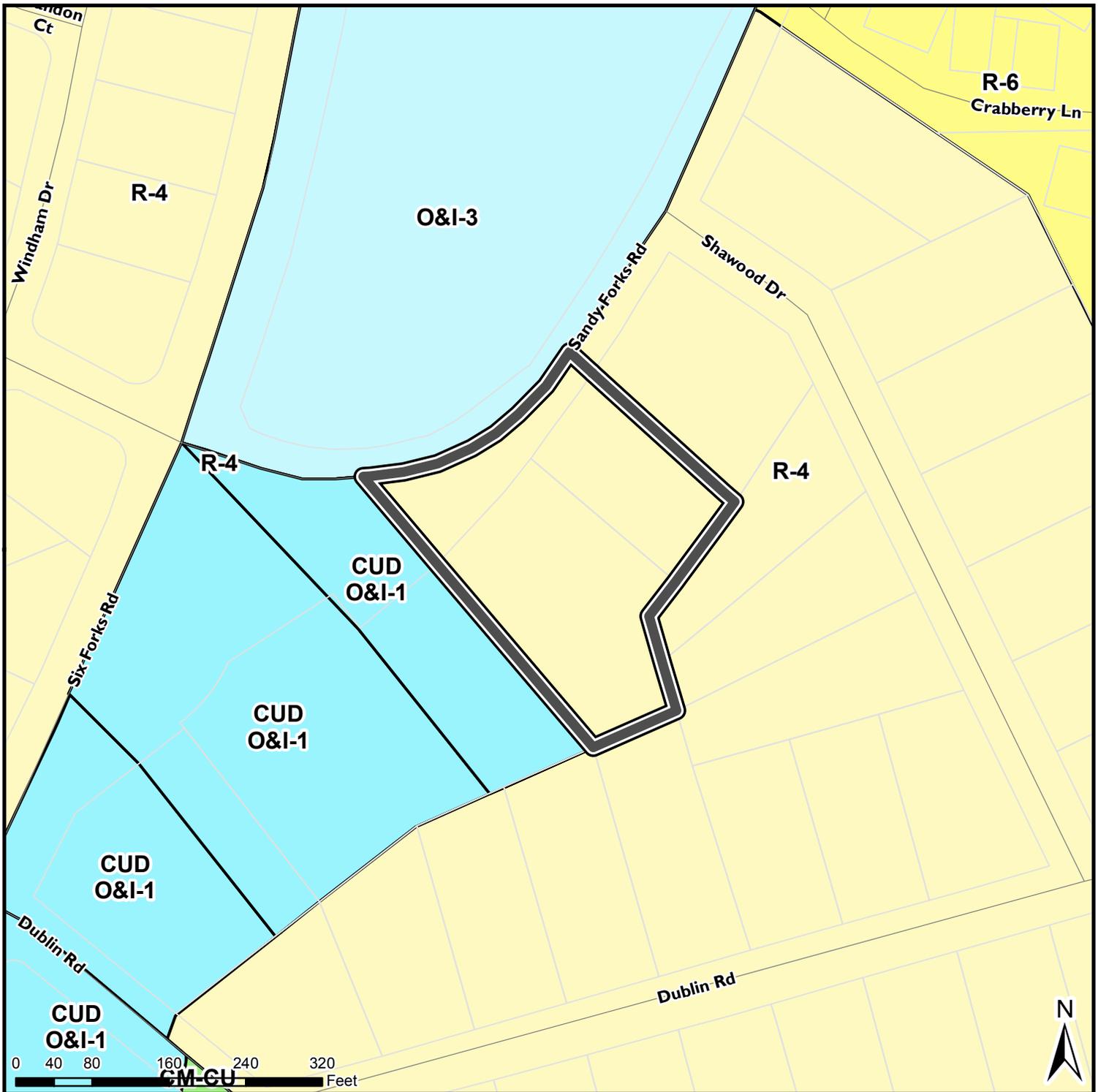


# Existing Zoning Map

# Z-18-2014



**Submittal Date**

6/11/2014

**Request:**

**1.42 acres from**

**R-4**

**to OX-3-CU**

VICINITY MAP





# Certified Recommendation

Raleigh Planning Commission

CR# 11594

## Case Information: Z-18-14 - Sandy Forks Road

<i>Location</i>	Sandy Forks Road, south side, between Six Forks and Spring Forest roads <b>Addresses:</b> 5920 & 5924 Sandy Forks Road <b>PINs:</b> 1706786531 & 1706787613
<i>Request</i>	Rezone property from Residential-4 (R-4) to Office Mixed Use—3 stories—Conditional Use (OX-3-CU)
<i>Area of Request</i>	1.42 acres
<i>Property Owners</i>	Matthew C. Gardner: 5924 Sandy Forks Road, Raleigh, NC 27609 Eugene A. Zimmerman: 158 Lake Ellen Road, Chapel Hill, NC 27514
<i>Applicants</i>	Chad Stelmok, Kimberly Development Group: (919) 271-6884, <a href="mailto:chad@kdgrouppllc.com">chad@kdgrouppllc.com</a> Michael Birch: Morningstar Law Group: (919) 590-0388, <a href="mailto:mbirch@morningstarlawgroup.com">mbirch@morningstarlawgroup.com</a>
<i>Citizens Advisory Council</i>	North— Joe Corey, Chair: (919) 845-1716, <a href="mailto:cory3rd@gmail.com">cory3rd@gmail.com</a>
<i>PC Recommendation Deadline</i>	November 10, 2014

### Comprehensive Plan Consistency

The rezoning case is  **Consistent**  **Inconsistent** with the 2030 Comprehensive Plan.

