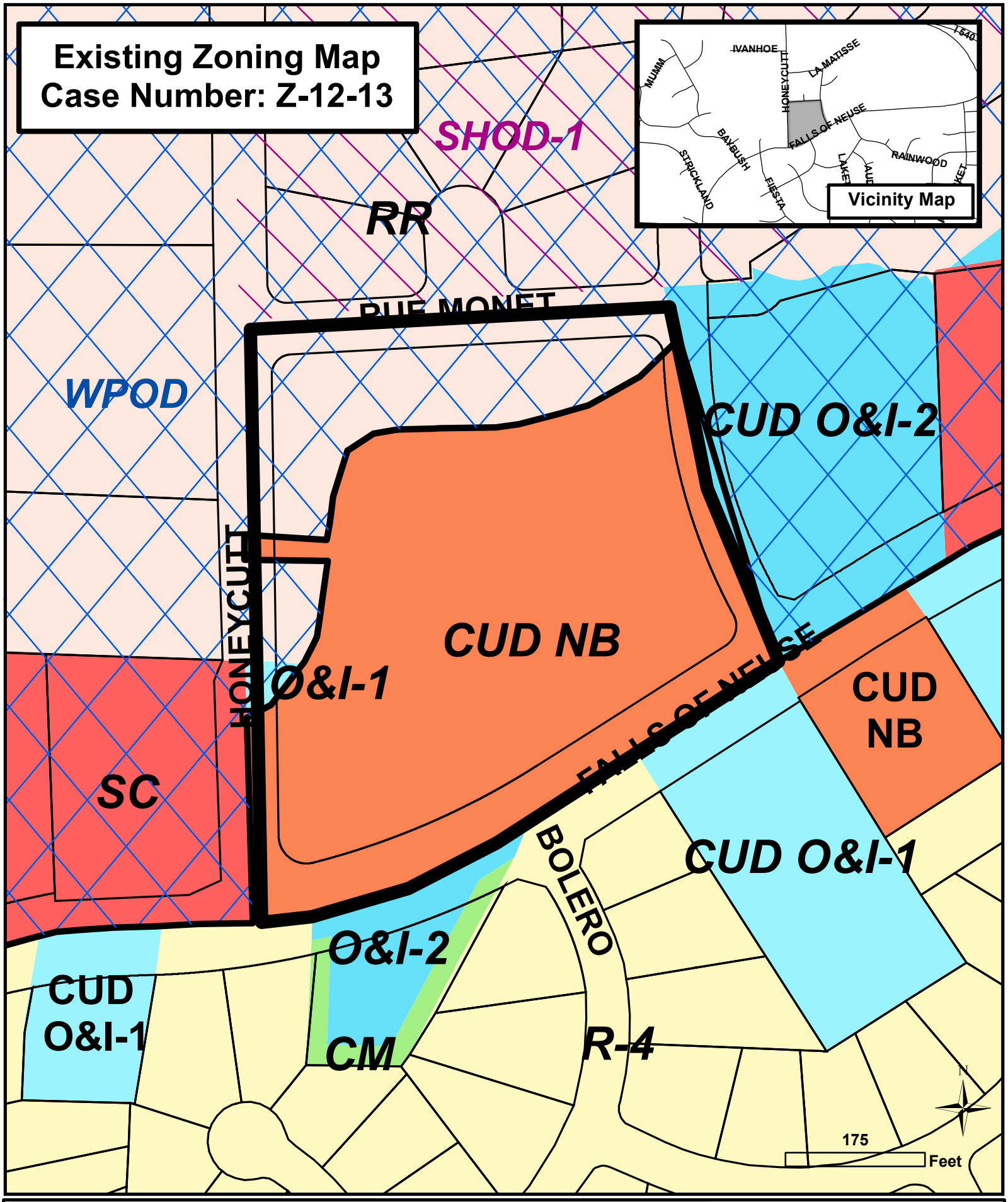


Request:
6.55 acres O&I-1, NB CUD & RR w/ WPOD (Amended Conditions)

City of Raleigh Public Hearing
April 16, 2013

Certified Recommendation

Raleigh Planning Commission

CR#

Case Information Z-12-13 Falls of Neuse Rd. and Honeycutt Rd.

Location	Northeast corner of the intersection of Falls of Neuse Road and Honeycutt Road.
Request	Modify conditions for property zoned NB CUD, O&I-1 with WPOD and RR with WPOD
Area of Request	6.55 acres
Property Owner	Lafayette SC, LLD
Applicant	Kenneth Burnham 585-586-2828 kburnham@rochester.rr.com
Citizens Advisory Council	North CAC Will Owen, chair Will.s.owen@gmail.com
PC Recommendation Deadline	August 14, 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

FUTURE LAND USE	Neighborhood Mixed Use, Rural Residential
CONSISTENT Policies	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 5.5 – Transitional and Buffer Zone Districts Policy LU 6.4 – Bus Stop Dedication
INCONSISTENT Policies	Policy LU 1.3 – Conditional Use District Consistency Policy EP 5.1 – Urban Forestry Policy EP 5.3 – Canopy Restoration Policy UD 3.10 – Planting Requirements

Summary of Proposed Conditions

All of the conditions are unchanged from those approved with Z-36-02, with the exception of condition 23. The rezoning request states:

> The current 30 conditions associated with the current Conditional Use Zoning are to remain unchanged, other than an amendment of the Map (Exhibit C-1) associated with Condition #23.

"Trees to be preserved are shown on Exhibit C-1."

The amended Map proposed shows the removal of the tree conservation area (TCA) in the center courtyard. The existing two trees will remain in the Center Court area, except not in a TCA.

Conditions #23 states: "A minimum of twenty-two percent (22%) of the oaks upon the Property that are twenty-four (24) inches or greater in caliper shall be actively preserved and protected." There are four trees remaining on the property that are (24) inches or greater in caliper.

As shown on the proposed Amended Map C-1, at least one of those four trees (25%), will remain in tree conservation. That one tree is in the TCA at the corner of Falls of Neuse and Honeycutt.

The area of TCA removed from the Center Court area shall be added to the existing TCA's as shown on the amended Map C-1 to equal .67 acres. This area is equivalent to, or greater than the TCA area on the existing Map C-1.

Other, unchanged conditions are summarized below, using the numbering as appears in the application:

1. Reimbursement of future right-of-way
2. Sidewalk provision
3. Restricted uses
4. No drive-through
5. No outparcels allowed
6 and 7. Curb cut restrictions
8. No single establishment to be greater than 7,500 square feet
9. Façade materials
11. Pedestrian access
12. Roof pitch
13. Buffering
14. Transit easement
15. No neon lighting
16. Architectural style
17. Signage
18. Building height
20. Stormwater plans
21. Size of buildings
22. Cross access
24. CAC notification
25. Building entrance orientation
27. Outside dining
28. Sidewalk illumination
29. Location of parking areas
30. Vertical mixed use

Public Meetings

Neighborhood Meeting	*Public Hearing*	*Committee*	*Planning Commission*
Dec. 17, 2012	Apr. 16, 2013	Date: Action	Date: Action

☐ ***Valid Statutory Protest Petition***

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

Planning Commission Recommendation

Recommendation	
Findings & Reasons	
Motion and Vote	

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 Planning Commission Chairperson Date

Staff Coordinator: James Brantley james.brantley@raleighnc.gov

CITY OF RALEIGH
DEPARTMENT
OF
City
Planning

Zoning Staff Report – Case Z-12-13

Conditional Use District

Case Summary

Overview

The site is located on the ridgeline separating the Falls Lake Watershed to the north and the more urbanized Lead Mine Creek watershed to the south. The northern portion of the site is designated for Rural Residential uses on the Future Land Use Map, and is zoned Rural Residential with Watershed Protection Overlay District (WPOD). On the western edge of the site there is a small portion zoned O&I-1 with WPOD. To the north and northwest are properties developed with single family houses and a church. Properties along Falls of Neuse Road to the east and west of the site are developed for commercial uses, including retail. There are also commercial uses to the south and southeast, on the south side of Falls of Neuse Road. There are extensive single family neighborhoods to the south of the site.

