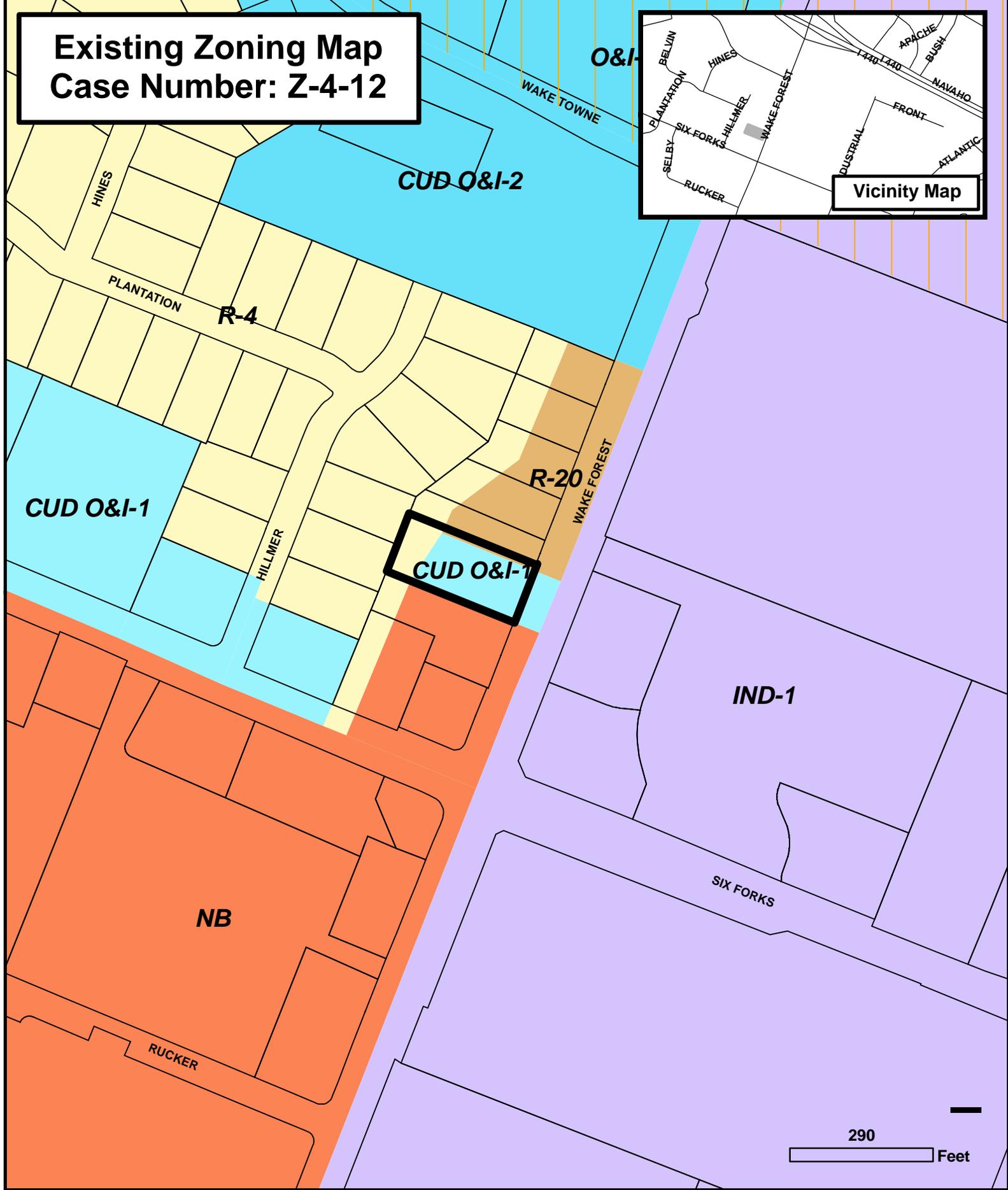
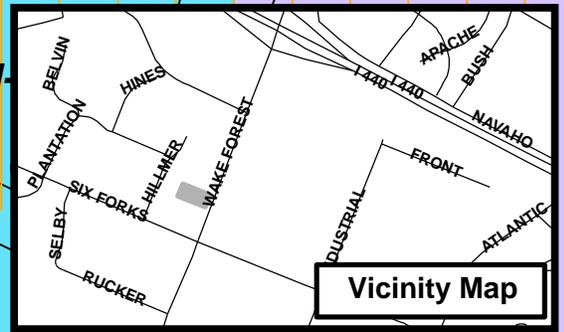


