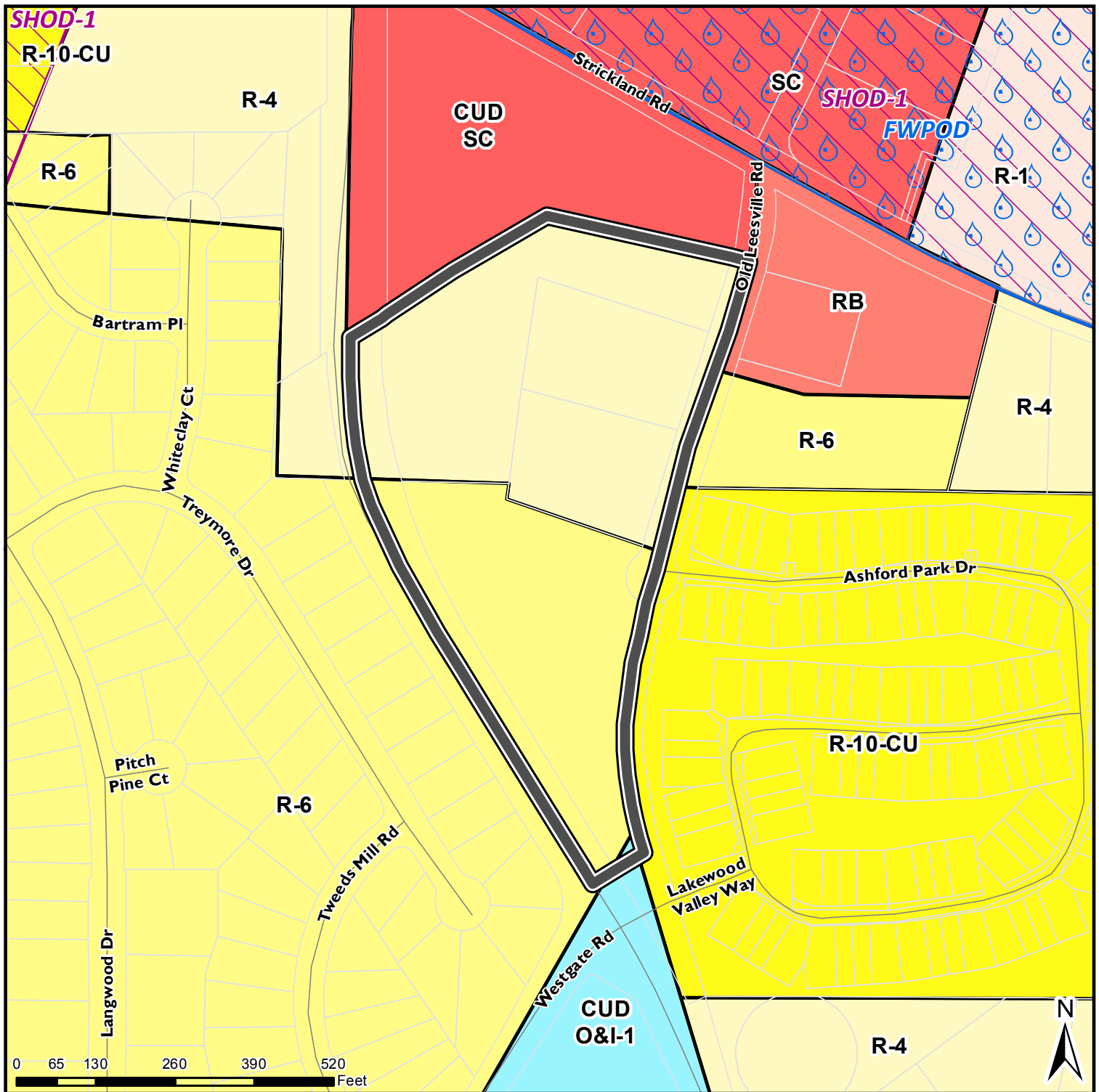


# Existing Zoning Map

# Z-14-2015

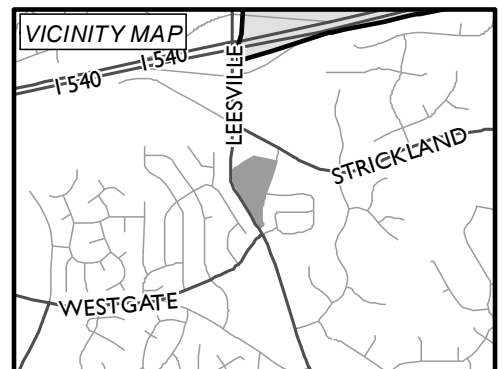


**Submittal  
Date**

4/23/2015

## Request:

7.72 acres from  
**R-4 & R-6**  
to **NX-3-CU**





# Planning & Development

## Rezoning Application

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

2:47 pm  
4-14-15

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan	Transaction Number
Existing Zoning Classification: Residential-4 and Residential-6 Proposed Zoning Classification Base District: NX Height: -3 Frontage: None	415492
If the property has been previously rezoned, provide the rezoning case number.	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 415492	2-14-15

GENERAL INFORMATION		
Property Address: 9501 Leesville Road; 9513, 9601 & 9605 Old Leesville Road		Date April 14, 2015
Property PIN: 0788-04-7444, 0788-04-8627, 0788-04-8872 and 0788-04-5738	Deed Reference (Book/Page): Book 14865, Page 2667; Book 12987, Page 1214; Book 8442, Page 1695	
Nearest Intersection: Leesville Road and Strickland Road		Property size (in acres): 7.72 ac
Property Owner/Address: Mason Street, LLC 115 S. Mason Street Apex, NC 27502  Stewart D. Marlowe & John D. Titchener, Jr. PO Box 20667 Raleigh, NC 27619	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone: 919.590.0388	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature	Email	



# Planning & Development

## Rezoning Application

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

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan  Existing Zoning Classification: Residential-4 and Residential-6 Proposed Zoning Classification Base District: NX Height: -3 Frontage: None  If the property has been previously rezoned, provide the rezoning case number.  Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences.	Transaction Number          <b>2-14-15</b>

GENERAL INFORMATION		
