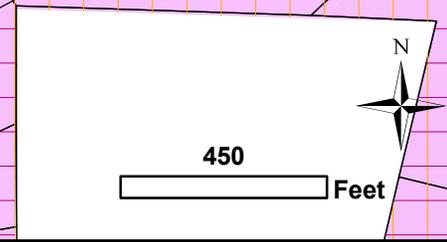
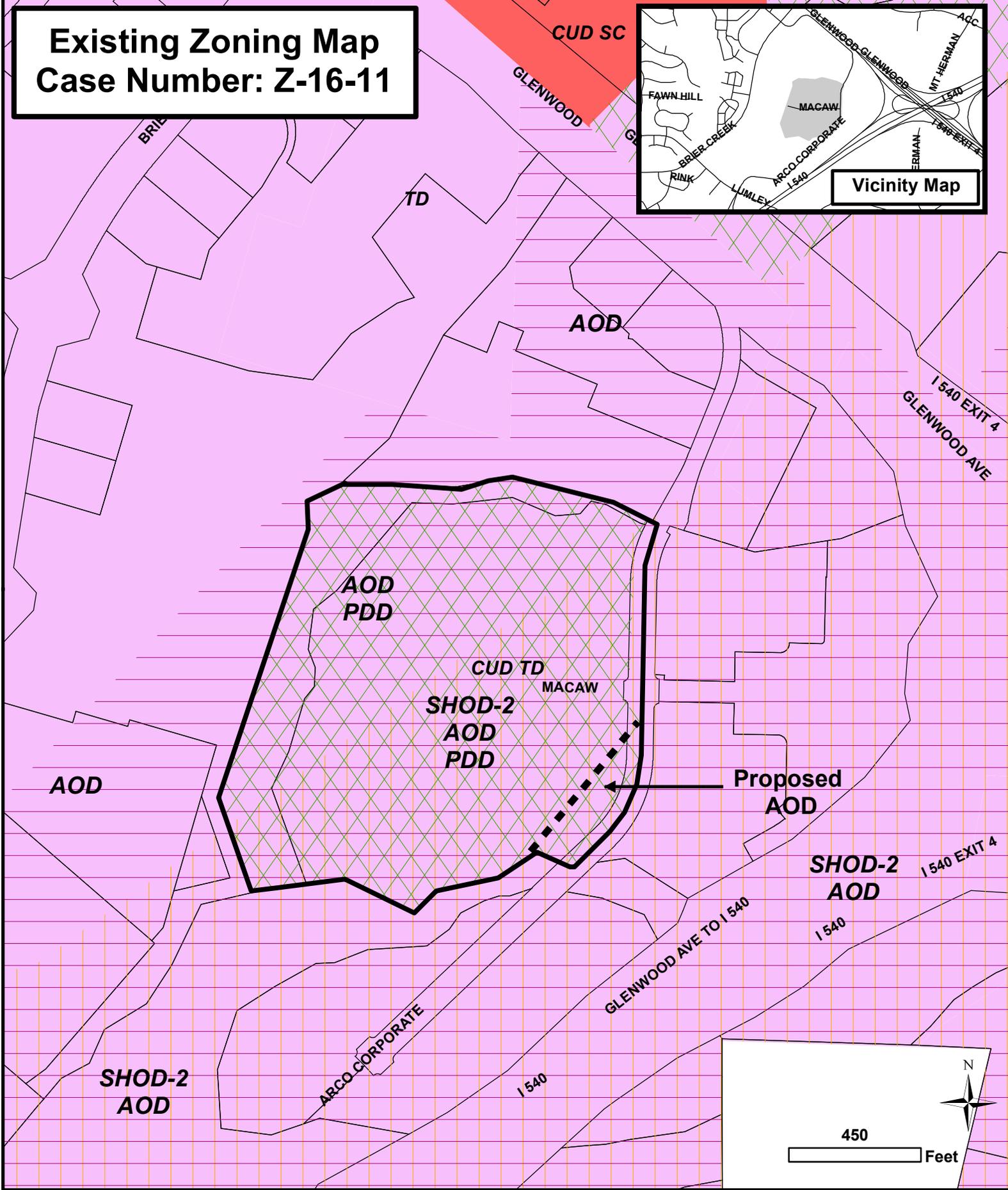
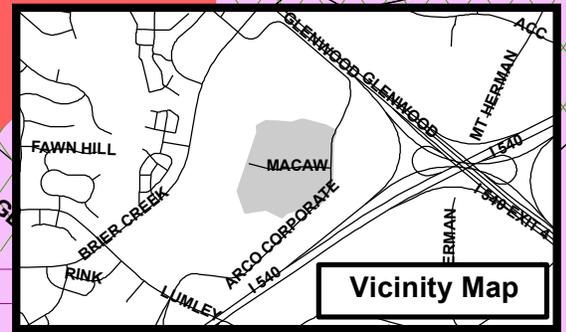


Existing Zoning Map Case Number: Z-16-11



Request:

38.53 ac to amend TDCUD w/ SHOD-2, AOD & PDD

City of Raleigh Public Hearing
October 18, 2011
(May 31, 2012)

	4. Noise disclosure. 5. Maximum number of residential units per lot. 6. Limitation on number of additional trips generated.
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Issues and Impacts

<i>Outstanding Issues</i>	1. Proposal is not consistent with Policy UD 7.3 Design Guidelines. Length of block along Macaw St. exceeds 660 feet.	<i>Suggested Conditions</i>	1. Amend Master Plan to be consistent with applicable policies.
<i>Impacts Identified</i>	1. None	<i>Proposed Mitigation</i>	1. Applicant has mitigated potential impacts through zoning conditions.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
6/16/11	10/18/11	Date: Action	5/22/12: Approved

Valid Statutory Protest Petition

Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and recommends that this case be approved in accordance with zoning conditions dated May 22 nd , 2012 and corresponding Master Plan dated May 11 th , 2012.
<i>Findings & Reasons</i>	<ul style="list-style-type: none"> • The request is consistent with the guidelines set forth in the Comprehensive Plan. The Future Land Use Map designates this area as being appropriate for Regional Mixed Use. The proposed zoning and Master Plan are consistent with this designation. • The proposal is reasonable and in the public interest. The applicant has provided several zoning conditions that mitigate impacts associated with the request. Amending the Master Plan as proposed will have no additional impact on surrounding infrastructure. The introduction of residential within this Master Plan will help ensure a more diverse mix of uses, and provide the applicant more flexibility in the development of this property. • The proposal is consistent and compatible with the surrounding area. Located between office and hotel uses to the east, and Brier Creek Shopping Center to

	the west, this site is ideal for a mixed use pedestrian oriented development. The property is also located near the major highway intersection of Glenwood Avenue and Interstate 540 making higher intensity uses compatible and appropriate.
<i>Motion and Vote</i>	<p>Motion: Harris Edmisten Second: Haq Excused: Fluhrer</p> <p>In Favor: Butler, Buxton, Fleming, Mattox, Harris Edmisten, Haq, Schuster, Sterling Lewis</p>

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 attached Staff Report.

	Date		Date
Planning Director		Planning Commission Chairperson	5/22/12

Staff Coordinator: Stan Wingo stan.wingo@raleighnc.gov



Zoning Staff Report

Z-16-11/ MP-2-11

Planned Development District

Request

<i>Location</i>	West of the intersection of Glenwood Avenue and I-540, along Arco Corporate Drive at Macaw Street.
<i>Request</i>	Amend PDD and AOD on property with base zoning of TD CUD with SHOD-2.
<i>Area of Request</i>	38.53 acres
<i>Property Owner</i>	Brier Creek Corporate Center Associates
<i>PC Recommendation Deadline</i>	May 31, 2012

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	TD CUD	TD CUD
<i>Additional Overlay</i>	SHOD-2, AOD, PDD	SHOD-2, AOD, PDD
<i>Land Use</i>	Vacant	Mixed Use
<i>Residential Density</i>	Residential not permitted	600 dwelling units

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	TD, AOD	TD CUD, SHOD-2, AOD	TD CUD, SHOD-2, AOD	TD, AOD
<i>Future Land Use</i>	ORD, PPOS	ORD, PPOS	ORD	RMU, PPOS
<i>Current Land Use</i>	Office	Office	Hotels, Office	Retail, Commercial

Comprehensive Plan Guidance

<i>Future Land Use</i>	Regional Mixed Use
<i>Area Plan</i>	None
<i>Applicable Policies</i>	Policy LU 1.3 Conditional Use District Consistency Policy LU 2.5 Healthy Communities Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 4.5 Connectivity Policy LU 5.1 Reinforcing the Urban Pattern Policy LU 6.1 Composition of Mixed Use Centers

	Policy LU 6.4 Bus Stop Dedication Policy LU 7.6 Pedestrian Friendly Development Policy LU 8.9 Open Space in New Development Policy T 2.4 Road Connectivity Policy T 2.6 Preserving the Grid Policy T 5.1 Enhancing Bike/Pedestrian Circulation Policy T 5.2 Incorporating Bicycle and Ped. Improvements Policy T 5.3 Bicycle and Pedestrian Mobility Policy T 5.5 Sidewalk Requirements Policy T 5.9 Pedestrian Networks Policy EP 2.5 Protection of Water Features Policy EP 8.5 Airport Overlay Zone Policy UD 2.1 Building Orientation Policy UD 2.3 Activating the Street Policy UD 2.4 Transitions in Building Intensity Policy UD 2.5 Greenway Access Policy UD 2.6 Parking Location and Design Policy UD 2.7 Public Open Space Policy UD 6.1 Encouraging Pedestrian-Oriented Uses Policy UD 7.3 Design Guidelines
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Contact Information

<i>Staff</i>	Stan Wingo, 516-2663
<i>Applicant</i>	Michael Birch, 743-7314, michael.birch@klgates.com
<i>Citizens Advisory Council</i>	Northwest CAC Jay Gudeman, 789-9884, jay@kilpatrickgudeman.com

Case Overview

This site is located on Arco Corporate Drive, near the intersection of Glenwood Avenue and I-540. The site is also in close proximity to Raleigh Durham International Airport. The property is currently undeveloped. Adjacent to the east are hotel developments as well as office uses. To the west is Brier Creek Shopping Center, a large scale regional retail development. There is an undeveloped greenway easement along the western edge of the site.

This property is currently zoned with a Planned Development District that was approved in 2008. The request is to amend the current Master Plan to introduce residential uses. In doing so, the applicant would also remove a portion of Airport Overlay District in order to permit residential as an allowable use. The proposed Master Plan would retain the current allowable mix of retail and office uses.

Exhibit C & D Analysis

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

1.1 Future Land Use

This rezoning proposal is located in an area designated as being appropriate for Regional Mixed Use on the Future Land Use map. Regional Mixed Use areas typically include high-density housing, office development, hotels, and region-serving

retail uses. The proposal is consistent with this policy. The Master Plan associated with this request envisions a mix of high density residential, office and retail uses.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

Policy LU 1.3 - Conditional Use District Consistency
All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

Proposal is consistent with this policy.

Policy LU 2.5 - Healthy Communities
New development, redevelopment, and infrastructure investment should strive to promote healthy communities and active lifestyles by providing or encouraging enhanced bicycle and pedestrian circulation, access, and safety along roads near areas of employment, schools, libraries, and parks.

Proposal is consistent with this policy. The Master Plan provides pedestrian plazas, widened sidewalks, and bicycle amenities. Provides walkable mixed use in an ideal location.

Policy LU 2.6 - Zoning and Infrastructure Impacts
Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

Proposal is consistent with this policy. There is very little additional impact associated with this request. Sufficient infrastructure is in place to accommodate this proposal as conditioned. The property is currently zoned with Planned Development District that would allow a mix of retail, hotels and office. The request would potentially add 600 residential dwelling units to the current mix of allowable uses.

Policy LU 4.5 - Connectivity
New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

Proposal is consistent with this policy. The request provides the extension of Macaw Street, which will provide pedestrian and vehicular access to the adjacent Brier Creek Shopping Center.

Policy LU 5.1 – Reinforcing the Urban Pattern
New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities with the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

Proposal is consistent with this policy. The Master Plan will encourage a pattern of uniform development.

Policy LU 6.1 – Composition of Mixed Use Centers

Mixed-use centers should be comprised of well-mixed and integrated developments that avoid segregated uses and have well planned public spaces that bring people together and provide opportunities for active living and interaction.

Proposal is consistent with this policy as it provides a mix of uses. The Master Plan provides large pedestrian spaces and ground floor retail which would also promote vertical mixed use.

Policy LU 6.4 – Bus Stop Dedication
The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

Proposal is consistent with this policy. The Master Plan provides a transit stop.

Policy LU 7.6 – Pedestrian Friendly Development
New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

Proposal is consistent with this policy; Master Plan includes widened sidewalks and pedestrian promenades along Macaw Street.

Policy LU 8.9 – Open Space in New Development
New residential development should be developed with common and usable open space that preserves the natural landscape.

Proposal is consistent with this policy; development will be pedestrian friendly with the inclusion of two pedestrian promenades to serve as common open space.

Policy T 2.4 - Road Connectivity
The use of cul-de-sacs and dead-end streets should be minimized.

Proposal is consistent with this policy. The Master Plan would extend Macaw Street from Arco Corporate through to Brier Creek Shopping Center creating a connected grid of streets.

Policy T 2.6 – Preserving the Grid
Existing street grid networks should be preserved and extended where feasible and appropriate to increase overall connectivity.

Proposal is consistent with this policy. The Master Plan would extend Macaw Street from Arco Corporate through to Brier Creek Shopping Center.

Policy T 5.1 – Enhancing Bicycle/Pedestrian Circulation
Enhance pedestrian and bicycle circulation, access, and safety along corridors, downtown, in activity and employment centers, at densely developed areas and transit stations, and near schools, libraries, and parks.

Proposal is consistent with this policy. Widened sidewalks and centrally located pedestrian plazas are included in the Master Plan. Bicycle amenities are also included.

Policy T 5.2 – Incorporating Bicycle and Pedestrian Improvements

All new developments, roadway construction projects, and roadway resurfacing projects in the City of Raleigh's jurisdiction should include appropriate bicycle facilities as indicated in the Recommended Bicycle Network of the 2008 City of Raleigh Bicycle Transportation Plan.

Proposal is consistent with this policy. The Master Plan includes provisions for bicycle parking.

Policy T 5.3 – Bicycle and Pedestrian Mobility
Maintain and construct safe and convenient pedestrian and bicycle facilities that are universally accessible, adequately illuminated, and properly designed to reduce conflicts among motor vehicles, bicycles, and pedestrians.

Proposal is consistent with this policy. Bicycle amenities and enhanced pedestrian improvements are included in the Master Plan.

Policy T 5.5 – Sidewalk Requirements
New subdivisions and developments should provide sidewalks on both sides of the street.

Proposal is consistent with this policy. Applicant also includes wider sidewalks as well as pedestrian promenades along Macaw Street.

