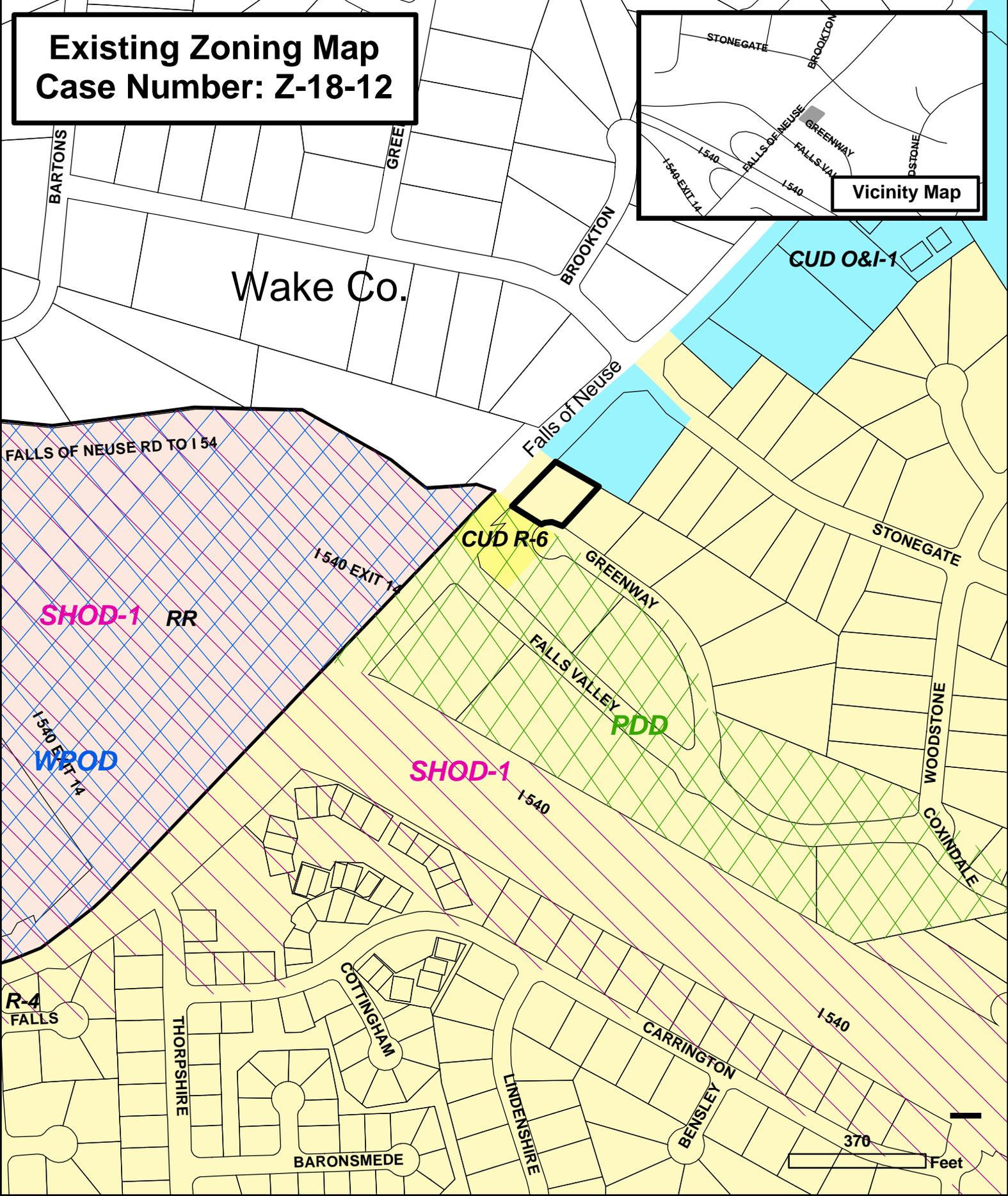
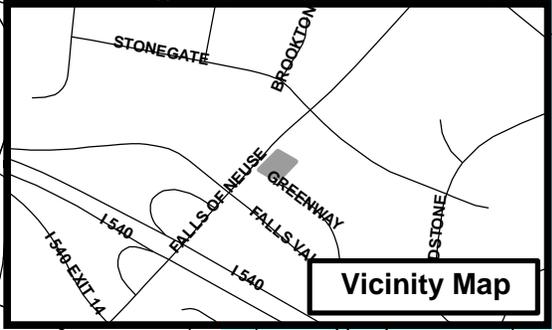


**Existing Zoning Map  
Case Number: Z-18-12**



**Request:**  
**0.536 ac from R-4 to O&I-1 CUD**

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







# Zoning Staff Report – Case Z-18-12

## Conditional Use District

### Request

<i>Location</i>	Falls of Neuse Road and Interstate -540
<i>Request</i>	Rezone property from Residential-4 to Office and Institutional-1 Conditional Use District
<i>Area of Request</i>	0.536 acre
<i>Property Owner</i>	Robert Cummins
<i>PC Recommendation Deadline</i>	July 16, 2012

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Residential-4 (R-4)	Office and Institutional-1 Conditional Use District (O&I-1 CUD)
<i>Additional Overlay</i>	n/a	n/a
<i>Land Use</i>	Single-Family Residential	Unknown
<i>Residential Density</i>	4 units per acre (max. 2 units)	25 units per acre (max. 13 units)

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	CUD O&I-1, Wake County Residential-40W	CUD R-6 w/ PDD, R-4 w/ PDD	R-4, CUD O&I-1	CUD R-6, Wake County Residential-40W
<i>Future Land Use</i>	Office Residential - Mixed Use, Wake County	Office Residential - Mixed Use, Low Density Residential	Low Density Residential, Office and Residential Mixed Use`	Office Residential – Mixed Use Residential, Wake County
<i>Current Land Use</i>	Office, Low Density Residential	Office, Low Density Residential	Low Density Residential, Office	Office, Vacant

