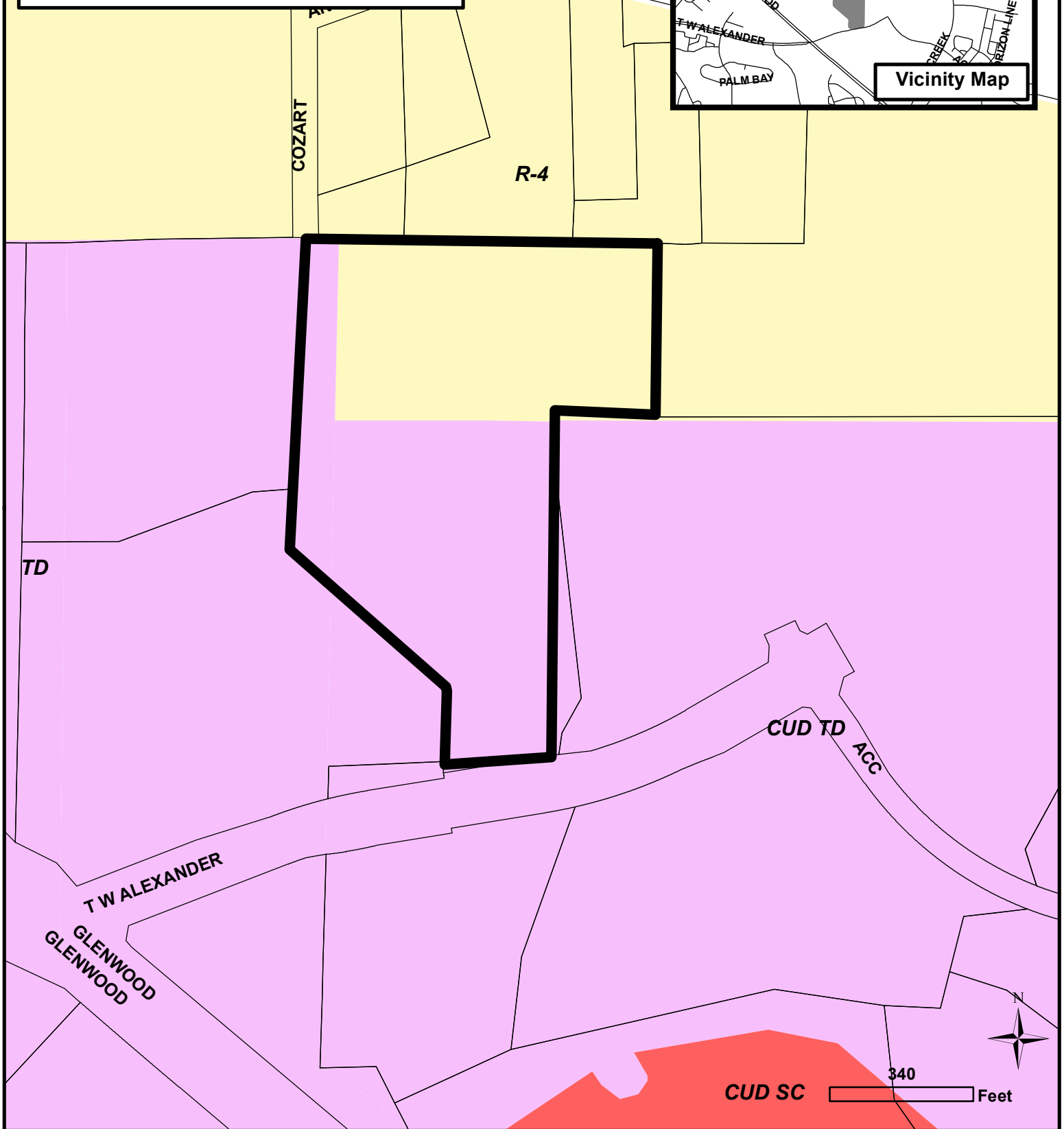
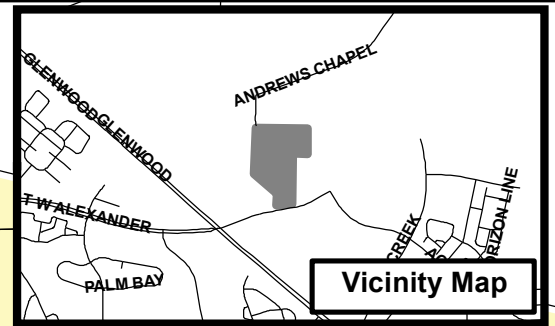


Existing Zoning Map Case Number: Z-14-11



Request:

16.68 ac from R-4 (7.20 Acres) & TD CUD(9.48 acres)
to TD CUD

City of Raleigh Public Hearing
October 18, 2011
(May 31, 2012)



Certified Recommendation

Raleigh Planning Commission

CR# 11463

Case Information: Z-14-11 TW Alexander Dr.

<i>Location</i>	North side, northeast of its intersection with Glenwood Avenue
<i>Size</i>	16.68 acres
<i>Request</i>	Rezone property from Residential-4 (7.20 acres) and Thoroughfare District Conditional Use (9.48 acres) to Thoroughfare District Conditional Use

Issues and Impacts

<i>Outstanding Issues</i>	<ul style="list-style-type: none">• Inconsistency with the Future Land Use map and other Comprehensive Plan policies• Inconsistency with City of Durham's land use recommendations (applicability due to inter-local agreement). Please see attached memo from City of Durham on this rezoning petition• Inadequate infrastructure provision• Provision of Traffic Impact Analysis	<i>Suggested Conditions</i>	<ul style="list-style-type: none">• Conditions detailing pedestrian amenities and sidewalks to help ensure consistency with the Urban Design Guidelines• Conditions regulating the placement of parking consistent with the Urban Design Guidelines
<i>Impacts Identified</i>	<ul style="list-style-type: none">• Potential traffic increase• Potential increase in transit ridership	<i>Proposed Mitigation</i>	<ul style="list-style-type: none">• Traffic Impact Analysis• Transit easement and transit access pathway

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
6/1/11	10/18/11	COW 2/7/12 reported out with no action.	1/10/12 granted 45 day time extension; 2/14/12 granted 45 day time extension; 4/10/12 granted 45 day time extension 5/22/12 voted denial

☐ **Valid Statutory Protest Petition**

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission, based on the findings and reasons stated herein, recommends that the request be denied.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. That the applicant is no longer interested in pursuing this rezoning process with the City of Raleigh 2. That the subject site is located within City of Durham's Service area as designated by the mutual agreement signed between City of Raleigh and City/County of Durham. That to uphold the terms of this mutual agreement, subsequent annexation and rezoning of the property is recommended to be appropriately filed with City/County of Durham
<i>Motion and Vote</i>	<p>Motion: Fleming Second: Buxton Excused: Mattox</p> <p>In Favor: Butler, Buxton, Fleming, Fluhrer, Harris Edmisten, Haq, Schuster, Sterling Lewis</p>

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

	Date		Date
Planning Director		Planning Commission Chairperson	5/22/12

Staff Coordinator: Dhanya Sandeep, dhanya.sandeep@raleighnc.gov

Attachments:

Applicant's Letter Requesting Denial
Staff Report



Zoning Staff Report – Z-14-11

Conditional Use District

Request

<i>Location</i>	North side, northeast of its intersection with Glenwood Avenue
<i>Request</i>	Rezone property from Residential-4 (7.20 acres) and Thoroughfare District Conditional Use (9.48 acres) to Thoroughfare District Conditional Use
<i>Area of Request</i>	16.68 acres
<i>Property Owner</i>	Creedmoor Highway 70 Alexander LLC
<i>PC Recommendation Deadline</i>	May 31, 2012

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	R-4 (7.20 acres) TD CUD (9.48 acres)	TD CUD
<i>Additional Overlay</i>	None	None
<i>Land Use</i>	Undeveloped	Retail, Office, and/or Residential
<i>Residential Density</i>	R-4 – 28 units TD CUD (None <10 acres)	333 units OR 667 units (w/PC approval)

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	R-4	TD CUD	R-4 & TD CUD	TD CUD
<i>Future Land Use</i>	Moderate Density Res.	Office and Residential Mixed Use	Moderate Density Res. & Office and Residential Mixed use	Office and Residential Mixed Use & Regional Mixed Use
<i>Current Land Use</i>	vacant and single family use	vacant	vacant	vacant

Comprehensive Plan Guidance

<i>Future Land Use</i>	Office and Residential Mixed Use <i>Regional Mixed Use (a small portion of southwestern edge which appears to be a map error and ignored for purposes of this case review)</i>
<i>Area Plan</i>	NA
<i>Applicable Policies</i>	Policy LU 1.3 Conditional Use District Consistency Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 3.2 Location of Growth

	Policy LU 3.4 Infrastructure Concurrency Policy LU 4.4 Reducing VMT Through Mixed Use Conditions Policy LU 4.5 Connectivity Policy LU 5.2 Managing Commercial Development Impacts Policy LU 5.6 Buffering Requirements Policy LU 7.4 Scale and Design of New Commercial Uses Policy LU 10.3 Ancillary Retail Uses Policy PU 1.1 Linking Growth and Infrastructure Policy UD 3.8 Screening of Unsightly Uses Policy UD 7.3 Design Guidelines
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Contact Information

<i>Staff</i>	Dhanya Sandeep, 516-2659
<i>Applicant</i>	Thomas C. Worth Jr., curmudgtcw@earthlink.net
<i>Citizens Advisory Council Contact</i>	Northwest CAC Jay Gudeman, 789-9884, jay@kilpatrickgudeman.com

Case Overview

The subject property is located to the north of TW Alexander Drive, northeast of its intersection with Glenwood Avenue, close to the Durham/Wake County boundary line. Approximately 16.68 acres is being requested to be rezoned from TD CUD and R-4 to TD CUD. This general area is largely characterized by vacant and undeveloped lots despite the predominant Thoroughfare District zoning. The rezoning would eliminate split zoning from this property. The request is inconsistent with the Future Land Use map. The proposed conditions specify development of property to a time when utilities are available (with the exception of wells and septic tanks), prohibit certain high impact uses, offer cross-access to adjacent properties, and provides transit easement.

The site is within Raleigh's ETJ limits; however, in accordance with the inter-local agreement will be serviced by the City of Durham. Thus, the city of Raleigh will not extend utility services to this site. The timing and details of extending utilities to service this property by the City of Durham remains undetermined. For this reason, this property and the surrounding area within Durham's service area remain undeveloped. There is no infrastructure in place to guarantee utility service to the subject site in the short-term.

Existing V. Proposed Density/Use Comparison Table

	Existing TD CUD	Existing R-4	Proposed TD CUD
<i>Residential Density</i>	None (<10 acres)	28	667
<i>Setbacks</i>	Front – 50'/90' Side – 0' Corner Lot – 50'/90' Rear – 0'	Front – 30' Side – 10' Corner Lot – 20' Rear – 30'	Front – 50'/90' Side – 0' Corner Lot – 50'/90' Rear – 0'
<i>Max. Building Height</i>	Only rear limited to 50 feet (Code std. applies)	Not specified (Code std. max. 40 feet applies)	Not specified (Code std. max. 40 feet applies)
<i>Office Use</i>	Not specified	Not permitted	Not specified
<i>Retail Use</i>	Not specified	Not permitted	Not specified

Exhibit C & D Analysis

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use

The request is inconsistent with the Future Land Use map. Majority of the site is designated for Office and Residential Mixed use on the Future Land use map, which are identified as areas to encourage a mix of moderate to medium density residential and office use. The proposed Thoroughfare District conditional use permits a mix of high density housing, office development, hotels, and retail uses. While the proposed office and residential uses are consistent with the future land use map recommendations, the permitted retail uses component of the proposed rezoning is inconsistent. Retail not ancillary to employment and/or residential uses is discouraged so that retail can be more appropriately clustered and concentrated in retail and mixed-use centers at major intersections and planned transit stations.

Note: A small portion of the southwestern edge appears on the map to have a regional mixed use designation. This appears to be a likely map error and ignored for the purposes of this case review.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

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 condition #1 that provides for development of the property after agreement of utility provision is obtained is inconsistent with intent of Comp Plan policies LU 3.3 Annexation agreements and LU 3.4 Infrastructure Concurrency. Per the inter-local agreement, this property falls within Durham's service area and is designated to be annexed and zoned by the City of Durham. City of Raleigh will not provide utilities to this property and hence infrastructure concurrency test will not be met by this rezoning request and proposed conditions.

The following additional Comprehensive Plan policies also apply to this rezoning request:

Policy LU 2.6 - Zoning and Infrastructure Impacts
Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

The request would increase the allowable residential density and introduce commercial uses to the entire site. An inter-local agreement between the City of Raleigh and the City of Durham specifies that utility service will be provided by the City of Durham upon annexation into the City of Durham. The proposed rezoning would permit an intensification of residential and non-residential development. This increased density is likely to have infrastructure impacts especially on transportation and public utilities. Per the inter-local agreement, the city of Raleigh will not provide utilities to this property. If rezoned as requested, only development utilizing well and septic can occur on the

property until utilities are installed. The timing and details of extending utilities to service this property by the City of Durham remains undetermined.

Policy LU 3.2 Location of Growth

The development of vacant properties should occur first within the City's limits, then within the City's planning jurisdiction, and lastly within the City's USA's to provide for more compact and orderly growth, including provision of conservation areas.

The request is inconsistent with this policy as the property is located within the City's urban service subject to annexation by the City of Durham. There are vacant properties within the City's limit with adequate infrastructure in place that could be developed first.

Policy LU 3.4 Infrastructure Concurrency

The City of Raleigh should only approve development within newly annexed areas or Raleigh's ETJ when the appropriate transportation, water, stormwater, and wastewater infrastructure is programmed to be in place concurrent with the development.

While the site is currently within Raleigh's ETJ, it is also within the Durham Service area as designated by the Raleigh-Durham Annexation agreement between the City of Raleigh and the City of Durham. Hence, the city of Raleigh will not provide utilities to this property. However, the timing and details of extending utilities to service this property by the City of Durham remains undetermined. The request is inconsistent with this policy.