Policy T 5.9 – Pedestrian Networks
New subdivisions and large-scale developments should include safe pedestrian walkways or multi-use paths that provide direct links between roadways and major destinations such as transit stops, schools, parks, and shopping centers.

Proposal is consistent with this policy. Plan provides pedestrian promenades through the center of the development along Macaw Street.

Policy EP 2.5 – Protection of Water Features
Lakes, ponds, rivers, streams, and wetlands should be protected and preserved. These water bodies provide valuable stormwater management, ecological, visual, and recreational benefits.

Proposal is consistent with this policy. The stream along the western edge of the property is adjacent to the proposed greenway easement. This area is designated as Public Parks and Open Space on the Future Land Use Map and will remain undisturbed.

Policy EP 8.5 – Airport Overlay Zone
Keep the boundaries of the Airport Overlay District current with the future expansion plans of Raleigh-Durham International Airport to protect residents from impacts of increased flight patterns and activity.

Proposal is consistent with this policy. All conditions that are required by Raleigh Durham Airport Authority to support the removal of the Airport Overlay District have been met. These conditions include an aviation easement, mitigating the potential impacts of aircraft noise for residential buildings, as well as notice to all potential owners/renters of residential dwelling units.

Policy UD 2.1 – Building Orientation

Buildings in mixed-use developments should be oriented along streets, plazas and pedestrian ways. Their facades should create an active and engaging public realm.

Proposal is consistent with this policy. Buildings are oriented along streets.

Policy UD 2.3 – Activating the Street

New retail and mixed-use centers should activate the pedestrian environment of the street frontage in addition to internal pedestrian networks and connections.

Proposal is consistent with this policy. Master Plan includes ground floor retail as well as wider sidewalks in commercial areas.

Policy UD 2.4 – Transitions in Building Intensity

Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

Proposal is consistent with this policy. The Master Plan will provide a transition from the office and hotel uses to the east and the high intensity retail center to the west.

Policy UD 2.5 – Greenway Access

Safe and clearly marked access points to the City's greenway system should be provided in new and existing mixed use centers where feasible.

Proposal is consistent with this policy. Proposed trail is shown on plan.

Policy UD 2.6 – Parking Location and Design

New surface parking lots should be avoided within mixed-use centers. Instead, shared parking garages with active ground floor uses and architectural treatments for all facades visible from a public right-of-way should be used.

Proposal is consistent with this policy as shown. Final build out shows parking decks, and appropriate placement of parking, behind buildings that front along Macaw Street. While the applicant does propose temporary surface parking, landscape buffers have been proposed along the Macaw Street pedestrian promenade.

Policy UD 2.7 – Public Open Space

Usable and well appointed urban public open space should be provided within mixed-use centers to serve as focal points and community gathering spots.

Proposal is consistent with this policy; plan includes two pedestrian promenades that total 5,000 sq. ft.

Policy UD 6.1 – Encouraging Pedestrian-Oriented Uses

New development, streetscape, and building improvements in Downtown and mixed-use corridors and centers should promote high intensity, pedestrian-oriented use and discourage automobile-oriented uses and drive-through uses.

Proposal is consistent with this policy. Master plan provides pedestrian promenade, as well as mixed uses within walking distance to a large scale regional shopping center.

Policy UD 7.3 – Design Guidelines

Proposal would be subject to the Urban Design Guidelines as referenced in Table UD-1

- a. Guideline #5 Block Faces – Block face along Macaw exceeds 660 feet.

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

The site is surrounded by office uses, hotels, and high intensity retail. Located between office and hotel uses to the east, and Brier Creek Shopping Center to the west, this site is ideal for a mixed use pedestrian oriented development. The diverse mix of uses; with ground floor retail, office and residential will serve as a good transition. This site is also in close proximity to RDU International Airport as well as the major intersection of Glenwood Avenue and I-540, making the addition of multi-family residential appropriate for this area. This proposal will provide additional housing within walking distance to a regional retail shopping center as well as employment within the adjacent office development. The surrounding area is primarily zoned Thoroughfare District and Thoroughfare District Conditional Use. The request to amend the current Planned Development District is consistent and compatible with the surrounding area both in terms of land use and zoning.

It should be noted that the subject area is currently within the Airport Overlay District. The Airport Overlay specifically prohibits any type of residential development. The applicant is requesting the removal of this overlay. All conditions required by the Raleigh Durham Airport authority for removal of the Airport Overlay District have been met.

3. Public benefits of the proposed rezoning

The requested Master Plan amendment could be considered a significant public benefit. The proposal would provide a pedestrian friendly mixed use development within close proximity to Brier Creek, a regional retail shopping center. The request would also provide additional housing and employment within close proximity to Raleigh Durham International Airport. The properties location near the intersection of Glenwood Avenue and I-540 make this an ideal location for mixed use development.

4. Detriments of the proposed rezoning

There are no known detriments associated with this request. The proposal would introduce up to 600 dwelling units, and the Airport Overlay does not permit residential as an allowable use. Applicant states that the property is not within the noise contour that would significantly impact residential development. All conditions suggested by Raleigh Durham Airport Authority in removal of the Airport Overlay have been met.

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

5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2009 NCDOT Traffic Volume (ADT)</u>				
Arco Corporate Drive	Collector Street	N/A				
Macaw Street	Commercial Street	N/A				
Street Conditions						
<u>Arco Corporate Drive</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	4	67'	Back-to-back curb and gutter section	90'	5' sidewalks on both sides	Wide Outside Lane
City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 5' sidewalks on both sides	N/A
Meets City Standard?	YES	YES	YES	YES	YES	N/A
<u>Macaw Street</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	45'	Back-to-back curb and gutter section	Undefined	minimum 5' sidewalks on both sides	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	5' sidewalks on both sides	N/A
Meets City Standard?	YES	YES	YES	YES	YES	N/A
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	1,560	1,858	298			
PM PEAK	2,006	2,354	348			
Suggested Conditions/ Impact Mitigation:			<p>Traffic Study Determination: Staff has reviewed a Traffic Impact Analysis (TIA) for this Z-16-11. At full build-out the proposed development will cause significant queuing conditions along southbound Arco Corporate Drive and on the I-540 southbound (westbound) access ramp. Per the recommendations of the TIA, the applicant has established a trip budget for the PM Peak hour traffic. When the development exceeds 340 vph inbound trips or 731 vph out bound trips during the PM Peak hour, the applicant or developer agrees to add an additional through lane to southbound Arco Corporate Drive and construct a 2nd departure lane on the I-540 (southbound) westbound access ramp. These improvements will help to mitigate the anticipated queuing issues along Arco Corporate Drive and the I-540 access ramp.</p>			
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: None

5.2 Transit

There are existing transit easements in locations TBD on both sides of Macaw and a third easement on Arco Corporate at the NW corner of the lot. Depending upon building plans the easement on Arco Corporate may better serve passengers if it were more centrally located. The transit easement on the west side of Macaw currently is served by Route 70e Brier Creek express and transit amenities should be constructed as part of the building project.

Impact Identified: None

5.3 Hydrology

<i>Floodplain</i>	FEMA Floodplain is present on site.
<i>Drainage Basin</i>	Little Briar
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: FEMA Floodway and Floodplain are present on the site. Neuse River Buffers are present on the site. Site is subject to Part 10, Chapter 4, Floodplain Regulations. Site is subject to Part 10, Chapter 9, Stormwater Control Regulations.

5.4 Public Utilities

	Maximum Demand (current)	Maximum Demand (proposed)
<i>Water</i>	481,625 gpd	481,625 gpd
<i>Waste Water</i>	481,625 gpd	481,625 gpd

The proposed rezoning would not impact the wastewater collection or water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to and within the property which could serve the property.

5.5 Parks and Recreation

A greenway easement exists along the western property boundary of the subject tract. Clearing and grading is not permitted within the boundaries of the greenway easement. There are no park search areas in the vicinity of the subject rezoning case.

Impact Identified: None.

5.6 Urban Forestry

Tree Conservation has already been declared for this site including Neuse Riparian Buffers, SHOD Yards, and Greenway per S-82-05.

Impact Identified: This rezoning is not expected to have an impact on the application of the tree conservation ordinance to the property.

5.7 Wake County Public Schools

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Brier Creek	636	91.9%	719	103.9%
Leesville Road	1,317	109.3%	1,367	113.4%
Leesville Road	2,493	114.6%	2,529	116.3%

Impact Identified: Proposal could introduce as many as 600 dwelling units which would increase student enrollment by over 80 students at Brier Creek Elementary, potentially 50 students at Leesville Middle, and over 30 students at Leesville High School.

5.8 Designated Historic Resources

There are no historic landmarks or districts located within the proposed area of rezoning.

Impact Identified: None

5.9 Impacts Summary

- No additional impacts remain. Applicant has mitigated potential impacts through zoning conditions.

6. Appearance Commission

As a proposed Planned Development District, this proposal is subject to review by the Appearance Commission. The Master Plan was reviewed by the Commission at their October 27, 2011 meeting. The Appearance Commission had no issues with the plan as proposed.

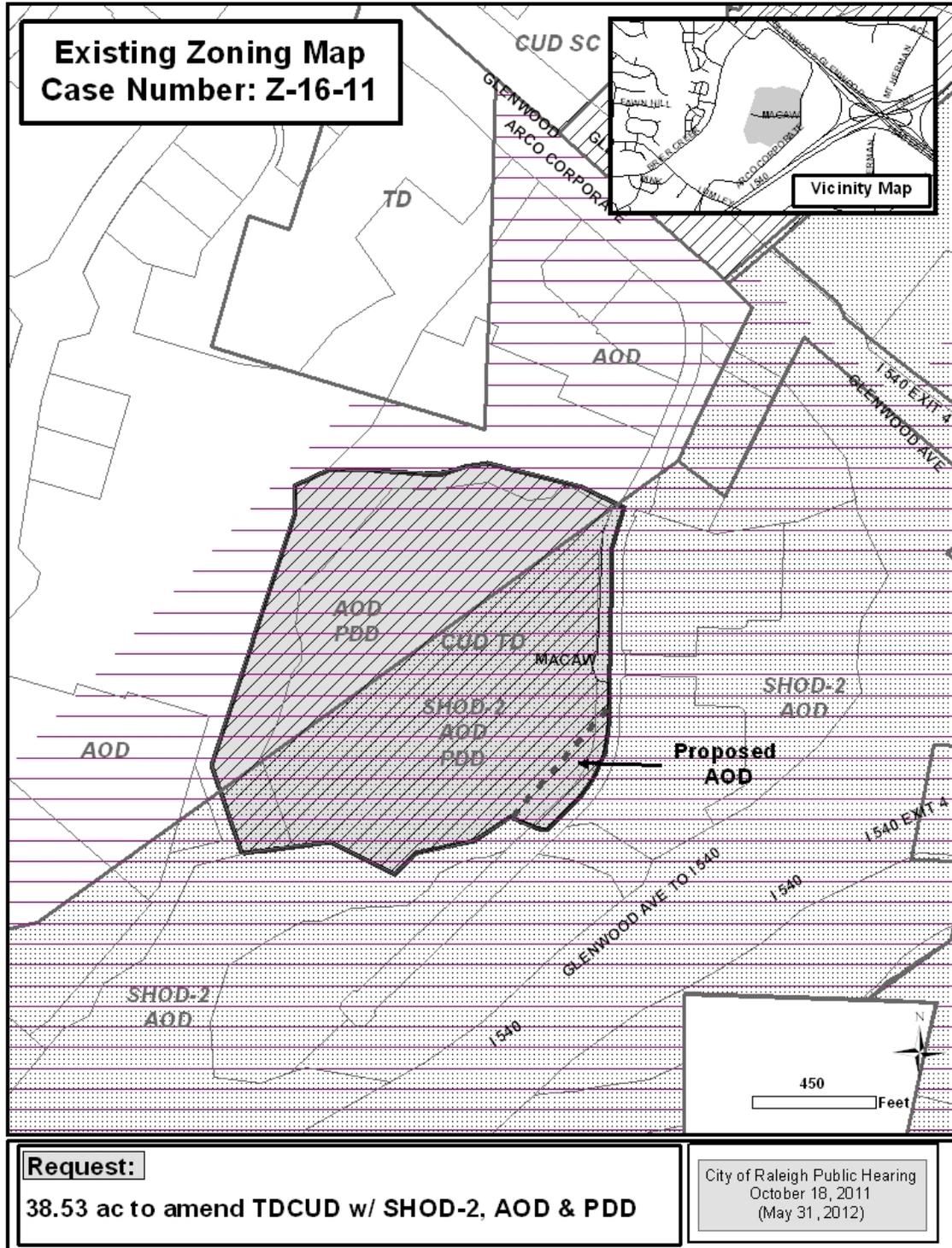
7. Conclusions

As proposed this request is consistent with the Comprehensive Plan. The Future Land Use Map designates this area as being appropriate for Regional Mixed Use. This designation envisions high-density housing, office development, hotels, and region-serving retail uses. The proposed Master Plan could include a combination of these uses in a pedestrian friendly manner, within close proximity to a major regional retail center.

