Request:

44 acres from
R-6-CU
to PD

Submittal Date
6/8/2016
Certified Recommendation
Raleigh Planning Commission

Case Information Z-16-16

<table>
<thead>
<tr>
<th>Location</th>
<th>The Cypress of Raleigh, south side of Strickland Rd, west of Harvest Oaks Dr., north of Forum Dr. and east of Lead Mine Rd. Address: 8710 Cypress Club Dr. PIN: 1708025721 and 1708121469</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request</td>
<td>Rezone property from Residential-6-Conditional Use to Planned Development (PD)</td>
</tr>
<tr>
<td>Area of Request</td>
<td>48.057 acres</td>
</tr>
<tr>
<td>Property Owner</td>
<td>Cypress of Raleigh Owners’ Association, Inc. 7101 Creedmoor Road, Suite 142 Raleigh, NC 27613</td>
</tr>
<tr>
<td>Applicant</td>
<td>Joe Whitehouse 6109 Iris Drive Raleigh, NC 27612</td>
</tr>
<tr>
<td>Citizens Advisory Council (CAC)</td>
<td>North Michael O’Sullivan (Chairperson)</td>
</tr>
<tr>
<td>PC Recommendation Deadline</td>
<td>12/26/2016</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FUTURE LAND USE</th>
<th>Medium Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>URBAN FORM</td>
<td>No Designation</td>
</tr>
</tbody>
</table>
| CONSISTENT Policies | LU 1.2 – Future Land Use Map and Zoning Consistency  
                     LU 2.1 – Placemaking  
                     LU 2.5 – Healthy Communities  
                     LU 2.6 – Zoning and Infrastructure Impacts  
                     H 4.2 – Aging in Place  
                     UD 4.3 – Improving Streetscape Design  
                     UD 6.1 – Encouraging Pedestrian-Oriented Uses |
| INCONSISTENT Policies | Name – short title |

Summary of Proposed Conditions
Not a Conditional Use Case
Public Meetings

<table>
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<th>Neighborhood Meeting</th>
<th>CAC</th>
<th>Planning Commission</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Y-28, N-0)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

☑ Valid Statutory Protest Petition (Date Filed: )

Attachments
- 1. Staff report
- 2. Master Plan
- 3. Master Plan Site Plans
- 4. Neighborhood Meeting

Planning Commission Recommendation

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Findings &amp; Reasons</th>
<th>Motion and Vote</th>
</tr>
</thead>
</table>

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 ____________ Date ____________

Staff Coordinator: Charles Dillard (919) 996-2651; charles.dillard@raleighnc.gov
Case Summary

Overview
The 48.057 acre subject site is located at the southeast corner of the intersection of Strickland Road and Lead Mine Road and contains The Cypress of Raleigh, a life care community. The Cypress is composed currently of three condominium-style "Villa" buildings, 37 Cottage/Low-rise group housing units, a Health Care facility, and a clubhouse and dining facility. The site contains a well-developed internal pedestrian network, with considerable landscaping and two large water features, in addition a number of smaller water features. An approximately 100 foot wide swatch of trees is planted on the site’s western boundary along Lead Mine Road. Additional plantings are found along the site’s remaining edges. The site’s road network is also internally-focused, with egress provided at two points – on Forum Dr. and Harvest Oaks Dr.

The Cypress was developed under a Site Plan approved in 2009 (GH-1-2009), which followed initial site plan submittals from 2004 and 2005. During the Citywide remapping, as part of Z-27-14, the site was rezoned to R-6-CU. The applicant is requesting this rezoning to allow for development of Apartment building types, which already existed prior to the R-6 remapping. In addition, the site offers a number of uses permitted in the Life Care Community, as defined in Section 6.2.3 E of the Unified Development Ordinance. The applicant has an approved building permit for one new Villa building, with plans for an additional such building, the completion of which will bring the Master Plan to full build-out.

The site is designated Medium Density Residential, which permits densities above 14 units per acre. While RX is the most appropriate zoning district for such areas, Planned Developments with use limitations can also be considered appropriate. This rezoning would permit uses allowed under the Life Care Community use definition.

The North CAC voted 28-0 in support of the case.

Outstanding Issues

<table>
<thead>
<tr>
<th>Outstanding Issues</th>
<th>Suggested Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Streetscape requirement</td>
<td>1. Fee-in-lieu at site plan stage.</td>
</tr>
<tr>
<td>2. Transit easement dedication on Strickland Rd. is requested.</td>
<td>2. Address at site plan stage.</td>
</tr>
<tr>
<td>3. Transit infrastructure may be requested.</td>
<td>3. Address at site plan stage.</td>
</tr>
</tbody>
</table>
ZONING REQUEST

Request:

44 acres from
R-6-CU
to PD

Submittal Date
6/8/2016

Map Date: 6/14/2016
Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

<table>
<thead>
<tr>
<th>Subject Property</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Zoning</td>
<td>R-6-CU OX-3-CU/RX-7-CU/R-4</td>
<td>R-4/OX-3-CU</td>
<td>R-10/R-4</td>
<td>R-4</td>
</tr>
<tr>
<td>Additiona l Overlay</td>
<td>None/None/FWPO D</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Future Land Use</td>
<td>Medium Density Residential</td>
<td>Office &amp; Residential Mixed Use/Moderate Density Residential</td>
<td>Low Density Residential/Office &amp; Residential Mixed Use</td>
<td>Moderate Density Residential/Low Density Residential</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Life Care Community</td>
<td>Office/Apartments</td>
<td>Vacant/Office</td>
<td>Apartments</td>
</tr>
<tr>
<td>Urban Form (if applicable)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>Mixed Use Center</td>
</tr>
</tbody>
</table>