### Future Land Use Map Consistency

The rezoning case is  **Consistent**  **Inconsistent** with the Future Land Use Map.

### Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Moderate Density Residential (MDR)
<b><i>URBAN FORM</i></b>	<i>(Not applicable)</i>
<b><i>CONSISTENT Policies</i></b>	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 EP 8.4 - Noise and Light Impacts Policy UD 2.4 - Transitions in Building Intensity Policy UD 5.1 - Contextual Design
<b><i>INCONSISTENT Policies</i></b>	Policy LU 1.2 - Future Land Use Map and Zoning Consistency Policy LU 1.3 - Conditional Use District Consistency

### Summary of Proposed Conditions

1. Certain uses prohibited.

- 2. Floor area ratio limited for office uses.
- 3. Building height limited.
- 4. Dumpster service hours limited.
- 5. Design and height of pole-mounted lighting limited.
- 6. Building siding materials limited.

### Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
5/27/14	9/4/14	8/12/14 (deferred); 9/23/14	10/7/14	

**Valid Statutory Protest Petition**

Attachments

- 1. Staff report
- 2. Transportation evaluation

### Planning Commission Recommendation

<i>Recommendation</i>	<b>Approve with conditions.</b> City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings &amp; Reasons</i>	<ol style="list-style-type: none"> <li>1. While the proposal is inconsistent with the Future Land Use Map, it reflects an established trend of conversion of single-family properties along Six Forks/ Sandy Forks roads to office redevelopment.</li> <li>2. The proposed rezoning is reasonable and in the public interest. The proposal would limit certain non-residential uses, and hours of solid waste service, while providing additional employment opportunities.</li> <li>3. The proposal is compatible with the surrounding area. Conditions, which limit floor area ration, building height, building siding materials, and outdoor lighting, provide an effective transition to existing neighborhoods.</li> </ol>
<i>Motion and Vote</i>	Motion: Braun Second: Whitsett In Favor: Braun, Fluhrer, Lyle, Schuster, Sterling-Lewis, Swink, and Whitsett Opposed: 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.

\_\_\_\_\_ Date 9/23/14  
 Interim Planning Director  Planning Commission Chairperson

Staff Coordinator: Doug Hill: (919) 996- 2622; [Doug.Hill@raleighnc.gov](mailto:Doug.Hill@raleighnc.gov)



# Zoning Staff Report – Case Z-18-14

## Conditional Use District

### Case Summary

#### Overview

The proposal seeks to rezone two single-family residential properties to allow office uses.

The subject properties are part of the Eden Forest neighborhood, a subdivision dating from the 1960s. In the 1980s, Sandy Forks Road was re-routed northward to create a new intersection on Six Forks Road, opposite Northclift Drive. The northward bend occurs in front of the subject site. Sandy Forks Road is soon to be enhanced by a series of planned roadway improvements, including widening of the right-of-way into the site, installation of a sidewalk, and a series of streetscape plantings.

The subject site, and properties to the south and southeast, are zoned Residential-4. Across Sandy Forks Road is the Twin Forks Office Park, zoned Office and Institutional-3. To the northeast, at the intersection of Sandy Forks and Spring Forest roads, is the Stafford townhouse community, zoned R-6.

The Future Land Use map designates the subject site for Moderate Density Residential use, anticipating housing of 6 to 14 units per acre lining the south side of Sandy Forks Road, including the subject site. In contrast, the proposal would continue an on-going trend of office rezonings, which have reached northward along Six Forks Road onto Sandy Forks Road. The most recent case, Z-39-12, carried office zoning to the subject site's western lot line. Proposed case conditions limit build-out to a scale and form similar to those approved for the existing office-zoned tracts on the west.

The site is located in the northern section of the Six Forks Road Corridor Study area. The study, which is still in progress, has preliminarily placed the parcels outside areas designated for future mixed-use redevelopment.

