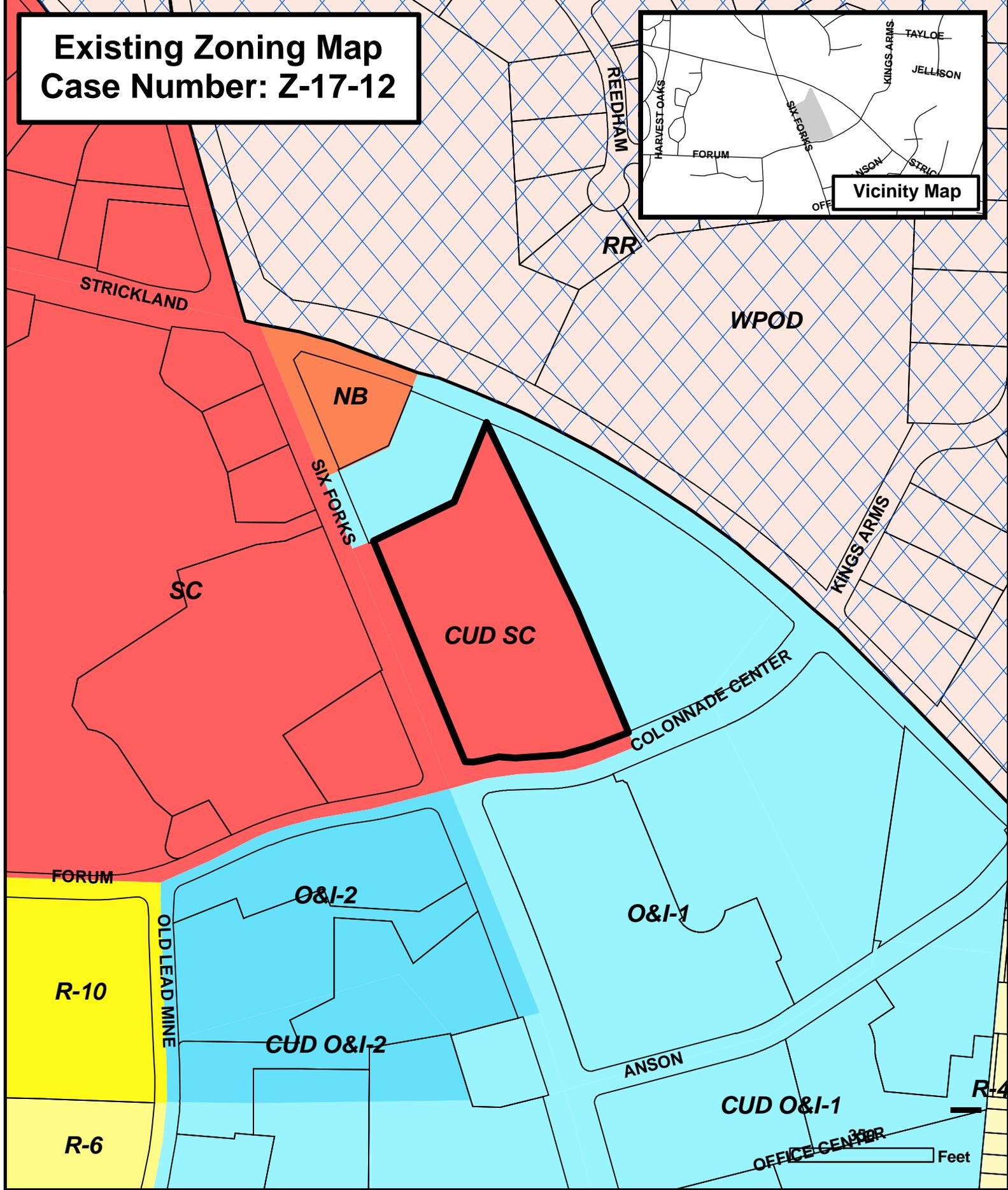
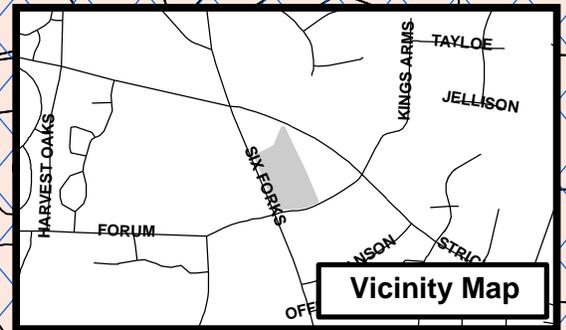


Existing Zoning Map Case Number: Z-17-12



Request:

6.08 ac to amend SC CUD

City of Raleigh Public Hearing
April 17, 2012
(July 16, 2012)

	2) Building A (north part of property) will be used primarily as a food store 3) Minimum and maximum building height 4) Tree protection areas 5) Transit easement 6) Maximum floor area gross 7) No drive through windows 8) Fee-in-lieu for transit shelter
--	--

Issues and Impacts

<i>Outstanding Issues</i>	1. No outstanding issues	<i>Suggested Conditions</i>	1. 2.
<i>Impacts Identified</i>	1. There are no changes to the impacts from the previous zoning on this property.	<i>Proposed Mitigation</i>	1. 2.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
12/15/11	04/17/12	Date:	Date: 4/24/12

Valid Statutory Protest Petition

Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and recommends that this case be approved in accordance with zoning conditions dated April 26, 2012
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The request is reasonable and in the public interest, and will not adversely impact surrounding properties. The proposed changes to zoning conditions will have little additional impact on surrounding infrastructure, and will provide the applicant a broader range of options for development. Applicable policies and guidelines have been met. 2. The proposal is compatible with the surrounding area. The applicant has provided conditions that provide for a scale and development intensity compatible with the surroundings.
<i>Motion and Vote</i>	Motion: Haq Second: Fleming In Favor: Butler, Buxton, Fleming, Fluhrer, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis, Terando

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

_____	_____	_____	<u>4/24/12</u>
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: James Brantley james.brantley@ci.raleigh.nc.us



Zoning Staff Report – Case Z-17-12

Conditional Use District

Request

<i>Location</i>	Northeast quadrant of the intersection of Six Forks Road and Colonnade Center Drive
<i>Request</i>	Amend conditions associated with a property zoned Shopping Center Conditional Use District
<i>Area of Request</i>	6.08 acres
<i>Property Owner</i>	Colonnade Regency, LLC
<i>PC Recommendation Deadline</i>	July 16, 2012

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Shopping Center Conditional Use District	Shopping Center Conditional Use District (change of conditions)
<i>Additional Overlay</i>	n/a	n/a
<i>Land Use</i>	Two commercial buildings	Retail
<i>Residential Density</i>	Maximum 15 dwellings per acre	Maximum 15 dwellings per acre