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Office Residential – Mixed Use
<i>Area Plan</i>	I-540 / Falls of Neuse
<i>Applicable Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts

	Policy LU 4.5 – Connectivity Policy LU 5.1 – Reinforcing the Urban Pattern Policy LU 5.6 – Buffering Requirements Policy LU 7.4 – Scale and Design of New Commercial Uses Policy LU 7.5 – High Impact Commercial Uses Policy EP 8.4 – Noise and Light Impacts Policy UD 2.4 – Transitions in Building Intensity Policy UD 7.3 – Design Guidelines Policy AP-540F 1 – Development Character on Falls of Neuse Road Policy AP-540F 4 – Falls of Neuse Low Intensity Appearance Policy AP-540F 6 – Falls of Neuse Access Spacing
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## Contact Information

<i>Staff</i>	Carter Pettibone, <a href="mailto:carter.pettibone@raleighnc.gov">carter.pettibone@raleighnc.gov</a>
<i>Applicant</i>	Robert Cummins, 919.995.4578
<i>Citizens Advisory Council</i>	North; Will Owen, <a href="mailto:will.s.owen@gmail.com">will.s.owen@gmail.com</a> , 919.264.0565

## Case Overview

The proposal seeks to rezone a parcel located at 9100 Falls of Neuse Road from Residential-4 (R-4) to Office and Institutional-1 Conditional Use District (O&I-1 CUD). The property is located on the southeast side of Falls of Neuse Road northeast of the intersection of Falls of Neuse Road and Interstate 540. There is currently a single-family residential structure on the property.

The adjacent property to the northeast along Falls of Neuse contains a multi-story office building. There is a single-family residence on the adjacent parcel to the east, while a medical office building and the Falls Ridge commercial subdivision sit on properties directly southwest. Across Falls of Neuse Road to the northwest there is a vacant parcel and single-family homes in Wake County's zoning jurisdiction.

While it has a Falls of Neuse address, the property is accessed from Greenway Street to the rear, the result of closing a portion of Greenway Street that formerly connected to Falls of Neuse Road.

Conditions associated with this proposed rezoning include prohibited uses, standards for building size and design, site lighting, and trash/dumpster screening, prohibitions for driveway access onto Fall of Neuse Road and drive thru windows, and an offer of cross access to the adjacent property to the northeast.

The property was the subject of rezoning case Z-02-08, which sought to rezone the property to O&I-1 CUD. The proposed rezoning was denied.

## 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. The Future Land Use Map designates the parcel and surrounding area as Office Residential - Mixed Use, which is a category that is applied primarily to frontage lots along thoroughfares where low density residential uses are no longer appropriate, as well as office parks and

developments suitable for a more mixed-use development pattern. This category encourages a mix of moderate to medium density residential and office use. The Office and Institution zones provide the closest match with the proposed use pattern.

### **1.2 Policy Guidance**

The following policy guidance is applicable with this request:

#### **Policy LU 1.2 - Future Land Use Map and Zoning Consistency**

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes. The Future Land Use Map shall not be used to review development applications which do not include a zoning map or text amendment.

The proposal is consistent with this policy. Office, institutional, and other non-residential uses are consistent with the Office and Residential Mixed Use category.

#### **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

The proposed rezoning 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.

The proposal is consistent with this policy. There are little additional impacts anticipated 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.

The proposed rezoning is consistent with this policy. The parcel has direct vehicular access from Greenway Street to the rear and one of the conditions proposes an offer of cross access with the commercial property adjacent to the northeast.

#### **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. The applicant has provided conditions for building height, size, and design, site lighting, and dumpster screening that are similar to or more restrictive than those approved as part of the rezoning for the adjacent property to the northeast (Z-30-05).

#### **Policy LU 5.6 - Buffering Requirements**

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or

forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

The proposal is consistent with this policy. The applicant has proposed a 25 foot buffer and transitional protective yard towards the residential property to the east, incorporating existing trees and shrubs.

**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 proposed rezoning is consistent with this policy. The applicant has provided conditions for building height, size, and design, site lighting, and dumpster screening that are similar to or more restrictive than those approved as part of the rezoning for the adjacent property to the northeast (Z-30-05). The proposed conditions could also allow development on this property to be compatible with the commercial buildings to the southwest.

**Policy LU 7.5 – High Impact Commercial Uses**

Ensure that the City's zoning regulations limit the location and proliferation of fast food restaurants, sexually-oriented businesses, late night alcoholic beverage establishments, 24-hour mini-marts and convenience stores, and similar high impact commercial establishments that generate excessive late night activity, noise, or otherwise affect the quality of life in nearby residential neighborhoods.

The proposal is consistent with this policy. The applicant has specified a large number of prohibited uses which could adversely impact the quality of life in nearby residential neighborhoods. The applicant has also prohibited drive through windows on the property.

**Policy EP 8.4 - Noise and Light Impacts**

Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

The proposed rezoning is consistent with this policy. Conditions limit height of site lighting and require it to be directed away from adjacent residentially zoned properties.

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

Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single-family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

The proposal is consistent with this policy. Due to the topography of the site and the proposed conditions, a building developed on this property would provide an appropriate transition along Falls of Neuse Road between multi-story office building to the northeast and the one story medical office building to the southwest. The applicant has conditioned a building height of two stories and a maximum size of 5,800 square feet. The applicant has also proposed a transitional protective yard toward the residential property to the east.

**Policy UD 7.3 – Design Guidelines**

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications in mixed-use areas such as Pedestrian Business Overlay Districts and mixed-use designations on the Future Land Use Map, including preliminary site plans and development plans, petitions for the application of the Pedestrian Business or Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The proposal is consistent with this policy. Applicable design guidelines have been met.

**Policy AP-540F 1 – Development Character on Falls of Neuse Road**  
Development along Falls of Neuse Road should not adversely impact adjacent residential properties due to bulk, scale, mass, fenestration or orientation of structures, stormwater runoff, noise caused by high levels of activity in service areas, or on-site lighting.

