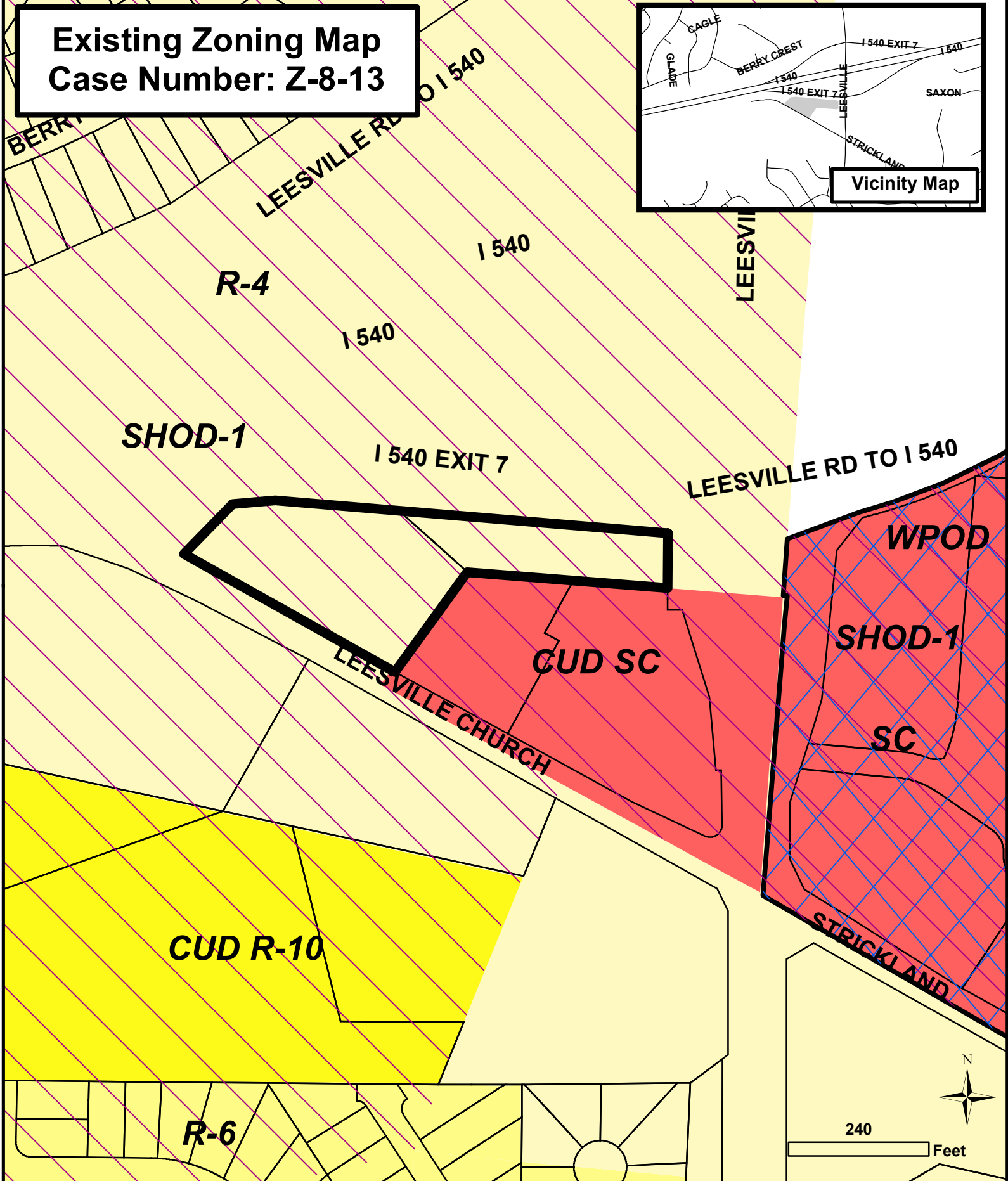
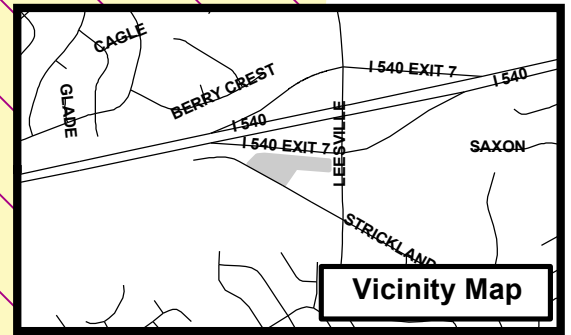


