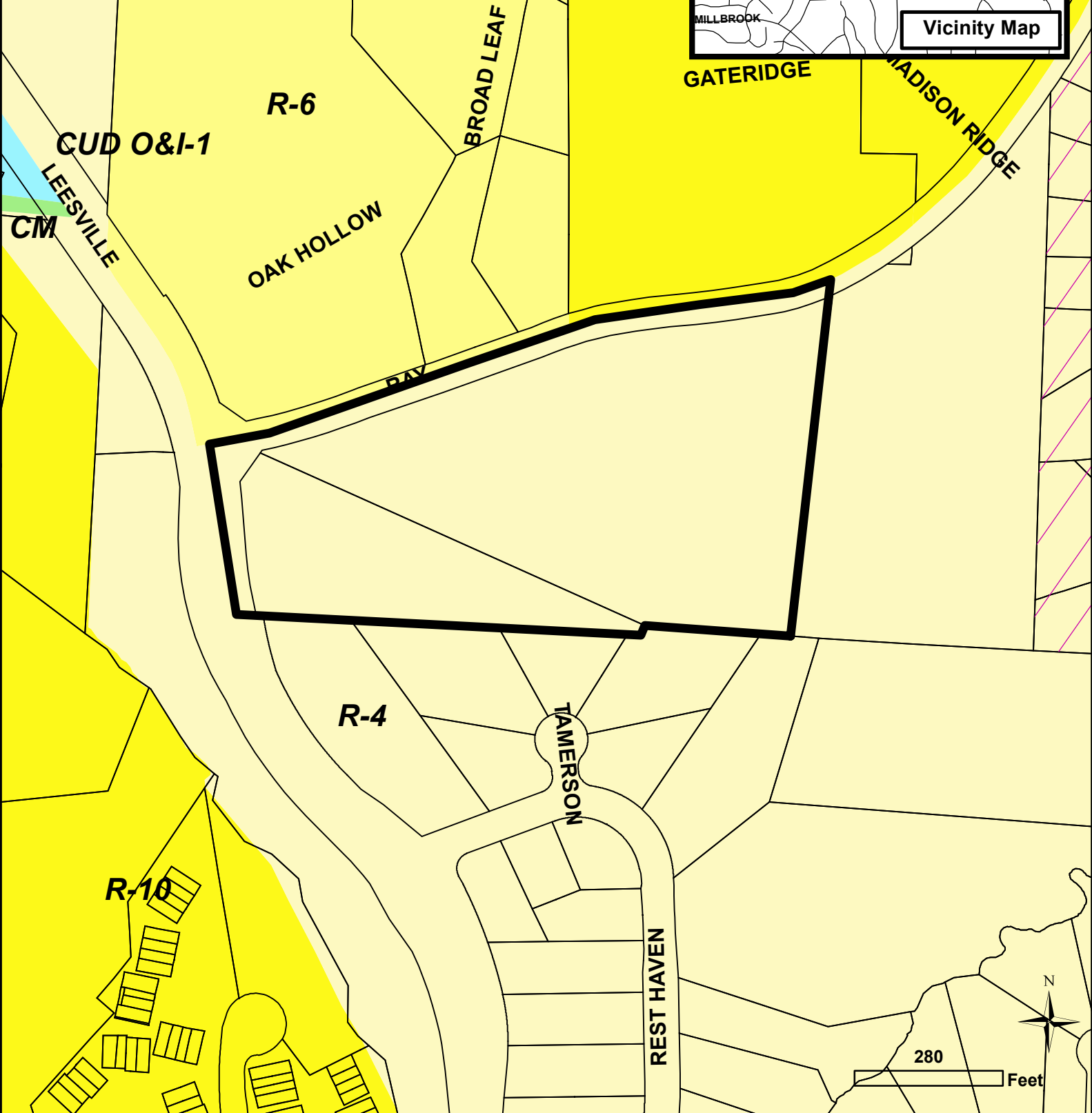
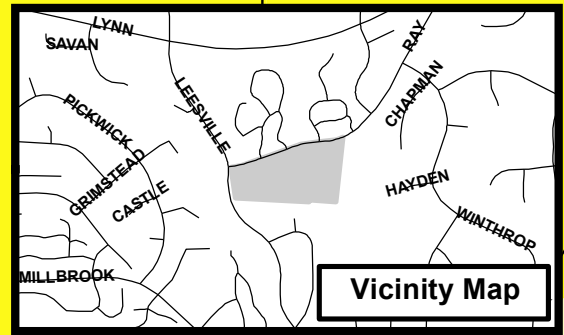


Existing Zoning Map

Case Number: Z-9-13



Request:

12.16 ac from R-4 to R-15 CUD

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



Certified Recommendation

Raleigh Planning Commission

CR# 11511

Case Information Z-9-13 Leesville Road

<i>Location</i>	Southeast quadrant of the intersection of Leesville and Ray Road.
<i>Request</i>	Rezone property from Residential-4 to Residential-15 Conditional Use
<i>Area of Request</i>	12.16 acres
<i>Property Owner</i>	Evelyn B. Stanley
<i>Applicant</i>	Thomas C Worth (919)839-1125
<i>Citizens Advisory Council</i>	Northwest CAC
<i>PC Recommendation Deadline</i>	April 15 th , 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

