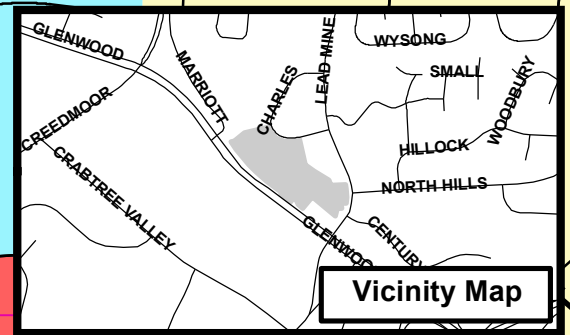


Existing Zoning Map
Case Number: Z-6-13



O&I-2

PBOD

CUD SC

R-4

PHILCREST

MARRIOTT

GLENWOOD

CHARLES

R-10

CUD O&I-2

LEAD MINE

CUD R-15

SC

GLENWOOD

CUD O&I-1

CENTURY
O&I-1

BLUE RIDGE

240



Feet

Request:

10.84 ac from R-10, R-15 CUD & O&I-1 CUD to SC CUD

City of Raleigh Public Hearing
January 15, 2013
(April 15, 2013)



Certified Recommendation

Raleigh Planning Commission

CR# 11530

Case Information Z-6-13 Charles Drive

<i>Location</i>	South side, northwest of its intersection with Lead Mine Road
<i>Request</i>	Rezone property from R-10, R-15 CUD and O&I-1 CUD to SC CUD
<i>Area of Request</i>	10.84 acres
<i>Property Owner</i>	Joanna & Melissa Smith Mills, Valley Terrace Apartments Company
<i>Applicant</i>	Robin T. Currin, 919-832-1515, robincurrin@aol.com
<i>Citizens Advisory Council</i>	Northwest Jay M. Gudeman, 919-789-9884, jay@kilpatrickgudeman.com
<i>PC Recommendation Deadline</i>	April 15, 2013

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>	Regional Mixed Use
<i>CONSISTENT Policies</i>	Policy LU 2.2 Compact Development Policy LU 2.5 Healthy Communities Policy LU 4.4 Reducing VMT through Mixed Use Policy LU 4.5 Connectivity Policy LU 4.9 Corridor Development Policy LU 5.1 Reinforcing the Urban Pattern Policy LU 6.1 Composition of Mixed-Use Centers Policy LU 6.2 Complementary Uses and Urban Vitality Policy LU 6.3 Mixed-Use and Multi-Modal Transportation Policy LU 7.1 Encouraging Nodal Development Policy LU 7.4 Scale and Design of New Commercial Uses Policy LU 7.5 High-Impact Commercial Uses Policy LU 7.6 Pedestrian-Friendly Development Policy LU 10.1 Mixed-Use Retail Policy LU 10.6 Retail Nodes Policy ED 1.2 Mixed Use Redevelopment Policy UD 2.1 Building Orientation Policy UD 2.3 Activating the Street Policy UD 2.6 Parking Location and Design Policy UD 2.7 Public Open Space Policy UD 3.5 Visually Cohesive Streetscapes

	Policy UD 3.11 Parking Structures Policy UD 4.3 Improving Streetscape Design Policy UD 4.5 Improving the Street Environment Policy UD 6.1 Encouraging Pedestrian-Oriented Uses Policy UD 6.2 Ensuring Pedestrian Comfort and Convenience Policy UD 7.3 Design Guidelines (1-26 policies) Policy AP-C1 Crabtree Parking Structures Policy AP-C4 Crabtree Mall Connections Policy AP-C5 Design Unity in the Crabtree Area Policy AP-C6 Crabtree Area Pedestrian Circulation Plan
<i>INCONSISTENT Policies</i>	Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 5.2 Managing Commercial Development Impacts

Summary of Proposed Conditions

The following conditions apply to the property:

- Certain types of uses that are prohibited
- Upon redevelopment of the property, offer of cross-access to the property to the north
- Offer of pedestrian transit easement for pedestrian bridge to the north between Marriot Drive and Crabtree Valley Mall; Retail uses permitted only after construction of a pedestrian bridge connecting property to south of Glenwood Avenue
- Offer of 20 foot pedestrian easement
- Upon redevelopment of the property, up to a max. 60 foot ROW dedication and 20 foot slope easement to connect Charles Drive to Glenwood Avenue; Retail uses to be permitted only after roadway construction of Charles Drive connecting to Glenwood Avenue
- Conditions that include similar streetscape and parking plan elements that apply to the same block that specifies street trees, sidewalk widths, light fixtures, benches, trash receptacles, and bike racks
- Max. building height of 115 feet or 9 stories
- Max. of 175 dwelling units total (16 DU/acre density), recording a restrictive covenant with Wake County
- Max. retail use of 125,000 SF (with office use limited to accessory use only), recording a restrictive covenant with Wake County
- Parking deck location and material specification
- Retail uses to be permitted after Marriot Drive connection is constructed or dedicate max. of 60 foot ROW if required
- Building surface material specifications
- Building entrance door material specification for residential buildings
- Screening provisions for garbage dumpsters/compactors
- Define storefronts as exterior surface of retail uses between foundation and 12 feet above ground, specify storefronts to consist of min. 50% glass or glazing
- Provision of 6% electrical charging facilities for required parking spaces
- Provide for min. of 100 bicycle parking spaces, at least 25 to be enclosed
- No single retail use to exceed 56,000 SF of floor area gross

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
September 18, 2012	January 15, 2013	None	Deferred until 3/26/13 upon applicant's request; 3/26/13 PC voted out of COW to be deferred at PC for two weeks; 4/9/13 Approved

☐ ***Valid Statutory Protest Petition***

Attachments

1. Staff report
2. Applicants Response to Urban Design Guidelines

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan, and recommends, based on the findings and reasons stated herein, that the request be approved in accordance with zoning conditions dated April 4, 2013.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> (1) That the proposed request is consistent with the regional mixed use category designated by the future land use map. The site is recommended for a mix of uses and the proposed conditional use rezoning seeks to permit higher density and a mix of uses consistent with its regional mixed use designation. (2) That given its proximity to a major commercial center, the site is ideal for redevelopment into higher density residential and limited retail uses. That traffic mitigation is provided by phasing development such that an alternate pedestrian bridge and driveway connections are established before any retail uses can be developed on the property. (3) That the request is compatible with surrounding land uses and development patterns. The proposed zoning conditions address uses, density, connectivity, traffic mitigation, streetscape, and urban design standards, thus mitigating any potential adverse impacts to the surrounding uses. (4) That the request is reasonable and in the public interest. Rezoning would permit introduction of higher density residential uses and limited retail uses, which could be an appropriate redevelopment for the area, complementing the surrounding uses, thus furthering the goals of several Comprehensive Plan Policies.
<i>Motion and Vote</i>	Motion: Schuster Second: Haq In Favor: Buxton, Fleming, Fluhrer, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis and Terando

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.

_____ Planning Director	_____ Date	_____ Planning Commission Chairperson	<u>4/9/13</u> Date
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Staff Coordinator: Dhanya Sandeep dhanya.sandeep@raleighnc.gov



Zoning Staff Report – Case Z-6-13

Conditional Use District

Case Summary

Overview

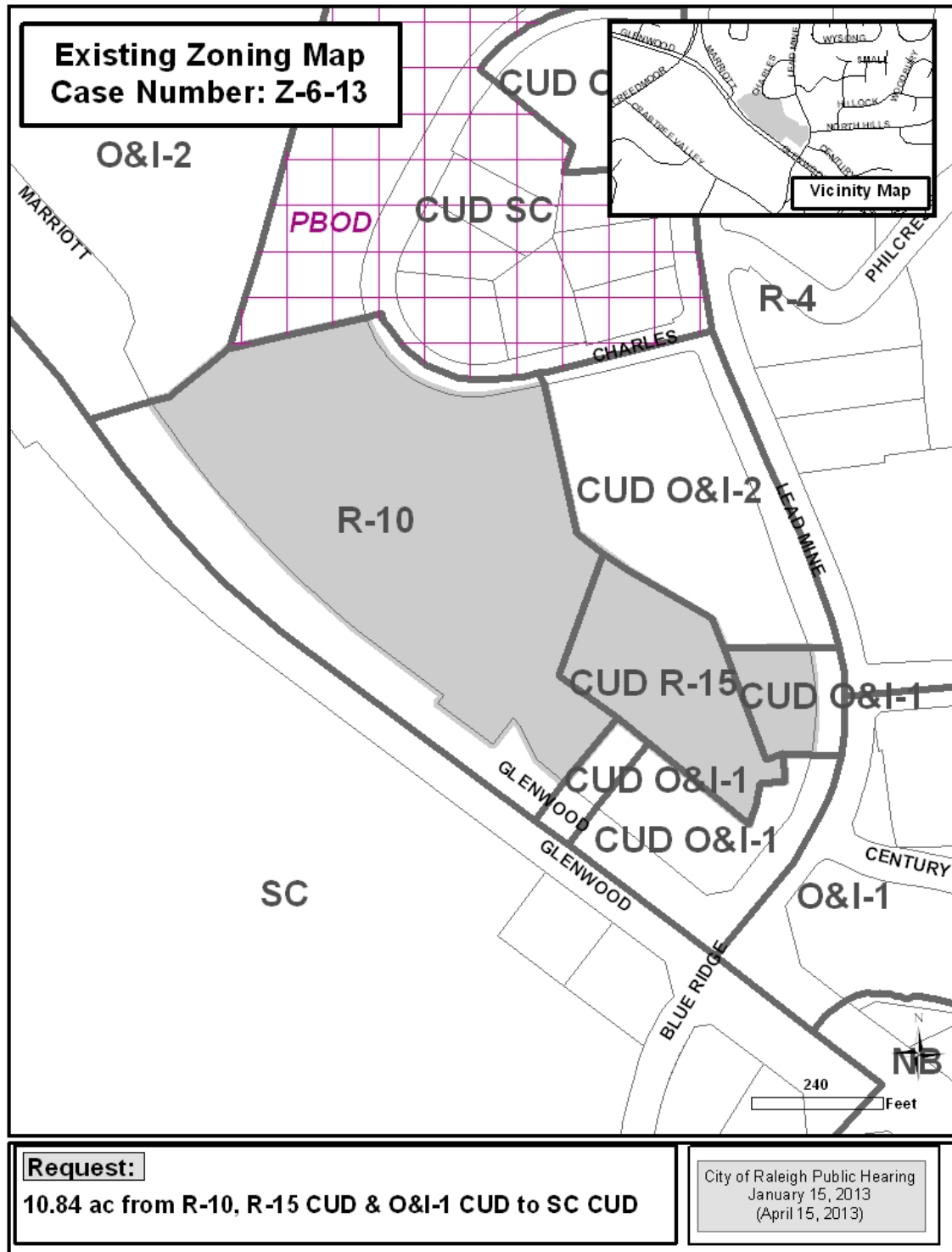
The site is located south of Charles Drive, north of Glenwood Avenue, in the northwest quadrant of its intersection with Lead Mine Road. Additionally, it is immediately across from the Crabtree Valley mall, a regional commercial center at a major crossroads of vehicular and bus transit activity.