**Existing Zoning Map
Case Number: Z-4-12**



Vicinity Map



Request:
0.81 ac from O&I-1 CUD and R-4 to NB CUD and R-4

City of Raleigh Public Hearing
January 17, 2012
(April 16, 2012)



Certified Recommendation

Raleigh Planning Commission

CR# 11443

Case Information Z-4-12 Wake Forest Rd

<i>Location</i>	The property is located on the west side of Wake Forest Road north of its intersection with Six Forks Road.
<i>Size</i>	0.81 acre
<i>Request</i>	Rezone property from Office and Institution-1 Conditional Use and Residential-4 to Neighborhood Business Conditional Use and Residential-4.

Comprehensive Plan Consistency

Consistent

Inconsistent

Consistent

<i>Future Land Use Designation</i>	<input checked="" type="checkbox"/>	Community Mixed Use
<i>Applicable Policy Statements</i>	<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 5.4 – Density Transitions 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"> • Prohibition on adult businesses. • Lighting restrictions. • Offers of cross access.
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Issues and Impacts

<i>Outstanding Issues</i>	1. None	<i>Suggested Conditions</i>	1. None
<i>Impacts Identified</i>	1. Potential increase in transit ridership.	<i>Proposed Mitigation</i>	1. Transit easement.

Request

<i>Location</i>	The property is located on the west side of Wake Forest Road north of its intersection with Six Forks Road.
<i>Request</i>	Rezone property from Office and Institution-1 Conditional Use and Residential-4 to Neighborhood Business Conditional Use and Residential-4.
<i>Area of Request</i>	0.81 acre
<i>Property Owner</i>	Crooked Creek Joint Venture
<i>PC Recommendation Deadline</i>	April 16, 2012

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	O&I-1 CUD(Z-11-97) & R-4	NB CUD & R-4
<i>Additional Overlay</i>	N/A	N/A
<i>Land Use</i>	Retired Fire Station	Retail, Office or Residential
<i>Residential Density</i>	Up to 15 dwelling units with PC Approval	6 dwelling units total

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	R-4, R-20	NB	IND-1	R-4
<i>Future Land Use</i>	ORD	CMU	CMU	LDR
<i>Current Land Use</i>	Vacant Land	Car Wash, Retail	Retail	Single Family Residential

Comprehensive Plan Guidance

<i>Future Land Use</i>	Community 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 5.4 – Density Transitions 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>	Tom Williamson, 833-8426 x122
<i>Citizens Advisory Council</i>	Six Forks CAC

Case Overview

This site is located on the west side of Wake Forest Road, north of its intersection with Six Forks Road. The property is currently an office use housed in a retired City of Raleigh Fire Station. The properties to the north are vacant, with an established single family residential neighborhood to the west of the subject property. Small scale retail uses are located to the south, with large scale shopping center uses located across Wake Forest Road to the east.

The subject property is largely zoned Office and Institution-1 Conditional Use with a small strip of Residential-4 along the western edge of the property. This request seeks to rezone the Office and Institution Conditional Use portion of the property to Neighborhood Business Conditional Use while leaving the Residential-4 portion intact as a buffer to the adjacent neighborhood.

