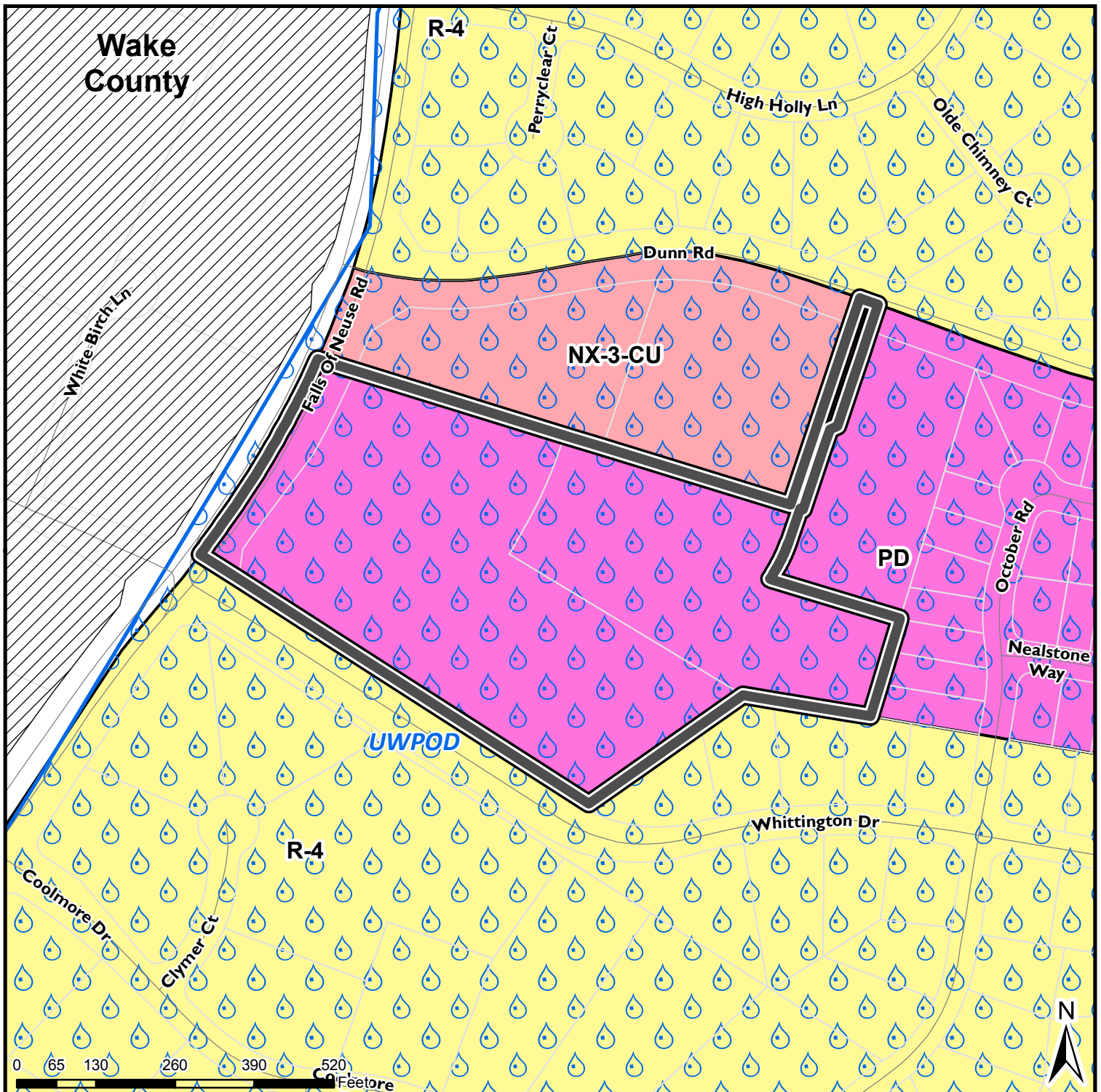


Existing Zoning Map

Z-19-2016



**Submittal
Date**

8/11/2016

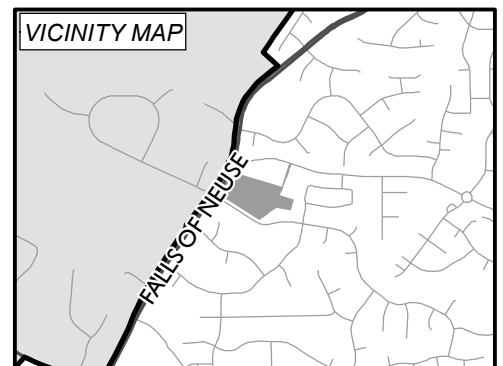
Request:

9.79 acres from

PD w/UWPOD

**to OX-4-CU
w/ UWPOD**

VICINITY MAP



Map Date: 8/15/2016



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information: Z-19-16 – Falls of Neuse Road

<i>Location</i>	Falls of Neuse Road, east side, south of Dunn Road Addresses: 11110 Falls of Neuse Road & part of 1590 Dunn Road PINs: 1729212644, 1729214636 (in part)
<i>Request</i>	Rezone property from PD w/ UWPOD to OX-4-CU w/ UWPOD
<i>Area of Request</i>	9.79 acres
<i>Property Owner</i>	Falls Office Partners LLC/ PO Box 926/ Dunn, NC 28335; Dunn Investments LLC/ 6065 Tryon Road, Suite A/ Cary, NC 27518
<i>Applicant</i>	Isabel Worthy Mattox/ PO Box 946/ Raleigh, NC 27602
<i>Citizens Advisory Council (CAC)</i>	North: Michael O'Sullivan, Chairperson; (919) 302-7557, mjo78@nc.rr.com
<i>PC Recommendation Deadline</i>	December 12, 2016

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

<i>FUTURE LAND USE</i>	Neighborhood Mixed Use
<i>URBAN FORM</i>	Center: (n/a) Corridor: (n/a) Within ½-Mile Transit Buffer: No
<i>CONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 5.1 – Reinforcing the Urban Pattern Policy LU 5.4 – Density Transitions Policy LU 5.6 – Buffering Requirements Policy T 4.1 – Promoting Transit Policy T 4.8 – Bus Waiting Areas Policy T 4.12 – Special Needs Policy T 4.15 – Enhanced Rider Amenities Policy EP 8.1 – Light Pollution Policy EP 8.4 – Noise and Light Impacts Policy UD 2.4 – Transitions in Building Intensity Policy AP-FON 1 – Falls of Neuse Corridor Character Policy AP-FON 4 – Dunn Road Retail Area Policy AP-FON 7 – Falls of Neuse Road Frontage Lots
<i>INCONSISTENT Policies</i>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 4.5 – Connectivity



Zoning Staff Report – Z-19-16

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone the site solely to permit a Congregate Care facility, a land use not permitted under the current zoning but supported by the site's Future Land Use designation (Neighborhood Mixed Use).

The subject parcels are currently zoned Planned Development (PD), with Urban Watershed Protection Overlay District (UWPOD). The PD Master Plan designates the site as an "Office Village," restricting development to 2-story offices and ancillary uses, edged by wide vegetated buffers. The UWPOD adds further impervious surface restrictions and requirements regarding green space (e.g., 40 percent of the site must be forested). The proposal seeks to rezone the site to Office Mixed Use-4 stories-Conditional Use, and retain the UWPOD zoning.

The site consists of one parcel bordering Falls of Neuse Road, and a portion of the parcel just to its east, extending northward to Dunn Road along an existing driveway. Rezoning would not include the area around an existing 13,000-square-foot daycare facility, which comprises the rest of the easternmost parcel. The resulting zoning boundaries would assume a future recombination which would create a flag lot configuration for the site, accessed from Dunn Road.

Low density development, zoned Residential-4, is located to the south and southeast of the site. Properties are built out with single-family houses; the parcel immediately south also includes an 11'-wide strip, extending westward the length of the north side of Whittington Drive, separating the rezoning site from that street right-of-way.

To the north, two contiguous parcels divide the bulk of the site from Dunn Road. Zoning on the two tracts is Neighborhood Mixed Use-3 stories-Conditional Use. Zoning conditions limit land uses, and cap retail development at a maximum of 29,000 square feet.

Properties to the west, across Falls of Neuse Road, are in Wake County's zoning jurisdiction.

Other than the driveway from Dunn Road, the rezoning site is vacant and mostly forested, primarily with pines. Site grade along Falls of Neuse Road drops off about ten feet below street level moving eastward into the site, but gradually rises above the grade of Whittington Drive on the southeast. A sanitary sewer line runs east-west the length of the site, near to and paralleling Whittington Drive.

In recent years, significant public investment has occurred in the area. To accommodate local development (especially the growth of the Wakefield community), Falls of Neuse Road was widened to a four-lane divided highway, accompanied by extensive streetscape improvements (e.g., sidewalk/ multi-purpose path; tree and shrub plantings). Capitalizing on the area's natural environment, new parkland and outdoor recreation resources have been established, with more to follow (among them, the 600-acre [Forest Ridge Park](#) on Falls Lake, and a potential whitewater center on the river). Such efforts both reflect and manifest the aims of the [Falls of Neuse Corridor Plan](#), which denotes frontage properties as forming a "green corridor", and calls for maintaining

“the sense of place created by the extensive roadside vegetation, the Falls Lake dam, and Falls Community.”

