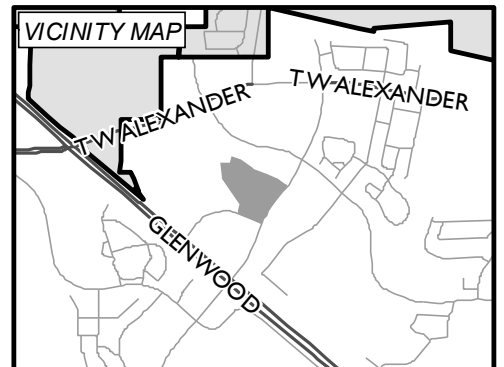


**Submittal Date**

11/26/2014

## Request:

8.76 acres from  
CUD TD w/PDD, CUD SC  
to CX-7-CU





# 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

13:08 pm  
1126-14 pt

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan  Existing Zoning Classification: SC CUD (Z-57-00) and TD CUD with PDD (Z-58-00/MP-1-00) Proposed Zoning Classification Base District: CX Height: -7 Frontage: N/A  If the property has been previously rezoned, provide the rezoning case number: Z-57-00 and Z-58-00  Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 410444	<b>Transaction Number</b>  <div style="font-size: 2em; text-align: center;">410444</div>

GENERAL INFORMATION		
Property Address: 7850 Brier Creek Parkway		Date <i>November 26, 2014</i>
Property PIN: 0768-48-8348	Deed Reference (Book/Page): Book 8499, Page 2170 Lot 102 in Book of Maps 2006, Page 1668	
Nearest Intersection: Brier Creek Parkway and Skyland Ridge Parkway		Property size (in acres): 8.76 ac
Property Owner/Address: SLF Ruby Jones, LLC c/o Ryan LLC PO Box 56607 Atlanta, GA 30343	Phone: 214.239.2376	Fax
	Email: bredwine@stratfordland.com	
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 <i>[Signature]</i>	Email <i>pwiggins@stratfordland.com</i>	

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

*fee paid for # 11526*



# 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-37-14		Transaction Number
Date Submitted: March 18, 2015		
Existing Zoning: TD CUD w/ PDD and SC CUD	Proposed Zoning: CX-7-CU	

## NARRATIVE OF ZONING CONDITIONS OFFERED

1.	The following principal uses shall be prohibited on the property: adult establishment.
2.	There shall be a build-to area along Brier Creek Parkway, between a minimum of zero (0) feet to a maximum of one-hundred (100) feet, as measured perpendicular to the Brier Creek Parkway public right-of-way. The minimum percentage of building width in this build-to area shall be twenty-five percent (25%). This minimum percentage of building width in the build-to area shall be counted against the entirety of the property's frontage and not on a lot-by-lot basis in the event of a subdivision of the property. Each building located within the build-to area along Brier Creek Parkway shall have a minimum of one building entrance facing Brier Creek Parkway, and direct pedestrian access shall be provided between this street-facing entrance and the public sidewalk located along Brier Creek Parkway.
3.	<p>The maximum development intensities for the property shall be one of the following scenarios, at the election of the property owner:</p> <ol style="list-style-type: none"> <li>54,000 square feet of Commercial land uses, of which no more than 20,000 square feet may be used for Commercial land uses other than Medical and Office land uses; or</li> <li>34,000 square feet of Medical and Office land uses and a hotel with up to 150 rooms; or</li> <li>Any land use or mix of land uses permitted on the property so long as the overall development does not exceed 162 AM peak hour trips and 317 PM peak hour trips.</li> </ol> <p>References to land uses in this condition shall have the meaning as ascribed in the Allowed Principal Use Table (UDO section 6.1.4). Election of the specific scenario will occur prior to the issuance of the first building permit, or the recording of a subdivision plat, whichever occurs first. However, this shall not preclude the subsequent election of another scenario so long as it complies with this condition. The election and any amendment thereto will be in writing and recorded with the Wake County Register of Deeds. Any amendment to the initial election requires the consent of the City Planning Director, as evidenced by the signature of the City Planning Director on the recorded instrument, and which consent shall be given if the subsequent election complies with this condition.</p>
4.	Prior to the issuance of a building permit for new development or recording of a subdivision plat, whichever occurs first, 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 and 20 feet in width) and location of the easement along Brier Creek Parkway shall be approved by the Public Works Department and the easement deed approved by the City Attorney's Office. Prior to the issuance of a certificate of occupancy for new development, the property owner shall pay to the City an amount of \$4,500 as contribution toward the future installation of a bus shelter.

