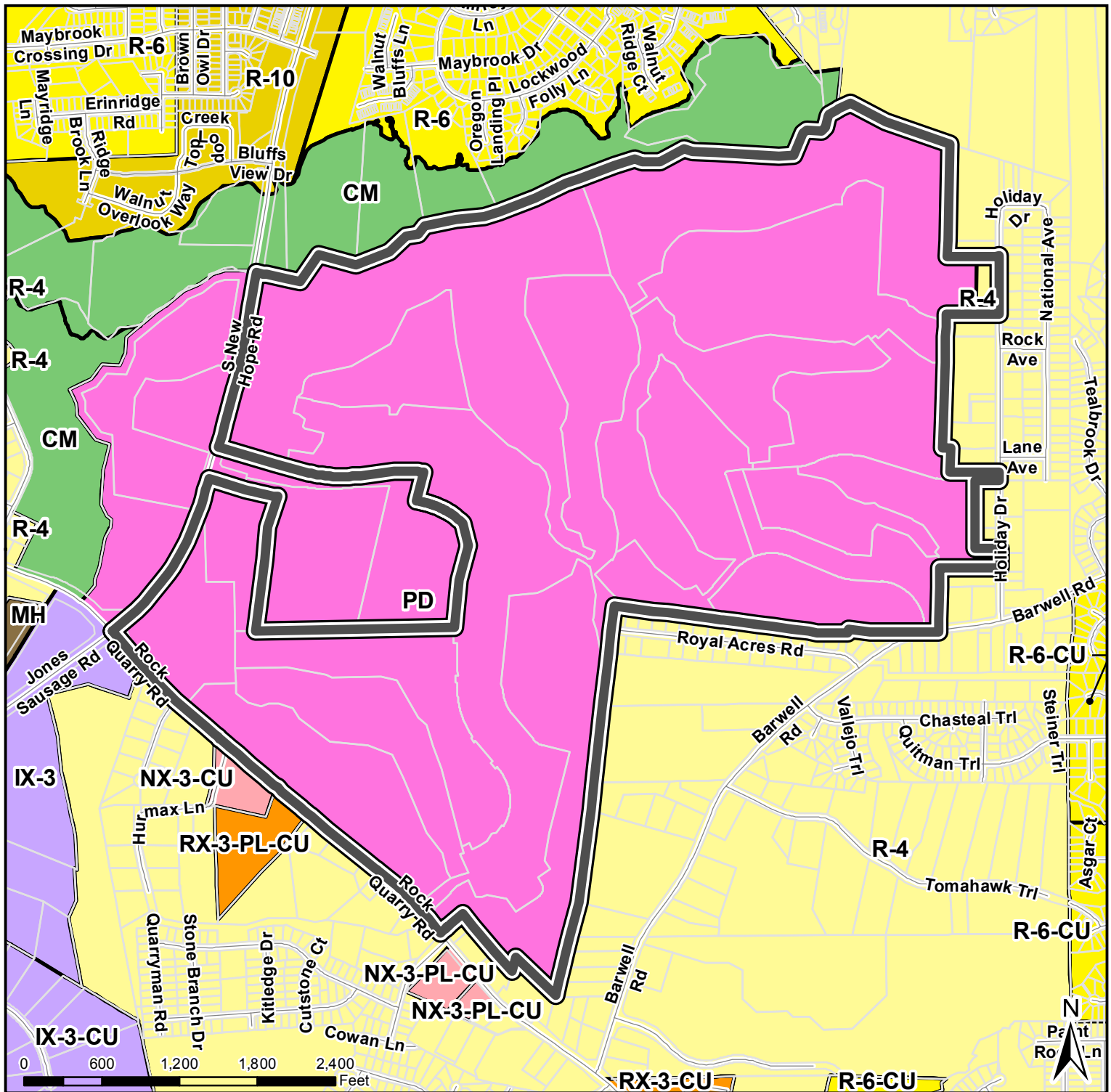
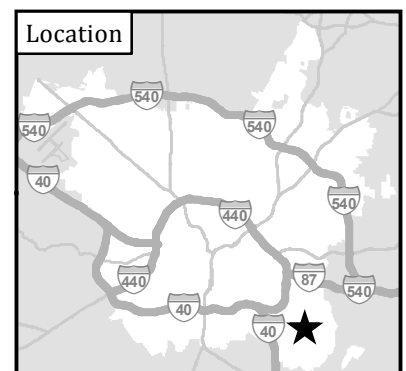


# Existing Zoning

Z-7-2018



Property	Barwell Rd, Holiday Rd, S New Hope Rd, & Rock Quarry Rd
Size	532 acres
Existing Zoning	PD & R-4
Requested Zoning	R-10-CU





## CERTIFIED RECOMMENDATION

Raleigh Planning Commission

CR#

### *CASE INFORMATION Z-7-18 S. NEW HOPE ROAD AND ROCK QUARRY ROAD*

Location	S. New Hope Road, at the northeast corner of its intersection with Rock Quarry Road Address: Multiple, see Exhibit A PIN: Multiple, see Exhibit A
Request	Rezone property from PD to R-10-CU
Area of Request	532 acres
Corporate Limits	The rezoning site is within the ETJ and existing corporate limits.
Property Owner	Land Holding, LLC 1900 East 9 <sup>th</sup> Street, 22 <sup>nd</sup> Floor Mail Stop B7-YB13-22-1 Cleveland, OH 44114
Applicant	Beth Trahos Nelson Mullins Riley & Scarborough, LLP 4140 Parklake Avenue, Suite 200 Raleigh, NC 27612
Citizens Advisory Council (CAC)	Southeast CAC Chair: Ulysses J. Lane <a href="mailto:ulane6@nc.rr.com">ulane6@nc.rr.com</a>
PC Recommendation Deadline	August 6, 2018

### *COMPREHENSIVE PLAN CONSISTENCY*

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

### *FUTURE LAND USE MAP CONSISTENCY*

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

### *COMPREHENSIVE PLAN GUIDANCE*

<b><i>FUTURE LAND USE</i></b>	Moderate Density Residential (MDR), Low Density Residential (LDR), Private Open Space (POS), Public Parks & Open Space (PPOS)
<b><i>URBAN FORM</i></b>	Transit Emphasis Corridor
<b><i>CONSISTENT Policies</i></b>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.4 – Large Site Development Policy LU 2.5 – Healthy Communities Policy LU 5.4 – Density Transitions Policy LU 8.9 – Open Space in New Development Policy LU 12.3 – Reservations for Community Facilities

	Policy T 5.9 – Pedestrian Networks Policy EP 2.5 – Protection of Water Features
<b><i>INCONSISTENT Policies</i></b>	Policy LU 2.2 – Compact Development Policy LU 8.13 – Traditional Neighborhood Development Policy H 1.8 – Zoning for Housing Policy UD 1.10 – Frontage

#### *SUMMARY OF PROPOSED CONDITIONS*

1. Limits development to 1,700 dwelling units. Prohibits the apartment building type.
2. Requires 25 acres to be set aside for a park.
3. Requires construction of a greenway along the northern property boundary with a segment extending south into the rezoning site toward Barwell Road.
4. Requires 25% of the site to be set aside for open space.

#### *PUBLIC MEETINGS*

<b><i>Neighborhood Meeting</i></b>	<b><i>CAC</i></b>	<b><i>Planning Commission</i></b>	<b><i>City Council</i></b>
11/14/2017	2/8/2018, 3/8/2018 (Y-19, N-2)	5/8/2018	

#### *PLANNING COMMISSION RECOMMENDATION*

[Select one of the following and fill in details specific to the case.]

☐ The rezoning case is **Consistent** with the relevant policies in the Comprehensive Plan, and **Approval** of the rezoning request is reasonable and in the public interest.

☐ The rezoning case is **Consistent** with the relevant policies in the comprehensive Plan, but **Denial** of the rezoning request is reasonable and in the public interest.

☐ The rezoning is **Inconsistent** with the relevant policies in the Comprehensive Plan, and **Denial** of the rezoning request is reasonable and in the public interest.

☐ The rezoning case is **Inconsistent** with the relevant policies in the Comprehensive Plan, but **Approval** of the rezoning request is reasonable and in the public interest due to changed circumstances as explained below. Approval of the rezoning request constitutes an amendment to the Comprehensive Plan to the extent described below.

Reasonableness and Public Interest	
Change(s) in Circumstances	

[if applicable]	
Amendments to the Comprehensive Plan [if applicable]	
<i>Recommendation</i>	
<i>Motion and Vote</i>	

#### *ATTACHMENTS*

##### 1. Staff report

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report and Comprehensive Plan Amendment Analysis.

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Planning Director                      Date	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Planning Commission Chairperson      Date
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Staff Coordinator:      John Anagnost: (919) 996-2638; [John.Anagnost@raleighnc.gov](mailto:John.Anagnost@raleighnc.gov)



## **ZONING STAFF REPORT – CASE #**

### *CONDITIONAL/GENERAL USE DISTRICT*

## **OVERVIEW**

The rezoning site is 532 acres of undeveloped land located at the northeast corner of the intersection of S. New Hope Road and Rock Quarry Road. Barwell Road and Holiday Drive are located just beyond the eastern edge of the site. Several streams drain the property generally from south to north and terminating in Walnut Creek, which forms the northern boundary of the site. Walnut Creek is a jurisdictional stream, as is one of its tributaries, which roughly bisects the site on a north-south axis. The land is sparsely vegetated on the western portion with forestation to the east.

The site is composed of 18 parcels of irregular shape and size. The delineation of the parcels appears to be related to the drainage of the site, with riparian areas contained in some parcels and intervening uplands contained in others. The rezoning property almost completely surrounds two parcels on the east side of S. New Hope Road, which are not part of the rezoning petition, that have about 200 feet of frontage on S. New Hope Road. A stub street extends from S. New Hope Road and separates these two parcels for a depth of about 200 feet. This stub street was built as an entrance to the Planned Development (PD) for which the site is currently zoned.

The PD, called Olde Towne, was approved in 2004. It allowed 2,405 dwelling units, 368,000 square feet of retail space, and 128,000 square feet of office space. The master plan for the PD allows commercial and medium density residential uses along S. New Hope Road, with moderate and low density residential development forming the remainder of the development. The master plan required that a golf course be constructed on the site, generally following the stream system. The golf course would require non-residents to pay a membership fee. The master plan also allowed tree conservation and stormwater requirements for commercial developments to be provided within the residential, golf course, and open space components of the project. A condition offered with the PD zoning required nine acres of the site to be dedicated to the City of Raleigh for a park. The rezoning request is for the residential areas of the master plan and does not include the commercial areas.