The property owners are seeking rezoning to a Shopping Center conditional use to facilitate a mix of residential and retail uses on the site. The proposed density, uses, and intensity are higher than that currently permitted and hence will have impacts on infrastructure. With its prime location, easy access, and regional mixed use designation, the site is ideal for redevelopment into a vibrant center containing a mixture of uses and providing a place for people to live, shop, and entertain. The request is consistent with the Future Land Use map. The contiguous property to the north was recently rezoned to allow 533 DU (at 58 DU/acre density) and 7,500 SF of retail along with streetscape and parking standards. The subject rezoning includes similar streetscape standards along Charles Drive, and includes a max. of 175 DU (at 16 DU/acre density), 125,000 SF of retail uses, provide for bike racks and other design specifications. The proposed conditions offer an appropriate density and urban form transition from the higher intensity commercial use along Glenwood Avenue to the adjacent medium density residential uses along Charles Drive. Given the history of traffic concerns within the Crabtree Valley area, a Traffic Impact Analysis report was required and evaluated by Transportation staff. Currently, traffic demand at the intersection of Glenwood Avenue and Lead Mine Road/Blue Ridge Road exceeds capacity during the AM and PM peak periods. The proposed request would cause further impediments to traffic flow. Increased impacts to traffic flow remain an outstanding issue. As mitigation, the zoning conditions prohibit development of retail uses until a pedestrian bridge and roadway connection between Marriot Drive and Glenwood Avenue has been constructed.

Outstanding Issues

<i>Outstanding Issues</i>	<ul style="list-style-type: none">Increased impacts to traffic flow	<i>Suggested Mitigation</i>	<ul style="list-style-type: none">NA
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ZONING REQUEST



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	R-10, R-15 CUD, O&I-1 CUD	SC CUD & O&I-2 CUD	SC	O&I-2 CUD, O&I-1 CUD	O&I-2
<i>Additional Overlay</i>	NA	PBOD	NA	NA	NA
<i>Future Land Use</i>	Regional Mixed Use	Regional Mixed Use	Regional Mixed Use	Office/R&D, Institutional	Regional Mixed Use
<i>Current Land Use</i>	Apartment	Apartment	Commercial	Office	Commercial

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning			Proposed Zoning
<i>Residential Density:</i>	85+24+6 = 115 DU total			175 DU total
<i>Setbacks (in feet):</i>	R-10 (8.55)	CUD R-15 (2.04)	CUD O&I-1 (0.25)	
<i>Front:</i>	20	20	30	
<i>Side:</i>	5 (ag. 15)	5 (ag. 15)	5	
<i>Rear:</i>	20	20	20	
<i>Retail Intensity Permitted:</i>	None			125,000 SF
<i>Office Intensity Permitted:</i>	Not permitted by conditions			Allowed only as accessory use

The proposed rezoning is:

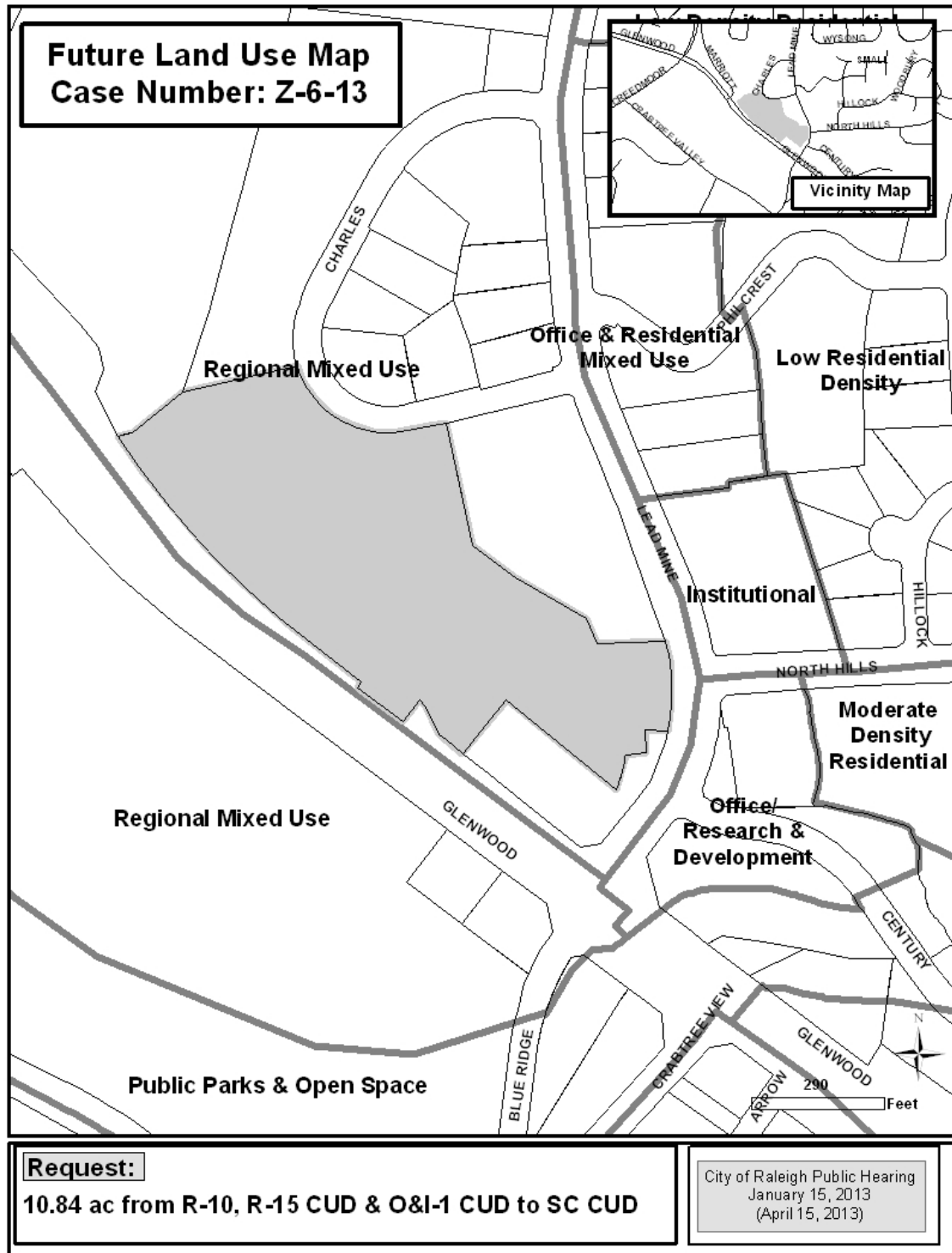
☒ **Compatible** with the property and surrounding area.

☐ **Incompatible.**

Analysis of Incompatibility:

NA

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Regional Mixed Use

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

Not Applicable

2.2 Policy Guidance

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

Policy LU 2.6 - Zoning and Infrastructure Impacts

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

The proposed rezoning classification would permit increased residential density and potentially introduce retail uses into this site, which is currently zoned primarily for office and medium density residential uses. This increased density would impact infrastructure capacities for transportation, transit, and utilities. Provisions for transit easement are provided in the conditions. Given the history of traffic concerns within the Crabtree Valley area, a Traffic Impact Analysis report was required and evaluated by Transportation staff. Currently, traffic demand at the intersection of Glenwood Avenue and Lead Mine Road/Blue Ridge Road exceeds capacity during the AM and PM peak periods. The proposed request would cause further impediments to traffic flow. Increased impacts to traffic flow remain an outstanding issue.

Policy LU 5.2 Managing Commercial Development Impacts

Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.

The proposed request will permit up to 125,000 SF of retail uses that will serve the surrounding residential uses, on property currently conditioned for moderate density residential uses. Traffic has historically been a major issue in the general Crabtree Valley area. Currently, traffic demand at the intersection of Glenwood Avenue and Lead Mine Road/Blue Ridge Road exceeds capacity during the AM and PM peak periods. The proposed request with new retail uses would further cause impediments to already congested traffic flow.

2.3 Area Plan Policy Guidance

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

Not Applicable.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- The proposed rezoning benefits immediate neighbors by facilitating redevelopment of an aging apartment complex into a mix of uses at higher densities appropriate for designated mixed use centers.
- The map amendment will benefit immediate neighbors by promoting a more aesthetically appealing redevelopment with convenient neighborhood services and improvements in vehicular and pedestrian circulation.

3.2 Detriments of the Proposed Rezoning

- Potential traffic impacts- congestion of residential streets along Charles Street that is more conducive to take load of medium density residential uses than more intense commercial uses.
- The proposed request with new retail uses would further cause impediments to already congested traffic flow in the area.

4. Impact Analysis

4.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2011 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Glenwood Avenue	Principal Arterial	46,000	82,000			
Lead Mine Road	Major Thoroughfare	28,000	43,700			
<u>Street Conditions</u>						
<u>Glenwood Avenue</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	8	131'	Back-to-back curb and gutter section	150' - 175'	5' sidewalks on one side	None
City Standard	8	≤ 113'	Back-to-back curb and gutter section	≤ 130'	minimum 5' sidewalks on both sides	Wide Outside Lane
Meets City Standard?	Yes	YES	YES	YES	NO	NO
<u>Lead Mine Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	5	71'	Back-to-back curb and gutter section	100'	5' sidewalks on both sides	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	YES	YES	YES	YES	YES	NO
<u>Expected Traffic Generation [vph]</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	59	271	212			
PM PEAK	80	511	431			
Suggested Conditions/ Impact Mitigation:		Traffic Study Determination: Staff has reviewed a TIA report for this case. Currently, traffic demand at the intersection of Glenwood Avenue and Lead Mine Road/Blue Ridge Road exceeds capacity during the AM and PM peak periods. Approximately 10,000 cars per hour traverse the intersection in the PM peak period. The proposed Z-6-2013 development would cause an impediment to traffic flow. The applicant has proposed mitigation such as turn restrictions at Lead Mine & North Hills, a connection to Marriot Drive and a pedestrian bridge over Glenwood Avenue. An addendum to the traffic study, quantifying the effect of the proposed mitigation on delay and arterial speed, was received by Transportation staff on April 8, 2013; it is currently under review.				
Additional Information:	Neither NCDOT nor the City of Raleigh has any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: Staff has reviewed a TIA report for this case. Currently, traffic demand at the intersection of Glenwood Avenue and Lead Mine Road/Blue Ridge Road exceeds capacity during the AM and PM peak periods. Approximately 10,000 cars per hour traverse the intersection in the PM peak period. The proposed Z-6-2013 development would cause an impediment to traffic flow.

The applicant has proposed mitigation such as turn restrictions at Lead Mine & North Hills, a connection to Marriot Drive and a pedestrian bridge over Glenwood Avenue. An addendum to the traffic study, quantifying the effect of the proposed mitigation on delay and arterial speed, was received by Transportation staff on April 8, 2013; it is currently under review.