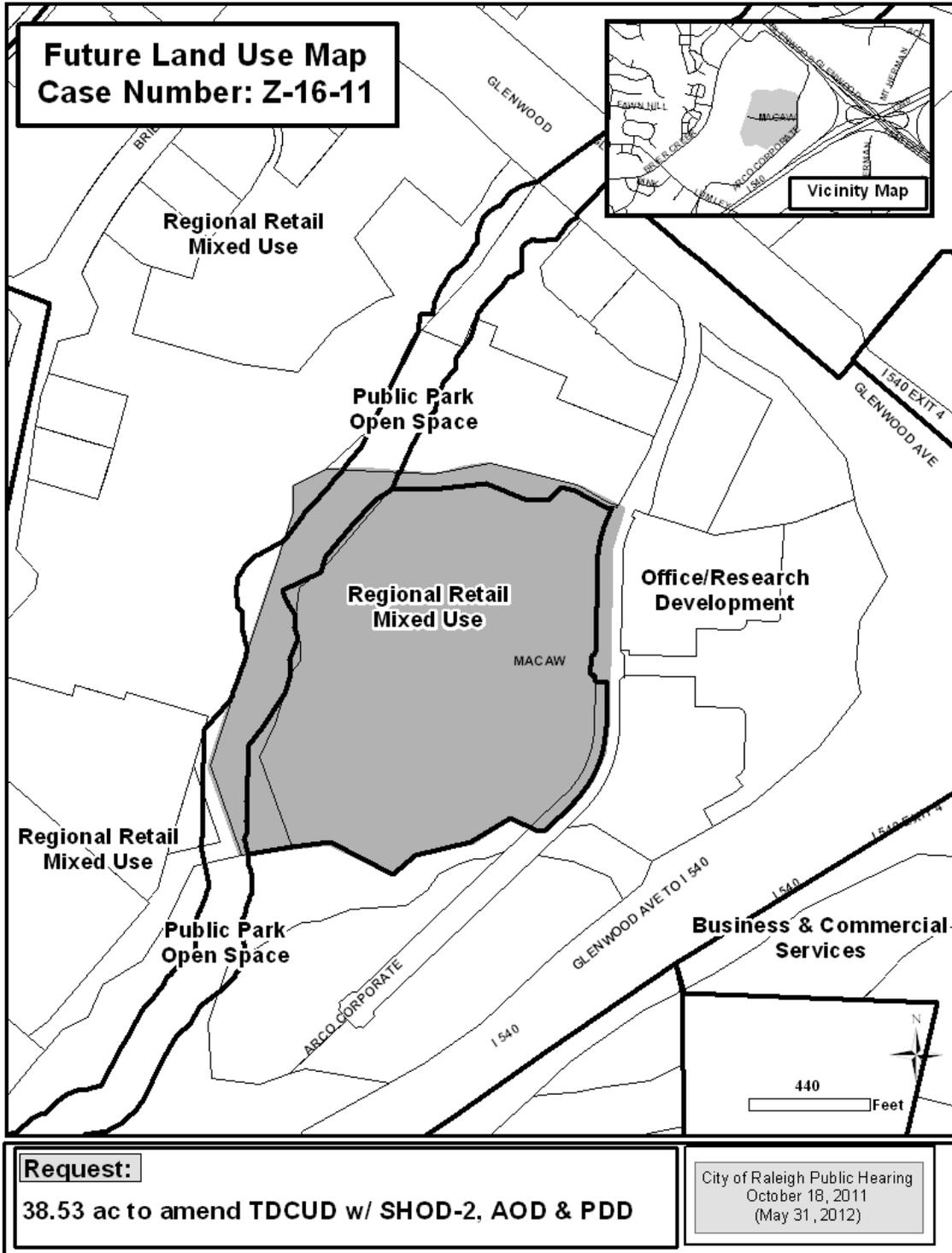
The request is also compatible with surrounding land uses and zoning. This location is ideal for a walkable mixed use development, and will serve as a transition from the nearby office park to Brier Creek shopping center, a large-scale regional retail center. Providing such uses in this location could be considered a significant public benefit.

Applicant has provided all necessary zoning conditions to mitigate the impacts associated with the removal of the Airport Overlay District. The Raleigh Durham Airport Authority requires three conditions when residential development is proposed within an area previously regulated by the Airport Overlay. These conditions include sound attenuation on all residential units, noise disclosure to potential buyers, and an avigation easement. The applicant has included these conditions in their proposal.

Existing Zoning Map



Future Land Use Map





Petition to Amend the Official Zoning Map

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

pd CLK # 20254
2659.00
2-16-11
MP-2-11

The following items are required with the submittal of rezoning petition. For additional information on these submittal requirements, see the *Filing Instructions* addendum.

CITY OF RALEIGH
CITY PLANNING DEPT
2011 JUN 17 AM 10:40

Rezoning Application Submittal Package Checklist

Completed Rezoning Application which includes the following sections:

- Signatory Page
- Exhibit B
- Exhibit C (only for Conditional Use filing)
- Exhibit D
- Map showing adjacent property owner names with PIN's

Application Fee

- \$532 for General Use Cases
- \$1064 for Conditional Use Cases
- \$2659 for PDD Master Plans

Neighborhood Meeting Report (only for Conditional Use filing)

Receipt/ Verification for Meeting Notification Mail out

Traffic Impact Generation Report OR written waiver of trip generation from Raleigh Transportation Services Division

N/A (General Use ONLY) if applicant is not the petitioner must provide proof of notification to the adjacent property owners per G.S. 160A-384



Petition to Amend the Official Zoning Map

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

Z-16-11 /
MP-2-11

CITY OF RALEIGH
CITY PLANNING DEPT

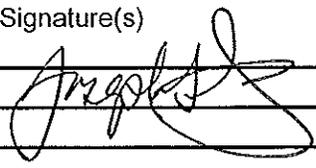
2011 JUN 17 AM 10:41

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Joe Dye, on behalf of Brier Creek Corporate Center Associates Limited Partnership	6.16.2011

2-16-11 /
MP-2-11

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s)	Brier Creek Corporate Center Associates	c/o American Asset Corp.	
(for conditional use requests, petitioners must own petitioned property)	Limited Partnership	3700 Arco Corporate Dr., Suite 350 Charlotte, NC 28273	
Property Owner(s)	Same as above	Same as above	
Contact Person(s)	Jason L. Barron Michael Birch	4350 Lassiter at North Hills Avenue Suite 300 Raleigh, NC 27609	(919) 743-7343 jason.barron@klgates.com (919) 743-7314 michael.birch@klgates.com
	Joe Dye	7990 Arco Corporate Drive, Suite 119 Raleigh, NC 27617	(919) 821-2700 jdye@aacusa.com
	Ken Thompson	510 Glenwood Avenue, Suite 201 Raleigh, NC 27603	(919) 835-1500 kent@jdavisarchitects.com

Property information

Property Description (Wake County PIN)	0768-54-0402 and 0768-44-5641
Nearest Major Intersection	Arco Corporate Drive and Macaw Street
Area of Subject Property (in acres)	38.53 acres
Current Zoning Districts (include all overlay districts)	Thoroughfare District Conditional Use, with Special Highway Overlay District-2, Airport Overlay District and Planned Development Conditional Use Overlay District
Requested Zoning Districts (include all overlay districts)	Thoroughfare District, with Special Highway Overlay District-2, modified boundary of Airport Overlay District and Planned Development Conditional Use Overlay District with modification to the master plan.

2-16-11 /
MP-2-11

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	Wake Co. PIN
QUALCOMM INC ATTN:TAX DEPT	5775 MOREHOUSE DR	SAN DIEGO CA 92121- 1714	0768549715
BRIER CREEK OFFICE #5 LLC C/O AMERICAN ASSET CORP	3700 ARCO CORPORATE DR STE 350	CHARLOTTE NC 28273-7129	0768547190
RALHIS LLC C/O WINWOOD HOSPITALITY	2803 SLATER RD STE 115	MORRISVILLE NC 27560-8463	0768559276
BRIER CREEK OFFICE #4 LLC C/O AMERICAN ASSET CORPORATION	3700 ARCO CORPORATE DR STE 350	CHARLOTTE NC 28273-7129	0768642550
BRIER CREEK CORP CNTR ASSOC LP AMERICAN ASSET CORPORATION	3700 ARCO CORPORATE DR STE 350	CHARLOTTE NC 28273-7129	0768438432
WARD VENTURES LLC	6720 MT HERMAN RD	RALEIGH NC 27622	0768328974
BRIER CREEK OFFICE #2 LLC C/O AMERICAN ASSET CORP	3700 ARCO CORP DR STE 350	CHARLOTTE NC 28273	0768551384
BRIER CREEK COMMONS LP AMERICAN ASSET CORPORATION	3700 ARCO CORPORATE DR STE 350	CHARLOTTE NC 28273-7129	0768440719
REGAL CINEMAS INC	7132 REGAL LN	KNOXVILLE TN 37918- 5803	0768348092
BRIER CREEK COMMONS LP AMERICAN ASSET CORPORATION	3700 ARCO CORPORATE DR STE 350	CHARLOTTE NC 28273-7129	0768431808

Z-16-11

EXHIBIT C. Request for Zoning Change

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CITY OF RALEIGH
CITY PLANNING DEPT

Conditional Use District requested: Planned Development Conditional Use Overlay District: 29

Narrative of conditions being requested:

- (a) Development shall be in accordance with the approved master plan document.
- (b) Prior to issuance of any building permit for the Property, the owner of the Property shall record an Avigation Easement, which shall grant in favor of the Raleigh-Durham Airport Authority a perpetual right and easement for the free and unobscured flight of aircraft over and in the vicinity of any portion of the Property not within the Airport Overlay District and used for residential purposes.
- (c) Any residential dwelling unit developed on the Property shall be designed to meet a minimum Sound Level Reduction (SLR) rating of 25 and a maximum day-night average sound level (DNL) of 45 dB(A). Prior to issuance of any building permit for the Property, the project shall be design-verified in accordance with the above standards.
- (d) Within 45 days following the rezoning of the property, the owner will record with the local register of deeds a statement disclosing the noise contour information for the rezoned land.
- (e) The following minimum and maximum shall be established for Lots 11 and 13:
 - Lot 11**
Residential/Hotel/Retail; Parking - Minimum of 50 dwelling units with maximum of 320 dwelling units and maximum 20,000 retail if developed with residential. OR maximum 150 lodging units OR maximum 65,000 sq ft retail.
 - Lot 13**
Residential/Hotel/Retail; Parking - Minimum of 50 dwelling units with maximum of 280 dwelling units and maximum 20,000 retail if developed with residential. OR maximum 150 lodging units OR maximum 65,000 sq ft retail.
- (f) The maximum square footage of retail allowed is 115,000 square feet
- (g) Notwithstanding the land uses limitation(s) elsewhere in this document, the subject PDD will be limited to the maximum trip generation potential analyzed in the TIA by Kimley Horn & Associates, dated September 2011, unless a new TIA is prepared, with the findings accepted by the City of Raleigh, that allow a modification.
- (h) When the development generates greater than 340 vph inbound trips during the PM peak period OR when the development generates more than 731 vph outbound trips during the PM peak period The developer will convert the existing southbound exclusive right turn lane on Acro Corporate Drive to a shared through/right turn lane, with appropriate signs, markings and traffic signal modifications, and construct a 2nd departure lane on the I-540 southbound (westbound) access ramp. The developer will be responsible for providing cumulative project trip generation on all subsequent site plans to track when the threshold for this improvement is met.
- (i) Prior to issuance of a building permit or recordation of a subdivision plat for the Property, the owner of the Property shall cause to be recorded in the Wake County Registry restrictive covenants that allocate to all existing or newly formed lots of record the allowable net new trips in the AM and PM peak hours as limited by above condition (h). If the Property is subdivided, all lots shall be allocated trips not to exceed in total the maximum number allowed in above condition (h). Restrictive covenants shall be approved by the City Attorney or his designee prior to recordation, and it shall be promptly recorded following its approval by City Officials.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

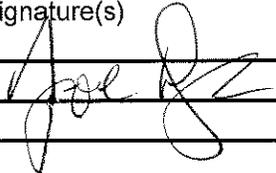
Signature(s)	Print Name	Date
	Joe Dye, on behalf of Brier Creek Corporate Center Associates Limited Partnership	5.22.2012

EXHIBIT D. Request for Zoning Change

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

- A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:**

The property is classified "Office/Research & Development" and "Public Parks & Open Space" on the Future Land Use Map. The Office/Research and Development category identifies major employment areas where housing is not an appropriate land use. This category envisions office parks and retail uses that support the office economy. Because the proposed master plan permits high density residential uses, the proposed map amendment is inconsistent with the Office/Research & Development designation. The Public Parks & Open Space category applies to permanent open space intended for recreational uses, such as a greenway. The master plan designates a similar area for open space, and such area was designated as open space on the plat recorded at Book of Maps 2008, Page 348 in the Wake County Registry. Also, the City of Raleigh currently holds a greenway easement over a portion of the property. Based on the master plan, recorded plat and recorded easement, the proposed map amendment is consistent with the Public Parks & Open Space designation.

- B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

The property is not within any Area Plan adopted through the 2030 Comprehensive Plan. The property is subject to a master plan, MP-1-07, adopted by City Council on January 29, 2008. This proposed map amendment would amend this master plan to allow residential uses outside the 65 dnl contour line.

- C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").**

EXHIBIT D. Request for Zoning Change

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The proposed map amendment is consistent with the Public Parks & Open Space designation but inconsistent with the Office/Research & Development designation for the property. In light of this partial Future Land Use Map consistency, the proposed map amendment is consistent with the Comprehensive Plan because it furthers many important policies of the Comprehensive Plan and is consistent with the overall vision for Brier Creek as a regional mixed use area. The map amendment is consistent with Policy LU 4.5 "Connectivity" because the master plan provides pedestrian and vehicular connectivity between the existing office and hotel development to the east and the retail development to the west. Second, the map amendment furthers Policy LU 10.3 "Ancillary Retail Uses" by providing much of the allowable retail within the proposed office buildings and other retail in locations that will have a minimal impact on residential uses. Third, the map amendment furthers Policy UD 6.1 "Encouraging Pedestrian-Oriented Uses" by providing intense, pedestrian-oriented uses in the Brier Creek mixed-use area, including high density residential uses. Brier Creek is one of the five city growth centers, where the City wants to direct much of the projected population growth. The proposed map amendment would locate high-density residential in an area designated for such by the Growth Framework Map. Based on the foregoing, the proposed map amendment is consistent with the Comprehensive Plan.

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

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

Three five-story office buildings surrounded by surface parking lots, and two hotels (eight stories and six stories) are located east of the property, across Arco Corporate Drive, which is classified a collector street but has an oversized 90' public right-of-way. Two four-story office buildings and two multi-tenant single-story commercial buildings with surface parking lots are located immediately north of the property. A five-story office building is located south of the property, across Arco Corporate Drive. An intense, regional shopping center with large surface parking lots is located west of the property. The property is located in the northwest quadrant of the intersection of two principal arterials. Also, there is an existing city bus line that travels within the Brier Creek development, along Macaw Street and Arco Corporate Drive. There are planned transit facilities as part of this proposed map amendment that will supplement the existing facilities and accommodate this bus service. Based on the uses and multi-story buildings permitted by the master plan, the Petitioner believes the proposed rezoning will be complimentary and harmonious with these surrounding land uses.

B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):

The entire surrounding area is zoned Thoroughfare District Conditional Use (Z-65-96). Much of the surrounding area is also zoned with the Airport Overlay District. Property to the east, south and west along Interstate 540 is zoned Special Highway Overlay District-2. The surrounding area's built environment consists of single-story retail uses, office and hotel buildings ranging between four to eight stories, all with large surface parking lots. Single-family and multi-family residential uses are located west of Lumley Road and north of Brier Creek parkway. Based on the uses and building height permitted by the master plan, the Petitioner believes the proposed rezoning will be complimentary and harmonious with these surrounding land uses and the broader mixed-use development pattern.

C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:

Z-16-11/
MP-2-11

EXHIBIT D. Request for Zoning Change

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The property is surrounded by multi-story office and hotel development and intense retail development, and is located adjacent to the regional mixed-use area of Brier Creek. The property is also located near the major intersection of Interstate 540 and Highway 70 and is in close proximity to the airport. The Airport Authority has historically supported development of residential uses outside of the 65 dnl contour line. Based on heights of surrounding buildings, the mixed-use character of the surrounding area, and the location of the property outside of the 65 dnl contour line, the proposed map amendment will facilitate mixed-use office, retail and residential development that is compatible with the suitability of the property for such uses and the character and form of the surrounding area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment benefits the landowner by enabling the property to be developed for a mix of uses, including residential.

