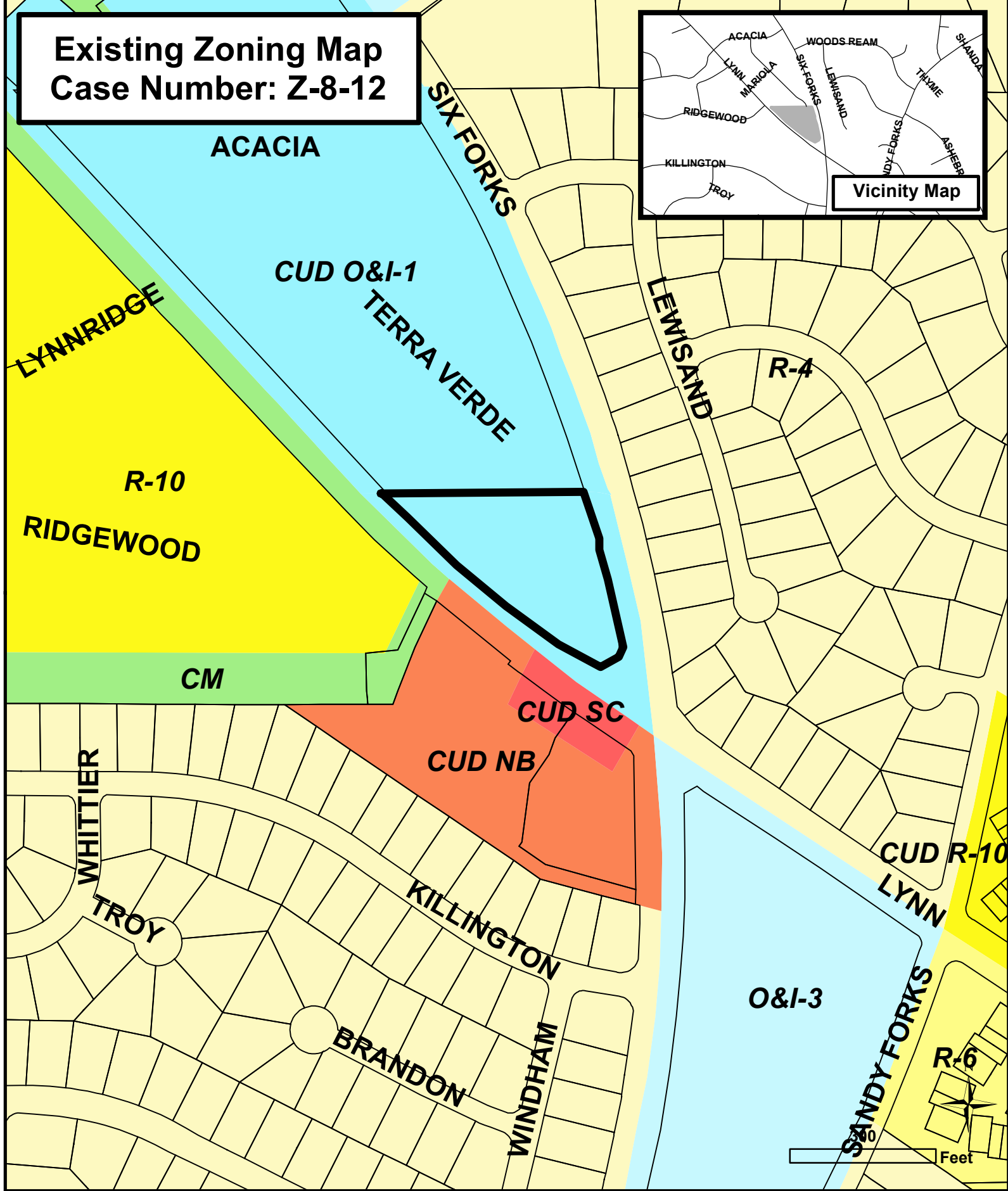
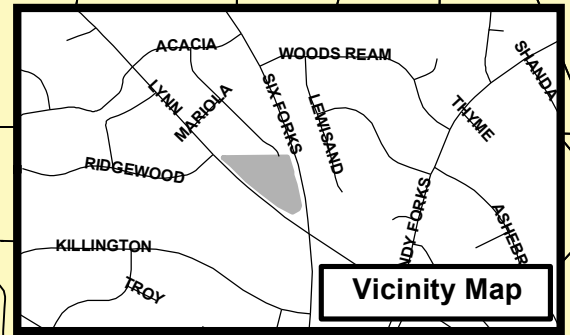


**Existing Zoning Map
Case Number: Z-8-12**



Request:

2.35 ac from O&I-1 CUD to SC CUD

City of Raleigh Public Hearing
January 17, 2012
(May 31, 2012)



Certified Recommendation

Raleigh Planning Commission

CR# 11461

Case Information Z-8-12 Lynn Rd and Six Forks Rd

<i>Location</i>	Northwest quadrant of the intersection of Six Forks and Lynn Road.
<i>Size</i>	2.35 acres
<i>Request</i>	Rezone property from Office and Institution-1 Conditional Use to Shopping Center Conditional Use

Comprehensive Plan Consistency

Consistent

Inconsistent

Consistent

<i>Future Land Use Designation</i>	<input checked="" type="checkbox"/>	Neighborhood Mixed Use
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy LU 5.6 – Buffering Requirements Policy LU 7.4 – Scale and Design of New Commercial Uses Policy UD 2.4 – Transitions in Building Intensity Policy UD 7.3 – Design Guidelines

Summary of Conditions

<i>Submitted Conditions</i>	<ul style="list-style-type: none"> • Prohibited Uses • Offer of cross access • Reduced building height • Increased setbacks from adjacent property • Peak trip limitations • Transit easement
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Issues and Impacts

<i>Outstanding Issues</i>	1. None	<i>Suggested Conditions</i>	1. N/A
<i>Impacts Identified</i>	1. All impacts have been mitigated through zoning conditions.	<i>Proposed Mitigation</i>	1. N/A

Public Meetings

Neighborhood Meeting	Public Hearing	Committee	Planning Commission
9/15/11	1/17/12	Date:	5/8/12 – Approved