1.2 Current vs. Proposed Zoning Summary

<table>
<thead>
<tr>
<th></th>
<th>Existing Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Density:</td>
<td>4.24 units/acre</td>
<td>4.24 units/acre</td>
</tr>
<tr>
<td>Setbacks:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front:</td>
<td>*Apartment Building Type 10’</td>
<td>*Apartment Building Type 10’</td>
</tr>
<tr>
<td>Side:</td>
<td>0’ or 6’</td>
<td>0’ or 6’</td>
</tr>
<tr>
<td>Rear:</td>
<td>20’</td>
<td>20’</td>
</tr>
<tr>
<td>Retail Intensity Permitted:</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Office Intensity Permitted:</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
</tr>
</tbody>
</table>

1.3 Estimated Development Intensities

<table>
<thead>
<tr>
<th></th>
<th>Existing Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Acreage</td>
<td>48.06</td>
<td>48.06</td>
</tr>
<tr>
<td>Zoning</td>
<td>R-6-CU</td>
<td>PD</td>
</tr>
<tr>
<td>Max. Gross Building SF (if applicable)</td>
<td>463,818^</td>
<td>1,021,398</td>
</tr>
<tr>
<td>Max. # of Residential Units</td>
<td>118^</td>
<td>204^</td>
</tr>
<tr>
<td>Max. Gross Office SF</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
</tr>
</tbody>
</table>
### Development Intensities

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

*This is the existing buildout on the site today.

^This is equivalent dwelling units using the UDO provisions for congregate care and rest home. The actual number of units existing today is 60 rest home beds (15 du) and 206 congregate care condos (103 du). The proposal would permit an additional 172 congregate care condos (86 du).

### Proposed Rezoning

- **Compatible** with the property and surrounding area.
- **Incompatible.**

#### Analysis of Incompatibility:

The proposal would permit additional apartment building-style condominium ("Villa") units, which are currently developed on site, along with townhouse-style condos, medical care facilities, and a club house. The surrounding uses are residential and office in nature. As such, the proposal can be considered compatible with the property and surrounding area.

### Table: Development Intensities

<table>
<thead>
<tr>
<th>Metric</th>
<th>Existing Buildout</th>
<th>Proposed Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Gross Retail SF</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Max. Gross Industrial SF</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Potential F.A.R</td>
<td>0.24*</td>
<td>0.53</td>
</tr>
</tbody>
</table>
FUTURE LAND USE MAP

Future Land Use Map Z-16-2016

Request:
44 acres from
R-6-CU
to PD

Submittal Date
6/8/2016

Map Date: 6/14/2016
2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

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

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

The proposal can be considered consistent with the vision, themes, and policies contained in the Comprehensive Plan. The proposal would allow for a Planned Development with Office Mixed Use (OX) as the underlying base district. The proposal limits a number of uses otherwise permitted in OX districts, bringing it into consistency with the Comprehensive Plan.

The Future Land Use Map designates the property for Medium Density Residential, in which RX is the most appropriate district. Because of the prohibitions on certain uses, and the development of the site as a nearly fully contained Life Care Community, the proposal can be considered consistent with the Future Land Use Map.

Community facilities and streets appear sufficient to serve the use proposed for the property.

2.2 Future Land Use

Future Land Use designation: Medium Density Residential

The rezoning request is:

- **Consistent** with the Future Land Use Map.
- **Inconsistent**

Analysis of Inconsistency:

While the Comprehensive Plan suggests RX is the most appropriate district in such areas, the proposal limits some uses otherwise permitted in OX districts. Furthermore, the proposal is for a Life Care Community, a development type intended to allow for substantial residential densities for the aging population. The non-residential uses permitted in Life Care Communities are low-impact and often necessary for a safe and healthy aging community. Finally, the Unified Development Ordinance considers Life Care Communities to be a "Residential" use.

2.3 Urban Form
Urban Form designation: N/A

☒ Not applicable (no Urban Form designation)

The rezoning request is:

☐ Consistent with the Urban Form Map.

☐ Inconsistent
   Analysis of Inconsistency:

2.4 Policy Guidance

The rezoning request is inconsistent with the following policies:

None
3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- The proposed rezoning would allow for continued development of an established Life Care Community that received a Site Plan approval in 2009.
- The proposal would bring the site into full conformance with zoning. The Citywide remapping to R-6 means that a Special Use permit is required for Life Care Communities. The PD zoning would allow for all Life Care Community uses without a Special Use permit.
- The proposal increases the inventory of housing for the aging and provides high-quality design with opportunities for active living.

3.2 Detriments of the Proposed Rezoning

- None
4. Impact Analysis

[Assess impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.]

4.1 Transportation

A Traffic Impact Analysis is not required.

Impact Identified:
1. Fees-in-lieu may be required to meet the streetscape requirements around the perimeter of the property. Where 5' sidewalks exist a fee for an additional 1’ of width would be necessary to meet the UDO 6’ sidewalk requirement.

4.2 Transit

1. Six Forks Rd is served by GoRaleigh Route 8 Six Forks
   a. Currently the terminal loop is Six Forks to Strickland to Colonnade Center
   b. The Wake County Transit Plan proposes the terminal loop to be Six Forks to Lead Mine to Harvest Oaks to Strickland
2. Please consider dedicating a 15x20’ transit easement along Strickland Rd
3. Please provide a pedestrian connection to the transit easement
4. If requested by the transit program please consider improving the transit easement
   a. Provide a 15x20’ cement pad
   b. Provide a 30’ cement landing zone between the back of curb and sidewalk
   c. ADA accessible transit waiting shelter with bench
   d. Litter container

Impact Identified:
1. Transit easement dedication on Strickland Rd. is requested.
2. Transit infrastructure may be requested.