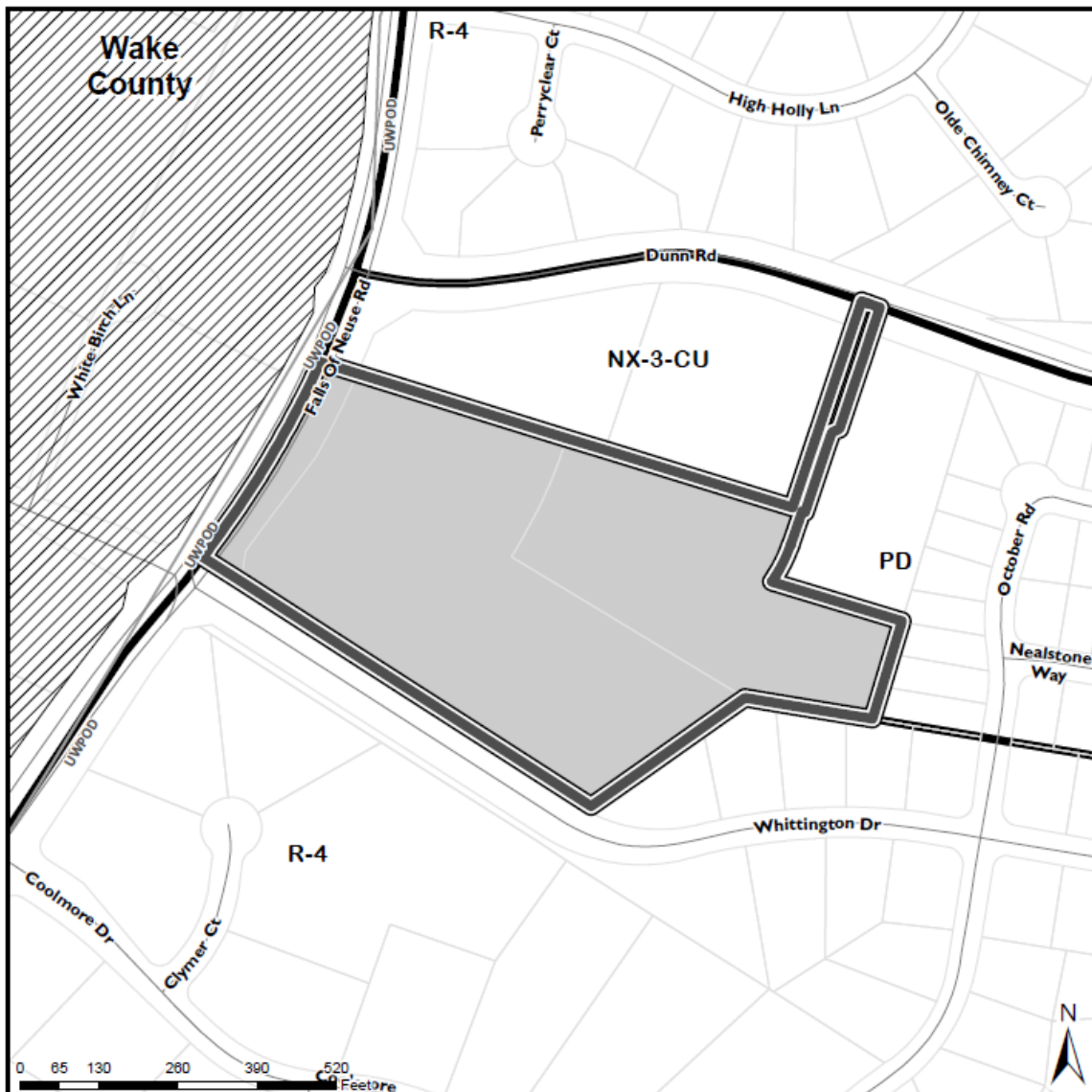
The site comprises a portion of the area subject to rezoning case [Z-1-14](#), which was denied on May 12, 2015. As a precursor to the present rezoning request, the applicants requested a waiver of the two-year delay period between rezonings (per UDO Sec. 10.2.4.J). The Planning Commission recommended approval of the waiver (CR 11709, included with this report); the waiver request was approved by City Council on July 5, 2016.

Outstanding Issues

<i>Outstanding Issues</i>	<ol style="list-style-type: none">1. Staff Comments on zoning conditions.2. Block perimeter exceeds maximum for OX-4 zoning.3. Sewer and fire flow matters may need to be addressed upon development.4. Potential conflicts between proposed TCA and easements/ OX build-to.	<i>Suggested Mitigation</i>	<ol style="list-style-type: none">1. Address Staff Comments.2. Address block perimeter at the site plan stage.3. Address sewer and fire flow capacities at the site plan stage.4. Address potential conflicts between proposed TCA and easements/ OX build-to.
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Existing Zoning Map

Z-19-2016



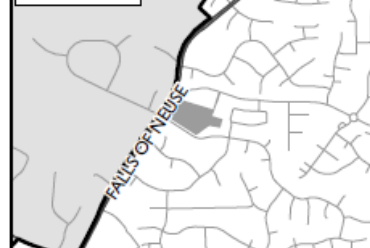
**Submittal
Date**

8/11/2016

Request:

9.79 acres from
PD w/UWPOD
to OX-4-CU
w/ UWPOD

VICINITY MAP



Map Date: 8/15/2016

Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	PD	NX-3-CU	R-4	R-4, PD	R-40W, R-80W (Wake County)
<i>Additional Overlay</i>	UWPOD	UWPOD	UWPOD	UWPOD	n/a
<i>Future Land Use</i>	Neighborhood Mixed Use	Neighborhood Mixed Use	Low Density Residential	Low Density Residential	n/a
<i>Current Land Use</i>	Vacant	Vacant	Single-unit living	Single-unit living, day care center	Single-unit living, HOA clubhouse
<i>Urban Form (if applicable)</i>	n/a	n/a	n/a	n/a	n/a

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	(not permitted)	19 DUs/ acre (max. 190 DUs)
<i>Setbacks (min.):</i> <i>Front:</i> <i>Side:</i> <i>Rear:</i>	<i>If General Building type (office):</i> 5' 0' or 6' 0' or 6'	<i>If Civic Building type:</i> 10' 0' or 6' ^{**} 0' or 6' ^{**}
<i>Retail Intensity Permitted:</i>	(not permitted)	(not permitted)
<i>Office Intensity Permitted:</i>	170,085 ^{**}	(not permitted)

^{**}Per Transition Zone A: 50' on south; per conditions: 100' east & southeast (along single-unit lots).

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning
<i>Total Acreage</i>	9.79	9.79
<i>Zoning</i>	PD w/ UWPOD	OX-4-CU w/ UWPOD
<i>Max. Gross Building SF</i>	170,085 ^{**}	224,001 ^{**}
<i>Max. # of Residential Units</i>	(not permitted)	190
<i>Max. Gross Office SF</i>	170,085 ^{**}	(not permitted)
<i>Max. Gross Retail SF</i>	16,657 (ancillary to office, only) ^{**}	(not permitted)
<i>Max. Gross Industrial SF</i>	(not permitted)	(not permitted)
<i>Potential F.A.R.</i>	0.40 [*]	0.53 [*]

^{**}The development intensities for proposed zoning district were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

The proposed rezoning is:

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

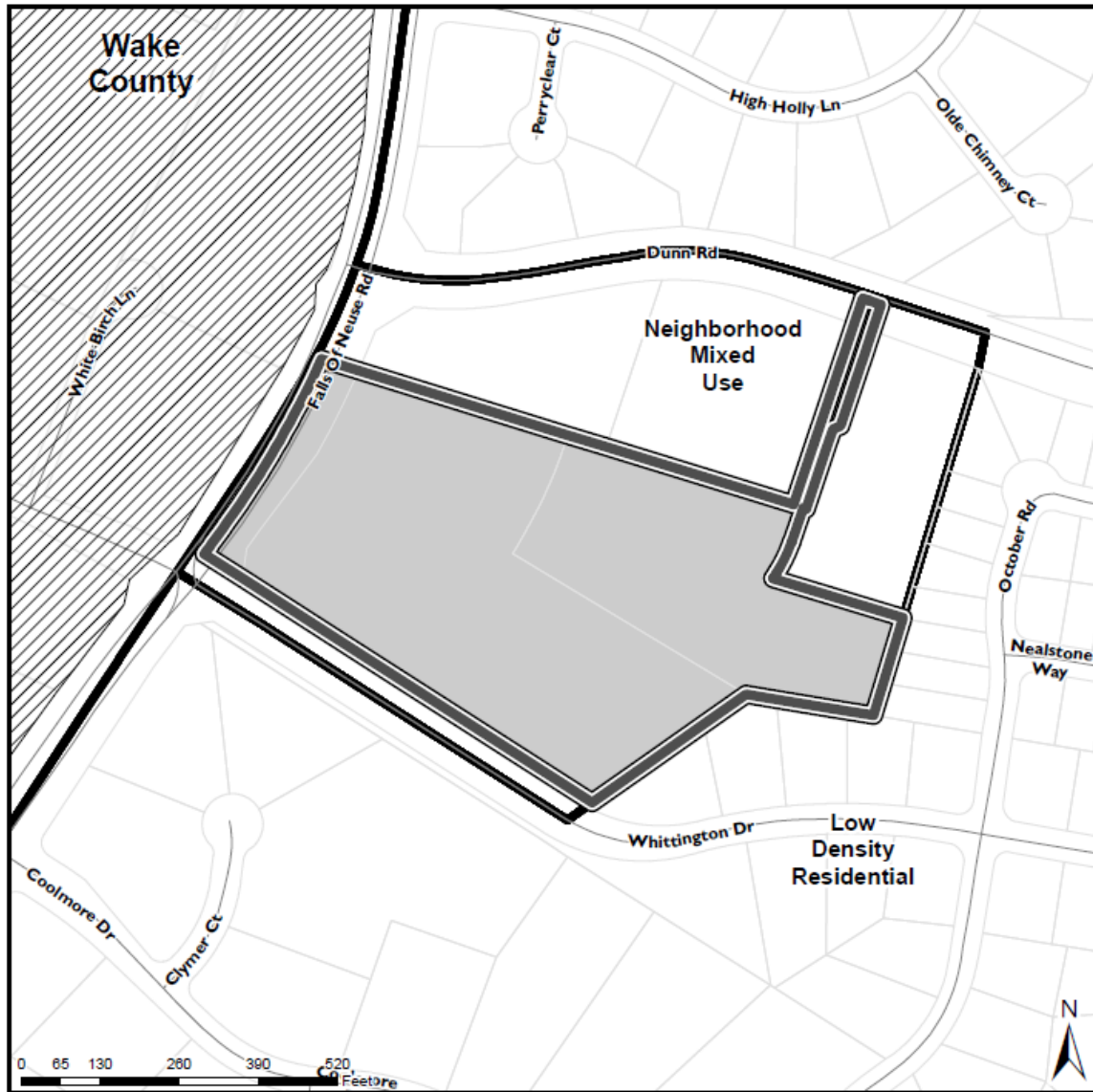
☐ **Incompatible.**

Analysis of Incompatibility:

On balance, the proposal may be considered compatible. The potential building height under the rezoning is 4 stories/ 55 feet – 7 feet less than the maximum otherwise permitted 4 stories by the Unified Development Ordinance (UDO Sec. 3.3.2). While that figure is greater than those permitted on adjoining properties (in the PD zoning on the east, where the day care facility is located: 2 stories; NX to north: 3 stories/ 50'; R-4 south, southeast and east: 3 stories/ 40'), conditioned setbacks on the southeast and east provide at minimum twice the transition distance required by the UDO to existing residences (100' vs. 50'). Conditioned access restrictions, however, could concentrate site traffic, and resulting turning movements, at one point on Dunn Road.

