

**SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN, L.L.P.**

LAWYERS

OFFICES

Wells Fargo Capitol Center
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601

TOBY R. COLEMAN

DIRECT DIAL: (919) 821-6778
E-Mail: tcoleman@smithlaw.com

May __, 2021

MAILING ADDRESS

P.O. Box 2611
Raleigh, North Carolina
27602-2611

TELEPHONE: (919) 821-1220

FACSIMILE: (919) 821-6800

Re: Notice of neighborhood meeting to discuss rezoning Z-1-21
Proposed rezoning of land located at 5060 Edwards Mill Rd., Raleigh, NC 27612
(PIN: 0795399646) (the "Property")

Dear Neighboring Property Owners:

We are writing to invite you to a Neighborhood Meeting to discuss Z-1-21, a proposed rezoning of the Property.

The neighborhood meeting will be held on May 17, 2021 at 5 p.m. The meeting will be held virtually. You can participate online or by telephone.

To participate online, please visit:

<https://attendee.gotowebinar.com/register/6252554705431609357>

OR

<http://bit.ly/Rezoning5060EdwardsMillRd>

To listen via telephone, please call:

888-363-9082

Access Code: 3204260#

The Property is currently zoned Residential-6 and is proposed to be rezoned to Commercial Mixed Use with a maximum height of 7 stories and Commercial Mixed Use with maximum height of 12 stories (CX-7 and CX-12). The enclosed map shows the location of the proposed zoning on the Property.

The rezoning is being proposed by Pinnacle Apartments, the owner of the Property. Pinnacle Apartments is owned by a group of local investors.

At the Neighborhood Meeting, we will discuss the proposed rezoning, including the potential zoning conditions for the development of the Property. Any new development would be subject to existing zoning requirements, which prohibit buildings within 50' of the Crabtree Woods neighborhood and limit height of buildings within 100' of the Crabtree Woods neighborhood. As reflected in the draft rezoning application enclosed, Pinnacle Apartments will be offering up zoning conditions that impose additional restrictions and requirements on the Property, including a provision expanding the neighborhood transition buffer by limiting the heights of buildings located within 200' of the Crabtree Woods neighborhood.

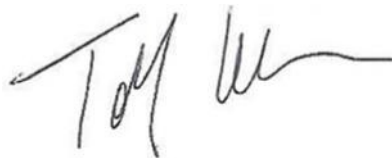
Prior to review by the Planning Commission, the City of Raleigh requires that a neighborhood meeting be held for all property owners, residents, and tenants within 1,000 feet of the property requested for rezoning. After the meeting, we will prepare a report regarding the items discussed at the meeting and submit the report to the Raleigh Planning and Development Department. Any other person attending the meeting can submit written comments about the meeting or request in general, but to be included in the Planning Commission agenda packet written comments must be received at least 10 days prior to the date of the Planning Commission meeting where the case is being considered.

Information about the rezoning process is available online; visit www.raleighnc.gov and search for "Rezoning Process." If you have further questions about the rezoning process, please contact:

Donald R. Belk
Raleigh Planning & Development
(919) 996-4641
Donald.Belk@raleighnc.gov

If you have any concerns or questions about this potential rezoning, please do not hesitate to contact me. I can be reached via my office phone at 919-821-6778 or via email at tcoleman@smithlaw.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Toby R. Coleman', with a stylized flourish at the end.

Toby R. Coleman

enclosures

Proposed Rezoning—Z-1-21—5060 Edwards Mill Rd
Electronic Neighborhood Meeting Agenda
May 17, 2021, 5p.m.

ACCESSING THE MEETING

TO ACCESS THE MEETING: The meeting will be held on GoToWebinar.

To access the meeting, go to <https://attendee.gotowebinar.com/register/6252554705431609357> or <http://bit.ly/Rezoning5060EdwardsMillRd>. Prior to entering the meeting, you will be asked to provide your name and contact information. The City of Raleigh requires that we collect names and contact information from attendees and provide a list of attendees to the City.

Attendees may also participate exclusively by telephone by calling 888-363-9082 and entering Access Code: 3204260#.

WHAT TO EXPECT

Instead of seeing a group of speakers standing together at the front of a room, attendees will see speakers on their individual webcams. A PowerPoint presentation will be shared via the GoToWebinar platform.

