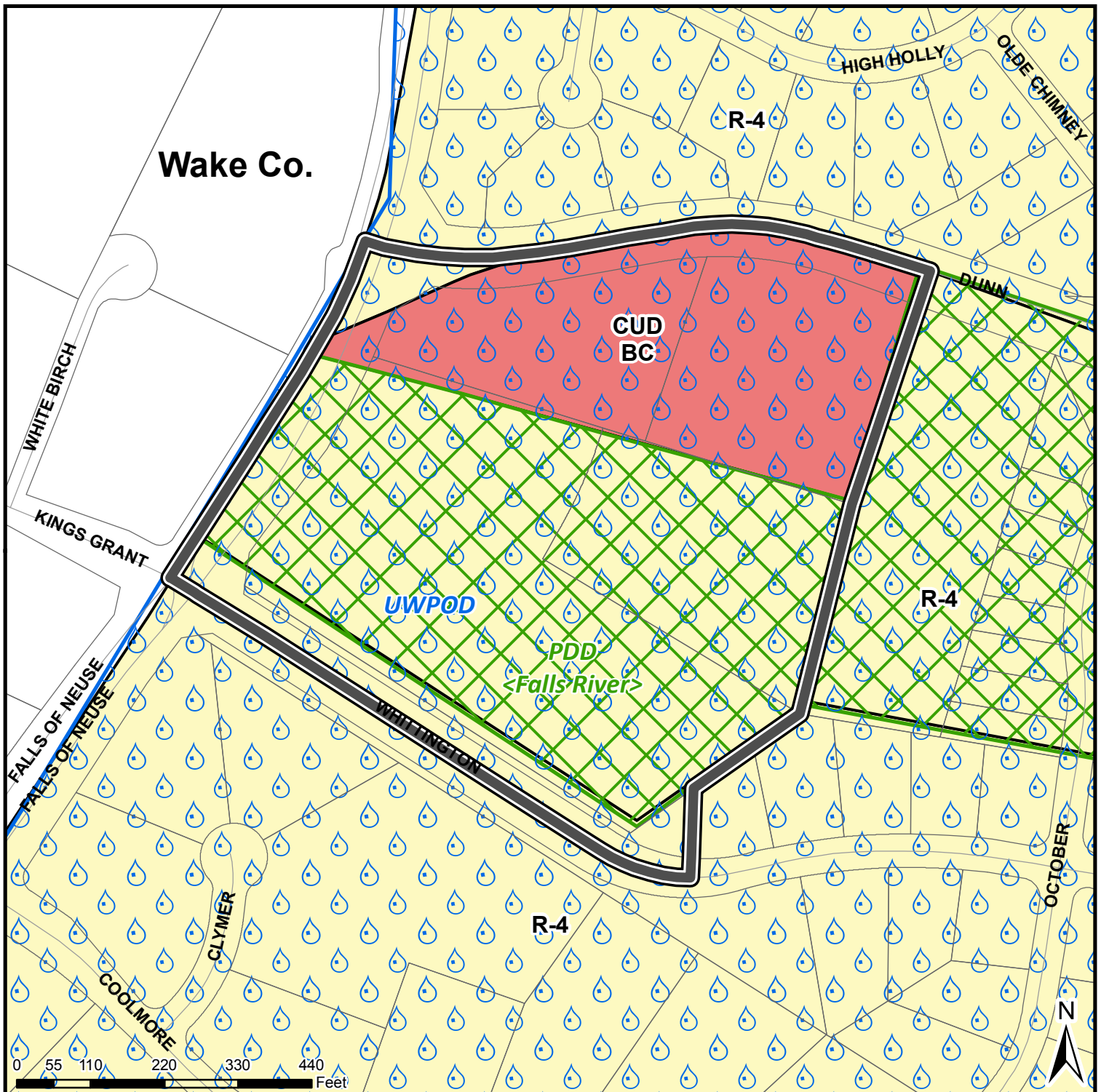


Existing Zoning Map

Z-I-2014



**Submittal
Date**

1/2/2014

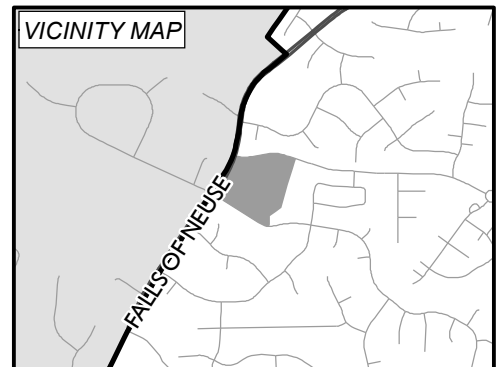
Request:

13.12 acres from

R-4, BC CUD, R-4 w/ PDD & UWPOD

**to NX-3-CU
w/ -UWPOD**

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11607

Case Information: Z-1-14 - Falls of Neuse Road and Dunn Road

<i>Location</i>	Falls of Neuse Road, east side, between Dunn Road and Whittington Drive Addresses: 1500, 1540 & part of 1590 Dunn Road; 11110 Falls of Neuse Road; part of 1413 Whittington Drive PINs: 1729212644, 1729223012, 1729216967, 1729215374 (in part), 1729214636 (in part)
<i>Request</i>	Rezone property from BC CUD, PDD, & R-4, all w/ UWPOD, to NX-3-CU w/ UWPOD
<i>Area of Request</i>	13.12 acres
<i>Property Owners</i>	Falls Office Partners LLC, Dunn Road Associates LLC, Dunn Investments LLC, Byron & Robin Reid
<i>Applicant</i>	Mack Paul: Morningstar Law Group: (919) 590-0377; mpaul@morningstarlawgroup.com
<i>Citizens Advisory Council</i>	North -- Joe Corey, Chair: (919) 845-1716; cory3rd@gmail.com
<i>PC Recommendation Deadline</i>	March 6, 2015

Comprehensive Plan Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Neighborhood Mixed Use & Low Density Residential
<i>CONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 5.1 – Reinforcing the Urban Pattern Policy LU 5.2 – Managing Commercial Development Impacts Policy LU 5.4 – Density Transitions Policy LU 5.6 – Buffering Requirements Policy LU 6.4 – Bus Stop Dedication Policy T 2.10 – Level of Service Policy EP 3.12 – Mitigating Stormwater Impacts Policy UD 2.4 – Transitions in Building Intensity Policy AP-FON 1 – Falls of Neuse Corridor Character Policy AP-FON 4 – Dunn Road Retail Area Policy AP-FON 6 – Falls of Neuse Road Residential Access Policy AP-FON 7 – Falls of Neuse Road Frontage Lots Policy AP-FON 9 – Falls of Neuse Corridor Parking Lots
<i>INCONSISTENT Policies</i>	(None.)

Summary of Proposed Conditions

1. Certain uses prohibited.
2. Maximum non-residential floor area gross limited.
3. Maximum floor area gross per single non-residential building limited.
4. Maximum height of commercial buildings limited.
5. Hours of operation for grocery store limited.
6. Transit easement to be conveyed.
7. Pole-mounting lighting to be full-cutoff.
8. Proximity of non-residential buildings to neighboring detached housing restricted.
9. Vegetated buffer required on southeast.
10. Proximity of service areas to Whittington Drive limited.
11. Minimum width of internal sidewalks specified.
12. Pedestrian crosswalks to be specially delineated.
13. Building feature options for breaking vertical and horizontal planes specified.
14. Square footage of retail development limited until turn lane added at Raven Ridge Road.
15. Parking setback from Falls of Neuse Road specified.
16. Pitched roofs required over primary entrances to larger site buildings; minimum pitch specified.
17. Roof lines required to vary atop facades with primary entrances; minimum pitch specified.
18. Restrictive covenant required for allocation of maximum non-residential square footages across site.
19. Exterior building materials specified.

Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>COW</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
11/26/13	5/1/14; 6/5/14; Y - 23; N - 522	10/7/14	10/14/14 (deferred); request for 60-day extension, 12/9/14; 2/10/15 (recommended approval)	Request for 60-day extension approved, 1/6/15; 3/3/15 (held); 3/17/15 (held); 3/19/15	

☒ **Valid Statutory Protest Petitions (4)**

Attachments

1. Staff Report
2. Current Zoning Conditions: BC properties (Dunn Rd.) [Z-55-94 – Ordinance (1994) 467 ZC 351]
3. Current Master Plan Provisions: PDD properties (Whittington Dr.) [Z-60-94 – Ordinance (1994) 467 ZC 351]
4. TIA Evaluation

Planning Commission Recommendation

<i>Recommendation</i>	Approve with conditions. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
-----------------------	---

<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map and pertinent policies of the Comprehensive Plan. 2. The proposed rezoning is reasonable and in the public interest. The proposal would allow provision of goods and services closer to existing residential development, while supporting multi-modal site access. Maximum non-residential intensity is conditioned to off-site roadway improvement. 3. The proposal is compatible with the surrounding area. Conditions limit maximum build-out, non-residential uses, and delivery hours; offer increased setbacks; and provide parameters for building design and materials.
<i>Motion and Vote</i>	<p>Motion: Fleming Second: Whitsett In favor: Braun, Buxton, Fleming, Fluhrer, Schuster, Swink, Terando and Whitsett Opposed: Lyle</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.

(Panning Director) Date _____
(Panning Commission Chairperson) 2/10/15
Date

Staff Coordinator: Doug Hill: (919) 996-2622; Doug.Hill@raleighnc.gov



Zoning Staff Report – Case Z-1-14

Conditional Use District

Case Summary

Overview

The subject parcels are zoned Buffer Commercial CUD, R-4, and R-4 with Planned Development Overlay, all with Urban Watershed Protection Overlay District (UWPOD). The BC zoning and Planned Development Overlay were applied in 1994. This proposal seeks to rezone the subject site to NX-3-conditional use, with UWPOD.

The existing zoning limits stand-alone retail to the Buffer Commercial (BC) properties along Dunn Road. BC zoning allows a maximum of 3,000 square feet of retail, per floor, per lot. The site area to the south is zoned R-4 with Planned Development Overlay (PDD) as part of the Falls River Master Plan. The Master Plan restricts parcel uses in the site area to those allowed in Office & Institution-1 (O&I-1) zoning. The O&I-1 district permits a minor amount of retail, ancillary to office uses. Development of either area is additionally subject to respective zoning conditions, as well as the impervious surface limits of the UWPOD. Properties to the west, across Falls of Neuse Road, are in Wake County's zoning jurisdiction.

The site is bordered by public streets on the southern, western and northern sides. Low density residential development abuts the southeastern boundary. Most nearby properties are built out with single-family houses, but a 13,000-square foot daycare facility was recently constructed immediately to the east. The latter is on a larger parcel partially included in the current proposal, but the portion of the lot with the day care building is not part of the rezoning request. Rezoning would result in split zoning of that tract (unless it is subsequently subdivided). The same would hold true for the strip of R-4 land along Whittington Drive, included in the proposal up to approximately where a City sewer line crosses the parent residential property, but with the remainder of that parcel, which is built out with a single-family house, left R-4.

When the day care was developed, an access point and driveway was constructed from Dunn Road, extending to the subject area. Otherwise the rezoning site is a vacant, partially forested tract of land. The wooded area is concentrated in the southern and western portions (including Falls of Neuse Road frontage), and mostly consists of pines. Site grade on the west, along Falls of Neuse Road, drops off about ten feet below street level, but the site rises above Whittington Drive on the southeast. Both the Dunn Road and Whittington Drive frontages of the site are heavily landscaped, serving as boulevards to the neighborhoods beyond, to the east.

The portion of the site zoned BC CUD has been previously subject to a rezoning request. The two BC properties total 4.14 acres (180,330 square feet). Case Z-32-08 sought to increase the allowed retail square footage from the maximum 3,000 square feet per floor per lot, to a gross floor area per establishment of 20,000 square feet. City Council denied that petition (11/18/08).

In recent years, significant public investment has occurred in the area. To accommodate local development (especially the growth of the Wakefield community), Falls of Neuse Road was widened to a four-lane divided highway, accompanied by extensive streetscape improvements. Capitalizing on the area's unique natural environment, new parkland and outdoor recreation

resources have been established, with more yet to follow (e.g., the 600-acre Forest Ridge Park on Falls Lake, and a potential whitewater center on the river). Such efforts both reflect and manifest the aims of the Falls of Neuse Area Plan, which denotes frontage properties as forming a “green corridor”, and calls for maintaining “the sense of place created by the extensive roadside vegetation, the Falls Lake dam, and Falls Community.”

