAGEMENT

- PEAK RATES OF STORMWATER DISCHARGE FOR THIS SITE ARE CONTROLLED TO PRE-DEVELOPMENT LEVELS FOR THE 2 YR. AND 10 YR. RETURN INTERVAL EVENTS. ASSOCIATED PRE-DEVELOPMENT & POST-DEVELOPMENT RATES ARE:

	PRE-DEVELOPMENT	POST-DEVELOPMENT
Q-2	32.1 CFS	0.28 CFS
Q-10	41.6 CFS	0.77 CFS

- NITROGEN EXPORT RATE FOR THIS SITE IS CONTROLLED TO 8.00 #/AC/YR WITH A NUTRIENT REDUCTION BUY-DOWN PAYMENT OF \$ 33,012.94 HAVING BEEN APPROVED BY THE CITY OF RALEIGH. PAID BY THE OWNER, AND RECEIPT THEREFORE PROVIDED TO THE CITY OF RALEIGH BY NCEEP.

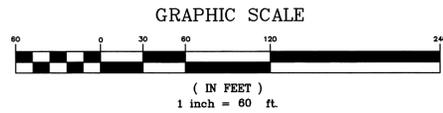
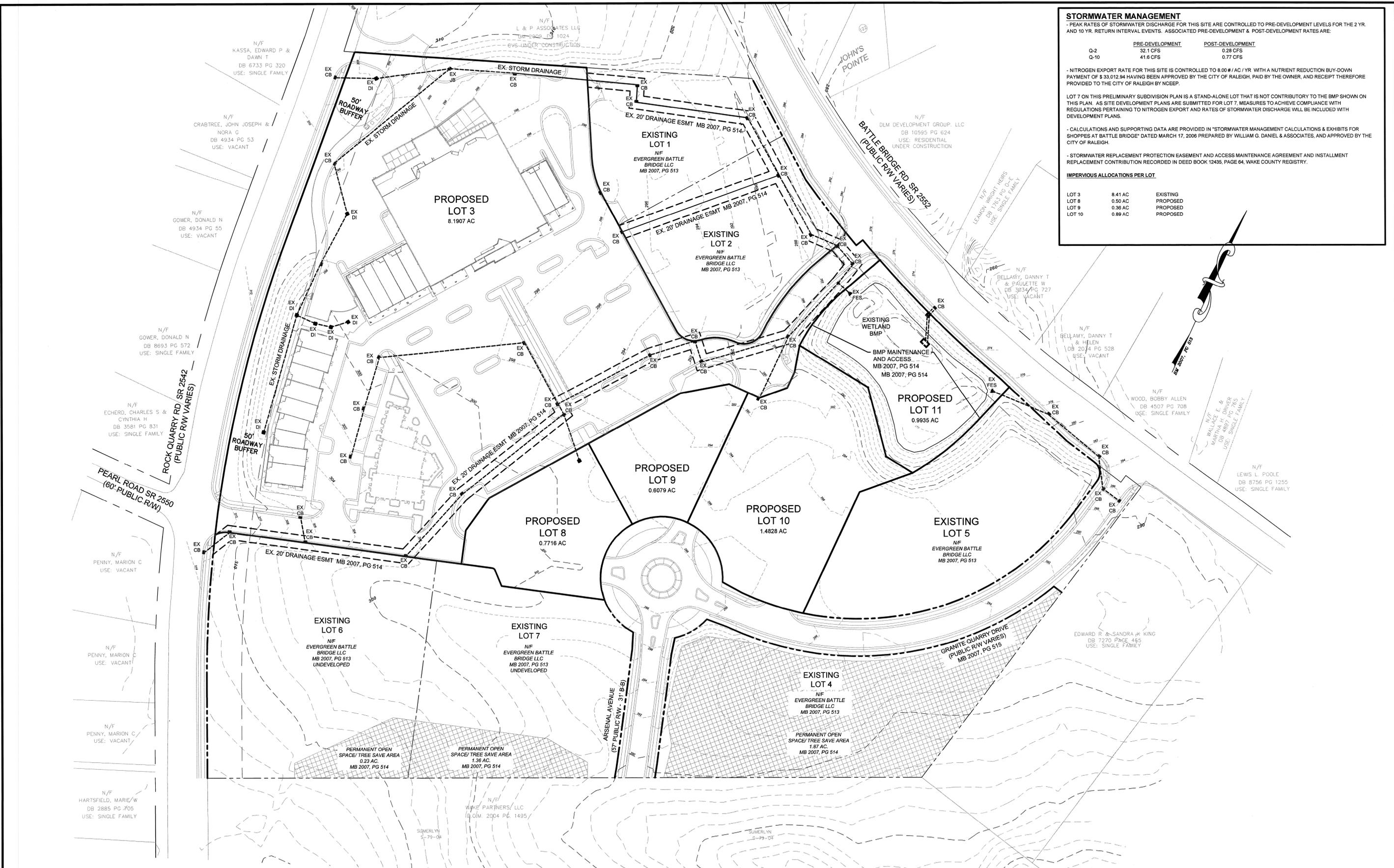
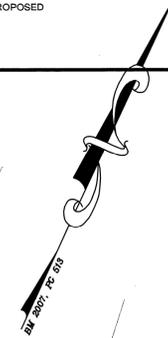
LOT 7 ON THIS PRELIMINARY SUBDIVISION PLAN IS A STAND-ALONE LOT THAT IS NOT CONTRIBUTORY TO THE BMP SHOWN ON THIS PLAN. AS SITE DEVELOPMENT PLANS ARE SUBMITTED FOR LOT 7, MEASURES TO ACHIEVE COMPLIANCE WITH REGULATIONS PERTAINING TO NITROGEN EXPORT AND RATES OF STORMWATER DISCHARGE WILL BE INCLUDED WITH DEVELOPMENT PLANS.

- CALCULATIONS AND SUPPORTING DATA ARE PROVIDED IN "STORMWATER MANAGEMENT CALCULATIONS & EXHIBITS FOR SHOPPES AT BATTLE BRIDGE" DATED MARCH 17, 2006 PREPARED BY WILLIAM G. DANIEL & ASSOCIATES, AND APPROVED BY THE CITY OF RALEIGH.

- STORMWATER REPLACEMENT PROTECTION EASEMENT AND ACCESS MAINTENANCE AGREEMENT AND INSTALLMENT REPLACEMENT CONTRIBUTION RECORDED IN DEED BOOK 12435, PAGE 64, WAKE COUNTY REGISTRY.

IMPERVIOUS ALLOCATIONS PER LOT

LOT	AC	EXISTING	PROPOSED
LOT 3	8.41 AC		
LOT 8	0.50 AC		PROPOSED
LOT 9	0.38 AC		PROPOSED
LOT 10	0.89 AC		PROPOSED



DATE	REVISION	BY



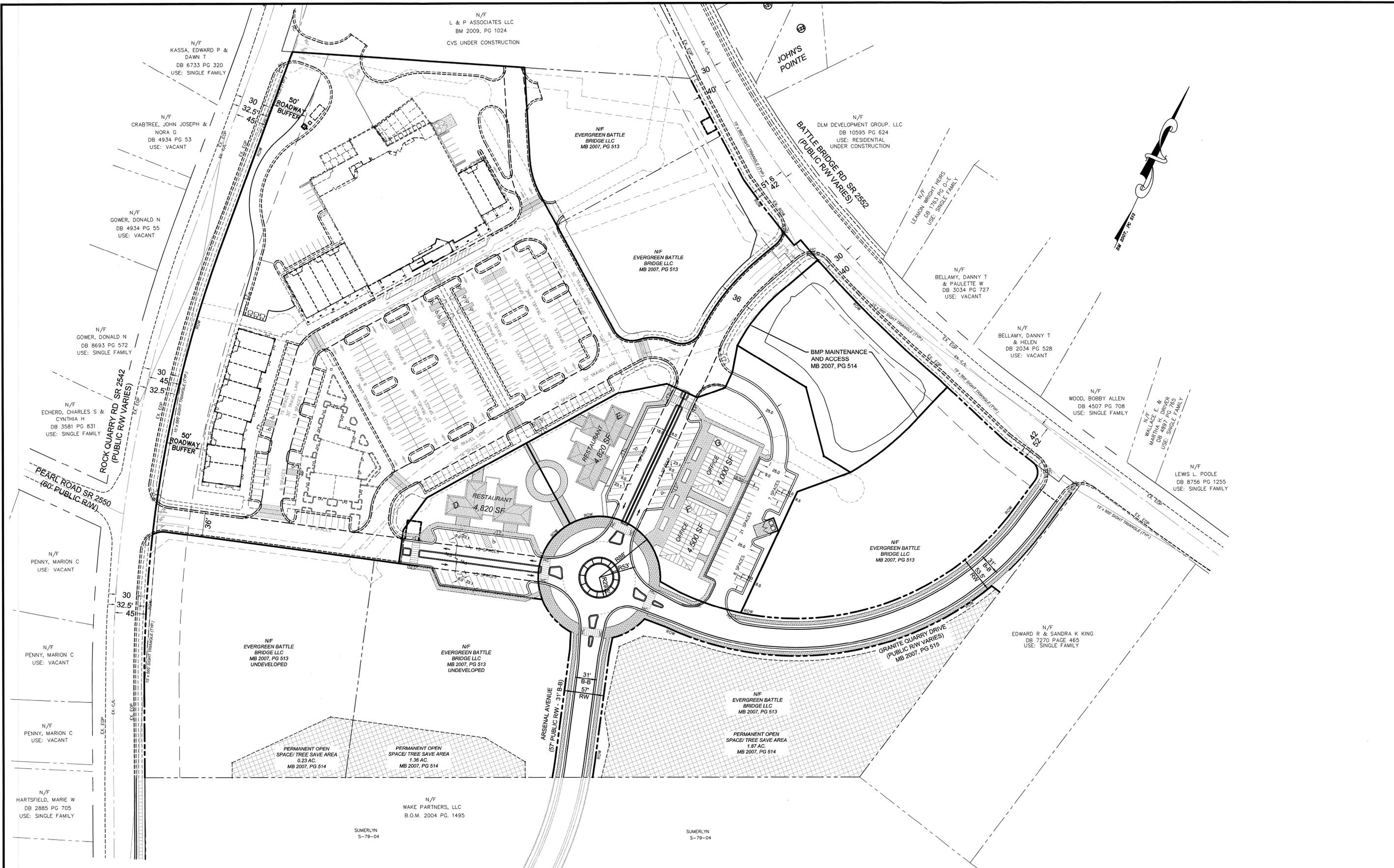
JOHN A. EDWARDS & COMPANY
 Consulting Engineers
 NC License F-0289
 333 Wade Ave., Raleigh, NC 27605
 Phone (919) 828-4428
 FAX (919) 828-4711
 E-mail info@jaeco.com

SCALE:	DATE:
1" = 60'	5-27-2010
FILE NO.:	CHECKED BY:
	JAE, JR.

