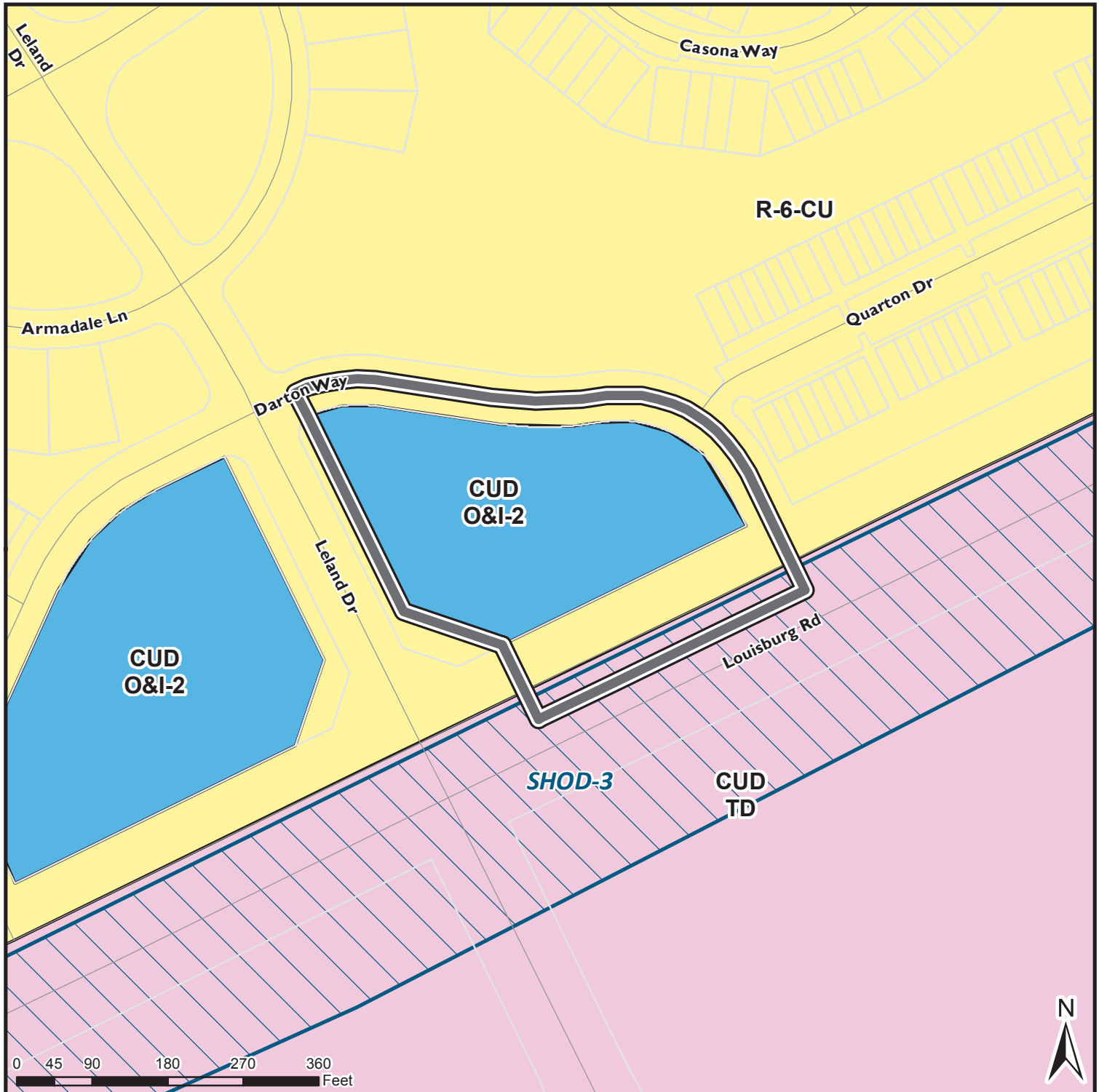


# Existing Zoning Map

# Z-24-2015

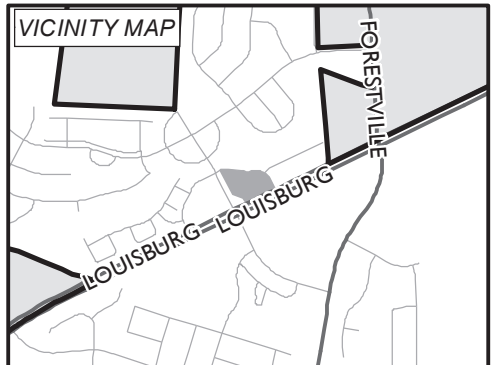


**Submittal  
Date**

6/29/2015

**Request:**

**2.2 acres from  
CUD O&I-2  
to NX-3-PK-CU**





## Certified Recommendation

Raleigh Planning Commission

CR# 11654

### Case Information Z-24-15 8504 Darton Way

<i>Location</i>	Southeast quadrant, between Leland Drive and Louisburg Road Address: 8504 Darton Way PIN: 1748406996
<i>Request</i>	Rezone property from Office & Institution-2 Conditional Use District (O&I-2 CUD) to Neighborhood Mixed Use-3 stories-Conditional Use (NX-3-PK-CU)
<i>Area of Request</i>	2.2 acres
<i>Property Owner</i>	Surry P. Roberts 120 Woodburn Road Raleigh, NC 27605
<i>Applicant</i>	Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560
<i>Citizens Advisory Council (CAC)</i>	Forestville – Latika Vick, Chairperson <a href="mailto:forestvillecac@gmail.com">forestvillecac@gmail.com</a>
<i>PC Recommendation Deadline</i>	November 9, 2015