Attendees will be muted during the Meeting Welcome and Project Presentation. Attendees will be able to submit questions in writing throughout the meeting.

During the Question and Answer session, the speakers will answer questions submitted in writing and respond to questions asked orally by attendees during the Question and Answer session. To ask questions “live” during the Question and Answer session, attendees logged on to GoToWebinar will need to click on the “raise hand” icon on the GoToWebinar control panel to alert the speakers that they need to be unmuted so that the rest of the attendees can hear them.

In addition to attending the meeting, you may also ask questions or request additional information from the owner, Pinnacle Apartments, by calling or e-mailing Toby Coleman at (919) 821-6778 or tcoleman@smithlaw.com.

MEETING AGENDA

1. Meeting Welcome and Introductions of Speakers.
2. Project Presentation
3. Question and Answer

EXPLANATION OF PROCESS REQUIRED BY CITY'S VIRTUAL NEIGHBORHOOD MEETING GUIDELINES

Why is this Meeting Being Held? Pinnacle Apartments is holding this neighborhood meeting to discuss its proposed rezoning of the property located at 5060 Edwards Mill Rd. Pinnacle Apartments proposes rezoning the property from its current Residential-6 (R-6) to Commercial Mixed Use with a maximum height of 7 stories and Commercial Mixed Use with a maximum height of 12 stories (CX-7 and CX-12) with a zoning condition limiting height of buildings within 200' of the Crabtree Woods neighborhood to 6 stories.

What Happens in the Rezoning Process After the Neighborhood Meeting? Pinnacle Apartments LLC is required by the UDO and the Virtual Neighborhood Meeting guidelines to provide the City with a written summary of the questions and comments received at the Virtual Neighborhood Meeting.

The application will then go before the City's Planning Commission for its review and recommendation. Once the Planning Commission makes a recommendation, the rezoning application will go to the City Council for a public hearing and further review. The City Council will make the decision on whether or not to approve the rezoning application.

EXPLANATION OF DEVELOPMENT PROPOSAL

The rezoning of 5060 Edwards Mill Road (the "Property") is proposed by Pinnacle Apartments, the owner of the Property and the apartment homes currently on the Property.

The rezoning is a necessary administrative update to the Property's zoning. The apartment homes on the Property were built 40 years ago, and much has changed in the Crabtree area since then. The Residential-6 (R-6) zoning designation does not accurately reflect or permit the current apartment homes, and is inconsistent with the development of the area as well as City land use policy. The property is currently zoned for low-density residential purposes. The City's comprehensive plan calls for a mix of uses and much higher densities.

Consistent with the built environment and City policy, Pinnacle Apartments proposes rezoning the Property from R-6 to Commercial Mixed Use. As shown on the attached map, the permitted height on the Property would taper down as it gets closer to the Crabtree Woods neighborhood. Portions of the property within 200' of the Crabtree Woods neighborhood would be zoned for a maximum of 6 stories. The southern and eastern portions of the property closer to the mall and surrounding multifamily developments would have a maximum of 12 stories.

Under the City's neighborhood transition requirements, no buildings can be located within 50' of the Crabtree Woods neighborhood. The City's neighborhood transition requirements also limit the height of buildings between 51' and 100' from the Crabtree Woods neighborhood. Pinnacle Apartments proposes a zoning condition that would extend the City's existing neighborhood transition height restrictions so that buildings located between 101' and 200' of the Crabtree Woods neighborhood cannot exceed six stories.

The rezoning would facilitate future redevelopment of the Property with a mix of residential, commercial, and retail uses. Pinnacle Apartments proposes zoning conditions requiring the construction of a new road to the south of the Property to help facilitate pedestrian and vehicle travel in the area. The new road would help facilitate travel in the area and address traffic issues in the neighborhood.