Valid Statutory Protest Petition

Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and recommends that this case be approved in accordance with zoning conditions dated May 8 th , 2012.
<i>Findings & Reasons</i>	<ol style="list-style-type: none">1. The request is consistent with guidelines set forth in the Comprehensive Plan. The Future Land Use Map designates this area as being appropriate for Neighborhood Mixed Use. The proposed zoning is consistent with this designation.2. The request is reasonable and in the public interest. The Applicant has provided several zoning conditions that mitigate impacts associated with the proposal. Therefore rezoning to Shopping Center as conditioned will have no additional impact on surrounding infrastructure, and will provide the applicant a broader range of uses for redevelopment.3. The proposal is consistent and compatible with the surrounding area. The site is located at the intersection of two heavily traveled thoroughfares, with retail uses to the south and multifamily residential to the north. While the property is adjacent to residential, the applicant has provided conditions to help ensure an appropriate transition with adequate buffering.
<i>Motion and Vote</i>	Motion: Terando Seconded: Fleming In Favor: Butler, Buxton, Fleming, Fluhrer, Harris Edmisten, Mattox, Schuster, Sterling Lewis, Terando

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	<u>5/8/12</u> Date
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Staff Coordinator: Stan Wingo stan.wingo@ci.raleigh.nc.us



Zoning Staff Report - Z-8-12

Conditional Use District

Request

<i>Location</i>	Northwest quadrant of the intersection of Six Forks and Lynn Road.
<i>Request</i>	Rezone property from Office and Institution-1 Conditional Use to Shopping Center Conditional Use
<i>Area of Request</i>	2.35 acres
<i>Property Owner</i>	MMWD, LLC
<i>PC Recommendation Deadline</i>	April 16, 2012

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Office and Institution-1 Conditional Use (Z-113-85)	Shopping Center Conditional Use
<i>Additional Overlay</i>	N/A	N/A
<i>Land Use</i>	Office	Retail, Office or Residential
<i>Residential Density</i>	Residential uses not permitted (zoning conditions)	Up to 70 dwelling units with PC Approval

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	O&I-1 CUD	SC CUD, NB CUD	R-4	R-10, CM, SC CUD, NB CUD
<i>Future Land Use</i>	ORMU	NMU	LDR	Moderate Residential, PPOS
<i>Current Land Use</i>	Multifamily Residential	Retail	Single Family Residential	Multifamily Residential

Comprehensive Plan Guidance

<i>Future Land Use</i>	Neighborhood Mixed Use
<i>Area Plan</i>	N/A
<i>Applicable Policies</i>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy LU 5.6 – Buffering Requirements Policy LU 7.4 – Scale and Design of New Commercial Uses Policy UD 2.4 – Transitions in Building Intensity Policy UD 7.3 – Design Guidelines

Contact Information

<i>Staff</i>	Stan Wingo, 516-2663
<i>Applicant</i>	Michael Birch, 743-7314, michael.birch@klgates.com
<i>Citizens Advisory Council</i>	North CAC

Case Overview

This property is located at the intersection of Six Forks and Lynn Road, in the northwest quadrant. The site is currently developed as an office use. The large property to the north is developed as a multi-family apartment development. Retail development is located to the south, with single family residential to the east and multi family to the west.

The proposal seeks to rezone the property from Office and Institution-1 Conditional Use to Shopping Center Conditional Use.

Exhibit C & D Analysis

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use

The subject property is designated as being appropriate for Neighborhood Mixed Use on the Future Land Use Map. Neighborhood Mixed Use areas typically include small retail and commercial uses as well as small professional offices and similar uses that serve the immediately surrounding neighborhood. The request to rezone the subject property to Shopping Center Conditional Use is consistent with this Future Land Use designation.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

Policy LU 1.3 - Conditional Use District Consistency
All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

Proposal is consistent with this policy. Zoning conditions provided by the applicant are consistent with the Comprehensive Plan.

Policy LU 2.6 – Zoning and Infrastructure Impacts
Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

Proposal is consistent with this policy. Due to the potential increase in traffic the applicant has offered zoning conditions that limit the amount of increased vehicle trips associated with this proposal.

Policy LU 4.5 - Connectivity

New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

Proposal is consistent with this policy. Applicant has proposed a zoning condition that provides an offer of cross access to the north.

Policy LU 5.6 – Buffering Requirements
New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that void potential conflicts.

Proposal is consistent with this policy. Applicant has provided zoning conditions that limit building height, and increased setbacks from adjacent property to the north.

Policy LU 7.4 – Scale and Design of New Commercial Uses
New uses within commercial districts should be developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas.

Proposal is consistent with this policy. Applicant is proposing a limitation on building height in zoning conditions.

Policy UD 2.4 – Transitions in Building Intensity
Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

Proposal is consistent with this policy. Applicant has provided zoning conditions that limit building height, and increased setbacks from adjacent property to the north.

Policy UD 7.3 – Design Guidelines

Proposal is consistent with applicable Urban Design Guidelines.

Elements of Mixed-Use Areas

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

Applicant Response: The rezoning request permits retail, office and residential uses, and the property is surrounded by retail, office and residential uses.

Mixed-Use Areas /Transition to Surrounding Neighborhoods

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

Applicant Response: This property is adjacent to 3-4 story apartment buildings and wide thoroughfares, and the size of the subject property is such that a tall

building is impractical, so no transitions are needed in this context. Further, this design guideline can be better addressed at the site plan approval stage.

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

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

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

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

Applicant Response: Given the size of this site, no cul-de-sacs or dead-end streets will be located within the site. Further, this design guideline can be better addressed at the site plan approval stage.

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

Applicant Response: No side of this property adjacent to the public right-of-way exceeds 660 feet.

Site Design/Building Placement

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

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

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

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

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

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

Site Design/Urban Open Space

9. *To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from*

public areas (building entrances, sidewalks). Take views and sun exposure into account as well.

Applicant Response: Given the location and size of this site, this guideline is inapplicable.

10. New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.

Applicant Response: Given the location and size of this site, this guideline is inapplicable.

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

Applicant Response: Given the location and size of this site, this guideline is inapplicable.

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

Applicant Response: Given the location and size of this site, this guideline is inapplicable.

Site Design/Public Seating

13. New public spaces should provide seating opportunities.

Applicant Response: Given the location and size of this site, this guideline is inapplicable.

Site Design/Automobile Parking and Parking Structures

14. Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

15. Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

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

Applicant Response: Given the location and size of this site, this guideline is inapplicable.

Site Design/Transit Stops

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

Applicant Response: Given the location and size of this site, this guideline is inapplicable.

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

Applicant Response: Given the location and size of this site, this guideline is inapplicable.

Site Design/Environmental Protection

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

Applicant Response: It is our understanding that no such sensitive features are on the site, such that this guideline is inapplicable.

Street Design/General Street Design Principles

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

Applicant Response: Given the location and size of this site, this guideline is inapplicable.