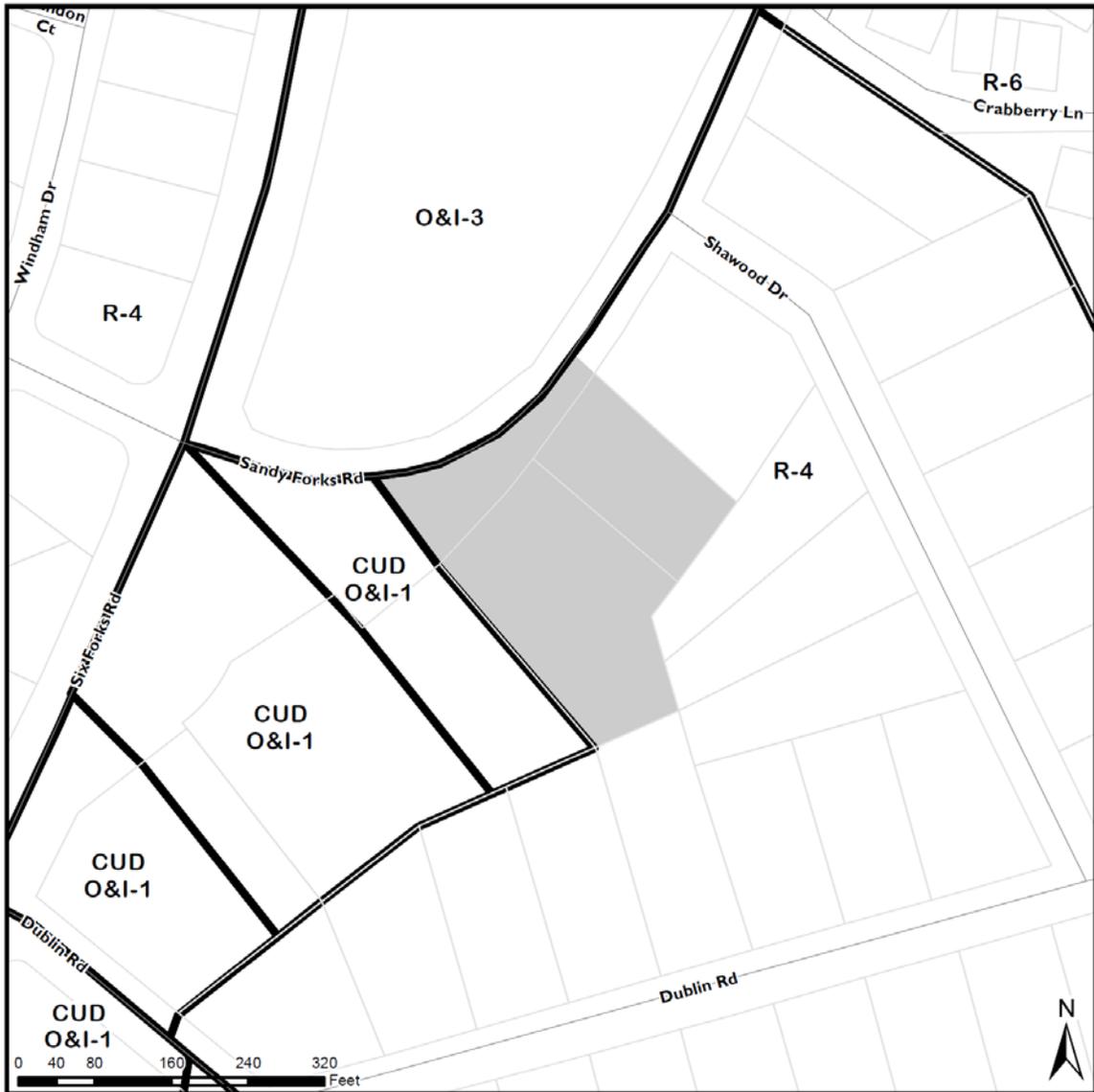
It should be noted that, while Condition 4 (limiting the hours of operation of dumpster service) is also in effect on the office-zoned properties to the west, the condition remains unenforceable (city Inspections staff not being on duty outside the given hours).

#### Outstanding Issues

<i>Outstanding Issues</i>	<ol style="list-style-type: none"> <li>1. Inconsistency with Future Land Use designation; conditioned prohibition of multi-unit living.</li> <li>2. Sewer and fire flow matters may need to be addressed upon development.</li> </ol>	<i>Suggested Mitigation</i>	<ol style="list-style-type: none"> <li>1. Remove "multi-unit living" from list of prohibited uses.</li> <li>2. Address sewer and fire flow capacities at the site plan stage.</li> </ol>
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# Existing Zoning Map

# Z-18-2014

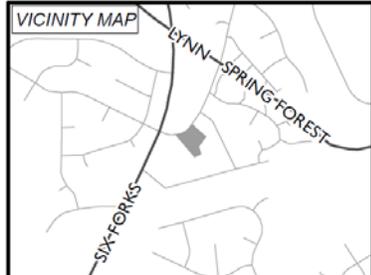


**Submittal  
Date**

6/11/2014

## Request:

1.42 acres from  
R-4  
to OX-3-CU



# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<i>Existing Zoning</i>	Residential-4	Office & Institution-3; Residential-4	Office & Institution-1 Conditional Use District; Residential-4	Residential-4	Office & Institution-3; Office & Institution-1 Conditional Use District
<i>Additional Overlay</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<i>Future Land Use</i>	Moderate Density Residential	Neighborhood Mixed Use; Moderate Density Residential	Moderate Density Residential; Low Density Residential	Moderate Density Residential ; Low Density Residential	Neighborhood Mixed Use; Moderate Density Residential
<i>Current Land Use</i>	Single-unit Living	Office complex	Office building; Single-unit Living	Single-unit Living	Office complex ; Office building
<i>Urban Form (if applicable)</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning *</b>
<i>Residential Density:</i>	4 units/ acre	7 units/ acre
<i>Setbacks (min.):</i>		<i>If General Building:</i>
<i>Front:</i>	30 feet	5 feet
<i>Side:</i>	10 feet	0 or 6 feet
<i>Rear:</i>	30 feet	0 or 6 feet
<i>Retail Intensity Permitted (max.):</i>	- 0 - (not permitted)	4,650**
<i>Office Intensity Permitted (max.):</i>	- 0 - (not permitted)	31,000

