



Certified Recommendation

Of the Raleigh Planning Commission

CR# 11369

Case Information Z-7-10/Tryon Road

<i>Location</i>	North side of Tryon Road, East of its intersection with Trailwood Drive
<i>Size</i>	3.4 acres
<i>Request</i>	Rezone property from Neighborhood Business, Office and Institution-1 and Residential -10 with Watershed Protection Overlay to Residential-15 Conditional Use with Watershed Protection Overlay

Comprehensive Plan Consistency

<i>Future Land Use Designation</i>	Moderate Density Residential
<i>Applicable Policy Statements</i>	LU 1.3 – Conditional Use District Consistency LU 4.5 – Connectivity LU 5.4 – Density Transitions LU 7.3 – Single Family Lots on Thoroughfares

Consistent

Inconsistent

Summary of Conditions

<i>Submitted Conditions</i>	<ul style="list-style-type: none"> Limits density to 14 dwelling units per acre Limits vehicular access onto Tryon Road to one access point Provides a transit easement along Tryon Road Additional parking regulations
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Issues and Impacts

<i>Outstanding Issues</i>	All issues have been addressed by the applicant.
<i>Impacts Identified</i>	No adverse impacts identified

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
2-23-10	4-20-10	N/A	N/A	4-27-10	Approval

Valid Statutory Protest Petition

Attachments



Zoning Staff Report – Z-7-10

Conditional Use District

Request

<i>Location</i>	North side of Tryon Road, East of its intersection with Trailwood Drive
<i>Request</i>	Rezone property from Neighborhood Business, Office and Institution-1 and Residential-10 with Watershed Protection Overlay to Residential-15 Conditional Use with Watershed Protection Overlay
<i>Area of Request</i>	3.4 acres
<i>Property Owner</i>	Smith Family Irrevocable Charitable Unitrust – James Cox, Trustee
<i>PC Recommendation Deadline</i>	August 18, 2010

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Neighborhood Business, Office and Institution-1 and Residential-10	Residential-15 Conditional Use
<i>Additional Overlay</i>	Watershed Protection Overlay	Watershed Protection Overlay
<i>Land Use</i>	Single Family Residential/Vacant	Residential
<i>Residential Density</i>	Maximum of 30 units (between all districts)	14 units per acre (up to 47 units)

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	TD CUD (Z-19-90)	RR with WPOD	R-10	TD CUD with WPOD
<i>Future Land Use</i>	Moderate Density Residential	Low Density Residential	Moderate Density Residential	Moderate Density Residential
<i>Current Land Use</i>	Multi-family Residential	Single Family Rural Residential	Single Family Residential; Multi-family Residential	Vacant

Comprehensive Plan Guidance

<i>Future Land Use</i>	Moderate Density Residential
<i>Area Plan</i>	None (Directly north of Area Plan 19:Swift Creek Watershed Plan)
<i>Applicable Policies</i>	LU 1.3 – Conditional Use District Consistency LU 4.5 – Connectivity LU 5.4 – Density Transitions LU 7.3 – Single Family Lots on Thoroughfares

Contact Information

<i>Staff</i>	Stan Wingo: stan.wingo@ci.raleigh.nc.us ; 516.2663
<i>Applicant</i>	Beth Trahos: 755-8760 David York: 755-8749
<i>Citizens Advisory Council</i>	Southwest: Mary Bell Pate 772-9460

Overview

This property is currently zoned Neighborhood Business, Office and Institution-1 and Residential-10 with Watershed Protection Overlay District. The applicants propose rezoning to Residential-15 Conditional Use with retention of the Watershed Protection Overlay. The property currently contains single family residential and vacant land. The applicants proposed conditions limit density to 14 dwelling units per acre, provides for an extension of Ocean Reef Place to Tryon Road, limits vehicular access onto Tryon Road to one access point and provides a transit easement along Tryon Road.

Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

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

1.1 Future Land Use

The Future Land Use Map designates this area as being appropriate for Moderate Density Residential development. The base zoning on the majority of this site is currently inconsistent with this designation. The existing zoning allows retail and office uses for those portions zoned Neighborhood Business and Office and Institution-1. A rezoning to R-15 is more consistent with the future land use designation of moderate density residential. The applicants have willingly restricted density to a maximum of 14 dwelling units per acre. The moderate density residential category envisions a range of density between 6 and 14 dwelling units per acre. The area to the north and west, rezoned in 1990 as Z-19-90, is conditioned to 20 units per

acre within its Thoroughfare District Conditional Use zoning classification, and is developed as a multifamily townhome development.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

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

The conditions offered by the applicant are consistent with the guidelines set forth in 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.

The conditions offered by the applicant provide for the extension of Ocean Reef Place to the north, through the site to Tryon Road. The completion of this street will help promote vehicular and pedestrian connectivity across the site.

Policy LU 5.4 – Density Transitions
Low- to medium-density residential development and/or low impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

The conditions offered by the applicant limit density to 14 residential dwelling units per acre. This limitation brings the density within the range of moderate density residential and serves as a transition between the development to the north, which is conditioned to 20 units per acre in the Thoroughfare conditional use district, and the rural single family residential to the south.

1.3 Area Plan Guidance

No applicable small area plan guidance.

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

The current base zoning on the property includes Neighborhood Business and Office and Institution-1. These current districts have the potential for multifamily residential, office, institutional and retail uses. Rezoning the property to Residential-15 Conditional Use would be more compatible with the surrounding land use. The majority of land uses to the north and east are multifamily apartment developments. To the south, across Tryon Road, is single family residential. Rezoning the property to allow solely moderate density residential development, while removing the incompatible uses allowed under current zoning, is compatible and consistent with the surrounding area.

3. Public benefits of the proposed rezoning

As currently zoned, the property could be developed as moderate density residential. However, the allowable uses also include retail and office and institutional. This proposal would prohibit both retail and office and institutional uses, which would be more

compatible with the surrounding area, have less of an impact on infrastructure, and bring the site into conformity with the guidelines of the Comprehensive Plan.

4. Detriments of the proposed rezoning

There are no known detriments associated with this request.

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

5.1 Transportation

Tryon Road is classified as a secondary arterial (2007 ADT 20,000 vehicles per day) and exists as a 4-lane median divided roadway with curb and gutter and sidewalks on both sides within a 90-foot right-of-way. City standards call for Tryon Road to be constructed as a 6-lane facility striped with 4' bicycle lanes on both sides. By the year 2030 traffic volumes along Tryon Road near the subject property are forecasted to increase by 142% to 48,000 vehicles per day.

Ocean Reef Place is classified as a residential street and exists as an unimproved dirt path within a 60-foot right-of-way. City standards call for Ocean Reef Place to be constructed with a 41-foot back to back curb and gutter section with sidewalk on a minimum of one side within the existing right-of-way. Neither NCDOT nor the City have any projects currently scheduled in the vicinity of this case.

For the subject parcels east of Ocean Reef Place the petitioner may wish to add a condition stating that subject property will be limited to no more than one driveway onto Tryon Road. A shared drive between the two parcels adjacent to Ocean Reef Place may be considered. The petitioner may wish to add a condition stating that there will be no driveway access to Tryon Road from the property west of Ocean Reef Place. Due to the potential increase in land use intensity associated with the proposed zoning a traffic generation report is recommended for this case.

Impact Identified: This proposed rezoning will add approximately 56 cars per day to existing traffic on Tryon Road over the current zoning [28 vehicles per day entering the development and 26 vehicles per day exiting the development]. Traffic is expected to increase by five to ten vehicles per hour during the AM and PM peak flow periods.

5.2 Transit

	<i>Floodplain</i>	No FEMA Floodplain. No alluvial soils
	<i>Drainage Basin</i>	Swift Creek – no Neuse riparian buffers
The	<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
appli	<i>Overlay District</i>	Swift Creek Watershed Protection

cant has offered a condition to dedicate a standard transit easement.

Impact Identified: There is no identified impact related to transit.