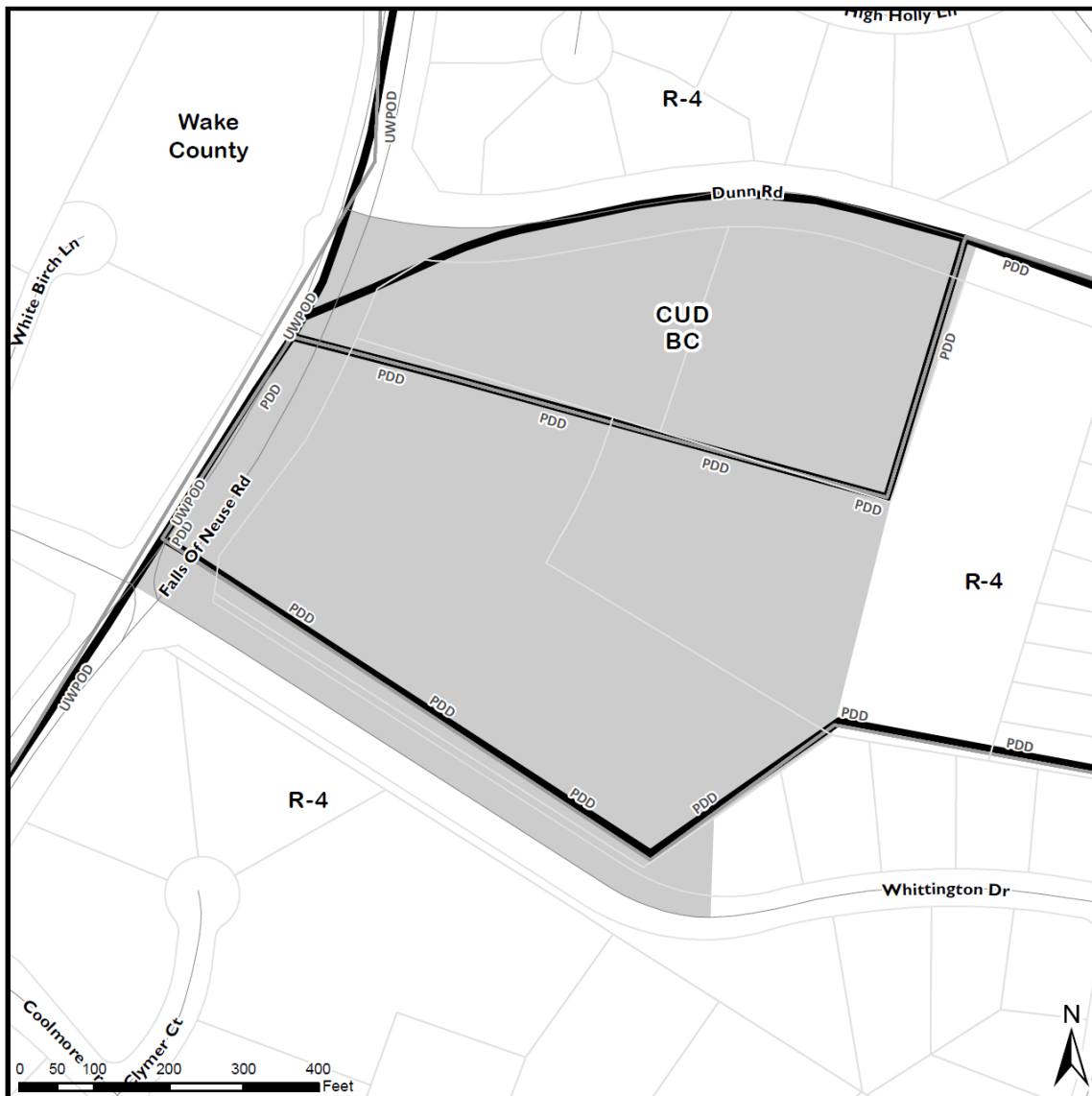
As a precursor to the present rezoning request, the applicants requested that the portion of the rezoning site within the Falls River Planned Development District be removed from the Master Plan area, and thereby no longer be subject to the Master Plan provisions. The Planning Commission approved that request on November 26, 2013. (Note that approval of the request did not by itself result in removal of the PDD from the subject site; that action could only occur through formal rezoning.)

Outstanding Issue

<i>Outstanding Issues</i>	1. Sewer and fire flow matters may need to be addressed upon development.	<i>Suggested Mitigation</i>	1. Address sewer and fire flow capacities at the site plan stage.
---------------------------	---	-----------------------------	---

Existing Zoning Map

Z-I-2014



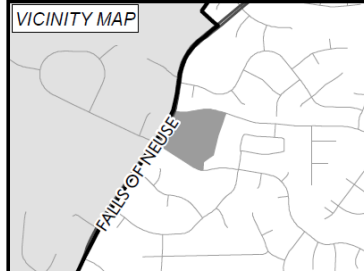
**Submittal
Date**

1/2/2014

Request:

13.12 acres from
R-4, BC CUD, R-4 w/ PDD & UWPOD
to NX-3-CU
w/ UWPOD

VICINITY MAP



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	BC CUD, PDD (conditioned to O&I-1), R-4	R-4	R-4	R-4, PDD (conditioned to O&I-1)	R-40W, R-80W (Wake County)
<i>Additional Overlay</i>	UWPOD	UWPOD	UWPOD	UWPOD	n/a
<i>Future Land Use</i>	NMU, LDR	LDR	LDR	LDR	n/a
<i>Current Land Use</i>	Vacant	Single-family residences	Single-family residences	Single-family residences, day care center	Single-family residences, HOA clubhouse
<i>Urban Form (if applicable)</i>	n/a	n/a	n/a	n/a	n/a

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning			Proposed Zoning*
<i>Residential Density:</i>	13 DUs/ acre			12 DUs/ acre
<i>Setbacks:</i>	<u>BC:</u>	<u>O&I-1 [per PDD]:</u>	<u>R-4:</u>	
<i>Front:</i>	30'	30'	20'	50' (per Falls of Neuse Rd. TCA)
<i>Side:</i>	0	5'	10'	20' to 200' (per Condition 8 setbacks)
<i>Rear:</i>	0	20'	30'	20' to 200' (per Condition 8 setbacks)
<i>Retail Intensity Permitted:</i>	6,000			58,000
<i>Office Intensity Permitted:</i>	207,000			58,000

1.3 Estimated Development Intensities*

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	13.12	13.12
<i>Zoning</i>	BC CUD, PDD, R-4, all w/UWPOD	NX-3-CU w/UWPOD
<i>Max. Gross Building SF</i>	207,000 (if solely office)	201,000 (if solely residential)
<i>Max. # of Residential Units</i>	172	161
<i>Max. Gross Office SF</i>	207,000	58,000
<i>Max. Gross Retail SF</i>	6,000	58,000
<i>Potential F.A.R.</i>	0.36	0.35 (if residential)

*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

The proposed rezoning is:

☒ **Compatible** with the property and surrounding area.

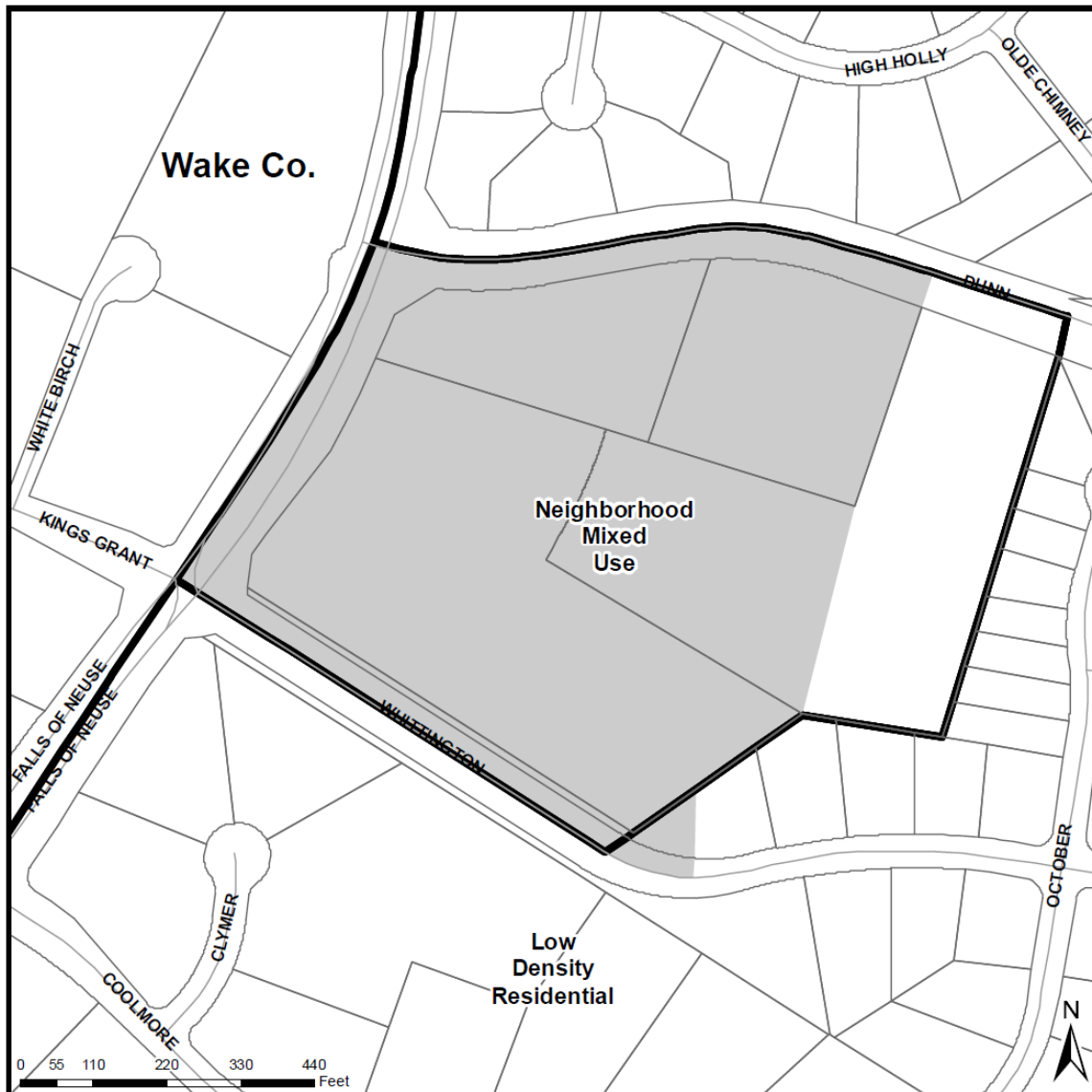
☐ **Incompatible.**

Analysis of Incompatibility:

The proposal is compatible with the property and surrounding area. Maximum gross building square footage permitted under the proposed zoning is comparable to the existing zoning. Conditions foster contextual design (1 story/ 40' height max., plus provisions for breaking up building mass), while distancing site uses from existing housing (through conditioned buffers and deep setbacks—100' from residential lots for smaller commercial buildings on site, and 200' for commercial buildings of more than 20,000 square feet). UDO standards (tree conservation and watershed protection) provide further buffering and green space.

Future Land Use Map

Z-I-2014



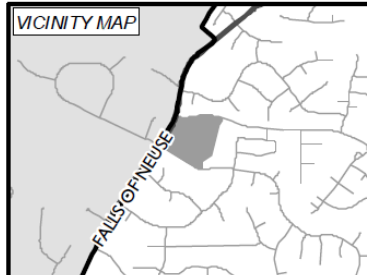
**Submittal
Date**

1/2/2014

Request:

13.12 acres from
R-4, BC CUD, R-4 w/ PDD & UWPOD
to NX-3-CU
w/ UWPOD

VICINITY MAP



URBAN FORM MAP

N/A. There are no urban form designations at this site.

2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal is consistent with the aims and concepts of the Comprehensive Plan. The Falls of Neuse Area Plan, adopted in 2005, specifically labels the location the "Dunn Road Retail Area", in anticipation of commercial development at the intersection. On the Future Land Use map, all but 1/10 acre of the 13+ acre site is designated Neighborhood Mixed Use (NMU). As specified in the Comprehensive Plan, NMU designation applies to shopping areas, such as the proposal would permit.

The zoning district most closely correlating to the Future Land Use designation is Neighborhood Mixed Use (NX), which the proposal requests. NX permits not only retail development, but also, like the current site zoning, office and residential uses. While the case is conditioned to a single story in height, multiple uses could be attained horizontally across the properties through subdivision.

