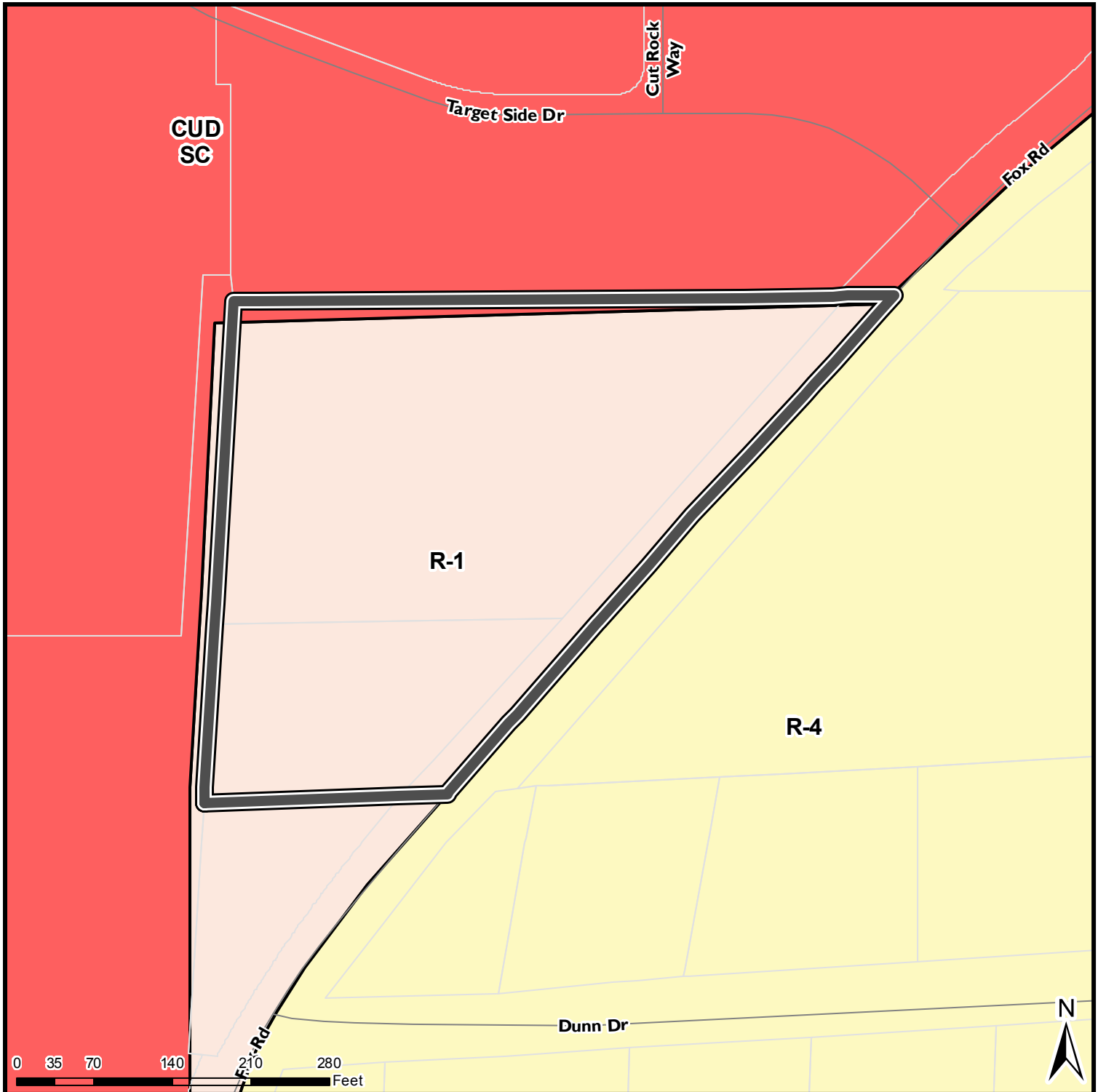


# Existing Zoning Map

# Z-10-2014



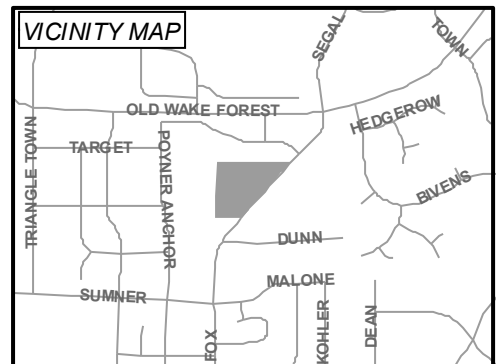
**Submittal  
Date**

3/4/2014

## Request:

**3.72 acres from  
R-1 & SC CUD  
to CX-5-PL-CU**

### VICINITY MAP





## Certified Recommendation

Raleigh Planning Commission

CR# 11589

### Case Information: Z-10-14 - Fox Road

<i>Location</i>	Fox Road, west side, south of its intersection with Old Wake Forest Road <b>Addresses:</b> 6205 & 6319 Fox Road <b>PINs:</b> 1727806335 & 1727805111
<i>Request</i>	Rezone property from R-1 & SC CUD to CX-5-PL-CU
<i>Area of Request</i>	3.72 acres
<i>Property Owners</i>	Dorothy Horton, Howard C. Dunn, Pearly Smith, Valeria Dunn, Jimmy Dunn, Bettie Dunn Jones
<i>Applicants</i>	Chad W. Essick, Poyner Spruill LLP: (919) 783-2896; <a href="mailto:cessick@poynerspruill.com">cessick@poynerspruill.com</a> Dane J. Sambrick, Sambrick Companies: (919) 602-0678; <a href="mailto:dsambrick@sambrickconstruction.com">dsambrick@sambrickconstruction.com</a>
<i>Citizens Advisory Council</i>	Northeast-- Lillian Thompson, Interim Chairperson: (919) 850-4594; <a href="mailto:lillianonline@icloud.com">lillianonline@icloud.com</a>
<i>PC Recommendation Deadline</i>	December 8, 2014

### 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

<b><i>FUTURE LAND USE</i></b>	CMU ( <i>Community Mixed Use</i> )
<b><i>URBAN FORM</i></b>	City Growth Center, within Transit Stop Half-Mile Buffer, Urban Thoroughfare ( <i>Fox Road</i> )
<b><i>CONSISTENT Policies</i></b>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.7 – Capitalizing on Transit Access Policy LU 4.5 – Connectivity Policy LU 5.6 – Buffering Requirements Policy UD 2.1 – Building Orientation Policy UD 2.2 – Multi-Modal Design Policy UD 2.3 – Activating the Street Policy UD 2.7 – Public Open Space Policy UD 7.3 – Design Guidelines Policy AP-TTC 5 – Triangle Town Center SE Land Uses Policy AP-TTC 20 – Triangle Town Center Design Guidelines
<b><i>INCONSISTENT Policies</i></b>	Policy LU 7.4 – Scale and Design of New Commercial Uses Policy UD 2.4 – Transitions in Building Intensity

	Policy AP-TTC 7 – Triangle Town Center SE Transitions Policy AP-TTC 21 – Triangle Town Center Mixed Use
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## Summary of Proposed Conditions

1. Certain uses prohibited.

## Public Meetings

<b>Neighborhood Meeting</b>	<b>CAC</b>	<b>Planning Commission</b>	<b>City Council</b>	<b>Public Hearing</b>
1/22/14	5-8-14; 6-12-14	9/9/14 (recommends approval)	9/16/14	

☐ **Valid Statutory Protest Petition**

### Attachments

1. Staff report
2. Current Zoning Conditions (area zoned SC CUD only): Z-5-01 [Ordinance (2001) 066ZC502]
3. TIA Review Memo

## Planning Commission Recommendation

<b>Recommendation</b>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and should be approved in accordance with the zoning conditions submitted September 10, 2014.
<b>Findings &amp; Reasons</b>	<ol style="list-style-type: none"> <li>1. The proposal is consistent with the Future Land Use Map, Urban Form Map, and most of the applicable Comprehensive Plan policies, which support intensive redevelopment on the west side of Fox Road.</li> <li>2. The proposal is reasonable and in the public interest. Rezoning could bring goods and services in closer proximity to nearby residential areas; site redevelopment would include UDO-required street sidewalks and pedestrian access.</li> <li>3. The proposal is compatible with the surrounding area. The Parking Limited Frontage and width of Fox Road offer an effective transition to the low-density and residential-institutional uses directly across the street, while the UDO-required setback and protective yard provide a buffer to the adjacent property on the south.</li> </ol>
<b>Motion and Vote</b>	<b>Motion: Lyle</b> <b>Second: Fleming</b> <b>In Favor: Braun, Buxton, Fleming, Fluhrer, Lyle, Schuster, Sterling Lewis, Swink, Terando and Whitsett</b>

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.

Interim Planning Director	Date	Planning Commission Chairperson	9/09/14 Date
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Staff Coordinator: Doug Hill: (919) 996-2622, [doug.hill@raleighnc.gov](mailto:doug.hill@raleighnc.gov)



## Zoning Staff Report – Case Z-10-14

### Conditional Use District

## Case Summary

### Overview

The proposal seeks to permit introduction of non-residential uses, increased density, and multi-story construction on two large-lot residential properties.

The properties' current density (effectively R-0.5) reflects the once-rural flavor of Fox Road. Since the construction of Interstate 540, the Triangle Town Center Mall, and Poyner Place and Wal-Mart shopping centers nearby, properties to the west and north have been transformed into a regional commercial center. The Future Land Use Map includes the subject site within this mixed retail, office, and multi-family housing hub.

The two properties are mostly wooded, each with a single house set back more than 70 from the Fox Road right-of-way. Topography slopes west to east, with the high point near the western lot line, rising some 30 feet above the lowest road frontage. The western contour is noted as having rock close to the surface. The adjoining properties west and north have cut deeply into the same rise, creating significant slopes from the subject property to the leveled areas of those adjacent lots. The property to the north, however, does have a stubout directed to the subject site, although road improvements do not extend to the shared lot line. Other than the streets, the northern properties are undeveloped, but cleared. The parcels to the west are almost fully built out with large-footprint, multi-tenant commercial buildings, the service areas of which face the subject site.

The property just south of the site also contains a single-family residence, likewise surrounded by woods and set back from Fox Road. Directly opposite the site, on the east side of Fox Road, a recently-constructed church stands. Properties to the northeast and southeast consist of single-family residential lots; some of latter are yet undeveloped.

