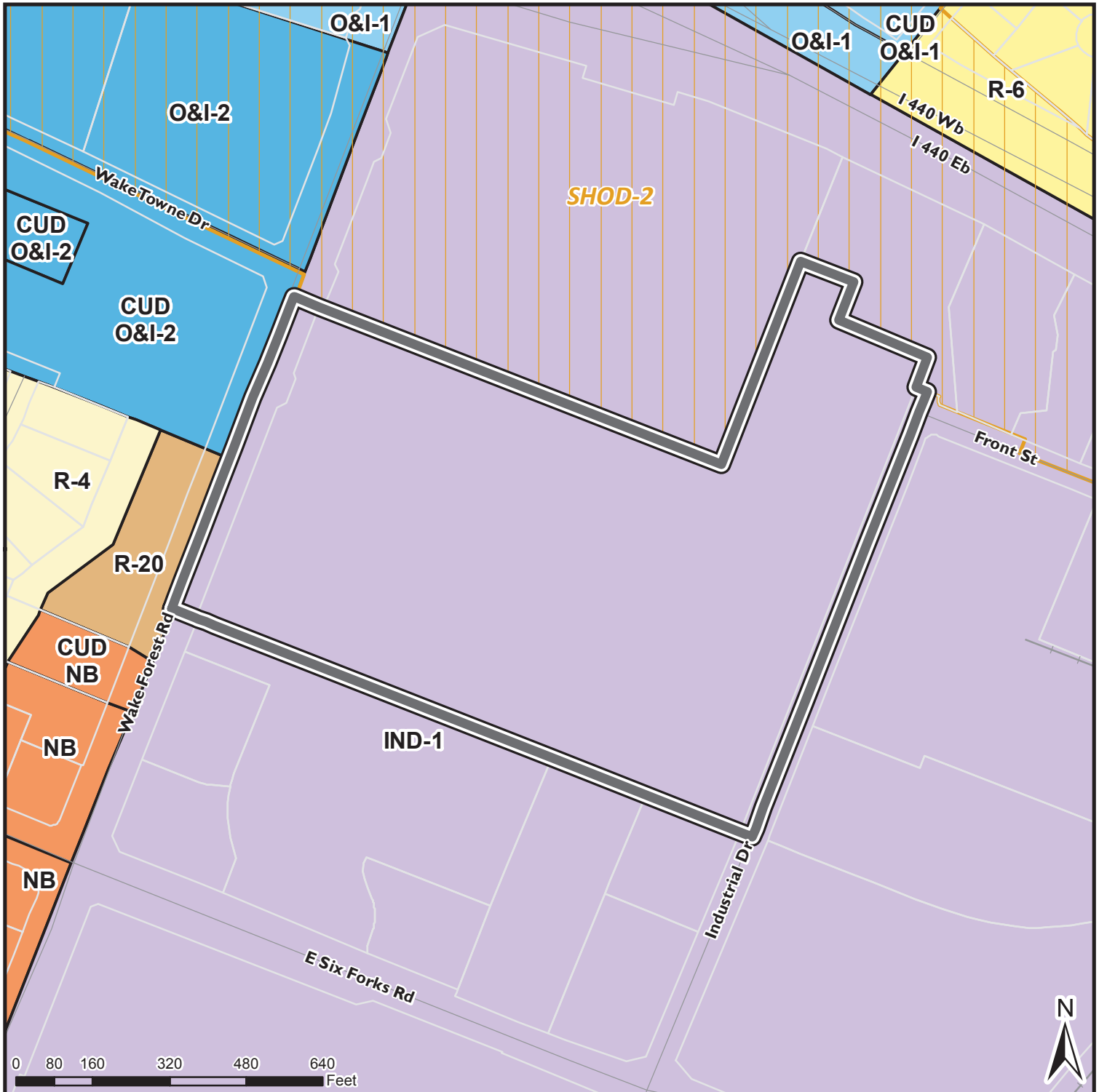


Existing Zoning Map

Z-37-2015



**Submittal
Date**

9/18/2015

Request:

23.12 acres from

IND-1

to CX-7-CU

VICINITY MAP





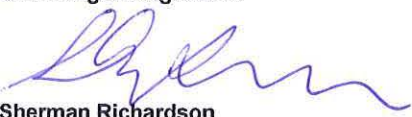
Planning & Development

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

SEP 18 2015 AM 9:39

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan	Transaction Number
Existing Zoning Classification: Industrial-1 Proposed Zoning Classification Base District: CX Height: -7 Frontage: None	Z-37-15
If the property has been previously rezoned, provide the rezoning case number.	442449
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 442449	

GENERAL INFORMATION		
Property Address: 2912 Wake Forest Road		Date September 18, 2015
Property PIN: 1715-24-1148	Deed Reference (Book/Page): Book 10319, Page 1968	
Nearest Intersection: Wake Forest Road and Wake Towne Drive		Property size (in acres): 23.12 ac
Property Owner/Address: ITB Holdings LLC PO BOX 2152 Chapel Hill, NC 27515	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:  Sherman Richardson Manager, ITB Holdings LLC	Email	

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



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Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number		Transaction Number
Date Submitted: September 18, 2015		Z-37-15
Existing Zoning: Industrial-1	Proposed Zoning: CX-7-CU	442449

NARRATIVE OF ZONING CONDITIONS OFFERED

1. The maximum building height shall be three (3) stories and fifty (50) feet, except that two (2) buildings may exceed this standard.
2. There shall be a build-to area solely along the Wake Forest Road public right-of-way, between a minimum of zero (0) feet to a maximum of one-hundred (100) feet, as measured perpendicular to the Wake Forest Road public right-of-way. The minimum percentage of building width in this build-to area shall be fifty percent (50%). 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 Wake Forest Road shall have a minimum of one building entrance facing Wake Forest Road, and direct pedestrian access shall be provided between this street-facing entrance and the public sidewalk located on Wake Forest Road.

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 Sherman Richardson Manager, ITB Holdings LLC
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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 442449 Zoning Case Number Z-37-15

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 "Community Mixed Use" on the Future Land Use Map. Uses envisioned by this classification include "large-format supermarkets, larger drug stores, department stores and variety stores, clothing stores, banks, offices, restaurants, movie theaters, hotels, and similar uses that draw from multiple neighborhoods. The Comprehensive Plan notes that CX is the primary corresponding zoning district for property designated Community Mixed Use. The rezoning request is consistent with the Future Land Use Map designation because the request is for CX and permits uses envisioned by the Future Land Use Map category.
2. The Community Mixed Use category notes that building height generally should be in the three-to-five story range, with additional height (up to 12 stories) allowed in mixed use centers. The rezoning request is consistent with this guidance because it permits buildings up to seven stories.
3. The property is located within a City Growth Center and within a Half-Mile Transit Buffer, and is located along a Transit Emphasis Corridor (Wake Forest Road) and an Urban Thoroughfare (Industrial Drive), all as shown on the Urban Form Map. The rezoning request is consistent with this Urban Form Map guidance, because it proposes redevelopment within a City Growth Center with conditions that mimic a hybrid frontage on Wake Forest Road.
4. The rezoning request is consistent with the following Comprehensive Plan policies: LU 1.2 "Future Land Use Map and Zoning Consistency", LU 1.3 "Conditional Use District Consistency", LU 4.7 "Capitalizing on Transit Access", and LU 4.9 "Corridor Development".

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 facilitating redevelopment of an under-utilized property located in a City Growth Center.
2. The rezoning request benefits the public by permitting building height to accommodate the size and type of development envisioned by the Future Land Use Map and Urban Form 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.	<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> Response: The rezoning request permits retail, office, hotel and residential uses, consistent with this policy.
2.	<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> Response: The property is not adjacent to lower density neighborhoods.
3.	<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> Response: The property is not adjacent to a neighborhood, and is already well-served by existing streets.
4.	<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> Response: No cul-de-sacs or dead-end streets are anticipated as part of this development.
5.	<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> Response: It is anticipated that future development will comply with this guidance.
6.	<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> Response: It is anticipated that future development will comply with this guidance.
7.	<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> Response: It is anticipated that future development will comply with this guidance.
8.	<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> Response: The property is not located at an intersection.
9.	<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> Response: Urban open space will be provided in accordance with the UDO.
10.	<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> Response: Urban open space will be provided in accordance with the UDO.
11.	<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> Response: Urban open space will be provided in accordance with the UDO.
12.	<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> Response: Urban open space will be provided in accordance with the UDO.
13.	<i>New public spaces should provide seating opportunities.</i> Response: Urban open space will be provided in accordance with the UDO.
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Response: Parking lot location and size will comply with the UDO.
15.	<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> Response: Parking lot location will comply with the UDO.
16.	<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> Response: It is anticipated that the development will comply with this guidance.