The Area Plan policy (AP-FON 4) states site development should "be developed in context with the surrounding single-family neighborhood". The proposed height cap is comparable to that in the PDD area and with existing adjacent residential build-out (under R-4: 3 stories/ 40 feet, maximum). Maximum non-residential square footages are also noted. Other conditions provide for breaking up building mass through variations in vertical and horizontal wall planes and roof lines, and specify exterior materials. The same Plan policy states that the site should exhibit "a walkable development pattern". Site requirements under the Unified Development Ordinance, combined with case conditions, would require future build-out to incorporate multiple measures promoting walkability to and through the site.

The Area Plan also includes a policy (AP-FON 9) which encourages parking to be located behind or beside buildings along the Falls of Neuse corridor. Conditions provide for wide setbacks for site parking along the corridor; site topography and anticipated street protective yards provide added mitigation.

As expressed in the Impact Analysis section of this report, City facilities are foreseen as able to accommodate development possible under the proposal.

2.2 Future Land Use

Future Land Use designations: Neighborhood Mixed Use; Low-Density Residential

The rezoning request is:

☒ **Consistent** with the Future Land Use Map.

☐ **Inconsistent**

Analysis of Inconsistency:

Under the proposed rezoning, nearly all the 13+ acre site is consistent with the Future Land Use map designation. (The 1/10 acre triangle at the site's southeast corner is designated Low Density Residential, but includes a sanitary sewer easement and is otherwise subject to a conditioned buffer.) The Comprehensive Plan notes that Neighborhood Mixed Use "applies to neighborhood shopping centers and pedestrian-oriented retail districts"; typical retail uses listed range from supermarket and convenience store to small professional offices and retail banking. Service area is denoted as being "generally about a one mile radius or less". The proposed 29,000 square foot cap for single nonresidential buildings and overall 58,000 square foot cap for all non-residential development, plus specific use restrictions, limit potential non-residential development on site, and also allow residential uses.

2.3 Urban Form

Urban Form designation:

☒ **Not applicable** (no Urban Form designation).

2.4 Policy Guidance

The rezoning request is **inconsistent** with the following policies:

(none)

2.5 Area Plan Policy Guidance

The rezoning request is **inconsistent** with the following Area Plan policies:

(none)

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Retail and other non-residential land uses could be provided in closer proximity to existing residences, potentially supporting bicycle and pedestrian access to goods and services.
- A mix of land uses would continue to be permitted and supported under the proposed zoning.

3.2 Detriments of the Proposed Rezoning

(None.)

4. Impact Analysis

4.1 Transportation

A Traffic Impact Analysis (TIA) report has been reviewed by staff. However, amended conditions for Z-1-14 have been received that reduce the maximum allowable build-out of the site. The revised trip generation for Z-1-14 is:

Land Use	Daily	AM Peak	PM Peak
Existing Zoning - Office	2,282	342	310
Proposed Zoning - Retail	4,757	331	356
Change	+2,475	-11	+45

The expected increase in traffic volumes of 45 vehicles per hour in the PM peak and 2,475 vehicles per day are less than the 150 vph and 3,000 vpd thresholds in the *Raleigh Street Design Manual*. The severity of crashes at Falls/Dunn and Falls/Whittington between Jan. 1, 2011 and Dec. 31, 2014 was below the level used by NCDOT to highlight locations with more serious crash issues. The site is not adjacent to a school, fire station or RR crossing. It is more than 1,000 feet from an interchange. With the proposed caps on build-out, staff believes that case Z-1-14 no longer meets the criteria for a TIA. Under the *Street Design Manual*, a TIA can be required "In response to Raleigh Planning Commission or Raleigh City Council concerns" but staff cannot speak for either body.

The previous TIA prepared for Z-1-14 is still valid for existing 2014 conditions, the no-build 2016 scenarios, and the "build-out under current zoning" scenarios. The latter could be used to evaluate delay, queuing and other traffic impacts for a retail development, albeit with some loss of accuracy.

Impact Identified: The former TIA stated the that intersection of Falls of Neuse Road and Raven Ridge Road will operate at LOS-F during the PM peak period unless a right-turn lane is constructed on westbound Raven Ridge Road. Revised conditions for Z-1-14 state that no more than 17,500 sq. ft. of retail use shall be developed until a right-turn lane is constructed at Falls of Neuse & Raven Ridge. Transportation Planning staff's opinion is that this threshold would provide a sufficient safeguard to maintain a reasonable level-of-service at the intersection.

In conclusion, Transportation Planning staff recommends that case Z-1-14 take no position regarding the location of driveway access points. Access should be determined as part of the site plan and driveway permit review process.

4.2 Transit

This area is not currently served by transit. However, the City of Raleigh Short-Range Transit Plan and the Wake County 2040 Transit Study call for future service along this section of Falls of Neuse Road. A mixed use center will serve as a transit trip generator and increase demand for transit in the area. A transit stop easement is conditioned.

Impact Identified: None.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Neuse
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	(Secondary) Urban Water Supply Watershed

Impact Identified: None.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	26,240 gpd	42,000 gpd
<i>Waste Water</i>	26,240 gpd	42,000 gpd

The proposed rezoning would add approximately 15,760 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

Impact Identified: At the time of development plan submittal, a downstream sewer capacity study will be required to determine the adequacy of capacity to support the proposed development. Any required improvements identified by the study would be required to be permitted and constructed prior to the issuance of a building permit.

Verification of available for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required of the developer.

4.5 Parks and Recreation

Recreation services for the rezoning case will be provided by either undeveloped Abbotts Creek Park site (on Durant Road) or by undeveloped Forest Ridge Park site (at Falls Lake). There is no impact to recreation level of service. There are no adjacent greenway corridors to the site.

Impact Identified: None.

4.6 Urban Forestry

At the time of development the site will need to comply with UDO Article 9.1.. UDO Section 9.1.4.A.8. requires an undisturbed, 50-foot average, primary tree conservation area along Falls of Neuse Road. UDO Section 9.1.9.A. requires 40% of the property to be a wooded area because of the UWPOD. Currently, some tree conservation area exists within the area of proposed rezoning (recorded in book of maps 2008, page 1077).

Impact Identified: Compliance with UDO Article 9.1 and the previously recorded tree conservation areas will limit the site envelope.

4.7 Designated Historic Resources

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Impacts Summary

- Sewer and fire flow matters may need to be addressed upon development.

4.10 Mitigation of Impacts

- Address sewer and fire flow capacities at the site plan stage.

5. Conclusions

The proposal is consistent with the Future Land Use map and pertinent policies of the Comprehensive Plan. Conditions provide for compatibility of site development and site uses, and, coupled with Code requirements, preservation of green space.

Current Zoning Conditions: BC properties (Dunn Road)

Ordinance (1994) 467 ZC 351

Effective: 9/6/94

Z-55-94 Dunn Road, south side, at its intersection with Falls of Neuse Road, being Parcel 5010, Tax Map 1729.03, Block 22, rezoned to Buffer Commercial Conditional Use District. (Comprehensive Plan is amended to approve a Neighborhood Focus at this intersection; 4.35 acres are shown for this Buffer Commercial zoning on this site)

Conditions:

1. Any development of the property shall include a pedestrian access to the property adjoining this tract on the south and/or east side.
2. The following uses shall not be permitted in the Buffer Commercial CUD District:
 - a. Utility Substations
 - b. Penal Facilities
 - c. Telecommunications Towers
 - d. Outdoor Stadiums
 - e. Parking Deck or Garage
 - f. Schools
 - g. Family or Group Care Homes or Facilities
 - h. Supportive Housing Residences
3. Right of way for Neuse River Drive (Dunn Road) will remain at R-4 values for reimbursement purposes.
4. Upon development, the rate of stormwater runoff will comply with CR 7107.

Current Master Plan Provisions: PDD properties (Whittington Dr.)

Supporting Ordinance: (1994) 467 ZC 351

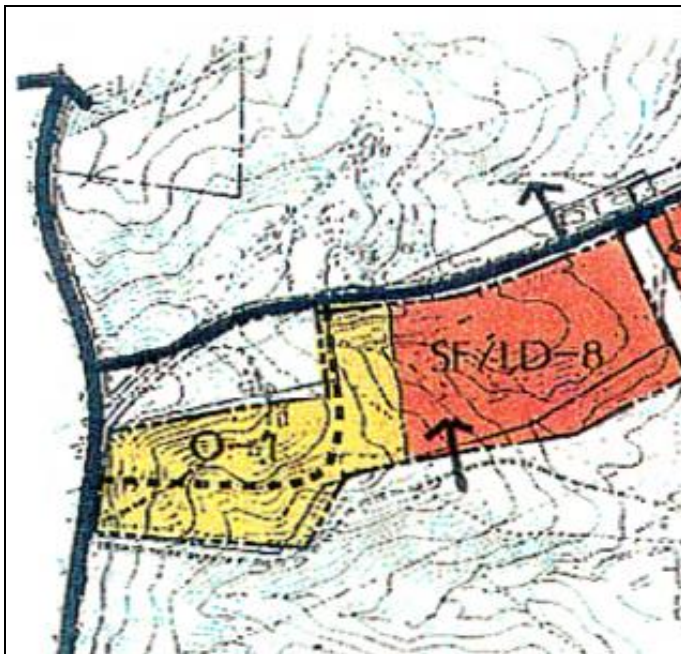
Effective: 9/6/94

Excerpts from Master Plan (MP-1-94) narrative:

SITE DATA FALLS RIVER

OFFICE (O)

PARCEL #	ACREAGE	USE
O-1	12.7	All uses permitted in O I-1 District with architectural compatibility within the parcel subject to the conditions listed in the narrative.



OFFICE VILLAGE (Falls of Neuse Road)

An office village is proposed at the project gateway on Falls of the Neuse Road. Current land uses adjacent to the project currently consist of single family detached housing. In keeping with the residential nature of the area, the office village will provide a non-commercial setting for residentially scaled and designed offices. This clustered setting will provide residents with professional services and employment opportunities. The following conditions have been proposed:

- There shall be a 100' building and parking setback off Falls of the Neuse Road.
- The development will not contain multi-family development.
- There shall be a two-story height limit on buildings.
- There shall be a 50' undisturbed buffer along the south property line and a 25' vegetated setback for construction off the buffer line.
- Lighting standards will not exceed a 14' height.
- The buildings shall be constructed with an all brick veneer.
- Dumpsters will be screened from public rights-of-ways.
- Parking will be restricted to office users only.



OFFICE VILLAGE

THE INTENT OF THESE ILLUSTRATIVE PLANS IS TO SHOW CONCEPTS INVOLVING RELATIONSHIPS OF USES AND AREAS WITHIN OFFICE AND NEIGHBORHOOD VILLAGES AS WELL AS THEIR RELATIONSHIP TO SURROUNDING AREAS. NEITHER CONCEPT IS INTENDED TO REFLECT THE FINAL DESIGN.