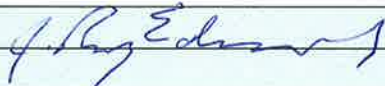
Rezoning Application and Checklist

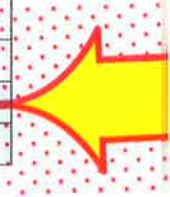
Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500



Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 11 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

Rezoning Request			
Rezoning Type	<input type="checkbox"/> General use	<input checked="" type="checkbox"/> Conditional use	<input type="checkbox"/> Master plan
	<input type="checkbox"/> Text change to zoning conditions		
Existing zoning base district: R-6	Height:	Frontage:	Overlay(s):
Proposed zoning base district: CX	Height: 7 and 12	Frontage:	Overlay(s):
Helpful Tip: View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			
If the property has been previously rezoned, provide the rezoning case number:			

General Information		
Date: 1/5/21	Date amended (1):	Date amended (2):
Property address: 5060 EDWARDS MILL RD		
Property PIN: 0795399646		
Deed reference (book/page): 8598/1173		
Nearest intersection: Edwards Mill Rd/Crabtree Valley Ave.		Property size (acres): 14.98
For planned development applications only:	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: Pinnacle Apartments LLC		
Property owner email:		
Property owner phone:		
Applicant name and address: Tobias R. Coleman		
Applicant email: tcoleman@smithlaw.com		
Applicant phone: 919-821-6778		
Applicant signature(s): 		
Additional email(s):		



Conditional Use District Zoning Conditions		
Zoning case #: Z-1-21	Date submitted: 4/23/21	OFFICE USE ONLY Rezoning case #
Existing zoning: R-6	Proposed zoning: CX-7-CU/CX-12-CU	

Narrative of Zoning Conditions Offered
<p>For purposes of the following conditions, Wake County PIN 0795399646 (deed recorded at Book 8598, Page 1173 of the Wake County Registry) shall be referred to as the "Property."</p> <p>(1) There shall be no more than 850 residential dwelling units upon the Property.</p> <p>(2) Eating establishments and retail sales uses upon the Property shall be limited to a total of 25,000 square feet.</p> <p>(3) Office uses upon the Property shall be limited to a total of 360,000 square feet.</p> <p>(4) The following uses shall be prohibited upon the Property: Emergency Shelter A and Emergency Shelter B; cemetery; dormitory, fraternity, or sorority; adult establishment; airfield or landing strip; bar, nightclub, tavern, lounge.</p> <p>(5) If any building upon the Property exceeds five stories in height, at least 75% of the required vehicular parking spaces for that particular building shall be within a parking structure.</p> <p>(6) The height of any building within the portion of the Property zoned CX-7 shall not exceed six (6) stories.</p> <p>(7) Where upper stories of structured parking are located at the perimeter of a building, they must be screened so that cars are not visible from adjacent public streets. Sloped ramps cannot be discernible from adjacent public streets. Architectural or vegetative screens must be used to hide parked vehicles and shield lighting from public streets.</p> <p>(8) A maximum of 2 bays of on-site parking with a single drive aisle is permitted between any building within 200' of a public street and the public street.</p> <p>(9) New buildings within 200' of a public street shall have a street-facing entrance. Direct pedestrian access is required from the public sidewalk to the main entrance of new buildings.</p>

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature: _____

Printed Name: _____

Rezoning Application Addendum #2	
Impact on Historic Resources	OFFICE USE ONLY Rezoning case # _____
The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	
Inventory of Historic Resources	
List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
There are not known historic resources on the property.	
Proposed Mitigation	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
N/A.	

Urban Design Guidelines

The applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", OR;
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban form designation: **City Growth Center**

Click [here](#) to view the Urban Form Map.

1

All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.

Response:

The proposed rezoning allows, and the proposed development anticipates, a mix of office, commercial, and residential uses arranged in a compact and pedestrian friendly form that will be within walking distance of Crabtree Valley Mall and the surrounding retail, office, and residential uses.

2

Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.

Response:

The property is primarily surrounded by "RX" and "CX" to the south, east, and northeast. The Crabtree Woods neighborhood (zoned R-6) is located to the west and northwest of the property. The zoning conditions provide for a transitions to lower heights in areas with 200' of the Crabtree Woods neighborhood. The zoning conditions, along with the UDO's neighborhood transition requirements, provide for necessary transitions.

3

A mixed-use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed-use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed-use area should be possible without requiring travel along a major thoroughfare or arterial.