### 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 & Residential Mixed Use
<b><i>URBAN FORM</i></b>	Center: Mixed-Use Center Corridor: Parkway (Louisburg Road)
<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 2.6 – Zoning and Infrastructure Impacts Policy LU 5.4 – Density Transitions Policy LU 6.2 – Complementary Uses and Urban Vitality Policy UD 1.10 – Frontage
<b><i>INCONSISTENT Policies</i></b>	(None.)

### Summary of Proposed Conditions

1. Limits uses to those permitted in the Office Mixed Use (OX) zoning district and Animal Care (Indoor).

<b><i>Neighborhood Meeting</i></b>	<b><i>CAC</i></b>	<b><i>Planning Commission</i></b>	<b><i>City Council</i></b>	<b><i>Public Hearing</i></b>
6/17/15	9/8/15 Y – 3; N - 0	8/11/15	9/1/15	10/7/15

1. Staff report
2. Existing zoning conditions [Z-21-08 – Ordinance (2008) 416ZC622]

<i>Recommendation</i>	<b>Approve with conditions.</b> City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings &amp; Reasons</i>	<ol style="list-style-type: none"> <li>1. The proposal is consistent with the Future Land Use Map, Urban Form Map, and pertinent policies of the Comprehensive Plan.</li> <li>2. The proposed rezoning is reasonable and in the public interest. Conditions limit permitted uses almost exclusively to those permitted in the Office Mixed Use (OX) zoning district. Residential uses would also be permitted.</li> <li>3. The proposal is compatible with the surrounding area. Allowed height is commensurate with residential areas nearby. Parkway frontage preserves the wooded character of the corridor.</li> </ol>
<i>Motion and Vote</i>	<p>Motion: Swink          Second: Fluhrer          In Favor: Braun, Buxton, Fluhrer, Hicks, Schuster, Swink and Whitsett          Opposed:</p>

Planning Director	Date	Planning Commission Chairperson	8/11/15 Date
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**Staff Evaluation**  
Z-24-15 / 8504 Darton Way



## Zoning Staff Report – Case Z-24-15

### Conditional Use District

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## Case Summary

### Overview

This approximately 2 acre parcel is located in northeast Raleigh at the intersection of Darton Way and Louisburg Road. The site is currently vacant and wooded. The Highland Creek development surrounds most of the site and includes single family homes, a clubhouse, and common open space. Directly to the west across Leland Drive sits a similarly sized and situated parcel that is also vacant. The Forestville Road Crossing shopping center is located to the south of the subject property across Louisburg Road. Commercial uses there include a grocery store, bank, pharmacy, and several restaurants.

The site and the mirror image parcel to the west are designated as Office & Residential Mixed Use on the Future Land Use Map. The Highland Creek area to the north, east, and west is a mix of Private Open Space and Low Density Residential. Parcels to the south across Louisburg Road are designated as Community Mixed Use. On the Urban Form Map, the subject property is designated as part of a Mixed Use Center that encompasses most of the commercial area to the south of Louisburg Road. In addition, Louisburg Road is designated as a Parkway Corridor.

The site is currently zoned Office & Institution-2 Conditional Use District (CUD O&I-2) as is the mirror image parcel to the west. The Highland Creek area to the east, north, and west is zoned Residential-6-Conditional Use (R-6-CU). There is a small strip of R-6 CU property owned by the Highland Creek Homeowners Association and maintained as open space between the subject property and the Leland Drive right-of-way. The commercial area across Louisburg Road is zoned Thoroughfare District Conditional Use District (CUD TD).

