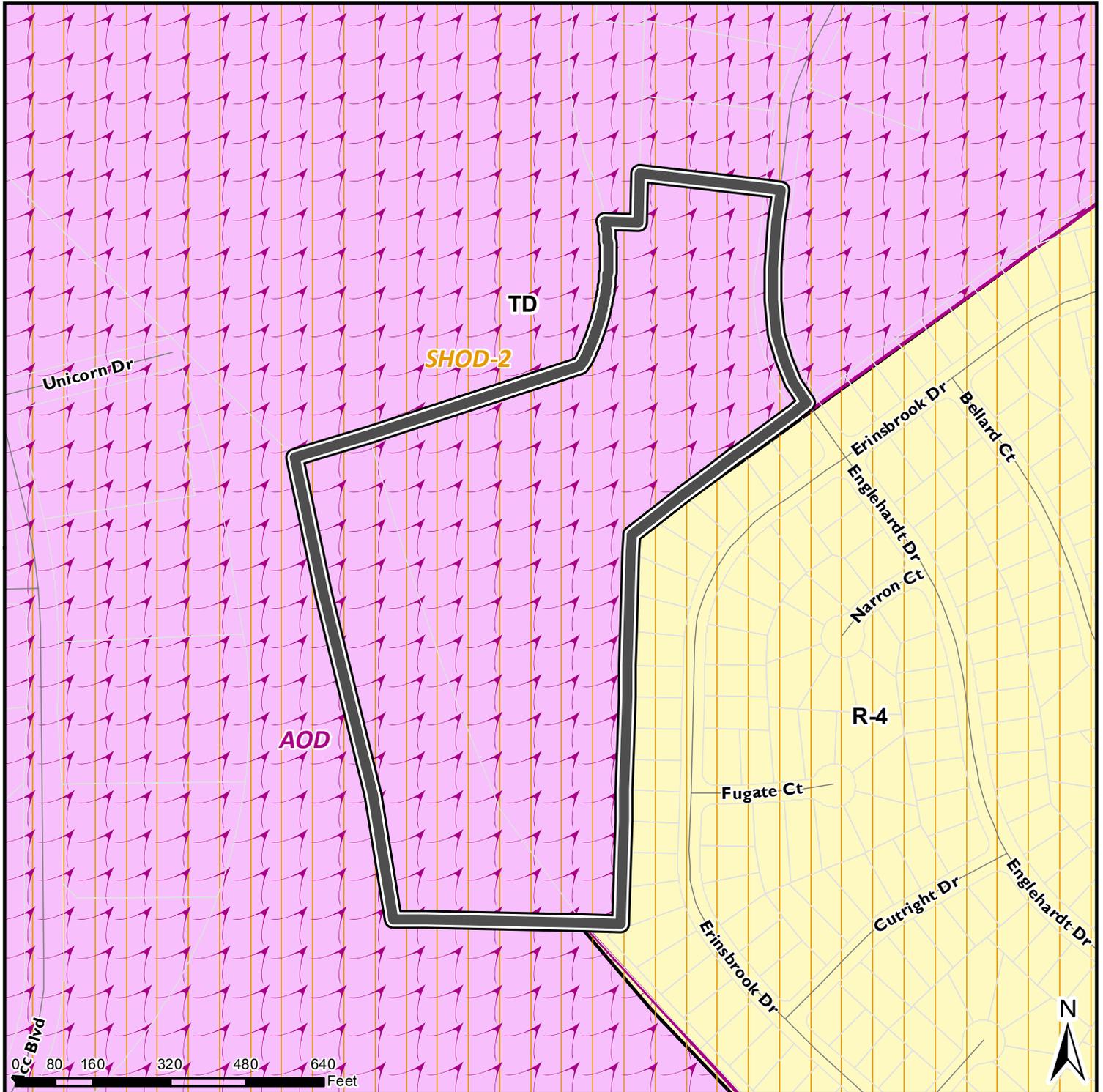


Existing Zoning Map

Z-8-2015

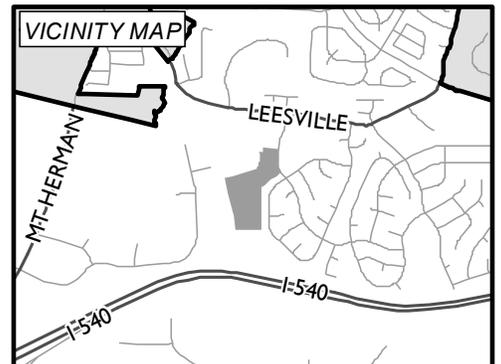


Submittal Date

2/25/2015

Request:

**13.84 acres from
TD w/AOD & SHOD-2
to R-6-CU
w/ -SHOD-2**





Certified Recommendation

Raleigh Planning Commission

CR# 11629

Case Information: Z-8-15 - Englehardt Drive

<i>Location</i>	Englehardt Drive, west side, south of its intersection with Leesville Road Address: 0 Englehardt Drive PIN: 0778382107
<i>Request</i>	Rezone property from Thoroughfare District with Airport Overlay District and Special Highway Overlay District-2 (TD w/ AOD & SHOD-2) to Residential-6 Conditional Use w/ Special Highway Overlay District-2 (R-6 CU w/ SHOD-2)
<i>Area of Request</i>	13.84 acres
<i>Property Owner</i>	The Angus Barn Properties LLC 9401 Glenwood Avenue Raleigh, NC 27617
<i>Applicant</i>	Michael Birch: Morningstar Law Group: (919) 590-0388, mbirch@morningstarlawgroup.com
<i>Citizens Advisory Council (CAC)</i>	Northwest-- Jay Gudeman, Chair: (919) 789-9884; jay@kilpatrickguteman.com
<i>PC Recommendation Deadline</i>	July 13, 2015