The zoning around the site is mostly Residential-4 along the eastern and southern edges. The north bank of Walnut Creek is zoned for Conservation Management. A small area of Neighborhood Mixed Use and Residential Mixed Use is present on the south side of Rock Quarry Road opposite the rezoning site. The vicinity of the site is largely low density residential or vacant. Barwell Road Elementary School and Barwell Road Park are located east of the southern end of the site. The Battle Bridge Shopping Center is located about three-quarters of a mile south on Rock Quarry Road. Walnut Creek Amphitheatre is just under a mile north on Rock Quarry Road.

The Future Land Use Map designation for the site is Public Parks & Open Space along Walnut Creek and its jurisdictional tributary. The area intended for the golf course is designated for Private Open Space. The remaining area is a combination of Moderate Density Residential and Low Density Residential. Outside the rezoning area, Community Mixed Use and Office & Residential Mixed Use are present along S. New Hope Road, corresponding to the commercial areas of the Olde Towne master plan. North of Walnut creek is Public Parks & Open Space, and to the east and south are Moderate Density Residential and Low Density Residential. The Urban Form Map shows Rock Quarry Road as a Transit Emphasis Corridor adjacent to the rezoning property.

The request is to rezone the site to Residential-10 with conditions. The conditions limit development to 1,700 dwelling units and prohibit the Apartment building type. Additional conditions require land to be set aside for a 25-acre park as well as construction of a greenway along Walnut Creek and extending along its jurisdictional tributary.

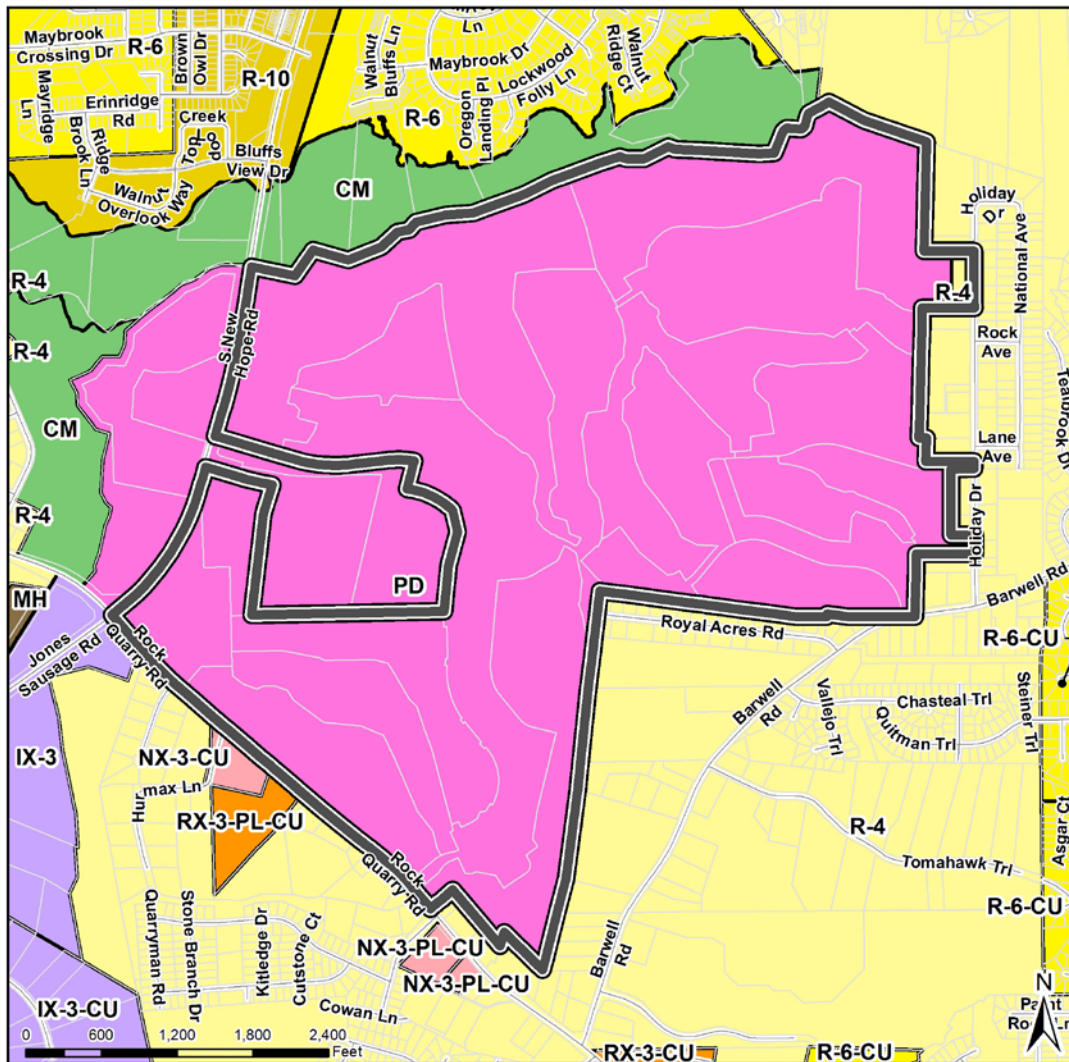
The effect of the rezoning would be to reduce the total number of dwelling units allowed on the property by about 28% and overall density of the property from 4.4 dwelling units per acre to 3.2 dwelling units per acre. A 14.6-acre area in the northwest corner of the site would no longer permit senior-housing apartments (Life Care or Congregate Care) due to the condition prohibiting the apartment building type. Land area dedicated to public park facilities would increase by 16 acres. A golf course covering 147 acres would no longer be required. About 1.5 miles of additional greenway trail would be constructed. Total open space would be reduced by approximately 100 acres from 233 acres (including the golf course) to 133 acres. Generally, the rezoning would reduce density, prohibit senior apartments in a limited area, increase park land, increase greenway trail construction, and remove the golf course requirement.

#### *OUTSTANDING ISSUES*

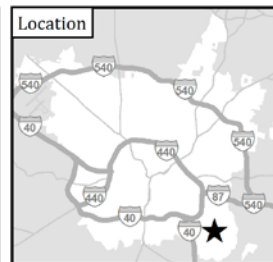
Outstanding Issues	<ol style="list-style-type: none"> <li>1. Land remaining in the PD will be rendered undevelopable.</li> <li>2. Greenway condition does not indicate construction of a greenway trail.</li> </ol>	Suggested Mitigation	<ol style="list-style-type: none"> <li>1. Rezone entire area of PD.</li> <li>2. Greenway condition should be revised to indicate construction of a greenway trail.</li> </ol>
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# Existing Zoning

Z-7-2018



<b>Property</b>	Barwell Rd, Holiday Rd, S New Hope Rd, & Rock Quarry Rd
<b>Size</b>	532 acres
<b>Existing Zoning</b>	PD & R-4
<b>Requested Zoning</b>	R-10-CU

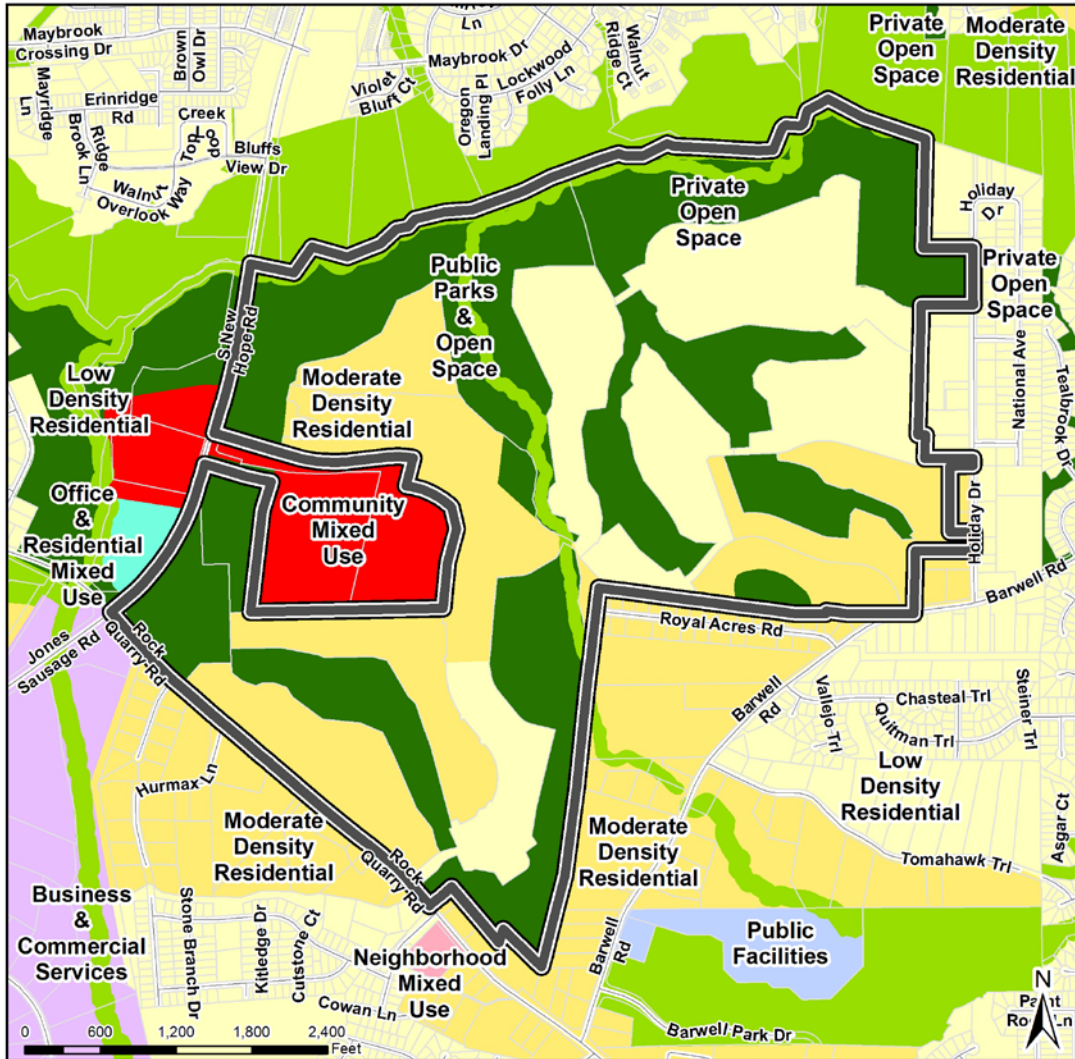


Map by Raleigh Department of City Planning (reckhowh): 3/9/2018



# Future Land Use

Z-7-2018



<b>Property</b>	Barwell Rd, Holiday Rd, S New Hope Rd, & Rock Quarry Rd
<b>Size</b>	532 acres
<b>Existing Zoning</b>	PD & R-4
<b>Requested Zoning</b>	R-10-CU