4.3 Hydrology

<table>
<thead>
<tr>
<th>Floodplain</th>
<th>None</th>
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</thead>
<tbody>
<tr>
<td>Drainage Basin</td>
<td>Mine</td>
</tr>
<tr>
<td>Stormwater Management</td>
<td>Article 9.2 of the UDO</td>
</tr>
<tr>
<td>Overlay District</td>
<td>none</td>
</tr>
</tbody>
</table>

1. Impact Identified: Site is subject to Stormwater control regulations under Article 9.2 of the UDO. At time of future site plan submittal or permitting, site must demonstrate compliance with stormwater regulations. Existing stormwater devices on site may be utilized to address stormwater requirements under previously approved design parameters. No impacts identified.

4.4 Public Utilities

<table>
<thead>
<tr>
<th>Maximum Demand (current)</th>
<th>Maximum Demand (proposed)</th>
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</thead>
<tbody>
<tr>
<td>Water</td>
<td>21,888 GPD</td>
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<tr>
<td>Waste Water</td>
<td>21,888 GPD</td>
</tr>
</tbody>
</table>
Impact Identified: None

4.5 Parks and Recreation

1. Site is located between two greenway corridors, connectivity is most feasible along Strickland or Forum.
2. Nearest existing trail access is Baileywick Trail, 0.5 miles.
3. Recreation services are provided by Baileywick Road Park, 0.7 miles.

Impact Identified: None

4.6 Urban Forestry

Impact Identified: None

4.7 Designated Historic Resources

The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District. It does not include nor is adjacent to any National Register individually-listed properties or Raleigh Historic Landmarks

Impact Identified: None

4.8 Community Development

The site is not located within a designated Redevelopment Plan area.

Impact Identified:

4.9 Impacts Summary

1. Streetscape requirement
2. Transit easement dedication on Strickland Rd. is requested.
3. Transit infrastructure may be requested.

4.10 Mitigation of Impacts

1. Fee-in-lieu at site plan stage.
2. Address at site plan stage.
3. Address at site plan stage.
5. Conclusions

The proposal is consistent with the Comprehensive Plan and the Future Land Use Map. The proposal would allow for the full build-out of an approved site plan, including the construction of a new “Villa” condominium building that has already received a building permit. The proposed use, Life Care Community, serves a growing need in the City.
Rezoning Application

Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST

☐ General Use    ☐ Conditional Use    ■ Master Plan

Existing Zoning Classification: Residential-6-CU

Proposed Zoning Classification: Base District

Planned Development

Height: 6

Frontage: N/A

Transaction #: 466362

If the property has been previously rezoned, provide the rezoning case number: Z-06-07

Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:

471367

GENERAL INFORMATION

Property Address: 8710 Cypress Club Drive

Date: June 8, 2016

Property PIN: 1708-02-5721


Nearest Intersection: Lead Mine Road, Harvest Oaks Drive, Forum Drive and Strickland Road

Property Size (acres): 44 acres

Property Owner/Address

Cypress of Raleigh Owners' Association, Inc.

7011 Creedmoor Road, Suite 142
Raleigh, NC 27613

Phone: 919.877.8167
Fax: 919.844.7378

Email: mark@tmeinvestments.com

Project Contact Person/Address

Joe Whitehouse 802-2233
6109 Iris Drive
Raleigh, NC 27612

Phone: 919.870.9007
Fax: 919.866.1874

Email: joe@cueinc.net

Email: mpaul@morningstarlawgroup.com

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

Acre: 48.05

CXX- North

Zoning: R-6-CU

2-Bldgs: 45, 500

Driv: 99-13

24-Unit

PAGE 1 OF 9

WWW.raleighnc.gov

REVISION 04.05.16
REZONING APPLICATION ADDENDUM

Comprehensive Plan Analysis

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.

<table>
<thead>
<tr>
<th>OFFICE USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transaction #</td>
</tr>
<tr>
<td>Rezoning Case #</td>
</tr>
</tbody>
</table>

STATION 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.

The Future Land Use Map designates the property as Medium Density Residential. This category applies to 1. garden apartments, condominiums and suburban-style apartment complexes. The proposed master plan will allow the completion of a development that meets the standards for this category.

LU 2.1 says that new development should create places, streets and spaces that meet the needs of people 2. at all stages of life in a setting that is safe, attractive and distinctive. The master plan meets this policy.

LU 2.4 says that new development on large sites should provide access to ample open space. 3. The master plan meets this policy.

LU 2.5 says that new development should support healthy communities and active lifestyles by creating 4. safe and ample pedestrian circulation and similar amenities. The master plan meets this policy.

PUBLIC BENEFITS

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

The proposed rezoning will accommodate a Continuing Care Retirement Community, providing a range of health 1. care, food service, personal services, and recreational amenities for the residents. This type of development will provide a housing type that meets an increasing demand for quality congregate care facilities in the City of Raleigh.

The proposed rezoning will correct certain nonconformities created during the conversion from the Part 10 zoning code to the Unified Development Ordinance. In particular, the existing zoning of R-6 does not permit the existing building type and layout on the property. The rezoning will ensure the pre-conversion entitlements remain in place and the development can be completed as originally envisioned.