Policy LU 4.4 Reducing VMT through Mixed Use

Promote mixed-use development that provides a range of services within a short distance of residences as a way to reduce the growth of vehicle miles traveled.

Policy LU 4.5 Connectivity

New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

The request is consistent with these policies in that, the proposed rezoning would permit a mix of uses on a large site within short distance of residential uses thus, encouraging reduction of automobile use, and providing opportunities for increased connectivity and access to surrounding area. The zoning conditions provide for cross-access to adjacent lots thus increasing connectivity between adjacent developments.

Policy LU 5.2 Managing Commercial Development Impacts

Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.

Policy LU 5.6 Buffering Requirements

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

Policy LU 7.4 Scale and Design of New Commercial Uses

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

The zoning code provides for a minimal transitional protective yard of 40 foot between adjacent high and low impact uses. To attain consistency with these policies, additional zoning conditions that address buffering, transitions and potential impacts to adjacent low density residential uses should be evaluated.

Policy LU 10.3 Ancillary Retail Uses

Ancillary retail uses in residential and office developments located in areas designated *High Density Residential*, *Office Residential—Mixed Use* and *Office/Research and Development* should not be larger in size than appropriate to serve primarily the residents, employees, visitors, and patrons of the primary uses in the area; should preferably be located within a mixed-use building; and should be sited to minimize adverse traffic, noise, and visual impacts on adjoining residential areas.

The subject site is located in a mixed use area where ancillary retail uses are encouraged. The proposed request permits retail as a primary use and does not specify the size and impacts to adjoining residential uses. The request is inconsistent with this policy.

Policy PU 1.1 Linking Growth and Infrastructure

Focus growth in areas adequately served by existing or planned utility infrastructure.

Policy PU 1.3 Infrastructure Standards for Development

Provide standards and programs that relate development to the adequate provision of infrastructure and public services.

While located within Raleigh's ETJ, the property is subject to annexation by the City of Durham. The timing and details of extending utilities to service this property by the City of Durham remains undetermined. The request is inconsistent with these policies.

Policy UD 3.8 Screening of Unsightly Uses

The visibility of trash storage, loading, and truck parking areas from the street, sidewalk, building entrances and corridors should be minimized. These services should not be located adjacent to residential units and useable open space.

The request does not provide specifics on the screening of trash storage from adjacent residential units. Hence, the request is inconsistent with this policy.

Policy UD 7.3 Design Guidelines

Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments or developments in mixed-use areas such as pedestrian Business Overlays, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

Since the majority of the site is located within a designated office and residential mixed use center, the urban design guidelines apply. Since the conditions offered are minimal, several of the guidelines are to be applied during the site planning stage.

The text below lists each respective Design Guideline, applicants note and related staff comments.

Elements of Mixed-Use Areas

1. *All Mixed-Use Areas should generally provide retail (such as eating establishments, food stores, and banks), office, and residential uses within walking distance of each other.*

Applicant Response: The intent of a development on the subject property would be to include retail development.

Staff Comment: It is recommended that applicant include conditions that provide for a mix of uses rather than a single use.

Mixed-Use Areas /Transition to Surrounding Neighborhoods

2. *Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.*

Applicant Response: As per the proposed conditions, low density residential to the north would be buffered.

Staff Comment: To be addressed at Site Plan stage.

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

3. *A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.*

Applicant Response: Vehicular trips requiring travel on a major thoroughfare to multiple destinations within the development shall be minimized, if possible.

Staff Comment: It is recommended that applicant include conditions that provide for interconnectivity within the development thus, reducing impacts to major thoroughfare.

4. *Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.*

Applicant Response: These issues will be taken into consideration at the site plan stage.

Staff Comment: To be addressed at site plan stage.

5. *Block faces should have a length generally not exceeding 660 feet.*

Applicant Response: These issues will be taken into consideration at the site plan stage.

Staff Comment: To be addressed at site plan stage.

Site Design/Building Placement

6. *A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be*

lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.

Applicant Response: These issues will be taken into consideration at the site plan stage.

Staff Comment: To be addressed at site plan stage.

7. *Buildings should be located close to the pedestrian street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings.*

Applicant Response: Buildings are contemplated to be located close to the streets.

Staff Comment: It is recommended that applicant include conditions that provide for buildings to be located closer to the street.

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

Applicant Response: These issues will be taken into consideration at the site plan stage.

Staff Comment: To be addressed at site plan stage.

Site Design/Urban Open Space

9. *To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.*

Applicant Response: It is contemplated that any open space will be carefully located to ensure easy access.

Staff Comment: It is recommended that the applicant include conditions that provide for certain percentage of open space.

10. *New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.*

Applicant Response: These issues will be taken into consideration at the site plan stage.

Staff Comment: To be addressed at site plan stage.

11. *The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.*

Applicant Response: These issues will be taken into consideration at the site plan stage.

Staff Comment: To be addressed at site plan stage.

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

Applicant Response: These issues will be taken into consideration at the site plan stage.

Staff Comment: To be addressed at site plan stage.

Site Design/Public Seating

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

Applicant Response: It is expected that public open spaces, if any, will offer seating opportunities.

Staff Comment: Not offered as a condition.

Site Design/Automobile Parking and Parking Structures

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

Applicant Response: It is not intended that parking lots will dominate frontage of pedestrian-oriented streets.

Staff Comment: It is recommended that the applicant include a condition that commits to this provision.

15. *Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.*

Applicant Response: It is expected that most parking will be located to the rear or sides of buildings.

Staff Comment: It is recommended that the applicant include a condition that commits to this provision.

16. *Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.*

Applicant Response: The need for structured parking is unclear at this time.

Staff Comment: To be addressed at site plan stage.

Site Design/Transit Stops

17. *Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.*

Applicant Response: If transit stops are located near the site, we would contemplate placing more intensive uses within walking distance.

Staff Comment: It is recommended that the applicant include condition that commit to this provision.

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

Applicant Response: Convenient pedestrian access is intended to be located between buildings and any nearby transit stops.

Staff Comment: To be addressed at site plan stage.

Site Design/Environmental Protection

19. *All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.*

Applicant Response: If steep slopes, watercourses or floodplains exist on the subject property, intervention into these areas will be minimized, to the extent practicable.

Staff Comment: To be addressed at site plan stage.

Street Design/General Street Design Principles

20. *It is the intent of these guidelines to build streets that are integral components of community design. Streets should be designed as the main public spaces of the City and should be scaled for pedestrians.*

Applicant Response: If public streets are constructed as a part of this development, it is expected that they will be scaled for pedestrians.

Staff Comment: It is recommended that the applicant include condition that commit to this provision.

21. *Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.*

Applicant Response: These issues will be considered at the site plan stage, if appropriate.

Staff Comment: To be addressed at site plan stage.

22. *Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.*

Applicant Response: These issues will be considered to the extent that public streets are designed and constructed.

Staff Comment: To be addressed at site plan stage.

Street Design/Spatial Definition

23. *Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.*

Applicant Response: These issues will be considered at the site plan stage.

Staff Comment: To be addressed at site plan stage.

Building Design/Facade Treatment

24. *The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.*

Applicant Response: These issues will be considered at the site plan stage.

Staff Comment: To be addressed at site plan stage.