5.3 Hydrology

Impact Identified: There is no identified impact related to hydrology.

5.4 Public Utilities

Impact Identified: The proposed rezoning will add approximately 8,710 gallons per day to the wastewater collection and water distribution systems of the City of Raleigh. There are existing sanitary sewer and water mains adjacent to the properties which the proposed property could connect to the public utilities systems. A sanitary sewer extension will be required to serve the most western property of the proposed rezoning request.

5.5 Parks and Recreation

The subject tract is not adjacent to any greenway corridors. Park service is provided by Carolina Pines community park and in the future by a recently acquired tract on Lineberry Street.

Impact Identified: There is no identified impact related to parks and recreation.

5.6 Urban Forestry

Code section 10-5006 (a)(11)f.2. requires that lots located in the Swift Creek Watershed set aside 25% of the lot area for either tree preservation or tree planting. Tree conservation is not required on parcels less than 2 acres in size.

Impact identified: There is no identified impact related to tree conservation.

5.7 Wake County Public Schools

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Swift Creek	587	108.1%	589	108.5%
Dillard Drive	1,167	121.2%	1,168	121.3%
Athens Drive	1,909	109.3%	1,910	109.3%

The Wake County Public schools in this area are overpopulated. While the proposal could create additional students, it would not have a significant impact on student populations. Potential increases would be approximately two students at Swift Creek Elementary, approximately one student for Dillard Drive Middle, and one student for Athens High.

Impact Identified: There are no identified impacts related to the public school system.

5.8 Designated Historic Resources

This site is not within a historic overlay district and does not include any historic landmarks.

	Maximum Demand (current)	Maximum Demand (proposed)
Water	18,065 gpd	26,775 gpd
Waste Water	18,065 gpd	26,775 gpd

Impact identified: There are no identified impacts related to historic resources.

5.9 Impacts Summary

There is very little impact on surrounding infrastructure associated with this case.

5.10 Mitigation of Impacts

All impacts and issues have been addressed by the applicant.

6. Appearance Commission

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

7. Conclusions

The request to rezone the property to Residential-15 Conditional Use is consistent with the relevant Comprehensive Plan policies and the future land use map. This site falls within an area designated as being appropriate for Moderate Density Residential. The applicant has offered to condition the property to 14 dwelling units per acre which would fall within the range of Moderate Density. The proposal also helps to create an appropriate transition from the higher density uses on the north side, to the low density residential to the south. The proposal would also be compatible with surrounding land uses and zoning.

Several impacts were identified and then subsequently addressed by the applicant with revised zoning conditions. Conditions were added to mitigate impacts associated with transportation and transit, and the applicant has amended the request and will retain the Watershed Protection Overlay District.