<i>FUTURE LAND USE</i>	Moderate Density Residential
<i>CONSISTENT Policies</i>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.5 – Connectivity Policy LU 5.4 – Density Transitions Policy LU 5.6 – Buffering Requirements Policy T 1.6 – Transportation Impacts Policy EP 8.4 – Noise and Light Impacts
<i>INCONSISTENT Policies</i>	None

Summary of Proposed Conditions

1. Residential density limitation.
2. Building height
3. Limitation on points of access from Leesville and Ray Road.
4. Transit easement
5. Increased buffers to residential
6. Restrictions on lighting

Public Meetings

Neighborhood Meeting	Public Hearing	Committee	Planning Commission
10/15/2012	1/15/2013	Date:	1/22/13: Approval

☐ **Valid Statutory Protest Petition**

Attachments

1. Staff report

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and should be approved in accordance with zoning conditions dated December 5, 2012.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The request is consistent with the Future Land Use Map and all applicable Comprehensive Plan policies. The Future Land Use Map designates this area as being appropriate for Moderate Density Residential, and the rezoning request as conditioned is consistent with this designation. 2. The request is reasonable and in the public interest. Rezoning to Residential-15 Conditional Use will have no additional impacts to surrounding infrastructure and will provide the applicant with more opportunity for development on the property. Higher density residential is appropriate in this location. 3. The proposal is compatible with the surrounding area. The applicant has offered numerous zoning conditions to help mitigate any potential impacts to surrounding lower density residential.
<i>Motion and Vote</i>	Motion: Butler Second: Buxton In Favor: Butler, Buxton, Fleming, Fluhrer, Harris Edmisten, Haq, Sterling-Lewis, Schuster and Terando Recused: Mattox

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.

Planning Director _____ Date _____

 1/22/13
 Planning Commission Chairperson _____ Date _____

Staff Coordinator: Stan Wingo stan.wingo@raleighnc.gov



Zoning Staff Report – Z-9-13

Case Summary

Overview

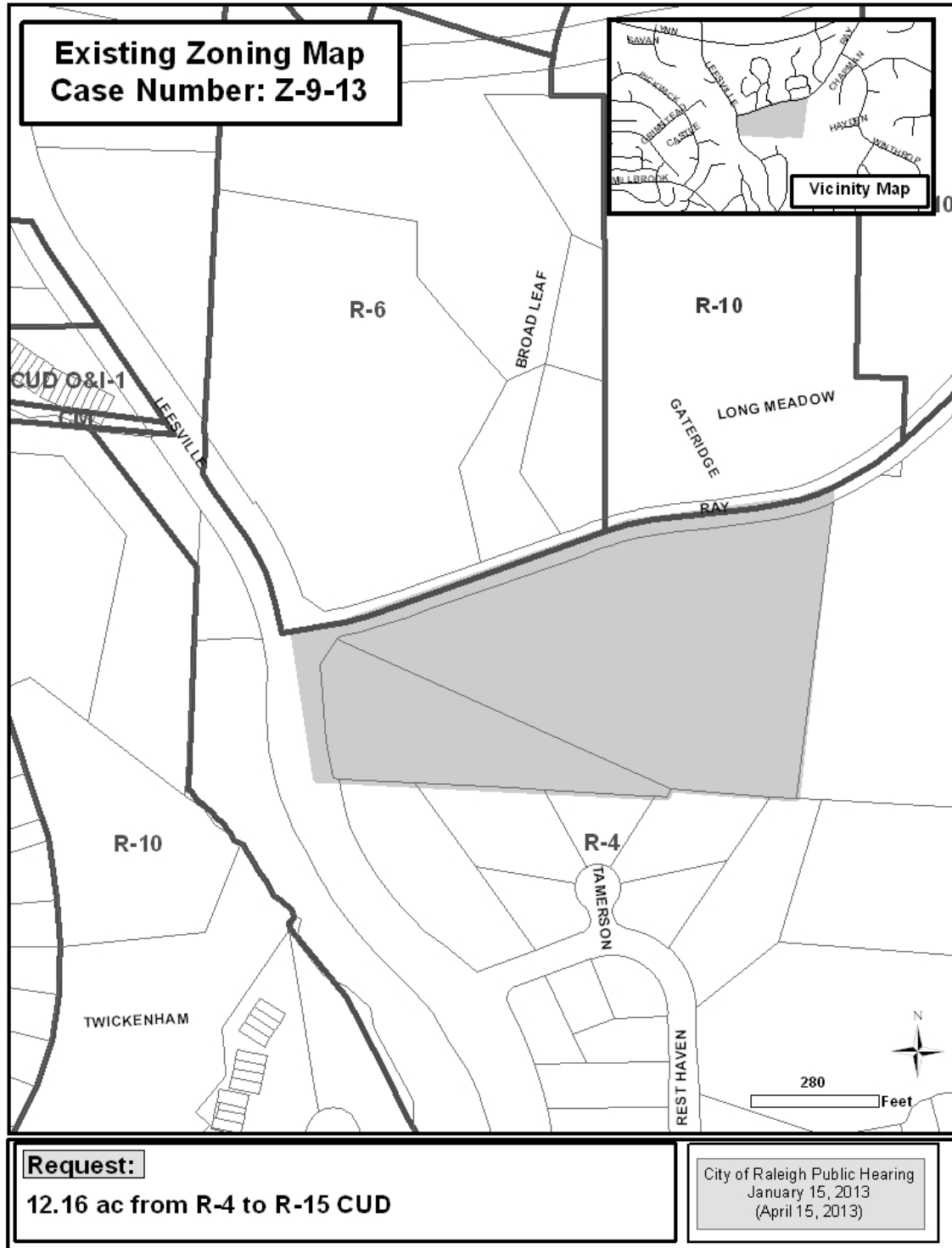
Subject property is located in the southeast quadrant of the intersection of Leesville and Ray Road. Applicant is proposing to rezone the property from Residential-4 to Residential-15 Conditional Use. The Future Land Use map designates this property as being appropriate for Moderate Density Residential.