Property Address: 9501 Leesville Road; 9513, 9601 & 9605 Old Leesville Road		Date <b>4.20.15</b>
Property PIN: 0788-04-7444, 0788-04-8627, 0788-04-8872 and 0788-04-5738	Deed Reference (Book/Page): Book 14865, Page 2667; Book 12987, Page 1214; Book 8442, Page 1695	
Nearest Intersection: Leesville Road and Strickland Road		Property size (in acres): 7.72 ac
Property Owner/Address: Mason Street, LLC 115 S. Mason Street Apex, NC 27502  Stewart D. Marlowe & John D. Titchener, Jr. PO Box 20667 Raleigh, NC 27619	Phone <b>919 362 7681</b>	Fax
	Email <b>ahce@nc.rr.com</b>	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone: 919.590.0388	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature  <b>George A. Birch</b>	Email <b>ahce@nc.rr.com</b>	







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Fax 919-516-2685

## Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan  Existing Zoning Classification: Residential-4 and Residential-6 Proposed Zoning Classification Base District: NX Height: -3 Frontage: None  If the property has been previously rezoned, provide the rezoning case number.  Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. <b>415492</b>	Transaction Number  <b>2-14-15</b>

GENERAL INFORMATION		
Property Address: 9501 Leesville Road; 9513, 9601 & 9605 Old Leesville Road		Date <b>April 14, 2015</b>
Property PIN: 0788-04-7444, 0788-04-8627, 0788-04-8872 and 0788-04-5738	Deed Reference (Book/Page): Book 14865, Page 2667; Book 12987, Page 1214; Book 8442, Page 1695	
Nearest Intersection: Leesville Road and Strickland Road		Property size (in acres): 7.72 ac
Property Owner/Address: Mason Street, LLC 115 S. Mason Street Apex, NC 27502  Stewart D. Marlowe & John D. Titchener, Jr. PO Box 20667 Raleigh, NC 27619	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone: 919.590.0388	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature 	Email  <b>dsmarlowe@aol.com</b>	