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

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

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

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

Street Design/Spatial Definition

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

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

Building Design/Facade Treatment

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

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

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

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

Building Design/Street Level Activity

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

Applicant Response: This design guideline can be better addressed at the site plan approval stage.

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

This site is located at the intersection of Six Forks and Lynn Road, with multifamily residential to the north and west, with retail to the south. There is a single family neighborhood across Six Forks Road to the east. The property is surrounded by Office and Institution zoning to the north, Neighborhood Business to the south, with Residential 10 to the west and Residential-4 to the east across Six Forks Road. Zoning conditions provided by the applicant ensure a compatible pattern of development with appropriate transitions and buffering to the multifamily residential parcel adjacent. Due to the conditions offered, retail in this location would be consistent and compatible with the surrounding area.

3. Public benefits of the proposed rezoning

Rezoning the subject property to Shopping Center Conditional Use could be considered a public benefit. The proposal to introduce retail on this site is consistent with the Future Land Use Designation on this property. Since the proposed zoning district matches the Future Land Use designation, rezoning to Shopping Center would further the vision of the Comprehensive Plan.

4. Detriments of the proposed rezoning

There are no known detriments associated with this rezoning request.

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2009 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast</u>			
Lynn Road	Major Thoroughfare	16,000	25,000			
Six Forks Road	Secondary Arterial	32,000	39,000			
<u>Street Conditions</u>						
<u>Lynn Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	5	65'	Back-to-back curb and gutter section	80'	8' MUP on north side; 5' sidewalk on south side	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	YES	YES	YES	NO	YES	NO
<u>Six Forks Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	5	65'	Back-to-back curb and gutter section	100'	5' sidewalks on both sides	None
City Standard	6	89'	Back-to-back curb and gutter section	110'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	NO	NO	YES	NO	YES	NO
<u>Expected Traffic Generation [vph]</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	36	66	30			
PM PEAK	35	241	206			
Suggested Conditions/ Impact Mitigation:	Traffic Study Determination: Staff has reviewed a traffic impact analysis for this case. The TIA assumes that redevelopment of the subject property will consist of a 15,000 sq. ft. pharmacy with a drive-thru window. This development would generate 40 trips in the AM peak and 79 trips in the PM peak. The conditions in the case do not reflect development of a 15,000 sq ft pharmacy, but instead offer a trip budget of 79 trips in the AM or PM peak hour.					

Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.
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Impact Identified: None

5.2 Transit

Transit is currently available on Six Forks Rd and Lynn Rd. A 15x20' transit easement is requested on Six Forks Rd.

Impact Identified: None. Applicant has included transit easement.

5.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Mine Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: Site is subject to Part 10, Chapter 9 Stormwater regulations. No Floodplain or Neuse River Buffers exist on the site.

5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	7,638 gpd	10,575 gpd
<i>Waste Water</i>	7,638 gpd	10,575 gpd

The proposed rezoning will add approximately 2,937 gpd to the wastewater collection or water distribution systems of the City. Water mains are available to the property. Sanitary sewer mains are not available to the property. Developer will be required to extend any sanitary sewer mains.

5.5 Parks and Recreation

The subject property is not located adjacent to a greenway corridor. The subject tract is not located within a park search area.

Impact Identified: None

5.6 Urban Forestry

This site will be required to meet Tree Conservation Ordinance requirements 10-2082.14.

5.7 Wake County Public Schools

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Green	576	91.9%	586	93.5%
Carroll	714	83.9%	720	84.6%
Sanderson	1,876	98.8%	1,880	99.0%

Impact Identified: None

5.8 Designated Historic Resources

There are no historic districts or designated landmarks on this property.

Impact Identified: None

5.9 Community Development

The subject property is not within a designated redevelopment area.

Impact Identified: None

5.10 Impacts Summary

- o None

5.11 Mitigation of Impacts

- o Applicant has offered several zoning conditions that mitigate all potential impacts associated with this request.

6. Appearance Commission

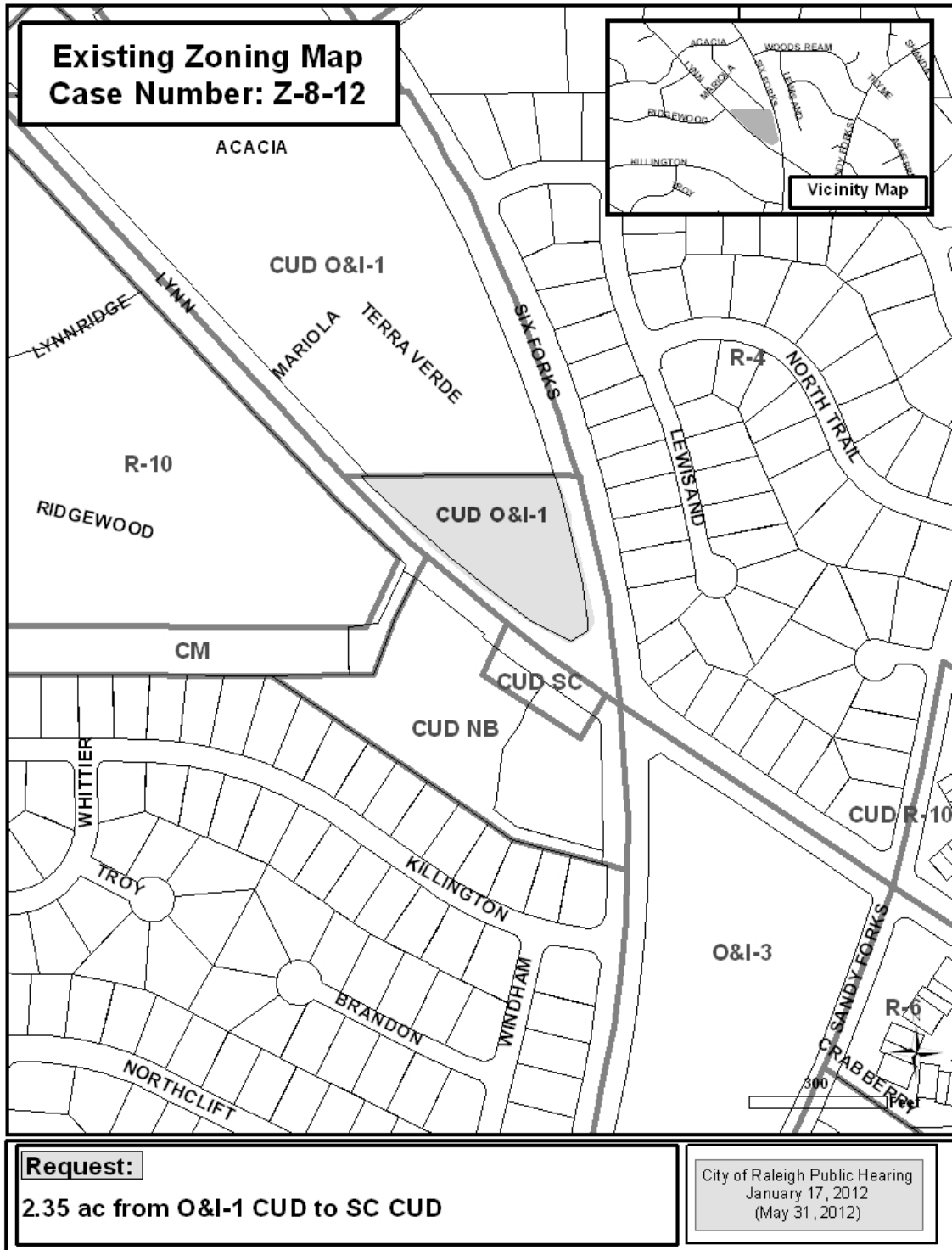
This request is not subject to review by the Appearance Commission.