B. For the immediate neighbors:

The proposed map amendment benefits the immediate neighbors by locating additional residents and office occupants within walking distance of retail uses and will facilitate development of the property that links the office park to the retail center of the Brier Creek area.

C. For the surrounding community:

The proposed map amendment benefits the surrounding community by providing a mix of uses, including residential, within walking distance to existing retail and office uses, which would allow residents to access service and employment opportunities without burdening Glenwood Avenue/Highway 70, Interstate 540, and the rest of the City's roadway infrastructure.

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

Although this rezoning would allow residential on the property, and nearby property currently within the Airport Overlay District cannot be developed for residential uses, other nearby properties outside of the 65 dnl contour line could pursue rezoning to permit residential uses. Surrounding property is already developed for intense office, retail and hotel uses. Based on the above, the rezoning does not provide the property with a significant benefit that is not available to surrounding properties.

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

That portion of the property for which the Airport Overlay District is proposed to be removed is outside of the 65 dnl contour line. The Airport Authority has historically consented to the removal of the Airport Overlay District for property outside of the 65 dnl contour line subject to conditions similar to those submitted with this rezoning application. These conditions protect the Airport Authority and disclose necessary information to potential buyers and renters of the developed uses. In addition to being located outside of the 65 dnl contour line, the property is located immediately adjacent to a regional commercial area and near the intersection of two major highways. Based on the above, the proposed map amendment is reasonable and in the public interest because it would allow a mix of office, retail and residential uses in close proximity to a regional mixed use area and major transportation infrastructure.

EXHIBIT D. Request for Zoning Change

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V. Recommended items of discussion (where applicable).

- a. An error by the City Council in establishing the current zoning classification of the property.

Not applicable.

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

Not applicable.

- c. The public need for additional land to be zoned to the classification requested.

The property is located in an area historically zoned with an Airport Overlay District, which has prohibited the development of residential uses in the surrounding area. The area has developed for intense retail and office uses, with no complimentary residential uses. Therefore, there is a public need for residential uses in close proximity to the established retail and office uses, which will facilitate the public benefits associated with mixed-use development.

- d. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

Not applicable.

- e. How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.

The rezoning advances the fundamental purposes of zoning as set forth in the state enabling legislation, particularly to regulate with reasonable consideration to the character of the district and the suitability of the land for particular uses. The district currently prohibits residential uses due to the Airport Overlay District; however, the portion of the property outside of the 65 dnl contour line is suitable for the development of residential uses subject to the conditions of this rezoning. No other element of the property's current zoning status is inconsistent or incompatible with residential uses.

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

There are no other arguments on behalf of the map amendment at this time.

MASTER PLAN
BRIER CREEK TOWN CENTER II
PROPOSED PLANNED DEVELOPMENT DISTRICT

DEVELOPER:
American Asset Corporation

CONSULTANTS:

J Davis Architects, PLLC – Architects and Land Planners

K&L Gates – Attorneys

John R. McAdams, Inc. – Civil Engineers

Kimley-Horn Associates, Inc. – Transportation

Submitted: June 17, 2011
Resubmitted: September 1, 2011
Resubmitted: September 22, 2011
Resubmitted: December 6, 2011
Resubmitted: April 27, 2012
Resubmitted: May 11, 2012
Resubmitted: May 24, 2012

PRELIMINARY MASTER PLAN DOCUMENT FORM

Version date V08 May 24, 2012

Summary Information

(1) The name of the development, name of the owner and agent/contact person, address and telephone number

Project Name: Brier Creek Town Center II PDD

Owner: Brier Creek Corporate Center Associates LP, c/o Joe Dye

Address: 7990 Arco Corporate Drive, Suite 119; Raleigh, North Carolina 27617

Consultant: JDavis Architects; Attn: Ken Thompson
510 Glenwood Avenue, Suite 201; Raleigh, North Carolina 27603
Telephone: 919-835-1500 FAX: 919-835-1510
E-Mail Address: kent@jdavisarchitects.com

Property Information

(1) Property to be dedicated for public use, such as proposed or existing easements, rights-of-way; greenway, including acres, square feet, acreage and dimensions.

- Existing City of Raleigh Greenway Easement: 4.79 Acres
- Existing City of Raleigh public Right-of-Way: 0.64 Acres(Previously committed S-82-05)
- Existing City of Raleigh Utility Easements 0.45 Acres
- Exchange of City of Raleigh Utility Easements 0.55 Acres
- Proposed Private Street and Transit Easements 1.20 Acres

1. Land Use/intensity

Description of uses proposed within each land use category specified. This plan should show a mixture of uses to provide convenient arrangements of complementary land uses.

- Lot 5: Mixed-Use Office; Retail; Parking (240,000 SF of building maximum, maximum retail 10%)
- Lot 6 Mixed-Use Office; Retail; Parking (240,000 SF of building maximum, maximum retail 10%)
- Lot 10 Mixed-Use Office; Retail; Parking (255,000 SF of building maximum, maximum retail 10%)
- Lot 11 Residential/Hotel/Retail; Parking
Minimum of 50 dwelling units with maximum of 320 dwelling units and maximum 20,000 retail if developed with residential. OR maximum 150 lodging units OR maximum 65,000 sq ft retail.
- Lot 12 Mixed-Use Office; Retail; Parking (255,000 SF of building maximum, maximum retail 10%)
- Lot 13 Residential/Hotel/Retail; Parking
Minimum of 50 dwelling units with maximum of 280 dwelling units and maximum 20,000 retail if developed with residential. OR maximum 150 lodging units OR maximum 65,000 sq ft retail.
- Lot 14 Open Space (0 SF of building maximum)
- Lot 15: Mixed-Use Office; Retail; Parking (255,000 SF of building maximum, maximum retail 10%)
- Lot 16 Mixed-Use Office; Retail; Parking (255,000 SF of building maximum, maximum retail 10%)

*Lot acreages and boundaries are proposed (refer to Preliminary Subdivision S-64-06), these boundaries and acreages are subject to change via future subdivision and/or recombination.

**Retail uses are to be provided only on the ground floor level

2. Transportation Information

a. TIA (as an attachment):

Part 1 - Preliminary Trip Analysis that compares rates for existing and proposed zoning, preliminary analysis of surrounding street capacities, and if possible trip generation rates derived from applicable Small Area Plans. AM Peak, PM Peak, and Daily trip generation for existing zoning and proposed conditions under maximum build out / worst case. Existing peak hour and ADT conditions for surrounding streets and intersections should also be submitted at this point. Perhaps preliminary traffic analysis of existing conditions might also be a good idea, as it doesn't change through the process. This part could be called TIA, Part 1.

A Traffic Impact Analysis was prepared by Kimley Horn and Associates, and sealed on September 26, 2011. City staff has reviewed this analysis and supplemental information, and as a condition of approval has recommended that the existing southbound right turn lane on Arco Corporate Drive be modified through appropriate signs, markings traffic signal modifications to function as a shared through-right turn lane. This modification will also necessitate widening the I-540 westbound (southbound) access ramp to accommodate two departure lanes. Implementation of these improvements will be triggered when the development generates greater than 340 vph inbound trips during the PM peak period, OR when the development generates more than 731 vph outbound trips during the PM peak period. The applicant has agreed to the recommended improvements and phasing.

Part 2 - Distribution of the final site traffic and intersection analysis/ADT impacts based on that distribution
See response to Part 1

3. Circulation Plan /Pedestrian/Bicycle Plan

- a. Indication of how guidelines from the Urban Design Guidelines checklist will be met under the "2. Streets and Drives" and the "6. Transit" sections.
The Brier Creek Master Plan has already established the street network, and the Brier Creek Town Center II PDD shall maintain those elements of the street network. The PDD will provide public sidewalks along both sides of any public/private street; provide connections to transit stops and the Brier Creek Greenway Trail. The sidewalk system will connect to the future COR Greenway located between the subject tract and Brier creek Shopping center.
- b. Showing circulation plan driveway and access point limitations, private street and driveway locations, existing streets within and adjoining the site, location of extended, new, and widened public streets rights of way that embrace the site. (This overlaps information noted above in Transportation).
The previously approved roadway system for Brier Creek will be implemented by the PDD plan. The road network allows convenient access to the buildings, which will be oriented to the streets. The roads will connect the subject property to other portions of Brier Creek, without having to utilize access to major thoroughfares and arterials. The project proposes wider street and ROW for Arco Corporate Drive and Macaw Street as well as wider sidewalks along the Macaw Streetscape pedestrian promenade.
- c. Any additional Information on how the layout of land uses and facilities encourages transit and pedestrian access.
Transit stops are incorporated into the PDD and located near building entrances on the McCaw Street Promenade which will be linked to the existing adjacent sidewalks and future COR Greenway. The McCaw Street Promenade is designed to encourage and enhance the pedestrian experience between the existing offices and hotels to the south and the Brier Creek shopping center to the north.
- d. Pedestrian, Bicycle Circulation Plan, Pedestrian access, sidewalk widths, public and private connections, bicycle parking, Transit provision
As noted above the McCaw Street Promenade is designed to encourage and enhance the pedestrian experience. Wider sidewalks have been provided and transit stops are located on McCaw Street by building entrances and the pedestrian plazas located between the office buildings.

4. Utility/Stormwater Information

- a. Water and sewer plan for all uses proposed in the Master Plan, including location of existing and proposed sewer and water mains. Include estimate of average daily sewage flow demand for each phase.
See attached drawings for requested information.
- b. Proposed stormwater management scheme, showing general methods of retaining or conveying stormwater throughout the site, and any adjoining off-site facilities, as well as proposed drainage easements in their general location.
Existing stormwater management facilities were designed under the guidelines of the April 1999 version of the NCDENR Stormwater Best Management Practices design manual. Any proposed modifications to the existing ponds will be designed to meet the April 1999 guidelines. See attached drawings for requested information.
- c. Regulatory flood prone area elevations, flood storage easements, watercourse buffer yards.
See attached drawings for requested information.

5. Open Space Information / Greenway / Tree Preservation

- a. Existing and proposed greenways, parks and open space, including designs for screening and buffering of conflicting land uses.
An existing COR Greenway Trail easement is incorporated into the PDD proposal. Urban gathering areas (pedestrian promenade & plazas) are located adjacent to the residential and mixed use office buildings. The protected stream buffers function as buffers to adjoining properties.
- b. Indication of how guidelines from the Urban Design Guidelines checklist will be met under the "Open Space" section.
An existing COR Greenway Trail easement is incorporated into the PDD proposal. Urban gathering areas (pedestrian promenade & plazas) are located adjacent to the office uses. The protected stream buffers function as buffers to adjoining properties.
- c. Required and provided open space.
 - 1. **Required open space 5.78 AC / 15.0%.**
 - 2. **Provided open space 7.32 AC / 18.9% (lot #14).**
- d. Tree Conservation areas, Areas for preservation of the existing landscape and trees; limitations on grading and tree removal.
An approved Tree Conservation Area Plan (S-82-05) and Permit have previously been issued for the Brier Creek Corporate Center; the Brier Creek Town Center II PDD is located within a portion of the Brier Creek Corporate Center.

6. Buildings and Height 10-2057(f)(4)g.

- a. Maximum scale, floor area ratio, building lot coverage, impervious surface limitations or other proposed limitations on area and bulk.
No alternates to the above are proposed.
- b. Maximum heights of buildings in each tract or section by land use category and a schedule of minimum yard setbacks by land use area in the Master Plan. For final application, but can be submitted with preliminary application: Indication of how guidelines (if any) for building heights from the Urban Design Guidelines checklist will be met under the "1. Mixed-Use Key Elements" section.
Maximum Building Height:
Lots 5, 6, 10, 12, 15, 16: 195'
Lots 11, 13: 150'
Parking Structures: 90'
(In accord with RDU Airport Authority Maximum Ht of: 586.0 MSL)

- c. Preliminary sketch showing profile of primary buildings with street and general massing study of primary buildings.
The PDD will comply with the sidewalk widths in code section 10-2055(d)(4)a for residential uses on Macaw Street but not Arco Corporate Drive and there will be no structured parking allowed on the ground floor of proposed mixed use office buildings with the exception of parking decks. The residential buildings may provide ground floor parking if the first 20' from the building exterior wall on Macaw Street is designated retail or as a residential use and provides direct access from each unit to the Macaw Street promenade. See attached drawings.

7. Yard Setbacks 10-2057 10-2057(f)(4)g.

- a. Schedule of minimum /maximum yard setbacks and/or reference to zoning district yard standards (Setbacks cannot reduce those required by North Carolina Building Code or applicable overlay zoning districts or conditional use districts.)

Minimum Building Setbacks for all tracts and land uses (see section 12, "Special Information" for additional parking structure setbacks and street protective yard requirements.

LOCATION:

Macaw Street:	10' min. for canopies, screen walls other features, including buildings, less than 35' in height;
(Private)	20' min. and 25' max. for all portions of building greater than 35' in height (Measured from Public Right of Way or Private Access Easement) 14' min. for all building containing a residential use (Measured from back of curb)
Arco Corporate Drive:	10' min. for canopies, screen walls, other features, including buildings, less than 35' in height;
(Public)	20' min. and 25' max. for all portions of building greater than 35' in height. 20' minimum for parking structures, as noted above, see section 12, "Special Information" (Measured from Public Right of Way Line, See BM 2006, Pages 1637-1645, Wake County, North Carolina)
External perimeter:	20' (All other PDD perimeter property lines not fronting a public right of way and/or public access)
All Other:	0'

8. Urban Design Guidelines : (Complete attached checklist)

General description of how the PDD will comply with the Urban Design Guidelines, based on the Urban Design Guidelines checklist. Descriptions of compliance with specific guidelines or key elements will be made below. Include description of "Core" area of the mixed-use development, and the "Transition" area.

The PDD proposes to locate the taller, high-intensity buildings in the center of the proposed Brier Creek Town Center II PDD and transitioning in building height to the existing retail areas, but also with regard to the overall Brier Creek Corporate Center Plan, of which the PDD is a component. The mixture of uses is achieved across the entire Brier Creek Corporate Center, not specifically within the PDD. Buildings will be oriented to the streets and street corners, incorporating direct and extensive pedestrian facilities.

9. Alternative Designs as permitted by 10-2057 including specific findings or applicable standards why which the proposal is considered

List of specific information to support any requested alternative design including parking reductions, lot sizes, signage, landscaping, tree preservation, street cross sections, signage or specific subdivision standards noted in 10-2056. Provide documentation to address the specific standards for each alternate.

Information to support any requested alternative design

- a. Parking reductions 10-2057(f)(4)h.