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	O&I-1, RR with WPOD	O&I-1	O&I-1	SC
<i>Future Land Use</i>	Community Retail Mixed Use, Institutional	Office/Research & Development	Community Retail Mixed Use	Community Retail Mixed Use
<i>Current Land Use</i>	Office	Office	Office	Shopping Center

Comprehensive Plan Guidance

<i>Future Land Use</i>	Community Retail Mixed Use
<i>Area Plan</i>	N/A
<i>Applicable Policies</i>	Policy LU 1.3 Conditional Use District Consistency Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 4.5 Connectivity Policy LU 4.9 Corridor Development Policy LU 4.10 Development of Freeway Interchanges Policy LU 5.1 Reinforcing the Urban Pattern

	Policy LU 5.2 Managing Commercial Development Impacts Policy LU 6.2 Complementary Uses and Urban Vitality Policy LU 7.1 Encouraging Nodal Development Policy LU 7.4 Scale and Design of New Commercial Uses Policy LU 10.6 Retail Nodes Policy T 6.6 Parking Connectivity Policy UD 2.1 Building Orientation Policy UD 2.3 Activating the Street Policy UD 3.7 Parking Lot Placement Policy UD 7.3 Urban Design Guidelines
--	---

Contact Information

<i>Staff</i>	James Brantley, 516-2651, james.brantley@raleighnc.gov
<i>Applicant</i>	Jason L. Barron, K&L Gates, LLP. P. O. Box 17047, Raleigh NC 27619-7047, 743-7343, Jason.barron@klgates.com
<i>Citizens Advisory Council</i>	North; Will Owen - (919) 264-0565; will.s.owen@gmail.com

Case Overview

The site is in a Mixed Use Community Center as designated on the Comprehensive Plan Growth Framework Map. Office uses and office zoning surround the site on three sides; the remaining side, across Six Forks Road, is a shopping center with shopping center zoning. The area is a relatively intense concentration of retail, office and residential land uses adjacent to the Falls Lake Watershed and the interchange of I-540 and Six Forks Road.

The applicants are submitting this case to remove some conditions that were attached to the last zoning case for this property, Z-44-08. Specifically they are removing conditions that related to the construction phase of the project, which is complete, and conditions that require an office component and mezzanine floor in Building B (southern side of property).

Consequently the entire property can be used exclusively for retail. This is the most substantial change from the previous zoning case.

Exhibit C & D Analysis

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use

The proposal is consistent with the Future Land Use Map designation of Community Retail Mixed Use. Community Retail Mixed Use areas typically include large scale commercial and retail uses that draw from multiple neighborhoods. The request to rezone the subject property to Shopping Center Conditional Use is consistent with this Future Land Use designation.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

Policy LU 1.3 -- Conditional Use District Consistency

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

Proposal is consistent with this policy. Rezoning conditions provided by the applicant are consistent with the Comprehensive Plan.

Policy LU 2.6 -- Zoning and Infrastructure Impacts

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

Proposal is consistent with this policy. There are very little additional impacts to infrastructure associated with this request.

Policy LU 4.5 -- Connectivity

New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

Proposal is consistent with this policy. Applicant has included access to the adjacent property to the northeast.

Policy LU 4.9 -- Corridor Development

Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for "transit intensive" investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

The proposal is consistent with this policy as it increases development intensity in a multi-modal corridor.

Policy LU 5.1 -- Reinforcing the Urban Pattern

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

The proposal is consistent with this policy. Site development has been compatible with the surrounding properties.

Policy LU 5.2 -- Managing Commercial Development Impacts

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

The proposal is consistent with this policy. Conditions carried over from the previous zoning on the site effectively address development impacts.

Policy LU 6.2 -- Complementary Uses and Urban Vitality

A complementary integration and mixture of land uses should be provided within all growth centers and mixed-use centers and developments to maintain the City's livability, manage future growth, and provide walkable and transit accessible destinations. Areas designated for mixed-use development in the Comprehensive Plan should be zoned consistent with this policy.

The proposal is inconsistent with this policy. The original conditions applied to this property required true mixed use. The current conditions have removed the requirement for mixed use.

Policy LU 7.1 -- Encouraging Nodal Development

Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

Consistent. The proposal places retail uses in a designated Mixed Use Community Center.

Policy LU 7.4 -- Scale and Design of New Commercial Uses

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

The proposal is consistent with this policy.

Policy LU 10.6 -- Retail Nodes

Retail uses should concentrate in mixed-use centers and should not spread along thoroughfares in a linear "strip" pattern unless ancillary to office or high-density residential use

Consistent. The proposal places retail uses in a designated Mixed Use Community Center.

Policy T 6.6 -- Parking Connectivity

Promote parking and development that encourage multiple destinations within an area to be connected by pedestrian trips.

The proposal is consistent with this proposal. The site is well connected to the local pedestrian network.

Policy UD 2.1 -- Building Orientation

Buildings in mixed-use developments should be oriented along streets, plazas and pedestrian ways. Their facades should create an active and engaging public realm.

The proposal is consistent with this proposal. The buildings are oriented along the surrounding streets, with the parking oriented internally.

Policy UD 2.3 -- Activating the Street

New retail and mixed-use centers should activate the pedestrian environment of the street frontage in addition to internal pedestrian networks and connections.

The proposal is consistent with this proposal. The site is well connected to the local pedestrian network.

Policy UD 3.7 -- Parking Lot Placement

New parking lots on designated Urban or Multi-modal corridors on the Growth Framework Map should be generally located at the side or rear of buildings. Where feasible, existing parking lots on such corridors should be landscaped to create a pedestrian-friendly streetscape with business visibility.

The proposal is consistent with this proposal. The parking has been located internal to the site and not between the streets and buildings.

Policy UD 7.3 - -Urban Design Guidelines

The site is built out and the proposed rezoning only concerns land use, not design. Hence the Urban Design Guidelines are not an issue with this request.

1.3 Area Plan Guidance

Not applicable

2. Compatibility of the proposed rezoning with the property and surrounding area

The site is already developed with two single-story buildings per “Concept Plan Exhibit C-1” submitted with the previous zoning case for the property, Z-44-08. It is a suburban retail development with the two structures enclosing a surface parking area. Development on the site is compatible with that of the surrounding properties, which feature offices and a shopping center.

3. Public benefits of the proposed rezoning

The development provides additional easily-accessed retail in this activity center. The layout of buildings, which pushes building footprints up to the street and has internally-oriented parking, features a somewhat better pedestrian orientation and more cohesive site design than is found in typical strip centers.

4. Detriments of the proposed rezoning

The conditions in the last iteration of zoning on this property required true mixed use, with some office space on the ground floor of one of the buildings. The current proposal would allow the property to develop for exclusively retail uses. As a result there might be some loss of vitality in the area compared with the previous iteration.