Conditions offered by the applicant include a residential density limitation of 12 dwelling units per acre, height limitations, additional buffering to single family residential and limitations on the points of access. Restrictions on site lighting as well as a transit easement were also offered by the applicant. The request as conditioned is consistent with the Future Land Use map as well as all applicable Comprehensive Plan policies. There are no additional impacts to surrounding infrastructure associated with this request.

Outstanding Issues

<i>Outstanding Issues</i>	None	<i>Suggested Mitigation</i>	N/A
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ZONING REQUEST



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Residential-4	Residential-6 and Residential-10	Residential-4	Residential-4	Residential-4 and Residential-10
<i>Additional Overlay</i>	None	None	None	None	None
<i>Future Land Use</i>	Moderate Residential	Moderate Residential	Low Density Residential	Moderate Residential	Public Parks and Open Space
<i>Current Land Use</i>	Vacant undeveloped land	Multi-Family	Single Family	Church	Multi-Family

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	48 dwelling units	145 dwelling units
<i>Setbacks:</i>		
<i>Front:</i>	30	20
<i>Side:</i>	10	5 (agg. 15)
<i>Rear:</i>	30	20
<i>Retail Intensity Permitted:</i>	None	None
<i>Office Intensity Permitted:</i>	None	None

The proposed rezoning is:

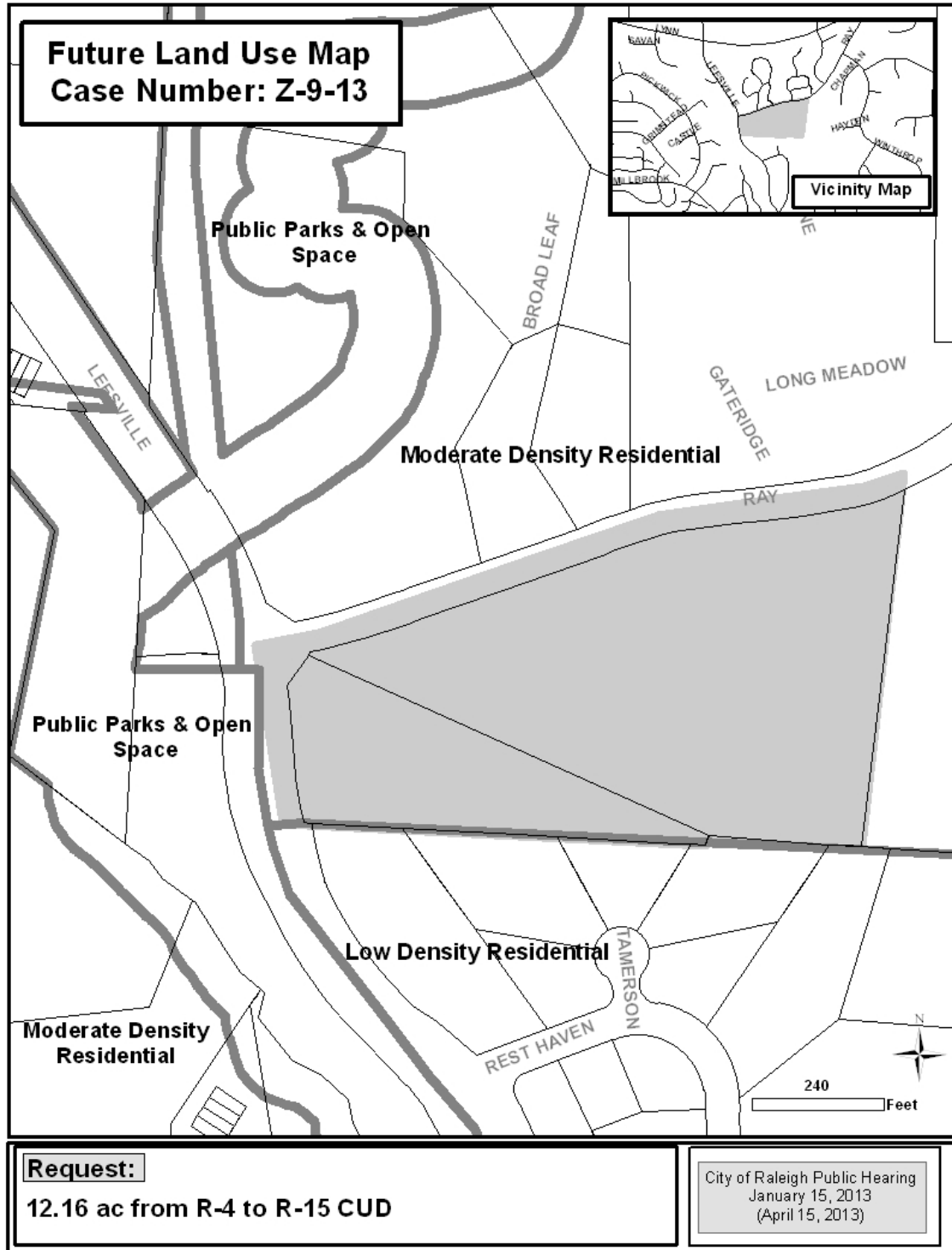
☒ **Compatible** with the property and surrounding area.