7. Conclusions

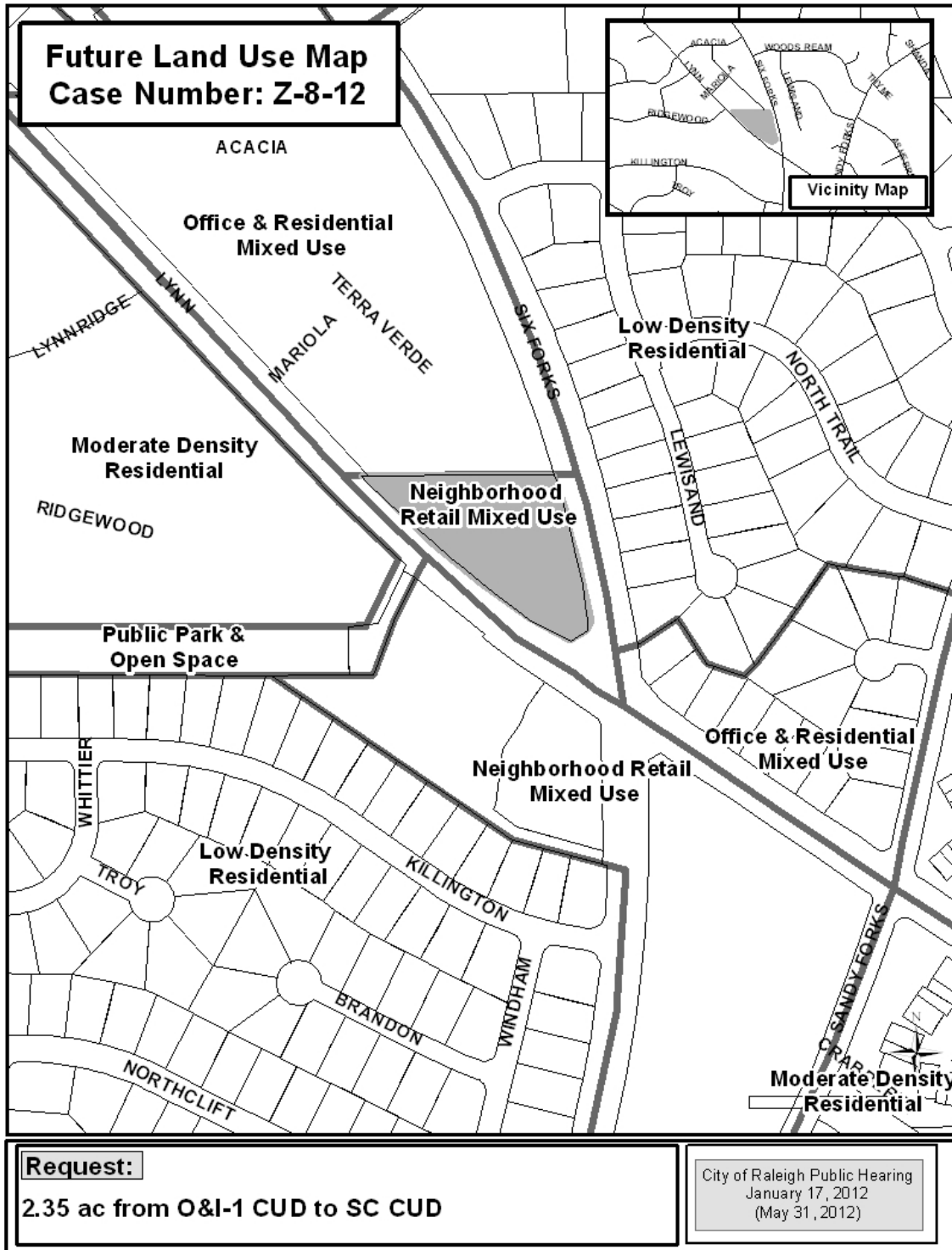
The proposed rezoning request is consistent with the Future Land Use Map in the Comprehensive Plan. The subject property is designated as Neighborhood Mixed Use. Rezoning from Office & Institution-1 Conditional Use to Shopping Center Conditional Use would be consistent with this designation.

The rezoning proposal is also consistent with all applicable Comprehensive Plan policies and guidelines. Potential impacts associated with this request have been mitigated through several zoning conditions offered by the applicant. While directly adjacent to residential, applicant has included zoning conditions that provide adequate buffering to ensure an appropriate transition. The request to rezone to Shopping Center Conditional use is compatible with surrounding land uses and zoning, and consistent with the Comprehensive Plan.