### 1.3 Estimated Development Intensities

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Total Acreage</i>	1.42	1.42
<i>Zoning</i>	R-4	OX-3-CU
<i>Max. Gross Building SF (if applicable)</i>	(not specified)	31,000
<i>Max. # of Residential Units</i>	5	10

<i>Max. Gross Office SF</i>	- 0 - <i>(not permitted)</i>	31,000
<i>Max. Gross Retail SF</i>	- 0 - <i>(not permitted)</i>	4,650**
<i>Max. Gross Residential SF</i>	<i>(not specified)</i>	<i>(not specified)</i>
<i>Potential F.A.R.</i>	<i>(not specified)</i>	0.50

\* The development intensities for proposed zoning districts were estimated using the **Envision Tomorrow** impact analysis tool. Reasonable assumptions are factored into the analysis to project the worst case development scenario for the proposed rezoning. The estimates presented in this table are rough estimates intended only to provide guidance for analysis in the absence of F.A.R.'s and density caps for specific UDO districts.

\*\* Personal Service uses only; max. 15% of bldg. floor area gross

The proposed rezoning is:

**Compatible** with the property and surrounding area.

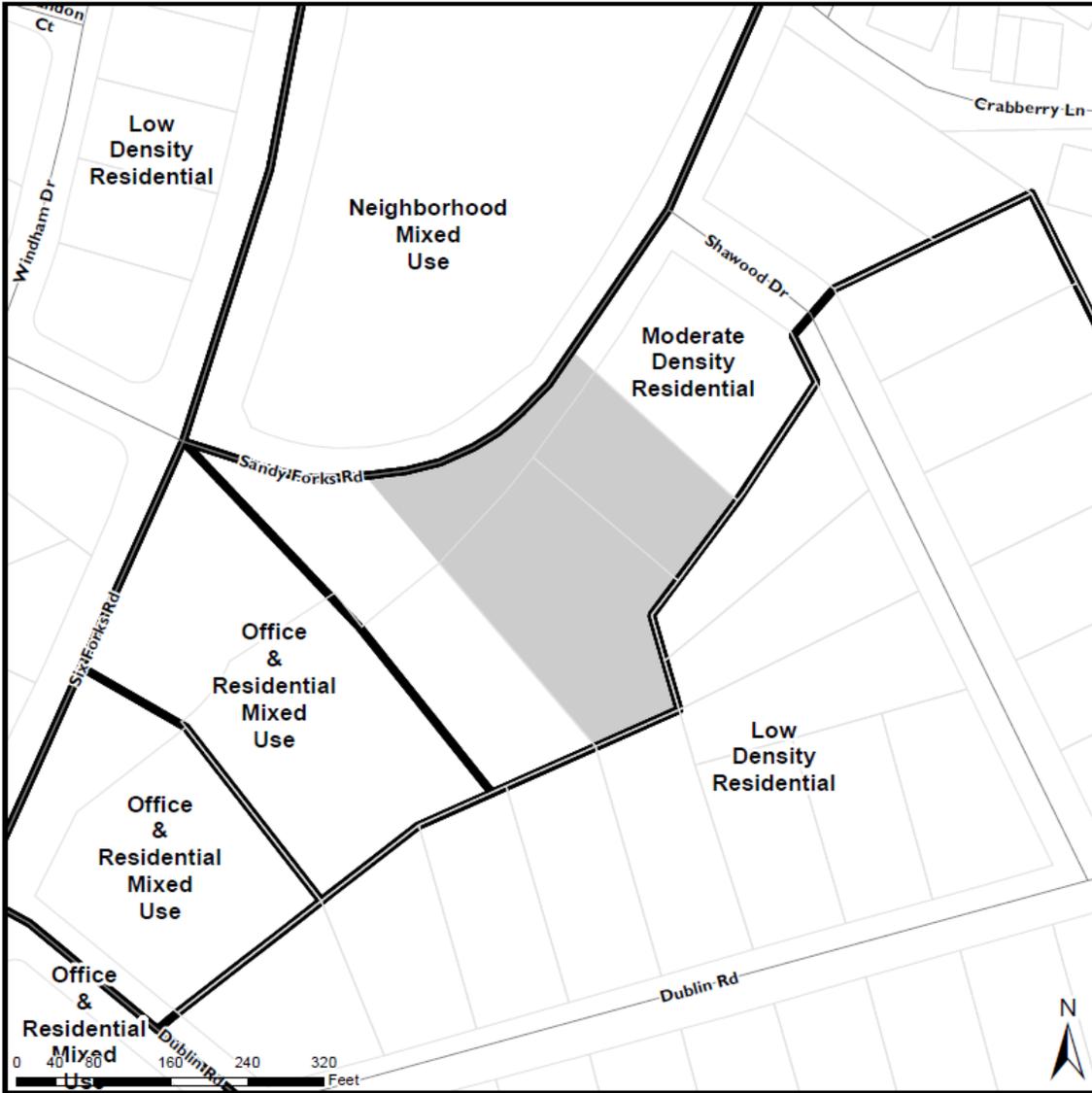
**Incompatible.**

Analysis of Incompatibility:

(n/a)