The original City zoning on the property, RR and O&I-1, was established when the property was brought into the City's jurisdiction in the early 1970s. After the WPOD was adopted in 1985, that district was placed on this entire property.

The site has been the subject of two relatively recent rezonings that have set the current development pattern on the property.

Z-36-02 changed the zoning from Rural Residential and Office and Institutional-1 with Watershed Protection Overlay to Rural Residential with Watershed Protection Overlay, Office and Institutional-1 with Watershed Protection Overlay and Neighborhood Business Conditional Use. At that time it was determined that the actual ridgeline roughly bisects the property from east to west. The northern portion of the site was kept RR with WPOD designation and Office and Institutional-1 with Watershed Protection Overlay; the southern portion of the site was rezoned to NB CUD. The rezoning established extensive conditions relating to site development, including Condition 19 stating that "The trees designated on Exhibit C-1 attached hereto shall be preserved with active tree protection during construction activity. The landscaping credit under the City Code otherwise available for the preservation of such trees shall be waived. Also, Condition 23 stipulates that "A minimum of twenty-two percent (22%) of the oaks upon the Property that are twenty-four (24) inches or greater in caliper shall be actively preserved and protected. Trees to be preserved are shown on Exhibit C-1."

Z-20-09 amended Condition 21 to increase the overall retail from 58,000 square feet to 66,000 square feet.

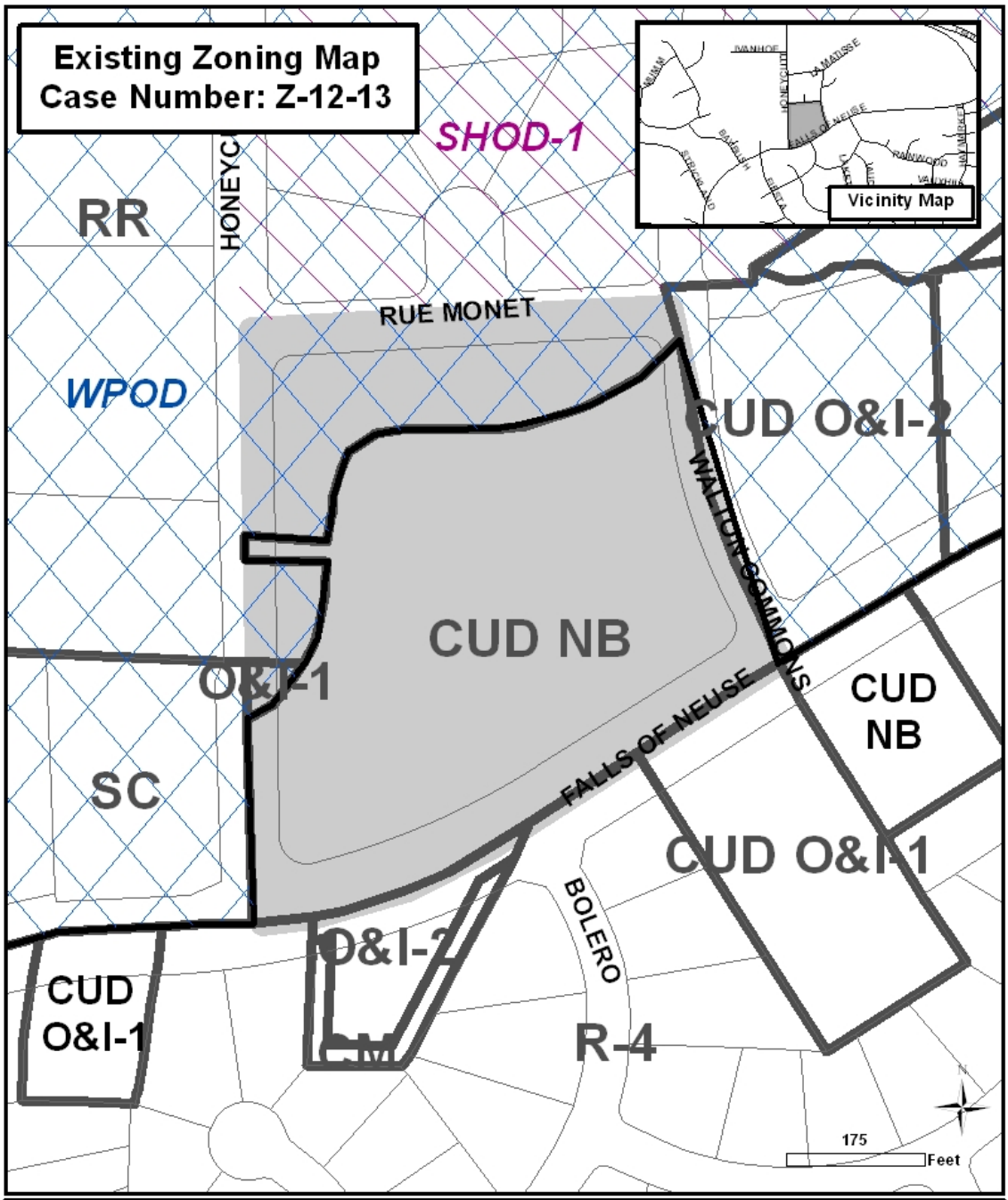
On September 21, 2012, the property owners were given a Notice of Violation & Order of Compliance for Prohibited Disturbance of a Recorded Tree Conservation Area, Raleigh City Code Section 10-2082.14. The violation citation notes that tree disturbing activity had taken place in the central tree conservation area. As of March 4, 2013 the citation is still unresolved: the fine is unpaid and no remediation for the violation has been agreed upon

The proposed change in zoning conditions seeks to remove the tree conservation area designation from that area subject of tree disturbing activity and replace the centrally-located .67 acre tree protection area with three new tree protection areas on the periphery of the site.

Outstanding Issues

Outstanding Issues	This site is in violation of the City Code. The violation has not been resolved. The proposed substitute treeless secondary tree conservation areas are not acceptable as alternates to the primary tree conservation area that the proposed conditions seek to remove from that designation..	*Suggested Mitigation*	Retain the central tree conservation area and remediate the tree disturbing activity that has taken place there.

ZONING REQUEST



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	***North***	***South***	***East***	***West***
Existing Zoning	RR with WPOD, NB CUD, O&I-1	RR with WPOD and SHOD-1	R-4, O&I-2, O&I-1 CUD	O&I-2 CUD with WPOD	SC, RR with WPOD
Additional Overlay	WPOD on RR and O&I-1 portions	WPOD, SHOD-1	n/a	WPOD	WPOD
Future Land Use	Rural Residential and Neighborhood Mixed Use	Rural Residential	Low Density Residential, Office, Research and Development	Neighborhood Mixed Use	Neighborhood Mixed Use, Rural Residential
Current Land Use	Retail	Single family houses	Single family houses, commercial	Commercial	Commercial, single family houses