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2009 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Six Forks Road	Secondary Arterial	22,000	35,000			
Colonnade Center Drive	Collector Street	N/A	N/A			
Street Conditions						
<u>Six Forks Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	5	73'	Back-to-back curb and gutter section	100'	5' sidewalks on both sides	None
City Standard	6	89'	Back-to-back curb and gutter section	110'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	NO	NO	YES	NO	YES	NO
<u>Colonnade Center Drive</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	4	61'	Back-to-back curb and gutter section	80'	5' sidewalks on both sides	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 5' sidewalks on one side	N/A
Meets City Standard?	YES	YES	YES	YES	YES	N/A
<u>Expected Traffic Generation [vph]</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	488	482	-6			
PM PEAK	631	635	4			

Suggested Conditions/ Impact Mitigation:	Traffic Study Determination: Staff reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-17-12.
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.

Impact Identified: None

5.2 Transit

This location is on a current transit route. In addition Six Forks Rd is identified in the 2035 transit plan as a Premium Transit Corridor. A transit easement and fee-in-lieu for a transit shelter were provided at the time of site plan approval.

Impact Identified: Increased retail use has the potential to increase transit use to the property.

5.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Mine
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: None

5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	27,360 gpd	27,360 gpd
<i>Waste Water</i>	27,360 gpd	27,360 gpd

The proposed rezoning would not impact the wastewater collection or water distribution systems of the City. There are an eight (8”) inch sanitary sewer and a twenty-four (24”) inch water mains within the Six Forks Road right-of way. The property would use these mains to connect to the City’s utilities. The petitioner/developer would be responsible for the installation of the internal utility infrastructure of the property development.

5.5 Parks and Recreation

The subject tract is not located adjacent to a Capital Area Greenway corridor. The subject tract is located within a neighborhood park search area.

Impact Identified: The proposed rezoning will possibly increase population and the level of service.

5.6 Urban Forestry

Section 10-2082.14(b)(1)a. applies to this site.

Impact Identified: This is existing recorded Primary Tree Conservation Area per Condition (e) in Z-44-2008.

5.7 Wake County Public Schools

Impact Identified: The rezoning does not raise the number or potential new students from that of the previous zoning case for this property, Z-44-08

5.8 Designated Historic Resources

Not applicable

5.9 Community Development

Not applicable

5.10 Impacts Summary

No new impacts were identified

5.11 Mitigation of Impacts

No suggestion impact mitigation.

