



# Petition to Amend the Official Zoning Map

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

The following items are required with the submittal of rezoning petition. For additional information on these submittal requirements, see the *Filing Instructions* addendum.

## **Rezoning Application Submittal Package Checklist**

- Completed Rezoning Application which includes the following sections:**
  - Signatory Page**
  - Exhibit B**
  - Exhibit C (only for Conditional Use filing)**
  - Exhibit D**
  - Map showing adjacent property owner names with PIN's**
  
- Application Fee**
  - \$540 for General Use Cases**
  - \$1081 for Conditional Use Cases**
  - \$2702 for PDD Master Plans**
  
- Neighborhood Meeting Report (only for Conditional Use filing)**
  
- Receipt/ Verification for Meeting Notification Mail out**
  
- Traffic Impact Generation Report OR written waiver of trip generation from Raleigh Transportation Services Division**
  
- (General Use ONLY) if applicant is not the owner must provide proof of notification to the adjacent property owners per G.S. 160A-384**
  - and provide proof of notification to the property owner before submitting application**



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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
_____		
_____		
_____		
_____		
_____		
_____		
_____		

# 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)			
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)			
Contact Person(s)			

## Property information

Property Description (Wake County PIN)	
Nearest Major Intersection	
Area of Subject Property (in acres)	
Current Zoning Districts (include all overlay districts)	
Requested Zoning Districts (include all overlay districts)	



# 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: \_\_\_\_\_

Narrative of conditions being requested:

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

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# 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):

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

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:

## III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

B. For the immediate neighbors:

C. For the surrounding community:

## 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.**

## V. **Recommended items of discussion (where applicable).**

- a. **An error by the City Council in establishing the current zoning classification of the property.**
  
- 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.**
  
- c. **The public need for additional land to be zoned to the classification requested.**
  
- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.**
  
- 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.**

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

## Explanation of the Zoning Process

The City Council of the City of Raleigh permits applicants to file zoning petitions as either General Use or Conditional Use.

**General Use** zoning requests involve consideration by City Council and Planning Commission of all uses that could occur on the subject property, if rezoned. It is not permissible to indicate on this application or at the Public Hearing specific development plans (specific use, size and scale of development, prospective tenants, buffering, etc.) concerning this request. Discussion of specific plans or limitations could jeopardize the legality of the zoning.

**Conditional Use District** zoning requests allow the petitioner to voluntarily impose specific uses and/or design criteria on the subject property throughout the zoning process as long as they are part of the conditions and are more restrictive than the general use or overlay zoning regulations that apply to the property. All conditions adopted as part of the zoning become part of the ordinance and are enforceable by the City. Specific information on Conditional Use District zoning is addressed in Exhibit C of this petition. If the applicant so chooses to file a Conditional Use District request, Exhibit C must be completed in addition to Exhibits B and D.

### *Deadlines for filing Zoning Petitions*

<i>Petitions shall be filed by:</i>	<i>Public Hearing month:</i>	<i>The conditions on record for conditional use cases will be advertised for hearing after:</i>
The third Friday of March, 12:00 noon	July	The last Friday of June
The third Friday of June, 12:00 noon	October	The last Friday of September
The third Friday of September, 12:00 noon	January	The last Friday of December
The third Friday of December, 12:00 noon	April	The last Friday of March

Once a petition for rezoning is filed, the rezoning case must proceed to the regularly scheduled public hearing or be withdrawn a minimum of five weeks prior to the date of the public hearing. The rezoning case may not be “held” or “deferred” for a future public hearing date. Staff suggests that the applicant contact the Raleigh Zoning Enforcement Office (516-2550) to inquire whether City Council or Board of Adjustment can permit the intended use without rezoning.

Upon official submittal of the rezoning petition, the City and Regional Planning Division will complete a final analysis for Comprehensive Plan consistency. This analysis will be provided to the applicant, the Planning Commission and the City Council.

The Planning Commission recommendation to the City Council *shall* include a written statement describing whether the proposed amendment is consistent with the Comprehensive Plan and any other applicable *City*-adopted plan(s).