**Existing Zoning Map  
Case Number: Z-8-13**



**Request:**

**2.78 ac from R-4 w/ SHOD-1 to SC CUD w/SHOD-1**

City of Raleigh Public Hearing  
January 15, 2013  
(April 15, 2013)



# Certified Recommendation

Raleigh Planning Commission

CR# 11514

## Case Information Z-8-13 Leesville Church Road

<i>Location</i>	Northside, northwest quadrant of its intersection with Leesville Road
<i>Request</i>	Rezone property from Residential-4 w/SHOD-1 to Shopping Center CUD w/SHOD-1
<i>Area of Request</i>	2.78 acres
<i>Property Owner</i>	Rao Yelmannchili
<i>Applicant</i>	Josh Talton, 919-847-6944, jtalton@gmail.com
<i>Citizens Advisory Council</i>	Northwest Jay M. Gudeman, 919-789-9884, jay@kilpatrickgudeman.com
<i>PC Recommendation Deadline</i>	April 15, 2013

## 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>	Neighborhood Mixed Use
<b><i>CONSISTENT Policies</i></b>	Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 4.4 Reducing VMT through Mixed Use Policy LU 4.5 Connectivity Policy LU 4.9 Corridor Development Policy LU 5.1 Reinforcing the Urban Pattern Policy LU 5.2 Managing Commercial Development Policy LU 5.4 Density Transitions Policy LU 5.5 Transitional and Buffer Zone Requirements Policy LU 5.6 Buffering Requirements Policy LU 7.1 Encouraging Nodal Development Policy LU 7.3 Single-Family Lots on Thoroughfares Policy LU 7.4 Scale and Design of New Commercial Uses Policy LU 7.5 High Impact Commercial Uses Policy LU 8.10 Infill Development Policy LU 8.11 Development of Vacant Sites Policy LU 10.1 Mixed-Use Retail Policy LU 10.6 Retail Nodes Policy UD 1.4 Maintaining Façade Lines Policy UD 3.3 Strip Shopping Centers Policy UD 5.1 Contextual Design Policy

	UD 7.3 Design Guidelines (1-26 policies)
<b>INCONSISTENT Policies</b>	Policy EP 8.4 Noise and Light Impacts

## Summary of Proposed Conditions

- A list of prohibited uses
- Total amount of permitted retail SF capped at 15,500 SF
- Offer of cross-access to the property to the east
- Minimum front yard setback of 25 feet
- Provision for offer of covenants for retail allocation within 45 days following approval of this rezoning request

## Public Meetings

<b>Neighborhood Meeting</b>	<b>Public Hearing</b>	<b>Committee</b>	<b>Planning Commission</b>
August 14, 2012	January 15, 2013	Date: NA	Date: 2/12/13 approved with revised conditions

☐ **Valid Statutory Protest Petition**

### Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

## Planning Commission Recommendation

<b>Recommendation</b>	The Planning Commission finds that the proposed rezoning is consistent with the policies of the Comprehensive Plan, and recommends, based on the findings and reasons stated herein, that the request be approved in accordance with zoning conditions dated February 12, 2013.
<b>Findings &amp; Reasons</b>	<ol style="list-style-type: none"> <li>(1) That the proposed request is consistent with the neighborhood mixed use category designated to the property by the future land use map. The site is recommended for a mix of uses and the proposed conditional use rezoning seeks to permit a mix of uses.</li> <li>(2) That the request is compatible with surrounding land uses and development patterns. The proposed zoning conditions prohibit specific uses, address maximum retail SF, offer covenant provisions for retail allocations, offer cross-access, and minimum setback, thus mitigating any potential adverse impacts to the surrounding uses.</li> <li>(3) That the request is reasonable and in the public interest. Rezoning would establish uniform zoning across an entire block and support commercial uses on the site, which would be a more appropriate use than its current residential zoning based on its close proximity to a major thoroughfare. The proposed commercial uses could</li> </ol>

	serve the immediately adjoining institutional uses, and the larger surrounding area, thus furthering the goals of several Comprehensive Plan Policies.
<i>Motion and Vote</i>	Motion: Mattox Second: Buxton In Favor: Butler, Buxton, Harris Edmisten, Haq, Mattox and Schuster

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.