The proposal is consistent with this policy. The applicant has offered conditions that help to limit the impact on adjacent residential properties, including limiting building height to two stories, providing an increased buffer toward neighboring residential properties, specifying building orientation, and providing restrictions for site lighting.

**Policy AP-540F 4 – Falls of Neuse Low Intensity Appearance**  
Non-residential frontage lots outside of mixed-use and retail centers along Falls of Neuse Road should have a low intensity appearance accomplished through landscaping, combining lots, building design, and shared access.

The proposed rezoning is consistent with this policy. The applicant has proposed designs standards for development on the site similar to those provided for the neighboring office property to the northeast. In addition, another condition calls for cross access with the same property.

**Policy AP-540F 6 – Falls of Neuse Access Spacing**  
Direct access points onto Falls of Neuse Road should be no closer than 400 feet apart except where existing topographic conditions require an exception to the 400 feet rule. Cross access and shared parking should be used whenever possible.

The proposal is consistent with this policy. Direct access to Falls of Neuse Road is prohibited by one of the proposed conditions. Cross access has been offered to the neighboring office property to the northeast.

### **1.3 Area Plan Guidance**

The property is located with the Falls of Neuse/I-540 Area Plan area. The Area Plan, which was adopted in 2002, calls for low-intensity office or medium-density residential uses on the subject site. If the current zoning were proposed today, it would be deemed inconsistent with the Comprehensive Plan.

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

Over the past decade, properties on the east side of Falls of Neuse Road have undergone a steady transition from residential to office zoning—a change consistent with the I-540/Falls Small Area Plan. The Stonegate Office Building situated on the property to the northeast (PIN 1718624604) anticipated a similar course for the subject site in

providing a stub-out for potential cross access. In turn, the proposed rezoning borrows many of its conditions from the rezoning petition which was the basis for the adjoining Stonegate site's change to office use (Z-30-05).

Designation of the subject site for non-residential use is also compatible with the mixed-use Falls Ridge Planned Development District to the south, which provides a transition from the I-540 corridor to the Woodstone neighborhood to the north, and is the location of a Residential Retail center. To be resolved is the subject site's transition to the adjacent residential uses, both in terms of access and provision of protective yard.

### 3. Public benefits of the proposed rezoning

Building design provisions limit the size of the future building, and lighting is to be of pedestrian scale. Demands on public infrastructure are anticipated to be minimal.

### 4. Detriments of the proposed rezoning

Transportation has ruled that direct access to the site from Falls of Neuse Road will not be permitted. While cross-access from the adjoining property could supply alternative ingress/egress, if primary access is from Greenway Street, traffic volume could increase through the adjacent residential area.

### 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>			
Falls of Neuse Road	Secondary Arterial	40,000	48,500			
Greenway Street	Commercial Street	N/A	N/A			
<b>Street Conditions</b>						
<u>Falls of Neuse 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	89'	Back-to-back curb and gutter section	130'	8' multi-use path on east side	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
<b>Meets City Standard?</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>
<u>Greenway Street</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	2	31'	Back-to-back curb and gutter section	60'	5' sidewalk on south side of street	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 5' sidewalks on one side	N/A

<b>Meets City Standard?</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>N/A</b>
<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	2	12	<b>10</b>			
PM PEAK	2	11	<b>9</b>			
<b>Suggested Conditions/ Impact Mitigation:</b>	Traffic Study Determination: Staff developed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-18-12.					
<b>Additional Information:</b>	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

**Impact Identified:** No adverse impact on the transit system is anticipated.

### 5.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Perry
<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>	1,072 GPD	1,742 GPD
<i>Waste Water</i>	1,072 GPD	1,742 GPD

The proposed rezoning would add approximately 670 GPD to the wastewater collection and water distribution systems of the City. There is currently an eight (8") inch sanitary sewer main and an eight (8") inch water main adjacent to the property which would serve the property.

### 5.5 Parks and Recreation

The subject tract is not located adjacent to a Capital Area Greenway corridor.

The subject tract is not located within a neighborhood park search area.

**Impact Identified:** None

### 5.6 Urban Forestry

N/A

**5.7 Wake County Public Schools**

Under the existing zoning, a maximum of 2 dwelling units can be constructed on the sites. The proposed zoning could permit up to 13 units. The increase could result in an additional two elementary school students, one middle school student, and one high school student being enrolled at base schools:

<b>School name</b>	<b>Current Enrollment</b>	<b>Current Capacity</b>	<b>Future Enrollment</b>	<b>Future Capacity</b>
North Ridge	878	117.1%	880	117.3%
West Millbrook	984	84.5%	985	84.6%
Millbrook	2,344	96.2%	2,345	96.3%

**Impact Identified:** The proposal could result in a minimal increase in the number of school-age children in the base school area, adding to the over-capacity condition already in effect at the base elementary school.

**5.8 Designated Historic Resources**

The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District

**Impact Identified:** None

**5.9 Community Development**

The site is not located within a redevelopment plan area.

**Impact Identified:** None

**5.10 Impacts Summary**

- Potential increase in elementary school children, if developed at maximum residential density, adding to over capacity condition at the base school.