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The final action by the *Council shall* include the adoption of a statement describing whether its action is consistent with the Comprehensive Plan and any other applicable City-adopted plan(s) and explaining why the *Council* considers the action taken to be reasonable and in the public interest.

If your rezoning petition involves one of the following areas and/or classifications, note that it will be subject to review by the Raleigh Appearance Commission:

- Downtown Overlay District (DOD)
- Pedestrian Business Overlay District (PBOD), or
- Planned Development District (PDD)

Appearance Commission review entails an initial presentation to the Development Review Committee, followed by summary review by the full commission. Both meetings occur the month of the public hearing. Please contact Doug Hill at (919) 516-2622, [doug.hill@raleighnc.gov](mailto:doug.hill@raleighnc.gov) to confirm the date, time, and location of the two meetings. Application representatives able to speak specifically to design and environmental elements will be required to attend.

## **A rezoning petition cannot be submitted, nor will it be accepted without all of the following required submittal items:**

1. **Completed rezoning petition.** For general use requests: The petition must be signed by the petitioner. Proof of compliance with GS 160A-383 regarding third party notification is required. For conditional use district requests: all property owners must sign the petition and be listed on Exhibit B (request) and sign Exhibit C (Conditions Offered). For all requests: Exhibit D must be completed.
2. **Adjacent Property Owners Map.** A copy of the area as depicted on the City of Raleigh Zoning Map which shows subject property (outlined in red) and other surrounding properties within 100 feet of the subject property. This is obtained from the Raleigh Planning Department or Wake County Geographic Information system (GIS), 5<sup>th</sup> floor, Wake County Office Building, Salisbury Street Entrance beside the Courthouse. Please label the names of the property owners adjacent to or within 100 feet (excluding right-of-way) of request, on their respective properties. Please provide a property survey, if the request involves only a portion of any recorded parcel. (For adjacent condo-minimum projects, all condominium unit owners are property owners. For adjacent townhouse or cluster unit developments, individual unit owners with the distances described above, as well as the homeowners association should be listed.)
3. **Filing Fee.** The filing fees for rezoning petitions are detailed in the fee schedule, adopted annually by City Council. These submittal fees are nonrefundable.
4. **Neighborhood Meeting Report.** A neighborhood meeting is required for all conditional use district requests. The required neighborhood meeting must occur prior to submittal of the rezoning petition. The neighborhood meeting shall not occur more than six months prior to the submittal of the rezoning petition. The petitioner shall invite all property owners within 100 feet of the subject property proposed for rezoning to the neighborhood meeting. *Please see attached sample.* Mailed notices

At least ten (10) days prior to the meeting date with the *owners of property*, the applicant *shall* notify the *owners of property* about the meeting in accordance with Section 10-2165(b). The applicant *may* use the local Citizens Advisory Council meeting; provided, the meeting time and notices comply with the terms set forth herein. The petitioner may send the neighborhood meeting notices via certified mail, return receipt. The petitioner may choose to send the notices via USPS first class mail, In this instance, the petitioner must supply stamped, addressed envelopes with neighborhood meeting notice to city staff. Staff must receive these materials at least ten days prior to the neighborhood meeting date.

The neighborhood meeting report shall include the date, time, and location of the neighborhood meeting. An attendance roster and summary of the discussion items shall be included. *Please see attached samples.*

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5. **Trip Generation Report.** A trip generation report is required with each rezoning petition, unless the requirement is waived by the City of Raleigh Transportation Services Division. If a waiver of this requirement is granted by the Transportation Services Division, it must be supplied to city staff at time of petition submittal, and must be in writing.
6. **Wake County Rezoning Requests.** If the property being requested for zoning is currently outside Raleigh's extraterritorial jurisdiction area then a corresponding annexation petition must be submitted. The annexation petition will be forwarded to City Council for public hearing authorization, authorization for staff to accept the corresponding zoning petition and authorization for public hearings to amend the ETJ Map and Comprehensive Plan.
7. **Change in Ownership.** The applicant is required to notify City staff and provide a copy of any deed (deed book/page number) as evidence of any change of ownership on the subject property between the application deadline date and the date of final City Council action. Failure to do so may invalidate the City Council action.