Existing Zoning Map



Future Land Use Map



Z - 8 - 12
Pd by CK # 115756
1081. n



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

CITY OF RALEIGH
CITY PLANNING DEPT
2011 SEP 16 AM 11:40

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

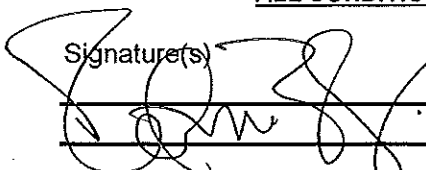
Signature(s)	Print Name	Date
	Michael Birch, on behalf of MMWD, LLC	September 16, 2011

EXHIBIT B. Request for Zoning Change

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

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s) <small>(for conditional use requests, petitioners must own petitioned property)</small>	MMWD, LLC	100 Lynn Rd	
Property Owner(s)	Same as above		
Contact Person(s)	Mack Paul	4350 Lassiter at North Hills Ave., Suite 300	919.743.7325 mack.paul@kigates.com
	Michael Birch	Raleigh, NC 27609	919.743.7314 michael.birch@kigates.com

Property information

Property Description <small>(Wake County PIN)</small>	1707-70-1247
Nearest Major Intersection	Six Forks Road and Lynn Road
Area of Subject Property <small>(in acres)</small>	2.35 acres
Current Zoning Districts <small>(include all overlay districts)</small>	Office & Institution-1 Conditional Use
Requested Zoning Districts <small>(include all overlay districts)</small>	Shopping Center Conditional Use

EXHIBIT B. Request for Zoning Change

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

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

Name	Street Address	City/State/Zip	Wake Co. PIN
MMWD LLC	100 Lynn Road	Raleigh, NC 27609-2835	1707701247
Princeton Park Apartments LLC c/o Goldberg Companies Inc.	25101 Chagrin Boulevard Suite 300	Beachwood, OH 44122-5693	1707600370
Hazel Emory	8602 Greenway Street	Raleigh, NC 27615-2418	1707608099
Roosevelt H. Thomas	20 Lynn Road	Raleigh, NC 27609-3829	1706795991
Nance Sadofsky	1011 3 rd Street Unit 2	Ft. Myers Beach, FL 33931-2634	1706795935
Twin Forks Office Park	3810 Merton Drive	Raleigh, NC 27609-6651	1706796223
Rake & Hoe Garden Venture LLC	P.O. Box 17093	Raleigh, NC 27619-7093	1706699894
Wachovia Bank NA Trustee U/W/O William A. Wilson c/o CVS Pharmacy Inc.	#3589-02STORE 1 CVS Drive	Woonsocket, RI 02895-6146	1706792746
Leslie Patteson Sandra Patteson	6200 Six Forks Road	Raleigh, NC 27615-7214	1707704072
James Walker Deborah Walker	6205 Lewisand Circle	Raleigh, NC 27615-7203	1707704161
Edward Caraballo Faye Caraballo	6209 Lewisand Circle	Raleigh, NC 27615-7203	1707704251
William Alphus Godley, Jr. Diann R. Godley	6213 Lewisand Circle	Raleigh, NC 27615-7203	1707704259
Aaron Michael Sachs Amber Lynn Sachs	2954 Ethan Pointe Drive, Apt. 4301	Burlington, NC 27215-9531	1707704345
Robert K. Firth Mary Firth	6221 Lewisand Circle	Raleigh, NC 27615-7203	1707704433
Simon Logan, Jr. Evelyn B. Logan	6225 Lewisand Circle	Raleigh, NC 27615-7203	1707704419
Eileen M. Schoelkopf	6229 Lewisand Circle	Raleigh, NC 27615-7203	1707703596
Reep MF Verde NC LLC	51 Madison Avenue	New York, NY 10010-1603	1707606886

2-8-12

EXHIBIT C. Request for Zoning Change

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

CITY OF RALEIGH
CITY PLANNING DEPT

Conditional Use District requested: **Shopping Center Conditional Use**

2012 MAY -8 AM 10:53

pg 1 of 2

Narrative of conditions being requested:

As used herein, the "Property" means and refers to that certain tract or parcel of land containing approximately 2.35 acres, located at the northwest corner of the intersection of Six Forks Road and Lynn Road, in the City of Raleigh, NC, and having Wake County Parcel Identification Number: 1707-70-1247 (Deed Book 11175, Page 772).

(a) The following uses shall be prohibited on the Property:

- adult establishment
- hotel/motel
- bar, nightclub, tavern, lounge
- car wash
- exterminating service
- movie theater – all types
- parking facility – principal use
- correctional/penal facility – all types
- kennel/cattery
- mini warehouse storage facility
- airfield or landing strip
- heliport – all types
- riding stable
- telecommunications tower – all types
- outdoor amphitheater – all types
- outdoor racetrack – all types
- outdoor stadium – all types
- outdoor theater – all types
- funeral home
- cemetery
- crematory
- day care – all types
- hospital
- schools – all types
- utility substation
- emergency shelter – all types
- special care facility – all types
- landfill – all types

(b) Prior to the issuance of a building permit or prior to the recordation of a subdivision plat for the Property, whichever event first occurs, the owner of the Property shall cause to be recorded in the Wake County Registry an offer of cross-access over an upon the Property in favor of the owner of that parcel immediately north of the Property with Wake County PIN 1707-60-6886 (DB 14208, PG 864).

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by **all property owners**.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)

Print Name

Date

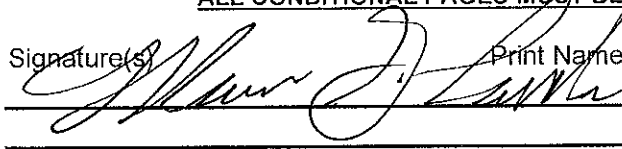
 MARVIN G. CARDOR 05/08/12

EXHIBIT C. Request for Zoning Change

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

Conditional Use District requested: **Shopping Center Conditional Use**

pg 2 of 2

(c) Any building on the Property shall be no taller than the lesser of two stories entirely above grade or 40 feet in height as measured by the Raleigh City Code.

(d) No principal building on the Property shall be located within 30 feet of the common property line with that parcel immediately north of the Property with Wake County PIN 1707-60-6886 (DB 14208, PG 864).

(e) Prior to the issuance of a building permit or prior to the recordation of a subdivision plat for the Property, whichever event first occurs, the owner of the Property shall deed to the City a transit easement measuring 20 feet wide along Six Forks Road by 15 feet deep. The location of the easement shall be approved by the Transit Division of the City, and the City Attorney shall approve the transit easement deed prior to recordation.

(f) The total volume of trips generated by development on the Property shall not exceed 79 net new vehicle trips in the AM or PM peak hour. The AM and PM peak trip generation shall be determined using the most current Institute of Transportation Engineers trip generation manual. Prior to preliminary site plan approval, final site plan approval, building permit approval, issuance of a certificate of occupancy for a change in use, or issuance of a zoning compliance permit, whichever approval is first required for a particular use, the applicant shall submit to the Public Works Director or his designee a letter sealed by a registered professional engineer certifying that the number of trips generated by the proposed development according to the most current Institute of Transportation Engineers trip generation manual does not exceed 79 net new vehicle trips in the AM or PM peak hour. A development plan application shall be denied when the sealed trip generation letter required by this condition (f) establishes that the net new vehicle trips will exceed 79 trips in the AM or PM peak hour.