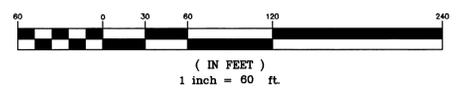
SHOPPES AT BATTLE BRIDGE
 6400 BATTLE BRIDGE RD.
 EVERGREEN BATTLE BRIDGE LLC
 2700 Boulder Park Ct, Winston Salem, North Carolina 27101-4776
 WAKE COUNTY NORTH CAROLINA

SHEET
4
OF
5

X:\jags2007\evergreenbattlebridge\dwg\master.dwg, 5/27/2010 10:29:53 AM, Xerox6273.pct, 1:60



GRAPHIC SCALE



DATE	REVISION	BY



JOHN A. EDWARDS & COMPANY
 Consulting Engineers
 NC License F-0289
 333 Wade Ave., Raleigh, NC 27605
 Phone (919) 828-4428
 FAX (919) 828-4711
 E-mail info@jaeco.com

SCALE: 1" = 60'	DATE: 5-27-2010
FILE NO.:	CHECKED BY: JAE, JR.
F.L.D. BK. & PAGE:	DRAWN BY:

SHOPPES AT BATTLE BRIDGE
 6400 BATTLE BRIDGE RD.
 EVERGREEN BATTLE BRIDGE LLC
 2700 Boulder Park Ct, Winston Salem, North Carolina 27101-4776
 WAKE COUNTY NORTH CAROLINA

SHEET	5
OF	5

SITE PLAN

X:\chgs\2007\evergreenbattlebridge\master.dwg, 5/27/2010 10:29:32 AM, X:\moe\279.pcd, 1/60

231040

276802

5-18-2010



SUBDIVISION

Check appropriate box, if applicable:

Cluster Unit Development

Infill Subdivision

Also Expedited

City of Raleigh, NC
Development Plans Review Center

P. O. Box 590, Raleigh, N. C. 27602
One Exchange Plaza 3rd Floor
Telephone: (919) 516-2626 FAX: (919) 516-2684

Visit us at our web site:
www.raleighnc.gov/planning/dprc

Section A. SUMMARY INFORMATION

ALL PLANS REQUIRE THE FOLLOWING INFORMATION ON THE FRONT COVER OF DRAWING SETS:

DEVELOPMENT NAME: Shoppes at Battle Bridge - Lot 3 Subd.
PROPERTY ADDRESS: 6400 Battle Bridge Road
WAKE COUNTY PROPERTY IDENTIFICATION # (13-DIGIT PIN XXXX.XX-XX-XXXX) 1731-48-3421

ZONING DISTRICT: CUD-NB TOTAL ACRES: 12.05 TOTAL # OF LOTS/UNITS: 4
TOTAL # OF OPEN SPACE LOTS: _____
INSIDE CITY LIMITS? YES LINEAR FT. IN PUBLIC STREETS: NA
SQ. FT./ACRES OF RESIDENTIAL STREET R/W: NA
SQ. FT./ACRES OF THOROUGHFARE R/W: NA

**NOTE: IF IN A CONDITIONAL USE ZONING DISTRICT,
PLACE THE COMPLETE LIST OF ZONING CONDITIONS ON THE PLAN.**

FOR SUBDIVISION / CLUSTER / M.H. SUBD.: Minimum Lot Size: 26,482 SF Total # of Phases: 1
FOR CLUSTER: # Detached Lots: _____ # Townhouse Lots: _____ # Group Housing Units: _____
FOR TOWNHOUSE OR GROUP HOUSING: # 1BR Units: _____ 2BR: _____ 3BR: _____
4BR: _____
Proposed Building Height: _____ Off-street parking required: _____ provided: _____
Basis of determination (1 space per (?)): _____

FOR RIGHT-OF-WAY DEDICATION: Associated City Case File # (S-__-98, SP-__-98, etc.): _____

CLIENT (Owner or Developer):

Name(s) Evergreen Battle Bridge LLC
Address: 2700 Boulder Park Ct
Winston Salem, NC ZIP 27101-4776
Telephone: _____ FAX: _____
E-Mail Address: _____

CONSULTANT (Person to contact regarding questions or revisions to the plan):

Name(s) John A Edwards & Company
Address: 333 Wade Avenue
Raleigh, NC ZIP 27605
Telephone: 919-828-4428 FAX: 919-828-4711
E-Mail Address: info@jaeco.com

OWNER'S SIGNATURE:

In filing this plan as the property owner(s), I/we do hereby agree and firmly bind ourselves, my/our heirs, executors, administrators, successors and assigns jointly and severally to

construct all improvements and make all dedications as shown on this proposed subdivision plan as approved by the City.

I hereby designate John A. Edwards
to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to represent me in any public meeting regarding this application.

Date: 6-9-10

Signed: J. Douglas Wilkins, Manager for Evergreen Battle Bridge LLC

Printed Owners name J. Douglas Wilkins, Manager

Section B. SUBMITTAL PROCESS AND CHECKLIST

(1) THIS APPLICATION IS FOR THE PRELIMINARY APPROVAL OF THE FOLLOWING PLANS:

Subdivisions, Cluster Unit Developments, Right-of-way Dedications, Townhouse Developments, Mobile Home Subdivisions, and Mobile Home Parks. If you do not know what category your proposal falls into, call the Planning Department at 516-2626.

(2) PLANS MAY BE SUBMITTED TO THE DEVELOPMENT SERVICES CUSTOMER SERVICE CENTER, SUITE 404 MONDAY THROUGH FRIDAY BY 8:00 - 4:30 P.M.

(3) COMMENTS WILL BE FAXED OR SENT VIA E-MAIL TO CLIENT IN APPROXIMATELY 10-15 BUSINESS DAYS

(4) NOTE: SOME SUBDIVISIONS MAY REQUIRE PRELIMINARY PLANNING COMMISSION APPROVAL.

Upon your response to these comments we will re-review the plan, and when all issues have been properly addressed, issue an approval letter. The approval letter may contain conditions of approval. Upon satisfaction of these conditions, plats may be recorded creating the new lots.

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

FILING FEE FOR PRELIMINARY PLANS (NOT REQUIRED FOR RIGHT-OF-WAY DEDICATION that results in no new lots).

- Checks made payable to: City of Raleigh.
- Payments may be made by cash, check, Visa or Master Card.
- Right-of-way dedication only requires a plat equal to the cost of recordation in accordance with the Fee schedule, payable upon submittal of the review prior to recording.

New fees effective February 16, 2010

Properties less than 2 acres	\$307.00
Properties between 2 and 4 acres	\$821.00
Properties greater than 4 acres	\$1,592.00
Infill Subdivision of 3 or fewer lots	\$307.00
Infill subdivision of 4 or more lots	\$564.00

If expedited

additional fee required at time of submittal \$720.00
and additional fees will be paid based on review time

Submittal fee covers two review cycles and file closeout.

Additional fee equal to the cost of your original submittal fee is required for every single subsequent review after two reviews.

THIS APPLICATION FORM completed (Section A) and signed by the property owner (agent cannot sign for owner). PLEASE SUBMIT A COPY OF THE PARCEL FROM IMAPS USING THE PIN # BEING PROVIDED. HIGH LIGHT THE PARCEL AS WELL AS A RECENT AREIAL MAP.

USING "IMAPS", PLEASE SUBMIT A HIGHLIGHTED COPY OF YOUR PARCEL WITH YOUR PIN # AND A MOST RECENT AERIAL PHOTO OF THE PARCEL.

FOR RIGHT-OF-WAY DEDICATION ONLY: THREE COPIES OF PLAT TO BE RECORDED. Maximum sheet size shall be 18" x 24". Plans must be to true scale and be prepared in accordance with G.S. 47-30.

FOR ALL OTHER PRELIMINARY PLANS: TEN SETS OF PROPOSED PLANS. Maximum sheet size shall be 30" x 42". Plans must be to engineering scale (1" = 20', 1" =100', etc.). Preliminary plans do not need an engineer's, surveyor's or landscape architect's seal. See Section C of this application for data to be included on preliminary plans.

NEW! A DIGITAL COPY OF ONLY THE SUBDIVISION LAYOUT AND ELEVATIONS.

The purpose of this image is to illustrate the basic character of the preliminary plan. It should contain only such basic information as: building outline, landscaping, parking and drives, stormwater facilities, lot boundary. The digital image should be provided in the form of pdf on a CD. If the plan was not digitally created, provide an 8 1/2" x 11" reduction of the plan.

Label the CD with the plan name, case file number, and indicate how many times the plan has been resubmitted for review.

NOTE!!! A FINAL DIGITAL OR REDUCED COPY OF THE PLAN IS TO BE SUBMITTED TO THE COORDINATING PLANNER ONCE ALL STAFF REVIEW COMMENTS HAVE BEEN APPROVED. It should contain only such basic information as: building outline, landscaping, parking and drives, stormwater facilities, lot boundary. The digital image should be saved in any of the following formats, listed in order of preference: .jpg, .gif, .pdf, either on a CD. If the plan was not digitally created, provide an 8 1/2" x 11" reduction of the plan.