**In addition to the general requirements listed above, an applicant may be required to supply the following additional information:**

1. **Floodprone Area Location.** Location of any floodprone areas (floodway fringe/100-Year floodplain) within the subject property. Please show this information on the Official Zoning Map (information available in the Raleigh Public Works Department, 3rd floor, One Exchange Plaza).
2. **Subject Property Plat.** A plat showing lot lines, existing structure(s) and all components of the Landscape Ordinance (street yards, transition yards, proposed parking and parking lot planting standards) for requests which involve small land areas (less than one-half acre) and/or adaptive re-use of existing structures.
3. **Response to Compliance with Urban Design Guidelines.** For all properties designated in one of the mixed use categories as shown on the future land use map in the Comprehensive Plan, the applicant shall respond to the urban design guidelines identified in the Comprehensive Plan.

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## Instructions for filing Exhibit C.

1. All current property owners (as of the date of the application filing) must request the Conditional Use District, specify the conditions, and sign the petition.
2. Restrictions must be greater than those in the corresponding General Use District, and greater than development regulations in Part 10 of the City Code. Any condition affecting compliance with the requirements of the Comprehensive Plan, redevelopment plans, or Subdivision Ordinance, or any other city ordinance may require submission of additional information.
3. All the applicable minimum standards of the corresponding general use district will apply.
4. At the time of filing a request for Conditional Use District, the Petitioner must specify the allowable uses including the maximum number of dwellings or rooming units. If a use limitation is proposed, specify which uses are disallowed. Refer to uses as they are currently contained in the “Schedule of Permitted Land Uses” (Code Section 10-2071) of the Raleigh City Zoning Code. For example, in an Office and Institution-1 Conditional Use District request, the applicant may exclude “a parking lot, parking deck, parking garage.” Do not restrict the use to just one use. There should be sufficient flexibility to use the property without another zoning hearing. For example, do not limit the use to just congregate care facilities. Include, for example, uses allowed in the current zoning districts, if appropriate.
5. At the time of filing a petition for a Conditional Use District, the Petitioner must describe the conditions proposed in narrative form. Detailed site plans cannot be submitted with rezoning cases. “Illustrative Plans” may accompany rezoning cases if specifically and clearly tied to the written conditions (building footprint, parking locations, protective yards).
6. Prior to submitted signed conditions, a draft unsigned set of conditions must be submitted to staff for review. These draft conditions must be submitted at least 10 days prior to the official submittal. Conditions may only be submitted during the following points in the rezoning process:
  - a. At time of initial petition submittal.
  - b. One time between time of submittal of petition and five weeks before the public hearing.
  - c. Unlimited number of times during the Planning Commission (and subcommittee) deliberations.
  - d. One time during City Council deliberation.
7. The following conditions are prohibited and may not be offered:
  - a. No condition should refer to limitation on sale of alcoholic beverages - *the City is prohibited by State law to control the sale of alcoholic beverages.*
  - b. If the conditions permit residences, “supportive housing” (residences for persons who possess a disability or other special situations needing supervised living conditions) cannot be excluded.
  - c. No condition shall be offered which is exclusionary with regard to ownership, race, religion, occupancy, or value.
  - d. No condition shall prohibit cross access or public street extensions.
  - e. No condition shall regulate right-of-way reimbursement values.
  - f. No condition shall propose to defer the submittal of a traffic impact analysis.
  - g. No site plan, rendering or other image (except those submitted with a master plan) shall be submitted unless the site plan, rendering or image is described in the text of the submitted conditions.
8. The Petitioner may also specify further conditions including that limits location, orientation, scale, coverage, volume, square footage, height, or setback of buildings, structures, and accessory uses. When a limitation on the number of stories is requested, include the maximum height of the building. The Petitioner may also consider conditions related to the appearance of exterior features, including unity of development criteria, signage

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building materials and/or fenestration, and residential character including minimum roof pitch, allowable building materials, minimum and maximum percentage of building sides devoted to window openings. Conditions regarding scenic or natural features to be maintained or enhanced, public or private recreation to be provided, and provisions for stormwater management, drainage and storage or velocity controls may be offered. Timing and phasing of development on the property may be offered in the conditions.