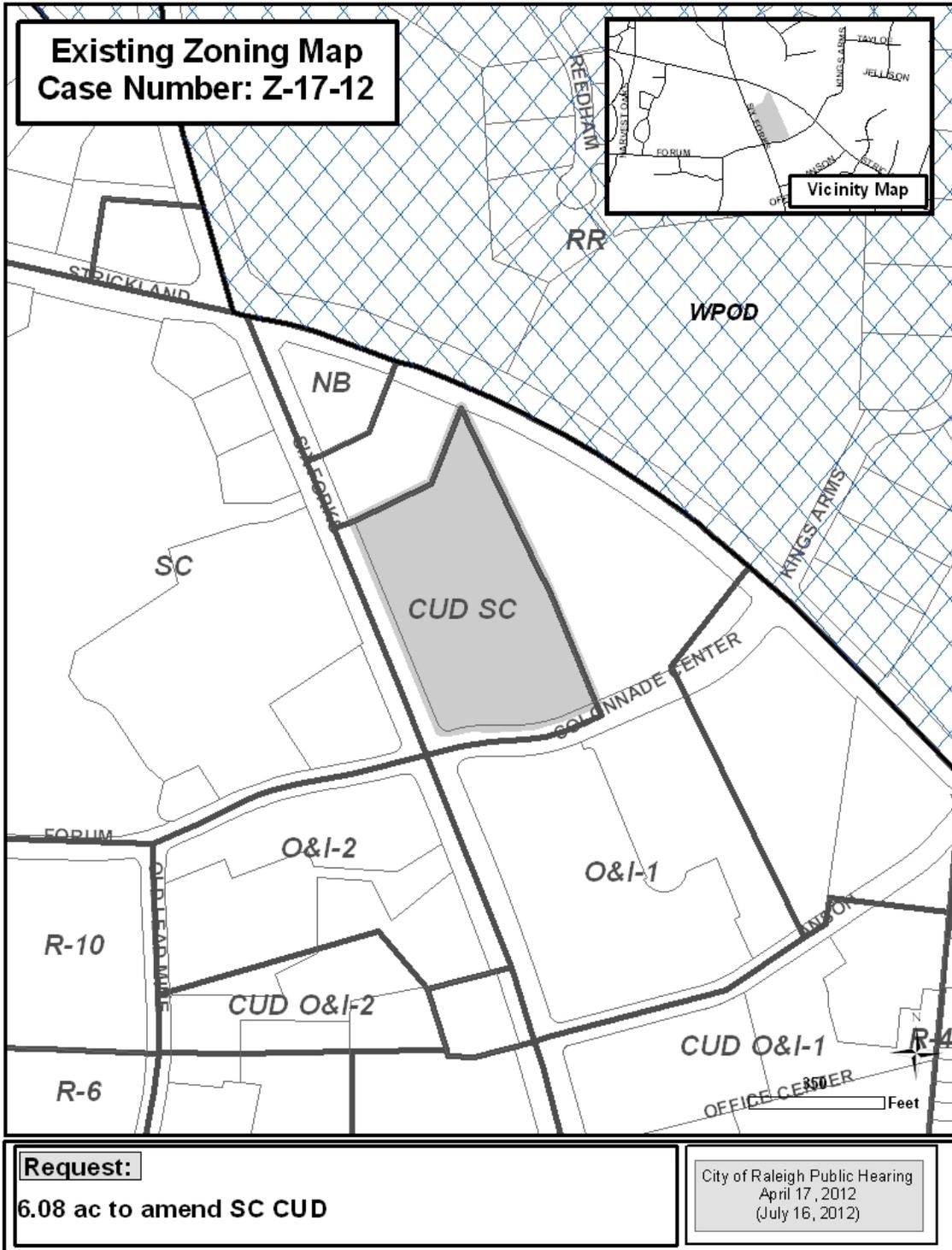
6. Appearance Commission

Not applicable

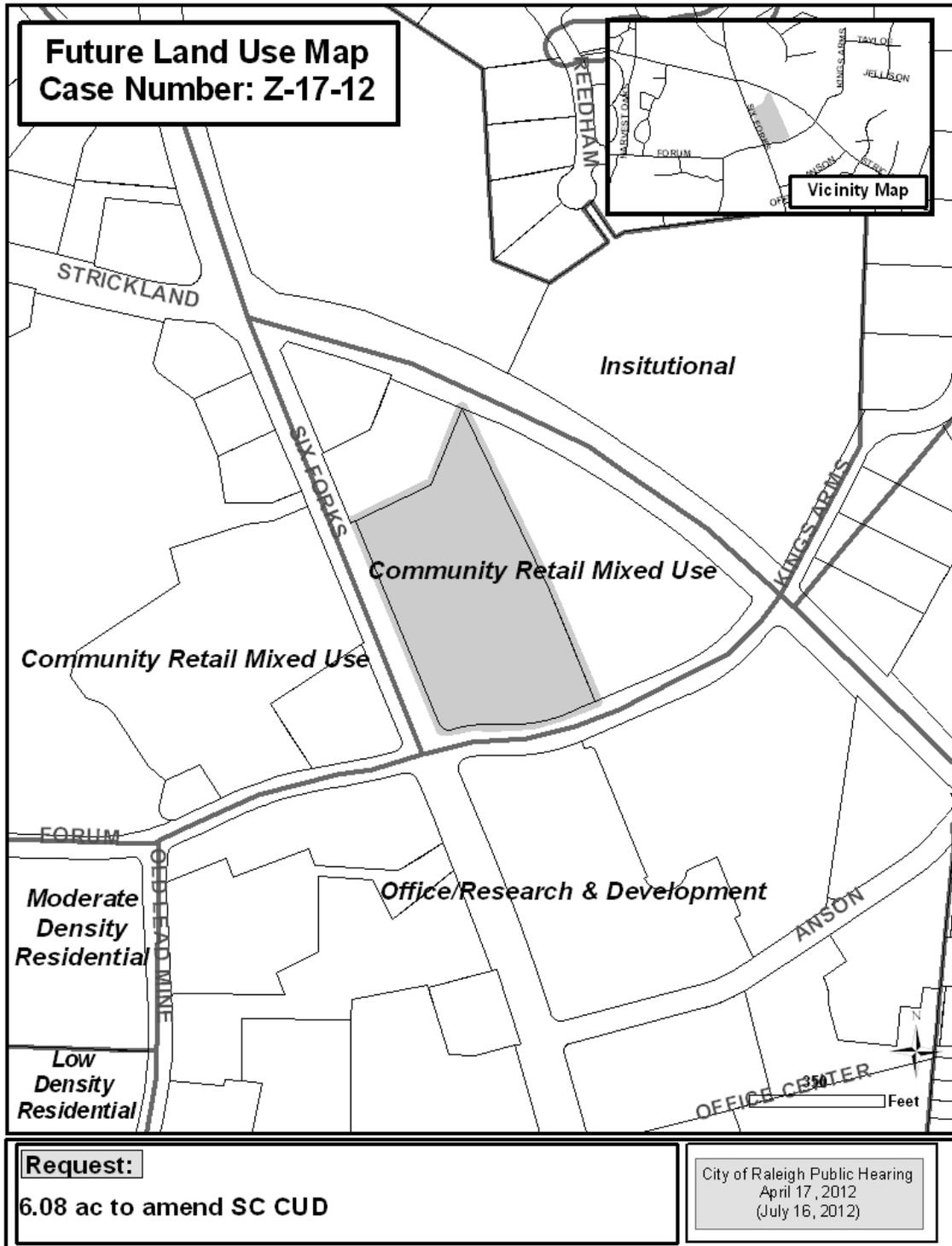
7. Conclusions

The proposal is consistent with the Comprehensive Plan. The applicant wishes to remove some conditions from the previous CUD zoning on the property (Z-44-08). The impacts of this change are negligible. The removal of the condition requiring true mixed use might cause some lack of vitality in the area.]

Existing Zoning Map



Future Land Use Map





Petition to Amend the Official Zoning Map

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

CITY OF RALEIGH
CITY PLANNING DEPT

pg 1081.00 by
CL# 63-1012
632
2-12-12

The following items are required with the submittal of rezoning petition. For additional information on these submittal requirements, see the *Filing Instructions* addendum.

Rezoning Application Submittal Package Checklist

Completed Rezoning Application which includes the following sections:

- Signatory Page
- Exhibit B
- Exhibit C (only for Conditional Use filing)
- Exhibit D
- Map showing adjacent property owner names with PIN's

- Application Fee
 - \$540 for General Use Cases
 - \$1081 for Conditional Use Cases
 - \$2702 for PDD Master Plans

- Neighborhood Meeting Report (only for Conditional Use filing)

- Receipt/ Verification for Meeting Notification Mail out

- Traffic Impact Generation Report OR written waiver of trip generation from Raleigh Transportation Services Division

- (General Use ONLY) if applicant is not the petitioner must provide proof of notification to the adjacent property owners per G.S. 160A-384



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

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

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
	Colonnade Regency, LLC	12/13/11
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

EXHIBIT B. Request for Zoning ChangePlease use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum***Contact Information**

	Name(s)	Address	Telephone/Email
Petitioner(s)	Colonnade Regency, LLC	P.O. Box 790830 San Antonio, TX 78279-0830	
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	Same as above		
Contact Person(s)	Jason L. Barron	K&L Gates, LLP P.O. Box 17047 Raleigh, NC 27619- 7047	919-743-7343 Jason.Barron@klgates.com

Property information

Property Description (Wake County PIN)	1708-32-5278
Nearest Major Intersection	Six Forks Road and Colonnade Center Drive
Area of Subject Property (in acres)	+/- 6.08 acres
Current Zoning Districts (include all overlay districts)	Shopping Center Conditional Use District
Requested Zoning Districts (include all overlay districts)	Shopping Center Conditional Use District

EXHIBIT C. Request for Zoning Change

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

Conditional Use District requested: Shopping Center Conditional Use

Narrative of conditions being requested:

(a) Concept Plan. Development of the subject property shall be consistent with the Concept Plan attached hereto as Exhibit C-1 and incorporated by this reference and with the following zoning conditions.

(b) Prohibited Uses. The following uses shall be prohibited on the property: automotive service and repair facility; church, synagogue or religious education building; civic/convention center and assembly hall – governmental and non-governmental; day care facility (child or adult); carwash facility; governmental buildings and grounds; group housing development, congregate care structure or congregate living structure; home occupation; landfill; manufacturing – custom; manufacturing – specialized; special care facility; adult establishment; airfield, landing strip and heliport; limited home business; riding stable; and correctional/penal facility.

(c) Food Store Use in Building A. The primary use of Building A (as shown on the attached Concept Plan) shall be as a “food store – retail”, as that term is defined in the Code.

(d) Maximum Height. The maximum height for buildings constructed upon the subject property shall be two (2) stories or forty (40) feet.

(e) Tree Protection Areas. The areas designated as “Tree Protection Area/Tree Conservation Area” on the attached Concept Plan shall constitute conditional use zoning tree protection areas as that term is used in Section 10-2082.14(b)(1)a. Within such areas, the owner of the Property shall engage in active tree preservation as consistent with the provisions applicable to primary tree conservation areas in the City Code.