4.2 Transit

Impact Identified: None

4.3 Hydrology

<i>Floodplain</i>	FEMA Floodplain
<i>Drainage Basin</i>	Crabtree
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: None. Site is subject to Part 10, Chapter 9 Stormwater Regulations. FEMA Floodplain is present on site and subject to Part 10, Chapter 4 Floodplain Regulations.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>	<i>Estimated Remaining Capacity</i>
<i>Water</i>	54,742 gpd	81,300 gpd	NA
<i>Waste Water</i>	54,742 gpd	81,300 gpd	NA

Impact Identified: The proposed rezoning would add approximately 26,558 gpd to the wastewater collection and water distribution systems of the City. There is currently eight (8") inch sanitary sewer mains within easements on the property and a twelve (12") inch water main within the Lead Mine Road and an eight (8") inch water main within the Charles Drive rights-of-way at the property. The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for water fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

The subject tract is not located adjacent to a Capital Area Greenway corridor. The subject tract will not impact recreation LOS.

Impact Identified: None

4.6 Urban Forestry

The property will need to comply with City code section 10-2082.14.

Impact Identified: None

4.7 Designated Historic Resources

There are no historic resources on this site.

Impact Identified: None

4.8 Community Development

The site is not in a redevelopment area.

Impact Identified: None

4.9 Appearance Commission

This request is not subject to Appearance Commission review.

4.10 Impacts Summary

- Staff has reviewed a TIA report for this case. Currently, traffic demand at the intersection of Glenwood Avenue and Lead Mine Road/Blue Ridge Road exceeds capacity during the AM and PM peak periods. Approximately 10,000 cars per hour traverse the intersection in the PM peak period. The proposed Z-6-2013 development would cause an impediment to traffic flow. The applicant has proposed mitigation such as turn restrictions at Lead Mine & North Hills, a connection to Marriot Drive and a pedestrian bridge over Glenwood Avenue. An addendum to the traffic study, quantifying the effect of the proposed mitigation on delay and arterial speed, was received by Transportation staff on April 8, 2013; it is currently under review.
- The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for water fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

4.11 Mitigation of Impacts

- NA

5. Conclusions

The proposed rezoning request is consistent with the future land use map designation and with several other policies of the 2030 Comprehensive Plan. The conditions ensure compatibility of streetscape standards along the block, density transitions, and appropriate uses. Given the history of traffic concerns within the Crabtree Valley area, a Traffic Impact Analysis report was required and evaluated by Transportation staff. Currently, traffic demand at the intersection of Glenwood Avenue and Lead Mine Road/Blue Ridge Road exceeds capacity during the AM and PM peak periods. The proposed request would cause further impediments to traffic flow. Increased impacts to traffic flow remain an outstanding issue. As mitigation, the zoning conditions prohibit development of retail uses until a pedestrian bridge and roadway connection between Marriot Drive and Glenwood Avenue has been constructed.

Outstanding Issues

- Increased impacts to traffic flow

EXHIBIT B ATTACHMENT

Design Guidelines for Mixed Use Areas

RALEIGH COMPREHENSIVE PLAN

Policy UD 7.3

Design Guidelines

The design guidelines in **Table UD-1** [listed below] shall be used to review rezoning petitions and development applications for mixed-use developments or developments in mixed-use areas such as Pedestrian Business Overlays, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

Elements of Mixed-Use Areas

1. *All Mixed-Use Areas should generally provide retail (such as eating establishments, food stores, and banks), office, and residential uses within walking distance of each other.*

Response: The project will contain both retail and residential uses. The residential will be within walking distance of the retail component of the project as well as Crabtree Valley Mall which is one of Raleigh's prominent retail destinations. The Comprehensive Plan also envisions a pedestrian bridge over Glenwood Avenue "to provide an upper-level link to the hotels and other buildings on the hillsides to the north." See AP-C1. One of the conditions in this case would provide an easement for this pedestrian bridge. The Comprehensive Plan also references the area where the Property is located as "pedestrian generator" for the Mall. See Map AP-C3.

Mixed-Use Areas /Transition to Surrounding Neighborhoods

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

Response: The proposed project is not adjacent to any residential neighborhood; however, the height of the buildings will be appropriate with respect to the adjacent properties. The recently approved Z-7-12 allows a 115 foot height, except for the Lead Mine frontage which is five stories or 75 feet. The height proposed in the current case is 115 feet and has no frontage on Lead Mine Road.

Mixed-Use Areas /The Block, The Street and The Corridor

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

Response: The project will connect to Lead Mine Road via the existing Charles Drive. Z-7-12, which governs the property to the north, provided the first link of a connection from Charles Drive to Marriott Drive. This case proposes to extend that ROW along the property line of this parcel so that Charles Drive can eventually connect to the Glenwood Avenue ROW. This would provide a substantial step toward alleviating traffic congestion on the area. This case also provides for pedestrian easements and cross access to the surrounding properties and an easement for a pedestrian bridge to Crabtree Valley Mall. At

the time of site plan approval, additional detail will be provided as to the pedestrian and vehicular connections to the site and adjoining roads and uses.

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

Response: The project will connect to Lead Mine Road via the existing Charles Drive. Z-7-12, which governs the property to the north, provided the first link of a connection from Charles Drive to Marriott Drive. This case proposes to extend that ROW along the property line of this parcel so that Charles Drive can eventually connect to the Glenwood Avenue ROW. This would provide a substantial step toward alleviating traffic congestion on the area. This case also provides for pedestrian easements and cross access to the surrounding properties and an easement for a pedestrian bridge to Crabtree Valley Mall. At the time of site plan approval, additional detail will be provided as to the pedestrian and vehicular connections to the site and adjoining roads and uses.

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

Response: Specific block configuration will be determined at the site plan stage. However, under no circumstances will block length exceed 660 feet.

Site Design/Building Placement

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

Response: The project will be designed to have a strong street presence with pedestrian connectivity to Lead Mine Road, Glenwood Avenue, Crabtree Valley Mall and the surrounding properties. We have also provided a condition that will require a streetscape consistent with that required by the Streetscape and Parking Plan approved in Z-7-12 along Charles Drive which will include sidewalks, landscaping and seating areas.

7. *Buildings should be located close to the pedestrian street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings.*

Response: The buildings will be located as close to the pedestrian street as possible, i.e., the applicant will endeavor to locate buildings within 25 feet of the curb as allowed by physical constraints of the site and engineering requirements.

8. *If the building is located at a street intersection, the main building or part of the building placed should be placed at the corner. Parking, loading or service should not be located at an intersection.*

Response: Specific building location will be addressed at the site plan stage. However, building placement will be determined in accordance with this guideline.

Site Design/Urban Open Space

9. *To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.*

Response: We intend to provide a variety of open space opportunities consistent with Code requirements. The specific amounts and locations will be shown at the site plan stage.

10. *New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.*

Response: We have provided a condition that will require a streetscape consistent with that required by the Streetscape and Parking Plan approved in Z-7-12 along Charles Drive which will include sidewalks, landscaping and seating areas. This level of detail will be defined at site plan approval, at which time; we will further address this guideline.

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

Response: The project will be designed to encourage pedestrian traffic through active uses. The application proposes up to 140,000 square feet of retail, which will provide for active uses along the perimeter of urban open spaces. The project also proposes 200 residential units, which are in addition to the 533 residential units were recently approved for the property to the north in Z-7-12. The location of the active uses in relation to the open space and retail will be more specifically defined at the site plan stage.

12. *A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.*

Response: At the site plan stage, urban open spaces consistent with this guideline will be incorporated into the design. These spaces will be flanked by either residential or commercial structures that will provide opportunities for dining and outdoor gathering.

Site Design/Public Seating

13. *New public spaces should provide seating opportunities.*

Response: We have provided a condition that will require a streetscape consistent with that required by the Streetscape and Parking Plan approved in Z-7-12 along Charles Drive which will include sidewalks, landscaping and seating areas. This item will also be addressed more specifically at the site plan stage.

Site Design/Automobile Parking and Parking Structures

14. *Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*
15. *Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.*
16. *Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.*

Response to 14-16: The majority of the parking for the residential uses will be contained within internal parking structures. Final configuration of the parking structures and their finishes and screening will be illustrated at the time of site plan approval, but will be designed so as to be consistent with this guideline. Parking for the retail uses will be designed at the site plan stage in a manner to further the purposes of this guideline, while still providing adequate and visible parking.

Site Design/Transit Stops

17. *Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.*

Response: There is a bus transfer station located within walking distance at Crabtree Valley Mall. There is a City bus route which travels past the Property on Lead Mine Road and on Glenwood Avenue. A transit stop and transit shelter are also required by Z-7-11, which is the adjoining property to the north and shares frontage on Charles Drive.

18. *Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.*

Response: This guideline will be addressed at the site plan stage of the project and the applicant will endeavor to comply with this guideline at that time. We have also provided an easement for the pedestrian bridge to Crabtree Valley Mall.

Site Design/Environmental Protection

19. *All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.*

Response: This guideline will be addressed at the site plan stage of the project and the applicant will endeavor to comply with this guideline at that time.

Street Design/General Street Design Principles

20. It is the intent of these guidelines to build streets that are integral components of community design. Streets should be designed as the main public spaces of the City and should be scaled for pedestrians.

Response: We have also provided a condition that will require a streetscape consistent with that required by the Streetscape and Parking Plan approved in Z-7-12 along Charles Drive which will include sidewalks, landscaping and seating areas. This guideline will be addressed at the site plan stage of the project and the applicant will endeavor to comply with this guideline at that time.

21. Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.

Response: We have provided a condition that will require a streetscape consistent with that required by the Streetscape and Parking Plan approved in Z-7-12 along Charles Drive which will include 14 foot sidewalks at that location. Other sidewalks will be designed at the site plan stage, at which time, the applicant will endeavor to comply with this guideline.

22. Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.

Response: A detailed landscape plan will be provided at the time of the site plan. Street trees will be installed at a minimum of 3" caliper in order to assure their survival and give them the best chance at adapting to the urban environment.

Street Design/Spatial Definition

23. Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.

Response: We have provided a condition that will require a streetscape consistent with that required by the Streetscape and Parking Plan approved in Z-7-12 along Charles Drive which will sidewalks, landscaping and seating areas. This guideline will be further addressed at the site plan stage of the project at which time, the applicant will endeavor to comply with this guideline.

Building Design/Facade Treatment

24. The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.

Response: At the time of site plan approval, the applicant will endeavor to comply with this guideline.

25. *The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.*

Response: At the time of site plan approval, the applicant will endeavor to comply with this guideline.

Building Design/Street Level Activity

26. *The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

Response: Fourteen foot sidewalks will be required on Charles Drive. At the time of site plan approval, the applicant will further endeavor to comply with this guideline.