Future Land Use Map

Z-19-2016



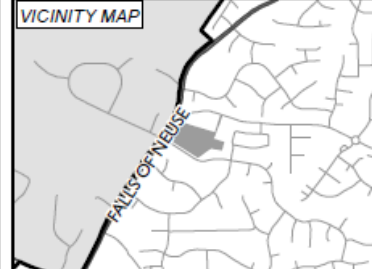
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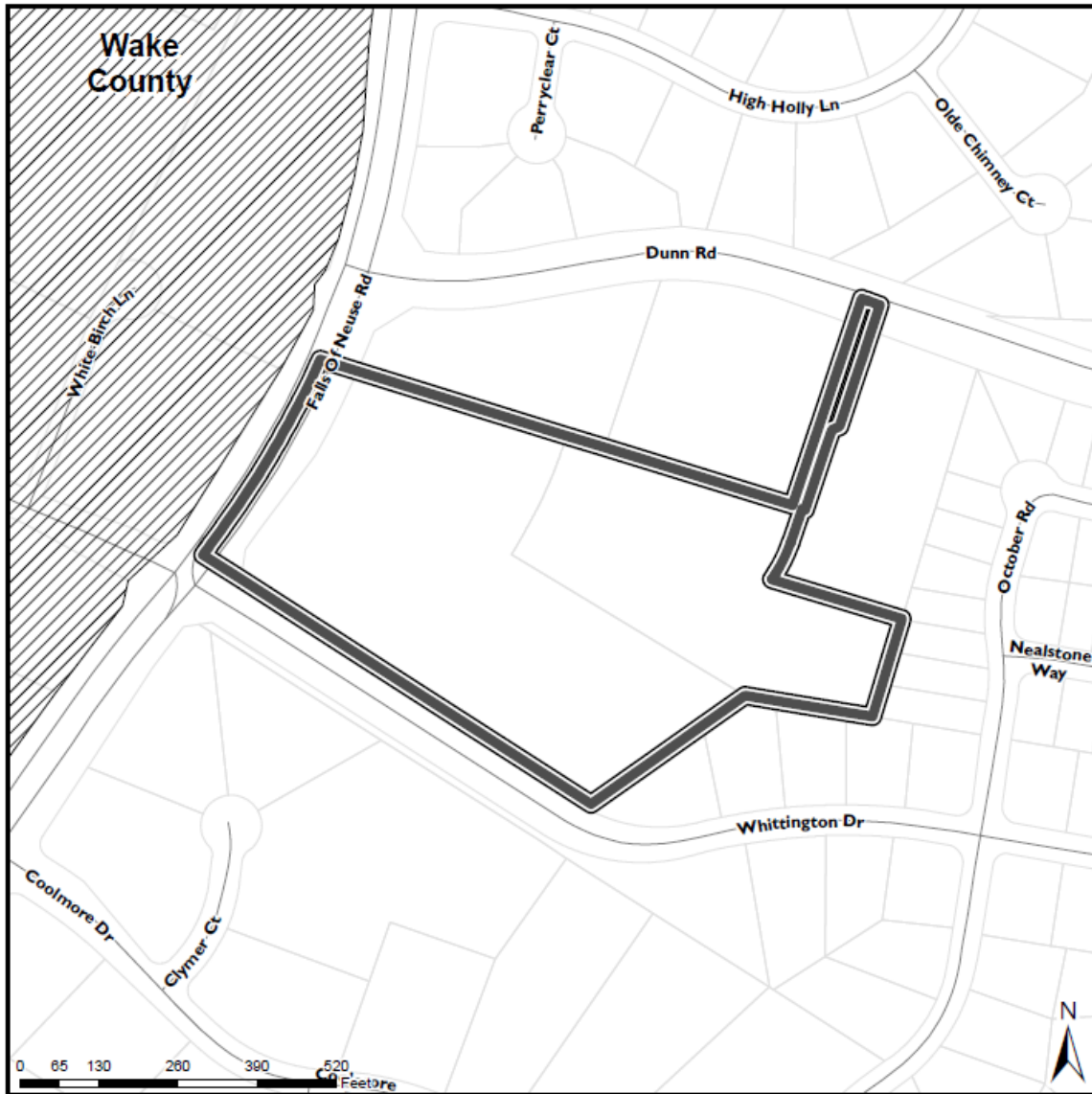
VICINITY MAP



Map Date: 8/15/2016

Urban Form Map

Z-19-2016



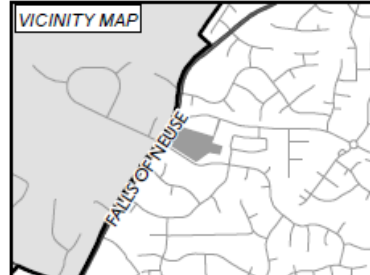
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VICINITY MAP



Map Date: 8/15/2016

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:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. 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?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is consistent with the Comprehensive Plan. The requesting zoning is in keeping with Vision Themes "Managing Our Growth" in expanding housing options in the subject section of the City while making use of existing infrastructure; "Coordinating Land Use and Transportation" in placing proposed higher density by a major roadway corridor, scheduled for future transit service; and "Growing Successful Neighborhoods and Communities" in providing building scale and transition setbacks compatible with existing residential development. The Urban Form Map does not show the site to be in either a growth center or on a specific corridor.
- B. The Future Land use Map designates the site for Neighborhood Mixed Use development. The Comprehensive Plan supports residential uses within that classification, specifically "in the Medium density range." The proposal is consistent with that density, permitting up to 19 dwelling units per acre. (Moderate Density, the density designation one step lower, calls for 6 to 14 units per acre.) The Comprehensive Plan lists "suburban style apartment complexes" among the types of construction suitable in Medium Density Residential, adding that "a three or four story height limit is appropriate for these areas." The proposal would allow a Congregate Care facility with a height cap of four stories.
- C. The proposed use is supported by the Future Land Use Map.
- D. City facilities and infrastructure appear generally capable of accommodating the development possible under the proposal. The proposed access restrictions could concentrate traffic (and resulting turning movements) on Dunn Road. The conditioned transit stop and pedestrian access support alternate modes of travel, however.

2.2 Future Land Use

Future Land Use designation: Neighborhood Mixed Use

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

(N/A)

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 1.3 – Conditional Use District Consistency

All conditions proposed as part of a conditional use district should be consistent with the Comprehensive Plan.

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.

Policy LU 8.7 - Flag Lots

Generally discourage the use of “flag lots” (lots with little or no street frontage, accessed by a driveway easement or narrow strip of land, and typically located to the rear of another lot) when subdividing residential property.

As conditioned, the proposal restricts opportunities to diversify vehicular access, in seeking to remove requirements of cross-access. The configuration of Parcel 2 confines lot frontage on Dunn Road to a single driveway; given city and state transportation concerns over allowing site access along Falls of Neuse Road, and the site's lack of roadway frontage elsewhere on Dunn Road, or on Whittington Drive, site-generated vehicular traffic would be concentrated at that single spot. The driveway is already the sole access for the existing day care facility there. Cross-access is offered from properties on the north to the site; cross-access could similarly be conditioned from the subject site. The conditioned pedestrian access between Falls of Neuse and Dunn roads, though, will provide non-vehicular connectivity between those streets.

2.5 Area Plan Policy Guidance

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

Policy AP-FON 9 - Falls of Neuse Corridor Parking Lots

Parking lots are encouraged to be located behind or beside buildings along the Falls of Neuse corridor.

The proposal could allow for parking lots to be located between future buildings and Falls of Neuse Road. However, site grade and the conditioned Tree Conservation Area along the roadway could provide visual mitigation.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Expanded housing options in the subject section of the City.
- Conditioned transition measures.

3.2 Detriments of the Proposed Rezoning

- Conditioned limitations on site access/ cross-access.

4. Impact Analysis

4.1 Transportation

The site is located on the east side of Falls of Neuse Road between Dunn Road and Whittington Drive. Falls of Neuse Road (SR 2000) is maintained by the NCDOT; Dunn Road and Whittington Drive are maintained by the City of Raleigh. All three streets are paved with curbs and sidewalks on at least one side. Falls of Neuse Road is classified as a major street in the UDO Street Plan Map (Avenue, 6-Lane, Divided). Dunn Road is a mixed-use street (Avenue, 2-Lane, Divided).

There are no City of Raleigh CIP projects or state STIP projects planned for any of the above named streets in the vicinity of the Z-19-16 site. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO Section 8.3.5.D. There are no public street stubs abutting the eastern boundary of the Z-19-2016 parcels.

In accordance with UDO Section 8.3.2, the maximum block perimeter for OX-4 zoning 3,000 feet. The block perimeter for Z-19-16, as defined by public rights-of-way for Falls of Neuse, Whittington Drive, Michelle Drive and Dunn Road is 4,600 feet.