**5.11 Mitigation of Impacts**

- None

**6. Appearance Commission**

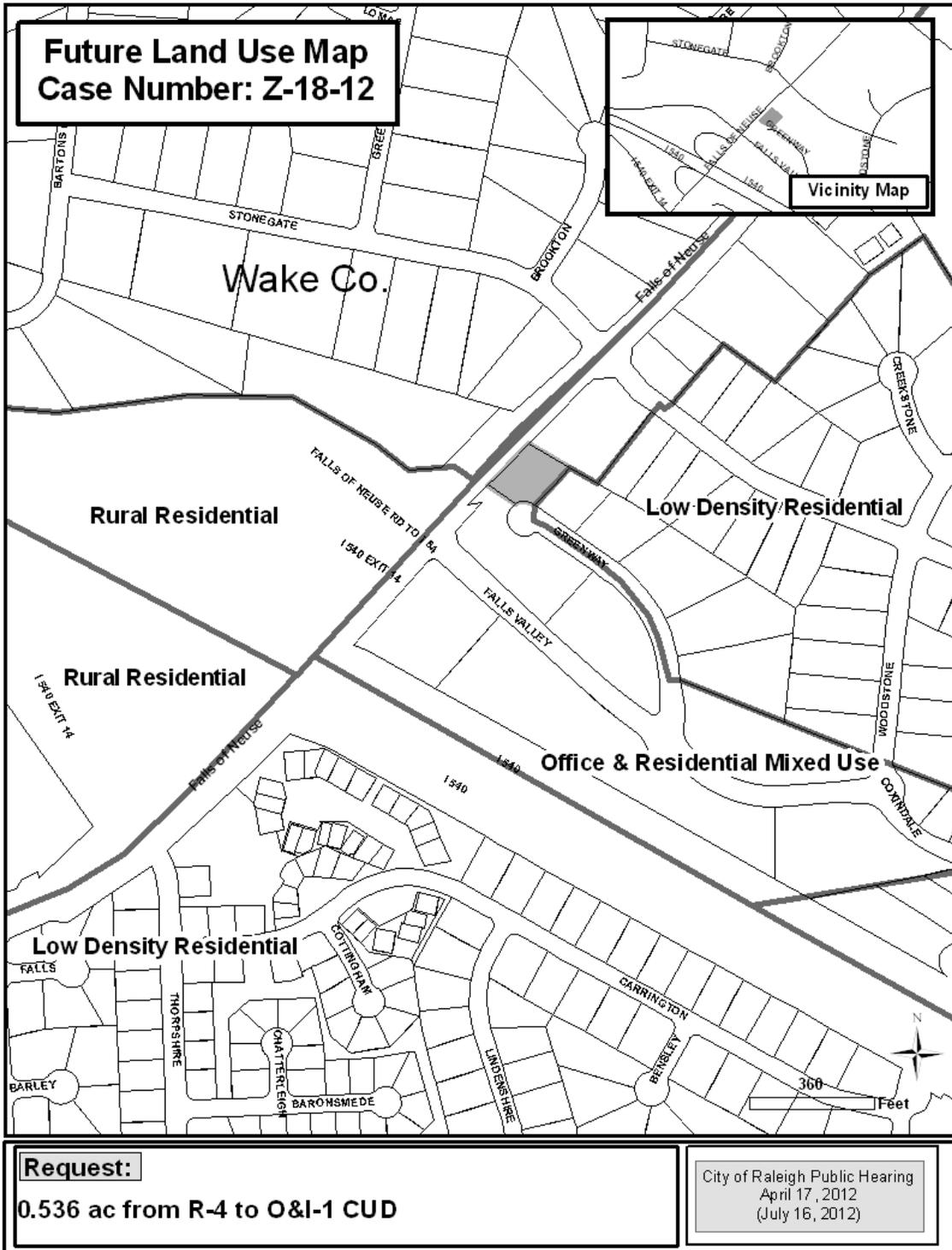
The proposal is not subject to Appearance Commission review.

**7. Conclusions**

The proposed rezoning is consistent with the Comprehensive Plan's Future Land Use Map designation of Office Residential - Mixed Use. The conditions proposed by the applicant as part of the rezoning are consistent with numerous policies of the Comprehensive Plan.



# Future Land Use Map



Z-18-12  
Pd 1081. = by  
CK # 12762



# Petition to Amend the Official Zoning Map

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

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**

CITY OF RALEIGH  
CITY PLANNING DEPT  
2012 JUN 17 09:21



# 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

Robert J. Cummins

Date

DEC 16 2011

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# EXHIBIT B. Request for Zoning Change

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

## Contact Information

	<b>Name(s)</b>	<b>Address</b>	<b>Telephone/Email</b>
Petitioner(s)	Robert J. Cummins	7005 North Ridge Dr. North Carolina 27615	(919) 995-4578

(for conditional use requests, petitioners must own petitioned property)

Property Owner(s) Same as Above

Contact Person(s)	Andy Cummins	7005 North Ridge Dr. Raleigh NC 27615	(919) 995-4578
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## Property information

Property Description (Wake County PIN)

#1710022024

Nearest Major Intersection

FALLS OF HOUSE & FALLS VALLEY

Area of Subject Property (in acres)

.536 AC

Current Zoning Districts (include all overlay di

RESIDENTIAL 4

Requested Zoning Districts (include all overl

O.I.-1 CUD

# EXHIBIT B. Request for Zoning Change

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

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

Name	Street Address	City/State/Zip	Wake Co. PIN
SEE ATTACHED LIST			

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

FALLS RIDGE WEST LLC  
6204 OLD MILITARY RD  
WILMINGTON NC 28409-2124

NC PIN # 1718527761

CUMMINS GROUP LLC  
7005 N RIDGE DR  
RALEIGH NC 27615-7036

NC PIN # 1718622524

2-18-12  
ROYCROFT, RANDALL E & CHERETTE  
8701 STONEGATE DR  
RALEIGH NC 27615-2327

NC PIN # 1718622813

BARKER, WILLIAM T  
BARKER, WILLIAM T  
1401 SUNDAY DR STE 116  
RALEIGH NC 27607-5173

NC PIN # 1718624604

EMORY, O LUTHER  
7308 LEAD MINE RD  
RALEIGH NC 27615-4820

NC PIN # 1718625547

FALLS RIDGE OFFICE PTRR LLC  
3301 BENSON DR STE 535  
RALEIGH NC 27609-7331

NC PIN # 1718621331

FALLS RIDGE DEVELOPMENT LLC  
3301 BENSON DR STE 535  
RALEIGH NC 27609-7331

NC PIN # 1718623453

# 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: \_\_\_\_\_

Narrative of conditions being requested:

a. The following uses shall be prohibited:

- 1) Camp
- 2) Coliseum/Theatre
- 3) Stadium Track
- 4) Rifle Range
- 5) Fraternity House/Sorority House
- 6) Airfield & Heliport
- 7) Sub-station
- 8) Telecommunication Tower
- 9) Manufacturing Specialized
- 10) Taxi Stand
- 11) Guest House
- 12) Funeral home
- 13) Landfill
- 14) Recreation use – restricted to membership – all
- 15) Congregate care facility
- 16) Rest home
- 17) Hospital
- 18) Library
- 19) School
- 20) Special care facility
- 21) Veterinary hospital
- 22) Bank
- 23) Radio and television studio
- 24) Telegraph office
- 25) Dance, recording, music studio



b. Future Buildings shall be limited to no more than TWO (2) stories with a maximum building height of forty-five (45) feet.

c. Site lighting for parking areas shall not exceed sixteen feet (16') in height, unless located in a natural or protective yard, where height of lighting fixtures shall not exceed twelve feet (12') in height.

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**

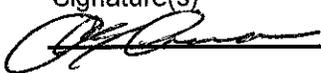
Signature(s)	Print Name	Date
	Andy Cummins	6-12-12
_____		
_____		
_____		

# EXHIBIT C. Request for Zoning Change

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

- d. Standards for the building design shall include the following:
  - i) The dominant building materials will be a minimum of eighty percent (80%) masonry (brick, pre-cast concrete, stone, stucco) exclusive of doors and windows.
  - ii) The fenestration shall be a minimum of 20% of the surface of the overall building elevation.
  - iii) If a pitched roof is utilized, a minimum roof pitch shall be no less than 5:12.
- e. All sidewalks and private walkways shall be five feet (5') minimum.
- f. Prior to the recording of a subdivision plat or the issuance of a building permit, whichever event shall first occur, an offer of cross access shall be provided to the adjacent Stonegate Office Development on the North side of the property (pin #s 1718-62-3538, 1718-62-3686, 1718-62-4752) Book # 13933 and page # 0849.
- g. No vehicular driveway shall be permitted onto Falls of Neuse Road.
- h. All outdoor lighting fixtures shall be full cut-off design and directed away from residential properties. This shall be applied when adjacent to any residential zoned properties.
- i. No drive-thru window shall be allowed.
- j. Trash receptacles/dumpsters shall be enclosed in a masonry structure, with the siding material to be the same or compatible with the building material used on the principle building; opaque doors shall screen the opening. The dumpster enclosure shall be located behind the building and the enclosure screened from view of off-site neighbors with evergreen shrubs that shall be forty-eight inches (48") height at the time of installation. Emptying of dumpsters shall not occur between before 7:00 am or after 7:00 pm. Operation hours of dumpster shall be described in a restrictive covenant and recorded on the plat of the property.
- k. The rezoned land shall be developed with one (1) single [office] building and limited to a maximum of Five Thousand Eight Hundred (5,800 sq ft) in gross floor area.
- l. Buffering: To the East of the property there do exist various buffering trees and bushes. If the existing buffering materials are removed, they will be replaced with trees and shrubs with the following requirements; shrubs will be 80 per 100 linear feet and trees will be 7 per 100 linear feet. These conditions are based on a "C" type Buffer of 25 feet. A transitional protective yard at least 25 feet in width shall be maintained along the property line adjoining the property with Wake County Parcel Identification Number 1718-62-3453 (Deed Book 14586, Page 0259). 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
	ARVY CUMMINGS	6-12-12

# EXHIBIT C. Request for Zoning Change

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

- m. **Parking:** The number of parking spaces on the property will comply with current Raleigh city codes for the size of the building on the property. However, Petitioner agrees to limit the parking spaces to the West of the structure, facing Falls of Neuse Rd., to a maximum of twenty percent (20%) and the remaining eighty percent (80%) will be to the South, West and East of the structure.
- n. **Orientation of Building:** At least one building entrance, shall be oriented toward Falls of Neuse Road.

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
	Amy Cummins	6-12-12
_____	_____	_____
_____	_____	_____
_____	_____	_____

# 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](http://www.raleighnc.gov)).**

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

The recommended land uses for the property are medium density residential and /or low intense office uses. The proposed use for the property is consistent with the Future Land Use Map.

##### **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 located in the I-540/ Falls of Neuse Corridor Area Plan

##### **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 petition is consistent with the Lomprehensive Plan and the following policies:

- LU1.2 LU1.3 LU2.6 LU5 LU4.7 LU4.8 LU4.10 LU5.1 LU5.4 LU5.6 LU6.4 LU8.12 T2.9 EP3.12  
 UD3.8 UD5.1 UD6.1 UD6.4 UD7.5 UD5.3

# EXHIBIT D. Request for Zoning Change

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

## 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):

Land uses to the adjacent north are low intensive office uses 2-3 stories in height, single family homes to the east and west across Falls of Neuse thoroughfare and office and retail uses to the south adjacent.

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

North: O&I-1 Offices 3 story building East: R-4 Single Family Homes West: RR/R-20 with Wopd Single Family Homes across Falls of Neuse thoroughfare South: NB CUd PPD Office and commercial development 1-2 stories

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

The proposed petition is compatible with the new redeveloped office and commercial uses along Falls of Neuse Road, as it is the only remaining tract not redeveloped into office or commercial uses. The existing single family home on the property is no longer suitable for such use and has no identity or compatibility with the single family homes to its rear.

## III. Benefits and detriments of the proposed map amendment.

### A. For the landowner(s):

The proposed petition is beneficial to the landowner in that it will allow the owner to convert the property to an income producing property at its recommended highest and best use, and eliminate the single family use that should not be retained.