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

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

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Joanna Smith Mills	9/14/12
	Melissa Smith Dombalis	9/14/12
	Valley Terrace Apartments Company, a NC	
	General partnership by its general partner	
	By: Thomas A. Williams, General Partner	9/14/12

2-6-13
Amended 12/8/12

EXHIBIT B. Request for Zoning Change

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

Contact Information

	Name	Address	Telephone/Email
Petitioner(s) (for conditional use requests, petitioners must own petitioned property)	Joanna Smith Mills Melissa Smith Dombalis	Melissa Dombalis 3831 Casey Leigh Lane Raleigh, NC 27612	
Property Owner(s)	Joanna Smith Mills Melissa Smith Dombalis	Melissa Dombalis 3831 Casey Leigh Lane Raleigh, NC 27612	
Lease Holder	Valley Terrace Apartments Company	c/o Thom Williams 2100 Banbury Road Raleigh, NC 27608	
Contact Person(s)	Robin T. Currin	Currin and Currin 127 W Hargett St Raleigh, NC 27601	919-832-1515 robincurrin@aol.com

CITY OF RALEIGH
CITY PLANNING DEPT
2012 DEC -7 11:04:42

Property information

Property Description (Wake County PIN) 0796509976
Nearest Major Intersection Lead Mine Road and Glenwood Avenue (US Hwy 70)
Area of Subject Property (in acres) 10.84 (8.55 R-10, 2.04 R-15 and .25 O&I-1)
Current Zoning Districts (include all overlay districts) R-10, R-15 CUD and O&I-1 CUD
Requested Zoning Districts (include all overlay districts) SC CUD

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

Rezoning Petition
Form Revised July 17, 2012

Exhibit B

Joanna Smith Mills
Melissa Smith Mills
PIN 0796 50 9976
c/o Joseph H Call
P.O. Box 98025
Raleigh, NC 27624-8025

Generation Suites of
Raleigh
Crabtree, LLC
PIN 0796 61 3190
Randy Coup
P.O. Drawer
Research Triangle Park,
NC 27709-484

Plaza Corporate Real
Estate Assessments
PIN 0796 60 2226
NC 1-001-03-81
101 N. Tryon St.
Charlotte, NC 28255-0001

Royal Hills, Inc.
Valley Terrace Apartments
Co.
PIN 0796 50 9976
P.O. Box 98025
Raleigh, NC 27624-8025

Crabtree Valley Baptist
Church, Inc.
PIN 0796 60 8944
4408 Lead Mine Road
Raleigh, NC 27612-3325

Trailwood Building, LLC
PIN 0796 60 9524
3207 Sussex Rd.
Raleigh, NC 27607-6638

JT Hobby & Son, Inc.
PIN 0796 60 8419
P.O. Box 18506
Raleigh, NC 27619-8506

Crabtree Offices, LLC
PIN 0796 60 8257
10765 Trego Trl.
Raleigh, NC 27614-9660

RBC Bank USA
PIN 0796 60 4474
P.O. Box 2157
Rocky Mount, NC 27802-2157

CVM Holdings, LLC
PIN 0796 50 2569
P.O. Box 31147
Raleigh, NC 27622-1147

Wachovia Bank and Trust Co
NA
PIN 0796 50 2569
Thomson Reuters
P.O. Box 2609
Carlsbad, CA 92018-2609

CVM Associates
PIN 0796 50 2569
P.O. Box 31147
Raleigh, NC 27622-1147

First Union National Bank
PIN 0796 50 2569
Thomson Reuters
P.O. Box 2609
Carlsbad, CA 92018-2609

Quality Oil Co.
PIN 0796 60 3157
1540 Silas Creek Pkwy
Winston-Salem, NC 27127-
3758

City of Raleigh
PIN 0795 69 4970
P.O. Box 590
Raleigh, NC 27602-0590

Crabtree Apartments
Association, LLC
PIN 0796 51 8795
2251 Charles Dr., Apt.
34A
Raleigh, NC 27612-4084

Crabtree North, LLC
PIN 0796 61 0348
P.O. Box 254
Folly Beach, SC 29439

Crabtree North, LLC
PIN 0796 61 0449
P.O. Box 254
Folly Beach, SC 29439

Crabtree North, LLC
PIN 0796 61 1399
P.O. Box 254
Folly Beach, SC 29439

Crabtree North, LLC
PIN 0796 61 3469
P.O. Box 254
Folly Beach, SC 29439

Crabtree North, LLC
PIN 0796 61 3480
P.O. Box 254
Folly Beach, SC 29439

Chief Raleigh Hotel LLC
PIN 0796 51 5804
c/o Cornerstone Real
Estate Adviser
180 Glastonbury Blvd,
Suite 401
Glastonbury, CT 06033-
4439

Z-6-13
5/1/13
pg 1 of 12

EXHIBIT C. Request for Zoning Change

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

Z-6-13

Conditional Use District requested:

Narrative of conditions being requested:

1. The following uses shall be prohibited;
 - (a) Automotive service and repair facilities;
 - (b) Landfills of all types;
 - (c) Manufacturing of all types;
 - (d) Mini-warehouse storage facility;
 - (e) Cemetery;
 - (f) Civic club;
 - (g) Funeral home;
 - (h) Hospital;
 - (i) Radio and television studio;
 - (j) Utility substation;
 - (k) Dance, recording, music studio;
 - (l) Emergency shelter;
 - (m) Telecommunications towers;
 - (n) Adult establishment;
 - (o) An orphanage; or
 - (p) A correctional/penal facility
2. Prior to obtaining a building permit for the redevelopment of any property which is part of this rezoning (PIN 0796509976)(also referenced herein as "Property"), the property owner requesting the permit shall make offers of cross access to the adjoining properties to the north, PIN 0796-51-8795, Crabtree Apartments Assoc, LLC, Deed Book 14280, Page 2657 and PIN 0796-51-5804, Chief Raleigh Hotel, LLC Deed Book 12420, Page 2647; and east PIN 0796-61-3190, Generation Suites of Raleigh Crabtree LLC, Deed Book 8471, Page 744; and/or accept previously extended offers from such adjoining owners, if any.



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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Joanna Smith Mills	5/1/13
	Melissa Smith Dombalis	5/1/13
	Valley Terrace Apartments Company, a NC general	
	Partnership,	
	By: Thomas A. Williams, General Partner	

2-6-13
5/1/13
Pg 2 of 12

EXHIBIT C. Request for Zoning Change

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

Z-6-13

3. Prior to obtaining a building permit for the redevelopment of any of the Property which is part of this rezoning (PIN 0796509976), the property owner shall execute and record a pedestrian transit easement measuring no more than 15 x 15 feet to accommodate the north side of a pedestrian bridge from the subject Property to either (a) the public right-of-way on the south side of Glenwood Avenue; or (b) the property of Crabtree Valley Mall. The exact location of this easement shall be approved by the City Public Works Director and the form of the easement shall be approved by the City Attorney. In addition, a certificate of occupancy for any retail uses on the Property shall be issued only after a pedestrian bridge has been constructed connecting the Property to the south side of Glenwood Avenue, according to specifications approved by the City of Raleigh and NC Department of Transportation ("NCDOT"). The bridge shall be a bow truss design, subject to NCDOT and City of Raleigh approval; except that, if such approval cannot be obtained, the approved bridge shall contain ornamental details which will ensure that the bridge will be a gateway feature, at a cost of at least 10% of the cost of the bridge, subject to the approval of the Planning Director or his designee. Prior to the granting of any certificate of occupancy for any retail use on the Property, the Property owner will grant the public the right of pedestrian and bicycle access over the Property and the right to cross the pedestrian bridge. Prior to the issuance of a building permit for any retail use, the Property owner will obtain approval of an encroachment agreement for the pedestrian bridge from NCDOT.
4. Prior to obtaining a building permit for the redevelopment of any Property which is part of this rezoning (PIN 0796509976), the property owner shall execute and record a pedestrian easement measuring no more than 20' wide to the following properties: Chief Raleigh Hotel, LLC (PIN 0794-51-5804), Deed Book 12420, Page 2647; Crabtree Apartments Associates, LLC (PIN 0796-51-8795), Deed Book 14280, Page 2657; RBC Bank USA (PIN 0796604474); and Generation Suites of Raleigh Crabtree LLC, Deed Book 8471, Page 744. The exact location of this easement shall be approved by the City Public Works Director and the form of the easement shall be approved by the City Attorney.
5. Prior to the issuance of a building permit for the redevelopment of any Property which is part of this rezoning (PIN 0796509976), the property owner will dedicate to the City of Raleigh a right-of-way of a width agreeable to the City of Raleigh, not to exceed 60 feet for the purpose of roadway construction along the 173 foot western property line of the subject Property and adjacent to the eastern property line property of Chief Raleigh Hotel, LLC (PIN 0794-51-5804), Deed Book 12420, Page 2657 or at a similar location approved by the City and the property owner, which will connect Charles Drive to the Glenwood Avenue right-of-way. At the City's request and if needed, the property owner will also convey a slope easement to the City of a width of no more than 20 feet at the same location. In addition, a certificate of occupancy for any retail uses on the Property shall be issued only after the road has been constructed connecting Charles Drive to Glenwood Avenue right-of-way, according to specifications approved by the City of Raleigh and NC Department of Transportation.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)

Print Name

Date

	Joanna Smith Mills	5/1/13
	Melissa Smith Dombalis	5/1/13
	Valley Terrace Apartments Company, a NC general	
	Partnership,	
	By: Thomas A. Williams, General Partner	

2-6-13
5/1/13
pg 3 of 12

EXHIBIT C. Request for Zoning Change

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Z-6-13

6. Prior to the issuance of a building permit for the redevelopment of any Property which is part of this rezoning (PIN 0796509976), the owner of the Property will provide streetscape elements, including enhanced landscaping, street furnishings and sidewalks, on the northern portion of the subject Property which abuts Charles Drive. These streetscape elements are as follows and are further illustrated at Exhibits 1 through 5, which are attached hereto and incorporated herein by reference:

A. The installation of street trees with a minimum size of 6 ¼" caliper at least every 40 feet along Charles Drive. The following types of trees are permitted, although alternate similar street tree species may be substituted at the time of site plan approval as approved by the City of Raleigh Urban Forester to accommodate the availability of species:

- i. Zelkova serrata – Japanese Zelkova
- ii. Pistacia chinensis – Chinese Pistache
- iii. Carpinus betulus fastigiata – Columnar European Hornbeam
- iv. Quercus phlos "Wynstar" – Wynstar Willow Oak
- v. Lagerstroemia x Tuskegee – Tuskegee Crape Myrtle;

If such trees are installed in the right-of-way, an encroachment agreement subject to approval by the City Attorney will be required.

- B. The installation of a sidewalk eight (8) to fourteen (14) feet wide along the portion of the Property that abuts Charles Drive;
- C. The installation of decorative light fixtures and light poles as necessary to satisfy City of Raleigh photometric requirements along Charles Drive. These light fixtures shall be Sternberg Vintage - Home Town Series decorative light fixtures (or an equal approved by the City of Raleigh Staff) mounted on Sternberg Vintage - Dover Series poles (or an equal approved by the City of Raleigh Staff);
- D. The installation of 4 Victory Stanley - Classic Series benches (or an equal approved by the City of Raleigh Staff) along Charles Drive;
- E. The installation of 2 Victory Stanley - Ironsites Series trash receptacles (or an equal approved by the City of Raleigh Staff) along Charles Drive; and
- F. The installation of a minimum of 4 Madrax – Heavy Duty Challenger "U" bike racks (or an equal approved by the City of Raleigh Staff) along Charles Drive.