25. *The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.*

Applicant Response: It is expected that building will offer pedestrian interest along sidewalks.

Staff Comment: It is recommended that the applicant include a condition that commits to this provision.

Building Design/Street Level Activity

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

Applicant Response: It is a development objective that building designs will be complementary to pedestrian movement and will facilitate social interaction.

Staff Comment: To be addressed at site plan stage.

1.3 Area Plan Guidance

None.

2. Compatibility of the proposed rezoning with the property and surrounding area

The property is currently split zoned with two Thoroughfare District conditional zones and a Residential-4 zoning. The immediate north and northeastern edge are designated for low density residential uses. The properties to the immediate east and west are zoned Thoroughfare District conditional use that provide for additional buffering along the

northern residential edge with a 50 foot building setback and prohibit outdoor storage of materials/merchandise. While the existing TD portion would be compatible with the surrounding uses, introducing mixed uses into the northern R-4 segment could lend compatibility issues as the northern edge abuts low density residential zoning, and a predominant rural character. However, to address potential compatibility issues, the applicant should consider including additional conditions for buffering and transitioning along the low density residential edges to the north and northeast.

3. Public benefits of the proposed rezoning

While the surrounding property remains largely undeveloped, the location and its proximity to major thoroughfares like Glenwood Avenue and TW Alexander Drive, RDU airport, and Brier Creek area makes the property ripe for development. The property is currently split zoned between TD CUD and R-4. Rezoning the entire tract to TD CUD would permit a cohesive mixed use development, which will encourage pedestrian oriented communities served by mass transit.

Staff assessment indicates that the noted public benefits will apply only in the long-term and that there will be no immediate benefits to the city and the surrounding community. Until the City of Durham annexes and extends services to this property, the rezoning will have no immediate public benefits.

4. Detriments of the proposed rezoning

The proposed rezoning of this property to a City of Raleigh zoning category will not provide direct tax benefits to the city as the property will eventually be annexed and rezoned by the City of Durham. Additionally, the following detriments can be associated with this rezoning:

- Rezoning to a mixed use category with no provisions in place for adequate infrastructure would set a bad precedent for the intent of rezoning and contradict the policies set forth by the 2030 Comprehensive Plan.
- Interfere with the terms set forth in the adopted inter-local agreement. Property designated for Durham service area within Wake County should be designated for subsequent annexation and rezoning by the City of Durham. Placing a City of Raleigh rezoning on the property would contradict the goals of the inter-local agreement.
- Approve a rezoning that conflicts with the City of Durham's land use recommendations for this site.

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2010 COR Estimated Traffic Volume (ADT)</u>				
TW Alexander Drive	Secondary Arterial	N/A				
Street Conditions						

<u>TW Alexander Drive</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	80'	Back-to-back curb and gutter section	136'	5' sidewalks on both sides	None
City Standard	4	89'	Back-to-back curb and gutter section	110'	minimum 5' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	YES	YES	YES	YES	YES	NO
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	80	81	1			
PM PEAK	648	896	248			
Suggested Conditions/ Impact Mitigation:			Traffic Study Determination: Staff has reviewed a trip generation report for this case. Based on the increase of development intensity proposed on the subject property, a traffic impact analysis is recommended for this case. The traffic impact analysis will need to evaluate the access to TW Alexander Drive at the vehicular entrance to the subject property as well as the intersection of TW Alexander Drive at Glenwood Avenue and ACC Blvd. The Traffic Impact Analysis will also need to include a report of the area's crash history and an assessment of multi-modal level of service. This study may be combined with the TIA requirement for Z-15-11. The applicant may wish to provide a description of the planned internal street network on the subject property. Please contact Bowman Kelly at (919)519-2160 to arrange a scoping meeting for the TIA at your earliest convenience.			
Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

Impact Identified: There would be an increase in traffic volume as a result of development associated with this rezoning. A Traffic Impact Analysis is requested.

5.2 Transit

The increase in development intensity could impact transit ridership. Conditions provide for transit easement along TW Alexander Drive. Please provide a transit access pathway with heavy duty paving through the property. The ingress and egress should be via TW Alexander.

Impact Identified: Retail use will increase transit demand as employees and customers access the site. Please provide a transit access pathway with heavy duty paving through the property. The ingress and egress should be via TW Alexander.

5.3 Hydrology

<i>Floodplain</i>	none
<i>Drainage Basin</i>	Little Briar
<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 Control Regulations. There are Neuse River Buffers present on the site.

5.4 Public Utilities

	Maximum Demand (current)	Maximum Demand (proposed)
<i>Water</i>	156,000 gpd	208,500 gpd
<i>Waste Water</i>	156,000 gpd	208,500 gpd

An additional 52,500 gpd would be generated by the proposed rezoning request.

Impact Identified: The property is located within the City of Durham's utility service area (even though within Wake County) and is tributary to the City of Durham's wastewater disposal and water collection systems as per City of Raleigh Ordinance No. 1999-525. The City of Raleigh will not be providing Utility service to this site. Please see attached memo from City of Durham on this rezoning petition.

5.5 Parks and Recreation

The subject tract is not located adjacent to a designated greenway corridor nor is it located within a park search area.

Impact Identified: None

5.6 Urban Forestry

Tree conservation areas will be required in accordance with 10-2082.14. This rezoning will not have an impact on the application of the tree conservation ordinance to the property.

Impact Identified: None

5.7 Wake County Public Schools

The utilities are to be provided by the City of Durham. Durham taxes apply and the impacts of this development will affect the Durham County schools.

Impact Identified: No impact on Wake County school capacities.

5.8 Designated Historic Resources

There are no historic resources on this site.

Impact Identified: None

5.9 Impacts Summary

Per the inter-local agreement with the City of Durham, City of Raleigh will not provide utility services to this property. The property is designated for annexation by the City of Durham. Please see attached memo from City of Durham on this rezoning petition.

- Provide transit access pathway with heavy duty paving along the property with ingress and egress via TW Alexander Drive.

5.10 Mitigation of Impacts

- Traffic Impact Analysis
- Transit Easement

6. Appearance Commission

This case is not subject to Appearance Commission review.