The proposed rezoning will facilitate the completion of a well-planned and designed development that is 3. walkable and appropriately scaled. Further, the development will afford residents access to ample open space while maintaining a safe and secure environment for senior residents.

4.
MASTER PLAN (MP-1-2016)

THE CYPRESS OF RALEIGH

PROPOSED PLANNED DEVELOPMENT DISTRICT

± 48.057 ACRES

OWNER:

Cypress of Raleigh Owners’ Association, Inc.

DEVELOPER/DECLARANT:

Cypress of Raleigh, LLC

CONSULTANTS:

Mack Paul
Morningstar Law Group, L.L.P.

Stuart Jones
Jones & Cnossen - Land Planning and Civil Engineers

Original Submittal Date June 8, 2016
Resubmittal Date September 9, 2016
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<td>4</td>
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<tr>
<td>3. INTENT FOR PD DISTRICTS</td>
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<tr>
<td>4. GENERAL DESIGN PRINCIPLES AND URBAN DESIGN GUIDELINES</td>
<td>5</td>
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<tr>
<td>5. LAND USE DENSITY AND DESIGN CONTROL</td>
<td>5</td>
</tr>
<tr>
<td>A. Subdistrict A</td>
<td>5</td>
</tr>
<tr>
<td>B. Subdistrict B</td>
<td>5</td>
</tr>
<tr>
<td>C. Subdistrict C</td>
<td>6</td>
</tr>
<tr>
<td>6. MODIFICATIONS REQUESTED PURSUANT TO UDO SECTION 4.7.2</td>
<td>6</td>
</tr>
<tr>
<td>A. News Street and Block Perimeter Standards</td>
<td>6</td>
</tr>
<tr>
<td>B. Use Standards</td>
<td>6</td>
</tr>
<tr>
<td>C. Building/Structure Setbacks and Build-To</td>
<td>6</td>
</tr>
<tr>
<td>D. Lot Dimension</td>
<td>7</td>
</tr>
<tr>
<td>E. Floor Heights</td>
<td>7</td>
</tr>
<tr>
<td>F. Transparency</td>
<td>7</td>
</tr>
</tbody>
</table>
SUMMARY INFORMATION

A. Name of Development: The Cypress of Raleigh

B. Name of Owner: Cypress of Raleigh Owners’ Association, Inc.
c/o Mark Andrews
7101 Creedmoor Road, Suite 142
Raleigh, NC 27613

C. Name of Developer/Declarant: Cypress of Raleigh, LLC
8801 Cypress Lakes Drive
Raleigh, NC 27615

C. Applicant: Joe Whitehouse
6109 Iris Drive
Raleigh, NC 27612
919.870.9007
919.866.1874 (fax)
joe@cueinc.net

D. Attorney: Mack Paul
Morningstar Law Group, L.L.P,
630 Davis Drive, Suite 200
Morrisville, NC 27560
Tel: 919.590.0377
mpaul@morningstarlawgroup.com

E. Land Planner and Civil Engineer Stuart Jones
Jones & Cnossen Engineering, PLLC
221 N. Salem Street, Suite 200
Apex, North Carolina 27502
stuart@jonescnossen.com
1. INTRODUCTION

This document and the accompanying exhibits submitted herewith (collectively, the "Master Plan") are provided pursuant to provisions of the Unified Development Ordinance (the "UDO") dealing with the Planned Development ("PD") District for the Cypress of Raleigh (the "Development"). The Development is a life care community, which includes both congregate care and rest home uses, as defined by the UDO developed by Cypress of Raleigh, LLC (the "Developer"). The Development is owned by those record title owners of the units comprising the condominium as reflected in the Wake County Registry (collectively the “Owner”). Cypress of Raleigh Owners’ Association, Inc. is the condominium association established pursuant to the NC Condominium Act to serve as agent for the Owner with respect to certain matters (the “Association”).

The Development is and will continue to be a mixed use, pedestrian-oriented development with complementary residential, recreation, open space, food service, skilled nursing care, memory care, rehabilitation, assisted living and other personal services (as those terms are utilized in the UDO) for the residents at densities appropriate to the location of the Development, market conditions, the nature of land uses in the vicinity, and the City's investment in existing infrastructure. Accordingly, the Master Plan sets forth density and square footage limitations as well as modifications to the UDO as appropriate to accomplish the development program described herein.

2. COMPREHENSIVE PLAN

The Master Plan for the Development addresses the development and redevelopment of approximately 48.057 acres located in North Raleigh, bounded generally on the east by Harvest Oaks Drive, the north by Strickland Road, the west by Lead Mine Road and the south by Forum Drive (the "Property"). For a graphic depiction of the area to be rezoned, please refer to the existing conditions and phasing plan submitted with this Master Plan as Plan Sheet 2. The Property is currently the site of a life care community developed pursuant to an approved site plan (GH-1-09). The purpose of this rezoning and Master Plan is to bring the Development into conformity with the rules and regulations contained in the UDO as existed prior to the city-wide rezone effective in 2016.

The Future Land Use Map (“FLUM”) identifies the Property as medium density residential. This category applies to garden apartments, condominiums and suburban style apartment complexes. Consistent with the FLUM, the proposed density in connection with the Development is medium density residential. In addition, the Development will further a number of policies in the Comprehensive Plan. For example, it will serve as a pedestrian-oriented, congregate care facility, providing senior residents all of the personal services and amenities they need on-site. The Development will help foster an integrated community, linking housing with food service, skilled nursing care, personal services, rehabilitation, memory care, assisted living, open space and other amenities.