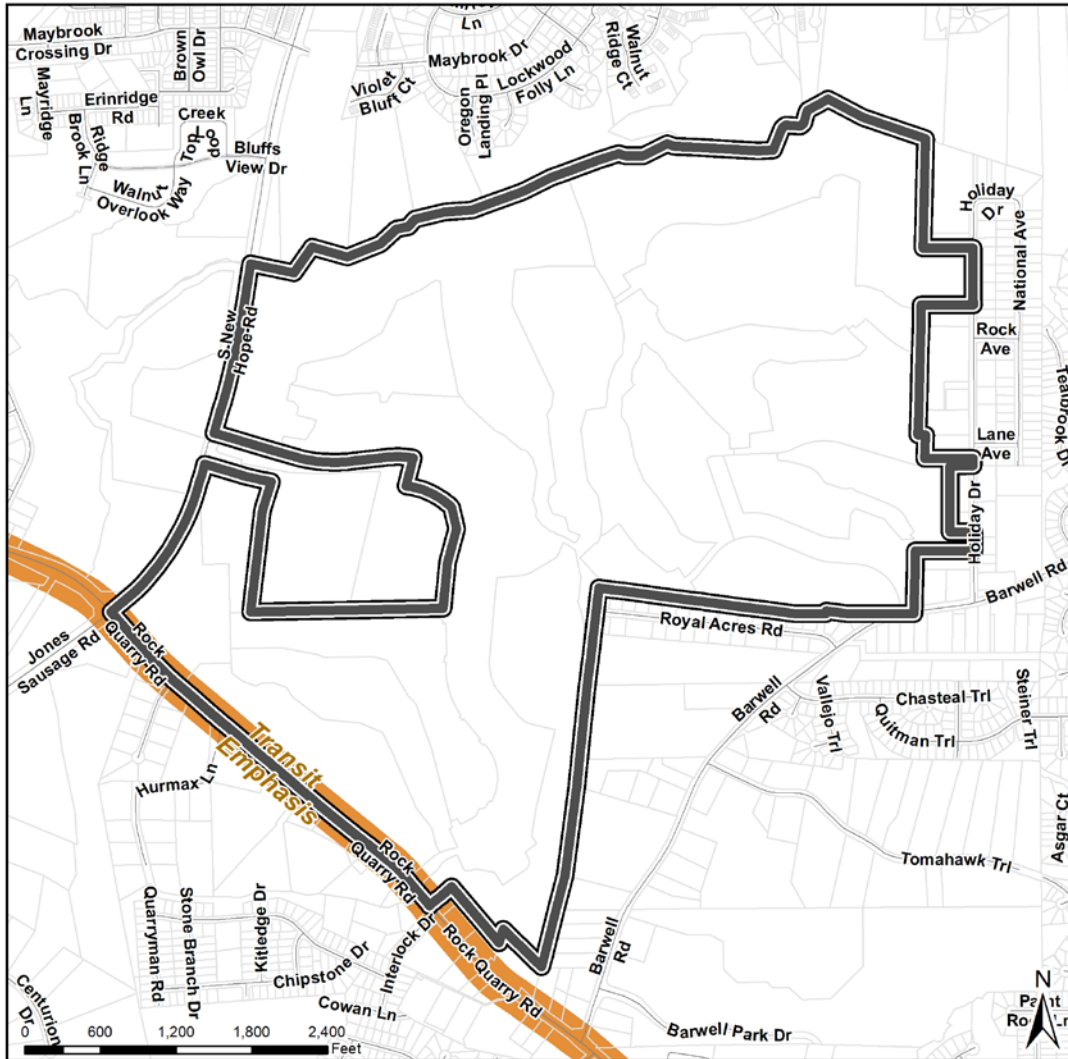
Map by Raleigh Department of City Planning (reckhowh): 3/9/2018





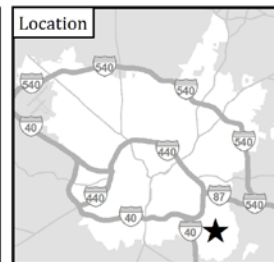
# Urban Form

Z-7-2018



<b>Property</b>	Barwell Rd, Holiday Rd, S New Hope Rd, & Rock Quarry Rd
<b>Size</b>	532 acres
<b>Existing Zoning</b>	PD & R-4
<b>Requested Zoning</b>	R-10-CU

Map by Raleigh Department of City Planning (reckhowh): 3/9/2018



## **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?

*Yes, the proposal is consistent with the Growing Successful Neighborhoods and Communities Vision Theme because it will allow convenient access to open space as called for in the vision theme. The provision of park and greenway infrastructure is consistent with this Vision Theme as well by making community services available that were not included in the existing zoning. The request is also consistent with the Greenprint Raleigh Vision Theme due to the open space proposed to be set aside.*

- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?

*Yes, the request is consistent with the Future Land Use Map designation on the majority of the site by following the density and building type recommendations of the residential designations and the use recommendations of the Public Parks and Open Space designation. The proposal would allow development of a significant portion of the Private Open Space areas without commensurate open space dedication. The consistency of the proposal with the other designations makes the request consistency overall with the Future Land Use Map.*

- 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?

*The proposal largely retains the overall character of the development by limiting density, dedicating land for recreational facilities, and setting aside open space. The potential development of the Private Open Space would not adversely affect the character of the site.*

- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

*A traffic study will be required at the time of development review, which will indicate street improvements needed to serve the development. Development applicants will be responsible for installation of public utilities as part of development review. The offered park and greenway facilities will mitigate below average parks level of service.*

## **Future Land Use**

**Future Land Use designation: Moderate Density Residential, Low Density Residential, Private Open Space, and Public Parks & Open Space**

**The rezoning request is:**

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

☐ **Inconsistent**

*Analysis of Inconsistency: The uses and density allowed by the proposed zoning are consistent with the recommendations of the Moderate Density Residential and Low Density Residential designations on the site. Areas of the site identified as Public Parks and Open Space are Neuse Riparian Buffers and therefore would not be able to be developed. The zoning request is consistent with the Public Parks and Open Space designation. The Private Open Space designation on the site accounts for nearly 250 acres. The park and open space offered by zoning conditions would provide approximately 133 acres of area meeting the recommendations of the Public Parks and Open Space designation. This is a significant reduction in potential open space that meets the description found in the Private Open Space designation. The proposed reduction in density and open space areas offered in the zoning conditions indicate that the overall character of the site will be consistent with what is shown in the Future Land Use Map.*

## **Urban Form**

**Urban Form designation: Transit Emphasis Corridor**

**The rezoning request is:**

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

☐ **Consistent** with the Urban Form Map.

☒ **Inconsistent**

*Analysis of Inconsistency: The request does not offer a Frontage along Rock Quarry Road, where the Transit Emphasis Corridor is designated. A Parking Limited frontage would be consistent with the Urban Form guidance. Residential zoning districts cannot have Frontages applied. The RX district with a Frontage could be requested in this area to make the proposal more consistent.*

## **Compatibility**

The proposed rezoning is:

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

☐ **Incompatible.**

*Analysis of Incompatibility: The density and building types allowed by the requested zoning are compatible with the surrounding development pattern. Overall density of the site would be less than four dwelling units per acre, and significant open space is proposed to be set aside. In some places along the eastern and southern boundaries of the rezoning site, the proposal would allow townhouse development in proximity to single family homes.*

## **Public Benefits of the Proposed Rezoning**

The proposal would enable the creation of a park and extension of the public greenway system. Traffic impacts on nearby streets may be reduced by the request.

## **Detriments of the Proposed Rezoning**

The proposed zoning would reduce the range of housing types allowed on the site, decreasing potential affordability of housing units on the site. Parcels remaining in the PD may be undevelopable if a golf course is not constructed on the rezoning site.

## **Policy Guidance**

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

### **Policy LU 1.2 – Future Land Use Map and Zoning Consistency**

The Future Land Use Map shall be used with the Comprehensive plan policies to evaluate zoning consistency including the proposed zoning map amendments and zoning text changes.

*The uses allowed by the request are consistent with the uses recommended by the Moderate Density Residential, Low Density Residential, and Public Parks & Open Space designations on the site. It is unclear whether the development of the site will be in keeping with the Private Open Space designations on the site, as these areas coincided with the golf course proposed by the existing master plan. Overall, the proposed zoning is consistent with the uses, density, and character recommended by the Future Land Use Map.*

### **Policy LU 1.3 – Conditional Use District Consistency**

The Future Land Use Map shall be used with the Comprehensive plan policies to evaluate zoning consistency including the proposed zoning map amendments and zoning text changes.

*The offered zoning conditions are consistent with the Future Land Use Map as well as several narrative policies of the Comprehensive Plan, including policies related to open space, public facilities, and density.*

### **Policy LU 2.4 – Large Site Development**

Developments on large sites should set aside land for future parks and community facilities to help meet identified needs for public amenities and services and to offset impacts of the development.

*The proposal includes a condition requiring construction of a public park and greenways trails. These facilities would mitigate impacts on parks level of service in the rezoning area.*

### **Policy LU 2.5 – Healthy Communities**

New development, redevelopment, and infrastructure investment should strive to promote healthy communities and active lifestyles by providing or encouraging enhanced bicycle and pedestrian circulation, access, and safety along roads near areas of employment, schools, libraries, and parks.

*The request proposes to construct greenway trails within the development.*

### **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 rezoning would allow for low density residential development between single-family neighborhoods to the east and areas to the west of the site that are designated for commercial uses on the Future Land Use Map.*

### **Policy LU 8.9 – Open Space in New Development**

New residential development should be developed with common and usable open space that preserves the natural landscape and the highest quality ecological resources on the site.

*The request would remove a requirement for a paid-membership golf course and require a construction of a 25-acre park. The rezoning includes a condition requiring 25% of the site to be set aside for open space (which may include the park).*

### **Policy LU 12.3 – Reservations for Community Facilities**

Plans for large sites should identify park and community facility needs and reserve appropriate portions of the site for schools, parks, public safety buildings, and other facilities.

*The request calls for a 25-acre park to be constructed on the site.*

### **Policy T 5.9 – Pedestrian Networks**

New subdivisions and large-scale developments should include safe pedestrian walkways or multi-use paths that provide direct links between roadways and major destinations such as transit stops, schools, parks, and shopping centers.