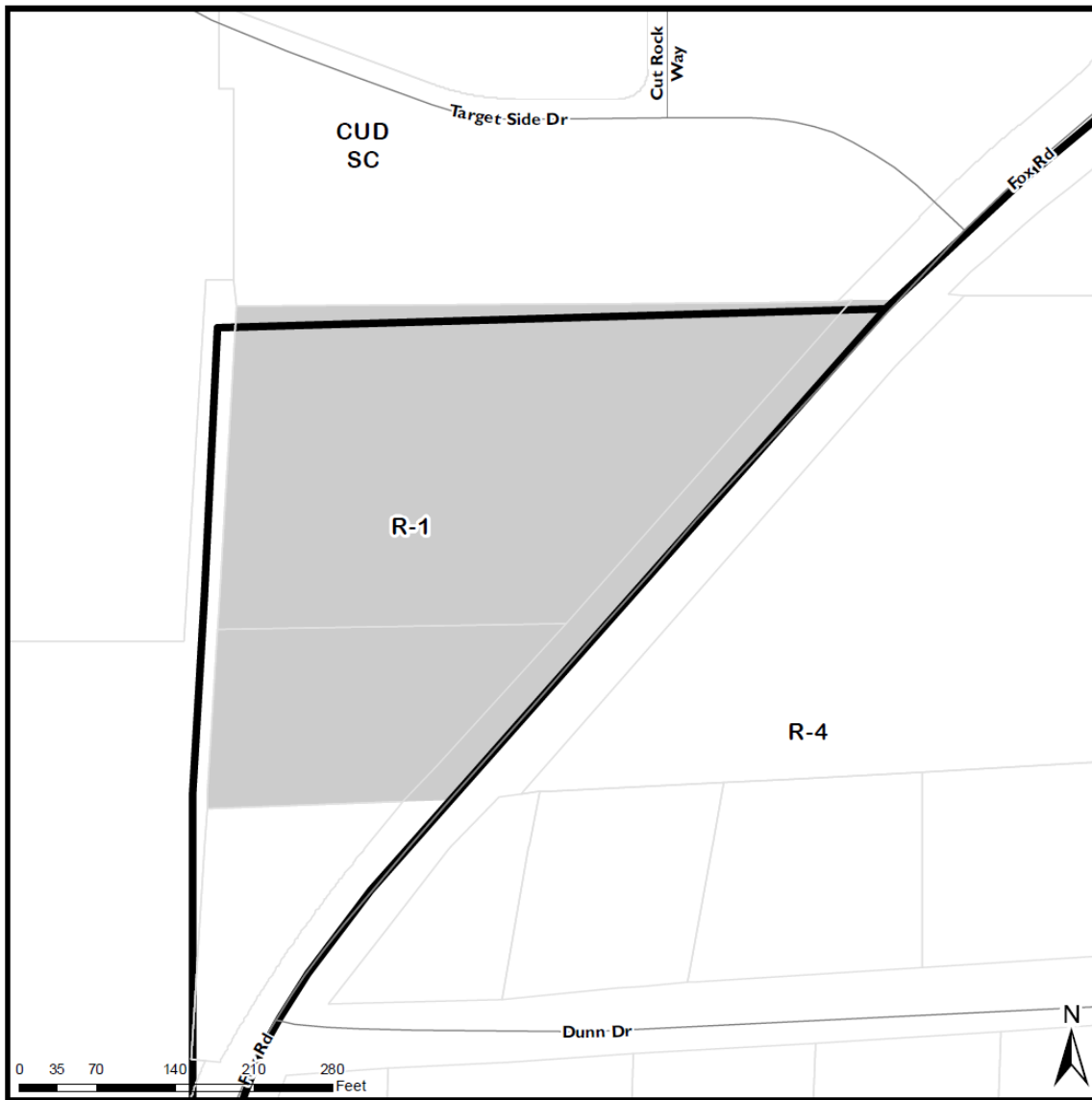
The proposal includes prohibitions on some uses permitted in CX zoning, but most CX uses would be allowed.

### Outstanding Issues

<i>Outstanding Issues</i>	<ol style="list-style-type: none"><li>1. Transitions to low-density, low-intensity areas across Fox Road.</li><li>2. Sewer and fire flow matters may need to be addressed upon development.</li></ol>	<i>Suggested Mitigation</i>	<ol style="list-style-type: none"><li>1. Provide condition(s) enhancing transitions (e.g., addressing form and/ or uses).</li><li>2. Address sewer and fire flow capacities at the site plan stage.</li></ol>
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# Existing Zoning Map

**Z-10-2014**

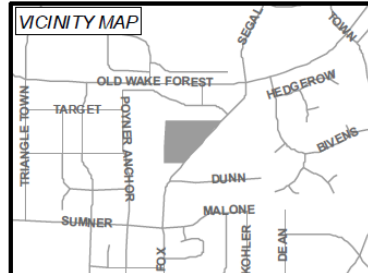


**Submittal  
Date**

3/4/2014

## Request:

3.72 acres from  
R-1 & SC CUD  
to CX-5-PL-CU



# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<i>Existing Zoning</i>	R-1 (& approx. 7,000 sf SC CUD)	SC CUD	R-1	R-4	SC CUD
<i>Additional Overlay</i>	n/a	n/a	n/a	n/a	n/a
<i>Future Land Use</i>	Community Mixed Use	Community Mixed Use	Community Mixed Use	Institutional	Community Mixed Use
<i>Current Land Use</i>	Single Family Residence	Undeveloped (except for streets)	Single Family Residence	Church, Single Family Residences, Undeveloped	Shopping Center
<i>Urban Form (if applicable)</i>	City Growth Center, w/n Transit Stop Buffer; Urban Thoroughfare (Fox Road)	City Growth Center, w/n Transit Stop Buffer; Urban Thoroughfare (Fox Road)	City Growth Center, w/n Transit Stop Buffer; Urban Thoroughfare (Fox Road)	City Growth Center, w/n Transit Stop Buffer; Urban Thoroughfare (Fox Road)	City Growth Center, w/n Transit Stop Buffer; Urban Thoroughfare (Fox Road)

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<i>Residential Density:</i>	3 (1 Dwelling Unit per acre)	126 (approx. 33 DUs/ acre)
<i>Setbacks:</i>	R-1: SC:	<i>For Parking Limited:</i>
<i>Front:</i>	20 feet 15 feet	50% w/n 100' of R/W
<i>Side:</i>	10 feet -0-	<i>For Mixed Use Building:</i>
<i>Rear:</i>	30 feet -0-	0 or 6 feet
<i>Retail Intensity Permitted:</i>	(R-1: not permitted; SC CUD: not buildable)	57,899 sf
<i>Office Intensity Permitted:</i>	(R-1: not permitted; SC CUD: not buildable)	116,612 sf

### 1.3 Estimated Development Intensities

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Total Acreage</i>	3.72	3.72
<i>Zoning</i>	R-1 (& approx. 7,000 sf SC CUD)	CX-5-PL-CU

<i>Max. Gross Building SF (if applicable)</i>	<i>(not specified)</i>	163,236 <i>(if Residential)</i>
<i>Max. # of Residential Units</i>	3	126
<i>Max. Gross Office SF</i>	- 0 - <i>(not permitted in R-1))</i>	116,612
<i>Max. Gross Retail SF</i>	- 0 - <i>(not permitted in R-1)</i>	57,899
<i>Potential F.A.R</i>	<i>(n/a)</i>	1.01 <i>(if Residential)</i>

\*The development intensities for proposed zoning districts were estimated using the **Envision Tomorrow** impact analysis tool. Reasonable assumptions are factored into the analysis to project the worst case development scenario for the proposed rezoning. The estimates presented in this table are rough estimates intended only to provide guidance for analysis in the absence of F.A.R's and density caps for specific UDO districts.

The proposed rezoning is:

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

☒ **Incompatible.**

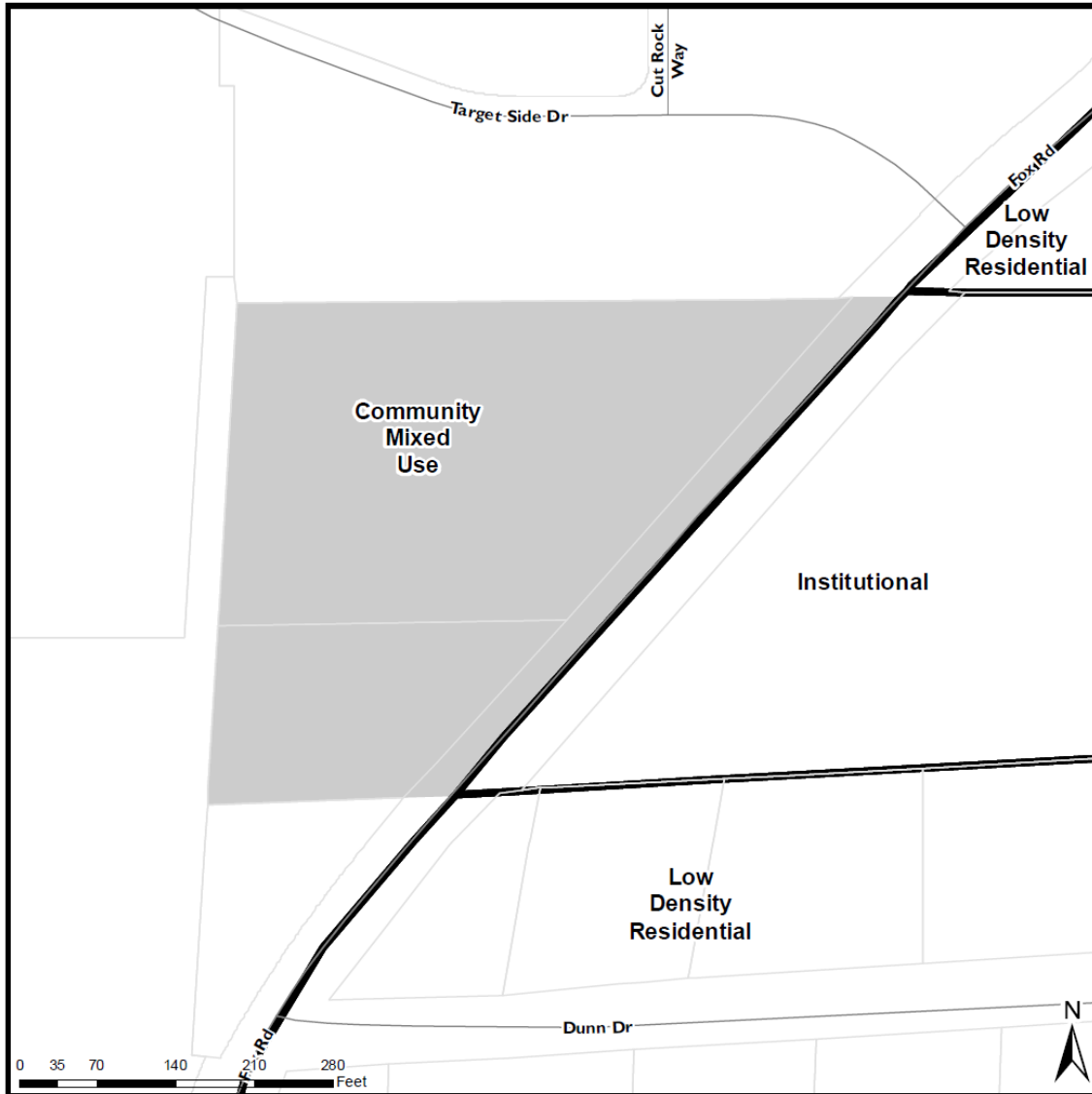
Analysis of Incompatibility:

The requested zoning is supported by the Future Land Use and Urban Form designations. However, as prescribed by policies of the Comprehensive Plan, additional measures are recommended to assure further design and functional transitions to low-density and low-intensity uses across Fox Road (*see discussion below in Sec. 2.4 Policy Guidance*). Such standards are currently in effect on the small portion of the site now zoned Shopping Center CUD (*per Z-5-01, Conditions I.T.3., & VI.; see attachment*).