☐ **Incompatible.**

Analysis of Incompatibility:

The proposed rezoning request is compatible with the surrounding area. Applicant has included zoning conditions that limit density and provide appropriate transitions to adjacent lower intensity residential.

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation:

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

The rezoning request is consistent with the Future Land Use designation of Moderate Density Residential. This category suggests 6-14 dwellings of residential development, and the applicant has conditioned the proposed density to no more than 12 units per acre.

2.2 Policy Guidance

The rezoning request is **consistent** with all applicable Comprehensive Plan policies.

2.3 Area Plan Policy Guidance

There are no applicable Area Plans in this location.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Consistent with Comprehensive Plan.
- Provides additional redevelopment opportunities.

3.2 Detriments of the Proposed Rezoning

- No known detriments 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>			
Ray Road	Minor Thoroughfare	4,600	14,000			
Leesville Road	Major Thoroughfare	12,000	32,000			
<u>Street Conditions</u>						
<u>Ray 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	27'	Curb and gutter on the north side of the street	60'	None	None
City Standard	3	53'	Back-to-back curb and gutter section	80'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	NO	NO	NO	NO	NO	NO
<u>Leesville 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	4	71'	Back-to-back curb and gutter section	126'	8' MUP on the east side 5' sidewalks on west side	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	YES	YES	YES	YES	YES	NO
<u>Expected Traffic Generation [vph]</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	43	81	38			
PM PEAK	54	105	51			
Suggested Conditions/ Impact Mitigation:		Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-9-13.				
Additional Information:		Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.				

Impact Identified: Additional 38 AM Peak hour trips and 51 PM Peak hour trips.

4.2 Transit

Applicant has included a transit easement in proposed zoning conditions.

Impact Identified: None

4.3 Hydrology

<i>Floodplain</i>	Floodprone Soils present
<i>Drainage Basin</i>	Haresnipe
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: Site is subject to Part 10, Chapter 9 Stormwater Regulations. Floodprone soils shown per Wake Co. Soil Survey present on site and subject to Part 10, Chapter 4 Floodplain Regulations. Neuse River Buffered features may be present on site and are subject to Neuse River Buffer Rules

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>	<i>Estimated Remaining Capacity</i>
<i>Water</i>	24,320 gpd	95,760 gpd	
<i>Waste Water</i>	24,320 gpd	95,760 gpd	

Impact Identified: The proposed rezoning would add approximately 71,440 gpd to the wastewater collection and water distribution systems of the City. There is currently twelve (12") inch water mains located within the rights-of way of Ray and Leesville Roads. Currently there are no sanitary sewer mains adjacent to the proposed rezoning area; therefore the petitioner/developer will be required to extend sanitary sewer 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

Subject Tract is not allocated adjacent to a greenway corridor. The subject tract is located near Lake Lynn Park. This rezoning increases the recreation level of services.

Impact Identified: None

4.6 Urban Forestry

Urban Forestry	Andy Gilliam, Forestry Specialist	
Contact	andy.gilliam@raleighnc.gov	ph: 919-996-2477

1. The subject parcels are both larger than 2 acres and therefore subject to Raleigh's tree conservation laws: code sections 10-2072 and 10-2082.14.
2. Section 10-2072 (Tree disturbing activity except a minor tree removal activity), on properties currently without recorded tree conservation areas, prohibits disturbance or removal of trees in the protected buffers around the property: 50' wide buffer adjacent to thoroughfares, 65'-wide buffer adjacent to developed property or roadways, 32'-wide buffers adjacent to undeveloped property.
3. Section 10-2082.14 requires establishment of tree conservation areas when the property is developed (new subdivision or new site plan).

Impact Identified: Condition 5, the undisturbed buffer, cannot be counted as primary tree conservation area. It can possibly be counted as secondary tree conservation area if it meets the code requirements for a secondary tree conservation area.

4.7 Designated Historic Resources

This site is not located in a historic district and does not contain any historic landmarks.

Impact Identified: None

4.9 Appearance Commission

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

4.10 Impacts Summary

- There are no additional impacts to surrounding infrastructure associated with this request.

4.11 Mitigation of Impacts

- None.

5. Conclusions

The proposed rezoning request is consistent with the Future Land Use map and all applicable Comprehensive Plan policies. There are also no additional impacts to surrounding infrastructure associated with this request.