(f) Stormwater Management During Initial Construction. During the initial construction of the Property, a qualified erosion and sediment control inspector, who is competent in the maintenance of stormwater control facilities, shall monitor compliance of the on-site stormwater control facilities with the approved stormwater control plan at least two (2) times per week. Further, during the initial construction of the Property, the owner of the Property shall install: (1) temporary storm water control devices to maintain existing (pre-development) discharge rates for the two (2) year, ten (10) year and twenty five (25) year storm events; and (2) a double row of silt fencing adjacent to Six Forks Road and Colonnade Center Drive.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

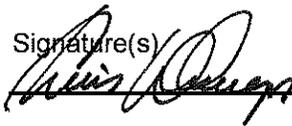
Signature(s)	Print Name	Date
	Colonnade Regency, LLC	12/13/11
_____	_____	_____
_____	_____	_____
_____	_____	_____

EXHIBIT C. Request for Zoning Change

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

(continued from previous page)

(g) LEED Certification for Building B. Building B (as depicted on the attached Concept Plan) shall be "Leadership in Energy and Environmental Design ("LEED")-certifiable." "LEED-certifiable" means that the building is planned, designed and constructed to meet or exceed a certified rating using the LEED NC, version 2.2, or LEED Core and Shell, version 2.0, or LEED Commercial Interiors, version 2.2, rating system promulgated by the United States Green Building Council. The following documentation (the "Documentation") shall provide evidence that the building as planned, designed and constructed is LEED-certifiable:

(i) The LEED checklist, which demonstrates that the building is eligible to obtain certification under the applicable LEED rating system at the "Certified" level or higher;

(ii) A signed declaration from the LEED Accredited Professional ("AP"), who is a member of the project team, stating that the plans and plan details have been reviewed and that the building, as planned and designed, meets the intent and criteria for certification under the applicable LEED rating system at the "Certified" level or higher; and

(iii) A complete set of plans stamped and signed by an architect or professional engineer, duly licensed in the State of North Carolina, that includes a copy of the checklist and signed declaration identified in subparagraphs (ii) and (iii) of this Condition (g) and that identifies the measures being provided for LEED-certifiability. Each plan sheet shall also be signed by the LEED AP verifying that the plans are consistent with the submitted LEED checklist.

(h) Urban Design of Buildings. Building A and Building B (each as shown on the attached concept plan) shall be a minimum of twenty six (26) feet in height.

(i) Stormwater Cisterns. The permanent stormwater management plan shall incorporate two rainwater harvesting cisterns to collect rooftop runoff from Buildings A and B. The two cisterns shall have a combined capacity of 15,000 gallons.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

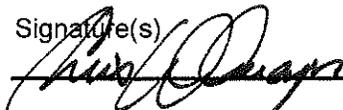
Signature(s)	Print Name	Date
	Colonnade Regency, LLC	12/13/11
_____	_____	_____
_____	_____	_____
_____	_____	_____

EXHIBIT C. Request for Zoning Change

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

(continued from previous page)

(j) Single Phase Development. The improvements shown on the attached Concept Plan shall be constructed in a single phase of development.

(k) Transit Easement. Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of the Property shall deed to the City a transit easement measuring twenty (20) feet long adjacent to the right-of-way by fifteen (15) feet wide to support bus stops for future transit services in the area. The locations of the transit easement shall be approved by the Transit Division of the City, and the City Attorney or his Associate shall approve the transit easement deed prior to recordation.

(l) Maximum Amount of Floor Area Gross for All Uses. The maximum amount of floor area gross for all uses to be located on the Property shall be 59,850 square feet .

(m) No Drive Thru Windows. Uses including a drive thru window are prohibited; provided however this condition shall not be interpreted as excluding drive up services associated with commercial uses, including without limitation stand alone automated teller machines (detached).

(n) Fee-in-Lieu for Transit Shelter. Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the developer shall pay to the City a sum equal to Seven Thousand Five Hundred and No/100 Dollars (\$7,500), which \$7,500 shall be a fee-in-lieu for a bus shelter and bench.

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

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

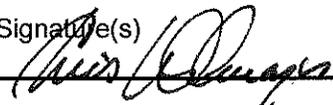
Signature(s)	Print Name	Date
	Colonnade Regency, LLC	12/13/11
_____	_____	_____
_____	_____	_____

EXHIBIT D. Request for Zoning Change

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

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

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

The Future Land Use Map classifies the subject property as Community Retail Mixed Use. This future land use category applies to medium-sized shopping centers and larger pedestrian-oriented retail districts. Typical commercial uses include, among others, large-format supermarkets, clothing stores, banks, offices, restaurants, and similar uses that draw from multiple neighborhoods. Development intensities include low-rise or mid-rise buildings, and most of these areas are zoned SC and O&I-1.

The proposed map amendment uses a base SC zoning classification and permits low-rise buildings no more than two stories in height, including a retail food store in Building A other retail and/or office uses in Building B. Among the permitted uses for Building B are professional offices, banks, eating establishments, personal services, convenience retail, and general retail. Each of these uses is consistent with the Community Retail Mixed Use recommendation.

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

The subject property is not located within any small area plan, nor is it subject to any other adopted plan.

EXHIBIT D. Request for Zoning Change

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

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

The proposed map amendment is consistent with the Comprehensive Plan and several applicable comprehensive plan policies. For example:

- Policy LU 4.5 “Connectivity” states that new development “should provide pedestrian and vehicular connectivity between individual development sites.” The proposed map amendment, as shown on the attached Concept Plan, shares a driveway with the adjacent State Employees Credit Union branch office, provides sidewalk access to parcels to the west (across Six Forks Road) and to the east, and provides a vehicular and pedestrian connection to the parcel immediately to the north.
- Policy LU 6.4 “Bus Stop Dedication” states that the City “shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines.” The conditions of the proposed map amendment provide for a bus stop dedication in an area of mixed-use development along the Sawmill Connector bus route (Route 8c). Further, the proposed conditions include a \$7,500 fee-in-lieu for a transit shelter.
- Policy LU 10.6 “Retail Nodes” calls for the concentration of retail uses in mixed-use centers rather than in “strip” patterns along thoroughfares. The proposed map amendment concentrates several retail and/or office uses in a single mixed-use area in close proximity to other commercial land uses, rather than in a strip along Six Forks Road.
- Policy EP 3.12 “Mitigating Stormwater Impacts” requires stormwater runoff to be controlled so as to avoid erosion of stream banks and inundation of natural waterways, and to allow the recharging of groundwater. The proposed map amendment includes strict construction-related stormwater management (see condition (h)) and two rainwater harvesting cisterns with a combined capacity of 15,000 gallons to collect rooftop runoff from Buildings A and B (see condition (i)). These cisterns will reduce the volume of stormwater runoff that reaches the ground surface, thereby mitigating the impact of stormwater runoff from the subject property.

Based on the above, the proposed map amendment is consistent with the applicable Comprehensive Plan policies.