3. INTENT FOR PD DISTRICTS

The Cypress of Raleigh meets the intent of the PD District in several ways. In particular, the PD District will help the Development to achieve a high quality project design. It will facilitate the integration of a cohesive development that allows residents access to a range of amenities, including personal services, food, recreation and health care services in a setting that is walkable and medium scale. As a life care community, the Cypress of Raleigh promotes the safety and security of its residents.
The PD District allows the Development to meet this objective while in keeping with the surrounding area and placing minimal impact on the area’s infrastructure.

4. GENERAL DESIGN PRINCIPLES AND URBAN DESIGN GUIDELINES

The Development meets the General Design Principles for PD Districts in a number of ways. It contains a range of housing stock, including multifamily and detached housing. It is well integrated by providing a range of services to residents of the Development, including skilled nursing care, rehabilitation services, assisted living, memory care, in-home care, assistance with daily living, recreational activities, food service, social activities and personal services. A substantial buffer and landscaping surround the Development with a gated entrance to promote the safety of the residents. Internal connections provide convenient pedestrian access throughout the Development. Architecture and landscaping provide a cohesive design to the buildings and surroundings, fitting with the topography, site and climate. The Development includes public art and other clearly identifiable water features unique to this location. Finally, the development pattern has a scale that ensures the residents have ample access to open space and light.

In addition, the Cypress of Raleigh incorporates a number of elements of the Urban Design Guidelines. For example, open spaces provide convenient seating opportunities and are integrated throughout the Development. Internal streets are interconnected throughout, providing ease of circulation and access for residents. The Development contains a mix of uses, serving the needs of the residents who are seniors. The transitions to the surrounding neighborhoods include substantial buffering and landscaping.

5. LAND USE DENSITY

Land use intensities for the Development are described in the site data table on Plan Sheet 1 submitted with this Master Plan. Plan Sheet 1 establishes “Equivalent Dwelling Units” based on the density assigned to congregate care facilities when the Development was originally approved by the City of Raleigh. For example, one congregate care unit counts as one-half a dwelling unit. Land Use intensities can be transferred between subdistricts so long as the overall limitation on intensities for the three subdistricts is not exceeded. Subdistrict sizes and general building locations are shown on the Land Use Plan submitted with this Master Plan.

The maximum development intensity for each subdistrict shown on the Land Use Plan shall be:

A. Subdistrict A

1. **Uses and Density.** Subdistrict A may be developed for up to 45,500 square feet of civic use and 136 equivalent dwelling units.

2. **Building Height.** Buildings located in Subdistrict A shall be limited to 6 stories and 82.5 feet in height.

3. **Building Type.** Apartment, Civic, General and Detached Building Types may be used in Subdistrict A.
B. Subdistrict B
1. **Uses and Density.** Subdistrict B may be developed for up to 29 equivalent dwelling units.
2. **Building Height.** Buildings located in Subdistrict B shall be limited to 6 stories and 82.5 feet in height.
3. **Building Type.** Apartment and Detached Building Types may be used in Subdistrict B.

C. Subdistrict C
1. **Uses and Density.** Subdistrict C may be developed for up to 39 equivalent dwelling units.
2. **Building Height.** Buildings located in Subdistrict C shall be limited to 6 stories and 82.5 feet in height.
3. **Building Type.** Apartment and Detached Building Types may be used in Subdistrict C.

6. **MODIFICATIONS REQUESTED PURSUANT TO UDO SECTION 4.7.2**

This PD District proposes certain modifications to the UDO pursuant to UDO Section 4.7.2. They are as follows:

A. **New Streets and Block Perimeter**
As a life care community that is fully enclosed for the safety and security of its residents, the Development has a private, internal street network. As such, it will not be subject to the new streets requirements contained in Article 8.4. In addition, the Development will not be subject to the minimum block perimeter standards contained in Article 8.3, which will not create any lots without direct street frontage or create safety issues or contribute to congestion. Further, it is reasonable to eliminate block perimeter standards based on the existing site layout of the Development.

Due to the existing infrastructure and development, certain street typologies under Article 8.4 will be modified. Forum Drive and Harvest Oaks Drive are both two lane avenues, undivided according to the City’s street manual. However, the existing streets were built as collector streets under the old City Code as shown in the Street and Block Plan contained on Plan Sheet 3. These existing streets will serve as an alternate to UDO Section 8.4.5 given the fact the infrastructure is already in place. Finally, the sidewalk width will be modified to reflect the existing 5’ sidewalk width based on the significant landscaping planted on private property along Harvest Oaks Drive and Forum Drive.

B. **Use Standards**
The Residential Mixed Use (RX) district is appropriate for properties identified as medium density residential on the Future Land Use Map. However, since RX requires a special use permit for a life care community use, this master plan is selecting Office Mixed Use (OX) as its base district. The following uses permitted in the OX District shall be prohibited:

- college, community college, university;
- sports academy;
- commercial parking lot;
- heliport;
- detention center, jail, prison;
research and development; and
plant nursery.

C. **Building/Structure Setbacks and Build-To**
As a life care community that is fully enclosed for the safety and security of its residents, the Development has a private, internal street network. As a result, all buildings within the Development will front private streets and not the public street system exterior to the Development. Therefore, the minimum building/structure setback requirements and build-to requirements applicable to the building types in Article 3.2 shall not apply.