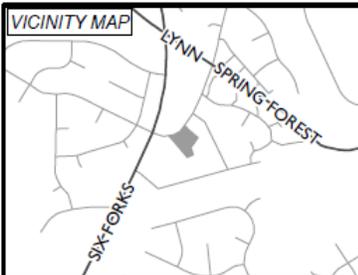
# Future Land Use Map

# Z-18-2014



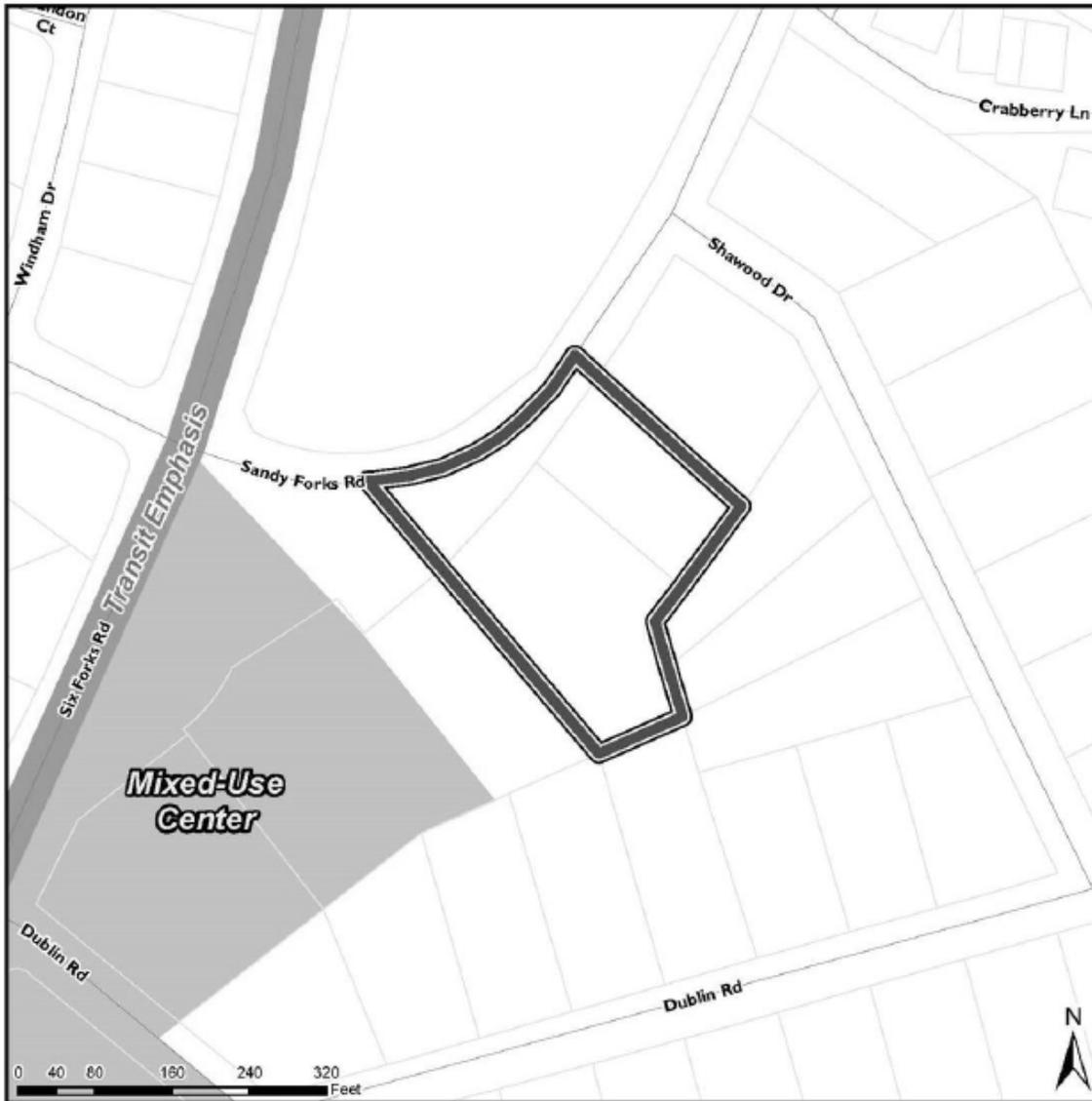
Submittal Date  
6/11/2014

**Request:**  
1.42 acres from  
R-4  
to OX-3-CU



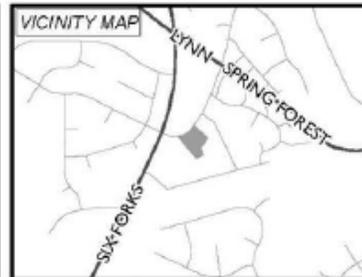
# Urban Form Map

# Z-18-2014



**Submittal Date**  
6/11/2014

**Request:**  
1.42 acres from  
R-4  
to OX-3-CU



## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal is inconsistent with the site's future land use designation, as is the condition prohibiting "multi-unit living," a residential use specifically supported by the Comprehensive Plan (with density of up to 14 units per acre). However, the proposal would continue a trend toward office rezonings, incrementally established on properties immediately west. Build-out is conditioned to a compatible scale and character with those offices, and adjacent residential tracts to the south and east. Planned city-initiated roadway improvements will strengthen site accessibility and enhance streetscape design.