### B. For the immediate neighbors:

It will allow the conversion of a small unused tract and single family use to a use that is more compatible with the neighboring office uses and act as a buffer to Falls of Neuse corridor.

### C. For the surrounding community:

It will add tax base to the City, add small office uses for the area, and promote pedestrian friendly uses along the corridor.

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

The other frontage properties along Falls of Neuse thoroughfare have already received a benefit from a similar rezoning as this is the last frontage tract from I-540 to Stonegate Drive almost a thousand feet. This is a property that should have been rezoned in 2008 when it was last before the Council, which at that time, was also consistent with the previous Comprehensive Plan, and also before the new Comprehensive Plan was updated, reconfirming that the proposed office use is and was appropriate for this small frontage lot.

3-9-12  
CP

## EXHIBIT D. Request for Zoning Change

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

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

This property has rezoned commercial properties directly to the North and South along Falls of Neuse Road. It is consistent with the Planning Commission's most recent Strategic Planning Committee's revised Comprehensive Plan Amendments Document dated February 15<sup>th</sup>, 2011 section 2.4 on page 10. This current residential property fronts Falls of Neuse Road at the 540 interchange, and is extremely visible. The current residential dwelling is inconsistent with the commissions plans for this newly designated "Mixed Use" area. The rezoned property will offer an esthetically pleasing facility for such a prominent position along the Falls of Neuse corridor, and provide additional office facilities to support the surrounding residential owners, and provide additional tax revenues for the city of Raleigh.

**V. Recommended items of discussion (where applicable).**

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

N/A

- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly**  
Raleigh has grown dramatically and will continue to do so. Falls of Neuse thoroughfare is now a major thoroughfare whereas when the site was brought into the City and zoned many years ago, Falls of Neuse was a small two lane country road out to rhual wake County. This lot is no inoger suitable for single family use and the last two Compreshenive Plans have recognized

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

The public needs more property to be zoned to permit small office uses to accommodate the city growing population, particularly along major thoroughfares where transit opportunities are or will become available.

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

The infastructure is in place to support the proposed zoning change. Electric, sewer, water, fire, police and safety, schools, parks, greenways, and other public services already exist in the area and will not need to be upgraded for this proposed use.

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

The rezoning advances the enabling legislation by providing a new opportunity to develop a property for its most appropriate use and to provide office space for a growing population along a major thoroughfare.

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

# Design Guidelines for Mixed Use Areas

## RALEIGH COMPREHENSIVE PLAN

### ***Policy UD 7.3***

#### ***Design Guidelines***

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

#### **Elements of Mixed-Use Areas**

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

***Response: The Z-18-12 rezoning petition's Exhibits C and D filed for this property is consistent with the Comprehensive Plan Amendments as agreed to by the Raleigh Planning Commission's Strategic Planning Committee findings on February 15<sup>th</sup>, 2011, page 10, item 2.4 Future Land Use Map – Falls of Neuse Road. This area is extensive and currently contains a substantial "mixed use" commercial buildup. The referenced track in item 2.4 contains several "walk-in" businesses which are clearly consistent with the commission's intent for mixed use. These include medical facilities, including a walk-in urgent care. Additional facilities include a "super" Rite Aid with perishable grocery products and fitness club as examples. The property in this petition is appropriate for Office Use based on the lot size, street and sidewalk access and its elevation relative to Falls of Neuse Road***

#### **Mixed-Use Areas / Transition to Surrounding Neighborhoods**

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

***Response: Petition Z-18-12 Exhibit C section "j" addresses all these areas and are consistent with existing city codes and surrounding OI-1 properties.***

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

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

***Response: The access to the Z-18-12 property already exists with access in two (2) directions: Stonegate Rd. and Greenway. No new roads will be required and access is both simple and obvious to all existing homeowners (please see aerial petition photo).***

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

**Response: No new streets or connectors will be required for access to this property – per item 3 above. This property is currently the exclusive connected property to an existing Cul-de-sac approved by the Planning Commission (please see aerial petition photo).**

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

**Response: This property complies with this provision.**

#### **Site Design/Building Placement**

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

**Response: This unique property, although part of the “Mixed Use” designated zone, does not currently have pedestrian traffic due to previous rulings by the Planning Commission, and the highway 540 interchange. However, it is possible for pedestrian traffic to access the property through the existing commercial property parking lot directly connected to this properties North entrance. The North entrance will maintain substantial existing trees and will support the requirements in Exhibit C section “j” of this petition.**

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

**Response: The site design Petition Z-18-12 completely complies with this provision.**

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

**Response: NA This property is not 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.*

**Response: Petition Z-18-12 calls for substantial open space on the property, and the landscape cited in Section “j” of Exhibit C shall provide an esthetically appealing view as the property is approached from the South and North entrances.**

10. *New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry.*

*They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.*

**Response:** *Visibility and access are somewhat addressed in item #3 above. However, existing pedestrian sidewalks on the East side of the property along Falls of Neuse Road will offer clear and direct "viewing" access to the entire property for pedestrians, and the Falls of Neuse Road corridor provides extremely attractive "frontage" for the property for vehicular traffic (please see aerial petition photo).*

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

**Response:** *Dues to recently enacted rulings based on the Planning Commission's recommendations, this property will be limited to primarily office use only. As the Comprehensive Plan is further implemented to the North of this small parcel, more obvious uses for cafés, restaurants, etc. will become apparent and well suited (please see aerial petition photo).*

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

**Response:** *NA This property is not suitable for outdoor "room" environments based on the extremely low opportunity for "flowing" pedestrian traffic based on recently developed properties consistent with the Planning Commissions guidelines.*

#### **Site Design/Public Seating**

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

**Response:** *NA This property is not suitable for outdoor "room" environments based on the extremely low opportunity for "flowing" pedestrian traffic based on recently developed properties consistent with the Planning Commissions guidelines.*

#### **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.*

**Response:** *The Z-18-12 petition calls for distributed parking. Additionally, the answers in item 14 and 13 above apply (please see aerial petition photo).*