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 Community Mixed Use on the Future Land Use Map. Community Mixed Use areas typically include large scale commercial and retail uses that draw from multiple neighborhoods. The request to rezone the subject property to Neighborhood Business 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. Rezoning 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. There are very little additional impacts to infrastructure associated with this request.

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 included a zoning condition with offers of cross access to adjacent parcels to the north and south along Wake Forest Road. .

Policy LU 5.4 – Density Transitions

Low to medium density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

Proposal is consistent with this policy. By retaining the current Residential-4 zoning along the western boundary, the applicant has provided an effective buffer area to the adjacent neighborhood. The portion of Residential-4 zoning is 50 foot wide at its minimum increasing to over 75 feet in width.

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. An effective buffer has been provided through the Residential-4 zoning which varies between 50-75 feet in width along the western boundary of the property.

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. By retaining the current Residential-4 zoning along the western boundary, the applicant has provided an effective buffer area to the adjacent neighborhood. The portion of Residential-4 zoning is 50 foot wide at its minimum increasing to over 75 feet in width.

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. An effective buffer has been provided through the Residential-4 zoning along the western boundary of the property.

Proposal meets applicable guidelines. Due to the small size of the site, location, and zoning conditions, applicable policies have been met. Retention of the current Residential-4 zoning adjacent to residential properties to the west provides adequate buffering and ensures an appropriate transition between the two uses.

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

The subject property is located on Wake Forest Road, a heavily traveled major thoroughfare. With retail uses to the south, and vacant land zoned office to the north, the proposal to rezone the property to Neighborhood Business would be compatible with surrounding land uses and zoning in the area. While the property is adjacent to an established single family neighborhood to the west, there is a strip of Residential-4 zoning that exists today on the western edge of the property. When rezoned in 1997, this portion was retained to serve as a buffer to the adjacent neighborhood. The current rezoning proposal would also retain this transitional buffer of low density residential zoning.

The property is also located right on the edge of ½ mile from the proposed high speed rail transit station. Due to the property’s location in close proximity to future transit and large scale retail uses, the proposal is compatible and consistent with the surrounding area.

3. Public benefits of the proposed rezoning

In addition to being consistent with the Future Land Use Map, this property is also located within a City Growth Center. Increased development intensity in the form of walkable mixed uses would be appropriate. Applicant has included rezoning conditions to ensure appropriate vehicular and pedestrian connectivity. An adequate buffer area has been established through the retention of the Residential-4 zoning along the rear of the property.

4. Detriments of the proposed rezoning

There are no known detriments associated with this request.

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

5.1 Transportation

<u>Primary Street(s)</u>	<u>Classification</u>	<u>2009 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast</u>		
Wake Forest Road	Secondary Arterial	27,000	42,000		

Street Conditions						
Wake Forest Road	<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	90'	Back-to-back curb and gutter section	115'	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	YES	YES	YES	YES	NO
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	N/A	N/A	N/A			
PM PEAK	N/A	N/A	N/A			
Suggested Conditions/ Impact Mitigation:			Traffic Study Determination: Staff has reviewed a trip generation differential report for this case. A traffic impact analysis study is not recommended for Z-4-12.			
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: None

5.2 Transit

This area is currently served by two transit routes. It would improve the community if a 15x20' transit easement was provided and a shelter was installed in the transit easement.

Impact Identified: This is a heavily traveled corridor and an increase in use will likely generate additional transit trips.

5.3 Hydrology

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

Impact Identified: None.

5.4 Public Utilities

	Maximum Demand (current)	Maximum Demand (proposed)
<i>Water</i>	1,380 gpd	1,925 gpd
<i>Waste Water</i>	1,380 gpd	1,925 gpd

The proposed rezoning will add approximately 545 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains in Wake Forest Road.

5.5 Parks and Recreation

The subject property is not located adjacent to a greenway corridor. The proposed rezoning will not impact the recreation level of service in this area.

Impact Identified: None

5.6 Urban Forestry

[Applicable code sections – any tree save areas/buffer yard required?]