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

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

- North: Office building and financial institution;
- South: Colonnade Office Center across Colonnade Center Drive, which includes two multi-story office buildings;
- East: A 5.41-acre property with a single story bank, with a church and single-family detached dwellings farther to the east across Strickland Road;
- West: A financial institution, fast food restaurants, a discount store, and a large home improvement store; the Forum Office Park, including five multi-story office buildings, across Six Forks Road and Forum Drive to the west and south.

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

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

North: Office & Institution 1 immediately to the north, with a multi-story office building; Neighborhood Business on the next parcel to the north, with a single-story financial institution;
 South: Office & Institution 1, with two mid-rise office buildings (Colonnade Office Center);
 East: Office & Institution 1, with a single-story bank; Rural Residential farther to the east across Strickland Road, with a church and large-lot single-family homes;
 West: Shopping Center across Six Forks Road, with a variety of stores including two of over 11,000 square feet each; and Office & Institution 2, with five multi-story office buildings and associated parking structures (Forum Office Park).

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

The subject property is surrounded by other office and retail uses, with low density residential areas in the vicinity. The proposed map amendment permits the development of retail uses in an area surrounded by office and retail uses yet close to residential uses. The proposed map amendment conforms to the Future Land Use Map's vision of Community Retail Mixed Use development, with a variety of retail uses in human-scale buildings which, due to the size of the parcel, encourage more pedestrian-scale development. Finally, the proposed map amendment enriches and complements the retail options on the opposite side of Six Forks Road.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment benefits the landowner by permitting the subject property to be developed in a way that maximizes the availability of space for retail uses to meet the growing need for retail services as a result of population growth in the City as a whole and in the surrounding area.

B. For the immediate neighbors:

Additional retail uses will complement those of nearby commercial uses, and the greater concentration of retail options is likely to draw additional potential customers to the area. Further, the proposed map amendment will provide further retail to serve the growing population at a time when little to no additional retail has been developed to serve the growing needs of neighbors.

C. For the surrounding community:

The additional retail uses allowed by the proposed map amendment will complement other commercial uses in the surrounding community, and the greater concentration of retail options is likely to draw additional potential customers to the area. Further, the proposed map amendment will provide further retail to serve the growing population at a time when little to no additional retail has been developed to serve the growing needs of neighbors.

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

Further, the parcels north of the intersection of Six Forks and Strickland Roads are all located within the watershed. The City of Raleigh has long maintained a policy of discouraging non-residential uses in the watershed. With the significant amount of residential growth in the watershed area, there is a high demand for retail services in the surrounding community. The proposed map amendment would address that need without putting non-residential development in the watershed area.

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

The subject rezoning does provide a significant benefit which is not available to the surrounding properties because there is no additional retail development proposed for those parcels. However, this rezoning would serve demand created by population growth within the community. Further, the proposed map amendment would alter the prior rezoning of this parcel (case CR-Z-44-08) only to facilitate further retail development, which supports the Future Land Use Map's designation of this area for Community Retail Mixed Use development.

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

As there remain no vacant, buildable lots within the immediate area, the added retail capacity at the subject property will promote the Comprehensive Plan's objective of having mixed-use retail center near the Six Forks Road / Strickland Road intersection. With the retail uses that are located on the opposite side of Six Forks Road, an existing signalized intersection, and both residential and office uses in the immediate vicinity, the proposed amendment adds to the efficiency and mix of uses in the neighborhood and does not require additional infrastructure.

V. Recommended items of discussion (where applicable).

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

Not applicable.

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

Continued residential growth in the surrounding neighborhood and in the City as a whole creates a need for further retail uses. In addition, the changing economic climate and the presence of several large-capacity office uses within the immediate neighborhood has reduced the demand for office uses in the area. Thus, removing a condition in the last zoning of the subject property (CR Z-44-08) requiring that 15% of the floor area gross of the first floor of Building B be developed for office and institution uses

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

would allow the property to be developed in a manner that is more in line with current market conditions without damaging the subject property's contribution to community-oriented mixed-use retail.

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

The site is located in an area designated for Community Retail Mixed Use, which calls for "medium-sized shopping centers" and other commercial uses that draw from multiple neighborhoods. In 2000, shortly after the previous version of the Comprehensive Plan was adopted, roughly 785,000 square feet of retail served about 125,000 people within a five mile radius of the intersection of Strickland Road and Six Forks Road. By 2009, the area had an additional 40,000 residents, approximately 570,000 square feet of new multi-family residential development, and roughly 1.1 million square feet of new office space, yet virtually no retail development occurred. The proposed map amendment would provide an opportunity for the community to develop additional retail space.

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

There will be no significant impact on the above-mentioned public services as a result of the proposed map amendment.

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

The proposed rezoning advances the fundamental purposes of zoning in accordance with a comprehensive plan and encouraging the most appropriate use of land throughout the City while giving reasonable consideration to the character of the district and its suitability for particular uses. The retail uses permitted by the proposed map amendment are in accordance with the Community Retail Mixed Use designation on the Future Land Use Plan, as well as other Comprehensive Plan policies as outlined in Exhibit D, section I.C. The proposed map amendment encourages commercial uses in an area built for commercial mixed use near an important intersection, and gives reasonable consideration to the surrounding commercial and residential uses and the subject property's suitability for retail use.

VI. Other arguments on behalf of the map amendment requested.

There are no other arguments on behalf of the proposed map amendment at this time.

Design Guidelines for Mixed Use Areas

RALEIGH COMPREHENSIVE PLAN

Elements of Mixed-Use Areas

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

The proposed map amendment permits retail (including a food store) and office uses within walking distance of one another. The subject property also lies within walking distance of other retail uses, two office parks, and single-family as well as multi-family residential uses.

Mixed-Use Areas /Transition to Surrounding Neighborhoods

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

The subject property is not located adjacent to lower-density neighborhoods. However, the conditions of the proposed map amendment require that building heights be limited to two stories. This height provides a transition in scale from the large-scale retail development across Six Forks Road to the west and multi-story office buildings to the south and to the southwest, to the residential areas farther to the north and to the east.

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

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

The subject property shares a driveway with the adjacent bank to the east, connects to the office parcel and to Strickland Road to the north, as well as Colonnade Center Drive to the south. A clear pedestrian path connects Building A and Building B.

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

The subject property connects to adjoining properties and to both Strickland Road and Colonnade Center Drive. The proposed map amendment does not call for any cul-de-sacs or dead-end streets.

5. *Block faces should have a length generally not exceeding 660 feet.*

Block faces are all less than 660 feet in length.

Site Design/Building Placement

6. *A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for*

pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.

Building B is adjacent to Colonnade Center Drive and to Six Forks Road rather than behind a parking lot. Landscaping along Six Forks Road should provide shelter and interest for pedestrians and motorists. The loading area for the food store in Building A is located at the rear of the building.