2/12/13

\_\_\_\_\_  
Planning Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator: Dhanya Sandeep [dhanya.sandeep@raleighnc.gov](mailto:dhanya.sandeep@raleighnc.gov)



## Zoning Staff Report – Case Z-8-13

### Conditional Use District

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## Case Summary

### Overview

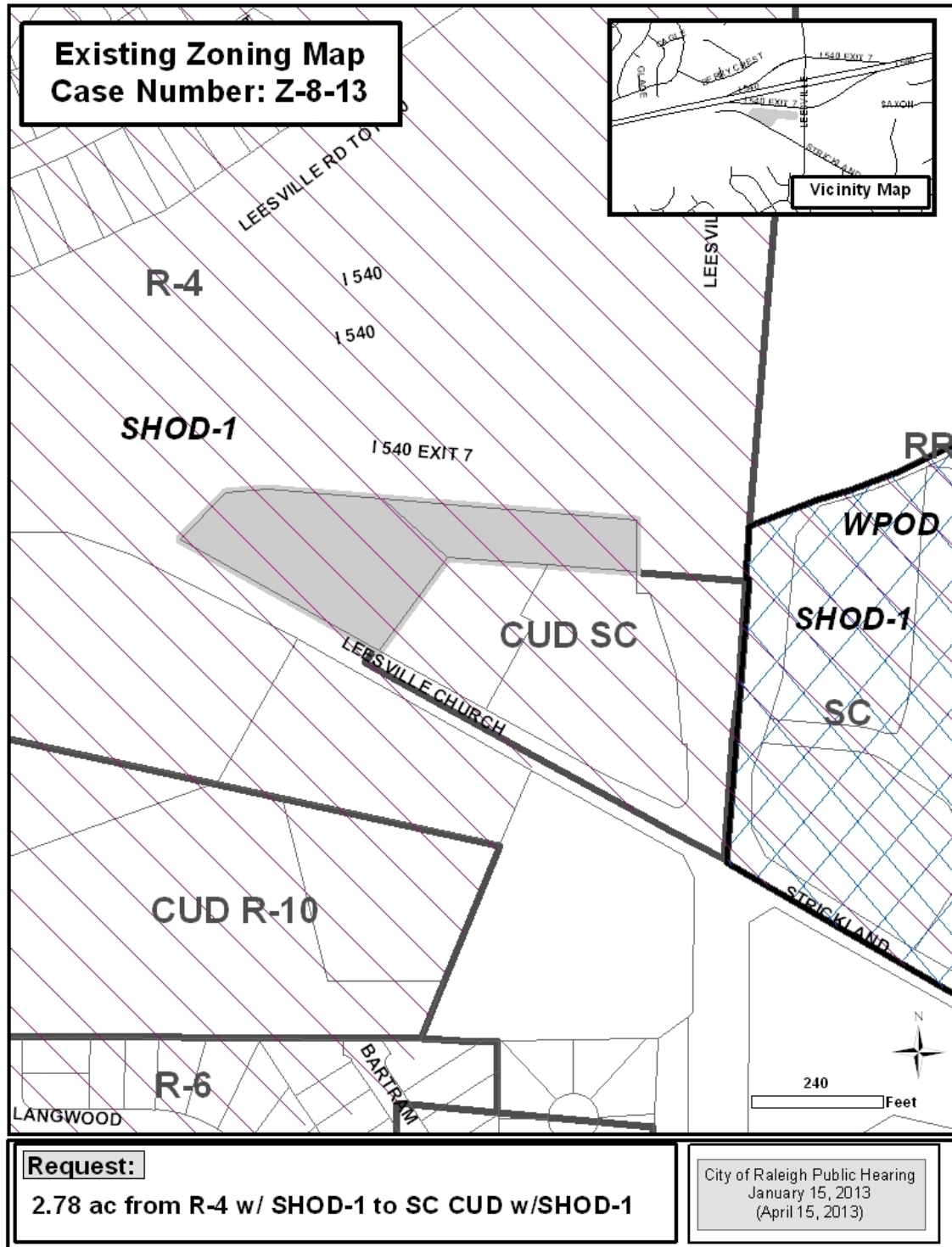
The site is located north of Leesville Church Road, in the northwest quadrant of its intersection with Leesville Road. The immediate north and west of the site is bordered by I-540 ROW, to the south of Leesville Church Road is residential zoning and a future school site, with commercial use to the immediate east. To the east crossing over Leesville Road is the watershed protection overlay district limits where new non-residential uses are discouraged.