The existing land is vacant and generates no traffic. The proposed rezoning seeks to remove the Planned Development designation attached to the subject parcels. MP-1-94 designated these parcels for an office complex; the proposed rezoning would restrict their use to senior housing. A senior adult housing development would generate fewer daily and peak hour trips than an office development. A traffic study is not required for Z-19-16.

Impact Identified: Block perimeter exceeds maximum for OX-4 zoning.

4.2 Transit

This area is currently served by GoRaleigh Route 25L Triangle Town Center. It proceeds north on Falls of the Neuse Road and turns east on Raven Ridge Road. The closest bus stop is an unimproved stop on Falls of the Neuse Road just south of Raven Ridge Road. Both the City of Raleigh Short Range Transit Plan and the Wake County Transit Plan call for transit to be extended along Falls of Neuse Road into the Wakefield neighborhood.

Impact Identified: None. Increasing density will increase demand for transit in this area, but the offer of a transit easement and shelter will advance Policy T 4.15 and mitigate this impact.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Neuse-Richland Creek
<i>Stormwater Management</i>	Subject to stormwater regulations under Article 9 of UDO.
<i>Overlay District</i>	Urban Watershed Protection Overlay District

Impact Identified: None.

4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	0	44,000 GPD	118,750 GPD
<i>Waste Water</i>	0	44,000 GPD	118,750 GPD

The proposed rezoning would add approximately 118,750 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

Impact Identified: At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of a Building Permit and constructed prior to release of a Certificate of Occupancy.

Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by this analysis to meet fire flow requirements will also be required of the Developer.

4.5 Parks and Recreation

There are no existing or proposed greenway trails, corridors, easements or connectors associated with this site. Nearest trail access is 1.1 mile, Abbots Creek Trail. Recreation services are provided by Annie Louise Wilkerson MD Nature Preserve, 1.2 miles, with access there to the Mountains-to-Sea Trail.

Impact Identified: None.

4.6 Urban Forestry

There are two subject parcels. One is 6.16 acres in size and is completely wooded; the second is 5.62 acres and is partially developed. Both parcels are subject to City of Raleigh tree conservation laws in UDO Article 9.1.

Falls of Neuse Road is classified as an Avenue 6-Lane Divided and is thus a "Thoroughfare" as defined in UDO Article 12.2. UDO Sec. 9.1.4.A.8 - Tree Conservation requires an average 50'-wide primary Tree Conservation Area (TCA) along Falls of Neuse Road.

Impact Identified: The proposed OX rezoning would require a build-to of 10' to 30' wide for certain building types (i.e., Apartment, Townhouse). Condition 7 proposes an undisturbed TCA of at least 55' average width along Falls of Neuse Road but potentially subject to UDO build-to requirements. TCAs cannot occur in front of building types with build-to's of 10' to

30'. With the number of, layout of, and future building types not unknown, the proposed 55'-wide TCA may be impossible or be intermittently possible. Condition 7 also states the proposed TCA is subject to various types of easement and encroachments. Such easements and encroachments are excluded areas within all TCAs by the UDO, and are not permitted within TCAs.

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 Impacts Summary

1. Block perimeter exceeds maximum for OX-4 zoning.
2. Sewer and fire flow matters may need to be addressed upon development.
3. Potential conflicts between proposed TCA and easements/ OX build-to.

4.10 Mitigation of Impacts

1. Address block perimeter at the site plan stage.
2. Address sewer and fire flow capacities at the site plan stage.
3. Address potential conflicts between proposed TCA and easements/ OX build-to.

5. Conclusions

The proposal would permit construction of multi-unit residence(s), a use currently prohibited on site, but supported by the Future Land Use designation and most applicable policies. Limitations on site access are inconsistent with Comprehensive Plan policies regarding connectivity and creation of flag lots, but pedestrian access is conditioned between Falls of Neuse and Dunn roads. Other conditions aim to mitigate potential development impacts and enhance design compatibility (e.g., lighting, setbacks, transit stop, building materials).

Current Master Plan Provisions (MP-1-94):

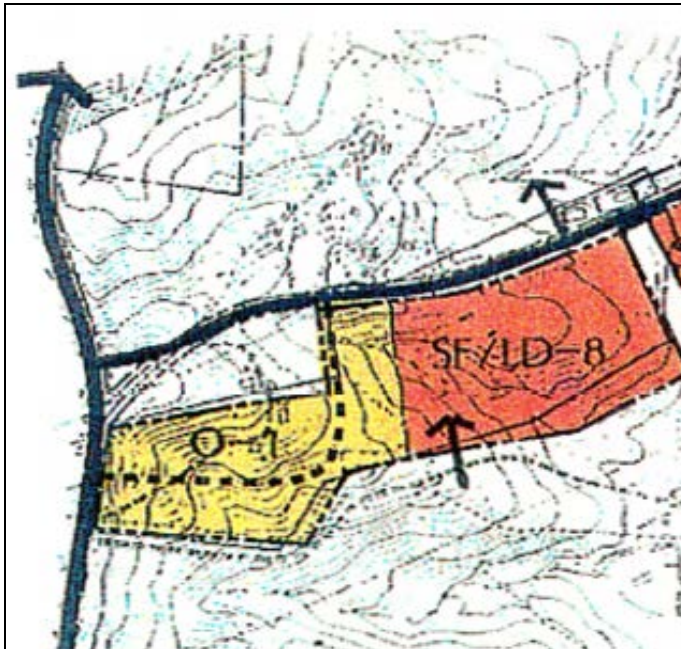
Supporting Ordinance: (1994) 467 ZC 351

Effective: 9/6/94

SITE DATA FALLS RIVER

OFFICE (O)

PARCEL #	ACREAGE	USE
O-1	12.7	All uses permitted in O I-1 [OX] District with architectural compatibility within the parcel subject to the conditions listed in the narrative.



OFFICE VILLAGE (Falls of Neuse Road)

An office village is proposed at the project gateway on Falls of the Neuse Road. Current land uses adjacent to the project currently consist of single family detached housing. In keeping with the residential nature of the area, the office village will provide a non-commercial setting for residentially scaled and designed offices. This clustered setting will provide residents with professional services and employment opportunities. The following conditions have been proposed:

- There shall be a 100' building and parking setback off Falls of the Neuse Road.
- The development will not contain multi-family development.
- There shall be a two-story height limit on buildings.
- There shall be a 50' undisturbed buffer along the south property line and a 25' vegetated setback for construction off the buffer line.
- Lighting standards will not exceed a 14' height.
- The buildings shall be constructed with an all brick veneer.
- Dumpsters will be screened from public rights-of-ways.
- Parking will be restricted to office users only.



OFFICE VILLAGE

THE INTENT OF THESE ILLUSTRATIVE PLANS IS TO SHOW CONCEPTS INVOLVING RELATIONSHIPS OF USES AND AREAS WITHIN OFFICE AND NEIGHBORHOOD VILLAGES AS WELL AS THEIR RELATIONSHIP TO SURROUNDING AREAS. NEITHER CONCEPT IS INTENDED TO REFLECT THE FINAL DESIGN.

Staff Comments

Z-19-16 Conditions *(as amended 9-15-16)*

Condition 1

Delete all language after the word “facility” (i.e., ~~“for independent living restricted to people 62 years of age and older, their spouses, surviving spouses, and resident staff personnel”~~). UDO Section 6.2.2.C.2.a allows spouses younger than 62 years of age to live in a congregate care facility. The UDO also allows rooms in congregate care facilities to be occupied by resident staff personnel who are younger than age 62.

Condition 3

Indicate the minimum width of the pedestrian path to be located in the pedestrian access. Also indicate when the path shall be completed; e.g., “prior to the issuance of the first certificate of occupancy.”

As there is more than one parcel, include the language that: “The pedestrian access easement shall be recorded with the Wake County Register of Deeds within 75 days of the effective date of this rezoning or prior to the sale any rezoned parcel, whichever event first occurs.”

Condition 6

In the second sentence, between the words “fixtures” and “shall,” insert the words “on site.”

Condition 7

In the last line, after the term “UDO,” insert the phrase “and these zoning conditions.”

Condition 8

Change “2’ x 2’ post” to “2-inch by 2-inch post.”

Condition 9

In the last line, before the word “building(s),” insert the word “principal.”

Condition 10

Between the words “exterior” and “elevations,” insert the word “building.” For the words “similar to,” substitute the words “such as.”

Wake County Staff Comments – Z-19-16

1. There does not appear to be any significant potential for adverse impact of development of these parcels upon the Falls Lake watershed as they drain away from the watershed.
2. An appropriate level traffic study should be conducted as part of the development process for this site given the level of traffic already on this road and the amount of traffic that could be generated by the proposed use.
3. Any and all recommendations of the traffic study and/or NCDOT should be incorporated into the site plans to ensure that traffic conditions are not adversely affected by new development.
4. Appropriate levels of attention should be given to controlling excessive lighting and noise, and ensuring that sufficient buffering and screening are provided to minimize the impact of new development upon existing properties.