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

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

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Office/ Research & Development (western portion); Public Parks & Open Space (eastern portion)
<i>URBAN FORM</i>	Center: City Growth Corridor: <i>None designated</i>
<i>CONSISTENT Policies</i>	Policy LU 4.5 - Connectivity Policy LU 8.10 - Infill Development Policy LU 8.12 - Infill Compatibility Policy UD 5.1 - Contextual Design
<i>INCONSISTENT Policies</i>	Policy LU 1.2 - Future Land Use Map and Zoning Consistency

Summary of Proposed Conditions

1. Certain uses prohibited.
2. Future subdivision map required to carry airport noise contour annotation.
3. Avigation Easement to be granted to airport.
4. Interiors of future dwellings required to meet specified sound reduction level.

Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
1/28/15	4/14/15; 5/12/15: Y- 8, N- 0, Abst.- 2	4/14/15 (deferred); 4/28/15 (recommended approval)	5/5/15	6/2/15

Valid Statutory Protest Petition

Attachments

1. Staff report
2. Traffic Study Worksheet
3. Trip Generation & Traffic Impact Analysis Worksheet

Planning Commission Recommendation

<i>Recommendation</i>	Approve with conditions. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. While the proposal is inconsistent with the Future Land Use Map and Urban Form Map of the Comprehensive Plan, it is reflective of adjacent low-density residential development. Proposed conditions help offset removal of the Airport Overlay. 2. The proposed rezoning is reasonable and in the public interest. The proposal would permit residential development immediately accessible to a future City park, and served by a new fire station. The conditioned navigation easement and sound attenuation measures support context-appropriate construction. 3. The proposal is compatible with the surrounding area. Permitted development would be of density and built form similar to that existing and possible nearby.
<i>Motion and Vote</i>	Motion: Swink Second: Lyle In Favor: Buxton, Fleming, Fluhrer, Lyle, Schuster, Swink, Terando and Whitsett Opposed:

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

_____ Date 4/28/15
 Planning Director Planning Commission Chairperson Date

Staff Coordinator: Doug Hill: (919) 996-2622; Doug.Hill@RaleighNC.gov



Zoning Staff Report – Case Z-8-15

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone the property to allow construction of residences. Residential uses currently are prohibited on the site by virtue of its being within the Airport Overlay District.

The Airport Overlay extends over a wide area in northwest Raleigh, corresponding with the flight paths and resulting noise contours of aircraft approaching or departing Raleigh-Durham International Airport. The district's northeast edge runs to Leesville Road, just to the north of the subject site; properties along the north side of road are outside the overlay, while those on the south side, including the subject site and those lots north of it, are within it. Properties abutting the southeast side of the site, however, are not within the overlay; zoned R-4, they are built out as the Woodlawn and Dominion Park neighborhoods.

The subject site lies within the northeastern corner of the Brier Creek-area City Growth Center, focused at the intersection of the Glenwood Avenue and I-540 corridors; the Woodlawn neighborhood stands just outside that Center, as do most residential properties on the west side of Glenwood Avenue, north of Brier Creek Parkway. For the past decade and a half, the Growth Center area has been incrementally undergoing development with intensive retail and office uses focused at its core, and with industrial uses south and north of I-540, extending to the eastern reaches of ACC Boulevard, just west of the subject site. The present Future Land Use designation for the majority of the subject property—Office/ Research & Development—has anticipated similar non-residential build-out. Such uses are permitted within the Airport Overlay.

The Future Land Use map designates the easternmost portion of the site for Public Parks and Open Space, status derived from its original inclusion within an area purchased by the City for development of a future park. That portion, however, has since been removed from consideration as parkland, as part of a land swap resulting in the City's acquisition of a parcel just to the north on Leesville Road, now the site of the nearly-completed Fire Station 29. The former parkland west of Englehardt has subsequently been recombined with the rest of the subject site. However, given the present Future Land Use designations, the proposal is inconsistent with Comprehensive Plan.

Primary access to the site would be provided by Englehardt Drive. Currently, the roadway is only an unimproved right-of-way along the site's frontage; improvements stub out at the edge of the Woodlawn subdivision on the site's southeast. The road is anticipated to extend from the stubout to Leesville Road eventually, but no timetable or public funding is currently allocated for that future connectivity. No defined plans exist either, for construction of a 6-lane connector street, projected to link Westgate Road south of I-540, across I-540 at a new interchange, and on to Leesville Road. The right of way for this future road abuts the subject property on the southwest.

The site at present is completely wooded. Swales cut across the property at two points: north-south through the site's center, and along the site's northern lot line. The latter, which is subject to Neuse River riparian buffers, is downstream from the future park on the east side of

Englehardt. Properties north and west are similarly wooded, with the exception of a portion of that to the northwest, which is partially cleared for a golf driving range.

Like the subject site, the areas west, north and northeast are zoned Thoroughfare District, which typically allows wide flexibility of land uses, including residential construction. Again, though, because of the presence of the Airport Overlay, no residential development is currently permitted on the site.