1.2 Current vs. Proposed Zoning Summary

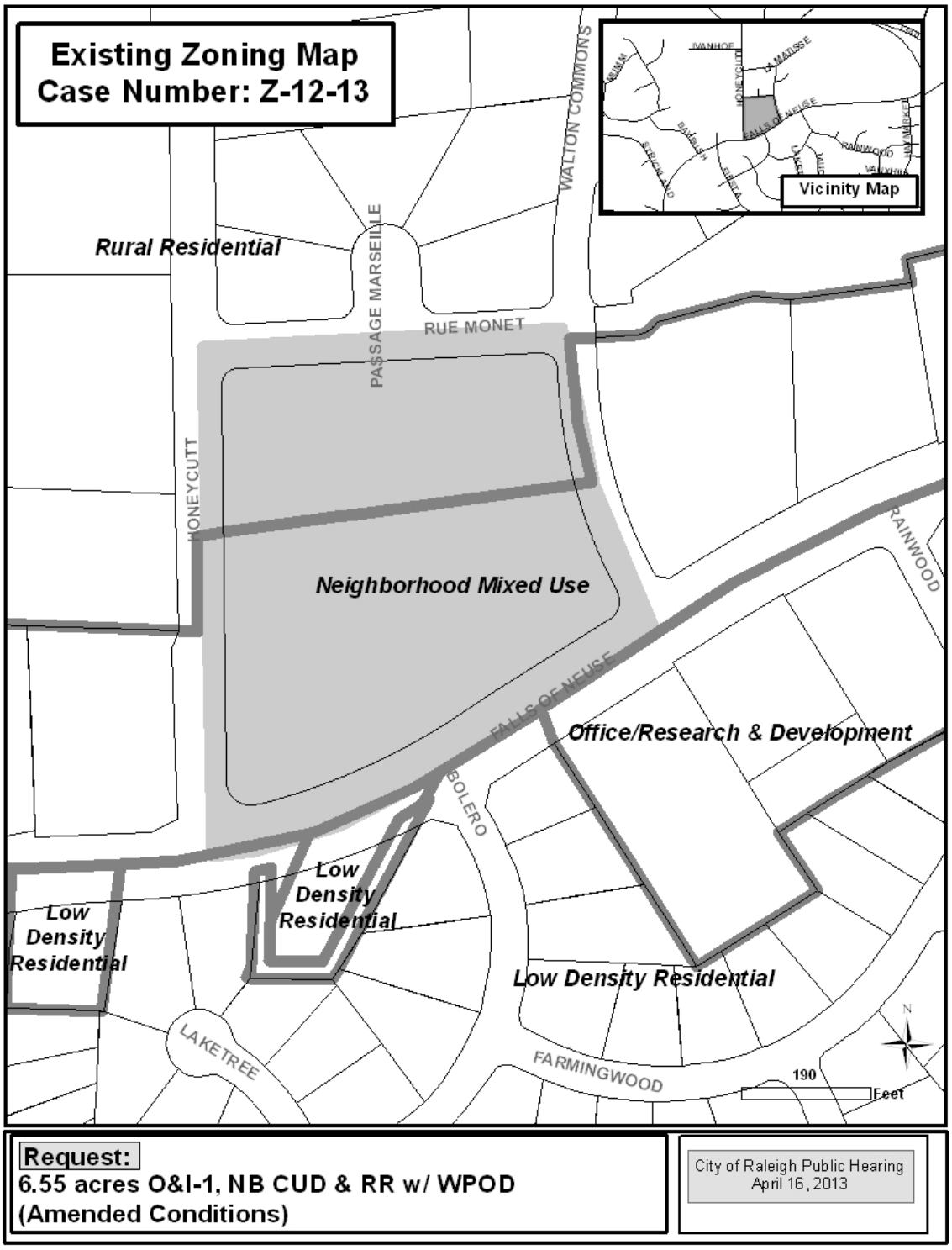
	Existing Zoning	***Proposed Zoning***
Residential Density:	1 dwelling on RR portion of site 52 dwelling on NB portion of site (on second floors, per conditions)	1 dwelling on RR portion of site 52 dwelling on NB portion of site (on second floors, per conditions)
Setbacks: *Front:* *Side:* *Rear:*	 30 feet 0 feet 0 feet	 30 feet 0 feet 0 feet
Retail Intensity Permitted:	Single retail establishment no greater than 7500 square feet; overall retail limited to 58,000 square feet	Single retail establishment no greater than 7500 square feet; overall retail limited to 58,000 square feet
Office Intensity Permitted:	RR portion: office not permitted. 15,000 square feet floor area gross per conditions	RR portion: office not permitted. 15,000 square feet floor area gross per conditions

The proposed rezoning is:

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

☐ **Incompatible.**

FUTURE LAND USE MAP



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Neighborhood Mixed Use, Rural Residential

The rezoning request is:

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

☐ **Inconsistent**
:

2.2 Policy Guidance

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

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

The proposed changes in conditions are not consistent with the policies below.

Policy EP 5.1 – Urban Forestry Expand and strengthen urban forestry and tree preservation programs to protect the existing tree cover and add to it.

The proposed conditions remove a designated tree protection area and replaces it with three unacceptable disturbed (cleared and graded) tree protection areas.

Policy EP 5.3 – Canopy Restoration Promote the reforestation of tree coverage that is typically lost during urban and suburban development through tree conservation, targeted tree plantings, urban forestry, and street tree plantings.

The proposed conditions do not address canopy restoration.

Policy UD 3.10 – Planting Requirements Enhance and expand the required planting and tree coverage for parking lots by incorporating design standards that promote long term tree growth and health. Planting standards should improve permeability and reduce the heat island effect.

The conditions do not remedy the lack of tree canopy in parking areas.

2.3 Area Plan Policy Guidance

The site is in the I-540/Falls of Neuse small area plan. There are no directly applicable policies in that small area plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

None noted.

3.2 Detriments of the Proposed Rezoning

The proposed rezoning undermines the intentions of the Comprehensive Plan by attempting to remedy, after the fact, Code violations with zoning conditions. Several policies in the Comprehensive Plan support the preservation of existing trees and the establishment of viable tree protection areas that contain existing stands of trees. The proposed rezoning seeks to establish tree protection areas that have been cleared, graded and contain no healthy trees. The proposed conditions do not meet the requirements of the Landscape Ordinance and are less restrictive than the Code.

The proposal could set a precedent by allowing zoning changes to remedy Code violations.

4. Impact Analysis

4.1 Transportation

Primary Streets	Classification	2011 NCDOT Traffic Volume (ADT)	2035 Traffic Volume Forecast (CAMPO)
Falls of Neuse Road	Secondary Arterial	32,000	34,400

Street Conditions						
Falls of Neuse Road	**Lanes**	**Street Width**	**Curb and Gutter**	**Right-of-Way**	**Sidewalks**	**Bicycle Accommodations**
Existing	5	75'	Back-to-back curb and gutter section	110'	5' sidewalks on both sides of the street	None
City Standard	6	89'	Back-to-back curb and gutter section	110'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	**NO**	**NO**	**YES**	**YES**	**YES**	**NO**

Expected Traffic Generation [vph]	Current Zoning	Proposed Zoning	Differential
AM PEAK	N/A	N/A	N/A
PM PEAK	N/A	N/A	N/A

Suggested Conditions/ Impact Mitigation:	Traffic Study Determination: A trip generation report has been waived for this case due to the nature of the zoning amendment request (amendment to Condition #23 related to relocation of Tree Conservation Area).
Additional Information:	Neither NCDOT nor the City of Raleigh has any roadway construction projects scheduled in the vicinity of this case.

Impact Identified: none

4.2 Transit

Falls of the Neuse Rd is identified in the CAT Short Range Transit Plan and the Wake County 2040 Transit Plan as a transit corridor. A 15x20' transit easement along Falls of the Neuse Road has been provided in the conditions from 2002.

Impact Identified: The requested change of conditions will have no effect on the transit usage.

4.3 Hydrology

Floodplain	No FEMA Floodplain present
Drainage Basin	Falls WPOD for RR; Perry Creek for CUD NB
Stormwater Management	Subject to Part 10, Chapter 9
Overlay District	WPOD for RR area

Impact Identified: WPOD for the RR portion of the property (the back of the lot)

4.4 Public Utilities

	Maximum Demand (current)	***Maximum Demand (proposed)***	***Estimated Remaining Capacity***
Water	32,800 gpd	32,800 gpd	
Waste Water	32,800 gpd	32,800 gpd	

Impact Identified: None.