The property owners are seeking rezoning to a Shopping Center conditional use, while retaining the SHOD-1 overlay to site primary retail uses with potential mix of other uses. With its location and easy access to I-540, along with the neighborhood mixed use designation, the site is ideal for redevelopment to non-residential uses. The request is consistent with the Future Land Use map. The oddly positioned triangular block on which the property is located is surrounded by I-540 ROW, Leesville Church and Leesville Church Roads. Therefore, the parcels are appropriate for non-residential development as single-family uses along major thoroughfares are discouraged by the Comprehensive Plan. With the application of the subject rezoning, all properties in this triangular block will have uniform zoning. The proposed conditions prohibit certain types of uses, specify maximum retail uses permitted, offer cross-access to the east and provide for minimum 25 feet setback. The minimum setback offered ensures consistent built form along this block. The application of urban design guidelines is limited for this site, given the context of the block and its adjacency to a major highway and developed commercial site.

### Outstanding Issues

<i>Outstanding Issues</i>	None apply	<i>Suggested Mitigation</i>	<ul style="list-style-type: none"><li>• NA</li></ul>
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## ZONING REQUEST



# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<i>Existing Zoning</i>	R-4	R-4	R-4	SC CUD	R-4
<i>Additional Overlay</i>	SHOD-1	SHOD-1	SHOD-1	SHOD-1, WPOD	SHOD-1
<i>Future Land Use</i>	Neighborhood Mixed use	Low and Moderate density residential	Institutional use	Rural Residential use	Low density residential and Institution
<i>Current Land Use</i>	Vacant, SF	I-540 ROW, Vacant	SF, Church, School site	Retail (CVS), Vacant	I-540 ROW, Residential

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<i>Residential Density:</i>	11 DU total	83 DU total with PC approval
<i>Setbacks:</i>		
<i>Front:</i>	30	25
<i>Side:</i>	10	0
<i>Rear:</i>	30	0
<i>Retail Intensity Permitted:</i>	Not permitted	15,500 SF max. per conditions
<i>Office Intensity Permitted:</i>	Not permitted	Not specified

The proposed rezoning is:

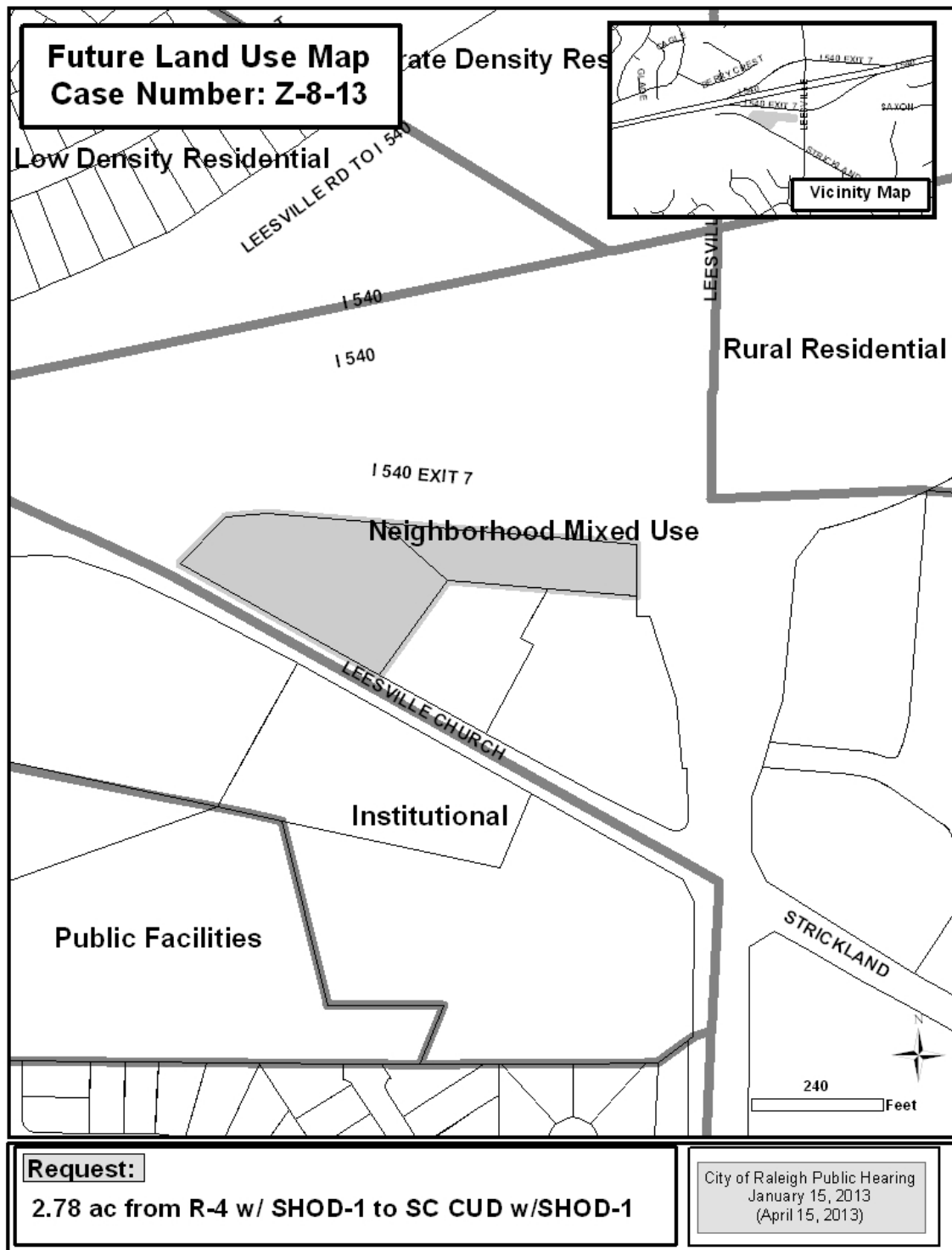
☒ **Compatible** with the property and surrounding area.