# Future Land Use Map

**Z-10-2014**

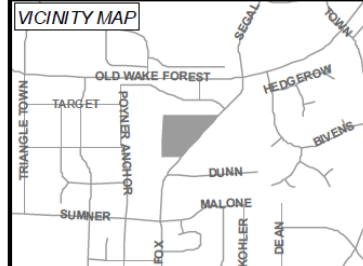


**Submittal  
Date**

3/4/2014

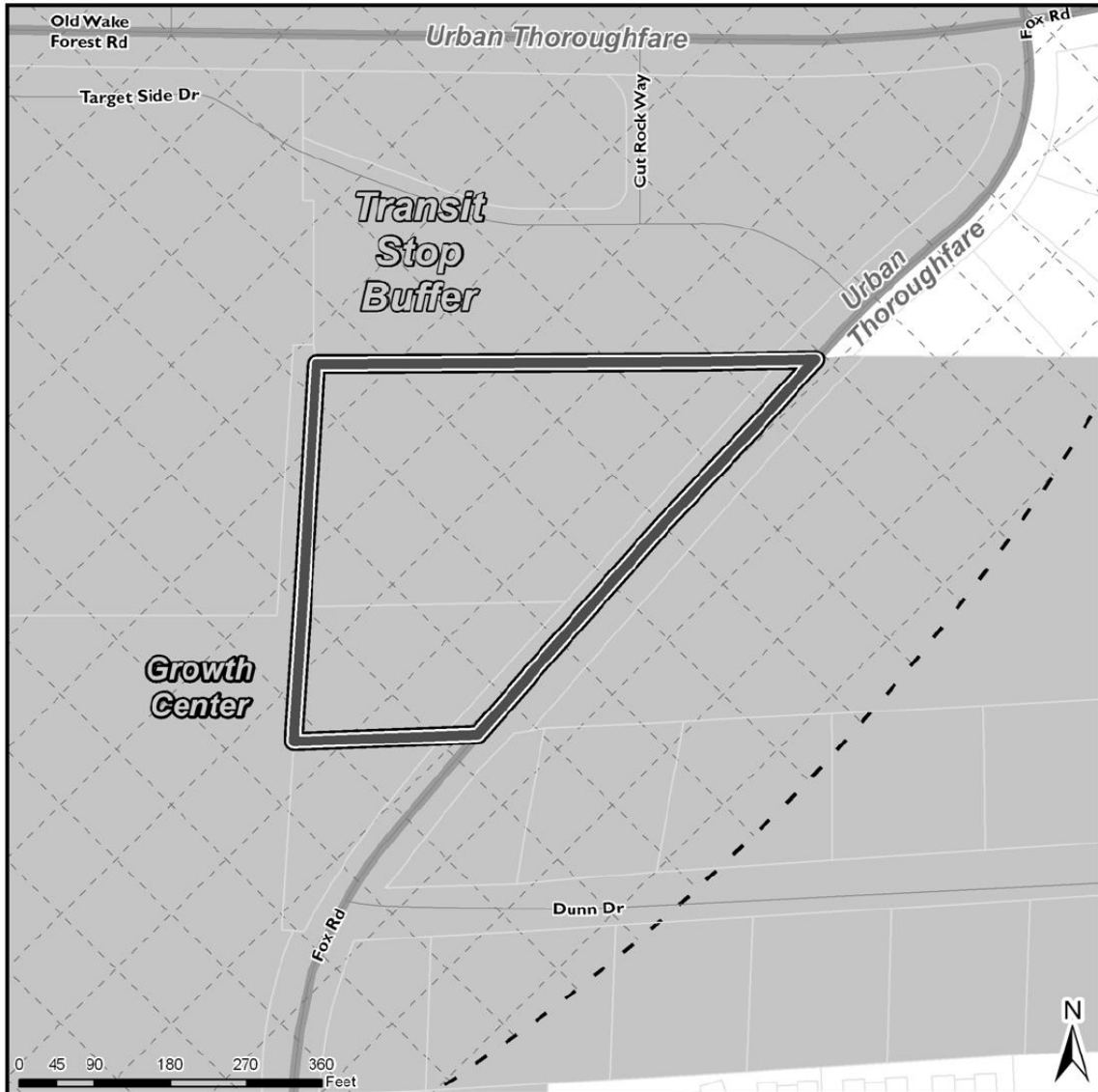
## Request:

**3.72 acres from  
R-1 & SC CUD  
to CX-5-PL-CU**



# Urban Form Map

**Z-10-2014**



**Submittal  
Date**

3/4/2014

## Request:

**3.72 acres from  
R-1 & SC CUD  
to CX-5-PL-CU**

## VICINITY MAP



## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

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

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

The requested zoning is supported by the site's Future Land Use and Urban Form designations. However, Comprehensive Plan policies suggest additional conditions that could enhance transitions to existing and anticipated low-density/ low-intensity uses across Fox Road.

### 2.2 Future Land Use

**Future Land Use designation:** Community Mixed Use

**The rezoning request is:**

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

☐ **Inconsistent**

Analysis of Inconsistency:

(n/a)

### 2.3 Urban Form

**Urban Form designation:** City Growth Center, within Transit Stop Half-Mile Buffer; Urban Thoroughfare (Fox Road)

☐ **Not applicable** (no Urban Form designation)

**The rezoning request is:**

☒ **Consistent** with the Urban Form Map.

☐ **Inconsistent**

Analysis of Inconsistency:

(n/a)

## **2.4 Policy Guidance**

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

### ***Policy LU 7.4 – Scale and Design of New Commercial Use***

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

### ***Policy UD 2.4 – Transitions in Building Intensity***

Establish gradual transitions between large scale and small-scale development. The relationship can be improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

Policies LU 7.4, UD 2.4, AP-TTC 7 and AP-TTC 21 call for appropriate transitions of building scale and land use from the City Growth Center to existing neighborhoods along Fox Road.

Buildings immediately opposite the site on Fox Road are one story in height; those to the northeast are two stories, with pitched roofs.

The Future Land Use Map foresees the built character on the east side of Fox Road remaining low density residential, or low-intensity institutional use (church). The portion of the subject site zoned Shopping Center Conditional Use District per case Z-5-01 currently acknowledges that status in prohibiting any site retail development within 150 feet of Fox Road.

Tree conservation requirements, which otherwise would afford a vegetative buffer, would be superseded by the requested Frontage designation (Parking Limited). Other methods are available for ensuring transitions from the subject site, however, among them providing reduced building heights, footprints, and/ or maximum building widths along Fox Road, and/or restricting/ prohibiting more intensive land uses (e.g., eating establishments with drive-throughs) within a minimum distance of existing residential properties. It is recommended that such measures be conditioned with the rezoning request.

## **2.5 Area Plan Policy Guidance**

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

### ***Policy AP-TTC 7 – Triangle Town Center SE Transitions***

A transition in scale and use should be provided along Fox Road between the City Growth Center and existing lower density residential neighborhoods.

### ***Policy AP-TTC 21 – Triangle Town Center Mixed Use***

Mixed-use areas are designated on the Triangle Town Center Plan map and development of these areas should incorporate the policies identified in the Urban Design Element I.2.2 I.2 'Design of Mixed-Use Developments'.

See discussion above (**Sec. 2.4 Policy Guidance**).

### 3. Public Benefit and Reasonableness Analysis

#### 3.1 Public Benefits of the Proposed Rezoning

- The proposal would enable development of new retail and office uses within a designated City Growth Center.

#### 3.2 Detriments of the Proposed Rezoning

- Rezoning and subsequent redevelopment of subject site could isolate and limit redevelopment options for the half-acre residential property immediately south (6200 Fox Road).
- As Fox Road is not foreseen as becoming a bus route, site access would likely be primarily by automobile, increasing potential traffic congestion.

### 4. Impact Analysis

#### **4.1 Transportation**

A traffic impact study has been provided for case Z-10-14.

**Impact Identified:** PM peak hour trips on the surrounding network.

#### **4.2 Transit**

Transit is currently available in this area on Triangle Town Boulevard and Old Wake Forest Road. It is not anticipated that we will serve this section of Fox Road. Development of this property will create additional demand for transit in this area but it is not anticipated that it will exceed the capacity of the current transit system.

**Impact Identified:** None.

#### **4.3 Hydrology**

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Perry Creek
<i>Stormwater Management</i>	Subject to Article 9 of UDO
<i>Overlay District</i>	None

**Impact Identified:** None.

#### **4.4 Public Utilities**

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	2,880 gpd	30,240 gpd
<i>Waste Water</i>	2,880 gpd	30,240 gpd

The proposed rezoning would add approximately 27,360 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

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

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

#### **4.5 Parks and Recreation**

Site is not adjacent to planned or existing greenway, and not adjacent to planned or existing connector. Park services for this area are provided by Spring Forest Road Park.

**Impact Identified:** None.

#### **4.6 Urban Forestry**

This property is 2 acres or larger and is subject to Unified Development Ordinance (UDO) *Section 9.1. Tree Conservation*.

**Impact Identified:** None.

#### **4.7 Designated Historic Resources**

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

**Impact Identified:** None.

#### **4.8 Community Development**

This site is not located within a redevelopment plan area.

**Impact Identified:** None.

#### **4.9 Appearance Commission**

As the proposal does not involve a Planned Development, it is not subject to Appearance Commission review.

#### **4.10 Impacts Summary**

Sewer/ fire flow matters may need to be addressed.

#### **4.11 Mitigation of Impacts**

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

## **5. Conclusions**

The proposed zoning is consistent with the Future Land Use Map and Urban Form designations. Measures enhancing transitions to the low-density, low-intensity uses on the east side of Fox Road, both existing and foreseen, should be provided; suggestions are offered by zoning conditions currently in effect on the north.

## Current Zoning Conditions\*

*\* NOTE: The majority of the Z-10-14 site is outside the area of zoning case Z-5-01; however, respective conditions do apply to the portion of the subject site zoned SC CUD (note especially items below in underlined italics—sections I.: N., O., S. & T.3.; & IV.)*

**Z-5-01 Fox Road/ Old Wake Forest Road**, west side, Old Wake Forest Road, south side, being Wake County PIN 1726.79 9401. Approximately 100 acres rezoned to Shopping Center Conditional Use.

Conditions Dated: (08/01/01)

### **I. OVERALL CONDITIONS (See Exhibits 1-4 )**

- A. Upon development, the rate of stormwater run-off will comply with the CR 7107 based on a coefficient of runoff equivalent to R-10 density.
- B. Reimbursement for future right-of-way dedications for Old Wake Forest Extension (if applicable) and Fox Road (if applicable) shall be based on R-10 reimbursement rates.
- C. Stormwater shall be managed not less than by three (3) facilities positioned within the subject property to receive and detain the quantity of stormwater described in condition I-A above. One of these devices shall consist of an enlargement of the existing pond located generally in the corner of Triangle Town Boulevard and Sumner Boulevard.

Where architectural building elements are more than fifteen (15') feet from the water's edge, the perimeter of the enlarged existing pond at Triangle Boulevard and Sumner Boulevard shall be landscaped with one (1) evergreen shrub per eight (8') linear feet of the exposed water's edge. Said shrubs shall be evergreen and shall be installed at a minimum height of eighteen (18") inches. Said shrubs shall also be of a species that attains a minimum height of three (3') feet in three (3) growing seasons.