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ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)

Print Name

Date




Joanna Smith Mills

Melissa Smith Dombalis

Valley Terrace Apartments Company, a NC general

Partnership,

By: Thomas A. Williams, General Partner

5/1/13

5/1/13

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5/1/13
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EXHIBIT C. Request for Zoning Change

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Z-6-13

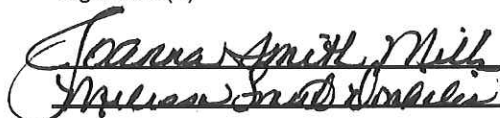
7. The height of any building on any Property which is a part of this application shall not exceed 115 feet or nine (9) stories.
8. The total residential density on the Property which is the subject to this application shall not exceed 175 units. Prior to the recordation of a subdivision plat for the Property, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable residential density for the Property to all existing lots of record comprising the Property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of a subdivision plat for the Property and prior to recordation of the restrictive covenant, and such restrictive covenant shall be promptly recorded following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.
9. Total retail development on the Property which is the subject of this application will not exceed 125,000 square feet of floor area gross. Prior to the recordation of a subdivision plat for the Property, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable retail floor area upon the Property to all existing lots of record comprising the Property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of a subdivision plat for the Property and prior to recordation of the restrictive covenant, and such restrictive covenant shall be promptly recorded following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld. Office uses will not be allowed on the Property except as incidental and accessory to the permitted residential and/or retail uses.
10. Above ground portions of parking decks visible from adjoining properties or the public right-of-way shall be clad in the same materials as the principal buildings on site. Parking decks along Charles Drive; however, will be located behind building facades.
11. No building permit for any retail development shall be issued for the Property until a roadway connection has been constructed by the property owner or the City of Raleigh from the ROW described in Condition 5 above, to the existing Marriott Drive ROW (the "Marriott Connection"). If required at the time of retail development, the property owner will dedicate the ROW for the Marriott Connection to the City of Raleigh of a width agreeable to the City of Raleigh, not to exceed 60 feet, for the purpose of roadway construction and will construct the Marriott Connection.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)

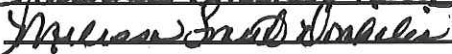
Print Name

Date



Joanna Smith Mills

5/1/13



Melissa Smith Dombalis

5/1/13

Valley Terrace Apartments Company, a NC general

Partnership,

By: Thomas A. Williams, General Partner

2-6-13
5/1/13
pg 5 of 12

EXHIBIT C. Request for Zoning Change


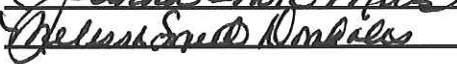
Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Z-6-13

12. Building surfaces fronting on, and adjacent to and visible from public rights-of-way, shall consist of at least 80% brick, stone or masonry veneer, exclusive of roofs, windows, Storefronts (as defined below), doors, cornices and trim; other exterior building surfaces shall consist of at least 50% brick, stone or masonry veneer, exclusive of roofs, windows, Storefronts (as defined below), doors, cornices and trim. No external building surface shall consist of vinyl, wood fiber, utility grade concrete masonry unit, or synthetic stucco.
13. Building entrance doors for residential buildings (exclusive of hardware and insulation) facing public rights-of-way or internal courtyards shall consist of all wood or a combination of glass and wood.
14. Garbage dumpsters/compactors shall be screened from view from adjacent properties and public rights-of-way, provided that any enclosures may have gated openings to be opened when dumpsters/compactors are being emptied. All such enclosures shall be constructed from the same materials as the principal buildings they serve and shall include a wood trellis covering at least 50% of the enclosure.
15. "Storefronts," which are defined as the exterior surfaces of retail uses between the foundation and 12 feet above ground, shall consist of at least 50% glass or glazing.
16. At least 6% of the required vehicular parking spaces for residential uses will have electrical charging facilities.
17. The Property owner will install a minimum of one-hundred (100) bicycle parking spaces, at least twenty-five (25) of which will be in an enclosed area.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Joanna Smith Mills	5-1-13
	Melissa Smith Dombalis	5/1/13
	Valley Terrace Apartments Company, a NC general	
	Partnership,	
	By: Thomas A. Williams, General Partner	

2-6-13
5/1/13
pg 6 of 12

EXHIBIT C. Request for Zoning Change

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Z-6-13

18. No single retail use on the Property shall exceed 56,000 square feet of floor area gross.
19. Prior to the issuance of a certificate of occupancy for any redevelopment on the Property, the Property owner will install a pedestrian refuge island on Lead Mine Road at a location and with a design, subject to approval by NCDOT and the City of Raleigh.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)

Print Name

Date

	Joanna Smith Mills	5-1-13
	Melissa Smith Dombalis	5/1/13
	Valley Terrace Apartments Company, a NC general	
	Partnership,	
	By: Thomas A. Williams, General Partner	

EXHIBIT C. Request for Zoning Change

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5/1/13
pg 7 of 12

Z-6-13

Conditional Use District requested:

Narrative of conditions being requested:

1. The following uses shall be prohibited;
 - (a) Automotive service and repair facilities;
 - (b) Landfills of all types;
 - (c) Manufacturing of all types;
 - (d) Mini-warehouse storage facility;
 - (e) Cemetery;
 - (f) Civic club;
 - (g) Funeral home;
 - (h) Hospital;
 - (i) Radio and television studio;
 - (j) Utility substation;
 - (k) Dance, recording, music studio;
 - (l) Emergency shelter;
 - (m) Telecommunications towers;
 - (n) Adult establishment;
 - (o) An orphanage; or
 - (p) A correctional/penal facility



2. Prior to obtaining a building permit for the redevelopment of any property which is part of this rezoning (PIN 0796509976)(also referenced herein as "Property"), the property owner requesting the permit shall make offers of cross access to the adjoining properties to the north, PIN 0796-51-8795, Crabtree Apartments Assoc, LLC, Deed Book 14280, Page 2657 and PIN 0796-51-5804, Chief Raleigh Hotel, LLC Deed Book 12420, Page 2647; and east PIN 0796-61-3190, Generation Suites of Raleigh Crabtree LLC, Deed Book 8471, Page 744; and/or accept previously extended offers from such adjoining owners, if any.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

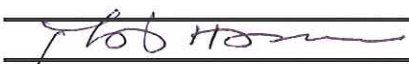
Signature(s)	Print Name	Date
	Joanna Smith Mills	
	Melissa Smith Dombalis	
	Valley Terrace Apartments Company, a NC general	
	Partnership,	
	By: Thomas A. Williams, General Partner	May 1 2013

EXHIBIT C. Request for Zoning Change

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2-6-13
5/1/13
pg 8 of 12

Z-6-13

3. Prior to obtaining a building permit for the redevelopment of any of the Property which is part of this rezoning (PIN 0796509976), the property owner shall execute and record a pedestrian transit easement measuring no more than 15 x 15 feet to accommodate the north side of a pedestrian bridge from the subject Property to either (a) the public right-of-way on the south side of Glenwood Avenue; or (b) the property of Crabtree Valley Mall. The exact location of this easement shall be approved by the City Public Works Director and the form of the easement shall be approved by the City Attorney. In addition, a certificate of occupancy for any retail uses on the Property shall be issued only after a pedestrian bridge has been constructed connecting the Property to the south side of Glenwood Avenue, according to specifications approved by the City of Raleigh and NC Department of Transportation ("NCDOT"). The bridge shall be a bow truss design, subject to NCDOT and City of Raleigh approval; except that, if such approval cannot be obtained, the approved bridge shall contain ornamental details which will ensure that the bridge will be a gateway feature, at a cost of at least 10% of the cost of the bridge, subject to the approval of the Planning Director or his designee. Prior to the granting of any certificate of occupancy for any retail use on the Property, the Property owner will grant the public the right of pedestrian and bicycle access over the Property and the right to cross the pedestrian bridge. Prior to the issuance of a building permit for any retail use, the Property owner will obtain approval of an encroachment agreement for the pedestrian bridge from NCDOT.
4. Prior to obtaining a building permit for the redevelopment of any Property which is part of this rezoning (PIN 0796509976), the property owner shall execute and record a pedestrian easement measuring no more than 20' wide to the following properties: Chief Raleigh Hotel, LLC (PIN 0794-51-5804), Deed Book 12420, Page 2647; Crabtree Apartments Associates, LLC (PIN 0796-51-8795), Deed Book 14280, Page 2657; RBC Bank USA (PIN 0796604474); and Generation Suites of Raleigh Crabtree LLC, Deed Book 8471, Page 744. The exact location of this easement shall be approved by the City Public Works Director and the form of the easement shall be approved by the City Attorney.
5. Prior to the issuance of a building permit for the redevelopment of any Property which is part of this rezoning (PIN 0796509976), the property owner will dedicate to the City of Raleigh a right-of-way of a width agreeable to the City of Raleigh, not to exceed 60 feet for the purpose of roadway construction along the 173 foot western property line of the subject Property and adjacent to the eastern property line property of Chief Raleigh Hotel, LLC (PIN 0794-51-5804), Deed Book 12420, Page 2657 or at a similar location approved by the City and the property owner, which will connect Charles Drive to the Glenwood Avenue right-of-way. At the City's request and if needed, the property owner will also convey a slope easement to the City of a width of no more than 20 feet at the same location. In addition, a certificate of occupancy for any retail uses on the Property shall be issued only after the road has been constructed connecting Charles Drive to Glenwood Avenue right-of-way, according to specifications approved by the City of Raleigh and NC Department of Transportation.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS


Signature(s)	Print Name	Date
	Joanna Smith Mills	
	Melissa Smith Dombalis	
	Valley Terrace Apartments Company, a NC general Partnership,	
	By: Thomas A. Williams, General Partner	May 1 2013

EXHIBIT C. Request for Zoning Change

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6. Prior to the issuance of a building permit for the redevelopment of any Property which is part of this rezoning (PIN 0796509976), the owner of the Property will provide streetscape elements, including enhanced landscaping, street furnishings and sidewalks, on the northern portion of the subject Property which abuts Charles Drive. These streetscape elements are as follows and are further illustrated at Exhibits 1 through 5, which are attached hereto and incorporated herein by reference:

A. The installation of street trees with a minimum size of 6 ¼" caliper at least every 40 feet along Charles Drive. The following types of trees are permitted, although alternate similar street tree species may be substituted at the time of site plan approval as approved by the City of Raleigh Urban Forester to accommodate the availability of species:

- i. Zelkova serrata – Japanese Zelkova
- ii. Pistacia chinensis – Chinese Pistache
- iii. Carpinus betulus fastigiata – Columnar European Hornbeam
- iv. Quercus phlos "Wynstar" – Wynstar Willow Oak
- v. Lagerstroemia x Tuskegee – Tuskegee Crape Myrtle;

If such trees are installed in the right-of-way, an encroachment agreement subject to approval by the City Attorney will be required.

- B. The installation of a sidewalk eight (8) to fourteen (14) feet wide along the portion of the Property that abuts Charles Drive;
- C. The installation of decorative light fixtures and light poles as necessary to satisfy City of Raleigh photometric requirements along Charles Drive. These light fixtures shall be Sternberg Vintage - Home Town Series decorative light fixtures (or an equal approved by the City of Raleigh Staff) mounted on Sternberg Vintage - Dover Series poles (or an equal approved by the City of Raleigh Staff);
- D. The installation of 4 Victory Stanley - Classic Series benches (or an equal approved by the City of Raleigh Staff) along Charles Drive;
- E. The installation of 2 Victory Stanley - Ironsites Series trash receptacles (or an equal approved by the City of Raleigh Staff) along Charles Drive; and
- F. The installation of a minimum of 4 Madrax – Heavy Duty Challenger "U" bike racks (or an equal approved by the City of Raleigh Staff) along Charles Drive.