4.5 Parks and Recreation

Proximity to Greenway	***Proximity to Park***	***Level of Service Impact***
None	None	None

Impact Identified: None

4.6 Urban Forestry

A. Previous Re-Zoning Cases (denoted by Z) and Site Plans (denoted by SP)

1. **Z-36-02**: Effective **9/17/02**. Comments below pertain to only to tree protection.

   a. Condition (19) Exhibit C-1: Shows 7 trees to be preserved with *active tree preservation* during construction: 3 loblolly pines, 4 large oaks greater than 24" dbh, and 1 smaller oak less than 24" dbh.

   b. Condition (23): Contradicts condition (19) by requiring 22% of all oaks greater than 24" dbh "…shall be actively preserved and protected" and does not state that active tree protection ends after construction ends. The tree survey shows 22 oaks that are greater than or equal to 24" dbh. Condition (23) therefore required 5 oaks to be preserved instead of 4.

2. **Z-20-09**: Effective **5/5/09**. No changes made to conditions (19) or (23) from Z-36-02.

3. **SP-9-06**: Preliminary site plan approved **1/9/07**. The Tree Conservation Plan provided 0.87 acres or 12.8% TCA because part of the lot was zoned RR which required 15% tree TCA.

The TCA plan showed Primary TCA based on Exhibit C-1 (4 oaks greater than or equal to 24" dbh, 1 oak less than 24" dbh, 3 loblolly pines 18" – 28" dbh, and all their CRZs), and a Secondary Thoroughfare TCA at Honeycutt and Rue Monet.

7. **SP-93-06**: Revised preliminary site plan approved **6/22/06**. No changes to tree conservation.

B. Site Development and Current Tree Conservation Areas

1. Permit issued to establish tree conservation areas—4/17/07. Between site plan approval on 6/22/06 and the issuance of the TCA permit, the three pines identified within the Primary TCA inexplicably died. Because the 3 trees died, the final TCA plan was 9.97% of the parcel acreage instead of the required 12.8% (See comment A.6. above). The final TCA consisted of: a Primary TCA of 3 large oaks & CRZs in the center of the property, another Primary TCA of 2 smaller oaks & CRZs at the intersection of Honeycutt & Falls of Neuse, and a Secondary Thoroughfare TCA at Honeycutt and Rue Monet.

2. Grading permit issued—4/20/07.

3. First building permit issued—8/20/07.

4. Summer 2008: The largest 40" dbh oak within the central Primary TCA died. The owners' agent subsequently requested of staff on 10-22-08: "Can we now disregard that critical root zone and perhaps revise our configuration of building and/or hardscape to extend into this area?" Staff denied the request as Code required the tree to be replanted.

5. Permit issued to remove the dead 40" dbh oak—5/18/10: Owner was required to replant at least one 3" caliper oak which was done in Fall 2010. The new tree was replanted as required; it later died and has not been replaced.

6. Existing Tree Conservation Areas:

Current TCAs consist of:

a. The subject central Primary TCA with an area of 12900 sq. ft.;
b. A second Primary TCA with an area of 4490 sq ft; and
c. A Secondary Thoroughfare TCA with an area of 12371 sq ft.

The 12900 sq ft central TCA was later unlawfully disturbed and is missing a replacement tree. As stated above, the site should have been required to have 0.872 acres (12.8%) TCA, instead it has 0.68 acres (9.97%).

C. Pending Zoning Violations—Disturbances of Recorded Primary TCA

1. Violations:

a. During the summer of 2012, within the recorded central primary TCA of Lafayette Village, the owners unlawfully installed a 22' X 21' excavated landscape pad and installed

Bermuda turf over most of the TCA/CRZs. The central TCA initially was 3 large oaks (38", 40", and 36" dbh) and critical root zones.

b. One oak died in 2008, was replanted as required by Code, the replacement tree died and is under an "Order of Compliance" to be replanted.

2. Tree Disturbing Activity

a. Permitted *Tree Disturbing Activities: City* Code permits a small number of *tree disturbing activities* within tree conservation areas for specific reasons. Turf installation and a graded landscape pad are not permitted activities. *Section* 10-2082.14(f)

b. Definition of *Tree disturbing* activity: Includes: changes in vegetative soil cover, grading, or installation of permanent or temporary encroachments within the critical root zones of protected trees. *Section* 10-2002—Definitions

3. Notifications To Owners That Disturbance Of Tree Conservation Areas Was Unlawful:

Prior to the 2012 violations within the central TCA, the owners' agents were advised by staff and the Tree Conservation Task Force **nine (9) times** that their requests to landscape, install turf, or otherwise encroach within the central TCA were not allowed by the Code and would be illegal *tree disturbing activities.* Notice to the owners' that the proposed activity would be unlawful took place on the following dates:

1. 3/17/06: Plan review comment;
2. 10/24/08: E-mail communication with Brian Starkey of OBS;
3. 2/8/11: Meeting with LaMarr Bunn;
4. 3/15/11: Meeting with Brian Starkey of OBS;
5. 5/4/11: Meeting with Brian Starkey of OBS;
6. 7/8/11: Phone communication with LaMarr Bunn;
7. 7/13/11: Meeting with LaMarr Bunn,;
8. 10/10/11: Communication with LaMarr Bunn by Tree Conservation Task Force with a memo to City Council in response to Petition of Citizens; and
9. 8/15/12: E-mail communication with Lafayette Property Manager Holly Apeldorn. .

4. Current Violation Timeline

a. August 15, 2012—Violations Discovered: Staff inspected the site, discovered the violations, and issued a Stop-Work Order to the crew installing turf within the central primary TCA. The Stop-Work Order was ignored, turf installation continued and was completed within the next few days.

b. September 21, 2012: Staff cited and fined the owners for the following: unlawful turf installation within the primary TCA, unlawful installation of the landscape pad, and for not replacing the dead tree within the TCA. In accordance with City Code, staff issued an order of compliance to remove the damaged trees and replant equivalent caliper inches. Section 10-2082.14(h) and (i).

c. The owners appealed, stating they did not want to pay the fine and remove the trees. In meetings to negotiate a resolution to the violations, staff advised the owners that the acceptable solution would be to retain an arboricultural professional to remove the unlawful turf and perform a restoration of the trees' damaged root systems, and that this approach would be best for the long-term health of the trees.

d. The owners declined staff's mitigation offer, citing complaints about mulch and their preference for turf; and offered the same treeless areas previously declined by staff as in the Z-12-13 conditions to replace the 12900 sq ft central primary TCA.

D. Evaluation of Applicant's Proposed Conditions

1.The applicants' propose conditions that do not conform with City Code.
The applicant's Z-12-13 Exhibit C Map C-2 removes the central Primary TCA as a Tree Conservation Area, and replaces it with a nearly equivalent land area identified as areas A, B, and C. Areas A, B, and C are additionally proposed to be combined with the existing recorded Secondary Thoroughfare TCA at Honeycutt and Rue Monet, all of it to be re-designated as a *natural protective yard* and a new Primary TCA.

2. Proposed TCAs A & B: Areas A & B were forested prior to development of Lafayette. All trees in A and B were removed for the development and the land was graded and compacted. Areas A and B are thus not *undisturbed areas* as required by the Code for TCAs. Nor do areas A and B meet the required tree density (basal area 30 sq ft/acre) requirement. A small number of new and unhealthy landscape trees are present in A & B, most of which have basal cankers or infested with gloomy scale.

3. Proposed TCA C: Prior to development, several large oaks were in area C. During development, all were removed except two. The two trees that remained are declining because the entire critical root zones (CRZ) of both oaks were graded off, compacted, and truncated on two sides. They are declining from the construction damage, are unhealthy, and would not qualify as TCA trees. Section 10-2082.14(d).

4. Because areas A, B, and C were severely graded and compacted, and all previously existing trees, except the two unhealthy trees, removed, the areas also do not meet the Code requirements for a *natural protective yard* which states: "No tree removal or grading shall take place unless in accordance with the requirements for a tree removal permit for street protective yards in Resource Management Zoning Districts." Section 10-2002—Definitions

5. Section 10-2082.14(b) requires that CUD tree protection areas and *natural protective yards* under *active tree preservation* be established as Primary TCAs. The intent of that language was to require protection of these areas in cases of rezoning and count as part of the tree conservation area tree save areas adopted prior to the enactment of the tree conservation ordinance.