The following parking reductions are proposed:

1. **16% overall parking reduction for all uses on lots 5, 6, 10, 11, 12, 13, 15 and 16 within the proposed residential and mixed use office buildings. The reduction request is based on standards set forth by the Urban Land Institute and NAIOP. The percent reduction was calculated based on the availability of public transit, internal capture from retail and the proximity to adjacent shopping and residential areas. See attached parking reduction study prepared by Kimley-Horn (November 8, 2007).**

- b. Street cross sections 10-2057(f)(4)j.

The PDD does not propose any alternate street sections. See PDD plans for existing and proposed public and private street sections.

- c. Signage 10-2083.1.b.(6)

The PDD does not propose any alternate sign criteria at this time.

- d. Landscaping 10-2082.4

The Brier Creek Town Center II PDD proposes to provide majority of parking in deck structures, and to provide a pedestrian oriented site plan that incorporates transit facilities. TPY's are not appropriate between uses within a mixed use project. In lieu of interior TPY the site plan shall incorporate a 20' average wide streetscape with pedestrian promenade along Macaw Street (private street) and two (2) pedestrian plazas located between the four mixed-use office buildings to be located on lots 5/6 and 10/12. The plazas shall be a minimum of 5,000 SF in overall area. See item #12 Special conditions below for additional information for the streetscape with pedestrian promenade and pedestrian plazas. Minimum dimensional standards for planting areas along the pedestrian promenade on Macaw Street shall not apply to all tracts within the PDD.

1. **Minimum Streetscape with Pedestrian Promenade:**

Macaw Drive: 20' average; 10' minimum, 50' maximum range

- a. **No cap of impervious area within Streetscape to allow pedestrian promenade and Transit Easement**
- b. **Minimum dimensions to be measured from cross-access easement (back of curb).**

2. **Minimum Street Protective Yard:**

Arco Corporate Drive: 20' average; 10' minimum, 50' maximum range

- a. **Minimum dimensions to be measured from right of way.**
- b. **The portion of Street Protective Yard along Arco Corporate Drive and adjacent to a service areas shall also incorporate an evergreen hedge (single row) to further screen the service areas from view of the public right of way; the hedge shall be maintained a minimum of 42" height within three years of installation. Hedge plantings shall be 30" (thirty inch) height minimum at time of installation and shall be spaced no less than 36" (thirty-six inches) on center. To accommodate these plantings the depth of the Street Protective Yard may be increased to a depth of fifty feet (50').**

3. **Street Trees (shade tree) for both public and private streets shall be 3.5" caliper/14' height (minimum, measured ½ foot above grade) at time of installation; minimum installation size shall not apply to ornamental trees not utilized for landscape ordinance**

4. **Upon approval of Encroachment Agreements by the City of Raleigh and/or NCDOT, street protective yard planting requirements may be provided within the public right of way. (Refer to cross sections- plan set)**

5. **20' Temporary vehicular screen**

Macaw Drive: 20' wide

- a. **The vegetative screen is a temporary screen to be provided between Macaw Street and the temporary surface parking until construction commences in these areas.**
- b. **Dimension to be measured from back of 14' sidewalk.**
- c. **Provide a meandering 1' to 3' variable height berm.**
- d. **An evergreen hedge (single row) to screen the parking areas from view of Macaw Street. Hedge plantings shall be 24" (twenty-four inch) height minimum at time of installation and shall be spaced no less than 36" (thirty-six inches) on center.**
- e. **Street tree plantings are to be installed at 25' on center and are to be at least 2-1/2 to 3" caliper at the time of planting.**

e. **Tree Preservation 10-2082.14**

An off-site alternate to the Tree Conservation Ordinance is proposed. An approved Tree Conservation Area Plan (S-82-05) and Permit have previously been issued for the Brier Creek Corporate Center, the Brier Creek Town Center II PDD is located within a portion of the Brier Creek Corporate Center. Please note that Tree Conservation for the Brier Creek Corporate Center exceeds City' minimum requirement (See BM 2006, Pages 1637-1645, Wake County, North Carolina)

f. **Lot sizes 10-2057(f)(2)l.**

No alternate to minimum lot size is proposed.

g. **No alternate to minimum lot size is proposed.**

Retail over 10% of the land area 10-2057(f)(4)b.4. / 10-2011(b)(3)g.

The Master Plan proposes a maximum of 115,000 square feet of principal retail use. This represents approximately 9.1% (3.52 acres of land area) of the gross land area being devoted to retail use, Since this is vertical mixed use retail w/ a 16% parking reduction, an FAR of .75 has been assigned to the total amount of retail. This equates to 153,335 square feet of land area (3.52 acres) accommodating the 115,000 square feet of retail. The difference between the retail area in square footage and the total land area allocated to retail is in the area devoted to parking, which is shared with the office use.

10. Comprehensive Plan

General description of how the PDD complies with the City Comprehensive Plan. Included would be any small area plans, neighborhood plans, focus area or other designations noted in the plan. Applicability of how guidelines (if any) from the Urban Design Guidelines checklist will be met. See attachment. **The proposed PDD request is in conformance with the approved master plan for Brier Creek and the City's Comprehensive Plan; important components to achieving consistency with the COR Comprehensive Plan are the incorporation of many of the Urban Design Guidelines, and the substantial restrictions placed upon the retail uses. The site is part of a "City Focus Area" within the "Triangle Regional Center", and is designated for Mixed Use Development under the City's Umstead Planning District's Urban Form Plan.**

11. Special Information

As each proposed Planned Development District, additional information may be requested upon review in accordance with 10-2057.

1. Macaw Streetscape with Pedestrian Promenade:

- a) **From Arco Corporate Dr. to existing bridge on Macaw Street.**
- b) **Benches: 1bench/200 LF (minimum); spacing & location to be determined.**
- c) **Public Sidewalk width: Fourteen Feet (14') min.**
- d) **All street trees will be planted in a minimum 4'x4' well with tree grate.**

2. Pedestrian Plazas:

- a) **Provide two (2) plazas, located between the mixed-use office buildings to be located on lots 10/15 and 12/16**
- b) **Provide six (6) benches per Plaza**
- c) **5,000 SF min. overall area**

3. Parking Structure Design Guidelines:

- a) The exterior facades of the parking structures shall incorporate the design features utilized on the exterior facades of conditioned buildings (office buildings) within the PDD, these features shall include materials/colors, and a pattern of voids/solids similar to those of the office building facades.
- b) Prior to issuance of building permit, a City of Raleigh Unity of Development Statement that incorporates elements found in the existing Brier Creek Corporate Center Unity Statement shall be approved by the Planning Department. (See attached Unity Statement)
- c) The exterior elevation of a parking structure that faces either Arco Corporate Drive, or a conditioned building within the PDD, shall incorporate a pedestrian and vehicular entrance. The entry feature(s) shall be placed either forward or rearward from the principal plane of the building elevation in order to differentiate the feature.
- d) Light fixtures located on top of a parking structure shall be no more than sixteen feet (16') in height, as measured from top of parking surface. Pole mounted fixtures located on the top of the deck shall be "cut-off" design.
- e) The portion of Street Protective Yard along Arco Corporate Drive and adjacent to a service areas shall also incorporate an evergreen hedge (single row) to further screen the service areas from view of the public right of way; the hedge shall be maintained a minimum of 42" height within three years of installation. Hedge plantings shall be 30" (thirty inch) height minimum at time of installation and shall be spaced no less than 36" (thirty-six inches) on center. To accommodate these plantings the depth of the Street Protective Yard may be increased to a depth of fifty feet (50').
- f) The maximum height of a parking structure shall not exceed seventy feet (90'), when measured at the ground level per the City of Raleigh Code section 10-2076(b), but excluding parapet walls (up to 5', five feet) and enclosures for stairs/elevators (up to 12', twelve feet) that project above the top parking level. The top of the parking structure shall be measured to the top parking level, exclusive of parapet screen walls.
- g) No mechanical venting equipment shall be incorporated into a parking structure unless screened from off-site view.
- h) At minimum, 50% of bicycle rack spaces shall be provided within parking structure(s). Bicycle racks shall be located primarily along the Macaw Street pedestrian promenade and within covered areas of the parking structure(s) at a rate of one (1) bike space for every fifty (50) parking spaces.

4. Sidewalks:

The Brier Creek Town Center II PDD shall provide sidewalks along both sides of public/private streets, connecting to a future greenway trail (to be provided by the City of Raleigh at later date). Transit stops are incorporated into the project – see Pedestrian Plan.

5. Transit Stop:

Transit Easement(s) shall be 10' X 20', and located behind the private access easement or public right of way. The developer shall install a bench and a shelter at an agreed upon location confirmed by the City of Raleigh Transit Division. Transit shelter and bench shall be installed no later than five (5) years from issuance of first building permit.

12. Revisions to Master Plan Approval:

Changes to Master Plan

A. Changes resulting in an increase to building height, building square footage (retail area and/or office area) and residential density that are no greater than five percent (5%) from the original PDD standard may be approved administratively by the staff of the City of Raleigh. Changes greater than 5%, but less than 10% requires approval by the Planning Commission.

B. City of Raleigh Staff shall be able to grant administrative approval to changes in the Master Plan pertinent to location and placement of greenway easements, transit easements as long as they are consistent with the intent of the master plan and Comprehensive Plan.

C. The Raleigh City Council shall be able to grant administrative approval to changes in the Master Plan pertinent to public and private street width, location and cross-section design as long as they are consistent with the intent of the master plan and Comprehensive Plan.

D. City of Raleigh Staff shall be able to grant administrative approval to changes in the Master Plan pertinent to future changes and modifications to City of Raleigh Code and Comprehensive Plan allowing other uses than what is currently prescribed under the Airport Overlay District. The change(s) shall be approved provided that the total number of vehicular trips, as determined by ITE standards established for the PDD, is not increased above the maximum number of trips in the approved master plan.

E. Temporary surface parking areas shall be allowed for five (5) years from issuance of first building certificate of occupancy, with an additional renewal period of five (5) years upon the approval of the Raleigh City Council.

MP-2-11
REFERENCE: MP-1-07

PDD MASTER PLAN

Date Submitted: 06.17.2011
1st Resubmittal: 09.01.2011
2nd Resubmittal: 09.22.2011
3rd Resubmittal: 04.27.2012
4th Resubmittal: 05.11.2012

Brier Creek Town Center II

8040 Arco Corporate Dr & 8030 Arco Corporate Dr,
Raleigh, North Carolina 27617

Application

Section B.
SUMMARY INFORMATION - (SHOW ON MASTER PLAN)

ALL PLANS REQUIRE THE FOLLOWING INFORMATION ON THE FRONT COVER OF THE DRAWING SETS:
DEVELOPMENT NAME: Brier Creek Town Center II
LOCATION: 8040 Arco Corporate Dr & 8030 Arco Corporate Dr

WAKE COUNTY PROPERTY IDENTIFICATION # (PIN) with property map: 0768540402, 0768445641
EXISTING ZONING DISTRICT(S): THOROUGHFARE CUD, AIRPORT OVERLAY DISTRICT & SHOD-2
PROPOSED ZONING DISTRICT(S): THOROUGHFARE PDD, AIRPORT OVERLAY DISTRICT & SHOD-2
INSIDE CITY LIMITS? Yes

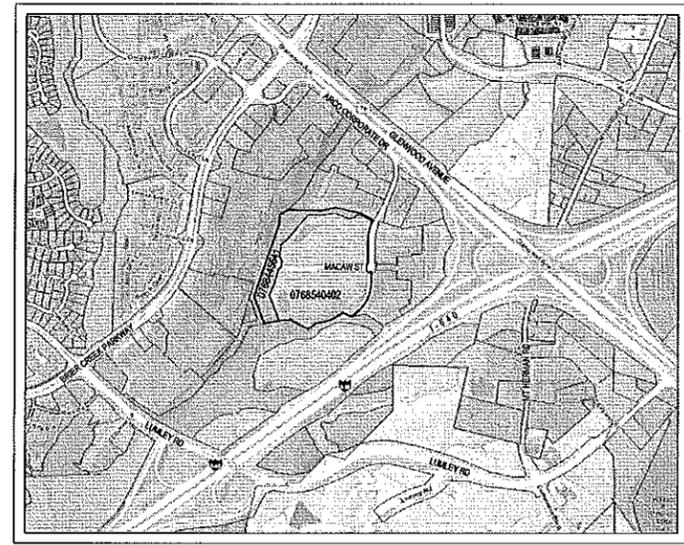
CLIENT (Owner or Developer):
Name(s): Brier Creek Corporate Center Associates, L.P., c/o American Asset Corporation
Address: c/o American Asset Corporation, W/ARC Corporation, Suite 350, Charlotte, NC 28274
Telephone: 919-821-2700 FAX: 919-755-2200
E-Mail Address: jdye@aacusa.com

CONSULTANT (Person to contact regarding questions or revisions to the plan):
Name(s): Ken Thornton (JDavis Architects, PLLC)
Address: 510 Glenwood Avenue, Suite 201, Raleigh, NC 27603
Telephone: 919-835-1500 FAX: 919-835-1510
E-Mail Address: kent@jdavisarchitects.com

TOTAL SITE ACRES: 38.53 AC

RESIDENTIAL ACRES: <u>3.24</u>	Total residential units: <u>REG</u>
	Single-family units: <u>NA</u>
	Multi-family units: <u>NA</u>
	Group housing units: <u>532</u>
	Condominium units: <u>NA</u>
	Congregational Care operations development: <u>NA</u>
	Average residential density: <u>18.0 AC</u>
	Maximum residential density: <u>18.0 AC</u>
	Proposed maximum lot size for detached single family residential if exceeding lot size limit: <u>5000 sq. ft.</u>
	NA provide findings in accordance with 10-2007
INSTITUTIONAL ACRES: <u>Zero</u>	Building Sq. Ft. NA
OFFICE ACRES: <u>27.27</u>	Building Sq. Ft. Min. 180,000 to a Max. 1,500,000
INDUSTRIAL ACRES: <u>Zero</u>	Building Sq. Ft. NA
RETAIL ACRES: <u>Zero</u>	Building Sq. Ft. Min. 1,000 to a Max. 115,000
% OF SITE THIS CONSTITUTES RECREATION ACRES: <u>4.73 (Greenway)</u>	Building Sq. Ft. NA
OPEN SPACE ACRES: <u>7.39 AC</u>	1/4" for each acreage unit: <u>213</u>
% OF SITE IT CONSTITUTES TREE CONSERVATION ACRES: <u>0.84</u>	Greenway (shaded sq. ft.): <u>153,700</u>
OF SITE IT CONSTITUTES: <u>0.02%</u>	acreage: <u>3.00</u>
	Other public open space: <u>NA</u>

Vicinity Map



SITE ACREAGE:
31.21 AC + 7.32 AC = 38.53 AC

PIN NUMBER(S):
0768540402 & 0768445641

ZONING(S):
THOROUGHFARE CUD, AIRPORT OVERLAY DISTRICT & SHOD-2

Project Team

OWNER:
Brier Creek Corporation Center ASSOC
c/o American Asset Corporation
3700 ARCO Corporation Drive, Suite 350
Charlotte, North Carolina 28273
919-821-2700
919-755-2200 (fax)
jdye@aacusa.com