DOCUMENTS TO BE INCLUDED IN SPECIAL CIRCUMSTANCES:

STREET NAME APPLICATION where new public or private streets are to be created.

COPIES OF PREVIOUS BOARD OF ADJUSTMENT ACTION, SPECIAL USE PERMIT OR CERTIFICATE OF APPROPRIATENESS.

Section C. DATA TO BE SHOWN ON PLANS*

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

* For right-of-way dedications where no new lots are created, show only final plat requirements in City Code Section 10-3017. Show right-of-way to be dedicated in both acreage and square feet, with metes and bounds description of the property to be dedicated as right-of-way.

(a) Sheet size

The preliminary subdivision plan shall be drawn on one of three (3) standard sheet sizes. These are:

- eighteen (18) by twenty-four (24) inches;
- twenty-four (24) by thirty-six (36) inches;
- thirty (30) by forty-two (42) inches;

(b) Key Information

- (1) A vicinity sketch or key map at a scale of not more than one thousand (1000) feet to the inch, showing the position of the subdivision with its relation to surrounding streets and properties, and oriented in the same direction as the remainder of the preliminary subdivision plan;
- (2) True north arrow, with north being at the top of the map;
- (3) Scale of the map using engineer's scale (1"=10', 1"=50', etc.) and date of preparation, including all revision dates;

(c) Summary Information

- (1) The name of the development, name of the owner and agent, name, address and telephone number and fax number of the designer who prepared the plan;
- (2) All information included in Section A. of this application. (Owner's signature not required on plans);
- (3) For properties in a conditional use zoning district, list of zoning conditions should appear on the plan;

(d) Property Information

- (1) Boundary lines of the proposed development;
- (2) New and existing lots;
- (3) Existing easements including width dimensions and book and page references;
- (4) Property to be dedicated for public use, such as proposed easements, rights-of-way, or greenway, including acres, square feet and dimensions;
- (5) Street right-of-way lines and other property lines, drawn to scale and with tentative dimensions;
- (6) Zoning district boundary lines;
- (7) Adjoining properties information, including owners names, land use and zoning;
- (8) Dimensions of any encroachments into, under or above proposed and existing public rights-of-ways;

(e) Building Information

- (1) Existing buildings, their dimensions from existing and proposed property lines, and any building to be removed or demolished;

(f) Street Information

- (1) Existing and proposed street names, together with state road numbers if applicable,;
- (2) General horizontal alignment of existing and proposed streets and thoroughfares, showing centerline min. radii, pavement width, surface materials, curb and gutter, ditches and shoulder widths;
- (3) Existing and proposed sidewalks;
- (4) Cross-sections of typical proposed streets;
- (5) Dimensions of medians, median openings, curb radii;
- (6) Vertical alignment of streets only when deemed necessary by the Transportation Director to properly determine the safety of proposed streets or driveways;
- (7) Driveway and access point locations, existing and proposed, with type, curb radii, dimensions, joint use and directional flow. For proposed driveways and access points, show the location of all: property lines, existing utility service areas, drainage devices, traffic signal control boxes, sewer clean-outs, fire hydrants, meter vaults, utility poles, street lights, catch basins or similar objects within seventeen (17) feet of the proposed centerline of the driveway for residential driveways and within twenty-three (23) feet of the proposed centerline of all other driveways;
- (8) Opposing driveways across public rights-of-way;
- (9) Existing and proposed right-of-way and slope easement dimensions;
- (10) Sight triangles as set forth in §10-2086, including any structures within them, such as existing signs;
- (11) Any rights-of-way proposed to be closed;
- (12) Proposed private streets, dimensions and curb treatments;

(g) Off-Street Parking, Landscaping and Open Space Information

- (1) Off-street parking spaces, aisles widths and dimensions, curb radii for internal circulation;
- (2) Tabular summary of parking required and provided, including basis of determination ("1 space per x ");
- (3) For Mobile Home Parks, townhouse developments and group housing developments, location, dimension of planting areas, numbers of plants, spacing of plants in proposed street yards, vehicular surface area plantings, parking screens, dumpster

- (4) In cluster unit developments, perimeter yards;
- (5) Open space, with topography, and a tabular summary of open space required and provided. In cluster unit developments and mobile home parks, open space quotient (sq. ft. of open space divided by 1/4 linear ft. of periphery of open space);
- (6) Recreation facilities (pool, clubhouse, etc.) to be located in open space, with required parking;
- (7) Dumpster locations and circulation system to allow removal of refuse from the site;
- (8) Landscape Plan is required per City Code Section 10-2082.5.

(h) For Subdivisions 5 acres or less (Infill Subdivision) and meeting the conditions outlined in Sections 10-3032 (d)

- (1) Ensure subject property and surrounding parcels are clearly shown; list property's use, original use, owner name(s), zoning, PIN or parcel identification number;
- (2) Provide information relative to periphery calculations on the front cover of the drawing set referencing all the requirements of 10-3032 (d);
- (3) Provide calculations for median lot size and road frontage of the surrounding peripheral developed residential lots;

(i) Cluster Development Requirements (Please show the following)

- (1) Open Space quotient required;
- (2) Open Space quotient provided;
- (3) Open Space maximum average slope 8% required;
- (4) Open Space slope ___% provided;

(j) Tree Conservation Plan, if applicable, (Refer to TC-07-04 Tree Conservation Ordinance) (NEW)

- (1) (Sheet 1) Requires a separate Tree Conservation Map with all proposed tree conservation areas(TCA's), see Section 10-2082.14);
- (2) Label Primary and Secondary Tree Conservation Areas utilizing the "Standardized Designation for Tree Conservation Areas" list.
- (3) (Sheet 2) Show existing and proposed grades, combining an accurate location of tree protection fence, also show acreage calculations of tree conservation areas as listed in Tree Conservation Data Sheet.
- (4) Completed Tree Conservation Data Sheet;
- (5) (Sheet(s) 3+) For the Secondary Tree Conservation Areas include the following;
 - a. Photo panoramic panel of proposed secondary TCA's. Each photo to represent 50 linear feet of tree conservation area. Include **(2 copies)**.
 - b. Certified tree cover report with description of each 50' of TCA. **(2 copies)**.
 - c. Most recent aerial photo.

(k) Stormwater and Floodprone Area Information

- (1) Existing and proposed contours of intervals at five (5) feet or less, referred to sea level datum;
- (2) Drainage swales, ditches channels, watercourses, and direction of flow;
- (3) Impoundment or retention / detention structures for stormwater, if required;
- (4) Preliminary two and ten year stormwater runoff quantities entering and leaving the site at each discharge point
- (5) Location of discharge points, velocity dissipation measures;
- (6) Location of existing and proposed storm sewer and inlet structures and culverts;
- (7) Floodway and floodway fringe areas, flood hazard soil boundaries, flood storage area easements, and regulatory flood protection elevations; indicating source of information;
- (8) Summary of Water Quality/Quantity calculations on sheet with a separate more detailed calculation packet included.
- (9) If known, proposed building footprints; (NEW).

(l) Public Utility Information

- (1) Existing and proposed sanitary sewers, manholes, clean-outs, water lines, stubs, fire hydrants, fire lines, valves, backflow prevention devices showing make and model, meters, with pipe sizes and locations indicated as applicable;
- (2) Profiles of sanitary sewer lines only if required by the Public Utilities Director to properly determine the feasibility of a proposed system;
- (3) Well and septic tank locations, community septic system facilities, where applicable;
- (4) Force mains, pump stations, if applicable

(m) Special Information

- (1) In all Special Highway Overlay Districts, protective yard areas along major access corridors and principal arterials, and distance from interchange if along a side street;
- (2) In Reservoir Watershed Protection Areas, watercourse buffer areas as required in §10-3059(b), square foot amount of existing and proposed impervious surface area per lot, estimated amount of impervious surface area of proposed public and private streets and public improvements, the location of and areas served by facilities used to retain the first one-half (1/2) inch of storm water as required in §10-3052(a), the allocation of impervious surface limitations to lots;
- (3) In cluster unit developments, calculations for density transfers among different phases and from rights-of-way, building envelopes; maintenance easements when the development is to be approved with minimum setback less than 5 feet;
- (4) In Metro Park Protection Overlay Districts, watercourse buffer areas, impervious surface calculations, tree inventory if impervious surface area exceeds 30%, park buffer yards;
- (5) Phasing plan, if the construction of public improvements and/or the recording of lots is to be phased;
- (6) In Mobile Home zoning districts, an evacuation plan is to be filed with the Wake County Office of Emergency Preparedness for all mobile home parks located within floodprone areas;
- (7) Any other information that may be requested by the reviewing authority.