# Planning & Development

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Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number <b>Z-14-15</b>		Transaction Number
Date Submitted <b>April 14, 2015</b>		
Existing Zoning: R-4 and R-6	Proposed Zoning: NX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses shall be prohibited: bed and breakfast; retail sales – fuel (including gasoline and diesel fuel); vehicle sales/rental – all types; detention center, jail, prison; vehicle repair (minor).
2.	The maximum amount of floor area gross for nonresidential uses shall be 63,000 square feet
3.	The maximum amount of floor area gross for a single nonresidential building shall be 50,000 square feet.
4.	The maximum building height for any building on the property shall be one story and 40 feet, except for those height encroachments as allowed by UDO section 1.5.7.D.
5.	The hours of operation for any Retail Sales use shall be between the hours of 6:00 a.m. and 11:00 p.m. Truck deliveries shall occur only between the hours of 6:00 a.m. and 9:00 p.m.
6.	Any pole-mounted lighting fixtures shall be of full cut-off design.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature	Print Name
	John D Titchener Jr



# Planning & Development

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

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number	2-14-15	Transaction Number
Date Submitted		
Existing Zoning: R-4 and R-6	Proposed Zoning: NX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses shall be prohibited: bed and breakfast; retail sales – fuel (including gasoline and diesel fuel); vehicle sales/rental – all types; detention center, jail, prison; vehicle repair (minor).
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6.	Any pole-mounted lighting fixtures shall be of full cut-off design.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature  George A. Bee	Print Name  George A. Bee
--	---------------------------------







# Planning & Development

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Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number <b>Z-14-15</b>		Transaction Number
Date Submitted <b>April 14, 2015</b>		
Existing Zoning: R-4 and R-6	Proposed Zoning: NX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses shall be prohibited: bed and breakfast; retail sales – fuel (including gasoline and diesel fuel); vehicle sales/rental – all types; detention center, jail, prison; vehicle repair (minor).
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5.	The hours of operation for any Retail Sales use shall be between the hours of 6:00 a.m. and 11:00 p.m. Truck deliveries shall occur only between the hours of 6:00 a.m. and 9:00 p.m.
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Owner/Agent Signature 	Print Name 
---	--



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Fax 919-516-2685

## Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction Number  Zoning Case Number <b>2-14-15</b>

### STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.

1. The property is designated Office & Residential Mixed Use on the Future Land Use Map, which encourages a mix of residential and office uses. The rezoning request for NX permits residential and office uses, as well as retail uses. Because the rezoning request permits retail uses, the rezoning request is inconsistent with the Future Land Use Map designation. However, as described below, the rezoning request furthers other important Comprehensive Plan policies and is reasonable and in the public interest.
2. The rezoning request is consistent with the following Comprehensive Plan policies: (i) Table LU-2 "Recommended Height Designations" because of the conditioned height maximum; (ii) LU 1.3 "Conditional Use District Consistency" because the proposed conditions are consistent with the Comprehensive Plan; (iii) LU 4.4 "Reducing VMT Through Mixed-Use" because the rezoning permits a mix of retail and office uses in close proximity to other services and residential neighborhoods; (iv) LU 4.5 "Connectivity" because development of the property will have cross-access over the property to the north, which is developing for retail uses; (v) LU 4.10 "Development at Freeway Interchanges" because the rezoning request would permit retail uses immediately adjacent to other retail uses, which creates a node in the southeast quadrant of a major intersection near the Leesville/I-540 interchange; (vi) LU 5.2 "Managing Commercial Development Impacts" because the proposed conditions address and mitigate potential impacts on nearby property; (vii) LU 5.6 "Buffering Requirements" because the rezoning request includes conditions that ensure appropriate transitions (taking into account existing features) to nearby property; (viii) LU 7.1 "Encouraging Nodal Development" because the rezoning request would permit additional retail uses adjacent to already permitted retail at a major intersection, with conditions that ensure height and scale of development respects the nearby residential properties; (ix) LU 7.4 "Scale and Design of New Commercial Uses" because the rezoning request includes conditions that ensure the height, scale and mass of development is compatible with surrounding properties and uses; (x) LU 7.6 "Pedestrian-Friendly Development" because the new development will provide sidewalks along adjoining streets, between the site and the development to the north, which will facilitate pedestrian access from the east.

### PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. The rezoning request benefits the public by providing retail uses within walking distance of residential uses and other retail uses, thereby reducing the need for additional vehicle trips on Leesville Road and Strickland Road to access goods and services.
2. The rezoning request is reasonable and in the public interest because it permits retail goods and services in proximity to residential uses and at a scale, mass and intensity that is compatible with the surrounding residential uses and other nearby retail uses.



REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON JANUARY 29, 2015

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Thursday, January 29, 2015, at 6:00 p.m. The property considered for rezoning totals approximately 7.81 acres, with the addresses of 9501 Leesville Road, 9513, 9601 & 9605 Old Leesville Road, and having Wake County Parcel Identification Numbers 0788-04-7444, 0788-04-8627, 0788-04-8872 and 0788-04-5738. This meeting was held at the Lake Lynn Community Center located at 7921 Ray Road, Raleigh, NC 27613. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

## EXHIBIT A

### NEIGHBORHOOD MEETING NOTICE



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

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

To: Neighboring Property Owner

From: Michael Birch

Date: January 16, 2015

Re: Notice of meeting to discuss potential rezoning of property located on the east side of Leesville Road, south of Strickland Road, containing approximately 7.81 acres, with the addresses of 9501 Leesville Road, 9513, 9601 & 9605 Old Leesville Road, and having Wake County Parcel Identification Numbers 0788-04-7444, 0788-04-8627, 0788-04-8872 and 0788-04-5738 (the "Property").

We are counsel for a developer that is considering rezoning the Property. The Property is currently zoned Residential-4 and Residential-6. The proposed zoning district is Neighborhood Mixed Use (NX-3).

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Thursday, January 29, 2015 at 6:00 p.m. This meeting will be held in the meeting room at the Lake Lynn Community Center located at 7921 Ray Road, Raleigh, NC 27613.