*The offered zoning conditions require construction of greenway trails. The greenway trails are proposed in a location where they would be adjacent to the proposed park.*

### **Policy EP 2.5 – Protection of Water Features**

Lakes, ponds, rivers, streams, and wetlands should be protected and preserved. These water bodies provide valuable storm water management and ecological, visual and recreational benefits.

*The request reduces the allowed density in an area that contains a dense stream network and a Neuse Riparian Buffer.*

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

### **Policy LU 2.2 – Compact Development**

New Development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.

*The proposal would reduce the allowed density and prohibit the Apartment building type. This may lead to lower density, more dispersed development of the site and reduced infrastructure efficiency. The applicant could increase consistency with this policy by allowing the Apartment building type and increasing the number of allowed dwelling units.*



### **Policy LU 8.13 – Traditional Neighborhood Development**

Encourage Traditional Neighborhood Development (TND) and planning for large undeveloped sites within the City’s municipal boundaries to improve neighborhood and street connectivity. Traditional Neighborhood Development is an urban form characterized by compact, pedestrian-oriented design, which provides a variety of uses and diverse housing types within easy walking distance, and is anchored by a central public space and civic activity (school, library, church, or similar institution).

*The requested zoning does not allow for a mix of uses. The proposed park would not be centrally located, and an offered condition prohibits the Apartment building type, decreasing potential housing diversity. The offered conditions do not require that residential development be within easy walking distance of adjacent sites designated for commercial use. To improve consistency, the request could include conditions requiring density to be focused in particular areas, specifically in proximity to adjacent sites designated for commercial uses.*

### **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.

*An offered condition prohibits the Apartment building type. This would reduce the variety of housing types which can be developed on the site. This also prohibits Apartment buildings that would house Group Living uses such as Congregate Care and Rest Home. This condition could be removed or limited to certain areas to increase consistency with this policy.*

### **Policy UD 1.10 – Frontage**

Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form.

*The request does not include a frontage for Rock Quarry Road, which is designated as a Transit Emphasis Corridor on the Urban Form Map. This designation calls for a hybrid frontage such as the Parking Limited frontage. Residential zoning districts do not allow frontages. The RX district could be requested in this area or conditions could be offered that would orient development toward Rock Quarry Road.*

### **Area Plan Policy Guidance**

There is no area plan guidance for the rezoning site.

## **Impact Analysis**

### ***Transportation***

The Z-7-2018 site is located in southeast Raleigh and is bounded by New Hope Road on the west, Rock Quarry Road on the south, Barwell Road on the east and Walnut Creek on the north. The Z-7-2018 parcels were the residential and golf course component of the former Olde Towne development. For most of their frontage along the subject parcels, Rock Quarry, New Hope and Barwell have two-lane cross sections without curbing or sidewalks. Additional lanes and other improvements have been made at the intersection of Rock Quarry/New hope and Rock Quarry/Barwell. There are no transit stops or exclusive bike lanes in the vicinity of the Z-7-2018 parcels.

There are no NCDOT projects or City of Raleigh CIP projects planned for any of the streets that abut the Z-7-2018 site. Both New Hope Road and Barwell Road are slated for bicycle lanes in the Long Term Bikeway Plan. A separated bikeway is programmed for Rock Quarry Road in the Long Term Bikeway Plan but there is no timetable for construction. In FY2019, transit service is planned to be expanded to Rock Quarry Road and Barwell Road as a step in implementing the Wake Transit Plan.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. Royal Acres Lane is a neighborhood yield street that stubs into the eastern boundary of the Z-7-2018 site. The Raleigh Street Plan shows a new east/west street running through the Z-7-2018 site that will connect New Hope Road with Barwell Road. This new street is classified as a 2-Lane Avenue,.

Site access will be provided via Rock Quarry Road, New Hope Road, Barwell Road and other public streets. Walnut Creek forms the northern boundary of the Z-7-2018 parcels. Any new creek crossings will require substantial planning and environmental analysis.

In accordance with UDO section 8.3.2, the maximum block perimeter for R-10 zoning is 2,500 feet. The block perimeter for Z-7-2018, as defined by public rights-of-way for Rock Quarry Road, Barwell Road, Poole Road, Old Poole Road and New Hope Road is 33,500 feet. The new connector street between New Hope Road and Barwell Road will create a new block with a perimeter of 16,300 feet. Note however that subdivision of the property will create new public streets and blocks that will meet the block perimeter standards contained in the UDO and the Raleigh Street Design Manual. The circulation plan included in the previously adopted master plan (MP-1-2003) does not require a street network that is as well connected as current UDO standards would require.

The existing land is a vacant and generates no traffic. Approval of case Z-7-2018 would decrease the allowable residential density and lead to a net decrease in daily and peak hour trips, compared to the existing zoning. A traffic study is therefore not required for

rezoning case Z-7-2018. A traffic study will be required upon submittal of a development plan for the subject parcels.

**Impacts Identified:** Development of this large undeveloped tract will result in a neighborhood meeting the current design standards of the Unified Development Ordinance.

### ***Transit***

This parcel is along a transit emphasis corridor. It is currently served by GoRaleigh and the Wake County Transit Plan anticipates continued service along it. It will be subject to Raleigh UDO Articled 8.11 and Section 8.2.7

**Impact Identified:** Development will create additional demand for transit.

### ***Hydrology***

<i>Floodplain</i>	FEMA Floodplain present along northern boundary; quite a few areas of alluvial soils
<i>Drainage Basin</i>	Walnut, Big Branch S and Neuse
<i>Stormwater Management</i>	Subject to stormwater regulations under Article 9 of UDO.
<i>Overlay District</i>	none

**Impact Identified:** Several locations of Neuse Riparian Buffer are located on the site.

### ***Public Utilities***

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	0 gpd	588,000 gpd	425,000 gpd
<i>Waste Water</i>	0 gpd	588,000 gpd	425,000 gpd

1. The proposed rezoning would add approximately 425,000 gpd to the wastewater collection and water distribution systems of the City. 16" and 12" public water lines are located within the rights-of-ways of S New Hope Rd and Rock Quarry Rd respectively. A public sewer extension will be required along Walnut Creek. Offsite City of Raleigh Sanitary Sewer Easement acquisition will be required considering the closest gravity sewer is approximately 3000 LF from the proposed rezoning area.
2. 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 Building Permit & constructed prior to release of a Certificate of Occupancy.

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

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

#### **1. Greenways**

This site is impacted by **two designated greenway corridors**. Development of the property will trigger greenway easement dedication requirements as defined in UDO 8.6.1.

- a. This contains a portion of the **Walnut Creek corridor**, which requires dedication of a 100-foot wide greenway easement measured from the waterbody top-of bank. Walnut Creek runs generally along the northern border of this site.
- b. The site also contains a portion of **the Walnut Creek Tributary B corridor**, which requires the dedication of a 75-foot wide greenway easement measured from the waterbody top of bank (note that this dedication is required along *both* sides of the waterbody, for a combined greenway easement width of 150'). This corridor runs generally north-south through the center of the site, as well as parallel to Walnut Creek on the northern portion of the site.
- c. In addition to the required greenway easement dedication, the proposed rezoning conditions would provide for the construction of a greenway trails within these corridors.
- d. Nearest existing greenway trail access is provided by the **Walnut Creek Greenway Trail** (0.1 miles). Note that accessing the Walnut Creek Greenway Trail from this site requires crossing Walnut Creek.
- e. Bike/pedestrian access to the Walnut Creek Greenway Trail from this site is currently severely limited. The S New Hope Road bridge over Walnut Creek has a sidewalk on the west (southbound) side of the street, opposite this site. Furthermore, there is no sidewalk connection extending north or south from the bridge.
- f. The nearest greenway trail bridge crossing Walnut Creek is located at Barwell Road, approximately 0.75 miles due east of the boundary of this site (1.75 miles east of S New Hope Road). Future greenway trail connection to this crossing would require significant greenway easement acquisition across multiple parcels, as well as the construction of nearly 1 mile of greenway trail and associated structures.
- g. The proposed conditions would provide a greenway trail network that would serve the future residents of this site, and would provide enhanced bike/pedestrian access to the proposed public park for future residents. However, without a nearby means of crossing Walnut Creek, the proposed trails would be disconnected from the Capital Area Greenway Network, and the proposed public park would not be accessible by bikers or pedestrians coming from the area north of Walnut Creek.

## 2. Park Access

- a. Nearest existing park access is provided by **Barwell Road Park** (1.75 miles, measured from S New Hope Rd).
- b. Nearest undeveloped park property is located at **5326 Poole Rd** (2.0 miles) and **4808 Pearl Rd** (2.5 miles).
- c. Park Access Level of Service (LOS) in this area is considered **below average**. Park Access LOS for residents in the neighborhoods north of Walnut Creek is particularly low.
- d. This area is considered a **high priority** target area for park land acquisition.
- e. The proposed condition, which would provide for a 25 acre public park located along S New Hope Road, would significantly improve Park Access LOS for this area. This benefit would extend to new residents of this site, as well as existing residents in the surrounding neighborhoods.
- f. However, as noted in the Greenway section above, there currently exists no means of bike/pedestrian access to this site from the area north of Walnut Creek, and the new park would not be connected to the Capital Area Greenway Network via the existing Walnut Creek Greenway Trail.

### **Impact Identified:**

The Parks, Recreation and Cultural Resources Department strongly supports the spirit behind the proposed conditions. Provision of public park acreage, greenway trail construction, and development of public park amenities would provide a significant public benefit and would enhance Park Access LOS for this area of the city, which is currently underserved.

Applicants should work with PRCR and Planning staff to further refine the conditions related to the dedication of land and facilities for public park use. Further refinement is needed to language specifying the location, features, facilities, connectivity requirements, and review & approval process for the proposed conditions. Applicants should strongly consider the feasibility of providing for a connection from the site to the Walnut Creek Greenway Trail, which would provide bike/pedestrian access to the proposed public park and greenway trails on the site. Further consultation with the City Attorney's Office (via Planning staff) is also necessary to ensure enforceability of conditions proposing land transfer to the City.

### ***Urban Forestry***

1. There will be primary tree conservation areas in accordance with UDO 9.1.4.A required at the time a development plan (2 acres or greater in size) is submitted.
2. The following comments are about condition 6.
  - a. Tree conservation areas are required to be established prior to or concurrent to a subdivision and prior to building permit issuance per UDO 9.1.5.A.2.