3-19-16

Rezoning Application


RALEIGH
DEPARTMENT OF
CITY PLANNING


Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

JUL 24 2016

REZONING REQUEST

☐ General Use ☒ Conditional Use ☐ Master Plan

 Existing Zoning Classification PD w/ uwpod

 Proposed Zoning Classification Base District OX Height 4 Frontage none
**OFFICE
USE ONLY**

 Transaction
#

477591

If the property has been previously rezoned, provide the rezoning case number: Z-1-14

Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:

GENERAL INFORMATION

Property Address 11110 Falls of Neuse Road & a portion of 1590 Dunn Road

 Date June 24 2016

Property PIN 1729212644; 1729214636

Deed Reference (book/page) 012618/00805; 012948/01944

Nearest Intersection Falls of Neuse and Dunn Road

 Property Size (acres)
9.79 (collectively)

Property Owner/Address

 Falls Office Partners, LLC
P.O. Box 926
Dunn, NC 28335

 Dunn Investments, LLC
6065 Tryon Rd, Ste A
Cary, NC 27518

Phone

Fax

Email

Project Contact Person/Address

 Isabel Worthy Mattox
P.O. Box 946
Raleigh, NC 27602

Phone 919-828-7171

Fax 919-831-1205

Email isabel@mattoxfirm.com

Owner/Agent Signature

Falls Office Partners, LLC

Frank Moody, Manager

Dunn Investments, LLC

Eli Zablad, Manager

Email

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

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST

☐ General Use ☒ Conditional Use ☐ Master Plan

Existing Zoning Classification _____ PD w/ UWPOD

Proposed Zoning Classification Base District OX -4- C11 Height 4 Frontage none
with UWPOD

OFFICE
USE ONLY

Transaction #

If the property has been previously rezoned, provide the rezoning case number: Z-1-14

Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:

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Nearest Intersection Falls of Neuse and Dunn Road

Property Size (acres)
9.79 (collectively)

Property Owner/Address

Falls Office Partners, LLC
P.O. Box 926
Dunn, NC 28335

Phone

Fax

Email

Dunn Investments, LLC
6065 Tryon Rd, Ste A
Cary, NC 27518

Project Contact Person/Address

Isabel Worthy Mattox
P.O. Box 946
Raleigh, NC 27602

Phone 919-828-7171

Fax 919-831-1205

Email isabel@mattoxfirm.com

Owner/Agent Signature

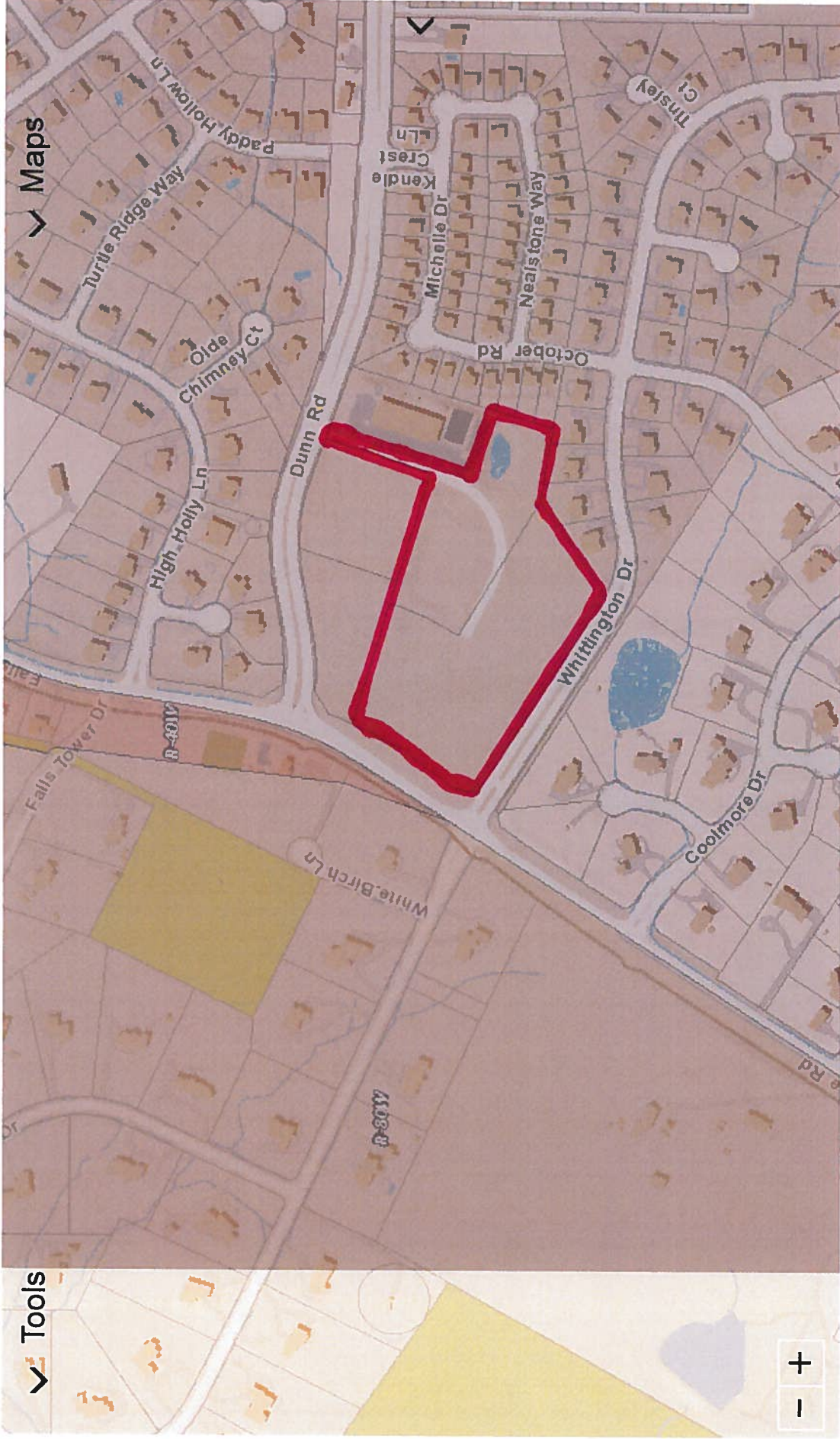
Falls Office Partners, LLC
Frank Moody
Frank Moody, Manager

Email

Dunn Investments, LLC

Eli Zabloud
Eli Zabloud, Manager

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

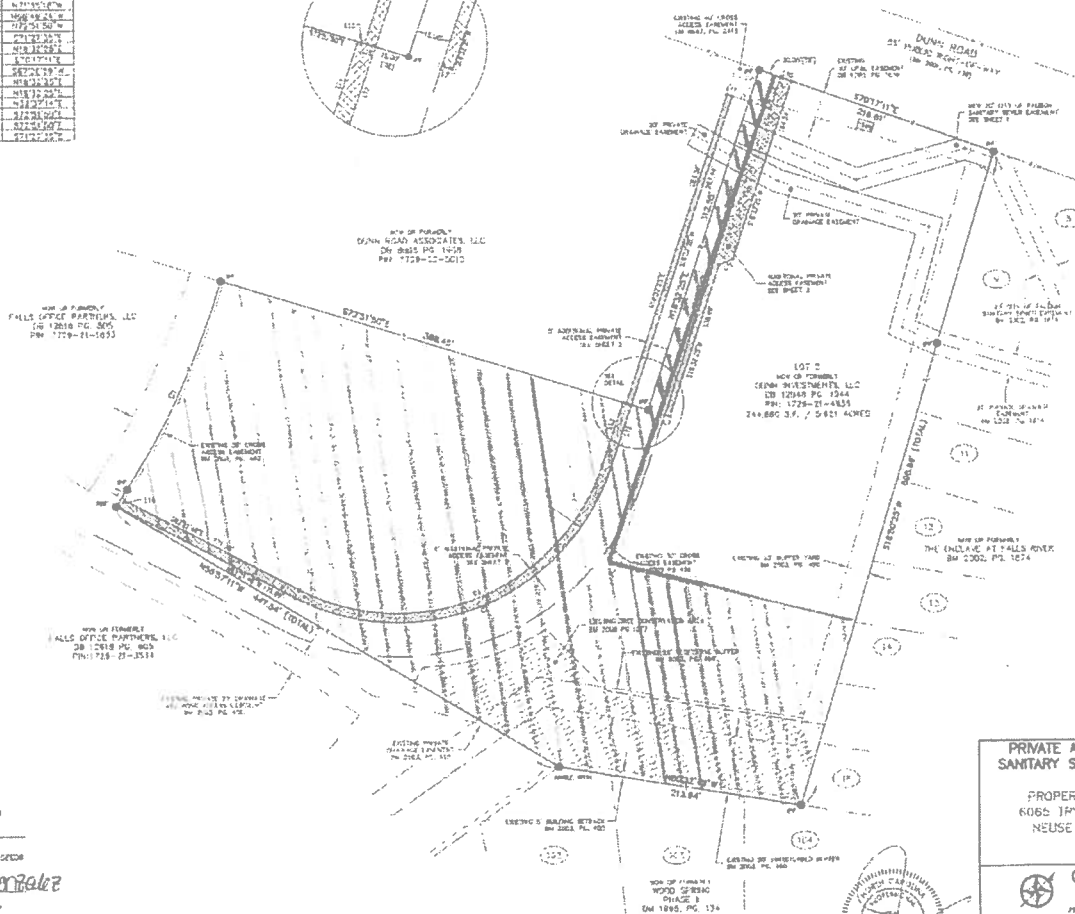


CURVE	CHORD	ANGLE	DELTA	BEARING	DISTANCE
1	112.03	178.19	187.132	N 24 27 18 W	198.53
2	132.03	177.24	186.132	N 24 27 18 W	198.53
3	192.03	177.24	186.132	N 24 27 18 W	198.53