☐ **Incompatible.**

Analysis of Incompatibility:

Not applicable.

## FUTURE LAND USE MAP





## 2. Comprehensive Plan Consistency Analysis

### 2.1 Future Land Use

Future Land Use designation: Neighborhood Mixed Use

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

Not applicable.

### 2.2 Policy Guidance

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

Policy EP 8.4 Noise and Light Impacts

Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

The proposed request will permit up to 15,500 SF of retail uses that will serve the surrounding residential uses, on property currently zoned for low density residential uses. The noise and light impacts from introducing commercial uses to the immediately surrounding residential uses could potentially be an issue, depending on the nature of retail uses and hours of operation to be located on the site.

### 2.3 Area Plan Policy Guidance

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

Not applicable

## 3. Public Benefit and Reasonableness Analysis

### 3.1 Public Benefits of the Proposed Rezoning

- Allow the property to be integrated with adjacent retail uses facilitating flexible and sustainable site development
- Attain uniform zoning over the entire block
- Remove single family use from a property whose northern frontage is along a major thoroughfare I-540 that makes it unrealistic for residential development
- Facilitate new investment in the area
- Provide additional neighborhood services convenient to residential and employment areas

- Allow property to be put to more productive use providing convenient access to additional local sales and service as well as increased tax base
- Will lessen the need for new non-residential uses in the adjacent watershed area, where such uses are discouraged

### **3.2 Detriments of the Proposed Rezoning**

- No major detriments have been associated with this request.

## 4. Impact Analysis

### 4.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2011 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Leesville Church Road	Collector Street	N/A	N/A			
<b>Street Conditions</b>						
<u>Leesville Church Road</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	18'	None	60'	None	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	5' sidewalks on a minimum of one side	N/A
<b>Meets City Standard?</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	9	25	<b>16</b>			
PM PEAK	12	93	<b>81</b>			
<b>Suggested Conditions/ Impact Mitigation:</b>		Traffic Study Determination: Staff has reviewed a trip generation differential report for this case. No major traffic impacts have been identified for this request.				
<b>Additional Information:</b>		Neither NCDOT nor the City of Raleigh has any scheduled roadway construction projects in the vicinity of this case.				

**Impact Identified:** None

### 4.2 Transit

**Impact Identified:** None

### 4.3 Hydrology

<i>Floodplain</i>	none
<i>Drainage Basin</i>	Sycamore
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

**Impact Identified:** Subject to Part 10, Chapter 9 Stormwater Regulations. Neuse River Buffered features and wetlands may be present on site and subject to Neuse River Buffer rules.

### 4.4 Public Utilities

	<b>Maximum Demand (current)</b>	<b>Maximum Demand (proposed)</b>
<i>Water</i>	5,560 gpd	20,850 gpd
<i>Waste Water</i>	5,560 gpd	20,850 gpd

**Impact Identified:** The proposed rezoning would add approximately 15,290 gpd to the wastewater collection and water distribution systems of the City. There is currently no sanitary sewer or water mains located in the vicinity of Leesville Church and Strickland Roads; therefore the petitioner/developer will be required to extend the sanitary sewer and water mains to the property. The developer must submit a downstream sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for water fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

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

The subject tract is not located adjacent to a Capital Area Greenway corridor. The subject tract will not impact recreation LOS.

**Impact Identified:** None

#### **4.6 Urban Forestry**

1. This site is subject to Establishment and Protection of Tree Conservation Areas 10-2082.14 in its entirety.
2. This rezoning is not expected to have an impact on the application of the tree conservation ordinance to the property.