(n) Below, provide a description of how your plan conforms to the guidelines of the Comprehensive Plan, including information such as Planning District, Small Area Plan, Corridor Plan, oversized focus area, PBOD, focus area and recommended use(s) for the property. **(NEW)**

SEE ATTACHED COMMENTS
FROM SP-1-08 SP.43.05



Certified Recommendation of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
219 Fayetteville Street
Raleigh, NC 27601
(919) 516-2626
www.raleigh-nc.org/planning/dprc

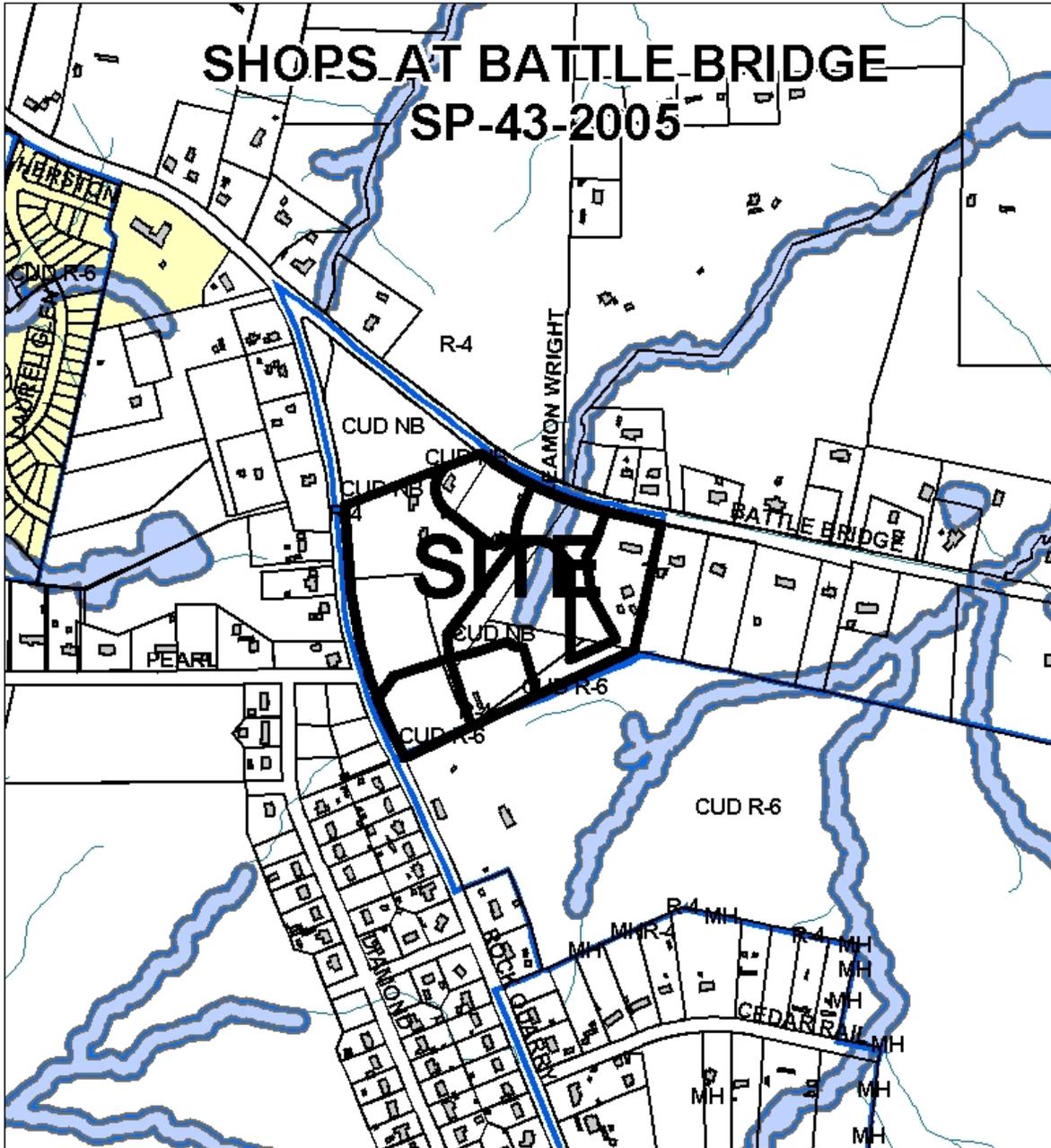
Case File / Name: **SP-43-05 Shops at Battle Bridge**

General Location: South East of the intersection of Battle Bridge Rd. and Rock Quarry Rd.

**Planning District
/ CAC:** South East / South East

Nature of Case: This is a proposed 93,205 S.F. shopping center on 24.57 acres. This plan proposes a mixture of office and retail uses that incorporate urban design guidelines. The site has been rezoned NB CUD

Contact: William Daniel LLC



SP-43-05 SHOPS AT BATTLE BRIDGE, 24.57 ACRES, 93,905 S.F. SHOPPING CENTER, ZONED NB CUD, SOUTHEAST PLANNING DISTRICT, SOUTHEAST CAC, PLANNER: J. MARAPOTI (919) 890-3467, APPLICANT CONTACT: WM. G. DANIEL & ASSOCIATE (919) 467-9708, NO DRAINAGE BASIN SUBMITTAL DATE 4/29/05



SUBJECT: SP-43-05 Shops at Battle Bridge

**CROSS-
REFERENCE:** Z-14-04

LOCATION: This site is located on the South East of the intersection of Battle Bridge Rd. and Rock Quarry Rd., not in the City Limits.

REQUEST: This request is to approve a 93,905 square foot shopping center on 24.57 acres site, zoned NB/CUD. This plan proposes a mixture of office and retail uses that incorporate urban design guidelines in accordance with the conditions of Z-14-05. This is a certified recommendation to the City Council because this is a shopping center less than 130,000 s.f. located within 400 feet of residential.

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 10-2042, 10-2124 and 10-2132.2 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 30 Jan 06, owned by Evergreen –Battle Bridge LLC, submitted by William G. Daniel and Associates.

**ADDITIONAL
NOTES:**

The plan proposes 6 parcels with 2 phases. Phase 1 includes the construction of Retail Buildings A, B, C on Parcel 3, and Restaurant Buildings I and H on Parcels 1 and 2. Phase 2 is comprised of Restaurant Buildings D, E Parcel 3 and Office Buildings F, G, 'future development' on parcel 5 and parcel 6 'future development'. A final phasing plan for infrastructure shall be approved with the submittal of a preliminary subdivision.

This plan requires DWQ approval for the detention pond disturbances. Stormwater will be handled by an onsite lot 5 ENGINEERED WETLAND which detains water to pre-developed rates. The DWQ letter is attached at end of this document.

Pursuant to rezoning conditions, a maximum of 100,000 square feet of gross building floor area shall be devoted to retail uses within the shopping center. The applicant has provided a retail allocation which has been reviewed by City Attorney and recorded as a restrictive covenant, in accordance with the zoning conditions. Subsequently, any future site plan development and subdivision must reflect the retail allocations per cap limit on recorded maps. The current Declaration is attached at the end of this document.

Additionally, this development shall be in compliance with the key elements of the City of Raleigh Urban Design Guidelines as depicted on the Neighborhood Center Core Area Plan as recommended by the Comprehensive Plan. This plan's circulation and building layout is in conformity with this Center Core Area

Plan. See attachment in regards to CP-30-04 memo and conformance to Urban Design Guidelines.

Finally, this plan was submitted prior to May 1, 2005 and is not subject to current Tree Conservation requirements. A preliminary subdivision plan will be submitted upon approval of preliminary site plan and will be subject to conditions of this approval. However 10% wooded area is required to be preserved per rezoning condition #5 and is provided on Parcel 4 and parcel 6.

To PC: 28 FEB 06

Case History:

To CC: 3/7/06

City Council Status: _____

Staff Coordinator: James Marapoti

Motion: Chambliss

Second: Walker

In Favor: Anderson, Baker, Bartholomew, Chambliss, Kane, Kuczmariski, Mallette, Mullins, Smith, Walker

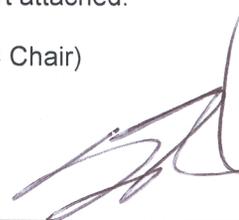
Opposed:

Excused: Everett

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)



date: _____ date: 3/2/06



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:** City Council Actions:

- (13) The City Council finds that this site plan meets the standards for approval of a preliminary site plan, Code Section 10-2132.2(d) and the conditions of rezoning case Z-14-04;
- (14) That the City Council approve by separate action an encroachment agreement to allow the special paving patterns at the public round-about and street trees planted in public right of way;

Planning Commission Actions:

- (15) That the Planning Commission finds that this site plan meets the standards for approval of a preliminary site plan, Code Section 10-2132.2(d) and the conditions of rezoning case Z-14-04;

Administrative Actions:

Prior to issuance of a grading permit for the site:

- (16) That as the developer has chosen to offset all or a portion of nitrogen export load limitations by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP), in accordance with nitrogen reduction requirements of Section 10-9022(c), this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Conservation Engineer;
- (17) The Forestry Specialist in the Inspections Department approves the tree protection plan and following installation inspects the tree protection fencing around all wooded areas on Parcel's 4 and 6 in accordance with zoning condition #5 (Z-14-04);
- (18) That a final stormwater management plan showing runoff controls, including a stormwater operations and maintenance manual and budget, be approved by the Conservation Engineer in the Public Works Department at time of permitting, or construction plan approval;

Prior to approval of construction drawings for public improvements:

- (19) That the location of off-site sanitary sewer easement be approved by the Public Utilities Department;

Prior to Planning Department authorization to record lots:

- (20) That all shared stormwater control measures, swales, wetlands, storm pipes, and facilities conveying, treating and storing stormwater to and from such stormwater control measures, shall be shown on the recording plats as private drainage easements;
- (21) 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 property owner association."
- (22) That a plat be recorded showing:
- (A) riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, along with a note stating: "Riparian buffers shown on this plat are subject to grading and vegetation removal restrictions in accordance with State law".
 - (B) A minimum 10% wooded area in accordance with zoning condition #5 of Z-14-04, known as the entirety of Parcel 4 and portion of Parcel 6.
- (23) That the City Attorney approves either homeowner/property owner association legal document prepared in accordance with Raleigh City Code Sections 10-3073-10-3074, and 10-9027(b), or drainage easement and this document be recorded with the County Register of Deeds. That as this development plan creates stormwater control measures that are to be shared among all lots, said stormwater control measures shall be owned and maintained by a property owner's association for which all lot owners shall be a member. The document shall contain the following provisions:
1. Common properties are defined to include stormwater control measures serving more than one lot, which are situated outside of the public street rights of way as well as any permanently protected undisturbed open space areas;
 2. A statement that stormwater control measures are to be maintained by the property owners' association in strict compliance with the stormwater operations and maintenance manual and budget approved by the Conservation Engineer as part of condition (6) above which shall be attached as an exhibit to the stormwater replacement agreement;
 3. Common expenses are defined to include the maintenance of stormwater control measures and funds required to be contributed to the Stormwater Replacement Agreement;
 4. A prohibition against land-disturbing activity, placement of impervious surface, removal of vegetation, encroachment, construction, or erection of any structure within permanently protected undisturbed open space areas except in accordance with a watercourse buffer permit first being issued by the City of Raleigh;
 5. A prohibition against amendments to the legal documents affecting stormwater control measures or the stormwater replacement fund without the prior written consent of the Raleigh City Attorney;