CONSULTANT:
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architect
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919-361-2269 (fax)
akers@johnrmcadams.com

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Notes

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JDAVIS ARCHITECTS
 510 Glenwood Ave., Suite 201, Raleigh, NC 27603 | 919.835.1500 | 919.835.1510
 TRANSACTION NO. 304425 (Master Plan)
 MP-2-11

PDD Master Plan
 Brier Creek Town Center II
 Raleigh, North Carolina

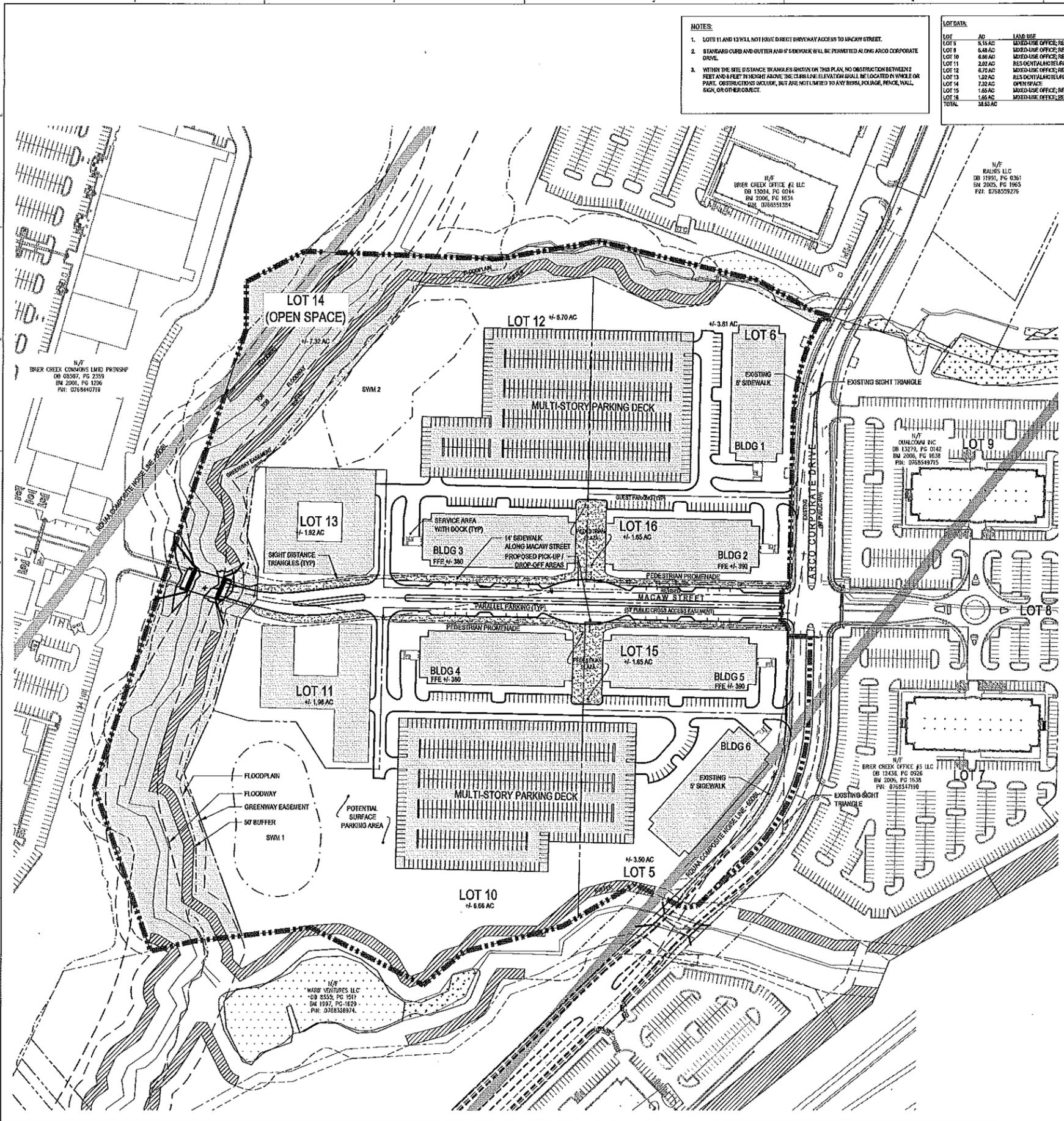
PRELIMINARY

FOR REVIEW ONLY
 NOT FOR
 CONSTRUCTION

PROJECT:	AGC-11042	DATE:	06.17.2011
ISSUE:	PDD Master Plan		06.17.2011
REVISIONS:	1st Review Comments		09.01.2011
	2nd Review Comments		09.22.2011
	Owner revision		04.27.2012

DRAWN BY: MH, SB
CHECKED BY: KT
CONTENT: COVER

L1.0



NOTES:

- LOTS 11 AND 13 WILL NOT HAVE DIRECT DRIVEWAY ACCESS TO MACAW STREET.
- STANDARD CURB AND GUTTER AND 5' SIDEWALK WILL BE PERMITTED ALONG ARCO CORPORATE DRIVE.
- WITHIN THE SITE DISTANCE TRIANGLES SHOWN ON THIS PLAN, NO OBSTRUCTION BETWEEN 2 FEET AND 8 FEET IN HEIGHT ABOVE THE CURB LINE ELEVATION SHALL BE LOCATED IN WHOLE OR PART. OBSTRUCTIONS INCLUDE, BUT ARE NOT LIMITED TO ANY BERM, FOLIAGE, FENCE, WALL, SIGN, OR OTHER OBJECT.

LOT DATA:

LOT	AC	LAND USE	BLDG SF MAX	HT MAX
LOT 5	5.15 AC	MIXED USE OFFICE, RETAIL, PARKING	245,000 SF (10% RETAIL MAX)	165'
LOT 9	6.48 AC	MIXED USE OFFICE, RETAIL, PARKING	245,000 SF (10% RETAIL MAX)	165'
LOT 10	6.86 AC	MIXED USE OFFICE, RETAIL, PARKING	250,000 SF (10% RETAIL MAX)	165'
LOT 11	2.02 AC	RESIDENTIAL HOTEL, RETAIL, PARKING	400,000 SF	150'
LOT 12	6.70 AC	MIXED USE OFFICE, RETAIL, PARKING	250,000 SF (10% RETAIL MAX)	165'
LOT 13	1.22 AC	RESIDENTIAL HOTEL, RETAIL, PARKING	400,000 SF	150'
LOT 14	7.32 AC	OPEN SPACE	0	0
LOT 15	1.65 AC	MIXED USE OFFICE, RETAIL, PARKING	250,000 SF (10% RETAIL MAX)	165'
LOT 16	1.65 AC	MIXED USE OFFICE, RETAIL, PARKING	250,000 SF (10% RETAIL MAX)	165'
TOTAL	38.83 AC		2,300,000 SF	

GENERAL NOTES:

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL CITY OF RALEIGH AND NC DOT STANDARDS AND SPECIFICATIONS.
- ALL DRIVEWAYS MUST BE INSTALLED TO THE MAXIMUM CITY OF RALEIGH STANDARDS SET FORTH IN THE STREET, SIDEWALK, AND DRIVEWAY ACCESS HANDBOOK OR THE CONDITIONS NOTED ON THIS PLAN, WHICHEVER IS MORE STRINGENT.
- WHERE SIDEWALK IS PROPOSED AT THE BACK OF CURB, SIDEWALK SHALL BE A MINIMUM OF 5' WIDE.
- IF CONSTRUCTION PLANS FOR PUBLIC AND PRIVATE STREETS OR UTILITIES SHOWN ON THIS PLAN ARE REQUIRED, THEY MUST BE APPROVED BY THE PUBLIC WORKS DEPARTMENT AND PUBLIC UTILITIES DEPARTMENT PRIOR TO ISSUANCE OF PERMITS OR RECORDING OF ANY PLAT FOR THIS DEVELOPMENT.
- WITHIN THE SITE TRIANGLES SHOWN ON THIS PLAN, NO OBSTRUCTION BETWEEN 2 FEET AND 8 FEET IN HEIGHT ABOVE THE CURB LINE ELEVATION SHALL BE LOCATED IN WHOLE OR PART. OBSTRUCTIONS INCLUDE BUT ARE NOT LIMITED TO ANY BERM, FOLIAGE, FENCE, WALL, SIGN, OR PARKED VEHICLE.
- ACCESS ROUTE FOR EMERGENCY VEHICLES SHALL PROVIDE AN INSIDE TURNING RADIUS OF 20' MINIMUM.
- TRASH AND CARDOOR DUMPSTER ENCLOSURE SHALL MATCH MATERIAL AND/OR COLOR OF THE PRINCIPAL BUILDING.
- CONTRACTOR TO FIELD LOCATE AND VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO LANDSCAPE ARCHITECT PRIOR TO ANY CONSTRUCTION ACTIVITIES. CONTACT NC ONE AT 811 FOR FIELD LOCATION OF UNDERGROUND UTILITIES.
- SLOPE IN HANDICAP PARKING AREAS NOT TO EXCEED 2% AS PER ADA STANDARDS.
- PROVIDE SKIRTING AND STRIPPING OF HANDICAP SPACES AS PER ADA STANDARDS.
- ALL RETAINING WALLS GREATER THAN 42" IN HEIGHT TO INCLUDE SAFETY HAND RAIL.
- IF CONSTRUCTION DRAWINGS FOR PUBLIC AND PRIVATE STREETS OR UTILITIES SHOWN ON THIS PLAN ARE REQUIRED, THEY MUST BE APPROVED BY THE PUBLIC WORKS DEPARTMENT PRIOR TO ISSUANCE OF ANY PERMITS OR RECORDING OF ANY PLAT FOR THIS DEVELOPMENT.
- THE MINIMUM CORNER CLEARANCE FROM THE CURB LINE OF INTERSECTING STREETS SHALL BE AT LEAST 20 FEET FROM THE POINT OF TANGENCY OF THE CURB. NO DRIVEWAYS SHALL ENCRUSH ON THIS MINIMUM CORNER CLEARANCE.
- NO ACCESS RAMPS WILL BE PROVIDED IN ACCORDANCE WITH RALEIGH ENGINEERING STANDARD DRAWING STD 802.11, WHERE SIDEWALK IS NOT REQUIRED ALONG THE PUBLIC ROAD, CURB IS TO BE DEPRESSED AT ALL RAMP LOCATIONS SHOWN ON STD 802.11.

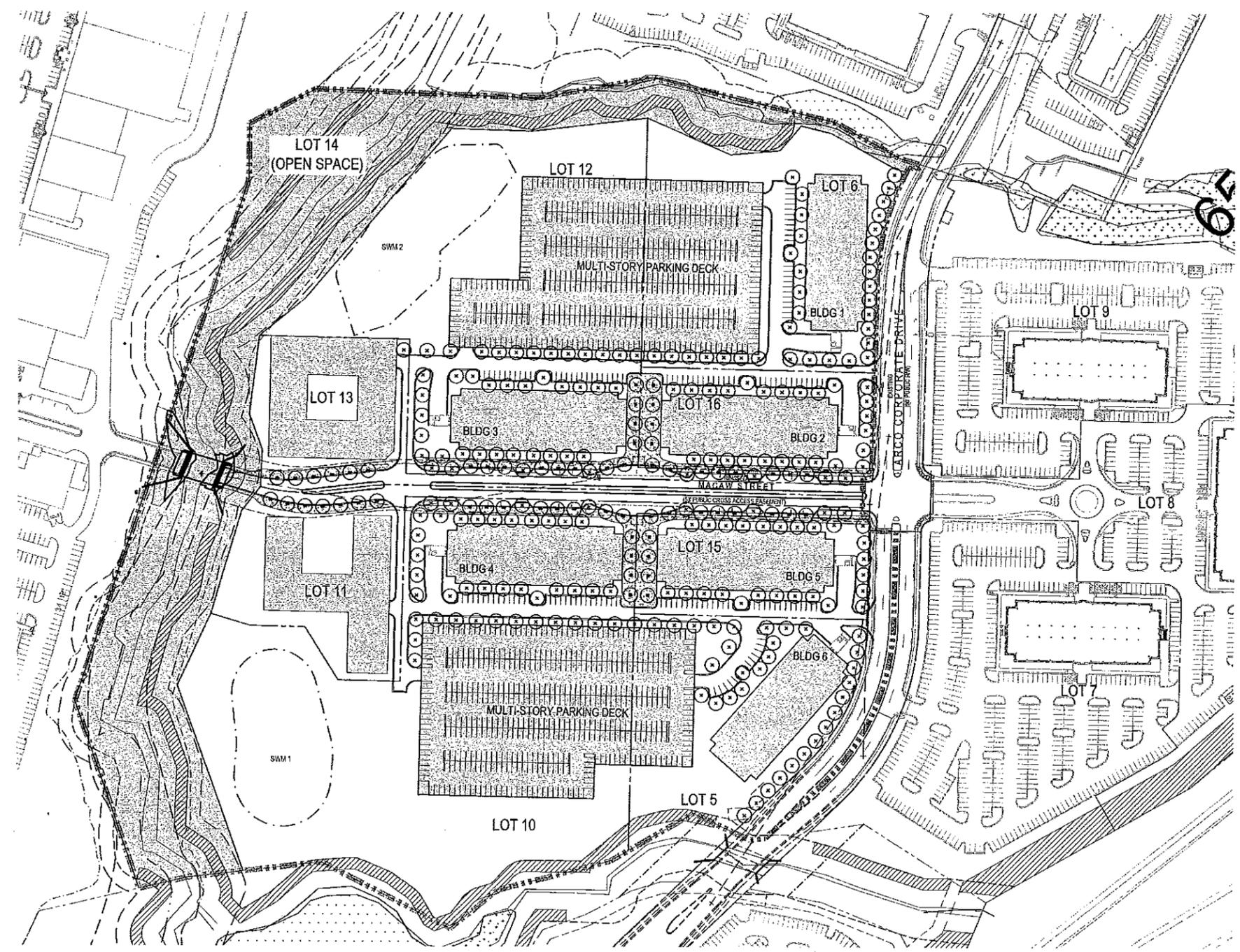
Section B. SUMMARY INFORMATION - (SHOW ON MASTER PLAN)

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

DEVELOPMENT NAME: Brier Creek Town Center II
 LOCATION: 8048 Arco Corporate Dr. & 8028 Arco Corporate Dr.