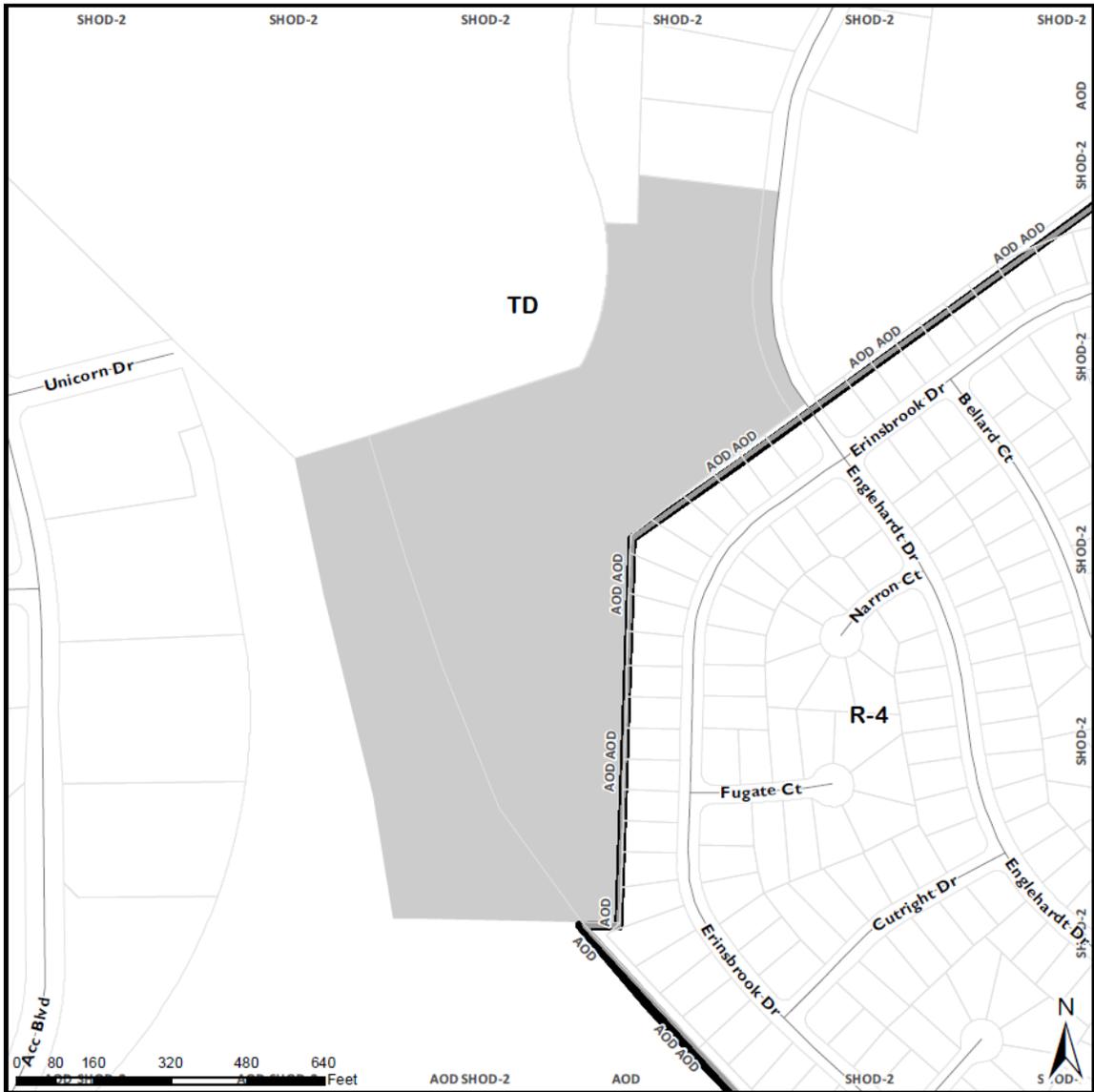
As noise contour mapping shows the subject site to be within the airport's projected 65-decibel day/night average sound level contour (65 DNL), the Raleigh-Durham Airport Authority is being consulted regarding comment. However, the proposal does provide several conditions designed to mitigate noise impacts from aircraft. Those provisions echo conditions of Z-16-11 (Arco Corporate Drive) and Z-10-12 (Westgate Drive), both of which applied for and were granted removal of the Airport Overlay District.

It should also be noted that, in light of the intensity of non-residential development which would be permitted under the current Thoroughfare District zoning, the request for the change to R-6 represents a significant downzoning.

Outstanding Issues

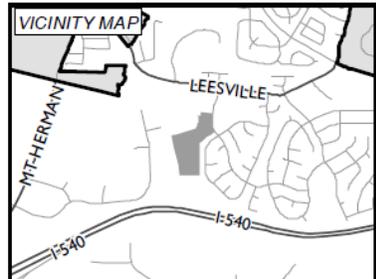
<i>Outstanding Issues</i>	1. Sewer and fire flow matters may need to be addressed upon development.	<i>Suggested Mitigation</i>	1. Address sewer and fire flow capacities at the site plan stage.
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Existing Zoning Map Z-8-2015