6. A warning statement that the stormwater control measures are required to comply with the Raleigh City Code, and the failure to maintain stormwater control measures is a violation potentially subjecting each lot owner to significant daily civil penalties and other enforcement actions.
 7. the right, privilege and easement in favor of the property owner's association, its agents and contractor, and all future lot owners of the property and their agents and contractors, to enter the recorded tree conservation areas of the property to perform any active tree preservation measures and to replant trees.
 8. Each lot owner shall be given the right to enforce protection and conservation measures for tree conservation areas and permanently protected undisturbed open space areas.
- (12) That as this subdivision shares stormwater control measures, the City form "Stormwater Replacement Protection Easement and Access Maintenance Agreement and Installment Replacement Contribution Contract" (Stormwater Replacement Agreement) by and between the Declarant, the Association, and the City of Raleigh shall be completed, signed and returned to the Conservation Engineer in the Public Works Department. A recorded copy of the Stormwater Replacement Agreement shall be given to the Conservation Engineer within fourteen days of recording the plat. No building permits will be issued for any lot until a recorded copy of the Stormwater Replacement Contract is provided to the Inspections Department;
 - (13) That two 15'x20' transit easements, with metes and bounds description, along Battle Bridge Rd Parcel 2 and along the private street with public vehicular access on Parcel 3 be shown on the plat for recording. That the City Attorney approves the transit easement deeds and that these deeds be recorded with the Wake County Register of Deeds;
 - (14) That all permanently preserved undisturbed open space (Parcel 4 and 6) used to meet the nitrogen reduction requirements of Part 10 Chapter 9 shall be labeled on recording plats. These plats shall include a note stating: "Within permanently preserved undisturbed open space areas used for stormwater treatment, there must not be any land disturbing activity, any placement of impervious surfaces, any tree removal, any new development or expansion thereof, or new use, construction, or encroachment without first obtaining a written watercourse buffer permit from the City of Raleigh Inspections Department."
 - (15) That the City Attorney approves a public vehicular access easement for the private driveways off Rock Quarry Rd. and off Battle Bridge Rd. allowing the City and motorists to use the private driveways to access the public street round-about;
 - (16) That an offer of cross access easement for two access points between the lot to the North BM 1956 PG 79 is recorded with the Wake County Register of Deeds in accordance with zoning conditions Z-14-04, and that a recorded copy of this document is provided to the Planning Department;
 - (17) That construction drawings be submitted to the Public Works Department and approved for all public right of way and infrastructure improvements, including stormwater;

- (18) That 10' of right of way along Battle Bridge Rd. and 15' of right of way along Rock Quarry Rd. be dedicated to the City of Raleigh, and a copy of the recorded plat be provided to the Site Review Specialist in the inspections department;
- (19) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;
- (20) That unity of development guidelines and sign criteria for this entire development are established and approved by the Planning Director;
- (21) That a note be placed on the recording maps stating, "that all development will be subject to unity of development guidelines on file with the Raleigh Planning Department";
- (22) That an application for encroachment into the public right-of-way for special sidewalk treatment, street trees and special paving patterns at the round-about is submitted to the City's Encroachment Coordinator in the Inspections Department for review. That the City Council approves, as a separate action, the encroachment request. That encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1022(a), is filed with the Inspections Department; the responsible party for maintaining the encroachments shall be the owner of Parcel 3 or a property owners' association;
- (23) That cross access and shared parking agreements between Parcels 1,2,3 5 and 6 are recorded with the County Register of Deeds, and that recorded copies of these documents are provided to the Planning Department within 14 days of lot recording authorization, that if recorded copies of these documents are not provided to the Planning Department within this 14 day period, further plat recording authorization and building permit issuance may be withheld;
- (24) That the City Attorney approve the off-site sanitary easement deeds;

Prior to issuance of building permits in the Inspections Department:

- (25) That an amended Declaration of Retail Use Restriction Plan (allocating 100,000 s.f. *future* retail use) be submitted to the City Attorney reflecting square feet allocated and remaining on this shopping center prior to any building permit review;
 - (26) That all the conditions of Z-14-04 are met;
 - (27) That the private streets with public vehicular access be constructed with eight (8) inches of CABC stone and two and one-half (2.5) inches of 1-2 surface pavement;
 - (28) That one low-profile ground sign be permitted for this development;
 - (29) That a final revised landscape plan be submitted for review to the Site Review Specialists in the Inspections Department;
-

ZONING:

ZONING

DISTRICTS: Ordinance N0(2004) 780ZC556; effective 9-21-04

1. **Z-14-04** – to the south of Battle Bridge Road, extending through to Rock Quarry Road. Approximately 23.54 acres rezoned to Neighborhood Business Conditional Use.

Conditions: 09/14/04

1. Vehicular access to abutting roads shall be limited to no more than two (2) full-movement driveways on Battle Bridge Road, and no more than two (2) full-movement driveways on Rock Quarry Road. One of the two full-movement driveways on Rock Quarry Road shall be located so as to align with the intersection of existing Pearle Road and Rock Quarry Road. All driveway accesses are subject to review and approval by the City of Raleigh and NCDOT.
2. A maximum of 100,000 square feet of gross building floor area shall be devoted to retail uses. Prior to any subdivision or division of the property, and in no event more than 45 days following the adoption of this zoning ordinance, the owner will record a restrictive covenant approved by the City Attorney or his deputy allocating this square footage of gross floor area of retail uses as defined in Raleigh City Code section 10-8002 to each lot or tract then in existence.
3. No single tenant building space shall exceed 50,000 square feet of gross building floor area.
4. Reimbursement for any required right-of-way dedication shall remain at the current R-4 value.
5. A minimum of 10% of the area of the site shall remain wooded.
6. A natural protective yard of 50' in width (as measured outward from the stream bank) will be provided adjacent to all streams on the property that are deemed to be subject to the Neuse River Basin Rules riparian buffer requirements.
7. A transitional protective yard of 25' (minimum) in width shall be provided adjacent to all adjoining residential properties other than those properties comprising Zoning Petition #Z-15-04.
8. All outdoor lighting fixtures shall be of full cut-off design and directed away from residential properties.
9. All structures on the property shall be limited to a height of 35', or two (2) stories.
10. All roofs shall be designed and constructed to present a pitched appearance with a minimum slope of 3V:12H.
11. Open-air stormwater facilities shall be designed as site amenities, and shall incorporate edge treatments and perimeter landscaping sufficient to avoid the need for fencing.
12. Any ground-mounted signs shall be of low-profile design.
13. The site shall be designed to provide vehicular and pedestrian interconnectivity with the properties immediately to the south (those properties comprising Zoning Petition Z-15-04).

14. The development of this site shall be in compliance with the key elements of the City of Raleigh Urban Design Guidelines as depicted on the Neighborhood Center Core Area Plan as recommended by the Comprehensive Plan.
15. Upon development of any portion of the property, the land owner will deed to the City of Raleigh at least two transit easements approved by the City of Attorney or his deputy at locations approved by the City Transportation Division.

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards of NB. Front yard = 30', rear yard = 0', front / rear aggregate = 30', side yard = 0'. This plan conforms to maximum height standards in this zoning district- 40'. Max building height is 35'

PARKING:

Off-street parking conforms to minimum requirements: 373 spaces required, based on 1 parking space per 250 sq. ft. of gross floor area. 479 spaces are provided. Drive-through facility contains stacking for vehicles, in compliance with Section 10-2081.

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. This is a high impact use under Section 10-2082.9. This plan is conforming to Condition 11 of Z-14-04 in regards to creating an amenity with the open-air stormwater facilities, by incorporating edge treatments and perimeter landscaping sufficient to avoid the need for fencing. This plan is proposing street trees to be planted between the sidewalk and back of curb per urban design guidelines require an encroachment agreement from the City Council. Transitional protective yards are shown in compliance with City standards in the following locations. Property to the North is currently a vacant use so ½ type B yard proposed.

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
North	½ Type B	15"

TREE CONSERVATION:

Pursuant to rezoning Z-14-04Condition 5, this plan is required to preserve 10% or 2.45 acres of wooded area (Parcel 4 and 6). This plan is proposing an aggregate of 10.22% or 2.46 acres. These 2.46 acre open space wooded areas will be recorded with metes and bounds and protected with tree protection measures through out construction process. This development was submitted prior to May 1, 2005 and the City's Tree Conservation Ordinance is not applicable.

DEVELOPMENT INTENSITY:

This plan is proposing 93,905 sq. ft., the rezoning conditions allows for a maximum of 100,000 s.f. which allows future out parcels to construct up to 6,095 s.f. of retail.

PHASING:

Phase I to include construction of Retail Buildings A, B and C on Parcel 3 and Restaurant Buildings I and H on Parcels 1 and 2. Phase 2 is comprised of Restaurant Buildings D, E and Office Buildings F, G and 'future development'. A final phasing plan for infrastructure shall be approved with the submittal of a preliminary subdivision.

UNITY OF DEVELOPMENT:

Unity of development and sign criteria are required in this development. A unity of development plan must be approved by the Planning Director prior to the

issuance of any permits on these lots. Sign criteria is to be approved by the Inspections Department prior to permit issuance. One ground sign permitted for this shopping center.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is no greenway on this site.

**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.
Battle Bridge Rd.	½ 80'	½ 53'	N/A
Rock Quarry Rd.	½ 90'	½ 65'	N/A

Additional right-of-way to be dedicated is reimbursable under R-4 rates per zoning condition 4. This plan is proposing to dedicate .30 acres along Battle Bridge Rd. and .57 acres along Rock Quarry Rd.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: two 15'x20' stops, one Battle Bridge Rd. and one on the internal private street with public vehicular access. This site is presently not served by the existing transit system.