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.*

**Response:** *Petition Z-18-12 complies with this provision.*

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

**Response: Agreed. Parking areas will complement the design structure of the facility, while providing utilitarian elements to the property.**

#### **Site Design/Transit Stops**

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

**Response: Direct Transit stops will not be permitted by the city due to the proximity of the property to the 540 interchange. However, Transit stops that support this property will be consistent with the existing Transit stops that support the existing previously approved "Mixed Use" properties directly to the North and South of this property. This petition was also review by Raleigh's Transit Staff, and no changes were requested and approval was not denied.**

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

**Response: This applies consistent to item 17 above.**

#### **Site Design/Environmental Protection**

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

**Response: This petition was reviewed by Staffs for Storm Water, Parks & Recreation, Utilities and Urban Forestry. No petition adjustments were requested and approval was not denied. Landscape design considerations are also addressed in Exhibit C section "j" of the petition.**

#### **Street Design/General Street Design Principles**

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

**Response: NA No new streets will be created for this petition.**

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

**Response: Sidewalks for this property will only be reasonable along the East of the property along Falls of Neuse Road. Such sidewalks are currently in place. Owner will make certain that sidewalks are maintained to City specifications (please see aerial petition photo).**

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

**Response: NA No new streets will be created, please see item 20 above.**

#### **Street Design/Spatial Definition**

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

**Response: NA Please see item 22 and 20 above.**

#### **Building Design/Facade Treatment**

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

**Response: Exhibit C, section "d" addresses the general design of any new structure. With the use of the identified materials, the façade of any side of the building facing streets will be equally as attractive and esthetically pleasing as the recently approved "Mixed Use" facilities located directly to the South and North of this property.**

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

**Response: As this will be primarily an office facility, primary signage will be mounted/attached to the structure consistent with Raleigh's prevailing building code(s).**

#### **Building Design/Street Level Activity**

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

**Response: Only one sidewalk, along Falls of Neuse Road, will be predominately used for pedestrians. Sidewalks throughout the interior of the property will only be used for existing and entering the office building, and as a short "connector" to the parking areas.**