9. Specifications on the location and extent of landscaped areas; character of buffering/transition areas between the proposed use(s) and adjoining uses. Generally, refer to all buffer areas as “protective yards” a defined term in the Raleigh City Zoning Code. Whenever a protective yard is requested, it is important to specify:
  - a. The width of the protective yard.
  - b. The properties adjoining this protective yard, including Parcel Identification Number (PIN) and reference to a recorded instrument, such as a deed or map (PIN change). Submit a map illustrating the buffers with the adjoining parcels clearly marked with the owners and PIN.
  - c. Minimum planting specifications: size at the time of initial planting; expected height in three or five years spacing (on center) between plants; and number of plants and rows evergreen or deciduous
  - d. If existing foliage is to be maintained, describe the size of plants to be preserved, and specific replacement material for damaged, missing and dead foliage. Make allowance for utilities, driveways, storm drainage required by the City.
  - e. The planting should exceed that which would be required in the protective yard by the Landscape Ordinance, or no planting specifications should be indicated.
  - f. If detailed landscape conditions are specified in the street yard, the scheme should be approved by the City to ensure no “sight triangles” for vehicles entering the road are violated.
10. The location of access points on public streets (access limits should specify the maximum number and spacing relative to intersections); the circulation system within the site; additional right-of-way or street improvements; utility improvements.
11. If a dedication of land or construction of a public improvement is listed as a condition, specify a time period within which this dedication or improvement will be accomplished. Dedications of street rights-of-way and fee simple land conveyances must go through subdivision approval, so allow for this in the specified time. The time may be defined as coincidental with the issuance of a building permit or recording of a map, for example.
12. If different limitations are to apply to different portions of the request, make sure these portions of land can be located by reference to a recorded agreement such as a deed or map.
13. Once advertised, conditions may only be changed:
  - a. By filing an amended Exhibit C form(s), and;
  - b. By signature of all property owners on Exhibit C form(s), and;
  - c. To be more restrictive or remove properties from the request, and
  - d. If submitted within one hundred twenty (120) days after the public hearing, and within fifteen (15) days after City Council receives a recommendation from the Planning Commission. , and;
  - e. Be submitted during the identified submittal windows specified in item 6 above.

## **Additional Notes:**

If subsequent to the approval of a Conditional Use Zoning application by the City Council, the Council adopts a new ordinance which conflicts with the earlier approved Conditional Use District application, those provisions of the Conditional Use District Ordinance which conflict with the more recently adopted ordinance will be automatically repealed.

**Automatic Deferral.** Once a case has been scheduled for an upcoming meeting, should the applicant submit revised conditions to the staff within 10 days of the Planning Commission meeting or offer revised conditions directly to the members of the Planning Commission by e-mail, letter or otherwise, the zoning case shall be automatically deferred at the upcoming meeting to allow staff the necessary time to review and respond to the revised conditions.

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## **Additional Conditions Suggested by a Member(s) of the Planning Commission for the Applicant's Consideration.**

**Committee Meeting:** In the event that a Committee member(s) requests consideration by the applicant of any additional condition(s) and the applicant responds positively, and if a vote is taken, the Chairman shall consult with the staff liaison as to whether the case should move forward to the next Planning Commission meeting or whether the condition(s) offered at the table requires a 2-week deferral for staff review of the newly proposed conditions.

**Planning Commission Meeting:** In the event that a Planning Commission member(s) requests consideration by the applicant of any additional condition(s) and the applicant responds positively, the Chairman shall consult with the Planning Director and City Deputy Attorney as to whether the condition(s) offered at the table requires a 2-week deferral of any action on the case for additional staff review. If it is determined that the verbally offered conditions are concise and understood by all parties, the Commission may choose to move forward with a final recommendation.