During the first two years after the tree conservation ordinance became effective in 2005, re-zoning applications, requesting natural protective yard Primary TCAs in the back or along the sides of properties, were used to circumvent the Code priorities to eliminate the secondary TCAs

along thoroughfares. Many of these areas did not even contain trees. As a matter of policy, staff ceased accepting these types of requests in 2009.

E. Owners Had Other Options for TCA Establishment at Time of Development

1. As indicated in Figure 1, numerous possible configurations for TCA establishment existed on the Lafayette property at the time of development in addition to the areas designated by the owners. Other trees could have been identified and utilized to meet the Condition 23 requirement of Z-36-02 to preserve 22% of all oaks greater than 24" dbh. Twenty-two oaks greater than or equal to 24" dbh existed as verified by the tree survey. The other areas for possible designation of a TCA included:

a. The north side adjacent to Rue Monet which was entirely forested with loblolly pine;

b. The west side adjacent to Honeycutt that was partially forested with hardwoods; and

c. The south side adjacent to Falls of Neuse.

2. Figures 2 and 3 show changes caused by development in the Lafayette site.

Impacts Identified:

In summary, approval of this case would allow the owners to retain the unlawfully-installed turf within the central primary TCA and replace it with virtually treeless land that has been severely disturbed during development and is unsuitable and disallowed as a tree conservation area.

In addition, the new turf will have a smothering effect on root systems of the large old trees and will compete with tree roots for water, nutrients, and oxygen. Turf also produces allelopathic (growth-inhibiting) compounds that inhibit tree root growth. Subsequently, the life expectancy of the remaining two large oaks will be dramatically reduced.

Figure 1. Lafayette Village Property prior to development, 2007 aerial photo.

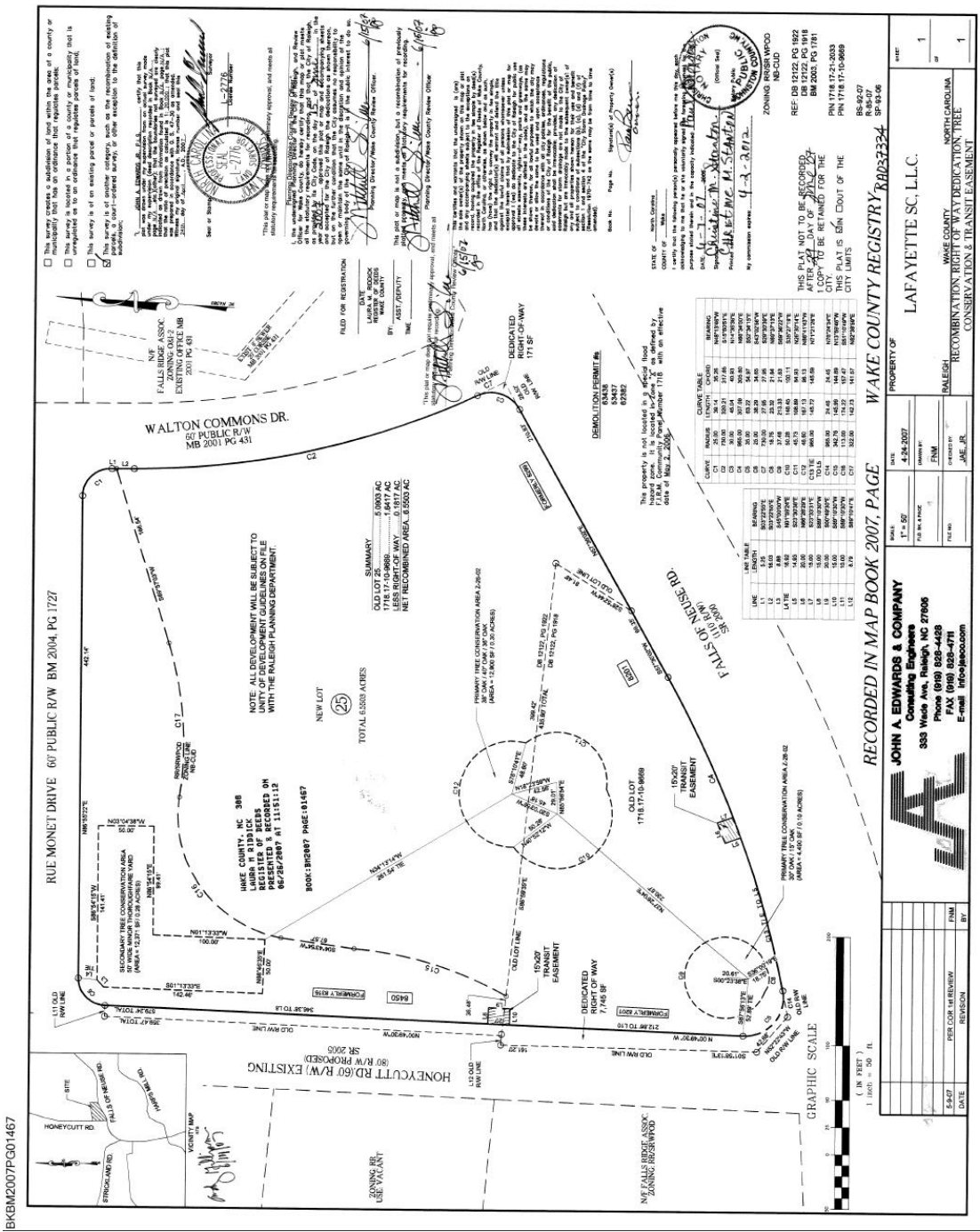


Figure 2. Recorded Plat of Tree Conservation Areas for Lafayette Village.

Figure 3. Lafayette Village after site grading. 2008 aerial photo. Note all trees have been removed except the three tree conservation areas.

Figure 4. Lafayette Village as it is today. 2012 aerial photo. Note that only two trees remain in the central primary tree conservation area. Aerial photos are taken in March; note the new green turf beginning to appear.

4.7 Designated Historic Resources

N/A

4.8 Community Development

N/A

4.9 Appearance Commission

N/A

4.10 Impacts Summary

There are no significant additional impacts generated by the change in conditions.

4.11 Mitigation of Impacts

The proposed condition changes regarding the removal and installation of tree protection areas is not acceptable per Code requirements and seeks to preplace Code requirements with less stringent zoning conditions.

5. Conclusions

This site is under a City Code violation that has not been resolved.

Although the proposed rezoning is generally in compliance with the Raleigh Comprehensive Plan, the removal of the existing tree conservation area and its replacement with three new tree conservation areas is not acceptable per the City Code. The Code does not accept treeless areas as tree conservation areas. Treeless SHOD yards are no longer allowed to be tree conservation areas even after they are planted.

Condition 23 is less restrictive than the code. In the code, secondary tree conservation areas cannot supersede or replace primary tree conservation areas. Secondary tree conservation areas must be currently wooded with a minimum basal area of 30. The proposed replacement tree conservation areas do not meet the minimum basal area, and they are treeless except for a small number of landscape trees and two diseased, dying trees.

Z-12-13
Pd. 1115.00 by
Ck# 831. V

Petition to Amend the Official Zoning Map

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

The following items are required with the submittal of rezoning petition. For additional information on these submittal requirements, see the *Filing Instructions* addendum.

