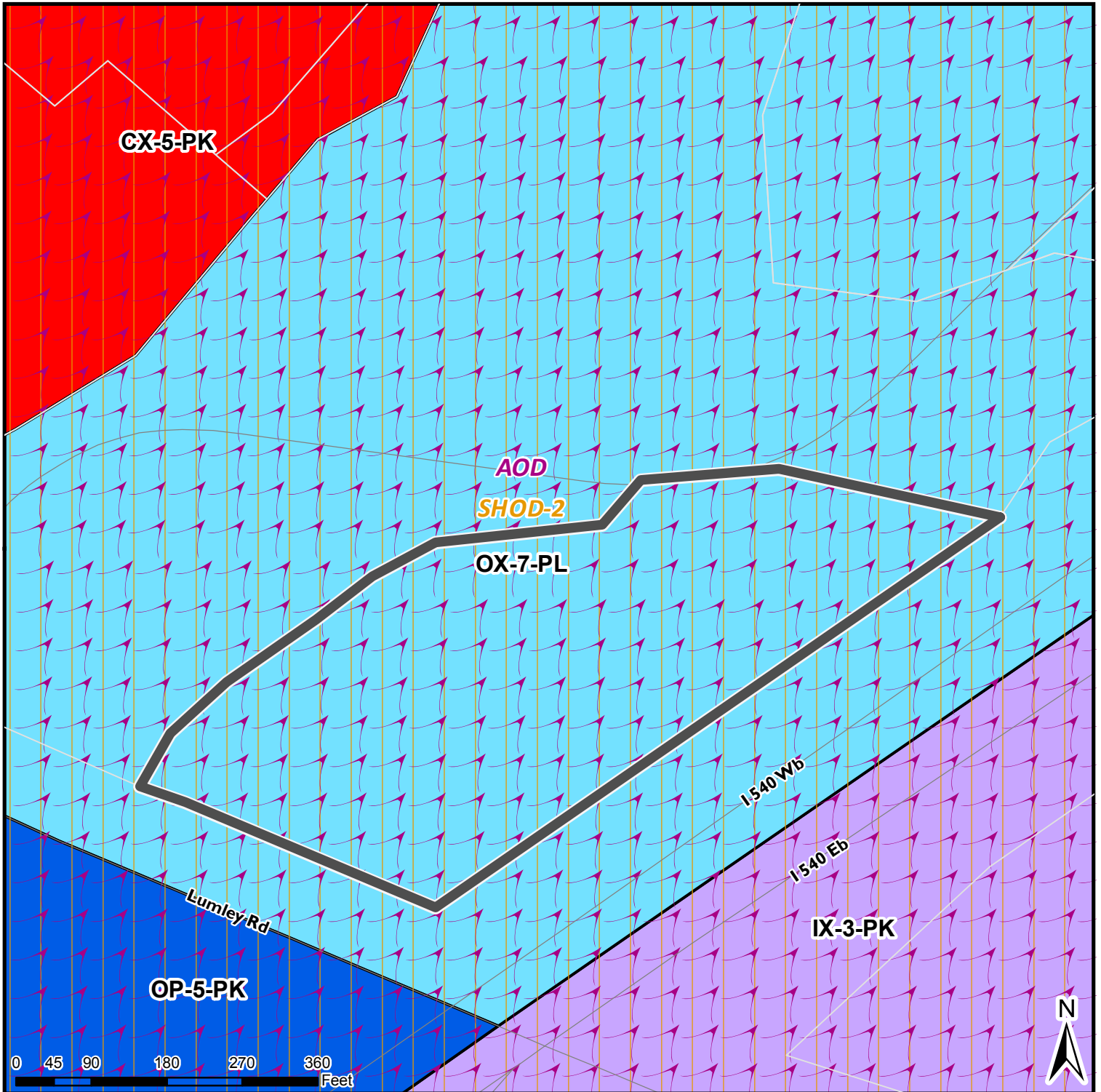


# Existing Zoning Map

# Z-21-16



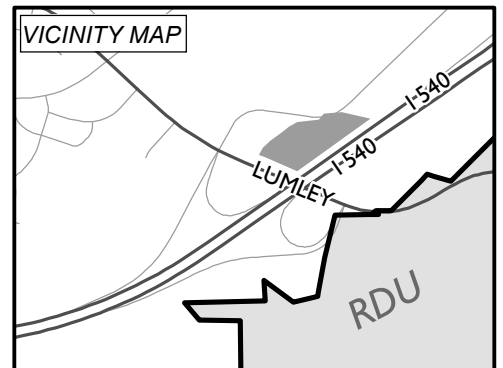
**Submittal Date**

7/1/2016

## Request:

5.93 acres from  
**OX-7-PL w/AOD & SHOD-2**  
to **OP-12-CU w/AOD & SHOD-2**

VICINITY MAP





# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information Z-21-16 10100 Lumley Road

<i>Location</i>	North side of intersection of Interstate 540 and Lumley Road, with access from Arco Corporate Drive. Address: 10100 Lumley Road PIN: 0768328520
<i>Request</i>	Rezone property from Office Mixed Use-7 Stories-Parking Limited with Airport Overlay District and Special Highway Overlay District-2 to Office Park-12 Stories-Conditional Use with Airport Overlay District and Special Highway Overlay District-2.
<i>Area of Request</i>	5.93 acres
<i>Property Owner</i>	RALHAM LLC c/o Winwood Hospitality 4131 Parklake Ave., Suite 360 Raleigh, NC 27605
<i>Applicant</i>	Michael Birch, Morningstar Law Group 1330 St. Mary's Street, Suite 460 Raleigh, NC 27605
<i>Citizens Advisory Council (CAC)</i>	Northwest CAC Chairman Jay Gudeman jay@kilpatrickgudeman.com
<i>PC Recommendation Deadline</i>	January 9, 2017

### Comprehensive Plan Consistency

The rezoning case is  **Consistent**  **Inconsistent** with the 2030 Comprehensive Plan.