- D. Development of the subject property shall be generally consistent with Exhibit 1, The Triangle Town Commons Amendment to the Triangle Town Center Small Area Plan Land Use Development Concept Map.
- E. The transitional protective yard (T.P.Y.) required between any retail use and the Dunn properties parcel PIN #'s 1727.20-80-6335, 1727.20-80-5111, and 1726.08-89-4943 shall be developed as follows:
  - 1. Within the first twenty feet inside the subject site the developer shall cause to be erected a closed wall of a minimum height of six (6') feet;
  - 2. The portion of the TPY on the Dunn's side of said wall is to be planted with a minimum of fifty-five (55%) percent of the required trees and shrubs for the total TPY; and
  - 3. The maximum reduction of the TPY for use of the wall and a berm (if used) shall be ten (10') feet.
- F. In accordance with the criteria of the Triangle Town Center Small Area Plan, retail uses within the subject property shall be limited to 675,000 square feet of the floor area gross. A minimum of 75,000 square feet of retail shall occur in mixed-use areas as shown on Exhibit 1. Retail uses shall include those land uses as set forth and defined as either commercial uses in the Schedule of Permitted Land Uses in Zoning Districts in Code Section 10-2071, or as defined in City Code Section 10-8002 (not including hotels/ motels, Bed and Breakfast inn, or any Telecommunications towers). A recorded allocation of these allowable square

footages shall be made contemporaneously with the recording of any plat and an initial allocation shall be made for the existing lots within sixty (60) days following the adoption of this zoning ordinance.

The terms "office" or "office land uses" as used herein refers to all land uses customarily permitted in the O&I Zoning Districts as set forth in the Schedule of Permitted Land Uses in Zoning Districts in Code Section 10-2071 including, without limitation, banks and hotel/motel.

- G. A pedestrian access shall be provided between the subject property and the northeast quadrant area (Murray Parcel Wake County PIN# 1727.20-81-6589) as described in condition H below. It shall be positioned generally as depicted on Exhibit 3 approximately mid-way between Triangle Town Boulevard and Fox Road on Old Wake Forest Road. It may occur in conjunction with a vehicular access to and from Old Wake Forest Road.
- H. Exhibit 4 illustrates the applicant's commitment to assure good connectivity. The applicant shall propose for approval by the City of Raleigh Department of Transportation not more than the following private points of access (ingress/egress) from perimeter public rights-of-way:
  - 1. Four (4) accesses from Old Wake Forest Road;
  - 2. Six (6) accesses from Triangle Town Boulevard;
  - 3. Four (4) accesses from Fox Road; and
  - 4. Five (5) accesses from Oak Forest Road extension if applicable.

A minimum of ten (10) of these points of access shall provide a means for connecting through the project.

The solid arrows on Exhibit 4 depict possible points of ingress/egress from public streets to secondary accessways. Secondary accessways do not necessarily commit that through access across the site via a direct route can be obtained from that facility.

The outlined arrows depict possible points of ingress and egress whereby a vehicle can enter into a primary vehicular pedestrian way that shall provide either a direct route through the site to an opposing public street or connect to other primary vehicular pedestrian ways that connect directly to perimeter public streets.

Nothing in these statements shall be construed as requiring any solid arrow access point to not provide connectivity across the site though the resulting route may be circuitous and may require going through a parking lot where the secondary accessway becomes a parking lot site.

Nothing in this condition shall prohibit the substitution of a public street for either a primary or secondary accessway arrow as depicted on Exhibit 4.

Where these illustrated points of ingress/egress occur (as depicted on Exhibit 4) at a primary or secondary accessway that is not a dedicated public street, then the following shall apply to the primary or secondary accessway:

- i. There shall be at least one travel lane in each direction 12 feet in width with two and one-half (2 ½') foot wide curb and gutter along the outside of each lane;
- ii. There may be on-street parking along the accessway provided appropriate additional pavement is added to accommodate the desired parking, said parking shall be either parallel or angled at a maximum angle of sixty (60) degrees to the travel lane;
- iii. If the accessway is categorized as a primary vehicular/pedestrian way on Exhibit 3, then the accessway shall not be intersected by driveway aisles for ninety (90) degree parking bays more frequently than one aisle ("T" type intersection or crossing type intersection) every one hundred and fifty (150') linear feet along the centerline of the accessway. In such instances, said parking bays shall run perpendicular to the primary accessway; and



- iv. Where these accessways intersect or connect to public streets additional lanes shall be added to accommodate turning movements as required by the City Department of Transportation.
  - v. If the accessway is categorized as a secondary accessway on Exhibit 3, then the frequency by which it may be intersected with ninety (90) degree parking aisles or parking stalls shall not be limited.
- I. Upon subdivision of the subject tract into smaller parcels for development, all resulting parcels shall be cross-connected to a minimum of one other adjacent parcel via either a shared or a cross-access facility and related easement. A shared access facility would be a single driveway straddling a common parcel boundary line. A cross-access facility would be located entirely on one parcel and continue onto the adjacent parcel. All shared access and cross-access facilities shall connect through to both public streets and the internal private primary vehicular pedestrian ways.
- J. Pedestrian crosswalks shall be provided within the project and on the perimeter public streets. At a minimum the following such crosswalks shall be requested to be approved by the City of Raleigh Department of Transportation:
- 1. One on Old Wake Forest Road;
  - 2. Two on Sumner Boulevard;
  - 3. One on Fox Road; and
  - 4. One on Oak Forest Road extension (if applicable).
- K. Sidewalks or pedestrian pathways shall be provided to create direct pedestrian interconnectivity between all resulting developments within each land use bubble and from bubble to bubble, said land use bubbles being illustrated on Exhibit 1.
- Pedestrian pathways shall consist of either sidewalks (concrete, asphalt or other acceptable pavements) that run along either streets, accessways, or cross-country as trail-like facilities.
- L. Exhibits 1,2,3,4 are provided as “filter” maps to illustrate respective conditions. As “filter” maps they shall be considered as being separate layers that when placed one atop the other combine to form a package that provides a total vision for the development of this project
- M. Full movement driveway accesses on Triangle Town Boulevard shall not be within three hundred (300') feet of the centerlines of Sumner Boulevard and Old Wake Forest Road.
- N. Roof HVAC units shall be screened from view from residential units fronting along Fox Road.
- O. Building and area lighting along Fox Road shall have lighting (freestanding and wall mounted) that shields the view of the light source from residential units along Fox Road.
- P. On-street parking on public streets shall occur in conformance with City Code.
- Q. All private accessways (Primary, Secondary, Alleys etc.) shall be governed by cross-access and maintenance covenants to assure their continued availability for use by the motoring public, and to provide for the right of public maintenance as may be necessary. Similarly, private maintenance for certain public street elements may be provided to the developer where approved by the City Council.
- R. Mixed-use includes provisions for ground floor retail and services with either upper story office or residential uses, or both; or a mix of land uses in separate buildings within convenient walking distance of each other and developed in conjunction with one another.

S. Signage Controls

If the signs cited herein are permissible within the designated areas according to City of Raleigh Code Section 10-2083.2, then they shall be limited as follows:

1. Ground High Profile Signs
  - a. Said signs shall be prohibited anywhere within the zoned area.
2. Ground Medium Profile Signs
  - a. Limited to a total of two (2) signs in the Pedestrian Friendly Village Core Area (see Exhibit 2).
  - b. Limited to a total of three (3) signs in the Mixed Use Neighborhood Center Retail and/or Mixed Use Retail, Office, Residential, Civic Areas (see Exhibit 1).
  - c. Said signs shall be prohibited anywhere within the zoned area within one hundred (100') feet of the right-of-way of Fox Road.

T. Limitations on Drive-thru Facilities:

Land uses with drive-thru (including pick up, or drive-up) facilities shall be limited as set forth herein within the denominated areas:

1. A total of two (2) drive-thru facilities shall be permitted in the "Pedestrian Friendly Village Core Area" (see Exhibit 2). Land uses within said drive-thru facilities shall be sited no more than (50') feet from the right-of-way of either Triangle Town Boulevard or Sumner Boulevard.
2. A total of three (3) drive-thru facilities shall be permitted in "Mixed-use Neighborhood Center Retail and/or Mixed-use retail, Office, Residential, Civic Areas (see Exhibit 1).
3. In the Old Wake Forest Road Mixed Use Area (see Exhibit 2), drive-thru windows shall be prohibited within one hundred and fifty (150') feet of the right-of-way of Fox Road. In the remainder of the zoned area, drive-thru windows shall be prohibited within one hundred (100') feet of the right-of-way of Fox Road.

**II PEDESTRIAN FRIENDLY VILLAGE CORE (See Exhibits 1-4 and 6 )**

Exhibit 2 identifies the area within the project where a Pedestrian Friendly Village Core style of development shall occur. Within this defined area the project shall cause to be developed, at a minimum, 1600 linear feet of the single sides of the block profiles that are consistent with the standards and elements for a Pedestrian Friendly Village Core as set forth herein. As sides of the block profiles develop incrementally in segments, no segment shall have less than fifty (50') feet of frontage along the profile for a mixed use building that is constructed in phases, or one hundred (100) feet of lot frontage if the building is for a free standing single land use. A "block profile" is a length of either public street or private accessway between two (2) intersecting public streets or private accessways (both public, both private, or one public and one private). A block profile has two sides, one on each side of the street, or accessways between the required intersections. The Pedestrian Friendly Village Core shall be a pedestrian-oriented area of development where the following elements occur:

- A. Access shall be provided by either public streets or private primary vehicular/pedestrian ways, or private secondary accessways meeting the criteria of condition I-H;
- B. Pedestrian circulation shall be accommodated with sidewalks on both sides of the street that are a minimum of ten (10') feet wide exclusive of areas where "streetscape" plantings are planted directly into the ground along with the periodic installation of benches and ornamental street furnishings at a rate of one bench and two trash receptacles per block face along with pedestrian scaled lighting;
- C. Buildings shall be set back not more than 20 feet from the back of the curb on private vehicular pedestrian ways or the right-of-way of public streets except in designated pedestrian gathering spots, (outdoor café, galleries, or similar extensions of business or

pedestrian plazas, etc), where the gathering spot pavement extends a minimum of twenty-five (25') feet (including any planting strip) from the back of the curb (i.e. sidewalk café areas, sidewalk art gallery areas, pedestrian plaza areas, etc.);

- D. Streetscape plantings shall occur in either:
1. Street medians and planting cut-outs (i.e. tree wells with grates) in the sidewalks or planting strips located between the sidewalk and the street or on-street parking spaces;
  2. Street buffers between slip roads accommodating parking and the street travel lanes along with planting cutouts in the sidewalks or planting strips located between the sidewalk and the curb of either the street travel lane or the on-street parking spaces. Slip Roads shall consist of a single travel lane parallel to the through travel lanes by which parking spaces are accessed (See Slip Road Alternative Plan view on Exhibit 7);
  3. Parking stall planting spaces (where instead of a parking space one or more stalls are used for planting) where the stall is either angled or perpendicular to the travel lanes and within eight (8) feet or less of the travel lane.
  4. Combinations of any of the above.
- Streetscape plantings shall, at a minimum, consist of the tree and shrub plantings established for the private primary vehicular pedestrian ways set forth in Condition III-B.
- E. Land uses within the Pedestrian Friendly Village Core shall consist of combinations of retail, office, residential and civic land uses (including public squares, transit facilities, etc). In order to qualify as being part of the required 1600' linear feet of sides of block profiles in the Pedestrian Friendly Village Core, land uses shall occur along the block profiles in one or more of the following ways:
1. As a series of individual buildings along each side of the block profile with each building containing a different single land use;
  2. All buildings on both sides of the block profile contain the same land uses;
  3. All buildings on one side of the block profile contain the same land uses while all buildings on the opposing side of the block profile contain different land uses;
  4. As mixed use buildings where each building contains more than one land use with each use comprising at least five (5%) percent of the Floor Area Gross of the building; or
  5. Buildings facing any building or parking lot screening area in the Retail Core, Pedestrian Friendly Core, or Sumner Boulevard Environs where said parking lot screening satisfies the requirement of condition II-G or II-H.
  6. Any combination of 1-5 above.