Z-1-2014 Traffic Study Worksheet revised Feb. 3, 2015		
6.23.3	Land Uses	Meets TIA Conditions? (Y/N)
A	Single Family Residential Developments \geq 150 Dwellings	For rezoning cases, trip volume and other criteria listed below are used to evaluate the case for a TIA.
B	Apartment Developments \geq 240 Dwellings	
C	Residential Condo/Townhome Developments \geq 300 Dwellings	
D	General Office Buildings \geq 64,000 sq.ft.	
E	Medical Office Buildings \geq 47,000 sq.ft.	
F	Shopping Centers \geq 23,000 sq.ft.	
G	Supermarkets \geq 20,000 sq.ft.	
H	Convenience Market w/ Gas Pumps: 6 or more Fueling Positions	
I	Pharmacy w/ Drive-Thru \geq 29,000 sq.ft.	
J	Drive-In Bank \geq 11,500 sq.ft.	
K	Fast-Food Restaurant w/ Drive-Thru \geq 6,000 sq.ft.	
Development intensities listed in Section 6.23.3 are consistent with the estimated volume of new trips on the public street system in Section 6.24.3 after deductions for pass-by trips.		
6.23.4	Trip Generation	Meets TIA Conditions? (Y/N)
A	Peak Hour Trips \geq 150 veh/hr	No, the expected increase in peak hour trips is 45 vph
B	Peak Hour Trips \geq 100 veh/hr if primary access is on a 2-lane road	No
C	More than 100 veh/hr trips in the peak direction	No
D	Daily Trips \geq 3,000 veh/day	No, the predicted long-run average trip volume is 2,475 veh/day
E	Enrollment increases at public or private schools	Not Applicable
Volumes listed in Section 6.23.4 are for new trips on the public street system after deductions for pass-by trips and, for mixed-use developments, internal capture trips.		
6.23.5	Site Context	Meets TIA Conditions? (Y/N)
A	Affects a location with a high crash history [Severity Index \geq 8.4 or a fatal crash within the past three years]	No. Severity Index = 2.35 for Falls of Neuse/Dunn and SI = 2.23 for Falls of Neuse/Whittington for the period 1/1/2011 through 12/31/2014. No Fatalities recorded at either intersection during this same period.
B	Takes place at a highly congested location [volume-to-capacity ratio \geq 1.0 on both major street approaches]	No. The intersection of Falls of Neuse at Raven Ridge Rd is congested during peak periods, but the delays and queues are highly directional. Volume exceeds capacity in only one direction, i.e., v/c $>$ 1.0 southbound in the AM peak and northbound in the PM peak.
C	Creates a fourth leg at an existing signalized intersection	Not Applicable
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.	Not Applicable
E	Access is to/from a Major Street as defined by the City's Street Plan Map [latest edition]	No, City staff and NCDOT staff are opposed to access onto Falls of Neuse Rd
F	Proposed access is within 1,000 feet of an interchange	No, the site is ~11,000 feet from the I-540 Interchange
G	Involves an existing or proposed median crossover	Not Applicable
H	Involves an active roadway construction project	Not Applicable
I	Involves a break in controlled access along a corridor	Not Applicable
6.23.6	Miscellaneous Applications	Meets TIA Conditions? (Y/N)
A	Planned Development Districts	Not Applicable
B	In response to Raleigh Planning Commission or Raleigh City Council concerns	To be determined

2-1-14
AMENDED 4-24-14



Planning & Development

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan	Transaction Number
Existing Zoning Classification: R-4, BC CUD, R-4 with/PDD, all with UWPOD Proposed Zoning Classification Base District: NX Height: -3 Frontage: N/A Overlay: -UWPOD	
If the property has been previously rezoned, provide the rezoning case number. BC CUD (Z-55-94); PDD (Z-60-94/MP-1-94); UWPOD (Z-53-08); R-4 (Z-55-86)	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 373114	

GENERAL INFORMATION		
Property Address: 1413 Whittington Drive (portion thereof), 11110 Falls of Neuse Road, 1600 Dunn Road, 1540 Dunn Road, 1590 Dunn Road (portion thereof)		Date January 2, 2014
Property PIN: 1729-21-5374 (portion thereof), 1729-21-2644, 1729-22-3012, 1729-21-6967, 1729-21-4636 (portion thereof) – see attached survey for proposed zoning district lines.		
Nearest Intersection: Falls of Neuse Road, between Dunn Road and Whittington Drive		Property size (in acres): 12.684
Property Owners: Falls Office Partners, LLC Dunn Road Associates, LLC Dunn Investments, LLC Byron & Robin Reid	Phone	Fax
	Email	
Project Contact Person: Mack Paul, Morningstar Law Group	Phone (919) 690-0388	Fax (919) 882-8890
	Email mpaul@morningstarlawgroup.com	
Owner/Agent Signature	Email mpaul@morningstarlawgroup.com	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.



Planning & Development

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive plan, or that the request be reasonable and in the public interest.	Transaction Number
	Zoning Case Number

STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.

1. The properties are classified "Neighborhood Mixed Use" on the Future Land Use Map. According to the Comprehensive Plan, this category recommends neighborhood shopping centers with such uses as a supermarket, bank, pharmacy and other service-oriented retail uses. Also, this category suggests a maximum height of three stories. The rezoning request is consistent with the Future Land Use Map guidance because it permits neighborhood-oriented retail uses, similar to those listed in the description, at an appropriate and contextual height and scale. The list of prohibited uses excludes all of those uses permitted in the CX district that are not permitted in the NX district, in addition to other incompatible uses. Also, the zoning conditions limit building height to two stories and total nonresidential floor area to 75,000 square feet, both consistent with the height and scale guidance for a neighborhood shopping center.
2. The properties are located within the Falls of Neuse Corridor area plan. The area plan designates the properties as a "Neighborhood Retail Mixed Use Area". The rezoning request is consistent with this designation because it permits neighborhood-oriented retail uses at an appropriate and contextual height and scale.
3. The rezoning request is consistent with Policies LU 1.2, LU 1.3 and AP-FON 4 because the request is consistent with the Future Land Use Map and Falls of Neuse Corridor area plan, and the conditions are consistent with the Comprehensive Plan. The rezoning request is consistent with Policy LU 4.4 because it promotes service uses in close proximity to residential uses and in a location that is accessible from surrounding neighborhoods without having to use Falls of Neuse Road. The rezoning request is consistent with Policies LU 5.2, LU 5.4 and LU 5.6 by limiting the height, scale and intensity of development, which, with the code-required transitions, provide appropriate transitions to adjacent development. The rezoning request is consistent with Policies LU 7.1, LU 7.4, LU 10.1 and LU 10.6 because it permits a node of commercial development along a major corridor at an appropriate height, scale and intensity, compatible with surrounding areas, and near existing residential areas.

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. The rezoning request provides a public benefit by permitting neighborhood-oriented retail development in close proximity to residential areas, and at a height, scale and intensity that is compatible with the surrounding areas and transportation infrastructure.

Revision 10.16.13



Planning & Development

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY	
Zoning Case Number: Z-1-14		Transaction Number	
Date Submitted: February 5, 2015			
Existing Zoning: R-4, BC CUD, R-4 with/PDD, all with UWPOD	Proposed Zoning: NX-3-CUD w/ -UWPOD		

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses shall be prohibited: bed and breakfast; retail sales – fuel (including gasoline and diesel fuel); vehicle sales/rental – all types; detention center, jail, prison; vehicle repair (minor).
2.	The maximum amount of floor area gross for nonresidential uses shall be 58,000 square feet.
3.	The maximum amount of floor area gross for a single nonresidential building shall be 29,000 square feet.
4.	The maximum building height for any commercial building on the property shall be one story and 40 feet, except for those height encroachments as allowed by UDO section 1.5.7.D.
5.	The hours of operation for any grocery use shall be between the hours of 6:00 a.m. and 11:00 p.m. Truck deliveries associated with any grocery use shall occur only between the hours of 6:00 a.m. and 9:00 p.m.
6.	Prior to the recordation of a subdivision plat or the issuance of any building permit, whichever shall occur first, the owner of the Property shall convey to the City of Raleigh a transit easement along Falls of Neuse Road measuring twenty (20) feet by fifteen (15) feet. The location of the easement shall be selected by the Property owner and by the Public Works Department, Transit Division of the City of Raleigh and the City Attorney shall approve the transit easement deed prior to recordation.
7.	Any pole-mounted lighting fixtures shall be of full cut-off design.
8.	No building containing a non-residential use and measuring greater than 20,000 square feet floor area gross shall be located within 200 feet of a lot line of a lot containing a detached house building type. No building containing a non-residential use shall be located within 100 feet of a lot line of a lot containing a detached house building type.
9.	An area measuring at least fifty (50) feet in width adjacent to that property described as Lot 102 on the subdivision plat recorded in Book of Maps 1995, Page 134, Wake County Registry (i.e., PIN 172916490; Deed Book 15358, Page 530) shall be preserved and maintained as an undisturbed buffer area, which may be used as tree conservation area if it otherwise meets the provisions of UDO Article 9.1.
10.	No service areas used for trash collection, trash compaction or recycling collection shall be located within fifty (50) feet of the Whittington Drive public right-of-way.
11.	Sidewalks internal to the property shall be at least six (6) feet in width.
12.	Where sidewalks and other pedestrian connections cross a vehicular surface area on the property, such pedestrian connection shall be identified using one or more of the following: (i) specialty paving techniques such as modular pavers or stamped paving; or (ii) raised crosswalks.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature <i>Eli Zabel</i> manager Dunn Rd. inv.	Print Name <i>Eli Zabel</i>
---	--------------------------------



Planning & Development

Development Services Customer Service Center

One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY	
Zoning Case Number: Z-1-14		Transaction Number	
Date Submitted: February 5, 2015			
Existing Zoning: R-4, BC CUD, R-4 with/PDD, all with UWPOD	Proposed Zoning: NX-3-CUD w/ -UWPOD		

NARRATIVE OF ZONING CONDITIONS OFFERED

13. The vertical plane of each non-residential building façade facing a public right-of-way and/or containing a public entrance shall include one of the following features at least every twenty (20) linear feet: substantial material change as defined by UDO section 1.5.10.A.2.; windows or doors; or columns, pilasters or other articulation greater than twelve (12) inches in depth and shall include one or more of the following projecting horizontal elements: awnings, canopies, porticoes and arcades.
14. No more than 17,500 square feet floor area gross of retail uses shall be developed on the property until a right turn lane on Raven Ridge Road at the intersection with Falls of Neuse Road is constructed.
15. There shall be a minimum parking setback of one-hundred (100) feet from the Falls of Neuse public right-of-way; however, parking may be located within this setback area if such parking is located to the side or to the rear of a building located within one-hundred 100 feet of the Falls of Neuse public right-of-way.
16. For any single building greater than 20,000 square feet floor area gross, there shall be a pitched roof feature over the primary entrance to the building. The minimum pitch of this pitched roof shall be 4:12 and the eave of which must extend a minimum of two feet from the adjacent vertical wall plane.
17. The roof line of any building on the property shall be varied at least every fifty (50) feet, as measured horizontally along the roof line of the front façade of a building (i.e., that containing the primary building entrance). The roof line can be varied through the use of one or more of the following architectural features: cupola, dome, spire, belfry, and/or pitched roof (gable end) with a minimum pitch of 4:12.
18. Within one hundred twenty (120) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates the allowable development upon the Property as provided in foregoing Zoning Condition 2 among all existing lots comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this rezoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the City Attorney or his or her deputy and the owners of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation, a copy of each amendment shall be mailed to the Planning Director at P.O. Box 590, Raleigh, NC 27602 with a reference to zoning case Z-1-14.
19. All exterior building facades will be constructed from one or more of the following materials: glass, concrete and/or clay brick masonry, cementitious stucco, cementitious siding, including lap and panel products, native and masonry stone, natural wood, precast concrete, metal panels and/or trim. The following building siding materials shall be prohibited: vinyl siding, and pressure treated wood.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature <i>Eli Zablow manager Dunn Rd.</i>	Print Name <i>Eli Zablow</i>
---	---------------------------------



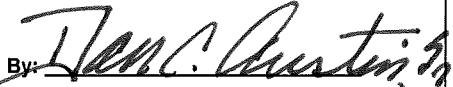
Planning & Development

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-1-14		Transaction Number
Date Submitted: February 5, 2015		
Existing Zoning: R-4, BC CUD, R-4 with/PDD, all with UWPOD	Proposed Zoning: NX-3-CUD w/ -UWPOD	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses shall be prohibited: bed and breakfast; retail sales – fuel (including gasoline and diesel fuel); vehicle sales/rental – all types; detention center, jail, prison; vehicle repair (minor).
2.	The maximum amount of floor area gross for nonresidential uses shall be 58,000 square feet.
3.	The maximum amount of floor area gross for a single nonresidential building shall be 29,000 square feet.
4.	The maximum building height for any commercial building on the property shall be one story and 40 feet, except for those height encroachments as allowed by UDO section 1.5.7.D.
5.	The hours of operation for any grocery use shall be between the hours of 6:00 a.m. and 11:00 p.m. Truck deliveries associated with any grocery use shall occur only between the hours of 6:00 a.m. and 9:00 p.m.
6.	Prior to the recordation of a subdivision plat or the issuance of any building permit, whichever shall occur first, the owner of the Property shall convey to the City of Raleigh a transit easement along Falls of Neuse Road measuring twenty (20) feet by fifteen (15) feet. The location of the easement shall be selected by the Property owner and by the Public Works Department, Transit Division of the City of Raleigh and the City Attorney shall approve the transit easement deed prior to recordation.
7.	Any pole-mounted lighting fixtures shall be of full cut-off design.
8.	No building containing a non-residential use and measuring greater than 20,000 square feet floor area gross shall be located within 200 feet of a lot line of a lot containing a detached house building type. No building containing a non-residential use shall be located within 100 feet of a lot line of a lot containing a detached house building type.
9.	An area measuring at least fifty (50) feet in width adjacent to that property described as Lot 102 on the subdivision plat recorded in Book of Maps 1995, Page 134, Wake County Registry (i.e., PIN 172916490; Deed Book 15358, Page 530) shall be preserved and maintained as an undisturbed buffer area, which may be used as tree conservation area if it otherwise meets the provisions of UDO Article 9.1.
10.	No service areas used for trash collection, trash compaction or recycling collection shall be located within fifty (50) feet of the Whittington Drive public right-of-way.
11.	Sidewalks internal to the property shall be at least six (6) feet in width.
12.	Where sidewalks and other pedestrian connections cross a vehicular surface area on the property, such pedestrian connection shall be identified using one or more of the following: (i) specialty paving techniques such as modular pavers or stamped paving; or (ii) raised crosswalks.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature: Dunn Road Associates, LLC By: 	Print Name: Dan C. Austin, Sr., Manager
---	---