### Future Land Use Map Consistency

The rezoning case is  **Consistent**  **Inconsistent** with the Future Land Use Map.

### Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Office/Research & Development
<b><i>URBAN FORM</i></b>	City Growth Center; Parkway Corridor
<b><i>CONSISTENT Policies</i></b>	Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 1.3—Conditional Use District Consistency Policy LU 4.10 — Development at Freeway Interchanges Policy EP 8.10 — Airport Noise Protection for Residential Uses
<b><i>INCONSISTENT Policies</i></b>	Policy LU 7.6 – Pedestrian-Friendly Development Policy UD 7.3 – Design Guidelines

## Summary of Proposed Conditions

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. Outdoor sports or entertainment facilities will not be allowed.</li> <li>2. The number of hotel rooms is capped at 374. The maximum total square footage for all other permitted uses is 151,000.</li> </ol> |
|--|

## Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
6/15/16	7/12/16 (8-yes, 1-no)		

### Attachments

1. Staff report
2. Applicant responses to Urban Design Guidelines

## Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings &amp; Reasons</i>	
<i>Motion and Vote</i>	

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

\_\_\_\_\_  
Planning Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator:

Jason Hardin: (919) 996-2657; [jason.hardin@raleighnc.gov](mailto:jason.hardin@raleighnc.gov)



## Zoning Staff Report – Case Z-21-16

### Conditional Use

---

## Case Summary

### Overview

This proposal involves a rezoning request for a nearly 6-acre property adjacent to Interstate 540 and Lumley Road, with access from Arco Corporate Drive. The rezoning would allow for a building of up to 12 stories, compared to the seven allowed under current zoning. Specifically, the request is to rezone the property from Office Mixed Use-7 stories-Parking Limited frontage to Office Park-12 stories-Conditional Use. The current zoning overlays – Airport Overlay District and Special Highway Overlay District-2 – would remain under the proposal.

The proposed change would remove the existing Parking Limited frontage on the property and would allow light manufacturing, which is allowed in Office Park but not Office Mixed Use districts. Conditions would prohibit outdoor sports or entertainment facilities and would permit up to 374 hotel rooms and limit any other non-residential uses to 151,000 square feet.

The property is within the Brier Creek City Growth Center, an area where the city has encouraged higher development intensities and a more urban building form. The area has been developing steadily in recent decades, following the construction of I-540, and the Comprehensive Plan policies seek to create an environment that is accommodating to pedestrians as well as drivers.

The area is close to Raleigh-Durham International Airport. The property is less than 1,000' from property owned by the Airport Authority and approximately a half-mile from the nearest runway. The Authority has been made aware of the proposal and has expressed no issues with the rezoning or additional height.

The property is currently undeveloped and partly wooded, as are adjacent properties. Properties north of Arco Corporate Drive have been developed with retail uses, while properties on the east side of Arco Corporate Drive to the north of this property have been developed with offices. A floodplain is immediately to the west of the subject property.

Adjacent properties have similar zoning categories in terms of use. The area immediately to the north of the site is zoned OX-7-PL, while property on the south side of Lumley Road is zoned OP-5-PK. Farther to the north, properties along Brier Creek Parkway have varying versions of CX zoning (heights of three or five stories, with either Parking Limited or Parkway frontage).


The proposed removal of the Parking Limited frontage would mean this property is the only one in the immediate area without a designated frontage. However, most of the site borders either I-540 or Lumley Road, where no access is possible. A small portion of the property fronts Arco Corporate Drive, which will serve as the only point of access. Given these constraints, the lack of a designated frontage is not inconsistent with the Comprehensive Plan, although creating a comfortable pedestrian connection to Arco Corporate Drive should be addressed during the site plan stage.

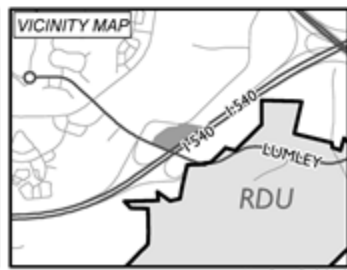
## Outstanding Issues

<p><i>Outstanding Issues</i></p>	<ol style="list-style-type: none"> <li>1. The proposal is not consistent with the Comprehensive Plan's Urban Design Guidelines.</li> <li>2. A sewer capacity study could be required at the time of development plan submittal to ensure adequate capacity exists.</li> <li>3. Offsite sanitary sewer easement acquisition and a sewer extension will be required.</li> <li>4. Fire flow analysis will be required at the site plan stage, with any needed improvements required of the developer.</li> <li>5. Stormwater control regulations will apply.</li> <li>6. A minimum 10% tree conservation area is required.</li> <li>7. An easement to connect to the adjacent greenway easement is encouraged.</li> <li>8. An easement may be needed for future transit service.</li> </ol>	<p><i>Suggested Mitigation</i></p>	<ol style="list-style-type: none"> <li>1. Address at site plan stage. While the removal of the Parking Limited may not be inconsistent with the Plan, care should be taken to ensure a comfortable pedestrian connection to Arco Corporate Drive and to minimize parking between the building and that street.</li> <li>2. Address at site plan stage.</li> <li>3. Acquire easements and make improvements as needed.</li> <li>4. Conduct at site plan stage.</li> <li>5. Address at site plan stage.</li> <li>6. Address at site plan stage.</li> <li>7. Address at site plan stage.</li> <li>8. Provide easement or other needed accommodations if confirmed to be necessary.</li> </ol>
----------------------------------	--	------------------------------------	--

**Existing Zoning Map** **Z-21-2016**



 <b>Submittal Date</b> 7/1/2016	<b>Request:</b> 5.93 acres from OX-7-PL w/AOD & SHOD-2 to OP-12-CU w/ AOD & SHOD-2
--	--



# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<i>Existing Zoning</i>	Office Mixed Use-7 Stories-Parking Limited	Office Mixed Use-7 Stories-Parking Limited	Office Mixed Use-7 Stories-Parking Limited	Office Mixed Use-7 Stories-Parking Limited	Office Mixed Use-7 Stories-Parking Limited
<i>Additional Overlay</i>	Airport Overlay District / Special Highway Overlay District-2	Airport Overlay District / Special Highway Overlay District-2	Airport Overlay District / Special Highway Overlay District-2	Airport Overlay District / Special Highway Overlay District-2	Airport Overlay District / Special Highway Overlay District-2
<i>Future Land Use</i>	Office / Research and Development	Office / Research and Development	Office / Research and Development	Office / Research and Development	Office / Research and Development
<i>Current Land Use</i>	Vacant	Vacant	I-540	I-540	Vacant/ Lumley Road
<i>Urban Form (if applicable)</i>	City Growth Center	City Growth Center	City Growth Center	City Growth Center	City Growth Center

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<i>Residential Density:</i>	- 0 -	- 0 -
<i>Setbacks:</i>		
<i>Front:</i>	5' (50% in 0'-100' build-to)	5'
<i>Side:</i>	0' or 6' (25% in 0'-100' side street build-to)	0' or 6'
<i>Rear:</i>	0' or 6'	0' or 6'
<i>Retail Intensity Permitted:</i>	25,876 sf	- 0 -
<i>Office Intensity Permitted:</i>	153,135	151,000 sf

### **1.3 Estimated Development Intensities**

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Total Acreage</i>	5.93	5.93
<i>Zoning</i>	OX-7-PL w/AOD and w/SHOD-2	OP-12-CU w/AOD & SHOD-2
<i>Max. Gross Building SF (if applicable)</i>	175,805	326,878
<i>Max. # of Residential Units</i>	374 (hotel rooms)	374 (hotel rooms)**
<i>Max. Gross Office SF</i>	153,135	151,000**
<i>Max. Gross Retail SF</i>	25,876	Not permitted
<i>Max. Gross Industrial SF</i>	Not Permitted	151,000**
<i>Potential F.A.R</i>	0.82	1.32

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

\*\* As capped by proposed conditions. Office and industrial totals are separate scenarios. A total of 151,000 sf would be allowed for all uses other than hotel rooms.

The proposed rezoning is:

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

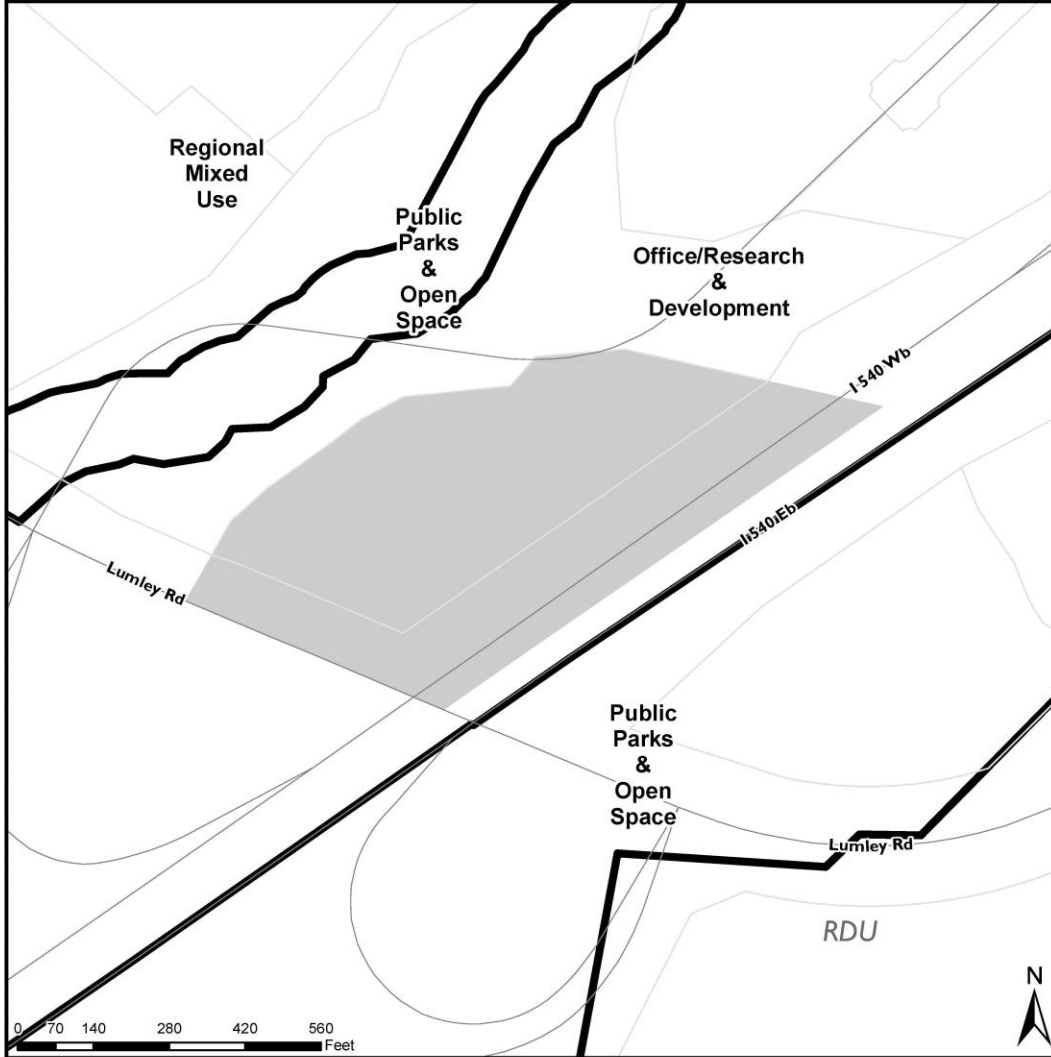
**Incompatible.**

Analysis of Incompatibility:



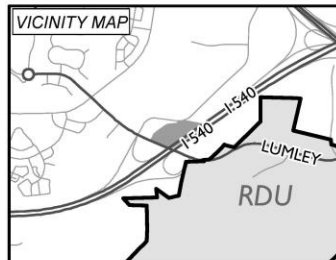
# Future Land Use Map

# Z-21-2016



**Submittal Date**  
7/1/2016

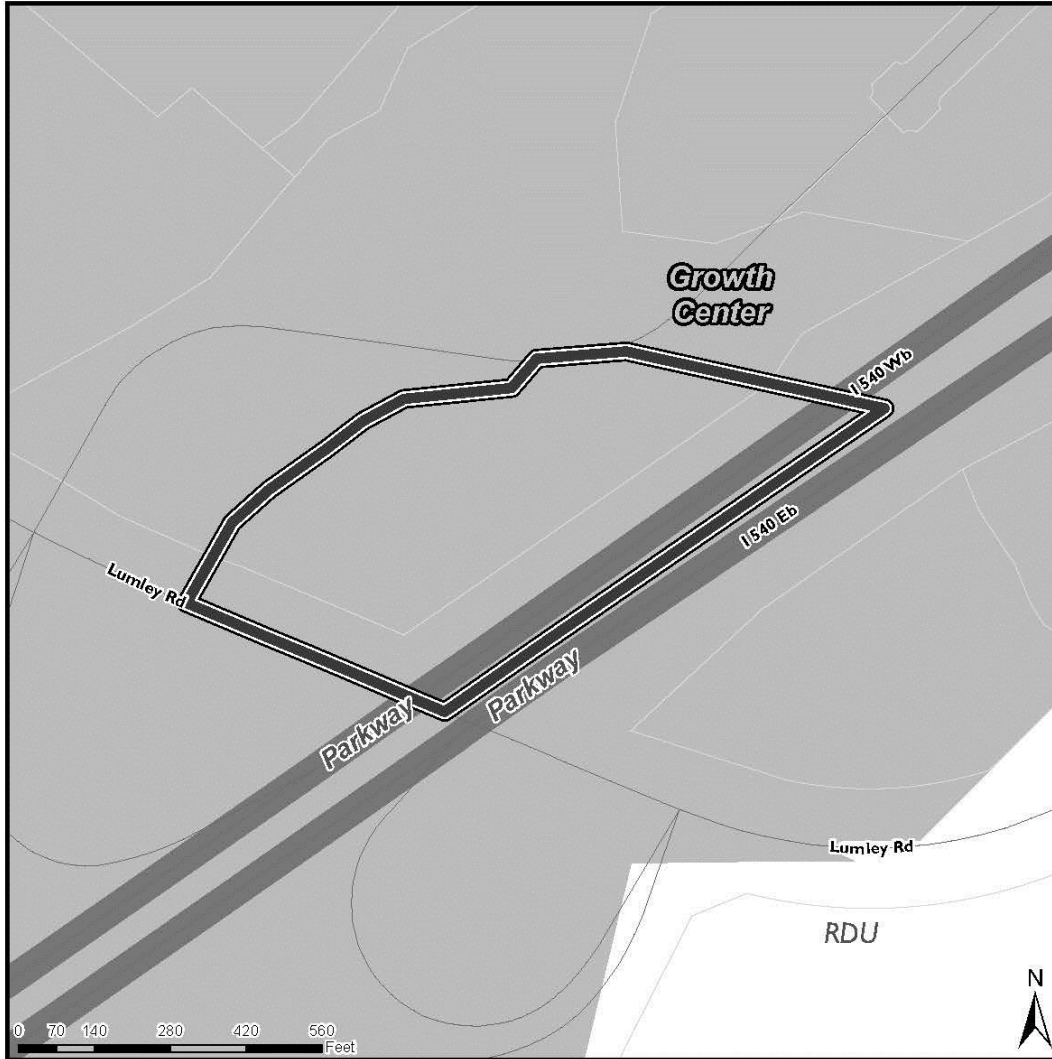
**Request:**  
5.93 acres from  
OX-7-PL w/AOD & SHOD-2  
to OP-12-CU  
w/ AOD & SHOD-2



Map Date: 7/12/2016

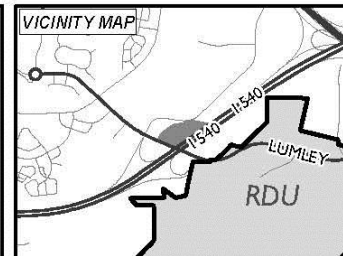
# Urban Form Map

# Z-21-2016



**Submittal Date**  
7/1/2016

**Request:**  
5.93 acres from  
OX-7-PL w/AOD & SHOD-2  
to OP-12-CU  
w/ AOD & SHOD-2



Map Date: 7/12/2016

## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

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

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

- The proposal is mostly consistent with the vision, themes, and policies of the Comprehensive Plan. The proposal is consistent with prosperity element of the theme of "Economic Prosperity and Equity."
- The Future Land Use Map designates the site for Office/Research and Development, for which the closest zoning category is Office Park, the zoning requested in this proposal.
- The proposal is consistent with the Plan in terms of height. The Urban Form Map shows the property to be within a City Growth Center, which would indicate an appropriate location for significant development. Recommended heights in such areas depend on proximity to the "Core." In this case, the property is near the core of the City Growth Center, which generally centers on the intersection of I-540 and Glenwood Avenue and includes relatively intensive retail and office uses. While the Plan recommends limiting properties not in the core of such areas to 7 stories, or 4 stories if on the edge, heights of up to 12 stories are appropriate within the core.
- The same City Growth Center core designation that indicates that taller buildings are appropriate also recommends the use of an urban or "hybrid" (blend of urban and suburban) frontage approach to ensure a level of pedestrian-friendliness. However, this proposal would remove the Parking Limited frontage, a hybrid frontage designed to ensure some level of walkability. Site constraints, as described in section 2.3 below, mean that an urban or hybrid frontage may be impractical, but the frontage removal and corresponding issues involving walkability and urban form create a certain degree of inconsistency with the Plan.
- Community facilities and streets appear sufficient to accommodate the development possible under the proposed rezoning. Upon submittal of site plan, the property owner may be required to provide additional sanitary sewer analysis.