Impact Identified: None

5.7 Wake County Public Schools

As there will be a decrease in potential residential density, there will be no impact to area public schools associated with this request.

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

- Potential increase in transit ridership.

5.11 Mitigation of Impacts

- Transit easement.

6. Appearance Commission

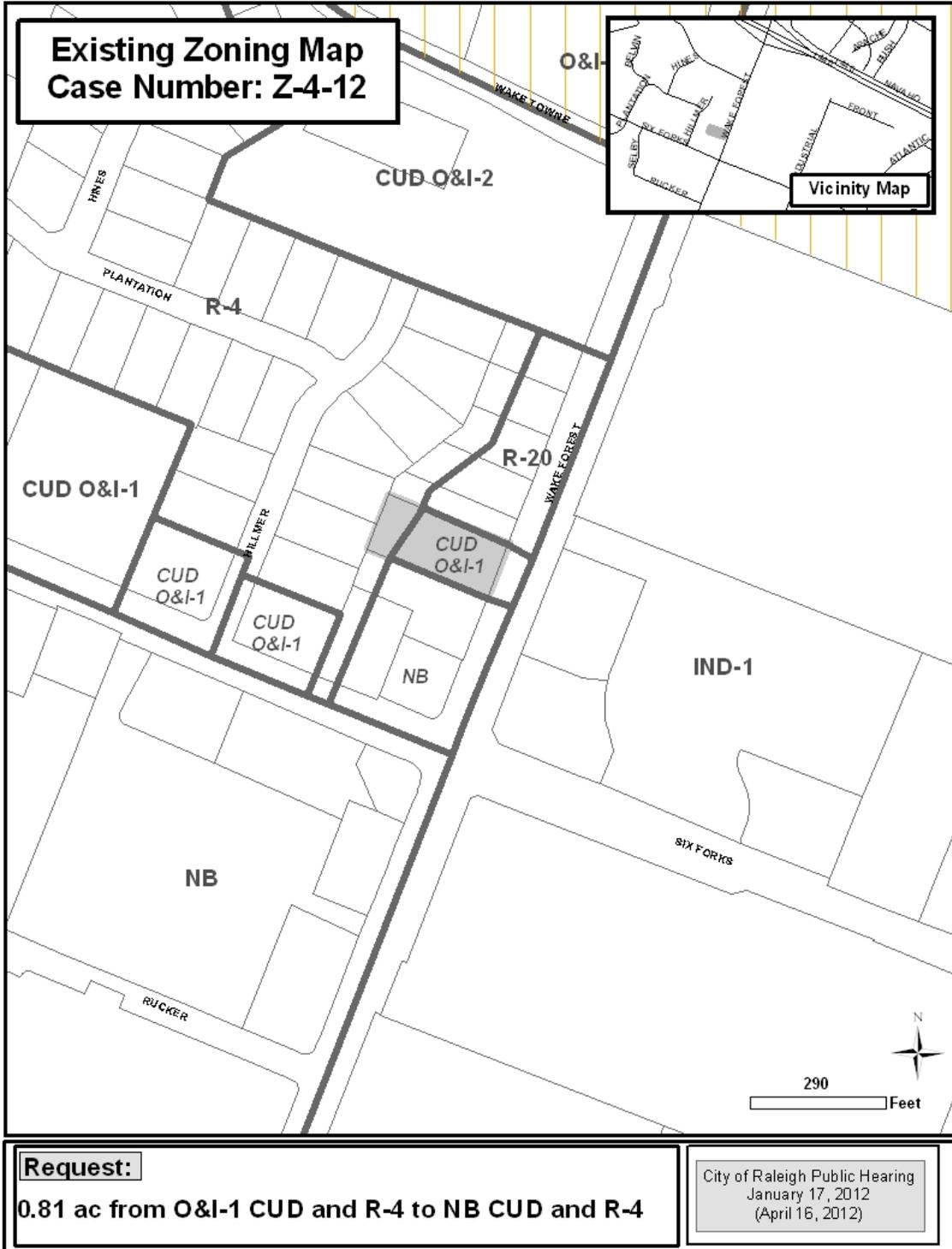
This request is not subject to review by the Appearance Commission.