URBAN FORM: This site is located in the SE Planning District. This development shall be in compliance with the key elements of the City of Raleigh Urban Design Guidelines as depicted on the Neighborhood Center Core Area Plan as recommended by the Comprehensive Plan

**APPEARANCE
COMMISSION:** The Appearance Commission had no additional comments for this plan.

**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 developer is responsible for installation of all lines necessary to provide service to this site.

SOLID WASTE: Refuse collection will be provided by a private contractor and shall meet the standards of the Solid Waste Collection Manual.

- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. To comply with zoning condition number 13 of Z-14-04, inter-connective with the Parcel to the North is achieved with cross access; inter-connective with the Parcel to the south is achieved with a public street
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. Sidewalks are required along Battle Bridge Rd., Rock Quarry and along both sides of the proposed public road.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER MANAGEMENT:** Stormwater to be handled by a shared ENGINEERED WETLAND located on Lot 5 that detains water to pre-developed rates. The wetland pond is an amenity in accordance with zoning condition number (11).
- WETLANDS / RIPARIAN BUFFERS:** DWQ is allowing impact to noted 50' Neuse River Buffer.
- 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.

DWQ APPROVAL LETTER DATED 24
JAN 06 (ADDENDUM 1)



Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources
Alan W. Klimek, P.E. Director
Division of Water Quality

January 24, 2006

DWQ EXP # 06-0001
Wake County

Evergreen-Battle Bridge LLC
Attn: Mr. Fred Williams
422 Aiken Hunt Circle
Columbia, SC 29223



Subject Property: **Shoppes at Battle Bridge**
UT to Neuse River [27-(22-5), C NSW]

Approval of 401 Water Quality Certification with Additional Conditions-Express Review Program

Dear Mr. Williams:

You have our approval, in accordance with the attached conditions and those listed below, to place fill within or otherwise impact 8,768 square feet (ft²) of Zone 1 of the protected riparian buffers, 7,109 square feet (ft²) of Zone 2 of the protected riparian buffers, 0.036 acres of wetlands and 38 linear feet of stream to construct the proposed Shoppes at Battle Bridge project, as described within your application dated and received by the N.C. Division of Water Quality (DWQ) on January 12, 2006 and all additional information, including the revised stormwater wetland design calculations submitted and received by the DWQ on January 19, 2006. After reviewing your application, we have decided that the impacts are covered by General Water Quality Certification Number 3402 (GC3402). The Certification allows you to use Nationwide Permit 39 and Nationwide Permit 18 when issued by the US Army Corps of Engineers (USACE). In addition, you should obtain or otherwise comply with any other required federal, state or local permits before you go ahead with your project including (but not limited to) Erosion and Sediment Control and Non-discharge regulations. **Also, this approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 or CAMA Permit.**

This approval is for the purpose and design that you described in your application and revised stormwater wetland design calculations. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter and is thereby responsible for complying with all conditions. If total fills for this project (now or in the future) exceed one acre of wetland or 150 linear feet of stream, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h). **This approval requires you to follow the conditions listed in the attached certification and any additional conditions listed below.**

401 Oversight / Express Review Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27604
Phone: 919-733-1786 / FAX 919-733-6863 / Internet: <http://h2o.enr.state.nc.us/ncwetlands>

One North Carolina
Naturally

An Equal Opportunity/Affirmative Action Employer - 50% Recycled/10% Post Consumer Paper

Shoppes at Battle Bridge
Page 2 of 5
January 24, 2006

The Additional Conditions of the Certification are:

1. *Impacts Approved*

The following impacts are hereby approved as long as all of the other specific and general conditions of this Water Quality Certification and Riparian Area Authorization are met. *No other impacts are approved including incidental impacts:*

	Amount Approved (Units)	Plan Location or Reference
Stream	38 (feet)	Page 5 of the PCN
404 Wetlands	.036 (acres)	Page 4 of the PCN
Buffers	Zone 1: 8,768 (sq. feet) Zone 2: 7,109(sq. feet)	Page 8 of the PCN

2. *Compensatory Buffer Mitigation Using NC EEP*

You are required to mitigate for impacts to the protected riparian buffers. The required area of mitigation to compensate for impacts to the protected riparian buffers is 27,413 square feet as required under this Authorization Certificate and 15A NCAC 2B .0233(10) (*buffer mitigation rule*). We understand that you wish to make a payment into the Riparian Buffer Restoration Fund administered by the NC Ecosystem Enhancement Program (EEP) to meet this mitigation requirement. This has been determined by the DWQ to be a suitable method to meet the mitigation requirement. In accordance with 15A NCAC 2B .0233(10) (*buffer mitigation rule*), this contribution will satisfy our compensatory mitigation requirements under 15A NCAC 2B .0233(10) (*buffer protection rule*). Until the EEP receives and clears your check (made payable to: DENR – Ecosystem Enhancement Program Office), no impacts specified in this Authorization Certificate shall occur. The EEP should be contacted at (919) 733-5208 if you have any questions concerning payment into the Riparian Buffer Restoration Fund. You have one month from the date of this approval to make this payment. **For accounting purposes, this Authorization Certificate authorizes payment into the Riparian Buffer Restoration Fund to compensate for 27,413 ft² of required riparian buffer mitigation for impacts to 12,066 ft² of protected riparian buffers; 03-04-02 river and subbasin.**

3. *Erosion & Sediment Control Practices*

Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:

- a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
- b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.

- c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
- d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.

4. *Protective Fencing*

The outside wetland or water boundary and along the construction corridor within these boundaries approved under this authorization shall be clearly marked with orange warning fencing (or similar high visibility material) for the areas that have been approved to infringe within the wetland or water prior to any land disturbing activities to ensure compliance with GC 3402 and the Neuse Buffer Rules.

5. *Construction Stormwater Permit NCG010000*

Upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program, an NPDES General stormwater permit (NCG010000) administered by DWQ is automatically issued to the project. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. If your project is covered by this permit [applicable to construction projects that disturb one (1) or more acres], full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required. A copy of this permit and monitoring report forms may be found at http://h2o.enr.state.nc.us/sw/Forms_Documents.htm. ***Please note that if Parcel 4 or any other portion of this project will be developed in the future, a sediment and erosion control plan will need to be submitted to DLR or a DLR delegated local erosion and sedimentation control program. Upon approval of the sediment and erosion control plan for any additional portion of this project, an NPDES General stormwater permit administered by DWQ is automatically issued to the project.***

6. *No Waste, Spoil, Solids, or Fill of Any Kind*

No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the Pre-Construction Notification. All construction activities, including the design, installation, operation, and maintenance of sediment and erosion control Best Management Practices, shall be performed so that no violations of state water quality standards, statutes, or rules occur.

7. *No Sediment & Erosion Control Measures w/n Wetlands or Waters*

Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored within two (2) months of the date that the Division of Land Resources has released the project.

Shoppes at Battle Bridge
Page 4 of 5
January 24, 2006

8. *No Impacts to Zone 1*

No impacts shall occur to Zone 1 of the protected riparian buffers (except for uses and activities designated as "exempt" within 15A NCAC 02B .0233), unless otherwise approved by DWQ.

9. *Written Stormwater Management Plan*

The final, written stormwater management plans (including a signed and notarized Operation and Maintenance Agreement) dated January 11, 2006 and the amended design specifications dated January 19, 2006, must be implemented and the stormwater management facilities shall be constructed and operational before any permanent building is occupied at the subject site. The structural stormwater practices as approved by this Office as well as drainage patterns must be maintained in perpetuity. No changes to the structural stormwater practices shall be made without written authorization from the Division of Water Quality.

10. *Certificate of Completion*

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return the attached Certificate of Completion to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650.

11. *Water Quality Certification*

The proposed project must comply with all the conditions of general Water Quality Certification (GC) 3402.

12. *Notification of Construction*

The applicant and/or authorized agent shall contact the DWQ Express Review Program in writing at the letterhead address within ten (10) days of the commencement of construction.

13. *Deed Restriction*

The DWQ understands that the portion of the property labeled as "Parcel 4: Permanent Open Space/Tree Save Area" on plan sheet CS-2 dated April 29, 2005; will remain forested land in perpetuity. A deed restriction or similar mechanisms shall be placed on this area. A signed and notarized original of this deed restriction and two copies are required by this Office prior to impacting any wetlands or waters authorized by this written approval.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. The authorization to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application and as authorized by this Certification, shall expire upon expiration of the 404 or CAMA Permit.

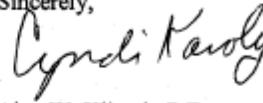
If you do not accept any of the conditions of this Certification (associated with the approved wetland or stream impacts), you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative

Shoppes at Battle Bridge
Page 5 of 5
January 24, 2006

Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This certification and its conditions are final and binding unless you ask for a hearing.

This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please telephone Cyndi Karoly at 919-733-9721 or Cynthia F. Van Der Wiele at 919-715-3473 in the Central Office in Raleigh.

Sincerely,


for Alan W. Klimek, P.E.

AWK/asc/cvdw

Enclosures:

Certificate of Completion
Water Quality Certification N^o. 3402
NC EEP Notification

cc: USACE Raleigh Regulatory Field Office
DWQ Raleigh Regional Office
NC EEP
City of Raleigh, Attn: Bill Brower; Construction Engineering; 222 West Hargett Street; PO
Box 590; Raleigh, NC 27602
Bob Zarzecki, S&EC, 11010 Raven Ridge Road; Raleigh, NC 27614
File Copy
Central Files

Filename: 060001ShoppesatBattleBridge(Wake)EXP+401



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Michael F. Easley, Governor

William G. Ross, Jr., Secretary
Alan W. Klimek, P.E., Director

NORTH CAROLINA DIVISION OF WATER QUALITY
401 Water Quality Certification and Neuse Buffer Authorization
Summary of Permitted Impacts and Mitigation Requirements

In accordance with 15A NCAC 2H.0500, *Evergreen-Battle Bridge, LLC* has permission as outlined below to impact 38 linear feet of streams, 0.036 acres of wetlands, and 12,066 square feet of protected riparian buffer for the purpose(s) of constructing the proposed infrastructure improvements associated with Shoppes at Battle Bridge in Wake County. All activities associated with these authorized impacts must be conducted with the conditions listed in the attached transmittal letter. THIS CERTIFICATION AND BUFFER AUTHORIZATION IS NOT VALID WITHOUT THE ATTACHMENTS.