### 2.2 Future Land Use

**Future Land Use designation:**

**The rezoning request is:**

**Consistent** with the Future Land Use Map.

**Inconsistent**

Analysis of Inconsistency:

The Future Land Use map designates the subject site and those adjacent to the northeast along Sandy Forks Road for Moderate Density Residential development (6 to 14 units/ acre). That category reflects the existing 16-acre townhouse community (Stafford) at the intersection of Sandy Forks and Spring Forest roads. Office development is not contemplated under that designation. While the requested zoning would not preclude residential development, an offered condition prohibits multi-unit living, a use indicated by the Comprehensive Plan as appropriate for the site.

### 2.3 Urban Form

**Urban Form designation:**

**Not applicable** (no Urban Form designation)

**The rezoning request is:**

**Consistent** with the Urban Form Map.

**Inconsistent**

Analysis of Inconsistency:

(n/a)

**2.4 Policy Guidance**

The rezoning request is **inconsistent** with the following policies:

***Policy LU 1.2 - Future Land Use Map and Zoning Consistency***  
The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

***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.

The Future Land Use Map designates the site for Moderate Density Residential development, defined in the Comprehensive Plan as permitting 6 to 14 dwelling units per acre. That density would allow multi-unit development; however, the proposed conditions prohibit that use. The Plan further notes that the appropriate zoning for areas designated Moderate Density Residential would be R-6, R-10, or RX, with a density cap. Office uses are not envisioned.

**2.5 Area Plan Policy Guidance**

The rezoning request is not within a portion of the City subject to an Area Plan.

**3. Public Benefit and Reasonableness Analysis**

**3.1 Public Benefits of the Proposed Rezoning**

- Increased opportunity for redevelopment of the site, through a broadening of potential uses.
- Inclusion of zoning conditions reducing potential impacts on adjoining properties.

**3.2 Detriments of the Proposed Rezoning**

- Inclusion of zoning conditions restricting residential uses supported by the Comprehensive Plan.

## 4. Impact Analysis

### 4.1 Transportation

Sandy Forks road is classified as a two-lane avenue, divided, and currently exists as a three-lane street. Sidewalk is in place on the north side, but there is no sidewalk along the Z-18-2014 parcel frontage. While the Sandy Forks Road improvement project is moving forward for design, no funds are available for its construction.

The CIP project will widen Sandy Forks Road from Six Forks Road to Falls of Neuse Road. Improvements will include a three lane section with curb and gutter, sidewalks, bicycle lanes, and streetlights. Ultimate build-out requires a total of 76' of R/W. Since the northern curb line is fixed, all widening associated with the Sandy Forks Road project will be on the south side, along the Z-18-2014 frontage. Additional easements, both temporary and permanent, will be needed for utilities, construction, etc.

A Traffic Impact analysis is **not** required. Cross access to adjacent properties will be determined during the site plan review process.

**Impact Identified:** Dedication of land for public right-of-way and easements.

### 4.2 Transit

Neither the City of Raleigh Short Range Transit Plan nor the Wake County 2040 Transit Study proposes transit service on Sandy Forks Road. There is currently transit service on Six Forks Road and Spring Forest Road. Stops are also available at Six Forks/Sandy Forks and on Spring Forest/Sandy Forks.

**Impact Identified:** This rezoning should have only a modest impact on the transit system.

### 4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Big Branch
<i>Stormwater Management</i>	Subject to Article 9 of UDO
<i>Overlay District</i>	None

**Impact Identified:** Subject to stormwater regulations under Article 9 of UDO.

### 4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	2,840 gpd	8,880 gpd
<i>Waste Water</i>	2,840 gpd	8,880 gpd

The proposed rezoning would add approximately 6,040 gpd to the wastewater collection and water distribution systems of the City. There are existing water mains adjacent to the proposed rezoning area. The petitioner would be required to extend the City's sanitary sewer system.

**Impact Identified:** At the time of development plan submittal, a downstream sewer capacity study may be required to determine the adequacy of capacity to support the proposed development. Any required improvements identified by the study would be required to be permitted and constructed prior to the issuance of a building permit.

Verification of available for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required of the developer.

#### **4.5 Parks and Recreation**

Site is not adjacent to existing or planned greenway trail or connector. Recreation services for this site will be provided by Optimist Park (0.41 miles) or Cedar Hills (0.5 miles). Greenway trail access is located at Optimist Park. There is no impact to recreation level of service.

**Impact Identified:** None.

#### **4.6 Urban Forestry**

As these two lots together are less than two acres, UDO Article 9.1 (Tree Conservation) does not apply.

**Impact Identified:** None.

#### **4.7 Designated Historic Resources**

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places.

**Impact Identified:** None.

#### **4.8 Community Development**

This site is not located within a redevelopment plan area.

**Impact Identified:** None.

#### **4.9 Appearance Commission**

As the proposal does not involve a Planned Development, it is not subject to Appearance Commission review.

#### **4.10 Impacts Summary**

Sewer and fire flow matters may need to be addressed upon development.

#### **4.11 Mitigation of Impacts**

Address sewer and fire flow capacities at the site plan stage.

## **5. Conclusions**

The proposed zoning is inconsistent with the Comprehensive Plan, which calls for Moderate Density Residential development (6 to 14 units per acre). However, the requested zoning follows a pattern of similar residential-to-office use rezonings established on properties immediately to the west. Rezoning would allow a broader range of potential site uses. Case conditions would temper site design and intensity, affording compatibility with existing and potential adjacent uses.