7. Conclusions

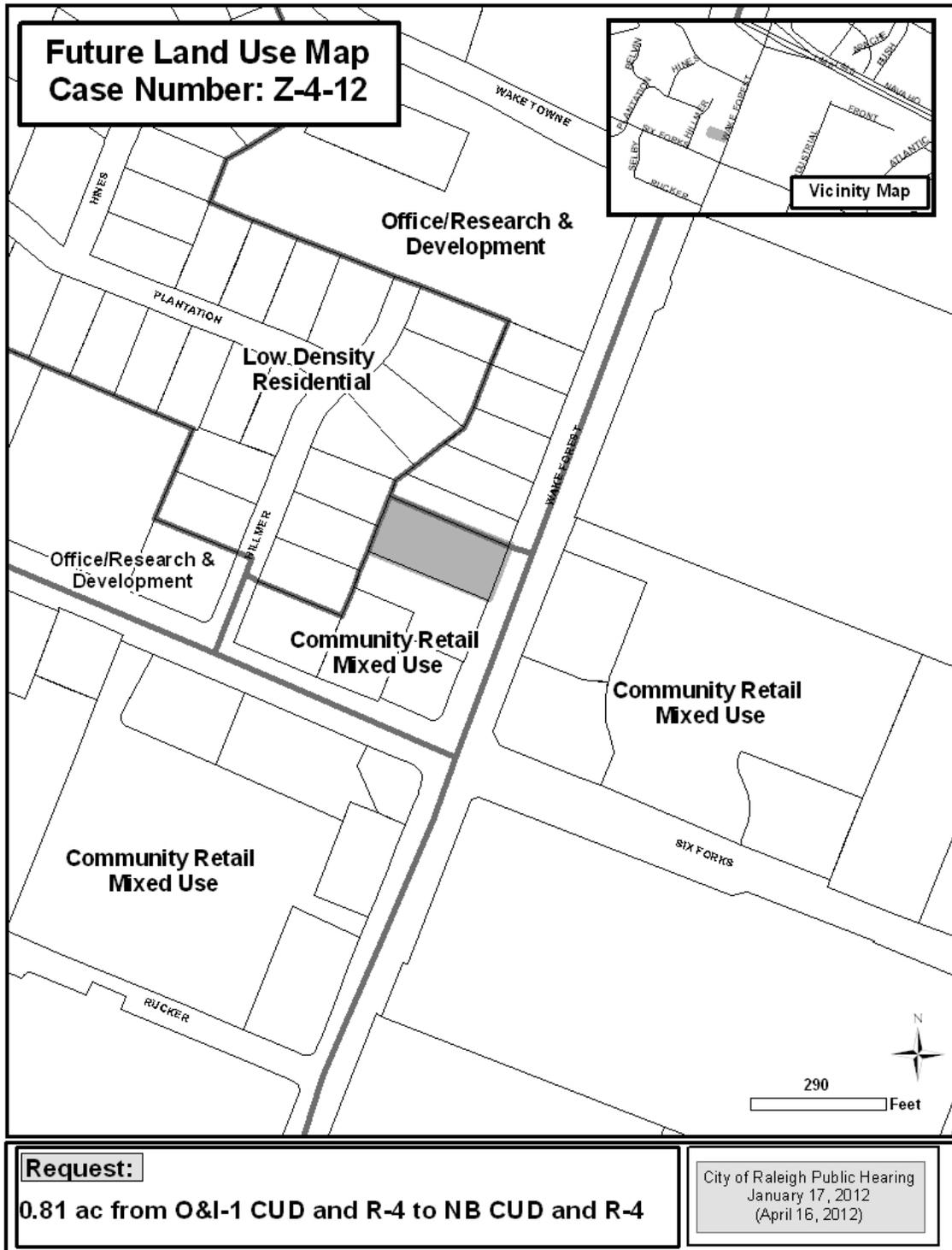
The proposed rezoning request is consistent with the Future Land Use Map, and several applicable policies within the Comprehensive Plan. The subject property is located on a heavily traveled corridor and is designated as being appropriate for Community Mixed Use. Rezoning to Neighborhood Business is consistent with this designation, and would also be compatible with surrounding land uses and zoning.