**Impact Identified:** This rezoning is not expected to have an impact on the application of the tree conservation ordinance to the property.

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

There are no historic resources on the site.

**Impact Identified:** None

#### **4.8 Community Development**

The site is not within a redevelopment area.

**Impact Identified:** None

#### **4.9 Appearance Commission**

This request is not subject to Appearance Commission review.

#### **4.10 Impacts Summary**

- The petitioner/developer will be required to extend the sanitary sewer and water mains to the property. The developer must submit a downstream sewer capacity study and those required

improvements identified by the study must be permitted and constructed in conjunction with or prior to the proposed development being constructed. Verification of available capacity for water fire flow is required as part of the building permit submittal process. Any water system improvements required to meet fire flow requirements will also be required.

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

NA

## 5. Conclusions

The subject request for shopping center zoning is consistent with its future land use map designation of neighborhood mixed use. The oddly positioned triangular block on which the property is located is surrounded by I-540 ROW, Leesville Church and Leesville Church Roads. Therefore, the parcels are appropriate for non-residential development as single-family uses along major thoroughfares are discouraged by the Comprehensive Plan. The subject rezoning will apply uniform zoning to properties in this triangular block. The proposed conditions prohibit certain types of uses, specify maximum retail uses permitted, offer cross-access to the east and provide for minimum 25 feet setback. No major outstanding issues have been identified for this request.

### Outstanding Issues

- None apply

## Design Guidelines for Mixed Use Areas - Attachment “1”

### RALEIGH COMPREHENSIVE PLAN

#### **Policy UD 7.3**

##### **Design Guidelines**

The design guidelines in **Table UD-1** [listed below] shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications in mixed-use areas such as Pedestrian Business Overlay Districts and mixed-use designations on the Future Land Use Map, including preliminary site plans and development plans, petitions for the application of the Pedestrian Business or Downtown Overlay Districts, and Conditional Use zoning petitions.

#### **Elements of Mixed-Use Areas**

1. *All mixed-use developments should generally provide retail (such as eating establishments, food stores, and banks), and other uses such as office, and residential uses within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian-friendly form.*

**Response: Significant street frontage with public sidewalks will provide pedestrian friendly access to neighboring properties.**

#### **Mixed-Use Areas /Transition to Surrounding Neighborhoods**

2. *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.*

**Response: Future building design and placement shall be compatible with existing CVS Store on adjacent property.**

#### **Mixed-Use Areas /The Block, The Street and The Corridor**

3. *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.*

**Response: This site is near an existing intersection providing direct connectivity for vehicles and pedestrians.**

4. *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.*

**Response: Cross Access to adjacent properties will be provided. This site is not expected to require additional streets.**

5. *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.*

**Response: The size of this property will not require the creation of new blocks or Streets.**

#### **Site Design/Building Placement**

6. *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.*

**Response: The topography of this site should provide for buildings to line the street with parking on the side and rear.**

7. *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.*

**Response: This site will provide for the buildings to be located near the street for ease of pedestrian access. No on street parking is anticipated on this site.**

8. *If the site is located at a street intersection, the main building of a complex, or main part of a single building should be placed at the corner. Parking, loading or service should not be located at an intersection.*

**Response: This site is not located at an intersection.**

#### **Site Design/Urban Open Space**

9. *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.*

**Response: This site will have a broad southern exposure and will encourage ease of use.**

10. *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.*

**Response: Buildings will be placed near street level to facilitate pedestrian access.**



11. *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.*

***Response: The perimeter of open spaces around the buildings will be visually inviting to pedestrian traffic visiting the retail, café and higher density residential buildings.***

12. *A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.*

***Response: Common areas will appear comfortable and inviting to open space users.***

#### **Site Design/Public Seating**

13. *New public spaces should provide seating opportunities.*

***Response: Open spaces will provide benches and landscaping to encourage pedestrian access.***

#### **Site Design/Automobile Parking and Parking Structures**

14. *Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*

***Response: Parking will be provided as required but will not dominate the pedestrian oriented street.***

15. *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.*

***Response: Parking will be designed to enhance the pedestrian oriented street.***

16. *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 can make a significant improvement.*

***Response: Parking structures, if required, shall be designed to enhance the building design.***

#### **Site Design/Transit Stops**

17. *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.*

***Response: Public transit will be incorporated into this site design to facilitate pedestrian access.***

18. Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.

**Response: The proximity of this site to the public street will facilitate pedestrian accessibility.**

#### **Site Design/Environmental Protection**

19. 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.