Planning & Development


**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-1-14		Transaction Number
Date Submitted: February 5, 2015		
Existing Zoning: R-4, BC CUD, R-4 with/PDD, all with UWPOD	Proposed Zoning: NX-3-CUD w/ -UWPOD	

NARRATIVE OF ZONING CONDITIONS OFFERED

13.	The vertical plane of each non-residential building façade facing a public right-of-way and/or containing a public entrance shall include one of the following features at least every twenty (20) linear feet: substantial material change as defined by UDO section 1.5.10.A.2.; windows or doors; or columns, pilasters or other articulation greater than twelve (12) inches in depth and shall include one or more of the following projecting horizontal elements: awnings, canopies, porticoes and arcades.
14.	No more than 17,500 square feet floor area gross of retail uses shall be developed on the property until a right turn lane on Raven Ridge Road at the intersection with Falls of Neuse Road is constructed.
15.	There shall be a minimum parking setback of one-hundred (100) feet from the Falls of Neuse public right-of-way; however, parking may be located within this setback area if such parking is located to the side or to the rear of a building located within one-hundred 100 feet of the Falls of Neuse public right-of-way.
16.	For any single building greater than 20,000 square feet floor area gross, there shall be a pitched roof feature over the primary entrance to the building. The minimum pitch of this pitched roof shall be 4:12 and the eave of which must extend a minimum of two feet from the adjacent vertical wall plane.
17.	The roof line of any building on the property shall be varied at least every fifty (50) feet, as measured horizontally along the roof line of the front façade of a building (i.e., that containing the primary building entrance). The roof line can be varied through the use of one or more of the following architectural features: cupola, dome, spire, belfry, and/or pitched roof (gable end) with a minimum pitch of 4:12.
18.	Within one hundred twenty (120) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates the allowable development upon the Property as provided in foregoing Zoning Condition 2 among all existing lots comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this rezoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the City Attorney or his or her deputy and the owners of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation, a copy of each amendment shall be mailed to the Planning Director at P.O. Box 590, Raleigh, NC 27602 with a reference to zoning case Z-1-14.
19.	All exterior building facades will be constructed from one or more of the following materials: glass, concrete and/or clay brick masonry, cementitious stucco, cementitious siding, including lap and panel products, native and masonry stone, natural wood, precast concrete, metal panels and/or trim. The following building siding materials shall be prohibited: vinyl siding, and pressure treated wood.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature: Dunn Road Associates, LLC	Print Name: Dan C. Austin, Sr., Manager
By: 	



Planning & Development


**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-1-14		Transaction Number
Date Submitted: February 5, 2015		
Existing Zoning: R-4, BC CUD, R-4 with/PDD, all with UWPOD	Proposed Zoning: NX-3-CUD w/ -UWPOD	

NARRATIVE OF ZONING CONDITIONS OFFERED

1.	The following principal uses shall be prohibited: bed and breakfast; retail sales – fuel (including gasoline and diesel fuel); vehicle sales/rental – all types; detention center, jail, prison; vehicle repair (minor).
2.	The maximum amount of floor area gross for nonresidential uses shall be 58,000 square feet.
3.	The maximum amount of floor area gross for a single nonresidential building shall be 29,000 square feet.
4.	The maximum building height for any commercial building on the property shall be one story and 40 feet, except for those height encroachments as allowed by UDO section 1.5.7.D.
5.	The hours of operation for any grocery use shall be between the hours of 6:00 a.m. and 11:00 p.m. Truck deliveries associated with any grocery use shall occur only between the hours of 6:00 a.m. and 9:00 p.m.
6.	Prior to the recordation of a subdivision plat or the issuance of any building permit, whichever shall occur first, the owner of the Property shall convey to the City of Raleigh a transit easement along Falls of Neuse Road measuring twenty (20) feet by fifteen (15) feet. The location of the easement shall be selected by the Property owner and by the Public Works Department, Transit Division of the City of Raleigh and the City Attorney shall approve the transit easement deed prior to recordation.
7.	Any pole-mounted lighting fixtures shall be of full cut-off design.
8.	No building containing a non-residential use and measuring greater than 20,000 square feet floor area gross shall be located within 200 feet of a lot line of a lot containing a detached house building type. No building containing a non-residential use shall be located within 100 feet of a lot line of a lot containing a detached house building type.
9.	An area measuring at least fifty (50) feet in width adjacent to that property described as Lot 102 on the subdivision plat recorded in Book of Maps 1995, Page 134, Wake County Registry (i.e., PIN 172916490; Deed Book 15358, Page 530) shall be preserved and maintained as an undisturbed buffer area, which may be used as tree conservation area if it otherwise meets the provisions of UDO Article 9.1.
10.	No service areas used for trash collection, trash compaction or recycling collection shall be located within fifty (50) feet of the Whittington Drive public right-of-way.
11.	Sidewalks internal to the property shall be at least six (6) feet in width.
12.	Where sidewalks and other pedestrian connections cross a vehicular surface area on the property, such pedestrian connection shall be identified using one or more of the following: (i) specialty paving techniques such as modular pavers or stamped paving; or (ii) raised crosswalks.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature Falls Office Partners, LLC Frank Moody, Manager	Print Name 
--	--



Planning & Development

Development Services Customer Service Center


One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-1-14		Transaction Number
Date Submitted: February 5, 2015		
Existing Zoning: R-4, BC CUD, R-4 with/PDD, all with UWPOD	Proposed Zoning: NX-3-CUD w/ -UWPOD	

NARRATIVE OF ZONING CONDITIONS OFFERED

13.	The vertical plane of each non-residential building façade facing a public right-of-way and/or containing a public entrance shall include one of the following features at least every twenty (20) linear feet: substantial material change as defined by UDO section 1.5.10.A.2.; windows or doors; or columns, pilasters or other articulation greater than twelve (12) inches in depth and shall include one or more of the following projecting horizontal elements: awnings, canopies, porticoes and arcades.
14.	No more than 17,500 square feet floor area gross of retail uses shall be developed on the property until a right turn lane on Raven Ridge Road at the intersection with Falls of Neuse Road is constructed.
15.	There shall be a minimum parking setback of one-hundred (100) feet from the Falls of Neuse public right-of-way; however, parking may be located within this setback area if such parking is located to the side or to the rear of a building located within one-hundred 100 feet of the Falls of Neuse public right-of-way.
16.	For any single building greater than 20,000 square feet floor area gross, there shall be a pitched roof feature over the primary entrance to the building. The minimum pitch of this pitched roof shall be 4:12 and the eave of which must extend a minimum of two feet from the adjacent vertical wall plane.
17.	The roof line of any building on the property shall be varied at least every fifty (50) feet, as measured horizontally along the roof line of the front façade of a building (i.e., that containing the primary building entrance). The roof line can be varied through the use of one or more of the following architectural features: cupola, dome, spire, belfry, and/or pitched roof (gable end) with a minimum pitch of 4:12.
18.	Within one hundred twenty (120) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates the allowable development upon the Property as provided in foregoing Zoning Condition 2 among all existing lots comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this rezoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the City Attorney or his or her deputy and the owners of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation, a copy of each amendment shall be mailed to the Planning Director at P.O. Box 590, Raleigh, NC 27602 with a reference to zoning case Z-1-14.
19.	All exterior building facades will be constructed from one or more of the following materials: glass, concrete and/or clay brick masonry, cementitious stucco, cementitious siding, including lap and panel products, native and masonry stone, natural wood, precast concrete, metal panels and/or trim. The following building siding materials shall be prohibited: vinyl siding, and pressure treated wood.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature Falls Office Partners, LLC Frank Moody, Manager	Print Name 
--	--



Planning & Development

Development Services Customer Service Center

One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-1-14		Transaction Number
Date Submitted: February 5, 2015		
Existing Zoning: R-4, BC CUD, R-4 with/PDD, all with UWPOD	Proposed Zoning: NX-3-CUD w/ -UWPOD	

NARRATIVE OF ZONING CONDITIONS OFFERED

1. The following principal uses shall be prohibited: bed and breakfast; retail sales – fuel (including gasoline and diesel fuel); vehicle sales/rental – all types; detention center, jail, prison; vehicle repair (minor).
2. The maximum amount of floor area gross for nonresidential uses shall be 58,000 square feet.
3. The maximum amount of floor area gross for a single nonresidential building shall be 29,000 square feet.
4. The maximum building height for any commercial building on the property shall be one story and 40 feet, except for those height encroachments as allowed by UDO section 1.5.7.D.
5. The hours of operation for any grocery use shall be between the hours of 6:00 a.m. and 11:00 p.m. Truck deliveries associated with any grocery use shall occur only between the hours of 6:00 a.m. and 9:00 p.m.
6. Prior to the recordation of a subdivision plat or the issuance of any building permit, whichever shall occur first, the owner of the Property shall convey to the City of Raleigh a transit easement along Falls of Neuse Road measuring twenty (20) feet by fifteen (15) feet. The location of the easement shall be selected by the Property owner and by the Public Works Department, Transit Division of the City of Raleigh and the City Attorney shall approve the transit easement deed prior to recordation.
7. Any pole-mounted lighting fixtures shall be of full cut-off design.
8. No building containing a non-residential use and measuring greater than 20,000 square feet floor area gross shall be located within 200 feet of a lot line of a lot containing a detached house building type. No building containing a non-residential use shall be located within 100 feet of a lot line of a lot containing a detached house building type.
9. An area measuring at least fifty (50) feet in width adjacent to that property described as Lot 102 on the subdivision plat recorded in Book of Maps 1995, Page 134, Wake County Registry (i.e., PIN 172916490; Deed Book 15358, Page 530) shall be preserved and maintained as an undisturbed buffer area, which may be used as tree conservation area if it otherwise meets the provisions of UDO Article 9.1.
10. No service areas used for trash collection, trash compaction or recycling collection shall be located within fifty (50) feet of the Whittington Drive public right-of-way.
11. Sidewalks internal to the property shall be at least six (6) feet in width.
12. Where sidewalks and other pedestrian connections cross a vehicular surface area on the property, such pedestrian connection shall be identified using one or more of the following: (i) specialty paving techniques such as modular pavers or stamped paving; or (ii) raised crosswalks.