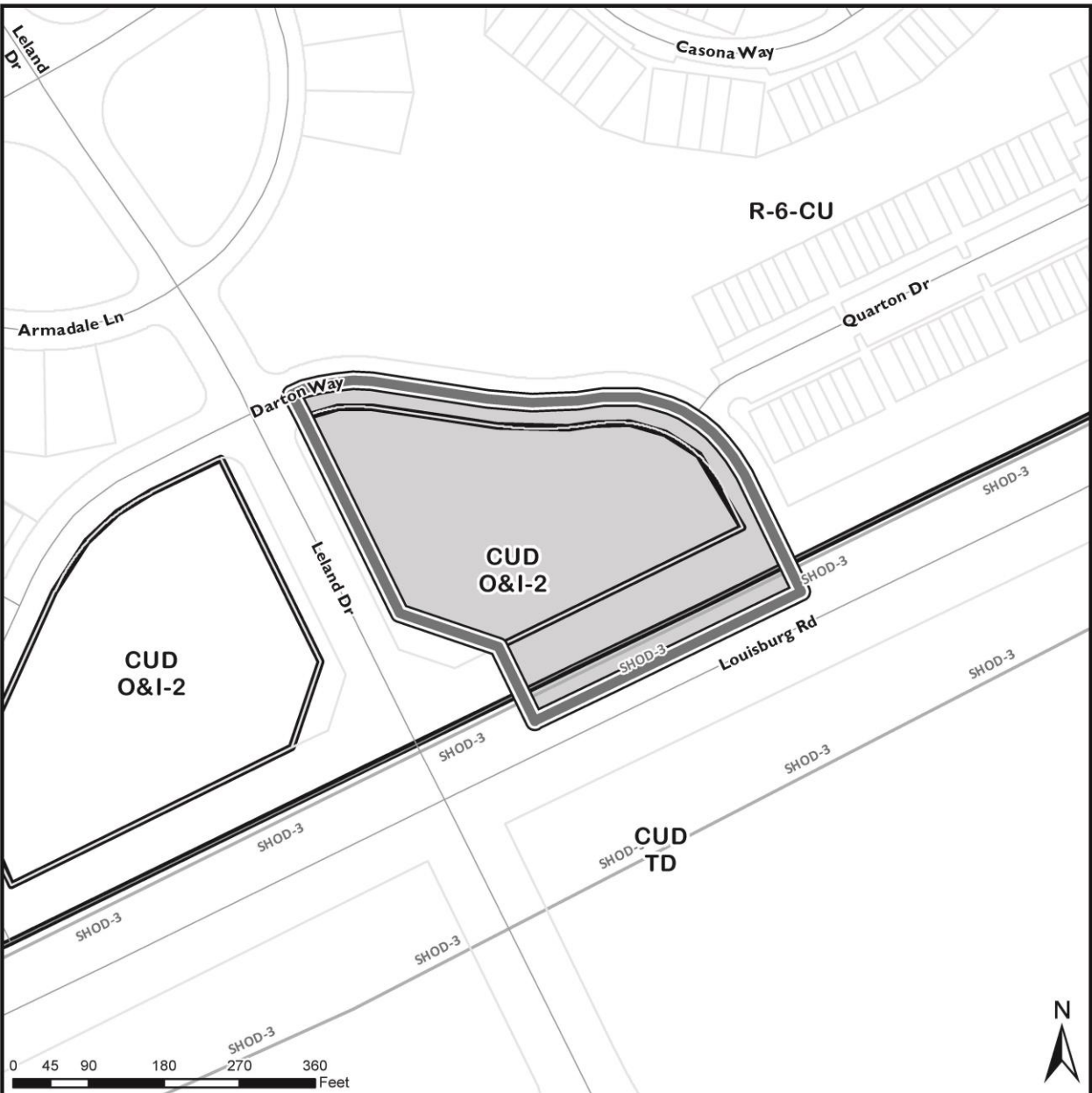
The proposed zoning has one condition: uses on the property are limited to those uses permitted in the Office Mixed Use (OX) zoning district and Animal Care (Indoor). Major differences between the existing zoning conditions for the property (Z-21-08) and the proposed conditions include: residential uses would now be allowed; maximum building height increases from 35' to 50'; transit easement no longer offered for Darton Way; and certain building form and building material provisions would potentially no longer apply (i.e. brick or stone material for 35% of each building side and sloped roofs would no longer be required.)

### Outstanding Issues

<i>Outstanding Issues</i>	1. Sewer and fire flow matters may need to be addressed upon development.	<i>Suggested Mitigation</i>	1. Address sewer and fire flow capacities at the site plan stage.
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# Existing Zoning Map

## Z-24-2015

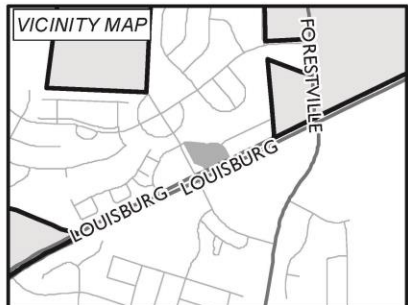


**Submittal  
Date**

6/29/2015

### Request:

2.2 acres from  
CUD O&I-2  
to NX-3-PK-CU



# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Zoning</b>	Office & Institution-2 Conditional Use District	Residential-6 Conditional Use	Thoroughfare District Conditional Use District	Residential-6 Conditional Use	Office & Institution-2 Conditional Use District and Residential-6 Conditional Use
<b>Additional Overlay</b>	n/a	n/a	Special Highway Overlay District-3	n/a/	n/a
<b>Future Land Use</b>	Office & Residential Mixed Use	Private Open Space and Low Density Residential	Community Mixed Use	Private Open Space and Low Density Residential	Office & Residential Mixed Use and Low Density Residential
<b>Current Land Use</b>	Vacant	Single family residential and open space for Highland Creek HOA	Shopping center	Single family residential and open space for Highland Creek HOA	Vacant and single family residential
<b>Urban Form (if applicable)</b>	Mixed-use center and Parkway	n/a	Mixed-use center and Parkway	n/a	Mixed-use center and Parkway

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<b>Residential Density:</b>	n/a*	31.8 units/acre (70 units)
<b>Setbacks:</b>	<i>Assuming that Darton Way is the front of the property:</i>	<i>Assuming that Darton Way is the front of the property:</i>
<b>Front:</b>	25' (max)	5'
<b>Side:</b>	5'	5'
<b>Rear:</b>	50'	50'
<b>Retail Intensity Permitted:</b>	n/a*	12,000 sf**
<b>Office Intensity Permitted:</b>	50,000 sf	65,000

\* Not permitted per existing conditions (Z-21-08).