WAKE COUNTY PROPERTY IDENTIFICATION # (PIN) with property map: 078182002, 078182003, 078182004, 078182005, 078182006, 078182007, 078182008, 078182009, 078182010, 078182011, 078182012, 078182013, 078182014, 078182015, 078182016, 078182017, 078182018, 078182019, 078182020, 078182021, 078182022, 078182023, 078182024, 078182025, 078182026, 078182027, 078182028, 078182029, 078182030, 078182031, 078182032, 078182033, 078182034, 078182035, 078182036, 078182037, 078182038, 078182039, 078182040, 078182041, 078182042, 078182043, 078182044, 078182045, 078182046, 078182047, 078182048, 078182049, 078182050, 078182051, 078182052, 078182053, 078182054, 078182055, 078182056, 078182057, 078182058, 078182059, 078182060, 078182061, 078182062, 078182063, 078182064, 078182065, 078182066, 078182067, 078182068, 078182069, 078182070, 078182071, 078182072, 078182073, 078182074, 078182075, 078182076, 078182077, 078182078, 078182079, 078182080, 078182081, 078182082, 078182083, 078182084, 078182085, 078182086, 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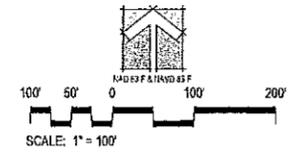
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- NOTES:**
1. STREET TREES (SHADE TREE) FOR BOTH PUBLIC AND PRIVATE STREETS SHALL BE 3.5" CALIPER / 14' HEIGHT (MINIMUM) AT TIME OF INSTALLATION; MINIMUM INSTALLATION SIZE SHALL NOT APPLY TO ORNAMENTAL TREES NOT UTILIZED FOR LANDSCAPE ORDINANCE.
 2. ALL OTHER PLANTINGS WILL BE PER CITY OF RALEIGH STANDARDS.
 3. TREE LOCATIONS SHOWN ARE CONCEPTUAL AND FINAL LOCATIONS ARE TO BE DETERMINED.

MP-2-11
REFERENCE: MP-1-07

LANDSCAPE PLAN



J DAVIS ARCHITECTS
516 General Ave., Suite 201 | Raleigh, NC 27603 | Tel: 919.825.1500 | Fax: 919.825.1510
TRANSACTION NO: 304425 (Master Plan)
MP-2-11

PDD Master Plan
Brier Creek Town Center II
Raleigh, North Carolina

PRELIMINARY

FOR REVIEW ONLY
NOT FOR
CONSTRUCTION

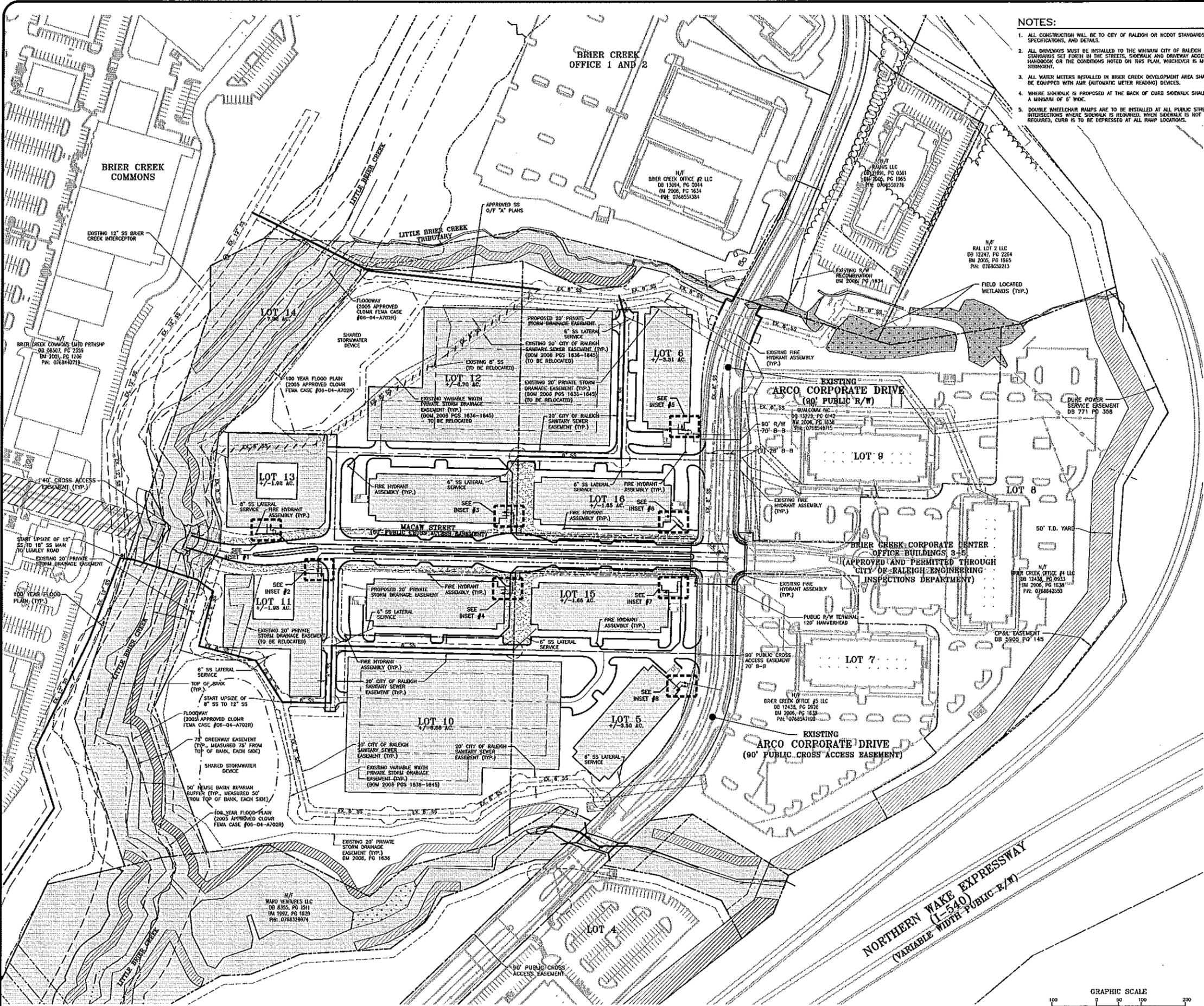
PROJECT:	ISSUE:	DATE
ACC-11042	PDD Master Plan	05.17.2011
		06.17.2011

REVISIONS:	DATE
1st Review Comments	09.01.2011
2nd Review Comments	09.22.2011

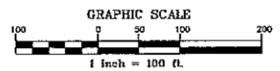
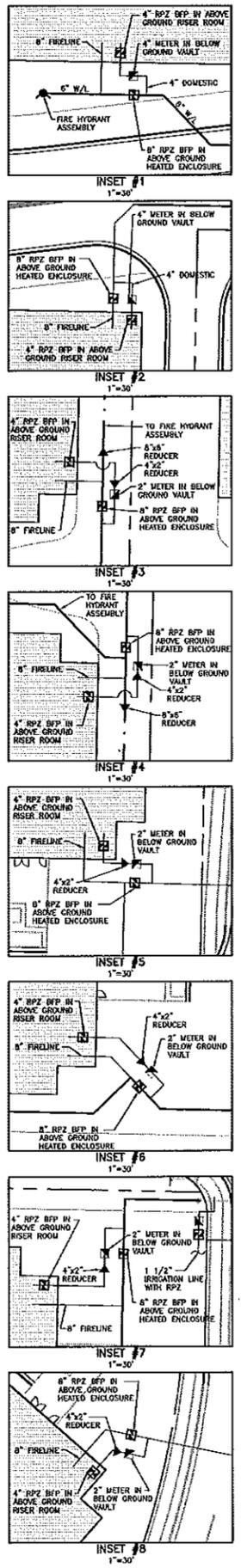
DRAWN BY:	
CHECKED BY:	
CONTENT:	LANDSCAPE PLAN

L6.1

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- NOTES:**
1. ALL CONSTRUCTION WILL BE TO CITY OF RALEIGH OR NCDOT STANDARDS, SPECIFICATIONS, AND DETAILS.
 2. ALL DRIVEWAYS MUST BE INSTALLED TO THE MINIMUM CITY OF RALEIGH STANDARDS SET FORTH IN THE STREETS, SIDEWALK AND DRIVEWAY ACCESS HANDBOOK OR THE CONDITIONS NOTED ON THIS PLAN, WHICHEVER IS MORE STRINGENT.
 3. ALL WATER METERS INSTALLED IN BRIAR CREEK DEVELOPMENT AREA SHALL BE EQUIPPED WITH AIR (AUTOMATIC METER READING) DEVICES.
 4. WHERE SIDEWALK IS PROPOSED AT THE BACK OF CURB SIDEWALK SHALL BE A MINIMUM OF 5' WIDE.
 5. DOUBLE SLOPE/CHAMFER RAMP ARE TO BE INSTALLED AT ALL PUBLIC STREET INTERSECTIONS WHERE SIDEWALK IS REQUIRED, WHEN SIDEWALK IS NOT REQUIRED, CURB IS TO BE DEPRESSED AT ALL RAMP LOCATIONS.



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

**THE JOHN R. McADAMS
COMPANY, INC.**
ENGINEERS • PLANNERS • SURVEYORS • ENVIRONMENTAL
RESOURCES
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REVISIONS:

05.01.2011-1ST REVIEW COMMENTS
09.22.2011-2ND REVIEW COMMENTS

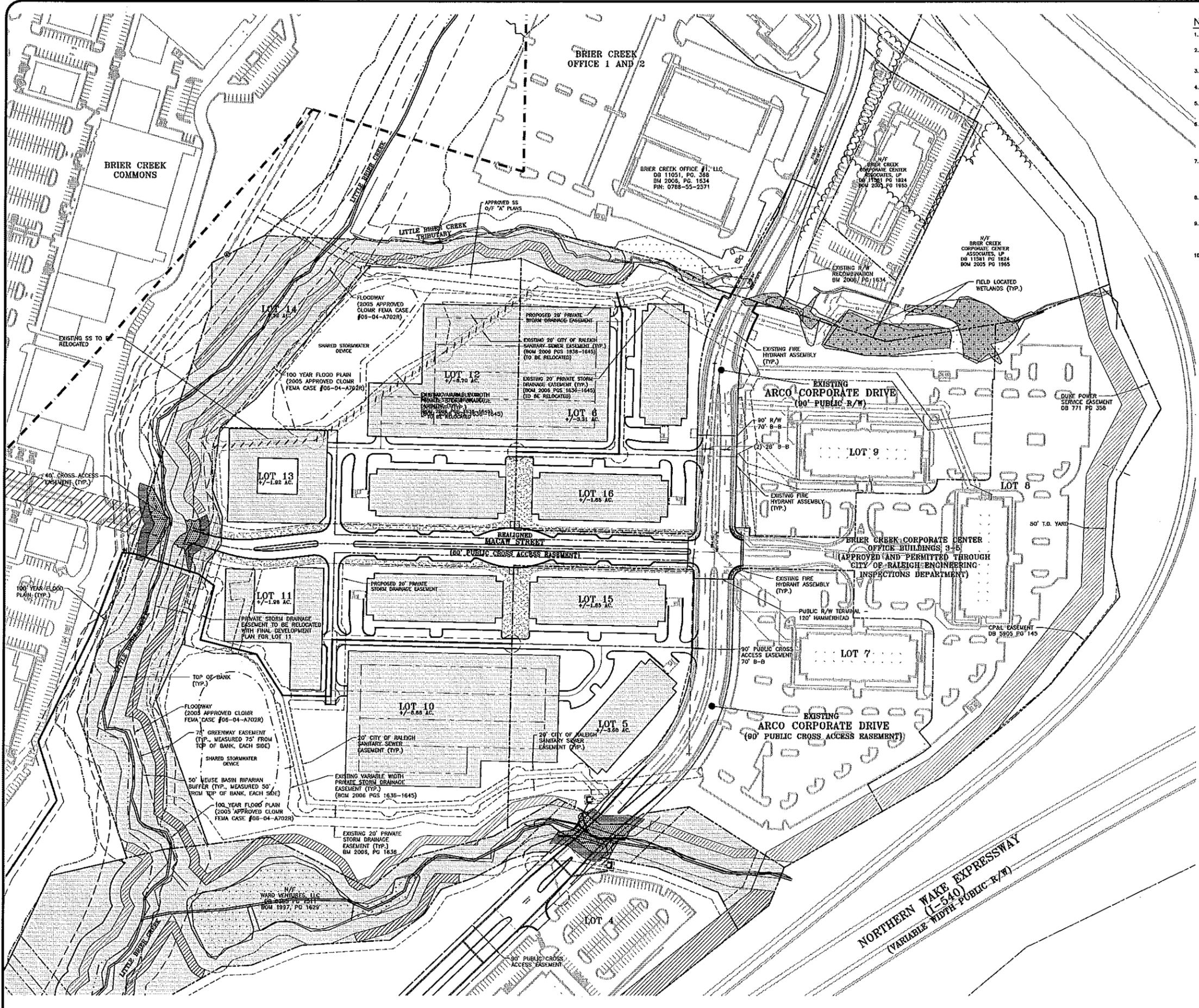
OWNER:
**BRIAR CREEK CORPORATE
CENTER ASSOCIATES, LP**
5010 ARCO CORPORATE DRIVE, SUITE 114
RALEIGH, NORTH CAROLINA 27617

BRIAR CREEK TOWN CENTER 2
RALEIGH, NORTH CAROLINA
PRELIMINARY UTILITY PLAN

PROJECT NO.	AAC-07040
FILENAME	AAC07040-U1
DESIGNED BY	BP/BW
DRAWN BY	JDH
SCALE	1"=100'
DATE	11-08-07
SHEET NO.	C-8

McADAMS

X:\projects\AAC\ACAD\DWG\11-08-07\11-08-07.dwg, 9/22/2011 11:52:25 AM, Williams, LS 08/18/07