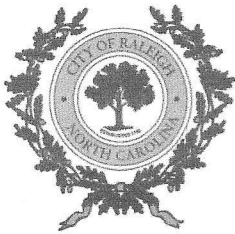
These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature

Print Name

Byron L Reid

Robin Reid / BYRON REID



Planning & Development


**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-1-14		Transaction Number
Date Submitted: February 5, 2015		
Existing Zoning: R-4, BC CUD, R-4 with/PDD, all with UWPOD	Proposed Zoning: NX-3-CUD w/ -UWPOD	

NARRATIVE OF ZONING CONDITIONS OFFERED

13. The vertical plane of each non-residential building façade facing a public right-of-way and/or containing a public entrance shall include one of the following features at least every twenty (20) linear feet: substantial material change as defined by UDO section 1.5.10.A.2.; windows or doors; or columns, pilasters or other articulation greater than twelve (12) inches in depth and shall include one or more of the following projecting horizontal elements: awnings, canopies, porticoes and arcades.
14. No more than 17,500 square feet floor area gross of retail uses shall be developed on the property until a right turn lane on Raven Ridge Road at the intersection with Falls of Neuse Road is constructed.
15. There shall be a minimum parking setback of one-hundred (100) feet from the Falls of Neuse public right-of-way; however, parking may be located within this setback area if such parking is located to the side or to the rear of a building located within one-hundred 100 feet of the Falls of Neuse public right-of-way.
16. For any single building greater than 20,000 square feet floor area gross, there shall be a pitched roof feature over the primary entrance to the building. The minimum pitch of this pitched roof shall be 4:12 and the eave of which must extend a minimum of two feet from the adjacent vertical wall plane.
17. The roof line of any building on the property shall be varied at least every fifty (50) feet, as measured horizontally along the roof line of the front façade of a building (i.e., that containing the primary building entrance). The roof line can be varied through the use of one or more of the following architectural features: cupola, dome, spire, belfry, and/or pitched roof (gable end) with a minimum pitch of 4:12.
18. Within one hundred twenty (120) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates the allowable development upon the Property as provided in foregoing Zoning Condition 2 among all existing lots comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this rezoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the City Attorney or his or her deputy and the owners of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation, a copy of each amendment shall be mailed to the Planning Director at P.O. Box 590, Raleigh, NC 27602 with a reference to zoning case Z-1-14.
19. All exterior building facades will be constructed from one or more of the following materials: glass, concrete and/or clay brick masonry, cementitious stucco, cementitious siding, including lap and panel products, native and masonry stone, natural wood, precast concrete, metal panels and/or trim. The following building siding materials shall be prohibited: vinyl siding, and pressure treated wood.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature 	Print Name Robin Reid / BYRON REID
---	---------------------------------------

POTENTIAL REZONING OF PROPERTY CONSISTING OF +/- 12.68 ACRES LOCATED
IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF FALLS OF NEUSE
ROAD AND DUNN ROAD, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON NOVEMBER 26, 2013

Pursuant to applicable provisions of the City Code, a meeting was held with respect to a potential rezoning with adjacent property owners on Tuesday, November 26, 2013, at 6:00 p.m. The property considered for this potential rezoning totals approximately 12.68 acres, located along in the southeast quadrant of the intersection of Falls of Neuse Road and Dunn Road, in the City of Raleigh, having Wake County Parcel Identification Numbers 1729-22-3012, 1729-21-6967, 1729-21-2644, 1729-21-5374 and 1729-21-4636. This meeting was held at the Millbrook Exchange Park Community Center, Room #2, located at 1905 Spring Forest Road, Raleigh, NC 27615. All owners of property within 100 feet of the subject properties were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the required mailing list for the meeting invitations. A summary of the items discussed at the meeting is attached hereto as **Exhibit B**. Attached hereto as **Exhibit C** is a list of individuals who attended the meeting.

EXHIBIT A

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

(See Attached)

FONVILLE, JOHN T
610 LITTLE ROSEWOOD LN
HENDERSON NC 27537-4702

RIVER OAKS HOMEOWNERS ASSOC
INC
5003 FALLS OF NEUSE RD
RALEIGH NC 27609-550

HAMMONS, SYLVIA G
11104 CLYMER CT
RALEIGH NC 27614-6737

HEATER UTILITIES INC
202 MACKENAN DR
CARY NC 27511-6447

CARLTON, MARK A & LAURA O
11108 CLYMER CT
RALEIGH NC 27614-6737

KIDD, KENNETH W & ANNE P
1328 KINGS GRANT DR
RALEIGH NC 27614-9356

BUNN, LONNIE W & SANDRA M
1329 KINGS GRANT DR
RALEIGH NC 27614-9358

DORSETT, JAMES D & NANCY
1405 COOLMORE DR
RALEIGH NC 27614-9124

WU, JUSTIN Y & KATHLEEN
1412 WHITTINGTON DR
RALEIGH NC 27614-8755

REID, BYRON L & ROBIN L
1413 WHITTINGTON DR
RALEIGH NC 27614-8756

STRICKLAND, LYNN M JR &
CASSANDRA R
1417 WHITTINGTON DR
RALEIGH NC 27614-8756

WHORF, KIRK A & BARBARA A
1421 WHITTINGTON DR
RALEIGH NC 27614-8756

CRAIG, JOHN BARRETT & ANITA GAIL
1425 WHITTINGTON DR
RALEIGH NC 27614-8756

MITCHELL, LARRY M & TERRI H
1429 WHITTINGTON DR
RALEIGH NC 27614-8756

MORROW, JACQUELINE
1500 PERRYCLEAR CT
RALEIGH NC 27614-7782

TROSCLAIR, RUDOLPH & AREME A
1501 MICHELLE DR
RALEIGH NC 27614-7013

BESTAFKA, RICHARD MICHAEL
BESTAFKA, SUZANNE M
1504 PERRYCLEAR CT
RALEIGH NC 27614-7782

MCGINNIS, JASON & DACEY
1505 PERRYCLEAR CT
RALEIGH NC 27614-7782

BUBAR, MURRY J LAING, JAMES A JR
1508 HIGH HOLLY LN
RALEIGH NC 27614-8742

WEEKS, NICHOLAS CHAD WEEKS,
DANIELLE MILLER
1508 PERRYCLEAR CT
RALEIGH NC 27614-7782

MOLLOT, STEPHEN L & TRACI L
1512 HIGH HOLLY LN
RALEIGH NC 27614-8742

RENDALL, PHILIP S & KRISTEN B
1516 HIGH HOLLY LN
RALEIGH NC 27614-8742

OMAR, IMAD
1520 HIGH HOLLY LN
RALEIGH NC 27614-8742

SARTORIUS, THOMAS A & LINDA M
1600 OLDE CHIMNEY CT
RALEIGH NC 27614-8740

NAVILLE, BERNARD A & LINDA M
1605 OCTOBER RD
RALEIGH NC 27614-8638

WILLIAMS, DERRICK A RAVENELL,
CEALIE M
1605 OLDE CHIMNEY CT
RALEIGH NC 27614-8741

MAJORS, TIMOTHY R & CYNTHIA W
1609 OCTOBER RD
RALEIGH NC 27614-8638

WHITE, KENNETH & CINDY
1609 OLDE CHIMNEY CT
RALEIGH NC 27614-8741

MORRISON, JAMES P & EILEEN M
1613 OCTOBER RD
RALEIGH NC 27614-8638

ELLIS, DAVID C & JEANA
1617 OCTOBER RD
RALEIGH NC 27614-8638

BUGGS, IRIS D & TRAY A
1621 OCTOBER RD
RALEIGH NC 27614-8638

LUGO, FERNANDO LUGO, JOSEFINA
CARRILLO LLANO
1625 OCTOBER RD
RALEIGH NC 27614-8638

JONES, JAMES M & ELIZABETH
3328 COTTON PRESS ST
RALEIGH NC 27614-8674

BERRY, MARY & PAUL
1633 OCTOBER RD
RALEIGH NC 27614-8638

FALLS OFFICE PTNR LLC
FRANK MOODY
PO BOX 926
DUNN NC 28335-0926

DUNN ROAD ASSOCIATES
266 W MILLBROOK RD STE A
RALEIGH NC 27609-4685

DUNN INVESTMENTS LLC
6065 TRYON RD STE A
CARY NC 27518-9316

EXHIBIT B

SUMMARY OF DISCUSSION ITEMS

On Tuesday, November 26, 2013, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. The following items were discussed:

1. Uses allowed in the existing zoning districts
2. Policy guidance provided for the subject properties by the Future Land Use Map contained in the Comprehensive Plan
3. Properties not included in the Urban Form Map of the Comprehensive Plan
4. Site layout, including potential users
5. Location and amount of parking being proposed
6. Applicable watershed designation for the properties (e.g., properties not within the Falls Lake Watershed)
7. Location of dumpsters/trash collection
8. Location of stormwater facility and stormwater concerns
9. Amount of impervious surface on properties and potential for pervious pavers
10. Concern over drainage of site onto Falls of Neuse Road
11. Hours of operation not being 24/7
12. Delivery and stocking of goods and timeframe for deliveries
13. Egress and Ingress of trucks into new development and routing of trucks in vicinity of day care facility (e.g., show areas)
14. Landscaping at rear of property and opportunities to preserve existing trees
15. Setbacks of buildings and parking area from Falls of Neuse Road
16. Lighting plan and potential impact on surrounding residents
17. Visibility of development from homes across Whittington Drive
18. Landscaping along Falls of Neuse Road
19. Amount, height, type and location of signage
20. Concern expressed over certain types of uses (e.g., bar, nightclub, cell tower, fast food and gas station)
21. Potential for store to close and number of grocers in vicinity
22. Who will own properties
23. View that office use for properties has not been marketed effectively
24. Speed and congestion on Falls of Neuse Road
25. Egress and ingress from properties onto Dunn Road (left turn heading south onto Falls of Neuse is a problem in a.m.)
26. Architectural treatment of buildings, including rear of buildings
27. Impact of project on surrounding property values
28. Willingness to make available renderings including possibility of three dimensional renderings
29. Properties involved in previous zoning case
30. Description of zoning process and CAC schedule
31. Potential for traffic study and process with Envision Tomorrow analysis by City

EXHIBIT C

NEIGHBORHOOD MEETING ATTENDEES

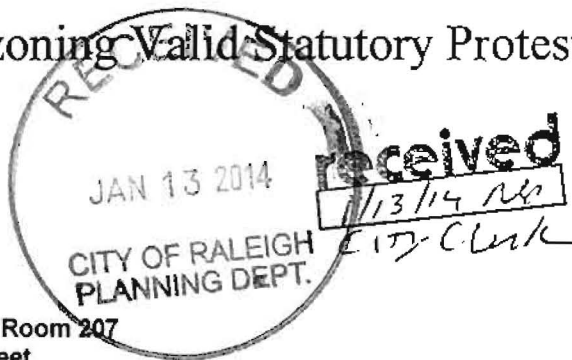
1. Joe Corey
2. Johnny York
3. Dave Dubis
4. David Cox
5. Helen Cox
6. Fred Chauncey
7. Janet Hiser
8. Marian Scott
9. Ann Latimer
10. David Bland
11. Stacy Cashin
12. David Ellis
13. William Lane
14. Claire Davenport
15. Philip Davenport
16. Gene Senecal
17. Graham Rhodes
18. Helen Foster
19. Cealie Ravenell-Williams



Rezoning Valid Statutory Protest Petition (VSPP)

Submit this form to:

City Clerk
Municipal Building - Room 207
222 West Hargett Street
Raleigh, NC 27602



Valid.
-DH
1/14/14

CC: DeSlele Sumpter

Date: Jan 10, 2014 Case #: Z-CO1 - 2014

Contact Person: David Cox

Address: 1902 Stonegtrace Ct

City: Raleigh State: NC Zip: 27614

Telephone: 919-817-7236

Fax:

E-Mail: dc Cox1776@gmail.com

What is a valid statutory protest petition (VSPP)?

If a valid statutory protest petition (VSPP) is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of three-fourths of all Council members. A simple majority can approve all other requests. To file a VSPP, the petition must:

- (1) Be signed by the owner(s) (including both husband and wife if there is joint ownership) of twenty percent (20%) or more of the area of the lots included in the rezoning request; or
- (2) Five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the 'owners' of potentially qualifying areas.
- (3) Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded.
- (4) Be submitted no less than 2 full working days before the hearing date, not including the actual day of the hearing and not including any holidays, Saturdays or Sundays, and,
- (5) Be delivered to the office of the City Clerk, Room 207, Municipal Building, 222 West Hargett Street, before 5:00 pm on the deadline date; and,

Attach signatures to this sheet on the form provided. The signature form may be duplicated if necessary.



Valid Statutory Protest Petition

Case Number: Case #: Z-001 - 2014

Statement of Opposition:

The rezoning request is inconsistent with the Raleigh's Comprehensive Plan.

The rezoning request is inconsistent with the Raleigh's Future Land Use Map.

The request is not reasonable and harms the public interest.

More than 2,000 citizens have signed a general petition opposing the rezoning and supporting the current zoning.

Signature: Murry J. Bubar Print Name (clearly): Murry J. Bubar
Address: 1508 High Holly Ln Raleigh NC 27614

Signature: James A. Laing Print Name (clearly): James A. Laing
Address: 1508 High Holly Ln Raleigh NC 27614

Signature: Kristen B. Randall Print Name (clearly): Kristen B. Randall
Address: 1512 High Holly Ln. Raleigh, NC 27614

Signature: Philip Randall Print Name (clearly): Philip Randall
Address: 1512 High Holly Ln. Raleigh, NC 27614

Signature: Stephan Mollot Print Name (clearly): Stephan Mollot
Address: 1512 High Holly Ln Raleigh NC 27614

Signature: Ken D. White Print Name (clearly): Ken D. White
Address: 1512 High Holly Ln Raleigh NC 27614

Signature: Kenneth D. White Print Name (clearly): Kenneth D. White
Address: 1607 Old Chimney Ct Raleigh, NC 27614

Signature: Cindy B. White Print Name (clearly): Cindy B. White
Address: 1607 Old Chimney Ct

Signature: Chad Weeks Print Name (clearly): Chad Weeks
Address: 1508 Perryclar Ct. Raleigh, NC 27614

Signature: Danielle Weeks Print Name (clearly): Danielle Weeks
Address: 1508 Perryclar Ct. Raleigh, NC 27614

Signature: _____ Print Name (clearly): _____
Address: _____



Valid Statutory Protest Petition
Case Number: Case #: Z-001 - 2014

Statement of Opposition:

The rezoning request is inconsistent with the Raleigh's Comprehensive Plan.