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.

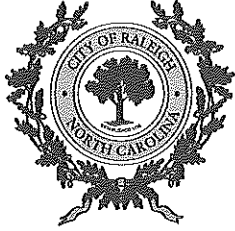
Owner/Agent Signature	Print Name

SLF Ruby Jones, LLC,  
a North Carolina limited liability company

By: Stratford Land Advisors, L.P.,  
a Texas limited partnership,  
its Manager

By: Stratford Advisors, LLC,  
a Texas limited liability company,  
its General Partner

By:   
Phillip F. Wiggins  
Manager



# 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
<p>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.</p>	<p>Transaction Number</p> <p>Zoning Case Number Z-37-14</p>

STATEMENT OF CONSISTENCY	
<p>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.</p>	
1.	<p>The property is designated "Regional Mixed Use" on the Future Land Use Map, which identifies major retail and service hubs and recommends office, hotel and retail development. The category description notes that these areas would be typically zoned CX. The rezoning request for CX is consistent with this guidance.</p>
2.	<p>The property is located within a city growth center, which provides significant opportunities for new economic development given the proximity to transit corridors and major interchanges. The property does not front along a corridor designated on the Urban Form Map. The rezoning request is consistent with the Urban Form Map guidance.</p>
3.	<p>The property is located in a "general area" as used in the context of Table LU-2. Given such designation and the Regional Mixed Use designation, the recommended height is a maximum of seven stories. The rezoning request for seven stories is consistent with this guidance.</p>
4.	<p>The rezoning request is consistent with the following Comprehensive Plan policies: LU 1.2 "Future Land Use Map &amp; Zoning Consistency", LU 1.3 "Conditional Use District Consistency", LU 3.2 "Location of Growth", and LU 6.1 "Composition of Mixed-Use Centers".</p>

PUBLIC BENEFITS	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
1.	<p>The rezoning request provides a public benefit by rezoning the property consistent with the Future Land Use Map and Comprehensive Plan.</p>
2.	<p>The rezoning request provides a public benefit by permitting a mix of commercial land uses on property within a City Growth Center, well-served by existing transportation infrastructure, and in close proximity to residential development.</p>

## 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>Response: The rezoning request provides additional retail and office opportunities in close proximity to other retail and office development as well as existing residential uses, consistent with this guideline.</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>Response: The property is not adjacent to lower density development, 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>Response: The street infrastructure within the larger Alexander Place development is already constructed, and it provides multiple paths for movement through the mixed use center consistent 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>Response: No new public streets are anticipated as part of this development.</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>Response: The proposed development fronts along Brier Creek Parkway and Skyland Ridge Parkway, but the existing block lengths of these two streets do not meet the 660' guideline.</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>Response: It is anticipated that some buildings will be located in close proximity to the road.</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>Response: It is anticipated that some buildings will be located in close proximity to the road, with parking beside and/or behind these buildings.</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>Response: Although the site is located at the corner, there is a wide power line easement and existing power line facilities that makes locating a building near the intersection difficult.</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>Response: Outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</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>Response: Outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</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>Response: Outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</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>Response: Outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</b></p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b>Response: Outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</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>Response: It is anticipated that some buildings will be located in close proximity to the road, with parking beside and/or behind these buildings.</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>Response:</b> It is anticipated that some buildings will be located in close proximity to the road, with parking beside and/or behind these buildings.</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:</b> No parking structures are contemplated as part of this development.</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:</b> The proposed development is within walking distance to the transit stops within the Alexander Promenade Shopping Center development for the CAT Route 70X/Brier Creek Express service.</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:</b> Sidewalks will be provided from the buildings to the sidewalk within the right-of-way, which will connect with other pedestrian connections to the transit stops, consistent with this guideline.</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:</b> Environmentally sensitive areas on the property will be protected in accordance with the UDO, consistent with this guideline.</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:</b> No new public streets are contemplated as part of this development.</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:</b> Sidewalks will be provided in accordance with the UDO and in context with the existing sidewalk network.</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:</b> Street trees will be provided in accordance with the UDO, consistent with this guideline.</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:</b> It is anticipated that buildings will be located in close proximity to the road, which along with street trees will help spatially define the street.</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:</b> It is anticipated that buildings will be located in close proximity to the road, but the location of entrances will be determined at site plan.</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:</b> The building types permitted in a mixed use district require a minimum amount of transparency that will provide pedestrian interest consistent with this guideline.</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:</b> Sidewalks will be provided consistent with the UDO and in context to the sidewalk existing to the immediate east.</p>