Prior to establishing any block profile that would qualify toward the 1600' linear foot requirement of the pedestrian Friendly Village Core the developer shall provide a statement to City Staff indicating where qualified block profiles shall occur. Said statement shall be amendable. As site plans are submitted within the designated Pedestrian Friendly Village Core, running totals shall be provided comparing the amount of Village Core Area that has been submitted for development to the 1600 linear feet that area required. "Land Use" shall be any use listed on the Schedule of Permitted Land Uses in zoning districts, Raleigh City Code Section 10-Z071 or any retail use defined in Raleigh City Code Section 10-8002.

- F. Unless otherwise required by the N. C. Building Code, buildings along the sides of the block profile in the Pedestrian Friendly Village Core shall not be separated by more than seventy (70') feet as measured along the public street or private accessway frontage, unless to accommodate physical constraints such as storm water detention devices, bio-retention areas, or changes in elevation of more than three (3') feet, or by off-street parking areas where vehicular surface areas of said parking areas occur within thirty-five (35') feet of the outermost edge (edge farthest away from the travel lane of the street or private drive) of the sidewalk. In such instances, not more than fifty (50%) percent of the cumulative length of both sides of the respective block profile can be devoted to such off-street parking areas (i.e. if each side of the block profile is 380' in length from the center of the intersection to the

center of the intersection, the cumulative length is 760', the total length of off-street parking allowed would be 380' divided between the two (2) sides of the block profile.)

- G. Either buildings, plant materials, or amenity features will be used to screen any off-street parking areas within a given block face. Screening shall mean creating a visual opaqueness where at least seventy-five (75) percent of the vertical rectangular plane in conformance with Raleigh City Code Section 10-2082.6 (b) (1) is achieved to a height of five feet above the grade of the sidewalk. A combination of shade trees (evergreen or deciduous), understory trees and evergreen shrubs shall be used to create this screen. Landscape amenity features, if used, shall be items such as public art or sculpture, ornamental walls, fountains, closed fences etc, which combine with plantings to achieve said standard. (see Exhibit 6).
- H. In situations within the Pedestrian Friendly Village Core where gaps of fifty (50') feet or more occur between buildings and off-street parking also occurs within thirty-five (35') feet of the outermost edge of the sidewalk within said gap, (see II-F above) and a landscape amenity feature (as set forth in condition II-G above) is not employed, the gap shall be landscaped with a minimum of one (1) 2.5 inch caliper shade tree every thirty five (35') linear feet, one (1) one inch (1") caliper understory tree every fifty (50') linear feet, or a portion thereof, and one (1) evergreen shrub every five (5') linear feet, or a portion thereof. Said shrubs to be a minimum of eighteen (18") inches high at installation and to be of a species that shall attain a minimum mature height of five (5) feet and a minimum spread of three (3) feet. Where the gap is less than fifty (50') feet in length and, off-street parking is more than thirty-five feet from the outermost edge of the sidewalk, the same rates of shade trees and evergreen shrubs shall apply while still meeting the provisions of Raleigh City Code Section 10-2082.6 (b) (1).

All trees and shrubs required to meet this condition may also be counted as required vehicular surface area plantings.

If grade changes occur between the pedestrian way and the parking that is to be screened, then the trees and sixty (60%) percent of the required shrubs shall be planted in the uppermost portion of the common slope (see Exhibit 6).

An exception to these planting requirements shall be permissible if a planting area is to be used for bio-retention purposes.

- I. Sides of block profiles created by the Pedestrian Friendly Village Core style of development shall possess two (2) or more of the following traits:
  - 1. A continuous building for the length of the side of the block profile;
  - 2. Separate buildings along the block profiles with either intervening pedestrian connectors to facilities behind the buildings; landscape screening for off-street parking areas that open to the block profile (not including driveways and related sight triangles); pedestrian plazas; or pedestrian gathering spots (outdoor cafes, outdoor vending areas, information kiosks, restroom facilities, galleries, or other similar extensions of businesses);
  - 3. Buildings facing each other (either directly, or by partially overlapping one another) on opposing sides of block profiles;
  - 4. Buildings on one side of the block profile facing either landscaped areas meeting the standards of condition II-H above or pedestrian gathering spot on the opposing side of the block profile; and
  - 5. Buildings on one side of the block profile facing parking lot screening areas in either the Retail Core, Pedestrian Friendly Village, or Sumner Boulevard Environs, where said parking lot screening meets, or exceeds, the standards set forth in conditions II-G or II-H and the maximum length of the parking lot area complies with the provisions of condition II-F above.

The Pedestrian Friendly Village Core style of development shall be consistent with the guidelines of the Triangle Town Center Small Area Plan for retail development along thoroughfares, collector or local access streets to the extent permitted by the City Code. In order to achieve those guidelines articulated designs and facilities shall be incorporated to effect more walkable and pedestrian friendly areas. More specific cross-sections, other than those in the guidelines or contained herein, to implement those patterns of development shall be submitted and approved by the City Council as a part of site plan approval.

### **III INTERNAL CIRCULATION SYSTEM (SEE EXHIBIT 3)**

#### **A. The System**

A system of public streets, primary vehicular/pedestrian ways and secondary accessways shall be developed thorough the site consistent with the pattern of such ways as generally illustrated on Exhibit 3.

1. The northern component of this system shall be the Northern East-West connector that shall run generally parallel to the south right-of-way of Old Wake Forest Road. This facility shall create a linkage between Triangle Towne Boulevard, North-South Connector component of the vehicular pedestrian system, the pedestrian access point with the Northeast quadrant area as defined in the Triangle Town Commons Small Area Plan (Bobby Murray parcel (Wake County PIN# 1727.20-81-6589) on the north side of Old Wake Forest Road and Old Wake Forest Road. If approved by the City Council it shall continue on to Fox Road as either a vehicular/pedestrian facility. If it is not approved as a vehicular connection to Fox Road, it shall continue as a pedestrian connector to Fox Road.
2. The North-South Connector proposed by the Triangle Town Center Small Area Plan shall run generally parallel to Triangle Town Boulevard at a minimum distance of two hundred (200') feet east of the eastern right-of-way of Triangle Town Boulevard. The North-South connector at its northern beginning point at Old Wake Forest Road and southern ending point within the projected Oak Forest Road shall extend a pedestrian crossing across Old Wake Forest Road and Oak Forest Road, respectively. Space shall be set aside for a minimum of one bus stop with a shelter along the North-South connector. Said bus stop space and access shall be provided in an easement approved by the City Attorney, if located on private property.
3. All primary vehicular/pedestrian ways, and secondary accessways, illustrated on Exhibit 3, shall be fully implemented incrementally as the abutting sites to them develop.
4. In addition to Sumner Boulevard and the northern component generally parallel to Old Wake Forest Road described above, there shall be a southern east-west facility in the area south of Sumner Boulevard that shall extend from Fox Road to Triangle Town Boulevard.
5. There shall also be two north-south facilities south of Sumner Boulevard. One shall be the southern extension of the North-South Connector described above. The other shall run generally parallel to Fox Road from the approximate mid-point of Sumner Boulevard and either connect over to the North-South Connector or connect directly to Oak Forest Road extension.

#### **B. Characteristics (See Exhibit 8)**

1. Private Primary Vehicular/Pedestrian Ways shall consist of:
  - a. One travel lane in each direction;
  - b. On-street vehicular parking for at least twenty (20%) percent of the length of a given side of a block profile;
  - c. Oversized sidewalks, with a minimum ten (10') foot width on:
    - i. both sides in locations with retail uses; or
    - ii. at least one side in locations with office uses.

- d. Sidewalks in residential areas shall be a minimum width of six (6) feet on at least one side of the accessway, or ten (10') feet in combination with bike paths.
- e. Streetscape plantings with either:
  - i. Street medians;
  - ii. Planting strips occurring between the roadway or parking stall curb and the sidewalk;
  - iii. Tree planting grates as cut-outs on the sidewalk;
  - iv. Parking stall planting spaces (where instead of a parking space one or more stalls are used for planting); where the stalls are either angled or perpendicular to the travel lanes and are within eight (8) feet or less of the travel lane; or
  - v. Combination of the above.

Streetscape for the Private Primary Vehicular Pedestrian ways shall consist of two (2) two and one-half inch (2.5") caliper shade trees and six shrubs every forty (40') linear feet. (One (1) tree and three (3) shrubs on each side every forty linear feet). Where a street median is used, the planting rate shall increase to three (3) shade trees, and eight (8) shrubs per forty (40') linear feet with the additional tree and two (2) shrubs located within the median. Said shrubs to be either evergreen or ornamental, a minimum height of twelve (12") inches at installation and of a species that shall attain a minimum mature height of two and one-half (2.5') feet.

- 2. Private Secondary accessways shall consist of:
  - a. One travel lane in each direction;
  - b. A standard five (5') foot wide sidewalk on at least one side (The sidewalk on the other side may be larger as prescribed elsewhere in these conditions. See III-B-1 above).
  - c. Streetscape plantings in either:
    - i. Planting strips occurring between the roadway or parking stall curb and the sidewalk;
    - ii. Tree planting grates as cut outs on the sidewalk;
    - iii. Parking stall planting space (where instead of a parking space one or more stalls are used for planting); where the stall is either angled or perpendicular to the travel lanes and within eight (8) feet or less of the travel lanes; or
    - iv. A combination of the above.

Streetscapes on private secondary accessways shall consist of two (2) two (2") inch caliper shade trees every fifty (50') linear feet (one tree per side every fifty (50') linear feet).

- 3. Where landscaped strips are used along the back of curbs for on-street parking stalls (angled or parallel) on either the primary or secondary accessways described herein, a two (2') foot wide footpath shall be provided adjacent to the back of the curb with periodic two (2') foot wide pathway connections to the sidewalk. Where parking stalls are designated for handicapped parking, plantings shall either not occur, or they shall be set back at least four (4') feet from the curb and the pathway connection to the main sidewalk shall be three (3') feet wide.