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Signature(s)

Print Name

Date

Joanna Smith Mills

Melissa Smith Dombalis

Valley Terrace Apartments Company, a NC general
Partnership,

By: Thomas A. Williams, General Partner

May 1 2013

Rezoning Petition

Form Revised July 17, 2012

EXHIBIT C. Request for Zoning Change

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7. The height of any building on any Property which is a part of this application shall not exceed 115 feet or nine (9) stories.
8. The total residential density on the Property which is the subject to this application shall not exceed 175 units. Prior to the recordation of a subdivision plat for the Property, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable residential density for the Property to all existing lots of record comprising the Property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of a subdivision plat for the Property and prior to recordation of the restrictive covenant, and such restrictive covenant shall be promptly recorded following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.
9. Total retail development on the Property which is the subject of this application will not exceed 125,000 square feet of floor area gross. Prior to the recordation of a subdivision plat for the Property, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable retail floor area upon the Property to all existing lots of record comprising the Property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of a subdivision plat for the Property and prior to recordation of the restrictive covenant, and such restrictive covenant shall be promptly recorded following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld. Office uses will not be allowed on the Property except as incidental and accessory to the permitted residential and/or retail uses.
10. Above ground portions of parking decks visible from adjoining properties or the public right-of-way shall be clad in the same materials as the principal buildings on site. Parking decks along Charles Drive; however, will be located behind building facades.
11. No building permit for any retail development shall be issued for the Property until a roadway connection has been constructed by the property owner or the City of Raleigh from the ROW described in Condition 5 above, to the existing Marriott Drive ROW (the "Marriott Connection"). If required at the time of retail development, the property owner will dedicate the ROW for the Marriott Connection to the City of Raleigh of a width agreeable to the City of Raleigh, not to exceed 60 feet, for the purpose of roadway construction and will construct the Marriott Connection.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS


Signature(s)	Print Name	Date
	Joanna Smith Mills	
	Melissa Smith Dombalis	
	Valley Terrace Apartments Company, a NC general	
	Partnership,	
	By: Thomas A. Williams, General Partner	May 1 2013

EXHIBIT C. Request for Zoning Change

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12. Building surfaces fronting on, and adjacent to and visible from public rights-of-way, shall consist of at least 80% brick, stone or masonry veneer, exclusive of roofs, windows, Storefronts (as defined below), doors, cornices and trim; other exterior building surfaces shall consist of at least 50% brick, stone or masonry veneer, exclusive of roofs, windows, Storefronts (as defined below), doors, cornices and trim. No external building surface shall consist of vinyl, wood fiber, utility grade concrete masonry unit, or synthetic stucco.
13. Building entrance doors for residential buildings (exclusive of hardware and insulation) facing public rights-of-way or internal courtyards shall consist of all wood or a combination of glass and wood.
14. Garbage dumpsters/compactors shall be screened from view from adjacent properties and public rights-of-way, provided that any enclosures may have gated openings to be opened when dumpsters/compactors are being emptied. All such enclosures shall be constructed from the same materials as the principal buildings they serve and shall include a wood trellis covering at least 50% of the enclosure.
15. "Storefronts," which are defined as the exterior surfaces of retail uses between the foundation and 12 feet above ground, shall consist of at least 50% glass or glazing.
16. At least 6% of the required vehicular parking spaces for residential uses will have electrical charging facilities.
17. The Property owner will install a minimum of one-hundred (100) bicycle parking spaces, at least twenty-five (25) of which will be in an enclosed area.

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ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

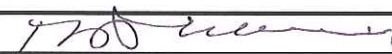
Signature(s)	Print Name	Date
	Joanna Smith Mills	
	Melissa Smith Dombalis	
	Valley Terrace Apartments Company, a NC general	
	Partnership,	
	By: Thomas A. Williams, General Partner	May 1 2013

EXHIBIT C. Request for Zoning Change

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18. No single retail use on the Property shall exceed 56,000 square feet of floor area gross.
19. Prior to the issuance of a certificate of occupancy for any redevelopment on the Property, the Property owner will install a pedestrian refuge island on Lead Mine Road at a location and with a design, subject to approval by NCDOT and the City of Raleigh.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS


Signature(s)	Print Name	Date
	Joanna Smith Mills	
	Melissa Smith Dombalis	
	Valley Terrace Apartments Company, a NC general	
	Partnership,	
	By: Thomas A. Williams, General Partner	May 1 2013

Exhibit 1

Charles Drive Loop Conceptual Plan – Streetscape One Side

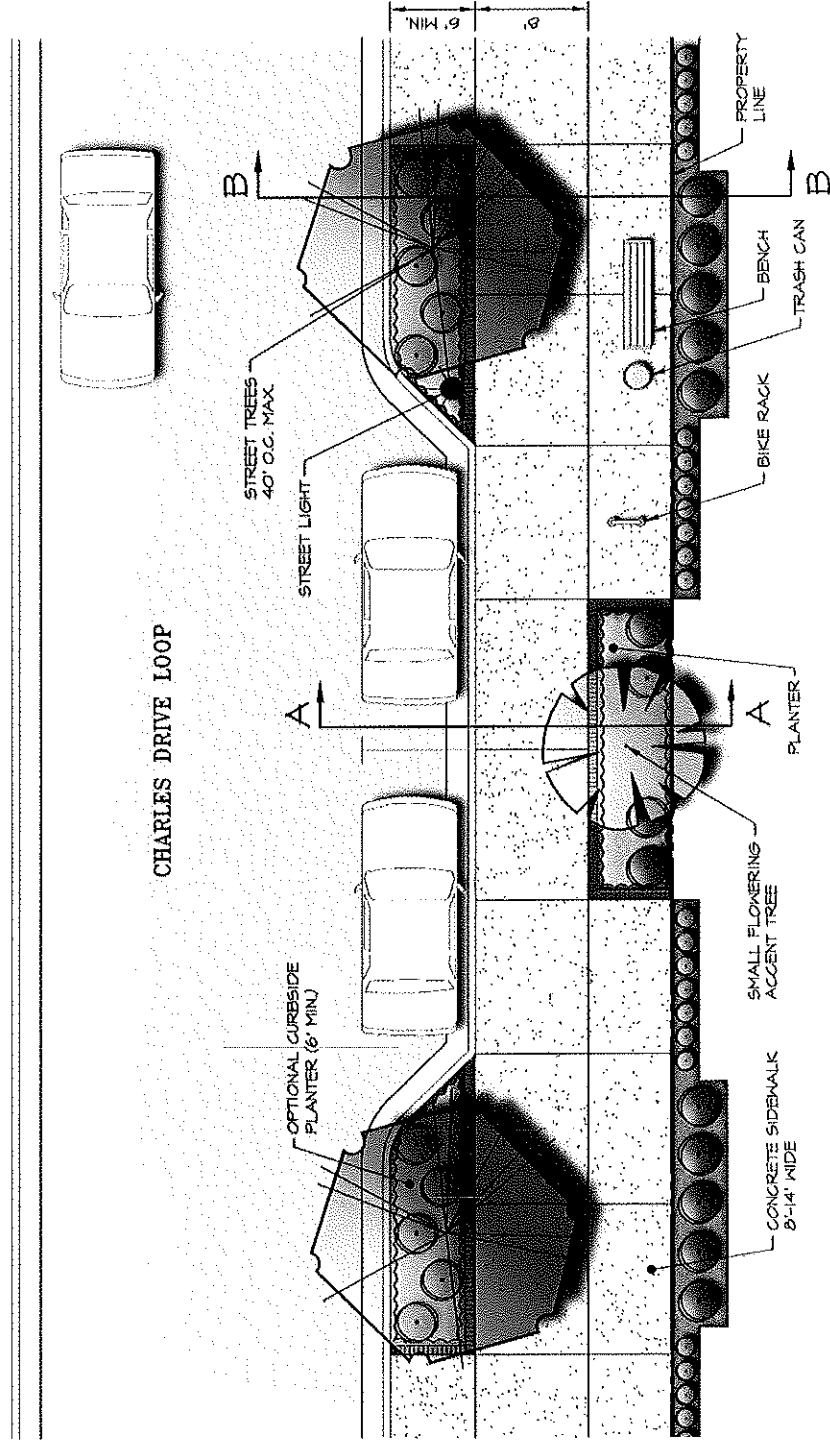
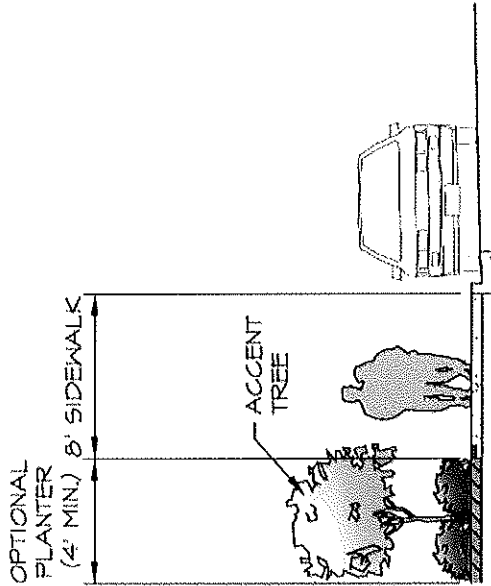
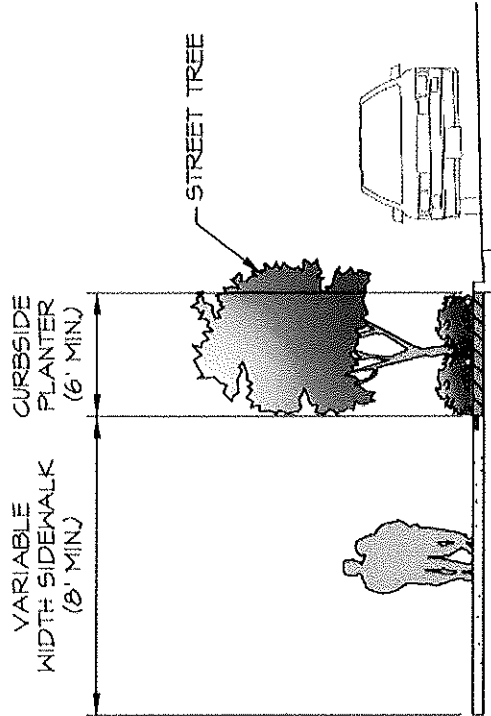


Exhibit 2

Charles Drive Loop Conceptual Section – Streetscape One Side



SECTION A



SECTION B

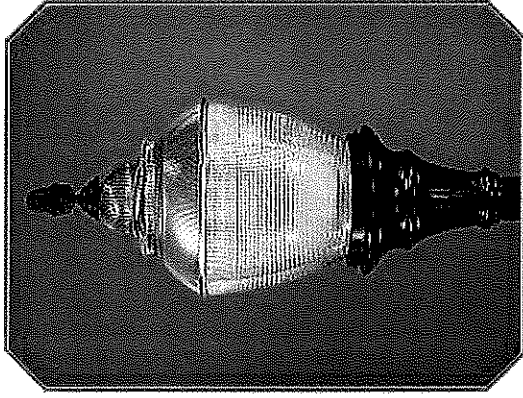
Exhibit 3

Fixture

Manufacturer: Sternberg Vintage Lighting

Specification: Home Town Series

(or approved equal)