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON OCTOBER 28, 2014

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Tuesday, October 28, 2014, at 6:00 p.m. The property considered for rezoning totals approximately 8.76 acres, and has the address of 7850 Brier Creek Parkway, with Wake County Parcel Identification Number 0768-48-8348. This meeting was held at the office of Morningstar Law Group, located at 630 Davis Drive, Suite 200, Morrisville, NC 27560. 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.



**EXHIBIT A**

**NEIGHBORHOOD MEETING NOTICE**



Michael Birch | Attorney  
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: October 13, 2014

Re: Notice of meeting to discuss potential rezoning of property located in northwest corner of the intersection of Brier Creek Parkway and Skyland Ridge Road, containing approximately 8.76 acres, with the address of 7850 Brier Creek Parkway, and having Wake County Parcel Identification Number 0768-48-8348 (the "Property").

We are counsel for Davis Moore Capital, LLC ("DMC"), a developer that is considering rezoning the above-captioned Property. The Property is currently split-zoned Shopping Center Conditional Use and Thoroughfare District Conditional Use with a Planned Development Conditional Use Overlay District. The proposed zoning district is Commercial Mixed Use (CX) Conditional Use.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Tuesday, October 28, 2014 at 6:00 p.m. This meeting will be held at our office, located at 630 Davis Drive, Suite 200, Morrisville, NC 27560.

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**

BANK OF HAMPTON ROADS THE  
641 LYNNHAVEN PKWY  
VIRGINIA BEACH VA 23452-7307  
0768583613

BRIER CREEK LP  
1900 AVENUE OF THE STARS STE 2400  
LOS ANGELES CA 90067-4505  
0768478715

DUKE REALTY BRIER CREEK DEVELOPMENT LLC  
ATTN: REGIONAL VP  
PO BOX 40509  
INDIANAPOLIS IN 46240-0509  
0768481917

GHTD BRIER CREEK LLC  
4500 CAMERON VALLEY PKWY STE 350  
CHARLOTTE NC 28211-3553  
0768488788

GOODWILL COMMUNITY FOUNDATION INC  
DAN HAWLEY  
4808 CHIN PAGE RD  
DURHAM NC 27703-8476  
0768476854

PNC OF NORTH CAROLINA LLC EMGEE LLC  
10765 TREGO TRL  
RALEIGH NC 27614-9660  
0768480312

SLF RUBY JONES LLC  
RYAN LLC  
PO BOX 56607  
ATLANTA GA 30343-0607  
0768488348

WAKE COUNTY BOARD OF ALCOHOLIC CONTROL  
1212 WICKER DR  
RALEIGH NC 27604-1428  
0768581750

WAKEMED PROPERTY SERVICES  
3000 NEW BERN AVE  
RALEIGH NC 27610-1231  
0768481917

## **EXHIBIT C**

### **SUMMARY OF DISCUSSION ITEMS**

On Tuesday, October 28, 2014, 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 nearby property owners attended the meeting, so no items were discussed.

**EXHIBIT D**

**NEIGHBORHOOD MEETING ATTENDEES**

1. No attendees.