Petition to Amend the Official Zoning Map

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

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - ☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - ☒ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - ☐ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - 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) <u>Evelyn B Stanley</u>	Print Name	Date
By: <u>Kenneth J. Stanley</u>	<u>Evelyn B. Stanley</u>	<u>02/09/2012</u>
<u>Kenneth J. Stanley, as attorney-in-fact</u>		
<u>for Evelyn B. Stanley</u>		
<u> </u>		
<u> </u>		
<u> </u>		
<u> </u>		

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

	Name(s)	Address	Telephone/Email
Petitioner(s) (for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	Evelyn B. Stanley	2216 Hillock Drive Raleigh, NC 27612	
Contact Person(s)	Thomas C. Worth, Jr.	P.O. Box 1125 Raleigh, NC 27602	919-831-1125 919-831-1205

Property information

Property Description (Wake County PIN)	0787-91-8009 & 0787-90-4970
Nearest Major Intersection	Leesville Road and Ray Road
Area of Subject Property (in acres)	12.16 acres
Current Zoning Districts (include all overlay districts)	R-4
Requested Zoning Districts (include all overlay districts)	R-15 CUD

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]

CITY OF RALEIGH
PIN # 0786 99 6925
PO Box 590
Raleigh, NC 27602-0590

ASHTON RALEIGH
RESIDENTIAL LLC
PIN # 0787 90 6698
5711 Six Forks Rd, Ste 300
Raleigh, NC 27609-3888

AUTUMN CHASE CONDOMINIUMS
PIN # 0787 91 2842
5711 Six Forks Rd., Ste 206
Raleigh, NC 27609-3888

MARY J KARABATSOS
PIN # 0787 91 2842
103 Oak Hollow Ct.
Raleigh, NC 27613-3284

JESSICA A TRUITT
PIN # 0787 91 2842
106 Oak Hollow Ct.
Raleigh, NC 27613-3284

LORRAINE P. TATE
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109 Oak Hollow Ct.
Raleigh, NC 27613-3284

JUDITH ANN GARRIGUS
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112 Oak Hollow Ct.
Raleigh, NC 27613-3284

DANIEL S MILLER
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203 Oak Hollow Ct.
Raleigh, NC 27613-3287

JULE DEE SCARBOROUGH
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6244 Pioneer Ter.
Dekalb, IL 60115-8526

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303 Oak Hollow Ct.
Raleigh, NC 27613-3288

EVELYN B. STANLEY
PIN # 0787 90 4970
2216 Hillock Drive
Raleigh, NC 27612-3968

ASHTON RALEIGH
RESIDENTIAL LLC
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Raleigh, NC 27609-3888

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Raleigh, NC 27613-3284

RICHARD C MILLINDER
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Raleigh, NC 27613-3284

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WENDY S KRIEBEL
PIN # 0787 92 4088
306 Broad Leaf Cir
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SHARA L WOLKOMIR
PIN # 0787 92 4088
307 Broad Leaf Cir
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ANNA ROACH
PIN # 0787 92 4088
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PIN # 0787 92 4088
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ALLISON LEIGH KLEIN
PIN # 0787 92 4088
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204 Broad Leaf Cir
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MONICA J TERILLI
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CANDACE DANIELLE KEYS
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BILLY R INSCORE
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402 Broad Leaf Cir
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LORI ATHERTON
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Raleigh, NC 27604-8499

PHILIP E WARNER
PIN # 0787 92 4088
404 Broad Leaf Cir
Raleigh, NC 27613-3294

MICHAEL SCOTT GLOVER
PIN # 0787 92 4088
305 Broad Leaf Cir
Raleigh, NC 27613-3293

CLARENCE E & BETTY B
HAMILTON
PIN # 0797 00 1608
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Raleigh, NC 27612-2105

CATHERINE G SHAREK
PIN # 0797 00 2674
6620 Rest Haven Dr
Raleigh, NC 27612-2167

JOHN FLINT & RUTH Y RHODES
PIN # 0797 00 6577
8703 Cypress Club Dr
Raleigh, NC 27615-2120

CALVARY PRESBYTERIAN
CHURCH INC
PIN # 0797 01 5167
6520 Ray Rd
Raleigh, NC 27613-3234

MRP LAUREL OAKS LLC
PIN # 0797 02 4458
ALLIANCE TAX ADVISORS
433 Las Colinas Blvd. E Ste 980
Irving, TX 75039-5513

CITY OF RALEIGH
PIN # 0787 81 9249
PO Box 590
Raleigh, NC 27602-0590

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PIN 0787 91 6491
900 Ridgefield Dr. Ste 150
Raleigh, NC 27609-8514

TERRI LEIGH FREED
PIN 0787 91 6491
203 Autumn Chase Dr.
Raleigh, NC 27613-3299

FRIDA F PASCUA
PIN 0787 91 6491
206 Autumn Chase Dr.
Raleigh, NC 27613-3299

KAREN A REUTER
PIN 0787 91 6491
209 Autumn Chase Dr.
Raleigh, NC 27613-3299

JOSHUA GUNTER
PIN 0787 91 6491
212 Autumn Chase Dr.
Raleigh, NC 27613-3299

HECTOR L RIVERA
PIN 0787 92 8212
502 Broad Leaf Circle
Raleigh, NC 27613-3295

JOHN HUNTER
PIN 0787 92 8212
505 Broad Leaf Circle
Raleigh, NC 27613-3295

SELMA LANIER SMITH
PIN 0787 92 8212
508 Broad Leaf Cir
Raleigh, NC 27613-3295

DAVID JR & DIANE SLATER
HILARY K SLATER
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DIANE M SCOTT
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204 Autumn Chase Dr.
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Raleigh, NC 27612-6247

CALIBRE AUTUMN CONDOMINUM
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5711 Six Forks Rd, Ste 206
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503 Broad Leaf Circle
Raleigh, NC 27613-3295