Rezoning Application Submittal Package Checklist

□ **Completed Rezoning Application which includes the following sections:**

- ☒ **Signatory Page**
- ☒ **Exhibit B**
- ☒ **Exhibit C (only for Conditional Use filing)**
- ☒ **Exhibit D**
- ☒ **Map showing adjacent property owner names with PIN's**

☒ **Application Fee**

- □ **$558 for General Use Cases**
- ☒ **$1,115 for Conditional Use Cases**
- □ **$2,788 for PDD Master Plans**

□ **Neighborhood Meeting Report (only for Conditional Use filing)**

☒ **Receipt/ Verification for Meeting Notification Mail out**

☒ **Traffic Impact Generation Report OR written waiver of trip generation from Raleigh Transportation Services Division**

□ **(General Use ONLY) if applicant is not the owner must provide proof of notification to the adjacent property owners per G.S. 160A-384**

- □ **and provide proof of notification to the property owner before submitting application**

CITY OF RALEIGH
CITY PLANNING DEPT
2012 DEC 17 AM 9:19

2-12-13

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. TCA change.

   ☐ 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
	Kenneth Bonham Member, Lafayette SC, LLC	12-10-12

2-12-13

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)	Lafayette SC, LLC	642 Kreag Road Pittsford, NY 14534	585-586-2828 KBurnham@rochester.rr.com
Property Owner(s)	Lafayette SC, LLC	Same as above	Same as above
Contact Person(s)	Kenneth Burnham	Same as above	Same as above

Property information

Property Description (Wake County PIN)	1718200952
Nearest Major Intersection	Falls of Neuse & Honeycutt Rd
Area of Subject Property (in acres)	6.55 acres
Current Zoning Districts (include all overlay districts)	CUD-NB & RRWy/ WD overlay (WPOD)
Requested Zoning Districts (include all overlay districts)	O&I-1 (WPOD) Same as above

2-12-13

EXHIBIT B. Request for Zoning Change

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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.

Name **Street Address** **City/State/Zip** **Wake Co. PIN**

1718019192
GREENE, ELOISE G
1612 HUNTING RIDGE RD
RALEIGH NC 27615-7027

1718105923
LADD, G RICHARD & JEAN H
PO BOX 760
CARY NC 27512-0760

1718106647
CRAVER REALTY CORPORATION
4116 CRICKET LN
DURHAM NC 27707-5096

1718107303
GOVERNALE, JOSEPH M & ELIZABETH M
7413 LAKETREE DR
RALEIGH NC 27615-3434

1718108306
SNARZYK, STEVEN & MICHELLE
7412 LAKETREE DR
RALEIGH NC 27615-3433

1718109431
BERGDOLT, HENRY F
1200 WATERGATE CT
RALEIGH NC 27615-5473

1718113524
NORTH RALEIGH UNITED
NOAH W SITES JR ETAL TRUSTEES
8501 HONEYCUTT RD
RALEIGH NC 27615-2207

1718118393
CRITORIA, FLOYD S & PAMELA K
8405 PASSAGE MARSEILLE CT
RALEIGH NC 27615-4541

1718118486
NEWSOME, ROBERT LEE NEWSOME, ELIZABETH ANNE
8409 PASSAGE MARSEILLE CT
RALEIGH NC 27615-4541

1718200952
LAFAYETTE SC LLC
642 KREAG RD
PITTSFORD NY 14534-3736

1718204612
NORWOOD COMMERCIAL LLC
2812 PLEASANT UNION CHURCH RD
RALEIGH NC 27614-9231

1718205794
SON ENTERPRISE INC
PO BOX 673
SELMA NC 27576-0673

1718215122
RATTELADE, VELVET T
7332 SPARHAWK RD
WAKE FOREST NC 27587-5493

1718217422
CHRIS CAVINESS INVESTMENTS LLC
715 W JOHNSON ST
RALEIGH NC 27603-1208

1718215122
NESHAT PROPERTIES LLC
300 CARPATHIAN WAY
RALEIGH NC 27615-1615

1718215122
OLIVOTTI REALTY LLC
8305 FALLS OF NEUSE RD STE 102
RALEIGH NC 27615-3546

Z-12-13

EXHIBIT B. Request for Zoning Change

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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.

1718211385
RALEIGH CUSTOM HOMES
PO BOX 99629
RALEIGH NC 27624-9629

1718212409
POPE, DAVID J & LYNN M
13024 TOWNFIELD DR
RALEIGH NC 27614-7946

1718214420
YOUNG, THOMAS D & PAMELA J
3156 LEONORA DR
DAYTON OH 45420-1235

1718215122
8305 FALLS CONDOMINIUM
PO BOX 99149
RALEIGH NC 27624-9149

1718215122
CCKN PROPERTIES LLC
300 CARPATHIAN WAY
RALEIGH NC 27615-1615

1718215122
CMKR LLC
1225 ENDERBURY DR
RALEIGH NC 27614-9837

1718215122
CRESS LLC
5316 DEER FOREST TRL
RALEIGH NC 27614-9641

1718215122
FOUR FOOT ASSOCIATES LLC
8305 FALLS OF NEUSE RD STE 100
RALEIGH NC 27615-3546

1718201416
BERGDOLT, ELLEN F
1200 WATERGATE CT
RALEIGH NC 27615-5473

1718202568
HARDI, JAMES B & ELIZABETH
6521 CREEDMOOR RD STE 101
RALEIGH NC 27613-3668

1718204612
8300 FALLS OFFICE CONDOMINIUM
6817 FALLS OF NEUSE RD STE 101
RALEIGH NC 27615-5386

1718204612
AFFORDABLE PROPERTIES FOR RENT LLC
8300 FALLS OF NEUSE RD STE 104
RALEIGH NC 27615-3450

1718204612
FALLSTAR PROPERTIES LLC
8300 FALLS OF NEUSE RD STE 100
RALEIGH NC 27615-3450

1718204612
HAL & LISA WILSON PROPERTIES LLC
9300 KOUPELA DR
RALEIGH NC 27615-2249

1718204612
LEE REAL ESTATE PROPERTIES LLC
1116 LONGSTONE WAY
RALEIGH NC 27614-8857

1718204612
MIZE PROPERTIES LLC
8300 114 FALLS OF NEUSE RD
RALEIGH NC 27615

2-12-13
pg 1 of 5

EXHIBIT C. Request for Zoning Change

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

1) Conditional Use Zone Requested: RRW with WPOD and NB-CUD (with changed conditions)

2) Narrative of conditions being requested:

A. Existing Conditions #1 to #30.

1) Reimbursement for future right of way dedication shall be valued on the basis of Office and Institution District-1 for the portion of the property zoned NB-CUD and Rural Residential for the portion of the property zoned RR.

2) Upon development of the Property, sidewalks shall be provided along the Property's frontage with Honeycutt and Falls of the Neuse Roads and Walton Commons Drive.

3) The following uses shall be prohibited upon the Property: automotive service and repair facility; bar; nightclub; tavern, lounge (other than as part of a restaurant having a state ABC license); civic/convention center; daycare facility; hotel/motel; movie theater; school; utility substation; emergency shelter Type A or Type B; landfill; manufacturing-custom; manufacturing-specialized; mini-warehouse storage facility; telecommunication tower; adult establishment; airfield, landing strip or heliport; kennel/cattery; riding stable; correctional/penal facility; and outdoor stadium, outdoor theater or outdoor racetrack.

4) No drive-through facilities shall be located upon the Property.

5) No outparcel lot may exist upon the Property

6) There shall be no curb cut access to the Property from Falls of the Neuse Road.

7) Vehicular access to the Property from Honeycutt Road shall be limited to no more than one (1) curb cut.

8) No single establishment upon the Property shall exceed 7,500 square feet in size.

9) All facades of buildings constructed upon the Property shall consist of real stucco or masonry. Such limitation shall not apply to doors, windows, and trim. The roofs of buildings constructed upon the Property shall consist of synthetic shingles or metal material.

10) Intentionally omitted.

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
[signature]	Lawrence C. Burnham, member Lafayette JC, LLC	12-12-12

EXHIBIT C. Request for Zoning Change

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

11) Any building or buildings upon the Property shall be connected by sidewalk or sidewalks (or other paved means of pedestrian access) to sidewalks upon the Property along Falls of the Neuse Road and Honeycutt Roads, and Walton Commons Drive. If more than one (1) building is constructed upon the Property, all buildings upon the Property shall be connected by sidewalks or by means of pedestrian access which shall be paved or constructed of an all-weather material.