D. **Lot Dimensions**
As a life care community, the Development has a condominium ownership structure. Consequently, the Development is on a single lot, inclusive of the detached homes and multifamily buildings. Therefore, the minimum lot dimension area and width requirements applicable to the building types in Article 3.2 shall not apply.

E. **Floor Heights**
As a life care community with elderly residents, the buildings within the Development are designed for ease of access. In particular, they are designed so that residents do not have to climb steps to enter buildings. Therefore, the minimum ground floor elevation requirements applicable to the building types in Article 3.2 shall not apply.

F. **Transparency**
As a life care community, the buildings within the Development are designed for the needs of its residents. For the Apartment Building Type, the minimum transparency shall be 15%.

G. **Open Space**
Based on the configuration of open space within the existing life care community, the Development will contain a minimum of 10% open space.
MASTER PLAN (MP-1-2016)

THE CYPRESS OF RALEIGH

PROPOSED PLANNED DEVELOPMENT DISTRICT

± 48.057 ACRES

OWNER:

Cypress of Raleigh Owners’ Association, Inc.

DEVELOPER/DECLARANT:

Cypress of Raleigh, LLC

CONSULTANTS:

Mack Paul
Morningstar Law Group, L.L.P.

Stuart Jones
Jones & Cnossen - Land Planning and Civil Engineers
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D. Lot Dimension 7
E. Floor Heights 7
F. Transparency 7
SUMMARY INFORMATION

A. Name of Development: The Cypress of Raleigh

B. Name of Owner: Cypress of Raleigh Owners’ Association, Inc.
c/o Mark Andrews
7101 Creedmoor Road, Suite 142
Raleigh, NC 27613

C. Name of Developer/Declarant: Cypress of Raleigh, LLC
8801 Cypress Lakes Drive
Raleigh, NC 27615

C. Applicant: Joe Whitehouse
6109 Iris Drive
Raleigh, NC 27612
919.870.9007
919.866.1874 (fax)
joe@cueinc.net

D. Attorney: Mack Paul
Morningstar Law Group, L.L.P,
630 Davis Drive, Suite 200
Morrisville, NC 27560
Tel: 919.590.0377
mpaul@morningstarlawgroup.com

E. Land Planner and Civil Engineer Stuart Jones
Jones & Cnossen Engineering, PLLC
1. INTRODUCTION

This document and the accompanying exhibits submitted herewith (collectively, the "Master Plan") are provided pursuant to provisions of the Unified Development Ordinance (the "UDO") dealing with the Planned Development ("PD") District for the Cypress of Raleigh (the “Development”). The Development is a Continuing Care Retirement Community (or “life care community, which includes both congregate care facility and rest home uses, as defined in by the UDO) developed by Cypress of Raleigh, LLC (the "Developer"). The Development is owned by those record title owners of the units comprising the condominium as reflected in the Wake County Registry (collectively the “Owner”). Cypress of Raleigh Owners’ Association, Inc. is the condominium association established pursuant to the NC Condominium Act to serve as agent for the Owner with respect to certain matters (the “Association”).

The Development is and will continue to be a mixed use, pedestrian-oriented development with complementary residential, recreation, open space, food service, skilled nursing care, memory care, rehabilitation, assisted living and other personal services (as those terms are utilized in the UDO) for the residents at densities appropriate to the location of the Development, market conditions, the nature of land uses in the vicinity, and the City's investment in existing infrastructure. Accordingly, the Master Plan sets forth density and square footage limitations as well as modifications to the UDO as appropriate to accomplish the development program described herein.

2. COMPREHENSIVE PLAN

The Master Plan for the Development addresses the development and redevelopment of approximately 48.057 acres located in North Raleigh, bounded generally on the east by Harvest Oaks Drive, the north by Strickland Road, the west by Lead Mine Road and the south by Forum Drive (the "Property"). For a graphic depiction of the area to be rezoned, please refer to the existing conditions and phasing plan submitted with this Master Plan as Plan Sheet 2. The Property is currently the site of a congregate life care facility community developed pursuant to an approved site plan (GH-1-09). The purpose of this rezoning and Master Plan is to bring the Development into conformity with the rules and regulations contained in the UDO as existed prior to the city-wide remapping effective in 2016.

The Future Land Use Map ("FLUM") identifies the Property as medium density residential. This category applies to garden apartments, condominiums and suburban style apartment complexes. Consistent with the FLUM, the proposed density in connection with the Development is medium density residential. In addition, the Development will further a number of policies in the Comprehensive Plan. For example, it will serve as a pedestrian-oriented, congregate care facility, providing senior residents all of the personal services and amenities they need on-site. The Development will help foster an integrated community, linking housing with food service, skilled nursing care, personal services, rehabilitation, memory care, assisted living, open space and other amenities.
3. **INTENT FOR PD DISTRICTS**

The Cypress of Raleigh meets the intent of the PD District in several ways. In particular, the PD District will help the Development to achieve a high quality project design. It will facilitate the integration of a cohesive development that allows residents access to a range of amenities, including personal services, food, recreation and health care services in a setting that is walkable and medium scale. As a congregate life care facility, the Cypress of Raleigh promotes the safety and security of its residents. The PD District allows the Development to meet this objective while in keeping with the surrounding area and placing minimal impact on the area’s infrastructure.