While the subject property is directly adjacent to an established single family neighborhood, the western portion of the property will remain Residential-4. The retention of this low density residential zoning will in effect provide a buffer to the adjacent neighborhood. By providing this buffer the request also meets several Comprehensive Plan policies that ensure appropriate transitions and buffers to protect lower intensity uses.

Existing Zoning Map



Future Land Use Map





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.

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

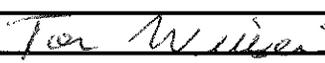
Signature(s)	Print Name	Date
	Tom Williams	9/15/11

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)	CROOKED CREEK JOINT VENTURE I	4350 Lassiter at North Hills Suite 235 Raleigh, NC 27609	919 833-8426 x 122
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	CROOKED CREEK JOINT VENTURE I	4350 Lassiter at North Hills Suite 235 Raleigh, NC 27609	
Contact Person(s)	Tom Williamson	SAME AS ABOVE	tom@dtsssoftware.com

Property information

Property Description (Wake County PIN)	
1715134932	
Nearest Major Intersection	
Wake Forest and Six Forks	
Area of Subject Property (in acres)	
.81	
Current Zoning Districts (include all overlay districts)	
CUD O&I-1 AND R-4	
Requested Zoning Districts (include all overlay districts)	
CUD Neighborhood Business AND R-4	

Adj. Neighboring Properties for Rezoning Case

PIN: 1715134729 and PIN: 1715132763

Margaret B. Weeks

Pauline B. Bizzell

P.O. Box 6586

Raleigh, NC 27628-6586

PIN: 1715142027

Katherine Moncol

David L. Moncol

3012 Hillmer Drive

Raleigh, NC 27609-7810

PIN: 1715133685

Michael J. Whalen

Rita M. Whalen

P.O. Box 97137

Raleigh, NC 27624-7173

PIN: 1715142147

Mansour Ali

Fadna M. Ali

3016 Hillmer Drive

Raleigh, NC 27609

PIN: 1715131706

MBW Partners LLC

403 E. Six Forks Rd.

Raleigh, NC 27609-7829

PIN: 1715143243

Leland M. Cottle

3100 Hillmer Dr.

Raleigh, NC 27609

PIN: 1715131838

Charles Riedeburg

3004 Hillmer Dr.

Raleigh, NC 27609-7810

PIN: 1715144071 & PIN: 1715145027

Gaddy Real Properties LLC

7020 Oberlin Road, Ste 410

Raleigh, NC 27605

PIN: 1715131977

Eugene G. Pitzer

3008 Hillmer Dr

Raleigh, NC 27609-7810

PIN: 1715230377, 1715137821, 1715136587

Seby B Jones Charitable Lead Trust

Tri Properties

4309 Emporer Blvd

Durham, NC 27703-8046

PIN: 1715241148

ITB Holding LLC, PO Box 2152, Chapel Hill, NC 27515-2152

EXHIBIT C. Request for Zoning Change

Z-4-12

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

Conditional Use District requested: _____

Narrative of conditions being requested:

- NO ADULT BUSINESSES

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

<i>Tom Williams</i>	Tom Williams	9/15/11

2-4-12

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 current recommended land use shown on the FLUM indicates mixed use development.

- 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.

None

- 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").