CITY OF RALEIGH

Existing Land Use Map

Z-7-10

NB, O&I-1,
and R-10 w/
WPOD

to

R-15 CUD

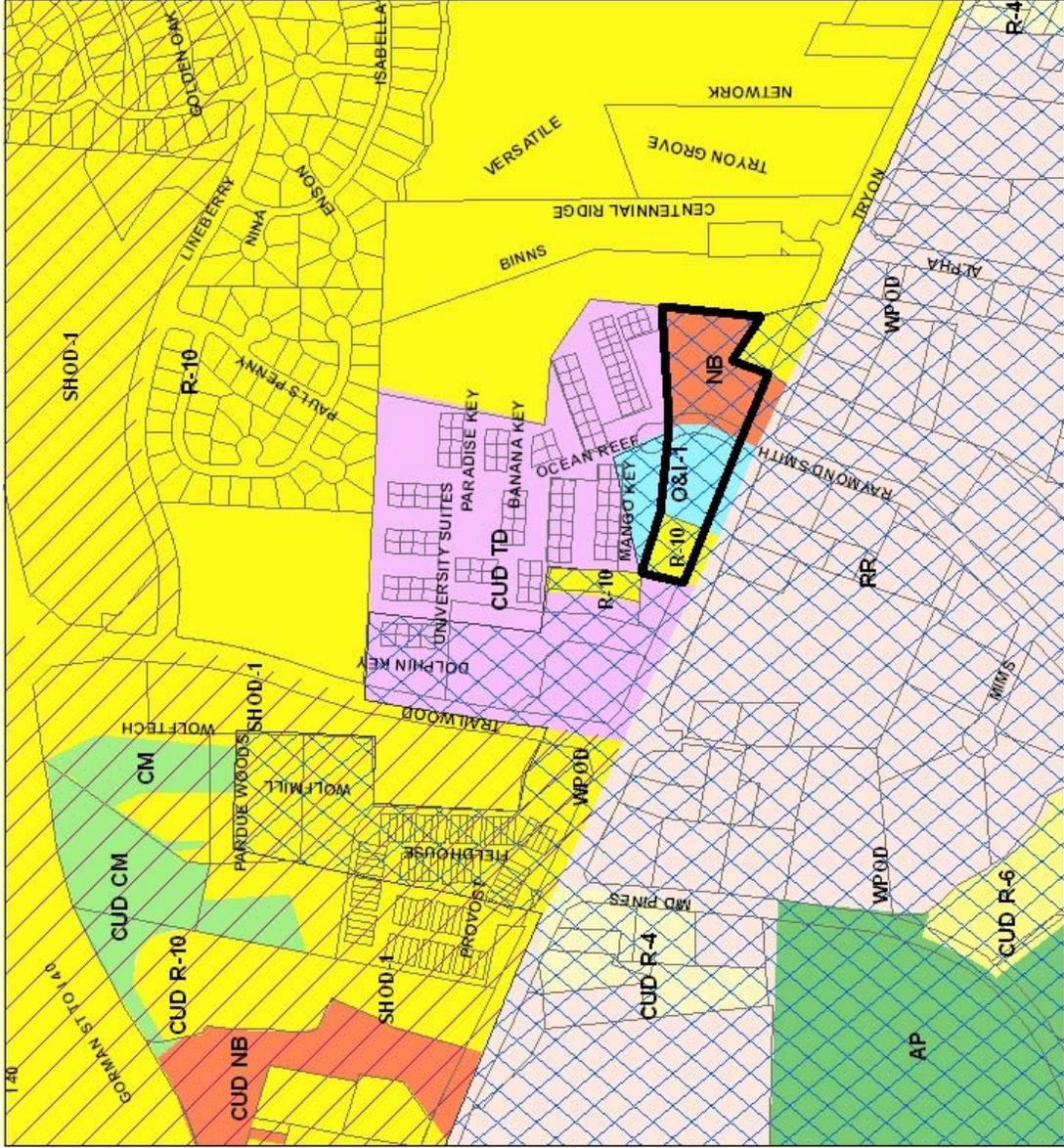
3.4 acres



Public Hearing
April 20, 2010
(August 18, 2010)