COMPENSATORY MITIGATION REQUIREMENTS—NC ECOSYSTEM ENHANCEMENT PROGRAM (NC EEP)

DWQ Project No: EXP 06-0001
LOCATION: Shoppes at Battle Bridge
COUNTY: Wake
BASIN/ SUB BASIN/ INDEX: 03-04-02/ [27-(22.5)]

As required by 15A NCAC 2H.0500, and the conditions of this General Certification and Neuse Buffer Authorization, you are required to compensate for the above impacts through the restoration, creation, enhancement or preservation of surface waters and riparian buffers as outlined below prior to conducting any activities that impact or degrade the waters of the state.

Note: Acreage requirements proposed to be mitigated through the Ecosystem Enhancement Program must be rounded to one-quarter acre increments; linear foot requirements must be rounded up to the nearest foot according to 15A NCAC 2R.0503(b).

<i>Impacts:</i>	<i>Mitigation:</i>
38 linear feet of streams	27,413 square feet of riparian buffer
0.036 acres of wetlands	
12,066 square feet of riparian buffer	

One of the options you have available to satisfy the compensatory mitigation requirement is through the payment of a fee to the NC EEP per 15A NCAC 2R.0503. If you choose this option, please sign this form and mail it to the Ecosystem Enhancement Program at the address below. An invoice for the appropriate amount of payment will be sent to you upon receipt of this form. PLEASE NOTE, THE ABOVE IMPACTS ARE NOT AUTHORIZED UNTIL YOU RECEIVE NOTIFICATION THAT YOUR PAYMENT HAS BEEN PROCESSED BY THE ECOSYSTEM ENHANCEMENT PROGRAM.

Signature: _____ Date: _____

ECOSYSTEM ENHANCEMENT PROGRAM
1619 Mail Service Center
RALEIGH, N. C. 27669-1619
(919) 733-5208

401 Wetlands Certification Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27604
Phone: 919-733-1795 / FAX 919-733-6893 / Internet: <http://h2o.enr.state.nc.us/hcwetlands>

An Equal Opportunity/Affirmative Action Employer - 50% Recycled/10% Post Consumer Paper



Retail Declaration of Retail Use
Dated 13 Jan 06

BK011774PG01087

WAKE COUNTY, NC 489
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
01/13/2006 AT 15:36:33

BOOK:011774 PAGE:01087 - 01091

STATE OF NORTH CAROLINA : DECLARATION OF
COUNTY OF WAKE : RETAIL USE RESTRICTION

Prepared by ~~and return to:~~ Brent M. Milgrom, Jr. of
Parker, Poe, Adams & Bernstein,
401 South Tryon Street
Ste. 3000
Charlotte, NC 28202

Return TO: MANNING, FULTON & SKINNER, P.A. (ARC 61133)

THIS DECLARATION OF RETAIL USE RESTRICTION ("Declaration"), made as of this the 30 day of November, 2005, by RHP Investments, LLC., a North Carolina limited liability company ("RHP") and Evergreen - Battle Bridge, LLC, a North Carolina limited liability company ("Evergreen").

WITNESSETH:

WHEREAS, Evergreen is the owner of Lots 1 and 2 as shown on that certain plat of survey prepared by Griffin Land Surveying, Inc. entitled "George Rose Builder, Inc.", dated November 1, 2004, which plat is recorded in Book of Maps 2004, page 2243 and as re-recorded in Book of Maps 2005, Page 245 in the Wake County Public Registry (the "Subdivision Plat");

WHEREAS, RHP is the owner of Lots 3, 4 and 5 as shown on the Subdivision Plat;

WHEREAS, effective September 21, 2004, pursuant to the City of Raleigh ("City") Zoning Case Z-14-04, Lots 1-5 (collectively, the "Lots" and each, a "Lot") were rezoned to Neighborhood Business Conditional Use ("Rezoning");

WHEREAS, the Rezoning allows a maximum of 100,000 square feet (the "Permitted Retail Square Footage") of gross building floor area located upon the Lots to be devoted to retail uses as defined in Raleigh City Code Section 10-8002 ("Retail Uses"); and

WHEREAS, condition number two (2) of the Rezoning requires the owners of the Lots to record a restrictive covenant allocating the Permitted Retail Square Footage among the Lots.

NOW, THEREFORE, in consideration of the Rezoning, RHP and Evergreen hereby establish this Declaration in compliance with condition number two (2) of the Rezoning:

1. Retail Square Footage Restrictions.

(a) A maximum of 64,114 square feet of gross building floor area devoted to Retail Use may be located upon Lot 1;

(b) A maximum of 12,255 square feet of gross building floor area devoted to Retail Use may be located upon Lot 2;

(c) A maximum of 9,881 square feet of gross building floor area devoted to Retail Use may be located upon Lot 3;

(d) A maximum of 10,000 square feet of gross building floor area devoted to Retail Use may be located upon Lot 4; and

(e) A maximum of 3,750 square feet building floor area devoted to Retail Use may be located upon Lot 5.

2. Restrictions Run With the Land. The restrictions set forth in Section 1 above shall run with the title to the Lots and be binding upon future Lot owners and shall be enforceable by each Lot owner and the City.

3. Reallocation of Permitted Retail Square Footage. The owner of a Lot to which Permitted Retail Square Footage is allocated may reallocate all or a portion of its previously-allocated Retail Square Footage to one of the other Lots provided that an amendment to this Declaration executed by the City and by the owner(s) of the Lots effecting the reallocation. For the sake of clarity, the owner(s) of the remaining Lots which are not reallocating Retail Square Footage need not join into the amendment.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Evergreen and RHP have executed this Declaration effective as of the day and year first above written.

RHP INVESTMENTS, LLC, a North Carolina limited liability company

By: *George M. Rose*
George M. Rose, Manager

STATE OF NORTH CAROLINA

COUNTY OF ~~WAKE~~ Cumberland

I, Serriah B. Womble, a Notary Public of Cumberland County, State of North Carolina, certify that George M. Rose, personally came before me this day and acknowledged that he/she is Manager of RHP INVESTMENTS, LLC, a North Carolina limited liability company, and that he/she, in such capacity and being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official stamp or seal this 28th day of November, 2005.



Serriah B. Womble
Notary Public
Print Name: Serriah B. Womble
[Note: Notary Public must sign exactly as on notary seal]
My Commission Expires: July 28, 2009

[NOTARY SEAL] (MUST BE FULLY LEGIBLE)



CLT 917558v3

EVERGREEN-BATTLE BRIDGE, LLC,
a North Carolina limited liability company

By: Steven L. Sexton
Print Name: STEVEN L. SEXTON
Title: Manager

STATE OF NC

COUNTY OF Forsyth

I, Christine H. Smith, a Notary Public of Forsyth County and State of NC, do hereby certify that Steven L. Sexton personally came before me and acknowledged that he/she is Manager of **EVERGREEN-BATTLE BRIDGE, LLC**, a North Carolina limited liability company, and that by authority duly given and as the act of the limited liability company, the foregoing instrument was signed in its name by its Manager.

Witness my hand and notarial seal, this the 23rd day of November, 2005.

Christine H. Smith

Notary Public
Print Name: Christine H. Smith
[Note: Notary Public must sign exactly as on notary seal]

My Commission Expires: 3/8/2008



☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)

URBAN DESIGN GUIDELINES CHECKLIST FOR KEY ELEMENTS

Mixed Use Centers

2.2 Elements

- All Mixed Use Centers provide retail (such as eating establishments, food stores and banks and residential uses within walking distance of each other. The core should provide office, convenience and personal service retail complying with maximum sizes for single establishments in the Retail use Guidelines of the Comp Plan. Village Centers may also provide entertainment uses.

See page 8 of Urban Design Guidelines for Mixed-Use Neighborhood and Village Centers

Staff Response: Complies, however not providing residential.

2.3 Transition to Surrounding Neighborhoods

- Building heights are greatest in the core and transition to lower heights outward from the Core to the boundary of the Mixed Use Center. Buildings at the Edge are comparable in height and massing to the adjacent and nearby properties as well as surrounding neighborhoods.

See page 10 of Urban Design Guidelines for Mixed-Use Neighborhood and Village Centers

Staff Response: Complies, through the preservation of tree preservation areas.

2.4 Blocks, Streets and the Corridor

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

Staff Response: Overall layout complies with the road network shown on the CP-30-04 exhibit.

- Streets interconnect with development and with adjoining development. Cul-de-sacs and dead ends are discouraged. Streets are planned in accordance with City regulations and Plans.

Staff Response: Overall layout complies with the road network shown on the CP-30-04 exhibit.

- Block faces have a length not exceeding 660'.

Staff Response: Plan complies.

SITE DESIGN

3.1. Building placements

- To establish objectives of urban architecture and landscape design, streets are lined by buildings rather than parking lots, establishing physical definition of streets and public spaces as places of shared use.

Staff Response: Plan complies.

- Buildings are located within 25' of curb with off street parking behind or besides building.

Staff Response: Plan complies.

- If located at a street intersection, main buildings or portions of are placed at the corner. Parking, loading or service areas are not located at the intersection.

Staff Response: Plan complies.

3.2. Urban Open Space

- Open space is located where it is visible and accessible from public areas such as building entrances and sidewalks, ensuring that open space is well used.

Staff Response: Plan proposing public areas located adjacent to building entrances.

- Urban open spaces contain direct access from the adjacent streets. They are open along the adjacent sidewalks and allow for multiple points of entry. They are also visually permeable from the sidewalk, allowing passerby to see directly into the space.