EXHIBIT D. Request for Zoning Change

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

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):

Most surrounding properties are currently zoned NB and are shopping centers

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

North – R-20
South – NB
East – IND-1
West – R-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:

This property is in the 2030 Comprehensive Plan as Mixed Use.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed rezoning will allow the owners to rent the current building for low intensity retail

B. For the immediate neighbors:

Building will no longer be vacant

C. For the surrounding community:

Facilitate the development of a small neighborhood retail store.

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

EXHIBIT D. Request for Zoning Change

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

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

The proposed rezoning is reasonable and in the public interest as it will permit redevelopment of the property and provide convenient services to the area without a significant increase in traffic.

V. Recommended items of discussion (where applicable).

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

N/A

- 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.**

Small lot is not suited for true office building

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

Small retain will support a growing population

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

No impact on public services or infrastructure

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

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

2-4-12



City Of Raleigh

NORTH CAROLINA

September 16, 2011

Mr. Tom Williamson
4350 Lassiter at North Hills, Suite 235
Raleigh, NC 27609

Dear Mr. Williamson:

I have researched the current zoning conditions for your property located at 2913 Wake Forest Road (PIN 1715-13-4932). The parcel is 0.81 acres in size with 0.61 acres zoned O&I-1 and the remainder zoned R-4. You propose to rezone the 0.61 acre portion from O&I-1 to Neighborhood Business (NB).

Site development in Raleigh is regulated by Raleigh Municipal Code section 10-2132.2 which states that a development plan must protect the public from unsafe or inefficient vehicular circulation, parking, and loading/unloading operations. City staff determines if a TIA is needed to demonstrate safe and efficient traffic operations on a case-by-case basis.

In my judgment, the additional trip volumes resulting from rezoning 0.61 acres from O&I-1 to NB could be absorbed by the existing roadway network without creating unsafe or inefficient vehicular circulation, parking, and loading/unloading operations. A traffic study is not needed. Please contact me if you have any questions.

Sincerely,

Bowman Kelly, PE, PTOE
Transportation Engineer

2.4.12

Meeting with neighbors was held:

Of the people we invited to the meeting the following showed up and signed the sheet:

Kat & David Moncol 3012 Hillmer
Leland & Jackie Cottle 3100 Hillmer
Gene Pitzer 3008 Hillmer

Comments:

Concern about noise
want good landscaping
concern about pedestrians coming through property back into neighborhood, want a good fence
concern about noise and unsightly look
Auto service is a concern
they support an effort to get a tenant
they would like to maintain a rear buffer
restriction on hours of operation no night clubs

2-4-12

Mailed out 7/11/11

July 8, 2011

RE: 2913 Wake Forest Road, Raleigh, NC

Neighboring Property Owners: PIN 1715241148

ITB Holding LLC
PO Box 2152
Chapel Hill, NC 27515-2152

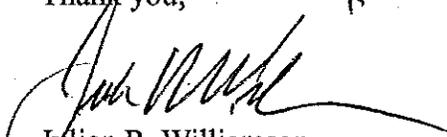
You are invited to attend a neighborhood meeting on Wednesday August 3, 2011. The meeting will be held at 2913 Wake Forest Road, Raleigh, NC (the old fire station) and will begin at 6:00pm.

The purpose of this meeting is to discuss a potential rezoning of the property located at 2913 Wake Forest Road, Raleigh. The site is currently zoned O&I-1 CUD and is proposed to be rezoned Neighborhood Business. The owner wishes to have the property conform more to the surrounding properties that front on Wake Forest Road and to be in conjunction with the City of Raleigh's comprehensive plan for this site.

The City of Raleigh requires that prior to the submittal of any rezoning petition, a neighborhood meeting involving the property owners within 100 feet of the area requested for rezoning.

If you have any concerns or questions I can be reached at 919-828-3866.

Thank you,



Julian R. Williamson
Carter Worthy Commercial

Neighboring Properties for Rezoning Case

PIN: 1715134729 and PIN: 1715132763 PIN: 1715142027

Margaret B. Weeks

Pauline B. Bizzell

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