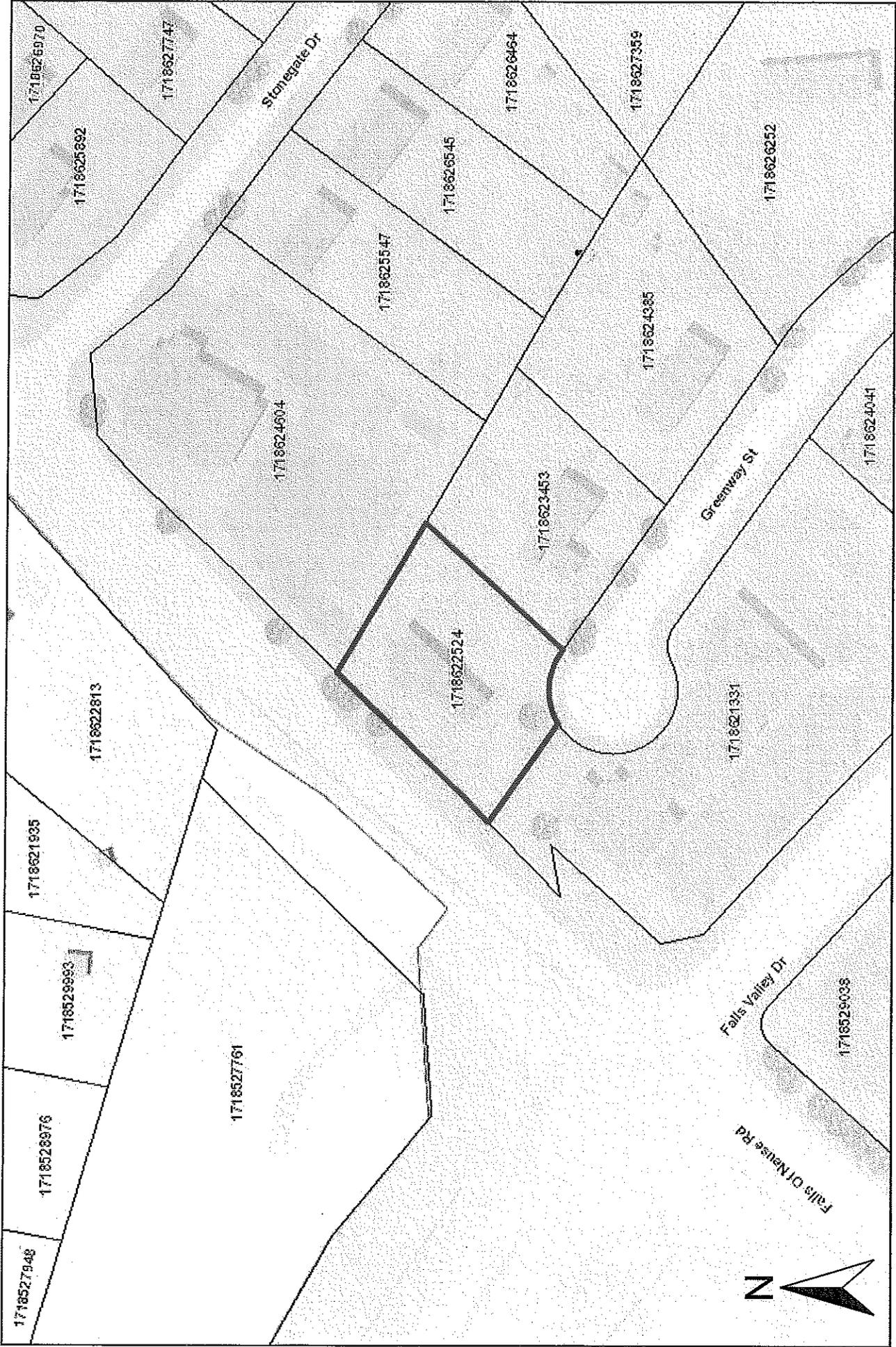
  
\_\_\_\_\_  
Signature

Andy Cummings  
\_\_\_\_\_  
Name

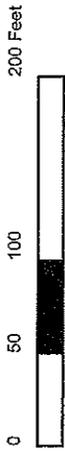
MARCH 9TH 2012.  
\_\_\_\_\_  
Date

Z-18-12  
\_\_\_\_\_  
Petition Number

21.01.12



9100 Falls of Neuse & neighboring PINs



From: Kelly, Bowman <Bowman.Kelly@raleighnc.gov>  
 To: LBunn1069 <LBunn1069@aol.com>  
 Cc: El-Amin, Fleming <Fleming.El-Amin@raleighnc.gov>; Lamb, Eric <Eric.Lamb@raleighnc.gov>  
 Subject: Rezoning for 9100 Falls of Neuse Rd  
 Date: Tue, Dec 20, 2011 11:00 am

Dear Lamar:

I have investigated the potential trip generation volumes of your client's proposed rezoning for 9100 Falls of Neuse Road (PIN 1718-62-2524). This parcel is located on the east side of Falls of Neuse Road, approximately 0.15 miles north of I-540. It has public road frontage on Falls of Neuse Road and Greenway Street. The parcel size is 0.50 acres. It is currently zoned R-4, the proposed zoning is O&I-1 CUD.

I have the following recommendations:

1. State in your rezoning application that the proposed land use is limited to office.
2. State in your rezoning application that the maximum build-out is limited to 7,200 sq. ft.

When we spoke on December 19<sup>th</sup>, you asked to be exempted from the trip generation report that is normally required of all rezoning applications. My recommendation is that you include the trip generation report shown below with your rezoning application.

Trip Generation Comparison: 9100 Falls of Neuse Rd  
 Parcel Size = 0.5 Ac

CHANGE IN TRIP GENERATION	Daily (veh/day)			AM Peak (veh/hr)			PM Peak (veh/hr)			ITE Code	Land Use	Size	Unit
	In	Out	Total	In	Out	Total	In	Out	Total				
Current Zoning: R-4	5	5	10	0	2	2	2	0	2	210	Single Family	2	Dwelling Unit
Proposed Zoning: O&I-1 CUD	40	40	80	10	2	12	2	9	11	710	General Office Bldg	7,200	sq.ft.
Difference (Increase in Trips)	35	35	70	10	0	10	0	9	9				

Please contact me if you have any additional questions.

Sincerely,

Bowman Kelly, PE, PTOE  
 Transportation Engineer, Office of Transportation Planning  
 (919) 516-2100  
 bowman.kelly@raleighnc.gov

"E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized City or Law Enforcement official."

Date: December 9, 2011

RE: Property located at 9100 Falls Of Neuse Road, Raleigh NC 27615

Neighboring Property Owners:

You are invited to attend a neighboring meeting on December 21<sup>st</sup>, 2011. The meeting will be held at North Ridge Country Club in the Garden Room, and will begin at 7 PM.

The purpose of this meeting is to discuss potential rezoning of the property located at 9100 Falls Of Neuse Road, Raleigh NC 27615. This site is currently zoned for residential use, and is proposed to be zoned Office and Institutional – 1 (O & I 1) conditional use. A copy of the proposed conditions and an illustrative preliminary site plan are attached for your information.

The city of Raleigh requires that prior to the submittal of any rezoning petition, a neighborhood meeting involving the property owners within 100 feet of the area requested for rezoning. If you have any questions or concerns, you may call me (919) 995-4578.

Kind Regards,



Andy Cummins

7005 North Ridge DR.  
Raleigh NC 27615

December 22, 2011

Re: Minutes of neighborhood meeting concerning the rezoning petition for 9100 Falls Of Neuse Road.

Meeting Minutes

Certified notices were sent out to all concerned parties inviting them to attend a neighborhood meeting. The meeting was held at North Ridge Country Club on Falls Of Neuse Road on December 21, 2011 at 7 pm. In attendance were myself, Andy Cummins, and Otis Luther Emory. The meeting began at 7 PM and concluded at approximately 8:15 PM. Mr. Emory expressed his sentiments that 9100 Falls Of Neuse should be rezoned for office use, and that he would be willing to address the Raleigh City Council regarding such. Also discussed was accessing the property from both Stonegate Road and Greenway Drive. Mr. Emory was agreeable to both, and stated that he would not object to the city council's decision. Mr. Emory also suggested and illustrated the potential rezoning of several other connecting residential parcels, which may be considered for future projects. Much discussion was around building commercial buildings that would likely bring additional jobs and tax revenues to the district. After agreeing to meet again after the holidays, the meeting was concluded.

It should also be noted that a letter was received from Mr. Barker from Stonegate Associates, Inc. in response to the neighborhood meeting announcement. In the letter, Mr. Barker informed us that he could not attend the meeting. Additionally, Mr. Barker indicated that he would not be in favor of limiting vehicle access to 9100 Falls Of Neuse exclusively via Stonegate Road.

Prepared By: Andy Cummins





**Acknowledgment Executed by Agent**

Undersigned have read the attached Power of Attorney and are the person(s) identified as the agent(s) for the principal. Undersigned hereby acknowledge that in the absence of a specific provision to the contrary in the Power of Attorney or in 20 Pa.C.S.A. when Undersigned act as agent:

Undersigned shall exercise the powers for the benefit of the principal.

Undersigned shall keep the assets of the principal separate from assets of Undersigned.

Undersigned shall exercise reasonable caution and prudence.

Undersigned shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

12-30-11  
Date

  
\_\_\_\_\_  
(Agent)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Agent)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Agent)

### NOTICE

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 PA.C.S. CH. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

Dated: 12-28-11

  
\_\_\_\_\_  
Robert J. Cummins