CURVE	CHORD	ANGLE	DELTA	BEARING	DISTANCE
1	112.03	178.19	187.132	N 24 27 18 W	198.53
2	132.03	177.24	186.132	N 24 27 18 W	198.53
3	192.03	177.24	186.132	N 24 27 18 W	198.53
4	112.03	178.19	187.132	N 24 27 18 W	198.53
5	132.03	177.24	186.132	N 24 27 18 W	198.53
6	192.03	177.24	186.132	N 24 27 18 W	198.53
7	112.03	178.19	187.132	N 24 27 18 W	198.53
8	132.03	177.24	186.132	N 24 27 18 W	198.53
9	192.03	177.24	186.132	N 24 27 18 W	198.53
10	112.03	178.19	187.132	N 24 27 18 W	198.53
11	132.03	177.24	186.132	N 24 27 18 W	198.53
12	192.03	177.24	186.132	N 24 27 18 W	198.53
13	112.03	178.19	187.132	N 24 27 18 W	198.53
14	132.03	177.24	186.132	N 24 27 18 W	198.53
15	192.03	177.24	186.132	N 24 27 18 W	198.53
16	112.03	178.19	187.132	N 24 27 18 W	198.53
17	132.03	177.24	186.132	N 24 27 18 W	198.53
18	192.03	177.24	186.132	N 24 27 18 W	198.53
19	112.03	178.19	187.132	N 24 27 18 W	198.53
20	132.03	177.24	186.132	N 24 27 18 W	198.53
21	192.03	177.24	186.132	N 24 27 18 W	198.53
22	112.03	178.19	187.132	N 24 27 18 W	198.53
23	132.03	177.24	186.132	N 24 27 18 W	198.53
24	192.03	177.24	186.132	N 24 27 18 W	198.53
25	112.03	178.19	187.132	N 24 27 18 W	198.53
26	132.03	177.24	186.132	N 24 27 18 W	198.53
27	192.03	177.24	186.132	N 24 27 18 W	198.53
28	112.03	178.19	187.132	N 24 27 18 W	198.53
29	132.03	177.24	186.132	N 24 27 18 W	198.53
30	192.03	177.24	186.132	N 24 27 18 W	198.53

Dunn Road Proposed Property Subdivision

EXHIBIT A



FILED FOR REGISTRATION

1/12/09

LOCAL IN INTEREST, PROPERTY OF OWNER

WAKE COUNTY

BY: *Matthew Gonzalez*

ALLS / DEPUTY

15:04:18

RECORDED IN BOOK OF MAPS 2009 PAGE 41

2009049

PRIVATE ACCESS, PRIVATE DRAINAGE, AND SANITARY SEWER EASEMENT DEDICATION MAP		
LITTLE PROS ACADEMY		
PROPERTY OF: DUNN INVESTMENTS, LLC		
6065 IYON RD SUITE A CARY, NC 27511		
NEUSE TOWNSHIP, WAKE COUNTY, N.C.		
PREPARED FOR DUNN INVESTMENTS, LLC		
CHAS. H. SELLS, INC.		
LOCAL SURVEYOR, WAKE COUNTY, NC 27511		
PHONE: 919-450-0000 FAX: 919-450-0000 WWW.CHASSELLS.COM		
Drawn by: CH/MS	Date: AA 11, 2009	Job No: 07-7548-003
Checked by: MS	Scale: 1" = 80'	Drawn by: S 41 2
For name: LITTLE PROS ACADEMY		
Map Name: 100 CH/MS 07/25/2009		
Revised: 1) COR CORRECTIONS 08/15/09		

CASE FILE NUMBER: BS-160-08; S-36-02

Parcel 1:

Moody Property (Falls Office Partners LLC)

Being all of Lot 1 as shown on a plat entitled "Recombination Plat-First Oakland Properties-Falls Office Village-City of Raleigh, Wake County, North Carolina-March 2004" recorded in Book of Maps 2004, Page 1939, in the Office of the Wake County Registry.

Parcel 2:

Zablud Property (Dunn Investments LLC)

A parcel of land being a portion of Lot 2 on a plat entitled "Recombination Plat-First Oakland Properties-Falls Office Village-City of Raleigh, Wake County, North Carolina-March 2004" recorded in Book of Maps 2004, Page 1939, in the Office of the Wake County Registry and being more particularly described as follows:

Beginning at the northern most of corner of said Lot 2 and being on the South line of Dunn Road (85' Public Right of Way); said point having North Carolina State Plane Coordinates of N=792,076.79 and E=2,122,869.95;

Thence S 70°16'08" E on the South line of Dunn Road, a distance of 30.00 feet to a point;

Thence S 18°34'14" W a distance of 164.89 feet to a point;

Thence S 67°28'19" W a distance of 13.27 feet to a point;

Thence S 18°34'14" W a distance of 138.49 feet to a point;

Thence N 72°46'43" W a distance of 5.00 feet to a point;

Thence S 18°34'14" W a distance of 58.73 feet to a point;

Thence in a southwesterly direction with a tangent curve turning to the right with a radius of 225.00 feet, having a chord bearing of S 27°13'43" W and a chord distance of 67.74, and an arc length of 68.00 to a point;

Thence S 73°08'56" E a distance of 224.85 feet to a point on the East line of said Lot 2;

Thence S 16°51'28" W, on the East line of Lot 2, a distance of 168.02 feet to the Southeast corner of Lot 2;

Thence N 80°31'41" W, on the South line of Lot 2, a distance of 213.93 feet to a point;

Thence N 58°56'51" W, continuing on the South line of Lot 2, a distance of 447.52 feet to the Western most corner of Lot 2

Thence N 32°46'55" E, on the West line of Lot 2, a distance of 17.80 feet to a point;

Thence in a northeasterly direction on the West line of Lot 2, with a non-tangent curve turning to the left with a radius of 712.00 feet, having a chord bearing of N 24°39'18" E and a chord distance of 198.48, and an arc length of 199.13 to a point;

Thence S 72°51'16" E a distance of 388.40 feet to a point;

Thence N 18°33'28" E a distance of 312.55 feet to the Point of Beginning;

Containing 157,764 square feet or 3.62 acres more or less.

REZONING APPLICATION ADDENDUM

Comprehensive Plan Analysis

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.

OFFICE USE ONLY

Transaction #

Rezoning Case #

STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.

1. The rezoning is consistent with many Comprehensive Plan policies as stated below.

<u>Guideline</u>		<u>Response</u>
LAND USE / Policy LU 1.2 / Future Land Use Map and Zoning Consistency		
1	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.	The FLUM designation for the subject property is Neighborhood Mixed Use, which supports residential and mixed-use development in the medium density range with heights of three to four stories. The proposed project is a medium-density/4 story multi-unit residential development for seniors aged 55 and over. The proposed rezoning and height is consistent with the FLUM.
LAND USE / Policy LU 1.3 / Conditional Use District Consistency		
2	All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.	The limited density, height, and use conditions proposed by the applicant are consistent with the Comprehensive Plan, the FLUM, and designed to lessen impact on adjacent residential areas.
LAND USE / Policy LU 2.2 / Compact Development		
3	New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.	The rezoning will allow compact multi-unit development on currently underutilized vacant land within the city limits.
LAND USE / Policy LU 3.2 / Location of Growth		
	The development of vacant properties should occur first within the City's limits, then within the City's planning jurisdiction, and lastly within the City's USAs to provide for more compact and orderly growth, including provision of conservation areas.	This rezoning would allow the development of vacant land within the City limits where the Comprehensive Plan encourages infill development.
LAND USE / Policy LU 5.2 / Managing Commercial Development Impacts		

	Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.	The conditions offered as part of this rezoning effectively limit negative impacts on the surrounding community by limiting height, uses, and installing extensive buffering along adjacent residential lot lines.
LAND USE / 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 avoid potential conflicts.	The conditions of this rezoning limit the height and provide an enhanced buffer along the lot lines of adjacent single-family homes to adequately buffer the nearby lower intensity areas.
LAND USE / Policy LU 7.3 / Single Family Lots on Major Roads		
	No new single-family residential lots should have direct vehicular access from major streets, in an effort to minimize traffic impacts and preserve the long-term viability of these residential uses when located adjacent to major streets.	The subject property is in an area primarily made up of single family lots but fronts on a major street. This rezoning would allow multi-unit residential development along a major street where single-family use is no longer practical. It would also create a buffer and transition area that will serve to protect the lower density residential area from the major street.
LAND USE / Policy LU 8.1 / Housing Variety		
	Accommodate growth in newly developing areas of the City through mixed-use neighborhoods with a variety of housing types.	The proposed development will enrich the variety of housing types in the area by offering age-restricted, independent living units in a primarily single-family unit area.
LAND USE / Policy LU 8.10 / Infill Development		
	Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.	The rezoning will allow the development of vacant land within the City that will be of residential character and limited to a scale that will complement the surrounding residential and commercial development pattern.
HOUSING / Policy H 1.8 / Zoning for Housing		
	Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing.	The rezoning will supply the market with much needed age-restricted independent living units for the rapidly increasing retirement population in the Triangle area. The addition of these units will increase the supply of such units and will help keep prices down for this vulnerable age group.
COMMUNITY FACILITIES AND SERVICES / Policy CS 1.2 / Responding to Demographic Change		
	Consider anticipated demographic changes and the importance of aging in place in all land use, transportation, and community service planning and decisions.	The rezoning will allow the development of age-restricted independent living units that will provide comfortable living accommodations for seniors desiring to remain in the Triangle area and age in place.

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. The rezoning will increase the overall housing variety of the City and help to keep housing stock high and prices low.
2. The rezoning will provide much needed senior housing in the Triangle area, which has a rapidly increasing senior demographic.
3. This rezoning request will allow for the creation of an appropriately-scaled multi-unit development to provide a transition area that shields the adjacent single-family neighborhood from a major road and higher-intensity commercial development.