### 2.2 Future Land Use

**Future Land Use designation:**

**The rezoning request is:**

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

**Inconsistent**

Analysis of Inconsistency:

The Future Land Use Map designates this area as Office/Research and Development. That category is compatible with the requested zoning of Office Park.

### **2.3 Urban Form**

**Urban Form designation:**

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

**The rezoning request is:**

**Consistent** with the Urban Form Map.

**Inconsistent**

Analysis of Inconsistency:

The property is included in an area designated as a City Growth Center on the Urban Form Map. The Comprehensive Plan recommends an urban or hybrid frontage for City Growth Centers. The current zoning includes a hybrid frontage, Parking Limited, which the proposed rezoning would remove. However, the Plan notes that “built conditions and site constraints may require alternative approaches.”

In this case, much of the property is bordered by I-540 and Lumley Road, which do not allow for access of any kind and which are not feasible or appropriate for building frontage. Only a small portion of the property is adjacent to Arco Corporate Drive. Given these constraints, the removal of the Parking Limited frontage is not inappropriate.

The southeastern side of the property is adjacent to a Parkway Corridor (I-540), another element on the Urban Form Map. For this side of the property, a suburban frontage is appropriate, and the retention of the existing SHOD-2 overlay is consistent with the goals of the Parkway Corridor designation.

### **2.4 Policy Guidance**

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

Policy LU 7.6 – Pedestrian-Friendly Development  
Policy UD 7.3 – Design Guidelines

Each of these policies deals with the form of development, specifically how buildings relate to the street and whether or not a pedestrian-friendly environment is created. The Comprehensive Plan pays particular attention to these policies in areas identified on the Urban Form Map. Relevant language includes:

- Policy LU 7.6: “New commercial developments and redeveloped commercial areas should be pedestrian-friendly.”

- Policy UD 7.3: “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.”

Zoning categories address form in many ways, including height, setbacks, and build-to lines. In this case, the request involves removing the Parking Limited frontage, which aims to maintain a certain level of walkability by limiting parking in front of buildings to no more than two bays and requiring direct pedestrian access from the building to the sidewalk. Removing that frontage means the development would not necessarily conform to the policies mentioned above.

While site constraints, as noted previously, may justify the lack of a designated frontage, the intent of these policies potentially still can be at least partially met by ensuring that a comfortable and safe pedestrian connection to Arco Corporate Drive, in a space that prioritizes pedestrians over motor vehicles, is created during the site plan process.

### **2.5 Area Plan Policy Guidance**

The rezoning request is **not** part of an area considered in an Area Plan

## **3. Public Benefit and Reasonableness Analysis**

### **3.1 Public Benefits of the Proposed Rezoning**

- The rezoning can add vitality to an area envisioned as a relatively dense urban center by facilitating new development.
- The rezoning could add to the mix of uses in the area, with potential hotel and office uses creating additional demand for retail uses in the vicinity.

### **3.2 Detriments of the Proposed Rezoning**

- The proposed removal of the Parking Limited frontage means development may not necessarily be pedestrian-friendly.

## 4. Impact Analysis

### 4.1 Transportation

The site is located in the northwest quadrant of I-540 and Lumley Road. It also has frontage on Arco Corporate Drive. Lumley Road (SR 1645) is maintained by the NCDOT; Arco Corporate Drive is privately maintained, though it lies within a public access easement. Both Lumley Road and Arco Corporate Drive currently have a four-lane cross section with curbs and sidewalks. Both facilities are classified as major streets in the UDO Street Plan Map (Avenue, 4-Lane, Divided).

There are no City of Raleigh CIP projects planned for either Lumley Road or Arco Corporate Drive in the vicinity of the Z-21-2016 site. NCDOT Spot Safety Project 05-13-496 recently restriped westbound Lumley Road and southbound Brier Creek Parkway for dual left turns. No other improvements are contemplated for Lumley Road or Arco Corporate Drive. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the northern boundary of the Z-21-2016 parcels. Site access will be provided exclusively via Arco Corporate Drive.

In accordance with UDO section 8.3.2, the maximum block perimeter for OP zoning is 4,000 feet. Because this site abuts I-540 on its eastern boundary the block perimeter standard cannot be met for Z-21-2016. It is noted that the block perimeter for Z-21-2016, as defined by public rights-of-way for Arco Corporate Drive, Brier Creek Parkway Drive and Lumley Road is 12,675 feet.

The existing site is undeveloped and generates no traffic. Approval of case Z-21-2016 would increase average peak hour trip volumes by 648 veh/hr in the PM peak period; daily trip volume will increase by less than 9,000 veh/day. A traffic impact analysis report is required for Z-21-2016.

#### **Update: October 3, 2016**

Revised Condition #2 (dated September 16, 2016) effectively limits traffic volumes for Z-21-16 to the existing buildout permitted under current zoning. A traffic study is not needed for case Z-21-2016.

**Impact Identified: Block perimeter exceeds maximum for OP zoning**

### 4.2 Transit

Transit service may be planned for the area in the future. An easement or other accommodations for transit provisions may be requested.

### 4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Little Briar
<i>Stormwater Management</i>	Article 9.2 UDO
<i>Overlay District</i>	none

There are FEMA floodplain and Buffers adjacent to the property, but not within the property boundary. Site is subject to stormwater regulations under Article 9.2 of the UDO.