(g) Any site plan for development on the Property shall provide a pedestrian access connection between that area required by above condition (e) to be dedicated for a transit easement and the main entrance of the proposed principal building.

(h) Prior to recordation of a subdivision plat for the Property, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates to all existing lots of record the allowable net new trips in the AM and PM peak hours as limited by above condition (f). Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation, and it shall be promptly recorded following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by **all property owners**.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

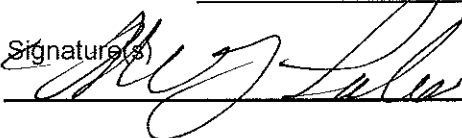
Signature(s)	Print Name	Date
	MARBON G. CARON	05/25/12

EXHIBIT D. Request for Zoning Change

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

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

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

The property is designated "Neighborhood Mixed Use" on the Future Land Use Map. This category recommends retail uses the serve the surrounding neighborhood, such as corner stores, restaurants, drug stores, dry cleaners and small professional offices. The category description notes that many areas mapped with a Neighborhood Mixed Use designation are zoned Shopping Center district. The Shopping Center district permits those commercial uses envisioned by the Neighborhood Mixed Use category. The proposed zoning district is consistent with the Future Land Use Map designation for the property.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

The subject property is not located within any Area Plan or subject to any City Council-adopted plans or policies.

C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").

The proposed map amendment is consistent with Policy LU 1.2 "Future Land Use Map and Zoning Consistency" and Policy LU 1.3 "Conditional Use District Consistency" because the Shopping Center district permits those commercial uses envisioned by the Future Land Use Map. The proposed map

EXHIBIT D. Request for Zoning Change

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amendment furthers the goal of Policy LU 4.4 “Reducing VMT Through Mixed Use” by permitted retail uses in close proximity to medium and moderate density residential uses. The proposed map amendment is consistent with Policy LU 7.1 “Encouraging Nodal Development” by permitting retail uses at a commercial node developed, zoned and planned for nonresidential uses. Based on the proposed map amendment’s consistency with the Future Land Use Map and numerous policy statements, the proposed map amendment is consistent with the Comprehensive Plan.

II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

North: Apartment complex
West: Lynn Road; Apartment complex
South: Lynn Road; Commercial uses (pharmacy, lawn/garden, office)
East: Six Forks Road; Single-family detached residential

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

North: Office & Institution-1 CUD
West: Residential-10
South: Neighborhood Business CUD, Shopping Center CUD and Office & Institution-3
East: Residential-4

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

The subject property is located at the intersection of a secondary arterial and major thoroughfare, with access to both roads. It is currently developed for an office use and surrounded by medium density residential uses and commercial uses. The proposed map amendment permits additional commercial uses on the property, which would be compatible with the surrounding uses and consistent with the character of the area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment benefits the property owner by permitting a wider range of uses that are consistent with the Future Land Use Map category.

B. For the immediate neighbors:

The proposed map amendment could benefit the immediate neighbors by providing convenience commercial uses within walking distance.

EXHIBIT D. Request for Zoning Change

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

C. For the surrounding community:

The proposed map amendment could benefit the surrounding community by providing convenience commercial uses within walking distance to many surrounding neighborhoods, multi-family developments, and those office uses located north along Six Forks Road.

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

No, the proposed map amendment does not provide a significant benefit that is not available to the surrounding properties, because many of the surrounding properties already permit office and retail uses.

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

Because the request is consistent with the comprehensive plan, the property is located at the intersection of a secondary arterial and a major thoroughfare, has access to these roads, and is surrounded by commercial uses and medium density residential uses, the proposed map amendment that permits additional commercial uses is reasonable and in the public interest.

V. Recommended items of discussion (where applicable).

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

Not applicable.

- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

Not applicable.

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

Not applicable.

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

Not applicable.

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

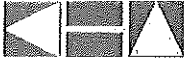
The proposed map amendment advances the fundamental purposes of zoning by regulating in accordance with the comprehensive plan and with reasonable consideration to the character of the surrounding area and the suitability of the property for particular uses.

Z-8-12

FILING ADDENDUM: Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

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

The applicant does not have any other arguments on behalf of the proposed map amendment at this time.



Kimley-Horn
and Associates, Inc.

September 15, 2011

☐
P.O. Box 33068
Raleigh, North Carolina
27636

Mr. Eric Lamb, P.E.
City of Raleigh Public Works Department
One Exchange Plaza
219 Fayetteville Street, Suite 300
Raleigh, North Carolina 27601

Re: 100 Lynn Road Rezoning
Raleigh, North Carolina

Dear Mr. Lamb:

Kimley-Horn and Associates, Inc. has reviewed the traffic generation potential for the proposed rezoning of 100 Lynn Road in Raleigh, North Carolina. The property is a 2.335 acre tract that is currently zoned O&I-1. The property is proposed to be rezoned to Shopping Center Conditional Use.

Trip Generation

The traffic generation potential of the proposed rezoning was determined using the traffic generation rates published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Eighth Edition, 2008) and is included in Table 1. The traffic generation potential of the existing zoning was also estimated for comparison purposes and is shown in the table below. For this analysis it was assumed that the existing zoning would allow up to 23,500 square feet (SF) of general office space (2.35 acres at 10,000 SF/acre). It was assumed that the proposed zoning would allow up to 23,500 SF of general retail space (also 2.35 acres at 10,000 SF/acre).

Due to the low density of the office space allowed under the existing zoning, the ITE weighted average rates were used instead of the regression equations to calculate the trip generation potential of office space in the AM and PM peak hours. The regression equations were used to calculate the daily trip generation potential. Regression equations were also used to calculate the trip generation potential of the retail space.

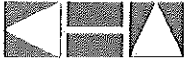


Table 1 ITE Trip Generation Comparison									
Land Use	Size	Daily		AM			PM		
		In	Out	Total	In	Out	Total	In	Out
Existing Zoning									
General Office	23,500 s.f.	219	219	36	32	4	35	6	29
Proposed Zoning									
General Retail	23,500 s.f.	1,325	1,325	66	40	26	241	118	123
Difference		1,106	1,106	30	8	22	206	112	94

Table 1 shows that when compared to the existing zoning, the proposed rezoning has the potential to result in a net increase of 2,212 trips during a typical weekday (1,106 entering, 1,106 exiting), 30 trips during the AM peak hour (8 entering, 22 exiting), and 206 trips during the PM peak hour (112 entering, 94 exiting).