Submittal Date
2/25/2015

Request:
13.84 acres from
TD w/AOD & SHOD-2
to R-6-CU
w/ -SHOD-2



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Thoroughfare	Thoroughfare	Thoroughfare	Thoroughfare; Residential-4	Thoroughfare
<i>Additional Overlay</i>	Airport, and Special Highway-2	Airport, and Special Highway-2	Airport, and Special Highway-2	Airport, and Special Highway-2; Special Highway-2	Airport, and Special Highway-2
<i>Future Land Use</i>	Office/ Research & Development; Public Parks & Open Space	Office/ Research & Development	Business & Commercial Services	Public Parks & Open Space; Low Density Residential	Office/ Research & Development; Business & Commercial Services
<i>Current Land Use</i>	Vacant (wooded)	Vacant (wooded)	Vacant (wooded)	Vacant (wooded); Single-unit living	Golf driving range, mostly wooded otherwise
<i>Urban Form (if applicable)</i>	City Growth Center	City Growth Center	City Growth Center	City Growth Center; none	City Growth Center

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning *	Proposed Zoning
<i>Residential Density:</i>	- 0 - (not permitted within Airport Overlay District)	6 DUs/ acre (maximum of 83)
<i>Setbacks:</i>		
<i>Front:</i>	50 feet	10 feet
<i>Side:</i>	20 feet	5 feet (15 feet: sum of sides)
<i>Rear:</i>	20 feet	20 feet
<i>Retail Intensity Permitted:</i>	175,000 sf	(not permitted)
<i>Office Intensity Permitted:</i>	370,000 sf	(not permitted)

1.3 Estimated Development Intensities

	Existing Zoning *	Proposed Zoning
<i>Total Acreage</i>	13.84	13.84
<i>Zoning</i>	TD w/ AOD & SHOD-2	R-6 w/ SHOD-2
<i>Max. Gross Building SF</i>	370,000	n/a

<i>Max. # of Residential Units</i>	- 0 - <i>(not permitted within Airport Overlay District)</i>	83
<i>Max. Gross Office SF</i>	370,000	<i>(not permitted)</i>
<i>Max. Gross Retail SF</i>	175,000	<i>(not permitted)</i>
<i>Max. Gross Industrial SF</i>	<i>(not permitted)</i>	<i>(not permitted)</i>
<i>Potential F.A.R.</i>	0.61	<i>n/a</i>

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

The proposed rezoning is:

Compatible with the property and surrounding area.

The site abuts an existing residential neighborhood, Woodlawn (zoned R-4), and is immediately across the Englehardt Drive right-of-way from a future city park.

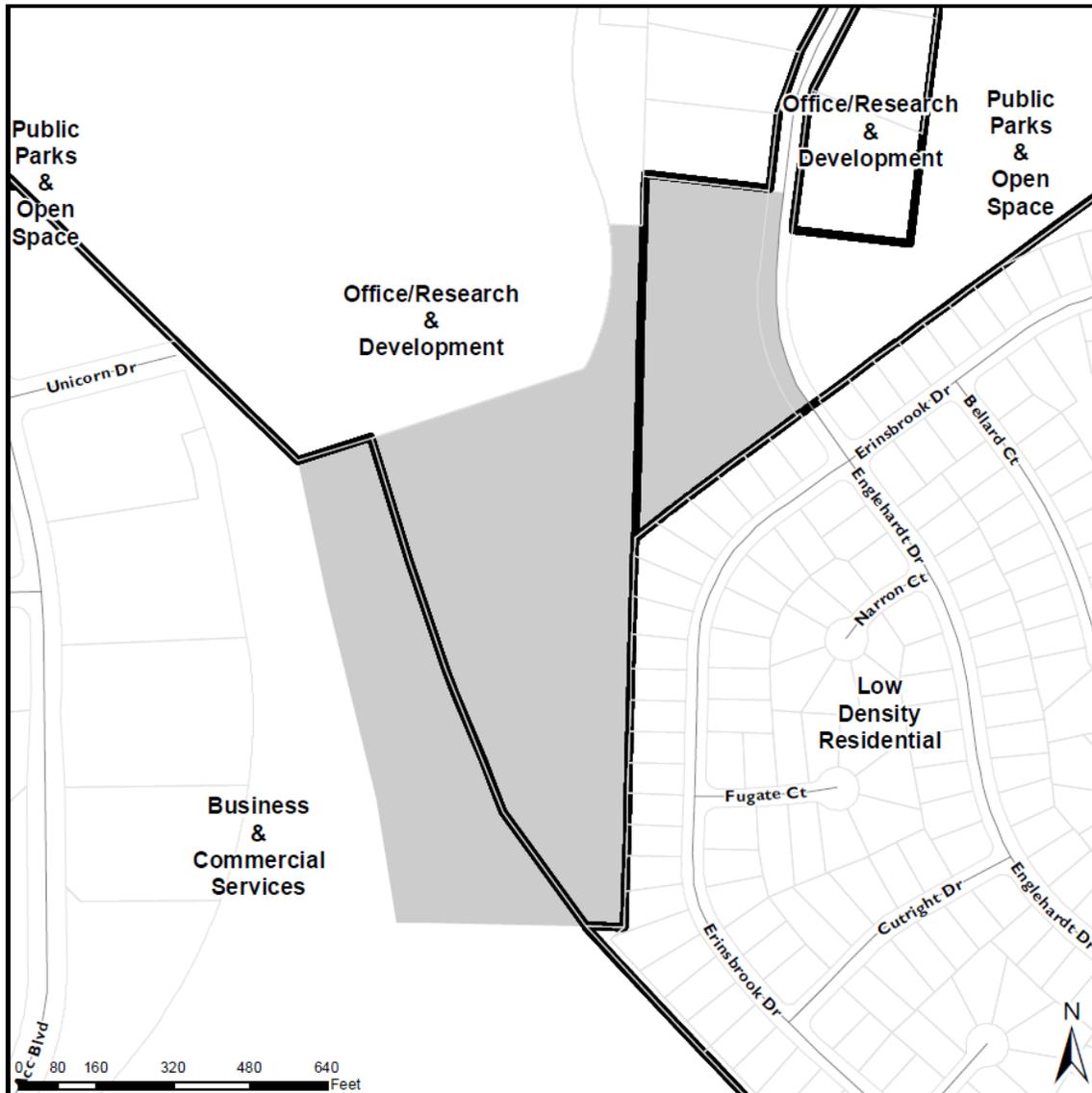
Incompatible.