- b. Property identification numbers (PINs) 1722944878 and 1722957498 have both been completely cleared and graded around the year 2007. These properties wouldn't meet the requirements of UDO 9.1.
- c. Condition 6 does not meet the requirements set forth in UDO section 10.2.4.E.2.i.
- d. On the zoning map property identification numbers (PINs) 1722944878 and 1722957498 are not included in the area to be rezoned. How can they be part of the conditions?
- e. Condition 6 mentions a threshold of 4 acres, but UDO 9.1 sets tree conservation area limits based on the type of tree conservation area, zoning of the property and Net Site Area. It is difficult to determine if the tree conservation requirements will be met without this information.
- f. Urban Forestry recommends removal of condition 6.

**Impact Identified:** Condition 6 does not meet the City of Raleigh requirements set forth in UDO Article 9.1 and UDO Section 10.2.4.E.2.i. Urban Forestry recommends removal of Condition 6.

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

The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District. It does not include nor is adjacent to any National Register individually-listed properties or Raleigh Historic Landmarks.

**Impact Identified: None**

### ***Impacts Summary***

The request would decrease potential demand for water, sewer, and transportation infrastructure for the rezoning site. Park level of service would be below average for development of the site.

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

The applicant has offered dedication and construction of a public park and greenway trails. Staff recommends these conditions be The applicant may offer a condition requiring construction of a separated bikeway on Rock Quarry Road to facilitate diversity of transportation modes along the site.

## **Conclusion**

The Z-7-18 site is 532 acres of variously vegetated land at the northeast corner of the intersection of S. New Hope Road and Rock Quarry Road. It is designated for a combination of Moderate Density Residential, Low Density Residential, Private Open Space, and Public Parks & Open Space on the Future Land Use Map. The Urban Form Map designates Rock Quarry Road as a Transit Emphasis Corridor along the site's frontage. The surrounding area is mostly single family neighborhoods and open space. Walnut Creek forms the northern boundary of the site, and there are several streams within the rezoning area.

The site is currently zoned PD with a master plan that calls for a golf course to be constructed concurrently with development of the PD and located in the rezoning area. The master plan contains two commercial areas, one almost fully enclosed by the rezoning area and the other on the opposite side of S. New Hope Road, that are not part of the rezoning request. The master plan allows for tree conservation areas for the commercial properties to be located in the rezoning area. If the rezoning is approved, the commercial areas would need to provide tree conservation on-site. Approval of the rezoning may have the effect of making development of the commercial properties a zoning nonconformity. The rezoning site is the location of the golf course proposed by the PD. The rezoning request does not provide for construction of a golf course.

The request reduces the overall entitlement on the site by 28% and requires dedication and construction of a public park and greenway trails. The overall character recommended for the site by the Future Land Use Map is retained and the proposal is consistent with the majority of the component designations. The request does not provide for a Frontage on Rock Quarry Road as called for by the Urban Form Map. The request also reduces density as well as the allowed variety of building types, making it inconsistent with Comprehensive Plan policies related to housing variety and infrastructure efficiency. The proposed zoning is consistent with the Comprehensive Plan and is compatible with the surrounding area. Potential infrastructure impacts would be reduced if the request is approved.

## **Case Timeline**

<i>Date</i>	<i>Revision [change to requested district, revised conditions, etc.]</i>	<i>Notes</i>
3/7/2018	Application complete.	

## Appendix

### Surrounding Area Land Use/ Zoning Summary

	<i>SUBJECT PROPERTY</i>	<i>NORTH</i>	<i>SOUTH</i>	<i>EAST</i>	<i>WEST</i>
Existing Zoning	PD	R-6, R-4, CM	NX-3-CU, RX-3-PL-CU	R-4	PD, CM
Additional Overlay	None	None	None	None	None
Future Land Use	Moderate Density Residential, Low Density Residential, Private Open Space, Public Parks & Open Space	Low Density Residential, Public Parks & Open Space	Neighborhood Mixed Use, Moderate Density Residential, Low Density Residential	Moderate Density Residential, Low Density Residential, Public Facilities, Public Parks & Open Space	Community Mixed Use, Office & Residential Mixed Use, Private Open Space, Public Parks & Open Space
Current Land Use	Open space	Townhouse, single family, open space	Retail, single family, open space	Public school, public park, single family, open space	Open space
Urban Form (if applicable)	Transit Emphasis Corridor	None	Transit Emphasis Corridor	None	None

### Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
Zoning	PD	R-10-CU
Total Acreage	532	532
Setbacks:		
Front:	Set by master plan	10'
Side:	Set by master plan	5'
Rear:	Set by master plan	20'
Residential Density:	4.4 dua.	3.2 dua.
Max. # of Residential Units	2,351	1,700
Max. Gross Building SF (if applicable)	N/A	N/A
Max. Gross Office SF	Not permitted	Not permitted

<i>Max. Gross Retail SF</i>	Not permitted	Not permitted
<i>Max. Gross Industrial SF</i>	Not permitted	Not permitted
<i>Potential F.A.R</i>	N/A	N/A

\*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.



# COMPREHENSIVE PLAN AMENDMENT ANALYSIS– CASE #

## OVERVIEW

[Generally describe the amendments to the Comprehensive Plan that may be necessary for approval of the rezoning request.]

### *LIST OF AMENDMENTS*

1. Numbered list: Insert blackline-formatted amendments to the Comprehensive Plan which should accompany approval of this case in order to resolve inconsistency. Provide an explanation for each amendment based on the circumstances of this case.
--

### *AMENDED MAPS*

[Insert images of amendments to policy maps which may need to accompany approval of this case in order to resolve inconsistency.]

### *IMPACT ANALYSIS*

[Describe citywide impacts of amendments listed above.]

Z-7-2018 Existing Land Use (Vacant)		Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
		0	0	0
Z-7-2018 Current Zoning Entitlements (Residential: 2,351 Townhomes)		Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
		10,031	646	801
Z-7-2018 Proposed Zoning Maximums (Residential: 1,700 Townhomes)		Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
		7,566	498	614
Z-7-2018 Trip Volume Change (Proposed Maximums minus Current Entitlements)		Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
		-2,465	-148	-187
<b>Z-7-2018 Traffic Study Worksheet</b>				
<b>6.23.4</b>	<b>Trip Generation</b>	<b>Meets TIA Conditions? (Y/N)</b>		
A	Peak Hour Trips $\geq$ 150 veh/hr	No, approval of case Z-7-2018 would lead to a net decrease in peak hour trips		
B	Peak Hour Trips $\geq$ 100 veh/hr if primary access is on a 2-lane street	No		
C	More than 100 veh/hr trips in the peak direction	No		
D	Daily Trips $\geq$ 3,000 veh/day	No		
E	Enrollment increases at public or private schools	Not Applicable		
<b>6.23.5</b>	<b>Site Context</b>	<b>Meets TIA Conditions? (Y/N)</b>		
A	Affects a location with a high crash history [Severity Index $\geq$ 8.4 or a fatal crash within the past three years]	No		
B	Takes place at a highly congested location [volume-to-capacity ratio $\geq$ 1.0 on both major street approaches]	No		
C	Creates a fourth leg at an existing signalized intersection	No		
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.	No		
E	Access is to/from a Major Street as defined by the City's Street Plan Map	Yes, Rock Quarry Road and New Hope Road are both classified as Avenue, 4-Lane, Divided in the Raleigh Street Plan. Due to the net decrease in peak hour trips, Transportation staff waives the traffic study for case Z-7-2018.		
F	Proposed access is within 1,000 feet of an interchange	No		
G	Involves an existing or proposed median crossover	No		
H	Involves an active roadway construction project	No		
I	Involves a break in controlled access along a corridor	No		
<b>6.23.6</b>	<b>Miscellaneous Applications</b>	<b>Meets TIA Conditions? (Y/N)</b>		
A	Planned Development Districts	No		
B	In response to Raleigh Planning Commission or Raleigh City Council resolutions	None noted as of March 20, 2018		



# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

## REZONING REQUEST

☐ General Use ☒ Conditional Use ☐ Master Plan

Existing Zoning Base District PD <sup>+R-4 9A</sup> Height <sup>N/A</sup> Frontage Overlay(s) \_\_\_\_\_

Proposed Zoning Base District R-10 Height <sup>N/A</sup> Frontage <sup>N/A</sup> Overlay(s) \_\_\_\_\_

Click [here](#) to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.

OFFICE  
USE ONLY

Transaction #

Rezoning Case #

2-7-2018

MAR 6 2018 PM 1:54

If the property has been previously rezoned, provide the rezoning case number: This property was rezoned in 2004 (Z-43-03/MP-1-03)

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

505230

## GENERAL INFORMATION

Date 2/11/2018

Date Amended (1) 2/11/2018

Date Amended (2) 2/11/2018

Property Address Please see attached list of addresses, PIN numbers and deed references.

Property PIN Please see attached list of addresses, PIN numbers and deed references.

Deed Reference (book/page) Please see attached list of addresses, PIN numbers and deed references.

Nearest Intersection Intersection of New Hope Road and Rock Quarry

Property Size (acres) 532± acres

(For PD Applications Only) Total Units

Total Square Feet

Property Owner/Address

Land Holding, LLC  
1900 East 9th Street, 22nd Floor  
Mail Stop B7-YB13-22-1  
Cleveland, Ohio 44114

Phone

Fax

Email

Project Contact Person/Address

Beth Trahos  
Nelson Mullins Riley & Scarborough, LLP  
4140 Parklake Avenue, Suite 200  
Raleigh, NC 27612

Phone (919) 329-3884

Fax

Email beth.trahos@nelsonmullins.com

Owner/Agent Signature

By: Charles Buttle

Email

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

**EXHIBIT A**

[illegible]

REZONING APPLICATION ADDENDUM #1	
<p align="center"><b>Comprehensive Plan Analysis</b></p>	<p align="center"><b>OFFICE USE ONLY</b></p> <p align="center"><b>Transaction #</b> 565230</p> <p align="center"><b>Rezoning Case #</b> Z-7-2018</p>
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.</p>	
<p align="center"><b>STATEMENT OF CONSISTENCY</b></p>	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
<p>The city's Future Land Use Map designates the Property a Moderate Density Residential and Private Open Space. Moderate Density is defined as 7 To 14 dwelling units per acre. The R-10 zoning district is appropriate given the Moderate Density designation. The Private Open Space designation, as the name suggests, encourages open space that is privately owned and maintained. The proposed zoning maintains at least twenty-five percent (25%) of the net site as public and private open space</p> <p>1.</p>	
<p>Rock Quarry Road is designated as a Transit Emphasis Corridor. The proposed community along with the larger mix of uses planned in the broader fulfills these goals.</p> <p>2.</p>	
<p>Please see the attached Exhibit C for additional Comprehensive Plan policies with which the project is consistent</p> <p>3.</p>	
<p>4.</p>	
<p align="center"><b>PUBLIC BENEFITS</b></p>	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
<p>This rezoning request provides a public benefit by rezoning the Property and allowing for its development consistent with many elements of the Comprehensive Plan.</p> <p>1.</p>	
<p>This rezoning request provides a public benefit by allowing the Property to be developed for residential uses to support the substantial growth of this area.</p> <p>2.</p>	
<p>This rezoning request provides a public benefit because it provides for a public park, ball fields, greenway, roadway improvements and an additional transit easement to support the City's plans and goals for the area.</p> <p>3.</p>	
<p>4.</p>	

**REZONING APPLICATION ADDENDUM #2****Impact on Historic Resources**

The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.