Response:

The property is located along the proposed realignment of Edwards Mill Road, a major thoroughfare, and is connected directly into the surrounding road network, including Glenwood Avenue, Edwards Mill Road, and Blue Ridge Road. Zoning conditions provide that a new public street shall be constructed through the property prior to significant redevelopment of the property. That new public street will further facilitate travel to the mixed-use area without traveling along a major thoroughfare.

4

Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.

Response:

A new public street is contemplated as part of the redevelopment of this property. The new public street will create new interconnections with adjoining developments consistent with Raleigh street plans.

5

New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.

Response:

A new public street is contemplated as part of this development. The new public street will help facilitate block structure. The rezoning will facilitate new development that can create block structure consistent with this guidance.

6

A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.

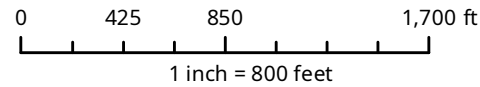
Response:

Topography and environmentally sensitive areas restrict the ability to locate new buildings or parking lots along the Property's frontage with Edwards Mill Road. The rezoning will facilitate denser, mixed-use development that can be consistent with this guideline. Zoning conditions limit parking between buildings within 200' of public streets and public streets.

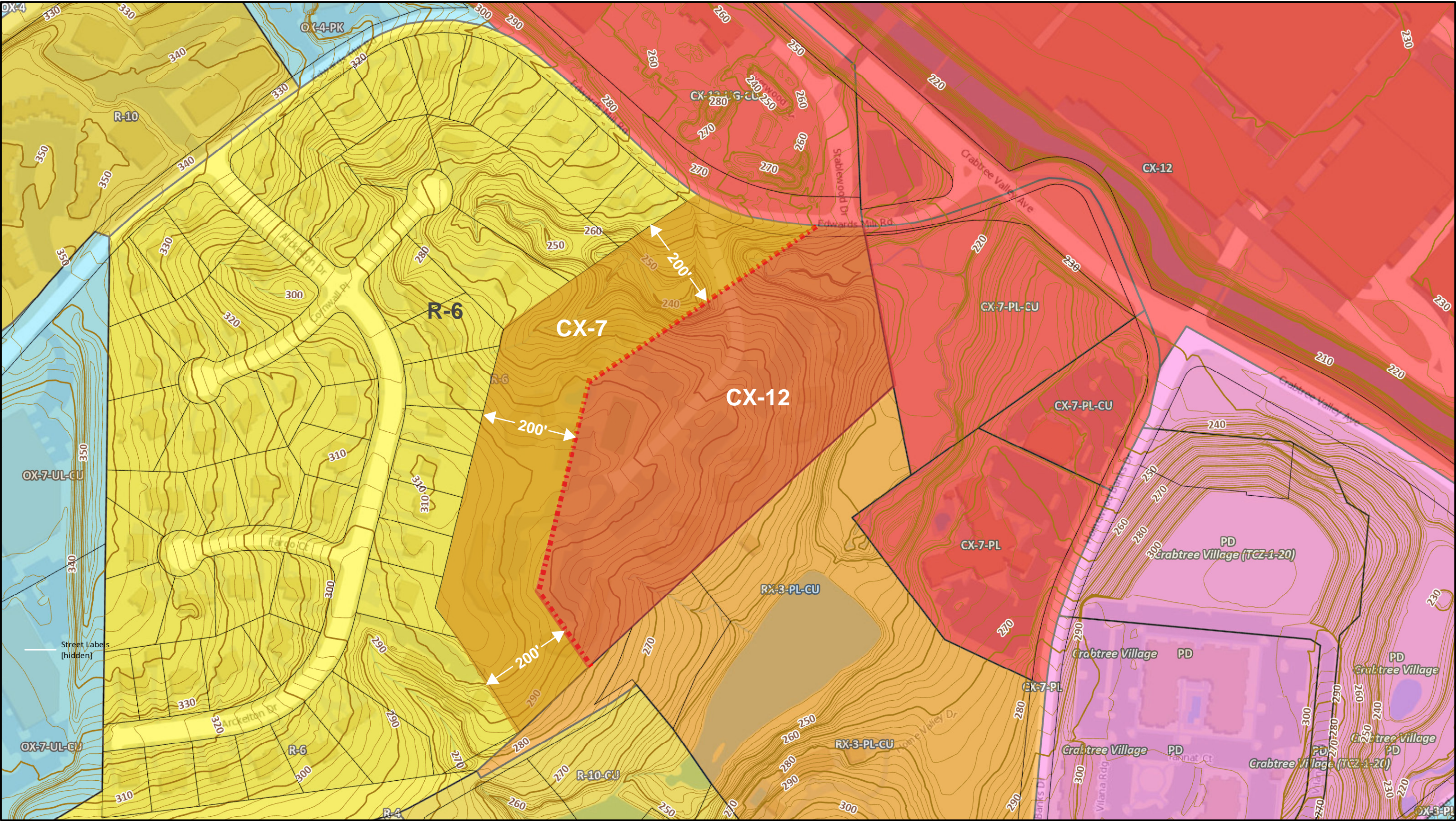
7	<p>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high-volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</p> <p>Response: Consistent with this guideline, the zoning conditions limit the amount of surface parking located between the street and buildings within 200' of a public street.</p>
8	<p>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</p> <p>Response: The property is not currently located at a street intersection. The future intersection of Edwards Mill Road and a future public road may be located in or around a stream subject to stream buffer rules, thereby preventing the placement of buildings, parking, loading, or service at that future intersection.</p>
9	<p>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</p> <p>Response: Future redevelopment will be consistent with this guideline.</p>
10	<p>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</p> <p>Response: Pedestrian access will be provided consistent with the UDO. Building transparency will be provided consistent with the UDO.</p>
11	<p>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</p> <p>Response: The proposed rezoning will permit a mix of retail, cafes, and restaurants mixed with higher-density residential consistent with this guideline.</p>
12	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</p> <p>Response: The proposed rezoning will permit redevelopment consistent with this guideline.</p>
13	<p>New public spaces should provide seating opportunities.</p> <p>Response: Outdoor amenity areas will be provided consistent with the UDO.</p>