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

>>> **THIS PROPERTY DOES NOT MEET THE CRITERIA FOR THIS SECTION.**<<<

- | | |
|----|--|
| 1. | <i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i> |
| 2. | <i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i> |
| 3. | <i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i> |
| 4. | <i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i> |
| 5. | <i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i> |
| 6. | <i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i> |
| 7. | <i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i> |
| 8. | <i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i> |
| 9. | <i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i> |

Conditional Use District Zoning Conditions			
Zoning Case Number	Z-19-16	OFFICE USE ONLY Transaction #	
Date Submitted	September 15, 2016		
Existing Zoning	PD		Proposed Zoning

NARRATIVE OF ZONING CONDITIONS OFFERED

1. The use of the property shall be limited to a Congregate Care facility for independent living restricted to people 62 years of age and older, their spouses, surviving spouses, and resident staff personnel.
2. Building height shall be limited to 4 stories and 55 feet, measured in accordance with UDO Section 1.5.7.
3. Subject to City Council approval, the maximum block perimeter standards in UDO Section 8.3.2, the open access, connectivity and stub street standards in UDO Section 8.3.4, and the cross access requirements in UDO Section 8.3.5 shall be modified such that a maximum block perimeter of 4,900 feet shall be permitted; a maximum stub street of 900 feet shall be permitted; and additional cross access to adjoining parcels under UDO Section 8.3.5 shall not be required. Pedestrian access from Falls of Neuse to Dunn Road shall be provided.
4. Residential density shall not exceed an aggregate of 190 dwelling units and/or rooming units.
5. Principal building(s) on the property shall be located at least 100 feet away from the adjacent R-4 zoned residential properties (which may overlap the Neighborhood Transition requirements set forth in UDO Article 3.5) as follows: Morrison (PIN 1729310515; DB 10018 P 1596); Majors (PIN 1729310409; DB 10116 P 2481); Naville (PIN 1729219494; DB 10649 P 1825); Craig (PIN 1729219308; DB 11363 P 1873); Dudley 1729217490; DB 15560 P 701); Strickland (PIN 1729216490 DB 15358 P 530); Reid (PIN 1729215374 DB 11475 P 1882), provided that as to the 11.5-foot wide strip of property running along Whittington Drive as part of the Reid property, (PIN 1729215374; DB 11475 P 1882), only the Neighborhood Transition requirements shall apply, understanding the latter may partially overlap with the conditioned 100-foot setback on the remaining portion of the Reid property.
6. Poles for parking lot light fixtures located more than 50 feet away from residential zoning districts shall not exceed 20 feet in height. All lighting fixtures shall be full cutoff fixtures.

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.

Falls Office Partners, LLC

Frank Moody, Manager

Print Name _____

Dunn Investments, LLC

Eli Zabrud, Manager

Print Name _____

7. An undisturbed Tree Conservation Area (TCA) having an average width of at least 55 feet shall be preserved where the property adjoins the Falls of Neuse Road. Such TCA is subject to any build-to requirements under the UDO, existing cross-access easements or rights, utility easements and rights, and pedestrian access connections required by the UDO.

8. A 15' x 20' transit easement on Falls of Neuse Road shall be provided to the City prior to the issuance of a building permit for the property. The property owner shall install an ADA-accessible transit shelter within the transit easement per the specifications below provided the property owner receives written notice to build the shelter from the City of Raleigh Department of Transportation within ninety (90) days after the issuance of a building permit. Provided the property owner receives such written notice within the required timeframe, the ADA-accessible transit shelter shall be completed prior to the issuance of any certificate of occupancy for the property with the following improvements:

- one 15' x 20' cement pad,
- one 30' long cement landing zone parallel to the street between the sidewalk and the back of the curb,
- one sleeve for the installation of a 2' x 2' post,
- one bench, and
- one litter container.

9. Any exposed site retaining wall facing toward Whittington Drive, between the building(s) and the southern property boundary, shall be constructed of concrete, masonry or segmental block units. This wall face will be clad or manufactured with a textured masonry veneer surface. Unit sizes and color(s) will be compatible with and complementary to the material palette selected for the building(s).

10. At least eighty percent of all exterior elevations (exclusive of windows, doors, trim, roof and railings) shall be comprised of a combination of stone (manufactured or natural), brick, wood and/or cementitious fiberboard similar to HardiePlank.

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.

Falls Office Partners, LLC

Frank Moody, Manager

Print Name _____

Dunn Investments, LLC

Eli Zablud, Manager

Print Name _____

8-19-16
477591

Conditional Use District Zoning Conditions	
Zoning Case Number	OFFICE USE ONLY Transaction #
Date Submitted June <u>24</u> 2016	
Existing Zoning PD <u>w/ UWPOD</u> Proposed Zoning OX-4-CU w/ UWPOD	
NARRATIVE OF ZONING CONDITIONS OFFERED	
1. The use of the property shall be limited to an age-restricted residential community. Each unit, if occupied, must be occupied by at least one person 55 years of age or older.	
2. Building height shall be limited to 4 stories and 55 feet.	
3. Subject to City Council approval, the maximum block perimeter standards in UDO Section 8.3.2, the open access, connectivity and stub street standards in UDO Section 8.3.4, and the cross access requirements in UDO Section 8.3.5 shall be modified such that no maximum block perimeter shall be imposed; no motor vehicle street connection shall be permitted or required to Falls of Neuse Road; and cross access to adjoining parcels shall not be required.	
4. Residential density shall not exceed 190 dwelling units.	
5. Principal building(s) on the property shall be located at least 100 feet away from the adjacent R-4 zoned residential properties as follows: Morrison (PIN 1729310515; DB 10018 P 1596); Majors (PIN 1729310409; DB 10116 P 2481); Naville (PIN 1729219494; DB 10649 P 1825); Craig (PIN 1729219308; DB 11363 P 1873); Dudley 1729217490; DB 15560 P 701); Strickland (PIN 1729216490 DB 15358 P 530); Reid (PIN 1729215374 DB 11475 P 1882), provided that as to the Reid property, (PIN 1729215374; DB 11475 P 1882), no such distance requirement shall apply to that approximately 11.5-foot wide strip of property running along Whittington Drive, which is a part of such Reid property.	
6. Poles for parking lot light fixtures shall not exceed 25 feet in height.	

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 Eli Zablot Print Name Eli Zablot

REZONING APPLICATION ADDENDUM	
Comprehensive Plan Analysis	OFFICE USE ONLY Transaction #

Conditional Use District Zoning Conditions

Zoning Case Number

OFFICE USE ONLY

Date Submitted June 24, 2016

Transaction #

Existing Zoning PD w/ UWPOD Proposed Zoning OX-4-CU w/ UWPOD

NARRATIVE OF ZONING CONDITIONS OFFERED

1. The use of the property shall be limited to an age-restricted residential community. Each unit, if occupied, must be occupied by at least one person 55 years of age or older.

2. Building height shall be limited to 4 stories and 55 feet.

3. Subject to City Council approval, the maximum block perimeter standards in UDO Section 8.3.2, the open access, connectivity and stub street standards in UDO Section 8.3.4, and the cross access requirements in UDO Section 8.3.5 shall be modified such that no maximum block perimeter shall be imposed; no motor vehicle street connection shall be permitted or required to Falls of Neuse Road; and cross access to adjoining parcels shall not be required.

4. Residential density shall not exceed 190 dwelling units.

5. Principal building(s) on the property shall be located at least 100 feet away from the adjacent R-4 zoned residential properties as follows: Morrison (PIN 1729310515; DB 10018 P 1596); Majors (PIN 1729310409; DB 10116 P 2481); Naville (PIN 1729219494; DB 10649 P 1825); Craig (PIN 1729219308; DB 11363 P 1873); Dudley 1729217490; DB 15560 P 701); Strickland (PIN 1729216490 DB 15358 P 530); Reid (PIN 1729215374 DB 11475 P 1882), provided that as to the Reid property, (PIN 1729215374; DB 11475 P 1882), no such distance requirement shall apply to that approximately 11.5-foot wide strip of property running along Whittington Drive, which is a part of such Reid property.

6. Poles for parking lot light fixtures shall not exceed 25 feet in height.

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 Frank Moody Print Name Frank Moody

REZONING APPLICATION ADDENDUM

7-19-16
477591

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

May 19, 2016

TO ALL ADDRESSEES:

RE: **NOTICE OF MEETING** Regarding Proposed Rezoning Petition of 11110 Falls of Neuse Road, Raleigh, NC, owned by Falls Office Partners, LLC, and a portion of 1590 Dunn Road, Raleigh, NC, owned by Dunn Investments LLC (collectively, the "Owners"). Together both lots make up the "Rezoning Property."

Dear Property Owners:

You are receiving this letter because you are the owner of property located in the vicinity of the Rezoning Property for which a rezoning is now being contemplated. We anticipate that a rezoning request will be filed which will rezone the Rezoning Property from Planned Development (PD) to OX-4 restricted for use as a senior living development. We plan to file a Rezoning Application on behalf of the Owners in the near future.

In accordance with the requirements of the Raleigh Unified Development Ordinance, notice is hereby given to you as the owner of the Rezoning Property or the owner of property within 100 feet of the Rezoning Property (collectively, "Notice Neighbors") of a meeting to discuss the prospective rezoning. This meeting will be held at the Abbotts Creek Community Center in the Classroom, located at 9950 Durant Rd., Raleigh, NC 27614, at 7:00 p.m. on the evening of June 1, 2016.

The prospective developers and I will be present to meet with you and answer any questions which you may have regarding this proposed Rezoning Application.

If the Rezoning Application is filed as now planned, it will be vetted by City Staff over the next few weeks and referred to the Planning Commission for review. To follow this process, please consult the City's website at www.raleighnc.gov/planning. If you have any questions about the proposed Rezoning Application, either before our meeting of June 1, 2016 or at any time after our meeting, please contact me.