Analysis of Incompatibility:

<i>n/a</i>

Future Land Use Map

Z-8-2015

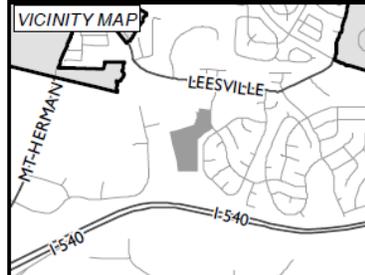


Submittal Date

2/25/2015

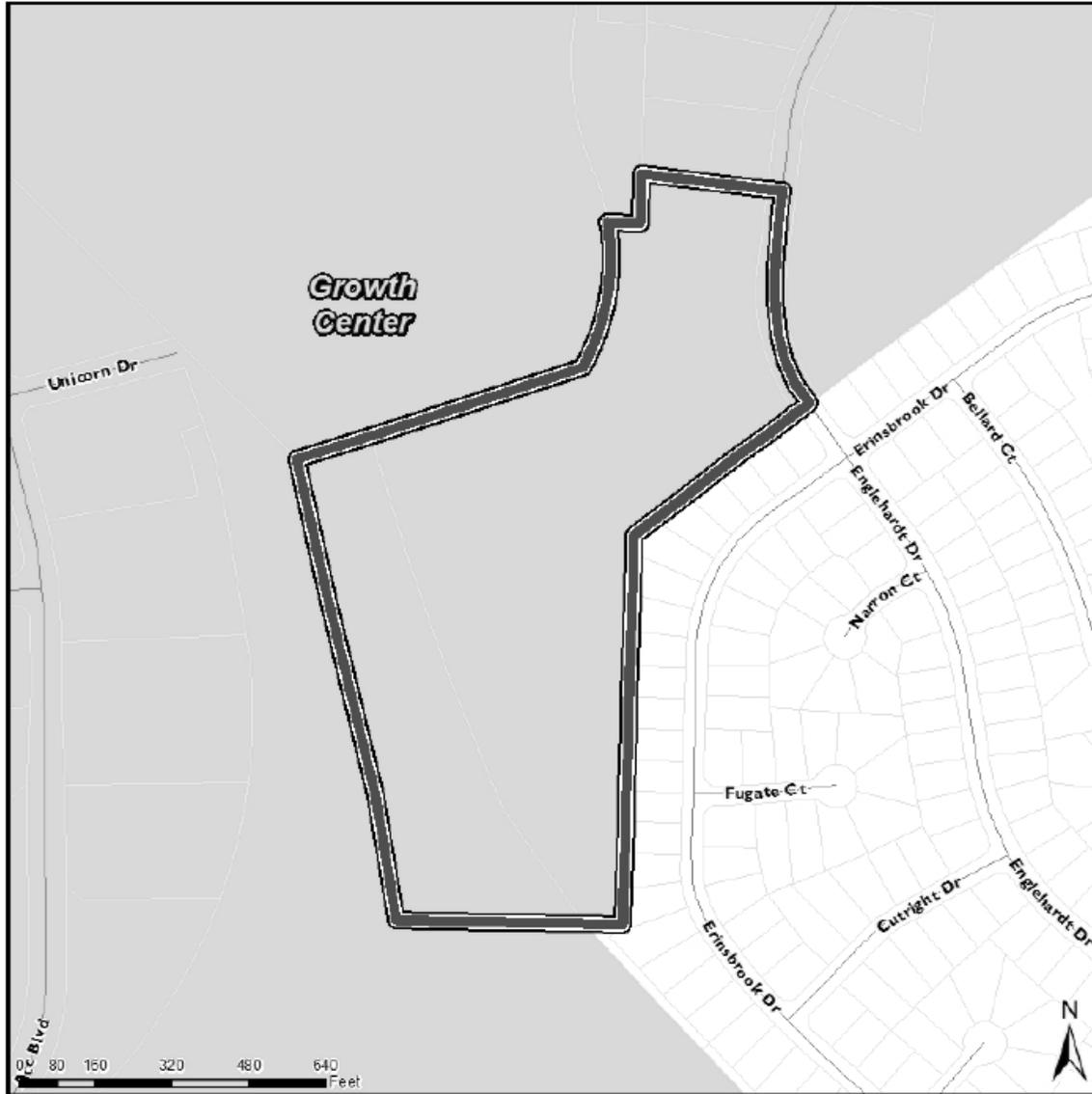
Request:

**13.84 acres from
TD w/AOD & SHOD-2
to R-6-CU
w/ -SHOD-2**



Urban Form Map

Z-8-2015



**Submittal
Date**

2/25/2015

Request:

**13.84 acres from
TD w/AOD & SHOD-2
to R-6-CU
w/ -SHOD-2**



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

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

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

The proposal is inconsistent with the site's Future Land Use and Urban Form designations, which envision the property being developed with non-residential uses. However, the requested rezoning does reflect the character of current land uses nearby. The parcel is adjacent to existing Low Density Residential development, and immediately across the street from a future City park. The proposal is in keeping with Comprehensive Plan themes "Expanding Housing Choices" and "Growing Successful Neighborhoods and Communities," and complements "Managing Our Growth" (being proximate to a new fire station and future park, as well as Sycamore Creek Elementary School). The adjacent neighborhoods are already served by City utilities, enabling those services' extension to the site upon its development.