4. **GENERAL DESIGN PRINCIPLES AND URBAN DESIGN GUIDELINES**

The Development meets the General Design Principles for PD Districts in a number of ways. It contains a range of housing stock, including multifamily and detached housing. It is well integrated by providing a range of services to residents of the Development, including skilled nursing care, rehabilitation services, assisted living, memory care, in-home care, assistance with daily living, recreational activities, food service, social activities and personal services. A substantial buffer and landscaping surround the Development with a gated entrance to promote the safety of the residents. Internal connections provide convenient pedestrian access throughout the Development. Architecture and landscaping provide a cohesive design to the buildings and surroundings, fitting with the topography, site and climate. The Development includes public art and other clearly identifiable water features unique to this location. Finally, the development pattern has a scale that ensures the residents have ample access to open space and light.

In addition, the Cypress of Raleigh incorporates a number of elements of the Urban Design Guidelines. For example, open spaces provide convenient seating opportunities and are integrated throughout the Development. Internal streets are interconnected throughout, providing ease of circulation and access for residents. The Development contains a mix of uses, serving the needs of the residents who are seniors. The transitions to the surrounding neighborhoods include substantial buffering and landscaping.

5. **LAND USE DENSITY**

Land use intensities for the Development are described in the site data table on Plan Sheet 1 submitted with this Master Plan. Land use Plan Sheet 1 establishes “Equivalent Dwelling Units” based
on the density assigned to congregate care facilities when the Development was originally approved by the City of Raleigh. For example, one congregate care unit counts as one-half a dwelling unit. Land Use intensities can be transferred between subdistricts so long as the overall limitation on intensities for the three subdistricts is not exceeded. Subdistrict sizes and general building locations are shown on the Land Use Plan submitted with this Master Plan.

The maximum development intensity for each Tract shown on the Land Use Plan shall be:

A. Subdistrict A

1. **Uses and Density.** Subdistrict A may be developed for up to 45,500 square feet of civic use and 136 equivalent dwelling units.

2. **Building Height.** Buildings located in Subdistrict A shall be limited to six stories and 82.5 feet in height.

3. **Building Type.** Apartment, Civic, General and Detached Building Types may be used in Subdistrict A.

B. Subdistrict B

1. **Uses and Density.** Subdistrict B may be developed for up to 29 equivalent dwelling units.

2. **Building Height.** Buildings located in Subdistrict B shall be limited to 6 stories and 82.5 feet in height.

3. **Building Type.** Apartment, Civic, General and Detached Building Types may be used in Subdistrict B.

C. Subdistrict C

1. **Uses and Density.** Subdistrict C may be developed for up to 39 equivalent dwelling units.

2. **Building Height.** Buildings located in Subdistrict C shall be limited to 6 stories and 82.5 feet in height.

3. **Building Type.** Apartment, Civic, General and Detached Building Types may be used in Subdistrict C.
6. MODIFICATIONS REQUESTED PURSUANT TO UDO SECTION 4.7.2

This PD District proposes certain modifications to the UDO pursuant to UDO Section 4.7.2. They are as follows:

A. New Streets and Block Perimeter

As a congregate life care facility that is fully enclosed for the safety and security of its residents, the Development has a private, internal street network. As such, it will not be subject to the new streets requirements contained in Article 8.4. In addition, the Development will not be subject to the minimum block perimeter standards contained in Article 8.3, which will not create any lots without direct street frontage or create safety issues or contribute to congestion. Further, it is reasonable to eliminate block perimeter standards based on the existing site layout of the Development.

Due to the existing infrastructure and development, certain street typologies under Article 8.4 will be modified. Forum Drive and Harvest Oaks Drive are both two lane avenues, undivided according to the City’s street manual. However, the existing streets were built as collector streets under the old City Code as shown in the Street and Block Plan contained on Plan Sheet 3. These existing streets will serve as an alternate to UDO Section 8.4.5 given the fact the infrastructure is already in place. Finally, the sidewalk width will be modified to reflect the existing 5’ sidewalk width based on the significant landscaping planted on private property along Harvest Oaks Drive and Forum Drive.

B. Use Standards

The Residential Mixed Use (RX) district is appropriate for properties identified as medium density residential on the Future Land Use Map. However, since RX requires a special use permit for a life care community use, this master plan is selecting Office Mixed Use (OX) as its base district. All of the allowable uses contained in the OX District shall be permissible within the Development except for the following prohibited:

college, community college, university;
sports academy;
commercial parking lot;
heliport;
detention center, jail, prison;
research and development; and
plant nursery.
In addition, a restaurant use shall not be subject to the use standards applicable to the OX District as described in UDO Section 6.4.10.c.2.b. Personal services shall not be subject to the use standards applicable to the OX District as described in UDO Section 6.4.9.G.2.

C. Building/Structure Setbacks and Build-To

As a congregate life care facility community that is fully enclosed for the safety and security of its residents, the Development has a private, internal street network. As a result, all buildings within the Development will front private streets and not the public street system exterior to the Development. Therefore, the minimum building/structure setback requirements and build-to requirements applicable to the building types in Article 3.2 shall not apply.

D. Lot Dimensions

As a congregate life care facility community, the Development has a condominium ownership structure. Consequently, the Development is on a single lot, inclusive of the detached homes and multifamily buildings. Therefore, the minimum lot dimension area and width requirements applicable to the building types in Article 3.2 shall not apply.

E. Floor Heights

As a congregate life care facility community, the buildings within the Development are designed for the needs of its residents. Therefore, for the Apartment Building Type, the minimum ground floor elevation requirements applicable to the building types in Article 3.2 shall not apply.

F. Transparency

As a congregate life care facility community, the buildings within the Development are designed for the needs of its residents. Therefore, for the Apartment Building Type, the minimum transparency requirements applicable to the building types in Article 3.2 shall not apply shall be 15%.