# Planning & Development

**Development Services  
Customer Service Center**  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

## Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan  Existing Zoning Classification: Residential-4 Proposed Zoning Classification Base District: OX Height: -3 Frontage: None  If the property has been previously rezoned, provide the rezoning case number. Not Applicable  Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 396263 (rezoning pre-submittal conference)	Transaction Number 396263 Z-18-14 Group 329551

GENERAL INFORMATION		
Property Address: 5920 and 5924 Sandy Forks Road		Date: June 11, 2014
Property PIN: 1706-78-6531 and 1706-78-7613	Deed Reference (Book/Page): Book 7820, Page 474 and Book 15109, Page 1444 (Tract 2)	
Nearest Intersection: Sandy Forks Road and Shawood Drive		Property size (in acres): 1.42 ac
Property Owner/Address: Matthew C. Gardner, 5924 Sandy Forks Road, Raleigh, NC 27609 Eugene A. Zimmermann, 158 Lake Ellen Road, Chapel Hill, NC 27514	Phone	Fax
	Email	
Project Contact Person/Address: Chad Stelmok, Kimberly Development Group, 7100 Six Forks Road, Suite 225, Raleigh, NC Michael Birch, Morningstar Law Group, 630 Davis Drive, Suite 200, Morrisville, NC 27560	Phone: 919.271.6884 919.590.0388	Fax
	Email: chad@kdgroupllc.com mbirch@morningstarlawgroup.com	
Owner/Agent Signature	Email	

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

Z-18-14  
AMENDED 8/28/14



# Planning & Development

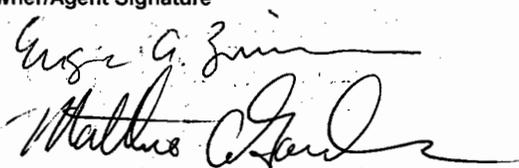
**Development Services  
Customer Service Center**  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-18-14		Transaction Number
Date Submitted: August 28, 2014		
Existing Zoning: R-4	Proposed Zoning: OX-3-CU	

## NARRATIVE OF ZONING CONDITIONS OFFERED

1. The following principal uses, as listed in Section 6.1.4 "Allowed Principal Use Table", shall be prohibited on the property:
  - a. Multi-unit living
  - b. Cottage court
  - c. Group living – all types
  - d. Emergency shelter – all types
  - e. Cemetery
  - f. Civic club
  - g. Police, fire, EMS station
  - h. Major utilities – all types
  - i. Health club
  - j. Outdoor recreation – all types
  - k. Overnight lodging – all types
  - l. Parking – commercial parking lot and remote parking lot
  - m. Passenger terminal – all types
  - n. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium
  - o. Eating establishment
  - p. Retail sales
  - q. Detention center, jail, prison
2. The maximum floor area ratio shall be 0.50.
3. The maximum height for any principal building on the property shall be two stories and forty (40) feet.
4. The hours of dumpster service shall be limited to the hours between 8:00 AM to 5:00 PM.
5. Any pole-mounted lighting fixtures shall be of full cut-off design, and, unless a more restrictive height is required by the Unified Development Ordinance, the maximum height of any pole-mounted lighting shall be eighteen (18) feet in height.
6. The siding materials of any principal building shall be brick, stone, stucco (EIFS), fiber-cement siding or a combination thereof.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature 	Print Name Eugene A. Zimmermann MATTHEW GARDNER
--	---



# Planning & Development

**Development Services  
Customer Service Center**  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

## Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.</p>	<p>Transaction Number 396263 Zoning Case Number 2-18-14</p>

STATEMENT OF CONSISTENCY	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
1.	<p>The Future Land Use Map classifies the subject properties as Moderate Density Residential, which recommends residential uses with a density between 6 to 14 units per acre. The rezoning request permits office uses, which is inconsistent with the Future Land Use Map designation. However, as set forth below, the rezoning request is reasonable and in the public interest.</p>
2.	<p>The rezoning request is consistent with the following Comprehensive Plan policies: LU 4.4 "Reducing VMT Through Mixed-Use" because the proposed rezoning would permit office uses in close proximity to residential uses; LU 4.5 "Connectivity" because cross-access will be provided to the office building to the immediate south; LU 5.1 "Reinforcing the Urban Pattern" because the conditions regarding building height and materials are similar to the two office buildings located to the immediate south; LU 5.4 "Density Transitions" because the proposed low-impact office use is considered an appropriate transition to low density residential uses; LU 5.6 "Buffering Requirements" because the new development will have to comply with the neighborhood transition requirements of the UDO; LU 7.4 "Scale and Design of New Commercial Uses" because the conditions and neighborhood transition regulations ensure an appropriate transition to adjoining single-family development.</p>

PUBLIC BENEFITS	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
1.	<p>The rezoning request benefits the public by facilitating the redevelopment of these properties, which are no longer appropriate for single-family dwellings. The redevelopment of these properties for office use will benefit the public by increasing the tax value of the properties, providing a high-quality building, providing a transitional yard adjacent to single-family dwellings, and by providing office uses in close proximity to residential uses so as to reduce vehicle miles traveled.</p>
2.	<p>The rezoning request is reasonable because of the character of the adjoining road and the changing character of the area. The subject properties front along Sandy Forks Road, a major connector (collector/avenue 2-lane, divided) between Six Forks Road and Falls of Neuse Road. Office development is more appropriate than single-family development along this type of street, particularly given the City's proposed improvements to the corridor. Also, since these properties were last zoned, multiple single-family lots fronting along Six Forks Road and Sandy Forks Road have been recombined and redevelopment for office uses, including the two new office buildings to the immediate south.</p>