2.2 Future Land Use

Future Land Use designation: Office/ Research & Development, and Public Parks & Open Space

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

The Future Land Use map anticipates non-residential development of the site. The requested zoning would only permit residential uses.

2.3 Urban Form

Urban Form designation: City Growth Center

Not applicable (no Urban Form designation)

The rezoning request is:

Consistent with the Urban Form Map.

Inconsistent

Analysis of Inconsistency:

By inclusion of the site within a City Growth Center area, the Urban Form map anticipates “significant infill development” there, rather than the low-density residential uses permitted under the requested rezoning.

2.4 Policy Guidance

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

Policy LU 1.2 - Future Land Use Map and Zoning Consistency

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

The Future Land Use designation supports non-residential uses on the site, rather than the residential development sought by the rezoning request.

2.5 Area Plan Policy Guidance

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

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Several land uses which could be incompatible with the adjacent single-family neighborhood and nearby future City park are prohibited.
- Urban form and development similar to that of the adjacent neighborhoods would be permitted.
- Noise reduction measures are required for house interiors.

3.2 Detriments of the Proposed Rezoning

- While access to the site could be afforded from the south via the stubout of Englehardt Drive, no public improvements are dedicated for completing the northern section of the street. (The same would also hold true under existing zoning, however.)

4. Impact Analysis

4.1 Transportation

This proposed rezoning would substantially reduce the allowable land use intensity from approximately 290,000 sq. ft. of retail to 83 dwelling units. No traffic study is needed for Z-8-2015. Cross access to adjacent properties and block perimeter issues will be addressed by the City staff upon receipt of a development plan.

Impact Identified: None.

4.2 Transit

Transit is currently not available in this area and is not called for in either the City of Raleigh Short Range Transit Plan or the Wake County 2040 Transit Study. The closest route is the GoRaleigh 70x Brier Creek Express which is about 1.7 miles away.

Impact Identified: None.

4.3 Hydrology

<i>Floodplain</i>	Flood Hazard Soils present
<i>Drainage Basin</i>	Sycamore
<i>Stormwater Management</i>	Article 9.2 of UDO
<i>Overlay District</i>	None

Neuse River Buffers exist on site.

Impact Identified: None.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	173,000 gpd	121,100 gpd
<i>Waste Water</i>	173,000 gpd	121,100 gpd

The proposed rezoning would not impact the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the properties.

Impact Identified: The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

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

4.5 Parks and Recreation

Site is not adjacent or within existing or proposed greenway corridor, trail, or connector; the nearest greenway trail is at Lake Lynn (5.0 miles). Park services are provided by Strickland

Road Park (2.5 miles) and the proposed Erinsbrook Drive Park (immediately across Englehardt Drive).

Impact Identified: None.

4.6 Urban Forestry

Site plans and subdivisions, 2 acres or more in size, are subject to UDO Article 9.1.

Impact Identified: None.

4.7 Designated Historic Resources

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places. On the south side of Leesville Road, approximately 830 feet northwest of the subject property, is the c. 1890 J.M. Lynn house, surveyed by the North Carolina Department of Cultural Resources as site WA0938.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Impacts Summary

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

4.10 Mitigation of Impacts

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

5. Conclusions

The proposal would permit low density residential development of the property, a land use which is currently prohibited due the site's inclusion in the Airport Overlay District. The Future Land Use and Urban Form maps envision more intensive, non-residential development on the site, but contextually, the existing developments just east (and outside the AOD) are all residential; other adjoining properties within the AOD are undeveloped, but include a future park directly across the Englehardt Drive right-of-way from the site. Case conditions include provisions to mitigate aircraft noise impacts, echoing language from two other recently-approved removals of AOD areas.

2-25-15
3:55 pm



Planning & Development

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

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Classification: TD with AOD and SHOD-2 Proposed Zoning Classification Base District: R-6 Height: None Frontage: None Overlay: SHOD-2 If the property has been previously rezoned, provide the rezoning case number. Z-83-86; Z-94-85; Z-1-93 Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 419543	Transaction Number 419543 Z-8-15

GENERAL INFORMATION		
Property Address: 0 Englehardt Drive	Date February 25, 2015	
Property PIN: 0778-38-2107	Deed Reference (Book/Page): Book of Maps 2013, Page 520	
Nearest Intersection: Leesville Road and Englehardt Drive	Property size (in acres): 13.84 ac	
Property Owner/Address: The Angus Barn Properties, LLC 9401 Glenwood Avenue Raleigh, NC 27617	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone: 919.590.0388	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature:	Email	
The Angus Barn Properties, LLC By: <u><i>DAVID A. JOHNSON</i></u> Name: <u>DAVID A. JOHNSON</u> Title: <u>MEMBER MANAGER</u>	<u>DAVID.JOHNSON@TSTPA.COM</u>	