## **Receipt of Revised Zoning Conditions (Final) in Order to be Placed on an Upcoming Meeting Agenda.**

**Committee Meeting:** Following a recommendation by the Committee, a final draft of the revised conditions shall be submitted to the Planning Department within 24 hours of the Committee meeting (Wednesday at 12:00 pm). The applicant shall then provide the final, signed conditions to the Planning Department prior to the scheduled Planning Commission meeting.

**Planning Commission Meeting:** Following a final recommendation by the Planning Commission, the final, signed conditions shall be submitted to the Planning Department within 24 hours of the Commission meeting (Wednesday at 12:00 pm).

**Post-Planning Commission Action:** In order that the City Council receives the rezoning request exactly as was voted on by the Planning Commission and documented by its Certified Recommendation, the Planning Department is instructed not to accept revised zoning conditions following the final action by the Planning Commission and before the receipt of the Certified Recommendation by the City Council. [Note: This specific policy was incorporated into the Code per TC-9-06].

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## Instructions for filing Exhibit D

- 1) 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.
- 2) The Planning Department recommends that the applicant contact a planner in the City and Regional Planning Division to review the proposed zoning change with the recommendations of the Comprehensive Plan (516-2626).

Filing Window Opens	Filing Window Closes	Earliest Neighborhood Meeting Date*	Withdrawal Deadline	Joint Public Hearing	Earliest PC Meeting	Earliest CC Meeting
	NOON		5:00 PM	6:30 PM	9:00 AM	1:00 PM
3-1-12	3-16-12	9-1-11	6-11-12	7-17-12	7-24-12	8-7-12
6-1-12	6-15-12	12-1-11	9-10-12	10-16-12	10-23-12	11-6-12
9-4-12	9-21-12	3-1-12	12-10-12	1-15-13	*1-22-13	*2-5-13
12-3-12	12-21-12	6-1-12	3-11-13	4-16-13	*4-23-13	*5-7-13
3-1-13	3-15-13	9-3-12	6-10-13	7-16-13	*7-23-13	*8-6-13
6-1-13	6-21-13	12-3-12	9-9-13	10-15-13	*10-22-13	*11-5-13

\* Subject to change with new calendar year (2013)

### Filing Schedule

NOTES: Additional time may be necessary if the proposed rezoning case is referred to a committee by the Planning Commission or City Council.

The above mentioned dates are subject to change. Please contact the Planning Department at 516-2626 and verify with a staff person.

**\*These requirements apply only to conditional use rezoning cases.**

At least 10 days prior to the meeting date with the *owners of property*, the applicant *shall* notify the *owners of property* about the meeting; **notice shall be by first class mail or certified mail return receipt**. If notification is to be by first class mail, the applicant *shall* deliver the sealed, addressed, stamped envelopes to the Planning Department **prior to** the aforementioned 10 day period. If notification is to be by certified mail return receipt, copies of the return receipts *shall* be given to the Planning Department at time of petition submittal.

**For More Information Contact:** [DeShele Sumpter, One Exchange Plaza, Suite 204 Raleigh, NC 27601 919-516-2646; deshele.sumpter@raleighnc.gov](mailto:Deshele.Sumpter@raleighnc.gov)

Date:

Re: *(site location)*

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on \_\_\_\_ (date) \_\_\_\_\_. The meeting will be held at \_\_\_\_\_ (location) \_\_\_\_\_ and will begin at \_\_\_\_ (time) \_\_\_\_\_.

The purpose of this meeting is to discuss a potential rezoning of the property located at \_\_\_\_ (site address) \_\_\_\_\_. This site is current zoned \_\_\_\_\_ (zoning) \_\_\_\_\_ and is proposed to be rezoned to \_\_\_\_\_, *(Please provide any relevant details regarding the request.)*

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 (we) can be reached at:

Thank you

SUBMITTED DATE: \_\_\_\_\_

## **SUMMARY OF ISSUES**

A neighborhood meeting was held on \_ (date) \_ to discuss a potential rezoning located at \_ (property address). The neighborhood meeting was held at \_ (location). There were approximately \_ (number) \_ neighbors in attendance. The general issues discussed were:

Summary of Issues:

SAMPLE