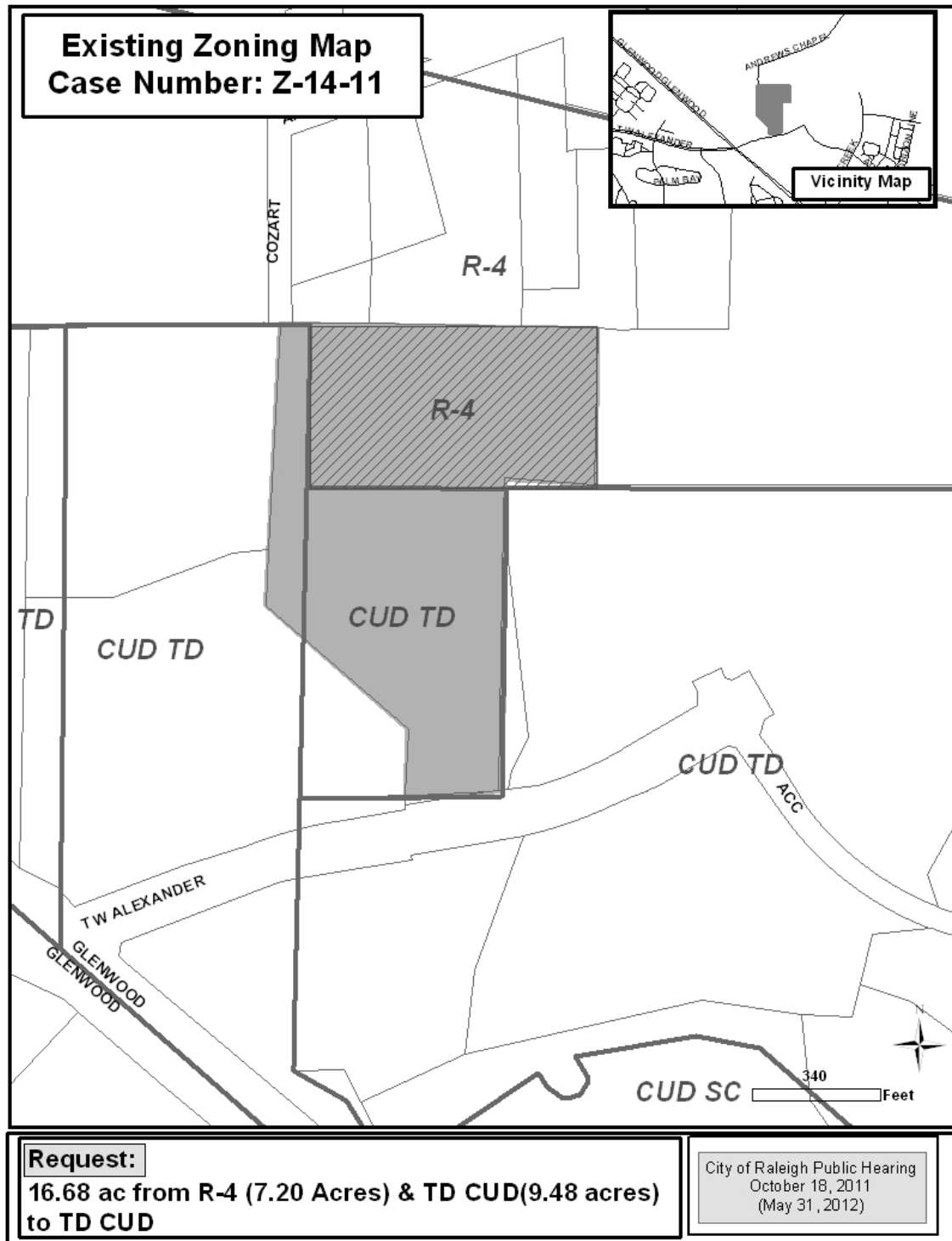
7. Conclusions

The request is inconsistent with the Future Land Use map designation and several other Comprehensive Plan policies. The site is designated to be annexed and rezoned by the City of Durham. Until the City of Durham plans to annex and extend services to this property, the rezoning will have no immediate public benefits. There is no infrastructure in place to guarantee utility service to the subject site in the short-term.

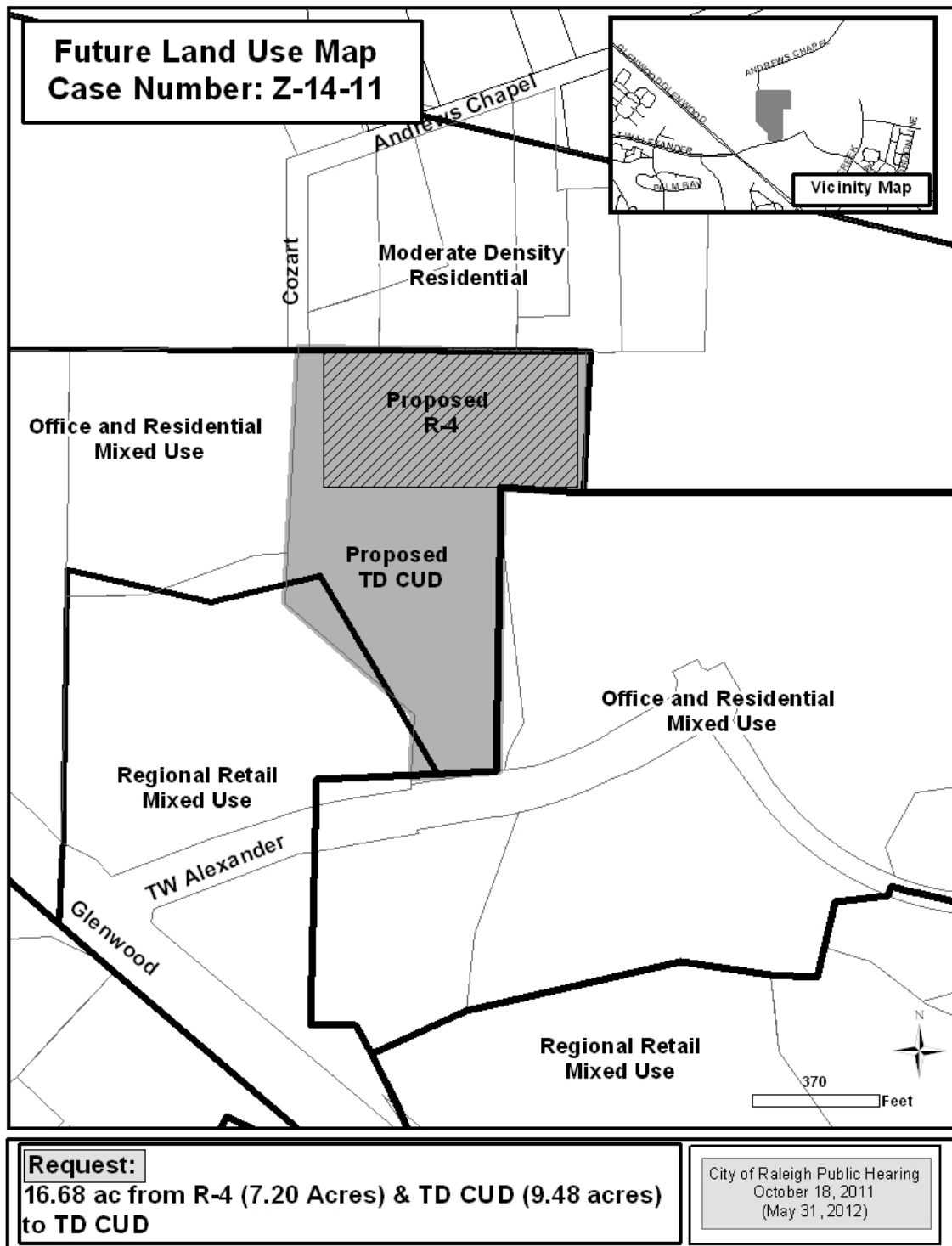
Outstanding Issues

- Inconsistency with the Future Land Use map and other Comprehensive Plan policies
- Inconsistency with City of Durham's land use recommendations (applicability due to inter-local agreement). Please see attached memo from City of Durham on this rezoning petition.
- Inadequate infrastructure provision
- Provision of Traffic Impact Analysis