**Response: This site has low areas along I-540 that will be preserved as natural area.**

#### **Street Design/General Street Design Principles**

20. 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.

**Response: This site should not require the development of new streets.**

21. 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.

**Response: Sidewalks will be designed with best practices in mind at the time of site plan submittal**

22. Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment 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.

**Response: Streets will be properly landscaped to encourage pedestrian access and visual accessibility.**

#### **Street Design/Spatial Definition**

23. *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.*

***Response: Proper spatial definition with respect to buildings and streets will be observed.***

#### **Building Design/Facade Treatment**

24. *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.*

***Response: Buildings shall be oriented towards the public street and facilitate pedestrian access.***

25. *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.*

***Response: Buildings will be designed to invite vehicular and pedestrian access.***

#### **Building Design/Street Level Activity**

26. *The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

***Response: Sidewalks shall be curvilinear and constructed of various materials to provide interest.***



# Petition to Amend the Official Zoning Map

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

Z-8-13  
pd 1115.00 by  
CK# 107 ✓

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
  - ☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
  - ☒ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
  - ☐ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
  - a. to lessen congestion in the streets;
  - b. to provide adequate light and air;
  - c. to prevent the overcrowding of land;
  - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - e. to regulate in accordance with a comprehensive plan;
  - f. to avoid spot zoning; and
  - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

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

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)	Print Name	Date
<i>x Rao Yelamanchili</i>	Dr. Rao Yelamanchili, Northwest Associates, Inc.	<i>x 9-17-2012</i>

**EXHIBIT B. Request for Zoning Change**Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum***Contact Information**

	<b>Name(s)</b>	<b>Address</b>	<b>Telephone/Email</b>
<b>Petitioner(s)</b> (for conditional use requests, petitioners must own petitioned property)	Dr. Rao Yelmannchili Northwest Associates, Inc.	#4 Drawbridge Drive Monroe, NJ 08831	
<b>Property Owner(s)</b>	same as above		
<b>Contact Person(s)</b>	Josh Talton	Talton Engineering 13405 Leesville Church Rd. Raleigh, NC 27617	919-847-6944 jtalton@gmail.com

**Property information**

<b>Property Description</b> (Wake County PIN)	0778967180 & 0788061111
<b>Nearest Major Intersection</b>	Leesville Church Road just west of Leesville Road intersection
<b>Area of Subject Property</b> (in acres)	2.78 acres
<b>Current Zoning Districts</b> (include all overlay districts)	Residential-4 w/ Special Highway Overlay District 1 (R4 w/ SHOD-1)
<b>Requested Zoning Districts</b> (include all overlay districts)	Shopping Center Conditional Use w/ SHOD-1 (S.C. CUD w/ SHOD-1)

## EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

[illegible]

2-8-13  
2/12/13

## EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Conditional Use District requested: Shopping Center CUD w/ SHOD-1

Narrative of conditions being requested:

- A. The following uses otherwise permitted in the Shopping Center zoning district shall be prohibited:
1. Automotive Service and repair facility
  2. Bar, Nightclub, lounge, tavern
  3. Civic/Convention Center and Assembly Hall
  4. Correctional / penal facility (governmental and non-governmental)
  5. Crematory
  6. Eating establishments with drive-thru or drive-in service
  7. Funeral Home
  8. Monastery or Convent
  9. Orphanage
  10. Adult establishment
  11. Kennel / cattery
  12. Movie theater (indoor or outdoor)
  13. Plant nursery, fruit and vegetable stand
  14. Retail sales - Highway
  15. Mini warehouse storage facility
  16. Landfills (All-types)
  17. Airfield, landing strip and heliport; and
  18. Freestanding telecommunication towers
- B. The total amount of retail square footage permitted on this property shall be limited to a maximum of 15,500 square feet of building gross floor area. Retail use permitted defined as all retail sales listed in the Schedule of Permitted Land Uses in Zoning Districts (Sec. 10-2071) not otherwise prohibited.
- C. Upon development an offer of Cross-Access will be provided to the adjacent property to the east (PIN#0778959985, DB 12877, Pg. 1491).
- D. The minimum front yard setback shall be 25 feet.
- E. The property owner(s) shall record with the Wake County Register of Deeds, a covenant allocating retail square footage to each lot, within forty five days following the effective date of this zoning ordinance that establishes Shopping Center Conditional Use. The allocation covenant must be approved by the City Attorney prior to its recordation.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)

Print Name

Date 2-12-2013

X Rao Yelamanchili

Dr. Rao Yelamanchili, Northwest Associates, Inc.