#### C. Roadway Standards (See Exhibit 7)

- 1. Travel lanes for non-median divided accessways (primary and secondary) set forth herein shall be twelve (12') feet in width with two and one-half (2 ½') feet curb and gutter on each side. For median divided accessways the lanes shall be a minimum of ten (10') feet in width. In both instances, lane widths are intended to be of a dimension that is acceptable to the City Department of Transportation as alternate laneage than what would otherwise be required on Fox Road, Sumner Boulevard, Triangle Town Boulevard, Oak Forest Road, or Old Wake Forest Road. Where on-street parking is employed, the

pavement shall be widened to accommodate said spaces as follows in accordance with the City Code, as amended:

- a. For parallel parking an eight and one half (8 ½') feet wide pavement strip shall be added. At the time of development, if the City Code has been amended to permit on-street parking on public streets and parallel parking is added to a public street an additional four (4') foot wide pavement buffer shall be added between the edge of the travel lane and the side of the space (See Exhibit 7).
- b. For angled parking less than ninety (90) degrees appropriate paving per the City of Raleigh Street, Sidewalks and Driveway Access Handbook shall be added to accommodate the respective angled spaces that are used. At the time of development, if the City Code has been amended to permit on-street parking on public streets and when angled parking is added to a public street, in addition to the pavement required for the parking stall a pavement buffer zone of not less than six (6') feet wide shall be included between the outside edge of the travel lane and the end of the parking stall as a maneuvering area and safety feature (See Exhibit 7).
- c. Ninety (90) degree parking stalls shall not be used on the primary vehicular pedestrian ways.
- d. Where a median is provided it shall be a minimum width of eight (8') feet from back of curb to back of curb. Plantings within any minimum eight (8') feet wide median shall consist of either shrubs or ground cover or a combination thereof where the mature height of said materials does not exceed two (2) feet.

#### **IV SUMNER BOULEVARD ENVIRONS (See Exhibit 2)**

Sumner Boulevard shall be an integral linkage between the Pedestrian Friendly Community Area, the Pedestrian Friendly Village Core Areas and the Retail Core. In this capacity, Sumner Boulevard shall possess a variety of characteristics.

##### **A. Characteristics**

1. Sumner Boulevard shall be a public street within a dedicated street right-of-way.
2. Sumner Boulevard shall provide a minimum of one travel lane in each direction. It shall provide additional lanes for turning movements at intersections as may be required by the City of Raleigh Department of Transportation.
3. If permissible by City Code at the time of site plan submittal, on-street parking in the form of either parallel or angled spaces not exceeding sixty (60) degrees shall be added to the width of Sumner Boulevard. Where such parking is added, a buffer zone of pavement shall be added between the end, or side, of the parking stall and the outside edge of the travel lane. For angled parking, this buffer shall be six (6') feet in width. For parallel spaces it shall be four (4') feet in width.
4. Where mid-block pedestrian crossings occur the closest point of any adjacent on-street parking as permitted by City Code shall be fifteen (15') feet from either side of the crosswalk. Landscaping provided on either side of the crosswalk shall not screen pedestrian visibility more than two feet (2') above the pavement within ten (10') feet of the edge of the travel lane.
5. Buildings shall not be setback more than twenty (20') feet from the right-of-way of Sumner Boulevard unless to accommodate a pedestrian gathering spot as set forth in Condition II-C.
6. A site for a bus stop with shelters shall be provided adjacent to Sumner Boulevard, other than any such site provided in conjunction with the intersection of the North-South Connector and Sumner Boulevard as may result from condition III-A-2 above. Said bus stop shall be located either in additional public street right-of-way or within an easement approved by the City Attorney.

##### **B. Circulation**

1. If permissible by City Code, at the time of site plan submittal, on-street parking shall be incorporated along Sumner Boulevard. At a minimum, the types of on-street parking to be considered shall be parallel or angled parking stalls. Where the on-street parking is incorporated, additional pavement shall be provided to accommodate the spaces. Design guidelines to be followed for incorporating on-street parking on Sumner Boulevard are provided on Exhibit 7.
  2. To provide continuity of North-South access across the site the applicant shall propose for approval by the City of Raleigh Department of Transportation a minimum of two (2) full service (four-legged) intersections on Sumner Boulevard as generally depicted on Exhibit 4. Other "T" types of driveway connections shall also be proposed along Sumner Boulevard.
- C. Land use
1. For the portion of the property south of Sumner Boulevard to Oak Forest Road building setbacks shall not exceed a twenty (20') foot front setback from either a public street right-of-way or the back of the curb on any private accessway unless to accommodate a pedestrian gathering spot as set forth in condition II-C. Further, a minimum of ten (10%) percent of the linear footage of the sides of the block profiles as measured along the centerline of any private or public street creating the sides of the block profiles shall be developed with mixed uses in the manner prescribed in condition II-E (1) (3) (4) (5) or combinations thereof (with retail occurring only in the locations prescribed in Exhibit 1).
  2. Along the portion of Sumner Boulevard not designated for Pedestrian Friendly Village Core style of development on Exhibit 2, buildings shall not be setback more than twenty (20') feet from the right-of-way unless a larger setback is required to accommodate an enlarged public/pedestrian space.
- D. Landscape
1. Where vehicular surface areas occur more than fifty (50) feet from the right-of-way of and otherwise are visible from Sumner Boulevard, said vehicular surface areas shall be screened along their perimeter with landscaping or landscaping amenity features as set forth in either condition II-G and II-H.

## **V. PEDESTRIAN FRIENDLY COMMUNITY AREA (See Exhibits 1 and 2 )**

Exhibit 2 illustrates where within the subject site a Pedestrian Friendly Community shall be developed. The Pedestrian Friendly Community shall possess many of the characteristics of the Pedestrian Friendly Village Core but with more emphasis given to office, residential and open space use.

- A. Characteristics of the Pedestrian Friendly Community Area
1. Major vehicular circulation shall be accommodated by the public streets, private primary vehicular/pedestrian ways and secondary private accessways set forth on Exhibit 3. These facilities shall be supplemented with alleyways and connecting parking area driveways to create a finer grid of connectivity within the area.
  2. Direct pedestrian connectivity shall be provided by either sidewalks along the primary and secondary accessways or via pathways or trail facilities. The resulting network of pedestrian facilities shall provide direct connectivity within individual site development areas and to adjacent site development areas (within residential sites with connections to adjacent residential, office or mixed use areas). These sidewalks or pathways when fully developed shall provide a variety of options for direct pedestrian connection throughout the Pedestrian Friendly Community and to the Pedestrian Friendly Village Core areas and retail area north of Sumner Boulevard.



3. Streetscapes shall be consistent with the planting and sidewalk standards for primary pedestrian accessways and secondary accesses set forth in condition III-B-1 or III-B-2 herein.
- B. Land Use Characteristics (See Exhibit 1)
1. The general pattern of land uses shall be consistent with the pattern shown on Exhibit 1 for the Pedestrian Friendly Community Area.
  2. Retail uses shall be confined to the retail and mixed use areas permitting retail and the neighborhood center area as illustrated on Exhibit 1.
  3. Within the neighborhood retail center the primary anchor(s) shall be limited to a food store not exceeding 75,000 square feet of floor area gross, and one other retail store as an anchor that does not exceed 50,000 square feet of floor area gross. Additional small retail stores shall also be permitted.
  4. Within the Pedestrian Friendly Community, building setbacks shall not exceed a twenty (20') foot front yard setback from either the back of the curb on private accessways or the right-of-way line on public streets unless to accommodate a pedestrian gathering spot as set forth in condition II-C.
  5. A minimum of ten (10%) percent of the linear footage of the block profiles within the Pedestrian Friendly Community shall be mixed-use block profiles. The minimum incremental length of mixed use development along a side of a block profile shall be fifty (50') feet for a phased mixed use building or hundred (100') feet of frontage if the building is for a free standing single land use. These mixed use sides of the block profiles shall occur in one or more of the following ways:
    - a. Individual buildings containing different land uses;
    - b. All buildings on one side of the block profile contain the same uses while all buildings on the opposite side of the block profile contain a different use;
    - c. Mixed use buildings along each opposing side of the block profile (mixed-use buildings shall contain more than one land use i.e. residential land use, commercial land use, office land use etc.); Comprising at least five (5) percent of the floor area gross of the building; or
    - d. Any combination of the above.
  6. Development along Fox Road south of the intersection of Sumner Boulevard shall consist of the following land uses:
    - a. Within the first six hundred (600') feet south of the Sumner Boulevard-Fox Road intersection land uses shall consist of retail, office, residential and mixed use; with only office, residential, or mixed use (not including retail) occurring within seventy five (75') feet of this portion of the Fox Road right-of-way;
    - b. The remaining frontage on Fox Road south to the property line shall be developed in either a mix of office and residential or all office or all residential uses; and
    - c. For a distance of two hundred (200') feet west of the western right-of-way line of Fox Road between Sumner Boulevard and the southern boundary of the subject parcel, building heights shall be limited to a maximum of three occupied stories / (55') feet with building setbacks meeting the requirements of Raleigh City Code Section 10-2041 (d) (3).

## **VI. OLD WAKE FOREST ROAD MIXED USE AREA (See Exhibits 1 and 2)**

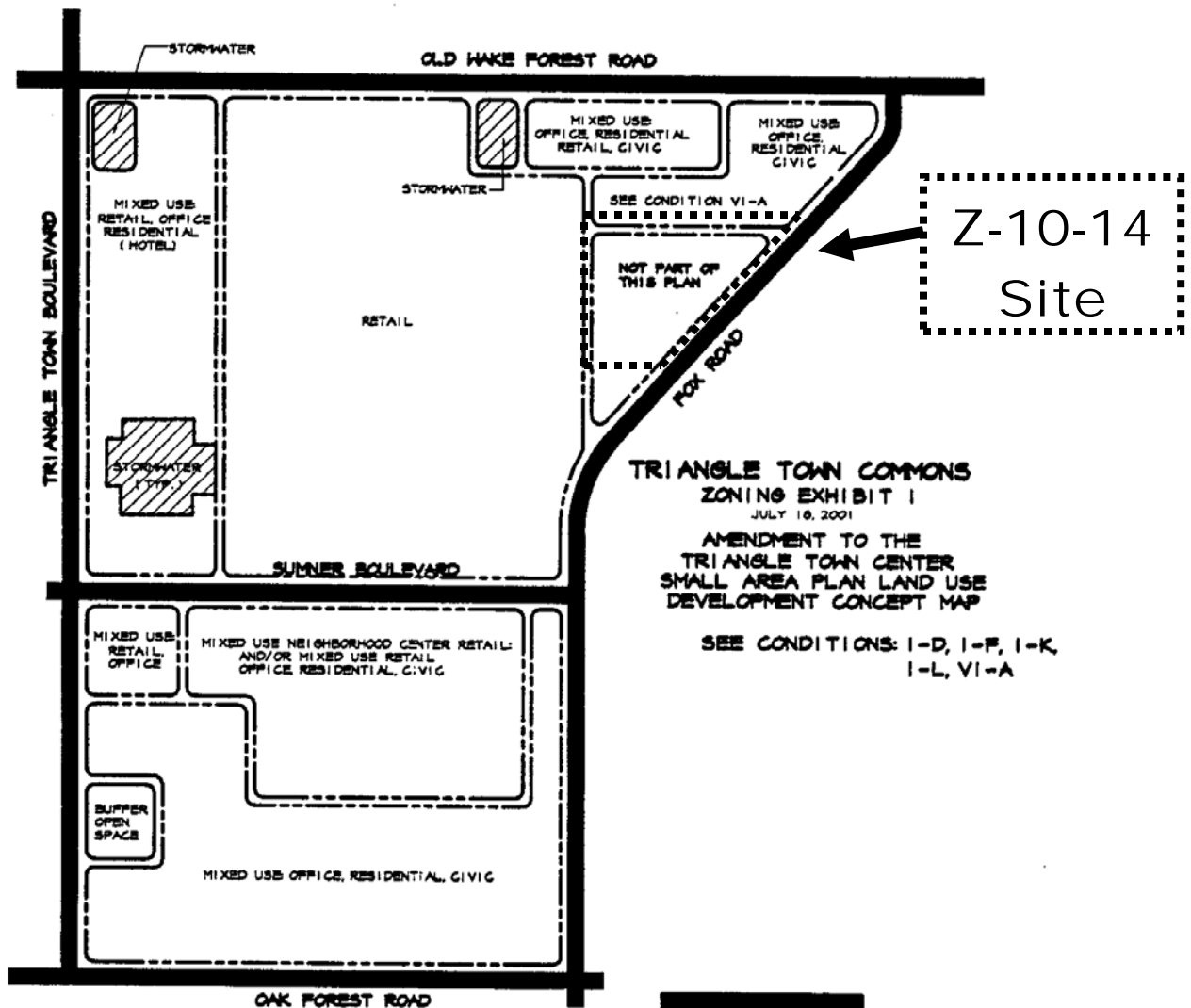
- A. Within the portion of the subject site located 150 feet west of the Intersection of Old Wake Forest Road and Fox Road as measured, along the south boundary of Old Wake Forest Road, land uses shall be limited to office, residential, or civic uses.
- B. Exhibit 5 depicts the manner by which "T" type and "four-legged" ingress/egress access points and mid-block pedestrian crossing shall be designed along Old Wake Forest Road.