Existing Zoning Map

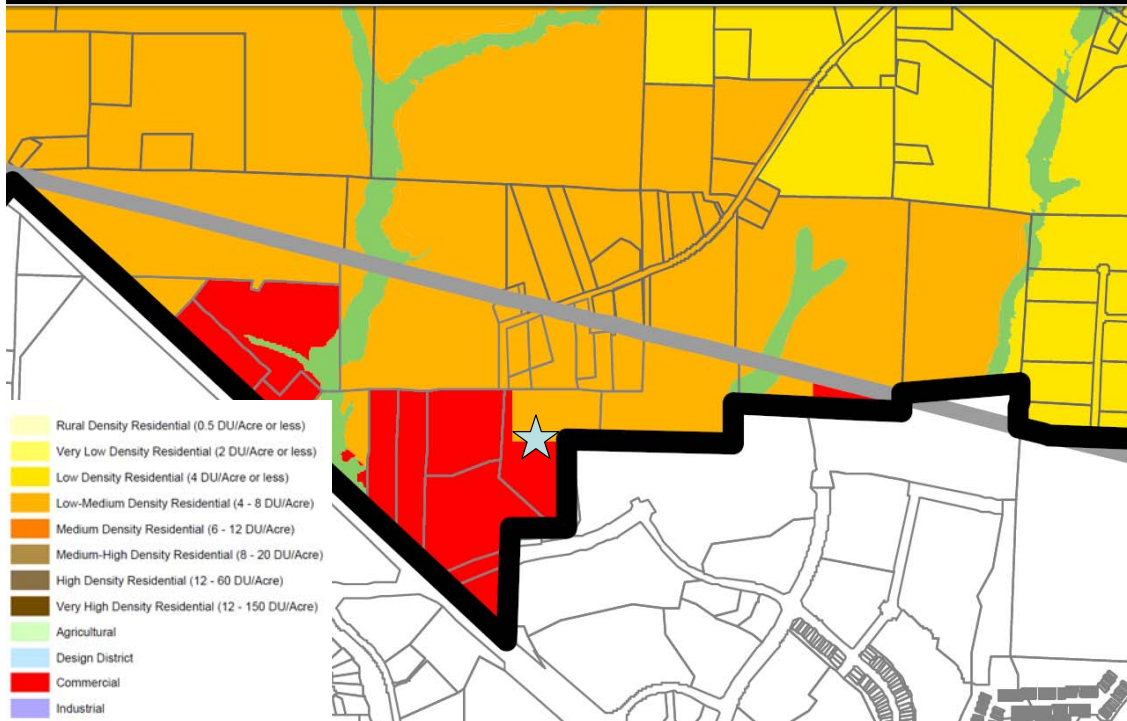


Future Land Use Map



Rural Density Residential (0.5 DU/Acre or less)
 Very Low Density Residential (2 DU/Acre or less)
 Low Density Residential (4 DU/Acre or less)
 Low-Medium Density Residential (4 - 8 DU/Acre)
 Medium Density Residential (6 - 12 DU/Acre)
 Medium-High Density Residential (8 - 20 DU/Acre)
 High Density Residential (12 - 60 DU/Acre)
 Very High Density Residential (12 - 150 DU/Acre)
 Agricultural
 Design District
 Commercial
 Industrial

Durham Land Use Plan





Petition to Amend the Official Zoning Map

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

pol by ck # 1091
1064.06
2-14-11

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

- ☐ \$532 for General Use Cases
- ☒ \$1064 for Conditional Use Cases
- ☐ \$2659 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 petitioner must provide proof of notification to the adjacent property owners per G.S. 160A-384

CITY OF RALEIGH
CITY PLANNING DEPT
2011 JUN 17 AM 11:00



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)
By: Michael Tonti

Print Name Michael Tonti
Creekwood Highway 70 Alexander LLC

Date
June 17, 2011

CITY OF RALEIGH
CITY PLANNING DEPT
2011 JUN 17 PM 11:08

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)	Creekwood Highway 70 Alexander LLC	4949 Westgrove Dr. Ste 100, Dallas, TX 75248-1949	972-447-9035 ext. 226
Property Owner(s)	Creekwood Highway 70 Alexander LLC	4949 Westgrove Dr. Ste 100, Dallas, TX 75248-1949	972-447-9035 ext. 226
Contact Person(s)	Thomas C. Worth, Jr.	127 W. Hargett St. Suite 500 Raleigh, NC 27601	919-831-1125 curmudgtcw@earthlink.net

Property information

Description (Wake County PIN)	0769304043
Nearest Major Intersection	TW Alexander and Glenwood
Area of Subject Property (in acres)	16.68 acres
Current Zoning Districts (include all overlay districts)	R-4 / TD CUD
Requested Zoning Districts (include all overlay districts)	TD-CUD

EXHIBIT B. Request for Zoning Change

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

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

[illegible]

Creekwood Highway 70 Alexander LLC
0768 29 8421
4949 Westgrove Dr. Ste 100
Dallas, TX 75248-1949

SLF Ruby Jones LLC
0768 38 3874
5949 Sherry Ln Ste 1750
Dallas, TX 75225-8008

Creekwood Highway 70 Alexander LLC
0768 39 2255
4949 Westgrove Dr. Ste 100
Dallas, TX 75248-1949

SLF Ruby Jones LLC
0768 39 4288
5949 Sherry Ln Ste 1750
Dallas, TX 75225-8008

Creekwood Highway 70 Alexander LLC
0768 39 6587
4949 Westgrove Dr. Ste 100
Dallas, TX 75248-1949

WakeMed Property Services
0768 48 1917
3000 New Bern Ave.
Raleigh NC 27610-1231

SLF Ruby Jones LLC
0768 59 3587
5949 Sherry Ln Ste 1750
Dallas, TX 75225-8008

Creekwood Highway 70 Alexander LLC
0769 20 7128
4949 Westgrove Dr. Ste 100
Dallas, TX 75248-1949

Creekwood Highway 70 Alexander LLC
0769 21 3367
4949 Westgrove Dr. Ste 100
Dallas, TX 75248-1949

Lonless E. Fields Heirs
0769 30 2518
c/o Susan Fields
603 Highland Trl
Chapel Hill, NC 27516-9530

Mary T. George
0769 30 2802
1029 Andrews Chapel Rd.
Durham, NC 27703-8954

Creekwood Highway 70 Alexander LLC
0769 30 4043
4949 Westgrove Dr. Ste 100
Dallas, TX 75248-1949

Jerry P. & Marion R. Clayton
0769 30 5687
1015 Andrews Chapel Rd
Durham, NC 27703-9245

Wallace B. & Clara A. Clayton
0769 30 9734
917 Andrews Chapel Rd.
Durham, NC 27703-8952

Vivian C. & Billy Riggs
0769 40 1756
907 Andrews Chapel Rd.
Durham, NC 27703-8952

Teague Hankins Development Corp.
0769 40 4545
8368 Six Forks Rd.
Raleigh, NC 27615-5073

Jonathan N. Clayton
PIN 0769 30 7789
2911 Little Rogers Road
Durham, NC 27704-8569

2-14-11

EXHIBIT C. Request for Zoning Change

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

CITY OF RALEIGH
CITY PLANNING DEPT

Conditional Use District requested: TD-CUD

2011 SEP 12 PM 12: 26

Narrative of conditions being requested:

1. No development, other than that permitted utilizing wells and septic tanks on the 7.20 +/- ac. portion of the property now zoned R-4 under the Code of the City of Raleigh and that permitted utilizing wells and septic tanks on the 9.48 +/- ac. portion of the property now zoned TD CUD by the City of Raleigh, shall occur on the rezoned property until the property owner has obtained agreement(s) from a municipality to provide public water and sewer to the property.