**OFFICE USE ONLY****Transaction #**

505230

**Rezoning Case #**

2-7-2018

**INVENTORY OF HISTORIC RESOURCES**

List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.

No historic resources are located on the Property.

**PROPOSED MITIGATION**

Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.

Not applicable.

## URBAN DESIGN GUIDELINES

The applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", or
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban Form Designation    Transit Emphasis Corridor    [Click here](#) to view the Urban Form Map.

1.	<p><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></p> <p><b>Response:</b> Retail and office uses are planned for adjacent parcel on both the east and west sides of New Hope Road where it intersects with Rock Quarry Road.</p>
2.	<p><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></p> <p><b>Response:</b> The proposed development will be consistent with planned commercial development in terms of scale, transitions and landscaping. R-10 zoning district allows for building heights of up to three stories.</p>
3.	<p><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></p> <p><b>Response:</b> Vehicular and pedestrian cross-access between the proposed residential and planned commercial is required by this zoning petition. Further, a greenway, connecting the the larger city greenway system, and a transit easement along Rock Quarry Road are planned to further encourage access between this site and the greater community.</p>
4.	<p><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></p> <p><b>Response:</b> Multiple interconnections and access points are planned as part of this development.</p>
5.	<p><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></p> <p><b>Response:</b> Block layouts will be designed to meet UDO standards.</p>
6.	<p><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></p> <p><b>Response:</b> Street accesses are planned to be aesthetically pleasing with attractive landscaping and sidewalks.</p>
7.	<p><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></p> <p><b>Response:</b> Homes will be appropriately positioned with respect to the street.</p>
8.	<p><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></p> <p><b>Response:</b> Environmentally sensitive areas at the intersection of Rock Quarry and New Hope Road will be preserved in an attractive way.</p>
9.	<p><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></p> <p><b>Response:</b> A large public park is planned along New Hope Road and greenway trails are being installed as shown by the City's Comprehensive Plan.</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p><b>Response:</b> Multiple streets, sidewalks, and greenway will provide access to the site.</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p><b>Response:</b> A variety of housing types and styles will border the open space. Commercial uses will be provided on the adjacent pieces designated for this purpose.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response:</b> Homes will abut the open space in a way that is comfortable to users.</p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b>Response:</b> It is anticipated that public spaces will include seating opportunities.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p><b>Response:</b> The only planned parking area is associated with the public park, and will be designed not to dominate street frontage, interrupt pedestrian ways or negatively impact surrounding developments.</p>

15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p><b>Response:</b> The only planned parking are is associated with the public park, and will be designed as described above.</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements cane make a significant improvement.</i></p> <p><b>Response:</b> No parking structures are planned.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>Response:</b> The proposed homes will be within walking distance of a bus stop on Rock Quarry Road.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Response:</b> Sidewalk will be provided to connect the transit stop and the neighborhood.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>Response:</b> This proposal commits that at least 25% of the net site will be preserved as open space, including environmentally sensitive areas and steep slopes wherever possible.</p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response:</b> Streets will meet UDO standards.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response:</b> Sidewalks will meet UDO standards.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Response:</b> Street trees will be planted in accordance with the UDO.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response:</b> Homes and street trees will be installed to achive appropriate street edges, including a reasonable ration between height and width.</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Response:</b> Front doors are intended to address the primary street.</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response:</b> Homes are planned to include windows, entrances and other architectural detail on the ground level.</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Response:</b> Pedestrian will be able to move through the neighborhood to the planned commercial, the public park and greenway trail.</p>

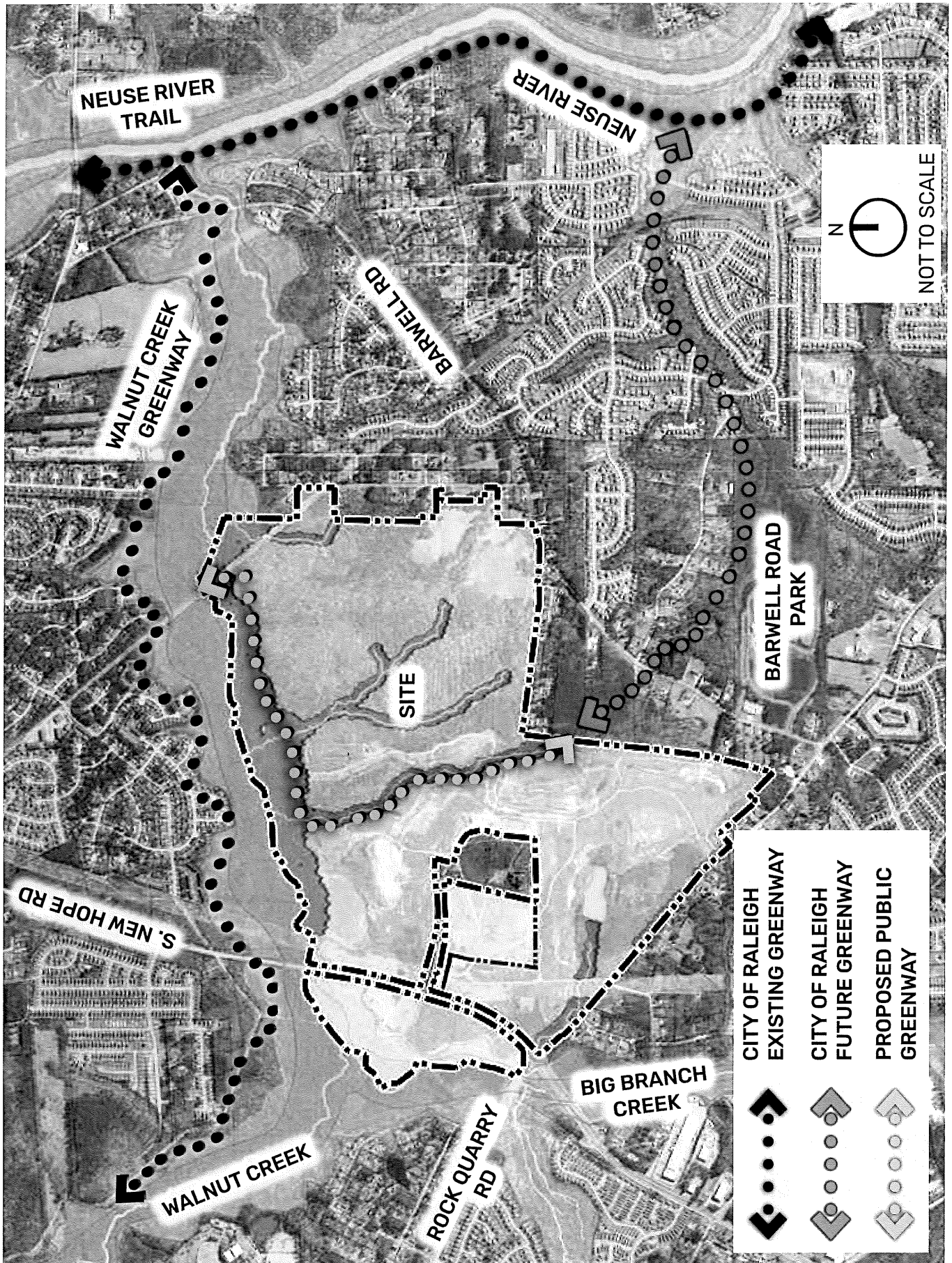


CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number		OFFICE USE ONLY  Transaction #  Rezoning Case #
Date Submitted 2/11/2018		
Existing Zoning PD	Proposed Zoning R-10 CU	
Narrative of Zoning Conditions Offered		
The total number of dwelling units shall not exceed 1,700 units on the subject property. The apartment building type shall not be permitted.		
1.		
At the time of issuance of the first certificate of occupancy for a dwelling unit, the property owner shall create an area containing at least twenty-five (25) acres of land identified by the property owner and located on the subject property near the intersection of the New Hope Road and Walnut Creek (the "Park Land") for use as a public or private park. The property owner shall ensure the Park Land has access from a street internal to the project.		
2.		
3. The property owner shall install greenway on the subject property generally as shown on the attached Exhibit B, meeting City of Raleigh greenway specifications, prior to the issuance of the two hundredth (200th) certificate of occupancy.		
A minimum of twenty-five percent (25%) of the net site area (site area excluding street right-of-way) shall be used for passive and active open space, including public parks, private parks, public greenways, environmentally sensitive areas, tree conservation area, stormwater devices and other open space.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

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

Owner/Agent Signature \_\_\_\_\_ Print Name \_\_\_\_\_

# Exhibit B



## Exhibit C

### Consistent Comprehensive Plan Policies

In addition to consistency with the Future Land Use Map designation, the proposed rezoning is consistent with the following general comprehensive plan policies:

- Policy LU 2.1- Placemaking- the proposal is a part of broader mixed use community that will be attractive, safe, accessible, functional, inclusive, and have their own distinctive identity and maintain and improve local character.
- Policy LU Policy 2.2.- Compact Development- this new development will use a compact land use pattern to preserve open space, improve the performance of transportation networks and support the efficient provision of public services.
- Policy LU 2.4- Large Site Development and Policy LU 2.5- Healthy Communities- the proposal provides for at least 25 acres of public park land including developed multi-purpose fields and associated parking in addition to provisions for public greenways and sidewalks throughout the project. Opportunities for activity abound!
- Policy LU 3.2- Location of Growth-the subject property is located within Raleigh's corporate limits, where development of vacant parcels should first occur.
- Policy LU 4.3- Directing Transportation Investment and Policy LU 4.4 Reducing VMT Through Mixed Use-this proposal, which is part of larger mixed use project, is supported by the Comprehensive Plan and includes a pedestrian, vehicular and transit transportation opportunities.
- Policy LU 4.5- Connectivity-Pedestrian and vehicular connectivity is provided throughout this proposal.
- Policy LU 4.9 Corridor Development-the proposal is part of a broader mixed use community that will be an asset to the Transit Emphasis Corridor on Rock Quarry Road.
- Policy LU 5.1-Reinforcing the Urban Pattern and Policy LU 5.4- Density Transitions-the project will be integrated into the surrounding community. Significant open space will soften the residential areas as they transition away from the core commercial area.
- Policy LU 6.4- Bus Stop Dedication- a bus stop is offered along Rock Quarry Road.
- Policy LU 7.3- Single-family Lots on Major Streets- homes are not planned to be access from major streets but instead from interior streets.
- Policy LU 8.1- Housing Variety- a variety of housing types and styles are planned for the subject property.
- Policy LU 8.9- Open Space in New Development- a significant portion of the site will be preserved as open space, including a public park and greenway area.
- Policy LU 8.10-Infill Development- the property remains the largest infill piece of property in the Triangle. Allowing development to move forward will create a more cohesive region.
- Policy LU 12.3- Reservation for Community Facilities- the proposal includes a reservation of at least 25 acres for a public park along with provisions for improvements, including multi-use fields, associated parking and greenway trails.