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

Building B is located within 25 feet of the curb, and off-street parking for both buildings is located beside the buildings.

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

Building B, which is closest to the intersection of Six Forks Road and Colonnade Drive, is located at the corner. No parking, loading, or service is located at an intersection.

Site Design/Urban Open Space

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

This provision is not applicable, given that the proposed map amendment does not include a pocket park or other open space.

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

Both buildings may be accessed directly from either Colonnade Center Drive or Six Forks Road, and there are multiple points of entry into the subject property from both roads.

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

Paved patio/plaza areas are adjacent to the active retail uses on the ground floor of Building B.

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

Not applicable.

Site Design/Public Seating

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

Not applicable.

Site Design/Automobile Parking and Parking Structures

14. *Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*

The parking lot does not front on either Six Forks Road or Colonnade Center Drive. Further, crosswalks and paved pedestrian pathways provide clear pedestrian routes through the subject property.

15. *Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.*

The parking lot is entirely located in the interior of the block.

16. *Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.*

Not applicable.

Site Design/Transit Stops

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

A transit stop has been dedicated on the site, along with funding for a shelter. This stop is within walking distance of both buildings on the subject property.

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

Dedicated and clearly marked pedestrian pathways lead from Six Forks Road and from Colonnade Center drive to entrances for each building.

Site Design/Environmental Protection

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

The proposed map amendment and the buildings constructed on the subject property do not involve development on steep slopes, watercourses, or floodplains.

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

The proposed map amendment does not involve the creation of new streets. However, sidewalks are provided adjacent to Building B along Colonnade Center Drive and under shade trees along Six Forks Road. The driveway and parking lot include refuges and crosswalks, and are scaled for pedestrians.

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

Sidewalks are provided along both adjoining streets.

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

Street trees shade the sidewalk along Six Forks Road.

Street Design/Spatial Definition

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

The proposed building placements, building heights, and street trees provide the correct special definition and ratio appropriate for urban mixed-use areas..

Building Design/Façade Treatment

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

Building A does not face the primary public street. Building B provides entrances and façade treatments that provide interest to passersby on Six Forks Road and Colonnade Center Drive.

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

The ground level of buildings will provide pedestrian interest and will not contain long expanses of blank and architecturally uninteresting expanses of walls without articulation and fenestration. Signage, awnings, and ornamentation will be as interesting as the City of Raleigh Public Works Department will allow through the encroachment process.

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

Sidewalks are designed as the principal place of pedestrian movement. Small paved plaza spaces are provided to allow for casual social interaction in front of both buildings. Street trees

and parking in front of Building B will provide the spatial and physical barrier to vehicular traffic, enhancing such environments.



December 15, 2011

Mr. Jason Barron
K&L Gates
P.O. Box 17407
Raleigh, NC 27619-7047

■
P.O. Box 33068
Raleigh, North Carolina
27636-3068

Re: Colonnade Rezoning Trip Generation Comparison Letter

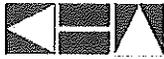
Dear Mr. Barron:

Kimley-Horn and Associates has prepared a trip generation comparison for the proposed Colonnade rezoning located off Forum Drive and Six Forks Road in North Raleigh. Based upon discussions with you and the City of Raleigh, the site is currently zoned SC CUD and would permit a mixture of land uses with a maximum square footage of 59,850. The proposed zoning remains SC CUD; however, two conditions are asking to be removed. These two conditions are:

1). Office and Institution Uses on Ground Floor of Building B. At least 15% of the floor area gross of the first floor of Building B (as shown on the attached Concept Plan) shall not be occupied by any use other than a use permitted in the "office and institution district" as that term is defined in Section 10-2002 of the City Code; provided however this condition shall not be construed as permitting uses not otherwise allowed in the shopping center district.

2). Mezzanine Space within Building B. Building B (as shown on the attached Concept Plan) shall include at least 2,000 square feet floor area gross of "mezzanine" area, as such term is used in the North Carolina Building Code (2006), or currently applicable Building Code. Section 502 of the North Carolina Building Code (2006) defines mezzanine as "An intermediate level or levels between floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located."

The tables on the next page summarizes the comparison of the trip generation of the existing zoning to the proposed zoning.

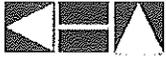


**Table 1
EXISTING ZONING**

LUC	Land Use	24 Hour		AM Peak		PM Peak	
		In	Out	In	Out	In	Out
710	Proposed Office (2,850 s.f.)	43	43	10	1	1	3
710	Existing Office Building (130,600 s.f.)	819	819	204	28	38	187
820	Service Retail (17,000 s.f.)	1,073	1,073	33	21	95	99
850	Grocery Store (40,000 s.f.)	2,035	2,035	88	56	251	242
912	Drive-In Bank (5 Lanes)	348	348	27	20	67	70
Subtotal		4,318	4,318	362	126	452	601
Internal Capture (16.3%)		1,066	1,066	-	-	86	86
Pass-By Capture (28.95%)		1,250	1,250	-	-	126	124
Net New External Trips		2,002	2,002	362	126	240	391

**Table 2
PROPOSED ZONING**

LUC	Land Use	24 Hour		AM Peak		PM Peak	
		In	Out	In	Out	In	Out
710	Existing Office Building (130,600 s.f.)	819	819	204	28	38	187
820	Service Retail (19,728 s.f.)	1,182	1,182	36	23	105	109
850	Grocery Store (40,122 s.f.)	2,039	2,039	88	56	252	242
912	Drive-In Bank (5 Lanes)	348	348	27	20	67	70
Subtotal		4,388	4,388	355	127	462	608
Internal Capture (16.8%)		1,137	1,137	-	-	90	90
Pass-By Capture (29.1%)		1,275	1,275	-	-	129	126
Net New External Trips		1,976	1,976	355	127	243	392



Kimley-Horn
and Associates, Inc.

The summary tables above indicate the existing zoning and the proposed zoning would generate approximately the same number of trips in the daily and peak hours of operation.

If you have any questions concerning our analysis, please do not hesitate to call me at 919-677-2062.

Sincerely,

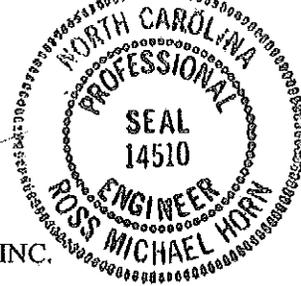
A handwritten signature in cursive script that reads "R. Michael Horn".

R. Michael Horn, P.E.

Principal

KIMLEY-HORN AND ASSOCIATES, INC.