2. The following uses shall be prohibited on the property:

- mini warehouse storage facility
- cemetery
- crematory
- funeral home
- pawn shop
- bottling plant
- machine shop
- solid waste-indoor and outdoor reclamation and landfill
- transportation terminal, facility, railroad roundhouse and depot
- all special uses required to be approved by the Board of Adjustment or City Council except limited home businesses and yard reductions

3. Prior to the earlier of the subdivision approval of this property or the issuance of a building permit for construction upon this property, offers of cross-access shall be recorded in Wake County Registry to provide cross-access to the properties identified as follows:

- (a) Teague Hankins Development Corp., PIN 076940 4545, Deed Book 11765, Page 2726;
- (b) SLF Ruby Jones LLC, PIN 0768593587, Deed Book 13123, Page 898.

4. Prior to the subdivision of the property or the issuance of a building permit for the property, whichever shall occur first, a transit easement measuring twenty (20) feet along TW Alexander Drive by fifteen (15) feet shall be granted to the City pursuant to a transit easement deed approved by the City Attorney and recorded in the Wake County Registry.

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: 	Creekwood Highway 70 Alexander LLC	Sept. 12, 2011

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 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 recommended land use of this property on the Future Land Use Map is office and residential mixed use.

- 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.

The subject property is not located within any Area Plan or other City Council approved plans although it is subject to the Raleigh Durham Annexation Plan and therefore will ultimately be annexed by the City of Durham.

- 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 represents an expansion of the uses which are contemplated by the Comprehensive Plan and is not consistent with the FLUM (which does not recognize the fact that 9.48 ac +/- of the 16.68 ac +/- tract are now zoned TD-CUD by the City of Raleigh) ; however, is consistent with the following Comprehensive Plans and Policies:

EXHIBIT D. Request for Zoning Change

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LU 2.2 Compact Development. *The proposed map amendment will allow an efficient mixed use development which could provide housing, retail and employment uses on a single site.*

LU 2.5 Healthy Communities. *New development would encourage healthy communities by preserving trees and providing for good pedestrian and bicycle circulation.*

LU 4.4 Reducing VMT Through Mixed Use. *New development would promote a mixed use development to provide a range of services within a short distance.*

LU 4.9 Corridor Development. *The proposed map amendment would provide pedestrian friendly, transit supportive development along a major corridor.*

LU 5.4 & 5.6 Density Transitions and Buffering. *Conditions provide buffers between more intense development and adjacent low density residential.*

LU 6.1 – 6.3 Mixed Use Developments. *Proposed rezoning would facilitate mixed use development providing a range of opportunities in a pedestrian friendly, transit oriented setting.*

LU 7.6 Pedestrian Friendly Development. *New development would be pedestrian friendly.*

LU 10.1 Mixed Use Retail. *The proposed map amendment will encourage mixed used retail.*

T5.1-5.4 Enhancing Bike/Pedestrian Circulation and Mobility. *New development will facilitate pedestrian and bike circulation, improvements, mobility and connectivity.*

T5.10 Building Orientation. *New development will facilitate connectivity between buildings, sidewalks and parking.*

T6.6 and 6.8 Parking. *New development will promote travel to multiple destinations with a single parking action and minimum conflicts with pedestrians.*

EP 8.1-8.4 *New development will mitigate impacts of lighting on residential properties by using cut-off fixtures.*

Urban Design Guidelines – See attached Exhibit D-1.

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 surrounding property is largely undeveloped; however, its proximity to the major thoroughfares of Glenwood Avenue and TW Alexander Drive, to the Raleigh-Durham Airport and to the Brier Creek area and the surrounding zoning, which is primarily TD-CUD, make it appropriate for mixed use development. Also as previously noted 9.48 ac +/- of the subject property is now zoned TD-CUD.

EXHIBIT D. Request for Zoning Change

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

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

The adjacent properties are mostly undeveloped or developed with single family detached housing and are zoned as follows:

West: TD-CUD- vacant

North: R-4- vacant and single family (1-2 stories)

East: TD-CUD and R4-- vacant

South: TD-CUD – vacant

(Subject property: 9.48 ac. +/- TD CUD and 7.20 ac. +/- R-4)

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 proposed rezoning would permit office, retail and light industrial uses as are permitted on three (3) sides of the subject property and upon 9.48 ac +/- of the subject property. Buffering along the northern line as required by Exhibit C would make the proposed zoning also compatible with the residential property to the north.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed rezoning would allow the landowner to eliminate a split zoning designation with drastically different designations within the same parcel.

B. For the immediate neighbors:

The proposed rezoning provides an opportunity for a more appropriate land use for the property given its location and proximity to other TD-CUD property, major thoroughfares, the airport and Brier Creek.

C. For the surrounding community:

The proposed rezoning provides an opportunity for mixed-use development that is compatible with the surrounding area and future development proposals, including a mix of higher density residential, commercial and employment possibilities.

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

Much of the surrounding property is also zoned TD-CUD and offers the same or similar benefits to landowners as proposed here, albeit with fewer restrictions. The properties to the north and adjacent to a portion of the east line are zoned R-4 and restrict development opportunities to low density residential uses.

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

EXHIBIT D. Request for Zoning Change

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

The proposed map amendment is reasonable and in the public interest as it will allow a number of tracts, many of which are already zoned TD-CUD, to be developed in a cohesive mixed use development which will encourage pedestrian oriented communities served by mass transit.

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.

The subject tract is split-zoned. It is unlikely that a tract would be zoned R-4 and TD if being zoned for the first time.

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

There is a need for more properties to be zoned in a way that allows more intense and possibly mixed uses to take advantage of nearby thoroughfares and other mass transit opportunities.

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

The conditions prohibit development until public utilities are available. Once the area is developed, other public services will be located in this area.

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

The proposed map amendment advances the fundamental purposes of zoning as set forth in the enabling legislation by allowing a mix of uses, such that residential, office, employment and retail opportunities can exist in a single or multiple interrelated developments. Such a development would facilitate more efficient development, which would reduce congestion and would allow development of the most appropriate use of the property.

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

EXHIBIT D-1

Design Guidelines for Mixed Use Areas RALEIGH COMPREHENSIVE PLAN

Policy UD 7.3

Design Guidelines

The design guidelines in **Table UD-1** [listed below] shall be used to review rezoning petitions and development applications for mixed-use developments or developments in mixed-use areas such as Pedestrian Business Overlays, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

Elements of Mixed-Use Areas

1. *All Mixed-Use Areas should generally provide retail (such as eating establishments, food stores, and banks), office, and residential uses within walking distance of each other.*

The intent of a development on the subject property would be to include retail development.