If you have any questions concerning our analysis, please do not hesitate to contact me at (919) 653-2948.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Travis Fluitt, P.E.
Project Engineer

RMH/tf

CC: Michael Birch, K&L Gates LLP



ZONING CASE Z-__-12

REZONING OF PROPERTY CONSISTING OF +/- 2.35 ACRES LOCATED IN THE
NORTHWEST CORNER OF THE INTERSECTION OF SIX FORKS ROAD AND LYNN
ROAD, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON SEPTEMBER 15, 2011

Pursuant to applicable provisions of the City Code, a meeting was held with respect to a potential rezoning with adjacent property owners on Thursday, September 15, 2011, at 6:00 p.m. The property subject to this proposed zoning is approximately 2.35 acres, located in the northwest corner of the intersection of Six Forks Road and Lynn Road, in the City of Raleigh, having Wake County Parcel Identification Number 1707-70-1247. This meeting was held at the offices of K&L Gates LLP, 4350 Lassiter at North Hills Avenue, Suite 300, Raleigh, NC 27609. A copy of the meeting notice is attached hereto as **Exhibit A**. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit B** is a copy of the City Code required mailing list for the meeting invitations. Attached hereto as **Exhibit C** is a copy of the addressed, stamped envelopes containing the neighborhood notices mailed by first class mail. A summary of the items discussed at the meeting is attached hereto as **Exhibit D**. Attached hereto as **Exhibit E** is a list of individuals who attended the meeting. No changes were made to the rezoning petition as a result of this meeting.

CITY OF RALEIGH
CITY PLANNING DEPT
2011 SEP 16 AM 11:11

EXHIBIT A
MEETING NOTICE

(See Attached)

MEMORANDUM

To Neighboring Property Owners

From Mack Paul and Michael Birch

Date September 2, 2011

Re Notice of meeting to discuss potential rezoning of property located in the northwest quadrant of the intersection of Six Forks Road and Lynn Road, containing approximately 2.35 acres, with the street address of 100 Lynn Road, and having Wake County PIN: 1707-70-1247 (the "Property").

We are counsel for the owner of the Property. The owner is considering rezoning the Property, which is currently zoned Office & Institution-1 Conditional Use. The owner is considering rezoning the Property to Shopping Center – 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 Thursday, September 15, 2011 at 6:00 p.m. This meeting will be held at the offices of K&L Gates, 4350 Lassiter at North Hills Avenue, Suite 300, Raleigh, NC 27609. The office is located at the North Hills shopping center, above Moe's Restaurant.

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 owner 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 us directly should you have any questions or wish to discuss any issues. We can be reached at (919) 743-7326 or mack.paul@klgates.com and (919) 743-7314 or michael.birch@klgates.com.

EXHIBIT B

List of Property Owners Contacted About Meeting

WD
MMEK LLC
100 Lynn Road
Raleigh, NC 27609-2835

Princeton Park Apartments LLC
c/o Goldberg Companies Inc.
25101 Chagrin Boulevard
Suite 300
Beachwood, OH 44122-5693

Hazel Emory
8602 Greenway Street
Raleigh, NC 27615-2418

Roosevelt H. Thomas
20 Lynn Road
Raleigh, NC 27609-3829

Nance Sadofsky
1011 3rd Street Unit 2
Ft. Myers Beach, FL 33931-2634

Twin Forks Office Park
3810 Merton Drive
Raleigh, NC 27609-6651

Rake & Hoe Garden Venture LLC
P.O. Box 17093
Raleigh, NC 27619-7093

Wachovia Bank NA Trustee U/W/O William A. Wilson
c/o CVS Pharmacy Inc.
#3589-02STORE
1 CVS Drive
Woonsocket, RI 02895-6146

Leslie Patteson
Sandra Patteson
6200 Six Forks Road
Raleigh, NC 27615-7214

James Walker
Deborah Walker
6205 Lewisand Circle
Raleigh, NC 27615-7203

Edward Caraballo
Faye Caraballo
6209 Lewisand Circle
Raleigh, NC 27615-7203

William Alphus Godley, Jr.
Diann R Godley
6213 Lewisand Circle
Raleigh, NC 27615-7203

Aaron Michael Sachs
Amber Lynn Sachs
2954 Ethan Pointe Drive
Apt. 4301
Burlington, NC 27215-9531

Robert K. Firth
Mary Firth
6221 Lewisand Circle
Raleigh, NC 27615-7203

Simon Logan, Jr.
Evelyn B. Logan
6225 Lewisand Circle
Raleigh, NC 27615-7203

Eileen M. Schoelkopf
6229 Lewisand Circle
Raleigh, NC 27615-7203

Reep MF Verde NC LLC
51 Madison Avenue
New York, NY 10010-1603

EXHIBIT C

STAMPED, ADDRESSED ENVELOPES

(See Attached)

K&L|GATES

K&L Gates LP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047

MMLK LLC
100 Lynn Road
Raleigh, NC 27609-2835

K&L|GATES

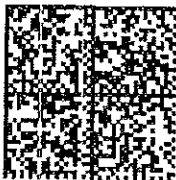
K&L Gates LP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047

Princeton Park Apartments LLC
c/o Goldberg Companies Inc.
25101 Chagrin Boulevard
Suite 300
Beachwood, OH 44122-5693



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4350 Lassiter at North Hills Avenue, Suite 300
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Raleigh, NC 27619-7047



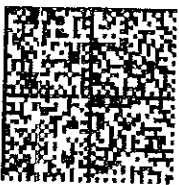
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Hazel Emory
8602 Greenway Street
Raleigh, NC 27615-2418



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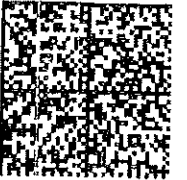
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20 Lynn Road
Raleigh, NC 27609-3829

K&L|GATES

K&L Gates LP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047

Nance Sadofsky
1011 3rd Street Unit 2
Ft. Myers Beach, FL 33931-2634



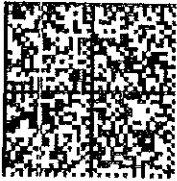
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Raleigh, NC 27619-7047

Twin Forks Office Park Condominium
3810 Merton Drive
Raleigh, NC 27609-6651



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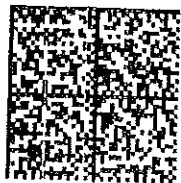
K&L Gates LP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047