#### 4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	0 gpd	112,200 gpd	112,000 gpd
<i>Wastewater</i>	0 gpd	112,200 gpd	112,000 gpd

1. In relation to current zoning, the proposed rezoning would not add to the wastewater collection and water distribution systems of the City. There are water mains adjacent to the proposed rezoning area. Offsite City of Raleigh Sanitary Sewer Easement acquisition and a sewer extension will be required.
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

#### 4.5 Parks and Recreation

1. There are no existing or proposed greenway trails, connectors, or corridors on this site.
2. Site is adjacent to greenway corridor, please consider easement to allow connection to easement.
3. Nearest trail access is 6.8 miles, Hare Snipe Creek.
4. Recreation services are provided by Brier Creek Community Center, 1.5 miles.

#### 4.6 Urban Forestry

1. This site is greater than two acres, wooded and is required to provide a minimum 10% tree conservation area.
2. There is SHOD-2 Yard on this property that may qualify as Primary Tree Conservation Area.

#### 4.7 Designated Historic Resources

None within 1,000 feet. No impact identified.

#### 4.8 Community Development

No impact identified.

#### 4.9 Impacts Summary

The rezoning is not projected to result in a net increase in automobile traffic or wastewater compared to current zoning. The block perimeter would be larger than allowed for OP zoning, but site constraints, chiefly the presence of I-540, mean that standard cannot be met.

Development enabled by the request will add to demands on surrounding infrastructure. Additionally, development could result in the removal of some existing trees on the property.

#### **4.10 Mitigation of Impacts**

1. A sewer capacity study could be required at the time of development plan submittal to ensure adequate capacity exists.
2. Offsite sanitary sewer easement acquisition and a sewer extension will be required.
3. Fire flow analysis will be required at the site plan stage, with any needed improvements required of the developer.
4. Stormwater control regulations will apply.
5. A minimum 10% tree conservation area is required.
6. An easement to connect to the adjacent greenway easement is encouraged.
7. An easement or other accommodations may be needed for future transit service.

## **5. Conclusions**

The proposed rezoning is mostly consistent with the Comprehensive Plan. The proposed zoning category is consistent in terms of use with the Future Land Use Map. The proposed height is also consistent with the policies of the Comprehensive Plan.

Site constraints mean the removal of the Parking Limited frontage is not inconsistent with the Comprehensive Plan. However, the removal of the frontage means the development will not necessarily be consistent with the Plan's Urban Design Guidelines. Given that, the pedestrian connection to Arco Corporate Drive and the relationship of buildings to that street should receive particular attention during the site plan process.

The rezoning would not create any additional demand on infrastructure beyond existing zoning. Along from the urban design issues mentioned above, impacts from the development can be addressed at the site plan stage.



**URBAN DESIGN GUIDELINES**

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

1.	<p>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</p> <p><b>The property is located in the Brier Creek area, which includes a mix of residential, office and retail uses.</b></p>
2.	<p>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</p> <p><b>The properties are not adjacent to lower density neighborhoods, so this guideline is not applicable.</b></p>
3.	<p>A mixed use area’s road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</p> <p><b>No new streets are contemplated as part of this development, and the existing area street network complies with this guideline.</b></p>
4.	<p>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</p> <p><b>No new streets are contemplated as part of this development, and the existing street network complies with this guideline.</b></p>
5.	<p>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</p> <p><b>No new streets are contemplated as part of this development, and there is an existing driveway cut on Arco Corporate Drive.</b></p>
6.	<p>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</p> <p><b>The property has limited frontage on a private street, which must be used for driveway access to the property. The property is also adjacent to two controlled access roads – Lumley Road and I-540 – which prevent pedestrian access from these roads.</b></p>
7.	<p>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</p> <p><b>This parcel is not located next to a pedestrian-oriented street, and the property’s limited frontage along Arco Corporate Drive prevents a building located close to the street.</b></p>
8.	<p>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</p> <p><b>The property is not located at an intersection of streets from which it has access, and the highway overlay district requires setbacks from Lumley Road and Interstate 540.</b></p>
9.	<p>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
10.	<p>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
11.	<p>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
12.	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor “room” that is comfortable to users.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
13.	<p>New public spaces should provide seating opportunities.</p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
14.	<p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</p> <p><b>The property has limited frontage on Arco Corporate Drive, which is a pedestrian oriented street, so this guideline is not applicable. Additionally, pedestrian access will be provided in accordance with the UDO.</b></p>
15.	<p>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.</p> <p><b>The property has limited frontage along Arco Corporate Drive, which must be utilized for vehicular access.</b></p>
16.	<p>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.</p> <p><b>No parking structures are contemplated as part of this development.</b></p>



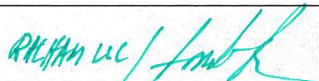
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>The property is located in the Brier Creek area, which has existing transit stops. Additionally, the property is located in close proximity to the airport.</b></p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Pedestrian access will be provided to the sidewalk along Arco Corporate Drive in accordance with the UDO, consistent with this guideline.</b></p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>There are no known sensitive environmental features on the property.</b></p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>No new streets are contemplated as part of this development.</b></p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Sidewalks will be provided in accordance with the UDO.</b></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Street trees and other landscaping will be provided in accordance with the UDO.</b></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>The property's limited frontage on Arco Corporate Drive requires the building to be located along Lumley Road and I-540.</b></p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>The building will comply with the applicable UDO standards.</b></p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>The building will comply with the applicable UDO standards.</b></p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>A sidewalk already exists along Arco Corporate Drive.</b></p>