Mixed-Use Areas /Transition to Surrounding Neighborhoods

2. *Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.*

As per the proposed conditions, low density residential to the north would be buffered.

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

3. *A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.*

Vehicular trips requiring travel on a major thoroughfare to multiple destinations within the development shall be minimized, if possible.

4. *Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.*

These issues will be taken into consideration at the site plan stage.

5. *Block faces should have a length generally not exceeding 660 feet.*

These issues will be taken into consideration at the site plan stage.

Site Design/Building Placement

6. A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.

These issues will be taken into consideration at the site plan stage.

7. Buildings should be located close to the pedestrian street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings.

Buildings are contemplated to be located close to the streets.

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

These issues will be taken into consideration at the site plan stage.

Site Design/Urban Open Space

9. To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.

It is contemplated that any open space will be carefully located to ensure easy access.

10. New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.

These issues will be taken into consideration at the site plan stage.

11. The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.

These issues will be taken into consideration at the site plan stage.

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

These issues will be taken into consideration at the site plan stage.

Site Design/Public Seating

13. New public spaces should provide seating opportunities.

It is expected that public open spaces, if any, will offer seating opportunities.

Site Design/Automobile Parking and Parking Structures

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

It is not intended that parking lots will dominate frontage of pedestrian-oriented streets.

15. *Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.*

It is expected that most parking will be located to the rear or sides of buildings.

16. *Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.*

The need for structured parking is unclear at this time.

Site Design/Transit Stops

17. *Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.*

If transit stops are located near the site, we would contemplate placing more intensive uses within walking distance.

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

Convenient pedestrian access is intended to be located between buildings and any nearby transit stops.

Site Design/Environmental Protection

19. *All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.*

If steep slopes, watercourses or floodplains exist on the subject property, intervention into these areas will be minimized, to the extent practicable.

Street Design/General Street Design Principles

20. *It is the intent of these guidelines to build streets that are integral components of community design. Streets should be designed as the main public spaces of the City and should be scaled for pedestrians.*

If public streets are constructed as a part of this development, it is expected that they will be scaled for pedestrians.

21. *Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should*

be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.

These issues will be considered at the site plan stage, if appropriate.

22. Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.

These issues will be considered to the extent that public streets are designed and constructed.

Street Design/Spatial Definition

23. Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.

These issues will be considered at the site plan stage.

Building Design/Facade Treatment

24. The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.

These issues will be considered at the site plan stage.

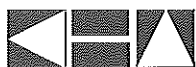
25. The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.

It is expected that building will offer pedestrian interest along sidewalks.

Building Design/Street Level Activity

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

It is a development objective that building designs will be complementary to pedestrian movement and will facilitate social interaction.



Kimley-Horn
and Associates, Inc.

June 14, 2011

■
P.O. Box 33068
Raleigh, North Carolina
27636

Mr. Eric Lamb, P.E.
City of Raleigh Public Works Department
One Exchange Plaza
219 Fayetteville Street, Suite 300
Raleigh, North Carolina 27601

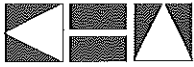
Re: Tonti Tract – 16.68 Acre Rezoning
Raleigh, North Carolina

Dear Mr. Lamb:

Kimley-Horn and Associates, Inc. has reviewed the traffic generation potential for the proposed rezoning of 16.68 acres of the Tonti Tract located north of US 70 and TW Alexander Drive in Raleigh, North Carolina. 7.2 acres of the property is currently zoned R-4, and 9.48 acres of the property is currently zoned Thoroughfare District Conditional Use (TD CUD). The site is proposed to be rezoned to all Thoroughfare District Conditional Use (TD CUD).

Trip Generation

The traffic generation potential of the proposed rezoning was determined using the traffic generation rates published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Eighth Edition, 2008) and is included in Table 1. The traffic generation potential of the existing zoning was also estimated for comparison purposes and is shown in the table below. For this analysis it was assumed that the existing zoning would allow up to 29 single-family dwelling units (7.2 acres at 4 units/acre) and 94,800 square feet (SF) of general retail space (9.48 acres at 10,000 SF/acre). It was assumed that the proposed zoning would allow up to 166,800 SF of general retail space (16.68 acres at 10,000 SF/acre).



2-14-11

Table 1 ITE Trip Generation Comparison									
Land Use	Size	ADT		AM			PM		
		In	Out	Total	In	Out	Total	In	Out
Existing Zoning									
Single Family	29 d.u.	167	167	30	8	22	34	21	13
General Retail	94,800 s.f.	3,280	3,280	149	91	58	614	301	313
Subtotal		3,447	3,447	179	99	80	648	322	326
Proposed Zoning									
General Retail	166,800 s.f.	4,735	4,735	208	127	81	896	439	457
Difference		1,288	1,288	29	28	1	248	117	131

Table 1 shows that when compared to the existing zoning, the proposed rezoning has the potential to result in a net increase of 2,576 trips during a typical weekday (1,288 entering, 1,288 exiting), 29 trips during the AM peak hour (28 entering, 1 exiting), and 248 trips during the PM peak hour (117 entering, 131 exiting).

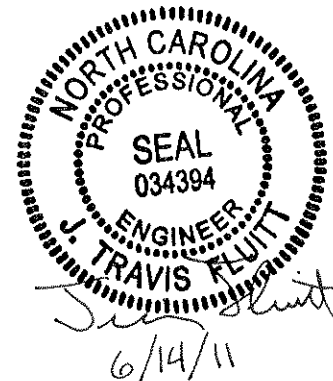
If you have any further questions concerning our analysis, please do not hesitate to contact me at (919) 653-2948.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Travis Fluitt, P.E.
Project Engineer

RMH/tf



THOMAS C. WORTH, JR.

Attorney

Certified Mediator

Professional Building
127 W. Hargett Street, Suite 500
Post Office Box 1799
Raleigh, North Carolina 27602
Phone: (919) 831-1125 Fax: (919) 831-1205
curmudgtcw@earthlink.net

June 16, 2011

Ms. Dhanya Sandeep
Planner II – City and Regional Planning
Department of City Planning
One Exchange Plaza, Suite 204
Raleigh, NC 27601

HAND DELIVERY

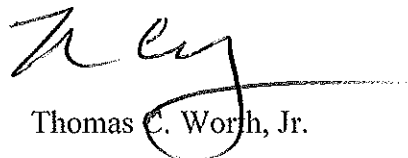
RE: **NEIGHBORHOOD MEETING REPORT** Regarding proposed Rezoning Petition of Creekwood Highway 70 Alexander LLC for approximately 16.68 acres with a location address of 8040 T W Alexander Drive, Raleigh, North Carolina.

Dear Ms. Sandeep:

The Neighborhood Meeting was held on Wednesday, June 1, 2011 at 5:30 PM at the Brier Creek Community Center, Room C, 10810 Globe Road, Raleigh, NC 27617 to discuss the proposed rezoning of the subject property located at 8040 T W Alexander Drive, Raleigh, North Carolina.

The only attendees were me and Mr. Ben Williams of the Priest Craven Engineering Firm as no neighbors were in attendance. In view of the fact that there were no neighbors in attendance, no issues were discussed.

Sincerely,



Thomas C. Worth, Jr.

TCWjr/dsw