Yours very truly,

Isabel Worthy Mattox

cc: Barry Metcalf-via email
Gene Senecal-via email

FALLS OFFICE PARTNERS, LLC
1729212644
FRANK MOODY
PO BOX 926
Dunn, NC 28355

DUNN INVESTMENTS LLC
1729214636
6065 TRYON RD STE A
CARY NC 27518-9316

REID, BYRON L REID, ROBIN L
1729215374
1413 WHITTINGTON DR
RALEIGH NC 27614-8756

STRICKLAND, LYNN M JR
STRICKLAND, CASSANDRA R
1729216490
1417 WHITTINGTON DR
RALEIGH NC 27614-8756

DUNN ROAD ASSOCIATES
1729216967
266 W MILLBROOK RD STE A
RALEIGH NC 27609-4685

DUDLEY, CHRISTOPHER WAYNE
DUDLEY, ANGELA
1729217490
1421 WHITTINGTON DR
RALEIGH NC 27614-8756

CRAIG, JOHN BARRETT
CRAIG, ANITA GAIL
1729219308
1425 WHITTINGTON DR
RALEIGH NC 27614-8756

NAVILLE, BERNARD A
NAVILLE, LINDA M
1729219494
1605 OCTOBER RD
RALEIGH NC 27614-8638

DUNN ROAD ASSOCIATES
1729223012
266 W MILLBROOK RD STE A
RALEIGH NC 27609-4685

MITCHELL, LARRY M
MITCHELL, TERRI H
1729310317
1429 WHITTINGTON DR
RALEIGH NC 27614-8756

MAJORS, TIMOTHY R
MAJORS, CYNTHIA W
1729310409
1609 OCTOBER RD
RALEIGH NC 27614-8638

MORRISON, JAMES P
MORRISON, EILEEN M
1729310515
1613 OCTOBER RD
RALEIGH NC 27614-8638

ELLIS, DAVID C
ELLIS, JEANA
1729310610
1617 OCTOBER RD
RALEIGH NC 27614-8638

BUGGS, IRIS D
BUGGS, TRAY A
1729310636
1621 OCTOBER RD
RALEIGH NC 27614-8638

LUGO, FERNANDO &
OSEFINA CARRILLO LLANO
1729310753
1625 OCTOBER RD
RALEIGH NC 27614-8638

JONES, JAMES
1729310769
1629 OCTOBER RD
RALEIGH NC 27614-8638

BERRY, MARY BERRY, PAUL
1729310888
1633 OCTOBER RD
RALEIGH NC 27614-8638

TROSCLAIR, RUDOLPH
TROSCLAIR, AREME A
1729311952
1501 MICHELLE DR
RALEIGH NC 27614-7013

WHITE, KENNETH
WHITE, CINDY
1729320246
1609 OLDE CHIMNEY CT
RALEIGH NC 27614-8741

WILLIAMS, DERRICK A
RAVENELL, CEALIE M
1729321139
1605 OLDE CHIMNEY CT
RALEIGH NC 27614-8741

FONVILLE, JOHN T
1729324054
610 LITTLE ROSEWOOD LN
HENDERSON NC 27537-4702

AQUA NORTH CAROLINA, INC
1729117461
202 MACKENAN DR
CARY NC 27511-6447

CARLTON, MARK A
CARLTON, LAURA O
1729119413
11108 CLYMER CT
RALEIGH NC 27614-6737

DORSETT, JAMES D
DORSETT, NANCY
1729203949
1405 COOLMORE DR
RALEIGH NC 27614-9124

HAMMONS, SYLVIA G
1729210149
11104 CLYMER CT
RALEIGH NC 27614-6737

WU, JUSTIN Y
WU, KATHLEEN
1729216127
1412 WHITTINGTON DR
RALEIGH NC 27614-8755

1729217158
CHAUNCEY, LEAH S
CHAUNCEY, R FRED JR
1416 WHITTINGTON DR
RALEIGH NC 27614-8755

1729312828
MIELISH, ROBERT
MIELISH, JULIA
1505 MICHELLE DR
RALEIGH NC 27614-7013

1729311791
DUBIS, DAVID DUBIS, EILEEN V
1506 MICHELLE DR
RALEIGH NC 27614-7012

1729322178
SARTORIUS, THOMAS A SARTORIUS, LINDA M
1600 OLDE CHIMNEY CT
RALEIGH NC 27614-8740

1729229358
OMAR, IMAD
1520 HIGH HOLLY LN
RALEIGH NC 27614-8742

1729228335
CHRISTOPHERSON, TOBY MICHAEL &
CATHARINE ROBINSON
1516 HIGH HOLLY LN
RALEIGH NC 27614-8742

1729227325
STEEN, ANNA
1512 HIGH HOLLY LN
RALEIGH NC 27614-8742

1729205912
FRY, BOB J TRUSTEES, JANICE R
1409 COOLMORE DR
RALEIGH NC 27614-9124

1729222300
KEENAN, THOMAS J FIGURA, DANA A
5264 FAIRMEAD CIR
RALEIGH NC 27613-7802

1729223330
MORROW, JACQUELINE
1500 PERRYCLEAR CT
RALEIGH NC 27614-7782

1729226309
BUBAR, MURRY J LAING, JAMES A JR
1508 HIGH HOLLY LN
RALEIGH NC 27614-8742

1729224341
SELF, JONATHAN A.
1504 PERRYCLEAR CT
RALEIGH NC 27614-7782

ATTENDANCE AT NEIGHBORS MEETING
Falls Office Partners LLC and Dunn Investments LLC
11110 Falls of Neuse Road and 1590 Dunn Road
June 1, 2016

[illegible]

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June 24, 2016

John Anagnost
City of Raleigh Planning Department
One Exchange Plaza, Suite 204
Raleigh, North Carolina 27601

RE: NEIGHBORHOOD MEETING REPORT Regarding Proposed Rezoning Petition of Falls Office Partners LLC and Dunn Investments LLC (collectively, the "Owner") regarding 11110 Falls of Neuse Road and a portion of 1590 Dunn Road (the "Property").

Dear John:

As indicated in my attached letter, the Neighborhood Meeting for the above-referenced prospective rezoning case was held on June 1, 2015 at 7:00 PM at the Abbotts Creek Community Center in the Classroom, 9950 Durant Road, Raleigh, NC 27614 27613, to discuss the proposed rezoning of the Property located at 11110 Falls of Neuse Road and a portion of 1590 Dunn Road.

Barry Metcalf of prospective developer Aspens Senior Living, LLC led the discussion. The persons and organizations contacted about this meeting are indicated on the attached list and the neighbors in attendance are indicated on the attached sign-in sheets.

Following is a summary of the issues which were discussed at the Neighborhood Meeting:

1. Uses. We generally discussed the proposed uses for the property. Neighbors objected to several of the uses which were suggested and the prospective developer agreed to consider restricting the use to a single use of age restricted multi-unit housing.
2. Access. The City's requirements mandating maximum block perimeters and the effect on this property and development were discussed. Mr. Metcalf indicated that since the Property did not have direct access to Whittington and the City and State had both indicated that access to Falls of Neuse would be prohibited, the sole access to the Property would most likely be from Dunn Road. Mr. Metcalf indicated he had agreed to purchase a portion of the property owned by

Dunn Investments, LLC which has frontage on Dunn Road. It is believed that the existing private access road from Dunn will be adequate for service vehicles and fire and other emergency vehicles. The private access road is jointly maintained by private property owners. It was noted that the prospective developer would need to request that the City Council approve modifications to block perimeter and connectivity requirements under the recently approved TC-8-15.

3. Connection to Falls of Neuse. As stated above, the project engineers have been told by NCDOT that access to Falls of Neuse, which is a state road, would not be permitted for this use.

4. Grading. The prospective developers indicated that the site would need to be balanced, which would require cut and fill--moving some soil from one side to the other, and will require a retaining wall adjacent to the property to the immediate north owned by Dunn Road Associates, LLC. The grade of the property slopes to the rear, and thus building a 3-4 split level building would require the 4-story side to be adjacent to the neighborhood. The downward sloping grade would preclude placing the 4-story side adjacent to Falls of Neuse.

5. Building Height. The parties discussed the proposed height of the independent living building. The current proposal is to request an OX-4 zoning designation which allows 4 stories but to include a condition providing for a cap on the absolute height at 55 feet. The maximum absolute height for 4 stories under the UDO is 62 feet and therefore a height cap of 55 will cause the height to be closer to the 3-story standard than the 4-story standard.

6. Elevations. The neighbors expressed their desires to view a "virtual reality" elevation of the proposed building and its placement on the Property. The neighbors would like to view virtual reality elevations from several vantage points including: the adjacent neighborhood, Falls of Neuse Road, Whittington Drive. The prospective developer indicated that he would investigate the possibility of producing such an elevation.

7. Landscaping. There was a discussion of adding additional landscaping to the project. Although there are significant TCA and forestation requirements, additional plantings will be needed. Some neighbors suggested Green Giant Arbor Vitae as a pleasing, fast and tall growing plant species. According to one neighbor, these trees grow to approximately 30-40 feet in height.

8. Residents of Independent Living. A question was asked about the typical resident of the senior housing development. Mr. Metcalf indicated that his residents' average age is 78 years old, and that they frequently do their own shopping. He indicated that many drive but they are less likely to travel by car in peak hours and more typically drive in the middle of the day. For non-drivers, the development will provide transportation for shopping or other activities, if desired by the residents.

9. Stormwater. In response to questions about stormwater management, Mr. Metcalf indicated that he expects to modify the existing pond to increase its capacity so that it can handle the stormwater from both the existing daycare on the adjacent site and his independent living

Pre-Application Conference

(this form must be provided at the time of formal submittal)



DEVELOPMENT SERVICES DEPARTMENT

Development Services Customer Service Center | 1 Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2495 | cfax 919-996-1831
Litchford Satellite Office | 8320 - 130 Litchford Road | Raleigh, NC 27601 | 919-996-4200

PROCESS TYPE

- ☐ Board of Adjustment (Contact: Eric Hodge)
- ☐ Comprehensive Plan Amendment (Contact: Bynum Walter)
- ☒ Rezoning (Contact: John Anagnost)
- ☐ Site Review* (Contact: Stacy Barbour)
- ☐ Subdivision (Contact: Meade Bradshaw)
- ☐ Subdivision (Exempt) (Contact: Peggy Goodson)
- ☐ Text Change (Contact: Travis Crane)

* Optional conference

GENERAL INFORMATION

Date Submitted October 30, 2015

Applicant(s) Name Falls Office Partners LLC and Dunn Investments LLC (Isabel Mattox - contact)

Applicant's Mailing Address PO Box 946 Raleigh, NC 27602

Phone 919-828-7171

Email isabel@mattoxfirm.com

Property PIN # 1729212644; 1729214636

Site Address / Location 11110 Falls of Neuse Rd & a portion of 1590 Dunn Rd

Current Zoning PD

Additional Information (if needed) :

The original Pre-Application Conference form was misplaced. The conference was held on October 30, 2015 at 11:30 am with Doug Hill or Daniel Band.

OFFICE USE ONLY

Transaction # :

Date of Pre-Application Conference :

Staff Signature