The rezoning request is inconsistent with the Raleigh's Future Land Use Map.

The request is not reasonable and harms the public interest.

More than 2,000 citizens have signed a general petition opposing the rezoning and supporting the current zoning.

Signature: [Signature] Print Name (clearly): Jason McGinnis
Address: 11505 Perry Clear Ct, Raleigh, NC 27614

Signature: [Signature] Print Name (clearly): Jason McGinnis
Address: 11505 Perry Clear Ct, Raleigh NC 27614

Signature: [Signature] Print Name (clearly): RICH BESTAFKA
Address: 1504 PERRY CLEAR CT, RALEIGH, NC 27614

Signature: [Signature] Print Name (clearly): SUZANNE BESTAFKA
Address: 1504 PERRY CLEAR CT. RALEIGH, NC 27614

Signature: Cealie M. Ravenell-Williams Print Name (clearly): Cealie M. Ravenell-Williams
Address: 1605 Old Chimney Ct Raleigh NC 27614

Signature: [Signature] Print Name (clearly): DERRICK WILLIAMS
Address: 1605 Old Chimney Ct, Raleigh NC 27614

Signature: _____ Print Name (clearly): _____
Address: _____

Signature: _____ Print Name (clearly): _____
Address: _____

Signature: _____ Print Name (clearly): _____
Address: _____

Signature: _____ Print Name (clearly): _____
Address: _____

Signature: _____ Print Name (clearly): _____
Address: _____



Valid Statutory Protest Petition

Case Number: Case #: Z-00¹ - 2014

Statement of Opposition:

The rezoning request is inconsistent with the Raleigh's Comprehensive Plan.

The rezoning request is inconsistent with the Raleigh's Future Land Use Map.

The request is not reasonable and harms the public interest.

More than 2,000 citizens have signed a general petition opposing the rezoning and supporting the current zoning.

Signature: [Signature] Print Name (clearly): IMAD OMAR

Address: 1520-High Holly Lane, Raleigh N.C.

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____



Valid Statutory Protest Petition
Case Number: Case #: Z- 001 - 2014

Statement of Opposition:

The rezoning request is inconsistent with the Raleigh's Comprehensive Plan.

The rezoning request is inconsistent with the Raleigh's Future Land Use Map.

The request is not reasonable and harms the public interest.

More than 2,000 citizens have signed a general petition opposing the rezoning and supporting the current zoning.

Signature: Eugene G. Senecal Print Name (clearly): Eugene G. Senecal
Address: 1320 Kings Grant Dr, Raleigh NC (see Attached Board Resolution)

Signature: Lonnie W. Bunn Print Name (clearly): Lonnie W. Bunn
Address: 1329 Kings Grant Dr Raleigh, NC 27614

Signature: Sandra M. Bunn Print Name (clearly): Sandra M. Bunn
Address: 1329 Kings Grant Dr Raleigh, NC 27614

Signature: James D. Dorsett Print Name (clearly): James D. Dorsett
Address: 1405 Coolmore Dr Raleigh, NC 27614

Signature: Nancy Dorsett Print Name (clearly): Nancy Dorsett
Address: 1405 Coolmore Dr. Raleigh, NC 27614

Signature: Mark Carlton Print Name (clearly): Mark Carlton
Address: 11108 Clymer Ct Raleigh NC 27614

Signature: Laura Carlton Print Name (clearly): Laura Carlton
Address: 11108 Clymer Ct Raleigh, NC 27614

Signature: Sylvia Hammons Print Name (clearly): Sylvia Hammons
Address: 11104 Clymer Ct, Raleigh NC 27614

Signature: _____ Print Name (clearly): _____
Address: _____

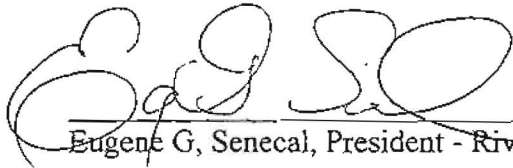
Signature: _____ Print Name (clearly): _____
Address: _____

Signature: _____ Print Name (clearly): _____
Address: _____

**RIVER OAKS
HOMEOWNERS
ASSOCIATION**

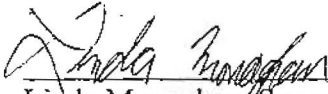
**BOARD RESOLUTION TO
OPPOSE REZONING REQUEST Z 001-14**

Be it known that on January 6th 2014, the River Oaks Board of Directors resolved to oppose the Re-Zoning Request Case# Z-001-14 and empowered Eugene G. Senecal, President of the River Oaks Homeowners Association to sign the petition opposing the Rezoning Request Z 001-14 on behalf of the members of the River Oaks Homeowners Association.



Eugene G. Senecal, President - River Oaks HOA

Jan. 8, 2014
Date



Linda Monaghan, Secretary - River Oaks HOA

Jan. 8, 2014
Date



Anthony Glenn, Treasurer - River Oaks HOA

Jan 8, 2014
Date



Dick Sinclair, Vice President - River Oaks HOA

Jan. 08-2014
Date



Rezoning Valid Statutory Protest Petition (VSPP)

Submit this form to:

City Clerk
Municipal Building – Room 207
222 West Hargett Street
Raleigh, NC 27602



received
1/24/14 NO
CITY CLERK

CC: DeShelle
Sumpter

Date: 1/24/2014 Case #: Z-001-14
Contact Person: David Cox
Address: 1902 Stonytrace Ct
City: Raleigh State: NC Zip: 27614
Telephone: 919-817-7736 Fax: _____
E-Mail: dcox1776@gmail.com

What is a valid statutory protest petition (VSPP)?

If a valid statutory protest petition (VSPP) is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of three-fourths of all Council members. A simple majority can approve all other requests. To file a VSPP, the petition must:

- (1) Be signed by the owner(s) (including both husband and wife if there is joint ownership) of twenty percent (20%) or more of the area of the lots included in the rezoning request; or
- (2) Five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the 'owners' of potentially qualifying areas.
- (3) Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded.
- (4) Be submitted no less than 2 full working days before the hearing date, not including the actual day of the hearing and not including any holidays, Saturdays or Sundays, and,
- (5) Be delivered to the office of the City Clerk, Room 207, Municipal Building, 222 West Hargett Street, before 5:00 pm on the deadline date; and,

Attach signatures to this sheet on the form provided. The signature form may be duplicated if necessary.



Valid Statutory Protest Petition

Case Number: Case #: Z- 1 - 2014

Statement of Opposition:

The rezoning request is inconsistent with the Raleigh's Comprehensive Plan.

The rezoning request is inconsistent with the Raleigh's Future Land Use Map.

The request is not reasonable and harms the public interest.

More than 2,000 citizens have signed a general petition opposing the rezoning and supporting the current zoning.

Signature: Josefina Carrillo Print Name (clearly): Josefina Carrillo
Address: 1625 October Rd Raleigh NC 27614

Signature: Fernando Luque Print Name (clearly): Fernando Luque
Address: 1625 October Rd Raleigh NC 27614

Signature: David Ellis Print Name (clearly): David Ellis
Address: 1607 October Rd Raleigh NC 27614

Signature: Jenna Ellis Print Name (clearly): Jenna Ellis
Address: 1617 October Rd Raleigh NC 27614

Signature: James P. Morrison Print Name (clearly): JAMES P. MORRISON
Address: 1613 October Rd., Raleigh, NC 27614

Signature: Eileen M. Morrison Print Name (clearly): Eileen M. Morrison
Address: 1613 October Rd. Raleigh, NC 27614

Signature: Bernard Naville Print Name (clearly): Bernard Naville
Address: 1605 OCTOBER RD

Signature: Tim Majors Print Name (clearly): Tim Majors
Address: 1609 October Rd Raleigh NC 27614

Signature: Cynthia Majors Print Name (clearly): Cynthia Majors
Address: 1609 October Rd Raleigh NC 27614

Signature: Mary F Berry Print Name (clearly): Mary F Berry
Address: 1633 October Rd Raleigh NC 27614

Signature: Paul A Berry Print Name (clearly): Paul A Berry
Address: 1633 October Rd Raleigh NC 27614



Valid Statutory Protest Petition

Case Number: Case #: Z- 1 . 2014

Statement of Opposition:

The rezoning request is inconsistent with the Raleigh's Comprehensive Plan.

The rezoning request is inconsistent with the Raleigh's Future Land Use Map.

The request is not reasonable and harms the public interest.

More than 2,000 citizens have signed a general petition opposing the rezoning and supporting the current zoning. We, therefore, oppose the rezoning.

Signature: [Signature] Print Name (clearly): Harry M. Mitchell
Address: 1429 Whittington Drive

Signature: [Signature] Print Name (clearly): Terri H. Mitchell
Address: 1429 Whittington Drive

Signature: [Signature] Print Name (clearly): Gail Craig
Address: 1425 Whittington Dr.

Signature: [Signature] Print Name (clearly): John Craig
Address: 1425 Whittington Dr Raleigh

Signature: [Signature] Print Name (clearly): Justin Y. Wu
Address: 1412 Whittington Dr.

Signature: [Signature] Print Name (clearly): Kathleen Du Wu
Address: 1412 Whittington Dr.

Signature: [Signature] Print Name (clearly): MAC STRICKLAND DR
Address: 1417 Whittington Dr

Signature: [Signature] Print Name (clearly): Cassandra Strickland
Address: 1417 Whittington Dr

Signature: _____ Print Name (clearly): _____
Address: _____

Signature: _____ Print Name (clearly): _____
Address: _____

Signature: _____ Print Name (clearly): _____
Address: _____



Planning & Development

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Scanned to: DeShelle Sumpter
9/30/14

Valid
10/1/14
DH

Rezoning Valid Statutory Protest Petition (VSPP)

Submit this form to:

City Clerk
Raleigh Municipal Building, Room 207
222 W. Hargett St.
Raleigh, NC 27602

Administrative Use Only

Validity

Administrative Use Only

received
9/30/14 KLB

Received by City Clerk

Date Submitted	9/30/2014	Case #	Z - 1 - 14
Contact Person	David Cox		
Address	1902 Stonegrace Ct	City	Raleigh
State	NC	Zip	27614
Phone	919-817-7236	Fax	
Email	dcox1776@gmail.com		

If a Valid Statutory Protest Petition (VSPP) is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of three-fourths of all Council members. A simple majority can approve all other requests. To file a VSPP, the petition must:

- Be signed by the owner(s) (including both husband and wife if there is joint ownership) of twenty percent (20%) or more of the area of the lots included in the rezoning request; OR five percent (5%) of a 100 foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100 foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100 foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas;
- Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded;
- Be submitted no less than two (2) full working days prior to the hearing, not including the actual day of the hearing and not including any holidays, Saturdays or Sundays. For instance, if the hearing occurs on Tuesday, the form must be submitted by the previous Thursday at 5:00 p.m.;
- Be delivered to the office of the City Clerk, Raleigh Municipal Building, Room 207, 222 W. Hargett Street, before 5:00 p.m. on the deadline date; and
- Have signatures attached to this sheet on the form provided. The signature form may be duplicated if necessary.