270

Feet



CITY OF RALEIGH

Future Land Use Map

Z-7-10

NB, O&I-1,
and R-10 w/
WPOD

to

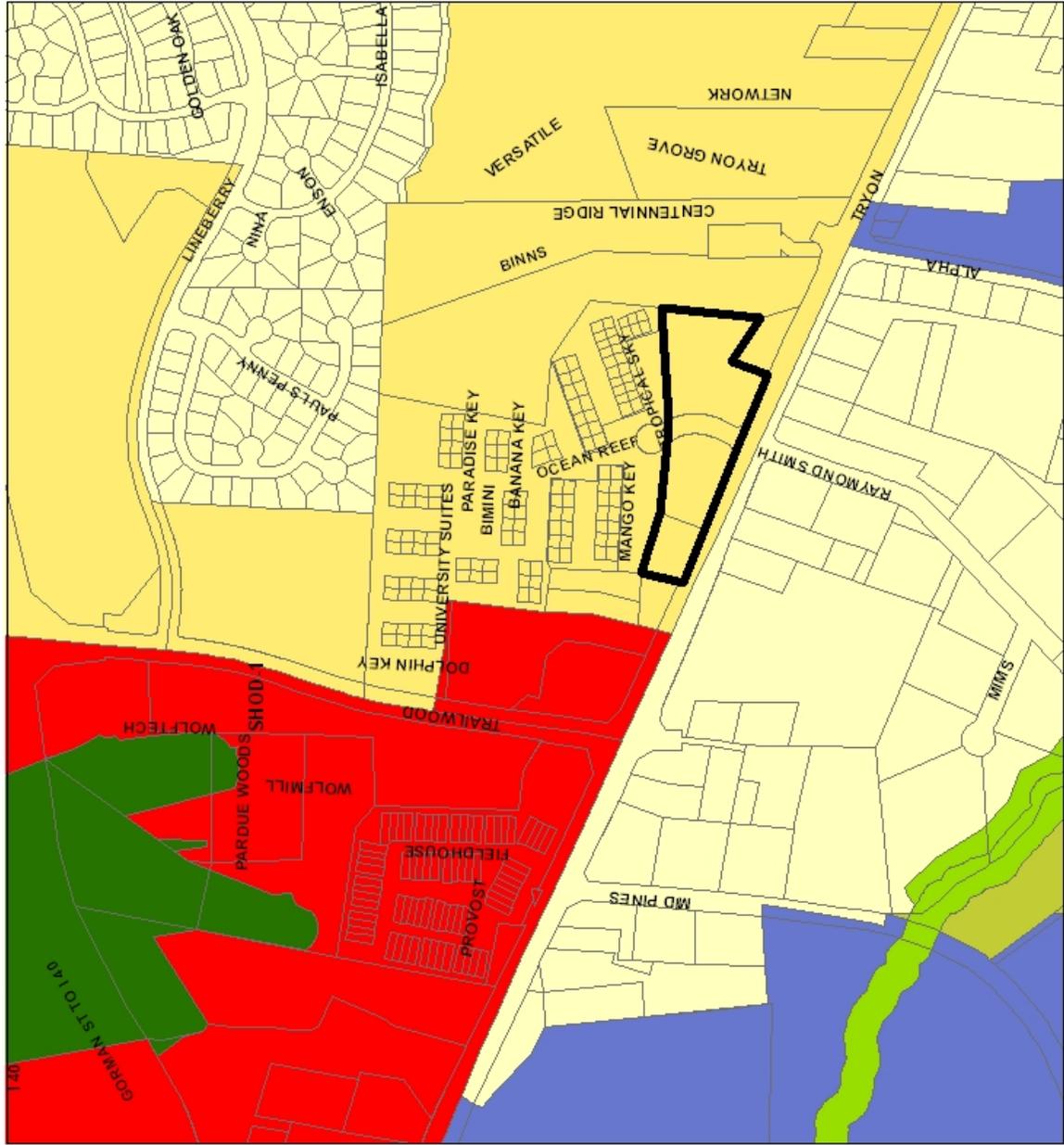
R-15 CUD

3.4 acres



Public Hearing
April 20, 2010
(August 18, 2010)

270 Feet





2009 DEC 18 AM 10:25

Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.

2. That the following circumstance(s) exist(s):

City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.

Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

The property has not heretofore been subject to the zoning regulations of the City of Raleigh.

3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.

4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:

- 1) to lessen congestion in the streets;
- 2) to provide adequate light and air;
- 3) to prevent the overcrowding of land;
- 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 5) to regulate in accordance with a comprehensive plan;
- 6) to avoid spot zoning; and
- 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes where appropriate

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

Signature(s) Patsy Smith Morgan, Trustee Date: 12/15/09

Please type or print name(s) clearly:
Patsy Smith Morgan, Trustee 12/15/09

Office Use Only	
Petition No.	2-7-10
Date Filed:	12.18.09
Filing Fee:	pd 1028.00 by CK# 6193