G. Open Space

Based on the configuration of open space within the existing life care community, the Development will contain a minimum of 10% open space.
### Document comparison by Workshare Professional on Friday, September 09, 2016 2:40:37 PM

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THE CYPRESS OF RALEIGH STREET & BLOCK PLAN

NOTE: SUBDISTRICT B AND C HAVE NO CONNECTIONS TO PUBLIC STREETS.

LEGACY CUSTOM HOMES INC.
PIN: 1708-01-4532
ZONED: R-1
USE: VACANT

HEALTH PARK PARTNERS LLC
PIN: 1708-01-5432
ZONED: OK-3-CU
USE: MEDICAL OFFICES

ROC IV NC FORKS LLC
PIN: 1708-12-3395
ZONED: R-1
USE: APARTMENTS

SOUTHERN TEL TELEPHONE
PIN: 1708-13-3325
ZONED: R-1
USE: TEL. EXCHANGE

CYPRESS CLUB DRIVE
(PRIVATE STREET)

CYPRESS LAKES DRIVE
(PRIVATE STREET)

LEAD MINE ROAD

STICKNEY ROAD

CYPRESS LAKES DRIVE
(PRIVATE STREET)

B

EXTEND PRIVATE STREET INTO SUBDISTRICT C

C

EXTEND PRIVATE STREET INTO SUBDISTRICT B
To: Neighboring Property Owner
From: Mack Paul
Date: May 25, 2016
Re: Notice of meeting to discuss potential rezoning of property located on the west side of Harvest Oaks Drive, south of Strickland Road, containing approximately 44 acres, with the address of 8710 Cypress Club Drive, and having Wake County Parcel Identification Number 1708-02-5721 (the “Property” also known as the Cypress of Raleigh).

We are counsel for Cypress of Raleigh, LLC, owner of the Property. Our client is being required to rezone the Property from Residential-6-Conditional Use (R-6-CU) to Planned Development (PD) due to recent changes in the City’s zoning code. Those changes included a city-wide “remapping” of all properties to new zoning districts intended to reflect existing property entitlements. Unfortunately, that did not happen in a number of instances, including the remapping of the Cypress of Raleigh’s property. Consequently, this proposed rezoning is necessary to bring the zoning for the Property back into alignment with the zoning that existed prior to the remapping process.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with members of the condominium and surrounding property owners on Monday, June 6, 2016, at 5 p.m. This meeting will be held at the clubhouse located at the Cypress of Raleigh. To reach the clubhouse, please enter the gate to the Cypress of Raleigh from Harvest Oaks Drive. A security guard will have a list of all invitees and will direct you to the clubhouse.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owners to obtain suggestions and comments you may have about it. Again, this rezoning is only to reestablish the property entitlement that existed for the Cypress of Raleigh prior to the remapping. You are not required to attend, but certainly are 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) 590-0377 or mpaul@morningstarlawgroup.com.
<table>
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<tr>
<th>NAME</th>
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<tbody>
<tr>
<td>Herb Dascombe</td>
<td>Cypress Club Drive 27615</td>
</tr>
<tr>
<td>W. F. Dysen</td>
<td>8811 Cypress Lake Drive #402</td>
</tr>
<tr>
<td>Augustine Roman, Jr.</td>
<td>8408 Gray Abbey Place</td>
</tr>
<tr>
<td>Betty Gunter</td>
<td>8601 Cypress Lakes Drive #409</td>
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<tr>
<td>C. W. Zimmerlin</td>
<td>8601 Cypress Lakes Drive #409</td>
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<td>Nancy &amp; Ron Schuler</td>
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<td>Carolyn Cline</td>
<td>8821 Cypress Lakes Drive #308</td>
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<td>8601 Cypress Lakes Drive A #102</td>
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<td>Phyllis M. Rosenbaum</td>
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<td>Ruth Rhodes</td>
<td>8703 Cypress Club</td>
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<td>Ron Van Vactor</td>
<td>A108</td>
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<tr>
<td>Julie Wilsnack</td>
<td>8713</td>
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<td>Phyllis Rideout</td>
<td>8811 Cypress Lakes Drive #203</td>
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<tr>
<td>Bob Morrison</td>
<td>8821 Cypress Lakes Drive Villa #401</td>
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**SUMMARY OF ISSUES**

A neighborhood meeting was held on **June 6, 2016** (date) to discuss a potential rezoning located at **8710 Cypress Club Drive, Raleigh, NC** (property address). The neighborhood meeting was held at **the Cypress of Raleigh clubhouse** (location).

There were approximately **15** (number) neighbors in attendance. The general issues discussed were:

*Summary of Issues:*

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<td>Attendee asked why current zoning does not allow building heights needed.</td>
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<td>Attendee asked about nonconformities created by city-wide remapping.</td>
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<td>Attendee asked about implications of nonconformities created by city-wide remapping.</td>
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<td>Attendee asked why the homeowners association has to pay for the rezoning costs.</td>
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<td>Attendee asked why the City of Raleigh cannot remedy nonconformity issue.</td>
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<td>Attendee asked if the rezoning would affect the existing development or to-be-completed aspects of</td>
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Pre-Application Conference
This form must be provided at the time of formal submittal.

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<td>Rezoning (Contact: Daniel Band)</td>
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<td>Site Review* (Contact: Stacy Barbour)</td>
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<td>Subdivision (Contact: Meade Bradshaw)</td>
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<td>Subdivision (Exempt) (Contact: Peggy Goodson)</td>
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<td>Text Change (Contact: Travis Crane)</td>
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