- Policy T 1.1- Coordination with Land Use Map-the proposal complies with the Future Land Use map.
- Policy T 1.3- Multi-modal Transportation Design- the proposal offers residents sidewalks, greenways, a transit stop and roadways as transportation options.
- Policy T1.6- Transportation Impacts- the applicant will work with staff to ensure transportation improvements will be phased to address transportation impacts.
- Policy T 4.1- Promoting Transit- the proposal provide transit stop, sidewalk, greenways.
- Policy T 4.9- Sidewalk Improvements near Transit- project provides sidewalk throughout.
- Policy T 5.1- Enhancing Bike/ Pedestrian Circulation; Policy t 5.3- Bicycle and Pedestrian Mobility; Policy T 5.9 Pedestrian Networks- project provide sidewalk throughout and greenway connection to larger city trail network.
- Policy EP 2.3 Open Space Preservation- at least 25% of the net site acreage will be preserved as open space.
- Policy EP 2.6- Greenway System- proposal offers significant greenway area.
- Policy EP 3.2 Neuse River Protection and Policy EP 3.7- Preserving Watercourse- proposal maintains stream buffers through site.
- Policy EP 3.12- Mitigating Stormwater Impacts- the proposal addresses stormwater impacts.
- Policy H 1.1- Mixed Income Neighborhoods-project promotes mixed-income neighborhoods.
- Policy H2.13- Transit Accessibility- transit is accessible to workforce housing.
- Policy PR 3.1- Greenway Trail Expansion- significant greenway being provided within project.
- Policy PU 1.1- Linking Growth and Infrastructure- proposal is with an area well served by utilities.
- Policy PU 2.5- Water and Sewer Access- utilities will be provided to each lot.



NELSON MULLINS

NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

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nelsonmullins.com

November 2, 2017

Olde Towne Neighbors

Dear Sir or Madam:

You are invited to attend a neighborhood meeting on Tuesday, November 14, 2017 at 7 p.m. at Worthdale Park, 1001 Cooper Road, Raleigh, North Carolina, in the gymnasium.

The purpose of this neighborhood meeting is to discuss the zoning of a portion of the property located at the intersection of New Hope and Rock Quarry Roads, and frequently referred to as the Olde Towne property. Attached is a map identifying the property and a list of included parcels.

This property is currently zoned Planned Development District. The landowners are considering zoning it to Residential Mixed Use Conditional Use District, Residential-10 Conditional Use District and/or Office Mixed Use Conditional Use District.

For more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at: 919.996.2626 or by email at: [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Please join us to discuss the proposal in more detail on November 14<sup>th</sup> at 7 p.m. In the interim, please do not hesitate to contact me with questions at 919.329.3884.

Thank you in advance for your time!

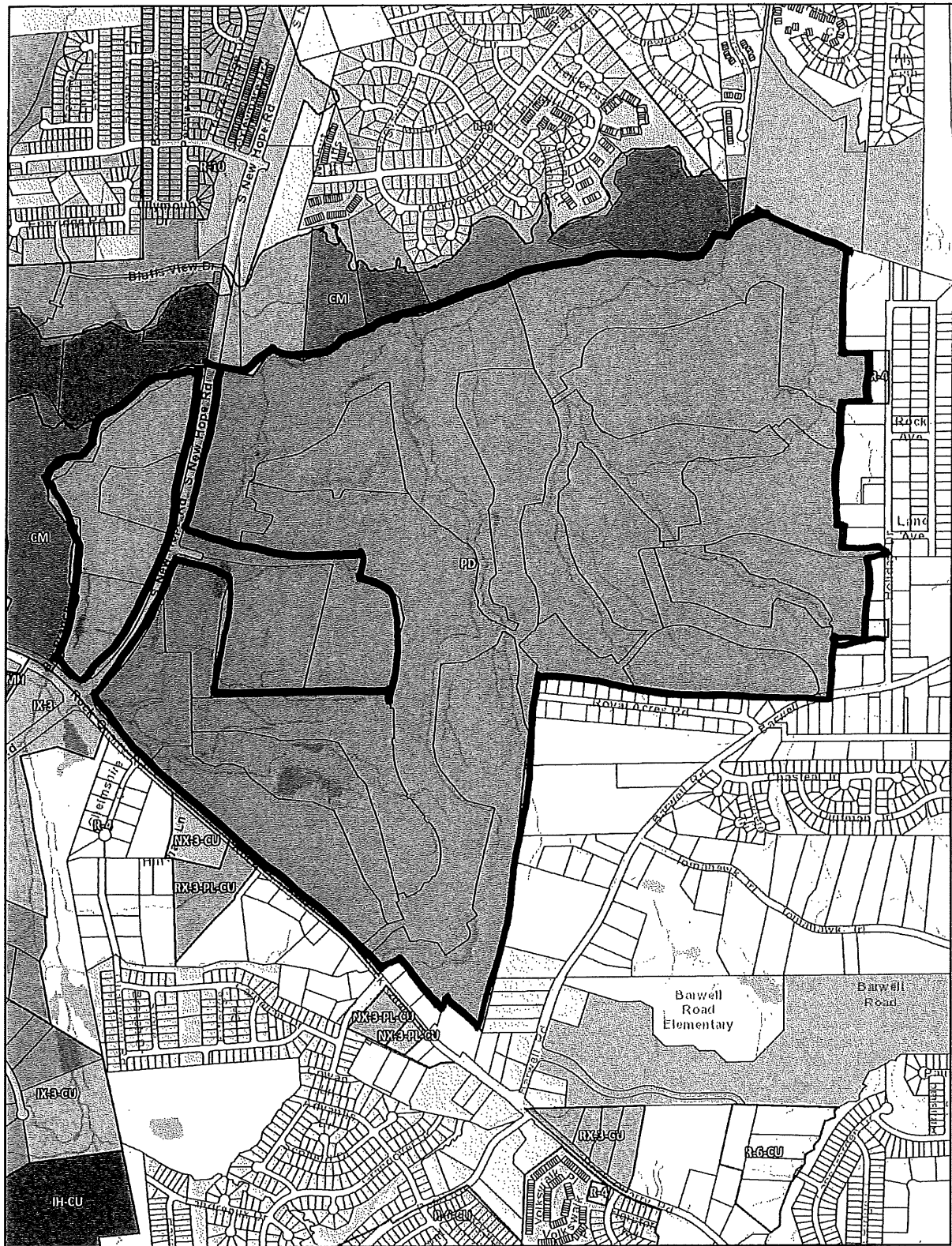
Very truly yours,

A handwritten signature in black ink, appearing to read 'ECT', followed by a long horizontal flourish.

Elizabeth C. Trahos

ECT:lmg  
Attachment





0 437.5 875 1,750 ft

1 inch = 800 feet

**Disclaimer**  
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

PIN	Owner	Mail Address 1	Mail Address 2	Mail Address 3
1722845383	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1722849976	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1722853571	ROBERT H. BROWN		5609 POOLE ROAD	RALEIGH, NC 27610-3124
1722867012	BROCAR TWO, LLC	LOIS S BROWN	226 KEISO CT	CARY, NC 27511-6549
1722937105	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1722939573	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1722944878	LOBRO LLC	LOIS S BROWN	226 KEISO CT	CARY, NC 27511-6549
1732032738	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732062346	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732064655	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732133268	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732150043	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732253288	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732255970	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732344507	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732346981	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732355214	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732358928	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732372031	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732372599	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999
1732451391	LAND HOLDING LLC	HEMA RODRIGUEZ 942000015	PO BOX 25999	SHAWNEE MISSION, KS 66225-5999

14 November, 2017

Meeting Notes: Olde Towne

The first public meeting for the Olde Towne rezoning was held on November 14, 2017 at the Worthdale Park gymnasium. The meeting kicked off at 7 pm with approximately 20 members of the public and the project team present and lasted until 8:15 pm.

**Project Team:**

Tom Scott – President, Scott Development Group

Beth Trahos- Partner, Nelson Mullins Riley & Scarborough LLP's

Brian Purdy- Senior Land Planner, McAdams Co.

Michael Vampran – Designer II, McAdams Co.

**Public Comments/Questions:**

- > Property owner adjacent to Interlock on Rock Quarry Rd. asks to maintain the existing berm on the subject property to screen off-site views of the development.
- > When are the next public meetings and will we be notified?
- > Where is the City of Raleigh city line and planning boundary?
- > Concerns that COR will annex individual property owner lands as development grows to the Southeast.
- > Question regarding a particular development along New Hope Rd.
- > Question regarding ownership and management of Raleigh greenways.
- > Concern for people trespassing off public greenway onto private land.
- > Does the rezoning depend on a TIA?
- > Can the public see the TIA before the public vote on the rezoning?
- > Where does the public rezoning meeting occur and when are they?
- > Is the public park to appease COR in approving the rezoning?
- > What is the purpose of the rezoning and is it only to remove the golf course requirement?
- > What can the public leverage to make roads and egress points better for the community?
- > When was the property initially annexed?
- > Within the residential portion, what component is open space?
- > What percent of the land was dedicated to the golf course?
- > Are you eliminating the golf course to have more room for development?
- > How is the space that was the golf course be used in the future?
- > What is the proposed density and number of units?
- > Did you perform a study to understand if the local community wants the golf course?
- > Traffic along Rock Quarry and S New Hope Rd is a major concern.
- > What percent of residential area is to be townhomes?
- > When would construction start and how long will it take to build all the homes?