NC License # F-0102



2-17-12

ZONING CASE Z-11-12

REZONING OF PROPERTY CONSISTING OF +/- 6.08 ACRES LOCATED AT THE
INTERSECTION OF SIX FORKS ROAD AND COLONNADE CENTER DRIVE IN THE
CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON DECEMBER 15, 2011

Pursuant to applicable provisions of the City Code, a meeting was held with respect to a potential rezoning with adjacent property owners on Thursday, December 15, 2011, at 6:00 p.m. The parcel subject to this proposed zoning is approximately 6.08 acres, located at the northeast quadrant of the intersection of Six Forks Road and Colonnade Center Drive, in the City of Raleigh, having Wake County Parcel Identification Number 1708-32-5278. This meeting was held at the offices of K&L Gates, 4350 Lassiter at North Hills Avenue, Suite 300, Raleigh, 27609. A copy of the meeting notice is attached hereto as **Exhibit A**. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit B** is a copy of the City Code required mailing list for the meeting invitations. Attached hereto as **Exhibit C** is a copy of the file-stamped letter enclosing the addressed, stamped envelopes containing the neighborhood notices, which was delivered to the City for mailing. A summary of the items discussed at the meeting is attached hereto as **Exhibit D**. Attached hereto as **Exhibit E** is a list of individuals who attended the meeting. No changes have been made to the proposed rezoning petition as a result of this meeting.

EXHIBIT A
MEETING NOTICE
(See Attached)

MEMORANDUM

To Neighboring Property Owners

From Jason L. Barron, Attorney for Regency Centers

Date December 2, 2011

Re Notice of meeting to discuss potential rezoning of 8511 Colonnade Center Drive, which parcel is located along Six Forks at Colonnade Center Drive and has been developed to include the Whole Foods, containing approximately 6.08 acres, and having Wake County Parcel Identification Number: 1708-32-5278 (the "Property").

We are counsel for Regency Centers, which is considering requesting a minor modification to the existing zoning conditions for the above-captioned Property. As you may recall, Regency Centers rezoned the Property in 2009 for, among other reasons, to permit development of the Whole Foods store. The purpose of the proposed rezoning is to tweak the conditions of that zoning approval as discussed below.

Notably, there are two conditions of the current zoning that Regency Centers would like to modify, both of which conditions apply only to the building closest to Colonnade Center Drive (which contains the Panera Bread). First, Condition (l) of the zoning requires that at least 15% of the building include, generally speaking, only uses permitted in the office & institution district. In an effort to maximize its flexibility to locate uses within the building that will be a service to the customers of Market at Colonnade, Regency Centers desires to eliminate this Condition (l).

Second, Condition (m) of the zoning requires that there be at least 2,000 square feet of uses located within the mezzanine areas that have been constructed inside the building. Again, in an effort to better serve the customers of Market at Colonnade, Regency Centers desires to eliminate this condition (m).

Otherwise, all of the other conditions applicable to this site will remain in place.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Thursday, December 15, 2011 at 6:00 p.m. This meeting will be held at the offices of K&L Gates, 4350 Lassiter at North Hills Avenue, Suite 300, Raleigh, NC 27609. The office is located at North Hills, above Moe's

K&L|GATES

Neighboring Property Owners
December 2, 2011
Page 2

Restaurant, and can be accessed through the doors located off the breezeway between the surface parking lot along Six Forks Road and the main street.

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. 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) 743-7343 or jason.barron@klgates.com.

EXHIBIT B

Adjacent Property Owner List

<u>PROPERTY OWNERS</u>	<u>PIN</u>
STATE EMPLOYEES CREDIT UNION PO BOX 27665 RALEIGH NC 27611-7665	1708-32-9368
CORNERSTONE COLONNADE LLC CORNERSTONE REAL ESTATE ADVISORS LL 180 GLASTONBURY BLVD STE 401 GLASTONBURY CT 06033-4439	1708-31-9502
BEACON CENTER PROPERTIES LLC 8816 SIX FORKS RD STE 201 RALEIGH NC 27615-2983	1708-32-3679
EOS ACQUISITION I LLC C/O DELOITTE C DAWSON PO BOX 130174 CARLSBAD CA92013 -0174	1708-41-2789
NORTH RALEIGH CHURCH OF THE NAZARENE 9200 STRICKLAND RD RALEIGH NC 27615-2022	1708-42-3937
WILSON, EDWARD H & SANDRA B 8916 SIX FORKS RD RALEIGH NC 27615-1919	1708-33-3316
LEAD MINE LAND CO PO BOX 450233 ATLANTA GA 31145-0233	1708-22-2300
LEAD MINE LAND CO PO BOX 450233 ATLANTA GA 31145-0233	1708-22-9112
LEAD MINE LAND CO PO BOX 450233 ATLANTA GA 31145-0233	1708-31-2957

HIGHWOODS DLF FORUM LLC 3100 SMOKETREE CT STE 600 RALEIGH NC 27604-1050	1708-31-2700
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Subject Property List

COLONNADE REGENCY LLC PROPERTY TAX DEPARTMENT PO BOX 790830 SAN ANTONIO TX 78279-0830	1708325278
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EXHIBIT C

FILE-STAMPED ENCLOSURE LETTER

(See Attached)

K&L|GATES

mailed out 11-2-11 (DN)
Z-17-12

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047
T 919.743.7300 www.klgates.com

December 2, 2011

R. Michael Birch Jr.
D 919.743.7314
F 919.516.2014
michael.birch@klgates.com

Via Hand Delivery

DeShele Sumpter
Department of City Planning
One Exchange Plaza, Suite 304
Raleigh, NC 27601

Re: Neighborhood Meeting Notices for Potential Rezoning for 8511 Colonnade Center Drive

Dear DeShele:

In accordance with provisions of the City Code, I am enclosing stamped, addressed envelopes containing neighborhood meeting notices for a potential rezoning case, to be mailed by the City. I am also attaching a copy of the notice and the list of property owners to whom the notices are being sent.

The meeting is scheduled for Thursday, December 15th, so please place the notices in the mail this afternoon.

Please feel free to call me should you have any questions or comments.

Sincerely,



R. Michael Birch Jr.

Enclosures

CITY OF RALEIGH
CITY PLANNING DEPT
2011 DEC -2 PM 3:25

K&L | GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
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T 919.743.7300 www.klgates.com

December 2, 2011

R. Michael Birch Jr.
D 919.743.7314
F 919.516.2014
michael.birch@klgates.com

Via Hand Delivery

DeShele Sumpter
Department of City Planning
One Exchange Plaza, Suite 304
Raleigh, NC 27601

Re: Neighborhood Meeting Notices for Potential Rezoning for 8511 Colonnade Center Drive

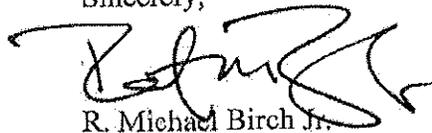
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EXHIBIT D

SUMMARY OF DISCUSSION ITEMS

On Thursday, December 15, 2011, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. No items were discussed because no adjacent property owners attended the meeting.

EXHIBIT E

NEIGHBORHOOD MEETING ATTENDEES

No attendees.