This exhibit also generally indicates where these types of facilities shall be requested to be approved, along with the general spacing indicated on the Exhibit along the Old Wake Forest frontage.

- C. Where vehicular surface areas serving parking lots occur more than fifty (50') feet of the right-of-way of Old Wake Forest Road and would otherwise be visible from Old Wake Forest Road, said vehicular surface areas shall be screened along their Old Wake forest Road frontage to satisfy the requirements of either II-G or II-H herein.
- D. The pedestrian connector to the northeast quadrant (Murray Parcel Wake County PIN# 1727.20-81-6589) required by condition III-A-1 herein shall be constructed in one of the following ways:
  - i. If built within ten (10') feet of the back of curb for a private accessway it shall be landscaped with two (2) two and one-half (2 1/2") inch caliper shade trees per forty (40') linear feet (one tree on each side of the sidewalk every forty (40') linear feet;
  - ii. If built more than ten (10') feet from the back of curb for a private accessway it shall be landscaped with two (2) two and one-half (2 1/2") inch caliper shade trees and eight (8) shrubs per forty (40') linear feet. Said shrubs shall be a minimum height of eighteen (18") inches at installation and achieve a mature height of three (3') feet and a spread of two and one-half (2 ½) feet within five years of planting, (one tree and four (4) shrubs on each side of the sidewalk every forty (40') linear feet); and
  - iii. In either instance above, the walk shall be eight (8') feet in width.

## **VII. RETAIL CORE (See Exhibits 1 and 2)**

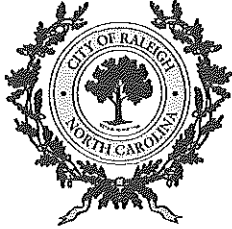
- A. Pedestrian connections shall be provided into the main retail area from the North South Connector (Condition III A-2), the Northern East-West Connector (Condition III-A-1) and Sumner Boulevard.
- B. As part of site plan approval, building elevations shall be provided for all sides of buildings illustrating a consistency of architectural design for all sides.
- C. Where vehicular surface areas occur more than fifty (50') feet from the edge of the right-of-way of Sumner Boulevard and would otherwise be visible from the pedestrian Friendly Village Core, Sumner Boulevard environs, or the Pedestrian Friendly Community, said vehicular surface areas shall be screened along the perimeter with landscaping or landscape amenity features as set forth in condition II-G and II-H.



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# Planning & Development

## Development Services Customer Service Center

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

2:59 pm  
3/4/14  
JAH

## Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use      XX <input type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan  Existing Zoning Classification: <u>R-1</u> → <u>SC CUD</u> Proposed Zoning Classification Base District <u>CX</u> Height <u>5</u> Frontage <u>PL</u>  If the property has been previously rezoned, provide the rezoning case number. <u>N/A</u>  Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. <u>Transaction Number 382274</u>	Transaction Number  <u>382274</u>  <u>Z-10-14</u>

GENERAL INFORMATION		
Property Addresses: 6319 Fox Road and 6205 Fox Road (hereinafter referred to as "the Property")		Date: March 3, 2014
Property PIN Nos. 1727-80-6335 and 1727-80-5111		
Nearest Intersection: Fox Road and Old Wake Forest Road		Property size (in acres) : 3.69 +/- acres
Property Owners:	Phone N/A	Fax N/A
Dorothy Horton, Howard C. Dunn, Pearly Smith, Valeria Dunn, Jimmy Dunn and Bettie Dunn Jones	Email N/A	
Project Contact Persons Chad W. Essick                      and                      Dane J. Sambrick Poyner Spruill LLP                      Sambrick Companies PO Box 1801                      4944 Windy Hill Drive Raleigh, NC 27602-1801                      Raleigh, NC 27609	Phone Chad Essick: 919-783-2896 Dane Sambrick: 919-602-0678	Fax 919-783-1075 (C. Essick)
		Email: <a href="mailto:cessick@poynerspruill.com">cessick@poynerspruill.com</a> <a href="mailto:dsambrick@sambrickconstruction.com">dsambrick@sambrickconstruction.com</a>
Owner/Agent Signature:	Email: N/A	
<u>See</u> Attached Exhibit #1 (multiple pages)		

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



# Planning & Development

Revision 10.16.13

**Development Services  
Customer Service Center**

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

Conditional Use District Zoning Conditions	OFFICE USE ONLY
Zoning Case Number: Z-10-14	Transaction Number
Date Submitted: September 10, 2014	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following uses shall be prohibited: dormitory, fraternity, sorority; emergency shelter – all types; adult establishment; passenger terminal – all types; telecommunication tower – all types; vehicle sales/rental – all types; detention center, jail, prison; light manufacturing – all types; self service storage – all types; bar, nightclub, tavern, lounge; pawnshop; vehicular fuel sales.
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These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Revision 10.16.13

Owner/Agent Signature <i>Bettie J. Dunn</i>	Print Name <i>Bettie J. Dunn</i>



# Planning & Development

Revision 10.16.13

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Revision 10.16.13

Owner/Agent Signature <i>Bettie Dunn Jones</i>	Print Name <i>Bettie D. Jones</i>



# Planning & Development

Revision 10.16.13

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Revision 10.16.13

Owner/Agent Signature <i>Howard Dunn</i>	Print Name <i>Howard Dunn</i>



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Revision 10.16.13

Owner/Agent Signature <i>Valeria Dunn</i>	Print Name VALERIA DUNN





# Planning & Development

Revision 10.16.13

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Revision 10.16.13

Owner/Agent Signature <i>Dorothy Mae Horton</i>	Print Name Dorothy Mae Horton



# Planning & Development

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Revision 10.16.13

Owner/Agent Signature <i>Jimmy L. Dunn</i>	Print Name Jimmie L. Dunn
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## Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive plan, or that the request be reasonable and in the public interest.	Transaction Number  Zoning Case Number <b>2-10-14</b>

### STATEMENT OF CONSISTENCY

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

1. The Property is designated Community Mixed Use on the Future Land Use Map. According to the Comprehensive Plan, this category recommends the CX zoning district and heights are generally in the 3 to 5 story range. The proposed CX-5 is consistent with this Future Land Use Map guidance. The proposed zoning district would allow for a potential mix of commercial, residential and office uses as envisioned by the FLUM. Therefore, the rezoning request is consistent with LU 1.2. The rezoning request is also consistent with LU 1.3 as the use conditions proposed are consistent with the Comprehensive Plan.
2. The Property is located in the Southeast Quadrant of the Triangle Town Center Area Plan which calls for a mix of retail, office, hotel, residential and civic uses in this quadrant. The proposed rezoning would accommodate all of these potential uses and is consistent with Policy AP-TTC 5.
3. With regard to the Urban Form Map, the Property is located within an area identified as a City Growth Center and Fox Road is designated as an Urban Thoroughfare. The proposed Parking Limited frontage meets the Comprehensive Plan's recommendation for an urban or hybrid frontage approach.
4. With respect to the Growth Framework Map of the Comprehensive Plan, the Property is located on Fox Road, which the Map designates as Multi-Modal Corridor, a roadway described as similar to an urban corridor with "denser residential and commercial development." The proposed zoning district would allow for a denser residential and commercial development.

### PUBLIC BENEFITS

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

1. This rezoning request proposes to zone the property consistent with the FLUM and subjects the Property to the newly adopted UDO standards and principals for development of the Property.
2. This proposal creates an opportunity for additional retail, office and greater residential density.
3. This rezoning request would allow new development and investment on two parcels that currently have unoccupied single family dwellings located thereon. This new investment along Fox Road would make the corridor as a whole more attractive to the public and potential new investors.
- 4.

## URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

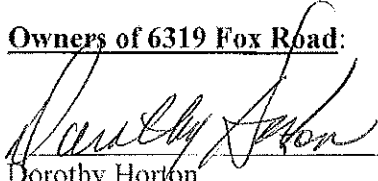
1.	<p>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</p> <p><b>Applicant's Response:</b> The proposed rezoning permits a mix of residential, office and commercial uses consistent with this guideline. The Parking Limited frontage type along Fox Road will help encourage pedestrian activity while remaining consistent with existing development.</p>
2.	<p>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.</p> <p><b>Applicant's Response:</b> The Property is primarily surrounded by commercial and institutional zoning with some low density residential to the Southeast. Article 3.5 of the UDO governing neighborhood transitions provides specific requirements regarding transition zones, including requirements for protective yards, use restrictions and height and form which adequately address this guideline.</p>
3.	<p>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.</p> <p><b>Applicant's Response:</b> The Property is adequately connected into the area's road network and no new roads are proposed.</p>
4.	<p>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.</p> <p><b>Applicant's Response:</b> As appropriate and necessary, the Applicant will provide offers of vehicular and pedestrian cross-access to adjoining properties.</p>
5.	<p>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</p> <p><b>Applicant's Response:</b> Block spaces will meet the requirements of this guideline.</p>
6.	<p>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.</p> <p><b>Applicant's Response:</b> The proposed rezoning includes a Parking Limited frontage type along Fox Road. This frontage type limits the amount of parking between the road and the building, provides a build-to line, and encourages pedestrian activity between the right-of-way and buildings.</p>
7.	<p>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</p> <p><b>Applicant's Response:</b> The Property fronts along Fox Road, which calls for an urban or hybrid frontage. The Parking Limited frontage proposed for this rezoning is a hybrid frontage that limits the amount of parking between the road and buildings to no more than one bay of double-loaded parking. This frontage is consistent with the Comprehensive Plan and this guideline given the context of the Property and the classification of Fox Road.</p>
8.	<p>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</p> <p><b>Applicant's Response:</b> The Property is not located at a street intersection.</p>
9.	<p>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</p> <p><b>Applicant's Response:</b> Section 1.5.3.B of the UDO requires that outdoor amenity areas in a Mixed-Use District be contiguous to a public sidewalk and visually permeable from the public right-of-way.</p>
10.	<p>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</p> <p><b>Applicant's Response:</b> UDO requirements governing the Parking Limited frontage and transparency adequately address this guideline.</p>
11.	<p>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</p> <p><b>Applicant's Response:</b> The zoning district proposed, together with the proposed frontage, would facilitate the pedestrian-orientated uses referenced in this guideline.</p>
12.	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</p> <p><b>Applicant's Response:</b> Outdoor amenity areas required by the UDO will have proximity to the public right-of-way.</p>