JEFF S ALDRIDGE
PIN 0787 92 8212
8229 Morgans Way
Raleigh, NC 27613-4323

CHARLES HARRISON & BERYL G
JONES
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Raleigh, NC 27613-3299

JANET M BRITT
PIN 0787 91 6491
205 Autumn Chase Dr.
Raleigh, NC 27613-3299

JANET M PUNZI
PIN 0787 91 6491
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Raleigh, NC 27613-3299

BARHAM FAMILY HOLDINGS LLC
PIN 0787 91 6491
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Chapel Hill, NC 27516-4334

J MARK PAYNE TRUSTEE
WILLIAM H PAYNE II TRUSTEE
PIN 0787 92 8212
PO BOX 3427
Greensboro, NC 27402-3427

RAYMOND A & IRIS G RUBIN
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Raleigh, NC 27613-3295

SANDRA W BALLARD
PIN 0787 92 8212
507 Broad Leaf Cir
Raleigh, NC 27613-3295

EXHIBIT C. Request for Zoning Change

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Z-9-13

Conditional Use District requested: R-15 Conditional Use District (Residential-15 CUD)

Narrative of conditions being requested:

1. Residential density shall not exceed twelve (12) dwelling units per acre.
2. Structures on the subject property shall not exceed fifty-five feet (55') or four (4) stories in height.
3. No more than one access point shall be permitted on Leesville Road and no more than two (2) access points shall be permitted on Ray Road.
4. A transit easement measuring at least 15'x 20' will be offered along Leesville Road. The location of the easement shall be approved by the Public Works Department, Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation.
5. An undisturbed buffer a minimum of thirty (30') feet in width shall be maintained along the property's southern boundary adjacent to the following properties:

PIN 0787-90-5548 – Bartholomew – Deed Book 2308, Page 556

PIN 0787-90-6698 – Ashton Raleigh Residential LLC – Deed Book 14660, Page 738

PIN 0787-90-9618 – Ashton Raleigh Residential LLC – Deed Book 14660, Page 738

PIN 0797-00-1608 – Hamilton – Deed Book 14813, Page 1980

PIN 0797-00-2674 – Sharek – Deed Book 6535, Page 330

6. Poles for free standing lighting shall not exceed thirty-five feet (35') in height and, except as provided below, all pole mounted light fixtures in excess of sixteen (16') feet shall be fully shielded cutoff type. Residential style light fixtures which illuminate entrances, drives and walkways may be up to fourteen (14') feet in height and shall not be required to be fully shielded cutoff fixtures.

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
By: <u>Kenneth J. Stanley</u> AS ATTORNEY-IN-FACT	Evelyn B. Stanley	December 5, 2012
Kenneth J. Stanley, as attorney-in-fact		
for Evelyn B. Stanley		

EXHIBIT D. Request for Zoning Change

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

Required items of discussion:

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

Recommended items of discussion (where applicable):

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

PETITIONER'S STATEMENT:

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

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

The Future Land Use Map ("FLUM") designates the subject property for moderate density residential uses and allows for 6-14 dwelling units per acre. The proposed multi-family land use with a density cap of thirteen (13) units per acre is consistent with the FLUM.

- 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.**

We are not aware of any Area Plans or other City Council adopted plans which are applicable to the subject property.

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

The proposed map amendment, as conditioned, is consistent with the Comprehensive Plan. Specifically, the map amendment is consistent with the following Comprehensive Plan Policies:

LU 1.1, 1.2 and 1.3 Future Land Use Map and Conditional Use Consistency. The proposed rezoning and its conditions are consistent with the FLUM and Comprehensive Plan.

EXHIBIT D. Request for Zoning Change

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LU 2.1 Placemaking. The proposed development will create a place to meet the needs of seniors which is visually attractive, safe, accessible, functional and has its own distinct identity.

LU 2. Healthy Communities. The proposed development will provide for a healthy community and will promote active lifestyles by bike and pedestrian circulation and/or accessibility to City parks and greenways.

LU 2.6 Zoning and Infrastructure Impacts. The proposed development will mitigate the impacts of increased density by landscaping, dedication of additional right-of-way and/or road improvements.

LU 4.2, 4.3, 4.5, 4.6, 4.7 and 4.9 Transportation. The proposed zoning will provide an offer of cross-access and a transit stop easement to encourage and facilitate transit use, connectivity and transit intensive corridor development.

LU 5.5, 5.6 and 5.7 Density Transitions and Buffering. Transitions for the higher density of the proposed use to the single family lots to the south will be accommodated with landscaped transitional protective yards and transitional areas. In addition, impacts will be mitigated by density and height caps.

LU 8.1 Housing Variety. The proposed development will add senior housing to an area which currently includes affordable housing, market apartments, condominiums and single-family housing.

LU 8.9 Open Space in New Development. It is anticipated that the proposed development will provide significant open space and will be sensitive to the property's ecological resources.

T 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 Land Use and Transportation Coordination. It is anticipated that the proposed development may address traffic through right-of-way dedication, road improvements and/or the provision of a transit stop easement.

T 2.1 and 2.2 Integration of Travel Modes and Defining Future Rights-of-Way. It is anticipated that the proposed development will provide safe and attractive transportation routes and roads including sidewalks and walking paths for pedestrians and bicycles and/or will facilitate increased or improved rights-of-way for vehicles.

T 2.9 Curb Cuts. Access points along the major and minor thoroughfare have been limited to minimize curb cuts.