12) Any building or buildings constructed upon the Property shall have a pitched roof with a pitch to run of at least 4:12.

13) Any fence or wall located less than twenty (20) feet from the thoroughfare right of way shall either be less than forty-two (42) inches in height, or situated at least fifteen (15) feet from the thoroughfare right of way and screened with evergreen planting materials so that no more than one-fourth (1/4) of its surface area will be visible from the thoroughfare within three (3) years of erection of the fence or wall; and any fence or wall that is more than forty-two (42) inches in height and located between twenty (20) and forty (40) feet from the thoroughfare right of way shall be screened with planting materials so that no more than one-third (1/3) of its surface area will be visible from the thoroughfare within three (3) years of erection of the fence or wall; no more than forty percent (40%) of this plant material may be deciduous.

14) Upon submission to the City of a site plan or subdivision with respect to the Property, whichever shall first occur, the owner of the Property shall provide the City an easement no greater than fifteen (15) feet in width and twenty (20) feet in length for a transit stop and shelter on either Honeycutt or Falls of the Neuse Road.

15) No neon lighting shall be allowed upon the Property.

16) Any building or buildings constructed upon the Property shall be of French Eclectic or French Country architectural design. Buildings of such architectural style are characterized by tall, steeply pitched, hipped roofs, occasionally gabled, in towered sub-type without dominant front facing cross gable; with eaves commonly flared upward at roof-wall junction; and with brick, stone or stucco wall cladding, sometimes with decorative half-timbering.

17) All ground signs upon the Property shall be non-internally lit, low-profile ground signs.

18) The portion of any building or buildings within one hundred seventy-five (175) feet of the right of way (as determined at the time of site plan approval) of Falls of Neuse or Honeycutt Road will be no more than one (1) story or twenty-six (26) feet in height. No building or portion of a building upon the Property shall exceed two (2) stories or thirty-eight (38) feet in height.

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
	Kenneth C. Bonham, Member Lafayette St, LLC	12-12-12

Z-12-13
PS 3 of 5

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: RRW with POD and NB-CUD (with changed conditions)

Narrative of conditions being requested:

19) The trees designated on Exhibit C-1 attached hereto shall be preserved with active tree protection during construction activity. The landscaping credit under the City Code otherwise available for the preservation of such trees shall be waived.

20) A stormwater plan shall be implemented with respect to the Property which detains stormwater from the twenty-five (25-year) storm to the predevelopment rate.

21) Any building or buildings upon the Property shall comprise no more than 66,000 square feet floor area gross of retail land uses as set forth in the schedule of permitted uses in the City Code and a maximum of 15,000 square feet floor area gross of residential and/or office and institutional land uses. Any residential land uses shall be located on the second floor of a building or buildings also used for commercial uses.

22) In the event that upon development the Property shall consist of more than one (1) lot, cross access shall be provided among all lots comprising the Property.

23) A minimum of twenty-two percent (22%) of the oaks upon the Property that are twenty-four (24) inches or greater in caliper shall be actively preserved and protected. Trees to be preserved are shown on Exhibit C-1.

24) Prior to submittal to the Planning Department, a copy of any site plan dealing with the Property shall be mailed by first class mail to the Chair of the North CAC and to all of the owners of the parcels adjoining the Property and listed in Exhibit B of this petition. The developer of the Property shall also offer to attend a meeting of the North CAC to discuss the plan prior to its submittal to the Planning Department.

25) With respect to commercial establishments constructed upon the Property, at least seventy-five percent (75%) of the primary storefront entrances shall be oriented to a central courtyard or pedestrian access way.

26) Exhibit C-2 attached hereto illustrates the architectural style, massing, and layout of improvements to be constructed upon the Property.

27) Any eating establishment upon the Property comprised of 2,500 square feet or more shall provide outside seating.

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
	Kenneth C. Burnham, Member LaFayette SC, LLC	12-12-12

Z-12-13
PS 4 of 5

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 Zone Requested: : RRW with POD and NB-CUD (with changed conditions)

Narrative of conditions being requested:

28) Sidewalks upon the Property, other than those within public rights of way, shall be illuminated with low-intensity lighting fixtures that provide an even distribution of light.

29) When viewed from Falls of the Neuse Road, at least fifty percent (50%) of the parking upon the Property shall be to the side and rear of buildings constructed upon the Property.

30) In the event that a commercial building or buildings is/are constructed upon the Property, and if certificates of occupancy for a residential dwelling or dwellings is/are not issued at such time, there shall be constructed a minimum of 10,000 square feet of second floor shell space for residential or office use. Upon the construction of a building or buildings upon the Property, the main source components for electrical, mechanical and plumbing services shall be stubbed-out at a point of entry to such shell space.

B. Changed Condition:

The current 30 Conditions associated with the current Conditional Use Zoning are to remain unchanged, other than an amendment of the MAP (Exhibit C-1) associated with Condition #23.
"Trees to be preserved are shown on Exhibit C-1."

The amended Map proposed shows the removal of the tree conservation area (TCA) in the center courtyard. The existing two trees will remain in the Center Court area, except not in a TCA,

Condition #23 states: *"A minimum of twenty-two percent (22%) of the oaks upon the Property that are twenty-four (24) inches or greater in caliper shall be actively preserved and protected."* There are four trees remaining on the property that are (24) inches or greater in caliper.

As shown of the proposed Amended MAP C-1, at least one of those four trees (25%), will remain in tree conservation. That one tree is in the TCA at the corner of Falls of Neuse and Honeycutt.

The area of TCA removed from the Center Court area shall be added to the existing TCA's as shown on the **amended** MAP C-1 to equal .67 acres. This area is equivalent to, or greater than the TCA area on the **existing** MAP C-1.

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
[signature]	Kenneth C. Bonham, Manager Lafayette SC, LLC	12-12-12