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1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number	Z-8-15	Transaction Number
Date Submitted	February 25, 2015	
Existing Zoning: TD with AOD and SHOD-2	Proposed Zoning: R-6 with SHOD-2	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses as listed in the Allowable Principal Use Table (UDO section 6.1.4.) are prohibited: special care facility and outdoor recreation – all types.
2.	Any recorded subdivision map of the property shall include a notation that the property lies within the Raleigh Durham International Airport “composite 65 DNL noise contour” projected in the RDU Airport’s long range facility plans.
3.	Prior to recordation of a subdivision map of the property, the owner of the property shall record an Avigation Easement, which shall grant in favor of the Raleigh Durham Airport Authority a perpetual right and easement for the free and unobscured flight of aircraft over and in the vicinity of any portion of the property not within the Airport Overlay District and used for residential purposes.
4.	Any new residential dwelling on the property shall be constructed with material and in a manner sufficient to assure a 25 dB reduction of A-weighted aircraft sound levels reaching the interior of the dwelling resulting in interior sound levels not exceeding 42 dB. A written certification by an architectural acoustician accredited by the Acoustical Society of America, or state licensed engineer or architect shall be deemed to satisfy this condition.

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.

<p>Owner/Agent Signature</p> <p>The Angus Barn Properties, LLC</p> <p>By: <u><i>[Signature]</i></u></p> <p>Name: <u>DAVID A. JOHNSON</u></p> <p>Title: <u>MEMBER MANAGER</u></p>	<p>Print Name</p> <p>DAVID A. JOHNSON</p>
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Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.</p>	<p>Transaction Number</p> <p>Zoning Case Number 2-8-15</p>

STATEMENT OF CONSISTENCY	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
1.	<p>The property is designated Office/Research & Development and Public Parks & Open Space on the Future Land Use Map. It is important to note that the portion of the property designated Public Parks & Open Space was so designated by the City prior to the exchange of property between the City of Raleigh and The Angus Barn Properties, LLC in 2013, whereby the City conveyed to The Angus Barn Properties, LLC that portion of the property designated Public Parks & Open Space which was initially part of the Erinsbrook Drive park property. Also, it is likely that the property is designated Office/Research & Development instead of a residential district because of the Airport Overlay District that prohibits residential uses. Although the rezoning request is inconsistent with the Future Land Use Map because it permits residential uses, the request is reasonable and in the public interest given the surrounding zoning and land uses and the suitability of the property for residential uses.</p>
2.	<p>The property is located on the edge of a City Growth Center as shown on the Urban Form Map. According to the Comprehensive Plan, a City Growth Center is targeted for significant infill development. The rezoning request is intended to facilitate infill development compatible with adjacent land uses, consistent with the Urban Form Map guidance.</p>
3.	<p>The rezoning request is consistent with the following policies: LU 2.6 "Zoning & Infrastructure Impacts" because of the prohibition of high trip generating commercial uses allowed under current zoning; LU 3.2 "Location of Growth" because the rezoning request facilitates development of vacant property within the City limits; LU 4.5 "Connectivity" because the development of the property would facilitate the construction of Englehardt Drive to Leesville Road, providing an additional point of ingress/egress to Leesville Road from the existing subdivision to the east; LU 5.4 "Density Transitions" because the requested rezoning is more compatible with adjacent development in terms of use and density as compared to current zoning; LU 8.5 "Conservation of Single-Family Neighborhoods" because the rezoning request permits development more compatible with the adjacent single-family neighborhood than the property's current zoning that allows intense commercial development; LU 8.10 "Infill Development", LU 8.11 "Development of Vacant Sites" and LU 8.12 "Infill Compatibility" because the rezoning facilitates the development of a vacant site within the City that has historically been difficult to develop due to infrastructure and access issues in a manner that is compatible with the adjacent single-family neighborhood; and EP 8.5 "Airport Overlay Zone" and EP 8.10 "Airport Noise Protection for Residential Uses" because the rezoning request protects future residential uses by adopting the Airport Authority's noise mitigation measures.</p>

PUBLIC BENEFITS	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
1.	<p>The rezoning request benefits the public by prohibiting land uses that are incompatible with the adjacent single-family neighborhood and nearby future City park and by permitting low density, single-family dwellings that are compatible with the adjacent neighborhood and that will incorporate noise reduction measures.</p>

URBAN DESIGN GUIDELINES

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

1.	<p>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.</p> <p>Response: The proposed rezoning does not accommodate a mixed-use development.</p>
2.	<p>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.</p> <p>Response: The proposed rezoning is for a low-density neighborhood, which is an appropriate transition to the adjacent neighborhood.</p>
3.	<p>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.</p> <p>Response: The proposed subdivision will connect to Englehardt Drive, which will have access to Leesville Road.</p>
4.	<p>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.</p> <p>Response: The proposed subdivision will connect with Englehardt Drive, which serves the adjoining neighborhood.</p>
5.	<p>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.</p> <p>Response: The proposed subdivision will provide an access point to Englehardt Drive.</p>
6.	<p>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.</p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</p>
7.	<p>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.</p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</p>
8.	<p>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.</p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</p>
9.	<p>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.</p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</p>
10.	<p>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.</p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</p>
11.	<p>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.</p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</p>
12.	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</p>
13.	<p>New public spaces should provide seating opportunities.</p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</p>
14.	<p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</p>
15.	<p>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.</p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</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 can make a significant improvement.</i></p> <p>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</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>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</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>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</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>Response: The subdivision will comply with the UDO provisions governing protection of environmental features.</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>Response: Any new public streets will comply with the UDO.</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>Response: Any new sidewalks will comply with the UDO.</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>Response: Any new streets will comply 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>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</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>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</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>Response: This guideline is not applicable to this rezoning request for a low density subdivision.</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>Response: Any new sidewalks will comply with the UDO.</p>