14	<p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</p> <p>Response: The zoning conditions will ensure that the redevelopment of the property will limit the amount of surface parking located between the street and buildings within 200' of a public stree.</p>
15	<p>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</p> <p>Response: The zoning conditions will ensure that the redevelopment of the property will limit the amount of surface parking located between the street and buildings within 200' of a public street. Zoning conditions also require the bulk of parking for new buildings in excess of 5 stories to be provided in structured parking, not parking lots.</p>
16	<p>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements cane make a significant improvement.</p> <p>Response: Any new parking structure will be designed consistent with the UDO. The zoning conditions will ensure that parking structures will be screened.</p>
17	<p>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</p> <p>Response: The property is within walking distance of Crabtree Valley Mall, a major transit stop, consistent with this guideline.</p>
18	<p>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</p> <p>Response: The development will provide convenient, comfortable pedestrian access between the building and transit stops, consistent with this guideline.</p>
19	<p>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</p> <p>Response: The Property will be developed consistent with the UDO with due regard for steep slopes, watercourses, and floodplains.</p>
20	<p>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</p> <p>Response: Sidewalks and driveways will be provided consistent with the UDO.</p>

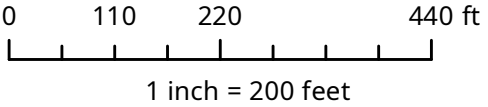
21	<p>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</p> <p>Response: Sidewalks and driveways will be provided consistent with the UDO.</p>
22	<p>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</p> <p>Response: Street trees will be provided in accordance with the UDO.</p>
23	<p>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</p> <p>Response: New buildings will be located on the site in accordance with the UDO. Streetscapes will be provided in accordance with the UDO.</p>
24	<p>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</p> <p>Response: New buildings facing the primary public street will be developed with due regard for this guideline.</p>
25	<p>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</p> <p>Response: The proposed rezoning permits more mixed-use development that can facilitate buildings with pedestrian interest consistent with this guideline.</p>
26	<p>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</p> <p>Response: The proposed rezoning provide for more mixed-use development that can facilitate pedestrian movement and casual social interaction consistent with this guideline. Sidewalks will be provided consistent with the UDO.</p>



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Proposed Rezoning--5060 Edwards Mill Rd.



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