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>Response: It is anticipated that the development will comply with this guidance.</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>Response: Pedestrian access will be provided in accordance with the UDO.</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>Response: Pedestrian access will be provided in accordance with the UDO.</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>Response: It is anticipated that streets and public spaces will comply with this guidance.</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>Response: Sidewalks will be provided in accordance with the UDO.</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>Response: Streets and streetscapes will be provided in accordance with the UDO.</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>Response: Building location and architectural elements will be provided in accordance with the UDO.</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>Response: Building entrances will be provided in accordance with the UDO.</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>Response: Transparency and other ground-level architectural features will be provided in accordance with the UDO.</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>Response: Sidewalks will be provided in accordance with the UDO.</p>

EXHIBIT 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: 08/10/2015

Re: Notice of meeting to discuss potential rezoning of property located at 2912 Wake Forest Road in Raleigh, containing approximately 23.12 acres, and having Wake County Parcel Identification Number 1715-24-1148 (the "Property").

We are counsel for the property owner, ITB Holdings, LLC, that is considering rezoning the Property. The Property is currently zoned IND-1. The proposed zoning district is CX-7.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on August 27, 2015 at 6 pm. This meeting will be held at the downtown Raleigh office of Morningstar Law Group, located at 415 Hillsborough Street, Suite 201.

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. 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**

JONES SEBY B CHAR LEAD TRUST 4309 EMPEROR BLVD STE 110 DURHAM NC 27703-8046	NORTHSIDE COMPANY THE 4309 EMPEROR BLVD STE 110 DURHAM NC 27703-8046
JONES SEBY B CHAR LEAD TRUST TRI PROPERTIES 4309 EMPEROR BLVD STE 110 DURHAM NC 27703-8046	NORTHSIDE COMPANY THE 4309 EMPEROR BLVD STE 110 DURHAM NC 27703-8046
KEEPRO LLC C/O COHEN POLLOCK MERLIN ROSENBERG 4309 EMPEROR BLVD STE 110 DURHAM NC 27703-8046	SBJ GROWTH LP THE 4309 EMPEROR BLVD STE 110 DURHAM NC 27703-8046
RURAL PLUMBING & HEATING INC 701 E SIX FORKS RD RALEIGH NC 27609-7831	NORTHSIDE COMPANY THE 4309 EMPEROR BLVD STE 110 DURHAM NC 27703-8046
CM & DM PROPERTIES LLC 2905 INDUSTRIAL DR RALEIGH NC 27609-7528	NORTHSIDE CO THE 4309 EMPEROR BLVD STE 110 DURHAM NC 27703-8046
ITB HOLDINGS LLC PO BOX 2152 CHAPEL HILL NC 27515-2152	
HOLLY PARK PROPERTY LLC C/O PROPERTY TAX DEPARTMENT PO BOX 790830 SAN ANTONIO TX 78279-0830	
SEARS ROEBUCK & CO DEPT 768TAX B2-107A 3333 BEVERLY RD HOFFMAN ESTATES IL 60179-0001	

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

On Thursday, August 27, 2015 at 6:00 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.

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON AUGUST 27, 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 Thursday, August 27, 2015, at 6:00 p.m. The property considered for rezoning totals approximately 23.12 acres, with the address of 2912 Wake Forest Road, and having Wake County Parcel Identification Number 1715-24-1148. This meeting was held at the Raleigh office of Morningstar Law Group, located at 415 Hillsborough Street, Suite 201, Raleigh, NC 27603. 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.