T 4.1, 4.4 and 4.8. Transit. The proposed development will facilitate transit by reserving a transit stop and possibly dedicating additional right-of-way.

T 5.1, 5.2, 5.3, 5.4, 5.5, 5.9 and 5.10 Bicycle and Pedestrian Circulation. It is anticipated that the proposed development will encourage, facilitate and improve bike and pedestrian circulation, connectivity and access.

EP 2.5 Protection of Water Features. The proposed development will preserve and protect any stream located on the property confirmed by governmental entities as wetlands, or as a perennial stream classified as a Neuse River Buffer Stream.

EXHIBIT D. Request for Zoning Change

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EP 3.1 Water Quality BMPs. It is anticipated that the proposed development will employ BMPs and/or other techniques to handle stormwater and enhance water quality.

EP 3.12 and 3.13 Stormwater Impacts During and After Construction. The proposed development will control stormwater through BMPs and/or other techniques to pre-development levels to avoid erosion and other environmental damage.

EP 5.1 and 5.3 Tree Conservation. The proposed development will conserve existing trees on site and add new landscaping to the development.

EP 8.1, 8.2, 8.3 and 8.4 Lighting. It is anticipated that the proposed development will minimize light pollution by limiting brightness, shielding fixtures and directing lighting away from residential uses where possible while taking safety concerns into consideration.

L1 1.8 Zoning for Housing. The proposed rezoning will support the City's goal of ensuring a variety of housing types by facilitating a senior housing development.

H 4.2 Aging in Place. The proposed development will facilitate accessible housing with many amenities for seniors to allow aging in place.

PR 2.1 and 2.2 Park Accessibility and Greenway Awareness. The proposed development will promote and provide accessibility to and awareness of the City Greenway, Lake Lynn Park and Wooten Meadows for its senior residents.

UD 1.7 and 1.8 Scenic Corridors, Tree Planting and Tree Preservation. The proposed development will protect and enhance the view along major and minor thoroughfares by preserving trees and/or adding new landscaping.

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 surrounded by multi-family uses to the north, a church to the east, single family and vacant land to the south and a greenway corridor and Raleigh Housing Authority apartments to the west.

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

*North: R-6 and R-10 condominiums and apartments
East: R-4 church
South: R-4 vacant lots and single-family detached
West: R-4 and R-10 Greenway and apartments*

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:

EXHIBIT D. Request for Zoning Change

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The proposed zoning map amendment to permit adult multi-family uses is compatible with the multi-family and institutional neighboring uses. The area includes great recreational opportunities for the residents of the existing and proposed multi-family developments with the Hare Snipe Creek Greenway trail just across Leesville Road and Lynn Lake Park less than a half mile away.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The landowner will be permitted to develop its property to its highest and best use.

B. For the immediate neighbors:

The development facilitated by the proposed rezoning will likely involve dedication of additional right-of-way and road improvements to the adjacent thoroughfares, will bring the property under the City's stormwater regulations, will add tax base and provide for additional jobs for the community.

C. For the surrounding community:

The proposed rezoning in northwest Raleigh will provide a new source of senior housing to serve the aging population.

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

Multi-family development is available to properties to the east and north; however, a rezoning would be required to allow multi-family to the south. The church to the east is permitted to engage in many different types of activities as a church facility.

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

The characteristics of the subject property, a fairly large tract in a largely multi-family area with good recreational opportunities, support a map amendment to allow moderate density residential uses.

V. Recommended items of discussion (where applicable).

1. An error by the City Council in establishing the current zoning classification of the property.

N/A

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.

EXHIBIT D. Request for Zoning Change

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The general area in which the subject property is located has experienced tremendous growth since the subject property was last zoned. What was once an undeveloped rural area of large lots has now been enveloped in the City and is appropriate for multi-family development.

3. The public need for additional land to be zoned to the classification requested.

As more people move to this area and housing patterns shift to a more dense model, the City needs additional land to be zoned to permit multi-family development.

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

The subject property is located at the intersection of two major thoroughfares. It is in close proximity to the City's Hare Snipe Creek Greenway Trail, Wooten Meadows picnic and athletic area, and Lake Lynn Park. The subject property is located approximately one (1) mile from Fire Station No. 17 on Pleasant Valley Road and within approximately two (2) miles of a police substation on Glenwood Avenue. The proposed development is not expected to exceed four (4) stories in height and given its adjacent roads and uses would not deprive neighbors of air and light.

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

The proposed rezoning advances the fundamental purpose of zoning by allowing and encouraging the highest, best and most appropriate use of the subject property - multi-family housing - which is in accordance with the Comprehensive Plan, and which honors the character of the area.

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

N/A.

2-9-13

THOMAS C. WORTH, JR.

Attorney

Certified Mediator

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Raleigh, North Carolina 27602

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curmudgtcw@earthlink.net

October 17, 2012

Mr. Mitchell Silver, Planning Director
c/o Ms. DeShele Sumpter
Planner I, Long Range Planning Division
Department of City Planning
One Exchange Plaza, Suite 304
Raleigh, NC 27601

HAND DELIVERY

RE: **NEIGHBORHOOD MEETING REPORT** Regarding proposed Rezoning Petition of Evelyn B. Stanley (the "Owner"), owner of approximately 12.16 acres located in the jurisdiction of the City of Raleigh with addresses of 6720 Leesville Road, Raleigh, North Carolina 27612 and 6498 Ray Road, Raleigh, North Carolina 27613 (collectively, the "Subject Property").