Pole

Manufacturer: Sternberg Vintage Lighting

Specification: Dover Series

(or approved equal)

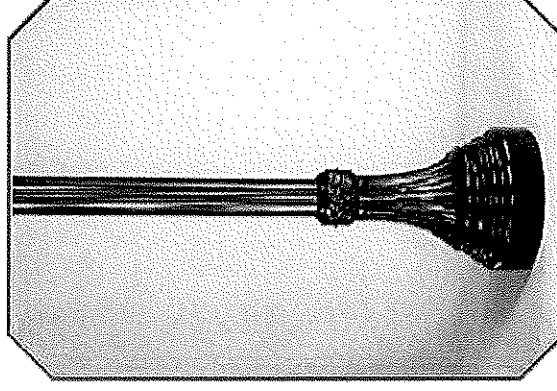
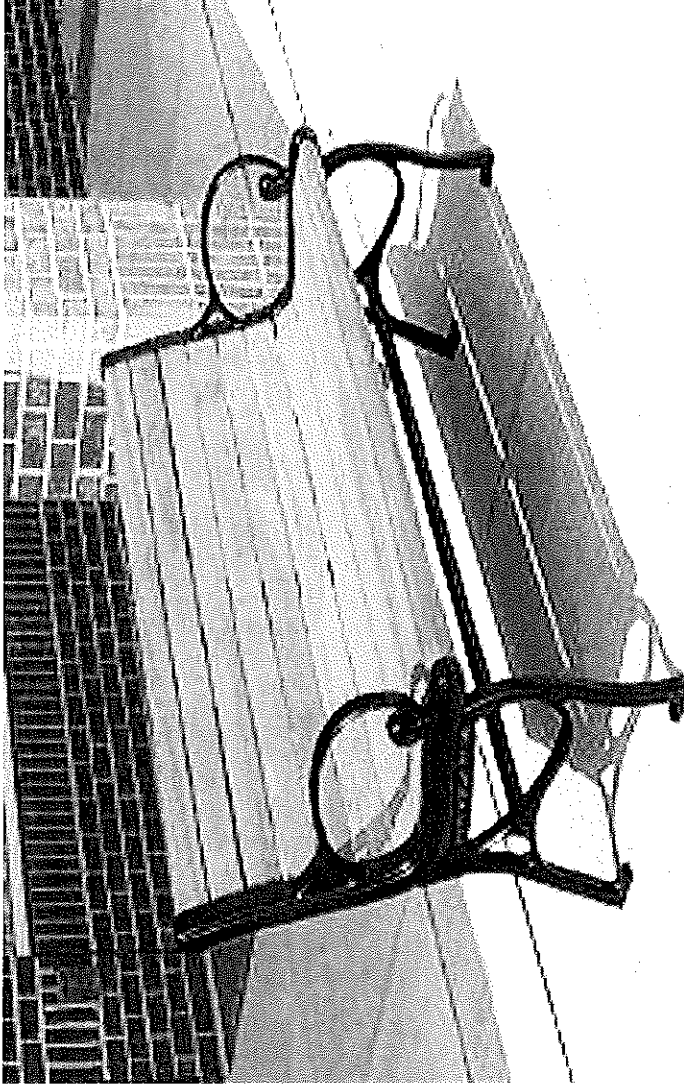


Exhibit 4

Benches

Manufacturer: Victory Stanley
Specification: Classic Series
(or approved equal)



Trash Receptacles

Manufacturer: Victory Stanley
Specification: Ironsites Series
(or approved equal)

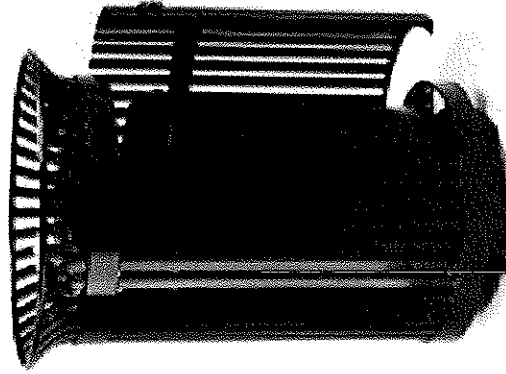


Exhibit 5

Bike Racks

Manufacturer: Madrax
Specification: Heavy Duty Challenger
5 Loop and "U" rack
(or approved equal)

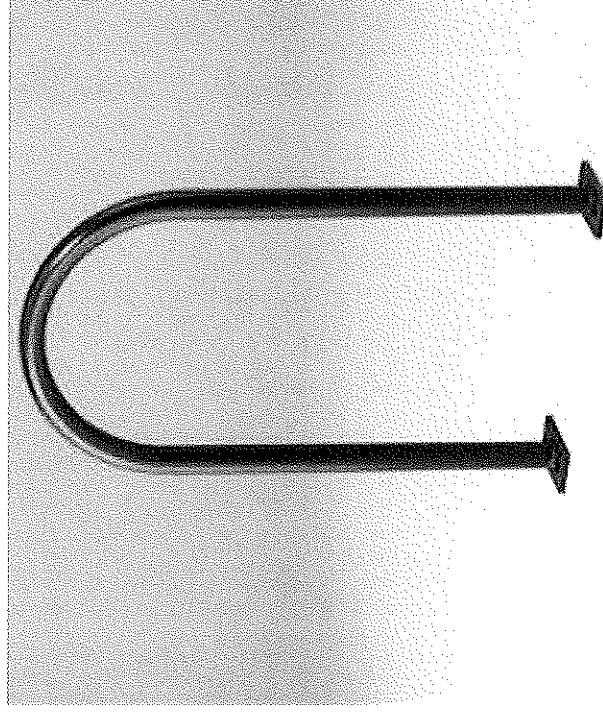
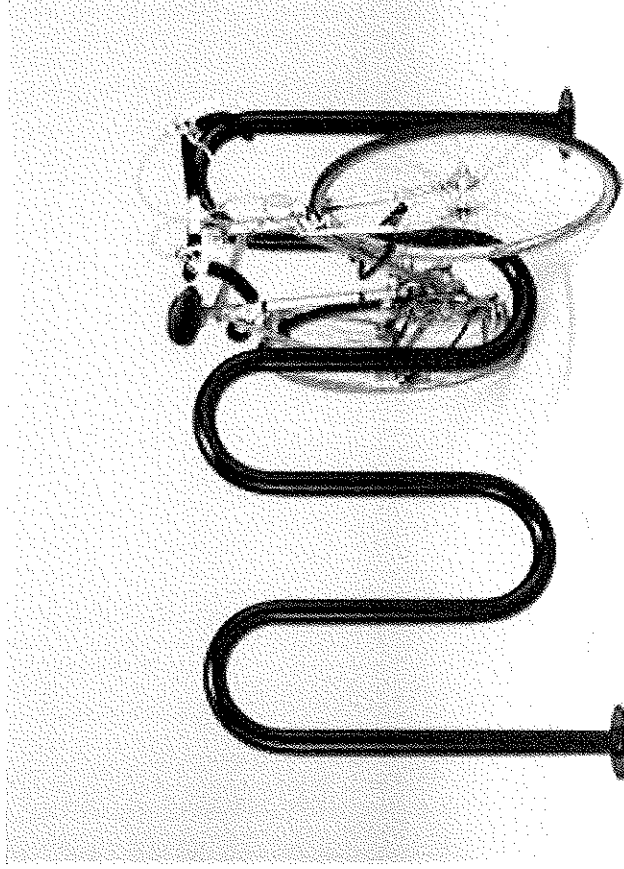


EXHIBIT D. Request for Zoning Change

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

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

The recommended land use for the property is Regional Mixed Use, including retail, office, hotels and high density residential uses.

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

The subject property is within the Crabtree Valley Study Area and the Crabtree Valley Transportation Study.

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

The FLUM designates the subject property for Regional Mixed Use, recommending high density housing, retail, office and hotels in mixed use development. The property is not located within any Area Plan specifically, but does fall within the Crabtree Plan "Study Area." The stated goal of the Crabtree Area Plan is for the area to develop as a "mixed use environment with people living, working, and shopping within a walkable urban community," which will be promoted by this proposed map amendment. Pedestrian and vehicular interconnectivity are encouraged, which would

EXHIBIT D. Request for Zoning Change

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also be significantly furthered by this proposed map amendment. The Small Area Plan limits retail to areas south of the Mall, so is somewhat inconsistent with the FLUM. However, the Small Area Plan does not specifically set forth desired uses within the Crabtree Study Area, so the Study Area is presumably governed by the FLUM. Retail proposed by the proposed map amendment would be small scale neighborhood-oriented retail and geared to service the residential units on the subject property as well as the recently approved 233 units to the north (Z-7-12).

This rezoning request is specifically consistent with the following Comprehensive Plan Policies:

- LU 1.1 Zoning Update.** *This case seeks to update zoning to reflect the Future Land Use Map.*
- LU 2.2 Compact Development.** *Prospective redevelopment will promote compact land use which will support efficient use of transportation and public services.*
- LU 4.4 Reducing VMT Through Mixed Use.** *The proposed zoning will support a range of services within short distances of residences.*
- LU 4.6 Transit Oriented Development.** *Development will be within a half-mile of a bus transit stop.*
- LU 4.7 Capitalizing on Transit Access.** *Development will be within a half-mile of a bus transit stop.*
- LU 4.9 Corridor Development.** *The prospective redevelopment will promote pedestrian-friendly development and transit supportive development along the Glenwood Avenue corridor.*
- LU 6.2 Complementary Uses and Urban Vitality.** *It is contemplated that the development of this property will locate high density residential in closer proximity to retail goods and services and employment.*
- LU 7.4 Scale and Design of new Commercial Uses.** *Commercial uses located on this site will be an appropriate mass and scale for surrounding areas.*
- LU 7.6 Pedestrian Friendly Development.** *The proposed development which locates housing and retail opportunities in walking proximity to each other and will create a pedestrian friendly development.*
- LU 8.1 Housing Variety.** *New development will add to the housing variety in the area.*
- T1-2, T2-3 Right of Way Reservation.** *It is contemplated that there will be right-of-way reservation to connect Charles Drive to Glenwood Avenue.*
- T.1.3, T.2.1 Multi-Modal Transportation Design.** *The prospective redevelopment will enhance multi-modal transportation.*
- T.1.6 Transportation Impacts.** *It is anticipated that transportation impacts will be identified and addressed before development is implemented.*
- T.2.4 Road Connectivity.** *The use of cul-de-sacs and dead end streets will be minimized.*
- T.4.1, T.4.2, T.4.4, T.4.8, and 5.13: Bus Transit:** *These policies are supported by the offering of a transit easement and bus shelter on the property.*
- T.5.2 and T.5.3 Bicycle and Pedestrian Transportation.** *A portion of the proposed development will feature wide sidewalks and accessible bicycle racks.*
- ED 1.2 Mixed Use Redevelopment.** *The development of a mixed use project will support this policy designated to enhance economic development.*
- H.1.8 Zoning for Housing.** *The requested zoning provides the zoning for higher density housing.*
- PH 5.4 Discharge Control Methods.** *New development will apply stormwater control methods which regulate discharge and are environmentally and aesthetically acceptable.*
- PU 1.1 Linking Growth and Infrastructure.** *The proposed redevelopment would focus growth in an area with existing adequate infrastructure and will provide for the availability of additional infrastructure needed for the area.*

EXHIBIT D. Request for Zoning Change

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- UD 3.5 Visually Cohesive Streetscapes.** *The case will further the streetscape on Charles Drive consistent with Z-7-12.*
- UD 3.7 Parking Lot Placement.** *New parking lots will be located primarily to the sides or rears of buildings.*
- UD 6.1 Encouraging Pedestrian Oriented Uses.** *Rezoning will promote pedestrian friendly redevelopment.*
- AP C-4, AP C-6 and AP C-1. Crabtree Mall Connectors.** *The rezoning request includes conditions offering a pedestrian easement to facilitate a pedestrian bridge from the north side of Glenwood Avenue to the Mall to promote pedestrian traffic from the north side of Glenwood Avenue to the Mall. It will also provide for pedestrian easement allowing access to the subject Property and the pedestrian bridge from the parcels to the north.*

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

The proposed map amendment is compatible with the property and the surrounding area as it would promote neighborhood-oriented retail, higher density residential and hotel uses. The area includes a major shopping center, hotels, multifamily and other uses and the proposed map amendment is consistent. In addition, the property to the north was recently rezoned (Z-7-12) to allow for 533 residential units and the proposed map amendment would provide additional neighbor-oriented retail uses within walking distance of these units as well as the additional residential density from the proposed map amendment. It will also provide for the extension of the right-of-way dedication for roadway construction provided for by Z-7-12.