- NOTES:**
- ALL CONSTRUCTION WILL BE TO CITY OF RALEIGH OR NCDOT STANDARDS, SPECIFICATIONS, AND DETAILS.
 - ALL DRIVEWAYS MUST BE INSTALLED TO THE MINIMUM CITY OF RALEIGH STANDARDS SET FORTH IN THE STREETS, SIDEWALK AND DRIVEWAY ACCESS HANDBOOK OR THE CONDITIONS NOTED ON THIS PLAN, WHICHEVER IS MORE STRINGENT.
 - ALL WATER METERS INSTALLED IN BRIER CREEK DEVELOPMENT AREA SHALL BE CORROSION WITH AIR (AUTOMATIC METER READING) DEVICES.
 - WHERE SIDEWALK IS PROPOSED AT THE BACK OF CURB SIDEWALK SHALL BE A MINIMUM OF 6' WIDE.
 - DOUBLE WHEELCHAIR RAMP ARE TO BE INSTALLED AT ALL PUBLIC STREET INTERSECTIONS WHERE SIDEWALK IS REQUIRED. WHEN SIDEWALK IS NOT REQUIRED, CURB IS TO BE DEPRESSED AT ALL RAMP LOCATIONS.
 - THIS IS A PRELIMINARY PLAN AND REPRESENTS POTENTIAL STORMWATER MANAGEMENT AREAS IN TERMS OF NUMBER, LOCATIONS AND GENERAL SIZES. FINAL STORMWATER MANAGEMENT AREAS MAY CHANGE IN SIZE, NUMBER, SHAPE AND EXACT LOCATION DURING THE DEVELOPMENT OF CONSTRUCTION DRAWINGS. ACCEPTABLE STANDARD DEVICES UNDER BEST MANAGEMENT PRACTICE (BMP) SHALL BE INCORPORATED IN THESE AREAS.
 - STORMWATER RUNOFF FOR THIS PROJECT SHALL PASS THROUGH ONE OF THE DESIGNATED STORMWATER MANAGEMENT AREAS. THESE AREAS SHALL BE DESIGNED TO ADDRESS BOTH RUNOFF QUANTITY AND QUALITY. POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED RUNOFF AMOUNTS CONSISTENT WITH THE REQUIREMENTS SET FORTH BY THE CITY OF RALEIGH AND MUST COMPLY WITH THE HEUSE RIVER BASIN NUTRIENT MANAGEMENT REGULATIONS.
 - STORMWATER COLLECTION SYSTEM WILL COMPLY WITH THE CITY OF RALEIGH STANDARDS AND SPECIFICATIONS, AND NCDOT, WHERE IN PUBLIC RIGHT-OF-WAY. COLLECTION SYSTEMS ON PRIVATE PROPERTY MAY INCORPORATE ALTERNATIVE DESIGN CONCEPTS OR DEVICES, WHERE PRACTICAL.
 - A COMPREHENSIVE EFFORT TO MINIMIZE IMPACTS TO WETLANDS, STREAMS, AND NEUSE RIVER BUFFER AREAS HAS BEEN FOLLOWED ON THIS STORMWATER MANAGEMENT PLAN. ANY RELATED PERMITS REGARDING ADDITIONAL STORMWATER BMP'S WILL BE INCORPORATED INTO THE FINAL CONSTRUCTION DRAWINGS AT THE TIME OF SUBMITTAL.
 - NO STORMWATER FACILITIES WILL BE CONSTRUCTED WITHIN THE UNDISTURBED NATURAL RESOURCE PROTECTIVE YARDS OR RIPARIAN BUFFERS.

THE JOHN R. McADAMS COMPANY, INC.
 ENGINEERS • PLANNERS • SURVEYORS • ENVIRONMENTAL
 RESEARCH TRIANGLE PARK • CHARLOTTE
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 800-755-5544 • www.johnr-mc.com • License No.: C-0629

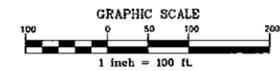
REVISIONS:

09.10.2011-1ST REVIEW COMMENTS
09.21.2011-2ND REVIEW COMMENTS

OWNER:
BRIER CREEK CORPORATE CENTER ASSOCIATES, LP
 8010 ARCO CORPORATE DRIVE, SUITE 114
 RALEIGH, NORTH CAROLINA 27617

BRIER CREEK TOWN CENTER 2
 RALEIGH, NORTH CAROLINA
 PRELIMINARY STORMWATER MANAGEMENT PLAN

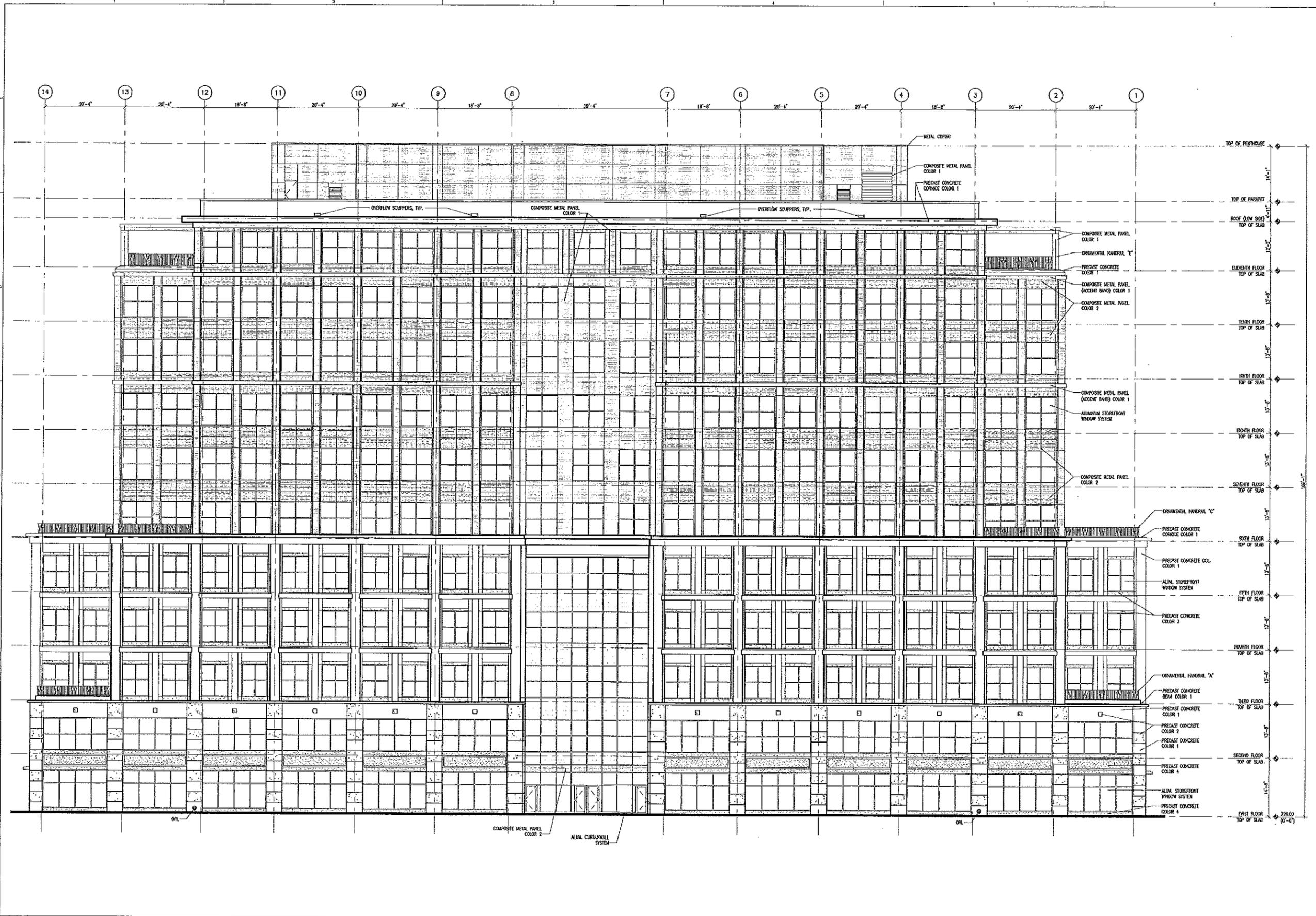
PROJECT NO.	AAC-07040
FILENAME	AAC07040-SM1
DESIGNED BY	BF/BP
DRAWN BY	JDH
SCALE	1"=100'
DATE	11-08-07
SHEET NO.	C-9



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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CONCEPTUAL BUILDING ELEVATION (FRONT/BACK)
SCALE: 3/32" = 1'-0"

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JDAVIS ARCHITECTS
911 Oakeswood Ave., Suite 201 | Raleigh, NC 27603 | Tel: 919.876.1000 | Fax: 919.876.5100
TRANSACTION NO. 304425 (Master Plan)
MP-2-11

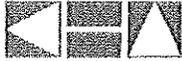
PDD Master Plan
Brier Creek Town Center II
Raleigh, North Carolina

PRELIMINARY

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CONSTRUCTION

PROJECT:	ACC-11042	DATE:	06.17.2011
ISSUE:	PDD Master Plan	06.17.2011	
REVISIONS:	1st Review Comments	09.01.2011	
	2nd Review Comments	09.22.2011	

DRAWN BY:
CHECKED BY:
CONTENT: BUILDING ELEVATIONS



Kimley-Horn
and Associates, Inc.

June 16, 2011

Mr. Bowman Kelly, PE, PTOE
City of Raleigh, Transportation Planning
One Exchange Plaza, Suite 727
Raleigh, NC 27601

☐
P.O. Box 1086
Durham, North Carolina
27702-1086

**Re: Brier Creek Corporate Center - Trip Generation
Raleigh, North Carolina**

Dear Bowman:

As we have recently discussed, American Asset Corporation plans to submit a rezoning application with a PDD Master Plan for the Brier Creek Corporate Center on June 17, 2011. This request will add approximately 600 apartment units to the current zoning potential of the site.

Trip Generation

The table below summarizes the gross traffic generating potential of the proposed 600 apartments based on the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition*.

Table 1 Brier Creek Corporate Center - Apartments ITE Trip Generation						
ITE Code	Land Use	24 Hour	AM Peak Hour		PM Peak Hour	
			In	Out	In	Out
220	600 Apartments	3760	60	238	226	122

Based on our preliminary discussions and the trip generation potential referenced above, I understand you have requested that a traffic impact analysis be conducted for this project. In the coming days we will contact your office to further formalize assumptions to be included in the analysis. As always, thank you for your assistance.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Earl Lewellyn, P.E.
Senior Transportation Engineer

ZONING CASE Z-__-11

REZONING OF PROPERTY CONSISTING OF +/- 38.53 ACRES LOCATED AT ARCO
CORPORATE DRIVE AND MACAW STREET, IN THE CITY OF RALEIGHREPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON JUNE 16, 2011

Pursuant to applicable provisions of the City Code, a meeting was held with respect to a potential rezoning with adjacent property owners on Thursday, June 16, 2011, at 6:00 p.m. The property subject to this proposed zoning is +/- 38.53 acres located in the northwest and southwest quadrants of the intersection of Arco Corporate Drive and Macaw Street, in the City of Raleigh, having Wake County Parcel Identification Numbers 0768-44-5641 and 0768-54-0402. This meeting was held at the offices of American Asset Corporation, 7990 Arco Corporate Drive, Suite 119, Raleigh, NC 27617. A copy of the meeting notice is attached hereto as **Exhibit A**. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit B** is a copy of the City Code required mailing list for the meeting invitations. Attached hereto as **Exhibit C** is a copy of the addressed, stamped envelopes containing the neighborhood notices mailed by first class mail. A summary of the items discussed at the meeting is attached hereto as **Exhibit D**. Attached hereto as **Exhibit E** is a list of the individuals who attended the meeting. No changes were made to the rezoning petition as a result of this meeting.

EXHIBIT A
MEETING NOTICE
(See Attached)

2-16-11 / MP-2-11

K&L | GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047
t 919.743.7300 www.klgates.com

MEMORANDUM

To Neighboring Property Owners
From Jason L. Barron and R. Michael Birch, Jr.
Date June 2, 2011
Re Notice of meeting to discuss potential rezoning of property located at in the northwest and southwest quadrants of the intersection of Arco Corporate Drive and Macaw Street, containing approximately 38.53 acres, having Wake County PINs: 0768-44-5641 and 0768-54-0402.

We are counsel for owners of a portion of the property referenced above (the "Property"). The owner is considering rezoning the property. The parcels are currently zoned Thoroughfare District Conditional Use District with a Special Highway Overlay District-2, Airport Overlay District and Planned Development Conditional Use Overlay District. The pending rezoning case seeks to rezone the property to Thoroughfare District Conditional Use District with a Special Highway Overlay District-2, Airport Overlay District and a Planned Development Conditional Use Overlay District, with an amendment to the applicable master plan and the elimination of the Airport Overlay District from that portion of the Property outside of the 65 dnl contour line.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Thursday, June 16, 2011 at 6:00 p.m. This meeting will be held at the offices of American Asset Corporation, 7990 Arco Corporate Drive, Suite 119, Raleigh, NC 27617.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the developer to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact us directly should you have any questions or wish to discuss any issues. We can be reached at (919) 743-7343 or jason.barron@klgates.com and (919) 743-7314 or michael.birch@klgates.com.

2-16-11/MP-2-11

EXHIBIT B

Adjacent Property List

<u>PROPERTY OWNERS</u>	<u>PIN</u>
QUALCOMM INC ATTN:TAX DEPT 5775 MOREHOUSE DR SAN DIEGO CA 92121-1714	0768549715
BRIER CREEK OFFICE #5 LLC C/O AMERICAN ASSET CORP 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	0768547190
RALHIS LLC C/O WINWOOD HOSPITALITY 2803 SLATER RD STE 115 MORRISVILLE NC 27560-8463	0768559276
BRIER CREEK OFFICE #4 LLC C/O AMERICAN ASSET CORPORATION 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	0768642550
BRIER CREEK CORP CNTR ASSOC LP AMERICAN ASSET CORPORATION 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	0768438432
WARD VENTURES LLC 6720 MT HERMAN RD RALEIGH NC 27622	0768328974
BRIER CREEK OFFICE #2 LLC C/O AMERICAN ASSES CORP 3700 ARCO CORP DR STE 350 CHARLOTTE NC 28273	0768551384
BRIER CREEK COMMONS LMTD PRTNSHP AMERICAN ASSET CORPORATION 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	0768440719

<u>PROPERTY OWNERS</u>	<u>PIN</u>
REGAL CINEMAS INC 7132 REGAL LN KNOXVILLE TN 37918-5803	0768348092
BRIER CREEK COMMONS LMTD PRTNSHP AMERICAN ASSET CORPORATION 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	0768431808

Subject Property List

BRIER CREEK CORPORATE CENTER ASSOC AMERICAN ASSET CORP 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	0768540402
BRIER CREEK CORPORATE CENTER ASSOC AMERICAN ASSET CORP 3700 ARCO CORPORATE DR STE 350 CHARLOTTE NC 28273-7129	0768445641

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4350 Lassiter at North Hills Avenue, Suite 300
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5775 MOREHOUSE DR
SAN DIEGO CA 92121-1714

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BRIER CREEK OFFICE #5 LLC
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CHARLOTTE NC 28273-7129

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C/O WINWOOD HOSPITALITY
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**BRIER CREEK OFFICE #4 LLC
C/O AMERICAN ASSET CORPORATION
3700 ARCO CORPORATE DR STE 350
CHARLOTTE NC 28273-7129**

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EXHIBIT C

STAMPED, ADDRESSED ENVELOPES

(See Attached)

EXHIBIT D

SUMMARY OF DISCUSSION ITEMS

On Thursday, June 16, 2011, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. No items were discussed because no adjacent property owners attended the meeting.

2-16-11 / MP. 2-11

EXHIBIT E

NEIGHBORHOOD MEETING ATTENDEES

No attendees.