Dear Ms. Sumpter:

The Neighborhood Meeting was held on Monday, October 15, 2012 at 6:30 PM at the Tabernacle Baptist Church, 8304 Leesville Road, Raleigh, NC 27613 to discuss the proposed rezoning of the Subject Property located at 6720 Leesville Road, Raleigh, NC 27612 and 6498 Ray Road, Raleigh, NC 27613 collectively.

I appeared as the Attorney for the Contract Purchaser, Cameron General Contractors, Inc. and its affiliated company Resort Lifestyle Communities, Inc. (collectively, the "Prospective Development Group"). I was joined by the following representatives of these companies: Mr. Breck Collingsworth, President and CEO, Mr. Matt Maude, CFO and General Counsel, Mr. Josh Thornton, Assistant Vice President, Mr. Jake McGlade, Site/Market Analyst and Mr. Paul Ritchie, Architect. Also present in behalf of my clients were Mr. Allan Newcomb and Mr. Bert Nowell, real estate professionals; and in addition, Mr. Kenneth Stanley, Attorney in Fact for the Owner was in attendance. As confirmed upon the attendance list attached hereto and incorporated herein, there were nine (9) neighbors in attendance from the Autumn Chase Condominium Community to the north of the Subject Property and from the single family community fronting on Rest Haven Drive to the south. A representative of Calvary Presbyterian Church to the east was also in attendance.

At the beginning of the meeting I introduced myself and apologized to those present who attended our initial Neighbors' Meeting on September 18, 2012 for the necessity of this second meeting due to my flawed notice process for the initial meeting. I then introduced Mr. Thornton

who in turn introduced the other Prospective Development Group representatives in attendance. Mr. Thornton gave the background of these companies and information about their other projects before introducing Mr. Ritchie to answer questions about this proposed project.

Substantive discussion centered upon a number of subjects including without limitation: the proposed limitation of the development to senior citizens; the location of the proposed building and its proposed number of stories, style, materials, resident services, number of rental apartments, parking and garages; lighting of site; number of dumpsters and services; buffering of residential property to the south and to the north of the Subject Property; prospective additional right of way and improvements to Ray Road; ingress-egress point(s); driveway for the delivery of goods and services to the development (which will provide full eating services to the residents); questions about stormwater, about traffic generation/traffic light, and about the number of one (1), two (2) and three (3) bedroom apartments proposed for the development; excavation/retaining walls; and timing of construction and occupancy (if approved).

Upon the conclusion of the questions to Mr. Ritchie I explained the rezoning process, including the prospective filing of the Rezoning Petition this Friday, October 19, 2012, the date and time of the prospective meeting with the Northwest/Umstead CAC in December, 2012 and January, 2013, respectively and the Public Hearing on the evening of January 15, 2013. In connection with the prospective Rezoning Petition I indicated that I expected it by Conditions to contain a residential density limited to thirteen (13) dwelling units per acre; to limit vehicular access to one (1) point on Leesville Road and not more than two (2) access points on Ray Road and further that a transit easement would be offered along Leesville Road. I also indicated that I expected there to be a height limitation in the Rezoning Petition but that additional site work needed to be performed by Mr. Ritchie and my clients' civil engineers before the height limitation could be confirmed. I also informed the attendees that the height limitation specified in the Rezoning Petition to be filed this Friday could be increased up to and including December 10, 2012 but thereafter the Conditions of the Case, including height limitations, could only be reduced.

As we concluded our meeting at approximately 8:00 PM I confirmed to those in attendance that I would send to all of the Notice Neighbors this Report of our meeting and would include the dates, times and location of the Northwest/Umstead CAC meetings this December and in January of next year.

In that regard, I note that under its present schedule the Northwest/Umstead CAC will meet as follows:

December 11, 2012, 7:00 PM and January 8, 2013, 7:00 PM at
Northwest Police Station located at 8016 Glenwood Avenue, Raleigh, NC.

Sincerely,


Thomas C. Worth, Jr.

TCWjr/dsw
Enclosure

cc: Mr. Matt Maude and Mr. Josh Thornton
Mr. Vince Chirichella, II
Mr. Allan Newcomb
Ms. Linda Jacobs

2-9-13

Name

Jim Neer

Josh Thurston

Matt Meade

Take M'blake

Paul Ritchie

Brian C. Celling

Adam Newland

Paul CHEEVER

Nina Reid

Bert Nowell

Robert Flint Rhodes

Bill Guerriero

Catherine Sharek

Steve Bowyer

Kenneth Stanley

IRIS RUBIN

FRANCINE FRANCIS

Address & Phone Number (or email)

PO Box 1779, RA (27602) 837-1125

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" " " "(402) 420-2311

" " " "

" " " "

" " " "

Mikel's Jones Properties

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108 Oak Hollow 789-96

2640 St. Mary's St. Raleigh 94

8703 Cypress Creek Dr, RA, 27615

703 Broadleaf Cir

4620 Rest Haven Dr. 27612

6520 Ray Road (Calvary PCA)
schwager@earthlink.net

3824 New Bern Ave. RA, NE 27610

504 Broad Leaf Circle Raleigh
27613

106 BROAD LEAF CIRCLE