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON JANUARY 28, 2015

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Wednesday, January 28, 2015 at 6:00 p.m. This meeting was held in the meeting room at the Lake Lynn Community Center located at 7921 Ray Road, Raleigh, NC 27613. The property considered for rezoning totals approximately 13.84 acres, and has the address of 0 Englehardt Drive, and Wake County Parcel Identification Number 0778-38-2107. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A

NEIGHBORHOOD MEETING NOTICE



Michael Birch | Partner
630 Davis Drive, Suite 200
Morrisville, NC 27560

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

To: Neighboring Property Owner

From: Michael Birch

Date: January 16, 2015

Re: Notice of meeting to discuss potential rezoning of property located on the west side of Englehardt Drive, south of Leesville Road, containing approximately 13.84 acres, with the address of 0 Englehardt Drive, and having Wake County Parcel Identification Number 0778-38-2107 (the "Property").

We are counsel for a developer that is considering rezoning the Property. The Property is currently zoned Thoroughfare District with the Airport Overlay District and Special Highway Overlay District-2. The proposed zoning district is Residential-6 (R-6) with the Special Highway Overlay District-2. The purpose of this rezoning is to permit the development of a single-family subdivision.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Wednesday, January 28, 2015 at 6:00 p.m. This meeting will be held in the meeting room at the Lake Lynn Community Center located at 7921 Ray Road, Raleigh, NC 27613.

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

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

EXHIBIT B

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

DEAN, BENJAMIN A
MCCONNELL, JOHN
PO BOX 20066
RALEIGH NC 27619-0066

WHITFIELD, KENNETH D
WHITFIELD, ANDREA A
8916 ERINSBROOK DR
RALEIGH NC 27617-8344

PECZE, SHAWN PECZE,
CHEMBERLY
8812 ERINSBROOK DR
RALEIGH NC 27617-8342

WOODLAWN HOMEOWNERS
ASSOCIATION INC
C/O PPM INC
PO BOX 99657
RALEIGH NC 27624-9657

CRENSHAW, SHARON
MONTGOMERY
8912 ERINSBROOK DR
RALEIGH NC 27617-8344

DUDLEY, ANTHONY K
5400 ALPINE DR
RALEIGH NC 27609-4604

WASLE, MICHAEL J WASLE,
ALLISON P
9016 ERINSBROOK DR
RALEIGH NC 27617-8346

EDWARDS, CLYDE RICHARD
WOODS, KRISTI ELENA
8904 ERINSBROOK DR
RALEIGH NC 27617-8344

ALCORN, ROBERT ANDREW
ALCORN, MARGARET NORA
8808 ERINSBROOK DR
RALEIGH NC 27617-8342

KELLY, JOSEPH M KELLY,
CELESTE L
9012 ERINSBROOK DR
RALEIGH NC 27617-8346

FLORES, EDMUNDO J FLORES,
CLARA R
8908 ERINSBROOK DR
RALEIGH NC 27617-8344

STARK, DANIEL J STARK,
CATHERINE THRUN
8804 ERINSBROOK DR
RALEIGH NC 27617-8342

PAUL, JUSTIN M
9008 ERINSBROOK DR
RALEIGH NC 27617-8346

THE SANTIAGO T & VIVIAN E
LOPEZ FAMILY TRUST LOPEZ,
SANTIAGO T CO-TRUSTEE
973 PALAU PKWY
ROCKFORD IL 61108-2647

BARBATO, DONNA
8800 ERINSBROOK DR
RALEIGH NC 27617-8342

DOUTHIT, HARLAND DOUTHIT,
MONICA
9004 ERINSBROOK DR
RALEIGH NC 27617-8346

ANGUS BARN PROPERTIES LLC
THE
9401 GLENWOOD AVE
RALEIGH NC 27617-7514

CONDON, CLINT A CONDRON,
MEGAN
8712 ERINSBROOK DR
RALEIGH NC 27617-8340

BECKER, THOMAS W BECKER,
MEGHAN
9000 ERINSBROOK DR
RALEIGH NC 27617-8346

NASIATKA, AMY
8900 ERINSBROOK DR
RALEIGH NC 27617-8344

RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

RAYMOND, MATTHEW
RAYMOND, BETH
8924 ERINSBROOK DR
RALEIGH NC 27617-8344

NOBLES, CHARLES G
8820 ERINSBROOK DR
RALEIGH NC 27617-8342

RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

ZHAO, MING QU, LU
8920 ERINSBROOK DR
RALEIGH NC 27617-8344

PFANMILLER, ADAM B
PFANMILLER, MEGAN E
8816 ERINSBROOK DR
RALEIGH NC 27617-8342

WELCH, JONATHAN S WELCH,
SARAH R
8708 ERINSBROOK DR
RALEIGH NC 27617-8340

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

On Wednesday, January 28, 2015, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. Below is a list of items discussed at the meeting:

1. Uses permitted by current zoning
2. Location of future City park
3. Access from Leesville Road
4. Completion of Englehardt Drive
5. Requested zoning and permitted uses
6. Potential layout of subdivision
7. Price range for future homes
8. Transitions required by UDO
9. Removal of Airport Overlay District

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDEES

1. Vivian Lopez
2. Alli Walse
3. Michael Walse