\*\* Only within or attached to a multi-tenant building; standalone retail sales not allowed.

### **1.3 Estimated Development Intensities**

	<b><i>Existing Zoning</i></b>	<b><i>Proposed Zoning*</i></b>
<b><i>Total Acreage</i></b>	2.2	2.2
<b><i>Zoning</i></b>	O&I-2 CUD	NX-3-PK-CU
<b><i>Max. Gross Building SF (if applicable)</i></b>	50,000	88,000
<b><i>Max. # of Residential Units*</i></b>	n/a*	70
<b><i>Max. Gross Office SF</i></b>	50,000	65,000
<b><i>Max. Gross Retail SF</i></b>	n/a*	12,000**
<b><i>Max. Gross Industrial SF</i></b>	n/a	n/a
<b><i>Potential F.A.R</i></b>	0.52	0.92

\*Not permitted per existing conditions (Z-21-08).

\*\* Only within or attached to a multi-tenant building; standalone retail sales not allowed.

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

The proposed rezoning is:

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

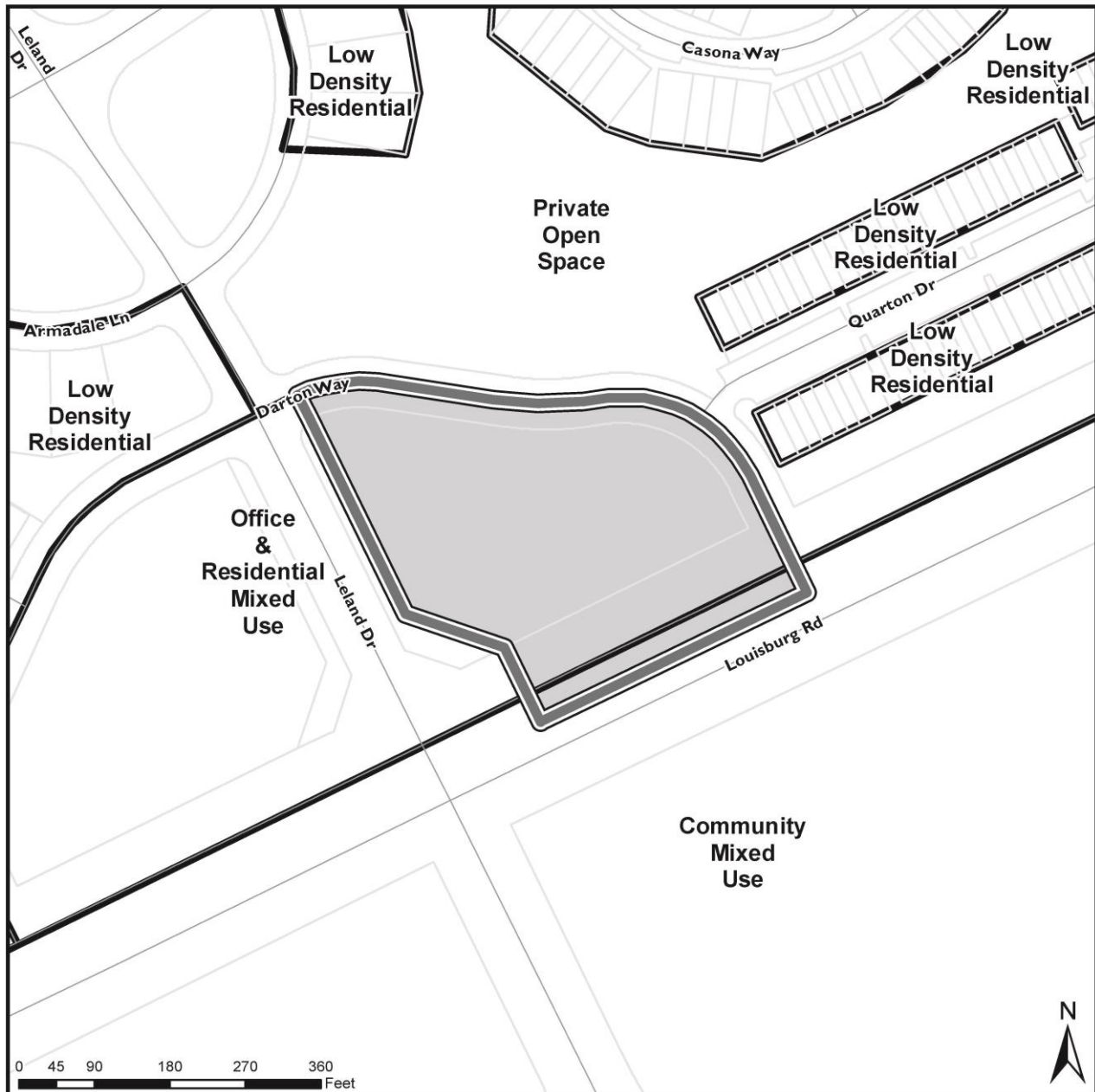
☐ **Incompatible.**

Analysis of Incompatibility:

n/a

# Future Land Map

**Z-24-2015**

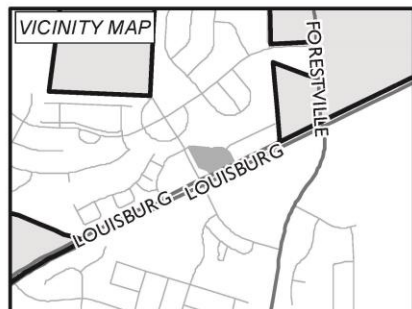


**Submittal  
Date**

6/29/2015

## Request:

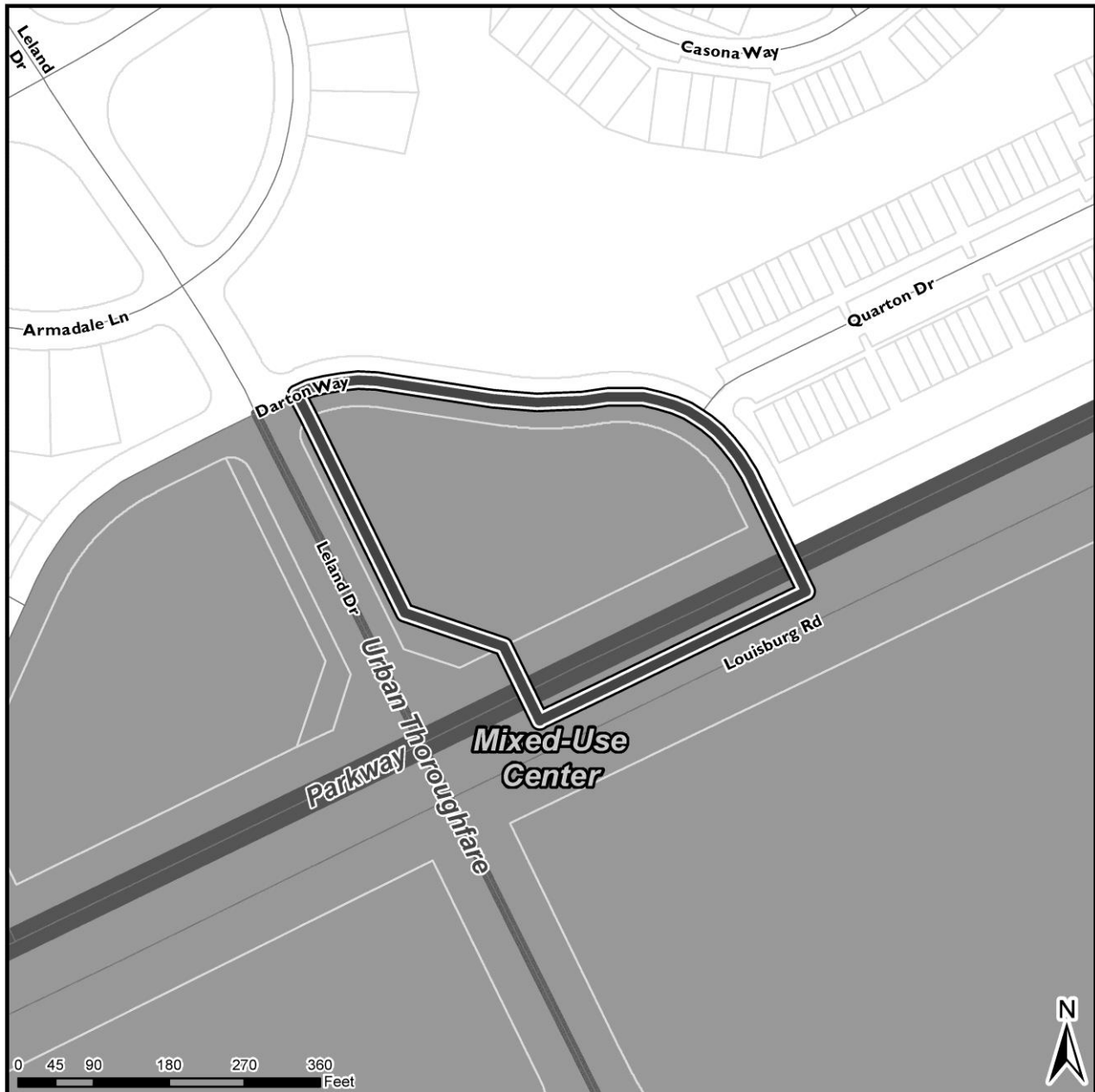
**2.2 acres from  
CUD O&I-2  
to NX-3-PK-CU**





# Urban Form Map

# Z-24-2015

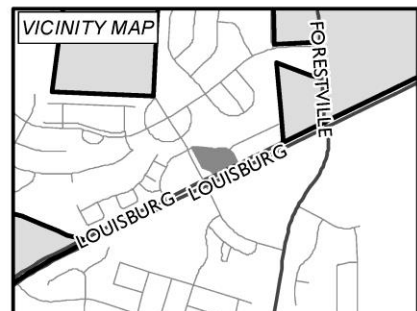


**Submittal  
Date**

6/29/2015

## Request:

**2.2 acres from  
CUD O&I-2  
to NX-3-PK-CU**



## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

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

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

The proposal can be considered consistent with the vision, themes, and policies of the Comprehensive Plan, as well as the Future Land Use and Urban Form designations for the property. The proposal conditions permitted uses almost exclusively to those permitted in the Office Mixed Use (OX) zoning district. The only additional use permitted outside of the OX zoning district is Animal Care (Indoor). The proposal includes a Parkway frontage which is consistent with the Urban Form Map.