Staff Response: Plan proposing public areas located adjacent to building entrances. A central plaza is located in Phase 2.

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

Staff Response: Plan complies

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

Staff Response: Central location on Phase 2 and wider sidewalks in Phase 1.

3.3 Public Seating 6. Transit

- Public spaces provide for seating opportunities.

Staff Response: Potential areas but not designated.

3.7 Pedestrian, bicycle amenities

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

Staff Response: Bicycle amenities provided.

3.10 Automobile Parking

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

Staff Response: Parking lots are broken up appropriately, however providing large parking area to sustain grocery.

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

Staff Response: Plan does not comply

3.11 Parking Structures

- Parking structures are important and necessary elements of urban infrastructure. New structures contain the same level of materials and finishes as that a principal building would.
Staff Response: Not applicable.

3.12 Transit Stops

- Appropriate building densities and land uses are within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile. Transit stops are a basic element in any mixed-use development and is integrated functionally and architecturally.
Staff Response: Plan is providing 2 transit stops.
- Convenient, comfortable pedestrian access between transit stops and building entrances are planned as part of the overall pedestrian network.
Staff Response: Plan providing ample sidewalk connections through out site linking w/ stops.

3.13 Environmental Protection

- The development respects natural resources. Sensitive areas, such as areas with slopes in excess of 15% for watercourses, floodplains are acknowledged and development in these areas is minimized. Where practical these features are conserved as open space amenities and incorporated into the overall site design.
Staff Response: No slopes greater than 15%. Mitigated wetland areas.

STREET DESIGN

4.1 Street Design Principles

- Streets are designed to be pedestrian oriented, as integral parts of the designed community. A network of streets is provided dispersing traffic and providing connectivity. A network of sidewalks and bicycle lanes are located within the right of way and provide an attractive and safe mode of travel for cyclists and pedestrians. These apply to all streets up to an including thoroughfares, particularly those that enter the Mixed Use Center.
Staff Response: Plan complies with the layout of the core plan presented as CP-30-04.
- Sidewalks are a minimum of 5' to 8' in width and located on both sides of the street. Sidewalks in commercial areas are a minimum of 12-16' in width to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.
Staff Response: Sidewalks vary from 5'-25' in widths.
- Streets are designed with street trees planted in manner appropriate with their function. Commercial streets are designed with street trees that compliment the face of the buildings and provide a shade canopy for the pedestrian. Residential streets incorporate street trees to provide shade and a visual buffer from the street. Typical planting width is 6-8', tree size meeting minimum of 6-1/4" caliper and consistent with City landscaping, lighting and street site distance requirements.
Staff Response: Plan proposing street trees planted behind back of curb and sidewalk. Trees planted through out plan to break up massing of building and provide scale to pedestrians.

4.2 Special definition

- Buildings establish spatial definition. This is achieved with architectural elements with an appropriate height to width ratio. A 1:6 height to width ratio is the minimum for this definition with an average ration of 1:3.
Staff Response: Does not conform.

BUILDING DESIGN

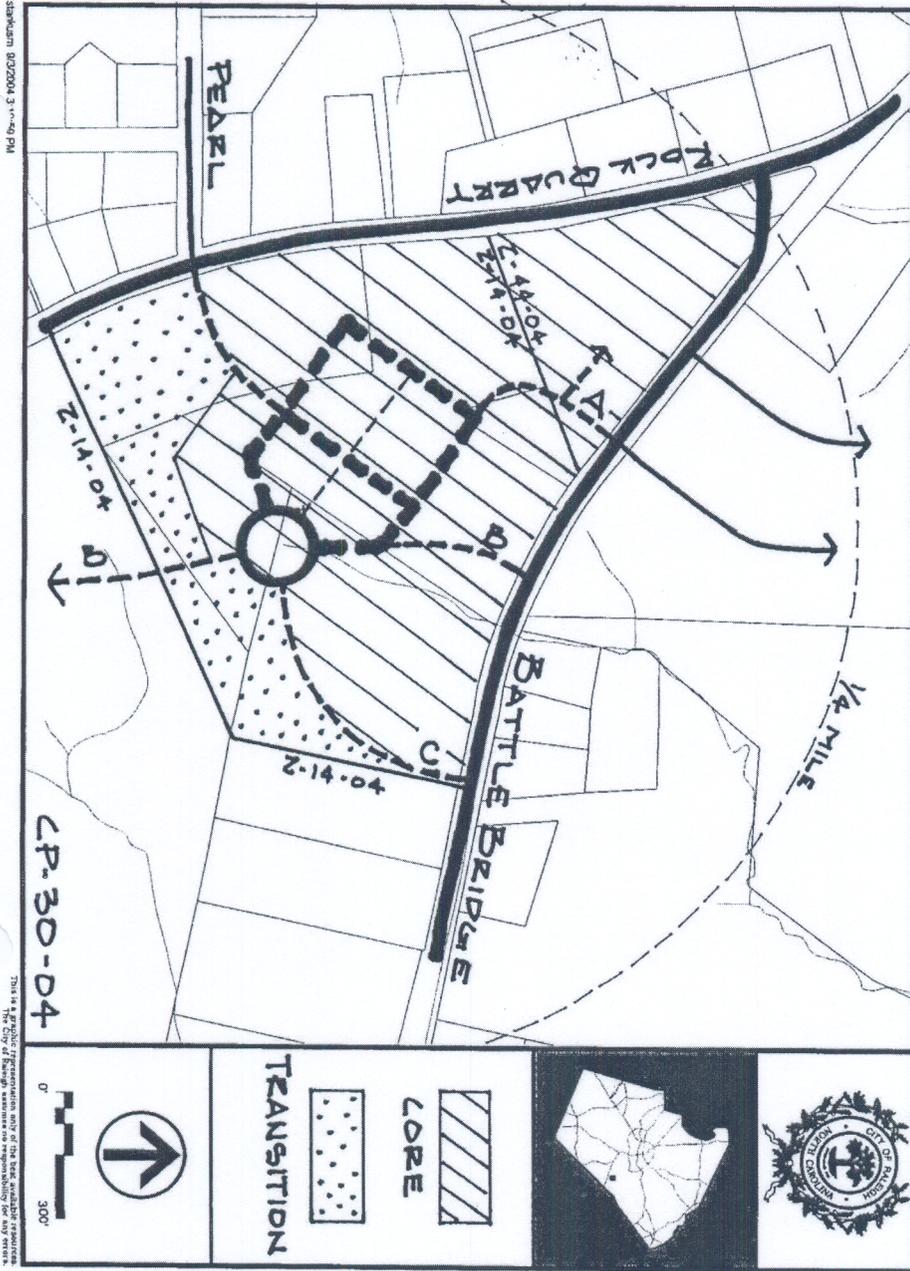
5.4 Façade Treatment

- Primary building entrance is architecturally and functionally designed on the front façade of the building facing the primary public street. The entrance is designed to convey prominence on the fronting façade.
Staff Response: Plan conforms
- The ground level of the building offers pedestrian interests along the sidewalks and paths, including windows, entrances and architectural detail. Signage, awnings and ornamentation are encouraged.
Staff Response: Plan conforms

5.5 Street Level Activity

- The sidewalks remain the principal place of pedestrian movement and casual social interaction. Designs and uses are complementary of that function.
Staff Response: Plan conforms

CONCEPT SKETCH



Stippling B022004 3-1-04 PM

CP-30-04

This is a public representation only of the best available information. The City of Memphis assumes no responsibility for any errors.



CORE



TRANSITION





City of Raleigh Planning Department

Memo

To:
Planning Commission

From:
Martin Stankus
Strategic Planner

Date:
9-14-04

Subject:
CP-30-04 Rock
Quarry/Battle Bridge
Neighborhood Center

The approval of Z-14-04 and Z-44-04 includes an amendment to the Southeast District of the Comprehensive Plan to shift the location of a designated and undeveloped Neighborhood Center to the quadrant of land located between Rock Quarry Road and Battle Bridge Road.

Along with the designation of the Neighborhood Center, the manner in which the Urban Design Guidelines are to be applied must be described with the Comprehensive Plan amendment. The following language is recommended:

- The Core Area will focus on several proposed intersecting streets and a traffic circle on the interior of the tract of land southeast of the intersection and between Rock Quarry Road and Battle Bridge Road as illustrated on the attached map.
- The retail component of the Core Area is recommended to include 15 acres and not to exceed 130,680 square feet in building area.
- The site, street, and building design recommendations of the Urban Design Guidelines shall apply to an extension of Pearl Road east of Rock Quarry Road as well as to Streets A, B, and C that extend west off Battle Bridge Road and intersect on the tract interior to establish the focus of the Core Area. Within the focus of the Core Area, the streets illustrated with a bold line on the attached map shall be designed as Secondary Pedestrian Ways as detailed in Figure 14b. of the Guidelines for Mixed-Use Centers in the Streets, Sidewalks, and Driveway Access Handbook and shall include on-street parking where not in conflict with transportation objectives.
- Beyond the focus of the Core Area, Streets A, B, C, and Pearl Road extension as well as a street extension north off Street A into the Z-44-04 site shall be designed according to Figure 14a. in the Streets, Sidewalks, and Driveway Access Handbook with on-street parking where appropriate.
- The Transition Area begins south of Pearl Road extension and Street C as shown on the attached map. Street B extends south from the traffic circle as a transitional street to the proposed residential area. A development transition using architectural design, height, and massing shall be incorporated throughout the Transition Area.
- Appropriate commercial uses in the Transition are office and *retail sales-personal services*. A transition in housing density shall also be provided with the highest densities occurring in the Core.
- The Urban Design Guidelines do not apply to the frontage of the Neighborhood Center on Rock Quarry Road and Battle Bridge Road. This area shall include landscape buffers adjacent to parking lots. Buildings shall be used to frame the intersection of Pearl Road extension as well as Streets A, B, and C with the adjacent thoroughfares.