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print

See instructions, page 9

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	<u>Smith Family Irrevocable</u>	<u>216 E.Chatham Street,</u>	_____
	<u>Charitable Unitrust</u>	<u>Suite 108</u>	_____
	<u>James Cox, Trustee</u>	<u>Carv, NC 27511</u>	_____
2) Property Owner(s):	<u>Same as above</u>	_____	_____
	_____	_____	_____
	_____	_____	_____
3) Contact Person(s):	<u>Beth Trahos/David York</u>	<u>Smith Moore Leatherwood</u>	<u>919.755.8760-telephone</u>
	<u>2800 One Hannover Sq.</u>	<u>Beth.trahos@smithmoorel</u>	<u>919.838.3167-Fax</u>
	<u>Raleigh, NC 27611</u>	<u>aw.com</u>	_____
4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	<u>Wake County Property Identification Number(s) (PIN): 0792 06 8630; 0792 16</u>		
	<u>0547; and 0792 16 3571</u>		

General Street Location (nearest street intersections): <u>Intersection of Tryon Road</u> <u>and Ocean Reef Place</u>			
5) Area of Subject Property (acres):	<u>3.4±</u>		

6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	<u>Neighborhood Business, Office & Institution-1 and Residential-10. w w POD.</u>		

7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	<u>Residential- 15 CUD</u>		

Subject Properties:

- A. 0792068630 – 3410 Tryon
- Smith Family Irrevocable Charitable Unitrust
Mr. James D. Cox, Trustee
216 East Chatham Street
Suite 108
Cary, NC 27511-3495
- B. 0792160547 – 0 Tryon
- Smith Family Irrevocable Charitable Unitrust
Mr. James D. Cox, Trustee
216 East Chatham Street
Suite 108
Cary, NC 27511-3495
- C. 0792163571 – 2109 Rannette St
- Smith Family Irrevocable Charitable Unitrust
Mr. James D. Cox, Trustee
216 East Chatham Street
Suite 108
Cary, NC 27511-3495

Adjacent Properties:

- D. 0792164322 – 3302 Tryon
- Rhamkatte Masonic Lodge #827 AF&AM
820 Cooper Road
Raleigh, NC 27610-3730
- E. 0792174161 – 3300 Tryon
- Carolina Power and Light Company
Attn: W. H. Keith
P.O. Box 14042
St. Petersburg, FL 33733-4042
- F. 0792163135 – 3311 Tryon Road
- Milton Owens Battle