Existing community facilities and streets appear sufficient to accommodate the redevelopment possible under the proposed rezoning.

### 2.2 Future Land Use

**Future Land Use designation:**

**The rezoning request is:**

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

☐ **Inconsistent**

Analysis of Inconsistency:

n/a

### 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:

n/a

## **2.4 Policy Guidance**

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

(None noted.)

## **2.5 Area Plan Policy Guidance**

The rezoning request is not within a portion of the City subject to an Area Plan.

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

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

- Increased opportunity for redevelopment of the site, through a broadening of potential uses.
- Potential provision of goods and services close to existing residential areas.
- Allows residential development (prohibited under existing zoning) which brings potential uses more in line with the Future Land Use designation for the property.

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

- *None anticipated.*

# **4. Impact Analysis**

## **4.1 Transportation**

The site is bounded by Louisburg Road, Leland Drive and Darton Way. Louisburg Road is classified as Avenue, six-lane, divided; Leland Drive is classified as Avenue, two-lane, undivided. Darton Way is a local street. There are no CIP projects planned for Louisburg Road. There is a state STIP project to convert the at-grade intersection of Louisburg Road and Ligon Mill/Mitchell Mill Road into a grade-separated interchange. This project is currently scheduled for Fiscal Year 2021.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. Site access is restricted to Leland Drive and Darton Way. Access onto Leland Drive will be limited to Right-In/Right-Out only. The block perimeter bounded by the

rights-of-way for Louisburg Road, Leland Drive and Darton Way is ~1,350 feet. In accordance with UDO section 8.3.2, the maximum block perimeter for NX-3 zoning is 3,000 feet.

A traffic impact analysis report is not required for Z-24-2015.

**Impact Identified:** None.

#### 4.2 Transit

Transit is currently not available in this area. Both the City of Raleigh Short Range Transit Plan and the 2040 Wake County Transit Study call for a route up Louisburg Rd to approximately Forestville Rd. Although this will put us in proximity to this project we do not anticipate needing a transit easement here.

**Impact Identified:** None

#### 4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Neuse and Tom's Creek
<i>Stormwater Management</i>	Subject to stormwater regulations under Article 9 of UDO
<i>Overlay District</i>	None

**Impact Identified:** Subject to stormwater regulations under Article 9 of UDO.

#### 4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	16,500 gpd	43,750 gpd
<i>Waste Water</i>	16,500 gpd	43,750 gpd

**Impact Identified:** The proposed rezoning would add approximately 27,250 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the properties.

The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

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

#### 4.5 Parks and Recreation

There is not an existing or proposed greenway trail, connector, or corridor within or adjacent to the site. Nearest greenway access is Neuse River Trail, 1.1 miles. Recreation services are provided by Horseshoe Farm Nature Preserve, 1.2 miles.

**Impact Identified:** None.

#### **4.6 Urban Forestry**

Under the existing UDO code, Article 9.1. (Tree Conservation) would require either a uniform or average 50'-wide primary tree conservation along Louisburg Rd. The change to Parkway Frontage will result in a required uniform 50'-wide Parkway primary tree conservation area along Louisburg Rd.

**Impact Identified:** None.

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

No known historic resources.

**Impact Identified:** None.

#### **4.8 Community Development**

This site is not located within a redevelopment plan area.

**Impact Identified:** None.

#### **4.9 Impacts Summary**

Sewer and fire flow matters may need to be addressed upon development.

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

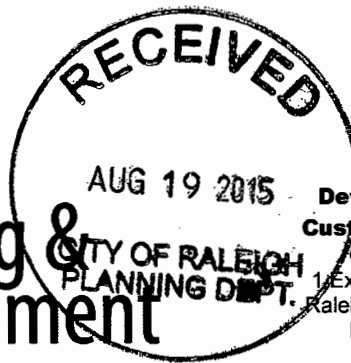
Address sewer and fire flow capacities at the site plan stage.

## **5. Conclusions**

The proposed rezoning is consistent with the Comprehensive Plan, Future Land Use map, and Urban Form designation. While the request is for Neighborhood Mixed Use (NX) zoning, nearly all uses permitted in NX which are not permitted in Office Mixed Use (OX) are prohibited by the proposed zoning conditions; Animal Care (Indoor) is the only use prohibited in OX that is permitted as part of this proposal. In addition, the proposal allows residential development which brings potential uses more in line with the Office & Residential Mixed Use Future Land Use designation.