Rake & Hoe Garden Venture LLC
P.O. Box 17093
Raleigh, NC 27619-7093

K&L|GATES

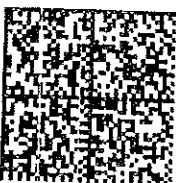
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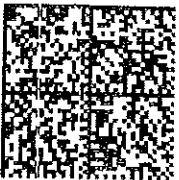
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James Walker
Deborah Walker
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Raleigh, NC 27615-7203



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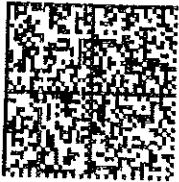
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K&L|GATES

K&L Gates LP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047

William Alphus Godley, Jr.
Diann R Godley
6213 Lewisand Circle
Raleigh, NC 27615-7203



nsodnu

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Aaron Michael Sachs
Amber Lynn Sachs
2954 Ethan Pointe Drive
Apt. 4301
Burlington, NC 27215-9531



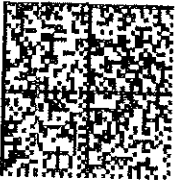
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Raleigh, NC 27619-7047

Robert K. Firth
Mary Firth
6221 Lewisand Circle
Raleigh, NC 27615-7203



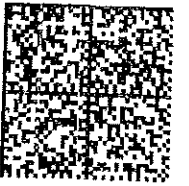
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Raleigh, NC 27619-7047

Simon Logan, Jr.
Evelyn B. Logan
6225 Lewisand Circle
Raleigh, NC 27615-7203



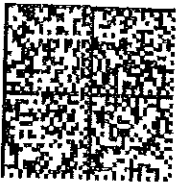
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Raleigh, NC 27619-7047

Eileen M. Schoelkopf
6229 Lewisand Circle
Raleigh, NC 27615-7203



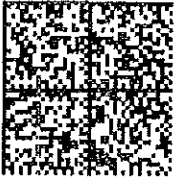
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New York, NY 10010-1603



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EXHIBIT D

SUMMARY OF DISCUSSION ITEMS

On Thursday, September 15, 2011, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. The following items were discussed:

1. Current zoning and use of the property
2. Future land use map classification of the property
3. Future land use map classification of surrounding area
4. Attempt to rezone properties in northeast corner of Six Forks and Lynn
5. Apartments developed in mid-2000s
6. Retail uses allowed in Shopping Center zoning district
7. Zoning process and upcoming dates

EXHIBIT E

NEIGHBORHOOD MEETING ATTENDEES

James Walker
6205 Lewisand Circle
Raleigh, NC 27609

Eileen Schoelkopf
6229 Lewisand Circle
Raleigh, NC 27609

2-8-12

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047
T 919.743.7300 www.klgates.com

September 2, 2011

R. Michael Birch Jr.
D 919.743.7314
F 919.516.2014
michael.birch@klgates.com

mailed out
9/2/11
MB

Via Hand Delivery

DeShele Sumpter
Department of City Planning
One Exchange Plaza, Suite 304
Raleigh, NC 27601

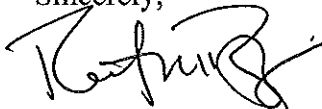
Re: Neighborhood Meeting Notices for Potential Rezoning of 100 Lynn Road

Dear DeShele:

In accordance with provisions of the City Code, I am enclosing stamped, addressed envelopes containing neighborhood meeting notices for a potential rezoning case, to be mailed by the City. I am also attaching a copy of the notice and the list of property owners to whom the notices are being sent.

Please feel free to call me should you have any questions or comments.

Sincerely,



R. Michael Birch Jr.

Enclosures

2011 SEP -2 PM 2:11
CITY OF RALEIGH
CITY PLANNING DEPT

MEMORANDUM

To Neighboring Property Owners

From Mack Paul and Michael Birch

Date September 2, 2011

Re Notice of meeting to discuss potential rezoning of property located in the northwest quadrant of the intersection of Six Forks Road and Lynn Road, containing approximately 2.35 acres, with the street address of 100 Lynn Road, and having Wake County PIN: 1707-70-1247 (the "Property").

We are counsel for the owner of the Property. The owner is considering rezoning the Property, which is currently zoned Office & Institution-1 Conditional Use. The owner is considering rezoning the Property to Shopping Center – 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 Thursday, September 15, 2011 at 6:00 p.m. This meeting will be held at the offices of K&L Gates, 4350 Lassiter at North Hills Avenue, Suite 300, Raleigh, NC 27609. The office is located at the North Hills shopping center, above Moe's Restaurant.

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 owner 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 us directly should you have any questions or wish to discuss any issues. We can be reached at (919) 743-7326 or mack.paul@klgates.com and (919) 743-7314 or michael.birch@klgates.com.

List of Adjacent Property Owners for 100 Lynn Road

MMLK LLC
100 Lynn Road
Raleigh, NC 27609-2835

Princeton Park Apartments LLC
c/o Goldberg Companies Inc.
25101 Chagrin Boulevard
Suite 300
Beachwood, OH 44122-5693

Hazel Emory
8602 Greenway Street
Raleigh, NC 27615-2418

Roosevelt H. Thomas
20 Lynn Road
Raleigh, NC 27609-3829

Nance Sadofsky
1011 3rd Street Unit 2
Ft. Myers Beach, FL 33931-2634

Twin Forks Office Park Condominium
3810 Merton Drive
Raleigh, NC 27609-6651

Rake & Hoe Garden Venture LLC
P.O. Box 17093
Raleigh, NC 27619-7093

Wachovia Bank NA Trustee U/W/O William A. Wilson
c/o CVS Pharmacy Inc.
#3589-02STORE
1 CVS Drive
Woonsocket, RI 02895-6146

Leslie Patteson
Sandra Patteson
6200 Six Forks Road
Raleigh, NC 27615-7214

James Walker
Deborah Walker
6205 Lewisand Circle
Raleigh, NC 27615-7203

Edward Caraballo
Faye Caraballo
6209 Lewisand Circle
Raleigh, NC 27615-7203

William Alphas Godley, Jr.
Diann R Godley
6213 Lewisand Circle
Raleigh, NC 27615-7203

Aaron Michael Sachs
Amber Lynn Sachs
2954 Ethan Pointe Drive
Apt. 4301
Burlington, NC 27215-9531

Robert K. Firth
Mary Firth
6221 Lewisand Circle
Raleigh, NC 27615-7203

Simon Logan, Jr.
Evelyn B. Logan
6225 Lewisand Circle
Raleigh, NC 27615-7203

Eileen M. Schoelkopf
6229 Lewisand Circle
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