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

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

## **EXHIBIT B**

### **LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT**

CHUNG, SEONGTAEK  
9700 WHITECLAY CT  
RALEIGH NC 27617-7903

REXRODE, LONNIE  
9704 WHITECLAY CT  
RALEIGH NC 27617-7903

SIDNEY KLOTZ & RICHARD ELMORE  
9708 WHITECLAY CT  
RALEIGH NC 27617-7903

KRAUSE, KIM  
9800 WHITECLAY CT  
RALEIGH NC 27617-7902

SPENCE, RICHARD K JR  
9804 WHITECLAY CT  
RALEIGH NC 27617-7902

IBARRA, JOEL  
9528 TREYMORE DR  
RALEIGH NC 27617-5270

SMITH, MATTHEW SMITH, REBECCA  
9532 TREYMORE DR  
RALEIGH NC 27617-5270

AUSTIN, DEBRA ANN  
9516 TREYMORE DR  
RALEIGH NC 27617-5270

TUCKER, CEDRIC TUCKER, SYBIL C  
9524 TREYMORE DR  
RALEIGH NC 27617-5270

TOMA, MICHELLE MARIE  
9520 TREYMORE DR  
RALEIGH NC 27617-5270

ALLEN, MELINDA  
13142 ASHFORD PARK DR  
RALEIGH NC 27613-4141



HIGGINS, THOMAS J  
13355 ASHFORD PARK DR  
RALEIGH NC 27613-4150

FARNEBORN, CHRISTER L FARNEBORN, MAUD C  
13353 ASHFORD PARK DR  
RALEIGH NC 27613-4150

CENTEX HOMES  
1225 CRESCENT GRN STE 250  
CARY NC 27518-8119

DRAYMOOR MANOR TWNHME ASSN  
CHARLESTON MGMT CORP  
PO BOX 97243  
RALEIGH NC 27624-7243

BANKS, GLADYS E M TRUSTEE GLADYS  
EM BANKS TRUST  
13356 ASHFORD PARK DR  
RALEIGH NC 27613-4149

NUNEZ, JOSE M NUNEZ, EDITA S  
9508 TREYMORE DR  
RALEIGH NC 27617-5270

ROBBINS, RANDALL & MEREDITH  
9504 TREYMORE DR  
RALEIGH NC 27617-5270

RITTER, GRETAL S RITTER, NOEL A  
9512 TREYMORE DR  
RALEIGH NC 27617-5270

MASON STREET LLC  
115 S MASON ST  
APEX NC 27502-1916

WCWATTERS, DAVID M  
WALLACE, LACEY C  
9408 TREYMORE DR  
RALEIGH NC 27617-5269

MITCHELL, JAMES E MITCHELL, JOYCE  
1101 HYDE ST  
RALEIGH NC 27609-5501

SEAMAN, JEFFREY C SEAMAN, MICHELLE  
9412 TREYMORE DR  
RALEIGH NC 27617-5269

LLOYD, MARTIN W  
205 LAKE NORMAN DR  
CARY NC 27519-9556

MARLOWE, D STEWART JOHN D TITCHENER JR  
PO BOX 20667  
RALEIGH NC 27619-0667

MASON STREET LLC  
115 S MASON ST  
APEX NC 27502-1916

WEIGER, RONALD H WEIGER, CANDACE CAYE  
13354 ASHFORD PARK DR  
RALEIGH NC 27613-4149

PENNINGTON, CAROLYN COLE  
13352 ASHFORD PARK DR  
RALEIGH NC 27613-4149

MASON STREET LLC  
115 S MASON ST  
APEX NC 27502-1916

DRAYMOOR MANOR TOWNHOMES ASSOC INC  
3739 NATIONAL DR STE 101  
RALEIGH NC 27612-4844

PLACHETKA, KATHLEEN A  
13134 ASHFORD PARK DR  
RALEIGH NC 27613-4141

ANDERSON, JO ANN  
13138 ASHFORD PARK DR  
RALEIGH NC 27613-4141

REIBEL, DONALD B TRUSTEE  
13136 ASHFORD PARK DR  
RALEIGH NC 27613-4141

ERICSON, DOUGLAS P  
13132 ASHFORD PARK DR  
RALEIGH NC 27613-4141

GRIFFIN, DAVID ALAN GRIFFIN, MARY CLARK  
13357 ASHFORD PARK DR  
RALEIGH NC 27613-4150

SAINTSING PROPERTIES LLC  
EDNA S DILLARD  
9608 OLD LEESVILLE RD  
RALEIGH NC 27613-7520

SAINTSING PROPERTIES, LLC  
9608 OLD LEESVILLE RD  
RALEIGH NC 27613-7520

UZOCHUKWU, BASIL I  
13140 ASHFORD PARK DR  
RALEIGH NC 27613-4141

DILLARD, EDNA  
9608 OLD LEESVILLE RD  
RALEIGH NC 27613-7520

DRAYMOOR MANOR TOWNHOME ASSOC INC  
3739 NATIONAL DR STE 101  
RALEIGH NC 27612-4844



## **EXHIBIT C**

### **SUMMARY OF DISCUSSION ITEMS**

On Thursday, January 29, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. The following items were discussed:

1. Rezoning process and timeline
2. Zoning of surrounding properties
3. Proposed retail uses
4. Maximum floor area of single use
5. Impact on property values
6. Traffic/cut-through traffic concerns
7. Nonresidential traffic on Old Leesville
8. Concerns with grocery store use and associated impacts
9. Lighting, noise impacts
10. Location and service of dumpsters and loading areas
11. Location of tree preservation areas
12. Landscape buffer and fence/wall adjacent to neighborhood
13. Maximum building height
14. Site circulation and service entrance/exit
15. Sidewalk along Old Leesville

## **EXHIBIT D**

### **NEIGHBORHOOD MEETING ATTENDEES**

1. Alan Foster
2. TJ Higgins
3. C. Riley Parker
4. Karen Hammond-Smith
5. Denise Griffith
6. Pat Lynch
7. John Ward
8. Carolyn Pennington
9. Victoria Hamilton
10. Curtis Edwards
11. Mark Peglow
12. Katie Plachetka
13. Allan Johnston