N. 0792075124 – 3420 Tryon Road

Roger Hanbarrier Investments, Inc.
10240 Durant Road
Raleigh, NC 27614-9783

O. 0792066696 – 3418 Tryon Road

Mr. Timothy L. Robinson
121 SW Maynard Road
Cary, NC 27511-4401

P. 0792066855 – 3416 Tryon Road

Donald L. Wells
Carmen T. Wells
3416 Tryon Road
Raleigh, NC 27603-2946

Q. 0792067825 – 3414 Tryon Road

Richard A. and Delois W. Spandau
3414 Tryon Road
Raleigh, NC 27603-2946

R. 0792068801 – 3312 Mango Key Court

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

S. 0792068841 – 3310 Mango Key Court

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

T. 0792068881 – 3308 Mango Key Court

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

U. 0792069821 – 3306 Mango Key Court

University Suites at NCSU LLC

763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

V. 0792069860 – 3304 Mango Key Court

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

W. 0792160800 – 3302 Mango Key Court

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

X. 0792160850 – 3300 Mango Key Court

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

Y. 0792068805 – 3313 Ocean Key Place

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

Z. 0792068844 – 3311 Ocean Key Place

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

AA. 0792068884 – 3309 Ocean Key Place

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

BB. 0792069824 – 3307 Ocean Key Place

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

- CC. 0792069864 – 3305 Ocean Key Place

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

- DD. 0792160814 – 3303 Ocean Key Place

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

- EE. 0792160844 – 3301 Ocean Key Place

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

- FF. 0792162755 – 3223 Tropical Paradise Way

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

- GG. 0792162786 – 3221 Tropical Paradise Way

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

- HH. 0792163707 – 3219 Tropical Paradise Way

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

- II. 0792163738 – 3217 Tropical Paradise Way

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

JJ. 0792163769 – 3215 Tropical Paradise Way

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

KK. 0792163890 – 3213 Tropical Paradise Way

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

LL. 0792162762 – 3232 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

MM. 0792162793 – 3230 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

NN. 0792163714 – 3228 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

OO. 0792163745 – 3226 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

PP. 0792163776 – 3224 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

QQ. 0792164707 – 3222 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

RR. 0792164775 – 3206 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

SS. 0792164782 – 3204 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

TT. 0792165700 – 3202 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

UU. 0792165716 – 3212 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

VV. 0792165723 – 3210 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

WW. 0792165731 – 3208 Tropical Sky Lane

University Suites at NCSU LLC
763 J Clyde Morris Blvd., Suite 1B
Newport News, VA 23601-1533

1011 Maple Avenue
Apex, NC 27502-1545

G. 0792162242 – 3315 Tryon Road

Edward E. & Alyce A. Williams
3132 Tryon Road
Raleigh, NC 27603-2940

H. 0792161159 – 3321 Tryon Road

Smith Family Irrevocable Charitable Unitrust
216 East Chatham Street
Suite 108
Cary, NC 27511-3495

I. 0792160209 – 3329 Tryon Road

Ms. Ann Rice Williams
3329 Tryon Road
Raleigh, NC 27603-2943

J. 0792068257 – 3405 Tryon Road

Ms. Vivian J. Farrar
3405 Tryon Road
Raleigh, NC 27603-2945

K. 0792067388 – 3409 Tryon Road

Mr. Isaac Kearney, III
3409 Tryon Road
Raleigh, NC 27603-2945

L. 0792065215 – 2207 Trailwood Drive

Ms. Minnie Thomas
2207 Trailwood Drive
Raleigh, NC 27603-2986

M. 0792064828 – 3428 Tryon Road

Mr. Timothy L. Robinson
121 SW Maynard Road
Cary, NC 27511-4401

2-7-10

XX. 0792079240 – 2190 Ocean Reef Place

University Suites at NCSU LLC
Community Association, Inc.
2100 Rannette Street
Raleigh, NC 27603-2900

Office Use Only
 Petition No. Z-007-10
 Original Date Filed: 12/18/09
 Amended Date: 4/28/10

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied – please type or print. See instruction, page 8.

1) Conditional Use Zone Requested: R-15 CUD, WPOD

2) Narrative of conditions being requested:

- A. Residential density shall be limited to 14 dwelling units per acre or a maximum of forty-seven (47) dwelling units.
- B. Direct vehicular access to Tryon Road from the Property shall be limited to a single point of access. Such access will be provided by one of the following two means:
 - 1) via, Rannette Street ; or
 - 2) if Rannette Street is closed, via the extension of the private road, Ocean Reef Place, along the same general location as the current Rannette Street's right-of-way.
- C. If requested to do so by the city, prior to lot recordation or issuance of any building permit, whichever shall first occur, the owner shall deed to the City a transit easement measuring 20' long be 15' wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.
- D. The site plan for the re-development of the subject property shall provide for parking as set forth in Code Section 10-2081 (as the same exist at the time of approval of this conditional use zoning district) without allowance for the code provided landscape related reduction. This condition may be accomplished by new parking spaces provided on land not included in this conditional use zoning district.

CITY OF RALEIGH
 CITY PLANNING DEPT
 2010 APR 29 AM 10:21

Note: if additional space is necessary, attach extra page(s) of Exhibit C signed and dated by all property owners

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on Page 9 through 13 of the Zoning Application Instructions.

Printed Name: Patsy Smith Morgan, Trustee
 Signature: Patsy Smith Morgan, Trustee Date: 4/27/2010
 Printed Name: Jeffrey M. Gray
 Signature: Jeffrey M. Gray Date: 4/27/2010

Office Use Only
Petition No. <u>2-7-10</u>
Date Filed: _____

EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

Please use this form only – form may be photocopied – please type or print.