# Rezoning Application



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

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			JUL 1 2016 PM 3:35 OFFICE USE ONLY Transaction # 474414
Existing Zoning Classification: <u>OX-7-PL with AOD &amp; SHOD-2</u>			
Proposed Zoning Classification Base District: <u>OP</u> Height: <u>-12</u> Frontage: <u>None</u> Overlay: <u>AOD &amp; SHOD-2</u>			
If the property has been previously rezoned, provide the rezoning case number: <u>Not Applicable</u>			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
<u>474414</u> (Rezoning Pre-App)	470749 (Due Diligence Session)		

GENERAL INFORMATION			
Property Address: 10100 Lumley Road			Date <u>June 28, 2016</u>
Property PIN: 0768-32-8520		Deed Reference (book/page): DB 13322, PG 2658	
Nearest Intersection: Arco Corporate Drive, Lumley Road and Interstate 540			Property Size (acres): 5.93 acres
Property Owner/Address: RALHAM LLC c/o Winwood Hospitality 4131 Parklake Ave, Suite 360 Raleigh, NC 27612	Phone	Fax	
	Email		
Project Contact Person/Address: Michael Birch, Morningstar Law Group 1330 St. Mary's Street, Suite 460 Raleigh, NC 27605	Phone: 919.590.0388	Fax	
	Email: mbirch@morningstarlawgroup.com		
Owner/Agent Signature 	Email: amit@winwoodhospitality.com		

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



**REZONING APPLICATION ADDENDUM**

**Comprehensive Plan Analysis**

**OFFICE USE ONLY**

The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.

Transaction #  
474424  
Rezoning Case #  
Z-21-16

**STATEMENT OF CONSISTENCY**

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

1.The property is designated "Office/Research & Development" on the Future Land Use Map (FLUM), and this designation identifies major employment areas and encourages office and hotel uses. The Comprehensive Plan states the OP district is the most appropriate zoning district for this FLUM designation, and the OP district permits the office and hotel uses envisioned by the Office/ Research & Development category. Therefore, the proposed rezoning to the OP district is consistent with the Future Land Use Map.

2.The property is located within a City Growth Center on the Urban Form Map and a major employment area (Brier Creek Corporate Center area). Accordingly, the property is within a Core/Transit area, and Table LU-2 "Recommended Height Designations" provides that building height of 12 stories is appropriate for property in a Core/Transit area and designated "Office/Research & Development" on the FLUM. The rezoning request for 12 stories is consistent with this Comprehensive Plan height guidance.

3.The property is located in a City Growth Center on the Urban Form Map. Generally, an urban or hybrid approach to frontage is recommended for property in such an area. However, the Comprehensive Plan recognizes the site constraints may require alternative approaches. The property has limited frontage along Arco Corporate Drive, and the location of this street frontage, given the odd shape of the lot, does not allow for compliance with the build-to standards of an urban or hybrid frontage on Arco Corporate Drive. Additionally, Arco Corporate Drive is a private street at this location and will remain a private street given the contamination in the area. Third, the property has frontage on Lumley Road and Interstate 540, both of which are controlled access along the property's frontage, and no pedestrian access to these road is possible as envisioned by the Parkway frontage. Finally, the SHOD-2 is remaining and will ensure retention of vegetation along Lumley Road and Interstate 540. Based on the foregoing, the requested rezoning, which applies no frontage to this property, is consistent with the Urban Form Map and the Comprehensive Plan.

4. The proposed rezoning is consistent with the following policies in the Comprehensive Plan: LU 1.2 - Future Land Use Map and Zoning Consistency; LU 3.2 - Location of Growth; LU 8.10 - Infill Development; LU 8.11 - Development of Vacant Sites; EP 8.5 - Airport Overlay Zone.

**PUBLIC BENEFITS**

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

1.The requested rezoning will provide the public benefit of facilitating the development of a vacant parcel of land in close proximity to the airport and a major retail and office mixed use center, which will allow visitors to stay close to the airport with easy access to retail amenities.

2.The requested rezoning benefits the public by rezoning the property consistent with the Future Land Use Map.



## URBAN DESIGN GUIDELINES

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

1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p><b>The property is located in the Brier Creek area, which includes a mix of residential, office and retail uses.</b></p>
2.	<p><i>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.</i></p> <p><b>The properties are not adjacent to lower density neighborhoods, so this guideline is not applicable.</b></p>
3.	<p><i>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.</i></p> <p><b>No new streets are contemplated as part of this development, and the existing area street network complies with this guideline.</b></p>
4.	<p><i>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.</i></p> <p><b>No new streets are contemplated as part of this development, and the existing street network complies with this guideline.</b></p>
5.	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p><b>No new streets are contemplated as part of this development, and there is an existing driveway cut on Arco Corporate Drive.</b></p>
6.	<p><i>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.</i></p> <p><b>The property has limited frontage on a private street, which must be used for driveway access to the property. The property is also adjacent to two controlled access roads – Lumley Road and I-540 – which prevent pedestrian access from these roads.</b></p>
7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p><b>This parcel is not located next to a pedestrian-oriented street, and the property’s limited frontage along Arco Corporate Drive prevents a building located close to the street.</b></p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p><b>The property is not located at an intersection of streets from which it has access, and the highway overlay district requires setbacks from Lumley Road and Interstate 540.</b></p>
9.	<p><i>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.</i></p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
10.	<p><i>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.</i></p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
11.	<p><i>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.</i></p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor “room” that is comfortable to users.</i></p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b>Outdoor amenity areas will be provided consistent with the UDO.</b></p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p><b>The property has limited frontage on Arco Corporate Drive, which is a pedestrian oriented street, so this guideline is not applicable. Additionally, pedestrian access will be provided in accordance with the UDO.</b></p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p><b>The property has limited frontage along Arco Corporate Drive, which must be utilized for vehicular access.</b></p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p><b>No parking structures are contemplated as part of this development.</b></p>