X 2-12-2013 JK

## EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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](http://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 Future Land Use Map shows this property to be Neighborhood Retail Mixed Use. The proposed zoning of S.C.-CUD w/ Shod-1 is appropriate.

##### **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.**

This property is subject to the 2030 Comprehensive Plan adopted in 2009. This proposed amendment is compatible with future development in the area.

##### **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").**

This proposed Map amendment is consistent with the Future Land Use Map adopted in the 2030 Comprehensive plan for the City of Raleigh.



**EXHIBIT D. Request for Zoning Change**

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

**II. Compatibility of the proposed map amendment with the property and the surrounding area.****A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):**

The subject property is adjacent to currently zoned S.C.-CUD w/ SHOD-1 property. A CVS Pharmacy is located at the intersection of Leesville Church Road and Leesville Road. The subject property borders the I-540 R/W on the north. Leesville Church Rd. is designated as a collector street.

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

Existing zoning patterns have shown retail growth in this area with the CVS Pharmacy completion in 2008. Leesville Baptist Church is completing a new Fellowship Building. Property to the south remains undeveloped at this time.

**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:**

This rezoning is compatible with the Comprehensive Plan's Future Land Use Map designation of Neighborhood Retail Mixed Use. All of the property on the north side of Leesville Church Rd. will be zoned S.C.-CUD w/ SHOD-1

**III. Benefits and detriments of the proposed map amendment.****A. For the landowner(s):**

Re-zoning will allow this property to be integrated with adjacent retail uses facilitating flexible and sustainable site development.

**B. For the immediate neighbors:**

Rezoning will give neighbors the benefit of new investment in the area. Restaurants and services will be convenient to residential and employment areas.

**C. For the surrounding community:**

Rezoning will allow property to be put to a more productive use providing convenient access to additional local sales and service as well as increasing the tax base.

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

This Property is near, but out of, the Falls Lake Watershed. This rezoning will lesson the need for residential services to be placed in the Watershed.

## EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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

This property is adjacent to Neighborhood Retail Mixed Use Property. The extensive northern border with I-540 makes this property unrealistic for residential development.

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

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

This property was isolated by the construction of I-540. This property is no longer suitable for residential development.

- 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.**

The property is currently zoned R-4 w/ SHOD-1. Since the property's zoning, the I-540 and Leesville Rd. interchange has been constructed. Leesville Crossings Shopping Center and the CVS Pharmacy are constructed.

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

A mixture of office and retail uses will be conveniently accessible to the public.

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

The Leesville Church Road and Leesville Road intersection has been constructed to handle future growth in this area. The impact on public services should be minimal.

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

This rezoning advances the goals of the Comprehensive Plan by keeping the Neighborhood Retail Mixed Use properties in the planned area.

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

It has been shown that this re-zoning will further the goals of the 2030 Comprehensive plan, promote the community best interest and will not adversely impact governmental services. Providing retail development on this property will allow it to serve the surrounding residential and employment communities.

**Talton Engineering****Engineers, Surveyors & Planners**

13405 Leesville Church Road, Raleigh, N.C. 27617

Tele: 919-847-6944, Fax 919-848-0289, Email: jtalton@bellsouth.net

August 14, 2012

**Neighborhood Meeting Report, 7:00 PM**

Location: Talton Engineering Office  
13401 Leesville Church Road  
Raleigh, NC 27617

Re: Request for Zoning Change  
Northwest Associates, Inc. Property - 2.78 acres  
13324 Leesville Church Road, Raleigh, NC

Northwest Associates, Inc. is requesting that their two tracts (2.78 acres) adjacent to the CVS Store #5313 be re-zoned from R-4 w/ SHOD-1 to Shopping Center Conditional Use w/ SHOD-1 just as the CVS Property is zoned.

This Neighborhood Meeting as required by the City of Raleigh is held for interested parties to ask questions and express opinions.

Summary of Discussion: Aerial Photos, Conditions of new zoning, possible uses.

**Attendance Roster:**

Name: Josh & Irene Talton  
Address: 13405 Leesville Church Road  
Raleigh, NC 27617  
Tele: 919-848-1987  
Email: [jtalton@gmail.com](mailto:jtalton@gmail.com)

**Comments:**

This re-zoning is appropriate to the neighboring lots.

: No other comments.

Meeting was adjourned at 8:00 pm.

J.T.

*Page 2, Neighborhood Meeting Report, 08/14/2012*

*Attendance Roster:      No others attended meeting*

*Name:*

*Address:*

*Tele:*

*Email*

*Comments:*

*Name:*

*Address:*

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*Comments*

*Name:*

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