- > Which is first, the TIA or building homes?
- > Additional concerns about traffic.

Sincerely,  
**MCADAMS**

# Olde Towne Rezoning

Public Neighborhood Meeting – November 14, 2017

## Sign-In Sheet (please print legibly)

Name	Address	Email (if desired)
Boss Brown	5607 Poole Rd, RR,	
Wm Brown	226 Keise CT, Cary, NC 27511	vjbjt@earthlink.net
Doris Johnson	5165 Chasteal Trl NC 27610	
Laverne Dabney	5204 Chasteal Trail, Raleigh, NC 27610	
Annette Johnson	3116 Chelmsford Ct. Raleigh, NC 27610	ussuabj70@yahoo.com
Henry L. Johnson	"	hljralwigk@yahoo.com
Dalphine M. Ypperman	2608 Alton Pl.	uppermansparkle@aol.com
George Alston	"	
Beatrice Leathers	3121 Chelmsford Ct Raleigh 27610	bleathers@aol.com
Lorraine Green + Emily Green	5517 Oregon Landing Pl. Raleigh, NC 27610	cgfaizon@gmail.com
Cynthia Kornepay	5516 Ocracoke Ct Raleigh NC 27610	cynthia4802@yahoo.com
Maurice Wilson		

# Olde Towne Rezoning

Public Neighborhood Meeting – November 14, 2017

**Sign-In Sheet (please print legibly)**

[illegible]



NELSON MULLINS

Elizabeth C. Trahos  
T 919.329.3884  
beth.trahos@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH LLP  
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nelsonmullins.com

January 10, 2018

Olde Towne Neighbors

Dear Sir or Madam:

You are invited to attend a neighborhood meeting on Thursday, January 25, 2018 at 7 p.m. at Worthdale Park Community Center, 1001 Cooper Road, Raleigh, North Carolina, in the gymnasium.

The Worthdale Park Community Center is located across from the tennis courts, and is accessed from Cooper Road. I have enclosed a map showing the location of Worthdale Park Community Center.

This is a follow up community meeting to continue the dialogue and provide an update on the zoning of a portion of the property located at the intersection of New Hope and Rock Quarry Roads, and frequently referred to as the Olde Towne property. Attached is a map identifying the property. Below is a list of the Wake County PINs:

1722845383	1732150043
1722849976	1732253288
1722853577	1732255970
1722867012	1732344507
1722937105	1732346981
1722939573	1732355214
1722944878	1732358928
1732032738	1732372031
1732062346	1732372599
1732064655	1732451391
1732133268	

As the City of Raleigh requires, an invitation to this meeting has been sent to all property owners within 500 feet of the area requested for rezoning.

Olde Towne Neighbors  
January 10, 2018  
Page 2

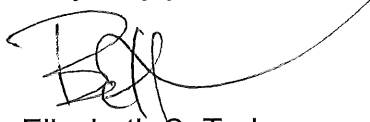
This property is currently zoned Planned Development District. The landowners are considering rezoning it to Residential Mixed Use- 3 Conditional Use District, Residential-10 Conditional Use District, Commercial Mixed Use -3 Conditional Use District and/or Office Mixed Use- 3 Conditional Use District.

For more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at: 919.996.2626 or by email at: [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Please join us to discuss the proposal in more detail on January 25<sup>th</sup> at 7 p.m. In the interim, please do not hesitate to contact me with questions at 919.329.3884. Unfortunately, I am often on the phone or out of the office in meetings. If I am not available when you call, please leave a message with your name and telephone number and I will return your call, or email me at [beth.trahos@nelsonmullins.com](mailto:beth.trahos@nelsonmullins.com).

Thank you in advance for your time, and Happy New Year!

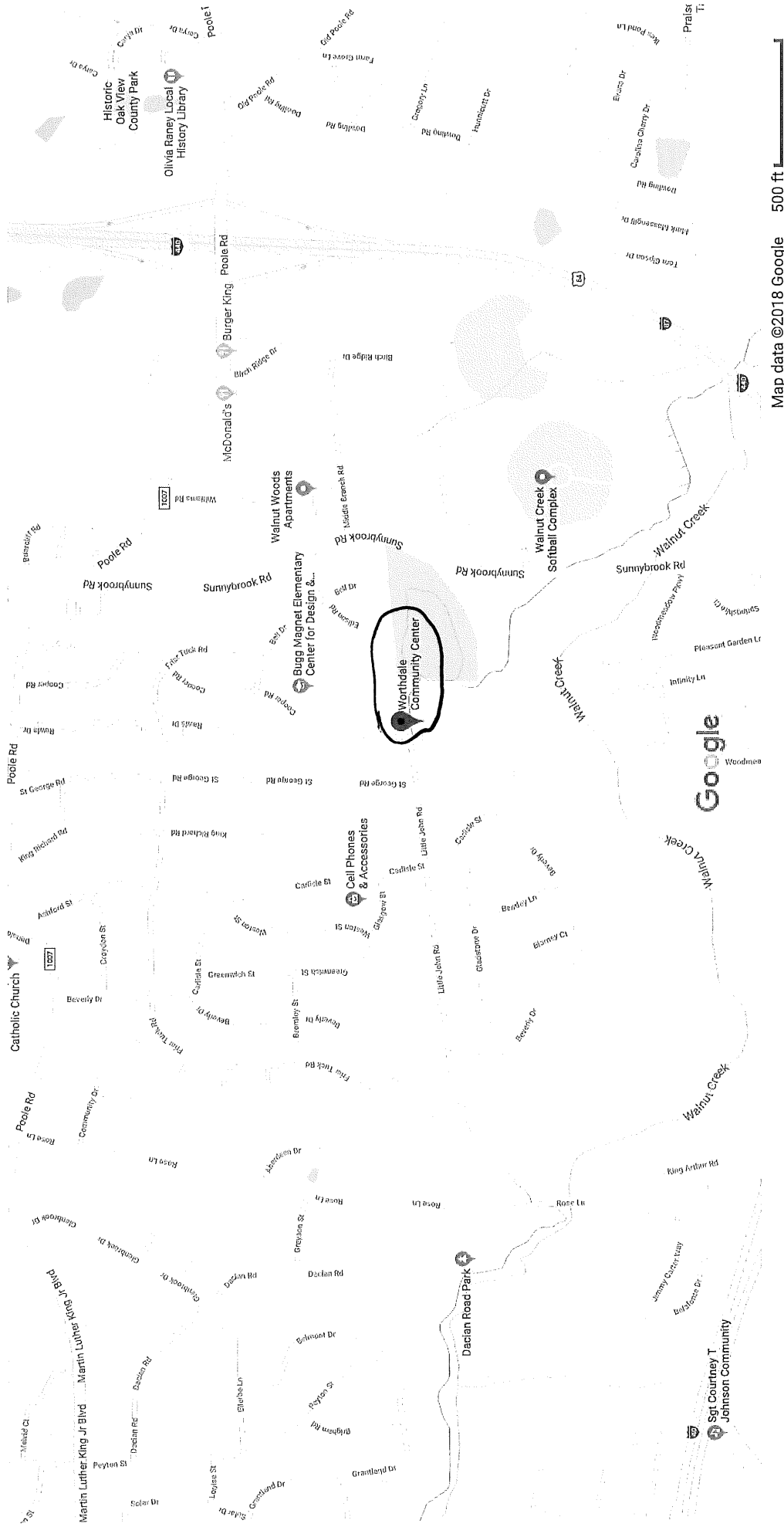
Very truly yours,

A handwritten signature in black ink, appearing to read 'Beth', with a long, sweeping horizontal line extending to the right.

Elizabeth C. Trahos

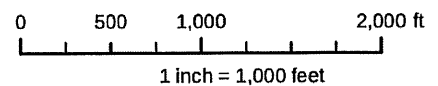
ECT:lmg

Attachments





**SUBJECT PROPERTY**



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January 25, 2018

Meeting Notes: Olde Towne

The second public meeting for the Olde Towne rezoning was held on January 25, 2018 at the Worthdale Park gymnasium. The meeting kicked off at 7 pm, lasted until approximately 8:20 pm with approximately 13 members of the public and the project team in attendance.

**Project Team:**

Tom Scott –President, Scott Development Group  
Beth Trahos- Partner, Nelson Mullins Riley & Scarborough LLP's  
Brian Purdy- Senior Land Planner, McAdams Co.  
Michael Vampran – Designer II, McAdams Co.  
Rynal Stephenson – Ramey Kemp & Associates Inc.

**Public Comments/Questions:**

- > Where will right of way dedication occur along Rock Quarry Rd and S. New Hope Rd?
- > Traffic congestion is a problem at the intersection of Rock Quarry Rd and Jones Sausage Rd.
- > Concert traffic adds to the problem of traffic.
- > When the TIA analysis and reports is complete, will the public have a chance to view and comment?
- > Is there an executive summary of the TIA?
- > Was there a traffic study done for S. New Hope Rd?
- > If the project is initiated, and a sub-phase goes belly up, will there still be road improvements required?
- > Who ensures environmental rights are upheld and there won't be off-site contamination from stormwater runoff or other construction based activities?
- > Who is in charge of the commercial component?
- > What are the preliminary ideas for the commercial component?
- > We don't want more Family Dollars or single-out parcel commercial uses.
- > What is the size and style of single-family homes?
- > Residential stock in condominiums or live/work/play is still being considered.

Sincerely,  
**MCADAMS**



# Olde Towne Rezoning

Public Neighborhood Meeting – January 25, 2018

## Sign-In Sheet (please print legibly)

Name	Address	Email (if desired)
Brenda Howard	2601 Holiday Dr Raleigh	brenda-1-34953@yahoo.com
REGGIE WATKINS	" " "	iberollin3@yahoo.com
Warren C Robinson	5153 Chastel Trl Raleigh	wcrobison@nc.rr.com
Catherine Samuels	5524 Bultman Trl Raleigh	CATYMD295@netscape.net
Beatrice Lathers	3121 Chelmsford Ct Raleigh	bleathers@aol.com
Mae Melvin	3101 Chelmsford Rd Raleigh	MaeMelvin@aol.com
Stephen & Angela Johnson	Holiday Dr. Raleigh	smjohn004@gmail.com
	1625 Knott Hills Ln, Kingside, NC	27117-1109
CHARLES WALKER		cwalker@epgrouponline.com
IRIS ROBINSON	2525 HOLIDAY DR. RAL.	iarobinson@aol.com

# Olde Towne Rezoning

Public Neighborhood Meeting – January 25, 2018

**Sign-In Sheet (please print legibly)**

[illegible]