Exhibit C Amended MAP C-1

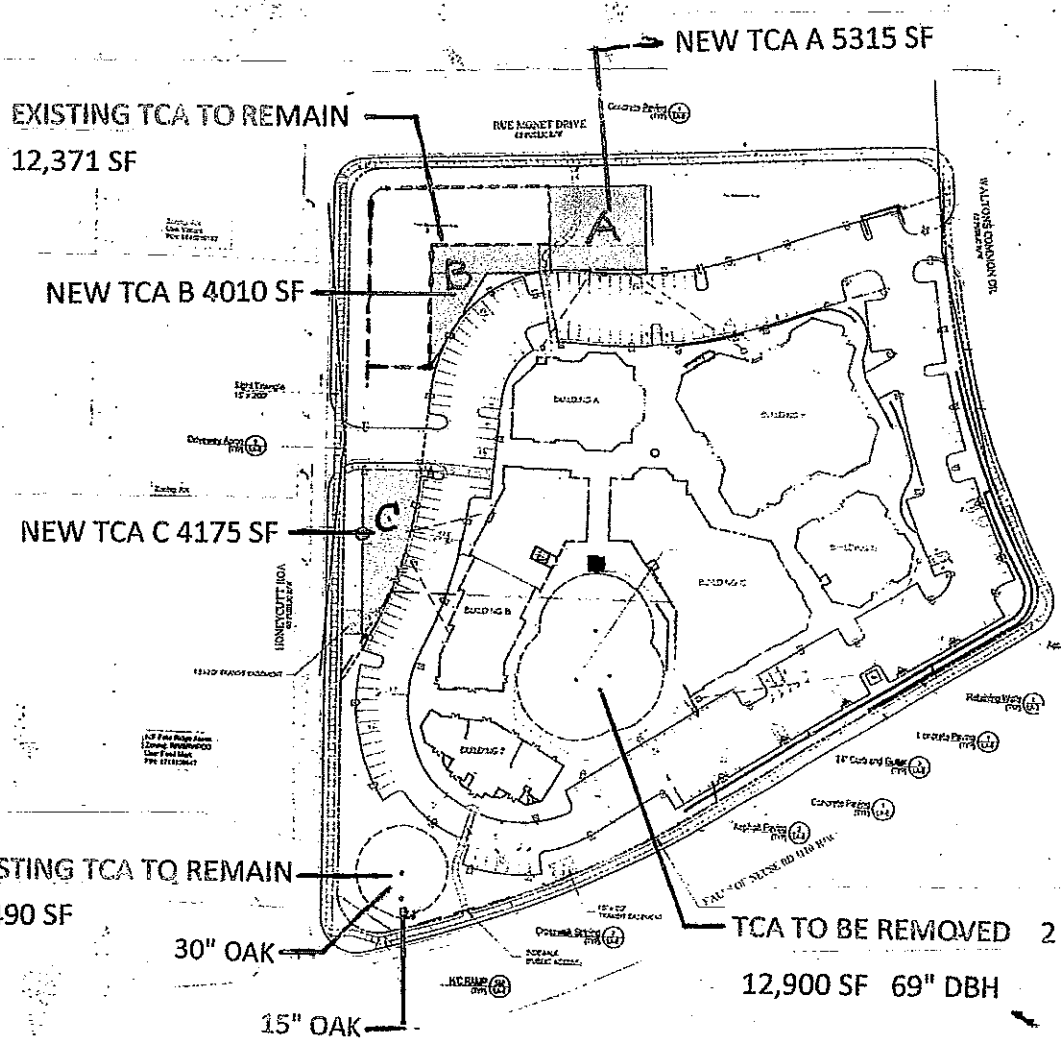
2-12-13
PS 585

ZONNING EXHIBIT MAP C-1

CONDITION # 23

DEC. 6, 2012

LaMarr Bunn
Land Planning consultants
Design
Land Planning
Landscape Architecture
8532 Middleboro Drive
Raleigh, North Carolina 27612
919-845-7036 (C) 919-660-8558
Fax 919-845-7036 LBUNN1069@aol.com



Lafayette
Retail
8450 Honeycutt Road

SP-93-2006 (original)

NORTH CAROLINA
55
REGISTERED LANDSCAPE ARCHITECT
12-6-12

NEW TCA A 5315 SF

NEW TCA B 4010 SF

NEW TCA C 4175 SF

TOTAL NEW TCA= 13,500 SF SUBJECT TO SURVEY AND RECORDING

REVISIONS

PROJECT #

0 40' 90'

SCALE 1" = DATE

SHEET 10 OF

Member
Lafayette SC, LLC 12-12-12

2-12-13

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).

A. Please state which District Plan area the subject property is located within and the recommended land use for this property:

The subject property is located within the North District Plan. The recommended land uses for the subject property are Neighborhood Business, medium density residential and low intensity office uses. The change is consistent.

B. Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

The subject property is located within the I-540/Falls of Neuse Small Area Plan and the Falls Lake Watershed Plan (East). A portion of the property which is requested to be zoned RR with watershed overlay lies in the Secondary Watershed Protection 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").

The proposed map amendment is consistent with the current Comprehensive Plan, and consistent with existing zoning.

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):

A broad mix of uses surrounds the subject property including retail, office and single and multi-family residential. The property is located at the intersection of a secondary arterial and a minor thoroughfare. An easement for a transit stop has been granted by the property owner to the City.

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

North: RR with WPOD; Single Family Residential
East: 0&I-1 and 0&I-2; Office Condominium: **South East:** NB, Bar/Club , Convenience store
South:0&I-1, R-4, 0&I-2; Office Condominium; Single Family, Multi Family
West: SC and RR with WPOD; Convenience Store and Vacant

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

The confluence of the major roadways, surrounding office and residential uses and transit support make the subject property an ideal location for the neighborhood and pedestrian-oriented mixed use development now under construction upon the property.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

It has been experienced by the Landowner, Customers and Tenants of Lafayette Village, that having the two center court trees in a tree conservation area promoted the breeding of flies, and is unsightly. This is due to the requirement that mulch be used, instead of grass as a landscaping material in an area of 4,400 Sq' around these trees. The City has determined that as long as these two trees are in a TCA that mulch should be used, or the two trees should be cut down.

The proposed map amendment provides for consistency with Conditional Use condition #27. Condition #27 states *"Any eating establishment upon the Property comprised of 2,500 square feet or more shall provide outside seating."*

Outside seating has been established as per this condition #27, however, due to the flies and appearance, it is not attractive or viable to the general public and customers. Since the center court area has been planted with grass (sod), the fly problem has disappeared, and it is an attractive area for customers and their children to utilize, free of flies.

B. For the immediate neighbors:

The proposed map amendment will permit a better quality of retail goods and services to be offered on an attractive and useable basis, and permit the existing two 80 year old oak trees in the center court area to remain.

C. For the surrounding community:

The proposed map amendment will permit a better quality of retail goods and services to be offered on an attractive and useable basis, and permit the existing two 80 year old oak trees in the center court area to remain.

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

No. Tree protection allocation is available to all uses.

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

The subject property is already under development as a mixed use center. The map amendment is reasonable and in the public interest in that it will allow a better quality of goods and services to be offered to the public, and allow the two existing 80 year old oak trees to remain, without negative impacts upon the area in which it is located.

V. Recommended items of discussion (where applicable).

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

N/A

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.

This request does not propose a modification of the zoning classification, nor does the request change any of the basic 30 conditions of the conditional use. The request is for a modified map of the tree protection areas based on consistency of the 30 conditions and the discovery of some detrimental effects of having a large area of mulch in the center court area.

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

The public has an interest in insuring that the mixed use development provides high quality goods and services, in a neighborhood center.

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

This request does not materially impact public services and facilities, infrastructure, topography or access to air and light.

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

"Zoning regulations shall be designed to promote the public health, safety, and general welfare." The requested change promotes health by eliminating a fly problem in the Center Court area, and promotes general welfare by providing a more desirable outdoor dining environment, and an area where children can play safely in view of their parents.

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

This request does not reduce the overall amount of TCA. The existing TCA's are shown to be expanded, and a new TCA established along Honeycutt to make up for the loss of TCA in the center court area. As shown on the attached Amended Map C-1, the proposed TCAs will make up .67 acres, or 10% of the original land area.

2-12-13.

CITY OF RALEIGH
CITY PLANNING DEPT
2012 DEC 18 PM 3:17

SUMMARY OF ISSUES:

NEIGHBORHOOD MEETING REPORT:
HELD DECEMBER 17, 2012 AT 5:00PM EXECUTIVE SUITES – 8480 HONEYCUTT ROAD

1.) ISSUE: REALLOCATION OF TREE CONSERVATION AREA FROM CENTER COURT TO PERIPHERAL AREAS

A.) PER THE ATTACHED MAPS: TCA AREA MOVES TO AN EXPANDED TCA IN THE SW CORNER OF THE PROPERTY, AND A NEW TCA AREA ENCOMPASSING A 24 " OAK ALONG HONEYCUTT ROAD.

B.) QUESTIONS OR COMMENTS FROM ATTENDEES:

RICHARD LADD –PROPERTY ID # 1718105923 --------- NO OBJECTION

C.) LIST OF ATTENDEES: PER SIGN IN SHEET
ADJACENT PROPERTY OWNERS:
RICHARD LADD –PROPERTY ID # 1718105923

CATHLEEN BURNHAM, KENNETH BURNHAM, PAUL BRONSON – FOR LAFAYETTE SC, LLC

VERIFIED TRUE AND CORRECT
SIGNATURE:

KENNETH C. BURNHAM, Manager
Lafayette SC, LLC

Attendance Roster:

Name	Address
Kenneth Burnham	Lafayette SC, LLC 2616 Grassham Lk Rd 27615
D.K. Lapp	208 Grayson Rd Cary, NC 27511
Cathleen Bunker	70 Old Stonefield Way Pittsford, N.Y. 14534
Paul Bronson	2616 Grassham Lake Rd. Ral. 27615-NS