# Planning & Development



**Development Services  
Customer Service Center**  
One Exchange Plaza  
Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

## Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan  Existing Zoning Classification: O&I-2 CUD (Z-21-08) Proposed Zoning Classification Base District: NX Height: -3 Frontage: -PK  If the property has been previously rezoned, provide the rezoning case number: Z-21-08  Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences.	Transaction Number

GENERAL INFORMATION		
Property Address: 8504 Darton Way		Date: Revised 8/17/15
Property PIN: 1748-40-6996	Deed Reference (Book/Page): Lot 1217 on Book of Maps 2007, Page 1482; Deed Book 16115, Page 446	
Nearest Intersection: Leland Drive and Darton Way		Property size (in acres): 2.20 ac
Property Owner/Address: Jones Darton, LLC 5600 Matrix Farm Drive Wake Forest, NC 27587	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone: 919.590.0388	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature:  Jones Darton, LLC By:  Name: Dana Jones Title: Manager of Jones Darton, LLC	Email	



# Planning & Development

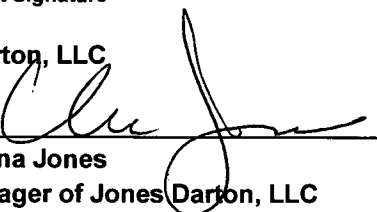
**Development Services  
Customer Service Center**

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

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-24-15		Transaction Number
Date Submitted: August 17, 2015		
Existing Zoning: O&I-2 CUD	Proposed Zoning: NX-3-PK-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	Those uses permitted on the property shall be limited to those uses permitted in the OX district (and not prohibited by the NX district) and Animal Care (Indoor). Additionally, the following principal uses permitted in the OX district (and not prohibited by the NX district) shall be prohibited: major utilities – all types; outdoor recreation – all types; overnight lodging – all types; parking (as a principal use) – all types; passenger terminal – all types; detention center, jail, prison.

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.

<b>Owner/Agent Signature</b>  Jones Darton, LLC  By:  Name: Dana Jones Title: Manager of Jones Darton, LLC	<b>Print Name</b>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------



# Planning & Development

## Development Services Customer Service Center

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

## Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction Number  Zoning Case Number Z-24-15

### 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-Residential Mixed Use on the Future Land Use Map. This classification encourages office uses and retail uses ancillary to residential and office uses. The rezoning request is consistent with this guidance because the rezoning permits office uses. Even though the rezoning request also permits the "Animal Care (Indoor)" use, which the UDO considers a "Personal Services" use, the characteristics of this use are more similar to an office use than a retail use, many of the uses within the "Animal Care (Indoor)" category are already permitted on the property under current O&I-2 zoning, and such use is ancillary to the residential uses in Highland Creek, Stonegate, the proposed Longleaf Estates subdivision (S-3-15), and Brighton neighborhoods in the immediate area, all consistent with the Office-Residential Mixed Use category.
2. The rezoning request limits height to three stories, which is consistent with the guidance in Table LU-2 Recommended Height Designations in the Comprehensive Plan.
3. The property is located within a Mixed Use Center and along a Parkway Corridor, all as shown on the Urban Form Map. The Mixed Use Center designation encourages a mix of uses, which is implemented by this rezoning because a mix of uses exists within the center that includes the shopping center and apartment development (under construction) on the south side of Louisburg Road. Also, this rezoning request is consistent with the Parkway Corridor guidance because the conditions apply the building and parking setback standards and the protective yard standard of the Parkway frontage. The pedestrian connection standard of the Parkway frontage is not included because the applicant understands that there are no plans for sidewalks along this portion of Louisburg Road and because the topography in this area is not conducive to a sidewalk along Louisburg Road.
4. The rezoning request is consistent with the following Comprehensive Plan policies: LU 1.2, LU 1.3, LU 4.4, LU 5.4, and UD 1.10.
5. The introductory paragraph of the Forestville Village Area Plan states that the plan area is limited to the south side of US 401/ Louisburg Road. Because the subject property is on the north side of US 401/Louisburg Road, the subject property is not subject to the Forestville Village Area Plan.

### PUBLIC BENEFITS

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

1. The rezoning request benefits the public by rezoning land consistent with the Future Land Use Map and Urban Form Map, but providing services in close proximity to large residential developments in order to reduce vehicle miles traveled, and by permitting compatible uses and an appropriate scale given the surrounding context.



## 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>Response:</b> The property is located within a mixed use area that provides residential and retail uses. The rezoning permits office uses, thereby ensuring a true mix of uses around the Forestville Village plan area.</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>Response:</b> The property is not located adjacent to developable residential property, as it is separated from a townhouse development by a public street. Also, the three story height limit is consistent with the recommended height table of the Comprehensive Plan.</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>Response:</b> The road work is not proposed to change as part of this development, and the existing road network complies with this guideline.</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>Response:</b> The road work is not proposed to change as part of this development, and the existing road network complies with this guideline.</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>Response:</b> The road work is not proposed to change as part of this development, and the existing road network complies with this guideline.</p>
6.	<p>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</p> <p><b>Response:</b> At this time, building and parking locations have not been determined.</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>Response:</b> At this time, building and parking locations have not been determined.</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>Response:</b> At this time, building and parking locations have not been determined.</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>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</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>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</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>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</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>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</p>
13.	<p>New public spaces should provide seating opportunities.</p> <p><b>Response:</b> An outdoor amenity area will be provided in accordance with the UDO.</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>Response:</b> The property does not front along pedestrian-oriented streets or interrupt pedestrian routes.</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>Response: At this time, building and parking locations have not been determined.</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>Response: 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>Response: This rezoning does not permit higher building densities or more intensive land uses than permitted on the property under current zoning.</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>Response: A pedestrian connection will be provided in accordance with the UDO.</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>Response: There are no known natural resources or sensitive landscape areas 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>Response: No new streets are anticipated 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>Response: 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>Response: No new streets are contemplated as part of this development, but any street yards 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>Response: At this time, building and parking locations have not been determined.</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>Response: At this time, building design has not been determined.</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>Response: Transparency will be provided in accordance with the UDO.</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>Response: Sidewalks will be provided in accordance with the UDO.</b></p>