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

Land Uses within the surrounding area include a major regional shopping mall, hotels, other commercial and office uses, apartments, a small amount of single-family residential. The property to the north was recently rezoned to allow for 533 residential units and 7500 square feet of retail.

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

North: CUD SC PBOD and CUD O&I-2

East: CUD O&I-2

South: CUD O&I-1

South: SC

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

The proposed map amendment is compatible with the intensely developed area in that it will promote a higher density, pedestrian oriented development and allow for uses the same or similar to the surrounding area. It will also provide housing and neighborhood-oriented retail and will further much needed connectivity between Charles Drive and Glenwood Avenue which will be a significant step toward improving traffic congestion on Lead Mine Road. It will also promote pedestrian connectivity.

EXHIBIT D. Request for Zoning Change

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III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The map amendment provides an opportunity for the property owner to redevelop an aging apartment community at a scale and for uses which are appropriate for the area.

B. For the immediate neighbors:

The map amendment will benefit the immediate neighbors by promoting a more aesthetically appealing redevelopment with convenient neighborhood services and an improvement in vehicular and pedestrian circulation.

C. For the surrounding community:

The surrounding community will benefit as the proposed map amendment as it will facilitate the redevelopment of this property into a pedestrian oriented mixed use area. The redevelopment will promote convenient access to goods and services and will be more aesthetically appealing.

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

Yes. If allowed, the rezoning will enhance much needed connectivity in the area.

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

The subject property is in a heavily developed area which supports amending the zoning map to allow a higher density mixed use development, a hotel, and pedestrian neighborhood-oriented retail uses. The proposed map amendment will also promote connectivity between Charles Drive and Glenwood Avenue which should decrease traffic on Lead Mine Road.

V. Recommended items of discussion (where applicable).

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

N/A

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

The property was constructed in approximately 1967. Since that time development in the Crabtree area has greatly intensified and the area has become one of the most heavily developed areas in the City. This pattern of development resulted in the area being designated as one of the few Regional Mixed Use areas under the Comprehensive Plan. The designation dictates higher density residential, additional walkable retail, hotels and mixed use development.

2-06-13

FILING ADDENDUM: Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

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

The public has a need to rezone this property to bring it into compliance with the Comprehensive Plan. In addition, the public has a need to have more property zoned to accommodate pedestrian oriented, mixed use development, especially in the Crabtree area. There is also a public need for additional roadways and pedestrian ways to improve traffic on Lead Mine Road.

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

There are adequate existing public services and facilities to support the uses contemplated by the proposed zoning or that will be made possible by the proposed rezoning. The property fronts on Glenwood Avenue, a major thoroughfare; it is served by the City of Raleigh bus lines; there are adequate existing water, sanitary sewer and storm drainage systems in place to serve the property. Fire Access to the property from RFD Station 16 on Lead Mine Road and Yorkgate Drive is excellent. Construction within the parameters allowed under the proposed zoning will not unnecessarily block adjacent properties' access to light and air. The existing topography is amenable to developing these properties for uses contemplated by the proposed rezoning. The site is within easy walking or biking distance of the City Greenway and existing recreational facilities at Laurel Hills Park and Community Center, Varnell Park, Sertoma Arts Center and Shelley Lake-Sertoma Park. The rezoning would also further allow for much needed connectivity between Charles Drive and Glenwood Avenue.

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

The proposed rezoning advances the fundamental purposes in the NC enabling legislation by permitting the much needed redevelopment of an older apartment complex with a pedestrian oriented mixed use development. The prospective mixed use development will encourage mass transit and facilitate the efficient use of infrastructure and will be in accordance with the Comprehensive Plan.

VI. Other Arguments on Behalf of the map amendment requested.

At the time of the rezoning of the property to the north (Z-7-12), that property owner provided for the dedication of right-of-way for roadway construction which would eventually connect to right-of-way to be provided by the subject property in the future. This would be for the purpose of eventually providing connectivity from Charles Drive to Marriott Drive and/or Glenwood Avenue. This rezoning would be a substantial step toward completing that connection and alleviating traffic congestion on Lead Mine Road.

CURRIN & CURRIN

ATTORNEYS AT LAW

GEORGE B. CURRIN
ROBIN T. CURRIN

TELEPHONE (919) 832-1515
FAX (919) 836-8484
EMAIL GEORGECURRIN@AOL.COM
ROBINCURRIN@AOL.COM
MAILING ADDRESS

OFFICE
THE PROFESSIONAL BUILDING
127 W. HARGETT STREET, SUITE 500
RALEIGH, NORTH CAROLINA 27601

September 19, 2012

POST OFFICE BOX 86
RALEIGH, NORTH CAROLINA 27602

Mr. Travis Crane
Senior Planner
Department of City Planning
City of Raleigh
One Exchange Plaza, Suite 204
Raleigh, NC 27601

RE: **REPORT OF MEETING** Regarding Proposed Rezoning Petition of: 10.84 acres of property of Joanna Smith Mills and Melissa Smith Mills Dombalis (PIN 0796 50 9976) (with ground leasehold interest owner Valley Terrace Apartments Company), (the "Property").

Dear Travis:

In connection with the above referenced rezoning case and in accordance with the requirements of Raleigh City Code Sec. 10-2165, I submit this Report of Meeting for our Neighborhood Meeting held at the Art Room at the Laurel Hills Community Center located at 3808 Edwards Mill Road, Raleigh, N.C. 27612 at 6:30 p.m. on the evening of Tuesday, September 18, 2012.

I am submitting this Report of Meeting on behalf of the Owners of the property which is the subject of this rezoning petition. In accordance with the above referenced ordinance of the Raleigh City Code, I report to you the following regarding this meeting:

1. **Persons/organizations contacted about the meeting.** Attached please find a complete list of all persons and/or organizations notified by the City of Raleigh on or about August 29, 2012 and on or about September 5, 2012. The meeting date was changed, and the September 5, 2012 letter provided notice of the September 18, 2012 meeting.

2. **Manner and date of contact:** By letter to each addressee dated August 29, 2012 (by U.S. Mail) and September 5, 2012 (by U.S. Mail), and provided to the City of Raleigh on August 29, 2012 and September 5, 2012.

3. **The Neighborhood Meeting was held** on Tuesday, September 18, 2012 at the Art Room at the Laurel Hills Community Center at 6:30 p.m.

4. **Attendance roster:** In attendance at this meeting were the following persons:

Robin T. Currin
Craig Ferri

Mike Munn
Jim Scofield

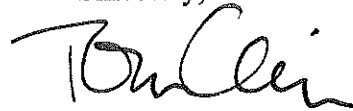
Attorney
Crabtree North, LLC-Contact Purchaser
Representative
Engineer-John R. McAdams, Inc.
Apartment REP-Realtor for Applicant

5. **Summary of issues discussed:** No neighbors attended the meeting, so there was no discussion.

6. **Additional Neighbor's Meetings.** None have been scheduled at this time.

7. **Changes to Petition.** There are no changes at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin T. Currin". The signature is stylized with a large, sweeping "R" and "C".

Robin T. Currin

Joanna Smith Mills
Melissa Smith Mills
PIN 0796 50 9976
c/o Joseph H Call
P.O. Box 98025
Raleigh, NC 27624-8025

Generation Suites of
Raleigh
Crabtree, LLC
PIN 0796 61 3190
Randy Coup
P.O. Drawer
Research Triangle Park,
NC 27709-484

Plaza Corporate Real
Estate Assessments
PIN 0796 60 2226
NC 1-001-03-81
101 N. Tryon St.
Charlotte, NC 28255-0001

Royal Hills, Inc.
Valley Terrace Apartments
Co.
PIN 0796 50 9976
P.O. Box 98025
Raleigh, NC 27624-8025

Crabtree Valley Baptist
Church, Inc.
PIN 0796 60 8944
4408 Lead Mine Road
Raleigh, NC 27612-3325

Trailwood Building, LLC
PIN 0796 60 9524
3207 Sussex Rd.
Raleigh, NC 27607-6638

JT Hobby & Son, Inc.
PIN 0796 60 8419
P.O. Box 18506
Raleigh, NC 27619-8506

Crabtree Offices, LLC
PIN 0796 60 8257
10765 Trego Trl.
Raleigh, NC 27614-9660

RBC Bank USA
PIN 0796 60 4474
P.O. Box 2157
Rocky Mount, NC 27802-2157

CVM Holdings, LLC
PIN 0796 50 2569
P.O. Box 31147
Raleigh, NC 27622-1147

Wachovia Bank and Trust Co
NA
PIN 0796 50 2569
Thomson Reuters
P.O. Box 2609
Carlsbad, CA 92018-2609

CVM Associates
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P.O. Box 31147
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First Union National Bank
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Quality Oil Co.
PIN 0796 60 3157
1540 Silas Creek Pkwy
Winston-Salem, NC 27127-
3758

City of Raleigh
PIN 0795 69 4970
P.O. Box 590
Raleigh, NC 27602-0590

Crabtree Apartments
Association, LLC
PIN 0796 51 8795
2251 Charles Dr., Apt.
34A
Raleigh, NC 27612-4084

Crabtree North, LLC
PIN 0796 61 0348
P.O. Box 254
Folly Beach, SC 29439

Crabtree North, LLC
PIN 0796 61 0449
P.O. Box 254
Folly Beach, SC 29439

Crabtree North, LLC
PIN 0796 61 1399
P.O. Box 254
Folly Beach, SC 29439

Crabtree North, LLC
PIN 0796 61 3469
P.O. Box 254
Folly Beach, SC 29439

Crabtree North, LLC
PIN 0796 61 3480
P.O. Box 254
Folly Beach, SC 29439

Chief Raleigh Hotel LLC
PIN 0796 51 5804
c/o Cornerstone Real
Estate Adviser
180 Glastonbury Blvd,
Suite 401
Glastonbury, CT 06033-
4439