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

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

The proposed rezoning serves to bring the subject property into compliance with the recommendations of the Future Land Use Map. The subject property is designated for "moderate density residential," which is defined as density between 6 and 14 units per acre. This rezoning request is for R-15 CUD with a condition that limits density to no more than 14 units per acre as recommended by the Future Land Use Map.

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

The subject property is not located within an Area Plan.

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

The proposed zoning map amendment is consistent with the Comprehensive Plan and other City Council-adopted plans and policies. This rezoning will bring the subject property into conformance with Future Land Use Map recommendation of moderate density residential (6-14 units per acre) and eliminate the retail and office zoning districts that do not comply with the Future Land Use Map designation. Further the proposed rezoning will provide opportunities for more dense residential development as suggested by Policy LU 2.2 Compact Development and accommodate a variety of housing styles as suggested by LU 8.1 Housing Variety. It also provides a transition between the existing University Suites Townhouse community and low-density residential across Tryon Road, as suggested by LU 5.4 Density Transitions and LU 5.1 Reinforcing the Urban Pattern.

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

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

Surrounding and nearby land uses include University Woods condominiums, University Suites townhomes, Extra Attic Self-Storage, the Centennial Apartments and single-family homes.

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

Surrounding property is zoned Thoroughfare District CUD with Watershed Protection Overlay District, Residential-10 both with and without the Watershed Protection Overlay District, and Rural Residential with the Watershed Protection Overlay District. Property south of Tryon Road is included within the Reservoir Watershed Protection Area and is limited to densities up to six units per acre. Property north of the Tryon Road has been developed more intensely, as the Future Land Use Map suggests.

Area building heights vary from single-story homes to four-story apartment buildings. There is little buffering between these similar residential uses. Fencing and berming separate the self-storage facility from immediately adjacent residential.

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

The subject property is suitable for moderate density residential. Adjacent and nearby property has been developed for moderate density residential in a variety of housing styles including townhomes, apartments, and single-family residential. A self-storage facility at the intersection of Tryon Road and Trailwood is an incongruous area use.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed rezoning benefits the land owner in that it provides an opportunity to unify the three separate lots under one zoning district that meets the intent of the Future Land Use map. The property owner owns property immediately adjacent to this site, and has an interest in ensuring it is developed in an attractive manner.

B. For the immediate neighbors:

Immediate neighbors will benefit from having the property rezoned from the existing commercial and office zoning to conform with the recommendations of the Future Land Use Map. Elimination of the current general use retail and office zoning districts will further limit the type of development permitted at this location to residential uses that will comport with the existing community.

C. For the surrounding community:

The surrounding community will benefit from having this property developed in accordance with the Future Land Use Plan. The proposed rezoning will provide the opportunity for new investment that will lend a bit of excitement to the community, and is necessary for a healthy community.

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

No, this rezoning will not provide a significant benefit to the property owners that is not available to surrounding properties. The subject property is being rezoned in accordance with the Future Land Use map which designates the entire area north of Tryon Road for moderate density residential.

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

The University Suites townhouse development to the north of the subject property stubs out a street into the property subject to this rezoning request. It is reasonable to continue a similar residential pattern of development on to the subject property, instead of the retail and office the current zoning suggest. Further, it is reasonable and in the public interest to unify these three properties under one zoning district in accordance with the Future Land Use Map.

V. Recommended items of discussion (where applicable).

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

This question is not applicable to this application.

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

Since the property was last zoned, surrounding property zoned Thoroughfare District has been developed as residential and the city has changed the land use expectations for the area by adopting a new comprehensive plan.

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

The new comprehensive plan acknowledges the need for the City of Raleigh to develop a greater variety of housing styles and a more dense pattern of residential development. The proposed rezoning moves these goals forward.

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

Public infrastructure is in place to serve the subject property. There is sufficient access to light and air, and mild topography on the subject property.

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

The proposed rezoning is designed to protect the public health, safety and general welfare by conforming with the recommendations of the 2030 Comprehensive Plan for the City of Raleigh and continuing the pattern of residential development existing in the area.

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