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON JUNE 17, 2015

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 17, 2015, at 6:30 p.m. The property considered for rezoning totals approximately 2.2 acres, with the address of 8504 Darton Way, and having Wake County Parcel Identification Number 1748-40-6996. This meeting was held in the Art Room at Marsh Creek Community Center, located at 3050 N. New Hope Road, Raleigh, NC 27604. All owners of property within 100 feet of the subject property 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.

**EXHBIT A**

**NEIGHBORHOOD MEETING NOTICE**



Michael Birch | Partner  
630 Davis Drive, Suite 200  
Morrisville, NC 27560

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

To: Neighboring Property Owner

From: Michael Birch

Date: June 4, 2015

Re: Notice of meeting to discuss potential rezoning of property located on the north side of Louisburg Road, between Leland Drive and Darton Way, containing approximately 2.2 acres, with the address of 8504 Darton Way, and having Wake County Parcel Identification Number 1748-40-6996 (the "Property").

We are counsel for a developer that is considering rezoning the Property. The Property is currently zoned Office & Institution-2 Conditional Use. The proposed zoning district is Neighborhood Mixed Use Conditional Use (NX-3-CU) with changes to the current zoning conditions.

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 17, 2015 from 6:30 p.m. to 7:30 p.m. This meeting will be held in the Art Room at Marsh Creek Community Center, located at 3050 N. New Hope Road, Raleigh, NC 27604.

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.

## EXHIBIT B

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

RAINBOW RASCALS LOUISBURG LLC  
1732 CROOKS RD  
TROY MI 48084-5501

HIGHLAND CREEK MASTER ASSN INC  
2300 CLERESTORY PL  
RALEIGH NC 27615-4200

HIGHLAND CREEK MASTER ASSN INC  
2300 CLERESTORY PL  
RALEIGH NC 27615-4200

ROBERTS, SURRY P  
120 WOODBURN RD  
RALEIGH NC 27605-1617

HALLMAN, JANICE L HALLMAN, DENNIS  
B  
3349 SENECA DR  
OLON OH 44139

MILLEY, JOHN W CAPALBO, MARTHA M  
41 JOHN DR  
NORTH GRAFTON MA 01536-1159

LANGDON, TRINNA  
2300 CLERESTORY PL  
RALEIGH NC 27615-4200

MABEN, MICHELE APPLE, RICHARD F  
8507 QUARTON DR  
RALEIGH NC 27616-5596

ROBISON, SARA BETH  
8509 QUARTON DR  
RALEIGH NC 27616-5596

HOLDEN, TWANECE L  
8511 QUARTON DR  
RALEIGH NC 27616-5596

SHAH, AKSHITA H SHAH, HITESH J  
13 SPRUCE HOLLOW RD  
GREEN BROOK NJ 08812-1834

VANAMA, ABHIJIT GUNTUPALLI, ASHOK  
KUMAR  
5448 S MIAMI BLVD APT 308  
DURHAM NC 27703-8264

TURNER, KATINA R  
8508 QUARTON DR  
RALEIGH NC 27616-5597

LOYD, STEVEN F LOYD, REBECCA A  
3613 HORSEMINT TRL  
ZEBULON NC 27597-8910

GREEN, KEITH E II  
8512 QUARTON DR  
RALEIGH NC 27616-5597

KRISHNAN, VISWANATHAN  
GANAPATHY, NITYA  
638 SEALINE DR  
CARY NC 27519-2571

CRUMP, JOAN  
8513 QUARTON DR  
RALEIGH NC 27616-5596

TURNER, CORNELIUS O  
8515 QUARTON DR  
RALEIGH NC 27616-5596

YOUNG, ROBERT V III BLACKWELDER-  
YOUNG, KAY PARRISH  
8517 QUARTON DR  
RALEIGH NC 27616-5596

SMITH, CARL S IV  
8516 QUARTON DR  
RALEIGH NC 27616-5597

HIGHLAND CREEK MASTER ASSN INC  
1225 CRESCENT GRN STE 250  
CARY NC 27518-8119

THE TOWNHOMES AT HIGHLAND CREEK  
ASSN INC THE  
1225 CRESCENT GRN STE 250  
CARY NC 27518-8119

## **EXHIBIT C**

### **SUMMARY OF DISCUSSION ITEMS**

On Wednesday, June 17, 2015 at 6:30 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. Because no one attended the meeting, no items were discussed.

**EXHIBIT D**

**NEIGHBORHOOD MEETING ATTENDEES**

No attendees.