REZONING OF PROPERTY CONSISTING OF +/- 1.42 ACRES  
LOCATED ON THE EAST SIDE OF SANDY FORKS ROAD, BETWEEN SIX FORKS  
ROAD AND SHAWOOD DRIVE, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON MAY 27, 2014

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Tuesday, May 27, 2014, at 6:00 p.m. The property considered for this potential rezoning totals approximately 1.42 acres, located on the east side of Sandy Forks Road, between Six Forks Road and Shawood Drive, in the City of Raleigh, having Wake County Parcel Identification Numbers 1706-55-6371, 1706-78-6531 and 1706-78-7613. This meeting was held at the office of Kimberly Development Group, located at 7100 Six Forks Road, Suite 225, Raleigh, NC 27615. All owners of property within 100 feet of the subject properties were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit C** is a list of individuals who attended the meeting.

mailed out  
5/13/14 (DM)

**EXHIBIT A**

**NEIGHBORHOOD MEETING NOTICE**



R. Michael Birch, Jr. | Attorney  
630 Davis Drive, Suite 200  
Morrisville, NC 27560

919-590-0388  
mbirch@morningstarlawgroup.com  
www.morningstarlawgroup.com

**To:** Neighboring Property Owner

**From:** Michael Birch

**Date:** May 13, 2014

**Re:** Notice of meeting to discuss potential rezoning of two parcels located on the east side of Sandy Forks Road, between Six Forks Road and Shawood Drive, containing approximately 1.42 acres, with the addresses of 5920 and 5924 Sandy Forks Road and having Wake County Parcel Identification Numbers 1706-78-6531 and 1706-78-7613 (the "Property").

We are counsel for Kimberly Development Group ("KDG"), which is considering rezoning the above-captioned Property. The Property is currently zoned Residential-4, and KDG is considering rezoning the Property to Office Mixed Use (OX) Conditional Use, which permits office uses.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Tuesday, May 27, 2014 at 6:00 p.m. This meeting will be held at the office of Kimberly Development Group, located at 7100 Six Forks Road, Suite 225, Raleigh, NC 27615.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owners to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 590-0388 or mbirch@morningstarlawgroup.com.

**EXHIBIT B**

**LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT**

ANDERSON, WILMA L TRUSTEE  
221 DUBLIN RD  
RALEIGH NC 27609-3824  
1706788253

TILLEY, VIVIAN D  
5813 SHAWOOD DR  
RALEIGH NC 27609-3831  
1706788478

ELDREDGE, BRIAN L ELDREDGE,  
CATHERINE S  
209 DUBLIN RD  
RALEIGH NC 27609-3824  
1706785156

TILLEY, VIVIAN D  
5813 SHAWOOD DR  
RALEIGH NC 27609-3831  
1706788546

KIMBERLY DEVELOPMENT  
GROUP LLC  
7100 SIX FORKS RD STE 100  
RALEIGH NC 27615-6260  
1706784346

TWIN FORKS OFFICE PARK  
CONDOMINIUM  
3810 MERTON DR  
RALEIGH NC 27609-6651  
1706796223

PEDIATRIC PARTNERS  
HOLDINGS LLC  
5904 SIX FORKS RD UNIT 111  
RALEIGH NC 27609-3838  
1706784346

RCE PROPERTIES LLC  
TWIN FORKS PROPERTIES LLC  
PO BOX 12172  
NEW BERN NC 28561-2172  
1706796223

SURGERYTWO LLC  
5904 SIX FORKS RD UNIT 101  
RALEIGH NC 27609-3838  
1706784346

GARDNER, MATTHEW C  
5924 SANDY FORKS RD  
RALEIGH NC 27609-3814  
1706787613

THE PROPERTY DOCTOR LLC  
108 COLT BRIDGE CT  
CARY NC 27519-7585  
1706784346

ZIMMERMAN, EUGENE ANTON  
158 LAKE ELLEN DR  
CHAPEL HILL NC 27514-1937  
1706786531

PARKIN, HARRY C PARKIN,  
ELIZABETH U  
217 DUBLIN RD  
RALEIGH NC 27609-3824  
1706787244

WARRE'N, JOHN L WARREN,  
MAIDI  
213 DUBLIN RD  
RALEIGH NC 27609-3824  
1706786240

ROBINSON, CORY B  
5809 SHAWOOD DR  
RALEIGH NC 27609-3831  
1706789410

FALLS LAKE VENTURES LLC  
PO BOX 17566  
RALEIGH NC 27619-7566  
1706787771

## **EXHIBIT C**

### **SUMMARY OF DISCUSSION ITEMS**

On Tuesday, May 27, 2014, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. The following items were discussed:

1. Status of Sandy Forks Road corridor improvements
2. Location of proposed building and parking improvements
3. Size, height, color and materials of proposed building
4. Type of landscape transition area
5. Relocation of existing sewer line
6. Timing of rezoning and construction

**EXHIBIT D**

**NEIGHBORHOOD MEETING ATTENDEES**

1. Cathy Eldredge