17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>The property is located in the Brier Creek area, which has existing transit stops. Additionally, the property is located in close proximity to the airport.</b></p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Pedestrian access will be provided to the sidewalk along Arco Corporate Drive in accordance with the UDO, consistent with this guideline.</b></p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>There are no known sensitive environmental features on the property.</b></p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>No new streets are contemplated as part of this development.</b></p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Sidewalks will be provided in accordance with the UDO.</b></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Street trees and other landscaping will be provided in accordance with the UDO.</b></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>The property's limited frontage on Arco Corporate Drive requires the building to be located along Lumley Road and I-540.</b></p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>The building will comply with the applicable UDO standards.</b></p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>The building will comply with the applicable UDO standards.</b></p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>A sidewalk already exists along Arco Corporate Drive.</b></p>

**Conditional Use District Zoning Conditions**

Zoning Case Number: Z-21-16	<b>OFFICE USE ONLY</b>  <b>Transaction #</b>
Date Submitted: October 21, 2016	
Existing Zoning: <u>OX-7-PL with AOD &amp; SHOD-2</u> Proposed Zoning: <u>OP-12-CU with AOD &amp; SHOD-2</u>	

**NARRATIVE OF ZONING CONDITIONS OFFERED**

1. The following principal uses as listed in the Allowed Principal Use Table (UDO sec. 6.1.4.) shall be prohibited: outdoor sports or entertainment facility – all types.
2. Development of the property shall be limited to the following two scenarios: (i) a maximum of 374 hotel rooms, or (ii) a maximum floor area gross of 151,000 square feet for all other permitted uses. This condition shall not preclude the inclusion of restaurants, bars, lounges, meeting rooms, conference rooms, ballrooms or convention facilities associated with a hotel use.
3. Prior to recordation of a subdivision plat or issuance of a building permit for new development, and if deemed necessary by the Public Works Department to accommodate a future transit stop along Arco Corporate Drive, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of such easement shall be approved by the Public Works Department and the easement document approved by the City Attorney’s Office.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature \_\_\_\_\_ Print Name \_\_\_\_\_

**Conditional Use District Zoning Conditions**

Zoning Case Number: Z-21-16	<b>OFFICE USE ONLY</b>  Transaction #
Date Submitted: September 16, 2016	
Existing Zoning: <u>OX-7-PL with AOD &amp; SHOD-2</u> Proposed Zoning: <u>OP-12-CU with AOD &amp; SHOD-2</u>	

**NARRATIVE OF ZONING CONDITIONS OFFERED**

1. The following principal uses as listed in the Allowed Principal Use Table (UDO sec. 6.1.4.) shall be prohibited: outdoor sports or entertainment facility – all types.
2. The maximum amount of hotel rooms permitted on the property is 374. The maximum floor area gross for all other permitted uses is 151,000 square feet.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature \_\_\_\_\_ Print Name \_\_\_\_\_



**Conditional Use District Zoning Conditions**

Zoning Case Number	<b>OFFICE USE ONLY</b>  Transaction #  <span style="font-size: 1.5em;">474414</span>
Date Submitted <i>June 28, 2016</i>	
Existing Zoning: <u>Residential-4</u> Proposed Zoning: <u>OP-12-CU with AOD &amp; SHOD-2</u>	

**NARRATIVE OF ZONING CONDITIONS OFFERED**

1. The following principal uses as listed in the Allowed Principal Use Table (UDO sec. 6.1.4.) shall be prohibited: outdoor sports or entertainment facility – all types.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature *RALPH LLC / [Signature]*                      Print Name *Amit Patel*

REZONING OF PROPERTY CONSISTING OF +/- 5.93 ACRES  
LOCATED AT THE INTERSECTION OF LUMLEY ROAD, INTERSTATE 540,  
AND ARCO CORPORATE DRIVE, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON JUNE 15, 2016

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Wednesday, June 15, 2016, at 6:00 p.m. The property considered for this potential rezoning totals approximately 5.93 acres, located on Arco Corporate Drive east of the intersection with Lumley Road, in the City of Raleigh, having Wake County Parcel Identification Number 0768-32-8520. This meeting was held at the Raleigh office of the Morningstar Law Group, which is located at 1330 St. Mary's Street, Suite 460, Raleigh, NC 27605. All owners of property within 100 feet of the subject properties were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A

NEIGHBORHOOD MEETING NOTICE



Michael Birch | Partner  
1330 St. Mary's Street | Suite 460  
Raleigh, NC 27605

919-590-0388  
mbirch@morningstarlawgroup.com  
www.morningstarlawgroup.com

To: Neighboring Property Owner  
From: Michael Birch  
Date: June 3, 2016  
Re: Notice of meeting to discuss potential rezoning of a parcel of land located on Arco Corporate Drive east of the intersection with Lumley Road, containing approximately 5.93 acres, with an address of 10100 Lumley Road, and having Wake County Parcel Identification Number 0768-32-8520 (the "Property").

We are counsel for RALHAM, LLC, the owner of the Property, which is considering rezoning the Property. The Property is currently zoned OX-7-PL. The owner is considering rezoning the Property to Office Park with a twelve (12) story height limit (OP-12).

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Wednesday, June 15, 2016 at 6:00 PM at the offices of Morningstar Law Group, located at 1330 St. Mary's Street, Suite 460, Raleigh, NC 27605.

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) 590-0388 or [mbirch@morningstarlawgroup.com](mailto:mbirch@morningstarlawgroup.com).

**EXHIBIT B**

**LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT**

Ralham, LLC  
Winwood Hospitality  
4131 Parklake Ave Ste 360  
Raleigh, NC 27612

Ward Ventures LLC  
Robert E Ward III  
PO Box 30009  
Raleigh, NC 27622

## **EXHIBIT C**

### **SUMMARY OF DISCUSSION ITEMS**

On Wednesday, June 15, 2016, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. No one attended the meeting, so no items were discussed.

**EXHIBIT D**

**NEIGHBORHOOD MEETING ATTENDEES**

No one attended the meeting.