Valid Statutory Protest Petition

Case # Z - 1 - 14

Statement of Opposition:

We oppose the rezoning of Dunn & Falls of Nease
Roads - Case Z-1-14

Signature: Eileen Morrison Print Name (clearly): Eileen Morrison

Address: 1613 October Rd., Raleigh, NC 27614

Signature: James P. Morrison Print Name (clearly): James Morrison

Address: 1613 October Rd., Raleigh, NC 27614

Signature: Stephen Mollot Print Name (clearly): Stephen Mollot

Address: 1512 High Holly Ln Raleigh, NC 27614

Signature: Traci Mollot Print Name (clearly): Traci Mollot

Address: 1512 High Holly Ln Raleigh, NC 27614

Signature: Jonathan Self Print Name (clearly): Jonathan Self

Address: 1504 Perryclear Ct Raleigh, N.C. 27614

Signature: Sarah-Jean Self Print Name (clearly): Sarah-Jean Self

Address: 1504 Perryclear Ct. Raleigh, NC 27614

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Valid Statutory Protest Petition

Case # Z - 1 - 14

Statement of Opposition:

We oppose the rezoning of Dunn and Fall of House
Roads - Case Z-1-14

Signature: [Signature] Print Name (clearly): Kathleen Wu

Address: 1412 Whittington Dr, Raleigh 27614

Signature: [Signature] Print Name (clearly): Justin Wu

Address: 1412 Whittington Dr, Raleigh 27614

Signature: [Signature] Print Name (clearly): Chris Dudley

Address: 1421 Whittington Dr, Raleigh 27614

Signature: [Signature] Print Name (clearly): Cassandra Strickland

Address: 1417 Whittington Dr, Raleigh, NC 27614

Signature: [Signature] Print Name (clearly): LYNN STRICKLAND

Address: 1417 WHITTINGTON DR RALEIGH N.C. 27614

Signature: [Signature] Print Name (clearly): Anita Gail Craig

Address: 1425 Whittington Dr., Raleigh, N.C. 27614

Signature: [Signature] Print Name (clearly): John B Craig

Address: 1425 Whittington Dr, Raleigh, NC 27614

Signature: [Signature] Print Name (clearly): Angela Dudley

Address: 1421 Whittington Dr., Raleigh, NC 27614

Signature: _____ Print Name (clearly): _____

Address: _____

Valid Statutory Protest Petition
Case # Z - 01 - 14

Statement of Opposition:

We the undersigned, oppose the rezoning
of the Property at Dunn and Falls of Neuse as
described in case Z-1-14

Signature: Eugene G. Senecal Print Name (clearly): Eugene G. Senecal
Address: 1320 Kings Grant Dr, Raleigh on behalf of ROTHIA

Signature: Lonnie W. Bunn Print Name (clearly): Lonnie W. BUNN
Address: 1329 Kings Grant Dr. Raleigh, NC 27614

Signature: Sandra Bunn Print Name (clearly): Sandra M. BUNN
Address: 1329 Kings Grant Dr. Raleigh, NC 27614

Signature: N Dorsett Print Name (clearly): Nancy Dorsett
Address: 1405 Coolmore Dr. Raleigh 27614

Signature: James Dorsett Print Name (clearly): JAMES Dorsett
Address: 1405 Coolmore Dr Raleigh NC 27614

Signature: Mark Carlton Print Name (clearly): Mark Carlton
Address: 11108 Clymer Ct Raleigh NC 27614

Signature: Laura Carlton Print Name (clearly): Laura Carlton
Address: 11108 Clymer Ct Raleigh, NC 27614

Signature: Cindy B White Print Name (clearly): Cindy B White
Address: 1609 Olde Chimney Ct

Signature: Ken White Print Name (clearly): Ken White
Address: 1609 Olde Chimney Ct

Valid Statutory Protest Petition

Case # Z - 1 - 14

Statement of Opposition:

We oppose the rezoning of Dawn and Falls of Neuse Roads
Case Z-1-14

Signature: Cealie M. Ravenell Print Name (clearly): Cealie M. Ravenell

Address: 1605 Olde Chimney Ct Raleigh, NC 27614

Signature: Derrick Williams Print Name (clearly): Derrick A. Williams

Address: 1605 Olde Chimney Ct. Raleigh, NC 27614

Signature: Dacey McGinnis Print Name (clearly): Dacey McGinnis

Address: 1505 Perryclear Ct., Raleigh NC 27614

Signature: Jason McGinnis Print Name (clearly): Jason McGinnis

Address: 1505 Perryclear Ct., Raleigh, NC 27614

Signature: Timothy R. Majors Print Name (clearly): Timothy R. Majors

Address: 1609 October Rd Raleigh NC 27614

Signature: Cynthia W. Majors Print Name (clearly): Cynthia W. Majors

Address: 1609 October Rd Raleigh NC 27614

Signature: Murry Bubba Print Name (clearly): Murry Bubba

Address: 1508 High Holly Ln

Signature: James Leing Print Name (clearly): James Leing

Address: 1508 High Holly Ln

Signature: _____ Print Name (clearly): _____

Address: _____

Valid Statutory Protest Petition

Case # Z - 1 - 14

Statement of Opposition:

We oppose the rezoning of Dunn and Falls of Nease
Roads - Case Z-1-14

Signature: Terri H. Mitchell Print Name (clearly): Terri H. Mitchell

Address: 1429 Whittington Drive, Raleigh, NC 27614

Signature: Larry Matthew Mitchell Print Name (clearly): Larry Matthew Mitchell

Address: 1429 Whittington Dr, Raleigh, NC 27614

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Valid Statutory Protest Petition

Case # Z - 7 - 14

Statement of Opposition:

We the undersigned oppose the rezoning
of the properties at Dunn and Falls of Neuse as
Described in case Z-1-14

Signature: Sylvia Hammond Print Name (clearly): Sylvia Hammond
Address: 1104 Clymer Court

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

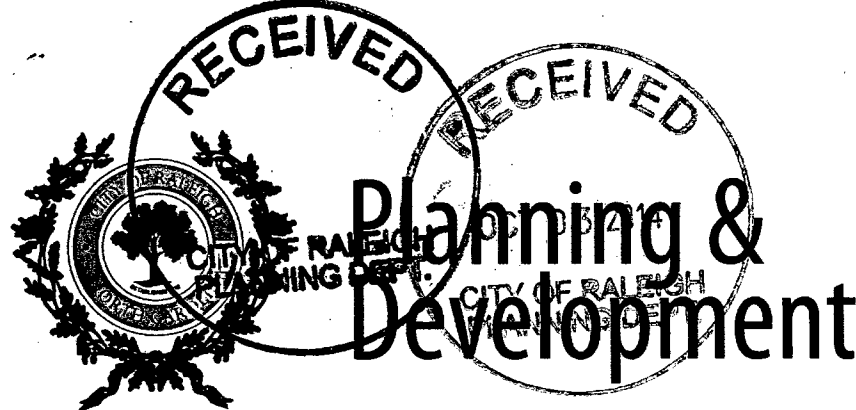
Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____



Scanned to Desktop
10/2/14

Valid
TH

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Valid Statutory Protest Petition (VSPP)

Submit this form to:

City Clerk

Raleigh Municipal Building, Room 207

222 W. Hargett St.

Raleigh, NC 27602

Administrative Use Only

RECEIVED
CITY CLERKS OFFICE
10/2/14

Validity

Administrative Use Only

STAMP

Received by City Clerk

Date Submitted		Oct. 2, 2014		Case # Z - 1 - 14	
Contact Person Justin & Kathleen Wu					
Address 1412 Whittington Drive				City Raleigh	
State NC	Zip 27614	Phone 919-676-9837		Fax	
Email justinywu@gmail.com					

If a Valid Statutory Protest Petition (VSPP) is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of three-fourths of all Council members. A simple majority can approve all other requests. To file a VSPP, the petition must:

- Be signed by the owner(s) (including both husband and wife if there is joint ownership) of twenty percent (20%) or more of the area of the lots included in the rezoning request; OR five percent (5%) of a 100 foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100 foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100 foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas;
- Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded;
- Be submitted no less than two (2) full working days prior to the hearing, not including the actual day of the hearing and not including any holidays, Saturdays or Sundays. For instance, if the hearing occurs on Tuesday, the form must be submitted by the previous Thursday at 5:00 p.m.;
- Be delivered to the office of the City Clerk, Raleigh Municipal Building, Room 207, 222 W. Hargett Street, before 5:00 p.m. on the deadline date; and
- Have signatures attached to this sheet on the form provided. The signature form may be duplicated if necessary.

Valid Statutory Protest Petition
Case # Z - 1 - 14

Statement of Opposition:

We, the undersigned, are opposed to the proposal for rezoning.

The rezoning plan would create objectionable traffic, lighting, noise, odors, litter, and garbage directly in the Woodspring Community. It is NOT a neighborhood-oriented plan.

Signature: Justin Wu Print Name (clearly): Justin Wu

Address: 1412 Whittington Dr. Raleigh, NC

Signature: Kathleen Wu Print Name (clearly): Kathleen Wu

Address: 1412 Whittington Dr. Raleigh NC 27614

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____



Mack A. Paul, IV | Partner
630 Davis Drive, Suite 200
Morrisville, NC 27560

919-590-0377
mpaul@morningstarlawgroup.com
www.morningstarlawgroup.com

November 18, 2013

Via Email

City of Raleigh Planning Commission
Isabel Mattox, Chair
222 W. Hargett Street
Raleigh, North Carolina 27602

RE: Request to Partially Cancel Falls River Master Plan (MP-1-94) (the "Master Plan")

Dear Ms. Mattox and Members of the Planning Commission,

On behalf of Falls Office Partners, LLC and Dunn Investments, LLC (collectively, the "Owners"), owners of property subject to the Master Plan, we hereby request partial cancellation of the Master Plan in accordance with Raleigh City Code section 10-2075(f)(5). We respectfully request that the Planning Commission conduct its investigation at the Planning Commission's November 26, 2013 meeting. We have provided written notice to all owners of property within the area subject to the Master Plan and all amendments thereto by first class mail at least one week prior to the Planning Commission meeting.

Falls Office Partners, LLC owns that certain 6.16-acre parcel of land with Wake County PIN 1729-21-2644 (the "FOP Property") and Dunn Investments, LLC owns that certain 5.62-acre parcel of land with Wake County PIN 1729-21-4636 (the "Dunn Property", and together with the FOP Property, the "Properties"). The Properties are located in the "Office Village" portion of the Master Plan. The FOP Property and a portion of the Dunn Property are undeveloped. The balance of the Dunn Property is developed for a day care use. Because the Office Village portion of the Master Plan is incomplete, the Owners are requesting that the Master Plan be cancelled as to the FOP Property and the undeveloped portion of the Dunn Property (the "Cancellation Area").

In support of this request, we submit that the evidence summarized below and to be presented at the Planning Commission's investigation establish that the requirements of Raleigh City Code section 10-2057(f)(5)a.-d. are satisfied. Compliance with each of the four standards is summarized below:

- a. The constructed portions of the Master Plan would comply with the applicable zoning regulations without the uncompleted portion of the Master Plan.*

The Cancellation Area is designated for office uses by the Master Plan. The Master Plan does not mandate any minimum amount of office uses within the Master Plan area, so removal of the Cancellation Area from the Master Plan will not affect the ability of the remaining Master Plan area to comply with the Master Plan. Additionally, the Cancellation Area is not designated for any other use or purpose for which there is a minimum or otherwise mandated amount, such that removal of the Cancellation Area from the Master Plan will not affect the ability of the remaining Master Plan area to comply with any other use-related provision of the Master Plan. The portion of the Dunn Property developed for a day care will remain subject to the Master Plan and will continue to comply with the Office Village standards of the Master Plan.

- b. The constructed alternate designs would continue to function effectively and efficiently without the uncompleted phase of the development.*

The Master Plan permits minor changes to only a few public street cross-section standards and sidewalk and street yard design standards. The infrastructure required by the Master Plan has been constructed, so the removal of the Cancellation Area from the Master Plan area will not impact the construction of any of the infrastructure with alternate design standards. Additionally, none of the infrastructure with alternate design standards serves the Cancellation Area or adjoins the Cancellation Area.

- c. The property owners association will have sufficient resources to maintain open spaces and other property and facilities already deeded to it without the uncompleted phase of the development.*

The Properties are not members of any property owners association or subject to any declaration for an association which holds title to or maintains open space or similar properties or facilities. Additionally, the associations within the Master Plan area will continue to operate as they have, and the fact that they are currently maintaining the open space and other similar properties and facilities is prima facie evidence that they can continue to do so following cancellation of the Master Plan as to the Cancellation Area.

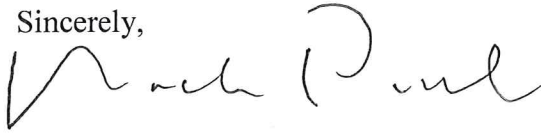
- d. The constructed portions of the Master Plan comply with the provisions of Raleigh City Code section 10-2057(f)(4)b.4.*

Raleigh City Code section 10-2057(f)(4)b.4. requires that 25% of the Master Plan area or 25 acres, whichever is less, be developed with non-retail uses prior to the development of stand-alone retail uses. The Master Plan area is approximately 1,141 acres of land, the vast majority of which is currently developed for residential uses. Over twenty-five acres of the Master Plan area is currently developed with non-retail uses.

Based on the above and the evidence to be submitted at the Planning Commission's investigation, the request to partially cancel the Master Plan complies with the standards of Raleigh City Code section 10-2057(f)(5).

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Mack Paul". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mack Paul

cc: Mr. Travis Crane
Mr. Doug Hill
Mr. Frank Moody
Mr. Eli Zablud
Mr. Jeff Surrency