13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b><u>Applicant's Response:</u></b> The UDO standards for outdoor amenity areas require seating opportunities, consistent with this guideline.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p><b><u>Applicant's Response:</u></b> The Parking Limited frontage type proposed along Fox Road ensures that parking will not dominate site frontage on Fox Road, and that pedestrian routes will be provided between the building and the right-of-way, consistent with this guideline.</p>
15.	<p><i>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.</i></p> <p><b><u>Applicant's Response:</u></b> The Parking Limited frontage is the most appropriate frontage for this location given the context of Fox Road at this time and the surrounding development. The Parking Limited frontage permits compliance with this guideline and the Urban Form Map, but ensures flexibility to respond to the character of Fox Road and the surrounding area.</p>
16.	<p><i>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.</i></p> <p><b><u>Applicant's Response:</u></b> It is unknown whether a parking structure will be located on the Property and this guideline is more appropriately addressed at the site planning stage.</p>
17.	<p><i>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.</i></p> <p><b><u>Applicant's Response:</u></b> The entirety of the Property is within walking distance of public transit stops.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b><u>Applicant's Response:</u></b> UDO requirements ensure that development of the Property will meet the standards of this guideline.</p>
19.	<p><i>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.</i></p> <p><b><u>Applicant's Response:</u></b> There are no steep slopes, watercourses or flood plains on the Property.</p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b><u>Applicant's Response:</u></b> The standards for new streets under the UDO will be complied with, which will adequately address this guideline.</p>
21.	<p><i>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.</i></p> <p><b><u>Applicant's Response:</u></b> Sidewalk width will be determined at the time of site plan approval.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b><u>Applicant's Response:</u></b> Street trees will be provided in accordance with applicable provisions of the UDO.</p>
23.	<p><i>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.</i></p> <p><b><u>Applicant's Response:</u></b> Applicable provisions of the UDO ensure that proper spatial definition will be achieved.</p>
24.	<p><i>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.</i></p> <p><b><u>Applicant's Response:</u></b> The Parking Limited frontage type applicable to Fox Road requires a street-facing entrance on the buildings, consistent with this guideline.</p>
25.	<p><i>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.</i></p> <p><b><u>Applicant's Response:</u></b> Applicable provisions of the UDO will address pedestrian entrances, as well as transparency which will facilitate compliance with this guideline.</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b><u>Applicant's Response:</u></b> This guideline is more applicable to a more densely-packed urban development site. Nonetheless, the sidewalk along Fox Road will be focus of activity, which will be enhanced by the build-to line, street-facing entrances, pedestrian connections and building transparency required by the UDO, all consistent with this guideline.</p>

**Exhibit 1 to Rezoning Petition for 6319 and 6205 Fox Road**

The undersigned property owners hereby have knowledge of and consent to the filing of a rezoning petition by the Sambrick Companies for property they own at 6319 Fox Road (PIN No. 1727-80-6335) and/or 6205 Fox Road (PIN No. 1727-80-5111) located in Raleigh, North Carolina.

**Owners of 6319 Fox Road:**

  
Dorothy Horton

2-19-2014  
Date

\_\_\_\_\_  
Howard C. Dunn

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pearly Smith

\_\_\_\_\_  
Date

\_\_\_\_\_  
Valeria Dunn

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jimmy Dunn

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bettie Dunn Jones

\_\_\_\_\_  
Date

**Owner of 6205 Fox Road:**

\_\_\_\_\_  
Bettie Dunn Jones

\_\_\_\_\_  
Date

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**Owners of 6319 Fox Road:**

\_\_\_\_\_  
Dorothy Horton

\_\_\_\_\_  
Date

\_\_\_\_\_  
*Howard C. Dunn*  
Howard C. Dunn

\_\_\_\_\_  
*2/20/14*  
Date

\_\_\_\_\_  
Pearly Smith

\_\_\_\_\_  
Date

\_\_\_\_\_  
Valeria Dunn

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jimmy Dunn

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bettie Dunn Jones

\_\_\_\_\_  
Date

**Owner of 6205 Fox Road:**

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Bettie Dunn Jones

\_\_\_\_\_  
Date

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\_\_\_\_\_  
Dorothy Horton

\_\_\_\_\_  
Date

\_\_\_\_\_  
Howard C. Dunn

\_\_\_\_\_  
Date

*Pearly Smith*  
\_\_\_\_\_  
Pearly Smith

*2-20-2014*  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Valeria Dunn

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jimmy Dunn

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bettie Dunn Jones

\_\_\_\_\_  
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\_\_\_\_\_  
Bettie Dunn Jones

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Dorothy Horton

\_\_\_\_\_  
Date

\_\_\_\_\_  
Howard C. Dunn

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pearly Smith

\_\_\_\_\_  
Date

Valeria Dunn  
Valeria Dunn

February 14, 2014  
Date

\_\_\_\_\_  
Jimmy Dunn

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bettie Dunn Jones

\_\_\_\_\_  
Date

**Owner of 6205 Fox Road:**

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Bettie Dunn Jones

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Date

\_\_\_\_\_  
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\_\_\_\_\_  
Date

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Pearly Smith

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Date

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Valeria Dunn

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Date

  
Jimmy Dunn

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Date

2-14-14

\_\_\_\_\_  
Bettie Dunn Jones

\_\_\_\_\_  
Date

**Owner of 6205 Fox Road:**

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Bettie Dunn Jones

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**Owners of 6319 Fox Road:**

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Howard C. Dunn

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pearly Smith


\_\_\_\_\_  
Date

\_\_\_\_\_  
Valeria Dunn

\_\_\_\_\_  
Date

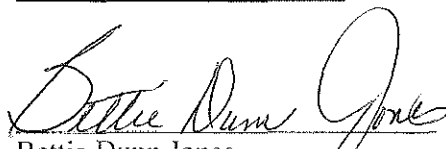
\_\_\_\_\_  
Jimmy Dunn

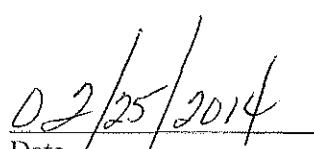
\_\_\_\_\_  
Date

  
Bettie Dunn Jones

  
Date

**Owner of 6205 Fox Road:**

  
Bettie Dunn Jones

  
Date

## PROPOSED REZONING

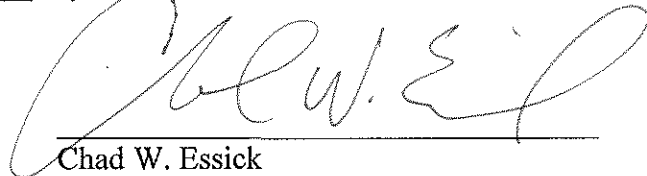
+/-3.69 Acres – 6319 and 6205 Fox Road

### REPORT OF JANUARY 22, 2014 NEIGHBORHOOD MEETING

In accordance with Section 10.2.4 of the Unified Development Ordinance, a neighborhood meeting was held with respect to this proposed rezoning case at 6:00 p.m. on Wednesday, January 22, 2014 at the office of the Sambrick Companies located at 4944 Windy Hill Drive. Attached as **Exhibit A** is a list of those persons and organizations contacted about the meeting. Those persons and organizations were mailed a letter of invitation concerning the meeting, a copy of which is attached as **Exhibit B**. The letters were mailed on or about January 8, 2014 via first class U.S. Mail.

Other than the applicant and its representatives, no one attended the neighborhood meeting. The applicant waited at the neighborhood meeting until 6:45 p.m. and then adjourned the meeting. There have been no changes to the rezoning petition subsequent to the neighborhood meeting.

Respectfully submitted this the 3<sup>rd</sup> day of March, 2014.

A handwritten signature in cursive script, appearing to read 'Chad W. Essick', written over a horizontal line.

Chad W. Essick  
Attorney for Petitioner

1727806335  
HORTON, DOROTHY DUNN, HOWARD C  
HOWARD DUNN  
13568 LITTLE GEM CIR  
FORT MYERS FL 33913-7927

1727805111  
JONES, BETTIE DUNN  
6720 PROFESSOR ST  
RALEIGH NC 27616-3173

1727901594  
SMITH, DELORES  
1710 WADSWORTH WAY  
BALTIMORE MD 21239-3125

1726797717  
DDR POYNER PLACE LP LTD PTNRP  
3300 ENTERPRISE PKWY  
BEACHWOOD OH 44122-7200

1727808635  
REDUS NC ALL LLC  
POYNER PL  
3563 PHILLIPS HWY STE 601E  
JACKSONVILLE FL 32207-5633

1727707533  
TARGET CORPORATION  
PROPERTY TAX DEPT-T1826  
PO BOX 9456  
MINNEAPOLIS MN 55440-9456

1727901245  
SPRING FOREST CONGREGATION OF  
JEHOVAH'S WITNESSES  
6320 FOX RD  
RALEIGH NC 27616-5431



1727805111  
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1726797717  
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1726894943  
DUNN, CAROLYN Y  
6200 FOX RD  
RALEIGH NC 27616-5429

1726896932  
HOOKER, ESTELLE & BENJAMIN  
6208 FOX RD  
RALEIGH NC 27616-5429

1726897972  
DUNN, WILLARD LORENZA JR & MARY J  
4205 DUNN DR  
RALEIGH NC 27616-5408

1727707533  
TARGET CORPORATION  
PROPERTY TAX DEPT-T1826  
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MINNEAPOLIS MN 55440-9456

1727806335  
HORTON, DOROTHY DUNN, HOWARD C  
HOWARD DUNN  
13568 LITTLE GEM CIR  
FORT MYERS FL 33913-7927

1727901245  
SPRING FOREST CONGREGATION OF  
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6320 FOX RD  
RALEIGH NC 27616-5431



REAL ESTATE | DEVELOPMENT | CONSTRUCTION

January 8, 2014

**Re: Notice of meeting to discuss potential rezoning of properties located on Fox Road, containing approximately 3.69 acres, with street addresses of 6319 and 6205 Fox Road, and having Wake County PIN Nos: 1727-80-6335 and 1727-80-5111 (the "Property")**

Neighboring Property Owners:

We are planning to rezone the above-referenced Property. We would like to invite you to attend a neighborhood meeting on Wednesday, January 22, 2014, at 6:00 p.m. The meeting will be held at our offices located at 4944 Windy Hill Drive in Raleigh, NC 27609.

The purpose of the meeting is to discuss our proposed rezoning of the Property, which is currently zoned Residential-1. We propose to rezone the Property to the Commercial Mixed Use (CX) District under the new Uniform Development Ordinance. This proposed CX zoning district is consistent with the City of Raleigh's Future Land Use Map for this area.

The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners within 100 feet of the area requested for rezoning. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at 919-602-0678.

Sincerely,

Dane J. Sambrick

President

